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PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, SECOND SESSION

SENATE

WEDNESDAY, FEBRUARY 17, 1960

Legislative day of Monday, February 15, 1960

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Senator SPESSARD L. HOLLAND, of Florida, Acting President pro tempore.

Dr. John H. Haldeman, pastor, Allapattah Baptist Church, Miami, Fla., offered the following prayer:

Our Father, we thank Thee for the rich heritage of this good land of ours, for the evidences of Thy favor in the past, for the great prospects of the future.

We thank Thee for the men and women who, by blood and sweat, by toil and tears, forged on the anvil of their own sacrifices all that we hold dear. May we never lightly esteem what they obtained at great price. Grateful for rights and privileges, may we be conscious of our duties and obligations.

We bring unto Thee the Members of this body, its officers, and its servants, for Thy blessings. They feel the weight of responsibility and the need of divine guidance. Often they are sorely tempted. They need the support of Thy divine grace. Bestow upon them the courage to do right as Thou hast given them to see the right.

Bless their loved ones and their families, and may their homes be sanctuaries of love and peace where they shall find spiritual resources for the strain and pressure of their duties here.

Help each of us to remember that they who wait upon the Lord shall renew their strength. May the Members of this body just now wait and be made strong for the tasks of this day.

We humbly beseech Thee in Christ's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C. February 17, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SPESSARD L. HOLLAND, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. HOLLAND thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, February 16, 1960, was dispensed with.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. HARTKE, and by unanimous consent, the Judiciary Subcommittee of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On February 11, 1960:

S. 540. An act for the relief of Maybell King; and

S. 1862. An act for the relief of Harve M. Duggins.

On February 16, 1960:

S. 981. An act for the relief of T. W. Holt & Co.; and

S. 2231. An act to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute, formerly known as the American International Institute for the Protection of Childhood, as amended.

REPORT OF SURGEON GENERAL—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 344)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Under the provisions of title VII of the Public Health Service Act, as amended by Public Law 835, 84th Congress, I transmit herewith for the information of the Congress the fourth annual report of the Surgeon General of the Public Health Service summarizing the activities of the Health Research Facilities Program.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 17, 1960.*

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of routine business, subject to a 3-minute limitation on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, on the Executive Calendar there are several treaties and nominations. I wonder whether it will be agreeable to the distinguished minority leader to give notice to the Members on both sides of the aisle that later in the day we shall proceed to the consideration of the treaties, and have a yea-and-nay vote in connection with them.

Mr. DIRKSEN. Yes.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

Mr. RUSSELL. Mr. President, I hope the absence of a quorum will be suggested, in order that all Senators may be apprised of the fact that the Senate is about to transact executive business.

In fact, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. RUSSELL. Mr. President, I ask unanimous consent that further proceedings under the call for the ascertainment of the presence of a quorum be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to Peru, and withdrawing the nominations of Dr. Winchell McKendree Craig, of Minnesota, to be Special Assistant on Health and Medical Affairs to the Secretary of Health, Education, and Welfare, and Herman P. Louque, to be postmaster at Paulina, La., which nominating message was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Hart H. Spiegel, of California, to be an Assistant General Counsel (Chief Counsel of the Internal Revenue Service).

By Mr. EASTLAND, from the Committee on the Judiciary:

Walter H. Hodge, of Alaska, to be U.S. district judge for the district of Alaska;

Kenneth G. Bergquist, of Idaho, to be U.S. attorney for the district of Idaho;

Dudley G. Skinker, of Maryland, to be U.S. marshal for the District of Columbia; and

William K. Holt, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of John J. Grady to be Deputy Director for Management of the International Cooperation Administration in the Department of State.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered en bloc; and, without objection, they are confirmed.

Mr. JOHNSON of Texas. I ask that the President be notified immediately of the nominations confirmed.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF GENERAL SALES MANAGER, COMMODITY CREDIT CORPORATION

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the General Sales Manager on Commodity Credit Corporation Sales Policies, Activities, and Dispositions, for November 1959 (with an accompanying report); to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO DEFINITION OF TOTAL COMMISSIONED SERVICE OF NAVAL OFFICERS

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, concerning the definition of total commissioned service of officers of the naval service (with accompanying papers); to the Committee on Armed Services.

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS, DEPARTMENT OF THE AIR FORCE

A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, Washington, D.C., transmitting, pursuant to law, a report on Research and Development Procurement Actions, for the period July 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF SECTION 404 OF NATIONAL HOUSING ACT

A letter from the Chairman, Federal Home Loan Bank Board, Washington, D.C., transmitting a draft of proposed legislation to amend section 404 of the National Housing Act, as amended, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

REPORT ON GARRISON DIVERSION UNIT, NORTH DAKOTA AND SOUTH DAKOTA

A letter from the Secretary of the Interior, transmitting, for consideration of the Senate, his report on the Garrison diversion unit, North Dakota and South Dakota, Missouri River Basin project, dated January 1957 (with accompanying papers); to the Committee on Interior and Insular Affairs.

AUDIT AND ACTIVITIES REPORTS, VETERANS OF WORLD WAR I OF THE U.S.A., INC.

A letter from the National Quartermaster-Adjutant, Veterans of World War I of the U.S.A., Inc., Washington, D.C., transmitting, pursuant to law, annual reports covering the activities of that group and audit of its financial transactions, dated September 30, 1959 (with accompanying reports); to the Committee on the Judiciary.

REPORT ON ADMINISTRATION OF PUBLIC LAWS 874 AND 815

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Commissioner of Education on the administration of Public Laws 874 and 815, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

AUTHORIZATION OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

A letter from the Acting Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Memorials signed by Robert F. Jansen, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

CONCURRENT RESOLUTION OF KANSAS LEGISLATURE

Mr. CARLSON. Mr. President, the recent budget session of the Kansas Legislature adopted Senate Concurrent Resolution 9, which urges the location and establishment of an airway communication and navigation station in the vicinity of Great Bend, Kans.

In view of the ever-increasing air traffic, this station is badly needed for that entire section of the Nation. I ask unanimous consent that this resolution be printed in the RECORD and referred to the appropriate committee, with the hope that we may get early action.

There being no objection, the resolution was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

"SENATE CONCURRENT RESOLUTION 9

"Concurrent resolution urging and requesting the members of the Kansas delegation in the Congress of the United States to support the location and establishment of an airway communication and navigation station in the vicinity of Great Bend, Kans., and the incorporation of the same as a part of the Federal airways system of the United States of America

"Whereas the city of Great Bend, Kans., is served by Continental Airlines and is the center of oil, agricultural, and industrial activities in central Kansas; and

"Whereas the Great Bend Municipal Airport which serves these activities is located on the intersection of routes V–132 and V–10N of the Federal airways system; and

"Whereas the traffic generated by this airport warrants a detailed study and investigation as to the feasibility of locating an airway communication and navigation system (Omni) as a part of the Federal airways system; and

"Whereas in order to promote safety and full utilization of the Great Bend Municipal Airport in carrying out the economic needs of oil, agriculture, and industry in central Kansas, an airway communication and navigation station should be located in the vicinity of Great Bend, Kans.: Now, therefore, be it

"Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein), That we respectfully urge and request the members of the Kansas delegation in the Congress of the United States to support the location and establishment of an additional airway communication and navigation station (Omni) in the vicinity of Great Bend, Kans., and the incorporation of the same as a part of the Federal airway system of the United States of America; and be it further

"Resolved, That the secretary of state be directed to transmit a copy of this resolution to each member of the Kansas delegation in the House of Representatives of the United States and the Senate of the United States."

I hereby certify that the above concurrent resolution originated in the senate, and was adopted by that body February 1, 1960.

JOSEPH W. HENKLE, SR.,
President of the Senate.
RALPH E. ZARKER,
Secretary of the Senate.

Adopted by the House February 5, 1960.

JESS TAYLOR,
Speaker of the House.
A. E. ANDERSON,
Chief Cerk of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Finance, without amendment:

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent (Rept. No. 1084).

By Mr. HAYDEN, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 86. Concurrent resolution authorizing the printing of additional copies of the hearings on employment, growth, and price levels;

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the report on employment, growth, and price levels;

S. Con. Res. 88. Concurrent resolution authorizing the printing of additional copies of the hearings on energy resources and technology;

S. Con. Res. 89. Concurrent resolution authorizing the printing of additional copies of the studies on comparisons of United States and Soviet economies;

S. Res. 247. Resolution providing additional funds for the Committee on Public Works and authorizing the employment of additional clerical assistance (Rept. No. 1085);

S. Res. 258. Resolution authorizing the printing of additional copies of hearings concerning unemployment problems in Indiana;

S. Res. 259. Resolution to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A.";

S. Res. 262. Resolution authorizing the printing of the report on cold weather agriculture as a Senate document;

S. Res. 265. Resolution authorizing the Committee on Labor and Public Welfare to employ temporarily an additional assistant chief clerk and additional staff and clerical personnel (Rept. No. 1087);

S. Res. 266. Resolution authorizing a comprehensive study of problems of the aged (Rept. No. 1086);

S. Res. 267. Resolution authorizing the Committee on Labor and Public Welfare to make a study of any and all matters pertaining to migratory labor (Rept. No. 1088);

S. Res. 269. Resolution to print as a Senate document with an illustration the report of the Advisory Council on Public Assistance; and

S. Res. 270. Resolution to print as a Senate document with an illustration the report of the Advisory Council on Child Welfare Services.

By Mr. HAYDEN, from the Committee on Rules and Administration, with an amendment:

S. Res. 255. Resolution providing additional funds for the completion by the Committee on Government Operations of its study of worldwide health and medical research, and authorizing the employment of additional personnel (Rept. No. 1089);

S. Res. 256. Resolution authorizing the printing of additional copies of the unemployment selected readings prepared by the Special Committee on Unemployment Problems;

S. Res. 257. Resolution authorizing the printing of additional copies of the studies in unemployment prepared by the Special Committee on Unemployment Problems; and

S. Res. 260. Resolution to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A."

By Mr. HAYDEN, from the Committee on Rules and Administration, without an additional amendment:

S. Res. 244. Resolution providing for a study of transportation policies in the United States (Rept. No. 1091).

By Mr. HAYDEN, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 243. Resolution authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction (Rept. No. 1090); and

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment:

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply (Rept. No. 1092).

By Mr. JOHNSTON of South Carolina, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain (Rept. No. 1093).

By Mr. SCHOEPPEL, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been deliverd to the Secretary or stored to avoid or postpone the payment of the penalty (Rept. No. 1094).

MEMBERSHIP ON JOINT COMMITTEES ON PRINTING AND THE LIBRARY—RESOLUTION

Mr. HAYDEN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 276) electing a member on the part of the Senate to the Joint Committee on Printing and the Joint Committee on the Library, which was placed on the calendar, as follows:

Resolved, That Mr. BRUNSDALE be, and he is hereby, elected a member on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library, vice Mr. MORTON.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY (for himself, Mr. ALLOTT, Mr. CARROLL, Mr. CHURCH, Mr. FONG, Mr. GOLDWATER, Mr. GRUENING, Mr. KUCHEL, Mr. LONG of Hawaii, Mr. MARTIN, and Mr. MOSS):

S. 3054. A bill to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING:

S.J. Res. 164. Joint resolution designating February of each year as American History Month; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

HAWAII OMNIBUS ACT

Mr. MURRAY. Mr. President, as chairman of the Committee on Interior and Insular Affairs, which had initial responsibility in the Senate for Hawaii statehood, I introduce, for appropriate reference, a bill to amend certain laws of the United States with respect to the former Territory of Hawaii, now happily the great State of Hawaii. Joining me as cosponsors are several distinguished and able Senators from both sides of the aisle, all of whom are members of the Committee on Interior and Insular Affairs, who had an active part in bringing about statehood. They include the Senator from California [Mr. KUCHEL], the Senator from Arizona [Mr. GOLDWATER], both of the Senators from Colorado [Mr. CARROLL and Mr. ALLOTT], the Senator from Idaho [Mr. CHURCH], the Senator from Iowa [Mr. MARTIN], the Senator from Utah [Mr. MOSS], and the Senator from Alaska [Mr. GRUENING]. Appropriately, the two able Senators from Hawaii [Mr. LONG and Mr. FONG], representing both of the great political parties, also are joining as cosponsors.

The bill I am introducing is the so-called Hawaii Omnibus Act. It is designated to make those changes in Federal laws which have become necessary and desirable because of the change in Hawaii's status from a great Territory to a great State of the United States. Much of the proposed legislation is technical, such as the elimination of inappropriate reference to the "Territory of Hawaii" in Federal statutes.

Other provisions are substantive, enabling our newest State to participate in other programs on an equal footing with the other States in all respects whatever.

Mr. President, this bill was drafted by the executive agencies concerned with the administration of Federal responsibilities in Hawaii, and with the applicability of Federal laws. I ask unanimous consent that a sectional analysis of the measure, as submitted by the Bureau of the Budget, appear at the conclusion of my remarks, as well as the explanatory letter of transmittal from Deputy Director Staats of the Bureau.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the sectional analysis and letter of transmittal will be printed in the RECORD.

The bill (S. 3054) to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes, introduced by Mr. MURRAY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The sectional analysis and letter of transmittal are as follows:

SECTIONAL ANALYSIS

SHORT TITLE

Section 1 provides that the act may be cited as the Hawaii Omnibus Act.

PRINTING OUTSIDE UNITED STATES

Section 2 would amend the law which authorizes the Secretary of State, notwithstanding the limitations contained in an 1895 statute, to provide for printing and binding outside the "continental United States" (5 U.S.C., sec. 170g). To remove ambiguity, such phrase would be amended to refer instead to the "States of the United States and the District of Columbia." The 1895

statute (44 U.S.C., sec. 111), requires, with exceptions not now pertinent, that printing for the U.S. Government be done at the Government Printing Office.

SUGAR ACT

Section 3 amends each section of the Sugar Act containing a reference to "the Territory of Hawaii" by deleting the words "the Territory of." The section would effect no substantive change in the act. The sections of the Sugar Act which would be amended are codified at 7 U.S.C., sections 1101(j), 1113, 1115(a), 1119(a), 1119(c), 1137.

SOIL BANK ACT

Section 4 would amend section 113 of the Soil Bank Act (7 U.S.C., sec. 1837), so that henceforth the States of Hawaii and Alaska would be accorded the treatment received by other States under the conservation reserve program. Section 5 of the Alaska Omnibus Act perpetuated the special treatment which Alaska had received as a Territory, so that under the terms of that section, the program applied to the State of Alaska (and to the Territory of Hawaii), only if the Secretary of Agriculture determined that the national interest required it. Section 4 of the Hawaii omnibus legislation proposes to treat both Alaska and Hawaii in the same manner as the other States, and the application of the program to those areas would not be dependent upon a determination by the Secretary of Agriculture.

ARMED FORCES

Section 5 would provide perfecting amendments to title 10 of the United States Code. Subsection (a) amends the definition of the term "Territory" to delete the existing reference to Hawaii. Subsection (b) would amend two definitions in article 2 of the Uniform Code of Military Justice to delete references to "the main group of the Hawaiian Islands." Such references are unnecessary with Hawaii's admission, because Hawaii is now a part of the United States. Subsection (c) strikes the special and now unnecessary reference to Hawaii in a section which comprehends all of the States. Subsection (d) deletes authority by which sea transportation may be made available to "Officers and employees of the Territory of Hawaii."

HOME LOAN BANK BOARD

Section 6 would provide perfecting amendments to two statutes administered by the Federal Home Loan Bank Board. The Federal Home Loan Bank Act and the Home Owners' Loan Act of 1933 would each be amended by striking references to Hawaii as a Territory. The sections to be amended are codified at 12 U.S.C., sections 1422(3) and 1466, respectively.

NATIONAL HOUSING ACT

Section 7 provides perfecting amendments to certain sections of the National Housing Act. The sections, which are codified at 12 U.S.C., sections 1706d, 1707(d), 1713(a)(7), 1736(d), 1747 1(q), and 1748(g), would all be amended to remove superfluous references to Hawaii.

SECURITIES AND EXCHANGE COMMISSION

Section 8 provides amendments to certain statutes administered by the Securities and Exchange Commission. The amendments are perfecting only, merely removing unnecessary references to Hawaii in definitions of the term "State," except for the amendment to section 6(a)(1) of the Investment Company Act of 1940. Such amendment relates to the provision in the Investment Company Act which provides an exemption from the provisions of the act to companies organized under the laws of the territories or possessions which confine offerings of their securities to residents of such territories or possessions. The effect of the amendment would be to remove Hawaii from the areas (all of which are territories or possessions) to which the special exemption applies, and to accord to Hawaii the same treatment as the other States receive. The sections to be amended are codified at 15 U.S.C., sections 77b(6), 78c(a)(16), 80a-2(a)(37), 80a-6(a)(1), and 80b-2(a)(18).

SMALL BUSINESS INVESTMENT ACT

Section 9 provides a perfecting amendment to section 103(4) of the Small Business Investment Act of 1958 (15 U.S.C., sec. 662(4)). The amendment would remove a superfluous reference to the Territories of Alaska and Hawaii.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Subsection (a) of section 10 would amend the section of the Soil Conservation and Domestic Allotment Act, codified at 16 U.S.C., section 590h(b), which relates to the Secretary of Agriculture's utilization of elected county committees in administering the act. In the Territory of Hawaii, county committees have been appointed rather than elected. The amendment would have the effect of extending to Hawaii the same elected committee system as applies elsewhere in the States. Alaska is excepted from the proposed new language in light of the provision contained in section 13(a) of the Alaska Omnibus Act, which was enacted in recognition of the fact that fewer committees are required in Alaska than elsewhere in the States because of Alaska's relatively small soil conservation program.

Subsection (b) would provide an amendment to section 17(a) of the Soil Conservation and Domestic Allotment Act (16 U.S.C., sec. 590q(a)), to remove superfluous references to the Territory of Hawaii.

WATER STORAGE AND UTILIZATION

Section 11 amends the law by which the Federal Government assists the States and territories in providing facilities for water storage and utilization. The amendment is perfecting only, merely reflecting the new status of both Alaska and Hawaii. The section to be amended is codified at 16 U.S.C., section 590r.

WILDLIFE RESTORATION

Section 12 provides a perfecting amendment to section 2 of the Wildlife Restoration Act (16 U.S.C., sec. 669a), to remove the definition of the term "State". The term is defined by existing law to include the States and the Territory of Hawaii.

FISHERY RESOURCES

Section 13 contains perfecting amendments to the statute, codified at 16 U.S.C., sections 758–758d, which authorizes the Secretary of the Interior to undertake exploration, investigation, development, and maintenance projects for fishery resources in the Pacific. Inappropriate references to the "Territory" of Hawaii and to the "Hawaiian Islands" would be deleted or modified by the amendments.

FISH RESTORATION

Section 14 provides a perfecting amendment to section 2(d) of the Fish Restoration Act (16 U.S.C., sec. 777a(d)), to remove the definition of the term "State." The term is defined by existing law to include the States and the Territory of Hawaii.

CRIMINAL CODE

Subsection (a) of section 15 amends the definition of the term "United States" for purposes of provisions of the Criminal Code relating to narcotics by deleting superfluous references to the Territories of Alaska and Hawaii.

Subsections (b) and (c) amend the Federal Youth Corrections Act and a 1958 statute (18 U.S.C., secs. 4208, 4209), relating to parole to make them applicable in the U.S. district court for the district of Hawaii, which court came into being upon the admission of Hawaii. The same laws were extended to Alaska by subsections (a) and (b) of section 17 of the Alaska Omnibus Act, but because the district court for the district of Alaska was not then established, it was necessary to defer the effective date of the extension. The Alaska district court is not yet established. The deferral contained in section 17(c) of the Alaska Omnibus Act is therefore preserved by subsection (d) of this section.

EDUCATION

DEFENSE EDUCATION ACT

Subsection (a) of section 16 of the bill amends section 103(a), paragraphs (2) and (3) of section 302(a), and section 1008 of the National Defense Education Act of 1958 (20 U.S.C., secs. 403, 442, 588), so as to eliminate the special treatment of Hawaii. The amendments to paragraphs (2) and (3) of section 302(a) would provide for treating Hawaii the same as the States in the continental United States so that the per capita income of each State would be compared with the per capita income of the continental United States and Hawaii for purposes of determining the allocation of funds to the States for acquisition of math, science, or modern foreign language equipment. The amendments to sections 103(a) and 1008 would put Hawaii on the same basis as the other States for purposes of allocations to Hawaii of funds for the acquisition of such equipment, funds for State programs of expansion or improvement of public school supervisory services in mathematics, science, or modern foreign language, and funds for counseling and guidance testing programs.

These amendments would, under section 51 of the bill, be effective in the case of allotments for acquisition of equipment based on allotment ratios which are promulgated after August 21, 1959, the date Hawaii was admitted into the Union as a State. They would be effective in the case of allotments for State programs of expansion or improvement of supervisory services, or for counseling and guidance and testing programs, for fiscal years beginning after Hawaii was admitted.

VOCATIONAL EDUCATION

Subsection (b) of section 16 would repeal section 4 of the act of March 10, 1924 (20 U.S.C., sec. 29), which extended the benefits of the Smith-Hughes vocational education law to Hawaii. With the advent of statehood, Hawaii would be entitled to those benefits anyway. Such section 4 also authorized a separate appropriation of $30,000 annually for this purpose.

Subsection (b) would, in addition, amend sections 2 and 4 of the Smith-Hughes vocational education law (20 U.S.C., secs. 12, 14). These sections provide for allotments to the States for salaries of teachers and supervisors of agricultural subjects and for teacher training in agriculture, trades and industries, and home economics, respectively. Both sections include separate appropriations for a $10,000 minimum allotment provided for the States. The amounts appropriated for the purpose of paying these minimums ($27,000 and $98,500, respectively) would be insufficient to provide the minimums for Hawaii as well as the other States, and hence they would be increased by the bill to $28,500 and $105,200, respectively.

These amendments would be applicable for fiscal years beginning after Hawaii was admitted into the Union as a State.

Subsection (b) also amends the Vocational Education Act of 1946 to eliminate from the definitions of "State" and "States and Territories" the specific mention of Hawaii (20 U.S.C., secs. 15i, 15jj, and 15ggg). These are purely technical amendments having no substantive effect.

SCHOOL CONSTRUCTION ASSISTANCE IN FEDERALLY AFFECTED AREAS

Subsection (c) of section 16 of the bill amends paragraph (13) of section 15 of Public Law 815 (81st Cong.), as amended (20

U.S.C., sec. 645), which defines the term "State." The amendment would eliminate the specific reference to Hawaii. This is a purely technical amendment.

SCHOOL OPERATION ASSISTANCE IN FEDERALLY AFFECTED AREAS

Subsection (d) of section 16 of the bill amends section 3(d) of Public Law 874 (81st Cong.), as amended (20 U.S.C., sec. 238). This section of the law sets forth the method of determining the local contribution rate used in computing the amount of the payments to local school districts on account of federally connected children attending their schools. The determination of the rate for the territories and possessions, including Hawaii, and for States with substantial unorganized territory for which a State agency is the local educational agency is, however, separately provided for, with the Commissioner of Education authorized to make the determination consistently with the policies and principles provided for the determination of the rate in the case of school districts in other States.

The amendments to this section of the law would eliminate the specific mention of Hawaii as one of the "States" to which the special provision applies, but would make the special provision applicable also to any State in which there is only one local educational agency. This would include Hawaii at present. These amendments would also specifically include Hawaii along with the 49 other States and the District of Columbia for purposes of determining the average per pupil expenditure therein, which is used, in turn, in determining the minimum local contribution rate.

These amendments would be applicable for fiscal years beginning after Hawaii was admitted into the Union as a State.

This subsection also amends paragraph (8) of section 9 of Public Law 874 (20 U.S.C., sec. 244), which defines the term "State." The amendment would eliminate the specific reference to Hawaii. This is a purely technical amendment.

IMPORTATION OF MILK AND CREAM

The act of February 15, 1927, as amended by the Alaska Omnibus Act, now applies to importation of milk and cream into the continental United States, including Alaska. Section 17 of the bill would, effective on the date of enactment of this legislation, make this law applicable also to importation of milk and cream into Hawaii. The section to be amended is codified at 21 United States Code, section 149(b).

OPIUM POPPY CONTROL

Section 18 would provide a perfecting amendment to section 12 of the Opium Poppy Control Act of 1942 (21 U.S.C., sec. 188k). It would strike a superfluous reference to the Territory of Hawaii.

HIGHWAYS

Section 19 provides amendments to the highway laws. Subsection (a) amends the definition of the term "State" to reflect Hawaii's admission. Subsection (b) repeals two subsections applicable solely to Hawaii which provide, first, that the system of highways on which funds are to be expended in Hawaii shall be agreed upon by the Secretary of Commerce and the Governor of the Territory; and secondly, that the Secretary is to give preference in Hawaii to projects which will expedite the completion of highways for the national defense or which will connect seaports with units of national parks.

Subsection (c) extends to Hawaii and Alaska the National System of Interstate and Defense Highways, and the succeeding subsections implement that extension with respect to Hawaii. Subsection (d) provides for the apportionment to Hawaii of the sum of $12,375,000 for the fiscal year 1962. This sum results from applying to Hawaii for the fiscal year 1962 the formula (set forth at 23 U.S.C., sec. 104(b)), which was used in fiscal years 1957 through 1959 in apportioning interstate funds to the States. For purposes of Hawaii, that formula has been applied to the amount estimated to be available for the Interstate System for fiscal year 1962, after an estimated deduction of 1 percent for administrative purposes has been made. In fiscal years subsequent to 1962, Hawaii would receive apportionments under the formula (23 U.S.C., sec. 104(d)(5)) which applies to the other States. Subsection (e) would amend 23 U.S.C., section 127, which relates to sizes and weights for vehicles using the Interstate System, so that in the case of Hawaii, laws or regulations in effect on February 1, 1960, rather than on July 1, 1956, would apply.

INTERNAL REVENUE

Section 20 contains amendments to the Internal Revenue Code of 1954. All, except for that contained in subsection (a), are perfecting in nature, merely removing references to Hawaii which are now superfluous. Subsection (a) relates to the definition of the term "continental United States" for purposes of the transportation tax. As originally enacted, the term was defined to mean "the existing 48 States and the District of Columbia." Both Alaska and Hawaii were excluded under that definition, and consequently a partial exemption from the transportation tax applied to travel to and from those two areas. Alaska's exclusion from "the continental United States," notwithstanding statehood, was preserved by section 22(b) of the Alaska Omnibus Act, which amended the definition to mean "the District of Columbia and the States other than Alaska." Subsection (a) of this section would preserve the same status for Hawaii, and the arguments for maintaining the existing exemption, which were accepted by the Congress in connection with the Alaska omnibus legislation, are equally compelling in the case of Hawaii.

The Treasury Department considers that it would be contrary to the intent of the Congress, as expressed in 1956, to remove this partial exemption. The exemption was inserted in the law in 1956 in recognition of the fact that Hawaii is far removed from the States and that transportation between the States and Hawaii involves travel over the high seas. When the exemption amendment was considered in the Senate in 1956, the possible effect of future statehood was discussed in a memorandum submitted by Senator MORSE (CONGRESSIONAL RECORD, volume 102, part 5, page 5831). His statement asserted that statehood should not change the exemption. On this basis, together with the legislative history of the Alaska Omnibus Act, the Treasury Department considers that the partial exemption continues, notwithstanding Hawaii's admission to the Union. Enactment of subsection (a) would confirm that conclusion.

JUDICIARY

Section 21 contains amendments to a section of the judicial code and to a 1950 statute (48 U.S.C., sec. 644a), both of which relate to the special jurisdiction of the U.S. District Court for the District of Hawaii with respect to cases arising on particular Pacific islands. The amendment would strike the reference to Kure Island in each statute, inasmuch as Kure is a part of the State of Hawaii and therefore need not be and should not be specified in the law. Kure, then referred to as Ocean Island, was a part of the official list of the Hawaiian Islands compiled at the time of annexation (S. Doc. No. 16, 55th Cong., 3d sess., 1898), and it was included in the islands admitted as the new State (see sec. 2 of the Hawaiian Statehood Act).

VOCATIONAL REHABILITATION

Subsection (a) of section 22 of the bill amends section 11(g) of the Vocational Rehabilitation Act (29 U.S.C., sec. 41). This section of the act defines the term "State." The amendment would eliminate the specific reference to Hawaii. This is a purely technical amendment.

Subsection (b) of this section of the bill amends subsections (h) and (i) of section 11 of the Vocational Rehabilitation Act. These subsections define the terms "allotment percentage" and "Federal share." The amendments would eliminate the special provisions under which the allotment percentage for Hawaii is set at 50 percent and the Federal share at 60 percent, and would provide for the determination of these to be made in accordance with the relative per capita income of Hawaii, as is done in the case of other States. The amendments would also provide that in determining the allotment percentages and Federal shares for the States, the relative per capita income of each State will be compared with the per capita income of the 50 States (including Hawaii) and the District of Columbia.

These amendments would be effective in the case of allotment percentages and Federal shares promulgated after August 21, 1959. (The present promulgation will be effective until July 1, 1961.) The provisions relating to computations made before per capita income data for a full 3 years are available for Alaska have been transferred from the Alaska Omnibus Act (Public Law 86–70) to this bill and the amendments made by it. Also transferred to this bill (in section 51, relating to effective dates) are the provisions of the Alaska Omnibus Act which were designed to make more gradual the reduction, under the Vocational Rehabilitation Act, in the allotment percentage and Federal share for Alaska which resulted from treating Alaska fully as a State.

LABOR

Section 23 would provide perfecting amendments to three statutes administered by the Labor Department: the act establishing the U.S. Employment Service, the Fair Labor Standards Act, and the Welfare and Pension Plans Disclosure Act. The sections to be amended are codified at 29 U.S.C., sections 49b(b), 213(f), 217, and 302(a)(9), respectively. Subsections (a) and (b) delete obsolete references to Alaska and Hawaii; subsection (c) deletes an obsolete reference to the District Court for the Territory of Alaska; and subsection (d), which amends a law enacted after the Alaska Statehood Act, strikes a reference to Hawaii only.

NATIONAL GUARD

Section 24 would strike a reference to Hawaii in the definition of the term "Territory" for purposes of title 32, United States Code, relating to the National Guard.

WATER POLLUTION CONTROL ACT

Subsection (a) of section 25 of the bill amends section 5(h) of the Federal Water Pollution Control Act (33 U.S.C., sec. 466d). This section defines the term "Federal share" which is used for determining the portion of the cost of the water pollution control program in each State which will be borne by the Federal Government. The amendments would eliminate the special treatment of Hawaii so that Hawaii would have its Federal share determined, as in the case of the other States, on the basis of its relative per capita income and so that, in determining the Federal shares for the States, the per capita income of each State would be compared with the per capita income of the 50 States (including Hawaii) and the District of Columbia.

These amendments would be effective for promulgations of the Federal shares made after Hawaii is admitted. The provisions

relating to computations made before per capita income data for a full 3 years are available for Alaska have been transferred from the Alaska Omnibus Act (Public Law 86–70) to this bill and the amendments made by it.

Subsection (b) of this section of the bill amends section 11(d) of the Federal Water Pollution Control Act (33 U.S.C., sec. 466j), which defines State, to eliminate the special mention of Hawaii. This is a purely technical amendment.

COAST AND GEODETIC SURVEY

Section 26 amends the act of August 3, 1956 (33 U.S.C., sec. 875), so as to continue the authority of officers of the Coast and Geodetic Survey to serve as notaries public for personnel of the Survey serving in isolated areas outside the 48 States and the District of Columbia. With the admission of Alaska and Hawaii into the Union, designated officers of the Coast and Geodetic Survey are no longer authorized to exercise the power of notaries public in those areas. Frequently personnel serving outside the continental United States or in Alaska find it necessary to utilize the services of a notary public and are unable to do so without undue personal expense or disruption of the work of the party to which they are attached.

VETERANS' ADMINISTRATION

Subsection (a) of section 27 would amend the law which relates to the authority of the Administrator of Veterans' Affairs to provide hospital care and medical services abroad. The amendment would not change the law, but would merely recognize Hawaii's admission to the Union.

Subsection (b) relates to the authority of the Veterans' Administration under section 903(b) of title 38 (Public Law 85–857), to transport the bodies of veterans who have died in VA facilities. Existing law, as amended by the Alaska Omnibus Act, provides that (a) when a death occurs in the continental United States (including Alaska), transportation may be provided "to the place of burial in the United States (including Alaska)"; and (b) when a death occurs in a Territory, Commonwealth, or possession, transportation may be provided to the place of burial within such Territory, Commonwealth, or possession. Under existing law therefore, no explicit provision is included for the transportation of deceased veterans from Hawaii to the other States. Similarly, there is no explicit provision for the transportation of deceased veterans from the other States to Hawaii. Moreover, doubt exists whether authority now exists to transport bodies within Hawaii. Subsection (b) of the proposed bill would confer these three powers on the Administrator, and in so doing would remove the statutory distinctions between Hawaii and the other States. The term "continental United States," as used in the amendment carried in subsection (b), includes Alaska, since section 48 of the Alaska Omnibus Act makes clear that in any law enacted after the Alaska Omnibus Act, the term "continental United States" means the 49 States and the District of Columbia, unless otherwise expressly provided.

Subsection (c) is a perfecting amendment only, to remove an unnecessary reference to Hawaii in the definition of the term "State."

DAVIS-BACON ACT

Section 28 strikes out superfluous references to the Territories of Alaska and Hawaii in the Davis-Bacon Act (40 U.S.C., sec. 276a), which relates to wage rates on certain public projects.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Section 29 provides perfecting amendments to the Federal Property and Administrative Services Act of 1949, as amended. By removing references to the continental United States, the first three would have the effect of providing the same treatment for Hawaii as the other States receive. The fourth removes an unnecessary reference to Hawaii in the definition of the term "State". The sections to be amended are codified, respectively at 40 U.S.C., sections 472(f), 491(j), 514(c), and 522(a).

BUY AMERICAN ACT

Section 30 amends the Buy American Act to remove Hawaii from the definition of the terms "public use", "public building", and "public work". The act will continue to apply to Federal activities in Hawaii, but will not apply to acquisitions by the State of Hawaii. The section to be amended is codified at 41 U.S.C., section 10c(b). A similar amendment in the case of Alaska is contained in section 43 of the Alaska Omnibus Act.

PUBLIC HEALTH SERVICE ACT

Subsection (a) of section 31 of the bill amends section 2(f) of the Public Health Service Act (42 U.S.C., sec. 201), which defines the term "State" for purposes of the act. This is a purely technical amendment eliminating the specific inclusion of Hawaii as a State.

Subsection (b) amends section 331 of the Public Health Service Act (42 U.S.C., sec. 255), which relates to treatment of persons afflicted with leprosy. Generally, all such persons are treated at the Carville, La., Leprosarium. However, provision is made for payments from Public Health Service appropriations to Hawaii (when authorized by the appropriations) to enable the latter to provide such care at its own facilities. Subsection (b) of the bill would continue this special provision and merely makes technical amendments to section 331.

Subsection (c) amends section 361 of the Public Health Service Act (42 U.S.C., sec. 264), relating to apprehension and detention of individuals with communicable disease who may be coming into one of the States or a possession from a foreign country, Hawaii, or a possession. The amendment would make this inapplicable to persons coming from Hawaii, thereby equating Hawaii to the other States insofar as the foreign quarantine provisions are concerned.

Subsection (d) amends section 631(a) of the Public Health Service Act (42 U.S.C., sec. 291i). This section describes the method of determining allotment percentages which are used in the allocation of the appropriations for hospital and medical service facilities construction under title VI of the Public Health Service Act. They are also used in connection with determining the Federal share of the cost of construction. The amendments would eliminate the special treatment for Hawaii so that it would have its percentage based, as in the case of the other States, on its relative per capita income. The amendments would also provide that in determining the allotment percentages of the States, the per capita income of each State will be compared with the per capita of the 50 States (including Hawaii) and the District of Columbia. The Federal share of Hawaii would also be determined in the manner provided for the other States.

These amendments would be applicable in the case of promulgations of allotment percentages and Federal shares made after Hawaii's admission into the Union as a State. The provisions relating to computations made before per capita income data for a full 3 years are available for Alaska have been transferred from the Alaska Omnibus Act (Public Law 86–70) to this bill and the amendments made by it.

This subsection also amends section 631(d) of the Public Health Service Act, which defines the term "States," to eliminate the specific reference to Hawaii. This is a purely technical amendment.

SOCIAL SECURITY ACT

Subsection (a) of section 32 of the bill amends sections 1101 (a)(8) of the Social Security Act (42 U.S.C., sec. 1301). This section defines the term "Federal percentage" which is used in determining the portion of the expenditures in each State for old-age assistance, aid to dependent children, aid to the blind, or aid to the permanently and totally disabled which will be borne by the Federal Government. The amendments would eliminate the special treatment for Hawaii so that it would have the determination of its Federal percentage made, as in the case of the other States, on the basis of its relative per capita income and so that, in determining the Federal percentages for the States, the per capita income of each State would be compared with the per capita income of the 50 States (including Hawaii) and the District of Columbia.

The amendments to section 1101(a)(8) of the Social Security Act, basing its Federal percentage on its relative per capita income, would be effective for calendar quarters beginning with the calendar quarter in which the bill is enacted. The others would be effective for promulgations of the Federal percentages made after Hawaii's admission into the Union as a State.

Subsection (b) amends section 524 of the Social Security Act (42 U.S.C., sec. 724). This section defines the terms "allotment percentage" and "Federal share" for purposes of determining the allocation of the appropriations for child welfare services under part 3 of title V of the Social Security Act among the States and the portion of the expenditures for this purpose in each State which will be borne by the Federal Government.

The amendments would provide for treating Hawaii the same as the States in the continental United States so that the per capita income of each State would be compared with the per capita income of the 50 States (including Hawaii) and the District of Columbia for purposes of determining the Federal percentages and Federal shares for the States.

The amendments made by this subsection of the bill would be effective for promulgations of allotment percentages and Federal shares made after Hawaii was admitted into the Union as a State.

The provisions relating to computations (of allotment percentages and Federal percentages), under sections 524 and 1101(a)(8) of the Social Security Act, made before per capita income data for a full 3 years are available for Alaska have been transferred from the Alaska Omnibus Act (Public Law 86–70) to this bill and the amendments made by it.

Subsection (c) of this section of the bill amends the last sentence of section 202(i) of the Social Security Act (42 U.S.C., sec. 402). This section of the act provides for lump-sum payments in certain cases of death of an individual insured under the old-age, survivors, and disability insurance program. The application for such payments must be filed within 2 years of the date of death, except that, in the case of the death outside the 49 States and the District of Columbia of a member of the Armed Forces (including commissioned officers of the Public Health Service and the Coast and Geodetic Survey) who is "returned" to any of the 49 States, the District, or any United States Territory or possession for interment or reinterment, the 2-year period begins with such interment or reinterment. This special treatment would no longer be provided in case of deaths in Hawaii. It should be noted that the 2 years may be extended for as

much as an additional 2 years if good cause for the failure to file within the initial 2-year period is shown.

These amendments would be effective in the case of deaths occurring on or after the date of Hawaii's admission into the Union as a State.

This subsection of the bill also amends subsections (h) and (i) of section 210 of the Social Security Act (42 U.S.C., sec. 410), which define "State" and "United States" for purposes of the old-age, survivors, and disability insurance program. These are purely technical amendments eliminating the specific inclusion of Hawaii in these terms.

Subsection (d) of this section of the bill amends paragraphs (1) and (2) of section 1101(a) of the Social Security Act (42 U.S.C., sec. 1301), which define "State" and "United States" for purposes of the act. These are also purely technical amendments eliminating the specific inclusion of Hawaii in these terms.

Subsections (e) and (f) contain technical amendments to section 218 of the Social Security Act (42 U.S.C., sec. 418), relating to voluntary agreements for coverage of State and local employees. The amendments would remove references to Hawaii as a Territory.

Subsection (g) removes superfluous references to Alaska and Hawaii in a definition of the term "State" (42 U.S.C., sec. 1361(a)).

SMALL RECLAMATION PROJECTS

Section 33 would extend to Hawaii the provisions of the Small Reclamation Projects Act of 1956 (43 U.S.C., sec. 422a et seq.). The act now authorizes the Bureau of Reclamation to make loans and grants for the construction and rehabilitation and betterment of small projects in the 17 Western reclamation States, and it appears that conditions in Hawaii are such that a considerable portion of its irrigation potential could be developed through projects within the scope of the small projects program. In general a small project, for purposes of the act, is a project the cost of which does not exceed $5 million. A project the estimated cost of which is between $5 million and $10 million may also qualify, however, under certain circumstances.

CONGRESSIONAL RECORD

Section 34 amends the law relating to the gratuitous distribution of copies of the CONGRESSIONAL RECORD. Existing law provides that the Governors of the States shall receive one copy in both daily and bound form, while the Governors of the Territories receive five in both daily and bound form. The amendment would strike the reference to Hawaii in the latter provision so that the Governor of the new State would be accorded the treatment of a State Governor rather than a Territorial Governor. The section to be amended is codified at 44 United States Code, section 183.

FEDERAL REGISTER

Section 35 amends the Federal Register Act so that henceforth publication in the Federal Register of notice of hearing will be regarded as notice to persons residing in Hawaii, just as it is regarded as notice to persons residing in all other States. Under circumstances described in the statute, such publication is, under existing law, adequate with respect to residents of the continental United States, including Alaska. The amendment would extend the provision to Hawaii as well. The section to be amended is codified at 44 United States Code, section 308.

RAILROADS

Section 36(a) lists certain laws which would be made inapplicable to railroads operating in Hawaii. The section corresponds to section 39(a), which relieves the Interstate Commerce Commission of certain of its jurisdiction with respect to such railroads. Paragraphs (1) through (6) relate to safety appliance laws, and such laws are codified at 45 United States Code, sections 1–7 (par. (1)), sections 8–10 (par. (2)), sections 11–16 (par. (3)), sections 17–21 (par. (4)), sections 22–29 and 31–34 (par. (5)), and sections 38–43 (par. (6)). Paragraphs (7) and (8) relate to hours of service, which laws are codified at 45 United States Code, sections 61 through 66. The last paragraph of the subsection provides that the State of Hawaii may regulate the matters covered by the foregoing Federal statutes.

Subsection (b) refers to the Railroad Retirement Act of 1937 (45 U.S.C., sec. 228a et seq.), and to the Railroad Unemployment Insurance Act (45 U.S.C., sec. 351 et seq.), both of which would remain applicable to railroads in Hawaii under the amendment carried in section 39(a) of the bill. The amendments contained in subsection (b) are perfecting only, relating to definitions of "State" and "United States" appearing in the acts to be amended.

HOME PORTS OF VESSELS

Section 37 would amend the law (46 U.S.C., sec. 18), which requires "every vessel of the United States" to have a home port in the United States, Alaska, Hawaii, or Puerto Rico. The amendment would strike unnecessary references to Alaska and Hawaii.

MERCHANT MARINE ACT, 1936

Section 38 amends three sections of the Merchant Marine Act, 1936, in order to include shipyards in Hawaii and . laska among shipyards in which construction and repair work can be carried on for vessels covered by construction and operating subsidies awarded under that act. The sections to be amended are codified at 46 United States Code, sections 1155(a), 1176, and 1192, respectively.

COMMUNICATIONS ACT

Section 39 would amend the definition of the term "continental United States" for purposes of section 222 of the Federal Communications Act of 1934 (47 U.S.C., sec. 222), to preserve, at least for the immediate future, Hawaii's exclusion from the definition. As will appear below, further consideration by the Federal Communications Commission may at a late date indicate that other or different amendments are desirable.

Hawaii has historically been regarded as outside the United States for purposes of the transmission of telegraph messages. Section 222 of the Federal Communications Act, which deals with consolidations and mergers of telegraph carriers, recognized this fact by excluding Hawaii from "domestic telegraph operations" for purposes of that section. This exclusion was apparently based on geographical considerations, rather than on considerations of political status, as evidenced by the fact that Alaska (which at the time of enactment of section 222 in 1943 occupied the same political status as Hawaii), was placed within the continental United States and thus included within domestic telegraph operations. The proposed amendment would preserve Hawaii's exclusion from the continental United States for purposes of section 222. It would, additionally, confirm current practices under which telegraph messages between the mainland and Hawaii are "international telegraph operations" on international frequencies and under an international rate structure.

The amendment to section 222 is necessary now to maintain the status quo, inasmuch as without such an amendment, it could reasonably be argued that Hawaii has, with its admission, become a part of "domestic telegraph operations" for purposes of the section. It may later develop, however, that different amendments may prove more suitable. The Federal Communications Commission has instituted an inquiry (docket No. 13188, In the Matter of Amendment of the Communications Act of 1934, as amended, relating to telegraph service with Hawaii), the purpose of which is to enable the Commission to receive from interested parties their views as to what changes in the Communications Act, if any, the Commission should recommend to the Congress. Before making a determination as to what changes it recommends, other than the foregoing which would merely preserve current arrangements, the Federal Communications Commission will require more time to complete its inquiry.

INTERSTATE COMMERCE COMMISSION

Section 40 contains amendments to parts I through IV of the Interstate Commerce Act, which parts deal respectively with railroad and pipeline carriers, motor carriers, water carriers, and freight forwarders. The sections of the act to be amended are codified at 49 U.S.C., sections 1(2), 304(a)(4a), 903(f), and 1002(a)(7), respectively. The Interstate Commerce Commission considers that Hawaiian railroads (of which there are only two, both narrow gauge, and both of which perform very limited service), and Hawaiian motor carriers and freight forwarders, should be exempt from regulation under the Interstate Commerce Act. This view results from the isolated position of Hawaii, from the fact that transportation within Hawaii is local in character and for very short distances, and from the fact that the foregoing carriers do not have through routes or joint rates with carriers operating in other States. Motor carriers and freight forwarders were exempt from ICC regulation when Hawaii was a Territory, and the peculiarities of Hawaii's geographical situation indicate that the exemption should be perpetuated, notwithstanding statehood. Although the ICC had jurisdiction over railroads within the Territory of Hawaii, it in fact exercised virtually no authority over them, and the ICC considers that it need not have any jurisdiction under part I of the Interstate Commerce Act over railroads operating in the State of Hawaii. Subsection (c), which relates to water transportation, would also effect no change in the law. It would expressly deprive the ICC of jurisdiction over water transportation between ports of Hawaii and ports of other States, but in so doing it would in effect merely confirm that such jurisdiction is in the Federal Maritime Board pursuant to section 18 of the Hawaii Statehood Act.

AIRCRAFT LOAN GUARANTEES

Section 41 would provide a perfecting amendment to the 1957 statute (set out as a note following 49 U.S.C., sec. 1324), which authorizes loans for the purchase of aircraft and equipment. The amendment removes a reference to the "Territory" of Hawaii.

REAL PROPERTY TRANSACTIONS

Section 42 amends the statute which requires the Director of the Office of Civil and Defense Mobilization to come into agreement with the Armed Services Committees of the Congress with respect to certain real property transactions. The amendment would in effect remove a superfluous reference to Hawaii. The section to be amended is codified at 50 U.S.C., section 2285(c).

SELECTIVE SERVICE

Section 43 would remove an unnecessary reference to Hawaii in the section of the Universal Military Training and Service Act which defines the term "United States" (50 U.S.C., app., sec. 466(b)). The amendment is perfecting only.

REPORTS ON FEDERAL LAND USE

Section 44 would implement section 5(e) of the Hawaiian Statehood Act, which requires each Federal agency to report within 5 years following Hawaii's admission to the Union on certain Federal land or property

in Hawaii over which it has control. The report must state "the facts regarding [the agency's] * * * continued need for such land or property," and if the President decides that it is no longer needed by the United States, it must be conveyed to the State. The amendment carried in section 43 would require the President to prescribe uniform procedures governing the agency reports. Unless such procedures are prescribed, agency reports can be expected to differ materially in nature and extent, and they may lack sufficient coordination with other agencies.

HAWAIIAN HOMES COMMISSION LANDS

Section 45 would correct a possible defect in the conveyance of lands to Hawaii under the Statehood Act. Section 5(b) conveys to the new State, with exceptions not now pertinent, all public lands ceded and transferred by the Republic of Hawaii to the United States at the time of annexation. The definition of the lands conveyed by that section, however, contained in section 5(g), differs from the definition of the lands which could, as a matter of law, comprise lands made available to the Hawaiian Homes Commission (see 48 U.S.C., secs. 692(a)(2), 663 (3), 697). The "available lands" for Hawaiian Homes Commission purposes may not, in fact, include lands that were not ceded land, but in order to establish with certainty that all "available lands" have been transferred to Hawaii, the further phrase proposed to be added by section 44 is necessary.

LEASE BY UNITED STATES OF PUBLIC PROPERTY OF HAWAII

Section 46 relates to section 91 of the Hawaiian Organic Act (48 U.S.C., sec. 511), under which the public property of the Republic of Hawaii which had been ceded to the United States at the time of annexation was placed in the possession, use, and control of the territory until taken for the uses and purposes of the United States. If so taken, but if not used for public purposes, the section further provided that any rent or consideration received by the United States from such public property, if leased, rented, or granted upon revocable permit to private parties, would be covered into the treasury of the territory. Section 46 would provide that during the 5-year period immediately following Hawaii's admission, any such rentals or other consideration would continue to be paid to the treasury of Hawaii. The 5-year term was selected because by the end of that period, Federal agencies will have assessed their need for retaining all such property, and that which is no longer required by the United States will be conveyed to the State.

TRANSFER OF RECORDS

Section 47(a) provides for the transfer to the State of records, and other papers, noncurrent as well as current, accumulated in connection with functions which have been assumed by the State. Certain court records, for example, created by courts and court officers established by the organic act, might have the status of Federal records, yet their successor State courts and officers can be expected to have a continuing need for such records. There would also be transferred records and other papers in the custody of the Public Archives of Hawaii.

Subsection (b) relates to books and other materials, principally legal reference materials, which have been made available to territorial courts and agencies to enable them better to perform functions conferred upon them by the Hawaiian Organic Act and related statutes.

USE OF GSA SERVICES OR FACILITIES

Section 48 would permit the State of Hawaii to use services or facilities of the General Services Administration, upon payment of compensation therefor, for an interim period ending August 21, 1964. Under this provision the State of Hawaii could make purchases through the General Services Administration, as the territory was enabled to do under a provision contained in annual Interior Department appropriation acts. It could also utilize space in certain Federal properties in Hawaii under the control of the General Services Administration.

PURCHASES OF TYPEWRITERS

Section 49 amends a paragraph of the current Independent Offices Appropriation Act (Public Law 86-255), which prohibits the use of funds "Within the continental limits of the United States" for the purchase of typewriters unless the purchase conforms to regulations issued under the Federal Property and Administrative Services Act. The amendment would have the effect of placing Hawaii (and Alaska) within the continental limits of the United States for this purpose. The language to be amended is contained in the paragraph headed "General Provisions" under the portion of title I which is devoted to the General Services Administration (73 Stat. 500, 507).

FEDERAL MARITIME BOARD

Section 50 corrects a typographical error in section 18(a) of the Hawaii Statehood Act which, as enacted, provides that nothing contained in the act shall be construed "is conferring" certain jurisdiction on the Interstate Commerce Commission.

EFFECTIVE DATES

The provisions of section 51 of the bill, which contains the effective dates for certain of the amendments included in the earlier sections, have been discussed for the most part in the above discussion of the amendments.

ADMINISTRATION OF PALMYRA, MIDWAY, AND WAKE

Section 52 confers upon such officers and agencies as the President designates all executive and legislative authority necessary for discharging the responsibilities of civil government on Palmyra, Midway, and Wake. The first sentence of the section is similar to the authority already conferred by the Congress in the case of American Samoa (48 U.S.C., sec. 1431a (c)) and the Trust Territory of the Pacific Islands (68 Stat. 330). The section confers more limited judicial authority, however, inasmuch as the act of June 15, 1950 (48 U.S.C., sec. 644a), as amended by the Hawaiian Statehood Act, already confers certain jurisdiction over civil and criminal cases arising on such islands to the Federal district court in Hawaii. Under the terms of existing law, Federal admiralty law applies to such cases. Under the provisions of the proposed section 52, judicial authority, other than that contained in the 1950 act, is also conferred. Under the authority contained in the section, those charged with the administration of the islands in question could create local courts and could vest in them jurisdiction over matters not covered by the 1950 statute, such as automobile traffic offenses.

The second sentence of the section authorizes the person designated by the President to administer Palmyra to place additional jurisdiction functions, and duties in the District Court of Hawaii. Prior to statehood, Palmyra was a part of the Territory of Hawaii, and Hawaiian laws thus applied to it. These included the Territory's land registration laws, a matter of significance in the case of Palmyra in light of the litigation which has arisen on this subject (see *United States* v. *Fullard-Leo*, 331 U.S. 256 (1947)). It is therefore likely that the agency charged with Palmyra's administration, now the Interior Department, will wish to arrange for a land registration system for the island, and use of the District Court of Hawaii for this purpose would seem appropriate. Given the virtually uninhabitated nature of Palmyra, it would be unwise for the administrator to create a local court solely for the purpose of providing a land registration system. The authority contained in the last sentence is not restricted to land registration, for it may develop that the services of the district court will be required in other matters as well, but it currently appears that land registration may be the only subject involved.

OTHER SUBJECTS

Section 53 is designed to avoid any inference, from the inclusion of amendments to certain statutes and the omission of amendments to others, that it is intended to affect the applicability in or to Hawaii of statutes not so amended.

SEPARABILITY

Section 54 provides a separability clause.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 12, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes."

This proposal is designed to make those changes in Federal laws which have become necessary and desirable because of Hawaii's admission into the Union "on an equal footing with the other States in all respects whatever." The President noted in his 1961 budget message to the Congress that "as in the case of Alaska, comprehensive legislation will be necessary to enable Hawaii to take its place as the equal of the other 49 States. Recommendations will be transmitted to the Congress concerning those changes needed in Federal laws in order to bring Hawaii under the same general laws, rules, and policies as are applicable to the other States."

The proposed legislation would (1) make Hawaii eligible to participate in a number of Federal programs on a comparable basis with the other States; (2) authorize measures to facilitate an orderly transition; (3) determine the applicability or inapplicability of certain Federal laws to Hawaii; (4) delete inappropriate references to the "Territory of Hawaii" in Federal statutes and make other necessary technical and perfecting amendments; and (5) provide for the civil government of Palmyra, Midway, and Wake Islands.

Hawaii already participates in the majority of Federal grants-in-aid programs on the same basis as other States. There are a number of Federal grants-in-aid programs, however, under which Hawaii is still accorded, as it was when a territory, treatment different from that of other States. In accordance with the principle that Hawaii, as a full and equal member of the Union, should not receive more or less favorable treatment than other States, the proposed legislation would amend pertinent laws providing Federal assistance for national defense education, vocational education, school construction, and operation in federally affected areas, construction of interstate and defense highways, vocational rehabilitation, water pollution control, hospital, and medical facilities construction, old-age assistance, aid to dependent children, aid to the blind, aid to the permanently and totally disabled, and child welfare services to bring Hawaii under the apportionment and matching formulas or other provisions applicable to the 49 States as soon as possible.

Under the provisions of the legislative proposal both Hawaii and Alaska would be accorded the treatment received by other States

under the conservation reserve program. At present the program applies to these States only if the Secretary of Agriculture determines that the national interest requires it. Hawaii also would be brought under the Small Reclamation Projects Act of 1956 which now authorizes Federal assistance for the development of small irrigation projects in the 17 Western States. The Soil Conservation and Domestic Allotment Act would be amended to provide for the election of members of county committees as in the other States. Members of such committees in Hawaii are at present appointed by the Secretary of Agriculture.

Several sections of the draft bill are concerned primarily with transitional problems. To assist the State in achieving an orderly transition, the General Services Administration would be authorized to provide space in Federal buildings and other services to the State of Hawaii during an interim period. The bill also would provide for transfer to the State of official records and papers. For a 5-year transitional period the State would be accorded the same rights as formerly possessed by the Territorial Government with respect to income derived by the Federal Government from the lease or rental of public properties of the Republic of Hawaii which were ceded to the United States at the time of annexation. Section 5(e) of the Hawaii Statehood Act requires each Federal agency to report within 5 years following Hawaii's admission into the Union on its need for certain Federal lands or properties in Hawaii over which it has control. The proposed legislation would require the President to prescribe procedures to assure that the reports on Federal land needs in Hawaii are prepared in accordance with uniform policies and properly coordinated.

The proposed legislation would extend the applicability of certain Federal laws to Hawaii. These include a portion of the Investment Company Act of 1940, not hitherto applicable to certain Hawaiian companies; the Federal Youth Corrections Act; certain provisions relating to parole; the act of February 15, 1927, relating to the importation of milk and cream; a statute relating to the transportation of bodies of veterans who have died in Veterans' Administration facilities; section 29 of the Federal Register Act relating to notice of hearings; and sections of the Merchant Marine Act of 1936 which designate shipyards authorized to construct and repair vessels receiving Federal subsidies. Those parts of the Interstate Commerce Act dealing with regulation of railroad and pipeline carriers, motor carriers, water carriers, and freight forwarders and related laws would be made inapplicable to Hawaii. Due to the peculiarities of Hawaii's geographical position and the character of its transportation services, the Interstate Commerce Commission has recommended that Hawaii be exempt from its jurisdiction. Jurisdiction over water transportation between ports of Hawaii and ports of other States is vested by the Hawaii Statehood Act in the Federal Maritime Board and would be unaffected. Hawaii also would retain its partial exemption from the tax on transportation.

The draft bill would amend the definition of the term "continental United States" in section 222 of the Federal Communications Act of 1934 so as to preserve Hawaii's exclusion from that definition. Section 222, which deals with consolidations and mergers of telegraph carriers, excluded Hawaii from "domestic telegraph operations" for purposes of the section. The amendment would preserve present arrangements under which telegraph messages between the mainland and Hawaii are classified as "international telegraph operations" pending the outcome of proceedings which have been instituted by the Federal Communications Commission to determine whether Hawaii should remain in the international, rather than the domestic, category.

Section 5(b) of the Hawaii Statehood Act would be amended to correct a possible defect in the conveyance of lands to Hawaii. Section 5(b) conveys to the new State, with certain exceptions, all public lands ceded and transferred by the Republic of Hawaii to the United States at the time of annexation. It is not entirely certain, however, whether the definition of lands conveyed by section 5(b) includes all the lands defined as "available lands" for Hawaiian Homes Commission purposes. The proposed amendment would establish with certainty that all "available lands" have been transferred to Hawaii. Many of the provisions of the draft bill are essentially technical and perfecting in nature and either eliminate inappropriate references to Hawaii or make other language changes which are considered appropriate because of Hawaii's changed status.

The Hawaii Statehood Act provides that the State boundaries shall include all of the islands and territorial waters of the Territory of Hawaii, except the island of Palmyra. The Statehood Act makes no provision for the civil government of Palmyra, other than including Palmyra within the Hawaii Federal judicial district and extending the criminal and civil jurisdiction of the U.S. district court for the district of Hawaii to the island. The proposed legislation would confer upon such persons and agencies as the President may designate all executive and legislative authority necessary for discharging the responsibilities of civil government on Palmyra Island. The provision would apply also to Midway and Wake Islands whose status is comparable to that of Palmyra. The person designated by the President to administer Palmyra would be authorized to place additional jurisdiction and functions in the district court of Hawaii, including a land registration system for the island.

The Bureau of the Budget urges early and favorable consideration of the proposed legislation, since its enactment is required to provide for the orderly transition of Hawaii from territorial status to full statehood.

Sincerely yours,

ELMER B. STAATS,
Deputy Director.

Mr. LONG of Hawaii. Mr. President, I am pleased to be associated with the esteemed senior Senator from Montana in the introduction of this bill, the Hawaii Omnibus Act. This bill is a lengthy, technical measure. It is necessary to implement Hawaii's statehood under many Federal statutes, which presently refer to Hawaii as a Territory. Under this act, Hawaii will be given the benefits accorded the other States and will have imposed upon it the same restraints.

I wish to express my appreciation for the care with which this proposed legislation has been prepared over the course of the past 6 months. Its 54 sections amend scores of Federal statutes, ranging from water storage to fish restoration, from Social Security to the Securities and Exchange Act. It is of interest to me that some of the longest sections deal with education and health laws.

Most of the provisions of the Omnibus Act are technical in the strictest sense of the word. For example, many merely delete the phrase "the Territory of" in referring to Hawaii.

Other provisions, however, make available to my State an equality of treatment under Federal programs which we have long sought. These include extension to Hawaii of the Small Reclamation Project Act and the Soil Bank Act. We are also gratified to be put on the same basis as the other 49 States under the formulas for computing various grants-in-aid.

Particularly gratifying is the inclusion of Hawaii under the Interstate and Defense Highway System. Over the years, the people of Hawaii have paid the motor vehicle taxes which finance this system, without receiving any part of the benefits. Under this bill we will be given equal treatment with the other States.

The one exception to equality of treatment that this bill does not cure, Mr. President, is its failure to provide a grant for the University of Hawaii. In each of the other 49 States, the Federal Government granted either land or land scrip to endow the State university. These grants ranged upward from 90,000 acres per State. This omission leaves the University of Hawaii as the only "land-grant" college in America without any land.

In other respects, this is a fair and equitable bill. The people of Hawaii have cause to be pleased with the bill. It is a technically sound measure. It provides a sound basis for the growth of Hawaii.

Mr. FONG. Mr. President, the Hawaii Omnibus Act is a measure designed to bring full recognition in the Federal laws to Hawaii's statehood status. A similar act was passed last year with respect to Alaska. This measure is supplemental to the Hawaii Statehood Act, and I urge every consideration be given to its early passage during this session of the Congress.

DESIGNATION OF FEBRUARY AS AMERICAN HISTORY MONTH

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a joint resolution to designate February of each year as American History Month. I believe this would be an excellent way to promote recognition of the great heritage and history our our Nation.

It is appropriate that February should be singled out for this honor, because two great symbols of our national heritage, George Washington and Abraham Lincoln, were born in this month. Their names, enshrined forever in the history of freedom, epitomize for all men in all lands the dedication of America to the eternal principles of human liberty and the dignity of the individual.

It is particularly important for Americans to have a full knowledge of their history at a time when everything this Nation stands for is subject to scrutiny and attack in various parts of the world. It is vital for every American to understand and appreciate his heritage. Our national past must remain a living thing, reminding us of the strength and the sacrifice that created our Nation, inspiring us to enrich for future generations the legacy of greatness that has been handed down to us as a sacred trust.

Certainly the qualities of patriotism, wisdom, perseverance, and faith which marked our forefathers were never in greater need as our country faces the challenge of atheistic communism. We must again ignite the spark which carried our Nation through the trials and tribulations which have led to its greatness.

American History Month is already observed in many of our States and cities, where its observance has been spearheaded by the national society, Daughters of the American Revolution. They have suggested the joint resolution I am introducing today. I am hopeful national proclamation of the month will underscore for all Americans what has made this Nation tick and what we must do to preserve and embellish our cherished freedoms.

Mr. President, the more fully we understand and appreciate our history and heritage, the more fully we will be able to prove worthy of it. That is the philosophy behind this joint resolution. It is a philosophy which I would hope all Americans will embrace in the days ahead.

Our debt to our past is great. Our obligation to the future is greater. American History Month, proclaimed by the President and observed throughout the land, will emphasize those truths. I hope this proposal will gain the prompt and favorable consideration it deserves.

Mr. President, I ask unanimous consent to have the joint resolution printed in the RECORD.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 164) designating February of each year as American History Month, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas all Americans must honor their debt to the past and their obligation to the future; and

Whereas our freedoms are the result of the sacrifice, wisdom, perseverance and faith of our forefathers; and

Whereas the more fully we understand and appreciate our history and heritage the more we will be able to prove worthy of it; and

Whereas the need was never more acute for encouraging study and recognition of the greatness that is America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as American History Month, and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools, churches, and other suitable places with appropriate ceremonies and activities.

PERMANENCY OF PROVISIONS OF THE SUGAR ACT OF 1948—AMENDMENTS

Mr. CURTIS submitted amendments, intended to be proposed by him, to the bill (S. 187) to make permanent the provisions of the Sugar Act of 1948, which were referred to the Committee on Finance and ordered to be printed.

CIVIL RIGHTS—EXTENSION OF THE TIME FOR BILLS TO LIE ON THE DESK

Mr. JAVITS. Mr. President, yesterday I introduced Senate bills 3045 and 3046, the omnibus civil rights bills, and requested that they lie on the table until the close of business today. I now ask unanimous consent that the bills be permitted to lie on the table until the close of business on Tuesday, February 23, 1960.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARING BY THE COMMITTEE ON FOREIGN RELATIONS ON NOMINATION OF SELDEN CHAPIN TO BE AMBASSADOR TO PERU

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Selden Chapin, of the District of Columbia, to be Ambassador to Peru.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MANSFIELD:

Address delivered by Congressman LEE METCALF before the American Association of School Administrators at its annual convention in Atlantic City, N.J., on February 15, 1960.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Is there any morning business? If not, morning business is closed.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum——

Mr. RUSSELL. Mr. President, I should like to make a brief statement.

The PRESIDING OFFICER. Will the Senator from Texas withhold his request?

Mr. JOHNSON of Texas. I withhold it.

CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, in some incomprehensible fashion, a news dispatch has indicated that the Senator from North Carolina [Mr. JORDAN] had been responsible for the pendency before the Senate of this so-called civil rights legislation. Nothing could be further from the truth or less supported by the facts than any such implication.

The RECORD for Monday, February 15, 1960, clearly shows that during any maneuvering which took place resulting in Calendar No. 924, House bill 8315, being made the unfinished business, a large number of Southern Senators were on the floor. Each and every one of them would have to share any responsibility for what took place just as much as the Senator from North Carolina.

The senior Senator from Georgia was on the floor when this bill was laid down and when it was removed from consideration and displaced by the so-called tobacco bill.

As will appear from reading page 2459 of the RECORD of February 15, 1960, the bill was laid down, and the senior Senator from Georgia, who was present, submitted a parliamentary inquiry. I inquired of the Chair:

Did I correctly understand that some measure was laid before the Senate as the pending business?

The President pro tempore said:

Calendar No. 924, House bill 8315, to authorize the Secretary of the Army to lease a portion of Fort Crowder Mo., is the pending business.

Mr. RUSSELL. I had read in the RECORD that some bill relating to tobacco had been made the unfinished business.

The PRESIDENT pro tempore. House bill 8315 was taken up today by unanimous consent.

Then, as appears on page 2466, after the tobacco bill had been passed by the Senate, the following transpired. The distinguished majority leader, the Senator from Texas [Mr. JOHNSON], stated:

Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to consider S. 2845, the tobacco bill; and I ask unanimous consent that at 1 o'clock, when the morning hour concludes, if the unfinished business, S. 2845, has not been disposed of, that it be displaced as the unfinished business by the present pending business, H.R. 8315.

Whereupon the distinguished senior Senator from North Carolina [Mr. ERVIN] made this statement, and I quote from the RECORD:

Mr. ERVIN. Mr. President, reserving the right to object, I should like to ask the able and distinguished majority leader to what the second bill relates.

Mr. JOHNSON of Texas. It is the House bill which is the pending business, Calendar No. 924.

Mr. ERVIN. To what does the bill relate?

Mr. JOHNSON of Texas. The bill would authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo.

Whereupon no objection was made.

It is grossly unfair to the distinguished junior Senator from North Carolina [Mr. JORDAN] to single him out as having any responsibility for this measure being before the Senate. I might say if all of what is called the hard-core Southern opposition to this proposal—all 18 of us—had been sitting in the Senate, prepared to "sing in concert," I do not think there would have been any objection made to the Fort Crowder Reservation bill.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes.

Mr. DIRKSEN. Certainly, in all fairness, I think I ought to say for the Senator from North Carolina [Mr. JORDAN] that he was on the floor; I talked to

him about the tobacco bill. I said a few words about the tobacco bill, myself. I quite concur in the observation the Senator from Georgia has made, in all fairness to the Senator from North Carolina.

Mr. RUSSELL. I thank the Senator.

It may be further pointed out the RECORD will show my colleague, the distinguished junior Senator from Georgia [Mr. TALMADGE] was on the floor at the time. If my recollection serves me correctly, both able and distinguished Senators from South Carolina [Mr. JOHNSTON and Mr. THURMOND] were on the floor at that time. So we did have an unusually large attendance. Therefore, it is unfair to attach any dereliction to the distinguished junior Senator from North Carolina [Mr. JORDAN].

Mr. JOHNSON of Texas. Mr. President, I want to associate myself with the statement made by the Senator from Georgia concerning what happened on the floor as relates to the junior Senator from North Carolina [Mr. JORDAN]. He not only has been done a great injustice, but I think other Members of the Senate have been done an injustice.

I think the press reports of what happened have led people to the view that somebody was outfoxed, that somebody was tricked. As a matter of fact, I saw in one of the great newspapers of this country a headline the next morning, following the calling up of this bill by motion, that some trick had been played on somebody.

Obviously, the headline writer knows very little about Senate procedures. Unless the Senate is to transact no business at all, any civil rights amendment can be offered to any bill, except an appropriation bill, which is brought before this body. It could have been offered to the tobacco bill.

The only reason why we set a time certain—the only reason why we selected a specific bill—was so that the Members of the Southern group would know at what time on what day Members would make a motion to consider a bill, and other Members of the Senate would offer civil rights amendments to it.

In the latter days of the last session, people asked me almost hourly when the Senator from New York was going to call up his motion to discharge the committee. I finally reached an agreement that that motion would not be called up, and that we would agree on the date of February 15 that a motion would be made to consider a Senate bill, if one were reported on this subject; that if not, we would intercept a House bill, if that were possible; and if not, we would proceed to discharge a committee, if that seemed to be desirable; or, fourth, we would make a motion to consider some bill from the calendar, and announce that amendments could be offered to that bill.

It is obvious that the Senate does not want to discharge its committee, judging from the vote of 68 to 4 last night. Everyone knows that the committees have reported no proposed civil rights legislation, and the House has passed none, so the only other alternative, if one wants to keep an honorable commitment, is to do what we did do—either announce that Senators could offer amendments to the tobacco bill or announce they could offer them to some bill which had passed the House and had been cleared by the policy committee.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. I invite the Senator's attention to the fact that the peanut bill, as to which the present Presiding Officer, the senior Senator from South Carolina [Mr. JOHNSTON] and the Senator from Florida had considerable interest last year, was held up for a long time by the offering of a civil rights amendment to it by the distinguished junior Senator from New York [Mr. KEATING], which fact bears out, of course, completely the fact that we all know that in the Senate proposed civil rights provisions can be offered to any bill at all, other than the appropriation bills.

I think that the criticism directed at the junior Senator from North Caroline [Mr. JORDAN] must be based on an abundance of misinformation and ignorance about the procedures of the Senate.

Mr. JOHNSON of Texas. Mr. President, I am surprised that the usually reliable Associated Press would say

> Democratic Leader LYNDON B. JOHNSON, of Texas, outfoxed Southern Members Monday to bring before the Senate a House-passed bill on which to hang civil rights amendments.
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> * * * * *
>
> The maneuver went unchallenged by Senator B. EVERETT JORDAN, Democrat of North Carolina, who had been posted as a sentinel by Southern opponents to rally them to fight against bringing up the civil rights measure.

Mr. President, that is not true. That is unfair. That is unjust. Every Southern Member and every other Member was notified at least three times that on or about 12 o'clock on February 15 one of these four things would happen. Since three of them had not come to pass, the only other alternative was to make a motion to take up a bill. We did that. The Senator from North Carolina had no more responsibility in connection with what happened than any other Member of the Senate. If he had sought to exercise it, I think the vote last evening shows that the results would have been the same.

TRIBUTE TO THE LATE SENATOR LANGER

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Paul A. Strachan, president of the American Federation of the Physically Handicapped, Institute for Human Engineering, paying tribute to the late Senator William Langer.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PAUL A. STRACHAN, PRESIDENT, AMERICAN FEDERATION OF THE PHYSICALLY HANDICAPPED, INSTITUTE FOR HUMAN ENGINEERING

The Nation has lost a great statesman in the death of Senator Bill Langer, whom I have known since the day he came to the Senate.

He was honest and forthright in his convictions, and spent his mature life fighting for the underdog.

In death, he belongs in the great pantheon of liberals—La Follette, Norris, of his own party, and Barkley, Wagner, and Neely, of the Democratic Party.

I mourn his passing.

ALLEGED LIBEL OF STATE OF MICHIGAN

Mr. HART. Mr. President, on Monday of this week as reflected on pages 2486–2487 of the RECORD, I called attention to statements contained in a draft of "Separate Views" to be filed, as reported by the Detroit News, by the Republican members of the Senate Select Committee on Improper Activities in Labor or Management Field. The proposed "Separate Views" contained statements which referred offensively to the State of Michigan and, in my judgment, went so far as to defame the character of the people of the State of Michigan. Citing Senate rule XIX, I served notice that I would oppose the publication as a Senate document of any report which would include charges of this character.

Having raised this question on the floor of the Senate, I desire now to report that Senator GOLDWATER, of Arizona, has advised me he agrees that the several characterizations which I questioned in the draft report are not in order, and further, he assures me the report when filed will not contain these charges. None of us in the Senate would seek to curb the expression of opinion by any Member concerning actions or conduct or views of any organization or person, but I am glad that the distinguished Senator from Arizona agrees that characterizations of a State and its people in the form contained in the proposed draft are not in order. I appreciate very much his prompt response once the question was raised.

ANTARCTIC TREATY, AND INTERNATIONAL CONVENTION FOR POLLUTION OF THE SEA BY OIL

Mr. CARLSON. Mr. President, on Monday there was submitted to the Senate the request that the injunction of secrecy be removed from the Antarctic Treaty, and the International Convention for the Prevention of Pollution of the Sea by Oil. The junior Senator from Wyoming [Mr. MCGEE] and I represented the Senate as the Antarctic Treaty was being written and prepared.

As a result of U.S. initiative, the Conference on Antarctica was convened in Washington on October 15, 1959, culminating in the signing of the Antarctic Treaty on December 1, 1959, by all of the 12 countries which participated in the Conference. This treaty, which the President has today transmitted to the Senate, achieves the main objectives proposed by the United States.

The treaty provides that Antarctica, an area as large as the United States and Europe combined, will be used for peaceful purposes only. Provision is also made for an effective and unprecedented

unilateral inspection system to implement this objective. Continued freedom of scientific investigation in Antarctica and international cooperation to that end are also provided for. In order to promote the carrying out of these objectives unhampered by political controversies, the treaty provides that it neither implies renunciation of bases of claims or asserted claims nor affects the position of any government regarding its recognition or nonrecognition of claims. Thus, the United States, by entering into the treaty, does not recognize the claims of other countries, and the U.S. basis of claim is not renounced or diminished.

Following the U.S. Government's invitation to participate in the conference, sent to the 11 other countries concerned on May 2, 1958, 60 preparatory meetings were held in Washington, without fanfare, quietly paving the way for the successful negotiation of the treaty. The head of the American delegation was the Honorable Herman Phleger, who also served as chairman of the conference. Ambassador Paul C. Daniels, who served as alternate U.S. representative at the Conference, was the principal U.S. representative in the preliminary talks. The junior Senator from Wyoming and I served as congressional advisers to the American delegation.

I know the Senate Foreign Relations Committee will wish to give the treaty received today its careful consideration prior to making recommendations to the full Senate. Because the basic agreements contained in this treaty, however, are of benefit not only to ourselves but to all mankind, I have sought this opportunity today to focus the Senate's attention on this very fine achievement.

FEDERAL FINANCIAL ASSISTANCE FOR INCREASES IN SALARIES OF TEACHERS

Mr. MURRAY. Mr. President, the Federal Government has spent more than $650 million on teachers' salaries during the past 7 years. The President of the United States apparently did not know this when he told his last press conference that he "can't imagine anything worse for the Federal Government to be into."

Others may also be unaware of the fact that Federal support for teachers' salaries, which would be justifiably increased by S. 8 as passed by the Senate—providing States decide to use the money for teachers' salaries—has long been an accepted and important part of our educational system. Therefore, Mr. President, I ask unanimous consent to have printed in the body of the RECORD my February 12 letter on this subject to the editor of the Washington Evening Star.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EDITOR, THE EVENING STAR,
Washington, D.C.

DEAR SIR: Had I not grown to expect such things over the past 7 years, I would have been shocked and surprised when I learned that in his last press conference our President, in reply to a question from the Star's Jerry O'Leary, said he considers Federal financial assistance for teachers' salaries a reprehensible new idea.

Aside from the arguments having to do with the obvious need for increased teachers' salaries, it might be well to remind the President of the illogic of his plea that * * * if the Federal Government started paying school teachers then it would have to figure out the correct pay for every councilman and all other local officials. * * * For instance, let's take the period between fiscal 1953 and fiscal 1959—for obvious reasons. During that period the Federal Government administered $231,572,000 under the vocational education acts, of which approximately 90 percent went for teachers' salaries. For the same period, the Federal Government administered $688,500,000 under Public Law 874 (for current operating and maintenance expenses), of which approximately 65 percent went for teachers' salaries. This totals about $655,940,000 for teachers' salaries between fiscal 1953 and fiscal 1959.

The President may not know of these two programs, but even now I seriously doubt that he would advocate their repeal. Should Mr. Eisenhower, in hot pursuit of the bent of his own type of logic, discover a single councilman whose salary has been affected by Federal aid for teachers' salaries, then perhaps one could listen seriously to his admonition, "I can't imagine anything worse for the Federal Government to be into."

Sincerely yours,

JAMES E. MURRAY.

ANNIVERSARY OF THE INDEPENDENCE OF LITHUANIA

Mr. PROXMIRE. Mr. President, at a recent mass meeting of American citizens of Lithuanian descent in Racine, Wis., a resolution was unanimously adopted imploring that the Soviet Union be divested of territories acquired by forceful and nondemocratic procedures.

This meeting commemorated the 42d anniversary of the restoration of independence to Lithuania. The proud nation of Lithuania is now forcibly incorporated within the Soviet Union, but the spirit of independence of the Lithuanian people, as manifest in their celebration of this anniversary, remains very much alive.

It is especially significant that these loyal Americans of Lithuanian descent retain a strong feeling for their friends and relatives in their native land. The freedom loving people of our country and the entire free world share these feelings with them.

I ask unanimous consent that a resolution adopted at the meeting in Racine be published in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas Lithuania was the victim of the alliance of two totalitarian systems of the Nazis and the Russian Communists and now is deprived of freedom because the free world sought totalitarian help; and

Whereas today in the confusion and tragedy of the cold war, in the face of the menace to human liberty that hangs over Europe and Asia, Lithuania has been forgotten exactly as it was neglected in the outburst of Soviet friendship that preceded the signing of the United Nations Charter; and

Whereas the real answer to communism is not containment but the passing of the free world to an offensive against it and those whose long range goal is to bury the free world; and

Whereas in the society of the free nations the size of the country is unimportant so long as it sincerely cooperates and approximates the required standards which Lithuania did in the League of Nations and which it could do in the United Nations if it was free: Therefore be it

Resolved, That this mass meeting of loyal Americans of Lithuanian descent of this community commemorating the 42d anniversary of the restoration of independence to Lithuania urges the Government of the United States to continue efforts to restore liberty to Lithuania and granting it its proper role in the advancing of peace and civilization; and be it further

Resolved, That this mass meeting implores that the Russians must be forced back into their own boundaries and not be allowed to enjoy the profit of their ill-gotten gains, not only as a question of abstract justice but because with every year that the Communists remain in control they are marching to their goal; and be it finally

Resolved, That this mass meeting express its sincere gratitude to the executive and legislative branches of our Government for its efforts to aid all people to assert their God-given rights.

MARTIN KASPARAITIS,
Chairman.
PETER PETRUSAITIS,
Secretary.

Mr. CASE of New Jersey. Mr. President, February 16 marked the 42d anniversary of the declaration of independence by the people of the Republic of Lithuania. That proud date in 1918 ended 123 years of Russian occupation.

During her all-too-few years of liberty, Lithuania was an honored member of the family of free nations. Her economic and her political, social, and cultural institutions flourished.

But the freedom of Lithuania was forcibly suppressed by the Soviet Union in 1940. Since the brutal annexation of Lithuania and her neighboring Baltic States, her democratic system of government has been stifled and her people deported to slave-labor camps, imprisoned at home or exterminated. Those who have survived have endured terrible suffering and privation.

The United States has condemned this aggression, and refused to recognize the Soviet occupation of Lithuania. The American people have been constant in their steadfast belief that the principles which govern relations between nations must be the rule of justice, of reason and of law. The 1 million Americans of Lithuanian descent, and, indeed, freedom-loving people everywhere look forward to the day when Lithuania will regain her rightful place in the free world.

NEW JERSEY STATE SCHOLARSHIPS

Mr. WILLIAMS of New Jersey. Mr. President, the New Jersey State Scholarship Commission has announced the first scholarships to be awarded under a new State program. Scholarships have been granted to 926 students now in their first year of college. Awards were based upon demonstrated financial need and scholastic ability as determined by a qualifying examination. For the first awards, a total of 2,652 students filed preliminary applications and 1,560 com-

pleted the application process. Of the total number of scholarships awarded, 707 went to students attending colleges in New Jersey and 219 went to students in colleges outside the State. The scholarship law provides that not more than 15 percent of the total number of scholarships available may go to students who attend college outside the State.

Scholarships are awarded for a full 4 years but remain in effect only during such period as the holder achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade. Each scholarship is for $400 or the amount of tuition, whichever amount is less.

I have paraphrased from a news release issued by the New Jersey State Department of Education in order to present the preceding facts. I believe the facts to be worthy of some note because I think that the efforts of New Jersey to help students to help themselves to college training is an example of the kind of worthy program which is necessary during these crucial years for American education.

At a time when we are exploring the possibilities of Federal assistance to local schools we often hear the question: "What are the States doing to meet their own problems at all levels of education?"

In New Jersey taxpayers in individual municipalities are already making great efforts to provide good classroom training for their youngsters. The State scholarship program is another evidence of the interest that New Jersey citizens have in providing the proper training for their youngsters.

I know that the 926 students who receive the first scholarships realize that they have a special responsibility, as well as a new opportunity.

THE ADMINISTRATION'S FISCAL POLICY

Mr. BUSH. Mr. President, the Secretary of the Treasury, Robert B. Anderson, presented a masterful explanation of the administration's fiscal policy yesterday at the concluding hearing of the Joint Economic Committee on the President's 1960 Economic Report.

I ask unanimous consent that the Secretary's statement be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUSH. Mr. President, the Secretary's formal statement speaks for itself, but I should like to bring to the attention of the Senate some facts brought out later in questioning by members of the committee.

The most significant of these facts, Mr. President, is that the Democrats in control of this Congress are hurting the small businessmen of the Nation and millions of American families by forcing the Treasury to concentrate its borrowings in the short-term money market.

By refusing to lift the 4¼ percent interest rate ceiling on long-term Treasury borrowings, the Congress has forced the Treasury into the short-term market.

In Secretary Anderson's words, "What we are doing now is competing primarily in the field where millions of little people borrow their money."

This means higher interest rates for the worker seeking to finance an automobile, the housewife who buys a new refrigerator on time, and the businessman who must borrow to meet his payrolls and other working capital needs.

Secretary Anderson also pointed up the damaging effect of the interest rate ceiling upon the homebuilders and homebuyers of America.

I bring to the Senate's attention the Secretary's statements that "homebuilding is hurt badly by the ceiling and will be hurt worse because the builders will find it increasingly difficult to obtain construction loans, which are short term" and that funds normally available for mortgages are being diverted into the short-term market.

I believe it essential that these facts be clearly understood because those who are opposing the removal of the interest rate ceiling are in effect forcing the Government into the area where the people of this country must go to borrow money.

Mr. President, I ask unanimous consent that a portion of the transcript of yesterday's hearing, in which Secretary Anderson developed these facts under questioning by Congressman THOMAS CURTIS, of Missouri, ranking minority member of the committee, may be printed at this point in the RECORD.

There being no objection, the excerpts from the testimony was ordered to be printed in the RECORD, as follows:

Representative CURTIS. In effect, what this interest ceiling is doing is keeping the Treasury out of the long-term market, forcing it into the short-term market, where the consumer credit, small-business groups, farmers, are seeking their money. Is that a correct analysis?

Secretary ANDERSON. If one analyzes the compartmentalization of borrowers, you find normally under 1 year people who borrow to meet payrolls, people who borrow for inventories, for receivables, to borrow to accumulate for their taxes, to maintain charge accounts, revolving credits, buy household durables and that sort of thing.

Representative CURTIS. Did you mention payrolls?

Secretary ANDERSON. That is right.

Representative CURTIS. Business finances payrolls in short term.

Secretary ANDERSON. If one looks at the compartmentalization of 1 to 5 years, you would find working capital, small expansion, automobiles, household durables, and this sort of thing. If you look into over 5 years, it is plant construction, equipment, housing, schools, other kinds of facilities. Farmers would fall both in the 1- and the 5-year areas. The Federal Government would be in all three to some extent, because of seasonal financing of deficits. What we are doing now is competing primarily in the field where millions of little people borrow their money. We are also enticing out of the mortgage field money which says to itself why take the long-term risk when I can almost get the same equivalent for a short-term risk which has very little risk in it.

Representative CURTIS. I think it is very important to bring this point out because those who are opposing the removal of the interest ceiling are in effect forcing the Government into the very area where the small people of this country, whom they like to talk about, are going for their funds, and therefore the damage is being directly borne more by them. I would like to turn attention to another area that has not been mentioned but I think is very important, and that is home mortgages. Although they tend to be in the long term field, I know the impact of the "fabulous fives" on the savings and loan institutions. The fact is that money went out of these institutions who finance home building to a large degree and there is a shortage of capital right now in that area. I wonder if you would comment on the home mortgage field.

Incidentally, that is important, too, Mr. Secretary, on the President's Economic Report, although we had a very rosy picture for the future presented to us, a number of the witnesses pointed out that home building was one area where there was a softness.

Secretary ANDERSON. I think several observations might be made, one being that we now have a ceiling. The ceiling on the rate of Government securities has not kept the interest rate on other long types of investment from rising. In fact, they have gone up quite sharply during the past year and a half, despite the ceiling. I think on the other hand, home building is hurt badly by the ceiling and will be hurt worse because the builders will find it increasingly difficult to obtain construction loans which are short term, normally called interim financing, if the Treasury must continue to borrow all of the Government's huge fiscal requirements simply within the 5-year range.

Secondly, the high short-term rates of interest which result at least in part from the Treasury borrowing at the short-term acts to pull in long-term investment from the mortgage market into short-term investments. One might assume that if an individual had $10,000 to invest and can earn 5 percent, or thereabouts, on a security running from 1 to 5 years, 6 percent on a real estate mortgage, he would be very reluctant to put his investment in a real estate mortgage.

Representative CURTIS. Have you finished, Mr. Secretary?

Secretary ANDERSON. The only other thing I would add is what has been referred to here before. When we issued 5 percent securities all over the country, people went to savings type institutions that are normally suppliers of credit to the mortgage market, withdrew their funds and went into the short-term credit, because they were attractive and because they had been highly publicized.

EXHIBIT 1

STATEMENT BY TREASURY SECRETARY ROBERT B. ANDERSON BEFORE THE JOINT ECONOMIC COMMITTEE, TUESDAY, FEBRUARY 16, 1960

Experience in the 1950's demonstrated the immense resiliency, strength, and adaptability of our free-enterprise economy. As we enter the decade of the 1960's, the economic outlook is indeed encouraging. But we should not permit a favorable outlook to lull us into unwarranted complacency. The challenge that confronts us—not solely in Government, but every individual, group, and institution in this country as well—is to conduct our affairs in such manner as to prolong the prosperity that we are now enjoying.

Our budget projection of the economy for 1960 reflects this favorable outlook. It is always difficult, of course, to make specific assumptions covering a budget which extends over the next 18 months. Our best judgment is, however, that a gross national product of $510 billion can be reasonably projected for the calendar year 1960, compared with a $479 billion total for the calendar year 1959. Our projection of personal income for this calendar year is $402 billion, as compared with $380 billion in 1959. Our projection of corporate profits of $51 billion in this year compares with a $48 billion figure for the calendar year which has just been completed. All of these estimates are stated in terms of present price levels. We believe these estimates represent a realistic

appraisal of the current outlook and fully support our projection of $84 billion of Federal Government revenue for the fiscal year 1961.

We must make certain that the growth we experience this year—and in the decade as a whole—is growth at a sustainable pace, unwarped by the distortions, imbalances, and excesses that, if allowed to emerge, inevitably sow the seeds of reaction and recession. This need for balanced growth emphasizes the necessity for combatting any incipient buildup of inflationary pressures.

Inflation—either in the form of a gradual, insidious rise in the price level, or as a rapid increase of costs and prices—is in fact the enemy of sustainable growth. Inflation breeds the very recessions and unemployment that stand as a barrier to sustained growth. And either the fear or the fact of inflation, by impairing the will to save in traditional, fixed-dollar forms, will in the long run lead to a shortage of savings to finance the real investment in plant and equipment that is so essential to the growth process.

The fact that inflation, if allowed to occur, can be expected to stunt our rate of growth in the future provides sufficient reason for determined efforts to prevent further erosion in the purchasing power of the dollar. We must also be continuously mindful of the impact of inflation on various groups in the economy, particularly those people whose incomes are relatively fixed, who live on the proceeds of pensions, annuities, social security, and similar types of savings.

Beyond these considerations is the important fact that further inflation can only impede our efforts to reduce the deficit in our international balance of payments—a deficit which threatens to hamper our efforts to contribute as we should to the military security and economic strength of the free world. Our attack on this problem will continue to be consistent with our vital goal of promoting multilateral world trade. It will, in short, be directed—not toward protectionism and restriction—but toward liberalization and expansion of world commerce. We shall continue to search out appropriate ways of encouraging American exports of goods and services; to press for removal of discriminatory restrictions on dollar imports abroad; and to encourage other industrial countries to participate more adequately in the provision of capital to underdeveloped countries.

It would be an empty achievement, indeed, if we were apparently successful in these efforts, only to find that internal inflation in this country had impaired our competitiveness in foreign markets. Thus, international developments provide still another important reason for maintaining stability in the price level as we pursue our goals relating to growth and employment.

Inflation was held largely in check in 1959. Although consumer prices—reflecting a continued uptrend in prices of all major groups except food—rose by a small amount during the year, the wholesale price index actually declined slightly. While this performance was good, and is a cause for satisfaction, it is no cause for relaxation of our efforts to protect the purchasing power of the dollar.

In an economy so large and highly diversified, the causes of inflation are bound to be complex, and it follows that there is no single, simple cure. We know, for example, that inflationary pressures are fostered by waste and inefficiency, whether these occur with respect to business management, labor practices, individual actions, or the activities of Government. A rise in certain types of costs of production faster than increases in productivity can also contribute to inflationary pressures. In addition, undue concentration of market power may permit certain industries to raise prices in the face of declining demands, and shifts of demand from one type of goods and services to another may also exert a net inflationary impact. The nature of some of these forces is not yet fully understood; further study and evaluation are necessary before policies to deal with them can be formulated.

But of one thing we can be certain: the overall relationship between the demand for and supply of total output is still basic to any meaningful attempt at inflation control. Consequently, unless we are especially diligent in our efforts to prevent an unsustainable upsurge in economic activity during a period of expansion, we almost surely must resign ourselves to the price increases that result from such excesses. Moreover, as pointed out earlier, unsustainable upsurges tend to be followed by corrective recessions and consequent unemployment of labor and other resources.

Federal financial policies—including Government actions with respect to the budget, monetary management, and public debt operations—are generally recognized as having a significant impact on total demand for goods and services in the economy. As a result, the constructive use of these policies must stand in the forefront of our efforts to fight inflation, as well as our efforts to combat recessionary tendencies. We must recognize that, while such policies alone cannot assure success in our efforts to attain sustainable economic growth, their utilization in a prudent and responsible manner is essential.

Opinions differ as to how these three policies should be used, and this is especially true with respect to budget policy. According to one view, a period of actual or threatening inflation, reflecting at least in part the pressures of demand, would call for a large surplus in the Federal budget. This would be achieved by an increase in tax rates, a cut in expenditures, or some combination of the two. Such a surplus, it is argued, would help dampen total demand inasmuch as Government spending would fall short of revenues.

This program would, according to this view, be consciously and actively reversed during a recession. Reductions in tax rates and increases in expenditures would contribute to a large deficit in the budget; such a deficit would stimulate total demand, inasmuch as Government spending would exceed revenues.

This approach has some serious shortcomings in practice. For one thing, decisions as to taxes and spending programs often reflect many factors other than broad economic considerations. Moreover, the timely use of budget policy as a conscious countercyclical weapon is hampered by the fact that authority over taxation and spending is the joint responsibility of the executive and the Congress and is not centered in one branch of the Government.

In addition, experience since the end of the Second World War indicates that it is much easier to achieve a budget deficit in a recession than a surplus in a period of economic expansion. Sizable deficits in recessions—only partially offset by modest surpluses in periods of expansion—tend to complicate the task of achieving sustainable growth in at least two ways. The net deficit over a period of years probably adds to inflationary pressures and secondly, the growth in the public debt that is implied by such deficits, along with the difficulties encountered in managing a growing debt, is likely to complicate the flexible and timely administration of monetary policy.

Moreover, recent experience supports the view that conscious and active attempts to vary tax rates and spending to help avoid inflation and combat recession may well have perverse effects. Changes in tax rates and spending may sometimes take so long to plan, legislate, and put into effect that many months may pass from the time the need for a change in budget position becomes clear until the change actually affects total spending in the economy. By the time the actions become effective, the economy may have changed radically. As a consequence, large deficits may have their major impact during periods of rising business activity; surpluses may in fact be encountered during a business slump. Any proposals for an arrangement that would permit some sort of administrative variation in tax rates to counter cyclical trends, such as vesting additional authority in the executive branch, do not seem to be consistent with the system of checks and balances that is so important in our form of government.

Are we thus left only with the alternative of striving for a rigorous balance in the budget, year in and year out? I do not think that we are. The goal of a net surplus in the budget—not only in prosperous periods but, on the average, over a longer period of time also—is highly desirable. Furthermore, budget deficits of moderate size are probably unavoidable—and indeed, desirable—during periods of economic recession.

We should, in my opinion, follow some variation of the stabilizing budget proposal, in which budget policy, year in and year out, would be geared to the attainment of a surplus under conditions of strong economic activity and relatively complete use of labor and other resources. On this basis, the automatic decline in revenues and increase in expenditures during a recession—reflecting in part the operation of the so-called built-in stabilizers—would generate a moderate budget deficit. In prosperous periods, tax receipts would automatically rise and certain types of spending would contract, producing a budget surplus.

Over a period of a complete business cycle, a surplus for debt retirement would be achieved, but without the disrupting effects of necessarily attempting to balance the budget in recession. While intentional variations in tax rates and spending for cyclical purposes would thus be kept to a minimum, conditions might well arise in which such variations would be desirable.

The budget submitted by the President for fiscal year 1961 is fully consistent with this approach; about 5 percent of Federal revenues are earmarked as a surplus for debt retirement. If economic conditions were to change drastically and recessions were to set in—a contingency which does not seem likely but is of course possible—the surplus would automatically be converted into a moderate deficit as tax revenues decreased and certain types of expenditures rose.

With the economy operating at high and rising levels of activity, the achievement of a $4.2 billion surplus in the Federal budget will help reduce the burden on monetary policy and will also facilitate debt management. In my judgment, the lack of adequate surpluses in the prosperous years following the Second World War—which has resulted in a more than $30 billion increase in the public debt since the end of 1946—has meant that monetary policy has been called upon to bear more than its proper share of the burden in promoting sustainable economic growth. This unavoidably heavy reliance on monetary policy may have contributed to wider swings in interest rates and capital values than would have been necessary if budgetary surpluses had been adequate. But it seems incorrect to argue that monetary policy has tried to assume too large a role; the conclusion is rather that the degree of monetary restraint has had to be greater than would have been the case if budgetary surpluses had been adequate.

To some observers, Treasury debt management—the third Federal financial policy—

affords a highly useful technique for promoting sustainable economic growth. Although the Treasury attempts to manage the public debt in a manner consistent with the attainment of our basic economic goals and, insofar as possible, tries actively to promote these objectives, the vigorous use of debt management in this fashion is sometimes impeded by important practical considerations. Inasmuch as these difficulties have been described in detail in the material supplied by the Treasury to this committee in connection with its recently completed study of employment, growth, and price levels, I shall not discuss them at this time.

During a period of strong business activity, however, the Treasury should at least possess sufficient flexibility in debt management to be able to avoid debt operations that actively promote inflationary pressures. Otherwise, the beneficial effects of prudent budget and monetary policies may in part be offset. In particular, reliance on inflationary short-term financing should be minimized, and a reasonable amount of long-term securities should be marketed, either through cash issues or in advance refunding of outstanding securities.

Under today's market conditions, however, the 4¼-percent interest rate celing on new issues of Treasury bonds effectively prevents the Treasury from issuing any significant amount of new marketable securities of more than 5 years' maturity, either for cash or in exchange for securities at maturity or in advance of maturity. The Treasury is thus prevented from achieving any meaningful amount of debt lengthening—or even of holding the average maturity of the debt close to its present length of only 4 years and 3 months. The interest rate ceiling is therefore forcing the Treasury to pursue inflationary debt management policies.

To the extent the Treasury concentrates its new issues in the 4 to 5 year maturity range, the decrease in the average maturity of the debt can be slowed, but there is a limit to the amount of securities of this maturity that can be sold without driving interest rates in this sector of the market to very high levels. Moreover, experience has indicated that undue concentration of new cash issues in the 4- to 5-year range, at the rates the Treasury would have to pay, might have a strong impact on the capital market—and particularly the mortgage market—as individuals withdraw funds from savings institutions to purchase the Treasury issues.

The restriction on interest rates that the Treasury can pay on new marketable bonds is in effect preventing the effective and proper use of Federal financial policies to promote sustainable economic growth. It would be regrettable indeed, if the salutary effects of prudent budget and monetary policies were permitted to be offset in part by so artificial a restriction. The President has once again urged removal of this harmful restriction, and it is to be hoped that early action in this respect will be taken, so that debt management can also bear its proper share of the burden in our efforts to achieve our vital economic goals.

GOVERNMENT COLLECTS $124,000 REFUND

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have a brief statement, along with certain insertions, incorporated in the body of the RECORD.

There being no objection, the statement and insertions were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILLIAMS OF DELAWARE

From time to time over the past several years I have called to the attention of the Senate examples of numerous and, at times, exorbitant waste of the taxpayers' money that has resulted from the inept handling of Government funds by some of our agencies, loose bookkeeping practices, careless administration of Federal programs, or just plain lack of concern over the way tax money is spent.

One such case formed the basis for a statement I made before the Senate on August 8, 1957—over 2 years ago. It concerned the program under which the Commodity Credit Corporation was aiding stricken ranchers of the Southwestern United States in the drought of 1953.

At that time, under the drought relief program of 1953, the Commodity Credit Corporation agreed to furnish livestock feed at reduced prices to livestock producers in drought disaster areas. Under this program, the Commodity Credit Corporation delivered substantial quantities of corn, cottonseed meal, oats, and wheat acquired under price-support programs.

In July of that year, an association of 14 railroads agreed to carry the feed for the Commodity Credit Corporation at a reduction of 50 percent of the applicable rates, effective July 1.

Later, however, it was recognized that cottonseed meal was not usable on the southwestern ranges and the Commodity Credit Corporation decided that the feed should be made into pellets. This required milling in transit or shipments of the meal to pelleting plants and thence to the ranchers. This is a standard practice in the feed industry, and the combination of "milling in transit rates" is always cheaper than the separate billings.

Early in August, however, the railroads decided that their original offer of reduced rates did not apply to feed that was being shipped to pelleting plants for processing while in transit. Accordingly, the railroads billed the Commodity Credit Corporation and were paid the full rates on all shipments from points of origin to the pelleting plants and then full rates again to ranges where the cattle were fed. The Commodity Credit Corporation honored these freight bills containing an estimated $600,000 in overcharges above that which would have applied had the original agreement been in force and had they claimed the normal "milling in transit" rates.

In 1957, the Comptroller General reviewed this case and suggested that the Commodity Credit Corporation should be able to recover some portion of the money that was paid as a result of the cancellation of the railroads' agreement of July 1, 1953. It was the Comptroller General's report on this matter that formed the basis for my statement to the Senate in August, 1957.

This case was accordingly referred to the Department of Justice for review.

I think the Senate and the taxpayers of the United States will be interested in knowing that an effort by the Department of Justice to recover some of this money was successful and that the Government will receive approximately $124,000 in refunds on these freight claims.

Under this settlement, according to Assistant Attorney General George Cochran Doub, CCC would obtain the benefit of the reduced rates on all shipments made via the mills to ranchers between July 2, 1953, the date the reduced rates become effective, and August 3, 1953.

The taxpayers will not only recover $124,000 but the practice of the Government paying excessive freight charges on these grain shipments has been stopped.

I make this report to show that these complaints which we register on various occasions are not forgotten but followed through until settlement is made.

I attach hereto the Assistant Attorney General's letter and press release of June 1959, confirming this settlement.

WASHINGTON, *June 18, 1959.*

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: In accordance with our recent conversation, I enclose our announcement today of the settlement of the Government's claims against the railroads arising out of freight charges on shipments by Commodity Credit Corporation of feed to cattle in the southwestern drought areas in 1953.

It would appear that your initiation of this matter was responsible for the referral of the claims to the Department of Justice and hence the recovery.

With kind regards,

Sincerely,

GEORGE COCHRAN DOUB,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
June 18, 1959.

Attorney General William P. Rogers announced today that he had approved a settlement of Government claims against 14 railroads, arising out of frieght charges on shipments by Commodity Credit Corporation of feed for cattle to southwestern drought areas in 1953.

When the emergency arose the Government requested the railroads to assist in the relief program by giving the Commodity Credit Corporation the benefit of reduced rates. The railroads agreed to carry the cottonseed meal for CCC at a reduction of 50 percent of the applicable rates by publishing a tariff quotation dated July 2, 1953, so providing but excluding transit privileges.

At the outset of the program CCC shipped the feed direct from points of origin to the ranchers in the drought areas but it was soon discovered that the feed was being blown away before the cattle could reach it. CCC decided that the feed should be made into pellets although this required shipments of the meal to pelleting plants and thence to the ranchers.

On July 29, 1953, CCC requested the railroads to amend the original tariff to apply the rate reduction to these transit shipments. The railroads refused and on August 3, 1953, issued a tariff amendment stating explicitly that the reduced rates did not apply to shipments consigned via feed mills. The railroads billed CCC, and were paid the full rates on all shipments from points of origin to the pelleting plants and thence to ranges where the cattle were fed.

The payments were not questioned until 1957 when the matter came to the attention of a Senate subcommittee which was hearing testimony concerning the handling of drought relief programs. The Comptroller General had reviewed the facts and stated that Commodity Credit Corporation should determine whether any payments made could be recovered. Commodity Credit Corporation then referred to the Department of Justice claims approximating $495,000, representing a 50 percent refund of freight charges paid on shipments between July 2, 1953, and September 3, 1953.

The railroads disputed the validity of the claims, contending that their voluntary reduced rates did not apply on shipments via the mills and the amendment of August 3, 1953, was not a retroactive increase in rates.

Attorney General Rogers stated that by the settlement the Government will receive approximately $124,000 in settlement of claims which presented serious questions as to the legal liability of the railroads.

Assistant Attorney General George Cochran Doub, in charge of the Civil Division, who negotiated the settlement, stated that the railroads involved are:

Chicago, Rock Island & Pacific Railroad Co.; Abilene & Southern Railway Co.; Texas & Pacific Railway Co.; Texas & New Orleans Railway Co.; Missouri-Kansas-Texas Railway Co. of Texas; Panhandle & Santa Fe Railway

Co.; Atchison, Topeka & Santa Fe Railway Co.; St. Louis Southwestern Railway Co.; Gulf, Colorado & Santa Fe Railway Co.; Missouri-Kansas-Texas Railroad Co.; St. Louis-San Francisco Railway Co.; Missouri Pacific Railroad Co.; Pecos Valley Southern Railway Co.; Southern Pacific Co.

Mr. Doub said: "Under the settlement CCC obtains the benefit of the reduced rates on all shipments made via the mills to ranchers between July 2, 1953, the date the reduced rates became effective, and August 3, 1953, the date the railroads explicitly declared in their tariff amendment that the original quotation did not apply to shipments via the mills.

"I believe that this was an advantageous settlement for the Government and the recovery is more substantial than could have been obtained by litigation. The Government was in the position of contending in connection with these claims that a voluntary gratuitous freight rate reduction made by the railroads at the request of the Government in order to aid distressed ranchers in the drought area applied to shipments of a character which the railroads had not initially been requested to make. In effect, the Government obtained the benefit of a voluntary gift from the railroads and in asserting its claims was in the position of a donee contending that the donor should have included in his gift more than he had been requested to make by virtue of an alleged ambiguity in the original tariff providing for the rate reduction. I am satisfied that the Government had no valid claim to the 50 percent rate reduction on shipments made after the tariff amendment of August 2, 1953, stating explicitly that the reduced rate did not apply to shipments via the mills."

The PRESIDING OFFICER (Mr. HART in the chair). Is there further morning business? If not, morning business is closed.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which will be stated for the information of the Senate.

The CHIEF CLERK. On page 1, line 4, after the word "a," strike out "five-year" and insert "two-year."

Mr. RUSSELL. Mr. President, I had understood that the Senator from Louisiana [Mr. ELLENDER] was to take the floor to discuss the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment. (Putting the question.)

Mr. RUSSELL. Mr. President, I was seeking recognition.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, as I recall, the effect of the committee amendment is to change the period in which the lease of the school building is to be made from a period of 5 years to a period of 2 years.

The committee realized that it was rather unusual to turn officers' barracks over to a school district, although the school district is in very dire need of school facilities. We thought that if the community did not complete its schoolhouse within the 2-year period, which the committee amendment would authorize, we would then have an opportunity to reconsider the question and to legislate to extend the life of the lease.

I do not know what the fate of any legislation might be in 1962, dealing with the subject of extending this lease; but at least we shall have had quite a bit of legislative experience in dealing with bills to authorize the Stella reorganized schools to use the buildings. I apprehend that before the proposed legislation is disposed of this school will become the most famous school in the United States.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, I offer the amendments which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments offered by the Senator from Illinois will be stated.

The CHIEF CLERK. On page 1, after line 2, it is proposed to insert Title I.

On page 3, after line 8, it is proposed to insert the following:

TITLE II

Civil Rights Act of 1960

SEC. 201. That (a) chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interfers with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

SEC. 202 (a) Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for destruction of educational or religious structures

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended."

(b) The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for destruction of educational or religious structures."

SEC. 203. (a) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another office of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by subsection (a) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) Any record or paper required by subsection (a) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

(d) Any record or paper demanded pursuant to subsection (c) shall be produced

for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

(e) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this section, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

(f) The United States district court for the district in which a demand is made pursuant to subsection (c), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

(g) As used in this section, the term "officer of election" means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the offices of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for.

SEC. 204. (a) (1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

(b) (1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

(2) Appropriations under this subsection shall be available for grants to help finance—

(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

(c) (1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b) (2) (A) under applications approved by the State agency (designated as provided in subsection (d) (1) (A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b) (2) (B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

(d) (1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

(e) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c) (1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c) (2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b) (2) (A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

(f) For purposes of this section—

(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

(g) (1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the

Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.

SEC. 205. (a)(1) Subsection (a) of section 6 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(2)(A) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(B) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

(b)(1) Section 6(b)(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to applications for school construction projects with respect to which Federal aid is requested, is amended by striking out "and" at the end of clause (F), by striking out the period at the end of clause (G) and inserting in lieu thereof "; and", by adding after clause (G) the following new clause:

"(H) assurance that such agency will make the school facilities included in any such project, the application for which is approved after enactment of this clause, available to the Commissioner pursuant to section 10(b)."

(2) Section 10 of such Act, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(3) Section 10 of such Act is further amended by inserting '(a)' after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determination by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

SEC. 206. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

(e) The Commission shall render to the President annual reports for transmission to the Congress.

(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

SEC. 207. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

"(e) In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

"Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. The court shall issue a supplementary decree which shall specify which person or persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law. The Attorney General shall cause to be transmitted certified copies of the original decree and any supplementary decree to the appropriate election officials of the State, and any such official who, with notice of such original or supplementary decree, refuses to permit any person, named as qualified to vote in such original or supplementary decree, to vote at any election covered thereby, or to have the vote of any such person counted, may be proceeded against for contempt.

"The court may authorize such person or persons appointed pursuant to this subsection to issue to each person named in the original decree or any supplementary decree as qualified and entitled to vote at an election, a certificate identifying the holder thereof as a person qualified and entitled, pursuant to the court's original decree or supplementary decree, to vote at any such election.

"The court may authorize such person or persons appointed pursuant to this subsec-

tion (or may appoint any other person or persons) (1) to attend at any time and place for holding any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any such person has been denied the right to vote, and (2) to attend at any time and place for counting the votes cast at any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any vote cast by any such person has not been properly counted.

"Any person or persons appointed by the court pursuant to this subsection shall have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any person or persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to take any other actions, consistent with the provisions of this subsection, reasonably appropriate or necessary to enforce its decrees."

(b) Add the following sentence at the end of subsection (c):

"When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant."

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Illinois [Mr. DIRKSEN].

Mr. RUSSELL. Mr. President, I thought the Senator from Louisiana [Mr. ELLENDER] desired to address the Senate on the subject of civil rights. If he does not, I suggest the absence of a quorum. I know that there are some other Members of the Senate who do desire to speak on the subject.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 2312. An act for the relief of Mrs. Anna D. Myers;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 4786. An act declaring certain lands to be held in trust for the Cheyenne River Sioux Tribe of Indians of South Dakota;

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes; and

H.R. 10401. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 725. An act to provide for the establishment of the Wilsons Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 4786. An act declaring certain lands to be held in trust for the Cheyenne River Sioux Tribe of Indians of South Dakota; and

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2312. An act for the relief of Mrs. Anna D. Myers; to the Committee on Finance.

H.R. 10401. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

Mr. RUSSELL. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. RUSSELL. Does the message contain reference to something the House has passed that has to do with the Stella Reorganized Schools?

The PRESIDING OFFICER. The Senate is advised by the message that the House has passed certain bills, one of which relates to the Wilsons Creek Battlefield National Park.

Mr. RUSSELL. Oh, the Wilsons Creek Battlefield National Park.

Mr. ELLENDER. That is another battlefield. [Laughter.]

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. ELLENDER obtained the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield to me for a moment?

Mr. ELLENDER. I am glad to yield, provided I do not lose the floor.

Mr. DIRKSEN. Mr. President, I wish to ask unanimous consent that the pending amendments be considered en bloc.

Mr. RUSSELL. I object. We have a right to demand a separation of these various divisions of the amendments. In other words, I cannot agree to any unanimous consent that the amendments be considered en bloc. Any Senator has the right to demand a division on the question before us. It is capable of division, and I cannot agree that it be considered en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. ELLENDER. Mr. President, the Senate is confronted today with the most abominable situation it has ever been my misfortune to witness during the 23 years I have served in the Congress.

The battle cry is for civil rights, and a series of proposals designed to effectuate this election year shout are either awaiting introduction, have been introduced, or are being held as reserve ammunition by those who, as has become customary, desire to use the Southern States as political whipping boys to capture the big city northern votes. But those who clamor most vociferously for this legislation, persist in cloaking their true intentions behind a magnanimous shield of platitudes. They persist in piously proclaiming that wholesale abuses of individual rights occur on a minute-by-minute basis in some States of our Union. They proclaim the need for not only corrective legislation, but punitive legislation as well and, in the process, seek to sugar-coat this punitive legislation in a variety of ways.

Now, Mr. President, I am not prepared to admit that any of this legislation is needed, nor, for that matter, is there one scintilla of evidence that any such admission is, or would be, justifiable. Oh, the Civil Rights Commission has prepared a voluminous report which purports to show that in my own State, denials of the right to vote occur on a wholesale basis. While there has been no testimony elicited before either the Senate Judiciary Committee or any of the other appropriately constituted committees of the Senate on this issue, at least insofar as the administration's package may be concerned, I have received hearsay information from the other side of Capitol Hill to the effect that a spokesman of the Justice Department, in testimony before a House committee, declared that the Civil Rights Commission's investigations have demonstrated a need for some kind of paternalistic omnibus Federal-State-local election-control legislation.

Let us see, Mr. President, just how accurate this foundation may be. I will use my own State as an example. If one were to take the Justice Department's position at face value, there must be, somewhere in the records of the Civil Rights Commission, some discussion of voting in Louisiana, based upon testimony gathered by the Civil Rights Commission at some kind of hearing. Yet, Mr. President, I have searched the Commission's 1959 report in vain for such information. The fact is that the Civil Rights Commission did not hold a hearing in Louisiana. The fact is that the only information made available to the Civil Rights Commission with regard to voting in Louisiana, consisted of ex parte data, submitted in a manner about which only the Lord and the Civil Rights Commission may know, and consisting of everything from verified affidavits to gossip.

Yet, the Civil Rights Commission had the temerity to head its chapter dealing with voting in Louisiana as "Louisiana Road Block." To what was the Commission referring? What constituted the "roadblock" as the Commission described it?

Mr. President, let me point out to Senators how much regard the vaunted

Civil Rights Commission has for ordinary judicial procedure. The appellation "roadblock," used by the Civil Rights Commission to describe its lack of functions in Louisiana, was evidently based upon the fact that the officials of the State of Louisiana failed to submit supinely to the hobnailed tread of this roving band of biased inquisitors. The Civil Rights Commission's pernicious terminology is directed at the fact that the attorney general of the State of Louisiana filed an action for a temporary restraining order to prohibit the Civil Rights Commission from holding any hearing in the State of Louisiana unless the Civil Rights Commission accorded to the State officials, who might be compelled to appear before it, certain basic rights, rights which have been adjudicated to be the rights of all Americans under the Constitution and under statute.

Let me list some of them. I shall itemize several of the considerations which the Civil Rights Commission refused to accord to some of our citizens, while it constitutes itself as the white-garbed simon-pure, guardian of some of the rights of some others.

Senators should bear in mind that apparently the Civil Rights Commission desires to exercise a high degree of discrimination insofar as what rights it desires to protect and what rights it desires to trample upon. Here are the rights which the Civil Rights Commission evidently desires to trample upon; at least, these are the rights which, upon the exercise thereof, the Civil Rights Commission has determined constitute the erection of a "roadblock."

First, the right of fairplay. Does this sound familiar to Senators? It should, and to be more specific, I refer Senators to the case of *Greene* v. *McElroy*—No. 180, October term, 1958, U.S. Supreme Court—in which case the Supreme Court held as follows:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual and the reasonableness of the action depends on fact-findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue.
>
> While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy.
>
> We have formalized these protections in the requirement of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right to be confronted with the witnesses against him. This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242, 244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory action were under scrutiny, e.g., *Southern R. Co.* v. *Virginia* (280 U.S. 190); *Ohio Bell Telephone Co.* v. *Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor as it has been pointed out, has Congress ignored these fundamental requirements, in enacting regulatory legislation (*Joint Anti-Fascist Committee* v. *McGrath*, 341 U.S. 168–169 (concurring opinion)).
>
> Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 Wigmore on Evidence (3d ed., 1940), section 1367:
>
> "For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience."
>
> Where administrative action has raised serious constitutional problems, the Court has assumed that Congress or the President intended to afford these affected by the action the traditional safeguards of due process. See, e.g., *The Japanese Immigrant* case (189 U.S. 86, 101); *Dismuke* v. *United States* (297 U.S. 167, 172); *Ex parte Endo* (323 U.S. 283, Exchange Commission, 329 U.S. 90, 107, 108); *Hannegan* v. *Esquire* (327 U.S. 146, 156); *Wong Yang Sung* v. *McGrath* (339 U.S. 33, 49, Cf.); *Anniston Mfg. Co.* v. *Davis* (301 U.S. 337); *United States* v. *Rumely* (345 U.S. 41). These cases reflect the Court's concern that traditional forms of fair procedure not be restricted by implication and without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition.

Mr. KUCHEL. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield for a question.

Mr. KUCHEL. I have the honor to be the only Republican on the floor at this time. I have been called momentarily to the telephone. Once before, when one of my colleagues was called to the telephone with the result that no Republican Senator then remained on the floor, one of the Senators on the Democratic side moved to abolish the Republican Party. I merely do not wish to have that happen today. [Laughter.]

Mr. ELLENDER. I will take care of the Senator's interests while he is in the telephone booth, I assure him.

Mr. KUCHEL. I thank my friend.

Mr. ELLENDER. Mr. President, then there is the right of a full, free, and impartial hearing under law with the benefit of traditional procedural safeguards. At this point, Mr. President, let me quote from the brief of the State of Louisiana, in Civil Action No. 7479, before the U.S. District Court for the Western District of Louisiana, in the case of Larche, et al. against Hannah:

> The Commission on Civil Rights was established by Congress in September of 1957 (Public Law 85–315, 71 Stat. 634, 42 U.S.C.A. 1975).
>
> This Commission is an executive agency of the Federal Government which comes within the purview of and is amendable to the Administrative Procedure Act (5 U.S.C.A. 1001, et seq.) (5 U.S.C.A., 1001(a); 42 U.S.C.A., 1975(a)).
>
> The Commission is invested with judicial function and is a quasi-judicial body. It performs as such in its hearings, its fact findings, its studies of "legal developments" constituting a denial of equal protection of the laws under the Constitution, and its appraisal of "the laws and policies of the Federal Government" in the same respect (42 U.S.C.A., 1975(c)).
>
> It "adjudicates" by its rulings upon the admissibility of evidence at its hearings, by its determinations of what is or is not the truth in matters before it, by its determinations on evidence as to whether or not such is defamatory, degrading or incriminating, by its rulings on whether or not requests of parties for witnesses will be granted, by its determination and sole judge of the pertinency of testimony and evidence adduced at its hearings, by judging conduct of counsel and punishing breaches thereof (42 U.S.C.A., 1975(b)).
>
> The Commission, therefore, is subject in particular to the following sections of the Administrative Procedure Act governing "adjudications" and "hearings" (5 U.S.C.A. 1004; 5 U.S.C.A. 1006; *Wong Yang Sung* v. *McGrath*, 339 U.S. 33).
>
> The hearing which complainants seek to have enjoined is purportedly to be held under one of the duties of the Commission as provided by law.
>
> "(a) The Commission shall—
>
> "(1) investigate allegations in writing under oath of affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based" (42 U.S.C.A. 1975(c)(a)(1)).
>
> This is the only authority given to the Commission to hold a hearing of the nature herein sought to be restrained.
>
> The plans for a hearing were initiated and a hearing scheduled by the Commission on the occasion of certain persons filing with the Commission allegations in writing under oath or affirmation that they or certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin and which set forth the facts upon which such belief or beliefs are based (42 U.S.C.A. 1975(c)(a)(1)), and this is the only cause upon which such a hearing has been called.
>
> Complainants have been summoned to appear before defendants for the reason that the sworn statements filed with the defendants contain allegations that complainants have deprived certain persons, unknown to them, of their right to vote and have this vote counted by reason of color or race or religion or national origin.
>
> In holding such a hearing the statute prescribes rules of procedure, under which witnesses and evidence can be summoned, transcripts made, etc. (42 U.S.C.A. 1975(a); 42 U.S.C.A. 1975(d)(f)).
>
> In addition to the statutory rules of procedure in the Commission's act itself, defendants have adopted additional rules and regulations (see complainants' pretrial exhibit B) and have passed resolutions which are not contained in the statute nor in its additional rules and regulations as adopted. (See complainants' pretrial exhibit B.)
>
> Coming within the purview of the Administrative Procedure Act (5 U.S.C.A. 1001 et seq.), as aforesaid, the Commission is charged with compliance of this statute which provides certain rules and regulations for the conduct of a hearing (5 U.S.C.A. 1004 and 1006).
>
> Complainants challenge the validity of the hearing sought to be enjoined herein, because of the rank invalidity of the additional rules, regulations, and resolutions under which the hearing is threatened to be held which were formulated by defendants themselves without lawful authority.

It is also interesting to note, Mr. President, that the State of Louisiana raised the issue that the purported action,

within the boundaries of the State of Louisiana, on the part of the Civil Rights Commission was tainted with the "vice of vagueness." The proposed hearing was, to use the terminology applied by the State in its brief, "so sweeping, uncertain, general, and generic, that it could not in any manner, inform complainants with the degree of explicitness and clarity which is required by law."

Mark these words well, Mr. President—"explicit" and "clear." Do they sound familiar? They should, for Senators may have read them, or their equivalents, before, in the case of *Watkins* v. *United States* (354 U.S. 178), in which no other than that great guardian of minority rights, the present Chief Justice of the United States, held:

> It is obvious that a person compelled to make this choice (to testify or not), is entitled to have knowledge of the subject to which interrogation is deemed pertinent.

That is Chief Justice Warren speaking.

> That knowledge must be available with the same degree of explicitness and clarity that the due process clause requires in the expression of a criminal offense.

That also is language by none other than Chief Justice Warren, of the U.S. Supreme Court.

I remind Senators that the expedition of the Civil Rights Commission into Louisiana was an investigation which would have involved the use of compulsory process. If, in the Watkins case, the use of compulsory process without a fair opportunity to witnesses to know about that which they would be required to testify upon, infected the proceeding with the "vice of vagueness," then, by all means, the proceeding of the Civil Rights Commission was subject to that same vice.

Another right, Mr. President, that the Commission desired to trample underfoot was the right of confrontation—the right of those accused to cross-examine their accusers. In this connection, the rules of the Civil Rights Commission precluded any interrogation of witnesses by other than members of the Commission or by staff personnel. The State of Louisiana, and rightly so, declared that this denial was unreasonable, arbitrary, and capricious, and, in support of that contention, cited the case of Jones *v.* Securities Commission (298 U.S. 1), in which the U.S. Supreme Court declared:

> A general, roving, offensive, inquisitorial, compulsory investigation, conducted by a commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions except its own will, or caprice, is unknown to our constitution and laws—

That is not my language, Mr. President, it is language from this Nation's Supreme Court.

> and such an inquisition would be destructive of the rights of the citizen, and an intolerable tyranny. Let the power once be established, and there is no knowing where the practice under it would end.
>
> The fear that some malefactor may go unwhipped of justice weighs as nothing against this just and strong condemnation of a practice so odious.
>
> The philosophy that constitutional limitations and legal restraints upon official action may be brushed aside upon the plea that good, perchance, may follow, finds no countenance in the American system of government. An investigation not based upon specified grounds is quite as objectionable as a search warrant not based upon specific statements of fact.
>
> Such an investigation, or such a search, is unlawful in its inception and cannot be made lawful by what it may bring, or by what it actually succeeds in bringing to light.

In the case of *Peters* v. *Hobby* (349 U.S. 351), in a concurring opinion, Mr. Justice Douglas declared:

> It, therefore, becomes necessary for me to reach the constitutional issue.
>
> Dr. Peters was condemned by faceless informers, some of whom were not known even to the Board that condemned him. Some of these informers were not even under oath. None of them had to submit to cross-examination. None had to face Dr. Peters. So far as we or the Board know, they may be psychopaths or venal people, like Titus Oates, who revel in being informers. They may bear old grudges. Under cross-examination their stories might disappear like bubbles. Their whispered confidences might turn out to be yarns conceived by twisted minds or by people who, though sincere, have poor faculties of observation and memory.

May I remind you, Mr. President, that I am quoting from Justice Douglas?

> Confrontation and cross-examination under oath are essential, if the American ideal of due process is to remain a vital force in our public life. We deal here with the reputation of men and their right to work—things more precious than property itself. We have here a system where government with all its power and authority condemns a man to a suspect class and the outer darkness, without the rudiments of a fair trial. The practice of using faceless informers has apparently spread through a vast domain. It is used not only to get rid of employees in the Government, but also employees who work for private firms having contracts with the Government.
>
> An administrative agency—the creature of Congress—certainly cannot exercise powers that Congress itself is barred from asserting. See the opinion of Mr. Justice Black in *Joint Anti-Fascist Refugee Committee* v. *McGrath* (341 U.S. 123, 144–146, 71 S. Ct. 624, 634–635, 95 L. Ed. 817).
>
> Those who see the force of this position counter by saying that the Government's sources of information must be protected, if the campaign against subversives is to be successful. The answer is plain. If the sources of information need protection, they should be kept secret. But once they are used to destroy a man's reputation and deprive him of his "liberty," they must be put to the test of due process of law. The use of faceless informers is wholly at war with that concept. When we relax our standards to accommodate the faceless informer, we violate our basic constitutional guarantees and ape the tactics of those whom we despise.

Acting upon these contentions, Judge Ben Dawkins, Jr., in an opinion rendered on July 12, 1959, upheld the contentions of the State of Louisiana and found that if the Civil Rights Commission were permitted to hold its proposed hearing in Louisiana, a number of constitutional, as well as statutory, safeguards would be violated, and pursuant to that finding, issued a temporary restraining order, the granting of which prompted the Civil Rights Commission's diatribe against the State of Louisiana in its report to the President dated September 9, 1959.

Mr. President, I could read the entire opinion of Judge Dawkins. However I do not want to unduly consume the time of the Senate today. But, I do believe that Senators ought to take the time to read the complete opinion.

I invite Senators to read this decision. It is very illuminating, because it cites basic laws through which our country grew great, laws which protect the individual.

Mr. President, I ask unanimous consent that the opinion of Judge Dawkins be printed in the RECORD at this point, and I would like to ask my good friend, the Senator from Connecticut [Mr. DODD], who is not present in the Chamber at the moment, to read the decision, in the light of the speech he made a few days ago.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

EXHIBIT A

RULING ON APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS

We are called upon here to pass tentatively upon one of the burning issues of our time—the propriety and validity of the rules and proceedings of the Civil Rights Commission, as established by Congress in September, 1957.[1]

That Commission now proposes to hold a hearing, in the Federal Court room at Shreveport, La., on July 13, 1959, to investigate purported violations of the civil voting rights of some 67 persons, who are said to have filed sworn complaints with the Commission. Pursuant to, and in implimentation of, its plans, the Commission has caused subpenas, and subpenas duces tecum, to be served upon the plaintiffs in these suits, commanding them to be present and give testimony at the hearing, and requiring the 16 registrars of voters, who are plaintiffs[2] in civil action No. 7479, to bring with them, for inspection and copying by the Commission, a large number of records from their offices.

These suits, brought against the members of the Commission, and the Commission itself, were filed on July 10, 1959, and are addressed to the equitable powers of this court.[3] They seek to stay the effectiveness of the Commission's subpenas and subpenas duces tecum, and to restrain and enjoin the conduct of the proposed hearing itself,[4] which, plaintiffs aver, under the rules of procedure adopted by the Commission, would violate their fundamental constitutional rights and cause then immediate and irreparable damage. Moreover, praying that a three-judge court,[5] be convened for that purpose, the Registrar-plaintiffs ask that the act creating the Commission be declared [6] violative of the

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[1] Public Law 85–315 (71 Stat. 634, 42 U.S.C.A. sec. 1975a–e).

[2] These plaintiffs are the duly appointed and constituted registrars of voters in the Louisiana parishes (counties) of Morehouse, Ouachita, Webster, Bossier, Claiborne, Bienville, De Soto, East Carroll, Madison, Jackson, Red River, Caldwell, Caddo, East Feliciana, West Feliciana, and Washington, all but the last three of which are located in the northern part of the State.

[3] Also alleging jurisdiction in this court based upon Federal questions (28 U.S.C.A. sec. 1331, and Diverse Citizenship, 28 U.S.C.A. sec. 1332).

[4] Pursuant to 28 U.S.C.A. sec. 283).

[5] 28 U.S.C.A. secs. 2282, 2284.

[6] Under the declaratory judgment statute (28 U.S.C.A., sec. 2201, et seq.).

Federal Constitution, and thus unenforceable.

Detailing their complaints, supported by sworn affidavits and exhibits attached, (and here briefly paraphrased), the registrar-plaintiffs, in civil action No. 7479, allege that between June 29, 1959, and July 6, 1959, each of them were served with subpenas and subpenas duces tecum, issued by the Chairman of the Commission, commanding them to appear and testify before the Commission on July 13, 1959, and to bring their records with them; that they have not been informed of the nature of the complaint or complaints against them, nor have they been assured that they will be confronted with the complaining witnesses; that the Commission repeatedly has informed the attorney general of Louisiana, verbally and in writing,[7] that it would not, under any circumstances, furnish plaintiffs with, or permit them to examine the written complaints filed against them, nor would it divulge the name or names of the secret complainants, all of which is arbitrary and unreasonable, and in violation of plaintiffs' fundamental rights.

They further aver that they, at all times, have complied with the laws of the State of Louisiana, but that the subpenas served upon them would require them to violate such laws,[8] in that the registrars' records legally may not be removed from their offices, except "upon an order of a competent court," criminal penalties being provided for violations of these statutes;[9] and that the Commission is not a "competent court." Hence, they say, to comply with the subpenas, they would be violating the State laws, and subjecting themselves to the penalties thus provided.

These plaintiffs further allege that, attached to the subpenas served upon them, was a mimeographed document entitled "Rules of Procedure for Hearings of the Commission on Civil Rights" in which appears the following:

"(1) Interrogation of witnesses shall be conducted only by members of the Commission or by authorized staff personnel"; and that thereby plaintiffs are deprived of their constitutional right to cross-examine witnesses who may testify against them. They contend that the Commission and its members thus are acting in an ultra vires manner in (1) attempting to force plaintiffs to testify at the proposed hearing without first advising them of the nature of the complaint or complaints existing; (2) without allowing plaintiffs to be confronted by the complaining witnesses; (3) not allowing plaintiffs to have counsel empowered to fully represent their interests in such hearing; (4) not allowing cross-examination of the complaining witnesses; and (5) causing irreparable damage to plaintiffs by requiring them to violate the laws of Louisiana, which would subject them to serious criminal penalties. In their brief, they also urge, as a direct incident of the hearing itself, with unnamed and unknown witnesses testifying against them, not subject to cross-examination by plaintiffs' counsel, that they will be wrongfully accused of violations of both Federal[10] and State[11] laws, without adequate opportunity to disprove such accusations, and thus be held up, by the Commission's actions, to public opprobrium, and scorn, all to their irreparable injury and damage.

They further contend that the Commission, being an agency of the executive branch of the Federal Government, is subject to the provisions of the Administrative Procedure Act,[12] and, as such, is required to state explicitly the charges against plaintiffs, to permit them to be confronted with the witnesses against them, and to allow their counsel fully to cross-examine such witnesses. Accordingly, these plaintiffs seek the relief hereinabove outlined.

In general, the plaintiffs in civil action No. 7480, who are individual citizens of Louisiana, make the same allegations and contentions as those in No. 7479, except that they have not been called upon to produce any official records. They do not challenge the constitutionality of the act creating the Commission, but otherwise their prayer for relief is substantially similar to that in No. 7479.

Several days prior to July 10, 1959, we were advised by plaintiffs' counsel that they would file these suits on the date indicated. While, as a general rule, applications for temporary restraining orders are considered ex parte, solely on the face of the verified complaint and any attached documents, because of the national importance of the matters involved, we immediately notified counsel for the Commission, and its Vice Chairman, Hon. Robert G. Storey (a personal friend of the court's, of long standing) of our information, and invited them to be present for a hearing on the applications. The suits were filed at 1:30 p.m. on July 10, and at 2 p.m., in open court, these gentlemen, and counsel for plaintiffs, being present, we convened court, but immediately recessed in order to give the Commission's representatives opportunity to study the complaints and briefs filed by plaintiffs. At 3:30 p.m., we reconvened and heard oral arguments, from both sides, until 5:20 p.m., at which time the matter of the restraining orders was submitted for decision on the oral arguments and briefs filed by the proponents and opponents of the applications. We have considered the able arguments, studied the respective briefs and authorities cited, and now proceed to our ruling. Necessarily, because of the time element, we have been compelled, under great pressure, to consider the questions rather hastily; and we reserve the right to alter our views, if necessary, after more mature deliberation.

The court has jurisdiction (28 U.S.C.A. secs. 1331, 1332, 2201, 2282, 2284 *Jones* v. *Securities Commission*, 298 U.S. 1, 56 S. Ct. 654, 80 L. Ed. 1015).

We are not strongly impressed with the registrar-plaintiffs' contention that the subpenas duces tecum, if complied with, would subject them to criminal penalties under Louisiana law. Literally, of course, if they directly complied without more, they are correct in their understanding of the State law. Practically, however, another and different aspect is presented, for under the Civil Rights Commission Act they can refuse to produce the records, without penalties of any kind, and the only recourse the Commission would have would be to request the Attorney General of the United States to apply to this Court, under 42 U.S.C.A. sec. 1975d(g) [13] for an order requiring their production. Plaintiffs then would be protected against State prosecution by the very terms of LSA-R.S. 18: 236,[14] as well as by LSA-R.S.

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[7] The writings are attached to the complaint.

[8] L.S.A.-R.S. 18: 169: "Control and custody of registration books and other records. The books of registration, together with all the records, registry stub books, and all other books and paraphernalia used for the conduct of the registrar's office, shall at all times be kept under the control of and in the custody of the registrar at his principal office. They shall not be removed therefrom for any purpose except upon an order of a competent court, except the parish register and registration certificate books when these are necessary for the registration of voters, which registration is permitted at places other than at the central office."

L.S.A.-R.S. 18: 251: "Custody of records. Except as otherwise provided in this title, the registers, records, files, books, and paraphernalia used for the conduct of the registrar's office shall at all times be kept under the control and in the custody of the registrar at his principal office and shall be removed therefrom only on order of a competent court. Added Acts 1952, No. 415, § 2."

[9] L.S.A.-R.S. 18: 221: "Violations generally; successive offenses. No person shall violate any provision of this chapter for which no penalty is specifically provided, or willfully fail or refuse to perform an act or duty required under this chapter.

"Whoever violates this section shall be fined not less than $100 nor more than $500, and imprisoned for not less than 90 days nor more than 6 months. The penalty shall be doubled for the second or any succeeding offense."

[10] 18 U.S.C.A., sec. 242: "Deprivation of rights under color of law. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both."

42 U.S.C.A., sec. 1983: "Civil action for deprivation of rights. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. sec. 1979.)"

[11] LSA-R.S. 14: 134: "Malfeasance in office. Malfeasance in office is committed when any public officer or public employee shall:

"(1) Intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee; or

"(2) Intentionally perform any such duty in an unlawful manner; or

"(3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.

"Whoever commits the crime of malfeasance in office shall be fined not more than $500, or imprisoned for not more than 6 months, or both."

And see LSA-R.S. 18: 221, fn. 9.

[12] 5 U.S.C.A., secs. 1001, et seq.

[13] "Aid of courts in enforcing subpenas. (g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the U.S. court of any Territory or possession, or the district court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof (Public Law 85-315, pt. I, sec. 105, Sept. 9, 1957, 71 Stat. 636)."

[14] "SEC. 236. Alteration, defacing, destruction or removal of records; penalty. No registrar, deputy, clerk, or employee of any registrar, or any person having, or having been

18 (see footnote 8), for this court clearly is a "competent court," within the meaning of these statutes.

Likewise, plaintiffs would suffer no immediate Federal penalties under the act for refusal either to appear or to testify, but would be subject to an enforcement order from this court, which would see to it that their constitutional rights against self-incrimination are adequately protected. Moreover, under the act, since their counsel are entitled to be present, they could be advised, at each step of the proceedings, whether to claim the protection of the fifth amendment, even though, in this day, the general public has come to consider such a claim as tantamount to a plea of guilty, particularly in response to "loaded" questions.

We are strongly of the opinion, however, that plaintiffs' remaining grounds for immediate relief are well taken:

First, it appears rather clear, at this juncture, that the Civil Rights Commission is an agency of the executive branch of the United States, within the meaning of that term as defined at 5 U.S.C.A., section 1001(a).[15] See also 42 U.S.C.A., section 1975(a).[16] It performs quasi-judicial functions in its hearings, its fact findings, its studies of "legal developments constituting a denial of equal protection of the laws under the Constitution," and its appraisal of "the laws and policies of the Federal Government" in the same respect.[17] It adjudicates by its rulings upon the admissibility of evidence at its hearings and by its determination of what is or is not the truth in matters before it. Thus we think that the Commission is subject to the provisions of section 4 of the Administrative Procedure Act,[18] which requires, among other things that persons affected by agency action "* * * shall be timely informed of the matters of fact and law asserted."

Here that would encompass the nature of the charges filed against plaintiffs, as well as the matters of fact and law wherein the complainants' voting rights allegedly have been violated. The Commission also is subject to section 6 which would require it to grant plaintiffs the right "to conduct such cross-examination as may be required for a full and true disclosure of the facts."[19] This, by its rules, the Commission refuses to do, and in so doing, regardless of its well intentioned motives, it violates the terms of that act. Plaintiffs are entitled, therefore, to protection against these rules, which would deprive them of their plain rights under the act.

Second, while the statute creating the Commission inferentially permits it to adopt reasonable rules (42 U.S.C.A. sec. 1975(b)), there is no provision whatsoever in the law to the effect that such rules may include those here complained of, which plainly violate plaintiffs' basic rights to know in advance with what they are charged, to be confronted by the witnesses against them,[20] and to cross-examine their accusers. We cannot believe that Congress intended to deny these fundamental rights to anyone, and because of such belief it is our opinion that these rules of the Commission are ultra vires and unenforceable. Therefore, plaintiffs are entitled to immediate relief against them.

Third, entirely aside from the statutory questions just discussed, the courts of the United States, and their Anglo-Saxon predecessors, always have seen to it that, in hearings or trials of all kinds, persons accused of violating laws must be adequately advised of the charges against them, confronted by their accusers, and permitted to search for the truth through thorough cross-examination. In *Jones* v. *Securities Commission* (298 U.S. 1, 27, 57 S. Ct. 654, 80 L. Ed. 1015), the Supreme Court said:

"A general, roving, offensive, inquisitorial, compulsory investigation, conducted by a commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions except its own will, or caprice, is unknown to our Constitution and laws; and such an inquisition would be destructive of the rights of the citizen, and an intolerable tyranny. Let the power once be established, and there is no knowing where the practice under it would end.

"The fear that some malefactor may go unwhipped of justice weighs as nothing against this just and strong condemnation of a practice so odious.

"The philosophy that constitutional limitations and legal restraints upon official action may be brushed aside upon the plea that good, perchance, may follow, finds no countenance in the American system of government. An investigation not based upon specified grounds is quite as objectionable as a search warrant not based upon specific statements of fact. Such an investigation, or such a search, is unlawful in its inception, and cannot be made lawful by what it may bring, or by what it actually succeeds in bringing to light."

In *Morgan, et al.* v. *United States, et al.* (304 U.S. 1, 14, 20, 25, 56 S. Ct. 773, 82 L. Ed. 1129), involving an administrative hearing, the court said:

"The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fairplay. These demand 'a fair and open hearing,'—essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an 'inexorable safeguard.'

"The answer that the proceeding before the Secretary was not of an adversary character, as it was not upon complaint but was initiated as a general inquiry, is futile. It has regard to the mere form of the proceeding and ignores realities.

"Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command."

In the most recent decision on this subject, handed down by the Supreme Court on June 29, 1959, *Greene* v. *McElroy* (No. 180, October 1958 Term —— U.S. ——, S. Ct. ——, L. Ed. ——, 29 L.W. 4528, 4534, 4538, and speaking through Chief Justice Warren, the following language is found:

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given access to, or right of inspection, copying or photographing of any book, card, record, or other document pertaining to the registration of voters, shall illegally or improperly alter, add to, deface, destroy, or remove same from the custody of the registrar.

"Whoever violates this section shall be fined not less than $100 nor more than $500, and imprisoned for not less than 60 days nor more than 2 years. However, nothing in this section prevents a competent court from requiring, by proper order, the production by the registrar in court, in any proceeding pending therein, of any document, book, card, or record necessary and material, in the opinion of the court, to the determination of the proceeding; such documents do not become permanent records of the court, but shall be returned to the custody of the registrar immediately after inspection by the court. The court may require a photostatic copy thereof to be placed in the record (added acts 1925, No. 415, sec. 2)."

[15] "(a) 'Agency' means each authority (whether or not within or subject to review by another agency) of the Government of the United States, other than Congress, the courts, or the governments of the possessions, territories, or the District of Columbia. Nothing in this chapter shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 1002 of this title, there shall be excluded from the operation of this chapter (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947."

[16] "SEC. 1975. *Commission on Civil Rights—Establishment.* (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the 'Commission')."

[17] 42 U.S.C.A. sec. 1975c: "Duties; reports; termination. (a) The Commission shall—

"(1) Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) Appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from September 9, 1957."

[18] 5 U.S.C.A. sec. 1004: "Adjudications. (a) Persons entitled to notice of an agency hearing shall be timely informed of (1) the time, place, and nature thereof; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted."

[19] 5 U.S.C.A. sec. 1006: "Hearings, presiding officers; powers and duties; burden of proof; evidence; record as basis for decision. (c) Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts."

[20] 42 U.S.C.A. sec. 1975a(g) inferentially authorizes the Commission to sit in executive or closed session. Apparently pursuant to this, the Commission's rules 2(c) and (g) were adopted. They do not guarantee, or apparently even permit, the person accused at such an executive session to be present to confront the witness or witnesses against them.

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on factfindings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Metes* v. *United States* (78 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory action were under scrutiny; e.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation (*Joint Anti-fascist Committee* v. *McGrath*, 341 U.S. 168–169 (concurring opinion)).

"Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 Wigmore on Evidence (3d Ed. 1940) sec. 1367:

" 'For two centuries past, the policy of the Anglo-American system of Evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience.'

"Where administrative action has raised serious constitutional problems, the court has assumed that Congress or the President intended to afford those affected by the action the traditional safeguards of due process. See e.g., *The Japanese Immigrant* case (189 U.S. 86, 101); *Dismuke* v. *United States* (297 U.S. 167, 172); *Ex parte Endo* (323 U.S. 283, 229–300); *American Power Co.* v. *Securities and Exchange Commission* (329 U.S. 90, 107–108); *Hannegan* v. *Esquire* (327 U.S. 146, 156); *Wong Yang Sung* v. *McGrath* (339 U.S. 33, 49); *Cf. Anniston Manufacturing Co.* v. *Davis* (301 U.S. 337); *United States* v. *Rumely* (345 U.S. 41). These cases reflect the court's concern that traditional forms of fair procedure not be restricted by implication and without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition."

These authorities, therefore, clearly establish additional reasons why plaintiffs should be granted immediate relief.

Fourth, there is every reason to believe, considering that the Commission has announced its receipt of complaints from some 67 persons, that those persons will testify that plaintiffs have violated either the State or Federal laws, or both. Plaintiffs thus will be condemned out of the mouths of these witnesses, and plaintiffs' testimony alone, without having the right to cross-examine and thereby to test the truth of such assertions, may not be adequate to meet or overcome the charges, thus permitting plaintiffs to be stigmatized and held up, before the eyes of the Nation to opprobrium and scorn. Moreover, not knowing in advance the exact nature of the charges to be made against them, some of the plaintiffs, whose official domiciles are at varying distances up to 250 miles from Shreveport, may not be able physically to obtain the presence of witnesses of their own, who might negative or disprove the claims of the complaining witnesses, especially since the Commission has announced that its hearing will last only one day.

These are further solid reasons, showing possible or probable irreparable injury to plaintiffs, which justify their being granted immediate relief.

Fifth, and finally, plaintiffs raise very serious questions regarding the validity—the constitutionality—of the very act which created the Commission. We do not intimate here any opinion as to the constitutionality of the statute, for that is a matter to be decided by the three-judge court to be convened by the chief judge of this circuit. However, the seriousness of the attack must be noted, in considering whether a temporary restraining order should be issued, to stay the effectiveness of the statute until its validity vel non can be determined by the three-judge court after hearing on plaintiffs' application for an interlocutory injunction. See *Ohio Oil Co.* v. *Conway* (279 U.S. 813, 49 S. Ct. 256; 73 L. Ed. 972), where the Supreme Court stated, in a per curiam opinion:

"The application for an interlocutory injunction was submitted on ex parte affidavits which are harmonious in some particulars and contradictory in others. The affidavits, especially those for the defendant, are open to the criticism that on some points mere conclusions are given instead of primary facts. But enough appears to make it plain that there is a real dispute over material questions of fact which cannot be satisfactorily resolved upon the present affidavits and yet must be resolved before the constitutional validity of the amendatory statute can be determined.

"* * * * *

"Where the questions presented by an application for an interlocutory injunction are grave, and the injury to the moving party will be certain and irreparable if the application be denied and the final decree be in his favor, while if the injunction be granted the injury to opposing party, even if the final decree be in his favor, will be inconsiderable, or may be adequately indemnified by a bond, the injunction usually will be granted (*Love* v. *Atchison, Topeka & Santa Fe R. Co.*, 185 Fed. 321, 331–332)."

In *Crockett* v. *Hortman* (101 F. Supp. 111, 115), at page 115, Judge Wright, of the eastern district of Louisiana, dealing with the constitutionality of a State statute, said:

"Where as here the questions presented by an application for a temporary injunction are grave, and the injury to the moving parties will be certain and irreparable if the application be denied and the final decree be in their favor, while if the injunction be granted the injury to opposing parties, even if the final decree be in their favor, will be inconsiderable, the injunction should be granted (*Ohio Oil Co.* v. *Conway*, 279 U.S. 813, 49 S. Ct. 256, 73 L. Ed. 972).

"The determination of the grave constitutional issues presented in this case should not be decided without a trial on the merits, *Polk Co.* v. *Glover* (305 U.S. 5, 59 S. Ct. 15, 83 L. Ed. 6), and a temporary injunction should be issued in order that the status quo may be preserved until that time."

To the same effect, see also *Burton, et al.* v. *Matanuska Valley Lines, Inc.* (244 F. 2d 647).

This, then, is another ground upon which plaintiffs are entitled to the immediate relief they seek.

For these reasons,[21] the applications for temporary restraining orders will be granted.

Thus done and signed, in chambers, at Shreveport, La., on this the 12th day of July 1959.

———, ———,
U.S. District Judge.

Mr. ELLENDER. Mr. President, those who advocate the legislation which apparently will soon confront us have the temerity to base the need for this legislation upon the fact that the Civil Rights Commission has recommended it. Yet, upon what basis other than bias and pure conjecture do the Commission's findings rest? Is this fair play? Is this the kind of "claptrap" to which the Commission wishes us to bow? Have we sunk so far that we are willing, yea, anxious, to endorse what purport to be "recommendations" by a highly biased body, promulgated without any kind of hearing at all and founded upon the concept that, because the State of Louisiana objected to a hearing, because a restraining order issued from a properly constituted Federal tribunal, a "roadblock" was created? I do not believe so, Mr. President. I have more faith in the Senate than to believe that this body is going to insist upon rushing pellmell into the enactment of legislation which rests upon so weak a foundation.

The fact is, Mr. President, that all of the findings and recommendations of the Civil Rights Commission are biased, prejudiced, and without any objective basis in fact.

Little, if any, of the Commission's so-called evidence would be admitted by any self-respecting court in the land. For example, on page 29 of the Commission's report, Harper's Weekly is quoted, apparently as an authoritative work. Yet, the footnote to this quotation reveals that it is not Harper's Weekly which is being quoted, but, rather, a 1943 book entitled "The South in American History," which purports to quote Harper's Weekly to the conclusion sought to be obtained by the Commission. A similar example is found on page 30 of the report, where the New York Tribune is quoted, but here, again, the footnote reveals that the compilers of the Commission's report did not take the trouble to verify the quotation selected, but, instead, relied upon a book written by C. Vann Woodward, entitled "Origins of the New South." As a matter of fact, Mr. President, the full and complete Commission report is replete with similar examples, examples of the Commission making a flat statement of fact, with the statement supported only by a quotation from some other printed work.

None of their conclusions, Mr. President, I will say, were reached because of hearings held all over the country, but they were based on citations from Harper's Weekly and other periodicals.

[21] Nothing that we have said, in ruling upon these cases, is intended in any way to reflect upon the Commission, its members or its staff, all of whom, we are sure, are honorable gentlemen.

Mr. President, a practice of this kind might be appropriate in some quarters, but I most respectfully submit that it has no place in a report to the Congress of the United States, by an arm of the executive branch of the Government. We are entitled to original source material, just as much as a court is entitled to original source material. We are entitled to know the qualifications of those whom the report quotes as experts. Also those factors upon which the Commission relied in accepting the statements incorporated in its report.

I fear, Mr. President, that since the Commission fell into the easy habit of citing secondary sources as the origin of outright statements of fact in that section of the report covering the history of suffrage in the Nation, then it may well have fallen into the same sloppy habits in other sections of its report, too. As a matter of fact, I feel sure that if a considered effort were made to trace to their sources the bulk of the statements made about, and charges leveled against, the South in this volume, it would be found that they are based upon the rankest kind of hearsay evidence, on conclusions reached by individuals whose qualifications would not qualify them to appear as experts on the subject at hand.

The writers of the report did not hesitate to indulge in ridicule, either. For example, in both the full report, and in the companion volume entitled "An Abridgement of the Report of the U.S. Commission on Civil Rights," a half-tone, full-page copy of an affidavit purporting to have originated in my own State of Louisiana is printed in an effort to ridicule a deputy registrar of voters of Washington Parish, Curtis Thomas. If Senators will turn to page 83 of the abridged report, they will find that facsimile. On page 82, the following statement is made, referring to challenges of voters:

> The most common basis for these challenges was alleged errors in spelling on the application forms. Investigation revealed that the challengers themselves misspelled words when filling out the challenging affidavits. For a sample in which the voter seems to be charged with an "error in spilling" with names of voter and challengers maked out, see next page.

Now, the Lord only knows how many such forms the Commission's eager-beaver staff had to comb through before finding one suitable for the allegedly horrible example cited in the report, but I am willing to wager there were quite a few. Yet, while citing only one such form, the Commission's report nevertheless charges that "the challengers themselves misspelled words." If the one form cited was found to be sufficient basis for a shotgun blast such as that discharged by the Commission in its report, then I am forced to conclude that insofar as other such charges may be concerned, the supporting evidence is bound to be similarly minute.

In addition, it is interesting to note that the Commission is not willing to accord the deputy registrar of voters of Washington Parish, La., the benefit of the doubt. It does not take into consideration that perhaps the misspelling referred to is the result of an honest mistake, an error in writing, instead of being an indication of the deputy registrar's inability to spell. The lack of such consideration becomes particularly graphic when it is noted that in the very next line of the Commission's sarcastic comment upon the deputy registrar's spelling ability, the word "masked" is spelled "m-a-k-e-d." Applying the same logic to the Commission, as the Commission seeks to apply to the deputy registrar of voters of Washington Parish, La., I am led to the inescapable conclusion that the president of Michigan State University, the president of Notre Dame University, the dean of the Southern Methodist University Law School, a former Governor of the State of Florida, a former Governor of the State of Virginia, a former attorney general of the State of New Hampshire, and a host of other Commission employees are unable to spell the word "masked."

In addition to containing flat statements of fact with little or no objective, firsthand information recited to support such statements, in addition to using isolated instances in order to ridicule State officials in the performance of their official duties, the Commission's report positively exudes an atmosphere of bias.

For example, on page 76 of the abridged report begins a chapter headed "Louisiana Roadblock." I have already referred to this appellation, but let me say again that the gist of this chapter is that neither the attorney general of the State of Louisiana, nor a Federal district court judge for the western district of Louisiana, would permit the Civil Rights Commission to run roughshod over the legal prerogatives of State officials, and the basic rights of private individuals. The Commission is apparently particularly perturbed because Judge Dawkins ruled that the Commission's activities were subject not only to the Administrative Procedure Act, but to the basic rules of fair play.

The report discusses Judge Dawkins' ruling, and then, in an effort to render the coup de grace, it turns from the lawbooks, from the Constitution, from the rules of fairplay, to that great source of unbiased comment on racial matters, to that fount of judicial, political, legislative, and other kinds of knowledge, the Washington Post. Can you conceive of the audacity of this Commission, Mr. President? It seeks to refute the ruling of a Federal judge by quoting from a Washington Post editorial. It is absolutely ridiculous. Needless to say, of course, the Washington Post and Judge Dawkins are in disagreement. Judge Dawkins held that the Civil Rights Commission was bound to observe the standards of the Administrative Procedure Act. The Washington Post, speaking through one of those anonymous individuals who periodically don judicial robes and render their own opinions of the law, or perhaps what they believe the law ought to be, has held, however, that—

> The Administrative Procedure Act was intended to apply to agencies which make rules or adjudicate cases. The Civil Rights Commission does neither, of course.

Mr. President, after reading this report, I wonder if the Commission is not beginning to believe that we may not need Federal courts at all. I would not be surprised to find the Commission recommending that the Federal court system be abolished, and the task of adjudication be turned over to the Washington Post. Evidently the Commission believes that the Post editorial page is equivalent in authority to the voice of a Federal judge. That was the Commission's authority.

Am I charging that the Commission is biased? I most certainly am, Mr. President, and I think that charge is based upon sound logic.

Senators might be interested to know that on page 11 of the complete Commission report are outlined some of the qualifications of those who hold responsible staff positions on that Commission. There we find that—

> George M. Johnson resigned as dean of the Howard University Law School to join the staff as director of planning and research.

This statement, Mr. President, lets the cat out of the bag. It is one clue as to why the Commission's report could be nothing but biased, slanted, and anti-South.

Life magazine in its issue of June 30, 1955, published an article entitled "Chief Counsel for Equality." The subject of the article is Thurgood Marshall, chief counsel for the NAACP. In the article Life magazine proceeds to say some nice things about Marshall and his activities and how, in a measure, the Commission is acting. The article states:

> Marshall had only a small staff and limited funds, but every time a crucial case came up, he had—and still has—the enormous benefit of Howard University's dry runs. These are arduous, all-day rehearsals at the law school, where Marshall and his assistants try their arguments on a simulated supreme court made up of professors. Nine of them sit at a long table, and each one tries to act as much as possible like a specific Supreme Court Justice, sticking the lawyers with tough questions that might crop up in the Court itself. Law students form the audience and are encouraged to ask rough questions too.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ERVIN. The Senator was discussing housing. He has mentioned the report of the Civil Rights Commission. I saw in the report something which to me is astounding. It was a complaint to the effect that some people live in secondhand houses. I ask the Senator if he drew the same inference I did, that those who penned those words are of a sociological bent of mind, who believe that, for some reason or other, the taxpayers of the United States ought to see to it that every American shall live in a new house, and that no American shall live in any house that has been occupied by anyone previously.

Does not the Senator think that is a very strange kind of statement to be made in a report by a Government commission, when the President of the United States lives in a secondhand White House, when the Senate legislates in a secondhand Chamber, and when the House of Representatives legislates in a secondhand Chamber?

Mr. ELLENDER. I agree with the Senator. It is an exemplification of the prejudice we experience in this field. The prejudice and bias of the Commission is evident as one reads through the report.

Mr. ERVIN. The world has always taken great pride in its ancient buildings. For example, the Pope lives in a Vatican which is a secondhand Vatican. Westminister Abbey, in which great men and women of England are buried, is certainly a secondhand building.

Mr. ELLENDER. Well, I imagine that the truth of the matter is that these people must have something to write about. I presume that many of the writers do not actually know what they are talking about to their own knowledge. They simply copied and used evidence—if we can call it evidence—from the Washington Post, as I pointed out, in support of some legal points involved in this matter.

I did not vote in favor of creation of the Civil Rights Commission. However, I would think that if the Commission had made a study, its conclusions would have been reached on studies made by itself, and not on reports or books written years ago by people about whom we do not know, whether they were biased or prejudiced. The Senator is familiar with the fact that many writers of books about the South have never visited the South and do not know the true conditions of our section of the country.

Mr. ERVIN. As a result of that, many American people, especially in relation to the people of the South, are in the very unfortunate position which Josh Billings described when he said, "it is better to be ignorant than not know what ain't so." As a result, the people know what "ain't so," which is a far worse state than being ignorant.

Mr. ELLENDER. Yes. I can assure the Senate that if the Commission had performed its duty and had gone down South and had tried to get the facts as they are, and had not based its conclusions on articles and books written years ago by people, many of whom are prejudiced, they might have done a better job. The proposed legislation before us is based on recommendations made by that Commission. I only hope that Senators who vote on these proposals will study them through. The great trouble is that politics permeates this entire issue, and whenever a problem of this character gets into politics, the people dealing with the problem seem to lose their sense of proportion.

I am confident that if Senators were able to go down South and see conditions under which our people live now, they would not be reflected as they are in this report, by any means.

We have parishes in my State, for instance, in which over two-thirds of the residents of the parish are colored people.

In many of them, no restrictions upon registration and voting are imposed, but many Negroes are simply not interested in voting. The Lord knows that the progress made by the colored people of my State has been great in the last 25 or 30 years. I served in the Legislature of Louisiana back in 1924. At that time we did all we could to provide a fair amount of education for all citizens in Louisiana. We established an equalization fund, so that no matter where a child lived, whether it be in a poor or a rich parish, he could obtain a good education. That applied to all citizens, whites and blacks alike.

In 1924, Louisiana spent for Negro and white education just about the amount we now spend for Negroes alone. This has taken place in the space of some 30 years. I think great progress is being made.

What are we interested in, if it is not to elevate all classes of people? I think the South, if let alone, will do a good job in this field. But when agitators come in and stir up matters, the tragedy is that those who will suffer the most are those whom the agitators say they are seeking to assist—the Negroes.

Mr. ERVIN. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. Yes.

Mr. ERVIN. I was very much amused, as well as somewhat distressed, by the witnesses who came before the committee and stated the number of persons of voting age in a State, and then the number who voted. They drew the inference that those who do not vote are denied the right to register and to vote.

One of the witnesses who came before the committee spoke concerning North Carolina. He inferred that all Negroes who did not vote had been denied the right to vote.

I said to him, "I can take the same figures and prove by the same process of reasoning that North Carolina has denied the right to vote to 700,000 or 800,000 white people of voting age, simply because they did not take the trouble to vote."

The truth is, as the Senator from Louisiana knows, that prior to what my professor of geology at the University of North Carolina, Collier Cobb, called the uncivil war, there were two strong political parties in the South. As a result of Reconstruction and the effort of outside forces to take charge of the Southern States, the people of the South, as a matter of self-protection, had to confine their activities to one political party. In areas where for all practical intents and purposes, only one political party is running the ticket in a general election, no great effort is made to spend money to agitate voters and to get them to come out to the polls, because most of the candidates, after they have been nominated either in a convention or a primary, require only one vote to get elected.

So when I hear persons using figures for those purposes and drawing such inferences from them, I cannot help thinking of the old story which is told in my county about the Old South mountaineer who came into the grocery store where he had been buying groceries on credit and asked the groceryman the amount of his grocery bill.

The groceryman told the mountaineer the amount of his bill. The old mountaineer thought it was more than it should have been, so he entered a complaint. The storekeeper got his books, laid them out on the counter of the store, and said, "Here are the figures. Figures don't lie."

But the Old South mountaineer said, "No, figures don't lie, but liars sure do figure."

Mr. ELLENDER. Mr. President, to revert to the article which appeared in Life magazine on June 13, 1955, I quote:

> Marshall had only a small staff and limited funds, but every time a crucial case came up, he had—and still has—the enormous benefit of the Howard University's dry runs. These are arduous, all-day rehearsals at the law school, where Marshall and his assistants try their arguments on a simulated supreme court made up of professors. Nine of them sit at a long table, and each one tries to act as much as possible like a specific Supreme Court Justice, sticking the lawyers with tough questions that might crop up in the Court itself. Law students form the audience and are encouraged to ask rough questions, too.
>
> The value of such sessions has been proven repeatedly. During one dry run in preparation for a Supreme Court hearing on discrimination in housing, a student asked a question no one present could answer. At the end of the session a group of lawyers and professors met to seek the solution. Hour after hour they argued over it; finally at 5 a.m. they decided on the answer. Only a few minutes after the Supreme Court opened its hearings Justice Felix Frankfurter asked the very question posed by the students. The answer agreed on at Howard did the trick.

Johnson, it will be noted, was the dean of the Howard University Law School. The chief legal counsel of the National Association for the Advancement of Colored People, Thurgood Marshall, has boasted on quite a few occasions that both the faculty and the student body of the Howard University Law School assist the NAACP in performing its research, and in other tasks relative to preparing cases for presentation before various Federal and State tribunals.

In other words, the commander in chief of the NAACP's corps of part-time law clerks was given the job of directing Commission plans and research. I presume that the Commission knew full well that if a full-time employee of the NAACP had been given this job, even the so-called liberal press would have agreed that the staff lacked objectivity. Thus, in order to accomplish the same result, without heralding to the world what it had in mind, the Commission merely selected an indirect employee of the NAACP in order to do its dirty work.

The point I want the Senate to understand is that the Commission staff was not constituted in such a way as to be able to conduct an objective investigation, to consider fairly and objectively any conditions which it might look into, or to assist in rendering an unbiased report to the Congress. On the contrary, the entire mechanism, from Commission membership down through Commission staff, was deliberately set up in order to present to the Nation a slanted viewpoint of some of the most serious internal conflicts confronting the people of our country.

Yes, Mr. President, the Commission was a factfinding body. It deliberately set out to find facts which would bolster its own previously conceived notions of

what it should find, what it should recommend, what it should advocate.

Earlier, I referred to the Commission's recommendations. I pointed out that they would be ridiculous, if they had not been rendered by an agency of the Federal Government. I now propose to discuss some of those recommendations and to demonstrate the reasoning behind my conclusions.

Actually, Mr. President, the recommendations dealing with voting rights are the most important, because the franchise is basic to the existence of any free government. Under our Constitution, the right of franchise is and should remain primarily a State function.

The Commission offered five recommendations with regard to voting.

The first would require that a special census be taken in order to compile registration and voting statistics including a count of individuals by race, color, and national origin who are registered, and a determination of the extent to which such individuals have voted since the last decennial census.

This would seem to be not only an innocuous recommendation, Mr. President, but a needless one, as well. Actually, it is a patent effort to get around various State laws which are designed to preserve the sanctity of the ballot. The Commission, because it has been refused a hunting license to search through State records, now seeks to shift the burden of that task to the Census Bureau.

The information thus gathered would, I assume, be compiled by census takers, none of whom are usually experts in the law, and few, if any, of whom would be qualified to evaluate whether the information given them was accurate. The census, I submit, was designed primarily as a head count in order to determine the number of persons living in our country at stated intervals. During more recent times, the Census Bureau has been authorized to provide statistical data covering other areas of our national life, particularly our national economic life. In no instance has it ever been empowered to become an investigatory arm of the Federal Government. In addition, the census survey proposed by the Commission would, since it is designed to cover the extent to which voting has taken place, involve the acceptance of unsworn, unchecked testimony, which would be reduced to numbers and would be clothed with the mantle of accuracy which has enveloped census reports during past decades. Data would be offered as facts, whereas, as a matter of reality, they would be based upon subjective standards, as opposed to objective standards; and, in addition, they would be the fruits of opinion, beliefs, and attitudes.

Furthermore, there is no indication as to the cost of such a special census. However, it would obviously require that census agents visit every dwelling in the United States, since each voter or person of voting age would have to be questioned. Under these circumstances, I do not believe it would be incorrect to state that the cost of such a special census would approximate the cost of a regular decennial census.

According to the Census Bureau, the 1950 decennial census cost $90,618,000. The 1960 census will probably cost much more than that; our Nation has grown tremendously during the last 10 years, and the cost of nearly everything has increased. This increase will doubtless affect the cost of the census. Thus, I do not believe it is farfetched to state that the cost of the proposed special census would probably exceed $100 million.

In other words, the Civil Rights Commission is proposing a thoroughly needless census, to cost over $100 million. This is proposed without any qualms at all, and on the basis of a statement by the Commission, otherwise unsupported by factual data, to the effect that information on voting turnout in the United States is incomplete.

The Commission's second voting recommendation involves a request for congressional legislation requiring that all State and territorial voting records be made public records, and also requiring that they be preserved for a period of 5 years, during which time they would be subject to public inspection.

Mr. President, the practical effect of this proposal would be to make such records Federal records. They would, for all practical purposes, be removed from the power of the States, and would be placed under the purportedly benevolent guardianship of the Federal Government.

But there are other defects, as well. First, the States would be put to prohibitive expense in order to preserve such records for 5 years. This would be an unnecessary expense and would amount to a Federal tax upon the States. There is neither excuse nor justification for such a tax.

Second, the requirement for preservation of such records, coupled with the requirement that they always be open to public inspection, would impose a burdensome duty upon the State officials involved, if, indeed, the proposed statute would impose requirements upon such registrars which would be additional to those now imposed. Actually, Mr. President, there is no need for such a statute. In my own State of Louisiana, for example, applicable State law presently requires that certain voting records be preserved permanently, and that such records be available to the public. The only restriction is that should persons want to copy or reproduce such records, application for such purposes must be made by 25 or more registered, qualified voters of the parish involved. See Louisiana Revised Statutes, title 18, sections 91 to 94.

Mr. President, what the Commission has in mind is not what the proposed statute would lead one to believe. What the Commission wants is carte blanche authority to haul away and copy as many of the voting records as it may desire. This intent is made crystal clear by language appearing on page 92 of the abridged report, to the effect that Louisiana has interpreted provisions for examination of the State registration and voting records as prohibiting such examination by the Commission staff.

As I understand the situation, Mr. President, objections were raised by the State of Louisiana, and by affected registrars of voters, not to the examination of such records, but to the Commission's attempt to compel registrars of voters to bundle up such records and bring them to a hearing many miles from the parish seat of the parishes involved.

At this point, I wish to refer again to the decision rendered in the case of Larche against Hannah, civil action No. 7479, the opinion of which was written by Judge Ben C. Dawkins, of the U.S. District Court for the Western District of Louisiana. This ruling resulted in the issuance of a temporary restraining order against the Civil Rights Commission, restraining the Commission from holding a proposed hearing in Shreveport, La.

It will be noted that Judge Dawkins pointed out that—

> The Commission has caused subpenas and subpenas duces tecum to be served upon plaintiffs in these suits, commanding them to be present and give testimony at the hearing and requiring the 16 registrars of voters, who are plaintiffs * * * to bring with them, for inspection and copying by the Commission, a large number of records from their offices.

Thus, Mr. President, while the Commission complains in its report that the State of Louisiana refused to permit the Commission to examine State voting records, the facts seem to be that objection was raised to the Commission's demands that such records be transported for considerable distances to a place of hearing, selected by the Commission, where such records were to be used in the nature of evidence against registrars of voters, in an effort to harass and embarrass them, without opportunity for cross-examination, confrontation of accusers, or other basic rights of individuals.

What the State of Louisiana has objected to has been star-chamber hearings, and the wholesale examination of voting records on a "fishing expedition" basis.

Mr. President, I believe there is clear evidence that the Commission desires the enactment of the statute it has recommended, in order to accord to the Commission the right to take over—lock, stock, and barrel—the official functions of elected State officials of the State of Louisiana and of all other States, as well.

What the Commission has in mind is a second "reconstruction." The recommendations it is offering, the legislation it is demanding, would, if placed on the statute books, result in the reenactment of the so-called Federal election laws of Reconstruction days.

I think this result becomes obvious when the Commission's next two recommendations are considered. Recommenadtion No. 3 involves the enactment of the following statute:

> Nor shall any person or group of persons, under color of State law, arbitrarily and without legal justification or cause, act, or being under duty to act, fail to act, in such manner as to deprive or threaten to deprive any individuals or group of individuals of the opportunity to register, vote and have that vote counted for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the

House of Representatives, Delegate or Commissioner for the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

Does this language strike a familiar chord in the memories of Senators? It should, for it is very close, both in tone and in language, to a section of the Federal election laws, enacted in 1870, but repealed in 1893, because not only were such laws burdensome, but because they actually had brought about more corruption and election fraud than ever before thought possible.

Here is section 2005 of the Revised Statutes, a part of the old Federal election laws, repealed in 1893:

When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Compare the language of these two sections of law, and it will be obvious, Mr. President, that the intent of both is the same. Of course, the clever draftsmen of the Civil Rights Commission staff changed the words a little bit. They had to. After all, they are part and parcel of a devious effort, and the very nature of their work requires that they adopt devious means. It would be unthinkable for them to come forward honestly, and admit that they propose to reenact a section of one of the Reconstruction Acts.

Senators may think I am straining logic a little—that perhaps the staff and members of the Civil Rights Commission did not really mean to ask Congress to enact the Reconstruction days' Federal election law.

Yet, Mr. President, if we proceed to the fifth recommendation of the Commission, the objective of the Commission becomes clear and indisputable.

That recommendation proposes that under certain circumstances the Federal Government, that is, the President of the United States, would be required to dispatch a separate, Federal registrar of voters to a given area, and that such Federal official would have the power to register voters under State law, despite contrary findings by an elected State official.

Under the Commission's proposal, whenever nine persons certified to the Commission that they had been denied an opportunity to register to vote, and that they nevertheless believed themselves qualified, despite such denial, the Commission would sit as a factfinding body to evaluate the complaints referred to. If any and all affidavits were found to be justifiable, that fact would be certified to the President, who would then be directed to appoint a Federal registrar of voters to administer State registration laws.

In other words, Mr. President, the Civil Rights Commission wants to be given power to tell the President of the United States to displace selected State officials. The President would be denied any discretion in the matter of appointing such registrars. There would be no appeal from the decision of the Civil Rights Commission. That Commission would sit as a grand and glorious super legislature, super court, super executive—supreme in power over all in view—superior to the States, superior to the Congress, superior to the courts, and empowered to direct the President of the United States to perform an executive duty. In effect, the only function retained by the President in this area would be the purely ministerial function of naming a Federal registrar of voters when the Commission wanted one named. All the President could do would be to hop when the Commission said "frog."

In my opinion, Mr. President, this suggestion goes even further than the 1870 Federal election laws. Under those statutes, Federal courts were empowered to appoint election supervisors, in order to more or less oversee elections. However, they were not vested with power to issue a mandate to the President of the United States to displace State-elected officials.

Be that as it may, Mr. President, I believe the obvious similarity between the now defunct 1870 Federal election laws and the statutes proposed by the Civil Rights Commission in recommendations 3 and 5 of its report are clear to all who would like to take the time to look.

With this in mind, it is only logical for the Senate to examine into the operation of the 1870 Federal election statute, in order to see how it functioned, what results it accomplished, and why it was repealed.

We should begin to look at history, in an effort to keep from making the same mistake twice.

Well, Mr. President, if the record is examined, it will be found that the experience of the Nation under the Federal election laws was sad, indeed—so much so that after an investigation of practices in New York City, the Congress, in 1893, determined that these laws should be repealed. Remember, Mr. President, although the Federal Election Act of 1870 was directed at the South, although this was one of the Reconstruction statutes designed to maintain the Southern States as vassals of an all-powerful Federal Government, operations under that statute were so putrid in the State of New York that the election law was repealed.

Listen to a portion of House Report No. 18 of the 53d Congress, 1st session, on H.R. 2331, "Repeal of the Federal Election Laws."

I do not see the Senators from New York present. I would like to have them present so they can listen to this:

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections.

Remember, Mr. President, and I repeat, these statutes were directed at the South. Yet, because of the fact that they opened so many loopholes to the fraudulent minded in our voting laws, the House committee held hearings, and upon the evidence gathered at those hearings, it was found how fraud was practiced. As a result, as I read from this report, the Congress repealed those infamous laws.

Mr. President, I continue to read from the report:

With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision? Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercing, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State of the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty, would be useless in this report.

We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and, last but not least, because their repeal will eliminate the judiciary from the political arena and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

In addition to this admonition, Mr. President, issued over three-quarters of a century ago, it would seem pertinent at this point to read to the Senate some of the other remarks advanced by the

author of that report with regard to the supervisors of elections—those 1870 counterparts of the Federal registrars of voters proposed by the Commission on Civil Rights in the year of our Lord 1959. I quote from page 6 of the House report:

> The States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things, we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States.

The Attorney General's proposal is as bad as this, yet there are a lot of misguided Senators who are calling for such a bill.

Mr. President, I continue to quote from the House report:

> This of itself must create friction, and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How, then, can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted, or scrutinize the registration (a condition of suffrage in many of the States), when the right of suffrage emanates from the State itself and the State alone can determine it?

Later, on page 7, the report had this to say:

> Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

If any doubt remains as to the direction in which the Civil Rights Commission wants to push the course of our Government, it is dispelled by the position of those three members of the Commission who advocate a constitutional amendment dealing with qualifications of voters. Three members of the Civil Rights Commission—one-half of the total membership—believe that the Constitution should be amended to prohibit the application of any voting qualifications by the States except those relating to age and residence.

What the Commission wants to do, it says, is to make State laws more or less uniform. What they have in mind would certainly do just that, but, by limiting voting standards which States could impose as to age and length of residence, three members of the Commission want to open the door to the most ridiculous, yet critical and serious set of circumstances ever witnessed by this Nation.

It is difficult to quarrel with the desire for universal suffrage, Mr. President, but the cold fact remains that any suffrage, in order to be effective, must take into consideration factors other than merely age and length of residence.

Under the Commission's recommendations a proposed constitutional amendment would give the right to vote to every citizen who meets his State's age and residence requirements, and who is not legally confined at the time of registration or election.

What about incompetents, Mr. President? Would they be permitted to vote under this scheme? Evidently they would, provided they are not confined. Yet, in my own State of Louisiana, there exists an unconfined class of incompetents—persons unable to contract, persons whose affairs are placed under the supervision of guardians, or tutors, to use the more precise civil law terminology. Such persons are termed "interdicts." Under Louisiana voting laws, these persons cannot vote, and this prohibition is based upon real and basic considerations. The logic is simple, and, in my opinion, correct—namely, that if persons have been found to be unable to conduct their own affairs, they should not be placed in a position to assist in conducting affairs of government.

Yet, three members of the Civil Rights Commission would insist upon extending the right of franchise to persons such as these.

Let me outline some of the other classes of persons in Louisiana who are denied the franchise, under Louisiana voting law, but who three members of the Civil Rights Commission would like to see participating in the affairs of government.

First, convicted felons who have not been subsequently pardoned.

Mr. President, I suppose it might be argued that this is in the nature of further punishment meted out to those who flaunt the laws of their State, and that such additional punishment is too severe; yet, why should such persons have the right to vote? Note that the prohibition in Louisiana extends only to persons convicted of a felony, a serious crime against the peace and dignity of the State. Is it too farfetched to imagine that persons who deliberately commit an offense against their government would not maintain a serious and realistic interest in properly molding the course and fortunes of that government? Of course not, but three members of the Civil Rights Commission believe otherwise. "Open the jail doors," they cry, "and hand the ballot to all the felons you may release—the arsonists, the rapists, the murderers, and even to those who might have been convicted of treason."

If this is the kind of thinking the Senate of the United States wants to write into law, if this is the kind of recommendations the Senate believes should be placed on the statute books, then the Senate is not true to the trust imposed upon it by the Constitution.

Here is another group of persons denied the vote in Louisiana: deserters from military service, until they have returned to the command from which they deserted, made good the time lost in desertion, and served out the term of their original enlistment.

Why should deserters from military service be given the right to vote, Mr. President? Can the three members of the Commission who wanted to extend that right really believe that a citizen who shirks his duty to defend his country against all enemies, both domestic and foreign, and who willfully breaches his solemn contract with this Government, is fit to participate in the electoral process? If they do, then may the Lord have mercy upon our Nation, for we have come upon evil days, and leadership has fallen into bad hands.

What about another class of persons denied the right to vote in Louisiana, namely, persons dishonorably discharged from the Louisiana National Guard, or from the military service of the United States, unless reinstated? Should these be permitted to vote? Should persons found to be rendering dishonorable service to their Government be permitted to help pass judgment on the course of action of that Government? I believe the question answers itself.

Oh, of course, the three Commissioners who demanded this proposed constitutional amendment say they are worried about literacy—they do not like some State laws which deny the franchise to illiterates.

Well, they might be right, but let us weigh this proposition against just two factors, and then see just how meritorious the proposition of the three Commissioners may be.

First, illiterates cannot read a ballot, hence, when exercising the right to vote, must be accompanied by some other person.

Second, since illiterates cannot read in the first place, they have no way of knowing whether or not the person, or persons, demonstrating how their ballot should be marked, are, indeed, following the will of the voter.

Can Senators visualize just what complete elimination of the literacy requirement would do in the way of opening the doors to election fraud? I hope they can, because, obviously, the three Commissioners who advocate such a proposal cannot.

It may well be that the Commissioners involved were merely expressing concern about what they believed was a wrongful denial of the right to vote in some areas, but the manner in which this concern was expressed casts a curtain of doubt over the judgment of three of the six members of this Commission to which the task of examining factors operating in the civil rights area has been entrusted.

Of course, Mr. President, I am realistic enough to understand that much of the data contained in the Commission's report, along with some of the attitudes expressed therein, were perhaps highly colored by the background and beliefs of the members of the Commission's staff, as well as the members of the Commission, themselves.

For one thing, Senators will note that, in addition to recommending that Federal power and authority be greatly expanded—even at the cost of amending the Constitution, among other things—the Commission tried to make sure that it would receive an abundant share of the new power which it proposes to vest in the Central Government, plus a long and perhaps perpetual life.

As a matter of fact, of the Commission's 14 recommendations, more than one-third—a total of 5, to be precise—contemplated Congress giving the Civil Rights Commission not only permanent status, but a greatly expanded role in the area of Federal-State relations.

I need not remind Senators that the Civil Rights Commission was created as a factfinding body. I have already paid my respects to its factfinding ability.

However, to the best of my recollection, at the time the Commission was created, the Congress envisioned it as a kind of quasi-legal task force, designed to accomplish three specific functions, which I have already enumerated, to present ther findings vis-a-vis those functions to the Congress, and then to disband itself.

If further proof of this is required, I direct Senators to page 12 of the Senate Judiciary Committee hearing held on S. 83 and related bills during the months of February and March 1957. The Attorney General of the United States, Mr. Brownell, the great architect of this plan, who has boasted that he conceived the Civil Rights Commission, stated:

> Above and beyond the need for improving the legal remedies for dealing with specific civil rights violations is the need for greater knowledge and understanding of all of the complex problems involved.
>
> The proposal before you would create a bipartisan executive commission for the express purpose of making a full-scale study of the problem and of reporting within a 2-year period.

Later, on page 15, Mr. Brownell testified:

> This is only a 2-year Commission.

Let me say, in respect to a commission of this character, that, like all the special subcommittees we create every year, and like old soldiers, they never die. Here is a Commission that was supposed to end its operation at the end of 2 years, but it has been spending quite a bit of the taxpayers' money. It is true that the Commission members do not receive large salaries, but they are paid fairly well for the work they do. They have a staff, as I recall, of some 30 lawyers who are feeding on the Commission. Of course, these busybodies do not want the Commission to expire. They do not want it to fold up, because they would lose their jobs. What they want is to make the Commission perpetual, so that they can retain their positions.

But I suppose, Mr. President, that it was too much to expect that this Commission would do its assigned job, and then quietly follow the mandate of the Congress, and disband. Actually, I had hoped that such would be the case, but it obviously is not.

Instead of actually being disbanded, the Commission was continued, not only at the behest of the Congress, but at the instigation of the Commission itself. I presume this is understandable. The staff members were very anxious to preserve their jobs. They are getting good pay. They are advancing the purposes of the National Association for the Advancement of Colored People with full and complete immunity, and are doing so under the protection and authority of the Federal Government. It is only natural, I suppose, for them to want to remain on the Federal payroll.

A few moments ago, I referred to the 14 recommendations submitted by the Commission, and pointed out that 5 of them envisioned an expanded role for the Commission. Let us take these in order.

First, as to voting, the Commission is dissatisfied with the present scope of its subpena power. Not only does it want to preserve the power of subpena, but the Commission wants to be authorized to apply directly to the appropriate U.S. district court for an order enforcing a subpena, in the event of contumacy, or refusal to obey such a subpena. The Commission finds it burdensome to have the Attorney General to enforce its subpena power.

Now, is that not just too bad, Mr. President?

In all seriousness, the Commission apparently has in mind setting itself up as a separate little kingdom answerable to no one—except perhaps the NAACP and other organizations—similar, if not superior, in status to the Justice Department. It even wants authority equivalent to that presently vested in the Attorney General to apply for the enforcement of its subpena powers.

This demand, Mr. President, should most emphatically be denied. There has been no showing that the Commission's existing authority is insufficient, other than the statement of the Commission itself. I indeed hope that the Senate will not accord this extraordinary power to the Commission. The fact that the Commission has the power to subpena is bad enough; let us not compound an existing legislative mistake by vesting unchecked enforcement power in the Commission.

In recommendation No. 5, under the heading "Voting Rights," which I have already discussed in some detail, it will be noted that the Commission wants itself set up as a Jehovah-like board of inquiry, empowered to look into alleged denials of the right to register to vote, to make findings of fact thereon, and, acting upon those findings, to direct the President of the United States to appoint Federal registrars of voters in any chosen area of our country.

A number of factors immediately stand out:

First, as I have stated, the Commission, in effect, wants to vest itself with judicial power, in that it wants authority to receive and evaluate allegations of denial of the right to register to vote.

Second, it desires to obtain that power, completely free from any safeguards or standards whatsoever. There is no indication that such proceedings would be adversary in nature, despite the fact that there might well be another side to the question. The registrar, or, for that matter, the State, about which complaint was made need not be accorded an opportunity to be present at any hearings which might be held, to present evidence, to cross-examine complainants, or to have any other rights which the Constitution demands and the rules of fair play require.

As a matter of fact, there is no assurance that there would be a hearing at all. The factfinding proposed to be performed by the Commission could well be done summarily, in executive session, on an ex parte basis.

Third, there are no standards set forth by which the Commission would be guided in making its determination. The complaints involved might well be the result of an honest error on the part of a registrar, but there is no guarantee that if, indeed, such should happen to be the case, the Commission would not decide to require the appointment of a Federal registrar of voters in the appropriate area, or areas.

Along these same lines, it should be noted that nine complaints would have to be received by the Commission before it could initiate action. However, these complaints could originate in any district, county, parish, or other political subdivisions of a State.

Let us see what might well happen, Mr. President, in the Third Congressional District of Louisiana, which happens to be my home district.

This district consists of eight parishes. A group of nine dissidents, perhaps acting at the instigation of the Civil Rights Commission, could file affidavits with the Commission—with eight of these affidavits originating in eight different parishes, and one in a municipality located within any parish in the district. Any or all of these nine complaints could be determined to be "well founded," to use the language of the Commission.

Upon such a finding the Commission could certify to the President that Federal registrars should be appointed in each of the eight parishes of this congressional district.

In this connection, it should be noted that there would be no appeal from the Commission's finding. On the contrary, as outlined in the Commission's recommendation, that finding would be conclusive.

It should be further noted that, as I have already pointed out, the President would not have any discretion once the Commission certified its findings to him. To use the Commission's language:

> The President upon such certification shall designate an existing Federal officer or employee in the area from which complaints are received, to act as a temporary registrar.

In other words, Mr. President, the Commission's nonappealable certification would impose upon the President the absolute duty to appoint a temporary registrar. Even the President would have no discretion. He would be compelled to bend to the Commission's demands.

I submit, Mr. President, that a procedure of this kind is tailormade for despotism. If ever the day came that a

President desired to perpetuate himself in office, this is how it would be done:

First, repeal the two-term limit on Presidential terms.

Second, appoint a Civil Rights Commission whose membership would be subject to the President's wishes.

Third, through the agents of this Commission, ferret out a sufficient number of individuals within a political subdivision of a State willing to provide the necessary affidavits, and initiate a proceeding before the Commission.

Fourth, prevail upon the hand-picked membership of the Commission to find that the complaints or any requisite number thereof were well founded.

Fifth, see to it that the necessary certification was made to the President.

Sixth, appoint a temporary registrar of voters of the appropriate political persuasion, and,

Seventh, sit back and count the votes at the next election.

Through such a procedure, Mr. President, it would be possible for an unscrupulous Chief Executive to perpetuate himself in office. As a matter of fact, under this procedure, the members of the Civil Rights Commission could well become a board of super-Presidents, since they would have the practical say-so about whether or not a Federal registrar was to be named, under what conditions, and where.

Where is any safeguard against such arbitrary action to be found? Is it found in our history? I submit it is not. On the contrary, one of the gravest faults of the 1870 Federal election laws was the fact that they accommodated themselves to the grasping greed of unscrupulous politicians.

Is such a safeguard found in the courts? It is not, because there would be no appeal from the Commission's findings, or certification.

Is there a safeguard provided by way of standards which the Commission would be bound to follow? There is not. The only standard I can find in the Commission's recommendation is the proposal that the complaint be "well founded." This standard, Mr. President, has no parallel to my knowledge, unless it be the standard sometimes applied by Federal judges in determining whether a complaint filed under the Federal rules of civil procedure should be dismissed pursuant to a motion to dismiss.

Is there a safeguard in the President's discretion? There most certainly is not because the President has no discretion.

Once the Commission's certification reaches his desk—then he shall appoint the temporary registrar. In this connection, it might be well for Senators to note that as few as one well-founded complaint could result in the appointment of a Federal registrar throughout a political subdivision of a State. The Commission's proposal states that any and all well-founded complaints are to be certified to the President. "Any and all" could well mean one such complaint.

Is there a safeguard provided as to the duration of time for which such temporary registrars would be appointed to serve? Absolutely not. The Commission's proposal states that "jurisdiction shall be retained until such time as the President determines that the presence of the appointed registrar is no longer necessary."

Mr. President, the procedures I have outlined, the lack of safeguards in the Commission's recommendation No. 5 under the heading "Voting," offer the Nation a roadmap to despotism. This proposal is not only dangerous, it is not only a blueprint for totalitarian rule, but it serves as ample evidence of the fact that either the members of the Commission must have drifted into a state of temporary incoherence while compiling their report or they comprise, indeed, the largest and most powerful conglomeration of unrealistic, impractical, dreamy-eyed schemers it has been the Nation's misfortune to have created for quite some time.

In any event, the recommendation I have just discussed is another brick in the solid structure of evidence that the Civil Rights Commission, under the terms of the recommendations it has submitted, wants to constitute itself not only as a supreme judge of the Nation's morals, but as one of the most, if not the most, powerful element in our governmental structure.

Mr. President, I understand that the junior Senator from Virginia [Mr. ROBERTSON] desires to address the Senate on the subject of the fiscal policy of this Nation. I am prepared to speak for several more hours on the subject of civil rights legislation. However, since Senator ROBERTSON had earlier expressed a desire to present his remarks at this time I am prepared to yield the floor to him at this time.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. RUSSELL. I wish to commend the distinguished Senator from Louisiana on his very learned and thorough dissection of the sections of the proposed legislation which he has discussed up until now. I am certain that another opportunity can be found for him to complete his remarks dealing with this subject. He covers it most exhaustively, ably, and thoroughly, as he does all legislative matters.

I had understood that there was to be some discussion later in the afternoon with respect to the money question and interest rates.

If the Senator from Louisiana will yield the floor, I shall make a brief statement and then suggest the absence of a quorum.

Mr. ELLENDER. Mr. President, I yield the floor.

Mr. RUSSELL. I thank the Senator from Louisiana.

Mr. President, ofttimes I have become greatly concerned for the future of the country when I have seen some of the types of proposed legislation which are introduced in this body, and even more concerned when I see outstanding and able statesmen who are at times driven to supporting some of the spurious proposals which are labeled "civil rights."

But my concern is not so great that I have completely lost my sense of humor. I have just had called to my attention a column which appears in the Washington Evening Star of today, February 17, written by "The Rambler," which is the pen name of Mr. John McKelway. His column purports to be a letter from the chief of public relations of School Blackboards, Inc., to the president of his concern, reporting on his activities in Washington, where he has come to secure the passage of the bill to allow the barracks at Fort Crowder, Mo., to be used as a school by the Stella School District.

Mr. President, I ask unanimous consent that the column may be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RAMBLER COPIES A LETTER TO A BOSS

(By John McKelway)

Mr. E. E. ERASURE,
President, School Blackboards, Inc.,
Stella, Mo.

DEAR E. E.: Immediately after our discussion on Monday, I was able to obtain a flight out of St. Louis and arrived here early Tuesday morning. I obtained an afternoon paper, published on the preceding day, and learned that the bill had been introduced in the Senate. Immediately, I made my way to the Senate. I had little difficulty, though I have never been in Washington before.

At 11 a.m., I obtained a seat in the gallery and was prepared to take notes on discussions of the bill to allow Stella to use the barracks at Fort Crowder for a school. As you said, and I agree, the company stands a good chance of getting that blackboard contract when the bill passes if we move quickly.

There was little activity on the floor. I inquired around and was told that the House was not yet in session. I had mistaken the House for the Senate. This is not unusual, I am told. Within 45 minutes I had located the Senate and was seated in its gallery.

The procedure of any elected body is, of course, difficult to follow. However, I was able to pick it up immediately.

Unfortunately, the Senate is, at the moment, discussing civil rights.

I don't think the discussion will last very long. Once that's out of the way, we should get a vote on the Stella school bill.

What has happened, E. E., is this:

The Stella school bill was introduced, I think, by Senator JOHNSON of Texas. He may run for President and that shouldn't hurt our chances for the blackboard contract. But because of the confusion in any elected body in an election year, some Senators apparently think the Stella school bill was offered as an amendment to the civil rights bill. Obviously, this is impossible. Civil rights has nothing to do with our own special problem in Stella and the barracks we want to turn into a school at Fort Crowder. Other Senators, equally confused, have the idea that civil rights are hidden in the school bill.

As I indicated above, there is little interest in civil rights legislation this year and by tomorrow it probably will be forgotten. I will, of course, let you know as soon as they vote on the Stella school bill.

For some reason, though our bill has already been introduced, there was little discussion of it yesterday.

A Senator from North Carolina, ERVIN I think, talked for 3 hours about the civil rights bill, which, as far as I can determine, has not even been introduced. But there were only two Senators on the floor at the time. The other Senators probably were studying the Stella school bill in their offices.

As you instructed, I observed Senator RUSSELL closely. He was, of course, chairman of the Armed Services Committee which approved the Stella school bill. He apparently is against civil rights and probably would have said something about the Stella bill if Senator ERVIN and some southern Senators had not talked so long yesterday.

I fully expected Senator SYMINGTON to take the floor in our behalf, but I'm told he has lost his voice. He was only able to whisper "no" during a vote on a proposal by Senator MORSE from Oregon that Senator EASTLAND be discharged from the Judiciary Committee. Frankly, I did not completely understand the Morse bill—I assumed it was a bill—and I fail to see how he could do that to Senator EASTLAND who, I think, probably is in favor of the Stella school bill which, as I've said, has yet to be voted on.

I should be able to see Senator JOHNSON tomorrow. He's the majority leader and would be a good man to get behind the Stella school bill. I will also try to straighten out some of the confusion. There is nothing to worry about, E. E.

Yours,

GEORGE SMOOTH,
Chief, Public Relations.

Mr. RUSSELL. Mr. President, I have heretofore expressed my sympathy with the school trustees and others connected with the Stella School District, who had no idea that they would generate such a debate in the Senate of the United States when they undertook to secure officers' quarters at Fort Crowder to be used as a schoolhouse for 2 years.

I am glad that we can report a little progress to them today. We have at least secured the adoption of one amendment proposed by the Senate Committee on Armed Services. So we have taken that legislative step on the Stella School District bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL. Mr. President, I ask unanimous consent that further proceedings under the call of the roll to ascertain the presence of a quorum be dispensed with.

The PRESIDING OFFICER (Mr. GORE in the chair). Without objection, it is so ordered.

MONETARY POLICY

Mr. ROBERTSON. Mr. President, section 8, article I, of the Federal Constitution provides that the Congress shall have power to coin money and regulate the value thereof. Throughout the history of our Nation that has been a very live issue, and never more so than today. As a matter of fact, it was one of the causes of the Revolutionary War. The mother country would not let the Colonies coin money.

In Virginia the people used tobacco for money. In Massachusetts they used wampum. Other Colonies had other substitutes for money. And, of course, there was some coinage from Great Britain. We also would get some from trading with Spain and the West Indies, which were under Spanish domination.

As a matter of fact, it was through the influence of Jefferson that we adopted the Spanish dollar as our American dollar, both in size and silver content, because the Colonies were familiar with the dollar of that day and time. They liked it, and it became a part of our currency.

One reason why there was such an urgent demand for a more perfect Union, which resulted in the Constitutional Convention in Philadelphia in 1787, was the fact that we had but two banks in the United States, one in Philadelphia and one in New York. At the end of the Revolutionary War, the paper money that had been printed by the Continental Congress, with no backing except the good faith of the Government, was the origin of the expression "not worth a continental damn," that expression being a reference to something of very little value.

Everybody knew that the young Colonies could not progress in developing their domestic and foreign commerce without a better monetary system than they had, without a banking system, and without credit. As I have said, the money of the Government was practically worthless, because the Continental Congress had no adequate power of taxation and therefore had no way of making the money good. There was no gold behind the money.

So one of the things the Founding Fathers did, and very wisely did, was to provide that the new Union should have the exclusive right to coin money. The States could not do it. We did not then have banks that could issue notes. We finally authorized national banks to issue notes. Then we repealed that act. Now we have the Federal Reserve System issuing notes.

The Founding Fathers, as I have said, authorized the new Government to coin money and to regulate the value thereof.

There has been an issue as to how to regulate the supply of money ever since we have had a Government. Many Senators will of course recall that one of the first recommendations of the first Secretary of the Treasury, who in the opinion of many was the greatest Secretary of the Treasury, Alexander Hamilton, was that we have a national bank. We can read today the reason Hamilton gave to the Ways and Means Committee of the House of Representatives in the first year of our Government, and they are as sound and as good reasons today as to why we need banks as they were then. We need banks to handle our business, to extend credit, to receive deposits, and so on.

Of course, there was established the Bank of the United States. Then it became an issue, and the charter was repealed. There was a great deal of disagreement. After that the bank was established again.

Then the charter of the second Bank of the United States was repealed due to the influence of Andrew Jackson, who claimed, as a great many people claim today, that banks had an opportunity for undue enrichment. It was said that the Bank of the United States was affecting credit in an improper way and was operating against the best interests of the small State banks, which in the meantime had been organized. That great statesman, that leader of my party, whose memory we will celebrate in Richmond the day after tomorrow, along with the memory of Thomas Jefferson, caused the charter of the second Bank of the United States to be repealed.

All students of monetary policy know how frequently since that time the question of the power to coin money and to regulate the value thereof has been a political issue. As I have said, in all the history of the Government, Congress has had that power and we exercised it in one way or another.

There are a good many people in the country today, including some in the Congress, who think that our Nation is suffering very badly from what they call tight money. There are a good many who decry high interest rates and who say, "Something should be done about what the borrower must pay to hire the money he needs."

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I am glad to yield to my distinguished friend.

Mr. TALMADGE. I am delighted that the distinguished and able chairman of the Committee on Banking and Currency is addressing himself to this subject at this time. It is one of the most important and one of the most controversial issues before our country at the present time. It is an issue which is complex and understood by very few people.

With the Senator's permission I should like to ask him two or three questions relating to this subject.

Mr. ROBERTSON. I am glad to yield for that purpose.

Mr. TALMADGE. We hear a great deal of talk about high interest rates. Naturally, no borrower wants to pay high interest rates. We would like to have interest rates as low as we can possibly get them—that is, certainly the people who borrow the money would. Presumably those who lend the money would like to have interest rates as high as possible.

What determines interest rates? Is it some policy of the Government which determines that? If so, what is it?

Mr. ROBERTSON. There are a number of factors which enter into that equation, but the most important contributing factor with respect to interest rates is the availability of savings, which is the amount of lendable money, as compared with the demand. When the demand for money presses upon the supply of savings in the Nation, then we have rising interest rates. Later in my remarks I shall quote the Chairman of the Federal Reserve Board, who says there is not any such thing as a normal interest rate.

When, as at present, there are strong inflationary factors in the economy and there are a great many people who want to borrow more money, either to expand a business or to go into new businesses, than there is money available from the savings of the Nation, then the demand

greatly exceeds the availability of money, and bidding for the money starts.

As is true with respect to other matters where demand exceeds supply, the supply goes to the high bidder. If, for instance, I were willing to pay 4½ percent for some money for some business enterprise in which I wanted to engage, and no more than that, the banker to whom I made that proposition would turn me down in favor of a man who offered him 6 percent for the money which I might seek.

I shall explain later in my prepared statement, when I quote the Chairman of the Federal Reserve Board, the details as to how this works in fixing the interest a man has to pay, which unfortunately operates under similar laws of supply and demand as those affecting the food we consume, the clothes we wear, the houses we build, and everything else which is caught up in the inflationary trend. Interest is the price one must pay to hire the money he wants.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Some of the advocates of lower interest rates have indicated there are certain governmental policies which could be pursued to bring interest rates down. What could be done by the Government to reduce the cost of money?

Mr. ROBERTSON. Well, that cannot be answered without consideration of other effects upon the conomy. The Federal Reserve Board could go into the market through its Open Market Committee and buy a great quantity of Government bonds below the current market value for those bonds. For instance, if the bonds are selling for 4½ percent, the Open Market Committee conceivably could go into the market and buy them for 3½ percent. But such a program would increase the reserves of member banks, and thus their ability to make loans in great amounts. Actually each dollar of open-market purchases by the Federal Reserve makes available $6 for loans, a tremendous inflationary force.

It works, as was said by Montagu Norman some years ago. He was the Chancellor of the Exchequer of Great Britain, and he said, "Consider all of the products and the services of the nation as being in one grand warehouse, and consider your money as tickets to draw it out. When you do not issue any more tickets than you have goods in that warehouse, one ticket will get one unit of goods. However, if you issue twice as many tickets and do not put any more units in the warehouse, it will take two tickets to get the same unit."

That is the situation we have today, when we require more than two tickets to get one unit of goods out of the composite warehouse holding our goods, our products, and our services.

In other words, since 1940 the dollar has declined in value to 48 cents, meaning that two tickets are required to obtain one unit.

Mr. TALMADGE. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Is it the Senator's position that if the Federal Reserve bank supports the price of our bonds, and thereby reduces the interest rates we have to pay, it creates more money?

Mr. ROBERTSON. It could not do otherwise; and when more money is created, we have given impetus to inflation. This year $350 billion worth of goods are going to be bought. Every 1 percent of inflationary increase adds $3½ billion in additional expense. That is the way inflation works. It works with the greatest severity against widows, orphans, the unemployed, and pensioners, who cannot hedge or protect themselves, and who have no way of increasing their earnings. The cruelest tax of all is inflation.

Mr. TALMADGE. Will the Senator explain how supporting the price of Government bonds creates new money, and how that affects the value of the dollar?

Mr. ROBERTSON. In two ways: When a commercial bank buys a $1,000 Government bond, it does not send the Government a thousand dollars. It enters on its books a little statement, "I owe you $1,000. You can check on it, but that amount is to your credit in this bank."

Mr. TALMADGE. Am I to understand that no dollars change hands, but merely an I O U?

Mr. ROBERTSON. That is correct. No dollars change hands in that commercial bank at that time.

The Government may have some employees in that area, or a project in that section. So the Government draws a check on its $1,000, payable to the contractor, and he puts the check back in the bank. The money has not yet left the bank. The economists say that it is possible for each $1,000 of Government bonds that a commercial bank buys to create $6,000 of new currency, when we include bank check money as a part of the money supply—and most of our business is transacted with bank check money.

Of course, when the bank wishes to increase its borrowing and lending capacity, it calls upon the Federal Reserve Board to lend it money against Federal bonds. They are all discountable, and the bank can obtain additional money by borrowing on the bonds in that way. So they can issue new money simply by buying a Government bond and putting that bond up as collateral for the money they issue.

I will tell the Senator in a moment, when I reach that point, what percentage of our currency now in circulation is in demand deposits.

There are numerous ways by which the money supply can be increased. The Senator has mentioned one of them. The Federal Reserve Board also can make money easier by relaxing the reserve requirements. I believe the reserve requirements are now 18 percent for central Reserve cities, 16½ percent for Reserve cities, and 11 percent for country banks. They can be dropped down to 10 percent for the first two, and 7 percent for country banks. That would release a great deal of money.

I regret very much that one of the most interested Members of the Senate in this entire problem [Mr. GORE] is now our distinguished Presiding Officer. He cannot ask me any questions. I know that he is becoming restless and would like to be on the floor to ask me, "How do you get that way? I want to know some more details." I have him at a serious disadvantage. However, perhaps before the afternoon is over—and I shall be here for some time—he can be relieved, and then I shall yield to him. Meanwhile, he can make some notes as he goes along and point out some of my manifest errors.

Mr. TALMADGE. Mr. President——

The PRESIDING OFFICER. In the meantime, does the Senator from Virginia yield to the Senator from Georgia?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. The Senator has mentioned how reserves affect the amount of money available. Will the Senator address himself to the discount rate, and state how that affects the amount of available credit, and also interest rates?

Mr. ROBERTSON. The discount rate has some effect, but not a great deal of effect, except that when it is high it deters banks from borrowing from Federal Reserve banks. If there is a relatively high discount rate—and by that we mean what the bank, which is a member of the Federal Reserve System, pays the Federal Reserve bank for the money it borrows—it is restricted in the use of that money, because it cannot afford to borrow it unless it can lend it for more than it must pay for it. I shall point out later that our money supply has been growing by leaps and bounds. It is true that it has not grown as fast as has the gross national product, but I shall point out that the difference is made up by the great increase in velocity of circulation.

By velocity of circulation we mean, in general terms, the number of times a dollar turns over before it comes back to rest. If the velocity of circulation in a depression is very low, one dollar does the work of one dollar. At the present time the velocity of circulation is pretty high. It is on the order of six—that is, $1 is doing the work which $6 did during the depression of the 1930's.

Mr. TALMADGE. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. What, in the Senator's opinion, has been the biggest factor contributing to the fact that a dollar which was worth 100 cents 20 years ago is now worth 46 or 47 cents?

Mr. ROBERTSON. There have been two main factors. One factor is that we have been running deficits in many of those years. The Federal Government has been constantly in the money market absorbing for national use the savings which would normally go for private enterprise, and has made the competition keen for a limited amount of savings.

The Federal Government should get from taxes—and that is the same as

savings, because it is money taken out of the pockets of the people—what it needs to meet the appropriations authorized by Congress.

Another reason is what we call the price-wage spiral. We know there has not been very much enforcement of the antitrust laws, and that the bigger companies have been able to get together to fix prices. We know that there are no antitrust laws that can be enforced against the unions. Therefore they can engage in bargaining on a national scale, industrywide. They can bargain in a way that fixes prices. That was never contemplated when they were given exemptions from the antitrust laws. They can bargain for other things than wages and working conditions. They do it under the very strange ruling of the Supreme Court in interpreting the La Guardia amendment to the antitrust laws.

They are the two major factors. If a labor union says, "We want more wages," industry says, "Let's see if we can agree on something." Industry says, "We will raise wages, and then we will raise our prices, and everybody will be happy."

They have done that repeatedly. However, now they have met some consumer resistance, and industry is becoming a little uneasy about further increases, because it is fearful that there will be a curb on sales.

Those are the two major factors. There are other factors. It is very hard to simplify inflation or inflationary factors. There is always the question of psychology. When people look for a way out of inflation, they start buying stocks on the stock market, and they buy real estate as a hedge. Businessmen increase their inventories.

Stabilizing influences have come about recently. The President has said we are going to get out of this market in competition for funds; we will balance the budget; we will pay over $4 billion on the public debt.

Of course, when we pay $4 billion on the public debt, we retire $4 billion worth of bonds in someone's hands.

What has happened? These psychological factors of inflation have been curbed to some extent. Stock prices have gone down. People no longer think that the sky is the limit for stocks. They no longer believe that the capacity of business is unlimited. They do not know whether they can sell all these goods at the prices that they had hoped they would be able to sell them. Right now they are not making the number of automobiles that they expected to make when they were thinking about it during the steel strike. Dealers could see on the horizon a great boom in the sale of automobiles. That has not materialized.

The psychology has changed. So that is one of the factors. It is not possible to simplify the question of what causes inflation. I have mentioned three of them. One is deficit financing, when there is competition for the savings of the Nation; another is the price-wage spiral, with industry and labor getting together to raise wages and raise prices, making everybody happy, apparently; and the third is psychology.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. I appreciate the Senator's comment. We know that at the present time it is exceedingly difficult to borrow money for the building of houses with an FHA or VHA loan. Both are bringing discounts. Interest rates are high in all areas, and it is difficult to find mortgage money. Is it the view of the distinguished chairman of the committee that one of the reasons for that situation is the fact that the Government cannot now issue bonds with maturities greater than 5 years, and is in competition in those areas?

Mr. ROBERTSON. There can be no doubt about the fact that the Government is in competition with short-term loans, which are similar to money.

I will point out later that last year, when there was a great deal said about our suffering from a policy of tight money, there was only one time in the history of the United States when more houses were started than last year, and that was in 1955. There never was a time in the history of the Nation when as much money was loaned on housing as last year.

There never was a time in the history of housing when as many houses were financed by conventional means—through banks and savings and loans institutions, instead of the Government programs—as last year.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. ROBERTSON. Yes.

Mr. TALMADGE. These are matters which are very much in the public's mind at the present time and very much before Members of the Senate and before Congress generally. I appreciate very much the learned Senator's replies to my inquiries. I know his remarks have been extremely helpful to me. Is it the view of the Senator that if our Government could sell its bonds in the present market for maturities higher than 5 years it would make available more money for short-term loans and mortgages at a cheaper interest rate?

Mr. ROBERTSON. There is not any doubt about that. That is one of the reasons why the Secretary of the Treasury has been so insistent, both before the House Ways and Means Committee and before the Senate Finance Committee, of which the junior Senator from Georgia is such a useful member, that he be permitted to sell long-term bonds at a rate of interest higher than the statutory limit of 4¼ percent, because that rate is below the market.

It would be just as if I were to go downtown and say to a shoe dealer, "I used to buy good shoes for $10 a pair, and I am not going to pay any more than that." The dealer would say, "Our shoes are now priced at $18.95. You will either have to pay that price or go barefooted, so far as we are concerned. We are not selling any more $10 shoes."

As I shall point out, we do not have more than $19,500 million in gold. Foreign nations have $9,500 million of gold. Private persons have $7 billion of it. All that private owners would have to do would be to exchange their gold for local currency, and their governments would own dollars. Any government which owns dollars can demand repayment in gold. So what is the situation? More than $12 billion of gold is required to back our currency. We have a total of $19,500 million. Foreign governments could demand $9,500 million. Others could funnel into their local governments another $7 billion. We would have only a little more than $3 billion left to back our currency.

Is it any wonder that the Secretary of the Treasury is disturbed when he knows that the only thing that stands between him and a distressed situation is the maintenance of confidence at home and abroad in the integrity of our dollar? The American dollar is the backing for many currencies. Many countries treat it as gold. If they once lost faith in us or in our money, they would say, "Give us gold. We know what that is worth. We don't know what your money will be worth." If that happened, it would have very bad effects on the currencies of all the major nations of the earth.

Article I, section 8, of the Constitution provides:

> The Congress shall have power to coin money, regulate the value thereof * * *.

That is our responsibility. That is the issue we should meet. With all due deference, I say that means more to the future of our Nation than who will vote this fall in Alabama.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. As I understand the argument of the distinguished Senator from Virginia, if all the dollars now in foreign hands were acquired by their central banks, a demand for gold could immediately be made for those dollars, and more gold would be required to repay those dollars than we would have to support our currency in accordance with the law of the land. Is that correct?

Mr. ROBERTSON. I will read the official answers of the Chairman of the Federal Reserve Board:

> Question. What is the total amount of gold owned by the United States?
>
> Answer. $19,507 million as of December 30, 1959.
>
> Question. What is the total amount of dollars on which payment in gold could be demanded?
>
> Answer. The U.S. Treasury is prepared to sell gold to foreign monetary authorities for legitimate monetary purposes; on November 30, 1959, the short-term dollar holdings of these authorities amounted to $9,074 million. In addition, the United States has agreed to resell on demand to the International Monetary Fund $500 million of gold, purchased from the Fund in 1956–59. The total amount of dollars on which gold payment could be demanded is, therefore, $9,574 million.
>
> Foreign private citizens also have short-term dollar assets amounting to about $7 billion. Before these can become potential demand claim on U. S. gold holdings they must first be sold to the foreign monetary authorities. Such dollar assets are in no different position in this respect than the dollar assets of U.S. citizens, who may also sell their dollar holdings to foreign monetary authorities, and thus increase the holdings of

these authorities that might be a potential claim on gold.

So there is a total potential demand of $16,574 million against a gold supply of $19,507 million.

The next question was:

What is the total amount of gold required for the backing of our currency?

The answer was:

As of December 31, 1959 $12,182 million; equal to 25 percent of Federal Reserve notes and deposit liabilities plus $187 million reserve against United States notes, Treasury notes of 1890, and pre-1933 issues of gold certificates.

In other words, we would have something like $3 billion left, if everyone demanded gold instead of dollars. We would have something over $3 billion in gold against a currency requirement of more than $12 billion.

Mr. TALMADGE. Under those conditions, our gold reserves would be $9 billion short of what is required under present law. Is that correct?

Mr. ROBERTSON. That is absolutely correct, assuming that everyone thought that the currency of any major nation would buy more in the long run than our dollars would buy.

Mr. TALMADGE. Does not the fact that the United States is operating with a dollar deficit of $4,500 million a year indicate that at the present time there is some loss of confidence in our dollar?

Mr. ROBERTSON. Fortunately, the tide has turned. The adverse balance of payments in the year before the past year was more than $4 billion. During that time we lost $3,200 million in gold. The balance of payments in the last year was more than $1 billion less than that, and the gold demand has dropped to almost a trickle. In other words, the belief now is that the Government means to balance the budget and end the inflationary force of deficit financing. It is proposed to pay $4 billion on the debt.

Mr. TALMADGE. Does the Senator from Virginia not believe that what he has just said is a very strong argument as to why we should discontinue our never-ending and ever-increasing foreign aid program, which now encompasses some 60 nations of the earth?

Mr. ROBERTSON. Last fall, when I read in the press that the Budget Director was having a hard time arriving at a budget which he thought could be balanced, I wrote him a letter and mentioned some economies which I believed could be practiced. Among other things, I suggested a reduction in the amount of foreign aid.

The Budget Director replied that he appreciated my letter. He said he took it to Augusta, Ga., and discussed it with the President. Many of the suggestions which the junior Senator from Virginia had made were adopted, but some of them were not adopted.

A few days later, I read that the President would "up" his request, not so much in actual cash, but in potential spending power, by $945 million.

I understand that yesterday the chairman of the House group, Representative PASSMAN, of Louisiana, said, "We will see if we cannot cut the amount by $1 billion."

A billion dollars may be too much, but the junior Senator from Virginia will vote to cut the total amount.

One reason why the amount should be reduced is that the NATO nations are not assuming their proper share of the cost of mutual defense. There is not a nation which we helped after the war which is not from 50 to 100 percent better off than it was before the war.

In addition, the balance of trade is going against us. Our foreign trade has dropped off. Furthermore, considering our military establishments in 57 foreign countries, and our major establishments in Germany and other places, we are pouring out our dollars; we are simply giving them away.

Mr. TALMADGE. Is it true that Tito in Yugoslavia and Gomulka in Poland can take the dollars which we have given them and draw American gold, whereas an American citizen cannot own gold?

Mr. ROBERTSON. That is true. The American citizen cannot get his money in gold.

As I have said, an American citizen can go abroad and buy the currency of some other country, and then obtain gold for it there. But an American citizen cannot even own gold in the United States.

Mr. RUSSELL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I am glad to yield to the distinguished senior Senator from Georgia.

Mr. RUSSELL. I do not desire to interfere with the train of thought of the distinguished Senator from Virginia in his discussion of this all-important issue.

Mr. ROBERTSON. Mr. President, I feel that perhaps I can render greater service by answering questions asked of me by my colleagues, instead of reading a formal dissertation on monetary policy. Therefore, I welcome these stimulating questions which pinpoint phases of this monetary problem which definitely are now in the minds of my colleagues.

Mr. RUSSELL. When I entered the Chamber some moments ago, the distinguished Senator from Virginia was discussing the three principal ingredients of inflation. I understood him to say that one of them is the increasing spiral of wages and prices. I believe that everyone—whether a trained economist or not—will agree that that is one of the principal influences in producing inflation and in reducing the value of the American dollar.

Recently there was a settlement of the steel strike. I do not think anyone doubts that steel is the bellwether of all other industries; steel is representative of giant industry and giant labor, the two conflicting forces which increase prices and cause the consumer to be caught in a vise.

I wonder whether the Senator's questions or any of the answers submitted to him by the Federal Reserve Board indicated whether that settlement, which has not yet produced an increase in the price of steel, is likely to prove to be inflationary in the long run.

Mr. ROBERTSON. My questions related only to monetary policies administered by the Federal Reserve Board. Of course, the Board has no control whatever over labor-industry-management bargaining.

However, it has been freely stated that the steel strike was settled on a basis which will add $1 billion a year to the cost of steel, on the basis of full or normal production; and I have not yet heard anyone say he thought the major steel companies would absorb all of that increase.

Mr. RUSSELL. Of course, one of the leading political figures in the United States has claimed a great deal of credit for that settlement; and when the settlement was made, he was vigorously applauded. I have apprehended that the American people did not know the full story of what that settlement was likely to cost, and that they would not become aware of it until perhaps sometime late next fall.

Mr. ROBERTSON. At first it was intimated that following the agreement, the steel companies would not increase their prices. Then Mr. Blough, the chairman of the board, flatly and distinctly disclaimed that there was any agreement at all on that point.

The next statement was that the steel companies would not put into effect "at this time" any increase in steel prices. But there has been no agreement whatever by any steel company that it will not try to recoup some of the additional costs imposed on it by that agreement, which, as the Senator from Georgia has said, a leading political figure helped negotiate; and he received much praise for it.

Mr. RUSSELL. Of course, a number of leading political figures—whether related by politics, blood, consanguinity, or otherwise—undertook to get into that act.

When I read the words "at this time," those three words seemed to me to stand out. I believe that later on there will be an increase in the price of steel, and that the consumer will pay that price increase for this essential element in our economy.

I also apprehend that any statements about stopping the increasing spiral in wages and prices amount to nothing but talk, so long as the steel industry—a basic industry in the United States—leads the way. Under those circumstances, certainly we can expect the others to follow.

Mr. ROBERTSON. The Senator from Georgia is entirely correct, Mr. President.

Recently, when the President sent to Congress his economic report, he predicted that there would be great prosperity, without inflation, for the remainder of this year, and that it would carry over well into the following year, with the result that there would be enough revenue not only to pay for a spending budget of $81 billion, but also to permit $4,200 million to be applied to the national debt. At that time I pointed out that the President had hedged his statement in two ways. First, he said, in effect, "If the Congress cooperates with me in a balanced budget and restraint on spending, and if labor and industry cooperate not to push up prices."

I hope Congress will not exceed the budget, although I cannot guarantee that it will not.

Let me say that some persons have called attention to the fact that the boom is already slacking off—as is shown by the decrease in the sales of automobiles and by the large number of unemployed; and such persons predict that although there will be reasonably good prosperity, it will be nothing like what one economist predicted—namely, that by December the gross national product would be $525 billion.

The gross national product is now about $500 billion; and by fall it may increase to $510 billion. But that is likely to be the maximum.

We have no assurance at all that there will not be price increases which will be inflationary and will gradually price out of the market those who have low incomes, the pensioners, and so forth.

Mr. RUSSELL. The distinguished Senator from Virginia referred to the Presidential estimate of $4 billion, I believe, as being available to be applied to the public debt.

Mr. ROBERTSON. $4,200 million.

Mr. RUSSELL. I am not enough of an economist to be able to predict with accuracy the future developments in regard to the gross national product. It might amount to either more or less than the President and his official advisers have estimated.

Mr. ROBERTSON. They have estimated it at $510 billion.

Mr. RUSSELL. I would not know as to that. But I know there are two considerable items in the budget—namely, the one having to do with an increase in postal rates, and the one having to do with an increase in gasoline taxes——

Mr. ROBERTSON. Neither of which will go into effect.

Mr. RUSSELL. I am not an economist; but anyone who has any familiarity with the American political scene and who thinks that the Congress of the United States will make those increases in the election year of 1960 is certainly sadly ignorant of the political facts of life in the United States.

Mr. ROBERTSON. And if the increases recommended by the President are not made, the estimated surplus will be reduced by approximately $1 billion. Last year the President proposed that those increases be made; but Congress did not see fit to go along with that suggestion. Certainly it stands to reason that no such action will be taken by Congress in an election year. So it is obvious that the President's estimate of the national income must be reduced by at least $1 billion.

I do not think many persons realize that included in the revenue estimates of the President are the proceeds of those two proposed tax increases, which most of us believe will not be imposed—namely, an increase in the gasoline tax and an increase in the first-class postage rate.

Mr. RUSSELL. Congress recently increased taxes in both those areas, and certainly Congress is not likely to make other increases in them in this election year.

Mr. ROBERTSON. I am chairman of the Treasury and Post Office Subcommittee of the Appropriations Committee; and I know that the revenue from first-class mail far exceeds the cost of handling it. The first-class mail is the only type of mail that is self-supporting. Yet there is a desire to put a burden of $300 million or $400 million more a year on those who write letters to boys overseas and others who make use of 1-ounce letters, and I do not think the Congress is going to agree to do it. We do not have any sales tax on any product that is relatively as high as the tax on gasoline is. That tax is about one-half of the actual value of the product.

Mr. President, I welcome very much the questions of the distinguished Senator from Georgia. I see present on the floor colleagues who do not fully agree with my views on this issue. At the appropriate time, if they want to question me, I shall be glad to have them do so.

I shall proceed now, Mr. President, with the questions to and answers of the Chairman of the Federal Reserve Board. That is the agency, as we all know, to which we have largely delegated congressional power to regulate the value of money. It is the agency which regulates the laws pertaining to a central banking system, which was created by a bill sponsored by my distinguished predecessor, Carter Glass.

Mr. President, I had just called attention to the gold situation and tried to emphasize its importance in the administration of monetary policy. My next question was:

Why are jewelers, dentists, and other purchasers of gold for commercial purposes permitted to buy gold from the Government at a price substantially below the present world market?

I asked that question because it was the question propounded to me by a distinguished Senator who was very critical of the monetary policies both of the Federal Reserve Board and of the Secretary of the Treasury, especially with respect to the request of the latter to give him more leeway on issuance of long-term bonds.

Here is the answer:

They are not permitted to do so. The price at which they buy gold from the U.S. Treasury ($35.0875 per ounce) is substantially the same as the present world market price; at the end of 1950, the price on the London gold market was $35.07 per ounce.

Question. To what extent is the Government now subsidizing the purchases of gold for use for commercial purposes?

Answer. Not at all.

So that disposes of one issue. It evidently disturbed the Senator. He was under the impression that we were losing millions of dollars a year as a result of the policy of letting commercial buyers of gold purchase gold at much below the world price. They are not doing that. They pay a little higher than the world price, and the Government is not subsidizing them at all.

The next question is:

What is the total amount of currency now in circulation?

The answer was:

The total amount of currency in circulation on December 31, 1959, was $32,591 million. This includes $30,287 million paper currency and $2,304 million coin.

Question. Please indicate the types of paper money in circulation and what specific security is behind each type.

I might say that question was asked because this same distinguished Senator said that any commercial bank could extend its credit almost without limit and that it could build up additional credit and additional money. So I wanted to know just what types of money we had and what was behind each type of money. Then I asked the question as to how this additional money could be created.

The answer was:

Paper money in circulation on December 31, 1959, was as follows:

[Millions of dollars]

Currently being issued:	
Silver certificates	2,135
U.S. notes	312
Federal Reserve notes	27,647

There is the bulk, as I pointed out previously, of the paper money. If we examine our money, we may see a few silver certificates, but most of the currency is in the form of Federal Reserve notes.

I continue reading:

[In millions of dollars]

In process of retirement:	
Gold certificates	31
Treasury notes of 1890	1
Federal Reserve bank notes	105
National bank notes	56

There was a time when any president of a national bank could have signed his name to a check and sent it out, and that was good money. Congress repealed the power of national banks to issue money.

The total of the money in circulation is $30,287 million.

I continue to read from the answer:

The specific security behind each type is as follows:

SILVER CERTIFICATES

The Treasury maintains as security silver in bullion and standard silver dollars of a monetary value equal to the face amount of the outstanding silver certificates.

U.S. NOTES AND TREASURY NOTES OF 1890

There is maintained in the Treasury as a reserve for U.S. notes and Treasury notes of 1890, $156 million in gold bullion; also as security for Treasury notes of 1890, an equal dollar amount of standard silver dollars are held in the Treasury.

FEDERAL RESERVE NOTES

Federal Reserve notes are secured by the deposit by the Federal Reserve bank concerned, with its Federal Reserve agent, of a like amount of collateral consisting of such discounted or purchased paper as is eligible under the terms of the Federal Reserve Act, or gold certificates, or direct obligations of the United States. At the end of 1959 the Federal Reserve agents held, as collateral against notes outstanding, (a) eligible discounted paper ($100 million), (b) gold certificates ($10,650 million), and (c) U.S. Gov-

ernment securities ($19,530 million). In addition, each Federal Reserve bank must maintain reserves in gold certificates of not less than 25 percent against its Federal Reserve notes in actual circulation. Gold certificates deposited with Federal Reserve agents as collateral, and those deposited with the Treasurer of the United States as a redemption fund, are counted as part of the required reserve.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield to my friend from Louisiana.

Mr. LONG of Louisiana. Do I understand that, so far as the law is concerned, the foreign governments have dollar holdings which aggregate more than $18 billion?

Mr. ROBERTSON. No. The official figures with regard to the foreign governments I covered before the distinguished Senator came into the Chamber. The sum is $9,074 million. Then we have promised the Montary Fund $500 million. Foreign private citizens have about $7 billion. Therefore, there are $9,574 million which could be immediately demanded, if the foreign central banks lost all confidence in our money, which we hope they will not, plus the $7 billion if the private holders exchanged their money for local currencies and let their governments become holders of those dollars. That adds up to $16,574 million against our present gold holdings of approximately $19½ billion.

Mr. LONG of Louisiana. That leaves only about $3 billion which we could really call our own.

Mr. ROBERTSON. The Senator is correct. There is 25-percent gold backing, as I have mentioned, against all of these notes, which requires something over $12 million.

We are hopeful that the foreign nations and the foreign investors and traders will not lose confidence in us. It does not necessarily follow they would demand gold. We are still rated as the soundest nation on earth, the greatest and the most powerful.

It is assumed that we are going to protect the solvency of our Government and to protect the value of our money. If so, the foreign nations and investors will continue to use our dollars as the reserves for their money, and they will bring dollars to the United States and invest them in our higher interest-bearing securities, rather than to go home with gold to be put in a vault, where it will produce nothing.

Mr. LONG of Louisiana. Is it not the privilege of Americans who have dollar holdings in this country to invest their money abroad and to transfer money abroad to foreign countries?

Mr. ROBERTSON. They can do that. An American can invest his money in the currency of any country in which he wants to invest. When he gets the currency of that country he can take that currency and invest it in the world market in gold.

Mr. LONG of Louisiana. Does the Senator not see how, with foreign trading increasing as it is, we are approaching a point when one of these days we may have a run on our gold? The impression some of us have is that when many people begin to get the idea that there is not enough money in the bank to pay everybody off, then everybody comes rushing in to take their money out. If we can be sure we have enough money, they will not do that.

Mr. ROBERTSON. That was a question previously raised by the distinguished Senator from Georgia in connection with our foreign aid program. We have given away since the end of World War II over $70 billion. This has helped to pile up dollars in foreign countries which could come back to us as a demand for our gold.

In addition to that we have measurably stepped up our imports. We still export more than we import, but the difference is gradually closing. When we strike a balance as between exports and imports, when we consider the dollars we are lending and giving away and the dollars we spend on military establishments abroad, we find that in the last 2 years we had an unfavorable balance of payments. The year before last this resulted in a drain on our gold supply of $3.2 billion. In the past year the exchange of dollars for gold has been relatively small.

As the Senator from Virginia previously said, before his friend came into the Chamber, the statement of the President that we are going to balance the budget and that we are going to have quite a surplus to pay on the debt at the end of fiscal year 1961 has had a rather reassuring effect upon foreign investors, who think that we are going to curb inflation and that our money will be sound. Therefore, they have not asked to exchange money for gold. They have brought a lot of money to the United States and have bought bills and notes. Those look good to them, better than gold.

So long as people have confidence they will continue to make investments and they will keep dollars as reserve requirements for their own currencies.

Of course, if we do not balance our budget and if we do not find some way to control the price-wage spiral which is pushing prices up all of the time, eventually foreigners are going to lose confidence in the integrity of our money, and then we are going to find that we have not lived up to the injunction of the Founding Fathers, who provided, in section 8, article I of the Constitution, that we, the Congress of the United States, should have the power to coin money and to regulate the value thereof.

Mr. LONG of Louisiana. Mr. President, the Senator well knows that in the foreign aid program we have made it possible for a vast amount of dollars to be transferred overseas, and in a considerable portion of this program we have permitted our funds to be used to retire the debts, or at least certain portions of the debts of foreign nations. We have permitted vast purchases to be made by foreign countries on a loan basis, for which those countries have paid in soft currencies.

I wonder if the Senator does not think it would be a good idea that we should, for one thing, amend our foreign-aid program to require that before a nation can cash in dollars—which would be a drain on our gold supply—it must first accept its own currency in an exchange for American dollars.

Mr. ROBERTSON. The junior Senator from Virginia has taken that position for a number of years. His colleague may recall that the Senator from Virginia voted for the amendments which were adopted, which totaled a cut of $700 million in the foreign-aid request, and also voted for other cuts which amounted to $300 million more than was adopted in the final result.

I have said this afternoon that instead of increasing foreign aid, as the President has recently asked the Congress to do, I am going to vote to cut it down. That is one method of protecting our gold supply.

I thank my colleague for his helpful questions.

Mr. President, we come next to the question of gold certificates.

GOLD CERTIFICATES

There is maintained in the Treasury as security gold bullion of a value at the legal standard equal to the face amount of such gold certificates.

FEDERAL RESERVE BANK NOTES AND NATIONAL BANK NOTES

The issuing banks have deposited with the Treasury lawful money to the amount of the notes outstanding in accordance with the provisions of the law. The Treasury has assumed the liability for the notes and they are carried on the books of the Treasury as part of the public debt bearing no interest.

Question. What are the restrictions placed upon the issuance of Federal Reserve notes?

That is a very vital question with regard to the unlimited expansion of our currency. Therefore, I asked what restrictions were placed upon the issuance of Federal Reserve notes.

This is the answer:

Federal Reserve notes must be secured dollar for dollar by collateral pledged with the Federal Reserve agent, as noted in the answer to question 7. The amount of notes which may be issued is subject to an outside limit in that a Reserve bank must have gold certificate reserves of not less than 25 percent of its Federal Reserve notes in actual circulation.

The Board of Governors of the Federal Reserve System is authorized to suspend the reserve requirement for a period not exceeding 30 days, and from time to time to renew such suspension for periods not exceeding 15 days, provided that when the reserve falls below the 25 percent, the Board shall establish a graduated tax of not more than 1 percent per annum upon the deficiency until the reserve falls to 20 percent, and 1½ percent per annum upon each 2½ percent or fraction thereof that the reserve falls below 20 percent.

Question. To what extent has the volume of currency increased in recent years; the volume of bank-check money?

Answer. The increases in the 10-year period ending December 31, 1959, are as follows:

[Millions of dollars]

	Currency in circulation		Bank-check money [1]	
	Amount at end of year	Increase during year	Amount at end of year	Increase during year
1950	27,741	141	104,745	8,589
1951	29,206	1,465	111,644	6,899
1952	30,433	1,227	116,633	4,989
1953	30,781	348	116,788	155
1954	30,509	−272	120,793	4,005
1955	31,158	649	126,951	6,158
1956	31,790	632	129,044	2,093
1957	31,834	44	127,895	−1,149
1958	32,193	359	134,385	6,490
1959	32,591	398	[2] 135,220	835

[1] Demand deposits of all banks, including U.S. Government deposits but excluding interbank deposits.
[2] Partly estimated.

Question. What are the sources of lending power of the Federal Reserve banks? To what extent is this lending power affected by the amount of the member banks' capital subscription to, or reserve balances held with, the Reserve banks? What criteria guide the Federal Reserve System in the exercise of Reserve bank lending power?

Answer. The lending power of the Federal Reserve banks arises from the authority given them by law to create money, either in the form of Federal Reserve notes or in the form of deposits in member bank reserve accounts.

This is very vital in the determination of what our monetary policy should be. We must understand how the bulk of our money is being created, how it has been created, and how it can be created in the future. As I have said, it arises from the authority given them by law to create money, either in the form of Federal Reserve notes or in the form of deposits in member bank reserve accounts. Such deposits may result from direct loans to member banks or from open market purchases of Government securities.

This power is limited by the requirement in the Federal Reserve Act that the Reserve banks must hold a 25 percent reserve in gold certificates against their liabilities for notes and for deposits. Thus it may be said that the lending power of the Federal Reserve banks depends upon their holdings of gold certificates.

The amount of the member banks' capital subscriptions to, and of reserve balances held with, the Federal Reserve banks currently has only a very minor effect on the lending power of the Reserve banks. The effect was clearer in the early days of the System than it is today. As of December 31, 1917, total gold and gold certificate reserves of the Federal Reserve banks amounted to $1.6 billion, and member bank reserve balances totaled about $1.5 billion. Most of the gold had been paid in by member banks to establish their initial required reserve balances and to pay for their subscriptions to capital stock in the Federal Reserve banks. Accordingly, these payments could be said to represent the main basis for the lending power of the Reserve banks at that time.

During the period since 1917, member bank reserve balances have shown a net increase of $17 billion and Federal Reserve notes by $27 billion. This increase in Federal Reserve monetary liabilities of $44 billion has been offset by an increase in the country's gold stock of $17 billion and a $27 billion increase in the System's portfolio of loans and Government security holdings. This large utilization of Federal Reserve lending power over the period was not in response to member bank contributions of funds to System operations but rather reflected System adaptations to the economic and financial needs of the times.

It was not the intention of the founders of the Federal Reserve System that the lending power of the Reserve banks should be utilized specifically to enhance their own earnings or those of the member banks. The original Federal Reserve Act contained a mandate that such lending power should be directed to accommodating the needs of commerce, agriculture, and industry. More recently, in the Employment Act of 1946, this mandate was supplemented by congressional declaration that it is a continuing policy and responsibility of the Federal Government to use all practical means consistent with its needs and obligations and other essential considerations of national policy to foster and promote maximum employment, production, and purchasing power. These directives, which have been interpreted by System officials in testimony before committees of Congress as entailing the consistent application of System power to the fostering of orderly economic growth and a stable value for the dollar, provide the basic statutory guidelines for the exercise of Federal Reserve lending power in the public interest.

Question. State the meaning of velocity of circulation and its trend in recent years.

Answer. The velocity of circulation of money means, broadly, the rate at which the money supply is used to effect transactions in goods and the like. Of course, not all such transactions involve the use of money and measures of the velocity of money do not purport to be literal readings of the rate at which money changes hands in transactions. However, the usefulness of velocity measures in analyzing the connection between money and the rate of economic activity derives from the fact that money (checks and currency) actually does change hands in the great bulk of transactions.

The turnover of demand deposits, the ratio of debits (checks sent to the drawer's bank for payment) to demand deposits, is an approximate measure of the rate at which demand deposits are used to make payments by check. Since demand deposits make up the major share of the money supply, their rate of turnover can be considered a rough measure of total "transactions velocity."

A more general approximation to the velocity of circulation is the ratio of GNP to the money supply. This ratio can be taken as an index of the rate at which money is spent to buy final output of goods and services. Technically, it is called a measure of "income velocity," since the value of GNP is nearly identical with the total of incomes earned in the economy.

Use of the velocity of money in analyzing economic developments makes it possible to separate the part played by change in the money supply from the part played by other factors. From 1950 to 1959, while the money supply (demand deposits adjusted and currency outside banks) increased by approximately 27 percent, income velocity (as measured by the ratio of GNP to the money supply) increased by 35 percent. One of the important forces to which monetary policy has had to adapt during the past decade has been the persistent upward trend in velocity.

The upward trend in the velocity of money, both as measured by transactions velocity and as measured by income velocity, began immediately after the end of World War II. In part this rise seems to represent a recovery from the extraordinarily low level to which velocity fell during the war, as individuals and business firms added to their cash holdings, in large part because of the scarcity in the supply of goods. In part also, rising velocity of money has been due to rising interest rates, which have made individuals and businesses increasingly willing to lower the ratio of their cash holdings to their expenditures or income, for the sake of the growing rewards reaped by holding securities and other investments instead of cash. This has been reflected in the rapid rise in the volume of time deposits and, more especially, savings and loan shares, as the rates paid on these forms of savings were increased. These assets have been widely substituted for cash holdings, leading in the aggregate to a declining ratio of money to expenditures, which is to say, to a rising velocity of money. Still another postwar development that has probably contributed to rising velocity has been the widespread expectation of continuing creeping inflation. Velocity has increased most rapidly when these expectations have been strongest.

Question. In what ways has the lending power of member banks been restricted during recent periods of so-called tight money?

Answer. Periods of so-called tight money have developed when the demand for credit has outrun the rate at which the country was accumulating savings. In such periods of heavy demand for credit, the Federal Reserve has restrained increases in bank credit and money by limiting the rate at which additional bank reserves, which underlie bank deposits and credit, were made available. This has been accomplished mainly through restricting the volume of Federal Reserve net open market purchases of U.S. Government securities, which purchases create bank reserves.

Under these circumstances, expansion of bank lending has been limited by the extent that banks were able and willing to borrow from the Federal Reserve Banks or to sell securities from their portfolios to the public.

Borrowing from the Federal Reserve, in turn, has been inhibited in periods of so-called tight money by the reluctance of banks in this country to be in debt. This reluctance is reinforced by the knowledge that borrowings from the Federal Reserve are required to be on a temporary basis and that the cost of such borrowing, as represented by Federal Reserve discount rates, has also been increased during periods of credit restraint.

Lending by banks in periods of credit restraint also decreases their liquidity and hence their ability and willingness to lend further. Thus in 1959, for example, in addition to increasing their borrowings from the Federal Reserve Banks, banks sold from their investment portfolios, on balance, about $8 billion of Government securities to nonbank purchasers. Funds were thus provided for expansion of loans, but the shift caused reductions in bank liquidity. Still further sales of Government securities to expand loans were inhibited by the desire of banks to avoid still further reductions in their liquidity.

Question. Has this restriction halted commercial bank lending? How much then did bank lending increase in postwar periods of tight money?

I hope that my friends who have been discussing this question of tight money will follow these statistics, because the Federal Reserve Board frankly chal-

lenges the sobriquet of tight money by saying that bank check money and credit has been constantly expanding, and, therefore, they say, and as I will point out, the term "tight money" can only be used as a means of describing a situation when an extraordinary demand for credit exceeds the available supply. It is not tight from any other standpoint by all the criteria of the past, and there never has been such a volume of credit expansion as at the present time.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. First I congratulate the chairman of the Committee on Banking and Currency on an excellent address. It is very desirable indeed that the chairman of the committee should take the time to very carefully define some of the complicated and recondite terms such as "the velocity of circulation," and to go into explicit detail on exactly how the monetary system operates. He is serving a very helpful purpose by making his speech.

I wish to express to my chairman my gratitude for inviting me to engage in colloquy with him, and I am very glad to take advantage of his invitation.

As I understand, the Senator from Virginia has been discussing the effect of tight money. The Senator from Virginia has just stated that the policies of the Federal Reserve Board have not constricted the credit expansion of our commercial bank system, as I understand.

Mr. ROBERTSON. The Senator from Virginia could not make quite that categorical statement. As a matter of fact, the Federal Reserve Board feels that from its standpoint it would have been very derelict in its duty if it had not put some restraint upon the expansion of credit. It has put some restraint upon the expansion of credit. As the Senator from Virginia will point out later, it does not have control over the entire financial system. It has control over the reserves of its member banks. About 6 percent of the total volume of credit expansion in 1959 resulted from an increase in bank loans. The Federal Reserve has not been at all drastic in either its reserve requirements, or in increases in the rediscount rate. However, it has exercised some restraint, yes, upon the expansion of credit. But, as I will point out, credit has expanded in spite of the restraints that the Federal Reserve Board has imposed.

Mr. PROXMIRE. I do not wish to anticipate what the distinguished Senator from Virginia is going to say. However, I was very much shocked and surprised by the statement of the Chairman of the Federal Reserve Board about what he calls the flow of funds or, in effect, the expansion of credit being greater in 1959 than, as I recall his statement, in any other year, to the extent of something like $60 billion in expansion.

It is true that the Federal Reserve Board cannot be held responsible for this entire increase. However, my point is that the policy of the Federal Reserve Board, whether we call it a restrictive policy or not, has had the effect of greatly increasing the interest rate but not the effect of restraining or restricting credit, which is the only way that monetary policy can restrain inflation. We have had at the same time the interest rate has soared, an enormous increase in bank loans. We have had a tremendous increase in expansions on the part of many business units, and a very great expansion of consumer credit. So the effect on inflation, which high interest rates are supposed to achieve by restraining demand has not worked out in 1959. Is that not correct?

Mr. ROBERTSON. The answer of the Chairman of the Federal Reserve Board to that would be something like this: "You ought to see what the interest rates would be if we had adopted a different course concerning what we could actually influence. Then you must bear in mind that we could not offset the inflationary pressure of the price-wage spirals. We could not offset the inflationary pressure of the Federal Government constantly having to go into the money market to absorb the savings that ought to be loaned out at reasonable interest rates. They are wholly beyond our control. We have exercised some control. It would have been much more if we had not. We did not control interest rates."

However, after all, what fixes interest rates?

It was brought out in the colloquy earlier today between the junior Senator from Georgia [Mr. TALMADGE], and the junior Senator from Virginia that the interest rate is the price that people are willing to pay for money. It is fixed by demand. If there are more dollars competing for a scarce article, the price goes up. When there are more potential borrowers than lenders, the lenders will ask for a higher price for their money.

Of course, when there is inflation and when people know that the dollar has already been eroded by 52 percent of its 1939 or 1940 value, people are going to wonder what kind of dollar we will have at the end of another 20 years if they buy bonds now.

As I said earlier in the afternoon, if 20-odd years ago 3 percent was a fair interest rate, is it unreasonable today to say that 6 percent is equal to the 3 percent then? How can anyone say, with prices going up—with food and clothing going up and with services costing more, and with land and the price of homes going up—that interest rates must not go up, and that we must have interest rates at the same figure that they were 20 years ago?

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. The Senator has made a series of points. First, he has asked, What fixes interest rates? It seems to me that if the Federal Reserve Board is not responsible for interest rates, and is not effective in fixing interest rates, then it is not serving any significant function. As I understand, the Federal Reserve Board does in fact control the supply of money.

Mr. ROBERTSON. They influence the actual expansion of currency.

Mr. PROXMIRE. And they can indirectly influence the quantity of the demand deposits.

Mr. ROBERTSON. They can.

Mr. PROXMIRE. Which are the two ingredients which make up money.

Mr. ROBERTSON. As I will say later, they cannot control the entire money supply nor the demand for it. The only sound way that Congress can affect interest rates is to balance the budget and take the Government out of competition for savings. That will undoubtedly reduce interest rates; and if they go into the open market operations to reduce interest rates, they will create terrific inflation.

As I have previously said, if, as we expect, there is spending in this fiscal year amounting to $350 billion, and there is only a 1 percent increase in prices and in the cost of living, the cost will be $3½ billion.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. There is no question that we should have a balanced budget and we should have a surplus. I agree. I would agree that there is no economic justification for wage increases that exceed productivity. I would say that those are the real causes of inflation. However, any attempt to restrain inflation by relying completely on the monetary policy, as this administration has, by increasing the interest rate, will not be effective. It will drive up the cost of everything we buy on time—schools, hospitals, automobiles, homes—with no significant effect of restraining the pressures on demand. The quotation by the Senator from Virginia of the Chairman of the Federal Reserve Board proves this very point. In spite of a vast increase in interest rates, credit has expanded more rapidly than ever before, in fact by a huge $60 billion. We are suffering the high interest pains of restrictive monetary policy without any of the well-advertised inflation-restraining gains.

The Senator from Virginia has said that if the cost of everything we buy has gone up, why should not the cost of interest go up at the same time? It seems to me that the answer to that question is at least twofold.

First, the value of interest. Interest rates themselves have gone up fantastically since 1952. An analysis I have seen shows that whereas wages have gone up somewhat less than 50 percent, interest has gone up 100 percent. Whereas farm income has gone down 20 percent, interest rates have gone up 100 percent. Dividends have gone up 40 percent; interest has gone up 100 percent. I think this is only a part of the answer.

The second part is that as the economy grows and expands, and as wealth increases, the amount which the wealthy investor or wealthy institution has to invest very greatly increases. Therefore, his interest is bound to go up as his wealth goes up.

But under Federal Reserve policies, which drive interest rates up, the wealthy institution has double the income and thus has more money to invest at increased interest as the economy grows.

Mr. ROBERTSON. The distinguished Senator from Wisconsin may know of a 100 to 150 percent increase in interest rates in his State. But in my State 6 percent is the legal charge for interest. Above that is usury. The borrower can not only get it back, but he can get punitive damages if he is charged more than 6 percent. In all this century the legal rate of interest has been not more than 6 percent. In the meantime, the value of money has depreciated.

Mr. PROXMIRE. Does the law in Virginia prevent discounts, finance charges, or mandatory insurance requirements?

Mr. ROBERTSON. The banks cannot require insurance any more.

In Virginia, everybody knows that if he borrows money from a bank, the bank can require him to pay interest in advance.

If a person retires his debt by monthly payments, I have heard that the rate could go up to 12 percent.

In the long run, a good many of what are called consumer banks make loans on the faith and credit of the borrower. A loan shark can get 3 percent interest on his money in Virginia, the District of Columbia, and elsewhere near here.

Mr. PROXMIRE. Three percent a month, or 36 percent a year.

Mr. ROBERTSON. That is correct.

Mr. PROXMIRE. Seventy-two percent on the diminishing balance.

Mr. ROBERTSON. Three percent per month was some improvement over the previous practice.

Mr. PROXMIRE. I want to go along with the Senator in his very excellent speech. I shall not delay him.

Is it not true that the proposal of the distinguished Senator from Illinois [Mr. DOUGLAS] would give the consumer an opportunity to know just what his interest charges are? His proposal would provide for the disclosure of the true financial or interest charges. This would afford an opportunity for the people all over the country to realize what an enormous bill they are paying in interest rates. When interest rates increase, that increase is spread throughout consumer credit.

Mr. ROBERTSON. It has been the policy in Virginia for years, when a man makes a loan, for the lender to tell him what his interest will be. I am surprised if it is true that in Wisconsin the lender does not tell the borrower what the cost of interest will be. In Virginia, the banks do not mind telling the borrower; they want him to know.

Mr. PROXMIRE. I simply point out that the banks should be on the side of this bill. It would be to their interest. I am talking of what the Senator from Virginia referred to a minute ago as loan sharks, those who lend money at enormous rates of interest, whether on the purchase of a second-hand car or the purchase of appliances, and who exploit the interest of the consumer very greatly.

Mr. ROBERTSON. The Senator from Virginia never had much experience with pawnbrokers; but from discussing them with those who have used their services, I judge they did not seem to be under the illusion that they were getting money cheap. They understood that they were going to pay pretty high interest, and get but a small fraction of the worth of the pledge, and perhaps never redeem the collateral.

I do not know that it would do any good to have it spelled out that in 6 months the borrower would pay 18 percent on a $500 ring.

There might be some States where consumers have been imposed on. Apparently there is no evidence of that kind of treatment—certainly widespread—in Virginia. But the committee expects to have full hearings, and everyone who knows of abuses of that kind will be permitted to testify. We will develop that subject, and at the end of the hearings we ought to have a clearer picture of the situation from a national standpoint, to determine whether this is a national evil; and if there is, whether we provide some machinery which will measurably protect the consumer.

To continue with my prepared remarks:

When the expansion of bank credit and money is under restraint in the sense that its pace is dependent on member bank borrowing, banks generally do not halt their lending to customers. Banks customarily hold substantial portfolios of U.S. Government securities as well as of municipal securities. If the sacrifice of selling these securities is not considered too great as compared with the compensations, direct and indirect, of maintaining an active lending business with customers, banks will shift from their security portfolios into loans.

If we apply rather arbitrary judgment standards as to past periods of tight money and take for analytical purposes the months from July 1952 through May 1953, from September 1955 through November 1957, and from April 1959 to the present time, as periods of tight money, then we find that the following happened with regard to bank lending.

Bank loans increased faster during these tight money periods than during the intervening periods. For example, the loans of member banks alone expanded by an average of $580 million a month during the months classed as tight money. During the other months, the average rate of expansion was $330 million a month.

The Federal Reserve policies of restraint prevented loans from expanding at still faster rates, such as might otherwise have occurred, but did not by any means halt their expansion. It also slowed down the pace of total bank credit and monetary expansion, leaving to the market mechanism the allocation of the reduced increment in these quantities.

The following table summarizes the relevant facts:

Increases in bank loans during tight-money [1] and other periods

[Amounts in billions of dollars]

Period [1]	Length of period, in months	Increase in loans during period—		Loans outstanding, end of period—	
		At member banks	At all commercial banks	At member banks	At all commercial banks
Loans outstanding, end of March 1951				46.6	54.4
April 1951 through June 1952	15	3.9	4.8	50.5	59.2
July 1952 through May 1953—T	11	5.5	6.2	56.0	65.4
June 1953 through August 1955	27	10.3	11.9	66.3	77.3
September 1955 through November 1957—T	27	13.8	15.6	80.1	92.9
December 1957 through March 1959	16	4.8	6.3	84.9	99.2
April 1959 through January 1960—T	10	8.7	10.3	93.6	109.5
Totals:					
Tight-money periods	48	28.0	32.1		
Other periods	58	19.0	23.0		

[1] T in 1st column indicates periods classed as tight-money periods on basis indicated in text.

To go back to the question whether there has been tight money, I want to read the percentages by which credit has been expanded.

From April 1951 through June 1952, member banks expansion, 3.9 percent; at all commercial banks, 4.9 percent.

Going down to April 1959 through January 16, 1960, the increase for member banks was 8.7 percent; for commercial banks, 10.3 percent.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. This is exactly the point. I am delighted that the chairman of the committee has made it.

What this point shows, it seems to me, is that tight money does not restrain credit. There is an expansion of credit during the very high rising interest rate period. What is the effect of tight money, then? It means there is still pressure on limited resources. There is still inflationary pressure.

But rising interest rates have actually increased inflationary tendencies, because in paying for anything, in the time-payment segment of the economy, the price paid increases. If there is a million-dollar high school financed over a 30-year period, the interest cost has increased since 1952 by a huge $300,000 for which you get nothing, not another desk or blackboard or eraser. This is real inflation, with a vengeance. The same is true of a house. So it seems to me that tight money does have some inflationary implications. Second, it does not result in actually tightening credit.

Mr. ROBERTSON. It is the position of the Federal Reserve System that they exercise some restraint, and that the inflationary pressure would have been much greater but for the restraint they used.

Second, their position is that from the standpoint of any previous use of money and of credit there has been a rapid expansion during this period. But if the

Federal Reserve Board, in the face of this terrific demand for credit, had attempted to increase measurably the money supply or to decrease interest charges by open market operations and buying Government bonds below their market value, the net result would have been a tremendous increase in inflation.

The Senator from Wisconsin made a fine speech the other day and pointed out how the so-called tight money and high interest rates were greatly adding to the cost of education.

I point out later that it is the very definite opinion of the Federal Reserve Board that laws cannot control interest rates. We may pass a law and say, "You must not pay more than 2 percent on long-term bonds." But how can anybody be made to buy such bonds? Buyers will not go into the market for them.

Mr. PROXMIRE. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. I have never advocated the passage of a law to restrict interest rates. I have taken a very orthodox economic position, which I understand was supported by 3 out of 4 of the economists who appeared before the Joint Economic Committee, and it is a position which has been supported by more and more people in the field of monetary economics. It is that we should simply increase the supply of money in proportion to the increase in the gross national product, on a long-term, secular basis.

Let me point out that since 1952 the supply of money has increased very, very little, whereas the gross national product has enormously increased, with the result that the ratio between the supply of money and the gross national product has decreased from 37 percent to, today, 28 percent—the smallest ratio since Andrew Mellon was Secretary of the Treasury and since the tight money and restrictive policies in the late 1920's.

My point is that, first, this is ineffective as a restraining influence on credit, as the Chairman of the Federal Reserve Board has repeated again and again; and, second, it is very definitely driving up the cost of money, with the result, as the Senator from Virginia has said, of increased costs for education, home building, and many, many other purposes.

Mr. ROBERTSON. Mr. President, I am not a mathematician or an expert economist, and I cannot use slide-rule methods in computing interest rates. All I can do is say that it is the contention of the Federal Reserve Board that when we take into consideration the steady increase of money, including bank-check money, plus the very marked increase in the velocity of circulation of money, we find that we have an adequate amount of money with which to do the necessary money work.

Mr. PROXMIRE. If the Senator from Virginia will yield further, let me say that my point is that the velocity of money, according to the definition just now given by the Senator from Virginia, is bound to increase when the supply of money is not increased and when the gross national product does increase. In such circumstances, the amount of money then in existence is used more intensively. If the Federal Reserve Board fails to increase the supply of money as the use for it—in other words, the gross national product—increases, there will be bound to be an increase in interest rates. That has always followed in such circumstances.

Mr. ROBERTSON. The Federal Reserve Board claims that in addition to increases in the volume of money and in the velocity of its circulation, there have been increases in the work that money does.

Today, I am presenting statistics in answer to questions which I presented to the Federal Reserve Board in regard to some of these economic policies. If we can agree about what the facts are, then later we can argue about what is the best course to take in order to provide relief in a situation which is not pleasant for any of us. We do not like to have tight money or high prices for food or rent or many of the other things which are higher in price because of the inflation which has occurred.

Mr. PROXMIRE. But it always follows that when the Federal Reserve Board fails to increase the supply of money, the velocity of circulation of money is bound to increase. That is inevitable when the gross national product increases.

Mr. ROBERTSON. That may be true.

Mr. PROXMIRE. In the entire history of the country there has never been a time when the supply of money was not sufficient to do the job. The entire question is how high the interest rates have to go to permit the job to be done.

Mr. ROBERTSON. In 1896 we had a great Democratic leader who said there was not nearly enough money in circulation in order to do the job; and he said silver should be coined at the ratio of 16 to 1; and he said the farmers had to have more money. At that time the Government had to borrow approximately $80 million from J. Pierpont Morgan; the Government ran out of money.

Mr. PROXMIRE. Of course, if the Senator from Virginia wants to make an argument on that basis, many of us could argue that today much work which should be done is not being done. The Senator from Virginia has pointed out that today 4 million American people are out of work, and many houses which are needed are not being built, and much other work which needs to be done is not being done. But if interest rates were lower, more of that work could be done.

We simply say that more of that work should be done, and that it would be done if interest rates were decreased and if the supply of money were increased.

Mr. ROBERTSON. But the Federal Reserve Board takes the opposite view; it says that if more money is made available, instead of having greater production, prices would increase, and we would wind up in a big "bust."

Mr. PROXMIRE. Mr. President, if the Senator from Virginia will yield further, let me say there is no question that one immediate impact on the cost of living when there are high interest rates is that when people purchase homes, the cost of the homes is enormously greater, and the same is true in connection with the construction of schools and hospitals, because in such circumstances the money which must be borrowed costs a great deal more.

Mr. ROBERTSON. Mr. President, let us analyze a little further the position of the Federal Reserve Board—assuming for the moment that it has not done what it properly could do by way of control. Let us see what it can control.

In that connection, I now read the 14th question:

What percentage of total funds available for lending purposes is under the control of the Federal Reserve Board?

Answer. Of the total funds flowing through credit and equity markets, only that part flowing through the commercial banking system can be regarded as in any sense under the control of the Federal Reserve System. Even in the case of banks, a more appropriate word would be "influence" rather than control. The share of total credit flows accounted for by lenders other than banks represents funds made available to financial markets out of the savings of businesses, consumers, governments, and foreign investors. Some of these funds are made available directly to financial markets by savers, but a very large share flows through financial intermediaries, such as savings banks, savings and loan associations, life insurance companies, pension plans, etc. As will be pointed out later, these sources of funds are also influenced by Federal Reserve actions, although to a lesser extent and in a more indirect way than banks.

Figures in the following table indicate that in most of the postwar period expansion of bank credit generally has accounted for only a relatively small share of total credit flows. In 1959, for example, total expansion of credit and capital is estimated to have been close to $60 billion, of which about $3½ billion, or 6 percent, resulted from an increase in total bank loans and investments.

This figure of the 1959 increase in total bank credit is not to be confused with the year's increase in bank loans alone. Bank loans increased by $12 billion, but this increase was offset by a decline in bank investments, mainly Government securities, of $8.5 billion. Thus, the increase in total loans and investments of banks amounted to $3.5 billion.

The years in which expansion of bank credit has tended to have been a larger than average share of total credit growth were generally periods when monetary policy actions were supplying additional reserves to commercial banks in order to combat recessionary influences. This was the case in 1949, 1954, and 1958, years when expansion of bank credit accounted for a third of the total growth in credit. In most other years, however, increases in bank credit have accounted for a much smaller share of total credit growth. Most of these years were periods of economic expansion when monetary policy was operating principally to limit the available supplies of credit more closely to available supplies of saving.

The Federal Reserve does not directly control the credit flows arising out of the public's saving, but monetary policy actions do exert an important influence on them. In periods of economic expansion with rising credit demands, restraint on the growth of bank credit is usually accompanied by borrower's willingness to bid more for available supplies of savings, with a consequent rise in interest rates. This, in turn, stimulates

an increase in savings and in the total amount of funds made available through financial markets. Thus, in both 1955 and 1959, a reduction in the amount of growth in bank credit was accompanied by a substantial rise in the expansion of total credit.

In addition, higher interest rates mean lower market prices of outstanding securities held by nonbank lenders. This development tends to make such lenders more reluctant to sell these securities in order to obtain funds to make new, higher yielding loans and investments.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table entitled "Expansion of Credit and Capital."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Expansion of credit and capital

Year	Total credit expansion	Increase in bank credit	Percentage of bank credit to total
	Billions	*Billions*	
1947	14.6	$2.3	15.8
1948	14.4	−1.9	(1)
1949	18.0	6.0	33.3
1950	29.4	6.6	22.4
1951	25.9	6.1	23.6
1952	34.1	9.0	26.4
1953	31.7	4.2	13.2
1954	28.4	10.2	35.9
1955	43.8	5.0	11.4
1956	30.6	4.5	14.7
1957	36.7	5.1	13.9
1958	45.4	14.9	32.8
1959 [2]	59.5	[3] 3.4	5.7

[1] Negative.
[2] Preliminary.
[3] Not including increase due to bank structure changes in 1959.

Source: Flow of funds accounts, Board of Governors of the Federal Reserve System.

Mr. ROBERTSON. Mr. President, question No. 15 is as follows:

What are the types of loans by member banks that can be rediscounted at a Federal Reserve bank?

Answer. The principal types of paper representing loans made by member banks that may be rediscounted at a Federal Reserve bank are the following:

First. "Commercial paper," that is, paper issued or drawn for industrial or commercial purposes which has a maturity of not more than 90 days at the time of discount—but not including paper covering fixed investments, such as real estate, or paper drawn for speculative purposes or for trading in securities other than obligations of the United States—12 U.S.C. 343. Commercial paper includes building construction loans made by national banks if it complies with certain requirements prescribed by the law—12 U.S.C. 371.

Second. "Agricultural paper," that is, paper drawn for agricultural purposes or based upon livestock which has a maturity of not more than 9 months at the time of discount, including paper of cooperative marketing associations—12 U.S.C. 348, 351.

Third. "Sight drafts" growing out of domestic or foreign shipments of readily marketable staples, subject to certain conditions including requirements as to security—12 U.S.C. 344.

Fourth. "Bankers' acceptances" growing out of the importation or exportation or domestic shipments of goods, the storage of readily marketable staples, or the creation of dollar exchange, if they have a maturity of not more than 90 days at the time of discount—or 6 months in the case of agricultural acceptances—and provided the acceptances comply with certain requirements prescribed by the law—12 U.S.C. 346, 372; and the 12th paragraph of section 13 of the Federal Reserve Act erroneously omitted from the United States Code.

Any other type of paper representing loans by member banks—including real estate loans—is eligible as security for advances to member banks by the Federal Reserve banks, with maturities not exceeding 4 months, if the paper is deemed satisfactory by the lending Reserve bank; but the rate of interest on any such advance is required to be at least one-half of 1 percent higher than the regular discount rate—12 U.S.C. 347b.

It is important to note that obligations of the United States held by member banks may also be offered by them as security for borrowings from the Federal Reserve banks, at the regular discount rate, with maturities up to 90 days—12 U.S.C. 347c.

Question No. 16 is as follows:

What are the present limitations on the power of the Federal Reserve banks to lend to member banks?

Answer. As indicated in the answer to the preceding question, commercial and agricultural paper, sight drafts, and bankers' acceptances must meet certain requirements as to maturity and as to the purposes for which the paper is drawn in order to be eligible for "rediscount" by the Reserve banks. In addition, a Reserve bank may not discount for a member bank the paper of any one borrower from the member bank in an amount greater than that which a national bank may lend to one borrower—12 U.S.C. 345.

Apart from the limitations contained in the statute, the Board of Governors is authorized to define the character of paper eligible for discount and to prescribe restrictions, limitations, and regulations with respect to the discounting of paper by the Reserve banks—12 U.S.C. 343, 361. In its regulation A relating to this subject, the Board has prescribed certain detailed limitations in addition to those prescribed by the law; for example, paper offered for discount is required to be negotiable. In addition, a foreword to the regulation sets forth certain important general principles, based upon statutory and regulatory requirements, that are applicable to the lending operations of the Federal Reserve banks. Among other things, these principles emphasize that, except in unusual circumstances, Federal Reserve credit is extended only on a short-term basis and that continuous borrowing by a member bank is not regarded as an appropriate use of Federal Reserve credit.

A moment ago, in submitting the answer to Question No. 14, I pointed out that part of the answer was that "In 1959, for example, total expansion of credit and capital is estimated to have been close to $60 billion."

That is the peak year of the so-called tight money, and in that year credit expansion was $60 billion.

Mr. PROXMIRE. That is exactly the point I have been trying to make.

Mr. ROBERTSON. And approximately "$3½ billion, or 6 percent, resulted from an increase in total bank loans and investments."

Mr. PROXMIRE. Certainly, because high interest rates results from tight money. But according to the Chairman of the Federal Reserve Board, we still had the greatest credit expansion that we have ever had.

Mr. ROBERTSON. Let me read some of the figures in regard to the expansion of credit and capital:

In 1947 the total credit expansion was $14,600 million.

In 1948, it was $14,400 million.

In 1949, it was $18 billion.

In 1950, it was $29,400 million.

In 1959, the total credit expansion was the largest of all—namely, $59,500 million.

And in 1959, the increase in bank credit was $3.4 billion; and bank credit, as a percentage of the total, was 5.7 percent.

Certainly, one cannot hold the Federal Reserve Board wholly responsible for what is called the tight-money policy, when the Federal Reserve Board could not even control, but could only influence, approximately 6 percent of a total of nearly $60 billion of expansion of credit during that time.

Mr. PROXMIRE. Mr. President, if the Senator from Virginia will yield further, I will say why I would hold the Federal Reserve Board completely responsible for that.

Mr. ROBERTSON. Very well; I yield.

Mr. PROXMIRE. The Federal Reserve Board is able to either increase or decrease the supply of money; through the Board's conscious, direct, and deliberate influence by open-market operations and by varying the reserve requirements, the Board can make the supply of money whatever it wishes to make it.

Every year they have increased the supply of money, in relation to the gross national product, by their policies, interest rates have dropped. Every year they have decreased the supply of money in relation to GNP, interest rates have gone up. That has taken place without exception, at least in the last 10 years or so in which I have had an opportunity to study the subject. So they do affect the rate of interest. They have always been successful in fixing the rate of interest. As the chairman of the Banking and Currency Committee has said, and as the Chairman of the Federal Reserve Board has said, they do affect overall credit expansion relatively little. They affect the interest rate tremendously.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I attempted to calculate what the average rate on new Federal issues was during the 20 years that President Roosevelt and President Truman occupied the White House. Just adding the average for each year, and then dividing by 20, I arrive at the figure of 1.7 percent interest on new Federal issues during that period.

During most of that time, I assume that the Federal Reserve Board did use its open market operations and did use its control over bank reserves, in order to see that there would be adequate capital, money or credit in circulation. Yet those controls were used in such a way as to keep the average interest rate at about 1.7 percent.

Since that time, the interest rate has gone steadily up. I understand that open market operations have been used very little. The average interest rate on new Federal issues will be nearly 5 percent this year—or almost three times as high as it was during the previous 20 years.

It seems to a number of us that the Federal Reserve Board has power to affect, within some reasonable limits, the rate of interest on new Federal issues, and that in turn tends to fix the floor above which the other interest rates will be constructed.

If more power is needed in order to control the fiscal and monetary destiny of the American people, the Board could recommend that such power be granted to it, or the President could ask Congress for it. It has been the impression of some Senators, however, that the President always felt there were adequate powers to achieve what he thought to be the proper level of interest rates.

He felt the powers which the Government already had were adequate, and I assume most of our Republican Senators feel those powers should not be used.

It seems to me the question is: Should those powers be used to hold interest rates at a level we believe desirable, or should they be used very sparingly, with the result that interest rates can go up?

I have discussed this question with persons who really believe the Federal Reserve Board does not use its powers, who believe that the interest rate at the Federal level can be controlled by 20 people, that those 20 can speak for those who are in a position to absorb new Federal issues and to meet, more or less, the credit demands of this Nation.

There is no doubt that the difference between the average for the 20 years preceding the present administration and what we are paying today amounts to about $9 billion additional in the national debt.

Applied to the overall economy, assuming the average interest to be about 2 percent on our indebtedness, the amount would still work out to almost $20 billion as an increased interest charge, which a relatively large number of people in the country are paying for the benefit of a relatively few.

I hope the Senator will agree that the powers of the Board should be used to try to make the burden as light as possible on the taxpayers and the borrowers of this country. If we go along at this present high level of interest rates, I am sure the Senator realizes that the difference between 1.7 percent and 5 percent in interest rates can mean paying for the whole national debt, but that we would be just as badly off as we were in the first place.

Mr. ROBERTSON. The Senator from Virginia is not speaking today as the doctor who writes the prescription. He is speaking more as a research man who is trying to find out what the symptoms are and to diagnose the trouble. The Senator from Virginia recalls very well the period when the Federal Reserve Board was used as a tool of the Treasury Department to support low interest rates and deficit financing for a number of years. But the period the Senator speaks of was a period, first, of deep depression, and, then, of war—with price and wage controls and priorities and allocations—which restricted demand. But I think if the Senator could total the amount that the taxpayers saved in interest on the national debt during that period, and could total the amount of money they paid because of the inflationary effect of handling the national debt in that manner, he would find it cost 10 times what the taxpayers saved in interest payments, in inflationary costs.

Mr. LONG of Louisiana. I am sure the Senator from Virginia is as well informed on these figures as I am. During the World War II years, when there were really inflationary pressures on the economy, there was not as much inflation as there was during the first year price controls were taken off.

Mr. ROBERTSON. That is right, but there had been restrictions on consumer credit. There were the X and W regulations. There were controlled prices on hotel rooms, on rents, and on everything else.

Mr. LONG of Louisiana. This is the point I want to make. During that time there were controls on a great number of products and services.

Mr. ROBERTSON. That is correct.

Mr. LONG of Louisiana. And that was a period during which this Nation gathered an enormous national debt, because it was fighting a war, and the Treasury was operating at a tremendous deficit during that period. Controls on interest rates were had by large open market operations of the Federal Reserve Board to prevent accumulating a national debt at normal interest rates.

Mr. ROBERTSON. I challenge that statement. There were restrictions on every major item. No one could build anything. Homebuilding stopped. There was no demand for money for home construction. Normal demands for credit had dried up because of wartime restrictions on critical or scarce materials.

Mr. LONG of Louisiana. There were demands and there were controls.

Mr. ROBERTSON. But the desires could not be translated into demands for material, because the people could not fulfill their demands. Everything had to be allocated, and a person had to have top priority.

I remember that I was serving on the Board of Visitors for VMI, and we wanted to expand the barracks facilities for the men. These men were going into the Army, but we had to postpone the expansion, because we could not get a priority for the steel and things necessary to go into the building at that time.

Mr. LONG of Louisiana. During that period of time could the Senator tell me what controls existed on the interest rate, on the price of money which could be charged for new borrowings?

Mr. ROBERTSON. Well, there was not any great control, because the demand for money was not great. People could not use the money they had.

Then we had the famous split between Treasury and Federal Reserve in 1951. The distinguished member of the Banking and Currency Committee [Mr. DOUGLAS] sided with the Federal Reserve and said the Congress intended that the Federal Reserve Board should be an independent agency. He said that he would support the Federal Reserve in refusing to be made a tool of the Treasury, to put out bonds that the public would not buy at a rate of interest which was below the market price.

Mr. LONG of Louisiana. I think the Senator is coming into agreement with me on this matter. The point I have in mind is that the low interest rate at which our national debt was carried was due in major part to the open market operations of the Federal Reserve Board, which would buy Federal bonds in the event that the investors would not take them at the price the Federal Government was willing to offer the bonds.

Mr. ROBERTSON. That was a major factor; that is correct.

Mr. LONG of Louisiana. While the Government was holding the bonds, of course it could be described in some respects as putting more currency into circulation, but the Government was not actually paying interest on those bonds until the bonds were sold back into the market.

Mr. ROBERTSON. When the Treasury wanted to continue that operation in 1951, the Federal Reserve said that it was inflationary and an improper use of the Federal Reserve System.

It is the opinion of the Federal Reserve Board and of the junior Senator from Virginia that in inflationary costs or depreciated dollars the public paid many times more than what it saved in interest.

Mr. LONG of Louisiana. If the Senator will permit me I should like to follow this a bit further.

The point the junior Senator from Louisiana had in mind is that if these policies had not been used, as urged by President Roosevelt and by President Truman, from 1945 to 1953, or for a period of 8 years, it is reasonable to assume that the average interest rate on the Federal issues would have jumped up to about 5 percent, as it is now. In a period of 10 years the additional interest would have cost this Government some $90 billion, as an additional carrying charge on the national debt. Therefore, instead of being in debt $290 billion we would now be in debt $380 billion.

I submit to the Senator that most of the inflation which has occurred since the war was in respect to two occasions: One related to the removal of price controls in 1946, before industry had had a chance to catch up with the big backlog of demand, which caused a great number of products which had been in scarce supply to jump tremendously in price. The second was when, during the Korean war, Congress was slow in putting on price controls, with the result, as the Senator will recall—since we were both Members of the Congress at that time—that prices jumped 10 percent before we got controls into effect.

Mr. ROBERTSON. The Senator from Virginia asked the Federal Reserve Board a lot of questions, but this was not a question he asked. He cannot say offhand what the interest rate would have been if such-and-such a policy had not been pursued, or how much the cost would have been if interest rates had gone up to this, that, or another figure.

At some later period perhaps the economists of the Federal Reserve Board will

make some computation on that matter and give us some answers.

We know that because the Federal Reserve Board issued money to buy bonds during a period of time to support the market at a low interest rate there was created a tremendous surplus supply of money which, when turned loose for goods and services, after controls were removed, had a tremendous inflationary effect. That tremendous supply of money could not be used because of the restrictions during the war period. People could not build, could not buy automobiles, could not do much of anything. The people could not get gasoline. They could buy a gasoline rationing card, which was good for about 100 miles a month, or something like that.

Mr. LONG of Louisiana. Certainly the Senator would be willing to agree, would he not, that if Congress had been a little bit more hesitant about removing price controls, long enough to permit the ordinary consumer items to catch up, or at least somewhat catch up, with the pent-up wartime demand for those items, it is likely prices would not have jumped as rapidly as they did immediately following the end of controls.

Mr. ROBERTSON. Was the Senator up for reelection the year we removed those controls?

Mr. LONG of Louisiana. No; the junior Senator from Louisiana was elected the next election.

Mr. ROBERTSON. The junior Senator from Virginia was running for election to the House of Representatives. Notwithstanding the fine support he has always enjoyed in a safe Democratic district, he is not too sure, if he had said we would keep those controls on, he would be in Congress today. The people probably would have left him at home then, because the people had gotten very fed up with the inequities of price controls, and they wanted them removed.

There was fraud at that time. The Senator will remember the black market operations in cattle at that time. It was terrible.

That is one reason, as chairman of the Committee on Banking and Currency, I have said I do not want peacetime controls. We had enough trouble with controls during the war, when everyone was patriotic and had an urge to win the war and to make sacrifices. We should not have controls in peacetime, especially in a period of unprecedented prosperity.

Mr. LONG of Louisiana. The point I am making—and I do not believe the Senator basically disagrees with it—is that it is difficult to say the large amount of money and credit available was the cause of the rapid price increase during those two periods when it occurred, in view of the fact that there was a tremendous scarcity of goods at that time. In 1946 there was—at least, when price controls went off, and again in 1950 when the Korean war went into effect—a tremendous demand for commodities, with all the scare buying which went into effect when everyone bought because he was fearful he might not be able to get the same thing later.

Mr. ROBERTSON. As we pointed out earlier in the afternoon, an oversupply of money is not the only cause of inflation, but it is a contributing cause. Certainly the Senator from Louisiana is correct in stating that following World War II we had accumulated large amounts of money which certainly went out to compete for a scarcity of goods and services, and, in turn, which bid up the prices. That was a major contributing factor to the inflation which occurred after that period.

Mr. President, continuing with the questions and answers:

Question. How does deficit financing of the Federal Government affect the lending power of the banking system? Why does such deficit financing usually tend to be inflationary?

Answer. In theory, deficit financing by the Federal Government need not affect the lending power of the banking system. This lending power depends on the amount of reserves made available to member banks by the Federal Reserve System. In practice, however, the financing of a Federal Government deficit often requires underwriting service from the commercial banking system. To equip banks to provide this service, the essential reserves may be supplied temporarily by the Federal Reserve. Obviously, such aid to Treasury financing, when it is given, constitutes a supplement for the time being to the lending power of the banking system. As a result, deficit financing by the Federal Government, in practice, runs a risk at least of generating increases in the total credit-granting power of the banking system.

Any kind of deficit financing—whether by Government, by private business concerns, or by consumers—tends to be inflationary except as offset by net saving of other sectors. Each deficit financing sector buys more from the market than its income, financing the difference by borrowing. Federal Government deficit financing, however, is commonly regarded as being more inflationary because it is often large scale and when it is, it usually results in some net overall expansion in bank credit and money. In other words, deficit financing by the Federal Government not only means that it buys goods and services or makes payments in excess of the taxes it collects, but also frequently leads to an expansion of total bank credit and thus of the money supply.

Question. How is the lending power of a commercial bank affected when it makes a loan to an individual or corporation? What about the lending power of the banking system?

Answer. The lending power of a single commercial bank depends on the relation between its reserves with the Federal Reserve banks and its deposits. If a bank has excess reserves, it can lend an amount equal to them; if not, it must sell some other assets to the extent it wishes to lend. The result is exactly the same whether the loan is to an individual or a corporation.

The act of making a loan uses up some of the lending power that a bank has. The deposit credit given the borrowing customer will probably be spent which results in a loss of an almost equivalent amount of reserves by the lending bank to other banks. These reserves, however, then become lending power of other banks. Thus, the banking system as a whole can, under our present set of reserve requirement rates lend approximately seven times the volume of excess reserves in the system as a whole.

The lending power of the banking system as a whole, therefore, depends on its holdings of excess reserves, or the ability to sell assets such as securities to nonbank buyers. Commercial banks cannot increase the total of excess reserves in the banking system by selling assets to one another, except for trivial amounts created by differences in reserve requirement among classes of banks.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I should like to invite to the attention of the Senator from Virginia the fact that the junior Senator from Wisconsin does not want to be put in the position of implying that one can endlessly increase the supply of money without having an inflationary effect. I am convinced that it would have an inflationary effect. I am asking for a very moderate course. I am asking for recognition on the part of the Federal Reserve Board that we now have excess capacity.

The Senator from Virginia, in his exposition, pointed out that even in steel, in connection with which there was a very long strike, we are now operating well below the capacity that was expected. By the end of this year it is expected that we shall be operating at 80 or 85 percent of capacity; in the case of automobiles, perhaps two-thirds; in the case of machine tools, about two-thirds of capacity.

Under those circumstances, it seems to me that this is not a time when we should feel that with the pressure of demand on manpower resources and factory capacity, prices are likely to be driven up. The Senator from Virginia has pointed out that during the past 45 days or so the investors of the country have wiped out all the gains of the stock market in 1959, because they expect business not to be as good toward the end of the year. Under those circumstances, it seems to me that for the Federal Reserve Board to follow a policy of continued credit and monetary restriction is unwise. Far from leaning against the wind, they are leaning with it. All the studies I have seen have indicated that the effect of Federal Reserve policies is delayed. It requires from 4 to 22 months for them to take effect. The way the Federal Reserve Board is now acting, I would anticipate that its restrictive policy will deepen whatever recession we have in 1961; and most of those who speak of the prospects for 1961 do not expect business to be so good, and expect a more severe unemployment problem than we have today.

Mr. ROBERTSON. It is the opinion of the Chairman of the Federal Reserve Board that there has been an adequate supply of money, including bank check money.

Mr. PROXMIRE. There has been a decrease of between $2 billion and $4 billion since 1958 in the total supply of money—that is, currency and demand deposits. As I understand, it is now between $140 billion and $142 billion, whereas in 1958 it was more than $144 billion.

Mr. ROBERTSON (continuing with the questions and answers):

Question. What has caused interest rates to increase so rapidly in recent years?

Answer. The rise of interest rates since mid-1958 has accompanied the rapid recovery of the economy from the brief 1957–58 recession and has reflected large credit demands from all sectors of the economy. Last year, a continued expansion in Federal Government credit needs coincided with

greatly increased demands from other sectors, and total credit in the economy increased by about $60 billion, one-third more than 1958. The public's willingness to save and to make saving available in lendable form at preexisting interest rates failed to keep pace with the demand for credit, and, as a result, money market rates and bond yields rose. By the end of the year, they were above prerecession peaks of late 1957.

There has been a general upward movement of interest rates during the 1950's, accompanied by a pronounced cyclical pattern of rate variations. Since the Treasury-Federal Reserve accord of March 1951—which gave monetary policy freedom to resume regulation of bank credit and money to combat not only deflationary but also inflationary tendencies of the economy—interest rates have become free to reflect the influence of underlying supply and demand conditions, and they have fallen in recessionary periods and risen in expansionary periods.

Periods of economic bouyancy in the latter part of the 1950's have been characterized by well-sustained utilization of plant and equipment, widespread pressures on prices, and expectations of inflationary conditions. Attempts by the Federal Reserve to hold down interest rates in such periods by permitting expansion of bank credit to meet total credit demand at lower interest rates would have met with limited, if any, success and would have had highly undesirable consequences. The expansion of money to hold down interest rates would have stimulated speculative demands for resources and credit, would have restrained interest rate rises only temporarily, and would have led to sharply adverse reactions.

Credit demands: All major sectors of the economy increased their demands for credit in the 1950's. The indebtedness of consumers and of State and local governments, however, increased at a more rapid rate than business indebtedness, as shown below for the past decade and for the past 2 years.

Percentage increase in debt, by sector (annual average increase)

	1950–59	1958 and 1959
Consumer	13.3	10.4
State and local government	9.6	9.7
Businesses	9.0	8.4
Federal Government	1.2	3.8

Consumer credit demands rose along with expanding population, incomes, and wants and with the development and broadening of credit facilities to finance purchases of homes, durable goods, and other goods and services. The growth of population and its spread to the suburbs has also enlarged demand for education, transport, and other services generally provided by State and local governments. Many of these services are provided with long-lived facilities which are financed mainly through long-term borrowing.

The growth of business credit demand has reflected the expected profitability of business investment and innovation as demand for goods and services has frequently pressed against capacity of existing plant, and as rapidly changing tastes of the population, together with striking improvements in technology, have tended to accelerate obsolescence of existing facilities. Another important factor has been the rapid advance in industrial wages and the incentive this gave to laborsaving investment. The increase in business credit demands has also at times reflected the effect of inflationary expectations, which make it appear less expensive to borrow in the present than in the future and which also make the cost of borrowing seem small relative to possible speculative profits.

At times Federal budget deficits have contributed to expanded overall credit demands. This was a particularly important factor during 1958 and 1959, when the Government's absorption of saving tended to reduce the availability of credit to other sectors.

Supply of saving: The bulk of the economy's saving is provided by consumers; and during recent years the amount of saving that consumers were willing to make available in lendable form at preexisting interest rates usually fell short of the demand for saving. The willingness of savers to supply funds to meet credit demands was particularly adversely affected in periods when rising average prices for goods and services engendered expectations of continued advances. Such conditions were evident from early 1956 to mid-1957 and also for a time after mid-1958. At times, inflationary expectations put a premium on spending over saving. Also, savers were less willing to make funds available under fixed-interest contracts and tended to prefer assets, such as equities and land, which appeared to provide a hedge against possible erosion of the real value of saving through future price rise. Under these conditions, higher interest rates were required to bring forth funds needed by borrowers.

The advance of interest rates during 1959 was accompanied by greater consumer acquisition of financial assets in total, and particularly of U.S. Government securities. The increased purchases of U.S. Government obligations helped finance credit demands of the Government. Also, by making cash available to banks selling securities, these purchases indirectly helped finance the sharp rise in borrowing by other consumers.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. I invite the attention of the Senator to the fact that during the past year or 18 months there has not been a very sharp increase in the price level. The Senator has pointed out that there has been a $60 billion flow of funds, or credit expansion. Wholesale prices are about the same now as they were a year ago, are they not? Consumer prices are not much higher.

Mr. ROBERTSON. There has been some increase, but we are fearful that before the end of the year there will be further increases.

Mr. PROXMIRE. The Senator from Virginia makes that statement in the light of what has happened in the stock market and in the light of what has happened in the steel industry, the automobile industry, and the machine tool industry.

Mr. ROBERTSON. We do not know what the effect of the steel strike settlement will be. We do not know what effect the settlement of the railroad workers controversy will be. We do not know that Congress will be as economical in its appropriations this year as the President has recommended. I should not say that the threat of inflation no longer exists.

Mr. PROXMIRE. One of the very interesting revelations in the Federal Reserve Board's exposition before the committee, was on the relation between labor costs and prices. I pursued this subject in a series of questions I addressed to the staff of the Federal Reserve. I have just received the answer within the past day or two. I shall place it in the RECORD later.

What the Board emphasized was that there was not an immediate response in prices due to an increase in wage costs. It depends entirely on the demand situation. The Board charted a situation in which wage costs, not wage rates but wage costs, actually dropped, as they usually drop during periods of recovery; and while wage costs were dropping, prices were increasing. During periods of recession, as wage costs, again costs not rates, increase, prices tend to come down.

All the indications are that in the coming few months we are likely to have a relative diminution of demand in relationship to a great expansion in supply and to the production capacity of our plants, and the available manpower resources.

Mr. ROBERTSON. In the opinion of the Senator from Virginia, the country would be much better off if we did not have as much expansion for the remainder of the year as has been anticipated, because we would have a better assurance of maintaining that level of production into the next year, which is much more important than having a peak of prosperity and another recession similar to the one of 1957–58.

Mr. PROXMIRE. The junior Senator from Wisconsin is not advocating any boom and bust. We have 4 million people out of work. There is great need for homes, hospitals, and schools. I say that the monetary policy is restraining activity which is most desirable, and which could lead to an orderly expansion of the economy, without a big boom.

Mr. ROBERTSON. I have talked privately with a good many bankers. I have asked them, "Do you have any serious difficulty in meeting requests for good loans?" They say, "Not in meeting requests for good loans. However, we do have difficulty in meeting requests for marginal loans, which we do not feel justified in financing."

Mr. PROXMIRE. I agree with that 100 percent. The effect of tight money is likely to be confined very largely to restraining homebuilding, and to some extent school building and hospital building. We do not find the same effect, by and large, on business. In fact we had the greatest expansion of business plant and equipment in history during the period from 1955 to 1957, the very time when the Federal Reserve Board was driving up interest rates and following a restrictive policy.

Mr. ROBERTSON. It depends upon the definition of the term "tight money." Statistics would hardly justify calling it tight money. But if it is tight money, it would show up more in home construction, school building, and items of that kind, than elsewhere. It is anticipated that the number of new homes will drop by probably 120,000 to 150,000 this year. That would still leave homebuilding at a rather high level. In only 1 year in history were more homes built than in 1959. Money for homes last year was at an all-time high.

Mr. PROXMIRE. I should like to emphasize the fact that this is a growing economy, with a tremendous growth in our population and a very great growth

in our wealth. This is a time when the whole free world, as well as the Communist world, is growing far more rapidly than we are. If we take the attitude that we had the highest amount of homebuilding a year or two ago, and that that was a little too high, we are throwing in the sponge in the race for economic growth and supremacy. We should expect substantial growth and expansion with more houses built every year, and should be disappointed if we do not get it.

Mr. ROBERTSON. Naturally, our population is growing. We want to see our people properly housed. Yet we cannot be wholly free from concern when we see a tremendous increase in debt of all kinds—public debt, State debt, local debt, individual debt, and consumer debt.

I asked the Federal Reserve Board, "Is there any action that could be taken by the Federal Reserve Board or by the Congress that would reduce interest rates without having an inflationary effect?"

The answer was:

Probably the most effective action that the Congress could take to retard the increase of interest rates in periods of high-level demand would be to insure that the Treasury operated with a substantial cash surplus in such periods. In such periods taxes should be high enough to cover expenditures and permit a reduction of the debt. In 6 of the past 8 years, however, the Treasury has operated with a deficit, although demands for funds from other borrowers have been heavy and inflationary pressures have existed much of the time. The Treasury has thus competed with consumers, business, and State and local governments for resources and tended to raise consumer and business incomes while it was enhancing pressures in the securities markets through its borrowing activities.

In calendar 1959, a year of high-level production and heavy loan demand, the Treasury had a cash deficit of $8 billion, and publicly held debt of the U.S. Government and its agencies increased a total of $9.5 billion. The increase was almost 20 percent of the total expansion of public and private debt in the United States; only mortgage debt accounted for a larger share of the total. While a cash surplus is expected to emerge in calendar 1960, it is unlikely that the Treasury will supply any substantial amount of funds to the market to offset heavy demands of other borrowers.

Probably the most effective way to reduce the inflationary impact of Federal finances in a period of high-level demand would be through cutting back on expenditures. This would free resources for other purposes at the same time that it relieved pressure on the security markets. If reduction of expenditures is not feasible, a surplus can be insured through an appropriate increase in taxes, thus cutting back directly on the ability of consumers and businesses to finance expenditures out of current income and possibly reducing their borrowing by cutting down on future income available for debt service.

The nature of changes in the Government receipt-expenditure program to insure a surplus in periods of prosperity must, of course, depend upon a weighing of social objectives. Particular attention might well be paid, however, to Government programs that inject funds into private credit markets at times when inflationary tendencies are manifest. Such programs as purchase of mortgages by the Federal National Mortgage Association and loans to savings and loan associations by Federal home loan banks, by supplying funds to the mortgage market in larger volume or at lower rates of interest than would result from the free play of market forces, increase the necessity for Government resort to the securities market and thus lead to an increase in the interest rate that has to be paid by all borrowers not favored by the programs in question. Federal programs of underwriting mortgage debt, such as Federal Housing Administration insurance and Veterans' Administration guarantees, may result in the diversion of funds from other channels and a raising of interest rates even when Federal Government funds are not being used directly to finance such programs. In some cases the demand for credit through such channels has been enhanced by an easing of downpayment and maturity requirements in periods of restrictive Federal Reserve policy.

While the most effective action that can be taken to retard the increase in interest rates in a period of increasing demand is in connection with the Government's programs, it is also possible to have some effect through regulation of private credit markets. Any regulation restricting either the flow of funds to or the terms of lending in a given credit market, if effective, will to some extent free funds for other uses and hence tend to reduce interest rates. The extent of the effect would depend on the share of the given market in total financing activity and the restrictiveness of the regulation adopted. At various times in the past selective controls have regulated maturities and downpayments on mortgage and consumer debt as well as margin requirements on stock market loans. Such controls to some extent interfere with the free play of market forces and they would be extremely difficult to administer in many credit areas. There are also serious problems of definition and administration that must be met if evasion of controls is to be prevented. While there are circumstances under which selective controls may be desirable supplements to general credit policy, they cannot be substitutes for it.

Possibilities of congressional and Federal Reserve action directly to encourage voluntary saving, other than through permitting interest-rate increases, are limited. Some changes in tax legislation might have this effect; this is a subject that requires considerable investigation. The most effective way to insure a continuing high level of private saving, however, is to take steps to safeguard the value of the dollar through appropriate fiscal and monetary action, thus giving the public assurance that its savings will not be dissipated through inflationary price rises.

As I have said, if we get into the control of consumer credit in peacetime, we are in trouble up to our necks.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. I am very much interested in the reply by the Federal Reserve Board that a rise in interest rates would tend to encourage savings, and that falling interest rates would tend to discourage savings. Is that correct?

Mr. ROBERTSON. Well, the next question I asked was this:

Question. In what way could interest rates be restored to what would be called a normal level?

Mr. PROXMIRE. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. With regard to savings, the argument which is perpetually made by the Federal Reserve Board's supporters and apologists is this. They take the position that savings are very directly influenced by interest rates.

Mr. ROBERTSON. That is right.

Mr. PROXMIRE. I would point out——

Mr. ROBERTSON. We owe a duty to the people to encourage savings.

Mr. PROXMIRE. That is the argument, as I have said. However, the argument seems to have been disastrously discredited during the past year. Of course, 1 year does not prove everything, but it seems that what has happened during the past year is quite convincing. Interest rates have increased very rapidly. What has happened to savings? People have saved less during 1959 than during 1958. That is not on a percentage basis, either. In actual savings, the people have saved $200 to $400 million less than in the previous year. As a matter of fact, the savings are a great deal off in proportion to the income the people have received. Personal income was $20 to $25 billion higher in 1959 than in 1958. But in spite of much higher interest rates, not a single dollar was saved out of this huge increase; in fact, savings were actually less.

According to a survey made by the Wall Street Journal recently, executives of savings and loan institutions and savings banks agreed that higher interest rates do not have any significant influence on savings. That is something that I put into the RECORD a few days ago. It has been the theory that higher interest rates increase savings. The evidence has indicated they do not.

Mr. ROBERTSON. Well, I heard one economist—of course we get different views from different economists—say that one reason it did not increase savings was that people were afraid of inflation, and they were going into the stock market, instead of putting their money into savings. The general overall policy of the Government has not been to stress the necessity for savings and thrift.

Besides, we increase allowances for widows and orphans and dependents, and increase pensions. So, they say, why not enjoy it? If the Government is going to increase the matching funds, why not enjoy it?

Mr. PROXMIRE. That has been an excellent explanation why people do not save in spite of the increase in the interest rate. But the big fact is that regardless of psychological explanations the cold, hard fact is that they do not save when interest rates rise. The facts show that high interest rates do not encourage savings.

Mr. ROBERTSON. The Senator from Virginia was not expressing his views. He was stating that some economists have put out the argument that high interest rates were favorable to savers and would encourage savers. The Senator from Virginia only stated that saving was a desirable trait and should be the source of financing our expansion, and that if the Government would live within its income and if we encouraged people to save, we would have enough money to finance expansion in a noninflationary way. The Senator from Virginia has detained his colleagues a little longer than he antici-

pated, but perhaps not any longer than some leaders had wanted him to. [Laughter.]

The next question I asked was:

In what way could interest rates be restored to what would be called a normal level?

Answer. There is no level of interest rates that can be considered normal for all times and places. As explained in the replies to the two preceding questions, the level of interest rates depends on the demand for and supply of loanable funds and varies mainly with such factors as the profitability of investment opportunities, the cash operating position of governments, and the saving habits of the people. In one sense, that level of interest rates could be considered normal which equates the supply of saving and the demand for investment at a high level of employment and production but without inflationary pressures on prices.

The level of interest rates varies from place to place and from time to time. It is, for example, relatively high in underdeveloped countries and relatively low in mature countries, and it is high in periods of prosperity and low in periods of recession or depression. The highest rates of interest have been in countries where erosion of the currency accompanied excessive expansion of the monetary base associated with Government financing; under such circumstances expectations of further inflation may be such that loanable funds are scarce at interest rates of 100 percent or more.

Interest rates in the United States at the present time are high only when compared with the depressed levels of the 1930's and the 1940's. The low level of interest rates prevailing in the 1930's reflected the scarcity of investment demand resulting from depressed business conditions together with enhanced availability of funds associated with an easy-money policy and a large gold inflow from abroad. Even under such circumstances, low rates of interest were available only on very high-grade loans and investments; rates on lower grade assets remained high because of the relatively high risk and the extreme conservatism of investors.

In the war and early postwar periods, interest rates on high-grade securities remained low, and those on lower grade assets declined as a result of policies of war and postwar finance. These policies, which were thought to be justified at the time by conditions of, or transition from, national emergency, placed major emphasis upon low, stable interest rates, even though such emphasis resulted in an unregulated, very large wartime expansion of the money supply, and a postwar situation in which the money supply was without effective regulation.

Although interest rates in the United States have risen substantially since 1951, most of them are still below their average level during the 1920's and almost all are well below peaks of the early 1920's. Yields on U.S. Government securities are higher relative to earlier levels than those on most other securities; this reflects the large increase in the volume of such securities together with the removal of the tax exemption privilege which had a depressing effect on their yields in the 1920's. Despite recent increases, interest rates on most types of securities in the United States also continue below levels in Canada and almost all countries of Western Europe and they are substantially below rates in most other parts of the world.

Whether interest rates will be higher or lower in the future will depend on developments affecting the demand for and supply of funds. Depressed business conditions, for example, would result in lower interest rates. On the other hand, continuing prosperity might also be accompanied by reduced interest rates and greater availability of funds if demands of governments for funds declined sharply or if the savings habits of the people changed.

Question. Does the sobriquet "tight money" properly describe the present monetary policy of the Federal Reserve Board?

Answer. The sobriquet "tight money" can only describe present monetary policy of the Federal Reserve if what is meant by the phrase is (1) that credit is somewhat more costly and somewhat more difficult to obtain now as compared to 1958 and early 1959; or (2) that total bank credit and the money supply have increased much more slowly in the last year or so than in the preceding recession. On the other hand, the sobriquet is improper if what is meant is (1) that growth in total credit has been halted, or even that its rate of growth has been diminished; or (2) that the Federal Reserve action has been the exclusive cause or even primary basis of any recent limitation on the availability of credit and rise in interest rates.

Total credit growth in the economy in 1959 amounted to about $60 billion, a third more than the previous peacetime record. Mortgage debt, most of it for housing, rose by a peak $19 billion. Consumer credit increased about $6½ billion, equaling the previous high of 1955. New borrowing by State and local governments continued in near-record volume, and new Federal borrowing exceeded that in all earlier peacetime years.

It has been this very large increase in the overall demand for credit that has been the primary cause for the recent rise in interest rates. It has also been the main reason why some borrowers have found it more difficult to obtain credit accommodations. It has also been the main reason why many people have called the monetary policy of the Federal Reserve, and indeed financial conditions generally, tight.

In these circumstances of very high credit demand and with the general economic expansion progressing at a rapid rate, the Federal Reserve has acted in a manner I have often characterized as "leaning against the wind." It has tended to make bank credit and money more restrictive than it was under conditions of less strong market demand for funds. If in recent months all credit demands had been accommodated through bank credit expansion, risk would have been assumed of unsustainable boom with serious inflationary consequences.

Whether Federal Reserve policy in the recent past should have been, or should currently be, somewhat less restrictive is a matter of degree and, of necessity, judgment. My point, however, is that financial markets are much bigger than the Federal Reserve. The Federal Reserve can only influence, it cannot control, the supply and availability of credit and the level of interest rates.

I wish to thank my distinguished colleagues, the Senators from Georgia [Messrs. RUSSELL and TALMADGE], the Senator from Lousiana [Mr. LONG], and the Senator from Wisconsin [Mr. PROXMIRE] for their interest in this presentation of some of the facts concerning our monetary policy, and for their helpful questions. I hope they will find the time to carefully read the presentation of this situation, primarily as presented by the Chairman of the Federal Reserve Board, and then, if they do not agree with his appraisal of any particular phase of monetary policies, to write him a letter and set out the questions and ask him to answer them; then to get on the floor and give his answers and give a criticism of his answers.

If we are to reach a proper solution of a very vital problem affecting not only the welfare of our great Nation, but the faith and credit of our Nation abroad, and the potentiality of uncontrollable demand upon the level of the gold supply, we must find a solution to this monetary problem.

We have not done too good a job in our responsibility to "coin money and regulate the value thereof." I think we did a little better job than did the Congress of 1862. They printed some 2 or 3 million dollars in greenbacks. That was big money in those days. Those greenbacks had nothing behind them but the faith and credit of the Government. They had no gold or silver backing.

Senators may recall the famous debate on monetary policy, when William Jennings Bryan said he did not want to be crucified on a cross of gold; that the only way to give the farmers a fair place in the sunshine was to print money and to monetize silver at a ratio to gold of 16 to 1.

McKinley was an advocate of the gold standard. That great atheist, Bob Ingersoll, advocated a gold standard. In support of McKinley, he said, "I want every greenback to be able to stand on end and say, 'I know that my redeemer liveth.'"

We have not redeemed all those greenbacks yet. We have a large amount of money in circulation which is pure paper money with a lot of the faith and credit of the Government behind it, because we have only 25 percent of gold behind it.

But from the standpoint of inflation, the preservation of the purchasing power of our dollar at home, and the protection of confidence so that there will be no run against our gold supply from abroad, this is the year of destiny, in my opinion, for a determination of the monetary policy and for the exercise by Congress, at this session, of its constitutional duty, as well as its privilege, to regulate the value of the Nation's money. Our greatest contribution to this would be to retire a substantial portion of our national debt.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does the Senator from Virginia recognize a greenback when he sees one nowadays?

Mr. ROBERTSON. It is almost all paper money.

Mr. LONG of Louisiana. The most common greenback today is the standard $5 bill. This Senator would be only too glad to get as many of them as are available.

Mr. ROBERTSON. So long as we have confidence in the Government, we might as well have greenbacks in addition to the ordinary silver certificate or banknote. It is largely a matter of confidence. But I am not too sure how long confidence in our money can be maintained if we do not exercise our power to regulate its value.

Mr. PROXMIRE. Mr. President, will the Senator yield on that very point?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. The Senator has quoted the Constitution to show that Congress has the responsibility for the regulation of money and for the monetary policy. Would not that mean that Congress should not surrender the one remnant of control it retains over interest rates and monetary policy, to wit, the power to prevent the administration from borrowing money above a rate of 4¼ percent? Or, at any rate, would it not imply that if Congress does raise the rate, it should set some other limit, rather than simply to say that the sky is the limit, and thus surrender its constitutional authority and power to regulate money?

Mr. ROBERTSON. For many years, Congress adopted about as foolproof a way of protecting the currency as could have been adopted. The Nation was on the gold standard. Only so much gold could be produced; it is hard to mine; it is hard to supply.

So long as the Nation was on the gold standard, backing of the money supply was required to be in gold. The money supply could not be expanded without gold. If gold could not be obtained, it was necessary to do without an increased money supply.

Then the Nation went off the gold standard and onto a managed-currency basis. We have a managed currency. We have a backing of some silver and some gold; but, as a matter of fact, we are on a managed-currency basis. After 1913, Congress delegated, largely to the Federal Reserve Board, the responsibility of exercising restraint or of increasing or decreasing credit.

So far as the ceiling on the long-term interest rate of 4½ percent is concerned, that is simply an arbitrary action by Congress, as the Senator from Virginia has previously stated.

If Congress is capable of fixing the interest rate by passing a law, let us not stop at 4½ percent; let us fix it at 2 percent or 1 percent and thus do a good job. Then we would save everyone a lot of money. The only trouble we will encounter will be that no one will buy Government bonds.

Mr. PROXMIRE. All it will do will be to attempt to limit the activity of the Treasury. All we will say will be that when the interest rate goes so high, it will be impossible for the Treasury to borrow money without paying this very high cost for it. Let the Treasury stay in the short-term market, so that it will not load on to future generations, for many years, this very high cost. What is the matter with that?

Mr. ROBERTSON. The difficulty with fixing a rate of 4¼ percent on all bonds having a duration of more than 5 years is demonstrated by the fact that the Government cannot sell bonds at that rate, and the interest rate has gone above 4½ percent.

Mr. PROXMIRE. Exactly. That means that Congress is in a position where it does not go into the long-term market; it stays in the short-term market, where its liability is limited to a period of months.

Mr. ROBERTSON. The answer of the Treasury to that contention is that the Government will pay more for short-term loans than it would have to pay for long-term loans; and that every few months the Government will have to go into the money market and compete with the conventional borrowers for the people's savings.

Mr. PROXMIRE. My answer to the first part of the answer of the Senator from Virginia is to take a look at today's yields on short-term Governments. In the past few weeks they have dropped way down. As far as going into the short-term market is concerned, the Federal Government will have to compete with commercial borrowers anyway. It is a question whether the Government competes with business borrowers who, by and large, borrow for a short period, or competes with those who borrow for a longer period of time in order to obtain money with which to build schools, hospitals, and the like. By going into the long-term market, interest rates are driven up immediately for the home buyers and school builders.

Mr. ROBERTSON. In the opinion of the Treasury and Federal Reserve officials, operations occasionally in the long-term market are not merely so disturbing to the normal financial operations of the business world as the Government going into the short-term market every few months.

Mr. PROXMIRE. It may not be so disturbing for the business world, but it is very disturbing for educators who need schools and for people who want to build homes.

In the last 6 weeks, there has been an almost unprecedented drop in rates for short-term loans, a very sharp drop in Treasury bill yields on notes, with the result that it is far less costly for the Government to borrow for the short term than it was 6 or 8 weeks ago. It is certainly likely to be less costly for the Federal Government to borrow money on a short-term basis than if it was to try to borrow on a long-term basis, especially when we recognize the long term, secular downward trend of interest rates and the fact that they are now higher than in 30 years. They are mortally certain to drop in the future.

Mr. ROBERTSON. The Senator from Virginia wishes to conclude his discussion, which has taken a little longer than he originally anticipated, by saying that he has presented some material on monetary policy. He hopes his colleagues will read the questions and answers, because they are dependable; they are from the Chairman of the Federal Reserve Board.

Then I hope that my colleagues will consult with any favored economist whom they choose to consult, and that they will prepare some questions for the Chairman of the Federal Reserve Board or for the Secretary of the Treasury, or both of them, and then we will see if we can agree on the facts.

If we can agree on the facts, we may have a chance to come to an agreement on the remedy.

Again, I thank Senators for their contributions to this discussion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. FULBRIGHT. Mr. President, the people of the Nation who are following the activities of the Senate through newspapers, radio, and television must be rather confused at this stage over developments in the latest imbroglio over the so-called civil rights measures. How in the world, they must be asking, did the little town of Stella, Mo., become so involved in these matters? How much more confused than the general public must be the people of this little town of Stella, Mo.

Mr. President, I have a special interest in the people of Stella, Mo. In the first place, I was born in Missouri. In the second place, Stella is just across the State line from my home town. It is practically a neighboring community.

Mr. President, to help clear up some of the confusion, I should like to comment briefly on the background of the pending business of the Senate. It is my understanding that on January 15, 1959, a fire destroyed the school in Stella, Mo. No other facility was available in Stella to provide for education of the town's schoolchildren in grades 6 through 12, but at nearby Fort Crowder the Army had available an unused brick officers' club which they offered to make available as a schoolhouse at a nominal charge. After the building was occupied, the Army billed the Stella School District in the amount of $1,550 for use of this facility for the first year, but then notified the school district that the rent for the following year would be $6,200. This imposed upon the school district a financial burden which they simply were unable to bear in view of the fact that they were constructing a new school building to replace the one destroyed by fire and at a cost of $155,000.

To assist the Stella School District, bills were introduced in the Congress to authorize the Army to lease their unused officers' club to the Stella School District without monetary consideration. One of these bills, H.R. 8315, was approved by the Committee on Armed Services of the House of Representatives. It was unanimously approved by the House of Representatives, after which it was referred to the Senate Armed Services Committee, which reported it favorably, with an amendment, to the Senate. The bill was considered and cleared by the policy committee of the Senate, was

placed on the calendar, and on Monday, February 15, by unanimous consent, was made the pending business of the Senate.

Up to this point, it appeared that the people of Stella, Mo., could look forward to favorable action by the Senate on the bill which was so vital to the welfare of their school children. However, shortly after the bill unanimously became the pending business of the Senate, most of us in this body learned with some dismay that this innocuous and minor, but meritorious, proposal was to become the vehicle for the most controversial of all legislation which will be before the Congress this year or, I expect, any other year. We were told that the Stella, Mo., bill was open to amendments of every conceivable nature, dealing directly or indirectly with the field of civil rights. Because of the fact that almost half a hundred civil rights measures had been introduced in the Senate and because members of the Senate had not and do not now have the benefit of the recommendations of either of the Senate committees having jurisdiction over these measures, it was and is generally conceded that, in spite of all other grave considerations facing us, the Senate of the United States will be involved in debate over civil rights proposals for perhaps a month or even longer. As much as this prospect dismayed many of the members of this body, I feel certain that the dismay of the citizens of Stella, Mo., was even more profound.

Mr. President, the proponents of the misnamed civil rights proposals tell us, and proclaim to the world, that all of this vast body of legislation must be acted upon—that it is essential we enact new proposals for the protection of the welfare of minority groups.

Aside from the merits or demerits of such argument—about which I propose to say more later on in the course of the debate—I wonder if it is not time to consider for a moment the welfare of the school children of Stella, Mo.

If we are to be concerned about the protection of the welfare of minority groups, who in this body would deny that we should be concerned, too, about a real minority group—the 300 some odd "Students of Stella." Certainly, it cannot be argued that they are not a real minority group in this instance, or that their welfare has not inextricably become involved in the present debate. It would interest me to know how many of my colleagues who have become so preoccupied over the protection of minorities will be interested in lending assistance to this little group of citizens in southwestern Missouri.

Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senate will be in order.

Mr. FULBRIGHT. Mr. President, another point which I wish to make, and I think it is a valid and important one, is that none of the 50-some measures which we have now been called upon to consider have been subjected to the time-honored procedures of the Congress. On the other hand, the "Stella student" bill up to this point has been through all the prescribed channels of the Congress. It was properly introduced in both the Senate and the House of Representatives, and it was favorably acted upon by a duly constituted committee of the House of Representatives. It was unanimously approved by the House of Representatives and referred to the Senate, where it has been the subject of study by the Senate committee of appropriate jurisdiction. That committee has favorably recommended the bill to the Senate, where it has been cleared for consideration by the Senate Policy Committee. Which of the half a hundred inappropriately labeled civil rights measures, all of which are of a far more complex nature than the Stella student bill, have been subjected to these orderly procedures? The answer, of course, is not one of them.

Mr. President, yesterday the AP reported the comment by the mayor of Stella on the muddled situation in the Senate as it affects the town of Stella, Mo. I quote at this point the comment of Mayor Orville Pogue. He said:

> Chances are the present one [bill] is going to be delayed a long time. I think it would be best to introduce another bill now.

I am aware, of course, that the citizens of Stella, Mo., are a very small group. They do not have a nationwide lobbying organization to apprise each and every Member of the Congress of their desires. They do not control any segment of the press, nor am I aware that they control any nationwide magazine or periodical. I am aware, too, that unlike championing the causes of some of the other minority groups there is little political benefit to be gained by carrying the banner for the residents of Stella, Mo. And while I am certain that many of the qualified citizens of Stella exercise the franchise, the cumulative vote of the entire population could not, by any stretch of the imagination, influence the outcome of a national election.

Nevertheless, because I agree with the view expressed by Mayor Pogue, and because I feel the welfare of the students of Stella deserves the consideration of the Senate, I have decided that I should attempt to do something about their present plight. I propose to do so in the following manner. I have prepared a bill containing the exact language of H.R. 8315 as it was favorably reported by the Armed Services Committee of the Senate. I shall shortly introduce this proposal as a new bill and ask unanimous consent for its immediate consideration by the Senate.

I know that, under section 1 of rule 14 of the Standing Rules of the Senate, when a bill is introduced its introduction shall be postponed for 1 day if an objection is voiced. But because I have explained the plight of the citizens of Stella, Mo., and have stated the need for enactment of this bill; because it has been approved unanimously by the House Armed Services Committee and by the House of Representatives; and approved by the Senate Armed Services Committee; and because I know my colleagues in the Senate will be interested in the welfare of these people, it is my sincere hope that there will not be objection to my request. In view of the procedures which we have been following in the Senate during the past 3 days, surely no Member could object to the manner of procedure I suggest.

If the Senate should pass the bill which I shall shortly send to the desk, it will be referred to the House of Representatives. Since the House of Representatives has already taken favorable action on this subject, it seems reasonable to expect they will approve this bill. The pending business of the Senate would still be H.R. 8315, and I presume that H.R. 8315 would still be open for amendments of any nature. In fact, I have been so informed by the Parliamentarian. The procedure I have outlined would not disturb the situation in the Senate at all, but the people of Stella, Mo., could look with some hope to the enactment of a bill which will benefit them and their schoolchildren.

Mr. President, I now send to the desk for introduction the bill, which I have just discussed, to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, and I ask unanimous consent for its immediate consideration. I urge the Senate to adopt it unanimously.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. DIRKSEN. Mr. President, did I correctly hear the request, that the Senator from Arkansas asks unanimous consent for immediate consideration of this matter?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Reserving the right to object, Mr. President, first let me say I have been deeply moved by the eloquent plea of my amiable and scholarly friend from Arkansas. I am deeply moved, of course, by the plight of the folks whose interests are involved. But for some days, Mr. President, I have been suffering from distress of spirit, mainly, I think, because of various allegations that we were indulging in extraordinary procedure, and that advice and those admonitions struck deeply into my spirit. I went home last night with a contrite heart.

Mr. FULBRIGHT. With what?

Mr. DIRKSEN. With a somewhat contrite heart. I thought, "If I have erred in that field, I must somehow absolve my conscience." But being a stickler for orderly procedure, and the bill having come before the Senate in orderly course, on motion of the majority leader, and therefore being very properly before the Senate, and under the rules amendable, I think we are following orderly procedure. In order that I may not have to charge my conscience again on that score, I must respectfully object.

Mr. FULBRIGHT. Mr. President, will the Senator withhold his objection for a moment?

Mr. DIRKSEN. Certainly.

Mr. FULBRIGHT. I do not know whether the Senator understands the situation. The Parliamentarian informed me that the procedure I propose would

in no way affect the pending bill or the amendments of the Senator from Illinois. The effect of the proposed action would be to leave the present situation as it is with regard to the pending measure, plus any amendments which may be offered or have been offered by the Senator from Illinois. The situation would be left exactly and precisely as it is. The proposed action would in no way displace the pending measure. What it would do would be to dissociate the problem of Stella School District from civil rights legislation.

In the discussion yesterday it was brought out that even the primary significance of the bill, if the Senator's amendment or any other amendment of this nature were adopted, would be changed, and the picture would be entirely different. The bill would not even go to the same committee. But the suggested procedure would completely disassociate the Stella School District problem from the civil rights measure, and would leave the civil rights measure exactly as it is. I cannot see for the life of me how the suggested procedure would prejudice the Senator's amendments.

The Senator from Illinois has no grievance against the people of Stella. Why does he wish to subject them, who are wholly innocent bystanders, to delay and possibly complete frustration, in connection with a bill which has received the unanimous approval of the House, and of our own committee? It has gone through all the necessary procedures, and there remains only one last step to be taken. I doubt seriously that there would have been a single objection in this body to the final passage of the original bill, had it not been its great misfortune to be on the calendar when the 15th of February rolled around. I do not see how in the world the Senator feels that his situation would be prejudiced.

Mr. DIRKSEN. Mr. President, my affection for the people in this school district is exceeded only by my devotion to the rules of the Senate. This question has arisen without any warning whatsoever, without any notice, and I am compelled to object. If for any reason, after there has been an opportunity to consider the matter, the situation is cast in a somewhat different light, that is quite another thing.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois withhold his objection for a moment?

Mr. DIRKSEN. Certainly.

Mr. LONG of Louisiana. I should like to address a question to the Senator from Arkansas. Does the Senator from Arkansas recall that on various occasions in the past, during the course of some rather lengthy and heated debate, it has been agreed by unanimous consent to allow one little measure or another go through and be passed, without prejudice to the debate which was in progress at the time?

Mr. FULBRIGHT. That has been a very common practice. Long debates often involve matters of profound political importance to many people. They necessarily must be extended. At the same time, there are many so-called housekeeping matters which must also be attended to. This is a very common procedure.

I should be perfectly willing, if it would help the minority leader, to propound a parliamentary inquiry to the Chair to ascertain whether or not what I have stated with regard to the parliamentary situation is true. I assure the Senator that the procedure proposed would in no way prejudice his present objective in connection with the pending measure.

Perhaps the Senator has some doubt about the merits of the plea of the school district of Stella, Mo. I cannot imagine why he should object to this procedure, because the bill could be disposed of and the school could continue to operate. There is no good reason in the world, it seems to me, why 350 students of Stella should be deprived of a school. That would not serve any good interest. If there is anything this country needs, it is better schools and more schools. If there is anything we need, it is more and better education. Perhaps some of the problems which plague us in the Senate would not plague us if we paid more attention to the plight of our schools.

I do not know why the Senator from Illinois should be so unfeeling with regard to the school children of Stella, Mo.

Mr. DIRKSEN. Mr. President, the Senator from Illinois is not unfeeling about the school children in Stella, Mo. The Senator from Illinois has been taken completely by surprise. Certainly no parliamentary inquiry would satisfy me on that score, or deter me from entering my objection.

I think we should be entitled to notice on this matter, and to take it under advisement and pursue, through parliamentary channels, our own conclusions. Here we are, in the shank of the afternoon, when I thought we were about to consider three treaties, and probably have some record votes on those treaties.

But there comes now a unanimous-consent request which may materially alter the situation before us, at this late hour in the day. I like to be put on notice, and I like to have an opportunity not only to consider such proposals, but, in good conscience, to consult with my colleagues, who are entitled to be consulted on such matters.

Mr. FULBRIGHT. Mr. President, I do not believe that the point about being taken completely by surprise is quite well taken. The rules of the Senate are certainly well known to the Senator from Illinois. The situation with regard to Stella is certainly not a surprise. The Senator from Illinois has offered his amendments to the Stella school district bill. Other Senators have delayed action upon the Stella school district bill. As I set forth in my statement—I do not know whether the Senator from Illinois heard it or not—the mayor of Stella, Orville Pogue, was quoted in the Associated Press dispatches of yesterday as saying:

> Chances are the present one—
>
> The present bill—
>
> is going to be delayed a long time. I think it would be best to introduce another bill now.

That is what I am doing. I am trying to help the mayor of Stella, Mo., with his school project.

There is nothing new about this. This is not something that has just started, ab initio. The bill passed the House of Representatives unanimously. It was approved by the Senate Committee on Armed Services. It has had the full consideration of that very distinguished committee. This is not a proposal I have just picked out of thin air. This is precisely the measure which has been approved unanimously by the House. I cannot conceive of any doubt in the mind of a reasonable man that this meritorious measure should be enacted. There is nothing wrong or malicious in freeing it from the tangle in which it now is.

Mr. DIRKSEN. Mr. President, I think I have the floor.

Mr. FULBRIGHT. No; I have the floor.

Mr. DIRKSEN. I have the floor.

Mr. FULBRIGHT. I do not mind. If the Senator wishes to have the floor, he may.

Mr. DIRKSEN. The Senator from Illinois entered a reservation of objection, and then made his point, following which he withheld the objection until his distinguished friend could be heard.

Mr. FULBRIGHT. I never object to the minority leader having the floor at any time he desires it.

Mr. DIRKSEN. I am never eager to have the floor.

Let me say to my distinguished friend from Arkansas that this bill went on the calendar the first week in September of 1959. That was 5 months and 2 weeks ago. If this was such an urgent matter, it should have been disposed of before adjournment on the 15th day of September; but the bill was permitted to languish on the calendar until Congress reconvened in January.

I heard no voices intoning the plight and the difficulty of Stella, Mo., in January, or in early February. We heard nothing about it until the bill was brought up on motion, and the pending amendments on civil rights were offered, under the rules of the Senate, as regular procedure.

Parenthetically, I am now a stickler for "regular procedure." There seemed to be no deep and anxious concern about the matter before. So, not having been put on notice, I still must object.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. In view of the objection is it correct to say that the bill can be received nevertheless, at the desk, and that it will lie over a day, and the request can then be made that the bill may be taken up in the regular order?

The PRESIDING OFFICER. If there is objection, the bill cannot be introduced at this time.

Mr. FULBRIGHT. In effect I have two unanimous consent requests pending. If I understand the Senator correctly, he objects to immediate consideration of the bill, but does not object to my introduction of the bill. Is that correct?

Mr. DIRKSEN. I do not know that I can properly object to the introduction of a bill. It can be introduced as a bill and referred to the appropriate committee.

Mr. FULBRIGHT. I ask that the bill be received at the desk, under the rule.

Mr. DIRKSEN. Is it going to be referred?

Mr. FULBRIGHT. And lie on the table, I should say.

Mr. DIRKSEN. I shall object to having the bill lie on the table. I have no objection to its being referred to the committee. If it is on the table, then there will come a motion to take it up, if the Senator can get recognition to call it up. I wish to satisfy myself on this whole matter before I consent.

Mr. FULBRIGHT. What I had in mind was this. I thought perhaps the Senator from Illinois could satisfy himself as to the merits of my proposal. If it were to lie on the table, perhaps he would not object to its consideration. The bill has already been reported favorably by the committee. There is no point in having it go back to the committee. I understand that the Senator did not object to its introduction. If he had time to consider the implications, he might well still insist on his objection, but, on the other hand, he might not insist on it. That is the point I make. As I have said, there is no point in having my bill go to the committee, because the committee has approved an identical proposal. I have no intention of trying to motion it up because I recognize that that is utterly impossible. The only way the people in the school district can get any relief is through the unanimous consent action of the Senate, which I now ask.

If the Senator would permit the bill to lie on the table, it would remain there until he could either tell me formally or informally as to whether he withdraws his objection. If he does not it stays there, and it cannot be passed.

Mr. DIRKSEN. I may say to the distinguished Senator that there would be no question about any time, because he is free at any time to propound a unanimous-consent request for its consideration. That request can be renewed tomorrow, if he so desires. However, I believe that for the moment I would prefer not to have the bill lie on the table, and I would object to that request also.

Mr. FULBRIGHT. Does the Senator from Oregon wish me to yield to him?

Mr. MORSE. Mr. President, I merely wish to say that if the Senator from Illinois had not objected, the Senator from Oregon would have had to object, for two reasons.

Mr. FULBRIGHT. I would be glad to have the Senator state his reasons.

Mr. MORSE. First, the distinguished Senator from Arkansas voted to support the procedure which is now being followed on the floor of the Senate. Therefore, as far as I am concerned, he ought to live by it.

Secondly, the bill proposes to turn over this property to the school district without any rental whatsoever. Therefore, it is in violation of the Morse formula. Until a bill is brought in which requires the payment of 50 percent of the appraised fair market value of this leasehold, the Senator from Oregon will object.

Mr. FULBRIGHT. I think the Senator from Oregon is misinformed about the provisions of the bill. I do not believe it proposes to turn over any leasehold. The bill involves a rental charge which is far beyond the capacity of this very poor little school district in Missouri to pay. They did not expect that they would be charged approximately $6,200 per year for renting an unused, vacant former officers' club. They did not expect to be charged so much for the temporary use of the former officers' club. If the Senator wishes to wring this sum out of the hides of these poor Missouri Ozark citizens—they are not constituents of mine, but they are neighbors—he can do it. I do not believe the Morse formula has the slightest application to this situation.

Mr. MORSE. Mr. President, I can well understand that the Senator has made his statement in the light of his not having studied the Morse formula. If he had studied it in my judgment he would not have made his statement. However, what he has said has almost made me want to reach into my pocket for a handkerchief and to weep for these poor people in the school district. There are a great number of poor school districts throughout the country. The Senator from Oregon can always be counted on to fight for an overall, across-the-board Federal aid to education bill which will bring relief to all of them. However, I do not propose to do it on a segmented basis. I have a great many school districts in my State which could supplement their school facilities by using, rent-free, Government facilities. We are going to do this uniformly across the country, as far as I am concerned. For as long as I have a fighting chance to protect the taxpayers of the country from a giveaway of Government assets which belong to all the American people, I shall insist on some compensation.

This is not the only school district in which the school building has ever burnt down. It was an insurable risk. I do not know whether the district carried insurance on it. Those responsible certainly should have had the good business judgment to have insured the school building. There is no reason why, every time a fire occurs somewhere that the people should run to the Federal Government and ask it, in effect, to supply them with school facilities, when they can build some of their own. We will either apply this principle uniformly or we will recognize that this becomes a matter of political plums here on the floor of the Senate, with a type of patronage approach for any politician who wants to introduce a bill which will result in furnishing something for his constituency back home.

Mr. FULBRIGHT. The Senator should get several things straight. This school district is not in my State. These people are not my constituents. Not one of them can vote for me now or at any other time. I am not trying to get their vote, as some people have suggested may be the case with respect to those who support civil rights measures. This has nothing to do with politics at all. This school district is in Missouri. I am from Arkansas. It is true that I was born in Missouri, and I have a great feeling for Missouri. I have a particularly great feeling for people who desire to become educated, because there is nothing that I know of that is needed more in this country than education. That is all that is involved. The citizens of Stella are not looking for any plum. The fact is that their school burned down in a flash fire.

The officers club at the nearby Army base was not being used. The Federal Government did not build the building for the school district. It did not put up any money for them. The officers club was already there. It is like so many other buildings all over the country, resulting from the very casual manner with which we erect camps all over the United States. Most of these structures are used temporarily and then abandoned and sit idle. There are two of such facilities in my own State, and they are unused. To call this boondoggling for a constituent is utter nonsense. Persons who consider themselves liberals should reconsider just how liberal they are. Here is an opportunity, a concrete opportunity, to show their liberalism. The bill has been passed unanimously by the House of Representatives, after having been reported by the Armed Services Committee of the House. It also was reported unanimously by the Senate Armed Services Committee. Now the attempt is made to make it an issue which should be considered on a national basis.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. If I have the floor, I yield first to the minority leader.

Mr. DIRKSEN. I am deeply moved by the plea of the distinguished Senator from Arkansas. However, I do not understand how in good conscience we could have rushed for trains and planes and vacated the great National Capital the day after we adjourned with this bill on the calendar and this school district suffering, and have permitted the suffering to continue for 6 months and 2 weeks before we got around to it. That gives me deep cause for concern. But we waited all that time, and perhaps we should have charged our consciences and felt very uneasy and anxious during the recess through the winter months, until we got back.

Mr. FULBRIGHT. I have never before heard the argument that because we have delayed doing what we ought to have done, we should not do it now. That seems to me to be a wholly inappropriate argument.

I agree that the bill should have been passed in September, but the Senator from Illinois will recall that an important visitor was coming from abroad, and other matters were distracting our attention. As chairman of the Committee on Foreign Relations, I was distracted; otherwise I might have noticed the bill. To be frank about it, I did not notice it in September. It was reported

rather late and was placed on the calendar, as the Senator has stated. But I cannot see that that is any reason why the little, unsuspecting community of Stella, Mo., should be embroiled in this highly political, very charged movement here for civil rights. It is beyond my comprehension.

Mr. DIRKSEN. It distresses me, too.

Mr. FULBRIGHT. If what I have stated is true with regard to the parliamentary situation, I can see no reason for objection to my request. If the Senator has any reservations, I have no alternative. I cannot force him to any action. But I very abjectly plead with the Senator to consider this matter, at least overnight, to see if it is not possible for him to permit this bill to be acted on in order to relieve the disturbing conditions at the Stella school. It will not inconvenience anyone. It will not change the parliamentary situation in the Senate one iota. We could carry on with our business, such as it is. I cannot see what will be gained by holding up action to relieve the school problem in Stella, Mo.

Mr. DIRKSEN. I do not want the distinguished Senator from Missouri——

Mr. FULBRIGHT. I am not from Missouri. These are not my constituents; they are, however, people for whom I have great sympathy.

Mr. DIRKSEN. Mr. President, the Senator was born in Missouri. Under the immigration law, one's domicile is where he was born. So while the Senator has moved to Arkansas, he is still from Missouri. [Laughter.]

I do not want him to act abjectly and plead with me, because he will probably wear down my resistance in the matter. Then will come a great conflict between my fidelity to regular procedure, which we are following, and the tearful situation which the Senator puts so persuasively. I trust he will not plead with me, because I must reaffirm my objection.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does this not highlight an attitude which appears to be developing toward Congress, an attitude that is causing some people to say that we cannot do anything which is successful?

Here are some people who have had a schoolhouse burn down; an empty Army barracks is available, where the children can be taken in out of the weather. Apparently the effort was about to succeed, until someone raised a question about the rule book.

Normally a person would think that it was possible merely to go to Congress and ask for a school bill, and that would be all there was to it. The House of Representatives passed this bill unanimously. It came to the Senate. Now, one Senator has objected and has informed us about his theory. It is a very fine theory and has much to recommend it, but it is not on the statute book. No lawyer would know where to go to find it. It might be too much to ask the people of Stella, Mo., to understand the "Morse Formula." Although I have heard it explained many times on the floor, I do not completely understand it myself. How could a Member of the House be expected to understand it? No Member of the House raised a single objection such as that the Senator from Oregon has raised.

The people in Missouri might say, "If one Senator objects and the rest agree, why not vote and be done with it?" But no; we just fight about it, and those people have to endure all the trials and tribulations of a civil rights fight.

The people back home ask, "Why does the Senate do these things? Why don't they do the common sense thing sometimes?"

I congratulate the Senator from Arkansas on his suggestion that this procedure does not make sense. Let the children go ahead and have their classes in the Army building; then let us go ahead and argue civil rights in the Senate.

Mr. FULBRIGHT. I thank the Senator from Louisiana for his contribution to the debate. It seems to me that what he suggests is all I was seeking to do. I am not seeking to displace the amendments of the Senator from Illinois at all. Obviously, these proposals are not proceeding very rapidly. I do not think we will be delaying the accomplishment of any great achievement here today by unanimously permitting this bill to pass.

The bill was reported by the Senate Committee on Armed Services. I believe we all have great confidence in that committee. I do not see how the Senator from Illinois could have very much doubt about the merit of the bill or its regularity. His devotion to regular procedure, it seems to me, comes a little late. It strikes me as being most irregular to pick out a small bill of this nature and then to make it the vehicle for one of the most controversial measures which has ever come before this body. To me, that is highly irregular.

Mr. DIRKSEN. I did not pick out that bill. I did not motion it up.

Mr. FULBRIGHT. But has not the Senator from Illinois offered his amendments to the Stella bill?

Mr. DIRKSEN. Oh, yes; but I did not motion up the Stella bill.

Mr. FULBRIGHT. I thought the bill was taken up by agreement. As I understood yesterday's discussion, I thought the Senator from Illinois was in some sort of agreement with the majority leader about the whole business.

Mr. DIRKSEN. About a bill; not particularly this bill.

Mr. FULBRIGHT. Oh, the Senator from Illinois did not choose the bill.

Mr. DIRKSEN. Oh, indeed not.

Mr. FULBRIGHT. If the Senator from Illinois does not have a special reason to hold up the Stella bill, why does he not let it pass? If he has no particular aversion to the Stella bill, why not let it pass and pick out another bill to which to offer his amendments?

Mr. DIRKSEN. But the Stella bill is regularly before us. So as a stickler for procedure, which was dinned into me last night for hours and hours——

Mr. FULBRIGHT. I did not din it into the Senator.

Mr. DIRKSEN. I feel remorseful, but the bill is regularly before the Senate.

Mr. FULBRIGHT. I did not say it was not. I am not trying to take it away from the Senate. All I am trying to do is to help some 350 students. I doubt seriously that we will help any other individuals during this session of the Senate. We might as well start with this small school district. This would be something useful, something concrete and positive, which the Senate might do. When we get around to the first of July and look back on this session, we might not be able to point to any other useful accomplishments if we do not pass this bill.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. KEATING. I have been deeply moved by the plea made by the distinguished Senator from Arkansas and the distinguished Senator from Louisiana toward this school district in Missouri. But I also am a stickler, as is our distinguished minority leader, for regular procedures.

I should like to inquire of the Senator from Arkansas whether he has cleared the procedure, which he is now attempting to follow, with the two Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], and whether they share his views as to the action he is seeking to take.

Mr. FULBRIGHT. The mayor of Stella, which is the town in which I am interested, suggested in the article published in yesterday's Star, which I quoted in my speech, that this is what he would like to have done. It never occurred to me that it had to be cleared by the Senators from Missouri. I have not had an opportunity to discuss this question with them.

Mr. KEATING. I do not believe we should take any unfair advantage of them.

Mr. FULBRIGHT. I am quite certain that the Senators from Missouri have no objection to the bill. I believe, knowing them as I do, that their interest is in the schoolchildren of their State. I am quite sure they have already approved the bill.

As a matter of fact, the chairman of the Committee on Armed Services, the distinguished senior Senator from Georgia [Mr. RUSSELL] is on the floor. I wonder if he could not inform the Senate whether when his committee considered and favorably reported the bill, it did not have the approval of the Senators from Missouri.

Mr. RUSSELL. Oh, indeed; they both supported it. I may say that this morning I tried to arrange a legislative procedure by which the bill could pass. It was before the Senate, and the committee amendment was agreed to; and then the long proposal of the Senator from Illinois [Mr. DIRKSEN] was brought up.

While I am on my feet, if the Senator from Arkansas will indulge me, I wish to commend him most highly for the legislative proposal he has made. I did not know that the suggestion had been made by the Senator from Arkansas until I had entered the Chamber.

Mr. President, for the last several years I have been greatly concerned by the changing definition of a "liberal." In this body, at least, we have a large number of Members—60 or 65—who label themselves as "liberals." They come from various parts of the country. I have noticed the voting records of these Members and have noticed changes here and there; I have become concerned about the use—or, rather, the abuse—of the term "liberal."

I am afraid that today many style themselves as "liberal" for vote-gathering purposes only.

In the old days, a liberal was one who supported the Bill of Rights as a part of the Constitution of the United States. But in recent years, I have about concluded that the real test of a liberal in this body or elsewhere in public life is whether he tries to do something for a minority group without hope or expectation of political reward.

By that test, I may say that the Senator from Arkansas [Mr. FULBRIGHT] is a true liberal. He is defending on this floor the rights of the smallest minority that is involved in the legislation now pending before the Senate. I do not recall the exact number; but at the time this bill was under consideration before the Committee on Armed Services, I believe it involved approximately 200 persons in that community—although that may be the number of the schoolchildren there. At any rate, very few persons are involved. The bill was introduced on the ground that the people of this small Missouri community, could not pay the charges assessed against them for the use of these buildings. Therefore, one would assume that they are not a very wealthy group of people. Being small in number, they have very few votes; and none of their votes can be cast for the Senator from Arkansas. Yet he stands on this floor and champions the right of this little group of citizens who cannot vote for him.

So, Mr. President, I am glad to have this opportunity to salute the Senator from Arkansas for being a genuine liberal. He does not have to wear a large badge which proclaims: "I am a liberal." Instead of attempting to pose as a liberal by wearing such a badge, he is proving that he is a liberal by his actions as a Member of the Senate of the United States. He is undertaking to do something for a minority group of people for which he will receive no political reward.

Mr. President, in this parliamentary situation, and for those who are concerned with the Stella Reorganized Schools, the situation might be said to assume the proportions of a predicament; in fact, for a few of them it might be said to assume the proportions of a tragedy. The Senator from Arkansas, at least, can say that his efforts are not directed at winning any votes for himself. He is one Member who is willing to sponsor the rights of a minority group whose members cannot help him. I would that the same might be said of all the Members of this body who claim to be liberals.

Mr. FULBRIGHT. Mr. President, I certainly appreciate very much the comments the Senator from Georgia has made. Coming from one of the most able and experienced public servants the Nation has, I certainly appreciate them more than I can say.

Mr. KEATING. Mr. President, will my liberal friend yield to me? [Laughter.]

Mr. FULBRIGHT. I am glad to yield.

Mr. KEATING. I am afraid the Senator from Arkansas failed to understand the significance of my question. I did not ask whether the two Senators from Missouri originally favored passage of the bill. Instead, I asked whether they favored the procedure the distinguished Senator from Arkansas is now following, with the able support of the distinguished Senators from Louisiana and the distinguished Senators from Georgia.

Mr. FULBRIGHT. I do not know. I presume that they supported the bill in the Senate committee, after it had been passed unanimously by the House, prior to which the bill was introduced in the House by a Member of the House from the State of Missouri.

It is inconceivable to me that the Senators from Missouri would not approve this procedure. I do not understand why there would be opposition to this proposal, because it does not affect the situation of the civil rights bill on the floor and it will not displace the civil rights bill. House bill 8315, which provides for leasing this property to the Stella Reorganized Schools, in Missouri, will remain precisely as it is now if my proposal is adopted.

If the Senator felt that this proposed procedure would prejudice his efforts in connection with the pending bill, H.R. 8315, I could understand his objection. But my proposal will not do that at all; if the proposal I have suggested is followed, it will have no effect except on the citizens of Stella, Mo.

If the procedure I have suggested would embroil the pending measure in some complication of parliamentary procedure, I could understand why the Senator would not want to open that up. But the procedure I have suggested would not do so. I have carefully checked on this matter with the Parliamentarian, and my proposal will not do that at all. If I correctly understand this matter—and, as I have said, I would have been perfectly willing to have a parliamentary inquiry submitted—the measure after approval by the Senate would go to the House, and we would continue precisely as we are proceeding now with the pending business. If the procedure I have suggested were followed, it would have no effect whatever on the pending business.

Mr. KEATING. Mr. President, I simply would feel more comfortable about the matter if the proposed procedure had the backing of the two Senators from Missouri. Similarly, if a community in my State had a private bill before the Senate, I would wish to have knowledge that some other Member was going to make a motion which might pertain to the rights and privileges of the citizens of that community in my State.

Mr. FULBRIGHT. Do I correctly understand that if the two Senators from Missouri do approve this suggested procedure, the Senator from New York will not object?

Mr. KEATING. I have not objected. I am seeking information.

Mr. FULBRIGHT. Then let me put that inquiry to the minority leader. Would he object?

Mr. DIRKSEN. Yes; the minority leader would still object.

Mr. FULBRIGHT. Then it would not make any difference.

Mr. RUSSELL. Mr. President——

Mr. FULBRIGHT. I yield to my friend the Senator from Georgia.

Mr. RUSSELL. I should like to observe that I would that the Senator from New York had applied to his piece of proposed legislation the same rule that the Senator from Arkansas is applying to this one. The Senator from Arkansas is undertaking to help a tiny minority which has no concern with, or influence on, matters outside of Missouri. But the Senator from New York is proposing to rescue what he terms an "oppressed minority" in my State, although certainly he has not asked the two Senators from Georgia about that. [Laughter.]

Mr. KEATING. Mr. President, will the Senator from Arkansas yield to me?

Mr. FULBRIGHT. I yield.

Mr. KEATING. The proposals which I make, which are not now before us, affect not only the citizens of New York, but also the citizens of Georgia and the citizens of all the other States.

Mr. DIRKSEN. Mr. President——

Mr. FULBRIGHT. Does the Senator from Illinois wish me to yield?

Mr. DIRKSEN. I was going to observe——

Mr. FULBRIGHT. Then, Mr. President, I yield to the minority leader. I never wish to foreclose him from speaking.

Mr. DIRKSEN. I thank my friend; he is most gracious.

Mr. President, I must reaffirm that we have been here 6 weeks during the 2d session of the 86th Congress. This bill could have been brought up by motion on any day when the Senate was in session. It seems strange that suddenly the bill has become an almost incandescent focal point of interest only when it is brought up by motion and when an amendment relating to civil rights is offered. Why was the bill not brought up by motion during the first week in January? The situation dealt with by the bill was then acute. Or why was the bill not brought up by motion during the second week in January? Or why was unanimous consent for that purpose not requested during the third week or during the fourth week in January or during the first week in February?

But there was no interest in this bill all that time; and it is doubtful whether any such motion would have been made, or whether even now the bill would have been brought before the Senate, from the calendar, under any circumstances, if it had not been for the fact that the bill became a vehicle which the minority leader did not attempt to bring up by

means of a motion, but which he used by agreement and understanding, that, in conformity with the rules, the bill would be brought before the Senate in the form of an amendment which now is pending before the Senate. So it could have been done.

I try to thoroughly absolve my conscience in that respect. I do not know whether I am a liberal. I think I am a garden variety conservative. If I remember my Latin, I think the word "liberal" was derived from the word "liber," meaning "free," and the suffix "al" means "pertaining to." So the word "liberal" means pertaining to freedom. If that is it, I am a genuine, unmitigated, unreconstructed, unregenerated, 100-percent, dyed-in-the-wool liberal, in the sense of my devotion to freedom, and that means the Constitution and the Bill of Rights and everything else that is the embodiment of the principle of freedom.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Oregon.

Mr. MORSE. Can the Senator tell me when the school in Stella, Mo., burned down?

Mr. FULBRIGHT. It burned down on January 15, 1959.

Mr. MORSE. And have these approximately 300 schoolchildren been out of school since then?

Mr. FULBRIGHT. No. They have been occupying the building as a school. The purpose of the bill is to excuse this very poor small district from paying $6,200 a year rental on an officers' club which was vacant at Fort Crowder. I stated that at the beginning of my statement. I guess the Senator from Oregon was not present.

Mr. MORSE. Where did the $6,000 figure come from?

Mr. FULBRIGHT. The Army.

Mr. MORSE. Of what is that supposed to be the value?

Mr. FULBRIGHT. That was the Army's estimate of the rental value of this empty officers' club. If the Senator from Oregon is raising the question of the merits of the case, as to whether or not the rental set by the Army was a fair rental value, I do not know how the commercial value of an officers' club on an Army base could be established, when it is no longer serving any particular purpose.

Mr. MORSE. It is very simple.

Mr. FULBRIGHT. I did not hear the Senator.

Mr. MORSE. It is very simple. We do it thousands of times a month.

Mr. FULBRIGHT. I know the Senator from Oregon does. The Senator has his formula, but I can only say the House of Representatives and the committee did not agree with the Senator's formula. In many cases I do not agree with it. In some cases I do agree with it.

Mr. MORSE. I did not know the bill was going to be brought up. No hearings were held. They did not get in touch with me.

Mr. FULBRIGHT. This is not a bill for the transfer of a leasehold, as the Senator first thought it was. This bill involves a request by a very poor school district in Stella, Mo., to allow 250 or 300 schoolchildren to use that building as a school without having to pay a high rent, which the district cannot pay, or cannot pay for in reasonable fashion. Let me read to the Senator what the superintendent of schools, Don Parsons, said. He said they were concerned with the rent money which the Army said they must pay for the simple reason they do not have the money to pay it. Are we going to wring the last nickel out of this poor little school district in the Ozarks, which is trying to educate a few children, and give it to the Army, which is so hard up for money? The Army must have no money at all. It does not have enough money to build missiles. It is going to take the money out of this school district at Stella, Mo., to try to close the missile gap, I suppose.

Mr. MORSE. Before the Senator wastes too many more tears, let me ask him a question.

Mr. FULBRIGHT. I yield to the Senator.

Mr. MORSE. Can the Senator tell me if he knows how, under the law, the fair appraised value of a rental interest in any piece of property can be determined?

Mr. FULBRIGHT. I do not know how to do it for an officers' club. There is no analogy to a commercial office downtown. I know how the rental value of the Cafritz Building, here in Washington, for example, can be arrived at.

Mr. MORSE. Or any other building.

Mr. FULBRIGHT. No; it depends on what it is.

Mr. MORSE. If there is a problem in determining the rental value of a building, an appraiser is appointed and he makes a judicial determination and arrives at a figure. The Senator from Arkansas has not the slightest idea what the figure would be on this building, because it has not been determined.

Mr. FULBRIGHT. I wish the solutions of all the problems of the world could be reduced to the simple formula the Senator from Oregon has. I find a lot of these problems do not reduce themselves to solution by simple formulas. There are different problems that surround them, and a simple formula cannot be laid down which is applicable to all problems under all circumstances and all conditions. I do not believe a computer can be applied to every problem that afflicts the human race. It cannot be done.

Mr. MORSE. Is the Senator from Arkansas in a position to advise what the educational policy of the great State of Missouri is in regard to emergencies which might strike a poor little school district in Missouri? We hear so much about States rights and about not interfering with State policies. I wonder what information the Senator has with regard to the educational policies of the great State of Missouri. Does the Senator mean that the people of Missouri are letting this horrible plight be visited on the poor school district of Stella, Mo., and the only remedy is to come to Congress and ask for a rent-free building?

Mr. FULBRIGHT. I am not from Missouri. I am not from this district. It is a local school district in Stella, Mo. It is a small district. There are many school districts of a very similar nature in my State, just across the border, and I know of their difficult circumstances. When a fire swept this little school, they undertook to rebuild the school as quickly as possible, but in the meantime room was needed for the children. The fire occurred in January. The children could not go to school in the open air. They needed housing. Here was an empty officers' club, not being used at all. What is its commercial value? How does one estimate the value of a building going to rack and ruin on an old Army camp? How much is it worth? The Senator from Oregon has a formula for that. Well, I do not have a formula for it. I think it is very sensible to let those children be housed while their school is being reconstructed; and to try to wring out of a little school district the last nickel they have, when they do not have the money, seems to me ridiculous.

I may say, in all deference, I think the House of Representatives agreed with my position. The Armed Services Committee, the members of which I do not think are any more softhearted than normal people, agreed with my position. The mayor of Stella, Mo., asked for this bill. I am more than happy to support it.

Mr. MORSE and Mr. DIRKSEN addressed the Chair.

Mr. FULBRIGHT. Let me yield to the minority leader.

Mr. MORSE. I have only a few more brief questions.

Mr. FULBRIGHT. Very well. I yield to the Senator from Oregon.

Mr. MORSE. Does the Senator know whether or not this is a segregated school or a nonsegregated school?

Mr. FULBRIGHT. According to the statement I read, there are no colored children in this school at all.

Mr. MORSE. Well, are there colored children who could go to the school?

Mr. FULBRIGHT. I am reading from yesterday's newspaper, which stated that there are no Negro children in the Stella school district and that they were too preoccupied with this emergency to think much about civil rights until yesterday, when their bill became the vehicle for these amendments. That is all I know. The article says there are no colored children in the district. I know there is a proposed policy that some ought to be imported, but they have not got the money to import them into the Stella district.

Mr. MORSE. We may not end up too far apart with regard to the payment that should be made if we apply the policy we have applied elsewhere and that many Senators, in emergency situations that are about as heartrending as this one, have recognized and have gone along with. I do not know what the rental would be worth, but I know it would not be worth very much.

Certainly, in order to protect the principle of not throwing away the taxpayers' property in this country, if it were a small amount I should think some

Rotary Club—I am the past president of mine—or some Kiwanis Club, or some Lions' Club, or perhaps a church brotherhood might be able to stand on the street corners one noon and get enough from the tincups——

Mr. FULBRIGHT. Does the Senator mean in Stella, Mo., they could do that?

Mr. MORSE. I should think they could do it in Arkansas. I am sure if this plea were made in Little Rock, Ark., they would probably be able to raise that amount of money for the school district.

Mr. FULBRIGHT. For the RECORD I should like to read from the report, to clarify the last point. I read from page 2 of the report from the Committee on Armed Services:

> The particular building is a former officers quarters which does not appear to be leasable for any commercial use. Rental required by the Army is $6,200 a year in addition to all repairs and maintenance. This is far beyond the capacity of the school district to pay, and it is faced, therefore, with a situation which can be simply stated as follows:

Then the report goes on. The building does not appear to be leasable for anything.

Mr. MORSE. That is what I am suggesting. That is what ought to be reviewed.

Mr. FULBRIGHT. It has been reviewed by the House and by the Senate.

Mr. MORSE. It has not been reviewed by an appraiser.

Mr. FULBRIGHT. I do not know how much more review the Senator wants.

Mr. MORSE. Much more than that, knowing the political motivations behind most such bills.

Mr. FULBRIGHT. The place will be a wreck before we finish reviewing.

I do not understand why anyone should be so picayunish about a little item such as this, and hold up a bill to which there is really no objection I have heard of.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. Does this situation not seem to resemble somewhat the parable told by the Master about Lazarus and the rich man, when the rich man would not permit Lazarus to eat the crumbs which fell from the table? The rich man really had no use for them, but he would not permit hungry Lazarus to eat them.

Mr. FULBRIGHT. It is very similar. This is a large base. I have passed it many times. I want to say again, it is not in my district and is not even in my State. It is a large Army base. They have tried to make use of it.

I remember I encouraged the building of a research project, utilizing part of the land in the missile program. The Aerojet Co. originally built the project, and since it is in Missouri, the Senator from Missouri [Mr. SYMINGTON] took a very special interest in that. It was close by, and I knew about it.

The Senator is quite correct. This is an unusable, unleasable building. I am familiar with such buildings. All Senators are.

Fort Chaffee has recently been closed and put on a standby basis. There is room there for thousands of people to live and to have quarters to use for schools or anything else. Nobody wants it. It certainly would seem to me a most appropriate use should be made of those facilities in case there is a need for it. If the service did not ask for anything except that it be kept in the same condition in which the people got it, that would be adequate rent, it seems to me.

Mr. LONG of Louisiana. As a general category, does the Senator know of any communities in worse distress than those communities in the immediate vicinity of these bases after the bases have closed down?

Mr. FULBRIGHT. That is exactly true. We have a special program for the relief of impacted areas, because we recognize in that case that when the camps are in operation the communities have to have special assistance. That is a perfectly proper thing.

When one of these camps is closed the people leave, and that also affects the entire business of the community. The retail business, the wholesale business—in fact, every economic activity in the community shrinks.

I sometimes think it is a great tragedy for any small town to have one of these camps, although at the time of establishment the town always thinks the camp will be permanent and will make it prosperous. This is a case where the camp was closed. This is a deserted camp.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I wish to say to the Senator, I know quite a bit about the facts of this case. I have pending an amendment to the bill. I did not offer my amendment until I had first checked into the case.

In my judgment, if anyone takes the time to get the facts in this case he will find that whatever rent would be required under the policy I have consistently stood for in the Senate would be practically a nominal rent. I happen to think that the $6,000 rental which the Army is charging simply cannot be warranted on a fair appraisal or rental value of this property for any purpose.

I think an excellent case can be made that the use of the building will save great sums of dollars for the taxpayers, in the form of maintenance of these buildings, if we are going to keep them for any future defense purpose.

I only wish to say that I think what we ought to do is have an appraisal made, find out what the financial facts are, and then do what we can to see to it that this school district gets the property at the most reasonable rental, consistent with 50 percent of the appraised fair market value, of what a fair rental would be. That would be much less than what is being requested in payment now, and I happen to think it would be much less than half of $6,000.

Mr. FULBRIGHT. Of course the Senate committee and the House went into those factual matters very thoroughly. The committee in the House of Representatives went into the matter. The House passed the bill, and the Senate Committee on Armed Services favorably reported it.

I see no reason why we should attempt to justify further expenditure of time and money investigating a matter of this kind. It would only multiply the costs. I do not think it is a matter of sufficient serious consequence to go into further.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Georgia.

Mr. RUSSELL. I think if the Senator will read page 2 of the bill he will find that the committee pretty well anticipated the Morse formula in drafting the bill. The people have to make certain improvements in the building. That is to be done at their expense. The title to the improvements is to vest in the United States, without compensation, upon the cancellation of the lease. The lease requires that the premises be kept in good repair, subject to such regulations as the Secretary of the Army or his designee may prescribe.

The maintenance of these buildings which are not in use on these military posts constitutes an enormous expense. It is a very large item in our military appropriation bills.

This little school district has to maintain the building in accordance with regulations drawn by the Secretary of the Army or his designee.

It is stated that "no claim shall be made against the United States by the school district for damage to any of its property on the premises; that the school district will protect the United States against any claim for personal injury or property damage resulting from use of the premises; that the lease shall be revocable at will by the Secretary of the Army; and that the school district will on or before expiration or earlier termination of the lease vacate the premises, remove all its property, and restore the premises to a condition satisfactory to the aforementioned district engineer."

I do not think that we could in good conscience require these people to do any more than that. I think in times past where there was merely a lease and the money was being expended, the distinguished senior Senator from Oregon has held that it came within the purview of the Morse formula.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Oregon.

Mr. MORSE. I wish to say to the Senator from Georgia that I have prepared a whole list of questions which I planned to ask the chairman of the Committee on Armed Services when the bill was before us on its merits and my amendment was under consideration.

I referred in my last statement on the floor of the Senate to my study.

Mr. RUSSELL. I can assure the Senator that not one of these leasehold or transfer bills comes to the committee without the Morse formula being mentioned in some way.

Mr. MORSE. I will say to the Senator from Georgia, I prepared this set of questions to determine factually whether when we get through with our mathematics we are getting from the school districts what would amount to at least 50 percent of the appraised fair market rental value for this property for these school purposes. In my judgment, we may be doing just that; but I propose to make the record.

Let me say, not in criticism of the chairman of the Armed Services Committee, that I believe, in fairness to Senators who have supplied such information in connection with other transactions, it would not have been difficult—because Government appraisers are available—to ask to have an appraisal made as to what the rental value would be, instead of taking the Army's figure of $6,000. In my judgment, that figure probably will be found to be exorbitantly high, and it is quite possible, as the Senator from Georgia has pointed out, that when we taken into account the cost of maintenance which the school district undertakes in maintaining these buildings, we may find that it is far in excess of 50 percent of any rental value.

Mr. RUSSELL. The Senator well knows that under the existing requirement in the Department of Defense, the fair market rental must be paid on any property leased to anyone outside the Federal Government. In addition, there is the requirement, with respect to any property which is leased, that custodial service shall be maintained 24 hours a day. That obligation is on the school district at the present time. The rental value fixed by the Army, of $6,200 a year, was on the basis of the value of the property as living quarters for officers.

Mr. MORSE. That is my point.

Mr. RUSSELL. There is a much higher rental value in the case of living quarters than is ordinarily the case with buildings used for utility purposes, such as temporary occupancy as a schoolhouse.

Mr. MORSE. That is my point.

Mr. RUSSELL. The figure of $6,200 seemed to the committee to be utterly out of reason.

Mr. MORSE. I think so, too.

Mr. RUSSELL. And beyond the capacity of these people to pay.

Mr. MORSE. I think so, too.

Mr. RUSSELL. So we relieved them of that obligation. If they would assume responsibility for maintaining the property, and agree, when called upon to vacate it, to put it in such condition for use as the engineer of the Army district should prescribe, I think that would be a fair consideration for the use of the buildings under all the circumstances.

Mr. MORSE. It may be, if we can determine one more question of fact. That is all the Senator from Oregon asks for in any of these cases. It is a very simple thing to determine. The Government could be called upon to make an appraisal of the rental value for the use of the buildings, not as officers' quarters, but for school purposes. I do not know what is so difficult about that. After we obtain that figure, I think perhaps it will prove to be well beyond the 50 percent.

There is only one question confronting the Senator from Oregon. He is very sympathetic toward the great humanitarian case which is involved here. However, the Senator from Oregon must decide whether or not to sacrifice a very important principle for the protection of Federal property.

Mr. RUSSELL. When the Senator is dealing with the exchange of property, or the transfer of the fee simple title to property, he has something on which to stand, and his suggestions have served a very useful purpose.

As I understand, this space is to be occupied by approximately 300 schoolchildren. It is to be occupied temporarily while the citizens of the community undertake to raise funds to build a new schoolhouse. A person who has not lived in a small community in which a school has burned, and has not experienced the travail of the people of the community in undertaking to reestablish the school, does not know anything about what is required of the people in order to measure up to the needs and provide the services of the community. If the people of the community are to maintain this property, and we reduce the lease period from 5 years to 2 years, I think the Senator is splitting hairs pretty thin when he wants to send someone down there to make an appraisal.

Mr. FULBRIGHT. Mr. President, I should like to relinquish the floor. I am encouraged by the exchange between the Senator from Oregon and the Senator from Georgia. Possibly after the Senator from Oregon has had an opportunity to think about the matter overnight, or for a few days, we can obtain his support.

Let me say to the distinguished minority whip that I hope that he and his colleague, the minority leader [Mr. DIRKSEN], will think over this matter overnight, or for the next day or two, and see if they cannot find it possible to withdraw their objection to the passage of the bill which I have offered. I believe they will find, when they check with the Parliamentarian, that the pending measure would not be in any way prejudiced, nor would there be any prejudice with respect to the opportunity for political credit which might be garnered from the consideration of the pending measure. My bill could be passed, and there would be absolutely no effect on the existing situation. If that is so, and especially if the Senator from Oregon does not object, surely we can arrive at an agreement, and then I can renew my unanimous-consent request that my bill be passed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further observation?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. It seems to me that if the senior Senator from Oregon would consider the facts he might find that his formula had been satisfied.

Fair market value usually takes into consideration what it is believed can be obtained for a certain property, or what someone is willing to pay. That usually proceeds on the assumption that there are a number of parties interested in buying or leasing the property, and that someone would pay a certain consideration for it.

In a situation in which there is only one possible lessee, and that lessee is interested only because of an emergent situation, there is no comparison with a situation in which a realtor or appraiser could be sent into a building and asked how much the building could be leased for on a 2-year basis. It is doubtful whether any business which would consider using the property would find it worth while to lease it on a 2-year basis, because after paying the expenses of moving in and moving out at the end of 2 years, it would not be justified in considering it.

I have particularly in mind one large space in Louisiana which has recently been closed. All sorts of buildings are standing vacant. It is costing the Government a great deal of money to maintain those buildings. It is costing the Government approximately $400,000 a year to maintain the buildings. If the Army could find someone to maintain those buildings and relieve it of an expense of $400,000, the Government would be actually making money on the transaction.

In another situation, many homes in a community are vacant, and the mortgages are financed by the FHA. The FHA is trying to find some way to protect the Government's investment. If the houses were hauled away to some other location, the probability would be that the Government would not get more than 10 cents on a dollar for the loans it is guaranteeing. If someone could be found to maintain the property, there might be some prospect of the Army's maintaining the base and finding some possible future use for the property. Perhaps the base might reopen, and the Government might retrieve the value of the property. Maintenance is worth a great deal to the Government.

Mr. FULBRIGHT. The Senator is quite correct.

Mr. LONG of Louisiana. If that factor is considered, the possibility is that the test of fair market value is being more than satisfied.

Mr. FULBRIGHT. I am familiar with the situation at the Shumaker Ordnance Depot, at Camden, Ark. The Government spent $200 million on the project. The property is virtually vacant, The Government hopes to sell it. The property has some value because of the land and those buildings which might be usable for purposes other than that for which they were constructed.

I believe that the formula of the Senator from Oregon, applied to such things as real estate, obviously serves a useful purpose. In many instances I agree with him with respect to donation of land which obviously has great value. We ought to follow some regular rule. However, I do not believe that such a rule should apply to this case.

Mr. MORSE. The Morse formula has served a very useful purpose with respect to every case to which it was applicable. I do not believe in arguing questions of fact. I believe in finding the answers to them. There is nothing difficult about

applying the Morse formula in leasehold cases. There have been many such cases in which Senators have faced similar situations. They brought to the floor of the Senate figures indicating the appraised value of the leasehold interest, legally determined, and then the formula was applied, to the extent of 50 percent of the appraised value of that leasehold interest. From that would be deducted, in such a case as this, anything which can be shown to be a contribution by the lessee to the taxpayers of the United States by way of maintenance.

I am satisfied that, in all probability, when we get through with this case, we will find that no rent is due at all. However, we ought to get the facts. I am sorry that the committee has not brought us the facts in the instant case, because unless I am consistent in insisting upon the application of the formula to all bills, I will be charged with favoritism with respect to one or another Senator over other Senators.

Many Senators have said to me, "Stick to your guns. I may have to oppose you on the floor of the Senate, or argue against you on the floor of the Senate. However, so long as you are uniform in the application of the formula, I am for it."

We have worked this question out in similar leasehold cases where it has been possible to show that we were not, in fact, taking away from the taxpayers any matter of substantial value.

CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY—REMOVAL OF INJUNCTION OF SECRECY

Mr. FULBRIGHT. Mr. President, the President of the United States has transmitted to the Senate today Executive D, 86th Congress, 2d session, a certified copy of the Convention of Paris for the Protection of Industrial Property. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the convention, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy, in the authentic French text, with an English translation, of the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Brussels, December 14, 1900; at Washington, June 2, 1911; at The Hague, November 6, 1925; at London, June 2, 1934; and at Lisbon, October 31, 1958.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 17, 1960.*

(Enclosures: 1. Report of the Secretary of State. 2. Certified copy of the authentic French text of the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Brussels, December 14, 1900; at Washington, June 2, 1911; at The Hague, November 6, 1925; at London, June 2, 1934; and at Lisbon, October 31, 1958. 3. English translation of the convention.)

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. MORSE. Mr. President, I do not believe the majority leader would have any objection, but in view of what I shall now discuss, I wonder if the majority leader should not be notified that I am about to discuss a procedural matter which he may or may not be interested in hearing.

On July 16, 1957, the Senate was engaged in the discussion of a civil rights bill which had come to the Senate from the House of Representatives. The proposal in the Senate was to put the bill directly on the Senate calendar, without its being referred to the Committee on the Judiciary. We had a very lengthy debate on the matter, lasting over a period of 2 or 3 days, as I recall.

I made a motion to refer the House civil rights bill, known as H.R. 6127, to the Committee on the Judiciary with instructions to report the bill back to the Senate in 7 days. I ask unanimous consent that there be printed at this point in my remarks the argument I made on that day, starting under the subheading "Motion To Refer H.R. 6127 to Committee on the Judiciary, With Instructions," beginning at page 11832 of the CONGRESSIONAL RECORD, volume 103, part 9, and running down to the bottom of that page.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MOTION TO REFER H.R. 6127 TO COMMITTEE ON THE JUDICIARY, WITH INSTRUCTIONS

Mr. MORSE. Mr. President, I believe all Members of the Senate are well informed with respect to the motion I am about to make. I shall speak very briefly on it and only to summarize the arguments I have previously made in support of my motion.

Mr. President, I move that the pending bill, H.R. 6127, the Civil Rights Act of 1957, be referred to the Committee on the Judiciary with instructions to report the same back to the Senate within 7 days either with or without amendment, as the committee, in its judgment, may determine.

Mr. President, the first argument I wish to make in support of my motion is that the motion is well established in the precedents of the Senate. It is not an uncommon motion to have the Senate refer a bill to a committee with instructions.

The second point I wish to make, Mr. President, is that we are dealing with a subject matter which is highly controversial. The pending bill is highly complicated. It is a bill which unquestionably, when passed in whatever form it is passed, will find its way into the courtrooms of America.

REQUIREMENTS OF LEGISLATIVE HISTORY

As a lawyer, I wish to stress that point. I repeat it, Mr. President. We are dealing with a complex and complicated piece of legislation which is bound to find its way into the courtrooms of America in, I think, a considerable number of cases. We owe it to the judicial branch of the Government, in my opinion, to make, in the Senate, a record on the bill in the form of a legislative history on which the courts of America can rely.

I wish to raise a point of law and to point out to the Senate that there is no one on the floor of the Senate who, under the canons of legislative construction, is in an official position to make an official legislative history of the bill. There is no official spokesman of the Committee on the Judiciary who can discuss the bill on the basis of a report by that committee.

COURTS NEED GUIDANCE OF LEGISLATIVE HISTORY

It is of the utmost importance, as a legal matter, that we give to the courts of America the service I believe they are entitled to receive from the Senate with regard to this highly complicated piece of proposed legislation, by having submitted to the Senate an official committee report on the bill, in regard to which report a representative of the Committee on the Judiciary can speak on the bill, as to its legislative history through the committee and on the floor of the Senate.

I respectfully say that the Senator from California [Mr. Knowland] cannot make that official legislative history of the bill, because he is not a member of the Committee on the Judiciary. I respectfully say that the Senator from Illinois [Mr. DOUGLAS] cannot make that official legislative history of the bill, because he is not a member of the Judiciary Committee.

We owe it to the courts, which will be called upon to decide the contested cases under whatever form of bill we pass in the Senate, to give them an official legislative history of the bill, and that requires a committee report and a member of the Committee on the Judiciary, in an official position, to speak on that official report.

SENATE WILL BE SERVED BY ESTABLISHED PROCEDURE

Moreover, the Senate is entitled to have the opportunity to make legislative history in the usual manner. There are provisions of the bill which will require interpretation. If we proceed without a committee report, there will be no authoritative section-by-section analysis of the bill.

In the consideration of a controversial bill we ordinarily have the benefit of a floor manager, the principal spokesman for the committee on the prevailing side. The floor manager alone can establish with authority the meaning to be ascribed to otherwise ambiguous language. This is not merely a matter of convenience for the courts. It is an aid to the Senate in reaching firm understandings of the meaning of ambiguous or elusive language. Only thus can the Senate be sure that the language adopted or rejected has a meaning upon which all can rely.

I do not intend to thresh old straw, Mr. President. Well known are the differences in the Senate with regard to procedure which should be followed in the consideration of this bill. It is well known that the senior Senator from Oregon believes the Senate should have referred the bill to the Judiciary Committee in the first instance, when it came to the Senate from the House. As

I said last Friday—and I am not going to dwell in any detail on the speech I made last Friday, or review it, for it appears in the RECORD and I stand on it—I believe we should preserve committee procedure in the Senate in accordance with long-established custom and practice, and we should have sent the bill to the committee with instructions.

The committee is our child. We are its parents. We had the perfect right, in my judgment—indeed, not only the right but the clear responsibility—to make clear to our child what we think it ought to have done as a committee in the handling of this bill. That is a position from which I will not retreat, and on which I shall be very proud to stand for the judgment of history.

I wish to say, Mr. President, however, in respect to the time element, what I am urging today is not a dilatory tactic. I know there have been editorial writers who have contended that it is; but it does not happen to be true, and for these two main reasons:

First, the Senate already has a logjam of emergency legislation. The Senate has, as its unfinished business, a bill concerning Niagara power. It is an emergency bill. If we send the civil-rights bill which is now before the Senate to the committee for 7 days, we may proceed immediately with the consideration of the Niagara bill. Behind the Niagara bill is a calendar of work for the Senate which, if the Senate should hold long sessions, running into each night, for the next 7 days, would occupy the entire time and attention of the Senate, without resulting in the waste of 1 hour of the taxpayers' time.

Mr. MORSE. Mr. President, it will be noted that in the course of that argument I summarized for the Senate the position of the courts upon the importance of having available the committee report and the committee action on legislation which passes Congress, when a question comes up in court as to legislative intent and meaning in respect to any part of a bill.

My legal argument on that point starts on page 11936 of the CONGRESSIONAL RECORD, volume 103, part 9, and runs to the bottom of page 11987. I ask unanimous consent that the excerpt from the RECORD be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. MORSE. The Senator will recall that yesterday he and I took the same position in regard to the functions of committees in the Senate, when we sought to instruct one of our committees as to a course of action that we thought ought to be followed in regard to the pending legislation. Does the Senator recall that in the course of that argument I stressed the importance of a committee report and the importance of a committee leader in charge of a bill on the floor of the Senate, instead of having the bill in charge of two men who are not members of the Committee on the Judiciary, the Senator from California [Mr. Knowland] and the Senator from Illinois [Mr. DOUGLAS]?

Mr. KEFAUVER. The Senator from Oregon did stress those two points emphatically and with great conviction. I agreed with the points made by the Senator from Oregon. Let me say to him that as the debate goes on it will become more and more apparent to Members of the Senate and to the public generally, and to lawyers throughout the United States, that one of the great mistakes made was in not taking 1 week off and sending the bill to the Committee on the Judiciary with the mandate of the Senate that they immediately act on it and work out the delicate and intricate constitutional and legal problems, and give the Senate the benefit of their opinion on such matters as civil contempt, criminal contempt, and trial by jury, and, as to when trial by jury is proper and when it is not proper.

What we are going to do with all the hundreds of amendments that are piling up, I do not know.

It is impossible adequately to legislate in connection with a legal and intricate matter involving not only the effort to secure the voting right but the protection of other rights, involving all kinds of statutory problems, when we are trying to deal with them without committee guidance, in a body, at present, of 95 Members.

We face the danger that when we get through we will have a hodgepodge of legislation which may contain many errors and misjudgments; whereas much of it could have been avoided if a committee of able lawyers—excluding the speaker—had been directed to consider all these problems, with the aid of constitutional lawyers advising with them. In that way we would have had a much better result. I am sure that as time goes on, more and more Members of the Senate will realize that the Senator from Oregon was entirely correct in the position he took, and that no time would have been lost had the Senate followed his proposal.

I did not vote to delay or to stall consideration of the measure. I wanted the Senate to debate the issue and to vote on it, and get behind us, so that we might take up other issues. I submit that orderly legislative process would have been augmented if the motion of the Senator from Oregon had been adopted.

Mr. MORSE. Does the Senator recall that in the course of my argument on committee reference yesterday, I pointed out that, in my opinion, we owed it to the courts, which would be called upon to interpret the legislation, to provide them with the kind of legislative history which could be relied upon; namely, a legislative history based upon a committee report and the authoritative comments of a committee leader on the floor of the Senate in charge of the bill?

Mr. KEFAUVER. Yes; I remember that the Senator made that point very forcefully and clearly.

Mr. MORSE. Does the Senator recall that in the heat of the argument and in the enthusiasm of the position taken by some of our opponents, it was denied that such was the ruling law in regard to legislative history? For example, the Senator from Minnesota [Mr. HUMPHREY], in his enthusiasm, which we always enjoy, of course, made such a statement as I now read on page 11837 of the CONGRESSIONAL RECORD, volume 103, part 9:

"Furthermore, the legislative history of a bill is by no means dependent upon the action of a committee or, in this case, on the absence of such action."

Does the Senator recall that statement?

Mr. KEFAUVER. Yes; I recall it, and I have it before me at the present time.

Mr. MORSE. I was a little surprised to hear that statement by a former teacher of political science; but if the Senator will permit me to buttress the position I took yesterday afternoon, I should like to make available to our friend from Minnesota, and for future reference, what the courts have said on this matter. For example, in *U.S.* v. *St. Paul M. & M. Railway Company* (247 U.S. 310, at 318 (1918), the Supreme Court said:

"It is not our purpose to relax the rule that debates in Congress are not appropriate or even reliable guides to the meaning of the language of an enactment. But the reports of a committee, including the bill as introduced, changes made in the bill in the course of its passage, and statements made by the committee chairman in charge of it, stand upon a different footing, and may be resorted to under proper qualifications * * *. The remarks of Mr. Lacey (chairman of the committee and in charge of the bill) and the amendment offered by him * * * were in the nature of a supplementary report of the committee * * * they may very properly be taken into consideration as throwing light upon the meaning of the proviso * * * to remove any ambiguity."

If the Senator will permit me, for the benefit of our opponents in the debate, who felt they could pooh pooh the idea that we did not have a duty to make an official legislative history, I should like to call their attention to the case of *Imhoff-Berg Silk Dyeing Company* v. *U.S.* (43 Fed. 836, at 837–838 (D.C. New Jersey, 1930)):

"While legislative debate, partaking of necessity very largely of impromptu statements and opinions, cannot be resorted to with any confidence as showing the true intent of Congress in the enactment of statutes, a somewhat different standard obtains with reference to the pronouncements of committees having in charge the preparation of such proposed laws. These committee announcements do not, of course, carry the weight of a judicial opinion, but are rightly regarded as possessing very considerable value of an explanatory nature regarding legislative intent where the meaning of a statute is obscure."

If the Senator will permit me, I should like also to read into the RECORD, for the benefit of our opponents, and to show the importance of committee reports in the deliberations of the Senate, the ruling of the Supreme Court in *Duplex Company* v. *Deering* (254 U.S. 443 at 474–475 (1921)):

"By repeated decisions of this Court it has come to be well established that the debates in Congress expressive of the views and motives of individual Members are not a safe guide, and hence may not be resorted to, in ascertaining the meaning and purpose of the lawmaking body (citations). But reports of committees of House or Senate stand upon a more solid footing, and may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure (citation). And this has been extended to include explanatory statements in the nature of a supplemental report made by the committee member in charge of a bill in course of passage."

I repeat, Mr. President, that neither the Senator from California [Mr. Knowland] nor the Senator from Illinois [Mr. DOUGLAS] is a member of the Committee on the Judiciary, and they are not in a position, assisted by the Senator from Minnesota [Mr. HUMPHREY], to make the official record on the pending bill worth the snap of my fingers before any court in this country when it comes to determine what was the legislative history of the pending bill.

Therefore I refer these gentlemen to the case of *Commonwealth* v. *West Philadephia Fidelio Manerchor* (115 Pa. Super, 241, 175–A 434 (1934)).

I say to them good-naturedly that I do not stand on the floor of the Senate as a lawyer and lay down a legal doctrine as to the position of the courts unless I have gone to the cases first. I suggest to them, before they rise on the floor of the Senate and take the position they have taken, they go to the books, and not talk out of the top of their heads on matters such as this.

I also refer the opponents to Statutes and Statutory Construction, by J. S. Sutherland, third edition, by F. E. Horack, Jr., 1943, volume 2:

"Although not decisive, the intent of the legislature as revealed by the committee report is highly persuasive (p. 490).

"Statements by individual members of the legislature as to the meaning of provisions in a bill subsequently enacted into law, made during the general debate on the bill on the

floor * * * are generally held to be inadmissible as an aid in construing the statute (p. 500).

"In the earlier cases courts refused to consider legislative debates completely. This rule has been modified to permit explanatory statements by the member of the standing committee who is in charge of its presentation to the legislative house and leads the debate thereon (p. 501)."

Therefore, Mr. President, today some of the members of the press and some radio commentators have said to me, "We are a little bit at a loss to understand why you did not follow some of your liberal colleagues in the Senate."

Mr. President, in reply, I now state on the floor of the Senate what I said at that time: I will never follow either a liberal colleague or a conservative colleague when he asks of me to ride roughshod over what I know to be sound procedure in connection with the handling of measures on the floor of the Senate; and I do not intend to follow the kind of political expediency which so many of my liberal friends have followed thus far during the debate, because I recognize the importance of making it possible for the courts to obtain a proper interpretation of the bill. But the courts will never obtain a proper interpretation of the bill either from any statement made by the Senator from California [Mr. Knowland] or from any statement made by the Senator from Illinois [Mr. DOUGLAS] or from any statement made by the Senator from Minnesota [Mr. HUMPHREY], because those Senators do not happen to be qualified, under the law, to give an expression of the congressional intent as to the legal meaning of provisions of the bill, because not one of them happens to be a member of the Judiciary Committee. Only a leader of the Judiciary Committee, one responsible to the other members of the committee as the leader in connection with the handling of the bill on the floor of the Senate, can give to the courts, in regard to the legislative intent of the Congress concerning the bill, a statement which will have any standing in future court proceedings in connection with the bill.

Mr. MORSE. Mr. President, on July 16, prior to the vote on my motion to refer the bill to the Committee on the Judiciary, the very able and distinguished majority leader, the Senator from Texas [Mr. JOHNSON], stated in the RECORD:

Mr. President, I should like to announce that I will vote "yea" on the question of agreeing to the motion of the Senator from California [Mr. Knowland] to have the Senate proceed to the consideration of House bill 6127.

I shall then vote "yea" on the question of agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer the bill to the Committee on the Judiciary, because I believe in proper procedures.

Mr. President, this motion was a motion to refer the bill to committee with instructions to report back in 7 days. It was a motion, in effect, to give the committee the duty of considering the bill for 7 days and then, in effect, discharging the committee at the end of 7 days.

That was orderly procedure in 1957, and I respectfully submit that in 1960, on February 16 thereof, it was orderly procedure to move to discharge the Committee on the Judiciary from the further consideration of a specific bill.

Mr. President, I now ask unanimous consent to have printed in the RECORD at this point the vote on my motion on July 16, 1957.

There being no objection, the excerpt from the RECORD was ordered to be printed in the RECORD, as follows:

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer the bill to the Committee on the Judiciary with instructions. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK] is absent by leave of the Senate because of a death in his family.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

On this vote, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from Missouri [Mr. HENNINGS] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. Bridges], the Senator from Maine [Mr. Payne], and the Senator from Kansas [Mr. Schoeppel] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maine [Mr. Payne] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

The result was announced—yeas 35, nays 54, as follows:

Yeas, 35: Bible, Byrd, Curtis, Eastland, Ellender, Ervin, Frear, Fulbright, Gore, Hayden, Hill, Holland, Johnson of Texas, Johnston of South Carolina, Kefauver, Kerr, Long, Malone, Mansfield, McClellan, Monroney, Morse, Mundt, Murray, O'Mahoney, Robertson, Russell, Scott, Smathers, Sparkman, Stennis, Talmadge, Thurmond, Williams, Yarborough.

Nays, 54: Aiken, Allott, Anderson, Barrett, Beall, Bennett, Bricker, Bush, Butler, Capehart, Carlson, Carroll, Case of New Jersey, Case of South Dakota, Chavez, Church, Cooper, Cotton, Dirksen, Douglas, Dworshak, Flanders, Goldwater, Green, Hickenlooper, Hruska, Humphrey, Ives, Jackson, Javits, Jenner, Kennedy, Knowland, Kuchel, Langer, Lausche, Magnuson, Martin of Iowa, Martin of Pennsylvania, McNamara, Morton, Neely, Neuberger, Pastore, Potter, Purtell, Revercomb, Saltonstall, Smith of Maine, Smith of New Jersey, Symington, Thye, Watkins, Wiley.

Not voting, 6: Bridges, Clark, Hennings, Payne, Schoeppel, Young.

So Mr. MORSE's motion was rejected.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion of the Senator from Oregon was rejected.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, we have had here this afternoon a good demonstration of the desirability of the orderly procedure which I proposed yesterday, and the type of procedure we have witnessed here this afternoon in the Senate. It will go on as long as we have this nongermane bill as a vehicle for the consideration of civil rights legislation.

I hope that in the not too distant future the Committee on the Judiciary or the Committee on Rules and Administration will come out with a civil rights bill. Then we can lay this nongermane bill aside, or pass it, which would be preferable, with any changes, if any, the facts indicate are justified. We could then proceed, as we should have proceeded in the first place, in an orderly fashion, to take up the civil rights bill. We could then have brought to us the official committee hearings and reports which belong to the committee and which are always presented officially by the committee to the Senate when a bill comes to the floor of the Senate. These are the committee reports which the courts, as I pointed out in my legal argument of 1957, have said are so desirable to the courts when it comes to the question of determining legislative intent and purpose once an act gets into litigation.

I wish to say respectfully that the longer this debate goes on and the more we go into the record as to what has transpired previously, the more I am satisfied that those of us who voted for what we considered to be the most orderly procedure for the handling of this problem under the motion to discharge the committee on February 15 will be found to have been sustained over and over again as having been in the sound position.

THE CIVIL RIGHTS COMMISSION

Mr. KUCHEL. Mr. President, I believe it would be in order for the RECORD to include a brief biographical sketch of each of the Presidential appointees on the Civil Rights Commission. I must say that merely indicating the names of the six members demonstrates quite clearly the high reputation which each has in his field.

John Alfred Hannah, the Chairman of the Commission, is a great president of a great university, Michigan State. I think that demonstrates the type and capacity of the individuals whom the President has seen fit to appoint from all across the country.

Robert Gerald Storey, Vice Chairman. He is the dean of Southern Methodist University in Texas.

The Reverend Theodore M. Hesburgh, C.S.C., president of Notre Dame University.

George Marion Johnson, of California, former dean of the Law School of Howard University.

John S. Battle, of Virginia, a former State senator and former Governor of his State.

Doyle Elam Carlton, of Florida, a former State senator and former Governor of his State.

Gordon MacLean Tiffany, staff director of the Commission on Civil Rights, a distinguished public servant and lawyer of repute, who served his own State of New Hampshire as attorney general.

Mr. President, these biographical sketches will, I think, indicate something of the high caliber of the Americans who have performed an exceedingly difficult chore, and whose recommendations to the President have, in the main, formed the basis of his recommendations to Congress. I ask unanimous consent that the sketches be printed at this point in the RECORD.

There being no objection, the biographical sketches were ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCHES OF MEMBERS OF COMMISSION ON CIVIL RIGHTS

JOHN ALFRED HANNAH, CHAIRMAN

Born: October 9, 1902, Grand Rapids, Mich.

Married, one daughter, three sons.

Education: Grand Rapids Junior College, 1919–21; University of Michigan, 1921–22; Michigan State University, 1922–23, B.S.

Honorary degrees: Dean Agriculture, Michigan State University, 1941; LL.D., University of Michigan, 1944; HH.D., University of the Ryukyus, 1952; L.H.D., University of Florida, 1953; Doctor of Science, Michigan College of Mining and Technology, 1953; LL.D., University of Rhode Island, 1954; LL.D., Central Michigan College of Education, 1955; LL.D., Albion College, 1957.

President of Michigan State University since July 1, 1941.

Assistant Secretary of Defense for Manpower and Personnel, February 1953 to July 1954 (on leave from Michigan State University).

Chairman, U.S. Section, Permanent Joint Board of Defense, Canada-United States, 1954.

President, American Association of Land Grant Colleges and State Universities, 1948–49.

Member: Board of Visitors for the Air Force Academy; Board of Consultants for the National War College; American Universities field staff, board of trustees; Association of the U.S. Army; Board of Visitors, Air University, 1955–56, Chairman, 1957; Board of Visitors, U.S. Military Academy, 1955–58.

Chairman, board of directors, Federal Reserve Bank of Chicago, Detroit Branch.

Board of directors, Michigan Bell Telephone Co.

President's Citizen Advisory Committee on the Fitness of American Youth.

Made survey of foreign aid programs in the Far East for the Senate Foreign Relations Committee, 1956.

Church: Episcopal.

ROBERT GERALD STOREY, VICE CHAIRMAN

Education: University of Texas and Southern Methodist University, B.A.; honorary degrees, LL.D., Texas Christian University, 1947; Laval University, 1953; Drake University, 1954.

Professional: partner, Storey, Armstrong & Steger, Dallas, Tex.; dean, Southern Methodist University Law School; president, Southwestern Legal Foundation.

Public Service: assistant attorney general of Texas for criminal appeals, 1921–23; member, National Executive Committee, American Legion, 1921–22; regent, University of Texas, 1924–30; governor, Kiwanis Club, Texas-Oklahoma District, 1931; president of park board, city of Dallas, 1938–41.

Executive Trial Counsel for United States, Nuremberg, trial of major Axis war criminals, 1945–46.

Member, Commission to Reorganize Executive Branch of United States Government (Hoover Commission), 1953–55.

Adviser to Korean Government on judicial system and legal profession, 1954.

State Department representative in the Far East and Middle East to assist legal profession of friendly free nations—summer 1954–55; Member, Board of Foreign Scholarships (International Educational Exchange), 1956.

Bar association activities: president, Dallas Bar Association, 1934; president, State Bar of Texas, 1948–49; president, American Bar Association, 1952–53; president, Inter-American Bar Association, 1954–56; member of council, International Bar Association, 1952.

Business: director, Southwestern Bell Telephone Co.; chairman of board, Lakewood State Bank; director and general counsel, United Fidelity and Universal Life Insurance Companies and Sabine Royalty Corp.

Military: Second lieutenant, heavy artillery, World War I; colonel, Air Force, World War II.

Honors: Linz Award (1956) as outstanding civic leader of Dallas American Bar Association Gold Medal (1956) for greatest contribution to advancement of jurisprudence.

Married, two sons.

Political affiliation: Democrat.

REVEREND THEODORE M. HESBURGH, C.S.C., COMMISSIONER

Born; May 25, 1917, Syracuse, N.Y.

Education: University of Notre Dame, 1934–37; Gregorian University, Ph. B., 1940; Holy Cross College, 1940–43; Catholic University of America, 1945.

Honorary degrees: Bradley University, LeMoyne College, Catholic University of Santiago, Chile.

Entered Order of Congregation of the Holy Cross, 1934.

Ordained priest, University of Notre Dame, 1943.

Chaplain, National Training School for Boys, Washington, D.C., 1943–44.

Veterans' chaplain, Notre Dame, 1945–47.

Assistant professor of religion and head of department, Notre Dame, 1948–49.

Executive vice president, 1949–1952, and president of the University of Notre Dame since 1952.

Member: Scholarship board, Ford Motor Co. Fund; Hoover Commission; General Motors scholarship board; Rockefeller Brothers Fund, special student project board; Board of Visitors, U.S. Naval Academy; president, 1956; National Science Board; Freedoms Foundation board and executive committee; Nutrition Foundation board; Foundation for Religious Action in the Social and Civic Order; Young Presidents Organization; Institute of International Education Board, president; Association of American Colleges; Catholic Theological Society of America; National Conference on Family Life; Policy Advisory Board, Argonne National Laboratory; Midwest Universities Research Association; Institute of International Education Board, vice president, 1956; National Woodrow Wilson Fellowship Corporation Board.

Permanent Vatican delegate to the International Atomic Energy Agency.

Auxiliary chaplain, U.S. Army, World War II.

Author: "Theology of Catholic Action," 1945; "God and the World of Man," 1950; "Patterns for Educational Growth," 1958.

Home: Corby Hall, Notre Dame, Ind.

GEORGE MARION JOHNSON

Born: May 22, 1900, Albuquerque, N. Mex.

Married, one son.

Education: University of California at Berkeley, B.A., LL.B., J.S.D.

Director, Office of Laws, Plans and Research, Commission on Civil Rights, since May 1958.

Dean, Howard University Law School, 1946–58.

Professor of law, Howard University, 1945–46.

Assistant Executive Secretary, President's Committee on Fair Employment Practice, 1941–42.

Deputy Chairman and Acting General Counsel, President's Committee on Fair Employment Practice, 1943–45.

Assistant professor of law, Howard University, 1940–41.

Junior assistant tax counsel and senior assistant tax counsel, California State Board of Equalization, 1933–40.

Private law practice, Berkeley, Calif, 1930–33.

Member: California Bar; Bar of the Supreme Court of the United States; American Bar Association; National Bar Association; Association of American Law Schools (advisory committee, Journal of Legal Education, 1955; committee on prelegal education, 1954–55; committee on legal education and the national defense, 1951–53, chairman, 1953; committee on lawyers in Federal service, 1948; committee on legal aid, 1958); American Law Institute (honorary); National Educational Association; American Association of University Professors; National Legal Committee of the National Association for the Advancement of Colored People; District of Columbia Legal Aid Society, board of directors; Advisory Committee, Juvenile Court of the District of Columbia; American Judicature Society.

JOHN S. BATTLE, COMMISSIONER

Born: New Bern, N.C., July 11, 1890.

Home and office: Charlottesville, Va.

Married.

Education: Wake Forest College; University of Virginia, LL.B.

Honorary degrees: LL.D., Hampden-Sydney College, University of Richmond, Wake Forest College, William and Mary College.

Member, House of Delegates, Virginia General Assembly, 1929; State senator, 1926–49; Governor of the State of Virginia, 1950–54.

Member, law firm of Perkins, Battle, and Minor, 1954 to date.

Served with the U.S. Army in World War I.

Member, Phi Beta Kappa

Politics: Democrat.

DOYLE ELAM CARLTON

Born: Wauchula, Fla., July 6, 1887.

Married, three children.

Education: University of Chicago, A.B., 1910; Columbia University, LL.B., 1912; admitted to Florida Bar, 1912.

Member, Florida State Senate, 1917–19; Governor of the State of Florida, 1929–33.

Practicing attorney, Tampa, Fla., 1933 to present.

Religious affiliation: Baptist.

Politics: Democrat.

Residence: 2525 Bayshore Boulevard, Tampa, Fla.

Office: First National Bank Building, Tampa, Fla.

GORDON MACLEAN TIFFANY, STAFF DIRECTOR, COMMISSION ON CIVIL RIGHTS

Born December 13, 1912, Port Chester, N.Y.

Married 1940 to E. Ellen Auchincloss; children, William Fox Tiffany; Jean Gordon Tiffany; father, Henry Dyer Tiffany, died 1917; mother, Eleanor Gordon Tiffany, died 1940.

Education: Public and private grade schools in Greenwich, Conn.; preparatory, St. Paul's School, Concord, N.H.; college, Yale College, B.A. 1935; law, Columbia Law School, LL.B. 1942.

Business experience: New York Herald Tribune, 1935–39.

Law experience: Admitted to practice, New York, 1943; New Hampshire Supreme Court, 1946; Federal district, New Hampshire, 1947; U.S. Supreme Court, 1952; U.S. Court of Appeals, First Circuit, 1953; U.S. Court of Military Appeals; ICC, various Federal agencies; 1942, private practice; 1943, Satterlee & Warfield, 40 Wall Street, New York City; 1946, law clerk, office of attorney general, New Hampshire; 1946–49, assistant attorney general, New Hampshire; 1949–50, private practice, also legislative counsel for Governor Adams; 1950–53, attorney general of New Hampshire; 1958 to June 9, 1958, private practice.

Legislative experience (in addition to representations in private practice): Member constitutional convention 1956; member General Court of New Hampshire 1957; served on judiciary committee, committee on

interstate cooperation, committee on elections, various interim committees; drafted among other matters the New Hampshire Reorganization Act, and served as counsel to the commission on revision of statutes (Revised Statutes Annotated, 1955 (six volumes)).

Service record: 1943–45, inclusive, USNR (lieutenant, senior grade), active service Atlantic, South Atlantic, Pacific, Southwest Pacific, and Philippine Defense Ribbons. ASW work, line officer.

Affiliations: Religion, Episcopal; political, Republican; Education and civic, trustee, St. Mary's-in-the-Mountains; member, Yale Alumni Board; charter member and president, Yale Club of New Hampshire; member, Yale Club of New York; vice president and director, New Hampshire Social Welfare Council; chairman, Concord Community Chest; chairman, New Hampshire Finance Drive Boy Scouts of America; founder St. Nicholas Club, New Hampshire (Christmas gifts for mentally retarded).

Social affiliations: Member, Capitol Hill Club, Washington, D.C.; member, University Club, Boston; member, Country Club of Darien, Conn.; member, Newcomer Society; member, SAR; member, Rotary.

Particular interests: Intergovernmental relations: Member of Council of State Governments since 1950 and on the board of managers since 1951; member at large on the board since 1952; participated in most conferences—drafting and considering many compacts and proposed legislation in field of civil defense, education, conservation, etc.

Civil rights: Arguments before U.S. Supreme Court and State courts and agencies.

Appellate work: Principally briefing and arguing numerous cases before New Hampshire Supreme Court.

Trial work in New York and New Hampshire; all county courts, probate courts and several municipal courts.

DEATH OF LANSING P. SHIELD, PRESIDENT OF GRAND UNION CO.

Mr. CASE of New Jersey. Mr. President, last month New Jersey lost one of its leading citizens. Lansing P. Shield, president since 1947 of the Grand Union Co., was a distinguished and dynamic leader in the business world and a dedicated servant of his community and Nation. I feel his loss deeply, for we were good friends for many years.

Mr. Shield, who began his career as a $20-a-week clerk, built an international reputation among food distributors. He pioneered in the development of modern methods of food merchandising. He served as the first American president of the International Association of Chain Stores, as director and chairman of the National Association of Food Chains, as a member of the board of directors of the Federal Reserve Bank of New York and the Prudential Life Insurance Co., and as a member of the board of trustees of the American Retail Federation.

His civic contributions were enormous. He was a life trustee of Rutgers University, president of the New Jersey State Chamber of Commerce, and former national chairman of the United Cerebral Palsy campaign. Last year he was appointed to President Eisenhower's Advisory Committee on the American National Exhibition in Moscow.

Mr. Shield received many tributes, including an honorary doctor of laws degree from Rutgers University and decorations from the Governments of France and Italy.

Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD some of the many articles and editorials which were published at the time of his death, as well as a resolution adopted by the Senate of the State of New Jersey.

There being no objection, the article, editorials, and resolution were ordered to be printed in the RECORD, as follows:

[From the New York, N.Y., Times, Jan. 7, 1960]

LANSING P. SHIELD, MERCHANT DEAD—HEAD OF GRAND UNION SINCE 1947 SPURRED SEVENFOLD GROWTH IN BUSINESS

Lansing Peter Shield, president of the Grand Union Co., one of the country's largest food chains, died yesterday of a heart attack at New York Hospital. His age was 63. He lived on Chestnut Ridge Road in Saddle River, N.J.

Mr. Shield, who started in the grocery business 43 years ago as a bookkeeper, had served as president of Grand Union, which has outlets in 11 States, since 1947. Under his guidance, the supermarket chain's business grew from $83 million annually to the present rate of more than $600 million a year.

He was born in Linlithglo in Columbia County, the son of a minister of the Dutch Reformed Church. After graduating from Rutgers University in 1917, he served as a pilot in the Aviation Section of the Army Signal Corps in World War I. He then went to work in the bookkeeping department of the Great Atlantic & Pacific Tea Co.

Mr. Shield joined Grand Union in 1924 and 4 years later was elected treasurer. The next year he was named vice president, a post he held until his promotion to president in 1947.

After World War II, he embarked on a campaign to expand the company's activities in developing suburban shopping sites.

In the late 1940's most of Grand Union's outlets were modest grocery stores and only a handful of supermarkets. The picture changed under Mr. Shield's leadership until at present Grand Union operates upward of 450 merchandising outlets, of which the vast majority are supermarkets.

ADVOCATE OF ADVERTISING

Mr. Shield also was an advocate of advertising as a means to move food products. From his own experience he was convinced that the men and women who have final contact with the customer in the store must be just as effective as the company's advertising copy.

Toward this end he spurred widespread interest in employee training and the promotion of employees into jobs of greater responsibility. The company created college scholarships for its workers so that they could expand their knowledge of the merchandising field.

Mr. Shield's introduction of the Food-o-Mat gravity food display and dispensing fixture was praised as a major contribution to retail shopping. He also was credited with playing a major role in introducing the supermarket idea in Europe.

In 1956, Mr. Shield became president of the International Association of Chain Stores. He held the post until last year, when he was elected to the International Association of Food Distributors for a 3-year term.

Mr. Shield was a chevalier of the French Legion of Honor, and in 1956 Italy made him a cavaliere ufficiale el merito della Republica.

HONORED BY RUTGERS

He was a past president of the New Jersey Chamber of Commerce and a life trustee of Rutgers, from which he received an honorary doctor of laws degree in 1952. Three years ago he was the recipient of the outstanding alumnus award made by the Rutgers Foundation.

Last year Mr. Shield was honorary chairman of the fund drive of the Bergen Association for Mental Health. In 1953 he led the campaign to raise $7,500,000 for United Cerebral Palsy.

In the same year he was elected to the hall of fame sponsored by the Boston committee on distribution. He was a member of President Eisenhower's advisory committee for last year's American National Exhibition in Moscow.

At the invitation of Gov. Luis Muñoz Marín, Mr. Shield served on a food advisory committee for Puerto Rico. As a result, Grand Union opened supermarkets there.

Mr. Shield was a director of the Federal Reserve Bank of New York and the Prudential Life Insurance Co. of America. He was on the executive committee of the American Re-Insurance Co.

Survivors include his widow, the former Margaret Gottsberger Karst; two daughters, Julie Marie and Mrs. Evelyn Shield O'Neal, of Tampa, Fla.; a brother, Frederic K., of Winter Park, Fla.; a sister, Mrs. Marguerite McFeeley, of Wyckoff, N.J.; and three grandchildren.

A funeral service will be held at 2 p.m. tomorrow at the First Presbyterian Church in Ridgewood, N.J.

[From the Paterson (N.J.) News, Jan. 7, 1960]

LANSING P. SHIELD

One of the great business leaders of America has passed with the death of Lansing P. Shield, president of Grand Union, and while the loss is the country's, it will be most deeply felt in this north Jersey area where Mr. Shield had lived a great part of his life and shared in its growth.

It was Lansing Shield's dynamic leadership which built Grand Union to rank as one of the great supermarket chains of the world, operating in 11 Eastern States with 451 markets and employing 15,000 workers. It was Mr. Shield, too, who established diverse other business activities which were linked to Grand Union although under auxiliary names.

Many of the innovations of supermarket business were Mr. Shield's, such as, for instance, the automatic food and drug-serving devices in which Grand Union led and which were serviced in this Paterson area.

When Bergen County, not too many years ago, began to spread its wings of expansion, Mr. Shield was one of the first to recognize its potentials, and in concert with the late E. Robert Coven, he established national headquarters of Grand Union in the present location in East Paterson.

As the supermarket came to take its place in Americana, Mr. Shield's activities grew more and more diversified. He moved Grand Union into Puerto Rico, into Canada, attracting world attention by his energy and imagination. When the American exposition opened in Moscow last summer, it was Mr. Shield who sponsored the supermarket display for this country as a member of President Eisenhower's Advisory Committee and attended personally with Vice President NIXON. World recognition came to him on numerous occasions in election to head of international food organizations and in high governmental awards from France and Italy.

In spite of the demanding call upon his time and energy, Mr. Shield still found time for charity, public, and welfare activities. He was a past president of the New Jersey Chamber of Commerce, was a trustee of Rutgers, and helped fight that university's financial battles, a past director of the Federal Reserve and a director of Prudential Insurance. National chairmanship of Cerebral Palsy was one of the facets of his busy life as an outstanding American.

Like her husband, Mrs. Margaret Shield has been an active participant in public affairs, understanding of his busy life, and sharing in large degree in his contributions to the American scene. To her and to other members of the family will go sincere condolences on the great loss not only to them, but to New Jersey and to the Nation.

[From the Paterson (N.J.) Morning Call, Jan. 8, 1960]

LANSING P. SHIELD

Death came unexpectedly Wednesday to Lansing P. Shield, president of Grand Union Co., a great worker in behalf of many civic, philanthropic, educational, social, and cultural causes.

A genius in business, Lansing P. Shield was widely acclaimed for the tremendous forward strides made under his leadership by Grand Union, the second largest food chain in the country. He was also noted for his inventions of automatic food dispensing devices in common use today in the food business.

Only last summer he was elected president of the International Association of Food Distribution in recognition of his remarkable achievements as a top business executive. For the past 3 years he served as honorary president of the International Association of Chain Stores.

Lansing P. Shield played a leading role in the humanitarian distribution of food to the needy overseas, for which France awarded him the Cross of Chevalier of the Legion of Honor and Italy bestowed on him the Cavaliere Ufficiale El Merito Della Republica medal.

He was interested in the plight of the mentally ill, serving last year as chairman of the Mental Health Campaign in Bergen County. An alumnus of Rutgers he was most active in its reorganization as the State University.

A leader among men, Lansing P. Shield distinguished himself in many phases of communal life. His career illustrates that in America opportunities come to those who have the will to prosper in their chosen fields.

Although a busy man, he found time for service not only to his business but to the community and the State, to whose growth and progress he was dedicated.

To his loving family, his business associates and the many who mourn the untimely passing of this outstanding individual, we of the Call offer our heartfelt sympathy.

[From the New York (N.Y) Journal American, Jan. 8, 1960]

A FOOD STATESMAN

The Nation's food industry has lost a man of tremendous talents for organization and leadership in the death of Lansing P. Shield, president of the Grand Union Co. Under his direction, Grand Union's annual business grew from $80 million in 1947 to its present rate of $600 million. He made chain market shopping easier for all of us through the introduction of automatic methods of dispensing merchandise. As New Jersey Governor Meyner remarked, Mr. Shield was a true statesman of our business community, imaginative and farseeing.

[From the Passaic (N.J.) Herald News, Jan. 8, 1960]

LANSING P. SHIELD

Lansing P. Shield, president of the Grand Union Co. and resident of Saddle River in Bergen County, truly merited Governor Meyner's description of him as one of New Jersey's great citizens.

Mr. Shield's career made an American success story of the kind that inspires energetic, ambitious young men. He worked his way to the top from the very bottom of the business ladder, a job as bookkeeper. His equipment was a college education, a flair for the food business and boundless energy.

He believed in the supermarket, which represented a revolutionary departure from the pre-World War II grocery and meat market. Under his direction, Grand Union grew to be a giant in a highly competitive field in which the morality rate of firms is high.

Mr. Shield, in the best tradition of American business, found the time to work for worthy institutions and organizations. Rutgers, his alma mater, owes much to him. His prestige and efforts won the State university powerful support from business interests in the State. The New Jersey State Chamber of Commerce, the Bergen Association for Mental Health and United Cerebral Palsy were among his outside interests.

To his firm, the organizations with which he was associated, and most of all to the public which benefited from his advanced ideas in food retailing, the death of Mr. Shield is a heavy loss.

[From the Hackensack (N.J.) Bergen Evening Record, Jan. 9, 1960]

THE FINE ART OF BEING A GREAT NEIGHBOR

New Jersey has suffered a grievous loss, said Governor Meyner on the untimely death of Lansing P. Shield. To New Jersey might accurately be added American merchandising, higher education, international relations, and, far from least, Bergen County.

Mr. Shield was a man of great accomplishment. Yet even during the critical period when he was reorganizing the Grand Union Co., of which he was president, he made time to campaign throughout New Jersey for a change in the charter of Rutgers University.

It would be too much to say Mr. Shield invented the modern supermarket. But he was its staunchest booster and perhaps its most successful developer. Under his direction Grand Union switched its philosophy, concentrated on supermarkets, and from 1947 (when Mr. Shield became president) until today raised its sales volume from $83 million a year to more than $600 million. It is one of the 10 largest food purveyors in the United States.

And it was not only in this country that Mr. Shield preached his beliefs. He took a supermarket to Europe, and it was one of the modern distribution miracles which the Iron Curtain countries still do not fully believe even when they see it.

More even than in the business world Mr. Shield will be missed by Rutgers University and the State of New Jersey. He was graduated from Rutgers in 1917 when it was a small liberal arts college, and if he had some misgivings in setting out to sell it to the State as a great university, he knew this was the right principle. And Lansing Shield never shrank from what he knew was a principle.

Unlike some of our celebrated neighbors who make Bergen County their residence, Mr. Shield made it his home. It is here that he will be missed most.

[From the Ridgewood (N.J.) Sunday News, Jan. 10, 1960]

LANSING P. SHIELD

Lansing P. Shield was a man of many parts. The depth of his curiosity about life and his interest in life was demonstrated by the long list of social, cultural, educational, political and religious activities in which he took active participation.

He will be remembered best, however, not only in his local community and in his nation, but throughout the world for his major interest—the distribution of food.

This interest found its manifestation in outward form in the organization of chain stores throughout the world. In this field he was an organizing genius.

But behind the outward form was the spirit of a man whose early training as the son of a minister set the pattern of his life. His interest in the distribution of food became more than a means of making money. It assumed the dimensions of a dedication, a ministry if you will, directed at the point of mankind's basic need for existence.

In remembering Lansing Shield as a successful business executive, let it also be remembered that a successful life meant more to him than the accumulation of wealth. His community, his nation and the world are better for his having lived.

[From the Luce Press Clipping Bureau, New York, N.Y., Jan. 11, 1960]

THE EDITOR'S CORNER

(By Julian H. Handler)

A LEADER PASSES

With the sudden death last week of Lansing P. Shield the supermarket industry lost one of its most distinguished, accomplished, and progressive leaders. A technician in corporate management, an innovator and inventor, a merchant who developed better methods in marketing and a missionary who helped other nations improve their systems of food distribution—the president of Grand Union was all of these, and more.

Because he was an articulate thinker, he was frequently invited to share his views with others. As a result, Mr. Shield left a heritage to the industry in his recorded statements—words that were supported by his actions. A review of some of these serves as a reminder of the breadth of the man and the depth of his contributions to the food field and to all industry management.

"In today's industrial state, we as leaders have become the custodians of economic justice. It is our responsibility to return to the worker—insofar as our complex system permits—a true sense of security, more direct participation in the enterprise, and a feeling of achievement."

Mr. Shield also said that he regarded his company as "a tiny test tube in the free enterprise system." In it, he sought to meet the challenge he outlined. In doing so, he proved that humanism was fully compatible with profitable capitalism. He instituted profit-sharing policies so that many employees are now stockholding owners of the firm, "management boards" that analyzed company policy and thus enabled employees to share to some degree in the responsibilities as well, and extensive training programs that helped them to progress in their careers.

"We know that in the long run business will only be as good as our locations are good and will remain so only as long as we have people with sufficient ability, training, and incentive to get the best results from our physical properties," he said.

"We in the food industry recognize that we have a special obligation because we have the opportunity to provide leadership in feeding the world—and a world adequately fed is a world at peace."

Mr. Shield headed the two international associations of the food industry, honors that symbolized his tireless efforts to explain how supermarkets could help the peoples of countries where food distribution was unsanitary and archaic. He headed a commission that pointed the way to better marketing in Puerto Rico and last year helped direct the American food display at the Moscow Fair.

"Forget everything we have done up to now." In giving these instructions to architects commissioned to design a new type market, Mr. Shield expressed himself much as he had done to company executives when he first took over the presidency of Grand Union a dozen years ago. He sought innovations. Thus he invented the Food-O-Mat. So, too, did he courageously advance the concept that the supermarket could capture sales from other types of retailers—"This is not only a fight—it is a revolution—and the chances are that it is still in its infancy."

"Our American system is only as good as the citizenship of those who live under it." And Mr. Shield devoted himself to serving the American system with participation in numerous community, church, university, medical, and civic programs.

With sound judgment and good humor, with sincerity of purpose and devotion to principle, Lansing P. Shield established a personal record which the supermarket industry can remember with pride.

[From the Press-Journal, Jan. 14, 1960]

LANSING P. SHIELD

The food industry in general, and Grand Union Co., in particular, lost an outstanding leader through the untimely death of Lansing P. Shield.

Mr. Shield was president of Grand Union, having held that post since 1947 and having been prominently associated with Grand Union since 1924. Under him the chain's business grew from $83 million to its present $600 million a year.

We knew him here very well, for he had made his home in Englewood for several years, he and his wife making their impact felt in the civic and social life of the community.

He was recognized as more than an astute executive, one who knew all phases of the food industry; he was a humanitarian, a man who believed that industry was responsible to the people as well as to its stockholders. He did much to improve the distribution of food, to reduce the cost of food and, indeed, to help bring food to impoverished areas and impoverished countries.

In World War I Lansing P. Shield served as a pilot, after which he joined Atlantic & Pacific Tea Co., until 1924 when he went to Grand Union. A graduate of Rutgers University, holding an honorary doctor of laws degree, 3 years ago he was designated "outstanding alumnus" by the Rutgers Foundation.

One of the secrets of Grand Union under Mr. Shield's regime was his modern theories of advertising. He believed that constant advertising was a great factor in moving food and he implemented an enlightened era of food advertising that served not only to enhance the industry but to help people achieve better eating habits.

[From the Modern Grocer, Jan. 15, 1960]

LANSING P. SHIELD

The retail food industry suffered a great loss in the untimely death of Grand Union's Lansing P. Shield. Mr. Shield was not only a ground-up man, he was a pioneer, an aggressive thinker and a leader in food merchandising and in public relations, for his chain as well as for the industry at large.

His mind concentrated on the problem connected with moving volume, whether foods or nonfoods. He concentrated on the development of an organization best suited to this task at minimum costs. Mr. Shield saw the essential task; he worked at it; he did a remarkable job.

His honors were many; achievements and recognition came from all sides—from honors paid him by his local community at Saddle River to a post on President Eisenhower's Economic Advisory Committee. High honors were conferred upon him by both the Italian and French Governments.

Whereas Lansing P. Shield, president of the Grand Union Co., died suddenly on January 6, 1960; and

Whereas Mr. Shield was an exceptionally active and able business leader who had an international reputation as a pioneer in the development of modern methods of food distribution, and who in connection therewith, received from the Republic of Italy in 1956, the Cavaliere Ufficiale el Merito della Republica and from the Republic of France in 1958, the Cross of Chevalier of the Legion of Honor, and who, last year, at the Fourth World Food Congress in Switzerland was elected to a 3-year term as the first American president of the International Association of Chain Stores; and

Whereas in addition to his many and varied civic and business activities throughout the years, Mr. Shield, last year, served as president of the New Jersey State Chamber of Commerce, and in connection with the American National Exhibition in Moscow, served as a member of President Eisenhower's Advisory Committee; and

Whereas, Mr. Shield's talents for organization and leadership likewise found expression in educational, religious and philanthropic fields, including the reorganization of Rutgers, the State university, in which, as a member of the board of trustees of the university, he played a key role, and including a national chairmanship of the United Cerebral Palsy Fund drive; an honorary chairmanship of the Bergen County Mental Health drive; a trusteeship of the National Jewish Hospital, Denver; a directorship of the Ridgewood YMCA; a chairmanship of the joint boards, West Side Presbyterian Church, Ridgewood; a governorship of the Ridgewood Hospital Association; and

Whereas the State of New Jersey has suffered a grievous loss in the death of this outstanding resident and citizen: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. Public expression is hereby given to the esteem in which Lansing P. Shield has been held and the sincere condolences and sympathy of this body are extended to his family.

2. The Secretary of the Senate is directed to cause a duly authenticated copy of this resolution to be sent to the family of Lansing P. Shield.

THE BRITISH GOVERNMENT'S AID TO DISTRESSED AREAS

Mr. DOUGLAS. Mr. President, the administration in this country has been opposing the area redevelopment bill which was passed by the Senate last year and is now before the House. Many bitter attacks are being made upon it from administration quarters.

It is interesting to observe that the Conservative government in Great Britain has passed a similar bill to give economic aid to areas having a comparatively high percentage of unemployment, although those percentages are far less than the percentages of unemployment in the areas in trouble in this country.

Mr. President, I ask unanimous consent that an article entitled "Government Aid Bill To Cover Mining Areas," published in the London Times of February 10, 1960, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT AID BILL TO COVER MINING AREAS—SCOPE FOR QUICK ACTION TO PREVENT UNEMPLOYMENT

Mining areas where the contraction of the coal industry is likely to increase unemployment are included in the first board of trade list of places which will be eligible for the new forms of Government assistance under the local employment bill when it becomes law.

The list, published yesterday, replaces the list of places which qualify for assistance under existing legislation, including the old development areas. It is notable for the absence of towns in the cotton belt—where the average rate of unemployment fell during 1959 and was below 1 percent of the insured population in many of them (in none was it higher than 2.7 percent)—and parts of South Wales.

Assuming that the bill gets through its remaining stages reasonably quickly it is expected that it will come into operation on April 1.

PRESENT SCOPE

Under the existing legislation Government assistance is theoretically available to areas representing about a fifth of the whole country. In fact assistance is being given to about 14 percent, because in one or two towns the average rate of unemployment has gone below the 4 percent mark which was originally taken as the point above which a place became entitled to assistance.

The new list covers about 12 percent of the country and it could be supplemented before the act comes into operation. The bill will enable quick action to be taken when it can be foreseen that unemployment is likely to develop.

The bill provides that the development districts shall be those places which in the opinion of the board of trade are suffering from high and persistent unemployment, or are likely to do so unless something is done to stop it. Under the existing schemes no allowance can be made for impending unemployment. Seasonally high unemployment can also be taken into account.

GRANTS AND BUILDINGS

The bill empowers the Government to provide industrial or commercial premises, to make grants for new buildings, to make loans or grants for plant and working capital, to improve basic services, to assist the transfer of keyworkers, and to assist in the removal of local eyesores. The powers are also exercisable in places on the fringes of development districts to which people from those districts can travel to work, and in places which are official reception areas under the overspill schemes from development districts.

The list of places which will be eligible is as follows:

England: Bishop Auckland,[1] Crook, Shildon, and Spennymoor; Blackpool; Bridlington and Filey; Cornwall (excluding Bude, Gunnislake, Launceston, St. Austell, Saltash and Truro); Haltwhistle; [1] the Hartlepools; [1] Ilfracombe; Margate and Ramsgate; Merseyside and Prescot; Scarborough; Sheerness; Skegness and Mablethorpe; south-east Tyneside; Southwold; Sunderland, Seaham,[1] Horden [1] and Houghton-le-Spring; [1] west Cumberland (excluding Millom and Wigton); Whitby.

Scotland: Aberdeen, Inverurie and Stonehaven; Ardrossan, Dalry, Irvine, Kilbirnie, Kilwinning and Stevenston; Bathgate,[1] Broxburn and the Calders; Dumbarton; Dundee and Broughty Ferry; Girvan; [1] Glasgow [1] (including Barrhead, Clydebank, Kirkintilloch and Rutherglen); Greenock and Port Glasgow; Highlands and Islands; north Lanarkshire; Paisley, Johnstone and Renfrew; Peterhead, Fraserburgh, Banff and Buckie; Rothesay; Sanquhar; Shotts; Stranraer.

DIFFERENT PICTURE

Wales: Ammanford, Garnant, Pontardawe and Ystalyfera; Anglesey; Bargoed,[1] Blackwood,[1] Pontlottyn [1] and Ystrad [1] Mynach; Caernarvon, Bangor, Blaenau Ffestiniog, Portmadoc and Pwllheli; Llanelly; Merthyr Tydfil; [1] Milford Haven and Pembrook Dock; Rhondda, Pontyclun [1] and Ton-yr-efail; [1] Rhyl.

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[1] Areas not included in existing schemes of Government assistance.

A number of places which qualified for Government assistance under the Distribution of Industry (Industrial Finance) Act, 1958, or as development areas are not in the list because the unemployment situation has changed. This does not mean that the Government are unsympathetic to their problems or intend to ignore them; but it does mean that under the new criteria there are other places with greater claims to assistance. Where firms wish to establish new works in those areas the Government will not refuse development certificates; the change is simply that no Government assistance will be available.

Places in what is called the D.A.T.A.C. (Development Areas Treasury Advisory Committee) areas which are not on the new list are:

England: Hull, Plymouth, Barrow, and Ulverston, Isle of Wight, Torquay, Great Yarmouth, Herne Bay, Whitstable, Cromer, Aylsham, Bideford, Exmouth, Teignmouth, Leiston, Diss, Widnes, Bungay, Harleston. Towns in the cotton belt.—Oldham, Blackburn, Burnley, Rochdale, Accrington, Middleton, Nelson, Colne, Barnoldswick, Royton, and Shaw, Todmorden, Padiham, Littleborough.

Wales: Wrexham, Llanrwst, Llandudno, Conway.

Scotland: Arbroath.

NOT IN NEW LIST

Places and districts not in the new list which were in the development areas list are:

Northeastern Area.—Darlington, Durham, west co. Durham, Newcastle upon Tyne, Gateshead, Stockton-on-Tees, Middlesbrough.

West Cumberland.—The southern and eastern parts.

South Wales and Monmouthshire.—Swansea, the coastal belt east of Swansea, Monmouthshire, except Bargoed, Aberdare.

Wrexham.—The whole of the area.

South Lancashire.—The whole of the area.

South Lanarkshire and Kilmarnock.—The whole of the area.

Northeast Lanarkshire.—The whole of the area.

Mr. DOUGLAS. Mr. President, it is truly extraordinary that the Eisenhower administration and the Republican Party are infinitely more conservative on this matter than the British Tories. How much farther to the right can they go than to be infinitely more conservative than the British Tories? I hope the example of the Tories in England may assist in changing the minds of the Tories in this country.

RECESS TO 11 O'CLOCK A.M. TOMORROW

Mr. ELLENDER. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 54 minutes p.m.) the Senate took a recess under the order previously entered, until tomorrow, Thursday, February 18, 1960, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate February 17 (legislative day of February 15), 1960:

DIPLOMATIC SERVICE

Selden Chapin, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru, vice Theodore C. Achilles.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17 (legislative day, February 15), 1960:

DEPARTMENT OF STATE

John J. Grady, of Illinois, to be Deputy Director for Management of the International Cooperation Administration in the Department of State.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

To be senior surgeons

Dale C. Cameron
John R. McGibony
Douglas H. K. Lee

WITHDRAWALS

Executive nominations withdrawn from the Senate February 17 (legislative day of February 15), 1960:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dr. Winchell McKendree Craig, of Minnesota, to be Special Assistant on Health and Medical Affairs to the Secretary of Health, Education, and Welfare, vice Aims C. McGuinness, resigned, which was sent to the Senate on January 11, 1960.

POSTMASTER

Herman P. Louque, to be postmaster at Paulina, La., which was sent to the Senate on January 11, 1960.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 17, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Job 36: 5: *Behold, God is mighty, and despiseth not any; He is mighty in strength and wisdom.*

Almighty God, lift us now by Thy spirit into those higher altitudes where we shall see more clearly the meaning of our life in terms of service and be inspired with strength and determination to bring to fulfillment the abiding verities.

Make us worthy of being numbered among that vast company of stewards and servants who are dedicating themselves to the task of achieving blessedness for all mankind.

Kindle within our hearts a new love and a greater sympathy for the members of the human family as they struggle to conquer their difficulties and surmount their discouragements.

Grant unto our President, our Speaker, and all our chosen Representatives the gifts of wisdom and understanding and all those resources of faith and courage which will enable them to carry out the great commission of establishing peace on earth and good will among men.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

SUBCOMMITTEE ON FEDERAL AID HIGHWAYS OF THE COMMITTEE ON PUBLIC WORKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Federal Aid to Highways of the Public Works Committee have permission to sit during the sessions of the House for the rest of the week.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CIVIL RIGHTS LEGISLATION

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ALLEN. Mr. Speaker, it will be recalled that last year President Eisenhower made certain recommendations concerning civil rights legislation and that subsequently the House Judiciary Committee reported a bill substantially in line with the President's recommendations.

This favorable action on civil rights legislation was supported by the overwhelming majority of Republicans on the committee.

In this connection, it should be recalled that in 1957, when the first meaningful civil rights legislation in 82 years was enacted by the Congress, the Republican vote in the House on final passage of H.R. 6127 was 164 for the bill and only 19 against. On the Democrat side the vote was only 122 for, with 107 against.

This indicates clearly the bill could not have been enacted except for topheavy Republican support.

After the bill now under discussion was reported late in the session last year, routine application for a rule was filed, but it was generally thought that the bill was reported too late in the sesssion for action. At any rate there was no real effort made by the committee leadership to obtain hearings and get a rule that would send the bill to the floor of the House of Representatives for action.

Nor was any attempt along this line evident in the early days of this session.

On the contrary, certain proponents of the measure on the Democrat side, in what constituted obvious political maneuvering and shadowboxing, instituted a discharge petition to obtain House consideration of the legislation—a most unusual procedure.

That effort has not met with success.

Meanwhile, however, hearings were scheduled and held by the Rules Committee with both proponents and opponents of the measure being heard.

In light of the Rules Committee hearings, the matter of procedures was dis-

cussed at a Republican policy committee meeting Tuesday afternoon.

As ranking Republican member of the Rules Committee, which is composed of eight Democrats and four Republicans, I can now definitely state that in light of these various developments three, and probably four, Republicans will vote at the earliest opportunity for a rule to send the civil rights bill to the floor of the House for consideration and action in the regular way.

Thus, if half of the eight Democrats on the committee will support this move, a rule will be reported and action in the House of Representatives can be had.

This is orderly procedure and in the interest of good, constructive legislation.

CIVIL RIGHTS LEGISLATION

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I have asked for this time to join the gentleman from Illinois [Mr. ALLEN] in the statement he has made, and to further state to this House that I am of the firm conviction, as the result of recent actions, that there will be a rule granted within a very short time on the Celler civil rights bill, and that the measure will be called up in the House for consideration not too long thereafter. I say this advisedly because of checks I have made, and I believe the House membership is entitled to know the situation. Of course, the situation as has been described by the gentleman from Illinois [Mr. ALLEN] and myself naturally makes unnecessary and unworkable the so-called discharge petition method, which I have always said was a very, very poor way to attempt to legislate.

CIVIL RIGHTS LEGISLATION

Mr. COLMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, I merely rise to keep the record straight so far as I am concerned. Possibly I am disturbing the harmony that seems to exist here. But, I want it distinctly understood, that as one humble member of the Committee on Rules, I am not now a party, nor will I be in the future, to any agreement or anything that would facilitate the passage of this reprehensible and unconstitutional piece of legislation to help either party get a candidate elected to the Presidency this year. Moreover, Mr. Speaker, I shall at the appropriate time move in the committee to substitute a closed rule for the open one proposed. This would, of course, prevent amendments such as the carpetbag registrar and the Rogers' referee proposal.

CIVIL RIGHTS LEGISLATION

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, of course we are very thankful to the gentleman from Illinois [Mr. ALLEN] and the gentleman from Ohio [Mr. BROWN] for their support of the civil rights bill. They say that a rule will be granted in the not too far distant future. I would like to know exactly when the rule will be granted and what is meant by "not too far distant future."

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. In my opinion, that means within the next very few days. If the gentleman will just be patient, he will certainly be informed.

Mr. CELLER. Well, all I can say with reference to the charge of shadowboxing is that it was not on my part, because I actually made the written request for a rule just as soon as the Committee on the Judiciary had reported the bill out favorably. The shenanigans are all on the side of Republican members of the Rules Committee, who long since could have united with northern Democrats to grant a rule. Apparently 210 signatures on the discharge petition has worked a miracle. Nonetheless, I will say to the gentlemen who are on the Republican side as members of the Committee on Rules, just report out the bill and I will send each of you a wire, "Come home; all is forgiven."

THE CIVIL RIGHTS BILL

Mr. BUDGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BUDGE. Mr. Speaker, I think in light of the remarks of the chairman of the Committee on the Judiciary that it should be pointed out to the House that in spite of the comments which have been directed at the membership of the Committee on Rules, the distinguished chairman of the Committee on the Judiciary and his distinguished committee are still holding hearings on civil rights legislation. I think that should be brought to the attention of the House in light of all the hullabaloo and the delay which has been blamed on the Committee on Rules. It is obvious that even the Committee on the Judiciary has not yet decided what kind of a civil rights bill it wants. If it has why is the chairman scheduling hearings for another week?

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. BROWN of Ohio. Mr. Speaker, I think the gentleman will agree with me that in all probability the Committee on Rules will act on civil rights legislation long before the Committee on the Judiciary of the House acts on civil rights legislation.

Mr. BUDGE. I think that is quite apparent. It should also be apparent that it has not been the Rules Committee or its chairman which has caused the delay talked about in connection with the consideration of this legislation.

GASOLINE TAXES

Mr. MACK of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MACK of Washington. Mr. Speaker, on every gasoline pump in every service station in Washington State there is a metal plate that states 10½ cents out of the price of every gallon of gasoline go to taxes. That is right—6½ cents to the State and 4 cents to the Federal Government on every gallon of gasoline purchased.

The Federal Government from its 4-cent gasoline tax in 1959 collected $1,700,253,000 and the States about $2½ billion from State gasoline taxes. Thus, Federal and State gasoline taxes paid last year by automobile owners cost motorists more than $4 billion.

Some say that the highway users—the automobile owners—should pay the entire cost of building and maintaining the Nation's roads and bridges. In many respects it is a convincing argument. But the fact is automobile owners today are the most taxed class of American citizens. Tax revenues from gasoline now exceed $4 billion a year. The Federal automobile tire tax for road purposes last year yielded another $278,911,000. Also, every automobile owner paid a 10-percent excise tax on the wholesale value of his automobile when he purchased it. This cost automobile buyers last year a total of $1,039,272,000. The automobile owner also paid a 10-percent excise tax on every accessory he purchased for his car. This accessory excise tax cost the motorists last year an additional $166,224,000. On top of all this there were State sales taxes on the car he purchased that in most States were 3 to 4 percent of its retail purchase price. Also State license fees and driver license taxes were paid.

I think it is a fair estimate that the automobile owners today are paying into the Federal and State Governments more than $6 billion a year in special taxes levied on them and them alone. This is far more than is being spent by the States and Federal Government to build and maintain highways.

In the light of these facts, there is no justification for anyone to claim the automobile owner is not paying his full share of the cost of government. He is doing his share and more.

I am against increasing the present gasoline tax. It is high enough now.

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, February 19, to file two reports: One on the Treasury-Post Office Department appropriation bill, 1961, and the other on a joint resolution for the Space Agency.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER. Mr. Speaker, I reserve all points of order on the bill and the joint resolution.

COMMITTEE ON WAYS AND MEANS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 558 and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Ways and Means, House of Representatives, ten thousand additional copies of the panel discussions entitled "Income Tax Revision".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 579 and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed fifty thousand two hundred and forty additional copies of a Veterans' Benefits Calculator prepared by the Veterans' Affairs Committee of which two thousand copies shall be for the use of the Veterans' Affairs Committee, two thousand copies for the use of the Committee on Finance, thirty-seven thousand four hundred and eighty-five copies for the use of the House of Representatives, and eight thousand seven hundred and fifty-five copies for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

JOINT COMMITTEE ON DEFENSE PRODUCTION

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Joint Committee on Defense Production, United States Congress, upon requisition of the chairman thereof, not to exceed one thousand additional copies of the report entitled "Ninth Annual Report of the Activities of the Joint Committee on Defense Production".

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 414 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Un-American Activities twenty thousand additional copies of each part of the consultations held by that committee during the 1st session of the current Congress, entitled "The Crimes of Khrushchev," parts 1, 2, 3, and 4.

With the following committee amendment:

Line 2, strike out "twenty" and insert "eight".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of the investigation and study authorized by H. Res. 101 of the Eighty-sixth Congress incurred by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $50,000, including expenditures for the employment of experts, and clerical, stenographic, and other assistance, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all meetings held in the District of Columbia unless otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON THE JUDICIARY

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That, effective January 6, 1960, the further expenses of conducting the studies and investigations authorized by H. Res. 27 of the Eighty-sixth Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $225,000 including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee signed by the chairman of such committee and approved by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON BANKING AND CURRENCY

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the studies, investigations, and inquiries authorized by H. Res. 81, Eighty-sixth Congress, incurred by the Committee on Banking and Currency, acting as a whole or by subcommittee, not to exceed $100,000 in addition to the unexpended balance of any sums heretofore made available for conducting such studies, investigations, and inquiries, including expenditures for employment, travel, and subsistence of accountants, experts, investigators, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House, on vouchers authorized by such committee or subcommittee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. GROSS. Am I correct in assuming that some of the money sought by these committees could be used to send Members on trips overseas?

Mr. FRIEDEL. No, this is not for that purpose.

Mr. GROSS. Could the funds be used for that purpose?

Mr. FRIEDEL. Of course, if they have permission from the Rules Committee.

Mr. GROSS. Most of these committees do have that permission, do they not?

Mr. FRIEDEL. This committee does not have that permission.

Mr. GROSS. Most committees do have?

Mr. FRIEDEL. No, very few.

Mr. GROSS. Does the gentleman mean to say that the Committee on the Judiciary, for instance, cannot send members overseas?

Mr. FRIEDEL. This is not the Judiciary Committee resolution.

Mr. GROSS. I understand, but the House just passed the Judiciary Committee resolution increasing the appropriation for that committee. Is that not correct?

Mr. FRIEDEL. Yes.

Mr. GROSS. That is the point I am trying to make. The moneys here ap-

propriated can be expended for that purpose?

Mr. FRIEDEL. Yes, they can.

Mr. GROSS. Yes; now can the gentleman tell me when the Committee on House Administration is likely to bring out my bill to provide for an individual accounting of funds expended on various junkets?

Mr. FRIEDEL. I cannot answer the gentleman's question as to when it will come out, but we have had hearings on the bill and, as the gentleman knows, a majority vote is necessary to report the bill out.

Mr. GROSS. Can the gentleman give me any encouragement at all as to whether and when the bill might come out of the committee?

Mr. FRIEDEL. I can tell the gentleman this much, and that is that the committee did go thoroughly into the bill. Each Member of the Congress reports to the chairman of the full committee and the full committee has the total amount inserted in the report of the House Administration Committee.

Mr. GROSS. The bill was approved by the subcommittee; was it not? I would hope that the gentleman could give me some encouragement.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. HAYS. I will be glad to give the gentleman a minimum high amount of encouragement.

Mr. GROSS. I will accept it, whatever that is.

The SPEAKER. Without objection, on page 1, line 2, the letter "R." will be stricken out and the letter "H." will be substituted therefor.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITIONAL EXPENSES FOR THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 419) authorizing additional expenses for the Select Committee on Small Business, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the study and investigation authorized by H. Res. 51 of the Eighty-sixth Congress, incurred by the select committee appointed to study and investigate the problems of small business, not to exceed $260,000, in addition to the unexpended balance of any sum heretofore made available for conducting such study and investigation, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING HOUSE RESOLUTION 107, 86TH CONGRESS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 421) to amend House Resolution 107, 86th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That H. Res. 107, Eighty-sixth Congress, agreed to January 29, 1959, is hereby amended by striking out "$125,000" and inserting in lieu thereof "$475,000".

Mr. SCHENCK. Mr. Speaker, will the gentleman yield for a question?

Mr. FRIEDEL. I yield to the gentleman for a question or a statement.

Mr. SCHENCK. Mr. Speaker, the subcommittee of the Committee on Accounts has gone over each of these resolutions very carefully. This is a new effort, I believe, to provide funds for a new subcommittee to investigate into the highway construction program; is that not true?

Mr. FRIEDEL. That is correct.

Mr. SCHENCK. I would like to ask my friend, the gentleman from Maryland, if the committee heard all the members of the Public Roads Subcommittee who desired to be heard.

Mr. FRIEDEL. Yes; we heard everyone who wished to be heard.

Mr. SCHENCK. And this recommendation was a unanimous recommendation of your subcommittee and the House Committee on Administration?

Mr. FRIEDEL. No; I cannot say that. It did not pass our subcommittee by unanimous vote. It passed our subcommittee by a majority vote, but the vote was practically unanimous in the full committee.

Mr. SCHENCK. Since this is going to provide for some $350,000 for this investigation, which may develop some very splendid and necessary information, I am wondering if the amount is sufficient to provide an adequate staff and whether or not the committee has any information that the staff will include competent engineers as well as legal staff members and also whether or not the minority members of the committee will be assigned the necessary staff assistants or staff help.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield so that I may answer the gentleman's inquiry.

Mr. FRIEDEL. I yield to the gentleman from Minnesota.

Mr. BLATNIK. As chairman of the subcommittee involved, I will attempt to answer the gentleman's question. To date, no funds have been appropriated by the House for the Special Subcommittee on the Federal-aid Highway Program. Since last September when it was formed, this subcommittee has operated on funds borrowed, in a sense, from the Committee on Public Works. It has a staff of four investigators. It is estimated that approximately $295,000 is required to conduct this investigation in this session.

I assure the gentleman we will employ, either on a direct basis or on a consultant basis, topnotch specialists for whatever problem may be presented including a construction engineer if it is a construction problem. If it is a question of design, a design firm would be retained. If it is a question of a bridge, then that will be done by outstanding consultants. We have also agreed to employ minority counsel.

Mr. SCHENCK. I thank the gentleman very much. I believe we are assured then that this inquiry which is expected to be made by your committee will be quite thorough; that it will be guided by competent engineering and other staff members, and that you will use great care in developing the kind of report that will be helpful and in the best public interest the of people of the United States.

Mr. BLATNIK. That I can assure the gentleman.

Mr. SCHENCK. May I ask the gentleman whether or not the committee will inquire into the activities of the highway directors of the States, as to whether they are promptly getting their recommendations in to the Bureau of Public Roads.

Mr. BLATNIK. To what recommendations does the gentleman make reference? We shall inquire in all areas where complaints arise, in matters of extravagance, of waste, inefficiency, and misuse of Federal dollars as it pertains to the Federal highway program.

Mr. SCHENCK. My question was based upon my understanding that the highway projects are first developed as a project by the individual State highway departments, and submitted to the Bureau of Public Roads for further consideration.

Mr. BLATNIK. That is correct.

Mr. SCHENCK. My question was whether or not the committee intends to inquire into the adequacy and the promptness, the completeness, and the properness of the recommendations made by the highway directors of the various States.

Mr. BLATNIK. If there is any waste or delay or inefficiency at all, I can assure the gentleman we will go into it, but the gentleman's question is a very general one.

Mr. SCHENCK. So you would go into the question of unnecessary delay, inefficiency, and so on, in the preparation of the highway plans by the State highway departments, as well as those in the Federal Bureau of Public Roads?

Mr. BLATNIK. No one else is making these plans. The State highway departments are the administrators of these programs.

Mr. SCHENCK. I thank the gentleman very much.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Florida.

Mr. HALEY. I would like to ask the chairman of the subcommittee if this will be sufficient money for the gentleman's subcommittee to go into the proposition of why the gentleman was delayed for months and months in receiving replies from the Defense Department, which will cost the American

taxpayers a couple of billion dollars, and possibly more.

Mr. BLATNIK. The amount requested is acutally rockbottom when we consider the magnitude of the program we will have under study. Besides the magnitude of its scope the highway program is very complex. This program was approved in 1956. To date and including 1960 funds the Bureau of Public Roads will have handled a total of $11.5 billion. That does not tell the whole story because we are dealing not only with the Department of Commerce but the Department of Defense as well. Then we go to the State level where State officials are the actual administrators of the program and it even goes down to the county level, and even the municipal level.

Mr. HALEY. If this is not sufficient money to carry out a fair investigation of what I think is one of the greatest steals that has been perpetrated on the American people, I hope the gentleman will come back to this Congress and ask for more money and go into this matter thoroughly, because I think it needs a great deal of consideration.

Mr. BLATNIK. I appreciate the earnest words and justifiable concern, of the gentleman. I assure the gentleman from Florida and the Members of this House not only on behalf of myself but every member of our committee on both sides of the aisle of the earnestness and seriousness with which we approach this complex problem. We will report fully and completely on what we uncover and if we need more funds we shall certainly very frankly make that request. It may be possible that we will not need all the funds appropriated and if so we certainly want to set the example of saving where it is possible on the funds allocated to us.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield.

Mr. BAILEY. I would like to ask the gentleman from Minnesota, who has just been explaining the activities of his subcommittee dealing with this matter, whether the subcommittee's authority is broad enough to cover a proposition such as the following: The West Virginia State Legislature which just adjourned provided that in the matter of employment on the highway system preference should be given to those presently unemployed.

Mr. BLATNIK. Yes; we have authority if the project involves Federal funds to look into the matter.

Mr. BAILEY. Ninety percent of funds involved are Federal.

Mr. BLATNIK. On the Interstate System; 50 percent on the primary and secondary roads.

Mr. FRIEDEL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to, and a motion to reconsider was laid on the table.

FEDERAL WITHHOLDING FOR CITY INCOME TAXES

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 435 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and, pending that, I yield myself such time as I may consume.

The SPEAKER. The gentleman from Texas is recognized.

Mr. THORNBERRY. Mr. Speaker, House Resolution 435 makes in order the consideration of H.R. 3151, which provides withholding, for purposes of income tax imposed by certain cities, on the compensation of Federal employees. The resolution provides for an open rule and 2 hours of general debate.

Under the present law, the Secretary of the Treasury is required to enter into an agreement with a State or territory providing that the heads of U.S. departments or agencies shall comply with the requirements of the law of such State or territory providing for the collection of taxes by imposing upon employers generally the duty of withholding sums from the compensation of employees, where such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State or territory.

H.R. 3151 would amend the law to include certain cities, as well as States and territories. At the present time, there are 15 cities which would be involved.

On September 1, 1959, by a record vote of 251 yeas to 133 nays, the House failed to suspend the rules and pass H.R. 3151.

In view of the cooperation of the city governments with the Federal Government with respect to fiscal matters generally, and particularly in view of the fact that cities are withholding Federal income taxes from their employees, it seems reasonable that the Federal Government should be required to withhold city income taxes from Federal employees.

I urge the adoption of this resolution.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Texas well explained the provisions of this rule making in order the consideration of the bill H.R. 3151. However, I want to add, to what the gentleman has said, that this measure, H.R. 3151, in no way passes judgment upon the legality or wisdom of any city income tax law now in effect.

I would also like to call attention to the fact that when this bill was before the Rules Committee, and an application for a rule was being heard, upon certain questions I propounded to members of the Ways and Means Committee, in which this bill originated, I was informed categorically that under the provisions of the bill the city income tax of any resident of a city or any wage or salary earned outside of such city, would and could be collected by the Federal Government. Since that time some question has arisen as to whether or not that could and would be done under the wording of the pending bill.

We have in Ohio a peculiar situation where the great Wright-Patterson Air Force Base is outside of the city of Dayton, represented by the gentleman from Ohio [Mr. SCHENCK], and also outside of the city of Springfield, represented by myself. There is a great desire that we make certain this legislation will permit the Federal Government to withhold the city income taxes of those residents of Dayton and of Springfield, and also perhaps of Cincinnati, who are employed at airfields and other Federal installations outside the city limits.

It is my understanding that an amendment will be offered for that purpose, and otherwise to clarify the language of the bill. I am also informed that a committee amendment, I believe, will be offered to the bill to reduce from 75,000 to 50,000 the number of individuals living in a city necessary for such city to come under the coverage of this particular piece of legislation.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I want to confirm what the gentleman has so well said, particularly as I might have been the one who contributed to the confusion in this language. It is true that a categorical statement was made that would cover that situation. A reexamination of the language indicates that there is a question about it.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. GREEN of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3151, with Mr. BLATNIK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the pending bill, H.R. 3151, provides that if a city requires that employers in the city withhold city income taxes on the wages of their em-

ployees, then the Federal Government as an employer, upon request, is to enter into an agreement and to withhold the city income tax from compensation paid Federal employees who regularly work within the city just as other employers now do.

Under existing law, the Federal Government is directed to enter such withholding agreements with States and territories thereby giving Federal agencies the authority to withhold State and territorial income taxes along with other employers. This bill as reported would extend this provision to cities which had a population at the most recent decennial census of 75,000 or more.

This bill was introduced by our colleague, the gentleman from Missouri, the Honorable THOMAS B. CURTIS. It was approved unanimously by the Committee on Ways and Means and has been endorsed by the Treasury Department.

The fact that the cities withhold Federal income tax on municipal employees provides a case in equity and comity for the Federal Government to withhold city income taxes on Federal employees in the same manner as any other employer. This was the basis for legislation in 1952 to permit the withholding on Federal employees of State and territorial income taxes.

You will note that the committee report on the pending bill states:

> In 1952, in the report on the bill (H.R. 5157, 82d Cong., 2d sess.) which provided for withholding by the Federal Government of State or Territorial taxes collected through withholding, your committee pointed out that at that time Federal agencies lacked the authority to withhold State and Territorial income taxes from the salaries of Federal employees. In that report it was urged that provision be made for withholding of State and Territorial income taxes with respect to Federal employees in view of the cooperation of the State and Territorial governments with the Federal Government with respect to fiscal matters generally, and particularly in view of the fact that the States and Territories were withholding Federal income taxes from their employees. Your committee believes that the same reasons should also require the Federal Government to withhold city income taxes from Federal employees. The cities also have cooperated with the Federal Government with respect to fiscal matters generally and also withhold Federal income taxes from compensation paid their employees.

The bill would limit this provision for withholding agreements to cities of a certain size. Extending this withholding to very small cities where the Federal Government may have only a few local employees would somewhat limit the ability to use efficient, large-scale payroll procedures and consequently there might be an increase in administrative costs for the Government agency or department concerned out of proportion to the benefits to the cities. A committee amendment which will be offered would put this dividing line at a population of 50,000 or more.

On the basis of our present information, cities in five States—Alabama, Kentucky, Missouri, Ohio, and Pennsylvania—presently require the withholding of city income taxes by employers. The Committee on Ways and Means report on this bill lists 15 cities which we understand would be eligible for these withholding agreements under the bill originally reported. The committee amendment lowering the dividing line to a population of 50,000 will, to the best of our knowledge, add 5 more cities—Lexington and Covington, Ky., and Bethlehem, Johnstown, and Lancaster, Pa. The 1960 census figures may extend this coverage.

The bill contains certain restrictions designed to prevent discrimination against Federal employees and to limit administrative burdens on the Federal Government. These restrictions can be summarized as follows:

First. The law is limited so that withholding by the Federal Government will not be required with respect to taxes of a city which requires withholding only with respect to nonresidents.

Second. Withholding will be required only with respect to Federal employees whose regular place of Federal employment is within the boundaries of the city imposing the withholding tax.

Third. No withholding of city tax will be required with respect to compensation for service as a member of the Armed Forces—since such service frequently is temporary in nature and may be of a transient character.

Fourth. The Federal Government specifically does not consent to the application of any provision of a city's law which has the effect of imposing more burdensome requirements upon the United States than it imposes upon other employers or which has the effect of subjecting the United States or any of its officers or employees to any penalty or liability as a result of the law.

It also should be noted that this bill merely provides for a method of collecting taxes already imposed by the device of withholding of municipal income taxes by the Federal Government on its employees. Issues, such as the jurisdiction of a city to tax any employee or group of employees, would still be matters to be settled by the appropriate courts, unaffected by the fact that the Federal Government has withheld tax.

This is a meritorious piece of legislation which has much support. There is some opposition to the bill. However, this opposition does not refer to the merits of this bill at all. The protest evolves from the imposition of city income taxes on nonresidents who are employed in a city. I cannot emphasize too strongly that this bill has nothing to do with the legal authority of cities to impose income taxes on nonresidents working in the city. It merely provides a means of collecting taxes already imposed. With respect to any particular circumstance if there is a legal question as to liability for the tax of a particular employee, all of the present court remedies are still available. They would not be affected by the fact that tax had been withheld.

The justification of the bill rests upon the simple concept of applying existing local law to the Federal Government as an employer in the same way that it is applied to other employers. I am sure I need not point out that as a matter of national policy we should permit our local governments a maximum leeway in establishing the tax systems and methods of collecting they deem adequate to meet their needs.

Certainly, it has been the general experience in local governments in recent years that the property tax has not met their financial need. As we know, resort has had to be made to income taxes and sales taxes. The payroll tax has been particularly important in large cities which have found much of their tax base being lost to the neighboring suburbs. Despite the movement to the suburbs, the central cities still have heavy financial commitments, particularly in connection with the large low-income areas of the city which require special outlays for police and fire protection and for welfare services as well as schools. If the State government and the State constitution authorize the city to meet some of its financial burden by a levy on the wages of people who earn their livelihood in the city, and if the city itself decides to impose such a levy, the Committee on Ways and Means believed it highly inappropriate for the Federal Government to attempt to thwart the procedure by refusing to withhold in a way that other employers withhold.

Those who opposed the bill have insisted on arguing this bill as though it were a tax bill. It is not, and it should be understood that arguments concerning the equity or justification of any particular municipal tax are not pertinent to the bill.

That is no more at issue than is the equity of any particular feature of the Federal income tax, which the municipalities withhold on their employees for the Federal Government, or of any State income tax, which the Federal Government presently withholds for States.

The fact is that these are levies the legality of which has been upheld by the courts and the employees are legally liable for their payment. Naturally there is nothing in this bill which would require the Federal Government to withhold an illegal tax, and if the courts were to throw out any municipalities' taxes the Federal agencies would not withhold it, and if any payments had been made they would be refunded to the taxpayer with accumulated interest.

Let me again summarize arguments for the bill:

First. It is favored by the overwhelming majority of the Federal employees who are subject to these taxes. The Federal employees feel that they are entitled to the same convenient regular withholding method of paying these taxes which is enjoyed by private employees, State employees, and municipal employees. Without withholding they are subject to large lump-sum payments, and penalties and interest when they fall behind in these payments. As proof of this point, the bill is heartily endorsed by the national, and I repeat national, organizations representing Federal employees, including the American Federation of Government Employees, the National Association of Letter Carriers, the National Postal Clerks Union, and the National Association of Mail Handlers.

Second. The bill is favored by the Treasury Department and the Budget Bureau. The argument that the bill

would saddle the Federal Government with any significant costs has been analyzed by the Treasury Department and the Budget Bureau and found not to be true. The Federal agencies presently withhold similar taxes for any State imposing such taxes. It would merely require making a machine punch on a card presently equipped for such an operation. The administration recognizes the equity of withholding these municipal taxes since it already does so for the States, some of which are smaller in population than some of the municipalities involved, and since the municipalities withhold Federal taxes for the Federal Government.

Third. The bill is favored by the American Municipal Association and the U.S. conference of mayors since it would obviously simplify the collection procedures and costs for the municipalities, and thus improve their revenues and help them meet the mounting costs of municipal services. It would also relieve them of the necessity of harassing Federal employees who are delinquent by dragging them into court and imposing heavy penalties and fines on them.

Fourth. The administration of the bill will be carried out through appropriate regulations promulgated by the Federal Treasury Department and in accordance with agreements entered into. The argument that there will be unfair withholding on transient Federal employees whose principal office is not located in the municipality involved does not hold water, therefore, as the Federal agencies are obviously not going to impose such unfair procedures on their own employees.

Mr. HARRISON. Mr. Chairman, will the gentleman yield for a question?

Mr. GREEN of Pennsylvania. I am happy to yield to the gentleman.

Mr. HARRISON. I understand that the original legislation which this bill amends applied only to the States and not to the District of Columbia.

Mr. GREEN of Pennsylvania. The gentleman is absolutely correct. The original legislation applies to States and territories but does not apply to the District of Columbia.

Mr. HARRISON. This bill does not change that?

Mr. GREEN of Pennsylvania. This bill does not change that one bit.

Mr. HARRISON. And, therefore, the Secretary of the Treasury could not enter into an agreement with the government of the District of Columbia for the withholding of taxes of persons who do not actually live here in the District of Columbia?

Mr. GREEN of Pennsylvania. The gentleman from Virginia is absolutely correct.

Mr. HARRISON. That is, Government employees.

Mr. GREEN of Pennsylvania. Yes. Your understanding is correct.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Pennsylvania. I am glad to yield to the gentleman.

Mr. CAHILL. I wonder if the gentleman would tell me whether or not a Federal employee who works within the city of Philadelphia but resides in South Jersey would be covered by the bill.

Mr. GREEN of Pennsylvania. An employee who worked at the Philadelphia Navy Yard and lived in South Jersey would be covered by the bill, provided, of course, the conditions set forth in the bill are met in such a case. The Federal Government would withhold the tax of that employee just the same as the city government does for the employees who work in the city.

Mr. CAHILL. I wonder if my colleague would answer this question. Would it cover a resident of the city of Philadelphia, a bona fide resident of the city of Philadelphia who works in South Jersey?

Mr. GREEN of Pennsylvania. I might say to the gentleman from New Jersey that most of the Federal employees who work at the installations in Philadelphia are in favor of having this tax withheld, because this is what happens in the course of years when people do not have their taxes withheld: they run into a very difficult situation of having a warrant served on them when they owe taxes for 4 or 5 years. The result is they have to go out and borrow money, pay interest on it, in order to pay an obligation that could have been taken care of if it had been properly deducted by the Federal Government at their place of employment.

Mr. CAHILL. Mr. Chairman, let me make this point to the distinguished leader of the Pennsylvania delegation, however.

The Philadelphia wage tax which is levied against a resident would not be collected, would not be withheld from a Federal employee who is a resident of Philadelphia if——

Mr. GREEN of Pennsylvania. Let me say this to the gentleman, so that we do not confuse the situation. If a Philadelphian worked at the Philadelphia Navy Yard, his tax would be deducted from his salary just the same as that of someone from South Jersey.

Mr. CAHILL. Suppose a bona fide resident of Philadelphia worked in the Camden Post Office; would the Philadelphia wage tax be deducted from his salary?

Mr. GREEN of Pennsylvania. I do not believe it would under this bill. But I cannot understand a resident of Philadelphia working in the Camden Post Office with the great Representative that the city of Camden has here in Washington. I cannot understand how he would allow a Philadelphian to work in the Camden Post Office.

Mr. CAHILL. We are very broad-minded; we would welcome him. But the point that I made seriously is, does not the gentleman feel that it is unfair for the city that is levying this tax to permit its resident to work outside of the city and not withhold the tax, but to withhold the tax of a nonresident who works in the city?

Mr. GREEN of Pennsylvania. No. I think the gentleman is absolutely wrong. This is not unfair. This is a courtesy which is extended to the employee who lives in South Jersey as to his obligation, and where there is no question about the obligation. This is not a tax bill.

Mr. CAHILL. I understand.

Mr. GREEN of Pennsylvania. This is a bill that permits the orderly deduction, instead of allowing the employee to get himself in difficulty because he is not paying the taxes he is obligated to pay under the law.

Mr. CAHILL. Does not the gentleman concede——

Mr. GREEN of Pennsylvania. The gentleman will have some time himself. I am sure he can cover a lot of these matters then.

Mr. CAHILL. All right; I thank the gentleman.

Mr. GREEN of Pennsylvania. I am happy to answer any questions, but I do not think we should continue the discussion at this time.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield.

Mr. CURTIS of Missouri. I think the discussion revolves around a particular tax at Philadelphia. This has nothing to do with how the tax is levied as long as it is a constitutional tax. In St. Louis, Mo., the tax has been a little different. As the gentleman has so well expressed it, this bill relates simply to how you collect a tax that has been held to be legal.

Mr. GREEN of Pennsylvania. The gentleman from Missouri is absolutely correct.

Mr. CURTIS of Missouri. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I think the gentleman from Pennsylvania has very aptly outlined just what this bill is and what it is not. I think the difficulty in the minds of many of the Members is a misconception that this bill in any sense passes judgment on whether the various city earnings taxes are good things or whether they are valid things. It does not do that at all. The merits or demerits of the city tax is not in issue. This is simply a question of an efficient method of collecting a tax that is regarded as legal.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Ohio.

Mr. SCHENCK. I appreciate my colleague yielding to me, and I would like to inquire about this very situation. In the city of Dayton, Ohio, there is only one actual Federal installation within the corporate limits. Two other important Federal installations are outside the city of Dayton corporate limits. I understand this same situation is true in many instances throughout the country. I propose to offer an amendment at the proper time which would make in order the permission provided in this bill providing that these provisions apply if any border of the Federal installation is within 5 miles of any part of the corporate limits of the city. I think my amendment will help a great many cities throughout the country. I wonder if the gentleman would consider such an amendment?

Mr. CURTIS of Missouri. The gentleman has been kind enough to show

me the amendment, and I believe the other side has it, too. I want to say there is nothing in that amendment that I can see that does violence at all to the principle we are discussing. I think it would probably be a helpful amendment and would clarify the situation.

Mr. SCHENCK. I want to thank the gentleman very much. I also want very much to commend sincerely the gentleman for his excellent work and his long and hard efforts on this very important piece of legislation which will be very helpful to many cities throughout the country.

Mr. CURTIS of Missouri. I thank the gentleman.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield.

Mr. BAILEY. Did your committee, in its consideration of this legislation, ascertain the number of municipalities in excess of 75,000 population that were collecting and imposing a payroll tax?

Mr. CURTIS of Missouri. Yes; I believe we have that listed in the hearings, I might say to the gentleman from West Virginia. I do not know that I have that figure immediately in mind. Yes; it is on page 2, and this is about right. There are five States—Alabama, Kentucky, Missouri, Ohio, and Pennsylvania. In those States there are 15 cities with populations of 75,000 or more which levy municipal income taxes which are withheld by employers. Then they list 15 cities. If the amendment that the committee is offering, which would cut it down to 50,000, is accepted, I am not just sure how many additional cities there are in that category. But I think it would include some additional States, too. Does the gentleman from Pennsylvania have that information as to how many additional cities and States would be included if the committee amendment were offered to reduce the population from 75,000 to 50,000?

Mr. GREEN of Pennsylvania. There are five more cities—Lexington and Covington, in Kentucky, and Bethlehem, Johnstown, and Lancaster, in Pennsylvania.

Mr. CURTIS of Missouri. I thank the gentleman.

Mr. BAILEY. Mr. Chairman, will the gentleman yield further?

Mr. CURTIS of Missouri. I yield.

Mr. BAILEY. After listening to the discussion that has taken place with the gentleman from the Dayton, Ohio, district [Mr. SCHENCK], I want to ask a question to clarify one thing. Are you proposing to collect this payroll tax from residents of the city of Dayton who are working in the Wright-Patterson airport?

Mr. CURTIS of Missouri. I believe that is the objective of that, but I want to say that it is only if that is a legal tax. In other words, we are not saying, and have no intention of passing judgment, as to whether the tax is good or bad. The fact remains, if it is a legal tax, these people are, under the law, obligated to pay it. What has happened is this: Most of the people are paying it. The people who are not paying it are finding an embarrassing situation occurring after perhaps 2 years of not paying, and the amount becomes sizable enough and they are hauled into court and a judgment is obtained against them.

Mr. BAILEY. If the gentleman would permit, my opinion is you are running into difficulties if you make it apply to anyone living within that particular municipality but working outside. In that case you might as well make it a national law.

Mr. CURTIS of Missouri. I might say the only reason we have any limit at all is that the executive department has said that it complicates their methods if we extend it all the way. The States and municipalities have cooperated with the Federal Government by withholding Federal taxes from their employees, and this is really a reciprocity situation. It has to do only with the efficiency of collecting the tax. It has nothing to do with whether the tax is good, bad, or indifferent. The only tax involved is one that has been held to be legal. It is simply a method of collection.

Mr. BAILEY. I thank the gentleman for his enlightening answers.

Mr. CURTIS of Missouri. I think one of the best ways to bring to a head this misunderstanding can be done by my reading into the RECORD a letter that I received from the secretary-treasurer of the National Postal Clerks Union.

The letter is as follows:

JANUARY 18, 1959.

The Honorable THOMAS B. CURTIS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CURTIS: The attached letter is sent to you as one of the floor leaders on behalf of H.R. 3151 which permits the Federal Government to withhold the taxes which our members owe to municipalities.

You are authorized to use this letter in your hearing before the House Rules Committee, and also, if you desire, to reproduce it for the House membership in connection with the floor debate.

Very respectfully yours,

DAVID SILVERGLEID,
Secretary-Treasurer.

JANUARY 18, 1959.

Members of Congress:

On behalf of the overwhelming majority of our membership which is affected by the measure, we wish to urge your support of H.R. 3151, which permits the Federal Government to withhold on a regular basis, the taxes which our members owe to certain municipalities.

Those who have opposed this bill in the past have attacked it on the grounds that it is a tax bill. It is not. Whether or not the municipalities should impose such taxes is not at issue. The fact is that they do, and our members are legally bound to pay them.

The issue is merely whether our membership should be granted the same privilege enjoyed by all private, State and city employees (in fact, all employees except Federal employees) to pay these taxes by the same convenient withholding method they use to pay their Federal taxes.

Passage of this legislation will end an unreasonable hardship being imposed on our members, and we urge your favorable consideration.

Very sincerely yours,

DAVID SILVERGLEID,
Secretary-Treasurer.

I want to pay a real tribute to this national union for the understanding of the bill; in fact, without exception the Federal employees have realized that that is in essence what this bill is; it is an effort to facilitate for them, indeed, their payment of taxes, and to eliminate a real hardship on their part.

We all pay taxes; we know the difficulty we meet when we come to the end of the year not only in running down the tax collector with whom we have to settle our accounts, but also in fitting it into our budget. That is the essence of it.

From the standpoint of the cities, it certainly is a more efficient method of collecting taxes, and actually saves money so that more of the taxes are devoted to the purposes for which we levy taxes. We do not want to spend an undue amount of the taxes on collecting the taxes themselves; and we at the Federal level certainly do everything we can to provide the most efficient and least costly method of collecting the taxes that are imposed.

My concluding remarks are these: This is really a matter of reciprocity; this is not a new provision. If you will notice, the bill is an amendment of law that already exists where the Federal Government has seen fit, and rightly so, to extend the reciprocity principle to States and territories which the States and territories have granted to the Federal Government, that is, the withholding of legal taxes imposed upon the employees of these respective governmental units through the withholding process. This extends the same reciprocity to cities and municipalities, and I think it is to the advantage of all Federal employees and certainly in the benefit of efficiency in tax collection.

Mr. Chairman, I yield back the balance of my time.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. CARNAHAN].

Mr. CARNAHAN. Mr. Chairman, I rise in opposition to H.R. 3151 and speak for nonresident Federal employees. My district adjoins the city of St. Louis, so many residents in the Eighth Congressional District of Missouri are employed in St. Louis to serve the Federal Government. A good many of these never set foot in the city, only receiving their checks from a Federal office that happens to be located in St. Louis. For instance, Fay G. Cathcart, of Bismarck, Mo., is a railway mail clerk. He writes that his run is from St. Louis to Little Rock and many runs on which postal employees work never come within hundreds of miles of St. Louis. But because St. Louis is the postal region for Missouri, Arkansas, and Iowa, their checks come from that city. Can there be a better illustration of taxation without benefit and without representation?

I am aware of the pressing need of great cities for funds and the difficulties they face in meeting the burdens confronting them, but every municipality, the small as well as the large, has its difficulties with respect to obtaining enough money to carry on the functions

of government. The residents of my district have the usual problems in connection with local taxload. To tax them again only because they happen to work in the city or get their paychecks by mail from a city is nothing more than double taxation. Noting that the cities say they cannot afford to collect these taxes, I might suggest that there are many available sites in the Eighth Congressional District for the location of a Federal facility where the merchants would not only welcome the business these Federal employees bring into the area but the tax authorities would be happy to perform their own collection—and only on residents who derived benefit from services provided.

This bill fails to provide protection against taxation of nonresident Federal employees and there have been strong suggestions that it is the plain intention to use it for the purpose of taxing nonresidents. I make no suggestion that Federal employees should not pay local taxes wherever they derive benefit, and it is just as ridiculous to suggest that Federal employees do not pay their fair share of just taxes.

On behalf of all nonresidents who work in cities, I vigorously oppose the passage of this legislation.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. JOHNSON].

Mr. JOHNSON of Colorado. Mr. Chairman, I have no direct interest in this legislation except as a student of public finance. I first became familiar with this problem as it affects the city of Philadelphia when I was a fiscal analyst in the Budget Bureau in 1942.

You may recall the debate that took place at the time of the passage of the original Federal withholding tax provision. There is a good constitutional question as to whether or not the Federal Government can require a State or local government to withhold the Federal tax. Perhaps fortunately, this question has never been finally decided. For a great many years the Federal Government was operating on a one-way street. It was the recipient of withholding by the State and local units of government throughout the country, but did not withhold for them.

This matter of withholding for the Federal Government by State and local governments took on a new aspect as they developed withholding systems of their own. Under the auspices of a very distinguished Republican legislator, who had been State director of revenues, our own State adopted withholding. But they found that the matter of withholding was indeed a one-way street so far as the Federal Government is concerned. The States and localities withhold for Uncle Sam but he will not withhold for them.

The States recognized the constitutional problem involved and for some period of time went along, seeking cooperation without success. Finally the State of Vermont became sufficiently exasperated by this business of "we do it for Uncle Sam but Uncle Sam won't do it for us." The question became so acute that it had to be met by Federal legislation in 1952 when the State of Vermont finally decided it would impound the funds it had withheld on the Federal tax from the salaries of State employees. This compelled the Congress and the Treasury to reconsider the position the Federal Government had put itself in.

In face of the threat from Vermont to quit State withholding of the Federal income tax, the Senators from Vermont and the Representative from Vermont cosponsored, and the Ways and Means Committee of the House reported and the Congress approved the act of July 7, 1952, which this bill pending before us now proposes to amend.

No city has ever taken the drastic action that the State of Vermont had to take in order to get the Federal Government to engage in the reciprocity we now practice with respect to State income taxes.

I would like to think that the Federal Government would be a responsible employer and would deal with the cities on the same fair basis that we now do with the States. Essentially, all that is involved in this measure is to say to cities with a population in excess of 75,000 that we will withhold from employees who are employed within such cities. Please note that while the bill before us does not identify where the withholding is to take place, the act we are amending is very clear. It states:

> Such agreement shall provide that the head of each department or agency of the United States shall comply with the requirements of such law in the case of employees of such agency or department who are subject to such tax and whose regular place of employment is within the State or Territory with which such agreement is entered into.

That is a very simple definition. It is an easily enforcible provision. It is a responsible and respectable position. The law is adequately safeguarded administratively, because the Secretary of the Treasury, pursuant to regulations promulgated by the President, is authorized and directed to enter into agreements. We have adequate protection against unreasonable or unwarranted demands on the Government. We would be doing justice as to the Federal Government's role as an employer in cities which use withholding, just as we expect cities to be responsible employers with respect to Federal withholding.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from New Jersey.

Mr. CAHILL. The gentleman recognizes, does he not, when this bill was first introduced it applied to cities of 500,000 population. It is now reduced to cities of 75,000 population. The gentleman certainly recognizes that there is a great desire on the part of all municipalities for additional revenue. With that in mind, is it not the gentleman's opinion that in the very near future all cities throughout the country will impose similar taxes and that the required population will be reduced so that all cities will be included and the Federal Government will be in the position of collecting taxes for all municipalities regardless of size where the Federal employees are employed in these cities?

Mr. JOHNSON of Colorado. The gentleman's question poses an issue which is not here before us, but even if it were, I would have the gentleman know that every school district, every town, village, and hamlet, every employer of one or more, is required to cooperate with the Federal Government by a withholding technique. This would still be no more than Congress has long since imposed upon all employers. But I would say to the gentleman that this bill merely proposes that we recognize withholding taxes in cities of 75,000 population or greater, and if we try to live with that experience we can leave to subsequent Congresses the question of any amendments.

Mr. CURTIS of Missouri. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, I recognize that certainly everyone in the Chamber knows the general purposes of this bill. To my knowledge it has been around here now for about 10 years. It seems to me that its longevity in the House, if for no other reason, would make us concern ourselves with the real purpose behind the bill. Any bill that has been introduced 10 times and has not passed, I think, bears careful inspection.

Careful scrutiny of this bill will indicate very clearly that it has only one purpose, and that is to collect city taxes from nonresidents.

There is no other purpose for this bill. You know, in listening to the debate, the anomaly is this: that the bill as presently introduced applies to nonresidents working in the city that imposes the tax, but it does not apply to people who live in the city and who work outside of the city.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I would say this: It depends on what the city tax is. It certainly does apply in St. Louis.

Mr. GREEN of Pennsylvania. Now, as to the Philadelphia situation, it applies to everybody who lives in Philadelphia whether they work in the city or outside the city, and everybody who is employed in the city whether they live in the city or outside the city.

Mr. CAHILL. No; I beg to differ with the gentleman.

Mr. GREEN of Pennsylvania. You are talking about the legality of the taxes.

Mr. CAHILL. I am talking about the bill.

Mr. GREEN of Pennsylvania. The bill only applies to Federal installations.

Mr. CAHILL. If you turn to page 2 of the committee report, it says specifically that it applies to people living in the city.

Mr. GREEN of Pennsylvania. That is not the statement the gentleman made.

Mr. CAHILL. I say the bill, as far as the withholding by the Federal Government is concerned, means that the Federal Government will not withhold the taxes on a resident of Philadelphia or St. Louis who works outside the city limits.

Mr. GREEN of Pennsylvania. No.

Mr. CAHILL. That is all I am saying.

Mr. GREEN of Pennsylvania. They will from anybody who lives in Philadelphia or works in a Federal agency located in Philadelphia.

Mr. CAHILL. That is right.

Mr. GREEN of Pennsylvania. But that person who works in Philadelphia and lives outside of Philadelphia is still liable for taxes.

Mr. CAHILL. That is true. That is my reason for being in disagreement with the gentleman from Pennsylvania. That is the reason for my saying the bill is not necessary. There is an obligation on both residents and nonresidents of these taxing districts to pay. My point is, Why should the Federal Government pay the cost and the expense of collecting this tax for the cities, and particularly why should the entire country pay for collecting the taxes for 15 cities?

Mr. GREEN of Pennsylvania. As to the cost the gentleman is talking about, there is not much cost involved here. It is just putting another check on a card system.

Mr. CAHILL. I submit, from my limited experience, that no matter how small the check may be, it is going to cost the Government more money, and it is going to mean more Federal employees. I submit one other thing to the gentleman from Pennsylvania, if this bill is so good and if it is so important to accommodate the workers of Philadelphia or the other 10 or 20 municipalities in Pennsylvania, why did the Pennsylvania State Legislature refuse to authorize the State government to collect the tax for these municipalities?

Mr. GREEN of Pennsylvania. The gentleman keeps asking questions like, "When did you stop beating your wife?" Those questions are ridiculous. They have nothing to do with this bill; nothing at all to do with this bill. It is a question of giving convenience and courtesy to the people who work in the Federal installations in Philadelphia to have their taxes deducted from their pay so that they do not get into difficulty later on.

Mr. CAHILL. You concede, though, that the Pennsylvania Legislature refused to authorize the State government to withhold wage taxes from State employees.

Mr. GREEN of Pennsylvania. The gentleman does not concede anything at all to the gentleman from New Jersey. Now, I happen to be a resident of Philadelphia and I own a home in New Jersey. Do you think I should pay taxes like everybody else in New Jersey?

Mr. CAHILL. You should.

Mr. GREEN of Pennsylvania. And I am happy to do it. And, these employees would rather have it deducted than have them not deducted, the way it is now.

Mr. CAHILL. And you are receiving every service in New Jersey that a resident of New Jersey receives. What about the man who is a nonresident and never puts his foot in Philadelphia?

Mr. GREEN of Pennsylvania. The gentleman is arguing against taxes and not against the bill.

Mr. CAHILL. I refuse to yield further.

Mr. Chairman, I realize that this question has been discussed ad infinitum on the floor of this House. The reason I oppose it is not only because the tax is unfair and unjust, and because it is a wage tax and is imposed on everybody; I do oppose it for that reason, of course, but that is not my sole reason.

I oppose this bill because it requires every citizen of the United States of America to help pay the collection fee for helping out 15 or 20 municipalities in 4 or 5 States of the country. I object to it because of the administrative costs involved on the part of the Government.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. GREEN of Pennsylvania. The Federal Government has no objection to this. They are not opposed to it. The Treasury Department is in favor of it.

Mr. CAHILL. I disagree with the gentleman. It is my express understanding that the Federal Government opposed this bill and insisted that a 50,000 limit be placed on it. Is that true?

Mr. GREEN of Pennsylvania. No; the Federal Government did not limit it to 50,000. They were interested in 75,000.

Mr. CAHILL. If it is such a good bill, why does it not apply to all cities?

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. CURTIS of Missouri. I think, as a matter of fact, it probably should. But the gentleman is raising the point that the Treasury Department did have a limitation, because they felt that it would complicate matters if they extended it to the smaller municipalities. I do not happen to agree with that. On the other hand, the executive department has said that there is no administrative problem with the limitation such as it is. I do not think there would be any problem even if it went further.

Mr. CAHILL. I do not understand, if I may say this to the gentleman, how the Treasury Department can say there is no administrative problem with a 75,000 limitation, but there is an administrative problem with a 70,000 limitation.

Mr. CURTIS of Missouri. Simply because of the number of units. As I said, I do not happen to agree with them. I was simply making the point that I did not happen to agree with the administration on this problem that they pose; but I am saying this: That the gentleman's argument is not well founded when he says that they are not in full accord with this bill if it has this limitation. They say that there is no administrative problem. I must confess I do not see the difference between the 75,000 limitation and carrying it right on down.

Mr. CAHILL. I want to make one other objection to this bill. If I am a bona fide resident of Allentown, Pa., and work in Philadelphia, I have to pay two taxes. That, in my opinion, is not a very fair situation.

Mr. GREEN of Pennsylvania. Mr. Chairman, if the gentleman will yield, the gentleman is once again objecting to the tax and not to the bill.

Mr. CAHILL. That is not my reason for objecting to it, although I concede the tax is most objectionable. I want to say this further. This bill was originally introduced by the distinguished gentleman from Missouri and joined in by the distinguished gentleman from Pennsylvania, and it applied to only two cities in the country, St. Louis and Philadelphia. Since that time many other cities have come to realize that this is a pretty good thing. This is a chance to make some money. Now we have 15 cities. I predict that come next year you will have 30 cities, and come 10 years from now you will have 1,000 cities. I say to you that if we pass this bill we will be creating another department of Government to get into tax collections for local municipalities. I urge all of the Members who are not in a position where they have to vote for this bill, because of their constituencies, to guard themselves.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is the gentleman talking for every municipality in the country or is he interested in the people in his own district?

Mr. CAHILL. I am interested primarily in the people in my own district and generally in the people of the whole country.

Mr. BARRETT. I thank the gentleman.

Mr. CAHILL. I recognize that I am probably not going to change any votes here today but I cannot help feel that this bill is one of the worst pieces of legislation that has been presented to this Congress in my short stay here.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. ASHLEY. The gentleman in addition to opposing this legislation on the ground of the kind of tax that is involved seems also to be saying that it would set a terrible precedent and that even on its merits the bill itself is bad. I have a difficult time squaring this with the position that has been taken by the administration. I am sure the gentleman has read the departmental reports and he knows that the Treasury has indicated that it regards the action proposed by this legislation as a logical development in Federal-State fiscal cooperation.

I am sure he must also know the Bureau of the Budget has given its favorable recommendation and that the measure is also endorsed by these all-important Federal executive departments, and in addition by the American Federation of Government Employees, the National Association of Letter Carriers, the National Postal Clerks Union, and the National Association of Mail Handlers, the very people who will be affected, presumably, but as a matter of fact the very people who are already affected and have been subject to this tax, but who have simply indicated their willingness to have the Federal Government collect the tax. But I wonder if the gentleman would just address himself to the

discrepancies that exist between his position and that of the Federal Government as evidenced by the report.

Mr. CAHILL. In my rapt attention to the gentleman's speech I did not hear his question.

Mr. ASHLEY. I wondered if the gentleman would address himself to the discrepancy between the position he has taken with respect to the merits of the bill and the position, also with respect to the merits of the bill, taken by the administration, that is, the Treasury and the Bureau of the Budget.

Mr. CAHILL. I do not believe there is any discrepancy. I think that the administration stands for just tax collection and not unjust tax collection.

Mr. ASHLEY. Will the gentleman yield further?

Mr. CAHILL. I will not yield further. The gentleman may get time. I am sure he has plenty of it.

Mr. MACK of Washington. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield.

Mr. MACK of Washington. I wish to associate myself with the splendid statement being made by the gentleman from New Jersey. I am opposed to this bill.

Mr. Chairman, I ask unanimous consent to extend my remarks immediately following those of the gentleman from New Jersey.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CAHILL. I thank the gentleman. It is nice to have somebody on my side.

Mr. WATTS. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Kentucky.

Mr. WATTS. A moment ago the gentleman made reference to a person living in Allentown, N.J.

Mr. CAHILL. Pennsylvania. We do not have any of that tax in New Jersey.

Mr. WATTS. In Allentown, Pa., and working in Philadelphia.

Mr. CAHILL. That is right.

Mr. WATTS. And that this would require that the tax be withheld on that employee.

Mr. CAHILL. That is right.

Mr. WATTS. The gentleman knows, does he not, that if the gentleman he referred to is working for the Kroger Grocery Co. or any concern now doing business in Philadelphia, the tax is now being withheld.

Mr. CAHILL. No, this only applies to residents working in the taxing district. This bill would apply to nonresidents working in the taxing district.

Mr. WATTS. That company is doing business in that town and that tax is now being withheld.

Mr. CAHILL. Yes.

Mr. WATTS. The purpose of this bill is to provide that empolyees of the Federal Government be afforded the same treatment as others.

Mr. CAHILL. The gentleman is asking a question. Does he want an answer?

Mr. WATTS. Certainly.

Mr. CAHILL. The truthful answer is that the RCA factory in Camden, N.J., was asked to levy a Philadelphia tax, and received an opinion from the attorney general of New Jersey that they cannot withhold it.

Mr. GREEN of Pennsylvania. Why bring New Jersey into two cities in Pennsylvania? That has nothing to do with the question.

Mr. CAHILL. As the gentleman has indicated to me, he has plenty of time to address the House, and I therefore do not yield further.

Let me say in conclusion that this is a bad precedent. It asks the Government to do something that neither the State of Missouri nor the State of Pennsylvania will do. It puts the Federal Government for the first time, and I say that emphatically, for the first time, in the position of becoming a local tax collector. If we pass this bill, the day will come when every municipality in this country will have a tax and we will be collecting it.

I oppose this bill and urge the Members to vote against it.

Mr. MACK of Washington. Mr. Chairman, I commend the gentleman from New Jersey [Mr. CAHILL] upon the excellent speech he has made against this bill. I agree completely with what he has said. I am opposed to this legislation.

This bill proposes that where cities of more than 50,000 population levy an income or a wage tax on people who work within that city that the Federal Government will withhold this tax on all Federal employees who work within that city and who are subject to the tax.

We have had for years a Federal law which directs Federal agencies to withhold State income taxes on Federal employees in States which have State income taxes and turn the tax money so withheld to the income tax States. This law has worked most unfairly upon citizens of many States, including those of the State of Washington.

Washington has a State 4 percent sales tax, the highest State sales tax in the Nation, but Washington has no State income tax. On the other hand its neighboring State of Oregon has a State income tax but no sales tax.

Oregon withholds from the paychecks of Washington workers who live in Washington but work in Oregon the tax Oregon levies in State income taxes on wage earners. Washington citizens who live in Washington but work in Oregon thereby are subject to double taxation. The Washington citizen must pay the Washington State 4 percent sales tax on everything he buys and also must pay the Oregon State income tax. The resident of Oregon pays only the Oregon income tax. He pays no sales tax.

The Federal Government becomes a party to this unfair and unjust transaction when it withholds the State income tax of Washington residents who work in Oregon.

Here is one example of how this unfair situation works an unjust hardship on some Washington citizens. The great dams on the Columbia River extend from the Washington to Oregon shore of that river. Many of the workers on these dams reside in Washington. They go from Washington onto the dams and into the power houses, most of which happen to be on the Oregon side of the river. These workers are never on any road built by Oregon. They use no lights, no police protection, and no other service supplied by Oregon. Yet, under an old law, the Federal Government withholds from these Washington workers' wages Oregon State income taxes. The unfairness of this should be apparent.

The pending bill extends the principle of the Federal Government acting as tax collector, which it now is for the States, to that of collecting any income or wage taxes cities of over 50,000 population now levy or may levy in the future on workers.

No Oregon city at the present time levies a city income or wage tax, but some Oregon cities in the future may do so. I am against this legislation in order to protect the interests of citizens of my State from any such system of collecting taxes from them if any Oregon city at some future time should adopt a city or wage tax as many eastern cities have done. Usually these city wage taxes run from one-half of 1 to 1½ percent of a worker's income. Were one to be adopted by some Oregon cities some Washington workers would have to pay $25 to $75 a year in additional taxes to Oregon municipalities, and the Federal Government would have to collect these taxes for the Oregon cities if this legislation is enacted. I am opposed to its enactment.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, on December 13, 1939, the Republican City Council of Philadelphia, under the administration of Republican Mayor S. Davis Wilson, enacted the city income tax ordinance as a levy on salaries and wages earned in the city of Philadelphia by all employees. The tax went into effect January 1, 1940, at the rate of 1½ percent, was lowered to 1 percent in 1943, increased to 1¼ percent in 1949, and then increased to 1½ percent in 1956, effective January 1, 1957.

Under this ordinance, all Federal employees are required to file quarterly returns setting forth their estimates of their incomes for the quarterly period. The tax payment must accompany the return.

This ordinance further provides for the charge of a penalty of 1 percent per month and interest at the rate of one-half of 1 percent per month on all delinquencies. The accrual of such interest and penalties continues even after the account has been set up and on the unpaid balances thereof until it is completely discharged. Over a 5-year period these charges amount to 90 percent of the tax, thus practically doubling the employee's liability.

Mr. Chairman, the bill before us today, H.R. 3151, is not a tax measure as those opposing it would lead us to believe. It is instead a bill that would alleviate the hardships that thousands of Federal employees are experiencing in paying their city wage taxes because it would automatically cancel all interest and penalty charges.

Because of the many delinquent accounts of Federal employees from the State of New Jersey and surrounding counties in Pennsylvania, the Philadelphia Department of Collections, in an effort to carry out the provisions of the ordinance, began issuing capias, or writs, in 1953. These capias were issued to those employees having delinquent accounts over $200 and from 1957 through 1959, 575 were served.

Through the enactment of H.R. 3151, these taxes would automatically be deducted from the employee's salary check. The employee would no longer have to dig down into pockets which are quite often empty, or devise ways and means of paying them. It will prevent further individual embarrassment and keep many well-intentioned workers out of jail.

The opponents of this bill have stated that if it is enacted into law it will be the first time that the Federal Government has been called upon to act as a tax collector for local governments. The same argument was expounded last year, and, in rebuttal, it was proved this fact was false. Our present administration here in Washington, D.C., recognizes the equity of withholding these municipal taxes since it already does so for the States, and, in turn, the municipalities withhold Federal taxes for the Federal Government. As a matter of fact, H.R. 3151 has the full support and endorsement of the Department of the Treasury and the Bureau of the Budget.

Mr. Chairman, there are approximately 70,000 Federal employees in the Philadelphia area at the present time. They all favor the enactment of this bill.

I have in my hand many petitions and telegrams urging the immediate passage of this bill. I invite the opponents of H.R. 3151 to examine them. I believe they will be shocked to learn that, through a hurried canvass of the Federal agencies in Philadelphia, that 143 residents of cities and towns in New Jersey support the bill. In addition, the opponents will also notice that the residents living in the counties adjoining Philadelphia also favor the bill.

I have talked with many of these employees and no one opposes the bill. The president of the Frankford Arsenal Lodge 1560 strongly urges the passage of H.R. 3151. He lives in Maple Shade, N.J. The 3,000 employees of the U.S. Army Signal Supply Agency, Philadelphia, many of whom are New Jersey residents, support H.R. 3151. The 7,000 letter carriers of the State Association of Pennsylvania are in full support of the bill. The Joint Committee for Yard Development of the Philadelphia Naval Shipyard state the vast majority of employees favor automatic payroll deductions of the city wage tax. The national vice president of the American Federation of Government Employees recently wrote me the following letter, from which I quote in part:

> Our employees have suffered financial hardships due to penalties, interests and fines invoked upon them when they become delinquent in the payment of city wage taxes. Our employees have been forced to borrow from loan sharks in order to make settlement in magistrates courts or the department of collections, city of Philadelphia.
>
> The Federal labor unions in this area have voted unanimously many times over the past several years for the deduction of city wage taxes from Federal payrolls. This would be a painless and an economical method for both payment and collection on both the city of Philadelphia and Federal employees of the U.S. Government.

Mr. Chairman, need I say more? I only ask for the immediate passage of this bill.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield.

Mr. GREEN of Pennsylvania. The gentleman from New Jersey propounded a question to the gentleman from Kentucky: If a man worked in the city of Philadelphia, that is, if a man who lived in Allentown worked in the city of Philadelphia, would he have the tax deducted? If he were employed by a private employer in Philadelphia, the answer to that is "Yes." The gentleman from New Jersey [Mr. CAHILL] said "No." The situation in New Jersey has absolutely nothing to do with the situation. If somebody in New Jersey works in Philadelphia for a private employer, the tax is deducted, as the gentleman from Pennsylvania knows.

Mr. BARRETT. Yes; that is true.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to my distinguished colleague.

Mr. CAHILL. If I made that statement, I apologize. What I intended to say is that a nonresident who is now subjected to the tax and for whom the Federal Government will withhold the tax, is not subject to withholding by a private employer. In other words, this bill will authorize the Federal Government to withhold the tax that a private employer is now authorized to withhold.

Mr. GREEN of Pennsylvania. It is withheld by private employers in Philadelphia.

Mr. CAHILL. Yes.

Mr. GREEN of Pennsylvania. If someone lives in Philadelphia and works in private employment in Camden, it is not withheld but they are subject to paying taxes. So I do not see what the gentleman's argument is. The gentleman's argument is confusing a situation that is very simple.

Mr. CAHILL. I hope I made my point, and I thank my colleague for yielding.

Mr. BARRETT. If I may, Mr. Chairman, I would just like to add this to what our colleague, the gentleman from New Jersey [Mr. CAHILL] has pointed out. An individual who works in private industry may ask his employer to deduct his taxes in order to prevent him from being delinquent and in order to avoid the penalty of a fine. That is the situation in many cases.

Mr. CAHILL. The gentleman from Pennsylvania realizes that not many employees are doing that.

Mr. BARRETT. There are quite a number of employees who are doing that.

Mr. Chairman, about 20 years ago the city of Philadelphia under a Republican administration and under a councilmanic body made up entirely of Republicans inaugurated this wage withholding tax and enacted it into law.

Mr. MILLIKEN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield.

Mr. MILLIKEN. Was this not the Sterling Act and at the time it was passed by the legislature in Harrisburg, the Republican legislature in Harrisburg, was the assurance not made to those people that it would not be a wage tax but that it would be a tax on other things other than wages?

Mr. BARRETT. No, I am quite sure that the gentleman is not correct.

Mr. MILLIKEN. It is the Sterling Act under which you are operating this Philadelphia wage tax; is it not? This is not a Philadelphia wage tax.

Mr. BARRETT. It is an ordinance.

Mr. MILLIKEN. It is the Sterling act under which you created that ordinance; is it not?

Mr. BARRETT. It is an ordinance passed by the city councilmanic body.

Mr. MILLIKEN. Yes.

Mr. BARRETT. It is an ordinance that was passed by the city councilmanic body under S. Davis Wilson who at that time was mayor.

Mr. MILLIKEN. But it was authorized by the Sterling Act which said that there was not any understanding that it was to be a wage tax.

Mr. BARRETT. It is strictly a residential and wage tax. I think the gentleman does not have his facts accurate.

About that time, 20 years ago, the gentleman who now lives in New Jersey and who is a Member of this august body became a member of the bar. He is a very distinguished Member of this body and works hard for his people. I asked the gentleman just a few minutes ago whether he was interested in all municipalities throughout the country or whether he was interested in his constituency. The gentleman said that he is interested in his constituency.

In this debate we are asking the Federal Government to withhold taxes which have already been placed upon the people of Philadelphia by a city ordinance. It is not a tax bill.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from New York.

Mr. HOLTZMAN. This is now, in fact, a valid, existing tax, is it not?

Mr. BARRETT. The gentleman is absolutely right.

Mr. HOLTZMAN. And never has been overruled or declared unconstitutional?

Mr. BARRETT. Absolutely not.

Mr. HOLTZMAN. And this bill would simply expedite the manner in which the withholding tax should be taken care of; is that correct?

Mr. BARRETT. That is absolutely correct.

What we are asking here is reciprocity, because the city of Philadelphia withholds Federal taxes. The State of Pennsylvania withholds the Federal tax. We are only asking to have the same thing done for this one reason: The city of Philadelphia needs this tax, and there is

about $100,000 a year involved. This causes a double liability on the taxpayer. He may be asked to pay as high as an 18-percent penalty annually for failure to pay the tax. If the tax is withheld, the employee would have only a few pennies deducted from his check each payday, and would prevent any further penalties due to nonpayment of the tax.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield.

Mr. THOMPSON of New Jersey. Did I understand the gentleman to say 18 percent?

Mr. BARRETT. That is right.

Mr. THOMPSON of New Jersey. That is usury.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from New Jersey.

Mr. CAHILL. I want to clear up something that was propounded by the gentleman from New York. While the Pennsylvania State court has not declared this tax unconstitutional, the gentleman will admit it has never been held constitutional by a Federal court, and at the present time the case of Thompson against Lenox, testing the constitutionality of this question, is pending.

Mr. BARRETT. I am glad the gentleman brought that up, but I hope the House will not take the full 2 hours' debate today, because this is a meritorious bill, and I want to give you the reason why.

The gentleman you spoke of was apprehended by the Philadelphia police department and was incarcerated. There have been close to 300 people arrested, and they were told to pay up immediately or they would be incarcerated. We made a very thorough search to find out if your facts were absolutely right the last time you made them; and, for the gentleman's benefit, I have in my hand petitions signed by employees from all over New Jersey who are working in Philadelphia. These people reside in Belmar, Morristown, Trenton, Riverside, Camden, Ashland, and many other towns and cities in New Jersey.

Mr. CAHILL. Can you give us the list?

Mr. BARRETT. I would be glad to give them to the gentleman, but I want to illustrate in my own remarks that you would be doing your constituency a favor by having these few pennies taken out of their check every payday and preventing them from accumulating a tax debt that would mean going to the loan sharks to borrow in order to prevent them from being jailed.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield.

Mr. BYRNE of Pennsylvania. I wish the gentleman would correct a statement made in answer to the gentleman from New Jersey [Mr. THOMPSON], about the 18 percent.

Mr. BARRETT. The 18-percent figure comes about in this way: They pay 1 percent a month as a penalty.

Mr. THOMPSON of New Jersey. Is that on the unpaid balance?

Mr. BARRETT. That is a penalty. They pay one-half of 1 percent on the unpaid balance per month, and that gives you the 18 percent.

Mr. THOMPSON of New Jersey. That is a lot of interest.

Mr. BARRETT. There is no usury there.

Mr. SCHERER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield.

Mr. SCHERER. Is this statement correct, that this bill could not in any way compel a person who is not now legally liable to pay a city wage tax to pay it?

Mr. BARRETT. If he is not legally liable, he certainly cannot be compelled to pay it.

Mr. SCHERER. Or if a State supreme court should eventually decide that a city payroll tax was illegal, then this bill could not in anywise compel an individual to pay the tax, could it?

Mr. BARRETT. The gentleman is absolutely correct in that statement.

Mr. SCHERER. Is it not a fact that persons who are legally liable to pay city payroll taxes are opposed to this simply because they feel they can possibly avoid the payment of the tax?

Mr. BARRETT. That, of course, is the human element that enters into it. Everyone hopes they will not have to pay, but eventually they will and with a penalty.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Pennsylvania.

Mr. BYRNE of Pennsylvania. Did the courts not uphold the legality of this bill?

Mr. BARRETT. Yes; absolutely.

Mr. CURTIS of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Chairman, the district I have the honor to represent would, of course, come under the provisions of this bill. I do not challenge the legality or the constitutionality of the bill; I look upon it as another administrative step that to me is an invasion of the American way of life.

Needless to say, I am strongly opposed to the whole system of withholding. The capital city of my State is part of my district. Of course, we have a city income tax, and the officials of the city of Columbus favor this legislation. I have a letter from the mayor of another city in my district, Whitehall, in which he asked me if the bill could be amended to include a city of the population of 25,000 rather than the 75,000, as now in the bill. or 50,000 as it will be amended. To me, the whole proposition of withholding is repugnant to the American way of life. The taxpayers of this Nation have already been lulled into apathy, forcing them into a philosophy that is contrary to the traditional American freedoms. Millions of taxpayers by virtue of withholding have been educated to look only at their take-home pay. In seeking employment they do not care what the income tax is; the question uppermost in their minds is: "What is the pay after taxes?"

I have received letters this week which preceded a number of postal employee salary rallies, saying, "After taxes, my pay is so-and-so"; "After taxes, my pay is such-and-such."

Many millions of dollars are withheld from hardworking people and they do not know or care how much just so long as the take-home pay is livable.

Due to the ease of collection and admitted economy for Government to have individuals and business concerns across this Nation doing the bookkeeping for the Treasury Department, or city administrations under this proposal, it is doubtful whether any of us will see the day when this vicious practice is abolished.

We all agree that it would work a temporary hardship on taxpayers across this Nation to require them to pay their taxes out of their pocket, out of money they now never receive; actually, I say to you it would be a worthwhile hardship.

Granted, withholding a portion of a person's earnings constitutes a forcible savings account to which the person has no access and from which the person receives no income in interest, no benefits. But, perhaps, that is part of the recent philosophy of those in Government that downgrade the individual and say, in effect: You are not capable of handling your own affairs; you are not dependable, we do not trust you; your paternalistic Government will just sneak the money away from you in a painless sort of way and you will not even feel it.

And if the taxpayers are not totally conscious of the tremendous amount of their money that is quietly funneled out of their earnings, how can they be concerned about the billions spent by their Government in every conceivable type of spending scheme? We do not miss something we have never had, nor are we too concerned with what happens to something we never had. All of us are more inclined to miss something a great deal more if we have once had it. A taxpayer who is required to pay his taxes with his own funds that he has legitimately earned and collected obviously would be more vitally concerned with how the Government handles his money.

I say to you, Mr. Chairman, that the cost of Government and policies of spending will never recede until the taxpayers become acutely aware of, first, how much they are paying, and they never know since it is withheld; and second, what is being done with their money.

I know that the city officials in the towns that are involved in this bill are avidly interested in its passage because, Mr. Chairman, it does increase the ease of collection. It is more economical from an administrative standpoint. But, to me it is another step in this vicious withholding practice that was adopted by the Government during the war to make sure we had the money in the hands of the Government to meet its expenses. But here we are in the sixties still withholding hundreds of thousands and millions of dollars from our taxpayers that they earn but never see. Now we want to take one more step and say we are going to begin withholding city income taxes for the convenience of the city. It is a

step contrary to American traditions and the American philosophy of free economy.

Mr. GREEN of Pennsylvania. Mr. Chairman I yield 5 minutes to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, I regret opposing as I must this legislation introduced and sponsored so avidly by my great friends from the City of Brotherly Love. The amount of brotherly love in their hearts is obvious from what they are saying. They want to do these people the great and the loving favor of collecting their taxes from them so that they do not have to bother making out their own checks.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. What does the gentleman have to say about the fact that the employees themselves through their organizations have requested this? This is not a matter of love. They have requested it themselves.

Mr. THOMPSON of New Jersey. The gentleman will not dispute the fact that the distinguished colleagues of ours from Philadelphia are friendly, loving people?

Mr. CURTIS of Missouri. No, no. I am talking about the employee groups, the Federal employee groups through their unions and their leaders. They have expressed a desire to have this passed.

Mr. THOMPSON of New Jersey. I have seen the petitions. The gentleman from Pennsylvania, Mr. BARRETT, showed them to me.

Mr. CURTIS of Missouri. I am not talking about the petition. I am talking about the Federal employee unions, through their own organizations, and the lists were read off of the unions who have approved this.

Mr. THOMPSON of New Jersey. I thank the gentleman. I would like very much if the gentleman had been a little more persuaded by unions some months ago. I do not know that these unions or anything like a majority of them have petitioned the Government to collect their taxes for them. But I asume some people would like this. The gentleman from Pennsylvania, Mr. BARRETT, my distinguished friend, showed me a list on which appear the names and signatures of some of my constituents who live 30 miles from Philadelphia, who work there, and get no service from that city.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, I find myself in the position of the gentleman from New Jersey. I have thousands of employees working over on the west side of the river—Missouri against Illinois—and I have not had a single request from any of these 30,000 people for me to support this type of legislation.

Mr. THOMPSON of New Jersey. Well, my situation is precisely like that of the gentleman from Illinois. I do not question at all the validity of the signatures, the few that I saw. I do not agree at all, however, that they represent a majority, and certainly I have had nothing but adverse mail on this subject.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. I just wanted to say to the gentleman that it is a little embarrassing for me to have my distinguished colleague say such very nice things about me, but I have to admit I like to hear it.

Mr. THOMPSON of New Jersey. Fine. I will continue with some more. The charm of these people of Philadelphia is so great that they have mesmerized a few workers who have written and said, "You are just so wonderful to us. We want you to collect our taxes for us."

Mr. TOLL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. TOLL. In addition to the charm, we are devoted to the principle of justice and equality.

Mr. THOMPSON of New Jersey. I would say in this in thousands and thousands of instances that you are, but you are just like any of the rest of us, you are not infallible, and in this instance you are wrong.

I would like to tell you about people living in New Jersey and working in the great Navy Yard in Philadelphia. They drive their cars from a point in Camden County, N.J., and they go on a ferry boat.

Mr. GREEN of Pennsylvania. Mr. Chairman, if the gentleman will yield, ferry boats have been out of existence for about 5 years.

Mr. THOMPSON of New Jersey. Maybe it is a row boat or at least a Navy launch. They get on a boat and they go right to the Philadelphia Navy Yard, Federal property, which I am sure my friends from Philadelphia will concede is of great benefit to that city. They work there every day. They leave by the same route, never having availed themselves of the innumerable advantages that inure to citizens of the great city of Philadelphia. In other words, they get no municipal services, they get no municipal police, fire, or any other sort of protection—not that much is needed in that city, because it is an orderly city. But, they just do not like to have to pay this tax.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. CURTIS of Missouri. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New Jersey.

Mr. CAHILL. Along the line that the gentleman was just discussing, if this bill passes and a member of, say, the Treasury Department or the FBI or one of the governmental agencies that has nationwide jurisdiction were to be transferred involuntarily to the Philadelphia office and were to be stationed there for maybe a month, am I correct that the Federal Government would have to withhold from his salary the Philadelphia wage tax?

Mr. THOMPSON of New Jersey. If this legislation becomes law and is carried to its logical conclusion, the Federal Government could collect taxes for all municipalities.

Mr. CAHILL. If that is his regular place of employment, then he is subject to this bill.

Mr. THOMPSON of New Jersey. Yes, indeed. Absolutely.

Mr. GREEN of Pennsylvania. Of course, I do not like to correct the gentleman from New Jersey, but you just gave the other gentleman from New Jersey the wrong answer. That is not correct.

Mr. THOMPSON of New Jersey. Mr. CAHILL, the gentleman from Pennsylvania [Mr. GREEN] says that your opinion and my opinion is incorrect. I do not know that we can solve that right here. I might say, however, that this business of putting the Federal Government in the business of collecting taxes for municipalities is simply unfair and outrageous, and we cannot avoid the fact that the tax is iniquitous, notwithstanding that this bill does not apply to the tax. It is, nonetheless, a means of collecting it.

Mr. CAHILL. Mr. Chairman, if the gentleman will yield further, I would like to read from the report so that the gentleman will know that I was correct, that this is with respect to Federal employees whose regular place of official employment is within the boundaries of the city imposing the withholding tax.

Mr. THOMPSON of New Jersey. That is right. I think perhaps the gentleman from Pennsylvania overlooked that. I am sure he did not mean to be in error.

Mr. TOLL. Mr. Chairman, if the gentleman will yield further, the gentleman recognizes the fact that this law has been on the statute books since 1952 and applies to various States of the Union. Why are you so vigorously opposed to its extension to cities?

Mr. THOMPSON of New Jersey. I did not get here until 1955, but I assure you I have been opposed to it since I have been here and I will remain opposed to it. I think it is completely unfair and uncalled for.

Mr. TOLL. You are perhaps laboring under a misapprehension.

Mr. THOMPSON of New Jersey. I am relying on my distinguished colleague who is perhaps a better lawyer than I. Law or not, it has been an unfair tax since the day it became Philadelphia law.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Is it not true that this bill, when enacted, would catch tax evaders? I am sure the gentleman from New Jersey would agree that that would be helpful.

Mr. THOMPSON of New Jersey. This would catch tax evaders?

Mr. O'NEILL. Yes. Definitely. That is the purpose of it.

Mr. THOMPSON of New Jersey. No; it would not catch them because no one would have a chance to avoid any more. I do not deny the fact that people avoid this tax. I am in favor of avoiding the City of Philadelphia wage tax. I am especially against having the Federal Government act as Philadelphia's municipal tax collector.

Mr. CURTIS of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, everybody in Pennsylvania, and especially Philadelphia and Delaware County, knows my position on this unfair, unjust tax. I have not heard a word from any navy yard employee, from any union or from anyone who works for the Federal Government except to ask me to oppose this bill.

Mr. BARRETT. Mr. Chairman, if the gentleman will yield, I am able to turn over some petitions to him, if he wishes to see them.

Mr. MILLIKEN. They have not contacted me. The district which I represent is Delaware County, the Seventh District of Pennsylvania, which borders Philadelphia. Our residents have been paying this unjust, unfair wage tax for many years. If it were not for the residents outside of Philadelphia, Philadelphia would be in very desperate circumstances. Now they come to you and ask you to put another burden on us by asking the Federal Government to collect this tax.

While I have heard here many statements that the Treasury agrees and the Budget agrees, still the people of Delaware County have never been asked to assume this new responsibility and additional tax; because, no matter how small this tax is, how little it costs the Federal Government to collect it, the citizens of Delaware County are going to have to pay their share. For that reason and that reason alone I would ask the Members of this House to vote against this bill.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. ASHLEY].

Mr. ASHLEY. Mr. Chairman, I rise in support of the bill before us, H.R. 3151, a simple measure which if enacted would permit the Federal Government to withhold income taxes owed by Federal employees to municipalities, as it presently withholds similar taxes owed to the States.

I favor this legislation as the representative of a district which includes the city of Toledo with a population of close to 350,000 and Federal employees numbering approximately 6,000. A popular misconception has, I believe, beclouded the merits of this bill, Mr. Chairman, that misconception being the mistaken belief that citizens are paying a tax which they would not otherwise be required to pay. That impression is erroneous, Mr. Chairman, and once explained I think that the reasons for opposition to the measure wash away.

This bill does not say whether a city earnings tax is good, bad, or indifferent. It simply says that where there is a local city earnings tax, the Federal Government will give some reciprocity to the collection of it. The bill does not levy a tax on anyone. It simply provides a simplified, orderly method of collecting a tax which must be paid notwithstanding this bill.

It seems to me, Mr. Chairman, that H.R. 3151 has everything to recommend it. It represents simple reciprocity in extending a policy already established and adopted by the Congress. This is a policy which commits the Federal Government to cooperation with the State and territorial governments in the area of withholding and it is based upon firm recognition of their cooperation with the Federal Government in fiscal matters generally, and particularly in withholding the Federal income tax from their employees. City officials of the district which I represent have consistently and repeatedly urged enactment of this legislation and Federal employees themselves are in favor of it.

Additionally, Mr. Chairman, H.R. 3151 was unanimously approved by the House Committee on Ways and Means; the Treasury Department likewise has indicated that it regards the activity proposed by this legislation as a logical development in Federal-State fiscal cooperation. The Bureau of the Budget has given its favorable recommendation and the measure is also endorsed by all of the major national associations representing employees including the American Federation of Government Employees, the National Association of Letter Carriers, the National Postal Clerks Union, and the National Association of Mail Handlers.

I think it is worth mentioning also that implementation of this legislation would impose little if any increase in cost to the Federal Government. It provides for withholding by the Federal Government only in the case of incorporated cities with populations of 75,000 or more in order to limit the administrative burden to be assumed by the Federal Government. In other words, it is limited in operation to cities of a sufficiently large population that administration and tax-collecting procedures are already in existence. H.R. 3151 also contain adequate restrictions which are designed both to limit the administrative burdens of the withholding by the Federal Government and to prevent hardship and discrimination of the Federal employees involved.

Mr. Chairman, I strongly urge favorable action on this measure by my colleagues.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. TOLL].

Mr. TOLL. Mr. Chairman, in Philadelphia there are 28,000 people employed by the city and the city withholds their tax for the U.S. Government on these employees. There are 70,000 Federal employees, who would have to make their own returns with respect to the tax. I feel that the Federal Government as an employer should set an example for all employers in cooperating in the collection of this tax and should observe all the laws which any other employer is required to observe with regard to the legal taxes imposed on employees within the jurisdiction of the governmental subdivisions known as cities with a population of over 75,000.

These taxes are valid. They have been upheld by the courts. They have been authorized by State statutes. Many of the communities of the Commonwealth of Pennsylvania under the act known as 481 have the same tax. Laws have been extended to permit municipalities to finance themselves by means of income taxes and if they have over 75,000 people, or 50,000 if the proposed amendment passes, the Government should cooperate in the collection of these taxes.

There is no problem raised with regard to the germane purpose of the tax itself. The only problem is the method of collecting it. I think it is only fair for the Government to set an example as an employer and to cooperate in the same manner as the cities have done.

I believe the gentleman from Colorado [Mr. JOHNSON] used to work in the Bureau of the Budget. As a matter of requiring equity and justice on the part of the Federal Government in respect to its employees, and giving reciprocity for the fair treatment they receive from the cities, I think this is a fair amendment to a bill under which State taxes are withheld by the Federal Government, and I think this bill should be passed.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. BYRNE].

Mr. BYRNE of Pennsylvania. Mr. Chairman, the opponents have insisted on arguing this bill as though it were a tax bill. It is not, and the proponents should refuse to be drawn in on arguments concerning the equity or justification of any particular municipal tax.

The affirmative arguments for the bill are:

First. It is favored by the overwhelming majority of the Federal employees who are subject to these taxes. The Federal employees feel that they are entitled to the same convenient regular withholding method of paying these taxes which is enjoyed by private employees, State employees, and municipal employees. Without withholding they are subject to large lump sum payments, and penalties and interest when they fall behind in these payments. As proof of this point, the bill is heartily endorsed by the national, and I repeat national organizations representing Federal employees, including the American Federation of Government Employees, the National Association of Letter Carriers, the National Postal Clerks Union, and the National Association of Mail Handlers.

Second. The bill is favored by the Treasury Department and the Budget Bureau. The argument that the bill would saddle the Federal Government with any significant costs has been analyzed by the Treasury Department and the Budget Bureau and found not to be true. It would merely require making a machine punch on a card presently

equipped for such an operation. The administration recognizes the equity of withholding these municipal taxes since it already does so for the States, some of which are smaller in population than some of the municipalities involved, and since the municipalities withhold Federal taxes for the Federal Government.

Third. The bill is favored by the American Municipal Association and the U.S. Conference of Mayors since it would obviously simplify the collection procedures and costs for the municipalities, and thus improve their revenues and help them meet the mounting costs of municipal services. It would also relieve them of the necessity of harrassing Federal employees who are delinquent by dragging them into court and imposing heavy penalties and fines on them.

Fourth. The administration of the bill will be carried out by regulations of the Federal Treasury Department and administered by the Federal agencies. The argument that it will be unfairly withheld on transient Federal employees whose principal office is not located in the municipality involved does not hold water therefore, as the Federal agencies are obviously not going to impose such unfair procedures on their own employees.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I am glad to support this bill and will vote to support it. I hope it passes.

Mr. GREEN of Pennsylvania. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, I have a question to ask the gentleman from Pennsylvania. I have some employees of the Army Corps of Engineers who live and work in Cleveland and are paid out of the Buffalo, N.Y., office. On one occasion recently their taxes were withheld for State of New York taxes. My question is whether for withholding tax purposes the place of employment will be the determining factor or the place where the payroll is made up.

Mr. GREEN of Pennsylvania. In this particular case it would be the regular place of employment.

Mr. CURTIS of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, I rise in opposition to H.R. 3151, a bill which would further extend the inequities of a city wage tax on nonresidents of that city.

Probably no form of taxation comes as close to being the modern-day version of the old "taxation without representation" battle cry as this so-called wage tax, in cases where an individual taxpayer is assessed by a local or State government because he works there, even though he does not maintain his residence there.

Increasing numbers of people are being saddled with double taxation in the form of this wage tax. They are compelled to pay a wage tax to the city of Philadelphia, for example, without receiving most of the local benefits which such a tax should give to them and to their families at home. Such a tax levy works undue hardship when it is realized that an individual working in an outside political subdivision is no less free of the heavy burden of paying the usual taxes on his property and on a per capita basis at the local level where he maintains residence—no less free than another individual who is fortunate enough to work closer to home.

This is an inequitable situation that should be corrected, simply because it is unfair and punitive taxation. It seems to me to be an intolerable weight imposed on an individual simply because his job happens to require that he work a set number of hours in another community. Clearly, this is altogether contrary to the principles of representative government. There can be no disputing the fact that an individual's first responsibility as a taxpaying citizen belongs to the local unit of government from which he expects and is entitled to receive the protection of law and order, firefighting, educational facilities, including good schools, and other services. If he must pay a wage tax, it should be to that local government to which he looks for the maintenance of such services, not to a subdivision in another place altogether. I might add that this logic applies with equal vigor to a taxpayer who is required to pay a State income tax in another State because of being employed there; even though not a resident of the State that imposes the tax, and therefore not a recipient of any of the services of the State that benefits from such tax receipts.

There may be those—especially the proponents of this form of tax—who will argue that the individual who works in a plant, or office, or who is otherwise employed in a city or State to which his job takes him, is afforded police and fire protection and other services during the hours he is devoting to gainful employment. But this is, at best, a strained and faulty line of argument, when it is considered that the wage-tax levy does absolutely nothing to help the individual keep up his property, build and improve the roads where he lives, maintain the schools that his children attend, guarantee the security that he requires for his family, and otherwise underwrite all the wide ranging items of service that are an integral part of life in the community he chooses as a place of residence. And it should be remembered that, in the locale where he works, the wage earner is contributing continuously to the prosperity and well-being of that area by spending money for meals, parking, transportation, and by making purchases in neighborhood stores. Indeed, it can be said with conviction that the worker who has to pay a wage or income tax in another city or State "giveth far more than he receiveth."

Mr. Chairman, I do not believe that any individual should be subject to a wage or income tax in return for services not rendered. In this day of more and devious taxes, I do not believe that a worker should be subjected to any taxation that operates on the concept that a man or woman should be taxed because of where he or she works, and not where he or she lives.

Mr. Chairman, there is a great groundswell of feeling among the people for relief from the ever-mounting load of taxation, and for revision and updating of certain unjust types of taxation.

The bill now being considered gives no relief to this problem; on the contrary, as to the nonresidents who pay this wage tax, it tightens the noose by making easier the job of the tax collector in getting this tax. This bill provides that the tax collectors of the cities and other political subdivisions covered by the bill, need only look to the Federal employer of these nonresidents for this wage tax; their jobs are made easier by collecting this tax "at the source." Furthermore, the American taxpayer at large will again feel more expenses piled on his back in paying the costs of the salaries of the additional Federal personnel that will be needed to get the wage tax from the pay of the employee to the tax collector.

I urge defeat of this bill.

Mr. CURTIS of Missouri. Mr. Chairman, I yield myself 1 minute simply to point out in conclusion that this does not involve the merits or demerits of any particular form of tax. This has solely to do with the efficiency of tax collection. The gentleman from New Jersey [Mr. THOMPSON] very clearly brought out what the opposition to this bill is. He said it himself. He is in favor of evading the legal taxes of the city of Philadelphia.

The point is, there should never be opposition to a bill on the ground that it will encourage evasion of any local tax. People do not like taxes; of course we do not like taxes. The way to do anything about it is to go after the tax itself. This bill has nothing whatsoever to do with the merits or demerits of any tax. It has to do solely with the efficiency of tax collection.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act relating to withholding, for State income tax purposes, on the compensation of Federal employees," approved July 17, 1952 (Public Law 587, Eighty-second Congress; 5 U.S.C. 84b), is hereby amended—

(1) by striking out "State or Territory" each place it appears and inserting in lieu thereof "State, Territory, or city"; and

(2) by adding at the end thereof the following new sentence: "For the purposes of this section, the term 'city' means only a city which is incorporated under the law of a State or Territory and which had a population (according to the last decennial census) of seventy-five thousand or more individuals."

Mr. GREEN of Pennsylvania. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. GREEN of Pennsylvania: On page 2, line 4, strike out "seventy-five" and insert "fifty".

Mr. GREEN of Pennsylvania. Mr. Chairman, I am not going to spend any more time belaboring the House with this matter. It is the consensus of the members of the Committee on Ways and Means that cities with a population of 50,000 should be included in this amendment. I ask your support.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

I have no desire to take 5 minutes, but I would like to ask a question of the gentleman from Pennsylvania [Mr. GREEN]. Just what is the Federal responsibility under the terms of this bill?

Mr. GREEN of Pennsylvania. I might say to my distinguished colleague it is simply a reciprocal agreement with the cities that withhold the Federal income tax for the Federal Government. In Federal installations in cities above 50,000 population, the local taxes would be withheld for the people of that city.

Mr. GROSS. Let me ask the gentleman this question: Suppose there is an error on the part of the Federal Government in withholding these taxes; who is liable? Is the city of Philadelphia or the State of Pennsylvania or the Federal Government responsible for having committed an illegal act?

Mr. GREEN of Pennsylvania. If I understand the gentleman correctly, that is a matter for the courts. So far every case that has been taken into the courts in connection with the tax—not with reference to this particular bill, but with reference to such taxes has been upheld by the courts.

Mr. GROSS. Is there any protection here for the Federal Government? This is a gratuity on the part of the Federal Government to collect these taxes; is it not?

Mr. GREEN of Pennsylvania. It is not exactly a gratuity. This is a reciprocal agreement with the city that withholds the taxes.

Mr. GROSS. Why is it reciprocal? What do the cities do for the Federal Government?

Mr. GREEN of Pennsylvania. It is reciprocal because the cities are doing the same thing on the Federal income taxes.

Mr. GROSS. Yes, the cities withhold Federal income taxes.

Mr. GREEN of Pennsylvania. That is right. They withhold the Federal income taxes for the city employees.

Mr. GROSS. But let me get back to the original question. Suppose an illegal act is committed by the Federal Government in collecting these taxes for a municipality. Is that the responsibility of the Federal Government?

Mr. GREEN of Pennsylvania. It has been upheld by the courts. I can answer any question except a hypothetical question like that. It is a matter for the courts to decide. I do not see where there is any violation of law when an act is passed by the Congress and has the support of the Members of the House and of the other body, and is signed by the President, and the Treasury Department agrees that this should be done.

Mr. GROSS. But suppose the Federal Government makes an error in collecting the tax.

Mr. GREEN of Pennsylvania. Do you mean if the Federal Government deducts too much taxes from an employee?

Mr. GROSS. That is right, and there might be others.

Mr. GREEN of Pennsylvania. Then the Federal Government would be obligated to restore the money as a result of the error that they may make.

Mr. GROSS. Yes; but suppose the Federal Government is sued under these conditions? Suppose an action is brought against the Federal Government for damages. What would happen then? Is that possible? I do not know. I am seeking information.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. O'NEILL. At the present time, the Federal Government withholds taxes from the State employees.

Mr. GROSS. That may be, but you are entering here into a brand new field.

Mr. O'NEILL. This would work in exactly the same way and the city taxes would be collected in this instance.

Mr. GROSS. But you are here entering a new field or this legislation would not be necessary.

Mr. GREEN of Pennsylvania. There is no liability on the withholding agent. If a mistake is made, then the taxpayer would file a claim.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. McCORMACK. In answer to the question raised by the gentleman from Iowa [Mr. GROSS], it would seem to me that the Federal Government, if this bill becomes law, is acting in the nature of an agent for the city just as the city and the States are acting in the nature of an agent for the Federal Government in collecting taxes at the source and withholding taxes for State and city employees in order to meet the Federal tax liabilities of the employees in the various cities and States. It would seem to me, if, for example, a larger amount was withheld than should have been withheld, in this case the city being the principal, then the city would be responsible for the repayment of any overcharge. I do not think there would be much difficulty in that respect.

Mr. GROSS. I find nothing in the bill and nothing in the law which is set forth here in conformity with the Ramseyer Rule to show where such responsibility would rest.

Mr. McCORMACK. I think the one would follow the other and, if the effect of the law is not expressly set forth, it would have that effect by implication.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. CAHILL), there were ayes 43, noes 30.

Mr. MILLIKEN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. MILLIKEN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MILLIKEN: Page 1, strike out line 7 and all that follows down through line 5 on page 2, and insert in lieu thereof the following: "is hereby amended by striking out 'State or Territory' each place it appears and inserting in lieu thereof 'State or political subdivision thereof'."

Mr. MILLIKEN. Mr. Chairman, the large city of over 75,000 has tax collecting agencies which are equipped to go out and collect this tax. But it ignores cities of 10,000 or a borough of 50,000 or 75,000 or a township of 100,000, which may impose or has imposed this tax. This amendment merely includes all political subdivisions.

I would ask the Members to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MILLIKEN].

The question was taken; and on a division (demanded by Mr. MILLIKEN), there were ayes 20, noes 25.

So the amendment was rejected.

Mr. SCHENCK. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SCHENCK: On page 1, after line 10, insert:

"(2) by inserting immediately before the last sentence the following new sentence: 'In the case of a city, such agreement may provide that the head of each department or agency of the United States shall comply with the requirements of such law in the case of employees of such agency or department who are subject to such tax and whose regular place of Federal employment is at a Federal installation which is within the same State as the city if any part of such installation is located within five miles of the corporate limits of such city.'; and."

And on page 1, line 11, renumber paragraph (2) as paragraph (3).

Mr. SCHENCK. Mr. Chairman, in the beginning of the debate I explained this amendment. It simply makes it possible for the deduction or stated in a better way the withholding—makes it possible, I repeat, because it is permissive—makes it possible for the Federal Government to withhold income tax payment for which individuals are liable if the Federal installation is outside the corporate limits of the municipality and within the same State, and if any part of the boundary of such installation is within 5 miles of any part of the corporate limits of the municipality.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. GREEN of Pennsylvania. I just simply want to make absolutely sure that this amendment does not impose a tax.

Mr. SCHENCK. Mr. Chairman, may I reply to my friend from Pennsylvania that this amendment applies only to the taxes already existing, already established, and for which people are now or become liable in their own community. This has nothing to do with the merits of the tax or nothing to do with determining who shall pay the tax.

Mr. GREEN of Pennsylvania. The people involved are already liable for the tax.

Mr. SCHENCK. Yes.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. CAHILL. Would this amendment apply to a military or Federal installation that was in another State?

Mr. SCHENCK. It specifically states that it applies only within the same State.

Mr. GREEN of Pennsylvania. It reads "within the same State."

Mr. MILLIKEN. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. MILLIKEN. Would that apply to a Federal installation within 1 or 2 miles of the city limit in some other municipality?

Mr. SCHENCK. The people who are liable for tax payment are liable as a result of their own residence and not as a result of any provision of this bill.

Mr. MILLIKEN. The gentleman from New Jersey just had an amendment to collect this from residents who worked outside of the city. Now you are asking to add an amendment that will allow the Federal Government to collect this tax from people who work outside of the taxing district.

Mr. SCHENCK. I will say to my friend that the only individuals who would be affected by this amendment are those who are already liable and responsible for the tax because of their own personal residence. This has no effect at all upon creating any new tax liability or situation.

Mr. GREEN of Pennsylvania. Would this have the effect of changing existing law?

Mr. SCHENCK. No.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. This amendment is the one I spoke of in general debate that I said has been referred to me. I think this clearly points out that what we are talking about is efficiency of tax collection. This does not alter anything that exists at all except those who are liable for this tax are Federal employees and it is permissive, it permits the Federal Government to agree to withhold. It is a benefit to the Federal employees as they themselves have said to their unions, a distinct advantage to them, and they are asking for it.

Mr. GREEN of Pennsylvania. The only concern I have arises out of the fact we did not have an opportunity to discuss this in the committee. The gentleman states it makes no change in existing law. I think there will be opportunity to discuss this when it comes before the other body and look more closely at it. I do not think we should take too hasty action.

Mr. CAHILL. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, this amendment which has just been offered is another concrete illustration of what is going to happen if this bill passes the House. We started out with 500,000 population, and we are now down to 50,000. We have before us an amendment which would extend it to military or Federal installations outside of a taxing district but within the State and within 5 miles of the taxing district. It seems to me the House should recognize that this is nothing but a foot in the door. If we pass this bill amendments will be presented for 10 miles, 15 miles, 50 miles, and in the matter of population reducing it to 40,000, 30,000, 10,000.

The gentleman knows the day will come in this House when the Federal Government will be called upon to collect all taxes for every municipality regardless of size, no matter where the taxpayer lives. This is but one further illustration to me why this bill should be defeated.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I would say to the gentleman as I have said before, I think the principle properly does apply. We are only talking about the Federal Government as an employer, and we are asking that the Federal Government as an employer be put in the same position that the cities as employers are, the States as employers, and the people in private enterprise as employers are presently in.

I will say to the gentleman that it is far from a foot in the door. I would like to see the whole thing extended. There has been raised on the part of the administration a question of the administrative problem if you want to lower the communities. I, myself, do not agree with them on that, but in order to get this much accomplished we have gone along with the limitation.

Mr. CAHILL. May I say I have sat here and I have listened to a lot of statements that this is reciprocal and reciprocity. What are the States doing for the Nation? What is the Federal Government doing for the cities? We are giving them everything. We are giving them urban redevelopment. We are giving them a lot of other things. When we ask them to collect Federal income taxes, is that too much to ask for everything that we give them? I submit that the Federal Government should not be placed in the position of being a tax collector for every small hamlet, municipality, and school district in this country. The Federal taxpayer should not be called upon to pay for that.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. GREEN of Pennsylvania. Mr. Chairman, with the understanding that this does not affect existing law and that it does not impose any nonexisting taxes, we are willing to accept the amendment.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

I simply want to make the observation or put this in the form of an interrogation: Does this entire program not create an incentive on the part of many municipalities to invoke an income tax at municipal level since the Federal Government is going to do the collecting and bookkeeping work for them?

Mr. CURTIS of Missouri. I may say to the gentleman that to the extent—and it is a very minor extent—that the Federal employees would be liable, this is the more efficient form of collecting. It would be only to that very limited extent under which Federal employees are involved. The real people in any community are not Federal employees. They are employees in the civilian enterprises. So I hardly think that is enough of an incentive to encourage a municipality to impose a tax like this. The real incentive would be in the other area, not the Federal Government area.

Mr. COLLIER. To whatever extent it is, the fact remains that the incentive is going to be created and it is going to be there. To attempt at this time to project to what extent, I do not think anyone can answer the question.

Mr. CURTIS of Missouri. To a very minor extent. To those who want to keep the Federal Government out of granting money to the States and local communities, particularly the cities, if you shut off their source of revenue you have the social needs and I can assure you the pressure is going to be on the Federal Government and it is going to be that much greater. I notice people on my side of the aisle are shutting their eyes, voting contrary to what their basic convictions are. I hope they will think this thing through.

Mr. CAHILL. The gentleman from Illinois is 100 percent correct. The best proof of that is when this bill was first introduced there were only two cities in the country involved. Now there are 20. There were St. Louis and Philadelphia, over 500,000. That is all the bill applied to. In Pennsylvania alone within the last couple of years there have been additional municipalities. I predict, as the gentleman has indicated, if the Federal Government starts to be the tax collector every municipality in this country will want this, particularly the small municipality, the small city that has a large suburban area, where they are in effect taxing the nonresidents. I say to the gentleman from Illinois he is 100 percent correct.

Mr. GROSS. I would like to ask the gentleman from Missouri a question. If the city of St. Louis is going to levy an income tax, why do you not collect it yourself,

Mr. CURTIS of Missouri. We do. The Federal Government is an employer, it is one employer, and because of reciprocity or basic Constitution cannot come in.

All we are asking the Federal Government to do is no more than we are asking any employer to do. Ninety-nine and nine-tenths percent of the tax is collected by the city of St. Louis. This has been clouded into a grave misconception here. I might say the reason we have increased the use of the municipal employment tax has nothing to do with the Federal Government as an employer helping to collect. These taxes are being imposed because of the situation the cities find themselves in, and it is a completely erroneous impression to give that the Federal Government in collecting will have much incentive one way or the other.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I would like to ask the gentleman from Missouri a question. Do I understand that the municipalities are not able to establish tax liability?

Mr. CURTIS of Missouri. No, no. The tax liability is clearly established, and this bill will not provide any collection unless the tax liability is legal, according to law. That is the only way this can be collected. Those who are opposing it are opposing it on the ground that they want to favor tax evasion, just as the gentleman from New Jersey [Mr. THOMPSON] admitted.

Mr. JOHANSEN. I want to pursue the point further. In other words, it is the mechanics of collection; it is not the liability of the Federal employee?

Mr. CURTIS of Missouri. The gentleman is exactly right. It is the mechanics of collection, not the liability of the Federal employee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SCHENCK]

The question was taken; and on a division (demanded by Mr JOHANSEN) there were—ayes 45, noes 30.

So the amendment was agreed to.

Mr. CURTIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CURTIN: On page 2, after line 5, insert the following new section:

"SEC. 2. (a) The first section of such Act is further amended—

"(1) by inserting before the period at the end of the second sentence the following: '; except that such agreement shall not provide for the collection of tax through withholding under such law from the compensation of any individual who is not domiciled in the State, Territory, or city with which the agreement was entered into; and

"(2) by adding at the end thereof (after the sentence added by paragraph (2) of the first section of this Act) the following new sentence: 'For the purposes of this section, the domicile of any individual shall be in the State (or Territory), and political subdivision thereof, in which he declares himself to be domiciled if (1) he acquired such domicile, under the laws of the State (or Territory) and political subdivision involved, before the beginning of the period for which the tax in question is imposed, and (2) within the 60-day period which begins on the date he receives a written demand for payment of the tax he makes a declaration with respect to his domicile, in writing and under oath, to the official whose duty it is to collect such tax.'

"(b) The amendments made by subsection (a) shall apply only with respect to State and local income taxes with respect to which the date for payment established under State, Territorial, or local law occurs on or after the date of the enactment of this Act."

Mr. CURTIN. Mr. Chairman, the amendment to H.R. 3151 which I have offered will serve to remove one of the objectionable features of legislation which, of itself, is inherently wrong.

I have previously spoken on what I feel is the wrong concept of this type of legislation—the theory that a person should and can be taxed for the privilege of working in a certain area, even though he or she may not reside in that taxing locality.

This amendment will, at least, prevent the local taxing authorities from having Federal help in collecting such tax from these nonresidents.

This amendment will restrict the application of the legislation here being sought, to workers who reside in the taxing area, and will prevent its application to nonresidents. This, to my mind, is eminently fair, if we must have this bill.

I urge the passage of my amendment.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman. I want to compliment the gentleman from Pennsylvania on presenting a very simple amendment. I do not know what it does except scuttle the whole bill.

Mr. CURTIN. It scuttles it as to nonresidents of Philadelphia.

Mr. GREEN of Pennsylvania. The committee has not had an opportunity to look at this amendment that has been offered. It seems to cover the water front and I oppose it very vigorously, Mr. Chairman.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield.

Mr. CURTIS of Missouri. Mr. Chairman, I might say that this amendment goes to the question of tax liability. Our bill has nothing to do with the question of tax liability as such. Our bill has to do solely with the efficiency and the manner in which taxes are collected. The gentleman seeks to restrict the reciprocity by the Federal Government to only one aspect of the particular tax.

Mr. CURTIN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield.

Mr. CURTIN. This amendment does not seek to restrict the question of the tax at all. This amendment merely restricts the application of the withholding of such taxes to persons who live in the area where the tax is imposed.

Mr. GREEN of Pennsylvania. Mr. Chairman, it appears to me that the proposal amends the existing law. The meaning of the amendment is not very clear at all. It was not considered by the committee. I am sure the Treasury Department would oppose it. I think it should be defeated.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in support of the amendment. I think this is a splendid amendment. It is quite clear. It would restrict the Federal Government's activity, if the Congress wants to put the Federal Government in the business of collecting municipal taxes, to collecting them for the municipality alone. It would restrict it to residents of that municipality not, as the bill is designed for the moment, to apply to residents of other States.

Mr. Chairman, in my colloquy with my friend the gentleman from Massachusetts [Mr. O'NEILL], I believe that I inadvertently used the word "evade" when I meant "avoid." I certainly would not advocate the evasion of taxes, although I might advocate, in some instances, avoiding them. I am absolutely opposed to the Philadelphia wage tax being imposed upon New Jersey's citizens.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield.

Mr. CURTIS of Missouri. This is a legal tax. And it is a method of evasion if one tries to get around a legal tax.

Mr. THOMPSON of New Jersey. I realize that. I inadvertently said "evade" when I meant to say "avoid." But I cannot agree with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CURTIN].

The question was taken; and on a division (demanded by Mr. CURTIN) there were—ayes 34, noes 50.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees, pursuant to House Resolution 435, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. CAHILL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 222, nays 160, not voting 48, as follows:

[Roll No. 5]

YEAS—222

Abbitt	Belcher	Brown, Ohio
Albert	Bennett, Fla.	Burke, Ky.
Algers	Bentley	Burke, Mass.
Allen	Betts	Byrne, Pa.
Andrews	Blatnik	Byrnes, Wis.
Anfuso	Boggs	Cannon
Arends	Boland	Casey
Ashley	Bolling	Cederberg
Aspinall	Bonner	Chamberlain
Avery	Bow	Chelf
Baker	Boykin	Clark
Barrett	Brewster	Coffin
Bass, N.H.	Brock	Cohelan
Bass, Tenn.	Brooks, La.	Cooley
Baumhart	Brooks, Tex.	Corbett
Beckworth	Brown, Ga.	Cramer

Curtis, Mass.	Johnson, Colo.	Passman
Curtis, Mo.	Johnson, Md.	Patman
Davis, Ga.	Johnson, Wis.	Perkins
Delaney	Jones, Ala.	Pfost
Dent	Jones, Mo.	Philbin
Dingell	Judd	Pirnie
Dixon	Karsten	Poage
Donohue	Kasem	Porter
Dorn, N. Y.	Kee	Prokop
Doyle	Kelly	Pucinski
Dulski	Keogh	Quie
Durham	Kilburn	Quigley
Everett	Kilday	Rabaut
Evins	Kilgore	Randall
Fallon	King, Calif.	Rhodes, Pa.
Farbstein	Kirwan	Riehlman
Feighan	Kitchin	Rivers, Alaska
Fisher	Kluczynski	Rivers, S.C.
Flood	Lankford	Roberts
Flynt	Latta	Robison
Fogarty	Lennon	Rogers, Colo.
Foley	Lesinski	Rogers, Mass.
Ford	Libonati	Rooney
Forrester	Lindsay	Roosevelt
Fountain	Loser	Rostenkowski
Frazier	McCormack	Roush
Friedel	McDonough	Rutherford
Fulton	McGinley	Santangelo
Garmatz	McSween	Saund
Gathings	Machrowicz	Schenck
George	Madden	Scherer
Goodell	Mahon	Selden
Grant	Marshall	Sheppard
Green, Pa,	Matthews	Sisk
Griffin	Meader	Slack
Griffiths	Meyer	Smith, Miss.
Hagen	Miller,	Smith, Va.
Halleck	George P.	Staggers
Halpern	Mills	Stratton
Hardy	Minshall	Stubblefield
Harmon	Moeller	Sullivan
Harris	Monagan	Thomson, Wyo.
Harrison	Montoya	Thornberry
Hemphill	Moorhead	Toll
Herlong	Morgan	Trimble
Hess	Morris, Okla.	Tuck
Hiestand	Morrison	Vanik
Hoeven	Moulder	Vinson
Holifield	Multer	Walter
Holland	Murphy	Wampler
Holt	Natcher	Watts
Holtzman	Nix	Weis
Hosmer	Norblad	Williams
Huddleston	O'Brien, Ill.	Wright
Hull	O'Brien, N.Y.	Yates
Ikard	O'Hara, Ill.	Young
Inouye	O'Hara, Mich.	Zelenko
Jarman	O'Neill	
Jensen	Oliver	

NAYS—160

Abernethy	Derwinski	Levering
Addonizio	Devine	Lipscomb
Alexander	Dorn, S. C.	McFall
Alford	Dowdy	McGovern
Andersen,	Dwyer	McMillan
Minn.	Elliott	Macdonald
Ashmore	Fascell	Mack, Ill.
Ayres	Fenton	Mack, Wash.
Bailey	Fino	Magnuson
Baldwin	Forand	Mailliard
Baring	Frelinghuysen	May
Barr	Gallagher	Merrow
Barry	Gavin	Michel
Becker	Giaimo	Miller, Clem
Bennett, Mich.	Glenn	Milliken
Berry	Gray	Mitchell
Bolton	Green, Oreg.	Moore
Bowles	Gross	Moss
Brademas	Gubser	Mumma
Bray	Haley	Nelsen
Breeding	Hargis	Norrell
Broomfield	Hays	O'Konski
Broyhill	Hébert	Osmers
Budge	Hechler	Ostertag
Burdick	Henderson	Pelly
Burleson	Hoffman, Ill.	Pilcher
Cahill	Hoffman, Mich.	Pillion
Canfield	Hogan	Poff
Carnahan	Horan	Price
Chenoweth	Irwin	Ray
Church	Jackson	Reece, Tenn.
Coad	Johansen	Rees, Kans.
Collier	Jonas	Rhodes, Ariz.
Colmer	Karth	Riley
Conte	Kastenmeier	Rodino
Cook	Kearns	Rogers, Fla.
Cunningham	Knox	Rogers, Tex.
Curtin	Kowalski	St. George
Daddario	Kyl	Saylor
Dague	Lafore	Schwengel
Daniels	Laird	Shipley
Dawson	Landrum	Short
Denton	Lane	Sikes
Derounian	Langen	Siler
Simpson, Ill.	Tollefson	Whitener
Smith, Calif.	Udall	Whitten
Smith, Iowa	Ullman	Widnall
Smith, Kans.	Utt	Wier
Springer	Van Pelt	Wilson
Taber	Van Zandt	Winstead
Teague, Calif.	Wallhauser	Wolf
Teague, Tex.	Weaver	Younger
Thomas	Westland	Zablocki
Thompson, N. J.	Wharton	

NOT VOTING—48

Adair	Flynn	Powell
Anderson,	Gary	Preston
Mont.	Granahan	Rains
Auchincloss	Healey	Reuss
Barden	Jennings	Scott
Bates	Johnson, Calif.	Shelley
Blitch	Keith	Spence
Bosch	King, Utah	Steed
Brown, Mo.	McCulloch	Taylor
Buckley	McDowell	Teller
Celler	McIntire	Thompson, La.
Chiperfield	Martin	Thompson, Tex.
Davis, Tenn.	Mason	Wainwright
Diggs	Metcalf	Willis
Dooley	Miller, N. Y.	Withrow
Downing	Morris, N. Mex.	
Edmondson	Murray	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Wainwright for, with Mr. Auchincloss against.
Mr. Chiperfield for, with Mr. Bates against.
Mr. Buckley for, with Mr. Mason against.
Mrs. Granahan for, with Mr. Taylor against.
Mr. Healey for, with Mr. Shelley against.
Mr. Teller for, with Mr. Scott against.

Until further notice:

Mr. Jennings with Mr. Adair.
Mr. Flynn with Mr. Withrow.
Mr. Morris of New Mexico with Mr. Martin.
Mr. Rains with Mr. McCulloch.
Mr. Johnson of California with Mr. Dooley.
Mr. Brown of Missouri with Mr. Miller of New York.
Mr. Diggs with Mr. Keith.
Mr. Anderson of Montana with Mr. Bosch.
Mr. Downing with Mr. McIntire.

Mr. MAHON changed his vote from "nay" to "yea."

Mr. TEAGUE of California changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PUBLIC HEALTH SERVICE ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 344)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

Under the provisions of title VII of the Public Health Service Act, as amended by Public Law 835, 84th Congress, I transmit herewith for the information of the Congress the fourth annual report of the Surgeon General of the Public Health Service summarizing the activities of the health research facilities program.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 17, 1960.*

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BALANCE OF INTERNATIONAL TRADE IS TURNING AGAINST US

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the balance of international trade is turning against us. Unless it is reversed, it will push more and more Americans out of their jobs, and the repercussions will be felt throughout our whole economy. This is due in part to the unrealistic policies of the administration which favors foreign producers at the expense of American industries and American workers in our home market.

The shoe industry is but one of many that is suffering from lack of tariff protection by the U.S. Government. By its indifference, the administration is encouraging those few unscrupulous corporations that, putting profits above loyalty, are themselves importing manufactured products to undersell competitors, and to break the back of American labor.

This is not reciprocal trade, it is economic treason. Less than 3 million pairs of foreign-made shoes entered the United States in 1948. This rose to 20 million in 1957 and 46 million in 1958. During that same period, the exportation of U.S.-made shoes, dropped from 8 million pairs to 4 million pairs.

This trend continued in 1959. The Business and Defense Services Administration—Leather, Shoes, and Allied Products Division—of the U.S. Department of Commerce reported on December 10, 1959, that:

> No indications exist of any halt in the trend of increases in shoe imports during 1960. Greater activity by Japanese and European exporters indicates their determination to obtain expanded volume on the American market. More foreign producers were represented at recent shoe shows than ever before and their prices were lower than those of domestic producers. There is good reason to believe that shoe imports during 1960 will be 10 percent higher than in 1959.

As the chairman of one New England shoe company observed:

> Sure, all this free trade may be great for international relations, but how do I explain that to several hundred of my employees who were waiting for a midyear bonus and got termination notices instead? (Think, November 1959.)

For the first time since World War II Europe is selling more to the United States than it buys here, resulting in our foreign-trade deficit of $4 billion. Some of the big American industries have set

up plants abroad in order to get inside these foreign tariff walls and to take advantage of cheap foreign labor. They then export their European-made products to the United States, underselling American-based industries and American labor. It is estimated that this profit-before-all-else has cut our exports by $2 billion, and has put 500,000 Americans out of work.

If these powerful corporations had exerted their considerable influence with the administration, they could have persuaded it to protect American industries and American workers in our home market. Instead, they joined the foreign competition in order to secure a privileged position for themselves, at the expense of the average American.

But this is not all. They are actually helping to market the products of foreign manufacturers in our domestic market. The president of the International Shoe Co., in his annual message to the stockholders, wrote:

The importation of footwear increased greatly during the year 1959. Large quantities of low-priced sandals, slippers, and other items came in from Japan and imports increased of better grade footwear from European countries. The presence in some foreign countries of extremely low-cost labor opens opportunities to supply the American market with the simple types of footwear which can be mass-produced very effectively in those countries. Your management believes that present world developments which encourage exchange of product will bring increasing quantities of shoes into this country. Our company's powerful distribution organization will utilize items produced so advantageously in foreign countries. We have already established ourselves as exclusive distributor of some types of footwear produced by one of the largest manufacturers in Japan.

How do you like that? To share in markets on the basis of fair competition that does not downgrade standards is one thing, but to join the foreign competition and sell out the economic welfare of one's own country is—you name it—something that we cannot tolerate.

Is business materialism so rampant that it would sacrifice people for profits? If it is, as these trends would seem to indicate, then we have another gap in our national security. To make up this deficiency, the Government of the United States must be firm during the forthcoming negotiations under the General Agreement on Tariffs and Trade. We have made too many concessions. It is time we got a few for ourselves. The American shoe industry and its 225,000 employees need our help to survive the attack from low-wage, unfair competition of mounting imports.

STATEMENT OF UNITED SHOE WORKERS OF AMERICA ON FOOTWEAR IMPORTS AND EXPORTS

The United Shoe Workers of America and other responsible unions in the shoe industry have for some time been seriously concerned about the recent rapid growth in footwear imports into the United States, while our footwear exports have been declining. This is a matter of increasing concern to our members, who see in these developments a serious danger to their continued employment and their standard of living. It is a matter which the unions feel requires serious attention at this time if this threatened danger is to be avoided.

OVERALL IMPORTS AND EXPORTS

The overall picture of the changes in footwear imports and exports is given in the attached table 1 and the accompanying charts I and II.

As can be seen from table 1, and very graphically from chart I, total footwear imports have increased from 3,601,000 pairs in 1949 to 80,508,000 pairs in 1959. Practically all of this increase has taken place in the last 5 years—since 1954. In 1954, all footwear imports totalled less than 8 million pairs. By 1959, over 10 times as many pairs were being imported as in 1954.

While foreign-made footwear has been coming into this country in an increasing flood, the number of pairs of footwear of all kinds exported from this country has never in the last 10 years equaled the figure of 5,759,000 pairs exported in 1949. Exports in 1953 almost came up to the 1949 level, but since that year the number of pairs of footwear exported has decreased year after year. In 1959, less than 3,750,000 pairs of footwear were exported.

The average value of exported footwear is considerably higher than that of imported footwear. For this reason, the dollar value of our exports continued to exceed the dollar value of our imports through 1954. However, as can be seen from the right-hand part of table 1 and from chart II, the dollar value of footwear imports passed that of exports in 1955. Since that year, the value of imports has skyrocketed, and in 1959 reached a figure over six times the figure for 1955. During the same period, the value of our footwear exports decreased by over 20 percent.

CHANGES IN DUTIES ON RUBBER FOOTWEAR

Unfortunately, there is a tendency to look on footwear imports as primarily and almost solely a matter of imports of rubber footwear. In 1954 (Public Law No. 479, 83d Cong.) and again in 1958 (Public Law No. 474, 85th Cong.), Congress passed legislation intended to close loopholes in the tariff law through which rubber-soled footwear with small amounts of leather in the soles or uppers came in under the lower leather footwear tariff rates rather than the higher rubber footwear tariff rates.

EFFECTS OF 1958 CHANGE ON IMPORT STATISTICS

The import statistics are based on the classification of the imported goods for tariff purposes. The change in the tariff classification of certain shoes from leather to rubber, effective September 1, 1958, as a result of the passage of Public Law No. 474, has had the effect of making the import statistics for 1959 not comparable with those for previous years. Any comparison of 1959 import figures with those for 1958 will overstate the increase in rubber footwear imports and understate the increase in imports of nonrubber footwear.

On the basis of statements by the trade, the Shoe, Leather, and Allied Trades Division of the Department of Commerce estimates that, in the first 8 months of 1958, an average of 500,000 pairs were declared under leather footwear classifications which would have been counted as rubber footwear after September 1958. Leather footwear import figures for 1957 and earlier years would also include an unknown number of "rubber footwear," although the number of such imports in earlier years was no doubt much smaller than in 1958.

ADJUSTED FIGURES ON NONRUBBER IMPORTS

Because of the change in import classification, the "official" figures show that nonrubber footwear imports increased from 27,421,000 pairs in 1958 to only 27,580,000 pairs in 1959. However, if we deduct from the 1958 figure the 4 million pairs of rubber footwear which the Commerce Department estimates were included in nonrubber footwear imports in 1958, the 1958 figure would be 23,421,000 pairs of nonrubber footwear imports. With this adjustment, nonrubber footwear imports would show an increase of nearly 18 percent in 1959 over 1958.

CHANGES IN NONRUBBER IMPORTS, BY KINDS

Unfortunately, we have no similar basis for adjusting the 1958 imports by kinds of shoes, nor of adjusting the figures for 1957 and prior. In analyzing the figures on imports of nonrubber footwear by kinds of shoes, we therefore have to disregard the 1958 figures and compare the 1959 figures with earlier years. Even then, we have to recognize that such a comparison will understate the increase in nonrubber footwear imports, because the figures for the earlier years include an unknown quantity of rubber footwear.

The figures for nonrubber footwear imports by kinds of shoes are shown in table 2.

As can be seen from table 2, the number of pairs of nonrubber footwear imported into the United States was nearly four times as large in 1959 as in 1954 and was more than twice as large in 1959 as in 1957.

In men's, youths', and boys' leather shoes, the increase in imports was even more marked. Imports of this kind in 1959 were more than eight times as large, in numbers of papers, as in 1954, and were twice as large as in 1957.

The number of pairs of women's, misses', children's, and infants' leather shoes imported in 1959 was over 12 times as large as in 1954, and about 2½ times as large as in 1957.

IMPORTS AND DOMESTIC PRODUCTION OF FOOTWEAR

One way to measure the growing seriousness of nonrubber footwear imports is to compare them with domestic production of such footwear. This comparison is shown below. To get a more correct comparison, we have excluded imports of slipper socks from the import figures, since the production of such socks is not included in domestic footwear production figures. Since slipper socks were not reported separately in the import figures before 1954, our figures can only go back to that year. The percentage of nonrubber footwear imports (excluding slipper socks) to total domestic footwear production (excluding rubber footwear) has increased as follows since 1954:

Percent nonrubber footwear imports (excluding slipper socks) to domestic footwear production (excluding rubber footwear)

Year:	*Percent*
1954	1.06
1955	1.33
1956	1.69
1957	1.84
1958	[1]
1959	3.52

[1] Comparable figure not available.

Thus, from slightly more than 1 percent of domestic production in 1954, nonrubber footwear imports have increased in relative proportion to production to the point where, in 1959, they were 3.5 percent of our total domestic footwear production (excluding rubber footwear).

If rubber footwear, which to a certain extent is competitive with certain types of nonrubber footwear, were included in the above figures, as they were prior to September 1958, the percentage of imports to domestic production would be considerably higher. We have been unable to obtain any reliable figures on current domestic production of rubber footwear. We estimate that the combined production of rubber and nonrubber footwear in the United States in 1959 probably did not total 750 million pairs. On this basis, total footwear imports of over 75 million pairs in 1959 (excluding slipper socks) would have amounted to over 10 percent of total domestic footwear produc-

tion. The comparable figure for all footwear for the year 1954 (for which rubber footwear production figures are available from the Census of Manufactures) was only 1.05 percent.

PROSPECTS FOR THE IMMEDIATE FUTURE

Nor is there any sign of a letup in the growth of shoe imports. The Leather, Shoe, and Allied Trades Division of the Department of Commerce, in its "Shoe Industry: Outlook for 1960 and Review of 1959," released on December 10, 1959, states that "Imports are expected to continue to increase because of the low prices quoted by foreign suppliers." Commenting in more detail on the same subject, the Outlook states (p. 5) that:

"No indications exist of any halt in the trend of increases in shoe imports during 1960. Greater activity by Japanese and European exporters indicates their determination to obtain expanded volume on the American market. More foreign producers were represented at recent shoe shows than ever before and their prices were lower than those of domestic producers."

Importers and foreign shoe manufacturers have increasingly shown an ability to devise new ways of bidding for the American consumers' shoe dollars. Their ingenuity in finding loopholes in the rubber footwear tariff classification was referred to above. The Leather, Shoe, and Allied Products Division of the Department of Commerce, in its "Outlook for 1959 and Review of 1958," commented as follows:

"When the rubber footwear sales were curtailed (as a result of Public Law 454), foreign suppliers, especially Japan, began shipping substantial quantities of plastic shoes at exceptionally low prices. Trade reports advised that many large retail outlets, especially department stores, bought important quantities of such footwear and were prepared to offer them to the public at prices ranging from between $2.75 and $3.75 a pair."

FOREIGN INTERESTS OF AMERICAN SHOE MANUFACTURERS

The importation of plastic shoes for sale in this country has been undertaken on a large scale by our largest shoe manufacturer—the International Shoe Co. In its 1958 annual report, it stated that it had entered into a 3-year agreement with the Utrilon Corp. for the exclusive distribution of Utrilon plastic footwear in the United States. "These shoes," the report states, "which are completely molded in one operation, will be offered in men's, women's, and children's sizes in a variety of styles and colors. They will be priced to retail at $1.98 to $4.98 per pair."

In the 1959 annual report of the International Shoe Co., President Henry H. Rand reported as follows:

"The importation of footwear increased greatly during the year 1959. Large quantities of low-priced sandals, slippers, and other items came in from Japan and imports increased of better grade footwear from European countries.

"The presence in some foreign countries of extremely low-cost labor opens opportunities to supply the American market with the simple types of footwear which can be mass-produced very effectively in those countries.

"Your management believes that present world developments which encourage exchange of product will bring increasing quantities of shoes into this country. Our company's powerful distribution organization will utilize items produced so advantageously in foreign countries. We have already established ourselves as exclusive distributor of some types of footwear produced by one of the largest manufacturers in Japan."

In addition to its import arrangements, described above, International Shoe Co., owns Savage Shoes, Ltd., the largest shoe manufacturer in Canada.

Other large American shoe manufacturers have foreign factories and interests. General Shoe Corp. has plants in Mexico, Peru, Japan, San Salvador, and Israel. The Shoe Corp. of America has subsidiary operations in Canada. In 1959, Brown Shoe Co. acquired working control of Perth Shoe Co., Ltd., of Canada, a manufacturer of women's shoes.

IMPORT AND EXPORT PRICES PER PAIR

Frequent reference has been made above to the differences in the unit value of footwear imports and exports. The extent of this difference can be seen from the following comparison between the average value per pair imported and exported in 1959:

	Average value per pair	
	Imports	Exports
All nonrubber footwear:		
Men's, youths', and boys' leather footwear	$4.46	$5.47
Women's, misses', children's, and infants' leather footwear	2.30	3.32
Special types of leather footwear	1.13	2.05
Nonleather uppers (not rubber soled)	.54	1.24

These substantial differentials between import and export unit prices help explain why our exports have declined while our imports have increased so sharply.

Moreover, the average unit value of our leather footwear exports has been slowly increasing since 1954, as is shown by the following figures:

Average value per pair of leather footwear exports

Year:	
1954	$3.304
1955	3.359
1956	3.393
1957	3.520
1958	3.546
1959	3.666

As compared with this rise in the unit value of exports, our imports from many important foreign sources have decreased in average price.

IMPORTS FROM SPECIFIC COUNTRIES

To analyze in detail the changes in quantity and average value of imports country by country would require a considerable and perhaps unnecessary amount of statistics, since the figures should be presented by kinds of footwear in order for the comparisons to be meaningful. In order to limit the number of figures and still illustrate the growing problem of leather shoe imports, we present below selected figures from the import statistics of two kinds of leather shoes—the men's groups (men's, youths', and boys') and the women's group (women's, misses', children's, and infants') for the years 1956 and 1959:

	Pairs (thousands)		Average value	
	1956	1959	1956	1959
Italy:				
Men's group	294	1,378	$6.65	$5.31
Women's group	379	2,839	3.67	3.24
Switzerland: Men's group	67	153	12.65	9.93
West Germany: Men's group	64	121	8.40	6.37
France: Men's group [1]	16	109	8.05	3.42
Spain: Men's group	30	256	3.83	3.42

[1] 1958—14,000 pairs at average value of $6.93.

There are several other countries from which large increases in shipments to the United States have come at very low unit values. Among these are:

	Pairs (thousands)		Average value in 1959
	1956	1959	
Japan:			
Men's group	11	232	$1.05
Women's group	17	1,272	.75
Hong Kong:			
Men's group	2	552	.92
Women's group	100	756	.57
Mexico: Women's group	111	540	1.15
Czechoslovakia: Women's group	0	160	.60

CONCLUSION

We ask all friends of the American shoeworker to look at the charts which we have presented on the trends in footwear imports and exports since 1949 and to visualize the effect upon the employment prospects, income and standard of living of the American shoeworker if this trend continues. We believe that proper remedial action at this time is needed to prevent the inevitable unfortunate consequences if this trend is allowed to continue unchecked. We sincerely believe that such action is necessary if the American shoe industry is not to go the way of other industries which, too late, have found themselves severely injured by competition from underpaid labor in foreign countries.

TABLE 1.—*U.S. imports and exports of all footwear, 1949–59*

Year	Quantity (thousands of pairs)		Value (thousands of dollars)	
	Imports	Exports	Imports [1]	Exports
1949	3,601	5,759	$6,182	$19,118
1950	6,485	4,031	10,094	12,881
1951	5,762	4,600	11,444	15,146
1952	5,982	5,265	11,985	16,285
1953	7,541	5,604	13,397	17,213
1954	7,679	5,046	11,539	15,334
1955	11,034	4,942	15,462	15,173
1956	14,777	4,784	21,526	14,845
1957	19,652	4,653	28,045	14,638
1958	46,601	4,451	45,820	14,026
1959	80,508	3,706	93,951	11,890

[1] Foreign value, except that rubber footwear imports are valued on the basis of the American selling price of a similar domestic article.

Source: 1949–58, U.S. Tariff Commission; 1959 compiled from figures of the Bureau of the Census.

TABLE 2.—*Imports of footwear (other than rubber), total and men's and women's leather shoes, 1949–59*

[All figures in thousands]

Year	All footwear (except rubber)		Men's leather shoes [1]		Women's leather shoes [2]	
	Pairs	Value	Pairs	Value	Pairs	Value
1949	3,215	$5,545	213	$1,566	368	$1,699
1950	6,089	9,379	511	2,901	1,208	3,074
1951	5,407	10,981	625	4,181	556	3,003
1952	5,314	11,121	539	3,579	676	3,473
1953	6,583	12,736	688	4,511	549	3,165
1954	6,962	11,032	564	3,751	486	2,596
1955	9,948	14,602	857	5,440	928	3,391
1956	12,443	19,698	1,801	8,988	1,195	4,051
1957	13,606	23,333	2,410	11,125	2,485	6,603
(1958 [3])	(27,421)	(34,326)	(6,907)	(16,360)	(9,192)	(11,526)
1959	27,580	46,436	4,835	21,564	6,222	14,313

[1] Includes youth's and boys' shoes.
[2] Includes misses', children's, and infants' shoes.
[3] Figures not comparable with 1959 because certain rubber footwear included.

Source: 1949–58, U.S. Tariff Commission; 1959 compiled from figures of the Bureau of the Census.

NATIONAL ELECTRICAL WEEK

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, most of us are guilty of taking so many of our modern miracles for granted that I suggest we pause briefly to consider electricity and its applications and what we would do without it.

February 11 was the 113th birthday anniversary of Thomas Alva Edison, one of America's most gifted inventors and a pioneer in the electrical industry. Significantly, February 7 to 13 was celebrated throughout the United States and Canada as National Electrical Week. During this period the electrical industry and its 3 million employees joined in a great variety of programs to focus the attention of the general public on the contributions of electricity to our economy and to our way of life.

Electricity has become such an integral part of our lives that none of us would want to get along without it for any great length of time. Just imagine—if we had no electricity our homes would be without electric lights, fans, radios, television, vacuum cleaners, washing machines, and many other household appliances; offices would have no automatic equipment and employees who work in tall buildings would be hard-pressed to get to and from their desks without elevators. Factory production lines would stop, and farmers would go back to working from sunup to sundown, minus the electrical equipment they now have to help them milk cows, shear sheep, feed stock, and perform other difficult chores.

Hospitals would be without X-ray machines and fluoroscopes if we had no electricity. Also, they would have no electrocardiograph for diagnosing heart ailments, no electrotherapy equipment, and no electric sterilization cabinets.

Fortunately, we will never need to do without electricity unless, of course, war or some other dire catastrophe destroys our capacity to generate and to distribute electric power.

N. J. MacDonald, president of the Thomas & Betts Co. and president of the National Electrical Manufacturers Association, was chairman of this year's National Electrical Week Committee; and A. W. Hooper, executive director of the National Association of Electrical Distributors, served as secretary.

Looking ahead, Chairman MacDonald said:

> We are moving into a new decade—one often described as the Golden Sixties. It promises to be a decade in which our world will make tremendous economic and industrial strides. New frontiers and concepts will open up—concepts undreamed of a few short years ago. And the driving force, the creative influence guiding much of the progress of the next decade will be electricity. It will be an era of unbelievable electrical advances.

What Mr. MacDonald sees in the future are products which are now on the drawing boards, such things as ultrasonic sinks that wash dishes by means of sound waves; electric blankets that both heat and cool; electro-static wands for dusting; laundro-closets which can carry soiled clothing through wash, rinse, and dry chambers; thermoelectric refrigerators that can, by reversing the flow of current, also become ovens; and many, many more electrical marvels which you and I will live to see in operation within the next 10 years.

National Electrical Week was sponsored by the following organizations: American Home Lighting Institute, Canadian Electrical Council, Edison Electrict Institute, International Association of Electrical Leagues, International Brotherhood of Electrical Workers, National Appliance Service Association, National Association of Electrical Distributors, National Electrical Contractors Association, National Electrical Manufacturers Association, and National Industrial Service Association.

In addition, the observance was endorsed by 14 other national organizations, including the American Farm Bureau Federation, the National Grange, National Association of Radio and Television Broadcasters, and groups representing appliance manufacturers, dealers, engineers, and electrical inspectors.

With the storehouse of electrical devices which we now have, and the new products which are waiting for us in the immediate future, I trust you will agree, Mr. Speaker, that it is quite appropriate for us to take a few moments here to reflect on the wonders of electricity and to honor the great Edison and his fellow pioneers who successfully put electric power to use in our homes, our factories, and our farms, thereby making America the most powerful nation in the world and giving our people the highest standard of living known to mankind.

WAS LOSS OF $12 MILLION NAVY BLIMP DUE TO CARELESSNESS?

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, better housekeeping in the Department of Defense would save, and thus provide, some of the extra money that we need for missile development and for space exploration. Take an incident that occurred last Saturday as an illustration. It is difficult for us to understand how the world's largest blimp was destroyed as it was being moved into its hangar.

The 400-foot dirigible *ZPG–3W* was purchased by the U.S. Navy in 1959. The price was $12 million.

On February 13 at the U.S. Naval Air Station, South Weymouth, Mass., the blimp was wrecked when a sudden gust of wind smashed it against a hangar as it was being towed inside by a tractor. Its envelope was split. The blimp collapsed in a tangle of rubber and nylon, as 1.5 million cubic feet of helium escaped. Apart from the gondola and its gear, the ship was a complete loss. In fact, a substantial loss.

Why was the safety of this $12 million investment in defense entrusted to one man driving the tractor and one man in the gondola? Why were not more men and more tractors assigned to lines at each side of, and in the rear of the blimp, to control it against vagrant winds as it was being eased into the hangar?

In too many instances, the destruction of defense equipment in peacetime is passed off as a matter of little consequence, with no adequate explanation to the general public, and with no assurances that proper precautions will be taken to avoid further losses.

This indifference toward waste and preventable losses on the part of the Armed Forces, is disturbing to me, to Congressman JAMES A. BURKE, whose district includes the U.S. Naval Air Station at South Weymouth, and to every Member of Congress who is concerned with the efficiency of our National Defense Establishment.

It is routine procedure for naval authorities to inquire into the causes of these expensive accidents but I think that the public also has a right to know.

If there has been carelessness, we must fix responsibility for it, and insist upon better handling of valuable equipment in the future.

For this reason, I ask the Committee on Armed Services to conduct an open investigation of the circumstances surrounding the loss of the big Navy blimp, and to make its findings and recommendations available to the American people.

ANTIDEFENSE ACTIVITIES OF THE COMMUNISTS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, yesterday, February 16, 1960, there was a full page advertisement in the New York Times in the nature of an appeal to the President of the United States on the subject of disarmament. This advertisement was sponsored by seven foreign language newspapers: The Armenian Herald, the Estonian Monthly, the Hungarian World, the Polish Glas Ludowy, the Russian Russky Golos, the Ukrainian News, and the Lithuanian Laisve.

Nowhere in the advertisement do the facts appear respecting the motivation of the sponsors of the ad. I think my colleagues and the American people are entitled to the following information:

The Hungarian Word appears as Hungarian World in ad: A weekly paper published in New York. Cited as a Communist-controlled paper in the annual report of the Committee on Un-American Activities for 1957.

In 1957, the committee interrogated four officers of the paper who then ques-

tioned invoked the fifth amendment concerning Communist Party membership.

The Glos Ludlow appears as Glas Ludowy in ad: The Committee on Un-American Activities cited this paper as a Communist front in its report on the American Slav Congress in 1950. Its editor was questioned during committee hearings in 1957.

He invoked the fifth amendment when questioned concerning Communist Party membership.

The "Russky Golos": This is a Russian-language daily published in New York and was cited in the annual report of the Committee on Un-American Activities for 1957 as a Communist-controlled publication.

Its editor and secretary were witnesses before the committee but refused to answer questions on Communist Party membership and invoked the fifth amendment.

The Ukrainian Daily News—appears as Ukrainian News in ad: Published in New York. Was cited as a Communist front by the committee in 1950 in its report on the American Slav Congress.

During hearings in 1957, its editor was called as a witness but refused to answer questions and invoked the fifth amendment.

The "Laisve": This is a Lithuanian weekly.

During committee hearings held in 1957 its editor was called to testify. He invoked the fifth amendment concerning Communist Party membership.

The advertisement referred to follows:

AN APPEAL TO THE PRESIDENT OF THE UNITED STATES

At the beginning of the sixties we are faced with the most crucial problem of all times—the problem of disarmament.

The future of the whole of mankind depends on this issue.

American public opinion recognizes the importance and urgency of this problem. But why, being a world leader in many fields, is the United States not a leader in disarmament? Why is it the Soviet Union that cuts its armed forces and not the United States?

Progress toward disarmament depends in large part upon reaching an agreement on a nuclear weapons test ban. But the negotiations now going on in Geneva are in grave jeopardy, due to the United States abandonment of the moratorium on tests because of the "big hole" theory put forward by Dr. Teller. The idea of sharing nuclear weapons with some of our allies sounds very disquieting, indeed.

This is why we feel it necessary to appeal to the President of the United States:

Do not let Teller's "big hole" become a "big hole" on the way to disarmament.

You know better than we do what nuclear warfare would mean in these days when an intercontinental rocket with a hydrogen warhead can cross the ocean in less than 15 minutes. You know what the continuation of nuclear tests would mean for mankind if the tests carried out so far, as leading scientists have testified, will cause 140,000 people now living to die of leukemia or bone cancer and about a million people altogether to die of cancer of all kinds.

Do not allow the selfish interests of a few in continuing the arms race to become an impediment to the cause of peace. Think only of saving the lives of our children and our children's children.

Some of the undersigned were born in different European countries. We understand better than many of our fellow Americans what the nuclear war would mean for a tiny, overpopulated Europe. But for the two giants looking at each other over Europe's head, it would mean nothing better, either. Many among us have lost their relatives in the Second World War, and we remember it.

We urge you, Mr. President—

1. To proclaim the achievement of total, universal, and controlled disarmament as the goal of the U.S. national policy.

2. To restore the moratorium on the testing of nuclear weapons and to do everything in your power to insure early agreement on banning all nuclear tests.

3. To oppose the sharing of nuclear warheads with NATO allies.

THE ARMENIAN HERALD.
THE ESTONIAN MONTHLY.
THE HUNGARIAN WORLD.
THE POLISH "GLAS LUDOWY."
THE RUSSIAN "RUSSKY GOLOS."
THE UKRAINIAN NEWS.
THE LITHUANIAN "LAISVE."

(All of the above newspapers are published in New York City.)

We urge all Americans interested in peace to write to Senators from their States asking support for more effective U.S. efforts to assure the success of negotiations on a nuclear weapons test ban and the coming 10-nation talks on disarmament.

UNWARRANTED CLOSING OF SCHENECTADY, N.Y., VA CONTACT OFFICE—RESOLUTIONS OF PROTEST AGAINST

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include three resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, the Veterans' Administration, in line with what now appears to be a carefully calculated policy of cutting back on services to our Nation's veterans as well as on the facilities through which those services are rendered, has recently announced the projected closing of the Schenectady contact office of the VA on March 4. This decision has been made despite the fact that the Schenectady office serves an area of some 6 counties, despite the fact that the heavy unemployment problem in Schenectady has increased demands for VA assistance, despite the fact that an increased serviceload will develop on July 1 when the new pension legislation affecting many additional widows of veterans becomes effective, and despite the fact that many other VA contact offices in New York State which serve much smaller areas are being allowed to remain open.

Mr. Speaker, needless to say, I have vigorously protested this unwarranted action to the VA, and I have been very gratified indeed that these protests of mine have gained the support of important civic organizations in the city of Schenectady who know most about this problem.

Under leave to extend my remarks, I desire to include herewith, and thereby to bring to the attention of my colleagues in the House, resolutions from the City Council of the City of Schenectady, the Board of Supervisors of the County of Schenectady, and the Schenectady County Council of the American Legion in protest against this unwarranted closing:

RESOLUTION 6866

Whereas the Council of the city of Schenectady was shocked to learn that Sumner G. Whittier, Administrator of Veterans Affairs, announced that the Schenectady Veterans' Administration office will close effective March 4, 1960; and

Whereas the local office serves an estimated 20,000 veterans and their dependents, many of them of advanced age and on whom the curtailment of the services rendered would work an extreme hardship; and

Whereas in addition to offering services in the city of Schenectady, the local office also assists veterans from the entire county of Schenectady, portions of Albany and Saratoga Counties, and the entire counties of Fulton, Montgomery, and Schoharie; and

Whereas the Schenectady VA office provides outside contact service, as required, at hospitals in the area including Ellis Hospital, Glenridge Hospital, St. Clare Hospital, and the county home; and

Whereas the closing of the local office would prove a hardship to such people as elderly widows of World War I veterans, many without transportation, inasmuch as the closest office would be Watervliet involving the changing of buses three times each way; and

Whereas effective July 1, 1960, the new pension law will go into effect thereby creating an increased workload for veterans offices because of widows and veterans who will be seeking advice; and

Whereas in gratitude to those who sacrificed their lives, health, time, money and suffered great hardship in behalf of their country, Congress saw fit to adopt laws to partially compensate veterans and their dependents for their deprivations; and

Whereas in order to implement such laws, it is necessary to maintain proper office facilities to accommodate the recipients of veterans' benefits; and

Whereas the closing of the local VA office is certainly not commensurate with the spirit of Congress and the people whom in time of crisis felt they owed so much to those who risked their lives in the defense of our country: Now, therefore, be it

Resolved, That the Council of the City of Schenectady, grateful to those who helped to preserve our democracy strongly urges Sumner G. Whittier, Administrator of Veterans' Affairs, to reconsider the closing of the Schenectady Veterans' Administration office on March 4, 1960; and be it further

Resolved, That the city of Schenectady which has suffered economic reversals much more than other areas throughout the country should be aided by the Federal Government in its rehabilitation and economic health rather than thwarted, by the deprivation of services especially to needy and worthy veterans, their widows and dependents, and be it further

Resolved, That this resolution be spread upon the minutes of the Council of the City of Schenectady and copies thereof be mailed forthwith by the clerk of the city of Schenectady to Sumner G. Whittier, Administrator of Veterans' Affairs; Congressman Samuel S. Stratton; Senators Kenneth B. Keating and Jacob K. Javits; and Lewis Harris, of GUTS, Inc.

RESOLUTION 20

RESOLUTION TO PROTEST CLOSING OF VETERANS' ADMINISTRATION OFFICE

Whereas the Administrator of Veterans' Affairs, Sumner G. Whittier, has announced

the closing of the local office located at 505 State Street, Schenectady, N.Y., effective March 4, 1960; and

Whereas veterans' organizations and civic leaders throughout the county agree that the closing of said office and the transfer of its functions to Watervliet, N.Y., will bring untold difficulties and hardships to the 20,000 veterans and their families now served by said agency; and

Whereas with new legislation being enacted covering pensions and other benefits for veterans the volume of work in servicing veterans will increase rather than diminish in the immediate future: Now, therefore, be it

Resolved, That the Schenectady County Board of Supervisors register its strong objection to the closing of the veterans' office as not being in the best interest of the veterans and community at large; and be it further

Resolved, That copies of this resolution be transmitted to Sumner G. Whittier, Administrator of Veterans' Affairs, Congressman Samuel S. Stratton, and U.S. Senators Kenneth B. Keating and Jacob K. Javits.

AMERICAN LEGION,
SCHENECTADY COUNTY COMMITTEE,
Schenectady, N.Y., February 10, 1960.

Hon. SAMUEL S. STRATTON,
House Office Building,
Washington, D.C.

DEAR SIR: At a recent meeting of Schenectady County Committee, American Legion, a resolution was unanimously adopted protesting the closing of the VA contact office at 505 State Street, in Schenectady. Post 21 took the same unanimous action.

We are sending this information to Administrator Sumner G. Whittier, to Senators Javits and Keating, and to you asking that every possible step be taken to retain this office in Schenectady. We know that you have already taken steps in this direction and we want you to know that your action is much appreciated by your fellow veterans in Schenectady.

Sincerely yours,

HERBERT V. BROOKS,
Adjutant.

COLLAPSE OF BLIMP AT THE SOUTH WEYMOUTH NAVAL AIR STATION

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Masssachusetts. Mr. Speaker, the collapse of the largest blimp in the world at the South Weymouth Naval Air Station last Saturday may cost the taxpayers of this country millions of dollars. From the meager reports available it appears that prima facie evidence is available indicating negligence. Newspaper reports say that only two men were handling the blimp, one in the gondola and one in the tractor towing the blimp to the station's main hangar.

It is my opinion that the Armed Services Committee should conduct open hearings on this matter.

The newspapers reported "No one hurt in Weymouth." How true, no one could be hurt if no one was there.

[From the Boston Traveler, Feb. 13, 1960]

NAVY BLIMP COLLAPSES—$10 MILLION LOSS—NO ONE HURT IN WEYMOUTH

The world's largest blimp was destroyed today when heavy winds blew the big ship into a hangar door at the South Weymouth Naval Air Station.

A Navy spokesman said the balloon, valued at $10 million, was nearly a total loss in the accident.

CRUMPLES TO GROUND IN MASS

The 400-foot blimp crumpled to the ground in a mass of rubber shortly before 10 a.m., gushing out 1.5 million cubic feet of helium simultaneously.

One unidentified Navy man in the blimp's gondola at the time of accident escaped injury, but was held at the station dispensary for examination.

HEAVY WINDS CAUSE MISHAP

Heavy winds caused the accident as the blimp was being towed by a tractor in the air station's main hangar.

The tractor was knocked over on its side, snapping the cable attached to the blimp.

The big balloon, out of control, careened into the hangar door and was punctured as winds lifted the tail of the ship crazily into the air.

The blimp deflated almost instantly, helium escaping through the puncture in the rubber and nylon fabric.

WEATHER HALTS RETURN TRIP

The Navy blimp, designated as 2PG–3W, had just completed an evaluation study of its radar equipment at the air development center at Weymouth. It was scheduled to return to its Lakehurst, N.J., base today but the trip was postponed because of weather conditions at Lakehurst.

The Navy spokesman said the intensity of the winds had led to the decision to put the blimp in its hangar until departure time. The blimp arrived last night.

The $10 million blimp was less than a year old. It was used as as a radar platform, assisting in airborne radar early warning and antisubmarine work. It normally carries a crew of 20.

The crew was not aboard during the accident this morning. Only one man was in the gondola.

The Navy spokesman said the only thing expected to be salvaged from the blimp is the gondola and radar equipment aboard.

Eyewitnesses told the Traveler of seeing the blimp deflate in a matter of seconds.

THE AUCTION TECHNIQUE IN MARKETING U.S. GOVERNMENT SECURITIES

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, yesterday the Secretary of the Treasury in testifying before the Joint Economic Committee gave us some information about the use of the auction technique in marketing U.S. Government securities. I asked him if he would enlarge upon that in a letter which I thought would be of considerable interest not only to the Members of Congress but also the public. I am therefore including with my remarks this letter that the Secretary of the Treasury has written to me on this subject:

THE SECRETARY OF THE TREASURY,
Washington, February 17, 1960.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: This letter is in response to your request for amplification of my testimony before the Joint Economic Committee yesterday, in which I discussed our recent experience with sale of the new 1-year Treasury bills at auction. As I pointed out to the committee, we are convinced that such experience casts serious doubts on the advisability of an early extension of the auction technique to the sale of longer term Treasury securities.

Our willingness to extend the auction technique, where feasible and appropriate, is indicated by the fact that the Treasury has made more use of auctions during the past 15 months than at any time in the past, and by the fact that the amount of Treasury bills outstanding at the present time exceeds $41 billion or more than double the amount outstanding 5 years ago. All of these bills were sold at auction. New series of bills instituted within the past 15 months include the 26-week bills, which total $10.8 billion, and the four issues of 1-year bills, which mature quarterly and amount to $7.5 billion.

Our experience in auctioning the 1-year bills, however, raises serious questions as to whether the auction technique is the most economical way of handling Treasury short-term financing. Since January 1, 1959, for example, the Treasury has on five occasions offered bills at auction in its new cycle of quarterly maturities. The average rate of discount in these auctions was 4.38 percent, as compared with an average yield of 4.22 percent on outstanding securities of comparable maturity available in the market. This indicates a spread of 16 basic points or 0.16 percent. (These figures, along with other data on the subject, are presented in the attached table.)

This 4.38-percent rate of discount, however, understates considerably the true yield on the bills to the investor, as well as the true interest cost to the Treasury. This is partly because Treasury bills are traded in the market on the basis of "bank discount" rather than actual investment yield (the bills are issued at a discount from par), and partly because the market yields quoted on bills are based on 360 days rather than the actual number of days in the year. (The Treasury, in its public announcements of the results of all bill auctions, states the yield both in terms of the normal market practice and the true investment return.) When adjustment is made for these two factors, which are much more important when interest rates are relatively high and on the longer maturities, the true yield to the investor and the true cost to the Treasury on these five issues since January 1, 1959, comes to 4.60 percent, rather than 4.38 percent. Viewed from this standpoint, therefore, the average spread between yields on outstanding Government issues of comparable maturity and the new quarterly bills sold at auction amounted to 38 basis points instead of 16 basis points.

Moreover, since January 1959 the Treasury has offered six issues of certificates and short-term notes with maturities of approximately 1 year. The average interest paid on these issues—on which the Treasury fixed the interest rate rather than submitting the securities to auction—was 4.26 percent, as compared with an approximate yield available in the market at the time on outstanding issues of comparable maturity of 4.08 percent. In these instances the spread averaged 19 basis

points, or exactly half of the spread of 38 points on the new bill issues.

Two additional factors should be mentioned.

In the first place, the average size of the five bill issues in terms of public participation (that is, excluding the Federal Reserve banks and Government investment accounts) was $1.9 billion; the average amount of the offerings of certificates and notes taken by the public was $3.1 billion. It would be logical to expect that the larger issues would require a larger spread as compared with yields on outstanding issues of comparable maturity. It should be noted, on the other hand, that all but one of the certificate and note issues were refunding operations, while all but one of the bill issues were, in effect, cash issues. Although refundings on many occasions cause almost as much market churning and realinement of investor positions as cash issues, it is true that the market impact of a refunding is usually somewhat less than a cash issue of comparable size. Consequently, this characteristic of all but one of the note and certificate issues may, from the standpoint of yield comparisons of the type presented in this letter, offset the somewhat smaller size of the bill operations.

Secondly, all but one of the bill auctions (as contrasted with only one of the other offerings) involved the privilege of commercial bank payment for the securities by credit to the Treasury's tax and loan accounts at the banks. This means that a subscribing commercial bank could, if it so wished, buy between $5 and $9 of the new issue for every one dollar it had available in excess reserves, the precise amount depending on the reserve classification of the subscribing bank. Inasmuch as bids by commercial banks for all but one of the bill issues reflected the value of the tax and loan privilege, which induced the banks to act as underwriters and distributors of the securities and to bid lower interest rates (higher prices) than would otherwise be the case, it is reasonable to conclude that the true spread, adjusted for the effect of the tax and loan privilege, was something like 50 basis points on the bills auctions. This contrasts markedly with the spread of only 19 basis points on the offerings of certificates and notes, although this spread might perhaps be adjusted upward slightly in view of the fact that one of these 6 issues carried tax and loan privilege.

After carefully studying the results of the operations described above, we have concluded that under conditions as they existed during the past year or so the Treasury, on average, might well have saved ¼ of 1 percent or more if it had offered fixed rate certificates rather than the new 1-year bills at auction. Admittedly, this experience may not be conclusive inasmuch as the issuance of the 1-year bills at auction represented a new departure in Treasury debt management—namely, the introduction of a much longer Treasury bill than had ever been offered before. We hope that these results are not conclusive; we much prefer, where feasible, to use the auction method of pricing Treasury securities because it avoids the difficult problems involved in pricing a new issue of securities. Thus, we shall continue to use the auction technique whenever the prospects for its economical application seem favorable, and we intend to maintain the new cycle of 1-year bills.

We do believe, however, that this experience with auctioning securities of only one year maturity raises serious questions with respect to recent proposals to auction even longer term Treasury securities—even including long-term bonds. As we have stated before, we are convinced that auctioning of longer term securities could only result in a much higher interest cost to the Treasury—a judgment strongly supported by the experience with the 1-year bills—along with other serious disadvantages referred to in my testimony yesterday and described in detail in written material furnished earlier to the Committee.

Please do not hesitate to contact me if you desire to receive any further information on this subject.

Sincerely yours,

ROBERT B. ANDERSON,
Secretary of the Treasury.

Comparison of interest cost on auctions of bills (1-year bill cycle) and fixed price coupon issues (1-year maturity area), 1959–60

Issue date	Maturity date	Term	Amount issued: Total	Amount issued: Private investors	Average offering rate or coupon	Equivalent yield [1]	Yield indicated on market pattern of rates [2]	Difference between market pattern of rates and—: Average offering rate (col. 4—col. 6)	Difference between market pattern of rates and—: Equivalent yield (col. 5—col. 6)
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			Millions	*Millions*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Bills:									
Apr. 1, 1959	Jan. 15, 1960	289 days	[3] $2,006	$2,006	3.39	3.52	3.40	−0.01	+0.12
May 11, 1959	Apr. 15, 1960	340 days	[3] 2,003	2,003	3.84	4.01	3.81	+.03	+.20
July 15, 1959	July 15, 1960	366 days	[3] 2,001	2,001	4.73	4.99	4.07	+.66	+.92
Dec. 2, 1959	Oct. 17, 1960	320 days	[3] 2,007	2,007	4.86	5.11	4.72	+.14	+.39
Jan. 15, 1960	Jan. 15, 1961	366 days	[4] 1,502	[4] 1,384	5.07	5.36	5.07	0	+.29
Average		336 days	1,904	1,880	4.38	4.60	4.22	+.16	+.38
Certificates:									
Feb. 15, 1959	Feb. 15, 1960	1 year	11,363	5,717	3¾	3.76	3.56		+.20
May 15, 1959	May 15, 1960	do	1,269	1,114	4	4.05	3.90		+.15
Nov. 15, 1959	Nov. 15, 1960	do	7,037	1,967	4¾	4.75	4.56		+.19
Feb. 15, 1960	Feb. 15, 1961	do	[4] 6,928	[4] 3,272	4⅞	4.88	4.73		+.15
Short notes:									
Jan. 21, 1959	May 15, 1960	1 year 4 months	[3] 2,738	2,738	3¼	3.45	3.32		+.13
Aug. 1, 1959	Aug. 15, 1960	1 year 4½ months	9,561	3,936	4¾	4.75	4.40		+.35
Average CI's and short notes		1 year 4¾ months	6,483	3,124		4.26	4.08		+.19

[1] On bills, equivalent yield on coupon issue; on CI's and short notes, yield based on issue price.
[2] Estimated yield for maturity of new issue at time of announcement.
[3] Cash offerings.
[4] Preliminary.

Source: Office of the Secretary of the Treasury, Debt Analysis Staff, Feb. 12, 1960.

THE CONGRESSIONAL GAP

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, there has been considerable discussion recently about the adequacy of this country's defense effort, especially the missile gap and the deterrent gap.

Experts in this field are a dime a dozen, some apparently jockeying for an advantageous political position. I do not intend to step into this argument.

Congress, of course, must be kept informed about such matters. Nonetheless, I am concerned at the excessive amount of time which the Secretary of Defense and other military leaders must spend in testifying on Capitol Hill. Since Congress convened in January, Secretary Gates himself has spent a total of 9 days before five committees of the House and Senate. General Twining, Chairman of the Joint Chiefs of Staff, has made 10 appearances to date.

Naturally, such key figures in our defense effort cannot attend to their other duties while testifying. Furthermore, briefings and preparation are essential, and must require at least an additional day before each appearance as a witness. In the House, testimony may be necessary before the Appropriations, Armed Services and Science and Astronautics Committees. In the Senate, defense falls within the jurisdiction of comparable committees. Various subcommittees—such as Senator JOHNSON'S Preparedness Subcommittee of the Armed Services Committee—also have a legitimate interest.

Last year, according to reliable estimates, a total of 465 Defense Department witnesses testified before various congressional committees. Of this group about 120 witnesses were civilian,

and the balance military personnel. These witnesses made approximately 700 appearances.

Assuming these 465 witnesses spent one day preparing—as they must—for their appearance, a total of almost 1,200 days would be consumed. With a 6-day workweek, this represents four man-years of effort lost in 1959 by our top military and civilian leaders during a single session of Congress. Despite a shorter congressional session this year, the demand for witnesses will probably be equally heavy and the time wasted as substantial.

Here is a serious gap in the way in which Congress operates. Surely some way can be found to increase efficiency and reduce this shocking waste of military brains, without impairing essential legislative responsibilities.

Despite the proven value of the Joint Committee on Atomic Energy, Congress appears reluctant to rely on joint committees. Perhaps, however, Senate and House committees with a common interest in testimony from the Defense Department and with comparable responsibilities could meet jointly. The main aim, it seems to me, is for Congress to inform itself as fully and expeditiously as possible, with the minimum demand on the valuable time of important defense officials.

VICE ADM. EDWARD L. COCHRANE, U.S. NAVY, RETIRED

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, on November 14 last, Vice Adm. Edward L. Cochrane, U.S. Navy, retired, died in New Haven, Conn. In his many years of service to his country and to the U.S. Navy, Admiral Cochrane gave most of his life. His distinguished career, extending from 1910, when he was first appointed to the U.S. Naval Academy, to his retirement on November 1, 1947, extended over both World War I and World War II. His contributions to his country during these great world wars were outstanding. He was, indeed, one of the great admirals of the U.S. Navy.

Those of us here in the Congress who knew Admiral Cochrane knew his courtesy, his integrity, and of his untiring efforts not only to maintain and improve the strength of the U.S. Navy, but to build the military strength of our country sufficient to discourage any enemy from being so foolish as to attack us and start another world war.

Admiral Cochrane knew well of the cost of military preparedness, but in these days of atomic weapons he knew military preparedness was necessary regardless of the cost. Certainly many of us here in the Congress agree with these conclusions.

In addition to being a great naval officer, Admiral Cochrane was a distinguished engineer. He knew the problems of ship construction and he knew so well that all weapons soon become obsolete and have to be replaced. Sometimes this means the changing of an entire weapons system. This could not be done quickly because many had to be educated and convinced that recommended changes merited making the change. In his long service, Admiral Cochrane was faced with many difficulties, but he faced them with courage and with great ability.

Certainly the U.S. Navy benefited tremendously from the wisdom and leadership of Admiral Cochrane. The people of America, our Government, and all that goes to make up this great Nation are proud and grateful for the tremendous contributions in service given by Admiral Cochrane.

VICE ADM. EDWARD L. COCHRANE, U.S. NAVY, RETIRED

Edward Lull Cochrane was born in Mare Island, Calif., on March 18, 1892, son of Brig. Gen. Henry Clay Cochrane, USMC, and Mrs. (Elizabeth Ferguson Lull) Cochrane, both now deceased. He attended Chester (Pa.) High School and the University of Pennsylvania at Philadelphia, prior to entering the U.S. Naval Academy, Annapolis, Md., on appointment from the Seventh District of Pennsylvania in 1910. As a midshipman he won his letter in fencing; was manager of the fencing team, sabre fencing champion (1913 and 1914); vice president of the Intercollegiate Fencing Association (1914) and was on the staff of the Lucky Bag. His name was engraved on the cup presented to the Naval Academy by the General Society, Sons of the American Revolution, as the midshipman most proficient in great gun target practice, or practical ordnance or gunnery.

Graduated with distinction, second in a class of 154 members, and commissioned ensign, June 6, 1914, he was transferred to the Construction Corps of the Navy in the rank of lieutenant (junior grade) on June 6, 1917. He received temporary promotion to the rank of lieutenant during World War I, and was commissioned in that rank on July 30, 1919. He subsequently advanced in rank to that of commander to date from June 30, 1934. In June 1940 when the Construction Corps amalgamated with the line of the Navy, he was designated for engineering duty only and thereafter received periodic promotions, attaining the rank of vice admiral, to date from April 3, 1945. On November 1, 1947, he was transferred to the retired list of the U.S. Navy.

Following graduation from the Naval Academy in 1914, he joined the U.S.S. *Rhode Island* and was attached to that battleship while she was on special service protecting American interests at Veracruz, Mexico. Selected for further training in preparation for transfer to the Construction Corps, he reported in January 1916 to the Postgraduate School, Annapolis, Md., and later to the Massachusetts Institute of Technology, Cambridge, where he was under instruction in naval construction when the United States entered World War I. His course of instruction interrupted due to the emergency he was appointed an assistant naval constructor and was assigned throughout the war period to the hull division at the navy yard, Philadelphia, Pa.

In October 1919 he reentered the Massachusetts Institute of Technology to complete the course, and in June 1920 received the degree of master of science in naval architecture. He then returned to the hull division at the Philadelphia navy yard, where he served, first in charge of construction of two battle cruisers and later in charge of repairs, until April 1924. He was next assigned to the Design Division (Submarines) in the Bureau of Construction and Repair, Navy Department, Washington, D.C. In 1929 he served as a technical adviser to the U.S. delegation to the Conference on Safety of Life at Sea held in London, England. After his return to the United States in September of that year, he had duty until May 1933 in connection with submarine construction at the navy yard, Portsmouth, N.H. He next served as force constructor on the staff of the commander, Scouting Force, U.S. Fleet.

In September 1935 he returned to the Bureau of Construction and Repair and was assigned to the Design Division until September 1940 with the exception of 3 months under instruction at the Naval War College, Newport, R.I., in 1939. From 1935 throughout the World War II period he was concerned in the design of practically every type of warship involved in the greatly expanded Navy. During this period the Bureau of Construction and Repair was consolidated with the Bureau of Engineering (June 1940) and designated the Bureau of Ships.

In September 1940 he was ordered to London, England, as Assistant Naval Attaché at the American Embassy. During the winter blitz of 1940–41 he studied battle damage to the British warships and also made a survey of antisubmarine warfare, returning to the United States January 1941 with an understanding of the need for small antisubmarine vessels. This idea grew into the destroyer escort design.

From January 1941 until November 1942 he was Assistant Head of the Design Division of the Bureau of Ships, Navy Department. In that assignment he accompanied the Secretary of the Navy, the late Frank Knox, in December 1941, to Pearl Harbor for the purpose of inspecting the damage resulting from the Japanese attack and to aid in planning for the salvage and repair of those ships.

He was appointed Chief of the Bureau of Ships, with the rank of rear admiral, on November 1, 1942. In this capacity, he directed the Navy's vast shipbuilding and maintenance program during the remainder of the war. In August 1944 he made a trip to the Pacific to study battle damage and to observe the operational conduct of our vessels, landing on Palau on the second day of the invasion. He returned to Washington in October 1944 and in July of the next year accompanied the Secretary of the Navy, the late James Forrestal, on a trip to Germany, where he visited a number of industrial plants and technical centers. From Germany he went to England, to inspect similar installations. The early events leading up to V–J Day occasioned the shortening of this trip and he returned to Washington on August 14, 1945.

"For exceptionally meritorious service * * * in the Design Division of the Bureau of Ships from December 7, 1941 to November 2, 1942, and as Chief of the Bureau of Ships from November 23, 1942 to August 31, 1945" he was awarded the Distinguished Service Medal. The citation continues in part: "An administrator of foresight, judgment, and extraordinary professional ability, Vice Admiral Cochrane achieved distinctive success in this skilled direction of the design and construction of a vast number of vessels, many of new and revolutionary types during a period of critical urgency. Inspiring in his subordinates his own high standards of accomplishments in the performance of exacting duties, he was directly instrumental in enlarging the U.S. Fleet and in fitting it out for combat at a rate unprecedented in the history of naval warfare. His distinguished service throughout this period contributed essentially to the successful prosecution of the war."

In 1945 he was also awarded the David W. Taylor Medal for notable achievement in naval architecture and marine engineering.

In November 1946 he became Chief of the Material Division in the Office of the Assistant Secretary of the Navy, Navy Department. In March 1947 he was appointed a member on the President's Advisory Committee on the Merchant Marine, a committee to assist in developing a sound merchant marine policy and served in that capacity until relieved of all active duty pending his retirement on November 1, 1947.

In addition to the Distinguished Service Medal, Vice Admiral Cochrane has the Mexican Service Medal; the Victory Medal (World War I); the American Defense Service Medal, Base Clasp; the Asiatic-Pacific Campaign Medal; the American Campaign Medal; and the World War II Victory Medal. In 1946 the Government of Great Britain conferred upon him the award of Honorary Knight Commander of the Military Division of the Order of the British Empire.

Since retirement, he has served as professor of naval construction and head of the Department of Naval Architecture and Marine Engineering at the Massachusetts Institute of Technology (1947–50); Chairman, Federal Maritime Board and Maritime Administrator, Department of Commerce, Washington, D.C. (1950–52); dean of engineering, Massachusetts Institute of Technology (1952–54) and is now vice president, industrial and governmental relations at MIT.

On June 3, 1916, he married Miss Charlotte Osgood Wilson, of Chester, Pa. They have two sons, Comdr. Richard Lull Cochrane, USN (Naval Academy, class of 1940), and Lt. Comdr. Edward Lull Cochrane, USN (Naval Academy, class of 1945).

He is a member of the National Academy of Sciences; the American Society of Naval Engineers (elected president in 1946); the Institution of Naval Architects (British); and the Newcomen Society of England (American branch). He holds the honorary degree of doctor of laws from Hahnemann Medical College, Philadelphia, Pa., and the honorary degree of doctor of engineering from the Polytechnic Institute of Brooklyn, N.Y.

THE LATE WILLIAM C. HULL

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, while the Congress was in recess on December 23, one of the finest public servants I have ever known passed on to his eternal rest. I speak of the late William C. Hull, an employee for 51 years of the Civil Service Commission. At the age of 26 Mr. Hull became executive assistant to the Civil Service Commissioners. He held this position for the rest of his life.

Mr. Hull knew no politics, nor did he think of politics during his long years of service. Likewise he gave his service regardless of himself, helping where he could a Government clerk or assistant just as he did a Member of Congress or the chief of a department. He has helped everyone who has called upon him. He served his civil service employers, consistently did he serve his Government, always he served his God.

During the many years I have served in the Congress I knew Mr. Hull very well and received his assistance many, many times regardless of the countless requests. Mr. Hull was a great American, loyal, patriotic, and always working to help someone. He not only loved his country, but he loved the type of work he was doing for his country. In this work his patience, his desire, his counsel, had no limitations. His service to his country constituted his life. A great citizen, he was one of the finest public servants in the history of our country.

At this time, Mr. Speaker, I should like to include an editorial from the Washington Evening Star on Christmas Day 1959. Following this editorial I should like to include a special citation given to Mr. William C. Hull on the occasion of his 50th anniversary in the service of the Civil Service Commission, January 16, 1958, and following this citation I should like to include in my remarks the address of the Honorable Arthur S. Flemming, Secretary of Health, Education, and Welfare, given at the funeral service of Mr. Hull. Beautifully expressed, it is one of the finest tributes that could be said of any man.

[From the Washington Evening Star, Dec. 25, 1959]

WILLIAM HULL, HALF CENTURY IN CIVIL SERVICE COMMISSION

William C. Hull, 68, who served with the Civil Service Commission for more than half a century, died last night at Arlington Hospital.

A lifelong Arlington resident, Mr. Hull joined the Commission at the age of 17 after attending schools in Arlington and the District. "My starting salary was $30 a month," he recalled at his 50th anniversary in 1958.

He was promoted to clerk, then became executive assistant to the Commissioners at the age of 26. He held this position until his death, despite offers of posts with other agencies. "I've loved my work," he declared, "and I've never thought of changing or retiring."

PRAISED ON FLOOR OF HOUSE

Over the last 41 years, Mr Hull met most of the Presidents and many Congressmen and other officials, almost all of whom he described as "very agreeable to deal with." Back in the 1920's and 1930's many Congressmen came by to see him on business, and got to know him personally.

In recent years, however, most of his work had been done over the telephone.

During his career, he was known as an authoritative source of information on Government jobs. He was commended frequently during his career both by his superiors and by officials whom he assisted. He was praised on the floor of the House by Representative MCMILLAN, Democrat of South Carolina, as "one of our outstanding public servants."

ACTIVE IN CIVIC AFFAIRS

Mr. Hull was also very active in Arlington civic affairs. He worked for the Community Chest and Red Cross, was secretary of the Leeway Citizens Association and a former president of the Arlington Civic Federation. The Arlington Hospital Association was one of his prime interests and he was vice president of the association at the time of his death.

Mr. Hull leaves his wife, Gladys, of the home address, 2255 North Powhatan Street, Arlington; two daughters, Mrs. Mildred H. Carlisle of Wakefield Forest, Fairfax County, and Mrs. Margaret H. Oakley of 3112 North Rochester Street, Arlington, and four grandchildren.

Also four sisters, Mrs. A. Elizabeth Mahoney, and Mrs. Mary A. Croson, both of 1900 North Glebe Road, Arlington; Mrs. Florence V. Elliott, 4428 North 18th Street, Arlington, and Mrs. Helen O'Brien, 4361 Brooks Drive, Suitland; and two brothers, David N. Hull, Parkland Apartments, 20th Street and Glebe Road, Arlington, and Calvin L. Hull, 2308 North Madison Street, Arlington.

Funeral arrangements are incomplete.

SPECIAL CITATION—WILLIAM C. HILL, EXECUTIVE ASSISTANT TO THE COMMISSION

For outstanding devotion to the public service. Entering upon his 50th year of duty, he has served the Commission for two-thirds of its existence. He has discharged his duties with distinction, and the effectiveness of his counsel has won high official commendation for himself and the Commission. His long experience and the high regard in which he is held throughout the Government exemplify the dedicated career servant.

DIAMOND JUBILEE AWARDS PROGRAM.
JANUARY 16, 1958.

REMARKS BY ARTHUR S. FLEMMING, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, DECEMBER 26, 1959

As we—the members of the family, the friends, associates, and admirers of William C. Hull—gather here this afternoon, we are confronting not death but life. Our thoughts are centered on one whose countless ministries have left their imprint on the lives of unnumbered persons who, in turn, will influence the lives of unnumbered others because Bill Hull—as so many of us referred to him affectionately—dedicated his life to the service of his fellow man.

I first met Mr. Hull in the summer of 1939 when I took the oath of office as a member of the U.S. Civil Service Commission. I will never forget the kindly, thoughtful, and helpful manner in which he introduced me to the work of the Commission. And then as the months and years went by I realized that it was my high privilege to be associated with a man who dealt with everyone with whom he came in contact in a kindly, thoughtful and helpful manner. Mr. Hull accepted and placed at the center of his life the commandment "Thou shalt love thy neighbor as thyself."

And because he did, it is absolutely impossible for anyone to reflect adequately the impact of his life on both institutions and people.

Think of the manner in which his life has influenced the ability of institutions to serve our fellow human beings more effectively.

You who have been his neighbors down through the years are very much aware of the way in which he strengthened the ministry of the Community Chest, the Red Cross, the civic associations of this community, and above all, the Arlington Hospital.

I know from personal observation about the contributions that he made to the strengthening of what I regard as the most important institution in our Government—the Civil Service Commission. I regard it as the most important institution because, upon the success or failure of its work, depends the ability of our Government to attract and retain in its service the men and women who can serve our Nation in the midst of a complex and rapidly changing world.

Mr. Hull believed in the mission of the Civil Service Commission. That is why he was able to say, "I've loved my work, and I've never thought of changing or retiring." He saw in it an unparalleled opportunity to serve his fellow man.

It is because he loved his work and believed in it that he was able to serve the members of the Civil Service Commission so effectively over a period of 40 years.

It is because he loved his work and believed in it that he was able to interpret the objectives of a merit system so effectively to his associates in the work of the Commission, to the representatives of other departments and agencies, to the Members of Congress, and to the public. His dedication to a great cause was apparent. His sincerity of purpose was his most convincing argument.

It is because he loved his work and believed in it that his recommendations for strengthening the merit system influenced so significantly the formulation of policies and the handling of individual cases by the Civil Service Commission.

The U.S. Civil Service Commission and the merit system it helps to administer are far stronger today because William C. Hull, without thought of self, gave himself to the life and work of the Commission.

Think of the manner in which the life of this truly outstanding public servant has influenced the lives of countless numbers of people.

I know that he influenced the lives of all the members of the Civil Service Commission during the 40 years that he served them as their executive assistant. There are many things I could say about this service but the phrase that keeps coming back to me is this—a ministry of reconciliation. And when I use this phrase, I am not thinking in terms of compromises; I am thinking of reconciliations that grew out of his devotion to the truth. He knew how to interpret people to one another. You had confidence in his interpretations because you had confidence in his integrity. You had confidence in his interpretations because you never heard him say an unkind word about another person. He was always looking for the positive in people.

I know that Mr. Hull influenced the lives of his associates in the Commission, of representatives of other departments and agencies, and of Members of Congress.

But, above all, I am thinking of the manner in which he influenced the lives of the members of the public who came in contact with him. He was one of God's counselors in the fullest and best sense of that term. He fulfilled such a mission in life because he asked himself just one question, namely, what can I do to be of help.

Matthew tells us in his Gospel (23d chapter, 11th verse) that "he who is greatest among you shall be your servant." Or as Phillips translates it, "The only 'superior' among you is the one who serves the others."

I know of no better evidence of the truth of this saying than the life of William Clifton Hull.

Yes, we who are gathered here this afternoon have been thinking not of death but of a glorious life that traveled at all times in the pathway of service. And surely as we have been thinking in terms of the life of this man of God, our faith in immortality—in life beyond the grave—has been strengthened. Such a life just must live on through all eternity.

THE FEDERAL TRANSPORTATION TAX

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 20 minutes.

Mr. COLLIER. Mr. Speaker, under the terms of Public Law 86-75 the 10 percent tax on the transportation of persons within the United States will be reduced to 5 percent after June 30, 1960. As June 30 approaches it is important to evaluate the justification, if any, for retaining the remaining 5 percent tax in effect. As a matter of fact, it is my understanding that the administration will make a request that the action previously taken by Congress be rescinded.

At the outset I would like to say, Mr. Speaker, that there is no one who is more anxious than I to preserve sources of revenue which are necessary to defray the essential costs of Government, provided that the source is equitable, provided it is truly productive and provided it does not harm the economy. Earlier this session several Members addressed themselves to the question of the fairness of the tax and I will not reiterate the very able arguments that have been presented which point out the unjustifiable discrimination that results from this tax. Rather I would like to examine the productivity of the tax and its effects on the economy.

The gross yield of this 10 percent transportation tax is about $225 million per year. It has been estimated that as much as 70 percent of the travel taxed is business in nature and consequently this travel expense, including the transportation tax, is taken as income tax deduction. Thus some 70 percent of the collections, or $157 million of the gross yield, are not 100-cent dollars but only 48-cent dollars. This single factor amounts to more than an $80 million offset.

Another offset which cannot as readily be calculated and expressed as a fixed or specific sum is the increase in Federal airline subsidy caused by this tax. It is perfectly clear that one of the main purposes and certainly one of the experienced effects of the tax is to discourage travel. This was undoubtedly justifiable during wartime when it was necessary to discourage nonessential travel. However, I can think of few things as ridiculous and unjustifiable as discouraging travel in an industry that is receiving Federal subsidy to make up for inadequate passenger revenues.

Only last week, in the course of the hearings held by the Independent Offices Appropriations Subcommittee, the Civil Aeronautics Board requested $68,934,000 for subsidy payments to air carriers for fiscal 1961 which amounts to an increase of over $10 million since fiscal 1960 and an increase of more than $25 million since 1956.

Mr. Speaker, every passenger dollar that this tax discourages and diverts from the subsidized carriers must be made up by subsidy dollars. So far as I know no calculation or estimate has been made that sets forth the amount of subsidy this tax causes, but the Chairman of the Civil Aeronautics Board has repeatedly urged that the tax be repealed on the ground that passenger traffic would increase if this impediment were removed.

Similarly, the nonsubsidized, profitmaking transportation industry is adversely affected. In this case the loss is not in terms of excess subsidy payments, but in terms of lost passenger revenue which is not available for taxation under the corporate income tax provision. In this connection, I have heard it argued that if the tax were repealed, the public would not benefit because the airlines or other companies would simply raise the fare. This speculation is wholly unfounded. The airline industry as well as the rail are regulated industries. In order to increase fares it is necessary to go through a lengthy proceeding with hearing and notice and the regulating agency must approve the increase before it can be put into effect. Obviously, this check on the transportation industry is adequate to control the situation and it is unsound to suppose that the carriers would be unjustly enriched by repeal of the tax.

Still another loss to the Treasury results from the fact that U.S. international flag carriers must charge the tax on the domestic portion of international journeys whereas their foreign competitors do not. Again the amount of passenger revenue—and consequent taxable income—that is lost by the U.S. flag carriers to their foreign competitors and the amount of additional corporate tax this would produce can only be estimated but is surely substantial and steadily increasing with the growth of international traffic.

Mr. Speaker, the question of the nonproductivity of this tax is closely related to the effect of excise taxes on the national economy. The reason the tax is unproductive is that it deters business and restricts income. Anything that puts a brake on the economy and discourages the transportation industry and industries that depend on transportation is a bad thing, against public policy and should be discontinued at the earliest possible date.

I therefore urge that the committee studying this question report the bill out and speed it to the floor for vote. It seems to me that this is a question of such importance that the membership of the House should have the opportunity to vote and dispose of this question. I am sure that if a vote is permitted that the tax will be repealed and I am equally certain that repeal is essential to the orderly progress of the transportation industry.

GENERAL LEAVE TO EXTEND REMARKS

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed, H.R. 3151.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LABOR RACKETEERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 30 minutes.

WHO ARE ROBBING THE PEOPLE OF WHAT

Mr. HOFFMAN of Michigan. Mr. Speaker, on yesterday my attention was called to the CONGRESSIONAL RECORD of February 15, which carried an editorial from the Detroit News of February 13

captioned "In Defense of Reuther: Whoa, Senator GOLDWATER." [1]

Among other things, it states that its Washington correspondent—who has an advance copy of the document by a planned report from Republican members of the Senate Labor Rackets Committee—sees it is as "an attack upon Senator JOHN F. KENNEDY, the front-running candidate for the Democratic presidential nomination. The trick is to get at KENNEDY by attacking Reuther and the candidate's brother, Robert F. Kennedy, former chief counsel of the Rackets Committee. Guilt by relationship, as it were."

To date, as of 11 o'clock this morning, I have been unable to obtain a copy of the report to which the editorial refers, and have been advised by one of the committee's counsel that it is not yet available.

If the minority report is political in its nature, and designed to lessen KENNEDY'S strength in Wisconsin, and incidentally, strengthen NIXON'S position, there is nothing unusual in that procedure.

This is my 26th year here and I have a very distinct recollection of not only serving upon a congressional committee in 1937, but of being sent by the Democratic leadership to hold a one-man hearing in Battle Creek in the Third Congressional District adjoining my own Fourth District, about that same time. My experience was so little, my gullibility so great, that it was my assumption that my colleagues were really trying to help me, though later the rumor came to me that by assigning me to a House committee investigating the Townsend movement, my retirement from Congress would be expedited.

If the Republican minority in the Senate is seeking political advantage by criticism of Walter Reuther, it will fail to match the political efforts of our Democratic opponents to retain the all-out political support of Reuther and the millions of available dollars which he controls and can use for political purposes.

It was my privilege to serve for several years on the House Committee on Education and Labor and of which I am still a member, with presidential candidate JOHN KENNEDY when both he and our own party's unopposed candidate, RICHARD NIXON, were members of that committee.

Both, when they came to the House, were exceptionably able, aggressive, hard-working, extremely patriotic individuals. My relationship was confined to legislation, not social, association. Never have I been privileged to meet with either in any other capacity. Never have I heard or read from any reliable source anything which would, in any way, reflect upon the personal character of either.

Senator KENNEDY'S younger brother, Robert, appears to be a typical Kennedy, which is praise enough for any modest, right-thinking American. There is no question as to his ability or Americanism, but like many a comparatively young man, he is impetuous, brash, perhaps slightly too certain that he is always right, and he lacks experience which, however, will come as the years roll by.

This latter statement is justified by Robert Kennedy's "The Enemy Within," published earlier this year and which has been read by me at least three time, and part, several times. As early as chapter 4, page 46, young Bob begins an unjustifiable attack on a Member of Congress who was chairman of a congressional committee, charging him, it might fairly be contended, with covering up for Hoffa. Now young Bob knows that the Congressman referred to was not responsible for ending a House committee investigation. The Congressman merely transmitted orders of his committee chairman. This I know and I told Robert the circumstances which apparently he has forgotten.

There is a book by Robert Kennedy to be published some time next month, possibly this month, and some claim the last two-thirds of it is filled with personalities, some referring to Republican members of the Senate committee. It is nothing strange and the Detroit News should not get excited over the fact that, perhaps, the Republican members on that committee have some political ideas in mind.

The Detroit News is excited because it was said the minority on the Senate committee intended or did charge that Reuther and, of course, we all know there is no use, Mr. Speaker, in trying to disguise the situation and we might just as well be frank about it—we know that the Reuther organization by-and-large favors Republican political opponents—and for that matter Mr. Meany, before the fight is over will officially endorse the Democratic nominee for the Presidency. That we know. So let us put it on the record as a fact. Now just why the minority members of the committee charged Reuther, if they did, or if they do when the report finally comes out with the same sort of violations of the law, as they did Hoffa, I do not know, but when the committee says Reuther and his outfit has an absolutely clean record financially, they are not quite accurate about it. They had a wonderful investigator over there, Carmine Bellino, a man who was able and competent and who was, shall I say, fanatically devoted to his duty, which was to get the facts, and it is true that he did come up with the report that he did not find any evidence of dealing financially with the underworld as did Hoffa. We will have to assume that the UAW–CIO had no part in extortion such as Jimmy Hoffa's outfit engaged in. Now Jimmy Hoffa, of course, he just took the money. He is guilty of extortion and robbery as those two terms are defined in the Hobbs amendment. There is no question about that. In fact, he pleaded guilty to extortion and conspiracy to violate the law, as has often been said on this floor, and there is no evidence of that type of law violation against Reuther and his outfit. But, do not forget this, although the Senate committee accountant investigator could not or did not find anything wrong with the use of the money collected by Reuther, the U.S. Government Revenue Department did charge union officials with—let us see, 527 officers and members of the union including Reuther and Mazey—did charge them with making a false return. That case was settled by the payment of something like—well, the Government claimed $3 million, and for much of this I am relying on my memory, but you will find that the substance of it is accurate—the charge was settled by the payment of something around $106,000. So the fact that the Senate committee investigator did not find it, of course, is just proof that he was human, he just did not find it—that is all—but it is there. They acknowledged the compromise penalties.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. RABAUT. Was not something involved in the nature of expenses that were charged off with the idea that they could be legitimately charged off, as many corporations have done in the same way?

Mr. HOFFMAN of Michigan. I am not talking about corporations.

Mr. RABAUT. I know, but we must put them on the same level and treat them equally.

Mr. HOFFMAN of Michigan. I am talking about Reuther who is not a saint but by some politicians is advertised as one. That is what I am talking about and I will be glad to have you ask questions as we go along. You know my feelings toward you.

Mr. RABAUT. I know.

Mr. HOFFMAN of Michigan. I have only admiration for your courage, ability, patriotism, and fine similar characteristics.

Mr. RABAUT. Thanks.

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[1] Editorial from Detroit News, February 13, 1960:

"IN DEFENSE OF REUTHER: WHOA, SENATOR GOLDWATER

"We do not exactly make a habit of leaping to the defense of Walter P. Reuther, but we find ourselves unable to swallow the accusations made in a planned report from Republican members of the Senate Labor Rackets Committee.

"Our Washington correspondent who has an advance copy of the document sees it as an attack upon Senator JOHN F. KENNEDY, the front-running candidate for the Democratic presidential nomination. The trick is to get at KENNEDY by attacking Reuther and the candidate's brother, Robert F. Kennedy, former chief counsel of the Rackets Committee. Guilt by relationship, as it were.

"As was to be expected, the GOP approach makes much of the long delayed extradition of UAW muscleman John Gunaca to Wisconsin where he was wanted in connection with Kohler strike violence. We, too, complained about that bit of nonfeasance, attacking it as exemplified subservience by a Governor catering to UAW desires. But the new criticism goes far beyond that to call Michigan 'a privileged sanctuary for the protection of criminals against extradition and punishment' and to assert that 'reasonable people must conclude that the legal and political processes of Michigan no longer are controlled by its citizens.'

"If reasonable people are able to believe that, the Lord save us from the thoughts of the unreasonable.

"The report continues, '* * * that corruption, misappropriation of funds, bribery, extortion and collusion with the underworld exists within the UAW as they do in those other unions whose derelictions have been so widely publicized.' "

Mr. HOFFMAN of Michigan. I know that if I am as honest and frank as you are, and have your ability, I will get along and I hope my constituents believe that I have.

Mr. RABAUT. But I hope you will not talk me out of asking some questions here.

Mr. HOFFMAN of Michigan. Under no circumstances would I do that. Reuther is no saint. What I am talking about here is: Who is robbing the people of what? Now we know about Hoffa. Let us cross him off and put him up on the wall. He is a crook and he has admitted it. But let us get back to Reuther. That is who I am talking about. I know—rather I do not know—how many votes his support means to your party but hundreds of thousands. He would be a liability, if people would accept him for what he is. If you knew what kind of an evil man he was, you would move out from upholding his lawlessness.

Mr. RABAUT. And their headquarters are in my district.

Mr. HOFFMAN of Michigan. Some of them are a bunch of the biggest crooks that ever defied the courts and the law. There is no comparison unless it be with Hoffa and the crime syndicate or Purple Gang of Detroit.

Mr. RABAUT. You know, they say that variety makes horse races.

Mr. HOFFMAN of Michigan. Now wait a minute. Hoffa says he is a Republican. Maybe he is.

Mr. RABAUT. You are not bragging about everything today?

Mr. HOFFMAN of Michigan. Listen. I never brag about anything except my own ability, integrity, and patriotism. Only 3 days after I was born some of the neighbor women came in and they congratulated my mother on having such a fine baby boy. So I have heard or perhaps it was just a dream. Anyhow, I have never seen any great advantage in denying a compliment.

Mr. MACHROWICZ. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. MACHROWICZ. Since the gentleman has been referring to the so-called minority report in the other body, I think he might be interested in knowing that the Senator from Arizona this afternoon agreed that a part of that minority report was wrong and agreed to withdraw it.

Mr. HOFFMAN of Michigan. You will always find him admitting his mistakes, when, as he seldom does, he makes one.

Mr. MACHROWICZ. Since the Senator from Arizona has already stated that that report concerning the State of Michigan was libelous, and has agreed to withdraw it, does the gentleman also agree that it is libelous?

Mr. HOFFMAN of Michigan. No. The record will show that, since the end of 1936, the State, as a whole, has failed to enforce our State laws, has protected many guilty of violence if the violence was in connection with strikes. I have not seen the report. Senator GOLDWATER, if I may be pardoned for mentioning his name, is not the only Republican that has ever been wrong. There are some Democrats that are wrong, too, occasionally. As far as I know, I have never claimed that Reuther was guilty of extortion or robbery in the sense that Hoffa was. All I said was that the United States found that Reuther, Mazey, and the others had neglected to pay a million dollars of their income taxes—Reuther, Mazey, and some of the other members of the union. They just missed out on that. The Senate committee employee might just have overlooked it. What I am trying to say is that Reuther is more dangerous than Hoffa ever was, because what Hoffa does is to steal our money. I mean rob and extort, as defined by the Hobbs Act. But Reuther would steal away our freedom. I can see it so easily. For example, in 1937, Reuther led out a picket line in defiance of the law, had people beaten, destroyed property—you should be far more familiar with what happened in 1937 in eastern Michigan, where they took possession of the factory, destroyed the property inside, welded the doors together, than am I; and where our Governor Murphy, brought back from the Philippines and elected Governor who said he would have no bloodshed, called out 3,700 State troopers who protected the people? No, no. The strikers within the factories. There is no question about that. It is all on the record. Read the press of that day—read the Detroit papers of that day. Reuther himself engaged in violence. Reuther had as his helpers his two brothers and hundreds of others. All you have to do is to get the Flint Journal and get a day-by-day account of the violence there. Reuther continued personally to engage in this violence until one day he went out on a bridge, the overpass, at Ford's and he took a terrific beating from toughs led by Harry Bennett. What was good for the goose was good for the gander. So thought Bennett. Frankenstein—Reuther's buddie on that occasion—they both took a wicked beating and, of course, Reuther was more cautious personally from that time on, and I know something about this because I was over there once in a while—for instance, at the Monroe strike there they were out, a group of six or seven thousand; union men and do you know what? The union leader up in the north, Van Bittner said: "We will tell those G. D. people down there in Monroe where to get off." The American Legion went down there and cleaned out the goons, which was sort of the reverse of what was intended by the CIO for the town. And Murphy sent down south——

Mr. RABAUT. Poor Murphy.

Mr. HOFFMAN of Michigan. May he rest in peace. Up here in the north is a group of people coming down to Monroe to throw the citizens out and down south of Monroe Governor Murphy sent a company of artillery to protect the people on the north. Sure, Monroe was a wonderful place to be in. In the middle. Strikers on a Sunday threatening from the north, Murphy's troops on the south? Protection?

Mr. RABAUT. If the gentleman will yield, I would like to get back to this matter of the gentleman's birth and ask him a question about it.

Mr. HOFFMAN of Michigan. Let us finish with these plug-uglies. These plug-uglies came down there and out walked this little sheriff. They had thrown his boy's car over in the river. Up came a plug-ugly and said "Who is going to stop us?" The little fellow said "I will stop you." He had this corn knife which looked like an enlarged bread knife with scalloped edges. He said "I will," and he did. It just goes to show that nothing lawless continues when the law says "No," when there is the ability and a courageous officer to enforce it.

What was it you were going to say, LOUIS?

Mr. RABAUT. I was going to say I want to get back to this time when you were born.

Mr. HOFFMAN of Michigan. You were there?

Mr. RABAUT. No, I was not there, but I want to say that I am glad they did not have birth control in those days because otherwise the whole country would have lost a lot.

Mr. HOFFMAN of Michigan. Thank you for that. Thank you whether that is sarcasm or just a kindly thought. I am not sorry I was born, and Mother was not, and that is all that now matters, to me. I hope I never caused her sorrow.

Mr. RABAUT. Say, how are things going politically in your district?

Mr. HOFFMAN of Michigan. Well, some people up there, the group that sometimes said I could not run, changed their minds and said I could have what money I needed. They wrote the congressional committee not long ago to give me some of the funds they collected at the dinner with Ike. They seemed to think it would be a good thing to have me down here because the time might come when a reply had to be made to some of the good natured fellows from the eastern part of the State and I might have an answer.

Mr. RABAUT. Will——

Mr. HOFFMAN of Michigan. I am glad you had a mama, a good old papa and mama. You have been an asset not only to the county, the community, the State, but likewise you have been a wonderful help to me personally.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman.

Mr. O'HARA of Michigan. Without wishing to agree with anything the gentleman has said about the event of his birth I would like to ask the gentleman a few questions regarding the income tax case against many staff members of the UAW.

It is my understanding—I gathered from the newspapers at the time—that there was no charge of any attempt to evade taxes; there was a question of whether or not the various staff members of the UAW had kept proper records of their expenses, their expenditures on behalf of the union and on the basis of incomplete records a settlement was arrived at between the various staff members. I do not think the gentleman would like to leave the impression

in the record that there was any criminal intent or fraud involved in this case.

Mr. HOFFMAN of Michigan. No, certainly not. All I know about it is what I have stated, and the only reason I mentioned it was because of the claim that the bookkeeping on the part of the CIO or UAW was absolutely perfect. No; I do not claim anything of the kind. There may have been no criminal intent. Nor do I claim so far as Reuther is concerned that he ever had any dealings with the underworld except the bruisers, the fellows who go out and for no reason at all just hit a fellow and kick the insides out of him for no reason at all except that they are paid by the UAW–CIO union officials to do it. That is all I claim for that, just as the bookkeeper did not find it. My charge against Reuther, and it is amply borne out by the record, is that consistently from the day I mentioned in 1937, he has conspired to and has caused the law to be violated, not just now and then but day after day. He is an habitual criminal—the record so shows. Mazey, his pal, went out on the picket line and said, "Sic 'em" and the pickets—many paid from union funds—often began beating men and women and destroying property. Mazey stands back. He often was arrested; never convicted until recently. He was always an adviser, getting somebody else in trouble, just a yellow streak up his back.

I was back to 1937. I could go on from 1937 right on down until today. I could go back to the first sitdown strike when they took over Michigan, but we will leave it as it stands, many know the story.

Reuther has been guilty of attempting by force, by beatings, by wreckings, all sorts of disorder, and illegal acts, to overthrow the power of our courts and our law enforcing agencies. There is no question about his guilt. That testimony was offered to a committee over in the other body. Part of it was left in and part of it was left out, because they had to answer a rollcall. It is still of record over here in the Congressional Library in the newspapers and reports. It is still there and Reuther cannot deny it. He has from 1937 on openly for 22 years advocated violence, defiance of the law, of court orders. Under Michigan law endeavored to overthrow our Government.

Over in our district the sheriff told this man Flynn "Do not tip that car over." He tipped it over. He was arrested, tried, and convicted and the judge sent him to jail. On the 29th day after he reached prison the Governor of Michigan let him out. Shortly thereafter I was there too—he was on a picket line, advocating the same sort of conduct. How can you say a man, Reuther in this case, who has advocated and ordered violence for 22 years is guiltless? He is worse than Hoffa. Far more dangerous to our Government. All Hoffa has been stealing is money—not all, but that has been his principal objective.

Reuther has been trying to destroy our Government. You cannot get away from it. Go back, if you want to, when we had a Republican Governor in Minnesota. We had strikes there, there was defiance of the law and there was destruction of property. Goons came in from Wisconsin, and our Republican Governor, Mr. Speaker, took notice of it. He did not enforce the law. So many of us have been obsessed with the idea we could get the labor vote if we would go along with some of these leaders. He called out the troops that protected the strikers at that time. Only recently the same company, same place—at Albert Lea, with a Democratic Governor, this time he called out the troops to maintain a picket line, to keep the workers out of the factory. How do you like that?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Michigan.

Mr. DINGELL. I was wondering if the gentleman would tell the House why he quit this investigation of Hoffa a few years ago right about election time? He was chairman of the appropriate investigating committee. Why did he discontinue the investigation of Hoffa at election time?

Mr. HOFFMAN of Michigan. Does the gentleman not know?

Mr. DINGELL. No.

Mr. HOFFMAN of Michigan. How long has the gentleman been here?

Mr. DINGELL. For about 5 years.

Mr. HOFFMAN of Michigan. The gentleman ought to know, then. I have told it so many times. It may or it may not have been an election year. I gave the reason to young Bob Kennedy, who now in his book, at pages 46 and on, writes another Member of the House on our side was to blame for calling off those hearings. I told it to Bob Kennedy. I gave the story to the Senate committee. I will tell it some time when we have time.

Mr. DINGELL. I was wondering if it was a Republican Member?

Mr. HOFFMAN of Michigan. A Republican Member?

Mr. DINGELL. Yes.

Mr. HOFFMAN of Michigan. Well, there was a combination of Democrats and Republicans. The committee took away my authority—the political leaders. The gentleman is trying to get me off the track. What I am trying to do here is to tell you that Reuther is a bad, bad egg. He is a defier and violator of the law—in brief, a consistent lawbreaker for the past 22 years.

Mr. DINGELL. I am trying to help the gentleman.

Mr. HOFFMAN of Michigan. No; you are not trying to help me. No, no. Do not be so subtle.

Mr. DINGELL. I wish the gentleman would be as charitable with me as I am with him.

Mr. HOFFMAN of Michigan. Oh, I am; far more.

Mr. DINGELL. I am conceding the gentleman is doing his best to help the House today.

Mr. HOFFMAN of Michigan. I am talking about Brother Reuther. Say, I will give you a written statement if you will put it in the RECORD for me.

Mr. DINGELL. I was wondering if the gentleman favored Hoffa over Reuther because Hoffa happens to be a Republican and Reuther is a Democrat.

Mr. HOFFMAN of Michigan. I would just like the folks to know that while Brother Hoffa claims to be a Republican—maybe he is—I would like to have you know that Mr. Reuther is in no sense of the word an American, in the sense of following and adhering to our Government policies and laws. Hoffa steals our dollars; Reuther steals away our freedom. I have never covered for Hoffa—your Democrats never uncovered Reuther.

What I am trying to show you is, when I was talking about our former Republican Governor in Minnesota and I was talking about your present Democratic Governor who told the newspapers not to issue any statements—remember—rather he sent the troops to support the pickets who carried the message. The commander's order only lasted 12 hours, but the strike is still on. I rose to tell you that Reuther is an able, vigorous individual who apparently believes in communism—close to it if he does not. And, by the way, if you wish, I will put in as a footnote a statement of the Committee on Un-American Activities telling about his buddy Mazey, who carries out his orders. Again so you will not forget, Reuther defies the courts, law-enforcing orders and violates laws which have been in force since the beginning of our Republic. He is violating the 5th amendment which guarantees protection to the individual and his property. He is violating the 14th amendment which protects the ownership and use of property and the security, of the individual person.

Mr. DINGELL. Mr. Speaker, will the gentleman yield to me now?

Mr. HOFFMAN of Michigan. If you keep on the track of what I am trying to say.

Mr. DINGELL. I will do my best. Would the gentleman care to make these statements without the benefit of his congressional immunity?

Mr. HOFFMAN of Michigan. Bless your dear heart my boy. I made statements not once, but I made them until the people are sick and tired of my voice—charging that Walter Reuther for years has defied the law—consistently disregarded the rights of employees and under Michigan law should be tried for his offenses. You have forgotten that Walter Winchell complimented me once when he said he would sue me for a quarter or a half a million dollars. He never started the suit, but he said he would. He said he had. I do not know whether by your applause you are joining with Walter Winchell or not. But you, Walter and Hoffa, just jump on me in my own district, and I guarantee you that my vote percentage will be higher than ever before, except when Drew Pearson and Winchell did go after me. You know, the folks over there may regard me as a wayward and dirty-faced kid but "Don't you strangers come in and abuse me." They, like the average mother can and will take care of their own offending offspring.

I was talking about the strike recently at Albert Lea. Now, we adopted this wonderful labor bill last year and it was supposed to do something about protecting the union men. It did. But, it did not do too much about protecting the people generally.

Oh, I forgot. I skipped over. Come over in the office and I will show you the pictures of the violence that was carried on under Reuther's Mazey. Violence of all kinds; there is no question about it. Or about what happened—it is described in print and pictures. And, that meat strike I referred to before. I will show you pictures of those, too, Well, we had over 500 pictures of violence throughout the United States—in 20 States—burning cars, tearing up track, overturning trucks, everything that you can think of, to avoid letting people go to work.

You cannot get away from the facts. Why not acknowledge them? If you want Reuther's support, that is all right; it is welcome, probably, in any party. Votes are what we are all after. But we do not need condone his lawlessness. You do not like it any better than I do—you do not like it any better than I do.

Again, about the strike and the violence carried on under his command. We have pictures of the violence, reports of the violations of law. They are facts on record: defiance of the law, telling the courts and the sheriff to go peddle their papers; calling out the militia of the State to protect the fellows who are preventing people going to their work. I will put in the RECORD here some of the quotes from Mazey's testimony. They show what Reuther and one of his enforcing officers, the secretary and treasurer of the union, think, believe, and by force and fear endeavor to bring about.

FROM CLINTON, MICH., HEARINGS IN 1947 AND UNDER OATH

After Mazey testified that he took 400 people from Detroit and vicinity to Clinton, a distance of 70 miles, the following occurred:

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"Mr. HOFFMAN. And did that intending that they should do what, when they got there?

"Mr. MAZEY. I said we were going down there to protect our people; stop them from being pushed around.

"Mr. HOFFMAN. Do you mean, what do you mean by protection?

"Mr. MAZEY. Well, if any scabs attempted to push our pickets around as they had done on the occasion on which the back-to-work movement was organized, we wouldn't stand idly by and see them pushed around.

"Mr. HOFFMAN. You were going to use force and prevent that?

"Mr. MAZEY. If our people were pushed around; yes.

"Mr. HOFFMAN. You mean that you were going to use—you mean that if the employees of the Thomas Co., of the Clinton Machine Co., attempted to go through the picket line you were going to assist your pickets in keeping them out?"

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"Mr. MAZEY. I did not say that.

* * * * *

"Mr. MAZEY. What I said was that if any of our people on the picket line were to be pushed around as they had been in the previous—Mr. Thomas, incidentally, beat up on the president of our local union physically, a man of about 220 pounds. If that had occurred, we would have given our people protection.

"Mr. HOFFMAN. Now, I think we have had that three times on the record.

"Mr. MAZEY. Yes, sir.

"Mr. HOFFMAN. And we accept it as your statement. Now, my question is this, Was it your purpose if when you got to Clinton you found a picket line down at the plant and that the employees or some of the employees of the company attempted to go through that picket line and if it became necessary in order to get through for them to push or shove your pickets aside that you were going to call for action from so many of your 400 supporters as might be necessary to prevent that?

"Mr. MAZEY. That was our purpose and our record there speaks for itself. We did not prohibit anybody physically from going into the plant.

"Mr. HOFFMAN. I say, did you intend to use as many of your 400 from Detroit as might be necessary to strengthen that picket line?

"Mr. MAZEY. Our people walked the picket line that morning.

"Mr. HOFFMAN. Your people from Detroit?

"Mr. MAZEY. That is right.

"Mr. HOFFMAN. Now, you say, you contend that the picket lines there in Clinton had not been keeping the workers who wanted to return, from going into the plant?

"Mr. MAZEY. I did not say that.

"Mr. HOFFMAN. Well, do you say that—wait, put it this way——

"Mr. MAZEY. I did not say that."

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"Mr. HOFFMAN. This statement that I read: 'We are going to demonstrate to employers in small towns that they are not going to push our workers around.' Now, as to these other employers in other towns what were your 400 going to do?

"Mr. MAZEY. We just wouldn't tolerate the smashing our picket lines, that is what I said.

"Mr. HOFFMAN. What would you do in Clinton that would tell somebody, for instance, in Dowagiac, some employer, that you—that he couldn't push your folks around?

"Mr. MAZEY. I think if the average employer saw where he was dealing with a small union that this union had the support of a larger organization both physically and financially and morally that they probably would treat our people a lot better.

"Mr. HOFFMAN. He might be induced to make concessions and agreements that the union wanted?

"Mr. MAZEY. Unions operate on that basis; we believe that an injury to one of our members is an injury to all our members.

"Mr. HOFFMAN. Yes. Just stick to the questions. How many pickets were there at Clinton on this day when you went there, approximately?

"Mr. MAZEY. I brought 400 from Detroit.

"Mr. HOFFMAN. Give us—yes, I know, give us an estimate of about how many were there.

"Mr. MAZEY. Probably 550, I didn't count them so I don't——

"Mr. HOFFMAN. Now, I continue to read from the paper. 'This demonstration by the Detroit and Toledo locals is just a sample of what is going to happen if this strike continues.' What did you mean by that?

"Mr. MAZEY. I meant that if the strike was to continue we would bring additional people, thousands if we had to.

"Mr. HOFFMAN. Thousands, if you had to?"

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"Mr. MAZEY. That is right.

"Mr. HOFFMAN. Clinton is a town of some 1,600 people?

"Mr. MAZEY. That is correct.

"Mr. HOFFMAN. What were you going to do if the strike continued, what were you going to do with a thousand people down there?

"Mr. MAZEY. Convince the community and the people who wanted to scab that it wasn't the way to settle this matter.

"Mr. HOFFMAN. How were you going to convince them, by just having your people present?

"Mr. MAZEY. Just being present."

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"Mr. HOFFMAN. I say, are you familiar with the fact that in Michigan we have a statute which makes it unlawful for more than 50 people to gather together, 30 people to gather together riotously, tumultuously?

"Mr. MAZEY. No, I am not familiar with that and I would like to know what the date of this act is.

"Mr. HOFFMAN. Off the record.

"(Discussion off the record.)

"Mr. MAZEY. We have been conducting strikes for several years and there have been no limitations on our pickets. There isn't any limitation on the number of pickets that we can have.

"Mr. HOFFMAN. There is no limitation on the number of pickets that you can have, but are you aware that you cannot block entrances to any plant?

"Mr. MAZEY. I understand that is unlawful; that is one law that I do not believe in."

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"Mr. HOFFMAN. Weren't you the high-ranking union official in command?

"Mr. MAZEY. No; Mr. McAuley was the ranking official in command. I was a visiting fireman that day.

"Mr. HOFFMAN. I see. With 400 assistants. Well, frankly now, the purpose was to convince Mr. Thomas that the picket line was going to remain around the plant and that any back-to-work movement wasn't going to be successful, wasn't it?"

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"Mr. MAZEY. I think we convinced him, we settled the strike that afternoon."

"Mr. HOFFMAN. I say, that was the purpose?

"Mr. MAZEY. Yes."

* * * * *

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"Mr. MAZEY. Getting back to the observation I was about to make, I want to state that for a number of years we have been assisting sister local unions when they are in difficulty. What took place in Clinton, Mich., has taken place in a number of other communities for the last 10 years. I have been in Flint, I have been in Pontiac, I have been in every section of the State assisting our local unions to settle their problems with management and this is the only time that people seen to have gotten excited in this particular hysterical era that we are living in today with the Taft-Hartley Act and so on; this thing has been made quite an event, quite an affair.

"Mr. HOFFMAN. Quite what?

"Mr. MAZEY. It has been made quite an event, quite an affair, but we have for years, we have been able to build our organization and maintain it on the basis of assisting our local unions when they are in difficulty; we have been doing it for 10 years and we intend to continue doing it.

"Mr. HOFFMAN. Now, let us analyze that just a moment. You intend to continue for example sending in to say Berrien County and Benton Harbor hundreds of thousands of men from other unions in order to assist local unions?

"Mr. MAZEY. If our services are needed; yes.

"Mr. HOFFMAN. And when they come in do you intend to assist them on the picket line?

"Mr. MAZEY. Yes.

"Mr. HOFFMAN. And that is becoming members of the picket line?

"Mr. MAZEY. Absolutely.

"Mr. HOFFMAN. Do I understand that you intend that those picket lines are going to prevent workers from returning to work?

"Mr. MAZEY. No, no; I didn't say that.

"Mr. HOFFMAN. You are going to run right into the local officers when you try that.

"Mr. MAZEY. We have run into a lot of them."

And here is a little more from the McClellan hearings:

Senator MUNDT. You are quoted in this strike bulletin:

"The people who have returned to work are traitors to our cause. They have joined the ranks of the enemy, and they ought to be treated as such."

Did you make that statement?

Mr. MAZEY. I think that I made a statement somewhat in that vein, yes.

Senator MUNDT. At least for the purposes of this inquiry, it is safe to say that that expresses your sentiments?

Mr. MAZEY. It does.

Senator MUNDT. That you consider anybody who disagrees with you and chooses to exercise a different point of view as an enemy?

Mr. MAZEY. No. I think that when you are engaged in a struggle for human rights, Senator, the people who betray you in that struggle are enemies. We have had Benedict Arnolds in our country, and we have had some in the labor movement.

Senator MUNDT. That is saying one thing, but saying anybody who is not for us is against you, that is a little different?

Mr. MAZEY. What is that?

Senator MUNDT. Saying that anybody who is not for you is against you is quite something different from what you have just said about Benedict Arnold. But how about somebody, Mr. Mazey, who never joined your union, and worked at Kohler, and just as long and just as hard as the men who did join the union?

* * * * *

Senator MUNDT. Now, let us take one of these men. He has a job, and a family, and a career of experience working in the plant. If he goes to work or if he went to work during that strike, do you consider him a traitor?

Mr. MAZEY. Yes.

Senator MUNDT. On what basis?

Mr. MAZEY. The purpose of the strike is to improve the wages and working conditions for all of the workers in the plant, whether they are members of the union or not. Anyone who aids the company, who makes it more difficult to achieve economic and social justice at the bargaining table, are betraying the cause of all those workers, and therefore they are traitors.

* * * * *

Mr. MAZEY. * * * Well, this struggle against the Kohler Co. was a struggle for the same kind of freedom and decency we were fighting for all over the world, and anybody that was impeding our efforts in trying to win that freedom and that justice that the workers of the Kohler plants deserve is in the same category as someone who would be fighting against the interest of our country in a war.

Senator CURTIS. In that connection, just what you said here, it is reported in the Milwaukee Journal of August 16, 1954, referring to or quoting you as referring to nonstrikers, and I quote: "They have joined the ranks of the enemy, and they ought to be treated as such. During the war, when they joined the enemy, they were shot when convicted." Did you say that?

Mr. MAZEY. I don't recall specifically, but I may have.

Senator CURTIS. That is all.

Mr. MAZEY. I wasn't suggesting that anybody be shot.

Senator MUNDT. You subscribe to the statement, though?

Mr. MAZEY. Yes.

* * * * *

Senator MUNDT. Your speech said, "Every person in the community, if they are not for us, they are against us."

Mr. MAZEY. That is right.

Senator MUNDT. And you believe that is the way they should be?

Mr. MAZEY. Yes, sir.

* * * * *

The CHAIRMAN. Let me ask you with respect to your statement that people have a right, every worker has a right, to defend his job. Does that apply to the nonstrikers as well as to the strikers?

* * * * *

I am using your language: Every worker has a right to defend his job. Does that apply to the nonstriker as well as the striker?

Mr. MAZEY. We were trying to defend the jobs of nonstrikers, too.

The CHAIRMAN. If it does apply, then you were guilty of improper practice when you massed the strikers in front of the entrance to that property so that the nonstrikers could not get in, were you not?

Mr. MAZEY. I think you might reach that conclusion, Mr. Chairman.

* * * * *

The CHAIRMAN. I am not talking about strikebreakers. I am talking about the man that has the job there, that wants to return to work. Has he not just as much right to go into that plant and work as you have to walk out?

Mr. MAZEY. I don't think he has.

The CHAIRMAN. I think he has. I think in a land of freedom, if a man wants to work, he should have the right to walk into that plant and work.

Mr. MAZEY. I don't think he has.

The CHAIRMAN. I do not think you have a right to put a mass of humanity up there that is calculated to incite him and others to violence if they undertake to return to work.

If you are interested in reading something about Mazey take a look at the following:

Reference to Emil Mazey was made by two witnesses in public hearings before the Special Committee on Un-American Activities on October 19, 1938, during a discussion of factional fights in the early days of the United Auto Workers Union. The witnesses, Clyde Morrow, an employee of the Ford Motor Co., Detroit, and Ralph Knox, a former president of Local 212, UAW, Detroit, testified, respectively, as follows:

"Mr. MORROW. During the Briggs strike, in the strike of 1932, before the strike of 1937, there was a factional fight between the rightwingers and the leftwingers.

"Mr. MOSIER. Do you mean a leftwing group in the Communist Party?

"Mr. MORROW. No, sir; a leftwing group in the United Auto Workers Union. The strike was under that leadership at first. In 1937, or last year, the rightwing leader was a man named Ralph Knox.

"Mr. MOSIER. He was a rightwinger.

"Mr. MORROW. Yes, sir. He was the president of local 212.

* * * * *

"Mr. MOSIER. He was a rightwinger, and was he also a Communist?

"Mr. MORROW. Knox was a rightwinger in the Communist Party nucleus unit when they got rid of him. He was popular in the early days of the Briggs strike. They instituted a campaign of slander against him. One of the slanders was attacking a secretary in the office, and they charged that at another time he was convicted of a serious crime. Through a campaign of slander like that they did undermine him, until a man named Emil Mazey was brought up. Mazey was a member of the Communist Party. He was a substitute man who would give service to the Communist Party as a fellow traveler. Mazey was made president of the local union, and Knox was forced to resign.

"Mr. MOSIER. Is Mazey, the president of that local, a member of the Communist Party?

"Mr. MORROW. He is a fellow traveler * * * he is a member of the Proletarian Party, which is an offshoot of the Communist Party." (Public hearings, vol. 2, p. 1492.)

(Proletarian Party cited by A–1947, C–1953.)

"Mr. KNOX. We started to work on the Meldrum plant * * * owned by the Briggs Manufacturing Co. * * *

"With that type of men we thought, if we could get them in, we could organize the rest of them.

"We did. We had a strike there on the 4th of January, I believe. I had been discharged 4 days before.

"Mr. MOSIER. What date is that?

"Mr. KNOX. January 4, as well as I remember.

"Mr. MOSIER. What year?

"Mr. KNOX. 1937. This was a sitdown strike. It started in my department. It started by men that I had joined up with my group. They sat down for about 3 hours. There were not enough of them at that time. They did not have any leaders whatever. I was on the outside. I do not mean by that that just because I was out that they did not have any leaders. I had been discharged.

"I was over in front of the Packard motorcar plant at the time I heard of this sitdown strike. I immediately rushed back to my plant, and by the time I had gotten over there the workers had been evicted. I saw all of my friends come out carrying their tools, and I knew they had lost that particular strike. They came out one by one.

"I immediately called a meeting, and by that time one Emil Mazey, a young part-time organizer, came up and said that he was connected with the Briggs plant, and the organization of the Briggs plant. He said that he was the international organizer and was going to take charge.

"Mr. MOSIER. Is he a Communist?

"Mr. KNOX. No, sir. He was formerly a member of the Proletarian Party. The Proletarian Party is a small group of this minority political party that seemed to have the idea that when we have the revolution they are going to be the leaders. They think they are the intelligent group.

"However, it developed that this Proletarian Party was too weak among the auto workers, and 7 months ago Mazey quit the Proletarian Party and joined the Socialist Party; that is, the leftwing group. The first-class Socialists would not look at these people. They merely tolerate them. But they have large numbers of them in the auto business. The Socialist Party, to my mind, is the most revolutionary and the most dangerous group in the United States today; that is, the members of this leftwing group. It is a distinct revolutionary group. * * *

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"The CHAIRMAN. I think you have given us the background of it, when the Communists first began to direct or influence the course of strikes, and how they injected themselves into the sitdown strikes. I want you to cover it from the beginning and show, within your knowledge, the development of it from the first time you began to see the Communists exercising their influence.

"Mr. KNOX. The first time I saw Communist influence directed in it—or, I should say, members of the minority political

parties, including Socialists, revolutionary workers, Trotskyites, and so forth, because they worked together against us, so that when we say Communists we do not include all of them. They are not words to group at this particular place. We speak of them as the unity group, and I use the term 'unity,' and we call them Communists in referring to particular groups.

"The first time a minority political group came in was in the case of Emil Mazey. He had not been working, and had not been for some time. He was on the strategy board, the strike board, the grievance board; and there were about 24 of them all together. He was a new man, and proposed that he be elected president of local No. 212, but no man would agree to that proposal. All of us objected to it. He was getting by without any labor experience. He held no office of any kind in organized labor. But we at least decided that we would give him the benefit of the doubt. He was an international organizer and had contacts that we did not have. We thought at least we would see what the members thought about it, and we discussed it with the members. There was not a member of the plant that would vote for him. He then proposed that they elect me as president. He discussed it, or had a discussion with me after this particular meeting, and changed his mind. His next proposal was that Cecil Comstock be elected. Then we became disgusted with him and said we would not agree with any of that but would give the membership the choice. At this meeting, when the officers were being elected, I was nominated. I have spoken of Comstock. I did not want to be president, and I spoke for him, giving what I thought was a good talk in his behalf.

"However, they elected me president. They then elected a vice president, secretary, trustees, and other officers. When we came to name the executive board members Mazey wanted to be on the executive board. He wanted to be one of the members. He jumped up and ran his hands through his hair, and some man said, 'I nominate you.' I do not know his name. We discussed the election, talking about it like ordinary workers do, and we decided that we would vote for him. Then we found that even with our support he barely got in as a member of the executive board. Our troubles began when he got on the board. At meetings of the executive board this man would propose all sorts of stuff that was absolutely new to us, and things we did not want to have anything to do with, such as donating money to Brookwood College.

"Mr. MOSIER. Where is Brookwood College?

"Mr. KNOX. It is somewhere in the East. I do not know where it is. I have seen nobody from Brookwood College that was smart, so far as labor is concerned. At that time I did not think we should spend money for that purpose. He wanted to pay churches and hold church meetings, but we did not want to do that. We voted against that. Mr. Mazey was a very lonesome man around there for 5½ months. He did everything he could to get me removed. After being elected I went back to the shop. * * * During the time I was there the organization began to grow. That went on until the Highland Park plant wanted to come into the union. That was one of the conditions that was insisted on, that the other Briggs plant should join. Those Highland Park plant workers would come to our office wanting to join. Later on Lloyd Jones, the president of Local No. 2, called me from his local inviting our members to attend a meeting. We did not have to do it, but when we spoke of going to this meeting Mazey insisted that we should not go over there. Of course, we were elected officers of our organization, and we should have been not only invited but welcomed at the meeting but he insisted that we should not go, saying that if we should go, something would happen. We went over there and were hardly seated before a rock was thrown through the window and then later a tear-gas bomb was thrown. * * * It was not the company that did that to us, but they tried to give us the impression that the company did it. I learned later that Communists hired a man to throw the bomb in there. * * *

"Mr. MOSIER. Was Lloyd Jones a Communist?

"Mr. KNOX. Yes, sir; he is a Communist. I have visited his home a number of times. In fact, on my most recent visit to Lloyd Jones he said that he would not only support me for president but for vice president of the international union if I would follow the Communist doctrines.

"Mr. MOSIER. After that meeting, when you were tear gassed, what happened?

"Mr. KNOX. We went back home. Then we had the Mack union. They employed two or three thousand men and women. I was a good organizer, and told Mazey how to handle the force. We rented halls and had people down there to sign the people up. We had a great increase in the membership. Mazey would call me the savior of the workers and things like that. It was embarrassing to me. He used my sacrifices to get the people in. The membership went up. * * *

* * * * *

"In connection with the Highland Park affair, I would like to introduce a telegram. The president of the international union sent me a telegram, calling me to keep out of Highland Park. It was warning us not to go there. This was Homer Martin. Evidently, Mr. Martin was badly advised by these minority groups. Those people brought pressure on him to keep those people out. They had begun to oppose this kind of stuff in the union." (Public hearings, vol. 2, pp. 1517–1521.)

The April 1952 issue of March of Labor (C–1954) contained an article by MOL's Flint (Mich.) correspondent concerning the celebration of the 15th anniversary of the great General Motors sitdown victory of 1937 (p. 11). The article commented that on the same platform progressives were sitting side by side with rightwingers, and Emil Mazey was named among the latter.

The Lawyers Guild Review, volume XVI, No. 1, spring 1956, pages 23–26, reported that Emil Mazey addressed the 1956 convention banquet of the National Lawyers Guild (C–1944; I–1956). He was identified in this source as secretary-treasurer of the UAW–AFL–CIO. Mr. Mazey's banquet address was also reported in the Daily Worker of February 21, 1956, page 5.

Some of them were from committee hearings back in 1948; some of them from hearings in the Senate this last year, when Mazey said that, The man who opposes the demands of the union, who tries to go through the picket line is our enemy, just as were the people abroad who fought against our troops in either of our wars or in Korea, and should be treated as such. What does that mean? The chairman of the Senate committee over there asked him what it means when Mazey said they ought to be shot. Think of it. They ought to be shot.

I will cut it short by citing a couple of recent strikes. We had the steel strike. There was no violence there, was there? Here in Washington we had recently 257 chain food stores close. Was there violence? No. What does that prove? Does it prove that the unions have reformed, that they no longer have need of goon squads? Is that what it proves? No, it does not. What it proves is that they have become so strong that the average individual, the average corporation, is so in fear that they dare not open their doors to let in people who want to work; who want to purchase food. That is what it proves.

Just how long is that condition to continue? Here in the Nation's Capital one union with less than 2,500 members says, "No, no; unless we get the amount of wage we demand this store is closed," and it is closed. There is no violence. There is just the threat, just the fear—fear because Reuther and others have become greedy for power—and because of our lack of courage we submit.

Free people: Where are they? Not here in Washington; not in Michigan or other States.

No longer King George levying a tax on tea—just a union levying a tax on our groceries—our babies' food and we sit back and pay.

And the price of everything, to those on relief, on fixed incomes goes up.

On another day I will give the House the names of some of the Reuther and Mazey foot soldiers and pictures of their method of operation.

WALTER REUTHER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Vermont [Mr. MEYER] is recognized for 60 minutes.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MEYER. I yield to the distinguished majority leader.

Mr. McCORMACK. Mr. Speaker, it is not my intention to get into the remarks made by the gentleman from Michigan [Mr. HOFFMAN], except that I think the RECORD should show that when he charges that Walter Reuther is not American and is a Communist, the statements of the gentleman from Michigan [Mr. HOFFMAN] are seriously challenged. I do not like to sit in this Chamber and hear anyone accused of being un-American or of being a Communist simply because there is a difference of opinion on public matters and public questions.

The gentleman from Michigan [Mr. HOFFMAN] and I differ quite a bit on public matters but I thoroughly respect his views and I assume he respects my views. We can disagree without being disagreeable.

My observation of Walter Reuther—and my relationship to him is not particularly close. I have met him several times in a very limited way, but I say this to show that the remarks I now make purely extemporaneously are not actuated by any strong ties of friendship. I would like to have friendship between us, as I would between myself and all others whom I respect, even when I may disagree with them. But neither is what I say actuated by any consideration, political or otherwise. My impression of Walter Reuther is that he is a great American. Certainly he has evidenced that on many occasions. When Mr. Khrushchev was over here recently gallivanting around the country and using the United States and our people as a

sounding board for the advancement and dissemination of Communist propaganda throughout the world, it was Walter Reuther and Jim Carey—and other labor leaders, hard fighters; yes, they are hard fighters, what they believe in they fight hard for—but it was men like Reuther and Jim Carey who gave Mr. Khrushchev the toughest time he had in America. When others, prominent businessmen, wined and dined him and rolled out the purple carpet, it was the labor leaders of the United States who put Mr. Khrushchev through a real ordeal. And when he went back to the Soviet Union he manifested his distemper at the way they stood up for America and showed what typical Americans were, by denouncing them. Then the official publication of the Soviet Union, Pravda, and the others, also denounced the labor leaders, Jim Carey and the others who participated in the meeting the labor leaders had with Khrushchev.

So I hope my friend, talking extemporaneously, did not mean to charge that Walter Reuther is a Communist. The gentleman did not have that particularly in mind. I realize when one is talking extemporaneously sometimes one says things that do not reflect one's sound judgment as it would appear if his thoughts had been reduced to writing. If the gentleman was shooting from the hip, as we say, and I have done that myself on some occasions—I have been guilty of shooting from the hip, but not of charging somebody with being un-American who I knew was not, or being a Communist when he was not. The gentleman did not have that in mind, I hope, and I suggest that he strike that language out in his revision of his remarks.

Mr. HOFFMAN of Michigan. If the gentleman will yield, if I said what I thought I was saying, I have no proof, card-carrying proof, that Walter Reuther is a Communist. If I had I would have put it in the RECORD. I said, if I can summarize and impose on you for just a minute—if I did not say it I intended to, because I have said it before—that in many things Walter Reuther is an ideal citizen. He is kind to his wife and his family. He does not drink, chew, or smoke. I did say, or I think I said, at least I intended to, that while I did not know he was a Communist he is so close to that, so far to the left of the Socialist line, that it is difficult for me to distinguish by his statements.

Mr. McCORMACK. The gentleman went further than that.

Mr. HOFFMAN of Michigan. No; I do not think so.

Mr. McCORMACK. But taking the gentleman for what he just said, I would rather the gentleman would accuse somebody of being a Communist than what he just said, because he is riding two horses. He can say, "I did not say he was," but certainly he conveyed the impression to everybody who heard him or might read his remarks that he is making that charge. You know as well as I do that you are a good American.

Mr. HOFFMAN of Michigan. I hope so.

Mr. McCORMACK. I admit it.

Mr. HOFFMAN of Michigan. That does not make it so, either.

Mr. McCORMACK. I am a good American. Is that right?

Mr. HOFFMAN of Michigan. You? As far as I know, you are a topnotcher.

Mr. McCORMACK. Do not ever accuse me of being otherwise. Oh, thank you.

Mr. HOFFMAN of Michigan. Do not threaten me. I am naturally irascible and stubborn, I might say, too.

Mr. McCORMACK. Jim Carey is a good American. You might disagree with him.

Mr. HOFFMAN of Michigan. Who?

Mr. McCORMACK. Jim Carey. Do you know him?

Mr. HOFFMAN of Michigan. Oh, yes; the Secretary-Treasurer of the CIO. I think he is a fine young man.

Mr. McCORMACK. He is a good American, is he not?

Mr. HOFFMAN of Michigan. You cannot pin me down because I do not know just how far he goes, but I have debated with him. I think he is a fine young American. How "screwy" he can get in his head I do not know, and that is none of my business.

Mr. McCORMACK. That is a question of fact.

Mr. HOFFMAN of Michigan. Opinion, not fact.

Mr. McCORMACK. Yes. I might disagree with the gentleman in some respects. You will also agree that Walter Reuther is a good American?

Mr. HOFFMAN of Michigan. No.

Mr. McCORMACK. You will not?

Mr. HOFFMAN of Michigan. No. No man who for 20 years stands up and defies the law-enforcing authorities and the courts is a good American.

Mr. McCORMACK. You said he was a Socialist. Do you consider a Socialist a Communist?

Mr. HOFFMAN of Michigan. I do not know what a Socialist is.

Mr. McCORMACK. In other words, you said he was a Socialist, and now you are saying you do not know what a Socialist is. Do you mean by a Socialist, one who voted for unemployment compensation?

Mr. HOFFMAN of Michigan. If you tell me the difference between socialism and communism—just where is the line?

Mr. McCORMACK. My dear friend—there is a marked difference between them. I am amazed.

Mr. HOFFMAN of Michigan. This is a remarkable exhibition of ignorance.

Mr. McCORMACK. Many Socialists believe in a government of laws and are against dictatorships. I may not agree with their philosophy of government and what they advocate so far as the nationalization of certain of our industries is concerned in whole or in part, but there are different types of Socialists. As a matter of fact, the strongest opposition to communism outside of the religious groups throughout the country, and I might say the religion of which I am a communicant is certainly very strong against communism, is socialism. I do not believe in their philosophy of government, but one thing is certain, socialism does not mean communism. If the gentleman from Michigan says that Reuther is a Socialist—on what ground does he claim that he is a Socialist—because he advocates unemployment compensation?

Mr. HOFFMAN of Michigan. I will tell you. The reason for my remarks is this. Mr. Reuther is a wonderfully fine family man, and so on and so forth. He is very able. But the reason for my remarks is his persistent and consistent defiance of the law and that does not make him a good American.

Mr. McCORMACK. But then you later said he was a Communist.

Mr. HOFFMAN of Michigan. Oh, no; wait until you get the RECORD tomorrow.

Mr. McCORMACK. I know, but you just now said the same thing. You certainly conveyed that impression.

Mr. HOFFMAN of Michigan. I said he was so darn close to the Communist line in some of his philosophy.

Mr. McCORMACK. What is his philosophy?

Mr. HOFFMAN of Michigan. I said he was so darn close to the Communist line in some of his philosophy that there is nothing you can do with him.

Mr. McCORMACK. What is his philosophy that he is so close to it?

Mr. HOFFMAN of Michigan. His philosophy?

Mr. McCORMACK. Yes.

Mr. HOFFMAN of Michigan. His philosophy is that the workers shall control the country and its government.

Mr. McCORMACK. Of course, Reuther never said he stood for that and you know that.

Mr. HOFFMAN of Michigan. Reuther has a right to stand for that, but he has no right to violate the laws now in existence and violate them by violence and the destruction of property as he has for these 20-odd years openly and above ground, and I can show you pictures and the history of the strikes all the way through that he has stood in open defiance of our laws.

Mr. McCORMACK. What about the coal mine owners who exploited human beings? Would you say that they were Communists?

Mr. HOFFMAN of Michigan. Who?

Mr. McCORMACK. What about the coal mine owners who exploited human beings years ago and what about the steel mill owners who exploited human beings years ago; would you say they were Communists?

Mr. HOFFMAN of Michigan. I would say if they were exploiting human beings that they were guilty of a most dastardly thing, and if they violated the law, they should have been punished for it.

Mr. McCORMACK. What would you say about them? Would you say that they were Communists?

Mr. HOFFMAN of Michigan. Who? The coal mine owners?

Mr. McCORMACK. Yes; the coal mine owners who exploited human beings not so many years ago.

Mr. HOFFMAN of Michigan. If that is what they did—no—they were not Communists.

Mr. McCORMACK. In other words, you would say that they were not Communists, but somebody else you would

label as a Communist if there is a difference of opinion on certain public issues.

Mr. HOFFMAN of Michigan. If they did that, then they violated the law. As always, you are very able and very adroit and you are trying to switch the issue. The question here is: Is Walter Reuther a crook? And I say he is a crook and I can prove it.

Whoa! A crook, in the ordinary meaning of that term, does not describe Reuther or any of his activities.

What I intended to say, as several times this afternoon I have said, is that Walter Reuther has been a consistent violator of our Michigan law. He has, through Mazey, and perhaps others, advocated or condoned violence and the destruction of property, and that I can, by the record, prove. The strikes that he and his associates and henchmen have engaged in many times follow the Communistic line.

Mr. MEYER. Mr. Speaker, perhaps I will terminate this particular discussion by saying that in my opinion, I believe any person who openly hints that anyone is a Communist without any proof and seeks to discredit that person is not too much in my opinion. Therefore, Mr. Speaker, because the gentleman from Maryland [Mr. JOHNSON] has a previous commitment and because the gentleman from Maryland has a special order to follow me, I ask unanimous consent that he may be permitted to proceed at this time and to precede me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

PROPOSED ESTABLISHMENT OF NATIONAL ADVISORY COMMISSION ON SMALL TOWNS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland [Mr. JOHNSON] is recognized for 5 minutes.

Mr. JOHNSON of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks and include a bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. JOHNSON of Maryland. Mr. Speaker, during the last session of Congress, I observed that great stress was placed on the problems of the large metropolitan areas, with little or no discussion about the small towns. While I can appreciate the problems that confront our large cities, I feel it is unjust to neglect our towns which, in my opinion, have magnified and made a lasting contribution to our American way of life. In fact, more than 200 Members of the present House of Representatives and over half of our present Senators were born in small towns. The annals of business and industry and the records of achievement in the professions are filled with evidence that our small towns have cradled and nourished a large number of our greatest and most outstanding citizens. Furthermore, 51 percent of our Nation's population live in towns whose communities have contributed so greatly to the general economy of our country. On the Eastern Shore, comprising the First District of Maryland, we have many lovely small towns which, with few exceptions, have a population of less than 5,000. They are confronted by many problems caused by the changing times and rapid industrial developments. We have witnessed business corporations constantly becoming more concentrated in size, and this has created new problems for the merchant and small independent businessman on Main Street. Rapidly increasing costs of education, of our municipal government, of adequate police and fire protection, the lack of adequate freight and passenger service, have all contributed to the problems of the progressive people of small towns. I have, therefore, introduced today a bill to create a commission to be known as the National Advisory Commission on Small Towns. This Government agency would primarily conduct the necessary research into the problems of our small towns with the view to producing productive remedies to stimulate economic growth. It is quite obvious that much of our area still suffers from the pangs of an economic recession. The Commission to be established would serve without pay or remuneration other than personal expenses. The members would be selected from the leaders of the areas where small towns exist and their duties would be to deal exclusively with problems which no other Government commission has been created to analyze and study—the unique problems of our small town communities. It would report to Congress, to the Governors of the respective States, and to local groups with suggestions on how small communities can help themselves and how, through cooperation with the Federal Government, the Government in Washington could help small towns. This assistance, through cooperative effort, would not be one of direct financial assistance or Federal grant, but would develop recommendations of value to the community leaders and work in coordination with any and all State and local development and planning commissions. There are towns that are progressing, while others apparently are falling back and are failing to resolve their problems. It is hoped that the proposed Government Commission to study the problems of small towns will come up with reports and recommendations which will enable all of our smaller communities to do successfully—which some of them are doing presently—namely, to analyze their opportunities, to reappraise their advantages, create new enterprise, attract more business and capital, and move forward into eras of happier living and more prosperous economic activity.

None can challenge the statement that the small towns of America have contributed a great share in helping America become great; so now is the time for a great America to pay that debt in part, by coming to their aid by a study of the problems that threaten their survival.

Mr. Speaker, under unanimous consent, I include a copy of the bill to create a National Advisory Commission for Small Towns at this point in the CONGRESSIONAL RECORD:

Whereas small towns with populations of 25,000 and under have contributed greatly to the growth of America and aided it in reaching its dominant place in world markets; and

Whereas the continuance of such towns as a stable part of our national economy is essential in the face of the technological advances and the tendency to greater industrial concentration; and

Whereas small towns lack the necessary facilities for research and proper planning in order to combat their many new problems; and

Whereas the wholesome family life and community spirit found in small towns has been, and still is, one of the truly important heritages handed down from generation to generation and is fundamental to a sound American community life that is highly desirable; and

Whereas the Congress of the United States has not created a Commission specifically designated to study the problems of small town communities: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF THE COMMISSION

SECTION 1. There is hereby established a Commission to be known as the National Advisory Commission on Small Towns (small towns being designated as those having a population of under 25,000) hereinafter referred to as the "Commission".

MEMBERSHIP ON THE COMMISSION

SEC. 2. (a) The Commission shall be composed of eleven members to be chosen as follows:

(1) One each from the ten numbered judicial districts of the United States, with the eleventh member "at large", all to be chosen by the President of the United States for a term of four years.

(2) The eleventh member shall be designated by the President as Chairman of the Commission.

(3) No more than six members of the Commission, including the Chairman, shall be of the same political party.

(4) The Vice-Chairman shall be chosen by the members of the Commission and shall serve during the term of the then Chairman.

(b) Six members of the Commission shall constitute a quorum, but any lesser number may conduct hearings.

(c) Any vacancy in the Commission shall in no manner affect its powers. It shall be filled in the same manner in which the original appointment was made.

(d) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a full or part-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall make a thorough study of present Federal policies and programs and their relationship to the problems of small town areas of the United States for the purpose of determining—

(1) Such matters as may be of assistance in helping solve the various problems of, and promoting the economic and social well-being of the Nation's small town areas.

(2) Investigate present and prospective needs of small town areas, with relation to public services, including but not limited to, planning, natural resources, school and recreational requirements, municipal financ-

ing, with particular attention given to business expansion, including ways and means of attracting new business to the small town areas, and accumulate such data from other agencies and commissions of the Federal Government necessary to expedite aid, to offer advice and research facilities to improve the needs of the said areas.

(3) The extent to which the Federal Government is at present assisting small towns in meeting such needs, and to establish effective liaison between the States' economic and industrial development planning commissions, and their local subdivisions.

(4) The extent to which the Federal Government can make available, through a wider dispersal of Government procurement operations and possible location of Federal facilities.

(5) To what extent a direct allocation of contracts for the component parts of items used in our defense program can be manufactured or fabricated in small towns, to take advantage of the skills and facilities of the small towns in order that their economy be strengthened by earmarking a definite proportion of the several billions of dollars that Congress has and will approve for our national defense program.

(6) Together with other matters that may be of benefit to small town areas in helping promote their economic and social well being.

SEC. 3. (b) The Commission shall submit to the President, the Congress, and the Governors of the respective States on or before July 1 of each year, commencing in 1961, its findings and recommendations. The Commission shall make such interim reports as the President from time to time may request, or as the Commission deems appropriate.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission, or on the authorization of the Commission, any two members thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to receive from any department, agency, or independent instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission, upon request made by the Chairman, or the Vice Chairman when acting as Chairman.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 5. (a) The members of the Commission shall serve without compensation.

(b) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

NUCLEAR WEAPONS SHARING—SHOULD THE UNITED STATES GIVE AWAY H-BOMBS?

The SPEAKER pro tempore. The gentleman from Vermont [Mr. MEYER] is recognized for 50 minutes.

Mr. MEYER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. MEYER. Mr. Speaker, the current political atmosphere is filled with wordy references to "peace." Never have the words been matched sufficiently by acts. Presumably we all desire peace to the extent of indulging in vague and general discussion. Despite the fact that we, as Members of Congress, have joined in this chorus, there is a dangerous tendency to accept as fact statements to the effect that the Congress of the United States, especially the House of Representatives, can have very little to do with the foreign policy of our country.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MEYER. I yield to the gentleman who always is well informed on such subjects.

Mr. JOHNSON of Colorado. I think the question which the gentleman raises with respect to nuclear energy and the use of the bomb is one of the most profound policy questions in America.

I was very much impressed to read in the Denver Post of February 6 a very fine statement by Roscoe Fleming, summarizing the need for reason to be applied in this area and summarizing the facts about atomic tests we have already had. Unfortunately Mr. Fleming wrote this article before the French explosion of their atomic bomb so his views are somewhat outdated by that fact; nevertheless, there is so much of interest and truth in Mr. Fleming's article that I ask unanimous consent to extend it at this point in the RECORD, pointing up the issue about which the gentleman from Vermont is about to speak.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The article referred to follows:

REASON'S RULE, AND MAN'S BOMB

(By Roscoe Fleming)

For 14 blessed months no deadly radioactive dusts have been exploded into the atmosphere of the world, by tacit agreement between nuclear-armed nations.

For this relief, much thanks. But now our Nation has given notice it may resume, as some people have always wished. But apparently our notice can also mean that we won't resume if others don't.

Let's hope so, for the growing alarm and distress have been such that the first nation which again fired off a big bomb might forever lose the moral backing of the world.

And what with "On The Beach" and other things, people everywhere seem to be learning that the contest is not just one between two nations, but between the human race and the possibility of its eventual suicide.

The United States has fired off bombs totaling in all about 90 million tons of TNT, explosive power, and the Russians about 80 million tons. This aggregates many times the power of all the chemical explosions in history.

Of this total, again, about 90 million tons were of the fission type which produces the deadliest byproducts, including strontium 90. Some is still in the atmosphere, some has come down, a little of it to find lodgment in the bones and genes of men. Only a little, but enough to make a difference in our racial development, almost all bad.

In other words we have already degraded mankind biologically, even if slightly. Every estimate of safe amounts of exposure has been successively reduced, and now the biologists say that so far as the race's future is concerned there is no safe minimum.

The most interesting section of a fine new book, "The Ocean of Air" by David I. Blumenstock (Rutgers University Press, $6.75) describes the way the wind currents of the globe would carry the fallout resulting from a nuclear war.

He sees no universal suicide as in "On the Beach," but that fallout would punish most severely the nations that put it into the air, by circling the globe at much the same latitude—we'd get the Russians' and they'd get ours, over and over and over.

A megaton war would cause deadly fallout over perhaps a million square miles of each nation; only neither nation could tell exactly where that million square miles would be.

And the spread might be such that ultimately each might be peopled, if at all, by things resembling the trolls or kobolds of German legend, and likewise living in caves.

A wonderful prospect. And probably living as wards of a world unwilling to let the perpetrators of all this, ever again take part in the freedoms and deliberations of saner or more fortunate peoples.

You can imagine what you wish but I can imagine no happy consequences whatsoever from a resumption of this atomic arms race by anybody.

America and Russia for years resembled a couple of men in a warehouse full of dynamite, each with a .45 trained on the other's belly. For either to have pulled the trigger would have meant mutual suicide, and a stray bullet could blow up the town.

Finally each holstered his weapon, but stands ready to draw again. There seems to be a little more hope all the time, just from the working of the rule of reason and the inevitable sequence of events, that in time both will lay their weapons aside, in the midst of a long sigh of community relief; and continue their contest, if it must continue, in peaceful ways.

And the community would think pretty hard of the one who again tried to get the lethal drop on the other.

Mr. MEYER. Mr. Speaker, in the quest for peace, words must be matched with deeds and deeds require funds. For a long time the American people have seen their tax money spent all over the world. I say that so long as so much of their welfare depends on international relations they are going to demand that that House, which speaks for the people and handles their money, play an equally important part in setting foreign policy. This is a change in the American system which is inevitable.

International relations is today's important area of national concern and legislation. The survival of our Nation depends on our foreign policy. If the Congress of the United States cannot meaningfully discuss, deliberate, and help to make decisions in this vital area, it fails to be the instrument of democracy that our forefathers fought so hard to establish. Important decisions that shape our foreign policy cannot in balance be made by the executive branch alone.

Recent press reports indicate that a serious policy change or modification is being contemplated by the administration, namely, the transfer of nuclear weapons to other nations.

The importance of any decision to transfer actual nuclear weapons to other countries cannot be overestimated. The consequences of such a decision will directly affect our people as well as all other peoples of the world. In considering such a change, Congress must participate. We must act responsibly. At a minimum, we must discuss the seriousness of this decision in full and open debate.

In this same vein, our esteemed colleague on the Joint Committee on Atomic Energy, the gentleman from California [Mr. HOLIFIELD], addressed us on this floor Tuesday, February 9. His evaluation of the seriousness of the President's proposal was stated as follows:

> The transfer of completed or uncompleted nuclear weapons is a matter of the greatest international importance. The peace of the world might well rest on this problem and the manner in which it is solved. (CONGRESSIONAL RECORD, 86th Cong., 2d sess., p. 2363.)

He pointed out that the problem was a complex one which "cannot be solved by public statements which may whip up editorials or sentiment from those who do not understand the complexity or the fateful nature of the problem." He also entered a plea that we do not try to solve this problem "through subterfuge or a calculated program of deceit," and he continued:

> Let us lay the problem on the table and talk sense to the American people and our allies. Unless we can bear the burden of new challenges, through the exercise of our historic democratic processes of discussion, debate, and publicly arrived at decisions, then our way of life is doomed. (CONGRESSIONAL RECORD, 86th Cong., 2d sess., p. 2363).

Mr. Speaker, it is in this spirit of discussing fully the vital issues of the day that I offer my remarks. Primarily, I would like to review our past experience in the consideration of questions related to nuclear weapons sharing and to focus attention upon the major issues involved in decisions of this nature. This may serve as background material for a full-dress debate in the future.

Mr. KOWALSKI. Mr. Speaker, will the gentleman yield?

Mr. MEYER. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. I feel called upon to rise and try to point out what it is we are giving away, the devastation that we are giving away to the world. According to estimates that have been made for me, one hydrogen bomb with one megaton capacity is equivalent to 288,000 blockbusters. This is as though you would load a train 200 miles long with blockbusters and explosives. In other words, one megaton bomb is equivalent to that. We can make them, as I understand it, and the Soviets can make these bombs of 10 to 15 megatons, if necessary. That is equivalent to a loaded train the distance of the width of our United States. You can imagine what it is we are giving away when we give away a megaton bomb.

Mr. MEYER. I thank the gentleman from Connecticut. I am sure his words should be heeded because of his distinguished military career and because he serves on the Committee on Armed Services of the House.

I realize, Mr. Speaker, that the administration proposal to amend the Atomic Energy Act in order to permit the sharing of nuclear weapons is not yet formally before this body. And in this connection, I deplore, and I believe that it is the sense of this body that Congress rejects any of the reported suggestions that the President himself, acting independently and without recourse to Congress, can make this grave commitment for our country, either under the guise of "inherent powers of the President" or by overstretching the interpretation of the word "custody" as it is now used in our acts and treaties.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. MEYER. I yield to the gentleman from New York.

Mr. LINDSAY. May I ask the gentleman from Vermont whether or not he is clear in his own mind as to whether he is talking about nuclear weapons themselves or the nuclear know-how?

Mr. MEYER. I am definitely clear in my own mind about the difference between nuclear weapon systems, information, and nuclear warheads. The original agreement covered nuclear information and nuclear weapon systems, not the nuclear warheads themselves. The future is what I am talking about, and I think the rest of my talk will cover this adequately.

Mr. LINDSAY. I thank the gentleman.

Mr. MEYER. I thank my good friend, the gentleman from New York.

In this particular instance, I am grateful to note that the President himself has stated that the basic law, the Atomic Energy Act as amended, would need to be further amended before transfer of nuclear weapons to other countries would be allowed. We are also grateful to the gentleman from California for so ably outlining to us, in his speech on February 9, the specific conditions under which such a transfer could take place.

I am also aware, Mr. Speaker, that the present administration's stand on this issue is not clear. After initial reports that a serious effort would be made to transfer actual nuclear warheads to some of our allies, a more recent clarification by the President's associate press secretary, Mrs. Anne W. Wheaton, declares that no legislative action is under "preparation" even though "possible" amendments to the act are "under continuing review." This partial retreat on the part of the administration reflects the sharp, negative reaction that its original proposal received from segments of the American public, including spokesmen in Congress, and from some of our allies. However, the President's chief press secretary, Mr. Hagerty, has stated that the administration is "exploring the possibilities" of changing the law on the subject. This being the case, and given the momentous nature of the decision, we in Congress must study the facts and analyze the consequences of such a proposal.

Members of this body realize that the problem we are faced with now grows out of related matters that many of us sought to discuss last summer. At that time we were asked to approve—by silent acquiescence—certain agreements with seven of our allies under which nuclear know-how and nonnuclear parts of atomic weapons systems would be transferred. Mr. Speaker, at that time a few of us on this floor publicly advocated the rejection of these treaties. We sensed an apprehension on the part of many and a concern on the part of all that the transfer should not involve the actual weapons of nuclear war. Now this apprehension and concern have been fully justified by current reports of a proposal to transfer nuclear warheads.

I realize that events in this world are not black or white, but all of us as public officials know that lines must be drawn somewhere. Many of us wanted to draw the line last summer; most of us seemed to have wanted to draw the line short of the transfer of actual nuclear weapons. The danger in politics often lies in inability to hold the line. Under the pressure of emergencies and ad hoc reasons, ground is given until it is found that there is nothing left to stand on. We are faced with that danger on this vital issue.

Our concern for holding the line at a point short of the transfer of the actual weapons of nuclear warfare can be seen in our earlier deliberations.

The authority to transfer nuclear information and nonnuclear parts of atomic weapons and weapons systems was granted by Public Law 85–479, amending the Atomic Energy Act of 1954. The Joint Committee on Atomic Energy held extensive hearings from January to May of 1958 on the proposed amendments, and paid particular attention to the language so as not to include authority to transfer nuclear weapons. This concern is readily seen in the following excerpt from the committee's report:

> Throughout the hearings and in its deliberations, the Joint Committee was mindful of the fact that the amendments originally proposed by the Atomic Energy Commission might have been interpreted in such a way as to enable a "fourth nation" to achieve a nuclear weapons capability. It was primarily due to this possibility that the Joint Committee made certain changes in the language first recommended by the AEC (H. Rept. No. 1849, 85th Cong., 2d sess., pp. 9–10).

The Joint Committee in its report also stated that it "relied heavily upon the good faith of the executive branch in its assertion in the January 27, 1958, letter forwarding the proposed amendments." The executive department's assertion read as follows:

> It is not intended that manufactured nuclear components of weapons could be transferred under this amendment, nor that we promote the entry of additional nations into the field of production of nuclear weapons. (H. Rept. No. 1849, 85th Cong., 2d sess., p. 12.)

It is obvious from the record that the 1958 amendment to the Atomic Energy Act as originally proposed by the administration met with some resistance initially in the Joint Committee on Atomic Energy to which it was referred. After lengthy hearings and deliberations, the Joint Committee reported a bill containing the administration proposal but with several amendments which the Joint Committee labeled as "safeguards." The Joint Committee in 1958 was at that time aware of the dangers of increasing membership in the nuclear club and of the resistance that such a suggestion would properly encounter among the Members of Congress. In leading off the debate on the 1958 amendment on the floor of this House, the then chairman of the Joint Committee, Mr. DURHAM, said:

I want to make it extremely clear at the outset that this bill does not permit nor authorize the transfer of nuclear weapons by the United States to any nation. American nuclear weapons will remain within the custody of the United States. The Atomic Energy Act of 1954, as it stands today, does not authorize the transfer of nuclear weapons to another nation. The proposed amendments to the law, before you today, will not change this. (CONGRESSIONAL RECORD, vol. 104, pt. 9, p. 11778.)

With reassurances throughout the floor debate in the House that nuclear weapons would not be transferred and with some voting for the measure with "uneasy qualms," the proposed amendment passed the House by a vote of 345 to 12. In voting against the measure and speaking forthrightly against it, the gentleman from Illinois [Mr. O'HARA] ended his case on the following note, which is still applicable today:

What is proposed now is to encourage other nations to load up with atomic weapons and to increase their power of producing them. It is all well enough to say that at the present time the only nation that could qualify is Great Britain. That is the fact—at least as I understand it—at the present time; but what it will be in a few years I do not know, nor does any Member in this body.

At the present time we are reaching for an understanding so that the atomic weapon can be outlawed forever. It may be that the progress is slow, but we are not going to help that progress by encouraging other nations to get into the race of building more and more atomic weapons. (CONGRESSIONAL RECORD, vol. 104, pt. 9, p. 11789.

In 1958, when the seeds of disaster were planted, voices outside of Congress warned of the consequences of such a move. Mr. George Kennan wrote in the February 1958 issue of Harper's magazine:

I cannot overemphasize the fatefulness of such a step. I do not see how it could fail to produce a serious increase in the existing military tension in Europe. * * * Moscow is not going to be inclined to entrust its satellites with full control over such weapons.

If, therefore, the Western continental countries are to be armed with them, any Russian withdrawal from Central and Eastern Europe may become unthinkable for once and for all, for reasons of sheer military prudence, regardless of what the major Western powers might be prepared to do.

In addition to this, it is perfectly obvious that the larger the number of hands into which the control over atomic weapons is placed, the smaller will be the possibility for their eventual exclusion from national arsenals by international agreement.

Last summer, when we were asked to enter into the actual agreements authorized by the 1958 amendment, the Joint Committee, again very much concerned, wanted to be reassured that the transfer of the nuclear weapons themselves was not involved. The following excerpt from the committee's hearings bears out this fact, and tells us the administration's position on the issue at that time:

Mr. WHITE (Mr. Ivan B. White, Deputy Assistant Secretary for European Affairs, Department of State). * * * All of the agreements provide specifically that there will be no transfer of nuclear weapons. The agreements in no way alter the fact that nuclear warheads in the NATO atomic stockpile remain in U.S. custody in accordance with U.S. law.

Senator ANDERSON. Do you know of any present plan to ask for the modification of that law?

Mr. WHITE. I know of no intention. ("Agreements for Cooperation for Mutual Defense Purposes," hearings before the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, 86th Cong., 1st sess., June 11, 12, 17, July 1 and 2, 1959, p. 83.)

Clearly, the administration has changed its story in less than a year. Some of us will say and have said that the logic of the situation—and the administration must have been aware of this—dictates no other course; the logical next step is now openly declared to be the transfer of the actual warheads themselves.

During one of our sporadic attempts to have the 1959 nuclear materials sharing agreements discussed on this floor, our colleague from Oregon [Mrs. EDITH GREEN], made a statement which present circumstances must label as prophetic. She said:

I know, Mr. Speaker, that we are being assured that the nations party to these agreements will not be receiving combat-ready bombs. They will be receiving nonnuclear parts of weapons. Or they will be receiving nuclear materials of a nonweapon type. In short, Mr. Speaker, we are being told that it is necessary in order to boost the morale of some military and political figures in Western Europe, to give them guns—guns with barrels, with triggers, with stocks, with gunsights, with manuals on the care and use of the gun—with, in short, everything but bullets—just yet, anyway. Mr. Speaker, either the nonnuclear powers involved in these agreements do not want these weapons, or they want them in usable form. I do not know which answer conforms to the facts, but I do believe the existing situation indicates clearly that the administration is not being completely frank with the Congress in discussing the real place which these agreements have in our security program and that of our NATO allies. (CONGRESSIONAL RECORD, vol. 105, pt. 10, p. 13130.)

Last summer, those of us who sponsored concurrent resolutions opposing the nuclear materials sharing agreements were unable to bring these concurrent resolutions to the floor for full debate. I know that our concern and apprehension were shared by many in this body. I believe that it is honest and accurate to say that our doubts lingered and loomed larger as the days went by—even after the 60-day time limit in which the agreements could have been negated had expired—for, as you will recall, on July 28, 1959, the gentleman from Florida [Mr. BENNETT], offered an amendment to the mutual security appropriation bill which in effect would have prohibited the use of funds to implement the nuclear sharing agreements. That amendment was defeated, but only because of those forces and pressures which originally joined to prevent a full and fair discussion of this matter. A division of the House showed that 31 percent of the Members present and voting supported the amendment. In effect this meant that they disapproved of the seven agreements. I believe that it is also accurate to say that that vote demands and justifies full debate and discussion before any further fateful steps are taken.

Mr. Speaker, the President rests the administration's case for the dispersal of nuclear weapons primarily upon the time factor in military operations, on the notion that our allies should lose no time in retaliating. This argument is inconsistent with the administration's insistence that we possess the capability of effective massive retaliation against any foe. Other plans, far less risky albeit a bit more expensive such as a 24-hour bomber alert, have been proposed, but the administration has dismissed these as being unnecessary for our present security. How then can there be a military necessity for us to hand to others a sensitive and deadly weapon which we ourselves have thus far so jealously guarded?

We have come a long way since the days when we so distrusted American scientists in the handling of nuclear weapons data that we lost the use of some of the best brains in this country. Now we speak not of sharing nuclear weapons data—we decided that 2 years ago—but of sharing the actual nuclear weapons with other nations. Aside from the question of the trustworthiness or reliability of our present and future allies, we ought to realize that our, as well as their, sentiments and fortunes shift and change. The sharing of nuclear weapons with other countries may be an irrevocable step along a path over which we, despite our changing fortunes, will have no control. In fact, we may then well be partially at the mercy of not one or two but of several nations who have the capability of waging nuclear war.

I grant that there are risks involved in not sharing weaponry with allies. But it seems clear to me that the risk involved in sharing nuclear weapons is far greater than the risk of not sharing. During our debate last summer I said:

I think it is obvious that agreements which spread the knowledge of nuclear warfare and nuclear weapons and the way to carry on such a war are something like putting oil on water. The purpose of putting oil on the water is to pacify the water, but the oil spreads over the water. And that is the danger of nuclear war risk, that it would spread in this manner. (CONGRESSIONAL RECORD, vol. 105, pt. 10, p. 13122.)

I believe the analogy is still appropriate. And yet, now that the oil has been spread, the suggestion is being made

that the matchboxes be distributed. Is there no end to folly?

An effective, positive case can and shall be made against any proposal to spread the custody and placement of nuclear weapons. The gentleman from Iowa [Mr. WOLF] has in this session started to delineate this case because of his grave concern over our drift toward war. I wish to commend him for his remarks of February 4. The gentleman from California [Mr. HOLIFIELD], whose remarks of February 9 I have already referred to has very ably given us factual data necessary to the discussion of this problem and has alerted us to the gravity of the issue.

We should also listen to other capable voices raised to question the advisability of our sharing nuclear weapons. It has been reported that the executive committee of the Federation of American Scientists, a group composed of 2,000 leading American scientists and engineers, predicts catastrophic folly will result if the administration pushes ahead with its proposal for sharing nuclear weapons. Calling such a move the most dangerous type of shortsighted opportunism, the group further declares:

> After this step, there would be no hope of preventing these devastating weapons from sweeping further into completely irresponsible hands.

Instead of distributing nuclear weapons into more hands, the scientists urge increased attention to the Geneva nuclear test ban talks, and I wholeheartedly support their suggestion.

On November 17, 1959, "recognizing that the danger now exists that an increase in the number of states possessing nuclear weapons may occur," the main political committee of the United Nations adopted by a vote of 66 to 0 a resolution sponsored by Ireland which suggests that "the powers producing nuclear weapons would refrain from handing over the control of such weapons to any nation not possessing them." This concern by the United Nations was recently reiterated by its Secretary General Dag Hammarskjold. In an interview early this month, Mr. Hammarskjold indicated his disagreed sharply with President Eisenhower on the desirability of the United States sharing its atomic weapons with its allies. He said he was deeply worried by some recent trends toward proliferation of nuclear weapons.

Furthermore, we would be mistaken if we too readily accept the conclusion that our allies will all be quite happy to receive atomic weapons. In fact, the President's recent remarks on the possible giveaway has deeply disturbed Great Britain. As reported by the press, part of the British fear of the administration's proposal arises from the possibility, if not the probability, that West German forces may fall heir to nuclear weapons. Many others share this fear. The report concludes that—

> The British are in no mood to accept President Eisenhower's leadership on nuclear weapons.

The Times of London sees difficulty in long denying West Germany entry into the nuclear club, and concludes:

> There is everything to be said for keeping the conditions of entry to the nuclear club as stiff as possible until the day when the club itself can be abolished altogether.

The Manchester Guardian states that it is a dangerous assumption on the part of the President to think that the spread of nuclear technology among the Western allies is an appropriate way to strengthen the West. The Guardian further questions the tactical utility of nuclear weapons through Europe and observes:

> The possession of nuclear weapons by the countries of Western Europe can only make world solidarity harder to reach.

Most of the objections which have been voiced, Mr. Speaker, can be found in questions that I raised when several of us attempted to get discussion last summer on specific agreements for the sharing of nonnuclear parts of weapons systems. I started out by asking:

> How can we be sure that these agreements will not lead to further agreements and giveaways of nuclear secrets and weapons? How can we be sure that the allies of today may not become less friendly and turn against us or even by mistake place us in jeopardy by hasty action? (CONGRESSIONAL RECORD, vol. 105, pt. 10, p. 13641.)

I continued:

> How can we find a way to limit nuclear testing; or to negotiate for peace and disarmament if we spread nuclear information and weapons systems to country after country?

And I concluded by asking:

> Will competition in ways of war lead to cooperation in the ways of peace?

The argument made against the spread of nuclear information and nonnuclear parts in 1958 and 1959 are more cogent today and apply with greater force to the transfer of actual nuclear weapons. I am sure that if the administration, even after the strong sentiments and valid arguments expressed against its position, should formally propose to amend the Atomic Energy Act to allow nuclear weapons sharing, the Joint Committee on Atomic Energy will scrutinize such a proposal very carefully. The words of the administration should be weighed against its past pronouncements and subsequent actions.

We in this body must realize the far-reaching effects of this recent proposal to share our nuclear weapons. As stated on this floor last week:

> The spreading of these terrible weapons in more and more hands will increase the mathematical chances of a nuclear war and is a long step away from the negotiating tables for peace and disarmament. (Mr. HOLIFIELD, CONGRESSIONAL RECORD, 86th Cong., 2d sess., p. 2364.)

Now is the time to think seriously about this grave proposal so lightly evaluated and advanced by the administration. It is our responsibility to turn the light on the skunk that skulks in the night. I can smell him and must insist that this time Congress and the American people get a chance to see him in the light of free and open debate. This is more than a passing incident in the struggle to prevent war. This is a keystone vital to the preservation of civilization.

Therefore, it is heartening to know that members of the Joint Committee on Atomic Energy are calling for full congressional debate before any further steps are considered. I suggest that the Foreign Affairs Committee should also become directly concerned.

I have been opposed to war crimes trials in the past because they were ex post facto actions, but I would expect that the spreading of nuclear weapons by political action will be labeled as grounds for such trials in the future. Furthermore, it is logical to assume that anyone who knowingly attempted to advance the giving away of nuclear warheads without full-scale congressional debate might at sometime face a charge equivalent in gravity to treason.

Mr. Speaker, today the Foreign Affairs Committee held a hearing and the distinguished Secretary of State, Mr. Herter, appeared before us. I think he is one of the finest men in Government. In answer to a direct question he assured me that we were not considering giving away nuclear warheads. I accept what he says, and I am very glad if that is going to be the case. Unfortunately, we are subject to so many different statements and so many different approaches that really we do not know where we are at most of the time. In this particular case the matter is so important that I plead with this Congress to do everything in its power to ascertain all the facts from all the gentlemen and all the departments involved. This is certainly a congressional responsibility and is not an intrusion upon the prerogatives of the Executive.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. MEYER. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I wish to associate myself with the remarks made by the distinguished gentleman from Vermont particularly as to his concern about the sharing of nuclear weapons. I wish also to associate myself with the remarks made earlier by the gentleman from California [Mr HOLIFIELD], on this critical subject. These statements have brought to the attention of the Congress some of the essential facts concerning this issue which need to be thoroughly considered and studied, and I thank the gentleman for his presentation.

Mr. MEYER. I thank the gentleman from Wisconsin who previously so clearly pointed out to us the danger in a more or less quiet acceptance of the need for chemical and biological warfare. I think he is rendering a real service to our country in pointing out the dangers and that this matter is not to be treated as a gentle tabby cat. It too can be a tiger.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MEYER. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I wish to thank the gentleman for taking the time to call the attention of the House to the sober questions that are involved in sharing nuclear weapons secrets. I also want to thank our colleague the gentleman from California [Mr. HOLIFIELD], who spoke on the same question a few days ago. This question concerns the citizens in his district where missiles and atomic weapons are made.

I want to say that I am deeply distressed that the United States should be contemplating sharing nuclear weapons with allies, apparently at the same time we are discussing disarmament and the threat of nuclear warfare.

I am concerned, first, over the threat to peace which this provides; and, second, I am concerned about the threat to negotiations now under way; and, third, I am profoundly concerned over the terrible position the United States will be in if we disturb existing relations and start choosing among our allies as to the ones who will receive nuclear warheads.

Once we open the door to the first question, then the second, then the third, I see no natural or logical place to end. The time will come when we will have given weapons to nations whose administrations may suddenly change, nations which at one time are our friends and become our enemies, or nations apparently peace loving only to become aggressive and warlike. We will have been the agent providing weapons of a most powerful nature. Sober men certainly must take this into consideration, and I trust all of our colleagues will give long and thoughtful attention to the many ramifications of the questions that have been raised in the past few years.

Mr. MEYER. I thank the gentleman from Colorado for his additional comments.

MUTUAL SECURITY PROGRAM

The SPEAKER pro tempore (Mr. THORNBERRY). Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 45 minutes.

Mr. CONTE. Mr. Speaker, late in November I returned from a 4-week trip to southeast Asia under the authorization of the Agricultural Subcommittee of the Committee on Appropriations. As a member of the Appropriations Foreign Operations Subcommittee, I welcomed the opportunity to visit several of the countries of southeast Asia where our mutual security program plays a key role in maintaining economic and political stability and in protecting the basic national security interests of the United States.

My chief impression is that the mutual security program is working well, overall, to achieve our basic objectives in southeast Asia. Economic and technical assistance are helping to build sound economies, thus creating conditions unfavorable to Communist subversion and discouraging civil disturbances. Working hand in hand with our economic programs, our military assistance and defense support programs are major deterrents to renewed Communist aggression in that area of the world.

Today, Mr. Speaker, our Nation is necessarily committed to the defense of a line running from the Aleutians to Japan, to Okinawa, to Formosa, with the Philippines, Australia, and New Zealand on the southern periphery. It is difficult to see how we could maintain this vital line without our military assistance and defense support programs. By the very nature of a mutual defense grouping in the modern world, the chain is only as strong as its weakest link. For instance, were Laos to fall to Communist control, we could expect the early fall of neighboring countries such as Burma, Cambodia, and possibly Thailand. I am therefore convinced that overzealous pennypinching in our appropriations for military programs could have the most disastrous effects on our security position in the Pacific area, and that we must maintain sufficient economic programs to encourage steady growth in the underdeveloped countries of the free world.

INDONESIA

Indonesia, a land typical of those recently freed from colonial rule but still lacking the leadership and economic stability necessary to sound growth, was the first of the underdeveloped countries included in our itinerary. Unfortunately the Dutch never developed a responsible group of leaders in Indonesia, nor did they build up a capable civil service as the British did in India. When Dutch rule terminated, the long-smoldering resentments against colonial rule, coupled with the lack of responsible native leadership, resulted in the eviction of the Dutch settlers who had expert knowledge in the governmental and technical fields. The result has been a tremendous shortage of trained personnel. In 1954, for example, there were only 1,200 doctors and 120 engineers in this land of 85 million people. The United States has sought to help through sending technical advisors to Indonesia, and having Indonesians come to the United States for special training. Medical training has been a particularly important American project, and our efforts have succeeded in increasing Indonesia's annual total of medical graduates from 20 to 100—still far too small a number for such a large nation, but an important step in the right direction.

Indonesia is a lush, tropical country where up to four crops can be raised annually in many sections. Despite this rich endowment from nature, the standard of living is extremely low and the nation is badly in need of economic assistance in order to raise the standard of living and standard of education. Since 1950 the United States has extended about $300 million in grants and loans to Indonesia. These funds have been used partly for technical assistance, to teach the Indonesians techniques necessary to industrial and agricultural advance, and partly in order to finance economic development projects. In the agricultural field alone there appear to be tremendous opportunities for expanding production and increasing revenue-producing exports of rubber, coffee, tobacco, rice, and tea far above present levels.

My impression is that President Sukarno is playing a cool game, trying to play the United States and Soviet blocs off against each other and thus obtain economic aid from both sources. The Communists have been quite active, particularly in financing the monument-type of project such as the $12 million stadium for the Asian Games, and Soviet bloc nations are planning extensive further programs. In fact, the entire Sino-Soviet bloc has made substantial loans to Indonesia.

The following is a breakdown by countries of the loans to Indonesia up to October 1959: Red China, $17 million, tentative $34 million; Czechoslovakia, $40 million; East Germany, $10 million; Hungary, $2 million; Poland, $46 million; U.S.S.R. in defense support aid and nondefense, in both categories a total of $160 million. These loans are for projects concerning ships and shipyards, industrial development, iron and steel, hydroelectric power, roads, textiles, and transportation.

Nevertheless, I believe that there are long-term considerations working in favor of the Western cause in Indonesia. Tensions with Communist China promise to grow steadily over the future years, for the Indonesians have discovered that after evicting the Dutch settlers, they now find that the 2 million Chinese in Indonesia have a strong hold on the business life of the country. It appears that the Indonesians will grow increasingly impatient about this situation, and that eviction of some nature may take place in future years.

Furthermore, it must be recognized that Indonesia is within a sphere of U.S. interest. It is not as much on the direct line of defense as many other nations in Asia. I think the Indonesians know there is no real threat of aggression from the United States such as doubtless exists from the Communist world. Thus the Indonesians can enjoy the luxury of neutralism because of the United States presence in the Pacific. Although we may not appreciate this attitude, it is certainly in our long-term interests to maintain close ties with Indonesia and do all possible to prevent further deterioration in the economic situation which could lead to Communist gains.

THAILAND

We found a much more stable and encouraging picture in Thailand. As our Ambassador there, U. Alexis Johnson, told me in an interview, there is a basic political stability there that augurs well for Thailand's future. To me Thailand seemed to be the model nation to which we are giving aid. The country is small enough, receptive, and advanced to a position where we can promote projects and see the fruits of our efforts. Furthermore, most of our aid is economic—$24 million annually—and brings the greatest return for the money spent. The

results and successes of American technical and economic assistance can clearly be seen in the new highways and bridges, powerplants, airports, and water supply systems. I was able to visit some of these completed projects and was extremely impressed. In Thailand we are able to give our economic aid on a highly selective basis—where it really helps.

There is a friendly attitude toward the United States in Thailand, and the country is most definitely in the Western camp. Thailand has never been under colonial rule, so that Westerners are not automatically suspicious because of colonial period recollections. Our aid projects are received in a friendly atmosphere. I understand that public opinion polls in Bangkok show that up to 90 percent of the people in that city are familiar with the U.S. aid program and can identify specific projects.

In an interview on November 12, Foreign Minister Thanat Khoman told me his country desires American aid in order to demonstrate that better progress can be made under a free government and economic system than under the system in Communist China. Khoman said that Red China has flooded the market with cheap, low price goods in an effort to demonstrate to the Thais that the Communist system works better than free enterprise. Thailand has broken off all ties with Red China, and banned all trade. But according to Khoman the country needs high levels of foreign investment in order to survive and grow. An example of the need is reflected in the fact that Thailand's population is growing 2½ to 3 percent a year, and that 90 percent of the nation's 23 million people are farmers with an average per capita income of only $93 per year.

LAOS

Perhaps the most fascinating part of my trip was my visit to the isolated Kingdom of Laos which has been of such concern to us in the Western World because of Communist-inspired civil war. I know that the story of attempted Communist subversion and Laos' delicate position on the borders of the Communist world is familiar to the members of the House. I made the trip to Laos alone and had the unique experience of visiting some areas of northern Laos where no Member of Congress had ever been before. I was amazed to see the conditions of isolation and poverty in which the vast majority of Laos' 2 million inhabitants live. As we flew toward Xieng Khouang in North Laos we spotted tiny brown spots in the thickly wooded mountain areas, and I learned that these were caused because the natives cut down the forest and burned down all the brush in order to plant opium. In February, I am told, these small villages are just a solid blanket of white since this is the time of the blooming of the poppies from which the drug is extracted. Opium, Mr. Speaker, is the major commodity of vast parts of this nation. In Xieng Khouang the price is about $75 a kilo for opium. When it reaches Saigon the price is at least $750 a kilo. Surely an enlightened world can find some better way of living for these people who are for the most part without education, sufficient food, medical care or the simplest necessities of life.

I had an opportunity to visit camps of the Lao Army and I was extremely impressed by the morale and appearance of these young soldiers. They seemed to be happy and enthusiastic about their work, and appeared much better fed and healthier than most of their compatriots. The conclusion is inescapable that with any significant rise in the standard of education and living the people of Laos could prepare to stand on their own feet as an independent and stable nation. But we in the West must be prepared to help long and generously if this goal can be achieved. The standard of living is now the lowest I have seen anywhere in the world, and only a tiny minority of the people are literate.

The Communists—North Vietnamese and former Pathet Lao—do not intend to give Laos any peace at it gropes for political stability and economic advancement. We may expect trouble to continue along the 720-mile frontier with the Communist world. When I was in Laos the Communists were concentrating their efforts in the southern part of the kingdom. Their technique is to go into villages and seek out the village leaders. If they cannot get the leaders over to their side, they assassinate them. Despite determined efforts by the central government to arm the village chiefs, the problem remains acute. I was told that in October in the northern town of Muong Say, a chief was roasted alive before all the villagers because he resisted the Communists when they came to his village.

It is indeed unfortunate that the tense situation in Laos makes it necessary for us to put nearly all of our $25.4 million in annual aid into the military. We pay salaries for the entire Lao Army, and almost all the police. It is hard to see how we can transfer more aid to the economic side, without increasing the overall amounts. Unfortunately there have been some abuses in our programs in Laos in the past, though I am convinced they are being cleared up now. But I would suggest to any man who feels we should reduce or eliminate our aid to Laos because of abuses in the program that he visit the kingdom himself. He will see that in military terms we would invite disaster for freedom throughout Asia if we withdrew our assistance. And no man can see the economic conditions without having compassion and desiring to help these brave people.

FORMOSA

We visited Formosa and had an opportunity to review the programs of the Nationalists and interview Chiang Kai-shek. My distinguished colleague from New York [Mr. SANTANGELO] has already reported in the RECORD concerning our interview with the Generalissimo. That interview underlined the major impression we received from all quarters in Formosa—that the Nationalists still have the recapture of the mainland as their principal goal. However, I believe that Chiang is wise enough to know that he cannot win this objective alone and that his only chance of getting his people back to the mainland some day is by cooperating with the United States.

As a result of the overriding goal of regaining the mainland, the military is given top priority and 80 percent of the budget on Taiwan. Unfortunately, the Government is somewhat uninterested in encouraging economic growth. A constant barrage of propaganda is aimed at the mainland to encourage revolt.

There is no present threat to the stability of the Nationalist government from any opposition party, and while there are groups who would maneuver for power in the event of Chiang's death, no individual appears to possess the strength, prestige, or leadership qualities which Chiang has demonstrated. As long as the economic picture remains sound, as it is at the present time, and Chiang remains alive, there is little chance of political instability. The native Taiwanese, however, would like to see greater stress placed on the economic side of life rather than the military. They do not possess the same desire as the Chinese for a struggle with the mainland and would much rather concentrate their effort on improving Taiwan. They would also prefer a greater degree of autonomy at provincial levels than is now the case.

I was impressed by the general economic well-being of the people of Formosa. Employment is at high levels and the island's economy appears to be in good condition.

The Nationalists have made impressive achievements on Taiwan in instituting and carrying out a land reform program. About 52 percent of Taiwan's population are farmers, and when the Nationalists retreated to Taiwan, they discovered that about 60 percent of these farmers were tenants. One of the first steps made by the Nationalists was to reduce land rental prices by a standard 37.5 percent, which resulted in great improvement for the economic position of the tenant farmers. Then under the land-to-the-tiller program about 200,000 acres of Government or privately held land was sold to the tenant farmers at reasonable prices. Through this program 195,000 tenant farmers have become land owners themselves. This program has been very popular with the people of the mainland who are no longer allowed to own land. The program is also considered a model to which many other southeast Asian nations are looking.

The International Cooperation Administration's various programs on Taiwan seem to be operating smoothly, and I feel that we are making a real contribution both toward the military and the general economic condition of Formosa. I was disturbed to learn that a $5.5 million contract for steam turbines in connection with one of the ICA financed programs has not been awarded to the lowest American bidder. I am presently looking into this situation and hope to be able to make a full report on it here in the House within the near future.

It seems to me that we have no real choice other than to continue our support of the present regime on Formosa. The island is an important link in our defensive chain running from the Aleutians to New Zealand, and there is no doubt that the island is now one of the major bulwarks against Communist aggression in the Far East. As we all know, our aid through military assistance and defense support has been the crucial factor in making Nationalist China an important power in the Pacific today. We should think long and hard taking any steps which might jeopardize this position.

JAPAN

On the final leg of our trip we visited Japan—by no means an underdeveloped country herself, but one that may play a central role in the economic development of free Asia during the coming years. It is my belief that the maintenance of a politically and economically healthy Japan constitutes the main element of free world strength in Asia. The Sino-Soviet bloc is fully aware of Japan's importance to the free world, and is currently engaged in an intensive campaign to neutralize Japan by enticing promises of trade with China if Japan will renounce her ties with the West.

It seems to me that through the development of healthy political and economic ties with both the West and other nations of free Asia, Japan can do much to encourage sound economic development in the underdeveloped nations in that part of the world. Japan has a highly skilled and energetic work force, and an advanced industrial machine. But she is lacking in raw materials—80 percent of which must be imported—and in food for her people. The underdeveloped nations of the Far East will eventually be in a position to fill these Japanese needs, while they themselves can develop into import markets for Japanese industrial goods, and are in great need of Japanese technical assistance.

Such expanded trade between Japan and other Far Eastern nations, coupled with increased Japanese training of technicians and engineers from these countries, can help build sound economies in the Far East which will be impervious to Communist threats and enticements.

At the same time, trade with America appears to be an absolute prerequisite of Japanese prosperity. At the present time only rich nations like America can afford many of the luxury or semiluxury goods which constitute a major portion of Japanese production.

In my discussions with Japanese officials, I expressed grave concern about the underselling of American textiles by imports from Japan. The Japanese appear to recognize this problem and mentioned their willingness to abide by quotas agreed on in conference with our Government. They also pointed out that Japanese exports now are estimated to be only about 1 percent of the entire U.S. textile market.

It was pointed out to me that next to Canada, Japan is America's best customer in the world. Japan now depends heavily on the U.S. for food and cotton. Elimination of this foreign market for American agricultural products would increase our annual farm surpluses by up to $500 million.

I am convinced that the Japanese are basically a conservative people who are not inclined toward communism. Furthermore, they have made impressive steps toward true democratic government in the years since World War II. Quite recently the less liberal right wing broke away from the leftist Socialist Party, which has been advocating recognition of Red China and discontinuance of all military installations in Japan. This development may give the Japanese a responsible alternative to the present conservative government.

But we should all remember that restrictive trade policies imposed by the United States and other free world nations could force Japan to turn to the Sino-Soviet bloc for economic survival. Furthermore, Japan is in an exposed military position, and we must continue to build on the basis of the military and political cooperation spelled out in our peace treaty of 1951 and more recent defense pact with Japan.

NEW ZEALAND AND AUSTRALIA

Before closing, I would like to touch briefly on our visits to New Zealand and Australia before we entered the underdeveloped bloc of nations in southeast Asia. Both New Zealand and Australia are very interested in U.S. activities in the international agricultural markets, particularly in relation to our Public Law 480 programs. In New Zealand we heard complaints that dried milk from the United States has been flooding Indian and Pakistani markets and cutting down on New Zealand's trade with those nations, while the Australians expressed concern about our wheat in Asian markets. Agricultural leaders in both New Zealand and Australia did agree with us, however, that the United States had opened up certain entirely new markets through Public Law 480 programs, arousing consumer desires which did not exist previously. In the long run, we hope, our activities in the Asian markets will work to the overall benefit of New Zealand and Australia.

In Sydney and Melbourne we saw the housing constructed with the $10 million Development Loan Fund loan for resettlement of Dutch settlers in Australia. Although this loan was not made for one of the purposes contemplated by Congress in establishing the Development Loan Fund, it appears to be a very sound loan indeed. Repayment is being made in hard currencies, and judging from the industriousness of the Dutch settlers, there should be little doubt about the soundness of our investment.

A journey through so many lands in the span of a few weeks naturally leaves much unseen and still to be learned. But I did return home with a renewed confidence in the soundness of our programs in southeast Asia, and with a great respect for the men and women who are administering our programs in that part of the world. For every American official who may disregard his duty or take advantage of his official privileges, there are hundreds of conscientious, hard working American citizens who are willing to sacrifice monetary gain and rapid career advancement here at home in order to do a very important job for our country in Asia. These men and women have my greatest respect, and I deeply hope that the Congress will vote them sufficient funds and give them every other type of support they need to carry on their vital work for America and the entire free world.

REDUCTION OF THE POSTAL DEFICIT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized for 30 minutes.

Mr. PORTER. Mr. Speaker, I am filing a bill today to increase the postal rates for newspapers and magazines. The increases are divided into three annual steps. At the end of 3 years the additional annual revenue will be $37½ million.

It is a modest bill. Even after the increase the newspapers and magazines will be paying less than 40 percent of their costs. Under legislation passed in the 85th Congress three similar increases were provided, the last becoming effective in 1961. At that time the cost coverage for this class of mail will only be 26 percent.

A mail user ought to pay for the service he gets—unless Congress decides that he should not. A policy statement is included in my bill. The only reason for a mail user to pay less than the costs of the service he gets is that on some basis he deserves a whole or partial subsidy.

LONG RANGE CHANGE NEEDED

Certainly newspapers and magazines generally deserve no such subsidy. Why is not the legislation written to bring their cost coverage up to 100 percent instead of about 40 percent? Because the impact on the businesses involved has to be considered. They have to be weaned from the subsidy udders.

Those newspapers and magazines that might deserve a permanent or temporary subsidy, partial or complete, ought to be required to come before the Post Office and Civil Service Committee to prove their contentions.

The American people are tired of these mammoth, blanket subsidies to newspapers and magazines. They are demanding that we take immediate action to reduce the postal deficit which in fiscal years 1959 and 1960 amounted to more than a billion dollars or about $550 million each year.

This is not a partisan matter. Increases in second-class mail rates—magazines and newspapers—should be supported by Members from both sides of the aisle.

LET'S LEAVE FIRST-CLASS MAIL ALONE

In his state of the Union message the President asked for an increase in first-class mail. He wants the 4-cent stamp

raised to 5 cents. His Postmaster General's own cost ascertainment figures cannot support this recommendation. When the 3-cent stamp went to 4 cents the cost coverage for first-class mail increased from 88 percent to 113 percent. The latest figures, just released by Mr. Summerfield, show that it stands now at 111 percent, that is, 11 percent more than its costs.

It may be argued that this does not take into account the priority given first-class mail. The answer to this argument is that the cost ascertainment system is a cost accounting system. Its cost coverage figures are based on concrete factors, not intangible factors which the Postmaster General would like to use to justify a further burden on the users of first-class mail.

WHAT ABOUT THIRD-CLASS MAIL?

What about third-class mail? That is, mail which is primarily circulars and advertising matter. It paid 77 percent of its costs from 1926 through 1941 and 55 percent on the average from 1946 through 1958. When the rate bill—Public Law 85–426—passed by the 85th Congress becomes fully effective, it will be paying 66 percent of its cost.

This is not 100 percent but better than the 35 percent the newspapers and magazines will be paying at the same time. Here also we have to consider impact. Thousands of small businesses depend on this class of mail. We need facts about the impact of the last rate increase. The Department of Commerce will have a report of a study on this subject ready on March 1, 1960.

Third-class mail is worked when the other mail has been handled. If the prices are increased further, much of it will go by first-class mail or not at all. If we truly save money by pricing this out of the mail, then we can say good riddance. On the other hand if we penalize unduly many business enterprises and reduce the overall effectiveness of the postal department, then we had better postpone further increases until we know what we are doing.

Fourth-class mail—parcel post—is, by statute, supposed to pay its own way. Whether it does or not is disputed and will not be discussed at this time.

The bill I am filing today includes a provision in form exactly like the three-step provisions of Public Law 85–426 for second-class mail. This law provided for increases for 1959, 1960, and 1961. Mine provides for similar increases for 1962, 1963, and 1964.

PER PIECE INCREASE

The bill also provides for raising the per piece rate from one-half cent to two-thirds of a cent on January 1, 1962, up to five-sixths of a cent a year later and to a whole cent the year after that. When all three steps are completed the increased revenue to the Department would be $4.5 million annually.

It may be that the free-in-county and the nonprofit publications ought to have heavier increases. We can judge better after full hearings. The rates for within county mailings have not been changed since 1885, except for the one-eighth cent minimum approved in 1951. Nonprofit publications had their last rate change in 1926. Regular zone publications of course had their rates increased in 1958.

The obvious rate increase is with reference to magazines and newspapers. These mail users have lived too high on the hog too long. Surely they ought to pay more than a quarter of their costs, yet 26 percent is what they will be paying after the currently operative rate increase.

It is my hope that many of my colleagues will support my bill or file bills of their own to reduce the postal deficit. I shall urge that hearings be held in the very near future before the Post Office and Civil Service Committee, of which I am a member.

Here is the text of the bill I am filing today:

A BILL TO CLARIFY THE POLICY OF THE CONGRESS WITH RESPECT TO THE POSTAL-RATE STRUCTURE AND TO PROVIDE CERTAIN ADJUSTMENTS IN POSTAGE RATES FOR SECOND-CLASS MAIL MATTER

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(b) of the Postal Policy Act of 1958 (39 U.S.C. 270a(b)) is amended by striking out the word "and" at the end of paragraph (2); by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and by adding at the end thereof a new paragraph, as follows:

"(4) postal rates and fees shall be established and maintained, except as otherwise specifically provided by the Congress, on the basis that (A) each user of the mails shall pay the cost of the service received by such user and (B) such adjustments of postal rates and fees as are required to carry out the policy set forth in clause (A) of this paragraph shall be made as promptly as is practicable in the light of the general public interest and the impact of such adjustments on users of the mails."

SEC. 2. (a) Section 2(a) of the Act of October 30, 1951, as amended (39 U.S.C. 289a), is amended by striking out the word "and" preceding clause (4) and by inserting immediately following the table which precedes the first proviso a comma and the following: "and (5) such postage is further adjusted to the amounts set forth in the following table on the dates specified:

	January 1, 1962 (cents per pound or fraction thereof)	January 1, 1963 (cents per pound or fraction thereof)	January 1, 1964 (cents per pound or fraction thereof)
Nonadvertising portion	2.8	3.0	3.3
Advertising portion:			
First and second zones	3.6	4.2	4.8
Third zone	4.8	5.6	6.4
Fourth zone	7.2	8.4	9.6
Fifth zone	9.6	11.2	12.8
Sixth zone	12.0	14.0	16.0
Seventh zone	14.4	16.8	19.2
Eighth zone	16.8	19.6	22.4".

(b) Section 2(c) of such Act of October 30, 1951, as amended, is amended by striking out the word "and" preceding the words "one-half" and inserting, immediately preceding the words "except that", the following: "two-thirds of 1 cent effective January 1, 1962, five-sixths of 1 cent effective January 1, 1963, and 1 cent effective January 1, 1964."

SPECIAL ANALYSIS OF FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina [Mr. FOUNTAIN] is recognized for 15 minutes.

Mr. FOUNTAIN. Mr. Speaker, for the past 10 years or more the budget of the U.S. Government has contained each year a very useful "Special Analysis of Federal Aid to State and Local Governments." The analysis presents national expenditures data for all Federal-aid programs classified by functional category and agency and in terms of whether they are grants-in-aid, shared revenues, or loans. This analysis provides statistical information which is not readily available from any other source and, therefore, is of considerable value to those of us desiring an overall current perspective of the Federal Government's fiscal relationships with State and local governments.

I was surprised to find that the "Special Analysis of Federal Aid to State and Local Governments" does not appear in the 1961 budget. Fortunately, however, I learned that this analysis for the fiscal year 1961 was actually prepared by the Bureau of the Budget but was printed as a separate pamphlet which, I understand, is in very limited supply. In view of its usefulness, I include the special analysis in the body of the RECORD at this point in order to make this information conveniently available to the Members of Congress and to others interested in the pattern and trend of Federal aid:

SPECIAL ANALYSIS OF FEDERAL AID TO STATE AND LOCAL GOVERNMENTS IN THE 1961 BUDGET

(Derived from the Budget of the U.S. Government for the fiscal year ending June 30, 1961—Executive Office of the President, Bureau of the Budget, Washington, D.C., January 1960)

FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

Federal financial assistance to State and local Governments takes the form of direct grants-in-aid, shared revenue, and net loans and repayable advances. Although the number of programs is large, two-thirds of total expenditures for assistance to State and local governments is for highway construction and public assistance grants.

In 1961, total estimated assistance, exclusive of minor administrative costs to the Federal Government, is $7.1 billion, including net expenditures of $4.4 billion from regular budget accounts and $2.7 billion from the highway trust fund.

Federal aid to State and local governments

	Million dollars
Trust fund expenditures: Highway construction	2,697
Budget expenditures:	
Public assistance	2,083
School lunch, surplus commodities and other agriculture	547
Housing and urban renewal	444
Education and science	328
Unemployment compensation and employment service	303
Health, natural resources, and other	721

For 1961, the total of budget and trust expenditures for financial assistance to other levels of Government is expected to be $312

million less than in 1960 but $310 million larger than the actual total for 1959. The overall decrease below the 1960 estimate results from decreases of $479 million which are in part offset by increases of $167 million. The major decrease of $302 million in 1961 is in Federal-aid highway construction which is estimated at $2,697 million—a level commensurate with anticipated trust fund revenue under existing legislation. The remaining decrease is distributed among numerous programs including slum clearance and urban renewal, assistance to schools in federally affected areas, college housing loans, contributions to school lunch, and State unemployment compensation and employment service administration. Some of the offsetting increases are expected to occur in public assistance, construction of hospitals and airports, reclamation loans, low rent housing, and defense education.

TABLE 1.—*Federal aid to State and local governments from budget and trust funds by major activity*

[In millions]

Activity	1959 actual	1960 estimate	1961 estimate
Highway construction	$2,614	$3,033	$2,697
Public assistance	1,966	2,053	2,083
School lunch, surplus commodities, and other agriculture	539	556	547
Housing and urban renewal	319	474	444
Education and science	300	348	328
Unemployment compensation and employment service	510	317	303
Health, natural resources, and other	565	654	721
Grand total	6,813	7,435	7,123

In 1961, financial aid from budget and trust accounts will total $7,123 million, or 7.4 percent of total Federal cash payments to the public. Federal aid to State and local governments from budget accounts alone is estimated at $4,426 million, approximately 6 percent of total Federal budget expenditures. As a source of State and local revenue, Federal-aid payments from both trust and budget accounts in 1959 represented about one-sixth of all general revenue available to these jurisdictions.

TABLE 2.—*Federal-aid expenditures in relation to total Federal expenditures and to State-local revenue*

	Net budget expenditures for aid to State and local governments		Total expenditures for aid to State and local governments, budget and trust accounts		
	Amount (millions)	As a percent of total Federal budget expenditures	Amount (millions)	As a percent of total cash payments to the public	As a percent of State-local revenue [1]
1952	$2,604	4	$2,604	4	10
1953	2,857	4	2,857	4	10
1954	2,657	4	2,657	4	9
1955	3,124	4	3,124	4	10
1956	3,753	6	3,753	5	11
1957	3,159	5	4,111	5	11
1958	3,576	5	5,072	6	12
1959	4,012	5	6,813	7	15
1960 estimate	4,435	6	7,435	8	[2]
1961 estimate	4,426	6	7,123	7	[2]

[1] Based on compilations published by Government Division, Bureau of Census. Excludes State-local revenue from publicly operated utilities, liquor stores, and insurance trust systems.
[2] Not available.

Grants to States are the most significant type of Federal financial aid to State and local governments. It is estimated that in 1961 the sum of $6.8 billion, or 95.6 percent of total expenditures for all three types of aid, will take the form of grants-in-aid. Shared revenue will account for $124 million, or 1.7 percent, and net loans and repayable advances, $187 million, or 2.6 percent of the grand total.

TABLE 3.—*Net budget and trust fund expenditures for Federal aid*

[In millions]

Fiscal year	Grants-in-aid	Shared revenue	Loans	Total
1952	$2,393	$38	$173	$2,604
1953	2,781	51	25	2,857
1954	2,986	66	−395	2,657
1955	3,126	78	−80	3,124
1956	3,642	82	29	3,753
1957	3,943	96	72	4,111
1958	4,831	101	140	5,072
1959	6,355	101	357	6,813
1960 estimate	7,090	116	229	7,435
1961 estimate	6,812	124	187	7,123

Included in the three kinds of financial assistance from budget and trust accounts are civil public works projects which add to State-local assets and the development of our communities. These represent a significant portion of total Federal assistance outlays—45 percent in 1961, 47 percent in 1960, and 44 percent in 1959. (See table 6.)

Development of Federal aid: Federal aid to State and local governments in recent decades has become a major factor in the cooperative financing of essential government functions. The rudiments of the present system date back to the Civil War with the enactment of the Morrill Act which established the land-grant colleges and which instituted certain federally required minimum standards, characteristic of the present grant-in-aid system. Federal aid was later initiated for agriculture, highways, vocational education and rehabilitation, forestry, and public health. In the depression years, Federal aid was extended to meet economic security and other social welfare needs. The detailed table at the end of this analysis lists the various programs of Federal financial assistance to State and local governments presently available or proposed for enactment.

Pursuant to a recommendation of the temporary Commission on Intergovernmental Relations, the President in 1956 designated the Office of the Deputy Assistant to the President for Intergovernmental Relations to give continuing attention to intergovernmental problems of government. As one of its assigned duties, this office has functional responsibility for problems associated with the Federal aid system as a whole.

The Joint Federal-State Action Committee: The Joint Federal-State Action Committee of Governors and Federal representatives, created in July 1957 by the President and the Governors' conference, carried on a review of functions—including grants-in-aid—now performed by the Federal Government which could be assumed by the States and localities. At the same time, the Joint Committee reviewed those Federal revenue sources which could be relinquished to the States for the financing of programs or activities transferred to State or local governments.

The Committee's recommendations designed to strengthen State and local activities in urban renewal were generally accepted by the States and implementing measures are proceeding. With regard to greater State participation in the field of peaceful uses of atomic energy, the Congress enacted legislation along the lines of the Committee's proposals. Likewise, its recommendations were adopted to provide larger State and local financial participation in natural disaster relief. Its proposal to transfer responsibility for waste treatment construction and vocational education grants to the States in return for a portion of the Federal tax on local telephone service was not enacted by the Congress; also, in the last session the telephone tax was included by the Congress in a group of taxes scheduled to expire on June 30, 1960, thus removing this source of revenue for State use in the support of these programs as was intended.

Advisory Commission on Intergovernmental Relations: On September 24, 1959, the Advisory Commission on Intergovernmental Relations was established by law as a permanent and continuing agency to study the Federal system as a whole and to facilitate maximum cooperation and coordination between and among the various levels of Government. This is a Commission composed of 26 members with representatives of all levels of Government—executive and legislative—as well as of the public.

As a result of the establishment of this new body, the Joint Federal-State Action Committee is ceasing operations on an active basis.

The law provides that the Advisory Commission is to—

1. Bring together representatives of the Federal, State, and local governments for the consideration of common problems;

2. Provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

3. Give critical attention to the conditions and controls involved in the administration of Federal grant programs;

4. Make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

5. Encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

6. Recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and

7. Recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

Thus, this Commission is concerned not only with the functions to be performed by the various levels of government, but also with their systems of taxation and the allocation of revenue between and among them.

Grants-in-aid: Federal financial participation in programs administered by State and local governments in 1961 will total $6.8 billion (including $2.7 billion from the highway trust fund), a decrease of $278 million below the estimated total for 1960. The labor and welfare category accounts for 48 percent of grant-in-aid expenditures in 1961, commerce and housing, 46 percent (including highway trust fund expenditures), and agriculture and agricultural resources, 5 percent. About 70 percent, or $4.8 billion, is for grants to build highways and for public assistance.

The various grant-in-aid programs provide for Federal fiscal participation in a specific function or service rendered by a

State or local government. Most grant-in-aid statutes require that State and local programs meet certain standards and provide for the allocation of money among the States in accordance with various formulas. These allocation formulas vary considerably among programs. Some are statutory while others are established by the administering Federal agency on the basis of criteria listed in the laws. Some provide for distribution according to population, area, per capita income, incidence of specific diseases, road mileage, etc.; others allot equal amounts to all States. Still others allot on a fixed percentage of State expenditures up to a specified limitation contained in the Federal law.

Generally, the amounts expended for most programs of Federal aid are subject to the maximum amounts established in the authorizing statutes and require annual appropriations by Congress. However, in the public assistance program the amount paid to each State is determined by a statutory formula applied to actual caseloads and average payments established by each State up to the statutory maximum subject to Federal matching. Consequently, the amount appropriated in advance does not necessarily limit the total of Federal payments for a given year. Congress customarily provides a supplemental appropriation if this is necessary to cover the claims submitted by the States.

The vocational rehabilitation formula enacted in 1954 provides for variation by States in both the allotment of Federal funds and the requisite State matching share, in inverse proportion to per capita income. Under the National Defense Education Act, grants for acquisition of equipment for science, mathematics, and foreign language instruction in public elementary and secondary schools are allotted to the States according to a national formula based on the relative school-age population of the State (positive relationship) and relative income per child of school age (inverse relationship).

Legislation governing a few grant-in-aid programs permits aid to private nonprofit agencies or institutions. The program of grants to aid in the construction of hospitals administered by the Department of Health, Education, and Welfare, is an illustration. It is estimated that 55 percent of the Federal expenditures of $160 million for these grants in 1961 will be used for nonprofit hospitals and other private health facilities. The program, nevertheless, is one in which the States have a central role through the preparation of statewide programs, the approval of individual projects, and the channeling of the Federal payments. Therefore, the entire amount authorized and spent for the program is included as Federal aid in this analysis, although the portion going to private institutions is identified separately.

On the other hand, certain Federal programs may incidentally involve grants to particular State or local governmental agencies, even though they are not primarily programs of grants-in-aid or loans to State or local governments. For example, the Public Health Service and the National Science Foundation make research grants to colleges and universities, including some State and local institutions. These payments are not included in the tabulation.

In a few instances, grants-in-kind are made, usually involving commodities, services, or structures. Wherever these can be identified in the budget they have been included in this analysis. Principal among them are grants of agricultural commodities to schools, welfare departments, and other public agencies shown in the tabulation under agriculture and agricultural resources. These are supplementary to the cash grants to the national school lunch and special milk programs, shown under labor and welfare. However, donations of previously acquired Federal property to State and local agencies have been omitted from the tabulation.

Recently enacted legislation extended the grant program for the development and improvement of civil airports by providing $63 million in construction authorizations for each of the years 1960 and 1961. Grant expenditures in excess of this amount are limited to projects which are termed essential for the safety, convenience, or comfort of the traveling public.

Alaskan transitional grants: To assist the first new State in 47 years, the Federal Government provided Alaska with a special form of transitional grant in 1960 and will provide such a grant for 4 additional years. The Federal Government has a responsibility to provide such financial assistance as is necessary to facilitate assumption by Alaska of such programs as highway construction and maintenance, airport operations, and public health services. Previously, as a territory, special provisions applied which will no longer be effective with respect to Alaska. This transitional grant is being provided to prevent curtailment or disruption of these essential services which were federally administered.

Under the Alaska Omnibus Act, the State could receive the entire grant or could request that a share of the total be applied to continued Federal operations during an interim period. A large portion of these expenditures will be offset by elimination of special Federal programs which applied to Alaska as a territory. As a State, Alaska will be eligible like any other State for all grant programs available.

Shared revenue: In the budget estimates for 1961, payments of shared revenue are estimated at $124 million, an increase of $7 million over 1960. As shown in the tabulation, the Mineral Leasing Act, national forest fund, and tax collections for American Samoa, Puerto Rico, and Guam constitute approximately 76 percent of all shared-revenue expenditures.

Classified as shared revenue are: (a) payments to States and localities of a portion of the proceeds from the sale of certain Federal property, products, and services; and (b) payments to Guam, Puerto Rico, Samoa, and the Virgin Islands of certain Federal tax collections derived within their boundaries or from transactions affecting them. Shared revenue from property and products is derived mainly from public lands in the west, and the Federal law usually requires that the State or local share be used for schools or for schools and roads in the county where the Federal lands are located. Internal-revenue collections from Puerto Rico, Samoa, and the Virgin Islands are included in this analysis to the extent that they are included in budget receipts and expenditures. Some revenue collected under Federal laws for the benefit of these governments are paid directly to their treasuries, without affecting Federal budget accounts.

Loans and repayable advances: Budget expenditures for loans are net amounts, representing for any year the gross amount of loans and advances minus credits for certain collections during the year. For 1961, net disbursements for loans and advances to State and local governments are estimated at $187 million, a decrease of $42 million from 1960. In a few cases, collections are not deducted from gross disbursements but, instead, are credited directly to miscellaneous receipts of the Treasury.

Loans are made to State or local governmental bodies by several Federal agencies for specified types of public improvements, such as low rent public housing, slum clearance, and urban renewal by the Housing and Home Finance Agency. Also included in the category of loans are certain advances made by the same agency for the planning of non-Federal public works and urban renewal; these advances are repayable if the planned projects are carried out.

Highway and Federal unemployment trust funds: The Highway Revenue Act of 1956 established a trust fund into which proceeds from certain excises on motor fuels, tires, and vehicles are deposited and from which the Federal share of the highway program is financed. The expanded Federal grant program was authorized to run over a 13-year period and to cover 90 percent of the cost of completing the Interstate Highway System.

Because of the rising costs of the program, Congress in 1959 enacted an increase of 1 cent per gallon in motor fuel taxes which are to be deposited in the trust fund during the period October 1, 1959, through June 30, 1961. In addition, effective July 1, 1961, and extending through June 30, 1964, certain excise taxes are scheduled for diversion from the general fund to the trust fund.

Since forest highways and public land highways are similar in character and use to Federal-aid highways, and in most cases are in the Federal-aid highway system, it is proposed that beginning in 1961, these programs be financed from the highway trust fund in the same manner as the regular Federal-aid program. It is also recommended that a further increase of one-half cent per gallon in the fuel tax be enacted to be effective until June 30, 1964. Repeal of the general fund is also requested.

The actual estimated receipts and disbursements of this trust fund are shown in table 4. During 1961, it is expected that grants-in-aid from this fund will total $2,697 million, a decrease of $302 million from estimated expenditures for 1960, but $113 million higher than actual 1959 costs.

TABLE 4.—*Highway trust fund*

[In millions]

Item	1959 actual	1960 estimate	1961 estimate
Balance in fund at start of year	$1,049	$524	$9
Receipts: Excise taxes transferred from general receipts:			
Present program	2,171	2,627	2,984
Proposed legislation			[1]—34
Interest	14	1	
Payments:			
Grants-in-aid to States	[2]—2,584	—2,998	—2,659
Forest highways and public lands highways (trust funds, grants)			—38
Federal administrative costs	—29	—30	—31
Refund of taxes	—97	—109	—123
Interest on general fund advances		—6	—3
Net accumulation or expenditure (—)	—525	—515	96
Balance in fund at close of year	524	9	105

[1] Proposed legislation for the retention of the aviation fuel tax in general revenue.
[2] Excludes $4,700,000 repayment to the general fund.

Under the Employment Security Financing Act, any excess receipts of the Federal unemployment tax over operating costs of the Federal-State employment security program are transferred to the Federal unemployment account to maintain a $200 million loan fund. When the Federal unemploy-

ment trust account is at the $200 million level, any further excess tax receipts are credited directly to the unemployment trust accounts of the individual States.

There was no excess of receipts in 1959 and none is expected in 1960. Since the Federal loan fund is presently below the $200 million level, the excess of $15 million forecast for 1961 will be used toward restoring the loan fund. This estimated transfer to the loan fund is not shown in this analysis since this represents a rebuilding of a Federal account to a specified level. Repayable advances to the States from the account are included on a net basis. States may borrow funds from this Federal loan fund for benefit payments when their own reserve funds have been depleted to a particular level. In 1959, these advances totaled $212 million and it is expected that a net advance of $2 million will be made in 1960; no advances are forecast for 1961.

Proposed legislation: In addition to legislative proposals previously mentioned in this analysis, Federal aid to State and local governments would be affected by several of the recommendations for legislative change which are proposed in the 1961 budget document. These include a proposal to provide annual Federal advances to local school districts to pay up to half the annual debt service (principal and interest) on $3 billion of bonds to be issued in the next 5 years for school construction. It is also recommended that the present more limited program of direct loans for college housing should be allowed to expire and that a more comprehensive program of grants and Federal guarantees to help colleges finance needed construction be enacted. Legislation is again proposed to authorize a program of loans and grants to assist areas of chronic unemployment. Measures are recommended to expand State and local participation in the financing of: (a) aid for construction of schools in areas affected by Federal activity, (b) farm disaster relief, and (c) local flood control projects.

Legislation is also proposed to convert the financing of grants for administrative expenses of the employment security program to a trust fund basis. This will not affect the level of expenditures under the program nor its inclusion in this analysis. Another aspect of Federal-State and local financial relations requiring the attention of both the legislative and executive branches involves a series of court decisions permitting local taxation of federally owned property in the hands of contractors or leaseholders. This matter is directly related to the broader subject of Federal payments in lieu of taxes.

Relationship to other budget figures: Except for expenditures from the Federal-aid highway and the Federal unemployment trust funds, the totals for Federal aid in this analysis represent budget expenditures, as defined in the introduction to part I of the budget document. Financial transactions relating to trust fund programs are shown in part III of the budget document.

In most cases, the expenditures in a given year correspond closely to the amount of the appropriation, but there are certain programs—chiefly construction—where substantial differences occur between appropriations (or other authority to incur obligations) for any year and expenditures in that year. This arises because construction projects usually cannot be completed and paid for within a year. In some instances the expenditures for grants or loans are made from an appropriation, which also finances direct Federal operations or Federal administrative expenses. When this occurs, the amounts tabulated in this analysis ordinarily represent an estimate of that part of the expenditure which is paid as aid to State and local governments.

The detailed tabulation of Federal expenditures for aid to State and local governments is arranged according to the functional classification used in the budget document. In order that this analysis may be related readily to the analysis of investment, operating, and other budget expenditures presented in special analysis D, that tabulation shows separately in each category the amounts of Federal aid to State and local governments. In table 5, the Federal-aid programs are recapitulated to follow the outline of special analysis D.

TABLE 5.—*Reconciliation with special analysis D, investment, operating, and other expenditures*

[From budget accounts only—In millions]

Category	1959 actual	1960 estimate	1961 estimate
Additions to Federal assets: Loans to State and local governments [1]	$144	$227	$187
Expenditures for other developmental purposes:			
State and local physical assets [2]	291	341	331
Private physical assets	77	80	89
Education, training, and health	414	477	464
Research and development	42	43	42
Engineering and natural resources surveys	2	2	5
Total, other developmental purposes	826	943	931
Current expenses for aids and special services:			
Agriculture	292	289	274
Business			4
Labor	297	315	303
Homeowners and tenants	186	268	299
Veterans	8	8	8
Other aids and special services	2,114	2,214	2,240
Total, current expenses for aids and special services	2,897	3,094	3,128
Other services and current operating expenses: Shared revenue and grants-in-aid	145	170	179
Total, net budget expenditures for Federal aid to State and local governments [1 2]	4,012	4,434	4,425

[1] Does not include unemployment trust fund loans of $212,000,000 in 1959, and estimated $2,000,000 in 1960.
[2] Does not include Federal-aid highway trust fund expenditures of $2,589,000,000 in 1959, and estimated $2,998,000,000 in 1960 and $2,698,000,000 in 1961.

Similarly, table 6 shows the portion of total Federal-aid expenditures for civil public works which is included in the special analysis on Federal activities in public works and other construction.

District of Columbia: Many Federal-aid programs provide financial assistance for specific public services in the District of Columbia on the same basis as in the States. In addition, this analysis includes programs of particular aid for the District of Columbia in the form of a general payment to help defray the costs of the local government, assistance in building hospitals within the District (which is additional to aid made available under the general State-aid hospital and health facility construction program), and loans for capital outlays under the District government's public works program.

TABLE 6.—*Federal-aid expenditures for civil public works*

[From budget and trust accounts—In millions]

Type of aid and function	1959	1960 estimate	1961 estimate
Grants-in-aid:			
Labor and welfare	$171	$183	$191
Agriculture and agricultural resources	23	32	36
Natural resources	2	2	2
Commerce and housing:			
Budget accounts	85	111	83
Federal-aid highway trust fund	2,589	2,998	2,697
General government	1	1	1
Total, grants-in-aid for public works	2,871	3,326	3,010
Loans and repayable advances, net:			
Labor and welfare	2	1	1
Agriculture and agricultural resources	(1)	1	1
Natural resources	5	11	20
Commerce and housing	133	151	122
General government	3	7	21
Total, loans and repayable advances	144	171	165
Total, net budget and trust account expenditures for Federal aid to State and local governments for public works	3,014	3,497	3,175

[1] Less than ½ million.

Other financial relationships: Apart from grants-in-aid, loans, and shared revenue, many other Federal expenditures and policies affect the finances of State and local governments. Types of transactions not covered in the tabulation of aids include the following:

(a) Reimbursements for various specific services, such as payments to public educational institutions for tuition of veterans and of students from the Armed Forces and payments to local governments for care of Federal prisoners in local institutions.

(b) Contractual payments, or alternatively research grants, to public institutions for research and training in specified fields.

(c) Provision of radiological monitoring devices to States and cities for civil defense training and operational use.

(d) The value of surplus educational and hospital supplies, materials, and equipment, and real estate donated or sold at substantial discounts to State and local agencies.

(e) The payment of property taxes, or payments in lieu of property taxes, made upon Federal property under the provisions of various laws. When such payments are based upon a percentage of revenue, however, as in the case of the Tennessee Valley Authority, they are included in the shared-revenue section of the table.

In addition, the table does not reflect various indirect financial benefits accruing to State and local governments, such as exemption from Federal income tax of interest paid on State and local debt; the indirect Federal guarantee of municipal obligations issued for low-rent housing and urban renewal; deductions of State and local income, property, and other taxes from personal and corporate incomes in computing Federal income tax; services rendered to other governmental units by Federal agencies in the ordinary course of their operations; and some programs administered cooperatively, such as the National Guard, or for purposes of crop reporting.

Some of these financial benefits, of course, have counterparts in the form of services rendered or occasional payments made to the Federal Government by the States or their subdivisions.

Federal aid to State and local governments based on existing and proposed legislation

[In thousands]

Function, agency, and program	Functional code	1959 actual	1960 estimate	1961 estimate
BUDGET ACCOUNTS				
GRANTS-IN-AID				
Veterans services and benefits:				
Veterans Administration:				
Aid to State homes [1]	105	$6,244	$6,480	$6,513
State supervision of schools and training establishments [1]	106	2,072	2,000	1,700
Total, veterans services and benefits	------	8,316	8,480	8,213
Labor and welfare:				
General Services Administration:				
Hospital facilities in District of Columbia (private nonprofit) [2]	213	1,480	1,200	741
Department of Agriculture: National school lunch and special milk programs [1]	217	216,328	231,200	231,800
Department of Health, Education, and Welfare:				
Public assistance	212	1,966,394	2,053,000	2,083,000
Hospital construction [1]	213	135,159	142,800	159,800
Portion to private nonprofit institutions	213	(74,337)	(78,540)	(87,890)
Assistance to States, general public health [1]	213	14,924	15,000	15,000
Control of veneral diseases [1]	213	2,390	2,400	1,870
Control of tuberculosis [1]	213	3,995	4,000	3,000
Mental health activities [1]	213	3,986	5,000	5,000
National Heart Institute [1]	213	2,075	3,125	3,125
National Cancer Institute [1]	313	2,171	2,250	2,250
Maternal and child welfare	213	43,498	47,000	48,000
Grants and special studies, Alaska [1]	213	1,638	----------	----------
Water pollution control [1]	213	2,591	2,700	2,700
Hospital and medical care, Hawaii [1]	213	1,046	1,065	1,000
Construction grants for waste treatment facilities	213	36,429	45,000	45,000
Grants for construction of health research facilities [1]	213	8,013	11,440	12,760
Poliomyelitis vaccination program	213	−474	−365	----------
Assistance for school construction and operation in federally affected areas:				
School construction [1]	214	66,097	62,000	61,100
Maintenance and operation of schools [1]	214	132,073	151,000	125,600
Vocational education	214	38,353	40,163	38,163
Colleges for agriculture and the mechanic arts	214	5,052	5,052	5,052
Defense educational activities [1]	214	43,958	73,353	83,370
Grants for expansion of teaching in education of the mentally retarded [1]	214	----------	130	320
Education of the blind	214	400	400	400
Grants for library services	215	5,362	7,113	7,300
Vocational rehabilitation	217	45,373	50,495	52,000
White House Conference on Aging [1]	217	----------	810	----------
Department of the Interior: Bureau of Indian Affairs: Education and welfare services [1]	214	5,452	5,400	5,500
Department of Labor: Unemployment compensation and employment service administration [1]	211	297,261	315,455	303,486
Total, labor and welfare	------	3,081,024	3,278,186	3,297,337
Agriculture and agricultural resources:				
Department of Agriculture:				
Commodity Credit Corporation and removal of surplus agricultural commodities: Contributions to school lunch program and to other public agencies	351	206,703	198,907	180,047
Watershed protection [2]	354	11,931	16,966	23,010
Flood prevention [1]	354	10,981	14,910	13,400
Cooperative agricultural extension work [1]	355	60,624	61,858	65,109
Agricultural experiment stations [1]	355	31,071	31,023	32,075
Payments to States, Territories, and possessions, Agricultural Marketing Service	355	1,160	1,195	1,195
Total agriculture and agricultural resources	------	322,470	324,859	314,836
Natural resources:				
Department of Agriculture: Forest protection and utilization, and assistance to States for tree planting [1]	402	12,425	11,355	11,232
Department of the Interior:				
Bureau of Reclamation:				
Disposal of Coulee Dam community and other grants [1]	401	163	27	17
Natural resources—Continued				
Department of the Interior—Con.				
Bureau of Reclamation—Con.				
Grants, Boulder City disposal	401	----------	----------	$81
Grants for small reclamation projects [2]	401	----------	$130	----------
Bureau of Indian Affairs: Resources management [1]	401	$514	500	500
Drainage of anthracite mines	403	1,532	1,443	2,000
Federal aid in fish restoration and management [1]	404	4,644	4,700	5,000
Federal aid in wildlife restoration [1]	404	15,203	15,200	14,700
Total, natural resources	------	34,481	33,355	33,530
Commerce and housing:				
Office of Civil and Defense Mobilization:				
Federal contributions	520	8,955	12,500	17,200
Research and development [1]	520	2,483	246	----------
Funds appropriated to the President: Disaster relief [1]	521	4,139	7,000	7,000
Federal Aviation Agency: Federal-aid airport program [1]	512	56,578	72,424	81,400
Small Business Administration:				
Grants for research	518	----------	2,562	973
Housing and Home Finance Agency:				
Slum clearance and urban renewal, grants [2]	515	75,537	140,000	150,000
Urban planning grants	515	1,834	2,400	4,650
Low rent public housing program—Annual contributions [2]	516	110,849	128,000	149,000
Defense community facilities and services [2]	517	157	93	----------
Department of Commerce:				
State marine schools [1]	510	332	525	546
Public lands highways [1]	511	2,990	4,599	----------
Surveys and plans	511	82	196	----------
Forest highways [1]	511	26,813	30,213	----------
Federal-aid highways (liquidation of contract authorization)	511	−4,784	−250	----------
Proposed legislation: Area assistance activities [1]	518	----------	----------	4,000
Department of Health, Education, and Welfare: Defense public works, community facilities	515	25	----------	----------
Department of the Interior:				
Virgin Islands public works	515	43	20	----------
Alaska public works [2]	515	2,952	2,809	237
Total, commerce and housing	------	288,985	403,337	415,006
General government:				
National Capital Planning Commission: Acquisition of lands	609	411	300	1,175
Department of the Interior: Grants to American Samoa, Guam, and the Trust Territories [1]	609	5,962	6,799	6,862
District of Columbia: Federal contributions [1]	609	25,000	25,000	32,000
Funds appropriated to the President: Transitional grants to Alaska	610	----------	10,500	6,000
Total, general government	------	31,373	42,599	46,037
Total, grants-in-aid	------	3,766,649	4,090,816	4,114,959
SHARED REVENUE				
Agriculture and agricultural resources, Department of the Interior: Submarginal land program	401	----------	94	100
Natural resources:				
Federal Power Commission: Federal Power Act	401	49	59	57
Tennessee Valley Authority: Payments in lieu of taxes	401	5,900	6,341	6,637
Department of Agriculture:				
National forests fund, to States for counties and schools	402	22,370	29,904	34,340
Submarginal land program	402	460	500	500
Department of Defense—Civil: Corps of Engineers, Army: Flood Control Act of 1954 to States	401	1,472	1,435	1,500
Department of the Interior:				
Grazing receipts to States	401	401	502	537
Payments to States, sales of public land and materials	401	175	274	250
Alaska school lands, income and proceeds	401	14	20	----------
Columbia Basin project, payments in lieu of taxes [1]	401	15	20	20
Boulder Canyon project, payments to Arizona and Nevada	401	600	600	600
Oregon and California grant lands, to counties	402	10,976	14,762	16,000
Payment to Coos and Douglas Counties, Oreg., on Coos Bay Wagon Rd. grant lands	402	135	135	50

See footnotes at end of table.

Federal aid to State and local governments based on existing and proposed legislation—Continued

[In thousands]

Function, agency, and program	Functional code	1959 actual	1960 estimate	1961 estimate
Natural resources—Continued				
Department of Interior—Con.				
Payments to Oklahoma from oil and gas royalties	403	$15	$19	$15
Mineral Leasing Act, to States	403	32,985	36,260	38,543
Payments to Alaska, coal leases	403	91	110	110
Payments to counties, Migratory Bird Conservation Act	404	601	1,330	808
Payment to Wyoming in lieu of taxes, Grand Teton National Park	405	29	30	30
Total, natural resources	------	76,288	92,301	99,997
General Government:				
Department of the Interior: Internal revenue collections, Virgin Islands	609	3,873	3,873	3,800
Treasury Department: Tax collections for American Samoa, Puerto Rico, and Guam	609	20,964	20,226	20,000
Total, General Government	------	24,837	24,099	23,800
Total, shared revenue	------	101,125	116,494	123,897
NET LOANS AND REPAYABLE ADVANCES				
Labor and welfare, General Services Administration: Hospital facilities in District of Columbia (private nonprofit)[2]	213	1,790	1,200	741
Agriculture and agriculture resources: Watershed protection [2]	354	60	825	1,070
Natural resources, Department of the Interior, Bureau of Reclamation: Loans for irrigation projects [2]	401	4,465	10,565	19,780
Commerce and housing:				
Office of Civil and Defense Mobilization: Procurement fund	520	−150	−115	70
Small Business Administration: Loans to State and local development companies	518	----------	1,400	3,374
Commerce and housing—Continued				
Housing and Home Finance Agency:				
Public facility loans [2]	515	$21,066	$24,750	$24,500
Public works planning [2]	515	3,828	8,731	6,450
Slum clearance and urban renewal [2]	515	1,737	55,80[illegible]	18,550
Low rent public housing program [2]	516	−1,878	4,043	1,011
Community facilities [2]	517	−1,058	930	700
College housing	517	108,214	109,560	89,340
Department of the Interior: Alaska public works [2]	515	3,092	2,810	240
Proposed legislation, Department of Commerce: Area assistance loans [2]	518	----------	----------	1,000
General government:				
District of Columbia: Loans for capital outlays	609	3,250	6,700	13,200
Department of Defense, civil: Department of the Army: Construction of power systems—Ryukyu Islands	609	----------	100	7,400
Total, loans and repayable advances	------	144,416	227,301	187,426
Total, all net budget expenditures	------	4,012,190	4,434,611	4,426,282
TRUST FUNDS				
Commerce and housing, Department of Commerce, Bureau of Public Roads: Federal-aid highways (grants) [4]	500	2,588,796	2,998,250	2,696,546
Labor and welfare, Treasury Department: Unemployment trust fund (loans) [4]	200	212,440	2,000	----------
Total, trust funds	------	2,801,236	3,000,250	2,696,546
Total, net budget and trust fund expenditures for grants-in-aid, shared revenue, loans, and repayable advances	------	6,813,426	7,434,861	7,122,828

[1] Part of a larger appropriation account.
[2] Part of a larger appropriation account. A related part of this appropriation is shown under repayable advances.
[3] Part of a larger appropriation account. A related part of this appropriation is shown under grants-in-aid.
[4] Part of a larger account.

FUTURE FARMERS OF AMERICA PREPARE THEMSELVES TO SERVE THE NATION

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, National Future Farmers of America Week will be celebrated this year during the period of February 20–27. It is most appropriate that a week is set aside each year to focus attention on the young men who will become the successful farmers of tomorrow. It is on this large segment of our youth that the future expansion of American agriculture depends. Agriculture is the largest single industry in the Nation, and therefore it is at once obvious that the proper training of our future farmers is of paramount importance. This training is provided by the nationwide program of vocational education in agriculture and its accompanying organization, the Future Farmers of America. The FFA is an educational, nonprofit, nonpolitical farm youth organization of voluntary membership, designed to develop agricultural leadership, character, thrift, scholarship, cooperation, citizenship, and patriotism. The success of this organization is evidenced by the number of young men who, upon leaving the FFA family, are given positions of leadership and responsibility in the Farm Bureau, Farmers Union, and other agricultural and civic groups while still in their youth.

Today there are 381,621 members of the Future Farmers of America who are receiving technical training and character development which will enable them to assume their role in America's biggest industry with competence and integrity. We must have a constant supply of new farmers every year and these must be men of experience and training. Technological progress has made it incumbent upon today's farmer to be both a scientist and a businessman, a mechanic and a laborer. The modern farm is a highly complex unit, and it is the farmer who is conversant with the very latest methods of crop rotation, fertilization, mechanization, conservation, and marketing who is able to make farming an attractive, desirable, and profitable occupation.

There are many chapters of the Future Farmers of America in the Second Congressional District of Kentucky, which I have the honor to represent. I can say from personal observation and familiarity with their programs that this organization of young farmers exerts an immeasurable influence for good on the rural life of our Nation. The young farmer of today does not hesitate to involve himself in educational, cultural, and civic matters which once were considered the sole province of his city brother. I am proud of these young men and the active part they are taking in community activities. Their natural desire for action, identification with a group, and competitive instincts are fully realized within the framework of the FFA chapter. I enjoy visiting with these young men and their families when I travel through Kentucky, and I am always gratified to see their enthusiasm for farming as a challenging and satisfying way of life.

Much has been written about the various farm problems facing the Nation, and undoubtedly many of our programs need to be intelligently and carefully scrutinized to justify their continuance. However, I have faith that solutions will be found for present difficulties, and I am in complete agreement with the FFA creed which begins with the declaration "I believe in the future of farming." It was Gifford Pinchot, the great conservationist, who once said, "As the farmer prospers, so prospers the Nation." I believe the Future Farmers of America are training our rural youth to be prosperous and successful farmers, and it gives me pleasure to commend the members of this organization and their leaders on the important part they are playing in America's future.

THE LOYALTY OATH

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, there has recently been wide discussion in many institutions of higher education of the loyalty oath and the disclaimer of membership in, support of, or belief in subversive organizations that those persons who accept loans or grants under the National Defense Education Act must sign. The great State University of Wisconsin, located in Madison in my district, has ever been devoted to liberty for students and teachers, claiming that only through shifting and winnowing of ideas can the truth be found. The University of Wisconsin has expressed its disapproval of the requirements, and one of its faculty members—Prof. Carl Auerbach, of the school of law—has written for the February 1 New Leader an analysis of the oath and affidavit. Since the matter will probably soon be before the House, I believe the Members would be interested in Professor Auerbach's article as one view of the problem.

The article follows:

STUDENT LOYALTY—SHOULD IT BE QUESTIONED?—NO

(By Carl A. Auerbach)

Of all the people receiving benefits from our welfare state, only college students and teachers are now required to attest to their loyalty to the United States. To date, 19 colleges and universities have refused to participate in the student loan program under the National Defense Education Act of 1958 because the act requires the borrowing student to take an oath of allegiance to the United States and sign a non-Communist affidavit. Liberals who fought for increased Federal aid to education and scorned the argument that it might lead to Federal control of education are now protesting this requirement as an unwarranted Federal invasion of academic freedom.

Is this protest justified? The lack of clarity about the issues raised by the National Defense Education Act oath and affidavit requirement has not only confused students, their parents, and the public generally. It threatens to split the academic community into two antagonistic camps, one ardently supporting the requirement and the other urging complete withdrawal of participation so long as it remains in the act. Neither position, in my opinion, is reasonable.

A good deal of public confusion may be attributable to the attempt to distinguish between the oath and the affidavit and to concentrate attack upon the affidavit. President Eisenhower has publicly opposed the affidavit requirement, saying that the oath should suffice. Secretary of Health, Education, and Welfare Arthur S. Flemming appears to favor repeal of both the oath and the affidavit. The presidents of Harvard and Yale have objected mainly to the affidavit. Their position accords with that taken by the American Association of University Professors and the Association of American Universities. The regents of my university have protested both the oath and the affidavit, our faculty has condemned the affidavit only—although both regents and faculty have voted to continue to participate in the NDEA student loan program.

President A. Whitney Griswold of Yale, writing in the New York Times magazine last December 20, thus explained the distinction he drew between the oath and the affidavit: "By itself the oath is no more than an affirmation of the duties every citizen owes to his country, whether he takes the oath or not. It is thus coextensive with and expressive of the basic law of the land. The disclaimer affidavit, on the other hand, extends beyond the basic law of the land into the realm of belief and conscience, where definitions are vague and actions become matters of debate."

The disclaimer affidavit itself, however, calls for three different kinds of disclaimers—(1) that the affiant "does not believe in * * * the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods"; (2) that he "is not a member of any organization that believes in or teaches" such overthrow; and (3) that he "does not support any" such organization.

Griswold's objection to the affidavit would apply, if at all, to disclaimer (1), but not to disclaimers (2) and (3), which move from "the realm of belief and conscience" into the world of acts. But even with regard to disclaimer (1), I find it difficult to see his distinction.

I do not see how anyone can take the oath in good faith who believes in the overthrow of the United States by force or violence or by any illegal or unconstitutional methods. The oath seeks not only to elicit a promise of future behavior but also of future belief—to "bear true faith and allegiance to the United States." What is explicit in the disclaimer is implicit in the oath. If the oath is unobjectionable, so is the disclaimer affidavit; if the affidavit is objectionable, so is the oath.

It is argued, however, that because of the vagueness of the language of the affidavit, all the negative statements that it may be interpreted to require are not implicit in the oath. Who knows what are "illegal or unconstitutional methods," except the Supreme Court of the United States, which may itself be divided on the question? Does one "believe in" the overthrow of the U.S. Government if one merely predicts that it will occur but does not advocate such action? Does one "support" an organization that believes in or teaches overthrow merely by endorsing certain parts of its program (e.g., the elimination of racial discrimination)? Or by defending its right to exist and be heard? Suppose the Government should become totalitarian?

It must be admitted that these ambiguities are latent in the language of the affidavit. But so they are in the language of the oath. The language of the NDEA affidavit is taken almost word for word from the non-Communist affidavit which labor union officers had to take under the Taft-Hartley Act (until the Landrum-Griffin Act of 1959 repealed this requirement). The constitutionality of the Taft-Hartley affidavit was attacked because of these ambiguities. Although it was very closely divided on the issue, the Supreme Court in 1950 upheld the affidavit (*American Communication Association* v. *Douds*). Speaking for the Court, the late Chief Justice Fred Vinson said: "There is little doubt that imagination can conjure up hypothetical cases in which the meaning of these terms will be in nice question. The applicable standard, however, is not one of wholly consistent academic definition of abstract terms." It is whether the person asked to sign the affidavit is given fair warning of what is required of him.

The Chief Justice then held that the non-Communist affidavit was aimed only at "persons and organizations who believe in violent overthrow of the Government as it presently exists under the Constitution as an objective, not merely a prophecy." He pointed out that anyone could sign the disclaimer affidavit without fear of subsequent punishment for perjury if, when he did so, he did not knowingly lie about his beliefs and affiliations.

The Douds case gives us reason to construe the affidavit requirement of the NDEA in the same way. And this is probably the commonsense way in which the NDEA affidavit would be interpreted by students, their parents and teachers.

However, the question remains whether the disclaimer affidavit, even so construed, infringes upon academic freedom. Those who argue that it does have failed to make clear whether they think so because it asks affiants to renounce beliefs which should be protected in a democratic society or simply because it seeks to elicit a statement about beliefs, regardless of their nature. So, for example, the NDEA disclaimer affidavit has been likened by President Griswold to the political and religious test oaths so abhorrent to our liberty-loving forefathers. But the analogy is not apt.

The great objection to the historic test oaths was that they sought to elicit disavowals of beliefs which citizens could very well hold and still be loyal to their government. The NDEA disclaimer affidavit calls essentially for an expression of belief in a system of government such as Holdsworth, the great historian of English law, described as having been made possible by the Revolution of 1688—one "under which parties peaceably contended in Parliament for the victory of their respective views" and "victory of the one or the other party gradually ceased to be accomplished and followed by the proscription of their opponents."

It does not call for the renunciation of any beliefs that are compatible with faith in and allegiance to such a system of government. Together, the NDEA oath and affidavit do not require the avowal or disavowal of any particular social, economic, political or moral belief—other than the disavowal of beliefs inconsistent with belief in the democratic process itself as a mode of peaceful change. It is not fair, therefore, for Griswold to liken the NDEA requirement with Hitler's order that civil servants and professors swear allegiance to him or to see it as an instrument of coercion, conformism and oppression. Certainly the academic community is committed to the democratic process. Certainly, we can expect that it will install in our students abiding faith in and allegiance to democracy.

Equally inapt are the analogies drawn by President Griswold between the NDEA requirement and the test oaths directed against Loyalists at the end of the Revolutionary War and the adherents of the Confederacy at the end of the Civil War. The Reconstruction Period oaths, for example, provided that no person could practice law in a Federal court, hold public office, be a teacher or perform the tasks of a clergyman unless he took an oath that he had never (1) voluntarily borne arms against the United States; (2) voluntarily given aid, counsel, or encouragement to persons in armed hostility to the United States; (3) "by act or word" manifested his adherence to the cause of the enemies of the United States or his desire for their triumph over the arms of the United States or his sympathy for those engaged in rebellion; nor (4) harbored or aided any person engaged in guerrilla warfare against loyal inhabitants of the United States. (It is interesting to recall that Lincoln signed the congressional legislation that provided for these oaths.)

The Supreme Court in 1866 held these test oaths to be unconstitutional because they (1) punished past acts of misconduct, without a judicial trial; (2) imposed, ex post facto, additional punishment for the crime of treason; and (3) the disavowals they called for were not relevant to the qualifica-

tions for the offices and positions closed to the persons who refused to make them. The Supreme Court, in other words, was of the opinion that a person who refused to make the required disavowals could nevertheless promise in good faith to bear true faith and allegiance to the Union in the future. None of these considerations apply to the NDEA requirement of a disavowal of present beliefs and affiliations inconsistent with true faith and allegiance to the United States.

Is there, nevertheless, a principle of freedom which should keep a democratic government from seeking, under any circumstances, to elicit the avowal or disavowal of beliefs, no matter what their nature? On this question, reasonable men have differed. The late Justice Robert Jackson thought there was such a principle. Justices Hugo Black and William Douglas think so too. Other Justices, like Justice Felix Frankfurter and the late Chief Justice Vinson, do not.

I myself am inclined to agree with Vinson and Frankfurter that there are circumstances under which it would be proper for a democratic government to elicit the avowal or disavowal of beliefs, as such. There are any number of situations in which the beliefs which an individual holds are relevant to the determination of his qualifications for a particular office or position. And the Supreme Court has upheld the elicitation of such beliefs from municipal employees, candidates for public office, public school teachers and, of course, trade union officials.

Even Jefferson and Madison agreed that it would be necessary to screen the views of the scholars who sought to teach law and political theory at their University of Virginia, in order to block the entrance of doctrines which contradicted the cherished freedoms of democratic society and Republican ideology. Jefferson wrote to Madison that in the field of government there was a duty "in us to lay down the principles which are to be taught." Madison agreed that "the true doctrine of liberty, as exemplified in our political system, should be inculcated on those who are to sustain and may administer it," but he objected to Jefferson's proposal that textbooks be prescribed. Jefferson saw, as Adriene Koch shows, that an essential limit on freedom included "uncompromising opposition to the systems of thought that would, if made effective, undermine that freedom."

It all depends, as Vinson recognized in the Douds case, upon "the circumstances under which one is asked to state his belief and the consequences which flow from his refusal to do so or his disclosure of a particular belief." In some ways, the disclosure of beliefs is easier, and in other ways more difficult, to justify under the NDEA than under the Taft-Hartley Act. In the NDEA case, the Government is simply refusing to subsidize persons who believe that it should be overthrown; in the Taft-Hartley case, the Government was exerting pressure on labor unions to get them to remove from office the individuals who held the described beliefs.

But the consequence to the individuals concerned in the one case—financial inability to obtain a higher education—may be as serious as in the other—loss of position as a union officer. Moreover, the danger sought to be averted in the Taft-Hartley case was much greater than in the case of the NDEA. In the former case, Congress sought to prevent acts which could cripple the national economy; under the NDEA, the only danger is that some students who hold the described beliefs may get a college or university education that would otherwise be foreclosed to them. It is difficult to see how the Nation would be harmed if they did. A higher education is precisely what these students need.

I think it was unnecessary and unwise for Congress to impose the oath and affidavit requirement in the first place and that it will be even more unwise for Congress to insist upon it in the face of the academic community's opposition. (Nevertheless, I do not think it will help the cause of repeal of the requirement to exaggerate the case against it and raise the alarming, but unjustified, cry that, by imposing it, Congress has struck a blow against academic freedom.) There are other reasons—and President Griswold marshals them—that should be sufficient to persuade most Congressmen of its lack of wisdom.

The congressional distrust implicit in this singling out of the academic community rankles—and justifiably so. It has no rational basis. It is an unwarranted reflection upon the parents and teachers of the students who will apply for benefits. And it is especially incongruous because, as President Griswold says, "in one and the same breath [college students and teachers] are told they are the Nation's first line of defense—and the Nation's poorest security risk." Expression of distrust is hardly compatible with the building of "a new esteem for scholarship, a new respect for the crucial importance of education" which Congress has acknowledged to be one "of the greatest needs in American education today."

The utter futility of the oath and affidavit requirement must be admitted by anyone who will give the matter some thought. The Senate Committee on Labor and Public Welfare, in recommending repeal of the non-Communist affidavit requirement of the Taft-Hartley Act, stated almost plaintively: "The assumption upon which the present non-Communist affidavit requirement was based is that officers of unions who were Communists would not file affidavits. This assumption, on the basis of the record, has not proved sound. * * * Indeed, the record clearly demonstrates that the officers of unions alleged to be Communist-infiltrated have been most punctilious about filing non-Communist affidavits."

What else should any thinking person have expected? Truly subversive students and teachers (I do not know that there are any) would not hesitate to sign the NDEA oath and affidavit. Only the most sensitive and conscientious students and teachers, who take such things as oaths and affidavits seriously and are inclined toward an absolutist view of the constitutional guarantee of freedom, will refuse to sign. These are hardly the people we should wish to deprive of the benefits of the NDEA.

For most students and teachers, the only effect of the NDEA requirement will be to accustom them to depreciate the solemn import of such requirements and to meet them routinely and uncomprehendingly. In time, this will kill any vestige of ceremonial value which some of the proponents of the requirement think it may have. (Will our democracy really be strengthened by wholesale pledges of allegiance by college students and teachers?) And it should be noted that the grounds for questioning the wisdom of the affidavit also apply to the oath.

But should colleges and universities refuse to participate in NDEA programs as a protest against the oath and affidavit requirement? The answer given to this question has not been clear or consistent, and some of the distinctions drawn are less persuasive than others.

For example, the Natinal Science Foundation Act of 1950 has the same disclaimer affidavit requirement as the NDEA; yet both Harvard and Yale continue to participate in programs under it. Griswold explains that the affidavit under the NSFA "is the responsibility of the individual receiving the benefit," whereas "in the NDEA, through investment in the loan program and administration of the affidavit, the institution itself is involved."

This is true. The student loan program under the NDEA is administered by the colleges and universities which must themselves match not less than one-ninth of the Federal contributions. A student applies for a loan to his own institution, not to the government. Once it is decided that he is eligible, he is asked to sign the required oath and affidavit. When he does so, the loan is granted and the document containing the signed affidavit and oath is forwarded to Washington. Congress adopted this procedure in order to place "the administration of the funds closer to the students who may need and apply for loans."

Under the NSFA, the student applies for aid directly to Washington, and the affidavits are administered through the mail without any intermediate intervention of the institution he will attend. (Some NDEA graduate fellowships are administered this way, while some NSFA fellowships are administered by the institution involved.)

The distinction (based upon whether the university itself must administer the affidavit) is drawn not in order to justify the affidavit requirement under the NSFA but to explain why an institution that will not refuse to accept students who have signed NSFA affidavits should nevertheless refuse to participate in the NDEA student loan program. This distinction is not very satisfying to me, and it should be least satisfying to those who regard their objection to the affidavit as a matter of principle.

In addition, some who make this distinction do not apply it consistently. Harvard, for example, continues to participate in the programs for NDEA foreign language fellowships and NSFA cooperative fellowships, which require the university itself to administer oaths and affidavits.

Even those who object to the affidavit requirement on principle should hesitate greatly before refusing to participate in the NDEA programs. Other principles are also involved. It is one thing to take a stand for principle when only one's own welfare is at stake. It is quite another to take such a stand when the adverse consequences will also fall on others—students who will be deprived of a higher education and the people of our country generally, who will be deprived of programs essential to the intelligent conduct of our foreign affairs. Under these circumstances, the students (advised by their parents) and teachers involved have a reasonable claim to be allowed to decide for themselves whether to sign the oath and affidavit.

It is doubtful, too, whether the refusal to participate is a responsible action in a democracy, when active steps are being taken (in the executive branch and in Congress) to use the democratic process to bring about a change in the law. The objective of the academic community is to preserve and expand the NDEA programs, for which it has pleaded for so long, and at the same time secure repeal of the oath and affidavit requirement. Is it not crucial, then, to ask whether a protest which takes the form of a refusal to participate will help or hinder the attainment of this dual objective? From what I have been able to learn, the men in Congress who sympathize most with this dual objective advise continued participation in the NDEA programs.

Colleges and universities should of course protest the oath as well as the affidavit requirement of the NDEA and the NSFA. But while actively seeking the elimination of these requirements, they should continue their participation in the sorely needed programs which the NDEA and NSFA make possible. At the same time, they have a special obligation to see to it that other funds are raised for the benefit of any student who is eligible for a loan or grant under the NDEA or NSFA but has conscientious objections to signing the required oath or affidavit. So far as Congress is concerned,

let us hope that it will demonstrate its confidence in the academic community by repealing the oath and affidavit requirements in both laws.

SOCIAL SECURITY BENEFITS

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODELL. Mr. Speaker, I have today introduced a bill which will increase from $1,200 to $2,500 the amount which a recipient of social security benefits may earn a year without a loss in those benefits.

Our present social security law provides that a person who earns more than $1,200 a year begins on a graduated scale to lose benefits under social security. This acts as a deterrent to continued activity and productivity by our senior citizens. In many instances, they are forced to retire from jobs at age 65. Their social security benefits, combined with $1,200 of earnings a year, often in this day of the inflated dollar do not suffice to support them adequately. Surely, we cannot continue to crush our elderly citizens in this vise which has been tightened each year by inflation. Perhaps this $1,200 was a reasonable limit to earnings when first applied, but today it is totally unrealistic.

Many persons in this wondrous age of medical miracles reach 65 fully capable and eager to continue their productive labors. Their wisdom, insight, and experience should be drawn into our active currents of life rather than closed off. I believe the net effect of enactment of my bill would be to encourage thrift and individual responsibility in all our citizens, while partially alleviating the acute economic problem of many of our retired citizens.

BENEFITS UNDER TITLE II OF SOCIAL SECURITY ACT

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODELL. Mr. Speaker, it is estimated that today nearly a quarter of a million young people who are qualified for college work must abandon plans for further education because of a lack of sufficient funds. This is not only a personal problem to these young folks and to their families, but it is increasingly a national problem. We cannot afford to discard the intellectual capabilities of our gifted young people. Our atheistic Communist competitors are not so foolish as we in this regard.

As a result of my personal study of this matter, I am today proposing legislation which would raise from 18 to 21 years the maximum age for receiving benefits under title II of the Social Security Act in the case of children attending school. This would be particularly applicable to orphans or children of widowed mothers. If enacted, approximately 115,000 students would be eligible for benefits ranging from $42.30 a month to $87 a month. These benefits would apply only so long as the student remained in school on a full-time basis. Obviously, the benefits would nowhere near pay the cost of advanced education for these young people. It would provide a helping hand which would encourage the families of these students and the students themselves to go forward in developing their individual potential. The cost would be small in terms of our present social security program, constituting an estimated eight one-hundredths of 1 percent of the payrolls taxable under the social security program.

OUR MISSILE AND SPACE PROGRAMS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. KELLY. Mr. Speaker, great debates concerning the adequacy, effectiveness, and direction of our missile and space programs are in progress. In the past months, the efforts of congressional committees have revealed serious disagreement by those in high office as to the course our Nation should follow. These respected experts differ in opinion as to the degree of the missile gap; the methods of evaluating intelligence information which, in the final analysis, is the basis that has been used to set the pace of our efforts; the advisability of conducting our civilian and military space programs separately; the loss of international prestige by the United States; the speed with which we should proceed with project Mercury; and, finally, the budgetary plan for our programs. These disagreements must not be taken lightly—they deeply affect the security of the United States and the entire free world.

Some say that this public conflict is harmful to the United States. These same people would have us believe that there is no room for dispute as to the adequacy of our programs. They tell us that the differences arise from petty jealousies and interservice rivalries—they attack the disagreements as being politically motivated. In effect, they tell us that they are the only ones expert enough to make these far-reaching decisions and, finally, they conceitedly ask the people of the United States to have unwavering confidence in the decisions they make. We cannot accept these assurances when the great majority of the disputants are the very men appointed by the administration. Philosophically it may be said that:

> Absolute certainty is a privilege of uneducated minds—and fanatics. It is for scientific folk an unattainable ideal.[1]

I, for one, join forces with those who view the airing of these disagreements as an awakening out of which better methods and programs will result.

The differences of opinion are now known—the cavalry charges have been made and with well-aimed sabers, complacency has been stirred. Progress is imperative—what action is necessary?

Dr. Wernher von Braun on December 8, 1959, at Cleveland, Ohio, discussed the problems remaining to be solved in an address entitled "Conquest of Outer Space." Dr. von Braun pointed out that "having defined natural laws, man has gained the fundamental knowledge by which he can combine materials and energy in useful devices." The doctor emphasized that in the challenge we face "much of what is required is straightforward engineering." I know of no nation better equipped to meet these problems than the United States. One only has to look to history to prove this. Taking first things first, however, a method for meeting this challenge must be devised.

In House Joint Resolution 604, which I introduced last week, it is stated that:

> Appropriate planning and marshaling of educational and productive capacity for the greatest and most difficult engineering, design, and development problem of modern times served to assure the United States of war and peaceful use of atomic power.

How was this great conquest achieved? By the "energetic participation of the coordinated efforts and facilities of our outstanding institutions of learning."

Mr. Speaker, these learned institutions, their faculties and facilities stand ready to once again render full assistance to the United States in its hour of need.

My resolution would require the President to convene a conference of the representatives of our great learned institutions. It would be the function of these great men of science and technology to make recommendations for an urgent course of action concerning the engineering, design and development problems retarding exploration of outer space.

I am proposing what we Americans might call an "all star team." We can afford no less.

Mr. Speaker, man will very shortly travel into space. Let us take action which will assure that the first human voice beamed back to earth will be that of an American. We cannot afford to hear these first words spoken in Russian. Just this past Saturday, Dr. George B. Kistiakowsky, the President's scientific adviser, said that the United States was engaged in a "scientific and technology contest with the Soviet Union, which today involves our national prestige and tomorrow, perhaps, our very survival." Let us take up this challenge. Let us dedicate ourselves toward achievement of first place in the minds of the peoples of the world. Let us call in the experts and give them the tools to work with. Let us

[1] C. J. Keyser, philosopher.

seek out the truth and those that are strong enough to bear its heavy weight; in short, let us win.

Mine is a small voice in this enormous project. I hope many of you will join me in sponsoring this resolution.

WEST VIRGINIA IS GETTING SHORTCHANGED—XVI

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. HECHLER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HECHLER. Mr. Speaker, today I want to talk for a few moments about the Nation's farm program. I do not, however, intend to belabor for long nor detail minutely what is wrong with our farm program.

I have dozens of friends among the Democratic members of this house who can discuss this subject at greater length and with far more bitterness than I. They have done so, and with great justification.

We all know the farm program is a mess. Today I want to discuss just one small facet of that mess, or in William Woodward's words, "Another bead on the string of confusions."

West Virginia primarily is not an agricultural State. It depends basically upon coal, steel, chemicals, glass and other industries to produce its wealth.

Nonetheless, there are more than 67,000 farms in West Virginia, and about 250,000 people—one of every eight West Virginians—are supported in whole or in part from farm income.

Now, my West Virginia colleagues and I have spoken many times before the House on the depressed condition of our State's economy. Unemployment continues at the highest rate in the Nation, with about one-eighth of the total work force still jobless.

The State desperately needs every fair break it can get if it is to end the persistent recession which grips it.

In this context, I have on 15 previous occasions put forward statistics to show that the Federal Government—instead of giving West Virginia every break it could in the location of facilities and personnel—instead has often shortchanged the State in these fields.

I have pointed out that in proportion to population West Virginia ranks last in Defense Department payrolls and installations, last in Commerce Department facilities, and is ignored completely by many independent agencies and other departments.

Today I would like to present the figures for farm-support participation throughout the Nation, based on loans made on 1958 crops by the Commodity Stabilization Service through the Commodity Credit Corporation.

Need I tell you where West Virginia ranks? Dead last, among the 45 States participating in the program.

How can the farmers of West Virginia—many of whom depend on small, marginal farms for their total income—endorse an agricultural program which treats them in such a discriminatory fashion?

How can the taxpaying farmers of West Virginia go along with a farm program that gives them only two ten-thousandths of 1 percent of the $3,522,314,367 expended on crop supports in 1958?

How can the Department of Agriculture justify giving West Virginia only one-thousandth of 1 percent as much as the largest State—Texas—received?

These 1958 figures, which I am appending at the end of this statement, are bad enough. As final evidence, let me point out that the 1958 crop year was the last in which corn crops were supported. Every penny of the pitifully small total of $7,666 allotted to West Virginia under this program was for corn growing.

West Virginia's share of the 1959 apportionment, which by October 31 last year had reached $584,859,143, is absolutely zero.

West Virginia has been taken out of the crop support program altogether.

I am not saying that West Virginia, under the present farm program, should participate in support programs to anything near the extent of States like Texas, Kansas, or Nebraska.

I am saying that when a farm program is devised which omits entirely the many farmers in an entire State like West Virginia, then it is a very bad program that ignores the human element and the public interest. We in West Virginia do not like a farm program which milks our State and at the same time piles up needless surpluses at a huge cost to the American taxpayer.

I submit the following table of figures, Mr. Speaker, to support these contentions:

Loans made on 1958 crops, by States, through Oct. 31, 1959

Texas	$687,700,531
Kansas	425,389,752
Nebraska	265,781,941
Iowa	218,485,753
California	167,523,420
North Dakota	158,220,676
Oklahoma	142,865,417
Illinois	141,613,179
Minnesota	121,859,905
North Carolina	117,460,002
Mississippi	114,098,865
Arkansas	107,811,957
South Dakota	90,280,559
Arizona	86,046,694
Missouri	80,954,132
Georgia	72,981,796
Washington	60,018,591
Montana	59,074,494
Alabama	51,074,920
Tennessee	48,958,590
Colorado	47,235,406
New Mexico	39,261,548
Indiana	31,020,734
South Carolina	25,431,565
Louisiana	24,114,183
Idaho	23,756,248
Oregon	23,385,169
Ohio	19,211,950
Michigan	16,403,317
Kentucky	12,056,476
Virginia	6,986,063
Wyoming	6,355,169
Florida	2,512,738
New York	2,350,734
Maryland	1,538,679
Pennsylvania	1,092,710
Wisconsin	960,960
Puerto Rico	704,495
Utah	$693,351
Nevada	382,070
New Jersey	315,819
Connecticut	242,348
Delaware	143,501
Maine	93,908
West Virginia	7,666

Loans made on 1958 crops, by States, through Oct. 31, 1959—Continued

Source: Commodity Credit Corporation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DOWNING (at the request of Mr. SMITH of Virginia), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FOUNTAIN (at the request of Mr. MCCORMACK), for 15 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. OLIVER (at the request of Mr. LIBONATI), for 45 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WALTER.

Mr. TRIMBLE and to include extraneous matter.

Mrs. KEE (at the request of Mr. MCCORMACK) in five instances and to include extraneous matter.

Mr. BETTS.

(The following Members (at the request of Mr. LIBONATI) and to include extraneous matter:)

Mr. ANFUSO.

Mr. BROOKS of Louisiana in two instances.

Mr. DADDARIO.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on February 16, 1960, present to the President, for his approval, bills of the House of the following titles:

H.R. 3610. An act to amend the Federal Water Pollution Control Act to increase grants for construction of sewage treatment works, and for other purposes;

H.R. 8171. An act amending the act of February 20, 1931, as amended, with respect to a rail transit crossing across the Bay of San Francisco; and

H.R. 9664. An act to stabilize support levels for tobacco against disruptive fluctuations and to provide for adjustment in such levels in relation to farm costs.

ADJOURNMENT

Mr. LIBONATI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p.m.) the House adjourned until tomorrow, Thursday, February 18, 1960, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 86th Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: JOHN KYL, Fourth District, Iowa.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1844. A letter from the Assistant Secretary of Defense, relative to the Department of the Air Force requesting approval to proceed with a project for an aircraft control and warning facility with appurtenant roads and utilities at Punta Salinas, P.R., at an estimated total cost of $140,000, pursuant to Public Law 86-149; to the Committee on Armed Services.

1845. A letter from the Comptroller General of the United States, transmitting a report on the review of certain operations of the Federal-aid highway program of the Bureau of Public Roads, Department of Commerce, in region 7, San Francisco, Calif; to the Committee on Government Operations.

1846. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of 2d Lt. James F. Richie," to the Committee on the Judiciary.

1847. A letter from the president, D.C. Transit System, Inc., transmitting a report covering the operations of D.C. Transit System, Inc., for the year ending December 31, 1959, with balance sheet as of December 31, 1959, pursuant to section 10 of the act of Congress approved June 10, 1896, and of an act of Congress approved March 4, 1913 (Public 435); to the Committee on the District of Columbia.

1848. A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation entitled "A bill to provide for continuation of authority for regulation of exports, and for other purposes"; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 558. Concurrent resolution providing for printing additional copies of the panel discussions entitled "Income Tax Revision," without amendment (Rept. No. 1269). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 579. Concurrent resolution authorizing the printing of additional copies of a veterans' benefits calculator; without amendment (Rept. No. 1270). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 428. Resolution that there be printed for the use of the Joint Committee on Defense Production, U.S. Congress, upon requisition of the chairman thereof, not to exceed 1,000 additional copies of the report entitled "Ninth Annual Report of the Activities of the Joint Committee on Defense Production"; without amendment (Rept. No. 1271). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 414. Resolution providing for the printing of additional copies of the consultations entitled "The Crimes of Khrushchev", parts 1, 2, 3, and 4; with amendment (Rept. No. 1272). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 427. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 101; without amendment (Rept. No. 1273). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 425. Resolution to provide funds for the Committee on the Judiciary; without amendment (Rept. No. 1274). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 423. Resolution to provide additional funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 81; without amendment (Rept. No. 1275). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 419. Resolution authorizing additional expenses for the Select Committee on Small Business; without amendment (Rept. No. 1276). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 421. Resolution to amend House Resolution 107, 86th Congress; without amendment (Rept. No. 1277). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 10491. A bill to provide for the treatment of gain from the sale or exchange of tangible personal property used in the trade or business; to the Committee on Ways and Means.

By Mr. MASON:

H.R. 10492. A bill to provide for the treatment of gain from the sale or exchange of tangible personal property used in the trade or business; to the Committee on Ways and Means.

H.R. 10493. A bill to provide for more effective management of the public debt by removing the remaining interest rate restrictions on public issues of Government securities, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 10494. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. FALLON:

H.R. 10495. A bill to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. FOLEY:

H.R. 10496. A bill to amend section 6 of the act of August 24, 1912, with respect to the recognition of organizations of employees in the Federal civil service; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 10497. A bill to amend the laws relating to mortgage insurance, urban renewal authorization and relocation payments; to the Committee on Banking and Currency.

By Mr. HARMON:

H.R. 10498. A bill to amend the Additional House Office Building Act of 1955 to provide for the construction of a heliport on top of the building authorized to be constructed by that act; to the Committee on Public Works.

By Mr. JOHNSON of Maryland:

H.R. 10499. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise, by providing for fair competitive acts, practices and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KILDAY:

H.R. 10500. A bill to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service; to the Committee on Armed Services.

By Mr. KING of California:

H.R. 10501. A bill to amend the Internal Revenue Code of 1954 to provide that transportation between the continental United States and Hawaii shall be fully exempt from the tax on transportation of persons; to the Committee on Ways and Means.

By Mr. LAFORE:

H.R. 10502. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 10503. A bill to amend the Civil Service Retirement Act with respect to reemployment service; to the Committee on Post Office and Civil Service.

By Mr. MERROW:

H.R. 10504. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOELLER:

H.R. 10505. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. PELLY:

H.R. 10506. A bill to provide increased retired pay for certain members of the uniformed services retired before June 1, 1958; to the Committee on Armed Services.

By Mr. PORTER:

H.R. 10507. A bill to clarify the policy of the Congress with respect to the postal-rate structure and to provide certain adjustments in postage rates for second-class mail matter; to the Committee on Post Office and Civil Service.

By Mr. ROBISON:

H.R. 10508. A bill to amend the Internal Revenue Code of 1954 to provide that the

cost of all medicine and drugs for the taxpayer and his spouse, rather than only the excess over 1 percent of adjusted gross income as otherwise provided, may be included in computing the medical expense deduction where such taxpayer or spouse is 65 or over; to the Committee on Ways and Means.

By Mr. SMITH of Mississippi:

H.R. 10509. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the communications and transportation taxes for amounts paid by nonprofit hospitals; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 10510. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN:

H.R. 10511. A bill to grant an additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937; to the Committee on Merchant Marine and Fisheries.

By Mr. WALTER:

H.R. 10512. A bill to establish rule of evidence in expatriation cases; to the Committee on the Judiciary.

By Mr. BROCK:

H.R. 10513. A bill granting the consent of Congress to the States of Kansas and Nebraska to negotiate and enter into a compact relating to the apportionment of the waters of the Big Blue River and its tributaries as they affect such States; to the Committee on Interior and Insular Affairs.

By Mr. DORN of New York:

H.R. 10514. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; to the Committee on Ways and Means.

By Mr. GOODELL:

H.R. 10515. A bill to amend title II of the Social Security Act to increase from $1,200 to $2,500 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 10516. A bill to increase, in the case of children who are attending school, from 18 to 21 years the age until which child's insurance benefits may be received under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. JOHNSON of Maryland:

H.R. 10517. A bill to establish a Commission To Study Small Town Community Problems; to the Committee on Government Operations.

By Mr. KING of Utah:

H.R. 10518. A bill to amend section 3 of title 4, United States Code, to extend the effect of that section; to prohibit the use, in advertising for a commercial purpose, of a uniform of any of the Armed Forces of the United States; and for other purposes; to the Committee on the Judiciary.

By Mr. CLEM MILLER:

H.R. 10519. A bill to save and preserve, for the public use and benefit, certain portions of shoreline areas of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Kentucky:

H.R. 10520. A bill to provide for the conveyance to the State of Kentucky of certain real property of the United States situated in Jefferson County, Ky.; to the Committee on Armed Services.

By Mr. HAGEN:

H.R. 10521. A bill to amend the act of September 2, 1958; to the Committee on the Judiciary.

By Mr. CELLER:

H.J. Res. 615. Joint resolution requiring the consent of Congress for future amendments to the Port of New York Authority compact; to the Committee on the Judiciary.

By Mr. DORN of New York:

H.J. Res. 616. Joint resolution authorizing and requesting the President to proclaim an annual Senior Citizens' Week; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. Con. Res. 591. Concurrent resolution expressing the sense of the Congress that the President of the United States should, through the U.S. delegation to the United Nations, urge the restoration of full liberties to the Jewish people residing in the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. KNOX:

H. Con. Res. 592. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAY:

H. Con. Res. 593. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing the Congress of the United States to enact legislation to provide for a regional national cemetery in the State of Rhode Island; to the Committee on Interior and Insular Affairs.

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation increasing retirement benefits of certain retired members of the Armed Forces; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 10522. A bill for the relief of Mrs. Rulon F. Sheers; to the Committee on the Judiciary.

By Mr. DORN of New York:

H.R. 10523. A bill for the relief of Mrs. Helena Sullivan; to the Committee on the Judiciary.

H.R. 10524. A bill for the relief of the Brooklyn Conservatory of Music; to the Committee on the Judiciary.

H.R. 10525. A bill for the relief of Nora Lee Douglas; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10526. A bill for the relief of Frank Epiphano D'Angelo; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 10527. A bill for the relief of Sum Seto and wife Yee Sun Kam; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 10528. A bill for the relief of Evagelos Kyritsis; to the Committee on the Judiciary.

H.R. 10529. A bill for the relief of Malamud Sophia; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 10530. A bill for the relief of Kazimierz Krupinski; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 10531. A bill for the relief of Edwin A. Haddad; to the Committee on the Judiciary.

By Mr. RABAUT:

H.R. 10532. A bill for the relief of Carmelo Spagnoletti; to the Committee on the Judiciary.

By Mr. KITCHIN:

H.J. Res. 617. Joint resolution to authorize the Speaker of the House of Representatives to confer a medal on John Edgar Hoover, Director of the Federal Bureau of Investigation; to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

International Financial Agencies

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mrs. KEE. Mr. Speaker, two announcements were made recently which emphasize this country's increasing involvement in efforts to improve the economic position of nations in underdeveloped areas of the world.

Two new international financial agencies, in which the United States will play a major role, have been launched. The Inter-American Development Fund, to which this country has pledged $500 million, will make loans in Latin America exclusively. The International Development Agency will confine its activities to other underdeveloped nations. We have guaranteed $800 million of the $1 billion capital.

I supported these two agencies, chiefly on the theory that soundly conceived loan programs would lessen the need for U.S. foreign aid.

Yet this year Congress has been asked to increase foreign aid appropriations to over $4 billion. I believe this amount should and will be substantially reduced.

The chief responsibility for conducting programs to encourage economic development in Asia and the emerging new nations of Africa should be shared by all nations of the world which now enjoy economic prosperity.

Our European allies and Japan have talked a great deal about assuming a share of the burden. The time has arrived for the United States to make it clear that these other nations must assume their fair share of the burden.

I can understand the clear need for outside assistance to help new nations gain a sound economic footing. But I can no longer see any need for the United States to carry this loan alone.

The inconsistencies of the administration's position on foreign aid and urgently needed programs at home are becoming harder for me to understand. For years we struggled to get a coal research program approved. The President vetoed a good bill last year, but at the same time foreign aid funds, appropriated by Congress, were being used to conduct the same kind of coal research work in a number of foreign nations.

We are desperately in need of economic development work in West Virginia. The President has vetoed legislation of this kind for West Virginia and other States at the same time he makes a plea for larger foreign aid expenditures.

This just does not make sense to me.

The United States will have to continue programs of this type. But it cannot carry the burden alone nor on as large a scale as in recent years.

I do not believe Congress will vote $4 billion for foreign aid this year. Substantial reductions will be made. Perhaps if Congress makes it clear that it wants a new approach to foreign aid, the State Department will step up its efforts to have our allies assume a proportionate share of the burden.

The Late Honorable David McKee Hall

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mr. BROOKS of Louisiana. Mr. Speaker, on this date the Committee on Science and Astronautics agreed to a resolution in memory of our departed colleague, David McKee Hall, a Member of the House of Representatives from the 12th District of the State of North Carolina.

Under leave to extend my remarks, I submit the following resolution:

RESOLUTION IN MEMORY OF A CHARTER MEMBER OF THE COMMITTEE ON SCIENCE AND ASTRONAUTICS, THE HONORABLE DAVID MCKEE HALL, MEMBER OF THE HOUSE OF REPRESENTATIVES, U.S. CONGRESS, FROM THE 12TH DISTRICT OF THE STATE OF NORTH CAROLINA

Whereas he was nominated to serve with the initial membership of the Committee on Science and Astronautics and was designated by his party as the ranking new member thereon; and

Whereas he fulfilled his mission on the committee with perception, diligence, force, understanding, and high integrity; and

Whereas he was able to convey, with dignity and simplicity, a unique wisdom to the affairs and proceedings of the committee; and

Whereas he represented the committee in important relations abroad with distinguished international figures of government and science; and

Whereas he accomplished the foregoing despite laboring under the most difficult and trying personal handicaps, yet did so with unfailing humor and humility: Now, therefore, be it

Resolved, That the Committee on Science and Astronautics hereby expresses deep gratitude and thankfulness for its association with David M. Hall, and that the Committee on Science and Astronautics also expresses its profound sorrow and sense of irreplaceable loss at the passing of David M. Hall in his beloved native State, January 29, 1960; and be it further

Resolved, That this resolution, signed by the members of the committee, be presented to the immediate family of David M. Hall; that a copy of this resolution be made a part of the permanent archives of the committee; and that this resolution further be placed in the RECORD of the Congress of the United States.

Veterans' Administration Medical Care Program

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mrs. KEE. Mr. Speaker, under unanimous consent to extend my remarks in the CONGRESSIONAL RECORD, I include copy of my Keenotes issued today:

KEENOTES

(By Representative ELIZABETH KEE)

WASHINGTON, *February 17, 1960.*

On Monday, the Hospitals Subcommittee of the House Veterans' Affairs Committee, of which I have the honor to be chairman, began a comprehensive series of hearings on all phases of the Veterans' Administration medical care program.

We have 171 veterans' hospitals and domiciliaries. It costs an estimated $931 million each year to finance this program. In addition, we will begin spending July 1 $75 million a year for the construction of new facilities to replace older ones.

No one, I am sure, begrudges veterans the very best of medical care. Congress has been generous in its appropriations for this program. But our desire to care adequately for our veterans does not blind us to the need to make sure that the program is operating as efficiently and economically as possible.

My subcommittee has called in several of the area medical supervisors and general medical directors in the larger centers.

We want to get their ideas on operation and maintenance of present facilities and types of new installations which might be needed.

Perhaps these gentlemen can come up with suggestions that will not only improve service but will also enable us to make substantial savings.

I am highly honored that our distinguished chairman, the Honorable OLIN TEAGUE of Texas, has assigned such an important task to the subcommittee which I head.

Almost all congressional hearings are conducted away from the glaring lights of television. They seldom make headlines. But hearings such as our subcommittee will hold are indispensable to the effective operation of the legislative branch. We have to know how the various agencies of government for which we are responsible are operating.

It makes little difference what Congress does if the intent of Congress is not followed. It is only through periodic checkups that we can be assured our programs are being carried out as intended.

You possibly will not read about the hearings. But for five days we will be holding these sessions from which we hope can come constructive recommendations for further improvements in medical services available to our veterans.

At the same time, a number of other committees will also be holding public hearings. These hearings too, for the most part, will be unspectacular and will not make the headlines.

But from the standpoint of sound, efficient government, the information these hearings develop will be far more important than the sensational headlines produced by the investigation of payola among disc jockeys. I do not intend to discount the investigation of the Harris subcommittee one bit, but cite this only to show that other committees, operating quietly and in relative obscurity, also achieve valuable results.

Loyalty Oath Requirement of the National Defense Education Act

EXTENSION OF REMARKS
OF
HON. FRANCIS E. WALTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mr. WALTER. Mr. Speaker, I found in my mail this morning a letter from a resident of Illinois, requesting me to explain to her why I allegedly do not intend to oppose the repeal of the loyalty oath requirement contained in the National Defense Education Act, which is Public Law 85–864.

This person attached to her letter a photostatic copy of a letter which she received from the distinguished Senator from Illinois [Mr. DOUGLAS], in which the Senator states that "Senator KENNEDY has introduced legislation to repeal the disclaimer section of the act and Congressman WALTER, author of the original requirement, has indicated that he will not oppose such action." I deem it necessary to correct two errors which have crept into Senator DOUGLAS' letters to his constituent.

I am not the author of the loyalty oath requirement of the National Defense Education Act although I am a strong supporter of the retention of this vital requirement. That requirement was not contained in the House bill. It was the Senate bill that did contain it and the managers on the part of the House agreed to the Senate version in conference. Of course, I was very happy to see that action taken. I am strongly opposed to the repeal of that requirement and my views have been clearly stated in a letter which I wrote on June 17, 1959, to Mr. A. H. Scouten, the secretary of the University of Pennsylvania.

My letter to Mr. Scouten reads as follows:

JUNE 17, 1959.

Mr. A. H. SCOUTEN,
University Secretary, University of Pennsylvania, Philadelphia, Pa.

DEAR MR. SCOUTEN: I have your letter of June 15, and I am pleased to note that you appreciate my frankness in discussing with you the Penn faculty senate's objection to the "disclaimer affidavit" required under the National Defense Education Act. You have induced me to proceed in the same spirit.

Obviously, the purpose of the "disclaimer affidavit" is not to expose Communist infiltrators who have wormed their way into our intellectual circles. You are correct in stating that real subversives would "sign or swear to any statement if it suited their tactical purposes." The purpose of the affidavit is to ascertain that the beneficiary of a Federal educational grant is either a loyal citizen of the United States, or—if he swears falsely—a perjurer, subject to criminal prosecution. I am sure that you are familiar with the basic tenets of our law enforcement system, and that I therefore do not have to amplify that point.

Next, your statement as to the "disclaimer affidavit" impugning the loyalty of the academic community. I disagree with you emphatically. For the Government to ask a person to state affirmatively that he is not guilty of any wrongdoing, does not mean at all that the Government suspects him of misconduct. The purpose of the classic affirmation formula appearing on the income tax return is certainly not an implication that every taxpayer is a cheat; some are, and therefore the affirmation formula is necessary. The same rationale applies to the disclaimer affidavit. The same applies to the loyalty oath required of every employee of the Government. All of them are not thereby placed under suspicion of disloyalty.

It is more difficult to discuss the balance of your letter as it is always difficult to continue a discussion in the course of which one of the debaters retreats from argument to sophistry. Please don't mind my use of this word. But, how would you call an argument comparing the use of governmental funds for farm price support with the use of such funds for the purpose of promoting the education of selected future leaders of our scientific defense effort under the National Defense Education Act? In an effort to avoid insulting the intelligence of both of us, I shall rest there and not belabor the even more spacious nature of your coal miners and John L. Lewis inference, a truly prize equivocation.

The last paragraph of your letter disturbs me profoundly, as it again attests eloquently to the insufficient perception and comprehension of the very nature of communism by many of our leading intellectuals. Even in using a lighter note as you say, equations between totalitarian, terroristic communism and any, American or foreign, ideological movement are inexcusable. Hoping that I may remedy this situation, in my capacity as the chairman of the House Committee on Un-American Activities, I am right now engaged in an attempt to publish certain materials which which might help to educate the educators.

Sincerely yours,

FRANCIS E. WALTER,
Chairman.

Highway Safety

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mr. DADDARIO. Mr. Speaker, the Hartford Times is conducting a vital campaign in the interest of highway safety. I have been happy to support that campaign and have forwarded the following remarks for publication:

Motor vehicle traffic accidents now rank among the leading causes of death in the United States, but we pay far less attention to them than we do to such factors as heart disease, cancer, and other illnesses. A major effort of research is needed if we are going to meet the issue posed by a rising population, more and faster cars, increased highway mileage and our standard of living. I do not think we should ever accept the death toll as a blood sacrifice in return for greater convenience and comfort.

I am happy to see the Hartford Times stimulating citizen research into means of fighting the accident problem. We have been making progress in highway safety ever since the record year of 1941, when the national toll of 39,969 deaths set an alltime high. Under the vigorous leadership of Governor Ribicoff, Connecticut has been in the forefront of recent efforts to control the pattern of highway fatalities.

We need, however, to bring to bear upon this issue the brains and talent of all our people. Whatever the practical output of suggestions, the increase in public consciousness of the importance of highway safety and how to secure it would represent a major gain. It has been my feeling that periodical re-examinations of all licensed drivers would be a great step toward safety. Such examinations, if given every 10 years and if set up in an efficient manner, would be of no burden to either the State or to the licensees.

Highway safety begins at home. It begins with the driver and the pedestrian. From the proper maintenance and upkeep of today's powerful automobiles to the observance of weather and driving conditions, the human factors in the accident record are statistically provable. Youth and advancing age both affect the rates of accidents. The courts, the police, the governmental agencies can do their part, but safety is everyone's business, and it deserves the resourceful thought of all our people. I wish the Times campaign the best of fortune.

The Uncertainty of World Trade

EXTENSION OF REMARKS
OF
HON. JACKSON E. BETTS
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mr. BETTS. Mr. Speaker, recently the Joint Economic Committee of the Congress issued a report dealing with the international effects of our Nation's economic policy. Much of this document was devoted to expounding freer-trade dogma, while ignoring or misinterpreting numerous economic realities.

In one instance, however, the committee's report faced up to the hard facts of international competition in the 1960's. With admirable discretion, the Joint Economic Committee refuses to embrace the preferential trade concepts adopted by the two rival trading blocs in Western Europe.

This, of course, is what many Americans have been counseling for months. Members of Congress from both sides of the aisle have noted the dangers to the United States that are implicit in the formation, objectives, and bylaws of the European Common Market and the Free Trade Association. Similar calls for caution have been sounded by certain business spokesmen, labor leaders, and organizations such as the Trade Relations Council of the United States.

So it is with a warm sense of gratification that I find these views now shared by the Joint Economic Committee, as evidenced by these excerpts from its report of January 25:

Six countries in Western Europe have now entered into an agreement to form a Common Market. Under this agreement, the participating countries will gradually reduce and ultimately eliminate tariff barriers against each other. They will, in time, have the same tariffs against all goods imported from outside the Common Market. In the meantime, seven other countries in Western Europe, having failed for the time being to reach agreement with the Common Market countries, have formed a Free Trade Association. Under the treaty, these seven countries would ultimately eliminate all tariffs on trade among themselves, but each country would retain its own tariffs against imports from outside the free trade area. In principle, these arrangements are a customs union authorized by the General Agreement on Tariffs and Trade and toward which the traditional policy of the United States is not unfriendly. For political reasons, it would be regrettable if the OEEC countries divided into three exclusive groups—those inside one customs union or another and those outside both. For economic reasons, it would be regrettable if these customs unions were operated in a manner that would stifle multilateral trade and result in harsh discrimination against other countries.

The problems created by the establishment of one or two large preferential trade areas are far more complex than those arising from the association of two or three countries in a customs union. The members of the Common Market and Free Trade Association, excluding overseas countries associated with them, account for 43 percent of total world imports. This is an enormous segment of the world economy to be set aside as one to which other countries could export only under serious handicaps. It would be tragic if after the heroic and largely successful efforts to expand world trade on a nondiscriminatory basis, these new and enormous customs unions were to become the instruments for legalizing and perpetuating onerous discriminations on the other half of the world economy, including primarily the United States, Canada, Latin America, and other countries in Asia and Africa.

There is a heavy responsibility on the Common Market and Free Trade Association to follow policies that will avoid serious harm to the world economy. A generally low level of tariffs within the customs unions will let these countries benefit from the heightened competition within wider trading areas without imposing too severe a handicap on the countries outside these areas. Furthermore, under the fund agreement and the General Agreement on Tariffs and Trade, there is a prior obligation to remove quantitative restrictions against imports from outside the customs unions before increasing the preferences that these countries extend to each other. Above all it will be difficult to safeguard the trading interests of other countries unless the members of the customs unions make their currencies convertible in accordance with the fund agreement. Convertibility would provide a minimum assurance that if quantitative restrictions become neecssary in one country they would not also be imposed by surplus countries in a customs union solely to facilitate the restoration of the balance of payments of a deficit country.

In the trade negotiations with the Western European countries, through the reciprocal trade agreements and through the General Agreements on Tariffs and Trade, the United States has granted valuable concessions in the form of easier (lower tariff) entry into the U.S. market. In turn, we have been

granted valuable tariff concessions by these countries which were intended to give us easier entry into their markets. The value of the concessions we have given remain unchanged—in fact, they have grown more valuable as the U.S. economy has grown. The concessions we have received will become much less valuable through the formation of the new customs unions after our concessions were granted. A tariff reduction by Belgium, for example, which was valuable to the United States when German exports paid the same tariff, is much less valuable (or may be entirely without value) when German exports can enter the Belgian market at a lower tariff than the same U.S. exports and ultimately without any tariff. The United States and other countries that have given tariff concessions to Western Europe are entitled to know that the reciprocal concessions to them are not going to be negated in the new trade arrangements that are being made in Europe.

Mr. Speaker, the uncertainty and doubt with which many observers regard the economic splitup in Western Europe was also underscored at a 2-day meeting of the Committee for a National Trade Policy only a few days after the Joint Economic Committee's report appeared.

The Journal of Commerce, describing the meeting, reported as follows:

Robert R. Bowie, Harvard economics professor who headed the European affairs round table, said the economist members indicated that it may be necessary for the United States to acquiesce in further trade disadvantages to help close the split between the six-nation Common Market and the Outer Seven of the Free Trade Association.

He said political considerations—interest in promoting free world unity—outweighed pure commercial factors in the opinion of the panelists.

This is disquieting news. The United States has been acquiescing, as Professor Bowie expressed it, to the demands of its trading partners for 25 years now, ever since the gradual surrender of foreign trade policies was launched by the Trade Agreements Act of the first New Deal administration.

Now the economists on the Committee for a National Trade Policy tell us we may have to start all over again or, at least, keep giving away trade concessions right and left, evidently with the hope that our country can make the best of a dangerous situation that developed in spite of our noble efforts of the past.

The fact is, however, that acquiescence—perhaps surrender or capitulation are better words—is the last thing we should do under the present circumstances. The situation calls for thoughtful, levelheaded study and careful observance on the part of this country.

We have been pushovers in the international tariff bargaining arena for a quarter of a century. It has not prevented our friends and allies in Western Europe, accounting for almost half of the total world trade, from breaking up into two economic camps, each of which is dedicated to advancing the interests of its own members at the expense of outsiders.

As one of these outsiders, the United States has much to gain from a policy which we should have been observing all along; namely, that of insisting that our trading partners comply in full with their trade commitments to the United States.

We have much to lose from a policy of subservience and acquiescence. Further U.S. tariff concessions should not be granted until the air is cleared and we know for certain just where the rival camps in Western Europe are heading.

Pentagon Setup

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mrs. KEE. Mr. Speaker, there is growing concern among responsible legislative leaders of both parties that the present organizational setup in the Pentagon is not adequate to meet the threat posed for this country by the revolutionary techniques in weapons and warfare.

Former Army Chief of Staff Taylor, a highly respected military leader, is the latest expert to call attention to this problem. He believes the division of our Defense Establishment into three separate services is outdated. He proposed a single service and a single uniform.

This is pretty much in line with the thinking of President Eisenhower when unification was first considered by Congress. At that time, Congress refused to go as far as Mr. Eisenhower and other military leaders recommended.

What has prompted the latest discussion of our military organization is a continuation of bitter interservice rivalry, which has been intensified by the struggle over the development and control of missiles.

There can be little doubt that we have failed to make as much progress in the missile race as Congress and the people had hoped for. When our recent moon shot failed, the public was advised that a shortage of powerful Atlas missiles would probably delay another try at hitting the moon for a year.

Whether we like it or not, we are engaged in a race with the Russians on missiles. Every time they pull off some spectacular achievement in space it serves to dramatize for the rest of the world the amazing accomplishments of the Russians. This means that the rest of the world listens respectfully when the Russians brag of their great accomplishments and of their intention to overtake us economically and industrially within a few decades.

Management and control of our space program has been widely dispersed. We have had the three services engaged in duplicating and in many instances competitive work. The creation of the National Aeronautics and Space Administration last year should go a long way in putting the civilian phases of our space problem on the right track.

But the interservice rivalries still exist. Despite numerous administrative changes and the appointment of a succession of missile czars we do not seem to be able to narrow the lead which the Russians enjoy in the adaption of missiles and rockets for military purposes.

There is little doubt that interservice rivalry is costly in terms of money as well as time. How to achieve greater efficiency through further unification will be a major problem facing this Congress.

The American people and the Congress are fearful of creating a military Frankenstein. In this country, the military must be subordinate to elected civilian officials. Creation of an all-powerful military that could intrude itself into top policymaking decisions could change completely the basic concepts of our Government.

Yet, we must have a military that is capable of swiftly adapting itself with new weapons systems and the changes in strategy and tactics which these new weapons demand. The big question is this—How can we attain this needed organizational efficiency without creating a too powerful military?

It is a difficult problem. But it is one the American people and the Congress must face up to. During the coming months undoubtedly the question will be debated more and more in Washington by dedicated men and women whose only interest is the security of the United States of America.

The Honorable Francis E. Walter

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mr. BROOKS of Louisiana. Mr. Speaker, recently it was the privilege of the State of Louisiana to have within our midst a distinguished Pennsylvanian, a Member of the House of Representatives and chairman of the House Committee on Un-American Activities. Mr. FRANCIS E. WALTER, at the invitation of the Americanism Commission, First District of Louisiana, the American Legion, received in appropriate ceremony the George Washington Great American Award. I was not permitted the opportunity to attend this occasion because of official duties in Washington, but my State was proud of the fact that Chairman WALTER came down to receive this important Legion award.

The speech which Chairman WALTER delivered on that occasion is outstanding. Backing up a long period of active service as chairman of the Un-American Activities Committee, the speech presents graphically some of the outstanding achievements of this committee in its fight against communism. This is an enemy which never sleeps, and the House of Representatives, in the interest of supporting democracy in the New World, certainly is to be commended for having set up a special committee for this purpose.

Chairman WALTER and his committee have a great deal of work ahead of them in the future. It is going to require his time and energy, but Mr. WALTER has exhibited real leadership in this respect

and I am happy my State had the signal honor of making this award to a great Pennsylvanian and a great American.

Is Space a Way to Peace or War?

EXTENSION OF REMARKS
OF

HON. VICTOR L. ANFUSO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1960

Mr. ANFUSO. Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the text of an address I delivered before the National Secretaries Association, Presidential Chapter, at their "Boss Night" dinner at the Broadmoor here in Washington on Tuesday evening, February 16, 1960:

IS SPACE A WAY TO PEACE OR WAR?

(By the Honorable VICTOR L. ANFUSO, of New York, at the National Secretaries Association, Washington, D.C., February 16, 1960)

It is a pleasure for me to talk to you today about the prospects for cooperation in international relations and the dangers of unbridled competition among nations in the new realm of outer space.

As you know, the leaders in space research and exploration are the United States and the Soviet Union. Last year a deadlock arose between these two countries, both in the United Nations and the International Council of Scientific Unions (ICSU) on the issue of representation on space committees. This deadlock seemed to result from long-standing cold war antagonisms without any particular relation to science or the exploration of outer space. I am happy that agreement had now been reached and the Soviet Union has expressed its willingness to join the space committees of both ICSU and the United Nations.

But the fear still exists: Will outer space be used for war or peaceful purposes only? Satellites and space probes have already become major factors in the cold war. Hot war, if it ever comes, is likely to be decided by a space weapon—a truly fantastic and terrible weapon—the intercontinental ballistic missile (ICBM), with a nuclear warhead.

Since outer space seems bound up with our future as a nation and as individuals for good or for ill—in peaceful pursuits, cold war or hot war—I should like to discuss its implications in all three respects.

Nuclear missiles have brought about a complete revolution in warfare. For most of us, the nature and extent of this change have simply not "sunk in." Are people in Cleveland or St. Louis, for example, concerned today about attack from submarines? Hardly, I think. Yet attack from submarine-launched missiles on most inland cities is technically possible. Perhaps you're thinking that there will be no great cause for concern as long as the policy of deterrence continues to work and we have enough power to retaliate. Quite true, but some pretty big "ifs" are involved. Just the other day, General Power, who heads the Strategic Air Command, stated in public that some 300 ballistic missiles, half of them of only intermediate range, could knock out our nuclear striking force in a matter of 30 minutes. Now, I don't know how many long-range ballistic missiles the Soviet Union will have in, say, another 3 years. If I had any secret information on that subject, I would not let it out in public. But I do know that some very well known columnists, including the Alsops, Hanson Baldwin and Roscoe Drummond, have been guessing that by 1963 the number of Soviet ICBM's could be about a thousand. Let's hope their estimates are too high.

In any case, it is indisputable that the United States no longer has the military superiority over the U.S.S.R. that it enjoyed during the late 1940's. What is less often understood is that the U.S.S.R. has not acquired such a superiority either. The situation is correctly described as an uneasy balance or stalemate. In the calculations of theorists, at any rate, each side can maintain equality by being able to strike back so hard that the other side's decision to attack in the first place would be irrational. This kind of equality is well within the reach of both the United States and the Soviet Union. Some observers even argue that it would be wasteful to build up our striking power beyond a relatively low point. If our retaliatory forces are invulnerable, they need not be large.

It seems to me, though, that the conclusions I have just described, while valid for war games and strategic theory, ignore the significance of the cold war. Since the theorists themselves believe that no thermonuclear hot war will occur, if both sides keep their guard up, the cold war is likely to be decisive. It is a war of science, economics, espionage and subversion, politics and diplomacy—above all, a struggle for men's minds. To the average person, talk of thermonuclear parity seems unreal. The nation that can strike the hardest, or that leads in some significant and representative activity, is regarded as superior.

It makes no difference that superiority is meaningless in terms of deterrence, or that neither side aspires to rule a world in ashes. The average person still jumps to the conclusion that one side or the other is superior—not on the basis of analysis, but from what are taken to be symbols of superiority. This very belief, regardless of its foundations, becomes a potent factor in the cold war.

I frankly believe that the Russians see no advantage to themselves in a full-scale war. They feel that they can eventually conquer the United States and the rest of the world with the minimum of risk by tying in political objectives to scientific objectives. The more spectacular they make their scientific achievements, the greater propaganda effect they will have of the rest of the world.

While on this point, may I say that I cannot understand why this great country of ours which got to its present position of leadership by pioneering, must follow the Russians now. Why can't it do something spectacular on its own and have Russia and the rest of the world follow America for a change? Surely we have the resources and the brains to do it with.

From my personal observation on the tour that I took last fall—through the British Isles, Ireland, Scandinavia, the Soviet Union, Poland, West Germany, Austria, France, and Italy—I got the feeling that other countries see the U.S.S.R. as eventually overtaking the United States in all fields, unless something is done now to stop her.

To return for a moment to the ever existing possibility of a hot war, Soviet space achievements and particularly the power of Soviet rockets have given rise to some interest and concern.

On January 7, 1960, the Soviet Government announced that it would test fire a new rocket into the mid-Pacific, between January 15 and February 15, and for that purpose would reserve a large impact area of nearly 45,000 square miles, lying approximately 1,100 miles southwest of Hawaii. Then on January 20, according to our own Defense Department, "an object which had certain characteristics of a ballistic missile" landed in the sea area reserved by the Soviet Union.

If this Soviet missile was launched from a known base, such as Kapustin Yar or Tyuratam, it must have traveled about 8,000 miles. This is a sobering fact. The Soviet Union announced that the missile had gone 7,766 miles to within 2 kilometers (1.24 miles) of its target.

As you know, two requirements for a good military missile are guidance and propulsion. On the matter of guidance, the recent Soviet sharpshooting exhibition in the Pacific should settle any doubts. Soviet guidance is good enough. While it may not be quite so good as ours, the difference seems more academic than practical. As for propulsion, Dr. Glennan, the Administrator of the National Space Agency, has testified that the Soviet space lead "is based principally on the possession by the Soviets of one or more reliable launch vehicle systems having perhaps twice the thrust of our own first-stage booster rockets." The weight of informed opinion accepts the fact that the Soviet tests in the central Pacific are being made with an even more powerful rocket booster than the one that launched the sputniks and luniks.

Wu Yu-Hsun, vice president of the Communist Chinese Academy of Sciences, has said that "the propulsive force of the rocket (launched by the Soviet Union into the mid-Pacific) reached about 1 million pounds." Compare with this the 360,000-pound thrust of our own Atlas. Our Saturn rocket, which is expected to produce a thrust of 1½ million pounds, will not be available until 1964. It seems a safe prediction that by 1964 the Russians will have developed a super rocket of their own, even more powerful than Saturn.

The acknowledged superiority of the Soviet Union in rocket thrust is no minor matter. It makes possible the accomplishment of missions in outer space that we cannot even hope to emulate today. It shortens the lead time in vehicle development from concept to launching. It increases the reliability of Soviet rockets and missiles.

From a military point of view, greater rocket thrust brings all the advantages just enumerated plus several more. Rockets of greater thrust can carry heavier and hence more powerful warheads, delivered as accurately (if Soviet announcements on this point are believed) as our own Atlas.

More than a year ago, Khrushchev said that the Soviet Union had an 8,700-mile missile with a 5-megaton warhead. At the time, President Eisenhower expressed his disbelief. I wonder if he has since been convinced. Suppose the new Soviet rocket can hurl such warheads a distance of 8,000 miles or more. We would then be outgunned, outranged—as the Allies in World War I were outgunned for a time by "Big Bertha", exposed to its fire but helpless to strike back. Could we have prevented Russia from obtaining this gigantic lead? The answer is: "Yes."

At this point, I wish to be fair to both the administration and Congress which is probing this entire defense program. Some say that the apparent feud between the President and the Congress is confirming weaknesses in our Government structure and giving the Communists another propaganda victory which they can exploit to strengthen their allies, weaken ours, and convert undecided peoples.

Let us first admit that we have no choice under a democracy. We cannot live in a vacuum and we cannot function in secrecy, unless we change our form of government. For my part, I think the debate is good. It is healthy. I have the greatest amount of confidence in the American people. I believe that they, like a jury, if given all the facts will arrive at the right decision. The question is when to alert the American people—after the fire starts or before? Congress, I think, is doing a tremendous service by trying to stir up the American people now, before it is too late.

You, the jury, may want to consider whether it is wise to have the leadership in the White House different than that in the Congress. Perhaps a government should stand or fall on its record, without being able to pass the bucket to this or that branch. But that is an election campaign issue and unnecessary for me to go into now. It is food for thought, though, is it not?

Now enough on this somber side of the picture. Let us look at the other side where its brilliancy holds a hope and a promise that space research will transform our daily lives and our patterns of cooperation with other countries, bringing peace and abundance to everyone on earth.

It seems almost certain, as Dr. James Van Allen has said, that the progress of space science and technology will bring "* * * a large and continuing harvest of important practical application." Many specific practical uses of outer space have not only been predicted but are actually planned or under development. They include weather forecasting and control, television, and radio relays, navigation, and geodetic measurement, and even mail service. As you may remember, in June of last year mail was delivered from a submarine at sea to a city on the Florida coast. The Navy is also developing a navigation system using an artificial satellite. Information provided by the satellite is expected to be made available for unrestricted civilian use, so that ships and travelers everywhere can quickly find their exact positions on the earth's surface. Communication and weather satellites, too, are currently undergoing development and testing by the U.S. Government.

Satellites and other space systems should not belong to any particular country. They are worldwide by nature. Certainly, nonmilitary space systems will be far less effective without international, and in some cases universal, cooperation. For example, a communication satellite can hardly provide the worldwide radio and television coverage of which it is capable unless other countries cooperate. A single uncooperative government, in fact, might even deprive other countries of its benefits by disabling the satellite or jamming its equipment by radio.

The international character of outer space holds out the promise of bringing all countries closer together in their peaceful pursuits. Can there be any doubt that one result will be to change our attitudes toward other countries? Think for a moment about worldwide radio and television. National television has created new ties and greater understanding among people in different parts of our own country. If Ivan and Sonya could watch the same program as Johnny and Susan, this would be a different world, would it not? The chances are that it would be a better and safer place to live.

Ever since I became a member of the House Committee on Science and Astronautics I have personally advocated greater international cooperation in space research. To that end I have labored as diligently as I knew how to do, visiting a number of foreign countries, communicating with the President and other officials in this country, and talking and conducting correspondence on the subject with Khrushchev himself. There are signs that my efforts and those of others, both in the Government and in private life, are beginning to bear fruit. Russia, which had refused to join the temporary committee on the peaceful uses of outer space, has now joined the permanent committee recently formed.

Beyond the immediate practical uses already described, the exploration of outer space will add to our knowledge of the earth and its environment. Space research has led to the discovery of the Van Allen radiation belts and to new knowledge about such matters as the shape of the earth, high-energy particles and cosmic rays, the proper use of which they say some day can prolong your life a couple of hundred years. Sooner or later, the scientific knowledge derived from space research is bound to prove useful in our daily lives, even if we don't get to live to 200 years or more. We know that this has been the result of every systematic line of scientific inquiry in history. Some applications are already apparent. For example, our growing knowledge about high-energy particles in outer space will improve our radio communications here on earth. Research on materials for the nose cones of military missiles has led to the development of a plastic which is now used in home refrigerators.

My remarks would not be complete without a reference to the influence of space exploration on the human mind and spirit. It is plain that the challenge of outer space appeals to man's curiosity and thirst for adventure. I believe it will also stimulate our moral sense, our capacity for wonder, our faith in God and reverence. In the realm of the stars, I hope we may at last lose our selfish interests and petty bickering (political and otherwise), refine our sympathies, strengthen our moral fiber, expand our spiritual understanding, and lift up our eyes to higher and eternal goals.

Congressman Lee Metcalf Speaks to School Administrators

EXTENSION OF REMARKS
OF
HON. MIKE MANSFIELD
OF MONTANA
IN THE SENATE OF THE UNITED STATES
Wednesday, February 17, 1960

Mr. MANSFIELD. Mr. President, one of the leaders in the field of education in the House is, I am proud to say, my colleague, LEE METCALF, from Montana's First Congressional District. During his four terms as a Representative he has been a champion of improved education facilities and instruction in this country, a prerequisite to the maintenance of our world leadership.

Congressman METCALF is a cosponsor of the Murray-Metcalf legislation which would establish a program of Federal aid to education with the least possible Federal controls and would provide funds for construction of schools and teachers salaries. The proposal provided the basis for the action recently taken by the Senate in approving the Federal aid to education bill.

On Monday of this week my able colleague, LEE METCALF, spoke to the American Association of School Administrators at its annual convention in Atlantic City, N.J. I ask unanimous consent to have the text of his speech printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TAPPING NATIONAL RESOURCES FOR SCHOOL FINANCE, FEBRUARY 15, 1960

In 1954, a subcommittee of the Committee on Education and Labor of which I was a member, in a Republican-controlled Congress, under a Republican chairman, made a brief report on Federal aid to education. The subcommittee said, "It is clear that Federal legislation is needed and that the legislation must be designed to encourage State and local efforts to meet the problem." The subcommittee recommended that "legislation be enacted to enable the States and local communities to expand their school construction programs."

In the years that have elapsed there have been weeks of hearings, dozens of hours of testimony and scores of recommendations for Federal assistance to States and local school districts. In the intervening years several independent agencies have also studied this problem and arrived at the same conclusion reached by our subcommittee in 1954—that if we are to maintain adequate educational opportunities in America, we must have substantial Federal assistance.

Yet today, the classroom shortage is more serious than ever before. The number of children enrolled in the public schools in excess of normal capacity has grown to the largest in history.

In the jargon of the bureaucrat, these are "surplus" children. I know very few parents who consider their children surplus. Last year, the number of surplus children was 1,850,000, this year, it is up to 1,883,000. But these surplus children are not the only ones who are being educationally short-changed. Because of the crowded, obsolete and substandard classrooms and the half shifts, the education of at least 10 million boys and girls is being impaired.

In addition to the nearly 2 million in excess of normal school capacity, there are at least 6 million in crowded urban elementary schools and more than another 2 million in obsolete or inadequate buildings. The 10 million figure is extremely conservative, because it does not include either urban high schools or rural schools.

In the opinion of some leading educators, the ideal class averages 27 youngsters in elementary and 20 in secondary schools.

If a class has 40 or 50 pupils, the education of every child in that room is being impaired, not just that of the additional pupils.

Even though the class size may be within the desirable limit, the youngsters are being short-changed if their teacher is substandard. And an even more serious crisis is developing in the shortage of trained teachers. Last year it was 135,000. When school opened in September it had grown to 195,000.

The only thing that has changed for the better is the fact that the States and local communities have made a tremendous effort, a magnificent effort, to meet the classroom and teacher shortage. They have made such an effort that they have physically exhausted their local resources. They have reached their statutory and constitutional debt limits, and they have reached a debt ceiling beyond which their tax system can no longer go without dire economic consequences. Evidence of this is the slackening of school construction and a downtrend in bond issues by school districts. During the first 11 months of 1959 voters of all States approved $1,230 million in school bonds as against $1,364 million in the same period in 1958. Last year, more than 70,000 new classrooms were built, a survey of future construction for next year revealed that 62,700 are planned, a decline of 10 percent.

The school population will increase by at least 1,200,000 next year. Just to take care of this increase, would require 48,255 classrooms. In addition, we will need replacements for the classrooms abandoned as obsolete. Exactly 16,400, the fewest in recent history, were so abandoned during the 1958–59 school year.

To house the increased enrollment and to replace obsolete classrooms, then, we need at least 64,655 more classrooms next year—or almost 2,000 more than the States report they are planning to build. As you can see, we won't even keep our heads above water next year—to say nothing of the backlog of needed classrooms.

Despite this gloomy picture it would not warrant the intervention of the Federal Government as recommended by the various groups that have studied the question unless there were a justification for Federal participation in the costs of education especially at the elementary and secondary level.

But it can no longer be denied that the national welfare depends upon the level of education. Our experience in two world wars concentrated our attention very forcibly upon the need for better educated soldiers. Indeed, the rejections in the draft of those disqualified by the mental test revealed great disparity among the States. For example, my own State of Montana led all the States of the Nation with only a 3.5 percent rejection while the two lowest ranking States had almost 50 percent rejection. That means that out of every 100 Montana boys called in a period of complete national emergency 96 would be sent into battle while another State with the same population could fill only half its quota. This fact and this alone has impressed Montana mothers with the importance of equalizing the required sacrifice by sending some of our tax money to help the States who cannot afford an adequate educational system.

The increasing mobility of our population means that a high percentage of tomorrow's adult citizens in almost every community will have been educated in some other community and some other State. Each year, one American out of every five changes his address. In many States only a fraction of those adults in penal institutions and of the youngsters in reform schools were educated in the States in which they are confined. The same is true of persons on the welfare rolls.

We pay for education whether we have it or not. And we pay more for it if we do not have it. We pay more in increased costs for penal and custodial institutions and for welfare. Today no State can escape its share of the high cost of inadequate education in any other State—nor can any State fail to share the benefits of good education.

In this age of missiles and satellites and cold war, the ultimate source of our security is the skill and technological competence and comprehension of our citizens. In the special field of missiles and space exploration the lead of the Soviet Union can only be overcome by accelerating research and technological advance, not only by highly trained specialists but by a greatly increased number of truly literate men and women at all levels. The Russian advances have only underscored our national shortage of developed brainpower. If the Soviet Union as a threat to our national security disappeared tomorrow, we would still be confronted by shortages of human resources in many fields which require high competence and extended training due to the ever-increasing technological complexities of our society.

Education is an investment in human resources from which we receive direct and positive gains in the form of higher productivity, more rapid gains in utilization of research, a better informed citizenry, as well as a stronger military. These are direct benefits that transcend State and local boundaries and involve our Nation's economic strength, our national growth, our prestige, as well as our national security and survival.

The mobility of our population, our dependence upon expanded education to maintain our economic growth are all items that prove a Federal responsibility for education.

Assuming a Federal responsibility, what is the role the Federal Government must play in a cooperative effort with the State and local governments to meet our educational crisis?

In the first place, a substantial increase in the Federal support for education is necessary. At the present time, less than 4 cents of each dollar expended for the public schools comes from the Federal Government. I do not pretend to know what the exact proportion of the respective contributions of the Federal, State and local Governments should be—but I am convinced that at the present time, the Federal Government is shirking its responsibilities and not paying its just share. I am convinced that the Federal benefits are so great that the Federal Government should have stepped in and started greater participation in education before the States and local districts reached the point of exhaustion. But now that that point has been reached, it is imperative that the Federal resources be marshaled to assume an obligation that is overdue.

Actually this question of Federal aid resolves itself into a question of who shall pay for schools and what kind of tax shall be imposed to support them. Traditionally, on the local level, the schools have been supported by a property tax. In colonial times and pioneer days, this was an equitable tax on wealth. Today, when more and more wealth is in stocks and bonds and securities, and ability to pay is measured by income, a tax on property is neither equitable nor an accurate measure of ability to pay.

This is particularly true in suburban communities that have mushroomed around the cities. The residents of these communities are the young people with the most children to educate who live in homes that are heavily mortgaged. They educate their children in school districts that do not have the property tax base that is found in older communities where there are factories and transportation facilities and powerlines. This is one factor that has led to the development of foundation and State equalization programs. But even the States have to rely on sales and excise and consumption taxes, notoriously inequitable.

A whole different group of taxpayers contribute to the support of schools when that support comes from the income tax than contribute when the support comes from a sales tax or a tax on real property. This factor is an answer to those who contend that all money comes from the people and that the Federal Government must get the money from the people who live in the States, just as it is an answer to those who point out that certain States will pay in more Federal tax than they receive back in benefits. The tax burden in such States will be shifted so that those who have incomes of less than $10,000 per year in such States as Michigan and New York will pay much less tax for each dollar raised for schools than they would have paid if that dollar were raised locally. On the other hand, those with incomes of more than $10,000 per year in New York and Pennsylvania and other States that allegedly receive less than they contribute, will have to pay more in proportion and that is consistent with the basic principle of taxation on the basis of ability to pay.

An equally cogent argument for Federal support is that the tax base is national. States and local districts are haunted by threats that local industry will move if taxes are increased. Even if the local industry does not move, its competitive position relative to other States and localities is affected. In Montana, last year, the only national life insurance company located in that State announced that it was moving its headquarters from Helena, Mont., to St. Paul, Minn. And one of the reasons given was that the Montana Legislature had increased the gross premium tax. No such thing can occur, of course, when a life insurance company has to pay the same tax in St. Paul as it pays in Helena.

It has been suggested that local districts must bear at least half of the cost of education in order to maintain local interest and local control. At the present time, that ratio has not been mafntained in many States. In Delaware, for example, 88.2 percent of the revenue for public elementary and secondary schools comes from the State government. In 20 States the local districts bear less than 50 percent of the burden. The experience in these States has not been that the additional State aid brought about any lessening of local interest or concern in the education of the children of the community. Likewise, a substantial aid program such as H.R. 22, which I have introduced, or the amended McNamara bill which passed the Senate the other day, would not upset the balance between the various levels of government. Even if the entire amount authorized were appropriated and expended, the Federal Government would be bearing less than 10 percent of the cost of elementary and primary education.

It may be that a just apportionment of the costs of education between the three levels of government would require that the Federal Government pay more than 10 percent. If we could put the present proposals into effect for 2 or more years, we could gain valuable experience that would help us ascertain the proper proportions. But in view of the need and the Federal interest, 10 percent of the cost is the least the Federal Government should bear.

At the same time that we are increasing the Federal share of the cost we should reappraise our position with respect to the question of Federal control.

After he had voted against the Clark amendment the other day, Vice President NIXON said, "In the field of education, we have two problems—attracting better teachers and raising their salaries and maintaining our traditional school system that operates without Federal control."

That statement is noteworthy because it completely disregards the problem of classroom shortages and because it brings up the tired old argument that Federal aid means Federal control in a context that has resulted in the most Federal control. The bill before the Senate was one for specialized aid, for construction. The Clark amendment would have added aid for teachers' salaries, so that the Federal support would have been general rather than specialized. This is the sort of traditional aid that operated without Federal control.

One of the current advertising campaigns of a machine tool company, a company that probably would not even be able to exist if it were not for Federal contracts and Federal subsidies, says that the Pilgrims didn't ask for Federal aid. Of course not, the small settlements established by the Pilgrims combined all branches of government as we know them today—Federal, State and local. And the Pilgrims marshaled all their resources to build churches and schools and homes for their families. They utilized to the fullest capacity every resource, public and private, to establish themselves in the new world and train future citizens to expand and develop their colony.

Probably here was born the unique American tradition of local autonomy in the management of schools. The conditions of pioneer and frontier life developed local responsibility and control. This has been taken as a matter of course and many people who are opposed to Federal support of education take the position that it is both unconstitutional and an innovation for the Federal Government to aid in education at any level.

As a matter of fact, the Federal Government has encouraged and aided education from pre-Revolutionary times. Prior to the Civil War, this aid took the form of general grants of land or money. There was no

attempt to supervise teaching or regulate programs either directly or indirectly.

We are nearing the centennial of the passage of the Morrill Act in 1862. At the present time in Congress, bills are pending to commemorate the passage of the Morrill Act and to make the Morrill homestead in Vermont a national shrine. And the significance of this legislation is great. The Morrill Act marked the change of the Federal policy toward education.

The Morrill Act provided a grant of 30,000 acres of public land for each Senator and Representative to be used by the States for the establishment of agricultural colleges. The act carefully prescribed certain fiscal and administrative regulations and the Congressmen of that time had no hesitancy in restricting curriculums. Section 4 of the act says, "The leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the legislatures of the States may respectively prescribe."

Here was a grant of Federal land for the construction and establishment of colleges. In 1887, came the Hatch Act providing for agricultural experiment stations. This was a system of annual money payments instead of extending aid in lump sums of money and land. Indeed, the Hatch Act provided that only one-fifth of the first annual appropriation and only 5 percent of subsequent appropriations could be used for buildings.

In view of the interest in the so-called Powell amendment preventing the payment of Federal funds for segregated schools, the provision in the second Morrill Act in 1890 is of interest today. It declared, "No money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided."

In another area the Congress was busy making regulations specifically controlling the States' educational policies and restricting and regulating the State and local educational system. Between the end of the Civil War and the admission of Arizona to the Union in 1912, 12 States were admitted. In each case in the enabling acts, the Federal Government progressively required that certain provisions relating to education be incorporated into the State constitutions. Congress wrote 12 separate educational restrictions into the constitution of my own State, Montana. These conditions include stipulations as to the use of Federal land grants, the establishment of trust funds for the common schools, requirement that free common schools be maintained. And in order to gain statehood, the people of Montana gladly accepted these restrictions on local and State control of educational institutions.

The opposition of the senior Senator from Arizona to the acceptance of Federal funds provided by the National Defense Education Act and the refusal of the Governor of Arizona to request such funds make the provisions of the Arizona Enabling Act of 1910 of current interest. The act represents the extreme of Federal specifications as to use of Federal funds. It minutely provides for establishment of trust funds and subsidies and expressly sets forth not only the type of institution that is to be benefited, but the amount of benefit to be given each type of institution.

In other fields the extension of Federal aid departed from the historic pre-Civil War pattern of general aid without restriction to aid for specific courses of instruction with complicated State plans requiring the approval of Federal officials before the money was granted. Such acts are still in existence and known to all of you, the Smith-Hughes Act, the Smith-Lever Act, the George-Barden Act, aid to impacted areas, and finally the National Defense Education Act passed last year.

Ten years of experience with Public Laws 815 and 874, which provide for support of schools in federally impacted areas, have demonstrated that Federal control need not be a consequence of Federal support. But nevertheless, inherent in Public Laws 815 and 874 are elements that might lead to Federal control of curriculums and textbooks and teachers. In both of these acts, the aid goes directly to the local school district without the intervening agency of the State school authority. In some districts, more than 50 percent of the support for operation and maintenance of the schools comes from the Federal Government. In fact, Uncle Sam is on that school board. An augmented Federal support program should avoid this by channeling Federal aid through the States so that the Federal money becomes intermingled with that of the State and local districts and there is never any direct connection between the Federal Government and the local school board.

Already, under the National Defense Act, we are seeing the dangers involved in specialized assistance. In order to encourage teaching of science and mathematics and foreign language, we have concentrated our Federal aid in those fields. A school that is badly in need of additions to the library and with funds to purchase books may decide to channel that same money into the purchase of scientific equipment because in the latter case the local tax dollar will be matched by Federal money. This is the case even though the need for the library is the greater.

In order to avoid this indirect control of curriculum, aid to education at the elementary and secondary levels should be by direct grants to the States, expendable as any other funds for any and all public educational purposes as the State itself may direct. Such grants will not interfere with our American method of keeping educational management close to the people and will return freedom of choice to the local school boards to decide under local conditions how best the Federal support can be utilized.

Now I use that word "grant" advisedly. Actually, it is not a grant at all—in the sense that a grant is a donation. When I use the word "grant" I mean Federal participation. I mean the assumption of the Federal Government's share of the responsibility for the education upon which a democracy rests.

I have been talking about direct Federal aid to education by an outright grant of tax money for support of specific educational programs or for specialized areas such as the help given in federally impacted districts. But there is another and equally important area of Federal aid. That is the indirect support given by our tax system. These include assistance to private educational and charitable institutions by means of deductions from the income tax for contributions, deductions to teachers for amounts spent in taking summer school courses in order to keep up with advancements in the subject matter and teaching methods, tax exemption on the income of State and local bonds for school construction and deductibility of State and local taxes.

Although these erosive concessions throw the entire income tax system out of balance, they continue to thrive and, indeed, to expand. The reason for their existence is a political one. It is frequently easier to go to the taxing committees of the Congress and get a back door subsidy labeled "tax relief" than go to the legislative committees, get authorizing legislation enacted, then go through the administrative agencies and the Budget Bureau to get budget recommendations and back to the Appropriations Committee and get a direct subsidy labeled "expenditures." The Eisenhower administration has this year come up with a third approach, that of the side door labeled "loans, guarantees, and insurance."

Involved here is a labyrinth of Federal benefits that are hidden from the public, that do not have the advantage of periodic review by congressional committees and administrative agencies. Such policies become fixed in the tax structure as vested rights impervious to change in economic conditions or tax policy.

I wonder if the time has not come for school administrators at the elementary and secondary level and for college presidents at the college level to reappraise and reevaluate some of these tax concessions and abandon the "back door" approach in favor of a frank and straightforward attempt at direct grants.

The Federal Government uses its taxing power to fix the income tax at a certain rate. The money raised from that tax is theoretically appropriated by the Congress on the basis of authorizing legislation regularly passed. If Congress recognizes that it is in the national interest to aid in the construction of school buildings, then a certain proportion of the national tax income is set aside for that purpose and allocated to the States on the basis established by statute. The tax deduction approach takes the decision as to where and how the money is to be spent away from the Congress and the administrative agencies and gives it to the individual who is taxed. This is not always in the public interest and is seldom in accordance with national policy laid down by the people through their elected representatives. It may be that educators of the Nation—or the admirals—have convinced the Congress that it is necessary to strengthen the science departments of the colleges and to train more doctors of philosophy in scientific fields. In order to do this, grants-in-aid are necessary to assist the colleges in establishing these expensive departments, and scholarships and fellowships are necessary to encourage students to continue their college work in order to obtain these advanced degrees. By a direct system of authorization and appropriation this policy can be carried out. But by a system of allowing deductions for contribution some of the tax money that would go to support this program is drained off. The person making a contribution to the college of his choice will prefer to endow a chair for history or build a chapel or plan for research into the tribal organization of the early American Indian, all commendable and worthwhile enterprises, but not in conformity with the national policy laid down by Congress.

A similar situation exists with tax-exempt bonds of school districts. The graduated income tax makes such bonds more valuable to those in the higher income brackets. So we have a regressive tax system for the construction of schools where those with the greatest income bear a lesser tax burden. This means not only inverted relief to the individual taxpayer, but it means that the Federal assistance goes to the school district that is in the best financial situation and those districts which have reached the limits of their bonding capacity cannot enjoy the benefits of the tax concession. There is mounting evidence that much of the benefit of the tax exemption accrues to the buyers of the bonds rather than to the local governments which issue the bonds. This would indicate that, at the same cost, the Federal Government could give more help to the State and local governments through direct grants.

Another proposal for Federal help is for the Federal Government to return a certain percentage of the income tax collected in each State to the State earmarked for educational purposes only. An example of this

type of approach is the Pelly bill which would return 2 percent of all Federal income taxes collected. There are serious administrative difficulties involved in such a proposal because large corporations pay withholding taxes on their employees at a central office, and the money collected in the State where the corporation had its headquarters would include income taxes earned in other States. But disregarding these difficulties, the bill has other disadvantages. It would provide for equalization in reverse. The bill would provide a return of about $1.1 billion each year. Under it, the State of New York would receive $71 per child while one of the neediest States would receive only $4 per child. My own bill, which provides for a flat grant of $25 per child, would have an equalizing effect. Instead of 2 percent as under the Pelly bill, the State of Alabama would receive 6.27 percent of the income tax collected in that State, Mississippi would receive 11½ percent, but in New York the return would be only 1.1 percent, in California 1¾ percent, in Pennsylvania 1.8 percent.

In addition to specialized assistance and Federal controls, the Eisenhower administration is insistent on State matching of Federal funds. If matching can come from either State or local sources and is for general educational purposes it is not very serious. The State and local communities will be spending far more money for education than the Federal Government anyway.

But matching of specialized funds distorts free and flexible management of State and local funds and when coupled with a requirement that matching be out of certain State or local funds then there is serious control and imbalance. Such a situation tends to create favoritism for certain types of education and forces States to alter their tax structures to conform with Federal requirements.

One other argument perennially used by opponents of Federal aid should be mentioned, that of the freight charge, the claim that somehow in the round trip to Washington and return, the tax dollar shrinks to 60 cents, or even less, due to Federal administrative costs.

A recent study of the functioning of 10 grant-in-aid programs by the House Committee on Government Operations has shown this is without foundation.

The 10 grant-in-aid programs analyzed by the House committee included the 4 largest and 6 smaller programs representing diverse administrative arrangements. For the 10 programs combined, the total of directly related Federal expenditures for administration, research and other associated activities was estimated to be 1.2 percent of the total grant payments to State and local governments in fiscal 1958. The addition of prorated indirect costs for other activities associated with these programs—costs including Federal tax collection and auditing—increased the total to 1.6 percent of the total grant payments. In other words, the total freight charge for the 10 programs accounting for four-fifths of all Federal grants is less than 2 cents on the dollar, even when we take into account what it costs to collect Federal taxes and audit agency books.

Now each of you has gone through special bond elections. You know the cost of raising this money on the local level. You know the cost of registration, of election judges and clerks, of the legal steps of clearing bond issues, the approval of forms. You know how expensive and time consuming the process is. Although no accurate figures are available, the best available estimate is that it costs somewhere between 5 and 10 cents per dollar to collect and administer a tax dollar at the local level. That, incidentally, is the estimate of the American Association of School Administrators. In other words, collection and administration of a tax dollar on the local level costs 3 to 6 times as much as collection and administration of the same tax dollar on the Federal level.

The administration cost of such a proposal as the Murray-Metcalf bill would be infinitesimal. It requires only a simple mathematical calculation and notification of the allowance of the grants. If efficiency and economy in the administration of an educational program is what is desired this approach should appeal even to the chamber of commerce and the NAM.

Today there is pending in Congress legislation to accomplish the objectives of Federal aid within the framework of these principles. The bill that Senator MURRAY has introduced in the Senate and that I am sponsoring in the House is an example. The amended McNamara bill that passed the Senate last week is another.

More than any other group, yours is one that knows the problems of school financing. You know that the glib phrase, "Federal aid means Federal control" is a myth. You are the ones that meet with the taxpayers associations and the business community. You are the ones that belong to the luncheon clubs and the chambers of commerce. It is you that can bring the message of the need and justification for Federal support to the people of America more effectively than any other group. In doing so you will be performing a valued service for your profession. You will be helping your associates in the teaching profession to attain a higher standard of living and also a higher standard of professional capability. Even more important, you will be doing a great service to your Nation. It may well be that our national survival will depend upon the job you do in convincing your friends and neighbors of the need for better educational facilities. The passage of the pending legislation, as the result of the kind of popular demand your organization can generate, will help to do this important job.

Coal Research

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mrs. KEE. Mr. Speaker, I want to express, on behalf of the people in my congressional district and in other coal areas, as well as for myself, our very deep and sincere appreciation of the action of the House on Monday in passing legislation authorizing the Secretary of the Interior to contract for coal research. This legislation is of the utmost importance to coal-producing areas and to the hundreds of thousands of people dependent upon coal for a livelihood.

It is no secret, Mr. Speaker, that coal has undergone a great technological revolution in the last decade. Machines have replaced men. The result has been widespread and has created much unemployment in coal-producing areas.

Mr. Speaker, we hope, through this legislation, to insure that the Nation's great coal industry continues to progress. We did not ask for special treatment for coal. We were merely asking for an opportunity for this great industry to improve its efficiency and value to the Nation.

It is with truly grateful hearts that we say "Thank you" to all who helped in our longtime efforts to secure passage of this urgently needed legislation. While the bill does not go as far as we would like, it is certainly a wonderful start in the right direction.

America's New Frontier of the Sixties

EXTENSION OF REMARKS
OF
HON. JAMES W. TRIMBLE
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mr. TRIMBLE. Mr. Speaker, on February 8, 1960, in an address at the Mississippi Valley Association meeting in St. Louis, Mo., our colleague from Oklahoma, the Honorable ED EDMONDSON, of Muskogee, did himself proud with a message on the development of the Arkansas River Basin. He deals realistically with this great project and I wish to commend him for it. It is my great hope that we can move forward rapidly on this project and that planning funds for Ozark Dam and others of the great project can be secured this year.

It would take much time and space to give credit to all those, living and dead, who have done so much to make the dream of the Arkansas Valley a reality in the near future. At this point I wish to insert the remarks of our colleague, the gentleman from Oklahoma [Mr. EDMONDSON], in which I concur completely:

AMERICA'S NEW FRONTIER OF THE SIXTIES

Four years and four months ago a man who was then a stranger to many in the Arkansas Valley stood before a large number of Oklahomans and Arkansans in the Sky Room of the LaFayette Hotel in Little Rock, and said:

"The improvement of the Arkansas River for navigation was authorized by Congress in 1938. Since then there have been other authorizations for some of the flood-control reservoirs which will contribute to navigation. I submit to you it is time something happened to bring this authorization to reality. I can promise you the wholehearted support of the Mississippi Valley Association, which I represent."

The speaker was Everett Winter, executive vice president of your great association.

The time was October 28, 1955, a few short months after the great breakthrough on the floor of Congress in 1955.

In the session of Congress which had just concluded at that time, we had succeeded in securing appropriations to begin construction on three major dams of the Arkansas Basin program—Oelogah and Eufaula in Oklahoma, and Dardanelle in Arkansas.

The amount of money appropriated was not large—less than $2 million of construction money in all—but the mandate of the Congress was clear and decisive.

In that mandate, in both the U.S. Senate and House of Representatives, the support and help of legislators from the Mississippi Valley States had supplied the vital difference between defeat and victory.

The helping hand of 1955 was followed by further strong support in 1956, when supporters of Arkansas River navigation won

for the first time the official backing and sponsorship of the House Committee on Appropriations.

Among my treasured souvenirs of the 1956 battle is a resolution adopted here in St. Louis at a most opportune time by the Mississippi Valley Association, which reads as follows:

"We recommend that Congress appropriate sufficient funds to expedite the authorized program for the Arkansas River Basin for flood control, bank stabilization, navigation, and incidental hydroelectric power.

"The Keystone, Eufaula, and Oelogah Dams in Oklahoma, and the Dardanelle and Ozark Dams in Arkansas, are key installations for this program, and we recommend that funds be especially provided for these installations. * * * We urge that construction funds be appropriated to continue the Toronto Dam on the Verdigris and for the planning of the Elk City on the Verdigris, and the Twin Dam on the Neosho.

"We recommend that the Corps of Engineers provide the Congress and the Bureau of the Budget with data showing as nearly as possible a specified period of years for the completion of the entire program, and the annual amount of appropriations necessary for such completion; and upon receipt of this data, the Bureau of the Budget include the funds for each year indicated in the data, but in any event, Congress provide the funds necessary to so progress the program."

Those were welcome words, my friends, in 1956—the words of a friend indeed, for a friend in need.

With your splendid and tremendous help, the battle was won again in 1956, and we have seen the banners of progress steadily go forward in 1957, 1958, and 1959.

Last year, of course, we fought a new battle on the floor of the House and the floor of the Senate.

It was the battle of "No New Starts," and for a few uneasy weeks in Washington, water resource development hung in the balance while Senators and Congressmen debated the vital issue of "Procrastination Versus Progress."

The enemies of progress insisted that our great Nation could not afford any further new starts in navigation, flood control, and reclamation. Because of inflation, we were told, provision for future water supply would have to be delayed.

There was even unfriendly talk, in high places, about "raids on the public treasury" and the "pork barrel" character of water legislation.

On the other side of the question, the opponents of procrastination reminded the Congress that even President Coolidge had defended the basic soundness of water development projects, pointing out that such projects "do not require so much a public expenditure as a capital investment which will be productive."

An even more famous quotation on this subject—appreciated by Democrats as well as Republicans—is the well-known statement of former President Herbert Hoover, made while Secretary of Commerce in 1925:

"We have learned that expenditures on great reproductive works are neither a waste nor a burden upon the community. They bring a rich harvest in increasing wealth and greater happiness. They tend directly to strengthen the foundations of agriculture and industry. Even from the narrower view of taxation, they are an economy, for it is by such works that we increase the income available to taxation and thus reduce individual burdens."

In the final showdown of 1959, the weight of your progressive association was once again felt on the floor of the Congress. Once again, it was on the side of progress, and we won the battle for new starts in water development.

While the final appropriation bill adopted for civil works in 1959 contained a total figure slightly below the Presidential request, it also contained the money for an important series of new starts in navigation, flood control, water supply, and reclamation projects.

An inspiring feature of this victory was the willingness of water project sponsors all over the United States, voluntarily to accept reductions in the money provided for their projects, in order to continue the forward march of water development through the funding of new starts.

It was this spirit, my friends—the spirit of cooperation for mutual objectives, the spirit of willing sacrifice to advance common goals—which made possible the victory for new starts in 1959.

And it is this spirit, ladies and gentlemen—vitalized and personified by your great association—which will be needed to continue our progress in the years ahead.

Today, in 1960, we in the Arkansas Valley are both proud and humble in the knowledge that our river—so long neglected and forgotten on the American Continent—is now the location of one of the greatest multipurpose development programs under way on any continent.

A few short years ago, we were fighting hard to secure our first million dollars for navigation construction. Our first construction amendment, in fact, provided the total sum of $900,000, to be divided equally between two great dams—one in Arkansas and one in Oklahoma.

For the fiscal year beginning July 1, 1960, the President's budget calls for $20,700,000 on Eufaula, $17,400,000 on Keystone, $6,100,000 on Dardanelle, $3,700,000 on Oologah, $3,800,000 on John Redmond, and $2 million on Council Grove. In addition, the sum of $5 million is recommended for bank stabilization.

This total, of more than $58 million will make it possible to continue orderly progress toward completion of these major dams on schedule, and some of the largest construction contracts in the history of our valley are now being negotiated by the Army Engineers.

The Toronto Reservoir is scheduled for completion this year; final completion of Oologah will follow in the summer of 1962; Keystone, Eufaula and John Redmond will be completed in 1965, if orderly appropriations continue during the next 5 years.

In addition, my friends, the need will soon be upon us for further new starts in the Arkansas Valley. Studies are now under way on the Bird, Caney, and Verdigris Rivers, on other Oklahoma and Kansas tributaries of the Arkansas, and along the navigation channel in Oklahoma and Arkansas.

New techniques in construction, and improved engineering methods, have resulted in substantial reductions in Army Engineer estimates for two of these major dams—and additional millions may well be saved if the permanent bank stabilization program can be initiated at once along the river.

The inauguration of the permanent bank stabilization program, to take the place of emergency measure now under way and provided for in the budget, will be a major objective of the Arkansas and Oklahoma delegations in this session of Congress.

In that effort, which we believe will not only save millions of dollars but also advance the completion date of the navigation project by many months, we are once again counting upon the stalwart help of the Mississippi Valley Association.

If the sustained effort and cooperation of the last 5 years can be continued for the next 10—I strongly believe that navigation can be under way along the Arkansas, from the Mississippi River to Catoosa on the Verdigris, before the autumn leaves are falling in 1970.

Navigation on the Arkansas River.

The constant goal and objective of Arkansas and Oklahoma legislators, for more than half a century, is now within the sight of all of us. For these two States, and their economic future, it means the rising of a new sun, the dawning of a new day, the bright and glorious beginning of a new and better tomorrow.

For all of you who have helped to bring that dream within sight, I want to express the profound and heartfelt thanks of nearly 4 million people who live in the Arkansas Basin.

We thank you for what you have already helped to accomplish—and for what you stand ready to help us accomplish in the future.

By your efforts, America is a stronger Nation today than it was in 1955—a stronger Nation, and a better place in which to live.

And by your continued efforts, along America's new frontier of water development in the 1960's, a great dream of our Nation's landlocked Southwest is now approaching reality.

My hope and prayer for that dream, as we move forward toward that new frontier, can best be expressed in the words of Edwin Markham:

"Ah, great it is to believe the dream
As we stand in youth by the starry stream;
But a greater thing is to fight life through
And say at the end, 'The dream is true.'"

People

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1960

Mrs. KEE. Mr. Speaker, all of us know that the months ahead promise to be crucial ones for the United States and the American people.

We should discover before the end of the year whether the Russians are really sincere in their professed desire to ease tensions in the cold war and arrive at some understanding whereby the threat of war will be eased.

If there is one thing which unites the American people it is the desire for peace. That is why everyone, regardless of political affiliation, approves the President's good will visits to other countries of the world.

The summit conference this spring will pose the first test. Mr. Khrushchev will have an opportunity to prove that he is sincerely interested in easing the cold war. He can do this by relaxing some of the rigid demands of the Russians, especially as applied to Berlin.

Also, Mr. Khrushchev, if he is really sincere in his desire for peace, can restrain the Chinese Communists. The Chinese appear on the surface to be much more aggressive at this point than do the Russians.

Mr. Speaker, I am confident that foreign policy will not become a political issue during this session of Congress. This does not mean there will not be disagreements. There will be, but the arguments will come over emphasis and direction, rather than the policy itself.

We know that foreign aid will be argued at length. Some Members will want to downgrade military aid and em-

phasize economic assistance to nations such as India. Others will want to abolish foreign aid and concentrate on military assistance.

Our defense program, which cannot be separated from foreign policy, will also be widely debated. Some Members of Congress, with considerable background information at their disposal, will want to step up the missile program. They fear we are allowing the Russians to widen the present gap. Others will insist upon more emphasis on conventional arms, arguing that if we depend entirely upon atomic weapons it will be an invitation to the Russians to start small-scale local engagements which cannot be met with the hydrogen bomb.

Arguments over defense will not be partisan bickering. Sincere, dedicated and patriotic men will take issue with the President's position that our defense setup is adequate.

Bipartisanship in foreign policy was never intended to stifle debate. We need to discuss issues of such importance as foreign policy and defense. It would be tragic if the people, because of their great confidence in Mr. Eisenhower, resented legitimate debate of these issues and branded everyone who asks pertinent questions a political opportunist. I am sure Mr. Eisenhower would be among the first to insist upon the right of anyone to debate these questions in a logical, dispassionate manner.

But after all the debate is over and the policy on both foreign affairs and defense is agreed upon, the country will remain unified.

The people want peace. But they do not want peace at any price. That is why our people will continue to insist upon a strong defense, backed by the latest in new weapons, until the Russians prove by deeds, and not words, that they are ready to make fundamental changes in their policy.

SENATE

THURSDAY, FEBRUARY 18, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Senator SAM J. ERVIN, JR., of North Carolina, Acting President pro tempore.

Rev. John Douglas Smith, pastor, First Presbyterian Church, Morganton, N.C., offered the following prayer:

Almighty Father of all nations, by whose hand all are fashioned and fed, and by whose grace all are sustained and secured, be pleased to bless with Thy presence and Thy penetrating insight this day these leaders of this Nation as they assemble in this historic spot to deliberate and to decide upon matters so vitally affecting our people and those of other lands.

Lacking wisdom, as all men do, help them to seek it from above. Needing light in these times of darkness, as all men do, cause them to seek it from Thee, the Father of Light. Requiring purifying motives and guidance, as all men do, enable them to seek it from the divine sources in Thee, and having received it, to remember gratefully from where it came and comes.

Accept our thanks for these servants of the people, the homes from which they come, and the people they represent in their respective States; and grant that they, in working with the President and his colaborers, may have a sense of dedication, responsibility, and purpose that will enable them, under Thee, to discharge their great obligations with statesmanlike devotion and dispatch, that they will merit the coveted approval from on high, "Well done, good and faithful servant."

This we ask, as we commend the Members of the Senate unto Thy care, in the name and for the sake of Jesus Christ, our Lord and Saviour. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 18, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SAM J. ERVIN, JR., a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. ERVIN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. FREAR, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, February 17, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 345)

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying special report, was referred to the Committee on Foreign Relations.

(For text of President's message, see House proceedings for today.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The National Aeronautics and Space Administration Authorization Subcommittee of the Committee on Aeronautical and Space Sciences.

The Public Health, Education, Welfare, and Safety Subcommittee of the Committee on the District of Columbia.

ANNOUNCEMENT BY SENATOR SYMINGTON OF INTENTION TO ADDRESS THE SENATE ON NATIONAL DEFENSE

Mr. SYMINGTON. Mr. President, for the information of the Senate I announce that, immediately following the morning hour tomorrow, I shall discuss on the floor of the Senate the question of our national defense.

TRANSACTION OF ROUTINE BUSINESS

Mr. FREAR. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of routine business, subject to a 3-minute limitation on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AIRCRAFT CONTROL AND WARNING FACILITY AT PUNTA SALINAS, PUERTO RICO

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that approval has been granted for the construction of an aircraft control and warning facility with appurtenant roads and utilities, at Punta Salinas, Puerto Rico, at an estimated total cost of $140,000; to the Committee on Armed Services.

AMENDMENT OF CAREER COMPENSATION ACT OF 1949, RELATING TO INCENTIVE PAY FOR CERTAIN SUBMARINE SERVICE

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service (with an accompanying paper); to the Committee on Armed Services.

CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to provide for continuation of authority for regulation of exports, and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF D.C. TRANSIT SYSTEM, INC.

A letter from the president, D.C. Transit System, Inc., Washington, D.C., transmitting, pursuant to law, a report of the operations of that system, for the calendar year ended December 31, 1959 (with an accompanying report); to the Committee on the District of Columbia.

REPORT ON PERSONAL PROPERTY RECEIVED FOR DISTRIBUTION AND REAL PROPERTY DISPOSED OF TO PUBLIC HEALTH AND EDUCATION INSTITUTIONS

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations, and all real property

disposed of to public health and educational institutions, for the period October 1 through December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF FEDERAL-AID HIGHWAY PROGRAM, REGION 7—SAN FRANCISCO, CALIF.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the Federal-aid highway program, region 7—San Francisco, Calif., Bureau of Public Roads, Department of Commerce, September 1958 (with an accompanying report); to the Committee on Government Operations.

REPORT OF PROVISION OF WAR RISK INSURANCE AND CERTAIN MARINE AND LIABILITY INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war risk insurance and certain marine and liability insurance for the American public, as of December 31, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT OF FEDERAL MARITIME BOARD AND MARITIME ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Federal Maritime Board and Maritime Administration, for the fiscal year 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

PUBLICATIONS OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a copy of each of the following publications: "Map, Major Natural Gas Pipe Lines in the United States, June 30, 1959"; "Map, Principal Electric Facilities, 1958"; "Volumes 14, 17, and 18 of FPC Reports"; "Typical Electric Bills, 1959"; "Statistics of Natural Gas Companies, 1958"; "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1958"; "Statistics of Electric Utilities, 1958, Privately Owned"; "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1958"; and "Statistics of Electric Utilities, 1958, Publicly Owned" (with accompanying documents); to the Committee on Interstate and Foreign Commerce.

2D LT. JAMES F. RICHIE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of 2d Lt. James F. Richie (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"SENATE JOINT MEMORIAL 33

"To the Honorable Dwight D. Eisenhower, President of the United States; the Honorable Richard Nixon, President of the Senate; the Honorable Sam Rayburn, Speaker of the House of Representatives; the Honorable Warren G. Magnuson, Chairman, Senate Interstate and Foreign Commerce Committee; the Honorable Herbert C. Bonner, Chairman, House Merchant Marine and Fisheries Committee; the Honorable E. L. Bartlett and the Honorable Ernest Gruening, Senators From Alaska; and the Honorable Ralph J. Rivers, Representative From Alaska:

"Your memorialist, the Legislature of the State of Alaska in first legislature, second session assembled respectfully submits that:

"Whereas Public Law 85-739 as passed in August 1958, allows certain small vessels to transport merchandise to and from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia; and

"Whereas the vessels authorized by this law are operated by cooperatives and transport the merchandise of members on a nonprofit basis; and

"Whereas the large, scheduled vessels serving southeastern Alaska cannot economically and expeditiously provide service between small fishing villages and the larger commercial and processing centers of southeastern Alaska; and

"Whereas considering the numerous and diverse waterways of southeastern Alaska and the dependence of the area on the fishing industry it can be seen that the operation of such small vessels is essential to the total economy of that part of the State; and

"Whereas the present Federal law authorizes the use of such small vessels only until March 15, 1960; and

"Whereas this time limitation leaves the operators of such vessels in doubt as to the status of their activities, and has a depressive effect on that part of the Alaskan economy that is dependent on inexpensive and effective transportation between the inland ports; and

"Whereas S. 2669 and H.R. 9124 now before the Congress would relieve this situation by extending the time within which such service is authorized:

"Now, therefore, your memorialist urges that all necessary action be taken to encourage, pass, and approve such Federal legislation to extend the limits of Public Law 85-739.

"Passed by the senate February 9, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate.

"Passed by the house February 11, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House."

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on Interior and Insular Affairs:

"SENATE CONCURRENT RESOLUTION 6

"Concurrent resolution memorializing the Congress of the United States to enact pending legislation which would establish the Fort Scott national historic site at Fort Scott, Kans.

"Whereas there are now pending in the Congress of the United States two bills, H.R. 6656 and S. 1568, which, if enacted into law, would establish the Fort Scott national historic site at Fort Scott, Kans., which would include the old Federal fort in that city; and

"Whereas if action such as is contemplated by the bills pending in Congress is not taken at an early date it may become impossible to properly preserve the remains of the old Federal fort at Fort Scott; and

"Whereas in 1961 Kansas will be celebrating its centennial, and it would be extremely fitting and proper if the restoration of the fort in Fort Scott could be completed prior to that date: Now, therefore, be it

"Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein), That we respectfully urge and request the Congress of the United States to speedily enact either H.R. 6656 or S. 1568, which are now pending in the Congress, and which, if enacted, would establish a national historic site at Fort Scott, Kans.; and be it further

"Resolved, That the secretary of state be directed to transmit a copy of this resolution to the President of the United States, the Vice President of the United States, and each Member of the Kansas delegation in the House of Representatives and the Senate of the United States.

"Adopted by the senate, February 8, 1960.

"JOSEPH W. HENKLE, SR.,
"President of the Senate.
"RALPH E. ZARKER,
"Secretary of the Senate.

"Adopted by the house, February 10, 1960.

"JESS TAYLOR,
"Speaker of the House.
"A. E. ANDERSON,
"Chief Clerk of the House."

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring an investigation to determine the causes of inflation and to enact remedial legislation; to the Committee on Finance.

(See the above resolutions printed in full when presented by Mr. SALTONSTALL (for himself and Mr. KENNEDY) on February 16, 1960, p. 2562, CONGRESSIONAL RECORD.)

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring the enactment of legislation to implement the decisions of the Supreme Court of the United States outlawing segregation in the public school system; to the Committee on the Judiciary.

(See the above resolutions printed in full when presented by Mr. SALTONSTALL (for himself and Mr. KENNEDY), on February 16, 1960, p. 2562, CONGRESSIONAL RECORD.)

A resolution of the Legislative Council of the State of Washington; to the Committee on Public Works:

"LEGISLATIVE COUNCIL MEMORIAL 1

"To the Honorable Dwight D. Eisenhower, President of the United States, the President of the Senate and Speaker of the House of Representatives, and to the Senate and the House of Representatives of the United States, in Congress assembled

"We, your memorialists, the Legislative Council of the State of Washington, in regular quarterly session assembled this 30th day of January 1960, respectfully represent and petition as follows:

"Whereas the State of Washington, and more particularly the counties of King, Skagit and Snohomish have recently suffered the most severe and devastating floods in 18 years; and

"Whereas the preliminary report of the district engineer of the U.S. Army Corps of Engineers estimates the damage in the said counties is in excess of $10,500,000; and

"Whereas immediate Federal and State action is essential in order to alleviate the danger of recurrence of such floods during the period of the spring runoff in the western Cascade Mountains within said counties; and

"Whereas the State of Washington has obligated all its available funds for flood control which were appropriated for such purpose by the last legislature; and

"Whereas we are advised that the U.S. Army Corps of Engineers can do emergency work only on flood control projects which were originally constructed under its supervision and can do original construction work only on projects approved by the Congress and for which funds have been made available; and

"Whereas we are also advised that Federal funds are only expended on projects which the U.S. Army Corps of Engineers has surveyed and reported that the benefits from such project would equal or exceed its costs; and

"Whereas we are aware that the most recent report of the U.S. Army Corps of Engineers in this respect was prepared in 1952 and recommended against major flood control expenditures in the counties herein referred to on the basis that the costs of ade-

quate flood control projects would exceed the benefits to be derived therefrom; and

"Whereas we are advised that our congressional delegation has requested that the U.S. Army Corps of Engineers be authorized and directed to survey the drainage basins and watersheds of the areas of the western Cascade Mountains in the State of Washington which are periodically subjected to inundation and report the findings of such survey to the Congress; and

"Whereas it is our firm belief that such survey being more recent than the 1952 report will determine that the present utilization and value of the land subjected to inundation and the economic loss to the communities involved is of such extent that the benefits now to be derived from flood control expenditures in the area will far exceed the costs; and

"Whereas recurring uncontrolled floods in the area will greatly compound the damages already suffered and unless measures are taken to provide flood control the area will ultimately be removed from productive use; and

"Whereas other requests and recommendations for flood control projects in the State of Washington are presently before the Congress or shortly will be presented for congressional and administrative approval:

"Now, therefore, your memorialists respectfully pray that the President of the United States and the Congress take action to authorize immediate emergency flood control work in the State of Washington and more particularly in those counties subjected to inundation by floodwaters of the streams and rivers of the western Cascade Mountains which present the immediate danger of springtime flooding and provide appropriations and otherwise make funds available to implement such emergency work; and be it further submitted, that we, your memorialists, respectfully pray that the President of the United States and the Congress take action to authorize construction of long-range flood control projects which will adequately provide future protection to the citizens of the areas of this State affected by previous floods and provide appropriations for early construction of such projects; and be it

"*Resolved*, That copies of this memorial be immediately transmitted to the Honorable Dwight D. Eisenhower, President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives of the United States, to each Member of Congress from the State of Washington, to E. C. Itschner, major general, U.S. Army, Chief of Engineers, U.S. Army Corps of Engineers, to R. P. Young, colonel, U.S. Army, district engineer, Seattle, U.S. Army Corps of Engineers, and to Hon. Albert D. Rosellini, Governor of the State of Washington."

A resolution adopted by the Panama Canal Society of Northern California, recommending that the U.S. Government should take a firm stand in its relations with the Republic of Panama, and strictly adhere to its obligations under the 1956 treaty with Panama; to the Committee on Foreign Relations.

A resolution adopted at a meeting of 67 Lithuanian organizations in Worcester, Mass., relating to Lithuanian independence; to the Committee on Foreign Relations.

Resolutions adopted by the Committee for Return of Confiscated German and Japanese Property, Washington, D.C., relating to support for liberal forces in Germany, and so forth; to the Committee on the Judiciary.

A resolution adopted by a convention of Republicans of the Fifth District of Oklahoma, protesting against the enactment of legislation to grant Federal aid to education; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, with amendments:

H.R. 9331. An act to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children (Rept. No. 1095).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MUSKIE:

S. 3055. A bill to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Interstate and Foreign Commerce.

By Mr. JAVITS:

S. 3056. A bill to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Hawaii:

S. 3057. A bill to amend the Federal Executive Pay Act of 1956 so as to increase the salary of the Governor of American Samoa; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 3058. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 3059. A bill for the relief of Jesus Rodriguez Fernandez; to the Committee on the Judiciary.

By Mr. MURRAY:

S. 3060. A bill to establish Federal agricultural services to Guam, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CHAVEZ:

S. 3061. A bill for the relief of Nikolas Katragazes (also known as Nick Katrys); to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 3062. A bill for the relief of Carl C. Golson; to the Committee on the Judiciary.

By Mr. MORSE (for himself and Mr. NEUBERGER):

S. 3063. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 3064. A bill for the relief of Nicolasa Martin Ballestaros;

S. 3065. A bill for the relief of John Wong (also known as Nai Hong Wong); and

S. 3066. A bill for the relief of Rudolph Carl Bergman; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. JAVITS):

S. 3067. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least one quarter of coverage, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. MURRAY:

S.J. Res. 165. Joint resolution to provide for the designation of the 22d day of August of each year as National Children's Day; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S.J. Res. 166. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work, on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

(See the remarks of Mr. SALTONSTALL when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF FINAL REPORT AND INDEXES OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN submitted the following concurrent resolution (S. Con. Res. 90), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Improper Activities in the Labor or Management Field not to exceed six thousand additional copies of each part of that committee's final report to the Senate, and of each index to that committee's hearings and reports, made pursuant to Senate Resolutions 44 and 249, 86th Congress.

SETTLEMENT OF CLAIMS FILED UNDER SECTION 32(h) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference a bill which is identical with House bill 6462, which has been favorably reported.

The bill which I am introducing seeks to provide a simple, inexpensive and prompt method of settling a large number of claims which have been filed under section 32(h) of the Trading With the Enemy Act, as amended. The bill is identical with H.R. 6462, which has been favorably reported; it is similar in its intent, although considerably more detailed as to the procedure, to section 12 of S. 672, as amended, and introduced by Senator OLIN JOHNSTON on May 28, 1959. Hearings were held on section 12 of S. 672 as amended on June 18, 1959. Neither in the House nor in the Senate hearings was there any opposition to the bill. The principle of the bill has, I understand, the support of the administration and of a number of organizations interested in its objectives.

Section 32(h) of the Trading With the Enemy Act was added to the Trading With the Enemy Act in 1952. It provided, upon application, that the President might designate successor organizations which would be empowered to file claims to so-called heirless property vested in the Office of Alien Property. This is property in the United States which belonged to individuals who, while technically enemy nationals, were in fact persecuted by the Nazis on religious, racial, or political grounds. Such individuals, or their heirs, have long been able, under the Trading With the Enemy Act, to recover their vested property. The 1952 amendment dealt with the situation in which these individuals and their entire families were exterminated, so that there was no living claimant.

Complications have arisen in the administration of section 32(h). As I remember, when it was originally adopted, it was contemplated that $3 million would be recovered under it, represented by the kind of property described, which would be used for various kinds of relief which were thought to be quite in line with what those very unfortunate people would have wanted had they been able to dispose of their own property.

Section 32(h) provided that the designated successor organization would devote the returned property or its proceeds to the relief of surviving and needy persecutees residing in the United States. It was strongly supported by the administration, was the result of bills introduced on a bipartisan basis, and was enacted by the Congress as a simple act of justice. The U.S. Treasury does not need, nor would it be appropriate for it to be the beneficiary of Nazi acts of slaughter.

The administration of section 32(h) has turned out to be difficult because of the thousands of claims which have been filed and the difficulties arising in a situation in which by definition the original owners and all of their immediate families are dead or missing.

The present bill, therefore, merely enables a bulk settlement to be made of these thousands of claims. It will relieve the Department of Justice of an enormous administrative headache. It will also make it possible for some funds to be made available in the near future to the needy and surviving persecutees who were intended beneficiaries of congressional action in adopting section 32(h).

So far as the amounts involved are concerned, the present bill proposes a bulk settlement in the amount of $500,000. This is an amount which the Office of Alien Property of the Department of Justice has indicated as reasonable. It is very far short of the $3 million maximum authorized to be returned under section 32(h).

I understand that the principle of the bill has the support of the administration and of a number of organizations interested in its objectives.

It is my hope that prompt action can be taken on this bill, particularly since hearings as to the substance of it have already been held.

I hope very much that the bill may receive very early attention in the Senate, and that, in accord with what has been done in the other body, we may, at long last, make this sum available in this tragic situation, as a simple act of justice which would cost the United States nothing, because all the property is vested in the Alien Property Custodian—indeed, very much more than is called for by the sum of $500,000. At the same time, we can relieve the Department of Justice of a great administrative problem.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The bill will be received and appropriately referred.

The bill (S. 3056) to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. Is this not the matter upon which my distinguished colleague appeared before the Subcommittee on Trading With the Enemy?

Mr. JAVITS. It is.

Mr. KEATING. I remember the very forceful presentation there with regard to this item. I feel that he made a very persuasive case in that regard, and that this proposal is the very minimum that should be done.

I hope that in any legislation which is reported—and I hope legislation will be promptly reported—provision such as the Senator has suggested will be made.

Mr. JAVITS. I thank my colleague very much.

SALARY OF GOVERNOR OF AMERICAN SAMOA

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to amend the salary provision for the Governor of American Samoa. Presently this position receives a maximum annual stipend of $15,150. The incumbent Governor, the Honorable Peter Tali Coleman, does not qualify for the 25-percent salary differential paid to Federal personnel appointed from the mainland United States to positions in American Samoa, since he was appointed as a resident of the territory.

Mr. President, Governor Coleman has been doing a fine job in the years he has held office. The responsibilities he bears in administering our most distant territory clearly indicate that his compensation is inadequate. By way of comparison, the Governors of the Virgin Islands and Guam receive $19,000 per annum. The bill which I am now introducing would increase the salary of the Governor of Samoa to $17,500. It seems to me that any lesser sum would continue an injustice to the Governor of American Samoa and a slight, however unintentional, to the people of that territory.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3057) to amend the Federal Executive Pay Act of 1956 so as to increase the salary of the Governor of American Samoa, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

MUTUAL SECURITY ACT OF 1960

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, the administration's proposed Mutual Security Act of 1960.

The day before yesterday I gave a preliminary opinion of the bill to the press. I ask unanimous consent that this statement to the press be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR J. W. FULBRIGHT IN CONNECTION WITH THE PRESIDENT'S MESSAGE ON THE MUTUAL SECURITY ACT OF 1960

Although I have been asked by the press to comment on the President's message on the proposed Mutual Security Act of 1960, copies of that message were delivered to the committee only a short time ago. I have not, therefore, been able to read it. This puts me at a disadvantage. However, last night I was briefed, along with other Members of Congress, by the President and representatives of the Department of State as to the general content of the Mutual Security Act of 1960. Furthermore, I have seen a copy of the draft bill, which I expect to introduce, by request, within the next day or so.

A quick examination of the bill itself indicates that there are several proposals which I will find most difficult to support. In the first place, section 101 of the bill would eliminate from the basic mutual security legislation applicable to military aid a ceiling on the amount of military aid which can be furnished to Latin America which was inserted by the Committee on Foreign Relations last year. The committee had many misgivings about the level of military aid in Latin America and inserted a provision that no more could be obligated for that purpose in the fiscal year 1960 than was obligated for military aid during the fiscal year 1959. I have not, of course, seen the President's detailed program for military aid to Latin America but if it is proposed to increase the amount of military aid for the fiscal year 1961 beyond that obligated for the fiscal year 1959, I would oppose such an increase.

In the second place, the administration's bill proposes to eliminate a new section 412 of the Mutual Security Act of 1954 which attempted to earmark mutual security program funds for special education and training purposes in underdeveloped areas. It is true that the appropriation act in effect canceled out that provision by denying funds for the purpose. If the administration has raised its programing priorities for education and training and has programed money elsewhere for the purpose, then I can understand deleting section 412. If it has not programed more money elsewhere for education and training purposes then I shall oppose the repeal of section 412.

I can make a similar comment with respect to the proposal in the administration's bill to delete section 504(d) of the Mutual Security Act of 1954 which relates to the furnishing of small machine tools and other

industrial equipment to underdeveloped countries. I realize that there is also authority in the act for doing this and strictly speaking section 504(d) is not necessary. The committee's proposal last year was to emphasize the usefulness of this kind of program. If the administration has given a higher priority to this program elsewhere in the bill then, of course, I would have less objection to the repeal of section 504(d).

I welcome the presence in the administration bill of a new section on the Indus Basin development. The administration and the International Bank for Reconstruction and Development, together with India, Pakistan, and other nations which participated are to be congratulated on the progress which has been made toward settling a problem which has long stood in the way of economic growth and political stability in south Asia.

I anticipated that the committee will begin hearings on this bill on March 4. Hearings this year should be somewhat shortened because military assistance has been authorized for 2 years, and I do not anticipate that the committee will go deeply into the military aspects of the program this year. We will be interested in seeing what the administration did to comply with the new requirement put in last year that military programs "shall be budgeted so as to come into competition for financial support with other programs and activities of the Department of Defense."

The absence of a military authorization and a Development Loan Fund authorization means that the total amount included in the bill which is to be considered by the committee this year is only $1,454,900,000, compared to $3,909 million last year.

It is normal at this time of year for us to hear from various quarters that the foreign aid bill is in trouble. This year will be no exception. I recognize the difficulty of enacting a forward-looking mutual security bill in an election year—a bill which would make it possible for the administration to make firm plans for the future and thus enable the United States to promote its foreign policy. It is most unfortunate at this particular moment when the Russians are taking the initiative not only in space and military weapons, but in the export of aid to underdeveloped areas, that we find ourselves hampered by an inability to respond with a carefully thought out and firm program extended beyond 1 year. Indeed, the administration is not even asking an appropriation for the Development Loan Fund as large as the amount authorized.

The American people ought to know what they are doing. By constantly attacking these aid programs, emphasizing their negative aspects instead of their positive aspects, and whittling away at the morale of able Americans serving overseas, we are downgrading our aid programs and letting the Russians move in. It's that simple—and I only hope that the administration will spare no effort in getting this story over to the American people.

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent that the administration's bill and its section-by-section analysis also be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1960".

CHAPTER I—MILITARY ASSISTANCE

Military assistance

SEC. 101. Section 105(b)(4) of the Mutual Security Act of 1954, as amended, which relates to conditions applicable to military assistance, is amended by striking out the last sentence.

CHAPTER II—ECONOMIC ASSISTANCE

Defense support

SEC. 201. Title I of chapter II of the Mutual Security Act of 1954, as amended, which relates to defense support, is amended as follows:

(a) In section 131(b), which relates to general authority, strike out "1960" and "$751,000,000" and substitute "1961" and "$724,000,000", respectively.

(b) In section 141, which relates to conditions of eligibility for assistance, strike out "No such assistance" in the second sentence and substitute "No defense support or military equipment and material".

(c) In section 142(a), which relates to agreements, strike out "No assistance" in the introductory clause and substitute "No defense support or military equipment and materials".

Development Loan Fund

SEC. 202. Section 205(a) of the Mutual Security Act of 1954, as amended, which relates to management, powers, and authorities, is amended by striking out "Under Secretary of State for Economic Affairs" in the first sentence and substituting "Secretary of State".

Technical cooperation

SEC. 203. Title III of chapter II of the Mutual Security Act of 1954, as amended, which relates to technical cooperation, is amended as follows:

(a) In section 304, which relates to authorization, strike out "$179,500,000" and "1960" and substitute "$172,000,000" and "1961", respectively.

(b) Amend section 306, which relates to multilateral technical cooperation and related programs, as follows:

(1) In subsection (a), which relates to contributions to the United Nations Expanded Program of Technical Assistance and related fund, strike out "$30,000,000" and "1960" and substitute "$33,000,000" and "1961", respectively.

(2) In subsection (b), which relates to contributions to the technical cooperation program of the Organization of American States, strike out "1960" and substitute "1961".

Special assistance and other programs

SEC. 204. Title IV of chapter II of the Mutual Security Act of 1954, as amended, which relates to special assistance and other programs, is amended as follows:

(a) In section 400(a), which relates to special assistance, strike out "1960" and "$247,500,000" and substitute "1961" and "$268,500,000", respectively.

(b) In section 401, which relates to the United Nations Emergency Force, strike out "1960" in the second sentence and substitute "1961".

(c) In section 402, which relates to earmarking of funds, strike out "1960" in the first sentence and substitute "1961".

(d) In section 403, which relates to responsibilities in Germany, strike out "1960" and "$7,500,000" in the first sentence and substitute "1961" and "$6,750,000", respectively.

(e) Insert after section 403 the following new section 404:

"SEC. 404. INDUS BASIN DEVELOPMENT.—The Congress of the United States welcomes the progress made through the good offices of the International Bank for Reconstruction and Development toward the development of the Indus Basin through a program of cooperation among south Asian and other nations of the free world in order to promote economic growth and political stability in south Asia, and affirms the willingness of the United States, pursuant to authorities contained in this and other Acts, to participate in this significant undertaking. In the event that funds appropriated pursuant to this Act are made available to be used by or under the supervision of the International Bank for Reconstruction and Development in furtherance of the foregoing purposes, such funds may be used in accordance with requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures concerning such matters set forth in this or other Acts; and such funds may also be used without regard to the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241), whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes."

(f) Amend section 405, which relates to migrants, refugees, and escapees, as follows:

(1) In subsection (c), which relates to contributions to the program of the United Nations High Commissioner for Refugees, strike out "1960" and "$1,100,000" and substitute "1961" and "$1,500,000", respectively.

(2) In subsection (d), which relates to the continuation of activities undertaken for selected escapees, strike out "1960" and "$5,200,000" and substitute "1961" and "$3,500,000", respectively.

(g) In section 406, which relates to children's welfare, strike out "1960" and substitute "1961".

(h) In section 407, which relates to Palestine refugees in the Near East, strike out "1960" and "$25,000,000" in the first sentence and substitute "1961" and "$18,500,000", respectively; and strike out the proviso in the first sentence.

(i) In section 409(c), which relates to ocean freight charges, strike out "1960" and "$2,300,000" and substitute "1961" and "$2,000,000", respectively.

(j) Amend section 411, which relates to administrative and other expenses, as follows:

(1) In subsection (b), which relates to certain expenses of administering nonmilitary assistance, strike out "1960" and "$39,500,000" and substitute "1961" and "$40,000,000", respectively.

(2) In subsection (c), which relates to administrative and other expenses of the Department of State, strike out "to" after "appropriated" and substitute "for expenses of".

(k) Section 412, which relates to the President's special education and training fund, is repealed.

(l) In section 419(a), which relates to atoms for peace, strike out "1960" and "$6,500,000" and substitute "1961" and "$3,400,000", respectively.

CHAPTER III—CONTINGENCY FUND

SEC. 301. Section 451(b) of the Mutual Security Act of 1954, as amended, which relates to the President's special authority and contingency fund, is amended by striking out "1960" and "$155,000,000" in the first sentence and substituting "1961" and "$175,000,000", respectively.

CHAPTER IV—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 401. Chapter IV of the Mutual Security Act of 1954, as amended, which relates to general and administrative provisions, is amended as follows:

(a) Section 504(d), which relates to small machine tools and other industrial equipment, is repealed.

(b) In section 505(a), which relates to loan assistance and sales, insert after the first sentence the following new sentence: "Commodities, equipment, and materials transferred to the United States as repayment may be used for assistance authorized by this Act, other than title II of chapter II, in accordance with the provisions of this Act applicable to the furnishing of such assistance.".

(c) In section 513, which relates to notice to legislative committees, insert before ", and copies" in the last sentence the following: "and under the last clause of the second sentence of section 404".

(d) Amend section 527, which relates to employment of personnel, as follows:

(1) In subsection (b), which relates to employment of personnel in the United States, strike out "seventy" and "forty-five" in the first sentence and substitute "seventy-eight" and "fifty-three", respectively.

(2) In subsection (c), which relates to employment of personnel outside the United States, strike out "Director" in the introductory clause and substitute "President"; and insert before the period at the end of paragraph (2) the following new proviso: ": *Provided further,* That Foreign Service Reserve Officers appointed or assigned pursuant to this paragraph shall receive in-class promotions in accordance with such regulations as the President may prescribe".

(3) In subsection (d), which relates to appointment of alien employees outside the United States, strike out ", at the request of the Director,".

(e) Section 531, which relates to security clearance, is repealed.

(f) In section 534(a), which relates to reports, strike out "six months" in the first sentence and substitute "fiscal year."

(g) In section 537(a), which relates to provisions on uses of funds, amend paragraph (3) to read as follows: "(3) contracting with individuals for personal services abroad: *Provided,* That such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Civil Service Commission;".

(h) In section 537(c), which relates to construction or acquisition of facilities abroad, strike out "$2,750,000" and substitute "$4,250,000."

CHAPTER V—TECHNICAL AMENDMENTS REFLECTING NEW LIMITS OF UNITED STATES

SEC. 501. The Mutual Security Act of 1954, as amended, is amended as follows:

(a) In section 205(c), strike out "continental" in the twelfth clause of the first sentence.

(b) In section 411(d), strike out "the continental limits of".

(c) In section 527(c), strike out "the continental limits of" in the introductory clause.

(d) In section 527(d), strike out "the continental limits of".

(e) In section 530(a), strike out "the continental limits of".

(f) In section 537(a), strike out "continental" in the last proviso of paragraph (5) and in paragraphs (13) and (17); and strike out "the continental limits of" in paragraph (10).

CHAPTER VI—AMENDMENTS TO OTHER LAWS

SEC. 601. Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721 et seq.), which relates to famine relief and other assistance, is amended as follows:

(a) In section 202, strike out "The" at the beginning thereof and substitute the following: "In order to facilitate the utilization of surplus agricultural commodities in meeting the requirements of needy peoples, and in order to promote economic development in underdeveloped areas in addition to that which can be accomplished under title I of this Act, the".

(b) In section 203, insert before the period at the end of the third sentence the following: ", and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto may be paid from such funds".

SEC. 602. Section 501(b) of the Mutual Security Act of 1959 (73 Stat. 256), which relates to international cooperation in health, is repealed.

SEC. 603. Section 2 of Public Law 174, Seventy-ninth Congress, as amended (22 U.S.C. 279a), which relates to United States membership in the United Nations Food and Agriculture Organization, is amended by inserting "such" before "sums" and striking out "not exceeding $3,000,000".

SEC. 604. Section 3(a) of Public Law 403, Eightieth Congress, as amended (22 U.S.C. 280b), which relates to United States membership in the South Pacific Commission, is amended by striking out "Not more than $75,000 annually" and substituting "Such sums annually as may be required".

The section-by-section analysis presented by Mr. FULBRIGHT is as follows:

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED MUTUAL SECURITY ACT OF 1960 AS SUBMITTED BY THE EXECUTIVE BRANCH

I. INTRODUCTION

1. Purposes of the bill

The proposed Mutual Security Act of 1960 ("the bill") has two main purposes. First, it authorizes new appropriations for various categories of aid, including defense support, technical cooperation, special assistance and other programs, and the contingency fund. Second, it effects certain substantive amendments in the Mutual Security Act of 1954 as heretofore amended ("the act") which will promote more effective and efficient operation of the mutual security program.

2. Authorizations

The following table shows the authorizations and appropriations requested by the executive branch:

	Authorization request	Appropriation request
CHAPTER I—MILITARY ASSISTANCE		
Sec. 103(a). General authorization	(1)	$2,000,000,000
CHAPTER II—ECONOMIC ASSISTANCE		
Title I. Defense support: Sec. 131(b)	$724,000,000	724,000,000
Title II. Development Loan Fund: Sec. 203. Capitalization	(1)	700,000,000
Title III. Technical cooperation:		
Sec. 304. General authorization	$172,000,000	$172,000,000
Sec. 306. Multilateral technical cooperation and related programs:		
(a) UNTA	33,000,000	33,000,000
(b) Organization of American States	1,500,000	1,500,000
Total, title III	206,500,000	206,500,000
Title IV. Special assistance and other programs:		
Sec. 400(a). Special assistance	268,500,000	268,500,000
Sec. 405. Migrants, refugees, and escapees:		
(a) Intergovernmental Committee for European Migration	(1)	10,000,000
(c) United Nations High Commissioner for Refugees	1,500,000	1,500,000
(d) Escapee program	3,500,000	3,500,000
Sec. 406. Children's welfare	12,000,000	12,000,000
Sec. 407. Palestine refugees	18,500,000	18,500,000
Sec. 408(a). NATO science program	(1)	1,800,000
Sec. 409(c). Ocean-freight charges on voluntary relief shipments	2,000,000	2,000,000
Sec. 411. Administrative and other expenses:		
(b) Administrative and other expenses (other than ch. 1 and title II of ch. II)	40,000,000	40,000,000
(c) State Department administrative expenses	(1)	8,300,000
Sec. 419(a). Atoms for peace	3,400,000	3,400,000
Total, title IV	349,400,000	369,500,000
Total, chapter II	1,279,900,000	2,000,000,000
CHAPTER III—CONTINGENCY FUND		
Sec. 451(b)	175,000,000	175,000,000
Total, all chapters	1,454,900,000	[2] 4,175,000,000

[1] Authorization is now contained in the act.
[2] This total does not include unobligated balances of prior year appropriations requested to be continued available.

In most cases the bill provides for the new authorizations by the technique of striking out the amount and the reference to fiscal year 1960 in the existing authorization and substituting the new amount and a reference to fiscal year 1961. The deletion of the amount and date in existing authorizations does not, of course, have any effect on funds made available pursuant to those authorizations. The act now contains continuing authorizations for appropriations for contributions to the Intergovernmental Committee for European Migration (sec. 405(a) of the act), for payment of U.S. expenses in the North Atlantic Treaty Organization (sec. 408(a) of the act), for certain expenses of the Department of State relating to the mutual security program (sec. 411(c) of the act), and for continuing the availability of unexpended balances of funds made available under the act (sec. 548 of the act). In addition, the act contains authorizations for fiscal year 1961 for military assistance and the Development Loan Fund; thus no new authorizations are needed for these purposes for fiscal year 1961.

II. PROVISIONS OF THE BILL

Chapter I. Military assistance

Conditions Applicable to Military Assistance

Section 101: Amends section 105(b)(4) of the act, which relates to conditions applicable to military assistance, by striking out the last sentence which imposes a ceiling upon obligations and reservations for military assistance to Latin America in fiscal year 1960.

Chapter II. Economic assistance

Defense Support

General authority

Section 201(a): Amends section 131(b) of the act, which relates to general authority,

by deleting the obsolete authorization for an appropriation for defense support for use beginning in fiscal year 1960 and substituting an authorization for an appropriation for this purpose for use beginning in fiscal year 1961.

Conditions of eligibility for assistance

Section 201(b): Amends section 141 of the act, which relates to conditions of eligibility for assistance, so as to exclude military assistance training and information from the requirement of the second sentence of section 141 of the act that a nation must agree to the undertakings specified in section 142 (a) of the act in order to be eligible for defense support and military assistance. The new language parallels the amendment made by the Mutual Security Act of 1959 to the additional conditions of eligibility for military assistance to Latin American countries set forth in section 105(b)(4) of the act. As amended, the requirement would continue to apply to defense support and to military equipment and materials.

Agreements

Section 201(c): Amends section 142(a) of the act, which relates to agreements, by revising the introductory clause to correspond with the new language of the second sentence of section 141.

Development Loan Fund

Management, powers and authorities

Section 202: Amends section 205(a) of the act, which relates to management, powers and authorities, by substituting a reference to the Secretary of State for a reference to the Under Secretary of State for Economic Affairs as a member and the Chairman of the Board of Directors of the Development Loan Fund. This is a perfecting amendment made in accordance with the provision of Public Law 86-117 which provides that any provision of law vesting authority in the Under Secretary of State for Economic Affairs is amended to vest such authority in the Secretary of State. The Secretary has designated the Under Secretary of State to serve as Chairman of the DLF Board of Directors.

Technical Cooperation

Authorization

Section 203(a): Amends section 304 of the act, which relates to authorization, by deleting the obsolete authorization for an appropriation for technical cooperation for use beginning in fiscal year 1960 and substituting an authorization for an appropriation for this purpose for use beginning in fiscal year 1961.

Multilateral technical cooperation and related programs

Section 203(b): Amends section 306 of the act, which relates to multilateral technical cooperation and related programs, in two respects:

Paragraph (1) amends subsection (a), which relates to contributions to the United Nations Expanded Program of Technical Assistance and related fund, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions under subsection (a) and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions under subsection (a) for calendar year 1961.

Paragraph (2) amends subsection (b), which relates to contributions to the technical cooperation program of the Organization of American States, by deleting the obsolete reference to fiscal year 1960 and substituting a reference to fiscal year 1961, so as to provide an authorization for an appropriation of $1.5 million to be available for obligation during fiscal year 1961 for contributions to the program of the Organization of American States for calendar year 1961.

Special Assistance and Other Programs

Special assistance

Section 204(a): Amends section 400(a) of the act, which relates to special assistance, by deleting the obsolete authorization for an appropriation for special assistance for fiscal year 1960 and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

United Nations Emergency Force

Section 204(b): Amends section 401 of the act, which relates to the United Nations Emergency Force, by deleting the obsolete authorization to use during fiscal year 1960 special assistance funds for contributions on a voluntary basis to the budget of the United Nations Emergency Force and substituting an authorization to use during fiscal year 1961 special assistance funds for this purpose. The authority provided under section 401 of the act is in addition to other authority permitting U.S. support of the United Nations Emergency Force, including the making of assessed contributions and the detailing of personnel.

Earmarking of funds

Section 204(c): Amends section 402 of the act, which relates to earmarking of funds for financing the transfer of surplus agricultural commodities, by deleting the obsolete reference to fiscal year 1960 and substituting a reference to fiscal year 1961. The section, as thus amended, will require that not less than $175 million of the funds authorized to be made available in fiscal year 1961 under the act (other than those made available under title II of chapter II, the Development Loan Fund) are to be used for this purpose. This is the same minimum figure that applied in fiscal years 1958, 1959, and 1960.

Responsibilities in Germany

Section 204(d): Amends section 403 of the act, which relates to responsibilities in Germany, by deleting the obsolete authorization to use during fiscal year 1960 special assistance funds in order to meet U.S. responsibilities in Germany and substituting an authorization to use during fiscal year 1961 special assistance funds for this purpose.

Indus Basin development

Section 204(e): Adds in the act a new section 404 which affirms the willingness of the United States, pursuant to authorities contained in the act and other acts, to participate in the cooperative program for development of the Indus Basin. The section specifies that, in the event that funds appropriated pursuant to the act are made available to be used by or under the supervision of the World Bank for the purposes of the section, such funds may be used in accordance with the requirements, standards, or procedures established by the World Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures concerning such matters set forth in the act or other acts (e.g., section 517 of the act and section 103 of the Mutual Security Appropriation Act, 1960). It also provides that, where mutual security funds are made available to be used by or under the supervision of the World Bank for purposes of the section, such funds may be used without regard to the provisions of the 50-50 shipping requirement (section 901(b) of the Merchant Marine Act of 1936, as amended), whenever the President determines that such requirement cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes. Section 401(c) of the bill provides that the appropriate congressional committees shall be notified of any determination with respect to the 50-50 shipping requirement.

Migrants, refugees, and escapees

Section 204(f): Amends section 405 of the act, which relates to migrants, refugees, and escapees, in two respects:

Paragraph (1) amends subsection (c), which relates to contributions to the program of the United Nations High Commissioner for Refugees, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions to the program of the High Commissioner and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions to that program for calendar year 1961.

Paragraph (2) amends subsection (d), which relates to the continuation of activities undertaken for selected escapees, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for the escapee program and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

Children's welfare

Section 204(g): Amends section 406 of the act, which relates to children's welfare, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions to the United Nations Children's Fund and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions to that fund for calendar year 1961.

Palestine refugees in the Near East

Section 204(h): Amends section 407 of the act, which relates to Palestine refugees in the Near East, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions to that agency for fiscal year 1961. In addition, the proviso of section 407 of the act is repealed, so that funds made available under that section may be used for relief and rehabilitation as well as for resettlement and repatriation.

Ocean freight charges

Section 204(i): Amends section 409(c) of the act, which relates to ocean freight charges by deleting the obsolete authorization for an appropriation for fiscal year 1960 to pay ocean freight charges on shipments by U.S. voluntary nonprofit relief agencies and substituting an authorization for an appropriation for the purpose for fiscal year 1961.

Administrative and other expenses

Section 204(j): Amends section 411 of the act, which relates to administrative and other expenses, in two respects:

Paragraph (1) amends subsection (b), which relates to necessary administrative expenses incident to carrying out the provisions of the act (other than chapter I, military assistance, and title II of chapter II, Development Loan Fund) and functions under the Agricultural Trade Development and Assistance Act of 1954, as amended, performed by any agency or officer administering nonmilitary assistance, by deleting the obsolete authorization for an appropriation for this purpose for fiscal year 1960 and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

Paragraph (2) amends subsection (c), which relates to administrative and other expenses of the Department of State, by authorizing an appropriation to the President for such expenses instead of to the Department of State, in conformity with the other appropriations authorized by the act.

President's Special Education and Training Fund

Section 204(k): Repeals section 412 of the act, which relates to the President's special education and training fund.

Atoms for Peace

Section 204(l): Amends section 419(a) of the act, which relates to atoms for peace, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for assistance designed to promote the peaceful uses of atomic energy abroad and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

Chapter III. Contingency fund

President's Special Authority and Contingency Fund

Section 301: Amends section 451(b) of the act, which relates to the President's special authority and contingency fund, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for the contingency fund and substituting an authorization for an appropriation for fiscal year 1961 for such fund.

Chapter IV. General and administrative provisions

Machine Tools and Other Industiral Equipment

Section 401(a): Repeals section 504(d) of the act, which relates to machine tools and other industrial equipment.

Loan Assistance and Sales

Section 401(b): Amends section 505(a) of the act, which relates to loan assistance and sales, by adding a new second sentence designed to clarify the language of the first sentence. The first sentence of section 505(a) of the act now authorizes assistance under the act to be furnished on a barter basis. The new sentence makes it clear that the commodities, equipment, and materials transferred to the United States in such barter transactions may be used for assistance authorized by the act, other than the Development Loan Fund, in accordance with the provisions of the act applicable to the furnishing of such assistance.

Notice to legislative committees

Section 401(c): Amends section 513 of the act, which relates to notice to legislative committees, so as to require that the appropriate congressional committees shall be notified of any determination under the last clause of the second sentence of the new section 404 with respect to the 50–50 shipping requirement (sec. 901(b) of the Merchant Marine Act of 1936, as amended).

Employment of personnel

Section 401(d): Amends section 527 of the act, which relates to employment of personnel, in three respects:

Paragraph (1) amends subsection (b) which relates to employment of personnel in the United States, by increasing (a) the ceiling on the number of personnel employed in the United States on programs authorized by the act who may be compensated without regard to the provisions of the Classification Act of 1949, as amended, and (b) the limitation on the number of such personnel within the above-mentioned ceiling, who may be compensated at rates higher than those provided for grade 15 of the Classification Act general schedule but not in excess of the highest rate provided for grades in such general schedule.

Paragraph (2) amends subsection (c), which relates to employment outside the United States, in two respects. First, it vests the authority of subsection (c) in the President, in conformity with the general structure of the act. Second, it provides that Foreign Service Reserve Officers shall receive in-class promotions in accordance with such regulations as the President may prescribe. This is designed to relieve an existing inequity for Foreign Service Reserve Officers appointed or assigned to perform nonmilitary functions under the act. Under section 625 of the Foreign Service Act these officers, after having been in a given class for 9 months or more, receive an in-class promotion on July 1 of each fiscal year. This means that personnel appointed before October 1 in any given year (i.e., more than 9 months prior to July 1) receive an in-class promotion on the next July 1, while those appointed after October 1 must wait a full year following the next July 1. It is contemplated under the proposed authority that Foreign Service Reserve Officers appointed or assigned pursuant to section 527(c)(2) of the act will receive in-class promotions on the anniversary dates of their appointment or assignment or of their last in-class promotion.

Paragraph (3) amends subsection (d), which relates to appointment of alien employees outside the United States, to authorize the Secretary of State to appoint aliens without the statutory requirement of a request from the Director of the Foreign Operations Administration. By virtue of Executive Order 10610 the functions of the Director of the Foreign Operations Administration were vested in the Secretary of State.

Security clearance

Section 401(e): Repeals section 531 of the act, which relates to security clearance, so that the International Cooperation Administration will, with respect to security clearance standards and procedures, be governed entirely by Executive Order 10450 which applies to all U.S. Government agencies.

Reports

Section 401(f): Amends section 534(a) of the act, which relates to reports, so as to require a report on operations under the act at the end of each fiscal year instead of every 6 months.

Provisions on use of funds

Section 401(g): Amends section 537(a)(3) of the act, which relates to provisions on uses of funds, so as to clarify the basis upon which the International Cooperation Administration contracts with individuals (Americans as well as aliens) to furnish technical advice and assistance to foreign governments subject to administrative and policy supervision and guidance by the ICA Mission. The Civil Service Commission has interpreted the provisions of these contracts relating to ICA supervision and guidance as establishing an employer-employee relationship, which normally may not be established by contract, and has suggested that authority to enter into such contracts be clarified. This authority will also be used, as is the present section 537(a)(3) of the act, to hire aliens by contract for other types of services abroad, such as custodial and housekeeping services.

Construction or acquisition of facilities abroad

Section 401(h): Amends section 537(c) of the act, which relates to construction or acquisition of facilities abroad, to raise the ceiling on the amount of funds made available for assistance in countries other than Korea which may be used for the construction or acquisition of facilities abroad under that section.

Chapter V.—Technical amendments

Reflecting New Limits of United States

Technical amendments

Section 501: Amends the various provisions of the act which refer to the "continental United States" or "continental limits of the United States" so as to make clear the references to the United States include all 50 States.

Chapter VI.—Amendments to other laws

Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480)

Section 601(a): Amends section 202 of title II of Public Law 480, which relates to famine relief and other assistance, to permit the use of surplus agricultural commodities under title II to promote the economic development of underdeveloped areas. One principal purpose of the amendment is to clarify authority under title II to carry out work relief projects on a continuing, rather than on an emergency, basis.

Section 601(b): Amends section 203 of title II of Public Law 480, which relates to famine relief and other assistance, to permit payment from funds available under title II of general average claims arising from shipments of title II commodities to recipient countries. At present, these claims (usually in foreign exchange), which arise against all parties in a sea venture when a portion of a ship or of a ship's cargo is sacrificed to save the remaining cargo or the ship, are left for the recipient country's account, since title II requires delivery of commodities to the recipient f.o.b. U.S. ports with consequent transfer of title before ocean shipment is undertaken. Although general average claims on title II shipments are a rare occurrence, they can be embarrassing to the United States since title II shipments are generally made for humanitarian noncommercial purposes.

Mutual Security Act of 1959

Section 602: Repeals section 501(b) of the Mutual Security Act of 1959, which relates to international cooperation in health.

Public Law 174, 79th Congress, as amended

Section 603: Amends section 2 of Public Law 174, 79th Congress, as amended, which relates to U.S. membership in the United Nations Food and Agriculture Organization, so as to eliminate the ceiling of $3 million on the appropriations authorized by that section for contribution to FAO each year.

Public Law 403, 80th Congress, as amended

Section 604: Amends section 3(a) of Public Law 403, 80th Congress, as amended, which relates to U.S. membership in the South Pacific Commission, so as to eliminate the ceiling of $75,000 on the appropriations authorized by that section for contribution to the Commission each year.

AMENDMENT OF SOCIAL SECURITY ACT TO PROVIDE DISABILITY INSURANCE BENEFITS FOR THE BLIND

Mr. HUMPHREY. Mr. President, on behalf of myself, and the senior Senator from New York [Mr. JAVITS], I introduce, for appropriate reference, a bill amending the Social Security Act to provide for full disability insurance benefits for persons who are blind.

The sudden occurrence of blindness is a shocking and devastating experience. It need not, however, be a disastrous one. Loss of sight is merely the loss of a physical sense—but in no other way does this change or alter the individuals. Of course, blindness does impose certain limitations, but today these limitations may be substantially reduced by the prompt receipt of proper adjustment training in the recognized techniques of blindness. Given this training soon after the onset of blindness, many blind individuals are able to return to regular em-

ployment, are able to resume their responsibilities as providers for their families; but the road back is not an easy one. Public attitudes toward blindness and those who are blind create roadblocks in their way.

A person who is trained in the techniques of blindness, a person who learns to travel freely with the use of the long cane and who receives sufficient training to qualify for practice of a profession or employment in business or industry, still encounters great difficulty in obtaining employment. Too often, if he is so fortunate as to obtain any employment at all, the work will be of an unskilled and repetitive nature—uncertain in duration, meager in compensation.

Individuals who are blind need the minimum financial security that my bill would provide. Such financial security would serve to encourage and stimulate them to greater rehabilitative efforts. I believe it would help in converting them from dependence upon their families or public assistance to economically self-sufficient taxpaying citizens. The bill which I am introducing contains four provisions:

First, it would eliminate so far as blind persons are concerned the age of 50 as a requirement for the establishment of eligibility for disability insurance benefits.

Blindness is a disruptive and demoralizing occurrence at any time in a person's life; but, it is far more disruptive when it occurs during an individual's working years. It is at such time, during such years, that the financial security offered by disability insurance can be of the greatest assistance in the restoration of disabled persons to lives of value to themselves, their dependents, and to the Nation. To deny the benefits of the disability insurance program to blind persons who have not yet attained the age of 50 is to deny to these persons the help which they need at a time when they need it most, at a time when they can still reshape their lives.

Second, my bill provides for the inclusion in the disability insurance program of the definition of blindness which is generally accepted and employed throughout the Nation. Blindness, according to the terms of this definition, means central visual acuity of 20/200 or less in the better eye with correcting lenses, or visual acuity greater than 20/200 if accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. Inclusion of this definition into the disability insurance law would lessen confusion and provide an ophthalmological standard for the determination of blindness.

Once a blind person has established his eligibility for disability insurance benefits in accordance with the terms of this definition, he shall be entitled to receive full benefits for the duration of the disability.

This provision seeks to make the disability insurance sections of the Social Security Act a true insurance program for the blind. Benefits would be conditioned upon the existence and continued existence of the disability of blindness. This provision recognizes that an economic loss is sustained when an individual loses his sight, and it endeavors by means of disability compensation to minimize the economic impact upon the individual.

Third, the bill would delete the present requirement that a beneficiary of disability insurance accept vocational rehabilitation from the appropriate State agency before his eligibility can be established permanently. The effect of this requirement is twofold.

The bill negates the insurance concept of the disability insurance program by conditioning receipt of benefits upon a consideration other than the existence of a medically determinable disability.

This requirement also makes of rehabilitation, which by its very nature is brought about by the voluntary action of a disabled person, a compulsory and coercive force—which endeavors by threat of punishment to compel a man to rebuild his life. Rehabilitation can be achieved only when disabled persons are encouraged and stimulated to the efforts necessary for its attainment. Wise and patient guidance and counsel is needed if disabled persons are to be assisted in rebuilding their lives.

Fourth, the bill would reduce the length of time blind persons must have worked in covered employment in order to establish eligibility for disability benefits. The present minimum of 20 quarters of covered employment would be changed, insofar as the blind are concerned, to a minimum of 1 quarter. There is nothing magic in the current minimum requirement. The requirement that an individual must have attained age 50 in order to be eligible for disability benefits fails to recognize the consequences which inevitably occur when a younger head of a household becomes disabled and can no longer support his family. The current coverage requirement has the same impact on the individual who cannot meet the requirements which it imposes. A contributory insurance program which denies benefits to younger members who become disabled does so at a time when they may be responsible for the support of small children. Aside from its economic impact, the loss of sight can have a devastating effect upon the family head. My bill seeks to correct this inequity.

According to the best available estimates the Nation has a blind population of approximately 350,000. Some 50 percent of these men and women became blind after attainment of age 60, and it is anticipated that this percentage will increase gradually. Many of them are already covered by the old age and survivors and disability insurance benefits under title II of the Social Security Act. Approximately 22,000 American citizens lose their sight each year. If enacted, my bill would make benefits under title II of the Social Security Act available to an estimated 10 to 15 thousand newly blind persons each year.

The bill which I am introducing is similar in all respects to H.R. 8218 and H.R. 8219, introduced in the House of Representatives by Representatives VICTOR L. ANFUSO and ALBERT H. BOSCH, respectively. It is my hope that the appropriate committees will hold prompt hearings on these bills during this session and will adopt them into law.

I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3067) to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least 1 quarter of coverage, and for other purposes, introduced by Mr. HUMPHREY (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(a)(1) of the Social Security Act is amended—

(1) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) has not attained the age of sixty-five and, unless his disability is blindness (as defined in subsection (c)(2)), has attained the age of fifty,"; and

(2) by striking out "or he attains the age of sixty-five" and inserting in lieu thereof "or he becomes entitled to old-age insurance benefits (in the case of an individual whose disability is blindness (as defined in subsection (c)(2)) and who is not fully insured when he attains retirement age) or attains the age of sixty-five (in the case of any other individual)".

(b) Section 223(c)(1) of such Act is amended—

(1) by inserting ", other than an individual whose disability is blindness (as defined in paragraph (2))," after "An individual"; and

(2) by adding after subparagraph (B) the following new sentence: "An individual whose disability is blindness (as defined in paragraph (2)) shall be insured for disability insurance benefits in any month if he had not less than one quarter of coverage before the quarter in which such month occurs."

(c)(1) Section 223(c)(2) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The term 'disability' means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration, or (B) blindness. The term 'blindness' means central visual acuity of 20/200 or less in the better eye with the use of corrective lenses, or visual acuity greater than 20/200 if accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees."

(2) Section 216(i)(1) of such Act is amended—

(A) by striking out "blindness" and all that follows in the first sentence and inserting in lieu thereof "blindness (as defined in section 223(c)(2)."; and

(B) by striking out the second sentence.

(d) The last sentence of section 223(c)(3) of such Act is amended by inserting ", except an individual whose disability is blindness (as defined in paragraph (2))," after "for any individual".

SEC. 2. The first sentence of section 222(b)(1) of the Social Security Act is amended by striking out "an individual entitled to disability insurance benefits" and inserting in lieu thereof "an individual (other than an individual whose disability is blindness as defined in section 223(c)(2)) entitled to disability insurance benefits".

SEC. 3. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for months after the month in which this Act is enacted. In the case of an individual who satisfies section 223(a)(1)(B) of such Act on the date of the enactment of this Act solely by reason of such amendments, the waiting period (as defined in section 223(c)(3) of the Social Security Act) may not begin before the first day of the fifth month before the month in which this Act is enacted.

AUTHORIZATION FOR CERTAIN CONSTRUCTION WORK ON CAPITOL GROUNDS

Mr. SALTONSTALL. Mr. President, I introduce, for appropriate reference, a joint resolution to authorize the Architect of the Capitol to permit certain temporary construction work by the John A. Volpe Construction Co. here on Capitol property in connection with the construction of the new national headquarters of the International Brotherhood of Carpenters and Joiners.

The construction now in process on this building requires the temporary removal of a sidewalk on Louisiana Avenue which is within the Capitol Grounds. The sidewalk is to be replaced when the building is completed, along with other improvements which will, of course, be subject to the final approval of the Architect of the Capitol.

This request is made necessary because of the fact that the proposed new headquarters will abut directly the property line of the Capitol Grounds. The Architect of the Capitol has been consulted in the preparation of this joint resolution, and I am informed he has no objection to its passage. There are necessary safeguards in the provision of the joint resolution providing for the exercise of approval power by the Architect of the Capitol. The net result of the work to be done by the Volpe Construction Co. on the property of the Capitol Grounds will, I am informed by the contractor and by the Architect of the Capitol, be an improvement which will be of benefit to the Government.

There is ample precedent for the passage of this joint resolution. An identical situation occurred recently during the construction of the new headquarters building for the Teamsters Union and necessary permission was granted by Public Law 83–14.

Mr. President, I ask unanimous consent to have the joint resolution and a brief explanatory statement of its purposes printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and explanatory statement will be printed in the RECORD.

The joint resolution (S.J. Res. 166) authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto, introduced by Mr. SALTONSTALL, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Architect of the Capitol is hereby authorized to permit (1) the performance within the United States Capitol Grounds of excavation, temporary construction, or other work, that may be necessary for the construction of a national headquarters building, and other related facilities, for the United Brotherhood of Carpenters and Joiners of America on the property immediately northwest of the intersection of Constitution Avenue Northwest, and Louisiana Avenue Northwest, in the District of Columbia; and (2) the use of Capitol Ground property located west of the street curb on Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest, for purposes of ingress and egress to and from the building site during such construction. No permanent construction shall extend within the United States Capitol Grounds except as otherwise provided in subsection (b) of this joint resolution.

(b) The Architect of the Capitol is hereby authorized to permit the following improvements of a permanent nature to be made on Capitol Ground property located west of the street curb on Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest:

(1) The removal of the existing driveway which provided access to a gasoline station which formerly occupied such site; the patching of the existing curb; and the regrading and sodding of the area comprising such driveway;

(2) The extension of existing sewers and the building of new manholes under the sidewalk along Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest, to accommodate service laterals from the proposed new building, and the installation of necessary laterals;

(3) The installation of service laterals from existing gas and water mains located on Capitol Grounds property located at Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest.

(4) The removal and replacement of existing sidewalks located on Capitol Grounds property at Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest;

(5) The planting of seven additional trees between street curb and new sidewalk along Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest, such trees to be selected by the Architect of the Capitol;

(6) The regrading and resodding of the remaining area; and

(7) The plugging and filling of a portion of the abandoned brick arch sewer located at the northeast corner of the proposed new building.

SEC. 2. The United States shall not incur any expense or liability whatsoever, under or by reason of this joint resolution, or be liable under any claim of any nature or kind that may arise from anything that may be connected with or grow out of this joint resolution.

SEC. 3. No work shall be performed within the Capitol Grounds pursuant to this joint resolution until the Architect of the Capitol shall have been furnished with such assurances as he may deem necessary that all areas within such grounds, disturbed by reason of such construction, shall, except as otherwise provided in this joint resolution, be restored to their original condition without expense to the United States; and all work within the Capitol Grounds herein authorized shall be performed under conditions satisfactory to the Architect of the Capitol.

SEC. 4. Nothing in this joint resolution shall be construed as conveying to the United Brotherhood of Carpenters and Joiners of America any right, title, or interest in or to any of the temporary or permanent improvements made by it within the Capitol Grounds pursuant to this joint resolution.

The explanatory statement presented by Mr. SALTONSTALL is as follows:

BRIEF REGARDING REQUEST TO PERFORM CONSTRUCTION WORK OF PERMANENT AND TEMPORARY NATURE ON CAPITOL GROUNDS PROPERTY LOCATED WEST OF STREET CURB ON LOUISIANA AVENUE NW., BETWEEN CONSTITUTION AVENUE NW., AND FIRST STREET NW., DISTRICT OF COLUMBIA

1. It is the desire of the International Brotherhood of Carpenters and Joiners of America to construct a new headquarters building to be located on property immediately northwest of the intersection of Constitution avenue NW., and Louisiana Avenue NW., in the District of Columbia.

2. The building is to be of monumental construction with an exterior composed of Georgia white marble with miscellaneous granite trim and terrace paving. Window walls on the first and fifth floors are to be of stainless steel and windows on intermediate floors are to be of African mahogany. When completed the building will cost nearly $5 million and be located on property costing nearly $2 million. The completed building should prove to be an attractive addition to the structures surrounding Capitol Hill.

3. It is the desire of the International Brotherhood of Carpenters and Joiners of America to provide planting boxes for shrubbery adjacent to the property line along Louisiana Avenue and in order to accomplish this construction it will be necessary to encroach temporarily on Capitol Grounds property located immediately southeast of the Louisiana Avenue property line. It is the desire of the owner to connect to and make use of existing utilities located on the Capitol Grounds property referred to previously. When completed these utilities will be hidden from view, however, their installation will require demolition of existing sidewalk necessitating a request for permission to remove and replace the existing walks. The request to plant additional trees and install new sod is based on the owner's desire to further improve the appearance of the property.

4. The Capitol Architect, while cognizant of the International Brotherhood of Carpenters and Joiners' desire to perform this work, advises that he is unable to grant the necessary approval unless specifically permitted by law.

5. This situation occurred recently during construction of the new headquarters building for the Teamsters Union and the necessary permission was granted by Public Law 14, 83d Congress, chapter 15, 1st session, H.J. Res. 229.

6. Drawings showing the proposed work and a rendering showing the anticipated results are attached.

7. All proposed work is to be done at no expense to the U.S. Government and to the satisfaction of the Capitol Architect.

8. The U.S. Government is to be held harmless of all liability resulting from performance of this work.

FREE MARKETING OF GOLD—AMENDMENTS

Mr. MURRAY submitted amendments, intended to be proposed by him, to the bill (S. 590) to permit the free marketing of gold, and for other purposes, which were referred to the Committee on Banking and Currency, and ordered to be printed.

CLARIFICATION OF RIGHT OF STATES TO SELECT CERTAIN LANDS—ADDITIONAL COSPONSOR OF BILL

Mr. MOSS. Mr. President, on the second day of February, the senior Senator from Alaska [Mr. BARTLETT] introduced for me the bill (S. 2959) to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit. I ask unanimous consent that the name of my colleague, the senior Senator from Utah [Mr. BENNETT] may be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL CONFERENCE TO STUDY MEANS FOR CONTROLLING DISTRIBUTION OF OBSCENE MATTER AND MATERIALS — ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. SCOTT. Mr. President, on February 15 I introduced a joint resolution—Senate Joint Resolution 160—to provide for a conference consisting of Federal, State, and local officials, and members of public and private groups or organizations to consider and propose methods of, and to coordinate action for, combating the traffic in obscene matters and materials. The joint resolution was permitted to lie on the table for further cosponsors.

I ask unanimous consent that the names of Senators BENNETT, BIBLE, BUSH, BRIDGES, COOPER, FONG, GREEN, HOLLAND, KEATING, KEFAUVER, KUCHEL, MURRAY, NEUBERGER, PROUTY, SCHOEPPEL, YOUNG of North Dakota, and SPARKMAN may be added as additional cosponsors of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF CHARLES F. PAUL TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF WEST VIRGINIA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to announce that a public hearing has been scheduled on the nomination of Charles F. Paul, of West Virginia, to be U.S. district judge, northern district of West Virginia, vice Herbert S. Boreman, elevated, for 10:30 a.m., on Thursday, February 25, 1960, in room 2228, New Senate Office Building.

At the indicated time and place all persons interested in the nomination may make such representations as are pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Rowland K. Hazard, of Rhode Island, to be district attorney for the Canal Zone, for a term of 8 years, reappointment.

Warner Hodges, of Tennessee, to be U.S. attorney, western district of Tennessee, for a term of 4 years, vice Millsaps Fitzhugh, resigned.

George C. Harrison, of Tennessee, to be U.S. marshal, western district of Tennessee, for a term of 4 years, vice John T. Williams, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the Committee, in writing, on or before Thursday, February 25, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. WILEY:

Letter written by him to Senator HOLLAND, chairman, Commerce Department and Related Agencies Subcommittee of the Senate Appropriations Committee, dated February 18, 1960, relating to the reinstatement of certain funds for the weather research program.

MEMBER OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The PRESIDING OFFICER. The Chair has been requested by the Vice President to announce his reappointment of the Senator from Connecticut [Mr. BUSH] as a member of the Board of Visitors to the U.S. Coast Guard Academy, pursuant to the provisions of Public Law 78, 75th Congress.

MEMBER OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The PRESIDING OFFICER. The Chair has been requested by the Vice President to announce his appointment of the Senator from New York [Mr. JAVITS] as a member of the Board of Visitors to the U.S. Merchant Marine Academy, pursuant to the provisions of Public Law 301, 78th Congress.

Is there further morning business?

Mr. FREAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF CONSIDERATION ON TUESDAY NEXT OF TREATIES ON EXECUTIVE CALENDAR

Mr. JOHNSON of Texas. Mr. President, for the information of the Senate, after conferring with my beloved friend the minority leader [Mr. DIRKSEN], we have decided that it would be in the interest of most of the Members of the Senate to have an announcement as to the time we shall proceed to the consideration of the treaties on the Executive Calendar. It is our opinion that the best time to do that would be the middle of the afternoon on Tuesday next.

Therefore, I announce, for the information of all Members of the Senate, that we expect to have at least one rollcall, and perhaps others, on the treaties now on the Executive Calendar, and that rollcall will be some time in the middle of the afternoon on Tuesday next, after the minority leader has concluded with certain business he has scheduled for that time.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive Calendar.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection——

Mr. STENNIS. Mr. President, reserving the right to object, does the Senator refer to the nominations on the present Executive Calendar?

Mr. JOHNSON of Texas. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

There being no objection, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

INTERNAL REVENUE SERVICE

The legislative clerk read the nomination of Hart H. Spiegel to be Assistant General Counsel (Chief Counsel of the Internal Revenue Service).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, the reason why I am seeking to have the Senate consider the nominations on the Executive Calendar now is that my beloved friends from Alaska, Senator GRUENING and Senator BARTLETT, are very anxious to have the nomination of the district judge for Alaska confirmed. I am delighted we have the opportunity to have that done at this time.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Walter H. Hodge to be U.S. district judge for the district of Alaska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. GRUENING. Mr. President, both my colleague [Mr. BARTLETT] and I are extremely happy at the confirmation of this appointment. Judge Hodge has been a distinguished Federal judge in Alaska, twice appointed by this administration, twice confirmed. He is now serving as an associate justice of the State supreme court. His appointment and confirmation have the unanimous approval of the Alaska bar. I thank the Senate for acting upon this nomination, immediately upon receipt of the favorable Judiciary Committee report. The judicial system of the 49th State is now ready to function.

U.S. ATTORNEY

The legislative clerk read the nomination of Kenneth G. Bergquist, of Idaho, to be U.S. attorney for the district of Idaho for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. MARSHALS

The legislative clerk read the nomination of Dudley G. Skinker, of Maryland, to be U.S. marshal for the District of Columbia for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William K. Holt, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

TIGHT MONEY HITS SMALL BANKS

Mr. PROXMIRE. Mr. President, one of the leading articles on the first page of the Wall Street Journal this morning relates to the issue of tight money. It is entitled "Money and Main Street—Banks in Small Cities Tighten Credit as It Eases a Bit Elsewhere."

The article reports that the tight money policy is now having its most serious effect on small banks in the smaller communities of the country, rather than in the great financial centers like New York, Chicago, and San Francisco. The article states:

"Money may be easing in New York City, but it's just as tight here as it's ever been."

Speaking is a Plainfield, N.J., banker whose institution is located a scant 2 dozen miles from the manmade canyons of the Nation's financial capital. His comment points up an often overlooked fact: Money market trends usually spread slowly to smaller cities and towns.

The article points out:

Only in more recent weeks, however, has tight money's impact spread to most smaller cities and towns. Small businessmen, farmers, and other would-be borrowers are finding it both more difficult and costly to secure loans.

Many bankers figure the easier-money trend in the major financial centers is only temporary. The Federal Reserve System has shown no signs of easing its pressure on the banks, and bank business loans are heading upward. If money grows tighter in major cities—or stays as tight as it is now—the impact of the smaller-city money squeeze could extend far beyond local borrowers.

Then the article reads:

"Smalltown banks have to assess the relative riskiness of their loans," says an officer of the Chicago Federal Reserve Bank. "In a small town most borrowers tend to be dependent on the same or similar influences such as the closing of one total factory or a poor crop due to adverse weather. So the smalltown banker can't afford to carry too big a loan portfolio; most of his loans might go bad at once. In a big money market, lending is done to a widely diversified list, so the portfolio is safer."

The article points out that the tight money squeeze is now really exerting pressure not only on our small banks, but also on our smaller communities and towns.

I should like to conclude by calling attention to something not mentioned by the Wall Street Journal, to wit, the fact that the real pressure on the small bank is that most of its liabilities are in the form of time deposits that do require the bank to pay interest, not demand deposits, that require the bank to pay no interest.

This means that as interest rates rise, the small banks have to pay interest as well as receive interest. In Wisconsin the typical small bank has two-thirds of its deposits in time deposits, on which it must pay interest. In New York, on the other hand, the typical big bank has only 5 percent, or one-twentieth, of its deposits in time deposits. Most of those deposits do not bear interest. So that while the tight money policy is a bonanza for the big banks, because it means soaring income with very little interest cost increase, it is a serious problem for the smaller banks, because interest costs rise right along with interest income.

EQUAL RIGHTS LEGISLATION FOR RETIREMENT DEDUCTIONS FOR THE SELF-EMPLOYED

Mr. SMATHERS. Mr. President, one of the most respected and widely read financial reporters in the United States, Miss Sylvia Porter, whose articles are syndicated across the Nation, had published in the Washington Evening Star, night before last, an article entitled "Tax Break for Self-Employed." In the article she states very ably and very clearly, I think, the value of the enactment of the proposed legislation for the benefit of the self-employed, who for many years have experienced an inequity affecting them, because they have not been given the same privilege of taking tax deductions for retirement funds as have those who have been working in industry and have received from the Treasury approval of certain pension programs.

In the article Miss Porter points out that this proposed legislation is now before the Finance Committee, and that there is some indication from those in the Treasury that, although previously they had fought the enactment of such legislation, they now are beginning to see that this inequity should no longer exist, and they recognize the demand of some 10 million people in the United States who are self-employed, and the fact that they are not going to stand much longer for this inequity.

As one of the authors of this proposed legislation, I very much appreciate the article; and I am greatly encouraged by the position of the Treasury in recent weeks when, either recognizing the validity of the arguments made against the present situation, or else recognizing the political pressures being made on the Members of the Congress, and realizing that something is going to happen, those in the Treasury have changed their position.

I think I can say that it will not be too much longer before the so-called Smathers-Morton-Keogh-Simpson bill will be on the statute books. When it is on the statute books, we shall be able to take great pride because an inequity in our tax laws will then have been eliminated.

Mr. President, I ask unanimous consent that the article written by Miss Porter be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX BREAK FOR SELF-EMPLOYED

(By Sylvia Porter)

The odds are mounting that equal rights legislation for America's 10 million self-employed in planning for retirement will come out of Congress this session.

If you are among the self-employed—which includes small businessmen, doctors, lawyers, accountants, engineers, etc.—this event can help you in providing for your future financial independence. Certainly, the legislation will remove a glaringly un-

fair discrimination against the self-employed person trying to build up a retirement pension.

In briefest summary, here's the story, up to date.

Within a few weeks the Senate Finance Committee will take up H.R. 10, also known as the Smathers-Morton-Keogh-Simpson bill. H.R. 10 passed the House last year.

BILL IS OUTLINED

Under the bill, you, as a self-employed person, would be allowed to deduct from your Federal income tax up to 10 percent of your annual net earnings, or $2,500 (whichever is less), provided you put this money into a retirement program as specified in the legislation.

You could take your deduction for 20 years, permitting you a maximum lifetime deduction of $50,000.

When you received your benefits under your retirement program, your investment plus your accumulated earnings on it would be treated as ordinary income and taxable as such.

The above three paragraphs give you the heart of the legislation although there are other details on age limits, withdrawals, etc.

From 1951 to 1959 Representative KEOGH, Democrat of New York, persistently introduced bills to give the self-employed a tax break on their retirement savings comparable to that which employees covered by employer-financed pension plans have had for years.

The Treasury just as persistently opposed the bills, though, because it argued the Government cannot afford to lose the $365 million a year in revenues it figures would be involved.

But on March 16, 1959, despite the Treasury's opposition, a bill sponsored by Mr. KEOGH and the late Representative Simpson of Pennsylvania, was overwhelmingly approved by the House.

ONE NEW ANGLE

Now the bill has moved to the Senate Finance Committee under the sponsorship of Senator SMATHERS, Democrat, of Florida, and Senator MORTON, Republican, of Kentucky. The only new angle is that the Smathers bill would become effective in 1961, a bit later than the House bill's effective date.

A careful survey indicates that if the bill reached the Senate floor today, it would pass by a comfortable margin.

If it goes through, the self-employed individual who wants to set up a pension plan will get a tax break similar to that which an estimated 18 million employees under corporate pension plans now enjoy.

If it goes through, a major and long-admitted discrimination against the self-employed will be wiped out.

If it goes through, financial institutions of various types will immediately create retirement funds and accounts for the self-employed. Many major financial institutions are set to go now.

Legislation to give equal rights to the self-employed in setting up retirement plans is inevitable. With the administration forecasting a fat budget surplus and with the effective date for the legislation put off to 1961, the chances are the brightest yet that the remaining opposition will crumble and the bill will become law this year.

Mr. SALTONSTALL. Mr. President, I concur with the remarks of the Senator from Florida [Mr. SMATHERS] regarding the article by Miss Sylvia Porter.

Sylvia Porter aptly describes H.R. 10, a bill now pending in the Senate which enables self-employed persons to establish retirement pension programs of their own, as equal rights legislation. Her discussion is worthy of note by all of us and not only because of her excellent treatment of H.R. 10 and her endorsement of it, but because of the importance of this legislation itself.

Mr. President, fair and equitable tax treatment is fundamental under our democratic form of Government. Yet for many years the self-employed—lawyers, accountants, plumbers—in all 31 groups—have been denied the opportunity now afforded to persons working for a corporation to establish funds for their old age and their retirement.

I believe H.R. 10 to be among the most important subjects before the Congress in this session. The problems of the aging are of important concern to the Congress and the executive branch. The White House has held national conferences on the problem. We debate in Congress methods by which the Government can aid and assist persons after their retirement—for instance, in the fields of medical insurance and increased social security.

These methods involve a heavy expenditure of taxpayers' funds. H.R. 10 I submit, Mr. President, offers a simple, straightforward way in which the Federal Government can encourage self-employed persons to help themselves—to provide for their own retirement and to plan their own savings for their old age in an orderly way without involving the expenditure of any Federal funds and with a minimum loss of revenues—in fact, merely a deferral of revenues. Both in principle and in practice H.R. 10 is sound legislation.

Sylvia Porter's column expresses the need for Congress to act and to remedy the penalty that is now levied against 10 million self-employed persons.

NATIONAL STUDENT COMMITTEE FOR THE LOYALTY OATH

Mr. BRIDGES. Mr. President, I invite attention to the recent organization of the National Student Committee for the Loyalty Oath. Second only to the discussion revolving around the missile gap is the discussion regarding the flabbiness of our educational system as compared to that of the Soviet Union. Congress, having great concern in regard to that matter, developed a program in the National Defense Education Act which was designed to strengthen the Nation's educational facilities, particularly in regard to the sciences.

In its wisdom, Congress provided that recipients of aid under the National Defense Education Act should take a non-Communist oath and make a disclaimer of Communist belief. As might be expected in a country such as ours, where the utmost of freedom of expression is encouraged, there has been some objection to the oath and disclaimer requirements. I am happy to report, however, that the objection comes from a very tiny minority of the participating colleges, only 12 out of approximately 1,300.

To my mind, the refusal of the available Federal funds was more of a dictation to the student bodies involved than was the case in the oath and disclaimer requirements. These colleges have taken the very paternalistic attitude of "Father knows best," and have denied to their students the freedom of choice as to whether or not the student himself wished to avail himself of the funds with the oath and disclaimer requirement.

It is most heartening to me that an organization of the students themselves has come into being, dedicated to the preservation of the oath and disclaimer. Particularly heartening is the fact that membership comes from some of the colleges which have denied their students the freedom of choice. I was most happy to give this organization my endorsement.

Mr. President, I ask unanimous consent that there be included at this point in the RECORD the statement announcing the organization of this committee and its purposes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL STUDENT COMMITTEE FOR THE LOYALTY OATH

A national student organization founded for the object of preserving the student loyalty oath and nonsubversive affidavit in the National Defense Education Act was announced here today.

The organization's name is the National Student Committee for the Loyalty Oath. Twenty-five colleges and universities across the Nation are represented on its governing board and more are to be announced in the near future.

Chairman of the organization is Douglas Caddy, a senior at Georgetown University in Washington, D.C. Caddy is presently State chairman of the Young Republican College Federation for the District of Columbia. Executive secretary-treasurer of the student committee is David Franke, a junior at George Washington University in Washington, D.C. Franke is also at the present time the editor of the Individualist, official student publication of the Intercollegiate Society of Individualists.

The committee is bipartisan in political character. Its activities will be confined solely to fighting for the preservation of the loyalty oath and affidavit presently embodied in the National Defense Education Act and will not enter into the other areas of controversy currently attached to the National Defense Education Act.

Colleges represented by students on the governing board of the organization include Harvard University, Boston College, University of Connecticut, City College of New York, Manhattan College, College of New Rochelle, University of Indiana, Butler University, University of Wisconsin, Antioch, Marquette University, St. John University (Minnesota), University of Michigan, Wittenberg College (Ohio), Iowa Central College, Kansas State University, William and Mary University, University of Houston, University of Arizona, University of New Mexico, Georgetown University, George Washington University, American University, Dunbarton College, and Trinity College.

The committee has been given the endorsement and blessing of Senator STYLES BRIDGES, of New Hampshire, chairman of the Senate Republican policy committee. Senator BRIDGES in a recent letter to the committee wrote, in part:

"The formation of your nationwide committee has come to my attention, and I offer my congratulations for the example of patriotism being expressed by our young American college and university students. It should serve to inspire our future leaders in

every field of endeavor to renew their knowledge of the fundamentals upon which our Nation was founded.

Throughout our history thousands of our young people have daily saluted the American flag and repeated the pledge of allegiance without any thought of hesitation. It has always been my belief that it was an honor to take any pledge of allegiance or subscribe to any oath of loyalty on behalf of our Nation. Why this should become unpopular in some circles is almost beyond my belief and comprehension.

I wish the committee well and hope it receives support throughout the country. It is most certainly a worthwhile endeavor.

STYLES BRIDGES,
Chairman, Senate Republican Policy Committee.

In announcing its formation, the student committee termed "deplorable" the actions of the 19 colleges and universities who have refused to or withdrawn from participation in the National Defense Education Act because of the loyalty oath requirement. The committee raised the questions (1) whether it is proper for the officials of these colleges and universities that have refused participation to act as a super legislature and deny qualified students the opportunity to seek the benefits under a public law designed to aid them individually, and (2) whether such officials are not by administrative fiat depriving the students of the very freedom they seek to preserve. The committee called attention to the fact that while only 19 institutions have refused participation in the National Defense Education Act, over 1,370 other institutions are participating without protest of the benefits of the National Defense Education Act.

LOYALTY OATH PROVISIONS OF THE DEFENSE EDUCATION ACT

Mr. BRIDGES. Mr. President, it is argued by some that the loyalty oath provisions of the Defense Education Act unfairly single out students and others in intellectual pursuits.

As my colleagues know, I believe any American should welcome all opportunities to reaffirm his loyalty. To be singled out to reaffirm loyalty to the United States is a singular privilege, it seems to me.

But I do not intend to make a speech on the subject at this time.

I would like, however, to invite to the attention of my colleagues a timely speech given recently by Martin B. McKneally, national commander of the American Legion. The speech is entitled: "What Is a Loyalty Oath?" It was delivered in Tucson, Ariz., December 14 last.

I shall not quote at length from the speech, but I do want to read five short sentences from it. I shall then ask that the whole speech be printed in the RECORD. Here are the five sentences:

Let us recognize that teachers and intellectuals occupy an exalted place in our society. They are the ones to whom we look for leadership and for light in this complex world. In short it may be said that they are the ones upon whom we ordinary people must ultimately depend. Are we asking more than they are willing to give in requiring this simple affirmation of loyalty to our country? Surely, no one in his right mind interprets this as a slander or a reflection upon them as a practical proposition.

I urge my colleagues to reflect upon those five sentences, and I hope that students and educators will do likewise.

Mr. President, I now ask unanimous consent that the speech referred to be printed at this point in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT IS A LOYALTY OATH?

(By Martin B. McKneally)

I am glad to be in Tucson for it gives me an opportunity to visit again with old friends and to enjoy the great hospitality for which Arizona has become so famous. This is my first visit to this State and I have looked forward with anticipation to it, and in no instance have I been disappointed. The color and the majesty of your countryside is matched by your kindness and the warmth of your welcome to all visitors.

I come to you on this visit as the national commander of the American Legion and I can report well of your organization. It is sound and vigorous in all of its divisions. We have done a fair amount of traveling and have talked before many groups and the prestige of the American Legion is high because it has supported a policy founded upon one thing only and that is what is best for America. Its prestige is high because its voice is clear and its voice is clear because it has always managed to see things in their proper perspective. It has seen what was there, not something else. I suppose this is so because the average legionnaire views the events of our time with the 20–20 vision of undiluted patriotism. We have taken our stand on the great issues confronting the country and will continue to do so in spite of the fact that we differ from highly articulate and sometimes over-emotionalized critics and scorners and cynics. One of the interesting developments in the new public philosophy is the perfection of the smear technique; the use of the broad unsupported generalization. The American Legion has in the past been insulted because of its devotion to nationalistic ideals, the exaltation of the flag and the preservation of the sovereignty of the United States. These are great causes and if they fail it will be because the American Legion has been unable and in somewise prevented from bringing home to all Americans their indispensability to life, liberty, and the pursuit of happiness. If we are unable it is due to our lack of concern, if we are prevented it is due to the web of confusion which has been spun around reasonably simple issues.

One cannot but look with concern on signs that the image of America abroad has become distorted and distasteful, and indications of failure and decadence at home.

I call to your attention as proof positive that the soul of America is in great danger to a book of recent publication written by Eugene Kinkead, entitled "In Every War But One." This book is a treatment of the collapse of morale among prisoners of war in Korea. One out of three technically collaborated with the enemy. One out of seven did the business of the enemy, 21 elected to remain with the enemy, 75 returned home as espionage agents of the enemy. Thirty-eight percent died in captivity. No one escaped. For the first time in America's long record of military exertions, Americans were found to have lost the bond that unites free men together. For the first time the inevitable kinship among men which is the result of service to a great ideal was broken and Americans were at war with one another—a war in many of its aspects more cruel and more distressing than the one they fought with the enemy, for in this war Americans fought Americans, Americans betrayed Americans, Americans murdered Americans. I suppose that unmatched in the whole catalog of human infamy will be the crime of one Gallagher who cast two of his fellow prisoners, sick with dysentery and fatigued to the bone, out into the night where they died of the cold in shock and in disbelief of their fate.

Where I ask you, do you fit these statistics into a nation with an exalted mission?—a mission the like of which has never been equaled in the history of mankind. For the great burden of our country, ladies and gentlemen, is to keep the fires of individual freedom burning brightly in the hearts of all Americans and to keep this America clean and sure of its purpose as the hope of all men and women abroad.

Not only must our sense of mission be strong but the policies of our country, in this duel with communism, must be courageous and responsive to the will of the people. In my travels in the last several weeks I have had a great opportunity to discuss with many Americans the issues facing this country and the role the American Legion must play in helping face these issues.

I have found to a man a dreadful concern about the situation in Cuba. It is abundantly clear to all now, that Castro is not the modern George Washington he was called by a New York City television master of ceremonies one Sunday night. He is something quite different. We do not know all that he is but this we do know—he is doing the business of our enemy.

And I shall say this as one American that any head of state who consigns men to the firing squad, without just and fair trials, because of a failure on their part to support the revolutionary movement, inspires in me no confidence that he understands the nature of freedom or that he is a person worth conciliating. One cannot help but view the continuing passivity on the part of our Government to the continuing insults to our flag and to our citizens as a species of appeasement and we all know appeasement has never worked and is particularly vile when it is engaged in to the prejudice of our own sovereign citizens. I say to you, we shall continue to play the role of "Obliging Oliver" to our peril if, indeed, not to our doom, in this area and in other areas abroad.

We shall not win that way, this war for the minds and the hearts of men. If policies without courage will not help us abroad, much less will they help us in all of the problems confronting us at home. A question of much moment before the American people is the one concerning what is called the loyalty oath.

The American Legion, by resolution of its 1959 convention, supports the loyalty oath provision of the National Defense Education Act. It does so on this theory: The National Defense Education Act is a part of the enactments of Congress providing for the security of the United States and as such those receiving benefits under it are special persons, they are singled out as special beneficiaries for a special reason and as such their loyalty to the United States and their freedom from the taint of disloyalty is properly an issue.

To read the debate on the Kennedy-Warren bill which sought, at the last session of Congress, to repeal the section of the act which required every student-beneficiary to sign an affidavit to the effect that he does not believe in and is not a member of and does not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional means is to take an exercise, a lengthy exercise in evasion, begging the question and missing the point. One would think that loyalty to the sovereign state is the exaction of an onerous, burdensome thing to the average American. One would think that subversion was not the Communist business. One would think that

freedom, in this desolate age, was not dying all over the world. One would have to conclude that the great states that have been overthrown, since 1945, were not helped to disaster by certain disloyal citizens within their boundaries. The fact of the matter is that loyalty is an issue and the United States must be protected against disloyalty.

The fact of the matter is that those of us who support this affidavit, and have ourselves taken such an oath gladly, find in it no reflection on our integrity and our loyalty. When we insist upon our position we are disdained as anti-intellectual and as descendants of those who called for a religious test in the Middle Ages. This is specious nonsense.

A man's traffic with his God is a personal affair and is answerable in a forum over which we have no control. Treason to one's country is another story. A tightly organized society such as our own, exists by virtue of certain understandings, certain compacts: man to man. We are all participants in it and every man is affected by the deeds of his fellows. This principle is indeed part of the tradition of the common law. For instance, I must so use my property that it does not do injury to my neighbor. I may speak freely but I may not expect my freedom to extend to me the right to shout "Fire" in a theater and thereby cause panic and injury to my fellows. Freedom, indeed, is a qualified thing. I cannot in any case commit injury to my fellow citizens without penalty. This is purely a social responsibility and its violation throws me out of step.

Treason or betrayal of the common good as constituted in a duly authorized way is an act which violates the responsibility of one citizen to another. The average American is unable to follow the tenuous reasoning which identifies a religious test in the Middle Ages with a loyalty affidavit of today, except insofar as it identifies the loyalty oath with something admittedly bad for the purpose of destroying it.

I have said to you that around the world in this age of brainwashing techniques and indoctrination, loyalty is in issue. "With every dawn," Camus tells us of our time, "masked assassins slip into some cell." "Murder is the question before us." This is the solemn keynote of our time. Shall we fail to heed it? According to the over-anxious reasoning of certain college presidents? And in this connection it is worth noting that the hearings in the Senate catered to the opponents of the loyalty oath and entertained not a voice in support of it. It is interesting further to note that not one student voice was heard. After all this bill provides for a relationship between Government and student, and those university boards and presidents who have withdrawn their institutions from it have deprived thousands of American youths of the personal benefits of this program and the benefits to the Nation, by summary action based upon unsubstantial reasoning may charge us with anti-intellectualism (and I am not sure what that term really means) but I do know this: they inspire me with no great admiration for their position.

The battle against communism is a struggle for men's minds and in this struggle we shall not win by the mounting confusion of words that surround great issues. It has been argued that if the loyalty oath is to be included in a security measure then it should also be included in a farm subsidy law. This is in effect to say that a farmer raising corn is in the same position as a man working in the field of molding men's minds. Let us recognize that teachers and intellectuals occupy an exalted place in our society. They are the ones to whom we look for leadership and for light in this complex world. In short it may be said that they are the ones upon whom we ordinary people must ultimately depend. Are we asking more than they are willing to give in requiring this simple affirmation of loyalty to our country? Surely, no one in his right mind interprets this as a slander or a reflection upon them as a practical proposition. Teachers operating under the New York school system have been taking such an oath for years. No one has thought less of them for taking it.

Now the subject of this discourse has been in defense of the loyalty affidavit and opposed to the reasoning used in an effort to defeat it. I would give the opponents of the loyalty oath a large measure of credit if they would base their case on the fact that the oath has little practical use in protecting the Nation against subversion instead of trailing off into vaporish, thin skinned expressions of injured pride. Perhaps it is nothing more than a symbol of loyalty. Is symbolism bad? When a man tips his hat to a lady, he uses a symbol of respect; his head bowed in prayer is a symbol of his reverence. His use of the term His Excellency, to a Governor, is a symbol of his submission to the authority of the law. Are these bad? Do we think more of a man if he fails to observe them? The loyalty oath is probably nothing but an expression of devotion to one's country in this day of its darkest peril. But even if this is all that it is, who can deny that such an expression does some good? I have said to you that the battle of communism is one for the minds of men. It must be fought in the classroom.

But the battle against communism must also be fought on the level of faith, not only across the plains of economic and scientific achievements. Communism proposes that life is material and a man is a product of nature with no purpose, no will, and no soul. This is a harsh doctrine but because they have succeeded in dressing it up with appeals to ideals and equality, they have succeeded in winning in many instances, the battle for the heart and the minds of men. Ours is a society and a system based upon ideals. Our job as legionnaires is to keep the eyes of all Americans focused on the ideals of our country and our job as Americans is constantly to translate the image of America abroad in terms of his ideals.

We as members of the American Legion must keep alive the spirit of patriotism, love of country. This is our challenge. To those who have grown listless in their appreciation of individual freedom and the great gift of citizenship in this country let us constantly recount their blessings. They are neatly summed up in a passage written by a refugee—one who came to these shores from Herr Hitler's concentration camps and eventually became a citizen of these United States. He wrote:

"I am an American citizen * * * a member of the greatest fraternity on earth. * * * The brotherhood of free men because a million American citizens have died and millions have suffered in the wars of our Republic. I have greater freedom than any other citizen of any other nation in any other period of mankind. I have greater freedom to work, to worship, to love, to learn, and to play. Mine is the freedom to compete, to invent, to save, to invest, to create, to promote, to own. I have freedom to choose, to join, to vote, to speak, to travel, and to walk erect with head high. I am free to be my own self as an individual human soul. I am free to glorify God."

THE FEDERAL NOOSE

Mr. BRIDGES. Mr. President, from time to time we have heard of some strange and ludicrous examples of farmers being penalized for growing crops for their own use.

Now we have the case of the State of Ohio. According to an editorial in the February 12 issue of the Wall Street Journal, entitled "The Federal Noose," we find that the United States is bringing a suit against that sovereign State because eight of its mental and penal institutions grew more wheat than the Federal Government told them they could. Because of this, the State of Ohio was fined $28,000 and the Government has gone to court to collect it.

The State of Ohio says the suit brings up a constitutional question of great import. Ohio maintains that a State cannot be regarded the same as an individual.

The editorial comments that:

What the Government can do to an individual, the Government can do to a State as well wherever individuals or States have abdicated their rights and responsibilities to a central power.

The editorial points out an interesting angle by saying that it might not be too great a disaster for the Federal Government to win this case because that "might make both the public and the State officials come to realize that whether it has to do with aid for wheat or aid for roads or aid for schools, the Federal purse strings can also become a Federal noose."

The handwriting is on the wall. Now we have a bill to pay nearly all school expenses from Washington, D.C. Next we will order what kind of books may be used in schools.

It goes on and go. The Federal noose gets tighter and tighter.

Because of the grave importance of such a trend, I ask unanimous consent that this editorial be printed in the body of the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FEDERAL NOOSE

The sovereign State of Ohio seems somewhat surprised at a suit brought against it by the United States of America. Seems Ohio's eight mental and penal institutions grew more wheat than Uncle Sam told them they could.

Because Ohio's institutions exceeded their quotas, the State was fined $28,000 and the Government has gone to court to get it. The quota system was devised to prevent wheat from piling up in the Government's surplus which, of course, it hasn't prevented. But this Ohio wheat wasn't raised either for the market or for the surplus; it was raised to feed livestock and to make flour for the inmates of the institutions.

Governor DiSalle says the suit brings up a "constitutional question of great import." A State, he says, can't be regarded by Uncle Sam the same as an individual, and so he thinks the Supreme Court eventually will decide this question of Washington dictating to a sovereign State.

We hope Mr. DiSalle does fight this suit. Since most State Governors are pretty careful to guard their prerogatives when Uncle Sam seeks to trespass on the statehouse, Governor DiSalle can count on having lots of States on his side.

But where were the States when the Government was moving against individuals for exceeding quotas in exactly the same manner Ohio has? We didn't hear of many State officials rushing to the defense of Farmer Stanley Yankus, of Dowagiac, Mich.,

when the Federal agents grabbed half his bank account for growing excess wheat to make chickenfeed. The wheat he grew never left the Yankus farm. Mr. Yankus is not the only individual who's suffered the heavy hand of Government aid.

What the Government can do to an individual, the Government can do to a State as well wherever individuals or States have abdicated their rights and responsibilities to a central power.

Since that is so, it might not be too great a disaster for the Federal Government to win this wheat suit in the Supreme Court. Because that might well make both the public and the State officials come to realize that whether it has to do with aid for wheat or aid for roads or aid for schools, the Federal purse strings can also become a Federal noose.

U.S. RELATIONS WITH PANAMA

Mr. BRIDGES. Mr. President, since the end of World War II this country has roamed the highways and the byways of the world extending foreign aid, mutual security, economic aid, military aid, and technical assistance among free world friends. This great humanitarian effort has had notable successes and perhaps equally notable failures. Although distance lends enchantment, we have not overlooked our neighbors on the broad avenue of the Americas, North and South, including the Republic of Panama.

Let us explore the situation in regard to Panama. The origin of and the succession of events which have led to the present could take hours of tracing and recitation. It would be sufficient for my purposes, for the moment, to put just one segment of this sorry situation under the magnifying glass.

The Panama Canal stands as one of the great engineering feats of the ages, and it is especially significant that we, as a still young Nation in terms of existence and technical know-how, took over where others had failed and made the project an accomplished fact. In the years since the canal was officially opened in 1914, it has been one of the greatest boons for mankind on this earth. It has contributed greatly to the economic and cultural development of the world, and after being constructed by this Nation, it has been maintained by this Nation, for the benefit of one and all, at the most moderate of tariffs, sufficient to barely meet the cost of its operation and maintenance.

Despite all of the foregoing, the sovereignty of the United States in the Panama Canal Zone is today being seriously challenged to the end of eventual nationalization by the Republic of Panama, which of itself would be sufficiently disturbing, but also there is the fact that, once again, the movement seems to be inspired by the constant Communist probing into the affairs of this hemisphere.

Let us look for a moment at the history of our sovereignty in the Panama Canal Zone. The Hay-Pauncefote Treaty of 1901 between this country and Great Britain accomplished the relinquishment by Great Britain, exclusively to the United States, of whatever rights Great Britain then possessed. In 1903, under the Hay-Bunau-Varilla Treaty with Panama, this country acquired in perpetuity the use, occupation, and control of the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection. This is under article II of the 1903 convention. Article III of the convention gave utter sovereignty to the United States over the Panama Canal Zone in the following language:

> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Finally, by the Thomson-Urritia Treaty of 1914, proclaimed in 1922, this country concluded with Colombia the restoration of amity, which had been previously impaired by the fact that Panama had revolted from Colombia and our previous treaty with Panama in regard to the Canal Zone had given status to the revolutionary Panamanian Government. Also included in the treaty with Colombia was the acquisition of the Panama Railroad by payment to the title holders of interest.

In the interpretation of treaties and statutes, it is always enlightening to read the statements of intention of those who participated therein, or who were in a position to evaluate and define immediately after the fact. Bunau-Varilla, Panama's Minister to the United States and one of the principal draftsmen of the treaty, stated succinctly:

> To cut short any possible debate, I decided to grant a concession of sovereignty en bloc.

He goes on to say, further, the course which seemed best was to grant the United States:

> All the rights, power, and authority which the United States would possess and exercise if it were the sovereign of the territory; to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, and authority.

Secretary of Government Tomas Arias of Panama stated in a note to Gov. George W. Davis of the Canal Zone:

> The Government of the Republic of Panama considers that upon the exchange of ratifications of the treaty for opening the interoceanic canal across the Isthmus of Panama, its jurisdiction ceased over the Zone.

The terms of the treaty and the statements against interest of the officials of the Panamanian Government itself would seem to have settled for all time the matter of United States sovereignty in the Canal Zone.

Times change and policies of state shift for good or for ill with those times; however, the ebb and flow of the tides of State Department policy had no effect on this ironclad arrangement until the Hull-Alfaro treaty in 1936. Here the erosion begins. Without laboring Senators with the historical recitation of treaties and agreements giving away right of eminent domain, giving up vital real estate holdings, and continuing on through stupidity in choice of words when, in 1946 in the United Nations, we listed the Panama Canal as U.S. occupied territory, let us skip to the present time. The erosion has now become so complete that U.S. sovereignty in the Panama Canal Zone is now being vigorously challenged in what can be interpreted only as the opening wedge in the drive for nationalization.

As I have pointed out, the grant of sovereignty to this country was clear and unequivocal, both in the language of the treaty and the statements, notes, and memorandums of those participating. The sole possible claim of residual Panamanian sovereignty would exist only if, in the first place, this country had not successfully constructed the canal, and in the second place, it had not operated it, maintained it, and provided for defense, policing, and sanitation.

There is no charge that this country has failed in any of those obligations. What do we find in the face of this challenge to our sovereignty but a rather spineless sort of apathy as far as the State Department is concerned? In a letter of January 23, 1960, from William B. Macomber, Jr., Assistant Secretary, Department of State, to Representative DANIEL J. FLOOD, he states that the words which he has underscored, "if it were the sovereign," from article III of the 1903 convention, which I have cited above, "have an important bearing on the matter under discussion." He does not go on to elaborate. He does not go on to explain the importance, but it is clear that these words, taken out of treaty context, are to be used in justification for further erosion to the extent that we lack sovereignty in the Canal Zone altogether. Taken in context, it is clear that what is intended is to give the United States sovereignty in the Canal Zone to the same extent as the Panamanian sovereignty in the surrounding territory, in which the Canal Zone is located.

Just how, specifically, is the final erosion of our sovereignty to be accomplished. The Panama Government now demands that the Panama flag fly with the U.S. flag throughout the Canal Zone, and that every ship passing through the Canal display the Panamanian flag, as would be the case of any foreign ship entering the port of another country. It has been axiomatic throughout civilized history that the display of the flag of a country establishes sovereignty. When the world was being explored and conquered by the European civilization, the first act of conquest and the first act of proclamation of sovereignty was the planting of the flag on the land claimed. That concept has been completely carried through to modern times and is memorialized by a notable work of sculpture within the District of Columbia, which preserves for the ages the GI's proclamation of sovereignty at Iwo Jima when that heroic group of marines raised our flag to signify our sovereignty over that hard-won crest.

Our complete and utter sovereignty over territory in a foreign country, and as proclaimed by our flag, is not unusual. It exists in all of our embassies throughout the world. I can see no useful pur-

pose in denying our sovereignty in the Canal Zone by accession to demands for the display of the Panamanian flag which have been made.

I, for one, do not intend to stand idly by and watch further erosion of our position in the Canal Zone through outright treaty revision, through carelessness of State Department language, or through attempts at appeasement. Although it may be a sad commentary, I am, nevertheless, happy to see that notice has been served in the Department of Commerce appropriations bill, H.R. 10234, as it came from the House, which on page 20, states:

Provided further, That no part of any appropriation contained in title II of this act shall be used to construct a flagpole, platform, or any other device for the purpose of displaying the flag of Panama in the Canal Zone, the sovereign control of which is vested in the U.S. Government by virtue of long-standing treaty.

It is indeed a sorry day when limitation of expenditure language has to be used to counteract the soft approach of useless appeasement.

I want to say I cannot consent to the Senate, the Congress, or the Government, permitting a softening in the situation so far as our sovereignty in the Panama Canal Zone is concerned, without at least raising one voice in the U.S. Senate against it. For that reason, I have made my position clear today.

ANNIVERSARY OF SUCCESSFUL ARMENIAN REVOLT AGAINST SOVIET DOMINATION

Mr. PROXMIRE. Mr. President, today marks the anniversary of an event of very great significance in the recent political history of the world; it was 39 years ago today that the courageous people of Armenia rose up and overthrew a Soviet regime which had marched in force into the independent Armenian nation, ended its brief reign of freedom, and suppressed the liberty of its people.

Only an inspired and gallant people who love their nation and their freedom with a tremendous depth of feeling could rise up against the overpowering might of Soviet arms. City dwellers and peasants alike with meager arms and tremendous spirit, drove the Red army from their nation.

This was the first time in the history of the Soviet Union that any subjugated people had successfully broken away from Soviet domination. Unfortunately, it was also the last time that this has happened so far, despite equally valiant and patriotically motivated attempts such as the historic revolt in Hungary in 1956.

It is an unfortunate truth, of course, that a nation as small and relatively powerless as Armenia cannot long stand up to the colossus of the Soviet Union, no matter how brave and freedom-loving are its people. Thus, after enjoying only 6 months of this hard-won freedom, Armenia was again overwhelmed by powerful Soviet forces.

But the blood men spill in the cause of liberty is never wasted—it is never shed in vain. Armenia's fight for freedom will forever be recorded as one of the noblest struggles in recorded history, and a magnificent symbol of the sacrifice a free people will make to preserve their heritage.

The Armenian rebellion also has a more immediate significance in the context of the troubled world political situation of today. It provides a clear and dramatic indication of the reaction of a free people to forceful imposition of Soviet rule. The history of an independent Armenia is a tragically short one. Only after World War I was the independence of Armenia recognized by the world, following 600 years of foreign rule and partition, and then it was maintained for only 2½ years before Armenia fell under a combined Turkish-Soviet attack. But the national identity and the cultural heritage of the Armenian people spans hundreds of centuries—it is one of the world's oldest.

One constructive result of the Armenian rebellion of 1921 and the brief period of independence it brought is that many Armenian leaders were enabled to escape from Soviet territory. Today, those of their number who still survive, and their descendents in Armenian communities throughout the world, carry on the cause of Armenian independence. They are organizing and carrying out activities directed toward ending Soviet domination and restoring the independence of their ancient homeland.

To them, and to the people in Soviet Armenia today, go the hopes and prayers of thousands of loyal and dedicated Armenian-Americans, and the sympathies of all freedom-loving people of the world. It is therefore entirely appropriate that the Senate of the United States should recognize this date today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 558. Concurrent resolution providing for printing additional copies of the panel discussions entitled "Income Tax Revision"; and

H. Con. Res. 579. Concurrent resolution authorizing the printing of additional copies of a "Veterans' Benefits Calculator."

The message informed the Senate that, pursuant to the provisions of 46 U.S.C. 1126c, the Speaker had appointed Mr. HOLTZMAN, of New York, and Mr. MCINTIRE, of Maine, as members of the Board of Visitors, on the part of the House, to the U.S. Merchant Marine Academy.

HOUSE BILL REFERRED

The bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities on the compensation of Federal employees, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 558. Concurrent resolution providing for printing additional copies of the panel discussions entitled "Income Tax Revision."

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Ways and Means, House of Representatives, ten thousand additional copies of the panel discussions entitled "Income Tax Revision".

H. Con. Res. 579. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator.

Resolved by the House of Representatives (the Senate concurring), That there be printed fifty thousand two hundred and forty additional copies of a Veterans' Benefits Calculator prepared by the Veterans' Affairs Committee of which two thousand copies shall be for the use of the Veterans' Affairs Committee, two thousand copies for the use of the Committee on Finance, thirty-seven thousand four hundred and eighty-five copies for the use of the House of Representatives, and eight thousand seven hundred and fifty-five copies for the use of the Senate.

STATE AND LOCAL WITHHOLDING OF INCOME TAXES

Mr. CLARK. Mr. President, I hope my colleagues in the Senate will give favorable consideration and that the committee will give favorable consideration to the bill just received from the House, dealing with the important matter of the withholding of State and local income taxes from the salaries of Federal employees. I shall have something further to say when the bill is before the Senate for consideration. This is a matter of greatest importance to my State, and I invoke the sympathetic consideration of all the Members of the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Georgia.

Mr. RUSSELL. It so happens that my own State has recently enacted a withholding tax law. I have not had occasion to investigate the matter. Do I correctly understand, from the remarks of the Senator from Pennsylvania, that there is no comity as between the States and the Federal Government as to the matter of withholding taxes?

Mr. CLARK. The Senator is correct. The States withhold the Federal income taxes from the salaries of State employees, but the Federal Government will not withhold the State and local income taxes from the salaries of Federal employees. This seems to me to be a very real injustice.

Mr. RUSSELL. Mr. President, not only is that true, but this involves the rights and the integrity of the several States of this Union. I certainly do not see any reason why the States should be impelled to withhold taxes for the Federal Government if the Federal Government is not going to extend the same

comity where the salaries of Federal employees are concerned.

Mr. CLARK. There is no Member of this body with whom I would rather fight shoulder to shoulder on this issue than the distinguished senior Senator from Georgia.

Mr. RUSSELL. The Senator flatters me, and causes me to feel good early in the day.

Mr. KEATING. Mr. President, I share completely the views of the Senator from Pennsylvania and the Senator from Georgia, with whom I find myself in complete agreement in this very unusual and difficult situation which is faced by the States in collecting their income taxes. I hope there will be speedy action on the proposed legislation.

Mr. RUSSELL. Mr. President, I know of no Senator whom I would welcome more gladly—even temporarily—into a States rights meeting than the Senator from New York and the Senator from Pennsylvania.

Mr. KEATING. Mr. President, I am very happy to find myself in agreement with my distinguished colleague from Georgia.

Mr. JAVITS. Mr. President, I am informed by my colleague [Mr. KEATING] that there has just come over from the House bill 3151, relating to withholding, for purposes of the income tax imposed by certain cities on the compensation of Federal employees. The bill which has just come over would allow income taxes levied by the States to be collected by the Federal Government.

I join with my colleagues and other Senators in expressing the interest of my State in this measure, and my gratification at the fact that such a bill has come over from the House.

EZRA TAFT BENSON AND THE BOY SCOUTS OF AMERICA

Mr. LONG of Hawaii. Mr. President, the Boy Scouts of America, one of the greatest organizations in the world, has just celebrated the 50th anniversary of its founding. A group of 50 Eagle Scouts, one representing each of the States of the Union, recently convened in Washington.

One of the most significant meetings in their program here was held on February 9 in the Jefferson Auditorium of the Department of Agriculture. During the program the Honorable Ezra Taft Benson, Secretary of Agriculture, presented the Department's Conservation Citizenship Award to the Boy Scouts of America.

Equally significant to the award itself was the fact that it was presented by a great American who has had over 40 years of active scouting. Ezra Taft Benson grew up with the Scout movement. There may be a difference of opinion about some of Mr. Benson's policies in relation to agriculture—it would be amazing if there were not—but there is little or no difference about him as a great human being.

As a family man, as a church man, as a citizen, and as a Scout—with all the Scout honors including the Silver Buffalo—he is associated with qualities that proclaim greatness of character.

These qualities were reflected in the remarks which Secretary Benson made to the assembled Scouts and Scout leaders as he presented the citizenship award. I ask unanimous consent, Mr. President, that his remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON IN PRESENTING U.S. DEPARTMENT OF AGRICULTURE CONSERVATION CITIZENSHIP AWARD TO THE BOY SCOUTS OF AMERICA, JEFFERSON AUDITORIUM, WASHINGTON, D.C., FEBRUARY 9, 1960

It is a personal pleasure to share in this occasion with such an outstanding group of young men—Scouts from all of our 50 States—and with all of you friends of scouting who are here.

This occasion gives me both personal and official satisfaction. We see in you young men our finest citizens of the future. You are our great Nation's future leaders—its capable and God-fearing adults of tomorrow.

My personal interest in Boy Scouts dates back a long way.

As scoutmaster in a southeastern Idaho town some 40 years ago, I had the challenging and rewarding experience of leading 24 boys in the first Boy Scout troop in that community. I can tell you they kept me on my toes—but they were true Scouts and they grew up to be responsible citizens.

I have taken pleasure, too, in the fact that both of my sons, Reed and Mark, worked long and hard to attain the coveted rank of Eagle Scout.

My interest in, and appreciation of, the Boy Scouts of America, however, extends far beyond my four decades of close personal association with the movement.

We in the Department of Agriculture devote a large part of our efforts to helping all the people of the United States conserve and use wisely their precious resources of soil, water, forests, grasslands, and wildlife.

You boys and men in scouting, and your predecessors for the half-century that this fine movement has been a vital force in the life of our Nation, have made a continuous contribution in conservation—conservation of both our natural and human resources.

Today I have been thinking of scouting as I have known it over a period of many years. I have been thinking of some of the exceptional good turns it has done. Good turns as quietly constructive as the planting of trees. Perhaps a single tree that can be watched as it grows with the boy. Not infrequently a reforestation project that will grow with a region and our Nation.

I recall many times when Scouts have joined with our Smokey Bear in fire prevention work.

And I admire the energy and courage these youngsters have displayed on numerous occasions when they joined with adults in fire control work, fighting and conquering wildfire in important sections of our valuable forests.

Statistics come alive for me when I envision these young men pitching in, often at great personal risk, to aid during a single year in fighting more than 2,500 forest fires.

And the story is the same with their achievements in soil and water conservation work. Present and former Scouts are in the ranks, front and center, of the many of us who today seek to preserve our soil and water resources.

It is heartening to me, and to countless other Americans, to know that important parts of the Nation's wildlife conservation efforts grow in the hearts and minds of our Boy Scouts, present and past, and find realization through their work.

It is most impressive to be reminded that Scouts have earned approximately 2 million merit badges in conservation, resource use, and agriculture.

Our Nation will always collect dividends from these conservation good turns. We are today deeply indebted to the Boy Scouts of America for continuing contributions through conservation citizenship.

I now come to a proud moment in my experience as Secretary of Agriculture. It is indeed a great privilege to present to the Boy Scouts of America, through Dr. Arthur A. Schuck as chief Scout executive, this Conservation Citizenship Award by the U.S. Department of Agriculture.

I want to read from this parchment the richly deserved tribute to all Boy Scouts everywhere in the United States:

"The U.S. Department of Agriculture honors the Boy Scouts of America for outstanding conservation citizenship.

"Through their continuing conservation programs, the Boy Scouts have made noteworthy contributions to the conservation of our Nation's natural resources. They are helping their fellow Americans to know, appreciate, and practice one of the prime essentials of good citizenship—the wise use, protection, and improvement of our God-given heritage of soil, water, forests, grasslands, and wildlife."

God bless you all and each member of every troop in our fair, free land. Be good Scouts and good citizens always.

AID TO EDUCATION

Mr. LONG of Hawaii. Mr. President, President Eisenhower recently stated that he was opposed to Federal aid for teachers' salaries because "I do not believe the Federal Government ought to be in the business of paying a local official." Although this point was fully debated during consideration of the Federal-aid-to-education bill which passed the Senate, I ask unanimous consent to have published at this point in the RECORD an editorial from the Washington Post and Times Herald of February 13 which I believe effectively answers the President in his latest statement on this subject.

There being no objection, the editorial was ordered printed in the RECORD, as follows:

"I do not believe the Federal Government ought to be in the business of paying a local official," said President Eisenhower at his news conference in answer to a question about the aid-to-education bill passed recently by the Senate. "If we're going into that, we'll have to find out every councilman and every teacher and every other person that's a public official of any kind, or public servant, and try to figure out what his right salary is. And I think—I can't imagine anything worse for the Federal Government to be into."

Well, neither can we. But what its got to do with the aid-to-education bill is a conundrum we are not educated enough to resolve. The bill passed by the Senate would give Federal financial grants to the States, to be matched by them and to be used for school construction or teachers' salaries, or both, as the States prefer. The President will not have to go around tipping teachers individually, any more than he would personally have to pay the wages of carpenters who worked on schoolbuildings financed through his own aid-to-education proposal.

At the present time, Federal grants for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled are made to States that have plans for these programs approved by

the Department of Health, Education, and Welfare. Federal grants for aid to education would be made to the States in much the same way and for much the same reasons—to help States render a service of vital interest to the national welfare, the financial burden of which is beyond their resources.

The President need have no fear that if the Federal Government helps States improve their public schools by raising the salaries of their teachers it will be obliged to help them improve local fire departments by raising the pay of firemen. The local fire departments do not so vitally affect the rest of the Nation as do the local schools. The simple truth is that the only real difference between the kind of help he has proposed for education and the kind of help proposed by the Senate is that the Senate's help is a good deal more helpful.

NEW MEXICO SALUTES FAMOUS NATIVE COMPOSER

Mr. CHAVEZ. Mr. President, on February 22 and 23 of this year, the State of New Mexico is paying tribute to one of the Nation's great composers—Mr. Ignacio Brown—better known to his thousands of colleagues and music lovers throughout the Nation as Nacio Herb Brown.

Mr. Brown was born February 23, 1896, in Deming, N. Mex. The old family residence on Copper Street still stands. Like a true son of New Mexico, Nacio occasionally goes back to his hometown to relive old memories.

Ignacio, perhaps I should also say Nacio, attended the public school in Deming and, many years later, the Musical Arts High School in Los Angeles. Like many other great composers—while striving to find fame and fortune in his chosen profession and in order to pay the rent when due, he became a pianist in the vaudeville circuits of that day. Though he came from humble parents, fame could not be denied him.

In the early twenties, the first of his songs won nationwide acclaim, and he became eligible to join that great organization, the American Society of Composers, Authors, and Publishers, known the world over as ASCAP. We today from New Mexico are very proud to say he is one of its most distinguished members.

Like the great State of New Mexico, Mr. Brown has grown in stature through the years. When one listens, as millions do, to some of his famous songs, we from New Mexico can trace the ruggedness of our mountains and the broad sweep of the Rio Grande in his melodies that whisper themselves into the hearts of music lovers the world over.

Like the majority of songwriters, his name is less well known than his songs. When one hears such famous compositions as "The Pagan Love Song," the never-to-be-forgotten "Temptation," the loveliest of all love songs "You Were Meant for Me" and, of course, such other priceless musical gems as "Love Is Where You Find It," "Singin' in the Rain," "You Stepped Out of a Dream," the name of Nacio Herb Brown acquires a new meaning as one of the greats of the American Society of Composers, Authors, and Publishers, together with Gershwin, Berlin, Hammerstein and Rodgers, Cole Porter, and hundreds of others who contribute to the musical culture of our great Nation.

Nacio was not only blessed with the gift of a prolific pen, but he also carved out a niche in the Hollywood Hall of Fame when he produced such outstanding musical films as "Meet Me in St. Louis," "Wintertime," "The Kissing Bandit," "On an Island With You," and last but not least, one that is dear to all of our hearts, "Holiday in Mexico." So it is only fitting that on February 23, Governor Burroughs of New Mexico is declaring Mr. Brown's 64th birthday as Nacio Herb Brown Day all over the State. He will journey from Hollywood to personally attend, and will take part in the great Deming celebration. But the great State of New Mexico is going further than that. The city park in Deming is being named Nacio Herb Brown Park. In honor of our native son, on February 23, the park will be dedicated and a monument will be unveiled with a bronze plaque engraved with the name of Nacio Herb Brown.

In appreciation of what our State is doing for him, Nacio has taken time out from his busy life to write a brandnew composition entitled, "The New Mexico March." During the 2-day celebration, the big Deming High School band will play this stirring march along with many other Nacio Herb Brown melodies.

It is my understanding that Mr. Robert Tobey of the chamber of commerce of Deming is chairman in charge of all the festivities taking place during those days. And furthermore, it has come to my attention that a number of Mr. Brown's distinguished colleagues from ASCAP, including the immediate past president, Mr. Paul Cunningham, will journey out to our beloved State and Mr. Brown's hometown to join with the people of New Mexico in paying tribute to this native New Mexican composer. Unfortunately, due to the press of legislative business here in Washington, I will not be able to attend this event which undoubtedly will be an outstanding one, not only for Mr. Brown, but for my great State of New Mexico.

WHAT TO DO WITH THE TELEPHONE TAX

Mr. KEATING. Mr. President, during the past few weeks there has been considerable discussion as to what we should do with the 10 percent Federal excise tax on local telephone service.

As is well known, last year Congress passed legislation allowing the 10-percent Federal excise tax to expire on July 1 of this year. Since then, Governor Rockefeller has recommended that this tax be discontinued at the Federal level and that it be levied instead at the State level to be used for educational purposes. The Governor's request in this matter is based on the premise that since this particular service being taxed is a service performed at the State level, the tax should likewise be levied by the States.

Mr. President, it is felt by many that Governor Rockefeller's proposal that the local telephone excise revert to the States for educational purposes would be of great benefit to our Nation's schools, and at the same time would not raise the problems which worry those who oppose outright Federal grants for education.

Some feel that the requirements of the President's 1961 budget make it mandatory that we continue this tax for the present time and that we use this revenue to reduce our overwhelming Federal debt. Others favor continuing the tax for 1 year and then discontinuing it in the case of those States which choose to levy this tax to finance needed State and local governmental services. Still others favor cutting the tax out altogether when it expires on July 1 and "letting the chips fall where they may."

There are many large questions involved in this controversy. For example. What are and should be the roles of the States with respect to governmental services and with respect to taxes? Is the Federal Government obligated to discontinue a given tax if it was originally levied on an emergency or temporary basis? Should a given tax be collected at the level of Government at which the particular type of income being taxed is earned? Can the States, if allowed to take over certain Federal taxes, significantly expand and improve the services which they render?

These several questions go to the very heart of larger and more basic issues concerning political and economic relations between the Federal Government and State and local governments, and perhaps even more importantly, concerning the size and scope of the Federal Government in the years that lie ahead.

I have always taken a special interest in this very crucial field. Last year I introduced and worked hard on behalf of a resolution establishing a Joint Committee on Federal-State Economic Relations. Although this particular resolution was not passed, the Congress did enact legislation setting up a Commission in the executive branch to examine and study various problems in the field of intergovernmental relations. This Commission is presently in existence and is now hard at work on its various studies.

Mr. President in concluding my brief remarks today, I want to congratulate Governor Rockefeller for focusing attention on the far-reaching questions raised by his proposal that the Federal excise on local telephone service revert to the States. In doing this, he has performed a valuable service for all of us who favor a reevaluation and revision of the role and functions of the Federal Government and of State and local governments throughout our Nation.

Mr. President, I ask unanimous consent that an excellent editorial which appeared recently in the Washington Evening Star and which discusses these other facets of this important issue be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHO'S ON THE PHONE?

There is a lesson of some sort contained in the current understanding between President Eisenhower and New York's Governor

Rockefeller about the 10 percent Federal tax on local telephone service. The understanding, in brief, is that the President will stand firmly by his recommendation that Congress extend the tax—now due to expire on June 30—but that it would not be inconsistent for Governor Rockefeller to recommend permissive legislation by which his State would impose the tax in event the Federal Government does not.

The lesson, and not a new one either, is that once a tax is born, it dies hard—if at all. This one, like many others, is a World War II emergency tax—enacted not only to raise revenue, but also with the idea that it would help lighten the load of nonessential use of the Nation's telephone system. There seems to be no concern now about how many persons use the telephone (the war has been over for nearly 15 years) but the revenue involved looks mighty attractive. For the Federal Government, for example, it figures to be about $350 million per year—not an insignificant amount in a year when the administration hopes to tote up a $4.2 billion budget surplus. For New York, a State well stocked with telephones and people to use them, it could mean $70 million—which Governor Rockefeller says he would like to spend on educational needs.

Somewhat ironically, the President in the past has recommended shifting part of this tax to the States if they would take on certain local services now supported by the Federal Government. In a sense, Congress jumped the gun last year by voting an end to the tax without any provision for shifting programs to local levels. The White House says that Mr. Eisenhower expressed full sympathy for Mr. Rockefeller's principle, but that Uncle Sam now needs the money.

As it happens, not unusually, no level of government seems to be expressing full sympathy for the taxpayers who are picking up both the telephone and the tax bills.

THE STELLA SCHOOL DISTRICT

Mr. DIRKSEN. Mr. President, late yesterday we had a rather tearful session about the alleged plight of the schoolchildren in the Stella school district in Missouri. I went home last night rather late, filled with a sense of compassion and the thought that perhaps I should do something about it. So this morning I checked the matter with the Department of Justice and with the Department of the Army. The simple facts are about as follows.

Mr. STENNIS. Mr. President, will the Senator speak louder?

Mr. DIRKSEN. The children are attending school in the Stella school district. What is involved in this whole matter is the payment of rent to the Army. When the school burned and the school district took over the present quarters, the insurance money was not enough with which to liquidate the rental paid to the Army. On advice of their attorney, they did not pay it. Whether it was an outright refusal, I am not prepared to say. But I checked this morning with the Assistant General Counsel of the Army and with others. The Army is not disposed to press the claim, so long as there is a possibility of handling the matter by legislation. So there is no urgency, and we have plenty of time to deal with the question effectively.

The Army in itself, of course, is not the prosecutor in a Federal claim case. It would send the claim to the Department of Justice. I checked with the Department of Justice this morning, and I learned that the claim has not even been referred to the Department of Justice. If it were, they would make every effort to effect a settlement of the claim, rather than to prosecute it.

One other thing I should add: This matter was handled by Mr. Milton Pearl, of the Corps of Engineers. He testified before the House committee. Among other things, he said that public bodies were treated differently than private citizens in this regard. Thus there is no disposition on the part of the Army to push these tender little children out into the snow. There is no disposition on the part of the Department of Justice to hurl them out, unshorn, into the wintry blasts. So all the compassion, all the tears, and all the heartaches which were expressed last night seem to be slightly on the unavailing side.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. STENNIS. Perhaps in view of the remarks the Senator from Illinois has made, he would now wish to withdraw the bill, it not being necessary to consider it now, after all.

Mr. DIRKSEN. Oh, the bill, Mr. President, is a vehicle. Since the children are in school, there is not only no need to withdraw the bill, but there is no need to entertain a unanimous-consent request to deal with the Stella School District at this time. So I must emphatically and earnestly reassert the objection I entered last night.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. KEATING. I hope my colleague will not rest by simply placing this statement in the RECORD, but will make these views known to the distinguished Senator from Arkansas [Mr. FULBRIGHT] and perhaps also to the distinguished Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], in order that they may realize that this is not such an urgent matter that we need to deal with it immediately, but that it can wait the regular legislative practice.

Mr. DIRKSEN. I trust that these circumstances will now come to the attention of the distinguished Senator from Arkansas and the distinguished Senators from the great sovereign State of Missouri.

Mr. STENNIS. If I may speak for the children, I wish to thank the Senator from Illinois for his great compassion and interest in them. It is characteristic of him and shows him in his true form.

Mr. DIRKSEN. Frankly, I would not want to see the children deprived of a single hour's opportunity for education. If I thought for one moment that there was some insistence by any Government agency or department to pursue a somewhat heartless course and wreak a peculiar kind of vengeance on these children, I would stand up to the death and defend them.

I was about to make a proposal last night that if the Government ever got to that point, I would solicit the services of the distinguished former attorney general of New York [Mr. JAVITS], I would volunteer my own feeble services as a member of the bar, and I would enlist another great lawyer from New York, the eminent Mr. KEATING, and perhaps other Senators, and we would, on our own time and at our own expense, journey to the great Commonwealth of Missouri and defend this school district against the heartless incursions of a Federal agency.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. Each House, apparently, knows how to proceed to solve its own problems, so I am very glad to state to the Senator from Illinois what I have just learned; namely, that the House Rules Committee has just voted a rule to take up early next month the question of civil rights without limiting amendments, and with 15 hours of debate.

I point this out to the Senator from Illinois because I think a real tribute is due him and the majority leader for having honored this commitment, which was made so many months ago, and for having honored it in a way which is compatible with our rules, which will bring about an ultimate result, and which does not hurt the little schoolchildren of this fine small town in Missouri.

I think that each House is showing a capability, where there is a real majority sentiment—and I am confident there is in both Houses—to follow a procedure which will meet the needs of the broad public interest. I believe that the broad public interest will not be sacrificed upon the altar of small views as to its procedure. I am grateful to my colleague.

Mr. DIRKSEN. I thank the Senator from New York.

LEASING OF PORTION OF FORT CROWDER, MO.

Mr. CLARK. Mr. President, is morning business closed?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Illinois [Mr. DIRKSEN].

INTERNAL REVENUE SERVICE APPROPRIATIONS, FISCAL YEAR 1961

Mr. CLARK. Mr. President, the President of the United States has asked Congress to appropriate $18.3 million to provide for the hiring of 3,050 new Internal Revenue Service employees in fiscal 1961. I applaud his action in making this request. It is fully justified.

It it also a belated confession of a gross error made by the administration

7 years ago, when it slashed 3,000 persons from the Revenue Service rolls.

Last May, when the Senate was considering the 1960 Treasury appropriation bill, I called attention to the fact that there were 3,076, or 13 percent, fewer enforcement personnel in the Internal Revenue Service at the end of fiscal 1958 than there were at the end of the Truman administration, although the workload of the service had increased by more than 15 percent. I proposed an amendment to the bill to appropriate sufficient funds to permit the hiring of 2,350 new revenue enforcement in addition to the 726 new personnel for whom funds were asked in the budget. This would have brought the IRS enforcement staff up to its 1952 level again.

The amendment was defeated by a six-vote margin after it was announced during the floor debate that high administration officials had stated that the Revenue Service could not possibly absorb 3,000 new officers in 1 year. The distinguished minority leader added that it would be impossible to recruit that many new persons, and that all that was needed was a pay increase to get better enforcement results.

Apparently these administration spokesmen meant to say that it was impossible to recruit and train 3,000 new men during any one year of the Eisenhower administration. They now say that the succeeding administration will have no difficulty recruiting and training 3,050 personnel during its first year in office. Moreover, they tell us that similar personnel increases will probably be needed in each of the next 5 years, totaling 15,000 new personnel.

Mr. President, a deathbed conversion is better than none at all. I welcome the administration's budget makers to the ranks of those of us who are convinced that there is a clear and urgent need for greatly stepped-up tax enforcement.

That need is more acute than ever and increasing in magnitude. At the end of fiscal 1959 there were 856 fewer IRS enforcement personnel than there were a year earlier; 3,952 fewer than in 1952. In terms of total personnel, including supporting clerical and other help, there are now 9,493 fewer persons employed by the Revenue Service than in 1946, 14 years ago. IRS receives 95 million returns annually now. By 1970 it will be receiving 130 million returns yearly.

The revenue lost as a result of these personnel cuts would have made up a good part of the cumulative deficits of the Eisenhower years. In fiscal 1951, audit operations resulted in the collection of more than $1.8 billion in additional taxes plus interest and penalties. This represented about 3.7 percent of that year's total tax take of $50.4 billion. In contrast, fiscal year 1958's additional collections of $1.6 billion amounted to about 2 percent of the total tax revenue of $80 billion.

I remind Senators that Commissioner of Internal Revenue Latham testified last year that $25 to $26 billion of taxable income is unreported each year. If the average prevailing tax rate of 23 percent were applied to these unreported sums, it can be seen that we are losing $6 billion of revenue yearly. If we could collect these sums which are owed to the Government, we could more than double the much-vaunted $4 billion surplus estimated for fiscal 1961.

Hearings on the 1961 Treasury Department appropriation bill have already been completed, and the House Appropriation Committee is scheduled to meet to act on the bill tomorrow. I hope the committee will see fit to approve the entire sum requested for the Internal Revenue Service, and, in addition the sums, if any, by which the Budget Bureau cut down the initial IRS submission. The appropriation of this entire amount will not even bring the Service back up to its 1952 strength, but it will permit a significant improvement in tax enforcement. By the Government's own estimate, funds for new enforcement personnel will bring the Treasury a 13-to-1 return in tax yields. It would be folly to appropriate less.

Mr. President, I know it is going to be said by some who do not want to go along with the President in this regard that automation has made it unnecessary to hire so many brains; that Univac, IBM, and Remington Rand can take the place, in tax collection efforts, of the agents who were discharged following the Truman administration.

I submit that this is one case in which the Eisenhower administration is 100 percent correct: that these extra brains are necessary in order to audit the returns and obtain the funds of which the Government is being cheated, and that the request of the administration is completely and totally justified.

When this matter comes to a vote on the floor of the Senate—and I have no doubt that it will—I hope we shall find that our friends on the other side of the aisle, who last year voted almost as a body to oppose the requested increase in the Internal Revenue Service, because it then was said that it would be impossible to recruit and to train the men will have the same "deathbed" conversion that has been had by the Bureau of the Budget, the Treasury, and the President, during the intervening months. I also hope that all Senators on this side of the aisle will strongly support the President of the United States on this nonpartisan matter. On this, at least, he is correct.

I ask unanimous consent to have printed at this point in the RECORD two recent editorials from the Philadelphia Inquirer, one from the Philadelphia Bulletin, and a recent feature article from the Washington Post and Times Herald, all dealing with the need for better tax enforcement.

There being no objection, the editorials and the article were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Dec. 10, 1959]

TAX THOSE 24 BILLIONS OF HIDDEN INCOME

Declaration by former Commissioner of Internal Revenue Russell C. Harrington that individual taxpayers failed in 1957 to report $24 billion—or 8 percent—of their income brings a vital problem before the Nation, and Congress, in a dramatic way.

If income reporting was shortchanged to the tune of $24 billion or anything like it in a single year it is a symptom of year-by-year delinquency of immense magnitude. The problem this represents is one which Congress must deal with soundly and vigorously and at the earliest possible time.

There is in prospect a general revision of the tax laws, the taxing system and, it may be hoped, of the tax collection machinery. It is badly needed.

Reforms, notably including measures to reduce tax cheating to a minimum, are required to eliminate escape hatches and loopholes so as to insure taxes shall be paid in full by those who should pay them.

Anything like $24 billion of income unreported in 1 year means a big loss in the country's revenue; in money sorely needed for defense, for health, for schools; for the countless activities of the Government.

The result of what is really a snide performance on the part of too many citizens is that the deficiency for which they are responsible is made up by people who honestly meet all income tax requirements. It is imperatively necessary to catch up with the evaders.

Mr. Harrington made his declaration before the House Ways and Means Committee. In addition, C. Harry Kahn, of the National Bureau of Economic Research at Rutgers University, testified that self-employed persons on the average have been reporting only about 75 percent of their incomes. Farmers appear to be worse sinners. Mr. Kahn said in 1955 they reported only 56 percent; in 1957 only 66 percent. At least, they got a little better.

A streamlining of the Internal Revenue—the tax collecting—Service is decidedly in order, possibly with increased personnel to track down frauds. Reforms in the tax system itself are also required. These are up to Congress to work out with an eye to getting what is coming to the Government and also to cut down injustice to those who pay, and end rank inequities on the part of those who don't.

[From the Philadelphia Inquirer, Dec. 19, 1959]

GET ALL THE TAXES—AND CHEATERS, TOO

Making sure we get the sour with the sweet, the Internal Revenue Service announces that on December 26, the day after Christmas, postmen will begin delivery throughout the Nation of 59,300,000 income tax forms to persons who filed returns for 1958.

That gives us until April 15, next year, to file returns for 1959. And it is important not to let the foot slip. If, for some reason or another, Uncle Sam fails to send you your form, don't make something out of that and skip the annual task of computing and filing. Any potential taxpayer who doesn't receive his form through the mail is in duty bound to go somewhere and get a form, anyway.

That's the law, according to the IRS, and anyone who neglects to obey is likely to be in trouble.

Just on this subject of getting into income tax trouble there is a question of great importance for all honest and sincere taxpayers. What about the hidden taxpayers—or nontaxpayers—who duck, cheat, or dodge?

Estimates differ, but run as high as $24 billion in 1957, according to a former IRS Director, as to taxable incomes never reported to the Government. These estimates mean that taxes in very large amounts are never paid.

Besides the mechanical clerical job of printing up tax return forms and mailing them out by the millions, it is very plainly

incumbent on the Internal Revenue Service to enforce the tax laws on a fully adequate scale so that tax dodging to a possibly astronomical extent will be brought down within more reasonable limits.

Such action is highly necessary. There are a number of quirks in our national taxation system. With relation to some of them Congress is at work trying to devise ways to equalize taxes, close up big and little loopholes and overcome various inequities. Progress in these matters is certainly desirable.

But first it is essential to eliminate wide-scale tax evasions. If the IRS needs more agents and more money to deal with this problem, sufficient additional appropriations by Congress for the purpose would be a sound investment.

For every tax cheater the rest of us have to pay stiff penalties.

[From the Philadelphia Bulletin, Dec. 10, 1959]

BURIED TREASURE

The House Ways and Means Committee, now holding hearings with a view to rewriting the Internal Revenue Act, was given a clue on Tuesday to a rich load of additional income.

Individual taxpayers in 1957, the committee was informed by Russell C. Harrington, former Commissioner of Internal Revenue, probably failed to report $24 billion in taxable income. This means that the Treasury was gypped out of almost $5 billion.

Actually, of course, it was not the Treasury that was cheated. It was the honest taxpayers who had to make up what the dishonest ones failed to pay.

It has never been any secret that revenues would be enormously increased if every taxpayer could be made to pay what he really owes.

The House committee has received a hint of a leaky spot that justifies its close attention. C. Harry Kahn, of the National Bureau of Economic Research, said that a Rutgers University study indicated that self-employed persons apparently reported an average of about 75 percent of their taxable income. Farmers were apparently the worst offenders, reporting about 56 percent of their income. Employees receiving wages or salaries, by contrast, reported 97 percent.

If the House committee can devise means for enforcing greater honesty in reports of income, it will increase the tax revenues enormously without pain to anyone but the cheaters.

[From the Washington (D.C.) Post, Dec. 15 1959]

INCOME TAX CHECKUPS ARE LAGGING

(By Julius Duscha)

The Government is auditing fewer tax returns today than it did 10 years ago.

Less money is being recovered through audits than was obtained by checking returns in 1949, even though the total Federal tax revenue has almost doubled during the last decade.

It has been estimated that $25 billion in personal and business income is not being reported each year. If this money were taxed at the minimum rate it would yield $5 billion in revenue.

Although the Government calculates that it collects $13 for every $1 spent on tax enforcement, the Internal Revenue Service is chronically short of accountants and auditors.

Every year the Service asks the Treasury Department, of which it is a part, for more money, and each year Treasury reduces the enforcement funds it seeks. Then the Budget Bureau cuts the request still further. Finally on Capitol Hill, where Internal Revenue has few friends, its budget usually is reduced a bit more.

Senator JOSEPH S. CLARK, Democrat of Pennsylvania, and several other Senators who have been trying to get Congress to appropriate more money for tax enforcement are becoming increasingly alarmed over the indifference to the problem on Capitol Hill.

CLARK believes that better enforcement of the tax laws could yield several billion dollars in additional Federal revenue.

He fears that the lagging enforcement programs will encourage tax evasion and may lead to tax scandals that would make those of the Truman administration in 1950 and 1951 look like a deduction for medical expenses.

TO SEEK MORE FUNDS

Fred C. Scribner, Jr., Under Secretary of the Treasury, told CLARK recently that additional funds for enforcement would be sought from Congress next year.

Although Internal Revenue Commissioner Dana Latham stresses the importance of voluntary compliance with the tax laws, he, too, has urged Congress to appropriate more money for enforcement.

His predecessor, Russell C. Harrington, also appealed to Congress for more enforcement funds.

The Eisenhower administration reduced its Internal Revenue payroll of 56,000 by almost 10 percent from 1953 to 1955. More than 3,000 of the 5,500 jobs dropped were in enforcement work.

EFFICIENCY HAILED BY IKE

T. Coleman Andrews, the administration's first Internal Revenue Commissioner, was praised when he resigned in 1955 by both President Eisenhower and George M. Humphrey, then Secretary of the Treasury.

Mr. Eisenhower said Andrews had improved the overall efficiency of the Service. Humphrey said that Internal Revenue had improved notably in the increased effectiveness of its collection work.

In 1956 when Harrington was Commissioner he said: "We are continually adding personnel to our collection staff and strengthening collection procedures."

Today Internal Revenue has about 24,000 persons in enforcement work, 2,500 fewer than it had when the Eisenhower administration took office in 1953.

To process returns the Service now uses machines which it did not have 6 years ago, but as yet it has no electronic devices that can do more than check the accuracy of a taxpayer's arithmetic.

AUDITS COMPARED

In fiscal 1949 the auditing of 4.4 million income tax returns produced almost $1.7 billion in additional revenue. This amounted to 5.7 percent of total income tax collections of more than $29.6 billion.

In 1958 more than 2.5 million returns were checked and $1.4 billion in revenue resulted. This was 2.4 percent of the more than $59 billion in income taxes collected that year.

Final figures for fiscal 1959 are not yet available, but Latham has estimated that 2.6 million returns were audited and that $7 million more in income taxes was recovered than in 1958. Revenue in 1959 is expected to total nearly $60 billion.

Income taxes that are withheld by employers from the wages of their employees cause few enforcement problems, but less than half of the $60 billion in income taxes collected each year is withheld.

The margins for error and the opportunities for tax evasion are obviously much greater where the tax is not withheld. It has been estimated, however, that only 1 in 10 of these returns is being audited.

Millions of "information returns" which businessmen and others are required to file with the Internal Revenue Service are never looked at by the agency because of its shortage of personnel.

These "information returns" include reports about dividends paid to stockholders and interest paid on savings and loans.

In recent testimony before the House Ways and Means Committee, Harrington estimated that $1 billion in dividends is not reported by taxpayers each year, and that even more income from interest payments goes unreported.

THE KINZUA DAM

Mr. CLARK. Mr. President, on Monday, February 15, as appears at page 2501 of the CONGRESSIONAL RECORD, the distinguished senior Senator from Oregon [Mr. MORSE] made some brief remarks on the subject of the Kinzua Dam, which has been authorized to be built in Warren County, in northwest Pennsylvania. My good friend, the Senator from Oregon, undertook to introduce into the RECORD a letter to the editor of the Washington Post and Times Herald, signed by Arthur E. Morgan, formerly Chairman of the Tennessee Valley Authority. The letter was on the subject of an alternative to the Kinzua Dam.

Mr. President, I know that my friend, the Senator from Oregon, acted completely in good faith. I share his admiration for Mr. Arthur Morgan, who throughout the years has rendered this country fine public service. But I should like to point out to my colleagues in the Senate that not only is the position taken by Mr. Morgan incorrect and wrong, but his letter to the Washington Post contains a number of misstatements which I am sure were inadvertent.

I should like to put this matter in perspective by calling to the attention of my colleagues the following:

AUTHORIZATION OF PROJECT

Allegheny Reservoir is a unit of the comprehensive plan for the Ohio basin authorized by the Flood Control Act of June 28, 1938, and as modified by the Flood Control Act of August 18, 1941. The authorized project provides for construction of a dam on the Allegheny River, near Kinzua, Pa., that will form a reservoir for flood control and low-flow regulation. The reservoir at full pool would cover an area of about 21,000 acres, of which about 9,000 acres would be within the Allegeny Reservation of the Seneca Nation of Indians. The benefits to be achieved exceed the costs by a ratio of 1.3 to 1.

Mr. President, the Seneca Nation of Indians has for many years opposed construction of the Allegheny Reservoir because of its effect on the Allegheny Indian Reservation, in New York. The floodwaters which will be contained by the dam will flood an area extending over the boundary between the States of Pennsylvania and New York, with the result that certain areas in New York State will also be flooded.

Mr. Arthur Morgan was employed by the Seneca Nation as an engineering consultant, to suggest alternative proposals which would lessen the impact of the project on Indian lands.

My first major point is that Mr. Arthur Morgan, when acting in that connection, is acting for a client. Let me say that I think he has done a magnifi-

cent job for his client, and that is what he was paid to do; and I do not quarrel with him for taking that position. But my colleagues should not labor under the illusion that Mr. Morgan is acting in a probono publico status in that regard. Instead, he is a paid engineering consultant to the Seneca Indians. His position is entitled to the utmost respect; but let us not fool ourselves into thinking that he is acting in an impartial capacity.

Let me briefly state the chronology in connection with this matter:

CHRONOLOGY OF CONSIDERATION OF ALTERNATIVE PLANS INVOLVING DIVERSION OF FLOODFLOWS INTO LAKE ERIE

First. Report of Corps of Engineers, 1928: Unfavorable to diversion at that time.

Second. Fiscal year 1958 appropriations hearings: The committees heard testimony by Dr. Arthur E. Morgan and Mr. Barton Jones, representing the Seneca Indians, in support of a plan for diversion of floodflows from Allegheny River into Lake Erie. After consideration of their testimony, as well as the testimony of the Corps of Engineers, the committees included $1 million in the bill for completion of planning and initiation of construction of the authorized Allegheny Reservoir.

Third. Report of engineering firm of Tippets, Abbett, McCarthy, Stratton, 1958: Because of the intense interest shown in alternate plans by various groups and individuals sympathetic to the Indians cause, the Corps of Engineers engaged the firm of Tippetts, Abbett, McCarthy, Stratton to make an engineering study of alternative plans including the proposal of Dr. Morgan.

This firm, Mr. President, is well known; is reputable. It contains eminent and able engineers. It made an engineering study and review of the authorized project and five alternate plans, most of them proposed by Dr. Morgan, which covered the principal possibilities for storage in the dam proposed to be built on Conewango Creek and for diversion of water northward into Lake Erie.

To make it a little clearer, the engineers proposed a dam on the Allegheny River, which flows southward. Dr. Morgan and some others proposed a diversion of water into a swamp to the north of the Allegheny River, with eventual flood dispersal of those waters into Lake Erie; and they suggested that the downstream needs of the Allegheny could be met by having that flooded area in New York State turned downstream when needed and into Lake Erie when needed.

These plans were rejected by the engineering firm, which found that they were feasible, but that they would cost from 25 to 38 percent more than the authorized project, would require 51 to 108 percent more land, and would dislocate 150 to 180 percent more people.

Accordingly, the Corps of Engineers, agreeing with the recommendation of the independent engineering firm, concluded that construction of the authorized project should proceed and that Dr. Morgan's alternate recommendations should be rejected.

We come now to the appropriation hearings for fiscal year 1959. After hearing voluminous testimony by both proponents and opponents on going forward with the Kinzua Dam project, the Corps of Engineers' project, the Appropriations Committees included an additional $1 million in the bill for that project.

The committee reports, however, provided that none of the funds available for this project could be expended pending determination by the courts of the legal issues involved.

I will turn in a minute or two to the legal questions.

Some 6 months after completion of the engineering firm's report, Dr. Morgan proposed the Morgan plan No. 6. He suggested a further variation for additional study which he claimed would be similar to one of the plans studied by the engineering firm except that it would be modified to provide outlet into Lake Erie by Cattaraugus Creek instead of by Silver Creek, as previously studied. The Chief of Engineers personally studied Dr. Morgan's report, but concluded that Dr. Morgan's proposal did not provide a solution to the water resource development problems of the Allegheny River basin that would compare favorably with the authorized plan, that is, the plan for the construction of the Kinzua Dam on the Allegheny River.

A statement by the Chief of Engineers on this matter was presented to the Appropriations Committees during the hearings on the fiscal year 1960 appropriations bill.

We come now to the 1960 fiscal year appropriation hearings. The committees heard extensive testimony from Dr. Morgan and the Corps of Engineers with regard to alternate plans, and concluded that construction of the authorized project should proceed. The bill as passed by Congress and enacted into law contained an additional $1,365,000 appropriation for construction of the Allegheny Reservoir at Kinzua.

I turn now to the legal situation. The Seneca Nation of Indians brought suit in the U.S. District Court for the Western District of New York to enjoin the Government from constructing this reservoir, on the ground that it would flood a substantial amount of Indian lands, that their rights were protected under the treaty of 1794 and that Congress had not intended to take the Indian reservation lands. A full hearing was held by the district court, which dismissed the petition for injunction, in an opinion which pointed out it had been clearly established law for many long years, through decisions of the Supreme Court of the United States, that a treaty with Indian nations was subject to the right of eminent domain to the same extent as property of any individual citizen. Stated differently, Indian lands acquired by the tribe pursuant to treaty were just as much subject to the right of eminent domain as were lands of any Member of this body or of any other American citizen, where those lands were to be taken for a proper purpose, and that construction of flood control reservoirs, in order to limit property damage and loss of human life through floods, was a legitimate public purpose.

This decision of the district court was appealed to the Circuit Court of Appeals for the District of Columbia, and, in an opinion handed down on November 25, 1958, the court held:

> It is undisputed (1) that the proposed flooding will infringe Indian rights acquired by treaties in 1794, 7 Stat. 44, and (2) that Congress can authorize a taking by eminent domain despite the treaty. *Cherokee Nation* v *Southern Kansas Railway Co.* ((1890) 135 U.S. 641, 654–657, 10 S. Ct. 965, 34 L. Ed. 295). The question here is whether Congress has, in a sufficiently clear and specific way, shown an intention to (take these lands by eminent domain).

The court concluded that Congress has shown such an intention. It concluded that Congress has authorized the taking of the lands. The decision of the lower court was affirmed.

That case was reported in 262 Fed. 2d 27.

A writ of certiorari was filed with the Supreme Court of the United States and, on June 15, 1959, the Supreme Court denied the motion of the Seneca Nation for a writ of certiorari.

Mr. President, it is impossible for me as a lawyer to conclude that the Supreme Court, the court of appeals, or the district court could have come to any other possible conclusion, because this has been established law since 1890, at the very latest.

Mr. President, in conclusion, I wish to say that the legal and engineering aspects of this problem have received every possible consideration from the executive and judiciary branches of Government. Voluminous testimony presented by both proponents and opponents of this project over the last several years has afforded an adequate basis for a determination by the Congress. Congress has decided that the project should be constructed, as provided in the authorizing acts. The Corps of Engineers is proceeding with construction of the project in accordance with the directives of the Congress. The legal rights of the Seneca Nation of Indians have been fully preserved, and I can see not the slightest reason for postponing further appropriations to permit this very important public project to go forward.

Mr. President, I should like to comment very briefly but specifically on some of the comments made in Dr. Morgan's letter to the Washington Post and Times Herald, which is printed on page 2501 of the CONGRESSIONAL RECORD. Dr. Morgan says:

> An engineering oversight of 30 years ago, unless it is corrected, will cause great and unnecessary loss to the Seneca Indians, to the cities of Pittsburgh and Warren, Pa., and to our country as a whole.

That statement, Mr. President, is incorrect. There was no engineering oversight. Dr. Morgan's alternative plans have been fully considered. The erection of this dam will cause no great and unnecessary loss to the Seneca Indians, all of whose property rights will be protected by eminent domain proceedings.

Mr. President, I made a personal visit to this area myself, last fall. I went over the site with the representatives of the Corps of Engineers. I saw the available lands to which the Seneca Indians can be moved. I concluded that, in all likelihood, the Indians will be far better off as the result of the building of this dam than they are at present.

Senators may ask me why. I say it is true for this reason: Behind the dam will be created a great lake which will be used for recreational purposes—boating, fishing, camping, and the like. The Allegheny National Forest abuts this area. The National Park Service intends to devote some $15 million, for which they have asked an authorization in the budget, to develop this land for recreational purposes.

The opportunities for employment of the Seneca Indians in that area will thus be substantially increased. The area at the moment is a small backwater of a farming community. I am confident that members of the Seneca Tribe will be economically far better off when the project is constructed than they are now.

Mr. President, I read further from Dr. Morgan's letter:

> The basic design has never been reexamined.

That is not a correct statement. The basic design has been reexamined time after time.

Mr. Morgan further says:

> Located between the cities of Warren and Salamanca, the dam would have limited storage capacity which could not be increased without flooding one or both of these cities. The reservoir would eliminate the only water-level highway through the mountains in this region. And it would take nearly all the habitable part of the Seneca Indians' reservation, destroying their identity as a people.

Mr. President, this statement is also incorrect. The dam has adequate storage capacity, as much as is needed. There is no possibility of the flooding of the city of Warren. The reservoir will not eliminate the only water level highway through the mountains to this region. It will merely call for its relocation. After its relocation the highway will be more beautiful and more usable than it is today. The project would take some of the habitable part of the Seneca Indian Reservation, but it would clearly not destroy their identity as a people.

Mr. President, as I pointed out a minute or two ago, it will increase the opportunities for employment.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CLARK. If the Sentaor will indulge me for about 2 more minutes, I shall have completed and will be happy to yield to the Senator.

Mr. President, Dr. Morgan says further:

> However, this alternative—with potentialities far greater than the Kinzua plan—does exist.

Mr. President, this is not correct. This alternative has been rejected, not only by the Corps of Engineers, but also by an independent consulting firm which has looked deeply into the matter.

Dr. Morgan further says:

> My study disclosed a remarkable geological circumstance which had been entirely overlooked by the Army Engineers in their planning 30 years before.

Mr. President, the Army Engineers have not overlooked this engineering fact. The engineers have studied the matter carefully and have concluded that Mr. Morgan's alternative would be more expensive, would displace more people, and would flood more land.

Dr. Morgan further states:

> And all this could be done at a saving, in increased values and lower costs to the American taxpayer, of some $100 million over the cost of Kinzua.

Mr. President, this statement is incorrect, as my comments above quoting the Army Engineers amply demonstrate.

Finally, Mr. President, Dr. Morgan says:

> Our solemn agreement with the Seneca Indians should not be lightly set aside. No promise by our country ever was more solemnly made than that to the Senecas in that long-honored treaty.

Mr. President, the Seneca Indians have had their day in court. They had it in the district court. They had it in the court of appeals. They had an opportunity to file a petition for a writ of certiorari. I see no reason why American citizens who are American Indians should have higher rights in their property and in their land than the average American citizen, whose land is always held subject to the right of a State to take it for eminent-domain purposes.

I conclude, Mr. President, by pointing out that every member of the Seneca Indian Tribe will receive adequate compensation for the land which is taken and greater opportunities for employment.

Mr. President, I hope very much that this last-minute effort to divert a worthwhile public project will not succeed, and that both the other body and the Senate will stand firm behind the recommendations presented by the President for continuing the construction of this very badly needed public improvement.

Mr. President, I ask unanimous consent that an analysis of Allegheny Reservoir and alternate proposal of Dr. Arthur E. Morgan, by Maj. Gen. E. C. Itschner, Chief of Engineers, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF ALLEGHENY RESERVOIR AND ALTERNATE PROPOSAL OF DR. ARTHUR E. MORGAN BY MAJ. GEN. E. C. ITSCHNER, CHIEF OF ENGINEERS

The Seneca Nation of Indians engaged the services of Dr. Arthur E. Morgan to suggest alternate proposals for the authorized Allegheny Reservoir as a means of providing flood control and low flow regulation on the lower Allegheny River. Over the past 2 years Dr. Morgan suggested several variations of a scheme for diverting floodwaters from Allegheny River into a storage reservoir on Conewango Creek, with provision for spilling water in excess of requirements for flow regulation into a channel discharging into Lake Erie.

In view of the intense interest shown in alternate proposals and to explore fully the matter of alternate plans, the Corps of Engineers engaged the engineering firm of Tippetts, Abbett, McCarthy, Stratton (hereafter referred to as "TAMS") to study the engineering feasibility of such proposals as a basis for comparison with the authorized Allegheny Reservoir. TAMS made an engineering study and review of the authorized project and of five alternate plans that covered the principal possibilities for storage in the Conewango Valley and for diversion through the Conewango Valley into Lake Erie. Each would provide for (a) a diversion dam on the Allegheny River near Quaker Run, (b) an unlined diversion channel into the Conewango basin, and (c) a storage reservoir with a dam on Conewango Creek near Waterboro, N.Y.

Plans 1, 2, and 3 provided for varying rates of spillway flows to be discharged into Lake Erie by way of Silver Creek. Plan 4 would have no outlet to Lake Erie, but would provide for passage of spillway design flows down the Allegheny utilizing the diversion structure at Quaker Run as the spillway. Plan 5 would provide no spillway into either Lake Erie or Allegheny River, but the reservoir in the Conewango basin would be large enough to store both the reservoir and spillway design floods. TAMS found the alternate plans to be feasible, but they would cost from 25 to 38 percent more than the authorized project, would require 51 to 108 percent more land, and would dislocate 150 to 180 percent more people.

About 6 months after completion of the engineering firm's report, Dr. Morgan suggested a further variation for additional study (hereafter referred to as "plan 6"), which he claims would be similar to plan 1 (then estimated by TAMS to cost $142,338,000, or over $41 million more than the authorized Allegheny Reservoir) except that the plan would be modified to provide outlet into Lake Erie via Cattaraugus Creek in lieu of Silver Creek as previously studied. There were a number of important engineering considerations that were not fully developed but Dr. Morgan concluded that plan 6 could be constructed at a cost materially lower than Allegheny Reservoir. Dr. Morgan also questioned the adequacy of Allegheny Reservoir for flood control and flow regulation purposes for which the project was authorized. Analyses by the Corps of Engineers of the three major issues cited by Dr. Morgan are furnished herewith.

I have personally studied the report of Dr. Morgan, but find that his recommended plan 6 does not provide a solution to the water resource development problems of the Allegheny River basin that compares favorably with the authorized plan. I find that his recommended plan gives insufficient treatment to some important engineering aspects and that the estimates he presents are not reconcilable with the scope of work involved, or the conditions under which it must be performed, to construct a completely operative facility. I consider that the Allegheny Reservoir, as presently planned, is the most economic solution to the problems involved and that construction of the project should proceed as soon as court actions have been completed.

Mr. CLARK. Mr. President, I yield to my distinguished colleague from Pennsylvania.

Mr. SCOTT. Mr. President, if the Senator has concluded, will he be good enough to yield the floor?

Mr. CLARK. I yield the floor, Mr. President.

Mr. WILLIAMS of New Jersey subsequently said: Mr. President, the junior Senator from New Jersey was presiding when the bill—H.R. 3151—was presented to the Senate from the House. At that time the senior Senator from Pennsylvania urged the passage of the bill by the Senate. I had hoped for an opportunity to point out that the effect of the bill would be that employees working within the city of Philadelphia in Federal Government installations would have their tax withheld. However, New Jersey residents who work in Philadelphia must pay the city income tax. It is my understanding that that is the same tax Philadelphia residents pay. We feel that it is a serious inequity to make New Jersey residents pay the full tax without receiving the full services of the city.

Mr. SCOTT. Mr. President, I wish to say that I agree entirely with my distinguished senior colleague from Pennsylvania.

May I ask the distinguished Senator whether he has made reference to the committee report of July 8, 1959, on the public works appropriation bill?

Mr. CLARK. I did not refer to it by quotation, but I did in passing. It would be helpful if the Senator made a more elaborate record in that regard.

Mr. SCOTT. I thank the Senator. That is what I shall do.

Mr. President, I agree that this matter has reached a critical stage, involving the necessary continuance of the project, which has been examined and considered and approved long ago. We would be in a most unfortunate position if the project were to be delayed at this time. The rights of all the parties at interest have been fully explored and heard.

While some reference has been made in the Senate to an investigation by the Committee on Interior and Insular Affairs, may I suggest, Mr. President, that this committee has nothing whatever to do with the matter. This is a public works project. It was handled by the Committee on Public Works. It has been authorized since 1936. It was reauthorized, and has been appropriated for since 1951. The construction phase of the project has been appropriated for since 1957. Four million, ninety-eight thousand dollars has been spent to date, and $4½ million is in the present fiscal budget.

Mr. President, I ask unanimous consent that at this point in the RECORD there may be printed as a part of my remarks the pertinent portion of the report of the Public Works Committee, known as report No. 486, July 8, 1959; namely, pages 25 and 26. On these pages the Senate committee makes a full and, in my judgment, conclusive explanation of the necessity for the continuation of this project.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Senate committee feels that the alternate Conewango Valley proposals have been adequately considered and reviewed, both by the Corps of Engineers and independent consultants.

The original proposal of the engineering consultant to the Seneca Indians was reviewed by the Corps of Engineers. They found that, while the plan was engineeringly feasible, the cost would be considerably in excess of the authorized Allegheny River Reservoir. Subsequently, the engineering consultant for the Indians suggested additional alternate plans. The Corps of Engineers then engaged a well-known and competent firm of consulting engineers to make an independent analysis of the alternate proposals. The findings of this independent investigation of the merits of the five alternate proposals revealed that the schemes presented were engineeringly sound but that all of them would be more costly than the authorized project.

This year during the hearings the opponents of the Allegheny River Reservoir presented a sixth alternate plan. This plan has also been studied by the Corps of Engineers and personally reviewed by the Chief of Engineers. The Chief of Engineers finds that plan 6 does not provide a solution to the water resource development problems of the Allegheny River basin that compares favorably with the authorized plan.

It is interesting to note that during the hearings the attorney for the Indians stated that if the Supreme Court denied his writ of certiorari, he was through legally but not engineeringly, and the engineer for the Indians stated that the possibilities in the Conewango Valley are unlimited. It would appear, therefore, that if an independent investigation was adverse to plan 6, next year the committee would be confronted with plan 7 or 8 for consideration.

The proponents of the Conewango Valley plan deny that their plan provides for the diversion of excess floodwaters into Lake Erie; they claim that it would only be the unwanted waters. At any rate the alternate plan provides a channel having a capacity of 60,000 cubic feet per second. The committee is of the opinion that the State of Pennsylvania would officially oppose any plan that provided for the diversion of Allegheny River waters into Lake Erie. Certainly any plan for the diversion of the Allegheny River waters into Lake Erie would come under the cognizance of the International Joint Commission, as well as the States bordering Lake Erie. The committee has received protests from the Conewango Valley Flood Control Association, Inc. That association points out that the Conewango watershed is a valuable agricultural area. That one-third of the 190,000-acre watershed is highly productive bottomland, and the hills are excellent for livestock production. The association further points out that over the past several years a workplan for the protection and improvement of the valley has been prepared under the provisions of Public Law 566.

The Allegheny River Reservoir was authorized more than 20 years ago. The committee believes that reservoir control in this area is urgently needed to reduce flood damage in the industrial and residential areas of Warren, Oil City, Franklin, and downstream areas. It has confidence in the ability and integrity of the Corps of Engineers, who will have the ultimate responsibility of constructing the project.

Subsequent to the House action the Supreme Court on June 15 denied the petition for certiorari, which removes the last legal obstacle to the construction of the Allegheny River Reservoir.

WHO TAKES THE LOW ROAD?

Mr. SCOTT. Mr. President, as we progress into the second month of 1960, the campaigning for the Presidency of the United States increases in intensity.

The distinguished gentlemen on the other side of the aisle are very much aware of this trend since many of them have been in various postures of candidacy for several months—even years.

None of us who are elected to public office can criticize any man for wanting to better himself with the voters. This is the activity which drives people into the voting booths and it is all to the good.

But I must object to the level to which some people have sunk in their hysteria to grab for a position which might very well be outside their reach. Specifically, I refer to the epithets being directed at the Vice President of the United States.

He has been called a juvenile delinquent, a slicker, and worse.

This type of campaigning is revolting. Men experienced in politics should know that name-calling revolts not only the opposition, but the voters themselves. It is self-defeating.

I am reminded of an appropriate story. A man who was making an address from a public platform heard a heckler shout at him: "I would sooner vote for the Devil than vote for you." And the speaker answered quietly: "But, sir, suppose your candidate does not choose to run for election?"

Mr. President, this problem is discussed in a thoughtful editorial by Malcolm S. Forbes. I have mentioned it most recently in a speech I made in Pittsburgh. I ask unanimous consent to insert at this point in the RECORD the editorial from Forbes magazine of February 15, 1960, and my own remarks in Pittsburgh on February 12, 1960.

There being no objection, the editorial and statement were ordered to be printed in the RECORD, as follows:

[From the Forbes magazine, Feb. 15, 1960]

WHO TAKES THE LOW ROAD?

Recently, in Washington, the leading candidates for the Democratic presidential nomination apparently sought to prove their fitness by outdoing one another in reviling Vice President NIXON. I hope this performance does not set a pattern for the months ahead. Calling NIXON a juvenile delinquent, a slicker, etc., hardly enhances the stature of these presidential aspirants. As a matter of practical politics such tactics will doubtless enlist the sympathies of many undecided voters for the Vice President.

But, more importantly, such seedy campaigning denies the people of this country a discussion of some very basic issues which will be at stake this November—such fundamentals as the method and means of combating inflation, expanding the gross national product (and there are those, not including Forbes, who think these are mutually contradictory aspirations), the state of our national defense, the vast and still growing farm problem, and so forth.

In the early days of the administration, when the Vice President carried the campaigning ball for the Eisenhower administration, he was often accused by his critics of overemphasis on some Democratic Party shortcomings. "Eisenhower takes the high road while NIXON takes the low" was shouted often from the rostrums in the hustings.

This early, widespread, continuous use of personal invective about RICHARD NIXON should disturb the Democratic political strategists because it is bound to anger many voters.

It is to be hoped widespread reaction to this false campaign start will put an early end to the low road for the forthcoming campaign.

ADDRESS OF U.S. SENATOR HUGH SCOTT, ALLEGHENY COUNTY REPUBLICAN COMMITTEE LINCOLN DAY DINNER, PITTSBURGH, FEBRUARY 12, 1960

Abe Lincoln was a fighter. He landed many a hard blow but never a foul one. All over the Middle West, wherever he and Douglas met, they hammered out issues on the anvil of debate.

Amidst the turmoil of a land divided, in times of the greatest peril, he spoke in positive, affirmative terms of his convictions. He had a program for the defense of the Republic and he stanchly espoused it.

He had humor. He had wit.

He made many a shrewd point with a humorous turn of phrase. He caused people to think. He gained their admiration. On the famous Cooper Union speech in New York, he emerged upon the national scene as a leader of men.

Lincoln never needed to stoop to name calling, though ambitious demagogs called him baboon or hairy Abe.

Lincoln didn't try to frighten people into voting for him.

Lincoln was a good man.

He set high standards of public conduct and he lived by them.

A hundred calendars have marked the years since the campaign of 1860.

Now it is a century later. Indeed he belongs to the ages. Should we not then pay more than lip service to his good example?

Yet voices are raised among presidential candidates and others, including regrettably some Senators, which label the candidate of Lincoln's party with epithets such as "juvenile delinquent," "slippery," and worse.

Here in Pittsburgh a Senator recently labeled the party of Mr. Lincoln, indiscriminately, as a party of "plutocrats." Mr. Lincoln didn't go in for class hatred or any other kind of hatred. For hatred, 100 years later, is hardly the stuff of which political victory should be made.

How hollow the epithet of "plutocrat" falls, when wealthy men level the accusation.

In the interest of simple truth, must we not here take note that all but one of the Democratic candidates for President (and that one hasn't a chance) are very wealthy men. Do they wish to be disqualified because they loll in prosperous well-being? Will they excuse themselves by saying: "Oh, but we are good, rich men; only Republican prosperity in individuals is bad."

And, in passing, let it be noted that the Republican, RICHARD NIXON, the son of plain average people, does not share their purple nor revel in the plush.

I said, Lincoln didn't try to frighten people.

How unfortunate, that with the lesson of a century behind us, every single would-be presidential candidate in the Democratic Party is indulging in charges of national insecurity and defense insufficiency designed to scare the American people into turning toward one of these prophets of national doom.

Must they allow their vaulting ambition to o'erleap itself and ride roughshod over reason?

Now how strong are we? Are we prepared to withstand the assault of an enemy tempted to destroy us?

President Eisenhower and General Twining, Chairman of the Joint Chiefs of Staff have stated in the most categorical terms that the United States is militarily the most powerful nation in the world. They have stated that our diversity of weapons systems adds up now, and will continue to add up to more than adequate deterrent power to convince any enemy that it would be folly to attack us, at the cost of destruction of its own country.

Defense is not a numbers game to be played by hungry politicians or embittered retired generals.

Against the Soviet lead in a single type missile, we present superiority on the sea, in long-range bombers, in 26 oversea bases (the Russians have none outside their country and their satellites) and in the military might of our allies.

The one-weapon fetish of the critics overlooks the greater importance of our diversified power and disregards our program ultimately to leapfrog the solid-fuel missiles of the present with much more effective liquid-fuel missiles of the next few years.

Meanwhile, both nations will continue to build solid-fuel ICBM's. But after each has its first 200 or so, one wonders where and under what possible circumstances the remainder could be effectively delivered in wartime.

We are asked to choose between the calm judgment of the Commander in Chief and all the Joint Chiefs of Staff on the one hand, and the feverish criticism of partially informed presidential aspirants on the other.

I am satisfied it is safer to follow the military judgment of those who want nothing except a safe and sure defense rather than those who want so very much to win the Presidential Office.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair has been requested to announce that the Vice President, pursuant to the order of the Senate of January 24, 1901, has designated Mr. Moss, a Senator from the State of Utah, to read Washington's Farewell Address on February 22 next.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. TALMADGE. Mr. President, the Chinese have a proverb which goes something like this: "The first time a thing happens, shame on the other fellow; the second time it happens, shame on you."

That, I think, is an appropriate sentiment for the Senate to reflect upon in considering the fact that it is being asked in the pending legislation to bring upon itself the shame of repeating a mistake it first made almost 90 years ago and repented of 23 years later.

I refer, Mr. President, to that part of the measure under consideration embracing the proposal of the Attorney General of the United States that the election machinery of the 50 States be placed in the receivership and under the control of Federal voting referees appointed by Federal judges.

There is nothing new about that proposal. It was first enacted into law in 1871 as a product of the passions which blinded Congress to reason following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyranny of such incredible proportions that the American people arose in righteous indignation in 1892 and swept into office an administration and a Congress which repealed it in 1894.

It is incomprehensible to me, Mr. President, how this Senate could even consider giving a second approval to such a proposition in the light of the shameful blot which its unspeakable ancestor put upon the pages of this country's history less than a century ago. And I assure you, Mr. President, that before I have concluded my remarks on this subject no Member of this Senate will be able to claim ignorance of the ignoble facts of the matter.

Mr. President, the offering of this proposal this year marks the second time in 90 years that the Republican Party has come forth with the idea that what this country needs is to have Federal court officials decide who can and cannot vote.

Back in 1870 the Union League Club of New York sent a sharp young lawyer named John I. Davenport to Washington with instructions to draft and get enacted a law which New York Republicans could manipulate to count out the Democratic Tweed machine in New York City.

Davenport, a protege of the infamous General Butler for whom he trained Union Army spies during the War Between the States, had no difficulty in persuading a Republican Resconstruction Congress—which already was in the market for harsher measures with which to subjugate the conquered South—to enact his bill to put election machinery under the control of Federal election supervisors appointed by Federal judges.

He convinced Republicans in Congress that his proposal would implement the ambition of the late Thaddeus Stevens "to secure the perpetual ascendency" of the Republican Party by making Republican voters out of the newly freed slaves in the South. Succeeding in putting it on the statute books on February 28, 1871, he went back to New York and used it to make himself the most ruthless and despised political boss in the history of the United States.

Davenport's law failed miserably in the South but it worked beyond his wildest dreams in New York where he administered it as chief elections supervisor for the southern district of New York.

Before the law was enacted Davenport had set himself up a private detective agency and gotten himself appointed U.S. Commissioner for the southern district of New York. Utilizing the full resources of those two positions coupled with his new job of Chief Elections Supervisor—and spending money made available to him through both the Union League Club and the U.S. Treasury—he undertook a systematic campaign to get Republican votes into the ballot boxes of New York and to keep Democratic votes out.

His method of operation was ruthlessly simple. Using techniques he had perfected in the Army and fully exploiting all of the potentialities of his public and private positions, he set up an advance vote-counting system which enabled him to calculate the number of Democratic votes which would have to be kept out of the ballot boxes to assure Republican victories. Then acting on complaints filed by him as election supervisor, he had that number of individuals arrested and, as U.S. Commissioner, set bail so high that it could not possibly be met before the polls closed. After the election was over, the charges would be dropped.

A select committee of the House of Representatives which investigated his machinations in 1892 reported on his methods as follows:

With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When, in his first capacity, as a detective, he had obtained such proof as he wished to use, he then, in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed and sometimes, in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then, in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judged by himself, as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest.

For his services as chief elections supervisor in 15 elections between 1872 and 1893, Davenport collected fees from the Treasury of the United States totaling $283,906.93, an average of $18,927.13 per election. That did not include his annual salary of $3,000 as U.S. commissioner or the sums collected for his work by the Union League Club, which were over and above the $2,854,858.94, paid as compensation to the armies of assistant supervisors whom he appointed to carry out his election-stealing schemes.

His infamy gave Democrats the campaign cry of "Davenportism," which twice swept Grover Cleveland into the Presidency—the second time with a massive majority in both Houses of Congress which wiped the statute books of the Nation clean of every Republican impediment to free elections.

Now, in 1960, the Republicans have revived Davenport's law.

This time the sharp young New York lawyer upon whom they have called to get it enacted is Attorney General William P. Rogers.

This time their sales pitch is to protect the right to vote in the South.

This time their ultimate aim is to hand the Republican Party the minority vote in pivotal metropolitan areas.

In other words, Mr. President, they are asking this 86th Congress to enact a Rogers-Davenport Reconstruction Act to perpetuate the Republican Party in office.

The Rogers-Davenport Reconstruction Act is a dead steal from the Davenport Federal Election Supervisor Act passed February 28, 1871, as one of the unspeakable force bills of the first Reconstruction. The only differences between them are 89 years and the following:

First. The name of the Federal official whose job it would be to steal elections would be changed from election supervisor to voting referee.

Second. The scope would be broadened to include State and local as well as Federal elections.

Third. Instead of preventing voting, its effect would be to stuff the ballot boxes.

In other words, Mr. President, as I endeavored to point out to the Senate when this bleached bone of the past was first exhumed, the scheme is the same; only the technical details have been changed.

The original law was the desperate effort of a slipping Republican Party scared by the Seymour victory in New York in 1868 to keep itself in power. Its contemporary version is the deliberate effort of a slipping Republican Party scared by the Democratic congressional landslide of 1958 to try to make history repeat itself.

In 1871 the Republicans had to run roughshod over the Democrats in Congress to get their way. In 1960 they hope to mesmerize Democrats with the minority vote carrot into helping them pull their Republican chestnut out of the fire.

During the first Reconstruction the bait with which the prize was sought was the promise of 40 acres and a mule. During the second Reconstruction that bait would be changed to the promise of 45 days in jail and $300 fines for Southern Democrats—the maximum nonjury sentence which can be imposed by the Civil Rights Act of 1957.

It is inconceivable to me, Mr. President, that any member of the Democratic Party could give his support to such a proposal in light of these established facts of record which prove conclusively that its 19th century counterpart was used by the predecessors of today's minority party to entrench themselves in power for more than two decades.

It took almost a quarter of a century of continuing struggle for our Democratic predecessors to get Davenport's law off the statute books where it was making a mockery of our cherished democratic institutions. For Democratic Senators of today to vote to put a Rogers-Davenport Reconstruction Act back on the statute books would be to deny the wisdom of such past Democratic greats as Senators Steven M. White of California, John McAuley Palmer of Illinois, Daniel W. Voorhees and David Turpie of Indiana, Francis M. Cockrell and George C. Vest of Missouri, David B. Hill of New York, Calvin S. Brice of Ohio, Richard Coke and Roger Q. Mills of Texas, Charles J. Faulkner of West Virginia, William F. Vilas and John L. Mitchell of Wisconsin, and 26 others who constituted the Democratic majority of the Senate in repealing Davenport's law on February 7, 1894.

Mr. President, why did great men like Senators Turpie, Vest, Hill, Brice, Coke, Vilas, and like-minded colleagues bestir themselves to repeal Davenport's law? Surely statesmen of their character and stature would not have acted without satisfying themselves that their action was in the best interests of the Nation.

The experience of 23 years had proved to them that the law was partisan in origin and destructive of democratic processes in execution. Despite the fact that their party, then in power, could have kept the law on the books and used it to the advantage of the Democratic Party did not deter them from doing what they knew to be the right and just thing—repeal it.

Mr. President, I submit that no man not seeking partisan advantage could read the report of the select committee of the House of Representatives which investigated the administration of that law in New York and not be convinced that it was unjust, unworkable, and a disgrace to a free people living in a free nation.

I shall read to the Senate, Mr. President, that report—House Report No. 2365 of the 2d session, 52d Congress, which was written by three highly respected Democrats, Representatives Ashbel P. Fitch, of New York, J. A. Geissenhainer, of New Jersey, and Robert E. DeForest, of Connecticut. Presented January 27, 1893, it reads as follows:

Mr. Geissenhainer, from the Select Committee To Inquire Into the Supervision and Administration of Election Laws by Officers of the United States, in the City, County, and State of New York, So Far as the Same Relate to Members of Congress, submitted the following report to accompany H.R. 10344.

The select committee of the House of Representatives, appointed by the Speaker in accordance with the resolution of the House of July 19, 1892, to inquire into the supervision and administration of the election laws of the United States within the city, county, and State of New York, respectfully report as follows:

The committee met for organization on September 8, 1892, in the city of New York, and from that time until and including election day, November 8, 1892, the committee held 11 meetings in the city of New York, at which the evidence of 46 witnesses was taken.

The committee, under its authority to issue the mandate of the House to compel the attendance of witnesses, and the production of papers, given by the resolution, served the subpena of the House upon all the officers of the United States having control of the administration and supervision of the United States election laws, in the city of New York, and upon the Secretary of the Treasury, for the production of the records on file in the Treasury Department relating to the matters into which the committee was directed to inquire.

The U.S. marshal for the southern district of New York, the U.S. district attorney for the southern district of New York, and such of their assistants and subordinates as were requested to do so, came promptly before the committee and gave, readily, such evidence as the committee required of them, and the Secretary of the Treasury sent by the hand of the chief of the division of judiciary accounts of the first Comptroller's

office, in his Department, the records and documentary evidence required by the committee, and placed the same fully at the disposal of the committee.

The chief supervisor of elections for the southern district of New York, on being subpenaed to appear before the committee, refused to appear and refused to allow the records and papers in his possession relating to the subject matter of the inquiry ordered by the House to be examined.

"In a written communication, addressed to the chairman of the committee, the chief supervisor, although refusing to appear before the committee at the time when he had been subpenaed by the Sergeant at Arms of the House to appear, that is, on October 14, suggested to the committee that he would be willing to appear and testify on November 16, after the election, then about to occur, was over. The desire of the committee being to inspect and study the working of the Federal election law while in actual operation before and on election day, and the communication being, in the opinion of the committee, an open and impudent defiance of the powers of the House of Representatives, no further attention was given to the witness.

"The evidence taken before the committee and submitted with this report to the House relates entirely to the administration and supervision of the election laws by Federal officers within the city and county of New York.

"It is assumed by the committee that the administration and results of such laws would nowhere appear more clearly or in a better light than in the city of New York.

"It is believed that in the largest city in the country, where every class of our voting population is fully represented and where the respective parties have for years made their principal headquarters at important elections, and under the constant publicity given by the best organized and most effective newspaper press of the world, the actual workings of these laws and their good or evil results can be more clearly seen and appreciated and more intelligently judged than is possible anywhere else.

"Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

"The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

"First. Because they result in no convictions of offenders, and are therefore useless to prevent or punish crime.

"Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

"Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

"Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occur, and voters are punished by arrest and imprisonment for their political opinions."

Mr. President, in those four points the Congress of the United States severely indicted the Davenport Act of 1871. The Congress clearly gave its reasons for that indictment. That law was tried for 23 years, after being enacted when the country was inflamed and in the heat of passion following the War Between the States. Yet now, after passions following the War Between the States are supposed to have died, and almost 100 years after the War Between the States, we see the same groups, with the same motives in mind, trying to reincarnate a Reconstruction statute and—yes—make it even more heinous.

The first Reconstruction Act purported to regulate only Federal elections. Yet the Davenport law as reincarnated by William P. Rogers not only purports to regulate Federal elections, but also purports to regulate State, county, and municipal elections—something that clearly is not within the province of the Constitution.

If such laws are passed by the Congress—which God forbid—even the present Supreme Court, as presently constituted, with its strong tendency to follow psychological and sociological notions, will, in my judgment, strike them down.

I read further from the committee report on the operation of the Davenport Act:

In considering the first point above mentioned, it may be remarked in the first place that these laws are believed to have been, in the main, drafted and their enactment brought about by the present chief supervisor of elections in the southern district of New York. If anyone in the country was able to administer them in such a manner as to get good results from them the author of the system certainly ought to have been. Through most of the time during which he has held his position the National Government has been fully in accord with him and willing to aid him with all its power and resources. He has drawn from the public purse vast sums of money for his compensation in the administration of these laws and for the employment of thousands of deputies and assistants. He holds his office by a tenure which makes him practically independent of any criticism or danger of removal. He not only holds this office of chief supervisor of elections, but he has also had himself appointed a United States commissioner, so that he can sit as an examining magistrate.

With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When in his first capacity, as a detective, he had obtained such proof as he wished to use, he then in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed, and sometimes in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judge by himself as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest. But in order to have any of these persons indicted or convicted it is necessary for him to take his alleged evidence before the grand jury, and to try his case before a judge and jury in open court, and without the special advantages which up to this point the Federal election law has given him. He must then have a case. At this point he has invariably failed. With all this machinery in the hands of its inventor and the use of unlimited money the law has resulted in nothing so far as the conviction of offenders is concerned.

During the entire time covered by the examination of the committee there has not been one conviction for illegal voting in the southern district of New York in the United States courts, and under these laws.

Since the present district attorney came into office, a period of nearly 4 years, as a result of many thousand arrests, only three men have been indicted for false registration. One of these men was acquitted. The other two were found guilty, but the cases showed the offense to have been technical merely, and in one of these cases the judge suspended sentence upon the defendant, and in the other allowed the defendant to go without imprisonment on the payment of a fine.

Since 1889 half a dozen persons have been charged with interfering with the Federal supervisors, and in view of the conduct of these supervisors, as shown by the evidence and seen by the committee, it is in the opinion of this committee a great proof of the patience and forbearance of the voters in the city that there has been so little interference with them. But even in these cases nobody has been convicted even of a technical violation of the law since 1889.

It will be therefore seen, although the chief supervisor, the U.S. district attorney, and the U.S. marshal in the city of New York have been in full accord for a period of about 4 years, and have had the fullest support from a friendly administration, that no offender has by reason of their efforts under these laws served 1 hour in prison as the result of a conviction. It is therefore clear that these laws do not result in the punishment of any crime, and they ought therefore to be repealed.

The second reason why, in the opinion of the committee, the law should be repealed is that it causes immense expense, and is purposely so arranged that there is no supervision over the cost, no limit to the amount expended, and no proper responsibility for the payment of the bills.

It is impossible to report upon the exact cost of the system, for the reason that the Treasury Department is unable at this time to state it. The witness Ferrell, sent by the Department before the committee, estimated the expense for this year at $1 million, but it is clear from his evidence that he had no accurate knowledge of the amount, which will doubtless be much more. When it is seen that the payments for the personal compensation of the chief supervisor in the southern district in New York for his services as supervisor and commissioner, entirely aside from the payment of his deputies and aside from the fees and disbursements, and the compensation of deputies of the U.S. marshal, have amounted during the present administration to a sum exceeding $107,000, the abuses under these laws to which your committee desires to call attention will be plain. This amount will doubtless be increased by a further very large payment, the amount of which your committee is unable to ascertain, which has been demanded and is expected by the chief supervisor from the Treasury Department before the close of the present administration. In connection with these payments, attention is called to the fact that from March 1885 until May 17, 1889, during which time a district attorney was in office who desired to examine these bills, the chief supervisor never presented a bill, preferring to go without the money sooner than submit to examination. As soon as the present district attorney came in, the bills were presented and approved and promptly paid.

As to the manner in which these payments are made and the bills verified, the examination of the Treasury officials and of the local district attorney shows an additional reason for the repeal of the law. The Treasury Department takes the ground that the certificate of the judge to whom the accounts are presented, in the presence of the district attorney and after a presumed examination by him, is binding on the Department, and that the bills when certified by the judge must be paid. The U.S. district attorney, in his evidence before the committee, took precisely the opposite view. He testified as follows:

"Of course I did not examine Mr. Davenport, because I understood in accordance with the practice that his work was sent to Washington to the auditing officers of the Treasury Department, and all the items charged for in the account are examined and checked in the Treasury Department before any payment is made."

The district attorney was further asked, "Did you make any personal examination as to how much these charges amounted to altogether?" He answered, "That is a matter of accounting for the officers of the Treasury Department." He also said, "There was no reason why the accounts should be submitted to investigation except such as the Treasury officers always make in all accounts that are presented in court and proved before the court."

In view of the amount paid to the chief supervisor of elections for the southern district of New York, under the present administration, which payment is believed, in New York, to be a public scandal, the evidence of the former assistant district attorney, Mr. Rose, as to the manner of the approval of these accounts in court is interesting. Mr. Rose testifies that no one was present in the courtroom when one of these accounts, calling for the payment of $31,030.21 for the chief supervisor's personal compensation, was presented, except the judge, the chief supervisor and himself; that the supervisor presented his account; that the judge asked him what he knew about the accounts; that he said he knew nothing at all about them, and that he had not examined or approved them; that the judge thereupon signed the certificate approving the account, and that the whole matter was transacted in 5 or 6 minutes. The chief supervisor did not, on that occasion, explain a single item of that long account; he called no witnesses, and yet such a certification and hearing is claimed by the Treasury Department, under these laws, to be binding upon the Department.

It is not deemed necessary to go over in this report the figures of these accounts in order to demonstrate the frauds which may be perpetrated under the present law. It is believed that the law officers of the Government ought to make them the basis of proceedings against the person who has received the money, and the committee will so recommend at the proper time. It is sufficient perhaps to call attention as an example and in connection with the evidence just alluded to, as to the manner of the certification of these bills, to the facts in regard to the special elections in 1891. In that year there were two elections for Members of Congress in the city of New York, one of them caused by the death of General Spinola, who represented the 10th District, and the other by the resignation of the Honorable Roswell P. Flower, who had been nominated for Governor, and who represented the 12th District. In the 10th District the Honorable William Bourke Cockran was nominated, and in the 12th District the Honorable Joseph P. Little was nominated. The election of Messrs. Cockran and Little was absolutely certain. There was no possible reason or motive for any person to attempt to elect either of these gentlemen by fraudulent registration or illegal voting.

The chief supervisor, however, having solely in view his personal profit, proceeded to set in operation at this election in these two districts the Federal local machinery under his control, and 510 marshals and an equal number of supervisors were appointed. In his accounts as commissioner, approved in the manner aforesaid, were included fees in 226 cases at this election, amounting to the sum of $6,989.95. This amount has already been paid him, and is in addition to the pay of a small army of supervisors and U.S. marshals, the fees of the U.S. marshal, the extra bills for printing, and the cost of a special telegraph wire, which the chief supervisor claimed he was obliged to have put in in order to prevent the election of Messrs. Cockran and Little by fraud. Whether he has any further bills for supervising this election we do not know. Of course, of these 226 persons alleged to have been arrested, not 1 was ever indicted or tried for any offense.

A further analysis made by the committee, and shown by the evidence of the U.S. marshal and of Messrs. Frank, Korb, Griffou, and Korzineck, shows that in only 61 cases of the 226 for which the chief supervisor of elections for the southern district of New York has been paid were any warrants given to the U.S. marshal for service, and that as to the remainder of the 226 persons named, only 7 of those named as defendants can be found or identified at all. The seven persons who could be found who were named as defendants had no knowledge of any proceedings having ever been brought against them, and had never been arrested. Full fees were thus paid in 165 cases, which seem from the proof to have had no existence outside of the bill of the chief supervisor, and of which there is no record anywhere except in his accounts against the Government.

This account is only a sample account. In making the bills of the commissioner and chief supervisors for alleged cases of violation of the election laws, no addresses of the defendants are ever given, nor any information as to the polling place at which they are alleged to have been registered. No evidence that the violations of law ever took place or that the cases ever existed, except the statement of the chief supervisor of his fees in the case, is anywhere to be found. In one of the accounts there are 179 cases and in another 426 cases in which there is absolutely nothing but the name of an alleged defendant, who was never arrested, and whose address is not given. Under a system like this the chief supervisor's and commissioner's compensation is only limited by the number of names which he can take from the city directory or from his own imagination. These accounts are, however, certified to by the judge of the U.S. district court in the presence of the district attorney, and have been thereupon paid by the Treasury Department. It is submitted that in no other Department of the Government and in none other of the Federal statutes do such absurdities exist, or is such fraud possible. Any law under which any Federal official can obtain, without evidence other than has been narrated above, such sums of money from the Government as have been paid and are about to be paid to the chief supervisor of elections for the southern district of New York, ought to be at once repealed.

The third reason why the law should be repealed is that, in the judgment of the committee, it is used mainly for partisan purposes. It is believed that this will be admitted to be true in the city of New York by every one who has any knowledge of the facts, and that an examination of the evidence taken before this committee will convince any impartial person that under these laws the power and the funds of the Government are freely used with the direct intention of affecting the result of election.

It is not deemed necessary to enter into an extended argument to show that this should not be allowed.

The establishment for election purposes in the interest of one party of an army of political workers as large in number in the United States as the Regular Army of the United States, and the giving to them the badge and authority of the National Government, is an act of arbitrary power without a precedent in the history of our country. No political party temporarily in power ought to have any such advantage over its opponents, and the majority of this committee would be as unwilling to see any member of their own party in the city of New York clothed with the power now given to the chief supervisor and marshal as they are to allow the present incumbents to remain in the possession of these unfair advantages.

The law was designed for partisan advantage. It is perhaps fortunate that its execution in the city of New York has been mainly intrusted to one of a common class of political adventurers whose only real object has been to get money out of politics.

Mr. JAVITS. Mr. President, in addition to the unanimous consent of the Senate which the Senator so graciously asked so that I might make the insertion in the RECORD, would the Senator mind yielding to me so that I might discuss a point with him in regard to his speech, or is this an inappropriate time?

Mr. TALMADGE. What is it the Senator desires to discuss?

Mr. JAVITS. I should like to ask the Senator a question.

Mr. TALMADGE. I will yield for that purpose.

Mr. JAVITS. I will say to the Senator that I am much interested in the addresses of my colleagues from the South, like the distinguished Senator from Georgia. I shall ask a question, if the Senator will give me a minute.

I will say to the Senator parenthetically that when he and I served on the two-man committee on rule XXII, I thought the Senator acquitted himself most creditably for his point of view.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I will say also I enjoyed serving with the Senator, and I have a very high regard for his skill and ability, and certainly for his devotion to the cause in which he believes.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I believe all the Senators who come from the Southern States who have been speaking are very sincere in their point of view. This does interest me, however. A great point is made about the fact that people like myself, who espouse a strong pro-civil rights position, are called the politicians. It is said that we are simply looking for votes, that we do not really have our hearts in the matter. It is said this is simply a bid for votes in the North, in the Middle West, and in the West.

I must say, without arguing, this is not the case.

Mr. TALMADGE. Will the Senator yield at that point? Does the Senator deny he seeks those votes?

Mr. JAVITS. I should like to finish my statement, and then the Senator will have an adequate opportunity to answer.

I must say I am puzzled by one thing, and I would like to have the Senator's comment. One would think, upon the basis of that contention, that the Senators from the Southern States were not serving not only what they consider to be a public purpose but also a political purpose. It strikes me, with all due deference— and I should like to have the Senator's view on this—that taking the thing on percentages, the Southern Senators are appealing to many more people for what they consider to be votes on a popular position in their part of the country than we are. Would the Senator care to comment on that?

Mr. TALMADGE. Yes, I would. I doubt that the Senator's conclusion is accurate. As I recall, the Senator was elected to the Senate by a substantial majority.

Mr. JAVITS. If the Senator will yield again, I should like to say, in reference to my own election, that I was elected by a majority of 500,000. I wish to say to the Senator that my joy and my happiness in that fine result is always tempered by the fact that although 3½ million New Yorkers favored me, 3 million New Yorkers voted against me. I am always mindful of that, and it never lets me lose my head on the subject.

I wish to say further to the Senator that the theory is that we are appealing in our position to minority groups. Well, those are minority groups in our States. In percentages they are not too large as minorities.

In the States of the South the preponderant opinion, apparently, as it is reflected by the gentlemen who serve in Congress, is for segregation. Is it not, therefore, fair to say that if there is any bidding for votes the Southern Senators are bidding for a lot more of the votes in proportion than we are, and that the charge that ours is a political foray hardly should lie in the mouths of the people who are appealing on a political basis to the majority sentiment in their own States?

Mr. TALMADGE. I will say to the Senator that I have not attempted to cast aspersions on his motives in espousing this cause, but I think I read recently that the Senator from New York stated that 17 populous States would be gained by the Republican Party if a strong civil rights bill were passed. Does the Senator deny making that statement?

Mr. JAVITS. I certainly do not. I said, in addition, that I believed my party, in the tradition of Lincoln, ought to be the hard core of the votes which would pass such a measure. I said it because I believe politics is the stuff of life. As I said to a very distinguished newspaper man from the South the other day on a television program, "Why should people elect you? Because you have a pleasant face? In my case I cannot even claim a hairline. But it is because you espouse positions in which the people believe. That is politics."

What is wrong with what we are doing? What is wrong with what the Senator is doing? I have not assailed any Senator from the South on the ground that he is seeking votes. That is what Senators are here for. They are here to do the job the people want done; and when they are here to do something else, in terms of principle, they are here for the purpose of "selling" the people their point of view. What I object to is that we are charged with some base motives.

Mr. TALMADGE. The Senator has admitted the motive. The Senator from Georgia has never since he has been privileged to sit in this Chamber either espoused or opposed any piece of legislation on the ground that victory to our party would result.

Mr. ERVIN. Mr. President——

Mr. JAVITS. Will the Senator yield to me again briefly in order that I may finish our colloquy?

Mr. TALMADGE. I yield first to the Senator from New York, and then I shall be glad to yield to the Senator from North Carolina.

Mr. JAVITS. What the Senator from New York said—and I think quite accurately—is that when a political party or a group of Members of Congress serve the highest interests of the Nation, as they see it, they have the absolute right to go to the electorate on that basis. I do not think that is anything to be ashamed of, or to apologize for. As I see it, if one is to hurl such accusations around——

Mr. TALMADGE. I am not hurling accusations. The Senator has admitted the motive. The Senator has admitted that he made the statement to which I referred. The Senator from Georgia did not make it.

Mr. JAVITS. It seems to me very clear that Senators from Southern States like the Senator from Georgia, are, if anything, appealing to a much larger group than we are, in terms of the kind of fight they are waging. I repeat that no one quarrels with that, but at the same time our position should not be thrown around constantly as a term of opprobrium.

Mr. TALMADGE. The Senator from Georgia is merely trying to keep the Senator from New York and his allies from reenacting the Reconstruction statute, which was sponsored primarily by people resident in his State in 1871, to punish the South. They wound up by punishing themselves.

The Senator has been sitting in this Chamber listening to me read the report of a select committee of Congress, which was written in 1892, as a result of which the infamous Reconstruction statute was wiped from the law books of the land. But the Senator from New York is trying to put over the same thing. He claims that he is not motivated by the sentiments of Thaddeus Stephens, and I do not say he is. I am not casting aspersions on his motives, even though he did admit that he stated that 17 States would go for the Republican Party if a strong civil rights bill were passed.

Yet it is passing strange that the Senator and his colleagues should resurrect the bones of the old Reconstruction statute, and, not being content with that, make it worse. The Reconstruction statute attempted to regulate only Federal elections, yet the Senator would regulate not only Federal elections, but State, county, municipal, and all other elections. So the Senator goes much further than Thaddeus Stephens ever went.

Mr. President, I now yield to the distinguished Senator from North Carolina [Mr. ERVIN], as I promised.

Mr. JAVITS. Mr. President, will the Senator then yield to me?

Mr. TALMADGE. I shall be delighted to do so.

Mr. ERVIN. I should like to ask the Senator from Georgia if the Declaration of Independence did not assign as one of the reasons why the Colonies separated from the mother country the fact that the British Parliament had robbed the American colonists of the right of trial by jury, by perverting the jurisdiction of the courts of admiralty, so that they might supersede the criminal courts.

Mr. TALMADGE. The Senator is entirely correct; and, as he knows, that was one of the motivating causes of the War of the Revolution, by which we won our independence from Great Britain.

Mr. ERVIN. We rebelled against the British for the reason, among others, that American colonists had been robbed, by indirection, of the right of trial by jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator from Georgia if, on two occasions prior to the beginning of the Revolution, the representatives of all the Colonies did not meet and pass resolutions declaring that the right of trial by jury was one of the absolute rights of the colonists, and that the attempted denial of such rights to the colonists was gross tyranny.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if, when the Founding Fathers drafted the Constitution, they did not put provisions in the Constitution to prevent any man from being sent to jail unless he was first convicted by the verdict of a jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if the advocates of civil rights bills have not been attempting to deprive southerners of the right of trial by jury, by indirection—if they did not actually do so in the civil rights bill of 1957.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. Speaking of politics for a moment, I ask the Senator from Georgia if he would vote to deny any American of any race, residing in any part of the United States, the right of trial by jury, for the sake of obtaining a seat in the U.S. Senate.

Mr. TALMADGE. I would not.

Mr. ERVIN. Does the Senator from Georgia agree with me in the observation that the Supreme Court, in Texas against White, gave the most accurate nutshell definition of the purpose of the Constitution of the United States when it said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States?

Mr. TALMADGE. It certainly did.

Mr. ERVIN. I will ask the Senator from Georgia if virtually every one of

the 57 varieties of civil rights bills are bills which are designed and intended to destroy that conception of the Constitution and to rob the States of the rights which are committed to the States by the Constitution.

Mr. TALMADGE. The Senator is entirely correct. I have never read a modern-day version of an alleged civil rights bill in my life which did not propose to transfer the power of the people on the local level, where they live together, to some Federal agency or bureaucrat in Washington, to be denied or withheld as that agency or that bureaucrat saw fit.

As the Senator so well knows, being the keen student of history that he is, when we transfer government from the people on the local level to Washington, and put it in the bureaucracy of Washington, it is beyond the reach and control of the people, and the people cease to be the masters of their Government and become its slaves. That is the purpose and motivation behind all of the so-called civil rights bills.

Mr. ERVIN. I will ask the Senator from Georgia if he would vote for bills calculated and intended to destroy the indestructible Union composed of indestructible States for a seat in the U.S. Senate or for the privilege of occupying the White House.

Mr. TALMADGE. I would not.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the observation that all of these civil rights bills are simply proposals to sell the birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. Anyone who has any conception of American politics knows that to be true.

Mr. ERVIN. I will ask the Senator from Georgia if all these civil rights bills, like those advocated by Thaddeus Stevens and Ben Butler and Charles Sumner, are not politically motivated.

Mr. TALMADGE. I would say to the Senator that that is certainly my belief.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the opinion that if these bills containing provisions like these, were not labeled civil rights bills, they would not receive a single vote in either House of Congress.

Mr. TALMADGE. I would say to the Senator from North Carolina that in my judgment if Congress were to vote on these measures by secret ballot without the pressure groups knowing how they had voted, they would not receive a single vote in the Congress of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if history does not show that the Enforcement Act of May 31, 1870 was passed simply for the purpose of enabling one political party to control the elections in the United States regardless of the will of the people.

Mr. TALMADGE. That was true in 1870, it was true in 1871, and it is true in 1960.

Mr. ERVIN. I thank the Senator from Georgia.

Mr. TALMADGE. I appreciate the questions of my friend, the distinguished Senator from North Carolina.

Mr. ERVIN. I am also thankful for the fact that we have in the U. S. Senate and in national life Americans like the Senator from Georgia, who are not willing to sell the birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. I thank the able and distinguished Senator from North Carolina.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. JAVITS. I ask the Senator this question. I know the Senator will tell me what is on his mind with respect to it, because it bears on what we discussed in our colloquy. What the Senator has described with respect to the law—and I have researched the matter, particularly the point on which the Senator is speaking, because the Senator has just mentioned it for the first time today—refers to a situation of, let us say, a little under 90 years ago. I should like to ask the Senator this question: The Federal Civil Rights Commission presented us with a report last fall as to which, at least as to its finding of fact, there was no difference of opinion expressed by the southern members of the Commission, of which there were three, and which showed some very serious deprivations of the voting right. Everyone seems to agree, if they agree on nothing else, that the voting right had been denied with respect to Negroes in Southern States or in certain parts of those States.

I should like to ask the Senator what he and his colleagues have done or feel ought to be done about it, or what the States ought to do about it. Have any proposals been made here as alternatives to the proposals which are put forward by the Federal establishment about the constant denial of the voting rights, which were described in the Federal Civil Rights Commission's report?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I will yield to the Senator from Louisiana after I have completed my colloquy with the Senator from New York. Before I answer the question of the Senator from New York, will he answer one for me? Is it not true that about half a million Puerto Ricans have been denied the right to vote in New York City?

Mr. JAVITS. Well, I do not know what the figure is with respect to Puerto Ricans, but I would say to the Senator that no Puerto Rican has been denied the right to vote in the State of New York in the sense in which the denial to vote is set forth in the report of the Federal Civil Rights Commission, provided he has the qualifications to vote—and they are very reasonable qualifications. If he has the qualifications, he is not denied the right to vote. The Federal Civil Rights Commission report says that, notwithstanding the possession of qualifications, there are wholesale denials of the voting right in the States to which I have referred.

Mr. TALMADGE. Is it true that the New York State constitution requires a prospective voter to be able to read and write the English language before he is given the right to vote?

Mr. JAVITS. It requires a very simple literacy test.

Mr. TALMADGE. Which effectively disfranchises some half million Puerto Ricans who are citizens of the United States.

Mr. JAVITS. That I deny. It disfranchises no one, because it is a very reasonable requirement. Anyone who meets it can vote. It does not effectively disfranchise anyone.

Mr. TALMADGE. The Civil Rights Commission in its report pointed out, however, that they were disfranchised.

Mr. JAVITS. As a practical matter, they may not be eligible to vote. However, the Civil Rights Commission stated that in the South there was a disfranchisement of people who had every qualification and every eligibility to vote. That is the question that I ask the Senator. What are the people of the South themselves doing about it in their own States?

Mr. TALMADGE. The Senator has answered the question himself as far as the State of Georgia is concerned. Under our law everyone, both black and white, must qualify under our literary test. It applies uniformly. It applies to every citizen of Georgia, regardless of race. There are approximately 175,000 Negroes in Georgia who are registered and are voting. The citizens of Atlanta, Ga., the capital city of my State, have elected a Negro, Dr. Rufus E. Clement, to the city board of education. He is now serving on the board of education. Other Negroes in my State have been elected to public office. Frequently Negro voters have been the balance of political power in electing mayors, legislators, and various other public officers.

No unprejudiced person who came to Georgia and stayed there any length of time and made a thorough study of the matter could report that there was any degree of discrimination whatever between the white and colored people with respect to being registered and permitted to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. JAVITS. Of course, the Senator is well aware of what the Federal Civil Rights Commission report said on that subject. I will undertake to analyze on the floor, in detail, in due course, what the situation is in every State. The question which I have just put to the Senator again is, in my opinion, a very important question. I hope very much that Senators from every State concerned will address themselves to the question. I should like to rephrase it so that anyone who is interested may be on notice. It is simply this:

If, as the Federal Civil Rights Commission defines, there is in State after State among the Southern States a practice of denying the right to vote to people

who are fully eligible and qualified, because registrars are not appointed, or they go home, or they refuse to act, or they apply unusually severe tests to Negroes, and it does not apply to non-Negroes, white persons, what is such a State doing about its own situation? It seems to me that is a very pertinent question. As I have said, I should like, rather than to ask it in general here, to ask it specifically with respect to each State, and to analyze the findings of the Commission with respect to each State.

Mr. TALMADGE. I once heard my father say—and he was a very practical man—that an expert is a smart man a long way from home. I should say the Senator for New York is a smart man a long way from home. He knows all the answers to give us. Yet he admits that there is a large segment of the population of his own State which is not permitted by law to vote. As I recall, the report of the Civil Rights Commission complained about that particular situation.

Now we will come to the Civil Rights Commission. To begin with, I do not believe it is a very objective or unbiased group. I have proof of that in my office. Someone called my attention, a few days ago, to an article which was published on the front page of the New York Times. I picked up a copy of the Times, and the caption of the article read, "Rights Advocates Split Over Plan for Negro Voting."

The article stated that employees of the Civil Rights Commission were allegedly meeting with groups such as the ADA, the NAACP, and like organizations, to cook up another "Devil's broth" before the U.S. Senate and to put another yoke around the people of this country.

I believe that even the Senator from New York will agree with me that a Government agency is supposed to be objective and unbiased. Yet there was this alleged unbiased, objective agency meeting with these radical groups, helping them to plan their strategy to impose an even more vicious civil rights law on the States.

The Senator from New York is an able lawyer. He knows this statement to be the fact. It would be the equivalent of a trial judge sitting on the case and members of the jury meeting with the prosecuting attorney to make absolutely certain there was a conviction in the case.

So when the Senator from New York refers to some report from the so-called Civil Rights Commission, I say it is not very persuasive evidence with me, and certainly the Senator seems to think that it is not very persuasive evidence insofar as it deals with the disfranchised Puerto Ricans in New York State.

Mr. JAVITS. The Senator from New York feels very strongly that the report of the Federal Civil Rights Commission is excellent, whether it relates to Puerto Ricans in New York State or to Negroes in the South. So far as this Senator is concerned, he found no bias in the Commission. He respected its southern members as much as he did its members from other parts of the country.

I think the Senator from Georgia omitted one "allegedly" in his discussion, and that is the allegedly which is referred to in the newspaper article.

The Senator from Georgia is purporting to state as an absolute fact his interpretation of a newspaper article. I have not read the article. I will not controvert the Senator as to what it says, but it seems to me that if the Senator from Georgia is going to charge that the Civil Rights Commission is biased, his charge will have to be based on much firmer stuff than a report in the New York Times.

Mr. TALMADGE. I complained about it to Gordon Tiffany and he admitted it to me in writing. I have the letter in my files.

Mr. JAVITS. I am certain the Senator from Georgia will make whatever he can of the story, but I still affirm my belief that the country believes that the Civil Rights Commission has made a fair and honest investigation and a fair and honest report, and is entitled to proper credence in that way.

Mr. TALMADGE. I should like to ask the Senator from New York a question. I preface my question by saying that New York is one of the great States of the Union. I am quite certain that the people of New York are capable of governing themselves and of making laws which they deem best for the welfare of their State. I would be the last man on the face of the earth to complain about the qualifications established by the State of New York for its prospective voters. I am certain the able Senator from New York and others from his State have taken care of that.

But I would say also that the citizens of Georgia are quite capable of doing the same thing. Does the Senator from New York agree with me that every State in the Union already has voting laws, and that they are enforcible in the respective State courts?

Mr. JAVITS. So far as I know, that is true.

Mr. TALMADGE. Would the Senator from New York also agree with me that there are at the present time adequate remedies for any allegedly disqualified voter, if he is legally qualified to vote? First, is it not true that he may bring a suit in equity and sue for damages or obtain an injunction in the Federal courts if he is illegally deprived of his right to vote?

Mr. JAVITS. He may go into a Federal court and sue under the 1957 act.

Mr. TALMADGE. The Senator from New York admits that that is true under the 1957 act. Will he admit it as to previous acts?

Mr. JAVITS. Under previous acts, there was apparently some argument about civil injunction suits because of the fact that criminal penalties were included, as well. We debated that fully with respect to the 1957 act. It is, I believe, one of the reasons why the 1957 act was passed.

I can only say to the Senator that that is really immaterial because the fact is that there is a right to sue under the 1957 act.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am glad to yield.

Mr. ERVIN. I ask the Senator if, as a matter of fact, there are not at least two statutes on the Federal statute books which antedate the Civil Rights Act of 1957 by many years, and which state in express language that any party denied any right under the laws of the United States can obtain an injunction, if he is threatened with a denial of those rights, and can obtain damages if he is actually deprived of those rights?

Mr. TALMADGE. I respond to the Senator from North Carolina by saying that I hold in my hand a communication from the Library of Congress, dated July 5, 1957, when they prepared at my request a list of the various laws existing at that time to safeguard the right to vote. There are 10 pages of remedies which any alleged disfranchised voter had at that time, prior to the passage of the Civil Rights Act of 1957.

Mr. President, I ask unanimous consent that the list may be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF FEDERAL LAWS ON RIGHT TO VOTE CIVIL PROVISIONS, UNITED STATES CODE, 1952 EDITION

Chapter 20—Elective franchise

SEC. 1971. Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority to the contrary notwithstanding. (R.S., Sec. 2004.)

SEC. 1972. Interference with freedom of elections: No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (R.S., sec. 2003.)

Chapter 21—Civil rights

SEC. 1981. Equal rights under the law: All persons within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R.S., sec. 1977.)

SEC. 1982. Property rights of citizens: All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S. sec. 1978.)

SEC. 1983. Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law,

suit in equity, or other proper proceeding for redress. (R.S., sec. 1979.)

SEC. 1984. Same; review of proceedings: All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (March 1, 1875, ch. 114, sec. 5.18 Stat. 337.)

SEC. 1985. Conspiracy to interfere with civil rights:

(1) Preventing officer from performing duties: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (R.S., sec. 1980.)

SEC. 1986. Same; action for neglect to prevent: Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has accrued. (R.S., sec. 1981.)

SEC. 1987. Prosecution of violation of certain laws: The U.S. attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, and to cause such persons to be arrested and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. (R.S., sec. 1982; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

SEC. 1988. Proceedings in vindication of civil rights: The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (R.S., sec. 722.)

SEC. 1989. Commissioners; appointment of persons to execute warrants: The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in section 1987 of this title; and such commissioners are authorized and required to exercise all powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (R.S., secs. 1983, 1984; Mar. 3, 1911, ch. 231, sec. 291, 36 Stat. 1167.)

SEC. 1990. Marshal to obey precepts; refusing to receive or execute process: Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of section 1989 of this title. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of $1,000, for the benefit of the party aggrieved thereby. (R.S., secs. 1985, 5517.)

SEC. 1991. Fees: persons appointed to execute process: Every person appointed to excute process under section 1989 of this title shall be entitled to a fee of $5 for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (R.S., sec. 1987.)

SEC. 1992. Speedy trial: Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of section 1990 of this title, or of sections 5506–5516 and 5518–5532 of the Revised Statutes, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and U.S. attorney of such district to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (R.S., sec. 1988; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

SEC. 1993. Aid of military and naval forces: It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1995–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title. (R.S., sec. 1989.)

SEC. 1994. Peonage abolished: The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt

shall hereafter be made to establish, maintain or enforce, directly or indirectly the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, as declared null and void. (R.S., sec. 1990.)

Jurisdiction of civil suits growing out of alleged violations of the Federal civil statutes involving the right to vote are vested in the Federal district courts as follows:

UNITED STATES CODE, 1952 EDITION, TITLE 28, JUDICIARY AND JUDICIAL PROCEDURE

Chapter 85—District courts; jurisdiction

SEC. 1343. Civil rights: The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent; and

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States. (As amended Sept. 3, 1954, ch. 1263, sec. 42, 68 Stat. 1241.)

SEC. 1344. Election disputes: The district courts shall have original jurisdiction of any civil action to recover possession of any office, except that of elector of President or Vice President, U.S. Senator, Representative in or Delegate to Congress, or member of a State legislature, authorized by law to be commenced, wherein it appears that the sole question touching the title to office arises out of denial of the right to vote, to any citizen offering to vote, on account of race, color, or previous condition of servitude.

The jurisdiction under this section shall extend only so far as to determine the rights of the parties to office by reason of the denial of the right, guaranteed by the Constitution of the United States and secured by any law, to enforce the right of citizens of the United States to vote in all the States. (June 25, 1948, ch. 646, sec. 1, 62 Stat. 932.)

Chapter 89—District courts: Removal of cases from State courts

SEC. 1443. Civil rights cases: Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law (June 25, 1948, ch. 646, sec. 1, 62 Stat. 938.)

CRIMINAL PROVISIONS—TITLE 18, CRIMES AND CRIMINAL PROCEDURE

Chapter 13—Civil rights

SEC. 241. Conspiracy against rights of citizens.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both (June 25, 1948, ch. 645, sec. 1, 61 Stat. 696).

SEC. 242. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696.)

SEC. 243. Exclusion of jurors on account of race or color: No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than $5,000. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696.)

Chapter 19—Conspiracy

SEC. 371. Conspiracy to commit offense or to defraud United States: If two or more persons conspire, either to commit any offense against the United States, or to defraud the United States, or any agency thereof, in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor. (June 25, 1948, ch. 645, 62 Stat. 701.)

Mr. ERVIN. I ask the Senator, further, if there is not a statute embodied in title 18, section 242, which makes it a Federal crime, punishable by imprisonment or fine, or both, for any official to deny to any qualified citizen, of any race, the right to register and to vote and to have his vote counted as cast.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator if a few healthy criminal prosecutions in the Federal courts under that statute would not, in his judgment, cure any situation such as that alluded to by the Senator from New York.

Mr. TALMADGE. Certainly. If any violation occurs, the opportunity is afforded to proceed under the criminal statute. Mr. Rogers, the author of the bill, is at present the Attorney General of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if, as a matter of fact, the records do not show that during recent years there has been no effort on the part of the Department of Justice to indict any person in any Southern State, except the States of Mississippi and Louisiana, for a violation of that statute.

Mr. TALMADGE. I know of no other effort.

Mr. ERVIN. I ask the Senator from Georgia, furthermore, if he does not know that in the State of North Carolina a distinguished Negro educator is a member of the State board of education.

Mr. TALMADGE. I know that; yes.

Mr. ERVIN. I ask the Senator from Georgia if he does not know that members of the Negro race are now serving, by election, as members of the city boards of Winston-Salem, Greensboro, and Durham, N.C., and in other North Carolina cities, and that a member of the school board of the capital city of North Carolina, Raleigh, is a Negro.

Mr. TALMADGE. I knew that several had been elected in the State of North Carolina. I did not know the details, the titles or the specific cities.

Mr. ERVIN. I do not know whether the Senator from Georgia knows this to be a fact; but I should like to ask him if it is not a fact that the Advisory Committee on Civil Rights in the State of North Carolina has recently passed a resolution to the effect that it has virtually completed an investigation of voting practices in North Carolina and it has found no discrimination in registration, as against members of the Negro race.

Mr. TALMADGE. I have been informed that that is correct.

Mr. ERVIN. For that reason, I was very much astounded to hear the able Senator from New York state, a few minutes ago, that in all Southern States there was a pattern of denial of the right of Negroes to register to vote.

Mr. TALMADGE. I was likewise surprised.

I thank the distinguished senior Senator from North Carolina for his great contribution.

At this time I should like to ask, if the Senator will permit me to do so, one more question of the Senator from New York: Does the Senator from New York know the name of any qualified individual, anywhere—North, South, East, or West—who claims the right to vote, and has instituted an action in the courts, either State or Federal, and has not been protected in the exercise of that right?

Mr. JAVITS. In response to that question I shall undertake to analyze, in due course——

Mr. TALMADGE. My question is a simple one, and the Senator from New York could answer it by either "Yes" or "No."

Mr. JAVITS. The Senator from Georgia likes to ask very simple questions, and he controls the way in which he asks them. I trust that he will permit me to control my answer.

Mr. TALMADGE. Certainly the Senator from New York knows what he knows.

Mr. JAVITS. Yes; and I will undertake to state what I know, in due course, if the Senator from Georgia will be patient, and will not seek to get only the answer he wants. The Senator from Georgia is a very good trial lawyer; and I am a pretty good one, too.

Mr. TALMADGE. The Senator from New York is admittedly a good trial lawyer.

Mr. JAVITS. Both of us have had experience in that field; so the Senator from Georgia should not try to "panic" me, any more than I would attempt to "panic" him.

Mr. TALMADGE. I am not trying to do so. I asked the Senator from New York a question; I asked him whether he knew the name of any such person. If he does know, he can state the name.

Mr. JAVITS. I shall be glad to take my seat if the Senator from Georgia does not want my reply.

But I was saying that I shall be glad to analyze the report of the Federal Civil Rights Commission with respect to each of the States.

Incidentally, I did not say "all the Southern States." I said "in certain Southern States," and, indeed, in certain sections of those States.

I shall undertake to analyze the report of the Federal Civil Rights Commission and any other information we have; and if I can obtain the names of persons as to whom there has been an actual suit to register, I shall do so.

But I shall submit proof that the criminal remedy was found to be ineffective—as, for instance, in the famous series of cases in Ouachita Parish, La., where it was found that the grand jury would not indict.

I should also like to point out—although it has no germaneness to the matter of voting—that I must say I was rather sad about what occurred in respect to the one single lynching in Mississippi, not long ago, where, as I understood, the grand jury would not even entertain the evidence the FBI had.

Certainly there is no patent on injustice; I am sure that injustice can be found in every State of the Union, including the State of New York. So, to pick out a particular, individual case and build a body of legislation on it would be unworthy of our function. I have no hesitancy in saying that.

But I was referring to a pattern. I do believe that, brought up to date, the pattern shown by the Federal Civil Rights Commission report is entitled to a response from those who take the position—as does my distinguished colleague—that individual States should be given the right, without interference, to deal with these matters on their own.

That is why I said I thought the most efficient way was to marshal separately the particular evidence with respect to each State, and then let us see whether the Senators from each of the States feel that they wish to address themselves to it.

For ought I know now—and I am speaking now only from memory; I did not have the remotest notion that we would now be engaging in this particular colloquy—such names are in the report or are to be obtained from other authoritative sources; and I shall endeavor to produce them, to meet the view which was expressed by the Senator from Georgia.

But my fundamental approach will be to present the facts, so that Senators from the individual States may, if they are moved to do so, address themselves to the particular points which are made by the Commission. I think that will be fair, especially inasmuch as the Senator himself seems to feel, as he has expressed himself here, that the Commission was biased, or that in some way it was not performing the function which Congress has assigned to it. So I shall attempt to do that.

Mr. TALMADGE. I thank the Senator from New York. He has made an able speech, but he has not answered my question. I asked him whether he could produce the name of a single qualified individual, anywhere—north, south, east, or west—who had tried to exercise his voting privileges, and, in that connection, had instituted action in any court—either Federal or State—and had been denied that privilege.

I agree with the Senator that no specific area of the country is lily white when it comes to the commission of crime. Unfortunately, crime occurs in all areas of the Nation. I am proud of the fact that all the States do a magnificent job of law enforcement and of trying to prevent crime.

We read about gangsters who are shot down in the streets—for instance, in the case of Roger Touhy in Chicago. That was not classified as a lynching; it was "just a gang murder," and people did not pay much attention to it. We read of rapes, suicides, and mayhem in public schools in some cities in our country, but I do not observe that the Senate has tried to pass Federal laws dealing with all those lamentable incidents. I would oppose any Federal action in that connection. I think the States are entirely competent to deal with such matters.

All we of the South desire is the same sort of treatment we would guarantee to others; namely, that they not attempt to rape the Constitution of the United States, that they not attempt to disband our general assemblies or supplant our Governors, our courts or our law-enforcement officers. We take the position that we are capable of self-government—even more now than we were in the Reconstruction era.

Mr. President, I continue to read from the report of the House select committee which investigated Davenportism in New York City:

> In the hands of a man of ability who cared little for personal profit, but who was devoted simply and without scruple to the success of his party, it might have been the source of much more serious trouble. The powers which it confers should not under our system of Government be entrusted to anybody. In the interest of the people, whose right it is to act with any of the parties or in opposition to any of them, it ought to be repealed.
>
> The fourth and final reason why these laws ought at once to be repealed is that under them great numbers of innocent persons have been and are at every election deprived of their liberty and interfered with in the exercise of their undoubted right to vote. These facts are not to be disputed. They are known to all men in New York, and were brought to the personal knowledge of the committee and proven beyond question. The fact that all of the great number of citizens who were arrested during all these years were, with the exception of two, discharged as innocent after judicial investigation, is conclusive legal proof of the falsity of the charges. That most of them were discharged by the very magistrate who had caused their arrest shows the charges to have been not only false, but malicious.
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> Any system of laws under which, for any reason, citizens entitled to vote can be systematically arrested, held until their opportunity to vote is gone, and then discharged without redress, should have no place in the statutes of the United States. In this connection the members of the committee who sat in the Federal building as a subcommittee on election day, and had before them the supervisors and marshals who made the arrests and the prisoners who were arrested, desire particularly to call attention to the evidence given before them. The prisoners arrested, charged with false registration were, some of them, real estate owners, one of whom, Mr. McKenna, had voted for 30 years at the polling district in which he offered to vote, and had been known as a businessman and houseowner to the marshal who arrested him for 12 years. These defendants included a private tutor, and a teacher, a court officer, a clerk in the register's office, and a rabbi of the Jewish faith. They were almost without exception persons of respectable appearance, who seemed to feel most keenly the arrest and the indignity put upon them, and they were all promptly discharged by the Federal magistrate who heard their cases, no proof being offered against them. Almost all of them were born in the city of New York.
>
> With a few exceptions, the U.S. marshals and supervisors who made these arrests were in appearance most disreputable. Almost all of them were grossly ignorant, and in general they had been evidently recruited from the lowest mass of the population of a great city. Decidedly the best of them were the colored marshals, who were able to give their evidence in an intelligent manner. Undoubtedly, among the U.S. marshals and supervisors who were appointed at this election were very many respectable men, but those chosen to make these partisan arrests were of the lowest class of our population. It is a matter of regret to the members of the committee who were present on election day and heard the evidence in regard to these arrests that it is not possible to reproduce in description the contrast which existed between the persons who were hired to make these arrests and the citizens who were thus arrested, charged with offenses of which they were innocent and thereby deprived of their right to vote.
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> Attention is also called in particular, in this connection, to the evidence of Messrs. Walker and Rose and Hotchkiss as to the excessive bail demanded of such defendants. In one case $10,000 bail was demanded by the chief supervisor, acting as a magistrate, for the appearance of a clerk in the customhouse, a man of excellent character, charged with false registration; and in a number of cases bail which the commissioner acknowledged to be known to him to be good was refused, until Judge Wallace denounced the refusal and the attempt to deprive the prisoners of their votes as an outrage. These laws, instead of constituting a system for the protection of the franchise in the hands of honest citizens, have been used, as is shown by the evidence, to furnish the machinery for the corruption and forcible robbery of the franchise, and they ought, if for that reason alone, to be promptly repealed.
>
> The committee, therefore, presents to the House a bill providing for the repeal of these laws, with a favorable recommendation for its passage.
>
> ASHEEL P. FITCH,
> J. A. GEISSENHAINER,
> ROBERT E. DE FOREST.

Mr. President, that is the official report of an official committee of the Congress of the United States on the outrages which occurred in New York under the administration of Davenport's law by Davenport. But while "Davenportism" was the cry which broke the Republican stranglehold sanctioned by Davenport's law, there were frauds and abuses throughout the country as the result of its application by unscrupulous Republican machine bosses.

Now, 66 years later, after the Congress of the United States had the wisdom to repeal such a nefarious and iniquitous scheme, members of both political parties, including the Attorney General of the United States, come before the Congress urging that this same heinous and obnoxious scheme be reenacted by the Congress. However, this time they urge that it be enacted in a far more extreme form than that in which it was first passed in Reconstruction days.

In Reconstruction days the so-called election supervisors had authority to regulate only Federal elections. Now the modern-day Davenport-Thaddeus Stevens-Rogers clan come in and urge that they not only regulate Federal elections but also State, county, and municipal elections.

How any one can convince himself that the American people desire such iniquitous, obnoxious, and unconstitutional legislation is altogether beyond the comprehension of the junior Senator from Georgia.

The respected public affairs journal, U.S. News & World Report, had one of its correspondents spend 2 weeks researching the effect of Davenport's law, and the article which appeared in its issue of last February 15 is most illuminating as to the widespread skulduggery and tyranny which it perpetrated upon the American people. This is what U.S. News & World Report discovered:

Under the "force bill," so-called "supervisors of elections" were appointed by Federal courts, which then stepped out of the picture. These appointments could be made if two or more citizens in towns with a population of more than 20,000 requested to have "guarded and scrutinized" the registration of voters for any congressional election, or the election itself.

The supervisors were empowered to challenge the qualifications of anyone seeking to register, and to mark the registration lists in such ways as to detect irregularities.

In elections, the supervisors were authorized to challenge any voters and to count the ballots. Federal marshals assisted the supervisors. Interference with these officials was made a criminal offense.

The supervisors reported to a chief supervisor on the fairness of an election. If irregularities were found, the chief supervisor had authority to hold hearings, take testimony and issue subpenas. Results of such investigations were to be filed with the clerk of the House of Representatives.

History records failure of the Federal election law in the South. Federal authorities tried thousands of times to prosecute violations of the act, but few convictions resulted.

In South Carolina, for example, there were 1,392 indictments, but only 114 convictions under the election law.

One-party control by the Democrats made enforcement extremely difficult. Moreover, as the Ku Klux Klan gained strength, it severely restricted voting by Negroes and northern "carpetbaggers."

It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals and used them to keep Democratic voters from the polls.

In 1876, of 5,001 Federal deputy marshals appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the three Northern States of New York, New Jersey, and Pennsylvania. One election supervisor in New York City drew fees totaling $145,000 for his services.

In 1892, a special investigating committee of the House of Representatives went to New York City to observe the presidential election. A majority report written by the three Democratic members recommended repeal of the election law because it has "failed to produce any good results in the direction of the purity of elections or the production of the ballot box."

The law was used, the majority report said, "only as part of the machinery of a party to compensate voters who are friendly to it and to frighten from the polls the voters of the opposing party."

In House debate on a move to repeal the law in September 1893, Representative John C. Black, Democrat of Illinois, described the use of Federal marshals in the 1892 election in Chicago:

"* * * Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were.

"They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers * * * and thus they stood, armed and equipped for their service, to 'protect the election' in the city of Chicago and the great State of Illinois."

In the Republican minority report, it was said that Federal supervisors and marshals were needed to combat ballot-box stuffing and the issuance of fraudulent naturalization certificates by Democratic Party machines.

With Democrats in control of Congress, the force bill regulating voting was repealed in 1894.

The debates on the repeal of Davenport's law as contained in the CONGRESSIONAL RECORD of the 1st and 2d session of the 53d Congress are replete with more specific detail of the frauds and abuses which were worked on the country under this political statute.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished senior colleague.

Mr. RUSSELL. I am grateful for the fact that my distinguished colleague is demonstrating so clearly that there is nothing new or original in this legislative proposal to appoint a Federal receivership of the election processes in the Southern States. It is old, it has been tried, and it has failed. Its failure was more marked in its application in the large cities of the country outside the South than it ever was in the Southern States themselves. The Senator is making a real contribution.

I believe it was last Sunday that I noticed in the comic section of one of the newspapers a cartoon called Hatlo's History. It showed a man representing Old King Cole, who as you all know was reputed to have been a merry old soul. King Cole was beating on the ground with his walking stick or with his insignia of rank as monarch, or whatever kings use, and he said, "Where are those three fiddlers?" He had called for his fiddlers three, and they did not come.

Just outside the door the three fiddlers were arguing with a man who was trying to give them two florins or two pieces of money to play a piece of music he had written. The fiddlers were saying, "No, you must give us three florins to play that piece of music."

The point of the cartoon was that the payola we hear so much about today was not new, that payola existed in the time of King Cole and King Cole's fiddlers three. The fiddlers three were undertaking to exact from the composer some money to play some music he had written.

I have always regarded this bill in all of its aspects as being vote bait. I consider this measure to be a "votola" bill. There is nothing new under the sun. "Votola" existed back in the days when the first reconstruction bill was enacted, and its operation resulted in tremendous loss to the morals of the people and the funds of the National Treasury. Finally it took a national election where it was the principal issue to get rid of the original votola law.

I am sure that if this "votola" bill should ever be enacted into law it would not be long before the American people would rise up in their wrath when they saw what a fraud had been perpetrated on them by calling any such proposal as this a civil rights proposal, and they would sweep out the votola of 1960, just as the voters of three generations ago swept out the votola of the Reconstruction period.

I am sure that my colleague, by his splendid, graphic description of the approach to this same legislation, will be able to say, "I told you so," even if this monstrosity does find its way to the statute books. Whatever else it may be called, it is really "votola." I thank the Senator.

Mr. TALMADGE. I thank the distinguished senior Senator from Georgia for his magnificent contribution to the debate. He is entirely correct. It is the reincarnation, as the Senator well knows, of one of the infamous force bills. The only difference is that it goes much further than Thaddeus Stevens and his allies went in those days. It purports to regulate not only Federal elections, but State, county, and local elections as well.

As the Senator has so ably stated, it is the very opposite of a civil rights bill. Instead of being a civil rights bill, it would prevent the elected, constitutional officials of every State in the Union from performing their duties under the laws and constitutions of their States.

As the Senator so well knows, the registrars of our own State of Georgia are nominated by grand juries. They are appointed by the judges of the superior courts. The law specifies qualifications which they must meet. They must be honorable and upright men. The bill would deprive them, and would deprive similar State officials of the

other 49 States, of the right to perform their duties.

In addition, the bill would deprive the Democratic Executive Committeemen of every precinct in the State of Georgia—and there are approximately 1,800 of them who are elected by the people—of the right to perform their duties in connection with the Democratic primaries. It would also deprive their Republican counterparts of the same rights.

Finally, in the general election, as the Senator so well knows, the ordinaries, who are elected by the people in each of the counties of our State, and are charged with the duty of holding the general election, would be prevented from exercising their responsibilities and duties under the law.

What I have stated about Georgia would apply with equal force to the other 49 States of the Union. Whom would it place in their stead? Some referee appointed by a Federal judge, who is appointed for life. Furthermore, the bill does not require any qualifications.

The judge, if he wanted to, could appoint an alien to conduct an election in Kentucky. He could appoint someone from India to go down and hold an election in Milan, Ga. He likewise could appoint someone from Burma to hold an election in Arkansas. There is no qualification required as to character; nothing is required except that such persons move in and take charge of elections and run them just as Mr. Davenport used to do.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am glad to yield to my colleague again.

Mr. RUSSELL. My colleague has correctly described the situation. This is really an effort in Washington to declare that election officials in the Southern States—people who are just as good as those who live anywhere else in this country—are bankrupt and inefficient, and to appoint trustees to administer the elections.

The junior Senator from Georgia has had wide experience in public life; in fact, I know of no other young man who has had more. Has the Senator had any familiarity with a man of this kind in public office, one who sets himself up as an absolute king to run the government to suit himself, and who would receive very substantial compensation, who would ever be willing to relinquish his post? Would he not continue to reach out and reach out to get more power and build it up and get a larger salary from year to year?

Mr. TALMADGE. That is what he would want. He would want more subordinates and he would want his salary increased. He would want his jurisdiction enlarged from one end of the country to the other. Then he would not be satisfied with that. He would want to set up a political machine of his own, in which he could name Governors, Senators, Representatives, sheriffs, mayors, and city and county officials. That is the history of the granting of power when the person to whom it is granted is responsible to no power on earth.

I thank the Senator for his comments and for his generous personal remarks.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. McCLELLAN. I commend the Senator from Georgia for the able presentation he is making with respect to the dangers which are inherent in some of the bills now pending before the Senate. They are simply designed to reduce further the sovereignty of the States and, by destroying their sovereignty, to reduce them to a mere provincial status and thus impose a Government foreign to the authority of the local community and of the sovereignty of the people in that community.

I congratulate the Senator upon his able address.

Mr. TALMADGE. I thank the distinguished Senator from Arkansas for the generosity of his comments.

I think, Mr. President, that the Senate should know about what happened in the 1870's and 1880's under the color of the law it is being asked to reenact in a more stringent form. Therefore, I shall read from the CONGRESSIONAL RECORD some of the accounts of the violence done to free elections by the predecessor of the pending proposal.

For example, on pages 1622–1645 of the CONGRESSIONAL RECORD of January 30, 1893, the eloquent Democratic Senator David Turpie, of Indiana, is quoted as follows about the situation which prevailed in Indiana:

We have had a political judge in Indiana now in the succession, much distinguished for his rulings pro and con upon the subject of these laws, who has devoted very great attention to the practical administration of them. What is the consequence? The consequence in such case is that this judge, a man sitting to decide questions of life, of property, of character every day in his court, finds himself in closest alliance with most unscrupulous, the most unprincipled actors in the local party politics of Indiana, and that the judge's chambers upon the recurrence of every political campaign become headquarters for the management and administration of the political party to which he is allied, and the same feeling pursues such a one from his chambers to the bench.

There never has been any ruling in favor of a political opponent indicted in our court; always against him. There never has been any conviction of a Republican for any political offense in our court—not a single one. Eighty Republicans were indicted, indicted upon full hearings, upon lawful information, and upon full evidence, for violation of the election laws. The indictments were quashed, and what is known as the general jail delivery occurred in Indianapolis, and all the defendants were discharged.

Now, what does such a judge do? What is his employment? How does he earn his salary? By midnight councils prior to the election held in the judge's chambers. I acknowledge he may pay some attention to other questions and cases pending in his court, but his chief employment, that which calls into action the whole faculties of his mind, is this: to decide how he may make appointments as supervisors and marshals in the different counties to decrease the Democratic vote, and how he may make the same appointments in other counties to increase the Republican vote. This is the gist of his labors. The consequence is, the judge's name has become a byword throughout Indiana. There is no precinct in Indiana which you can visit where you will not find it the subject of the coarsest objurgations on the one hand, and of the coarsest, falsest partisan praise and laudations on the other. It has become a reproach in the eyes of both parties. * * *

There is an election approaching for Congressmen in my district. A petition is presented for the appointment of supervisors and marshals. Now, who are selected for such officers? It is pretended that the supervisors and marshals are to protect the purity of the ballot and to prevent the violation of the election laws. Invariably, without any exception, the person charged with that duty appoints to these offices, being a Republican, some weak-kneed Democrat who will take the appointment and the pay as a bribe, and vote against his party in order to earn the hire of his corruption. * * *

Having then collected all these weak-kneed and feeble folk of whom I have spoken, the chief supervisor proceeds also to consider men who are utterly indifferent, called the floaters. You generally find quite a large quota of the floaters in a contested district wearing the badge of U.S. marshals and supervisors, put there for the purpose of determining their votes, of determining the course of the current that the floater will swim in.

Again, you will find in every community certain men who are corrupt, who are utterly without principle, who have no opinions that they are not willing to sell—to sell for money. These men, a very large quota of them of no party and of all parties—these mercenary miscreants are certain to be appointed. They are never left out of the list of deputy U.S. marshals and deputy U.S. supervisors.

Indiana Congressman William Dallas Bynum had given another example of the situation prevailing in that State during the debate the preceding year in the House of Representatives. He is recorded on page 1858 of the CONGRESSIONAL RECORD of September 27, 1893, as stating as follows:

Allow me to give an illustration of the grossly offensive manner in which these laws have been executed—a case that occurred in my own county. At the election previous to the last a supervisor inside commanded a marshal outside to arrest a voter for making an affidavit as to the right of another man to cast his vote. Under our laws, when a person offering to vote is challenged it is essential, before he can vote, that a voter of the precinct make affidavit to his residence; and in this instance when a voter stepped up and made such affidavit the supervisor commanded a marshal to arrest him, and he was arrested and taken away in order to prevent him from making affidavits in the cases of other voters. In this way 50 men were deprived of their right to vote under this construction of the State law by supervisor and marshal.

What happened in the State of Illinois and the city of Chicago was the subject of a speech by Congressman John Charles Black, of that State. Here is an excerpt from his remarks, taken from page 1899 of the CONGRESSIONAL RECORD of September 28, 1893:

As the tide of opposition rose, the power of the Federal supervising law was transferred from the States of the South, in a large degree, and brought into the great States of the North.

What did we want with supervisors? Our elections had never been challenged, and when peaceful contests had been made they had been settled by the constitutional tribunals, the Senate and the House, in accordance with the laws, the facts, and the immemorial usage of the country; and there was no Illinoisan anywhere who believed for

one instant that he needed the interposition of a new set of laws to determine who had been elected, or to make accurate and judicial returns of the results of any election that sent a Representative here or a Senator to the other end of the Capitol.

In 1892 this great State was believed by the Republican management to be in danger, and so the power and resources of this law were invoked. I can never forget the day. All over this continent it was as beautiful as any election day that ever lighted the people to the exercise of the franchise, a phenomenal day, and phenomenal in its results.

There was a belief that the action that might be taken by the city of Chicago would have great effect in determining the result in the Nation. The eyes of both parties were turned to it as to a decisive point in the campaign. And so an army of deputy marshals and assistant supervisors was secured, and I have here the figures showing the number employed on that election day in the city of Chicago.

In the year 1892, according to statements furnished from the records of the U.S. marshal for the northern district of Illinois, there were employed as supervisors of election and assistant supervisors 1,386 men in the city of Chicago, and as special deputy marshals 2,400 men, the first at a cost of $68,973 and the second at a cost of $32,908, making a total cost, as shown by the record of the marshal of the northern district of Illinois, in conducting this supervision of election on that day, of $101,953.26.

I recall the incidents of that day. Intense excitement had prevailed throughout the entire land. Appeals had been made to the reason, the judgment, and to the patriotism of American citizens upon all of the great issues that separated the parties. There was no argument that was not applied. There was no blandishment that was not employed. There was no persuasion that was not used to bring a great vote to the polls, and a great vote came.

Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were. They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers. And from down on the lake front, where "the Back Jack Yattaw Bum Boat Flotilla" anchored, came the piratic marine, a part of the force of supervisors and deputy marshals of this election; and thus they stood, armed and equipped for their service, to protect the election in the city of Chicago, and in the great State of Illinois.

Think of this battalion of bummers summoned into the service of the United States to protect the franchise in the State of Illinois. Think of that array of motleys that came to assist the city of Chicago in conducting her elections. What a glorious sight. Republicanism, through its officials, had summoned these men and they came, not all of them such as I have described, but many of them the disreputables and the unfortunates of human life. They wore the stars of the deputy marshals of the United States upon their breasts. What was the result?

The city of Chicago, the magnificent queen of the interior commerce of the American world, she that prides herself not alone on what her commerce has done and what have been her financial and her monetary achievements, but as well upon the fact that within her borders today the churches of all denominations point with solemn monition to the sky, that public schools are in every ward and in every border of her great and spreading domain, that over her lines enlightened commerce runs to the ends of the earth, that she is a great, peaceful metropolis, that her courts are open forever to the call of justice—the city of Chicago put herself at the back of her merchants, her judges and lawyers, and ministers, and in response to the challenge of this tatterdemalion host, her would-be supervisors and guardians, she gave 35,000 Democratic majority. * * * That was a proper response of a great, free constituency to an outrageous assault corruptly made upon the liberty of the franchise of the citizens.

Laws that have produced nothing to the party working them; laws in the execution of which such results have followed, can not do any good to the Republican Party as a constituent part of the people of the land, and can not do any good to the Democratic Party that loathes and spurns them.

Next to those in New York, the worst scandals in the country under Davenport's law probably occurred in the State of Missouri. Here is what the illustrious Democratic Senator George Graham Vest, of that State, had to say about them as recorded on pages 981–83 of the CONGRESSIONAL RECORD of January 18, 1894:

In 1876 the necessities of the Republican Party (and I will prove this from the sworn testimony of their own witnesses) demanded that three congressional districts in Missouri should be carried for the Republican ticket. A determined effort was agreed upon here in Washington to carry the U.S. House of Representatives for the Republicans. Mr. W. D. W. Barnard was the confidential friend of General Grant and the chosen instrument of the administration to do that thing. He was the national bank examiner of the State of Missouri, appointed by Grant. The U.S. marshal in the St. Louis district was H. W. Leffingwell, whom I know very well—a real estate man of high character and a very old citizen. Leffingwell was an honest man, conservative and patriotic.

Barnard carried the instruction of Mr. Taft, the Attorney General of the United States, to the Republicans of St. Louis that those three districts must be carried for the Republican Party by the use of the instrumentalities provided in the Federal election law. He carried the instructions of the Attorney General to Leffingwell, the U.S. marshal, and they both swear to it. Leffingwell said, "Why, there is profound peace in Missouri; there is no danger of any tumult or riot here in the city of St. Louis. The calm is profound politically, socially, and otherwise." Barnard said to him, "Here are your orders. Who made you marshal?" "Well," said Leffingwell, "you had a good deal to do with it. You are very near the President." "Well, sir," he said, "the man who made can unmake; and if you do not carry out these orders I will put you out of this office."

It is hardly necessary for me to remark that the conspiracy was carried out and that the three districts were carried for the Republican Party. R. Graham Frost was beaten by a Republican named Metcalfe on the return, though he was elected at the polls. Frost contested the election, and here is the testimony taken in that contest. It is found in House of Representatives Miscellaneous Document, 2d session, 45th Congress, 1877–78, volume 4, page 317. Mr. Barnard was put upon the stand; he was asked this question:

"Question. You had great influence with General Grant about that time, I believe?

"Answer. That I cannot say. General Grant and myself had been acquaintances for 30-odd years.

"Question. And great personal friends?

"Answer. I think so, sir.

"Question. What did Mr. Leffingwell say to you?"

(Objected to as irrelevant.)

"Question. What was the nature of Mr. Leffingwell's dilemma?"

(Objected to as irrelevant and immaterial to this issue.)

"Answer. Well, Mr. Leffingwell had been engaged in the real estate business here for years, and a good many of his friends whom he had done business for had rather influenced him that Mr. Tilden would be the President, and if he puts this law, which he was instructed to in force that he would make enemies and he would get out of office, and his business would be injured by it. A committee composed of a number of very prominent Democrats waited on him, and after an interview he promised to give them an answer the next day.

"Question. What was the nature of the interview, right there?

"Answer. In reference to enforcing the law.

"Question. Were they protesting against it?

"Answer. Yes, so I understood. I had a desk in the office, and I had overheard the conversation.

"Question. You stated he would give them an answer.

"Answer. An answer at 11 o'clock.

"Question. He said he would give them an answer the next day?

"Answer. Yes sir.

"Question. Did they call the next day?

"Answer. They did; a portion of them called and he turned them over to me.

"Question. What took place after the conversation that you had on the first day about this protesting committee?

"Answer. Mr. Leffingwell and myself lived at Kirkwood, and on the train going there that evening he told me that he was in a great deal of trouble, and he did not know what to do. During the evening he said he did not know what he should do, and I said, 'He had got his orders and instructions?' 'Yes.' 'Well, you certainly will carry them out.' He did not know. The next morning early, quite early, he sent for me and told me he was in a good deal of trouble and did not know what to do. I was somewhat amused at his position, and said to him after there was quite a conversation. I told him, 'Leffingwell, have I had anything to do with your appointment as marshal?' "

"Question. He stated to you?

"Answer. Yes. 'And you have got instructions from the Attorney General to enforce the laws of the United States?' 'Yes.' 'Yes.' 'And you refuse to do it?' He hesitated. 'Yes,' he said, he did not know what he should do; he never was in such a position in his life. 'I then was influential in making you a marshal?' 'Yes.' 'And if you do not execute your orders I will see that you are not marshal much longer. The man that makes can unmake.' Then he said to me, 'What am I to do?' I said to him, 'I can relieve you of that dilemma. Give me control of those marshals'; and he says 'I will do it.'

"Question. Well, did he do it?

"Answer. I think so, sir.

"Question. Well, what did you proceed to do then?"

Mr. Barnard goes on to state that he himself took the authority away from the chief marshal and appointed 1,028 deputies, organized them into regiments, battalions, and companies; the captains reported to the majors, the majors to the colonels, and the colonels to him, and he reported to the Attorney General of the United States. They put the city of St. Louis under a military organization under this law.

Now, Mr. Barnard under this authority from the Attorney General, * * * which had no foundation except the necessities of the Republican Party, proceeded to carry those elections. Mr. Barnard testifies that he disfranchised 5,700 voters; he took the registration lists and struck off 5,700 names; and amongst them were some of the most reputable and oldest citizens of St. Louis, men who had fought the Indians for sover-

eignty over their territory, men who had blazed the pathway of civilization with the ax in one hand and the rifle in the other. They were arrested on the morning of the election by these military deputy marshals, and terror seized the whole community. Many Democrats refused to go near the polls. Conservative businessmen remained at home during the entire day. Three Republican Congressmen were brought to the House of Representatives under that proceeding from three Democratic districts in my State.

It was charged here yesterday by the Senator from Delaware (Mr. Gray) and the Senator from Illinois (Mr. Palmer) that this law was enacted for political purposes and not in the interest of fair suffrage and the purity of the suffrage. Let us see what was the object, according to Mr. Barnard's own testimony. He is asked further:

"Question. Was there any more danger for the commission of frauds and for disturbance at this election than there was at previous elections?

"Answer. Oh, well, all our large communities had become very corrupt in the exercise of the elective franchise, and it was thought essential to the protection of voters.

"Question. Independently of political consideration, was there any more necessity for the appointment of marshals at that election than any previous election?"

Objected to on the ground that there can be nothing connected with the election independent of political associations.

"Question. In order to be precise, I will say, independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?

"Answer. Oh, well, you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the coordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with to regain control of the House of Representatives."

There was no pretense that there was any disturbance in the city of St. Louis. There was nothing but absolute peace and tranquillity. Mr. Barnard, as he himself swears, received his orders in Washington from the Attorney General to carry those three election districts under the election law, and that he went out to St. Louis and achieved the purpose, and then he had the hardihood to avow it when a sworn witness upon the stand. The conspiracy was successful. Fifty-seven hundred men were disfranchised. Hundreds were arrested on the morning of the election. It was an ex parte proceeding.

Mr. President, this man Barnard called from the purlieus and dens of vice throughout the great city of St. Louis every reckless and characterless mercenary who for $5 a day would take his marshal's badge and arrest men at the polls. There were appointed at $5 a day 1,028 men without responsibility, without character, willing for this pitiful sum to strike down the liberties of any man, no matter how old, how respectable, how influential. It cost the people of the United States $21,000 to consummate that infamy. The bill was made out, and Barnard, following the conspiracy to its end, came back to report to his masters, with Henry T. Mudd, a deputy marshal, with him, and here is the account of his interview with Taft:

"Question. You think those marshals did very good service in the congressional election, do you not, Mr. Barnard?

"Answer. When I went to Washington with Mr. Mudd, who was chief deputy marshal for the settlement of this account, Mr. Taft asked Mr. Mudd how many marshals he had.

"Mr. Shields. Taft, the Attorney General?

"Answer. The Attorney General * * * Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me and said I had charge of the marshals; and he turned to me, and I said, '1,028.' The old gentleman wheels around in his chair and says, 'Were there no others out in Missouri you could have made marshals?' Says I, 'Mr. Taft, we went in to win and if it had been necessary to have had a posse comitatus—I think that is what you call it, and every other man over 15 years of age should have seen a fair election,' and he said, 'You bring a good deal of sugar in your spade.'"

And he signed the voucher.

But going back to the episode, which I neglected to name, there was one precinct in that great city in which the Democrats, notwithstanding all this fraud and force, secured a majority—precinct No. 71, well known in the political history of my State. Barnard found it had gone Democratic, and our returning board, composed of the county judge and the county clerk and another State officer, under the statutes of Missouri, met the next day or the day afterwards, the second day, to count the votes and make the return. Barnard, booted and spurred and armed, with an armed deputy marshal at his heels, went into the room in the courthouse where the State returning board, under our law, met. He said, "I understand you are about to count precinct No. 71." Mr. Garesche, the county clerk, said, "What right have you in here, sir; this is a State board." And he ordered him out of the office. Barnard said, "I am under Federal authority, and if you dare to count the vote in that precinct I will put every one of you in jail before night." He swears that he did so, and Garesche then again told him that he must leave the office, and a personal difficulty was averted by pushing Barnard out of the door.

These facts are beyond any sort of controversy. They happened in my own State. They are recited here in a document printed by the Congress of the United States, and everything I have said is substantiated upon the sworn testimony of these men.

Missouri's eloquent and colorful Congressman Champ Clark on October 2, 1893, gave the House of Representatives the following version of that and other outrages which occurred in that State under the election supervisor law:

In 1876 the Republicans thought it was necessary to have three Representatives in Congress elected from the city of St. Louis. There was a United States marshal by the name of Leffingwell, a Republican. I like to embalm his name in the CONGRESSIONAL RECORD, because he had conscience enough to refuse to take charge of the deputy marshals and supervisors to do the dirty work of defrauding American citizens on election day. He would not do it. But one W. D. W. Barnard, a man who claimed that he had made Leffingwell marshal, said, "Well, you need not bother about that, I will do it myself," and he did it with a vengeance and to his lasting infamy. They returned three Representatives as elected. Now, how many deputy marshals do you suppose it took to elect three Republican Congressmen? It took 1,028 deputy marshals besides the supervisors.

When the marshal's report was referred to Attorney General Taft, he said, "Mr. Marshal, how many deputies had you?" The latter answered, "I had 1,028." Mr. Taft inquired in amazement, "Were there no more men in Missouri you could have made marshals also?" How much do you suppose it cost the taxpayers? Twenty-odd thousand dollars. When that bill was presented to Mr. Taft it sort of stunned him, but finally he OK'd it with this suggestive, statesmanlike remarks, "Well, you bring a great deal of sugar in your spade." What sugar was it? Three Republican Members of Congress.

Thus was accomplished another victory for purity and reform, as those virtues are regarded by the Republican leaders.

In order to secure a majority on the face of the returns for the three Republican congressional candidates, Mr. Bernard and his minions arrested and held in custody until the polls closed, thereby preventing them from voting the Democratic ticket, several hundred honorable citizens, who were as well known in St. Louis as we are in the towns in which we live. After the polls closed, they were released and no charges of any sort were ever preferred against them. They had been humiliated and insulted by arrest and defrauded of their suffrages, which was the greatest desideratum of Barnard and his masters.

These outrages against justice, decency, and liberty, were committed under and by virtue of these laws which we are commanded to repeal by an overwhelming majority of the American people.

In 1888, by colonizing illegal voters on a large scale, by unblushing bribery, and by the employment of an army of deputy marshals and supervisors, three Republicans were returned as elected from St. Louis to the 51st Congress. This was accomplished through the machinations and manipulations of one Chauncy Ives Filley, whom so high a Republican authority as the Globe-Democrat has pronounced to be "the grand pastmaster boodler."

That trio of St. Louis Republican Congressmen sent hither through fraud, corruption, and intimidation, made the 51st Congress Republican by two majority, a calamity from whose baleful effects the country still suffers.

One reason that impelled the Democratic legislature to enact their Australian system of voting was the high-handed performances of the Republicans in 1888. I will give you one example. At Crystal City, where a great quantity of plate glass is made, the managers were so thoroughly determined to defeat Martin L. Clardy for Congress because he would not do their bidding here that they prepared the ballots for their employees and, fearing they might change them while en route to the polls, compelled them to march to the voting place holding the prepared ballots above their heads in plain view of the bosses, on pain of being discharged from employment if they refused.

The Democratic legislature determined to put an end to such infamous proceedings, and they did so far as in them lay, and would have succeeded completely but for the intimidation of voters by deputy marshals and supervisors.

At all of these three elections, in 1876, in 1888, and in 1892—in fact, in all elections, but in these three particularly—the deputy marshals, by preconcerted arrangements, willfully, premeditatedly, and of their malice aforethought, entered upon a systematic course of arresting Democrats and holding them till after the polls closed, and then discharging them without even a semblance of prosecution. Hundreds of prominent businessmen were thus maltreated—men who were in St. Louis while the red Indians still paddled their canoes on the Mississippi. Such outrages burned themselves into the minds and hearts of the people.

Another able Democratic Senator of the period—Senator James Henderson Berry of Arkansas—told the Senate about the abuses in his State. As found on pages 383–384 of the CONGRESSIONAL RECORD of December 19, 1893, this is what he said:

Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against

any party in any of the States of the South, but from 1868, to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well-known facts and hurling charges of wrongdoing at their political opponents.

When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas largely outnumbered the blacks, and the great and overwhelming majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

When the people protested military forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has since he has held the office of chief supervisor used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and notwithstanding it was a Republican judge and district attorney, and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended, and where the result was in no way changed, and as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

Just preceding the election of 1890 a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to freighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress.

Representative Hugh Anderson Dinsmore of Arkansas elaborated on the machinations of McClure in his address before the House of Representatives on October 2, 1893. The following is an excerpt from his remarks on that occasion:

Let it not be forgotten that these officers are appointed for the purpose of preventing fraud and bringing about a fair and pure election. Yet, sir, in the State of Arkansas the Republican Party has selected, constituted, and appointed as the chief supervisor for the control and direction of all the other supervisors, as the man best fitted and most suitable for the performance of this sacred work, one John McClure, known throughout the State, and beyond its confines, by the name of Poker Jack, who, in Reconstruction, was made, without the will of the people whose rights he was to take in his hands, chief justice of the supreme court—God save the mark—and who, while holding this position is said to have boasted that he had never yet seen the case in which he could not render as good a decision on one side as on the other.

A man who was in at the birth of rascality in elections, and all other political iniquities in the State of Arkansas, where his name is a synonym for all that is ignoble, immoral, and objectionable. And this man in the performance of his supposed duties has had various and divers good citizens of the country, without any foundation whatever, arrested and brought before the courts and harassed with prosecutions for which there was not the slightest ground and which had to be dismissed by the prosecutor without a trial. He has dragged from different parts of the State peaceful and law-abiding citizens to attend the courts and sacrifice their time and means waiting to appear as witnesses in cases where there was no reason to believe there would ever be any necessity for their presence.

And this man, Mr. Speaker, while he was holding the high and dignified office of chief justice of the State of Arkansas, was at the same time chairman of the Republican executive committee of the State. Not only so, but while chief justice and chairman of the Republican executive committee he was editor in chief and had his name at the head of a partisan political paper in the city of Little Rock which was receiving the public printing from the State. In the archives of this Government, in a report made to the House of Representatives, will be found a record where he himself admits under oath these facts which I have stated. Now, is not that a beautiful agent to select to preserve the purity of the ballot?

As a compensation for his supposed services he sent up his accounts to the Federal Government which are stated in a letter which I have received from the Treasury Department, and which by permission of the House I will read * * *. It is true that this is but a small demand in comparison with that which has been shown to have gone up from the State of New York; but of this sum of more than $6,000, which he stated was due him on this account, Republican officials of the Treasury Department, who are not supposed to be niggardly in paying out the money of their country nor oversensitive as to the character of the service rendered, could not find it in their conscience to approve, but reduced the amount $5,418.65, or to $618.30. Is it any wonder, Mr. Speaker, that our people, under these conditions, have grown weary and sick of this law? Is it surprising that they should resent the insult conveyed in its very enactment and existence, when, under a sham and hypocritical pretense of a desire for fair elections, the law has been administered in such a spirit and by such agents?

One of our most respected Georgia statesmen of the last century—Congressman Thomas Graves Lawson—dealt with conditions in Ohio in his address before the House of Representatives on September 27, 1893. Taken from pages 1858–1859 of the CONGRESSIONAL RECORD of that date, here is what he related:

Mr. Speaker, I read from a report made to this House in March 1885, by the distinguished Member from Illinois, Mr. Springer, in the investigation of Lot Wright, U.S. marshal, and here is the indictment against him which I am obliged to read in order to show the pertinency of the report on the subject. A friend was kind enough to hand me the report this morning. Hon. John F. Follett, a Representative from the State of Ohio, introduced the following preamble and resolution:

"I do impeach Lot Wright, U.S. marshal of the southern district of Ohio, of high crimes and misdemeanors. I charge him with usurpation of power in violation of law:

"In that he appointed a large number of general and special deputy marshals to serve at the several voting precincts in the city of Cincinnati, in the State of Ohio, at an election for members of Congress, held in said city on the 14th day of October, A.D. 1884, and armed said deputy marshals with pistols and other deadly weapons, said to have been furnished by the War Department of the U.S. Government.

"In that a large number of the deputy marshals so appointed and armed were notorious criminals, and men of known vicious and brutal habits and reputation, and many of them nonresidents of said city of Cincinnati and State of Ohio.

"In that the said deputy marshals, acting under his orders and directions, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and gross outrages upon the elective franchise, and the rights of the honest voters of said city, in furtherance of the interests of a political party and its candidates: Therefore

"*Resolved*, That the Committee on Expenditures in the Department of Justice be required and directed, as soon as the same can be reasonably done, to investigate such charges and report to this House."

I will now read so much of the report of the committee as is to the point. They investigated and made their report, the evidence taken amounting to more than 600 pages. Listen to the report:

"From the testimony taken by your committee it will appear:

"That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation.

"That they were appointed as Republican partisans and political workers, and in most cases prostituted their official position to partisan ends.

"That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican Party.

"That many of such deputy marshals so appointed and armed were notorious criminals and men of known vicious and brutal habits, and many of them were nonresidents of the State of Ohio.

"That many of said deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters."

From the evidence before the committee it appears that 1,600 deputy marshals were appointed, and God only knows how many more would have been appointed if the blank commissions had not given out, as the marshal

testifies they did. The pistols used were what is known as English bulldog revolvers of .44 caliber. I do not know what kind of a weapon it is myself, but a gentleman informs me that one of these identical weapons is in possession of Colonel Hill, deputy sergeant-at-arms, and I have no doubt that he will take pleasure in exhibiting it to any gentleman who may be curious to see it.

There were rioting, bloodshed, and murder at the election. There were armed deputy marshals from many States in this Union, while the law under which they were proceeding to act in order to insure an honest election and a fair count required that the deputy marshals should be qualified voters of the precinct where they were employed. It is true that they were from Colorado, Texas, Missouri, Illinois, Kentucky, New York, New Mexico, and many other parts of this country. To show their respectability and capacity for controlling the people of that large city for 1 day, one witness, a partner in law with Governor Hoadley, describes a considerable number that he saw there:

"They were not respectable colored men, such as I have seen about Cincinnati, but looked like roustabouts, dressed in all sorts of costumes; coats nearly off their backs, hardly a shirt on; some of them without shirts, the dirtiest looking lot I ever saw in my life."

Although there were riots and bloodshed while the polls were thus guarded, at the presidential election, which came off 3 weeks later, there were no deputy marshals, and the election was conducted quietly and peacefully. The election in that single city cost the government $14,800, with no good results, except to give the city of Cincinnati "a free ballot and a fair count."

If there is any better evidence than this that great abuses and outrages arise under the administration of these laws by partisans and for partisan effect (and they will never be otherwise used), I hope that some gentleman will produce it. If they have a redeeming feature it has escaped my search. They are, I presume, abused in every instance that they are used. The medicine is a great deal worse than the disease. I would not lodge such power in the hands of any party; not in the hands of the Democratic Party as intense as is my loyalty to it.

Representative James Alexander Dudley Richards, of Ohio, also touched on the subject of Marshal Lot Wright and the abuses which occurred under his administration of the law in Cincinnati. As found in page 2001 of the CONGRESSIONAL RECORD of September 30, 1893, he declared:

On a parallel with this was the conduct of Lot Wright in Cincinnati, Ohio, the vile proceedings of whom are sufficient to condemn any party which will put it into the power of any man to commit such iniquity. Gangs of the most infamous of Negroes were made kings for the day, to lord it over respectable and intelligent citizens. Riot, bloodshed, and disorder reigned supreme, disgraceful to the city and to the country, and all under an attempt to promote the success of the Republican Party under the guise of endeavoring to preserve the purity of the election.

There is no more thorough or persuasive argument against measures of the character of the pending Rogers-Davenport Reconstruction Act than the text of Report No. 18 of the House of Representatives of the 1st session, 53d Congress. It is the report of the Committee on Election of President and Vice President accompanying the bill to repeal Davenport's Law. Written by Virginia's eloquent Representative Henry St. George Tucker and presented to the House of Representatives on September 20, 1893, it reads in part as follows:

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in Report No. 1882, part second, page 5, first session of the 51st Congress, as follows:

The power is sought in the fourth section of article 1 of the Constitution, which is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that the times, places, and manner of holding elections, etc., is primarily confided to the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might someday waiver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people in this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia on the 26th of June, 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable

clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the "Federalist" Mr. Hamilton discusses this subject and says:

"They (the Convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his Commentaries on the Constitution, volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether." (Madison Papers, vol. 3, 1282.)

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what extraordinary circumstances, what extreme necessity, what urgent exigency exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

Mr. THURMOND. Mr. President, will the distinguished Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. TALMADGE. I yield.

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able and distinguished Senator from Georgia for the magnificent address he is making. The Senator from Georgia was a very able Governor of that great State, and he is a profound constitutional lawyer. The address he is making here in the Senate is a splendid contribution to the cause of constitutional government in these United States.

Mr. TALMADGE. Mr. President, I am deeply grateful to my learned and distinguished friend, the junior Senator from South Carolina, for his extremely generous personal references.

The Senator from South Carolina himself has been a very able judge. He had an outstanding war record. He has been highly decorated. He served as president of the Reserve Officers Association of the United States. He made an outstanding Governor of his State, and he is a great U.S. Senator.

When such generous personal references come from so distinguished and outstanding a man, I am deeply grateful.

I continue to read:

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold*, 8 Wall., 614, Chief Justice Chase, in defining these words, says, "the words 'necessary and proper' were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.' "

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors, and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Represent-

atives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they can not be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

Representative Tucker, who presented the report I have just read, led the successful effort to repeal Davenport's law in the House of Representatives. No speech ever delivered from the floor of Congress approaches the heights of masterful eloquence which he achieved. His wise words of more than half a century ago are as appropriate today in the light of the pending measure as they were then.

I quote from his conclusions—as found on pages 1808–1811 of the CONGRESSIONAL RECORD of September 26, 1893—and commend them for the careful consideration of my colleagues:

He declared:

If these laws are wrong in principle they are certainly wrong in practice. From one end of the country to the other a sentiment has grown from day to day and year to year in favor of their ultimate repeal. They are founded upon a false principle. They have nothing but partisanship to sustain them, and they have become an eyesore to the whole country. Under their operations human liberty has been trampled upon, human rights have suffered, and human beings unjustly punished. The merciless exactions of the chief supervisors in the great cities have added additional horrors to the law.

Men have been torn from their families and brought to trial with no ground of action except the desire to deprive them of the right of suffrage. To continue such laws longer would be an insult to the intelligence of the people. "Davenportism" has become a byword and a word of reproach throughout the land. The atrocities of the Duke of Alva do not exceed the crimes against liberty which have been committed under these laws in the State of New York and elsewhere. The voices of those who have passed away within the past 20 years, who have suffered by imprisonment, privation, and ultimate death at the hands of this despot cry out to us for vengeance.

No trophy has been too large for his greed and no victims too low for his rapacity. The scholar, the divine, the hoodlum, all alike share his vengeance; but we can well imagine that when the free citizens of this country were in common suffering the unjust penalties of these laws, the statement of the prelate of old amid the tortures of the stake was often heard:

"Be of good cheer, brother; we shall this day kindle such a torch in England as I trust in God shall never be extinguished."

And, Mr. Speaker, the day has come, and now is, when we, responding to that cry of the freemen of the country, will wipe from the statute books the last remnant of these laws, and if the blood of the martyr is the seed of the church, then

"Each single wreck in the warpath of might
Shall yet be a rock in the temple of right."

Davenportism.

I hold in my hand a statement of the accounts of this man, taken from the files of the Treasury Department. This statement shows that from March 4, 1889, to March 4, 1893, he drew from the Treasury of the United States, as supervisor and commissioner of the circuit court, fees amounting to the neat sum of $145,591.81. This paper shows another fact. It shows that from March 4, 1885, to March 4, 1889, when Grover Cleveland was President of these United States and John I. Davenport was chief supervisor of New York, not an account was presented by him for payment. It shows, however, that although no account was presented during Mr. Cleveland's former administration ending on March 4, 1889, yet on April 11, 1889, 1 short month after President Harrison came in, Mr. Davenport put in an account of $3,000-odd, covering his services from August 1 to November 10, 1888, a period when Mr. Cleveland was President.

It shows another remarkable fact; namely, that on the 1st of June 1889, 2 months later, he put in an account of over $2,000 for services in the November election of 1885. It shows further that on the 15th of June 1889—for his appetite was being whetted—he put in another account for services in the November election of 1886, during Mr. Cleveland's first administration, of $23,000. Those "services" were rendered while Mr. Cleveland was President. Again, on October 30, 1889, he put in another account covering the time to the 6th of November 1888, amounting to only $31,000. Then on January 31, 1893, just before Mr. Harrison went out of office, he put in a little account of $3,000, and on February 24, 1893, 10 days before the expiration of Mr. Harrison's term, he put in and had allowed an account of $31,000.

Why, Mr. Speaker, here is a man who draws from the Treasury of the United States nearly a hundred thousand dollars for services which he claims were rendered while Mr. Cleveland was President, yet he had not the manhood to present his accounts to Mr. Cleveland's administration, but waited until that administration had come to an end, and then handed over these accounts to the Harrison administration, and had them allowed. Truly, truly, "the ox knoweth his owner, and the ass his master's crib."

Mr. Speaker, I say to the gentleman who asks me what these facts have to do with the question of the rightfulness or the wrongfulness of these laws, that they show one of two things—either that this man Davenport, who has a life tenure, should be abolished because he is a corrupt man, or else that the laws are so corrupt and so difficult to execute that they make even as pure a man as Davenport commit these outrages.

Mr. Speaker, I can only say, in closing, about this gentleman, that his character as an officer may be summed up in the following:

"Too cautious or too sly to feign
A love he never cherished,
Beyond the bounds of office gained
His patriotism perished,

"While others hail in distant skies
The glories of the Union
He only sees its glory shine
Through this (holding up the account)
and many hundreds."

Mr. Speaker, I object to these laws for another reason. The true policy on the part of this Government toward the State governments should be to have perfect confidence existing between the two. One of the chief reasons of my objection to these laws is that they show a lack of confidence on the part of the Federal Government toward the State

governments. On their face they amount to a charge of distrust—a charge that the Government of the United States cannot trust the people of the country; and I tell you, Mr. Speaker, that no country will long flourish where such a state of things as that exists.

Where there is distrust and suspicion written upon the laws of the country toward the people, you are going to find that it will react against the government which indulges in it. Put the election of Representatives into the hands of the States, where the Constitution intended it should be put; wipe from the statute books these laws that cause jealousy and friction all the time among the people, and you will find there will arise throughout the country an increased love and increased patriotism among the people such as we have not experienced in the country for the last 30 years.

Why, Mr. Speaker, this matter of trust and confidence is not to be despised. If you bring up your child with the understanding that he is to be watched and guarded and scrutinized through life—that you are a detective upon his movements, with your eyes suspiciously upon him all the time—let me tell you that when he grows to manhood he will not be able to look you in the face. If you want to bring up and encourage a nation of sneaks, let it be understood that the Government which the people are expected to love, honor, and revere is a detective on their track. I do not believe in that principle.

The public press of the country has declared that this bill proposes to wipe out the 15th amendment to the Constitution; that the object of the bill is to do away with this amendment. It is not so. There is not a statute among those sought to be repealed that touches in the slightest degree the 15th amendment except one. The object of the committee was clear. We recognize this amendment as part of the organic law of this country, and we bear full allegiance to it.

But these laws which we seek to repeal have no such purpose. The only provision that bears on the 15th amendment in section 2010, which refers to a contest for a State office, not a Federal office, where a man has lost the office by reason of the denial of the right of suffrage on account of race, color, or previous condition. We eliminate that, because the statute gives the right of action to the Federal court instead of to the State court, whose office is sought to be recovered. Of course if the contest proceeds under the State courts, and the question arises as to whether a man has been deprived of his right under the 15th amendment, the appeal is had as a matter of right to the Federal court.

These laws ought to be repealed, Mr. Speaker, because they seek to take away from the State, that alone can bestow suffrage on the citizen, the power of determining the right to vote; they ought to be repealed, because they have been the subject of collisions and jealousies and unnecessary clashing of authorities since their enactment; they ought to be repealed, sir, because they are Reconstruction measures, the unhappy reminders of a period in our history forever gone, except from the memory of the people; they ought to be repealed, because the States are as much interested in seeing that their Representatives are properly elected as the Federal Government can possibly be.

Sir, I want to say to our friends on the other side that there is no doubt about the repeal of these laws. They are going to be repealed. We are sorry that there should be any objection from the other side of the House. We are sorry that our friends thought it necessary to filibuster for a week before this bill could even be reported to the House; but they are going to be wiped away, because they are the lingering evidence of a past unhappy era in our history. We belong now to that generation which has gotten away from the old unpleasantness, and is looking no longer to the dead past, but to the future. We want to obliterate from the statute books every evidence of that fratricidal strife, so that the hardships which those days entailed upon us may be forgotten, that we may go forward as a band of brothers in the development of the constitutional history of our country and the constitutional development of our people.

I belong to a party that is not a sectional party—that knows no North, no South, no East, no West. It is you who have reared a sectional party in this country; you have lived upon it for the past 30 years; your laws have been based on sectionalism; you have ruthlessly taxed one set of people for the benefit of another; you have violated the pledges of the fathers; you have overridden the Constitution; you have denied the right of habeas corpus to the people in time of peace; you have in times and ways without number shown to the people of the country that you are unworthy of confidence, and therefore, on the 6th of November last, the triumphant democracy assumed its rightful place in the control of the Government, pledged to redeem their promises to the people, and we are here today to begin that good work and carry it on until it is finally and fully achieved.

Mr. President, the American people have a right to expect better of this Senate and this 86th Congress than the reenactment of an unworkable law of doubtful constitutionality which brought the United States and its democratic processes to the brink of chaos last century.

I know of no patriotic American who values his freedom who does not favor the full and unfettered right to vote by every qualified citizen. That is the position of the people of my State of Georgia and I certainly believe it to be the position of all the people of all the other 49 States.

But I do not believe it to be the wish of the people of any State that the control of election machinery be taken out of their hands on the State and local levels of the Nation.

Mr. President, it always has been my strongly held conviction that the cherished processes of freedom inherent in our republican form of government are best served and perpetuated through the widest possible exercise by all qualified citizens of the right to vote consistent with the best interests of society.

While I feel that there should be reasonable safeguards against abuse of that right, it is my view that those restrictions should be held to the absolute minimum necessary to protect society from exploitation at the hands of those few individuals who have proved themselves to be intellectually and morally incapable of recognizing and exercising the restraints and responsibilities of good citizenship.

I am proud to be able to say to this Senate, Mr. President, that my State of Georgia has not been found wanting in this regard.

I cite as my authority for that statement not only my personal knowledge of the situation but also the assertion by the Chairman of the Commission on Civil Rights, Dr. John A. Hannah, in testimony before a House appropriations subcommittee on April 30 of last year that—and I quote—"The voting situation in Georgia is pretty good and getting much better."

In Georgia, Mr. President, all qualified citizens—regardless of their race, color, creed, or sex—are freely exercising their right to vote.

At last count the State of Georgia had more than 160,000 colored voters and present estimates place that number in the neighborhood of 175,000 and still growing.

We have several counties in our State in which more colored than white citizens are registered to vote.

In two of our cities colored candidates have been elected to municipal office and in at least two recent instances the colored vote proved to be the margin of victory in municipal elections.

While there have been a very few isolated instances of citizens who have gone to court to contest the decisions of registrars in their cases, I do not know of a single instance in which anyone who possessed the qualifications required by State law has not received redress in the courts.

Human beings being the imperfect creatures they are, there always will be instances of citizens who feel that they have not been accorded their full rights under the law. But I challenge anyone to cite a single instance in which any person possessing the qualifications required by the law of his State and claiming infringement of his right to vote has not received ultimate redress when taking his case into the courts.

Mr. President, in the light of the facts, I think it goes without saying that the State of Georgia need apologize to no one for its record in assuring all of its qualified citizens the free exercise of their right to vote.

Mr. President, I also would like to point out to the Senate that Georgia was the first State in the Nation to lower its voting age to 18.

Our experience over the past 15 years in that regard demonstrates conclusively that our teenaged citizens exercise their right of franchise conscientiously and intelligently and have proved themselves to the satisfaction of the most doubtful that they are responsible participants in the processes of government which they are required by law to defend in the armed services of our country.

Georgians are proud, Mr. President, of our teenaged voters.

I would also call attention to the fact that with the ratification of our new State constitution in 1945, the State of Georgia eliminated the payment of the poll tax as a requirement for voting. I might add that it has worked well, and we have had no reason to regret the change.

However, Mr. President, let me emphasize that the people of the State of Georgia would not presume to advocate or recommend that other States should do as it has done in lowering the voting age or in eliminating the poll tax.

Georgians believe the Constitution of the United States means what it says when it reserves to the individual States the matter of determining voter qualifications and they would be vigorously

opposed to any attempt by Congress to legislate in this field in the absence of clear authority to do so obtained through the amendatory process.

Georgians feel that the question of voter qualifications is one which addresses itself solely to the citizens of each State and their elected representatives acting in their behalf.

While the payment of poll, or capitation, taxes as a prerequisite for voting is an academic issue in Georgia, Mr. President, it is my strong conviction that the decision to terminate it should come from within each State concerned.

It is to the credit of this Congress that it has recognized that a proposed constitutional amendment is the only constitutional vehicle through which it can act on the subject.

But, feeling as I do that the issue should be determined by each State individually, I could not in good conscience support the proposed amendment when it was before the Senate recently.

I had hoped, however, Mr. President, that the consideration of that question in the form of a constitutional amendment would have served as a precedent for any other action by Congress in the field of voting. I am saddened that my hope in that regard has not been borne out.

Mr. President, there already exist three more-than-adequate remedies at Federal law for any citizen who feels that he has been denied the right to vote.

First, there are civil remedies whereby the individual may go into Federal court and obtain an injunction and collect damages.

Second, there are criminal remedies whereby prosecution resulting in fine, imprisonment or both upon conviction may be initiated against any person who has deprived another of his right to vote.

And third, there is the Civil Rights Act of 1957 whereby any citizen may engage the services of the Attorney General of the United States as his taxpaid lawyer to seek enforcement of his right to vote in the Federal courts.

Mr. President, I asked the Library of Congress to compile for me a list of the then-existing Federal laws protecting the right to vote. I have already asked unanimous consent and have received permission to print that information in the RECORD during the colloquy with the able and distinguished senior Senator from New York [Mr. JAVITS]. That insertion clearly shows that, together with the Civil Rights Act of 1957, any citizen who feels he has been wrongly, erroneously, or illegally denied the right to vote has clear and adequate remedies in at least three specific instances—two of them being civil in nature, under which he may secure damages and receive equitable relief, and the other being criminal in nature.

Mr. President, the Civil Rights Act of 1957 for the first time in the history of the United States guarantees to one class of citizens the so-called right to be represented by the Attorney General of the United States as their taxpaid lawyer and, indeed, if the Attorney General sees fit to do so, the Attorney General may bring the suit in the name of the United States of America—yes, he may bring the suit even over the objection of the person he purports to be representing.

Mr. President, since it can be established as a matter of record that there already exists adequate Federal law to protect the right to vote and that the pending proposal was modeled after one of the infamous Reconstruction acts, I think the American people are entitled to ask Attorney General Rogers why he feels the country needs a Rogers-Davenport Reconstruction act.

It is interesting to note that this same Attorney General Rogers is the man who has preached both before and since assuming the office he now holds about congested dockets in the Federal courts and the need for more Federal judges to cope with the situation.

Mr. President, it is difficult to understand why, if the dockets of our Federal courts are as congested as Mr. Rogers contends, he would want to increase the burden by forcing Federal courts to assume receivership of State and local election machinery.

Is it possible, Mr. President, that the congestion is not as great as Mr. Rogers would have us believe, but rather that he wants to see judges recommended by him put on the Federal benches of the land to administer such a law?

And, Mr. President, since most of the so-called congestion in Federal courts apparently exists in the large cities of the North, is it not possible that Mr. Rogers wants election referees appointed by Federal judges recommended by him to assure that the closely divided vote in pivotal metropolitan areas goes to the Republicans rather than to the Democrats?

Could it be, Mr. President, that the Attorney General of the United States is looking at this scheme through the eyes of a potential candidate for Vice President?

Could it be, Mr. President, that the Attorney General of the United States is laying the groundwork for a revival of "Davenportism" on a national scale with himself both appointing the judges who name the election referees and then prosecuting before those same judges the cases their referees make?

Mr. President, on the basis of the facts at hand, it is impossible to accept at face value Mr. Rogers' pious contention that his only interest is in protecting the right to vote in the South.

Mr. President, I think the Attorney General owes the citizens of this country some frank answers about just exactly what he does have in mind.

Mr. President, after the Attorney General announced that he had revived Davenport's law, I contacted the Honorable Charles J. Bloch of Macon, Ga., one of our Nation's foremost authorities on constitutional law—and asked him to draft for me a memorandum on the legal and constitutional questions raised by Mr. Rogers in his latter-day force bill.

Mr. Bloch has sent me such a presentation. I have studied it carefully and am convinced that it raises unanswerable legal and constitutional objections to the scheme which Mr. Rogers would foist upon the Nation under the guise of protecting the right to vote.

I shall read it to the Senate, but before I do, I should like to say a word about Mr. Bloch. Not only is he a nationally recognized authority on constitutional law, but he also is a scholar of history without peer. He was president of the Georgia Bar Association in 1944–45 and served during my administration as Governor of Georgia as chairman of the Judicial Council of Georgia and a member of the Board of Regents of the University System of Georgia.

He is the author of the widely acclaimed book, "States' Rights—Law of the Land"—which I hope that I shall later have an opportunity to read in full to the Senate before the conclusion of the present debate—and of many excellent articles in the American Bar Association Journal and other prominent legal publications. Suffolk University of Boston, Mass., in awarding him the honorary degree of doctor of jurisprudence last June, paid tribute to him as a "champion of States' rights"—an accolade which no American more richly deserves or has more rightly earned.

He has appeared many times before committees of both the Senate and House and has won commendation and praise for his profound and scholarly arguments from even those who hold an opposite view.

Mr. Bloch has analyzed the Rogers-Davenport Reconstruction Act and these are his conclusions:

Doubtless the drafters of the bill proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather fully in *Ex parte Siebold* (100 U.S. 371, 379–380). Those laws relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress, of a power to pass laws for regulating and superintending said elections.

Those laws were a part of the comprehensive Reconstruction legislation passed after the Civil War. It was repealed by the act of February 8, 1894 (28 Stat. 36), an act which was designed to restore control of election frauds to the States. (Justice Douglas, in *United States* v. *Saylor*, 322 U.S. at pages 390–391).

After that quotation, Justice Douglas alluded to and quotes from the committee report (House Report No. 18, 53d Cong., 1st sess., p. 7) which sponsored the repeal and stated:

"Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union" (325 U.S. 391–392).

Justice Douglas then said:

"This Court now writes into the law what Congress struck out 50 years ago. The Court now restores Federal control in a domain where Congress decided the States should have exclusive jurisdiction. I think if such an intrusion on historic States' rights is to

be made, it should be done by the legislative branch of government" (op. cit. 392).

Justice Douglas was thus championing historic States' rights and complaining so bitterly because the majority of the Court had held that the Federal statute denouncing conspiracy to injure a citizen in the free exercise of any right or privilege secured to him by the Federal Constitution or laws embraced conspiracy by election officers to stuff a ballot box in an election at which a Member of Congress was to be elected.

Now 66 years after Congress decided that this was a domain in which the States should have exclusive jurisdiction, the executive branch of the Government, through the Attorney General, is asking the legislative branch not only to make "such an intrusion on historic States' rights," but to make an even greater intrusion, an intrusion beyond the wildest machinations of Thaddeus Stevens, and Wade, and Butler, and other noted wavers of the bloody shirt.

Why is such an intrusion—such an unwarranted invasion of the rights of the States—requested at this time by the executive branch, of the legislative branch?

Certainly it cannot be that the request is timed so as to be debated, and perhaps enacted during a period immediately preceding the national conventions of the two major political parties.

Certainly it cannot be that the request is made in this election year because those two parties are vying for a vote which has in recent years become concentrated in larger centers of several non-Southern States.

Sixty-six years ago, the Congress solemnly stated that the laws enacted by the States to protect the voter and purify the ballot were working efficiently, satisfactorily and beneficently.

Georgia was one of the States which enacted such statutes. A list of them is attached (see footnote A). When did they cease to work efficiently, satisfactorily and beneficently? If and when they ceased to work efficiently, satisfactorily, and beneficently, was any complaint ever made to any court of Georgia complaining of any lack of efficiency, dissatisfaction, malevolence, fraud or wrongdoing in the administration of Georgia's laws?

Oh, I know that in recent months—the last 4 or 5 years—at the instigation of someone or ones, a few suits have been filed in Federal courts, but has any Negro citizen alleging that he was wrongfully deprived of his right to register, ever appealed from the decision of the board of registrars to the superior court and thence to the court of appeals or Supreme Court? This is not a rhetorical question. I am asking for information. I know of no such case.

If there be one, certainly the efficient legal staff of the Department of Justice, the senior Senator from New York, or of the National Association for the Advancement of Colored People, know of it.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Georgia how any Federal court can ever truthfully find that any State has denied a qualified citizen the right to register for voting until an allegedly qualified citizen has exhausted the administrative remedies set up by the State for the purpose of determining that very question.

Mr. TALMADGE. It is clear that the courts have held time after time that they will not intervene in these matters until all administrative remedies have been exhausted. It is clear why that should be so. To bypass all the administrative officers of the Government would keep the courthouses continuously jammed with litigants who had never tried to have the matters handled administratively.

Mr. ERVIN. So whenever a Federal court, acting under the provision of the act which gives the Attorney General of the United States the very arbitrary power to strike down State statutes and administrative remedies, finds that a qualified citizen has been denied the right to register for voting purposes, without requiring that person to exhaust those remedies, the court is finding something which is essentially not supported by the testimony, and cannot be supported by the testimony. Is that correct?

Mr. TALMADGE. The Senator is entirely correct. Instead of being the judge, he would be a usurper of the power to determine what had occurred in that particular matter, without ever hearing the evidence.

Mr. ERVIN. Is not a procedure of that type about on a par with a court making a decision before it had heard the evidence?

Mr. TALMADGE. That is entirely correct. It would be getting back to the same sort of tyranny which caused our Founding Fathers in the Declaration of Independence to wrest independence from our mother country.

Mr. ERVIN. As a matter of fact, as I stated on the floor the other day, in 1957 the then Attorney General of the United States appeared before the committee considering the civil rights bill and cited three cases in three little precincts in my State, out of a total of 2,200 or 2,300 precincts, as illustrating the necessity for passing an entire law to give the Attorney General the power to supervise all elections held in all precincts of all the States. Although the Attorney General professed to be ignorant of the fact, an investigation by myself showed that the very condition of which he complained had been cleared up by the State Board of Elections of North Carolina within a few days after it had allegedly arisen, and there was no necessity whatever for any legislation on account of that situation, because the alleged wrongs had been redressed by the proper State officials.

Mr. TALMADGE. I would say to the distinguished Senator that perhaps the then Attorney General was a good example of the adage: "There are none so blind as those who refuse to see." I believe that many of our brethren are suffering from the same condition in this case.

Mr. ERVIN. I would also say that the then Attorney General of the United States was more interested in politicking than in the administration of justice, because if he had been concerned about the administration of justice in those three precincts, he would have conducted a further investigation to see whether the alleged denial of rights had persisted.

Mr. TALMADGE. Of course he would have. Instead of enforcing the rights of the litigants, he came to Congress and demanded a law. Before the law was passed he found that the rights had already been enforced.

Mr. ERVIN. Yes.

Mr. TALMADGE. But not through any efforts of the Attorney General. The officials of North Carolina did it. I thank the Senator for his contribution.

Mr. ERVIN. In other words, in that particular case, it was the absolute duty of the then Attorney General of the United States to continue his investigation to ascertain whether the conditions of which he complained had been remedied. If they had not been remedied, it was his duty to do something about it.

Mr. TALMADGE. I am in full accord with the Senator. He abandoned his duty and went about what he considered to be a higher calling—the pursuit of politics.

Mr. ERVIN. The strange thing about it was that he took no testimony about this condition, which he said demanded a change in the whole law of the United States, after the condition which had allegedly arisen had actually been corrected.

Mr. TALMADGE. I would say that the example the Senator points out is typical of the siren call of the zealous advocates of civil rights that we hear on the floor of the Senate, in Congress, and in the executive branch of the Government these days. We know that they are not interested in real civil rights, but rather are interested in the next election.

Mr. ERVIN. Does not the Senator think that the circumstances I have mentioned prove beyond any possibility of doubt that the interest which was to be served was the exploitation of persons for political purposes, rather than the administration of justice?

Mr. TALMADGE. Indeed it was. Any Attorney General who was interested in real civil rights would not have come before Congress and recommended a law which denied the right of jury trial, which is guaranteed, as I recall, in the Constitution of the United States not once but in four separate provisions. The Constitution specifically guarantees the right of jury trial. Yet in the name of civil rights he advocated laws which would deny jury trials to every citizen.

Mr. ERVIN. Will the Senator yield for one more question?

Mr. TALMADGE. Indeed I will.

Mr. ERVIN. Does not the Senator agree with me that the accepted legal definition of a civil right is a right which is enjoyed by all citizens alike?

Mr. TALMADGE. It certainly is.

Mr. ERVIN. Yet these civil rights bills propose to rob some citizens of civil rights under the pretense that it is necessary to do so to confer civil rights on other people.

Mr. TALMADGE. Exactly; and to convey to them the supercivil right to be represented by the Attorney General at the taxpayers' expense. It is a civil right which no other citizen in America enjoys.

I thank the Senator from North Carolina for his able and timely remarks and questions. He has been a tower of strength in this field and a great credit to the State he represents and to the

Senate, to which he lends such charm, honor, and eloquence.

I continue to read from Mr. Block's conclusions:

Let us examine title 42, United States Code, 1971, as amended by the Civil Rights Act of 1957, and see just what the Attorney General is asking the legislative branch of the Government to enact into law in these United States of America—supposed to constitute a constitutional Republic.

In making that examination, let us remember that the portion of the Civil Rights Act of 1957 sought here to be amended was declared unconstitutional by a Federal district judge in Georgia last April (*United States* v. *Raines* (172 F. Supp. 552)). An appeal by the Government was argued before the Supreme Court of the United States, with the Attorney General appearing in person on behalf of the United States in an unprecedented appearance (for him) on January 12, 1960. As this is written, that case has not been decided. If it is affirmed on the basis of the decision of the trial judge, this proposed legislation automatically would fall with it.

Why is the Congress asked to receive and pass on this legislation while the fate of the basic legislation is at issue before the highest court of the land?

As I recall, in all three instances this question has been before the Federal courts in Alabama, Louisiana, and Georgia. Those courts have invalidated the act. The cases are now pending before the Supreme Court for final decision. I do not know what that Court will do. I always approach with fear, trembling, and trepidation any matter before the present Supreme Court for determination, because I know that the preeminent authority one can cite before our Supreme Court at the present time is not the Constitution of the United States, but a book entitled "American Dilemma," written by a Swedish Socialist named Gunnar Myrdal. I do not like to substitute the opinions and predilections of a Swedish Socialist for the Constitution of the United States of America. But I fear that that philosophy might be more persuasive with our present Supreme Court than the Constitution and its precedents.

Is there some sort of a contest or game being played in which rival opponents are the two political parties vying to see which can strike the South the sooner and the harder?

But, to proceed with the examination.

Under title 42, United States Code, section 1971(c), if it should be held valid, whenever any person (whether or not his acts constitute abridgements or denials by a State) has engaged in or is about to engage in acts or practices which would deprive any other person of any right or privilege secured by title 42 United States Code, section 1971(b) or (a), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief.

Section 1971(d) confers jurisdiction on the district courts of the United States of such proceedings.

The Attorney General's bill proposes to add to title 42–1971 a subsection (e) (in lieu of present (e) which would become (f)) authorizing the court in which a proceeding under subsection (c) might have been instituted, in certain events to appoint one or more persons as voting referees.

It is interesting to see that the court may not appoint such persons as referees in just any proceeding which may have been instituted pursuant to subsection (c). The condition precedent to such appointment is that the court must find that under color of law or by State action a person or persons have been deprived on account of race or color of a right or privilege secured by (a) or (b).

Tacitly, the Attorney General here seems to concede the validity of the constitutional attack which has been made, and successfully maintained in a district court on 1971(c) coupled with 1971(a). The present proposed limitation to the proposed further action of the court demonstrates that under (c) as it now stands the Attorney General may institute a suit whether or not the acts or practices complained of constituted abridgements or denials by the State. Tacitly, therefore, there is an admission that the opinion of Judge T. Hoyt Davis is correct, based as it was on *United States* v. *Reese et al.* (92 U.S. 214).

Furthermore, the court may not appoint those persons as voting referees unless the court further finds that the alleged deprivation under color of law or by State action was or is pursuant to a pattern or practice. If the pattern or practice is that of individuals, there is no abridgement or denial by the State and the legislation is not appropriate under the 15th amendment.

What persons may the court appoint as voting referees?

The bill doesn't even provide that the person must be disinterested. It contains no provision for any qualifications either as to ability, training, or residence. An employee of the United States may be appointed. A person absolutely untrained in the law may be appointed. A resident of New York, Illinois, or the District of Columbia may be appointed in a case pending in Georgia.

As will be presently seen, it is the object of this proposed legislation that these voting referees supplant registrars appointed under State law. In Georgia registrars under the State law are required to be upright and intelligent citizens of the county (code 34–301). They must be bipartisan (34–302). They must take an oath, faithfully to perform their duties (34–303).

Federal voting referees are not even required to take an oath, and for all the bill requires, they may be just as ignorant as those whom they might permit to register.

In fact, it does not even require them to be citizens of the United States. Presumably citizens of Patagonia could be appointed as voting referees by every court of the land, to take over the duties of the elected officials of the respective 50 sovereign States.

Let us assume that a proceeding under subsection (c) were filed in the District Court of the United States for the Middle District of Georgia, Americus division, against registrars of Terrell County, and that the court makes the findings required by the proposed bill, and appoints Tom, Dick and Harry as voting referees.

What are those voting referees authorized by the proposed bill to do?

Their first authorization is to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election.

Federal, State, county, or municipal.

Under that language, if a decree were had as to Terrell County Registrars, would the phrase "any person" (from whom application might be received) include a resident of Randolph County, or even Bibb or Fulton or Chatham? Is this language to be used as the basis of creation of a Board of Voting Referees having statewide powers though appointed on the basis of alleged wrong doings in only one county? Don't think these fears are farfetched imaginings. I have observed it solemnly maintained in a Federal court that the word "person" in the statute as it now reads embraces a sovereign State. (*U.S.* v. *State of Alabama* (171 F. Supp. 720, 267 F. 2d 808)).

I have no reason to believe that the phrase "any person" would be limited so as to mean "any person resident of the county involved in the action," particularly in the light of the fact that the quoted language uses the phrase, "any election." "Any election" means what it says. I do not anticipate any voluntary narrowing of its meaning if this legislation should be passed.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. We have already commented on the fact that all of the so-called civil rights bills are abhorrent to the very definition of the term "civil rights." This is an effort to change the legal meaning of the word "person," as it has been virtually uniformly interpreted in all the courts of the United States, from the time the first court sat down to this day, to include something which it has never been construed to include before.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. So we not only have had the Constitution—to use a North Carolina expression—"mummicked up," and our governmental system "mummicked up" and our legal system "mummicked up," but we are also to have our dictionary "mummicked up."

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. And all in the name of civil rights.

Mr. TALMADGE. That is correct; that is the all-inclusive, magic phrase in election years. Whenever politicians seek to win victories, they come forward with, and parade, something in the name of civil rights. But every civil rights bill I have ever read—and I am sure the Senator from North Carolina will agree with me—would destroy more civil rights than it purports to grant to anyone.

The real civil rights are already vested in the Constitution of the United States of America—specifically, in the first nine amendments thereto. They are unalienable to every citizen of the United States of America, white or colored. They are enforceable in the courts—either State or Federal; and they do not depend upon an Attorney General of the United States—be he Brownell, Rogers, or anyone else—in order to be enjoyed by any American citizen. Whenever we have to depend upon an appointive officer for the proper enforcement of constitutional civil rights, we shall be just about ready to put the headstone on the grave of civil rights.

I read further from the memorandum:

The persons so appointed as voting referees would take evidence. Where?

The proposed act does not contain any provision about that.

I read further:

Upon what notice to interested parties?

Nothing about that appears in the proposed act.

I read further:

Under oath?

Nothing about that appears in the proposed act.

I read further:

Would the witnesses giving evidence be subject to cross-examination?

Nothing about that appears in the proposed act.

I read further from the memorandum:

These voting referees would report to the court, findings as to whether such applicants or any of them (1) are qualified to vote at any election, (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election or (b) found by State election officials not qualified to register to vote or to vote at any election.

By the application of what standards will the voting referees determine whether the applicants are qualified to vote?

But nothing about that appears in the proposed act.

I read further:

Must the applicants have the qualifications requisite for electors of the most numerous branch of the State legislature? What age must they have attained?

This report will be reviewed by the court, and the court shall accept the findings unless clearly erroneous. The court shall then enter a supplementary decree which shall specify which persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law.

Bear in mind, this scheme doesn't apply only to Negroes. It applies to white people as well.

Mr. President, although civil rights, as defined by those who favor the enactment of such a measure, are generally considered by them to be basically or primarily those of Negroes, let me remind those who favor the enactment of such a bill that when a similar Reconstruction Act was placed on the statute books, those who favored its enactment had the same idea. However, earlier today—in fact, for almost this entire afternoon—I have reported to the Senate what distinguished Members of the Senate and distinguished Members of the House of Representatives had to say on the floor of the Senate and on the floor of the House of Representatives in 1893 and 1894, when the Congress repealed that law, after the Congress found that swarms of supervisors—as they were called then, instead of referees—had been organized into armies in New York, Chicago, St. Louis, and other areas, for the purpose of intimidating, coercing, and arresting honorable citizens of the country and "stealing" and "rigging" elections in whatever way the supervisors wished, until finally the people rose up in righteous indignation and struck down that Reconstruction Act.

But now, 66 years later, the Attorney General of the United States, led by a parade of zealous politicians, wants to reenact and rewrite the same old statute for the same old purpose.

Mr. President, I read further from the memorandum:

What has any Federal court to do with whether a person is qualified to vote at any election unless he has been deprived of the right on account of his race, color, or previous condition of servitude. The phrase "any election" embraces municipal and State elections as well as congressional elections. The Federal power as to congressional elections is quite different from the Federal power as to elections of State officers.

What Congress may have the power to regulate and what it definitely has not are so intermingled in this bill as to render it totally unconstitutional.

Even if it should be held that subsection (c) of section 1971 of title 42, United States Code is valid, and that in a proceeding instituted pursuant to it there may be a decree granting to the United States of America the preventive relief or injunction sought by it, it would not follow that Congress had the power to grant authority to the court to appoint voting referees to receive applications from any person claiming deprivation of his right to vote, and to empower the court, or judge thereof, then to sit as chairman of a superboard of registrars, issue voting certificates, and punish violations of them.

Even if it be assumed that the proceeding now authorized by subsection (c), if it is valid, constitutes a case or controversy within the meaning of article 3, section 2, clause 1 of the Constitution, Congress has no constitutional power to confer on a Federal district court the hermaphroditic powers it would seek to confer by this bill.

The judicial power extends to the cases described in the said clause, and to controversies to which the United States is a party.

The so-called proceeding which would follow the decree or finding of the court would not be a case or controversy within the meaning of the Constitution. In the first place, it would not even be confined to alleged deprivations committed by the defendants in the case. It would not be confined to adjudicating the rights of those for whose benefit the United States had brought the suit. It would convert the case or controversy into a universal registration proceeding in which there were no named plaintiffs and no named defendants.

Mr. ERVIN. Mr. President, that is a very interesting observation. Under this specific proposal, as I interpret it, after the "referee" was appointed, he would receive applications from persons who claimed that they had been denied the right to register to vote. Then the "referee" would pass on the applications. But there would be no adverse party; and there would be no requirement of notice to anyone; and there would be no opportunity for anyone who might be prepared to deny the accuracy of the allegation to be heard. So how in the world could anyone claim that that would be a judicial proceeding?

Mr. TALMADGE. There would be no witnesses; neither would there be any opportunity for cross-examination.

As I understand it, if there were only one applicant, his application—only one application—would "jet propel" the "referee," so that he could go all over the country, like the locusts of old Egypt, and could hunt up candidates for the voting rolls.

Mr. ERVIN. The Constitution gives the States jurisdiction in cases of this kind; and the process attempted to be dealt with by these proposals belongs to the judicial power of the States.

Mr. TALMADGE. Entirely so; and that has been so ever since the Constitution was ratified in 1789, and even before then.

I read further from the memorandum:

A case is defined as a suit instituted according to the regular course of judicial procedure (*Muskrat* v. *United States*, 219 U.S. 346).

In an ancient volume (2 Dallas 409–10) the rule was announced in 1792:

"Neither the legislative nor the executive branches can constitutionally assign to the judicial any duties, but such as are properly judicial, and to be performed in a judicial manner."

Registration officers are not judicial officers, and the registration of a prospective voter is not a judicial act (*Murphy* v. *Ramsey*, 114 U.S. 15, 37).

The term "controversies," if distinguishable at all from "cases," is so that it is less comprehensive in its nature than the latter, and includes only suits of a civil nature (*Aetna Life Ins. Co.* v. *Haworth*, 300 U.S. 227, 108 ALR 1000).

In *United States* v. *State of Alabama*, 171 F. Supp. 720, affirmed 267 F. 2d 808, it was held that the State of Alabama was not a "person" within the meaning of section 1971 (c) of title 42, and consequently was not a proper party to an action under that section brought by the United States. The case was brought to the Supreme Court of the United States upon petition for certiorari filed by the United States, and granted by the Court. The case is No. 398, October term, 1959. I am advised that it will be heard in March.

This bill seeks an advance and favorable decision of the case by seeking to add at the end of subsection (c):

"When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as a party defendant."

Congress has no constitutional power to enact that.

In the first place, the determination of what acts or practices constitute a deprivation of rights or privileges under the 15th amendment is a judicial and not a legislative function.

In the second place, Congress, in a case such as comprehended by section 1971(c), cannot authorize a suit by the United States against a State of the Union. The 11th amendment forbids it. I realize that the 11th amendment does not prevent the United States from suing a State in a proper case in a proper court. I realize that Congress in some cases has the power to confer on district courts jurisdiction with respect to actions brought by the United States against a State. (*Farnsworth* v. *Sanford*, 115 F. 2d 375, 379; *Ames* v. *Kansas*, 111 U.S. 449; *United States* v. *Louisiana*, 123 U.S. 32.)

But, this power does not exist when the action is a derivative one, one in which, while the name of the United States is used by authority of Congress, the persons allegedly aggrieved are individuals.

To hold otherwise would destroy the 11th amendment.

That case, which originated in Georgia, I believe, motivated adoption of the 11th amendment. Since that time it has been held that a State cannot be sued by an individual.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Louisiana.

Mr. LONG of Louisiana. Some persons attempt to make it appear that

Federal action is necessary when a person who allegedly has been discriminated against has not taken any steps in order to protect his own voting rights. We have had a number of situations in Louisiana in which someone has been challenged on the ground that he has been improperly prevented from being registered. All the person had to do was have three persons who were registered voters simply affirm, by signing a little form in the registrar's office, that they knew the person was a citizen of the State and had been living at the residence described in the registration application. If the fact was otherwise than had been alleged, he could reregister by properly filing the application form.

Oddly enough, in most of these instances about which some persons bitterly complain, there has been no showing that the person made any effort at all to follow the ordinary procedure to have his name reconstituted on the books. Furthermore, the registrar has available in his office a little form that the applicant can sign. If there is any contest about it, a judge is required by law, within 48 hours, to hear the matter, at the expense of the State. It does not cost that voter a cent. If there was no basis for having taken the applicant off the rolls, the judge would require the registrar to put the name of that person back on the rolls. Those procedures have been followed in very, very few instances.

As a matter of fact, in one instance where a large number of persons were challenged, only a single person undertook to follow the ordinary procedure, and the name of the one who did so was returned to the rolls.

Some persons would have us believe that a citizen has no right to challenge the correctness of having the name of another citizen on the rolls. The Senator from Louisiana can recall an election that occurred about 25 years ago in Louisiana in which the very success of the side which won depended on the ability to have canceled from the rolls 20,000 names of alleged voters who did not, in fact, exist. It was simply a matter of advertising in the newspapers to the effect that, "Is this your name? Someone is challenging the fact that there is such a person living at the address given." In most cases, the person would not come into the office, the allegation would appear to be correct, and the name of the person would be taken off the rolls.

Though it would be unfortunate that someone might be improperly challenged as to whether he should be registered, it would be even more unfortunate to have someone steal an election by having 20,000 fake names on the list. These were honest election laws, calculated to assure that the outcome of the election would be based on democratic processes.

We had the Civil Rights Commission come to Louisiana and render a report with a chapter entitled, "Louisiana Roadblock," as though someone was trying to prevent people from having their rights achieved. In that case the Civil Rights Commission ran afoul of the honest election laws. The Commission issued subpenas duces tecum to all the registrars within 250 miles to bring their books to Shreveport, La., so the Commission could look the books over, study them, and decide what questions they wanted to ask.

The difficulty was that the laws of the State would not permit a registrar to take his books away from his office, unless he had a court order to do so. If he did so, he was subject to being fined $500 and put in jail for 6 months. The Commission had no power to issue any such subpena. It was not a court. Congress had given it no such power. All the Commission had to do was to go to the local U.S. attorney in the Federal court and the order would be presented to the registrars. The Commission did not bother to do that. Then the Commission proceeded to complain bitterly that it could not get the books, when the registrar would have been subject to going to jail if he brought them there.

I may point out that the reason for that law was that in some earlier period a registrar who belonged to one political faction, might put the books in his automobile, and when someone would show up to register, the registrar would say, "I am sorry. Unfortunately, I did not bring the books with me," and the person could not be registered. We had a situation in which it took one poor fellow years to register, because the local registrar always had the books out and would not have them in the office whenever the person came to be registered.

That is just the type of thing that the Commission should be criticizing. Yet it was the other way around. The Commission sent a report to Congress trying to make it appear that there was subversion going on in Louisiana because the poor registrar, under penalty of being put in jail for violating the registration laws, could not comply with the request of the Commission.

Mr. TALMADGE. I could not agree more with the Senator from Louisiana. I appreciate his question. I appreciate his very able and accurate statement. It is axiomatic that one cannot seek a redress in court until he has pursued all of his administrative remedies. It is also well known that these persons who complained had not pursued their administrative remedies.

In a colloquy with the distinguished senior Senator from New York [Mr. JAVITS] early in the afternoon, I asked him if he could name one prospective qualified voter in the north, south, east, or west—anywhere in the United States of America, in any one of the 50 States—who claimed he was entitled to vote and had tried to enforce that right, either in a State or Federal court, and had been denied that right. The Senator from New York could not name a single one. He made a long statement, but he did not say "Yes" and he did not say "No." That is the sort of argument we get when we get down to cases in these matters.

Mr. LONG of Louisiana. In a Louisiana case, the Federal judge said, in his opinion, right in the report of the case, that if the Commission had asked the Attorney General, or the local U.S. attorney—which would be the same thing—for a court order to require that the books be brought in, he would have been delighted to give the order; but nobody came around to ask him for it.

The Commission also ran into another problem. The Commission apparently did not realize that it was subject to the laws and the Constitution of the United States, just as everybody else was. The Commission wanted to haul registrars in before the Commission, cross-examine them, and obtain their evidence, without giving the registrars any notice as to what they were accused of doing wrong, what the allegations against them were, or any opportunity to cross-examine those who were making allegations against the registrars.

Mr. TALMADGE. They wanted to hold a kangaroo court, without conforming to the guarantees of the Constitution.

Mr. LONG of Louisiana. The Administrative Procedure Act applies to all executive agencies of the Government, and civil rights as guaranteed by the Constitution, are accorded to all citizens. Persons accused have the right to be accorded the use of counsel, the right to know what charges are made against them, the right to confront their accusers, the right to cross-examine those giving adverse testimony. Those are rights any citizen is presumed to have. Presumably, the type of evidence the Commission was trying to get was evidence which might prove that the registrars had violated State and Federal law.

If that were the case, they were certainly entitled, before they were jeopardized by their testimony, assuming somebody might have been guilty, to know what they were charged with and to hear the nature of the case against them.

The Commission discovered it was not beyond the Constitution and the law itself. If Congress had not wanted the Commission to be subject to any laws, Congress could have so stated.

Mr. TALMADGE. The big trouble with these overzealous civil rights advocates is that in their eagerness to enforce an imagined civil right for someone else they completely disregard all other civil rights.

Mr. LONG of Louisiana. The Senator well knows that the Congress itself is not under the provisions of the Administrative Procedure Act. The Congress of the United States and the courts are not covered by that act. Yet even in Congress we recognize the same concept which the Commission tried to violate.

I cannot recall whether the Senator was a Member of the Senate at the time we had the controversy over the matter of the treatment that former Senator Joseph McCarthy afforded certain witnesses before his committee.

Mr. TALMADGE. That was before my tenure, but I remember the controversy very well from reading the press reports.

Mr. LONG of Louisiana. Congress at that time went through quite a soul-searching experience on the question of whether Senate committees, even though not required by law to do so, should violate the traditional rights of fair play, which include the right of a man to know of what he was being accused, to have counsel, and to have the right to cross-examine everyone appearing against him. That was a question with regard to the conduct of Senate committees.

As a member of the Committee on Rules and Administration, I know the Senator is familiar with the fact that most committees of the Senate have imposed rules on themselves, which they must follow. In general these rules support the same concepts that the Civil Rights Commission did not want to follow, even though it was required by law to do so.

Mr. TALMADGE. I am well aware of that. As I understand it, the matter is now pending before the Supreme Court of the United States. The proposal which is now before the Senate is an attempt to prejudge that.

Mr. LONG of Louisiana. One of the witnesses was Mr. Storey, the law school dean from Texas. I believe he was a former president of the American Bar Association.

Mr. TALMADGE. I think that is correct.

Mr. LONG of Louisiana. It was absolutely amazing to the junior Senator from Louisiana that a man with such a background as that would not recognize the Commission had no power to issue subpenas and had to go to court to get subpenas.

Mr. TALMADGE. Some of the things which some of these groups do are incomprehensible to me.

Mr. LONG of Louisiana. While the Commission attempted to take the attitude that it was beyond the law and could issue all kinds of subpenas and order people around without a court order to support its position, the great Mr. Storey then proceeded to write an article for the American Bar Association, in the American Bar Association Journal, in which he proceeded to recommend that the Commission should be given the power by law to subpena records, although the Commission had been proceeding for a year contending falsely that it had to do exactly the thing which he asked that they be given the power to do. Apparently he must now know that the Commission did not have the power. Otherwise, why would he write an article for the American Bar Association Journal and say that the law should be amended to give the Commission that power?

Mr. TALMADGE. I cannot conceive of that sort of activity.

I thank the Senator very much for his questions and for his contribution.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the footnote A to the memorandum I have read.

There being no objection, the footnote A was ordered to be printed in the RECORD, as follows:

FOOTNOTE A

Georgia election statutes

I. STATUTES ENACTED BETWEEN 1890 AND 1910

Section of code of 1910	Year enacted	Subject matter
36	1894	Oath of voter as to payment of taxes.
41	1894	Application and method of registering.
52	(1)	Appointment of county registrars.
55-65	1894	List of registered voters, hearings, etc.
68-72 and secs. 660, et seq., Penal Code.	1894	Ballots, by whom and where cast.
86	1895	Election blanks.
669, et seq., Penal Code.	1890-1	Various penal laws.
92	1908	Publication of campaign expenses.
127, et seq	1890-1	Primary elections.
129	1908	Amendments to primary laws.

II. STATUTES ENACTED BETWEEN 1910 AND 1933

Section of code of 1933	Year enacted	Subject matter
34 to 401, et seq	1924 1911 1914 1913	Amendments to registration laws.
34 to 805	1913	Challenge of voter.
34 to 1303	1921	Manner of conducting elections.
34 to 1901, et seq	1922	Australian ballot law.
34 to 3213, et seq	1917	Amendments to primary law.
34 to 3301, et seq	1924	Absentee voting.
34 to 9913	1922	Various penal laws.

[1] Prior to 1895.

Mr. TALMADGE. There, Mr. President, we have the full picture of Davenportism reincarnated.

And I predict, Mr. President, that like the portrait of Dorian Gray time will show it to exist in all its ugliness and corruption, which its proponents would hide from view with high-sounding assertions of noble purposes.

I cannot bring myself to believe, Mr. President, that it is a reincarnation which is desired by the American people. I hope that as the news media of the Nation take to the people reports of this debate on this proposal and the facts which are being brought forth about it that they will with their telegrams and telephone calls show this Senate in no uncertain terms they feel that Davenport's law should be left interred in history where it belongs.

Since there is no need for the legislation, there can be only one reason that it is proposed—the hope of political gain for its advocates.

Mr. President, it is the American tradition that political fortunes of all parties should rise and fall on the merit of their programs. Any party which has so low regard for its program that it feels that it must resort to legislative trickery to maintain itself in power is not deserving of the support of the electorate. And members of another party which would abet a rival party in perpetrating such a fraud in the hope that their party might fall heir to it are beneath contempt.

Those who adhere to the principles of Jefferson and Jackson would do well to give heed to the words uttered on this floor by the distinguished Senator Arthur Pue Gorman, of Maryland, during the debate on the repeal of the forerunner of the present measure. He declared:

> Those of us who are in favor of repealing these laws are content to leave the regulation of elections to the people of the States, to trust them. If they cannot be trusted, * * * Mr. President, the whole theory of our Government is a failure.

In considering legislation like that now pending, Mr. President, I think we should give sober consideration to the forceful warnings of two of our greatest Presidents.

It was Andrew Jackson who said:

> Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others.

And it was Woodrow Wilson who declared:

> Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Parental morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control.

Mr. President, there is no comfort in those words for those bent upon reincarnating "Davenportism."

In closing, Mr. President, I challenge those who would revive Davenport's law to cite for the Senate the words of any of our great and revered leaders of the past sanctioning so rank and unjust an invasion of the sacred and inalienable rights of the American people to manage their own affairs.

Mr. President, I yield the floor.

During the delivery of Mr. TALMADGE's remarks,

Mr. JAVITS. Mr. President, will the Senator yield to me so that I may make an insertion in the RECORD?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from New York so that he may make an insertion in the RECORD, to be printed in the RECORD after the conclusion of my remarks, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, in connection with the hearings on S. 2783,

before the Committee on Rules and Administration of the Senate, which relate to various proposals for Federal voting registrars, questions were raised as to constitutionality of such proposals. I had the honor to submit a number of opinions holding such a measure constitutional.

The RECORD was closed for the insertion of such opinions, but I now have received an opinion from the chairman of the Committee on the Bill of Rights, Kenneth A. Greenawalt, and the chairman of the Committee on Federal Legislation, Richard W. Hogue, Jr., sustaining the constitutionality of S. 2783. This is a subject of debate before the Senate, and is quite germane to the issue, so I ask unanimous consent that the opinion may be printed in the RECORD as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

HUGHES, HUBBARD, BLAIR & REED,
New York, February 13, 1960.

Re S. 2783 and Attorney General's proposal.

Hon. THOMAS C. HENNINGS, Jr.,
Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR SENATOR HENNINGS: The committee on Federal legislation and the committee on the bill of rights of the association of the bar of the city of New York have reviewed S. 2783, providing for the appointment of temporary Federal registrars, and the proposal of the Attorney General providing for the appointment of voting referees. Both bills seek to protect the right of citizens to vote. S. 2783 is restricted to the right to vote for Federal office. The Attorney General's proposal includes elections for both State and Federal office.

We have not undertaken to discuss the relative merits of the two bills, but we wish to state that we are in complete agreement with the purpose of both bills, to provide effective means of protecting the right of all citizens to vote.

We believe that the Congress has adequate constitutional power to enact effective legislation in this field, and we hope for constructive action on the subject from this session of the Congress.

The two bills, in essence, would do the following:

S. 2783 provides for the appointment of temporary Federal registrars by the President in order to protect the right of voters qualified under State law to vote in elections wherein Federal officers are to be elected. Such appointments would be made upon the basis of a certificate of the Civil Rights Commission that citizens of a registration district are being deprived of the right to register, vote, or have their vote counted in Federal elections, solely because of their race, religion, color, or national origin.

The Attorney General's proposal provides for the appointment of voting referees who would be authorized to certify as qualified to vote in any election, for either State or Federal office, all persons applying for a certification who are found to possess the necessary qualifications provided by State law. The starting point of the Attorney General's proposal is the institution of a proceeding by the Attorney General under the Civil Rights Act of 1957 to protect persons from being denied a right to vote upon the basis of racial discrimination. The findings of the referees would be subject to review by the appointing court. The provisions for voting referees are designed as a means of enforcing voting rights judicially declared by a court. The Attorney General stated in his testimony before your committee:

"The court will not be exercising administrative functions in violation of article III of the Constitution. The duties and powers of the voting referees appointed by the court are designed only to give full effect and force to the court's adjudication that there has been a denial of voting rights in violation of the Constitution and laws of the United States."

It is the judgment of both committees that the Attorney General's proposal and S. 2783 are each constitutional. We believe that the power of the Congress to pass legislation to protect the right of citizens to vote against deprivation by State action under color of law, is amply supported by the 15th amendment, the 14th amendment, and the necessary and proper clause of article I, section 4, of the Constitution. *Ex parte Virginia*, 100 U.S. 339 (1880); *Shelley* v. *Kraemer*, 334 U.S. 1 (1948); *Terry* v. *Adams*, 345 U.S. 461 (1953); *Guinn* v. *U.S.*, 238 U.S. 347 (1915); *Lane* v. *Wilson*, 307 U.S. 268 (1939); *Ex parte Siebold*, 100 U.S. 371 (1880); *Ex parte Yarbrough*, 110 U.S. 651 (1884); *U.S.* v. *Classic*, 313 U.S. 299 (1941); *Smith* v. *Allwright*, 321 U.S. 649 (1944); *Burroughs* v. *U.S.*, 290 U.S. 534 (1934).

Very truly yours,

KENNETH A. GREENAWALT,
Chairman, Committee on the Bill of Rights.

RICHARD W. HOGUE, Jr.,
Chairman, Committee on Federal Legislation.

LOOPHOLES IN SO-CALLED CLEAN ELECTIONS BILL

During the delivery of Mr. TALMADGE'S address on civil rights,

Mr. GOLDWATER. Mr. President, during the debate on the so-called clean elections bill, I tried, unsuccessfully, to convince the author and my colleagues that the bill would be meaningless without including under its reporting sections all groups who participate in elections. In fact, I recall calling this measure a phony for the very reason that there were left large loopholes by which politically motivated and activated groups could take advantage of expenditures without reporting same to the Federal Government. At the time of the debate I was using the organization known as COPE—the Committee on Political Education—which is the political arm of the AFL–CIO, as an example. While I do not now back away from that case, I find that I could as well have included another group equally as well known to all of us. This would have been the Americans for Democratic Action, more commonly referred to as the ADA. Some months ago a student at Princeton, Mr. Frank Childers, interviewed me for the purposes of a paper he was preparing in connection with his studies at that institution. When that paper was completed he left a copy in my office, and included in its well-researched pages was an interesting account of his meeting and discussion with an official of that group. The details of that discussion are included in the pages I have with me on the floor at the moment, which I ask to have printed in the RECORD at this place in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I asked Mr. Taylor if Senator GOLDWATER was right when he stated that ADA receives 35 percent of its money from the UAW. Mr. Taylor said that this was not true, as ADA actually receives "slightly less" than 35 percent of its total moneys from the UAW. He then stated that I must remember that ADA got support from "many unions" other than the UAW. He admitted that labor unions contributed most of ADA's total funds.

Next, I asked exactly what ADA does with these funds it receives. I was told that ADA tries to influence the outcome of as many elections as it can. Men and money are sent to States, towns, and cities to support candidates favorable to ADA policy. If no favorable candidates exist, as much influence as is possible is exercised on the unfavorable candidates. ADA is active in national politics, too. Men are sent to Congress to talk with "our men" there and to exert pressure on others. Mr. Taylor denied flatly that pressure ever took the form of hiring goons. He denied the charge made by GOLDWATER that Walter Reuther hired goons and sent them either to Michigan or to Arizona.

I asked what ADA's political platform was, and I was given a pamphlet entitled "A New New Deal for the 1960's." According to this pamphlet, "ADA proposed that the Congress adopt these as goals that can be realized within a generation: (1) End poverty in the United States; (2) eliminate slums and provide a decent home for every American family; (3) offer a first-class education to every American child; (4) bring the miracles of modern medical science to every American when and as he needs it; (5) secure equal rights and opportunities and civil liberties for every American; and (6) provide, in concert with other developed nations and consistent with our great economic capacity, our share of the seed capital and know-how required to help underdeveloped countries on the way to self-sustaining economic growth."

Assuming that all these goals could be obtained, I asked how ADA proposed to do it. I was given copies of the ADA newspaper (the ADA World). One copy was that of February-March 1959; the other was for May 1959. I will paraphrase and list some of the proposals found in these two papers and the aforementioned pamphlet: (1) Increase Federal old age and survivors insurance program; (2) build 2 million federally financed dwellings a year; (3) increase unemployment benefits to 50 percent of wages; (4) build 100,000 schoolrooms a year for the next 5 years through Federal aid; (5) raise teachers' salaries 50 percent; (6) enact a universal insurance program, federally administrated; (7) raise the minimum wage to at least $1.25 an hour; (8) have a defense second to none in the world; (9) expand program for oversea aid; (10) award 100,000 federally financed scholarships; (11) provide true parity of income to farmers by Federal aid; (12) through collective bargaining, substantial increases in wage rates and fringe benefits; (13) organize an effective farmers' union; (14) Federal assistance to give food to people who have little to eat; (15) Federal construction and operation of atom-electric powerplants; (16) "integrated multipurpose development of the resources of all our regions by valley authorities of the TVA type."

The above list is not, by far, exhausted. I think, however, that enough of ADA's program has been listed to give a clear idea of what they want.

It is interesting that ADA favors a balanced budget. The only way to this is to

tax more. Mr. Taylor said that ADA opposes the present situation which allows a man to inherit large sums. He favors taxing estates nearly 100 percent at death. This will do away with an "idle class" and will make it necessary for one to actually work to gain wealth. Only competent men will enjoy high places. ADA wants to tax all capital gains as income and drastically raise and revise taxes on all present net incomes greater than about $30,000 per year in order to virtually tax large incomes out of existence. Taxes affecting lower incomes should be reduced.

I asked Mr. Taylor if he would favor a plan to confiscate all the money and private property in the country; line up all the citizens in a row; and give each man a proportional share. The answer was one word—"Yes." I was amazed.

When asked, Mr. Taylor said that the workingman is entitled to (and the Federal Government should insure it) a greater income than a man who lives off investments. The workingman is in the majority, and he should be favored to the exclusion of the rich.

Mr. GOLDWATER. Mr. President, I should like, however, to read a few words from this work I have quoted to detail my charges that this is a political group working for candidates and issues at the Federal level and spending money for the same, of which I am unable to find any record in the office of the Clerk of the House of Representatives.

When Mr. Childers interviewed Mr. Taylor, of the ADA, Mr. Childers asked Mr. Taylor if a statement I had made was correct when I said the ADA receives 35 percent of its money from the UAW.

Mr. Taylor said—

And I am reading from the statement I have placed in the RECORD—

that this was not true as ADA actually receives "slightly less" than 35 percent of its total moneys from the UAW. He then stated that I must remember that ADA got support from "many unions" other than the UAW. He admitted that labor unions contributed most of ADA's total funds.

What I read next is interesting because it points out what these funds are used for. I quote again from the statement:

Next, I asked exactly what ADA does with these funds it receives. I was told that ADA tries to influence the outcome of as many elections as it can. Men and women are sent to States, towns, and cities to support candidates favorable to ADA policy. If no favorable candidates exist, as much influence as is possible is exercised on the unfavorable candidates.

One other thing that I think would be of interest to my colleague is another part of this summary, when Mr. Childers asked Mr. Taylor another question:

I asked Mr. Taylor if he would favor a plan to confiscate all the money and private property in the country; line up all the citizens in a row; and give each man a proportional share. The answer was one word—"Yes." I was amazed.

Mr. President, I have read these excerpts from the report I have included in my remarks to point out that here is a political group that does not come under the reporting requirements of the recently passed clean elections bill; and this is only one of a number of organizations that I could name which receive money from labor unions that participate in politics.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. GOLDWATER. Yes, I yield to the Senator from Georgia.

Mr. RUSSELL. Where does Mr. Taylor live and what is his official connection with the ADA?

Mr. GOLDWATER. I do not have the other part of the report with me, but he must be on the executive staff, because he was interviewed here in Washington by Mr. Childers. I will find out and furnish the Senator with that information.

Mr. RUSSELL. It is a rather remarkable statement.

Mr. GOLDWATER. I agree. If the Senator would like to know some of the other philosophies they cling to, I might read from the report a copy of the ADA newspaper, called the ADA World. I refer to one copy for February–March 1959, and one for May 1959. These are paraphrased by Mr. Childers. These are the proposals found in the two papers:

1. End poverty in the United States.
2. Eliminate slums and provide a decent home for every American family.
3. Offer a first class education to every American child.
4. Bring the miracles of modern medical science to every American when and as he needs it.
5. Secure equal rights and opportunities and civil liberties for every American.
6. Provide, in concert with other developed nations, and consistent with our great economic capacity, our share of the seed capital and know-how required to help underdeveloped countries on the way to self-sustaining economic growth.

I do not think anybody can find any fault with most of those. I think that is what we try to do in this body as we discuss our problems every day. But how they want to go at this is interesting.

They want to increase the Federal old age and survivors' insurance program.

They want to build 2 million federally financed dwellings a year.

They want to increase unemployment benefits to 50 percent of wages.

They want to build 100,000 schoolrooms a year for the next 5 years through Federal aid.

They want to enact a universal insurance program, federally administered.

They want to raise the minimum wage to at least $1.25 an hour.

They want this country to have a defense second to none in the world.

They want to expand our program for oversea aid.

They want to award 100,000 federally financed scholarships.

They want to provide true parity of income to farmers by Federal aid.

That is a portion of their desires. I might read the next one.

They want integrated multipurpose development of the resources of all our regions by valley authorities of the TVA type.

This group very plainly wants to socialize America. Here we have a case of workers' money being applied to this group, money taken from the funds of the unions. I have many union friends who have no use for ADA, and I know their money goes to help support this organization and other organizations similarly oriented.

But the point I would like to make is that the ADA is a political body, and under the recently enacted clean elections bill it does not have to report. I can find no record of its reporting in the House of Representatives. If there is a record of it, my search has not disclosed it.

Mr. RUSSELL. I could deal with a number of other organizations that are the recipients of benefactions from the UAW and others. The funds donated to them are taken from the working people and the members of unions without regard to their views and are oft-times spent for purposes detested by those who are compelled to contribute money for those purposes.

I share the Senator's apprehension about the so-called clean elections bill. It has gotten to the point where, if I may use a common term, we are suckers for titles of legislation. I was walking along with a colleague who said to me, "It is hard to vote against a bill like that. It has that kind of a title." I said, "Yes, it did. It would have been more properly described if it had been labeled a bill to increase the political power of labor union leadership in the United States of America."

I think that is a perfectly proper statement. I thought so, at least, from my study of the bill.

Mr. GOLDWATER. I thank the Senator. I might remind my colleagues from Georgia that from the State of Georgia there has come a case known as the Looper case, now before the Supreme Court. That august body is going to have to decide whether or not civil rights apply in labor unions, whether or not unions have the right to use money as they wish from the general fund for political purposes. In other words, can the money of a Democrat be taken and used against a Democrat for whom that member might want to vote for in the South or can money be taken from a Republican in the North and used for the purpose of defeating that candidate on issues in which the Republican member of the union is interested with regard to a problem in the North?

I think there is just as much tampering with the franchise when a union is allowed to use money against a man's will as there is in cases being discussed before the Senate today.

Mr. RUSSELL. I completely agree with the conclusion of the Senator. Of course, in my own State at one time the members of the automobile unions—and we have many thousands of them—violently protested the contributions of Mr. Reuther, I think in the sum of $75,000 and certainly in a large sum, to the National Colored People's Association, so that they could litigate to integrate the schools. If any people in my State are unalterably and vigorously opposed to the mixing of the races in the schools it is the members of those unions.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I wanted to finish my remarks, and then I shall be glad to turn back the floor.

Mr. ERVIN. I wanted to make an observation in regard to the clean elections bill, but I will wait.

Mr. GOLDWATER. I did not hear the Senator.

Mr. ERVIN. I wanted to make a statement germane to the Senator's opposition to the clean elections bill, if the Senator from Georgia will permit.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina so that he may make an observation, without my losing the privilege of the floor, and I ask unanimous consent that his remarks be printed after my remarks in the RECORD.

Mr. ERVIN. I can wait.

Mr. GOLDWATER. If the Senator does not mind, I had not finished my remarks.

Mr. ERVIN. I know the Senator had not. I think it would be well to have the observations about the clean elections bill in one place.

Mr. TALMADGE. Mr. President, I renew my request.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, like the Senator from Arizona I was astounded when I studied the so-called clean elections bill. My State of North Carolina I think has the finest and most stringent reporting act in respect of political expenditures both in primaries and in general elections of any State in the Union. The law requires a candidate to report every contribution he receives of any amount, together with the name and address of the contributor. The law requires the candidate to report every expenditure of any amount, together with the name and address of the person to whom the expenditure is made.

The law requires the same thing with regard to political committees operating under the auspices of either one of the political parties. There is also a provision that any person who expends anything for a candidate or for a political committee has to report it within 5 days to the candidate or the political committee, and the candidate or the political committee has to include that in its report.

This so-called clean elections bill repeals the laws of North Carolina to the extent of their inconsistency—and they are wholly inconsistent.

I came to the conclusion, after reading the so-called clean elections bill, that a group of people not ostensibly acting under the auspices of either one of the great political parties of the country could collect untold millions of dollars in individual contributions, not exceeding in any particular case $99.99, and could spend those untold millions of dollars for the nomination of or for the election of or for the defeat of any candidate, through an unlimited number of committees, none of which would spend more than $2,500, and they would not have to report any of their activities. They would not have to report any contributions received or any expenditures made.

If that be a clean elections bill, then may the good Lord help America if we ever have a dirty one.

Mr. GOLDWATER. I will say to my friend from North Carolina, that was the point I belabored on the floor with the author of the bill; that we were excluding groups like the Committee on Political Education and Americans for Democratic Action and other groups which actively participate in politics from the reporting procedures of the bill.

Mr. President, surely no one in this Chamber can say that the ADA, from the descriptions given of its intents and actions, is not a political group and can therefore be exempted from reporting under the clean elections bill or any act of the Congress touching on the subject.

I do not like to belabor the point, and I will not press the subject more at this time other than to say that what we passed in this Chamber as a piece of legislation aimed at finding out who spends what and for whom in Federal elections falls short by virtue of not having included groups like COPE and the ADA among others that I am sure will come to light.

Mr. President, as I came into the Chamber I saw in today's Washington Daily News a very interesting article, which I shall not read in its entirety. I think it demonstrates very fully what is the end intent of the moneys which are donated by the labor unions to one political party. The headline is "Leaders See Unions Doing Dem Picking." The "Dem" means Democrats. It is written by Jack Turcott.

This is a very interesting observation, from Bal Harbour, Fla. I read the second paragraph:

A check among the more politically savvy union leaders at the federation's 29-man executive council meeting indicated that AFL–CIO unions count on having more than 300 of their own officials as delegates to the Democrats' convention in Los Angeles next July. They anticipate that another 300 delegates from industrial States like New York, Ohio, Pennsylvania, Michigan, Illinois, and Indiana will be pliable to the pressures of labor groups.

Mr. President, that is a total of 600 delegates. That is almost enough to win the presidential nomination. In fact, I am sure any one of the presidential hopefuls in this Chamber would be tickled to death to walk into that convention with 600 pledged delegates.

Mr. President, I read a bit further from the article:

AFL–CIO President George Meany refused to discuss the federation's anticipated role at the convention, except to say again today that "we won't sit on our hands in this election."

Mr. President, I ask unanimous consent that the article from the Washington Daily News be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEADERS SEE UNIONS DOING DEM PICKING

(By Jack Turcott)

BAL HARBOUR, FLA., February 17.—The AFL–CIO's top political strategists confidently expect the merged labor federation, through control of 40 percent of the Democratic convention's delegates, to play a kingmaker role in picking the party's presidential candidate next summer.

A check among the more politically savvy union leaders at the federation's 29-man executive council meeting indicated that AFL–CIO unions count on having more than 300 of their own officials as delegates to the Democrats' convention in Los Angeles next July. They anticipate that another 300 delegates from industrial States like New York, Ohio, Pennsylvania, Michigan, Illinois, and Indiana will be pliable to the pressures of labor groups.

AFL–CIO President George Meany refused to discuss the federation's anticipated role at the convention, except to say again today that "we won't sit on our hands in this election."

LESS CLOSE MOUTHED

Other federation officials were less close mouthed. Several of them told the News that the AFL–CIO, which has felt for 16 years it could exert a veto power over Democratic convention choices, will not be satisfied with a secondary role this time, but will insist on taking a key part in tapping the candidate.

In 1944, organized labor, through President Roosevelt's "clear it with Sidney" Hillman edict, shoved South Carolina's Gov. James Byrnes out of the vice presidential spot in favor of Harry Truman. In 1952 AFL and CIO leaders turned thumbs down on Vice President Alben Barkley, which gave the party's nomination to Stevenson.

FAVOR HUMPHREY

Most of the federation's bigwigs here personally favor U.S. Senator HUBERT HUMPHREY, Democrat, of Minnesota for President, although HUMPHREY's original No. 1 backer, auto union President Walter P. Reuther, is edging away from him and moving closer to Senator JOHN F. KENNEDY, Democrat, of Massachusetts. Meany is also convinced, says his intimates, that KENNEDY stands the best chance of defeating Vice President RICHARD NIXON.

Most of the labor leaders here privately express the belief that Senator STUART SYMINGTON, Democrat, of Missouri, will eventually win the nomination in a stop KENNEDY coalition of supporters of SENATOR LYNDON B. JOHNSON, Democrat, of Texas, HUMPHREY and SYMINGTON.

MASON DAM PROJECT, OREGON

During the delivery of Mr. TALMADGE'S speech,

Mr. MORSE. Mr. President, I ask unanimous consent that I may interrupt the speech of the distinguished Senator from Georgia in order to make a statement which I need to make for the RECORD on an important bill which is being introduced in both Houses of Congress today, with the understanding that my remarks will be printed in the RECORD subsequent to the speech of the Senator from Georgia, and will in no way interrupt it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I express my very deep appreciation to the Senator from Georgia for granting me this courtesy.

Mr. President, I introduced for appropriate reference, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon.

Mr. President, I ask unanimous consent that the text of the bill be printed at the end of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Oregon.

The bill (S. 3063) to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes, introduced by Mr. MORSE (for himself and Mr. NEUBERGER), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

(See exhibit 1.)

Mr. MORSE. Mr. President, one of the key developments in this Oregon reclamation project, which has been under review for many years, is the Mason Dam, to be located on the Powder River approximately 18 miles from Baker, Oreg.

The dam would be constructed of rock and earth, would be 180 feet in height and would provide 100,000 acre-feet of storage.

Mason Dam would provide full irrigation for 5,390 new acres and supplementary water for 12,610 acres of the Baker project.

Flood control, recreation, and fish and wildlife benefits would be among the benefits to be derived from the construction of the dam.

The total project cost will be $6,168,000, of which $1,114,000 will be repayable under contracts to be entered into with the water users; $3,743,500 of the project cost will be reimbursed to the Federal Government through power revenues of the McNary Dam over and above the amounts required to amortize the power investment at McNary Dam and to return interest on the unamortized balance of the investment in this great multipurpose project.

This project has been under review for many years and local interests have expressed strong and enthusiastic support. In recent days I have received many communications from residents of Oregon expressing their views on the Mason Dam project. I ask unanimous consent, Mr. President, that these letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Mr. President, a precedent for legislation of the type envisaged in this bill is found in S. 3101 of the 84th Congress, which proposed authorization of the Crooked River Dam. I take great pride in the thought that the Crooked River project is a reality.

Projects of this type will provide the irrigation that will, in turn, make possible the production of food and fiber for our own generation and Americans of the future. The day is not far off at which we will be seeking every possible additional acre with which to feed a vastly increased population in our country. Future generations will thank us for having had the vision and foresight to provide for the future through these outstanding reclamation projects.

EXHIBIT 1

S. 3063

A bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That for the purposes of providing irrigation water, controlling floods, conserving and developing fish and wildlife, and providing recreational benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the facilities of the upper division of the Baker Federal reclamation project, Oregon. The principal works of the project shall consist of a dam and reservoir, pumping plants, and related facilities.

SEC. 2. The period provided in subsection (d), section 9, of the Reclamation Project Act of 1939, as amended (43 U.S.C., sec. 485h), for repayment of the construction cost properly chargeable to any block of lands and assigned to be repaid by irrigators may be extended to fifty years, exclusive of any development period, from the time water is first delivered to that block or to as near that number of years as is consistent with the adoption and operation of a variable repayment plan as is provided therein. That portion of the cost of constructing the project which is allocated to irrigation but is in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be charged to and returnable to the reclamation fund from net revenues derived by the Secretary of the Interior from his sale of power from McNary Dam, which are over and beyond the amounts required to amortize the power investment therein, as provided in section 5 of the Act of December 22, 1944 (16 U.S.C., sec. 825s), and to return interest on the unamortized balance of said investment.

SEC. 3 (a) The Secretary of the Interior is authorized, in connection with the upper division of the Baker project, to construct minimum basic public recreation facilities and to arrange for the operation and maintenance of the same by an appropriate State or local agency or organization. The cost of constructing such facilities shall be nonreimbursable and nonreturnable under the reclamation laws.

(b) The Secretary may make such reasonable provisions in the works authorized by this Act as he finds to be required for the conservation and development of fish and wildlife in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C., secs. 661-666c, inclusive), and the portion of the construction costs allocated to these purposes and to flood control, together with an appropriate share of the operation, maintenance, and replacement costs therefor, shall be nonreimbursable and nonreturnable. Before the works are transferred to an irrigation water users' organization for care, operation, and maintenance, the organization shall have agreed to operate them in a manner satisfactory to the Secretary of the Interior with respect to achieving the fish and wildlife benefits and to the Secretary of the Army with respect to achieving the flood-control benefits on which the allocations of costs therefor are predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with its requirements to achieve such benefits.

SEC. 4. There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as will be necessary to carry out the purposes of this Act.

EXHIBIT 2

LOWER POWDER IRRIGATION DISTRICT,
Keating, Oreg., February 6, 1960.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: In reference to the Baker Valley irrigation project with its Mason Dam, the Lower Powder Irrigation District would like to go on record as being heartily in favor of the project.

We are a downstream district with our dam, the Thief Valley Dam, being located some 7 or 8 miles below North Powder. It holds approximately 17,000 acre-feet, so is not nearly large enough to control the spring runoff of the Powder River. We suffer extensive damage from these floods. With the Mason Dam in existence we believe we could largely control this damage.

Also, with Baker Valley irrigated, we would derive benefits in supplemental late summer waters from their waste waters.

Sincerely,

JAMES S. WEBER,
President.

BAKER, OREG., *February 11, 1960.*

Hon. WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Water storage from the proposed Mason Dam (Baker project) will be of utmost benefit to this valley and area. Will you give your full support in securing final approval by the Commissioner of Reclamation and pushing the required legislation?

Our eastern Oregon economy needs this type of small storage projects and if there is anything I as a citizen can do please let me know.

Yours truly,

RICHARD K. EVANS.

BAKER COUNTY
CHAMBER OF COMMERCE,
Baker, Oreg., February 9, 1960.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It is the understanding of the Merchants Committee of the Baker County Chamber of Commerce that Representative AL ULLMAN is drafting a bill to introduce in the House authorizing the construction of the Mason Dam in Baker County.

We know of no one project which would do more for the city and county of Baker than this dam.

According to the bill being drafted, the project would receive power revenue from either McNary or John Day Dam, which would make it feasible from the standpoint of payment by the farmers coming under this project.

We would appreciate any support you might be able to give us in passage of a similar bill in the Senate authorizing the Mason Dam, as well as working toward an appropriation for the building of same.

Thanking you in advance, we are

Yours very truly,

RICHARD KIRBY,
Chairman, Retail Merchants Committee.

BAKER PRODUCTION CREDIT ASSOCIATION,
Baker, Oreg., February 12, 1960.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We are sure you will join with Representative AL ULLMAN'S bill in securing legislation to build the Mason Dam, a badly needed project, long overdue.

Nothing could happen in Baker County that would add as much to the economy of the farmers under the project or to the county as a whole over a long period of time as furnishing full supply of water to land within the district.

For many years past all water for irrigation is completely gone by July 1. That leaves 70 days of our best growing season without any water. The flood-control feature of this project will be of great benefit, not only to the lands under the project but land under the Thief Valley project. Two to three years out of every five, floodwaters stand on large portions of the farmlands 1 to 3 feet deep and from 1 to 3 weeks at a time, doing thousands of dollars damage to crops. This water coverage kills all clovers and other good grasses, and only leaves the sour water grasses which are very low in protein.

As you know our project is not one that will grow surplus crops. Practically all farm income in the valley comes from livestock, hay, and pasture. There are not to exceed 300 to 400 acres of wheat grown on the project. That is grown on a rotation plan and would only be in wheat every fourth or fifth year.

The project will not face problems experienced by many new projects where they are unable to finance themselves until they get started. These landowners have their buildings and livestock and are going concerns.

Practically all groups are participating, including banks, merchants associations, civic clubs, county court, in fact everyone is taking an active part in the project.

The Baker Production Credit Association has furnished funds to 90 percent of the landowners under the project for their annual operation expenses for the past 25 years. They have always liquidated their obligations. Not one of them has defaulted. They are deserving people and are entitled to stored water from Mason Dam.

We hope you will be able to assist us in getting an appropriation as well as approval of the project.

Thanking you in advance, we are

Respectfully yours,

F. A. PHILLIPS,
President.

CALIFORNIA-PACIFIC UTILITIES CO.,
Baker, Oreg., February 11, 1960.

Hon. WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We have been informed by Mr. F. A. Phillips, chairman of the irrigation committee for the Baker County Chamber of Commerce, that the proposed Mason Dam has been approved by the Bureau of Reclamation at Boise and Denver and is now before the Commissioner of Reclamation at Washington, D.C.

We urge that you do everything possible to get the project approved this session of Congress.

This irrigation project will not only be beneficial to the farmers of Baker Valley but will improve the economy of our entire area.

Yours truly,

L. G. GRAY,
District Manager.

BAKER, OREG., *February 12, 1960.*

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.:

We understand the Mason Dam will come up for consideration on the 15th. The officers of this bank have given the project much consideration. We feel it will be of extreme benefit not only to the people of this county but to the State as a whole. This branch of the United States National Bank of Portland heartily endorses the project.

LESTER HANSEN,
Manager, and Assistant Vice President, the United States National Bank of Portland.

BAKER, OREG., *February 12, 1960.*

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

I feel that the Mason Dam will benefit Baker County and the State at large by providing needed irrigation, drainage, and flood control. I fully recommend it.

RIVES WALLER.

FUTURE POLICY ON CORN

Mr. MORSE. Mr. President, in the February 12 issue of the Washington State Grange News, the master of the Washington State Grange, A. Lars Nelson, has raised a most pertinent question for the Senate in our consideration of future farm policy.

The article is entitled "Is Corn Debacle Ahead for Wheat?" I particularly direct the attention of my colleagues to that portion of the comments of the master of the grange wherein he states:

First, I should remark that the corn growers had little choice, and as a result about 14 percent voted in the referendum. Hardly a dramatic endorsement of Mr. Benson or his policies.

Mr. President, in view of the fact that the article contains valuable contributions to our understanding of the results that would follow the acceptance of some proposed policies, I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS CORN DEBACLE AHEAD FOR WHEAT?

As we continue working with the second session of the 86th Congress, all general farm organizations and commodity groups are confronted with the blunt proposal to eliminate Government completely from agricultural programs. Apparently we are to be accorded the opportunity to choose between nothing and the corn debacle, if the recommendation were to be accepted by the Congress.

According to recent publicity, there is a mounting drive by the administration, with approval of others, to push a plan similar to the corn program down the wheat growers' throats, whether they like it or not. In the first place, most observers agree—and I concur—that Congress is not about to accept such a proposal. Possibly, by this time the implications of the decision of the wool and lamb checkoff referendum may have fortified congressional and farm organization thinking, as well as penetrated the thinking of administration advisers.

The Secretary of Agriculture said in the December 1959 issue of Successful Farming, "Some of the rigidity has been removed from price support and acreage control programs, though not enough. Permitting corn growers to vote for freedom of choice was a long time coming, but it was finally achieved. That alone is a good example of gaining our stated objectives."

First, I should remark that the corn-growers had little choice, and as a result about 14 percent voted in the referendum. Hardly a dramatic endorsement of Mr. Benson or his policies.

What would happen to wheat if all controls were removed and the crop left to be moved on the basis of the law of supply and demand? On July 1 of last year, we had a carryover of 1½ billion bushels, or 3 years' domestic consumption. To this we are adding 1.116 billion bushels of the 1959 crop. This would make approximately 2.616 billion bushels available for domestic consumption and export.

In view of this year's program already being determined, not until 1961 could the desire of the nonsupport group be a reality. By that time, assuming an average 1960 crop similar to 1959, we could easily find supplies of 3 billion bushels on hand following the 1960 crop. Again, assuming no controls, Government interference and supports, we could easily jump to a seeded acreage of 79 million in 1961, which could, at an average of 25 bushels, produce a 2-billion-bushel wheat crop.

Now assume our disappearance in the 1960 and 1961 marketing years at 915 million bushels each. We could still have 3 million bushels asking for a home in 1961. Prices could slump to the bottom unless the Government moved into the emergency.

My production estimate in wheat is pretty well underscored by the experience of William J. Breckenridge in corn as related in a special feature (p. 138) of the December 7 issue of Life magazine. I quote: "Last year we had 120 acres planted in corn. This year we had 400. We regretted putting all this land in corn, but it looked like the last chance we would have to cash in on the fertility we had built up by complying with acreage allotments and by letting some of our land lie fallow. Under the present corn program, all controls are off; the inducements for holding down crop acreage are eliminated, and now the rat race is on. I just hope we don't have to go through the wringer again the way we did in the thirties, before the days of controls and supported prices."

I am glad to see Life magazine secure information from someone who has gone through the mill and is still active. Farmer Breckenridge said again of corn, "I think the farmer should be assured a fair price for corn grown on a controlled amount of acreage * * * the Government must not support the farmers who do not comply with acreage controls. * * *"

In conclusion he said, "I don't know all the answers, but I know we can't have price props and unlimited production. Agriculture has a choice—either bankruptcy through surpluses and ruinously low prices on the free market, or control of production to maintain a fair return to the farmer."

One can agree or disagree with his conclusions, but the problem posed has to be met.

I have listened with impatience to some conclusions reached about high supports. Many have said glibly that they were not realistic and didn't work. I suspect that it is a matter of opinion, but if our wheat program had been as selectively and carefully administered as the sugar and tobacco programs it would still be working. As a producer, I got along fine with it until the fixers began to tamper with it. If cross-compliance had been enforced and shifts of allotted crops from one State to another had been prohibited, much of today's surplus dilemma for the wheat grower and feed grain producer would not have developed.

The most serious handicap for high supports was that the high price kept wheat out of feed grain and other uses. Another drawback was the constant reliance on subsidies to provide and bolster an export program. The unfavorable features of high rigid supports apply equally to flexible

supports, once the level becomes fixed by the Secretary of Agriculture. It was these features plus others which attracted most of us to the domestic parity concept for the long pull. An effective wool and lamb program has heightened our interest.

CONDITIONS IN THE MIDDLE EAST

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a column entitled "In the Know," written by Samuel B. Gach, and published in the California Jewish Voice of February 5, 1960. The article has to do with certain operations of the United States in the Middle East. I think the column is one which should be read by all Members of Congress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE KNOW—WRECKOLLECTION

(By Samuel B. Gach)

I'm waiting for that word of warning, aren't you? The silence is deafening.

It just seems that for almost 8 years the dice have been cold for little Israel or—and the suspicion is being confirmed more and more by a series of setbacks—the little democracy, friendly to the West, just doesn't find any grace in the eyes of the Eisenhower-Nixon administration.

An Arab-Israel war could prove more disastrous to world peace than any single problem facing East and West today. Yet nary a syllable of deterrent has been uttered by Eisenhower to Syria or Egypt about their unprovoked attacks on the Jewish State these past few days. Syria is actually shooting and Nasser has mobilized the Egyptian Army on the Sinai border.

This seeming indifference on the part of Eisenhower to the dilemma in which Israel finds herself because of flagrant military aggression against her by her Arab neighbors is in startling contrast to the speed with which Ike interfered when he sent U.S. troops into Lebanon when he thought she was threatened from without—even though not a shot was fired against her—and the rapidity with which he stormed against Israel when she was chasing the murderous Fedayeen infiltrators back into Egypt.

All around, the record shows that neither Israel, or for that matter, the American Jewish citizen, has had too much luck with this administration. It may be that Eisenhower is not himself in touch with things or perhaps his memory is not too good.

For instance, we never heard that he protested the fact that a soldier of the United States was barred from serving his country in Saudi Arabia and other Arab lands, merely because the soldier was a Jew. Or that he protested other indignities to other American Jews who were abroad on economic pursuits.

It was weeks after the world was shocked by the universal upsurge of Nazi desecrations before Eisenhower uttered a very feeble statement, but did nothing at all about ex-Navy Commander Rockwell who, in Eisenhower's own Washington is still raising a Nazi army to kill American Jews as he publicly proclaimed he would. The Nation was shocked recently when it discovered that the U.S. Navy was aiding the Arab blockade of Israel shipping, but heard no word of explanation from our jolly Commander in Chief.

Just as on many vital domestic and foreign problems affecting all Americans, where we find the President giving mostly lipservice rather than concrete policy and action, I am beginning to suspect that the genial smile which accompanied the "cook's tour" in behalf of peace, freedom, and justice recently completed, was also a vain effort in the quest for genuine peace.

Peace should be a universal blessing intended to benefit all peoples. So why should the President remain silent when Israel is attacked, and why should he rush to the aid of the Arabs who are bent on destroying Israel when they are merely threatened? As a Jew I perhaps sense the reasons.

Further, Eisenhower says he wants the good will of the people of the world in his try to stop communism. Then how come that in the face of the voting record of Egypt and Syria in the United Nations, which shows that they supported the Soviet line all the way, and the knowledge that Russia alone will complete the whole Aswan Dam, Ike is silent on U.A.R. aggression against Israel, which is completely loyal to the United States?

And why does Ike stuff Nasser with our money like a goose is stuffed for Thanksgiving? What has Ike to be thankful for to Nasser except betrayal of the West? And why has Ike given Nasser hundreds of millions of our dollars without attempting to get in return a promise to keep the peace the President so arduously preaches? And why did he not force the Red stooge of Cairo to open the Suez to Israel as Ike promised he would? It seems the President is even indifferent to saving face, for he doesn't seem to mind that a President of the United States has broken a promise and the world knows it.

And then the question of memory. In defense against Anthony Eden's revelations of Eisenhower-Dulles duplicity against America's most loyal allies, Britain and France, on the Suez issue, Ike told a press conference in Washington that he warned Abba Eban, former Israel Ambassador, in October 1956, before Israel sent its forces into Sinai, of what the American response would be if Israel resorted to force.

Well, we know he never once warned Arabs to lay off of Israel. But what most of us don't know is that there is no Israeli Government record, or report by Eban to his Government, of any such conversation with Ike. And high political sources in Jerusalem expressed doubts about the accuracy of Ike's recollections of events preceding the Sinai campaign.

Forgetting a thing is a human frailty. Conjuring up a yarn in defense of the indefensible is surely not in the rulebook of a President of the United States.

THE INTERSTATE HIGHWAY PROGRAM

During the delivery of Mr. TALMADGE'S remarks,

Mr. GORE. Mr. President——

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the junior Senator from Tennessee [Mr. GORE] with the understanding that his remarks will appear in the RECORD following my own, and with the further understanding that in yielding to him at this time I shall not lose my right to the floor.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection? Without objection, it is so ordered.

Mr. GORE. Mr. President, on a number of occasions I have expressed to the Senate my deep concern over the threat to our highway improvement program. As recently as February 15, I addressed the Senate, and demonstrated, I believe, the consequences of the policies now being pursued by the administration with respect to the Interstate Highway System. At that time I based my concern largely on inadequate financing and the fact that commitments made to the States, through apportionments legally made under the law enacted by Congress, were not being honored.

It appears now that another aspect of the stretchout, slowdown program has come to light. A new instruction manual has just recently been issued by the Bureau of Public Roads and sent to the States and to district engineers of the Federal Bureau of Roads. I have a copy of this manual. It is called Instruction Manual for Preparation and Submission of Revised Estimate of Cost of Completing the Interstate System.

I asked for a copy of this instruction manual from the Bureau of Roads yesterday, but was unable to secure a copy from the Bureau. Through a friend, I did secure a copy.

As I said, the administration has attacked the highway program by reneging on the schedule of construction. In this way the very integrity of the concept can be destroyed.

President Eisenhower originally recommended that this new System of Interstate and Defense Highways be completed in 10 years. The President gave three principal reasons for it: First, national defense needs; second, demands of our national economy; third, safety of travel on the highways.

I submit that those three requirements are even more demanding and acute now than they were when the President submitted his recommendations for the program.

Congress enacted the program, not exactly as it was recommended, but with changes which the Congress considered appropriate. Instead of a 10-year construction program, Congress provided for a 13-year program. The highway system was to be constructed to design standards to meet the traffic needs of 1975.

Those of us who have been following the development of the highway program are aware that a committee, under a General Bragdon, whose first name I do not recall, has been undertaking studies for the White House, with a view to making a comprehensive report to the President on this program.

From time to time disturbing rumors have been heard to the general effect that the Bragdon committee would recommend a drastic cutback of the interstate program, particularly within urban areas.

In the instruction manual to which I have just referred, I think I see strong indication that the Bragdon committee may not issue a public report, but that an attempt may be made to accomplish its recommended objectives through step-by-step administrative procedure. In other words, the executive branch may whittle away at the highway program by introducing and implementing, piecemeal, certain recommendations of the Bragdon committee.

I would like to call to the attention of my colleagues certain points in this manual.

First. Although this manual is officially issued for the guidance of State

highway department and bureau offices in preparing the revised estimate to be submitted to Congress in January 1961, there are disturbing indications that it is to become an operational manual and that the provisions thereof may be regarded as maximum design standards for the submission of any new projects.

I trust this is not the case. I was pleased to hear Mr. Tallamy, Administrator of the highway program, say earlier today, before the Commerce Subcommittee of the Senate Appropriations Committee, that these recommended plans were not, in fact, standards.

I have heard from officials of my State and from citizens of my State, and also officials of other States, however, that this instructional manual is regarded by many as a set of standards. I hope that the Department of Commerce will make this unmistakably clear to the chief executives of our 50 States.

Second. The manual, if its provisions are regarded as standards, would drastically limit the number of interchanges which can be built on the Interstate System within urban areas. This is of vital concern to our cities, where plans are already far advanced and where projects are already underway.

This new manual specifies that interchanges within urban areas should not be spaced "closer than an average of 2 miles."

While there is an admission that variations must be allowed for, it is flatly stated that in urban areas "the distance between interchanges should not be less than 1 mile."

Mr. President, I do hope that these instructions are not to be treated and regarded as rigid maximum standards, because there are many instances in which they would not be appropriate.

Third. This manual bases the number of traffic lanes on the Interstate System within cities on the 1960 population of the city concerned. I should like to read from the manual, page 18, the following:

> In 1975 the number of lanes in cities exceeding 1 million population shall not exceed 8; for cities in the population range of 400,000 to 1 million shall not exceed 6; and for cities under 400,000 inhabitants shall not exceed 4 (population references are to the estimated 1960 population).

Mr. President, if this is in fact a standard, then the whole concept of building an interstate and defense highway system interconnecting all of our principal cities, adequate for the traffic needs of 1975, would be destroyed. If we are to build these highways adequate to handle only the traffic of 1960, and if the system is to be completed sometime in the late 1970's or 1980's—if, indeed, under the present plans it would be completed in this century—then the highway system will be antiquated long before it is even completed.

To illustrate how this is interpreted by local highway and public works officials, I wish to read a telegram which I received last evening from Memphis, Tenn.:

> Senator ALBERT GORE,
> *Senate Building,*
> *Washington, D.C.:*
>
> U.S. Bureau of Public Roads new policy cutting expressway interchanges in half will drastically affect Memphis expressway program. My feeling is strong against this new directive. This threatens to seriously cripple our program, if not in fact destroy it. Your assistance will be greatly appreciated in attempting to return the original design of our system.
>
> Signed by Commissioner Bill Farris.

I wish to read what the law provides with respect to standards. This is taken from the act of 1956. Construction standards shall be "adequate to accommodate the type and volume of traffic forecast for the year 1975."

I realize that there is a very determined effort to cut back, to roll back, and to stretch out public expenditures, but surely, if this Republic is to subsist and thrive as a government of law instead of a government of men, then the law should be followed. For the first time since 1916, when Federal-State highway programs were undertaken, the States cannot now rely upon an apportionment of highway funds apportioned to the States by an act of Congress. Heretofore all States have, without question, depended upon reimbursement for the Federal share of the cost of highway projects whenever the vouchers were submitted. Now, however, in this fiscal year the administration has undertaken a system of Federal contract control. The States are now being apportioned funds by bureaucratic edict instead of by an act of Congress. This I cannot accept, and I shall seek whatever remedy may be available to me in this body to require compliance with the Highway Act of 1956.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. RUSSELL. Mr. President, I am more concerned, really, about the first criticism which the Senator voiced, in regard to the narrowing of the size of the highways, than I am in regard to the latter criticism. Both things are bad. If we are going to base the new system on prospective traffic for 1960 rather than for 1975, as we started to do, we shall be wasting a large amount of the money. The whole concept of building a great Interstate System to last through the years will have been abandoned.

Did I correctly understand the Senator to say some regulation had been drawn in the Department of Commerce which says these highways are to be based on four lanes in cities of a certain size in 1960, instead of depending upon the law? Of course, I am not nearly so familiar with the law as is the distinguished Senator from Tennessee, but as I recall the law, we were undertaking to have a system which would be modern by the time we got through paying for it in 1975.

Mr. GORE. The people are paying for it now.

Mr. RUSSELL. The people are paying now for a system to be finished by 1975. What we are going to get, however, will not even meet the needs of 1960, if I understand correctly the Senator's construction of the regulation.

Mr. GORE. In all candor, I must say that the instruction manual has been interpreted differently by different people. That is the way I understand it.

Let me show the manual to the Senator. I will read what it says on page 18, under the subhead "Number of Traffic Lanes."

It states:

> In 1975 the number of lanes in cities exceeding 1 million population shall not exceed eight; for cities in the population range of 400,000 to 1 million shall not exceed six; and for cities under 400,000 inhabitants shall not exceed four (population references are to the estimated 1960 population).

How would the Senator interpret that language?

Mr. RUSSELL. Mr. President, I would interpret the language to say that it was the idea the growth of this country would be frozen in a pattern which would be indicated by the 1960 census. That is giving it the most favorable construction. Certainly there is nothing in the growth experience of this country to indicate that all our communities are going to attain exactly the same rate of growth, and I see no reason why the 1960 population should be the final standard. It could be an element entering into a formula to estimate what would be the population in 1975, but it should not be conclusive on any community of the country or any State of the Nation in undertaking to construct its portion of the interstate highway.

Mr. GORE. As the able Senator well knows, there is a great population movement in our country from the rural districts to the cities. I cannot say that I am too happy over the movement of people from rural areas to the urban areas, but whether I am happy with it or not, there is a vast movement. In my State, for example, the few large urban areas have had great increases in population, but most of the rural counties for the past 20 years have lost population.

Mr. RUSSELL. That is true not only in the large urban centers, but in my State—and I believe the Senator will find that it holds true in his State—even in the rural counties which have lost considerable population, the largest communities within those counties, in most instances, have maintained their population or increased somewhat. There has been a great movement away from the land into the towns and communities of every size throughout the Nation.

Mr. GORE. I believe the Senator will agree that the traffic pattern may not, in fact, relate to the population of a community at all. As we develop in our economic life, the per capita ownership of automobiles rapidly increases.

I trust that there will not be a drastic slowdown in the program, and that there will not be an undercutting of the standards; but the able Senator from Georgia heard me read the interpretation of an official in my State with respect to the manual. I hope that if this is an erroneous interpretation the Department of Commerce will say to our Governors unmistakably that these are not maximum standards, but only an advisory manual of instruction for preparing cost estimates.

Mr. RUSSELL. I share the Senator's hope. It is regrettable if we must reduce the tempo of this construction, but it would certainly be compounding the

tragedy to build the system on a scale which would not answer the purposes which Congress intended in the year 1975.

Mr. GORE. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. ERVIN. Is it not true that the volume of traffic which uses these highways is not necessarily proportionate to the size of the communities through which the traffic passes? In other words, these highways carry a vast amount of traffic from one area of the country to the other, and the amount of the traffic in many cases has no relation whatever to the community through which the highway passes.

Mr. GORE. For example, Atlanta is the hub of a large portion of the South, through which passes a large amount of traffic moving from the southeast to the north and northeast.

Mr. ERVIN. I should like to ask the Senator from Tennessee another question. How can the States and the road contractors devise long-term plans for the construction of these highways when they cannot rely upon the allotment of moneys which the act of Congress contemplated should be made.

Mr. GORE. Only yesterday the Highway Subcommittee of the Governors Conference met in Washington. I met with them. I am sure that they called upon a number of Senators and Representatives. These Governors were greatly disturbed by their inability, for the first time since 1916, to rely upon a moral commitment and a legal apportionment of funds to the States. Of course, that affects the highway construction industry, as the Senator has indicated. It adversely affects the progress of the highway program, and makes it more costly rather than less.

Mr. ERVIN. It not only makes it more costly, rather than less, but also endangers the investments of those who invest in machinery for the purpose of constructing highways.

Mr. GORE. I was advised yesterday by one of the Governors that in one town in his State $12 million worth of construction equipment was lying idle and rusting away, and that people in the construction industry who had invested in that machinery, relying upon the highway program which had been enacted by Congress upon the recommendation of the President, are now threatened with bankruptcy.

Mr. ERVIN. I have received information to the same effect from a number of road contractors in my State who have equipped themselves for the purpose of carrying out the program envisioned by the act of Congress.

Mr. GORE. That is regrettable; but I point out to the Senator that a far more serious threat looms in the growing number of fatalities on our highways, and the delay and added cost involved in the completion of the system.

Mr. ERVIN. I commend the Senator from Tennessee for the great work he has done in connection with this entire program, and for calling the attention of the Senate and the country to the failure to carry out the program as it was envisioned by the act of Congress. I think he has rendered and is rendering a service of inestimable value to the Nation.

Mr. GORE. I thank my friend.

SPECIAL SCHOOL MILK PROGRAM—ADDITIONAL COSPONSOR OF BILL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the Senator from Kentucky [Mr. COOPER] may be added as a cosponsor of the school milk bill, S. 2751, and I ask unanimous consent that the name of the Senator be included as a cosponsor in the report by the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SPECIAL SCHOOL MILK PROGRAM

Mr. HUMPHREY. Mr. President, with reference to the report I have today presented on behalf of the Committee on Agriculture and Forestry, I should like to point out that the proposed amendment to this legislation would make it possible for schools to plan ahead on the school lunch and special milk programs with a much greater sense of security than they now have. This proposal would in no way relieve the Congress of its responsibility to keep a watchful eye on the progress of the program to insure that maximum benefits are realized by the schoolchildren of the Nation. When these provisions prove inadequate, I would certainly want to take steps to make additional funds available for this most worthy program, and I am confident that I would be joined in this by a majority of my colleagues in the Senate.

We have with regard to the special school milk program, as the Senate will be interested to know, increased the authorization and made this a permanent piece of legislation, rather than maintaining it on an emergency basis.

WILDERNESS LEGISLATION

Mr. ALLOTT. Mr. President, on Tuesday of this week, the Senate Committee on Interior and Insular Affairs again took up consideration of the wilderness bill, S. 1123. At that meeting the senior Senator from Wyoming [Mr. O'MAHONEY], whom I and many of us here consider one of the great lawyers not only of the Senate but in this country, presented to the committee some of his thinking about the bill. I thought his analysis so sound and so important as to warrant a broader audience than just the committee members. Accordingly, I requested his permission to have some of his thoughts inserted in the RECORD, to which he graciously agreed.

Because my learned friend and colleague from Wyoming has brought his great wisdom to bear on this bill, I feel certain that any legislation which our committee reports on this subject will be infinitely more sound and realistic than would otherwise be the case. I believe that all of us in the West, where most of the wild and primitive areas of this country remain, are deeply in debt to the senior Senator from Wyoming for the extent to which he has given of his valuable energies and capabilities in the cause of sound government.

I commend to all my colleagues this little treatise on the meaning and effect of the Constitution and the need for straightforward and clear legislation. Whether or not interested in the wilderness bill as such, anyone who cares about good government will appreciate the thoughts expressed here by a true legal scholar. I ask unanimous consent that excerpts from Senator O'MAHONEY's remarks be printed at this point in the RECORD, as well as the amendment offered by the Senator from Wyoming.

There being no objection, the excerpts and amendment were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM STATEMENT BY SENATOR O'MAHONEY

Senator O'MAHONEY. Mr. Chairman, you were good enough last year to postpone consideration of this matter (wilderness system bill) until I could be here. I want to explain to the membership of the committee that I made the request because, on reading the bill, I came to the conclusion that it was a bill of such vague language that it is impossible to determine from a reading what is meant or what could be done by the executive officials of lower stature in the Government if they desired to do something.

I am personally not opposed to a wilderness. I have the greatest admiration for what the Forest Service has done. But I definitely feel that a careful reading of this bill would convince anybody that it should be entitled "A bill to relieve Congress and its Members of their responsibilities under the Constitution," instead of a bill to create a wilderness system.

WOULD BIND FUTURE CONGRESSES

Let me call your attention to the fact that it definitely provides for a system—not for a national wilderness, but for a system of national wilderness. That means—if you read the bill, I think you will come to the same conclusion—that what it attempts to enact is in the nature of a constitution, not a law. No Congress can bind another Congress. Yet in this bill we give to the Secretary of Agriculture 15 years to examine and review primitive areas in the national forest. The bill does not attempt to put into the wilderness now, when this act is passed, any primitive areas. Those are simply earmarked for review by the Secretary.

Since I have been speaking about the 15-year period for review given to the Secretary of Agriculture, I must speak to you of the fact that a 10-year period is given to the Secretary of the Interior to review inclusions into the wilderness system. Why the difference? Why should the bill presented by this committee to the Congress of the United States say that the Secretary of Agriculture should have 15 years and the Secretary of Interior should have 10 years?

There was another point here that I would like to point to. This is to be found on page 12 of committee print No. 3.

There have been three prints of this committee bill, Mr. Chairman, and there are so many amendments that have been added that it is absolutely essential, in the interest of the ordinary process of legislation, for the committee, if it wishes to report a bill, to report out a clean bill. It would be a time-consuming and opposition-creating procedure to report a bill that looks anything like committee print No. 3.

WOULD GIVE AUTHORITY TO ANONYMOUS OFFICIALS

Now, however, let us see this paragraph. It is entitled "Other Units," on page 12. This is section 2(d).

"The Wilderness System shall also include such units as may be designated within any federally owned areas by the official or officials authorized to determine the use of the areas involved, including any area or areas acquired by gift or bequest by any agency of the Federal Government. * * *"

Now I ask, who is such an official? By whom has such an official been authorized? What does any sponsor of this bill know about "by the official or officials authorized to determine the use of the areas involved?" When did Congress pass a law authorizing certain unnamed officials to determine the use of the areas involved? Are these officials the Secretaries of Agriculture and Interior? Apparently not.

The bill is full of vague language such as that. Let me call your attention to this.

FOREST FUNDS COULD BE WITHDRAWN

You gentlemen, all the members of this committee, are interested in the public land laws. In fact, we were set up for the purpose of passing the public land laws. These laws were enacted for the purpose of enabling miners and settlers and other citizens of the United States to acquire title to the public lands.

Now I call your attention to page 7, line 19, the last sentence.

"The publication of a proposal to add any national forest area or part thereof to the Wilderness System shall segregate the public lands involved from any or all appropriations under the public-land laws to the extent deemed necessary by the Secretary of Agriculture."

There is a statement, clear as day, "The publication of a proposal." Does it say by whom? No, it does not. But if a proposal is made "to add any national forest area or part thereof to the Wilderness System," it has the immediate effect of an executive order of withdrawal by the President of the United States. Is any member of this committee willing to stand up here and now and say that he is willing to give to almost anybody the right to make a proposal for the addition of a national forest area which shall segregate all the public lands involved from any or all appropriations under the public land laws? I do not believe there is a single member.

This, Mr. Chairman, is one of those bills using the device of wonderful words, standing for some generally accepted idea—motherhood, patriotism, conservation—but lacking any definition of what is meant. During my years as a Member of the Senate, I have seen such bills, but none as emphatic an example as this one.

Let us take, for example, the very first paragraph of this bill: "That (a), in order to secure for the American people of present and future generations"—now we are legislating for the future, just like the constitutional fathers did, when they wrote the Constitution—"the benefits of an enduring resource of wilderness * * *."

OUR PIONEERS CONQUERED THE WILDERNESS

When was wilderness denominated a resource? Is it a resource? Of course, it is a beautiful thing; it is a fine thing to establish and preserve a wilderness for people to enjoy and examine. But wilderness is not a resource. It does not produce a thing. Why, the whole United States was a wilderness until the settlers of the Thirteen Colonies came here, and they were not activated by a desire to preserve a wilderness by any law. They could have preserved a continental wilderness, but they were not interested in that. They wanted to make something out of this country, and they did. Why should we abandon their idea now?

However, "benefits of an enduring resource of wilderness, there is hereby established a National Wilderness Preservation System * * *."

You see? It is a preservation system. This is not an act; this is something that will go on and on and on into the future.

Every member of this committee knows that no Congress can bind a succeeding Congress. Each must act within its constitutional power.

Let me proceed: "Hereby established a National Wilderness Preservation System, to be composed of federally owned"—the word "control" was dropped, because whoever drew the original document included the Indian reservations, of which the United States is a trustee, and the authors of this bill at first presumed to give to the managers of this "system" the authority to take away from the Indians the reservations that have been given to them by treaty. That is a startling and amazing thing to contemplate.

DEVELOPMENT WOULD BE BARRED

"Federally owned areas in the United States and its territories and possessions as hereinafter approved, retaining their primeval environment and influence. * * *"

Well, what is an "environment"? The environment of this room is outside of the room, is it not? So the primeval environment is outside of the wilderness—showing again how inexact the authors of this bill were in attempting to draw the legislation.

"* * * and being managed for purposes consistent with their continued preservation as wilderness * * *."

What does that mean: "consistent with their continued preservation as wilderness"? Why, of course, it means to prevent the areas from being developed in any way; that is clear.

VAGUE LANGUAGE OBSCURES MEANING

The bill continues in line 5 on page 2:

"* * * which areas shall serve the public purposes, including recreational, scenic, scientific, educational, conservation, and historical use and enjoyment by the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."

My contention is that the second sentence is contrary to the first sentence. I respectfully suggest to my colleagues here that since the words "recreation, scenic, scientific, educational, conservation" are not defined in this bill they mean anything that any reader may conceive them to mean. That, of course, is the purpose of raising as a flag a standard like conservation. Everybody says conservation is good. But if you do not state it in clear and specific language, you can make it very bad.

Let me ask about the definition of the word "scientific." Does that not mean the scientific action of knowing how to drill for oil and producing mineral resources? Is not some science involved in that? And if that is done, if mining is permitted, if drilling for oil is permitted in the national parks, in the national wilderness, then the purposes of the conservationists are defeated. But it sounds awfully good to say "scientific," if you do not define it.

What does "recreation" mean? Well, recreation as meant by a hunter is taking his gun, going into the outdoors, and shooting wild animals. What about wildlife refuges? Are we going to turn hunters loose into the wildlife refuges or in the national parks? Of course, we are not going to do so.

But the suggestion is made to sportsmen's clubs all over the West that they are going to have a gala hunting season all over the West, all the year around. No such proposal is intended.

I say, Mr. Chairman, that it is perfectly clear, just from a reading of the lines in this bill, that a very poor job of draftsmanship was done on it. I think I can prove that in just a minute, referring again to that 15-year proposal.

Bear in mind that this bill has gone through three reformations; I am reading from the third, page 6, beginning on line 4: "Following enactment of this Act, the Secretary of Agriculture shall, within fifteen years, review, in accordance with paragraph (c), section 251.20, of the Code of Federal Regulations, title 56, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness."

You see the distinction between primitive areas and wilderness areas? Here it is stated for you.

INCONSISTENCIES APPEAR IN PROVISIONS

The Secretary is given 15 years to review the suitability of "each" primitive area. Of course, the word should have been written "every," to emphasize that none be excepted. But all through this bill the word "each" is used instead of the word "every."

Now let us proceed.

"Before the convening of Congress each year, the Secretary of Agriculture shall advise the President who shall advise the United States Senate and the House of Representatives of his recommendation for the inclusion and designation as wilderness area, or exclusion from the wilderness system, of each area on which his review has been completed in the preceding year * * *."

Now, what does that mean? Obviously, it means that the Secretary of Agriculture shall make the review and make the recommendation and transmit them to the President, and the President shall transmit to Congress the recommendations of the Secretary of Agriculture. The President here becomes the messenger boy for the Secretary of Agriculture, any person who holds that job in the next 15 years. Do we mean that? Of course we do not mean that.

But let me call your attention now to another fact. We change now to the Secretary of the Interior.

"Any proposed admission to, modification of, or elimination from any area of wilderness established in accordance with this Act, and any proposed addition or elimination of any unit to or from the wilderness system, shall be made only after not less than ninety days' public notice and the holding of a public hearing,"—observe—"if there is demand for such a hearing and shall be reported with map and description to the President by the Secretary of Agriculture, the Secretary of the Interior, or other official or officials having jurisdiction over the lands involved."

Here again we find the "other officials."

Now we will proceed: "The President shall transmit the proposal to Congress as he deems appropriate, and his recommendation shall take effect * * *."

Now, you see how much more carefully that is drafted. That is no affront to the President, because it contains the phrase, "as he deems appropriate," his recommendation being the recommendation of the President, whereas with respect to the Secretary of Agriculture, the language is so vague that it means the recommendations of the Secretary of Agriculture.

All through this bill there are interlineations that I have made and suggestions I have made, comments I have made, discussions of which I shall be very glad to postpone. I came here this morning from the hospital, omitting the physical therapy which I usually take in the mornings, because this date was set by the chairman to deal with the wilderness system bill and, not wanting to be accused of using my illness for the purpose of delaying action on it, I

made no request that it not be considered at this session. I would be very happy now if you would call on Mr. Stong to proceed with an explanation of the bill before the committee.

SUBSTITUTE BILL OFFERED

Before he does, however, I would like to ask unanimous consent to insert in the record an amendment which I drafted. It was intended to be offered as a clean bill, striking out all after the enacting clause, and inserting what I have written here. A space has been left, however, for the description of the actual area which is going into wilderness if this bill should pass, the idea being that I am convinced that the people of all of the Western States should know exactly, when this bill is passed, what areas have been made into wilderness. If they do not, they will be dependent upon the executive officials, whose opinions will bear great weight.

(The amendment referred to follows:)

Senator ALLOTT. Mr. Chairman, before Mr. Stong proceeds, I would like to say this to my colleague and neighbor from Wyoming. I think he has pointed out, certainly, with the great legal clarity which he always has, and certainly in very forceful language, some of the things and some of the concerns many of us have with this particular bill. I cannot compliment him too highly on the simplicity in the way he has presented it, and I would like to say to him that I would be very happy if he would permit me to introduce into the RECORD, the CONGRESSIONAL RECORD, his comments on this bill, because I feel that they should be widely read and widely understood.

CONGRESS MUST RETAIN ITS AUTHORITY OVER PUBLIC LANDS

Senator O'MAHONEY. I might say in that connection that some weeks ago the editor of the New York Times was good enough to publish a letter I wrote him, but at the end of the letter, in italics, he inserted words to this effect: "All of the lands affected are owned by the Government," thinking that was a complete answer to what I had said.

His concept of the Government left Congress out of the picture. The first article, article I, of the Constitution says: "All legislative powers herein granted shall be vested in a Congress of the United States. * * *"

This is a definite mandate and we are disregarding it by delegating away our power. And here is a case in which we are dealing with an area of land so great that it involves more than 40 percent of the area of several Western States. We are giving a power to unknown officials in the departments to denominate as wilderness, lands that might be necessary for the economic fate or the defense fate of the United States.

LAND MAY HOLD UNKNOWN RESOURCES

I remember when I was a member of the Appropriations Committee during World War II, when the Manhattan Project was created, the United States had to buy from foreign countries the uranium to make the atomic bomb. We had no uranium in the United States. Now, however, the Nation is free from dependence upon foreign sources. We have uranium ourselves, and the State of New Mexico, represented by Senator ANDERSON, and the State of Wyoming, are the two largest producers of uranium in this country.

Nobody ever dreamed in World War II that uranium would be found in the United States. In Wyoming it was found in a desert area, which some Secretary might have wished to bring into a wilderness area. One cannot tell from this bill what we would want him to do.

Nobody can pretend to predict what will happen during the next 15 years, when some presently unknown deposit of some kind, not the old minerals, but some new minerals, may be discovered within this area. And yet here we are blithely proposing to legislate without giving any protections to the people of the United States for the preservation of the right to seek those minerals.

I have attempted to write a clean bill. I know it is defective, because I did not have the time that I normally would use for such purpose. But in this bill it is provided that the Geological Survey shall report to Congress with respect to every area that any Secretary proposes to add to the wilderness system what its prospective value is for minerals or other deposits.

I think the time has come when, if we are going to lead the world to freedom, the Congress of the United States must assert its constitutional power. We cannot permit dictators to arise, as they have in various countries around us, as they have in Europe, for instance. We cannot permit Mikoyan to visit Castro in Cuba, on our very shores, and think that by allowing Congress to delegate away its powers we are preserving freedom. We are not preserving freedom in that way.

I would say to the Senator from Colorado that it was a great Republican President, Abraham Lincoln, who in his Gettysburg Address created the immortal phrase, "A government of the people, by the people, and for the people." We cannot keep that sort of government if we allow Congress to surrender its position of stature and integrity.

I will be very happy, I will say to the Senator from Colorado, if you will place my remarks in the CONGRESSIONAL RECORD.

Senator ALLOTT. Thank you very much, because I deem it an honor to do it.

"AMENDMENT INTENDED TO BE PROPOSED BY MR. O'MAHONEY TO THE BILL (S. 1123)

"Strike out all after the enacting clause and insert, in lieu thereof, the following:

" 'That to secure for the people of the United States of present and future generations the benefits of the preservation of wilderness without denying at the same time the opportunity of developing for national defense and a progressive economy all resources of such areas, there is hereby established a national wilderness to consist of all lands within the national forests classified on February 1, 1960, by the Secretary of Agriculture or by the Chief of the Forest Service as wild, wilderness or roadless, as described hereafter, and such additional lands as shall hereafter be included by the Congress in conformity with the provisions of this Act.

" 'SEC. 2. (a) Following the enactment of this Act the Secretary of Agriculture and the Secretary of the Interior shall, within ten years, in the case of the Secretary of Agriculture, review the suitability of each primitive area in the national forests for preservation as wilderness and, in the case of the Secretary of the Interior, review such units of the national park system which have been proposed for addition to the wilderness system.

" '(b) If any area is found to possess inherent qualities, the tangible and intangible benefits of which demonstrably indicate the desirability of adding it to the wilderness and likewise offset the benefits to be derived from any other use or uses, each respective Secretary shall send to Congress a recommendation for its inclusion in the wilderness setting forth the boundaries and legal descriptions, together with a report from the United States Geological Survey, independently made and without regard to any views that may be held by either the Secretary of Agriculture or the Secretary of the Interior with respect to lands under their respective jurisdictions, stating that a geological reconnaissance of such area reveals that it is not prospectively valuable for minerals or other deposits that may be useful for the national defense or the needs of a progressive economy. Each Secretary may also report to Congress his recommendation for the withdrawal of any area from the existing wilderness.

" '(c) During any such review public hearings shall be held by the respective Secretaries at a place conveniently adjacent to any area proposed for addition. In presenting such wilderness addition plan to Congress each Secretary shall enumerate and summarize any objections which may have been lodged against the inclusion of such area in the national wilderness, together with a recitation of the facts upon which he relies in setting aside such objections.

" '(d) The areas classified by the Secretary of Agriculture or the Chief of the Forest Service mentioned in section 1(a) above are hereby made a part of the national wilderness and are described as follows:

" 'SEC. 3. In establishing a national wilderness within the national forests it is further declared to be the policy of the Congress to administer the national forests with the general objectives of multiple use and sustained yield. In order to carry out this policy the Secretary of Agriculture is, accordingly, directed to administer the national forests on a multiple-use basis so that all the uses thereof, including grazing, recreation and wildlife, will be fostered and developed to produce a sustained yield of products and services, including the establishment and maintenance of wilderness areas, for the benefit of all the people of this and future generations: *Provided, however,* That no land from which revenue has heretofore been obtained and disbursed to the States for the benefits of the counties in which such lands are located shall be administered in any manner so as to deny to such States and counties any revenues which might otherwise accrue. Such areas of wilderness like all other national forest lands shall be so managed as to protect and preserve the watersheds, the soil, the beneficial forest and timber growth, and all beneficial vegetative cover. The purposes of this Act are further declared to be within and supplemental to, but not in interference with the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (30 Stat. 24, 25, 26; 16 U.S.C. 471–78, 551.)

" 'SEC. 4. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge or other Federal area included within the national wilderness, except that the Secretary of Agriculture and the Secretary of the Interior shall be responsible for preserving the wilderness character of any area under their respective jurisdictions placed within the national wilderness.

" '(b) Except as specifically provided in this section and subject to any existing private rights, no portion of any area included within the national wilderness shall be used for any form of commercial enterprise not contemplated in the purposes of this Act. Within such areas, except as otherwise provided in this Act, there shall be no permanent road; nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft, or any other mechanical transport of persons or supplies. In addition there shall be no construction of any temporary road, or any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act.

" '(c) The following special provisions are hereby made:

" '(1) Within national forest areas included in the national wilderness grazing of livestock where it has already become well established may be permitted to continue subject only to such restrictions as the Secretary of Agriculture finds, after public hearing, to be necessary. Within national forest areas included in the national wilder-

ness such measures may be taken as may be necessary in the control of insects and diseases, subject to such conditions as the Secretary of Agriculture finds necessary.

"'(2) Within any area included in the national wilderness the President may, within a specific area and in accord with such regulations as he may find necessary, authorize prospecting (including exploration for oil or gas), mining (including the production of oil or gas), and the establishment and maintenance of reservoirs, water conservation works and other facilities needed in the public interest including road construction and maintenance essential to development and use thereof upon his finding that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial.

"'(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with the purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, second session, July 10, 1930, the Thye-Blatnik Act, Public Law 733, Eightieth Congress, second session, June 22, 1948, and the Humphrey-Thye-Blatnik-Andersen Act, Public Law 607, Eighty-fourth Congress, second session, June 22, 1956, as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

"'(4) Any existing use or form of appropriation authorized or provided for in any Executive order or legislation establishing any national wildlife refuge or range existing on the date of the enactment of this Act may be continued under such authorization or provision.

"'(5) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water law.

"'(6) No prohibition against hunting or fishing shall be made on any area included within the national wilderness where hunting and fishing were permitted on the date of the enactment of this Act.

"'SEC. 5. The Secretary of Agriculture and the Secretary of the Interior shall each maintain, available to the public, records of areas in their respective jurisdictions included within the national wilderness, such records to include maps and descriptions, copies of regulations governing them, copies of all public notices with respect thereto, reports and recommendations to the Congress. At the opening of each session of Congress the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the President for transmission to Congress on the status of the national wilderness together with a copy of regulations they may care to make.

"'SEC. 6. All hearings and proceedings conducted under this Act shall be held in conformity with the Administrative Procedure Act (60 Stat. 237) and any Act amendatory or supplemental thereto.

"'SEC. 7. This Act shall be known as "The National Wilderness Act".'"

Mr. ALLOTT. Mr. President, in several respects, including one very basic point—the procedure for establishing new wilderness areas—the remarks of Senator O'MAHONEY and his substitute bill coincide with a series of amendments to the wilderness bill that I offered last year. I should like also at this point to have inserted in the RECORD a copy of those amendments, along with explanations thereto, and I ask unanimous consent that this be done.

There being no objection, the amendments and explanations were ordered to be printed in the RECORD, as follows:

EXPLANATION OF AMENDMENTS TO S. 1123 PROPOSED BY SENATOR ALLOTT BASED ON THE ASSUMPTION THAT AMENDMENTS CONTAINED IN COMMITTEE PRINT NO. 2 WILL BE ADOPTED

The report of the Bureau of the Budget points out that the language of section 2(d) apparently changes the basic purposes for which national forests are established, and suggests that this should not be done in legislation dealing solely with wilderness areas. The point is well taken, and the bill should be so amended.

"Strike from line 18, page 3, the words 'to administer', strike all of the balance of page 3, and strike the first and second lines of page 4 through the word 'generations'."

3. The method of establishment of wilderness areas by executive department recommendation, subject to objection by Congress, is contrary to the precedent established in providing for the creation of national parks. Hence, the legislation would be amended to provide for establishment of wilderness areas only by affirmative act of Congress with respect to each proposed wilderness area.

"Strike section 2(a) and insert in lieu thereof the following:

"'SEC. 2. The national wilderness areas shall comprise (subject to existing private rights, if any) the federally owned or controlled areas established as provided for in this section.

"'NATIONAL FOREST AREAS

"'(a) Wilderness areas shall include areas within the national forests which are so designated by Act of Congress. The Secretary of Agriculture shall recommend to the Congress the areas which he finds should be established by the Congress as wilderness areas. Such finding shall be based on a determination that such area so recommended is predominantly of wilderness value, and that its value as wilderness exceeds its total value for other beneficial uses.

"'Wild, wilderness, primitive, and canoe areas heretofore established in substantial accordance with Agriculture Department regulations now existing or as they may hereafter be amended shall continue to be within the administrative jurisdiction of the Department of Agriculture, and shall be subject to modification as such by action of the Department of Agriculture, and shall be subject to the provisions of section 3 of this Act.'"

3(a). If the amendments proposed above are adopted, other amendments to the language of the legislation are required to eliminate what would otherwise be inconsistencies, and certain deletions are required to eliminate surplusage.

"Page 3, strike lines 10–13, beginning with the words 'that the National', and ending with the words 'its provisions.' Insert in lieu thereof the following: 'that provision is made for the recognition and establishment of national wilderness areas. The areas that may be designated in accordance with the provisions of this act'.

"Page 4, line 16, strike the words 'provided for in' and insert the words 'designated under the provisions of'.

"Page 16, strike all of lines 7 through 25; page 17, strike lines 1 through 4."

3(b). In conformity with the principle that areas should be set aside as wilderness areas only by affirmative action of Congress, such affirmative action should be required, especially in the case of Federal lands other than Forest Service lands. Otherwise, hundreds of millions of acres of land could be included by act of an administrator of the lands, subject only to a rather rapid adoption of the resolution opposing it by both Houses of Congress. Hence, the provision for other units should be amended to provide for inclusion only by act of Congress, with the exception of donated private land.

"Strike lines 7 through 25, page 12, and lines 1 through 3, page 13, and insert in lieu thereof the following:

"'OTHER UNITS

"'(B) Wilderness areas shall also include such areas as may be designated by act of Congress within any federally owned area, and shall also include any area or areas entrusted to or acquired by gift or bequest by any agency of the executive branch of the United States Government for preservation as wilderness. Regulations with regard to any privately owned area given, bequeathed or entrusted to a Federal agency for preservation as wilderness shall be in accordance with such agreements as may be made at the time of the gift, bequest or trust.'"

3(c). In conformity with the principle that areas should be established only by specific act of Congress, modifications, additions and deletions should be similarly accomplished only by affirmative act of Congress. It seems wise, however, to retain the provisions for public hearings before such proposals are made to the Congress.

"Strike lines 4 through 24, page 13, and 1 through 7, page 14, and insert in lieu thereof the following:

"'ADDITIONS, MODIFICATIONS, AND ELIMINATIONS

"'(c) Any recommendation of a proposed addition to, modification of, or elimination of any wilderness area established by any Act of Congress, may be made by the Department of Agriculture to the Congress after not less than 90 days' public notice of the proposal and the holding of a public hearing, if there is a demand for such a hearing.'"

4. Under S. 1123, as originally presented, certain Indian lands might have been included in the wilderness system. The amendments included in committee print No. 2 would eliminate those Indian lands. This elimination, as well as the elimination proposed by these amendments, render it unnecessary to refer to "federally controlled" areas and such references should be eliminated.

"Strike lines 22 through 24, page 7, all of pages 8 and 9, and lines 1 through 4 of page 10.

"Strike the words 'national park or monument' from line 11, page 14."

5. The national park system, in existence for many years, has been very adequately administered and protected. It serves the purpose of providing areas which are developed and made accessible to the general public. These are large islands of undeveloped areas, but the general purpose is to provide for the enjoyment of these developed areas by masses of persons. The purpose of wilderness areas is to provide areas which are virtually totally undeveloped, giving an opportunity to the few to enjoy solitude in a natural setting. These are contradictory purposes, and there is no apparent reason for including national parks in wilderness area legislation.

"Strike lines 5 through 25, page 10, and all of page 11.

"Strike the words 'national wildlife refuge' from line 12, page 14.

"Strike lines 5 through 9, page 17."

6. Wildlife refuges and ranges are areas set aside for the propagation of wildlife, and this frequently requires management and development of the area. This purpose is inconsistent with the purpose of wilderness areas, and there is no apparent reason for

including wildlife refuges and ranges, nor for changing the method of administration thereof, in legislation dealing with wilderness areas. Hence, provisions dealing with wildlife refuges and ranges should be eliminated.

"Page 14, line 25. Strike the words 'used for any form of' and insert in lieu thereof the words 'developed for'.

"Page 15, line 3, after the word 'road' insert the words 'except those required for protection of the areas from damage by fire, disease, or insect infestation;'.

"Page 15, line 6, after the word 'supplies' insert the words 'except as required for emergency purposes'.

"Page 15, lines 13 and 14, strike the words 'use of aircraft or' and insert the words 'landing of aircraft or use of'.

"Page 15, line 15, strike the word 'may' and insert in lieu thereof the word 'shall'.

"Strike from lines 15 through 17, page 15, the words beginning with 'subject to' and ending with 'desirable', and insert in lieu thereof the following: 'similar regulations as are generally applicable to the administration of forest service lands. Nothing herein contained shall be construed to prohibit the operation of aircraft over wilderness areas'.

"Page 15, line 19, insert after the word 'diseases', the following: 'or fire, or as may be desirable for the prevention of damage by fire'."

7. Several amendments are made in the language concerning restriction on activities within wilderness areas. The amendments proposed are for the following purposes:

(a) To broaden and clarify the extent of exceptions permitted.

(b) To permit the use of mechanical equipment and the establishment of roads in the areas when necessary for prevention of damage by fire, insect infestation or diseases.

(c) To make it clear that commercial enterprises can rent horses for taking guests into the areas, and include trips into the areas as part of a dude ranch vacation.

(d) To make it clear that the use of mechanical equipment required for emergencies, such as rescue operations, would be permitted.

(e) To permit operation of aircraft over the areas.

"Strike lines 21 through 25, page 15, and lines 1 through 6, page 16, and insert in lieu thereof the following:

" 'Within wilderness areas, the establishment and maintenance of reservoirs, water conservation works, and facilities for the conservation of water and its delivery to points where it is to be used, whether such facilities are to be constructed by public or private agencies, shall be permitted in accordance with applicable State and Federal law, including the road construction and maintenance essential to development and surveys and investigations preliminary thereto.'

" 'In addition, the Secretary of Agriculture shall grant rights-of-way for communication lines, power transmission lines, pipelines, and other utilities in any case where the failure to grant such rights-of-way would unreasonably increase the cost of providing for the transmission of information, power or fuels. In addition, the Secretary of Agriculture, in accordance with such regulations as he may deem desirable, authorize prospecting, mining, the construction of roads, or other developments, upon his determination that such use in the specific area will produce a greater yield of products and services than will its denial'."

8. The special provisions for exceptions to restrictions on use in the present legislation are too restrictive and could well cause unnecessary and unreasonable limitation on the utilization of the areas for purposes of great value to the people of the Nation. Hence, several amendments are proposed to broaden the scope of these permitted uses. The principal points sought to be accomplished are:

(a) To permit rights-of-way for water developments which affect vast areas other than the wilderness areas themselves but have small, if any, effect on the wilderness areas.

(b) To permit rights-of-way for utilities, where the denial would unreasonably increase the cost. This would be of particular advantage to rural electric cooperatives, who have continual problems of economically expanding service to rural customers.

(c) To permit other exceptions to be made by the Secretary of Agriculture under a clearer and more reasonable standard. The standard in the proposed legislation is subject to vast differences in interpretation. Substituted for this nebulous and ambiguous standard is a clear standard based on the productivity of the area.

"Add a new paragraph at the end of section 2(e), page 14, line 7, to read as follows:

" 'Each proposal for the creation of, or the addition to or modification of any wilderness area shall be submitted to the chief executive of the State wherein such area is to be established, added to, or modified. If within 120 days after such submission, the chief executive of the affected State shall object to the establishment of, addition to, or modification of the proposed area, he shall file a report of his objections with the Secretary of Agriculture and such report shall accompany the Secretary's recommendation to the Congress.' "

9. Federally owned areas, although the property of all the people of the United States, also have a very serious effect on the States in which they are located. It has been the historic policy of the Federal Government to give due consideration to legitimate interests of the sovereign States within the Federal structure. This bill should carry out that policy.

"Strike lines 10 through 12, page 17."

10. The bill should be amended to eliminate reference to States water rights. This question in connection with wilderness areas is no different than the same question in connection with all Federal reserved lands and should be considered in legislation dealing with all such reserved lands. The apparent disclaimer contained in section 3(c)(5) does not solve any problem, raises serious questions of construction, and creates a possible conflict with section 3(c)(2).

"Page 1, strike from the title the words 'establish a National Wilderness Preservation System' and insert in lieu thereof the following: 'recognize and establish national wilderness areas'.

"Page 1, lines 5 and 6, strike the words 'there is hereby established a National Wilderness Preservation System'.

"Page 2, line 23, strike the words 'an' and 'system'.

"Page 3, lines 10 and 11, strike the words 'that the National Wilderness Preservation System is established' and insert in lieu thereof the following: 'that provision is made for the recognition and establishment of national wilderness areas'.

"Page 3, lines 11 and 12, strike the words 'units of this System designated for inclusion by this Act, and those', and insert the word 'areas' before the words 'that may'; and in line 13, page 3, strike the word 'later'.

"Similar language changes would be made at page 4, lines 16, 18, 19.

"Strike line 20, page 4; page 14, lines 13 through 17; page 14, line 24; page 15, lines 12 and 13; page 15, lines 17 and 18; page 15, lines 21 and 22."

11. The bill should be amended to change the concept of a wilderness system by stating that the purpose of the act is to establish wilderness areas, and by amending the legislation, where it refers to the wilderness system, to refer only to wilderness areas. It seems unnecessary to create a wilderness system within the national forest system, rather than to simply provide for the creation of wilderness areas within the national forest system. This amendment has been requested by several organizations and interested individuals.

"Page 4, line 5, strike the words 'the beneficial forest and timber growth and all' and insert the word 'the'.

"Page 14, line 20, substitute the word 'uses' for 'use'.

"Page 14, line 22, substitute the word 'Act' for the word 'section'.

"Page 15, lines 2 and 3, strike the words 'section and in section 2 of this'.

"Page 15, line 5, strike the word 'other'."

12. There are several minor amendments which are proposed for grammatical reasons, and to eliminate unnecessary wording. These are shown at:

"Page 4, line 5, strike the words 'the beneficial forest and timber growth and all' and substitute the word 'and'.

"Page 14, line 20, strike the word 'use' and substitute the word 'uses'.

"Page 14, line 22, strike the word 'section' and substitute the word 'Act'.

"Page 15, lines 2 and 3, strike the words 'section and in section 2 of this'.

"Page 15, line 5, strike the word 'other'."

RECESS TO 11 A.M. TOMORROW

Mr. ERVIN. Mr. President, if no other Senator desires to address the Senate, I move that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 40 minutes p.m.) the Senate took a recess until tomorrow, Friday, February 19, 1960, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 18 (legislative day of February 15), 1960:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Francis Adams Cherry, of Arkansas, to be a member of the Subversive Activities Control Board for a term of 5 years expiring March 4, 1965. (Reappointment)

COMMISSION ON CIVIL RIGHTS

Robert S. Rankin, of North Carolina, to be a member of the Commission on Civil Rights, vice John B. Battle, resigned.

SECURITIES AND EXCHANGE COMMISSION

Harold C. Patterson, of Virginia, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1965. (Reappointment.)

FEDERAL COMMUNICATIONS COMMISSION

Robert E. Lee, of the District of Columbia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1960. (Reappointment.)

DEPARTMENT OF THE AIR FORCE

Courtland D. Perkins of New Jersey to be Assistant Secretary of the Air Force, vice Joseph V. Charyk.

APPOINTMENTS IN THE REGULAR AIR FORCE

Lt. Col. Wesley W. Posvar, 17316A, for appointment as permanent professor of the U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8284 of title 10, United States Code, with a view to designation under section 8067 of title 10, United States Code, to

perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captains, USAF (Medical)

William B. Dye, AO3002431.
John W. Funk, AO3045841.
John L. Hazlehurst, AO3077082.

To be captains, USAF (Dental)

George C. Kiser, O422708.
Peter R. Reiner, AO3001331.

To be captains, USAF (Judge Advocate)

Billy B. Burton, AO2069242.
Gale I. McGrew, AO712637.
Charles R. Minich, AO3060942.
Robert E. Moore, AO733388.

To be captains, USAF (nurse)

Mary M. Clarke, AN2243889.
Elizabeth M. Davis, AN1906458.
Anne T. Hines, AN2241762.
Sarah P. Wells, AN2243978.
Ona F. Whitlock, AN1858854.

To be first lieutenant, USAF (Medical)

Robert E. Wildin, AO3078091.

To be first lieutenants, USAF (Dental)

Harold J. Crosthwaite, AO3090134.
Henry A. Giertych, Jr., AO3089705.
Kenneth W. Lovern.
Billy W. Sandefur, AO3077582.
Brice N. Wilson, AO1853309.

To be first lieutenants, USAF (Medical Service)

Omar V. Greene, Jr., AO4007174.
Lloyd W. Johnston, AO3075444.

To be first lieutenants, USAF (Judge Advocate)

Gene H. Hall, AO2249197.
Robert W. Norris, AO3017949.

To be first lieutenants, USAF (nurse)

Gladys R. Badgett, AN2243204.
Margaret A. Dame, AN3089384.
Lorraine M. Davenport, AN2243154.
Kay F. DeYoung, AN2243378.
Joanne M. Evans, AN2241739.
Lila M. Garcia, AN3078278.
Winifred L. Gorseth, AN3079062.
Dorothy A. Hunte, AN2243098.
Mary T. Kehoe, AN2242371.
Joann B. O'Toole, AN2242863.
Dorothy M. Welsh, AN2242967.
Clara E. Young, AN2243195.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenants

Richard G. Abbott, AO3055917.
Richard F. Abel, AO3052964.
Eugene A. Adamek, AO3067426.
Francis R. Adams, Jr., AO3069402.
Paul P. Adams, AO3054890.
Richard J. Adams, AO3008821.
Billy D. Adcock, AO3029209.
John K. Aden, AO3068434.
Thomas E. Aicher, AO3048919.
James R. Aiken, AO3048879.
Bernard F. Albers, AO3053983.
Robert J. Albers, AO3050613.
Theodore L. Albright, AO2211085.
Richard B. Aldrich, AO3067563.
Robert M. Alexander III, AO3054087.
Robert S. Allee, AO3027536.
Fred L. Alleman, AO3065730.
Benny J. Allen, AO3027849.
Otto O. Allgeier, AO3054605.
George B. Allison, AO3051484.
Paul J. Allison, AO3029543.
Thayer W. Allison, AO3069923.
Fred D. Allman, AO3033000.
Francis J. Almeter, AO3065882.
Noel F. Alsdorf, AO3067362.
Harry A. Amesbury, Jr., AO3051974.
John D. Amundson, AO3064619.
Vernon H. Amundson, AO3058773.
Billy W. Anderson, AO3070545.
Bruce E. Anderson, AO3051980.
Dean M. Anderson, AO3050787.
Everett E. Anderson, AO2230018.
John M. Anderson, AO3068735.
Sidney E. Anderson, AO3037390.
Wayne C. Anderson, Jr., AO3027850.
James R. Andrew, AO3068721.
Harvey D. Angel, AO3056287.
Bernard Appel, AO3050086.
Harold J. Arata, AO2205096.
Paul W. Arcari, AO2208579.
James B. Archer, AO3050531.
Stuart H. Archer, AO3066853.
James B. Armstrong, AO3051900.
Albert G. Arnold, AO3050789.
Paul D. Ashley, AO3055815.
Donald M. Atkinson, AO3026758.
John C. Attebury, AO3065762.
Harold D. Austin, AO3028368.
Frank K. Babbitt, Jr., AO3040448.
Kenneth J. Bachman, AO3052928.
Merle D. Bacon, AO3003820.
Gary D. Baetz, AO3026682.
William L. Bagwell, AO3070790.
Benjamin N. Bailey, AO2205833.
William L. Bailey, Jr., AO3054089.
Thomas P. Baker, Jr., AO3054551.
Duane M. Bakken, AO3053959.
Paul Baldasari, AO3068261.
James E. Baldinger, AO3066880.
Robert L. Baldwin, AO3052500.
Donald G. Balish, AO3064434.
Ronald J. Balma, AO3057910.
Ronald L. Balo, AO3070521.
Thomas H. Bankard, AO3069926.
Charles A. Bankston, AO3021336.
John P. Bannon, AO3056480.
Raymond M. Bara, AO3046954.
Michael R. Barbolla, AO3067089.
Basil L. Bargery, AO3027596.
Gordon L. Barnes, AO3068284.
Walter E. Barnes III, AO2209233.
Dale C. Barnum, AO3067722.
William R. Barr, AO3056312.
Richard A. Barron, AO3055418.
Thomas L. Barrow, AO3070823.
Adelbert P. Bartek, AO3054711.
Richard A. Bartholomew, AO3051825.
Gordon Bass, AO3054606.
Louis R. Batson, Jr., AO3038076.
Robert S. Beale, AO3047951.
Raymond F. Beauregard, AO3065278.
Donald P. Beck, AO3009026.
Marvin H. Beezley, AO3053444.
Conrad L. Beggs, AO2204685.
Douglas C. Bell, AO3057515.
Francis J. Belmonte, Jr., AO2208299.
James E. Belt, AO3067654.
Lorenzo P. Benet, Jr., AO3046812.
Donald F. Benoit, AO3038564.
Albert E. Benson, Jr., AO3069785.
Jerry G. Berkowitz, AO3036865.
Albert M. Bernal, Jr., AO3055768.
James V. Berryhill, AO3051831.
Theodore R. Beuke, AO3046507.
Frank A. Bianco, AO3048530.
Kenneth C. Bibb, AO3065614.
Earnest J. Bickley, AO3027076.
John R. Bieberstein, AO3053106.
Robert L. Biggs, AO2211536.
Melvin J. Bina, AO3014839.
Thomas G. Birr, AO3029455.
Alexander Y. Bishop, AO3039680.
Douglas P. Bishop, AO3056106.
Lloyd K. Bishop, AO3052748.
Nolan A. Bissell, Jr., AO3055047.
Eugene E. Bittrolff, AO3067049.
Richard L. Blair, AO3055523.
Donald P. Blake, AO3055048.
Jule J. Blake, AO3068054.
Norman D. Blakely, AO3047216.
William A. Blaker, AO3053586.
Theodore E. Bliss, AO3068262.
Donald M. Blue, AO3055159.
Emil E. Boado, AO3054203.
Jack W. Bobbitt, AO3065090.
Robert D. Bocock, AO3054838.
James T. Boddie, Jr., AO2206846.
Charles A. Bodeen, AO3070628.
Kenneth D. Bodenhamer, AO3039563.
Lawrence F. Bonderer, AO3065427.
John C. Boockholdt, AO3055304.
Roland T. Boone, AO3065428.
Roderick D. Booth, AO3053988.
William K. Booth, AO3046537.
Joseph C. Bors, AO3069284.
Ronnie O. Bouldin, AO3053923.
Lloyd M. Bouton, AO3051725.
Charles K. Bowden, AO2209958.
John W. Bowden, AO3007266.
Edmund L. Bower, AO3068170.
Dave E. Bowersock, AO3027752.
Robert T. Boyette, AO2215870.
Teodoro Bozzetti, AO3057308.
George D. Brabson, AO3067103.
Harold E. Bradberry, AO2210083.
Bruce V. Bradley, AO3067023.
Charles W. Bradley, AO3028971.
Claude J. Bradshaw, Jr., AO3054090.
Cecil H. Braeden, AO3058817.
Dale L. Brakebill, AO3051224.
Andrew J. Breen, AO3067215.
Donald R. Brian, AO3055118.
Gary W. Brindley, AO3070806.
George W. Brinkman, AO3067312.
Kenneth G. Brinson, AO3009171.
Charles C. Brittain, Jr., AO3065468.
Douglas B. Brittain, AO3057975.
Donald L. Brooks, AO3055487.
Robert E. Brooks, AO3052944.
Wiley S. Brooks, Jr., AO3054219.
Donald F. Broschat, Sr., AO3008781.
Harmon M. Brotnov, AO3047053.
Charles D. Brown, AO2210834.
Charles J. Brown, AO3054982.
Charles R. Brown, AO3065615.
David M. Brown, AO3066015.
Donald D. Brown, AO2211743.
Floyd W. Brown, Jr., AO3029345.
Robert M. Brown, AO3030274.
Tommy M. Brown, AO3046585.
David C. Broxterman, AO3066966.
Robert D. Brubaker, AO2207843.
Clarence K. Bruce, AO3028575.
Alvin H. Bruder, AO2206265.
John B. Bruno, AO2207372.
Andrew R. Brusini, AO3008444.
Bert Bryant, Jr., AO3070303.
Frank A. Buchanan, AO3066098.
Melvin L. Buck, AO2210193.
Louis C. Buckman, AO2209038.
Edward P. Bucko, AO3065513.
Otto M. Budig, Jr., AO3070489.
Francis J. Buglewicz, Jr., AO3070409.
Mark L. Bumgardner, AO3066016.
Merle O. Bunde, AO3046918.
Bruce Burch, AO3054125.
Rollie K. Burcham, AO3049340.
John C. Burchard, AO3054431.
Arthur F. Burger, AO3064536.
Elvin A. Burgess, Jr., AO3008914.
Donald E. Burggrabe, AO3040929.
Jesse H. Burington, AO3056128.
David J. Burke, AO3047561.
Dennis M. Burke, AO3068263.
James T. Burns, AO3027780.
Theodore A. Burns, Jr., AO3068220.
Myron W. Burr, AO3068001.
William H. Burton, AO3048926.
Edward M. Burwell, AO3009035.
Warren L. Busch, AO3046525.
Gaston O. Bush, AO2211383.
Robert E. Bush, AO2231978.
Samuel L. Butler, AO2210967.
Lucious C. Butt, AO3027348.
Ray F. Butts, AO3057547.
Bobby R. Butz, AO3052288.
Loren L. Buyher, AO3053926.
Earl M. Buys, Jr., AO3053383.
Starr A. Byarlay, AO3053991.
Joseph J. Bylinski, AO3058307.
Vincent D. Calbi, AO3050330.
Bruce T. Caldwell, AO3051813.
Charles C. Caldwell, AO3056132.
Cecil O. Calhoun, Jr., AO3054941.
Joseph T. Callahan, Jr., AO3049074.

William J. Callahan, AO3050371.
Richard C. Campbell, AO3055094.
Gene A. Carew, AO3058787.
Kenneth V. Carey, AO2209874.
James P. Carino, Jr., AO3049781.
Kenneth B. Carpenter, AO3058273.
Rolland T. Carpenter, AO3049495.
Joseph A. Carriere, AO3028478.
Malcolm H. Carroll, Jr., AO3056378.
William S. Carrothers, Jr., AO3027716.
David L. Carson, AO2209912.
David P. Carson, AO3048116.
Dale E. Cartee, AO3046665.
John L. Carter, AO3052089.
James W. Cartwright, AO3065148.
Don A. Cassada, AO3068397.
Donald M. Cassiday, Jr., AO3055488.
William R. Castner, AO3047957.
John T. Chain, Jr., AO3069176.
Thurman Chamblee, Jr., AO3059066.
James C. Chapman, AO3008446.
Robert S. Chase, AO3028974.
Robert L. Chastain, AO3026688.
Eddie J. Chauvin, Jr., AO3027551.
Gabriel V. Chavez, AO3070952.
Everett A. Cheney, AO3055281.
John R. Cherrington, Jr., AO3051811.
Don T. Cherry, AO3018692.
Alexander Chism, AO3037985.
Donald J. Christensen, AO3040200.
Richard E. Christian, AO2205056.
Charles H. Clark, AO2211033.
Gene D. Clark, AO3068526.
Richard R. Clark, AO3050620.
John F. Clarke, AO3048442.
David H. Clegg, AO3029889.
Maurice V. Clegg, AO3046667.
Edward Y. Cleveland, AO3071108.
Raymond H. Cleveland, AO3068741.
Harold C. Clinger, AO3069035.
David B. Clogston, Jr., AO3054225.
Jerry D. Cobb, AO3070281.
Richard Coffee, AO3054095.
Richard A. Coffland, AO2207628.
William J. Coggin, AO3029349.
Edward D. Cohen, AO3046815.
Earle R. Cole, AO3051685.
James L. Cole, AO3052761.
David Collins, AO3027396.
Harold G. Colson, AO3028251.
Harold D. Colwick, AO3047251.
Norman D. Comfort, AO2209041.
Lloyd E. Conduff, AO3057655.
John L. Conley II, AO3055381.
Joseph H. Connolly, AO3032454.
William M. Constantine, AO3068398.
Charles O. Coogan, AO3034995.
Donald E. Cook, AO3028742.
James Cook, AO3064337.
James D. Cooke, AO3053747.
William R. Cooksey III, AO3052586.
Walter S. Cooledge III, AO3047735.
John E. Coon, AO3053166.
Ezra D. Coons, AO3053929.
Charles S. Cooper III, AO3028329.
Grayson V. Cordell, Jr., AO3069929.
Roger W. Corley, AO3067090.
Gerald A. Cory, Jr., AO3029065.
Raymond E. Cosgrove, AO3056889.
Dennis E. Cost, AO3058658.
William T. Costas, AO3070580.
John P. Costner, AO3065075.
William E. Countryman, AO3035370.
Willis D. Covert, AO3009042.
Richard T. Cowern, AO3046821.
Eldon W. Cox, AO3058659.
John T. Craddock, AO3054127.
Donald C. Crandall, AO3028976.
Edmund H. Crandall, AO3070833.
George W. Crane, AO3065618.
William M. Crane, AO3054849.
Jack C. Crawford, AO3035502.
Joe E. Crenwelge, AO3027095.
Jerald L. Crew, AO3055580.
Manley W. Crider, Jr., AO3054745.
Azro C. Crim, Jr., AO3008453.
James A. Crim, AO3069793.
Marcus F. Crook, AO3048282.
Patrick B. Crotty, AO2211890.
Arthur F. Crum, Jr., AO3069291.
Donald E. Cruzan, AO3028372.
Andres N. Cuellar, AO3032635.
Arnold A. Culbreth, Jr., AO3068529.
David Q. Cummings, AO3036309.
Jack C. Cummings, AO2210086.
James T. Cummings, AO3066036.
Richard L. Cummings, AO3055658.
William F. Cummings, AO3029549.
Lawrence R. Cunningham, AO3065872.
Norman M. Cupfender, AO2206491.
Gene D. Curry, AO3035976.
Herbert B. Curtis, AO2211088.
John W. Curtis, AO3040536.
Charles L. Cusenbary, AO3037007.
Donald R. Czech, AO3069054.
William M. Dabrock, AO3053476.
Harry R. Dagwell, AO2206795.
Johannes U. Dahle, AO3068343.
Gerald K. Dahmen, AO3040676.
William R. Dailey, AO3065092.
Donald G. Dair, AO2212023.
Jack N. M. Dale, AO3068401.
Joseph A. Daley III, AO3070601.
Robert J. Daley, AO2209971.
Ronald K. Dalrymple, AO3054944.
Joseph M. Daly, AO3064463.
Jan G. Dame, AO3052447.
William J. Danaher, AO3065108.
Donald A. Daniel, AO3054444.
James O. Daniel, AO3029236.
Louis E. Daniels, Jr., AO3040764.
Richard E. Daniels, AO3028743.
Robert E. Dannenbring, AO3070306.
Gerald P. D'Arcy, AO3070141.
Frederick R. Darling, AO3027009.
Norman W. Darlington, AO3029066.
Lyle E. Darrow, AO3065573.
Wilbur A. Darsey, AO3057316.
Walton F. Dater, Jr., AO3064850.
James M. Daugherty, AO3027276.
George R. Davidson, AO3026614.
Douglas E. Davis, AO3068902.
Douglas R. Davis, AO3056265.
Fred M. Davis, AO2208884.
Harry A. Davis III, AO2211313.
James C. Davis, Jr., AO3055055.
John O. Davis, AO3067024.
Ronald S. Davis, AO3071082.
Wayne E. Davis, AO2210692.
William R. Davis, AO3070358.
Winston J. Daws, AO3070966.
James H. Dayley, AO3069708.
Donald R. Delauter, AO3028428.
John J. Dell, AO3067781.
Robert E. Delong, AO3027948.
Robert I. DeLong, AO3038987.
Rocco A. Demarino, AO3047571.
Derrel L. Dempsey, AO2205413.
Everett E. Dencklau, AO3048383.
Floyd C. Denney, AO3039107.
Jack E. Denny, AO3027755.
George T. de Ogburn, Jr., AO2207565.
William C. DePaepe, AO3032234.
Van A. DePriest, AO3029614.
Kelam S. Derderian, AO3068701.
Robert R. Des Roches, AO3069407.
John W. Dettmer, AO3070491.
Alton H. Deviney, AO3053822.
John N. Dick, Jr., AO3064633.
Gary T. Dickey, AO3070581.
Orville E. Dickerson, AO3053534.
Francis A. Didamo, AO3051688.
James H. Diggs, AO3039108.
Edward Dillard, AO3054226.
Louis S. Dillard, Jr., AO3032000.
Roy B. Dille, Jr., AO3027232.
John J. Dillon, AO3030184.
Jack C. Dimski, AO3039529.
Bernard N. Disteldorf, AO3066068.
Donald D. Dittmar, AO3027099.
Chris O. Divich, AO3066811.
William D. Dixon, AO3056385.
Orme L. Dockins, AO3052992.
Eddy J. Doerschlen, AO3019595.
James C. Doggette, Jr., AO3029067.
William J. Dollahon, AO3027233.
Wayne R. Dommer, AO3050901.
John W. Donahue, Jr., AO3059096.
William R. Donald, Jr., AO3068265.
Robert J. Donaldson, AO3028688.
Jose A. Donate, AO3021010.
Laurence W. Donoho, AO3037128.
Charles F. Donohue, AO3055125.
Joe A. Dotson, AO3054449.
Larry B. Downes, AO3046209.
William L. Doyle, Jr., AO3049567.
Gilbert L. Dozier, AO3028070.
Donald S. Drablos, AO3046922.
Carl W. Drake, AO3052004.
Christian F. Dreyer, Jr., AO3069932.
Dennis R. Driscoll, AO3046923.
John J. Drislan, AO3047576.
Daniel H. Duffy, AO3056813.
Hugh H. Durkee, AO3027011.
Patrick F. Durning, AO3065263.
Brock W. Dutton, AO3050623.
Delmar R. Dyer, Jr., AO3065767.
Robert J. Dyer, AO3047494.
James D. Eagle, AO3066018.
William L. Eakin, AO3052708.
Stanley G. Ebner, AO3050624.
James R. Echols, AO3035316.
Raymond O. Eddy, AO3068653.
John H. Edgar, AO3036199.
Lloyd Edwards, AO3028556.
Ollie H. Edwards, AO3009112.
Richard C. Edwards, AO3055433.
James F. Egbert, AO3057556.
William Y. Ehrhart, AO3070076.
Robert L. Elder, AO3067851.
Albert M. Elliott, AO3030374.
Donald A. Elliott, AO3050805.
Philip D. Elliott, AO3055777.
Richard D. Elliott, AO3008936.
Robert L. Elliott, AO2210238.
Robert J. Ellis, AO2207688.
James D. Elmer, AO3070674.
Niles T. Elwood, AO3029355.
Richard K. Ely, AO3029732.
Robert H. Emmons, Jr., AO3053342.
Guy E. Enabnit, AO3067904.
Louis E. Endris, AO3036561.
Earle M. Enger, Jr., AO3068345.
Gilbert G. Engle, AO3071048.
Robert O. Ennever, Jr., AO3068008.
Dale L. Eppinger, AO3048638.
Robert E. Epting, Jr., AO3029356.
Eugene A. Erb, Jr., AO3065234.
Bill D. Ericson, AO3053998.
Ralph D. Erwin, AO2208237.
Francis E. Esterlin II, AO3038334.
Frederic D. Estes, AO2206895.
Jack A. Evans, AO3069962.
David Everson, AO2211066.
Don R. Ewing, AO2233313.
Charles V. Fada, AO3053147.
Daniel M. Fagan, AO3029631.
Frank T. Faha, AO3046213.
William A. Fall, AO3049607.
Gerald J. Farrell, AO3070388.
Jackie L. Faulkner, AO3048888.
Donald G. Fava, AO3055717.
David Y. Fawcett, AO3054450.
Peter G. Fay, AO3067371.
Richard V. Feaster, AO3070749.
George K. Feather, AO3027280.
Norman E. Featherston, AO3055098.
John E. Feldmann, AO3065797.
Jerry J. Felmley, AO3026638.
Johnny C. Fender, AO3052791.
Roger W. Fenneman, AO3069059.
Harold B. Ferguson, AO3029850.
Richard S. Ferguson, AO3047790.
William R. Ferguson, AO3055866.
Austin O. Fernow, AO3051814.
Paul S. Ferrell, AO3008942.
Robert O. Ferrell, AO3047414.
Albert L. Ferzacca, AO3050051.
David E. Fetherston, AO3056146.
Verdis N. Fiddelke, AO2205017.
Lawrence H. Field, AO3068121.
Leland R. Fillmore, AO3050377.
Charles L. Finch, AO3054656.
Thomas H. Fincher, AO3026973.
John C. Findley, AO3065858.
Gerald Finn, AO3032466.
William V. Finn, AO3027107.
Wade E. Firmin, AO3054321.
Charles E. Fischer, AO3052391.
Arnold G. Fisher, AO3029160.
Phillip R. Fisher, Jr., AO3065715.
Ronald A. Fishter, AO3051008.
James C. Fitzgerald, AO2209107.
Marvin A. Flaks, AO3049677.

George W. Fleischer, AO3054899.
David A. Fleming, AO3050931.
Robert M. Fletcher, AO3070940.
George L. Florman, AO3033310.
Brendan P. Foley, AO3050096.
William J. Follmer, AO2204403.
James D. Forbes, AO3049679.
Cleveland E. Forrester, AO2206699.
David C. Forster, AO2205851.
Lawrence J. Fortenberry, AO2208991.
Dewey D. Foster, Jr., AO3029074.
Raymond L. Foster, AO3027109.
Warren W. Foster, AO3067373.
Charles R. Fox, AO3068907.
George M. Fox, AO2206275.
Robert J. Foy, AO3046531.
Philip B. Francis, AO2211315.
Reilous A. Franklin, AO3058057.
Sidney B. Franklin, AO3040542.
Francis J. Franzago, AO3036634.
Robert L. Frederick, AO3069060.
Robert W. Frey, AO3067790.
Roger A. Frey, AO3032986.
Malcolm G. Fries, AO3068686.
Hubert H. Frisinger II, AO3068298.
Donaldson D. Frizzell, AO3026717.
Alan C. Frost, AO3056008.
Vernon L. Frye, AO3049505.
George S. Fulgham, AO2209756.
Robert R. Fuller, AO3047124.
Robert G. Fullwood, AO3069182.
Robert H. Fulton, Jr., AO3070015.
James D. Furlow, AO3038168.
Joseph P. Fuss, AO3009374.
Kenneth H. Gaasch, AO3065908.
Grant E. Gabel, AO3068299.
Arnald D. Gabriel, AO3002230.
James M. Gafney, AO3027114.
Donald R. Galarowicz, AO3056150.
Richard S. Gamble, AO3052337.
Frank T. Gammage, Jr., AO3058552.
Rudy M. Garcia, AO3026609.
Anthony Gardecki, AO3040831.
Clarence M. Garrett, Jr., AO3065967.
Lewis E. Garrett, AO3054852.
Samuel B. Garris, AO3069976.
Richard E. Garrison, AO3070906.
John W. Garten, AO3053260.
Roger O. Gary, Jr., AO3052468.
Donald V. Gatchel, AO3058989.
Thomas R. Gates, AO3067908.
John M. Gatt, AO3046532.
David Gay, AO3035261.
John P. Gee, AO3052402.
George T. Gehrig, AO3032003.
Philip G. Geib, AO2209823.
Robert J. Generaux, AO3058664.
Frederick B. Gerbing, AO2211420.
Leslie B. Gerlach, AO3048501.
Thomas C. Germscheid, AO3028693.
Ludwig Gesund, AO2246817.
John R. Giancola, AO3031260.
Charles A. Gibbs, AO2206207.
Donald R. Giddens, AO3065264.
John E. Gilbert, AO3048649.
Richard L. Gilbert, AO3026942.
Thomas E. Gillen, AO3028934.
Ronald W. Gillespie, AO3058121.
Ray G. Gilligan, AO3057734.
Malcolm E. Gillis, Jr., AO3027726.
Robert F. Gilmore, AO3050220.
Horace M. Gladney, AO3027727.
James M. Glenn, AO3008951.
Lloyd N. Goble, AO3027870.
Dean S. Goddard, AO3052000.
Harold T. Godfrey, Jr., AO3038039.
Jerome R. Goebel, AO2211292.
Earl E. Goetze, AO3047182.
Theodore W. Golder, AO3064479.
Morris M. Goldhamer, AO3052526.
Richard R. Golemboski, AO3067459.
Robert D. Golightly, AO3066970.
Don T. Gonzales, AO3068512.
Russell C. Goodman, AO3052778.
Ivor K. Goodrich, AO3047072.
George W. Goodwin III, AO3049851.
Bruce E. Gordon, AO3068158.
Robert C. Gordon, AO3069978.
Samuel T. Gore, AO3028297.
Richard J. Gorey, AO2206903.
James L. Gorman, AO3046214.
Vincent E. Gormley, AO3068513.
Eugene S. Gorski, AO2206904.
Ronald V. Grabler, AO3051288.
Frank J. Gradyan, AO3051647.
Joseph E. Graetch, AO3048225.
John C. Graham, AO3028765.
George E. Grammer, Jr., AO3047203.
Joseph S. Grant, Jr., AO3057269.
Stanley C. Grant, AO3010754.
David C. Graves, AO2211431.
William F. Graves, AO3031809.
Russell W. Gray, Jr., AO3066902.
Henry W. Green, Jr., AO3049571.
Howard J. Greene, AO3050723.
Robert S. Greever, AO3048173.
Gerald D. Gregory, AO3036727.
Henry M. Greybill, AO3036611.
Robert H. Grice, AO3053756.
Francis L. Griffin, AO2255511.
Glenn A. Griffith, AO3069804.
Joe T. Griffith, AO3027872.
Robert B. Griffiths, AO3058801.
Bert E. Grigsby, AO3048784.
Jerry S. Grimes, AO3027797.
Paul L. Grimmig, AO3070661.
Roland M. Grotte, AO3029852.
Allan L. Gruer, AO3049354.
Robert E. Grutzik, AO3028863.
Valentine J. Grzebiniak, AO3009178.
Brian T. Gubler, AO3029163.
Claude J. Guinchard, AO3065861.
Charles B. Gulley, AO3054380.
Murray T. Guptill, AO3029360.
David C. Gurkin, AO3070662.
Leighton E. Gustafson, AO3068441.
Palle R. Gylov, AO2210067.
Ronald L. Haase, AO3038657.
Victor L. Hackman, AO2206375.
Harry H. Hagenbrock, AO3050462.
Bernard H. Hahn, Jr., AO3067982.
John Haile, AO3064932.
John T. Halbert, AO2206767.
Jerry W. Hale, AO3069939.
Earl R. Hall, AO3054460.
James F. Hall, AO3051791.
James W. Hall, AO3070120.
Paul F. Halpern, AO2205856.
Arthur J. Halverson, AO3054132.
William G. Hamill, AO3028437.
Donald L. Hamilton, AO3065274.
Eugene M. Hamilton, AO3070794.
Paul R. Hammock, AO3052949.
John F. Hampton, AO3008588.
Murray J. Hancock, Jr., AO3065587.
John W. Hand, AO2211785.
Roger D. Haneline, AO3037294.
Gary H. Hanify, AO3053445.
Darrel C. Hansen, AO3052126.
Wynn D. Hansen, AO3048785.
Robert L. Hanson, AO3052734.
Charles E. Hardaway, AO3029977.
Marion S. Hardin, AO3038660.
James C. Harding, AO3069310.
Ralph M. Harding, Jr., AO3069242.
Donald R. Hargrove, AO3053865.
Jack D. Harman, AO3009182.
Dennis M. Harper, AO3069805.
Neal J. Harrington, AO3068267.
Gerald A. Harris, AO3037991.
Marshall E. Harris, AO2204287.
James H. Harrison, AO3064491.
John M. Harrison, AO3051065.
Paul L. Harrison, AO3048226.
Hershel D. Harrod, AO3037792.
Steve J. Harrop, AO3066726.
Charles W. Hartman, AO3056038.
Thomas A. Hartman, AO2204662.
John D. Hartnett, AO3056400.
Henry W. Hartsfield, Jr., AO2208546.
William E. Hartung, AO2205561.
Luther T. Harvey, AO2204360.
Loyal D. Hastings, AO3029167.
Charles W. Hatcher, AO3067178.
Wesley J. Hatfield, AO3056510.
Oliver E. Hatfield, AO3008594.
Robert G. Hathcock, AO3058061.
John M. Haug, AO3037917.
Clifton J. Hawkins, AO3027731.
George E. Hawkins, AO2207177.
Harry D. Hayes, AO3054205.
William C. Hayes, AO3020973.
Hilliard G. Haynes II, AO2204776.
Fred E. Healea, Jr., AO3052293.
Allan P. Heard, AO3066860.
Gale L. Hearn, AO2205667.
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Noel A. Heim, AO3066253.
Frazier J. Hellings, AO3071061.
Alfred Heilman, AO2210184.
Walter L. Helm, AO3065097.
Gerald R. Helmich, AO2207536.
Warren J. Hengel, AO3069428.
Harry J. Hennigar, Jr., AO3029750.
Richard L. W. Henry, AO3056852.
William T. Henshaw, AO3053657.
James K. Hensley, Jr., AO3052622.
John D. Herbert, AO2206907.
Frank B. Herty, Jr., AO2211002.
Joseph P. Hester, AO3027798.
William C. Hess, AO2205927.
Bryant Heston, AO2207847.
Bradley W. Hetrick, AO3037247.
Gary L. Heyer, AO3030780.
Robert W. Hibarger, AO3069981.
Walter C. Hickman, AO3056404.
Robert E. Hicks, Jr., AO3026834.
Thomas J. Higginbotham, AO3030224.
Bennie E. Higgins, Jr., AO3052494.
Donald Hilkemeier, AO3050633.
William B. Hill, AO3070443.
Rodric J. Himebaugh, AO3056954.
Jerome D. Himmer, AO3065545.
William H. Hine, AO3054332.
Raymond F. Hinely, AO3057118.
James I. Hines, AO3056513.
Rondal O. Hines, AO3039957.
Waynard J. C. Hinkley, AO3040360.
Robert B. Hinman, AO3050551.
Jerald L. Hinton, AO2211242.
Walter T. M. Ho, AO3030762.
David W. Hobart, AO3052905.
Leon D. Hobbs, AO3049687.
Ronald N. Hoelzer, AO3026725.
Donald L. Hoffman, AO3065590.
Raymond E. Hoffmann, AO3052792.
Clifford B. Hogle, AO3051474.
Charles W. Hohman, Jr., AO2206909.
Rodney R. H. Holoos, AO3051475.
Dale N. Holasek, AO3049515.
Alfred T. R. Holderbach, AO3059505.
Earl H. Holderness, AO3008478.
Lawrence T. Holland, AO3053687.
William E. Holland, AO3028439.
Edward M. Holley, AO3027374.
George Holt, Jr., AO3058922.
Marshall M. Holt, Jr., AO3053149.
Paul C. Holter, AO3032599.
Melton G. Holubec, AO3031156.
Vernon A. Holzwarth, AO3052735.
Thomas M. Hooker, AO3046677.
Donald L. Hopkins, AO3070202.
Frank F. Hopkins, AO3051854.
Frederick P. Horky, AO2210379.
William D. Horn, AO3051476.
Robert E. Hoskinson, AO3052010.
Thomas M. Hoskinson, AO3028718.
Richard B. Houghton, AO2208797.
Fred K. Houston, AO3069066.
Worth D. Howard, AO3055367.
Bruce H. Howe, AO3046219.
James O. Howe, Jr., AO3029078.
Dennis E. Hoye, AO3051236.
Ronald E. Hoyt, AO3008598.
Robert M. Huddle, AO2210350.
Perry A. Hudel, AO3027375.
Richard S. Hudgins, AO3047715.
Edwin C. Hudson, AO3046679.
James W. Hudson, AO2206215.
John W. Hudson, AO3052666.
Roger G. Huggins, AO3065743.
Dale L. Hughes, AO3065988.
Walter D. Hugo, Jr., AO3069613.
Robert W. Hull, AO2205979.
Richard A. Hunder, AO3049519.
Franklin D. Hundley, AO3026970.
Robert Hunsicker, Jr., AO2208467.
Walter D. Hunter, AO3055784.
Thomas E. Hurt, AO3055541.
Herman H. Husbands, AO3046879.
Andrew L. Hutchinson, Jr., AO3029364.
Lloyd J. Huxtable, AO3053334.
Gordon C. Hyde, AO2208352.

Travis P. Hyde, AO2205202.
Walter H. Inge, Jr., AO3028831.
Alexander Irvine, AO3068667.
Wayne G. Isaacson, AO3068569.
Edward J. Jacko, AO3048663.
David L. Jackson, AO2206993.
Donald E. Jackson, AO3048088.
Franklin M. Jackson, AO2205777.
Jerry D. Jackson, AO3054596.
Kaye D. Jackson, AO2204273.
Lee R. Jackson, Jr., AO3029081.
Leslie G. Jackson, AO3052310.
Robert L. Jackson, AO3009188.
Thomas R. Jackson, AO3054748.
Tom W. Jackson, AO3054384.
Joseph H. Jacobs, AO3052652.
Norman F. Jacobs, AO3070695.
Ralph Jaeger, AO3064559.
Jerry L. Jarnagin, AO3058893.
Cecil B. Jeanes, Jr., AO2204558.
Gerald R. Jensen, AO2210380.
Wilfrid C. Jervis, AO2204891.
Richard H. Jessen, AO3070629.
Douglas A. Jewett, AO3058097.
James J. Jines, Jr., AO3026533.
Frank R. Jochimsen, AO3020912.
Andrew L. Johnson, AO3056168.
Barrett V. Johnson, AO3052806.
Bernard L. Johnson, AO2208326.
Charles R. Johnson, AO3028381.
Deward Johnson, AO3028592.
James D. Johnson, AO3027144.
Jeffery S. Johnson, AO2206704.
Jerry Johnson, AO3047134.
Kenneth O. Johnson, AO3028177.
Leo J. Johnson, AO3068630.
Russell W. Johnson, AO3053974.
Theodore E. Johnson, AO3066229.
Thomas L. Johnson, AO3070196.
Loren T. Johnston, AO2205426.
Roger G. Johnston, AO3068992.
Jackie L. Joiner, AO3039959.
Allan M. Jokela, AO3049443.
David G. Jones, AO2209695.
Frederic G. Jones, AO3029369.
George L. Jones III, AO3047976.
Jack D. V. Jones, AO3058447.
James B. Jones, Jr., AO2210648.
Raymond L. Jones, AO3058373.
Richard C. Jones, AO2210016.
Russell W. Jones, AO3027886.
Thomas N. Jones, AO3054245.
James E. Jordan, AO3031476.
Frederick A. Judd, AO3047588.
Kineson Jung, AO2254733.
Herbert D. Kalen, AO3037765.
Raymond A. Kane, AO3056520.
James A. Kaneski, AO3065098.
Bruce L. Kapitzke, AO3049260.
Robert E. Karaffa, AO3051555.
Mickey M. Karimoto, AO3049445.
Glen J. Kaser, Jr., AO3055728.
Donald M. Kastilahn, AO3052350.
Donald R. Kaufmann, AO3030993.
Calvin R. Kauppila, AO3008840.
Wayne G. Kay, AO3048068.
Walter D. Keeler, AO3048089.
Gordon E. Keene, AO3039135.
Donald R. Keeney, AO3069897.
Dennis E. A. Keesee, AO3056522.
Peter P. Kehoe, AO3046188.
Alton P. Keith, AO3027147.
Richard E. Kelley, AO3026469.
William J. Kelley, AO3046225.
Charles A. Kelly, AO3048309.
Cornelius B. Kelly III, AO3037466.
James A. Kelly, AO2209487.
Loyal L. Kelsey, AO3052156.
Everett J. Kennedy, Jr., AO3053038.
William C. Kennedy, AO3054003.
Richard B. Kent, AO2207000.
George W. Kern, AO3029309.
Harold E. Kerns, AO3052005.
James Kerr III, AO3065622.
William J. Kerr, AO3069657.
Richard W. Kesson, AO3050555.
Herman E. Kiefer III, AO3050226.
Eugene W. Killey, AO3008487.
Andrew J. King, AO3057902.
David E. King, AO3069515.
Gerard F. King, AO3053315.
Thomas T. King, AO3027376.
Wesley C. King, AO3053517.
John W. Kinkele, AO3054136.
Galen R. Kirkland, AO3054674.
James G. Klaus, Jr., AO3047530.
John E. Klein, AO3048091.
Robert L. Klingensmith, AO2205321.
Frank C. Knaack, AO3036116.
John B. Kneen, AO3069409.
Don R. Knutson, AO3068571.
Linwood G. Koffel, AO3035101.
Fred S. Kolm, AO3029029.
Donald G. Kopp, AO3054621.
Eldridge C. Koppen, Jr., AO3055514.
John A. Koppin, Jr., AO3055272.
Robert C. Kormondy, AO3011836.
Quentin W. Korte, AO3056172.
David J. Kossler, AO3057274.
Timothy J. Kovar, Jr., AO3031088.
Casimir L. Kowalewski, AO3047186.
Peter W. Kraska, AO3067274.
William G. Krause, AO3035263.
Bruce N. Kreider, AO3068787.
Lenard W. Kresheck, AO3070058.
James C. Kriegshauser, AO3036331.
Leon J. Kroenke, AO3068445.
Earl L. Krueger, AO3028907.
Charles G. Kulp, Jr., AO3047977.
Henry F. Lackey, AO3038601.
Franklin A. Lamb, AO3070621.
Walter A. Lamb, AO3050000.
Joseph P. F. Lambert, AO3068269.
Donald K. Lampe, AO3033159.
Alan H. Lancaster, AO3037204.
William G. Land, AO3031124.
Gary E. Lange, AO3055988.
John T. Langlais, AO3058811.
Jack C. Langston, AO3068757.
Ward J. Lantier, AO2207973.
William H. Larimore, AO3029124.
Oliver W. Larson, AO3068358.
Roland E. Larson, AO3027604.
Theodore D. Lassagne, AO2211561.
John D. Latva, AO3067710.
Louis E. Laughlin, AO3065034.
Walter C. Laurendine, AO3056301.
Henry L. Lavery III, AO3050335.
Charles R. Law, AO3065491.
Robert H. Lawrence, AO3052916.
Charles P. Laws, AO3054749.
Owen R. Lawter, AO3058510.
Ronald G. Lawton, AO3064878.
Thair D. Layne, AO3054858.
Charles W. Leaverton, AO3031694.
Harold F. Ledbetter, AO3003855.
Charles S. Lee, AO3051106.
Francis C. Lee, AO3056177.
James L. Lee, Jr., AO3049027.
John P. Lee, AO2211655.
Robert L. Lee, AO3047331.
Richard B. Leeka, AO2209966.
Darel D. Leetun, AO3029277.
Harry J. Lehr, Jr., AO2210186.
Richard A. Lejk, AO3051280.
Vance Lerner, AO2211562.
Ronald S. LeRoy, AO3048869.
Charles O. Lescher, Jr., AO2211919.
Charles G. Leuchter, AO3036873.
Kenneth D. Leuthold, AO3067765.
Duane L. Lewis, AO3040367.
Edwin R. Lewis, AO3032940.
Eldon F. Libby, AO3051812.
Willford D. Light, Jr., AO3028182.
Warren R. Lilly, AO3053629.
Frank J. Linseisen, AO3027156.
Henry F. Lippincott, Jr., AO3068672.
Charles L. Lipscomb, AO3065774.
Victor H. Lipsey, AO3057797.
Joseph R. Lipsky, Jr., AO2211408.
Carl N. Lisk, AO3052700.
Richard F. Little, AO3048678.
Mayer Littman, AO3026731.
David Litwack, AO3050111.
Lawrence L. Lively, AO3038183.
George H. Livie, AO3053198.
Jerry D. Livingston, AO3052001.
John A. Locht, AO3046999.
Robert F. Lockwood, AO3053881.
John L. Logan, Jr., AO3066823.
Charles W. Loney, AO3056533.
Antonio Lopez, AO3064738.
Edmund X. Loughran, AO3055804.
Seymour Louis, AO3028947.
Benjamin F. Love, AO2206709.
James H. Love, AO3027378.
Joe E. Lowe, AO3027960.
Fred L. Lowery, AO3048448.
Dennis K. Lowry, AO3066825.
John I. Lowry, AO2207855.
George V. Lozovoy, AO3048871.
Fred A. Lucas, AO3054574.
Clive D. Luckenbill, AO2209709.
Guy D. Luke, AO2207007.
Kenneth W. Lukens, AO3029221.
John M. Lund, AO3050468.
Perry J. Lundin, AO3039352.
Robert L. Lundin, AO3027027.
David Y. F. Lung, AO3058677.
John C. Lynch, AO3051028.
Joe M. Lyon, Jr., AO3054576.
Kenneth W. Lyon, AO3065881.
John S. Lyons, AO3037933.
Roy MacDonald, AO3038355.
John E. MacGregor, Jr., AO3047422.
Franklin C. Mach, AO3058931.
Paul J. Madsen, AO775073.
Raymond A. Madson, AO3030296.
Caril F. Magdefrau, AO2207837.
Walter L. Magness, AO3071026.
Robert E. Magnusson, AO3068103.
James P. Maguire, AO3067593.
Lothar T. Maier, AO3039905.
William W. Mains, Jr., AO3053598.
Jimmie L. Makinson, AO3008980.
David L. Malickson, AO1905350.
Donald E. Malloy, AO3070612.
Juanita Mancha, AL3056311.
Elwood Manigault, AO3026566.
Dalton L. Mann, AO3027355.
Michael R. Marcellino, AO3029374.
Wayne W. Marcotte, AO3008982.
Robert C. Margetts, AO3023798.
Ronnie G. Maricle, AO3039759.
Arthur A. C. Markl, AO3055738.
Stanley L. Marrs, AO2207386.
Jerry E. Marshall, AO3057961.
Richard C. Marshall, AO3040888.
Richard N. Martel, AO3058034.
Charles P. Martin, AO2204518.
Edward P. Martin, AO3066047.
Eugene F. Martin, AO2204752.
Frederick A. Martin, AO3055805.
Jerry R. Martin, AO2210042.
Walter R. Martin, AO2211105.
Salvatore F. Martino, AO3040243.
Morton P. Marts, AO3049920.
Louis M. Martucci, AO 3070866.
David E. Marz, AO2211441.
Lawrence A. Mashaw, AO3054902.
Wayne M. Mashburn, AO3051961.
Kenneth J. Mason, AO3052128.
Lawrence D. Mathias, AO3065190.
Bernard J. Matulis, AO3056048.
Jimmy L. Maturo, AO3054173.
James Maurer, AO3069077.
Karl J. Max, AO3056423.
Edwin R. Maxson, AO3046470.
Sidney L. Maxwell, AO3020921.
William D. McAllister, AO2209892.
Keith D. McCartney, AO3048946.
John D. McClain, Jr., AO3029603.
James F. McClanahan, AO3027961.
Anderson G. McConnell, AO3049530.
James D. McCracken, AO3041105.
Karl M. McCulloch, AO2206771.
Samuel D. McCulloch, Jr., AO3028158.
Walter J. McCullough, AO2210952.
John L. McDaniel, AO3046891.
Alfred J. McDevitt, AO3056425.
Herman K. McDonald, AO3053806.
Kermit P. McDonald, Jr., AO3052339.
William M. McDonald, AO3034379.
Charles S. McElroy, AO3052860.
Clayton S. McFarland, Jr., AO3048683.
Edward V. McGee, AO3058678.
John F. McGee, Jr., AO2210266.
John R. McGinn, AO3046193.
Alex L. McGowin, AO3055316.
Ralph L. McGrew, AO3053940.
Charles A. McGuire, AO2212016.
John J. McGuire, Jr., AO3070507.
Thomas B. McHugh, AO2206159.

Gerald A. McIntire, AO3055789.
Daniel G. McIntosh, AO3056538.
John G. McKay, Jr., AO3065191.
James L. McKenna, AO3040559.
James P. McKeon, AO2207544.
Thomas L. McKewen, AO3059151.
Robert N. McKitterick, Jr., AO2210853.
Harry L. McLamb, AO3058152.
Robert C. McLaughlin, AO3039786.
Richard L. McManus, AO3033292.
LeRoy McMath, AO3035186.
Robert L. McMichael, AO2209429.
William S. McMichael, Jr., AO3029379.
Charles E. McMillan, AO3027966.
Joseph P. McMonigle, AO3047189.
Glenn L. McNutt, AO3065354.
Thomas V. McNutt, AO3052212.
Jerry L. McQuitty, AO2209068.
Richard J. McSweeny, AO2211159.
Julian C. McVay, Jr., AO2206027.
Alan S. Meadows, AO3004118.
Lawrence C. Means, AO3068599.
Paul O. Meder, AO3036054.
Robert E. Meikle, AO3017352.
William D. Meikle, AO3053941.
Robert J. Mellody, AO3067246.
John A. Mellor, AO3065886.
George K. Mellott, AO3064642.
Milton A. Melville, AO3053908.
James A. Melvin III, AO3029380.
Roger W. Menke, AO3046232.
Robert D. Mercer, AO3030827.
Robert N. Meredith, AO3049264.
Alfred L. Merrell, AO3058567.
Ronald D. Merrell, AO3030561.
Dossey C. Merritt, AO3051978.
Lawrence J. Mertaugh, Jr., AO2206647.
Robert J. Messersmith, AO3028451.
Richard A. Meyer, AO3056430.
Richard L. Meyer, AO3029381.
Alan D. Miedrich, AO3065997.
Colbert L. Mier, AO3028089.
Percy W. Miles, Jr., AO3008725.
Clark J. Miller, AO3032434.
Eugene A. Miller, AO3035629.
Gerald O. Miller, AO3064439.
Glenwood I. Miller, AO3068314.
Herbert Miller, AO3007042.
John R. Miller, AO3033089.
Monte M. Miller, AO3055990.
Norman C. Miller, AO3035015.
Ronald N. Miller, AO3056194.
Sam W. Miller, AO3054687.
Walter D. Miller, AO3054904.
Walter W. Miller, AO3051694.
John W. Millinder, Jr., AO3056432.
Leslie H. Minear, Jr., AO3036386.
Donald J. Minihan, AO3026622.
Paul A. Mispagel, AO3058814.
Paul L. Mitchell, AO3057492.
John E. Mitts, AO2076954.
Larry L. Mobley, AO3027579.
Theodore G. Moeller, AO3065748.
John H. Moening, AO3037186.
Richard M. Mohan, AO3054888.
Henry B. Mon, AO3051438.
Paul L. Monroe, AO3028644.
Russell N. Montgomery, AO3009208.
David R. Moore, AO3055607.
John F. Moore, AO2211815.
Leon M. Moore, AO3049710.
Michael K. Moore, AO3057088.
Michael W. Moore, AO3053150.
Milton B. Moore, AO3034453.
Richard E. Moore, AO2210029.
Robert G. Moore, AO3036811.
Francis J. Moran, Jr., AO3055992.
Paul N. Morehart, AO3018713.
John B. Moren, AO2206162.
Boyd A. Morgan, AO2205297.
Joseph P. Morgan, AO3049204.
Robert H. Morgan, AO3065998.
William H. Morgan, AO3069458.
Leroy E. Morlock, AO3057187.
Aubrey Morris, AO3027610.
Franklin D. Morris, AO2204646.
Frank J. Morris, AO3050175.
Gerald T. Morris, AO3070060.
John H. Morris, Jr., AO3054933.
Krendall E. Morris, AO3066106.
Lloyd V. Morris, AO3047204.
Thomas E. Morris, AO3065749.
Irving F. Morton, AO3053851.
John T. Moser, AO3049864.
Dayton Moses III, AO3054500.
Gerald L. Moss, AO3070976.
Melvin R. Mosteller, AO3047084.
Harold V. Motsinger, AO3031283.
Roland D. Mower, AO3047339.
William G. Mozingo, AO2207772.
Steve V. Mrak, AO3031686.
William W. Mrazik, AO3008619.
Melvin D. Mueller, AO3064222.
David W. Mugg, AO3058873.
Charles W. Mulkey, AO3027382.
Albert S. Munsch, Jr., AO3052861.
Lawrence Munsie, Jr., AO3053882.
Benjamin F. Murchison, Jr., AO3004308.
William R. Murrell, AO3069256.
William A. Musgjerd, AO3068574.
Edward E. Mutch, AO3009170.
Henry W. Mutrie, AO3055393.
Dewitt H. Myers, AO3029711.
Gene O. Myers, AO3028626.
James T. Myers, AO3070999.
Jerry L. Myers, AO3049712.
Russell H. Myers, Jr., AO3069337.
Donald M. Nagel, AO3053226.
Robert A. Nagle, AO3049865.
Joseph R. Nagy, AO3064658.
Charles L. Nash, AO3053754.
Thomas R. Nash, AO3051890.
Louis Nebel, AO3067814.
Robert P. Negri, AO3047674.
Kenneth D. Negus, Jr., AO2209132.
Herbert E. Neilson, AO3046894.
Howard P. Nelson, AO2208367.
Melvin M. Neppel, AO3037477.
Albert C. Ness, Jr., AO2205544.
Ted P. Neura, Jr., AO3052496.
Jerry E. Newlon, AO3036176.
Richard S. Newsome, AO3008730.
Tyree H. Newton, AO2211320.
Billey P. Niblack, AO3049034.
Holger M. Nielsen, AO3048072.
Martin L. Nielsen, AO3053237.
Roland A. Nielson, AO3030496.
Donald K. Nims, AO3070045.
Robert E. Nine, AO3047229.
Donald O. Nipps, AO3069623.
Ken Nishiyama, AO3065251.
Gerald D. Nisivoccia, AO3048575.
George S. Nixon, AO3026929.
Charles G. Noe, AO3053441.
Francis D. Noonan, AO3030059.
William E. Norcross, AO3069992.
Thomas H. Normile, AO3054629.
William E. Novetzke, AO3068575.
Anthony J. Nowakowski, AO2212099.
Larry L. Nunn, AO3065355.
Barry F. O'Brien, AO3064880.
George P. O'Connor, Jr., AO3066085.
Dale L. Oderman, AO3069550.
Leo D. O'Halloran, Jr., AO3040634.
Marvin D. Oliver, AO3055806.
William A. Olsen, AO3055517.
Fred W. O'Nions, AO2205492.
Edward J. C. Orbock, Jr., AO3052055.
Charles L. Orr, AO3048842.
Jerry W. Osgood, AO3052863.
John K. Oshiro, AO3071246.
Ronald P. Osley, AO3070361.
William R. Osterhoudt, AO2204895.
William F. O'Toole, AO3068080.
Emmett E. Ott, AO3037374.
Richard M. Oveson, AO3029190.
George Parandes, AO3050688.
Herbert G. Parker, AO3008624.
James R. Parker, AO3051453.
James R. Parker, AO3056438.
Morris B. Parker III, AO3049331.
Samuel T. Parker, AO3052497.
Kenneth M. Parkhurst, AO3027253.
Robert R. Parman, AO3056439.
Lauri F. Parssinen, AO3037506.
John C. Pate, AO3053081.
Everett R. Patterson, AO2209267.
Howard R. Patterson, AO3065529.
John J. Patterson, Jr., AO3050341.
Nathan L. Patterson, AO3027254.
Stanley E. Patton, AO3054694.
Donald G. Paul, AO3018714.
Carroll E. Pealer, AO3065752.
John D. Pearman, AO3070362.
George C. Pearson, AO2204283.
Jack F. Pearson, AO3054509.
Leroy M. Pearson, AO3038678.
Arnold H. Pelofsky, AO3028951.
James F. Pendergast, AO3029324.
Bernard C. Penn, AO3055142.
Carl R. Pennington, AO3047342.
Robert B. Penny, AO3071152.
Erwin S. Perelstein, AO3068317.
Charles M. Perkins, AO3015403.
Dorance D. Perkins, AO3069008.
John E. Perkins, AO2211466.
David L. Perrin, AO3028278.
Irving R. Perry, AO3036341.
John T. Perryman, AO3027612.
Robert A. Peter, AO3049212.
Gerald W. Peterman, AO3009379.
Harold W. Peters, AO3049039.
Richard E. Peters, AO3052851.
John D. Peterson, AO3066052.
John F. Peterson, AO3031510.
Joseph E. Petkash, AO2205941.
James S. Petry, AO3052925.
Gene C. Pettit, AO3065596.
Clarence F. Pfeffer, AO2211446.
Norman R. Phares, AO3028388.
William H. Pharr, AO3027304.
Thomas J. Phelan, Jr., AO3057999.
James F. Pheney, AO3051907.
Gene E. Philbrick, AO3026640.
John B. Philbrook, AO3049764.
Wayne E. Phillips, AO3036021.
Gerald C. Pickard, AO3030034.
Richard E. Pierce, AO3058683.
Charles F. Pilley, Jr., AO3047993.
Ronald E. Pinette, AO3038847.
Joseph B. Piper, AO3049404.
Gerald F. Pitstick, AO3059034.
Eugene W. Pittenger, AO3041059.
Harvey C. Pitts, Jr., AO3065101.
Jerry R. Pixton, AO3070077.
Orel L. Plummer, AO3031651.
Francis E. Poast, AO3068600.
John F. Pohle, AO3068675.
Luther R. Poindexter, AO3008994.
Peter L. Pointer, AO3069591.
Daniel Polis, AO3048580.
Adrian V. Polk, AO3027742.
Stanley J. Polyanski, AO3068249.
Roy E. Pomel, AO3065889.
James O. Ponton, AO3057061.
William A. Potter, AO3056442.
Philip E. Poukish, AO3039160.
George E. Powell, AO3070590.
William J. Pratt, AO3036676.
James P. Pretlow, Jr., AO3058028.
John C. Price, AO3067414.
Richard M. Price, AO3058945.
Larry W. Pritchett, AO2204314.
Dan M. Proctor, AO3037602.
Alton J. Prosser, Jr., AO3056554.
James S. Prowell, AO3048910.
Robert F. Pruitt, AO3031375.
Albert Purcell, AO3028194.
Raymond J. Pursley, AO3028803.
John D. Quinlan, AO3058765.
Frederick G. Qvale, AO3013489.
Ronnie P. Rabb, AO3030404.
Allen K. Rachel, AO3036394.
Theodore L. Raff, AO3049368.
Eugene J. Rafter, AO3055554.
Fowler O. Ragland, AO3052774.
Harry E. Raisor, AO3021122.
Bernard P. Randolph, AO3058203.
Gordon L. Ranum, AO3069819.
John A. Raper, AO3064659.
John W. Rathgeber, AO3069342.
Russell R. Rausch, AO3031682.
Norman F. Rauscher, AO3069262.
Robert K. Rawlings, AO3055754.
Ronald G. Ray, AO3054820.
Walter L. Ray, AO3039476.
Robert H. Rea, AO3054514.
Edward C. Redican, AO3067254.
Robert Redmond, AO3050342.
Anthony D. Reed, AO3058875.
James E. Rees, AO3053227.
James C. Regan, AO3070625.
Marvin L. Rehkop, AO3012390.

Joseph N. Reid, AO3069395.
David H. Reiner, AO3065829.
Thomas Retherford, AO3056557.
John O. Reynolds, AO3065581.
Richard H. Rhoad, AO3036736.
Donald G. Rhoads, AO3033597.
Frank J. Rice, AO2211077.
Tommy E. Rice, AO3021333.
Carroll J. Rich, AO3065284.
Kenneth R. Richard, AO3040375.
Thomas C. Richards, AO3069996.
David A. Richardson, AO3066064.
Floyd D. Richardson, AO3056345.
Samuel E. Riddlebarger, AO3068253.
James G. Rider, AO3058003.
Richard N. Riecke, AO3054973.
Robert W. Riegel, AO3068251.
James E. Risinger, AO3065654.
Horace H. Roberts, AO3052868.
Glenn L. Robertson, AO3054696.
Malcolm B. Robertson, AO3049271.
Donald F. Robillard, AO2206170.
Clifford L. J. Rodriguez, AO3051894.
Salvador O. Rodriguez, AO3070972.
David J. Rogers, AO3071216.
John A. Rogers, AO3048797.
Sidney D. Rogers, AO3069997.
Donald J. Rohr, AO3056449.
Jimmy Roland, AO3008636.
Leo F. Rollman, AO3040957.
Frederick W. Romig, AO3070115.
Arthur J. Roscoe, Jr., AO3068140.
George R. Rose, AO3054210.
Eugene H. Ross, AO3055976.
James S. Ross, AO2211422.
Lyndell E. Ross, AO3054776.
Robert D. Rossmeisl, AO2211350.
Lloyd J. Rowe, AO3055109.
Julien E. Roy, AO3054345.
Dennis W. Rube, AO3039972.
Charles B. Ruble, AO3037016.
Norman A. Ruby, AO3038290.
Harry G. Rudolph, Jr., AO3067346.
William A. Rush, AO3052072.
Robert D. Russ, AO3047093.
Charles H. Russell, Jr., AO3056940.
Howland S. Russell, AO2206363.
George L. Rutland, Jr., AO3055016.
Arthur R. Ryan, AO2211617.
Eddie W. Ryan, AO3039253.
Melvyn I. Safer, AO3051934.
William G. Sailer, AO2206717.
George L. Salmi, Jr., AO3051585.
Richard C. Samdahl, AO2206565.
Norman R. Sandell, AO3054071.
Gordon M. Sandercox, AO3065681.
Carl R. Sanders, AO3058843.
Lawrence N. Sanders, AO2205346.
Jerry K. Sandifer, AO3026875.
Dwight E. Sarber, AO2207721.
Laurence G. Sargent, AO2207552.
Thomas B. Sauer, AO3065559.
Thomas H. Saunders, AO3056050.
Paul F. Sautter, AO2206529.
Walter E. Savage, AO3054583.
Donald V. Savickas, AO3066217.
Sam J. Scamardo, AO3070092.
Tony H. Scamardo, AO3070091.
Tracy A. Scanlan, AO3040973.
Donald T. Schaeffer, AO3065755.
Gordon B. Schaeffer, AO3064724.
Glayden L. Schafer, AO3053978.
Robert M. Schaff, AO3039723.
Teddy C. Schaffer, AO3053527.
Ramon F. Schapley, AO3068143.
Donald J. Scheid, AO3048146.
James E. Scherer, AO2209273.
William O. Schism, Jr., AO1905266.
Richard A. Schlenker, AO3028781.
John Schmid, Jr., AO3053397.
Wilbert A. Schmid, AO3051189.
Gerald A. Schmidt, AO3056452.
Conrad H. Schminke, AO3049308.
Merle R. Schneekloth, AO3065254.
Darrell A. Schneider, AO3049939.
Raymond A. Schneider, AO3069873.
Walter J. Schob, Jr., AO3067993.
John N. Schofield, Jr., AO3069346.
John E. Schroer, AO2209777.
John G. Schutes, AO3058293.
Michael F. Schwabacher, AO2211618.
Gerald C. Schwankl, AO2212074.
Leroy J. Schwartz, AO3053026.
Karl K. Schwenzfeier, AO3053419.
Richard D. Schwieren, AO2211379.
Arthur L. Sclater, Jr., AO3053768.
Glyndon V. Scott, AO3039671.
Jack E. Scott, AO3008641.
Richard E. Scrafford, AO2206241.
David J. Scully, AO3029002.
Richard G. Semple, AO3069159.
Jasper A. Setliff, AO3037955.
William H. Settle, Jr., AO2207056.
Donald E. Severe, AO3055149.
Paul A. Seymour, AO3055649.
Murray M. Shain, AO2207339.
Sidney S. Shatford III, AO3056453.
Thomas D. Shaw, AO3065085.
Ward C. Shaw, AO3008749.
William H. Shaw, AO3026708.
William M. Shaw, Jr., AO3027825.
Jackie L. Sheffer, AO3055170.
John M. Sheffield, Jr., AO3052382.
Jack W. Sheppard, AO2211009.
Bertrand E. Shields, Jr., AO3029040.
Gerald W. Shields, AO3054777.
Henry Shimabukuro, AO2204796.
Jimmy F. Shiramizu, AO2207618.
Robert J. Schroeder, AO2205943.
Richard R. Shrove, AO3046616.
Claude R. Shrum, AO3058394.
Allen L. Shumway, Jr., AO3030222.
Ben A. Shuppert, AO3032972.
Joseph Siciliano, AO3058844.
Eric T. Siemers, AO3040659.
Willibrord T. Silva, AO3046650.
Robert K. Simm, AO3039548.
Carl L. Simmons, AO3055964.
Thomas N. Simmons, AO2211764.
John D. Sims, AO3055650.
John W. Sims, Jr., AO3052730.
James R. Sink, AO3065561.
Marvin L. Skillen, AO3067743.
Charles P. Skipton, AO3031957.
Lyman A. Slack, Jr., AO3069016.
Elmer Slaten, Jr., AO3036752.
Thomas M. Slawson, AO3052951.
Leslie C. Slaybaugh, AO3037775.
Roger A. Slocum, AO3050482.
John W. Small, AO3047766.
Francis E. Smiley, AO3069399.
Dean G. Smith, AO3055229.
Donald E. Smith, AO3053979.
Douglas D. Smith, AO3070400.
Gordon C. Smith, AO3055760.
Hall Smith II, AO3047476.
James E. Smith, AO3070320.
James M. Smith, AO3070003.
Kruger B. Smith, AO3037508.
Norman R. A. Smith, AO3023530.
Richard E. Smith, Jr., AO3070353.
Richard H. Smith, AO2208612.
Robert B. Smith, Jr., AO2207453.
Ronald C. Smith, AO2209619.
Ronald T. Smith, AO3009100.
Thomas W. Smith, AO3058845.
Wylie E. Smith, AO2212018.
Richard T. Snell, AO3029783.
Richard A. Snook, AO3029684.
Richard M. Snowden, AO3058461.
Earl P. Snyder, Jr., AO3048075.
Howard N. Solomon, AO3058295.
Robert C. Solomon, AO2211286.
Harlan J. Soppe, AO3008137.
Frank A. Sotrines, AO3028522.
Covert A. Soule, Jr., AO3027590.
Richard S. Sowers, AO2210647.
Asa R. Spackman, AO3054875.
Warren E. Spangler, AO3052819.
Kenneth D. Sparks, AO3055150.
Thomas R. Spears, AO3069018.
Todd A. Spoeri, AO2207114.
Ralph E. Spraker, AO3047395.
Donald L. Spurrier, AO3056868.
Robert W. Squires, AO3067766.
Royal T. Squires, Jr., AO2206951.
Evan D. Stackfleth, AO3031117.
Gordon E. Stalcup, AO1864341.
William R. Stamler, Jr., AO3069673.
Donald G. Stamp, AO3028926.
Grant C. Stanfill, AO2211975.
Joseph S. Stanton, AO3038886.
Thomas L. Staples, AO3066026.
Richard A. Starner, AO3046904.
Don L. Steed, AO3052397.
Tommy R. Steel, AO3031164.
John P. Steele, AO3055400.
John A. Steen, AO3020932.
Malcolm H. Stehman, AO3069354.
Albert M. Stephens, AO2206809.
Larry M. Stevens, AO3054877.
Max L. Stevens, AO3051206.
Carl G. Stevenson, AO3051700.
Lowell A. Stewart, AO2211668.
Roger E. Stiles, AO3049275.
Kenneth R. Stilwell, AO3039872.
Samuel O. Stine, AO3030123.
Robert E. Stirnitzke, AO3026485.
Walter M. Stischer, AO3021363.
Herald W. Stockton, AO3050848.
Willard E. Stockwell, AO3067353.
Franklin D. Stotts, AO3067854.
Alan R. Stout, AO3029787.
Jerry D. Stout, AO3032738.
Thomas A. Stout, AO3008886.
Jack W. Stover, AO3048348.
Benny T. Stowers, AO3046617.
Jack C. Strasser, AO3067693.
Donald P. Streett, AO3037883.
Werner Stricker, AO2211881.
Bryan E. Strode, Jr., AO3052398.
David M. Stroup, Jr., AO3052312.
Ridley M. Stuart, AO3055938.
Raymond F. Stuermer, AO3067271.
Lawrence Stumpf, AO3048148.
Glenn H. Stumpff, AO2210106.
Norvin G. Stunkel, AO3054020.
Robert L. Sturk, AO1907991.
Dee G. Sullins, Jr., AO3051678.
Farrell J. Sullivan, AO2211765.
Richard L. Sullivan, Jr., AO3029445.
James L. Summer, AO3055471.
David E. Suppes, AO3046136.
Lawrence L. Sutton, AO3056361.
Donald W. Swain, AO3068498.
Earl L. Swain, AO3054702.
Thomas S. Swalm, AO2204855.
Charles F. Swift, Jr., AO3027526.
Alfred E. Talbott, AO3046721.
Claret D. Taylor, AO3026920.
Franklin D. Taylor, AO3047434.
Robert H. Taylor, AO3027018.
James R. Tefft, AO3039553.
Guy A. Tenereillo, AO2209340.
Burke C. Terhune, AO2206841.
Floyd L. Thomas, AO3027528.
Kenneth E. Thomas, AO3039617.
Benjamin K. Thompson, AO3065605.
Edward J. Thompson, AO3050081.
George C. Thompson, AO3055112.
John D. Thompson, AO3065363.
Robert G. Thompson, AO2206569.
Robert I. Thompson, Jr., AO2207058.
Warren N. Thompson, AO3047435.
William M. Thompson, AO3046802.
Alan H. Thomson, AO2209200.
John D. Thornton, Jr., AO3047621.
Donald E. Thursby, AO3070119.
Richard E. Thurston, AO3049476.
Robert F. Thurston, AO3058336.
Luther E. Thweatt, AO3052516.
James F. Tibitts, AO3036450.
Herbie C. Tillett, AO3036878.
Lloyd W. Tincher, AO3065325.
Donald E. Tokar, AO2211894.
Donald G. Tolley, AO3036026.
Jerry L. Toneck, AO3053469.
John J. Tonkin, AO3048007.
James M. Totman, AO3029513.
Billy G. Towles, AO3021262.
Samuel J. Trabun, AO2207343.
Jerry D. Trainer, AO3029841.
Charles E. Trapp, Jr., AO3046247.
Leslie W. Trekell, AO3021263.
Willard T. Tresler, AO3051398.
William R. Trippe III, AO3067012.
Thomas A. Tropio, AO2210148.
Wallace D. Truesdell, AO3053549.
Robert J. Trzcinski, AO3058019.
James E. Turner, AO3012765.
Marvin L. Turner, AO3070382.
Leon E. Tuttle, AO3054809.
Frank G. Tuzzolo, AO3047689.
Charles R. Tyler, AO3053955.
John Tylka, Jr., AO2229452.

Joseph B. Tyra, AO3009165.
Edward L. Uher, AO3038318.
Donald P. Uhl, AO3068719.
Edward W. Uhrich, AO3065687.
Raymond J. Ulbinsky, AO3065565.
Ronald E. Utecht, AO2244972.
Frank L. Vacin, AO3033059.
Gerrit J. Vanderziel, Jr., AO3055376.
Richard K. Van Houtum, AO3018242.
Robert T. Valentine, AO3032079.
Dante A. Valori, AO3050140.
Arthur E. Van Horn, AO3027839.
Ronald P. Van Note, AO3067833.
Kramer G. Van Sickle, AO3035455.
Lawrence Vasilevich, Jr., AO3069027.
Martin D. Vatis, AO2211557.
John R. Veltri, AO3067891.
Lee C. Venzke, AO2211112.
John D. Vickery, AO3049411.
Joseph L. N. Violette, AO3067996.
Ronald J. Vodicka, AO3070950.
Bobby G. Waddle, AO3028208.
Roger O. Wade, Jr., AO3054742.
Arthur L. Wagner, AO3027922.
Eugene P. Wagner, AO3047039.
Richard A. Wagner, AO3055496.
Robert L. Wagner, AO3068196.
William W. Wagner, AO3047401.
Terrill E. Waiss, AO2211511.
James I. Wakafuji, AO3033016.
Thomas E. Wakefield, AO3054023.
Robert M. Waldbillig, AO3049843.
Charles E. Walden, AO2210744.
Leland G. Walker, AO3050444.
Hillard J. Wallace, AO3056467.
Thomas L. Wallace, AO3053426.
Larry D. Waller, AO3057411.
Charles W. Walter, AO3052315.
Merrill B. Walters, AO3069916.
Ralph D. Walters, AO3055912.
Rives M. Walters, AO3040916.
Burton L. Waltz, AO3048107.
William E. Ward, AO1862309.
Tommy G. Wardlow, AO3056746.
Meyer A. Washofsky, AO3021429.
Frederick L. Watkins, AO3067423.
Robert H. Watson, AO3065139.
Dewayne L. Weatherford, AO2210257.
Kenneth L. Weaver, AO3058089.
Peter J. Webber, AO2206062.
Daniel R. Weber, AO2209903.
Henry C. Wedemeyer, Jr., AO3065326.
William E. Weingarz, Jr., AO2209287.
Bernard L. Weiss, AO3050142.
Edwin V. Wells, AO3050857.
Reuel T. Werner, Jr., AO2210942.
Merle H. Wessel, AO3053957.
Donald W. Wesselman, AO3065636.
Charles B. West, AO3027361.
James H. West, AO3037343.
Jerry G. West, AO2211348.
Russel G. Westcott, Jr., AO3027705.
William R. Weston, AO2208437.
Richard W. Wetzel, AO3048727.
Thomas G. Wetzl, AO3031105.
Karl A. Wheeler, AO3027264.
John F. White, AO3066220.
Noble L. White, AO3053551.
Alvin D. Whitley, AO3069662.
Richard A. Whitney, AO2204579.
Bismarck Wichy, AO2209690.
Thomas J. Wicker, AO3038072.
Rodney C. Wilde, AO2209321.
Thomas A. Wilde, AO3027324.
Mary H. Wildman, AL3059824.
Billie J. Williams, AO3065613.
James A. Williams, AO3058339.
Jimmy R. Williams, AO3038259.
Joseph B. Williams, AO3028823.
Lee E. Williams, AO3027216.
Pete C. Williams, AO3032954.
Robert W. Williams, AO2207152.
Robert W. Williams, AO3027533.
Stanley P. Williams, AO3048013.
Thomas C. Williamson, Jr., AO3027326.
Franklin E. Willis, AO3049556.
William S. Willis, AO3027363.
Albert H. Wilson, AO3027993.
Charles A. Wilson, AO3054183.
Donald G. Wilson, AO3053516.
Harold D. Wilson, AO3046806.
Jack L. Wilson, AO3068555.
John P. Wilson, AO3055766.
Robert W. Wilson, AO3069421.
Darrel E. Wilt, AO3009146.
Jack W. Wimer, AO2211934.
Theodor R. Winford, AO3051869.
Joe G. Winslow, AO3031550.
Malcolm D. Winter, AO2209204.
William R. Wirth, AO2210061.
Lee B. Wise, AO2255468.
Lester Wise, AO3028624.
Bobby L. Withrow, AO3057708.
Donald K. Wolf, AO3048435.
Richard H. Wolf, AO3028738.
William F. Wolfe, AO3069173.
Peter F. Wolniewicz, AO3046293.
Clarence E. Womack, AO3032980.
Vernon L. Womack, AO3053279.
Daryl L. Wood, AO3053241.
Gordon R. Wood, AO3055945.
James T. Wood, AO3009415.
Gerald E. Woodcock, AO3052271.
Sidney B. Woodson, AO3054546.
David F. Woolwine, AO3048014.
Dwight C. Worden, AO3028137.
John N. Worley, AO3066685.
Mark J. Worrick, AO3056476.
William E. Worthy, AO3029453.
Bobby R. Wright, AO3036605.
Chris D. Wright, AO3029107.
Dade M. Wright, AO3021452.
David G. Wright, AO3055156.
Charles F. Wrobleski, AO3050670.
Thomas F. Yackiel, AO3066094.
Donald R. Yates, AO3027390.
William V. Yelton, AO3056478.
H. Sheldon Yingst, AO3053755.
Russell W. Youngblood, AO2209815.
Robert J. Yunk, AO2207429.
John D. Zachary, AO2206546.
Donald A. Zaike, AO2210149.
John P. Zakovich, AO3053256.
Robert J. Zampino, AO3048860.
Harold D. Zantop, AO3070117.
Frederick R. Zerbe, AO3027223.
Chester A. Zielinski, AO3052918.
Clarence E. Zienert, AO3027019.
Duane L. Zink, AO3026465.
Bennett B. Zinnecker, AO3050671.

To be second lieutenants

Joseph H. Abbott, AO3087966.
Patrick G. Achee, AO3054935.
Herbert H. Acheson, AO3074229.
George W. Acree II, AO3072953.
Jimmie V. Adams, AO3084413.
Theodore C. Adams, Jr., AO3074438.
Russell W. Adelsperger, AO3082862.
James R. Agar, AO3072663.
Charles F. Aiello, AO3084777.
Edward A. Akerson, Jr., AO3087599.
John R. Albrecht, AO3080525.
Wiley A. Allgood, Jr., AO3083440.
Claude F. Alsup, AO3084414.
James Altman, AO3074349.
Jack E. Anderson, AO3074653.
John S. Anderson, AO3074441.
Richard N. Anderson, AO3084888.
Edward D. Arbaugh, AO3073791.
Bobby J. Argumedo, AO3083710.
Lawrence D. Arnold, AO3080019.
Donald L. Ashley, AO3066165.
Peter J. Attarian, AO3087644.
Bruce M. Bailey, AO3080526.
Thomas A. Baker, AO3071315.
Charles J. Ballot, Jr., AO3087570.
James V. Barr, AO3081725.
Ronald A. Bartlett, AO3083067.
Jimmy R. Bason, AO3086214.
James S. Batts, AO3072667.
Robert E. Beale, AO3073471.
Gary W. Bedford, AO3072494.
Alva E. Beers, AO3067653.
Robert A. Belcher, AO3084897.
Richard L. Bennett, AO3084520.
William T. Bennett, Jr., AO3072774.
Richard L. Benson, AO3080012.
Glen A. Bentz, AO3087893.
Morton B. Berman, AO3072652.
Hubert M. Berthold, AO3071040.
Donald J. Bickford, AO3083826.
Donald R. Biehn, AO3080405.
Richard F. Bishop, AO3087526.
Donald P. Bjornson, AO3087965.
Charles L. Blood, AO3094144.
Albert A. Bonner III, AO3080448.
Kenneth W. Boothe, AO3087754.
Donald D. Bowers, AO3084129.
Oscar E. Bowles, AO3081243.
Robert G. Bowman, AO3080496.
John T. Boyd, AO3083461.
Ernest P. Bozzy, AO3081168.
William R. Brackett, Jr., AO3081582.
Joe L. Bradfield, AO3056107.
Robert G. Bradshaw, Jr., AO3085023.
Richard J. Brady, AO3087758.
Paul S. Brahler, AO3073429.
Stanley W. Braman, AO3071701.
Carl K. Branan, AO3080527.
Lowell E. Brandenburg, AO3071920.
Raymond F. Brant, AO3071642.
Cecil O. Braun, AO3072958.
David G. Brenner, AO3080652.
Max C. Brestel, AO3080902.
Edward P. Brininstool, AO3071843.
Henry M. Brown, AO3080127.
James H. Brown, AO3087779.
Truman A. Burch, Jr., AO3082683.
Kerry E. Burleson, AO3054433.
James R. Burton, AO3087797.
Clarence H. Bush, Jr., AO3087534.
Gerald Q. Bussell, AO3080528.
Robert J. Butschek, AO3054435.
John B. Calhoun, AO3071883.
Maynard S. Calkin, Jr., AO3080922.
David M. Callis, AO3084417.
Howard F. Carlton, Jr., AO3084830.
Jack V. Carnahan, AO3072038.
John A. F. Carnochan, AO3080437.
Charles T. Chapin, AO3071381.
Arthur L. Chase, AO3084808.
Charles J. Chase, AO3083191.
Jack Chewning, AO3072148.
Norman K. H. Ching, AO3084096.
Ronald L. Chrisley, AO3080707.
Merton J. Christensen, AO3083792.
Ronald E. Christensen, AO3072802.
Donald O. Christman, AO3082865.
Wynn L. Church, AO3085049.
George R. Cilek, AO3055221.
Carl F. Clair, AO3084029.
Donald G. Clarke, AO3084288.
Herbert F. Clarke, AO3083124.
William D. Clarke, Jr., AO3080529.
Wayne J. Clay, AO3087540.
Harold T. Cleaver, AO3071452.
Charles G. Cloutier, Jr., AO3084831.
Walter J. Coker III, AO3038955.
Robert L. Collins, AO3072946.
Ronald L. Cone, AO3081045.
David C. Connett, AO3087768.
George E. Cook, AO3083750.
Tom R. Cook, AO3082814.
Bradley K. Cooper, AO3087865.
George D. Cooper, AO3071463.
Stanley A. Cooper, AO3085354.
Donald L. Coss, AO3087542.
Alan G. Cox, AO3072916.
Hugh L. Cox III, AO3071430.
James W. Cox, AO3070828.
Charles B. Crawford, AO3071643.
Richardson H. Crook, AO3074454.
Charles A. Cross, AO3071655.
George H. Crowl, Jr., AO3072237.
Donovan C. Croxton, AO3080903.
Harry R. Crumley, AO3081376.
David R. Cummock, AO3081693.
Clair M. Cunningham, AO3072223.
Ellis F. Curtis, AO3071416.
Anthony S. Cushenberry, AO3084074.
James E. Cushman, AO3074540.
Harold G. Cutler, AO3087773.
Jack R. Cyrus, AO3071923.
Benjamin H. Daigre, AO3072548.
Boyd L. Dailey, AO3087659.
Robert F. Daley, AO3082967.
Dominick D'Anna, AO3071454.
Ronald L. Davenport, AO3082833.
Alexander K. Davidson, AO3082659.
Esker K. Davis, AO3093031.
James E. Davis, AO3071833.
James E. Davis, AO3087544.
Rex L. Davis, AO3084855.

Stuart C. Davis III, AO3080712.
Edward L. Day, AO3083074.
Jerry G. Daye, AO3073139.
Charles W. Dean, AO3047964.
Dion E. De Camp, AO3080531.
Lyle M. Delano, AO3071448.
Denis A. De Luchi, AO3084363.
Sergi L. Demchuk, AO3051346.
William J. Devitt, AO3085289.
Jason G. Diaville, AO3073195.
John P. Dickey, AO3089533.
Richard C. Dischler, AO3073978.
Ralph E. Doerzbacher, Jr., AO3082948.
James C. Dozier, AO3027558.
Elliott J. Dubreuil, AO3083669.
Robert E. Duhnke, Jr., AO3073473.
William F. Dulin, AO3074494.
Henry J. Durivage, AO3073689.
Paul H. Dwyer, AO3081048.
Joel C. Edson, AO3072804.
John L. Eisinger, AO3083523.
Armand Eknayan, AO3080410.
Jess B. Elgan, AO3087062.
Arthur D. Ellington, Jr., AO3074455.
William E. Ellis, AO3087550.
Charles L. Elson, AO3071659.
James L. Evans, AO3084473.
Ralph B. Evans, AO3082688.
Mary L. Fake, AL3060275.
Howard J. Falk, AO3071686.
William B. Fanelli, AO3084060.
Ross W. Farnsworth, AO3082481.
William A. Fencken, AO3083576.
Gene Fenstermacher, AO3087553.
Ralph E. Fernandez, AO3072834.
Clifton F. Fincher, AO3072635.
William W. Fink, Jr., AO3084511.
Gailon K. Fletcher, AO3080301.
James M. Flint, AO3084171.
Kenneth H. Flowers, AO3082806.
Gerald L. Floyd, AO3072636.
James F. Fluhr, AO3084216.
Frank A. Flynn, AO3073045.
Laymond N. Ford, AO3074660.
Richard T. Ford, AO3067059.
Edward R. Fortanbary, AO3074496.
Denny F. Foscarini, AO3101074.
John F. C. Fox, AO3087672.
James A. Francis, AO3083700.
Ronald A. Francoeur, AO3072433.
Rodney E. Franklin, AO3084137.
Ronald V. Franzen, AO3083603.
James M. Free, AO3073952.
Donald J. Fremming, AO3074056.
Robert S. Fry, Jr., AO3087673.
Cecil B. Fulford, AO3087867.
Glenn L. Fuller, AO3087791.
Richard E. Fuller, AO3071407.
John F. Funck, AO3072130.
Richard J. Galloni, AO3087895.
Robert D. Gallup, AO3072595.
Joseph L. Gardner, AO3072288.
Raymond L. Gardner, AO3083310.
Robert W. Garrett, AO3084793.
William S. Garrison, AO3081247.
Ralph A. Gauthier, AO3080249.
William J. Gazzerro, AO3073808.
James D. Geddes, AO3083142.
Larry L. Geick, AO3071207.
Francis E. Geiger, AO3080961.
Ronald M. Gerkin, AO3083311.
John M. Gilreath, AO3085125.
Frank H. Gingerich, AO3069185.
Franklin J. Gingrich, Jr., AO3074557.
Paul E. Glaab, AO3074208.
Charles F. Gladish, AO3085140.
Dean H. Glazier, AO3074011.
Edmund S. Gober, AO3087558.
James W. Goebel, AO3071703.
Ewing P. Goff, AO3080658.
David R. Golob, AO3084012.
Guerry D. Goode, AO3087812.
Thomas P. Goodwin, Jr., AO3084740.
Jesse F. Goree, Jr., AO3073542.
Norbert A. Gotner, AO3085196.
James F. Goudeau, AO3085255.
Dow B. Grant, AO3080362.
Luther W. Graves, Jr., AO3081618.
Donald L. Gray, AO3073608.
Barton C. Green, AO3070836.
Charles K. Green, AO3071103.
Thomas C. Green, AO3072290.
Leon D. Greenwood, AO3067324.
Lee V. Greer, AO3083524.
Rudolph Greis, AO3087671.
Darrel R. Gresham, AO3070798.
Robert J. Grissman, AO3073757.
Allan F. Guarino, AO3072251.
Tommy D. Guest, AO3073663.
Ronald N. Guy, AO3074618.
Henry Haeberle, AO3081138.
Peter J. Haerle, AO3084274.
Charles R. Hall, AO3071590.
Clayton J. Hall, AO3087902.
Michael D. Hall, AO3084234.
Donald J. Hankins, AO3074057.
David R. Hardie, AO3082661.
Willis L. Hargrove, AO3087680.
Harry G. Harris, AO3084466.
Robert D. Harris, AO3081181.
Corbet L. Harrison, AO3087681.
Leonard C. Harshaw, AO3093020.
Gwendolyn J. Hawkins, AL3060394.
William V. Hawkins, AO3080551.
Carl S. Heaberlin, AO3083609.
William C. Heald, AO3083606.
Richard E. Hearne, AO3085281.
Craig S. Heffelman, AO3049355.
John P. Heffernan, AO3083172.
Wallace D. Hegg, AO3072713.
Gary I. Heidlebaugh, AO3067910.
Charles T. Helton, AO3087924.
Donald D. Hemphill, AO3083860.
Bernard L. Henderson, AO3083894.
Jesse J. Henderson, AO3080509.
Lowell A. Henderson, AO3080517.
Jack L. Hendrix, AO3073420.
Ernest Henkin, AO3083289.
John G. Hennessy, AO3072864.
James P. Henry, AO3083526.
Bruce C. Hepp, AO3084844.
Robert J. Herculson, Jr., AO3083378.
David L. Herfel, AO3083173.
Roy E. Herman, AO3073547.
Robert F. Hermanson, AO3072715.
Donald W. Hess, AO3087927.
Robert E. Heverly, AO3084688.
Merle R. Hicken, AO3101097.
Dennis E. Hickey, AO3087928.
Vincent J. Hickman, AO3067462.
James A. Higgins, AO3072277.
James T. Hill, AO3080252.
James H. Hines, AO3073742.
Richard H. Hines, AO3084736.
William G. Hirschfeld, Jr., AO3050385.
George C. Hitt, AO3085223.
Carl A. Holder, Jr., AO3071362.
Martin F. Honan, Jr., AO3073109.
John P. Hopper, AO3083060.
Roger C. Horrigan, AO3083605.
Joseph L. Horvath, AO3048033.
James M. Howey, AO3074156.
Walter S. Hoy, AO3071208.
Weldon Y. Hudson, AO3087404.
Harley A. Hughes, AO3082627.
Harold B. Hughes, AO3082628.
John D. Hughes, AO3084393.
William P. Hurn, AO3083607.
Robert L. Hutten, AO3083895.
Lester L. Hutton, AO3084685.
John P. Hyde, AO3084757.
Robert C. Hyde, AO3083946.
George F. Isaacson, Jr., AO3083113.
James C. Ivey, Jr., AO3071489.
Phillip B. Jackson, AO3083584.
Henry M. Jacobs, Jr., AO3085364.
Richard V. Jamieson, AO3080895.
Roger H. Jaquith, AO3081270.
Donald E. Jefferson, AO3074157.
Barry W. Jenkins, AO3074461.
Frank R. Jenkins, AO3072396.
Glenn R. Jenkins, AO3071363.
Paul E. Jobe, AO3101108.
Clyde L. Johns, AO3080964.
Douglas A. Johnson, AO3084199.
Gary A. Johnson, AO3082534.
John R. Johnson, Jr., AO3072107.
Larry D. Johnson, AO3080933.
Robert H. Johnson, AO3083291.
Ronald K. Johnson, AO3080638.
William F. Johnson, AO3073481.
Roy C. Johnston, AO3080507.
Clarence R. Jones, AO3084251.
David H. Jones, AO3070694.
Marvin L. Jones, AO3080302.
Richard T. Jones, AO3084579.
Wayne W. Jones, AO3071364.
William A. Kaa, AO3080287.
John D. Kagarise, AO3080106.
Donald G. Kane, AO3071769.
Ronald J. Kapheim, AO3083177.
Donald D. Karges, AO3071515.
Charles G. Karlquist, AO3071944.
Robert J. Keating, AO3080288.
Verna S. Kellogg II, AL3060217.
John M. Kelly, Jr., AO3071772.
Peter T. Kempf, AO3081553.
John W. Kerr, AO3087695.
Richard A. Kibbey, AO3072758.
Jack E. King, AO3082629.
John J. King, AO3084526.
Johnie L. King, AO3084910.
Joe R. Kirk, AO3070761.
James D. Kittinger, AO3084395.
Louis D. Kjeldgaard, AO3072937.
Robert Kleiman, AO3073645.
John V. Kleperis, AO3071977.
Allan C. Klepper, AO3083528.
Richard J. Klingelsmith, AO3084410.
Edward D. Knowles, AO3085263.
William L. Koerner, AO3084608.
Donald N. Koppenhaver, AO3071729.
Christopher D. Koss, AO3083863.
John A. Kovacs, AO3080722.
John S. Kranz, AO3072294.
Gerd E. Krulls, AO3072845.
John M. Lake, AO3072690.
Herbert E. Langford, AO3072939.
Lawrence H. Lanier, AO3084430.
Michael P. Lavis, AO3072574.
Davis E. Lebby, Jr., AO3074465.
Lynn L. LeBlanc, AO3073540.
Norman G. Leclerc, AO3074121.
Albert C. Leet, AO3080786.
Adam C. Leonard, Jr., AO3081445.
Nicholas L. Leone, AO3084845.
Neal E. Lesher, AO3072789.
Marc E. LeWand, AO3072213.
John B. Lewis, AO3087950.
Marshall A. Lewis, AO3071553.
Brooks E. Lingo, AO3073512.
John R. Little, Jr., AO3084716.
George T. Livingston, AO3087955.
Thomas L. Logan, AO3085245.
Donald A. Logeais, AO3072297.
Steven W. Long, Jr., AO3071329.
Quitman W. Lott, AO3087704.
John R. Lowry, AO3070209.
William D. R. Lund, AO3072818.
Charles S. Lyon, AO3081272.
Donavan L. Lyon, AO3055685.
Peter J. Macchi, AO3070678.
Neil B. Madden, AO3072280.
Leland P. Madison, AO3084988.
Harold R. Magnuson, AO3071470.
Robert E. Mangam, AO3072214.
Robert D. Marples, AO3074089.
George J. Marrett, AO3083604.
Billy Martin, Jr., AO3080365.
Douglas S. Martin, AO3081097.
Terry H. Martin, AO3081229.
William J. Mathieson, AO3074018.
Homer A. Mawhinney, Jr., AO3084871.
Hollis B. May, Jr., AO3087831.
Melvin W. Mays, AO3087901.
James J. McAlpin, AO3082742.
Arthur N. McAninch, Jr., AO3081701.
Charles McCausland, AO3072875.
Roger W. McCausland, AO3080808.
Kenneth R. McClaren, AO3080559.
Cliff A. McCluney, Jr., AO3070324.
John F. McCoy, AO3067592.
Ronald D. McDonald, Jr., AO3072066.
Walter R. McDonald, AO3070318.
Edward D. McDowell, Jr., AO3084598.
Zim M. McDowell, AO3081150.
Joseph H. McElroy, Jr., AO3073366.
John J. McFarland, Jr., AO3082936.
William B. McGee, AO3084237.
Robert E. McKenzie, AO3072484.
Frank J. McKeown, AO3083151.
Carl A. McKinney, Jr., AO3074373.
John C. McLemore, AO3087960.

Robert L. McMullin, AO3082937.
Merrill A. McPeak, AO3083802.
Billy D. McSpadden, AO3084872.
William E. Meador, AO3101128.
Wallace N. Meeks, AO3084258.
Frederick R. Meinig, AO3072350.
Thomas S. Melly, AO3073533.
Gary R. Merrihew, AO3084376.
William J. Metcalf, Jr., AO3081610.
David W. Meyer, AO3080787.
William R. Meyer, AO3074044.
Donald D. Michel, AO3071511.
Clifford L. Middlebrooks, AO3080598.
Stephen H. Millard, Jr., AO3083117.
Alsey C. Miller III, AO3074471.
Donald L. Miller, AO3083274.
Lawrence L. Miller, AO3081746.
Rene J. Miller, Jr., AO3055991.
Robert F. Miller, AO3084835.
James R. Milner, AO3073248.
Harlan J. Mohler, AO3080112.
Leopoldo Molina, AO3071849.
Kent M. Monroe, AO3074502.
Donald B. Moore, AO3081370.
Max R. Moore, AO3083319.
William H. Moothart, AO3071688.
Olin R. Mooy, AO3055104.
Carroll G. Moran, AO3054817.
Herbert O. Morch, AO3070342.
Ervin B. Moreman, Jr., AO3085147.
James E. Moreton, Jr., AO3084357.
Leonard W. Morgan, AO3080942.
David B. Morris, AO3080369.
Leonard G. Morrissey, Jr., AO3082939.
Richard E. Moser, AO3072694.
George C. Muellich, AO3049458.
Jack R. Murray, AO3080829.
Andrea A. Muscarello, AO3072143.
William A. Myers, AO3055960.
Jerry H. Nabors, AO3085056.
Elvin K. Nading, AO3083901.
Charles C. Nelson, Jr., AO3087836.
Fred R. Nelson, AO3080281.
Jimmie H. Nelson, AO3082639.
John T. Nelson, AO3085134.
William D. Neville, AO3072599.
Peter P. Newell, AO3070294.
John W. Newsome, AO3080664.
Donald G. Nicholas, AO3083293.
Robert G. Nicoll, AO3069081.
Herbert L. Nicolson, AO3081479.
Kenneth R. Nimmo, AO3083617.
Vincent J. Nitti, Jr., AO3069658.
Bobby R. Noack, AO3092986.
James F. Nolan, Jr., AO3082497.
Robert A. Norman, AO3074423.
Rhody L. Nornberg, AO3084791.
Richard A. Northrup, AO3072891.
James F. Nuckles, AO3092987.
George M. Nygaard, AO3069433.
Thomas M. O'Brian, AO3085175.
Max L. Odle, AO3071395.
Phillip W. Offill, AO3082640.
Theodore Ostovich, AO3081235.
David H. Pace, AO3071086.
Joseph F. Palka, AO3080944.
Raymond R. Palmer, AO3073796.
Bruce M. Parker, AO3082668.
Joseph A. Parker, Jr., AO3067297.
Roger K. Parrish, AO3084153.
Marlow M. Patton, AO3084470.
Jay V. Paxton, AO3085225.
George E. Peck, AO3085387.
Ronnie L. Pecora, AO3084334.
Ottis L. Perkins, AO3072562.
Glen M. Personius, AO3074063.
Paul R. Peszynski, AO3071557.
Charles R. Peters, AO3072601.
Bruce J. Peterson, AO3080428.
Donald A. Peterson, AO3084154.
Eldon L. Peterson, AO3074434.
Fred H. Peterson, AO3073358.
John W. Peterson, AO3084205.
Robert L. Peterson, AO3083884.
Norman L. Pettigrew, AO3081596.
Lamont H. Pharmer, AO3080982.
Roy F. Pleis, AO3073315.
Richard T. Plummer, AO3072334.
Harold R. Poindexter, AO3071605.
Jerry G. Polk, AO3071400.
Grover C. Poole, AO3080983.
Eugene M. Porter, AO3080766.
Donald K. Potter, AO3071649.
Harold R. Powell, AO3067298.
Edward A. Pratt, AO3087848.
Charles R. Preston, AO3071656.
Theodore A. Pryor, AO3100979.
Arthur B. Py, Jr., AO3084157.
Thomas D. Quinn, AO3082709.
John O. Raab, AO3072796.
Enrique H. Ramirez, AO3082986.
Nicholas R. Ranone, AO3081119.
Larry A. Rash, AO3073530.
Harold D. Reddish, AO3101145.
Leon R. Redenbacher, AO3071405.
Lawrence L. Reed, AO3080268.
Robert R. Reeves, AO3070945.
John M. Reid, AO3084337.
Leo B. Reilly, Jr., AO3087724.
Gordon L. Reimel, AO3081035.
Thomas E. Reitmann, AO3081465.
Jack G. Remson, AO3073856.
Donald J. Rensch, AO3072301.
Jerry D. Richards, AO3084296.
Richard R. Ridolfi, AO3084206.
Don M. Rieke, AO3083622.
Odell L. Riley, Jr., AO3084090.
Harold D. Rist, AO3087605.
Joseph A. Rita, AO3101148.
Roger A. Rivers, AO3086072.
Arthur R. Robinson, Jr., AO3081708.
Ernest C. Robinson, AO3101149.
Victor B. Rodriguez, AO3084542.
Carl J. Roland, AO3071155.
Ronald N. Rose, AO3052232.
Thomas P. Rosso, AO3072145.
James R. Rozinek, AO3083904.
Charles R. Rushmer, AO3083156.
Jerome E. Ruthman, AO3084227.
Richard E. Sampson, AO3085119.
Richard E. Samuels, AO3074545.
William L. Sandahl, AO3081597.
Walter H. Sanders, AO3084450.
Joe O. Sandoval, AO3085112.
Calvin W. Sanford, AO3082602.
James V. Saravo, AO3083536.
Francis M. Sauvageau, AO3082744.
Marcus D. Scharf, AO3093079.
John C. Scheidt, Jr., AO3085420.
Luttrell Schettler, AO3073562.
Gordon W. Schiefelbein, AO3087856.
Benjamin F. Schneider, Jr., AO3085633.
Wayne K. Schneider, AO3084160.
Raymond M. Schulz, AO3074196.
Andrew S. Schwind, Jr., AO3080643.
John L. Scott, AO3080602.
Claude H. Segrest, Jr., AO3074377.
William K. Seifert, AO3073304.
Loy D. Self, AO3080272.
Raymond R. Seppeler, AO3071607.
Oscar V. P. Sessoms III, AO3073593.
Richard S. Seto, AO3083323.
Billy F. Shackelford, AO3071336.
Larry E. Shahan, AO3083268.
James C. Sharp, AO3074319.
Roger Shatanof, AO3056051.
Brian T. Sheehan, AO3066875.
Carroll S. Shershun, AO3087862.
John B. Shiffert, AO3074479.
Thomas W. Shinn, AO3072566.
Samuel H. Shockey, Jr., AO3066791.
Larry A. Showalter, AO3080915.
Steve Shuster, AO3082957.
William E. Siburg, Jr., AO3071457.
Richard H. Sieve, AO3081014.
Ermanno C. Signorelli, AO3072474.
Donald L. Simmonds, AO3082670.
George C. Simmons, AO3072769.
Alma H. Skinner, AL3060279.
Harold J. Sloan, AO3087864.
David E. Smart, AO3074508.
Kenneth S. Smiley, Jr., AO3070484.
Clarence A. Smith, AO3083842.
Colin A. Smith, AO3070689.
Donald E. Smith, AO3083277.
Eugene M. Smith, AO3073767.
Richard W. Smith, AO3073498.
Weston T. Smith, AO3082511.
Jack E. Snell, AO3072730.
Donald Snyder, AO3082718.
Norman M. Sorensen, AO3083976.
Billy R. Sparks, AO3083595.
Jack L. Spearman, AO3083325.
Harry L. Spillman, AO3084626.
Nelson J. Sprague, AO3074324.
Ronald G. Spray, AO3085220.
Ronald R. Stalker, AO3083782.
Floyd M. Stall, AO3087870.
Charles W. Steele, AO3084787.
Howard J. Steen, AO3084573.
Joseph G. Steigerwald, AO3081753.
Robert G. Stein, AO3071881.
Charles R. Sterrett, AO3082719.
Carl R. Stinson, AO3101170.
John Strachan, AO3084403.
John E. Strange, Jr., AO3083034.
Donald C. Strickland, Jr., AO3084788.
Dale L. Strong, AO3081162.
Robert P. Strout, AO3081259.
Robert S. Stuart, AO3073286.
Joseph E. Stuteville, AO3083362.
Dennis J. Sullivan, AO3080567.
Robert T. Sullivan, AO3082921.
William B. Sullivan, AO3087622.
Glenn H. Sutton, AO3072705.
Ralph J. Swanson, AO3084053.
Richard H. Swanson, AO3074099.
James P. Sweeney, AO3084535.
Edward J. Swihura, AO3073190.
Joseph A. Szewc, AO3081355.
James L. Tait, Jr., AO3072182.
Clyde Taylor III, AO3084440.
Henry L. Taylor, AO3072048.
Russell E. Temperley, AO3072183.
Condon H. Terry, AO3074329.
Lawrence P. Theisen, AO3101013.
Norman G. Thiel, AO3085736.
Leslie B. Thompson, AO3052549.
Lee A. Thorin, AO3081207.
James S. Tinsley, AO3084730.
Fred P. Tobin, AO3090358.
Alvin E. Toffel, AO3084887.
Leonard B. Tovrea, AO3083647.
Charles J. Tringali, AO3070381.
John D. Trousdale, AO3084619.
Frank A. Urbanic, Jr., AO3054535.
Alan J. VanBuiten, AO3072909.
George E. VanLiew, AO3087884.
Thomas E. VanNote, AO3072270.
George L. Varner, AO3081489.
Robert B. Vaughan, AO3072590.
Francisco Vazquez, AO3054932.
Lloyd W. Vivian, AO3101185.
Stanley Voyiaziakis, AO3071721.
Harry E. Vreeland, AO3072271.
R. Craig Vulkoff, AO3071807.
Edwin B. Wakeman, AO3081357.
David L. Walker III, AO3073535.
Gordon L. Walker, AO3081281.
Charles C. Wall, AO3084815.
Francis H. Walls, AO3087745.
Jack E. Walsh, AO3101189.
Clair E. Walter, AO3072340.
Alan A. Walters, AO3101190.
Frank P. Walters, AO3072410.
Gary K. Walton, AO3071956.
Michael A. Walus, Jr., AO3082519.
James P. Wampler, AO3071003.
Johnny M. Ward, AO3082653.
Robert G. Ward, AO3071518.
Joseph A. Washington, AO3084991.
Alan W. Watson, AO3084384.
Dennis C. Watson, AO3083552.
Laurens S. Waymouth, AO3069674.
Marvin J. Weed, AO3087631.
Jay F. Weenig, AO3074401.
Clinton G. Weihl, AO3072540.
Robert E. Weiss, AO3071580.
John L. Wells, AO3082578.
Gordon G. Wepfer, AO3053724.
Gary R. Wescott, AO3084127.
Albert D. Wester, AO3071378.
Frederick C. Westergaard, AO3085285.
Donald D. White, AO3070321.
James T. White, AO3080441.
John H. White, Jr., AO3072342.
Myron A. White, Jr., AO3068955.
James T. Whitehead, Jr., AO3084162.
Gilbert L. Whiteman, AO3087749.
Richard G. Wigglesworth, AO3073585.
James M. Wilder, Jr., AO3080380.
Charles S. Williams, AO3071916.
Frederick E. Williams, AO3071503.

Lindsey J. Williams, AO3101198.
Morgan G. Williams, AO3080572.
Robert D. Wilson, Jr., AO3083001.
William C. Wilson, AO3065728.
Sanford M. Winograd, AO3087524.
Charles J. Winquist, AO3072543.
Donna L. Wise, AL3060485.
Wesley T. Wise, AO3081508.
William E. Withers, AO3084407.
Gordon L. Wohlfeil, AO3081491.
John H. Wolaver, AO3071373.
Lewis J. Wolcott, Jr., AO3072733.
Larry W. Wood, AO3081723.
James C. Woods, AO3081196.
Raymond W. Working, AO3087635.
Edward L. Worthington, Jr., AO3071071.
Frank L. Wright, Jr., AO3085595.
Philip C. Wright, AO3074347.
Joseph Yarrish, AO3087752.
John S. Yaryan, Jr., AO3083980.
Albert V. Zaborowski, AO3073213.
William K. Zempel, AO3071875.
Robert S. Ziernicki, AO3073432.
Thomas J. Zimmerman, AO3085124.
William S. Zirkle, AO3083252.

Distinguished aviation cadet graduates

Larry A. Apel, AO3102385.
William R. Borkowski, AO3102641.
Richard C. Bouska, AO3102642.
Harvey D. Denton, AO3102673.
William G. Duke, AO3102910.
Michael W. Hawkins, AO3102711.
Richard O. Himley, AO3102561.
Struan L. Paddon, AO3102665.
Bruce G. Taylor, AO3102669.

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Gerald R. Abelsen
Frederick P. Adame, Jr.
Duane A. Adams
John F. Altenburg
Wendell L. Anderson
Robert L. Atwell, Jr.
Roger J. Austin
Wayne R. Barcelo
John H. Barr
Sumner Barr
Robert D. Bartunek
Merrill J. Bateman
Thomas W. Beardemphl
James D. Beatty
Charles A. Benson
James A. Bettersworth
John C. Betz, Jr.
Pearre A. T. Bibb, Jr.
Dennis M. Biggs
George L. Biles, Jr.
Francis S. Binkowski
Raymond C. Black
Philip C. Blaker
Dennis L. Blecha
David A. Blessing
Eric C. Bogren
Danny B. Bolt
Robert A. Bondurant III
Buddy L. Bowman
John M. Brazzel
Lawrence S. Bria
Elton O. Brooks
Gerald E. Brown
Robert L. Brown
Richard C. Browne
Edward N. Brya
John L. Byrant, Jr.
Theodore B. Buermann
Dick A. Cable
William B. Caldwell
Walter C. Callari
Frederick E. Carnes
Shirley M. Carpenter
Michael S. Cassidy
John J. Cayton
Martin D. Centala
Bennett W. Cervin
John H. Cheatham
Robert S. Cheney, Jr.
Clark H. Christensen
Thomas E. Cindric
Chris W. Clark
Lawrence W. Clarkson
Rolland F. Clarkson, Jr.
Richard A. Cloutier
John K. Cobb
John T. Cobb
Henry J. Cochran
Billy J. Coley
Robert E. Conrad
William B. Cook, Jr.
Clyde R. Coolidge
Dale J. Cooper
Robert E. Copner
John J. Coughlin
George R. Couranz
William L. Cox
Randolph S. Cramer
Henry D. Cranfill
George L. Craver
Louis A. Crigler
Richard H. Crockett, Jr.
Henry M. Crook, Jr.
William E. Cunliffe
Peter K. Curran
Theodore E. Darling, Jr.
Raymond L. Darrow
Frederick E. Dasenbrock
John L. Davidson
James R. Davis
Leonard M. DeBellis
Kenneth R. Degler
Marshall K. Delano
James C. Dempsey
Phillip D. Devin
Anthony F. Diferdinando
Wesley T. Diller
Paul E. Dillon
James D. Dillow
Michael F. Di Mario
Larry R. Doan
Edgar W. Donaldson, Jr.
Joseph W. Dorrycott
Edouard R. L. Doty II
Anthony P. Dowd
James E. Drewry
William J. Duca
Norman K. Dyson
David Edkins
William B. Edmund, Jr.
Charles R. Elderkin
Merrill F. Elias
Frederick L. Elsesser
David B. Englund
James L. Epting, Jr.
Robert R. Erbe
Bill J. Evans
David L. Ewing
Stephen J. Fazio
Richard F. Felton
Clifford W. Fieszel
Fred P. Fischer, Jr.
Richard O. Foster
Charles R. Fowler
James A. Fowler
Vaughn M. Foxwell, Jr.
Arlen B. Frankfother
Clinton P. Fuelling
Howard J. Gage
Philip S. Gahm
Anthony J. Gallo
Maurice G. Gardner
Robert Gates
Sherman Gee
Duane B. Gerrard
James P. Gibbs
Harmon T. Gnuse
Richard W. Godfrey
Herbert D. Gordon
David S. Graben
William R. Graves
Bennie W. Green
Dennis P. Greenwood
James T. Gresham
Robert M. Gressler
William H. Grey
Royal K. Griffin
Gerald D. Griffith
Aloisius S. Grikis
John G. Grimsley
James P. Gulliford
Rodney D. Gunn
Gary A. Gutchell
Larry D. Hampton
Lynn M. Hansen
Thomas L. Harris
Paul W. Hart
Gordon C. Hartshorn, Jr.
John R. Harty
Fredrick B. Heath, Jr.
Raynor L. Hebert
Donald T. Henderson
Donald W. Henderson
Harry L. Henning, Jr.
Bernard G. Henrie
Galen R. Henson
Joseph A. Heslin
William B. Heye, Jr.
James H. Hill, Jr.
John R. Hilliard
John W. Hilten
Ellis F. Hitt
Paul M. Hoeting
Ralph B. Hoffman
Roland J. Holub
Jimmie C. Hopper
John L. Houston
Don V. Hubbard
Lawrence E. Huggins
Robert P. Humphreys
John R. Hunsaker
Robert W. Hunter
Ross H. Hutchinson
Donald A. Ingalls
Phillip R. Jeffryes
Bruce W. Johnson
Howard R. Johnson
Joe E. Johnson II
Linwood C. Johnson
William P. Johnson
Eugene J. Jones
John P. Joyce
Stephen J. Kahne
Michael S. W. Keesey
William A. Kehler
Frederick W. Keiser, Jr.
Gilbert F. Kelley
Jimmy D. Kempton
David G. Kimball
Wayne R. Kimmell
Fitzwilliam W. King
Richard T. King, Jr.
William R. King
John R. Kinker
Charles R. Kline, Jr.
Richard W. Koepke
George S. Kohatsu
Walter E. Kowalik
Roger L. Krell
Bryant N. Kristianson
Stephen P. Kudriavetz, Jr.
Elmer E. Kunkle, Jr.
Robert G. Lackey
James M. Lacy
Myles J. Laffey
Richard L. Laing
Thomas LaPolt
Bobby E. Lawler
John E. Lawyer, Jr.
Peter R. Laylin
Joseph V. Leech
Joe M. Leeper
Henry A. Leeuwenburg, Jr.
Melville L. Lemon, Jr.
John L. Lemons
David A. Leonard
Allan S. Lessem
Hugh H. Lester
Samuel E. Lewis
Thomas H. Lewis, Jr.
Richard C. Linden
Charles E. Lister
David C. Look
Thomas M. Lott
Noah E. Loy
Allen C. Ludwig
Charles F. Luigs
Edward C. Lux, Jr.
John C. Macon, Jr.
Stanley D. Magner
Robert E. Marshall
Rudolph V. Matalucci
Winford E. Mauldin
Michael A. Maxwell
E. Loring McAllaster
James W. McBride
Joseph F. McBride
James R. McClanahan
Bobby W. McClinton
Robert W. McCreary
Warren R. McDonald
Charles J. McGlade
Denis P. McGrath
Howard L. McKinley, Jr.
Robert D. McLeod
William G. Milam II
Roy J. Millender, Jr.
David G. Miller III
Jack W. Morgan
William K. Morris
Langhorne A. Motley
Timothy J. Murphy, Jr.
Alexander J. Napier, Jr.
Wilton K. Napier
Robert D. Neal
Donald D. Nelson
Charles H. Neubauer
John C. Newlon III
Paul S. Oliver
Roy L. Overton
Hubert Oxford III
Frederick K. Paine
Robert G. Paine
Larry D. Parsons
Harvey M. Paskin
Joseph W. Pehoushek
Thomas E. Penick, Jr.
Louis C. Perna, Jr.
James E. Perry
Edwin E. Pettit
Joseph W. Philipp
Albert C. Piccirillo
Norman J. Pineault
David M. Plews
Donald S. Post
James G. Proud
Donald R. Puddy
Perry J. Quay
Michael E. Ranslam
Elgie C. Rath, Jr.
Robert A. Reeh
Robert H. Reely, Jr.
Ronald E. Resh
Harold K. Ressler
Charles Z. Ridgway, Jr.
Robert T. Riley
Dennis K. Roberts
Frank A. Roberts
Franklin A. Roberts
James T. Roehm
Robert I. Roseman
John C. Roth, Jr.
Duncan A. Roush
Paul B. Sabine
James K. Sandin
Richard S. Sapp
James W. Sartor, Jr.
Richard L. Sauder
Jerry A. Sawyer
John P. Schoeppner, Jr.
Carl D. Scrivener
Thomas C. See
Vernon V. Semrad
William C. Shannon, Jr.
Milo E. Shearer
William G. Shenkir
William M. Shilling
Bobby W. Shipman
Henry G. Shirley
Joseph P. Shouse
Donald L. Shovein
Eugene Simaitis
John L. Slack
John D. Slinkard
Larry F. Small
Colin F. Smith
Edward P. Smith
John L. Smith
Robert J. Smith
Rodger W. Smith
Arnold L. Snyder, Jr.
John W. Solomon III
Carl L. Sossman III
Thomas M. Spencer III
Darrell J. Spinler
Don P. Spivey
Carroll Sprigg
Ralph W. Stearman
James E. Steedly, Jr.
Frank C. Steele
Richard A. Steeves
Robert E. Stogdill
Ronald B. Stokes
Steven B. Strang
David L. Street
William S. Sullivan
Robert G. Surette
Thomas T. Tamura
Weston D. Thomas
Richard E. Thyden
Joel A. Tolson
Peter J. Torvik
Pat Townsley
Karl D. Tremba
George A. Tsongas
Robert F. Turner
Michael C. Turoff
George F. Uhlig
Jon M. Veigel
David L. Viau
Joel E. Vickers
Eugene H. Vieh, Jr.
John T. Viola
Jerry W. Vitt
Donald M. Wade
Thomas J. Wagner
David E. Walker
Richard L. Walker
Thomas H. Walker
Carl I. Walters
Fletcher L. Walters, Jr.
Charles J. Ward
Thomas M. Ward
Philip K. Ware
Dan K. Waylett
Charles J. Weisul, Jr.
Gustav E. Wendland
Dennis M. Werking
Charles L. Wesen.
Larry D. White
Richard E. White
John P. Whitescarver
George L. Whitington, Jr.
Jack N. Whitmire
Warren H. Widener
Stanley F. Wied
Luther R. Wilhelm
Thomas S. Will
Paul G. Williams
Ronald R. Willis
John M. Wilson, Jr.
Paul W. Wilson
Harry H. Wise
Dennis B. Wolfe
William J. Wolff
Elbert T. Woodward, Jr.
James E. Wright
James R. Wright
William B. Wright
Douglas R. Young
Larry M. Young
Casimir Zabinski, Jr.
Robert F. Zembraski
Werner J. Zumbrunn

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18 (legislative day of February 15), 1960:

INTERNAL REVENUE SERVICE

Hart H. Spiegel, of California, to be Assistant General Counsel (Chief Counsel of the Internal Revenue Service).

U.S. DISTRICT JUDGE

Walter H. Hodge, of Alaska, to be U.S. district judge for the district of Alaska, (new position).

U.S. ATTORNEY

Kenneth G. Bergquist, of Idaho, to be U.S. attorney for the district of Idaho for a term of 4 years, vice Ben Peterson, resigned.

U.S. MARSHALS

Dudley G. Skinker, of Maryland, to be U.S. marshal for the District of Columbia for a term of 4 years, vice Carlton G. Beall, resigned.

William K. Holt, Jr., of Georgia, to be U.S. marshall for the middle district of Georgia, vice Billy E. Carlisle, resigned.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Acts 11: 24: *He was a good man, and full of the holy spirit and of faith.*

God of all grace and goodness, constrain us now by Thy love to open widely the doors of our minds and hearts to the peace and power of Thy holy spirit.

We humbly confess that daily we are confronted by needs which we cannot supply, problems we cannot solve, questions we cannot answer, and tasks which are too great for our unaided strength.

Impart unto us those qualities of faith and fortitude which will lift and liberate us from the fears and anxieties, the moods of complaint and self-pity, which so often assail and seek to enslave us.

Grant that in all the human relationships of life we may be true to one another, dealing honestly, showing kindness, and seeking the health and happiness of all mankind.

Hear us in the name of the Master who went about doing good. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring as to the program for next week.

Mr. ALBERT. Mr. Speaker, responding to the gentleman, Monday is George Washington's birthday. There is no legislative business. George Washington's Farewell Address will be read.

On Tuesday the supplemental appropriation bill for the National Aeronautics and Space Administration for 1960, and the Treasury and Post Office Department appropriation bill for 1961.

Wednesday and the balance of the week is undetermined. Any further program will be announced later. Conference reports may be brought up at any time.

Mr. HALLECK. Mr. Speaker, supplementing what the gentleman has said—and I thank him for his response—it is possible that there will be a veto of a measure now at the White House. If it is vetoed, I think it will be vetoed before the President leaves. I wonder if I might discuss with the acting majority leader some arrangement by which we can fix a definite time to vote. Say on Wednesday, if that is satisfactory.

Mr. ALBERT. I will be happy to discuss it with the gentleman and come to a decision as early as possible.

Mr. HALLECK. Very well.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the Committee on Banking and Currency may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON WAYS AND MEANS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, February 19, 1960, to file a report on the bill, H.R. 5, to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, and to also include therein a minority report and certain individual and supplemental views.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SUBVERSIVE ORGANIZATIONS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I take this time because of an editorial that appeared in this morning's Washington newspaper. The editorial stated, concerning the Committee on Un-American Activities, that "the committee has succeeded in persuading a great many who are gullible that any organization which seeks social justice or racial equality or freedom of expression or restraints on police authority has been infiltrated by Communists." This is the line the Communists have been handing out for years and is completely false.

Mr. Speaker, I have in my hand the Guide to Subversive Organizations, and I call now on the writer of this editorial to point out which of the organizations set forth in this guide have as their true purpose the seeking of "social justice or racial equality or freedom of expression or restraints on police authority," and are not controlled by members of the Communist Party.

The guide reads as follows:

GUIDE TO SUBVERSIVE ORGANIZATIONS
AS OF JANUARY 2, 1957

(Prepared and released by the Committee on Un-American Activities, U.S. House of Representatives, Washington, D.C.)

ORGANIZATIONS

Abolish Peonage Committee.
Abraham Lincoln Brigade or Battalion.
Abraham Lincoln School (Chicago, Ill.).
Academic and Civil Rights Committee.
Academic and Civil Rights Council of California.
Action Committee To Free Spain Now.
Actors' Laboratory.
Actors' Laboratory Theater.
Alabama Peoples Educational Association.
All-American Anti-Imperialist League.
All-California Conference for Defense of Civil Rights and Aid to Labor's Prisoners.
Allied Labor News.
Almanac Singers.
Ambijan Committee for Emergency Aid to the Soviet Union.
American Association for Reconstruction in Yugoslavia, Inc.
American Branch of the Federation of Greek Maritime Unions.
American Christian Nationalist Party.
American Committee for a Free Indonesia.
American Committee for a Free Yugoslavia (The).
American Committee for a Korean People's Party.
American Committee for Democracy and Intellectual Freedom.
American Committee for European Workers' Relief (see also Socialist Workers' Party).
American Committee for Protection of Foreign Born.
American Committee for Russian Famine Relief (L.A. and S.F.).
American Committee for Spanish Freedom.
American Committee for Struggle Against War.
American Committee for the Settlement of Jews in Birobidjan, Inc.
American Committee for Yugoslav Relief, Inc.
American Committee for Yugoslav Relief of the War Relief Fund of Americans of South Slavic Descent.
American Committee in Aid of Chinese Industrial Cooperatives.
American Committee To Aid Korean Federation of Trade Unions (S.F.).
American Committee To Aid Soviet Russia.
American Committee To Save Refugees.
American Committee To Survey Labor Conditions in Europe.
American Committee To Survey Trade Union Conditions in Europe.
American Continental Congress for Peace (September 5–10, 1949, in Mexico City) (see also Committee for U.S. Participation in the American Continental Congress for Peace).
American Council for a Democratic Greece.
American Council, Institute of Pacific Relations. (See Institute of Pacific Relations.)
American Council on Soviet Relations.
American Croatian Congress.
American Federation for Political Unity.
American Federation of Labor Trade Union Committee for Unemployment Insurance and Relief.
American Friends of Spanish Democracy.
American Friends of the Chinese People.
American Friends of the Mexican People.
American Friends of the Spanish People.
American Fund for Public Service (Garland Fund).
American Jewish Labor Council.

American Labor Alliance.
American Labor Party.
American League Against War and Fascism.
American League for Peace and Democracy (see also China Aid Council, National People's Committee Against Hearst).
American Lithuanian Workers Literary Association (also known as Amerikos Lietuviu Darbininku Literaturos Draugija).
American National Labor Party.
American National Socialist League.
American National Socialist Party.
American Nationalist Party.
American Negro Labor Congress.
American Patriots, Inc.
American Peace Appeal.
American Peace Crusade (during Stalin-Hitler Pact).
American Peace Crusade (organized in January 1951, with national headquarters at 1186 Broadway, New York 1, N.Y.) (see also Northern California Peace Crusade, San Diego Peace Forum, Southern California Peace Crusade).
American Peace Mobilization (see also Washington Peace Mobilization).
American People's Congress and Exposition for Peace.
American People's Fund.
American People's Meeting.
American People's Mobilization.
American Poles for Peace.
American Polish Labor Council.
American Polish League.
American Relief Ship for Spain.
American Rescue Ship Mission.
American-Rumanian Film Corp.
American-Russian Fraternal Society.
American-Russian Institute (New York) (also known as American-Russian Institute for Cultural Relations With the Soviet Union).
American Russian Institute (Philadelphia).
American Russian Institute of San Francisco.
American Russian Institute of Southern California (Los Angeles).
American-Russian Trading Corp.
American Serbian Committee for Relief of War Orphans in Yugoslavia.
American Slav Congress.
American Society for Cultural Relations With Russia.
American Society for Technical Aid to Spanish Democracy.
American-Soviet Science Society.
American Sponsoring Committee for Representation at the Second World Peace Congress.
American Student Union.
American Students Repudiate Aggression in Korea.
American Technical Aid Society.
American Veterans for Peace (see also Veterans for Peace).
American Women for Peace.
American Workers Party (December 1933–December 1934).
American Writers Congress.
American Youth Congress.
American Youth for a Free World.
American Youth for Democracy.
American Youth Peace Crusade.
Amerikadeutscher Volksbund. (See German-American Bund.)
Amerikos Lietuviu Darbininku Literaturos Draugija. (See American Lithuanian Workers Literary Association.)
Amtorg Trading Corp. (See American-Russian Trading Corp.)
(Angelo) Herndon Defense Committee.
Armenian Progressive League of America.
Artists and Writers Guild.
Artists' Front To Win the War.
Arts, Sciences, and Professions Council. (See Southern California Chapter of the National Council of the Arts, Sciences, and Professions.)
Associacion Nacional Mexico-Americana. (See National Association of Mexican Americans.)
Associated Film Audiences.
Associated Klans of America.
Association of Georgia Klans.
Association of German Nationals (also known as Reichsdeutsche Vereinikung).
Association of Internes and Medical Students.
Association of Lithuanian Workers.
Associazione Nazionale Combattenti Italiano, Federazione degli Stati Uniti d'America. (See Federation of Italian War Veterans in the U.S.A., Inc.)
Ausland-Organization der NSDAP (oversea branch of Nazi Party).
Baltimore County Committee For Peace.
Baltimore Forum.
Bay Area Committee To Save the Rosenbergs.
Bay Area Rosenberg-Sobell Committee.
Beikoku Chuo, Nipponjin Kai. (See Central Japanese Association.)
Benjamin David Freedom Committee.
Black Dragon Society.
Book Union.
Boston Committee to Secure Clemency for the Rosenbergs.
Boston Labor Conference for Peace.
Boston School for Marxist Studies (Boston, Mass.).
Boston School of Social Science.
Bridges-Robertson-Schmidt Defense Committee. (See also Citizens' Committee for Harry Bridges, Citizens' Victory Committee for Harry Bridges, Harry Bridges Defense Committee, Harry Bridges Victory Committee.)
Briehl's Farm (near Wallkill, N.Y.).
Bronx Victory Labor Committee.
Brookwood Labor College (Katonah, N.Y.).
Bulgarian American People's League of the United States of America.
California Committee for Political Unity.
California Conference for Democratic Action (also known as Conference for Democratic Action).
California Emergency Defense Committee.
[California] Federation for Political Unity.
California Labor School.
California Legislative Conference.
[California] State-Wide Civil Rights Conference.
[California] State-Wide Legislative Conferences.
California Youth Legislatures. (See also Model Youth Legislature of Northern California.)
Cambridge Youth Council.
Camp Arcadia.
Camp Kinderland (Hopewell Junction, N.Y.).
Camp Lakeland (Hopewell Junction, N.Y.).
Camp Timberline (Jewett, N.Y.).
Camp Unity (Wingdale, N.Y.).
Camp Woodland (Phoenicia, N.Y.).
Carpatho-Russian Peoples Society.
Central Council of American Croatian Women. (See Central Council of American Women of Croatian Descent.)
Central Council of American Women of Croatian Descent.
Central Japanese Association (Beikoku Chue, Nipponjin Kai).
Central Japanese Association of Southern California.
Central Organization of the German-American National Alliance (Deutsche-Amerikanische Einheitsfront).
Cervantes Fraternal Society.
Chelsea Jewish Children's School (Mass.).
Cherry Association. (See Cakura Kai.).
Chicago Committee for Peaceful Alternatives to the Atlantic Pact. (See Committee for Peaceful Alternatives to the Atlantic Pact).
Chicago Committee to Secure Justice in the Rosenberg Case.
Chicago Sobell Committee.
China Aid Council.
China Welfare Appeal, Inc.
Chinese Cultural Cabaret.
Chinese Democratic Youth Chorus.
Chinese Workers Mutual Aid Association.
Chopin Cultural Center.
Citizens Committee for Better Education.
Citizens' Commitee for Harry Bridges (see also Bridges-Robertson-Schmidt Defense Committee, Citizens' Victory Committee for Harry Bridges, Harry Bridges Defense Committee, Harry Bridges Victory Committee).
Citizens' Committee for the Defense of Mexican-American Youth.
Citizens' Committee for the Motion Picture Strikers.
Citizens' Committee for the Recall of Councilman McClanahan (13th Los Angeles District).
Citizens' Committee of the Upper West Side.
Citizens' Committee to Aid Locked-Out Hearst Employees (L.A.).
Citizens' Committee to Free Earl Browder.
Citizens' Committee to Support Labor's Right.
Citizens Emergency Defense Conference.
Citizens Protective League.
Citizens' Victory Committee for Harry Bridges (see also Bridges-Robertson-Schmidt Defense Committee, Citizens' Committee for Harry Bridges, Harry Bridges Defense Committee, Harry Bridges Victory Committee).
City Action Committee Against the High Cost of Living.
Civil Liberties Sponsoring Committee of Pittsburgh.
Civil Rights Congress (see also Hawaii Civil Liberties Committee, Veterans Against Discrimination of the Civil Rights Congress of New York).
Civil Rights Congress for Texas.
Civil Rights Congress, Milwaukee Chapter.
Civil Rights Congress of Michigan.
Civil Rights Council of Northern California.
Civil Rights Division of Mobilization for Democracy.
Civil Rights Federation (Michigan). (See Michigan Civil Rights Federation.)
Cleveland Committee to Secure Clemency for the Rosenbergs.
Columbians.
Columbus Peace Association.
Comite Coordinador Pro Republica Espanola.
Comite Pro Derechos Civiles (see also Puerto Rican Comite Pro Libertades Civiles).
Committee for a Democratic Far Eastern Policy (see also National Conference on American Policy in China and the Far East).
Committee for Citizenship Rights.
Committee for Civil Rights for Communists.
Committee for Concerted Peace Efforts.
Committee for Constitutional and Political Freedom.
Committee for Defense of Public Education.
Committee for International Student Cooperation.
Committee for Justice.
Committee for Nationalist Action.
Committee for Peace and Brotherhood Festival in Philadelphia.
Committee for Peace Through World Cooperation.
Committee for Peaceful Alternatives to the Atlantic Pact (see also Conference for Peaceful Alternatives to the Atlantic Pact, Continuations Committee of the Conference for Peaceful Alternatives to the Atlantic Pact, Mid-Century Conference for Peace, Northern California Committee for Peaceful Alternatives).
Committee for the Crisis, The. (See Jikyoku Iin Kai.)
Committee for the Defense of Mexican-American Youth. (See Citizens' Committee for the Defense of Mexican-American Youth.)

Committee for the Defense of the Pittsburgh Six.
Committee for the First Amendment.
Committee for the Negro in the Arts.
Committee for the Protection of the Bill of Rights.
Committee for United States Participation in the American Continental Congress for Peace.
Committee for World Youth Friendship and Cultural Exchange.
Committee of One Thousand.
Committee of Philadelphia Women for Peace.
Committee of Professional Groups for Browder and Ford.
Committee on Election Rights.
Committee to Abolish Discrimination in Maryland (see also Congress Against Discrimination; Maryland Congress Against Discrimination; Provisional Committee to Abolish Discrimination in the State of Maryland).
Committee To Aid the Fighting South.
Committee To Defend America by Keeping Out of War.
Committee To Defend Angelo Herndon.
Committee To Defend Marie Richardson.
Committee To Defend the Rights and Freedom of Pittsburgh's Political Prisoners.
Committee To Uphold the Bill of Rights.
Commonwealth College (Mena, Ark.).
Communist Information Bureau (Cominform). (See Information Bureau of the Communist and Workers' Parties.)
Communist International (Comintern).
Communist Labor Party of America (September 1919 to May 1920).
Communist League of America (opposition).
Communist League of Struggle.
Communist Party of America (Sept. 1919 to Apr. 1923).
Communist Party of Panama. (See Partido Del Pueblo of Panama).
Communist Party, U.S.A. (March 1929 to May 1944; July 1945 to present).
Communist Party, U.S.A. (Majority Group).
Communist Party, U.S.A. (Opposition).
Communist Political Association (May 1944 to July 1945).
Community Unitarian Fellowship.
Conference for Democratic Action. (See California Conference for Democratic Action.)
Conference for Peaceful Alternatives to the Atlantic Pact (see also Committee for Peaceful Alternatives to the Atlantic Pact, Continuations Committee of the Conference for Peaceful Alternatives to the Atlantic Pact).
Conference for Progressive Labor Action.
Conference for Social Legislation.
Conference on Constitutional Liberties in America.
Conference on Pan-American Democracy (see also Council for Pan-American Democracy).
Congress Against Discrimination (see also Committee To Abolish Discrimination in Maryland).
Congress (First) of the Mexican and Spanish-American Peoples of the United States.
Congress of American Revolutionary Writers.
Congress of American-Soviet Friendship.
Congress of American Women.
Congress of the Unemployed.
Connecticut Committee To Aid Victims of the Smith Act.
Connecticut State Youth Conference.
Consumers' National Federation.
Consumers Union.
Contemporary Theater.
Continuations Committee of the Conference for Peaceful Alternatives to the Atlantic Pact (see also Conference for Peaceful Alternatives to the Atlantic Pact, Committee for Peaceful Alternatives to the Atlantic Pact).
Coordinating Committee To Lift the (Spanish) Embargo.
Coordination Committee of Jewish Landsmanschaften and Fraternal Organizations (see also United Committee of Jewish Societies and Landsmanschaft Federations).
Council for Jobs, Relief and Housing.
Council for Pan-American Democracy (see also Conference on Pan-American Democracy).
Council of Greek Americans.
Council of U.S. Veterans.
Council of Young Southerners.
Council on African Affairs.
Croatian Benevolent Fraternity.
Croatian Educational Club.
Cultural and Scientific Conference for World Peace.
Dai Nippon Butoku Kai (Military Virtue Society of Japan or Military Art Society of Japan).
Daily Worker Press Club.
Daniels Defense Committee.
Dante Alighieri Society.
Defense Committee for Eugene Dennis. (See Dennis Defense Committee.)
Defense Committee for Gerhardt Eisler. (See Eisler (Gerhardt) Defense Committee.)
Defense Committee for Victims of the Ohio Un-American Activities Commission.
Dennis Defense Committee.
Descendants of the American Revolution.
Detroit Bill of Rights Defense Committee.
Detroit Committee To Secure Justice in the Rosenberg Case.
Detroit Youth Assembly.
Deutsche-Amerikanische Einheitsfront. (See Central Organization of the German-American National Alliance).
Down River Citizens Committee (Detroit, Mich.).
Downtown Forum.
East Bay Arts, Sciences and Professions Council.
East Bay Civil Rights Congress.
East Bay Committee To Save the Rosenbergs.
East Bay Peace Committee (Oakland, Calif.).
East Bay Youth Cultural Center.
East Harlem Women for Peace.
East Meadow and Westbury Rosenberg Committee.
Eisler (Gerhardt) Defense Committee.
Elizalde Anti-Discrimination Committee.
Elsinore Progressive League.
Emergency Civil Liberties Committee.
Emergency Committee of the Arts and Professions To Secure Clemency for the Rosenbergs.
Emergency Conference To Aid the Spanish Republic.
Emergency Conference To Halt the Blackout of Civil Liberties in California.
Emergency Conference To Save Spanish Refugees.
Emergency Peace Mobilization.
Emergency Trade-Union Conference To Aid Spanish Democracy.
Estonian Women's Club (of Massachusetts).
Estonian Workers' Clubs.
Ethiopian Defense Committee.
Eugene Dennis Defense Committee. (See Dennis Defense Committee.)
Exiled Writers Committee of the League of American Writers.
Everybody's Committee To Outlaw War.
Families of the Baltimore Smith Act Victims.
Families of the Smith Act Victims.
Farm Research.
Fatherland Society. (See Sokoku Kai.)
Federated Press.
Federation of Greek Maritime Unions. (See American Branch of.)
Federation of Italian War Veterans in the U.S.A., Inc. (Associazione Nazionale Combattenti Italiani, Federazione degli Stati Uniti d'America).
Festus Coleman Committee.
Film and Photo League.
Film Audiences for Democracy.
Films for Democracy.
Finnish-American Mutual Aid Society.
Finnish Federation.
Finnish Women's Clubs (of Massachusetts).
Finnish Workers' Clubs.
First Congress of the Mexican and Spanish-American Peoples of the United States. (See Congress (First) of the Mexican and Spanish-American Peoples of the United States.)
First World Congress of the Defenders of Peace. (See World Peace Congress.)
First World Congress of the Partisans of Peace. (See World Peace Congress.)
First World Peace Congress. (See World Peace Congress.)
First World Student Congress. (See World Student Congress.)
Florida Press and Educational League.
Frederick Douglass Educational Center.
Free Italy Society.
Freedom From Fear Committee.
Freedom of the Press Committee. (See National Committee for Freedom of the Press.)
Freedom Stage, Inc.
Freunde des Neuen Deutschlands. (See Friends of the New Germany.)
Friends of Chinese Democracy.
Friends of Freedom.
Friends of the Abraham Lincoln Brigade.
Friends of the Campus.
Friends of the New Germany (Freunde des Neuen Deutschlands).
Friends of the Soviet Union (see also American Technical Aid Society).
Frontier Films.
Galena Defense Committee.
Garland Fund (see also American Fund for Public Service).
Garibaldi American Fraternal Society.
George Washington Carver School.
German-American Bund (Amerikadeutscher Volksbund).
German-American Republican League.
German-American Vocational League (Deutsche-Amerikanische Berufsgemeinschaft).
Geutsche-Amerikanische Berufsgemeinschaft. (See German-American Vocational League).
Great Fujii Theater, The. (See Nichibei Koguyo Kaisha).
Great Neck Rosenberg Committee.
Greater New York Committee for Employment.
Greater New York Emergency Conference on Inalienable Rights (see also New York Conference for Inalienable Rights).
Greek-American Committee for National Unity.
Greek-American Council.
Guardian Club.
H.O.G. (Armenian Group).
Harlem Trade Union Council.
Harry Bridges Defense Committee (see also Bridges-Robertson-Schmidt Defense Committee, Citizens' Committee for Harry Bridges, Citizens' Victory Committee for Harry Bridges, Harry Bridges Victory Committee).
Harry Bridges Victory Committee (see also Bridges-Robertson-Schmidt Defense Committee, Citizens' Committee for Harry Bridges, Citizens' Victory Committee for Harry Bridges, Harry Bridges Defense Committee).
Hawaii Civil Liberties Committee.
Hawaii Civil Rights Congress.
Hawaii Committee for Smith Act Defendants.
Heimuska Kai, also known as Nokubei Neieki Gimusha Kai, Zaibei Nihonjin, Heiyaku Gimusha Kai, and Zaibei Heimusha Kai (Japanese residing in America, Military Conscripts Association).
Heiyaku Gimusha Kai. (See Heimuska Kai.)
Hellenic-American Brotherhood.
Hempstead Rosenberg Committee.

Herndon Defense Committee. (See Angelo Herndon Defense Committee.)
Hinode Kai (Imperial Japanese Reservists).
Hinomaru Kai (Rising Sun Flag Society—a group of Japanese war veterans).
Hokubei Ziago Shoke Dan (North American Reserve Officers Association).
Hold the Price Line Committee.
Hollywood Actors' Laboratory School. (See Actors' Laboratory Theater.)
Hollywood Anti-Nazi League.
Hollywood Arts, Sciences and Professions Council. (See Southern California Chapter of the National Council of the Arts, Sciences, and Professions.)
Hollywood Community Radio Group, Inc.
Hollywood Council of the Arts, Sciences and Professions.
Hollywood Democratic Committee.
Hollywood Independent Citizens Committee of the Arts, Sciences and Professions.
Hollywood League Against Nazi-ism. (See Hollywood Anti-Nazi League.)
Hollywood League for Democratic Action.
Hollywood Mooney Defense Committee.
Hollywood Motion Picture Democratic Committee.
Hollywood Peace Forum.
Hollywood Theatre Alliance.
Hollywood Writers Mobilization For Defense.
Holyoke Book Shop.
Honolulu Chapter, Inter-Professional Association.
Hungarian-American Council for Democracy.
Hungarian Brotherhood.
ILWU Book Club.
Idaho Pension Union.
Illinois People's Conference for Legislative Action.
Imperial Military Friends Group. (See Nanka Teikoku Gunyudan.)
Independent Citizens Committee of the Arts, Sciences, and Professions.
Independent Communist Labor League of America.
Independent Labor League of America.
Independent Party (Seattle, Wash.) (see also Independent People's Party).
Independent People's Party (see also Independent Party).
Independent Progressive Party.
Independent Socialist League (see also Workers Party, 1940–48).
Indusco, Inc. (See American Committee in Aid of Chinese Industrial Cooperatives.)
Industrial Workers of the World.
Information Bureau of the Communist and Workers' Parties.
Institute of Pacific Relations.
Inter-Professional Association. (See Honolulu Chapter, Inter-Professional Association.)
Intercontinent News Service.
International Association of Democratic Lawyers.
International Book Shop (Boston).
International Book Store (San Francisco.)
International Committee of Intellectuals for Peace. (See International Committee of Intellectuals in Defense of Peace.)
International Committee of Intellectuals in Defense of Peace.
International Democratic Women's Federation. (See Women's International Democratic Federation.)
International Juridical Association.
International Labor Defense (see also Galena Defense Committee, Trade Union Advisory Committee).
International Liaison Committee of Intellectuals for Peace. (See International Committee of Intellectuals in Defense of Peace.)
International Music Bureau.
International Organization of Democratic Journalists.
International Publishers.
International Secretariat, Institute of Pacific Relations. (See Institute of Pacific Relations.)
International Union of Students (see also World Student Congress).
International Workers Order.
Intourist, Inc.
Irving Peace Theater.
Italian Anti-Fascist Committee.
Italian Black Shirts. (See Lictor Society.)
Japanese-American Committee for Democracy.
Japanese Association of America.
Japanese Association for Democracy (JAAD). (See Nichibei Minshu Kyokai.)
Japanese Overseas Central Society (Kaigai Dobo Chuo Kai).
Japanese Overseas Convention, Tokyo, Japan, 1940.
Japanese Protective Association (recruiting organization).
Jefferson School of Social Science (New York N.Y.).
Jewish Blackbook Committee of Los Angeles.
Jewish Culture Society.
Jewish People's Committee.
Jewish People Fraternal Order.
Jikyoku Iin Kai (Committee for the Crisis, The).
John Reed Clubs of the United States.
Johnson-Forest Group (see also Johnsonites).
Johnsonites (see also Johnson-Forest Group).
Joint Anti-Fascist Refugee Committee (see also Spanish Refugee Appeal).
Joint Committee for Trade Union Rights.
Joint Council of Progressive Italian-Americans, Inc.
Joseph Weydemeyer School of Social Science (St. Louis, Mo.).
Kaigai Dobo Chuo Kai. (See Japanese Overseas Central Society.)
Karl Marx Society of Brooklyn College.
Kibei Seinen Kai (association of U.S. citizens of Japanese ancestry who have returned to America after studying in Japan.
King-Ramsey-Connor Defense Committee.
Knights of the White Camellia.
Korean Culture Society.
Korean Independent News Co.
Ku Klux Klan.
Kyffhaeuser, also known as Kyffhaeuser League (Kyffhaeuser Bund), Kyffhaeuser Fellowship (Kyffhaeuser Kameradschaft).
Kyffhaeuser War Relief (Kyffhaeuser Kriegshilfswerk).
Labor Council for Negro Rights.
Labor Lyceum.
Labor Research Association.
Labor Youth League.
Lawyers Committee on American Relations With Spain.
Lawyers Committee To Keep the United States Out of War.
League Against Yellow Journalism.
League for Common Sense.
League for Democratic Control.
League for Mutual Aid.
League for Protection of Minority Rights.
League of American Writers (see also American Writers Congress, Congress of American Revolutionary Writers, Exiled Writers Committee of the League of American Writers).
League of Struggle for Negro Rights.
League of Women Shoppers.
Lehigh Valley Committee To Secure Justice in the Rosenberg Case.
Lictor Society (Italian Black Shirts).
Lincoln Book Store (Hollywood).
Lithuanian Women's Club (Massachusetts).
Los Angeles Chapter of the National Negro Labor Council.
Los Angeles Committee for the Protection of Foreign Born.
Los Angeles Committee To Secure Justice in the Rosenberg Case.
Los Angeles Educational Association, Inc. (See People's Educational Center.)
Los Angeles Emergency Committee To Aid the Strikers.
Los Angeles Youth Committee Against Universal Military Training.
Macedonian-American People's League.
Manhattan Citizens Committee.
Manhattan Committee To Serve Justice in the Rosenberg Case (also known as Manhattan Clemency Committee).
Mario Morgantini Circle.
Maritime Book Shop.
Maritime Labor Committee To Defend Al Lannon.
Marshall Foundation. (See Robert Marshall Foundation.)
Martinsville Seven Committee.
Marxist Study Club of the City College of New York.
Maryland Committee for Peace.
Maryland Congress Against Discrimination (see also Committee To Abolish Discrimination in Maryland.)
Mass Action for Peace.
Massachusetts Committee for the Bill of Rights.
Massachusetts Minute Women for Peace.
Massachusetts Youth Council.
Maurice Braverman Defense Committee.
May Day Committees. (See United May Day Committee, United May Day Conference, United May Day Provisional Committee.)
May Day Parade (see also United May Day Committee, United May Day Conference, United May Day Provisional Committee).
Medical Bureau and North American Committee To Aid Spanish Democracy.
Medical Bureau to Aid Spanish Democracy.
Memorial Day Youth Peace Parade (1938).
Merrick Rosenberg Committee.
Methodist Federation for Social Action.
Mexican and Spanish-American Peoples Congress. (See Congress (First) of the Mexican and Spanish-American Peoples of the United States.)
Michigan Civil Rights Federation.
Michigan Committee for Peace.
Michigan Council for Peace.
Michigan Labor Committee for Peace.
Michigan School of Social Science.
Mid-Century Conference for Peace.
Military Art Society of Japan. (See Dai Nippon Butoku Kai.)
Military Virtue Society of Japan. (See Dai Nippon Butoku Kai.)
Milwaukee Committee in the Rosenberg-Sobell Case.
[Milwaukee] Provisional Committee To Commute the Death Sentence of the Rosenbergs.
Mimi Kagan Dance Group.
Minneapolis Civil Rights Committee.
Minute Women for Peace.
Mobilization for Democracy.
Model Youth Legislature of Northern California (also referred to as Second Annual California Model Legislature.
Modern Book Shop.
Modesto Defense Committee.
Motion Picture Artists' Committee.
Motion Picture Democratic Committee. (See Hollywood Motion Picture Democratic Committee.)
Murray Defense Committee.
Musicians Committee To Secure Clemency for the Rosenbergs.
Musicians' Congress Committee.
Musicians' Democratic Committee.
Musicians' Open Forum.
Nanka Teikoku Gunyudan (Imperial Military Friends Group or Southern California War Veterans).
National Assembly Against UMT.
National Association of Mexican Americans (also known as Asociacion Nacional Mexico-Americana).
National Blue Star Mothers of America.
National Civil Rights Federation.
National Committee for Freedom of the Press.
National Committee for People's Rights.
National Committee for the Defense of Political Prisoners.

National Committee To Defeat the Mundt Bill.
National Committee to Repeal the McCarran Act.
National Committee To Secure Justice for Morton Sobell in the Rosenberg Case.
National Committee To Secure Justice in the Rosenberg Case (and local affiliates).
National Committee To Win Amnesty for Smith Act Victims.
National Committee To Win the Peace.
National Conference on American Policy in China and the Far East.
National Congress for Unemployment and Social Insurance.
National Council of American-Soviet Friendship (see also American-Soviet Science Society; Congress of American-Soviet Friendship).
National Council of Americans of Croatian Descent.
National Council of Croatian Women. (See Central Council of American Women of Croatian Descent.
National Council of the Arts, Sciences, and Professions (see also Cultural and Scientific Conference for World Peace).
National Delegates Assembly for Peace.
National Emergency Committee To Stop Lynching.
National Emergency Conference.
National Emergency Conference for Democratic Rights.
National Federation for Constitutional Liberties (see also Oklahoma Federation for Constitutional Rights; Washington Committee for Democratic Action).
National Free Browder Congress.
National Labor Committee for Clemency for the Rosenbergs.
National Labor Conference for Peace.
National Lawyers' Guild.
National Negro Congress.
National Negro Labor Congress.
National Negro Labor Council.
National People's Committee Against Hearst.
National Rosenberg-Sobell Committee.
National Student League.
Nationalist Action League.
Nationalist Party of Puerto Rico.
Nature Friends of America.
Negro Labor Victory Committee.
Negro People's Committee To Aid Spanish Democracy.
New Century Publishers.
New Committee for Publications.
New England Committee for the Defense of Political Prisoners.
New England Council for Protection of Foreign Born.
New England Labor College.
New England Labor Research Association.
New Foundations Forums.
New Jersey Committee for Clemency for the Rosenbergs.
New Theater Group (Boston).
New Theater League.
New York Committee for Clemency for the Rosenbergs.
New York Conference for Inalienable Rights (see also Greater New York Emergency Conference on Inalienable Rights).
New York Conference on Civil Rights.
New York Peace Institute.
New York State Conference on Legislation for Democracy.
New York State Conference on National Unity.
New York Tom Mooney Committee.
New York Trade Union Committee To Free Earl Browder.
Newark Peace Action Committee.
Nichibei Koguyo Kaisha (Great Fujii Theater).
Nichibei Minshu Kyokai, Waipahu Chapter (JAAD).
Nokubei Neieki Gimusha Kai. (See Heimuska Kai.)
Non-Partisan Committee for Clemency for the Rosenbergs.
Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio.
Non-Sectarian Committee for Political Refugees.
North American Committee To Aid Spanish Democracy.
North American Reserve Officers Association. (See Hokubie Ziago Shoke Dan.)
North American Spanish Aid Committee (see also Emergency Conference To Save Spanish Refugees).
North Philadelphia Forum.
North Westchester Rosenberg Committee.
Northern California Civil Rights Council. (See Civil Rights Council of Northern California.)
Northern California Committee for Peaceful Alternatives.
Northern California Peace Crusade.
Northern California Rosenberg-Sobell Defense Committee.
Northwest Japanese Association.
Oahu Servicemen's Committee for Speedier Demobilization.
Ohio Bill of Rights Conference.
Ohio Committee To Secure Justice in the Rosenberg Case.
Ohio Freedom of the Press Association.
Ohio Labor Conference for Peace.
Ohio School of Social Sciences.
Oklahoma Committee To Defend Political Prisoners.
Oklahoma Federation for Constitutional Rights.
Oklahoma League for Political Education.
Open Letter for Closer Cooperation With the Soviet Union.
Open Letter in Defense of Harry Bridges.
Open Letter to American Liberals.
Original Southern Klans, Inc.
Ormsby Village for Youth (Topanga Canyon, Calif.).
Pacific Northwest Labor School (Seattle, Wash.) (see also Seattle Labor School).
Pacific Publishing Foundation, Inc.
Palo Alto Peace Club.
Partido Del Pueblo of Panama (operating in the Canal Zone).
Patriotic Society. (See Sakura Kai.)
Pax Productions.
Peace Committee of Alameda and Contra Costa Counties.
Peace Information Center (New York, N.Y.).
Peace Movement of Ethiopia.
People's Drama, Inc.
People's Educational and Press Association of Texas.
People's Educational Association. (See People's Educational Center.)
People's Educational Center.
People's Institute of Applied Religion.
People's Peace.
Peoples Programs (Seattle, Wash.).
People's Radio Foundation, Inc.
People's Rights Party.
People's School. (See People's Educational Center.)
People's University. (See People's Educational Center.)
Permanent Committee of the World Peace Congress.
Philadelphia Committee To Secure Justice in the Rosenberg Case.
Philadelphia Labor Committee for Negro Rights.
Philadelphia Rosenberg-Sobell Committee.
Philadelphia School of Social Science and Art.
Philadelphia Women for Peace. (See Committee of Philadelphia Women for Peace.)
Photo League.
Pittsburgh Arts Club.
Political Prisoners' Welfare Committee.
Polonia Society of the IWO.
Polska Partja Komunistyzna.
Prestes Defense Committee.
Prisoners' Relief Committee.
Professionals for Clemency.
Progressive Book Shop (Boston).
Progressive Book Shop (Los Angeles and Sacramento).
Progressive Citizens of America (California branches).
Progressive Committee to Rebuild American Labor Party.
Progressive German-Americans.
Progressive Labor School (Boston).
Progressive Party.
Progressive Party of Massachusetts.
Progressive Students of America.
Progressive Trade Union School.
Progressive Women's Council.
Proletarian Party of America.
Prompt Press.
Protestant War Veterans of the United States, Inc.
Provisional Committee of Citizens for Peace, Southwest Area.
Provisional Committee on Latin American Affairs.
Provisional Committee To Abolish Discrimination in the State of Maryland (see also Committee To Abolish Discrimination in Maryland).
Provisional International Trade Union Committee of Negro Workers.
Provisional Western Regional Sobell Committee.
Public Use of Arts Committee.
Puerto Rican Comite Pro Libertades Civiles (CLC) (see also Comite Pro Derechos Civiles).
Puerto Ricans United (also known as Puertorriquenos Unidos).
Puertorriquenos Unidos. (See Puerto Ricans United.)
Quad City Committee for Peace.
Queens Rosenberg Committee.
Queensbridge Tenants League.
Refugee Scholarship and Peace Campaign.
Reichsdeutsche Vereinigung. (See Association of German Nationals.)
Reichstag Fire Trial Anniversary Committee.
Repertory Playhouse.
Reserve Officers Association, Los Angeles. (See Suiko Sha.)
Revolutionary Workers League.
Rising Sun Flag Society. (See Hinomaru Kai.)
Robert Marshall Foundation.
Robotnik Polski (Polish Labor).
Romanian-American Fraternal Society.
Rosenberg Committee of the Bronx.
Roslyn Rosenberg Committee.
Russian American Industrial Corp.
Russian American Society, Inc.
Russian Reconstruction Farms, Inc.
St. Louis Committee to Secure Justice for Morton Sobell.
St. Louis Committee to Secure Justice in the Rosenberg Case.
Sakura Kai (Patriotic Society, or Cherry Association—composed of veterans of Russo-Japanese War).
Samuel Adams School (Boston, Mass.).
San Diego Peace Forum.
San Francisco Labor Conference for Peace.
San Francisco Rosenberg-Sobell Committee.
Santa Barbara Peace Forum.
Schappes Defense Committee.
Schneiderman-Darcy Defense Committee.
School for Democracy.
School of Jewish Studies (Los Angeles).
School of Jewish Studies (New York).
Scientific and Cultural Conference for World Peace. (See Cultural and Scientific Conference for World Peace.)
Scottsboro Defense Committee.
Seattle Labor School (see also Pacific Northwest Labor School).
Second Annual California Model Legislature. (See Model Youth Legislature of Northern California.)
Second World Congress of the Defenders of Peace. (See World Peace Congress.)
Second World Congress of the Partisans of Peace. (See World Peace Congress.)
Second World Peace Congress. (See World Peace Congress.)
Second World Student Congress. (See World Student Congress.)

Serbian-American Fraternal Society.
Serbian Vidovdan Council.
Shinto Temples.
Silver Shirt Legion of America.
Simon J. Lubin Society.
Slavic Council of Los Angeles.
Slavic Council of Southern California.
Sleepy Lagoon Defense Committee.
Slovak Workers Society.
Slovene National Benefit Society.
Slovenian-American National Council.
Socialist Workers Party (see also American Committee for European Workers' Relief).
Socialist Youth League (see also Workers Party, 1940–48).
Sokoku Kai (Fatherland Society).
South Westchester Rosenberg Committee.
Southern California Chapter of the National Council of the Arts, Sciences, and Professions.
Southern California Emergency Committee for Clemency for the Rosenbergs.
Southern California Peace Crusade.
Southern California War Veterans. (See Nanka Teikoku Gunyudan.)
Southern Conference for Human Welfare.
Southern Negro Youth Congress.
Spanish Refugee Appeal.
Spanish Refugee Relief Campaign.
Spanish Speaking Peoples Congress.
Springfield Citizens' Protective League.
Springfield Committee To Aid Spanish Democracy.
State-Wide Civil Rights Conference. (See California State-Wide Civil Rights Conference.)
State-Wide Legislative Conference. (See California State-Wide Legislative Conferences.)
Stockholm Peace Petition. (See World Peace Appeal.)
Straight Arrow Camp (Golden's Bridge, N.Y.).
Student Congress Against War.
Student Councils for Academic Freedom.
Student Rights Association.
Students for Wallace.
Suiko Sha (Reserve Officers Association, Los Angeles).
Sweethearts of Servicemen.
Syracuse Women for Peace.
Teen-Age Art Club.
Territorial CIO Political Action Committee.
Tom Mooney Labor School.
Tom Paine School.
Tom Paine School for Social Science.
Toumayian Club.
Town Meeting of Youth.
Trade Union Advisory Committee.
Trade-Union Committee for Free Spain.
Trade Union Committee for Peace (see also Trade Unionists for Peace).
Trade Union Committee for the Repeal of the Smith Act.
Trade-Union Committee on Industrial Espionage.
Trade-Union Committee To Put America Back To Work.
Trade-Union Educational League.
Trade-Union Unity League.
Trade Union Women's Committee for Peace.
Trade Unionists for Peace (see also Trade Union Committee for Peace).
Tri-State Negro Trade Union Council.
Twentieth Century Book Shop (Oakland, Calif.).
Twentieth Century Book Store (Berkeley, Calif.).
Ukrainian-American Fraternal Union.
Unemployed Councils.
Unemployed Workers' Organization of Hawaii.
Union of American Croatians.
Union of Concerted Peace Efforts.
Union of New York Veterans.
Union of Progressive Veterans.
United American Artists.
United American Spanish Aid Committee (see also American Rescue Ship Mission).
United Committee of Jewish Societies and Landsmanschaft Federations (see also Coordination Committee of Jewish Landsmanschaften and Fraternal Organizations).
United Committee of South Slavic Americans.
United Communist Party (May 1920 to May 1921).
United Defense Council of Southern California.
United Farmers League.
United Harlem Tenants and Consumers Organization.
United May Day Committee.
United May Day Conference.
United May Day Provisional Committee.
United Negro and Allied Veterans of America.
United States Congress Against War.
United States Service & Shipping, Inc.
United States Veterans Council. (See Council of United States Veterans).
United States Youth Sponsoring Committee, World Peace Appeal.
United States Peace Committee.
United Toilers.
United Youth Committee Against Lynching.
Valley Stream Rosenberg Committees.
Vanguard Press.
Veterans Against Discrimination of Civil Rights Congress of New York.
Veterans For Peace (see also American Veterans for Peace).
Veterans of the Abraham Lincoln Brigade.
Victory Book Store.
Virginia League For Peoples Education.
Voice of Freedom Committee.
Walt Whitman Book Shop.
Walt Whitman School of Social Science.
Washington Book Shop (Association). (See Washington Cooperative Bookshop.)
Washington CIO Committee To Reinstate Helen Miller (District of Columbia).
Washington Committee For Aid To China (District of Columbia).
Washington Committee For Democratic Action (District of Columbia).
Washington Committee for Justice in the Rosenberg Case (Washington State).
Washington Committee To Defend the Bill of Rights.
Washington Committee to Secure Justice in the Rosenberg Case (District of Columbia).
Washington Commonwealth Federation.
Washington Cooperative Bookshop (District of Columbia).
Washington Friends of Spanish Democracy (District of Columbia).
Washington Peace Mobilization (District of Columbia) (see also American Peace Mobilization).
Washington Pension Union.
West Side Rosenberg Committee.
Western Council for Progressive Labor in Agriculture.
Western Writers Congress.
Wingdale Lodge (Wingdale, N.Y.).
Wisconsin Conference on Social Legislation.
Women's International Democratic Federation.
Workers Alliance.
Workers (Communist) Party of America (Aug. 1925 to March 1929).
Workers Library Publishers.
Workers Party (1940–48) (See also Independent Socialist League; Socialist Youth League).
Workers Party of America (December 1921 to August 1925).
Workers Party of the United States. (See American Workers Party.)
Workers School (Boston).
Workers School (Los Angeles).
Workers School (New York City).
Workers School (San Francisco).
Workmen's Educational Association.
World Congress Against War.
World Congress for Peace. (See World Peace Congress.)
World Congress of Intellectuals.
World Congress of Partisans of Peace. (See World Peace Congress.)
World Federation of Democratic Women. (See Women's International Democratic Federation.)
World Federation of Democratic Youth.
World Federation of Scientific Workers.
World Federation of Trade Unions.
World Peace Appeal (also known as Stockholm Peace Petition).
World Peace Circle of Hollywood, Calif.
World Peace Congress.
World Peace Council.
World Student Congress.
World Tourists, Inc.
World Youth Congress.
World Youth Festival.
Yanks Are Not Coming Committee.
Yiddisher Kultur Farband.
Young Communist League.
Young People's General Assembly For Peace.
Young Progressives (California).
Young Progressives of America (Ohio).
Young Progressives of Massachusetts.
Young Workers League.
Yugoslav-American Cooperative Home, Inc.
Yugoslav Seamen's Club, Inc.
Zaibei Heimusha Kai. (See Heimuska Kai.)
Zaibei Nihonjin. (See Heimuska Kai.)

WHAT IS A COMMUNIST FRONT?

The following historical sketch of Communist-front organizations, plus formulas for detecting them, is reprinted from a report issued by the Special Committee on Un-American Activities on March 29, 1944:

"Communist-front organizations are characterized by their common origin, the rigid conformity of these organizations to the Communist pattern, their interlocking personnel, and their methods generally used to deceive the American public. Being part of a conspiratorial movement, their essence is deception.

"During the first few years of the Communist International, immediately following the stimulus of the Russian revolution, its international appeal was stridently revolutionary. As world economic conditions improved following the First World War, the international revolutionary movement began to wane. The Hungarian and German Communist revolutions failed and the Communist International began to lose strength. Hence it was deemed necessary to moderate the earlier revolutionary appeal, to adopt middle-of-the-road slogans, and to build so-called united-front organizations, as bridge and supporting organizations in the interest of the International Communist movement.

"One of the leading organizers of these 'innocent' organizations on an international scale was Willi Munzenberg, a prominent German Communist, whose organizing ability won him the sobriquet of the 'Henry Ford of the Communist International.' Munzenberg was engagingly frank in describing the real purpose of these organizations:

" '1. To arouse the interest of those millions of apathetic and indifferent workers * * * who simply have no ear for Communist propaganda. These people we wish to attract and arouse through new channels, by means of new ways.

" '2. Our sympathetic organizations should constitute bridges for the nonparty workers * * * who have not yet mustered the courage to take the final step and join the Communist Party, but who are nevertheless in sympathy with the Communist movement and are prepared to follow us part of the way.

" '3. By means of the mass organizations we wish to extend the Communist sphere of influence in itself.

"'4. The organizational linking up of the elements in sympathy with the Soviet Union and with the Communists. * * *

"'5. We must build up our own organizations in order to counteract the increasing efforts of the bourgeois and social-democratic parties in this respect, and

"'6. Through these sympathetic and mass organizations we should train the cadres of militants and officials of the Communist Party possessing organizational experience.'

"(Speech before the Sixth Congress of the Communist International in Moscow, July 20 1928. International Press Correspondence, vol. 8, No. 42, Aug. 1, 1928, pp. 751, 752.)

"Transmission belts

"In his 'Problems of Leninism,' a standard textbook and guide for Communists throughout the world, Joseph Stalin emphasized the need of these front or mass organizations which he called transmission belts:

"'The proletariat needs these belts, these levers, and this guiding force [the Communist Party—Ed.] * * * Lastly we come to the party of the proletariat, the proletarian vanguard. Its strength lies in the fact that it attracts to its ranks the best elements of all the mass organizations of the proletariat, without exception, and to guide their activities toward a single end, that of the liberation of the proletariat.'

"Stalin quoted Lenin in support of his argument:

"'The dictatorship [of the proletariat] cannot be effectively realized without "belts" to transmit power from the vanguard [the Communist Party—Ed.] to the mass of the advanced class, and from this to the mass of those who labor (pp. 29, 30).'

"We cite the instructions of Otto Kuusinen, secretary of the Communist International, in his report at the Sixth Plenum [plenary session] of the Executive Committee of the Communist International:

"'The first part of our task is to build up, not only Communist organizations, but other organizations as well, above all mass organizations, sympathizing with our aims, and able to aid us for special purposes. * * * We must create a whole solar system of organizations and smaller committees around the Communist Party, so to speak, smaller organizations working actually under the influence of our party.' (Quotations taken from the Communist, May 1931, pp. 409–423.)

"The rise of Adolf Hitler to power created a new threat to the Soviet Union and to the international Communist movement. Hence the Seventh Congress of the Communist International, in 1935, gave an added impetus to the creation of front organizations under Communist initiative and leadership, the chief purpose of which was to protect and serve the Communist Party of the Soviet Union. The ability of the Communists to ensnare large numbers and influential individuals, to serve as decoys in operating these fronts, reached its high point following the seventh congress in 1935.

"How Communist fronts are established

"The methods employed by the Communists in establishing and operating these front organizations, methods demonstrated by the various organizations herein cited, have been well summarized by Benjamin Gitlow, a former high official of the Communist Party of the United States:

"'A front organization is organized by the Communist Party in the following fashion: First, a number of sympathizers who are close to the party and whom the party knows can be depended upon to carry out party orders, are gotten together and formed into a nucleus which issues a call for the organization of a particular front organization which the party wants to establish. And generally after that is done a program is drawn up by the party, which this provisional committee adopts. Then, on the basis of this provisional program, all kinds of individuals are canvassed to become sponsors of the organization, which is to be launched in the very near future. A provisional secretary is appointed before the organization is launched and in every instance in our day the secretary who was appointed was a member of the Communist Party. * * * And as president of the organization we would put up some prominent public figure who was willing to accept the presidency of the organization, generally making sure that, if that public figure was one who would not go along with the Communists, he was of such a type that he would be too busy to pay attention to the affairs of the organization. * * *

"'On the committee that would be drawn together, a sufficient number of Communists and Communist Party sympathizers, who would carry out party orders, was included, and out of this number a small executive committee was organized * * * which carried on the affairs of the organization, so-called, and this small executive committee, with the secretary, really ran the organization. And this small committee and the secretary are the instruments of the Communist Party, with the result that when manifestos or decisions on campaigns are made, those campaigns are ordered by the Communist Party.' (Hearings of the Special Committee on Un-American Activities, vol. 7, pp. 4716, 4717, 4718.)

"Membership in front organizations

"In judging the individuals associated with Communist-front organizations, to determine the degree of their responsibility for its activities and their closeness to the Communist Party, one should be guided by consideration of the following categories of individuals included within them:

"'1. Members of the Communist Party who have openly avowed their affiliation.

"'2. Members of the Communist Party not openly avowed, proven to be such on the basis of documentary or other proof.

"'3. Those accepting Communist Party discipline, either secret party members or outsiders who accept such discipline and instruction. This category may be recognized by the regularity with which it follows the line of the Communist Party, throughout all its variations, by the number of different front affiliations, by the posts they occupy in these front organizations, and by the fact that they retain their affiliation after the organization has been publicly exposed.

"'4. Those who have been attracted by the high-sounding aims of the front organization or organizations, by the prominence of its sponsors, or by a desire to be sociable. The judgment of such persons is certainly open to criticism just as much as if they aided in launching any other hoax.'

"Does 'Yes' answer the following questions?

"For the guidance of the American people in detecting Communist-front organizations, we present the following criteria:

"'1. Does the organization have Communist Party members or those trusted by the Communist Party, in its posts of real power—on its executive board, as secretary, organizer, educational director, editor, office staff?

"'2. Are meetings of the organization addressed by Communists or their trusted agents? Does its publication include articles by such persons?

"'3. Does the organization follow the Communist Party line?

"'4. Does the organization cooperate with campaigns, activities, publications, of the Communist Party or other front organizations?

"'5. Is the address of the organization in the same building with other front organizations or within the cooperating vicinity?

"'6. Does the organization cooperate with Communist-controlled unions?

"'7. Does the organization's official publication reflect the line of the Communist Party, publish articles by pro-Communists, advertise Communist activities, or those of other front organizations or of Communist vacation resorts?

"'8. Are questions injected into meetings or in official publications, which have more to do with the current policy of the Communist Party, than with the professed purposes of the organization?

"'9. Are funds kicked back directly or indirectly to the Communist Party or to other front organizations?

"'10. Is printing done at a Communist printing house?

"'11. Does the organization use entertainers associated with pro-Communist organizations or entertainments?

"'12. Does the organization receive favorable publicity in the Communist press?

"'13. Is the organization uniformly loyal to the Soviet Union?'

"Changes in party line

"The line of the Communist Party on foreign policy is cited herewith. Its advocacy by an individual or organization, throughout all its variations, is a sound test of the loyalty and subservience of such an individual or organization to the Communist Party:

"'Prior to August 1935: No distinction was made between Fascist and democratic governments. They were all capitalistic and had to be destroyed by a revolution and replaced by a proletarian dictatorship.

"'August 1935 to September 1939: Adolf Hitler became a threat to the Soviet Union. Opposition to the Fascist governments. Support of collective security or a united front of the democracies and the Soviet Union against the Fascist nations.

"'August 23, 1939, to June 21, 1941: The period of the Stalin-Hitler pact. Opposition to the war as imperialist. Support of an isolationist position. Support of the peace policy of the Soviet Union. Demand that we pay attention to our own domestic problems first.

"'June 22, 1941, to 1944: Hitler attacked the Soviet Union. Support of the * * * war against fascism. Demand for a second front to aid the struggle of the Soviet Union. [Communist International dissolved in 1943 to strengthen Communist Party pose as local, patriotic organization.]'"

Since the above-quoted sketch was written in 1944, the committee offers the following additions to bring the Communist Party line on foreign policy up to date:

"1945 to 1956: Return of overt Soviet hostility toward non-Communist powers; Communist Information Bureau formed in 1947 as modified version of Communist International. Revival of doctrine of inevitable conflict between two camps—the 'progressive' camp of the Soviet Union and its satellites and the 'imperialist' camp represented by the United States. Support of the Communist 'peace' offensive, which of course covered such 'peaceful' moves as the Communists' aggression in Korea.

"February 1956 to date: Return to united front policy of 1935. Support of Khrushchev and 'collective leadership' of Soviet Union, which desanctified Stalin and abolished the Communist Information Bureau. War with capitalist countries no longer inevitable (unless they resist). Cooperation among Communists, capitalists, Socialists, and neutrals demanded."

The extreme changes in the foreign policy line of the Communist Party, U.S.A., as outlined above, are the direct results of Soviet maneuvering to meet various exigencies of the U.S.S.R. There has never been a change in one basic Communist purpose from 1918 to the present date, however—the eventual

elimination of non-Communist governments and the establishment of world hegemony for the Soviet Union.

* * * * *

Front organizations as described by J. Edgar Hoover and former Attorney General Francis Biddle

The following is an excerpt from the testimony of J. Edgar Hoover before the Committee on Un-American Activities on March 26, 1947:

"For the most part, front organizations assumed the character of either a mass or membership organization or a paper organization. Both solicited and used names of prominent persons. Literally hundreds of groups and organizations have either been infiltrated or organized primarily to accomplish the purposes of promoting the interests of the Soviet Union in the United States, the promotion of Soviet war and peace aims, the exploitation of Negroes in the United States, work among foreign-language groups, and to secure a favorable viewpoint toward the Communists in domestic, political, social, and economic issues.

"The first requisite for front organizations is an idealistic sounding title. Hundreds of such organizations have come into being and have gone out of existence when their true purposes have become known or exposed, while others with high-sounding names are continually springing up.

* * * * *

"There are easy tests to establish the real character of such organizations:

"1. Does the group espouse the cause of Americanism or the cause of Soviet Russia?

"2. Does the organization feature as speakers at its meetings known Communists, sympathizers, or fellow travelers?

"3. Does the organization shift when the party line shifts?

"4. Does the organization sponsor causes, campaigns, literature, petitions, or other activities sponsored by the party or other front organizations?

"5. Is the organization used as a sounding board by or is it endorsed by Communist-controlled labor unions?

"6. Does its literature follow the Communist line or is it printed by the Communist press?

"7. Does the organization receive consistent favorable mention in Communist publications?

"8. Does the organization present itself to be nonpartisan yet engage in political activities and consistently advocate causes favored by the Communists?

"9. Does the organization denounce American and British foreign policy while always lauding Soviet policy?

"10. Does the organization utilize Communist 'doubletalk' by referring to Soviet-dominated countries as democracies, complaining that the United States is imperialistic and constantly denouncing monopoly capital?

"11. Have outstanding leaders in public life openly renounced affiliation with the organization?

"12. Does the organization, if espousing liberal progressive causes, attract well-known honest patriotic liberals or does it denounce well-known liberals?

"13. Does the organization have a consistent record of supporting the American viewpoint over the years?

"14. Does the organization consider matters not directly related to its avowed purposes and objectives?"

In his decision on the deportation of Harry Bridges, the Attorney General, Mr. Francis Biddle, included the following excellent description of Communist-front organizations:

"Testimony on front organizations showed that they were represented to the public for some legitimate reform objective, but actually used by the Communist Party to carry on its activities pending the time when the Communists believe they can seize power through revolution."

THE RULE ON THE CIVIL RIGHTS BILL

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, on yesterday I made a statement on the floor that I was convinced there would be a rule voted by the Committee on Rules rather promptly making in order the consideration of the so-called civil rights legislation. The gentleman from New York [Mr. CELLER], the chairman of the Committee on the Judiciary, questioned me as to just what the word "shortly" meant. I am very happy to advise the House, and especially to advise him, that this morning the Committee on Rules did vote a rule making in order the consideration of the civil rights bill pending before the committee. I am assured that the rule will be reported promptly, and without delay. The rule is an open rule. It is very generous as far as time is concerned so that in debating civil rights, the rights of no Member to be heard will be violated. It provides 15 hours of general debate. It does make in order, so that there is no question of germaneness, the consideration of the so-called referee bill, the McCulloch bill, which was introduced by the gentleman from Ohio on January 20, 1960.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. FLYNT. Mr. Speaker, on behalf of the gentleman from Arkansas [Mr. HARRIS] I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 2485.

The SPEAKER. Without objection, it is so ordered.

ALOYSIUS CARDINAL STEPINAC, ARCHBISHOP OF ZAGREB, YUGOSLAVIA

Mr. DERWINSKI. Mr. Speaker I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, on February 10, Aloysius Cardinal Stepinac, archbishop of Zagreb, Yugoslavia, world renowned as a heroic opponent of atheistic communism, died while under house arrest in his native land. Cardinal Stepinac was one of the great heroes of our time and is a symbol of suffering that stanch champions of religious freedom have endured under Communist tyranny.

May I take this opportunity of quickly reviewing the pertinent facts of Communist persecution of this great religious leader. In 1946, he was sentenced to 16 years of hard labor for alleged treason in collaborating with the Nazis in World War II. These charges, as we know, were absolutely false since the cardinal was an outspoken opponent of both Nazi and Communist practices and had always been a stanch champion of minority groups. During the war years, he was credited with successfully arranging the flight to freedom of many Jewish refugees who were forced to flee from Nazi tyranny.

Since 1951, the cardinal had been under house arrest in his native village and was refused permission to exercise his official duties as archbishop and religious leader of Croatia. He was the spiritual leader of the Catholic Church in Yugoslavia and was the obvious target for Red Dictator Tito's policy of persecution. The world realizes that by his steadfast opposition to communism in his country, he has forced Tito to display his true character even though there have been many attempts made to whitewash the present Yugoslav regime.

It might be well for us to remember that the present Communist dictatorship in Yugoslavia was greatly aided in its suppression of the peoples of Yugoslavia by the wartime assistance it received from us due to the Communist influence that existed in our State Department at that time. These wartime leaders who betrayed legitimate governments in Yugoslavia and other countries now enslaved by the Communist will forever bear this historical stigma.

May I urge all of you to remember the cause of political, social, and religious freedom for which Cardinal Stepinac fought. As we remember him, we must maintain the inspiration that he has provided. Furthermore, we must maintain the fervent hope that some day the peoples of Eastern Europe will once again be free and communism forever eradicated as a world menace.

PRESIDENT'S FARM MESSAGE

Mr. RHODES of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, President Eisenhower's message on agriculture delivered to the Congress last week opens the way to a permanent solution of the farm problem, one of the most vital domestic issues facing the Nation today.

The President's recommendations are flexible enough to permit adjustments among differing positions. Yet these recommendations would also bring about beneficial and much-needed changes in national policies regarding agriculture. The President's message should be recognized for what it is: The blueprint for a workable farm policy.

President Eisenhower has presented practical guidelines for stabilizing prices on basic commodities while reducing stocks of those in surplus. He has recommended a greatly expanded conservation reserve program which would alleviate the problem of surpluses today while preserving soil fertility for the needs of tomorrow.

The President has voiced his strong support for the food-for-peace program. This important effort is making it possible for us to use our abundance constructively in the worldwide battle against hunger. His message also places needed emphasis on research which will lead to increased use of farm products.

Finally, the President has recommended an expanded rural development program to assist families on small farms without sufficient resources to make an adequate living.

Of all the recommendations made by President Eisenhower, this one, it seems to me, holds out the greatest hope for the largest number of farm and rural people.

We sometimes forget that full-scale commercial farmers are actually a minority of all farmers in this country.

The majority of the Nation's farms, some 56 percent, are operated by farmers earning a large part of their income in nonfarm work, by older farmers with reduced operations, and by those on poor land or inadequate units.

Programs designed to improve efficiency and incomes on the larger commercial farms are of little benefit to families on small low-production farms. They depend for their well-being on availability of jobs, special educational programs, better training, and other activities supplementing their meager farm incomes.

The President's rural development program is focusing attention on this group of farm people. He has taken steps recently to speed and perfect this program.

An Executive order was issued to promote better coordination of effort among the six Federal departments and agencies putting resources into this program.

A few weeks ago the Secretary of Agriculture appointed an assistant to help guide the program.

Now I am gratified to report the President's message calls on the Congress to increase appropriations so the work can go forward on a much broader basis.

I am sure the Congress wil support this request. Benefits of the rural development program need to be broadened to all areas where many farm families are facing adjustment difficulties.

FOOD FOR PEACE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request from the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to commend our President's statesmanlike message on the farm situation, including his call for constructive proposals to help meet the surplus dilemma. I would especially like to lend my support to his inclusion of the food for peace program for, in my opinion, it represents one of our great hopes for peace and security.

One of the built-in strengths of the food for peace program is that it helps both the helper and those being helped. For us, the program provides outlets—essential outlets, I might add—for our abundant farm production. Exports under the program mean extra income for our farmers, add strength to the domestic market, reduce the cost of storing our crop surpluses, and strengthen our relationships throughout the free world.

For our foreign friends who lack dollar purchasing power, the food for peace program offers a means whereby their very great need for additional food and fiber is met at least in part through access to our surplus supplies. Countries receiving our agricultural commodities under the program, such as India, are able to feed their people better, to make greater progress in their all-important internal programs of economic development, and to hold to the ideals of freedom and democracy which characterize the free world. As to whether we are retaining the friendship of such countries we have but to compare the tremendous ovation received by President Eisenhower when he visited India with the much more reserved reception recently accorded Soviet Premier Khrushchev.

The Public Law 480 program is, of course, the cornerstone on which the food for peace program has been built. A tremendous movement of our surplus food and fiber to needy areas has been taking place under Public Law 480. Since 1954, the first year of the activity, about $5.5 billion has been spent to move U.S. farm products under the authority. This is equivalent to about one-fourth of all our agricultural exports during the period.

American agricultural export operations give major emphasis to regular commercial sales for dollars for these, after all, represent the traditional way of doing business. Seventy percent of our agricultural exports at present are of this type. Through foreign market development work, in which the Department of Agriculture and private agricultural groups are actively participating, much is being done to further expand these dollar sales. But market promotion is most effective only in areas that have dollars, such as Western Europe. We hope that the less-developed countries too can become active dollar purchasers—but that is a long road ahead and it will take friendly hands such as extended through our food for peace program to help them along that road.

It is encouraging that we do not stand alone in offering helping hands to these needy countries. As part of the food for peace program, we are working actively with other wheat exporting nations—Canada, Australia, Argentina, and France—to get broadened participation in the program. We have started with wheat because it is the one universal food that is in greatest supply. Our work with these nations is highly encouraging. Jointly we now have a mission in the Far East studying opportunities for people of that area to eat more wheat and to use more wheat in supporting their programs of economic development.

Also, our work with these wheat exporting nations has led to greatly improved understanding of U.S. objectives in making our abundance available to needy countries. This result alone justifies the whole undertaking. Where once there were complaints that our export programs were a vast dumping operation, today there are more and more comments that the program is serving an essential purpose and is not disrupting established world commerce.

I want to say again that I wholeheartedly support the food for peace program. It is a good program, a satisfying program. As was written many years ago, "It is one of the most beautiful compensations of this life that no man can sincerely try to help another without helping himself."

CIVIL RIGHTS LEGISLATION

Mr. KARTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KARTH. Mr. Speaker, it is with a sense of pride and somewhat a sense of accomplishment that I rise to acknowledge the rule to report equal rights legislation. May I at this point, Mr. Speaker, pay tribute and personal compliments to the gentleman from New York [Mr. CELLER], chairman of the Judiciary Committee, and to the gentleman from California [Mr. ROOSEVELT], among others, for the aggressive leadership role they have played in the discharge petition which I give considerable credit to for causing this rule.

I am confident of the fact that the high number of petition signers have forced abandonment of possible previous bipartisan commitments, so that we can move forward in the field of equal rights so important to America, America's people and peoples of the free world. Personally, I feel this question was constitutionally and therefore legally resolved many, many years ago. However, because of anything but unanimity on this question, it is necessary we provide the answer again. I sincerely hope it will be a complete and final answer to this most controversial proposition.

CIVIL RIGHTS LEGISLATION

Mr. KARTH. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I wish to add my voice to that of my distinguished colleague the gentleman from Minnesota [Mr. KARTH] in saying that those of us who signed the discharge petition—a method provided for by the rules of this body—can well have a large measure of satisfaction. The discharge petition procedure has been a major factor in achieving the goal of getting civil rights legislation to the floor.

I wish to emphasize, however, that the job is not completed. We still face the responsible and serious task of approving a civil rights bill that is meaningful, that reflects what is already constitutionally guaranteed, but regretfully not practiced or followed—in other words, a civil rights bill that will assure political and human equality for all our citizens.

Mr. Speaker, civil rights is the moral issue of the day. Our duty is clear.

WE CAN HAVE BETTER SCHOOLS

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to call the attention of the House to an important report on education recently released by the Committee for Economic Development. It was prepared by a distinguished group of businessmen and scholars headed by Mr. Ralph Lazarus, chairman of CED's subcommittee on education.

Essentially, four recommendations are made in the report.

First. Mandatory action by the State governments is needed in most States, including almost all of the most populous States, to bring about "immediate reorganization of small school districts into effective units of local governments."

Second. The State governments should assume a larger share of the financial burden of schools now borne by the local districts, and State funds should be distributed through foundation programs.

Third. Financial grants of about $600 million annually should be made by the Federal Government "to support public schools in those States where income per public school child is substantially below the national average."

And, finally, better local, State, and Federal organization of citizens who appreciate the need for improved education is necessary for improvement of the schools in order to "generate the energy necessary for results."

Though we may disagree about some of these conclusions, everyone who has a real interest in the future of education will want to study the considered opinions contained in this report. I therefore, Mr. Speaker, include this digest in the CONGRESSIONAL RECORD, as follows:

WE CAN HAVE BETTER SCHOOLS

(By Ralph Lazarus)

We need better schools. We can afford them.

Nobody can give them to us. We must—as Americans have always done—create, mold, and pay for better schools ourselves.

What we have achieved for our schools in the recent past should encourage us. What the future requires we can do if we wish. We can be confident but not satisfied.

The American ideal of a better life for each new generation through better education still moves us deeply. It need never die unless our will to fulfill it falters.

These fundamentals stand out in a report of the research and policy committee of the Committee for Economic Development. (This booklet is merely my summary of the report.)

For 3 years the committee studied problems of education created for all of us as citizens by the great postwar upsurge in births. Only the publicly operated elementary and secondary schools were studied. Being made up largely of businessmen, the committee felt most at home with the problem of finance—paying for better schools. Its report centers on that subject.

But what we pay for schools is affected by every aspect of education: its objectives, its methods, its staff, its facilities, its students. The report could not avoid comments on these subjects.

At the end of the study a majority of the committee agreed on four specific recommendations to help us get better schools. They appear in the closing section of this summary.

Why should businessmen, associated in a committee for economic development, consider how to pay for better schools?

We start with the fact that education furnishes one of the great drives behind our economic growth. It stimulates both sides of the production-consumption equation. Living standards rise as knowledge widens our awareness. Ability to produce the goods and services that we want for a higher standard of living depends upon skills that would be unattainable without the elementary grounding that our schools give us.

Furthermore, we have been shocked into recognizing a connection between the quality of our education and our national security: the need for scientists and engineers, the inadequate knowledge of many men drafted into military service, the high draft rejections for illiteracy.

But we need better schools because of something deeper than the important considerations mentioned thus far. A democracy lives or dies by the ability of its people to choose wisely. We need better schools to teach us how to understand the alternatives before us and how to choose wisely among the real alternatives.

We in America have developed a powerful and responsive economy. It produces efficiently and in large quantities what we as a people say, privately through the market or publicly through government, we want.

We also have developed a strong and responsive political system. It produces the government policies that a majority among us wants.

These great systems will not, by themselves, create a good society and good lives for most of us. They will produce what is good, desirable, and valuable only if we can decide what is good, desirable, and valuable. Schools must help us with the knowledge and the judgment that we need for these great decisions.

What more urgent justification could a committee of businessmen have for studying how to pay for better schools?

SCHOOLS HAVE IMPROVED

What we have achieved for our schools in the recent past we can be proud of—without being satisfied.

Gloomy predictions that the rising tide of enrollments would overwhelm our public schools began circulating a decade ago. Perhaps these predictions helped arouse us and thus to defeat themselevs. They have not come true.

We do not yet have the schools we should have or could afford. But neither have we allowed our schools to sink under the weight of big postwar enrollments. On the contrary, we probably have improved our schools somewhat. The record is encouraging.

First, 11 million more boys and girls were in school in 1959 than in 1947—an increase of 46 percent in a dozen years.

Public school enrollments increased by an average of 581,000 a year during the 5 school years, 1947 through 1952. The average annual increase jumped to 1,150,000 during the next 8 years. The rise began, of course, in the elementary grades; recently high school enrollments have begun to accelerate while the rate of increase in elementary schools has lessened.

A higher proportion of children of school age (5 to 16–17) are in school now than were in 1950. This is true of all age groups, but schools have especially accepted more young children and held more older children. In 1950 about 5 of every 10 5-year-olds were in school; in 1958 6 of every 10 were in school. Seven of every 10 boys and girls 16 and 17 years old stayed in school in 1950; 8 of every 10 stayed in 1958.

Not only more children, but a higher proportion of children, are going to school today than before enrollments began to climb.

Second, the typical boy or girl probably goes to a better school than at any previous time.

The proportion of students in classrooms less than 15 years old has increased sharply.

Not all needs have been met. The U.S. Office of Education estimated that 140,000 more classrooms were needed in the fall of 1958, 65,000 to relieve overcrowding or to move from rented space and 75,000 to replace unsatisfactory facilities.

But 500,000 new classrooms had been built between 1949–50 and 1957–58. Construction has climbed to the rate of 70,000 a year. New schools are providing more space per pupil than before World War II.

Third, teachers have been found to teach the many new classes.

The teaching staff of public schools has grown by 50 percent while enrollments were increasing 41 percent (1948–49 to 1958–59). Allowance must be made for the greater teaching needs in high schools and for population shifts toward areas with higher standards. Even so, the number of students per teacher apparently has not increased and may have decreased somewhat.

Incidentally, the proportion of the teachers who are men—26.4 percent—is the highest in a half century.

Fourth, teachers have received more training.

By 1958, 36 States required that a beginning elementary schoolteacher hold a bachelor's degree; a decade earlier only 15 States had such a requirement. Standards have been raised in other respects.

In 1958–59, 93 percent of the teachers were fully certified, compared with 88 percent a decade earlier, showing that resort to teachers holding emergency certificates had declined.

Fifth, the relative income position of teachers has improved.

The committee report does not assess the equity of teachers' salaries. It traces the movement of teachers' salaries in relation to the annual average earnings of full-time employees in all industries combined.

Teachers' salaries lagged badly during World War II. By 1945 they had fallen to 88 percent of the all-industry average. Three years later, however, they had recovered sharply to 102 percent. Since then they have improved irregularly, reaching 114 percent by 1958–59. At that level, the relative position of teachers' earnings was the best it had been (except during the depression's depths) at any time since World War I, at least.

Low teacher salaries have not disappeared. In 1958–59, 18 percent of the teachers still were being paid less than $3,500 a year. But as recently as 1952–53, 62 percent of the salaries had been below $3,500.

Finally, the money has been raised to build classrooms, hire teachers, increase salaries, and cover other necessary expenses.

Public school expenditures have tripled in 11 years, rising from $4.3 billion in 1947–48 to an estimated $14.4 billion in 1958–59. Even a generous allowance for inflation would leave a big and continuous growth in outlays for schools.

Schools now get a larger share of the Nation's resources than at any time during the last three decades. In 1958–59, school expenditures accounted for 3.10 percent of the gross national product, compared with pre-World War II percentages of about 2.4 percent and with a wartime low of 1.21 percent.

Part of the school money, of course, has been borrowed. The school tax burden, therefore, has risen less sharply. It was 2.6 percent of gross national product in 1958–59 compared with 2.1 percent in 1929–30 and 2.4 percent in 1939–40.

Thus far, the burden of paying for our schools, measured in terms of our total economy, has not increased far beyond the range of our past experience as a Nation.

This is the record of what we have done for our schools.

A crisis has been averted—and more. Some advances have been made. Yet better schools are so basic to our existence as a democracy that we must ask ourselves whether we have done enough.

What has been achieved thus far has been done primarily by men and women working in their home communities—their school districts and their States. Locality by locality, we have worked out our contributions to a need that is at once personal and national. The record shows that a better life for our sons and daughters through better education is still an ideal that moves us deeply. Therefore, we can be confident but not satisfied.

COSTS WILL KEEP RISING

What the future requires we can do if we wish.

Enrollments will go on increasing. Therefore, school costs should increase too, even with no improvements in our schools. A growing national economy will help us do that much. And, if we should choose in the next decade to increase our schools' share of our gross national product at the same rate as we increased it in the past decade, we could afford to improve our schools immensely. How far should we go? The answer to that question depends on the objectives we set.

The rise in enrollments probably will slacken after 1964–65.

Between 1958–59 and 1964–65 the number of boys and girls in school will increase by 21 percent. In the subsequent 5 years the rate of increase will be only about one-half as great. By 1969–70 the increase over 1958–59 probably will have gone up only to 29 percent. The rate of increase slackens because, beginning in 1965, graduating classes will be bigger as the children born in 1946 and thereafter leave school. (These estimates assume continuation of recent birth rates; a change in birth rates would begin to affect enrollments 5 to 6 years later.)

School costs would rise faster than enrollments even without improving our schools.

There are three reasons why, without increasing resources per pupil, costs would rise faster than enrollments.

1. School age population will grow relatively faster in those regions that now spend larger than average amounts per pupil.

2. A larger proportion of all school age pupils will be in secondary schools where costs are higher.

3. Teachers' salaries probably will have to rise to keep pace with earnings in other jobs.

Therefore, while enrollments rise 21 percent from 1958–59 to 1964–65, school expenditures would have to rise 31 percent just to maintain the present resources per pupil, assuming stable prices. By 1969–70, when enrollments are up 29 percent, costs would be up 47 percent.

If we keep the schools' share of our resources constant and if our economy, measured by gross national product, grows 3 percent a year, that growth will furnish 92 percent of these higher costs by 1964–65 and 95 percent of them by 1969–70. Therefore, to hold our present standards in the face of the future's larger enrollments will require only a moderate additional effort. The schools' share of a high employment gross national product would have to be 3.27 percent in 1964–65 and 3.12 percent in 1969–70, compared with about 3 percent in 1958–59. These increases are smaller than those we have achieved in the past decade.

But they provide only for continuing the amount of money per pupil that we now give our schools. Our goal should be better schools.

We can have better schools.

More than money is required for better education. Actually, our schools can improve somewhat with no increase in cost per pupil.

Schools could use better the resources that they already have if we as citizens would clarify what we expect of our local school. In some communities, representative groups of citizens have tried to resolve school priorities. More communities should do so. How much do we expect schools to do about physical and social development, character building, or vocational training? Should schools provide facilities for community activities, athletic events, and entertainments?

School officials and teachers could use the resources they already have more efficiently. Schools often are too reluctant to experiment or even to change. Methods are needed for systematic, objective appraisal of experience to determine what has worked and what has not, and why. Even when experience has produced a consensus that a new technique is good, years often go by before the technique is generally adopted. Schools need to give more attention to what business calls research and development. Some good work has begun. More needs to be done. The responsibility falls especially on private foundations, professional associations, the U.S. Office of Education and State departments of education. Local school systems might appoint a special official to encourage experiments and adoption of tested improvements. Better ways of determining useful changes and speeding their adoption may be the most urgent need in our schools.

But this committee believes that more money per pupil is also needed to improve our schools. It would seem to be attainable.

In the 6 school years, 1951–52 to 1957–58, the share of our gross national product going to schools increased by about 5½ percent each year. If we were to continue this rate of increase, money for schools would go up 70 percent by 1964–65. Only a 31 percent increase by 1964–65 is required to match enrollments. Obviously, therefore, even a substantial reduction in our recent rate of diverting additional resources to schools would provide money for improving our schools.

Put that way, the task sounds easier than it will be. We cannot pay for better schools just by continuing our present effort. To match enrollments and improve our schools we will have to increase the share of our national income going to schools. To accept a further increase on top of the effort already made may be difficult. But the magnitude of what we still must do is less than what we have recently done.

We can gage the minimum task ahead of us from the cost of holding unchanged the resources now devoted to the education of each pupil with rising enrollments. We should do more than this minimum—and we can afford to—if we want better schools.

How much more?

The citizens of each school district must answer that question for themselves just as they handled their local problem of rising enrollments after 1946. A national aggregate or average goal of school expenditures would be arbitrary and of uncertain meaning. We need, instead, a vigorous push forward, locality by locality, correcting known local deficiences. In the process we will evolve new standards by which to guide ourselves into the future.

National projections of enrollments, costs, and gross national product do give us, however, one basic conviction: We can afford better schools. The American ideal of a better life for our sons and daughters through better education need not die unless our will to fulfill it falters.

WHAT TO DO

Four kinds of action would help us materially to get better schools. The committee recommends these actions:

1. Citizens working for better schools should improve their own effectiveness.

Nobody can give us better schools. In America we must always create, mold, and pay for them ourselves. Therefore, everything that has been done—or will be done—for better schools depends on effective action by men and women working in their own communities.

The best examples of local action show us what can be done and how. Organized citizen interest in a community's schools is the foundation. It will attract good school officials. A combination of effective citizens' organization and strong school officials gets results.

Citizens' committees have been more effective when organized on a representative, permanent basis with professional assistance. They should cultivate good relations with other local groups. A State citizens' committee, drawn from local committees, makes them effective at a government level that often determines the success or failure of their efforts.

The committees should stimulate public participation in school elections, referendums on tax rates or bond issues, budget hearings, and school program reviews.

2. States should redistrict their schools into systems of effective size.

The inefficiently small school district has been with us too long. For years we have known that a complete school program can hardly be conducted by a unified school system with less than 2,000 students. Advantages continue to accrue until a school system reaches perhaps 25,000 students.

Yet early in 1957, 30,000 school districts had less than 50 students. Schools in such districts are doomed to inferiority. Fewer than 3,000 school districts had as many as 1,200 students. Only 2,000 had as many as 3,000 students.

Small enrollments do not reflect sparse populations. Rather they result from school districts covering tiny areas. In 21 States the average school system covers an area equal to a 7-mile square (49 square miles) or less. They are horse-and-buggy school districts.

Small school districts cannot offer an adequate course of study. They use teachers wastefully. Often they offset their inefficiency by low salaries and by disproportionate amounts of State aid.

The 45,000 school districts in the country should be consolidated into less than 10,000. The number and their boundaries should be determined State by State. Counties often, but not always, offer a good area within which to consolidate.

The States created the multiplicity of school districts. They must force the consolidations. Voluntary reorganization, requiring approval by voters in the affected districts, has moved at a snail's pace, even when State authorities have applied pressure. Some States have achieved school systems of appropriate size by mandatory legislation. Obviously, similar action by the remaining States is past due.

3. States' financial aid to schools should increase and be through a foundation program.

In most States the State government should take over from local districts a larger share of the financial burden of schools. For all practical purposes local districts have one source of revenue—the property tax. Although a school district may have adequate economic resources to support improved schools, it will often be unable to tap those resources through the property tax. Property is less equally distributed among school districts than other tax sources such as income or sales.

State aid should be distributed to local districts through a foundation program that insures each district within the State the financial ability to support its schools.

A foundation program specifies the type and quality of school services that should, as a minimum, be available to students throughout the State. Usually it is based on the practices already prevailing in most districts. The cost of providing these services is determined. Then State funds are distributed in such a way that every school district can afford, with State funds and its own, this basic or foundation program.

States should provide each school district with funds equal to the difference between the cost of the State foundation program and the amount that would be raised in the district by a property tax levied in all districts at a moderately low, uniform rate, based on full or at least equalized valuation of property. The assumed tax rate should be low enough to leave the local districts with some fiscal capacity to go beyond the foundation program.

Unless the State's school districts have achieved reasonable size and financial strength, such a foundation program will not work well. Both school districts of an efficient size and an appropriate State foundation program are essential. Together they are capable in most States of eliminating the local pockets of substandard education, paying for expanding enrollments, and providing money to permit most school districts to improve.

4. The Federal Government should aid education in the poorer States.

In a number of States, mostly but not exclusively in the South, school expenditures per child in public school are much lower than in the remainder of the country. With notable local exceptions, teachers in these States are poorly paid and often are less qualified than elsewhere. Better teachers are hard to retain. Classes are large. More pupils drop out of school before completing their education.

Per capita incomes in these States are low, and the proportion of the population in public school is large. Inferior education prevails even though a higher percentage of the community's income goes into schools than in other sections of the country.

Under the pressure of financial necessity, most of these States have already reorganized their school districts. They are supplementing local funds with large State programs.

Additional State and local support is possible. But it is not realistic to expect that the poorer States will be able to bring their schools up to nationally acceptable standards out of their own resources.

These facts do not justify Federal aid to all Schools throughout the country, in the opinion of a majority of the research and policy committee. The national interest in adequate education will best be served, a majority believes, by continued reliance upon State and local governments. They are capable of meeting the schools' needs. For the most part, they are, in fact, responding to the requirement for sharply rising expenditures.

The national interest in good schools everywhere and the national interest in a decentralized school system are not irreconcilable. The combination of these two interests calls for the assumption of an important but limited responsibility by the Federal Government. This is a residual responsibility. It is to provide support to the extent necessary in situations where the decentralized system cannot provide good schools. And the support should be reserved for cases where the deficiency is clear.

The clear and present need is for Federal financial assistance to the States that have extremely low personal incomes relative to the number of schoolchildren.

THE STATES AFFECTED

Present school expenditures in a number of States are so low as to demand improvement. Exactly how low is "too low" is a question not easily answered. But 80 percent of the current national average expenditure per pupil is a reasonable standard, below which school expenditures should be considered unacceptably low.

Eleven States fell below this 80-percent floor in 1957–58—most of them far below it. The States are Mississippi, Alabama, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Georgia, West Virginia, Virginia, Maine. The 11 States had 22 percent of the Nation's public school enrollment. Low standards affecting more than one-fifth of the Nation's schoolchildren cannot be dismissed as unimportant.

The size of the increase in present expenditures that would be required to reach the 80-percent level leads to the conclusion that, in most cases, the sums required are not likely to be forthcoming from sources within these States.

The Federal Government cannot simply provide each State with the amount, if any, required to raise existing school expenditures to 80 percent of the national average. To do so would penalize States now making the greatest financial effort to support schools and reward States making the least effort. It would eliminate the incentive to increase local support of schools.

To avoid this defect, a Federal aid formula should compare the relationship between personal incomes, school-age population, and school outlays within a State to the same relationship across the Nation. Under such a formula, the Federal Government would pay a State, for each student in daily attendance, a sum computed as follows:

(a) The aggregate personal income of the State's residents would be divided by the number of students in average daily attendance to arrive at personal income within the State per pupil.

(b) This figure would be subtracted from the same figure computed for the country as a whole but then reduced to 80 percent.

(c) The amount by which the State's personal income per pupil fell below 80 percent of the national average, would be multiplied by the national ratio of school expenditures to personal incomes.

For example, personal income per student in average daily attendance in the Nation as a whole was $11,446. Eighty percent of this was $9,157. In Mississippi, personal income per student in average daily attendance was only $4,893. Subtracting $4,893 from $9,157 leaves $4,264. In the Nation as a whole, current school expenditures equaled 2.83 percent of personal income. For each student in average daily attendance Mississippi would get 2.83 percent of $4,264, or $121 With 444,200 students, Mississippi would thus receive a total grant of $54 million.

The cost of such a program, if it had been in effect in the 1957–58 school year, would have been $544 million. This payment would have been divided among the 19 States in which income per pupil was less than 80 percent of the national average, the 11 States previously listed, except Maine, plus New Mexico, Oklahoma, Idaho, North Dakota, South Dakota, Louisiana, Hawaii, and Vermont. In the future, the annual cost might be about $600 million.

States would have to meet two conditions to be eligible for grants. After an appropriate adjustment period, they would have to provide current school revenues from State and local sources equal to at least the same proportion of their personal income as does the Nation as a whole. They could not reduce these school revenues below their level at the time the program is introduced. These provisions would insure a reasonable financial effort to support schools from sources within the State, and guarantee against the substitution of Federal for local funds.

This Federal aid would enable reasonably adequate education, as measured against standards prevailing in the rest of the country, to be provided in those States that have relatively small economic ability to support schools.

Although there were individual reservations and dissents, a majority of this committee believes that this proposal merits support from the entire country on these grounds. The expenditure required will contribute more to the welfare of the country than many existing Federal expenditures, some of which could well be cut. But if the program implies higher taxes, they will be justified by the anticipated benefits. The committee is now reviewing the problem of Federal taxation and expects in a subsequent statement to present suggestions for financing essential Federal expenditure, including those recommended here for education.

CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROGRAM FOR NEXT WEEK

Mr. ALBERT. Mr. Speaker, in further response to the inquiry of the gentleman from Indiana, the minority leader, it will be our purpose if the veto message comes up on Monday or Tuesday to ask, after the message is read, that further proceedings with regard to the bill and message be put over until Wednesday.

Mr. HALLECK. I thank the gentleman.

LIBRARY SERVICES

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, the importance of extending the Library Services Act of 1956 cannot be overemphasized. It must be accepted as axiomatic that books constitute the most essential tools for knowledge coupled with the irrefutable fact that they make a positive contribution to relaxation and pleasure, vicarious or otherwise. Libraries have been called the repository of man's knowledge and, true, it is only through their use whereby we can communicate with the great minds of the past; a "golden treasury," so to speak, which spans the ages of recorded time. One has only to look at the attitude of the totalitarian nations to forcefully see the importance of books. By means of rigid control, people are forced to read whatever the state dictates and those books which seek after truth in an objective manner are banned as dangerous. On the other hand, in America and the free world, the principle of free access to libraries where we may choose, without fear, any book desired, is an inherent part of our basic freedoms. Therefore, it is an act of grave omission when we compare the attitude of a totalitarian versus a free state to books, that even in our own Nation people might not be able to read, not, mind you, because of police control nor governmental attitude, but because, unfortunately, funds are not available for libraries. True, our metropolitan areas can boast of some of the most replete libraries in the world; however, is it not true that all people in a free society should have this type of facility? The bookmobile program, therefore, fulfills this need in those areas where a permanent structure would not be practical.

Thus, I believe, that the intrinsic worth of libraries and books is beyond question and, hence, it is unnecessary for me to belabor the point any further before my distinguished colleagues. More specifically, I shall point out the great benefits accrued to the State of Massachusetts and to the First Congressional District which I serve, by the existence of the Library Services Act of 1956.

In the State, the improved and extended service now reaches 279 towns and the people to whom this service is available number 1,055,191. Approximately 30 towns in western Massachusetts are getting supplementary books via bookmobile which goes to public libraries, deposit stations, and schools. The bookmobile operates from the Pittsfield Regional Center. In cooperation with the office of audiovisual aids of the Commonwealth department of education, an audiovisual aids center has been established in Greenfield. This service is available to all four counties in western Massachusets.

In the State, 178 of the 263 rural communities received increased appropriations; increased hours of opening; 103 increased salaries. Circulation in the rural areas rose 13 percent. Regional group meetings on standards have been held and institutes and workshops conducted on storytelling, weeding the book collection, book repair, basic reference tools, exhibit planning, and regional cooperative services.

The total expenditure for the fiscal years of 1957, 1958, and 1959, in Massachusetts, was $454,485 of which the Federal Government, under this act, contributed $188,171. The expenditure in relation to the great benefits derived from the program is very small indeed. The great good cannot be measured by any statistical count. Suffice it to say, that many more people have become better trained and thinking citizens, more competent in science, technology, business, industry, and civic affairs through the operation of this service.

Mr. Speaker, the bill which I have introduced today is for the purpose of extending this act. I am sure that the evidence in its favor is overwhelming. The incalculable benefits under its provisions will be an asset to the United States which cannot be computed in terms of dollars; it will be an asset of strength through knowledge. I urge, therefore, that this bill to amend the Library Services Act be passed.

OCEANOGRAPHY

The SPEAKER. Under previous order of the House, the gentleman from Maine [Mr. OLIVER] is recognized for 45 minutes.

Mr. OLIVER. Mr. Speaker, since February 17, 1959, it has been my privilege to serve as a member of the special Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee. During these several months, under the leadership of the able and distinguished gentleman from California [Mr. GEORGE P. MILLER], who is our chairman, we have been briefed by the several agencies of the Federal Government which have jurisdiction over the many phases of governmental interest and activities in the broad area of oceanography.

Merely naming these several agencies will serve to point up the extensive scope of the subject and will also emphasize the rather sticky problem involved in getting the coordination necessary for action for the expansion and the acceleration of the oceanographic program so urgently needed in our national interests.

These agencies are Navy, Coast and Geodetic Survey, Bureau of Commercial Fisheries, Maritime Administration, National Science Foundation, Office of Education, Atomic Energy Commission, and the Bureau of Mines, as well as the Weather Bureau, U.S. Coast Guard, and the Beach Erosion Board of the Army Engineers. In addition, there are several other offices which are directly or indirectly involved in action, or lack of action, in this broad area. Of course, there is also involved the overlapping jurisdiction of committees of the House in their responsibilities for the many other activities of these several agencies of the Government. I stress this point only to point up the inevitable built-in delays, inherent in our Government, in meeting this urgent challenge which confronts America right now; namely, the challenge, not only of Soviet competition, but the challenge of time as well to increase our basic knowledge of the great resources of the oceans, the resources available in almost unlimited abundance at our very doorstep.

The reports of the Committee on Oceanography of the National Academy of Sciences spelled out in detail the critical needs and recommended a 10-year program which was to have been implemented with the necessary funds, starting in fiscal year 1960. Of the $65 millions recommended for annual commitment over the next 10-year period, it is my understanding that some $13 millions were actually appropriated for this current fiscal year of 1960. This, obviously, means that America in terms of what should be done has lost substantially another year of time, an asset which can not be bought for replacement. It is my hope that we will not be found still spinning our wheels in fiscal year 1961. Soviet Russia, in her drive for scientific gains in oceanography, is not losing time but, on the contrary, is accelerating her rapid pace with even more drive.

President Eisenhower, recently, in decorating Lt. Don Walsh, U.S. Navy, and Jacques Piccard, for their 7-mile bathyscaph dive into the Mariana Trench in the Pacific said:

> The United States is in the forefront of oceanographic research.

This past week, Dr. George Kistiakowsky, the chief science adviser to the President, is quoted as saying that—

> The United States is in a science-technology contest with Russia which today involves our national prestige and tomorrow, perhaps, our very survival.

In the light of these statements from the summit of our leadership in America, it is appropriate to take a good look at the existing facts of life without any discoloration by rosy-hued lenses.

I am told that in a lecture on "World Perspectiveness" some time ago, at the Political Academy—military—in Russia, the lecturer stated that—

> The Soviet Union is the greatest maritime country in the world and must fulfill its historic mission on the oceans * * * who dominates the oceans, doesn't know distances.

Today, in their drive, the Soviets have moved, and are moving, into every ocean of the world. A comparison of Russian locations before World War II, and as of

now, is most startling. From the Arctic to the Antarctic, and from the Atlantic to the Pacific, Russia is now located and is still moving for wider and more intensive locations. The Soviet merchant marine has the broad mission of studying world seas, so as to make them serve the needs of human society, under their regimentation, of course.

Kaliningrad has been designated as the base for the Soviet oceanic activities in the Atlantic. A sea hydrophysical section of the Soviet Science Academy has been opened there. The largest research vessel in the world, *Mikhail Lomonosov*, which the gentleman from New York [Mr. DORN], our staff consultant, Capt. Paul S. Bauer, U.S.N.R.—retired, and I visited last September in New York Harbor, is operating from this base in its research of the Northwest Atlantic, the Gulf Stream, the Gulf of Mexico, and, incidentally, the waters off Cuba. There may be no special military significance to these research plans, but it is to our best interests to recollect the signaling of Soviet submarines in these waters during this winter. Of course these signalings could have been from the *Herring* submarine, about which Khrushchev boasted while in Iowa last summer. The oceanic research of the *Lomonosov* which, by the way, carries a larger complement of scientists than crew members, coordinated with the research mission of the submarine *Severyanka*, obviously compiles data of great strategic value, uncomfortably close to our shores. It is, also, my understanding that 10 big refrigerator and processing trawlers for Latvian use in the North Atlantic are being put into operation, as well as Ukrainian fishing vessels off the west African coast. In the Pacific, there is the same pattern of fisheries operations. These operations cover the South China Sea, the Gulf of Tonkin, and waters off the coasts of Alaska and Canada. New, bigger, and specially designed ships are being delivered continuously to follow up all research findings. These 3,000-4,500-ton vessels are self-sufficient for 3 months operations at sea, with refrigeration, canning, and processing capacities for production.

The well-known Soviet research ship, *Vityaz*, is now busily and continuously engaged in all-inclusive operations in the Indian Ocean, undoubtedly, to be followed with the same pattern of intensive fisheries operations as now practiced in the Atlantic and Pacific.

At least one and probably several bathyscaphs will soon be in operation by the Soviets to supplement their already intensive fisheries activities. This means, of course, operations in depth. Soviet and satellite whaler fleets are also engaging in intensive activities, in every oceanic area, consistent with this type of fisheries endeavor.

By their own admissions, the Soviets are not even recovering their investment bait in their fisheries catches. The substantial increase of invested capital—new vessels, electronic equipment, and so forth, is admitted to be the major cause for these deficits in their fisheries operations. For example, in the Yukat Fishing Trust, while investments increased 18 times, as compared with prewar times, catches increased only by 11.3 percent. Yet the Soviets move ever forward with increased fleets and fishing activities. We are then justified in assuming, that there is a more general state interest involved. This seems to imply, especially in the Atlantic, a defense importance to our national interest which is strikingly basic.

In portions of the diary of V. G. Azhazha, leader of the expedition of 1958–59 of the submarine, *Severyanka*, in the North Atlantic, from whose diary fragments were published by Izvestya on February 15, 17, 18, and 19, 1959, it becomes quite apparent that this submarine was operating under strict orders to avoid being observed by foreign ships, crash diving whenever any foreign ships were observed approaching.

SOVIET OCEANIC EXPANSION

The number of special research ships of the Soviet which are reconnoitering are specially equipped with sonar, radar, and so forth. In 1956 the number was 19. This was considered very unsatisfactory, the average proportion desired being 1 research ship per 10 fishing trawlers. During 1957, 1958, and 1959 the number of these research ships has been increased.

The Soviet interest in fishing in other zones of the Atlantic, apart from the northeast Atlantic, became apparent several years ago. Until 1954, they were mainly occupied by their expansion in the northeast Atlantic, but in 1954 they sent their research ships in the northwestern Atlantic to explore fishing possibilities off Newfoundland, and they found new fishing grounds, apparently "unexploited by other countries," on the Newfoundland banks, where they started to fish sea perch in 1956. In 1957 they again found big concentrations of fish on the northeastern slopes of the big bank, then pushed their exploration north into Davis Strait, and, since 1956, began to fish also in Davis Strait on banks off Greenland and Labrador. In 1959 the Baltic Research Institute for Fisheries and Oceanography announced that its research ships discovered new fishing grounds in Davis Strait.

There are two research institutes for fishing and oceanography active in the North Atlantic. They are the Pinro, or Polar Institute for Fisheries and Oceanography, with seat at Murmansk, and the Baltniro, or the Baltic Institute for Fisheries and Oceanography, with seat in Leningrad.

In 1959, however, the Soviet interests being already directed to the South and Central Atlantic, a new institute was set up in Kaliningrad, namely, the Atlantic Institute for Fishing and Oceanography, which has been provided with a series of special ships, installations, and personnel, and a big Atlantic oceanarium is now under construction in Kaliningrad, which is to become the "capital of the Atlantic Ocean."

In 1957 and 1958 Soviet research ships explored the waters around Cabo Verde Islands and the Continental Shelf of western Africa in the central Atlantic, looking for fishing grounds for sardines, sardinellas, and tunafish. In this research they were followed by Polish research ships which collaborated with them.

Having completed this task, *Kazan*—flagship of flotilla studying distribution of valuable fish in the central Atlantic—will sail south from the Guinea Gulf as far as the Cape of Good Hope, exploring on their way along the west African coastal shelf the zones of concentration of another quality of fish—the sardinops, also a very valuable fish.

The Kaliningrad Atlantic institute has its own scientific research fleet, with a flagship *Mikhail Lomonsov*, previously mentioned, and enjoys the cooperation not only of all Soviet fishing fleets operating in the Atlantic waters, but also, of the Polish and East German fishing fleets.

Soviet fishing authorities are determined to establish themselves firmly in the west African fishing grounds, as they did in the North Atlantic.

EXPANSION OF SOVIET FISHING IN DISTANT WATERS

At the same time, when Mr. Khrushchev insists on the liquidation of all U.S. bases in foreign lands and wants the United States of America to withdraw across all oceans to the territorial waters of the United States of America, Soviet Union leads a definite policy of military, political, and economic expansion over world oceans.

It seems that the appearance of Soviet fishing fleets in this region, that is South Africa, would not be welcome, especially as Soviet authorities use a brazen method of claiming not only the freedom of the seas, but also discovery of new fishing grounds by them, entitling them to fish there in exclusion of others. They go to some region where fishing has been going on for centuries, fish some fish out, and then declare solemnly that they discovered new, unknown, fishing grounds and then fix themselves there. They did so along the Newfoundland Banks, claiming of having discovered their new fishing grounds for sea perch and cod. More recently, they did the same trick in Davis Strait—between Labrador and Greenland—where they calmly declared in June 1959 that their fishing research ship *Muksun* discovered rich fishing grounds off the west Greenland coast, between Cape Farewell and Disko Island. They studied the sea bottom of these new fishing grounds.

From Kaliningrad, a Lithuanian flotilla of 10 big trawlers fished there—Newfoundland Banks—and others too. One of them, the *Novorossiisk*, has been involved in an incident, having fouled transatlantic cables, five cables having been cut simultaneously.

All these flotillas are supported by oil tankers, refrigerator ships, and keep in contact with Soviet oceanographic ships cruising in the neighborhood as well as with the Soviet Antarctic shore stations: Mirnyi, Lazarev, and Bellinghausen.

The above figures illustrate, very well, the expansionist character of Soviet fishing industry, which has already considerably spread out from home waters to distant waters of the Atlantic, Antarctic,

and Pacific, and is to be even more intensified in the same sense.

This means that if, at present, some 15,000 Soviet sailors are at sea fishing in the North Atlantic alone, by 1965 their number will grow to some 25,000 with about 1,000 fishing trawlers. As they stay the whole year around on their fishing grounds as far as Newfoundland Banks, Davis Strait, Cabo Verde, and equatorial Atlantic—this whole community provided with radars, sonars, and so forth—presents a kind of permanent occupation of these free waters, over which no control of any kind can be extended, the seas and oceans being free for everyone.

From the legal point of view, international law gives them all freedom to do as they wish and like.

As previously noted, they have fishing submarines for the underwater research, and one of them, the *Severyanka,* is particularly active in the North Atlantic. Young Soviet officers, especially navigators, are being appointed to these fishing flotillas for practice, especially in strategically important waters, which they can study at their leisure. In fact, these Soviet fishing fleets provide them with a close observation net from Newfoundland and Labrador to Dakar and Gulf of Guinea, then, all around the Antarctic with its round-the-continent sea communication lines, and then, in the North Pacific from the Aleutians to Japan, and later on, as far as Solomon Islands, where Soviet fishing research ships have already made their appearance during the last few years. This expansion of the Soviet fishing over the seas is one of the features of their competition with the Western World. It has more strategical importance than might appear at first glance.

SOVIET INTEREST IN THE WORLD OCEAN

The expansion of fishing activities is typical for all seas and oceans. Soviet fishing, which was minor in scope before the war in the North Atlantic, and in the Antarctic, now takes the form of all-year-round fishing, aided by auxiliary and mother ships of all kinds, whole floating towns in the North Atlantic. In the Antarctic, as the captain of the Slava flotilla, Captain Solyanik said recently, Soviet whalers have created already a "kind of home waters."

In the Pacific Soviet fishing activities develop more slowly, but already this year five Soviet fishing trawlers have been arrested by Philippine authorities in their territorial waters.

Some 400 Soviet trawlers and other vessels are spread all the year round in the Norwegian Sea, North Sea, and northern, central, and south Atlantic, organized in groups of 10, led by their research ships.

This expansion of fishing activities has been preceded by a series of research activities led by research vessels of Soviet Oceanographic Institute and of the Institute of Fisheries.

These scientific activities are also being very extensively developed by Soviet top scientific institutions whose aims have been described by Prof. V. G. Bogorov from the Oceanographic Institute of the Soviet Science Academy in the monthly Priroda—January 1959—said that the study of the world ocean, apart from its purely scientific interest, is very important also for practical reasons, such as meteorological forecasts, fishing activities, navigation, transoceanic flights, and so forth. Therefore, the Soviet Union has been conducting widespread research in the world ocean for several years. In 1958 oceanographic research was conducted in the Pacific, Indian, and Atlantic Oceans, in the Antarctic waters, and in many seas around U.S.S.R.

The research in the Pacific was conducted in its western and central regions by the research ship *Vityas.* It is my understanding that the *Vityas* had alarmed some American authorities by making observations near some strategically important islands in the Pacific. In the southern Pacific the research ship *OB'* worked. The span of Soviet research in the Pacific was from the Kuriles to the Antarctic and the results are of great importance. Underwater currents, geographical zonality, topography of the sea bottom, physical, chemical, biological, and geological particulars of the oceanic natural features. Among others it has been found that in the depths, even of few hundred meters, the waters can move with a speed 10 times greater than it has been accepted until now. The topography of the sea bottom, especially the great depths, are of interest for the disposal of radioactive waste material. It has been found that the ventilation of such depths as the Tonga and Kermadek trenches goes so rapidly that in 5 to 10 years the radioactive waste would come to the surface.

In the Antarctic waters *OB'* crossed and studied the southern parts of all three oceans, Indian, Atlantic, and Pacific, which join together only in these southern latitudes. Therefore the study of Antarctic waters is a necessary part of the studies of the world ocean and of its dynamics.

In the Atlantic Ocean during 1958 worked two science academy vessels, *Mikhail Lomonosov* and *Syedov.* They collected much material concerning geology, hydrology, and biology of the Atlantic Ocean.

Further on Professor Bogorov describes various scientific works of the Soviet oceanologists during the 1958 period and says that at the same time were studied new methods and new equipment for oceanographic research for the merchant fleet and navy and for the fisheries.

At this point, Mr. Speaker, I digress from this detailed statement of Soviet efforts long enough to urge that our agencies which have jurisdiction should plan for similar oceanographic activity by the ships of the U.S. merchant marine. Instrumentation of these ships would substantially help us to fill the gaps in gathering data which now exist because of our current lack of research vessels as we pursue our relatively meager programs. The technique of the Soviets in using their merchant ships indicates the urgency of their efforts. We can and should do no less.

During 1959 Soviet oceanologists studied in detail the whole northern part of the Pacific Ocean from Asian shores to the American shores. A series of complex research activities are foreseen in the Indian Ocean. In the Atlantic the *OB'* and *Mikhail Lomonosov* made a meridional sectioning of the whole ocean along the 20th or 30th meridians west from Greenwich.

Wide theoretical studies were made to learn the laws governing the distribution and the dynamics of physical, chemical, biological, and geological phenomena and processes in the world ocean, which are the main task of Soviet oceanology.

For the above presented research work on the world ocean various institutes of the Soviet Academy of Science dispose of over 30 specially equipped vessels. They are small, such as the 103-tonner, 300-horsepower, 11-knots MS *Mauka*—built in Black Sea shipyards in 1956—the bigger *Akademik Kowalewskyi* has five laboratories, while *Nauka* has only three, and can stay 40 days at sea and has deep anchoring equipment for 2,500 meters depth. *Vityaz* is known, as well as the new *Mikhail Lomonosov* and *Okean.* The latter two have special platforms for helicopters and radio location. Moreover, the diesel-electric ships *OB'* and *Lena* also belong to the academy.

The fleet of the Soviet Academy of Science is under the administration of a special department called Section of Sea Expeditionary Activities under V. A. Polyushkin.

For the geophysical year they organized 25 expeditions of which 6 were deep-sea expeditions.

As all the fishing flotillas have their own research ships provided with radar, sonar, some with helicopters and various other equipment—these ships belonging to the Academy of Science play a senior role and collect all information gathered by the research vessels of the fishing flotillas.

In each sea there is a flagship of the scientific research. In the Barents Sea apparently works *Nauka.* The *Akademik Kowalewskyi* works in the Black Sea; *Vityaz* is in charge of the Pacific; and in the Atlantic the *Mikhail Lomonosov* has the leading role.

The fishing and research ships of the Polish, East German, Rumanian, and Bulgarian fishing fleets are in close collaboration with the corresponding Soviet authorities, and for instance Polish fishing research has been conducted in the South Atlantic, together with the Soviet expedition there, and Polish whalers are expected to go to the Antarctic soon to cooperate with Soviet whaling flotillas. It is possible that also the East German whalers would be there.

All of the above information, Mr. Speaker, has been gathered from Soviet publications. There is nothing from any other sources.

All of the preceding could make a chapter on Soviet maritime expansion, which has already been predicted by Mackinder—Sir Halford Mackinder, the originator of geopolitics—at the beginning of this century.

The order of events is very simple. Soviet scientists study the seas and oceans, then they send their fishing and whaling fleets there; where they found the best conditions, they ask for extended rights. Naturally, soon afterward they are ready to defend their freedoms and sovereignty over such waters by protecting them with their navy and air force. Having shown great economic activity, they will claim better conditions for its development, they will settle down whenever this would be of interest, without the slightest regard for costs.

In other words the scientific activities are bringing about economic interests, which in turn raise political and strategical problems.

The whole plan from the beginning is expansionist in character and pursues definite political, strategical, and economic aims. On the basis of such a plan, which is at the bottom of their sea expansionism, they start scientific, economic and other activities. These things simply must be done, following the plan, independently of their economic value as scientific, fishing or other activities are concerned. They explain why, despite the permanent losses, the deficitary fishing is being developed, funds invested in it, and so forth. Because the plan said so many proteins from the sea must be produced, the fishing fleets must occupy their definite positions on the world ocean, where they execute such-and-such missions, often divorced from fishing, but connected with naval activities instead.

In the final result, the scientific and economic aims can often be considered as of secondary importance; political and strategic aims occupying first place.

Perhaps this presentation, Mr. Speaker, has been in too much detail. It has been my purpose, however, to stress the terrific drive which the Soviet Government is conducting together with its satellite states in order that some contrast may be portrayed with the relatively meager oceanographic efforts of America.

For example, one only needs to check the obsolescence in many of our fishing fleets and research fleets, as well, to understand the full impact of this Soviet drive. According to their published plan, the Russians intend to have 1,000 deep-sea-going trawlers by 1965, equipped with the most modernized electronic equipment. These trawlers are to be serviced while at sea with their catches being processed by factory ships which accompany them. This kind of an operation, then, becomes a sort of a permanent stake-out on the waters of the high seas where they are operating. For every 10 trawlers they plan an efficiently equipped and scientifically manned research ship which could mean that, by their target date of 1965, they could have 100 of the most modern oceanographic research ships in the world.

What are we doing in this regard as we recall again the recent words of President Eisenhower and the evaluation of Dr. Kistiakowsky, his chief science-technology adviser?

Here are the facts according to the best information which I have been able to get as of today.

The Committee of Scientists report of last year on page 12 indicates that in 1959 we had 45 vessels in all categories of research, research and development, and survey projects under military direction, while of these 45 there were 7 in resources and fisheries research under, I assume, civilian direction. Of these 45, as the total availability, 30 should be replaced as expeditiously as possible. Over the 10-year construction period, recommended by the scientists, we should build 40 new research vessels. Fifteen of the present 45 would still be operational in 1970 according to the original 10-year program of the committee. We would then have 85 research ships of efficient capability to do the job of retaining our position in the forefront to which the President has referred.

But we are not doing this. In fiscal year 1960 we appropriated for one Navy research ship. In fiscal year 1961 budget, now under consideration, the Coast and Geodetic Survey budget called for three class III ships using the unexpended balance from a class I ship now under construction. We have one research ship included in the fiscal year 1961 budget for the Bureau of Commercial Fisheries and another provided for with a grant from the National Science Foundation. Fiscal year 1961 provides for only one new research ship for the Navy. Accordingly, we have for the 1960 and 1961 fiscal years only 6 of the 15 new ships which the Committee of Scientists recommended as a minimum schedule, as found on page 13 of their report.

What of the additional needs for the oceanographic program, which is needed as a minimum to keep us in the forefront to which the President alluded?

These include such items as cost of ship operations; shore facilities for basic research; oceanwide surveys; engineering needs for ocean exploration, that is, more manned submersible vehicles such as the *Trieste*, only modernized, with more capacity and versatility; programs directed to more knowledge of and protection against radioactive contamination of our ocean resources; and educational funds for the development of oceanographic scientists from the undergraduate to the doctoral levels. These are only some of the urgent requirements of the oceanographic challenge which confronts us from a defense as well as an economic standpoint. The President's budget message for fiscal year 1961 had this to say about oceanographic planning which does not reflect the urgency needed to meet the Soviet challenge and certainly will not keep us in the forefront of the race to which Dr. Kistiakowsky referred:

> Federal support of oceanography and related marine sciences is being substantially augmented by several agencies under long-range program development by the Federal Council on Science and Technology to strengthen the Nation's effort in this field. This program stems from the study undertaken by the National Academy of Sciences at the request of several agencies. The expansion of oceanographic research will be undertaken by the Navy, the Departments of Commerce and Interior, and the National Science Foundation. Funds are provided for the construction of new vessels and the replacement of obsolete vessels and for increased support for research by private institutions.

As my witness, that these words do not measure up to the realistic challenge which so obviously confronts us now and which will increase in direct relation to our continued fumbling around with inadequate budgetary recommendations, I submit that an increase of $18 million in the 1961 fiscal year budget over the $37.7 million fiscal year 1960 appropriations for all oceanographic activities, including $7.8 millions for new ship construction, is not a realistic facing of the facts of life. We cannot and will not remain in the forefront with this penny-pinching evaluation of our minimum needs, in this critical crisis posed once again by Soviet relentless determination to rule the world. This is not a game of marbles in which we are engaged. We are either going to shape up to the challenge for survival as Dr. Kistiakowsky has phrased it or we are doomed to be shaken down to the status of a second-rate power in the eyes of the world.

In concluding, Mr. Speaker, I refer back to my comment at the start of this discussion. I stated that the practical approach to the problem of overlapping jurisdictions not only of agencies of Government but also of the overlapping of the various House committees' jurisdiction in the area of oceanography must be resolved if we are to move ahead, effectively and efficiently.

In this connection, Mr. Speaker, the following quotes from the recent testimony of Dr. Roger Revelle before our committee in response to a question of the able gentleman from Washington [Mr. PELLY] is most appropriate:

> The new Federal Council of Science and Technology has made an experiment in trying to go a good deal further in this (coordination) than has ever been done before and they have made the experiment in the field of oceanography simply because there was a readymade case here where several departments of the Government had different interests and different activities and the problem was to fit these into one unified coordinated nonduplicating and effective package. I was talking to Mr. Kistiakowsky recently, the President's scientific advisor, and his comment was that in the oceanography effort this was what they have been able to do. It is an achievement by them. It is a small field compared with the development of atomic energy or space research but it is an important field and one in which there have been vested interests of different Government agencies for a long time. They think they have effected, and I am sure they are right, a very satisfactory degree of coordination. I myself am not worried at all about the problem of duplication both because of this deliberate attempt at coordination within the Federal Council on Science and Technology, and more particularly however, because of the fact that if every surveying ship available in the United States were multiplied by three or four, they could all be profitably occupied for many years to come in the surveying of oceans.

In response to a question about the coordination plan that the Federal

Council has with respect to oceanography:

Is that a published document, do you know? It has not been presented to this committee.

Dr. Revelle replied:

No, sir; it has not been presented to this committee nor has it been published. It is something which has been done during the last 2 weeks.

The next question from the staff was:

Is it the intention of the executive branch do you know to advise the Congress of this plan?

Dr. Revelle replied:

I am sure it is.

In order that this approach to the problem of legislative coordination may be resolved in the interests of reaching the essential objective which I have been discussing, together with other members of the Oceanographic Committee, I urge the Members of this body to support H.R. 10412, which has been introduced by our distinguished chairman. Today I have introduced a similar bill.

Adequate implementation of oceanographic research must be provided for, now, or America will perish.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I am very happy to yield to the distinguished, able chairman of our subcommittee.

Mr. GEORGE P. MILLER. I congratulate the gentleman from Maine [Mr. OLIVER] for the speech he is making pointing out to the House of Representatives the importance of oceanography. Unfortunately, knowledge of this subject is as dark as the depths of the ocean. Oceanography has none of the glamour connected with man going out into space. But, I want to tell you, Mr. Speaker, as the gentleman from Maine has told you, the importance of this field of science is just as great as space exploration. From a national defense standpoint, we must know the ocean. We must know its nature and its physical characteristics and its geodesy, if we are going to successfully operate submarines beneath the surface of the oceans. May I point out, Mr. Speaker, that the atomic submarine is really a submarine ship. Heretofore, the ships that we have had merely descended beneath the surface of the waters. They had to come up for air. The atomic submarine can stay down beneath the surface of the ocean. The importance of oceanography cannot be overstressed at this time. I thank the gentleman from Maine for the contribution he is making to this important matter.

Mr. OLIVER. I thank our able colleague, the gentleman from California [Mr. GEORGE P. MILLER], not only for what he has just said but also in appreciation of the very able leadership that he has shown during the past several months in this complicated field covering so many facets of the science of the oceans. I think without the leadership we have had by the gentleman, we would not have even made the little progress, relatively speaking, that we have made during these past several months. You have made a great contribution, Mr. MILLER, to this whole problem, and I wish to express to you my appreciation for what you have done.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I am very happy to yield to the gentleman who is also a member of the subcommittee.

Mr. PELLY. Mr. Speaker, I want to join with the gentleman from Maine [Mr. OLIVER] in the very kind and complimentary remarks which he made earlier with regard to the chairman of the subcommittee, the gentleman from California [Mr. GEORGE P. MILLER]. We have had very able leadership in our subcommittee, and I believe we are well on the way to recommending legislation to the House in a constructive and objective way, which will do a great deal toward making it possible to fill the gap which exists in knowledge of that part of the world below the depth of the sea and likewise of the sea itself.

The gentleman has referred to legislation, particularly to a bill (H.R. 40412) which would establish a public policy with respect to oceanography. I am very interested myself in helping to pass that legislation. I think it is something we need very much. The gentleman from Maine referred to the report of the Committee on Oceanography of the National Academy of Science, and various pamphlets that it has issued with regard to various aspects of science. I have had a little in the way of fear expressed by scientists in my district that possibly the report and recommendation might be eliminating some of the necessary work in basic research, in our interest in pushing this accelerated 10-year plan, but I understand that is not the case. Is that the understanding of the gentleman? He would not suggest in any way holding back on our basic research in marine sciences, to accelerate the oceanography studies in the next 10 years?

Mr. OLIVER. I certainly join with the gentleman in the sentiments he has expressed with regard to the absolutely essential need for continuing basic research in marine science in this nation. I am not too happy with the way in which the expansion of our basic research has been funded up to date. That is one reason why I felt it necessary to express myself on this subject.

I agree with the gentleman that we should continue not only with basic research but that we should extend it without causing the developments you have spoken of; namely, that it might be expanded too fast. Certainly we cannot afford to go too slowly either.

Mr. PELLY. Coming from a part of the country which is almost across the continent from the State of Maine, I can say without equivocation that there is no division in the committee in our interest in this science, nor is there any partisan division. I believe the interest of the gentleman from Maine [Mr. OLIVER] in this subject is shared by other members of the committee, but I want to commend him, because there is nobody in this House who has demonstrated greater interest in the necessary progress we must make in the studies of oceanography.

Mr. OLIVER. I thank you very much. In turn, I express my own feeling of appreciation for what you have done in bringing about such progress as we have had up to the present time, and I know that your dedication to this subject is appreciated by the people of your own State and by the people of the Pacific coast as a whole.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks following the splendid address being made by the gentleman from Maine [Mr. OLIVER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield.

Mr. DINGELL. I would like to express my appreciation to the gentleman from Maine for his presentation today and for bringing to the attention of the House of Representatives something which is extremely important to every American and to the future of this country.

I would like to pay appropriate tribute also to the distinguished chairman of the subcommittee that has established a fine working program which I think will be of benefit to this country and which will, if carried out, be very important and significant in the scientific advancement of the Nation in the field of oceanography.

Mr. OLIVER. I thank the gentleman from Michigan for his kind remarks.

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield.

Mr. HECHLER. I would like to add my commendation to the gentleman from Maine for bringing this subject to the attention of the House, and also to our colleague the gentleman from California [Mr. GEORGE P. MILLER] for the long work he has done in emphasizing the potentialities of oceanography.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION—REPORT AND RECOMMENDATIONS

Mr. WALTER. Mr. Speaker, it has become customary, from time to time, for me to submit to my colleagues in the House an informal report on the activities of the Intergovernmental Committee for European Migration. Currently, the Committee on the Judiciary exercises congressional oversight of ICEM's activities by virtue of House Resolution 27 of the 86th Congress. The last four semiannual sessions of ICEM's council, at which I served as the alternate U.S. delegate, have had variously the benefit of the attendance and advice of the gentleman from Kentucky, Mr. Chelf; the gentleman from Tennessee, Mr. Frazier; the gentleman from Colorado, Mr. Rogers; the gentleman from Ohio, Mr. McCulloch; the gentleman from West Virginia, Mr. Moore; the gentleman from California, Mr. Smith; the gentleman from Ohio, Mr. Henderson; and our former colleague, Judge DeWitt S. Hyde, of Maryland. My colleagues have spared

no effort to guide the committee and they have earned the deep gratitude of all concerned. Formal reports on ICEM, numbered 1570 and 203, respectively, were submitted to the House in the 84th and 85th Congresses. I have last reported on that subject on July 2, 1958, when appropriation for the U.S. contribution to ICEM's funds was before the House.

ICEM ENTERS ITS NINTH YEAR

Provisionally established by an international conference held in Brussels, Belgium, in November 1951, and first conceived as a successor organization to the then expiring International Refugee Organization, ICEM commenced its operations in February 1952. It seems particularly fitting to present some observations on its past and future at this time as the month of February 1960 marks the conclusion of 8 years of the committee's activities.

Today ICEM comprises 29 members. All of them are nations of the free world who are in agreement that the committee has well established not only its viability, but its continuous usefulness. This recognition does not imply at all that ICEM members desire to see the organization's methods of operations jell—or become petrified—in their present form. Quite the contrary is true.

THE PAST IN REVIEW

However, before going on to discuss the future of ICEM, a short recapitulation of the circumstances leading to the creation of that organization may be, at this time, helpful to those of my colleagues who may not have followed closely the events occurring in the field of international assistance to displaced people and migrants since the United Nations Relief and Rehabilitation Administration—UNRRA—later succeeded by IRO—International Refugee Organization—stepped into the overwhelmingly complex situation created by the uprooting of over 11 million human beings by Hitler's war machine and the Communist conquests.

The monumental task of assisting this mass of humanity to be repatriated, or integrated in the economies of the countries of asylum, or to be resettled in countries which offered them opportunities to start a new life, had been but partially completed by the end of 1951. It was realized then, that with the expiration of IRO scheduled to occur at the end of that year, the problem of resettlement of refugees and displaced persons required additional effort in order to resolve successfully their rehabilitation and integration. Moreover, another problem was challenging the free Western World—that of "surplus population" an ugly definition, meaning that there were too many people in Western Europe for whom work and opportunities for a decent livelihood could not be found in their own countries.

At the same time, many overseas countries—Canada, Australia, and several of the Latin American Republics—had indicated their interest in acquiring new settlers in order to increase their agricultural and industrial productivity while the United States, although not in need of more immigrants for economic reasons, had kept its door reasonably open to the victims of calamities and persecutions as well as to the reunion of separated families.

In the late summer of 1951, I gathered in my office a few officials representing various agencies of the U.S. Government and submitted to them a tentative plan calling for the creation of an organization designed not only to take over the functions of IRO with respect to surface and air transportation of refugees and displaced persons, but also to build an efficient machine capable of stimulating and carrying out migratory movements from Europe to overseas countries.

My idea was to create an intergovernmental organization, outside of the United Nations, for the obvious purpose of eliminating Communist interference and the presence of Communists on the staff, and to offer to the countries of emigration and immigration an efficient shipping service as well as a clearinghouse and an honest broker in developing new resettlement opportunities, new methods of financing of migratory movements and assistance in selection of immigrants and their vocational preparation for migration.

In a series of sessions, which continued in my office for about 2 months, my plan began to take shape and before the year 1951 was over, we succeeded in obtaining the cooperation of the Government of Belgium, which invited 27 governments to participate in an international conference to convene in Brussels.

THE ACHIEVEMENTS

After 3 weeks of intensive work, a provisional organization—later made permanent—was created. The free world has been equipped with an instrumentality which by the end of 1959 has moved to new overseas homes a total of 959,281 European migrants, nearly 45 percent of whom were refugees. It is expected that the movements will reach the 1 million mark of assisted migrants early in May of 1960, when ICEM's council is scheduled to meet in regular semiannual session in Naples, Italy.

Forty percent of all emigration from Europe proceeds now through ICEM facilities. The largest number of emigrants moved by ICEM came out of Italy, 268,584, with Western Germany, 208,516; Austria, 147,665; Netherlands, 73,965; Greece, 63,294; and Spain, 33,590, following in that order. The remaining 164,000 persons emigrated from other European countries and from Hong Kong—14,160 European refugees from Communist China.

The principal receiving countries were Australia, 272,644; United States, 174,780; Canada, 149,114; Argentina, 102,291; Brazil, 80,676; Israel, 52,571; Venezuela, 43,155; with Chile, Colombia, Rhodesia, and Nyasaland, New Zealand, South Africa, Uruguay and others sharing in the resettlement of the balance.

The migration of close to 1 million people who—let me stress that point—in the absence of ICEM's assistance would not have been moved from Europe to the countries of resettlement, has been achieved at the expense of $238,476,825, of which $79,545,069, a 33 percent share, has been contributed by the United States of America.

THE SIGNIFICANCE

As I said a short while ago, in the opinion of those of us who maintain close and continuous supervision of ICEM's activities, the organization has proved its usefulness. Its growing membership and the absence of withdrawals from membership tends to sustain our opinion and appears also to indicate that our views are shared by the executive and legislative branches of the governments which maintain their continuous and active participation in the Committee.

As I see it, ICEM achieves four purposes: First, by helping to relieve economic, social, and political pressures in European countries, it contributes to their stability, thus strengthening the free Western World in its momentous struggle with the Communist colonialism; second, it contributes to the economic growth of underdeveloped countries by supplying them with desirable settlers and workers; third, it generates a highly valuable, tangible capital of experience in a cooperative, practical, and realistic international effort, while—on the side of the imponderables—it creates in millions of human hearts the feeling of happiness and purpose for living, where unemployment, war, and totalitarian oppression had planted the seeds of despair and hopelessness; and fourth, last but not least, it relieves pressures on the U.S. immigration quotas by permitting European emigrants to find resettlement opportunities in countries other than the United States.

THE SHORTCOMINGS

Having established its place in the international working rather than talking community, ICEM is, at the present time, engaged in the much needed reassessment of its activities with a view toward modifying its ways and means, but not its basic concept, and bringing its operation in accord with the current aspects of the free world's economic picture.

To say that such changes in ICEM's approach to reality are much needed, is an understatement. Addressing ICEM's eighth council session in May 1958, in behalf of the U.S. delegation, I made it abundantly clear that if the administration of ICEM proceeds in pursuing the well-beaten and well-worn path of automatic shipping of migrants for whom resettlement opportunities were opened by someone else, ICEM's days may be numbered. A short time later, in July 1958, I repeated that warning on the floor of the House, stating quite pointedly, I believe, that inertia may lead ICEM to extinction. I am certainly glad to be able to tell the House that my views are widely shared around the council's table as well as in the capitals of the member nations. Two heads of state, the illustrious presidents of Argentina and Brazil, Dr. Arturo Frondizi and Dr. Juscelino Kubitschek, in conversation with my distinguished colleague the gentleman from Ohio [Mr. McCULLOCH] and myself, last November

and December, while restating their gratitude to the United States for our contribution to ICEM's activities and reiterating their appreciation for what ICEM has done so far, stressed the need for improving the methods of selection and preparation of the proper type of immigrants instead of indulging in loading up of human cargo most of which remains in the crowded vicinity of ports of entry and never moves to where settlers and workers are needed. As an illustration let me tell you that the Argentine Minister of Interior, Dr. A. R. Vitolo, told me that 83 percent of immigrants who entered Argentina in the last 10 years settled in Buenos Aires and its suburbs. Representatives of emigrant-sending countries, experts like Mr. B. W. Haveman, the Dutch Commissioner for Emigration and men of great vision and untiring efforts in the field of migration like Mr. Carmine de Martino, the Italian Under Secretary for Foreign Affairs, have repeatedly voiced similar, if not identical views.

THE ROAD AHEAD

All of this prodding, it appears, begins to show effect. It could be that the time has now arrived for the United States to take action in order to push ICEM off the dead center, and our Department of State seems to have a task cut out for it in asserting U.S. leadership.

The mere size of U.S. financial contribution, let alone the prestige which our country enjoys, appears to make it possible for the Department of State to exercise a decisive influence in causing a gradual but accelerated reorientation of ICEM's activities.

The manner in which our annually appropriated funds for ICEM's purposes are used remains the responsibility of the Department of State. It seems advisable at this time to recast the executive rules in that respect with a view toward earmarking our contributions so as to stimulate and promote specific undertakings in the field of international migration, planned and executed in a way consistent with the current more realistic thinking clearly evident among the participating governments. This approach, rather than the old routine of financing on a per capita basis of migratory movements, will certainly be conducive to bringing about the much needed changes.

There appears, for instance, not much need in spending a lion's share of U.S. contributions for the financing of all movements assisted by ICEM regardless of whether the economic and financial situation of the countries directly interested in such movements justifies assistance. Nor is there a need for grants where loans to migrants for their transport are infinitely more advisable. The migrants, by and large, are good debtors, as evidenced by the fact that ICEM has during a 3-year period received substantial repayments on loans for transport for refugees moved to the United States under the Refugee Relief Act of 1953. In the course of the year 1959, practically all such loans were repaid. In that connection, I am very happy to see that Australia has now agreed for the first time to experiment with loans rather than grants to migrants for their transport. Arrangements are now in progress to initiate the loan program with respect to 1,500 carefully selected Italian migrants who are to depart for Australia. It is foreseen that repayment on the loans would be collected by Australian banks for ICEM's account. This is an experiment worth watching, and probably one which will point out the way for a basically altered method of internationally assisted migratory movements.

Further, I see no need to maintain grossly overstaffed ICEM missions in countries like Italy, Brazil, Argentina, and others, where such missions either duplicate or substitute for services such as employment brokerage, which already are or could be easily and more properly supplied by local governments.

In summing up, I wish to express my sincere belief that our own, as well as other governments' money, could be spent much more productively if it were used so as to develop ICEM's resources for the purpose of improving the quality and augmenting the quantity of emigrants from Europe by offering services, planning, contacts with international financial institutions, and exploring the ways and means of supplying the underdeveloped countries with the desired type of a new agricultural settler or an industrial worker.

With the diminishing number of resettleable or, as they call them in Geneva "emigrable" refugees, the percentage of refugee movements as compared with the movements of migrants in the category of agricultural and industrial workers, is rapidly diminishing. Compared with the 45-percent refugee share in the total ICEM movements in the years 1952 to 1959, the percentage is expected to drop to 33.5 percent in 1960, with continued diminishing of refugee movements in evidence for the future. Obviously, ICEM's activities must necessarily become geared to the manpower needs of countries who need immigrants instead of relying on movements generated by humanitarian factors in the immigration policy of the overseas countries. At least two South American countries, Argentina and Brazil, have now openly stated their desire to duplicate the magnificent efforts of Australia and Canada, who since the end of the last war have succeeded in bolstering and developing their economies through the planned integration of immigrants.

Argentina is ready to open the wide spaces of its interior for a planned colonization effort which could permit the resettlement of 300,000 European immigrants. Brazil is faced with the urgent necessity of increasing its agricultural production while building a new capital and developing industries. Both countries represent potentialities which I hope will not be overlooked or neglected by ICEM and the international banking institutions.

There is a job cut out for ICEM. There is the most important task of working out lending methods for the establishment of new settlements and assisting the interested governments in obtaining sound financing. It is precisely in these areas of planning and supplying expert services where ICEM could emerge as a stimulant and broker, a role we envisaged for it when its foundations were fashioned in Brussels in 1951 and its constitution written in Venice in 1953.

Those of us who have the continuous opportunity to watch ICEM at work, recommend that the Department of State use the powerful instrumentality of our financial contribution to ICEM so as to steer the committee in that direction, a truly rewarding task.

H.R. 8601

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I am happy to report to the House that the Rules Committee granted a rule on H.R. 8601. The discharge petition filed during the last session of this Congress by the distinguished gentleman from New York, EMANUEL CELLER, and cosponsored by members of the Democratic study group, to which I belong, had reached almost the required number of 219 signatures. This is proof of the worth of the discharge petition and shows that those dedicated to worthwhile legislation can overcome substantial obstacles by use of this parliamentary device.

GEN. CARLOS P. ROMULO

Mr. GEORGE P. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE P. MILLER. Mr. Speaker, Gen. Carlos P. Romulo, Ambassador of the Republic of the Philippines, former President of the Assembly of the United Nations, former Resident Commissioner of the Philippine Commonwealth occupying a chair in this House, soldier, and war hero, has been repeatedly honored by Members of our Congress. There is nothing I can say which will add to the store of his richly deserved praise.

At the same time I cannot refrain from rising to voice my surprise, shock, and indignation upon reading an Associated Press dispatch from Manila to the effect that a certain veterans' organization there has requested the recall of General Romulo for alleged failure to obtain GI benefits for Philippine veterans through legislation in the United States. To extend this vilification to the extreme of absurdity the veterans have charged that during the hearings on the proposed legislation General Romulo was out of town and otherwise negligent of the welfare of Philippine soldiers.

We all know that there has been no foreign representative in the United

States who has been more industrious, loyal, zealous, and indefatigable in presenting the interests of his countrymen than the Ambassador from the Philippines. I have personal knowledge of the man and his efforts on the basis of my long service in this Congress, dating back to the days when he was Resident Commissioner and served here with us.

With respect specifically to Philippine veterans' benefits, economic assistance, and war claims, Ambassador Romulo has not only become thoroughly versed in all aspects of these difficult questions but has presented the position of his country to our Government and to Congress in a dignified, capable, and convincing manner. Whatever disappointments his Government and groups of his fellow citizens have experienced certainly cannot be ascribed to any lack of understanding, attention, or persistence on the part of their able Ambassador.

We have Biblical authority for the proposition that man may be a prophet except in his own home. Ambassador Romulo can be sure that although there appears to be a failure to appreciate his high mission among certain small and biased groups of his countrymen, we in the United States never falter in our recognition of his high place and accomplishments in the annals of history.

Mr. WOLF. I thank the gentleman from California for giving us this message. One of the finest speeches on the use of food for peace was made in Iowa at a State Farm Bureau Convention some time ago by General Romulo and he made one of the finest speeches that was given on the subject and did much to change the thinking of the people of Iowa.

Mr. GEORGE P. MILLER. I think General Romulo has done a great service to the world in trying to bring the two cultures together. It is unfortunate that a limited group in his own country does not appreciate what you and I know of his good work.

FAMILY FARM ACT OF 1960

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. WOLF] is recognized for 90 minutes.

Mr. WOLF. Mr. Speaker, I am happy to announce that approximately 20 other farm State and city Congressmen have introduced the Family Farm Act of 1960.

This bill is designed to raise farm incomes, while reducing surpluses and slashing Government costs. It would provide for controlled production at fair prices to producer and consumer

The main features of this bill are:

First. It reduces the costs to the Government—cost of maximum 5 percent—by reducing the surplus in storage and by paying farmers in kind with grain taken from existing surpluses. The present storage costs of $1,500,000 a day will be reduced drastically each year.

Second. This is a voluntary program, requiring a referendum, needing approval of two-thirds of the producers of each commodity to change from the current program. The farmers themselves adjust supply to demand by means of nationwide marketing orders or other commodity-stabilization procedures.

Third. A soil bank feature is included. In order for a farmer to take advantage of the soil conservation part of this new bill, he must voluntarily have taken 10 percent of his tillable land out of production. In addition to the 10 percent, he may put in 30 percent additional for which he is paid in kind out of existing surpluses.

This bill combines all feed grains as a group and would enable the producers of feed grains to sit down and evolve a total feed grain program which will be workable.

Fourth. Midwestern dairy producers benefited. This bill enables the producers of milk, milk fat and cream, and producers of milk for manufacturing and fluid consumption, to work out a total national program on milk and butterfat which would make sense nationally, as well as locally.

Fifth. School lunch and needy direct distribution programs now in operation will receive increased distribution of high-protein foods—not only milk, but poultry and meat products. The Secretary of Health, Education, and Welfare is authorized to spend $500 million each year to purchase these items off the market and make them available to the needy.

The greater use of these foods would create a greater demand for feed grains which would also help to reduce present surpluses.

Sixth. Humphrey-Wolf food-for-peace program is provided for in the bill. I have long been an advocate of and have been working for a food-for-peace program, and under this bill provision is made for our commitments abroad under Public Law 480 and the proposed food-for-peace program to help feed the hungry peoples of the world.

Seventh. Eliminates depressing effects on Main Street. Under this proposal, the placing of entire farms in the reserve will be eliminated. No farmer would be allowed to put more than 40 percent of his land into the soil-building base; moreover, payments or benefits under the act would be limited to not more than $5,000 to any one farm operator in one year.

I realize that this bill is not perfect. We hope that during the course of hearings on it, some improvements can be made. However, this bill gives the Agriculture Committee and everyone interested in our farm problems something to work on.

We are very optimistic that a bill will emerge from this Congress and be signed by the President which will preserve the family farm and, consequently, put the American farmer on the upward swing again.

The President said last week that he would sign a constructive bill. We have worked many months on this bill, and we believe that we have a constructive proposal, and that it will be even better by the time it reaches the President for signature.

I would like to ask my good friend, the gentleman from Texas [Mr. POAGE], if he would care to discuss this matter.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I will be happy to yield.

Mr. POAGE. Mr. Speaker, I would like to point out to my colleagues in the House that there is a general recognition that we must have farm legislation at this session. The President says we must. He says that it is up to the Congress to present a bill. The Congress felt last year that we needed farm legislation and presented the President with a bill. He vetoed it, and offered no better reason for the veto other than that the bill would have provided a higher degree of support for farm producers than he thought advisable, although it was admitted by everyone—and I know of no exception—that the bill would have reduced the production of wheat to where it would have been in balance with the normal demand.

Mr. WOLF. Mr. Speaker, if the gentleman would not mind an interruption, there was one slight difference in the bill that the gentleman introduced and the bill I introduced. I called for a maximum of $5,000 per farm, and I believe the gentleman's bill called for a maximum of $10,000. I thought maybe the gentleman would like to discuss that point.

Mr. POAGE. That is correct. I will be glad to discuss it. But, I think we should first understand that we must have a bill. We must have a farm bill. Whether there is a $5,000 or $10,000 limitation is a matter of detail in the legislation. The important thing is: Are we going to continue a program that is admittedly costing us $1,000 a minute? Now, I just came from a meeting in which the Secretary of Agriculture just this morning confirmed that storage costs were $1,000 a minute under the present program. That is approximately $1 billion a year for storage alone. And, I would call the attention of the Members of the House to the fact that at the present rate we are paying for storage it is costing us more in 20 months than the entire farm program, all of the expenses of the farm program, cost for 20 years prior to 1953. We are spending more on storage alone in 20 months than we spent during the whole history of the farm program prior to 1953.

While I am talking about histories, I might also call attention—because I think that some of our colleagues will certainly be interested—to the economies that are now being exercised. The present Secretary of Agriculture—and I do not want to say it is his personal fault—but under his direction, under the present administration's 7 years in office, there has been more money spent by the Department of Agriculture than was spent by all of the Secretaries of Agriculture, including Mr. Brannan on back to the day that the Department was created under Abraham Lincoln. There has been more money spent by this Department of Agriculture in 7 years than was spent in 70, yes, in 90 years under all of the preceding Secretaries of Agriculture. And, I ask you to look at Mr. Benson's own reports.

You probably will not believe what I am telling you because it sounds fantastic, but I ask any of you who doubt to read the reports of the present Secretary of Agriculture and see if it does not verify what I am telling you; $32 billion spent in the last 7 years, which is more than has been spent in all the rest of history on agriculture. And what has it achieved? Well, it has succeeded in dropping the income of farmers, in dropping the price of farm products from approximately full parity down to on the order of an average of around 75 percent of parity at the present time. Such a stupendous drop in the income of our people, such a stupendous burden on the taxpayers of this Nation does not seem to me to be justified unless someone can point to some benefit that has not yet been called to our attention.

Mr. WOLF. Mr. Speaker, would the gentleman be prepared to state what percentage of this $32 billion actually found its way into the farmers' pockets?

Mr. POAGE. I could not give a firm figure, but obviously rather little. There was a reduction in the total farm income, so it could not have been a very large percentage. Remember that while we have an extremely expensive farm program—and I am as ready to admit that as any Member of this House—we have a fantastically expensive farm program, one which I can understand my colleagues from the great cities feel is utterly unjustified and as one who represents a farm area I feel that that expense is unjustified, too. But where has that money gone?

One thousand dollars a minute is going into storage. Farmers do not get that storage money. That goes to somebody else. Then on every bale of cotton that is moving from American shores today there is a $40-a-bale subsidy. On every bushel of wheat that is moving from American shores today there is approximately 60-cents-a-bushel subsidy; a subsidy not paid to American producers or for the benefit of American consumers, but a subsidy that goes to foreign consumers and foreign purchasers. The President said that he was opposed to paying any subsidy directly to American producers, but he finds no fault with paying vast subsidies to foreign purchasers.

I do not have figures as to the exact percentage, but I think it is clear that a very large percentage goes into storage, a very large percentage goes to subsidizing foreign purchasers, and a very large part of the money that is spent and which is called a part of the expense of the farm program goes to carry on programs which are in nature primarily social or relief programs. But they are charged to the Department of Agriculture.

We just authorized $90 million a year for a school milk program; a desirable program and one which I certainly support. It does help agriculture. It provides a relatively very small market for agriculture, but it does a great deal more for the children of America, as does our school lunch program and as does our program to provide food for the needy both at home and abroad.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I am happy to yield to the gentleman.

Mr. BAILEY. Mr. Speaker, I am pleased to hear the remarks of the distinguished gentleman from Texas [Mr. POAGE.] He is gradually getting out of the group of long-haired internationalists and now he is talking about something concerning America. I appreciate that very much.

Mr. POAGE. The gentleman from Texas is fast reaching that age when he is going to have as little hair as the gentleman from West Virginia, whether long or short.

But back to the bill, I think it is quite clear that if we are going to be fair with the American people—farmers, consumers, taxpayers, all of the American people—we are going to have to change this fantastic program under which we are operating. I think there are some other people recognizing it will have to be changed and hoping that its parentage will not be traced to them.

I read a few weeks ago, as perhaps some of you did, a speech made by Dr. Don Paarlberg. I think he is in Michigan now, but he was an Assistant Secretary of Agriculture, as many of you will recall. Dr. Paarlberg was seeing the handwriting on the wall, because he announced that this program which we now have is something that the present administration inherited.

Let us see about that. The day the present administration took over the farm program was supporting, at least the basic commodities, at 90 percent of parity. It was what we call rigid, fixed support. The present administration immediately announced its opposition to what it described as rigid high supports, and said, "We must have flexibility," meaning we must have lower supports. They had quite some problem in getting that flexibility, but finally they succeeded in getting it. They said that they needed flexibility, between 75 and 90 percent of parity. They got it, and immediately dropped the supports. Farm income dropped. Then they came back and said, "We must have more flexibility to cure the deteriorating situation." They finally got more, over the violent protest of many of us, but they got more flexibility.

Just this morning the Secretary of Agriculture was before the Committee on Agriculture and said that he had been given almost everything he had asked. So I think it is fair to say that this program of flexibility which was sponsored by this administration, which was enacted at the request of this administration, is not something that was inherited, because when this administration took over we had rigid 90-percent supports and we were not losing any money on basic commodities.

I want to repeat that because there are too many who simply do not believe it, and again I refer you to the reports of the present Secretary of Agriculture. The day he took over there was not a loss, there was a net profit of $13 million on the six basic commodities as a result of the program that had been in operation many years.

Mr. WOLF. The enemies of this new program we are putting out, or who take exception to it, are saying the cost is going to be terribly high on this new program. Apparently they fail to take into consideration the 5-percent feature of it. I wish the gentleman would discuss that feature.

Mr. POAGE. I would be happy to, but I would like to approach it from the standpoint of why we must have this program, or rather why we must have a program. I would not say we must have this program. I would not say we have to bring in something that came down on tablets of stone from Mount Sinai. We have not done anything of that kind. We have simply done the best a group of human beings could work out in the time we had. If the same group works on it another 6 weeks we will make changes in it, I have not the slightest doubt, and as you Members of the House work on it you will make changes in it and improve it, I have not the slightest doubt. There is nothing absolutely fixed or perfect about this. But there is an approach, and I think it is a sound one. It is an approach that allows a large degree of self-determination. I think we might well call this the farmers bill of rights because under it the farmers may for themselves decide upon a sound program.

The first section of this bill simply provides that farmers may, if they see fit, establish marketing orders on a national basis for nationwide commodities. It simply extends the scope of the existing marketing order program. Does anybody find any fault with that? Oh, yes, I have had some criticism come to me. I have had people raise criticism because they said they were doing well under the existing marketing orders and they did not want them enlarged—they did not want anybody else to be taken in because they were doing well. "Lord, bless me and my wife and my son, John, and his wife—us four and no more." They did not want anybody else brought in. They said they were doing well, so why extend this thing. I think we owe an obligation to all of the people of America. If marketing orders are good for some groups, let us make them available to other groups. I do not know that all other groups want to accept them. Certainly, I think I have some farmers who do not want them, but this bill does not require any group of producers to adopt a new program unless it wants to do so.

Mr. WOLF. Perhaps it might be helpful to explain what a marketing order is, in a little detail.

Mr. POAGE. Marketing orders, of course, are agreements entered into by the farmers and which have been promulgated as orders by the Department of Agriculture, which authorized controls on production, on marketing, on packing, on processing, on ways of delivery, and so on, and all of that multitude of activities that go into producing and selling a crop. Primarily, they relate to the sale of the crop and are normally directed to channeling the crop into the market in the most profitable

manner. Offtimes they involve the elimination of culls and unfit and subgrade fruit, and such commodities, which would break the price and would destroy the market. Certainly when the housewife finds that she is getting a bad commodity, she does not want it at any price.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield.

Mr. SMITH of Iowa. I am not from the peanut-growing country. I know the gentleman from Texas is a ranking member of the Committee on Agriculture and understands peanut legislation. But, as I understood the testimony of the Secretary, Mr. Benson, this morning, he proposes to extend marketing orders to peanuts.

Mr. POAGE. He did.

Mr. SMITH of Iowa. Then this could be done under this bill.

Mr. POAGE. It could. Under this bill marketing orders could be extended to peanuts or extended to rice or to honey bees. They could be extended to any other farm produce. They would not be forced upon any group of producers. No group of producers would be required to follow this method unless they wanted to, but we do give a wider opportunity and we do make more tools available than have been available to our farmers in the past.

The second section of title I of the bill says that if you do not want to use marketing orders, as may be the case particularly with regard to the larger crops such as wheat and cotton and feed grains, which will probably want to use some type of control, possibly something comparable to our present programs for those commodities or something on that order, we say—all right, let the farm committees meet with the Secretary of Agriculture and work up a program. Then this program must be adopted by a two-thirds vote of all the producers of that commodity.

We, too, put out some guidelines and we say that you can use all of the tools we know of for balancing supply and demand, but you must balance supply and demand. You must have a program which the Secretary will certify as calculated to bring about a balance between supply and demand. Oh, you know there have been lots of people who have said—why, that foolish bunch of people in Washington, the Congress, has tried to repeal the law of supply and demand. The Congress has never tried to repeal the law of supply and demand. The Congress has recognized from the very beginning that we must try to make the law of supply and demand work for the good of and not to the detriment of farmers.

So we tried to bring about a balance of supply and demand. I might point out that has been done in the case of many other commodities. Some of you do not come from oil-producing States. I happen to represent a State that produces more crude petroleum than any other State in this Nation. We are suffering evil days at the present, but for 20 years the petroleum business has been a pretty good business. Why has it been such a good business? For one reason only, and there is but one, because I was in the Texas Legislature when the oil fields of East Texas ran wide open down the creeks and you were lucky if you could sell oil at 10 cents a barrel.

The well owners came to us and they said: "We cannot live on this sort of margin. We cannot drill our wells. We have got to have protection. If everybody would produce only what the market wants, we would be all right, but somebody always produces in excess of what the markets want. We have to have some assistance on the part of the government."

Starting with the Legislature of Texas and later with the legislatures of all but one of the large oil-producing States, we passed legislation providing for proration. Proration is simply a division of the right to produce, so that those who produce get their share of the market and no more. This Congress has put the stamp of approval on proration. It made it a criminal offense against the United States to ship or sell or move oil in interstate commerce that is produced in violation of the proration laws of any State in the United States. Oh, yes. You have a Federal law on it. Do not let anybody tell you that it is a matter dependent only on the laws of the States, because this Congress has put its approval on that sort of thing. I find no fault with it. I think it is good for the country. But why if this is good for the oilmen should it be wicked for the farmer?

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from South Dakota.

Mr. McGOVERN. Was not that the principle that we tried to incorporate in the wheat legislation which the Congress passed last year, in which we called on the farmers to reduce their wheat production by 25 percent, in return for which we agreed to protect them in the marketplace on the price level?

Mr. POAGE. That is exactly the principle we had in the wheat bill last year. I think if the gentleman will read the message by the President of the United States delivered here last week he will find that the President sets out exactly that as one of the principles that he feels is essential and desirable. He says in setting out his guidelines that the price-support levels must be realistically related to whatever policy the Congress chooses in respect to production, it being recognized the higher the support the more regimented must be the farmer.

Now it seems to me the President has clearly said if you are going to support the price you must restrict production and bring it in balance. Unfortunately that was only one of the guidelines that he set up. Then he gave several more which completely contradicted the first one and makes the first one utterly unworkable by itself. Unfortunately while we recognize the soundness of that principle the President's later pronouncements make it clear that he will not let us apply it. We submitted a program that everybody agreed would have stopped the surplus production of wheat, but because it provided also that the farmer should be allowed to receive nine-tenths of a fair price for his share of the market, the President vetoed it, because he said the farmers were not entitled to nine-tenths of a fair price.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield.

Mr. SMITH of Iowa. As a matter of fact, while we reduced production below what consumption is, and therefore provided a market, the support price was only raised to 40 cents to offset the factor.

As a matter of fact we are paying out close to a dollar a bushel on every bushel that goes into a Government bin before we get rid of it. So they think it is all right that the farmer gets 40 cents so long as the dollar goes to somebody else.

Mr. POAGE. I think the gentleman makes a wonderfully good point. I do not know exactly that it works out to 40 cents a bushel. The Secretary this morning appearing before the Committee on Agriculture said that we were subsidizing every bushel of wheat, but when you realize that we are paying out more than $400 every minute on wheat storage I think the dollar figure is conservative.

Mr. WOLF. Did the Secretary discuss this morning why grain was moving into Government storage instead of into private storage?

Mr. POAGE. No, that was not discussed.

Mr. WOLF. Cost figures have been arrived at of 17 cents a bushel in private storage as against 3 or 4 in Government storage.

Mr. POAGE. When it comes to the question of what the storage is costing I recall that representatives of the Department of Agriculture in discussing the matter with the committee last year, appeared to know remarkably little. The head of the Grain Division testified in answer to questions that I propounded that he had not the slightest idea what it cost to build storage for a bushel of wheat.

I think the members of the committee will remember that in response to my question as to what it cost to build, to provide a bushel of storage, he said he had not the slightest idea, that we would have to consult the grain trade to determine that, yet he is paying a billion dollars a year for storage and does not have any idea, according to his own testimony, what that storage costs and for information would send us to the grain trade.

In view of that testimony I think we will get very little help from the Department in determining what is a reasonable charge for storage. In this matter of storage the fact remains that if we are going to be entitled to the confidence of the American people, we must do something about this awful accumulation of surpluses.

Mr. GEORGE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield.

Mr. GEORGE. Under the bill which the gentleman has introduced would the surplus be reduced?

Mr. POAGE. I think I can explain to the gentleman how it must be reduced. The bill about which we are talking provides that in adopting any program that program must be worked out so that the Secretary and the representatives of the producers, their committeemen——

Mr. GEORGE. Under any of those programs could more be added to the surplus in storage?

Mr. POAGE. If the gentleman will let me go one step further I think he will be able to follow me.

We provide as one of the guidelines that under no circumstances can the program for any commodity provide for the acquisition of any of the commodity by the Government. That means you cannot have a Government-purchase program; you cannot have a recourse loan program, so the Government cannot get any of this commodity.

It leaves you in this position—the Florida orangegrowers, the California orangegrowers use marketing agreements today, but they do not put anything in Government storage. This says that the only tool, the only tool that we deny you the right to use is the tool of putting the commodity in the warehouse as the Government's property and on which the Government has to pay storage.

Mr. WOLF. The reverse is actually in effect that we are moving grains out of storage in our feeding program; we are actually reducing the grain in storage.

Mr. GEORGE. If this bill is enacted you certainly would get rid of the surplus.

Mr. POAGE. That would depend upon the rate at which we remove the surplus from existing storage.

There are two provisions in this bill which will assure a drawdown of existing surpluses. The first is that in determining balance between supply and demand the Secretary is required to make a finding that the program adopted will result in the production of no more than the amount of the commodity that is needed to meet current demands and exports, and a normal carryover, less a deduction of 10 percent. There is no place to get that deduction of 10 percent except out of existing surpluses. That does not guarantee that you will eliminate your surpluses in less than 10 years. That is too slow.

The bill provides further in another section for a retirement of land from cultivation and a payment in kind from the surplus stocks to the farmers. I am skipping through the bill somewhat, but you will understand it if I point out that rather than continuing the present fantastically expensive soil bank.

Mr. WOLF. That is the soil bank?

Mr. POAGE. That is the soil bank; and, without speaking for anybody but myself, I feel it was used in 1956 to influence votes and I think it will be used again in 1960 to influence votes if it is in existence this fall. Instead of continuing that kind of program we provide that the payments the farmer can get will be of CCC storage. The farmer must put first 10 percent of his cultivated land into retirement, comparable to the soil bank, with no payment whatever. That is his contribution. That is the cover charge that he pays to do business here. Of course, it will be his less productive 10 percent; everybody knows that. Everyone knows that the 6 or 7 percent we have in the soil bank today is basically—not every acre but basically—the less productive acres. So we just say that stuff is not worth much; you put it in and you get nothing for it; then, if you want to put in an additional 30 percent, which will mean up to 40 percent of your tilled acres, you will get, if you are growing feed grains, cotton, or one of these commodities that are in surplus and you are participating in the program and complying—for each acre that you put in, two-thirds of your normal production on that acre. In other words, if you have normally been producing 30 bushels, you will get 20 bushels out of the Government storage, the Commodity Credit stocks. I anticipate that that will account for a very rapid reduction of existing stocks. I was reared on a farm; I am still interested in farming, and I never did know where I could net two-thirds of my normal gross yield, where I could get that much net in my granary. That looks like an awfully good deal to me, and I would rather take it than to gamble on growing excessive crops. I think most farmers would feel the same way.

Mr. GEORGE. In connection with the remarks you just made, does the gentleman know of any method available to the administration that has not been used for political purposes?

Mr. POAGE. I did not understand the gentleman.

Mr. GEORGE. Any method available to the present administration that has not been used for political purposes?

Mr. POAGE. Well, I stand on my statement. I think the soil bank was used for political purposes in 1956, and I think if money is available in 1960 we will see a repetition of the same unfortunate thing.

Mr. GEORGE. It might be correctly named a voting bank.

Mr. POAGE. I think so.

Mr. RHODES of Arizona. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I want to congratulate the gentleman from Texas on his general moderation. I would like to ask the gentleman from Texas a question. He knows, of course, that I represent a district which produces a lot of cotton and I am interested in what the cotton allotment might be if the gentleman's bill is enacted into law.

Mr. POAGE. I think the cotton allotment—and you understand this can be nothing more than a rather rough guess—2 weeks from now I might want to tell the gentleman from Arizona I was wrong. But I think the cotton allotment would be and should be made in bales rather than in acres. Personally I would hope it would be made in bales, although under the terms of this bill the cotton producers could use a program based on acres or they could use a program based on pounds. I would hope they would use the latter, but they might not. If based on acres I would assume it would be somewhere in the order of 14 million acres, which is a very rough guess.

Mr. RHODES of Arizona. That would be somewhat more than the present allotment?

Mr. POAGE. No, that would be less than the present allotment.

Mr. RHODES of Arizona. Is the bill just so broad that the growers themselves can decide whether they desire to have their allotment measured by the unit of production or the unit of land?

Mr. POAGE. Yes, it is. It is so broad that they can determine whether they will use acres or units of production.

Mr. RHODES of Arizona. And this applies to every commodity?

Mr. POAGE. Every commodity.

Mr. RHODES of Arizona. Not only to the 6 basics?

Mr. POAGE. That is right.

Mr. RHODES of Arizona. And it is a marketing order approach to the whole thing?

Mr. POAGE. That is right. At least it could be. It is not mandatory.

Mr. RHODES of Arizona. How does the grower go about adopting this plan? Does somebody submit a plan for an election?

Mr. POAGE. Yes. And, I know that I can get very thoroughly confused in the details of the program, but basically it is this: If the Secretary estimates that there will be a surplus in any crop that materially affects the interstate commerce of the Nation—obviously I doubt that caraway seeds would qualify—but if it is vital to the commerce of the Nation, is about the words that are used, and if the Secretary estimates that there will be a surplus in any year, it becomes his duty to call for the selection of farmer committees, which start down at the precincts and are built up until you get a national advisory committee going all the way from the precincts up through the States up to the national advisory position, and they advise the Secretary. Of course, we recognize they will not go down into his office in the north building, but they will meet with some of the technical people of the Department and they will work out with the Secretary a program to be submitted. The Secretary is required to certify, when the program is finally submitted, that the program must provide for a balancing of production and demand with this 10 percent taken out which I have mentioned, which would be used to reduce your surpluses. That is the way you originate your program. The Secretary first has to make a finding that there is going to be a surplus. When he does that, he has to institute the farmer advisory committees, and then the farmer advisory committees advise with him, and the Secretary and the farmers work out the program.

Mr. RHODES of Arizona. Now, do I understand correctly that the Secretary then must accept the plan if it meets that one test, the test being that it will reduce the surplus?

Mr. POAGE. That is not quite the only test. There are certain other tests; especially there is this important test

that I think should be called to the attention, particularly to the attention of the gentleman from Arizona, because he is going to be vitally affected as to short staple cotton—I do not think that it will affect his long staple cotton but there is the limitation as to the amount that can be expended on any one program.

Presently we are spending, the Secretary said this morning, $550 million a year on the wheat program. This bill limits the expenditure on any commodity to 5 percent of the estimated value of the crop. The Secretary, again, makes the estimate as to what the value of the crop will be. Five percent is a tremendous reduction under the expenditures that we are making today. You might say on wheat it means possibly not more than 20 percent of the amount of money that we are now spending. On cotton, again, a very rough guess, maybe 25 to 30 percent of what we are now spending. On corn and feed grains it will be a somewhat larger percentage than that, maybe 40 or 50 percent of what we are spending. Those are very rough guesses, and please do not anybody hold me to the exact figure. I am just giving them as nearly as I can. But, it will require a considerable reduction in the amount of money that we are spending on the very commodities the gentleman is interested in and the very commodities the gentleman from Texas is interested in. But, if we have a program that honestly balances supply and demand and although I have questioned the business judgment of the Secretary, I do not question his honesty—I think that the Secretary, and I think that any other Secretary that I have ever known, will give us an honest estimate as to that amount, and that we can expect to achieve this balance. I think that with an actual balance between supply and demand that this 5 percent is going to take care of any program and will enable us to bring these farmers up to a fair price for their products which, incidentally, under the terms of this bill, is parity.

Mr. RHODES of Arizona. I certainly thank the gentleman for his presentation and for yielding to me as he has. One other question: The gentleman made the remark that there had been no losses in the commodity credit program, the price support program prior to, I think it was 1952.

Mr. POAGE. January 1, 1953, there was a profit of $13 million.

Mr. RHODES of Arizona. As I recall, there was a rather considerable budget item for the storage of surplus commodities in the budget for the year 1952. I recall it so well because I kind of ran against it in my first campaign for Congress, which seems to indicate that there must have been quite a few products in surplus at that time. Would the gentleman say that possibly one reason why there had not been any losses is because the Commodity Credit Corporation had not sold any of the commodities and therefore they were carrying them at their book value; therefore, there had been no losses, there could be no losses until the commodities were actually sold.

Mr. POAGE. I do not think that is a valid observation for this reason, that at that time there were in the stocks of the Commodity Credit Corporation only about $2 billion worth of stocks. Presently the figure is $9.5 billion, roughly. Obviously, there had not been anything like the accumulation of stocks at that time that there is now. I do want to be fair with the gentleman; I do not want to give a false impression.

Mr. RHODES of Arizona. The gentleman is always fair; I appreciate it.

Mr. POAGE. And I want to be fair to myself and to the public, because I do not want it to go out that I have made an unfair statement here. I think the gentleman may have had in mind, perhaps thinking that I said that there was no loss to the Commodity Credit Corporation prior to January 1, 1953. Maybe my immediate statement led him to believe that.

Mr. RHODES of Arizona. That is correct.

Mr. POAGE. That is not what I intended to say, and I do not think that is what I said awhile ago. There was no loss on the handling of the 6 basic commodities prior to January 1, 1953. There was a loss to Commodity Credit Corporation prior to that time of approximately $1 billion. That was largely accounted for by the loss on potatoes, and a substantial loss on milk prior to that time. But there has been a net profit on the 6 basic commodities. Those were the commodities I was talking about. I wanted to make it clear that I would not say there had been no loss. There had been a loss, but it was not on the basic commodities which were at that time all rigidly supported at 90 percent of parity.

Mr. WOLF. I would like to say at this point that the price of corn at this time—I happen to have been in the grain business in Iowa at this time—was around $2 a bushel. This year, in the crop season, the farmers had difficulty getting over 60 cents a bushel for it out of the field. I remember that because I took quite a beating in the fall immediately after, because I had a lot of money tied up in corn.

Mr. BREEDING. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I am happy to yield to the gentleman from Kansas.

Mr. BREEDING. Mr. Speaker, I want to congratulate the distinguished gentleman from Texas who has led this discussion here today as well as our distinguished colleague from Iowa [Mr. WOLF].

I represent one of the largest wheat-producing districts in the country. Wheat is the No. 1 problem of my district. Not only the wheat farmers, but small businessmen in the towns and villages of my district have a direct stake in any farm legislation passed by the Congress.

Thus far, I have not introduced this general farm bill. I have been working closely with a group composed of many farm and commodity organizations on specific wheat legislation. It is my hope that when this legislation is ready it can be used as a wheat section of this general farm legislation.

All of us will agree, I am sure, that one of our most pressing problems on the agricultural front relates to wheat. Wheat is constantly cited as a horrible example of the result of Government interference in agriculture.

The public is being told that the cost of the program is so great that all agricultural programs should be repealed and freedom restored to the farmer.

I am sure that Members of this House will not be hoodwinked by such propaganda. I am sure that all of us realize that a sudden and complete return to the so-called free market with no controls and all the surpluses now on hand would result in bankruptcy for thousands of farmers.

We also realize, I am sure, that we need to improve the present program, reduce its costs to the taxpayer, but, at the same time, protect the income of farmers.

That is what this wheat legislation now in preparation is aimed at accomplishing.

To the Members of this House who have devoted so much time and effort to writing this general farm legislation now under discussion, they deserve the thanks of all of us. They realize that we have a most serious problem. They are anxious to get on with the difficult task of passing legislation that will be in the public interest—that will be fair to the taxpayers and fair to the farmers.

I assure these distinguished Members who have recently introduced this general farm bill that I support their efforts.

I thank the distinguished gentleman from Texas and Iowa for this opportunity to say a few words.

Mr. WOLF. We are happy to have the gentleman's support on this legislation.

Mr. POAGE. I wonder if the gentleman will yield to me to try to round up what we are talking about here and then let others ask questions.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WOLF. May I inquire of the gentleman if his question relates to the question just discussed, or could we wait until the gentleman from Texas rounds out the point.

Mr. MICHEL. I was not here the entire time when the gentleman from Iowa and the gentleman from Texas were making their remarks, but the gentleman from Texas criticized the conservation reserve in some respects.

Mr. POAGE. I criticized the soil bank, although the acreage reserve was a good deal worse than the soil conservation.

Mr. MICHEL. Now we have no acreage reserve as such, it is the conservation reserve.

Mr. POAGE. That is right.

Mr. MICHEL. The gentleman is aware that we have up to 28 million acres in the conservation reserve. How many more acres does the gentleman think we would retire under his program?

Mr. POAGE. I think we would probably get under this program between 70 and 80 million acres. I say it on this basis; if all the farmers enter into it,

and all of them will not, but if all of them went into it, 10 percent would be 38 million acres for the free contribution. Then the amount that the farmers will put in will, of course, greatly vary, particularly after the first year. I think the first year they will all enter it. After the first year, if they are getting a substantial price for their commodities, there will not be as much.

Mr. MICHEL. The gentleman said that today it is quite evident that the farmer does not put his best acreage into the reserve but his leanest.

Mr. POAGE. I think that is right.

Mr. MICHEL. The gentleman said that in his bill he would not tighten up that provision at all. Does it not seem a little bit silly, if we recognize that this is being done and it is not right? If we are taking a step, why should we not take a full step, do the right thing, and say they have to be tillable acres?

Mr. POAGE. We do say tillable acres. We say that very definitely. Even under the present law, when anybody puts in anything other than tillable acres somebody violates the law. There has been merely laxity of administration when anything other than tillable acres has gone in under the present law. Certainly this bill clearly provides that they must be acres in cultivation that go into the reserve. But, in answer to the gentleman's implication that there is something morally wrong in putting in your least productive acres, I would defend even those who have put acres in under the present law. If they have complied with the law, I do not see anything wrong with their action if the Government allows that to be done. I do not happen to have an acre in the soil bank myself, but I cannot condemn the man who takes the best deal the Government offers.

Mr. MICHEL. But we are writing a law, and that is why I am bringing up this question as to the possibility of making the law too loose.

Mr. POAGE. And I am trying to show the gentleman why I think we should write this law differently. I want to say I see nothing wrong on the part of the farmer under the present law. If we offer to take in a barren hillside just because it has been plowed and planted in the past and pay for it, I do not see any fault with the morality of an individual who puts it in the soil bank because the Government offers him that opportunity. But the Government should not offer him that opportunity—I agree to that. Now the difference between the present program and what we propose is the Government is paying under the present program for putting that land in. Under this program, the Government is not going to be paying one thin dime for putting in that 10 percent. We are just requiring the farmer to take his least productive acres out of production in order to get the benefits of the new program. We are just going to wipe out the lowest producing land and get it out of the way and not pay anything for it.

Mr. MICHEL. Are you convinced that a great number of farmers are going to go for this?

Mr. POAGE. We do it on the basis that we have seen that 90 percent of the cotton farmers and often more voted just last December for these controls. I have forgotten what the tobacco vote was. I think it was even greater than that of the cottongrowers. When we have these votes and it has been repeatedly shown that the farmers vote overwhelmingly in favor of these programs, certainly I think they are going to go for it, because it is going to be the only way in which they are going to be able to get an adequate price. Remember, we provide that they cannot get the benefits of any of these programs unless they are putting in that 10 percent. I would certainly pay that price in order to get the assurance of price supports. I think most farmers will. To me, price is extremely important—much more important than it seems to be to Mr. Benson or to the Farm Bureau. I believe most farmers are vitally concerned about their prices.

Mr. WOLF. If the farmers are going to get two-thirds or three-fourths of his production out of storage bins, this will be much more efficient than trying to farm the entire 40 percent because of the costs involved.

Mr. POAGE. I do not know anybody who would debate that very much.

Mr. MICHEL. I fully appreciate that—that he would stand to benefit if he is going to get two-thirds of his production.

Mr. WOLF. Certainly.

Mr. POAGE. And if he stands to benefit, I think he is going to take advantage of it and if he does, we are going to have a great deal more land out under the terms of this than we have under the existing soil bank—a great deal more. I am inclined to believe that in order to make the soil bank plan effective and in order to make any land retirement program effective, you have got to take out at least up to the critical point—I cannot tell you where the critical point is. On a thermometer I can tell you where it is. It is 32°. You can freeze water at 32° F., but I do not know where that point is with respect to this problem. But I know that if I am going to produce ice and I reduce the temperature of some water that is now at 90° temperature and I reduce it down to 35°, I still do not have any ice. But if I reduce it another 5°, I will have passed the critical point. I will have ice. I think the same general idea applies in connection with this. If you take out just a little land, then you do not have any appreciable effect on the markets. You will reach, however, a point where it is going to be quite effective. I cannot tell you just where that point it. Mr. Benson cannot tell you, and neither can anybody else tell you. We can all guess at it. My guess is 75 million or 80 million acres. His guess is lower. I do not know where it is either and neither does anybody else. But, we do know that this program is going to get more acres out of production than the present program. We are sure of that, and we are going to get it at much less expense to the U.S. Government. We are sure of that. In fact, we are not spending money getting it, but we are going to spend surplus commodities in getting it. It seems to me, those factors would recommend the program if nothing else.

Mr. MICHEL. The gentleman has talked about how much the cotton farmer and the tobacco farmer is in favor of regimented and controlled acreage. Would he apply the same yardstick to the farmers in my grain belt of Illinois, for instances, and the corn producers, and the soybean producers?

Mr. WOLF. Mr. Speaker, if I may address myself to that point, may I say it is my understanding that the State Farm Bureau passed a resolution recognizing the need of regimentation to solve this problem. I do not know the exact wording of that resolution, but they have recognized this need. Two of the leading farm organizations in the State of Illinois recognized that need.

Mr. MICHEL. I think that is partially true. We recognize that if we are going to have a program, everybody has to participate or we will not have a program. This idea of having a referendum and having it go one way and then in the end not participating in the program, I do not think is very sound.

One further question. The gentleman said he would empower the Secretary of Agriculture to determine the total value of the crop, and then he talks about a 5-percent figure. Regardless of who the Secretary of Agriculture may be, would the gentleman take the Secretary's word that his figure is sound, and arrive at any judgment that the gentleman was to arrive at?

Mr. POAGE. I believe before the gentleman came in that I said I had never known a Secretary of Agriculture who I thought was dishonest and who would give us anything but the actual figure as best could be arrived at from statistics before him. I know of no better way to get it. I do not know anybody who is in a better position to make that estimate than the Secretary of Agriculture. That is why we named him. Certainly we will accept the present Secretary or any other Secretary.

Mr. MICHEL. But would he be open to criticism?

Mr. POAGE. Yes. He will be open to criticism just exactly as the present Secretary has been criticized when he estimates the number of acres to be allotted to a given crop. I have never known a Secretary who did not get criticized on that point. If a man is unwilling to accept criticism, he should not become Secretary of Agriculture.

Mr. WOLF. I promised to yield to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. I thank the gentleman.

There seems to be widespread opinion that the existence of the 15-acre exemption in the present wheat program has contributed greatly to the present surplus. I was interested in having the comment of the gentleman from Texas [Mr. POAGE] on this point, and what his proposed legislation would do about it.

Mr. POAGE. This proposed legislation is not specifically a wheat bill, although it makes provision that the

wheatgrowers, like the grower of any other commodity, can establish a program and work through their committees and the Secretary of Agriculture. They could put a 15-acre exemption or a 100-acre exemption or 200 acres. They do not have to put any if the wheatgrowers decided they did not want it. They do not have to put any exemption on it.

Mr. TEAGUE of California. I have great respect for the judgment of the gentleman in this field, and I would be interested in his own views as to what could be done about the 15-acre exemption.

Mr. POAGE. I am like some of these gentlemen. I do not live in a wheat-producing area. At least it is not a major crop in my area, but I think the Secretary of Agriculture laid it on the line on the acreage question this morning, that if you are going to have controls you cannot offer 15 different doors around every room and keep everybody in.

Mr. TEAGUE of California. I agree with the gentleman.

Mr. POAGE. Now, I am going to try to summarize what this bill does. The bill does not impose any program on anybody. It does not inaugurate any new programs. Incidentally, there is a specific provision in the bill that if farmers do not want new programs they can keep what we have. But I am not sure that the public will continue to pay for the present storage program whether we pass this bill or not, and if the farmers do not make changes in the next year or two, I imagine most of us would want to insist that they make changes. But this bill gives them an opportunity to promulgate programs, using any tools known, except the acquisition of commodities in the hands of the Government.

That is substantially the first title of the bill.

The second title of the bill simply provides larger authorization and more clear-cut authorization for the use of Government funds to provide food for needy people. Its title is "Protein Foods," I believe, because there is a formula there that relates protein foods to carbohydrates and, therefore, we are hoping that it would enable the Government to use a larger percentage of protein foods in the various relief and social activities of the Government than we are presently using.

Mr. WOLF. And the recipient goes into the marketplace to buy these commodities.

Mr. POAGE. Possibly, although that is not essential under the terms of this bill. The bill does specifically provide for the use of food stamp programs if they are adopted; it does not require their use. It does authorize the Secretary of Health, Education, and Welfare to go into the market and buy the commodities he proposes to use rather than necessarily to draw them out of the stocks of the Secretary of Agriculture.

As we see it, that achieves these desirable things: It eliminates a considerable expense in handling. There is unnecessary expense in handling at present, because if we are going to distribute wheat flour in West Virginia it means that we have got to send it from Kansas City or down in Galveston or some other place where we have wheat in storage and ship the identical wheat to West Virginia. The Commodity Credit Corporation goes to the mill and asks them to ship the wheat. It becomes a cumbersome and expensive program. This bill simply provides that if you go to the market and buy the flour as close as possible to where it is going to be consumed, in the long run it is better business for the Government to do that, and it has exactly the same effect of reducing surpluses, because no more flour is involved either way. We think it is a good sound provision both from the standpoint of agriculture and the standpoint of those who are primarily interested from the welfare or social angle.

I would like to sum this whole thing up for you.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield.

Mr. PUCINSKI. I wonder if the gentleman from Texas would be good enough to explain so a city fellow like myself can comprehend, a person who does not quite understand the effect of this bill, what the gentleman is proposing. Would this limit cash payments to those who subscribe to the program?

Mr. POAGE. No; and I call the gentleman's attention to the fact that the present law does not provide for the making of any cash payments to farmers. This bill would allow direct cash payments to farmers instead of loans allowed under present practice.

There are no direct producers' subsidies at present in the basic commodities. We do make direct payments to the producers of wool and sugar. They are exempt here. Tobacco is also exempt because it is considered to have a good program now, a satisfactory program. The Secretary seems to think it is and the people seem to think it is.

Then we exempt here wool, sugar beets and sugarcane. Wool, sugar beets, and sugarcane all receive direct producers' subsidies at the present time, and they are the only three commodities in the United States that receive them at the present time.

Mr. WOLF. What percentage of parity?

Mr. POAGE. Wool receives 106 percent of parity. Sugar beets and sugarcane receive 98 percent of parity—direct payments. I am not criticizing that. While we do not think the consumer is being mulcted by this program, we think the producer is getting a little better break. Unfortunately but a relatively small area is dependent upon wool, sugar beets, and sugarcane.

I want to make it clear that to me the gentleman's question indicated that we were giving direct subsidies to cotton, wheat, and feed grain producers. We are not. We are presently buying those commodities or making recourse loans and the commodity later is turned over to the Government. We are presently acquiring title to those commodities, placing them in warehouses and paying storage on the commodities, then shipping them abroad and paying a direct subsidy to foreign purchasers, but none to American producers.

The effect of that is that it maintains the price on what you buy; it lowers the price on what the man in Spain, or Japan, or Germany buys; and the U.S. Government subsidizes him, but it does not subsidize the American consumer or producer.

This bill would allow us to make, within the limitations I have mentioned here, would allow us to use the direct-payment method if that was the thing that was desired by the growers. The direct-payment method would mean, as it has meant in the case of wool, that you as a city consumer would be able to buy your commodity at least at the world price, not at a price that is artificially higher but at a world price and that the difference, if there be a difference, and we assume there would be, will be made up in a direct subsidy not to exceed the 5 percent I talked about which is, in fact, only about 20 percent of what we are spending right now.

Mr. PUCINSKI. I wonder if the gentleman from Texas or the gentleman from Iowa in this summation they are now presenting would be good enough to answer the question as to what this means to the consumer, the housewife in my district? Up to this time we have been discussing what this would mean to the farmer. But what does this legislation you are proposing mean to the housewife in my district? I would appreciate an explanation of that.

Mr. WOLF. I think part of the point was lost in the last question and the subsequent discussion. The farmer will receive payment in kind, which means he will get corn, wheat, and so forth out of storage for his part of the program so far as the commodity is available on a local basis. If this is not available, then he will receive cash. The product will seek its price in the marketplace on the so-called supply-and-demand theory. As the gentleman from Texas said, the difference between the price of the commodity in the marketplace and what would be a fair price to the farmer for producing that commodity under our existing circumstances will be made up in direct payment from the Government.

Mr. POAGE. I think the gentleman from Iowa has very well answered the question. We can round that out by saying to whatever extent the cost of farm products influences the retail price of groceries, and I do not think they are influenced nearly as much as most city people are under the impression they are, that this bill would bring that retail price down.

Mr. WOLF. The price of wheat at the present time is about $2.50 and a loaf of bread something like 20 cents.

Mr. POAGE. The price of wheat was $2.80 a bushel when the price of bread was 13 cents for a pound loaf. The price of bread today is approximately 20 cents a loaf and the price of wheat about $1.70. The price of wheat has gone down materially, the price of bread has gone up even more than the price of wheat has come down. While I cannot say that proves a law, certainly in that case we

ought to greatly increase the price of wheat to lower the price of bread.

I simply mean to say there is not the close relationship between what the consumer pays and what the farmer gets which once existed, because the farmer does not get as large a share of the consumer dollar as he did 10 or 15 years ago. I think it was about 15 years ago, in the late forties, since the war, the figures were that the farmers were getting 53 cents out of every dollar that the consumers spent in the grocery store. Today the farmers are only getting about 37 cents out of each dollar that the consumer has been spending. Consequently you can see that the relationship is not as close as it once was. Of course, it varies with different commodities. Obviously the relationship between the price of cotton and the shirt is very remote whereas with bread it is a little closer and with meat it is still closer. It will vary with the commodity, but, taken as a whole, the producer is getting a little more than one-third of what the consumer is paying for the product. But to whatever extent that relationship exists, the present program tends to raise the cost of living. To whatever extent that relationship exists the direct-payment program would tend to lower the cost of living. I am not going to tell you it is going to bring about a 15- or 20-percent reduction in the cost of living. I think it will maybe result in a 2-, 3-, or 4-percent reduction. Certainly it will not be spectacular. But to whatever extent the relationship exists, the proposal tends to bring it down rather than up.

Mr. WOLF. I would suggest to the gentlemen from the cities that they should be concerned with the program for the needy that is involved in this program. A half billion dollars are in this program for that purpose.

Mr. POAGE. In title II?

Mr. WOLF. Yes.

Mr. McGOVERN. Mr. Speaker, if the gentleman will yield further, I think there is another cost of living advantage in this program that the gentleman might wish to point out to our colleague from Illinois and other Members of the House who are concerned about the cost of living, and that is, it would very substantially reduce taxes and the cost of running the Department of Agriculture that we are now operating on a current budget in that Department of about $7 billion. Seven years ago it cost $1 billion to run the Department, when we had 4 million more people living on the land than we have today. If we can legislate a program here in the Congress that will substantially reduce the cost to the taxpayers, giving us a good farm program, this is going to be a saving to the people of Illinois, Texas, and all over the country.

Mr. POAGE. I think the gentleman makes a very excellent point. I thought I had discussed the savings and the cost, but the gentleman clarified the fact that any of those savings are reflected in a reduction of taxes, and consequently tend to make savings for the consumers as well as everybody else.

Mr. PUCINSKI. I am very grateful for the additional information by the gentleman from South Dakota. May I ask this further question? Have the proponents of this legislation made any estimate as to what the appropriation for the agricultural program might be and what percentage they might be lowered if this legislation is passed?

Mr. POAGE. I can only give you possibly two commodities—one of which, frankly, my people would like to see it otherwise—cotton and wheat. Those great commodities each bring in about $2.5 billion a year. They vary, you understand. The Secretary testified this morning before the Committee on Agriculture that we were spending this year $550 million on the wheat program. Under the terms of this bill we could not spend more than on the order of $110 million to $120 million at the outside because of the limitations that we have in this bill. That is a saving of over $400 million on one commodity alone. Now, obviously I think the largest saving of all would be on wheat, but there certainly would be a very considerable saving on what we are spending for cotton, what we are spending for feed grains; there is not a large amount of rice and peanuts, but there would be a comparable saving involved compared with the size of the crops. So, it would certainly run into many hundreds of millions of dollars.

Mr. WOLF. May I inquire if there are any other questions? Our time is running short, and I want to be sure everybody who has a question has an opportunity to ask it.

Mr. LEVERING. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. LEVERING. I thank the gentleman from Iowa for yielding to me and I appreciate the statement the gentleman from Texas [Mr. POAGE] is making today, and I regret I was called off the floor and did not have the opportunity to hear his entire remarks from the beginning. I am sure the gentleman would like to see the farmers free and to have the laws of supply and demand untampered with in the agricultural field. This, I am sure, is the wish of all of us. I, as a farmer, feel that way and know farmers generally feel likewise. However, I am sure the gentleman has pointed out the disaster that would befall the farmer by the very fact that practically every other segment of the economy is being supported by the Government in some form or other. We know that the laws of supply and demand were free to operate during the time of the great depression, and we know how the whole economy of the Nation suffered at that time. Now, I have often been told, and I am sure you have also, that if farmers cannot make it go on the farm under the laws of supply and demand, they ought to get off the farms and move to the cities and get jobs there. I wonder if the gentleman would want to comment on what would happen if this were to be the policy adopted by our Government.

Mr. POAGE. I think it would result something like this: The report of the committee from the land-grant colleges to the Committee on Agriculture and Forestry just 2 weeks ago indicated that if we abandoned all of our agricultural programs and supports, within 5 years there would be a loss of 46 percent in the present net income of agriculture, which would bring us down to about $7 billion. Of course, that would force a large number of families off the farm. Forced off the farm, there is not anywhere for them to go except to the cities. Forced into the cities, there is no way for them to make a living except to compete with existing labor in the cities, or to go on relief, where the Government would pay the grocery bill. I think it is a good deal cheaper, from the standpoint of the Government, to have a good, sound farm program that allows that farmer and his family to stay on the farm than it is to have him go to town and then have the Government pay his grocery bill.

We are faced with a choice of which we are going to do, because we are not going to say to 3 or 4 million farm families, "We are going to let you starve along the road."

Mr. LEVERING. Mr. Speaker, if the distinguished vice chairman of the House Agriculture Committee will yield further, I wonder if the gentleman would agree that merely driving the farmer off the farm and into the cities does not in itself cure the matter of overproduction of food, if there is such a thing in this country.

Mr. POAGE. I am delighted that the gentleman raised that point, because I think it goes to the heart of the misunderstanding. It goes to the heart of our deep-seated differences. Certainly there are people who honestly, sincerely believe that if we will but lower farm income, lower prices to the point where you will drive the farmers off—and ultimately you would—the first reaction, of course, would be just the reverse. Because, when you announce that you are going to have lower prices, farmers always try to make up in increased volume what they see they are going to lose in price. That is the only way they have of protecting their living standards. They are going to try to grow more. We grew the biggest cotton crop this Nation ever knew when we had 52-percent parity supports for cotton. The reason was that the farmers knew that they had to grow 20 bales where they had grown 10 bales if they were going to maintain their living standards. Sooner or later that kind of disastrously low price will, of course, drive many of those farmers into town.

But the farmer does not take the land with him when he goes to town. He takes the wife and children, and maybe the dog, but he does not take the land. Remember that, those who believe in the administration-Benson program. Remember that you cannot take that land to town. It is still going to be in production, but it is going to fall into stronger hands. What happens is that the less-efficient farmer is driven off first. He may be less efficient because

he is sick; he may be less efficient because he did not have a good education; he may be less efficient because he did not have the needed financing; he may be less efficient because he ran into a drought. There are many things that would make him one of the less efficient. But, whatever it was, his production was not achieved as cheaply as somebody else's. The man who is able to produce the most for the least money is going to stay there longer than anybody else. He is going to be the man who is going to be farming that land after your so-called inefficient farmer has moved to town, and, instead of getting a reduction, you are certainly going to get a net increase in production when you turn that land over to strong hands.

Mr. LEVERING. I think the gentleman made the point very clear and touched upon a fact which we have to recognize in this area; of course, we all want to get the Government out of agriculture. I hope that desired day will come at an early date.

Mr. POAGE. We all agree with that.

Mr. LEVERING. Is not the crux of this whole problem and the very basis of it found in the fact that the farmer lacks economic bargaining power as compared to those with whom he deals, both those to whom he sells and those from whom he buys?

Mr. POAGE. I think the gentleman has stated it very soundly and succinctly. Of course, this bill attempts to give him some bargaining power. It attempts to do for him what we have done for the oil industry, what we have done for a great many segments of our economy.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, I just wanted to say a word with regard to this matter of the Government getting into business. The Government has never been in the corn business as much as it has been under the Benson corn program. We have gotten the Government further and further into business more than we had before because we are producing more and more corn which is eligible for nonrecourse loans. As a matter of fact, we have more instead of less government under this kind of approach; is that not correct?

Mr. POAGE. I think that is exactly correct. As one who does not live in the commercial corn area, I can see it only at a distance, but maybe more clearly. It was perfectly plain to everybody in the United States that if we intended to have any control we could not reward a man for breaking the program. When the Secretary deliberately stated he would support the price of the noncompliance corn and support the price of the man who flouted acreage allotments and let him do nearly as well as the man who complied, it was perfectly obvious the Secretary did not carry out the guidelines the President has now laid down, because the President said, "If you are going to have these supports you are going to have to have some controls." But the Secretary said, "I am going to give this to you regardless of whether you comply or not. Those who are out to destroy the program are entitled to go ahead as well as those who try to support the program."

Mr. MICHEL. May I ask the gentleman from Texas if his bill here is not in effect quite a radical departure from the present law?

Mr. POAGE. Yes; it is a distinct departure from the present law. I think the present program is unsound. I think the present program is broken down. I think we need to build a new program. Here we are trying to build it on a firm foundation.

Mr. MICHEL. Is the gentleman in a sense not criticizing pretty much his own program?

Mr. POAGE. No; this is not our program.

Mr. MICHEL. You wrote the program.

Mr. POAGE. This program is the program that was asked for by this administration. On the 1st of January, 1953 we had what Mr. Benson delighted to call high rigid supports. We were supporting the basic commodities at 90 percent of parity. He came in and said, "We need flexibility. Oh, give us flexibility." He finally beat us over the head until he got flexibility down to 75 percent. Farm prices went down and he got more and more flexibility. Every time he got more flexibility the price to the farmers went down and the amount in storage went up. This is his program, it is not ours.

Mr. WOLF. I should like to agree with the gentleman from Texas and say most wholeheartedly this is true. I do not think we have time to discuss in detail the differences.

Mr. LEVERING. In line with the statement of the gentleman from Texas, it is no small concern to me that for years Secretary of Agriculture Benson and his staff continually stated that the welfare of the American farmer was steadily improving and that he never had it so good prior to the Benson regime.

Despite the gradual deterioration of the farmer's position in our economy and despite the fact that the Secretary and other spokesmen for the administration are being forced by the ugly facts of the farmer's plight to admit that all is not well with our farmers throughout the land, they are now blaming all of the ills in agriculture upon the Democratic Congress, indicating that the administrations hands have been tied. This is most interesting, particularly in view of the record which reveals such statements as that made by Mr. Marvin L. McLain, Assistant Secretary of Agriculture, on February 27, 1957, at the National Association of Wheat Growers annual convention. At that time Mr. McLain stated:

> And finally it is a real pleasure to be able to report that things are looking better. There are definite signs that adverse threats have been reversed and that the agriculture economy is on the upgrade after a long period of decline. We now have the tools—the programs and legislative authority—to seek continued advancement in sound and constructive ways. The principle of flexible price supports has been established.

Then consider what Secretary Benson said on September 11, 1956, at the Chicago Grain & Feed Dealers National Association annual meeting:

> We had to develop a sound and sensible price support program—while holding off the onslaught of those who believed the solution of our farm problems is to be found in the Federal Treasury. We won the battle for flexible supports in 1954 and we successfully defended them in 1956.

But, Mr. Speaker, it will avail us nothing to merely castigate Mr. Benson's policies. To criticize a program without offering a constructive alternative is taking a negative approach. I want to say that H.R. 10362 whch I along with several of our colleagues recently dropped in the hopper and which is almost if not identical with the bill which the gentleman from Texas is discussing today does furnish a positive, realistic, and refreshingly different approach to the situation which plagues our farmers and the country.

Mr. Speaker, all agree American agriculture is in serious trouble. This endangers the whole of America. Despite the fact that Secretary of Agriculture Benson has spent more in 6½ years than all his predecessors combined since 1852, we now have the worst farm situation in history. The official record shows that since 1953 farm purchasing power is down 33 percent. During the same period farm surpluses have gone up 400 percent and the Agriculture Department budget has gone up 700 percent. Believe it or not, during this farm economy decline, interest charges have risen 2,000 percent, and perhaps the most shocking fact of all is that consumer food prices instead of going down with farm income have actually gone up.

A healthy farm economy is basic to our Nation's economic well-being generally. Every major depression in our country has started on the farm. The importance of a prosperous agriculture to our overall economy is readily seen when we consider what happens to farm income. For the past 2 years it has been around $35 billion. Farmers spend on an average of $11 to $12 billion of this amount to buy supplies before starting their operation. This includes gasoline, insecticides and machinery. The farmer is one of the greatest consumers of steel.

On top of this, the farmer spends another $11 or $12 billion on labor before his production gets under way, which means that he is left with a net of approximately $12 billion.

Not only does the farming industry spend two-thirds of its entire income, but let us consider what happens to those things which it sets in motion. For instance, what happens to the raw food production, wool, and other fiber produced by farmers? According to the Department of Commerce, the items represented in the $35 billion figure generate some $100 billion worth of goods at the consumer level. This is roughly one-fourth of our entire national income.

From the foregoing, it is clear that what hurts the farmer hurts all of us. Now to the perplexing question. Why does the paradoxical situation exist in which the farmers are going broke producing the food and fiber which are costing the housewife more and more? Cer-

tainly it is not the farmer, for his man-hour productivity has shot up into outer space in recent years—far ahead of non-farm workers. The fact is, the more efficient he becomes, the more he hurts economically. It occurs to me that we have for many years taken the wrong attitude toward agriculture. Instead of concentrating our energies and taxpayers' money on attempts to cut back production which have been a colossal failure, we should be developing a better system of distribution of our abundance. Who can say our problem is one of overproduction when we know that all the products of the farm can be sold at a price? Why should we regard abundance as a curse and not a blessing when more than one-half of the world goes to bed hungry every night, when some 6 million families in our own country do not have a balanced diet?

The truth is, agriculture and the consumer public have both suffered. As we agreed earlier the farmers simply do not possess the economic bargaining power of those with whom they must deal.

Farmers, though disappearing from the American scene by the millions are still a formidable crowd compared to the few processors or handlers who buy their products. The important difference is that those who buy farm products possess greater bargaining power—and this power is growing day by day. According to chainstore spokesmen, within 10 years 75 percent of the food business will be in the hands of five or six huge chains. Farmers have always been at the mercy of the marketplace since they are the only major producer of goods who do not put a price tag on the things they sell. So, we find organized buyers buying what they want at their own prices from unorganized farmers. But strangely enough, consumers have not been the beneficiaries of this system. Then, too, those to whom farmers sell are not only the ones who are possessed of great economic bargaining power. In addition, those who sell to farmers—the implement people, the chemical, fuel and power producers, are also well organized and this is why there has been no decline in their prices even though farmers' income fell 25 percent in the first half of the last decade.

I firmly believe that the answer to the farm problem lies within the farmers themselves through voluntary organization of their own, but economists in and out of the U.S. Department of Agriculture point out the desperation that would befall the farming business if Government were to completely abandon the farmers and cast them adrift alone in the economic stream prior to the time farmers develop a program for their own protection. This is true because in a very real sense as I pointed out earlier, we are living in a subsidized society with practically every segment of our economy being supported by the Government in one form or another. The railroads, the airlines, oil companies, and hundreds of others have been and still are subsidized by Uncle Sam. Tariffs, a form of subsidy, date back to our early history and it is interesting to note that from 1932 to 1952 subsidies paid to farms in this country amounted to $1.2 billion as compared to $40.8 billion in subsidies to manufacturers in the way of tariffs. Early in 1958 a House subcommittee reported that actual losses on price supports to farmers were $5 billion from the time the program started through November 1957, but that mail subsidies in a recent 10-year period amounted to almost $6 billion. As long as this situation obtains can we in fairness to our farmers and our country force the farmers to buy in a protected market and to sell in an unprotected market? In other words, can the farm problem be solved simply by insisting that farmers try to make a free market work in the farming business when there isn't such a thing as a free market outside of farming?

When we consider that processing, packaging, and delivering food to consumers are the only prosperous segments of the food industry, it is time to recognize that the farmer who produces it had better participate in these operations if he wants to survive without Government assistance, and I am convinced beyond all doubt that Government help is the last thing the American farmer desires. I have an abiding belief that farmers can enjoy security with other segments of our society without Government supports and controls if they can but lay hold of marketing machinery. This can be done and when it happens, the Government can get out of agriculture and at the same time the consumer will get the greatest break of several years, for the reason that Federal controls keyed to scarcity can be replaced by realistic programs of pricing, marketing, and distribution.

Is there any reason why farming should be regarded as different from any other industry which has at least four major component parts—namely raw materials, production, finances, and marketing? Is there is any reason why farmers could not own processing plants in the same way that steel companies own coal and ore mines?

I am sure that many of my colleagues believe farm-owned cooperatives can be the farmers salvation. Is this not one way by which they can participate in the prosperous segments of the food business at no cost to the Government? Because great amounts of capital will be required in the development of these cooperatives, the Government through the farm credit system could lend assistance to farmers in the formation of cooperative enterprises. It is not suggested that cooperatives control an entire industry, but if they participated to the extent of 10 percent of the food industry for instance, they would provide a yardstick for the entire market. Rural electrification cooperatives have proved this point.

We know of course that all this would take time, Mr. Speaker. In the interim period while farmers are firming up a system of self-help, I recommend that we greatly accelerate our research program to find new uses for farm products. Further, we should switch our thinking which creates the impression of feeling sorry for our ability to produce to that of being thankful we have this great asset; then go to work to perfect a more efficient marketing system for our agriculture output at home and abroad.

This should not be an impossible undertaking inasmuch as our production is little more than what is now consumed—without even considering the exploding population which is fast crowding in upon us.

When all is said and done, our farm productivity is our greatest asset in the battle for world peace and we ought to make the most of it. The Russians boast of the fact that they are ahead of us in the missile field, but try as they have for a quarter of a century, they have not come even close to competing with American farmers in the production of food and fiber. What a tremendous advantage our enemies would gain in the battle for men's minds around the world if they could outproduce us in this vital area. The outcome of the current struggle for survival between the Communist bloc and those countries which embrace freedom, may well depend on which side can feed a hungry world in the critical days to come.

Mr. Speaker, I say again that the bill which we are discussing here today, though we do not claim it is perfect in all respects, in my judgment, warrants the serious consideration of every Member of the House. I trust that the Secretary of Agriculture will study it in a spirit of cooperation as he today in our committee pledged he would do. I think it offers sensible answers to the problems with which we are confronted today.

Mr. SMITH of Iowa. I should like to mention two or three points. One is in regard to the point made by the gentleman from Illinois. I should like to mention this, too, that there was a shortage of meat in this country. What has happened for 100 years? You would have first a surplus, then a shortage. One of the great things that would happen under this bill is that it would do to other commodities what marketing orders have done to citrus fruits. This would level out supply so you would always have an abundance, have a supply at a stable price. You would stabilize prices, so that the person on salary would be able to anticipate in the future that his food costs would be more reasonable than at present.

Another thing is, we can talk about the total costs, and all that, but we can be sure of this: The total maximum cost under this bill would be less than we are spending for storage alone today. It is just like all these other things on which we are spending, the total maximum cost would be less than under the present program.

Mr. WOLF. And it would be less each year as the program continued.

Mr. SMITH of Iowa. There has been some misunderstanding, I think, concerning the temporary aspect of this program. That is only one of the tools that can be used. The principal thing is permitting the farmers to have the help they need to form a big co-op for each commodity, so that they can regulate their production and marketing. Therefore, they would be getting in the market their fair price. The things like

the export price, and so forth, are incidental, and not to be compared to the principal benefit.

Mr. WOLF. I thank the gentleman for his contribution.

Mr. GEORGE. If the gentleman will yield, would these agreements be based on bushels or acres?

Mr. WOLF. It can be either way. This is the option that the farmer has for himself. Two-thirds of those voting in the affirmative would change the program, as I understand it.

Mr. LEVERING. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. LEVERING. I think the gentleman agrees that the farmers need better public relations. Many of our people are unaware of the fact that there are many other programs of the Government assisting business and every other segment of the economy. I wonder if the gentleman would like to point out other areas assisted by the Government in one form or another.

Mr. WOLF. I do not have those facts and figures at hand at this moment. But, the gentleman's statement is good and I believe we should try to draw up some material together and place it in the RECORD on this question. I shall ask unanimous consent to place such material in the RECORD.

Mr. LEVERING. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks following the statement made by the vice chairman of the Committee on Agriculture, the gentleman from Texas.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, it is so ordered.

There was no objection.

Mr. MICHEL. The gentleman from Iowa [Mr. SMITH] made the point that, and particularly with reference to citrus fruits, for instance, that this is going to bring about a Utopia and that there would be more orderly marketing and that there would not be any ups and downs. The gentleman certainly must be taking it for granted that weather conditions are going to be constant and that the law of supply will not be operating at all. What would happen, for instance, if the price of wheat got down to $2.60?

The SPEAKER pro tempore. The time of the gentleman has expired.

Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized for 30 minutes.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield.

Mr. WOLF. The gentleman from West Virginia [Mr. HECHLER] has kindly consented to give us a little bit more time and I want to thank the gentleman very much for his courtesy.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield.

Mr. MICHEL. Just to conclude my statement. If the price of wheat, for instance, should get to $2.50 or $2.60, what is going to preclude Canada from shipping some wheat into the United States.

Mr. SMITH of Iowa. There is a specific provision here that the quotas must be adequate to meet the needs of supply and demand. In other words, you cannot regulate the supply now after the surplus is gone to where you are going to get that kind of price. You just cannot do it. But, under this bill, we provide right here that you will be protected against that kind of situation. This helps to stabilize the situation in comparison to what we have had in the past.

Mr. MICHEL. Then the gentleman does not think there will be any need for any kind of restriction on importing of Canadian wheat, for instance?

Mr. SMITH of Iowa. No more than we have at the present time. Certainly, I do not think you would say that citrus fruits are worse off under their marketing orders than they were before or that the housewife has a less stable supply of citrus fruits than she used to have before we had marketing orders. Certainly, she has a much more stable supply today and this would work even better.

Mr. MICHEL. If the housewife has a stable supply today, then why do we need to change it?

Mr. SMITH of Iowa. We are not changing it for citrus fruit at all. What we are doing is extending some of these things that have worked so well in the case of citrus fruits and other commodities and extending them to some other commodities.

Mr. MICHEL. Does the gentleman think the same rules would apply for sorghum grains as for citrus fruits?

Mr. SMITH of Iowa. Well, yes. You regulate your supply of feed grains that eventually goes into perishables such as pork and beef. If you have this supply available, you will not have a recurrence of what happened in 1948, and I am sure you know what that was when we had a shortage of corn which resulted in a shortage of pork in the following year to the point where the housewife was standing in line looking for pork that year and if there is anything the housewife does not like worse than high prices, it is not having anything to buy.

Mr. MICHEL. I appreciate the gentleman's replies.

Mr. SCHWENGEL. Who is going to make the decisions on the quotas and who is going to make the decisions that the farmers are going to raise how much and where, and so on?

Mr. SMITH of Iowa. The Secretary of Agriculture does this through the marketing service statistics that are available every year. Those are the guidelines set up. So he must follow those statistics.

Mr. SCHWENGEL. That means that the control of our agricultural economy would rest in the Secretary of Agriculture here in Washington, D.C.?

Mr. WOLF. That is not true. In the first place, the farmers would have the opportunity to vote on the program and they will make the decision voluntarily and decide whether they want to vote for it or not.

Mr. SCHWENGEL. But it will be administered from Washington, D.C.?

Mr. SMITH of Iowa. No. If the gentleman assumes that, he would have to assume that the Secretary is going to make some kind of assumption that is not correct. As the gentleman from Texas pointed out, we have never had a Secretary of Agriculture, even including the present one, who I would consider has made wrong assumptions and put out wrong figures. I do not agree with his policies but I would not say that the agricultural marketing service has ever made false statistics.

Mr. WOLF. I would like to suggest, if I may, the gentleman from West Virginia has time to speak on a very vital subject and I want to hear him myself. If we can ask the gentleman from Iowa to obtain some time himself, we can discuss this program more fully.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members who have introduced bills on this subject, as well as all others who may care to do so, may have 5 days in which to extend their remarks on the new farm bill that we have proposed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. COAD. Mr. Speaker, I rise to join my colleagues in the defense of the American family farmer, who today finds himself in the throes of an economic battle that has seen no parallel on this continent since the early 1930's.

I believe that I am speaking for every honest, hard working American farmer when I ask this great body of legislators to give fair and serious consideration to the plight and the problems of this man and his family.

In my best judgment I can conceive of no greater task to which we could dedicate a little of our time and a great deal of thinking in an effort to be of some real help to the producers of our food and fiber.

It is right and in the tradition of our democratic way of life and self-government that, as citizens of this great country, our farmers after futile attempts to solve their problem as individuals or collectively in cooperatives, associations, and so on, turn to the only organization, their Government, for help.

Because the American farmer is the last frontier of rugged individualism, because he and his family represents a backbone of independent business in this country, the Federal Government should have a vital interest in, not helping agriculture obtain an economic advantage over other segments of our economy, but rather lending the organization, the thinking, and the plan to raise the income of our farm people to a level on a par with or equal to that of the people in other areas of economic endeavor.

In the past 7 years we have witnessed a steady decline in this economic equality as indicated and charted by the parity index. In 1952 the parity index stood at 100 percent, while today the parity index is 77 percent.

Parity means "equality or buying power prices and income for farmers on a par with other groups in the economy." They have used this one work to convey

a complicated and involved formalization of a simple thought—equality.

The vagueness of this concept has made it and its farmer origin susceptible to attack from those who either through ignorance, lack of understanding or prejudice, seek to hold a misconceived position of economic advantage.

Parity equality for our farmers has been ridiculed, scoffed at, and maligned in recent years.

People have not taken the time to see the significance the relationship between the prices the farmer must pay for all items of production and living expenses, and the price he receives for his farm products, as expressed in the parity ratio published monthly in the Economic Indicators. The Indicator charts and index figures show a continually widening gap between the higher prices the farmers must pay and the lower prices they receive.

The reason for this is simple. I have heard it said and repeated it myself many times, "Farmers sell everything at wholesale, buy everything at retail, and pay the freight both ways." As businessmen, farmers have tried desperately to break away from the yoke of this cost-price squeeze, but the tradition of independence and rugged individualism has worked against all efforts to solve the basic economic problems of farming.

In my studied opinion, these basic problems stem from two factors, one, price and the other production.

According to the latest available figures, there are today in the neighborhood of 4.6 million farms. For the most part, all of the farm units sell their products independently and in competition with their neighbors. This practice has forced a competitive market in farm products, which have no equal today in any other market of essential products. Coupled with the fact that, unlike manufacturing production, farm production normally goes to market once a year. At harvest time we have the unusual situation that a year's crop, next year's food supply, is glutted onto the market by millions of independent producer-sellers during a relative short period of time. All these sellers deal directly with a very small number of buyers, who can invariably set their buying prices to suit themselves. In other words, the farmers have no bargaining power.

This then, sets in motion the second factor in the basic farm problem, as I see it, and that is production control. For the farmer, beaten in the marketplace on price, decides, as a reasonable businessman would, that to live with a lower price from his products he must become more efficient, but his costs, and increase his volume of production. This he has done, aided and abetted by the policies of lower prices and wide open production, espoused by the Department of Agriculture, as a result our American farmers have been thrust deeper into the depths of a disastrous economic whirlpool, which is spiraling its way to a total farm depression.

The theory of low prices on big volume may work for some retail stores, but when over 4 million farmers all try it at once, it just cannot and has not worked.

Mr. Speaker, that is why I believe in talking about a farm program, we must talk about controlling production either directly or indirectly. In my conversations with individual farmers, as well as farm groups, I have detected a notable strengthening of the realization by farmers that production control of one kind or another is the key to the solution of their problems.

If our farmers could produce just enough food supply to meet all this country's domestic and export needs in return for a fair price, they would gladly do it, but as I have pointed out, they cannot do it alone. They need a fair program to follow, they need resources to extend their day in the market, they need the leadership and help which can only and must come forth from the Congress of the United States.

Mr. Speaker, I believe that it is to the advantage of every living American that we devise and pass a farm program designed to meet the two basic and gigantic factors which I have outlined, to meet these problems head on, boldly, and with imagination. I cannot subscribe to the policy of giving an economic advantage to the majority at the expense of the minority. I am sure that you could not subscribe to this reasoning either, yet this theory appears to pop up again and again from high sources in talk about food costs.

It has been said that higher prices paid to the farmers would only mean higher consumer prices for food in the grocery store and at meat counters. People have been led to believe that low farm prices mean low food prices. City folks, especially, cling to this thinking and have come to despise farm programs and farm subsidies, and why should they not? Their weekly paycheck is divided up for fixed contractual obligations, time payments for almost every modern appliance and the family budget is balanced with the remainder of the cash at the checkout counter of the food store. The remaining variable of any consequence to be found in American families budget is food and as a consequence of this we have become a hamburger-eating Nation. Add to this the repeated reports on the front pages of our newspapers of the 10th of a point increase in the consumers price index, due to the rise in food costs caused by an unseasonable freeze of oranges or a bug in the lettuce or seasonal increase in the price of meat and it is easy to understand the concern of the city people. Yet, it has been abundantly proven on the floor of the House, in the record of this body, in reports from Government agencies and private groups that an hour of man's labor today in the shops and the factories of this country can and does buy more nutritional life-giving food today than ever before.

Food expenditures, as a percentage of income, have gone down drastically since 1947. In that year 26.9 percent of disposable income went for food, while in 1959 the proportion of income used for food had fallen to 20.8 percent. While purchasing power for nonfarm workers is expected to reach a new high in 1960, the Department of Agriculture predicts that farm incomes will drop over a billion dollars before this year is over.

This will be a new low for farm income. Are we not condoning improved food-living standards at the expense of farmers alone?

I believe that by inaugurating a farm program to reverse this trend toward lower farm incomes, retail food prices would not need to and indeed should not rise in any corresponding fashion. The price a farmer receives for the raw materials of our finished food is a very small percentage of the retail cost of food and only one of many factors involved in processing, packaging, preserving, and shipping food to the retail outlets.

The farmers' share of the food dollar has continued to drop. At the close of 1959, it amounted to only 37 cents as compared with 47 cents of each food dollar in 1952 and over 50 cents in 1947.

It is abundantly apparent that the retail cost of food is determined by factors other than the mere price of the raw materials. I wish my colleagues from the big cities would tell their constituents these things.

For example, that the price of pork chops is not determined by the 12½ cents per pound farmers are paid for their hogs or the added 3 cents a pound in labor to butcher and process those hogs. No, the price of pork chops in the store is fixed by the price people will pay for beef. The retail price of food has very little relationship to the price a farmer is paid for his products. It is closer to the truth to say retail prices on food relate to the old business theory of "charge what the traffic will bear."

Another thing which needs to be cleared up in the minds of some people concerns so-called farm subsidies. Again, common fallacies associated with the sterotyped prosperous farmer waxing fat on Government doles, have been exposed for the fairy tales that they are. Dreamed up years ago and perpetuated by the slickback magazines and big city editors.

Members of this body have made intensive studies of the cost of the farm programs. The actual facts and figures have been very scholarly analyzed and compiled for the record. An outstanding factual breakdown of farm program costs was presented to this body last April by the gentleman from Minnesota [FRED MARSHALL]. His analysis of the 1959 budget expenditures for the stabilization of farm prices and income, presented a very revealing study of who actually benefits from the farm programs. Out of the total budget of $7,341 million for agriculture, $5,386 million was set out for the stabilization of farm prices and income. It was discovered that the farmer should be fairly and properly charged for only $1,831 million, which represents only 34 percent in the budget for stabilization of farm prices and income. The balance of these funds were used for purposes directly benefiting others than farmers. The school lunch program, food distribution to the aged and needy, meat inspection, bartered materials in the supplemental defense stockpile, international wheat agreement, and financing of military housing in Europe with surplus farm products, are examples of expenditures charged to the farmers, but more realistically

chargeable to defense, foreign relations, public welfare, and so on. Other large expenditures under this general heading, which were received by others than farmers, covered export costs, purchase of storage facilities, net interest expense, administrative expenses, county office expenses, bank charges, storage, and handling and transportation charges for the year.

After studying this breakdown of expenditures it is more clearly understood that with actual Federal expenditures of $5,126 million during the fiscal year of 1959 net farm income dropped to $10.3 billion for the calender year of 1959. This was $5.8 billion under the net farm income for 1951, when the total Federal expenditures for agriculture was a mere $834 million.

Mr. Speaker, this kind of nonsense cannot long be endured by the people of this country. For the past several months, a number of us, vitally concerned with the farm situation have devoted a great deal of time to compile the best of the current thinking for a fair, workable, farm program, which would have maximum effectiveness at a greatly reduced cost to the taxpayers. Through this effort, a bill was drafted and jointly introduced in this House last week. I urge my colleagues to obtain a copy of H.R. 10359 and study it. The main provisions of this bill are:

First. Balancing supply and demand at fair prices: This vital part of the bill has two sections, dealing with marketing orders and price stabilization programs as alternative choices for farmers.

(a) Nationwide marketing orders would be authorized, expanding the present regional orders, many more commodities would be made eligible for this program—started in 1937—and more functions would be authorized under the orders—such a contracting on prices and terms of sale.

Commodity groups not choosing to get their bargaining power through this device would use the other major type of program:

(b) National commodity stabilization programs would be established by and for producer groups to maintain a fair price, defined at 100 percent of parity.

Whenever the Secretary of Agriculture determined that the supply of any commodity—except tobacco, wool, or sugar—would exceed the estimated effective demand at a fair price in the next crop year, he would have to call for the election of a farm commodity program development committee. This would be composed of one producer—no processors or others—elected from each of the nine geographical regions. Every producer of $500 worth or more of the commodity annually would get one secret vote.

This committee must then propose to the Secretary a stabilization program for its commodity, all within limits of the act, of course. After this, the Secretary would make an independent finding of the feasability and legality of the proposal. If he approved, he would call a referendum among producers, with a two-thirds majority required.

If the proposal were defeated, the old program would remain in effect. If approved by producers, and if the proposal called for an expenditure of more than $20 million a year from the U.S. Treasury, it would be referred to Congress, which is given 90 days to reject it. If rejected by Congress, the old program would remain.

Thus, farmers could try to better their program, but would not lose the one they have by trying to do so.

In determining the annual national supply factor, the Secretary would add together domestic needs, foreign requirements and a safe reserve; then he would subtract 10 percent of the Government inventory of the commodity involved and an estimate of the amount of the commodity which might be paid "in kind" under provisions described later.

The Secretary is required to establish the necessary production or market supply adjustment procedures to assure a balance of supply and demand at a fair price. Other provisions of this part of the bill include:

Adjustment goals would have to be divided among States, counties, and individual producers.

All kinds of support methods would be used except for commodity loans or diversion purchases. Direct payments are specifically included as a method of support, but storage would be bypassed.

There would be a "family farm" limitation on the amount of support available to any one producer.

Interrelated commodities such as feed grains would have to be handled together.

CCC could sell its inventory into the market at not less than parity, rather than 5 percent above the current support level, as now.

Farmer-elected committees are strongly favored by the sponsors, although their use is left to separate legislation.

Second. Distribution of high protein foods is provided in two parts, as follows:

(a) The Secretary of Health, Education, and Welfare could spend $500 million to buy high protein foods such as dairy, poultry, and meat products for distribution to the needy, charitable institutions and school lunches.

(b) The Secretary of Agriculture could spend an equivalent ratio in the form of feed grains.

Third. Soil-building base: The Soil Conservation and Domestic Allotment Act of 1936 would be amended to expand the ACP program to encourage up to 40 percent of each farmer's tillable acreage into soil building, rather than soil-depleting crops. Tillable acres are defined as land devoted in the past 5 years to wheat, cotton, peanuts, corn, oats, barley, rye, soybeans, sorghum grain, flax, dry edible beans, potatoes, and rice.

This would be done in such a way as to allow the soil bank to stay dead. It expired last December 31, although contracts extend into this year.

This feature is not compulsory, but any farmer who wants to participate in one of the national commodity stabilization programs, described earlier, would have to take the following conservation steps:

(a) Contribute 10 percent of his tillable acreage, without receiving payment or rental but being allowed regular ACP cost sharing on it.

(b) Designate up to 30 percent of his tillable land for Government rental, such acreage not to be grazed or cropped except when falling in a disaster area. Owners of this acreage must maintain it in timber or other good conservation cover, and the Secretary is required to issue and enforce regulations to assure fire, weed, and insect control on the idle acres.

Payment for this rental would be "in kind" at the rate of two-thirds the average normal yield per acre over the past 3 years. However, the bill provides that "if no such commodity is available locally in the inventory of CCC, payment shall be made in cash or negotiable certificate, at the option of the producer."

The proportion of land retirable is designed to preclude whole farms being idled.

PRESIDENTIAL LEADERSHIP AND NATIONAL SECURITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, today I rise to speak about our Nation's missile and space programs, and the role of presidential leadership in national security.

Never before in the history of our great Nation have we faced a graver crisis.

It is fitting that at this moment following the birthday of the Savior of the Union, and immediately prior to the birthday of the Father of our Country, we pause to take stock of the nature of this crisis which our people confront. I have full confidence that the United States of America, as in past crises in our history, will rise to meet the challenge which threatens the very existence of humanity.

We are going through a strange period, a period marked by latent desire on the part of the American people to do everything within their power to meet the Soviet threat. In a sense the people are ahead of the leadership in their desire to move ahead with the job at hand. The people are waiting for the signal to move forward, they are yearning for the great voice of leadership which can come only from the President of the United States.

In recent weeks, some people have repeated the great question in the first epistle of St. Paul to the Corinthians: "For if the trumpet give an uncertain sound, who shall prepare himself to the battle?"

The American Presidency is the most powerful office in the free world. The President is the No. 1 educator of the Nation. He alone can point the goals toward peace and freedom. He alone can dispel the fog of confusion which arises from a babel of many conflicting voices.

He alone can lift the people up to the point where they can exert the maximum effort in achieving a common objective.

President Dwight D. Eisenhower is my President. He is President of all the American people. He alone has the potential as a mighty force to lead our great Nation. President Eisenhower has demonstrated that he can awaken in the hearts and minds of millions of people in foreign lands an emotional feeling toward the American dream and what it represents. In his travels President Eisenhower by his very presence in many other lands has rekindled the beacon of hope for untold millions.

The President announced yesterday that he would address the Nation next Sunday at 6:15 p.m. on the question of national security and his forthcoming trip to South America. I believe that his forthcoming trip will reveal the same warm reaction of people everywhere toward the President as the symbol of the American ideal. Yet, I trust that when he speaks Sunday on the issue of national security, President Eisenhower will reverse the attitude of complacency he has displayed and will sound in bold and fearless tones the clarion call of leadership. The American people, I repeat, yearn for that leadership. The people will respond if the President will only lead.

Thus, I hope that the President will close the book on the past and take the fresh approach of leadership in the tradition of Abraham Lincoln, George Washington, and all of our towering Chief Executives who grasped the full potentialities of that great office.

I would like to cite a few examples of the dreary past, not to criticize the President, but to express the sincere hope that he might turn his back on weak-kneed expressions, on timid and timorous attitudes, and unrealistic conclusions which fail to recognize that the American people will respond if they are only given the leadership.

After the Russian sputnik was fired, the President stated on October 9, 1957:

So far as the satellite itself is concerned, that does not raise my apprehensions, not one iota.

On June 18, 1958, the President stated:

With respect to the thrust * * * I do know that our plans, programs of development, are the kind that will put up any kind of missile or any kind of satellite that we believe will be necessary.

The President has never fully recognized, or expressed even to this day the serious lag in our development of large booster engines. Even the sensational Russian successes have not shaken the President's attitude of complacency on this point.

Mr. Speaker, under unanimous consent, I insert at this point in the RECORD an editorial from the Washington Post of February 16, including quotations from President Eisenhower since the launching of the Russian sputnik in 1957:

CATCHING UP

Tass, the Soviet news agency, announced the first intercontinental missile on August 26, 1957. The first Soviet sputnik took flight on October 4, 1957. On September 13, 1959, a Soviet rocket reached the moon. On January 20, 1960, the Soviet Union reported the successful test in the Pacific of a missile that went nearly 7,800 miles and struck within 1¼ miles of its target.

Following are some of the comments of President Eisenhower during this progression:

"Let's take the earth satellite, as opposed to the missile, because they are related only indirectly in the physical sense, and in our case not at all. Never has it been considered as a race."—October 9, 1957.

"So far as the satellite itself is concerned, that does not raise my apprehensions, not one iota."—October 9, 1957.

"It is my conviction, supported by trusted scientific and military advisers, that, although the Soviets are quite likely ahead in some missile and special areas, and are obviously ahead of us in satellite development, as of today the overall military strength of the free world is distinctly greater than that of Communist countries"—November 7, 1957.

"At this moment the consensus of opinion is that we are probably somewhat behind the Soviets in some areas of long-range ballistic missile development."—January 9, 1958.

"With respect to the thrust * * * I do know that our plans, programs of development, are the kind that will put up any kind of missile or any kind of satellite that we believe will be necessary."—June 18, 1958.

"There has been no place that I can see where there has been any possibility of gaps occurring."—August 27, 1958.

"Today the so-called missile gap is being rapidly filled."—October 20, 1958.

"We are rapidly filling the gap that existed; and in some ways I think that our scientists have already achieved what we would call even more than equality, particularly in types and kinds, even if not in number."—October 21, 1958.

"The so-called missile gap of 6 years ago is speedily being filled."—October 22, 1958.

"Today America—and all the world—knows that in less than 4 years we are rapidly closing the missile gap that we inherited. And Sputniks have been matched by Explorers, Vanguards, and Pioneers."—October 31, 1958.

"It is absolutely fatuous and futile to try to balance, item by item, the progress of two great nations in their technology of defense. To disturb ourselves too much that we have not yet caught up with another great power and people with technical skill in a particular item, it seems to me to show a loss or a lack of a sense of balance."—January 14, 1959.

"We do not believe that there is a relative increase in their capacity."—February 4, 1959.

"Our military missile program, going forward so successfully, does not suffer from our present lack of very large rocket engines, which are so necessary in distant space exploration. I am assured by experts that the thrust of our present missiles is fully adequate for defense requirements."—January 7, 1960.

"I am always a little bit amazed about this business of catching up. What you want is enough, a thing that is adequate."—February 3, 1960.

"There are too many of these generals with all sorts of ideas. I cannot be particularly disturbed because everybody with a parochial viewpoint all over the place comes along and says that the bosses know nothing about it."—February 3, 1960.

"The biggest problem there is in the United States today is to make sure that her own people understand the basic issues that face us and form their own judgment."—February 11, 1960.

Mr. Speaker, President Eisenhower has repeatedly indicated that this country is not in a space race with Russia, despite categorical statements by many officials in key positions in his administration that we are indeed in a space race with Russia. Again, I do not bring this up to be critical of what is water over the dam, but merely to express the hope that starting on the eve of Washington's Birthday next Sunday the President will say yes, we are in a space race with Russia, we do face a grave crisis, and it will take every ounce of the heart and mind and muscle of the American people to meet that crisis.

At this point I have a special word for my friends on the Republican side. I am informed by a very reliable source close to Vice President NIXON himself that after the Vice President is nominated he will cut loose from the complacent approach of President Eisenhower, and will call on the American people for sacrifices to meet the crisis, and will call on the people to meet the great challenge of the space race with Russia. We have heard much talk of the missile gap and the muscle gap, and perhaps historians of the future will term the period between February and the Republican Convention as the Nixon gap—that period of weightlessness when the people complacently relax on their couches, with no guidance system, no control, and no propulsion.

But although we might hope that Vice President NIXON will assume this new role, as most certainly the Democratic presidential candidate will assume the role of leadership also, we must consider the serious and stark fact that this still leaves the Nation without the full potential of Presidential leadership during the critical months ahead.

For example, at his press conference on January 26, 1960, the President was asked by William McGaffin of the Chicago Daily News:

Mr. President, in view of the international prestige at stake, why are we not moving with a greater sense of urgency to catch up with Russia in the field of space exploration?

The President answered:

Just start at that again—how did you start it, how did you start that question?

Mr. MCGAFFIN. I said, in view of the international prestige at stake.

The PRESIDENT. Is it?

Mr. MCGAFFIN. Well, sir, do you not feel that it is?

The PRESIDENT. Not particularly; no.

Now let us examine this statement for a minute or two. In an address in Philadelphia, Pa., on February 13, 1960, the President's own science adviser in the White House, George B. Kistiakowsky, stated that America is engaged in a "scientific and technological contest with the Soviet Union which today involves our national prestige, and tomorrow, perhaps, our very survival."

On January 29, 1960, 3 days after the President made his comment about our international prestige not being at stake, Dr. T. Keith Glennan, Administrator of the National Aeronautics and Space Administration, appeared before the House Committee on Science and Astronautics, of which I am a member. In his prepared statement to our committee, Dr. Glennan affirmed the fact that "our

competitor in this business is the Soviet Union." I asked Dr. Glennan this question:

I assume then, of course, that our international prestige is at stake in the space race?

Dr. Glennan answered:

Mr. HECHLER, I think our international prestige is at stake in every activity of this Nation.

On January 28, 1960, we had before our committee Dr. Abe Silverstein, Director, Space Flight Programs, National Aeronautics and Space Administration. I asked Dr. Silverstein:

You would agree that our international prestige is at stake, in relation to our progress in this whole area?

Dr. Silverstein's answer was:

I certainly would concur heartily in that statement.

In testimony before our committee on January 20, Under Secretary of State Livingston Merchant indicated:

There is no question but that by its achievements and exploits in the field of outer space, the Soviet Union has enhanced its prestige.

This morning, Maj. Gen. John B. Medaris, former commander of the Army Ordnance Missile Command, made a provocative statement before the House Committee on Science and Astronautics, the entire text of which I include in the RECORD at this point:

STATEMENT BY MAJ. GEN. J. B. MEDARIS, RETIRED, HOUSE SCIENCE AND ASTRONAUTICS COMMITTEE, FEBRUARY 18, 1960

Mr. Chairman, members of the committee, it is once again an honor to speak to you. Because my time before this committee is limited, I have selected two particular subjects to which my remarks will be addressed. The first is general, and has to do with my views with respect to our national missile and space effort. The second subject which I will consider is specific, and deals with my opinion as to the urgency of our requirement for an operational anti-ballistic-missile system. Incidentally, it is both unusual and fortunate that this divided effort finds unity within the responsibilities of this committee.

In assessing the U.S. missile and space program, I believe we must find consider the character of the gross United States-Soviet competition. Fundamentally, it is a clash between different philosophies as to the position of the individual in society. The field of conflict is so broad, so profound, that it encompasses every element of international power—military, economic, diplomatic, political, psychological, and spiritual. Clausewitz observed that in human conflict the moral is to the physical as three is to one. Our strength must therefore be at least three parts psychological.

Now, I do not want to belittle the material benefits that may accrue from aggressive space exploration. I do not want to pursue in detail the self-evident fact that material benefits inevitably derive from new knowledge. Nor do I want to press the point that the military implications of a new principle or environment are never understood until that principle or environment is itself fully understood.

Without considering these corollary reasons, I want to affirm my personal conviction that for psychological reasons alone the free world must attain and maintain no less than parity and preferably a margin of superiority in the field of space exploration and exploitation. I consider the decision to achieve that parity—and eventually superiority—one of the most critical and fundamental decisions of our day. If the space race is not a valid one, then I would suggest that we are already spending too much money and effort on it. On the other hand, if the competition is as critical and as fundamental as I believe it to be, then we are faced with two possible solutions. Either we must spend more in dollars and effort; or, we must substantially increase the efficiency of our effort.

Let us consider the manner in which our national missile and space program is presently splintered. First and most important: It is divided between two executive departments, NASA and the Department of Defense. Functually, it is splintered into four agencies, NASA and the three branches of our armed services.

Within the Department of Defense, a recent directive from the Secretary has revised the missions of the respective services. Both the developmental and operational aspects of space vehicles have been assigned as missions to the Air Force. A navigational satellite system has been assigned as a mission of the Navy. A communications satellite system has been assigned as a mission of the Army. On the surface, perhaps this decision pretends to settle old issues. Actually, it creates dissension. By direction, the Army and the Navy are to buy their space vehicles from the Air Force; however, there is no immediate knowledgeable authority responsible for the overall mission. The problem of wedding and payload and the vehicle must be settled by such anemic devices as committees, coordination offices, and other such inadequate administrative devices. There is no technically competent authority sitting astride both the vehicle program and the payload program to give a joint program the decisive drive that success demands. In theory, system coordination has been assigned to the Air Force; but this, if authoritatively exploited, denies to the responsible service full control over its assigned operating space mission. Since no one authority is totally and immediately responsible for the complete mission, what is everybody's business ends up being nobody's business.

Let us now turn to the creation and continuing expansion of the National Aeronautics and Space Administration. The presumption has apparently been accepted that the borderline between scientific space exploration and military space requirements can be cleanly and effectively defined. Gentlemen, I believe this presumption to be totally incorrect.

From a purely technical viewpoint, there is so little difference between civilian and military space programs that there is no justification for their division and resulting duplication. For example, in the area of powerplants, both programs are concerned with a reaction-type engine, liquid or solid, whose functioning requires rather sophisticated control. This is a fundamental characteristic of every vehicle, whether it be a short-range ballistic missile used by troops in the field, or a more ambitious vehicle used in an interplanetary probe. Their development and operation stem from identical technologies.

Not only are the power sources themselves fundamentally identical, but the control methods, either on board the vehicle or those located at ground stations, come from common parents. I can give you as many examples of commonality between the military and so-called civilian systems as there are components of their respective systems. For added example, in both programs, it is necessary to explore ways of getting dependable electronic propagation from a supersonic vehicle, getting antenna patterns, the effects of boundary layer, heat and velocity, and so forth. All of this knowledge is essential to the development of any missile or space vehicle. Also, there is a common requirement for guidance systems that perform identical functions. The same thing is also true in terms of dependable long-range communications to and from missiles and space vehicles. Further proof of the principle is offered in the use of smaller ballistic missiles as upper stages of larger vehicles.

Even from the standpoint of pure science, these programs are interrelated. Scientific exploration is in no way inconsistent with military objectives. New military technology inevitably results from scientific findings. An examination of the many projects contained in the research and development programs of the Department of Defense would indicate clearly that the military is supporting and fostering fundamental research insofar as its limited resources will permit.

There is a final consideration on this subject that I believe to be particularly cogent. The military objectives and the civilian programs, with very limited exceptions, are, and must continue to be, derived from the same physical and manpower resources. Every single engineering and production facility that is involved in any kind of important space project is now or has been involved in one or more missile projects. This includes both commercial and governmental resources. Further, the exploration and exploitation of space will continue to demand the use of the same facilities and the same brainpower that are now being used in the development of weapons systems.

Again, the list is endless and complicated, but the principle is brief and simple: we are trying to divide the indivisible.

I quite well understand that because of the pending transfer of the Von Braun team from the organization which I have commanded, this criticism may sound like sour grapes. Let me dispel that presumption by saying flatly, that under present circumstances, I concur in the transfer.

In the area of political competition for control of resources, the Army has done the only thing it could do. When one is forced into making a choice from a bundle of bad choices, he must take the least objectionable one. The transfer of the Von Braun group to NASA is the unfortunate culmination of a long series of such dilemmas. At the end, the Army faced a Solomon's choice: First, by the assignment of the space vehicle development, production, and launching mission to the Air Force, and secondly, the Army's total inability to secure from the Department of Defense sufficient money or responsibility to do the Saturn job properly, we found ourselves in the position of either agreeing with the transfer of the team, or watching it be destroyed by starvation and frustration. However, gentlemen, this particular issue of the transfer of the Von Braun team is only one small part of the issue I hope to put before you.

Now, of course, good men working hard together can make any form of organization work after a fashion. The purpose of sound organization should be to reduce the requirements for coordination and cooperation to a point where they are reasonably consistent with human nature and the capabilities of the average executive group. With sound organization, coordination and cooperation become the natural product within the organization. Thus only, may we avoid the sort of hothouse nurtured or blackjack inspired coordination that presently seems to be the order of the day. People after all are human. The only way that we get the best effort out of any individual, no matter what his size or stature, is to so place him that in furthering his own intelligent self-interest he is at once furthering the objectives of his organization, and hopefully, of his country. This is the sort of organization toward which we must work.

There is a further reason why the present trend is illogical and undesirable. The Von Braun group has been supported extensively by a nationwide Army organization which must continue for the performance of Army missions, regardless of whether the Von Braun group goes or stays. You cannot expect to create a new and separate system to support them in terms of finance, accounting, purchasing, inspection of purchased products, contracting for services, and the provision of general logistic resources and facilities, without spending additional money.

The Congress has continuously beaten the Department of Defense over the head in an attempt to unify those same activities, and thus reduce the duplication among the three military departments. By the existing organizational concepts and the operational responsibilities placed on NASA, NASA must necessarily proceed to create its own system for all of those things—a system which already exists in triplicate—Army, Navy, and Air Force.

Now, for all of these reasons, I believe, that if we are to compete successfully without bankrupting the country, there must be a fundamental organizational unification of the entire missile and space program. One asks immediately, how can this be done and where?

It is unrealistic, and an improper division of responsibility to take outside the Department of Defense the responsibility for weapons essential to the performance of the mission of that Department. However, and particularly in view of past performance in areas of purely civilian activities, such as the work of the Corps of Engineers in rivers, harbors, and flood control, the work of the Signal Corps in operating the Alaska communications system in the absence of a commercial capability to do so, the administration by the Army of the Panama Canal, and many others, there is nothing fundamentally inconsistent in assigning civilian scientific efforts in a particular field to the Department of Defense.

Thus, in view of the fundamental inconsistency involved in taking the responsibility for weapons development out of the Department of Defense, we are forced to the conclusion that the space effort, if it is to be unified, must be inside the Department of Defense?

Now, how can this be done? If we look with discerning eyes, Congress itself has pointed the way. In the most recent amendments to national defense organization, it is evident that Congress intended an extension of the principle of the joint unified command composed of elements of the several armed services. By its enactments, the Congress gave to those joint commands a substantially greater degree of independence from the individual services than such commands had ever before had. They strengthened the staff of the Joint Chiefs of Staff, and set up the commands to operate with direct channels to the Joint Chiefs and to the Secretary of Defense. So far, this concept has been applied almost exclusively to geographic operating areas. These are now almost entirely handled through joint commands. While this is as far as this concept has gone to date in its broadest applications, it has been applied to an important degree in atomic weapons through the charter of the Defense Atomic Support Agency, or DASA.

DASA offers us a tested pattern for the problem that faces us here. It would appear there is nothing to deny the possibility and the desirability of creating a joint command to assume the undivided responsibility for the major missile and space activities of the Nation. Each service, being fully represented within, and dependent upon the command, would necessarily feel the compulsion to support its representatives in the joint command. Through that medium and that fact, the availability of the various supporting elements of the several services to smoothly and competently reinforce the joint effort would be assured. In order to assure adequate attention to the scientific side of space exploration, the scientific community should be represented at the command level. Thus, we aline individual and national objectives.

In substance, gentlemen, I am recommending that this committee and the Congress take a broad new hard look at the organization of our resources to meet our needs in missile and space activities and give thorough consideration to the suggested course of action, or any other, which will achieve with assurance a solid, undivided, and effective approach to the solution of our most urgent need.

In concluding these remarks with some consideration of our need for a ballistic missile defense system, and particularly of the present position of the Zeus system, I want first to deal with that school of thought which argues against the need. In this connection, I should like to rephrase an old cliche: When offensive capabilities are equal, then the best offense is a good defense. We have a positive deterrent only when we can do something the aggressor cannot do.

There is no denying the requirement for an assured retaliatory capability. It serves as an effective deterrent against all-out massive, and sudden annihilation. If its purpose is achieved, it will never be used. Conversely, if it has to be used, it has failed in its purpose.

For a deterrent force to be fully effective, it must have certain characteristics. It must be powerful enough that the damage certain to be inflicted would be wholly unacceptable to the aggressor power. Second, it must be supported by the unquestioned public will to use it if necessary, and without delay. Third, the potential aggressor must know with certainty that the two foregoing conditions do exist.

Certainly, the deterrent force must not be made ineffective by the very act it is designed to prevent. Within the military there are many ways to achieve this relative invulnerability. Being military, the direct retaliatory capability is subject to military discretion. It can be hardened, dispersed, hidden, and made mobile. It can simply be multiplied to the extent that the aggressor cannot completely destroy it in a single blow. This is a technique which we understand and can apply.

However, it seems to me that there would be little sanity in destroying half of Russia and Asia, if before such destruction was meted out, the major populations of the 20 largest cities of the United States had suffered massive damage and wholesale slaughter. It would be nothing more than revenge. There would, in fact, be little left for us to fight for.

What are we going to do with those cities—with New York, Chicago, Pittsburgh, Cleveland, and Detroit? They cannot be effectively hardened, dispersed, made mobile, depopulated, or forgotten.

Passive means of defense have their very real limitations. By the nature of economic circumstances, if for no other reason, it is unrealistic even to consider adequate hardening as a protection for the physical resources from which stem our industrial and economic strength. In the cold and pitiless light of pure logic, we must therefore find means for their defense against sudden and massive annihilation. This has been adequately recognized in the development and deployment of missile systems to protect these centers from air attack. To the more formidable threat now rising we have only one present answer.

The Nike-Zeus antimissile system, now in development, is our only conceivable positive defense for the next decade. While better means may be discovered in the future as a result of active research, the nature of those possible means is not nearly sufficiently and clearly known at this time to warrant the commitment of resources to the development of any other systems.

Given the essential leadtime required for the genesis of any such complex defensive system, any really new approach cannot, in my judgment, be available for use before 1970. Meantime, the millions of inhabitants of our concentrated centers live with a sharp and cruel sword poised over their heads and held only by the gossamer thread of our opponents' rationality.

At the same time, it is a certain fact that every day we delay in initiating the series of complex actions required to commit the Zeus system to production will delay by an exactly equal period its availability for use.

Admittedly, there are development problems still to be solved, but far too much has been made of them as a negative point. They exist in all development programs. Otherwise, there would be no need for any such program, and we could go directly into the production of a new weapon. I assure you that those technical problems are proportionately no greater in the Nike-Zeus system than they have been, or are in other weapons systems of great cost and importance. The immediate, discernible problem of straightforward defense against straightforward ballistic missiles, IRBM or ICBM, is, in my opinion, fully in hand. I am further convinced that additional defense against more sophisticated weapons can and will be solved at least as fast as any such more sophisticated weapons can be brought against us.

In other complex and urgent programs, great virtue has been ascribed to the technique of integrating development, initiation of production, training, and preparation for deployment. In fact, the term "concurrency" has been widely advertised as representing a virtue. Such telescoping of all phases substantially shortens the leadtime to availability, and, therefore, carries assurance against the obsolescence of the weapon itself before it can be brought to bear. I am at a loss to understand why it is not equally obvious that this same procedure is essential in connection with a weapon of such tremendous importance to our survival as is the Zeus.

In essence, gentlemen, the question is not whether we have yet completely demonstrated the full effectiveness of the Zeus system, but rather, whether we are to make any effort to defend the major centers of the United States against atomic annihilation by ballistic missile during the next 10 years. I feel very strongly that we cannot afford not to initiate immediate action looking to the prompt production and deployment of the Zeus system. The absence of a decision is in itself a decision. To fail to order the immediate preparation for production of this essential defense system is to add days, months, or years to the period when fear must hang like a cloud over our civilian population. To do otherwise than take this action immediately represents, in my opinion, the assumption of an awful and burdensome responsibility—a responsibility for the survival of the women and children, as well as the men, in the population of our great cities, upon whom in large measure both the prosperity and the will of the United States to survive as a nation depends. I for one am wholly unwilling to have that responsibility on my conscience.

Gentlemen, the entire field being considered by this committee is extraordinarily broad and complex. Giving full consideration to the influence of technology on the strength of this Nation, and on those elements which go to make up that strength, the decisions to be taken are, in my opinion, of vital importance to the future of

this Nation, and, indeed, to its very survival as a free Nation. I could not hope to cover even a fraction of the problems involved, let alone discuss all elements of their potential solution within the scope of this comparatively brief statement to you. I have tried to single out two areas as being, in my opinion, of the greatest significance at this particular time.

To summarize my carefully considered feelings with respect to those two areas, I should like to conclude with these brief statements:

First, I do not believe we can afford not to compete, with all the necessary ingenuity and resources, to demonstrate to the free world both the capability and the will of this Nation.

Second, I feel that because of its prominence in the public mind of all Nations, the field of space activities has become a most critical element of that competition, and that we, therefore, must have an aggressive and urgent national program to attain and maintain no less than equality, and preferably, demonstrated superiority in that field.

Third, I believe strongly, and feel that it is wholly demonstrable, that the fields of ballistic missilry and space exploration and exploitation are in fact naturally indivisible elements of a single broad technology, and that a continuance of divided efforts in this broad area cannot but result in delay, duplication, and waste of both money and manpower.

Fourth, I believe that any pretense toward the deterrence of atomic general warfare must necessarily be ineffective unless it includes the effective protection of our population and our major resources, and thus assures the survival of our will to live as a Nation. I further feel that to delay the full acceptance of that responsibility, regardless of the uncertainties that may exist, involves a risk far too great to be accepted by an individual who can in any way influence the decision.

I therefore strongly recommend that this committee give full consideration to the means for the creation of a truly unified and singly responsible authority for the direction of the national missile and space effort, and that it further recommend immediate preparation for the production and deployment of the only visible means for the protection of our population against the awful threat of atomic ballistic missile destruction, whether medium range or long range, sea launched or land launched, that is represented today by the Zeus anti-missile-missile system.

Mr. Speaker, I have cited a few of these statements by high officials differing with the President, not to criticize the President, nor to expose these officials to possible charges of being parochial in their attitude, but rather to indicate that here is a vital question which the President could and can clear up when he makes his address on Sunday. If the President will not exert leadership, at least we hope that he will exert followership and recognize and articulate the overwhelming opinion of his key executive officials. The crucial point, however, is that Mr. Kistiakowsky's Philadelphia address, for example, was printed on page 19 of Sunday's paper, whereas the President's statements to the contrary are printed on page 1, and reverberate around the country, and the world.

I know that this whole question deeply concerns the President, and I give him full credit for his sincerity and patriotism in wrestling with the problem. This was certainly the motive back of his trip to Cape Canaveral on February 10, 1960. He wanted to highlight the nature of the problem and his understanding of it. I am only sorry that the trip did not accomplish the purpose, and for this interpretation I rely on the report printed by the highly respected science writer for the Washington Evening Star, William Hines. Mr. Hines states, in an article printed February 11, 1960:

PRESIDENT'S QUICK TRIP SPARKS SECURITY SLIP

(By William Hines)

When President Eisenhower left Cape Canaveral, Fla., yesterday after 3 hours and 15 minutes on that desolate sand-and-palmetto heath, he observed that it had been a very worthwhile trip.

Many of the reporters who made the hurried 1,600-mile round trip wondered from what point of view the President spoke. They thought that as far as increasing his grasp of either science or missilery was concerned, Mr. Eisenhower could have learned as much by staying at home and being briefed, or by looking at any of a spate of recent picture books on the Florida missile site.

About the only thing of any national consequence that occurred was a breach of military security. The effect of this was to spread among perhaps twoscore reporters information about the Polaris missile that had been known earlier to a relative few on a confidential basis.

BOBBLE ALMOST INEVITABLE

The security leak was nothing more or less than a bobble of the sort almost inevitable in a hastily arranged trip like that Mr. Eisenhower took yesterday. How effectively the fumble was covered up remains to be seen; how serious its import is a matter of opinion.

But the leak was important as a symptom characteristic of what happens when news is created, or "managed," for reasons that apparently have little to do with the national welfare.

President Eisenhower's trip to Canaveral was whipped up on the spur of the moment. Some of the White House aides who normally are "cut in" on trips far in advance say they did not know about this one until 24 hours before the President left for Florida.

This was just about the same time officials at the Cape were notified of the forthcoming trip, and 1 hour before reporters were called in by White House Press Secretary James C. Hagerty and given the news.

From all that could be learned in the course of that hectic trip, the Canaveral inspection tour apparently "jus' growed" like Topsy.

"Plan a 4-hour tour for the President," seems to have been about the extent of the instructions sent down by Cape Canaveral. The trip was later cut to 3½ hours by eliminating a luncheon, and finally to 3¼ hours by spinning the convoy's wheels a little faster.

A prime purpose of the tour seemed to be to secure photographs of Mr. Eisenhower in front of some missiles.

In the original tour plan photographers were given ample opportunity to take pictures, but writers were not granted an equal chance to observe. This plan broke down, however.

DEVIL-MAY-CARE AIR

The whole thing had a gala, devil-may-care air about it. Had the President wished to inspect a war-ready missile base, Cape Canaveral is about the last place in the world he should have gone. No shot has ever been—or will ever be—fired in anger from there. It is a test base, pure and simple. Its relationship to actual combat bases is about equivalent to General Motors' test track's relationship to a great metropolitan freeway.

For a meaningful briefing and an actual feel for missile base operations, Mr. Eisenhower should have gone to some such place as Vandenberg Air Force Base, Calif. He might have done so last month while on the west coast for the "dinner with Ike" at Los Angeles. It would have interrupted his trip for less than the 6 hours and 47 minutes total elapsed time of his absence from Washington yesterday.

At any event it is unthinkable that the President needs to travel to Cape Canaveral to learn about missiles. The men who have managed the Air Force and Navy missile programs—Lt. Gen, Bernard A. Schriever and Rear Adm. W. A. Raborn, for example—are only minutes away from the President's side, and can fill him in on Atlases, Polarises, and Titans without breaching security.

Mr. Speaker, I join with President Eisenhower in denouncing those who wrongfully claim that he has or would deliberately mislead the American people. My indignation is as righteous as his on that score. But there has existed around the President, as evidenced by this abortive and transparent trip to Cape Canaveral, a group of advisers who have seemed more interested in public relations than facts. Several years ago James Reston, the head of the New York Times Washington Bureau, quoted C. D. Jackson, of the White House staff, as stating: "We're going to merchandise the living hell out of the Eisenhower program."

I humbly submit, Mr. Speaker, that this approach does a disservice both to President Eisenhower and to the American people. National security is too vital an issue to be run from Madison Avenue. To protect the President, and enable him to fulfill the high functions of his office which are so essential to the very existence of civilization, I say let us get rid of the merchandising, public relations, advertising gimmicks, and all the Madison Avenue boys and let the President tell the facts simply and directly to the American people.

Yes, Mr. Speaker, I believe I speak the sentiments of all my colleagues on both sides of the aisle when I say—the President must succeed in providing meaningful leadership. We cannot afford to let the President fail or the Nation will fail. I believe it in my heart that the President will succeed if he will only get rid of the Madison Avenue boys, grasp firmly the reins of leadership, and start on Sunday night to give the full and stark facts to the American people.

Some people have said, Mr. Speaker, that if the President paints too realistic a picture of the crisis we face there will be panic among the people, and we must reassure them instead.

I ask you, Mr. Speaker, have you ever seen one single person in this country panicked over the Russian threat? No, of course not. But what you do see throughout the country are millions of complacent people—overstuffed, self-satisfied people who will go on their merry way spending their money on personal luxuries unless they are given the straight talk by the President himself on the crisis we face. If the President would only exert his leadership, these same people would turn around and would work, and sweat, and sacrifice if they knew our Nation were in danger.

There are lots of folks who stand around and bemoan the fact that America is fast losing her moral fiber; well, the President is in a position to stiffen the national backbone, to raise our moral fiber, for the Presidency is more than an administrative job; it is preeminently a position of moral leadership.

Mr. Speaker, last Saturday night, February 13, 1960, the National Broadcasting Co. carried an excellent hour-long television program entitled "The Missile Race: Time for Decision." Under unanimous consent, I include the entire text of this program in the RECORD. I would like to call particular attention to the final statement of Frank McGee during this program:

In our study for this program we have found that whereas the President says the people must make the final decision, they are instead generally relying on the decisions that he has already made.

The President of the United States says this country has the military strength that it needs, that in effect enough strength is enough, and that moreover he knows more on this subject than anyone else. There is no one who can effectively argue these points with him. He is a general who has spent all but a fraction of his life in military service. As President of the United States he receives top secret reports on the military strength of this country as well as any of its potential enemies. And yet, there are other generals who will argue these points with him. And there are men in public life who receive at least part of these secret reports who dispute him as well.

The program follows:

THE MISSILE RACE: TIME FOR DECISION

Mr. MCGEE. It is 1935. On the desert near Roswell, N. Mex., the American physicist, Dr. Robert Hutchings Goddard, and some of his assistants are about to fire a rocket. Dr. Goddard had been experimenting with rockets since he was a child, had successfully fired a liquid-fueled rocket as early as 1926.

This experiment was also successful, but the country heard little about it and cared less.

Dr. Goddard used a parachute to float his experimental rockets gently back to earth. This American scientist pioneered for all the world the design, the fuels, and the guidance systems for today's long-range rockets, missiles, earth satellites, and space flights. American newspapers called him "Mooney Goodard," but German rocket scientists who used his findings to build their World War II rockets said he was ahead of us all.

Another early rocket experimenter in America, Dr. G. E. Pendre, says: "A crowning irony is that if his own countrymen had listened to Dr. Goddard the United States today would be 18 to 20 years ahead of its present position in the international space race. There might, in fact, have been no race."

ANNOUNCER. World Wide 60, an adventure in television journalism. Tonight, the topical story of the missile race. Here is NBC News Commentator Frank McGee.

Mr. MCGEE. This is a bullet. It consists of a case inside of which is powder that explodes and sends this tiny projectile hurtling toward its target.

Now this is a ballistic missile. Its case is called an airframe, inside of which is fuel that explodes and sends a warhead hurtling toward its target. Thus we see instantly that there is no staggering an incomprehensible difference between bullets, with which earlier wars were fought, and guided missiles, with which any future war will be fought; and yet, the United States has developed this proliferation of missiles as it seeks to move from one type of warhead to another; and to bring them to their present state of development we have spent $31,381,000,000.

Now tonight we propose to ask three questions and then answer them insofar as competent and responsible reporters can do so. The three questions: Does this country have the military strength that it needs? If not, why not? Finally, what more can be done?

Now as we ask and answer the first question we will also make some additional discoveries. We will discover, for example, that satellites, or ballistic missiles, are divided by type into groups. All of these on the table here are called surface-to-surface missiles, meaning that they are fired from a position on the ground to a target that is also on the ground. And in this they are exactly like artillery. Well, that's what the Army claimed, of course, as it developed most of these missiles that you see. But that argument sent shivers up the collective spine of the Air Force which claimed in effect that they are not artillery, but pilotless bombers.

The services fought over this bitterly because they realized that their very survival as a service depended on the outcome of that argument. Well, today the argument is largely settled with the Air Force the winner, although the Army still controls some short-range missiles. The Air Force controls those of longer range on which so much, so very much depends.

Some of the longer range missiles travel 1,500 miles, and these are called intermediate range ballistic missiles, or IRBM's. But others travel 5,000 to 8,000 miles. They actually span the oceans, and these are called intercontinental ballistic missiles, or ICBM's. And of these, the most important at this moment is the Atlas. The Atlas is the only ICBM the United States has developed and ready to go.

The first feeble effort to develop this missile began in 1946, 1 year after the end of World War II. But serious work on it did not begin until 8 years later in 1954. During that time we relied almost exclusively on our possession of the atomic bomb and bombers to deliver it for our military defense.

Russia, on the other hand, was doing everything possible to develop missiles while also learning the secrets of the atomic bomb. Our intelligence agents underestimated her ability to do either of these jobs. After we succeeded in reducing the weight of atomic warheads we started seriously to develop missiles as a means of delivering them. Since Russia developed missiles to carry heavier warheads she wound up with more powerful rockets than we have, which is the most glaring advantage that she has over this country today; and today we are told that Russia has about 12 ICBM's ready to fire, compared to our 3. Our intelligence agents say that she will have 35 to 60 by the end of this year, compared to our 15 or 20. Roughly about three times as many as we will have. Now this is the missile lag about which we hear so much. A massive effort is being made to develop other ICBM's, of which the Titan is one. Eleven days ago this missile passed one of its most severe tests. Missiles are built in sections—they are called stages—which separate in flight so the whole missile doesn't have to be flown the whole distance. In this test the first and second stages were separated in flight for the first time, and it was directed to its target by ground controls instead of those located inside the missile. A few days later it failed a test. Both the Titan and the Atlas use liquid fuels which must be pumped in shortly before launching. This takes 15 minutes, just half the time needed by a Russian ICBM to reach its American target. This underscores vividly the desperate need for maximum warning. Because the fuel must be fed at constant rates, these missiles have enormously complex plumbing systems which can, and often have, failed. Storage of liquid fuels is difficult and dangerous, and at the present, above ground.

Until the Titan and the Atlas are enclosed in concrete silos underground, a program that is under way, they will remain soft targets, which means they are easily destroyed by enemy missiles.

Well, prepackaged fuels offer a partial answer since they can be stored and loaded far more easily than liquid fuels for this type of motor. But solid fuels, which are stored inside the missile itself to remain there for years, are better yet, but they don't always burn easily, making control of the missile quite difficult.

Another ICBM under development overcomes two of these basic weaknesses. The Minuteman will have a solid fuel, and it can also be mounted on railroad cars so it becomes a constantly moving launching base, almost impossible for an enemy to follow and destroy.

Three days ago it was announced that development of the Minuteman is a few months ahead of schedule, and with great good luck could be combat-ready by 1962. Well, that's when Russia's missile superiority will be the greatest. There are those who argue that in view of these facts we should skip development of the Titan and split its money between speeding the development of the Minuteman and building more Atlases, which is already developed, but with so few ICBM's ready today much of our defense rests on the shorter range missiles like this Thor IRBM stationed at oversea bases.

One of the first of these bases to become fully ready is at Feltwell in England. These are the first pictures ever permitted of the base. And only 3 days ago was the general press admitted. Since these missiles can travel only 1,500 miles they had to be placed nearer their potential targets. This meant, of course, that we had to have bases located on the territory of other countries, so great diplomatic effort was put forth to secure them, since they make potential Russian targets of each country where they are located.

Generally a squadron—that's a carryover Air Force term—consists of 15 missiles, and these Thors are almost exactly like the Jupiter which was developed by the Army, which would of course use the term "battalion." Both missiles were developed by the rival services simultaneously, and they fought their most bitter battles over IRBM's. When the Air Force won control of even the Army's Jupiter, the latter, the Army, dropped almost completely out of the missile development picture. Since then the Army has fought a mostly losing battle to modernize its ground forces and maintain sufficient manpower for conventional or brushfire wars.

Russia, we are told, has at least 100 IRBM launching bases. Those missiles of course couldn't reach us in this country, but they could reach our bases overseas.

Republican Congressman LESLIE ARENDS, in a report that President Eisenhower urged everyone to read, indicates that we have four such bases in England and have selected sites for two in Italy. Thus, we lag considerably behind Russia in both the ICBM and the IRBM, the most important of the surface-to-surface group of missiles.

Now all the missiles on this table are called surface-to-air missiles, meaning simply that they are fired from the ground to a target in the air, and in this they are exactly like the old antiaircraft weapons. Since the Army used to handle antiaircraft weapons it pioneered the development of these missiles like the Nike-Hercules. The Nike-Hercules is what is called a second generation missile. This means simply that it is based on developments achieved with its parent predecessor the Nike-Ajax. This

missile, intended to bring down invading enemy bombers or fighter planes, is now stationed at bases around principal U.S. cities and is also at bases in Europe and the Far East. This is because we had thought Russia would use bombers in any attack. Instead, she developed the long-range guided missile, and no missile has yet been developed that will intercept and bring down an ICBM.

We have several missiles that can do as the Hercules does, intercept and destroy invading aircraft, but Russia will not attack with aircraft. When our intelligence agents were telling us Russia was building hordes of bombers they were in fact slackening bomber production and concentrating on missiles, yet it is the estimates of these same intelligence agencies that are being cited by some today to support claims that Russia's missile superiority is really not great.

While the Army was developing these surface-to-air missiles, the Air Force and the Navy of course were doing the same thing. Airplanes used to fire guns at each other. When the shift to missiles came along these guns became what we now call air-to-air missiles. The Army never had a role in this, so the conflict here became one between the Air Force and the Navy, and the Navy developed among others of the type the Sparrow air-to-air missile. Well, the Sparrow is not the Navy's best air-to-air missile, and its production will soon be halted in favor of another missile of the same type. But between them, the Air Force and the Navy have developed at least five different air-to-air missiles. The projects and the financing for them were carried on simultaneously. Publicly each service always claims that it is sharing its discoveries with the other services, but scientists working for them have often complained of spending weeks or even months trying to solve a problem that a rival service has already solved.

Today the Air Force is using an air-to-air missile developed by the Navy—the Sidewinder, and that's the only missile, incidentally, that has proved itself in combat. It was used with devastating effect against Russian MIG's employed by Chinese Communists in raids against territory held by Chinese Nationalists. These would be vital weapons in any conventional war, but they would mean little in a war fought with ICBM's.

Well, so far we have seen that the new weapons, although different, actually only parallel the same functions of the old weapons, and in doing so we have partially answered the first question—does this country have the military strength it needs?

It is against this background that the current and often bitter debate on defense is being waged in Congress. The Congressmen and the witnesses in Washington are talking almost exclusively in terms of the large missiles as they argue the principal question of whether enough is being spent for military strength. The Republicans generally say "Yes," the Democrats generally say "No." And the Republicans cite secret intelligence reports to support their view that we are not weaker than Russia. The Democats say these reports claim one thing in public but another thing in private, and are now based on what an enemy might feel like doing, not what he can do.

Air Force generals and admirals who helped prepare the budget now appear before Congress to say they support it but actually need much more money, and the Army plaintively pleads that it be modernized and get strong in case we do fight an old-fashioned war.

But out of all the confusion a few facts emerge clearly. We are relying on ICBM's, on nuclear-powered submarines with shorter range IRBM's, and on the missile, on atomic bomb-carrying aircraft of the Strategic Air Command to give us the military strength we need.

So let's examine them separately, beginning with the ICBM's. Russia has more of these than we have and is building them faster. Shouldn't we be building them faster than we are? Well, that's the question put to Air Force Gen. Bernard A. Schriever by NBC Newsman Roy Neal.

"Mr. NEAL. The President's new budget calls for a total of 130 Atlas and 140 Titan long-range missiles. Do you think that's enough for our national defense?

"General SCHRIEVER. Well, this is a question that I will not attempt to answer directly for the very simple reason that my responsibility is in the field of research and development. That is, bringing the missile to a state where it can be used by the operational command, and in this case, SAC. We have done this, and we have done it in record time. We have exceeded all of our performance specifications. The job of deciding how many we need is something that has to be done at levels above us. There's a lot of war planning information that goes into this. It is a balance of the different systems such as how many airplanes will we have on air alert, how many other systems such as Polaris, tactical units, what contributions they make to the overall deterrent posture. So I am not in a position to say how many we should have in our force.

"Mr. NEAL. Well, we can be specific in your area, research and development. In long-range missiles how well do our developments back up against the accomplishments made by Russia?

"General SCHRIEVER. Well, I think there has been a very tremendous job done in the ballistic missile programs in this country. I think it is generally accepted that we started after the Russians in the development of the long-range ballistic missile. The combined efforts of the military, scientists, and industry I think has been really outstanding. I mentioned that we have an operational Atlas. This was 4½ years after we started the program, the accelerated program in 1954. We not only have it ahead of the schedule that the expert thought we could achieve back in 1954, but the performance of the Atlas is considerably better than we had laid down for it in that time, at that particular time. And when I say performance I mean range, accuracy, and reliability.

"Mr. NEAL. General, from all that we have read, heard and seen, I find it hard to believe that statement.

"General SCHRIEVER. Well, I can understand that. I think that we don't exploit the things that we do to the same extent that they exploit theirs, and I'll give you an example. Just recently they fired a missile to a range over 7,000 miles, and you may recall that they got a great deal of publicity on that particular shot. Yet several days after that we fired two Atlas missiles on the same day within about an hour, and we got very little press coverage on that particular, very, very highly significant shot of that day."

Mr. MCGEE. So we have an ICBM, the Atlas, all developed and ready to go. We will be building them faster, but even so, we could turn them out twice as fast yet. So we will be closing the gap. It's estimated that within 3 years Russia will have 500 ICBM's to our 250.

All right, let's examine the second major component in our missile strength, the nuclear-powered submarine and its intermediate-range ballistic missile, the Polaris. The Polaris is one of the most important and one of the most promising of all the new weapons. It's called an underwater-to-surface missile, which makes it more like a torpedo than anything else. Its great advantage of course is that being on a nuclear submarine it can be moved to any spot in any ocean or sea in the world for a launching site and then lie there completely concealed for many, many months. The missile itself has been fired from underwater, as you are about to see and the device for launching it from a submarine has also been tested, but as yet it has never been fired from a submarine.

Now where do we stand in the development of this missile and the production of them and the submarines to transport them? These are questions discussed by Adm. William F. Raborn and newsman Peter Hackes.

"Mr. HACKES. Admiral, as I recall, the concept of the Polaris missile and the Polaris submarine predate the first Russian sputnik by some time. Why is it that it has taken us so long to get the first George Washington here actually under way?

"Admiral RABORN. Yes; the program does predate sputnik. As you may recall, based on the recommendations of the President's advisory group, the President decided we would put ballistic missiles in ships at sea, and we were partners with the Army from about the last part of 1955 to the middle of 1956 in an attempt to see if we could use the Jupiter missile at sea, but unfortunately due to the large amount of liquid fuel, the danger inherent in that kind of fuel, and the confined spaces aboard ship and particularly submarines, we decided that would not be very practical. Fortunately, about that time the Navy had a splendid breakthrough in the amount of energy—that is, the specific impulse we could get from a solid propellant, and that combined with the advancement in the nuclear warhead and the exploits of the *Nautilus* made it a natural to try to pull all those three together. So it was decided then that we should do this. We set for our first operational goal in 1965, so I'm reminded now of your question, why did it take so long; far from taking long, we have knocked 3 years off the 1,200-mile version of this ballistic missile, and its parent submarine, so in the space of some 3 years we have knocked 3 years off the schedule. That's pretty good.

"Mr. HACKES. Well now, there are those who have said in the recent past that you perhaps could have gone faster or could in the future if you had more money.

"Admiral RABORN. Well, this system is afforded coequal highest priority to anything else that is being done in the United States today. The President has assigned this No. 1 priority coequal to several other programs, as you probably know. Now the question of technical development, we have had adequate funds for this. The question of how many you build, that's another matter, and of course we build just as many as they tell us to and give us the funds to do. We hope as we prove ourselves out a little bit more here in the next few months that the full potentialities of this system will be recognized throughout the country and that we will get permission to go ahead with more of the submarines, but we are going just as fast as we can from the technical development point of view.

"Mr. HACKES. Admiral Raborn, to the best of our knowledge do the Russians have in operation or are they developing a submarine similar to this?

"Admiral RABORN. Well, my personal opinion is that they don't.

"Mr. HACKES. But I don't suppose we can really bank on that?

"Admiral RABORN. Well, I think so. Our intelligence is pretty good, I believe. This is something of course which we expect will be well within their technical capabilities in the future."

Mr. MCGEE. Adm. Arleigh Burke, Chief of Naval Operations, recently told Congress that he was not satisfied with the rate of production of the Polaris and nuclear submarines, and would ask for money to build six more in the next fiscal year. So, like

the ICBM's, they too could be built faster; but unlike the ICBM's, they are not combat-ready and cannot yet be placed on the scales in weighing our military strength against Russia's.

So here we arrive at a preliminary conclusion: Russia does have more missile strength than we have and will continue to be stronger in missiles for perhaps 3 years. However, missiles are not the only weapons, and a missile gap does not automatically mean that we are behind the Soviet Union in overall military strength. To make up the gap we still have the aircraft and bombs and small missiles of the Strategic Air Command, which is the third component in our military strength.

Well, how strong is it? And can it really fill the gap? To report on this here again is Roy Neal:

"Mr. NEAL. Today about 90 percent of the deterrent firepower of the free world is vested in the Strategic Air Command of the U.S. Air Force. That force is made up of some 270,000 men at 70 bases, of which 26 are overseas. There are some 3,000 aircraft at their disposal, but their power lies in the bombers they fly—1,200 B–47's, 500 B–52's, all of which can carry thermonuclear bombs to enemy targets. SAC estimates that 75 to 90 percent of the bombers it can put in the air after an enemy attack could hit their enemy targets. The B–52 is the most modern of our bombers; the latest models deliver their payload via missiles with the unlikely name of Hound Dog, an air-to-ground missile. With it the B–52 can let go its bombs some 500 miles from target.

"The B–47's are now approaching obsolescence and are in the process of being replaced by these B–52's, which in turn are expected to be obsolete by 1965, and for which no replacement is presently planned.

"At present to keep the B–52's effective the Hound Dog missile will be updated by the Sky Bolt which will be much faster and fly much farther when fully developed. The replacement for the airplane, a manned-space bomber No. B–70, has had its development almost eliminated despite the recommendation of key Air Force men like Gen. Thomas Power who state categorically that there will always be a need to fly men over enemy territory, and the B–70 is a way to do it in the future.

"Other experts like General Schriever are concerned with time. Today's decisions will be proved right or wrong in 2 or 3 years. To beat the clock while missiles and planes are being flight tested, bases are built, and crews are trained, and support equipment is produced. Right now to be fully effective our long-range missiles need more warning time and more intelligence information which can be obtained by military satellites if more money for their development is budgeted. Until our missiles are effective and we have enough of them, we must use what we have—aircraft. We must also use our present warning system, which does not give us enough time to get our planes off the ground if attacked by enemy missiles. Those underbudgeted satellites could help in 2 or 3 years; meanwhile the only answer is to keep some planes in the air at all times. Our planes around the world are controlled from the War Room at the headquarters of the Strategic Air Command, Omaha, Nebr. In that room before the Senate hearing skyrocketed his views to a controversial climax we asked the boss of SAC, Gen. Thomas Power, can we right now, today, defend ourselves against the Russians?

"General POWER. Well, right at this moment SAC can carry out that mission, and this is proven by the fact that we are at peace and this world has not been subject to an all-out nuclear war. I might add that this is a really good way to keep it.

"Mr. NEAL. On the other hand, General Power, we hear a great deal about our opponents building their military strength. So I think our next question should be, then: How does it look for the near future, say 2 or 3 years from now? How well will SAC be able to do its job then?

"General POWER. Well, we have problems facing us in this deterrent role, but I would like to make this point, that as these problems increase in scope and complexity, our capability has to increase commensurately if we are to deal with future contingencies as successfully as we have with those in the past. Now, the No. 1 problem is the problem of survivability, of SAC's strike capability in the face of a sneak attack by bombers, or missiles, or both.

"Mr. NEAL. Survivability, that's an interesting word. Can you perhaps pin it down a little more closely for us?

"General POWER. Well, it really means exactly what it says. It means that in the face of surprise attack we must survive. Let me put it this way. It doesn't make any difference how big a force you have before you have sustained surprise attack; the important thing is how big a force do you have left after you have sustained a surprise attack, and what is even more important from a deterrent point of view is, how big a force does a potential aggressor think that you will have left after he has subjected you to a surprise attack?

"Mr. NEAL. I see. Well, General, we have talked here up to this point of building strength. Now we are looking to the immediate future, and what would you say was the minimum buildup requirement to maintain our deterrent strength?

"General POWER. I think what you are striving for is what is the minimum deterrent. I get asked this question quite often, and I give a simple answer. I don't know. And I might also add there isn't any other single man in this world who knows what the minimum deterrent is, with the possible exception of Mr. Khrushchev, and he really doesn't know from one week to another because he might be willing to accept more punishment next week than he is this week.

"Mr. NEAL. Could you at least, General, give us some idea of what sort of equipment we should be getting into, what sort of equipment we should be purchasing, what we should be doing for our future? Not necessarily a minimum requirement, in other words, but the type of equipment we need.

"General POWER. Well, really the crux of the problem is warning, when this dictates your posture and your equipment. Well now, warning really takes care of two different situations. One in which you have some warning and you can configure part of your force to react within that warning. Now another situation is one in which you have no warning and you must configure part of your force so it can survive with zero warning. Now we handle this by what we call a ground alert and an airborne alert. The ground alert is designed to get off the ground in 15 minutes. The airborne alert is in the air at all times so naturally doesn't need any warning. We have sufficient warning against the manned bomber threat. We get this through our DEW line, the mid-Canada line, through radar. We are building a ballistic missile early warning system which will go into operation some time later on this year. When we have complete and reliable warning of course our ground alert will be all that's necessary. Until we are sure of that we can take care of the situation through a simple military tactic, namely, the airborne alert.

"Mr. NEAL. Is there no requirement that you can foresee for such things as a satellite program to give still better warning?

"General POWER. Oh, yes; this is a tremendous program and will insure that we get more warning. Now I said a minimum of 15 minutes is possible. With a satellite working in conjunction with our ballistic missile early warning system we can increase this dramatically.

"Mr. NEAL. How well, sir?

"General POWER. Well, you can practically double the amount of warning you have.

"Mr. NEAL. In other words, give yourself almost 30 minutes.

"General POWER. You can detect them shortly after launch."

Mr. MCGEE. It was General Power's urgent call for an airborne alert that so angered President Eisenhower. That story and the continuation of our report on the missile race after this pause for station identification.

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Mr. MCGEE. Critics of the administration point out that we have fewer long-range and intermediate-range missiles than Russia. The administration answered that we have the nuclear bomb-carrying aircraft of the Strategic Air Command to make up the difference. When the commander of these planes cautioned that with no warning system they might never get off the ground and should instead be kept in the air, reporters took that suggestion to the President at his next press conference:

"President EISENHOWER. Too many of these generals have all sorts of ideas, but I do point this out. I have got the Secretary of Defense, whom I trust, and who I know is honest in his study, analysis, and conclusions. That's Secretary Gates. And beneath him assisting him is the Chairman of the Chiefs of Staff who I similarly trust, and the Joint Chiefs of Staff with those two are my military advisers, and I have been long enough in the military service that I assure you that I cannot be particularly disturbed because everybody with a parochial viewpoint all over the place comes along and takes and says that the bosses know nothing about it."

Mr. MCGEE. The administration is trying to maintain an earlier system of warfare while developing a newer system, and to move sensibly from one to the other without becoming weak enough to invite attack as the changeover is made. Well, this is an extremely delicate maneuver. And perhaps only the administration with its exact information on our strength and its educated estimates of Russian strength can judge if it is being carried off. But to fully answer the first question that we posed—does this country have the military strength it needs? We will have to say this, we do not have the missiles. We do have the bombers. But today there is no assurance that the bombers will even get off the ground, and since they are the only answer to Russia's lead in missiles we must conclude, no, we do not have the military strength we need.

And that leads us to the second question. Why not? Well, we already have part of the answer. We relied too much on the heavy atomic bomb and the big bombers to deliver them, and we underrated Russia's ability to build any atomic bomb, to say nothing of lightweight ones or long-range missiles to deliver them.

Getting off to a late start, all the services launched similar development projects and fought bitterly amongst themselves, since each realized that in the future only the service that had the missiles would survive. Now this happened under a Democratic administration and carried over into a Republican administration. Ruben B. Robertson, Jr., served as Deputy Secretary of Defense during a critical part of that time. Starting in 1955 here he recalls the climate of those early days:

"Mr. ROBERTSON. The scientists had only recently pointed out great developments in atomic weapon strength in lighter weights, and this opened up a field which had not formerly seemed practical to have ballistic missiles which had much greater values in

these 5,000-mile missiles than the air-breather type of missiles, and it was decided to go ahead with highest priority, and the job was given to the Air Force.

"In that period, however, the President and Mr. Dulles became increasingly aware of the shorter term need. This long-range missile was going to take quite a few years, and it was determined that a quicker job could be done on a 1,500-mile missile, and how could that be done best? And after careful review it was decided that the Army ballistic missile group under Dr. von Braun at Redstone, who had been working on a short-range missile, could be expanded quickly and under major effort have the best chance of being in being. But also, the risk of its not being ready indicated the desirability of double-tracking, so the Air Force was given the second role of bringing into being its Thor missile—the Jupiter and the Thor.

"Now this program, including double-tracking of both length missiles, I believe, was organized in a way to get the maximum speed and effort and be ready to put them into operation. This had the fullest support of the President, Mr. Dulles, Mr. Wilson, and the full priorities of the Government were behind it. These programs were explained to Congress, and I believe after days of discussion it was approved by Congress. Everything possible was done during that period. I personally saw many of these companies, and whole industries were providing this kind of rapid support.

"Mr. HACKES. Mr. Robertson, we hear some talk nowadays and in the recent past that perhaps had we spent more money at an earlier time we would have been further ahead in this whole missile business. Did you feel anywhere along the way during your years in the Wilson regime that you could have used more money to develop faster?

"Mr. ROBERTSON. Mr. Hackes, certainly during the period as these decisions were reached the President and the whole administration gave the fullest support in terms of the money that was required against the scientific jobs to be done. We moved forward in the ballistic program at the rate of from very low amount of money, a few millions, to two hundred million, five hundred million, a billion and a quarter, and that was moving as fast as the basic scientific work could be done. We were at times asked to take additional money, perhaps five hundred million or a billion more. It could have been wasted; but as far as I could see, carefully following it, there was enough money for the jobs that were needed or could be done at that time."

Mr. MCGEE. And now we come to the third and in many ways the most important question: What more can be done? Since the greatest immediate threat is from enemy and long-range missiles, a means of intercepting and destroying them must be developed, and for a report on this here again is Peter Hackes.

Mr. HACKES. Well, the blunt, inescapable fact is that we have no defense now against enemy ICBM's, and we won't have for some time to come. There have been several anti-missile systems to propose. The Air Force once had one called Project Wizard, but it never was given more than a token amount of money, just a study contract. More recently, an advance Bomarc has been proposed by the Air Force as an antimissile weapon. The Army for some years has been working on an anti-missile-missile system to be called Nike-Zeus. It is a controversial system. The Air Force and other factions inside the Pentagon have called it impractical and unproved, and, to say the least, too costly. The Army itself says it can't develop Zeus and its bases for less than $6 billion to $10 billion. To date, just under $600 million has been spent on Zeus, most of it in research and development. Early this month the Nike-Zeus test model was fired successfully at White Sands, N. Mex. It's a so-called bullet-to-bullet—a missile to knock out a missile system which some experts say is not nearly as good as a vehicle which might set up a field of radiation, for example, which would kill an enemy missile without having to hit it. And Nike-Zeus, if it works, might knock out its enemy nuclear target precariously close to the American cities at which it is aimed, thereby creating a possibly dangerous atomic fallout situation for the population.

Thus, the theoretical battle over how best to develop a workable antimissile system continues. The Army, out to silence its critics and incidentally to remain in the space business, must prove the Nike-Zeus concept is a good one.

Two days ago the Army released a film of what is called the first kill of a ballistic missile in flight—the weapon, the Army's Hawk, a supersonic interceptor missile for antiaircraft use. It was fired at White Sands against another Army supersonic missile, Honest John. As this film reports, the shot was successful, and the Army now says it feels it has established the feasibility of the system which will lead to Nike-Zeus.

The Honest John was shot down from a height of 7 miles. That's about as high as the Hawk will strike a target. But the Russian intercontinental missiles will be far more highly developed than Honest John. They will be flying at speeds of about 16,000 miles an hour, hundreds of miles up in space. It is a far cry from the Hawk's demonstration to the success of Nike-Zeus, although the Hawk firing is a good step in that direction. And at this point it has not yet been decided by the powers that be whether Nike-Zeus can ever become a workable antimissile weapon.

For some important answers to the Zeus question we decided to go to one of those powers, a man whose opinion will carry at least as much weight as any other, the Defense Department's Director of Military Research and Engineering, Dr. Herbert F. York.

"Mr. HACKES. With so many millions already spent on an antimissile weapon, that is, the Nike-Zeus, what is taking it so long to decide whether Nike-Zeus will ever be useful?

"Mr. YORK. Well, there simply are a number of very important technical problems left that we are not going to get answers to, or we are not going to be satisfied with the answers until we can actually see these perform in a real experimental case rather than just on paper. It is going to take a couple of more years to get such tests actually performed.

"On the other hand, we are following it very closely and there could be some reason for changing our minds, at the present time we decided not to go into production on the Zeus. This could perhaps change, even before such steps, if other factors made it seem more important, more urgent than it now seems, made the prospects look better than they now seem.

"Mr. HACKES. Well, if it is going to take some year or two before we can decide whether to go ahead with Zeus, wouldn't it be something of a practical matter to be working at the same time right now with some parallel system to take over if Nike-Zeus is dropped?

"Mr. YORK. Well, we are examining on a more of a research basis and study basis quite a few alternatives to Zeus. None of them are as far along or even as promising as Zeus at the present time. But we are looking into methods for making the intercept closer to launch than so close to the terminal point, looking into other methods for detecting missiles than the method used by the Zeus, other possible methods of making the interception and making the missile kill, as we call it. The collection of all of these other attempts is what is known as the defender program, which is the program of the Advanced Research Project Agency. These are not parallel to Zeus in the sense that they have roughly equal amounts, they are the same size, or that they could be done in the same time, but they are alternatives to Zeus, and they are being pursued at a level in total of around an additional hundred million dollars a year."

Mr. MCGEE. Well, many of these matters are being argued today by Congress. Let's get representative political views on whether enough is being done by turning first to Republican Senator STYLES BRIDGES, of New Hampshire.

"Mr. BRIDGES. I think the U.S. Government today as a result of the action of this administration has put national security ahead of all other matters, and I think they should because I think the survival of this country is the most important thing to every American and to the free world.

"Now the proof of the pudding is in the eating. And the proof of the pudding is that after 7 years of the Eisenhower administration this country today has the most powerful military offense in the world, and that is borne out by the fact not only what President Eisenhower, with his vast experience, has said, but also statements of the Joint Chiefs of Staff and others on whose shoulders the responsibility will fall to defend this Nation in case of an attack.

"In other words, we have got away from the feast or famine policies of the past in defense, and we are in that position today, and as long as we fail to measure on some individual item where comparisons can be made I think that statement is true."

"Question: Senator, you've been extremely critical of the administration's conduct of our missile defense effort. What basically do you feel is wrong with it, and why?

"Senator SYMINGTON. The people of the United States are not getting the facts, and I intend to give the facts consistently. That's my job as a Senator in the Armed Services Committee. Our program is lagging because we will not spend the money to equal Soviet production. We have got good long range missiles, good short range missiles. We have a good new airplane in the B–58, but we are not willing to put up the money in order to stay strong so that we can stay free. I am one of those who believe that permanent peace can only come through disarmament agreement, and that our only chance for successful negotiation is to negotiate from a position of relative strength."

"Question: Does the public play a role in this missile program? Do we lack this so-called sense of urgency in this country?

"Senator SYMINGTON. We lack a sense of urgency only because the leadership doesn't give us that sense. The people are complacent. They are not soft, however, in my opinion. They will do whatever is necessary in order to stay strong so as to stay free, but they have to be led and they have to be told the truth."

"Question. Senator BUSH, in your opinion, are we producing enough of the big missiles to deter an enemy attack? In other words, is the Nation safe?

"Senator BUSH. Well, I certainly don't think the Nation is safe, and I don't think we are going to be safe for a long time to come because there isn't anything that can stop an attack, a launching of intercontinental ballistic missiles from Europe if they want to launch them, and nothing can stop them landing here. I think that we are not producing enough big missiles to deter an enemy attack, but if you look at our overall defensive position and the position that we are developing, not only in connection with the ICBM, but the intermediate range, the Navy missiles, the Polaris missiles launchable from a submarine, when you consider these things together I believe that we are

building a deterrent; I believe we have a deterrent, in the first place, which would make it extremely unwise, in fact highly unlikely that we would be attacked, but as our deterrent is being built up I believe that we will continue to have that protection, but we have got to keep building it up at a satisfactory rate. We can't slack on this, and we are going to have to face the fact that we are going to have a big defense budget not only this year and next year, but for a good many years to come.

"Senator JACKSON. The problem is will we be able to do it next year and the year after? At the moment the Soviets have, and according to our own experts in the Department of Defense representing the administration, they now have and will continue to have a very substantial lead in ICBM's, intercontinental ballistic missiles. Now an ICBM can reach its target in 30 minutes from the point it has been launched to point of impact. A manned bomber takes many, many hours to get to the target. At the moment we have the deterrent capability because the Soviets have a limited number of intercontinental ballistic missiles. But the problem is that next year and the year after they will have a very substantial number of ICBM's. We will not. We will, therefore, be placing in jeopardy our means of preventing war; namely, the preservation of our retaliatory force.

"Now what do we do about it? Well, what we must do is to get those ICBM's for 1961, 1962, and 1963 by putting the orders in now. You see, you can't go down in a bargain basement and buy them. It takes a year and a half to 2 years to get them, and unless we take the action now we won't have them next year and the year after, it's that simple.

"Question. Senator, President Eisenhower disagrees with you, I might say, rather emphatically. He says that we have all the defense we need and that he as a military man knows best about these things.

"Senator JACKSON. Well, frankly there's been too much of this 'Papa knows best.' There are just a long list of generals recently that have opposed the President, disagreed with him violently. I like to remind the American people once again that shortly before Korea Mr. Eisenhower came down to Washington and advised that the maximum amount of money that we could spend on our defense budget was $14 billion. It wasn't long before we had to raise it to $40 billion.

"Then we were told by Mr. Eisenhower prior to sputnik that everything was fine, that we didn't need to worry. Then he had to come out after sputnik and admit that we were behind in the missile and the satellite area. So his record has not been perfect and he, like most of us, is fallible; indeed, he is not infallible."

Mr. MCGEE. President Eisenhower says that the people must make the final decision, that if the people inform themselves they will make good decisions. Well, millions of words intended to inform have been written and spoken on this subject, so we thought it would be interesting to learn the present state of public thinking on these most important questions.

"Question. Do you think we are behind Russia in missiles?

"MAN. Well, that's a loaded question because some of our big brass in Washington say one thing and the others say another, and President Eisenhower says something else, so I don't know. Offhand I'm a little leery. I think maybe we possibly are behind.

"Question. Do you think we are behind Russia in missiles?

"WOMAN. From everything I've read, I think that. That's the only thing I have to go by.

"Question. Are you worried about the Russian missile threat?

"WOMAN. Yes; very definitely. And I think everybody else should be too.

"Question. This is Mrs. Stephen Epstein of Atlanta. Mrs. Epstein, what do you think of our missile program?

"Mrs. EPSTEIN. I think that it's a very important thing, and I think that the whole thing has been handled very well. Of course, we are relatively new in field, but I think we have spent a lot of money, but it's a worthwhile program.

"Question. Do you think we're behind Russia in missiles?

"Mrs. EPSTEIN. Well, no; I don't. I think that President Eisenhower says we are not; if he thinks we are not, I'm not one to argue with the boss.

"MAN. Well, I think our missile program is all right. The only thing about it, I think we got a late start behind Russia and I think just give us time and we will catch up with Russia. It might take a year or two, but I think all you got to do is just give us the time. In other words, we just got started later than Russia did on that program and I think that we will catch up.

"Question. Do you worry particularly about the Russian missile threat and program?

"WOMAN. No; I don't, because I think that the people we have elected to our Government are advised and capable of taking care of that, and I think they are.

"Question. Do you have the feeling that we are lagging behind Russia in the missile program?

"WOMAN. Well, according to all reports we are.

"Question. Does this particularly worry you? Does the Russian missile threat bother you personally?

"WOMAN. Well, no, I'm afraid it doesn't personally. I'm afraid I don't let that bother me. There's too many other things I feel like are more important. Maybe they are not, but they are to me personally.

"Question. May I ask you what you think of our country's missile program?

"WOMAN. Well, I think that we are progressing, but I think we need to have more appropriations so we can go farther than what we have. I think we are behind. I think Russia is very much ahead of the United States and I think we need to have more appropriations so we can go ahead.

"Question. Does this fact bother you? Does the Russian missile threat bother you personally?

"WOMAN. Well, I can't say it bothers me personally; no. But as a whole, for my family and for the future generations it does worry me.

"Question. What do you think of our country's missile program?

"MAN. Well, I think they are doing everything possible to get this thing underway. Sometimes you begin to be concerned about them being a little sluggish about it, but I think the powers that be are pretty well on their toes up there. They know what is going on.

"QUESTION. How about the Russians, do you think we are behind them?

"MAN. That's the biggest joke I ever—they are only trying to frame us American people. We're too far ahead of them by a hundred percent.

"Question. How about what they call the Russian missile threat? Are you worried about it?

"MAN. No; not while we got the boys down in Washington. We don't have to worry about none of those guys.

"WOMAN. I really think they should do something about it. Whether they need more money or not I don't know because I haven't studied it enough, but we are behind according to what everybody says, and I would like to see us, you know, be up with them.

"Question. Are you worried about the Russian missile threat?

"WOMAN. No.

"Question. What do you think of our missile program?

"MAN. What do you mean by what I think of the missile program?

"Question. Is it going well?

"MAN. Going well? I just don't think it's going as fast as a place like the United States, as big as the United States, should be going.

"Question. Well now supposing somebody runs for Congress and says we have got to spend a lot more money for missiles. Do you vote for him or against him?

"MAN. Well, I would have to look at the issues first. I mean I'd have to know more about what they want it for and how deep they are going, because I believe there are a lot of other things that are more important here in our own country.

"Question. Sir, do you think we have enough missiles in our arsenal?

"MAN. Well, I don't know. I'm not much on that kind of stuff in general.

"Question. Do you think we're spending too much money for our Armed Forces?

"MAN. Well, no; I don't think we are because it's helping a lot of people working, you know, keeping a lot of people working.

"Question. If we were to have a bigger bunch of missiles would you be willing to pay higher taxes to get them?

"MAN. Well, if it helps everybody work I would, you know. That's the main thing nowadays, to try to keep people off of unemployment.

"Question. Sir, what do you consider the state of the United States missile programs?

"MAN. Well, I'm a newcomer to the States. I just came from London, and I think that they are treating the Russian threat much too lightly.

"Question. Would you spend more tax money to get more missiles?

"MAN. Yes, I think I would. I think you 'got a wonderful country here and it would be a pity to see anything happen for the want of spending a few more dollars.

"Question. Do you think this country has enough missiles?

"WOMAN. Don't ask me, I wouldn't know. They are wasting plenty of money on them anyway.

"Question. Do you think we are spending too much money on them?

"WOMAN. Yes; I do.

"Question. How about the Russians, you're not worried about them spending a lot?

"WOMAN. Well, they are way ahead of us.

"Question. But you don't think we have got much to worry about?

"WOMAN. No."

Mr. MCGEE. On Wednesday of this week, as the debate in Congress grew even more fierce, President Eisenhower decided to visit Cape Canaveral, Fla., to see for the first time a military missile facility. The next day at his press conference the President said he felt much better about our missile program.

In our study for this program we have found that whereas the President says the people must make the final decision, they are instead generally relying on the decisions that he has already made.

The President of the United States says this country has the military strength that it needs, that in effect enough strength is enough, and that moreover he knows more on this subject than anyone else. There is no one who can effectively argue these points with him. He is a general who has spent all but a fraction of his life in military service. As President of the United States he receives top secret reports on the military strength of this country as well as any of its potential enemies. And yet, there are other generals who will argue these points with him. And there are men in public life who receive at least part of these secret reports who dispute him as well.

Well, I have neither the expertness of a long military and scientific background nor

access to the top secret reports that would enable me to choose without error between them, nor has any other reporter. I can only study, as I have, and arrive at a relative judgment. And this would be my relative judgment. Concede the President every claim that he makes, and there would still remain a most precarious balance between the military strength of this country and that of the Soviet Union.

We are spending $40 billion a year for defense. It would take such a little more to make what might be a vital difference, a little more to build the rockets that they have developed more rapidly than we are doing, a little more to keep SAC strong and effective, and a little more to speed development of the interceptor missiles and the warning systems that we are told are waiting only for this money.

I firmly believe that at the very least this money should be spent. It amounts to this: We have a good insurance policy, we firmly expect to have an even better one, but it would be sheer folly to allow one to lapse before we actually do have the other.

This is Frank McGee, NBC News. Good evening.

At his news conference of February 3, 1960, President Eisenhower stated that the people "can make the decisions. All you have to do is to inform yourselves and you will make good decisions."

I feel that much of the confusion both in the minds of the people and in the statements within the administration itself are due to the need for the firm and clear decisions by the President himself. If the President takes the initiative to make the decisions and would inform the people boldly, clearly and precisely, then the people would be able to get the facts.

In approaching issues of national security, and the space and missile program, I trust that the President will also keep in proper perspective the over-riding importance of education as the basis for our national security now and in the future. More important than the military hardware we build today or the man we put in space tomorrow are the brains of the Nation which will enable us to press onward and constantly improve our technology. We need not only scientists and engineers to compete with the Soviet Union, but we need people trained in the social sciences to help point the way toward higher living standards and to find the means for world peace. And we need people trained in the humanities to help us use intelligently our new-won leisure, and to help raise the moral tone of society. I trust, therefore, that the President will stress that education is the very foundation of national security.

And so, when the President goes on the air Sunday night, the hopes and the prayers of the Nation will be with him. The Nation holds out the fervent hope that he will speak with the all-powerful voice of national leadership.

We all wish for the President good health, clear vision, the power of executive decision, and above all the leadership to inform the people, stir the people, and unify them to move forward to achieve America's national destiny.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Illinois.

Mr. YATES. I think the gentleman has made a very excellent statement. I would like to submit this thought for the gentleman's consideration. Is there not much more than international prestige involved in this? Was not the statement made before your committee by George Allen on what the effect of this sputnik had been in terms of our commercial relationship with other nations, and did he not testify before your committee that the purchasers in other nations have looked to the Soviet Union more than they had in previous years for the purchase of their mechanical equipment?

Mr. HECHLER. The gentleman is correct.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Michigan.

Mr. FORD. The gentleman is a member now and was a member during the last session of the Space Committee. Did he last year, when the budget for the Space Agency was before the Congress, object in any way whatsoever to the reductions that the Congress made in the President's request for funds for NASA?

Mr. HECHLER. No; I did not.

Mr. FORD. How can the gentleman then complain about lack of leadership in 1960 if he made no effort to remedy the fund deficiencies that the Congress perpetrated in 1959?

Mr. HECHLER. It seems to me that the President occupies a unique position of leadership to articulate the needs for this program. After all, we here in Congress have the function of examining what the President proposes. We have repeatedly on occasions in the past, and I cite the case of the Polaris submarine as one example, appropriated money which was not spent by the executive branch.

Mr. FORD. I would like to correct the RECORD on the Polaris submarine. The money was obligated in the fiscal years in which it was made available. If I am wrong, I will stand corrected, but I believe the gentleman is in error.

Mr. HECHLER. I will cite another example, the case of the Nike-Zeus, where we had testimony before our committee that $137 million had been appropriated for the fiscal year 1960 for this very vital program, but the executive branch refused to allow it to be spent.

Mr. WOLF. Did I understand that the gentleman has asked to place the entire statement of General Medaris in the CONGRESSIONAL RECORD?

Mr. HECHLER. That is correct, I will say to the gentleman from Iowa.

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia, who was kind enough to yield me a portion of his time, have permission to proceed for an additional 10 minutes.

The SPEAKER. If that is agreeable to those who have special orders following the gentleman, and without objection, it is so ordered.

There was no objection.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I am happy to yield to the gentleman from Michigan.

Mr. FORD. The gentleman, as he said in the announcement sent to all offices in the House and as he indicated here, has been critical of the President's leadership, not only in the space programs, but I gather in certain military programs.

I think it is proper to point out, because according to my information these are the facts, that the Congress must share some blame if there is to be blame passed around. First, over the last six sessions of the Congress, the Congress, has reduced in toto the President's military budget by $1.9 billion. So if there are any fund deficiencies for programs that are essential now and in the future, the Congress must share certain responsibility in that regard.

Second: In the last two sessions of the Congress the Space Agency has had its budget cut by the Congress to the extent of approximately $80.4 million. We have heard a considerable amount of criticism in the last few months about the inadequacies of our space program. Much of this criticism has been coming from people in the political arena.

Every time I hear those criticisms I wonder whether that individual in either this body or the other body raised his or her voice to protest these reductions which were made in the funding program the President recommended for the National Aeronautics and Space Agency. Very few people in either this body or the other body made any effort even to fund the President's space program to the amount he recommended. Is that an accurate statement?

Mr. HECHLER. I would say to the gentleman from Michigan I am pleased with his remarks about the funding program.

Mr. FORD. I protested myself the cuts in the Space Agency budget when it was on the floor of the House in 1958 and again last year. The record will so verify.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Illinois.

Mr. YATES. With respect to what the gentleman from Michigan has stated, let me point out that the President of the United States has had occasion to veto appropriations bills that have been passed by the Congress of the United States. One example was the independent offices bill of the last Congress. Another was the public works appropriation bill. So that if the President of the United States believed that the funds that were voted by the Congress for the Department of Defense were inadequate, he had the opportunity to veto it and sent it back to the Congress, telling them that in his judgment the bill was inadequate for the purpose he had sent it up there for in the first place.

Secondly, with respect to the declaration of the gentleman from Michigan as to whether or not the gentleman from West Virginia had protested against the cut in the appropriation for the National Aeronautics and Space Administration, I have in my hand the report on the supplemental appropriation bill for 1960

which contains the appropriation for the National Aeronautics and Space Agency, and which showed that the cut was $45 million out of a total appropriation of $485 million.

With the gentleman's permission I should like to read just how this reduction was distributed. I quote from page 4 of that report under the heading "National Aeronautics and Space Administration":

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The committee has considered budget estimates totaling $530,300,000 for the National Aeronautics and Space Administration, including $45 million for the fiscal year 1959 and $485,300,000 for the fiscal year 1960. The committee recommends appropriations totaling $484,800,000, which is an increase of $145,894,168 over the obligational authority presently available in fiscal year 1959, including the $154,619,532 transferred from the Department of Defense shortly after the new agency was created. This is a reduction of $45,500,000 in total budget estimates. The legislative authorization for these appropriations is contained in Public Laws 86–12 and 86–45.

Salaries and expenses: The $91,400,000 included in the bill for salaries and expenses is an increase of $17,251,002 over the comparable amount in 1959, or 23 percent, and is a reduction of $3,030,000 in the budget estimate. This appropriation finances all salary costs for NASA personnel, most of the expense related to the operation of the NASA research centers, and certain other activities.

The amount approved provides for a staff of 9,836 employees in 1960. This is an increase of 875 over the total number of authorized positions in 1959. It provides for substantial expansion of effort in space and missile research.

Research and development, 1959: The committee recommends $18,675,000 for research and development under the fiscal year 1959 authorization. The budget estimate is $20,750,000. The entire item is for the design, engineering and beginning construction of 12 satellite capsules. Funds for 1960 include an additional $70 million for the balance of such procurement, and for 25 ICBM boosters.

Research and development, 1960: The committee considered a budget estimate of $333,070,000 for this purpose and recommends $300 million. This appropriation provides funds for the support of NASA research centers, all costs of operating the Jet Propulsion Laboratory including salaries of its 2,300 employees, research contracts with universities and other organizations, research by contract with private firms for specific areas of activity, and for the procurement and development of specific vehicles.

Language has been included in the bill which will require the specific approval of the Space Committees of the Congress on projects of a capital nature over $250,000 instead of mere notification. The legislative committees keep the authorized program under their control and this prevents the handing over of blank checks to the agency.

Construction and equipment, 1959: The bill contains $22,725,000 for this item as compared with the budget estimate and authorization of $24,250,000. It includes $9 million for new facilities, improvements to existing facilities, and the acquisition of approximately 70 acres of land for the modernization and expansion of the Jet Propulsion Laboratory.

Construction and equipment, 1960: The committee recomemnds an appropriation of $52 million for construction and equipment items for 1960, which is a reduction of $5,800,000 in the budget estimate. All the items proposed have been approved but it is believed the NASA can make savings in the total program to the extent of the reduction. If additional sums are needed they can be obtained from other available appropriations under the 5-percent transfer authority included in the bill. Language has also been included requiring the approval of the Space Committees of the Congress for any new facilities which have not been previously authorized. This prevents the handing over of blank checks.

General provisions: The Committee is aware that unanticipated needs may arise in a scientific organization of this type and has included language authorizing the transfer of up to 5 percent between appropriations.

Language has also been included in the bill making the general provisions of the independent offices appropriation bill for 1960 applicable to the National Aeronautics and Space Administration inasmuch as funds for this agency would normally be carried in that bill.

May I point out to the gentleman from Michigan that during the debate on the Space Agency's appropriation in the House last year on June 29, $18 million of the cut was restored. These additional funds, plus the provision of flexibility which permitted the Agency to shift funds as it needed them, as is shown in the committee's report, gave it, to all intents and purposes, the amount of money that had been approved by the President's own Bureau of the Budget.

My own feelings are that in this race we have with Russia in the missile field, a race toward equality, because I think now we are behind Russia in the missile field, I would have given the full amount that was requested for this appropriation. But the gentleman has been a member of the Appropriations Committee as long as I have, some 12 years.

Over that period of time, the gentleman, too, has engaged in reductions. I think that ordinarily he would have considered, as I think the members of this committee considered, and neither of us was a member of this committee, that the members of this committee did not err too greatly in having made a minor reduction of this type. Perhaps, it was unfortunate that it was done for the Space Administration. I agree with that, but in the total amount of money, taking $45 million from a total of $485 million, that is not an unusual amount or unusual thing for the Congress to do.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Michigan.

Mr. FORD. May I have a minute to respond to the gentleman from Illinois? The reduction last year made by the Congress totaled approximately 10 percent below the President's budget for the Space Agency. Under no circumstances am I contending that that $45 million would have catapulted the United States ahead of the Soviet Union in the one area that we are behind, the area of thrust or propulsion. We know that that is going to take several years and a considerable amount more than $45 million. My only point is this: Some of the critics of the President's space programs, when they have the chance to do something affirmatively and constructively—when they have that opportunity—they never raise their finger to give assistance. Many, if not all, have never made one effort, to my knowledge, on the floor of the House to even fund the program to the extent that the President requested.

In other words, I question to some extent their sincerity in trying to make the space program better. I simply suggest that some of the criticism might be politically motivated.

Mr. YATES. May I say to the gentleman that Mr. Eisenhower is the President of the United States; he is the leader of all the American people; he is your leader as well as my leader, and he is supposed to give us leadership as a nation. The gentleman from West Virginia has contended that Mr. Eisenhower has not demonstrated that leadership and he has done so very powerfully by quoting the President's own statements in his press conferences where he has said our international prestige is not at stake in the space race. I am sure the gentleman from Michigan does not agree with the President in that statement. I am sure he will agree that there is clearly involved here the question of our national prestige.

Mr. HECHLER. I would like to ask the gentleman from Michigan right there whether he would agree with the statement that our international prestige is at stake in this space race. Would he agree with that or disagree with that statement?

Mr. FORD. I will answer in this way. I have supported the President, as my record will show very substantially, in the 7 years that he has held office. My areas of disagreement with him are few. I said before, and I will say now, I have not agreed with the space program that the administration has sponsored. But, I have a greater area of disagreement with the democratically controlled Congress because it has not even supported the President's program with necessary funds.

Mr. HECHLER. I would say to the gentleman that money is not everything.

Mr. FORD. No; but it buys a lot of hardware and research and development.

Mr. HECHLER. We are engaged in a great battle of psychological warfare in which every man, woman, and child in this country is involved. That is why I am calling for the President to exert the leadership that will make the people of this country realize the crisis they are facing. What we do in the Department of Defense or in the National Aeronautics and Space Administration is important, but it is equally a fact and even more important that the people in this country must understand the nature of the crisis and support the work that we are doing. So this is much more than a question of money.

Mr. YATES. Let me point out that there is involved here too the question of psychology. The gentleman from Michigan is talking about reductions in appropriations by a Democratic Congress. I think some of the reductions have been deplorable. But is this not a perfectly natural thing to have done when one considers the psychological impact not only of the President's demands in stressing economy, but of the

former Secretary of the Treasury, George Humphrey, who came before our Committee on Appropriations at a time when the President's budget had been submitted only a few days before, and saying that the budget can be cut? He was the one who said the budget could be cut. And when the President was asked about that, he, too, said he thought the budget could be cut in some respects. The President himself sent up this budget. The President did not protest as to any reductions that had been made by the Congress. He could have vetoed the bills if he thought the reductions were too drastic. He paid no attention to them. As a matter of fact, I would not be surprised if the President did not approve of the reductions that had been made in view of the statements that he had been making.

Mr. HECHLER. Mr. Speaker, with respect to the Polaris submarine, I would like to point out that in the fiscal year 1958 supplemental appropriation, the President recommended appropriations for three Polaris submarines, and the Congress appropriated funds for three Polaris submarines. Now in the fiscal year 1959, the President's budget recommended two Polaris submarines, but the Congress appropriated funds for six Polaris submarines.

Although Congress appropriated the funds in the summer of 1958 for these additional Polaris submarines, the Bureau of the Budget withheld funds for one Polaris submarine until December 30, 1958, and the Bureau of the Budget refused to release funds for three additional submarines until the very last day of the 1959 fiscal year—June 30, 1959.

Mr. Speaker, I would like to suggest that at this moment the subcommittee of the House Committee on Science and Astronautics on which I am serving is meeting, and I feel it incumbent to attend that meeting.

I ask unanimous consent at this point that all Members may extend their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 345)

The SPEAKER laid before the House the following message from the President of the United States, which was read by the Clerk and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I herewith submit to the Congress the articles of agreement for the establishment of the International Development Association. I recommend legislation authorizing U.S. membership in the Association and providing for payment of the subscription obligations prescribed in the articles of agreement.

The Association is designed to assist the less developed countries of the free world by increasing the flow of development capital on flexible terms. The advisability of such an institution was proposed by Senate Resolution 264 of 1958. Following this resolution, the National Advisory Council on International Monetary and Financial Problems undertook a study of the question. The Council's conclusions and the favorable response of representatives of other governments who were consulted during the course of the study have resulted in the articles of agreement which satisfy the objectives of that resolution and which I am submitting herewith. The accompanying special report of the Council describes the articles in detail.

We all know that every country needs capital for growth but that the needs are greatest where income and savings are low. The less developed countries need to secure from abroad large amounts of capital equipment to help in their development. Some part of this they can purchase with their current savings, some part they can borrow on conventional terms, and some part is provided by private foreign investors. But in many less developed countries, the need for capital imports exceeds the amounts they can reasonably hope to secure through normal channels. The Association is a multilateral institution designed to provide a margin of finance that will allow them to go forward with sound projects that do not fully qualify for conventional loans.

In many messages to the Congress, I have emphasized the clear interest of the United States in the economic growth of the less developed countries. Because of this fundamental truth the people of our country are attempting in a number of ways to promote such growth. Technical and economic aid is supplied under the mutual security program. In addition, many projects are assisted by loans from the Export-Import Bank, and we also participate with other free world countries in the International Bank for Reconstruction and Development which is doing so much to channel funds, mainly from private sources, to the less developed areas. While we have joined with the other American Republics in the Inter-American Development Bank, there is no wide international institution which, like our Development Loan Fund, can help finance sound projects requiring a broad flexibility in repayment terms, including repayment in the borrower's currency.

Conceived to meet this need, the International Development Association represents a joint determination by the economically advanced countries to help accelerate progress in the less developed countries. It is highly gratifying that so many other free world countries are now ready to join with us in this objective.

The Association is a cooperative venture, to be financed by the member governments of the International Bank. It is to have initial subscriptions totaling $1 billion, of which the subscription of the United States would be $320.29 million and the subscriptions of the other economically strong countries would be $442.78 million. The funds made available by these countries would be freely convertible. The developing countries would subscribe $236.93 million, of which 10 percent would be freely convertible. Members would pay their subscriptions over a 5-year period and would periodically reexamine the adequacy of the Association's resources.

The International Development Association thus establishes a mechanism whereby other nations can join in the task of providing capital to the less developed areas on a flexible basis. Contribution by the less developed countries themselves, moreover, is a desirable element of this new institution. In addition, the Association may accept supplementary resources provided by one member in the currency of another member. Thus, some part of the foreign currencies acquired by the United States primarily from its sales of surplus agricultural commodities may be made available to the Association when desirable and agreed to by the member whose currency is involved.

The articles of agreement give the Association considerable scope in its lending operations so that it can respond to the varied needs of its members. And because it is to be an affiliate of the International Bank, it will benefit from the long and successful lending experience of the Bank. By combining the Bank's high standards with flexible repayment terms, it can help finance sound projects that cannot be undertaken by existing sources. With a framework that safeguards existing institutions and traditional forms of finance, the Association can both supplement and facilitate private investment. It will provide an extra margin of capital that can give further momentum to growth in the developing countries on terms that will not overburden their economies and their repayment capacities.

The peoples of the world will grow in freedom, toleration, and respect for human dignity as they achieve reasonable economic and social progress under a free system. The further advance of the less developed areas is of major importance to the nations of the free world, and the Association provides an international institution through which we may all effectively cooperate toward this end. It will perform a valuable service in promoting the economic growth and cohesion of the free world. I am convinced that participation by the United States is necessary, and I urge the Congress to act promptly to authorize the United States to join with the other free nations in the establishment of the Association.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 18, 1960.*

BOARD OF VISITORS, U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 U.S.C. 1126c, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. HOLTZMAN, New York; Mr. MCINTIRE, Maine.

AGRICULTURAL ACCOMPLISHMENTS DURING THE EISENHOWER ADMINISTRATION

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. HOEVEN] is recognized for 30 minutes.

Mr. HOEVEN. Mr. Speaker, this morning the Secretary of Agriculture made a most comprehensive and imperative statement regarding our agricultural accomplishments and achievements during the Eisenhower administration. He further amplified and explained the President's recent special farm message to the Congress.

The statement is as follows:

STATEMENT BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON BEFORE THE HOUSE COMMITTEE ON AGRICULTURE, FEBRUARY 18, 1960

Mr. Chairman and members of the committee, I appreciate the opportunity to discuss our agriculture's problems with you once again.

This is the beginning of my 8th year as Secretary of Agriculture. Since I first assumed office we have met often, and I believe we can agree that we have mutually made substantial gains in some areas but most regrettably have left much to be desired in others. We have a common goal, one especially meaningful to me, a farmer for many years—the goal of building a better, more rewarding, more dependable, present and future for the men, women and children who live on our Nation's farms. I am here today to work cooperatively with you toward this goal.

THE PRESENT POSITION OF AGRICULTURE

It is always exhilarating and deeply gratifying to me to recount the tremendous advances in agricultural technology and efficiency. The remarkable surge in productivity of 1958, when crop output rose 11 percent and total production 8 percent, was followed last year by another 12 months of record output. In 1959, crop production equaled the 1958 record, while livestock production rose about 2½ percent.

All of this is a salute to our farmers, truly America's finest people.

Increasing efficiency

Our farmers and ranchers are working marvels in producing an abundance of food and fiber. Their productivity is growing more than twice as fast as the productivity of workers in industry. Since 1950, output per man-hour in nonagricultural industry has risen at a rate of 2 percent per year. The increase of output per man-hour in agriculture has averaged 5 percent per year. This fact illustrates the futility of attempting to control total production of a few crops by the present system of acreage allotments and marketing quotas.

In 1939, when World War II broke out in Europe, American farmers produced 11.8 million bales of cotton on 24 million acres. In 1959 they produced 28 percent more cotton on some 35 percent fewer acres.

In 1939, farmers produced 740 million bushels of wheat on 52½ million acres. In 1959 they produced about 50 percent more wheat on about the same acreage. In 1958, on comparable acreage, the wheat crop hit 1,460 million bushels—nearly double 1939.

Both land and animals have been made much more productive. There are over 60 million beef cattle and calves on the same pastures and range lands that in 1939 supported only 30 million head.

In 1959 there were about 4 million fewer dairy cows on U.S. farms than in 1939. But each cow produced on the average nine-tenths of a ton more milk, and total dairy production was about 18 billion pounds higher.

For every two eggs a hen laid in 1939, today's hen is laying three.

A man-hour of farm labor in 1959 produced nearly three times what it did 20 years ago. In World War I we produced our farm commodities with 13½ million workers; in World War II, with 10½ million workers. Today there are only 7 to 7½ million farm workers. But total output is one-third higher than in World War II and nearly double that of World War I.

As Secretary of Agriculture, and as one who has himself struggled with the practical problems of farming, I report these facts to this committee with great pride. America's farmers have accomplished results beyond any other section of our country's economy. We should praise them for it.

Benefits to all

Moreover, their unmatched productivity has given all our people far better diets, and helped give them far better health. It has done much to make possible the rising standard of living in the Nation at large. It has released manpower for industry and the professions. It has made food a good buy and kept it a good buy. Our people today purchase much more food for an hour's take home pay than they could a generation ago.

There is probably no field of economic activity in which the United States is so clearly a world leader as it is in agriculture. Never in any nation or civilization have so many been so well fed by so small a proportion of the population. Never has America owed more gratitude to its people in agriculture.

I stress this point because of the growing tendency in some quarters to blame the farmer for agricultural surpluses and the big agricultural budget. With all the forcefulness at my command I say that this is false and unfair. As regards surpluses our farmers have simply done as their Government has persistently urged. They have responded to the governmental incentives of high mandatory price supports and too weak controls, just as all other citizens do and would do. Moreover as farmers well know, a substantial part of the expenditures of the Department of Agriculture benefit all segments of the population and are used effectively in international relations.

Stability in agriculture

Of course there are continuing problems and these I will discuss later. But these heartening facts should not be overlooked.

Total agricultural assets are at an all-time high of $208.2 billion.

Total debt owed by farmers is $24 billion, or only 11½ percent of agricultural assets.

The net equity of U.S. farmers is $184.2 billion—an increase of $33 billion since 1952 and $141 billion since 1940.

Per capita income from all sources of persons living on farms last year was $960, $109 more than the 1947–49 average.

Farm ownership is record high, with two out of three farms free of mortgage debt.

Farm foreclosures are extremely rare—near a record low.

The overall stability of agriculture evidenced by such facts as these does not mean, of course, that farmers and ranchers are free of economic difficulties. On the contrary, many farm people have not shared adequately in the national prosperity of the past decade. And one major cause has been the impact of inflation on farmers' costs of operation.

Inflation

Between 1939 and 1952 the index of prices paid by farmers, including interest, taxes, and wage rates, rose from 123 to 287—133 percent. In January 1960 the index stood at 299—up only 4 percent from 1952. But the damage had already been done.

Here is what the immediate postwar inflation did to farmers from 1946 to 1952. Gross farm income increased from $30 billion in 1946 to $37 billion in 1952—a rise of $7 billion. But as compared with the 1946 level realized net farm income had actually dropped by $800 million by 1952.

The trouble is, agriculture is not like many other businesses, for farmers by and large cannot pass along their increased costs by raising prices.

It is true that during the war demands for farm products increased sharply and farmers' prices rose faster than the prices they had to pay.

But as demand later fell back and farmers' prices sharply dropped, their prices and costs went down only nominally and then soon rose again. Since then the heavy supply situation in agriculture generally and the enormous surpluses of some crops in particular have put a brake on overall price increases of farm products.

Inflation in the nonfarm economy although greatly slowed is still slowly creeping upward. The December 1959 Bureau of Labor Statistics Consumer Price Index shows prices of services and consumer goods (other than food) up 2.4 percent as compared to a year earlier. The benefits of wider markets for farmers and lower prices for consumers are prevented by persistent cost inflation. In 1959 the retail cost of a typical market basket of farm foods was 13 percent more than 10 years earlier but the farmer received almost 8 percent less for those same foods.

Inflation is constantly dipping into farmers' "keep home" pay. Government can help stop inflation by exercising restraint in its expenditures and sound control over credit, and in this fight a balanced budget is a powerful factor in the fight against inflation. Other segments of the economy, such as labor and management, must do a better job in holding down costs so that farmers' production expenses will not rise further. It will be better still, as productivity improves in industry when savings can be passed along in lower prices.

Farm income

I am deeply concerned about the drop in farm net income last year. It was caused by lower prices of some products, notably hogs, broilers, and eggs, the elimination of the acreage reserve program, and higher production costs.

Realized gross farm income is estimated at $36.9 billion in 1959. This is about the same as in 1951 and 1952. However, the realized net income of farm operators from farming totaled $11 billion last year—compared with $13.1 billion in 1958, but about the same as in 1957.

We look for improvement in some commodities in 1960. Besides record cash receipts from dairying, we anticipate an increase in income from poultry and eggs and a rise in hog prices. I am happy to report that the farm price index went up three points in January. I certainly hope, as our farmers do, that this trend will continue.

PROGRESS OF BASIC USDA PROGRAMS

It is, unfortunately, not generally realized, but much of our USDA expenditures benefit the entire Nation rather than farmers alone.

Attention seems always to center on price and income activities, but the old-line programs of the USDA are of utmost importance to all our citizens. I would like briefly to trace the progress of some of these programs which have far-reaching benefits.

Agricultural research

Aggressive, balanced, and continuous agricultural research is one such program. Problems of production, processing, and marketing continue, and new problems constantly arise. To keep our agriculture sound, we must keep its technology up to date. Thus, we can continue the flow of products from

U.S. farms, ranches, and forests and assure our rapidly growing population of an adequate supply of nutritious, safe, and wholesome food. Scientific research is responsible for much, probably most, of our present-day agricultural progress. Most of our future requirements now appear to be obtainable through constantly improving technology. Continuous research provides that technology.

The field of research is much too broad for adequate review here. Appropriations for research carried on and coordinated by the Department and through funds made available to the land-grant colleges have, broadly speaking, more than doubled since 1952. Nevertheless, more attention is needed for basic research. Later I shall speak more about research on increased utilization of farm commodities and new farm crops.

Extension Service

Of the many factors responsible for the improved living standards which are now at the highest level in history, one of the most important is the know-how of farm management. As this committee well knows, the Extension Service plays the dominant role in the dissemination of information on farm and home management.

The Extension Service has been especially concerned with adjustment problems of people affected by the sweeping changes in agriculture and rural living in recent years.

A recent 2-year comprehensive study of Extension's programs, policies, and objectives revealed nine major program areas where Extension needs to intensify its educational assistance. Extension workers are adjusting their programs in line with these needs.

Marketing

During the past several years the Department has stepped up its efforts to help farmers market their products more efficiently. Through increased emphasis and funds our efforts have more nearly equaled our services in helping farmers.

At the present time there are 37 marketing agreement and order programs on fruits and vegetables in effect compared to 24 such programs on December 31, 1952. During this period 15 new programs have been added and 2 of the existing programs were terminated. The farm value of the commodities covered by these programs totaled $1,089 million for the 1959 crop. This compares with $640 million for those programs in effect at the close of the 1952 calendar year.

There are 77 orders now in effect under the Federal milk order program compared to 47 in 1952.

In addition, the Department's regulatory work, market news, inspection, grading and classification, and standardization of farm products all contribute to more efficient marketing. More and better information on agricultural economics and estimated supply and demand is being made available to farmers and the agricultural industry generally.

Soil and water conservation

The conservation of soil, water, and timber resources continues to be among the most important goals of the Department. Conservation is important not only as a means of assuring the permanent productivity of U.S. agriculture, but also as a method of helping achieve balanced farming.

The Soil Conservation Service is providing technical help to 2,847 of the 2,867 soil conservation districts in the 50 States, Puerto Rico, and the Virgin Islands. These districts include about 95 percent of all farms and ranches and more than 90 percent of the Nation's farmland.

Local organizations over the Nation have submitted about 1,250 applications for assistance in watershed protection and flood prevention work covering more than 89 million acres. The beginning of actual operations has been approved on 212 watersheds covering about 12½ million acres. Conservation land treatment is progressing satisfactorily on all watersheds.

Owners and operators of more than a million farms and ranches participate in the cost-sharing programs of the agricultural conservation program. Under the ACP farmers and government share on about a 50–50 basis the cost of approved conservation practices.

Our national forests are a vast storehouse of natural resources, embracing 181 million acres in 39 States and Puerto Rico. Improved management and protection in recent years have increased their value and service. New records were achieved last year in the number of recreation visits, the board feet of timber cut, and the number of trees planted. The number of man-caused fires has been reduced by more than 40 percent in the past 5 years.

Farmers Home Administration

The Farmers Home Administration is enabling many deserving farmers to develop adequate-sized businesses, improve their farming methods, make better use of land and labor resources, attain satisfactory living standards and eventually to qualify for credit from regular private and cooperative lending institutions.

During the last fiscal year the amount of loans made and repayments on loans were the highest in the history of the agency. Under its various loan programs the Farmers Home Administration loaned $361 million during that year and collected $345 million. I am especially gratified to report that the thousands of farmers and ranchers in the areas that suffered the prolonged drought have done a commendable job of repaying their emergency loans.

During the year 178,000 farmers used the services of the agency and 41,000 during the same time paid their loans in full. Several thousands of additional farmers who called at the local FHA offices for credit were assisted, after their farm business had been analyzed, in getting needed credit from private and cooperative sources. This record year of service was handled by a smaller number of employees than during former years.

Bills are pending in each House which would place the operations of the Farmers Home Administration on a revolving fund basis and permit the Congress annually to review the operations and establish limits on loan authorizations and administrative expenses. In addition, bills have been introduced to simplify the statutory authority of Farmers Home Administration.

Rural Electrification Administration

The electric and telephone systems being financed by the Rural Electrification Administration continue to make good progress. We are proud of the fine record of service to rural people and their communities which has been furnished through this financing. The financial condition of both electric and telephone borrowers continues to strengthen.

Since the REA program began 25 years ago, a total of $4.1 billion has been loaned for electrification. Of this amount more than one-third or $1.4 billion has been loaned in the last 7 years.

In the 10-year-old rural telephone program $633 million has been loaned of which $552 million or 87 percent has been loaned since 1953.

Sales during 1959 by the rural electric systems totaled 25.3 billion kilowatt-hours. These electric systems connected 139,000 new consumers during 1959. I am sure the committee is aware that five out of six consumers added to the lines were nonfarm consumers.

A substantial part of the loans made to the electric systems continued to be for system improvements to take care of increasing energy loads. More than 27 percent of the 1959 loan approvals financed new generation and transmission facilities.

Bills are pending in each House which would place the operations of the Rural Electrification Administration on a revolving fund basis. This would not interfere with the practice of the Congress annually to review the operations of the electric and telephone loan programs and establish limits and authorizations as in the past.

On this 25th anniversary of the electric program, more than 96 percent of all farms have control station electric service. We believe these systems have sufficiently matured to start paying the cost of money to the Treasury on new loans. At the end of last year the electric borrowers had aggregate net worth of $602 million or 18.2 percent of total assets.

The President stated in his recent budget message, "It is vital looking ahead that legislation be developed to enable telephone as well as electric borrowers to obtain funds from a mutually owned, financing institution to meet the needs for the future growth of these borrowers. Under this long-range plan loans would also be available from the Rural Electrification Administration to meet special circumstances. The Secretary of Agriculture will work with REA cooperatives and other interested parties in developing such a proposal."

Other activities

Besides the functions of the Department already mentioned, we should take note of the work of our plant quarantine inspectors, and meat inspection service, our pest and disease eradication activities, our Farmer Cooperative Service Crop Insurance, Commodity Exchange Authority and others. All of these provide services not only to agriculture but also to the entire Nation. Some of them such as meat inspection, for example, not only redound to the benefit of agriculture but are in fact primarily in the interest of the general public.

EFFECTIVE USE OF OUR ABUNDANCE

Our Nation has been the most favored in the history of the world in the quality and quantity of its food and fiber production. We rightly should and do regard this as a blessing. Here, also, there are problems. We are thankful for our abundance. We are sharing it. We have directly faced the advantages as well as the problems associated with our bounty.

We are going forward with President Eisenhower's food for peace program. Our efforts center on building upward and outward from the solid foundation of existing programs of which Public Law 480 is the cornerstone.

This has called for a close look at what we are already doing to use our agricultural abundance to help those in need at home and abroad while, at the same time, not overlooking opportunities to develop improved and new approaches.

Exports

Our normal channels of trade are being widened. Our Foreign Agricultural Service estimates that U.S. agricultural exports will be in the neighborhood of $4.2 billion during the current fiscal year.

Exports at this level would be the second highest in our history, exceeded only by the $4.7 billion total reached in 1956–57.

The improved outlook since last November results primarily from larger export prospects for cotton, wheat, feedgrains, and soybeans.

Here in capsule form are some of the highlights of the current very favorable export year.

Overseas shipments of feedgrains, soybeans, protein meal, and tallow will be at a record level.

Rice, cottonseed, and soybean oils will be at the second highest level in history.

Lard will be at the second highest level since World War II.

Cotton will more than double last year's total.

Wheat should approximate last year's high level of 443 million bushels.

Stated in another way, the export level of $4.2 billion is equivalent to the output of more than 50 million acres of cropland. This figure is equal to the harvested crop acreage of Iowa, Illinois, and Michigan.

Dollar sales

U.S. agricultural exports for dollars will be the second highest on record this current fiscal year. Dollar sales will account for about $2.9 billion, or close to 70 percent of the year's total export movement. The $2.9 billion compares with dollar sales of $2.4 billion last year and the previous high of $3.4 billion in 1951–52.

The upswing in dollar sales is highly gratifying. In this country sales for dollars represent the traditional, the permanent, and the most effective way of moving agricultural products from producers to consumers. The Department of Agriculture has been giving, and will continue to give, top priority to sales for dollars in all operations involving oversea marketings.

Food donation programs

We have made an outstanding record in the field of food donations—moving substantial quantities of our CCC inventories to deserving people here at home and abroad. And, from time to time, we have temporarily stepped into a market with section 32 funds to alleviate a very troublesome surplus. The food commodities acquired under these surplus removal operations have also been moved into domestic consumption channels.

These are some highlights:

1. Since 1953 we have distributed a total of 13 billion pounds of surplus foods, valued at $2.7 billion.

2. A record number of U.S. citizens—over 21 million—benefited from these food donations last fiscal year. This total included over 14 million school children, almost 1½ million inmates in charitable institutions and approximately 5.7 million needy people in family units. These are distributed by the various States.

3. Some 60 million people in 91 foreign countries received surplus U.S. foods. These oversea donations are made by U.S. voluntary agencies in the name of the people of the United States.

It is important to remember that CCC inventories do not resemble those of a retail store. We have, in fact, only a few food items. The value of CCC's inventories at the end of November was $8 billion. The value of four items—wheat, corn, cotton and grain sorghum—was $7.2 billion, just over 95 percent of the total.

In addition to wheat flour and cornmeal, we are currently distributing rice and nonfat dry milk solids to all domestic recipients. Our inventories of butter and cheese, once very large, have been reduced to the point where donations currently can be made only to schools.

We have, however, provided an important item for needy people here at home through the purchase of about 32½ million pounds of lard. More recently, we announced resumption of section 32 dried egg purchases which had moved over 5.4 million pounds of this item to domestic recipients last year.

Commodities are not made available for oversea distribution until all domestic requests are met, so the list of available items is even more restricted in this case.

I want again to provide my assurances that the Department will take every feasible action to see that our surplus foods get to people who can put them to good use.

Food for peace and Public Law 480

A year ago in his special farm message to Congress the President said, "I am setting steps in motion to explore anew with our surplus-producing nations all practical means of utilizing the various agricultural surpluses of each in the interest of reinforcing peace and the well being of friendly peoples throughout the world—in short, using food for peace."

We have intensified consultations with the other wheat exporting nations of Canada, Australia, France, and Argentina. We had a meeting of Cabinet-level people last May. A Wheat Utilization Committee was formed and has been meeting periodically. The Committee, composed of representatives of the five nations, has just sent a mission to the Far East for 6 weeks to explore possibilities of making more effective use of wheat in that area.

I am particularly gratified that these consultations have led to greatly improved understanding of U.S. objectives in making our agricultural abundance available to those in need abroad. This result alone is a substantial achievement from this undertaking.

The consultations have also emphasized the need for assuring that the proceeds of foreign currency sales are used as effectively as possible to promote economic development—for only as such development occurs is the base for continued expansion of food consumption assured. Also, emphasis has been placed on the need to remove bottlenecks in grain storage, handling and distribution facilities that impede the flow of commodities. Both of these problems are being attacked.

With respect to the improvement of grain storage and handling facilities, emphasis is being given to the use of foreign currency grants to assist in removing such bottlenecks. A recently signed agreement with India provides for using some of the $102.9 million of rupees to be granted to India for the construction of grain storage and handling facilities in India. These facilities will increase India's capacity to import and distribute agricultural commodities.

Other promising areas for the greater utilization of wheat in underdeveloped countries arise from the possibilities of building up reserve stocks abroad so that supplies are readily available in the event of indigenous crop failures, and the use of agricultural commodities for use as wages on development projects. These are important changes which could significantly help to increase the flow of commodities to areas of need. To this end, we will soon resubmit amendments to existing law for congressional consideration.

Programs which commit the United States to supply commodities for forward periods of longer than 1 year also offer promise in furthering the objectives of the food for peace program. There has been some programs of this kind in the past, but there are additional possibilities. Use of such multi-year agreements could be especially effective in those areas where food deficits clearly exist for a forward period which cannot be financed with the country's own earnings. We are pushing aggressively ahead in this area and hope to have some results to announce during the current session of Congress. In developing such programs care must be given to our own supply position. We should not commit ourselves to deliver supplies of commodities under such programs which are not clearly in excess of commercial needs during the delivery period envisaged. Also, we must insure that any established commercial import base for the United States and other friendly countries is adequately protected.

Since 1954, about $5.5 billion worth of farm products have been exported under the Public Law 480 authority. This means that 26 percent of all our farm product exports have resulted from the Public Law 480 program.

Market promotion

Public Law 480 has helped us in a way not generally recognized. With the foreign currencies generated under our Public Law 480 activities, we are carrying on, in cooperation with many U.S. agricultural trade groups, a greatly expanded program of foreign market promotion.

There are many specific examples of the way trade promotion has increased sales of U.S. farm products. But the promotion of poultry sales in Switzerland and Western Germany offers one of the most striking instances of a successful merchandising campaign.

From virtually nothing prior to 1955, sales of poultry to Switzerland soared upward. In the fiscal year 1959–60, Swiss marketings will approximate 20 million pounds. Total export sales for the year are expected to reach 165 million pounds, which should permit us to continue our newly won position as the world's leading exporter of poultry meat.

As I mentioned earlier, Public Law 480 is the cornerstone of the food for peace program. In the months that lie ahead, Public Law 480 will be playing an increasingly larger role in helping us use our agricultural abundance to promote world peace and stability. This is in addition, of course, to the expanded markets and the long-range market development Public Law 480 is making possible in the interests of the American farmers. Certainly Public Law 480, in implementing a huge, active program, is serving the Nation well.

We propose to further implement the President's food for peace program by additional amendments to Public Law 480. These are described later among our recommendations. They relate to food stockpiling in underdeveloped countries and payment in commodities for work done on foreign economic development.

UTILIZATION RESEARCH—PROGRESS AND PROSPECTS

Utilization research and development is a major segment of USDA's overall research program, which also includes studies of farm production, marketing, home economics, and forestry. Funds available for all USDA research have been increased about 100 percent over the past 7 years. The problems facing agriculture still exceed in number and magnitude the current capacity to attack them.

Worthwhile new uses for farm products must be practical uses. The final product must be able to sell consistently at a competitive price. For example, industrial alcohol from grain is technically feasible, but its economic practicality has not been demonstrated. Some of the practical developments in this field are described in appendix III.

The outlook is good for increasing substantially the use of agricultural products. In the case of cereal grain an additional 500 million bushels per year can be used by 1975 if research is able to do its job in the following areas:

One hundred and seventy million bushels for use in paper products. Today only about 20 million bushels of grain are used in these products. Research must modify grains or their starches to endow them with new properties of value in papermaking.

One hundred million bushels for industrial chemicals and other nonfood products. Today, some 40 million bushels of grain go into this market. New chemical products now under development offer potential outlets for an additional 100 million bushels.

Fifty million bushels for use in producing biological agents for pest control.

Two hundred and fifty million bushels in food products. There is opportunity for new

cereal food products. If we ate the cereal products our nutritionists say would be good for us, we should consume by 1970 about 925 million bushels of grain a year as food, compared with 675 million bushels now.

There is a potential large-volume market for agricultural raw materials in the plastics industry. Today's total annual consumption of plastics, about 6.6 billion pounds, may well increase to some 10 billion pounds by 1965. Agricultural raw materials are suitable for the manufacture of a multitude of plastic products, if they can be made economically. We aim to feed farm-grown materials into as much of this expanding multi-billion-pound market as rapidly as possible.

The 1961 budget now before Congress recommends additional appropriations especially for utilization research. Additional local currencies being acquired under Public Law 480 transactions will be devoted to utilization research.

A Coordinator for Utilization Research will also be named shortly, to report directly to the Secretary of Agriculture. He will have the mission of determining how even greater progress can be made in developing and promoting new uses for farm products.

Research can create expanded markets for farm products. It already has. How many new products and new markets can be developed, and how fast, depends on the size and vigor of the effort devoted to the task. Acceptable legislation to improve further the work in this area has passed the House of Representatives.

RURAL DEVELOPMENT PROGRAM

Members of this committee are aware that the Department of Agriculture, in cooperation with other Federal departments and the States, is pioneering a new and fruitful approach to the age-old, chronic problem of underemployment and low income in some of our rural areas.

The rural development approach aims simply at more and better opportunities both on and off the farm. It includes farm, industry, and community development.

The program meets head on the real causes of low income in farming communities—chronic lack of resources, of land, capital, and management ability.

We are now working in about 200 counties in all major regions of the Nation to promote this new program. To look objectively and realistically at the problems of families in these areas is to realize the futility of trying to help these families through traditional price stabilization and other publicly supported farm programs.

There are actually hundreds of thousands of such families. Eighty percent of farm operators in selected rural development counties sell $2,500 worth of products or less, according to the latest census figures. The value of farm land and buildings is only one-third the national average per farm. Almost one-half the farms in these counties are operated on a part-time or residential basis.

As a matter of fact, folks in some of the towns giving leadership to the rural development program will tell you frankly that full-time commercial family farmers make up less than 5 percent of the population in surrounding rural areas.

You might term the rural development program a vehicle which we are using to work out new and better approaches. It is a program to facilitate, not hamper, beneficial changes; a program to help people in rural towns and communities successfully carry out the projects they desire in their own best interests.

An excellent illustration of what is being done in one county is set forth in appendix II of my statement.

In October, President Eisenhower issued Executive Order No. 10847, setting up the Federal Committee for Rural Development Program to "provide leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural development program functions." These functions include special community extension services, credit, conservation and forestry assistance, industrial development advisory services, and employment counseling and guidance in rural areas.

An executive secretary to this committee has been appointed to coordinate the many contributions of agencies involved.

Credit resources of the department have been liberalized for farmers in rural development counties who work at nonfarm jobs.

State extension services in all States are making plans to tie rural development approaches closer to regular extension programs in areas with many small, low-production farms.

There are problems, of course, but it is self-evident that after only a few short years of operation the rural development program finds wide support and understanding around the country. Early critics have turned into converts.

The reason is not hard to find. As one leading journal of national opinion puts it, "This program represents the first organized, fruitful effort to devise long-range, widely applicable solutions for one of the Nation's most heart-stirring problems."

PRODUCTION ADJUSTMENT

It is the aim both of the administration and of this Committee to assist farmers in meeting realistically the problems created by the changing conditions of recent years.

We feel that considerable progress has already been made. The Agricultural Acts of 1954 and 1956 were forward steps. The Agricultural Act of 1958 provided a new program for corn and made some limited progress for cotton and rice also. But there is need for further and prompt action, especially for wheat and the conservation reserve program.

The conservation reserve

The conservation reserve program can help achieve (1) a better balance of farm production with market outlets; (2) increased conservation of land resources; (3) assistance to older farm people who wish to reduce farm work or retire, and to others who wish to shift to nonfarm employment while continuing to live on farms.

In 1960, over 28 million acres or 6 percent of our producing cropland will be in the conservation reserve and devoted to protective soil, water, and wildlife conserving uses. All of this land otherwise would be adding to our already burdensome surplus.

This program should now be directed primarily at wheat, corn, and other feed grains. America's traditional wheat heartland includes vast areas where conservation measures can be wisely and profitably applied. Over 8 million acres in 423 problem Great Plains counties which produced wheat needed for the winning of two wars have already been returned to the native grasses of the Plains.

Shifting cropland out of agricultural production for a period of years can lead to permanent conversion to uses for which it is better adapted.

In the Southeast and Great Lakes areas, tree planting ranks highest among the conservation uses of the program.

Practices designed especially for wildlife protection have gained the approval of sportsmen and wildlife organizations.

Both urban and rural people are concerned about our future water supply. The millions of acres of trees and grass together with the thousands of water-storage structures under the conservation reserve are trapping our valuable water where it falls and retarding the runoff.

The voluntary aspect of the conservation reserve provides the greatest freedom of choice for farmers.

Two-thirds of the land in the reserve is on farms whose owners placed all their eligible acres in the program. On those farms, all the cropland is out of production—including the allotted acres of major surplus crops.

When all eligible land on a farm is placed under contract, the farm usually goes out of production entirely. Livestock is sold and the pastureland and other noncropland is retired voluntarily. It appears that the present conservation reserve has contributed to improving the production supply situation now found in the dairy industry.

Adequate production adjustment will be practically impossible to achieve through the conservation reserve unless the policy of bringing whole farms under contract is pursued with vigor. If the Congress will provide the needed authority, we believe the task can be accomplished in this less costly way, preserving the independence of our agriculture and guaranteeing the future food and fiber supply of this Nation through good stewardship of our soils.

The President has suggested these improvements in this vital program:

Extend the conservation reserve for 3 years with authorization to place up to 60 million acres in the program

Provide authorization for the use of corn and other feed grains and wheat as payment in kind as rapidly as is practical.

Permit the giving of special consideration to areas where it is desirable to discourage the production of wheat, corn, and other surplus crops.

Expansion of the conservation reserve should be accompanied by other production reducing measures. As, for instance, a gradual reduction in price supports, lest the public be asked to finance reductions in surplus crops on the one hand while providing inducements to maximum production of these crops on the other.

PRICE ADJUSTMENT

Tobacco

Farmers who grow tobacco have been losing markets at home and abroad. As prices of U.S. tobacco increase, foreign buyers change their blends and turn to other sources of supply. They may never be induced to return to our markets. The present old laws result in price supports at continually rising levels. Acreages at home have been severely cut to low levels while acreage and production expand abroad.

As you know, the Congress has just passed a tobacco bill, H.R. 9664, embodying the unanimous recommendations of the various farm and tobacco industry organizations. This bill makes a limited step in the right direction. It recognizes the basic economic facts indicated above. Since this legislation will help prevent a worsening of the situation and will reduce costs, I have recommended that the President approve it. However, it will not provide a total solution to the problems of the tobacco growers. From a long-term standpoint there is still a need for constructive legislation for tobacco within the general guidelines described by the President in his message.

Peanuts

The consumption of peanuts is sensitive to price changes. When price supports go up, the use is cut; when prices are made more competitive, the market expands.

It is clear that the law should be changed in a way consistent with the general guidelines described by the President so that farmers growing peanuts can compete more effectively for markets.

A supplementary approach would be to authorize a marketing agreement and order program. This would make it possible for the various segments of the industry to co-

operate in handling their marketing problems without financial reliance on Government.

Both approaches could be provided in the law, leaving it to growers to adopt a marketing agreement and order program should they at any time consider it desirable.

Wheat

The wheat situation is probably the most critical in all our agriculture. The highlights of this problem are as follows:

1. There are currently almost $3½ billion of Government funds tied up in wheat. This is over one-third of the total of all farm commodities tied up in CCC inventories and loans.

2. Over 30 percent of the budget for stabilization of farm prices and income is expended for wheat; however, wheat provides only 6 percent of the cash receipts from the sales from farm commodities.

3. The net realized cost of stabilizing wheat prices and income for the 1959 fiscal year was $550 million—$1½ million per day.

4. Farmers taking advantage of the 15-acre exemption for wheat numbered 690,000 in 1959—a 152,000 increase in the number of wheatgrowers in 3 years.

Unless the wheat problem is corrected soon I am greatly concerned that there will be an inevitable reaction of the general public as to result in the breakdown of all price support programs. This would work hardship upon many thousands of our farmers.

We have used our administrative discretion to improve the wheat situation as much as possible. Over 1.4 billion bushels of wheat have been exported under Public Law 480 since 1955. We are authorizing a wheat payment-in-kind export program which uses the commercial channels of trade and helps wheat prices. Every bushel of wheat exported is subsidized. Currently this is at a 55–60 cent-per-bushel rate.

There is urgent need for corrective legislation. The failure to obtain such action will mean that the wheat problem will continue to worsen. In the President's message on agriculture on February 9 he said:

"I think the American people have every right to expect the Congress to move promptly to solve situations of this kind. Sound legislation is imperatively needed. We must quickly and sensibly revise the present program to avoid visiting havoc upon the very people this program is intended to help. Every additional day of delay makes a sound solution more difficult.

"I have repeatedly expressed my preference for programs that will ultimately free the farmer rather than subject him to increasing governmental restraints. I am convinced that most farmers hold the same view. But whatever the legislative approach, whether toward greater freedom or more regimentation, it must be sensible and economically sound and not a political poultice. And it must be enacted promptly. I will approve any constructive solution that the Congress wishes to develop, by 'constructive' meaning this:

"First, that price-support levels be realistically related to whatever policy the Congress chooses in respect to production control, it being recognized that the higher the support the more regimented must be the farmer.

"Second, that price-support levels not be so high as to stimulate still more excessive production, reduce domestic markets, and increase the subsidies required to hold world outlets.

"Third, for reasons long expressed by the administration, that we avoid direct subsidy payment programs for crops in surplus; likewise we must avoid programs which would invite harmful countermeasures by our friends abroad, or which, while seeking to assist one group of farmers, would badly hurt other farmers.

"Within these three guidelines, I am constantly ready to approve any one or a combination of constructive proposals. I will approve legislation which will eliminate production controls, or make them really effective, or allow the farmers themselves to choose between realistic alternatives. I am willing to gear supports to market prices of previous years, or to establish supports in accordance with general rather than specific provisions of law, or to relate price supports to parity.

"I recognize that these observations are general in nature. They are intentionally so in order to leave the Congress room for alternative constructive approaches to this problem. If the Congress should so act, I urge an orderly expansion of the conservation reserve program up to 60 million acres, with authority granted the Secretary of Agriculture to direct the major expansion of this program to areas of greatest need."

My views as regards the price-support program for wheat are clear. I prefer the following approach:

"Acreage allotments and marketing quotas for wheat should be eliminated beginning with the 1961 crop—thus freeing the wheat farmers—and thereupon price-support levels should be set as a percentage of the average price of wheat during the 3 preceding calendar years. The Secretary of Agriculture will furnish the Congress the details of this approach."

I am hopeful that the Congress will see fit to approve constructive wheat legislation as the President's message so urgently recommends.

In keeping with this message, I present this summary of our preferred legislative actions to deal with wheat and the conservation reserve, recognizing, as the President made clear, that other constructive approaches may be preferred by the Congress. I must in candor assert that the President's expressed preference is also mine.

SUMMARY OF LEGISLATIVE RECOMMENDATIONS

In my summary of legislative recommendations I include some measures already part way through the Congress. Since the 1958 act embodied constructive legislation for corn, cotton, and rice, except for the expansion of the conservation reserve, I do not propose further legislation affecting these crops at this time.

As already indicated, we most urgently need legislation on wheat and the conservation reserve. I attach a draft bill embodying preferred solution in keeping with the President's message, at the same time emphasizing that the President, as he stated in his message, will approve any constructive solution that meets his general guidelines.

I. Wheat: For wheat we prefer these improvements:

1. Eliminate acreage allotments effective with 1961 crop.

2. Set price supports at 75 percent of the previous 3-year average for 1961, 1962, and 1963 crops.

3. For the 1964 crop and thereafter, set price supports at 90 percent of the 3-year average.

4. Bar sales of wheat from Government stocks except on the basis of 100 percent of the 3-year average price used in determining the price-support level.

II. Conservation reserve: For the conservation reserve we suggest these improvements, if constructive price support or production adjustment legislation is enacted:

1. Extend the conservation reserve for 3 years with goal of 60 million acres in program.

2. Provide authorization for the use of corn and other feed grains and wheat as payment-in-kind.

3. Provide authorization for giving special consideration to areas where it is desirable to discourage production of wheat and other surplus crops.

III. Tobacco: For tobacco, there is still need for constructive legislation that meets the President's general guidelines.

IV. Peanuts: There is likewise need for such legislation in the case of peanuts.

V. Food for peace: I suggest modifications to Public Law 480 to further implement the President's food for peace program (the details to be submitted later).

Title I would be amended to assist underdeveloped countries to stockpile food commodities, principally wheat, to meet consumption needs in times of emergency.

Title II would be amended to permit use of commodities to promote economic development through payment of wages in commodities on development projects. This would be of considerable assistance in backward areas where distribution facilities are limited and purchasing power is extremely low.

VI. Other needed legislation: There are other items needing attention which I would briefly summarize as follows:

1. Sugar: Draft legislation to extend the Sugar Act will be submitted soon.

2. Emergency feed program: The House has approved H.R. 6861 which contains substantially the administration's proposal for State participation in the cost of emergency feed programs. A similar bill, S. 1013, has been introduced.

3. REA interest rate legislation: Establish an interest rate on future Treasury loans to REA not to exceed the average rate of interest payable by the Treasury on recently issued long-term marketable obligations. Future electric and telephone loans made by REA would bear the same rate plus one-fifth of 1 percent to cover administrative expenses and estimated losses.

4. Farmers Home Administration: I endorse H.R. 7628 introduced by Congressman COOLEY, and S. 2144, by Senator ALLOTT. The purpose of these bills is to simplify the statutory authority of the Farmers Home Administration and bring it up to date in certain respects in order that services rendered farmers may be further improved. There are no changes in the basic objectives of present laws.

I am gratified to learn that this committee is planning to consider this bill later this month.

I recognize that this committee is faced with difficult legislative decisions. My staff and I are eager to cooperate with you. We will supply promptly any further facts you may need, and we will provide the best judgments that can be had from the Department on any and all proposals.

The need for prompt legislative action to ease the problems confronting our agriculture is very great. The longer the solutions to our agricultural problems are delayed, the more difficult they become. Again we offer you our sincere and wholehearted assistance either in connection with our own preferred programs or with constructive alternatives.

For the farmer, for Americans generally, I wholeheartedly pledge, Mr. Chairman, to you and your committee my unreserved cooperation in achieving constructive legislation so urgently needed in this session of Congress.

APPENDIX I: MAN-HOURS OF FARMWORK

The labor input of all farms in the United States totaled about 11 billion man-hours in 1959. This is the lowest figure of any year for which data are available and is a continuation of the longtime downward trend. This is a reduction of 46 percent in the past 20 years and of about one-third in the past 10 years. The long-term decrease has resulted from a combination of many factors, the most significant of which are increased mechanization and reduction in the number of farms. Work on crops has dropped more than for livestock because of current advances in mechanization of operations on

crops. Crops now take less than one-half as much labor as before World War II.

Considerably fewer hours are now spent doing farmwork than just before World War II in all parts of the country. The greatest decreases have occurred in the four southern regions because of the greater than average reduction in the number of farms there and a drop in the acreage of high-labor-using crops. Labor on farms has decreased by the smallest percentage in the two western regions. Even though the input of farm labor in the United States has been reduced significantly, total farm production has continued to increase substantially. Farm output per man-hour in 1959 was more than four times as high as before World War I and is almost three times as high as during the years immediately preceding World War II. The technological revolution in agriculture obviously made it impracticable for all the 30 million people of 1940 and the 27 million of 1947 to remain in farming. Expansion of industry into rural areas, growth of the military, the automobile and modern roads have facilitated the off-the-farm movement.

APPENDIX IA: *Man-hours of labor used for farmwork, United States, 1910–59*

Year	Total	Index (1947–49=100)
	Million	
1910	22,547	135
1912	23,319	139
1914	23,727	142
1916	23,107	138
1918	24,073	144
1920	23,995	143
1922	22,900	137
1924	23,323	139
1926	23,878	143
1928	23,356	139
1930	22,921	137
1932	22,605	135
1934	20,232	121
1935	21,052	126
1937	22,097	132
1939	20,675	123
1941	20,043	120
1943	20,298	121
1945	18,841	113
1947	17,196	103
1949	16,201	97
1951	15,170	91
1953	13,897	83
1955	12,751	76
1957	11,379	68
1959 [1]	11,054	66

[1] Preliminary.

Net income from farming per man-hour of farmwork, United States, 1910–59

Year	Net income from farming [1]	Man-hours of farmwork [2]	Net income per hour
	Millions	*Millions*	
1910	$4,701	22,547	$0.208
1912	4,619	23,319	.198
1914	4,493	23,727	.189
1916	5,711	23,107	.247
1918	10,277	24,073	.427
1920	8,860	23,995	.369
1922	5,528	22,900	.241
1924	6,548	23,323	.281
1926	7,230	23,878	.303
1928	7,116	23,356	.305
1930	5,700	22,921	.249
1932	2,597	22,605	.115
1934	4,550	20,232	.225
1935	5,380	21,052	.256
1937	6,220	22,097	.281
1939	5,382	20,675	.260
1941	7,402	20,043	.369
1943	13,902	20,298	.685
1945	15,149	18,841	.804
1947	20,114	17,196	1.170
1949	16,654	16,201	1.028
1951	17,958	15,170	1.184
1953	16,692	13,897	1.201
1955	14,206	12,751	1.114
1957	13,803	11,379	1.213
1959 [3]	14,026	11,054	1.269

[1] Realized net income of farm operators, including Government payments, plus total farm wages.
[2] Man-hours of labor used for farmwork, built up by individual farm enterprises by applying average man-hours per acre of crops.
[3] Preliminary.

APPENDIX II

The quest for new and wider outlets for farm products as food and as industrial raw materials moved ahead on many fronts in 1959. It was a good year for utilization research.

Wash-and-wear cottons gained wider public acceptance. More than 800,000 bales of cotton are now used annually as a direct result of utilization research in this field.

Use of animal fats in plastics and in livestock feeds continues to increase. The development of fats as an ingredient of animal feeds has resulted in a market that is now consuming about 500 million pounds of fats annually. More recent research promises sizable markets for other products of fats in the near future.

Dehydrated mashed potatoes are on the market in two forms—granules and flakes. About 20 million bushels of potatoes will be used in these products this year with larger markets ahead.

Dialdehyde starches, a new family of industrial chemicals derived from corn were put into semicommercial production by two companies last year. These starches have great industrial possibilities for leather tanning, paper products, and other uses.

High-amylose corn, which yields starch that is more than 50 percent amylose and has attractive industrial possibilities not open to ordinary starch, is now in limited commercial production. A quarter of a million pounds of high-amylose starch was made from the 1958 crop of this new corn; acreage was doubled in 1959.

Chemicals from turpentine totaling about 2 million pounds are being used in the production of "cold" rubber.

APPENDIX IIA

Phosphomannan, a new product produced by fermentation of starch, is attracting industrial interest as an adhesive and thickening agent. This product offers another sizable industrial outlet for corn.

Plastic foams made from castor oil are gaining acceptance by industry. About a million pounds of castor oil were used in these products in 1958. Our chemists have recently developed methods to give these products better water resistance and shrink resistance. This should lead to expanded markets for them.

Other promising recent developments include water-soluble zein, a chemically modified protein of corn, potentially useful in lacquers and printing inks—a breakthrough in the basic chemistry of wheat gluten, which was previously thought to consist of two proteins but is now known to contain six, each with distinctive properties—a new antioxidant for alfalfa, which preserves the vitamin A and vitamin E content of dehydrated alfalfa meal for as long as 6 months—a new cotton card, an attachment for conventional cotton textile machinery, which reduces costs, improves quality, and reduces waste in cotton processing—a new compound, known as coumestrol, which may provide a basis for improved feed additives. Basic research on soybean oil will greatly aid in the development of edible soybean oil products of improved physical and nutritional characteristics.

APPENDIX III: RURAL DEVELOPMENTS IN MADISON COUNTY, ARK.

Rural development in this area got under way about the same time as in most of the original program counties, the summer of 1957. Right from the start, the Arkansas Agricultural Extension Service using special funds allocated by the Department of Agriculture, has assigned special personnel to work on the county program. However, the core of leadership is a group of Madison county businessmen, farm leaders, and others who adapt the work to local conditions, and actively promote the goals they themselves decide upon.

In Madison County these goals are really very simple: To capitalize on what farming potential there is—to build up small industries so rural people can add to their meager incomes—to help their fine young people prepare for opportunities in an expanding America.

The rural development program in Madison County, as in so many other areas, has encouraged big strides toward all these objectives. To cite a few:

Some 10 small industries have started up or been expanded since rural development started. One of these is a clothing plant employing 100 people and financed by local capital, another an industry using local woods to manufacture archery equipment.

Countywide effort and attention have gone into providing much-needed services for young people, services which in former days were not available. Career guidance programs were set up in the schools, a youth center established, and stay-in-school campaigns started.

In a county where, according to the 1954 census of agriculture, about half the 2,000 farm operators earn little or nothing from farming and the average value of land and buildings per farm is $5,000, compared with $20,000 nationally, this balanced, long-term plan of farm, industry, community, and industrial development is plainly the only answer, the only plan that offers any hope.

APPENDIX IIIA: POLICIES FOR THE LOW INCOME FARMERS

The following quotation is from the Staff Report on Employment, Growth, and Price Levels, dated December 24, 1959, prepared for consideration of the Joint Economic Committee. The materials represent a sifting by the staff of the extensive hearings held by the Joint Economic Committee over the past 2 years including the hearings related to Policy for Commercial Agriculture.

"POLICIES FOR THE LOW-INCOME FARMERS

"1. None of the above policies [relating to commercial agriculture] will be sufficient to solve the problem of the low-income farmers. The regions in which they are concentrated pose a similar challenge to the United States as underdeveloped countries overseas. Technical assistance in many forms could be usefully applied.

"The rural development program, which is particularly aimed at farmers that do not produce much for market, should be put on a substantial scale. This program is conducted by five Federal departments and the Small Business Administration, in cooperation with land-grant colleges, and aims to expand off-farm jobs, develop efficient family-sized farms, and provide special programs of education, vocational training, and guidance. It is only by these and related methods that the problem of poverty in agriculture can ultimately be cured.

"We recommend that this program be developed with all possible speed and energy. Given the general overproduction of agriculture and the outlook on farm incomes, we recommend that the program put particular stress on the development of nonagricultural job opportunities and on vocational training for industry. The attraction of industry within commuting distance of these low-income farm areas would be the most effective step for ameliorating their poverty.

"Technical assistance in developing more effective farms and in improving marketing facilities should also be expanded in order to further reduce rural poverty. Educational programs wil also prove useful.

"Similar activities by the Bureau of Indian Affairs designed to cure the rural poverty of the American Indians, should also be prompted.

"The programs to provide capital to low-income families, conducted by the Farmers'

Home Administration and other agencies, should also be continued and strengthened, particularly to encourage land acquisition in those areas where consolidation of farms would permit the development of viable family enterprises."

APPENDIX IV: THE WHEAT PROBLEM

The Government wheat program, compulsory under the law, is a major national problem which only Congress can correct.

Under the present program:

1. Carryover stocks total 1.3 billion bushels and are growing.
2. CCC investment amounts to about $3.5 billion and will increase.
3. Storage, handling, and interest costs to taxpayers are about $1¼ million per day and going up.
4. Export subsidy costs more than 50 cents per bushel.
5. Most of the feed markets for wheat has been lost.
6. Wheat program expenditures run about 30 percent of the total expenditures for stabilization of farm prices and income but only 6 percent of cash receipts from total farm sales.
7. Number of farmers using the 15-acre loophole totaled 690,000 in 1959—up 152,000 in 3 years.
8. Wheat acreage has been lost in the traditional wheat areas.

ADDITIONAL FACTS

A. The breakdown of the wheat program is not the fault of the farmer.

B. This program has stimulated unneeded production and wasted resources.

C. Unless this wheat situation is corrected now, public pressure may force abandonment of the entire price stabilization program—the good along with the bad.

D. Productivity per man-hour in wheat has increased eight times since 1910–14, making present fixed formulas obsolete.

E. Continuing the present program will mean a further buildup of the wheat surplus by about 100 to 200 million bushels a year.

F. The July 1, 1959, carryover of 1.3 billion bushels if converted into bread would provide 450 loaves for every man, woman, and child in this country.

G. Some 100 to 200 million bushels of wheat used to be fed to livestock each year. This outlet has been largely lost because wheat is priced out of a competitive relationship to other feed grains.

H. Only those wheat farmers with allotments of over 15 acres are eligible to vote in marketing quota referendums. These farmers represent only 40 percent of all wheatgrowers. Ten percent of the wheatgrowers produce 55 percent of the crop.

I. Under the stimulus of Government price fixing, more farmers are growing wheat outside the program than within the program.

J. Since 1953 some wheatgrowing States have lost wheat acreage, as follows:

Kansas, 3.7 million acres.
North Dakota, 3.5 million acres.
Oklahoma, 1.9 million acres.
South Dakota, nearly 1.2 million acres.
Nebraska, 1 million acres.
Washington, nearly 900,000 acres.

K. If there were no legal minimum of 55 million acres and the formula in the present obsolete law were applied, the national wheat allotment for 1960 would be zero acres.

SPECIALLY TRAINED TEACHERS FOR THOSE HANDICAPPED BY DEAFNESS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. LINDSAY] is recognized for 15 minutes.

Mr. LINDSAY. Mr. Speaker, I have introduced today a bill which, in effect, will provide for specially trained teachers for those handicapped by deafness, as well as specially trained speech pathologists and audiologists for individuals suffering from speech and hearing impairments. Others have also supported such a bill.

Needless to say, the most important and valuable of this country's resources is manpower. It is the greatest endowment of our democracy, the foundation of our enduring society. This Government is predicated on the belief that every individual is important and worthy of our attention. As such, we must channel our talents and efforts to the conservation and development of our human resources and capacity.

There are in our midst today some 30,000 deaf children of school age with an expected increase of 400 every year, and 8 million Americans of all ages suffering from speech or hearing impairment. The number continues to rise while the number of specialists dedicated to train these people to take their rightful place in our society, with full opportunity to make their own way, is extremely low and constantly diminishing.

To train these schoolchildren, we need some 500 specialists annually. At the moment, there are only 150 such teachers in training. Out of some 20,000 pathologists and audiologists needed to diagnose, train, and rehabilitate our 8 million handicapped, there are only 2,000 available. There is indeed a critical shortage of trained personnel in this field.

If not rehabilitated, this bulk of our population presents and will continue to pose medical, social, emotional, educational, economic, and political problems from which we shall find ourselves in the not too distant future hard to extricate. The problem is serious, real, and immediate. We have to act now.

From a careful scrutiny of reports supplied me and conversations with informed sources, I am convinced that 80 percent of these cases are remediable. Let me give you an example of the kind of thing that can be done in this field. In my own congressional district in Manhattan, the Lexington School for the Deaf is doing the most remarkable job in training the stone deaf to become useful members of the community.

This happens to be a private school, but it charges no tuition and it receives most of its support from the State. It takes children beginning from age 3 or 4 up and gives them a high school education. Many go on to college. By the time they are finished they are equipped to lead normal lives in the adult world and to communicate with others.

The teachers in this school, as in other schools for the deaf, must have very special qualifications. Not only must they have all of the qualifications and attributes of high school teachers in the normal school, but they must be specially trained to communicate with the stone deaf. Do you realize that the young ladies who make this their life work must, after having met all the other standards for high school teaching, take specialized post graduate courses and pay tuition for this purpose? In the Lexington School there are a number of young ladies who have elected to go on into this post graduate type of educational training. Most of them have to borrow the funds in order to pay the tuition. On top of this, they have to live and, in cities the size of New York, this is not cheap. Fortunately the Lexington School for the Deaf can provide living accommodations for most of these dedicated persons. But food, clothes, and other costs of living must be borne by them. When they are finished and are qualified to take on the task of teaching the deaf, they are paid less than the high school teachers in the regular school system. Can this be right? I do not think so.

Mr. Speaker, I am delighted that the Subcommittee on the Handicapped of the Committee on Education and Labor saw fit during the recess period to hold hearings on this subject throughout the nation. The subcommittee came into my district and did a splendid job of accumulating the evidence. The chairman of the subcommittee, the distinguished gentleman from Alabama [Mr. ELLIOTT], did a superb job of conducting the hearings, and the chairman of the full committee, the gentleman from North Carolina [Mr. BARDEN], himself was present for most of them. At the invitation of the gentleman from Alabama [Mr. ELLIOTT], I was pleased to sit as a member of the subcommittee. There were many groups who are concerned with the problems of the handicapped that were represented at the hearing. Many of these groups are from my district, and I believe, as I am sure the subcommittee believed, that they made a significant contribution to the subcommittee's information on this whole subject.

I cannot overemphasize the urgency of coping with the teacher training shortage in the area of the deaf. It is apparent that individual communities cannot and have not adequately coped with this task.

This bill and similar proposals before the Congress are not a guarantee to cure all these ills, but certainly it is a forward step toward alleviating the plight of a large segment of our less fortunate countrymen who have been disabled by the accident of birth, or otherwise.

This bill merits consideration if we are to put a stop to a continuous draining of our valuable reservoir of manpower.

SOCIAL SECURITY

The SPEAKER. Under previous order of the House, the gentleman from Indiana [Mr. BRAY] is recognized for 15 minutes.

Mr. BRAY. Mr. Speaker, the great majority of American families are depending upon social security in their financial planning for the present and future. The importance of social security naturally looms larger to those who have retired or who will reach retirement age in the near future. Even those who will not reach retirement for 20 or even 40 years are making social security contributions and will be affected by it for the remainder of their

lives. Their families are protected by the survivors' benefits which are paid when wage earners die.

The social security program is paid for by America's workers and their employers. Each employee contributes to the program, and his contribution is matched by his employer, except with the self-employed.

There are some inequities in the program. Because of individual age and the date at which certain types of work were covered, some persons have qualified for payments in fewer years than others. Although not strictly insurance it is generally based upon contributions and benefits are intended to be proportional to the amounts paid in. As the program has been in force more years the inequities will tend to disappear.

Since the social security program so vitally affects the economic life of most citizens, it is the responsibility of Congress to see that any changes in it are unquestionably sound and designed to strengthen the program, making it better serve the needs of American people—not only now but in future years.

SOCIAL SECURITY IS NOT A POLITICAL ISSUE

The history of social security shows that both political parties have supported this program. Although the principle of social security had been under study for some time, it was not enacted into law until the administration of President Franklin D. Roosevelt. It was continued and developed under President Harry Truman, and has been expanded and strengthened under the two administrations of President Dwight D. Eisenhower. All of us can remember the election of 1952 when General Eisenhower, as a candidate for President, was bitterly attacked with statements that he would destroy social security. A song was even introduced, pleading, "Don't Let Them Take It Away."

Eight years later we see that the social security program has been greatly expanded, improved, and liberalized during President Eisenhower's term of office.

It is deplorable that certain persons for political gain make inflammatory and false statements accusing their political opponents of being against social security. As is often the case, those who make the most violent accusations against the strawman enemy are often, by their actions, themselves the worst enemy of the cause.

So it is with the social security program. While a few from both the Republican and Democratic Parties have expressed fear that social security will not work, will not do the things for which it is intended, and pointed out failures of similar programs in history, the overwhelming majority of the American people of both political parties believe that it must be made to work effectively.

WHO ARE THE ENEMIES OF SOCIAL SECURITY?

There are always those who will practice chicanery for political gain; yet the honest leaders of both the Democratic and Republican Parties realize that social security is not a political issue but that it has become a real and potent force in the lives of all.

Few people honestly doubt that our Government will pay every retiree the amount due him by law. The great danger, however, is that by irresponsible actions to gain votes and by unsound spending we may so injure our economy and so devalue the buying power of the dollar that even though the social security retiree receives the number of dollars he has expected, he will be unable to purchase the things that he needs. Those who would wreck the value of the dollar are the real enemies of social security.

SOCIAL SECURITY IMPROVEMENTS IN THE LAST 7 YEARS

Social security was not taken away or lowered when President Eisenhower became President. Instead, the following improvements have been made in social security during his two administrations. The minimum monthly payment has risen from $25 to $33 a month and the maximum from $85 to $127 a month. The number of recipients of benefits has grown from 5 million to 14 million and the average payment per month has increased from $49 to $73. Today, payments to social security retirees total $885 million per month while they were $219 million at the end of 1952. Ministers, farmers, and numerous other trades and professions that were not covered in 1952 are now covered. There are 17 million more Americans covered. Disability retirement under social security was added in 1956. I am merely giving these few figures to show that social security is a recognized program that is continually being developed.

DANGERS TO THE SOCIAL SECURITY SYSTEM

To an increasing degree, Americans are depending upon retirement income in their later years to protect them from want; they are depending on that income from social security, insurance, private retirement plans, pensions, savings in banks, and Government bonds. In general, the amount a retiree will receive from these sources is a fixed sum. It does not rise with inflation. As the purchasing power of the dollar goes down, his living standard will go down, because he can purchase less and less with his limited income. Those with modest retirement incomes are injured most when the purchasing value of the dollar is weakened.

History is filled with instances of the currency of a country becoming valueless, thus destroying the standards of living of the people. I well remember at the close of World War II when the Chinese rickshaw boy in Shanghai was getting a million Chinese dollars a day yet he could not buy a loaf of bread with that million dollars. Many countries have gone through similar crises.

You say that it cannot happen here. I do not believe that it will, but it could. The interest on our national debt alone is $9.5 billion a year—which is within $1 billion of what the Government is paying out in social security this year. As our debt increases, so does the interest we pay on it. As the Government borrows more money, the interest rate gets higher, and up and up the spiral goes. The only one who really gains is the speculator—the others lose.

I am not a pessimist. I believe that we have stopped this increasing Federal debt. Apparently, we have balanced the budget this year, and next year we can reduce the national debt a small amount. That is one of our primary jobs in Congress. In spite of pressures, we in Congress must protect the value of the American dollar.

LOWERED RETIREMENT AGE

The House Ways and Means Committee has before it many bills that would change social security provisions. For years several Members, including myself, have introduced bills to lower the voluntary retirement age to 60 years. My present bill is H.R. 4006. I was pleased that 4 years ago we made some accomplishment when we succeeded in lowering the retirement age for women from 65 to 62.

I am aware that a lowered retirement will increase the cost of the program. However, I believe that if the committee approves retirement at age 60, such retirement at age 60 should be conditional on the retiree giving up his job; this will do much to relieve unemployment. The great majority of those who are physically able to continue work past age 60 will do so—they will receive more in pay than their social security payment would be. Those who would retire at 60 would release a job for someone who is unemployed. Careful consideration should be given to this in this age of automation.

INCREASED PAYMENTS AND DISABILITY RETIREMENT

Careful study should also be given as to increasing the amount of retirement benefits especially for those receiving the lower retirement payments. The committee should also consider proposals to allow those who are more than 72 years of age and who have not had an opportunity to qualify for social security retirement to draw the minimum benefits. Such legislation would greatly reduce the county, State, and national expenditures for old-age pensions under public welfare programs and would raise the standard of living of our elder citizens.

Four years ago a disability retirement was added to social security. This has assisted many needy cases but consideration should be given to clarifying the regulations for this disability retirement. It seems to be quite difficult to qualify under present regulations and procedures.

ACHIEVEMENTS OF SOCIAL SECURITY

I was not in Congress at the time that the original social security law was passed. However, in 1936, I was appointed to the Morgan County Public Welfare Board. From 1937 until I entered the Army in 1941, I served as president of that board. During those years, I became knowledgeable of the needs of our older citizens. I understand the great importance of good legislation and administration in this field.

We must never allow social security to destroy incentives toward industry and thrift. Social security payments should be considered as a floor to help retirees meet minimum needs. This program has lessened suffering and want and

has brightened the lives of millions. It has enabled our elder citizens, our widows and orphans to participate to an increasing degree in our growing economy. With an expanding economy such as ours, we must have those who can afford to buy the products of our factories and farms as well as those who produce. The social security recipients today are purchasing the food and other products of our industries, labor, and farms to the benefit of all.

NO "BOONDOGGLING" IN SOCIAL SECURITY

Social security is primarily a cash pension system, created to help pay living costs. The spending of that money is solely the privilege and responsibility of the recipient the same as any other money he possesses. No Federal employee has any control over that money. The fact is that one of the principal reasons that social security has been so successful and efficient is that Federal redtape and "papa knows best" philosophy are held to a minimum in the program today.

However, there are those who would tie other governmental projects onto it—projects that could unleash a crushing weight of Federal supervision and bureaucracy on it. If it is determined that additional money shall be paid to the retirees to help them obtain adequate medical care, it should be paid to them in cash so they may purchase health insurance as they see fit rather than have the social security program hobbled and entwined in Federal regulation. Nothing will destroy the program more quickly than to hobble it with governmental controls and nothing would be further from the American way of life.

SOCIAL SECURITY IS CONGRESSIONAL RESPONSIBILITY

Our Government is the custodian of the social security funds to be paid to the retirees now and on into the future. Congress has the sacred responsibility of making rules for the collection and distribution of these funds. Few more solemn trusts have been given to a legislative body. Our handling of that trust will determine whether the social security system will enrich the lives of the widows and orphans, of our disabled and our elder citizens, or whether by unsound actions and selfish bidding for votes we will so wreck our economy and the system that the needy will find the cupboard bare and only bitter disillusionment.

In summary, the social security system will be just as strong as our American economy. We, in Congress, must forever keep America strong.

CODE OF ETHICS FOR THE BROADCASTING INDUSTRY

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LINDSAY. Mr. Speaker, the public spotlight has recently been focused with marked degree on radio and television. It is axiomatic in the field of mass communication that radio and television are in the nature of a public trust and, as such, the public has every reason to demand from them the establishment and maintenance of the highest possible standards of morality and decency.

Radio and television are constant companions in our homes, and their opportunities to be an influence for the good in our daily lives are limitless. Radio and television permeate in every field of human endeavor—in our homes, in school, in government, in places of religious worship, even in our leisure. They have a tremendous influence in molding the minds of our youth, in swaying one way or the other public opinion.

The role of radio and television is of utmost importance to the development and progress of the Nation and its people. But it carries with it a concomitant responsibility which must be adhered to with tenacity.

It is gratifying to note, Mr. Speaker, that station WNEW in New York City has consistently and conspicuously set the highest standards of morality and decency, in recognition of which the National Conference of Christians and Jews has conferred upon it the most coveted prize in radio and television, the 1960 Brotherhood Award. Radio station WNEW is the only radio station in the United States to receive this highly valued prize this year. Last year it was the recipient of the Peabody Award as the outstanding radio news department in the country. WNEW is radio at its best.

We in New York are proud of this station, its management, and its staff for this singular achievement which is worthy of emulation. Needless to say, the National Conference of Christians and Jews is to be congratulated on its choice and on its role of fostering a climate conducive to the achievement of high standards in public service.

ESTABLISHMENT OF NATIONAL PEACE AGENCY

Mr. GEORGE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I am pleased today to be able to introduce a bill to create a National Peace Agency. While the bill I am presenting is based upon the excellent bill introduced by the gentleman from Florida [Mr. BENNETT], there are several differences in design.

The most important of these is that the Peace Agency is directed to create a training center in addition to its laboratory. The training center will train, equip, and supply the men who are assigned to enforce any disarmament agreement that the United States reaches. For example, the enforcement teams that are contemplated for an atomic test ban would be set up by the Agency, under my bill. It has been said that the laboratory for peace would approximate in the peace area what the National Institutes of Health do so well in the line of research on disease. Similarly, the training center for peace would approximate the function of the Public Health Service, whose officers put into action the knowledge that the Institutes have discovered.

My bill would also add specifically to the research aims of the Agency—that of discovering means of controlled disarmament in the field of CBR weapons—chemical, biological, and radiological. These, the most newly publicized terrors of our age, may also be the hardest for which to inspect, and thus the hardest area in which to control any disarmament agreement.

I have also proposed research into the possibility of an international police force, using weapons that would temporarily disable without permanently harming individuals, as one of the purposes of the Peace Agency.

Finally, I have included in my bill such provisions concerning security as will make it clear that the Agency will have access to the most crucial areas of peace work—which are likely to be classified areas—and that only men working in such areas must have security clearance. The results of the Agency's research, since they will be of interest to the whole world in its search for peace, should rarely be classified.

Mr. Speaker, we in Washington are sometimes accused of creating too many alphabet-soup agencies, and undoubtedly we sometimes do. But I cannot conceive of any agency that would have such an impact for good on the United States and on the world as an agency dedicated wholly to research and action for peace. We have our Public Health Service and our National Institutes of Health to wipe out cancer, mental illness, blindness, heart disease, and other major illnesses. War is as terrible as cancer on society, as deadly to life and liberty, as any physical disease. The need for a National Peace Agency is one of the most pressing before us.

DEFEATISM

Mr. GEORGE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert in the RECORD an article from the Washington Post of February 9, 1960, by Walter Lippmann, entitled "Today and Tomorrow":

TODAY AND TOMORROW
(By Walter Lippmann)

DEFEATISM

At his press conference last week the President replied to his critics who are saying that we are behind the Soviet Union. At the end, in response to a question by Mr.

Edward P. Morgan, he went beyond the technical argument about the missible gap and deterrent power to his own philosophical attitude towards the rivalry of the two strongest world powers, the Soviet Union and ourselves.

Mr. Eisenhower's philosophy, if I have understood correctly his impromptu remarks, is that our security is not in jeopardy and that if the Soviet Union is moving faster than we are in the development of certain elements of national power, that is to be expected and must be accepted. For, said Mr. Eisenhower, "let's remember that dictatorships have been very efficient." If we must achieve a "greater tempo" in our development of national power, we shall have to "take our country and make it an armed camp and regiment it * * * and get people steamed up like you did in wars."

After that explanation of why we have fallen behind, Mr. Eisenhower delivered a little lecture on how we should think and talk more about the "values * * * which we do believe"—namely "our own individual freedoms and rights." He went on to say that "our people ought to have greater faith in their own system." By this he seemed to mean that the critics who think our defenses are inadequate and the critics who say that we are neglecting our children and not keeping up with the needs of our population, have less faith than he has in our system.

With all due respect, Mr. Eisenhower is mistaken. It is he who lacks faith in our system. It is he who is saying that we cannot meet the Soviet challenge without changing our system and giving up our freedom. It is he who is telling the country that it cannot afford to meet the needs of our rapidly growing and increasingly urbanized population. It is he who is saying that with a $500 billion economy, the American Nation will lose its freedom if it devotes to public purposes a somewhat larger share than it does today.

It is he who is saying that our system of liberty is so fragile that it is not tough enough and durable enough to keep up the pace in the great contest of national power.

Again with all due respect, he has sunk into, he has resigned himself to, an attitude of defeatism in which there is no faith that our people have the will, the energy, the resourcefulness, and the capacity to close ranks, if they are summoned to make a greater effort. Mr. Eisenhower is talking like a tired old man who has lost touch with the springs of our national vitality.

The doctrine which the President holds, the doctrine which determines his budget, his program, and his preaching to the Nation is, in the perspective of the world struggle, a most dangerous doctrine. The central issue of the world struggle is whether the Soviet system or a liberal system can deal best with the problems that beset mankind. In that struggle we shall surely lose if we tell the world that, though we have the richest economy in all history, our liberal system is such that we cannot afford a sure defense and adequate provision for the civil needs of our people.

If that doctrine goes out into the world, unchallenged and unrefuted here at home, Mr. K. will have the ball which we will have fumbled. We can talk to the end of time about how much we love liberty. But if the masses of mankind understand us to mean that we love liberty in such a way that we cannot keep our place in the world, they will look for guidance and for example to Moscow and not to Washington.

Yet the President's defeatism has no objective justification. The virtues of our system of society are not inseparably tied up with the Revenue Act of 1954 or with a philosophy of government which, when the President explains it, regards the Federal Government as at best a necessary evil.

The Federal Government is no doubt wasteful, and clumsy, and inflated with bureaucracy, and not wholly immune to the payola. But the Federal Government is not a necessary evil to be talked down to. The Federal Government is an indispensable good which must be held to account and be criticized but with respect and appreciation.

For when we talk about our freedoms and our rights, we should not forget the next sentence in the Declaration of Independence which says "that to secure these rights governments are instituted among men" deriving their just powers from the consent of the governed.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. BARING (at the request of Mr. LIBONATI), for today and next week, on account of official business.

Mr. MCCULLOCH (at the request of Mr. HALLECK), for February 17, on account of official business; attended hearings of the Special Subcommittee of the Select Committee on Small Business that were held in Boston, Mass., with respect to small business problems in the dairy industry.

Mr. BECKER, for 1 week, on account of official business of the House Armed Services Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WOLF, for 40 minutes, on Monday next.

Mr. HECHLER, for 30 minutes, today.

Mr. HOEVEN (at the request of Mr. SMITH of California), for 30 minutes, today.

Mr. LINDSAY (at the request of Mr. SMITH of California), for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. HOFFMAN of Michigan.

Mr. SAYLOR.

Mr. LESINSKI.

(At the request of Mr. SMITH of California and to include extraneous matter the following:)

Mr. PELLY.

Mr. WHARTON in two instances.

(At the request of Mr. GEORGE, and to include extraneous matter, the following:)

Mr. FOGARTY in four instances.

Mr. HOLTZMAN.

Mr. SANTANGELO.

Mr. IRWIN.

Mr. HÉBERT.

ADJOURNMENT

Mr. GEORGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 47 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, February 22, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1849. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the administrative expense authorization of the Commodity Credit Corporation for the fiscal year 1960, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of administrative expense authorization, pursuant to subsection (e)(1) of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665(e)(1)); to the Committee on Appropriations.

1850. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Joseph Bilenco a. k. a. Joseph Addison Blake, A10191198, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

1851. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Pedro Ramirez-Cordova, A1956110, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

1852. A letter from the national quartermaster-adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the annual reports covering the activities of the Veterans of World War I, U.S.A., Inc., pursuant to Public Law 85–530, 85th Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POWELL: Committee on Interior and Insular Affairs. H.R. 7987. A bill to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States; with amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACK of Illinois: Committee on Interstate and Foreign Commerce. H.R. 2485. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses; with amendment (Rept. No. 1279). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 10533. A bill to amend the Tariff Act of 1930, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT of Florida:

H.R. 10534. A bill to amend section 105 of the River and Harbor Act of 1958 to require

that value to the national defense be included in certain survey reports made by the Secretary of the Army; to the Committee on Public Works.

By Mr. CONTE:

H.R. 10535. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. CRAMER:

H.R. 10536. A bill to provide for national cemeteries in the central west coast area of the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 10537. A bill to prohibit agencies of the United States from imposing contractual provisions boycotting vessels trading with Israel; to the Committee on Merchant Marine and Fisheries.

By Mr. HOLTZMAN:

H.R. 10538. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KARTH:

H.R. 10539. A bill to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. LESINSKI:

H.R. 10540. A bill to amend the Postal Field Service Compensation Act of 1955 to correct certain inequities with respect to supervisory and other postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10541. A bill to modify the Postal Field Service Compensation Act of 1955 with respect to certain salary levels, position descriptions, and service credit for automatic step increases of supervisory and other postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McSWEEN:

H.R. 10542. A bill to amend the Railroad Retirement Act of 1937 to permit an annuitant to receive his annuity even though he renders compensated service for the outside employer by whom he was last employed before his annuity began to accrue; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA of Illinois:

H.R. 10543. A bill to amend the Railroad Retirement Act of 1937 to provide that men who have attained the age of 62 may retire on a full annuity thereunder upon completion of 30 years of service; to the Committee on Interstate and Foreign Commerce.

H.R. 10544. A bill to prevent the use of stopwatches, work measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

H.R. 10545. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLIVER:

H.R. 10546. A bill to establish a public policy with respect to oceanographic surveys, and to provide for coordination of the efforts of Federal agencies with respect to oceanographic surveys; to the Committee on Merchant Marine and Fisheries.

By Mr. PHILBIN:

H.R. 10547. A bill to amend the act of September 2, 1958; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H.R. 10548. A bill to amend the Helium Act of September 1, 1937, as amended, for the defense, security, and the general welfare of the United States; to the Committee on Interior and Insular Affairs.

By Mr. SANTANGELO:

H.R. 10549. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 10550. A bill to extend the Export Control Act of 1949 for two additional years; to the Committee on Banking and Currency.

By Mrs. SULLIVAN:

H.R. 10551. A bill to prohibit agencies of the United States from imposing contractual provisions boycotting vessels trading with Israel; to the Committee on Merchant Marine and Fisheries.

By Mr. ULLMAN:

H.R. 10552. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRAY:

H.R. 10553. A bill to extend the time for filing of the final report of the Lincoln Sesquicentennial Commission; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 10554. A bill to provide for a parkway connection between Mount Vernon and Woodlawn Plantations, in the State of Virginia, and for other purposes; to the Committee on Public Works.

By Mr. HORAN:

H.R. 10555. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to authorize the Secretary of Agriculture to issue marketing orders with respect to certain processed fruits; to the Committee on Agriculture.

By Mr. JOHNSON of Colorado:

H.R. 10556. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H.R. 10557. A bill to create a National Peace Agency and to prescribe its functions; to the Committee on Foreign Affairs.

By Mr. WHARTON:

H.R. 10558. A bill to amend the Tariff Act of 1930 to provide for the free importation of wild animals, birds, and reptiles which are intended for exhibition in the United States; to the Committee on Ways and Means.

By Mr. LINDSAY:

H.J. Res. 618. Joint resolution to help make available to those children in our country who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to help make available to individuals suffering speech and hearing impairments those specially trained speech pathologists, and audiologists needed to help them overcome their handicaps; to the Committee on Education and Labor.

By Mr. McSWEEN:

H.J. Res. 619. Joint resolution to further reduce the incidence of brucellosis by providing Federal support to complete nationwide certification and proceed toward the eradication of brucellosis under the brucellosis eradication program; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Mississippi, memorializing the President and the Congress of the United States to extend the time limits of the veterans' education program established by the Federal Government pertaining to World War II and Korean conflict veterans, which was referred to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BASS of New Hampshire:

H.R. 10559. A bill for the relief of Giuseppa Alonzi; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 10560. A bill for the relief of See Kwong Ong, Shui Sum Ong, Shun Mei Ong, Sin Kok Ong, and Shun Ngor Ong; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 10561. A bill for the relief of Gehvont Khosrovian; to the Committee on the Judiciary.

By Mr. HAGEN:

H.R. 10562. A bill for the relief of Josephina Data Tamase; to the Committee on the Judiciary.

By Mr. KILBURN:

H.R. 10563. A bill to admit the vessels *Fort Town*, *Maple City*, and *Windmill Point* to American registry and to permit their use in the coastwise trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. LANE:

H.R. 10564. A bill for the relief of 2d Lt. James F. Richie; to the Committee on the Judiciary.

By Mr. McSWEEN:

H.R. 10565. A bill for the relief of Nicholas Phillon; to the Committee on the Judiciary.

By Mr. REECE of Tennessee:

H.R. 10566. A bill for the relief of Mrs. Frances M. Jones; to the Committee on the Judiciary.

H.R. 10567. A bill for the relief of T.L. Cable; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 10568. A bill for the relief of Francesca Indelicato and Renzo Orazio Indelicato; to the Committee on the Judiciary.

By Mr. HEMPHILL:

H.J. Res. 620. Joint resolution to authorize the Speaker of the House of Representatives to confer a medal on John Edgar Hoover, Director of the Federal Bureau of Investigation; to the Committee on Banking and Currency.

By Mr. LANE:

H. Res. 451. Resolution providing for sending the bill H.R. 7901, with accompanying papers, to the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

341. By Mr. FORAND: Petition of the City Council, City of Providence, State of Rhode Island and Providence Plantations, requesting the Members of Congress from the State of Rhode Island to urge the Veterans' Administration to cause the status of the Veterans' Administration hospital at Davis Park be unchanged; to the Committee on Veterans' Affairs.

342. By the SPEAKER: Petition of Lewis W. Hunt, Covina, Calif., relative to a grievance against the Foreign Service personnel in the Rome American Embassy, and to investigate the sale of the property Orenstein and Koppel; to the Committee on Foreign Affairs.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

QUARTERLY REPORTS

The following reports for the third calendar quarter of 1959 were received too late to be included in the published reports for that quarter:

A. Active-Retired Lighthouse Service Employees Association, Post Office Box 2169, South Portland, Maine.
D. (6) $190. E. (9) $561.45.

A. Claris Adams, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. Aircraft Service Association, 1195 Rancheros Road, Pasadena, Calif.
D. (6) $4,000. E. (9) $1,591.50.

A. William B. Allen, 917 15th Street NW., Washington, D.C.
B. United Rubber, Cork, Linoleum and Plastic Workers of America, High at Mill Streets, Akron, Ohio.
D. (6) $2,210. E. (9) $33.10.

A. American Cancer Society, 521 West 57th Street, New York, N.Y.
E. (9) $6,844.55.

A. American Carpet Institute, Inc., 350 Fifth Avenue, New York, N.Y.
E. (9) $390.60.

A. American Civil Liberties Union, Inc., 170 Fifth Avenue, New York, N.Y.
D. (6) $1,579.30. E. (9) $1,579.30.

A. American Dental Association, 222 East Superior Street, Chicago, Ill.
D. (6) $11,992.27. E. (9) $11,992.27.

A. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $1,995.20. E. (9) $24,837.22

A. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $74.25. E. (9) $4,300.30.

A. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $43.75. E. (9) $53.15.

A. American Merchant Marine Institute, Inc., 11 Broadway, New York, N.Y.
E. (9) $5,132.95.

A. American Paper & Pulp Association, 122 East 42d Street, New York, N.Y.

A. American Thrift Assembly, 1025 Connecticut Avenue NW., Washington, D.C.
E. (9) $11,690.02.

A. American Veterinary Medical Association, 600 South Michigan Avenue, Chicago, Ill.
E. (9) $498.63.

A. American Yugoslav Claims Committee, 61 West 87th Street, New York, N.Y.
D. (6) $256.56. E. (9) $273.87.

A. Robert E. Ansheles, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Thrift Assembly, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500.

A. Arnold, Fortas & Porter, 1229 19th Street NW., Washington, D.C.
B. Commissioner of Baseball, 30 Rockefeller Plaza, New York, N.Y.
E. (9) $895.55.

A. Arthritis and Rheumatism Foundation, 10 Columbus Circle, New York City.
E. (9) $1,097.06.

A. Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Ill.
E. (9) $833.33.

A. Charles E. Babcock, Box 406, Vienna, Va.
B. National Council, Junior Order United American Mechanics, 3025 North Broad Street, Philadelphia, Pa.
D. (6) $150. E. (9) 75 cents.

A. Frederic A. Baker, 296 Lexington Road, Berkeley, Calif.

A. Roy Battles, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, Patrons of Husbandry, 744 Jackson Place NW., Washington, D.C.
D. (6) $3,600.

A. Ralph E. Becker, 1700 K Street NW., Washington, D.C.
B. American National Theater and Academy, 1545 Broadway, New York, N.Y.
E. (9) $245.06.

A. Ralph E. Becker, 1700 K Street NW., Washington, D.C.
B. The League of New York Theaters, Inc., and the National Association of the Legitimate Theaters, Inc., 137 West 48th Street, New York, N.Y.
D. (6) $350. E. (9) $315.22.

A. Carl H. Berglund, 1219 Washington Building, Tacoma, Wash.
E. (9) $40.71.

A. Marcia Musicant Bernstein, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. Percy G. Black, 829 Pennsylvania Building, Washington, D.C.
B. General Telephone Service Corp., 730 Third Avenue, New York, N.Y.
D. (6) $300.

A. Mrs. Paul Blanshard, 245 Second Street NE., Washington, D.C.
B. Unitarian Fellowship for Social Justice.

A. Chester F. Bletch, 1530 Wilson Boulevard, Arlington, Va.
B. Maryland and Virginia Milk Producers Association, Inc., 1530 Wilson Boulevard, Arlington, Va.

A. Blue Cross Commission, 840 North Lake Shore Drive, Chicago, Ill.

A. Charles B. Bowling, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, 744 Jackson Place NW., Washington, D.C.
D. (6) $600.

A. Roland Boyd, 218 East Louisiana Street, McKinney, Tex.
B. Wherry Housing Association, 1737 H Street NW., Washington, D.C.
D. (6) $1,826.66. E. (9) $236.51.

A. Boykin & De Francis, 1000 16th Street NW., Washington, D.C.
B. Mrs. Claire Hugo Stinnes, Grossenbaumerstrasse 253, Mulheim Ruhr, Germany.
E. (9) $170.

A. Boykin & De Francis, 1000 16th Street NW., Washington, D.C.
B. Studiengesellschaft fur Privatrechtliche Auslandsinteressen, e.v. Contrescarpe 46, Germany.
E. (9) $290.

A. W. Kenneth Brew, 122 East 42d Street, New York, N.Y.
B. American Paper & Pulp Association, 122 East 42d Street, New York, N.Y.

A. Milton E. Brooding, 215 Fremont Street, San Francisco, Calif.
B. California Packing Corp., 215 Fremont Street, San Francisco, Calif.
D. (6) $600. E. (9) $260.

A. Brotherhood of Locomotive Engineers, 1122 Engineers Building, Cleveland, Ohio.

A. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employes, 1015 Vine Street, Cincinnati, Ohio.
D. (6) $8,029.62. E. (9) $8,029.62.

A. Mrs. Fred L. Bull, 4312 Rowalt Drive, College Park, Md.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. John J. Burke, 1062 West Platinum Street, Butte, Mont.
B. Pacific Northwest Power Co., Post Office Box 1445, Spokane, Wash.
E. (9) $250.

A. George B. Burnham, 132 Third Street SE., Washington, D.C.
B. Numerous stockholders of the Burnham Chemical Co., 132 Third Street SE., Washington, D.C.
D. (6) $457. E. (9) $457.

A. David Burpee, Fordhook Farms, Doylestown, Pa.

A. J. Edward Burroughs, Jr., Suite 701 Tower Building, Washington, D.C.
B. Unilac, Inc., and its subsidiary, Nestle's Products (Export), Inc., Ridgeway Center Building, Stamford, Conn.

A. James A. Campbell, 900 F Street NW., Washington, D.C.
B. American Federation of Government Employees, 900 F Street NW., Washington, D.C.
D. (6) $2,884.62. E. (9) $288.46.

A. Wallace J. Campbell, 1025 Vermont Avenue NW., Washington, D.C.
B. Cooperative League of the United States of America, 343 South Dearborn Street, Chicago, Ill.

A. Clarence B. Carter, Post Office Box 798, New Haven, Conn.
B. Railroad Pension Conference, Post Office Box 798, New Haven, Conn.

A. William L. Carter, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C.

A. Walter Caven, Post Office Box 717, Austin, Tex.
B. Texas Railroads.
D. (6) $162.20. E. (9) $269.50.

A. Cities Service Petroleum, Inc., 70 Pine Street, New York, N.Y.

A. Committee for Broadening Commercial Bank Participation in Public Financing, New York, N.Y., and Washington, D.C.

A. Committee for Oil Pipe Lines, 418 Munsey Building, Washington, D.C.

A. Bernard J. Conway, 222 East Superior Street, Chicago, Ill.
B. American Dental Association, 222 East Superior Street, Chicago, Ill.
D. (6) $3,500.

A. Edward J. Coughlin, 900 F Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 900 F Street NW., Washington, D.C.
D. (6) $195. E. (9) $20.

A. Council of Conservationists, Inc., 10 East 40th Street, New York, N.Y.
B. Fred Smith & Co., Inc., 10 East 40th Street, New York, N.Y.

A. Council of State Chambers of Commerce, 1025 Connecticut Avenue, Washington, D.C.
D. (6) $1,325.94. E. (9) $1,325.94.

A. Paul L. Courtney, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $300.

A. A. M. Crawford, 704 Title & Trust Building, Phoenix, Ariz.
B. Southern Pacific Co., 65 Market Street, San Francisco 5, Calif., and the Atchison, Topeka & Santa Fe Railway, 121 East Sixth Street, Los Angeles, Calif.
D. (6) $50. E. (9) $227.41.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,040.40 E. (9) $1,040.40.

A. Joseph M. Creed, 1317 F Street NW., Washington, D.C.
B. American Bakers Association, 1317 F Street NW.

A. William A. Cromartie, 1 North La Salle Street, Chicago, Ill.
B. The Singer Manufacturing Co., 149 Broadway, New York, N.Y.
D. (6) $2,973.54. E. (9) $2,295.31.

A. Michael B. Deane, 1700 K Street NW., Washington, D.C.
B. American Watch Association, Inc., 1700 K Street NW., Washington, D.C.
D. (6) $1,250.

A. S. P. Deas, 520 National Bank of Commerce Building, New Orleans, La.

A. Robert J. Demichelis, 640 Central Avenue, Deerfield, Ill.
B. National Committee for Insurance Taxation, the Hay-Adams House, Washington, D.C.
D. (6) $1,605.20. E. (9) $305.47.

A. John M. Dickerman, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $1,031.25. E. (9) $76.18.

A. William C. Doherty, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,125.

A. Douglas, Obear & Campbell, 822 Southern Building, Washington, D.C.
B. Anne Archbold, 3905 Reservoir Road, Washington, D.C.

A. Fred B. Driscoll, 719 Oldtown Road, Cumberland, Md.
B. Journeymen Barbers, Hairdressers, Cosmetologists, and Proprietors, International Union of America, 1141 North Delaware Street, Indianapolis, Ind.
D. (6) $1,560. E. (9) $1,355.

A. Stephen F. Dunn, 2 East 48th Street, New York, N.Y.
B. National Association of Manufacturers.

A. John W. Edelman, 1025 Vermont Avenue NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y.
D. (6) $2,607.98. E. (9) $858.05.

A. Clyde T. Ellis, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $75.

A. John H. Else, 302 Ring Building, Washington, D.C.
B. National Retail Lumber Dealers Association, 302 Ring Building, Washington, D.C.
D. (6) $3,750. E. (9) $294.70.

A. Far East Group, Inc., 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $135. E. (9) $384.28.

A. Mrs. Albert E. Farwell, Box 188, Route 2, Vienna, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Berchmans T. Fitzpatrick, 1025 Connecticut Avenue, NW., Washington, D.C.
B. Wood, King & Dawson, 48 Wall Street, New York, N.Y.
E. (9) $200.

A. Donald G. Fletcher, 820 Midland Bank Building, Minneapolis, Minn.
B. Rust Prevention Association, 820 Midland Bank Building, Minneapolis, Minn.
D. (6) $3,750. E. (9) $753.81.

A. Mrs. J. A. Ford, 808 North Capitol Street, Washington, D.C.
B. Townsend Plan, Inc., 808 North Capitol Street, Washington, D.C.

A. Clark Foreman, Post Office Box 1275, Washington, D.C.
B. Emergency Civil Liberties Committee, 421 Seventh Avenue, New York, N.Y.
D. (6) $145. E. (9) $1,051.41.

A. General Federation of Women's Clubs, 1734 N Street NW., Washington, D.C.

A. Chloe Gifford, 1734 N Street NW., Washington, D.C.
B. General Federation of Women's Clubs, 1734 N Street NW., Washington, D.C.

A. Grain & Feed Dealers National Association, 400 Folger Building, Washington, D.C.
E. (9) $36.51.

A. Alfred N. Guertin, 230 North Michigan Avenue, Chicago, Ill.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. Raymond V. Hall, 245 Market Street, San Francisco, Calif.
B. Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $2,068.90. E. (9) $2,474.62.

A. E. C. Hallbeck, 817 14th Street NW., Washington, D.C.
B. National Federation of Post Office Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $3,645.80. E. (9) $124.12.

A. William A. Hanscom, 100 Indiana Avenue NW., Washington, D.C.
B. Oil, Chemical and Atomic Workers International Union, 1840 California Street, Denver, Colo.
D. (6) $1,250. E. (9) $225.

A. Murray Hanson, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.
D. (6) $600. E. (9) $438.66.

A. Conrad P. Harness, 1117 Barr Building, Washington, D.C.
B. Home Manufacturers Association, 1117 Barr Building, Washington, D.C.
D. (6) $1,000.

A. Robert E. Harper, 1913 I Street NW., Washington, D.C.
B. National Business Publications, Inc., 1913 I Street NW., Washington, D.C.

A. Herbert E. Harris II, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $1,087.50. E. (9) $7.92.

A. Noel Hemmendinger, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. Joseph D. Henderson, 431 Balter Building, New Orleans, La.
B. American Association of Small Business, Inc., 431 Balter Building, New Orleans, La.
D. (6) $1,875.

A. M. F. Hicklin, 507 Bankers Trust Building, Des Moines, Iowa.
B. Iowa Railway Committee, 507 Bankers Trust Building, Des Moines, Iowa.
E. (9) $200.

A. Home Manufacturers Association, 1117 Barr Building, Washington, D.C.
D. (6) $1,000. E. (9) $2,200.

A. Home Town Free Television Association, 2923 East Lincolnway, Cheyenne, Wyo.
D. (6) $7,700. E. (9) $1,391.70.

A. Harold K. Howe, Mills Building, Washington, D.C.
B. American Institute of Laundering, Post Office Box 1187, Joliet, Ill.
D. (6) $2,649.99. E. (9) $1,438.39.

A. Harold K. Howe, Mills Building, Washington, D.C.
B. The Lawn Mower Institute, Inc., Mills Building, Washington, D.C.
D. (6) $2,400.

A. Elmer P. Hutter, Post Office Box 1273, Washington, D.C.
B. Richard F. Bates, Sacramento, Calif.
D. (6) $1. E. (9) $330.

A. Elmer P. Hutter, Post Office Box 1273, Washington, D.C.
B. Representative Advocacy Before Public Servants and Lawmaking Bodies.
D. (6) $10.

A. W. J. Hynes, 611 Idaho Building, Boise, Idaho.
B. Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr.
E. (9) $559.37.

A. Chester W. Jackson, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, 744 Jackson Place NW., Washington, D.C.
D. (6) $3,126.

A. Ray L. Jenkins, 1066 National Press Building, Washington, D.C.
B. Societe Internationale Pour Participations Industrialies et Commerciales, S. A., Peter Merianstr. 19, Basel, Switzerland.

A. Jewelry Industry Tax Committee, Inc., 820 Highland Avenue, Newark, N.J.

A. William T. Jobe, 810 18th Street NW., Washington, D.C.
B. National Ice Association, Inc., 810 18th Street NW., Washington, D.C.

A. Glendon E. Johnson, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. Jerome J. Keating, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,873.

A. Omar B. Ketchum, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $3,750. E. (9) $327.80.

A. Mr. and Mrs. Harry L. Kingman, 535 San Luis Road, Berkeley, Calif.
D. (6) $325.65. E. (9) $325.65.

A. James F. Kmetz, 1435 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $2,802.

A. Herman C. Kruse, 245 Market Street, San Francisco, Calif.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $4,899.90. E. (9) $5,074.56.

A. Lake Carriers' Association, 905 Rockefeller Building, Cleveland, Ohio.

A. Jonathan Lindley, 740 11th Street NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $425. E. (9) $25.90.

A. Gordon C. Locke, 418 Munsey Building, Washington, D.C.
B. Committee for Oil Pipe Lines.

A. Lowenstein, Pitcher, Hotchkiss, Amann & Parr, 25 Broad Street, New York, N.Y.
B. Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington, D.C.

A. Lynton & Saslow, 99 Park Avenue, New York, N.Y.
B. New York Antique & Art Dealers Association, Inc., 59 East 57th Street, New York, N.Y.
E. (9) $146.15.

A. LeRoy E. Lyon, Jr., 530 West Sixth Street, Los Angeles, Calif.
B. California Railroad Association, 215 Market Street, San Francisco, Calif.
D. (6) $4,250. E. (9) $1,847.10.

A. J. A. McCallam, 1507 M Street NW., Washington, D.C.
B. American Veterinary Medical Association.
E. (9) $498.63.

A. William A. McClintock, Jr., 7447 Skokie Boulevard, Skokie, Ill.
B. National Committee for Insurance Taxation, the Hay-Adams House, Washington, D.C.

A. Joseph B. McGrath, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $2,062.50. E. (9) $243.63.

A. Charles R. McNeill, 730 15th Street NW., Washington, D.C.
B. American Bankers Association, 12 East 36th Street, New York, N.Y.
D. (6) $425.

A. MacLeish, Spray, Price & Underwood, 134 South La Salle Street, Chicago, Ill.
B. National Committee for Insurance Taxation, Hay-Adams House, Washington, D.C.
E. (9) $581.76.

A. Don Mahon, Post Office Box 959, Ben Franklin Station, Washington, D.C.
E. (9) $608.

A. James D. Mann, 714 Sheraton Building, Washington, D.C.
B. Truck Council of America, Inc., 714 Sheraton Building, Washington, D.C.

A. James Mark, Jr., 1435 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $4,051.99.

A. Maryland and Virginia Milk Producers Association, Inc., 1530 Wilson Boulevard, Arlington, Va.
E. (9) $713.16.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America, 2800 North Sheridan Road, Chicago, Ill.
D. (6) $1,245. E. (9) $779.82.

A. Ross A. Messer, 724 Ninth Street NW., Washington, D.C.
B. National Association of Post Office and General Services Maintenance Employees, Room 512, 724 Ninth Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $141.37.

A. Joseph L. Miller, 1025 Connecticut Avenue, Washington, D.C.
B. Northern Textile Association and Quinebaug-French Rivers Manufacturers Association.
D. (6) $1,000. E. (9) $296.19.

A. Silas A. Morehouse, Jefferson Manor, Alexandria, Va.
B. F. W. Clarke, 112 North St. Asaph Street, Alexandria, Va.

A. Bernard R. Mullady, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers.
D. (6) $2,600.

A. National Associated Businessmen, Inc., 910 17th Street NW., Washington, D.C.
D. (6) $695.20. E. (9) $812.19.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $11,879.55. E. (9) $20,316.63.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $493,477. E. (9) $20,565.48.

A. National Association of Post Office and General Services Maintenance Employees, 724 Ninth Street NW., Washington, D.C.
D. (6) $10,144.59. E. (9) $1,917.26.

A. National Association of Real Estate Boards, 36 South Wabash Avenue, Chicago, Ill., and 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $16,249.93.

A. National Association of Wheat Growers, Wasco, Oreg.
D. (6) $980.61. E. (9) $980.61.

A. National Business Publications, Inc., 1913 I Street NW., Washington, D.C.

A. National Committee for Insurance Taxation, the Hay-Adams House, Washington, D.C.
D. (6) $39,000. E. (9) $30,253.65.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. National Congress of Petroleum Retailers, Inc., 325 Farwell Building, Detroit, Mich.
D. (6) $1,594.90. E. (9) $1,548.68.

A. National Cotton Compress and Cotton Warehouse Association, 1085 Shrine Building, Post Office Box 23, Memphis, Tenn.
D. (6) $25. E. (9) $25.

A. National Council of Naval Air Stations, 3929 Castro Valley Boulevard, Castro Valley, Calif.
D. (6) $418.19. E. (9) $10.

A. National Federation of Business and Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C.
D. (6) $323,868. E. (9) $1,987.98.

A. National Federation of Independent Business, Inc., 740 Washington Building, Washington, D.C.
D. (6) $11,554.45. E. (9) $11,554.45.

A. National Grange, 744 Jackson Place NW., Washington, D.C.
E. (9) $11,076.

A. National Multiple Sclerosis Society, 257 Fourth Avenue, New York City, N.Y.
E. (9) $731.29.

A. National Reclamation Association, 897 National Press Building, Washington, D.C.
D. (6) $5,899.40. E. (9) $12,018.30.

A. National Rehabilitation Association, Inc., 1025 Vermont Avenue NW., Washington, D.C.
D. (6) $775.82. E. (9) $699.78.

A. National Tax Equality Association, 1000 Connecticut Avenue, N.W., Washington, D.C.
D. (6) $4,813.58. E. (9) $3,708.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $1,416.25. E. (9) $1,565.71.

A. John W. Nerlinger, Jr., 325 Farwell Building, Detroit, Mich.
B. National Congress of Petroleum Retailers, Inc., 325 Farwell Building, Detroit, Mich.
D. (6) $300.

A. Herschel D. Newsom, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, 744 Jackson Place NW., Washington, D.C.
D. (6) $3,750.

A. New York Antique and Art Dealers Association, Inc., 59 East 57th Street, New York, N.Y.

A. Joseph A. Noone, 603 Associations Building, 1145 19th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association, 1145 19th Street NW., Washington, D.C.
D. (6) $50. E. (9) $5.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C.

A. R. E. O'Connor, 122 East 42d Street, New York, N.Y.
B. American Paper and Pulp Association, 122 East 42d Street, New York, N.Y.

A. Alvin E. Oliver, 400 Folger Building, Washington, D.C.
B. Grain and Feed Dealers National Association, 400 Folger Building, Washington, D.C.
D. (6) $21.66. E. (9) $2.

A. Charles T. O'Neill, Jr., 730 15th Street NW., Washington, D.C.
B. American Bankers Association, 12 East 36th Street, New York, N.Y.
D. (6) $375. E. (9) $144.05.

A. Morris E. Osburn, Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.

A. Robert S. Palmer, Denver, Colo.
B. Emergency Small Miners Committee, in care of Colorado Mining Association, Denver, Colo.
E. (9) $2,542.32.

A. Lew M. Paramore, Town House Hotel, Post Office Box 356, Kansas City, Kans.
B. Mississippi Valley Association, 1978 Railway Exhange Building, St. Louis, Mo.
D. (6) $3,750.

A. Mrs. Karla V. Parker, 1729 Union Boulevard S.E., Grand Rapids, Mich.

A. George F. Parrish, Post Office Box 7, Charleston, W. Va.
B. West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.
D. (6) $4,624.98.

A. Mrs. Esther Peterson, 815 16th Street NW., Washington, D.C.
B. Industrial Union Department, 815 16th Street NW., Washington, D.C.
D. (6) $2,813.44. E. (9) $1,202.89.

A. Hugh Peterson, 1001 Connecticut Avenue NW., Washington, D.C.
B. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue NW., Washington, D.C.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $5,632.99. E. (9) $525.

A. Frederick T. Poole, 418 Munsey Building, Washington, D.C.
B. Committee for Oil Pipe Lines.

A. Homer V. Prater, 900 F Street NW., Washington, D.C.
B. American Federation of Government Employees, 900 F Street NW., Washington, D.C.
D. (6) $1,944. E. (9) $30.

A. William H. Press, 1616 K Street NW., Washington, D.C.
B. Washington Board of Trade, 1616 K Street NW., Washington, D.C.
D. (6) $4,800.

A. Gordon M. Qaurnstrom, 7447 Skokie Boulevard, Skokie, Ill.
B. National Committee for Insurance Taxation, The Hays-Adams House, Washington, D.C.

A. Alex Radin, 919 18th Street NW., Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.
D. (6) $612.85.

A. Mrs. Richard G. Radue, 3406 Quebec Street NW., Washington, D.C.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Railroad Pension Conference, Post Office Box 798, New Haven, Conn.
D. (6) $11. E. (9) $25.04.

A. George L. Reid, Jr., 1010 Vermont Avenue NW., Washington, D.C.
B. National Association of Wheat Growers, Wasco, Oreg.
D. (6) $900. E. (9) $80.61.

A. Hubert M. Rhodes, 740 11th Street NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $575. E. (9) $14.50.

A. Francis J. Ryley, 519 Title & Trust Building, Phoenix, Ariz.
B. General Petroleum Corp., Los Angeles; et al.
D. (6) $1,000.

A. Kimball Sanborn, 4000 Massachusetts Avenue NW., Washington, D.C.
B. Boston & Maine Railroad, Boston, Mass.
D. (6) $290. E. (9) $190.

A. L. R. Sanford, 21 West Street, New York, N.Y.
B. Shipbuilders Council of America, 21 West Street, New York, N.Y.

A. Selvage & Lee, Inc., 1625 I Street NW., Washington, D.C.
B. American Carpet Institute, Empire State Building, New York, N.Y.
D. (6) $375. E. (9) $15.60.

A. Selvage & Lee, Inc., 1625 I Street NW., Washington, D.C.
B. Fluorspar Consumers Committee, 500 Fifth Avenue, New York, N.Y.
D. (6) $8,300. E. (9) $100.75.

A. Selvage & Lee, Inc., 1625 I Street NW., Washington, D.C.
B. New York Coffee & Sugar Exchange, 79 Pine Street, New York, N.Y.
D. (6) $1,200.

A. Ralph Showalter, 1126 16th Street NW., Washington, D.C.
B. United Automobile, Aircraft, Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $2,019.24. E. (9) $852.52.

A. Paul Sifton, 1126 16th Street NW., Washington, D.C.
D. (6) $2,418. E. (9) $793.66.

A. Fred Smith & Co., Inc., 10 East 40th Street, New York, N.Y.
B. Edward Mallinckrodt, 16 Westmoreland Place, St. Louis, Mo.
D. (6) $7,740.07.

A. M. Frederik Smith, 10 East 40th Street, New York, N.Y.
B. Council of Conservationists, Inc., 10 East 40th Street, New York, N.Y.
E. (9) $17,925.43.

A. Society for Animal Protective Legislation, 745 Fifth Avenue, New York, N.Y.
D. (6) $1,176.80. E. (9) $1,443.72.

A. Charles B. Sonneborn, 1015 12th Street NW., Washington, D.C.
B. National Crushed Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. Southern Pine Industry Committee, 520 National Bank of Commerce Building, New Orleans, La.
D. (6) $862.59. E. (9) $776.51.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers.

A. Lyndon Spencer, 305 Rockefeller Building, Cleveland, Ohio.
B. Lake Carriers' Association, 305 Rockefeller Building, Cleveland, Ohio.

A. Standard Public Relations, Inc., 45 Rockefeller Plaza, New York, N.Y.
B. Theodore Roosevelt Association, 28 East 20th Street, New York, N.Y.
D. (6) $3,000. E. (9) $600.

A. Steadman, Collier & Shannon, 1700 K Street NW., Washington, D.C.
B. Fairchild Engine & Airplane Corp., Hagerstown, Md.

A. Raymond E. Steele, National Press Building, Washington, D.C.
D. (6) $3,750. E. (9) $566.13.

A. Russell M. Stephens, 900 F Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 900 F Street NW., Washington, D.C.
D. (6) $240. E. (9) $20.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. Mrs. Ada B. Stough, 132 Third Street SE., Washington, D.C.
B. American Parents Committee, Inc., 132 Third Street SE., Washington, D.C.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
E. (9) $50.80.

A. J. Monroe Sullivan, 1625 K Street NW., Washington, D.C.
B. Pacific American Steamship Association, 16 California Street, San Francisco, Calif.
D. (6) $843.75. E. (9) $1,033.16.

A. Oliver A. Thomas, 125 North Center Street, Reno, Nev.
D. (6) $175. E. (9) $1,155.73.

A. Arthur R. Thurston, 3929 Castro Valley Boulevard, Castro Valley, Calif.
B. National Council of Naval Air Stations Employee Organizations, 3929 Castro Valley Boulevard, Castro Valley, Calif.

A. John H. Todd, 1085 Shrine Building, Memphis, Tenn.
B. National Cotton Compress & Cotton Warehouse Association, 1085 Shrine Building, Memphis, Tenn.

A. Townsend Plan, Inc., 808 North Capitol Street NW., Washington, D.C.

A. Trade Relations Council of the United States, Inc., 19 West 44th Street, New York, N.Y.

A. Paul T. Truitt, 1700 K Street NW., Washington, D.C.
B. National Plant Food Institute, 1700 K Street NW., Washington, D.C.
E. (9) $36.95.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.
D. (6) $3,460.50. E. (9) $6,074.96.

A. United Cerebral Palsy Associations, Inc., 321 West 44th Street, New York City.
E. (9) $1,218.87.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $80. E. (9) $80.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $43.75. E. (9) $9.40.

A. Herbert F. Walton, 7447 Skokie Boulevard, Skokie, Ill.

B. National Committee for Insurance Taxation, the Hay-Adams House, Washington, D.C.

A. Washington Board of Trade, 1616 K Street NW., Washington, D.C.

A. Narvin B. Weaver, 1200 18th Street NW., Washington, D.C.
B. Cities Service Petroleum, Inc., 70 Pine Street, New York, N.Y.

A. William E. Welsh, 897 National Press Building, Washington, D.C.
B. National Reclamation Association, 897 National Press Building, Washington, D.C.
D. (6) $3,750. E. (9) $115.20.

A. John J. Wicker, Jr., 501 Mutual Building, Richmond, Va.
B. Mutual Insurance Committee on Federal Taxation, 20 North Wacker Drive, Chicago, Ill.
D. (6) $2,478.07. E. (9) $2,478.07.

A. Myron Wiener, 1000 Connecticut Avenue NW., Washington, D.C.
B. The Far East Group, Inc., 1000 Connecticut Avenue NW., Washington, D.C.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $1,375. E. (9) $164.90.

A. Edmund A. Zabel, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $1,741.66. E. (9) $45.85.

QUARTERLY REPORT

The following quarterly reports were submitted for the fourth calendar quarter 1959:

(NOTE.—The form used for reports is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE TWO COPIES WITH THE SECRETARY OF THE SENATE AND FILE THREE COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_____

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names or agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipatted expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302 (a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D5" (received for services) and "D12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D13" and "D14," since the amount has already been reported under "D5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $_____Dues and assessments
2. $_____Gifts of money or anything of value
3. $_____Printed or duplicated matter received as a gift
4. $_____Receipts from sale of printed or duplicated matter
5. $_____Received for services (e.g., salary, fee, etc.)
6. $_____TOTAL for this Quarter (Add items "1" through "5")
7. $_____Received during previous Quarters of calendar year
8. $_____TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $_____TOTAL now owed to others on account of loans
10. $_____Borrowed from others during this Quarter
11. $_____Repaid to others during this Quarter
12. $_____"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": _____

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* ("Period" from Jan. 1 through _____, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E."—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E6") and travel, food, lodging, and entertainment (Item "E7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $_____Public relations and advertising services
2. $_____Wages, salaries, fees, commissions (other than item "1")
3. $_____Gifts or contributions made during Quarter
4. $_____Printed or duplicated matter, including distribution cost
5. $_____Office overhead (rent, supplies, utilities, etc.)
6. $_____Telephone and telegraph
7. $_____Travel, food, lodging, and entertainment
8. $_____All other expenditures
9. $_____TOTAL for this Quarter (Add "1" through "8")
10. $_____Expended during previous Quarters of calendar year
11. $_____TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $_____TOTAL now owed to person filing
13. $_____Lent to others during this Quarter
14. $_____Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More
In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blatten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Claris Adams, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. J. Carson Adkerson, 976 National Press Building, Washington, D.C.

A. Arthur F. Aebersold, 900 F Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, 900 F Street NW., Washington, D.C.
D. (6) $1,760.12. E. (9) $48.25.

A. Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington, D.C.
D. (6) $4,366.58. E. (9) $4,356.58.

A. AFL–CIO Maritime Committee, 132 Third Street SE., Washington, D.C.
D. (6) $7,309. E. (9) $9,411.75.

A. Aircraft Owners and Pilots Association, 4650 East-West Highway, Bethesda, Md.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,171.10. E. (9) $1,171.10.

A. Louis J. Allen, 1121 Nashville Trust Building, Nashville, Tenn.
B. Class I Railroads in Tennessee.

A. Nicholas E. Allen and Merrill Armour, 1001 15th Street NW., Washington, D.C.
B. Music Operators of America, Inc., 128 East 14th Street, Oakland, Calif.
D. (6) $600. E. (9) $70.25.

A. W. L. Allen, 8605 Cameron Street, Silver Spring, Md.
B. The Commercial Telegraphers' Union, International, 8605 Cameron Street, Silver Spring, Md.

A. William B. Allen, 917 15th Street NW., Washington, D.C.
B. United Rubber, Cork, Linoleum & Plastic Workers of America, High at Mill Street, Akron, Ohio.
D. (6) $2,040.

A. Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America, 5025 Wisconsin Avenue NW., Washington, D.C.

A. American Bottlers of Carbonated Beverages, 1128 16th Street NW., Washington, D.C.

A. American Cancer Society, 521 West 57th Street, New York City, N.Y.
E. (9) $7,069.77.

A. American Cotton Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $6,782.42. E. (9) $6,782.42.

A. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill., and 425 13th Street NW., Washington, D.C.
D. (6) $23,788. E. (9) $23,188.

A. American Federation of Labor and Congress of Industrial Organizations, AFL–CIO Building, Washington, D.C.
E. (9) $33,508.05.

A. American Federation of Musicians, 425 Park Avenue, New York, N.Y.
D. (6) $12,291.30. E. (9) $10,887.07.

A. American Hotel Association, 221 West 57th Street, New York, N.Y.

A. American Israel Public Affairs Committee, 1737 H Street NW., Washington, D.C.
D. (6) $2,114.06. E. (9) $1,980.20.

A. American Justice Association Inc., Post Office Box 1387, Washington, D.C.
D. (6) $5.00. E. (9) $139.70.

A. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $40,000. E. (9) $11,954.21.

A. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $8,737.67. E. (9) $4,102.52.

A. American Optometric Association (development fund—legislative), care of Dr. H. Ward Ewalt, Jr., 8001 Jenkins Arcade, Pittsburgh, Pa.
E. (9) $2,274.13.

A. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.
D. (6) $482.63. E. (9) $482.63.

A. American Paper & Pulp Association, 122 East 42d Street, New York, N.Y.

A. American Parents Committee, Inc., 52 Vanderbilt Avenue, New York, N.Y., and 132 Third Street SE., Washington, D.C.
D. (6) $2,763.35. E. (9) $1,608.46.

A. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $312. E. (9) $9,163.

A. American Pulpwood Association, 220 East 42d Street, New York, N.Y.

A. American Retail Federation, 1145 19th Street NW., Washington, D.C.
D. (6) $71,840.03. E. (9) $2,005.23.

A. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $5,481.84. E. (9) $5,481.84.

A. American Steamship Committee on Conference Studies, room 207, Barr Building, Washington, D.C.
D. (6) $43,056. E. (9) $22,918.11.

A. American Sugar Beet Industry Policy Committee, 500 Sugar Building, Denver, Colo.

A. American Textile Machinery Association, 60 Batterymarch Street, Boston, Mass.

A. American Tramp Shipowners Association, Inc., 11 Broadway, New York, N.Y.
E. (9) $5,027.99.

A. American Trucking Association, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $10,290.06. E. (9) $14,247.

A. AMVETS (American Veterans of World War II), 1710 Rhode Island Avenue NW., Washington, D.C.
E. (9) $1,562.50.

A. American Vocational Association, Inc., 1010 Vermont Avenue NW., Washington, D.C.

A. American Warehousemen's Association Merchandise Division, 222 West Adams Street, Chicago, Ill.

A. America's Wage Earners' Protective Conference, 815 15th Street NW., Washington, D.C.
D. (6) $1,475. E. (9) $1,384.62.

A. Jerry L. Anderson, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Area Employment Expansion Committee, 1144 Pennsylvania Building, Washington, D.C.
D. (6) $3,000. E. (9) $339.46.

A. Arkansas Railroad Committee, Boyle Building, Little Rock, Ark.
B. Class I railroads operating in the State of Arkansas.

A. J. Sinclair Armstrong, 45 Wall Street, New York, N.Y.
B. United States Trust Co. of New York, 45 Wall Street, New York, N.Y.

A. W. C. Arnold, 200 Colman Building, Seattle, Wash.
B. Alaska Salmon Industry, Inc., 200 Colman Building, Seattle, Wash.

A. Arthritis and Rheumatism Foundation, 10 Columbus Circle, New York City, N.Y.
E. (9) $1,137.55.

A. Associated General Contractors of America, Inc., 20th and E Streets NW., Washington, D.C.

A. Associated Third Class Mail Users, 1406 G Street NW., Washington, D.C.

A. Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Ill.
E. (9) $4,999.98.

A. Association of American Physicians and Surgeons, Inc., 185 North Wabash Avenue, Chicago, Ill.
D. (6) $375. E. (9) $375.

A. Association of American Railroads, 929 Transportation Building, Washington, D.C.
D. (6) $5,760.73. E. (9) $5,760.73.

A. Association of American Ship Owners, 76 Beaver Street, New York, N.Y.

A. Association of Casualty & Surety Companies, 60 John Street, New York, N.Y.
D. (6) $2,218.65. E. (9) $2,218.65.

A. Association of Western Railways, 224 Union Station Building, Chicago, Ill.

A. Edward Atkins, 51 East 42d Street, New York, N.Y.
B. National Association of Shoe Chain Stores, Inc., 51 East 42d Street, New York, N.Y.
D. (6) $25. E. (9) $25.

A. Richard W. Averill, 801 Sheraton Building, Washington, D.C.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.
E. (9) $73.45.

A. Charles E. Babcock, Route 2, Post Office Box 406, Vienna, Va.
B. National Council, Junior Order United American Mechanics, 3025 North Broad Street, Philadelphia, Pa.
D. (6) $150. E. (9) $0.75.

A. Harry S. Baer, Jr., 1115 17th Street NW., Washington, D.C.
B. Aeronautical Training Society, 1115 17th Street NW., Washington, D.C.
D. (6) $2,500.

A. George P. Baker, 1710 H Street NW., Washington, D.C.
B. Transportation Association of America.

A. John A. Baker.
B. The Farmers' Educational and Co-Operative Union of America, 1404 New York Avenue NW., Washington, D.C.
D. (6) $3,274.88. E. (9) $150.85.

A. Thomas F. Baker.
B. American Bottlers of Carbonated Beverages, 1128 16th Street NW., Washington, D.C.

A. Joseph H. Ball, 90 Broad Street, New York, N.Y.
B. American Steamship Committee on Conference Studies, 207 Barr Building, Washington, D.C.

A. J. H. Ballew, Nashville, Tenn.
B. Southern States Industrial Council, Nashville, Tenn.
D. (6) $2,600.

A. Roy A. Ballinger, 801 19th Street NW., Washington, D.C.
B. United States Cuban Sugar Council, 801 19th Street NW., Washington, D.C.

A. Barnes, Dechert, Price, Myers & Rhoads, 1600 Three Penn Center Plaza, Philadelphia, Pa.
B. E. I. du Pont de Nemours & Co., Wilmington, Del.
E. (9) $1,258.73.

A. Barnes, Dechert, Price, Myers & Rhoads, 1600 Three Penn Center Plaza, Philadelphia, Pa.
B. Albert M. Greenfield.
E. (9) $95.72.

A. Arthur R. Barnett, 1200 18th Street NW., Washington, D.C.
B. National Association of Electric Cos., 1200 18th Street NW., Washington, D.C.
D. (6) $167.50. E. (9) $11.37.

A. William G. Barr, 711 14th Street NW., Washington, D.C.
B. National Parking Association, 711 14th Street NW., Washington, D.C.

A. Laurie C. Battle, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. Roy Battles, 744 Jackson Place NW., Washington, D.C.
B. The National Grange of the Patrons of Husbandry, 744 Jackson Place NW., Washington, D.C.
D. (6) $3,600.

A. James F. Bell, 730 Southern Building, Washington, D.C.
B. National Association of Supervisors of State Banks, Munsey Building, Washington, D.C.
D. (6) $450. E. (9) $66.91.

A. Rachel S. Bell, 1025 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1025 Connecticut Avenue NW., Washington, D.C.

A. Ernest H. Benson, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $4,500.

A. Bergson & Borkland, 918 16th Street NW., Washington, D.C.
B. Freeport Sulphur Co., 161 East 42d Street, New York, N.Y.
E. (9) $0.75.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,200. E. (9) $97.70.

A. Walter J. Bierwagen, 900 F Street NW., Washington, D.C.
B. Division 689, Amalgamated Association of Street, Electric Railway and Motor Coach Employes of America, 900 F Street NW., Washington, D.C.

A. Hudson Biery, 4517 Carew Tower, Cincinnati, Ohio.
B. Ohio Valley Improvement Association, Inc., 4517 Carew Tower, Cincinnati, Ohio.

A. Bigham, Englar, Jones & Houston, 99 John Street, New York, N.Y., and 839 Shoreham Building, Washington, D.C.
B. American Institute of Marine Underwriters, the Association of Marine Underwriters of the United States, American Cargo War Risk Reinsurance Exchange, American Hull Insurance Syndicate.

A. Robert J. Bird, 1000 Connecticut Avenue, Washington, D.C.
B. Hilton Hotels Corp., 720 South Michigan Avenue, Chicago, Ill.

A. Robert J. Bird, 1000 Connecticut Avenue, Washington, D.C.
B. Massachusetts Indemnity and Life Insurance Co., 654 Beacon Street, Boston, Mass.

A. Robert J. Bird, 1000 Connecticut Avenue, Washington, D. C.
B. Massachusetts Protective Association, Worcester, Mass.

A. David Bishop, 900 F Street NW., Washington, D.C.
B. Division 689, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, 900 F Street NW., Washington, D.C.

A. Henry J. Bison, Jr., 1317 F Street NW., Washington, D.C.
B. National Association of Retail Grocers, 360 North Michigan Avenue, Chicago, Ill.
D. (6) $2,400. E. (9) $890.

A. John H. Bivins, 1271 Avenue of the Americas, New York, N.Y.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $220.

A. James C. Black, 1625 K Street NW., Washington, D.C.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio.
D. (6) $600. E. (9) $500.

A. William Rhea Blake, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $41.67. E. (9) $22.40.

A. Mrs. Paul Blanshard, 245 Second Street NE., Washington, D.C.
B. Unitarian Fellowship for Social Justice, 245 Second Street NE., Washington, D.C.
D. (6) $100. E. (9) $40.

A. Blue Cross Commission, 840 North Lake Shore Drive, Chicago, Ill.

A. William Blum, Jr., 1741 K Street NW., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 149 Broadway, New York, N.Y.

A. Eugene F. Bogan, 1108 16th Street NW., Washington, D.C.
B. National Association of Investment Companies, 61 Broadway, New York, N.Y.
D. (6) $1,000.

A. Hyman Bookbinder, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $3,402. E. (9) $190.25.

A. Joseph L. Borda, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. Lyle H. Boren, Seminole, Okla.
B. The Association of Western Railways, 224 Union Station Building, Chicago, Ill.

A. Joseph Borkin, 802 Ring Building, Washington, D.C.
B. Alleghany Corp., 230 Park Avenue, New York, N.Y.

A. Robert T. Borth, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $375. E. (9) $97.

A. G. Stewart Boswell, 502 Ring Building, Washington, D.C.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $135.

A. Charles B. Bowling, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, 744 Jackson Place NW., Washington, D.C.
D. (6) $600.

A. Charles M. Boyer, 2517 Connecticut Avenue NW., Washington, D.C.
B. Reserve Officers Association of the United States, 2517 Connecticut Avenue NW., Washington, D.C.

A. Joseph E. Brady, 2347 Vine Street, Cincinnati, Ohio.
B. International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.
E. (9) $205.

A. Harry R. Brashear, 610 Shoreham Building, Washington, D.C.
B. Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington, D.C.

A. Frank P. Brennan, Avoca, Iowa.
B. Iowa Power & Light Co., Des Moines, Iowa.
E. (9) $7.95.

A. W. Kenneth Brew, 122 East 42d Street, New York, N.Y.
B. American Paper and Pulp Association, 122 East 42d Street, New York, N.Y.

A. Homer L. Brinkley, 744 Jackson Place NW., Washington, D. C.
B. National Council of Farmer Cooperatives.

A. Vincent L. Broderick, 61 Broadway, New York, N.Y.
B. National Association of Investment Companies, 61 Broadway, New York, N.Y.

A. W. S. Bromley, 220 East 42d Street, New York, N.Y.
B. American Pulpwood Association, 220 East 42d Street, New York, N.Y.

A. Milton E. Brooding, 215 Fremont Street, San Francisco, Calif.
B. California Packing Corp., 215 Fremont Street, San Francisco, Calif.

A. Derek Brooks, 1028 Connecticut Avenue, NW., Washington, D.C.
B. National Retail Furniture Association, 666 Lake Shore Drive, Chicago, Ill.
D. (6) $600. E. (9) $419.84.

A. J. Olney Brott, 730 15th Street NW., Washington, D.C.
B. American Bankers Association, 12 East 36th Street, New York, N.Y.
D. (6) $575.

A. J. D. Brown, 919 18th Street NW., Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.

A. Brown & Lund, 1625 I Street NW., Washington, D.C.
B. American & Foreign Power Co., Inc., 100 Church Street, New York, N.Y.
D. (6) $375. E. (9) $126.82.

A. Brown & Lund, 1625 I Street NW., Washington, D.C.
B. National Association of Electric Cos., Ring Building, Washington, D.C.
D. (6) $356.25. E. (9) $411.45.

A. Russell B. Brown, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $16.62.

A. F. Raymond Brush, 635 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 635 Southern Building, Washington, D.C.

A. George S. Buck, Jr., Post Office Box 9905, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $225. E. (9) $15.59.

A. Henry H. Buckman, 54 Buckman Building, Jacksonville, Fla.
B. Florida Inland Navigation District, Citizens Bank Building, Bunnell, Fla.
D. (6) $1,350. E. (9) $48.25.

A. Henry H. Buckman, 54 Buckman Building, Jacksonville, Fla.
B. Florida Ship Canal Navigation District, 720 Florida Title Building, Jacksonville, Fla.
D. (6) $1,350. E. (9) $105.33.

A. George J. Burger, 740 Washington Building, Washington, D.C.
B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y., and National Federation Independent Business, 740 Washington Building, Washington, D.C.

A. Burley and Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.
D. (6) $10,737.98.

A. David Burpee, Fordhook Farms, Doylestown, Pa.

A. Robert M. Burr, 105 Mansfield Avenue, Darien, Conn.
B. Retained by the National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.
D. (6) $290. E. (9) $65.58.

A. Orrin A. Burrows, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.
D. (6) $3,708.33.

A. Hollis W. Burt, Munsey Building, Washington, D.C.
B. National Association of Supervisors of State Banks, 1212 Munsey Building, Washington, D.C.
D. (6) $42.75.

A. Sherman E. Burt, 1625 I Street NW., Washington, D.C.
B. American Coal Sales Association, 1625 I Street NW., Washington, D.C.

A. Charles C. Butler, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $700. E. (9) $1.84.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.
D. (6) $300. E. (9) $473.88.

A. Carl C. Campbell, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $27.27.

A. James A. Campbell, 900 F Street NW., Washington, D.C.
B. American Federation of Government Employees, 900 F Street NW., Washington, D.C.
D. (6) $3,423.07. E. (9) $342.30.

A. Judy Carlisle, 229 Shoreham Building, Washington, D.C.
D. (6) $561.24. E. (9) $239.10.

A. John T. Carlton and M. H. Manchester, 2517 Connecticut Avenue NW., Washington, D.C.
B. Reserve Officers Association of the United States, 2517 Connecticut Avenue NW., Washington, D.C.

A. Braxton B. Carr, 1025 Connecticut Avenue, Washington, D.C.
B. The American Waterways Operators, Inc., 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $336.50.

A. Robert S. Carr, 1220 Pennsylvania Building, Washington, D.C.
B. Hiram Walker & Sons, Inc., Penobscot Building, Detroit, Mich.

A. Henderson H. Carson, 744 Pennsylvania Building, Washington, D.C.
B. East Ohio Gas Co., 1717 East Ninth Street, Cleveland, Ohio.
D. (6) $1,500. E. (9) $1,050.

A. Albert E. Carter, Mayflower Hotel, Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $3,760. E. (9) $968.08.

A. Clarence B. Carter, Post Office Box 798, New Haven, Conn.
B. Railroad Pension Conference, Post Office Box 798, New Haven, Conn.

A. William L. Carter, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C.

A. Francis R. Cawley, 1101 Vermont Avenue NW., Washington, D.C.
B. Magazine Publishers Association, Inc., 444 Madison Avenue, New York, N.Y.
D. (6) $640. E. (9) $462.21.

A. Jay H. Cerf, 300 Independence Avenue SE., Washington, D.C.
B. Foreign Policy Clearing House, 300 Independence Avenue SE., Washington, D.C.
D. (6) $3,300. E. (9) $1,605.20.

A. Charitable Contributors Association, 100 Old York Road, Jenkintown, Pa.
E. (9) $56.47.

A. Christian Amendment Movement, 804 Penn Avenue, Pittsburgh, Pa.
D. (6) $3,669.99. E. (9) $3,505.28.

A. Earl W. Clark, 132 Third Street SE., Washington, D.C.
B. Labor-Management Maritime Committee, 132 Third Street SE., Washington, D.C.

D. (6) $900. E. (9) $86.65.
A. Robert M. Clark, 1710 H Street NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Clear Channel Broadcasting Service, 532 Shoreham Building, Washington, D.C.

A. Clarence E. Cleveland, Montpelier, Vt.
B. Vermont State Railroads Association, Montpelier, Vt.

A. William H. Coburn, 315 Bowen Building, Washington, D.C.
B. Western Forest Industries Association, 526 Henry Building, Portland, Oreg.
D. (6) $1,500. E. (9) $650.

A. A. C. Cocke, 821 Gravier Street, New Orleans, La.
B. American Steamship Committee on Conference Studies, Barr Building, Washington, D.C.
E. (9) $380.33.

A. Edwin S. Cohen, 26 Broadway, New York, N.Y.
B. National Association of Investment Companies, 61 Broadway, New York, N.Y.
D. (6) $2,000. E. (9) $64.65.

A. Albert M. Cole, 1825 Connecticut Avenue NW., Washington, D.C.
B. California Savings & Loan League, 1444 Wentworth Avenue, Pasadena, Calif.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. American Tramp Shipowners Association, Inc., 11 Broadway, New York, N.Y.
E. (9) $248.57.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Sand Products Corporation, 2489 National Bank Building, Detroit, Mich.
E. (9) $12.68.

A. Committee for Broadening Commercial Bank Participation in Public Financing.

A. Committee for Collective Security, 90 John Street, New York, N.Y.
D. (6) $130. E. (9) $190.

A. Committee for Oil Pipe Lines, 418 Munsey Building, Washington, D.C.

A. Committee to Strengthen the Frontiers of Freedom, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $6,825. E. (9) $8,020.43.

A. Committee for Study of Revenue Bond Financing, 149 Broadway, New York, N.Y.
E. (9) $9,193.82.

A. John C. Cone, 815 15th Street NW., Washington, D.C.
B. Pan American World Airways System, 815 15th Street NW., Washington, D.C.

A. Conference on State Defense, 111 8th Avenue, New York, N.Y.

A. Julian D. Conover, Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,000.

A. Orval R. Cook, 610 Shoreham Building, Washington, D.C.
B. Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington, D.C.

A. J. Milton Cooper, 1100 Bowen Building, Washington, D.C.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. J. Milton Cooper, 1100 Bowen Building, Washington, D.C.
B. R. J. Reynolds Tobacco Co., Winston-Salem, N.C.

A. Cooper & Silverstein, 1100 Bowen Building, Washington, D.C.
B. Association of Advanced Life Underwriters, 805 Bowen Building, Washington, D.C.

A. Cooper & Silverstein, 1100 Bowen Building, Washington, D.C.
B. National Coal Association, 15th and H Street, Washington, D.C.

A. The Cooperative League of the United States of America Association, Inc., 343 South Dearborn Street, Chicago, Ill.
D. (6) $10,500. E. (9) $1,100.

A. Ben C. Coriett, 730 15th Street NW., Washington, D.C.
B. American Bankers Association, 12 East 36th Street, New York, N.Y.
D. (6) $1,250. E. (9) $157.64.

A. Edward J. Coughlin, 900 F Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 900 F Street NW., Washington, D.C.
D. (6) $195. E. (9) $20.

A. Council of Mechanical Specialty Contracting Industries, Inc., 610 Ring Building, Washington, D.C.

A. Edsall Lee Couplin, 441 East Jefferson Avenue, Detroit, Mich.
B. Michigan Hospital Service, 441 East Jefferson Avenue, Detroit, Mich.
D. (6) $1,300. E. (9) $29.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. American Can Co., 100 Park Avenue, New York, N.Y.
E. (9) $154.31.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. Committee on Joint Resolution 1955 Legislature, Post Office Box 3170, Honolulu, Hawaii.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. Copper & Brass Research Association, 420 Lexington Avenue, New York, N.Y.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. National Machine Tool Builders' Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Covington & Burling, 701 Union Trust Building, Washington, D.C.
B. Ohio Deposit Guarantee Fund, 1303 Fifth Third Bank Building, Cincinnati, Ohio.
E. (9) $1.43.

A. A. M. Crawford, 704 Title & Trust Building, Phoenix, Ariz.
B. Southern Pacific Co., 65 Market Street, San Francisco, Calif.; and The Atchison, Topeka and Santa Fe Railway, 121 E. 6th Street, Los Angeles, Calif.

A. William A. Cromartie, 1 North LaSalle Street, Chicago, Ill.
B. The Singer Manufacturing Co., 149 Broadway, New York, N.Y.
E. (9) $441.20.

A. Laurence A. Crosby, 801 19th Street NW., Washington, D.C.
B. United States Cuban Sugar Council, 801 19th Street NW., Washington, D.C.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich.

A. Paul Cunningham, 575 Madison Avenue, New York, N.Y.
B. American Society of Composers, Authors and Publishers, 575 Madison Avenue, New York, N.Y.

A. John T. Curran, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $3,402. E. (9) $351.40.

A. Bryce Curry, 18th and M Streets NW., Washington, D.C.
B. National League of Insured Savings Associations, 18th and M Streets NW., Washington, D.C.
D. (6) $325.

A. Ralph E. Curtiss, 917 15th Street NW., Washington, D.C.
B. National Licensed Beverage Association, 420 Seventh Street, Racine, Wis.
D. (6) $900.

A. Bernard Cushman, 1001 Connecticut Avenue NW., Washington, D.C.
B. O. David Zimring, 1001 Connecticut Avenue NW., Washington, D.C.

A. John R. Dalton, 1508 Merchants Bank Building, Indianapolis, Ind.
B. Associated Railways of Indiana, 1508 Merchants Bank Building, Indianapolis, Ind.

A. D. C. Daniel, 1627 K Street NW., Washington, D.C.
B. National Independent Dairies Association, 1627 K Street NW., Washington, D.C.

A. John C. Datt, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $656.25. E. (9) $8.70.

A. Joan E. David, 4737 36th Street NW., Washington, D.C.
B. National Counsel Associates, 229 Shoreham Building, Washington, D.C.
D. (6) $405.72. E. (9) $97.62.

A. Charles W. Davis, One North La Salle Street, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Charles W. Davis, One North La Salle Street, Chicago, Ill.
B. The Singer Manufacturing Co., 149 Broadway, New York, N.Y.
E. (9) $441.20.

A. Dorothy Mondell Davis, 801 19th Street NW., Washington, D.C.
B. United States Cuban Sugar Council, 801 19th Street NW., Washington, D.C.

A. Donald S. Dawson, 731 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Donald S. Dawson, 731 Washington Building, Washington, D.C.
B. Hilton Hotels Corp., Chicago, Ill.

A. Dawson, Griffin, Pickens & Riddell, 731 Washington Building, Washington, D.C.
B. Businessmen's Committee for Hawaiian Statehood, Honolulu, Hawaii.

A. Dawson, Griffin, Pickens & Riddell, 731 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Dawson, Griffin, Pickens & Riddell, 731 Washington Building, Washington, D.C.
B. Robert E. Pfiaumer, Chicago, Ill.

A. Michael B. Deane, 1700 K Street NW., Washington, D.C.
B. American Watch Association, Inc., 1700 K Street NW., Washington, D.C.
D. (6) $1,125.

A. Michael B. Deane, 1700 K Street NW., Washington, D.C.
B. U.S. Poultry and Egg Producers Association, Lakewood, N.J.
D. (6) $6,000.

A. Tony T. De Chant.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo., and 1404 New York Avenue NW., Washington, D.C.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Mary S. Deuel, 3026 Cambridge Place NW., Washington, D.C.
B. Washington Home Rule Committee, Inc., 924 14th Street NW., Washington, D.C.
D. (6) $840.

A. R. T. DeVany, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. Cecil B. Dickson, 1523 L Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $1,125. E. (9) $135.60.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Yolo Port District, 705 California Fruit Building, Sacramento, Calif.
D. (6) $3,049.50. E. (9) $424.50.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Westlands Water District, Post Office Box 4006, Fresno, Calif.
D. (6) $2,501.28. E. (9) $151.28.

A. Disabled American Veterans National Headquarters, 5555 Ridge Avenue, Cincinnati, Ohio.
E. (9) $1,500.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C.
E. (9) $3,750.

A. District Lodge No. 44, International Association of Machinists, 400 First Street NW., Washington, D.C.
D. (6) $18,802.38. E. (9) $25,075.08.

A. Division 689, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, 900 F Street NW., Washington, D.C.

A. Division of Legislation and Federal Relations of the National Education Association of the United States, 1201 16th Street NW., Washington, D.C.
E. (9) $35,302.99.

A. Robert C. Dolan, 1200 18th Street NW., Washington, D.C.
B. National Association of Electric Companies, 1200 18th Street NW., Washington, D.C.
D. (6) $30.75. E. (9) $4.71.

A. James L. Donnelly, 200 South Michigan Avenue, Chicago, Ill.
B. Illinois Manufacturers' Association, 200 South Michigan Avenue, Chicago, Ill.
E. (9) $175.77.

A. Donoghue, Ragan & Mason, 239 Wyatt Building, Washington, D.C.
B. California Shipping Co., 320 Market Street, San Francisco, Calif.
D. (6) $4,500. E. (9) $376.69.

A. Robert F. Donoghue, 239 Wyatt Building, Washington, D.C.
B. Pacific American Tankship Association, 25 California Street, San Francisco, Calif.
D. (6) $1,624.99.

A. Thomas J. Donovan, 155 East 44th Street, New York, N.Y.

A. J. Dewey Dorsett, 60 John Street, New York, N.Y.
B. Association of Casualty and Surety Companies, 60 John Street, New York, N.Y.
D. (6) $127.50.

A. Jasper N. Dorsey, 1001 Connecticut Avenue NW., Washington, D.C., and Hurt Building, Atlanta, Ga.
B. Southern Bell Telephone & Telegraph Co., Hurt Building, Atlanta, Ga.
D. (6) $500.

A. C. L. Dorson, 900 F Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, 900 F Street NW., Washington, D.C.
D. (6) $1,850.18. E. (9) $105.

A. Ben DuBois, Sauk Centre, Minn.
B. Independent Bankers Association, Sauk Centre, Minn.

A. Stephen M. Du Brul, 11–134 General Motors Building, Detroit, Mich.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Read P. Dunn, Jr., 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $255. E. (9) $12.22.

A. Stephen F. Dunn, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. William E. Dunn, 20th and E Streets NW., Washington, D.C.
B. The Associated General Contractors of America, Inc., 20th and E Streets NW., Washington, D.C.

A. Henry I. Dworshak, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $600.

A. Eastern Meat Packers Association, Inc., 740 11th Street NW., Washington, D.C.
D. (6) $1.40. E. (9) $134.69.

A. Herman Edelsberg, 1640 Rhode Island Avenue NW., Washington, D.C.
B. Anti-Defamation League of B'nai B'rith.
D. (6) $140. E. (9) $15.

A. Harold Edwards, 2400 16th Street NW., Washington, D.C.
B. National Health Federation, 2454 Van Ness Avenue, San Francisco, Calif.
D. (6) $700.

A. James B. Ehrlich, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $206. E. (9) $27.50.

A. John Doyle Elliott, 808 North Capitol Street, Washington, D.C.
B. Townsend Plan, Inc., 808 North Capitol Street, Washington, D.C.
D. (6) $1,092. E. (9) $69.52.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, 3025 Wisconsin Avenue NW., Washington, D.C.

A. Clyde T. Ellis, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Otis H. Ellis, 1001 Connecticut Avenue N.W., Washington, D.C.
B. National Oil Jobbers Council, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $6,000.

A. Perry R. Ellsworth, 1145 19th Street NW., Washington, D.C.
B. Milk Industry Foundation, 1145 19th Street NW., Washington, D.C.

A. John H. Else, 302 Ring Building, Washington, D.C.
B. National Retail Lumber Dealers Association, 302 Ring Building, Washington, D.C.
D. (6) $3,750. E. (9) $163.90.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.
D. (6) $3,375.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. Department of Water and Power of the City of Los Angeles, 207 South Broadway, Los Angeles, Calif.
D. (6) $1,500.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. Department of Water Resources, State of California, Sacramento, Calif.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. East Bay Municipal Utility District, 2130 Adeline Street, Oakland, Calif.
D. (6) $1,200.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. Imperial Irrigation District, El Centro, Calif.
D. (6) $1,400.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. Palo Verde Irrigation District, Blythe, Calif.
D. (6) $650. E. (9) $8.72.

A. Ely, McCarty and Duncan, 1200 Tower Building, Washington, D.C.
B. Six Agency Committee and Colorado River Board of California, 909 South Broadway, Los Angeles, Calif.
D. (6) $7,810. E. (9) $2.40.

A. Myles W. English, 966 National Press Building, Washington, D.C.
B. National Highway Users Conference, Inc., 966 National Press Building, Washington, D.C.

A. Family Tax Association, 2110 Girard Trust Building, Philadelphia, Pa.
E. (9) $14.06.

A. Farmers Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo., and 1404 New York Avenue NW., Washington, D.C.
D. (6) $105,359.65. E. (9) $15,935.70.

A. Federation of Homemakers, 5610 16th Street, North Arlington, Va.
D. (6) $104. E. (9) $65.

A. Joseph G. Feeney, 201 World Center Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Bonner Fellers, 1001 Connecticut Avenue NW., Washington, D.C.
B. Citizens Foreign Aid Committee.

A. Harold E. Fellows, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. John A. Ferguson, 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

A. Josiah Ferris, 510 Union Trust Building, Washington, D.C.
B. American Sugar Cane League, New Orleans, La., United States Sugar Corp., Clewiston, Fla., and Okeelanta Sugar Refinery, Inc., South Bay, Fla.
D. (6) $6,099.96.

A. John B. Fisher, 1112 Pennsylvania Building, Washington, D.C.
B. Bangor and Aroostook Railroad, Bangor, Maine.

A. John B. Fisher, 1122 Pennsylvania Building, Washington, D.C.
B. C. H. Sprague & Son Co., 125 High Street, Boston, Mass.

A. John B. Fisher, 1112 Pennsylvania Building, Washington, D.C.
B. Estate of Mrs. F. B. von Courten, 60 State Street, Boston, Mass.

A. Berchmans T. Fitzpatrick, 1025 Connecticut Avenue NW., Washington, D.C.
B. Wood, King & Dawson, 48 Wall Street, New York, N.Y.
E. (9) $250.

A. Norman A. Flaningam, 425 13th Street NW., Washington, D.C.
B. Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N.Y.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $1,287.50. E. (9) $13.69.

A. Florida Citrus Mutual, Lakeland, Fla.
E. (9) $1,856.54.

A. Florida Inland Navigation District, Citizens Bank Building, Bunnell, Fla.
E. (9) $1,398.25.

A. Florida Railroad Association, 400 Midyette-Moor Building, Tallahassee, Fla.

A. Florida Ship Canal Navigation District, 720 Florida Title Building, Jacksonville, Fla.
E. (9) $1,455.33.

A. Fluorspar Consumers Committee, 40 Rector Street, New York, N.Y.
E. (9) $8,394.47.

A. W. Robert Fokes, 400 Midyette-Moor Building, Tallahassee, Fla.
B. Florida Railroad Association, Midyette-Moor Building, Tallahasee, Fla.

A. W. Robert Fokes, 400 Midyette-Moor Building, Tallahassee, Fla.
B. The Florida Savings and Loan League, Post Office Box 2246, Orlando, Fla.

A. Mrs. J. A. Ford, 808 North Capitol Street, Washington, D.C.
B. Townsend Plan, Inc., 808 North Capitol Street, Washington, D.C.

A. Foreign Policy Clearing House, 300 Independence Avenue S.E., Washington, D.C.
D. (6) $10,909.92. E. (9) $6,639.90.

A. Clark Foremen, Post Office Box 1275, Washington, D.C.
B. Emergency Civil Liberties Committee, 421 Seventh Avenue, New York, N.Y.
D. (6) $2. E. (9) $207.64.

A. Forest Farmers Association, Post Office Box 7284, Station C, Atlanta, Ga.

A. James W. Foristel, 1523 L Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $737.50. E. (9) $65.55.

A. James F. Fort, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $200. E. (9) $67.60.

A. Ronald J. Foulis, 1001 Connecticut Avenue N.W., Washington, D.C.
B. American Telephone and Telegraph Co., 195 Broadway, New York, N.Y.

A. L. S. Franklin, 2309 Pine Craft Road, Greensboro, N.C.
D. (6) $1,330. E. (9) $1,075.

A. W. E. Fravel, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Trainmen.

A. Freedman & Levy, 1000 Connecticut Avenue, Washington, D.C.
B. Fred H. Lenway & Co., Inc., 112 Market Street, San Francisco, Calif.

A. Elmer M. Freudenberger, 1701 18th Street NW., Washington, D.C.
B. Disabled American Veterans, 5555 Ridge Avenue, Cincinnati, Ohio.
E. (9) $1,500.

A. Philip P. Friedlander, Jr., 1012 14th Street NW., Washington, D.C.
B. The National Tire Dealers and Retreaders Association, Inc., 1012 14th Street NW., Washington, D.C.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $26,879.60. E. (9) $6,590.59.

A. Garrett Fuller, 836 Wyatt Building, Washington, D.C.
B. West Coast Steamship Co., 601 Board of Trade Building, Portland, Oreg.
E. (9) $5.40.

A. Wallace H. Fulton, 1707 H Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc.

A. Lawrence H. Gall, 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

A. M. J. Galvin, 207 Union Depot Building, St. Paul, Minn.
B. Minnesota Railroads.
D. (6) $500.

A. Earl H. Gammons, 1735 DeSales Street NW., Washington, D.C.

A. Gardner, Morrison & Rogers, 1126 Woodward Building, Washington, D.C.
B. Bigham, Englar, Jones and Houston, 99 John Street, New York City, and Shoreham Building, Washington, D.C.

A. Marion R. Garstang, 1731 I Street NW., Washington, D.C.
B. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $10.

A. Gas Appliance Manufacturers Association, Inc., 60 East 42d Street, New York, N.Y.

A. Gus F. Geissler.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo., and 1404 New York Avenue NW., Washington, D.C.

A. General Federation of Women's Clubs, 1734 N Street NW., Washington, D.C.

A. J. M. George, 165 Center Street, Winona, Minn.
B. The Inter-State Manufacturers Association, 163–165 Center Street, Winona, Minn.
D. (6) $1,500.

A. J. M. George, 165 Center Street, Winona, Minn.
B. National Association of Direct Selling Cos., 163–165 Center Street, Winona, Minn.
D. (6) $3,000.

A. Ernest Giddings, 1201 16th Street NW., Washington, D.C.
B. Division of Legislation and Federal Relations of the National Education Association.
D. (6) $1,620. E. (9) $504.04.

A. Chloe Gifford, 1734 N Street NW., Washington, D.C.
B. General Federation of Women's Clubs, 1734 N Street NW., Washington, D.C.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.
B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

A. Leif Gilstad, 1710 H Street NW., Washington, D.C.
B. Transportation Association of America.

A. John A. Gosnell, 801 19th Street NW., Washington, D.C.
B. National Small Business Men's Association.
D. (6) $1,500.

A. Lawrence L. Gourley, 1757 K Street NW., Washington, D.C.
B. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.
D. (6) $375.

A. Government Employes' Council, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $7,594.14. E. (9) $5,107.78.

A. Government Relations Committee of the Office Equipment Manufacturers Institute, 777 14th Street NW., Washington, D.C.

A. James L. Grahl, 919 18th Street NW., Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.

A. Grain & Feed Dealers National Association, 400 Folger Building, Washington, D.C.

A. Grand Lodge of the Brotherhood of Locomotive Firemen & Enginemen, 318–418 Keith Building, Cleveland, Ohio.
D. (6) $15,547.20. E. (9) $17,845.39.

A. Mrs. Edward R. Gray, 3501 Williamsburg Lane NW., Washington, D.C.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.
B. Citizens Committee for UNICEF, 132 Third Street SE., Washington, D.C.
D. (6) $45. E. (9) $35.09.

A. Jerry N. Griffin, 731 Washington Building, Washington, D.C.
B. Businessmen's Committee for Hawaiian Statehood, Honolulu, Hawaii.

A. Jerry N. Griffin, 731 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Jerry N. Griffin, 731 Washington Building, Washington, D.C.
B. Mutual Benefit Health and Accident Association, Omaha, Nebr.

A. Jerry N. Griffin, 731 Washington Building, Washington, D.C.
B. National Coal Association, Southern Building, Washington, D.C.
D. (6) $1,875.

A. Weston B. Grimes, 1001 Bowen Building, Washington, D.C.
B. Cargill, Inc., 200 Grain Exchange, Minneapolis, Minn.
D. (6) $6,000.

A. I. J. Gromfine, 1001 Connecticut Avenue NW., Washington, D.C.
B. O. David Zimring, 1001 Connecticut Avenue NW., Washington, D.C.

A. Albert A. Grorud, 816 E Street NE., Washington, D.C.
B. Washington Indian Association of Washington State.
E. (9) $8.

A. Alfred N. Guertin, 230 North Michigan Avenue, Chicago, Ill.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $43.75. E. (9) $9.40.

A. Rodger S. Gunn, 4618 Highland Drive, Salt Lake City, Utah.
B. Liberty Under Law, Inc., Post Office Box 2013, Salt Lake City, Utah.

A. Austin H. Gunsel, 1 Bala Avenue, Bala-Cynwyd, Pa.
B. National Football League, 1 Bala Avenue, Bala-Cynwyd, Pa.

A. Mrs. Violet M. Gunther, 1341 Connecticut Avenue NW., Washington, D.C.
B. Americans for Democratic Action, 1341 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,153.90. E. (9) $23.40.

A. Gayle Gupton, 532 Shoreham Building, Washington, D.C.
B. Clear Channel Broadcasting Service, 532 Shoreham Building, Washington, D.C.

A. Frank E. Haas, 280 Union Station Building, Chicago, Ill.
B. The Association of Western Railways, 224 Union Station Building, Chicago, Ill.

A. Hoyt S. Haddock, 132 Third Street SE., Washington, D.C.
B. AFL–CIO Maritime Committee, 132 Third Street SE., Washington, D.C.
D. (6) $1,560. E. (9) $519.49.

A. Hoyt S. Haddock, 132 Third Street SE., Washington, D.C.
B. Labor-Management Maritime Committee, 132 Third Street SE., Washington, D.C.
D. (6) $900. E. (9) $8.94.

A. Hal H. Hale, 423 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Robert Hale, 1039 Investment Building, Washington, D.C.
B. American Association for the Advancement of Science, 1515 Massachusetts Avenue NW., Washington, D.C.

A. Haley, Wollenberg & Bader, 1735 De Sales Street NW., Washington, D.C.
B. Home Town Free Television Association, 2923 East Lincolnway, Cheyenne, Wyo.
D. (6) $514.31.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill.

A. Hugh F. Hall, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $741.66. E. (9) $9.77.

A. Raymond V. Hall, 245 Market Street, San Francisco, Calif.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $700. E. (9) $407.74.

A. E. C. Hallbeck, 817 14th Street NW., Washington, D.C.
B. National Federation of Post Office Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $5,104.12.

A. Charles A. Hamilton, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $500. E. (9) $133.45.

A. Harold F. Hammond.
B. Transportation Association of America, 1710 H Street NW., Washington, D.C.

A. C. L. Hancock, 420 Lexington Avenue, New York, N.Y.
B. Copper & Brass Research Association, 420 Lexington Avenue, New York, N.Y.
D. (6) $3,000.

A. George F. Hannuam, 610 Shoreham Building, Washington, D.C.
B. Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington, D.C.

A. Murray Hanson, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.
D. (6) $600. E. (9) $1,094.08.

A. Eugene J. Hardy, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. L. James Harmanson, Jr., 744 Jackson Place NW., Washington, D.C.
B. National Council of Farmer Cooperatives.

A. Herbert E. Harris, II, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $1,087.50. E. (9) $37.45.

A. Merwin K. Hart, 7501 Empire State Building, New York, N.Y.
B. National Economic Council, Inc., 7501 Empire State Building, New York, N.Y.

A. Stephen H. Hart, 520 Equitable Building, Denver, Colo.
B. National Live Stock Tax Committee, 801 East 17th Avenue, Denver, Colo.
D. (6) $2,238.

A. John A. Hartman, Jr., 67 Broad Street, New York, N.Y.
B. American Cable & Radio Corp., 67 Broad Street, New York, N.Y.
E. (9) $67.98.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $1,632. E. (9) $796.50.

A. Kit H. Haynes, 744 Jackson Place NW., Washington, D.C.
B. National Council of Farmer Cooperatives.

A. Joseph H. Hays, 280 Union Station Building, Chicago, Ill.
B. The Association of Western Railways, 224 Union Station Building, Chicago, Ill.

A. John C. Hazen, 711 14th Street NW., Washington, D.C.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.
E. (9) $37.70.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
E. (9) $6,976.31.

A. Patrick B. Healy, 1731 I Street NW., Washington, D.C.
B. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $150. E. (9) $34.80.

A. George J. Hecht, 132 Third Street SE., Washington, D.C.
B. American Parents Committee, Inc., 132 Third Street SE., Washington, D.C.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $748.71.

A. Kenneth G. Heisler, 18th and M Streets NW., Washington, D.C.
B. National League of Insured Savings Associations, 18th and M Streets NW., Washington, D.C.
D. (6) $525.

A. Charles H. Heltzel, 1700 K Street NW., Washington, D.C.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg.
D. (6) $930. E. (9) $100.75.

A. Joseph D. Henderson, 431 Balter Building, New Orleans, La.
B. American Association of Small Business, Inc., 431 Balter Building, New Orleans, La.
D. (6) $1,875.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.
B. Socony Mobil Oil Co., Inc., 150 East 42d Street, New York, N.Y.
D. (6) $1,943.41. E. (9) $818.41.

A. Maurice G. Herndon, 1002 Washington Loan & Trust Building, Washington, D.C.
B. National Association of Insurance Agents, 96 Fulton Street, New York, N.Y., and 1002 Washington Loan & Trust Building, Washington, D.C.
D. (6) $78.25. E. (9) $78.25.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. Boston Wool Trade Association, 263 Summer Street, Boston, Mass.
D. (6) $600. E. (9) $20.83.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. National Association of Hot House Vegetable Growers, Post Office Box 659, Terre Haute, Ind.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. National Football League, 1 Bala Avenue, Bala Cynwyd, Pa.
E. (9) $93.42.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. National Wool Trade Association, 263 Summer Street, Boston, Mass.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. Philadelphia Wool & Textile Association, Post Office Box 472, Station S, Philadelphia, Pa.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. United States Brewers Foundation, 535 Fifth Avenue, New York, N.Y.
D. (6) $5,000. E. (9) $79.95.

A. W. J. Hickey, 2000 Massachusetts Avenue NW., Washington, D.C.
B. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $218.75.

A. M. F. Hicklin, 507 Bankers Trust Building, Des Moines, Iowa.
B. Iowa Railway Committee, 507 Bankers Trust Building, Des Moines, Iowa.
E. (9) $471.15.

A. Patrick J. Hillings, 315 West Ninth Street, Los Angeles, Calif.
B. California Portland Cement Co., 612 South Flower Street, Los Angeles, Calif.
E. (9) $55.76.

A. Ray C. Hinman, 150 East 42d Street, New York, N.Y.
B. Socony Mobil Oil Co., Inc., 150 East 42d Street, New York, N.Y.
D. (6) $1,250.

A. Claude E. Hobbs, 1000 Connecticut Avenue NW., Washington, D.C.
B. Westinghouse Electric Corp., 3 Gateway Center, Pittsburgh, Pa.
D. (6) $1,250. E. (9) $200.

A. John R. Holden, 1710 Rhode Island Avenue NW., Washington, D.C.
B. AMVETS, 1710 Rhode Island Avenue NW., Washington, D.C.
D. (6) $1,562.50. E. (9) $75.

A. Holland & Hart, 520 Equitable Building, Denver, Colo.
B. Ideal Cement Co., Denver National Building, Denver, Colo.

A. A. D. Holmes, Jr., Gallion, Ala.
B. National Association of Soil Conservation Districts, League City, Tex.

A. Stanley G. Holmes, 311 California Street, San Francisco, Calif.
B. American Steamship Committee on Conference Studies, Barr Building, Washington, D.C.
D. (6) $466.67. E. (9) $30.

A. Richard C. Holmquist, 570 Lexington Avenue, New York, N.Y.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $140. E. (9) $100.

A. Winfield M. Homer, 1001 Connecticut Avenue NW., Washington, D.C.
B. O. David Zimring, 1001 Connecticut Avenue NW., Washington, D.C.

A. Edwin M. Hood, 441 Washington Building, Washington, D.C.
B. Shipbuilders Council of America, 21 West Street, New York, N.Y.

A. J. M. Hood, 2000 Massachusetts Avenue NW., Washington, D.C.
B. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $318.75.

A. Samuel H. Horne, Munsey Building, Washington, D.C.
B. The Singer Manufacturing Co., 149 Broadway, New York, N.Y.
E. (9) $441.20.

A. Lawrence W. Horning, 1010 Pennsylvania Building, Washington, D.C.
B. New York Central Railroad Co., 230 Park Avenue, New York, N.Y.

A. Donald E. Horton, 222 West Adams Street, Chicago, Ill.
B. American Warehousemen's Association Merchandise Division.

A. J. Cline House, 817 14th Street NW., Washington, D.C.
B. National Federation of Post Office Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $4,500.

A. Harold A. Houser, 1616 I Street NW., Washington, D.C.
B. Retired Officers Association, 1616 I Street NW., Washington, D.C.
D. (6) $3,000.03.

A. Harold K. Howe, Mills Building, Washington, D.C.
B. American Institute of Laundering, Post Office Box 1187, Joliet, Ill.
D. (6) $2,649.99. E. (9) $1,101.09.

A. Harold K. Howe, Mills Building, Washington, D.C.
B. The Lawn Mower Institute, Inc., Mills Building, Washington, D.C.
D. (6) $2,400.

A. Erma D. Hubbard, 509 Ridgely Avenue, Annapolis, Md.
B. Military Survivors, Inc., 509 Ridgely Avenue, Annapolis, Md.

A. William T. Huff, 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

A. William J. Hull, 1625 I Street NW., Washington, D.C.
B. Ashland Oil & Refining Co., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1625 I Street NW., Washington, D.C.
B. Ohio Valley Improvement Association, Inc.

A. Robert L. Humphrey, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. C. E. Huntley, 2000 Massachusetts Avenue NW., Washington, D.C.
B. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $298.75.

A. George F. Hussey, Jr., 70 East 45th Street, New York, N.Y.
B. American Standards Association, 70 East 45th Street, New York, N.Y.

A. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

A. Industrial Union Department, 815 16th Street NW., Washington, D.C.
D. (6) $19,000.89. E. (9) $19,000.89.

A. Institute of Scrap Iron and Steel, Inc., 1729 M Street NW., Washington, D.C.
D. (6) $300. E. (9) $1.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
E. (9) $46,031.45.

A. International Union of Electrical, Radio & Machine Workers, 1126 16th Street NW., Washington, D.C.
E. (9) $1,156.

A. Inter-State Manufacturers Association, 163–165 Center Street, Winona, Minn.
D. (6) $3,000. E. (9) $3.20.

A. Iron Ore Lessors Association, Inc., First National Bank Building, St. Paul, Minn.
E. (9) $502.86.

A. Chester W. Jackson, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, 744 Jackson Place NW., Washington, D.C.
D. (6) $3,126.

A. Robert C. Jackson, 1145 19th Street NW., Washington, D.C.
B. American Cotton Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $6,000. E. (9) $310.63.

A. Andrew F. Jacobson, 1476 South Fourth East, Salt Lake City, Utah

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A. Harold G. Jacobson, 1476 South Fourth East, Salt Lake City, Utah.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.

A. Daniel Jaspan, Post Office Box 2013, Washington, D.C.
B. National Association of Postal Supervisors, Post Office Box 2013, Washington, D.C.
D. (6) $2,901.24. E. (9) $37.84.

A. Joe Jenness, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue N.W., Washington, D.C.

A. Robert G. Jeter, Dresden, Tenn.
B. H. C. Spinks Clay Co., Paris, Tenn., et al.
D. (6) $402.42. E. (9) $164.60.

A. Jewish War Veterans of the United States of America, 1712 New Hampshire Avenue NW., Washington, D.C.
D. (6) $2,749.98. E. (9) $233.65.

A. William T. Jobe, 810 18th Street NW., Washington, D.C.
B. National Ice Association, Inc., 810 18th Street NW., Washington, D.C.

A. Gilbert R. Johnson, 1208 Terminal Tower, Cleveland, Ohio.
B. Lake Carriers' Association, 305 Rockefeller Building, Cleveland, Ohio.

A. Glendon E. Johnson, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Reuben L. Johnson.
B. The Farmers' Educational and Cooperative Union of America, 1404 New York Avenue NW., Washington, D.C.
D. (6) $1,966.72. E. (9) $29.55.

A. W. D. Johnson, 400 First Street NW., Washington, D.C.
B. Order of Railway Conductors & Brakemen, O.R.C. & B. Building, Cedar Rapids, Iowa.

A. L. Dan Jones, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $25.95.

A. Rowland Jones, Jr., 1145 19th Street NW., Washington, D.C.
B. American Retail Federation, 1145 19th Street NW., Washington, D.C.
D. (6) $500. E. (9) $50.

A. Edwin W. Kaler, 919 18th Street NW., Washington, D.C.
B. Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.
D. (6) $8,750.

A. John E. Kane, 1625 K Street NW., Washington, D.C.
B. American Petroleum Institute, 50 West 50th Street, New York, N.Y.
D. (6) $3,780. E. (9) $75.23.

A. Francis V. Keesling, Jr., 605 Market Street, San Francisco, Calif.
B. West Coast Life Insurance Co., 605 Market Street, San Francisco, Calif.

A. James C. Kelley, 1600 Massachusetts Avenue NW., Washington, D.C.
B. American Machine Tool Distributors' Association, 1600 Massachusetts Avenue NW., Washington, D.C.

A. George J. Kelly, 730 15th Street NW., Washington, D.C.
B. American Bankers Association, 12 East 36th Street, New York, N.Y.
D. (6) $375. E. (9) $40.

A. Miss Elizabeth A. Kendall, 2310 Connecticut Avenue, Washington, D.C.
E. (9) $150.

A. I. L. Kenen, 1737 H Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1737 H Street NW., Washington, D.C.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C.
B. The Ohio Oil Co., Findlay, Ohio.
D. (6) $500. E. (9) $249.85.

A. Miles D. Kennedy, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,500. E. (9) $469.31.

A. Ronald M. Ketchan, Post Office Box 351, Los Angeles, Calif.
B. Southern California Edison Co., Post Office Box 351, Los Angeles, Calif.

A. Omar B. Ketchum, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $3,750. E. (9) $288.50.

A. Jeff Kibre, 1341 G Street NW., Washington, D.C.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $1,579.18. E. (9) $1,459.67.

A. John A. Killick, 740 11th Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., 740 11th Street NW., Washington, D.C.
D. (6) $12.50.

A. John A. Killick, 740 11 Street NW., Washington, D.C.
B. National Independent Meat Packers Association, 740 11th Street NW., Washington, D.C.
D. (6) $221.25.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $52.50.

A. James F. King, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists' Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,250.

A. Ludlow King, 2139 Wisconsin Avenue NW., Washington, D.C.
B. National Machine Tool Builders' Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. T. Bert King, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings & Loan League, 221 North La Salle Street, Chicago, Ill.
D. (6) $1,350. E. (9) $3.60.

A. Mr. and Mrs. Harry L. Kingman, 535 San Luis Road, Berkeley, Calif.
D. (6) $50. E. (9) $50.

A. S. F. Kirby, 20 North Wacker Drive, Chicago, Ill.
B. National Council on Business Mail, Inc., 20 North Wacker Drive, Chicago, Ill.
D. (6) $600.

A. Clifton Kirkpatrick, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $225. E. (9) $11.36.

A. Rowland F. Kirks, 2000 K Street NW., Washington, D.C.
B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $3,807.66. E. (9) $23.65.

A. James F. Kmetz, 1435 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $2,802.

A. Robert M. Koch, 1015 12th Street NW., Washington, D.C.
B. National Agricultural Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. Robert M. Koch, 1015 12th Street NW., Washington, D.C.
B. National Crushed Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. William L. Kohler, 1025 Connecticut Avenue, Washington, D.C.
B. The American Waterways Operators, Inc., 1025 Connecticut Avenue, Washington, D.C.
D. (6) $937.50. E. (9) $69.42.

A. Germaine Krettek, 200 C Street SE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
E. (9) $2,239.51.

A. Herman C. Kruse, 245 Market Street, San Francisco, Calif.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.

A. Labor-Management Maritime Committee, 132 Third Street SE., Washington, D.C.
D. (6) $4,614.75. E. (9) $5,139.79.

A. A. M. Lampley, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Firemen and Enginemen, 318 Keith Building, Cleveland, Ohio.

A. Fritz G. Lanham, 2737 Devonshire Place NW., Washington, D.C.
B. American Fair Trade Council, Inc., 1001 Grant Street, Gary, Ind.

A. Fritz G. Lanham, 2737 Devonshire, Place NW., Washington, D.C.
B. National Patent Council, Inc., 1434 West 11th Avenue, Gary, Ind.
D. (6) $1,000.12.

A. Fritz G. Lanham, 2737 Devonshire Place NW., Washington, D.C.
B. Quality Brands Associates of America, Inc., 1001 Grant Street, Gary, Ind.
D. (6) $250.12.

A. Fritz G. Lanham, 2737 Devonshire Place NW., Washington, D.C.
B. Trinity Improvement Association, Inc., 808 Trans-American Building, Fort Worth, Tex.
D. (6) $1,275.

A. Dillard B. Lasseter, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $150.

A. J. Austin Latimer, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $450.

A. Alan Latman, 200 East 42d Street, New York, N.Y.
B. National Committee for Effective Design Legislation, 200 East 42d Street, New York, N.Y.
D. (6) $1,666.66. E. (9) $960.23.

A. John V. Lawrence, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $271.25. E. (9) $4.20.

A. Warren Lawrence, 225 Bush Street, San Francisco, Calif.
B. Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif.
D. (6) $125. E. (9) $100.

A. Gene Leach, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $1,187.50. E. (9) $15.10.

A. Robert F. Lederer, 635 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 635 Southern Building, Washington, D.C.
D. (6) $21.87. E. (9) $21.87.

A. Ivy Lee and T. J. Ross, 405 Lexington Avenue, New York, N.Y.
D. (6) $6,250.03. E. (9) $4,497.43.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $785. E. (9) $4.50.

A. Hal Leyshon, 122 East 42d Street, New York, N.Y.
B. American Federation of Musicians, 425 Park Avenue, New York, N.Y.
D. (6) $4,999.98. E. (9) $5,592.79.

A. Liberty Under Law, Inc., Post Office Box 2013, Salt Lake City, Utah.
D. (6) $14. E. (9) $14.

A. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $3,707.86 E. (9) $3,707.86.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C.
D. (6) $9.

A. Robert G. Litschert, 1200 18th Street NW., Washington, D.C.
B. National Association of Electric Cos., 1200 18th Street NW., Washington, D.C.
D. (6) $168.75. E. (9) $11.06.

A. Walter J. Little, 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Arthur Y. Lloyd, 1025 Connecticut Avenue NW., Washington, D.C.
B. Burley and Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.

A. Leonard Lopez, 400 First Street NW., Washington, D.C.
B. District Lodge No. 44, International Association of Machinists, 400 First Street NW., Washington, D.C.
D. (6) $2,500.30. E. (9) $15.

A. Joe T. Lovett, 1145 19th Street NW., Washington, D.C.
B. American Retail Federation, 1145 19th Street NW., Washington, D.C.

A. Harold O. Lovre, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $115.17.

A. Otto Lowe, Cape Charles, Va.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $1,000.

A. Lowenstein, Pitcher, Hotchkiss, Amann & Parr, 25 Broad Street, New York, N.Y.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Finance Conference, 176 West Adams Street, Chicago, Ill.
D. (6) $1,250.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. Mobile Homes Manufacturers Association, 20 North Wacker Driver, Chicago, Ill.
D. (6) $1,000.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. Outdoor Advertising Association of America, Inc., 24 West Erie Street, Chicago, Ill.
D. (6) $500.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. Roadside Business Association, 646 North Michigan Avenue, Chicago, Ill.
D. (6) $500.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. St. James Lumber Co., Pinewood Acres, Inc., and Gayland, Inc., Cleveland, Ohio.
D. (6) $375.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. Adolph von Zedlitz, 60 Sutton Place, South, New York, N.Y.

A. Scott W. Lucas, 1025 Connecticut Avenue NW., Washington, D.C.
B. Western Medical Corp., 415-23 West Pershing Road, Chicago, Ill.
D. (6) $1,000.

A. H. B. Luckett, 311 California Street, San Francisco, Calif.,
B. American Steamship Committee on Conference Studies, 207 Barr Building, Washington, D.C.
E. (9) $365.75.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $750.

A. John C. Lynn, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $2,087.50. E. (9) $14.83.

A. LeRoy E. Lyon, Jr., 530 West Sixth Street, Los Angeles, Calif.
B. California Railroad Association, 215 Market Street, San Francisco, Calif.
D. (6) $4,250. E. (9) $218.61.

A. William C. McCamant, 1145 19th Street NW., Washington, D.C.
B. American Retail Federation, 1145 19th Street NW., Washington, D.C.
D. (6) $260. E. (9) $27.

A. John A. McCart, 900 F Street NW., Washington, D.C.
B. American Federation of Government Employees, 900 F Street NW., Washington, D.C.
D. (6) $2,329.60. E. (9) $42.65.

A. J. L. McCaskill, 1201 16th Street NW., Washington, D.C.
B. Division of Legislation and Federal Relations of the National Education Association of the United States, 1201 16th Street NW., Washington, D.C.
D. (6) $225. E. (9) $2.84.

A. McClure & McClure, 1710 H Street NW., Washington, D.C.
B. The Coca-Cola Export Corp., 515 Madison Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $346.77.

A. McClure & McClure, 1710 H Street NW., Washington, D.C.
B. Philadelphia & Reading Relief Association, Reading Terminal, Philadelphia, Pa.

A. Angus H. McDonald.
B. The Farmers' Educational and Co-Operative Union of America, 1404 New York Avenue NW., Washington, D.C.
D. (6) $2,029.44. E. (9) $102.50.

A. Joseph T. McDonnell, 425 13th Street NW., Washington, D.C.
B. National Association of Electric Cos., 1200 18th Street NW., Washington, D.C.

A. E. D. McElvain, 1625 I Street NW., Washington, D.C.
B. Phillips Petroleum Co., Bartlesville, Okla.
D. (6) $500. E. (9) $320.

A. A. J. McFarland, 126 North Eighth, Sterling, Kans.
B. Christian Amendment Movement, 804 Penn Avenue, Pittsburgh, Pa.
D. (6) $999.99. E. (9) $150.

A. Frederick C. McKee, 1025 Connecticut Avenue NW., Washington, D.C.

A. William F. McKenna, 908 Colorado Building, Washington, D.C.
B. National Association of Mutual Savings Banks, 60 East 42d Street, New York, N.Y.

A. William H. McLin, 1201 16th Street NW., Washington, D.C.
B. Division of Legislation and Federal Relations of the National Education Association of the United States, 1201 16th Street NW., Washington, D.C.
D. (6) $1,477.50. E. (9) $384.63.

A. W. H. McMains, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. C. W. McMillan, 801 East 17th Avenue, Denver, Colo.
B. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $3,750. E. (9) $352.52.

A. Clarence M. McMillan, 1343 L Street NW., Washington, D.C.
B. National Candy Wholesalers Association, Inc., 1343 L Street NW., Washington, D.C.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $225.75. E. (9) $3.15.

A. Charles R. McNeill, 730 15th Street NW., Washington, D.C.
B. American Bankers Association, 12 East 36th Street, New York, N.Y.
D. (6) $425.

A. Maclay, Morgan & Williams, 76 Beaver Street, New York, N.Y.
B. Association of American Ship Owners, 76 Beaver Street, New York, N.Y.

A. MacCracken, Collins & Whitney, 1000 Connecticut Avenue NW., Washington, D.C.
B. Compagnie Aramayo de Mines en Bolivie, 120 Broadway, New York, N.Y.
D. (6) $750. E.(9) $5.77.

A. William P. MacCracken, Jr., 1000 Connecticut Avenue NW., Washington, D.C.
B. American Optometric Association, Inc., 8001 Jenkins Arcade, Pittsburgh, Pa.
D. (6) $2,150. E. (9) $124.13.

A. William P. MacCracken, Jr., 1000 Connecticut Avenue NW., Washington, D.C.
B. Frankel Brothers, 521 Fifth Avenue, New York, N.Y.
E. (9) $0.75.

A. John G. Macfarlan, 1503 H Street NW., Washington, D.C.
B. Railway Express Agency, Inc., 1503 H Street NW., Washington, D.C.
D. (6) $1,650. E. (9) $787.63.

A. Albert E. Maddocks, 1833 S. 7th East, Salt Lake City, Utah.
B. Liberty Under Law, Inc., Post Office Box 2013, Salt Lake City, Utah.

A. Arch L. Madsen, 1735 DeSales Street NW., Washington, D.C.

A. William J. Mahon, 1 Gracie Terrace, New York, N.Y.
B. Associated Railroads of New York State.

A. Carter Manasco, 4201 Chesterbrook Road, McLean, Va.
B. National Business Publications, Inc., 1913 I Street NW., Washington, D.C.

A. Carter Manasco, 4201 Chesterbrook Road, McLean, Va.
B. National Coal Association, Southern Building, Washington, D.C.
D. (6) $3,000. E. (9) $126.08.

A. James D. Mann, 714 Sheraton Building, Washington, D.C.
B. Private Truck Council of America, Inc., 714 Sheraton Building, Washington, D.C.

A. Manufacturing Chemists' Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,625. E. (9) $2,475.

A. Olya Margolin (Mrs.), 1637 Massachusetts Avenue NW., Washington, D.C.
B. National Council of Jewish Women, Inc., 1 West 47th Street, New York, N.Y.
D. (6) $1,797.84. E. (9) $95.71.

A. James Mark, Jr., 1435 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $4,051.99.

A. Rodney W. Markley, Jr., Wyatt Building, Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.

A. Raymond E. Marks, 65 Market Street, San Francisco, Calif.
B. Southern Pacific Co., 65 Market Street, San Francisco, Calif.

A. Edwin E. Marsh, Salt Lake City, Utah.
B. National Wool Growers Association, Salt Lake City, Utah.
D. (6) $2,750.

A. Winston W. Marsh, 1012 14th Street NW., Washington, D.C.
B. National Tire Dealers and Retreaders Association, 1012 14th Street NW., Washington, D.C.

A. Fred T. Marshall, 1112 19th Street NW., Washington, D.C.
B. The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio.

A. J. Paull Marshall, 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Mike M. Masaoka, 919 18th Street NW., Washington, D.C.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $200.

A. Walter J. Mason, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $3,402. E. (9) $165.30.

A. David Mathews, Jr., 345 Fourth Avenue, Pittsburgh, Pa.
B. The Pittsburgh Coal Exchange, 345 Fourth Avenue, Pittsburgh, Pa.

A. P. H. Mathews, 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $256.39. E. (9) $302.40.

A. Joe G. Matthews, 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.
D. (6) $90.73. E. (9) $24.71.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. National Association of Waste Material Dealers, Inc., 271 Madison Avenue, New York, N.Y.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America, 2800 North Sheridan Road, Chicago, Ill.
D. (6) $1,205. E. (9) $195.

A. Mrs. Vera Mayer.
B. National Consumers League, Inc., 1025 Vermont Avenue NW., Washington, D.C.
D. (6) $1,214.33. E. (9) $64.40.

A. John S. Mears, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $1,980.

A. Medical Society of the District of Columbia, 1718 M Street NW., Washington, D.C.

A. Edward L. Merrigan, 425 13th Street NW., Washington, D.C.
B. Maryland and Virginia Milk Producers Association, Inc., 1530 Wilson Boulevard, Arlington, Va.

A. J. T. Metcalf, 1023 L. & N. Building, Louisville, Ky.
E. (9) $203.73.

A. M. Barry Meyer, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $50. E. (9) $1.80.

A. James G. Michaux, 1145 19th Street NW., Washington, D.C.
B. American Retail Federation, 1145 19th Street NW., Washington, D.C.
D. (6) $250. E. (9) $25.

A. Michigan Hospital Service, 441 East Jefferson Avenue, Detroit, Mich.
E. (9) $1,330.63.

A. G. R. Milburn, Grass Range, Mont.
B. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.

A. Clarence R. Miles, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States of America.

A. John R. Miles, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States of America.

A. Military Survivors, Inc., 509 Ridgely Avenue, Annapolis, Md.
D. (6) $871. E. (9) $1,044.26.

A. Milk Industry Foundation, 1145 19th Street NW., Washington, D.C.

A. Miller & Chevalier, 1001 Connecticut Avenue NW., Washington, D.C.
B. The C. L. Gougler Co., 705 Lake Street, Kent, Ohio.
D. (6) $8,500.

A. Dale Miller, Mayflower Hotel, Washington, D.C.
B. Dallas (Tex.) Chamber of Commerce.
D. (6) $2,200.

A. Dale Miller, Mayflower Hotel, Washington, D.C.
B. Intracoastal Canal Association of Louisiana and Texas, 2211 South Coast Building, Houston, Tex.
D. (6) $2,500.

A. Dale Miller, Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $2,250.

A. Edwin Reid Miller, 1004 Farnam Street, Omaha, Nebr.
B. Nebraska Railroads Legislative Committee, 1004 Farnam Street, Omaha, Nebr.
D. (6) $2,553.

A. Harold C. Miller, 1001 Connecticut Avenue NW., Washington, D.C.
B. American Society of Composers, 575 Madison Avenue, New York, N.Y.
D. (6) $1,824.99. E. (9) $415.40.

A. Lloyd S. Miller, 1001 Connecticut Avenue NW., Washington, D.C.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $1,500.

A. Claude Minard, 215 Market Street, San Francisco, Calif.
B. California Railroad Association, 215 Market Street, San Francisco, Calif.

A. Seymour S. Mintz, William T. Plumb, Jr., Robert K. Eifler, and Richard A. Mullens, 810 Colorado Building, Washington, D.C.
B. Hughes Tool Co., Houston, Tex.

A. Seymour S. Mintz, 810 Colorado Building, Washington, D.C.
B. Tennessee Products & Chemical Corp., Nashville, Tenn.

A. Clarence Mitchell, 100 Massachusetts Avenue NW., Washington, D.C.
B. National Association for the Advancement of Colored People, 20 West 40th Street, New York, N.Y.
D. (6) $1,875. E. (9) $49.83.

A. M. D. Mobley, 1010 Vermont Avenue NW., Washington, D.C.
B. American Vocational Association, Inc., 1010 Vermont Avenue NW., Washington, D.C.

A. Harry L. Moffett, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $750.

A. Donald Montgomery, 777 14th Street NW., Washington, D.C.
B. American Hotel Association, 221 West 57th Street, New York, N.Y.
D. (6) $400. E. (9) $20.50.

A. Walter H. Moorman, 4650 East-West Highway, Bethesda, Md.
B. Maryland Railroad Association, 300 St. Paul Place, Baltimore, Md.
D. (6) $2,500.

A. Cecil Morgan, 30 Rockefeller Plaza, New York, N.Y.
B. Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N.Y.
E. (9) $89.96.

A. Morison, Murphy, Clapp & Abrams, Pennsylvania Building, Washington, D.C.
B. American Reciprocal Insurance Association, Kansas City, Mo.
D. (6) $2,500.

A. Morison, Murphy, Clapp & Abrams, Pennsylvania Building, Washington, D.C.
B. Area Employment Expansion Committee, 1144 Pennsylvania Building, Washington, D.C.

A. Morison, Murphy, Clapp & Abrams, Pennsylvania Building, Washington, D. C.
B. Chambers of Commerce of St. Thomas and St. Croix, Virgin Islands, U.S.A.
D. (6) $168.32.

A. Morison, Murphy, Clapp & Abrams, Pennsylvania Building, Washington, D. C.
B. Ford Motor Co., American Road, Dearborn, Mich.

A. Morison, Murphy, Clapp & Abrams, Pennsylvania Building, Washington, D. C.
B. Group Health Insurance, Inc., 221 Fourth Avenue, New York, N.Y.
D. (6) $750. E. (9) $8.72.

A. Morison, Murphy, Clapp & Abrams, the Pennsylvania Building, Washington, D.C.
B. The Sperry & Hutchinson Co., 114 Fifth Avenue, New York, N.Y.
D. (6) $350.

A. Giles Morrow, 1012 14th Street NW., Washington, D.C.
B. Freight Forwarders Institute, 1012 14th Street NW., Washington, D.C.
D. (6) $5,625. E. (9) $251.96.

A. Harold G. Mosier, 610 Shoreham Building, Washington, D.C.
B. Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington, D.C.
D. (6) $4,056. E. (9) $167.68.

A. William J. Mougey, Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Bernard R. Mullady, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers.
D. (6) $2,600.

A. Vincent S. Mullaney, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $875. E. (9) $466.89.

A. T. H. Mullen, 711 14th Street NW., Washington, D.C.
B. American Paper & Pulp Association, 122 East 42d Street, New York, N.Y.

A. T. H. Mullen, 711 14th Street NW., Washington, D.C.
B. American Pulpwood Association, 220 East 42d Street, New York, N.Y.

A. Walter J. Munro, Hotel Washington, Washington, D.C.
B. Brotherhood of Railroad Trainmen.

A. Dr. Emmett J. Murphy, 5737 13th Street NW., Washington, D.C.
B. National Chiropractic Insurance Co., National Building, Webster City, Iowa.
D. (6) $300. E. (9) $300.

A. J. Walter Myers, Jr., Post Office Box 7284, Station C, Atlanta, Ga.
B. Forest Farmers Association Cooperative, Post Office Box 7284, Station C, Atlanta, Ga.

A. Paul A. Nagle, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,000.

A. National Agricultural Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.
D. (6) $1,187.08. E. (9) $1,187.08.

A. National Association for the Advancement of Colored People, 20 West 40th Street, New York, N.Y.

A. National Association of Direct Selling Companies, 163–165 Center Street, Winona, Minn.
D. (6) $13,750. E. (9) $55.70.

A. National Association of Electric Companies, 1200 18th Street NW., Washington, D.C.
D. (6) $284.68. E. (9) $5,950.73.

A. National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
D. (6) $3,500. E. (9) $7,261.63.

A. National Association of Margarine Manufacturers, Munsey Building, Washington, D.C.

A. National Association of Mutual Savings Banks, 60 East 42d Street, New York, N.Y.

A. National Association of Plumbing Contractors, 1016 20th Street NW., Washington, D.C.

A. National Association of Postal Supervisors, Post Office Box 2013, Washington, D.C.
D. (6) $7,500. E. (9) $6,799.04.

A. National Association of Retired Civil Employees, 1625 Connecticut Avenue NW., Washington, D.C.
E. (9) $850.

A. National Association of Soil Conservation Districts, League City, Tex.
D. (6) $505.28. E. (9) $419.86.

A. National Association of Travel Organizations, 1422 K Street NW., Washington, D.C.
D. (6) $22,495.09. E. (9) $682.50.

A. National Association of Wheat Growers, Chappell, Nebr.
D. (6) $933.71. E. (9) $933.71.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $483,739.68. E. (9) $3,253.41.

A. National Coal Association, 802 Southern Building, Washington, D.C.

A. National Committee for Effective Design Legislation, 200 East 42d Street, New York, N.Y.
D. (6) $2,185. E. (9) $3,319.12.

A. National Committee on Parcel Post Size and Weight Limitations, 1625 I Street NW., Washington, D.C.

A. National Committee for Research in Neurological Disorders, University Hospital, Minneapolis, Minn.
E. (9) $7,000.

A. National Conference for Repeal of Taxes on Transportation, 1710 H Street NW., Washington, D.C.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $2,186.12. E. (9) $2,186.12.

A. National Council on Business Mail, Inc., 20 North Wacker Drive, Chicago, Ill.
E. (9) $600.

A. National Council of Farmer Cooperatives, 744 Jackson Place NW., Washington, D.C.

A. National Crushed Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. National Economic Council, Inc., 7501 Empire State Building, New York, N.Y.

A. National Electrical Contractors Association, Inc., 1200 18th Street NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.
D. (6) $65.58. E. (9) $65.58.

A. National Federation of Federal Employees, 1729 G Street NW., Washington, D.C.
D. (6) $94,803.82. E. (9) $7,371.65.

A. National Federation of Independent Business, Inc., 740 Washington Building, Washington, D.C.
D. (6) $8,902.96. E. (9) $8,902.96.

A. National Federation of Post Office Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $286,468.64. E. (9) $15,267.19.

A. National Grange, 744 Jackson Place NW., Washington, D.C.
E. (9) $11,076.

A. National Independent Dairies Association, 1627 K Street NW., Washington, D.C.

A. National Independent Meatpackers Association, 740 11th Street NW., Washington, D.C.
D. (6) $1,266.96. E. (9) $1,890.08.

A. National League of Insured Savings Associations, 18th and M Streets NW., Washington, D.C.
D. (6) $393.89. E. (9) $850.

A. National Live Stock Tax Committee, 801 East 17th Avenue, Denver, Colo.
D. (6) $2,238.

A. National Lumber Manufacturers Association, 1319 18th Street NW., Washington, D.C.
D. (6) $33.44. E. (9) $38.01.

A. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $2,990.46. E. (9) $2,990.46.

A. National Multiple Sclerosis Society, 257 Fourth Avenue, New York City.
E. (9) $758.36.

A. National Parking Association, Inc., 711 14th Street NW., Washington, D.C.

A. National Postal Transport Association, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $7,117.54. E. (9) $7,117.54.

A. National Reclamation Association, 897 National Press Building, Washington, D.C.
D. (6) $16,039.92. E. (9) $11,248.40.

A. National Retail Furniture Association, 666 Lake Shore Drive, Chicago, Ill.

A. National Retail Merchants Association, 100 West 31st Street, New York, NY.
D. (6) $4,125. E. (9) $5,273.77.

A. National Rivers and Harbors Congress, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $385. E. (9) $7,646.29.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $604.53.

A. National Shoe Manufacturers Association, 342 Madison Avenue, New York, N.Y.
D. (6) $250. E. (9) $250.

A. National Small Business Men's Association, 801 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $4,672.73.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $34,869.30. E. (9) $2,824.87.

A. The National Tire Dealers & Retreaders Association, 1012 14th Street NW., Washington, D.C.
D. (6) $392.35.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.
D. (6) $649. E. (9) $1,125.10.

A. National Wool Growers Association, 414 Crandall Building, Salt Lake City, Utah.
D. (6) $16,414. E. (9) $2,750.

A. Nationwide Committee of Industry, Agriculture and Labor on Import-Export Policy, 815 15th Street NW., Washington, D.C.
D. (6) $25,600. E. (9) $14,001.29.

A. Robert R. Neal, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $944.44. E. (9) $922.13.

A. William S. Neal, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturers.

A. Samuel E. Neel, 1001 15th Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 111 West Washington Street, Chicago, Ill.
D. (6) $4,500. E. (9) $3,726.46.

A. A. Z. Nelson, 1319 18th Street NW., Washington, D.C.
B. National Lumber Manufacturers Association, 1319 18th Street NW., Washington, D.C.

A. Paul Nelson, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. John W. Nerlinger, Jr., 325 Farwell Building, Detroit, Mich.
B. National Congress of Petroleum Retailers, Inc., 325 Farwell Building, Detroit, Mich.
D. (6) $225. E. (9) $37.46.

A. Herschel D. Newsom, 744 Jackson Place NW., Washington, D.C.
B. The National Grange, 744 Jackson Place NW., Washington, D.C.
D. (6) $3,750.

A. New York and New Jersey Dry Dock Association, 161 William Street, New York City.
D. (6) $4,250. E. (9) $4,083.37.

A. New York Stock Exchange, 11 Wall Street, New York, N.Y.
E. (9) $3,000.

A. O. L. Norman, 1200 18th Street NW., Washington, D.C.
B. National Association of Electric Companies, 1200 18th Street NW., Washington, D.C.
D. (6) $105. E. (9) $5.71.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C.
E. (9) $24.64.

A. Harry E. Northam, 185 North Wabash Avenue, Chicago, Ill.
B. Association of American Physicians and Surgeons, Inc., 185 North Wabash Avenue, Chicago, Ill.

A. E. M. Norton, 1731 I Street NW., Washington, D.C.
B. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $100.

A. Hyman Nussbaum, 852 Washington Building, Washington, D.C.
B. Television Service Association of Metropolitan Washington, Inc., 852 Washington Building, Washington, D.C.
D. (6) $30.

A. Brice O'Brien, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $600.

A. George J. O'Brien, 225 Bush Street, San Francisco, Calif.
B. Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif.

A. R. E. O'Connor, 122 East 42d Street, New York, N.Y.
B. American Paper & Pulp Association, 122 East 42d Street, New York, N.Y.

A. Herbert R. O'Conor, 919 18th Street NW., Washington, D.C.
B. American Merchant Marine Institute, Inc., 919 18th Street NW., Washington, D.C. and 11 Broadway, New York, N.Y.

A. Herbert R. O'Conor, 10 Light Street, Baltimore, Md.
B. Beneficial Finance Co. and Beneficial Management Corp., 50 Church Street, New York, N.Y.

A. Herbert R. O'Conor, Jr., 10 Light Street, Baltimore, Md.
B. E. Leitz, Inc., 468 Fourth Avenue, New York, N.Y.

A. John A. O'Donnell, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $600.

A. Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

A. Alvin E. Oliver, 400 Folger Building, Washington, D.C.
B. Grain and Feed Dealers National Association, 400 Folger Building, Washington, D.C.

A. E. L. Oliver, 1001 Connecticut Avenue NW., Washington, D.C.
B. Labor Bureau of Middle West, 1001 Connecticut Avenue NW., Washington, D.C.

A. Clarence H. Olson, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $2,490. E. (9) $76.30.

A. Samuel Omasta, 1015 12th Street NW., Washington, D.C.
B. National Agricultural Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. Samuel Omasta, 1015 12th Street NW., Washington, D.C.
B. National Crushed Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. Order of Railway Conductors and Brakemen, O.R.C. & B. Building, Cedar Rapids, Iowa.
E. (9) $5,210.05.

A. Clayton L. Orn, 539 South Main Street, Findlay, Ohio.
B. Ohio Oil Co., Findlay, Ohio.

A. Morris E. Osburn, Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $492.

A. John A. Overholt, 10315 Kensington Parkway, Kensington, Md., and 1131 Munsey Building, Washington, D.C.
B. National Association of Retired Civil Employees, 1625 Connecticut Avenue, Washington, D.C.
D. (6) $681.84. E. (9) $42.94.

A. Vaux Owen, 1729 G Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1729 G Street NW., Washington, D.C.
D. (6) $2,884.62. E. (9) $5.21.

A. Pacific American Tankship Association, 25 California Street, San Francisco, Calif.
D. (6) $200. E. (9) $1,624.99.

A. Edwin F. Padberg, 1223 Pennsylvania Building, Washington, D.C.
B. The Pennsylvania Railroad Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. Everett L. Palmer, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.

A. Lew M. Paramore, Post Office Box 1278, Kansas City, Kans.
B. Mississippi Valley Association, 1978 Railway Exchange Building, St. Louis, Mo.
D. (6) $3,750.

A. J. D. Parel, 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Karla V. Parker, 1729 Union Boulevard SE., Grand Rapids, Mich.

A. A. Lee Parsons, 1145, 19th Street NW., Washington, D.C.
B. American Cotton Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $100. E. (9) $21.55.

A. James G. Patton.
B. The Farmers' Educational and Cooperative Union of America, 1575 Sherman Street, Denver, Colo., and 1404 New York Avenue NW., Washington, D.C.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 575 Madison Ave., New York, N.Y.
B. Science Materials Center, Inc., 59 Fourth Avenue, New York, N.Y.

A. Edmund W. Pavenstedt, in care of White & Case, 14 Wall Street, New York, N.Y.

A. Albert A. Payne, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $37.57.

A. Philip C. Pendleton, Second Street Pike, Bryn Athyn, Pa.
B. Charitable Contributors Association, 100 Old York Road, Jenkintown, Pa.

A. Philip C. Pendleton, Second Street Pike, Bryn Athyn, Pa.
B. Family Tax Association, 2110 Girard Trust Building, Philadelphia, Pa.
E. (9) $66.98.

A. Philip C. Pendleton, Second Street Pike, Bryn Athyn, Pa.
B. The Pitcairn Co., 100 West 10th Street, Wilmington, Del.
E. (9) $45.96.

A. Esther Peterson, 815 16th Street NW., Washington, D.C.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $3,014.40. E. (9) $1,873.42.

A. Hugh Peterson, 1001 Connecticut Avenue NW., Washington, D.C.
B. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue NW., Washington, D.C.

A. Iris V. Peterson, 4201 Massachusetts Avenue NW., Washington, D.C.
B. Air Line Stewards and Stewardesses Association, International, 55th and Cicero Avenue, Chicago, Ill.

A. J. Hardin Peterson, Post Office Box 111, Lakeland, Fla.
B. Florida Citrus Mutual, Lakeland, Fla.
D. (6) $1,800. E. (9) $56.54.

A. J. Hardin Peterson, Post Office Box 111, Lakeland, Fla.
B. West Coast Inland Navigation District, Court House, Bradenton, Fla.
D. (6) $600. E. (9) $21.95.

A. J. Hardin Peterson, Post Office Box 111, Lakeland, Fla.
B. C. C. Woodard, 7630 Biscayne Boulevard, Miami, Fla., et al.
E. (9) $10.

A. Kenneth Peterson, 1126 16th Street NW., Washington, D.C.
B. International Union of Electrical, Radio and Machine Workers, 1126 16th Street NW., Washington, D.C.
D. (6) $1,031.

A. Albert T. Pierson, 54 Meadow Street, New Haven, Conn.
B. The New York, New Haven & Hartford Railroad Co., 54 Meadow Street, New Haven, Conn.

A. Albert Pike, Jr., 488 Madison Avenue, New York, N.Y.
B. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $70.

A. T. E. Pinkston, 101 East High Street, Lexington, Ky.

A. Pitcairn Co., 100 West 10th Street, Wilmington, Del.
E. (9) $45.96.

A. Ralph D. Pittman, 500 Wire Building, Washington, D.C.
B. George B. Soto, 1801 Calvert Street NW., Washington, D.C.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $73,965.99. E. (9) $525.

A. J. Francis Pohlhaus, 100 Massachusetts Avenue NW., Washington, D.C.
B. National Association for the Advancement of Colored People, 20 West 40th Street, New York, N.Y.
D. (6) $827.94.

A. James K. Polk, 40 Wall Street, New York, N.Y.
B. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y.
D. (6) $30.

A. James K. Polk, 40 Wall Street, New York, N.Y.
B. The Western Pacific Railroad Co., 526 Mission Street, San Francisco, Calif.

A. Frank M. Porter, 1271 Avenue of the Americas, New York, N.Y.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.

A. Nelson J. Post, 1731 I Street NW., Washington, D.C.
B. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $10. E. (9) $52.81.

A. Walter I. Pozen, 1519 26th Street NW., Washington, D.C.
B. Washington Home Rule Committee, Inc., 924 14th Street NW., Washington, D.C.
D. (6) $2,499.99.

A. William H. Press, 1616 K Street NW., Washington, D.C.
B. Washington Board of Trade, 1616 K Street NW., Washington, D.C.
D. (6) $4,800.

A. Public Information Committee of the Cotton Industries, 1211 South Brighton 8, Dallas, Tex.

A. Ganson Purcell, 910 17th Street NW., Washington, D.C.
B. Insular Lumber Co., 1406 Locust Street, Philadelphia, Pa.
D. (6) $350. E. (9) $376.71.

A. Purcell & Nelson, 910 17th Street NW., Washington, D.C.
B. Government Development Bank for Puerto Rico.
E. (9) $9.79.

A. C. J. Putt, 920 Jackson Street, Topeka, Kans.
B. The Atchison, Topeka & Santa Fe Railway Co., 920 Jackson Street, Topeka, Kans.

A. Arthur L. Quinn, 1625 K Street NW., Washington, D.C.
B. Institute Cubano de Estabilizacion del Azucar, acting as trustee for Asociacion de Colonos de Cuba and Asociacion Nacional de Hacendados de Cuba, Agramonte 465, Havana, Cuba.
D. (6) $4,652. E. (9) $1,250.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue NW., Washington, D.C.
B. American Cancer Society, New York City; Arthritis and Rheumatism Foundation, New York City; United Cerebral Palsy Association, New York City; National Multiple Sclerosis Society, New York City; National Committee for Research in Neurological Disorders, Minneapolis, Minn.; and Association of American Medical Colleges, Evanston, Ill.
D. (6) $20,249.99. E. (9) $6,817.54.

A. Alex Radin, 919 18th Street NW., Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.

A. Mrs. Richard G. Radue, 3406 Quebec Street NW., Washington, D.C.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Edward F. Ragland, 6917 Marbury Road, Bethesda, Md.
B. The Tobacco Institute, Inc., 910 17th Street NW., Washington, D.C.

A. Railroad Pension Conference, Post Office Box 798, New Haven, Conn.
D. (6) $10. E. (9) $2.22.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. J. A. Ransford, 1317 F Street NW., Washington, D.C.
B. Tidewater Oil Co., Los Angeles, Calif.

A. Sydney C. Reagan, 3840 Greenbrier Drive, Dallas, Tex.
B. Southwestern Peanut Shellers Association, Box 48, Durant, Okla.
D. (6) $150.

A. Stanley Rector, 506 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000.

A. Otie M. Reed, 1107 19th Street NW., Washington, D.C.
B. National Creameries Association, 817 New York Building, St. Paul, Minn.
D. (6) $1,875. E. (9) $2,440.79.

A. William T. Reed, 5800 Connecticut Avenue, Chevy Chase, Md.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,500. E. (9) $136.42.

A. J. B. Reeves, A.T. & S.F. G.O.B., 9th and Jackson, Topeka, Kans.
B. The Atchison, Topeka & Santa Fe Railway Co., A.T. & S.F. G.O.B., Ninth and Jackson, Topeka, Kans.

A. George L. Reid, Jr., 1424 16th Street NW., Washington, D.C.
B. American Trucking Association, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $1,999.98. E. (9) $26.25.

A. George L. Reid, Jr., 1010 Vermont Avenue NW., Washington, D.C.
B. National Association of Wheat Growers, Chappell, Nebr.
D. (6) $900. E. (9) $33.71.

A. Herbert S. Reid, 466 Lexington Avenue, New York, N.Y.
B. New York State Association of Railroads, 466 Lexington Avenue, New York, N.Y.

A. James Francis Reilly, 1625 K Street NW., Washington, D.C.
B. Potomac Electric Power Co., 929 E Street NW., Washington, D.C.
D. (6) $3,500. E. (9) $575.

A. Louis H. Renfrow, 1000 Connecticut Avenue, Washington, D.C.
B. Amherst Coal Co., Port Amherst Station, Charleston, W. Va., et al.
D. (6) $6,250. E. (9) $7,067.09.

A. Reserve Officers Association of the United States, 2517 Connecticut Avenue NW., Washington, D.C.

A. Retired Officers Association, 1616 I Street NW., Washington, D.C.
D. (6) $64,949.48.

A. Retirement Federation of Civil Service Employees of the U.S. Government, 900 F Street NW., Washington, D.C.
D. (6) $269.20. E. (9) $10,495.43.

A. Bill Richards, Orleans, Nebr.
B. National Association of Soil Conservation Districts, League City, Tex.

A. James P. Richards, 1536 44th Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 910 17th Street NW., Washington, D.C.

A. James W. Richards, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,500. E. (9) $331.59.

A. Leon D. Richeson, 900 F Street NW., Washington, D.C.

B. Division 689, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, 900 F Street NW., Washington, D.C.

A. James W. Riddell, 731 Washington Building, Washington, D.C.
B. C. I. T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. James W. Riddell, 731 Washington Building, Washington, D.C.
B. Mutual Benefit Health and Accident Association, Omaha, Nebr.

A. James W. Riddell, 731 Washington Building, Washington, D.C.
B. Robert E. Pflaumer, Chicago, Ill.

A. Siert F. Riepma, Munsey Building, Washington, D.C.
B. National Association of Margarine Manufacturers.

A. John J. Riggle, 744 Jackson Place NW., Washington, D.C.
B. National Council of Farmer Cooperatives.

A. C. E. Rightor, 3300 Rolling Road, Chevy Chase, Md.
B. Committee for Study of Revenue Bond Financing, 149 Broadway, New York, N.Y.
D. (6) $1,473.49. E. (9) $373.52.

A. George D. Riley, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $3,402. E. (9) $381.05.

A. John J. Riley, 20th and E Streets NW., Washington, D.C.
B. The Associated General Contractors of America, Inc., 20th and E Streets NW., Washington, D.C.

A. E. W. Rising, 328 Pennsylvania Avenue SE., Washington, D.C.
B. Western Sugar Beet Growers Association, Post Office Box 742, Great Falls, Mont.
D. (6) $300. E. (9) $547.18.

A. William Neale Roach, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $110.75.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $250.

A. Frank L. Roberts, 1700 K Street NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $56.

A. Robert Ridgway Rodenberg, 2356 Massachusetts Avenue NW., Washington, D.C.
B. Government of the Dominican Republic, National Palace, Ciudad Trujillo, Dominican Republic.

A. Edward Rodgers, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $396. E. (9) $28.51

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $343.75.

A. Frank W. Rogers, 1700 K Street NW., Washington, D.C.
B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif.
D. (6) $4,350.

A. George B. Roscoe, 1200 18th Street NW., Washington, D.C.

B. National Electrical Contractors Association, 1200 18th Street NW., Washington, D.C.

A. Royall, Koegel, Harris & Caskey, Wire Building, Washington, D.C.
B. National Tax Equality Association, 208 South La Salle Street, Chicago, Ill.
D. (6) $4,490.46. E. (9) $973.63.

A. Robert M. Ruddick, 738 Shoreham Building, Washington, D.C.
B. United Air Lines, 5959 South Cicero Avenue, Chicago, Ill.

A. Albert R. Russell, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $148.48. E. (9) $50.

A. Horace Russell, 221 North La Salle Street, Chicago, Ill.
B. United States Savings & Loan League, 221 North La Salle Street, Chicago, Ill.
D. (6) $618.75.

A. M. O. Ryan, 777 14th Street NW., Washington, D.C.
B. American Hotel Association, 221 West 57th Street, New York, N.Y.
D. (6) $500. E. (9) $197.40.

A. William H. Ryan, 400 First Street NW., Washington, D.C.
B. District Lodge No. 44, International Association of Machinists, 400 First Street NW., Washington, D.C.
D. (6) $3,000.36. E. (9) $60.

A. Robert A. Saltzstein, 508 Wyatt Building, Washington, D.C.
B. Associated Business Publications, 205 East 42d Street, New York, N.Y.
D. (6) $5,000. E. (9) $118.46.

A. Kimball Sanborn, 4000 Massachusetts Avenue NW., Washington, D.C.
B. Boston & Maine Railroad, Boston, Mass.

A. L. R. Sanford, 21 West Street, New York, N.Y.
B. Shipbuilders Council of America, 21 West Street, New York, N.Y.

A. Satterlee, Warfield & Stephens, 460 Park Avenue, New York, N.Y.
B. American Nurses' Association, 10 Columbus Circle, New York, N.Y.

A. O. H. Saunders, 1616 I Street NW., Washington, D.C.
B. Retired Officers Association, 1616 I Street NW., Washington, D.C.
D. (6) $2,340.

A. Schoene & Kramer, 1625 K Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $3,325.

A. Harold H. Schroeder, 1001 Connecticut Avenue NW., Washington, D.C., and 195 Broadway, New York, N.Y.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.

A. Hilliard Schulberg, 211 Southern Building, Washington, D.C.
B. Washington, D.C., Retail Liquor Dealers Association, Inc., 211 Southern Building, Washington, D.C.
D. (6) $3,000.

A. J. A. Schwab, 1223 Pennsylvania Building, Washington, D.C.
B. The Pennsylvania Railroad Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. Science Materials Center, Inc., 59 Fourth Avenue, New York, N.Y.

A. Seaboard & Western Airlines, Inc., New York International Airport, Jamaica, N.Y.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Harry See, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Trainmen.

A. Clayton A. Seeber, 1201 16th Street NW., Washington, D.C.
B. Division of Legislation and Federal Relations of the National Education Association of the United States, 1201 16th Street NW., Washington, D.C.
D. (6) $205.62. E. (9) $683.67.

A. Fred G. Seig, Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Leo Seybold, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $480. E. (9) $31.

A. Alvin Shapiro, 919 18th Street NW., Washington, D.C.
B. American Merchant Marine Institute, Inc., 919 18th Street NW., Washington, D.C., and 11 Broadway, New York, N.Y.
D. (6) $250. E. (9) $44.88.

A. Harold Shapiro, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $14,600. E. (9) $1,000.

A. A. Manning Shaw, 1625 I Street NW., Washington, D.C.
B. Brown & Lund, 1625 I Street NW., Washington, D.C.
D. (6) $283.25.

A. Maurice J. Shean, 940 25th Street NW., Washington, D.C.
B. City and County of San Francisco.
D. (6) $3,750. E. (9) $2,238.36.

A. Leander I. Shelley, 608 Fifth Avenue, New York, N.Y.
B. American Association of Port Authorities, Inc., Washington, D.C., and Airport Operators Council, Inc., Washington, D.C.
D. (6) $1,874.97. E. (9) $813.52.

A. Bruce E. Shepherd, 488 Madison Avenue, New York, N.Y.
B. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $150.

A. Laurence P. Sherfy, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $600.

A. Robert L. Shortle, 801 International Building, New Orleans, La.
B. Mississippi Valley Association, 1978 Railway Exchange Building, St. Louis, Mo.

A. Charles B. Shuman, Merchandise Mart Plaza, Chicago, Ill.
B. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.
D. (6) $625.

A. Leonard L. Silverstein, 1100 Bowen Building, Washington, D.C.
B. National Association of Women's & Children's Apparel Salesmen, Inc.

A. Six Agency Committee, 909 South Broadway, Los Angeles, Calif.
E. (9) $3,002.40.

A. Harold S. Skinner, Post Office Box 2197, Houston, Tex.
B. Continental Oil Co., Post Office Box 2197, Houston, Tex.

A. Harold Slater, 1523 L Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $868.15. E. (9) $27.64.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 221 North La Salle Street, Chicago, Ill.
D. (6) $2187.50. E. (9) $1.20.

A. T. W. Smiley, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.

A. Harold Arden Smith, 605 West Olympic Boulevard, Los Angeles, Calif.
B. Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif.
D. (6) $250. E. (9) $65.

A. James R. Smith, 719 Omaha National Bank Building, Omaha, Nebr.
B. Mississippi Valley Association, 1978 Railway Exchange Building, St. Louis, Mo.

A. Lloyd W. Smith, 416 Shoreham Building, Washington, D.C.
B. Chicago, Burlington & Quincy Railroad Co., 547 West Jackson Boulevard, Chicago, Ill., and Great Northern Railway Co., 175 East Fourth Street, St. Paul, Minn.
D. (6) $4,257.

A. Wayne H. Smithey, 1200 Wyatt Building, Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.

A. Lyle O. Snader, 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,413.44.

A. Charles B. Sonneborn, 1015 12th Street NW., Washington, D.C.
B. National Crushed Limestone Institute, Inc., 1015 12th Street NW., Washington, D.C.

A. Marvin J. Sonosky, 1028 Connecticut Avenue NW., Washington, D.C.

A. Southern States Industrial Council, 1103 Stahlman Building, Nashville, Tenn.
D. (6) $26,707.68. E. (9) $8,510.23.

A. Southwestern Peanut Shellers' Association, Box 48, Durant, Okla.
E. (9) $150.

A. William W. Spear, 214 National Bank Building, Fremont, Nebr.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.
D. (6) $900. E. (9) $455.64.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers.

A. Richard A. Squires, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $200.

A. Thomas C. Stack, 1104 West 104th Place, Chicago, Ill.
B. National Railroad Pension Forum, Inc., 1104 West 104th Place, Chicago, Ill.
D. (6) $1,800.

A. Howard M. Starling, 837 Washington Building, Washington, D.C.
B. Association of Casualty and Surety Companies, 60 John Street, New York, N.Y.
D. (6) $150.

A. Raymond E. Steele, National Press Building, Washington, D.C.
E. (9) $463.20.

A. Mrs. C. A. L. Stephens, Post Office Box 6234, Northwest Station, Washington, D.C.

A. Russell M. Stephens, 900 F Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 900 F Street NW., Washington, D.C.
D. (6) $240. E. (9) $20.

A. Herman Sternstein, 1001 Connecticut Avenue NW., Washington, D.C.
B. O. David Zimring, 1001 Connecticut Avenue NW., Washington, D.C.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Stevenson, Paul, Rifkind, Wharton & Garrison, 1614 I Street NW., Washington, D.C.
B. Howard F. Knipp, 3401 South Hanover Street, Baltimore Md.
E. (9) $2.66.

A. Stevenson, Paul, Rifkind, Wharton & Garrison, 1614 I Street NW., Washington, D.C.
B. National Committee for Insurance Taxation, The Hay-Adams House, Washington, D.C.
D. (6) $20,000. E. (9) $170.60.

A. Charles T. Stewart, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 36 South Wabash Avenue, Chicago, Ill.
D. (6) $1,583.33.

A. Edwin L. Stoll, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 36 South Wabash Avenue, Chicago, Ill.
D. (6) $1,208.33.

A. Joseph M. Stone, Esq., 821 15th Street NW., Washington, D.C.

B. Local 1, AFSCME, AFL–CIO, 333 National Press Building, Washington, D.C.
D. (6) $190.

A. W. S. Story, 1729 H Street NW., Washington, D.C.
B. Institute of Scrap Iron & Steel, Inc.
D. (6) $300. E. (9) $1.

A. Sterling F. Stoudenmire, Jr., 61 St. Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.
D. (6) $1,250.

A. Mrs. Ada Barnett Stough, 132 Third Street SE., Washington, D.C.
B. American Parents Committee, Inc., 132 Third Street SE., Washington, D.C.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $2,125. E. (9) $276.22.

A. O. R. Strackbein, 815 15th Street NW., Washington, D.C.
D. (6) $1,384.62.

A. O. R. Strackbein, 815 15th Street NW., Washington, D.C.
D. (6) $625.

A. O. R. Strackbein, 815 15th Street NW., Washington, D.C.
D. (6) $6,250.

A. William A. Stringfellow, 6004 Roosevelt Street, Bethesda, Md.
B. National Association of Mutual Insurance Agents, 829 Investment Building, Washington, D.C.
E. (9) $5.

A. Norman Strunk, 221 North La Salle Street, Chicago, Ill.
B. United States Savings & Loan League, 221 North La Salle Street, Chicago, Ill.
D. (6) $1,000.

A. Arthur Sturgis, Jr., 1145 19th Street NW., Washington, D.C.
B. American Retail Federation, 1145 19th Street NW., Washington, D.C.
D. (6) $100.

A. J. E. Sturrock, 607 Littlefield Building, Austin, Tex.
B. Texas Water Conservation Association, 607 Littlefield Building, Austin, Tex.
D. (6) $2,100. E. (9) $950.96.

A. J. Monroe Sullivan, 1625 K Street NW., Washington, D.C.
B. Pacific American Steamship Association, 16 California Street, San Francisco, Calif.
E. (9) $235.51.

A. Frank L. Sundstrom, 350 Fifth Avenue, New York, N.Y.
B. Schenley Industries, Inc., 350 Fifth Avenue, New York, N.Y.

A. Charles P. Taft, 1025 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1025 Connecticut Avenue NW., Washington, D.C.

A. Glenn J. Talbott.
B. The Farmers' Educational and Cooperative Union of America, 1575 Sherman Street, Denver, Colo., and 1404 New York Avenue NW., Washington, D.C.

A. Edward D. Taylor, 777 14th Street NW., Washington, D.C.
B. Office Equipment Manufacturers Institute, 777 14th Street NW., Washington, D.C.

A. William L. Taylor, 1341 Connecticut Avenue NW., Washington, D.C.
B. Americans for Democratic Action, 1341 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,750. E. (9) $410.79.

A. Television Service Association of Metropolitan Washington, Inc., 852 Washington Building, Washington, D.C.
E. (9) $30.

A. Texas Water Conservation Association, 607 Littlefield Building, Austin, Tex.
D. (6) $8,273.66. E. (9) $18,708.79.

A. J. Woodrow Thomas, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.
D. (6) $1,500.

A. Oliver A. Thomas, 125 North Center Street, Reno, Nev.
B. Nevada Railroad Association, 125 North Center Street, Reno, Nev.

A. Thomas C. Thompson, Jr., 1000 Connecticut Avenue, Washington, D.C.
B. Massachusetts Indemnity & Life Insurance Co., 654 Beacon Street, Boston, Mass.

A. Thomas C. Thompson, Jr., Esq., 1000 Connecticut Avenue, Washington, D.C.
B. Massachusetts Protective Association, Worcester, Mass.

A. Thomas C. Thompson, Jr., 1000 Connecticut Avenue, Washington, D.C.
B. Occidental Life Insurance Co. of California, 1151 South Broadway, Los Angeles, Calif.

A. William B. Thompson, Jr., 944 Transportation Building, Washington, D.C.
B. Association of American Railroads, Transportation Building, Washington, D.C.

A. Eugene M. Thore, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $150.

A. G. D. Tilghman, 1612 K Street NW., Washington, D.C.
B. Disabled Officers Association, 1612 K Street NW., Washington, D.C.
D. (6) $3,750.

A. William H. Tinney, 1223 Pennsylvania Building, Washington, D.C.
B. The Pennsylvania Railroad Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. M. S. Tisdale, 4200 Cathedral Avenue, Washington, D.C.
B. Armed Services Committee, Chamber of Commerce, Vallejo, Calif.
D. (6) $295. E. (9) $261.33.

A. Tobacco Associates, Inc., 1025 Connecticut Avenue NW., Washington, D.C.
E. (9) $1,014.

A. H. Willis Tobler, 1731 I Street NW., Washington, D.C.
B. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $300. E. (9) $47.85.

A. F. Gerald Toye, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $500. E. (9) $37.50.

A. Trade Relations Council of the United States, Inc., 19 West 44th Street, New York, N.Y.

A. Transportation Association of America, 1710 H Street NW., Washington, D.C.

A. Richard S. Tribbe, 1508 Merchants Bank Building, Indianapolis, Ind.
B. Associated Railways of Indiana, 1508 Merchants Bank Building, Indianapolis, Ind.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 2300 Merchandise Mart, Chicago, Ill.
D. (6) $1,600. E. (9) $33.51.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.
B. U.S. Savings & Loan League, 221 N. La Salle Street, Chicago, Ill.
D. (6) $1,093.75. E. (9) $27.45.

A. J. T. Trullinger, National Bank of Commerce Building, Olympia, Wash.
B. General Petroleum Corporation, 612 S. Flower Street, Los Angeles, Calif., et al.

A. Harold J. Turner, Henry Building, Portland, Oreg.
B. Spokane, Portland & Seattle Railway Co., Southern Pacific Co., and Union Pacific Railroad Co., Henry Building, Portland, Oreg.

A. William S. Tyson, 821 15th Street NW., Washington, D.C.
B. California Range Association, 2438 Tulare Street, Fresno, Calif.
E. (9) $41.55.

A. William S. Tyson, 821 15th Street NW., Washington, D.C.
B. Local No. 30, Canal Zone Pilots Association, Post Office Box 601, Balboa, C.Z.
E. (9) $58.

A. Lewis H. Ulman, 1001 Connecticut Avenue NW., Washington, D.C., and 195 Broadway, New York, N.Y.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.

A. Union Producing Co., 1525 Fairfield Avenue, Shreveport, La.
E. (9) $804.74.

A. United Cerebral Palsy Associations, 321 West 44th Street, New York City.
E. (9) $1,263.90.

A. U.S. Cuban Sugar Council, 801 19th Street NW., Washington, D.C.
D. (6) $21,747.13. E. (9) $1,147.70.

A. U.S. Savings & Loan League, 221 North La Salle Street, Chicago, Ill.
E. (9) $11,873.34.

A. U.S. Trust Co. of New York, 45 Wall Street, New York, N.Y.

A. Thomas M. Venables, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 230 North Michigan Avenue, Chicago, Ill.

A. L. T. Vice, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.

A. R. K. Vinson, 1346 Connecticut Avenue NW., Washington, D.C.
B. Machinery Dealers National Association, 1346 Connecticut Avenue NW., Washington, D.C.

A. H. Jerry Voorhis.
B. The Cooperative League of the United States of America Association, Inc., 343 South Dearborn Street, Chicago, Ill.
D. (6) $300.

A. Carl M. Walker, 1731 I Street NW., Washington, D.C.
B. National Milk Producers Federation, 1731 I Street NW., Washington, D.C.
D. (6) $50.

A. Leland M. Walker, 1729 G Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1729 G Street NW., Washington, D.C.
D. (6) $2,307.72. E. (9) $45.34.

A. Paul H. Walker, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 488 Madison Avenue, New York, N.Y.
D. (6) $97.88.

A. Stephen M. Walter, 1200 18th Street NW., Washington, D.C.
B. National Association of Electric Companies, 1200 18th Street NW., Washington, D.C.
D. (6) $119.50. E. (9) $0.60.

A. Charles A. Washer, 1145 19th Street NW., Washington, D.C.
B. American Retail Federation, 1145 19th Street NW., Washington, D.C.

A. Washington Board of Trade, 1616 K Street NW., Washington, D.C.

A. Washington Home Rule Committee, Inc., 924 14th Street NW., Washington, D.C.
D. (6) $7,503.40. E. (9) $4,476.36.

A. Jeremiah C. Waterman, 205 Transportation Building, Washington, D.C.
B. Southern Pacific Co., 205 Transportation Building, Washington, D.C.

A. Waterways Council Opposed to Regulation Extension, Inc., 21 West Street, New York, N.Y.
E. (9) $6,220.47.

A. J. R. Watson, I.C.R.R. Passenger Station, Jackson, Miss.
B. Mississippi Railroad Association, I.C.R.R. Passenger Station, Jackson, Miss.

A. Merrill A. Watson, 342 Madison Avenue, New York, N.Y.
B. National Shoe Manufacturers Association, 342 Madison Avenue, New York, N.Y.
E. (9) $250.

A. Robert Watson.

A. Watters & Donovan, 161 William Street, New York City.
B. New York and New Jersey Dry Dock Association, 161 William Street, New York City.
D. (6) $3,750.

A. Thomas Watters, Jr., 161 William Street, New York, N.Y., and Shoreham Building, Washington, D.C.
B. Bigham, Englar, Jones & Houston, 99 John Street, New York City, and Shoreham Building, Washington, D.C.

A. Weaver & Glassie, 1225 19th Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., Statler Hotel, New York, N.Y.
E. (9) $2.17.

A. Weaver & Glassie, 1225 19th Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 740 11th Street NW., Washington, D.C.
D. (6) $187.50. E. (9) $42.77.

A. William H. Webb, La Salle Building, Washington, D.C.
B. National Rivers and Harbors Congress.
D. (6) $2,184. E. (9) $436.13.

A. Donald D. Webster, Barr Building, Washington, D.C.
B. American Steamship Committee on Conference Studies, Barr Building, Washington, D.C.
D. (6) $4,375. E. (9) $120.52.

A. E. E. Webster, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich.

A. William E. Welsh, 897 National Press Building, Washington, D.C.
B. National Reclamation Association, 897 National Press Building, Washington, D.C.
D. (6) $3,750. E. (9) $27.10.

A. West Coast Inland Navigation District, Bradenton, Fla.
E. (9) $621.95.

A. George Y. Wheeler II, 1625 K Street NW., Washington, D.C.
B. Radio Corp. of America, 1625 K Street NW., Washington, D.C.

A. Wherry Housing Association, 1737 H Street NW., Washington, D.C.
B. Wherry Housing Association, 1737 H Street NW., Washington, D.C.
E. (9) $7,153.44.

A. Marc A. White, 1707 H Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc., 1707 H Street NW., Washington, D.C.

A. Richard P. White, 635 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 635 Southern Building, Washington, D.C.
D. (6) $37.50. E. (9) $87.83.

A. H. Leigh Whitelaw, 734 15th Street, Washington, D.C.
B. Gas Appliance Manufacturers Association, Inc., 60 East 42d Street, New York, N.Y.

A. Louis E. Whyte, 918 16th Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 918 16th Street NW., Washington, D.C.

A. Claude C. Wild, Jr., 1001 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Gulf Building, Pittsburgh, Pa.
D. (6) $450. E. (9) $50.

A. Wilkinson, Cragun & Barker, 744 Jackson Place NW., Washington, D.C.
B. Arapahoe Tribe of Indians, Wind River Reservation, Fort Washakie, Wyo.
E. (9) $1.20.

A. Wilkinson, Cragun & Barker, 744 Jackson Place NW., Washington, D.C.
B. The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $6.25.

A. Wilkinson, Cragun & Barker, 744 Jackson Place NW., Washington, D.C.
B. Menominee Tribe of Indians, Keshena, Wis.
E. (9) $31.58.

A. Wilkinson, Cragun & Barker, 744 Jackson Place NW., Washington, D.C.
B. Nicholas B. Perry, 626 Belleview Boulevard, Alexandria, Va.

A. Wilkinson, Cragun & Barker, 744 Jackson Place NW., Washington, D.C.
B. Quinaielt Indian Tribe, Taholah, Wash.

A. Wilkinson, Cragun & Barker, 744 Jackson Place NW., Washington, D.C.
B. Spokane Indian Tribe, Wellpinit, Wash.
E. (9) $2.40.

A. Franz O. Willenbucher, 1616 I Street NW., Washington, D.C.
B. Retired Officers Association, 1616 I Street NW., Washington, D.C.
D. (6) $3,600.

A. Wm. A. Williams, Jr., Santa Fe, N. Mex.
B. National Association of Soil Conservation Districts.

A. John C. Williamson, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 36 South Wabash Avenue, Chicago, Ill., and 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,700. E. (9) $348.82.

A. E. Raymond Wilson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,507.69.

A. W. E. Wilson, 1525 Fairfield Avenue, Shreveport, La.
B. Union Producing Co., 1525 Fairfield Avenue, Shreveport, La., and United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La.
D. (6) $600. E. (9) $204.74.

A. W. F. Wimberly, 873 Spring Street NW., Atlanta, Ga.
B. The Pure Oil Co., 35 East Wacker Drive, Chicago, Ill.

A. Everett T. Winter, 1978 Railway Exchange Building, St. Louis, Mo.
B. Mississippi Valley Association, 1978 Railway Exchange Building, St. Louis, Mo.

A. Theodore Wiprud, 1718 M Street NW., Washington, D.C.
B. Medical Society of the District of Columbia, 1718 M Street NW., Washington, D.C.

A. Wood, King & Dawson, 48 Wall Street, New York, N.Y.
B. Committee for Broadening Commercial Bank Participation in Public Financing, 50 South La Salle Street, Chicago, Ill.

A. C. C. Woodward, 7630 Biscayne Boulevard, Miami, Fla.
E. (9) $1.08.

A. Russell J. Woodman, 400 First Street NW., Washington, D.C.
B. The Order of Railroad Telegraphers, 3860 Lindell Boulevard, St. Louis, Mo.

A. Albert Y. Woodward, 1625 I Street NW., Washington, D.C.
B. The Flying Tiger Line, Inc., Lockheed Air Terminal, Burkbank, Calif.

A. Albert Young Woodward, 1625 I Street NW., Washington, D.C.
B. Signal Oil & Gas Co., 811 West Seventh Street, Los Angeles, Calif.

A. Edward W. Wootton, 1100 National Press Building, Washington, D.C.
B. Wine Institute, 717 Market Street, San Francisco, Calif.

A. Donald A. Young, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States of America.

A. J. Banks Young, 502 Ring Building, Washington, D.C.
B. National Cotton Council of America, Post Office Box 9905, Memphis, Tenn.
D. (6) $210.

A. John H. Young, 1411 Major Street, Salt Lake City, Utah.
B. Liberty Under Law, Inc., Post Office Box 2013, Salt Lake City, Utah.
E. (9) $14.

A. Edmund A. Zabel, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $1,741.66. E. (9) $56.70.

A. Sidney Zagri, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $3,375.

A. Gordon K. Zimmerman, Washington, D.C.
B. National Association of Soil Conservation Districts, League City, Tex.

A. O. David Zimring, 11 South La Salle Street, Chicago, Ill., and 1001 Connecticut Avenue NW., Washington, D.C.
B. Amalgamated Association of Street Electric Railway & Motor Coach Employees of America et al.

REGISTRATIONS

The following registrations were submitted for the fourth calender quarter 1959:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE TWO COPIES WITH THE SECRETARY OF THE SENATE AND FILE THREE COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_____ ←

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

	QUARTER			
P	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names or agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Descripition, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.←

AFFIDAVIT

[Omitted in printing]

PAGE 1←

A. Air Freight Forwarders Association, 802 Ring Building, Washington, D.C.

A. AMVETS, 1710 Rhode Island Avenue NW., Washington, D.C.

A. Arnold, Fortas & Porter, 1229 19th Street NW., Washington, D.C.
B. Apache Tribe of the Mescalero Reservation, Mescalero, N. Mex.

A. Association of Stock Exchange Firms, 120 Broadway, New York, N.Y.

A. Richard B. Barker, 306 Southern Building, Washington, D.C.
B. National Small Business Men's Association, 801 19th Street NW., Washington, D.C.

A. Barnes, Dechert, Price, Myers & Rhoads, 1600 Three Penn Center Plaza, Philadelphia, Pa.
B. E. I. du Pont de Nemours & Co., Wilmington, Del.

A. Barnes, Dechert, Price, Myers & Rhoads, 1600 Three Penn Center Plaza, Philadelphia, Pa.
B. Albert M. Greenfield.

A. John V. Beamer, 625 Valley Brook Lane, Wabash, Ind.
B. Fine Hardwoods Association, 666 North Lake Shore Drive, Chicago, Ill.

A. James Browne, 919 18th Street NW., Washington, D.C.
B. American Public Power Association, 919 18th Street NW., Washington, D.C.

A. Sidney A. Cohen, 820 Woodward Building NW., Washington, D.C.
B. National Reporting Council, 820 Woodward Building NW., Washington, D.C.

A. Committee for Cooperative Advertising, 570 Lexington Avenue, New York, N.Y.

A. Committee To Oppose the Cross Park Freeway From Tenley Circle, Across Rock Creek Park to the Inner Loop, 2000 Massachusetts Avenue NW., Washington, D.C.

A. County Supervisors Association of California, 500 Elks Building, Sacramento, Calif.

A. Customs Brokers & Forwarders Association of America, Inc., 8 Bridge Street, New York, N.Y.

A. Thomas Dixon, 1129 Vermont Avenue NW., Washington, D.C.

A. James G. Donovan, 120 Broadway, New York, N.Y.
B. Customs Brokers and Forwarders Association of America, Inc., 8–10 Bridge Street, New York, N.Y.

A. Gayle Gupton, 532 Shoreham Building, Washington, D.C.
B. Clear Channel Broadcasting Service, 532 Shoreham Building, Washington, D.C.

A. Louis P. Haffer, 802 Ring Building, Washington, D.C.
B. Air Freight Forwarders Association, 802 Ring Building, Washington, D.C.

A. Hedrick & Lane, 1001 Connecticut Avenue NW., Washington, D.C.
B. Committee for Cooperative Advertising, 570 Lexington Avenue, New York, N.Y.

A. John R. Holden, 1710 Rhode Island Avenue NW., Washington, D.C.
B. AMVETS, 1710 Rhode Island Avenue NW., Washington, D.C.

A. Holland & Hart, 520 Equitable Building, Denver, Colo.
B. Ideal Cement Co., Denver National Building, Denver, Colo.

A. Hughes, Hubbard, Blair & Reed, 1 Wall Street, New York, N.Y.
B. Bendix Aviation Corp., Fisher Building, Detroit, Mich.

A. Tom Killefer, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Steamship Lines, 1000 Connecticut Avenue NW., Washington, D.C.

A. Robert F. Klepinger, 1001 15th Street NW., Washington, D.C.

A. L. S. S. Associates, 435 East 52d Street, New York, N.Y.
B. Association of Guatemalan Sugar Mills, 5 Avenida 13–63, Zone 1, Guatemala, C.A.

A. John S. Linen, 111 Eighth Avenue, New York City, N.Y.
B. Conference on State Defense, 111 Eighth Avenue, New York, N.Y.

A. Fred Livingston, 802 Ring Building, Washington, D.C.
B. Air Freight Forwarders Association, 802 Ring Building, Washington, D.C.

A. Fred Livingston, 802 Ring Building, Washington, D.C.
B. Alleghany Corp., 230 Park Avenue, New York, N.Y.

A. Charles D. Matthews, 1200 18th Street NW., Washington, D.C.
B. National Association of Electric Companies, 1200 18th Street NW., Washington, D.C.

A. Kenneth A. Meiklejohn, 1209 Rippon Road, Alexandria, Va.
B. Joint Minimum Wage Committee, AFL–CIO, 815 16th Street NW., Washington, D.C.

A. M. Barry Meyer, 1424 16th Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1424 16th Street NW., Washington, D.C.

A. John R. Minor, 1025 Connecticut Avenue NW., Washington, D.C.
B. County Supervisors Association of California, 500 Elks Building, Sacramento, Calif.

A. Hyman Nussbaum, 852 Washington Building, Washington, D.C.
B. Television Service Association of Metropolitan Washington, 852 Washington Building, Washington, D.C.

A. Sanford L. Platt, 723 Investment Building, Washington, D.C.

B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. James W. Riddell, 731 Washington Building, Washington, D.C.
B. Entertainment Law Committee, 731 Washington Building, Washington, D.C.

A. Robert Ridgway Rodenberg, 2356 Massachusetts Avenue NW., Washington, D.C.
B. Government of the Dominican Republic, National Palace, Ciudad Trujillo, Dominican Republic.

A. Robert A. Schulman, Commonwealth Building, Washington, D.C.
B. Entertainment Law Committee, 731 Washington Building, Washington, D.C.

A. Hollis Mackay Seavey, 1735 DeSales Street NW., Washington, D.C.
B. Regional Broadcasters.

A. Samuel Spencer and Frank J. Whalen, Jr., 2000 Massachusetts Avenue NW., Washington, D.C.
B. Committee To Oppose the Cross Park Freeway From Tenley Circle Across Rock Creek Park to the Inner Loop.

A. Richard A. Squires, 1102 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.

A. Steadman, Collier & Shannon, 1700 K Street NW., Washington, D.C.
B. Fairchild Engine & Airplane Corp., Hagerstown, Md.

A. Strasser, Spiegelberg, Fried & Frank, 1700 K Street NW., Washington, D.C.
B. American Association of Surplus Property Importers, 1700 K Street NW., Washington, D.C.

A. Television Service Association of Metropolitan Washington, Inc., 852 Washington Building, Washington, D.C.

A. John W. Turner, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, B. of L. E. Building, Cleveland, Ohio.

A. Gerald H. Ullman, 120 Broadway, New York, N.Y.
B. The Committee on Legislation for the United Ocean Freight Forwarding Industry, 26 Broadway, New York, N.Y.

A. Claude C. Wild, Jr., 1001 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Gulf Building, Pittsburgh, Pa.

A. Albert E. Wilkinson, 417 Investment Building, Washington, D.C.
B. The Anaconda Co., Hennessy Building, Butte, Mont.

A. Harding DeC. Williams, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 36 South Wabash Avenue, Chicago, Ill., and 1300 Connecticut Avenue, Washington, D.C.

EXTENSIONS OF REMARKS

Federal-State Relations in Education

EXTENSION OF REMARKS
OF

HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1960

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include an address delivered by me before the Council of Chief State School Officers at Boston, Mass., on November 12, 1959:

FEDERAL-STATE RELATIONS IN EDUCATION

(By JOHN EDWARD FOGARTY, Member of Congress from the 2d District of Rhode Island)

I am pleased and honored to be invited to appear today before the Council of Chief State School Officers. It seems particularly appropriate that this meeting of the Chief State School Officers is being held in Boston—in a city and in a State which have been so closely identified with the educational and cultural development of America since the earliest Colonial times. It was Massachusetts, as you know, that had the first tax for free schools and first school at Dedham in 1636—the same year saw the founding of Harvard College.

As Chief State School Officers, you have been in the forefront of the struggle that has been waged to improve our schools and provide greater educational opportunities for the youth of America.

Educational legislation enacted in recent years, both by the Congress and by many of your State legislatures, has made changes in the legal framework by which the Federal Government and the State governments have been given increased responsibilities, as well as greater opportunities for service in meeting the challenges of a rapidly changing world.

In this changing world, what has been and what is the Federal role in education? Examining the legislative background, we see there has been a Federal role in education since Congress on July 13, 1787 passed the Northwest Ordinance, which has been called the most notable law ever enacted by the representatives of the American people.

Not only did it mark the beginning of one one of the most remarkable growths ever known in territorial expansion, but it furnished the basis for the constitutions of several of our great States. It banned slavery north of the Ohio River; provided for religious freedom, guaranteed the right of trial by jury, and pledged public support to education. The setting aside of one section of land in each township for educational purposes 172 years ago was the first great commitment in Federal aid to education.

With this background, let us examine some of the issues in Federal-State relationships—issues that must be faced and resolved by such leaders as you within the next few years. What are some of the issues?

To my mind one really fundamental question in Federal-State relationships is whether Federal aid to education shall be in the form of categorical aid in specified areas, or whether the Federal Government should give broad, general support to education—or perhaps there might be a combination of both. It is not a question of whether we shall have Federal aid or not, but a question of how much and of what form Federal aid will take. The greater taxing powers of the Federal Government are certain to be utilized for meeting the growing national commitment to education.

Having been in the chair during the debate on the national defense education bill and thereby being able to insure its receiving a full and fair hearing, I was highly gratified, as were other friends of education, when the bill was enacted into law. It touches every level of education, public and private, from the elementary through the graduate, yet it is categorical aid to education. It is a major breakthrough in the effort to see that every young person, from the day he first enters school, should have an opportunity to develop his gifts to the fullest. It is the recognition that in a free society, the individual is the first line of defense, that gives the act its name.

The National Defense Education Act, as you know, is far-reaching in its significance for American education. This is true in several aspects. Not the least of the salutary results of the act is the contribution it has made to the working partnership between Federal and State education officials. It is magnifying the fine spirit of cooperation that has heretofore existed.

The Purchase Guide, which was issued in August of this year by the Council of Chief State School Officers, is a fine example of how the chief state school officers contribute to the common goal. The Purchase Guide is proving of tremendous value in the successful operation of title III, part A, of the National Defense Education Act. It is assisting school administrators throughout the Nation in the wise and economical purchase of materials, apparatus and equipment for improving instruction in the sciences, mathematics and modern foreign languages in the elementary and secondary schools. The Council of Chief State School Officers is to be congratulated for this noteworthy achievement.

As one who has vigorously supported the National Defense Education Act and other legislation administered by the U.S. Office of Education, I can say with confidence there is nothing in the history of the many Federal programs providing funds for education in this country that would justify unreasoning fear of Federal control. In reviewing the interim report on the National Defense Education Act, I am impressed by the virtually unanimous participation of the States and Territories. The speed with which they have submitted their State plans is impressive. It reflects alert competence at the State as well as at the Federal level in striving for efficient working relationships.

Let us review briefly some examples of categorical Federal aid that we now have in operating programs.

A primary objective of the National Defense Education Act is to prevent the loss of many able students who drop out of high schools each year. Some education officials believe that the measure's greatest contribution may be the spreading of testing and counseling programs throughout every State. The effort is being made to encourage and stimulate—on the part of the States at the 45,000 local districts and at the individual institutions of higher education—action to help this Nation do a better job in talent conservation and utilization with its most valuable resource, the vast energies of our youth. The number of guidance personnel working in 43 State departments of education has increased from 58 to 144 in 1 year, largely due to the stimulation of NDEA funds. A total of 2,209 teachers, who were enrolled in 50 short-term counseling and guidance institutes, have returned to their teaching positions in the secondary schools. They are sharing the benefits gained at the institutes with an estimated 750,000 secondary school students they will counsel this year.

In the passage of the act, the Congress recognized that the challenge confronting the Nation in our time is in large measure one which demands the development and utilization of trained intelligence of the highest order. The primary responsibility for meeting this challenge is placed upon American education.

While clearly recognizing that the basic responsibility of education must, consistent with American tradition, remain with the States and local communities and higher institutions, we must examine carefully in the national interest to determine if, and where, areas of weakness exist.

The needs of our educational system, both in quality and scope, require, in the opinion of the Congress, that the Federal Government undertake to assist the States and institutions to develop to the highest level those programs and areas in which deficiencies tend to handicap our national security. Sometimes there are differences of opinion as to how this may best be accomplished.

Another example of categorical Federal aid was seen when Congress recognized that the national interest and security were at stake in the fact that America is a deplorably backward country when it comes to proficiency in the languages of other people. Millions of people—three-quarters of the world's population—speak languages taught but in few, if any schools and colleges in the United States. Yet this country has a critical need in these times to be better educated linguistically than any other country.

Steps that have been taken under this example of categorical aid include the operation of language institutes for the improvement of the qualifications of language teachers in elementary and secondary schools; the establishment of language and area centers for instruction in the needed, but inadequately offered languages and related area studies; the providing of language fellowships to encourage students to prepare for college teaching in these languages and for other public services; and the making of surveys concerning a wide range of problems in language instruction.

Let us look at the response. Over 250 colleges and universities from 49 States expressed a desire to conduct institutes. Within 3 weeks after the first summer institute was established with places for 100 persons, over 1,500 teachers from 48 States applied for admission.

The funds available for the program, however, could by no means accommodate all those institutions who desired and were qualified to conduct institutes. The act authorized $7¼ million for fiscal year 1959. The initial allocation of $400,000 was used to establish summer institutes at the Universities of Colorado, Maine, and Michigan, and Louisiana State University. These funds were supplemented by an appropriation of $1.1 million on May 20, 1959, which permitted establishment of eight additional institutes at the Universities of Georgia, Missouri, South Dakota, Texas, and Washington, Colgate University, Hollins College, and San Francisco State College. A total of 925 experienced modern foreign-language teachers have returned to their classrooms in public and private elementary and secondary

schools, sharing with their students what they have learned in the 12 modern language institutes this past summer. In 1960, 36 summer institutes will be established with places for about 2,500 language teachers.

A total of 171 students preparing for college teaching in the modern foreign language field have been awarded fellowships in one of the following critical languages: Arabic, Chinese, Hindustani, Japanese, Portuguese, and Russian. They have begun their studies in various institutions of higher learning. Nineteen centers for instruction in languages rarely, if ever, taught in this country are underway. Twenty research projects have been contracted with institutions of higher learning, organizations, and individuals for the development of more effective methods of teaching foreign languages and the development of specialized materials.

The student loan program—title II of the National Defense Education Act—is another example of categorical aid that has received an acceptance from the colleges and universities of America to an extent that far surpassed expectation. It is designed, as you know, to reduce the costly loss of talent as 60,000 to 100,000 highly able secondary school graduates interested in college and another 60,000 students already in college are prevented each year from continuing their education by lack of funds.

During the first year, 1,190 higher educational institutions in the Nation requested a total of $70 million in loan funds. In this fiscal year, 1,370 institutions are participating, representing nearly 88 percent of the total full-time undergraduate and graduate enrollment. It is estimated that a total of 120,000 worthy students are studying with support from the student loan fund. The average loan is estimated at about $500.

To meet their estimated needs of $60½ million during the 1959–60 school year, the participating institutions will use $15 million on hand from fiscal year 1959 appropriations and will contribute about $4½ million of their own funds as required by the act. This left an original total of $41 million in loan requests, $11 million more than Congress has appropriated. The original total of $41 million in loan requests was reduced upon advice of a consultant panel to $34½ million. The deficit will be reduced somewhat by adjustments in the requests and by reallocation of funds from States where the allotment is greater than the requests to States which are short of funds. If during the first semester, the Federal appropriations turn out to be inadequate, consideration will be given to a supplemental appropriation at the beginning of the next session of Congress.

Let us look at a few highlights of other examples of categorical aid under the act. We see that 50 out of 54 States and territories are engaged in improving their statistical services with the assistance of funds received through the act. Under title III, thousands of local school districts under the provisions of approved State plans in 51 States and territories are purchasing and using equipment and materials and are making needed minor alterations, in strengthening science, mathematics, and modern foreign language instruction. The total distributed to the States in fiscal year 1959 for this purpose was $33,750,000. Under title IV, 1,000 recipients of fellowships are now studying at 123 graduate schools, representing 272 new or expanded programs of study. Under title VII, there are 23 research and 16 dissemination projects underway in the more effective utilization of communications media in the field of education. And under title VIII, thousands of individuals are being trained for useful employment as highly skilled technicians in recognized occupations requiring scientific knowledge in fields necessary for the national defense.

Looking at the other side of the issue, advocates of general Federal aid to education have pointed out that many States and communities under present tax policies and practices cannot hope to be able to pay for the extended education required in the country at large. In the past, public education has been largely supported by taxes on real property. The largest sources of taxable wealth are, however, no longer in real property, but rather in income. Because of the expansion of our industrial society, enormous differences in taxable wealth have been created in and among the several States. School communities with little industrial and commercial activity have relatively small taxable wealth to provide the funds for school purposes, while districts with considerable industrial activities can provide a high quality educational program with minor financial effort. These differences in the ability of the States and communities to support an adequate educational program—with adequately paid teachers—account for marked differences in educational opportunity among our people.

It is argued that if the present inequalities in educational opportunity are to be abolished, the taxing power of the Federal Government must be used to distribute school funds, regardless of their source, to where they are needed to provide a minimum foundation program for all children. If the benefits of education are to be enjoyed by all citizens without regard to place of residence, the tax burden should properly be distributed among the States in terms of their financial resources. From a percentage point of view, the Federal Government has increased from 30 percent of the total expenditures in 1902 to 65 percent in 1956. The States remained about steady, going from 11 percent in 1902 to 16 percent in 1956, but the local sources declined greatly, from 58 percent in 1902 to 19 percent in 1956. The number of dollars increased for each, but this is not reflected percentagewise. This indicates, therefore, that public education must look to the Federal Government for additional financial support since this is where the major amount of money is and there is no indication that a shift percentagewise will develop in the other direction.

Another example of Federal participation generally agreed to be without centralized control, domination, or dictation is found in the operation of Public Laws 815 and 874, providing funds for school construction and for operation and maintenance in federally affected areas and on Federal property. Since these two measures were passed in 1950, the Congress has appropriated a total of $962,585,000 under Public Law 815, in funds for school construction, and a total of $932,127,000 under Public Law 874 in funds for operation and maintenance of schools. The total amount appropriated under both Public Laws 815 and 874 from fiscal year 1951 through fiscal year 1960 is $1,894,712,000. A careful check of the records at the Office of Education shows that the total cost of administering this program, since it was enacted in 1950, is less than nine-tenths of 1 percent.

With the funds that have been authorized under Public Law 815 since it was passed in 1950, a total of over 45,000 classrooms and related facilities have been, or will be, constructed to house an estimated 1⅓ million children.

The appropriation for fiscal year 1960 under Public Law 874 is $163,957,000. This will cover an estimated 1,440,000 children. Over 4,000 school districts are participating in the program. The federally connected children in these districts amount to approximately 15 percent of the total enrollment.

Personally, I have been especially interested in that example of successful Federal participation reflected in the cooperative research program which was initiated on July 1, 1956, under Public Law 531.

There are now 17 Federal-State cooperative research projects underway. Ten of these projects in the area of mental retardation are in the States of California, Illinois, Kansas, Maine, Mississippi, Missouri, Nebraska, New York, Rhode Island, and Wyoming. The total sum of Federal funds obligated for all 17 Federal-State cooperative research projects amounts to $1,541,942. The 10 projects in the area of mental retardation show a total of $1,032,831 in Federal funds obligated. The States of Colorado, Delaware, Iowa, New York, Texas, and West Virginia have cooperative research projects in areas other than mental retardation for which Federal funds amounting to $509,111 have been obligated.

Educational officials at the U.S. Office of Education have stated that the cooperative research projects with the State departments of education are serving to increase the knowledge that can be gained by sound educational research while promoting excellent working relationships between the Federal and State educational officials. In addition to those significant cooperative research projects just mentioned that have been contracted with State departments of education, a total of 217 cooperative research projects have been contracted by the U.S. Office of Education with colleges and universities throughout the Nation.

Another important problem in Federal-State relationships is that of effective communication. The chief State school officers obviously occupy a key role in the discharge of this responsibility. As the findings of new knowledge are gained by research, it is urgent that teachers and school administrators be alert and prepared to make application of such findings. Summaries of all completed projects are available from the Office of Education and there is much that can be done in getting the information to the people who can actually make use of the knowledge that has been gained.

Commissioner Derthick told me with much enthusiasm of the responsiveness of the chief State school officers to the problem of communication generally, but particularly of the lines you keep open between your office and the Office of Education. He is particularly proud of your meeting with him and his staff when the stage was set for the administration of the National Defense Education Act. The Commissioner is certainly dedicated to the idea of State control and keeping the Office of Education to a posture of service.

I want to commend unstintingly Commissioner Derthick for the manner in which he is administering the National Defense Education Act. He has stated that the act "will meet important national needs within the priceless tradition of State and local control." With unmistakable dedication and conviction, he added: "This vital new legislation is an extremely significant milestone in the Federal effort to offer leadership without domination and to render assistance without interference." And that is just the way he is administering the National Defense Education Act.

There are many Federal programs affecting education that are not administered by the Office of Education, but time does not permit us to deal with them today. Many of these programs use the purchase-of-service approach. The amount of Federal aid to higher education and research from all such programs in the fiscal year 1957 was $1,165,009,000.

We know there are many problems yet to be solved as we look toward the future. The classroom shortage continues to be a serious problem. The House Education and Labor Committee last June reported out H.R. 22, a modified version of the Metcalf bill, which called for about $1.1 billion annually for 4 years in direct Federal grants to States for school construction and teachers' salaries. Distribution would be on the basis of school-age population. When Congress adjourned

on September 15, this bill was stalled in the House Rules Committee by an 8 to 4 vote against clearance. One suggested change in the measure is a proposal to remove the pending bill's provision for Federal aid to States for teachers' salaries. The assistance would then be solely for school construction. Another proposal would require that under certain circumstances and for limited periods, communities and States would be required to match the grants. In August, the Senate Education Subcommittee unanimously approved a $1 billion, 2-year grant program for construction only.

Experience has shown that the State legislatures generally provide the money necessary to obtain their share of any Federal funds that are available on a matching formula. Educational needs have been neglected frequently in past years because of the lack of Federal educational programs in competition with the programs offered for roads and other urgent needs. Tax revenues, whatever the source, are not unlimited. Competition for the tax dollar among various programs that reflect the public's interest in health, welfare, housing, roads, and other urgent needs has never before been so intense, and the list grows from year to year.

What are the present factors that have made it necessary for the Federal Government to become concerned about education in this country? There are three that come to mind as we probe the question. First, we can point to the mobility of population. Advances in transportation and communication and the concentration of industrial activities in urban centers have caused a rapid increase in the mobility of our people. The urbanization of our population has been swift and steady. The statistics of the last census showed that 25.2 percent of native-born Americans lived in some State other than the one in which they were born. Second, the need for technical, professional, and linguistic competence has become increasingly a matter of the greatest national importance. Our economic order is dependent upon how well we develop such competence through education. The general conditions of life and the expansion of the American economic system are determined by the amount and character of education among our citizens. Third, there is an increasing awareness of governmental responsibility to assure access to educational opportunity for all citizens. The welfare of the Nation demands that all children regardless of their place of residence receive a minimum basic education for the responsibility of citizenship, for a productive life and for personal happiness.

Congress, I believe, is coming to recognize this profound national interest in education and will act, in the future, to assist the States, communities, and institutions to strengthen education whenever educational needs require such action in the national interest.

What is the most appropriate way the Federal Government can translate into action the best thinking in this country for meeting the most critical educational needs? It seems to me that we must face the problem and arrive at decisions based upon an accurate observation and appraisal of conditions as they exist in 1959. When national needs have been identified, it is necessary to chart the course of action that is required. The key question which must be faced is whether the Federal Government should substitute its taxing power for the general support of education rather than the approach designed to stimulate or give special assistance for a limited period.

If Federal aid should be extended to broad general assistance, it should be remembered that the pattern of fiscal controls, such as the accounting procedures required by the General Accounting Office, would be applicable in the disbursement of Federal funds and would require compliance on the part of those who receive such Federal funds. There would be fiscal accountability. It would not be possible to bypass the Federal accounting requirements.

Most perceptive people are aware that, in times of emergency, it seems necessary to concentrate our effort on those things which seem most urgent. I fully appreciate your awareness that there are other aspects of education and many phases of the curriculum to which comparable attention and increased resources must soon be given.

In conclusion, as we consider education's contribution to national well-being and to the solution of national problems, we must never forget that in this country the State education departments and the chief State school officers have a prime and essential role. As we look toward the future, we must fully utilize their creative leadership and their traditional authority.

Water Pollution

EXTENSION OF REMARKS
OF
HON. J. ERNEST WHARTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. WHARTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I should like to comment briefly on the unsuccessful attempt to override the President's veto of the bill, H.R. 3610, which would have increased Federal grants for the construction of sewage treatment works.

In 1956 the Water Pollution Control Act was amended to include such a 10-year program and authorized $500 million in matching funds to assist communities in the abatement of pollution, but set a limit of $50 million to be spent in any one year. As to individual projects, restriction was made to limit the Federal share not to exceed 30 percent of the total cost or $250,000, whichever was less.

Numerous sewage treatment facilities have been constructed throughout the United States under this program, including several in my own congressional district in upstate New York. While stream pollution has not been completely eradicated since the Federal assistance program was initiated 4 years ago, such was not the intent of the law, which by its own provisions anticipated a 10-year program. Unfortunately some State governments have failed to meet their responsibilities along this line but the majority will agree that the Federal program has established an incentive to local communities. While I am not an advocate of Federal handouts, the moneys provided under this 1956 act appear to have been adequate and justified by the benefits achieved.

No project has come to my attention which has been delayed due to insufficient Federal funds, and should such an exigency arise, an annual supplemental appropriation could hardly be said to be unknown to the Federal Government. I cannot help but feel that this maneuver to nearly double the annual appropriation from $50 million to $90 million was politically motivated to gain a campaign issue. During my 10-year tenure in Congress, I have yet to see one Federal aid program diminish, and particularly in an election year when there is sought "something for everybody." In view of the taxpayer's burden, I feel that we should uphold the President and give some thought to fiscal responsibility.

Bureaucratic Shortcomings

EXTENSION OF REMARKS
OF
HON. CLARE E. HOFFMAN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. HOFFMAN of Michigan. Mr. Speaker, the Bureau of Land Management—BLM—under the Department of the Interior—Interior—has charge of the management and disposal of 481 million acres of Federal land.

Recently, complaint, principally by realtors, was made to Chairman DAWSON of the House Committee on Government Operations, which has jurisdiction over the spending activities of the executive departments, that BLM's appraisal of Federal lands was subject to criticism.

On November 9, 1959, Mr. DAWSON wrote Interior that preliminary studies indicated "that in a number of instances appraisals by BLM may be highly questionable", and that "it would be advisable to suspend action on all cases involving land appraisals by BLM for a period of 60 days."

Complying, BLM suspended action in more than 3,000 cases then pending, though the subcommittee was investigating some 13 cases. Other applicants protested the delay.

As one of a special subcommittee of three—two Democrats and one Republican—it was my privilege to attend hearings in Arizona—where but 15 percent of the land is privately owned—where testimony involving three cases was heard—only witnesses approved by the subcommittee's investigators were heard—others denied a hearing. That procedure was in conflict with proper committee procedure. A report will later be made, giving Interior's centention.

A WORD TO CONSTITUENTS

Returning from the hearing, opportunity was given to stop off at Benton Harbor to have dinner with—I had assumed—2 or 3 friends. Much to my surprise, 60-odd were present and, after a little conversation about national affairs, it was suggested that, inasmuch as Berrien County cast more than a third of the total vote of the district, it was only fair that Berrien be advised as to when, if ever, I would not be a candidate for Congress.

My reply was that I knew of no reason why anyone should not be a candidate if he desired. Inasmuch as one or two of my Republican colleagues, who lack seniority; who, it may be, do less work than falls to my lot, and one or two State politicians whose pointed suggestions I

have failed to follow, subtly indicated that I was getting too old to serve, it became my purpose to learn whether there was any substantial support to such an opinion.

An extensive inquiry was made through third persons and, in a roundabout way, to get an expression of opinion. It was extremely gratifying to learn that, while some might and some did question my political views, all expressed the opinion that there was no reason why I should not again be their candidate.

Many added that, because of my experience, I was in a position to better serve the district than would a newcomer. That, if last year's policy is followed, some 40 Members, mostly conservatives, will retire, it might be well to have me continued in office. Then, too, some economy-minded individuals suggested that, as long as I had, generally speaking, represented the sentiment of the district, there would be no particular advantage in retiring me on the pension which I had earned and helped pay for, while at the same time paying a new succeeding Congressman.

Much to my gratification, representatives of a rather large group, which has never before enthusiastically supported me, assured me of vigorous support.

Those of you who have seen or heard me recently are fully capable of forming your own opinions as to my ability to serve. So far, no one to my knowledge has arrived at the conclusion that I am not physically and mentally able to understandingly and vigorously express the views of the people of the district or perform my work.

It naturally follows that, inasmuch as I enjoy the work, having nothing else to do except fish or hunt—and of both I tire in a week or two—I know of no reason why I should buy a pipe, tobacco, a rocking chair, sit on a porch and rust out. Many have suggested that I submit my candidacy for your consideration. Never a shrinking violet, that is just what I am now doing.

Papers write I was 83, 84, 85, my last birthday. Even the most liberal Congress does not approve of three celebrations for one birthday. The record shows I was born September 10, 1875. How old am I?

H.R. 7015

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1960

Mr. FOGARTY. Mr. Speaker, I do not need to remind my honored colleagues that the more than 2,000 colleges and universities of the United States are struggling with a multitude of problems of increasing severity and extreme complexity. More than ever in the past, our Nation needs larger and larger numbers of educated citizens trained both to meet the demands of specialized professional and scientific endeavor and to provide the solid leadership core of an enlightened citizenry. The problems of this age call for effort on behalf of education on a greater and wider scale than at any time in the past. Thus, many of us have been trying to find ways to aid and assist the colleges and universities. These institutions need help, and help for them is forthcoming; not only through the Federal Government's provision for relief at strategic points through the National Defense Education Act and the college housing loan program, but through a growing disposition on the part of the States to expand their programs of higher education, and through increased private and corporate gifts for higher education. Business and industry, private organizations, church groups, public officials at the local, State, and national level—all have engaged in the study of the needs and problems of the Nation's colleges, and all are contributing to efforts to meet them.

The cost of attending college is increasing rapidly, and all signs point to continuation of this increase. A U.S. Office of Education study of tuition and fees in 196 representative institutions of higher education, accounting for 55 percent of the Nation's total undergraduate enrollment, indicates that these charges increased 32.6 percent between 1954 and 1958 in public institutions and 39 percent in private institutions. In the same period the cost of living index, which has a direct bearing on room, board, and other costs borne by college students and their families, increased by some 8 percent. The average cost of sending a student to college has now risen to $1,500 annually in our public institutions of higher education and $2,000 in private institutions. Since increases in college enrollments are coming more and more in families of modest means this increase in costs constitutes a serious burden for many of our citizens.

It is with this thought in mind that I have taken this time to again urge support for my bill, H.R. 7015. This proposed legislation, which I first introduced early in 1953, would permit a taxpayer to deduct from his gross income expenditures for tuition and other educational expenses. There is a limit set in the bill that such deduction shall not exceed $1,500 for any one individual in any one taxable year. The taxpayer could make the deduction for his own expenses for education or for those of his spouse or any of his dependents. In addition to tuition charges, other deductible expenses could be for books, fees and charges, uniforms, board, lodging, and other expenses necessarily incurred in or incident to the effective pursuit of an education.

My bill will undoubtedly benefit the colleges and universities. Its primary objective, however, it to provide assistance at the point of most critical importance, that of the individual family that is endeavoring to provide higher education for its members. What is needed most in this day is Federal action that will encourage more parents to make it possible for their children to attend college, that will make it easier to go to college. Higher education has become a necessity, not a luxury, and the simplest, most effective way to give it a boost is to lighten the tax burden on money spent for higher education. Our Government encourages religion, without favoring any one religion, by lightening the tax load on contributions to religious organizations. My bill would encourage higher education in the same way—by lightening the tax load on the man who wants to give his children the advantages of higher education. It provides help for those who are willing to help themselves.

In accord with the American tradition of equal opportunity, we should encourage opportunity for every individual who has a reasonable chance of succeeding, and let his success speak for itself. Recent studies have shown that a high percentage of persons completing the Ph. D. degree in certain scientific fields have IQ's below 120. All the ability tests there are will not suffice to predict accurately the performance of an individual who is actually willing to do his very best. My bill does not require that a boy or girl have an IQ of 130 in order to qualify for assistance; it rewards the effort of all in a way that is psychologically sound, simple to administer, and direct in application.

At almost every point the Government's efforts to provide assistance to higher education have encountered the complicated problem of the relationship of church and state. My bill would avoid this problem entirely by supplying assistance to every American family, without any requirement as to eligibility beyond the willingness to invest its own resources in the education of its members.

Most efforts made thus far to provide assistance to the families and individuals most directly concerned with the cost of higher education can be applied on a large scale only by the setting up of complicated policies and procedures for administration. May I point out that my bill requires no complicated set of provisions for regulation and control, no costly process of administration, no haggling over questions of eligibility. Most of the educational expenses reported for deduction can be checked for reasonableness with published data on estimated costs of attendance at specific institutions, and can be verified in detail, when necessary, by references to institutional records.

Do not overlook the indirect benefits my bill will bring to the institutions themselves, which face a long period of extreme financial difficulty occasioned by rising costs of operation and the necessity to expand. By increasing the ability of students and their families to continue to pay a reasonable share of the increasing cost of education, this bill will help the institutions maintain a desirable balance of tuition and fee income with income from other sources. This is particularly important to the private and church-related colleges, which enroll about 42 percent of all students in the United States, because they derive about half their total operating income from tuition and fees. Unless

these institutions can expand their enrollments as rapidly as do the public institutions, our dual system of higher education, which we believe essential to the Nation's interests, will be threatened. My bill will help these institutions substantially but, because the assistance is supplied indirectly, will avoid the complications attending most proposals to extend assistance to private colleges.

May I summarize briefly. My bill first, provides help at the point of most critical importance, second, is psychologically sound because it lightens the tax load of those who are willing to make a worthy effort, third, is democratic in that it plays no favorites, fourth, creates no complications regarding church and State relations or public versus private institutions, fifth, is uncomplicated and easy to administer, and sixth, will benefit both public and private institutions. I solicit for it your careful attention and thoughtful support.

Vassar To Celebrate 100th Anniversary

EXTENSION OF REMARKS
OF
HON. J. ERNEST WHARTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. WHARTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to announce that during the year 1961, Vassar College will celebrate its 100th anniversary, which centennial celebration will emphasize its responsibilities and contribution to present and future generations.

Matthew Vassar's great vision a hundred years ago brought into being Vassar College, a pioneer in the field of higher education for women.

A full-fledged college for women, to teach them the arts, the sciences, the languages, the social sciences on the same level with men: astronomy and mathematics, history and philosophy, Greek and German, chemistry and biology, as well as music and art. A new epoch in the history of American education.

Vassar College indeed made history. The new institution produced glorious leaders in the women's rights movement and saw the founder's vision justified in universal suffrage. Its graduates opened the doors into the great professions theretofore closed to women. Most important of all, Vassar began to develop that new breed of woman, the enlightened mother and active responsible leader in community, State, and Nation.

Thus did Vassar succeed in its theory of a true liberal arts education for women: not domestic science, not typing and shorthand, not arts and crafts; but thorough training and genuine learning in the great areas of human knowledge and thought. Study and reading, listening and discussing, research and exploring train the Vassar student and make the Vassar graduate.

Educated women! The professions welcome them; business searches for them; industry lures them; government begs for them; schools cry out for them; families need them; men marry them.

Vassar will continue to make history as it enters its second century.

Needed: Reinstatement of Funds for Tornado Research

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, February 18, 1960

Mr. WILEY. Mr. President, the advances in science and technology are enabling mankind to learn more of—and, to an ever larger degree, control—the forces of nature.

We realize, of course, that there are still a great many unknowns in the field.

Nevertheless, the eternal quest of man for ways and means to control the elements is essential—if these forces are to be harnessed to serve humanity, or at least to protect the human race from being unwarrantedly damaged by such forces.

At this time, I refer particularly to the elements of weather.

Over the years, our Nation has suffered tremendous losses in deaths, as well as property damage, from hurricanes, tornadoes, and other types of storms or atmospheric disturbances. During the past 5 years, for example, 3,343 tornadoes occurred, causing 523 fatalities, and an inestimable amount of property damage. During the period 1916–51 there was an average of 222 deaths each year caused by tornadoes.

In Wisconsin alone, the property damage from a single tornado in 1958 resulted in an estimated $17 million.

Although we are still a long way from controlling such forces, we nevertheless are progressing toward learning more of them, as well as establishing forewarning systems to enable people to protect themselves from hurricanes, tornadoes, and other such storms.

Currently, the Congress is considering appropriations for carrying on expanded programs of research for weather control.

During its consideration of funds for projects in this field, the House of Representatives cut—and unwisely, I believe—$775,000 from the President's recommendations for funds to expand weather research and control projects.

Today, the Senate Appropriations Committee is considering the matter.

Fundamentally, I believe, there is a real need for an expanded weather research program.

I would sincerely hope, therefore, that the Appropriations Committee would reinstate the funds cut from the weather research budget by the House of Representatives. In addition, I respectfully urge the Members of this body to approve such funds when it comes up for consideration in the Senate.

At this time, I ask unanimous consent to have a letter which I have written to Chairman HOLLAND, of the Department of Commerce and Related Agencies Appropriations Subcommittee, printed in the CONGRESSIONAL RECORD—emphasizing the need for reinstatement of the funds for the weather research programs.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 18, 1960.

Hon. SPESSARD L. HOLLAND,
Chairman, Commerce Department and Related Agencies Subcommittee, Senate Appropriations Committee, Senate Office Building, Washington, D.C.

DEAR SPESSARD: I am writing to respectfully urge reinstatement of the $775,000 cut from the Weather Bureau research program by the House of Representatives.

During recent years, your committee has made a constructive contribution to improved weather research, aimed at protecting people and property from the ravages of hurricanes, tornadoes, and other atmospheric disturbances.

In view of the tremendous damage, as well as loss of life and loss of property resulting from such storms, I'm sure you agree that there is a real need for carrying on effective research programs.

Recently, I was gratified by the recommendations of the President and the Bureau of the Budget for including in the 1961 budget funds for improving weather research.

As you know, hundreds of tornadoes—the most violent of all atmospheric disturbances—occur each year. In the past 5 years, for example, 3,343 tornadoes occurred, causing 523 fatalities, and an inestimable amount of property damage.

During the period 1916 to 1951 there were an average of 222 deaths each year caused by tornadoes. With the beginning of the modern tornado warning service in 1952 the average number of deaths caused by tornadoes for the period 1952 through 1959 has been reduced to only 163. I am confident, as are prominent meterologists in the Government and in universities, that an expanded program of tornado research such as is proposed by the President, will permit a drastic further reduction in the annual toll of lives brought on by destructive tornadoes striking without warning. Experience has proved that many lives can be saved when advance warnings of a tornado's approach are provided to communities in the path of the storm.

Unfortunately, the House of Representatives made what I believe are some unwise cuts in the budget of the Weather Bureau.

I am well aware—as I know you are—that in these times of great demands for Federal funds, there is a real need for a priority system for appropriation of Federal money.

In view of the fact that such funds were deemed essential by the administration—which, as you well appreciate, has made an effort to keep spending down to essentials—I believe this should be considered, along with the overriding merits of the need for greater research itself.

Consequently, I would hope that your committee would find it possible to reinstate the $775,000 for research relating to tornadoes in the 1961 appropriation.

As you know, the purpose of the funds is to permit an expanded program of hurricane research and the inauguration of a similar program for studying tornadoes.

This is a particularly opportune time to launch a Midwest tornado research project, since—I am informed—within the next

month, the Weather Bureau will have available three specially instrumented aircraft. These aircraft—a B–57, for very high altitude investigations, and two DC–6's for middle and low flying—have been undergoing modification and installation of the most complex meteorological research equipment available anywhere in the world.

As I understand it, money—up to this time—has been only provided to fly these planes during the summer months in investigating tropical storms and hurricanes.

With an increase in appropriations, however, the Weather Bureau would be enabled to operate these flying laboratories on tornado research projects during the spring months also before hurricanes normally develop.

The tornado research plans of the Weather Bureau for fiscal year 1961 include, in addition to the use of flying laboratories, the following:

1. Utilization of existing upper-air sounding stations for maximum soundings of upper atmosphere every 2 hours during selected severe tornado outbreaks in order to gather the required data for research on these storms;

2. Extension of the small, intensive surface research observing network to obtain greatly increased density of reports during the spring and summer months:

3. An expansion in the program of research contracts with universities directed toward the study of tornadoes.

In view of the great improvement in hurricane warnings brought about by the intensive hurricane research project, I strongly urge Mr. Chairman, that your committee give full consideration and approval to the Weather Bureau's request for the additional $775,000 to permit inauguration of a similar program of tornado research in the midwestern area.

Sincerely yours,

ALEXANDER WILEY.

Maintenance of Leadership

EXTENSION OF REMARKS

OF

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1960

Mr. IRWIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an address given by my colleague, the Honorable EMILIO Q. DADDARIO, at the 63d annual banquet of the Catholic Club in Darien, Conn., on February 11, 1960, and an address given at the same time and place by the Reverend Thurston N. Davis, editor of America magazine, which was published in the New Republic on February 15, 1960. In both of these addresses we are given a clear picture of dangers which surround us at this time and we are admonished to reexamine our course lest it bear us to the point of no return. The urgency of the situation makes it imperative that we accept such advice. The addresses:

REMARKS OF CONGRESSMAN EMILIO Q. DADDARIO, FIRST DISTRICT, CONNECTICUT, AT THE 63D ANNUAL LINCOLN DAY BANQUET OF THE CATHOLIC CLUB, WEE BURN COUNTRY CLUB, DARIEN, CONN., THURSDAY, FEBRUARY 11, 1960

The number of words filling the air this weekend about Abraham Lincoln must be legion. It is characteristic in the life of a very great man—and there can be no question that Lincoln was one of the greatest of our world—that there is much to be considered edifying in his every action and thought.

Thus I am sure that those who wish to draw on Lincoln as a source of inspiration in remarking upon today's events will be adequately furnished with quotations. If they want to discuss anticolonialism and American attitudes, they have only to remember that Lincoln said in 1854: "No man is good enough to govern another man, without that other's consent." If they would bring his wisdom to bear on the subject of civil rights, they may quote what he said in 1859: "Those who deny freedom to others deserve it not for themselves, and, under a just God, cannot long retain it."

As for myself, I thought it might be interesting to consider what Lincoln might have said about rockets and missiles, or the fields of science and astronautics. This is a little more difficult. Yet, in view of the assertions and denials that have flown in Washington, the charges and countercharges, I think I may have found an apt quotation. It comes from remarks Lincoln made at dinner on the train moving to Gettysburg in 1863, where he was to deliver a few remarks on the dedication of the battlefield. The train ride had been noisy and the use of tunnels and cuts had dimmed the light from time to time.

Lincoln, at table, took occasion to comment: "This situation," he said, "reminds me of a friend of mine in southern Illinois, who, riding over a corduroy road, where the logs were not sufficiently close together, was frightened by a thunderstorm. In the glimpse of light afforded by the lightning, his horse would endeavor to reach another log, but too frequently missed it and fell with his rider. As a result of several such mishaps, the traveler, although not accustomed to prayer, thought that the time had come to address his Maker, and said: 'Oh Lord, if it would suit You equally well, it would suit me better if I had a little more light and a little less noise'."

Those of us who have been closest to the testimony on our missiles and satellites as it unfolds daily in Washington, sometimes wish that there were a little more light and a little less noise.

Research and development has become an important part of both our governmental and industrial activities. In Lincoln's day, however, Robert V. Bruce said, "During the Civil War the nearest thing to a research and development agency was the President himself."

President Lincoln became interested in and is responsible for the introduction of machineguns, rifled cannon, and other weapons of war. In the course of these developments we find that he narrowly escaped death when an experimental rocket exploded in its launcher as he stood watching nearby. He also bypassed the War and Navy Departments to set up a secret project to develop a new explosive using chlorate as a base. It is interesting to note that chlorates are now being tested in the field of solid rocket propellents.

In a lecture entitled, "Discoveries and Inventions," Lincoln said: "Just now in civilization and the arts the people of Asia are entirely behind those of Europe; those of the east of Europe behind those of the west of it; while we, here, in America, think we discover, and invent, and improve faster than any of them."

This is a statement which fits exactly into the conflict which now exists as to the technical and productive ability of the United States, the countries of the free world, and the Communist bloc. We can most certainly conclude that no nation or groups of nations has such a superior ability or capacity that it can maintain secrets within itself to the denial of others. We have already seen this myth exploded in the atomic and hydrogen fields. We know, too, that in the missile and space field we can have no monopoly. We have the capacity to set such a stirring pace in the field of space as to be far in front of all others.

We can maintain our position as the leadership nation in the free world forever—provided we have the desire to do so.

It has already been shown that our ability to negotiate with other countries has become more difficult because of the progress now being made in the exploration and use of outer space. There is no question but that the Soviet Union has enhanced its prestige by achieving the first success in space flight. Its continuing achievements in this area after the first sputnik have allowed the Russians to exploit this prestige throughout the world. Unfortunately, many of the peoples of the world have concluded that this progress means that the Russians have also achieved technical superiority in the military area.

As of today, this is not true.

The United States maintains itself as the strongest military power with a tremendous retaliatory capability. Yet, George Allen of the U.S. Information Agency has submitted the results of a poll taken in Europe, and these show that in answer to a question involving whether the United States or the Soviet Union had the greatest total military strength, the people of West Germany decided against the United States by 1 percent, the people of France by 10 percent, and the people of Great Britain by 15 percent.

The psychological aspects being so important in this complex struggle, it is necessary that we accomplish sufficient achievements so that the results be reversed.

The peoples of these countries would better support us if they are convinced of our ability to protect them and to achieve final victory.

Dr. von Braun has stated before the House Committee on Science and Astronautics that he believes that the Russians had the capacity this year to orbit a vehicle around the moon and to effect a soft landing on it. He believes that we will not have this capacity until 1963.

On the surface this is a frightening situation.

We have, however, taken an important step that is sure to pay great dividends. The President has decreed that the von Braun team will be transferred from the Army to the National Aeronautics and Space Agency. The House has recently passed a resolution supporting this and expediting the progress of this transfer.

There is also being requested, this year, an additional appropriation of $100 million for the Saturn project which falls under Dr. von Braun. This will allow us to develop a space vehicle with a million-and-a-half-pound thrust capacity which will have not only the moon within its range, but also Mars and Venus. This tremendous thrust will have the ability to hurtle 15 tons of payload into outer space.

We are, however, 3 years behind in this particular area.

I am convinced that the difference between us and the Russians is not so large in those fields of knowledge which are less susceptible to propoganda. This is in the ability to overcome the dangers which will affect men in outer space. The final achievement will be the ability to develop a manned-space vehicle which will have maneuverability in outer space together with the ability to return to earth at will. Here we must overcome the problems in radiation, metallurgy and in outer space environment for man—to name just three.

There is no way of keeping a tally sheet in these fields, but it is my own belief that it will be here that our achievements will be outstanding.

Let me close with a paragraph of Lincoln's speech at New Haven in 1860, a paragraph written about another subject, but one that well deserves recalling:

"I think that one of the causes of these repeated failures is that our best and greatest men have greatly underestimated the size of this question. They have constantly brought forward small cures for great sores—plasters too small to cover the wound. That is one reason that all settlements have proved so temporary, so evanescent."

If we apply these sentiments to many of the problems that are so large today, we must recognize the grain of truth. And we must redouble our efforts to secure true national unity while we seek a more powerful position of defense. It would be well if, as we did, we kept in mind these words of Lincoln:

"You cannot fail, if you resolutely determine that you will not."

HAVE WE GONE SOFT?

(By Thurston N. Davis)

Like a strong and vigorous person suddenly stricken in middle life, we appear obsessed with a fateful diagnosis which tells us we are sick and will surely die unless we somehow change the habitual pattern of our lives. And, as diseased people often do, we talk at great length about the latest chance remark dropped by the doctor. The malady is variously described. Columbia President Grayson Kirk's verdict is "spiritual flabbiness." Alan Drury, in "Advise and Consent," writes of our time as the age of the shrug and stresses the "dry rot" every perceptive American senses in the air around him. Prof. Charles A. Siepmann, who heads the New York City branch of the American Civil Liberties Union, declared only the other day: "We're breeding a new type of human being—a guy with a full belly, an empty mind, and a hollow heart. I see them walking about, and I don't like them one bit."

All this gives added point to John Steinbeck's letter to Governor Stevenson. To "dear Adlai," Steinbeck transmits his two first impressions of the United States of America of 1959–60: First, "a creeping, all-pervading nerve gas of immorality"; second, "a nervous restlessness—a hunger, a thirst, a yearning for something unknown, perhaps morality." Then, as afterthoughts, two further impressions: "The violence, cruelty, and hypocrisy symptomatic of a people which has too much"; and "the surly ill temper" that afflicts "humans when they are frightened." "Mainly, Adlai, I am troubled by the cynical immorality of my country. I don't think it can survive on this basis."

Where do we go to gather evidence on our alleged decadence, immorality, and materialism? We might pick up the travel supplement in our Sunday New York Times and glance at the midwinter ads for hotels and motels along the neon-bright strip of Miami Beach. Here, in one concentrated spree of vulgarity, we move from star-studded offers of fun, fun, fun, at low, low rates—with "authentic Polynesian Luaus" thrown in free at one address—all the way to siren assurances that if we reserve now (at $16 daily per person) then Paradise (double occupancy) is so near at hand.

This sort of thing, I suppose, is materialism, though it is somewhat too obvious to be named decadence. But it isn't merely the Miamis of the world that are at issue. If Steinbeck, and all the other critics are to be credited, this moral miasma which afflicts us is well-nigh universal. It is the fly-now-pay-later urge. It's the itch for the fast buck, for the irresponsible pleasure, for the short cut to power or payola or prideful status. It's the clever dodge, the inside track, the deal, the gimmick, the angle, the guy we know who'll "fix" it. It is the "filter" mentality: have the fun, but avoid the lung cancer or the pregnancy. It is the omnipresent yen to push somebody else out of the way and become the fellow who's got everything. To quote Professor Siepmann again: "This amorality is endemic. Society is shot through with it. You'd be amazed at how many students said Charles Van Doren was right. Anything for No. 1."

How does one go about computing the moral strength or weakness of an entire society? Crime and delinquency statistics, the divorce rate, the blight of pornography, the rising rate of illegitimate births, the high incidence of broken homes, the surge of mental illness, the percentage of youth rejected by the armed services, phenomena like the current practice of cheating in college examinations—these and other data and studies give some sort of an index. What else is needed?

Eugene Kinkead, an editor of the New Yorker, has written a book entitled "In Every War But One" (Norton). It attempts to analyze the hundreds of cubic yards of documents that the Department of the Army assembled in its deadly serious effort to find out what went wrong with American prisoners of war in Korea. Kinkead reveals, amid much other data, that the 229 Turks who were captured and interned in Korea all managed to survive their imprisonment, and not a single one became a collaborator. One-third of our boys, on the other hand, became collaborators; and 38 percent of them died. The Army found that GI's often abandoned fellow Americans who were wounded; they cursed their officers; the strong took food from the weak; in certain cases Americans sick with dysentery were rolled out into the cold to die; and this was done, not by their Chinese captors, but by fellow GI's. Turks, however, kept a high morale, shared food, and nursed their sick back to health.

Heaven knows, the image of America that is refracted through these and other available statistics is enough to shake the most complacent of us. Nevertheless, the picture is incomplete. The big, bold headlines—ah, dear, freedom of the press—tell us about the mad bombers, arsonists, sex maniacs, kidnapers, juvenile murderers, junkies, and extortionists among us. They rarely highlight the millions of hard-working and dedicated people still in the land: surgeons, nurses, nuns, civil servants, artists, social workers, public school teachers, clergymen, firemen, policemen, truckdrivers, scholars—and plain, everyday, indispensable fathers and mothers of growing families.

Then, too, a certain aroma of phoniness creeps at times into these discussions, making it all the more difficult to assess our true moral stature. We could well have done without the tears and congratulatory salvos that greeted young Van Doren's public confession, which to many, by the way, was the most meretricious incident in the entire quiz show mess. John Cogley, in the Commonweal, said Van Doren "did his greatest mischief and was guilty of the most shameful abuse of public confidence, not when he accepted money under false pretenses, but when he made his belated confession," which, he went on, while "humble" in the approved TV and Madison Avenue manner, "reeked with pride."

And, frankly, are we doing any better at genuinely unburdening our consciences than Van Doren did? We feel clean and noble when we excoriate the materialism around us. We manage to pin the blame on some scapegoat—working wives, or the New Deal, or high taxes, or John Dewey and the teachers colleges—leaving very little responsibility at our own doorsteps. Our excoriations would be far more convincing if we were readier with tax dollars for defense and for economic aid to less materialistic peoples; if we fought harder for the Negro; if our consciences were a bit more troubled over irrationalities in our immigration laws; if we worried a little more about the lot of the Puerto Ricans in our cities; if, having done our excoriating, we were prepared to sacrifice a slice of our time or a touch of our comfort to the common good of the free world and the righting of injustices and inequities here at home.

A false note is sounded, too, by the realization that in large part our concern originates in fear that we may soon be overtaken, economically, by the purposeful Soviet Union. Can we honestly say our fear is the trepidation of God-fearing men—fear for ourselves and our souls and our fate, for the harvest of our sins and our wretched confusions? Or is it nothing but a camouflaged lust to cling onto the very possessions we protest are our undoing? There is reason to suspect that it may be the latter, that what we are really worried about is that the whole kit and caboodle of our American way of life—missiles and credit cards, Cadillacs and pop-up toasters, our freedoms, fun, filters and foolishness—is about to go down the drain. If so, then we do have reason to be concerned for ourselves and our future.

Our trouble is not simply that some Americans have air conditioners in their cars, or that an increasing number of our citizens are making downpayments on cabin cruisers. Their number is and will remain limited: even in our affluent society there is still plenty of personal poverty. The obligation of transcending and mastering material possessions presses harder on the few than on the many. The crasser brand of materialism, therefore, can be discounted as a real problem for the vast majority.

There is, however, a subtler problem which does touch us all. It goes by various names and is all the following things at once: a loss of faith, an obfuscation of reason, a failure of nerve, a loss of confidence, an intellectual and moral vacuum, a failure to maintain our grip on the big idea about ourselves and the world we inhabit.

What is really wrong, it seems to me, has to do with our loss of the big idea, by which I mean our loosening grasp on the meaning and purpose of human life in relation to a real order of objective and transcendent being. Our problem is that we no longer know who or what we are. We no longer collectively see ourselves as a people bound together by common affirmations, common assumptions, common loyalties to a commonly shared universe of values. For years we have viewed this American pluralism as a product of our freedom and as a source of immense strength. Now it is slowly dawning upon us that it can become a debilitating disease. This malady, which is now epidemic, affects rich and poor, young and old. It is as though all at once we had lost our identification papers. To make matters worse, we have not only let the big idea slip away, but it is no longer polite or even permissible to raise any of the big questions men have always asked about the big idea.

What are these big questions which, in the contemporary atmosphere of our official agnosticism, may be asked and answered only behind the doors of the home, church and synagogue? To paraphrase a list of such questions prepared by Father John Courtney Murray, S.J., for "Religion and the State University" (University of Michigan Press, 1958): Where does man rank in the order of being, if there is an order of being? What is the nature of man? Is it of a piece with the nature of the cosmic universe? Is it to be understood in terms of the laws of the universe, whatever they may be? Or is there a difference between man and the rest of nature? Is the nature of man spiritual in a unique sense? What is man's destiny? Is it to be found and fulfilled beyond time in another world? What is the sense of history? Does history have some kind of finality? Or is the notion of finality meaningless? What can a man know? What do you mean when you say, "I know"? Are there varying degrees of

knowledge and certitude? Can man's knowledge and love reach realities that are transcendent to the world of matter, space and time? Is there a God? What is God? Does God have a care for man? Has God entered the world of human history to accomplish a redemption? What is meant by "salvation"? What is meant by freedom, justice, order, law, authority, power, peace, virtue, sin, morality, religion?

Just now, in the United States and throughout the West, there is obviously no consensus as to how these and similar questions are to be answered. There is not even a shared language of words and concepts with which the separated components of our society might begin to be able to discuss them. Yet, as recently as 75 years ago, in the academic world as well as in the realm of public affairs, the ancient heritage of such words and concepts, products of the scholastic tradition, was still in uneasy but de facto possession. Today, except in some of our colleges, the lines that once bound us to that heritage have been broken.

Once the ancient words and ideas had been widely discredited, a new lexicon of discourse took their place. It was a tongue which had been coming into more and more common usage since the 18th century, the language of modernity—of science, experimentalism and positivism. Until almost yesterday, who would have dreamed of disputing modernity? And yet, though it was so firmly in control just a little while back, today, in Father Murray's phrase, modernity is dissolving in disenchantment. The disenthronement has created a strange new situation, a sort of ideological interregnum. The seals of legitimacy, so to speak, have disappeared from its head and tongue. Though it still exercises a kind of caretaker government in our universities and elsewhere, the modern idiom of positivism is reenacting the old story of the emperor's clothes.

It is this sudden turn of events in the world of ideas, this breakdown of the flimsy consensus of modernity, that has brought us to that condition of moral vacuum which John Steinbeck and others perceive and deplore. More or less clearly we today realize that a postmodern era has commenced and that we are entering it in a state of intellectual nakedness. The pressing need for some sort of revival of the public philosophy of the West has come home to us. This, it would seem, is what these gathering storms of protest and criticism are all about.

Half a dozen years ago, in his essay on "The Public Philosophy," Walter Lippmann insisted that in our "pluralized and fragmenting society a public philosophy with common and binding principles" must somehow be salvaged and reinstated. If we fail to revive and restore the consensus we once possessed, Lippmann warned, "* * * then the free and democratic nations face the totalitarian challenge without a public philosophy which freemen believe in and cherish, with no public faith beyond a mere official agnosticism, neutrality, and indifference. There is not much doubt how the struggle is likely to end if it lies between those who, believing, care very much—and those who, lacking belief, cannot care very much."

We know from the chapter he contributed to "Walter Lippmann and His Times" (Harcourt, Brace), a volume published last year to honor Mr. Lippmann on his 70th birthday, that Prof. Arthur M. Schlesinger, Jr., was more than a little scandalized by the stress the veteran columnist placed on the necessity of shoring up the public philosophy as a condition of the survival of our society. Mr. Lippmann had written: "I do not contend, though I hope, that the decline of Western society will be arrested if the teachers in our schools and universities come back to the great tradition of the public philosophy. But I do contend that the decline, which is already far advanced, cannot be arrested if the prevailing philosophers oppose this restoration and revival * * *."

However, as Schlesinger's reaction demonstrates—and he is not alone in his appraisal of Lippmann's thesis—the academic world is not as yet in the mood to accept responsibility for the difficult but still feasible task of restoring what Lippmann calls a common conception of law and order which possesses a universal validity.

Meantime, each fresh week and month of our now lengthening postmodern experience serves to sharpen the issue and drive home its urgency. If we are really determined to fill the present void, we shall rediscover the words and begin to conceive the ideas with which to ask once again the big questions that every generation must answer. Thus, conceivably, if time is given us, we may even reclaim the big idea. If war is too important to be left to the generals, this present dilemma of ours is too terrible to be entrusted to the professors.

John Llewellyn Lewis

EXTENSION OF REMARKS
OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1960

Mr. SAYLOR. Mr. Speaker, once again America has honored the memory of Abraham Lincoln, an exemplary man of God, and an outstanding President. February 12 marked the 151st anniversary of his birth and, as is customary, millions of words have been written and spoken of his life, his deeds, his philosophy, and his speeches, conversations, and letters. While paying tribute to his name on this occasion, we at the same time encourage today's generations to emulate Lincoln's love of his Creator, love of his country, and love of his fellow men. Through the years I have found each February 12 a more enriching and more inspiring experience.

This year I should like to call attention to the anniversary of another great man who has made numerous lasting contributions to the Nation's social and economic welfare. He came into this world on February 12, 1880, a year of many remarkable developments. Charles Francis Brush brought arc lights to Broadway. Thomas Edison invented the incandescent lamp, and George Eastman founded a business of boundless possibilities with his invention of photographic equipment. James A. Garfield was reelected to the House of Representatives, then elected to the Senate, and finally to the White House—all in the same year.

Though the townsfolk hardly realized the significance of the event, the new son who came to the Thomas H. Lewis household in Lucas, Iowa, would someday take his place among the exclusive set of the Nation's immortal citizens. Like Lincoln, John Llewellyn Lewis had to do it the hard way.

As one of eight children, John had little opportunity for formal schooling. He went to work at the age of 12, yet his driving spirit and thirst for knowledge, blended with sound native intelligence, have made him one of the most learned men of our time. His courage, vision, determination, sincerity of purpose, and leadership elevated John L. Lewis to the presidency of the United Mine Workers within two score years of that memorable event back in Lucas, Iowa, in 1880. Then his struggles in behalf of the workers he represented were only beginning, and in the past 40 years he has carried on a relentless crusade that long ago had won for him the acclamation of management and labor alike, that distinguished him as the most remarkable and most respected individual in the history of the labor movement.

Let me read a passage from a famous address:

> Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as any other rights.

No, that quotation did not come from an oration by John L. Lewis. That paragraph was the product of Abraham Lincoln in his first annual message to Congress. But the spirit of these lasting words has been exemplified in the career of Mr. Lewis.

My home is in the center of a very important mining district. From the time of my childhood I have associated with mine owners and mine workers and their families. For as long as I can remember, the workers and their wives and children spoke of John L. Lewis as they would speak of their own fathers because they had complete confidence in what he said and what he did. And well they might have, for he never made false promises nor relaxed in his life's mission.

And the other workers—I use the word advisedly, because operating a mine requires work and more work, year in and year out, if any degree of success is to be attained in this highly competitive business—those workers called capital were not always so kind and gracious when they spoke of John L. I have heard him cussed up and down, but I never heard anyone ever say, at any time, that John L. Lewis was not sincere and integrious. Get mine owners alone and you would hear Mr. Lewis praised for his brilliance, his straightforwardness, and his determination.

Then the struggle reached its crescendo, and suddenly there was peace and amity. Mine management and John L. Lewis sat down and agreed upon a principle that could and should set a pattern in the other great industries of our Nation. Both houses now sup together as one happy family, with the result that the coal industry is unified in its efforts to go forward with general industrial progress, to share mutually in the products of mechanization, and to demand revision of governmental policies that place coal at an unfair disadvantage in fields of competition.

John L. Lewis has often been called a capitalist, and there is little question that he would have been a most successful and prosperous businessman had he

chosen that side of the coal industry, or of any other industry. Without his cooperative attitude toward automation of mining processes, the American mining industry could not have approached the degree of efficiency which has placed it far and above every other mining system in the world. His insistence on making mines safer has had spectacular results, and today and every day the UMWA and coal operators work together in search of continued progress in this area.

At the risk of redundancy, I cannot help but mention the oratorical genius of this outstanding American who will celebrate his 80th birthday on February 12. Demosthenes and Cicero are names synonymous with rhetorical perfection. "On the Crown," a product of the third century before Christ, has endured the test of time, as has Cicero's "I Am a Citizen of Rome," which is of almost the same vintage.

We are to presume that every century had its great speakers—some evangelists, some statesmen, some lecturers, some teachers—and in divers tongues. But the list of outstanding American orators is not extensive. And for this reason John L. Lewis has captured still another niche in the halls of famous men. His capacity, backed by a fabulous vocabulary and a powerful and persuading voice, for drama, humor, and acrimony rank him with such famous names as Patrick Henry, Henry Clay, James Gillespie Blaine, Abraham Lincoln, Robert G. Ingersoll, Henry Ward Beecher, and William Jennings Bryan.

America is proud of John L. Lewis. We wish him many more happy and fruitful years as president emeritus of the United Mine Workers of America.

The Pioneer Spirit in Rehabilitation

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include the following address which I delivered before the Research and Demonstration Conference on Vocational Rehabilitation of the Mentally Retarded on February 11, 1960, at Dallas, Tex.:

THE PIONEER SPIRIT IN REHABILITATION

(By JOHN E. FOGARTY, Member of Congress from Rhode Island)

I am particularly glad to be here, for it gives me a warm feeling of participation in the making of rehabilitation history. The fervor of the crusader and the daring of the pioneer are in the spirit that moves our program forward, and it is inspiring to me as a legislator to see some of the ferment of ideas that lead to practical results for rehabilitation and health, based on legislation in whose formulation and enactment I have had some part.

Long before the birth of Christ the Greek historian Thucydides gave us the dictum that history is philosophy learned from examples. There can be no more fitting lyric for the program of vocational rehabilitation than that. We have just entered the stage of building examples of modern rehabilitation methods. As our pioneering projects mature, a more vital and dynamic philosophy of rehabilitation emerges. It is leading to goals that may sound high in casual reading, but we have an aroused people back of us, and the examples and philosophy we are developing will, I am sure, be exciting reading for those who will eventually set down rehabilitation history.

It is my particular pride that I can join you here on especial terms of intimacy with your problems. For more than a dozen years much of my legislative life—and some of my private life, too—has been devoted to the problems of disability. In this work I take great joy. It is satisfying and worth while, and more intensely so because of the privilege I have had to bring before Congress, either as chairman of the Health Subcommittee on Appropriations, or as ranking minority member, the annual appropriations for the Department of Health, Education, and Welfare.

The resurgence of interest in the mentally retarded is one of the great satisfactions of our legislative group. We have witnessed the phenomenal growth of the National Association for Retarded Children and its many affiliates, and we rejoice in their collaborative efforts with other organizations in moving forward against mental retardation. Not only are they effective in their own right, but they are also powerful as a catalytic agent in the efforts of other groups and organizations. They are particularly effective in stimulating the establishment of selected demonstration projects for the mentally retarded, now numbering 21 over the country, to evaluate and to prepare retarded persons for employment.

The vocational rehabilitation program in this country is a prime example of democracy in action. I feel that on all counts it must be the public program closest to the people. When the individual need for public assistance goes beyond monetary requirements, and is complicated by disability of a wage earner or a wife, then the starker aspects of need and dependency rise rapidly. That is where our principal activity now lies, in getting the disabled person back to productive capacity.

It is in additional areas of aid for the disabled that we are projecting new thought. If we in the Congress are to continue to give you people in the active program a roadway to progress, we, too, must pioneer in imaginative ideas and legislative proposals. We must take the broadest possible view of rehabilitation needs, and refine adequate proposals to the point where they can be guides and aids to new areas of rehabilitation.

The emerging new philosophy of rehabilitation has widened our concept of an adequate program. In all conscience we have had to give greater attention to the problems of the aging. We in the Congress, those of you in the Office of Vocational Rehabilitation and the State rehabilitation agencies, a special staff in the Department, plus experts outside these groups, are studying ways to bring special rehabilitation service to the aged, in intensive preparation for the White House Conference on Aging, to be held next January in Washington, D.C., under provisions of a measure introduced some time ago.

From the standpoint of the public rehabilitation program, there are many facets to this planning for the aged. The vocational rehabilitation program is usually defined as a process designed to help disabled persons reach vocational, economic, and health potentials commensurate with their residual abilities—with the avowed purpose of reducing dependency. Yet there are thousands of older persons over the country, clearly unable to gain any vocational or economic benefits from rehabilitation services, yet who could be removed from a state of dependency in institutions, nursing homes, and family circles, through special services that will enable them to care for their daily needs, and give them independent lives free of custodial care or constant attendance.

This is one of the things we have been thinking about in Congress. It is my hope here to give you a viewpoint in a legislative program that would expand rehabilitation into this field, and on others that have been made.

In January of 1959 I introduced a bill in the House—H.R. 1119—which has the broad purpose of providing rehabilitation services to handicapped persons who can be aided in achievement of an ability for independent living, even though they may not be capable of productive employment.

We who support this measure want to launch a new attack on dependency by rehabilitating many such persons to the point where they are capable of self-care. We want to provide the means for public and private workshops and other facilities that will abet these projects, and provide funds that will make this aspect of rehabilitation as flexible as those now in practice. For we continue to believe that dependency is measured both in dollars and human values, and that independence means a saving of dollars and an increase in self-respect. This is a pioneering action that makes sense to us, and we shall continue to press for legislative action on the bill for independent living.

Our new thought on rehabilitation has put in perspective another category of disability, this time running to the other end of the age scale. There are several millions of persons who suffer from speech and hearing defects which hamper them severely in their efforts to become self-supporting members of their communities. Many of them are children, unable to hear their parents' voices, to hear a song, to whom such things as television and movies are almost meaningless. Others are adults, whose hearing is impaired by war, industrial service, or ear disorders.

Perhaps three-quarters of these with speech and hearing difficulties could be helped greatly and many rehabilitated into employment, if enough speech pathologists, audiologists, and teachers were available to diagnose, train, and teach them.

Today there are about 2,000 certified speech pathologists and audiologists in the Nation. We need 10 times that many. To meet the educational needs of some 30,000 deaf children requires the training of some 500 teachers of the deaf each year. We are presently training less than a third of that number. Some 400 especially trained pathologists and audiologists are graduated each year, against a need for 1,500.

Last August I introduced a bill by which these needs could be met. It provides for grants to public and nonprofit institutions engaged in training teachers of the deaf. It provids for grants to institutions of higher learning for training speech pathologists and audiologists. Within a few years after enactment of such a measure we would not be faced with the distressing statistics that scarcely more than 1 in 5 children of school age who need the attention of a speech correctionist are getting it. The bill would mean not only the filling of a great rehabilitation need, but would also create the opportunity for many young persons to build careers of lasting humanitarian service for themselves.

One cannot be in my position for so long as I, listening to the views and experiences of medical men, of scientists and researchers, and public health experts, without arriving at some deep convictions about public health needs.

Much of the pageant of medical achievement in the United States and over the world has passed before congressional committees

on which I have served. And on a recent trip to Europe, where I served as a delegate to the World Health Assembly in Geneva, I had opportunity to see both the substance and the spirit of international cooperation in the health sciences. I spent many hours with the more than 80 delegates from nations within the World Health Organization. I came away with a great awareness of the tremendous needs and opportunities for an intensified program of research that would extend into all aspects of the problems of disease in man, and for a market expansion of these programs which apply today's new knowledge for the improvement of man's health.

There are seven National Institutes of Health just outside Washington at Bethesda, Md., that do a tremendous job of research into cancer, heart, allergic and infectious diseases, dentistry, mental health, arthritis, and metabolic diseases, and neurological diseases, and blindness.

I have had the privilege of actively participating in appropriation actions that have so dramatically increased funds for enlarging the Institutes, funds hat have increased from $4 million in 1946 to $400 million in 1960, including, for the same period, a rise in funds for research grants from $40,000 to $205 million this year. And, as a corollary, there is provision for $85 million to train researchers and technicians, so that the burgeoning research program shall not falter for lack of trained workers.

In January of 1958, Senator HILL and I were meeting with some eminent medical men in Washington. We had just listened to the President's message on the state of the Union, in which he said it could well be a world objective to make a more unified effort against such diseases as cancer, heart, and mental illness. The subject came up for discussion in our group. It was at this time that we started talking about an effort to provide U.S. leadership in a program that would in time focus international attention on these and other wreckers and killers of mankind, by lessening the time for world medical knowledge to reach all people.

As a result of many discussions with many persons, Senator HILL and I introduced bills to establish another Institute at Bethesda for international medical research. It would become a storehouse for medical information, and a world clearinghouse for medical advances as they occur. The Senate has passed the measure, which has become known as the health-for-peace bill. The measure introduced in the House is still awaiting action, which I hope will not be long delayed.

In my view, the measure is a worldwide declaration of war against disease and disability, uniting the fight that is carried on individually in every country. It is a clear and unmistakable act of brotherhood, and more than that is within enlightened self-interest.

Perhaps Arnold Toynbee, one of the eminent historians of our time, summed up some of the hopes for the time after this proposal becomes law, when he wrote in the New York Times a few years ago, "The 20th century will be chiefly remembered as an age in which human society dared to think of the welfare of the whole human race as a practicable objective."

And Dr. Howard Rusk, in his statement in a hearing on the bill said, "Medicine has never been anything but international. Its history is the most beautiful evidence of internationalism that exists in the world—microbiology came from Holland, bacteriology from France, penicillin from Great Britain, insulin from Canada, cortisone from the United States, sulfonamides from Germany." This is truly an underscoring of the international character of medical progress.

And Miss Mary E. Switzer, Director of the Office of Vocational Rehabilitation, put another aspect of the health-for-peace bill in eloquent language last spring, when she said in a hearing:

"It is my firm belief that a well-planned and well-defined international program in these fields would offer an unparalleled opportunity to advance peace and understanding among mankind.

"There are vast areas of misunderstanding and mistrust among nations today, born primarily of differences in social, economic, and health standards, national mores, and the problems of education and communication. But, in this sea of differences there are islands of quick understanding, honest affection, and mutual trust. One of these is the internationally shared dream of all peoples that the specter of disease and the humiliation of the dependent cripple shall not forever be an inescapable part of their lives."

This is pioneering into medicine and rehabilitation on a world scale. We have positive need for the benefits that such an Institute could bestow. Certainly some of them could be in the area of mental retardation. A new outlook on this disability has developed in the past few years, simply because more is known about it. There is continuing medical and psychiatric research and this country has taken a strong lead in demonstration of the vocational possibilities of the retarded.

There is a wider understanding of the true differences between mental retardation and mental deficiency. Much is made of the fact that mental retardation is hardly ever to be regarded as a static condition. The slowness to learn that is the mark of the retardate is sometimes so susceptible to special education that results have occasionally been outstanding, with some persons going far beyond usual academic limits, after appropriate services.

Since September of 1958 we have had Federal legislation that will be of pronounced significance to the slow learning child. This legislation, which originated in the Senate, and which I supported with all my energy, authorizes the U.S. Commissioner of Education to make grants to institutions of higher learning to help these schools to train professional personnel in the education of the mentally retarded children. When there has been time for this legislation to show tangible results, I am sure we shall see marked improvement in preparing the mentally retarded for fuller participation in the usual activities of life.

You will undoubtedly be interested, too, in some of the research going on with support from the Institute of Neurological Diseases and Blindness. In collaboration with a number of institutions, the Institute is conducting a long-term, nationwide study of 40,000 mothers and children in an attempt to discover the biological causes of retardation and other neurological conditions such as cerebral palsy. It is an attempt to find out what and why things go wrong during pregnancy, childbirth, and early infancy to cause these conditions, and there is hope that medical leads into the causes of retardation will be found.

Certainly one of the end products of the whole battle against the effects of mental retardation is in the activities of you researchers and managers of special projects for the mentally retarded. The projects that have been in operation for enough time to produce some tangible results that can be measured had given training to well over 750 retarded persons by the end of 1959. Ten of the projects were able to estimate that from 20 to 30 percent of those served in their centers will reach employment. A marked increase is looked for in the number of placements in the years ahead, because of the larger number of persons to be served, greater emphasis on placement and a growing amount of experience.

There can be no gainsaying the enthusiasm of this group to venture further into the lesser known aspects of rehabilitation. They carry on what has always been a pioneering effort, for the public program began only 40 years ago. It has grown by trial and experiment, by perseverance and imagination, and by hard work.

The Nation is being rewarded by the rehabilitation of handicapped persons at the rate of more than 80,000 each year. The Federal Government, the State rehabilitation agencies, and the scores of other organizations interested in the welfare of the disabled are tooling up not only for greater numbers but for methods that will reach more categories of the disabled, with services that will give them greater capacity for employment, for independence and the other satisfactions and privileges that all of us hold dearly.

A Bill To Correct Certain Inequities in Public Law 68, 84th Congress

EXTENSION OF REMARKS
OF
HON. JOHN LESINSKI
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. LESINSKI. Mr. Speaker, I have today introduced a bill to amend the Postal Field Compensation Act of 1955 to correct certain inequities with respect to supervisory and other postal field service employees.

Section 1 of the bill would eliminate the restrictions on the number of employees who can be assigned in levels 17, 18, 19, and 20. At present, although Public Law 68 is designed on the basis of equal pay for equal work or responsibilities, some of the offices have grown so that the postmasters should be in one of the restricted levels. On account of that restriction, they cannot be promoted with the result that supervisors do not receive promotions on the basis of equal pay for equal work or responsibilities.

With respect to section 2, the Post Office Department has interpreted the phrase "supervises approximately 20 or more employees" to mean that the "or more" could be any number more than 20, while on the other hand "approximately 20," when the number of employees supervised is below 20, is interpreted to mean no fewer than about 16. Many supervisors supervise 40, 50, or more employees for more than half their tour of duty, or all of their tour of duty, and still are placed in level 7 since the 40 or 50 employees are considered as "approximately 20 or more." Since the Department has decided that they will go approximately 4 below 20 for "approximately 20" they should not go more than 4 above 20 for the "or more." Those supervising more should be in level 8 by establishing a standard position for that level.

Since an employee can qualify by working 30 days in the beginning of a calendar year in the higher level for higher level pay and, under the law, it is possible for him not to be assigned to higher level pay until December and

then receive the higher level pay, it does not seem logical that if he is placed in the higher level position 1 month later—in another calendar year—his value is suddenly lost. After he has once qualified for higher level pay, he should not need a requalifying period merely because it is another calendar year. Also, the qualifying period should be reduced from 30 days to 20 days since 20 working days constitute a working month which was the intent of the originally established period. Section 3 would accomplish these purposes.

Many clerks and carriers who are promoted from level 4 to a supervisory position lose a longevity grade of $100, due to the fact that the grade was established under the alternate method of receiving the longevity or "meritorious" grades by being at the top step of the level for 3, 5, and 7 years instead of the newer standard of 13, 18, and 25 years in the postal service. This means that many level 4 employees who receive only $285 per month upon promotion to level 7 have $100 of that amount taken away and receive only $185 upon such promotion. Section 4 would correct that inequity.

Section 5 would provide a fair increase in salary for a three-level promotion. Supervisors are generally promoted from level 4 employees—clerks and carriers. Most of them have had enough seniority to be working preferred tours of duty—with carriers having steady day work—and when they become supervisors they ordinarily go to the less preferred tours, usually to night work. For making this basic change in their way of living and for assuming additional responsibilities and duties, they are compensated for the first year by the small increase in salary of about $5 per week or possibly only slightly more than $3 per week. Section 5 would give them a salary increase of $625, or about $50 a month, for assuming this additional responsibility. Under the present promotion method, many able clerks and carriers refuse promotion. This section does not entail any retroactive pay, but places those already promoted in the salary step and level they would have been in if this section had been in effect when Public Law 68 was originally enacted.

Section 6 would continue the present appeal procedure.

Pollution Abatement

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. PELLY. Mr. Speaker, I have received a number of communications urging me to support H.R. 3610 to authorize an increase in Federal grants to municipalities for sewage treatment works. Since those who urged this increase in the amount of authorized Federal grants under the Water Pollution Control Act are highly responsible groups in my State I feel it is especially incumbent upon me to clarify my position on this legislation.

When President Eisenhower vetoed this bill he pointed to its defects; namely, that it held forth the promise of a large-scale program of long-term Federal support, and thus was actually a temptation to municipalities to delay their essential water pollution abatement efforts while waiting for Federal funds on a priority basis from year to year.

The President in his veto message called for Federal stimulation of State and local action and promised a national conference to make local taxpayers and industrial business firms more conscious of their obligation to prevent pollution. An extended life of the Federal program was recommended in his message.

My own position, Mr. Speaker, on the Federal plan of financial assistance to local communities is based in part on my basic philosophy, but far more on special consideration of my congressional district and the State of Washington. In the river basins of the Pacific Northwest, in our streams and lakes, as with the ocean salt water of Puget Sound and our coastal inlets, as with no other area in the Nation, there is a priceless resource which even with present industrialization development and population growth is being despoiled. Our fishery and recreational values are threatened, and I wish the answer were as simple as enacting an increase in the Federal program.

However, Mr. Speaker, I believe the reverse is the case. Here is why. The Lake Washington Basin is a case in point.

Assume that all municipalities in this basin could qualify and took advantage of Federal assistance. Assume the effluent of all such treatment plants poured into Lake Washington. Already the chemical properties from existing treatment plants of the lake have so changed the water that excess algae has increased and green scum has blighted the clear water almost beyond cure. The effluent property should be piped to distant and deep salt water where tidal action will dissipate it.

The Seattle metropolitan area has a $40 million project ahead of it and the skimpy potential Federal contribution which could not possibly exceed $450,000 offers no real financial solution.

The Washington State Pollution Commission has made a survey of sources of pollution and it has both the responsibility and policing power to stop it. At the State and local level a comprehensive and complete program should be undertaken. Every individual industrial plant should be required to finance and treat its own waste and with municipalities it should be the same.

Federal assistance sounds good and can help local authorities supply valuable pollution abatement information and advice on interstate matters and frankly I agree that public health is certainly a proper function of the Government. But a city's drinking water supply and its sewage disposal are not Federal problems. This bill is a sewer grant bill. That is really what it is. I do not think the Federal Government should build city sewers or collect and dispose of garbage. This should be local.

I believe my area has more water to protect than any other geographical locality. But the Federal Government has no authority to compel my industrial plants to cease dumping waste into streams and inlets and to stop the killing of fish and ruining the banks and beaches for swimmers and those who desire wholesome recreation. The sports fishermen and the boating fraternity and the conservation organizations have a real job to do in my State. Adequate laws and enforcement on the local level are the answer and that is why, Mr. Speaker, in all conscience I feel compelled to vote to sustain the President's veto of H.R. 3610. But God knows, Mr. Speaker, I want clean, pure water as much as anyone and will do my utmost toward a proper solution of this serious problem.

Capitol Hill

EXTENSION OF REMARKS
OF
HON. F. EDWARD HÉBERT
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. HÉBERT. Mr. Speaker, under leave to extend my remarks, I include the column "Capitol Hill" from the much respected publication Navy—the Magazine of Sea Power for February 1960.

This article is, I believe, of very timely significance, as it discusses the importance of Secretary of Defense Thomas S. Gates' memorandum to the Joint Chiefs of Staff of December 29, 1959. As the article points out, the Gates Joint Chiefs of Staff memorandum is of historic importance in the history of defense organization in this country. By that memorandum, Secretary Gates announced his policy of personally sitting with the Joint Chiefs of Staff during consideration of any matter in disagreement.

This action by the present Secretary of Defense has received widespread acclaim within Congress and in the press. Also, it was the subject of a resolution by the Veterans of Foreign Wars of the United States commending Secretary Gates for his leadership in strengthening the Joint Chiefs of Staff and the principle of civilian control.

This article contains the most thorough analysis that has come to my attention concerning the contents and meaning of Secretary Gates' memorandum to the Joint Chiefs of Staff. I think that after Members have read this article, they will realize that strong enlightened leadership such as that provided by the present Secretary of Defense can make far greater contributions to defense efficiency and organization improvement than is possible by mere changes in organization charts. I commend the article to the attention of Members of the House.

Also, I am including a copy of Secretary Gates' memorandum of December 29, 1959:

CAPITOL HILL

On December 29, 1959 Secretary of Defense Thomas S. Gates, Jr., in his typical businesslike fashion, signed a memorandum to the Joint Chiefs of Staff. This memorandum, issued without the publicity buildup and fanfare which has so often accompanied Pentagon pronouncements, is already being hailed as perhaps the most important step taken with respect to defense organization since the Department of Defense was established in 1947.

The Gates JCS memorandum was a relatively short and very understandable document. In it Secretary Gates notified the Chairman and members of the Joint Chiefs of Staff that he desired to be informed when disagreements begin to develop on an issue in the Joint Chiefs of Staff. Upon being informed, he told them, he and/or the Deputy Secretary of Defense would then thereafter sit with the Joint Chiefs of Staff when the issue in disagreement was under consideration by them.

By so doing, Secretary Gates went directly to the heart of some of the most important problems affecting national security and the survival of this Nation. By his action he did the following:

(a) Asserted in a meaningful manner civilian control over military policy.

(b) Contributed to increased efficiency, effectiveness and promptness of JCS planning, deliberations and policy formulation.

(c) By strengthening the JCS system, cut much of the ground out from under the complaining critics whose only solution to everything they don't like in U.S. defense matters is the establishment of the defeated, disproven, discredited and alien single chief of staff system.

(d) Demonstrated what sound defense thinkers on Capital Hill have long contended—that strong, intelligent leadership in the Defense Department can do many constructive things to improve defense organization within the statutory framework of existing defense laws.

Congressional reaction to the Gates JCS memorandum has been unprecedentedly favorable. In private and public statements, Secretary Gates' action has been lauded by both Democrats and Republicans. One of the most highly respected authorities on defense matters in Congress is reported to have expressed the following opinion of the Gates JCS memorandum: "I consider Secretary Gates' action to be the most far-reaching, fundamental, overdue, and constructive step taken by a Secretary of Defense since the establishment of the Department."

By his JCS memorandum Secretary Gates makes what could be a contribution of historic importance, not only to the Department of Defense but to our form of government itself. The constitutional principal of civilian control of the military is something with which everyone agrees but about which many disagree when it comes to the practical application of these principles. Perhaps the greatest danger to the continuing and meaningful existence of civilian control of the military has been the lack of a simple and effective organizational device for keeping the civilian Secretary informed and in contact with top military policymaking. Until issuance of the Gates JCS memorandum the Secretary of Defense normally was not a participant of the policymaking procedure in the JCS. He waited until either the JCS forwarded an agreed position or the members became irretrievably frozen in disagreement. However, under the new Gates procedure, the Secretary of Defense henceforward will not be remote and isolated from the most vital military planning matters. By sitting with the JCS members during consideration of a problem on which there is some disagreement among them, the Secretary of Defense avails himself of the means to be informed as to the background and can gain a firm feel of the problem in disagreement. Thus, any future Secretary of Defense—and it must be assumed that rarely again will there be one who has served such a long apprenticeship as has Secretary Gates at various levels of the Defense Department—will be the beneficiary of a system by which he is immediately brought into intimate association with the information concerning the matters he must decide. It will keep the civilian authority from being remote and isolated. It will assure effective civilian control because it will make the civilian authority knowledgeable.

There are also two other important points covered by the Gates JCS memorandum. For some time defense observers on the Hill have felt that the JCS was under too much Pentagon pressure to agree and avoid presenting split papers to the Secretary of Defense for decision. This process of unanimity for the sake of unanimity was recognized on the Hill as a weakening feature of policymaking. Secretary Gates, in his JCS memorandum, recognized forthrightly that the very nature of matters before the JCS makes it reasonable and understandable that occasional differences of opinion will exist. There is no doubt but what this attitude by the Secretary of Defense will go far toward giving the Nation better defense plans. Also, in keeping with principles of strong and enlightening leadership, Secretary Gates stated in the JCS memorandum that he would make himself available to the chiefs of services individually for consultation and that such consultations would take top priority in his schedule.

Thus civilian and military authority and ability are both enhanced by bringing them closer together at the proper point in the formulation of defense policy.

THE SECRETARY OF DEFENSE,
Washington, D.C., December 29, 1959.

Memorandum for the Chairman, Joint Chiefs of Staff.

Subject: Organization of the Joint Chiefs of Staff and Relationships with the Office of the Secretary of Defense.

Reference: (a) Department of Defense Directive No. 5158.1.

You will recall that reference (a) assigns the responsibility to the Chairman of the Joint Chiefs of Staff for "Keeping the Secretary of Defense informed on issues upon which agreement among the Joint Chiefs of Staff has not been reached, and forwarding to the Secretary of Defense the recommendations, advice, and views of the Joint Chiefs of Staff, including any divergencies."

It is logical to assume that occasional divergencies in views will continue to be experienced within the Joint Chiefs of Staff. In view of the fundamental nature of matters which come before the Joint Chiefs of Staff for study, such divergencies are understandable. It is important, however, that such problems be resolved promptly in order that orderly planning may proceed and, where required, prompt action taken.

It is requested that I be promptly informed regarding any issue on which a difference of opinion is developing within the Joint Chiefs of Staff. I intend that either the Secretary of Defense and/or the Deputy Secretary of Defense will promptly meet with the Joint Chiefs at such times as they consider the issue in question. This procedure will insure that I am fully informed on the problems involved with a view to effecting their resolution in the most expeditious manner possible, and, where necessary, bringing the matter to the attention of the President for his decision.

I would like to emphasize, however, that the above procedure should not be interpreted as precluding any member of the Joint Chiefs of Staff from bringing to my personal attention any matter affecting the Joint Chiefs of Staff or an individual service. I look upon such discussions as matters of the highest priority within the Department of Defense and will gladly make time available in my schedule for such meetings regardless of any other schedule I may have.

THOMAS S. GATES.

Medical Progress: A Look Ahead

EXTENSION OF REMARKS
OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1960

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks I include a speech which I delivered at the Beth Israel Hospital dinner at the Statler-Hilton Hotel, Boston, Mass., on November 29, 1959:

MEDICAL PROGRESS: A LOOK AHEAD

It is a genuine pleasure to join with you this evening as you reflect upon the many accomplishments of the last half century and look ahead to the challenges of the future. Beth Israel's record has been one of inspired service and steady growth since the early dispensary days of the Mount Sinai Hospital which led to the creation of this outstanding teaching institution. I have long been aware of the vital role of such institutions, and I heartily congratulate Beth Israel upon its long and distinguished service.

During the past score of Beth Israel Hospital's 30 years of progressive teaching, research, and healing activities at this site, I, too, have been deeply concerned with the serious matter of building our Nation's health. For the past 18 years it has been my privilege to serve in the Congress of the United States, where health issues have always been my primary concern. After these many years of close association with medical scientists and educators, as well as with those who determine Federal policy, I welcome opportunities such as this to look ahead toward further medical progress.

Foremost in the advances of the last few decades of life-saving progress in medicine has been the application of research findings from the medical and biological sciences. This period has been the most fruitful one that the world has ever seen with respect to scientific achievement, and we are indeed fortunate to be living in these times. As a layman, I cannot presume to discuss specific details of medical research. However, without enumerating the thousands of developments including antibiotics, heart surgery and all the methods and materials for diagnosing, treating, and preventing disease, I wish to express my profound appreciation of them.

I am particularly pleased with the part that hospitals such as this have played in bringing health benefits to the public. Research training for our young doctors in real hospital situations, with real patients and with the supervision of senior physicians has proved itself, as you all know, a keystone in the whole national health picture. Our ablest medical investigators and practitioners continue to come from this background. The Nation looks to your institution and others like it for both the development of our physician potentials and the evaluation and application of new research findings.

Because of my interest in medical and health research, I am aware, as I'm sure you

are, that this is the shining hope of the human race for a healthier, happier future. In my role as chairman of the House subcommittee receiving the testimony of medical scientists in connection with appropriations for the Department of Health, Education, and Welfare, I do a sizable amount of "homework" myself, reading over the testimony and the reports that sketch the progress of research and its probable application to practice.

From this "homework," I gather that our medical researchers now think that we can look forward perhaps—and I know that they stress the perhaps—to such advances as the following:

1. Solution to the present question of whether some or many human cancers are caused by viruses, with all that this implies for possible prevention or treatment.

2. Better, or perhaps complete, understanding of the artery disease which medical men call atherosclerosis. From such understanding would come methods that physicians could advise for prevention or treatment of this major cause of death.

3. Better drugs or other means for treating high blood pressure, resulting from an understanding of its cause and, with this understanding, development even of a rational method for its prevention.

4. More and better vaccines for control or prevention of infectious diseases, including tuberculosis and the common cold.

5. New knowledge in the field of mental and emotional disease, not only of environmental factors concerning or causing mental illness, but also of the role of drugs and, most importantly, of the chemistry and physiology of the brain.

Perhaps from advances in this last area will come the most striking changes in the practice of medicine. I have been told that physicians in the future—and I hope it will not be a too distant future—will be applying much new knowledge in the field of mental health to both individual patients and to community groups. Through such an approach we—you as physicians and supporters and I as a legislator—may be able to help in achieving a more intelligent social environment, so that each of our younger and our older citizens can better make his total contribution to his community and his nation.

A major concern of everyone in the health professions today, and an even greater concern for the years ahead, is the growing proportion of elder citizens in our population. We have much to learn about the basic processes of aging, to say nothing of our joint responsibilities to this group which the increasing longevity brought by medical progress assures that most of us will join. As many of you may know, the bill which I introduced and sponsored for a White House Conference on Aging became law last year. With careful groundwork throughout all the States paving the way, the Conference is scheduled for January 1961. I know that this audience will need no urging to consider and to act upon the recommendations of this important meeting when they are promulgated, and I hope that they will represent a real platform for progress against the aging problem.

I know that you here today look forward especially to such future advances, as I do, and I can assure you that as our scientists show us, through their research, the way to improve the health of individuals and of communities, I, as a legislator, stand ready to help in every appropriate way to implement the improvements. Furthermore, I am confident that your staff is keeping closely tuned to the scientific pulse, eager to relay the very latest research results from the laboratories to medical practice.

Now, let me talk a few minutes about some of my hopes in the broader area of world health—the area of international medical research. Probably some of you here this evening have studied or worked abroad. Certainly many of you, while students, interns, and residents, established friendships with men and women who, students or interns then, are now your colleagues in medicine in other lands. Such associations have undoubtedly shown you what a strong common bond medical science forms between world powers.

This summer, I was fortunate enough to attend the World Health Assembly with some of these dedicated health workers from all over the world. As in several previous assemblies, I was one of the official delegates and, as before, the meeting was an encouraging one to all those who have high hopes for medical progress and its role as an aid to world peace.

A major concern of the Assembly this year was the advancement of medical research. In my opinion, no subject could be more important, or more timely, for deliberation by the Assembly.

On my way to and from Geneva I visited medical and health workers in London, Dublin, and Rome. Everywhere I went, I found these men and women in agreement with me on the importance of expanding medical research. They feel, as I do, that expanding research and disease control around the world is one—perhaps the one—truly global effort in which all nations can and will join as real partners.

As I visited various healthworkers, and talked with others at Geneva, I gained fresh, firsthand knowledge of some of the health problems of the world, some of the potentials, some of the programs and their costs. These matters may be familiar to you. Yet, perhaps, the pace of modern business and the demands of daily practice have prevented you from keeping fully informed of worldwide—as well as our own—needs for research, for more trained medical manpower, for health facilities, and for better education and information dissemination. I can assure you that the needs are many and great, but, equally, I am certain that we are entering a new era of greater interest than we have ever seen, on the part of more people everywhere, in doing something really progressive to meet these needs.

World interest and participation in medical research is at a high level, a fact which is reassuring because our total current medical knowledge has been derived from all quarters of the globe. You know better than I that the roots of most great medical discoveries lie in scientific findings contributed by many investigators over the course of many years of work.

An all-important segment of any medical research program is that of clinical investigation. It is common knowledge that careful observations at the bedside and in the clinic—such as the men and women in general and special practice and in hospital practice make every day—have often pointed the way to important advances in the control of disease. This hospital has done a good share of this kind of work and I'm certain that it will multiply such activities in the coming years.

In today's newer hospital facilities we can observe several significant trends in addition to research orientation. City hospitals are moving toward the suburbs—and it has been predicted that probably most of them will be in or beyond the suburbs within 50 years. Closely related to this movement is the trend of hospital architecture toward more spacious and appealing, even motel-type, accommodations, intended to foster more personalized care.

Along with the blessings of increased medical knowledge, we must expect that only the larger hospitals will be able to offer the full range of expensive diagnostic and treatment services and equipment. Each such major institution may be affiliated with a number of smaller hospitals, clinics, and community centers which might perform their supporting functions more effectively in an integrated health care structure of this kind.

Many communities are approaching this kind of medical care organization today, I understand. To all communities, I would recommend that they look ahead 5 to 10 years, or more, to assess their anticipated population growth and the extent of their expected resources and every other foreseeable, related factor. Now is the proper time for community leaders to determine how their present institutions may contribute to future medical care, and what must be done to offer the latest discoveries of medical science to the community.

Increased medical services will most certainly be accompanied by increased costs. Since hospitals must compete in today's labor market for medical care personnel, wages must rise. The necessity for more tests, personalized care, and more complicated equipment can only mean higher costs. A few factors will help to offset increased costs, but experience shows that costs will inevitably go up.

Integrated care planning should reduce costs by eliminating duplication of complicated equipment. Then, too, a concerted effort to shorten patient stay at the hospital will help to ease individual burdens. Increased outpatient service would also result in reduced burdens plus more effective use of available space, but obviously such measures cannot overcome manifold economic pressures.

However, I don't believe that there is any likelihood of a swing to socialized medicine. Present trends suggest that a vast extension and stabilization of prepaid medical and hospital care plans of various kinds will absorb much of the cost to the consumer. Most Americans still have a strong independent nature characterized by the desire to pay their just debts, and there are bound to be solutions to the problem of adequate medical care for all if we all will work hard enough together to find them.

In complex medical financial problems of national scope, the Federal Government will take action, as it has in the past. We are all well aware of the appropriations which have been made in the interest of national health and which have been continually, rightfully, and needfully on the upswing. I can assure you that we in Congress are making every effort to see that the taxpayer's dollars will be appropriated and spent only when they are urgently needed and only where they can do the most good for the advancement of the people's health.

In a moment, I would like to mention some of the current pressing medical problems which are being deliberated in many places today, and which influence any looking to the future. First, however, I want to set forth a few of the basic, general considerations which I follow in judging between the many competing needs for Federal funds:

1. The most vital factor in the strength of a State or nation is the general health of the people. Poor health can sap the nation's strength and undermine its productivity.

2. Medical science needs to learn much more about the basic laws of human health and illness. We must have more medical research in order to increase our healing resources.

3. Much of the medical knowledge which is already in our hands is not being applied as widely as it should to fight disease and relieve suffering.

4. Money wisely spent on health is by far the greatest bargain anywhere in the economy.

These are among the truths which I hold uppermost in my mind in presenting national medical issues to the Congress and the President. During the past year these principles led me to call attention to problems which seriously threaten to impair the progress of medical science * * * and its application as well. If you will allow me to quote from a letter I wrote to the President this summer, it will highlight, I believe, the medical manpower problem's practical contents and those closely related problems affecting our hopes for the future progress of medicine: the needed research and teaching facilities and the current care needs of our people which compete for our tax dollars.

My opening paragraph to the President read as follows: "The Nation is facing a shortage of 3,000 physicians and 4,000 dentists over the next 10-year period. This prospect imperils the maintenance of our present health standards and precludes the expansion demanded by our growing and changing population. It will deny needed improvement in the level, quality, and distribution of the Nation's health and medical care services."

I went on to explain in some detail that these estimates were based on highly predictable population trends and the ration of physicians and dentists to population. I also pointed out that the medical schools admitted that they could do but little about increasing the current rate of graduates.

The President's reply to my letter stated that this problem required still more investigation to substantiate what I believed to be well-supported estimates of the needs. Naturally, I was more than pleased when, just a few days ago, eminent consultants reported similar findings.

The report of the Consultant Group on Medical Education to the Surgeon General of the Public Health Service concluded that probably the greatest immediate obstacle to expanding the Nation's medical education capacity is the problem of financing needed physical facilities, particularly those for teaching as contrasted to research and hospital construction which have been federally aided, as you know, quite substantially.

Thus we see that right now, in the face of aroused awareness of the continuing need for more research and research facilities, we must consider the practical need to staff our laboratories of the future as well as to increase our future supply of practitioners and teachers. Medical knowledge has progressed tremendously in the last few years, but to be realistic we should liken present-day understanding of health and disease to an iceberg, the true dimensions of which are still hidden from our view.

Now, as we pay tribute to those who foresaw the need for this institution at the turn of the century, and those who underwrote its start as a teaching institution 30 years ago, we too must plan for the future. We must look ahead with the full appreciation of the past roles of voluntary organizations and federally supported agencies, knowing that both are essential to medical progress in this country.

Teaching hospitals like this are the essential places to which the medical graduate looks for the final refinements of his education, much as the telescope mirror looks to the polishing rouge to make it effective in focusing on our environment. These training grounds for our budding medical scientists and practitioners have a fundamental responsibility to increase their capabilities. As the population growth soars, your leaders must anticipate the needs and devise effective means to expand, but they may also anticipate greater Federal endorsement in accordance with the trends of increased medical appropriations in recent years.

It is time to seek out the means for the needed expansion, and I'm sure that this audience can be as resourceful, if not more so, as the Beth Israel leaders were in the early thirties.

It is time, too, to be reexamining the hospital's position in relation to the other health facilities in the city. How much larger can it and should it grow? What additional functions it can undertake and what services might better be done elsewhere are questions which I'm sure you answer every year. I only urge that these answers be derived in proper perspective to your overall community health organization.

Finally, since you have such a vital interest in the graduates of the Nation's medical schools, it is time to consider your own roles, both as a teaching unit and as individuals, in fostering basic medical education.

These are just a few thoughts to bear in mind as you look ahead to ever greater medical achievements. I'm sure you will have many more ideas.

The road ahead may not be an easy one. No doubt it will take more of the persistence, knowledge, patience, and hard work that paved the way to accomplishment in the past. But, with your continued vigor and enthusiasm, I promise that the results will surpass your highest expectations.

A Bill To Provide Pay Increases for Postal Workers and Other Federal Employees

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. HOLTZMAN. Mr. Speaker, I would like to say a few words in behalf of our postal workers and our other Federal employees, who are seeking an increase in salary to offset the increasing cost of living.

I have supported legislation in the past which has given these public servants well-deserved pay increases, and shall support legislation to that effect at the present time. Several bills have been introduced on this subject, and I am introducing a companion bill today, which carries the same provisions as the Morrison bill.

In addition to providing for an upward adjustment in the compensation of our postal employees, the bill will also apply to other employees of the Federal Government.

Much has been said in the past, and will be said in the future, of the need for passage of such legislation. The devaluation of the dollar, the continuing spiral of living costs—these are some of the fundamental reasons for supporting legislation of this nature. Over the years the salary level of Federal employees has not kept pace with the increases granted those in private industry. Many workers have been forced to take on extra jobs in order to make ends meet. In so many instances wives of Federal employees have had to seek work to supplement the family income in an effort to provide the bare essentials.

I hope that the Committee on Post Office and Civil Service will see fit to approve this legislation without any undue delay, and I urge my colleagues to support it when it reaches the House floor for consideration.

Tips and Cash Gratuities To Be Included for Social Security Benefits

EXTENSION OF REMARKS
OF
HON. ALFRED E. SANTANGELO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. SANTANGELO. Mr. Speaker, I have introduced today a bill which will provide that tips and gratuities shall be included as wages under the old-age, survivors', and disability program. This bill will correct an injustice, produce additional revenues, and will make realistic the social security benefits for service workers.

This bill will consider tips as wages for the purposes of social security. Service workers pay income taxes on their tips but their tips are not considered in computing their social security benefits. The provisions of my bill will increase social security revenues by collections on income which has never been subject to the payment of social security taxes. It will result in a reporting of realistic wages, thus increasing the social security benefits for service workers when they become eligible.

I introduced a similar bill in the 85th Congress and in the early part of the 86th Congress. During the consideration of the omnibus social security bill in 1958, the chairman of the Ways and Means Committee indicated that while the committee favored the principle of my bill, the subject required further study. Two years have passed and further study has been made. This bill which I am introducing today improves upon the previous bill and seeks to meet the objections which have been raised. The features in this bill which were not present in the previous bill are as follows:

First. This bill requires the employer instead of the employee to report where the employee has not declared the amount of tips which he has earned during the month and file such information with his employer within 10 days from the close of the month.

Second. This bill grants the employer the right to review the amount which the employee has reported to him as his actual tips.

Third. This bill in one of the alternative computations of mandatory reporting by the employer estimates the tips to be the difference between $1.25 an hour and the base hourly wage where the salary of the service employee is less than $1.25 per hour.

Fourth. This bill authorizes the Secretary of the Treasury to prescribe rules to carry out the provisions of the bill and to review the amounts reported.

The only reason that tips were excluded originally in computing social

security benefits is that it was thought that to include them would be impracticable and there was a desire not to encumber the social security system with difficult administrative problems. Experience and time have demonstrated that those deficiencies and difficulties no longer obtain. Experience shows that a workable plan of computing tips is not only possible, but also administratively practicable. My bill offers that plan.

Eight States and the District of Columbia require that tips and gratuities be treated as wages received from the employing unit. Unemployment compensation regulations in 14 other States under certain conditions recognize tips as wages, such as where an employee gives an accounting to his employer of his tips or where tips contribute more than 50 percent of the employee's base earnings. In the State of New York, in an analogous situation, namely, the computation of taxes on board and lodging, tips and gratuities for unemployment insurance purposes, the New York State Industrial Commission has issued rules which solve the problem inherent in the situation.

Under the provisions of my bill, the employee will inform his employer of the amount of tips received during a given month within 10 days after the close of the month and turn over to the employer the amount necessary to pay the employee's share of the social security tax on the tips. The employer also has the right to withhold the estimated social security taxes from the base wage of the employee. Where the employee fails to inform his employer of the amount of tips or other cash gratuities, the employer must report in either of two ways. The first alternative method which the employer may use in the reporting of tips is the reporting of an amount equal to the difference between the employee's average hourly pay for employment performed for such employer during such month and $1.25 multiplied by the total number of hours of employment performed by such employee for such employer during such month. In other words, the employer reports as total wages for the month an amount equal to $1.25 multiplied by the number of hours worked by the employee during such month. If the employee does not file his report to his employer within 10 days of the close of the month, the employer may use a second alternative. This alternative provides that the employer must file as employee's wages the employee's base salary plus tips which are set forth in a schedule. The employer shall collect from the employee or deduct from the employee's base wages 2½ percent of the employee's wages or such percentage as is provided for by the Internal Revenue Code.

In any event, where the employee fails to report his tips to the employer within 10 days of the close of the month, the employer must report as tips the sum provided for in either of the two alternative methods.

My bill is divided into four sections. Section 1 of the bill adds a new paragraph to section 209 of the social security law and provides that tips and other cash gratuities received by an employee in the course of employment from persons other than his employer shall be considered remuneration for purposes of payment of social security taxes as provided for under chapter 21 of the Internal Revenue Code of 1954.

Section 2 of the bill adds another paragraph to section 3121(a) of the Internal Revenue Code of 1954 and provides that tips and cash gratuities customarily received by an employee in the course of employment from other than the employer shall be considered remuneration for purposes of social security.

Section 3 adds a subsection (p) to section 3121 of the Internal Revenue Code of 1954 and this subsection (p) is divided into six parts. Each of the first three parts sets forth a method of computation of tips and cash gratuities for purposes of social security. The amount of tips is either the actual amount received by the employee, or an estimated amount representing the difference between $1.25 per hour and the actual hourly base wage, or an estimated amount based on experience and set forth in a schedule.

The fourth part of section 3 sets forth the conditions which must exist in order for tips not to be included as remuneration for purposes of social security. The fifth part of this section provides for the withholding by the employer of the social security tax on tips and cash gratuities from the base wage. The sixth part of this section 3 requires the Secretary of the Treasury or his delegate to promulgate rules and regulations to carry out the provisions of the subsection and requires the Secretary of the Treasury to prescribe rules for the review of the amount reported.

Subsection (p), subdivision (1) of section 3 of the bill provides that where an employee within 10 days after the close of any month reports to his employer the amount of tips which he received during the month and pays to his employer the required rate of social security taxes, then the total amount which the employee reported shall be considered remuneration paid to him by the employer and the sum so paid shall be treated by the employer as though it had been deducted from wages.

Subsection (p), subdivision 2 of section 3 provides for mandatory reporting by the employer where the employee does not report actual tips and his hourly wage is less than $1.25 per hour. Under such conditions the employer must report as tips the difference between $1.25 per hour and actual base wage per hour multiplied by the number of hours which the employee worked during a month for such employer, or the employer, at his election, must report as tips the amounts provided for in a schedule set forth in section 3, subsection (p), subdivision (3).

Subdivision (2) of this subsection provides that the employer shall collect from the employee or deduct from the employee's wages the 2½ percent or the appropriate percentage of tax which the employee must pay.

Subsection (p)(3) provides for alternative computation for mandatory reporting by the employer. This method computes tips as wages for each designated group of employees. This part of the bill provides that where the employee has not reported his actual tips and where the employer does not elect to report as tips the difference between $1.25 per hour and hourly base wage where the employee's base wage is less than $1.25 per hour, the employer shall report an amount which experience shows service groups on the average receive. The nine service groups and the amounts which they have deemed to have received from the point of view of experience as tips and cash gratuities are as follows:

(a) Beauty parlor operators: The amount of the tips and other cash gratuities received by a beauty parlor operator during any month shall be deemed to be equal to 10 percent of the wages (determined without regard to this subsection or the last sentence of subsection (a)) paid to such operator by his or her employer.

(b) Service employees in restaurants: The amount of the tips and other cash gratuities received by a service employee in a restaurant during any month shall be deemed to be equal to 7½ percent of the amount charged for food and beverages served by (or attributable to service by) such employee during such month, except that the amount of such tips and other cash gratuities shall be 5 percent of the amount charged for food and beverages served by (or attributable to service by) such employee during such month if he is employed at a counter or in a drugstore.

(c) Dining room employees in American plan hotels and in eating clubs: The amount of the tips and other cash gratuities received by a dining room employee in an American plan hotel or an eating club shall be deemed to be $2 per day of full-time employment for waiters and waitresses and $1 per day of full-time employment for busboys.

(d) Hotel service employees: The amount of the tips and other cash gratuities received by a bellhop, porter, baggage porter, or doorman employed by a hotel shall be deemed to be $2 per day of full-time employment.

(e) Taxicab drivers: The amount of the tips and other cash gratuities received by a taxicab driver shall be deemed to be equal to 12½ percent of his total bookings if he operates his cab in a city having a population of 100,000 or more, or $9 per week in any other case.

(f) Employees in barbershops: The amount of the tips and other cash gratuities received by an employee of a barbershop during any month shall be deemed to be equal to (i) 15 percent of the wages (determined without regard to this subsection or the last sentence of subsection (a)) received during such month in the case of a barber, (ii) 25 percent of the wages (as so determined) received during such month in the case of a manicurist, or (iii) 5 cents for each customer of the barbershop in the case of an employee shining shoes or brushing and otherwise attending to customers' clothes.

(g) Baggage porters in bus and airline terminals: The amount of the tips and other cash gratuities received by a baggage porter at a bus or airline terminal shall be deemed to be $2 on any day on which he worked at least 7 hours, and 30 cents per hour of employment actually performed on any day on which he did not work for at least 7 hours.

(h) Pinboys at bowling alleys: The amount of the tips and other cash gratuities received by a pinboy at a bowling alley shall be deemed to be equal to 2 cents for each game for which he sets up pins.

(i) Maritime service employees: The amount of the tips and other cash gratuities received by a maritime service employee shall be deemed to be equal to whichever of the following amounts per day is applicable for each day of full-time employment: bartender, $1.70; bellboy, $1.80; deck steward, $2; headwaiter, $3.35; night steward, $1; room steward, $2.90; salon steward, $1.75; stewardess, $1.65; waiter, $2.50."

Subsection (p) subdivision (4) provides that under certain conditions, no tips shall be included as remuneration for social security purposes. Tips or cash gratuities shall not be included where (a) acceptance of tips or gratuities is not allowed; (b) notice is displayed that tips are not allowed; (c) employer adopts reasonable means to insure that tips or cash gratuities are not received; (d) employer submits to the Secretary a statement setting forth that tips are not allowed and methods to obtain compliance by customers and employees.

Subsection (p) subdivision (5) provides that an employer at his own option or upon the request by the employee may withhold from the employee's base wages the social security taxes due on the actual tips reported or on the estimated tips collected during the month.

Subsection (p) subdivision (6) provides that the Secretary of the Treasury shall prescribe regulations to carry out the provisions of the bill and to prescribe rules for the review of the amount reported.

Section 4 of the bill deals with the effective date of the law and provides that the amendments shall apply only to tips received on and after the first day of the second month which begins more than 10 days after the enactment into law.

The custom of rewarding a person for satisfactory services rendered is an ancient one. This custom has become highly formalized with the development of our social habits. Considerable discussion is devoted to it in our best etiquette books. It has also become a fixed part of our economic system and, as a result, millions of our workers today depend upon the receipt of gratuities or tips in order to earn a living.

We are all aware of this. Each time we eat in a restaurant, get a shoeshine, have our luggage handled, we know that the person serving us must depend upon our tipping him for a substantial portion of his or her daily wages. It is now part of the system governing the relations of these persons with their employers.

As I understand, a great many of these personal service personnel would like to see the system changed. They would prefer to have an assured weekly wage and have the cost of their services taken up in the bill presented by the employer to the customer. This, of course, is a subject which is beyond the power of a legislature to handle.

During my travels throughout Europe, I noted that the employer includes the amount of the employee's tips as part of the bill. The practice is to allocate a percentage of the total bill as tips. The percentage which was most frequently used was 13 percent.

Service employees, however, have another problem, one for which the Congress, and the Committee on Ways and Means in particular, should take responsibility. They are denied the benefit of social security coverage of that portion of their income which comes directly from the customers they serve. Only the low basic wage, which they receive from their employer, may be credited as wages under the present law, except in a small percentage of cases where the employer requires the employee to account to him the amount of tips. The injustice of this treatment is manifest. When these people become eligible to receive their social security benefits, they find themselves entitled to payments which fail to reflect their true earnings histories. This is because the wages which have been credited to them in many cases make up as little as one-half or one-third of their total earnings, counting their tips.

My proposals and proposals similar to mine have met with opposition from only one quarter—the associations of employers of personal service personnel, the restaurant and hotel operators. The reason they have advanced for their position is difficulty of administration—although, one cannot help but recognize that if the proposal were adopted their employer's taxes would be increased. The difficulty, they claim, arises in ascertaining the sums involved in the tips received by their employees.

If difficulty of administration were allowed to prevent the adoption of worthwhile legislation, most of the activities of the Federal Government would never have been undertaken. In this instance, the administration of the bill, while intricate, is not impracticable. The people affected by my bill are entitled to consistent treatment by the Government. We have found ways to collect income taxes based upon their tips. There is no reason why we should deny them social security protection on an equal basis. Simple justice requires that Congress treat service employees fairly and grant these worthy citizens the protection intended for all workers by the Social Security Act.

SENATE

FRIDAY, FEBRUARY 19, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Senator MIKE MANSFIELD, of Montana, Acting President pro tempore.

Rev. Richard M. Langsdale, pastor, St. Mark's Lutheran Church, Evansville, Ind., offered the following prayer:

Thou alone, O God, art Lord of life, Creator and Ruler of the universe and of man. We are Thy children—stewards of the community of man and instruments only of Thine eternal purposes.

We thank Thee for the privilege of world leadership to which our Nation has been raised. Forgive us, we pray, when in vanity or folly we sometimes neglect or fall short of the responsibilities this privilege lays upon us.

Give to the Members of this Senate—and to us all—a double portion of Thy spirit, that we may consistently employ the wisdom to discern, the courage to care for, and the integrity to act within Thy holy will for man.

Endow us, Father, with the faith to acknowledge that our Nation's destiny and meaning—together with our acts in its behalf—are weighed ultimately in the balance of Thine eternal purposes.

Ours is the privilege of world leadership, but Thine is the kingdom, and the power, and the glory. In Christ's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 19, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MIKE MANSFIELD, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MANSFIELD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 18, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

STATE AND LOCAL WITHHOLDING OF INCOME TAXES—CORRECTION

Mr. CLARK. Mr. President, during the morning hour yesterday I called attention to H.R. 3151, which authorizes withholding by the Federal Government of certain income or wage taxes imposed by local governments upon Federal employees, and urged favorable consideration of the bill by the Senate.

The distinguished senior Senator from Georgia [Mr. RUSSELL] then asked me a question to which I regret I gave an answer that was not entirely correct.

He asked me whether the Federal Government does not now extend comity to the States in the matter of withholding and I said it did not. The fact is that it extends comity to the States but not to the local subdivision of the States. H.R. 3151 would extend this principle so that certain local governments, which now withhold Federal income taxes from their employees would receive reciprocity from the Federal Government.

The fact that the States do now receive reciprocal treatment from the Federal Government seems to me to be a further argument why this treatment should be extended to their political subdivisions as well.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, with statements limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the administrative expense authorization of the Commodity Credit Corp. for the fiscal year 1960 had been reapportioned on a basis which indicates the necessity for a supplemental estimate of administrative expense authorization; to the Committee on Appropriations.

REPORT ON ACTIVITIES AND TRANSACTIONS UNDER MERCHANT SHIP SALES ACT OF 1946

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration on the activities and transactions under the Merchant Ship Sales Act of 1946, from October 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

TITLE CHANGE OF ASSISTANT DIRECTOR OF COAST AND GEODETIC SURVEY

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to change the title of the Assistant Director of the Coast and Geodetic Survey (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of Joseph Bilenco, also known as Joseph Addison Blake, and Pedro Ramirez-Cordova, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

REPORT ON ADMINISTRATION OF FAIR LABOR STANDARDS ACT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the administration of the Fair Labor Standards Act, during the fiscal year 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING RETIREMENT BENEFITS OF CERTAIN RETIRED MEMBERS OF THE ARMED FORCES

"Whereas there is now pending before the Congress of the United States a bill relative to the improvement of benefits for members of the U.S. Armed Forces who retired prior to June 1, 1958; Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation that will increase the retirement benefits payable to those members of the Armed Forces who retired prior to June 1, 1958; and be it further

"Resolved, That the secretary of the Commonwealth transmit forthwith copies of this resolution to the Presiding Officer of each branch of the Congress of the United States and to each Member thereof from the Commonwealth.

"Adopted by the senate, February 1, 1960.

"IRVING N. HAYDEN,
"Clerk.

"Adopted by the house of representatives in concurrence, February 4, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Attest:

"JOSEPH D. WARD,
"Secretary of the Commonwealth."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Labor and Public Welfare:

"HOUSE CONCURRENT RESOLUTION 13

"Concurrent resolution memorializing the Congress of the United States to extend the time limits of the veterans education program established by the Federal Government pertaining to World War II and Korean conflict veterans

"Whereas millions of veterans of World War II and the Korean conflict have been educated under the provisions of the veterans education program established by the Federal Government; and

"Whereas many veterans were able to obtain further education through the benefits of the veterans education program which would not have been possible otherwise; and

"Whereas the education of millions of veterans has contributed to an increase in the level of education of this country and has produced a major national asset in better and more skilled manpower and has done much to improve the economy of our country; and

"Whereas reliable statistics have proved that increased income to veterans resulting from higher education and improved skills will more than reimburse the national treasury of the entire cost of the GI training program by 1970; and

"Whereas the President of the United States, by Executive order on January 31, 1955, stopped the educational benefits for persons serving in the Armed Forces of the United States after February 1, 1955; and

"Whereas it is believed that as long as the draft is continued that all persons serving in the Armeed Forces should be extended the educational benefits that were granted to veterans serving prior to February 1, 1955; and

"Whereas it has been established by reliable statistics that the investment in education for our own American youth will be more than repaid to the public treasury through increased taxes, resulting from higher incomes earned by such veterans: Now, therefore, be it

"Resolved by the House of Representatives of the State of Mississippi (the Senate concurring therein), That the Legislature of the State of Mississippi does hereby memorialize the Congress of the United States to extend GI education benefits to all veterans who entered or who will enter military service from and after February 1, 1955, and that such educational benefits be extended as long as and provision of the draft law shall exist; and be it further

"Resolved, That upon adoption of this resolution, a copy thereof be mailed by the clerk of the house of representatives to the President of the U.S. Senate, the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Congress from the State of Mississippi.

"Adopted by the house of representatives February 2, 1960.

"WALTER SILER,
"Speaker of the House of Representatives.

"Adopted by the senate February 3, 1960.

"PAUL B. JOHNSON,
"President of the Senate."

Memorials signed by Ross Boling, and sundry citizens of the State of Texas, and Lucy Ann York, and sundry citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

A resolution adopted at a mass meeting of Americans of Lithuanian descent of the city of Miami, Fla., favoring a firm stand against the expansion of communism in the free world; to the Committee on Foreign Relations.

A telegram in the nature of a memorial, signed by St. Clair Goolsby, of Cartersville, Ga., remonstrating against the enactment of the pending civil rights bill; ordered to lie on the table.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. JOHNSTON of South Carolina. Mr. President, on behalf of myself and my colleague, the junior Senator from South Carolina [Mr. THURMOND], I present a concurrent resolution of the South Carolina General Assembly memorializing the Congress of the United States to propose an amendment to the Constitution of the United States relative to balancing the expenditures and the income of the Government of the United States.

I ask unanimous consent that this resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary, and, under the

rule, ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE EXPENDITURES AND THE INCOME OF THE GOVERNMENT OF THE UNITED STATES

Whereas the U.S. Government is presently indebted in a minimum sum of $295 billion and the debt increases each year; and

Whereas the U.S. Government now pays approximately $9 billion in interest on the present indebtedness each fiscal year; and

Whereas the value of a dollar continues to decrease, particularly since World War II, largely due to the inflationary fiscal policy of the Federal Government; and

Whereas the people of the United States are already bearing a practically confiscatory and excessive burden of taxes, particularly from the Federal Government; and

Whereas the power to tax is the power to destroy, and the present level of taxation on the people has reached the point of diminishing return: Now, therefore, be it

Resolved by the house of representatives (the senate concurring). That the general assembly hereby urges and memoralizes the Congress of the United States to propose to the States an amendment to the Constitution of the United States as provided by article V of the Constitution, to read as follows, to wit:

"Section 1. On or before the 15th day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, it shall not adjourn for more than 3 days at a time until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the members of each House may suspend the foregoing provisions for balancing the budget for periods, either successive or otherwise, not exceeding 1 year each.

SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislature of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress; and be it further

Resolved, That a certified copy of this resolution be furnished to the President of the Senate and the Speaker of the House of Representatives of the Congress, and to each congressional Representative from the State.

RESOLUTION OF TRANS-MISSOURI-KANSAS SHIPPERS BOARD

Mr. CARLSON. Mr. President, the Trans-Missouri-Kansas Shippers Board at its regular meeting adopted a resolution urging repeal of the remaining excise taxes on transportation of passengers.

The Trans-Missouri-Kansas Shippers is a voluntary organization consisting of a large number of rail shippers located in the States of Missouri and Kansas and portions of Oklahoma, Arkansas, and Illinois.

The excise tax on transportation of persons was placed on our statutes in a time of war and at a time when we were trying to discourage passenger travel. Now that that period is passed, it occurs to me that Congress should give every consideration to repeal of the tax.

I ask unanimous consent that this resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION URGING REPEAL OF EXCISE TAXES UPON THE FOR-HIRE TRANSPORTATION OF PERSONS

Whereas this board has on other occasions adopted resolutions urging repeal of the then existing Federal excise tax upon the transportation of persons and property as being discriminatory and contrary to the best interests of the traveling and shipping public in a sound, adequate and efficient transportation system; and

Whereas the 85th Congress, by Public Law No. 85-475, repealed the Federal excise tax upon the transportation of property but left in effect the 10 percent excise tax on the for-hire transportation of persons; and

Whereas the 85th Congress, by Public Law No. 86-75, provided for reduction of the excise tax upon the for-hire transportation of persons from 10 percent to 5 percent on and after July 1, 1960; and

Whereas in the opinion of this board the continued exaction of excise tax upon the for-hire transportation of persons has had and will continue to have effect adverse to the interests of this country in sound, adequate and efficient public transportation: Now, therefore, be it

Resolved by the Trans-Missouri-Kansas Shippers Board in convention assembled at Kansas City, Mo., That Federal excise taxes upon the for-hire transportation of persons should be repealed as discriminatory, self-defeating and contrary to the best interests of the traveling and shipping public in a sound, adequate and efficient for-hire transportation system; and be it further

Resolved, That the president of this board forward a copy of this resolution to each member of the House Ways and Means Committee, the Senate Finance Committee, and the Interstate and Foreign Commerce Committees of both the Senate and House of Representatives of the U.S. Congress.

REPORT ENTITLED "NATIONAL POLICY MACHINERY IN COMMUNIST CHINA" (S. REPT. NO. 1096)

Mr. JACKSON. Mr. President, from the Committee on Government Operations, pursuant to S. Res. 115, 86th Congress, I submit a report on "National Policy Machinery in Communist China."

I ask that this study, which was prepared by the staff of the Subcommittee on National Policy Machinery, in cooperation with the executive branch, be printed as a Senate report.

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEFAUVER:

S. 3063. A bill for the relief of Zohry Nuby (also known as Zoe Francis); to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3069. A bill to authorize the Federal Power Commission to delegate its functions; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 3070. A bill to provide for the removal of the restriction on use with respect to certain lands in Morton County, N. Dak., conveyed to the State of North Dakota on July 20, 1955; to the Committee on Agriculture and Forestry.

S. 3071. A bill to promote the utilization of Indian-owned resources by Indians of the Three Affiliated Tribes of the Fort Berthold Reservation; to the Committee on Interior and Insular Affairs.

By Mr. FULBRIGHT (by request):

S. 3072. A bill to authorize the Secretary of the Treasury to effect the payment of certain claims against the United States; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S. 3073. A bill relating to the effective date of the qualification of the Pattern Makers' Pension Trust Fund of Chicago as a qualified trust under section 401(a) of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. FULBRIGHT (by request):

S. 3074. A bill to provide for the participation of the United States in the International Development Association; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT:

S. 3075. A bill for the relief of Edward T. Paca; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

S. 3076. A bill for the relief of Daisy Pong Hi Tong Li; to the Committee on the Judiciary.

By Mr. CLARK (for himself and Mr. SCOTT):

S. 3077. A bill to provide for the designation, under the provisions of section 1109(b) of the Federal Aviation Act of 1958, of the Port Erie Airport, Erie, Pa., as a port of entry for civil aircraft; to the Committee on Interstate and Foreign Commerce.

DELEGATION OF FUNCTIONS BY FEDERAL POWER COMMISSION

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the Federal Power Commission to delegate its functions. I ask unanimous consent that a letter from the Chairman of the Commission, requesting the proposed legislation, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3069) to authorize the Federal Power Commission to delegate its

functions, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL POWER COMMISSION,
Washington, February 5, 1960.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On April 24, 1959, in compliance with a request from your office, we submitted a draft bill to amend the Natural Gas Act, the text of which, prepared by our staff, was intended to effectuate the Commission's legislative recommendations which appeared in our 38th Annual Report (1958). A draft bill to amend the Federal Power Act, similar in purpose, was sent on May 7.

The Commission's 39th Annual Report (1959) has just been published. It contains the same legislative recommendations as did the 1958 report except for a new item 20 on page 22, recommending that the Commission be given authority to delegate to one or more Commissioners or subordinates any portion of its functions now requiring Commission action under the Federal Power or Natural Gas Acts.

A draft bill to effect that recommendation, patterned after the statute giving delegation authority to the Federal Communications Commission (47 U.S.C. 155 (d)), has been prepared and two copies thereof are enclosed.

Sincerely yours,
JEROME K. KUYKENDALL,
Chairman.

PAYMENT OF CERTAIN CLAIMS AGAINST THE UNITED STATES

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the Secretary of the Treasury to effect the payment of certain claims against the United States.

The proposed legislation has been requested by the Secretary of State in a letter to the Vice President of January 29, 1960, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve the right to support or oppose this bill as well as any suggested amendments to it. A quick perusal of the bill indicates to me, however, that claims of this nature could be paid directly out of U.S.-owned foreign currencies, and I expect to examine this possibility when the bill is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of State and its accompanying report.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter, and report will be printed in the RECORD.

The bill (S. 3072) to authorize the Secretary of the Treasury to effect the payment of certain claims against the United States, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to effect full and final settlement of the following claims against the United States:

(a) Claims of the Government of Israel in the sum of NF45,274.25 ($9,190.67) on behalf of Izhaq Cohen and in the sum of NF36,582.12 ($7,426.17) on behalf of Jacob Kashi, arising as a consequence of injuries sustained by Izhaq Cohen and Jacob Kashi in an automobile accident which occurred at Paris, France, on April 22, 1956, involving a Government-owned vehicle of the United States Embassy at Paris;

(b) Claim of the Government of France in the sum of NF16,454.59 ($3,340.28) on behalf of Marie Kerardy arising as a consequence of injuries sustained by Marie Kerardy in an automobile accident which occurred at Paris, France, on January 13, 1954, involving a Government-owned vehicle of the United States Embassy at Paris.

In all, $19,957.12, together with such additional sums due to increases in rates of exchange as may be necessary to pay the claims in the foreign currency specified.

The letter and report presented by Mr. FULBRIGHT are as follows:

Hon. RICHARD M. NIXON,
President of the Senate.

DEAR MR. VICE PRESIDENT: I enclose for your consideration a report and recommendation regarding legislation to enable this Government to effect settlement of claims of the Governments of Israel and France against the United States, in the total sum of approximately $19,957.12.

The claims of the Government of Israel were presented to the U.S. Government through the diplomatic channel on March 12, 1958, and are on behalf of Mr. Izhaq Cohen and Mr. Jacob Kashi, Israeli nationals, in the amounts of NF45,274.25 (French new francs) ($9,190.67), and NF36,582.12 (French new francs) ($7,426.17), respectively. The claims are based on personal injuries and losses sustained by Messrs. Cohen and Kashi in an automobile accident at Paris on April 22, 1956, which was caused by the negligent operation by an employee of the United States of a Government-owned vehicle of the U.S. Embassy at Paris.

The claim of the Government of France was presented to the U.S. Government through the diplomatic channel on October 10, 1958, and is on behalf of Mrs. Marie Kerardy, a French national, in the amount of NF16,454.59 (French new francs) ($3,340.28). The claim is based on personal injuries and losses sustained by Mrs. Kerardy in an automobile accident at Paris on January 13, 1954, which was caused by the negligent operation by an employee of the United States of a Government-owned vehicle of the U.S. Embassy at Paris.

The claims are meritorious and the United States is legally liable for their payment. The amounts asked are not excessive. There is, however, no existing legislative authority for their settlement. I shall, therefore, be gratified if you will cause legislation to be introduced in the U.S. Senate and if you will endeavor to have it enacted as soon as possible. A suggested draft bill is enclosed.

A similar letter is being sent to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,
CHRISTIAN A. HERTER.

REPORT AND RECOMMENDATION CONCERNING CLAIMS OF THE GOVERNMENTS OF ISRAEL AND FRANCE AGAINST THE GOVERNMENT OF THE UNITED STATES

I. CLAIMS OF THE GOVERNMENT OF ISRAEL ON BEHALF OF IZHAQ COHEN AND JACOB KASHI

On March 12, 1958, the Government of Israel presented to the U.S. Government claims on behalf of Izhaq Cohen and Jacob Kashi, Israeli citizens, for 4,527,425 French francs and 3,658,212 French francs, respectively, or a total of 8,185,637 French francs, on account of injuries sustained by them in an accident at Paris on April 22, 1956, involving a Government-owned vehicle of the U.S. Embassy at Paris. Since the date on which the claims were presented, the Government of France has officially converted the franc into a new franc at the rate of 100 old francs to one new franc (effective January 1, 1960). Consequently, the amounts claimed on behalf of Izhaq Cohen and Jacob Kashi when converted into the new French franc are 45,274.25 francs and 36,582.12 francs, respectively, or a total of 81,856.37 francs. All sums in French francs appearing below are expressed in terms of the new French franc.

The accident on which the claims are based occurred under the following circumstances: On April 22, 1956, Jean Funis, a local employee of the U.S. Embassy at Paris, was driving an Embassy vehicle in the performance of official Department of State activities. At a short distance from the intersection of Avenue de l'Opera, a four-lane street, and Rue de l'Echelle, Funis attempted to make a "U" turn from the curbside traffic lane. As the Embassy vehicle crossed the adjacent or inside traffic lane it was struck on the left side by a motor scooter which was proceeding in the same direction. The motor scooter was operated by Izhaq Cohen with Jacob Kashi as a passenger. These facts are substantiated by a report of the Paris police and an investigation by the U.S. Embassy at Paris which includes statements of two disinterested witnesses to the accident. The Embassy concluded that Funis, the Embassy's driver, was responsible for the accident as "he contravened articles 6 and 24 of the French Highway Code and article 10 of the 'Ordonnance Generale du 19 fevrier 1948' published by the 'Prefecture de Police' which set forth the rules regarding the precautions which must necessarily be taken by a driver when he intends to make a turn." The Office of the Legal Adviser for the Department of State has reviewed the entire record and the applicable French traffic laws and is of the same opinion.

In the accident Izhaq Cohen, the operator of the motor scooter, suffered severe traumatic injury to the skull and cervical area and Jacob Kashi suffered a severe contusion of the right knee with a tranverse fracture of the kneecap. Their injuries resulted in findings of permanent partial disability of 25 percent for Cohen and 13 percent for Kashi by a medical expert engaged by the Embassy. The claim on behalf of Cohen is made up of the following general items: medical expenses and repair of motor scooter, 549 francs; 2 months' total loss of wages while totally disabled, 1,750 francs; 1 month's partial loss of wages while partially disabled, 437.50 francs; permanent partial disability of 25 percent (computed in accordance with French law and practice, namely, annual income times 25 percent times an official factor which is derived from the age of the injured party, etc.), 39,537.75 francs; pain and suffering, 3,000 francs, or a grand total of 45,274.25 francs.

The claim on behalf of Kashi is made up of the following general items: medical expenses, 104.32 francs; 10 weeks' total loss of wages while totally disabled, 2,700 francs; 9 weeks' partial loss of wages while partially disabled, 1,215 francs; permanent partial

disability of 13 percent (computed in the manner explained above), 29,062.80 francs; pain and suffering, 3,500 francs, or a grand total of 36,582.12 francs.

The Embassy at Paris investigated and verified the amounts claimed on behalf of Cohen and Kashi and is of the opinion that they are fair and reasonable and should be paid. The Department is of the same opinion.

Accordingly, it is believed that a grant in the sum of 45,274.25 French francs (the equivalent of $9,190.67 at the current exchange rate of 20.3 cents for 1 franc) on behalf of Izhaq Cohen and a grant in the sum of 36,582.12 French francs (the equivalent of $7,426.17 at the current exchange rate of 20.3 cents for 1 franc) on behalf of Jacob Kashi are warranted and it is, therefore, recommended that the Congress appropriate those amounts, or such greater or lesser amounts as may be required if there is a change in the rate of exchange, to effect a final settlement of the claim.

II. CLAIM OF THE GOVERNMENT OF FRANCE ON BEHALF OF MARIE KERARDY

The claim of the Government of France on behalf of Marie Kerardy, a French citizen, for 1,645,459 French francs is based upon injuries and damages sustained by her in an accident at Paris on January 13, 1954, involving a Government-owned vehicle of the U.S. Embassy at Paris. The claim was formally espoused by the Government of France on October 10, 1958. Effective January 1, 1960, the Government of France has officially converted the franc into a new franc at the rate of 100 old francs to 1 new franc. Consequently, the amount claimed on behalf of Marie Kerardy when converted into the new French franc is 16,454.59 francs. All sums in French francs appearing below are expressed in terms of the new French franc.

The accident occurred under the following circumstances: On January 13, 1954, Marcel Revel, a local employee of the U.S. Embassy at Paris, was driving an Embassy vehicle in the performance of official business for the Foreign Operations Administration. Revel was proceeding on Rue d'Aubervilliers. As he approached the intersection with Rue du Departement, a truck operated by Andre Devuldere approached from the right on Rue du Departement. Revel was unable to stop in time to avoid striking the truck and swerved to the left in an effort to pass in front of the truck. He was unsuccessful in this attempt and the truck struck the side of the Embassy's vehicle after which the Embassy's vehicle skidded diagonally across the intersection, crashed into a fish stand and knocked down the claimant, Marie Kerardy, who was on the sidewalk. It was raining at the time of the accident and the streets were wet and slippery. These facts are substantiated by an investigation by the Paris police and by the U.S. Embassy at Paris and the interrogation of witnesses to the accident. From the extent of the damage to the Embassy's vehicle and the distance it traveled after the impact, it is evident that Revel was driving too fast for the condition of the street. It is also evident that Revel failed to yield the right-of-way in contravention of French law and traffic regulations which provide that a vehicle approaching from the right has the right-of-way. The Embassy concluded from its investigation that Revel was primarily responsible for the accident. The Office of the Legal Adviser for the Department of State has reviewed the entire record and is of the same opinion.

In the accident the claimant, Marie Kerardy, suffered severe injury to the right sacroiliac joint, right thigh, and sciatic nerve. Her injuries resulted in a finding of disability of approximately 30 percent by a "sworn physician attached to the Civil Court of the Seine." Her claim as compromised by the Department is made up of the following general items: medical expenses and damage to clothing, 1,137.73 francs; permanent partial disability (computed in the manner explained above), 14,316.86 francs; pain and suffering, 1,000 francs, or a grand total of 16,454.59 francs. The Embassy at Paris has verified these amounts and is of the view that the claim should be paid. The Department is of the same opinion.

Accordingly, it is believed that a grant in the sum of 16,454.59 French francs (the equivalent of $3,340.28 at the current exchange rate of 20.3 cents for 1 franc) on behalf of Marie Kerardy is warranted and it is, therefore, recommended that the Congress appropriate that amount, or such other amount as may be required if there is a change in the rate of exchange, to effect a final settlement of the claim.

REHABILITATION OF NAVAJO AND HOPI TRIBES OF INDIANS—ADDITIONAL COSPONSOR OF BILL

Mr. ANDERSON. Mr. President, on July 28, 1959, I introduced S. 2456, a bill relating to the Navajo Indians in Arizona and New Mexico. The distinguished junior Senator from Arizona [Mr. GOLDWATER] wishes to be associated with the proposed legislation.

I am delighted to have the Senator join with me on this bill, and therefore, I ask unanimous consent that when S. 2456 is next printed the name of the junior Senator from Arizona may be included as a cosponsor of it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF SECTION 309(a)(1) OF TARIFF ACT OF 1930—ADDITIONAL COSPONSOR OF BILL

Mr. ENGLE. Mr. President, I ask unanimous consent that the name of the Senator from Hawaii [Mr. FONG] may be added as an additional cosponsor of the bill (S. 3021) to amend section 309 (a)(1) of the Tariff Act of 1930, as amended, introduced by me on February 11.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL CONFERENCE TO STUDY MEANS FOR CONTROLLING DISTRIBUTION OF OBSCENE MATTER AND MATERIALS—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the order of the Senate of February 15, 1960, the names of Senators GREEN, PROUTY, KEFAUVER, BIBLE, NEUBERGER, KUCHEL, BUSH, MOSS, KEATING, SCHOEPPEL, MURRAY, YOUNG of North Dakota, FONG, BRIDGES, BENNETT, COOPER, JAVITS, CASE of New Jersey, SPARKMAN, HOLLAND, HUMPHREY, THURMOND, and RANDOLPH were added as additional cosponsors of the joint resolution (S.J. Res. 160) to provide for a conference consisting of Federal, State, and local officials, and members of public and private groups or organizations to consider and propose methods of, and to coordinate action for, combating the traffic in obscene matters and materials, introduced by Mr. SCOTT on February 15, 1960.

NOTICE OF HEARING ON NOMINATION OF OLIN HATFIELD CHILSON TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE WILLIAM L. KNOUS, DECEASED

Mr. CARROLL. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for 10:30 a.m., Friday, February 26, 1960, in room 2228, New Senate Office Building, on the nomination of Olin Hatfield Chilson, of Colorado, to be U.S. district judge for the district of Colorado, vice William F. Knous, deceased.

At the indicated time and place all persons interested in the above nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

ADDRESSES, EDITORIAL, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BUSH:

Statement prepared by him, relating to the growth and development of the University of Hartford.

ALOYSIUS CARDINAL STEPINAC

Mr. DIRKSEN. Mr. President, I would not like to have this period pass without taking some notice of the passing of a great churchman, Aloysius Cardinal Stepinac.

He was primate of Yugoslavia's 7 million Catholics. He died at the age of 61, after 5 years of Tito's Communist imprisonment and 9 years of "parolee imprisonment."

Mr. President, it is amazing that Tito's government denied the burial of Cardinal Stepinac in his own cathedral in Zagreb. One manifestly must wonder why. I believe the obvious reason is the fear of the anti-Communist strength that is growing in Yugoslavia.

Finally, after world public opinion and strong population resentment everywhere, including Yugoslavia, Tito permitted the ceremony to be held in the cathedral.

As the whole world knows, Cardinal Stepinac was a relentless and unyielding foe of communism. He was elevated to his post of cardinal in 1953, but, notwithstanding that fact, he could not go to Rome, to attend the ceremony there, because the Communist government of Tito threatened not to permit him to return.

People everywhere in the world, and especially the people of Croatia, Slovenia, and Serbia, mourn the passing of this great man. The world has lost a great leader.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. CARLSON in the chair). Does the Sen-

ator from Illinois yield to the Senator from Montana?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I desire to join the distinguished minority leader in the remarks he has made just now on the passing of Cardinal Stepinac. A great man has gone to his reward, but the example he has set will live for many decades after his passing.

THOUGHTS ON THE PRESIDENT'S IMPENDING VOYAGE TO LATIN AMERICA

Mr. MANSFIELD. Mr. President, within a few days, the President will be leaving on a tour of Latin America. I know that other Members of the Senate join with me in wishing him a most pleasant journey.

There is every reason to believe that we shall not witness, in connection with the President's impending trip, a repetition of the reprehensible vilification that marked an earlier goodwill tour of the distinguished Vice President of the United States [Mr. NIXON]. On the contrary, there is every reason to believe that the President will be welcomed with enthusiasm wherever he goes.

The President is a warm man and he evokes a warm response. I hope that after he leaves the Presidency, he will continue—as a private citizen—to make journeys such as he is now making, to various parts of the world. I hope that the next President will prevail upon Mr. Eisenhower to do so in the interests of the Nation. Journeys by persons of such obvious good will as Mr. Eisenhower can only be welcomed in a world so replete with ill will as the one in which we live.

But, Mr. President, I am bold enough to suggest that, at this moment in time, something more than a journey is needed in our relations with the nations of Latin America. The state of those relations is far from good. Nor are these relations likely to be improved merely by the ritual of good-will tours endlessly repeated.

Travel by the President to other nations is not an end in itself. The President abroad is not just a tourist; he is the personification of the Nation. His appearances on foreign soil can never be casual, nor can they be mere gestures of good will. The President is the fountainhead of action in this Nation in matters of foreign policy. I hope that his appearance in Latin America, particularly at this time, will signify action as regards inter-American policies.

Let us face it: The relations between this Nation and Latin America are plagued with problems and irritants. Unless the impending voyage is a prelude to coming to grips with these problems and irritants, it would be better if it were not made at all. Unless it signifies action, the good-will effects will soon wear off and the aftertaste will be doubly bitter. The pleasant climate which the visit will quickly engender will chill just as quickly.

I emphasize, Mr. President, that it is the followthrough, what comes after, not the good-will tour itself—which will affect the deeper fortunes of this Nation in its relations with the other Latin American Republics. In short, the President, in his person alone, can open doors; but if they are to remain open, it must be clear why they were opened in the first place; and, in subsequent action, the administrative bureaucracy of this Nation must be led firmly by the President to keep them open.

For that reason, once again I commend to the Senate and to the President and his administration a recent report of the distinguished Senator from Vermont [Mr. AIKEN] on a trip which he made to Latin America a few months ago. In his report, "Mr. Hemisphere"—for that is a sobriquet which he most justly deserves—outlines a program of far-reaching constructive action with respect to Latin America. In his report, the able Senator points the way to coming to grips with the problems and irritants which have accumulated in inter-American relations. If the President wishes to give to his impending good-will tour a fruitful and lasting value to the Nation, I suggest that he direct his attention to that report and consider its implications in conjunction with the heads of states with whom he will meet; and, subsequently, that he lead the administrative bureaucracy in line with the implications.

At this moment I would add only two other thoughts to what is contained in the report of the Senator from Vermont. I believe that it is time to recognize—in inter-American policy—the growing trend in the world toward regional groupings, toward common markets. This trend is already well advanced in Europe. Indeed, last year, it made its formal appearance in the Western Hemisphere, in an agreement among five Central American Republics, which since has run into certain difficulties. On yesterday, seven additional Latin American nations signed an agreement opening the way to a common market as among themselves. These nations are Argentina, Brazil, Bolivia, Chile, Paraguay, Peru, Uruguay, and, significantly, Mexico. In short, there is a new force operating in the realm of international economics and trade, and we will ignore its meaning to us and to the rest of the Americas only to our detriment. The implications of this new force of regionalism warrant full and joint exploration by all the American Republics. Its potential as a tool for dealing with some of the most unyielding economic problems of inter-American relations should be fully evaluated. We need to think boldly and with fresh inspiration. We need to consider whether a common market for all the Americas, including Canada if it so desires, can serve the interests of the nations of this hemisphere. I can conceive of no better time and place for giving to this exploration a firm political impetus than the occasion of the President's coming good-will tour to Latin America.

In this connection, I am delighted that the President is going to stop in Puerto Rico. The relations between the Puerto Rican Commonwealth and the United States are, in major part, built upon the successful operation of what is, in effect, a common market. This operation has redounded to the immense and pyramiding economic advantage of both the United States and the Commonwealth.

I can think of no man who is better equipped to counsel with the President in this matter, as well as in other aspects of inter-American relations, than the brilliant and distinguished Governor of Puerto Rico, Mr. Muñoz-Marín, and, indeed, I regret that he is not accompanying the President on this good-will tour. During his entire life, Mr. Muñoz-Marín has lived and breathed and pondered the basic problems of Puerto Rico in its relationship with the United States. He has led in the successful search for the solutions to many of these problems. His wealth of experience can provide new insights into almost every facet of inter-American relations on the larger scale of hemispheric relations.

If I may summarize, Mr. President, may I say again that I wish the President a most pleasant and fruitful journey to Latin America. And to make it most useful, I respectfully direct his attention to the recent report of the distinguished Senator from Vermont [Mr. AIKEN], to the concept of a common market for the Americas, and to the wise counsel which he can obtain from the outstanding Governor of Puerto Rico, Mr. Muñoz-Marín.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I would be delighted to yield to my good friend but I believe I have gone beyond my time.

Mr. AIKEN. May I speak in my own time?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. I wish to express my appreciation to the Senator from Montana for his generous remarks relating to the report I made on a comparatively short visit to Latin America; but I particularly should like to commend the Senator for pointing out to this body the importance of the agreement signed by eight Latin American countries yesterday setting up a common market.

I believe we are going to hear more about the Common Market from now on. We already have the Sixes and Sevens in Europe. Those countries are setting up agreements and common market programs, not without difficulty. There are bound to be difficulties. As one group sets up a common market, it is bound to come in conflict, perhaps, not only with some of their own internal affairs, but also with other nations and other groups of nations.

However, it is my belief that as more and more groups of nations establish common markets and put themselves in a position to deal as a group with other groups or other nations, we may approach more rapidly than we have the time when it will be possible to greatly expand international commerce and industry, without quite as much difficulty and without quite as much time as has been the case in the past and as is the case at the present time.

The Latin American groups that signed the agreement yesterday for a common market stretch all the way from Mexico to the Argentine. The agreement does not include many of the

smaller nations of Latin America. It does not include 14 other American states. But it will be interesting to watch the outcome of the efforts of these eight states to make it easier to do business with one another than it has been up to the present time.

As they succeed, or as they tend to succeed, in their efforts, it will make it easier for the other American states, including all countries of the Western Hemisphere, to get together in relation to marketing and production of our common commodities. That is one of the basic problems which we are facing today, and one which must be resolved.

Again I express my appreciation to the Senator from Montana for his performance of a service in bringing this matter to the attention of the Senate.

Mr. MANSFIELD. Mr. President, before the absence of a quorum is suggested, will the Chair ascertain whether there is further morning business?

The PRESIDING OFFICER. The Chair inquires as to whether there is further morning business? If there is further morning business, morning business is closed.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. SYMINGTON. Mr. President——

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments of the Senator from Illinois [Mr. DIRKSEN] designated "2–15–60—B," inserting a new title relative to civil rights.

Mr. FULBRIGHT. Mr. President, is the Presiding Officer about to put the question on the amendments? I thought the Senator from Missouri was seeking recognition.

The ACTING PRESIDENT pro tempore. The Chair was waiting for some Senator to address the Chair.

Mr. FULBRIGHT. I understood the Senator from Missouri addressed the Chair.

Mr. SYMINGTON. Mr. President, I did address the Chair.

Mr. FULBRIGHT. Mr. President, I think the Senator deserves recognition. He is a distinguished candidate and a Senator. I thought surely the Presiding Officer was going to recognize him.

Mr. SYMINGTON. Mr. President, any time I can get a compliment from the Senator from Arkansas it is appreciated, at least as much as approval from any other Member of the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

THE STATUS OF OUR NATIONAL DEFENSE

Mr. SYMINGTON. Mr. President, there is growing concern on the part of the American people with regard to the status of this Nation's defenses.

This is accompanied, also, I believe, with an increasing sense of confusion, due to conflicting statements and attitudes of various officials.

I wish to address myself to this subject in order that the people's understanding of the facts may be increased; and, as a result, their confusion may be lessened or dispelled.

The Communist military and economic strength has been increasing more rapidly than ours, and consequently the situation today is, and in the years to come will be, more critical than at any time in our history.

While it is always a matter of judgment, rather than a matter of certainty, as to how much strength is adequate, it is wiser to overestimate how much is needed than to take the risk of figuring too close and underestimating.

An overall nuclear deterrent is essential. Likewise, modern and mobile forces are also essential to deter and to prevent the piecemeal or small war efforts by the Communists.

Before proceeding with an assessment of our relative defense posture, there are several important ingredients in the current state of confusion which need to be exposed to the light of public understanding.

The first has to do with the question of release or revelation of secret information.

The executive branch of our Government has the responsibility of classifying, and thereby withholding from the public information the publication of which it believes detrimental to national security.

While it is possible, even probable, that the classification function is misused, in the sense that unpleasant facts well known to the Communists are kept from the American people, this still does not give others the authority to declassify such information.

I do not know of any Member of the Congress who has released, or has threatened to release, classified information.

Last year, on January 12, the Vice President was reported as having told members of the press that the missile gap not only was not widening, but instead was rapidly being closed.

I promptly told the Senate that such a statement, if made, was not true.

Soon thereafter, Secretary of Defense McElroy announced that the Russian superiority in ICBM's would soon reach a point where they would have three times as many of these weapons as we would have.

This 3 to 1 ratio or percentage was an understatement of how wide the gap would go, based upon the official estimates of Soviet capability compared with our own official ICBM schedules, but Secretary McElroy, as the guardian or our national defense secrets, made two points clear: First, that the ICBM gap was expected to widen and: second, that such ratios or percentages were not classified information.

This year, on January 13, and again on January 19, the present Secretary of Defense told the appropriate House and Senate committees that a new type of analysis of intelligence figures on ICBM's was being used for the first time.

He testified:

> The great divergence, based on figures that have been testified to in years past, narrows because we talked before about a different set of comparisons—ones that were based on Soviet capabilities. This present one is an intelligence estimate on what we believe he probably will do, not what he is capable of doing.

By announcing to the public that the previous ratio has been modified downward, the present Secretary has also accepted his predecessor's ruling that ratios as such are not classified data.

The truth is that ratios of United States and Soviet weapons systems have, in other cases as well, been labeled nonclassified by the Pentagon. The current 4 to 1 ratio against us re submarines is an example.

As the record will bear out, I have followed the Secretary of Defense's precedent and have spoken only in terms of ratios or percentages.

The executive branch has the right to classify and declassify information incident to our defenses. However, it does not have the right to give information in secret to the Congress which shows the missile gap is widening in favor of the Soviets—and at the same time inform the public that the gap is narrowing.

That is what was done this year; and that is one of the primary reasons for the present confusion.

Now let me turn briefly to another subject, namely, the history of missile development in this country, particularly long-range missiles.

A factual clarification of the past should help us determine what needs to be done in the future.

In April and June of 1946, Army Air Corps contracts totaling $1,893,000 were granted a private aircraft company for drawing up designs for a new long-range missile. This development was identified as "Project MX–774."

During 1946 and early 1947, the design work on a long-range ballistic missile continued under this contract.

On July 8, 1947, as the missile neared the first testing stage, the project was canceled by the Department of the Army, although the unspent funds which had been made available for the project were authorized for the testing of the first three missile prototypes.

The tests were started in 1947, and completed in December 1948.

When the contracts were placed in 1946, and at the time they were canceled in July 1947, there was no separate Air Force. There was the Army Air Corps, part of the Army.

During 1949 and 1950, the project was kept alive with private funds.

Mr. President, I will say parenthetically I believe I was instrumental in that effort.

In January 1951, the Air Force awarded a new contract for the development of an ICBM. This was identified as Project MX–1593. The missile under development was named the "Atlas."

During 1951 and 1952, progress was made in improving the Atlas design.

By 1952, the United States already had developed other missiles, such as the Terrier, the Sparrow, the Nike, and the Matador. It also had under development the Snark, the Hermes, the Navajo, the Rascal, the Lark, and the Atlas.

On November 1, 1952, the United States tested its first hydrogen bomb, which had been ordered into development by the President in 1950. This successful test, for reasons we all know, had a major impact on future missile development.

Nevertheless it was not until the late fall of 1955 that the Atlas program was assigned a national priority; and at no time has it been put on a full production basis.

Failure to spend funds made available by the Congress during the past 3 years has resulted in far less operational capability for the present and immediate future than would have been the case had the production schedule with respect to this weapon been geared to a sense of urgency.

The amount of money spent on missiles during recent years is far greater than that spent in the late 1940's and the early 1950's. This trend of expenditures, however, is no proper measure of emphasis. Research and development instituted during the earlier years had progressed to the point where, more recently, we have been able to go into the much more expensive portion of any research-development-production cycle—that is, the prototype and production phase itself, combined with the establishment of the bases.

When one is in a position to order quantities of the finished product including bases, obviously the amount of money needed becomes many time greater than that required during the research and development period.

The basic elements essential to the development of a long-range ballistic missile either had been developed, or were in the process of research and development, by 1953.

For example, by that time we had the atomic and hydrogen weapons.

The initial research and design studies for the Atlas missile had been undertaken.

The early testing phase was underway; and the rocket engines, which are now the basic propulsion elements of the Thor, Jupiter, and Atlas had been developed for the Navajo missile project.

The vast majority of the missiles in our operational inventory today were initiated during the previous administration, or have been developed from those earlier programs.

When President Eisenhower took office in 1953, he inherited President Truman's draft for the fiscal year 1954 budget; and one of his first major actions was to cut about $5¼ billion from the money to be requested for the armed services in that budget. This reduction included funds scheduled for missiles.

Mr. SALTONSTALL. Mr. President, will the Senator yield, or would he prefer not to yield at this time?

Mr. SYMINGTON. I would prefer questions at the end of my brief address. I will then yield to the Senator.

At the time the reduction to which I have just referred occurred, the Secretary of Defense, Charles E. Wilson, said he was going to cut $5 billion out of the Air Force and give the people of the United States a better Air Force. Then the distinguished senior Senator from Georgia [Mr. RUSSELL], who graces us with his presence in the Chamber today, asked him, if he could do that with a $5 billion cut why he did not cut out $10 billion and give us a much better Air Force.

Even after the Soviets exploded their H–bomb in 1953, and our relative military advantage had started to decline rapidly, the long-range ballistic missile requirement was not met with either decision or a sense of urgency.

The most significant point of all, however, is not one of assessing blame or giving credit for the past.

When I see some of the tables of expenditures placed in the RECORD about what was done in the past, I am surprised that those who produce the charts do not put in what was spent on missiles by Franklin Roosevelt or Woodrow Wilson.

I have already explained—I am sure to the entire satisfaction of anyone with an objective viewpoint—why, when we are at the stage of production of missiles and construction of bases, we spend more than when we are only in the research and development stage. As I have said, the hydrogen bomb was first exploded in late 1952. I do not see the point in the continuous but not very constructive effort to pin the blame. Two wrongs do not make a right. I think we should get together and tell the American people the truth, and do whatever is necessary to improve our position.

The pressing problem today is the necessity for revising existing plans and policies before it is too late.

Suffice to say, that with each day and each year that has passed, there has been more evidence of danger and less reason for inaction and complacency.

There is no question that the American people are deeply concerned about the present defense situation as well as about the plans for the future.

There are pertinent facts which should clarify the situation and, if fully understood, should go far toward eliminating the rosy hue which has enveloped far too many official statements on the matter.

The following facts which I present are based upon the official intelligence figures and the official U.S. schedules, and hence are based upon the same data available to, and used by, the President, the Secretary of Defense, and the Joint Chiefs of Staff.

Fact No. 1: The national intelligence figures presented to the Congress last year, as compared with the figures for our own ICBM program, showed that the Soviets would soon have substantially more than the 3 to 1 advantage announced by Secretary of Defense McElroy.

Fact No. 2: The national intelligence figures presented to the Congress this year, as compared with the figures for our own ICBM program, showed that the ratio still is, and will for some time be, higher than 3 to 1. This data revealed also that the ratio of their ICBM's ready to launch, compared with ours ready to launch, this year and for several years to come, exceeds 3 to 1, and is much higher based on this year's figures than based on last year's figures.

Fact No. 3: In addition to conceding to the Soviets many times the number of ICBM's we have programed for the same date, it is also conceded that the much greater thrust of their rocket engines enables the Soviet ICBM to carry a substantially larger payload than our ICBM for the same distance.

Fact No. 4: Between January 19 and January 29, 1960, Senate committees were given two different sets of official figures on the reliability and accuracy of Soviet ICBM's, the more recent figures crediting them with greater reliability and accuracy than the former ones.

Fact No. 5: There is no sound reason and no safe basis for attributing less reliability and less accuracy to Soviet ICBM's than to our own long-range missiles.

Fact No. 6: The Soviets have more modern jet bombers than any other nation in the world, although the United States has more heavy bombers.

Fact No. 7: The United States has not accelerated its ICBM program. Despite official statements which have given the contrary implication, there is no provision for such missile acceleration in the new budget before the Congress. Rather, the funds the administration has requested are for use at the end of the existing programs.

Fact No. 8: Gen. Thomas Power, commander of the Strategic Air Command, stated on January 19, 1960, that the Soviets could at that time destroy 95 percent of all the U.S. retaliatory forces if they had 150 ICBM's and 150 IRBM's and if we had no airborne alert.

The Soviets already have large numbers of IRBM's and will soon have large numbers of ICBM's.

Fact No. 9: We have no airborne alert today. It takes time and funds to get such an alert rolling, and the present budget provides far less than the funds needed for this essential insurance.

Fact No. 10: Except for our strength in heavy bombers, the growing ICBM gap is not offset by our strength in other weapons systems. As an example, in medium range ballistic missiles the Soviets have many more than has this country.

In short-range jet bombers, the Soviets have many more than we do, including those we have available on aircraft carriers.

In submarines, we all know that the Soviets have many times more than this country.

The American people are paying the bill. Their freedom is at stake. Therefore they are entitled to have this summary of the facts. Above all, they are

entitled not to be misled by false statements.

I agree with those who state that, primarily because of the great capability of our SAC bomber fleet, we could probably destroy any nation today which dared attack us.

My concern, and that of everyone who knows and understands the facts, is based on what our relative situation will be next year and the years that follow—if we do not remove the cloak of complacency and get down to work.

I was in Britain during the heavy Nazi bombing of that country. I saw the way the people there could take heavy and continuous bombing raids. I think it is one of the greatest disservices that can be done to the American people to spread the idea that they would be frightened by the truth.

Another disservice, in my opinion, is that when we talk about the facts we are downgrading the United States. We know the people want the truth. The strength of a nation depends upon the will of the people, and in a democratic form of government the people's will can function only if the people are informed.

It is not a question of downgrading our great country. Rather, it is a question of whether the people are sufficiently informed and adequately alerted to insist that their Government act now before it is too late.

It is a disservice to our country to suggest that the facts are as we wish they were, rather than as they are.

We can, however, take specific actions which would help offset what otherwise could become a dangerously wide Soviet advantage.

I recommend the following such actions:

Provide for an adequate airborne alert of SAC bombers.

Accelerate the Polaris and ICBM missile programs.

Speed up the ICBM hardening and dispersal programs.

Increase our anti-submarine warfare capability.

Reverse the decision to, in effect, cancel out the B–70 airplane.

Modernize the equipment and increase the mobility of our Army and Marine Corps.

All of this will cost money.

A country with some $1¼ billion income a day can and must afford it.

Mr. President, I never thought that money would become so all-important in this country, a country with the greatest income in the history of the world, an income of $500 billion a year or an income of $1¼ billion dollars a day. I never thought that in order to save one-third of 1 day's income, or thereabouts, the United States would stop all the research and development on airplanes in this country beyond the Mach II airplane. In this connection, it is important to note that responsible newspaper men have written articles to the effect that the Russians are proceeding to develop an airplane somewhat comparable to the B–70.

Of course, we know that if we can break the heat barrier, which the B–70 is designed to do, the results would be transferred to our naval planes and other planes, including commercial airplanes. Moreover, it might well be the ideal airplane to use nuclear propulsion.

Mr. President, I want to reemphasize that it has become increasingly clear that we should modernize the equipment and increase the mobility of our Army and Marine Corps.

I was in Berlin only last year. There I found that our troops not only are tremendously outnumbered, as we all know they are, but that they are using some weapons which date from World War I. If we have the right to draft boys off the farms and out of the cities to go into uniform during peacetime we have the duty to give them the best equipment and the best training and, in turn, the best chance to come home safely.

As I said, all of this will cost money.

A country with aproximately $1¼ billion income a day can and must afford it.

The necessary additional funds, however, could have been obtained through the elimination of obsolete and duplicating weapons systems; and through reorganization of the Pentagon on the basis of the unprecedented military requirements of this nuclear-space age.

If additional taxes are necessary, and after there has been a real effort to get the maximum defense out of each defense dollar, I am certain the American people will support any sacrifice necessary to preserve our Nation and our freedom.

We can attain permanent world peace only if we are able to negotiate from a position of strength, supported by worldwide knowledge that we have that strength.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD certain published articles and editorials, pertinent to this serious defense situation.

An editorial, entitled "Probability Versus Capability," from the St. Louis Globe-Democrat of February 4, 1960.

An article by Gen. Thomas R. Phillips, from the St. Louis Post-Dispatch of January 21, 1960.

An editorial, entitled "Needed: A Mightier Shield," from the February 15, 1960, issue of Life magazine, even though it will appear elsewhere in the RECORD.

A letter by Henry A. Kissinger to the editor of the New York Times on February 15, 1960.

An article by Walter Lippmann from the Denver Post of February 11, 1960.

An article by Holmes Alexander from the Northern Virginia Sun of February 15, 1960.

An article by Gen. Thomas R. Phillips, entitled "The Great Guessing Game," from the Reporter magazine of February 18, 1960.

An editorial, entitled "Keep Defense Debate in the Open," from the Denver Post of February 11, 1960.

An editorial, entitled "So What Must We Do About Our Defense Posture," from the Iron Age of February 18, 1960.

An article by Gen. Carl Spaatz, entitled "America's B–70 Must Fly," from the January 25, 1960, issue of Newsweek magazine.

An editorial, entitled "Bombers in the Air," from the Washington Star of February 17, 1960.

An article by William Hines, entitled "President's Quick Trip Sparks Security Slip," from the Washington Star of February 11, 1960.

An editorial, entitled "Criticism's Critics," from the Washington Post of February 14, 1960.

An editorial, entitled "Catching Up," from the Washington Post of February 16, 1960.

An excerpt from Post Scripts, published in the Washington Post of February 15, 1960.

And an article by Walter Lippmann from the Washington Post of January 26, 1960.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

There being no objection, the editorials and the articles were ordered to be printed in the RECORD, as follows:

[From the St. Louis Globe-Democrat, Feb. 4, 1960]

PROBABILITY VERSUS CAPABILITY

Defense Secretary Thomas S. Gates, Jr., testifying before the Senate Appropriations Committee earlier this week, stated, "I do believe his [General Power's] estimate of mathematical probability is unrealistic in relation to the facts."

Secretary Gates has opened an entirely new dimension in military planning and intelligence in his insistence in basing U.S. preparedness on what this Nation believes the enemy probably will do, rather than on estimates of his capabilities.

Estimates of enemy capabilities—that is, the utmost that the enemy is capable of doing with the arms, manpower, and resources at his disposal, including corollary elements such as surprise and deception, have been the yardstick of military experts for at least 4,000 years.

The probability estimate, on the other hand, gives weight to a number of other factors such as the enemy's state of mind, the risks entailed, the gains to be achieved, and the like. The great danger of probabilities is that we can never know what is in the enemy's mind. The danger of great miscalculation continually exists in applying American thought processes to others whose mental attitudes are completely different from our own.

American planning, based on what the enemy may do rather than what he can do, is a dangerous business, fraught with folly and possible disaster for America and the free world.

The history of warfare in the 20th century has been exclusively the undeclared war, the heavy first blow, the attempt to knock out by one lightning stroke the enemy's will to resist. The niceties of older days such as the formal declaration of war, are no longer observed.

If, heaven forbid, war comes to the United States, there is not a single responsible military man who believes that it will be anything except an all-out, coordinated blow, not at one Pearl Harbor but at 30 or 50 or 300 strategic points simultaneously.

This is the reason that we have dispersal and why General Power's Strategic Air Command keeps flights in the air virtually around the clock.

This is why the Senate this week passed an amendment allowing the various State Governors to appoint Congressmen if more than half the Congress should be wiped out.

Examples of this thinking could be multiplied endlessly.

There is no safety for America unless we plan our defenses, including our deterrents to attack, based on the enemy's maximum capability—not on our guess, hopeful or otherwise, of what he might do.

Our strength lies only in being prepared for the worst, recognizing that we are against a cruel and wily foe who will do everything to deceive us, to catch us off guard, to lull us into a sense that all is right and that we have nothing to fear. Secretary Gates comes dangerously close to swallowing this bait.

There can be no gambling with the future of America. We must, if we are to survive, be the strongest Nation in the world—so strong that no foes will dare to attack us, because they would have the sure knowledge that any attack would result in their immediate and total annihilation.

Strength such as this is hardly forecast in the intelligence estimates of the administration which admits a 3-to-1 superiority against us in missiles, and the irrefuted fact that we are not narrowing the gap, but that indeed the gap is widening.

Nor is there reassurance, in this twilight of the airplane age, in the administration reluctantly tossing a paltry $20 million this year and $90 million next year to the Strategic Air Command which will give General Power a dependable first strike of 150 aircraft instead of the first strike requirement of 1,500 aircraft which experts say is necessary. We have no choice but to rely for retaliatory power on manned bombers until our missile strength is sufficient to supplant them.

Nor can the country be reassured by the President's testy insistence that he knows best about these things. The record of Russian accomplishment in the past 5 years is so enormous compared to our own that the Nation cannot afford to place its reliance on the judgment of one man, even that of Mr. Eisenhower.

No man is infallible. The American people should not be asked to base the most vital thing in our lives, the future of America, on the say-so of any one man, especially against the weight of evidence.

Experts believe that the strength necessary for America to remain strong and free can be achieved without a raise in taxes if the administration would unify the purchasing and command of the Armed Forces, on which only a token start has been made, and eliminate the duplication and downright waste of the services bidding against each other without coordination.

The United States can be wrong on a lot of policies and still retrieve its errors. If we are wrong once on the state of our strength relative to the Russians, we shall have forfeited our liberty and freedom for countless ages to come.

With the fate of America hanging in the balance, we can afford nothing less than sufficient strength to meet the enemy's maximum possible capabilities, not an estimate based half on hopeful opinion that he will not hit us as hard as he is capable, or on how much we can afford to spend for that strength.

The question is only how much can we afford not to spend, or can we afford to lose?

[From the St. Louis Post-Dispatch, Jan. 21, 1960]

ADMINISTRATION SLEIGHT-OF-HAND: ARMED FORCES CUT AS BUDGET MAKES STRENGTH SEEM THE SAME—ADMINISTRATIVE ACTION REDUCES MILITARY ESTABLISHMENT BELOW APPROPRIATION FIGURES—CONGRESS LOSES CONTROL

(By Brig. Gen. Thomas R. Phillips, U.S. Army, retired)

WASHINGTON, January 20.—There is some sleight-of-hand in the military budget that makes it look better than it is and even raises questions of good faith in the budget presentation.

In the budget document for the 1960 budget, the planned strength of the Navy, June 10, 1960, is shown as 630,000 men.

The planned strength for the Air Force is given as 845,000 men. In the 1961 budget the strengths planned for 1960 are given as 619,000 men and 850,000 men, a difference of 11,000 and 20,000 respectively. The meaning of this is that although Congress voted funds that it thought would maintain the Forces at a certain size, the administration has proceeded to reduce them without congressional review.

What makes this action seem to be a breach of faith is that it enables the new budget to show that the Navy and Air Force will have the same strength during the 1960 fiscal year, and this is not the case.

There is nothing to prevent the administration from doing the same thing again, that is, to announce certain strengths for 1961 and then to reduce them administratively and to present a new budget for 1961 showing different planned end strengths for 1961 and pretending that no reductions are contemplated.

By continuing to use this trick any administration can take out of the hands of Congress all control over the military posture of the United States. This has been done with naval ships and Air Force wings in the same manner as follows:

	Planned strength June 30, 1960	
	As shown in 1960 budget	As shown in 1961 budget
Navy:		
Commissioned ships in fleet	864	817
Warships	389	383
Other	434	475
Active aircraft inventory	9,200	8,657
Air Force:		
Combat wings	102	96
Strategic wings	43	40
Air defense wings	25	23
Tactical wings	34	33

The end strength projected for June 30, 1961, is 817 naval vessels, the same as the modified figures for June 30, 1960. If more reductions are contemplated there is nothing in the budget message to indicate it. But they can be contemplated and made exactly as is being done in the current fiscal year.

In the case of the Air Force, the figure in the 1961 budget for combat wings June 30, 1961, is 91. In the same document the figure for June 30, 1960, is 96, leading to the conclusion that a reduction of five wings is contemplated. But the 1960 budget gave a planned strength June 30, 1960, of 102 wings. The actual reduction is therefore 11 wings and not 5.

In the case of the Strategic Air Command, the apparent reduction is two wings and the actual reduction five. The 38 wings now planned for June 30, 1961, will include some missile wings, but the numbers and types are not identified.

These actions unquestionably were taken in good faith. With the budget planned more than a year before the beginning of the year in which the money is spent and obligated, inflation may force certain economies. Shifts in emphasis of weapons may dictate certain reductions in one direction to make men available for training for new weapons.

What is disturbing is that no attention is called in the budget document to the change in year-end strength from the 1960 budget figures and no explanation is given as to why forces, ships and wings have been reduced during the current fiscal year below the numbers for which Congress voted and appropriated.

For a change, the Army and Navy do not suffer severely in the 1961 budget. Army spending is increased $34 million and Navy spending $112 million. New appropriations for the Navy are increased $760 million and are decreased $154 million for the Army.

Air Force expenditure is decreased $328 million and new appropriations for the Air Force are decreased $758 million, almost the same as the increase in the Navy.

The Air Force is not complaining loudly yet. It was threatened with decreases of more than a billion dollars in new appropriations. It feels very much like a prisoner who has been on a diet of bread and water and now is allowed austere meals.

While many prized Air Force projects are continued, they are not adequately financed. There is only $20 million in the budget for the Sky Bolt, the airborne ballistic missile. This will enforce slow development.

Although another wing of B–52 intercontinental bombers is provided for, and the necessary tankers, but production is being slowed down to 7 or 8 a month instead of the current 15.

The President's budget message states that the Minuteman solid-propellant intercontinental missile will be operational by mid-1963. The fact is that while there may be a few missiles that could be operational, none will be operational that year under present plans.

The budget squeeze made the Air Force drop the F–108 2,000-mile-an-hour interceptor—and earlier the all-out effort for a nuclear-powered plane—in the hope of saving the B–70 2,000-mile-an-hour bomber. But the B–70 has been funded only for $75 million, enough to make a single prototype and the development of bombing and electric systems needed to make it a military unity has been canceled.

These are hard decisions for the administration as well as for the Air Force. They relate to one of the most difficult problems in these days of revolutionary military change. That is, what should be the proportion of available funds that is spent for the weapons of today and what proportion should be devoted to development of weapons for the future?

[From Life magazine, Feb. 15, 1960]

NEEDED: A MIGHTIER SHIELD

President Eisenhower's defense budget is dangerously deficient. He has great military experience and deep confidence his $41 billion program is adequate. But harsh facts argue it isn't.

The harshest fact is that by the President's own intelligence estimates, the Soviets by 1963 will have twice as many ICBM's as we—enough, by SAC Comdr. Thomas Power's warning, to wipe out all our bases and retaliatory planes in one salvo.

A further glaring fact is that we do not have to accept this inferiority. In the judgment of men closest to the problem, we could double our current rate of missile production just by doing all that we can. By 1963 we could match the 400-missile Soviet stockpile which our own estimates say the Russians will then have. Despite this, the President is taking the calculated gamble of doing less than we are capable of doing during the next 4 critical years. It will take that time to make fully usable our most effective deterrents—the quick-firing, solid-fueled Polaris and Minuteman, one hidden in submarines, the other in hardened underground bases. To understand just how big the gamble is, Americans must also remember that their Government has generally underestimated Soviet capabilities, and that the new figures giving the Soviets only a 2-to-1 lead are themselves much reduced from previous estimates.

The problem is not to match any particular number of Soviet missiles but to make

certain the United States has so much striking power that a Soviet commander cannot dream of knocking it out in one sudden blow. This is necessary not only to deprive the Soviets of any temptation to risk a total attack but to neutralize the campaign of political threat and attrition which a pronounced Soviet military lead would allow Khrushchev to wage. In order to do all that needs to be done we are convinced that the United States must spend on defense, at the very least, $2 billion more than it is now planning. This money should be devoted to the following purposes, in order of priority:

CLOSING THE MISSILE GAP

The production rate of the already proved and operational Atlas can be doubled within a year to give us 150 (against 75 now planned, and a reduced estimate of 100 for the Soviets in 1961). Work should begin at once, with highest priorities, to get these Atlases out of exposed positions and into deep, hardened bases—this can be done in 18 months. Since Atlas works, we should cancel the redundant (and so far inefficient) Titan and apply the remaining funds toward doubling Atlas. And every dollar that can make Polaris and Minuteman operational faster must be spent.

SAFEGUARDING SAC

To preserve our deterrent during this period General Power believes we must have SAC capable of assuming, when the situation requires it, a 24-hour alert with a striking force always aloft. To make this possible a year hence, we must start now to provide the additional B–52's, tankers, crews, fuel, and spare parts which will be necessary. This isn't being done. Moreover, in order to preserve the most effective bomber-missile mix in our deterrent, full production should be begun on the 2,000-mile-per-hour B–70 program.

SPACE AND MISSILE RESEARCH

We need to step up our efforts to develop an effective antimissile missile. We need to extend the electronic early-warning stations to help us spot a Soviet missile's firing anywhere on land or sea. We should step up our space programs with emphasis on satellites for early-warning and reconnaissance. This could be done faster and cheaper if the President would close the artificial separation of peaceful and military space projects. They cannot, in fact, be separated. The Soviets make no such distinction.

SHELTERS

An immediate start should be made at providing shelters from radioactive fallout. Fully developed, a shelter program might save 80 million or more American lives. A serious start on shelters would in itself deter the enemy from trying a knockout blow.

So much for immediate needs for adequate defense. They do not meet the argument which Generals Ridgway, Gavin, and Taylor, in succession, have stressed: That our preoccupation with massive retaliation is leaving us without adequate forces, airlift or new equipment to fight "brush fires" which may have to be met with orthodox forces and weapons. This issue also demands debate, decision and, very likely, action. But since we have committed ourselves, above all, to a strategy of nuclear deterrence, we must certainly make sure that that program is adequate. As of now, it is not.

[From the New York Times, Feb. 15, 1960]

DEBATING MILITARY POLICY—PRESIDENT'S VIEWS ON CRITICISM OF DEFENSE PROGRAM QUESTIONED

(The writer of the following letter is the author of "Nuclear Weapons and Foreign Policy." He is associate director of the Center for International Affairs at Harvard University.)

To the EDITOR OF THE NEW YORK TIMES:

The President says he deplores public argument by military experts regarding our defense policy. Prior to this, he had called his critics parochial and had invoked his superior expertise in the subject. It is impossible, of course, for laymen to pass judgment on a debate of such technical complexity. They have a right to insist, however, that the categories of the debate be properly put.

The charge of parochialism can easily be pushed too far. As currently used it seems to mean that those who most deeply concern themselves with a given problem and who bear the immediate responsibility for it are thereby disqualified from having a valid opinion.

It is, after all, of some significance that two Chiefs of Staff of the Army, the current Chief of Staff of the Air Force and the Commander of the Strategic Air Command have been convinced that our present course is potentially disastrous. To be sure, they are not necessarily right. But in the President's use of the term parochial it seems to mean that the mere fact that they are the senior officers in their services implies that they are inevitably wrong.

One of the very serious problems of the present period is that the expertise acquired in the period up to and through World War II is almost completely irrelevant to the contemporary strategic problem. When weapons can traverse continents in half an hour and can destroy whole nations, rules of thumb learned in a more secure period simply do not apply.

ORDERING AIR ALERT

The President said that it was time to order an air alert when there is an indication of an attack. It is true that with conventional weapons a period of preparation was usually required prior to an attack. In the era of missiles and nuclear weapons, where the forces in being are constantly ready, an aggressor cannot afford to give any warning of surprise attack and does not have to. Whatever the utility of our military program, the President's argument with respect to air alert is dangerous and beside the point.

The President correctly insists that the debate involves essentially a question of judgment. All judgment, even the most lofty, can be wrong. The ordinary citizen, in trying to make up his mind on so technical a subject, may want to keep in mind, however, the penalties of a mistake.

If the proposals of Generals Power and White are accepted and prove to be wrong, we will have spent $500 million too much for a number of years. If the program of the President is adopted and he proves to be mistaken, we will have forfeited our national existence.

HENRY A. KISSINGER.

CAMBRIDGE, MASS., *February 12, 1960.*

[From the Denver Post, Feb. 11, 1960]

FAITH IN AMERICA—IKE ASSAILED FOR DEFEATISM

(By Walter Lippmann)

At his press conference the President replied to his critics who are saying that we are behind the Soviet Union.

At the end, in response to a question by Edward P. Morgan, he went beyond the technical argument about the missile gap and deterrent power to his own philosophical attitude toward the rivalry of the two strongest world powers, the Soviet Union and ourselves.

Eisenhower's philosophy, if I have understood correctly his impromptu remarks, is that our security is in jeopardy and that if the Soviet Union is moving faster than we are in the development of certain elements of national power, that is to be expected and must be accepted.

"For," said Eisenhower, "let's remember that dictatorships have been very efficient."

If we must achieve a greater tempo in our development of national power, we shall have to "take our country and make it an armed camp and regiment it * * * and get people steamed up like you did in wars."

After that explanation of why we have fallen behind, Eisenhower delivered a little lecture on how we should think and talk more about the "values which we do believe"—namely "our own individual freedoms and rights."

He went on to say that "our people ought to have greater faith in their own system." By this he seemed to mean that the critics who think our defenses are inadequate and the critics who say that we are neglecting our children and not keeping up with the needs of our population, have less faith than he has in our system.

With all due respect, Eisenhower is mistaken.

It is he who lacks faith in our system. It is he who is saying that we cannot meet the Soviet challenge without changing our system and giving up our freedom.

It is he who is telling the country that it cannot afford to meet the needs of our rapidly growing and increasingly urbanized population.

It is he who is saying that with a $500 billion economy, the American Nation will lose its freedom if it devotes to public purposes a somewhat larger share than it does today.

It is he who is saying that our system of liberty is so fragile that it is not tough enough to keep up the pace in the great contest of national power.

Again with all due respect, he has sunk into, he has resigned himself to, an attitude of defeatism in which there is no faith that our people have the will, the energy, the resourcefulness, and the capacity to close ranks, if they are summoned to make a greater effort.

Eisenhower is talking like a tired old man who has lost touch with the springs of our national vitality.

The doctrine which the President holds, the doctrine which determines his budget, his program, and his preaching to the Nation is, in the perspective of the world struggle, a most dangerous doctrine.

The central issue of the world struggle is whether the Soviet system or a liberal system can deal best with the problems that beset mankind.

In that struggle we shall surely lose if we tell the world that, though we have the richest economy in all history, our liberal system is such that we cannot afford a sure defense and adequate provision for the civil needs of our people.

If that doctrine goes out into the world, unchallenged and unrefuted here at home, K. will have the ball which we will have fumbled.

We can talk to the end of time about how much we love liberty. But if the masses of mankind understand us to mean that we love liberty in such a way that we cannot keep our place in the world, they will look for guidance and for example to Moscow and not to Washington.

Yet the President's defeatism has no objective justification.

The virtues of our system of society are not inseparably tied up with the Revenue Act of 1954 or with a philosophy of government which, when the President explains it, regards the Federal Government as at best a necessary evil.

The Federal Government is no doubt wasteful, and clumsy, and inflated with bureaucracy, and not wholly immune to the payola.

But the Federal Government is not a necessary evil to be talked down to.

The Federal Government is an indispensable good which must be held to account and be criticized but with respect and appreciation.

For when we talk about our freedoms and our rights, we should not forget the next sentence in the Declaration of Independence which says "that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

[From the Northern Virginia Sun, Feb. 15, 1960]

IKE'S LISTENING TO WRONG PEOPLE

(By Holmes Alexander)

SAN DIEGO.—To visit the "front lines" of the cold war, one must go where the big ballistic missiles are—that is, to the research laboratories, engineering centers, missile-making plants, test and firing sites.

Anybody who makes an up-front tour is likely to read with lifted eyebrows such statements as President Eisenhower made at a recent press conference. In answering a question about America's possible loss of prestige in running behind Russia in the missile-launching race, Mr. Eisenhower said:

"Well, I made a long trip—22,360 miles to 11 nations in 3 continents—and certainly if there wasn't evidence that the prestige of America was high, then I was badly mistaken."

But if Mr. Eisenhower relies on curiosity-seeking crowds in India, Pakistan, Afghanistan, and Morocco to gage America's prestige or position in world affairs, he is going to the wrong oracle for his signs.

In the same conference, the President tried to defend with rhetoric—and not much else—his argument that we are well positioned in the missile race. With obvious reference to the SAC commander, Gen. Thomas Power, and to the Air Research Development chief, Gen. Bernard Schriever, Mr. Eisenhower expostulated that "too many generals have all sorts of ideas."

The President prefers to believe his rear echelon men—Joint Chiefs of Staff Chairman Gen. Nathan Twining and Defense Secretary Thomas Gates. But again the President is going to the wrong people to tell him what's happening up front.

If the Commander in Chief is going to reassure us about the missile race, he ought to do so after he has walked through engine-test facilities, wind-tunnel buildings, aerospace chambers, missile plants, missile sites, and after he has talked to his front-line commanders—Generals Power and Schriever among them. We are not going to get much deterrence or retaliation from the volatile mobs of the uncommitted East.

This is a cold war in which the enemy knows a good deal about our missile power. It is a conflict in which it pays, generally, to exhibit and not to conceal our forces. For these reasons, Mr. Eisenhower ought to give much more attention to the American production lines.

He ought to consult more than he ever has with his operations officers, like Power and Schriever. He ought to put less than total reliance upon rear echelon administrators like Twining and Gates, good men though they be.

Even a lay visitor to the up-front lines is bound to come away with some reservations about preparedness. I have walked through the Convair plant at San Diego where our only operational ICBM is manufactured. Did the plant hum? Did it clang? Was it a scene of urgency and hustle?

No, it was none of these. An official commented by saying that his plant was running on a 5-day week at about 50 percent of capacity.

Well, maybe this is a satisfactory way to compete with the Sino-Soviet colossus. The President, from his far-in-the-rear headquarters seems to think so.

It takes 2 years of leadtime to produce an Atlas and its base. Theoretically, by 1962–63 we will have a whole new generation of strategic missiles on hand and operational—the Titan, which is almost ready, the Polaris, which is seaborne, and the Minuteman, which is concealable and mobile by land. Meanwhile, we have some 2,000 medium and heavy SAC bombers based at home and abroad.

Mr. Eisenhower is counting on the estimates of his headquarters staff. It assures him that we are well prepared for a holding operation until the new missiles come along.

Maybe so. The President must be assumed to know what he's talking about. He is looking not only into the early and middle 1960's, but toward the end of the decade. By that time, the long-term, deliberately-paced program of space flight is counted upon to give us entirely new bases from which to defend and attack.

All this is fine and dandy. If the President can reassure the Nation, well and good. But the reassurances will make better listening after he has made tour of the up-front positions where the real combat is taking place.

[From Reporter magazine, Feb. 18, 1960]

THE GREAT GUESSING GAME

(By Thomas R. Phillip, brigadier general, U.S. Army, retired)

In an attempt to restrain the cries of the spenders for more money and to calm the fears of those who are alarmed about the missile gap, Secretary of Defense Thomas S. Gates, Jr., recently explained that a very significant change had been made in estimating future Soviet strength. "Heretofore," he told the House Defense Appropriations Subcommittee, "we have been giving you intelligence figures that have dealt with the theoretical Soviet capability. This is the first time that we have had an intelligence estimate that says: 'This is what the Soviet Union probably will do.'"

It has been estimated, most notably by Gates' predecessor Neil H. McElroy, that the Russians can produce three times as many missiles as we in the near future, but Gates went on to say that although "The Soviets may enjoy at times a moderate numerical superiority during the next 3 years * * * this new intelligence estimate has narrowed the differences." The McElroy estimate was on a basis of 600 Soviet ICBM's in 1962 to 200 of ours. Gates' estimate for 1961 was also a 3-to-1 ratio, but the actual numbers were reduced to 150 Soviet missiles to our 50 (which probably included 16 Polaris missiles). Gates admits that this "moderate numerical superiority" will be greater in 1962, but it still is not as large in the new estimate as in the one used by McElroy.

At a press conference held 8 days after his appearance before the congressional committee in response to critical questioning Gates admitted that "this is a different set of rules, so to speak," and he confirmed that the new estimate gives more emphasis to the Russians' intentions than to their capabilities.

Gates was apparently not aware that exactly 1 year before, on January 21, 1959, McElroy had testified before the same committee: "I think it would be very dangerous if we did not proceed on this basis [judging the opponent's capabilities rather than his intentions]. I think it should be understood that from the standpoint of the Department of Defense, we are assuming, as I think we should assume, that they will have these numbers [of missiles] in being when the national intelligence estimate says that they could have it."

The new formula Gates described is actually not new at all. By and large, our practice has always been to make an intelligence estimate that ended with a statement of the opponent's probable intentions. This did not mean that you were trying to read his mind, but rather, from what you knew about his situation and about him, judging what he was most likely to do. The estimates that dealt with the opponent's intentions came up with a single course of action aimed at counteracting them, and this was all, so it appeared, that the commander needed to worry about in making his own plans.

It is obviously much more difficult to estimate the opponent's capabilities and plan your own actions so as to thwart any one of them that might endanger your force or plans, but that was the system used, with widely recognized success, by Napoleon. It was his invariable practice of eliminating chance that led Napoleon to write: "Chance remains always a mystery to mediocre spirits and becomes a reality to superior men."

In the change in intellectual climate that took place in the U.S. Army during the 1930's, the Command and General Staff College led a campaign to substitute capabilities for intentions as the basis of military intelligence evaluations. Under a few brilliant officers, notably Col. Joseph A. ("Sandy") McAndrew, all military dogma was questioned, and innumerable historical examples were found to show the disastrous results of basing plans on presumed enemy intentions. Some of these examples were illustrated as part of the school course and compared to the Napoleonic practice of considering all reasonable enemy capabilities.

In a revision of the school texts in 1936, I was given the assignment of revising the intelligence estimating methods to eliminate the use of enemy intentions and to substitute the capabilities system. This system was used at the Command and General Staff College during the 1936–37 school year and then was scheduled for adoption by all Army schools.

At the Infantry School, the new system was considered too complicated. Brig. Gen. Walter C. Short, then commanding, stormed up to Fort Leavenworth and asserted that he would not use it at the Infantry School. Nobody could understand it, he said. He preferred the old and simpler method of determining (or guessing) the enemy's intentions. I was called in to explain the method to him, but to no avail.

REMEMBER PEARL HARBOR?

The same General Short was the Army commander in the Hawaiian Islands in December 1941. He deduced the Japanese intentions in the Hawaiian Islands, as sabotage and collected all the aircraft into a single close grouping, so that they could easily be guarded against sabotage. As a result, on December 7, 1941, Short did not worry about an attack and did not have his radar operating, nor did he have any reconnaissance aircraft out to look for the Japanese. The massed aircraft were a perfect target for the Japanese bombers and most of them were destroyed. Adm. Husband E. Kimmel had also decided that sabotage was the enemy's intention, and the fleet was massed in Pearl Harbor for the weekend, another sitting duck. If Kimmel had been concerned about the Japanese capability of attacking Pearl Harbor, the fleet would have been dispersed over the ocean and his submarines and aircraft would have been reconnoitering hundreds of miles from Honolulu.

But suppose you have more than an estimate to go on. Suppose that, through the use of spies or by other methods, you know the enemy's exact plans and orders. One difficulty, of course, is that he may change his mind. The commander of the German second army, opposing French fifth army at Guise, made four completely different decisions, and issued orders to carry them out, between 5:30 p.m. August 27, 1914, and 9 a.m. August 28.

An instance from the Second World War is also instructive. After the battle for Tunisia had been won, the Allies decided to invade Italy via Sicily. To mislead the Germans, the British planted spurious plans on the body of a fictitious Royal marine courier and dropped the body into the water where it would be washed ashore in Spain. The Germans were tricked by this apparently valid plan into spreading their defense across Europe, even to the extent of removing warships from the Sicily area. The ruse made the invasion of Sicily relatively easy.

The opposite of this case was the capture by the British of a German courier who had been forced down in the Netherlands in a fog and who carried plans for the German invasion of France through Belgium and Holland. Hitler, knowing that this plan had been captured, changed his plans and invaded across the Meuse and through France. The British and French, certain that the invasion would come through the historic route across the northern plains, concentrated their armies to the north and were cut off from France. So much for intentions, or what the opponent probably will do. He can change his mind overnight; and no matter how solid the information you may have today, it can be a trap tomorrow.

These examples of capabilities versus intentions as criteria in making estimates are from combat situations, but the same principles are applicable to the estimate of Soviet missile production. In hearings held last March, Senator SYMINGTON indicated that the estimate of Soviet capabilities then being used was based on knowledge of factory space for the production of intercontinental missiles which, according to our production experts, enabled the Soviet Union to produce 50 missiles a month, probably on a three-shift basis.

Such a capacity could, of course, be depreciated by other estimates indicating, for example, that there was insufficient housing for a three-shift operation, or by doubts about the Russians' capacity to manufacture some intricate components, such as guidance controls, at this rate. Or, it is possible that a high-ranking defector could have given the intelligence services information indicating that it is the Soviets' intention to follow the same policy as the United States and to limit the production of current missiles until improvements in sight are adopted.

This would appear to be an estimate of intentions that could be depended upon, particularly if it seemed to be confirmed by other information. But defectors, as we have seen, are not to be trusted automatically. They may be "plants" to find out how our intelligence operates and to give false information. The questioning of defectors and the evaluation of their reliability ordinarily takes 6 months or longer. By the time the information has been incorporated into the overall intelligence estimate, a year may have passed. Even if the defector's information of intentions was valid when he left, plans could have been changed several times in the interval.

The diehards, however, have never been convinced, and our intelligence estimates may list "if indications justify a conclusion, the relative probability of adoption of enemy capabilities." In other words, if some estimator thinks the indications justify a conclusion, and he lists a No. 1 probability of adoption, the estimate is right back to an estimate of intentions.

Secretary Gates had only a brief briefing before he went before the Appropriations Subcommittee. The complete estimate prepared by intelligence would have taken 2 hours to present to him. He got only 15 minutes' worth. The complete estimate ended with a conclusion of three or four capabilities listed in order of priority. But in the condensed 15-minute version the officer who was briefing Gates also condensed the conclusions and ended with only one most probable line of action. Gates has the reputation in the Pentagon of being somewhat supercilious about intelligence. Certainly he was totally unprepared for the critical question his use of the opponent's intentions brought from Congress and the press. In response to a question about intelligence at his press conference, Gates permitted himself to speak of "the intelligence business, all of which I'm not familiar with, thank heaven."

An honorable and dedicated public servant who would not dream of distorting intelligence for political or budgetary purposes, Gates quite obviously believed, as President Eisenhower said in his press conference on January 26: "We have better estimates than we have in the past in the field." Allen W. Dulles, Director of the Central Intelligence Agency, attempted to come to the rescue a few days later in an address before the Institute of Aeronautical Sciences in New York, saying: "In our estimates we generally stress capabilities in the early stages of Soviet weapons development and then, as more hard facts are available, we estimate their probable programing, sometimes referred to as intentions." But Gates is not yet off the hook. The President remarked in his press conference: "I think Mr. Gates will find ways of clarifying exactly what he had—what he meant." He should certainly be given every chance to do so.

[From the Denver Post, Feb. 11, 1960]

KEEP DEFENSE DEBATE IN THE OPEN

The current debate on American defenses is, in our opinion, one of the healthiest things that has happened to the American people in a long time.

This is one hassle that no thinking citizen can ignore as just politics.

There is no lack of sincerity on either side. And on the decisions that come out of this earnest debate—on whether our defense effort is adequate—will depend our national safety.

Thus when Illinois' EVERETT DIRKSEN, the GOP Senate leader, charges that the defense hearings "may be helping potential enemy nations," we think he is both wrong and shortsighted.

It is doubtful whether any of the statements made to the congressional committees were not rather generally known, both to our own experts and to Russia's.

And in a democracy, where public support is necessary for adequate defense efforts, it is as unwise as it is impossible to keep the facts of our progress, or lack of progress, from public scrutiny.

This may be one of the disadvantages of being a democracy opposed to a police state, but it is still a fact.

Certain security measures are necessary and advisable, but our general defense posture cannot be kept a secret—either from our own people or from our competitors.

DIRKSEN has recommended that the hearings be carried on behind closed doors.

In some circumstances, closed-door hearings are absolutely necessary.

But if the doors are closed when it is not absolutely necessary, the testimony in the hearings has a way of getting out.

It is just too tempting for a Congressman to disclose to the press the parts of the testimony that support his views.

The result is partial and often distorted reports on what the Congressmen were told and what the facts are.

It is far better for the press to be able to report the testimony directly, rather than having to depend on garbled or self-serving versions leaked from behind closed doors.

DIRKSEN was disturbed by testimony by Gen. Thomas Power, the Strategic Air Command chief, who said that 300 Russian missiles could knock out America's retaliatory forces in 30 minutes, and that a warning system adequate to allow us to stop it is not yet in sight.

This was the testimony DIRKSEN said could be "helpful only to the enemy."

On the contrary, its exposure will be more helpful to the American people. Unless we know the facts, we will never learn what we as a Nation must do to keep our deterrent power ample and sharp.

[From the Iron Age, Feb. 18, 1960]

SO WHAT MUST WE DO ABOUT OUR DEFENSE POSTURE?

(By Tom Campbell, editor)

The President has chastised critics of our defense posture. He said we, the people, will make decisions when we have the facts. The critics are not going to be silent. None of us wants that.

We remember that not too long ago the Reds were not supposed to have the A-bomb. But they had it—far ahead of our schedule for them. They were not supposed to have the H-bomb. But they had it far ahead of our schedule for them.

At first we refused to believe their feats in space. News of Sputnik I was a shocker. Then the interest died down.

It was not until much later that any of our top advisers readily admitted that the Reds were far ahead of us. Only now do our highest military men admit that we are far behind in rocketry.

It seems but yesterday that we were told our Government was concentrating on intercontinental ballistic missiles. We did, but the Reds were ahead of us.

This is not to say we have given up. Nor is it to say that we will never get to an advance position on missiles and space apparatus. It is only a recall of those times where in the past we have been treated by Government as children who should be calmed before we slept.

You can spend only so much money. You can go only so far in a democracy if you are to keep from turning it into a dictatorship. And you can either trust the men you put in charge or lose faith in them. But whatever you do in these times must be for keeps. A bad misstep by our leaders could leave us with few, if any, alternatives.

As for the people telling their leaders what to do if they have the facts: Perhaps the people are not getting all the facts. If so many privy to the same intelligence come out with different answers, what can we expect Joe Doakes to believe?

He has no other choice than to hope and trust that our top Government people know what they are doing. The fact that he has not become too aroused suggests that he does trust those he puts in charge.

If the time comes when we don't feel secure against the Reds, we will change the team at the top. Until that time, we can afford a thorough airing of our defense setup no matter who gets angry at whom.

Our people never can agree that what has been done is necessarily the best that can be done. Our defense demands continuing and painful checking, questioning, and criticism.

[From Newsweek, Jan. 25, 1960]

MILITARY TIDES—AMERICA'S B–70 MUST FLY

(Gen. Carl Spaatz, retired, Newsweek's contributing editor on military affairs, was commander of U.S. Strategic Air Forces in Europe during World War II and later Air Force Chief of Staff. A top theoretician in the complex art of destroying strategic targets, General Spaatz in the following article steps into the jet-hot argument over the B–70 bomber. He states an airman's forceful reasons why the United States needs this new strategic weapon.)

The decision to delay indefinitely the development of the B–70 bomber represents, I believe, the most serious mistake in weapons evaluation the United States could make at this juncture in the global armaments contest.

Equipped with this weapon, we could face the next decade confident of our military security. Without it, our present state of nervous apprehension will persist. More than any other weapon now projected, this one answers our basic defense problem.

Yet the administration, in its 1961 fiscal year budget, makes provision only for construction of two B–70 shells. Nothing is provided for development of the complex bombing, navigation, armament, and other equipment that will be required.

To proceed in this halfhearted way is tantamount to shelving the B–70 project, if not the concept.

The trouble seems to be that our military planners are thinking of the B–70 merely as another, faster bomber—an improvement over the B–52. Actually, it is so great an improvement that it represents a wholly new weapon, one which can be even more important than the intercontinental ballistic missile. The B–70 amounts to nothing less than a breakthrough in the science of aerodynamics.

Moreover, it is not a pig in a poke. Enough work already had been done on it to guarantee its performance. It will fly at more than 2,000 miles an hour—three times the speed of sound; cruise at an altitude of 70,000 feet; and have a range of 7,000 miles. Equipped with air-to-ground and air-to-air missiles, it could frustrate any antiaircraft defense system so far devised or likely to be devised in the foreseeable future.

Such a weapon could carry not one but a number of atomic bombs. It could carry weapons and personnel quickly to any part of the world. It would be equally serviceable in small brush-fire wars or in global war. It could serve both as defensive fighter and as offensive vehicle.

Adapted to civilian use, it could give the United States undisputed leadership in air transport for a long time to come.

The alternative to quick development of the B–70 is relegation of the United States to a second-class position in airpower. This is particularly risky in view of the possibility that atomic weapons eventually will be outlawed by international agreement. If we abandon the manned bomber, all our eggs will be in the atomic basket. The Polaris submarine-launched missile and the ICBM, which are touted as the weapons which make the manned bomber obsolete, would be next to useless if atomic warheads were forbidden. The B–70, by contrast, would be a devastating weapon even when carrying only conventional explosives.

With the Russians ahead of us in space, the B–70 represents our best immediate chance of tilting the balance of world power our way. This being so, the decision against developing it with all possible speed is incomprehensible.

[From the Washington Star, Feb. 11, 1960]

PRESIDENT'S QUICK TRIP SPARKS SECURITY SLIP

(By William Hines)

When President Eisenhower left Cape Canaveral, Fla., yesterday after 3 hours and 15 minutes on that desolate sand-and-palmetto heath, he observed that it had been "a very worthwhile trip."

Many of the reporters who made the hurried 1,600-mile round trip wondered from what point of view the President spoke. They thought that as far as increasing his grasp of either science or missilery was concerned, Mr. Eisenhower could have learned as much by staying at home and being briefed, or by looking at any of a spate of recent picture books on the Florida missile site.

About the only thing of any national consequence that occurred was a breach of military security. The effect of this was to spread among perhaps two score reporters information about the Polaris missile that had been known earlier to a relative few on a confidential basis.

BOBBLE ALMOST INEVITABLE

The security leak was nothing more or less than a bobble of the sort almost inevitable in a hastily arranged trip like that Mr. Eisenhower took yesterday. How effectively the fumble was covered up remains to be seen; how serious its import is a matter of opinion.

But the leak was important as a symptom characteristic of what happens when news is created, or "managed," for reasons that apparently have little to do with the national welfare.

President Eisenhower's trip to Canaveral was whipped up on the spur of the moment. Some of the White House aids who normally are "cut in" on trips far in advance say they did not know about this one until 24 hours before the President left for Florida.

This was just about the same time officials at the cape were notified of the forthcoming trip, and 1 hour before reporters were called in by White House Press Secretary James C. Hagerty and given the news.

From all that could be learned in the course of that hectic trip, the Canaveral inspection tour apparently "jus' growed" like Topsy.

"Plan a 4-hour tour for the President," seems to have been about the extent of the instructions sent down by Cape Canaveral. The trip was later cut to 3½ hours by eliminating a luncheon, and finally to 3¼ hours by spinning the convoy's wheels a little faster.

A prime purpose of the tour seemed to be to secure photographs of Mr. Eisenhower in front of some missiles.

In the original tour plan, photographers were given ample opportunity to take pictures, but writers were not granted an equal chance to observe. This plan broke down, however.

DEVIL-MAY-CARE AIR

The whole thing had a gala devil-may-care air about it. Had the President wished to inspect a war-ready missile base, Cape Canaveral is about the last place in the world he should have gone. No shot has ever been, or will ever be, fired in anger from there. It is a test base, pure and simple. Its relationship to actual combat bases is about equivalent to General Motors' test track's relationship to a great metropolitan freeway.

For a meaningful briefing and an actual feel for missile-base operations, Mr. Eisenhower should have gone to some such place as Vandenberg Air Force Base, Calif. He might have done so last month while on the west coast for the "dinner with Ike" at Los Angeles. It would have interrupted his trip for less than the 6 hours and 47 minutes total elapsed time of his absence from Washington yesterday.

At any event, it is unthinkable that the President needs to travel to Cape Canaveral to learn about missiles. The men who have managed the Air Force and Navy missile programs—Lt. Gen. Bernard A. Schriever and Rear Adm. W. A. Raborn, for example—are only minutes away from the President's side, and can fill him in on Atlases, Polarises, and Titans without breaching security.

[From the Washington Star, Feb. 17, 1960]

BOMBERS IN THE AIR

It is difficult to form many firm judgments on the basis of the heavily censored defense testimony that is emerging from the various committees on Capitol Hill. When so much is eliminated for security reasons, that which remains is often almost unintelligible.

One thing seems clear enough, however. And this is that our best insurance against being attacked will rest, now and for some time to come, on the strike-back capacity of our SAC bombers—our B–52's and our B–47's. If, during the period of changeover to missiles, these planes should be surprised and largely destroyed on their bases this country would be at the mercy of the enemy. Pearl Harbor was bad enough and illustrates the point. In 1941 and 1942, however, we had opportunity to recover from the destruction of our Pacific Fleet. We can hardly expect to have such opportunity again.

For these reasons there is much force to the contention that we should be preparing now to maintain a substantial portion of our SAC bombers on an around-the-clock airborne alert. In other words, keep enough of them armed and in the air at all times so the Russians will know that they cannot destroy all of our retaliatory capacity with a sneak attack.

The details are complex. When can we expect that an airborne alert will be necessary? No one seems to be sure, but the best guess is within a year or so. Without preparation, however, an adequate airborne alert could not be maintained for long. If we expect to keep from a fourth to a third of our SAC bombers in the air 2 years from now, we must begin, well in advance, to provide spare engines, more refueling tankers, and perhaps more crews. How much will this cost? The estimate is about $600 million in the first year and $1 billion a year thereafter. The new budget carries $90 million for this purpose—presumably not enough. Other testimony suggests however, that the President has authority to spend what is necessary for an adequate alert, and that Congress is obligated to come up with the money. Still another complicating factor is testimony from General White, Air Force Chief of Staff, that preparation for an airborne alert is desirable, but that institution of such an alert, at least at this time, might provoke the Russians to rash action. His testimony on this point was censored to such an extent, however, that it is hard to tell exactly what he had in mind.

Still, through all of the uncertainties, the basic consideration emerges clearly enough. We will be ruined if our SAC bombers, in a bigger and ghastlier Pearl Harbor, should be destroyed on the ground. We should provide the money and start preparing in time to make certain that this will not happen.

[From the Washington Post, Feb. 14, 1960]

CRITICISM'S CRITICS

President Eisenhower has always disliked wrangles, and it is hardly surprising that he deplores the controversy aroused by criticism of the defense effort. In this criticism no one has questioned the President's own sincerity in doing what he thinks right. What has been questioned is Mr. Eisenhower's judgment about the measures necessary to maintain American primacy and about the military expenditure the country can stand. In contrast with the proposed $41 billion military budget, the United States in fiscal 1953 sustained a military budget of $51 billion when the gross national produce was some $100 billion less than it is today.

The argument frequently advanced by others that such criticism is injuring the country is more serious—and specious. Vice President NIXON—whose condemnation of a "numbers game" in missiles is in interesting contrast, as Senator HUMPHREY has pointed out, to his own performance of a few years ago on loyalty-security cases—has opined that too much talk about the United States becoming a second-class power might cause

a potential enemy to miscalculate. Senate Minority Leader DIRKSEN observed after a White House conference the other day that security "should be safeguarded" and that "the comment on the submarines we have compared to the Soviet Union, the number of ships in different categories compared to the Soviet Union, the discussion of bases—I don't think that these things ought to be paraded across the front page."

Such premises seem to us fallacious on two counts. The first is the notion that the Russians are being treated to a lot of information they do not already have. If their intelligence is half as good as there is reason to think that it is, they have a pretty accurate knowledge of what the United States possesses in military capacity.

The second is the implication, connected with the above notion, that such knowledge should be secreted. It may be important to safeguard the details of weapons, but in the broad sense a deterrent is only as good as a potential adversary believes it to be. Most of the criticism of American defenses concerns inadequacies 2 or 3 years hence, some of which may yet be remedied. If present military power is as great as defense officials say that it is, then the administration ought to want the Russians to know about it. That is the way to prevent miscalculation.

Some of the criticism may indeed be wrongly based or ill-informed. But for administration spokesmen to imply that criticism of the defense program is therefore "destructive"—or to insinuate as General Twining did the other day that there is something disloyal in questioning the performance—is to assume a degree of sacrosanctity and infallibility that Americans have not customarily accorded their national leadership.

How, pray tell, are persons who are just as sincere in their concern for the country as the President is in his to attempt to increase the defense effort except through public comment and discussion? The attempts to stigmatize the exercise of criticism are far more frightening than the bogeys of a garrison state which apologists are so fond of invoking.

[From the Washington Post, Feb. 16, 1960]

CATCHING UP

Tass, the Soviet news agency, announced the first intercontinental missile on August 26, 1957. The first Soviet sputnik took flight on October 4, 1957. On September 13, 1959, a Soviet rocket reached the moon. On January 20, 1960, the Soviet Union reported the successful test in the Pacific of a missile that went nearly 7,800 miles and struck within 1¼ miles of its target.

Following are some of the comments of President Eisenhower during this progression:

"Let's take the earth satellite, as opposed to the missile, because they are related only indirectly in the physical sense, and in our case not at all. Never has it been considered as a race."—October 9, 1957.

"So far as the satellite itself is concerned, that does not raise my apprehensions, not one iota."—October 9, 1957.

"It is my conviction, supported by trusted scientific and military advisers, that, although the Soviets are quite likely ahead in some missile and special areas, and are obviously ahead of us in satellite development, as of today the overall military strength of the free world is distinctly greater than that of Communist countries."—November 7, 1957.

"At this moment the consensus of opinion is that we are probably somewhat behind the Soviets in some areas of long-range ballistic missile development."—January 9, 1958.

"With respect to the thrust * * * I do know that our plans, programs of development, are the kind that will put up any kind of missile or any kind of satellite that we believe will be necessary."—June 18, 1958.

"There has been no place that I can see where there has been any possibility of gaps occurring."—August 27, 1958.

"Today the so-called missile gap is being rapidly filled."—October 20, 1958.

"We are rapidly filling the gap that existed; and in some ways I think that our scientists have already achieved what we would call even more than equality, particularly in types and kinds, even if not in numbers."—October 21, 1958.

"The so-called missile gap of 6 years ago is speedily being filled."—October 22, 1958.

"Today America—and all the world—knows that in less than 4 years we are rapidly closing the missile gap that we inherited. And sputniks have been matched by Explorers, Vanguards, and Pioneers."—October 31, 1958.

"It is absolutely fatuous and futile to try to balance, item by item, the progress of two great nations in their technology of defense. To disturb ourselves too much that we have not yet caught up with another great power and people with technical skill in a particular item, it seems to me to show a loss or a lack of a sense of balance."—January 14, 1959.

"We do not believe that there is a relative increase in their capacity."—February 4, 1959.

"Our military missile program, going forward so successfully, does not suffer from our present lack of very large rocket engines, which are so necessary in distant space exploration. I am assured by experts that the thrust of our present missiles is fully adequate for defense requirements."—January 7, 1960.

"I am always a little bit amazed about this business of catching up. What you want is enough, a thing that is adequate."—February 3, 1960.

"There are too many of these generals with all sorts of ideas. I cannot be particularly disturbed because everybody with a parochial viewpoint all over the place comes along and says that the bosses know nothing about it."—February 3, 1960.

"The biggest problem there is in the United States today is to make sure that her own people * * * understand the basic issues that face us and form their own judgment."—February 11, 1960.

[From the Washington Post, Feb. 15, 1960]

(These footnotes to the week's news have been gathered by reporters of the Washington Post.)

Republicans charge that Democrats are playing politics in talking about the missile gap, but President Eisenhower himself hasn't been above inserting a little politics into the issue.

At a recent news conference he called reporters' attention to a "statement of America's history in missile development" that he had just seen in the CONGRESSIONAL RECORD. Without explaining further, the President gave it this plug: "It's a very comprehensive one, and I commend it to your attention to show what has been done with a very slow start and with a complete neglect for a period."

Reporters found that the account, inserted in the RECORD by Senate Republican Leader EVERETT M. DIRKSEN, of Illinois, who listed Representative LESLIE C. ARENDS, of Illinois, House Republican whip, as author. Copies have been distributed to all congressional GOP members.

Inquiries at ARENDS' office disclosed that it was an updating of a pamphlet distributed to Republicans 2 years ago and endorsed by the national committee for use in campaigning.

Without mentioning former President Truman by name, it cites dates and figures to put the blame for the current missile lag on the former Democratic administration. America, it declared, "turned seriously to long-range ballistic missiles only 7 years ago," and since then "programs have advanced with impressive speed."

[From the Washington Post, Jan. 26, 1960]

TODAY AND TOMORROW

(By Walter Lippmann)

WEAPONS AND SPACE

The argument about our defenses, which is now raging, revolves around what used to be called the missile gap and is now called the deterrent gap. The gap in either version is during the next few years when the Soviet Union will have in operation perhaps three time as many long-range missiles as we have.

In this period of time the Soviet Union will be able, says General Power, the commander of the Strategic Air Force, to "virtually wipe out our entire nuclear (retaliatory) strike capability within a span of 30 minutes." Theoretically then, the Soviet Union would no longer be deterred since it could knock us out before we could answer back.

The administration's view is that this is an abstract theoretical equation—General Power called it "a mathematical probability" which in fact and in reality the Soviet Union could not and would not act upon. For the total retaliatory power of the United States and its allies is to be measured not only in missiles but in manned bombers which can be kept in the air, and by other strategic weapons such as submarines and mobile missile bases.

On the nearer issue of whether we shall soon be at the mercy of the Soviet Union, the administration has, it seems to me, a good case. No doubt General Power is right to insist upon the mathematical probability that 150 long-range missiles and another 150 medium-range missiles could in half an hour destroy the 100 installations and facilities from which we can launch a nuclear reply. But while this is a good and sufficient reason for strengthening our retaliatory force and of spending the money to protect it, there is a bigger issue which we need to ponder and to discuss.

The deep weakness in the administration's position is not that we cannot deter the Soviet Union in 1963. It is that in the general field of rockets and the exploration of space we are not even holding our own. We are falling behind. The administration's case, although good enough on the risks of war in 1963, contains within it a great and quite unfounded assumption.

This assumption is that although the Soviet Union is now ahead of us, we are in the process of catching up. This supposes that we are now moving faster than the Soviet Union is moving. There is no reason to think that this is true. Almost certainly the truth is that they are moving faster than we are.

This is the most serious of all the gaps. It is that despite the genius and talent available our science and technology are less good than that of the Soviet Union.

We have all asked ourselves why. My own view for what it may be worth, is that our second-rateness stems from a false conception of the whole matter and from a fundamentally wrong decision. The false conception is the President's belief that there are two separate and distinct fields—one for military weapons and the other for exploration of space. From this fallacy stems the decision to leave the development of the missiles to the military service and to treat the exploration of space as a form of boondoggling, of no concern to our safety and with no serious claim on the budget.

From this comes, so I am convinced, the fact that the armed services find it very hard

to recruit and to hold on to the very best scientific minds of the country. The very first-rate men will not devote their lives to making a weapon that will soon be obsolete. These same men are often not recruited for the space exploration because the whole effort there is starved for money.

The second-rateness of our performance is due to the fact that our programs—military and for space—do not invite and encourage the very first-rate minds. I am afraid that the reason why the Soviets are ahead of us is that their military weapons and their space rockets are under the control, not of the soldiers and not of the factory managers, but of the scientists.

Men of genius cannot do what they are capable of doing if, as is the case today, they are herded into separate compartments and told to devote themselves to limited aims. They will respond best if they can believe that they are part of a great inquiry and experimentation into the nature of the universe. In all the flourishing periods of discovery and invention the air men breathed stimulated them to look beyond the horizon.

There is no such favoring climate today. Instead we have a Philistinism which supposes that the most original and first-rate minds can be hired for any job that the boss chooses for them. And we have a materialism which regards the exploration of space, and indeed the exploration of the unknown, as less important than the multiplication of consumer goods.

Such Philistinism and materialism are the attributes of a declining and second-rate power, and they are our real cause for concern.

Mr. GRUENING. Mr. President——

Mr. SYMINGTON. Mr. President, at this time I am glad to yield to the able Senator from Alaska.

Mr. GRUENING. I wonder whether the able Senator from Missouri—who has given us so comprehensive and so effective a picture of the defense situation, based on his long experience and his great solicitude in this field—is aware of the fact that he has many supporters, not only among the generals whose names have been mentioned, and who have resigned from the services in protest, and not only among other distinguished and outstanding military experts, but also among many other prominent Americans. For instance, I wonder whether the Senator from Missouri is aware of the series of six articles which Joseph Alsop, a very distinguished and conscientious columnist, has written on the subject "The Missile Gap." The articles have been widely syndicated by the New York Herald Tribune, a Republican organ, and have not, as far as I know been disputed editorially by that newspaper. This, I believe, shows that this issue is a national one, not a partisan one.

A moment ago I saw in the Chamber my friend, the distinguished senior Senator from Vermont [Mr. AIKEN]; and I remember that a very eloquent speech which he made about a year ago contained the statement:

Abraham Lincoln did not balance the budget, but he saved the Union.

I think that is very pertinent to the situation today.

If the Senator from Missouri has not seen this excellent series of Joe Alsop's six articles, he might wish to have them inserted in the RECORD, because they completely buttress his point of view.

Mr. SYMINGTON. I should like to say, here on the floor of the Senate, that I do not think any newspaperman has done more for the security of the United States than has Mr. Alsop in his fearless presentation of one of the real problems in the world today—namely, the necessity for going to the summit conferences with relative strength, instead of going there with relative weakness.

Perhaps the Senator saw the very significant article from Moscow—published yesterday morning on the front page of the Baltimore Sun. It was about our weak negotiating position at the summit. I should like to send it to the Senator, although I do not request that it be printed in the RECORD. I believe this country should be as strong as necessary. Regardless of anyone's belief to the contrary, we must be able to negotiate from psychological and physical strength, as well as from moral strength.

I thank the Senator from Alaska for mentioning the articles by Mr. Alsop; and, Mr. President, I now ask unanimous consent that the six articles by Joseph Alsop be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

IS UNITED STATES SAFE OR NOT?—CONFLICTS ON MISSILE GAP

(By Joseph Alsop)

WASHINGTON.—A deeply disturbing conflict of the highest official opinion, on the sole problem which literally involves the survival of the United States, was unobtrusively revealed last week.

The problem of the missile gap was painted in the rosiest, most reassuring colors in congressional testimony by the able new Secretary of Defense, Thomas Gates, and the Chairman of the Joint Chiefs of Staff, Gen. Nathan Twining. General Twining even suggested that it was downright unpatriotic to regard the missile gap as constituting a problem.

Almost simultaneously, the same problem was painted in the most somber and alarming colors by the Strategic Air Commander, Gen. Thomas Power. Virtually no attention was given to the extraordinary speech, before the New York Economic Club, by the man who has more responsibility than anyone else for bridging the missile gap. Yet the message of SAC's brilliant leader was as grave as possible, as can be seen from the following excerpts:

"If (the Soviets) could effectively threaten us from a position of such military superiority that we would feel unable to defend ourselves, our capability to resist * * * would be greatly reduced, if not nullified. (Such) military superiority would be achieved through accumulation of (enough) ballistic missiles to destroy our retaliatory forces before they could be launched. Surprisingly, this would not take very many missiles under present conditions. * * * The total number of installations and facilities from which we can launch nuclear-armed aircraft or missiles at this moment is only about 100. All of these facilities present soft targets—that is, they could suffer crippling damage even (from) a near miss.

"It would take an average of three missiles, in their current stage of development, to give an aggressor a mathematical probability of 95 percent that he can destroy one given soft target from 5,000 miles away. This means that, with only some 300 ballistic missiles, the Soviets could virtually wipe out our entire nuclear strike capability within a span of 30 minutes. To further heighten this threat, only about half these missiles would have to be ICBM's. The rest could be the smaller intermediate-range ballistic missiles."

These words, so terrible in their implications, as will be seen, were in the hands of the Pentagon censorship for no less than 3 weeks. During this interminable "processing," General Power's speech was extensively pruned and toned down. If General Power's facts could have been attacked, the censors would surely have pruned them, too. Hence, the foregoing must be accepted as the first authoritative statement, from a source commanding absolute belief, of the missile capability the Soviets now need to bring this country to its knees.

As might have been expected, General Power did not overtly challenge the views expressed by Secretary Gates and General Twining. But the challenge is plain enough and terrible enough if you place General Power's statement of facts against its background of theory. The theory of deterrence, which gives the key to General Power's speech, is not merely accepted by General Power and Secretary Gates and General Twining. It is also accepted by Nikita S. Khrushchev, as he disclosed in the most significant passage of his recent speech to the Supreme Soviet.

In brief, true deterrence depends on careful calculations of "first strike capability" and counterstrike capability. The United States today, for instance, has enough nuclear striking power to destroy the Soviet Union 10 times over. But the Soviet Union today also has formidable nuclear striking power. The United States therefore has no "first strike capability," if our first strike cannot take out all the pinpoint targets presented by Soviet panoply of nuclear power. We have, first of all, to destroy this power before it gets off the ground. If we cannot do this, our first strike will merely trigger the Soviet "counterstrike capability." If we are thus faced with the prospect of national destruction by the enemy's counterstrike, we are effectively "deterred." Just this is our present situation, according to Khrushchev.

Furthermore, as General Power admitted, America's nuclear striking power, though vast, is also very vulnerable to missile attack. This is because our power, mainly SAC, is concentrated in a few targets, lacks effective warning, and so on. For these reasons, a small number of Soviet missiles—General Power says 300—will be enough to wipe out virtually all our nuclear power before it can get off the ground. With these missiles in their armory, the Soviets will not need to fear our counterstrike; and our deterrent will then cease to deter.

This was, of course, the exact situation that General Power grimly described. It could be, he implied, the true American situation before very long. His description was so grim for two reasons; his frank admission of our deterrent's extreme vulnerability; and his startlingly low estimate of the number of missiles the Soviets would need to destroy our deterrent.

There is only one way to reconcile General Power's statement of the facts with the interpretation of the facts offered to Congress by Secretary Gates and General Twining. General Power obviously suspects that the Soviets may soon have the smaller number of operational missiles required to destroy our deterrent. But Secretary Gates and General Twining are convinced, as they have testified, that it is absolutely impossible for the Soviets to have this number of missiles within the period of our deterrent's vulnerability.

General Twining and Secretary Gates have derived this comforting conviction, as they have also testified, from the National Intelligence Estimates. Thus two questions immediately present themselves. Are the National Estimates correct? And even if the

estimates are correct, is it permissible to gamble the whole national future on mere estimates? These questions will be examined in the next articles of this series.

IS GATES' OPTIMISM JUSTIFIED?—THE SOVIET MISSILE ARSENAL

(By Joseph Alsop)

WASHINGTON.—"With only some 300 ballistic missiles, the Soviets could virtually wipe out our entire nuclear strike capability within a span of 30 minutes. To further heighten this threat, only about half of these missiles would have to be ICBM's. The rest could be the smaller intermediate-range ballistic missiles." (Speech last week by the U.S. Strategic Air Commander, Gen. Thomas Power.)

This first authoritative statement of the missiles the Soviets need to destroy the American deterrent came straight from the man in charge of the deterrent. But almost simultaneously Secretary of Defense Thomas Gates and the Chairman of the Joint Chiefs, Gen. Nathan Twining, were telling a congressional committee that we hardly need to worry about Soviet missiles, or about a missile gap.

Therefore Secretary Gates and General Twining plainly believe that the Soviets cannot possibly have or produce the missiles General Power says they need. The Secretary and the Chairman of the Joint Chiefs in fact place absolute confidence in the national intelligence estimates—the official guesses at Soviet military capability prepared by the Central Intelligence Agency in cooperation with the State Department and the armed services.

As survival quite literally depends on Secretary Gates being right, it is important to know whether his confidence in the estimate is well founded. The first thing to note is the extreme narrowness of the national estimates' margin of error, beyond which further error may mean national suicide.

According to General Power, the Soviets could destroy our deterrent with 150 intercontinental missiles for our nuclear launching sites in this hemisphere, plus another 150 intermediate-range missiles for our air and missile bases overseas. The national estimates themselves have long granted the Soviets an ample stock of IRBM's. Over 100 IRBM launching pads are known to exist in Eastern Europe alone. Thus everything hangs upon the single question, whether the Soviets now have, or will soon have, only 150 operational intercontinental missiles.

The number is not large. It is, for example, only 10 months of the productive capacity of our own Atlas ICBM plant, if the Atlas production line were working on a three-shift basis instead of a business-as-usual basis. It is also less than the number of operational ICBM's we would now have in this country, if President Eisenhower had ordered an all-out missile effort after the warning of the first sputnik.

Again, 150 ICBM's is only three-fifths of the rockets that Nikita S. Khrushchev has said the Soviets produced last year "in a single factory." From the context, he seemed to be talking about intercontinental rockets. He was hopefully interpreted here, as talking only about IRBM's. At that, the interpretation is not overly comforting, for we have no factory today that is currently producing half Khrushchev's number of major rockets, even in the IRBM range.

Finally, and most important of all, 150 ICBM's is, or at least ought to be, a much smaller number of operational missiles by Soviet standards than by American standards. This is because of the lamentable difference in the histories of the Soviet and American missile programs.

In brief, there was no coherent, sensible American program of long range missile development before 1954. Only in that year were practical recommendations for big missiles presented by the late Dr. John von Neumann, and rammed through the resisting Pentagon by the late Secretary of the Air Force Harold Talbott and former Assistant Secretary Trevor Gardner. This late start is the main reason why the first American ICBM, the Atlas, though operational and efficient, is basically an engineering hybrid.

The Soviet program of missile development, in contrast, began early, always had a high priority, and has been marked by methodical, orderly continuity. In the years after the war, before the United States had managed to build a single Chinese copy of the German V–2, the Soviets produced 1,000 V–2's in the captured underground V–2 plant in East Germany, just to get their hands in, so to say. Development thereafter proceeded by generations; the T–1, an improved V–2; the T–2, an IRBM protoype; the T–3A and T–3B, which are the present Soviet ICBM's, and the new, longer range Soviet missile tested in the Pacific, which is the fourth generation.

If the United States had followed a similar development curve over a similar period of time, there can be no doubt at all that we would have, not a mere 150 ICBM's operational, but 1,500 ICBM's if the requirement were that big. Hence the published facts are dead against Secretary Gates. The problem remains whether the unpublished facts justify the Secretary's confidence that the Soviets certainly do not have what they most certainly ought to be able to have and must greatly want to have. This problem will be examined in the next report in this series.

UNITED STATES SEEN TAKING HUGE GAMBLE—THE MISSILE GAP AND SURVIVAL

(By Joseph Alsop)

WASHINGTON.—The Eisenhower administration is gambling the national future on the assumption that the Soviets cannot possibly have a number of operational ICBM's equivalent to 10 months of capacity output at our own Atlas missile plant.

The fact sounds incredible when stated in this blunt manner. It is a hard fact nonetheless. The man who should know best, the brilliant Strategic Air Commander, Gen. Thomas Power, has flatly said that the Soviets can "virtually wipe out" our nuclear deterrent with no more than 150 intercontinental ballistic misiles, plus the IRBM's they already have in plenty. The Atlas plant has long been capable of turning out 15 ICBM's a month, if ordered into three-shift production.

Yet no serious emergency measures are being taken to forestall the "wiping out" of our nuclear deterrent, on which our national survival depends. According to Secretary of Defense Thomas Gates, such measures are not needed, because the national intelligence estimates do not give the Soviets even the very limited number of ICBM's that General Power says could win the war for the Kremlin.

There are several things to note about this gamble on the micrometric accuracy of the national intelligence estimates. In the first place, it is certainly not justified by the past record. This record shows a consistent series of gross American underestimates of Soviet weapons achievements from 1946 onward.

From the atom bomb, to the first Soviet jet engine for aircraft, to the first Soviet long-range jet bombers, to the ICBM itself, the estimators went on making the same kind of error. On average, the Soviets were always expected to make each major advance a good 2 years later than the actual moment when the advance was made.

Once, and once only, there was an overestimate, of Soviet heavy bomber output. But this belated correction of previous mistakes about Soviet bomber capabilities was only an overestimate because of still another gross underestimate. At that time, the Soviet missile program was being all but ignored. The Soviet changeover from bombers to missiles was therefore wholly unforeseen.

In the second place, these persistent, often-repeated errors have clearly resulted from the very nature of the process by which the national intelligence estimates are still produced. The intelligence collector, the Central Intelligence Agency, does not produce the estimates. The CIA may do, and by every feasible test the CIA apparently does, a remarkable job of intelligence collection. But when data come in, say about the rate of Soviet missile tests, the CIA must go into committee with the armed services and the State Department. The committee decides the meaning of the newly collected data. The committee's interpretation of the data is the "national" estimate.

CIA Director Dulles, a devoted and exceptional public servant, has struggled to overcome the tendency to error in the estimates. But Dulles is not in the weapons producing business, along with the armed services. He hardly has a more effective answer than this reporter had, long ago, when the late Gen. Hoyt Vandenberg angrily insisted that the "Soviets could not possibly be producing more than six jet engines a month, and anyone who says different is a damned liar."

The former Chief of Air Staff was angry because six jet engines a month was the maximum output we had then attained in this country. The true Soviet output at that time is now well known to have been above 200 jet engines a month.

This in turn suggests the main source of error in the estimates. American experience is consistently used to measure current and future Soviet achievements. But the Soviet effort to develop new weapons has always been far more intensive than the American effort. In reality, the Soviet leadtime from drawing board to production line is commonly only half the American leadtime. So errors have obstinately recurred.

Sometimes, It must be added, the Pentagon majority really seems to prefer error to truth. For example, the late Deputy Secretary of Defense Donald Quarles represented the Pentagon majority when he did everything imaginable to obstruct the installation of the missile-watching radars in Turkey. When installed, these radars at once revealed the progress of the Soviet missile program; but even after this sharp lesson the radar evidence has often been poohpoohed. For instance, former Secretary of Defense Charles Wilson publicly ridiculed the radar's proofs that the Soviets were testing their first ICBM's. Long thereafter, the Chairman of the Joint Chief of Staff, Gen. Nathan Twining, continued to insist that the Soviet ICBM's did not have true intercontinental range.

Such is the depressing background against which it is necessary to examine the detailed intelligence estimates which are the basis of the most hair-raising gamble a government has ever made. This analysis will be attempted in the next article in this series.

UNITED STATES PLAYING RUSSIAN ROULETTE?—ESTIMATE OF RED MISSILES

(By Joseph Alsop)

WASHINGTON.—The American intelligence estimate prepared at the time of the first sputnik gave the Soviets about 500 intercontinental missiles by the end of this year. If these first estimates happened to be correct, the Kremlin may already have enough ICBM's to wipe out our nuclear deterrent.

During 1958, however, the first estimates were downgraded. New and lower estimates were conveniently revealed by former Secretary of Defense Neil McElroy, during his presentation of the business-as-usual 1959 defense budget. This second set of esti-

mates gave the Kremlin 500 ICBM's by the end of 1961. If the revised estimates happened to be correct, the Kremlin should be in a position to win the world about 12 months from now.

During 1959, however, the revised estimates were revised yet again. The new and still lower estimates were conveniently revealed by Secretary of Defense Thomas Gates, during his presentation of the business-as-usual 1960 defense budget. If the twice-downgraded estimates happen to be correct, we may perhaps bridge the missile gap without any final catastrophe—provided the Pentagon's highly optimistic schedules for the Minuteman missile and other weapons of the future also happen to be correct.

On the face of it, there is something very fishy about these repeated strikingly convenient downgradings of intelligence estimates. How can anyone be so sure that Nikita S. Khrushchev was lying, in late 1958, when he stated that Soviet ICBM's were already in serial production? How prove that he was being deliberatly misleading, more recently, when he seemed to say that a single Soviet factory had turned out 250 ICBM's last year?

If he was telling the truth, Khrushchev must now have at least 150 operational ICBM's. The highest American authority, the Strategic Air commander, Gen. Thomas Power, has publicly said 150 ICBM's could "virtually wipe out" our nuclear deterrent. And the answer to the questions posed above is, quite simply, that no one in America can possibly be sure Khrushchev was not telling the truth, despite our downgraded estimates.

The proof of that statement lies not merely in the disturbing record of the estimates and the peculiar machinery that produces them, both of which have already been described in this series. In the evidence itself, lies the best proof that the estimates are no more absolutely reliable than their name implies.

The gaps in our evidence on the Soviet ICBM program are quite certainly very great. We do not know whether the Soviets have one, or two, or three, or more ICBM plants comparable to our own Atlas plant, which could turn out 150 ICBM's in 10 months if ordered into 3-shift production. We do not know whether crews have been diverted for ICBM's from the admittedly massive Soviet IRBM program. We do not know about launching pads, since even the doubly downgraded estimates suggested that the Soviet ICBM's are probably rail-mobile.

Such are the vast areas of ignorance, which unchallengable authorities assert are concealed behind the national estimates. There are hints and indications, of course, to garnish the gap. But there is in fact only one main area of certainty. Our missile-watching radars have told us that the Soviets were not running great numbers of ICBM tests—only about three a month until recently. We also have information about the Soviet testing facilities apparently confirming the information about the ICBM tests.

This limited Soviet program of ICBM tests has been almost the only excuse for twice downgrading the estimates. On this point, the Central Intelligence Agency, which is not in the missile business, is ill equipped to argue with the Pentagon, which is very much in the missile business. The Pentagon uses American test requirements as the yardstick—a highly dubious yardstick for many technical reasons. Insisting on this yardstick, the Pentagon has also insisted that the Soviets cannot be engaged in a crash program of ICBM output.

The words "crash program" are doubly revealing. They show first the deforming effect of budgetary pressures. A mere 10 months of capacity output by our own Atlas plant—the Kremlin requirement as stated by General Power—could not be called a "crash program" by anyone who had not lost his grip on reality.

Second, these words, "crash program," also imply a shocking fact that Secretary Gates has now publicly admitted. They show that our estimates are no longer calculations of Soviet capabilities—calculations of the utmost the Soviet can do, by a crash program for instance. They indicate that our estimates are now mere calculations of Soviet intentions. Despite Secretary Gates' subsequent attempts to fuzz the whole thing over, his original testimony on this point was crystal clear:

"Figures (of Soviet ICBM output) that have been testified to in years past * * * were based on Soviet capabilities. This present one is an intelligence estimate of what we believe (the Soviet) will probably do, not what (the Soviets are) capable of doing."

Pearl Harbor was the result, the last time the American Government based its defense posture on what it believed a hostile power would probably do, and not on what the hostile power was capable of doing. If the estimates are wrong by no more than a hairsbreadth, something much worse than Pearl Harbor can now be the result.

In this matter, it is folly to blame the estimators, and, above all, the Central Intelligence Agency. The CIA has never claimed to provide gospel instead of estimates. It has done its best with a bad, difficult business. But those who have pressed for downgraded estimates, and have then used mere estimates as gospel, can certainly be blamed. These sponsors of our business-as-usual defense budgets, headed by the President, are playing a vast game of Russian roulette with the national future.

THE BRIDGE

(By Joseph Alsop)

WASHINGTON.—The incredible thing about the official approach to the missile gap is the needlessness of the hair-raising risk that is being run. In order to save some hundreds of millions of dollars, the Eisenhower administration is literally playing a gigantic game of Russian roulette with the national future.

These are strong statements. They are also factual statements. Their coldly factual character is at once apparent, if you grasp why the American Strategic Air commander, the man who knows most about the problem, Gen. Thomas Power, has now begun to talk about the Soviets' opportunity to wipe out our nuclear deterrent.

The total vulnerability of the American deterrent is obviously General Power's first worry. Here and overseas, there are now about 100 missile bases and launching pads from which we can send nuclear weapons against an enemy. All these bases and launching pads are soft targets. "Soft," in Pentagonese, means capable of being utterly destroyed by the five pounds of blast pressure per square inch which is caused, over a 4-mile radius, by a 1-megaton bomb explosion.

According to General Power, three Soviet ballistic missiles will give the Kremlin a 95-percent chance of destroying any soft target. This is the basis of General Power's estimate of 300 Soviet missiles, half IRBM's, half ICBM's, to wipe out the deterrent. As previously noted in this series, there is no doubt the Soviets already have the intermediate range missiles. They will also have the 150 ICBM's they require with the equivalent of 10 months of capacity production of our own Atlas missile plant.

The lack of any warning against missile attack is clearly General Power's second worry. At present, and until at least the end of 1963, SAC and all the West's other nuclear forces cannot count on any warning against surprise attack with missiles. True, an anti-missile warning system is now being installed. But the eastern sector of this BMEWS system, as it is called, is only just coming into operation. The central sector is still far in the future. The western sector, which has to be based in Scotland, has not even been started. There will be no sure warning until the whole system is completed.

The combination of zero warning and total vulnerability in turn adds up in General Power's mind (and in any other capable of simple arithmetic) to the likelihood of the American deterrent being wiped out—if the Soviets just have or acquire the 150 ICBM's they need. Right here is where the game of Russian roulette begins.

After two budgetarily convenient downgradings, the national intelligence estimates do not credit the Soviets with those 150 ICBM's. One must pray the estimates are right. But no intelligence service on earth can be absolutely certain that the closed Soviet society, using all the resources of the huge Soviet economy, has not produced a number of weapons equal to a mere 10 months of capacity production in a single American factory.

There is at least one chance in six—the normal chance when juvenile delinquents play Russian roulette—that our intelligence estimates are wrong, some say it may be one chance in five, or maybe even one chance in four or three, or two. And if the estimates are wrong by a hair, our power to resist the Kremlin will be nullified, according to General Power.

The macabre roulette game is needless, however, because there are steps that can be taken to solve the problem of the American deterrent's total vulnerability and its total lack of warning. If we take those steps, the missile gap can probably be bridged. They are as follows:

A maximum air-borne alert is the most obvious and urgent need. A plane that is already in the air, with bombs and fuel aboard, is not vulnerable to a 1-megaton explosion, or to a 100-megaton explosion. Before launching his own attack, the enemy must be ready to defend against all planes on airborne alert. Otherwise, if there are enough such planes, a Soviet strike at us will invite the destruction of the Soviet Union.

At present the Strategic Air Command has a 15-minute ground alert, which is useless in condition of zero warning. In the new budget, the administration has reluctantly tossed General Power some peanuts for airborne alert—$20 million this year, and $90 million next year. But this is the old trick of token appropriations to delude the Nation.

A maximum alert is needed, at least of General Power's big B–52 bombers, which are the only suitable planes he has. Even a maximum alert, of 25 percent of his 600 or so B–52's, will give him a dependable first strike of only 150 aircraft. Even after due allowance for the improvement in the bombs carried, a first strike by 150 aircraft is a melancholy contrast with the old SAC requirement for a first strike by about 1,500 aircraft. The contrast is all the more serious because of the recent Soviet installation of a powerful air defense system based on missiles like our Nike-Hercules. But the maximum airborne alert of the B–52's is the only remedy immediately available, and it is a good remedy, too. It would add about $900 million to the budget.

Better warning can be provided within 18 months, in all probability by larger investment in the highly promising Midas missile-seeing satellite. With 18 minutes' warning from Midas, General Power could greatly increase the strength of his first strike. The Pentagon's kept scientists say that it is still a gamble to invest the extra $200 million needed to buy an operational Midas warning system immediately. But the Midas builders say it is a good gamble. It should be taken.

Later dangers can be reduced, too, by buying more Atlas and Titan missiles for the perilous year, 1963. These late-coming missiles will be in "hard" pads. Being hard targets, each of these American ICBM's will add something like 25 Soviet ICBM's to the Kremlin's missile requirement at the very time the Kremlin's missile program is quite sure to be in highest gear. An increased effort to close the far end of the gap in this manner might cost a little more than $1,500 million.

These sums are not trifling. But surely it is not worth playing Russian roulette with the national future to save a total amount no bigger than the invested capital of a single American charitable foundation.

FALLACY SEEN IN BELIEF THAT "IKE KNOWS BEST"

(By Joseph Alsop)

WASHINGTON.—With any other President in the White House, the missile gap and the way it has been neglected and fully misrepresented by the administration would by now constitute a huge, emotion-charged national scandal.

But Dwight D. Eisenhower not only has the curious, often useful political knack of acting as a kind of supertranquilizer, a whole nation's Milltown. He is also, and with justice, remembered as the general who led our men to victory in the last war. Because he is a military hero, the country tells itself, "Ike knows best," while the Eisenhower Defense Department plays its macabre game of Russian roulette with the country's future.

In this way, Eisenhower the man is a key part of the problem of the missile gap. For this reason, no study of the problem can be complete without an attempt to answer the question, whether Ike really does know best.

It is a truism, of course, that military heroes cannot always and forever be trusted to know best. Indeed, the fields of history are whitened by the bones of armies that were prepared for the next war by generals who won the last war. But truisms need not be universally applicable; so one must look at Eisenhower's individual record in order to form a judgment.

In that record, the most significant single episode is surely the part President Eisenhower played in our most disastrous postwar defense budget. This was the budget prepared when President Truman was having his own bout of budget mania, under the Defense Department leadership of the egregious Louis Johnson. This was the budget that invited the Korean aggression. As some predicted, its invitation was quickly accepted.

By Louis Johnson's request, Eisenhower came back to Washington that year, to work with the Joint Chiefs of Staff while the budget was being prepared. Without contradiction from Eisenhower, the budget was then presented to Congress by Johnson as an "Eisenhower budget." Nor was Eisenhower the only great American military figure with a major share of responsibility for this budget that invited disaster.

A wholly different budget had been prepared, with infinite toil, by the great James V. Forrestal; and President Truman had made Gen. George C. Marshall the judge between Forrestal and himself. For the specific reason that the national economy could not support the Forrestal budget (which totaled $18 billion) General Marshall told Truman to go ahead and cut Forrestal's handiwork to the bone. Gen. Omar C. Bradley also testified that if we spent a dollar more for defense than the Eisenhower-Johnson budget (which totaled $13 billion), the national economy would promptly collapse under the strain.

Here we see not just Eisenhower alone, but three of our greatest soldiers of the last war, all making the same appalling mistake for the same reason. It is the very reason that Eisenhower now puts forward, once again, to justify skimping the national defense in the current budget. Our generals, apparently, are taught to regard the economy of the richest nation in history as a sort of sensitive plant, likely to fall into decline at the merest touch. In Eisenhower, of course, this viewpoint has more recently been vastly strengthened by the powerful influence of men like George M. Humphrey.

If you believe, with Humphrey, that paying the full bill for national defense is a quick road to national suicide, it is, of course, tempting to avert the eyes from all the reasons why not paying the defense bill may be suicidal. There is evidence, too, that the President has done just this. If Eisenhower were a less transparently honest man, such Eisenhower defense speeches as the one after the first sputnik would have had to be called something far uglier than grossly misleading. The facts were wrong, and they were wrongly presented as well.

The chief fault lay, perhaps, in the White House staff's constant, sedulous effort to protect their Chief from anything too disturbing or too disagreeable. One thinks of the former Secretary of the National Security Council, Robert Cutler, the greatest of all the President protectors, viciously ridiculing the awe-inspiring, wholly accurate warnings of the Gaither report.

PENTAGON WARNING

One thinks, too, of the Pentagon warning to Gen. Andrew Goodpaster that the President had better not claim our Vanguard satellite would soon match the Soviet sputnik, because the Vanguard project was in a mess. The warning, overly calculated to upset the President, was never transmitted. The claim that we would match the sputnik was duly made. And for many months on end, the United States looked silly among its unsuccessful satellites.

This is no attempt to denigrate the President. It is an effort rather to show why, in this crucial case, a very virtuous king may be claiming to wear all sorts of clothes he has not got on. But perhaps it would have been better to assert, at the outset, that it is always wrong for any nation to trust any leader, instead of trusting the hard facts.

The hard facts say that a very small number of Soviet ICBM's can wipe out the American nuclear deterrent. The hard facts say there is a good chance of error in the intelligence estimates which deny the Soviets this small number of ICBM's. The hard facts say, therefore, that the remedies must be urgently applied that are needed to put an end to the Russian roulette game.

Mr. SYMINGTON. Mr. President, the Senator from Massachusetts had asked me to yield to him for a question. I asked him to allow me to complete my statement. He has graciously done so, and I now yield to him for a question.

Mr. SALTONSTALL. I thank the Senator from Missouri for yielding to me. There are several questions I should like to ask him.

In the first place, is it not true that today the B–52 bomber can carry an amount of destructive power far beyond what was dropped on Germany during World War II?

Mr. SYMINGTON. That is correct. Any bomber or modern fighter plane that is owned by either the United States or Soviet Russia or Communist China or any other nation can do that today.

Mr. SALTONSTALL. I should also like to ask the Senator another question. In working out our own overall defense, we must determine the whole mix of weapons, as that term is used today. The Senator has talked mostly about missiles. Is it not true that our B–52 long-range bombers are superior in number today, by a substantial percentage—without disclosing security information—over what the Russians have?

Mr. SYMINGTON. That is correct. That was explained to the Senate committee by General Twining, then Chief of Staff of the Air Force, now Chairman of the Joint Chiefs of Staff, on the basis that the Soviets leapfrogged emphasis on their long-range bomber production in order to concentrate on their ICBM production. This was due, in part, to the fact that bombers are especially important to the country which does not plan to attack first, and missiles are relatively more important than bombers to the country which expects to initiate an attack.

Mr. SALTONSTALL. Is it not also true that even if there is a greater thrust on the part of the Soviets—and I acknowledge what the Senator from Missouri has said, that it is true that the Soviets have a greater thrust—it is a question of the payload in the ICBM; and if we have a sufficient payload in the ICBM, we do not necessarily need a very much greater thrust.

Mr. SYMINGTON. That is not correct. I know that the Senator wants to have the truth stated. The greater the thrust, the greater the warhead or payload weight can be, and the less the need for accuracy.

The payload, as the information is presented to us, in the present Russian ICBM's is more than the payload of our ICBM's. That means, therefore, that if their ICBM's are as accurate as ours—and there is no reason to believe otherwise—the effect of each of their ICBM's will be greater than the effect of each of ours.

Even if their ICBM's were less accurate than ours, the damage they could do on targets would be at least equal to ours because of their superior thrust and bigger payload.

The people are being misled about this question of thrust. When I went to Alabama last fall, General Medaris told me that the Saturn project had been cut from a requested $130 million to $70 million for the current fiscal year. He also told me that the budget request for Saturn was cut $110 million—from $250 million to $140 million—this fiscal year. At that time General Medaris was so disturbed over the way the matter was being handled that he told me he intended to resign. Two days later I arranged to have breakfast with Dr. von Braun and he confirmed exactly what General Medaris had told me.

Just the other day there was a press release to the effect that the President was now requesting $90 million more for the Saturn program, which is the program which could make us equal with the Soviets in the matter of thrust and, therefore, of payload. But when that press release was issued telling about the President's recommending $90 million for the Saturn program, was anything said about the fact that a great deal more than that had been cut out from

the experts' requests for the last two budgets? The answer is "No."

Mr. SALTONSTALL. Mr. President, will the Senator from Missouri yield further for a few more questions?

Mr. SYMINGTON. I am glad to yield.

Mr. SALTONSTALL. Did the Senator see Dr. Glennan's statement on Monday with respect to the thrust of the Russian missiles and the amount needed for our ICBM's in order to carry on successful missile war?

Mr. SYMINGTON. To the best of my knowledge, I have not seen that statement.

Mr. SALTONSTALL. My questions to the Senator on the question of thrust and payload were based on that statement. I should say that the question of the amount of the payload in the end of the ICBM depends on its destructive power; and if the destructive power is enough to deter, that is what we want. Is not that correct?

Mr. SYMINGTON. If Dr. Glennan states that he would not rather have a much larger payload in our ICBM's, something comparable to that of the Russians, then he is in disagreement with what the Chairman of the Joint Chiefs of Staff has said. In my opinion, if that is Dr. Glennan's position, then the space program in this country will probably get further mixed up than it is today—and that is saying a lot.

After I got the figures about the Saturn budget reduction from General Medaris and Dr. von Braun, I stated them publicly. A few days later, Dr. Glennan appeared on a national telecast and was asked if he knew what cuts I was talking about. He replied that he did not know anything about any cut which had been made in the space program except $30 million made by Congress. I might point out that cut was made in the other body of the Congress, not in the Senate.

After the telecast was over, Dr. Glennan is reported to have said:

> I guess Senator SYMINGTON was talking about the Saturn project, and not about any cuts in my space program.

Dr. Glennan should have made that admission publicly, not just privately. Of course, he would not have even a technicality upon which to base such a reply today, because the whole Saturn program has been transferred to his agency from the Army and from General Medaris.

Mr. SALTONSTALL. Mr. President, will the Senator from Missouri yield for about two more questions? I do not want to monopolize his time.

Mr. SYMINGTON. I yield.

Mr. SALTONSTALL. The Senator talked about an air alert. I listened, as did the Senator, to General Power in open session and, I believe, in closed session. The facts as to the air alert were brought out in the Appropriations Subcommittee. The Senator from Missouri was not able to be present, but I was.

I call the following fact to the Senator's attention: Congress has been requested to enact this year language which was adopted last year as section 612 (a) and (b) of the fiscal 1960 Defense Appropriation Act. Subsections (a) and (b), of section 612 put the air alert into the same category with food, clothing, and subsistence, which are now covered in the general statutes. In other words, if the armed services need more food than the budget provides, they can proceed to buy it, even though there is no appropriation for it. Then the additional amount has to be made up by a supplemental appropriation.

The same situation now obtains as to an air alert. If, in the discretion of the President, on the recommendation of the Secretary of Defense, he wants to spend more money for an airborne alert than is provided in the budget at present, he may proceed to do so, and then come to Congress for any additional money needed. I have that statement confirmed by the Department of Defense. If the Senator from Missouri will permit me to do so, I should like to read it. It is only one paragraph.

Mr. SYMINGTON. So far as I am concerned, the able Senator from Massachusetts may do so.

Mr. SALTONSTALL. I read as follows:

> It is the view of the Department of Defense that section 612(b) constitutes the authority under which the Secretary of Defense, upon determination by the President that such action is necessary, may incur deficiencies in any appropriation available to the Department of Defense to finance any or all costs of an airborne alert during fiscal year 1960. This would include the authority to permit the Department, upon determination by the President that such action is necessary, to proceed with the procurement of spare parts and the training of additional crews, at any time during the fiscal year for the purpose of preparing for a possible airborne alert at a subsequent date. Such authority would, of course, be available for fiscal year 1961 in the event the language of section 612(b) is reenacted for fiscal year 1961.
>
> The Bureau of the Budget concurs in the views of the Department of Defense as stated herein.

I mention this because I stated that General White and the Secretary of the Air Force had nothing to say on that subject. I call it to the Senator's attention because I believe he is not familiar with it. I wonder how many Members of Congress are familiar with that section.

Mr. SYMINGTON. I did not follow all the references made by the Senator from Massachusetts. I do not know the details. But the fact that the President has the authority to do something about an air alert is in no way reassuring to me. Time and time again, after being aware of congressional position, the President has impounded the money and not spent it. A recent example, as the Senator may remember, was when, after many of us, including the Senator from Massachusetts, agreed that $382 million additional should be spent this fiscal year for modernization of our Army, the administration impounded most of that money—all but $43 million of it—and decided it would not be spent.

There was a similar case in 1955 when the Senate passed, by one vote, a bill not to allow the executive branch to throw out 20,000 Marine volunteers who wanted to remain in the service, at the same time when we were drafting 10,000 boys a month off the farms and out of the cities who did not want to go into the service. The money available which was authorized by Congress, and had a legislative history behind it, was not utilized and the Marine Corps was reduced by the administration. Some of the money was used for purposes for which it was not intended by the Congress.

Mr. SALTONSTALL. The Senator from Missouri realizes, I am sure, as I do, that even if Congress provides for the $600 million that General Power says is necessary this year, Congress cannot force any administration to spend that money.

Mr. SYMINGTON. I agree with the Senator on that.

Is the Senator from Massachusetts giving the Senate and the people of the country the idea that because money has been appropriated and put on the shelf, to be used in case we get into trouble, that the President can use that money just when it is needed?

Mr. SALTONSTALL. Oh, no.

Mr. SYMINGTON. I want to be sure we clear up this point in connection with the amount of the expenditure which is being urged now in the public interest. When the term "bomber alert" was used, most people in the country thought it meant "airborne alert"; they did not understand that reference was only to "ground alert." In my opinion the administration does not plan to use anything like the amount of money that General Power says is necessary for the airborne alert, but at the same time the people of the country get the impression that adequate preparation is being made for such alert.

Mr. SALTONSTALL. If Congress appropriates $1 million for food, but if the Army later finds it necessary to spend $1,500,000 for food, the Army can spend the additional $500,000, and subsequently can ask the Congress for that much additional appropriation.

In the last year we included section 612, subsections (a) and (b), which permit the same thing to be done for an airborne alert as for buying food.

Mr. SYMINGTON. If that was done last year, why do we not have an adequate program?

Mr. SALTONSTALL. The authority was in the defense appropriation act passed last year.

Mr. SYMINGTON. Should we not have an air alert?

Mr. SALTONSTALL. It is right to give the President the discretion to install an air alert if he thinks it is necessary.

Mr. SYMINGTON. Mr. President, I should like to yield at this time to the Senator from Washington [Mr. JACKSON], who has told me that he must soon leave the floor. I told him that at this time I would yield to him.

Mr. SALTONSTALL. Mr. President, if the Senator from Missouri and the Senator from Washington will permit me to do so, I should like to make one more statement.

The obligations program for missile systems was increased from $1,058 million for the fiscal year 1952 to $6,985 million for the fiscal year 1960—or an increase of more than six times.

I ask unanimous consent to have the table printed in the RECORD, if the Senator from Missouri does not object.

Mr. SYMINGTON. I do not object, although I was under the impression that the Senator from Massachusetts had placed the table in the RECORD before.

Mr. SALTONSTALL. I do not think so.

Mr. SYMINGTON. Well, the Senator from Massachusetts did place some table on that subject in the RECORD. I noticed that some of the chronological items related back to the time when there was an Army Air Corps and no Air Force. At that time the Chief of Staff of the Army was General Eisenhower.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Department of Defense, obligational program for missile systems,[1] fiscal years 1946–61

[Millions of dollars]

	IR/ICBM programs	Other surface-to-surface missile programs	All other missile programs	Grand total, all missile programs
Fiscal year 1946 and prior	2.0	19	51	72
Fiscal year 1947	None	20	38	58
Fiscal year 1948	.3	36	45	81
Fiscal year 1949	.1	45	53	98
Fiscal year 1950	None	65	69	134
Fiscal year 1951	.5	185	598	784
Fiscal year 1952	.8	239	818	1,058
Fiscal year 1953	3.0	403	760	1,166
Fiscal year 1954	14.0	336	717	1,067
Fiscal year 1955	159.0	398	911	1,468
Fiscal year 1956	526.0	387	1,368	2,281
Fiscal year 1957	1,401.0	603	2,502	4,506
Fiscal year 1958 (total)	2,150.0	639	2,391	5,180
Fiscal year 1959 (total)	2,946.0	685	3,269	6,900
Fiscal year 1960 (total) [2]	3,303.0	509	3,173	6,985
Fiscal year 1961 [3]	3,424.0	383	3,155	6,962

[1] Program data reflected in this table cover the developmental and capital costs involved in missile programs, i.e., the cost of bringing missile systems to operational status plus the costs of procuring missiles and related equipment for operational purposes. These data include all procurement, construction, and research and development programs directly associated with missile programs. These figures do not include military pay, operation and maintenance costs for operational missile units and sites and include only those shipbuilding and aircraft costs directly associated with providing missile capability.

[2] Fiscal year 1960 data are preliminary estimates; fiscal year 1961 data represent projected programing.

[3] Feb. 19, 1960 (tentative).

NOTE.—Estimates are subject to minor revision due to program adjustments.

Mr. RUSSELL. Mr. President——

Mr. SYMINGTON. I yield to the Senator from Georgia.

Mr. RUSSELL. A few minutes ago the Senator referred to the funds impounded for modernization of the Army. The first statement the Senator made was correct; namely, that less than $50 million of the sum of around $382 million, as I recall, has been obligated.

When the Secretary of the Army appeared before the Senate Committee on Armed Services, he stated that he had just been advised that the Defense Department had requested that $175 million be released. I made the same error—and I think my friend, the Senator from Washington, also made it—in thinking that the $175 million was a part of the $382 million; and I stated that this money had been released, or would be released in due course, since the Department of Defense had requested it.

I wish to say, to justify the statement by the Secretary of the Army, that he stated that the information had just come to him. He had not seen all of the papers.

But later I found out that the $175 million that the Department of Defense requested was a part of the budget estimate submitted by the Department, but that they had likewise impounded it or had failed to obligate it; and therefore the $382 million which Congress appropriated for modernization of the Army, after the most extensive hearings and exhaustive discussions in the committees, is still practically all impounded—all except around $40 million.

Mr. SYMINGTON. I thank the Senator from Georgia for his statement. He is the authority in the Senate on this subject. What he has said just shows again what, in my opinion, could properly be called justifiable apprehension about what will happen after the Congress makes available to the executive branch the funds necessary to get our security in better shape.

Mr. RUSSELL. And the Senator might likewise say that it is a cause of concern to Members of Congress when, in their efforts to measure up to their constitutional obligation to provide for the national defense, they are hampered and hamstrung and negated by the executive branch of the Government and the Bureau of the Budget and the President.

I realize that time and time again we are told that that has been done before, and I agree that it has been done before. But I do not like it, and I do not care who does it.

But it has been done more frequently, and to more different items for the several branches of the armed services, during the last several years than it has ever before been done in the history of the Congress.

Mr. SYMINGTON. I thank the able Senator from Georgia. I know that he agrees that two wrongs do not make a right under any circumstance. This is particularly appropriate to keep in mind when we are dealing with the survival of the United States.

Mr. JACKSON. Mr. President——

Mr. SYMINGTON. I yield to my friend the Senator from Washington.

Mr. JACKSON. Mr. President, I particularly wish to compliment my able colleague the Senator from Missouri for the clarity of his presentation of this important issue. I also wish to say that, as he customarily does, the Senator from Missouri has outlined a constructive program to bolster our national defense efforts.

I think one of the significant statements he made in the course of his remarks has been lost sight of during the debate. The able Senator from Missouri referred to the air alert and its cost. Many persons fail to realize that we are now paying the price of false economy; we are going to have to spend millions and millions of dollars for an air alert because we failed to make the effort to achieve at the earliest possible date, and in sufficient numbers, an invulnerable, retaliatory system.

The air alert may well cost us $1 billion a year just for operational expense including new planes, additional crews, parts, and fuel. This is only for the purpose of insuring the survivability of our retaliatory system. Had we made the effort that General Schriever referred to in hearings before the committee just a few days ago, we would have saved money. He had asked for additional funds for additional Atlases. He was turned down by the administration. Now we are paying the price in additional cost, which will not add to our retaliatory striking power. It is simply an increased cost that we have to pay to maintain our existing deterrent. It is that simple.

Mr. SYMINGTON. The Senator is correct.

Mr. JACKSON. The administration does not want to talk about the cost of the air alert, because it does not add to our retaliatory striking power. It is simply a price we are paying because we failed to provide adequate funds at the time they were needed.

Some of us talked about this subject in a constructive fashion a long time ago and urged that something be done about speeding the ICBM program. We were told the old story that our Nation's overall deterrent ability was adequate to meet the threat.

I want to compliment my distinguished colleague for his constructive presentation; and I wish to add further that there is much discussion about the right of Congress to debate national security. I thought we all took an oath to defend the Constitution. The Constitution provides that Congress shall appropriate the funds necessary to provide for the common security of this country.

The record of this Congress will disclose we have given constructive criticism. The record will disclose that, in the area of Polaris missile submarines,

it is the Congress that has provided for the majority of the Polaris missile submarines which the President, in his speech to the Congress in January, said he is relying on. This is the kind of opposition we should have in the Congress. I think the role of the opposition is one of constructive opposition. The record will disclose that is exactly what we have done.

I was amazed and a bit amused when the Secretary of Defense appeared in executive session before the Armed Services Committee in January to state how they had relied on the additional funds we had made available for the missile program. He stated he had made use of the funds, claiming credit for the additional missiles and for the funds we had provided over and above the amount requested by the administration in its budget, and to which amounts the administration had objected at the time.

My colleague from Missouri has always played the role of loyal, effective, and constructive opposition; and, under our system, it is inescapable that our country must be stronger by having such constructive criticism on the part of Congress.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. SYMINGTON. I shall yield to the majority leader in a moment. First, I wish to say I deeply appreciate the remarks of my friend from Washington. We have been together in this effort for many years. The American people know of his contributions in this area, and there is no one from whom I would rather have those kind remarks.

Now I am glad to yield to the majority leader, who is now conducting hearings to bring out for the people the facts about this serious matter.

Mr. JOHNSON of Texas. Mr. President, first, I have listened with a great deal of interest and approval to the very fine statement delivered by the able Senator from Missouri. It is one of many statements I have heard from him over a period of 15 years, and I consider him one of the outstanding leaders in this entire field. His efforts have always been constructive and directed toward informing the American people of the needs of this Nation.

A few days ago I placed in the RECORD an article from the New York Times. It contained a letter signed by Mr. Henry A. Kissinger, with whom I know the Senator is familiar. I should like to read the last paragraph of that letter and get the Senator's comments on it:

> If the proposals of Generals Power and White are accepted and prove to be wrong—
>
> Speaking of the air alert—
>
> we will have spent $500 million too much for a number of years. If the program of the President is adopted and he proves to be mistaken, we will have forfeited our national existence.

Does the Senator agree with that statement, and does he think we can afford a gamble of $500 million in order not to forfeit our national existence?

Mr. SYMINGTON. I agree. The Senator is entirely correct. The letter to which he has referred is one of a group of published items which I have for the RECORD.

May I respectfully call to the attention of the majority leader the fact that $500 million a year is just about one-third of 1 day's income of the United States.

Mr. JOHNSON of Texas. I want to read one paragraph from a very excellent editorial in Life magazine which was put in the RECORD at the same time:

> The harshest fact is that by the President's own intelligence estimates, the Soviets by 1963 will have twice as many ICBM's as we—enough, by SAC Commander Thomas Power's warning, to wipe out all our bases and retaliatory planes in one salvo.

Does not the Senator think that responsible statements like that commend themselves to the immediate attention not only of Congress, but of the American people?

Mr. SYMINGTON. I certainly do. May I say I also have that editorial in my group of items for the RECORD. I agree that it was an excellent editorial.

Mr. JOHNSON of Texas. The Senator is familiar, of course, with the book, "U.S.A.—Second Class Power?"

Mr. SYMINGTON. I am familiar with it.

Mr. JOHNSON of Texas. I would like to quote from page 57 of that book, in which it says:

> It was General Eisenhower, then Chief of Staff, who approved the order killing the MX–774 because officials faced cuts in the budget.

The MX–774 was the forerunner of the Atlas, was it not?

Mr. SYMINGTON. The MX–774 is correct.

Mr. JOHNSON of Texas. Does the Senator of his knowledge believe that the MX–774 was killed off because of budget cuts?

Mr. SYMINGTON. There is no question that a shortage of funds was one of the major causes.

Mr. JOHNSON of Texas. I want to ask this further question. If that is a fact, is it not true, then, that this Nation was critically delayed 9 agonizing years, 1948–57, because of that action?

Mr. SYMINGTON. I would like to answer the Senator in this way. I do not so much blame those who were under the Chief of Staff at that time for cancelling out that program, because at that time the supersonic Navaho was considered to be the more practical weapon. The reason for that was the hydrogen bomb had not been developed and the scientists and engineers were not thinking of a missile which could carry the weights they thought necessary.

Shortly after the hydrogen bomb was exploded one of the scientists conceived a way to put a fusion bomb on a warhead. I am glad the majority leader has brought this up. The book, to which the majority leader referred was, I believe, written by Drew Pearson and Jack Anderson. It brought out conclusively how the United States has fallen steadily behind over a period of years in its "relative"—that is the important word—in its "relative" strength as against the strength of the possible enemy.

Mr. JOHNSON of Texas. The Senator is familiar with page 2 of the same book, where it is stated, "Russia will launch the artificial satellite ahead of us. This may be shot into space as early as September 17."

It is now known that Russia did attempt to launch the first satellite on September 17, but because of failure, did not get it into orbit until 17 days later, October 4, 1957. Is that correct?

Mr. SYMINGTON. That is correct.

May I respectfully say at that point, the day I heard that the sputnik was orbiting, I could not help thinking of the fact that when the Navy came to the Congress for a supplementary fund for the Vanguard project for our space program, the justification for that request was on the premise that we would be first to orbit an earth satellite.

Mr. JOHNSON of Texas. I want to remind the Senator that the Senate Committee on Appropriations, the Senate Committee on Aeronautical and Space Sciences, and the Senate itself, gave Dr. Glennan every single dollar asked for in this field; is that not correct?

Mr. SYMINGTON. The Senator knows that is correct. The Senator is the chairman of the Committee on Aeronautical and Space Sciences, on which I have the honor to serve.

I wish to add, I can remember the Senator saying to the head of that agency, "Are you telling this committee that you have all the money you consider necessary?" The Senator remembers that, does he not? The answer was, "Correct; we have all the money considered necessary."

Mr. JOHNSON of Texas. I do not want to deprive my colleagues, who have manifested such interest in this very important subject, of the privilege I have enjoyed.

Finally, I desire to commend the Senator for the recommendations which he makes at the end of the page on page 10 of his address, where I believe he makes six recommendations. I think this is a very constructive approach to the subject. I know the Senator recognizes this is not the first time he has made these recommendations, or that the Congress has made these recommendations, or that the committees of Congress have urged upon the administration it follow these recommendations. Is that not correct?

Mr. SYMINGTON. That is correct.

I thank the majority leader for his comments. It has been a privilege to work with him for 15 years as one of those who has always believed it is important to have the United States so strong that regardless of anything else nobody would dare attack this country.

Mr. BUSH, Mr. ENGLE, and Mr. CASE of South Dakota addressed the Chair.

Mr. SYMINGTON. Mr. President, I shall yield to the Senator from Connecticut, who has been on his feet for some time; and then I shall yield to the Senator from California and then to the Senator from South Dakota.

Mr. BUSH. Mr. President, I thank the Senator from Missouri.

I certainly agree with the Senator from Washington, who called attention in his colloquy with the Senator from Missouri to the constitutional duties of the Congress in respect to this matter of defense. The Congress has a right to do whatever it thinks should be done in the interest of our defense budget or any other part of the budget, so far as that is concerned.

Mr. President, I am disturbed by the questioning by the Senator from Missouri of the motives of those of us who are in support of General Twining, who are in support of Secretary Gates, and who are in support of the President of the United States in connection with this great argument and this great debate.

The Senator used the phrase a moment ago, "Those who put money ahead of survival." I do not know exactly whom the Senator has in mind, but I object very strongly to any imputation that because I pay attention to General Twining, am impressed by the argument of Secretary Gates, am impressed with the sincerity of the President of the United States and his longtime service to this country in the military field—a statesman such as the world has seldom seen—and am impressed when the President protests publicly to the people that he would not put money ahead of survival, which he has done recently, I might be placed in that category. I wonder whom the Senator is talking about when he refers to those who would put money ahead of survival. The Senator may clear that up if he chooses. I wish to say that I do not put money ahead of survival, and on behalf of those who take the side I do in connection with this argument, I very strongly reject that imputation.

Mr. SYMINGTON. Mr. President, I have great respect for the Senator and considerable affection for him. However, I do not intend to follow the policy of many of the people on the other side of the aisle in speeches and statements by getting into personalities. I think the important thing is issues.

I wish to say to the Senator I was much distressed, after I had finished my statement on the question of national defense, the Senator from Connecticut said in a public hearing that he was sorry politics had gotten into this matter. I do not know whether the Senator was referring to me, or to whom the Senator was referring, but I think it is unfortunate that one cannot attempt to bring out the facts in a committee hearing without being accused of "playing politics." It is most unfortunate that the question of political bias has been dragged into this vital matter.

I have children and grandchildren, as the Senator has. It has been brought out already this morning in the debate that if some of us are incorrect with respect to the importance of some of these items, such as air alert, it will cost the taxpayers of the United States some money. If we are correct, however, and the policy is not changed, all it is going to do is to cost us our country.

Mr. BUSH. Mr. President, if the Senator will permit me to make an observation, I did not single the Senator out in respect to that statement which I made in the open hearing, as he knows. In fact, I said I did not single anybody out.

For the Senator to protest that politics has not gotten into this debate I fear is to be a little bit naive. There is not a single commentator on the debate who has not recognized the fact that politics has gotten into it. I do not very well see how politics could be kept out of it, unfortunate though it be.

I have not cast any aspersions upon the Senator's position. I am sure he is deeply concerned about the matter, that he feels more should be done, that we have made mistakes, and so forth. The Senator is entitled to his views, and I respect him for holding his views with many of which I disagree. I do not believe, however, that it is a denial of the assertion that politics has gotten into the debate when the Senator speaks of those who put money ahead of survival.

I regard that as a reflection upon the motives and the position of those of us who are defending the President's budget, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. That is all I wish to make clear to the Senator. I do not think it is appropriate for him to reflect upon us in that way. We do not put money ahead of survival.

Mr. SYMINGTON. I have not said that the Senator puts money ahead of survival. He is an able, well-educated man, and he knows that during the steady questioning of witnesses, it is sometimes as difficult to get the facts out in the open as it is to get wisdom teeth out. Often witnesses have been told what the policy line shall be. During the steady questioning of the Joint Chiefs of Staff, when we encounter men of courage, like Admiral Burke, we learn that he has been told "This is the amount of money you can spend, and you cannot spend any more." Unless Admiral Burke pads his budgets to get more than he thinks he needs, he has told us what he believes is necessary for the security of the United States. I have asked the Joint Chiefs of Staff individually if they have padded their budgets, and they say, "No. This is what we believe is necessary for the security of the United States."

The final authority in the matter, according to some of the testimony, is the Bureau of the Budget. On this point, I believe Admiral Burke was right in his testimony, and I believe General Power was right in his testimony. Therefore, I stated on the floor of the Senate, without entering into personalities, that the problem of a balanced budget in this administration today, judging from some of the testimony, seems to be more important than the question of the security of the United States. I base that statement on the testimony. I criticize no one in particular. I simply refer to the record.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the Senator from California.

Mr. ENGLE. I desire to compliment my distinguished friend from Missouri on a speech which has been fair, objective, and constructive in this field, and, in the main, I should say, except when bearded with provocative questions, a temperate speech, and one which, in my opinion, brings out some of the things which appear to be entering into the problem of really determining what our defense position is.

I read with some interest the President's press conference the other day. I read the press reports on his reaction to questions with respect to the defense posture of the country, and I regret that the President shows irritation when people talk about the defense position of the Nation and implies that his critics are charging that he has deliberately misled the American people.

We all know that the President is a transparently honest and patriotic man. No one can justly say that he is deliberately misleading anyone. But it is very difficult to discuss a problem of this sort in a light which is in the best interests of the American public when it is surrounded by politics, and the President himself shows irritation.

I read an editorial from Life magazine of February 8, 1960. Life magazine is not notoriously friendly to Democrats. I wish to call attention to what the editorial stated, in part, on page 57 of that issue. I shall offer the entire editorial in just a moment. This is what the editorial says in discussing the question of defense. I am sure the Senator is familiar with it:

> And Assistant Secretary of Defense Murray Snyder, who is responsible for Pentagon public relations, has counseled top defense officials to "kick the teeth in" of reporters who dare question U.S. defenses and suggested that critics of the program are undermining national confidence and security.

It seeems to me that we ought to be able to discuss the defense posture of this Nation without being accused of undermining national confidence and security.

The editorial continues:

> Nonetheless, we must ask the question: "Are we strong enough?" The answer is: We are not.

I ask unanimous consent to have the entire editorial printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISSILE SCOREBOARD

It is time to quit the numbers game. One high defense authority who has studied all the intelligence estimates thinks the United States must stop gearing its own military budget to what we think the Russians are doing. Instead, it should figure out just how many Hound Dogs, ICBM's, missile bases, and bombers it would take to serve as a convincing deterrent to the Russians and go to work building them.

The man is right. However, no one in the administration is supposed to rock the boat on defense. The President has an almost impenetrable reputation for knowing more about the subject than any other American. The team is always more inclined to go along than to criticize or suggest. And Assistant Secretary of Defense Murray Snyder, who is responsible for Pentagon public relations, has counseled top defense officials to "kick the teeth in" of reporters who dare question

U.S. defenses and suggested that critics of the program are undermining national confidence and security.

Nonetheless, we must ask the question: Are we strong enough? The answer is: We are not.

What do we do? We do this:

We hasten the construction of hardened, or dug-in, bases for our ICBM's. We put up enough money—right now—to correct the 2-to-1 imbalance in long-range missiles by the start of 1963 at the latest.

We stop fooling around with a piddling $75 million research program to produce two prototypes of the B–70 supersonic bomber. Instead we spend what is needed for full production of these Mach-3 (2,000 m.p.h.) planes. They form the next generation of manned bombers. They could be used to haul troops, or launch airborne missiles, and could also be redesigned as supersonic transports to keep the United States in the commercial aviation race. If we built 200 B–70's we could get them at a cheaper rate of $27 million each and by 1965 at the latest. As it is, with two prototypes on the back burner, we'll go nowhere.

We put the heat on to make the solid-fuel Minuteman ICBM the real weapon of the future. This probably means opening another plant to turn out the fuel which is quicker firing and easier to handle than the liquid fuels we are using now. Minuteman could be fired instantly from holes in the ground or from railroad cars moving back and forth across the country so the Russians could not pinpoint them.

We should think about stepping up Atlas, which has now proved itself after 17 straight successful firings. At the same time we should be wise and ruthless enough to cancel the Titan ICBM which is still in the development stages but is down on the books for a total of $2 billion. Titan has certain technical advantages over Atlas. But if we really want to catch up fast in ICBM capability we should shed poor Titan and the necessary tears.

We should also underwrite a real air alert for SAC, whose bombers hold the key to our security until the missiles are ready. The new budget provides $90 million as a start toward keeping SAC bombers off the ground where they are sitting ducks for enemy missiles. But a real air alert would cost $1 billion. We should begin budgeting this money in earnest to put a considerable portion of SAC continuously in the air where it belongs.

Finally, let us stop measuring our retaliatory effort by what we guess the Russians may be doing. Last month, Secretary Gates had no sooner deprecated Russian missile accuracy than the Russians—the very next day—laid one down in the Pacific only 1.2 miles from its target. We cannot afford to be outguessed as fast as that.

As we face the blank wall of the police state, let us acknowledge our intelligence gap and plug it with the expenditures needed to bring our defenses to a point of unquestionable deterrence. Some of the necessary money can be found within the defense budget itself, by shifting funds from doubtful programs like Titan, for example, to the more promising investments like the Minuteman.

The Army, Navy, and Air Force have already agreed to forgo their annual international baseball competitions this year. Fine. This will provide a few thousand. There is an Army antimissile defense system called Nike-Zeus which is costing about $300 million this year even though no one is certain it will be effective. It might be wiser to put this money into an offensive capability.

In addition to these intrabudget transfers, the Nation can afford to tighten its belt and cut out nonessentials. We ought to plow back into defense insurance the $4 billion a year we spend on our farm glut, and maybe call a halt to all rivers and harbors and flood control projects for a year, maybe forget about starting to pay off our national debt. And, as a very last resort, maybe even raise our taxes.

Mr. ENGLE. Mr. President, I also ask to have printed in the RECORD at this point, as a part of my remarks, an editorial from Life magazine of February 15, 1960, also in support of the excellent statement made by my distinguished friend from Missouri.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEEDED: A MIGHTIER SHIELD

President Eisenhower's defense budget is dangerously deficient. He has great military experience and deep confidence his $41 billion program is adequate. But harsh facts argue it isn't.

The harshest fact is that by the President's own intelligence estimates, the Soviets by 1963 will have twice as many ICBM's as we—enough, by SAC Commander Thomas Power's warning, to wipe out all our bases and retaliatory planes in one salvo.

A further glaring fact is that we do not have to accept this inferiority. In the judgment of men closest to the problem, we could double our current rate of missile production just by doing all that we can. By 1963 we could match the 400-missile Soviet stockpile which our own estimates say the Russians will then have. Despite this, the President is taking the calculated gamble of doing less than we are capable of doing during the next 4 critical years. It will take that time to make fully usable our most effective deterrents—the quick-firing, solid-fueled Polaris and Minuteman, one hidden in submarines, the other in hardened underground bases. To understand just how big the gamble is, Americans must also remember that their Government has generally underestimated Soviet capabilities, and that the new figures giving the Soviets only a 2-to-1 lead are themselves much reduced from previous estimates.

The problem is not to match any particular number of Soviet missiles but to make certain the United States has so much striking power that a Soviet commander cannot dream of knocking it out in one sudden blow. This is necessary not only to deprive the Soviets of any temptation to risk a total attack but to neutralize the campaign of political threat and attrition which a pronounced Soviet military lead would allow Khrushchev to wage. In order to do all that needs to be done we are convinced that the United States must spend on defense, at the very least, $2 billion more than it is now planning. This money should be devoted to the following purposes, in order of priority:

CLOSING THE MISSILE GAP

The production rate of the already proved and operational Atlas can be doubled within a year to give us 150 (against 75 now planned, and a reduced estimate of 100 for the Soviets in 1961). Work should begin at once, with highest priorities, to get these Atlases out of exposed positions and into deep, hardened bases—this can be done in 18 months. Since Atlas works, we should cancel the redundant (and so far inefficient) Titan and apply the remaining funds toward doubling Atlas. And every dollar that can make Polaris and Minuteman operational faster must be spent.

SAFEGUARDING SAC

To preserve our deterrent during this period General Power believes we must have SAC capable of assuming, when the situation requires it, a 24-hour alert with a striking force always aloft. To make this possible a year hence, we must start now to provide the additional B–52's, tankers, crews, fuel and spare parts which will be necessary. This isn't being done. Moreover, in order to preserve the most effective bomber-missile "mix" in our deterrent, full production should be begun on the 2,000-mile-per-hour B–70 program.

SPACE AND MISSILE RESEARCH

We need to step up our efforts to develop an effective antimissile missile. We need to extend the electronic early warning stations to help us spot a Soviet missile's firing anywhere on land or sea. We should step up our space programs with emphasis on satellites for early warning and reconnaissance. This could be done faster and cheaper if the President would close the artificial separation of peaceful and military space projects. They cannot, in fact, be separated. The Soviets make no such distinction.

SHELTERS

An immediate start should be made at providing shelters from radioactive fallout. Fully developed, a shelter program might save 80 million or more American lives. A serious start on shelters would in itself deter the enemy from trying a knockout blow.

So much for immediate needs for adequate defense. They do not meet the argument which Generals Ridgway, Gavin and Taylor, in succession, have stressed: that our preoccupation with massive retaliation is leaving us without adequate forces, airlift or new equipment to fight brush fires which may have to be met with orthodox forces and weapons. This issue also demands debate, decision and, very likely, action. But since we have committed ourselves, above all, to a strategy of nuclear deterrence, we must certainly make sure that that program is adequate. As of now, it is not.

Mr. ENGLE. The editorial begins with these three sentences:

President Eisenhower's defense budget is dangerously deficient. He has great military experience and deep confidence his $41 billion program is adequate. But harsh facts argue it isn't.

I offer this editorial in order to indicate that this is not a wholly partisan issue. The criticism does not originate exclusively upon this side of the aisle. A number of great generals and admirals support the position taken by the distinguished Senator from Missouri. He happens to be—and properly so because of his great background and experience—a leading spokesman on this subject.

Among the generals and admirals to whom I refer are General Gavin, General Ridgway, General Taylor, General Medaris, General Power, General Spaatz, General White, Admiral Burke, and Admiral Rickover.

All of those officers, to mention only a few, at some time or other, and in connection with some phase or other, have disagreed with and criticized the defense program of the Nation.

This ought to flash a red light somewhere—at the White House or on the other side of the aisle—to indicate that this subject should be discussed in a wholly nonpartisan atmosphere. The criticism comes not only from independent magazines and Republican publications throughout the country, but it comes from the voices of great and distinguished military leaders, men who have had almost as much—and some perhaps more actual military experience

and military background as the President of the United States.

I also have before me, if the Senator will further yield, a statement made by the distinguished Senator from Arizona [Mr. GOLDWATER], who himself is a jet pilot. He disagrees vigorously with the administration with reference to the B–70 program, one of the items mentioned by the distinguished Senator from Missouri.

I observe also that Representative HIESTAND, of the 21st District of California, has made a statement in which he says that the defense program is in deep confusion.

Representative DONALD L. JACKSON, of the 16th District of California, states that the end result of all this discussion is in effect, one of total confusion.

So the criticisms have not been entirely partisan, and I hope they will not be entirely partisan. I hope that when the President of the United States discusses this subject on Sunday evening, as he says he intends to do, he will discuss it with the same kind of objectivity and in the same constructive manner that the Senator from Missouri has demonstrated here on the floor today. I compliment him again, and I associate myself with the recommendations he has made.

I thank the Senator for yielding.

Mr. SYMINGTON. I thank my able friend from California. In my opinion his presentation of the problem of the B–70 the other day on the floor of the Senate has not been surpassed. He made a clear case against the abandonment, in effect, of research and development on any manned aircraft. I compliment him for what he has said, and I also thank him for his kind remarks about me.

I should like to emphasize that fortunately this is still a free country. With all due respect, we have the right to disagree. The right to dissent is, in my opinion, perhaps one of the most important rights we have.

Under the Constitution, the Congress has the right of final decision. I respectfully state, in my opinion, the nature of the problem of defending this country has changed more significantly since President Eisenhower left the Pentagon Building than it did in any period prior to that time in our history.

I should also like to present that, to the best of my knowledge, there are no persons who served with President Eisenhower in responsible positions in World War II who agree with the present defense policy of this country.

I should also like to present the information, to those who think I have been overemphatic in this matter, that on the 19th of January we received information in the appropriate Senate committee, which was in decided conflict with testimony received only 10 days later on the same subject.

Then, to show the further confusion on this subject, I think it is in order for the Senate and the American people to know that on February 8, 1960, the Chairman of the Joint Chiefs of Staff came before our committee and said that he had not seen certain very important figures which had been presented to the committee on the 29th of January, at the time he had come before us on January 19.

I want to make clear that I do not in any way question General Twining's integrity or intentions. However, I say it is an extraordinary operation when the Chairman of the Joint Chiefs of Staff, a man who has his own personal representative on the National Intelligence Committee, does not have knowledge of the figures presented to the Senate and which were at variance with the figures he presented 10 days earlier.

Mr. SCOTT, Mr. CASE of South Dakota, Mr. MONRONEY, and Mr. GRUENING addressed the Chair.

Mr. SYMINGTON. I will yield first to the Senator from South Dakota.

Mr. CASE of South Dakota. I am one of those who share the belief that a debate on the security of our country and the steps to be taken to attain it are generally of a constructive nature, and that it is within the responsibility of Congress. I thought that the distinguished Senator from Missouri was speaking on a very high level when he said at page 7 of his statement:

> The most significant point of all, however, is not one of assessing blame or giving credit for the past.

However, in view of the review he made in a substantial part of his speech on project MX–774, and in view of the reference made to it by the distinguished majority leader, and that General Eisenhower was Chief of Staff at the time the MX–774 project was under consideration, I should like to ask the Senator two or three questions. Does he believe that MX–774 was suspended at the instigation of Mr. Eisenhower when he was Chief of Staff?

Mr. SYMINGTON. No; I do not.

Mr. CASE of South Dakota. Is the Senator aware of the fact that when General Eisenhower, as Chief of Staff, made his presentation to the Appropriations Committees in 1947, he said that the missile field was a most important field for research at that time?

Mr. SYMINGTON. I beg the Senator's pardon. I did not hear the full question.

Mr. CASE of South Dakota. Is not the Senator aware of the fact that General Eisenhower, in making his presentation to the Appropriations Committees in 1947, stressed the importance of the missile program?

Mr. SYMINGTON. I do not want to get into personalities in this situation. We should not get into personalities.

Mr. CASE of South Dakota. No; except that the Senator from Missouri has made an important statement on the subject, and pointed out that General Eisenhower was then Chief of Staff.

Mr. SYMINGTON. Mr. President, I have the floor.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Missouri has the floor.

Mr. SYMINGTON. If the Senator wishes to continue, I am perfectly willing that he do so. However, I do not think it will come out the way the Senator anticipates.

Mr. CASE of South Dakota. The Senator from South Dakota is willing to take the chance in view of what the Senator has said.

Mr. SYMINGTON. I will try to answer the questions the Senator asks.

Mr. CASE of South Dakota. Is the Senator aware of the fact that Gen. Carl Spaatz stressed the importance of the missile program in his presentation to the Appropriations Committee in 1947?

Mr. SYMINGTON. The Senator from Missouri is aware that General Spaatz thought it was very important to go ahead with the missile program. The Senator is also aware of the fact that neither General Spaatz nor General Eisenhower put the same stress on the missile program as that research and development authority—Gen. Donald Putt—put on the missile program. The Senator is aware that many times in many administrations, including the present one, some officials stress the importance of something when they make speeches, but when they come before the Congress they state that they believe the budget is adequate. The Senator also knows that many times it is a question of what has to be cut out, based on the instructions of the Bureau of the Budget, which is a part of the White House organization.

I stress the fact that the Atlas missile project was cancelled largely because something had to be cut out, although the scientists' recommendations had much to do with what project was cut. If the Senator wishes to pursue the matter any further, I shall be glad to pursue it.

Mr. CASE of South Dakota. Is the Senator aware of the fact that in the hearings in 1947, General LeMay testified about the suspension of the MX–774 program, though I do not know whether it was so identified in the record at that time; at any rate, it was the precursor of the Atlas missile. General LeMay testified that a year and a half had been lost by the suspension of the program and by the transfer of the research funds "to pay for the Army," did he not?

Mr. SYMINGTON. I am aware of that fact. I do not necessarily say that that is the fault of the Chief of Staff of the Army, if that is the point the Senator is getting to. Moreover, no civilian in the Defense Establishment makes any final decision on a weapons system, with the exception of the Secretary of Defense. I do not remember the great late Secretary of War, for whom I worked, ever getting into any final position as to what the weapons should be. When people talk about the Truman administration's responsibility in respect to the MX–774 program, let me tell the Senator that I am sure that the decision never went to the White House. I will tell the Senator also something else. I do not believe that the decision could have been made without the final approval of somebody who was reporting to the Chief of Staff of the Army. If it happened in any other way, it was against the established procedures.

Mr. CASE of South Dakota. Would the Senator object to my asking unanimous consent to place in the RECORD

excerpts from the 1947 hearings on the appropriations for the War Department, including a portion of the statements of General Eisenhower, then Chief of Staff; of Gen. Carl Spaatz, of the Air Force; of Gen. Curtis LeMay, then in charge of air research, about the time lost; and of Gen. George Richards, budget officer for the War Department at that time, as to where the responsibility did rest for the transfer of money from research to pay for the Army; also an excerpt from the report of the Appropriations Committee of the House of Representatives condemning the suspension of the research program and the transfer of money, and expressing the hope that it would not be done again?

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. There is no objection on my part. I think it is fair to say that in 1947 the great danger of the Communist conspiracy was neither as clear nor as great as it became in later years. This was brought out in the testimony before the Senate Committee on Appropriations, under the chairmanship of the late great Senator McKellar, on March 29, 1950. I therefore ask unanimous consent that pertinent excerpts from that testimony be inserted right after the testimony which the distinguished Senator from South Dakota asked to have inserted.

There being no objection, the material was ordered to be printed in the RECORD.

Mr. CASE of South Dakota. Mr. President, under that permission to insert excerpts from testimony in the hearings of the House Appropriations for the War Department in the spring of 1947, I submit the following:

First, the statement of then Gen. Dwight D. Eisenhower as Chief of Staff, made on the 19th of February, exactly 13 years ago, exhibiting his concern that the requests for missile research should be approved and not curtailed. Some of the statements made on the Senate floor today would seem to imply that Chief of Staff Eisenhower sanctioned the cutback on the MX–774 program or approved the impounding or transfer of funds from the missile program to something else. But here is the position of General Eisenhower as printed in the hearings for February 19, 1947:

THE EISENHOWER POSITION IN 1947

Gen. Dwight D. Eisenhower, Chief of Staff:

"In the field of guided missiles, electronics, and supersonic aircraft, we have no more than scratched the surface of possibilities which we must explore in order to keep abreast of the rest of the world. Neglect to do so could bring our country to ruin and defeat in an appallingly few hours. Those of us who were in Europe in the black days when Hitler was making his last desperate gamble with the V–1 and the V–2 know how close to success that gamble came. Yet those weapons, terrible and effective as they were, were child's toys in comparison with those which can be produced."

THE ADVICE OF GENERAL SPAATZ

And here, Mr. President, is the statement of General Carl Spaatz, a commanding general of the Army Air Corps of that day, as it appears in the public hearings for March 6, 1947:

General SPAATZ. In the future, as we visualize world conditions and modern weapons, this situation will not pertain. The enemy will for the first time have weapons with which he can directly depreciate the manpower and destroy the industrial resources of the United States from the very moment he launches his attack. * * * It is certain that the weapon of the future which will immediately attack us and which must give us the greatest concern is the long-range bomber or the long-range guided missile. Either of these weapons will follow great circle courses. * * * With the advent of the new weapon, it is quite obvious that warfare will follow more nearly meridians of longitude and come over the Arctic frontier. This changes our whole defensive picture; it means, for example, that we must have a chain of radar stations looking northward to discover the enemy weapons and we must have a means of intercepting and destroying them. * * *

If I could give but one thought of counsel and advice to the leaders of our country, I would say—make certain you put enough into experimental development to have the most modern weapon, and make equally certain that you buy enough of them, year by year, always to have an up-to-date Air Force. There alone lie security and safety for the country.

DELAY COST YEAR AND HALF

And here, Mr. President, is additional testimony of General Spaatz as developed in the hearings of that House Appropriations Committee relative to a transfer of research funds away from the missile program to "pay of the Army." It will be noted that the questioning of General Spaatz developed an estimate of a year and a half of delay, concurred in by General Rawlings, the comptroller, and by Gen. Curtis LeMay, who was then the Assistant Chief of Staff in charge of research and development:

Congressman ENGEL (Michigan, subcommittee chairman 1947–48). I think we all agree on the research and development program. As a matter of fact, I think the President took $75 million of the research money away from you that we gave you last year, asking to have it transferred to the Finance Service of the Army; is that not right?

General SPAATZ. We were reduced $75 million.

Congressman ENGEL. They took about $135 million away from you all told, including the $75 million for research and development that this committee gave you last year.

* * * * *

Congressman CASE (South Dakota). Referring to this $135 million proposed for transfer to "pay of the Army" or other objects, if that transfer is approved by the Congress, what does it mean as far as your current 1947 program is concerned?

General SPAATZ. That $135 million would take $75 million from research and development definitely. General Rawlings can give you the breakdown.

General RAWLINGS (Air Comptroller). For research and development $75 million was cut out and in our opinion that has delayed the program probably a year or a year and a half. Do you agree with that, General LeMay?

General LEMAY. Yes, sir.

General RAWLINGS. At this point it would probably be impossible for us to spend the money wisely during the balance of the fiscal year for research and development, so what has happened is that we have lost time on the program probably to the extent of a year or a year and a half in research and development.

AIR CORPS DID NOT ASK DELAY

Further questioning by Chairman Engel then developed the following testimony on the initiative behind the transfer of funds which lost the research funds for the missile and rocket program back in those crucial pioneering days. In accord with the permission granted, I submit for the RECORD at this point the excerpts from the printed transcript of the testimony at the same hearings previously cited:

Congressman ENGEL. * * * I think the record of this committee since 1939 at least has been very strongly in favor of research and development. I think the record will show that when we were trying to build up our Air Force to 2,900 planes we figured 18 months was the time required from the start to get the plane on the assembly line, and you were building small planes. From that time the members of this committee have continually been in favor of research and development. * * * If money is allocated for research and development, I want it to stay. I do not want any deficiency because of a transfer from research and development. I think the record should show that.

General RAWLINGS. I would like to put in the record, however, that if we should get this money back we would be unable intelligently to spend it for research and development this year because of the time.

Congressman ENGEL. That is exactly it. It is frozen so you cannot use it. You cannot use those funds because of the transfer.

Congressman CASE. I am sure the chairman has stated the position which he has consistently taken all the way through. * * * Was the postponement of this procurement reflected in this $135 million on the initiative of the Air Forces?"

General RAWLINGS. No, sir, it was not.

(Discussion off the record.)

TIME LOST WAS GONE

Then, Mr. President, on the effect of this transfer of funds away from rocket-missile research, here is further testimony of General Spaatz and General LeMay at that time, March 6, 1947, as to the delay which that action would cause:

Congressman ENGEL. Will this transfer from the Air Corps to other services result in increasing the 1948 appropriation? In other words, are we being asked to reappropriate money in 1948 for the purpose for which that money that is being transferred had been appropriated for 1947?

General SPAATZ. The answer to that, Mr. Chairman, is that the research and development money is at a certain level in 1948, and what we have lost is time. We are not trying to make up that loss in the 1948 appropriation. But we have taken the loss in time, so instead of the 5-year research and development program that would be finished in 1952, that project will now end in 1953 or 1954.

Maj. Gen. C. E. LEMAY (Assistant Chief of Air Staff, Research and Development). * * * When the $75 million cut came it was the straw that broke the camel's back. It meant a cut of from 20 to 30 percent. So the people who had been working on the program to get the money obligated had to stop that, because we did not want to let any contracts that were not necessary in the revised program. The $75 million cut delayed our program, but even if you gave it back we could not spend the money wisely for research and development before the end of the year because of the time lost in reprograming.

* * * * *

Congressman CASE. You had no notice of any cut in the research and development fund until when?

General LEMAY. Not until about the middle of the year. We had very little warning notice and no cut until about the middle of the year.

PROTESTS WENT TO PRESIDENT

And, finally, Mr. President, on the point as to where the transfer of funds away from the rocket-missile research program originated, there were, as I recall, some very pertinent testimony which was taken "off the record" as those words from the printed hearings above indicate.

There does remain in the printed hearings, however, testimony by Gen. George Richards, budget official for the War Department, which is very significant and the import of which will be evident to all Senators, I am sure:

(March 6, 1947:)

General RICHARDS. The War Department was notified by the Director of the Bureau of the Budget that we would have a cut of 100 million in research and development appropriation.

The Army Air Forces protested to the Bureau of the Budget, and I think to the President; and as a result, it is my understanding that at least one member of the Bureau of the Budget and one member of the Army Air Forces went to Wright Field and examined the research and development program. After that the Bureau of the Budget reduced the reduction from $100 million to $75 million.

This was the research program on which long-range rockets for missile development was based. So the Air Force's project MX–774 started in 1946 was dropped except that the contractor, Consolidated Vultee—Convair—did some limited research on its own account, as the Senator from Missouri has stated.

COMMITTEE DISAVOWS BUDGET TRANSFER

As a result of this testimony, Mr. President, the House Appropriations Subcommittee for War Department Appropriations in that day of the Air Corps, pinned the responsibility on the Budget Bureau by the following paragraph which appears at page 4 of its report accompanying the Military Establishment appropriation bill, 1948:

HOUSE REPORT—MILITARY ESTABLISHMENT APPROPRIATION BILL, 1948

RESEARCH AND DEVELOPMENT

The bill provides $222,216,400 for research and development. The committee made no reduction in this amount. It feels that a research program must be planned on a long-range basis and that research money should flow evenly year after year in order to retain the maximum results from a minimum of funds. The committee recommended and Congress appropriated $185 million for research and development for the Army Air Corps for 1947, the current fiscal year. This amount was appropriated with a long-range program in view. The committee is not in accord with the action taken by the Bureau of the Budget in transferring $75 million of such funds to the "Pay of the Army."

As has been remarked here this afternoon, the Budget Bureau is an arm of the President and that was true in 1947 as well as today. Thus it was not the Chief of Staff of that day, General Eisenhower, whose statement on the urgency of the rocket-missile-research program opened the hearings as cited above, but the Budget Bureau, acting as an agent of the President of that day, which crippled the MX–774 project and caused the critical year and a half of delay in development of the long-range rockets and missiles.

GENERAL EISENHOWER'S TESTIMONY, MARCH 29, 1950 (SENATE APPROPRIATIONS COMMITTEE)—THE 1951 DEFENSE BUDGET

In the fall of 1948, General Eisenhower was asked by President Truman and Secretary Forrestal to undertake to study the defense needs for the fiscal year 1951 budget. More specifically he was asked "to try to relate the strengths of our forces to the probable situations we might encounter in a war and out of that to develop a budget that would be presented for fiscal year 1951." (P. 680.)

"Out of my personal regard for the economy of the country, I have strongly urged that that figure [$14.6 billion] not be exceeded. I believed we could work out an effective defense at that level * * *. We worked on that problem for 6 months. (P. 680.)

"I thought [it] was a very wise decision * * * that not over $15 billion should be devoted to defense including stockpiling. (P. 682.)

"I believe within that amount you can do it. And I still believe it." (P. 686.)

Mr. CASE of South Dakota. I appreciate the Senator's yielding to me and also for letting me put my material in the RECORD.

If the Senator will indulge me for one further observation, I should like to say that I thoroughly agree that the most important part of this whole debate is not the assessment of blame for the past. With respect to the MX–774 program, which was brought into the debate, I thought the record should be kept clear. I believe that the military posture of the country ought to be under constant review. That means at anytime, even after the budget has been submitted and after the appropriation request has been passed on, if it develops that we should revise, or add more here, put more emphasis there, change this, cut back here, add more there, we ought to be flexible enough to do it. That is the way to conserve the strength of the country, not merely moneywise but materialwise and expertwise and scientificwise, and so forth.

Mr. SYMINGTON. Does the Senator from South Dakota believe that what we now have is adequate?

Mr. CASE of South Dakota. I believe that on an overall basis, we are in a good position. With respect to some details, I might make some changes.

Mr. SYMINGTON. What does the Senator mean by "overall"?

Mr. CASE of South Dakota. I think that as of today I would stand with General Twining and General Norstad, who have said that they would worry more if they were in the Russian position than they would being in our own position. I do not believe that means we have attained perfection in every department; but we must realize the correctness of what General Marshall said during the war: That there are problems of "localitis," in which every service chief and every theater commander looks at the situation from his own point of view or considers his own particular problem, which to him is the most important, as it should be.

But someone—the President, Congress, the Committees on Appropriations—has to take a look at the whole picture and strive to achieve the best balance and make the best deployment of our funds, our scientific talent, and our material which their judgment permits them to make.

Mr. SYMINGTON. I thank the Senator from South Dakota for his observation. Ever since I first knew him—and that was many years ago, when he was a member of the House Committee on Appropriations—he has been a stickler for detail. Does the Senator remember the plan which the administration announced, that it would not allow the Russians to obtain a long lead in the ICBM missile gap?

Mr. CASE of South Dakota. Since the Senator has asked that question, I wonder if he would let me tell, briefly and quickly, a story to illustrate the point of my answer.

Mr. SYMINGTON. I would be glad to have the Senator do it at some other time, since many other Senators have asked me to yield to them. I would like to have him give me his own answer.

Mr. CASE of South Dakota. The story will be my answer to the question.

When he was a boy, Benjamin Franklin went to a county fair. When he went inside the gate, he saw someone selling whistles. They were nice, shiny whistles, the best he had ever seen. He took all the pennies he had and bought whistles.

He went on his way and soon saw someone else selling whistles which were a little bit better and gave a louder toot. But he was out of money. Then he wished he had bought only some of the first whistles and had saved some money to buy the others.

I believe the position of this administration is that it wants to keep itself in such a position that it will not have to spend all its money on the first generation of missiles, but rather to keep itself constantly in a position to take advantage of improvements as they come along.

I myself would like to see our Government have the best possible stock of the latest type missiles it can get in relation to the overall situation. That means not spending so much money on Atlas or so much scientific talent or production ability on Atlas, as to prevent getting a better generation of Titans and a better generation of Minuteman. I would take an inventory and try to keep myself in a strong position, but at the same time would look ahead and not stock up on obsolescence.

Mr. SYMINGTON. I thank the able Senator from South Dakota for his comments. I most respectfully say, though, that we are not talking about whistles; we are talking about the survival of the United States. One of the quickest ways to cut defense expenditures is to talk about what we will have in the future, add a small amount for that, and then cut a large amount out for current production of something already proven out.

I know the Senator agrees with me that we cannot defend with blueprints. Regardless of the intelligence and the ability of our youth, they must have actual operational weapons on hand. He cannot fight with future plans.

I remember another quotation from Benjamin Franklin, which I think is apt

at this point, considering the increasing dissension which is taking place in the United States. Franklin said that if we do not all hang together, we are likely to hang separately.

Mr. CASE of South Dakota. Mr. President, will the Senator from Missouri permit me to make another comment?

Mr. SYMINGTON. I am glad to yield to the Senator from South Dakota. In the Senator from South Dakota we have an able, sincere advocate of a strong national defense. I have respected his position in that respect for many years.

Mr. CASE of South Dakota. I appreciate the Senator's saying that, because I was about to refer to one incident which I think the Senator will remember.

The Senator may recall the proposal which was made when he was Secretary of the Air Force that we expedite our airplane program by, I believe, some $800 million after the budget had been originally adopted. That was to implement the 70-group Air Force. I did not hesitate to cooperate toward that end if it meant revising an appropriation program. I believe we should keep alert to the situation. I do not regard budget estimates as sacrosanct, although I think we ought to be prudent about our use of the public funds, as well as anything else.

Mr. SYMINGTON. I should like to ask the Senator one more question. Why has there been no effort to carry out the program of true unification of the services, if money is so important? This was advocated 15 years ago so strongly by General Marshall, by Secretary Stimson, by Secretary Patterson, by President Truman, and by General Eisenhower.

With the development of missiles and other modern weapons, the fictitious, arbitrary differentiation between air, sea, and land, involving so tremendous an amount of duplication and waste, is even less justifiable to the American people now than it was when our defense budget was only a small fraction of what it is today.

If money is so important, I wonder why something is not done to streamline the Pentagon on the basis of progress, instead of letting conditions drift further into dissension and duplication, on the basis of tradition.

Mr. CASE of South Dakota. I will join with the Senator from Missouri in that effort at any time he wants to start.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. MONRONEY. I have been greatly stimulated and enlightened by this deep, searching discourse on the state of American security. I compliment the Senator from Missouri, not only upon the speech he has made today, but upon the speeches he has made over the past 15 years, warning against the growing power of Russia, and the danger that Russia may become the foremost military power in the world.

For many years, the Senator's has been a voice crying in the wilderness. Those who have been associated with him when he served as the first Secretary of the Air Force, and built up that great organization, and later as a distinguished Member of the Senate recognize the importance of the Senator's views about this subject. Gradually, because of his insistence and because of his unwillingness to be silenced, even by the great power of a Chief Executive having an outstanding military background, the Senator from Missouri has come to be recognized as an authority on this subject. His logic will not be overcome by the President's effort to wrap the robe of military security around himself, and to say that no one in Congress is fully advised of the information from which I speak.

I must confess that I am less than sympathetic with the attitude of the Chief Executive. He has been given the cooperation of the opposite party through his entire term of office on so many matters. I regret that he has become so irritable and has felt it necessary to deprecate the value of the advice of anyone else in the United States concerning our defense posture. I regret that the President sees fit to engage in deprecation of Congress, which has a proper part to play in the scheme of military affairs. Certainly the framers of the Constitution intended that Congress should have something to say. Section 8 of article I of the Constitution provides:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.
>
> To raise and support armies.
>
> To provide and maintain a Navy.
>
> To make rules for the government and regulation of the land and naval forces.
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.
>
> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

Those six paragraphs of the Constitution specifically provide the authority of Congress in this field.

Therefore, to say at this time that Congress is "sniping" when it chooses to discuss on a high level, as the Senator from Missouri has done today, the dangers and the problems which lie ahead is less than respectful of this branch of the Government, which historically has performed admirably these duties.

The broad implications of the six recommendations or the six-point program presented by the Senator from Missouri—to accelerate the Polaris and other missiles, to provide an adequate airborne alert of SAC bombers, to speed up the ICBM hardening and dispersal programs, to increase our antisubmarine warfare capability, to reverse the decision to cancel out the B–70 airplane, and to modernize the equipment and increase the mobility of our Army and Marine Corps—encompass the whole range of military possibilities, not only for the unexpected "sudden death" attack that might come through outer space, but also for the threat which is probably 80 percent of our exposure at this time—namely, the threat of limited war.

This is the reason why both General Ridgway and General Taylor resigned—because they could not carry out their obligations under the budgetary limitations imposed upon them.

I know the extent to which the Senator from Missouri has gone in his efforts to correct the very serious imbalance in our defense posture. I agree with his statement—this is virtually what he said in answer to the Senator from Connecticut—that we have seen this administration put a balanced budget ahead of a balanced national defense. I think that is undebatable; it has been proven time and time again. If that policy results in a catastrophe, then those who have preferred a balanced budget to a balanced national defense will have a heavy reckoning. Does the Senator from Missouri agree that is the real situation?

Mr. SYMINGTON. I agree with what my able friend, the Senator from Oklahoma, says. I agree with him about the high priority given the status of the budget, as against the lesser priority given the question of our national security. I thank him for his wise, able, and precise presentation.

Mr. MONRONEY. This administration says we cannot afford to add the necessary funds in order to provide for a defense against what will be an uncontrollable terror unless it is met by adequate defense means. Is that a correct statement?

Mr. SYMINGTON. I think it is entirely correct.

Mr. MONRONEY. But the Senator from Missouri is aware, as I think all the rest of us are, that this administration believes our country can afford to devote added billions of dollars—$4 billion, to date—to the expense of the escalating cost of interest on the public debt. This added cost of $4 billion a year, is controllable by this administration and could be adjusted downward to provide us with the funds we need in the budget, so we could have an adequate defense.

Mr. SYMINGTON. The Senator from Oklahoma is correct. In the last 6 years the interest burden has practically doubled. The cost of that unnecessary and unwarranted development must be paid by the same taxpayers.

Mr. MONRONEY. And from the same budget.

Mr. SYMINGTON. Mr. President, when some persons talk about how future generations are going to be enslaved with debt, I should like to ask my 7-year-old grandson what kind of a slave he would rather be 10 or 15 years from now: one with a debt, but otherwise free, or one without any freedom at all.

I thank the Senator from Oklahoma very much for his contributions.

Mr. STENNIS. Mr. President——

Mr. COOPER. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. Mr. President, I previously promised to yield to the Senator from Mississippi; and I now yield to him.

Mr. STENNIS. Mr. President——

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri may not be removed from the floor. He has yielded to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Missouri for yielding to me. I have been present since the start of his address. I have remained throughout his remarks except for a short time when I had to leave to answer a phone call of urgent necessity.

Mr. President, I commend the Senator from Missouri for what I believe has been a very forceful and factually correct presentation of a most serious problem. He is not only a student in that field, but he has made careful research into the question, and I can see that the address has been very carefully prepared.

In my humble opinion, I would not accept all his conclusions, but I certainly think the address has been very constructive, and he is to be highly commended.

I want especially to commend him on three points. One is with reference to what he has said with respect to assessing blame. I think I heard virtually all of the briefings given to the Armed Services Committee and the Aeronautical and Space Sciences Committee. I think we have heard enough from every source with respect to trying to assess blame, who is to blame, and when.

The question now is, What can be done about it? I think the American people have had enough of trying to assess blame. What they are interested in, and what we have a responsibility in, is, What can be done about these things, and what will be done about it? We wake up year after year to the realization that for the next 3 or 4, or even 5 years, we shall be involved in this very far-reaching, complicated military program.

I also want to particularly commend the Senator next for what he has said with reference to the B–70 bomber. I am certainly not in a position to pit my judgment against that of an expert on airpower. However, from merely the standpoint of commonsense, I am firmly convinced that for a long time to come manned bombers will be a substantial part of our frontline defense. There is no way to get away from that fact. In spite of the terrible destruction that missiles can impose, I believe the logic of the situation is that probably neither side will turn loose a weapon it could not call back.

I certainly believe we would make the gravest kind of error if we failed to pursue pioneering efforts to obtain the ultimate in manned bombers. That is what the B–70 bombers are. If we do not utilize such bombers, a few years from now we shall find we are literally out of business so far as a manned modern bomber is concerned.

As the Senator from Missouri has said, this question goes into the next plateau of speed, and opens up all kinds of new fields of possibility for all weapons, including naval weapons.

Having had briefings on the subject, as the Senator from Missouri has had, I do not see why we do not modernize our Army, Navy, and Marine Corps with the ultimate in weapons and capability of airlift.

Last year it was my privilege to be in the Pacific area for the first time. After being in that area, I realized how really helpless those nations are, and the fact that they cannot possibly defend themselves, and that their defense depends entirely on what we do. That is a great area of possible limited war or trouble spots or brush fires, where the factor of distance itself proves the case of the need for the ultimate in modern airlift and also the need, when the fighting starts, to have the most modern equipment in tanks and other weapons, including rifles, which we lack in terms of being modern.

I commend the Senator again for his fine address, and commend him particularly for the three points I have mentioned.

Mr. SYMINGTON. I thank the Senator from Mississippi. I am particularly impressed with what he has said, because, as chairman of the Appropriations Subcommittee on Military Construction, there is no one who tries harder to give the taxpayer the most return for his dollars than does the Senator from Mississippi. His high character and his understanding of the problems are so well brought to bear out the work of his subcommittee. I thank him for his kind remarks.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I apologize to the Senator from Kentucky for this delay. There is no one for whom I have greater respect. I had promised to yield to the other Senators. I am happy now to yield to him.

Mr. COOPER. I shall be brief. Like other Members present, I have been very much interested in the Senator's address. I have recognized his great interest in the problems of defense, and that also his experience and knowledge qualify him to speak on the subject in this body. I am a Senator in the category of those who are not members of the Armed Services Committee, or the Appropriations Subcommittee on Defense, or the Space and Aeronautic Sciences Committee, or other committees which receive information from various departments of the Government concerning our defense situation. Nevertheless, on my own responsibility, I do talk with members of these committees, and I go to the Department of Defense and talk there to officials in whom I have confidence.

The fact that the Senator speaks on this subject—and I have great respect for him—or the fact that another Senator who is interested in this subject speaks on it, does not mean ipso facto that his judgments are correct. One of the great difficulties in this field is that admirals and generals and other military persons in the Department of Defense and those who have retired, who are supposed to have knowledge of it, are also giving judgments on this subject. I do not refer to the Senator from Missouri, because he has had experience in this field as have the junior Senator from Mississippi [Mr. STENNIS] and other Senators. But many in this body who came here from civilian life, as lawyers, farmers or from other fields, cannot be supposed to have become at once great military experts whose judgment is superior to that of the experts.

In addition, we are confused by "leaks" of supposed important information which come out of committees and which are not given in context. And, of course, politics enters into a discussion of the defense issue. I am not saying this is unusual. It is inevitable that politics should enter into the consideration of the subject, but I think that fact confuses the situation.

We have to ascertain what the facts are, and as best we can, make judgments on the facts. Let me say that my own mind is free in this matter. I do not care what is recommended in the budget. When it comes to voting, on defense expenditures, I am going to vote for what I think is necessary to properly defend this country, now and in the future. I do not care what other interests are involved.

With respect for my friend, for we have been friends for 40 years, I desire to question him about certain facts set forth in his address. The Senator stated in his speech that, so far as the present is concerned, he considers our strength sufficient to deter aggression and to protect the country. I refer to page 10 of his statement:

> I agree with those who state that, primarily because of the great capability of our SAC bomber fleet, we could probably destroy any nation which dared attack us.

My first question is, and this question is asked to get the facts: Does the Senator, from his knowledge, inquiry, and study, say that we are in a position to deter aggression and protect this country and make it secure—today?

Mr. SYMINGTON. The Senator has brought up a very good point.

The reason some of us want the air alert so badly is that the whole defense of the United States is based on the premise that, if there is an attack, we will be attacked first. I, for one, cannot conceive of our starting a nuclear war. Therefore the question is: Would our capacity to retaliate, our deterrent capacity, be destroyed in a surprise attack? After listening to the testimony of probably the greatest expert in the world on the matter—General Power—I am not sure whether we would have the capacity to retaliate unless we had sufficient bombers on air alert.

Mr. COOPER. Looking at fact No. 9 in the Senator's address, the Senator says: "We have no airborne alert today." The statement would imply there is none whatever today.

Mr. SYMINGTON. That is correct.

Mr. COOPER. I have made an inquiry in this regard at the Department of Defense. I have also made inquiry of a member of the Committee on Armed Services in whom I have great faith, and I have been informed that we do have an airborne alert today.

Mr. SYMINGTON. What kind?

Mr. COOPER. In the air.

Mr. SYMINGTON. What is the nature of the alert?

Mr. COOPER. I do not know its magnitude. The Senator said we had no airborne alert today.

Mr. SYMINGTON. The Senator knows my respect for him——

Mr. COOPER. I know that; I am simply trying to get the facts.

Mr. SYMINGTON. The Senator knows of my desire to have him return to the Committee on Armed Services, because of his constructive position on the committee when we had the honor of serving there together some years ago.

The Senator does not mean to imply by "alert" that our planes are ready to go, with weapons, in the air today, does he?

Mr. COOPER. I do not know. I can only say, from reading the Senator's speech, that he says we have no air alert today.

Mr. SYMINGTON. My statement stands.

Mr. COOPER. I have been told by members of the Defense Department and the committee that there is an alert of some scope.

Mr. SYMINGTON. My statement stands. We have no real air alert today.

I have been abroad where far more instantaneous reaction is needed than in the United States, because the areas are so close to Russia. Yet we have no organized air alert today. We may have some planes flying from this country to Europe in rotation or for training, but I repeat there is no organized plan for them to go. There is a ground alert, but there is not an air alert.

Mr. COOPER. I know the difference between a ground alert and an air alert, and not in the magnitude of an air alert. I must say I have been informed that there are some planes in an airborne alert.

Mr. SYMINGTON. I deeply appreciate the Senator's bringing the point up. The Senator well remembers Pearl Harbor, and more specifically he remembers Clark Field, where our capacity to retaliate in that part of the world was completely destroyed as the result of the fact that our planes were altogether parked close together without even a ground alert. This was a case where we tried to guess intentions of an enemy, instead of preparing against the enemy's capabilities.

Mr. COOPER. Is it not true that if all our planes or a substantial part were in the air, we would have a problem of plane deterioration and of personnel?

Mr. SYMINGTON. I did not hear the Senator's question.

Mr. COOPER. I say, is it not true that if a great number of planes were in the air at all times, we would face the problem of deteriorating planes and equipment, and manpower problems which could affect the capability of the SAC to complete its mission.

Mr. SYMINGTON. I wish to tell my friend from Kentucky that the testimony we had before the committee was not in accord with that view. It was said that if we had an air alert the number of planes which General Power recommends would not result in a decreased efficiency of SAC. Specifically, except for the wear on certain parts, including engines, an air alert improves the overall efficiency of the aircraft as compared with keeping the aircraft on the ground. It was also said that the air alert would increase the efficiency of the crews.

Therefore, the only obstacle to an adequate air alert is money. I read an illuminating book which points out that we spend hundreds of millions of dollars a year for new swimming pools—an amount greatly in excess of what is needed for an adequate air alert for the United States.

Mr. COOPER. Fact No. 7 stated in the Senator's address is that the United States has not accelerated the ICBM program. I do not know to what period the Senator refers. It is obvious that from 1953 to date the program has been accelerated by thousands of percent, from nothing to about $3 billion plus other funds for research.

I have talked to officials of the Defense Department this year, who have charge of the program, and they say the program has been accelerated and in this year. What does the Senator mean by the statement that it has not been accelerated?

Mr. SYMINGTON. I am glad the Senator brought that question up. At the time the Secretary of Defense and the Chairman of the Joint Chiefs of Staff came before the Senate committee I had seen statements in the papers and in their testimony that there was going to be a lot more money for speeding up the program and increasing the number of intercontinental ballistic missiles. I was under the impression that there was not going to be any more money for acceleration. So in an effort to clarify my understanding of the matter I asked the Secretary of Defense whether the new money which was being talked about was for an acceleration of the present production schedules or whether it was simply to be used to add more missiles at the end of the current programs we will say, in the year 1962 or 1963. The Secretary of Defense said he did not know. The officials did not know whether the additional money which was being talked about was to be used to accelerate the production schedules in the coming year or whether it was simply for an addition to the already planned schedules.

We were advised later that the money in the fiscal year 1961 budget was not to be used to accelerate the ICBM production program at all.

Mr. COOPER. I will say to the Senator, I have talked to people who have told me the program has been accelerated, and I will give the Senator their names. I hope the Senator will talk to them. I think these people know more than some of the generals, and more than we know in the Congress.

Mr. SYMINGTON. I will add that the Secretary of Defense has sent to me in writing a statement that no acceleration was planned under this money; it was simply an addition at the end of the schedule.

Mr. COOPER. I have one other question, and then I shall close, because the Senator has been very generous.

In the last several years when we talk about defense we become engrossed about one type of missile, or one system of weapons. Today most of the talk and thought is based upon the idea that the ICBM is the one weapon which we have to push to the very limit.

I agree with the Senator that we should push the ICBM ahead, but is it not also correct to say that the experts in the Department of Defense and, more important, the men who are developing the weapons—the scientists, the men who have the knowledge to develop weapons—foresee that the best weapon eventually will be lighter missiles, which can be moved quickly from point to point, which will not require the heavy protection the present ICBM's require, and which will not be vulnerable to discovery and to attack.

I say that we have to have the ICBM's. In fact, we have some of these missiles. The point I am making with regard to the current debate is that, looking ahead, is it not true that insufficient attention is being given in this debate to the importance of lighter and more advanced missiles—which can be moved quickly, are not as susceptible to discovery and vulnerable to attack as the ICBM's we have now and which are a deterrent to attack and aggression.

Mr. SYMINGTON. The Senator is correct. That attention must be given to futures, but we must not fail to be alert and strong in the interims also.

Mr. COOPER. I thank the Senator. I have asked these questions to bring into focus some of the statements the Senator made. I have tried to place the issue in better perspective.

Mr. SYMINGTON. I thank the able Senator from Kentucky. He is constructive and forthright, and always takes a positive and clear position in debate on the floor of the Senate. It is a privilege to discuss this subject with him.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I enthusiastically commend the distinguished Senator from Missouri on a very important statement, and on what I think is a devastating indictment. It seems to me that he has stressed in his speech primarily that, in spite of public impression to the contrary, these are the facts:

First, the U.S.S.R. has more than a 3-to-1 advantage over this country in ICBM's.

Second, each of their ICBM's is far more destructive than our ICBM's.

Third, their ICBM's are probably as accurate as ours.

Fourth, we have not accelerated our ICBM program, and the budget shows it.

Our good friends on the other side of the aisle have debated the history and politics of the defense dispute. But only the distinguished Senator from Kentucky [Mr. COOPER] has raised any challenge to the factual indictment, and I think the Senator from Missouri has met that challenge. His facts remain unshaken, and now undisputed. I believe that the action of the Senator from Missouri in calling these facts to the attention of the people is a significant national service. I thank him for it.

Mr. SYMINGTON. I thank my able colleague from Wisconsin. He knows that he has my respect. I have the honor of serving on the same committee with him. He is thorough in his analysis and constructive in his criticism. I appreciate what he has said.

I want to make one point to keep the RECORD clear. I did not say that our ICBM's were less reliable than those of the Russians. What I said was that there is no evidence to justify the belief that the Russian ICBM's were any less reliable than ours.

Mr. PROXMIRE. The junior Senator from Wisconsin simply said that their ICBM's would seem to be as accurate as ours.

Mr. SYMINGTON. That is correct.

The Senator brings up a pertinent point. As the able senior Senator from New Mexico [Mr. ANDERSON], who is a real authority in this field of rocket thrust, knows, each time the Russians have exceeded what we have done, to the point where they actually put into orbit a missile in which the payload was greater than everything combined we had put into orbit. Each time that happened. Some spokesmen and high officials would say, "They got their first, but our developments are more accurate than theirs."

No one has shown me any evidence which justifies the statements which we have heard dogmatically stated at times and implied at other times that there is any reason to believe that the Russian rockets and missiles are less accurate than ours.

Mr. PROXMIRE. Is it not true that the shots in the Pacific suggest that the Russians have an accuracy which is equivalent to ours?

Mr. SYMINGTON. The shots in the Pacific, plus the lunar shot which hit the moon, plus the shot which went around the moon and photographed the moon, reveal great accuracy.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from New Mexico.

Mr. ANDERSON. Is it not correct that the shot in the Pacific, which traveled 7,700 miles plus, landed at a spot which indicated that there was accuracy of the highest degree? Whether our percentage of accuracy is 1 percent higher or 1 percent lower does not matter. So long as anyone can shoot 7,000 miles and put a shot within a 2-mile circle, he is pretty accurate. Whatever their actual figure was, they put the shot sufficiently close so that we are satisfied, at least, that it is a dangerous weapon.

Mr. SYMINGTON. The Senator is correct. He is a great authority in this field. The Russians shot a missile 7,762 miles, I believe. It is believed to be a very accurate accomplishment.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. DOUGLAS. I commend the Senator from Missouri for the very brave speech he has made.

As I listened to him I found my mind going back to the period between 1934 and 1939 in England. At that time Hitler had taken power in Germany, and was rearming Germany. There was a question as to what Great Britain should do.

Two successive Prime Ministers of Great Britain, Mr. Baldwin and Mr. Chamberlain, kept insisting that Hitler did not have designs on the West, and refused to rearm Great Britain. The result was that Hitler did attack the West. Great Britain was relatively unprepared.

There was a voice in the wilderness crying at that time—a discredited man by the name of Winston Churchill, who had been ousted from the Conservative Party because he was warning Great Britain. He was more or less in disgrace. The people would not listen to him.

As I listened to the Senator from Missouri, without being an expert on this subject, I found an old saying going through my mind, namely, that those who will not learn from history are destined to repeat it. I only hope that we can learn from the experience of the 1930's, and from the facts about us, and can rearm adequately. Otherwise we may find ourselves in much the same position that Britain and France found themselves in in 1939 and 1940, when the storm really broke upon them.

I think the Senator from Missouri has performed an extremely valuable service in alerting us. Without knowing the details involved, from the information we get in the newspapers it is obvious that the United States is exposed to great danger. If we lose military supremacy, in my judgment there is great danger that our military alliances will disintegrate. Those alliances have been partially held together by economic bonds, but they have also been partially held together by the belief of the Allies that we had military superiority. Once that is lost, or once the Allies believe it is lost, they are likely to drift into the camp of the neutrals, and many of them who are now neutrals will drift into the Soviet constellation. So I hope very much that the statements of the Senator from Missouri may be taken to heart by public opinion, and that we may adequately defend ourselves.

The Senator from Missouri has made a great contribution.

Mr. SYMINGTON. I thank the able senior Senator from Illinois for his remarks. He is one of those Members of the Senate who have demonstrated, in a very practical fashion, their patriotism. He has followed the subject of defense with care over the years. I do not agree with him that he is not an expert. I am very grateful for what he says.

The position of the United States today, as against the position of Great Britain in the early 1930's, is remarkably comparable. There is one great exception however. When the British people finally woke up to what the Hitler danger was, it was too late. They fought bravely, but they would have been defeated if we had not come in to support them. I think it is in order for us to ask ourselves today who is behind us as we were behind England.

Only yesterday I received an amazingly frank quotation. It consists of an admission which was made on the floor of the House of Commons by the then Prime Minister of England, Mr. Stanley Baldwin. I ask unanimous consent that I be permitted to insert that statement in the RECORD. It was made on the floor of the House of Commons by Stanley Baldwin in the year 1936.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Supposing I had gone to the country and said that Germany was rearming and that we must rearm; does anyone think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain. (Stanley Baldwin in House of Commons Debates, Nov. 12, 1936, vol. 317, col. 1144.)

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from New York, who has been on his feet for some time.

Mr. KEATING. I appreciate the courtesy of the distinguished Senator, and will be very brief.

I believe that a high-level debate on our Nation's defenses is always good. I certainly am vitally concerned about our defenses. I share the views of the Senator from Kentucky [Mr. COOPER]. I do not propose to be completely bound by anyone's recommendations in arriving at a final judgment. I wonder if the Senator is able to be a little more specific—and I rather think he is—as to the total amount which he believes should be added to the defense budget in order to achieve the objective of an adequate national defense.

Mr. SYMINGTON. That is a constructive question. About 2 years ago a friend of the Senator's made an outstanding report to the Government. It was the Rockefeller report.

That report said that for the first year $3 billion should be added to the defense budget; for the second year, $6 billion; for the third year, $9 billion.

I realize how vitally important it is to preserve the Treasury of the United States, to balance our budget, to cut our taxes, and to reduce our debt. We have gone over the budget, and we have gone over it very carefully. In our opinion, the money required to do what we think is absolutely vital to our future security would be to add between $2½ and $3 billion to this year's budget request for defense.

Mr. KEATING. The Senator means in the coming fiscal year, does he?

Mr. SYMINGTON. That is correct.

Mr. KEATING. I have a very high regard and great respect for my former colleague in the House, Representative MAHON, of Texas, who is the chairman of the House Subcommittee on Defense Appropriations.

About 2 weeks ago, on a nationally televised program called "Face the Nation," he was asked whether the United States should not spend billions of dollars more for its defense programs. He replied, in effect, that he favored some increases in our defense and a some-

what different structuring of our military program. In addressing himself to the question of whether we need billions more for defense, he called for millions, not billions. Let me emphasize that point: Not billions but millions more for our defense at the present time. He also said that we have a greater overall striking ability than the Soviet Union, and said this Nation is stronger than any nation in the world today. He also said that we have the Polaris submarine which will come in, and that with the ballistic missile submarine and with our Navy carriers we have more power than the Soviet Union.

Apparently the distinguished Senator from Missouri does not agree with Representative MAHON'S comments that we do not at the moment need to expand our military program by billions of dollars.

Mr. SYMINGTON. The implication in the press reports, prior to the broadcast to which you refer, were that Representative MAHON thought things were "rosy." I believe the statement was "rosy hued." The Congressman wrote me a letter to make it emphatically clear that he did not believe that things were rosy. He wanted to assure me that there had been a misinterpretation of what he had said. What he had actually said was that the testimony was "rosy." In that connection I notice that he said in reply to a question on the CBS television broadcast of February 7, 1960:

> We are in the most frighteningly important situation that we have ever been in our lives. Any town in this country could be hit in the next 30 minutes. I am not trying to be an alarmist, but I am saying that at last we have come to this point of very great danger, and under those circumstances it is not surprising that we have a battle over the defense budget, Mr. Finney.

I will say to my friend it may be that my estimate of $2½ billion to $3 billion may be wrong and that Governor Rockefeller was right in recommending that in the next budget we should include $9 billion more.

It may be that my estimate is wrong and that Representative MAHON'S estimates are more nearly correct. However, before I either agreed or disagreed with him, I think it would be important to find out exactly what he thinks and for him to find out exactly what I think. Then I would take a position in agreement with him or in disagreement with him based on the facts as I see them.

Mr. KEATING. If we could narrow my question a little, I meant only to find out whether the distinguished Senator from Missouri was in disagreement with the statement that millions, not billions, more are needed for our national defense in the next fiscal year.

Mr. SYMINGTON. Of course Mr. MAHON has heard a great deal of testimony that I have not heard and I have heard some he has not. We are getting along fairly close to the end of this fiscal year. It may be that he is talking about a thousand million instead of twenty million. I shall take the liberty of inserting in the RECORD how he feels about this matter, after we have had a chance to discuss it together. The important thing is to get the right national defense.

Mr. KEATING. I entirely agree.

Mr. SYMINGTON. Therefore, as I said, I believe under all the circumstances, based on the testimony that has come to the Senate—I do not know what the testimony has been in the House—we cannot do this job unless we appropriate as an absolute minimum $2 billion more. I have great respect for Representative MAHON. There is no one in the House for whom I have greater respect. I shall be glad to put his views in the RECORD after we have discussed it.

Mr. KEATING. I think that is a very constructive suggestion. It may be that Representative MAHON has not completed his hearings to the extent necessary to have a final judgment on the matter.

I appreciate the fact that the Senator has yielded to me. I do not believe the debate should end without my extending my commendation to the Senator from Massachusetts [Mr. SALTONSTALL] for his active leadership in this field. I very much admire his sincere efforts in pursuing his duties as the ranking minority member of the Committee on Armed Services. Because of my high regard for his judgment and ability in this field, I ask unanimous consent to have inserted in the RECORD at this point what appears to me to be a very constructive summary—and it is very difficult to summarize the subject of our national defense posture—contained in the Senator's newsletter of February 11, entitled "The Defense Debate—Details on Deterrence."

I ask unanimous consent that this summary be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. I am sure there is no objection.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE DEFENSE DEBATE—DETAILS ON DETERRENCE

(By Senator LEVERETT SALTONSTALL)

The strategic retaliatory power of the United States is strong enough and will remain strong enough to deter Russia from a nuclear attack.

This is the belief of the President of the United States and his chief military advisers.

But the perpetual debate on the adequacy of U.S. military preparedness has flared up again after relative quiet in the congressional recess. We hear charges that the administration's defense budget and preparedness policies are inadequate. We read about "missile gaps," about "second-class power," "round-the-clock air alerts."

With such a critical subject as the strength of our country in the face of the Communist threat, it is natural that the hue and cry reach a fever pitch—particularly during an election year.

But the important thing for all Americans is to acquaint themselves thoroughly with all the facts, and to reach objective judgments; it's all too easy to be misled by slogans and scare headlines. With this purpose in mind, a brief appraisal of the highlights of the defense debate seems in order.

Through my work as ranking minority member of the Senate Armed Services Committee, and as a result of weekly meetings with the President and some of his advisers, I have tried to keep as close as possible to the situation, and have naturally reached certain conclusions of my own.

One of the most recurrent charges leveled at the Pentagon is that the United States will suffer a missile gap with respect to the Soviets in the near future, specifically in long-range missiles—ICBM's. The crucial time seems to be 1962–63 and the margin most frequently referred to, 3 to 1.

Recently our new Defense Secretary Thomas Gates acknowledged that the Russians may have a moderate numerical superiority in ICBM's at times during the next 3 years.

Gates emphasized, however, that U.S. defense posture is not exclusively dependent on ICBM strength. "U.S. deterrent power is the sum total of a variety of retaliatory and defensive weapons systems," he said.

Long-range missiles are of increasing importance, but it is unwise to overlook our strategic bomber force—clearly the best in the world. The manned bomber is still the most effective means to deliver nuclear weapons in the volume and with the accuracy required. This capability is bolstered by air-to-ground missiles and advanced refueling techniques—here we are well ahead of the Russians.

We must also consider our intermediate-distance missiles now deployed abroad within easy range of the Soviet heartland and our mobile carrier striking forces. Our Polaris missile submarine program is an invaluable addition to our strategic force.

Our "mix" of weapons must be considered as a whole, therefore, in order to accurately assess our defense position. To isolate one segment is illogical and obviously distorted. The important gap in the final analysis would be the deterrent gap, which doesn't exist at present and in the President's judgment, will not exist in the future because of the research, development and operation of new systems.

Recently, the charge was made on the floor of the Senate that the administration had "juggled" intelligence estimates in order to balance the budget, and the implication was made that U.S. intelligence ignored enemy capabilities, considering only enemy intentions. The President refuted these allegations and again forcibly expressed the strong trust he places in the ability and integrity of his chief defense advisers.

I vividly recall criticism of administration policy in 1956 for not accelerating bomber production to meet Soviet capabilities. Yet the Soviets stopped production far short of their capabilities. Today, as planned, we have a clear superiority.

Much publicized was a speech last month by General Power, Chief of the Strategic Air Command, in which he claimed that a surprise attack of 300 Soviet missiles could knock out America's retaliatory power before it got off the ground.

It is important to note that the situation he described was hypothetical. Moreover, Secretary Gates and the Joint Chiefs of Staff believe his estimate unrealistic in relation to present intelligence. They rejected Power's request for an immediate continuous air alert. Ninety million dollars has been requested in the 1961 budget to prepare for a round-the-clock bomber alert if it becomes necessary.

Irresponsible, careless, or partisan criticism does not help the defense posture of the United States. On the other hand, serious examination into our position by qualified men may frequently result in worthy criticism.

I hope, in their consideration of this matter, that the people will seek out facts rather than slogans, appraise the whole rather than

the fragment, and make qualitative rather than merely quantitative examination.

In this way, we will best determine, in the words of the President, how to "provide security in a way that effectively deters aggression and does not itself weaken the values and institutions we seek to defend."

Mr. SYMINGTON. I wish to add that no one in the Senate has more respect and greater affection for the Senator from Massachusetts than I have. There is no greater patriot in this body. I have always regretted that he did not see fit to sign the airpower report, after I held it up in 1956, and did not publish it until after the election. What he signed in January 1958, from the standpoint of being critical of the present effort, namely, Senator JOHNSON'S report from the Military Preparedness Subcommittee, was at least as great if not a greater indictment than the report we presented to the Senate in January, 1957. I have been distressed that the distinguished Senator from Massachusetts did not sign the 1957 Airpower Report, although I know whatever he did was and whatever he will do in the future will always be prompted by what he considers to be the highest interest of our country. I might add that it was the only report of any subcommittee of which I have been the chairman, which was not unanimous. However, I fully support any comments which my able friend from New York would like to make concerning the character or integrity of the Senator from Massachusetts.

Mr. SALTONSTALL. I thank the Senator from Missouri. We agreed to disagree on that matter.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield.

Mr. ANDERSON. I do not intend to get into figures or circumstances or facts; I simply wish to compliment the able Senator from Missouri, not only for his presentation here today, but for his study and presentation of a strong point of view.

It was my great good fortune to be associated with the able Senator when he was in the administrative part of our Government. I believe he worked as hard on this subject then as he has in succeeding years. I can testify to what I regard to be an extremely sound point of view.

In recent weeks, as I have watched his work on a special investigating committee, I have been constantly impressed with the information which he gathers and the hard work which I know must be entailed in getting it. I compliment him on the fine speech he has just made.

Mr. SYMINGTON. I am deeply grateful for the remarks of one of the ablest men it has been my privilege to know in Government or in private business. I am most grateful for what he has said.

Mr. GORE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield.

Mr. GORE. I have listened to every word of the address and the colloquy since I entered the Chamber at the very initiation of the debate. I compliment the able Senator from Missouri. I know that he has been on his feet for a long time and that he must be weary. I do not wish, therefore, to introduce a new subject into the discussion; but since the distinguished Senator from New Mexico, the able chairman of the Joint Committe on Atomic Energy, is on the floor and is well aware of the subject about which I am to speak, I wish to suggest to the able Senator from Missouri that he has not by any means covered all of the fields of rollback, slowup, and stretchout.

I have heard distinguished scientists express the view that if the United States is ever to possess space with maneuverability and the attributes necessary to produce it to our advantage it may very well come through nuclear-powered rockets.

As the able Senator knows, the committee on which I serve is entitled to the intelligence reports, the same as is the committee on which he serves. There has been a very important and, I think, a very damaging rollback and stretchout, for money reasons, on the project to develop nuclear-powered rockets. I can say the same thing about atomic airplanes, which is especially important in relation to the B–70.

I ask the distinguished Chairman of the Joint Committee on Atomic Energy if this is not a correct statement of the facts.

Mr. ANDERSON. Mr. President, will the Senator from Missouri yield, to permit me to reply?

Mr. SYMINGTON. I am very glad to yield for that purpose.

Mr. ANDERSON. What the Senator from Tennessee has said is absolutely correct. I believe the great promise we have for success in the space age lies in nuclear propulsion. The Senator from Missouri referred to the fact that the Russians have put up one item which had more weight to it and required more thrust than all the satellites we have put up. The one great field in which we can develop thrust is the field of nuclear propulsion. Yet funds for that project have been reduced—and they were released only recently—from $22,800,000 to $18 million. It seems to me that $4 million or $5 million in a project which means so much is a fantastic reduction.

What the Senator from Tennessee has said is completely correct. We are stretching out our program at a time when we ought to be pushing harder, because nuclear propulsion of space vehicles is probably one of the most important fields for space development which we have.

Mr. SYMINGTON. I am glad the Senator from Tennessee and the Senator from New Mexico have brought this question up. I was present when this testimony was presented before the Senate Committee on Appropriations on June 8, 1953.

Since there has been much implied criticism, in recent days and weeks, to the effect that some of us on this side of the aisle were not concerned about increasing our defense strength and modernizing our weapons systems, I should like to read in the RECORD the testimony given by Secretary of Defense Charles E. Wilson before the Senate Appropriations Committee on June 8, 1953:

If we want to go ahead and have pure research, let us let somebody subsidize it. Let us not put the burden of it on the Defense Department. I am not much interested, as a military project, in why potatoes turn brown when they are fried.

Senator MAYBANK. Did they have such a project as that?

Secretary WILSON. That is an apt way to describe it.

Senator MAYBANK. I have to differ with you.

Senator FERGUSON. All right, Mr. Kyes, you had something on this research and development.

Senator HILL. Mr. Wilson, why not give us a real or true illustration, not about potatoes, but something you did not approve of.

Secretary WILSON. We were pushing the atomic airplane. You could consider that was in the area of pure research. We were pushing that too fast, because if everything worked out perfectly like the scientists hoped it would, it still would have been a bum airplane.

Mr. CLARK. Mr. President, does the Senator have the date of that?

Mr. SYMINGTON. It was on June 8, 1953.

The remark of the Senator from Tennessee is most apt. I refer to his comments about the vital importance of our making ready and, if possible, doing something we have not done in many years—to be first—in this case, to be first in the development of a nuclear-powered airplane.

Mr. GORE. Mr. President, will the Senator further yield?

Mr. SYMINGTON. I yield.

Mr. GORE. Nothing is closer to the heart of the American people than the security of their country. The security of their country is involved. When we fall behind the Russians in rocketry, in missiles, in technological progress, in education, in the real growth of our national economy, this does not involve partisanship; it concerns a policy which affects the security of every American citizen. I congratulate the Senator for his forthrightness. I have listened to his speech with great approbation.

Mr. SYMINGTON. I thank the able Senator from Tennessee, who is one of the most thorough and industrious Members of this body. I deeply appreciate what he has said. There is no Member by whom I would rather be commended in this matter than he.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. First, I compliment the Senator from Missouri on his temperate, constructive contribution to a vitally important national debate. I congratulate him on his courage for bringing this subject to the floor of the Senate. I congratulate him on refusing to be silenced. I urge him to continue to speak on this important subject in the future as he has in the past.

The Senator may recall that the President held a press conference on Wednes-

day, February 17, during the course of which he was asked a question by Mr. Charles E. Shutt, of Telenews:

Mr. President, two of the many charges that your defense critics have made against you and your administration are that the administration has been complacent in advising the people of the danger we face in world affairs.

I believe that charge to be a correct charge. I wonder if the Senator from Missouri would agree and would care to comment briefly.

Mr. SYMINGTON. Mr. President, from my father-in-law, the late great Senator James Wadsworth, I tried to learn the importance of avoiding personalities.

Mr. CLARK. I agree entirely with my friend. I want to be as objective as does my friend from Missouri, and I am as interested as is he in avoiding personalities.

Mr. SYMINGTON. I realize that; and the support of the Senator from Pennsylvania on the entire matter of national defense has been one of the most pleasant aspects of my work in the Senate since we have had the good fortune to be here together.

Mr. CLARK. I thank the Senator. I shall repeat the first part of the question which Mr. Shutt asked of the President:

Mr. President, two of the many charges that your defense critics have made against you and your administration are that the administration has been complacent in advising the people of the danger we face in world affairs.

Does the Senator from Missouri not think we have not been adequately advised of the danger we face in world affairs?

Mr. SYMINGTON. I think we have been far too complacent, and that we have not been adequately advised.

Mr. CLARK. I thank the Senator.

Mr. Shutt's other question was:

The other is that economy may stand in the way of developing some weapon or a series of weapons we may need.

I believe economy has stood in the way of the adequate development of missiles and other weapons which we need. I wonder whether my friend from Missouri agrees.

Mr. SYMINGTON. Well, perhaps not so much economy itself as how our economy has been misused by this administration. Today the income of the American people is about $1,400 million a day. The question is simply one of whether we wish to devote more of the resources of the economy to what might be called luxury living; or whether we want to devote more of our resources to giving our children and their children a better chance to survive against an enemy. I hope that reply is germane to the question from the Senator from Pennsylvania.

Mr. CLARK. I thank the Senator; but I think he would agree that budgetary considerations appear at least to have had an unfortunate impact on needed development of missiles and weapons.

Mr. SYMINGTON. The able Senator is correct; and the testimony before our committee—without any reservation of any kind—confirms what the Senator has just now said.

Mr. CLARK. Mr. President, will the Senator from Missouri yield further to me?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from Missouri yield further to the Senator from Pennsylvania?

Mr. SYMINGTON. I am glad to yield to the Senator.

Mr. CLARK. Because I, too, do not wish to indulge in personalities, I shall not cite, or even comment on, the answer the President gave to that question, other than to state my view that in his answer he set up a strawman, and then proceeded to knock it down, but did not ever reply responsively to the question Mr. Shutt asked him.

Would my friend mind referring now, briefly, to page 10 of his original very able presentation, where he made his recommendations? I should like to ask him a series of very brief questions, to which I am sure his replies can be equally brief, because I do not wish to detain him any longer than seems desirable.

His first recommendation is:

Provide for an adequate airborne alert of SAC bombers.

My question is this: Do we have such an alert now?

Mr. SYMINGTON. We do not.

Mr. CLARK. Second, will it take substantial additional appropriations to get ready for it?

Mr. SYMINGTON. That is correct.

Mr. CLARK. Is it true that no such appropriations have been requested in the pending budget?

Mr. SYMINGTON. That is correct.

Mr. CLARK. The Senator's second recommendation is:

Accelerate the Polaris and ICBM missile programs.

I point out that the Senator from Washington [Mr. JACKSON], whom I see on the floor at this time, and Adm. Arleigh Burke and I, and the Senator from Pennsylvania [Mr. SCOTT], recently had a half-hour television program in which we dealt very largely with the situation respecting the Polaris submarine. I ask the Senator whether my understanding is correct: That today we do not have in commission a single Polaris submarine equipped with Polaris missiles, although it is hoped we shall have in the reasonably near future.

Mr. SYMINGTON. That is correct, and "reasonably near future" could be defined, but we shall not go into that.

Mr. CLARK. Yes, because we do not wish to go into classified material.

Mr. SYMINGTON. That is correct.

Mr. CLARK. Is it not true that presently there are authorized, and in various stages of construction, only nine Polaris submarines?

Mr. SYMINGTON. I do not have the exact figure in mind; but if the Senator from Pennsylvania says that is the number, I am sure he is correct. Thanks to the efforts of the Congress, the figure has been increasing.

Mr. JACKSON. Mr. President, will the Senator from Missouri yield for a matter of clarification?

Mr. SYMINGTON. Certainly; I yield.

Mr. JACKSON. There have been authorized, and funds have been made available for, nine Polaris-type submarines, plus long lead items on three additional submarines. That makes a total of 12. Of the 12, Congress added 7 which were not in the budget. In other words, it is nine plus long-time lead items for three.

Mr. CLARK. The Senator is entirely correct. I shall make a somewhat stronger statement than the statement he made—namely, that seven of those Polaris submarines have been forced on a reluctant administration by a Congress which saw the utility of this defense system.

Does the Senator not know that Adm. Arleigh Burke has requested an eventual fleet of 45 Polaris submarines?

Mr. SYMINGTON. If the Senator from Pennsylvania gives that figure, I am sure it is correct.

Mr. CLARK. It is correct. Admiral Burke has said he needs to build six more immediately, but General Twining has indicated his unwillingness to go forward with that program. This has been in the newspapers in recent days

Mr. SYMINGTON. In that connection I should like to read into the RECORD some testimony of the able Senator from Ohio [Mr. YOUNG], who recently was in the chair:

This is from testimony of Admiral Burke on February 8, 1960, before the Preparedness Investigating Subcommittee:

Senator YOUNG of Ohio. I will go further than that. Does the President share your confidence in the Polaris?

Admiral BURKE. I do not know that at all, sir.

Senator YOUNG of Ohio. Apparently the funds provided by Congress were withheld—that is, the funds we provided in 1959 for the Polaris.

Admiral BURKE. Yes, sir.

Senator YOUNG of Ohio. And that was withheld?

Admiral BURKE. Yes, sir.

Senator YOUNG of Ohio. So it does not appear that your confidence is shared, does it? Or would you care to comment on that?

Admiral BURKE. Well, we have had a lot of tests since then.

So long as the Polaris is coming up in this field, however, I wish to point out that I have consistently voted money for the Polaris, and I will vote for more if that is considered right. But today we are presented with a most paradoxical situation. The administration has cut out any further development or any real research on new advanced planes which could very possibly fly many thousands of miles an hour, while at the same time the administration favors putting more money into something that goes considerably less than 100 miles an hour.

Mr. CLARK. The Senator is referring to the B–70 airplane program which has been canceled, is he not?

Mr. SYMINGTON. That is correct.

Mr. CLARK. I ask him to return again briefly to the conclusions set forth toward the end of his formal address. At this point I refer to his third recommendation, namely:

> Speed up the ICBM hardening and dispersal programs.

I understand he has stated that at the moment we have only a handful of ICBM missiles, although the amount is secret, but that presently there is not under way any program to remedy that deficiency. Is that correct?

Mr. SYMINGTON. That is true.

Mr. CLARK. The Senator from Missouri said, on that page, that we should speed up the ICBM hardening and dispersal programs. I wonder if my friend would tell me whether there is adequate money provided in the budget to do that.

Mr. SYMINGTON. There is not.

Mr. CLARK. Does the Senator have a rough estimate as to how much should be appropriated for that purpose?

Mr. SYMINGTON. Hardening and dispersal programs call for long leadtime periods. Therefore, with about $2½ billion or $3 billion more than is in the budget, we could do much that is necessary to take care of long leadtime items on the base construction and the other programs I suggested.

Mr. CLARK. I call the Senator's attention to his recommendation that we should increase our antisubmarine warfare capability. Is an adequate amount of money provided in the budget to do a good job in that respect?

Mr. SYMINGTON. No, there is not; and it is necessary that we get an adequate antisubmarine warfare capability, because that is where, at least as much as in any other field, a great danger faces our country today. There is a very large fleet of Russian submarines that has been modernized over a period of years, and it is nearly 10 times as large as the fleet Hitler had when World War II started, and is now being seen in packs reasonably close to the United States.

Mr. CLARK. And possibly in Argentine waters?

Mr. SYMINGTON. Well, that story is one I do not know much about.

Mr. CLARK. I would like to call attention to the fact that on the television program of which I spoke a moment ago Admiral Burke testified that the Russians had over 400 first-class submarines ready and in operation. I wonder if that estimate, which was made on an open program, is in accord with my friend's understanding.

Mr. SYMINGTON. That is correct. We have publicized to the American people for many years the fact that the Russians had over 400 submarines. When some persons asked me why that number had not gone up, I got interested and took the time to find out why. The reason given is that the Russians are modernizing their submarine fleet. In other words, they are constantly adding the latest type of submarine to the fleet and letting older submarines slide out of the inventory. That means the danger is steadily growing.

So much is made about the claims that we have something better than what the Russians have. On the basis of available information we are not sure that there is any basis for such claims with respect to submarines, any more than about any other weapon. It was not so long ago that certain high officials said the matter of rocket thrust capacity was not important because our ICBM's were more accurate. That claim has been exploded by recent Soviet activities.

The Russians have been modernizing their submarine fleet steadily over a period of years; they have modern submarines. When we boast about what we have in the way of submarines, missile systems, and ICBM's the American people are getting a wrong impression about things which we have in such small numbers that they can be counted on the fingers of both hands.

Mr. CLARK. Admiral Burke told us, on that same television program, that, in his judgment, these Russian submarines were equipped with missiles, which they probably would have to surface to fire, but which could be fired for an unstated but substantial distance from the sea to cities on our Atlantic and gulf coasts, and western ports. Is the Senator in accord with that statement?

Mr. SYMINGTON. Yes; but there is more to the subject.

Mr. CLARK. Is it not true that in order to hunt and track down one submarine, a very large portion of the surface Navy must be put in motion, and a good part of the naval air arm has to be concentrated in task forces?

Mr. SYMINGTON. That is correct. I may read from the testimony given by Admiral Burke in recent days. I asked him:

> Are you worried about the offensive danger from Russian submarines?
>
> Admiral BURKE. Yes, sir; we are very much worried about it. Any form of air breather or ballistic missile can be fired from their submarines. Years ago they were interested in air breathers. We believe now they are interested in their ballistic missiles in their submarines. We are very much concerned about it.
>
> Senator SYMINGTON. So you are concerned about both, in other words?

Admiral Burke said, "Yes."

The important point I wish to make is that we hear that Russia's submarines are probably oldfashioned and their missiles are probably air breathers, not ballistic weapons. Yet, the No. 1 military expert in the Navy tells us the Navy is very much worried about the ballistic missile capacity of their submarines. As we all know, our ballistic missile operational capability in submarines is nonexistent.

Mr. CLARK. It is zero at the moment, and hopeful for later on. Is that correct?

Mr. SYMINGTON. That is correct.

Mr. CLARK. The next recommendation of the Senator is that we should modernize the equipment and increase the mobility of our Army and Marine Corps. I call attention to the gallant fight the Senator from Missouri made to do just that, with the support of some of us on the floor of the Senate. I ask the Senator from Missouri whether he has any reason to believe that the needs necessary for us to modernize the equipment and increase the mobility of our Army and Marine Corps are being presently taken care of or are requested to be appropriated for in the pending budget?

Mr. SYMINGTON. No. There is nothing like enough money provided for our Army and Marine Corps in our present budget. As I stated earlier today, a great deal of the money appropriated to get the Army in reasonable shape has been impounded by the administration.

Mr. CLARK. Is it not true that a substantial part of the equipment which our Armed Forces overseas now have is of very ancient vintage?

Mr. SYMINGTON. Some of the equipment which our troops in Germany today have is of World War I vintage—not even of World War II vintage.

Mr. CLARK. The Senator has reference to machineguns?

Mr. SYMINGTON. Various weapons and pieces of equipment the Army has.

Mr. CLARK. Is it true, if the Senator can tell me this without violating any secrecy requirements, that in order to get an adequate airlift for our airborne forces in an emergency, it would be necessary, if we were to fly more than one division, and perhaps a few marines, into a danger spot, to mobilize our commercial air fleet, because there is not an adequate militarily controlled airlift for that purpose?

Mr. SYMINGTON. The Senator is correct as to the inadequacy of our airlift. We are lacking in capacity airlift for what has been called a possible limited war. I include as a part of the requirement the supplies essential for keeping our men alive after they have landed. It is the duty of the Government to provide the equipment necessary to keep those men alive, if at all possible. Commercial airliners are not designed for this type of lift. Because of floorloads, space requirements, the necessity for ingress and egress of small tanks and other vehicles, commercial airliners cannot do the job.

The airlift situation—a subject on which the able junior Senator from Oklahoma [Mr. MONRONEY] is the authority in this body—is very serious from the standpoint of what we should do and be ready for in the future in case we get into the type and character of hostilities that we call limited war.

May I add that there have been about 20 limited wars since World War II. General Taylor testified to 18 last year. There have been two more since that time, at Laos and Tibet. None of those wars have been nuclear wars; they have all been limited wars in which conventional equipment was used. Our capability to handle this type of problem is sadly deficient.

Mr. CLARK. With respect to airlift there is no adequate appropriation requested in the pending budget to make up for the deficiency, is there?

Mr. SYMINGTON. There is not.

Mr. CLARK. On the last page of the Senator's speech my friend made a statement with which I should like to associate myself, as follows:

> If additional taxes are necessary, and after there has been a real effort to get the maximum defense out of each defense dollar, I am certain the American people will support any sacrifice necessary to preserve our Nation and our freedom.

I am in complete accord with that statement, but I want to ask my friend if he does not agree we should promptly take serious measures to attempt to cut down the tax dodgers, to collect some of the $25 billion of unreported taxable income with respect to which the Commissioner of Internal Revenue has spoken, for the benefit of the Federal Treasury?

Mr. SYMINGTON. I do not think there is any question about that. If people are getting away with not paying their taxes, it should be stopped promptly and to the extent possible. This is a critical weakness in the administration of our Government.

Mr. CLARK. The Senator last year on several occasions supported the closing of a number of inequitable tax loopholes, which also would have raised several billion dollars in additional revenue. I am sure the Senator will agree that we should pursue that objective and deplores the fact that the administration does not seem anxious to help us.

Mr. SYMINGTON. I well remember the efforts of the Senator on that score, and I was happy to associate myself with him.

Mr. CLARK. Finally, Mr. President, I thank the Senator for his patience. I commend him for the last sentence in his speech:

> We can attain permanent world peace only if we are able to negotiate from a position of strength, supported by worldwide knowledge that we have that strength.

To paraphrase the words of Winston Churchill, "We arm to parley."

I know the Senator is as strong an advocate of meaningful disarmament and peace as any Member of the Senate. I deplore a little bit the efforts of some to make the Senator from Missouri appear as though interested only in defense and not in disarmament, because I know he shares my grave concern and perhaps my view that disarmament within our lifetimes is one of the most important issues confronting the American people today.

Mr. SYMINGTON. Mr. President, I am very grateful for what my able friend from Pennsylvania has said. We have been together in this fight for some time.

I have put into the RECORD a quotation of Mr. Stanley Baldwin in 1936. I was granted unanimous consent to do so.

The truth of the matter is that the British Empire was almost destroyed because its people would not face up to the importance of keeping their country strong, so that it could negotiate from a position of relative strength instead of a position of relative weakness. As a result, there was Munich. After Munich, there was a disaster.

I repeat, the analogy between the position in the early 1960's of the United States and the position in the late 1930's of the British is so comparable as to be terrifying, with one great exception. There is no one who is behind us, as we were behind the British in the late 1930's. I know the British would have been defeated and their people would have been enslaved if the United States had not come in behind them. That is no criticism of the British, who are a brave and glorious people, but they went so far along the way of the policies of Stanley Baldwin and Neville Chamberlain that when they said, "We must protect ourselves," it was too late.

If Senators will read a book entitled "Central Blue," written by Air Chief Marshal Sir John Schlesser, they will note that he remarked, as he put it, "in white-faced fury," that just a few weeks before the Battle of Britain the Chancellor of the Exchequer, Sir John Simon, was slashing squadron after squadron out of the Royal Air Force, saying to these men in the military, "You men don't realize that Britain's No. 1 line of defense is its economy."

The analogy is all too clear.

Mr. CLARK. In conclusion, I thank the Senator, and I refer with some pride to the fact that as long ago as 1955 the Senator from Missouri was one of the principal cosponsors, if not the sponsor, of a resolution advocating disarmament, which was steered through this body. Is that not correct?

Mr. SYMINGTON. The Senator is correct. That was my resolution. Over half of the Members of the Senate joined to cosponsor it. It was passed unanimously.

What we need in the world more than anything else is a just and lasting peace, and freedom under God. Based on the record—the record of Czechoslovakia, of Rumania, later of Hungary, and even later of Tibet, and other nations—I am not willing to trust my children's future to the good faith of the people who rule the Kremlin and of those who rule in Peiping. If we do not decide as a nation that we are going to summit conferences economically, psychologically, physically, technologically, and spiritually strong, I think we are almost insuring future disaster for the United States of America.

Mr. ERVIN, Mr. CHURCH, and Mr. YARBOROUGH addressed the Chair.

Mr. SYMINGTON. I am glad to yield to my friend from North Carolina, who has been waiting for some time.

Mr. ERVIN. Mr. President, I wish to make some statements and then to ask the able and distinguished Senator from Missouri some questions.

During 1956 the Senator from Missouri was the chairman of a subcommittee created by the chairman of the Committee on Armed Services [Mr. RUSSELL] to investigate the sufficiency of the Air Force to perform its mission. I think we can truthfully claim that the subcommittee summoned before it the most competent military and naval experts in America to testify. Is that not correct?

Mr. SYMINGTON. That is correct. I will say that the Senator from North Carolina and the distinguished junior Senator from Washington [Mr. JACKSON] were the other members of that subcommittee, who signed the final report. It was a great honor to serve with both of them on the subcommittee. The Senator knows fully about what he speaks.

Mr. ERVIN. We attempted, as members of that subcommittee, to make a fair and impartial review of the sufficiency of the Air Force to perform its mission. The Senator from Missouri and the able and distinguished Senator from Washington [Mr. JACKSON] and myself came to the conclusion, which we thought was absolutely inescapable, that the efforts being put forward to maintain an adequate national defense were absolutely insufficient to insure the safety of the nation; did we not?

Mr. SYMINGTON. The Senator is correct. We had, as the able Senator well knows, witness after witness come before us, each of whom was questioned at length by the members of the subcommittee and the brilliant and able counsel, Mr. Fowler Hamilton, of New York City. We talked with the witnesses before the hearing. If a matter was not clear, we talked with the witnesses after the hearing. We set a record as to what was necessary for the future security of the United States.

We had before us the foremost authority at that time on strategic airpower. The question was asked, "If the policies of this country do not change, how long will it be before our condition may be hopeless?" Gen. Curtis LeMay did not want to answer that question, but he was pressed, and he finally said, "Well, I would say in about 3 years."

That was 3½ years ago. Since then our relative strength—which is the important word vis-a-vis the Communists—has gone downward instead of upward.

Mr. ERVIN. Does the Senator from Missouri recollect, as I do, that on a number of occasions military and naval experts expressed an opinion, in substance, that unless our efforts in national defense were stepped up that by 1959 or 1960, or even earlier, we would be overtaken by the Russians in many respects and passed by them in some respects?

Mr. SYMINGTON. The Senator is entirely correct.

Mr. ERVIN. As a result of my service on that subcommittee I am familiar with the attitude of the able and distinguished Senator from Missouri in that connection, which I wish was known to all the people of America. If the people knew what I know, they would realize the great fight the Senator has been making, to try to see to it that we are given an adequate national defense, comes from his devotion to his country and not from any partisanship.

I remember that when we heard this testimony and agreed upon the report of the subcommittee, in which it was pointed out what would be the inevitable result of failure to make sufficient efforts to get an adequate national defense, the Senator from Missouri suggested, in private conversation with the able and distinguished Senator from Washington [Mr. JACKSON] and myself, that we wanted the work of the subcommittee to be of some value in stirring up the administration and the people of America to strive for an adequate national defense, and for that reason the report ought not to be filed until after the then pending election of 1956. The Senator from Missouri was the one who advanced that idea originally, and insisted to the Senator from Washington and myself that we should adopt that policy. As a result we postponed filing the report of the subcommittee in order that we might not be charged with attempting to obtain supposedly partisan advantage by reason of it, and in the hope that it would be received in the same manner in which it had been made, as a dispassionate and impartial appraisal of the state of our Air Force at that time and its probable future state unless efforts to strengthen it were stepped up.

As a result of that suggestion of the able and distinguished Senator from Missouri the majority of the subcommittee postponed filing the report until after the election was over. In view of that fact, it seems rather strange to me to hear charges that the Senator from Missouri is actuated by any partisan motives in seeing that we have an adequate national defense.

I wish all the people of America could have had the opportunity to learn what I knew about the Senator's attitude at that time, when he insisted that we should postpone the filing of that report until after the election, in order that it might be considered in a dispassionate manner by the administration and by the people. But unfortunately for the present state of security of the American people, when that report was filed it was dismissed as being a mere expression of opinion of a bunch of pessimistic partisans. If that report had been heeded by the administration, as it should have been heeded, we would be in a far more secure position in the world today.

I think the Senator from Missouri has rendered and is rendering a distinguished contribution to the American people in insisting that the national defense be made adequate. I am convinced, by reason of my service with him on that subcommittee and the opportunities I had to observe his attitude, that his zeal in this cause arises out of the devotion which he entertains for his Nation.

Mr. SYMINGTON. Mr. President, I am most grateful to my able friend the senior Senator from North Carolina. He and the Senator from Washington [Mr. JACKSON] and I spent many days, many weeks, and many months in the effort to present this story to the American people.

I disagree with only one thing the Senator said. I am sure that all three of us together decided that we should withhold the report until after the election, so that no politics would be involved in it.

Let me add, as I mentioned on the floor earlier today, that, thanks to the work of the Senator from Washington, the Senator from North Carolina, and the great counsel of the committee, that report is a "bible" as to what was needed for our security.

Nevertheless, for reasons best known to themselves, those who are now crying politics about the defense issue refused to sign the report and dismiss it, as the able and scholarly Senator from North Carolina has said, as a political document. I can only say that if a fraction of what we had recommended had been done, as a result of the hearings, when the report came out 3 years ago, we would not need to have this discussion on the floor of the Senate today.

Mr. ERVIN. I thank the Senator for yielding. I agree with the Senator from Missouri that the Senator from Washington and I concurred in the postponement, but the suggestion for the postponement, so as to avoid any implications of bipartisanship, was made by the able and distinguished Senator from Missouri.

Mr. SYMINGTON. I am very grateful to my friend. If there was any "sale" involved, it was a very "soft sell."

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from Texas.

Mr. YARBOROUGH. I wish to express my appreciation to the able and distinguished Senator from Missouri for his service to the American people in alerting them to the grave danger confronting the country.

The people of the United States are very fortunate in having in the Senate a Member who has served in the executive branch of the Government, in the Defense Department, and who is conversant with these problems from the executive standpoint as well as from the legislative point of view.

I was grateful also to note the presence in the Chamber of the distinguished Senator from New Mexico [Mr. ANDERSON], chairman of the Joint Committee on Atomic Energy, who listened and expressed his approval of the great message of the distinguished Senator from Missouri. Like the distinguished Senator from Missouri, the distinguished Senator from New Mexico has also been a Cabinet officer, and has had executive experience in matters of grave concern to the Nation.

Referring to the statement of the distinguished Senator from Missouri, I preface my question with these three sentences from his statement:

> The executive branch has the right to classify and declassify information incident to our defenses. However, it does not have the right to give information in secret to the Congress which shows the missile gap is widening in favor of the Soviets—and at the same time inform the public that the gap is narrowing.
>
> That is what was done this year; and that is one of the primary reasons for the present confusion.

I desire to ask the distinguished Senator from Missouri whether or not, when the administration issued a public statement within the past 10 days critical of the military personnel testifying before the Senate Military Preparedness Subcommittee, such criticism implied a threat to those military officers who appeared and testified before the Senate committee investigating these matters.

Mr. SYMINGTON. It would seem so to me.

Mr. YARBOROUGH. Is not such an implied threat to the military personnel who testify before the legislative branch of the Government, a coordinate branch with the executive branch of the Government, with its power of promotion, a dissservice to the country?

Mr. SYMINGTON. I would say that it certainly would be, inasmuch as these are able men under oath. If they as experts do not give us their opinion, it is a very unfortunate situation indeed.

Mr. YARBOROUGH. Again I wish to thank the distinguished Senator from Missouri for the service he is rendering to the American people.

Mr. SYMINGTON. I am very grateful to my friend from Texas. It is a privilege to serve with him. He is one of the most able Members of the Senate. I thank him for what he has said.

Before yielding the floor I wish to thank my able colleague from Indiana, who planned to talk before I took the floor. I appreciate his patience and courtesy. I had no idea that there would be this interest shown in the subject I discussed. If I have in any way inconvenienced him, I hope to have the opportunity to make it up to him.

Mr. HARTKE. I wish to say to the distinguished Senator from Missouri that not alone has he been of great service to the country, but I believe what he has said has been a very enlightening discussion. He has brought facts to the American people, and I think the people are entitled to those facts, and not to the emotional appeals for complacency and sleepiness in this time, when many people are going full tilt as fast as they can go.

I congratulate the Senator on his fine statement and the excellent way in which he has answered the various questions that were put to him.

Mr. SYMINGTON. I am grateful to the Senator from Indiana. I yield the floor.

USE OF SO-CALLED HAIFA CLAUSE BY NAVY MILITARY SEA TRANSPORTATION SERVICE

Mr. JAVITS. Mr. President, this morning the newspapers announced "Navy Ends Clause Tied to Arab Ban."

This involves the use by the Navy's Military Sea Transportation Service of the so-called Haifa clause, which barred any vessel which had stopped at an Israeli port from being utilized in the MSTS.

Admiral Gano, who is the distinguished commander of the MSTS, was in

to see me this morning, and brought me a memorandum which I ask unanimous consent to have made a part of my remarks, and which terminated the use of this clause.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

USE OF THE SO-CALLED HAIFA CLAUSE BY THE NAVY'S MILITARY SEA TRANSPORTATION SERVICE—MEMORANDUM FOR SENATOR JAVITS

1. Issue: Recently in newspaper editorials and news comments and in correspondence addressed to the White House, to the Secretary of Defense, to the Secretary of the Navy and to Members of Congress, there has been a condemnation of the use by the Military Sea Transportation Service (MSTS) of what is known as the Haifa clause. Bills have been introduced in Congress to prohibit its use in Government contracts. Critical comments range from the accusation that the clause constitutes a boycott by the Government of ships that have traded with Israel to the allegation that the Government, by its use of the clause, is recognizing officially the Arab boycott or is supinely accommodating itself to such a boycott.

2. The Haifa clause: The standard clause used in MSTS contracts for tankers calling at Persian Gulf ports is:

"(a) In event the vessel is prevented from loading or discharging in any port by the local authorities because of the vessel having previously traded with Israel, the charterer shall have the option:

"(1) To cancel the charter as of the date loading is refused or after discharge at another port.

"(2) To require the substitution of another vessel of similar size, class, condition of tanks or cargo holds, and in a similar position.

"(3) To nominate other loading or discharging port or ports.

"Expenses incurred by the charterer in exercising an option shall be for the account of the owner."

3. Background: This clause has been used in appropriate MSTS charters since the spring of 1958. It was adopted only after considerable discussion within MSTS and with the tanker industry and after rejection of several suggested alternatives. The immediate spur to the institution of its use was the *National Peace* incident in December 1957. The *National Peace* had been chartered by MSTS to carry Navy special fuel oil from Ras Tanura, Saudi Arabia, to Manila. Port officials at Ras Tanura discovered that the vessel had previously, under the name of SS *Memory*, traded with Israel; they refused to permit the vessel to load. After some time, when it became quite obvious that the vessel would not be able to perform her contract, MSTS was forced to cancel and charter another vessel to fulfill this operational requirement. The vessel owners claimed damages from MSTS in the amount of $160,000 and, upon disallowance of this claim, sued in the Federal courts. This suit is pending.

4. What the clause does: By law, with or without the clause, a voyage charterer may cancel the contract in a situation wherein the owner is unable to present his ship ready and able to perform the voyage for which he contracted. For that reason, inability on the part of a ship to enter the specified port and load the cargo due to a boycott (just or unjust) works great financial hardship on the shipowner. It also results in financial loss to the cargo owner, who must continue to store and care for the cargo and position another ship. Where vital military cargo such as aviation fuel is concerned, a substantial delay in delivery also presents serious problems in the maintenance of the defense posture. The clause used by MSTS is not considered by shipowners as any more severe than a charter without the clause. However, it puts shipowners on notice that ships that have traded with Israel may not be permitted by certain countries to come into their ports. It spells out the options that the Government may pursue in such a situation. It is thus of some assistance to the Government in preventing offerings of ships that would be unable to load important cargoes of petroleum products. It is of help to those shipowners who might unknowingly undertake a service they cannot perform.

5. What the clause does not do: Contrary to the various expressions of public concern, the clause does not:

(a) Preclude any vessel owner from bidding on a Government charter. Any owner of a vessel that has traded with Israel and who is prepared to take the calculated risk may offer his ship.

(b) Assist any boycott in any manner. The test of this statement is simple: Elimination of the clause would not change by one iota the posture of the boycott or the status of any vessel offered to MSTS. Its elimination would not enable any vessel to get into any port otherwise barred to it. Its elimination would not enable any vessel to perform that could not otherwise perform.

(c) Require a vessel owner to choose between serving Arab countries or Israel. (Such an allegation has been made.) The clause does not forbid trading with Israel. It cautions owners who have previously made a choice to trade with Israel of the risk of Arab boycott.

6. The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

Mr. JAVITS. Mr. President, I should like to invite the attention of Senators to the concluding paragraph of the statement:

The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

Mr. President, I hail the Navy for this decision. I think it is in the fine American tradition. I am delighted that this has been done. I point out again that the admiral informs me that by the mere way in which bidding is called for, the Navy can completely protect itself without the use of this clause, which does give implications with respect to the Arab boycott, to which the Navy should not be subject.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article on this subject from today's issue of the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAVY ENDS CLAUSE TIED TO ARAB BAN—DROPS OIL CARGO CONTRACTS PROVISO HELD TO SUPPORT THE BOYCOTT OF ISRAEL

(By Jack Raymond)

WASHINGTON, February 18.—The Navy is withdrawing from its oil-cargo shipping contracts a protested clause that seemed to support the Arab boycott of Israel.

The clause has been part of a standard contract of the Military Sea Transportation Service. It warns of certain U.S. "options" should the Arabs refuse to accommodate vessels that previously did business with Israel.

In effect, the clause—known as the Haifa clause in shipping circles—seemed to foreclose any Navy oil cargo shipping contract to U.S. shippers engaged in business with Israel.

A number of protests followed publication of a report January 21 that the Navy had been using the contract for nearly 2 years.

STATEMENT FOR CONGRESS

In a statement prepared for delivery to Congress tomorrow, the Navy takes note of the protests, explains the background of the form of contract, and stresses that it did not intend to aid the Arab boycott.

The statement concludes as follows:

"The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, Military Sea Transportation Service can accomplish its mission without using the clause.

"Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use."

Vice Adm. Roy A. Gano, commander of the Navy's Military Sea Transportation Service, is scheduled to deliver the memorandum tomorrow to several Senators and Representatives who have made inquiries regarding the use of the Haifa clause.

The standard clause to which exception has been taken, reads as follows:

"A. In event the vessel is prevented from loading or discharging in any port by the local authorities because of the vessel having previously traded with Israel, the charterer shall have the option—

"(1) To cancel the charter as of the date loading is refused or after discharge at another port.

"(2) To require the substitution of another vessel of similar size, class, condition of tanks or cargo holds, and in a similar position.

"(3) To nominate other loading or discharging port or ports.

"Expenses incurred by the charterer in exercising an option shall be for the account of the owner."

The Navy statement notes that this clause was adopted in the spring of 1958 after "considerable discussion" between Navy officials and the tanker industry and "after the rejection of several suggested alternatives."

According to the explanation, the inclusion of the clause was prompted by the refusal of port officials at Ras Tanura, Saudi Arabia, to permit the loading of a vessel, the *National Peace*, en route to Manila. The *National Peace* had previously, under the name SS *Memory*, traded with Israel.

When it appeared that the vessel would not be able to fulfill the contract, the Navy canceled it and chartered another ship. The vessel's owners claimed damages of $160,000. When the Navy refused to pay, the owners sued in the Federal courts. The suit is pending.

The Navy contends in its statement that the Haifa clause has served a useful purpose for the Government "in preventing offerings of ships that it would be unable to load important cargoes of petroleum products."

The memorandum insists that the clause does not "assist any boycott in any manner."

"The test of this statement is simple: elimination of the clause would not change by one iota the posture of the boycott or the status of any vessel offered to MSTS," it declares. "Its elimination would not enable any vessel to get into any port otherwise

barred to it. Its elimination would not enable any vessel to perform that could not otherwise perform."

Senator CLIFFORD P. CASE, Republican, of New Jersey, commented:

"As one who protested against the Navy Department's discriminatory policy in its oil shipping contracts, I warmly applaud the Navy's decision today to discontinue the use of its cancellation clause in future contracts.

"I hope the public protests which greeted revelation of this now discontinued practice will serve as notice to other Government agencies. The American public does not believe a U.S. Government agency should knuckle under to any form of international blackmail."

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HARTKE obtained the floor.

Mr. SALTONSTALL. Mr. President, will the Senator from Indiana yield to me for a question?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Will the Senator from Indiana yield to the Senator from Massachusetts?

Mr. HARTKE. I yield.

Mr. SALTONSTALL. Previously I had asked the Senator from Indiana to yield to me for a few minutes to make a statement. I understand that he has an engagement which will require him to make his remarks and then yield the floor to keep his engagement. Therefore I shall not try to make my statement at this time, but will make it just as soon as I have an opportunity to do so.

Mr. HARTKE. I thank my distinguished friend from Massachusetts for indulging me.

Mr. President, much is being said these days about "rights." We hear about civil rights, States rights, voting rights.

In the final analysis, when the oratory is finished and the votes tabulated here, the Senate will be asked to legislate human rights. The overriding issue in this entire controversy is whether or not it is an American right—a human right—for every man to have a voice in his government.

We are taught in school in "the American's Creed" that the powers of our country are justly derived from the governed. To suppose that our powers are derived from only certain classes of citizens and to suppose that all other classes of citizens have no such rights is foreign to the idea of democracy.

Our envoys to the peace tables of the world, among the various defense organizations to which we belong, at the United Nations, everywhere that we represent the prevailing view of free men in a world divided between freedom and tyranny, preach the rights of men—among them the right to vote. Our noblest documents—the Constitution, the Declaration of Independence, the U.N. Charter, among others—declare the inalienable rights of all men.

Yet we would be less than honest if we did not agree now that all Americans do not have all of the rights and privileges of citizenship which we have long ago agreed truly belong to all citizens.

I wonder what would be the position of the Members of the Senate if we proposed, for instance, that all Negroes be denied the right to vote or hold office or live in houses with decent plumbing. What would be our position if it were proposed that all Catholics be denied the right to vote or hold certain offices? What if we were faced with a bill to deny Jews certain privileges and rights? Or if we were to vote on whether to deny certain rights and privileges to persons of German ancestry? To any class or religion or color or to those of any national origin?

How, then, can we in good conscience sit idly by and allow certain classes of Americans to be denied these same rights? To ignore the state of voting rights and other rights of American citizens is almost as though this body were to pass a bill denying Negroes their rights in certain parts of the country.

In 1957 Congress passed the first civil rights bill since 1875. This bill created a Commission on Civil Rights empowered to investigate, study, appraise, and make findings and recommendations. The recommendations of this Commission are among the many suggestions we are considering. There are many sincere and dedicated men in this Senate who will take exception to these recommendations. But the clear, cold facts assembled by this Commission cannot be refuted.

Some of the findings indict localities, some indict States, some indict sections of the country. The findings are not pretty. They tell a sordid story of bigotry and personal prejudice.

They show that there is discrimination in voting, in housing, in education, in employment. They show northern discrimination, eastern discrimination, western discrimination, and southern discrimination. They show that Mexicans, Indians, orientals, Jews, Puerto Ricans, and Negroes all feel the lash of discrimination in various ways and to various degrees.

America has, indeed, a long way to go to become what it avows it is—the land of liberty, one Nation indivisible with liberty and justice for all.

But this is largely because America is populated by mortal men. We mortals have prejudices, blind prejudices. Some of us are prejudiced because of fear, some by history, some by habit.

Thus, the problems of whom we want as our neighbors, what church we attend, those with whom we associate, indeed, those with whom we would have our sons and daughters marry, all these are our personal problems and some of us will apply to them blind prejudice and some will not. This does not make it right. But it also may not mean that the solution lies in some government intervention.

On the other hand, government must take a stand for what it espouses. When Adolf Hitler came to power in Germany, he struck at political thinking first. Then he struck at Jews, and, to some extent, Catholics. Discrimination was first officially winked at, later encouraged, and finally made the law of the land.

So it is with Soviet Russia and other Communist countries. Party membership is exclusive. The right to vote is limited to these members. Civil liberties are largely unknown. Outright bans are enforced against certain churches.

These, too, began from a less annoying, less widespread condoning by government of the abridgment of liberty. Today they are government sponsored. The yoke of oppression applied by the Soviets, in particular, to residents of satellite countries is well known.

Thus the story of tyranny is written.

The difference between the Germany of the 1930's and 1940's and the West Germany of 1960 is that today the desecrations of synagogues and other acts of destruction and vandalism are not alone simply not tolerated by government, they are condemned and the perpetrators are punished.

So must we act to see that those who desecrate and plunder and bomb are punished. But this is not enough. We also must not by inaction allow discrimination to continue spreading poison among our citizens and denying to so many thousands the blessings which belong to all Americans. We must, through education and by law when necessary, insure first-class citizenship for all Americans. Nothing less will satisfy me. For, as I said at the outset, human rights which are supposedly insured for all Americans must be insured for all Americans, by law if need be. We have no more precious rights in this country.

In no area of this problem is the need more desperate and more deserving than in the field of voting. In no area of this problem is the role of the Federal Government more clear cut.

Yet, here we are in the year 1960, nearly 100 years after the Civil War, nearly a century after the Emancipation Proclamation, debating whether all Americans should be allowed to vote. It is a blot upon our entire Nation.

In one State the voting-age population is 20.5 percent nonwhite. Yet, 11.4 percent of the registered voters are nonwhite. In another State, only 9.1 percent of those registered are nonwhite, while 20.1 percent of the voting-age population is nonwhite. Figures for a third State show only 12.5 percent of the registered are nonwhite compared to 28.6 percent nonwhite among voting-age persons. A fourth State shows 13.8 percent nonwhite among registrants and 30.3 percent nonwhite persons of voting age. Other States are as bad or worse. In one State, unofficial figures show fewer than 4 percent of the nonwhite population registered while nonwhite comprise 41 percent of the voting-age population.

The Civil Rights Commission has said that apathy, lack of education, and uncoerced hesitancy do not account for all this. In the South 16 counties which, according to the last census, had a ma-

jority of nonwhites in their population, had absolutely no nonwhites eligible to vote. Forty-nine other counties with Negro population majorities had fewer than 5 percent Negro registrants.

Sworn statements of threats and coercions, even among war veterans who theoretically fought for the right to vote in this country and elsewhere, are contained in the Commission's report. We have all read also of registrars quitting rather than to allow a Negro to register.

It is clear that in the field of voting discrimination is practiced. This discrimination in the field of voting is chiefly in the South and is chiefly directed against Negroes. Denying the right to vote to anyone because of his race, for instance, violates the Federal Constitution insofar as it denies the individual the right to vote for U.S. Representatives and Senators. This fact is grounded in several decisions of the Supreme Court, dating back, I might add, for several generations.

Generations ago we were exposed to those who would deny residence, jobs, and the right to worship and vote to certain religious groups. In earlier days Catholics, Quakers, and Jews were denied the right to vote and hold office in whole States. We have eliminated the barriers to voting and the holding of office against these groups of Americans because such barriers were wrong and because democratic government could do no less. Today the theory of universal suffrage continues to be challenged. Today we can do no less for the disfranchised racial elements of America as we have previously done for the disfranchised religious elements.

The Reverend Father Theodore M. Hesburgh, president of the University of Notre Dame, in my own State of Indiana, and a distinguished and able member of the Civil Rights Commission, has written an eloquent and moving statement on human rights. I would like to quote excerpts from Father Hesburgh:

> As I read American history, the unfolding story of our Nation centers about the often agonizing attempt to achieve the fullness of human dignity through the ever-widening application of that equality of opportunity which has best characterized America in the family of nations. Deep and often dark emotions have been aroused by the discussion of integration and segregation, but anyone who really understands the majesty of the American dream cannot fail to see in our history that equality of opportunity for all men has been our most valid response to the inherent and God-given dignity of every human person.

Father Hesburgh continued to say that human dignity in America will grow and America will become richer for it when all Americans have equal opportunity to be educated to the full extent of their talents, equal opportunity to work to the fullness of their ability and wishes, equal opportunity to live in decent housing and wholesome neighborhoods, and "equal opportunity to participate in the body politic through free and universal exercise of the franchise."

He pointed out that there is no section of this land where all of these opportunities apply to all Americans. In some areas, none exists for nonwhite Americans.

Deprive any white man of these four opportunities, and he will fail. Yet, those who would deprive a nonwhite of these basic opportunities often do so under the guise that the white is basically superior to the nonwhite.

No American can escape participation in the struggle for basic human rights. We who are in Congress are in the forefront of this struggle.

Some of our colleagues will argue that we must pass a bill in order that the world will know that we are ready to implement our democracy. This is important.

But I feel that we must do it, not alone to demonstrate democracy to the world, but more important to dedicate it to ourselves. We must be honest with ourselves.

As Shakespeare wrote:

> To thine own self be true. Thou canst not then be false to any man.

If the American dream is to be a reality, we must proclaim for ourselves as well as the rest of the world that we believe in democracy. This faith must be nailed down by law which insures that no chicanery, subterfuge, threats, coercion, or intimidation will keep us from practicing the principle of universal sufferage.

From this cornerstone we will build an even greater America. From this cornerstone we will go on, and eventually solve the problems of the other three basic equalities.

Federal law and policy must lead the way so that States, cities, counties, towns, and individual Americans will be guided by the basic principles of freedom and equality which we here propound and insure for all Americans.

Laws and policies, indeed, do not solve all problems. We surely cannot legislate tolerance, intelligence, compassion, and understanding. But, by so defining in clear terms the goals and standards of the greatest democracy in the world, Federal law and policies will show the way to all Americans, and thereby to the entire world.

I hope that when the debate has subsided and the votes taken, we will have pointed the way to equality of opportunity, to fulfillment of the American dream and to first-class citizenship for all Americans. I hope we will have upheld human rights and human dignity, for ourselves as well as those among us who still feel this lash of discrimination.

THE STATUS OF OUR NATIONAL DEFENSE

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, I wish to make a brief statement on the subject of the discussion led earlier by the Senator from Missouri [Mr. SYMINGTON].

Mr. President, I would not want the discussion this morning to be concluded without my making a very brief statement. This is not the occasion to make a long statement of our Nation's overall defensive strength today.

What all of us want is to have sufficient defensive strength so that no nation will dare to attack us.

All the witnesses who appeared before our committee, both those in uniform and the civilian leaders of the various services, including the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, said the United States is stronger today than any other nation, so that no other nation would dare to attack us. What we want to do is to maintain that strength now and in the years to come.

Certainly there is no intention on the part of the President of the United States or any of the officials in the Pentagon to mislead the citizens or Members of Congress as to the military strength we have or as to the military strength we should have in the future. Certainly, there is no intent, as the President of the United States has said with great emphasis, to put budget balancing above the national security.

Most of the debate today related to the number of missiles we have and the development of missiles.

Today our strength is based on a mix of weapons—using that term in its broad sense. We have a very strong superiority of B–52 long-range bombers. As was brought out in the debate today, one B–52 can carry greater destructive power than that of all the bombs the allies dropped during the Second World War. Today the B–52 can carry several times the destructive power than an ICBM can carry. Today we are receiving our first operational Hound Dog air-to-ground missiles, which, attached to the B–52, can be launched many miles away from the target.

Then we have our various missiles that are building up. Today, we have a few Atlas ICBM's in operation at Vandenberg Air Force Base, Calif. We are building other Atlas ICBM bases.

We have the Titan ICBM coming along; and we hope within 2 or 3 years to have the Minuteman ICBM, which uses a solid fuel, which makes it a much more advanced missile, designed for launching from mobile bases.

So today we have that superiority of B–52's; we have both IRBM and ICBM missiles operational; and we have further advanced missiles developing.

But we have something else; we have the aircraft carriers—a number of them. We are told that there are some 275 planes that can be based on aircraft carriers. These attack aircraft are capable of delivering a strategic load over a distance of over 1,000 miles. So that

is an additional part of our "mix" of weapons systems—the aircraft carriers, which move around the seas as mobile bases.

In addition, we have the Polaris submarine—one of our latest and most formidable weapons. We shall have at least one, and possibly two, in inventory with missiles in 1960. Last year and the year before we authorized the building of nine Polaris submarines and long leadtime items for three more. In the 1961 budget there are requested funds to build Polaris submarines Nos. 10, 11, and 12, and funds for long leadtime items for three more.

These Polaris submarines have nuclear power and great mobility and the ability to let go an IRBM from under water. So that is another part of our "mix" of our weapons systems—the Navy and the Air Force.

Today an argument was made about the power of thrust. If I correctly understand the situation, the Russians undoubtedly have more thrust than we have; in other words, they can put a bigger payload up into space. But what we want to do is put into the end of a missile a payload with sufficient destructive power, so that if it were used, it would cause so much damage that any persons who might wish to start anything against us will be deterred. The important thing is a sufficient playload to do the job, so that no country will want to attack us.

There have been references to an airborne alert. Today we have a ground alert, as was brought out in the debate. Moreover, today we have in the budget appropriations for an on-the-shelf or standby airborne alert. Are they enough? If they are not, the President, under the present defense appropriations law for 1960 and under the 1961 budget, if we adopt similar provisions, has the authority, under section 612 (a) and (b), to establish an airborne alert and to spend whatever money is necessary to develop and maintain it, even though it has not been appropriated for in advance. This is similar to provisions of the general statutes that permit the Army, the Air Force, and the Navy to purchase food and other items for subsistence—whatever they need—even though the money is not in the budget, and have the President later request the money from Congress.

So the President can establish an airborne alert, according to his discretion. Congress can require an airborne alert in the budget, but Congress cannot require the President or the Department of Defense to spend that money unless he so desires. Today he does have that power, discretionary authority, under the law anyway.

General Power—whom I respect, and who quite rightly, as the head of the Strategic Air Command of the Air Force, must look at the situation from the viewpoint of his own responsibility—says we need a continuous airborne alert, and that, without such an alert, with 300 missiles the Russians or any other nation could theoretically destroy our SAC bases within a very few minutes.

Let me put the matter in the form of a question: Is it theoretically possible or is it practically realistic for us to believe that today any nation has sufficient missile bases so it can throw 300 ballistic missiles on the United States in less than 30 minutes, without our getting some warning?

What General Power says may be theoretically possible in the future. What General Power says is not, in my opinion, practically a problem which we have to face at the moment.

Congress has the budget before it. We had a long and interesting debate today. I did not agree with a great deal that was said in the course of that debate. But Congress still has the budget before it; and the budget is being considered by the House committee and by the Senate committee, which are holding hearings on the amounts of the budget which shall be made available to the Army, the Navy, and the Air Force.

We certainly should go into these questions with the greatest care.

I should like to leave this thought with the Senate: Today everyone—either in uniform or out of it—says we are the strongest nation in the world. Today we have this mix of weapons that gives us such great strength. We want to build on that strength in the next 3 years, so we shall continue our superiority the next year and the year after.

There may be some differences of opinion; but certainly the President of the United States, the Secretary of Defense, and all the officials in the Pentagon will do their utmost to see that we have that strength and that we are developing it for the years to come; and certainly there is no intention on the part of anyone to mislead any Member of Congress or to mislead the people, our constituents.

I hope that, in thinking over the long debate which took place earlier today and in thinking of the problem of missiles, which we debated at length then, we will remember our tremendous strength through the mix of weapons and the conscientious effort of those in responsible positions today who see to it that we maintain that strength and that effort in the days to come.

I wish to leave that thought with the Senate as my contribution to the debate on our defense.

Mr. MANSFIELD. Mr. President, I wish to express my commendation to the Senator from Massachusetts for the attitude and the fairness he has shown today, and which he has consistently shown.

I also wish to commend the distinguished junior Senator from Missouri [Mr. SYMINGTON] for the fairness and frankness with which he discussed his position on the question of our defenses at the present time.

I noticed that on at least three occasions the Senator from Massachusetts said there is no dispute as to our strength at the moment or for this year. I would point out that the Senator from Missouri agrees with the Senator from Massachusetts; and I express the hope that following the debate had today in the Senate—which I think has been quite comprehensive, and has been carried on on a very high plane, and with mutual respect to both sides—on the coming Sunday the President will make a contribution to this subject, so that the confusion and the fog which have shrouded this question in this body, in the administration, in the Defense Establishment, and among the people of the country, will to the greatest possible extent be cleared away—because, as I said last Monday, if anything happens to us, we shall not be asked whether we are Democrats or Republicans; all of us will be in that situation together.

So I thank the Senator from Massachusetts, as well as the Senator from Missouri, for making this fine contribution to the subject.

Mr. SALTONSTALL. I thank the Senator. Like him, I will listen to the speech of the President at 6 o'clock Sunday evening.

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON ON MONDAY, NOTICE OF POSSIBLE EVENING SESSIONS NEXT WEEK, AND NOTICE OF SATURDAY SESSION NEXT WEEK

Mr. JOHNSON of Texas. Mr. President, I announce for the information of the Senate that we do not plan to hold a session of the Senate tomorrow, Saturday. No notice has been given that there would be a session, and many Senators have made other plans. Those who do not expect to be out of town have had a rather long week, and expect to be occupied in their offices tomorrow. Therefore, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 12 o'clock noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, it is customary that Washington's Farewell Address be read on his birthday, and I announce that the distinguished Senator from Utah [Mr. Moss] will read the address on Monday, February 22.

Following the reading of the Farewell Address, we will return to the discussion of the pending business.

I should like all Senators to be on notice that we may have evening sessions next week, including rollcalls, and that we expect to have a Saturday session next week.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. BYRD of Virginia. I have been in Congress 27 years. The Senate now is proceeding in irresponsible disorder such as I have never seen before.

The objective of this disorderly procedure is to enact a so-called civil rights

law vitally affecting the lives of millions of people by legislative rider.

This would bypass all committee deliberation in the Senate, and probably limit House of Representatives consideration to a conference report.

As a Senate committee chairman, I know such procedure produces bad legislation. The Senate leadership, on both sides, has taken this position repeatedly in the past, except for civil rights.

As usual with so-called civil rights legislation, deliberate effort again has been made to avoid longstanding rules of the Senate for orderly consideration of legislation.

Scores of bills and amendments are being hurled from all directions. Two Senators from a single State have introduced nearly 50 proposals.

No so-called civil rights bill has been reported by any Senate committee. We do not have the benefit of committee explanation, section-by-section analysis, or minority views.

Parliamentary chaos is to be expected. If it is not designed by proponents of so-called civil rights legislation, it reflects on the character of the Senate just the same.

There is no reason to wonder why this procedure has been adopted. Its purpose is, in confusion, to enact punitive, vindictive, and unconstitutional legislation.

I shall confine this discussion to one batch of these bills which have now been pulled together under one cover and called the program sponsored by the administration.

It is formally referred to as amendment 2–15–60—B to H.R. 8315. And H.R. 8315 is an innocent little bill, allowing the Army to lease a building to be used as a schoolhouse.

This proposed amendment would call upon Congress to—

First. Recognize Supreme Court decisions as amendments to the Constitution.

Second. Amend the Constitution by statute.

Third. Make resistance by State and local officials, and the public generally, to Federal court school orders a felony punishable by both imprisonment and fine.

Fourth. Appropriate funds for use in attempts to bribe State and local officials to accept the Warren Court school decision.

Fifth. Open records of State and local election officials to "representatives" of a politically appointed Federal attorney general. These so-called representatives need not be employees of the Justice Department, nor, for that matter, of the Federal Government. They may be also representatives of the NAACP.

Sixth. Authorize Federal agents to determine who is qualified to vote in any local, State, or Federal election, and police the polling places and the counting of the votes. And,

Seventh. Push further toward general enforcement of the old FEPC proposals that a Federal agency should control hiring and firing employees in private business.

There is reason to suspect that the provisions of this amendment were drafted in the Department of Justice, by direction of the Attorney General.

I appeal to Members of the Senate to read carefully section 201 of the amendment. It begins on line 5 of the first page and runs through line 24 on page 2.

It would add a new section to the United States Criminal Code. It would create a new Federal crime to fit those who oppose Federal court orders in local school cases.

Now those who resist Federal court school orders may be found in contempt of the court, but, convicted in Federal court under this amendment, they would be felons.

Legalistic quibbling over such words as "corruptly," "willfully," "endeavors," and so forth, appearing in the section is useless. This is a political amendment.

For this reason my discussion goes to practical application and effect. The practical application and effect of this section 201 is to prohibit any opposition to Federal court orders in local school cases.

It would make no difference whether the court order says who will or who will not be admitted to any school. Neither could court-approved desegregation plans be opposed.

To oppose any of these things would be punishable by 2 years' imprisonment and $10,000 fine. But it would be all right for NAACP to oppose an order disapproving a local plan.

The Senate may wish to note the language in this section 201 is "any" school. This could include private and church schools, colleges, universities, and so forth.

It is notable also that "no injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

Discussing this section on Tuesday of this week, the very able Senator from North Carolina [Mr. ERVIN], said:

> For the first time in American history, so far as I am able to determine, this section makes resistance to a Federal court desegregation decree a crime.

Mr. ERVIN. Mr. President, will the Senator yield at that point?

Mr. BYRD of Virginia. I yield to the Senator from North Carolina.

Mr. ERVIN. Does the Senator from Virginia feel, as I do, that it is absolutely unnecessary to make offenses of this character Federal crimes, because they are already punishable by contempt of court proceedings?

Mr. BYRD of Virginia. I certainly agree with the Senator.

Mr. ERVIN. Does the Senator not also agree that if acts of violence are resorted to, such acts constitute assault and battery under State law and are punished as State crimes, and that if this bill were enacted into law, insofar as use of violence or threatened use of violence was concerned, it would mean a person could be punishable three times, namely, as a criminal for a State offense, as a person guilty of contempt of a Federal court, and as a criminal for a Federal offense for what essentially would be the same act?

Mr. BYRD of Virginia. I believe the Senator from North Carolina is correct. Let me say I think the Senator from North Carolina made one of the most masterly and able addresses I have ever heard in my long experience in the U.S. Senate on this subject.

To continue to quote the Senator from North Carolina:

> It is not necessary to make the impeding of a Federal court decree a crime. An act of that character is already punishable as a contempt of court.
>
> But if it were wise to make resistance to a decree of a Federal court a crime—for the first time in history—the law to that effect should be directed at resistance to all decrees of Federal courts.
>
> If it is iniquitous to resist one type of decree of Federal courts, it is iniquitous to resist all types of decree of Federal courts.

I shall now move on to the next section of this administration amendment, but I expect to have more to say about section 201 at a later date.

Section 202 of the administration amendment would amend the code to punish flight to avoid prosecution for unlawful destruction of educational or religious structures.

I know of no one who condones criminal destruction by fire or explosion of religious or educational structures, or, for that matter, any other kind of structures.

Attention of the Senate is invited to the provisions of this section 202, lines 1 through 24 on page 3 of the amendment. Two innovations should be noted.

Venue, for cases covered by the section, could be in one of three places—where the act was committed, where the offender is in custody, or where he might be caught.

The section creates another new Federal crime, and makes the penalties for fleeing greater than the penalties for the actual destruction of the property.

This amendment carries two separated sections for Federal interference with education. I have treated one. The other will come later. Likewise, it has two separated sections on Federal interference with elections.

The first of these sections on elections is section 203. It begins with line 1 on page 4 and runs through line 8 on page 6. It is contended that this section is limited to elections for Federal officers.

It is frequently difficult, however, to separate records and papers relating to elections for Federal officers and those for State and local officers.

This section 203 would require the preservation of and the opening of local and State Federal election papers for the inspection, copying, and the use of the Federal Attorney General and his "representatives."

Preservation of these records and papers is required in the language of line 2 on page 4, and opening them to the Federal Attorney General and his agents is provided between line 24, page 4, and line 23, page 5.

Lines 24 on page 4 through line 4, page 5, say the Federal Attorney General or his "representative" may have access to these papers and records upon demand in writing.

Lines 13 and 14 on page 5 indicate the Attorney General's "representatives" would not have to be employees of the Department of Justice. And there is nothing to prevent them from representing NAACP, also.

There would be no requirement for identification, or proof of need. The Attorney General or his representative would simply write his demand for the records and papers, and give it to the local or State official and he must comply.

Section 203 would require all State and local election papers and records to be preserved for 3 years for use by these people. If this were not done, election officials would be subject to punishment under Federal law.

If anyone—local or State election official, or anyone else—destroys, mutilates, or alters any of these local and State records and papers he, too, is guilty of a Federal offense.

On demand, the Attorney General or his representative could require local and State election officials to bring their records and papers to the office of the U.S. district attorney for Federal use.

The Federal district court could compel compliance with these demands by a politically appointed Attorney General or his political representatives simply by the issuance of a court order.

Once the Attorney General or his representatives gets these papers and records, section 203, lines 11 through 18 on page 5, says they may use them in performance of official duties.

But the section does not say what official duties are, except to include use of them in any case or proceeding before any court or grand jury. It does not even say the official duties of a representative must be Federal in nature.

An NAACP representative of the Attorney General might find numerous official duties where such records and papers could be for remarkable purposes. The Attorney General might disclose the entire contents in his annual report.

Let me remind the Senate that section 201, which I have already discussed briefly, would make it a Federal crime and a felony for local and State officials in the public generally to resist Federal court school orders.

Section 204, beginning on line 9, page 6, and running through line 18, page 13, would require Congress to recognize Supreme Court decisions as amendments to the Constitution and amend the Constitution by statute.

And in addition it would authorize appropriation of funds for use in attempts to bribe State and local officials to accept the Warren Court decision with payments to school districts where schools are segregated.

The section is opened on line 9, page 6, with the words "The Congress recognizes that," and this is followed on lines 16, 17, and 18 of the same page with the language "the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land."

Compare this statement with the language of article VI of the Constitution itself which says:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

There is not a word in the Constitution that can be interpreted to say that a decision by the Warren Court in one case should be a part of the supreme law of the land.

Therefore, any effort to say that such a decision should be recognized as such would in itself be in violation of explicit language written by the Founding Fathers into our fundamental doctrine.

But section 204 goes still further. In lines 18–21, page 6, it says State and local governments which relied on previous Supreme Court decisions are now obligated to conform with a different decision.

There is not a word in the Constitution on the subject of education, but section 204, line 25 on page 6 through line 2 on page 7, would amend the Constitution to say States and localities have "constitutional obligations" with respect to education.

Webster defines the word "bribe" as "a price, reward, gift, or favor bestowed or promised with a view to pervert the judgment or corrupt the conduct of a person in a position of trust."

Section 204 of the amendment, beginning on line 6, page 7 and running to the end of the page would authorize Federal payments to local and State agencies which seek to conform with the Warren decision, local ordinances and customs, and State laws and constitutions to the contrary.

None of the money to be paid to States and localities under this section could be used for school construction or directly for purposes of instruction. It would be used primarily to defray technical and social work costs incident to desegregation of schools.

It could be used for supervisory or administrative services, pupil placement, social workers, visiting teacher services, and special nonteaching professional services.

These Federal payments would be made to school districts, localities, and States who were not conforming with the Warren Court school decision in 1953–54.

School districts, localities, and States conforming to the Warren Court idea of how local public schools should be run at that time would be unable to qualify for Federal payments under this section.

Lines 1 through 15 on page 8 of the amendment would establish the basis for these Federal allotments of funds to be paid to State and local agencies, and local school boards, qualifying under the section to accept the Federal bribes for desegregation.

The allotment would be determined on the basis of the number of students attending segregated schools in 1953–54 as compared to those attending such schools throughout the Nation.

These numbers would be determined by the Federal Commissioner of Education on the basis of the best average daily attendance data available to him.

This allotment plan, as Senators may see, is burdened with highly complex and confusing provisions. But with a Secretary of Health, Education, and Welfare such as Arthur Flemming, and a Federal Commissioner of Education who would be subordinate to him, the manner in which the allotments would be administered is not difficult to foresee.

Section 204 on page 8, lines 16 through 25 and page 9, lines 1 through 7, provides that if a State has a desegregation plan which meets the approval of the Secretary of Health, Education, and Welfare and his Education Commissioner, payments may be made to it.

But if a State does not have a desegregation plan which meets the approval of Federal officials, but local agencies, including the school board do have a plan that Federal officials will approve, the State may be bypassed, and the money given to local agencies under provisions in lines 1 through 19 on page 11 of the amendment.

In either case if the HEW Secretary and the Education Commissioner decide they do not like the way the plans are being administered the allotment payments may be withdrawn.

This withdrawal authority is set forth in lines 6 through 25, page 10 of the amendment, and lines 16 through 19 on page 11.

The Health, Education, and Welfare Secretary, through his Commissioner, would prescribe the criteria and procedures for making approval and withdrawal in a manner which he thinks is best calculated to bring about desegregation by regulation.

The proponents of this amendment obviously think local and State school officials can be "bought" over to desegregation with a quick flash of the dollar sign. Lines 9 and 10 on page 13 read:

> No appropriation may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961.

Section 205, line 19, page 13, through line 15, page 17, amends existing law with respect to public education for children residing on Federal property, and children of members of the armed services and other Federal employees attending public schools in impacted areas where Federal funds have been made available for construction of school facilities.

This section provides that when schools serving these areas are closed for any purpose by State or local government, the Commissioner may take over public school facilities on which Federal expenditures have been made, taking into account such equity as the State or locality may have in such facilities.

Section 206 of the amendment, running from line 16 on page 17 through line 22 on page 19 creates another Federal commission to push further toward general enforcement of the old FEPC proposals for Federal control over hiring and firing of employees in private business.

This new Commission will be called the Commission on Equal Job Opportunity Under Government Contracts. But the Senate should not be misled by this title.

The Commission's activities actually would not be limited to Federal contract provisions controlling employment practice of contractors doing business with the Federal Government.

I quote lines 5 through 14 on page 19 of the amendment:

> The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.
>
> The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

In general, the bill would further Federal control of employment practices of Government contractors, and promote extension of FEPC activities by providing for continuing pressure in this field.

The amendment proposes that the policy of the United States shall be to eliminate "discrimination" because of race, creed, color, or national origin in the employment of persons by Government contractors and establishes a commission of 15 members for this purpose.

Lines 1 through 3 on page 18 contemplates that at least some members of the Commission may be employees of the Federal Government. These may include the Attorney General, the Assistant Attorney General in charge of the Civil Rights Division, Department of Justice, and so forth.

There is no prohibition against chairmen and other officers of national political parties serving on the Commission. In all probability a representative of the NAACP would be included.

Members of the Commission are to be appointed by the President, and according to the language in lines 20 through 23 on page 17 of the amendment advice and consent of the Senate would not be required.

Such a Commission, dealing directly, in the interest of FEPC, with Federal contractors, and empowered to go abroad into State and local governments in private organizations, would make annual reports to the President.

On the basis of experience with at least two previous Commissions on Civil Rights, and with the additional White House Committee on the same subject, there is reason to believe the primary purpose of the Commission is to keep the pressure on for FEPC and provide material for campaign issues in elections of the future.

This new Commission would be authorized throughout its life to make such investigations, studies, and surveys, and hold such hearings, as it may deem necessary to accomplish the purpose of the amendment. There would be no limit as to time or place with respect to such hearings.

And the President may, in his discretion, require all Government agencies contracting for goods and services to cooperate with the Commission in the accomplishment of its purposes.

The Commission would be empowered, in its discretion, to employ whomever it desired in the performance of its duties and the exercise of its broad powers.

The amendment fixes no limit on the amount of money to be appropriated for the staff or the operation of the Commission.

Now we come to section 207 of the administration's amendment. This section starts with line 23, page 19, and runs to the end of amendment "2–15–60—B," proposed in connection with H.R. 8315.

This amendment deals with voting in any and all elections—local, State, and Federal—and the qualifications of suffrage. Nothing could be more clear than the Constitution on this subject. Article I, section 2, at the very beginning of the basic law of this Nation, provides:

> The House of Representatives (and the Senate under the 17th amendment) shall be composed of Members chosen every second year by the people of the several States (every sixth year for Senators), and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This amendment would authorize Federal agents to determine whether citizens of the States are qualified to vote for State and local officers as well as for Federal positions.

I submit that when Federal agents determine the qualifications of voters in State and local elections as well as Federal elections, police the polling places, and the counting of the votes, we have Khrushchev-type "free elections."

A vindictive Federal Government tried to police congressional elections in the Reconstruction era under the "force bills." The result was political scandal of the lowest order in the North and the Ku Klux Klan in the South.

The so-called Civil Rights Act of 1957 established a so-called Civil Rights Commission, and it recently recommended that the Federal Government should again interfere with conditions for suffrage, limited to elections for Federal office.

There is no doubt about the source of the proposal embodied in section 207. It came directly from the politically appointed Attorney General, who was well trained in the Herbert Brownell school.

The President was asked his views on this proposal. He replied that the Attorney General thought he had an alternative to improve procedures within the framework of existing law, but it was "somewhat technical"—a "legalistic amendment" difficult for him to describe in detail.

And what would the Attorney General's "technical," "legalistic amendment" do? He told the Senate Rules Committee what it would do when he testified recently.

In violation of the first fundamental in the Constitution, it would authorize federally appointed agents who might be goons, to act as czars, at least under certain conditions, over both Federal and State elections.

Analyze the proposal, as the Attorney General outlined it. Read lines 5 through 21 on page 20 of the amendment, and what you find may surprise even the proponents of this provision.

The Attorney General himself could institute so-called voting rights cases whenever, and wherever he may choose to go find someone to enter into the arrangements with him.

Federal district courts would appoint voting referees, and the proposal would fix no standards or qualifications to be met by these so-called referees. But they would determine the qualifications of others to vote in any election.

And when these so-called referees say a person is qualified to vote in any election, the law notwithstanding, their word is final, even binding on the court which, on their say-so, would be required to enter the decree.

But this is not all. Read lines 21 through 25 on page 21 and lines 1 through 7 on page 22.

The same Federal district court would be authorized to appoint these same so-called referees, or others, to be at the polling place in any election to police the voting and the counting of the votes.

Now read the sentence beginning on line 25, page 20, and on through line 13 on page 21. In effect it says the Attorney General would proceed in the name of the Federal Government against any election official who does not cooperate with this apparatus even in violation of State election laws.

The proposal not only avoids qualifying standards to be met by these henchmen; it prescribes no standards for their decisions. They may be hoodlums, and their decisions may be unreasonable and illegal, if they are not clearly erroneous.

Please keep in mind I am speaking about practical application and effects of this political amendment. I ask Senators to read again lines 12 through 21 on page 20 of the amendment.

Mark well this fact: The Attorney General would not limit the authority of these so-called referees to prevention of racial discrimination. Under his proposal they could determine who, in any or all respects, are qualified to vote.

It should be understood that the Attorney General would have all of this done in the name of the Federal judiciary. Federal district judges would be forced to set up the situations, condone referee actions, and enforce them.

Look at what will face Federal district judges under the proposal by the Attorney General, as he has personally outlined it to a committee of the Senate. It is too much to expect the Federal judiciary will protect us from the political intent of this bill.

I quote directly from the Honorable A. S. Harrison, attorney general of Virginia. After examining the Federal Attorney General's proposal, Mr. Harrison says:

> The legislation proposed by the Attorney General of the United States is subject to constitutional objection on two readily apparent grounds.

Initially * * * the proposal authorizes the voting referees to ascertain whether or not certain persons are qualified to vote in any election without prescribing any standards by which this decision is to be made.

Determination of qualified electors is thus left to the unfettered discretion of voting referees.

It should require no particularized citation of judicial authority to demonstrate that the exercise of legal rights may not be exposed, by so vague and indefinite legislation as this, to curtailment or denial at the whim or caprice of individual public officers.

Secondly, and far more fundamentally, the proposed amendment—to the extent that it authorizes voting referees to determine who are qualified to vote in both State and Federal elections—clearly exceeds the powers vested in Congress by the Constitution of the United States and infringes the rights simultaneously secured to the States by that instrument.

I emphasize the Virginia attorney general's interpretation of authority Mr. Rogers would give the so-called referees over all aspects of voting qualifications. Mr. Harrison says further:

It is apparent at a glance that the present bill is not limited to the prevention of racial discrimination in the enjoyment of the elective franchise condemned by the 15th amendment.

The authority of the voting referees envisioned by this legislation is not circumscribed to determining the narrow question of whether or not a citizen's right to vote has been denied or abridged by a State on account of race, color, or previous condition of servitude.

On the contrary, the bill in question authorizes voting referees to investigate the qualifications of electors, to determine—by some unknown standard—which citizens are qualified to vote and to certify to the court the names of all persons deemed by the referee to be so qualified.

Mr. President, I ask unanimous consent that the statement of the attorney general be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ATTORNEY GENERAL A. S. HARRISON, JR., OF VIRGINIA, TO THE SENATE COMMITTEE ON RULES AND ADMINISTRATION, FEBRUARY 5, 1960

On January 26, 1960, the Attorney General of the United States made public the text of a bill prepared by the Department of Justice to deal with alleged racial discrimination in both Federal and State elections. Technically, the bill in question would amend the Civil Rights Act of 1957 by adding a new subsection to 42 U.S.C.A. 1971, as amended. Essentially, the proposed amendment would authorize Federal district courts, acting in voting rights cases instituted by the Attorney General under the provisions of 42 U.S.C.A. 1971(c), to appoint voting referees to determine whether or not certain persons making application to them are qualified to vote in any election and to certify as such all persons found by the referees to be so qualified.

The report of a voting referee, unless clearly erroneous, would be binding upon the court, which would then be required to issue a supplementary decree specifying that the persons named therein are entitled to vote. In addition, the court is empowered to direct the voting referees, or such other person or persons as it may appoint, to attend any election at which a person named in the court's decree is entitled to vote, and report to the court whether any such person has been denied the right to vote or to have his vote properly counted. Certified copies of the court's original decree and any supplementary decrees would be transmitted by the Attorney General to the appropriate election officials of the State; and any officer who, with notice of such decree, refuses to permit any person named therein to vote at any election covered thereby, or to have the vote of any such person properly counted, may be proceeded against for contempt.

The legislation proposed by the Attorney General is subject to constitutional objection on two readily apparent grounds. Initially, it should be noted that the bill in question authorizes the voting referees to ascertain whether or not certain persons are qualified to vote at any election, without prescribing any standards by which this decision is to be made. Determination of qualified electors is thus left to the unfettered discretion of the voting referees. It should require no particularized citation of judicial authority to demonstrate that the exercise of legal rights may not be exposed, by so vague and indefinite legislation as this, to curtailment or denial at the whim or caprice of individual public officers.

Secondly, and far more fundamentally, the proposed amendment—to the extent that it authorizes voting referees to determine who are qualified to vote in both State and Federal elections—clearly exceeds the powers vested in Congress by the Constitution of the United States and infringes the rights simultaneously secured to the States by that instrument. The right to prescribe the qualifications of electors and to determine, in light of such qualifications, which of its citizens is entitled to vote in State elections, is one resting exclusively within the province of the individual States. In this connection, the Supreme Court of the United States has declared that a State is free to conduct its elections and limit its electorate as it may deem wise, except as its action may be affected by the prohibitions of the Federal Constitution or in conflict with powers delegated to and exercised by the National Government, and that the power of Congress to legislate at all upon the subject of voting in State elections rests upon the 15th amendment and extends only to the prevention by appropriate legislation of the discrimination forbidden by that amendment (*Smith* v. *Allwright*, 321 U.S. 649; *United States* v. *Reese*, 92 U.S. 214).

It is apparent at a glance that the present bill is not limited to the prevention of racial discrimination in the enjoyment of the elective franchise condemned by the 15th amendment. The authority of the voting referees envisioned by the instant legislation is not circumscribed to determining the narrow question of whether or not a citizen's right to vote has been denied or abridged by a State on account of race, color, or previous condition of servitude. On the contrary, the bill in question authorizes voting referees to investigate the qualifications of electors, to determine—by some unknown standard—which citizens are qualified to vote and to certify to the court the names of all persons deemed by the referee to be so qualified. Manifestly, the proposed amendment infringes the right of the individual States to determine who may vote in State elections and exceeds the power vested in Congress to enforce the prohibition of the 15th amendment by appropriate legislation. Indeed, eminent judicial authority may be marshaled to support the views that an attempt to vest in Congress such broad power over the conduct of State elections, even by means of an amendment to the U.S. Constitution, would merit instant condemnation. On this precise point, no less a constitutional authority than Judge Robert G. Story has observed:

"If a clause were introduced in the national Constitution to regulate the State election of members of the State legislature it would be deemed a most unwarrantable transfer of power, indicating a premeditated design to destroy the State government. It would be so flagrant a violation of principle as to require no comment. It would be said, and justly, that the State governments ought to possess the power of self-existence and self-organization, independent of the pleasure of the National Government."

Contemporaneously with his release of the proposed bill, the Attorney General of the United States issued a statement in which he declared:

"Our bill would not fragmentize the election process. It would leave the election procedures in the States where they have always been. At the same time, it would operate within established judicial procedures to prevent discrimination in all elections, as the Constitution of the United States intends."

A mere reading of its provisions discloses beyond cavil that the proposed bill would have an effect diametrically opposite to that claimed for it by the Attorney General. If enacted and made operative, this bill would "fragmentize the election process" by establishing separate agencies to pass upon the qualification of electors and fractionate the electorate into two distinct classes; one class embracing those found qualified to vote by State officials applying State-established criteria governing qualifications for voting, and the other class comprising those found qualified to vote by court-appointed voting referees administering criteria—established by no one—and known only to the voting referee, if known at all. The invidious result of a scheme which establishes such a dichotomy in the electorate is not difficult to imagine. In his speech in the House of Representatives on January 26, 1890, the Honorable Henry St. George Tucker, Representative from Virginia, commenting upon the then pending bill to amend and supplement the election laws of the United States, denounced its divisive effects in the following language:

"I object to another provision of the bill, Mr. Speaker. I do not believe in the supervision feature, as a matter of expediency, looking to the true interests of our State and Federal systems. I think the only logical position for Congress to take in regard to the elections of Representatives, if the time ever comes when under the Constitution it can take charge of the elections, is this: Either to give it absolutely into the hands of the States or absolutely into the hands of the Federal Government. Do not have any mixture of the two. It is, and will be, a source of serious trouble, dispute, and clashing of interests, as well as clashing of authority, if Congress assumes control of a part of the machinery and the States take charge of another portion of it."

Aside from its illegality and its necessarily divisive consequences, the historically demonstrable inutility of the present bill is alone sufficient to deprive it of any fundamental merit. A canvass of the legislative history upon the subject of congressional elections discloses that, with the exception of some 24 of the 171 years since the National Government was founded, the policy has been to leave the regulation of such elections almost entirely to the States, whose representatives Congressmen are. For more than 50 years after the National Government was organized, no congressional action whatever was taken until, in 1842, a law was enacted requiring representatives to be elected by districts, thus attempting to eliminate the practice which then prevailed in some States of electing on a single ticket all of the Members of Congress to which the State was entitled. Twenty-four years more elapsed before further action upon this subject was taken, when Congress provided for the time and method

of electing U.S. Senators. In 1870, for the first time, a comprehensive system for dealing with congressional elections was enacted by laws which remained in force until their repeal in 1894.

These laws provided extensive regulations for the conduct of congressional elections. They made unlawful false registration, bribery, voting without legal right, making false returns of votes cast, interfering in any manner with officers of election, and the neglect by any such officer of any duty required of him by State or Federal law; they provided for appointment by circuit judges of the United States of persons to attend at places of registration and at elections, with authority to challenge any person proposing to register or vote unlawfully, to witness the counting of votes, and to identify by their signatures the registration of voters and election tally sheets; and they made it lawful for the marshals of the United States to appoint special deputies to preserve order at such elections, with authority to arrest for any breach of the peace committed in their view.

In *United States* v. *Gradwell* (243 U.S. 476), the Supreme Court of the United States, commenting upon the history of the regulation of congressional elections and the experience gained thereby, pointed out:

"It will be seen from * * * these enactments that Congress by them committed to Federal officers a very full participation in the process of the election of Congressmen, from the registration of voters to the final certifying of the results, and that the control thus established over such elections was comprehensive and complete. It is a matter of general as of legal history that Congress, after 24 years of experience, returned to its former attitude toward such elections, and repealed all of these laws with the exception of a few sections not relevant here.

"The policy of thus intrusting the conduct of elections to State laws, administered by State officers, which has prevailed from the foundation of the Government to our day, with the exception, as we have seen, of 24 years, was proposed by the makers of the Constitution, and was entered upon advisedly by the people who adopted it, as clearly appears from the reply of Madison to Monroe, in the debates in the Virginia convention, saying that:

"It was found impossible to fix the time, place, and manner of election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures the congressional control will probably never be exercised. The power appears to me satisfactory, and as unlikely to be abused as any part of the Constitution."

The striking similarity between the principal features of the pending bill and those of the election laws of the United States in force between the years 1870 and 1894 indisputably stamp the proposed legislation as the modern day progeny of the same thinking which fostered the ill-advised attempt on the part of Congress to purify congressional elections by entrusting their regulation to officials appointed by Federal courts. In light of the deplorable results engendered by former congressional legislation in this field, it is unimaginable that any present day legislative proposal could possibly trace its lineage to a more inauspicious origin. In 1893, reporting on the reprehensible conditions prevailing under the Federal election laws which had then been in force for almost a quarter of a century, the Select Committee of the House of Representatives To Inquire Into the Supervision and Administration of Election Laws by Officers of the United States in the City, County, and State of New York advised the House of Representatives (H. Rept. No. 2365, 52d Cong., 2d sess.):

"It is assumed by the committee that the administration and results of such laws would nowhere appear more clearly or in a better light than in the city of New York.

"It is believed that in the largest city in the country, where every class of our voting population is fully represented and where the respective parties have for years made their principal headquarters at important elections, and under the constant publicity given by the best organized and most effective newspaper press of the world, the actual workings of these laws and their good or evil results can be more clearly seen and appreciated and more intelligently judged than is possible anywhere else.

"Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

"The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

"First. Because they result in no conviction of offenders, and are therefore useless to prevent or punish crime.

"Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

"Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

"Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occur, and voters are punished by arrest and imprisonment for their political opinions.

This report of the select committee served to bear out with a vengeance the unequivocal prediction made on June 26, 1890, by the Honorable Henry St. George Tucker in his speech in opposition to the then pending bill to amend the Federal election laws:

"In conclusion, let me say, gentlemen, that while this bill in my opinion is unconstitutional, and Congress has no power to pass it, that the provisions of it are hideous, and that they ought not to be entertained by this House or this Congress; that even if it passes it will never accomplish the purpose 'whereunto it is sent.' You may rely upon that. As was said in the discussion here today, if there be fraud and corruption in the country the only way to correct them is by an enlightened public sentiment which will frown them down, so that a man who deals in fraud, bribery, or corruption will not be countenanced in the community."

This forceful statement by the Representative from Virginia upon the proper as well as the improper method of controlling abuses in the conduct of elections was echoed by President Coolidge in language which reflects a philosophy of government fundamentally at variance with that of the sponsor of the pending bill:

"It is too much to assume that because an abuse exists it is the business of the National Government to provide a remedy. The presumption should be that it is the business of local and State governments. Such national action results in encroaching upon the salutary independence of the States and by undertaking to supersede their natural authority fills the land with bureaus and departments which are undertaking to do what it is impossible for them to accomplish, and bring our whole system of government into disrespect and disfavor.

"The Nation is inclined to disregard altogether too much both the functions and the duties of the State. They are much more than subdivisions of the Federal Government. They are also endowed with sovereignty in their own right."

In addition to the objections which may be lodged against the bill in question upon the grounds of illegality and inutility, a canvass of existing law clearly reveals that the proposed amendment is altogether unnecessary. Title 42 U.S.C.A., 1971(a) derived from the Civil Rights Act of 1870, declares that all citizens otherwise qualified to vote in any election shall be allowed to vote in such elections without regard to race, color, or previous condition of servitude. The Civil Rights Act of 1957 amended this section of the United States Code by adding provisions which declare that no person shall intimidate, threaten, or coerce another for the purpose of interfering with his right to vote in any election in which a Federal officer is to be selected; authorizes the Attorney General of the United States to institute proper proceedings for preventive relief whenever any person has deprived or is about to deprive another of rights secured by section 1971; vests jurisdiction of such proceedings in Federal district courts without requiring an aggrieved party to exhaust State administrative or judicial remedies, and establishes contempt proceedings which provide for the rights of individuals cited for contempt of an order issued in an action instituted under the statute in question.

The existence of these laws lends abundant support to the dissent registered by the Honorable John S. Battle, a former Governor of Virginia, and a former member of the U.S. Commission on Civil Rights, to the Commission's proposal for the Presidential appointment of temporary registrars. This dissent is couched in language which is equally applicable to the pending proposal of the attorney general:

"I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers."

Illegal, useless and unnecessary the pending proposal, if enacted cannot but be productive of incalculable mischief. History has demonstrated in conclusive fashion the detrimental effects upon Federal-State relationships which legislation of this character must produce, without any countervailing benefits to the electoral process. Fewer public interests have a higher claim upon the informed discretion of Congress than the avoidance of needless friction between the Federal and State governments, and a scrupulous regard for the rightful independence of State governments and the smooth working of our federated system should at all times actuate the National Legislature.

An obvious characteristic of the bill in question is its palpable direction at the Southern States, and an even more insidious, but no less inevitable, consequence of its passage will be its reprehensible appeal to long dormant regional animosities. Enactment of the bill proposed by the attorney general will herald the return of those flagrant abuses of the electoral process which obtained during the period in which congressional elections were conducted under Federal supervision, extend the reach of such abuses to State elections, subvert the independence of State governments by encroaching upon rights reserved to them by

the Constitution, disrupt harmonious relationships between the Federal and State governments, resurrect the spectre of sectional hatred, and impede rather than facilitate a constructive solution to the problem sought to be redressed.

I know of no statement more suited to the pending proposal than that uttered by Senator William E. Borah, of Idaho, speaking in the Senate on January 7, 1938, in opposition to a measure similar in nature. With reference to the Southern States, the Senator from Idaho declared:

"These States are not to be pilloried and condemned without a full presentation of the nature of the task which fate and circumstances imposed upon them, and not without a complete record as to the weight and difficulty of the task, what has been done, and with what good faith it has been met. I shall contend that the Southern people have met the race problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history, dealing with a problem of similar nature."

The situation which the proposed amendment seeks to remedy was in the process of progressive and constructive solution in a spirit of mutual goodwill and in promotion of amity and concord between the two races. The course which this legislation will shape and direct will destroy much of the salutary gain already made and accentuate and stimulate the gravity and difficulty of a solution in the days ahead.

For the reasons stated, I oppose passage of the legislation recommended by the attorney general and renew the eloquent appeal made under similar circumstances by the Honorable Henry St. George Tucker to the House of Representatives in 1890:

"I only ask that this House will do no act that will disturb the harmony * * * of the State and the Federal governments, that beautiful system which, when kept in its perfect symmetry, is the admiration of the world, but when jostled or gotten out of gear will work destruction to the people for whose welfare it was intended."

Mr. BYRD of Virginia. Mr. President, it must be obvious to all, but those motivated by extreme bias, that the Attorney General's proposal infringes the right of States to determine who may vote in State elections and exceeds any constitutional power given the Federal Government.

The so-called referees provisions in this amendment are only one set of proposals which have been made in the name of the administration.

Another set was recommended by the Commission on Civil Rights established in the 1957 act. Former Governor Battle of Virginia was a member of that Commission until he could no longer take its attitudes and recommendations.

The Commission proposed a Federal registrar type of control over Federal elections as they are conducted in States and localities. Governor Battle appeared before the Senate Rules Committee in opposition to the Commission's proposals.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement of the Honorable John S. Battle and the colloquy before the Committee on Rules and Administration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. BATTLE. To also express to Senator BYRD and Senator ROBERTSON, if I may, my appreciation of their overly kindly remarks.

Now, Mr. Chairman, and gentlemen of the committee, I had the privilege of serving as a member of the Commission on Civil Rights established by act of the Congress of September 9, 1957.

The Commission, in its report to the President and the Congress, recommended, among other things, that the President be authorized to appoint Federal registrars of elections under the conditions and with the powers therein outlined, and I understand that bills have been introduced and are now before this committee designed to carry out this recommendation of the Commission on Civil Rights.

I disagreed with my colleagues in this recommendation and your chairman has graciously invited me to appear and give you my reasons for my disagreement.

I am not a constitutional lawyer and do not have any peculiar knowledge of this subject but do have very deep convictions relative to it.

The recommendations of the Commission and the bills which are before the committee designed to carry out those recommendations may be summarized as follows:

When a citizen of the United States believes he has been deprived of the right to register and vote because of his race, religion, color, or national origin, he may file with the President a petition setting out those facts and request the appointment of a Federal registrar for his registration district. When, within the time specified in the bills, the President receives nine or more petitions from individuals who reside in the same registration district, he shall refer the petitions to the Commission on Civil Rights. The Commission shall investigate matters set forth in such petition "and if the Commission determines that any individual who files such petition is, solely because of his race, religion, color, or national origin, being deprived the right to register as a voter under the laws of the State in which he resides, the Commission shall certify such determination to the President."

Upon the receipt of such certification, the President "shall establish an office of Federal registrar for the registration district in which the individual who filed such petition resides and appoint a Federal registrar for such registration district from among officers or employees of the United States who reside within the State and within or near such registration district."

The Federal registrar shall accept registration applications and all applicants whom the registrar finds to be properly qualified, under the laws of the State, shall be registered to vote for all candidates for Federal elective office in Federal elections held in such district. Each individual so registered shall have the right to vote and have his vote counted for all candidates for Federal elective office in any Federal election held in his registration district.

My objections to the recommendations of the Commission on Civil Rights and to the bills now before this committee are as follows:

First. The preservation of our Federal system is of supreme importance. Rights, privileges, and obligation of the States and of the Central Government as delineated in the Constitution of the United States must be preserved. The Constitution clearly reserves to the States the conduct of elections and the qualification of voters in such elections. Under the bills before this committee, a vital part of the election machinery will be taken away from the States and turned over to the Federal Government.

Second. The Federal registrar voter plan would be cumbersome and difficult of administration. It would set up two sets of voters: the one group permitted to vote in all elections and the other group permitted to vote only in Federal elections. When a name is placed on the Federal list, there appears to be no way of correcting that list, even though the voter may subsequently become disqualified under the provisions of State law, that is, by being convicted of a felony, and so forth. No method of transfer of voters from one voting precinct to another is prescribed, and I emphasize this, if the chairman please, no right of appeal is provided on behalf of a State official or of the applicant to register.

These bills would place in the hands of a Federal official or employee who would, in rural sections, of necessity, be a second- or third-class postmaster or post office employee, deputy marshal, and the like, as the only Federal official or employee available, the duty and authority to interpret and give effect to State laws relative to qualification of voters and determine whether the applicant to vote be properly qualified under the laws of his State.

He must further determine whether the applicant has been denied the right to register on account of his race, religion, color, or national origin, and having made all of these decisions, he may register the applicant to vote in an election for Federal officials or decline such registration.

Let me repeat and emphasize as strongly as I can that the determination by this Federal employee as to the propriety of the registration of an applicant would be final and conclusive. It could not be questioned in any proceeding except possibly upon the ground of fraud or gross dereliction of duty on the part of the registrar. I know of no such finality of authority being given any official of the Federal Government short of the Supreme Court of the United States.

The Attorney General of the United States in his statement of January 27, in referring to a bill presented by him, said:

"I believe this bill would be more effective than the Federal registrar proposals and would avoid many of the serious and practical problems connected with Federal registrars."

Third. The recommendations of the Commission on Civil Rights and the bills before the committee are, in my judgment, clearly unconstitutional for they charge the Commission with the duty of investigating and determining whether or not the allegations contained in the petitions filed with the President are true. If the Commission should find that the petitioners are being deprived of the right to vote in Federal elections solely because of race, religion, color, or national origin, the Commission shall so certify to the President. The act under which the Commission on Civil Rights was created provides that it is "in the executive branch of the Government" and yet under these bills, this arm of the executive branch of the Government is called upon to perform a judicial function and this without notice to the interested parties or appeal from its decision.

The requirement of the performance of this judicial function by an agency in the executive branch of the Government clearly violates the fundamental requirement of the Constitution of separate and distinct functions in the executive, legislative, and judicial branches of Government.

The Attorney General clearly was conscious of this fundamental objection when in his statement of January 27 he said: "This would avoid"—referring to his own bill—"the constitutional and legal questions which would arise under plans based upon a determination by a nonjudicial body that State officials have discriminated against citizens in violation of the Federal Constitution."

And referring to the proposals in the bills before the committee, he continued:

"Since these other proposals are not within the established judicial framework, they would, I believe, be subject to a more extended and severe legal challenge."

It would appear unnecessary to say more on this phase of the matter except we might comment that in the event these bills are enacted into law it will be the duty of the Attorney General to defend them, and, in view of his public statements to which I have referred, he would certainly be in an embarrassing, if not impossible, position before the Court.

Fourth. Although the Commission on Civil Rights is in the executive branch of the Government, it does not appear to be amenable to the President, but, rather, the contrary, for, upon the certification by the Commission on the petitions to which I have referred, the President "shall appoint" a Federal registrar. Here, the Commission appears to be superior to the President, for upon its finding, whether such finding is justified or not, the President "shall appoint." He has no discretion in the matter, for the language of the bills is definite and explicit.

Now, with reference, Mr. Chairman, if you please, to the Attorney General's bill, in an effort to present to the Congress a plan which he could defend, the Attorney General has prepared and submitted a bill which I believe is now before the committee.

This bill is nothing more or less——

The CHAIRMAN. My delay this morning, Governor Battle, I might say, was because of a call from the Attorney General relating to his testimony on Friday—that he would be here tomorrow. He told me that he did not propose to have a bill or ask that a bill be offered embodying the plan that he wanted to testify about tomorrow. So there is no bill presently pending.

Mr. BATTLE. Well, I take it, my comments then on that would be out of order, sir.

The CHAIRMAN. It is really technical because the Attorney General has submitted a memorandum and a proposal. But there is no bill before us as yet.

Mr. BATTLE. I had about completed my statement, sir, and I just had one page on that subject.

The CHAIRMAN. I did not want to interrupt you except to indicate to you that nothing as yet has been introduced as a bill which embodies the Attorney General's plan. However, it is perfectly proper and indeed desirable for you to discuss it.

Mr. BATTLE. Sir?

The CHAIRMAN. I say it is perfectly proper and indeed desirable for you to discuss it, if you care to do so.

Mr. BATTLE. I thank the chairman very much for his consideration. Technically, I presume I am out of order.

The CHAIRMAN. I did not mean to raise the technical point, Governor. I just wanted to advise you that there is presently no bill.

Mr. BATTLE. Yes. Well, I hope there will not be a bill.

The CHAIRMAN. Before us.

Thank you, sir.

Mr. BATTLE. Well, the bill, if the chairman please, which was carried verbatim in the New York Times, in the issue of January 27, at which time the Attorney General's statement was carried verbatim, is the statement to which I have made reference, and that bill is nothing more nor less than a refinement of the old act of 1870, as amended, described as the Enforcement Act and generally known as the force bill of Reconstruction days.

In resurrects the specter of reconstruction which those of us who live in the southern portion of our reunited country had hoped and believed had been forever buried. The force bill, which was so obnoxious, was, in 1894, repealed by the Congress by an act which sets out the various code citations of the Enforcement Act, and not being satisfied with that, concludes—the author of this act seems to have been very anxious that he wipe out the whole works, for he concludes:

"All statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be and the same are hereby repealed."

The bill of 1870 provides for supervisors of election. The Attorney General's bill, in an effort apparently to make it more palatable, provides for "voting referees," but their powers and duties are substantially the same.

The bill of 1870, when attacked on constitutional grounds, was sustained by a divided Supreme Court as being authorized under article I, section 4, of the Constitution, which, it will be recalled, provides—

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Although the 14th and 15th amendments had been adopted prior to the passage of the bill of 1870, no reference to those amendments was made in the Court's decision. The Enforcement Act, by its terms, operated only in elections for Members of the House of Representatives, and the Court in its decision in *Ex parte Siebold* (100 S. Ct. Repts., p. 393), used this language:

"We do not mean to say, however, that for any acts of the officers of election having exclusive reference to the election of State or county officers they will be amenable to Federal jurisdiction."

It is further interesting to note, Mr. Chairman, that one of the cases sustaining the Enforcement Act arose from Maryland and the other case came up from Ohio.

The Attorney General's bill further provides, when authorized by the Federal district court, the so-called referees shall attend at any time and place for holding any election in which any person authorized by the court shall vote or is entitled to vote and report to the court whether any such person has been denied the right to vote. He shall also attend at any time and place for counting the votes cast in the election at which any such person would vote and report to the court if any vote cast by such person has not been properly counted. So that under this bill, this Federal referee would be present when the election officials counted the ballots and this even in a State, county, or municipal election.

It is difficult to see how this Federal referee could ascertain that the vote cast by the voter he had registered was properly counted, unless he examined every ballot and even then he could not be certain for it is common knowledge that some ballots are thrown out because of improper marking or mutilation.

If I might interpose there, Mr. Chairman, that in the hearings conducted by the Commission on Civil Rights and in its report, there is not a scintilla of a suggestion that any vote had not been counted as properly as it was cast.

The Attorney General's bill would, therefore, appear to be objectionable because it would set up two lists of qualified voters. It would deprive the States of their time-honored rights to administer the voting processes. It would authorize the appointment of Federal officials with the right of general supervision over the voting of electors and be at least of highly doubtful constitutional validity in that it embraces within its terms the election of every State and local official.

In my judgment, Mr. Chairman, the present laws are ample to take care of the situation as revealed in the report of the Civil Rights Commission.

I do not for one moment condone conditions such as were recited in the report of the Commission on Civil Rights, but I believe the remedies proposed are worse than the malady, and I am further of the opinion that there is ample legislation already enacted which, if properly invoked, would correct the conditions complained of. I would refer in this connection to, first, 18 U.S.C.A. 242, which makes it a crime for State election officials willfully to deprive any qualified person of the right to register, vote, or have his vote counted as cast.

Second, to 42 U.S.C.A. 1983, 1985, and 1988, which vests in each citizen the right to sue State election officials for damages or for preventive relief if he is actually denied or threatened with denial of his right to register, to vote, or to have his vote counted as cast.

Third, under the Civil Rights Act of 1957, now 42 U.S.C.A. 1971, the Attorney General may sue State election officials to prevent any qualified citizen from being denied his right to register or vote.

I conclude, therefore, with the statement I filed with the report of the Commission on Civil Rights:

"I concur in the proposition that all properly qualified American citizens should have the right to vote, but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers."

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Governor Battle.

Have you any questions, Senator?

Senator JORDAN. I have not.

The CHAIRMAN. Senator Jordan has no questions.

Governor Battle, there are a good many things I would like to discuss with you with profit to myself.

Mr. BATTLE. Yes.

The CHAIRMAN. However, we are working under certain handicaps today as to time. I want you to know that as a distinguished American and former Governor of a great State and former member of the President's Commission on Civil Rights, we appreciate very much your having taken the time and trouble to prepare your statement and to come here and present it to us, which is of benefit on this question of greatest importance.

Mr. BATTLE. Thank you, Senator.

The CHAIRMAN. Thank you, Governor.

Mr. BYRD of Virginia. Mr. President, we are still waiting for the Senate Rules Committee to report its bill on Federal supervision of elections in States and localities.

The House Rules Committee yesterday reported still another Federal elections bill. And almost simultaneously the Attorney General of the United States produced still another administration bill.

Representative WILLIAM M. MCCULLOCH, of Ohio, is quoted in today's New York Times as saying he would introduce the Attorney General's new bill in the House of Representatives.

In the existing chaos surrounding this so-called civil rights legislation of 1960 we learn what is being proposed only by reading the latest edition of the newspapers. This morning's edition of the New York Times may be behind the times by now, but I quote it as follows:

The revised (Attorney General's) bill includes a number of substantial changes designed to assure the effectiveness of the referee proposal to advance Negro voting. The changes go a long way toward the position of some civil rights advocates who feared they had seen loopholes in the original draft.

On the basis of bills drawn in the past by the Department of Justice at the direction of the Attorney General we have reason to expect he will develop more loopholes in the process of plugging up his previous loopholes. We shall see.

Mr. President, I have before me a draft of what purports to be the text of the new referee proposal of the Attorney General, as it appeared on page 10 of the New York Times of today. I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

TEXT OF NEW DRAFT ON VOTING REFEREES—A BILL TO AMEND THE CIVIL RIGHTS ACT OF 1957 BY PROVIDING FOR COURT APPOINTMENT OF UNITED STATES VOTING REFEREES, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That section 2004 of the revised statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(A) Add the following as subsection (E) and designate the present subsection (E) subsection '(F)':

" 'In any proceeding instituted pursuant to subsection (E) in the event the court finds that any person has been deprived on account of race or color or any right or privilege secured by subsection (A), the court shall upon request of the Attorney General make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.' "

MAY APPOINT REFEREES

" 'Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

" 'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

" 'The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

" 'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State Attorney General and to each party to such proceeding together with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.' "

UNITED STATES TO PAY REFEREES

" 'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

" 'The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

" 'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

" 'The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

" 'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (A); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (A) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.'

"(B) Add the following sentence at the end of subsection (C):

" 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (A), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.' "

Mr. BYRD of Virginia. Mr. President, in the confusion of broken Senate rules we are asked to consider scores of bills, many of which we learn about in advance only from the newspapers. But in general they would—

First. Write new meaning into the Constitution of the United States.

Second. Accept the Warren Court's interpretation of the Constitution as the supreme law of the land with respect to public education.

Third. Make it a felony to resist Warren Court decrees.

Fourth. Bribe State and local officials to conform with Warren Court orders.

Fifth. Open local and State election records to a politically appointed Federal Attorney General and his representative.

Sixth. Authorize Federal agents to decide the qualification of voters in local and State elections as well as Federal and police the voting and the counting of the votes.

Seventh. Set up the machinery for making another try at FEPC Federal control over hiring and firing of employees in private business.

CRITICISM OF PRESIDENT'S POSTAL RATE INCREASE

Mr. DOUGLAS. Mr. President, I wish to comment on the President's proposal for a postal rate increase on the basis of information supplied to me by the Post Office Department, the latest available figures show that the rates for first class mail and airmail show an annual surplus of $156 million for the fiscal year 1959. Yet, these are the rates which primarily are to be raised. Second, third, and other classes of mail, which are primarily for newspapers, magazines,

bulk advertising, and business firms, show a deficit of $726 million for that fiscal year. The latest information therefore shows a deficit of $569 million which is entirely in the second, third, fourth, and other classes of mail, but not in first class or airmail.

Yet the President is proposing that the first class rates be raised from 4 cents to 5 cents for letters and from 3 cents to 4 cents for postcards, and that the airmail rates be raised from 7 cents to 8 cents for letters and from 5 cents to 6 cents for postcards. This would produce an additional $427 million a year in revenues in the classes which already more than pay their way. The other classes, where the big deficits exist, would be raised by only $127 million.

There was a deficit of $303 million in the second class rates, which are those for newspapers and magazines, yet the President's proposals would produce only an additional $46 million in revenues from this class of mail.

It is amazing to me that newspapers, magazines, and business groups whose editorial policies and trade organizations are most critical of Government subsidies and excessive expenditures should themselves be receiving almost three-quarters of a billion dollars a year in postal subsidies. The President is now asking that this deficit be paid for in the main by increasing the rates on ordinary letters, airmail, and postcards, which as I have said, now more than pay their own way.

I want also to criticize the figures listed in the fiscal year 1961 budget for business subsidies. The amount in the list of expenditures which primarily benefit private business groups was estimated at $864 million in the fiscal year 1961 budget compared with $1.4 billion in fiscal year 1960, or an apparent reduction of about $550 million. The budget on page 917 states:

> This decrease reflects mainly the proposed increase in postal rates designed to eliminate the postal service deficit now covered by budgetary expenditures.

While the President's proposal for postal increases fall in the main on nonbusiness groups and the general public, the President's budget deducts these amounts from business subsidies. In other words, business groups keep the subsidy while the budget states that it is to be reduced.

Mr. President, the data provided by the Post Office Department on the surplus or deficit by class of mail and the President's proposed increases are shown in a table which I ask unanimous consent to have printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Fiscal year 1959 actual postal surplus or deficit by class of mail compared with the administration's proposals for a postal rate increase

Class of mail	Fiscal year 1959 surplus or deficit	President's proposals	
		Proposal	Revenue increase
			Millions
1st class	+$135,350,391	Increase from 4 to 5 cents on letters and 3 to 4 cents on postcards.	+$409
Domestic airmail	+21,455,337	Increase from 7 to 8 cents on letters and 5 to 6 cents on postcards.	+18
2d class	−303,455,640	Increase by ¼ cent per piece	+46
3d class [1]	−287,080,814	Bulk rate increase of average of 24 percent	+85
4th class and other rates	−136,086,012	Increases, all other rates	+25
Deficit on 2d, 3d, 4th, and other classes	−726,622,466	Total increase	583
		Offset for reduced yields due to composition of mail.	29
Surplus on 1st class and airmail	156,805,728	Net increase for fiscal year 1961	554
Net deficit, fiscal year 1959	−569,816,738		

[1] Increases in rates primarily for 3d class during fiscal year 1959 would have raised revenues on a full year basis. But the predicted deficit for fiscal year 1961 nevertheless is $554,000,000 for all classes of mail.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that a letter which I addressed to the Postmaster General under date of February 3, 1960, asking for information on revenues and expenses, together with the reply from the Post Office Department and a table supplied by them, may be printed at this point in the RECORD.

There being no objection, the letters and table were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 3, 1960.

Hon. ARTHUR E. SUMMERFIELD,
Postmaster General,
Post Office Department,
Washington, D.C.

DEAR POSTMASTER GENERAL: In his budget proposals for fiscal 1961, the President has requested a further increase in first-class postage rates and in other postage fees in order to eliminate the prospective deficit for the Post Office Department.

The Joint Economic Committee has the responsibility to report to the Congress its evaluation of the President's budget and Economic Report. Before it is possible for us to appraise the proposal for an increase in postal rates, we need to have information concerning the source of the deficit of the Department's operations.

Would you, therefore, please provide us promptly with a breakdown of revenues and expenses by class of mail for the fiscal years 1959 and 1960, and the estimated revenues and expenses by class of mail for fiscal 1961?

This information is essential to us before we can properly recommend what action should be taken and it is needed very quickly.

With best wishes.

Sincerely yours,

PAUL H. DOUGLAS,
Chairman.

FEBRUARY 11, 1960.

Hon. PAUL H. DOUGLAS,
Chairman, Joint Economic Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Postmaster General has asked me to reply to your letter of February 3 and I am enclosing an advance copy of exhibit I from our cost ascertainment report for fiscal 1959 which is now being printed. This exhibit shows the postal revenues and obligations by classes of mail and service for fiscal 1959. In addition, the exhibit carries hypothetical amounts showing the estimated effect on the revenue/cost relationships for the individual classes of mail of currently authorized maximum rate increases and certain authorized operating cost increases at the 1959 level of operations. The percentage coverages of adjusted obligations by adjusted revenues shown on the exhibit for the individual classes of mail represent the latest data that we have on this subject.

The Post Office Department does not ordinarily attempt to break out its budget estimates by classes of mail except as to revenue. For fiscal 1961, these appear on page 766 of the President's budget. The allocation of costs by classes of mail is a tremendous undertaking involving a great host of quantitative tests, analyses, and allocations which literally take months to complete after the close of the fiscal year. To attempt to make such analyses of budget estimates would require not only a great deal of work but the use of many assumptions which would have to be so tenuous as to render the results of little practical value.

The Postal Policy Act of 1958, Public Law 85-426, approved May 27, 1958, while providing that the postal service as a whole should be self-supporting, except with respect to public service losses for which specific appropriations would be made, recognized the principle of differential pricing for certain classes of mail. Specifically the act provided that postage for first-class mail should be sufficient to cover the entire amount of the expense allocated to it, plus an additional amount representing the fair value of all extraordinary and preferential service, facilities, and factors relating thereto. Cost, therefore, is only one of the factors to be considered by the Congress in fixing postal rates and the extent of the loss on individual classes of mail is not necessarily a guide as to the rate adjustments that should be made except in the case of zone rate fourth-class mail, the revenue from which is required to be within 4 percent of the cost.

The overall postal deficit of $554 million shown in the President's budget for 1961 after allowing for reimbursements for public service losses, is the target toward which our rate proposals now in process of submission to the Congress are directed. The proposals will include increases in all major classes of mail, the rates for which are fixed by law. When introduced, the bills of course will be referred to the appropriate legislative committees and it is our hope that hearings thereon will shortly thereafter be held. We will be happy to provide your committee with any material that we submit to the legislative committees at the time of these hearings if you would be interested in receiving it.

I am sorry that I am not able to provide you with any projections on cost coverage for the various classes of mail other than those shown on the enclosed exhibit. In its presentation on rates before the Congress, the Department has consistently used data based on current and historical experience.

With kindest regards.

Sincerely yours,

HYDE GILLETTE,
Assistant Postmaster General.

EXHIBIT I.—*Comparison of revenue and obligations by classes of mail and services, fiscal year 1959*

[NOTE.—The difference between revenue and obligations is not necessarily the only measure of the adequacy of postal rates. For example, see the Postal Policy Act of 1958 (72 Stat. 134 et seq. title of Public Law 85-426) for other factors that in some cases are to be considered for this purpose which are outside of the scope of the annual cost ascertainment report]

Class of mail or service	Actual revenues [1]	Actual obligations [2]	Actual revenues under (−) or over (+) actual obligations	Adjustments to show assumed effect of currently authorized changes if they had been in effect for the entire fiscal year 1959 [3]		Adjusted revenues under (−) or over (+) adjusted obligations	Percent coverage of adjusted obligations by adjusted revenues
				Additional revenues [4]	Additional obligations [5]		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1st class mail	$1,438,732,956	$1,303,382,563	+$135,350,391	$23,930,000	$16,275,000	+$143,005,000	111
Domestic airmail	173,978,995	152,523,658	+21,455,337	957,000	1,214,000	+21,198,000	114
2d class mail	69,080,977	372,536,617	−303,455,640	28,369,000	4,704,000	−279,791,000	26
Controlled circulation publications	6,826,090	9,848,983	−3,022,893	20,000	124,000	−3,127,000	69
3d class mail	390,644,760	677,725,574	−287,080,814	109,767,000	[6] 11,937,000	−189,250,000	73
4th class mail:							
Zone rate parcels	531,365,761	638,539,976	− 107,174,215	88,855,000	[6] 6,459,000	−24,778,000	
Catalogs	15,257,328	21,049,636	−5,792,308	2,005,000	[6] −504,000	−3,283,000	
Fees	1,142,403		+1,142,403			+1,142,000	
Total, zone rate 4th class	547,765,492	659,589,612	−111,824,120	90,860,000	5,955,000	−26,919,000	96
Other 4th class mail	27,852,307	49,091,306	−21,238,999	21,972,000	693,000	+40,000	100
Total, 4th class mail	575,617,799	708,680,918	−133,063,119	112,832,000	6,648,000	−26,879,000	96
Total, prepaid domestic mail	2,654,881,575	3,224,698,313	−569,816,738				
Government mail (paid for under reimbursement procedures):							
Penalty, including registry, other departments [7]	66,150,000	57,073,023	+9,076,977	1,076,000	682,000	+9,471,000	116
Franked mail:							
Members of Congress [7]	2,301,000	3,009,110	−708,110		37,000	−745,000	76
Others		23,631	−23,631	204,000		+180,000	
Total Government mail	68,451,000	60,105,764	+8,345,236	1,280,000	719,000	+8,906,000	115
Free for the blind		1,276,263	−1,276,263	1,293,000	17,000		
Total, domestic mail	2,723,332,575	3,286,080,340	−562,747,765				
International mail	97,940,396	105,829,777	−7,889,381	1,939,000	2,617,000	−8,575,000	92
Total, all mails	2,821,272,971	3,391,910,117	−570,637,146				
Special services	242,124,937	257,947,106	−15,822,169				
Unassignable revenues and obligations	11,890,701	12,313,433	−422,732				
Total mails and special services	3,075,288,609	3,662,170,656	−586,882,047				
Nonpostal services for other agencies	1,742,470	19,977,668	−18,235,198				
Grand total, all operations	3,077,031,079	3,682,148,324	−605,117,245				
Deductions:							
Indemnity claims	5,994,370	5,994,370					
Embossed envelopes purchased	8,638,910	8,638,910					
Losses and chargeoffs	270,487	270,487					
International money order expenses	104,760	104,760					
Airmail transportation reimbursements	21,114,030	21,114,030					
Nonpostal reimbursements	1,742,470	1,742,470					
Miscellaneous revenues and obligations offsets	3,915,244	3,915,244					
Net postal operations as stated in Postmaster General's annual report	3,035,250,808	3,640,368,053	−605,117,245				

[1] See exhibit 10 for details of revenue concessions at postage rates in effect for 1959 totaling $39,347,000 made to certain users of the mail as required by law.

[2] Includes building improvements and rehabilitation, equipment and research recorded on an obligations-incurred basis, but does not include any provision for accrued depreciation, or costs incurred by other Government agencies as follows:

	Millions
Workmen's compensation costs	$4.5
Custodial costs and alterations, and repairs to post office buildings	21.7
Unemployment compensation costs	11.0
Miscellaneous costs, other agencies	2.2
Total	39.4

[3] Hypothetical amounts showing estimated effect, based on 1959 level of activity on the revenue/cost relationship by individual classes of mail of currently authorized maximum rate increases and certain authorized operating cost increases. The aggregate of the results shown in col. (6) is not indicative of overall future fund deficiencies since no effect has been given to other future factors such as changes in mail volume, shifts to lower priced classes or subclasses of mail, and the funds required for the postal modernization program instituted in fiscal year 1960 with an initial appropriation of $80,000,000.

[4] Additional revenues calculated on the basis of 1959 level of activity include the following:

	Millions
Ultimate effect of all rate increases authorized by law or approved by the Interstate Commerce Commission through November 1959	$229.0
Reclassification from 4th to 3d class of revenue from parcels and catalogs under 1 pound for July 1958 (Public Law 85-426):	
Deducted from 4th class	−$2.4
Added to 3d class	+1.7
	−.7
Reimbursements for public services that would have been received for 1959 transactions at the ultimate rates using the concepts and procedures adopted by the Congress in the 1960 Post Office Department Appropriation (Public Law 86-39)	$52.0
Total	280.3

[5] The additional obligations shown give cost increases authorized through November 1959 applied to fiscal year 1959 level of activity for—

	Millions
Health insurance program (effective July 9, 1960)	$37.2
Extension of life insurance coverage for employees over age 65 (effective Oct. 3, 1959)	.4
Increase gasoline tax at 1 cent per gallon (effective Oct. 1, 1959)	.5
Transportation of military mails to Alaska and Hawaii without reimbursement (effective Nov. 16, 1959)	.7
Increased rates, foreign mail transportation and foreign terminal charges (effective fiscal year 1960)	1.7
Western railroad rate increase effective July 1959	7.0
Total	47.5

[6] Additional obligations include adjustments for reclassification from 4th class to 3d class of costs of parcels and catalogs under 1 pound amounting to $3,400,000 for July 1958 (Public Law 85-426).

[7] Penalty mail includes Government Printing Office mailings of CONGRESSIONAL RECORD and other documents sent at congressional request, at a cost of $385,000.

Mr. DOUGLAS. Mr. President, an article published in the Wall Street Journal of Wednesday, February 17, 1960, gave some figures slightly different from those I have used for the proposed postal increase. However, I have today checked those figures with the Bureau of the Budget and have been informed that the figures I have given with respect to the estimated revenues from the new proposals are correct.

SENATE INCONSISTENCY

Mr. STENNIS. Mr. President, during our consideration of the so-called civil rights bills I think it is our duty, and that it will be necessary from time to time, to point out glaring inconsistencies in the legislative action taken by the Senate. When the Federal aid to school construction bill—S. 8—was brought up, repeated assurances were given that it was an aid bill, a Federal program to help the States, not a device to interfere with State educational laws, institutions, or administration. This assurance was specifically spelled out in section 3 of that bill, which provided as follows:

In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, program

of instruction, or the administration or operation of any school or school system.

This bill passed the Senate on February 4, 1960.

Yet now we have before us a proposal, introduced in all seriousness, to provide for a temporary Federal confiscation of school buildings constructed with Federal-aid funds. It requires affirmative State action to get the building back from Federal control. I opposed S. 8 because of this very fear. My fear was well grounded.

These provisions are found in the amendments to H.R. 8315 proposed by the minority leader to section 205.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from this proposal.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

(3) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10." and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a).

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of constuction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determination by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

Mr. STENNIS. Mr. President, this proposed section does not refer to the bill passed by the Senate on February 4, but it makes reference to another provision of law whereby there is a Federal program for contributions to school buildings. The procedures are the same. Such provisions speak for themselves. After clearly announcing a specific and firm policy of no Federal control of schools, even though the Federal Government contributed to the cost of the buildings, a few days later it is proposed to reverse that policy, take over the buildings, and put the burden of proof on the States to regain possession of the buildings, if possible.

NAVY DROPS HAIFA CLAUSE

Mr. KEATING. Mr. President, yesterday the Department of the Navy informed me that they intend to drop the so-called Haifa clause in their contracts with American shippers.

This clause has in recent weeks been the subject of considerable controversy. In effect, it states that a shipper who has traded with Israel and who contracts with the Navy bears the full responsibility if he cannot fulfill his Navy contract because his cargo is boycotted by the Arab nations.

Many Americans protested this clause because to them it seemed to put the Navy in the embarrassing position of tacitly endorsing and enforcing the Arab boycott of shippers who trade with Israel.

A number of Members of Congress, including myself, protested to the Secretary of the Navy and urged that the Haifa clause be eliminated. Mr. President, I ask unanimous consent that my letter on this subject of January 29, 1960, to Secretary of the Navy William B. Franke, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 29, 1960.

Hon. WILLIAM B. FRANKE,
Secretary of the Navy, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: In a recent news story it was reported that the Navy includes cancellation clauses in its contracts with U.S. flag ships to take into account the Arab boycott of Israel. As I understand it, what this means is that if an American shipper has traded with Israel, and if as a result Arab nations boycott his vessels, he is obligated by a special clause in doing business with the Navy to cancel his contract and in some instances also to substitute another and exactly similar ship to the Navy.

In recent weeks, many people have commented to the effect that this policy puts the Navy in the position of enforcing and indirectly supporting the Arab boycott of ships that trade with Israel. The New York Times in an editorial on this subject recorded, "shock to learn that the U.S. Navy is supinely accommodating itself to the Arab boycott of ships trading with Israel."

Reports and comments on the Navy's policy in this matter are quite disturbing to me. I would appreciate it if you would spell out more clearly and clarify the position of the Navy on this matter. I have three questions in mind which I should very much like to have answered. They are:

1. What are the reasons behind this official pronouncement of Navy policy which to many people seems to have the effect of backhandedly and subtly endorsing the Arab boycott of American ships trading with Israel?

2. Does the Navy intend in this way to indicate official or tacit approval of this boycott?

3. What, if any, steps have been taken by the Navy to protect the Arab boycott in general and to deal with the specific ramifications of the Navy's shipping policy toward American shippers who do business with Israel?

I appreciate your attention to this matter and will look forward to hearing from you.

Very sincerely yours,

KENNETH B. KEATING.

Mr. KEATING. Mr. President, I ask unanimous consent that the Secretary's reply to this letter, in which he notes that the Navy intends to drop the Haifa clause, together with a memorandum sent by him, be printed at this point in my remarks.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
MILITARY SEA TRANSPORTATION SERVICE,
Washington, D.C.

Hon. KENNETH B. KEATING,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR KEATING: The Secretary of the Navy has forwarded to me for direct reply your letter of January 29, 1960, concerning the New York Times article of January 20, "U.S. Contract Aids Boycott of Israel."

I believe the newspaper article reflects a misunderstanding of the purpose and effect of the Navy contract clause discussed. To avoid any further misunderstanding, the Navy is discontinuing the use of the clause.

For your information, I have prepared the attached memorandum which I trust will give you a more complete picture.

If I may be of further service to you, please do not hesitate to call upon me.

Sincerely yours,

ROY A. GANO,
Vice Admiral, U.S. Navy; Commander, Military Sea Transportation Service.

USE OF THE SO-CALLED HAIFA CLAUSE BY THE NAVY'S MILITARY SEA TRANSPORTATION SERVICE—MEMORANDUM FOR SENATOR KEATING

1. Issue: Recently in newspaper editorials and news comments and in correspondence addressed to the White House, to the Secretary of Defense, to the Secretary of the Navy and to Members of Congress, there has been a condemnation of the use by the Military Sea Transportation Service (MSTS) of what is known as the Haifa clause. Bills have been introduced in Congress to prohibit its use in Government contracts. Critical comments range from the accusation that the clause constitutes a boycott by the Government of ships that have traded with Israel to the allegation that the Government, by its use of the clause, is recognizing officially the Arab boycott or is supinely accommodating itself to such a boycott.

2. The Haifa clause: The standard clause used in MSTS contracts for tankers calling at Persian Gulf ports is:

"(a) In event the vessel is prevented from loading or discharging in any port by the local authorities because of the vessel having previously traded with Israel, the charterer shall have the option:

"(1) To cancel the charter as of the date loading is refused or after discharge at another port,

"(2) To require the substitution of another vessel of similar size, class, condition of tanks or cargo holds, and in a similar position,

"(3) To nominate other loading or discharging port or ports.

"Expenses incurred by the charterer in exercising an option shall be for the account of the owner."

3. Background: This clause has been used in appropriate MSTS charters since the

spring of 1958. It was adopted only after considerable discussion within MSTS and with the tanker industry and after rejection of several suggested alternatives. The immediate spur to the institution of its use was the *National Peace* incident in December 1957. The *National Peace* had been chartered by MSTS to carry Navy special fuel oil from Ras Tanura, Saudi Arabia, to Manila. Port officials at Ras Tanura discovered that the vessel had previously, under the name of S.S. *Memory*, traded with Israel; they refused to permit the vessel to load. After some time, when it became quite obvious that the vessel would not be able to perform her contract, MSTS was forced to cancel and charter another vessel to fulfill this operational requirement. The vessel owners claimed damages from MSTS in the amount of $160,000 and upon disallowance of this claim, sued in the Federal courts. This suit is pending.

4. What the clause does: By law, with or without the clause, a voyage charterer may cancel the contract in a situation wherein the owner is unable to present his ship ready and able to perform the voyage for which he contracted. For that reason, inability on the part of a ship to enter the specified port and load the cargo due to a boycott (just or unjust) works great financial hardship on the shipowner. It also results in financial loss to the cargo owner, who must continue to store and care for the cargo and position another ship. Where vital military cargo such as aviation fuel is concerned, a substantial delay in delivery also presents serious problems in the maintenance of the defense posture. The clause used by MSTS is not considered by shipowners as any more severe than a charter without the clause. However, it puts shipowners on notice that ships that have traded with Israel may not be permitted by certain countries to come into their ports. It spells out the options that the Government may pursue in such a situation. It is thus of some assistance to the Government in preventing offerings of ships that would be unable to load important cargoes of petroleum products. It is of help to those shipowners who might unknowingly undertake a service they cannot perform.

5. What the clause does not do: Contrary to the various expressions of public concern, the clause does not:

(a) Preclude any vessel owner from bidding on a Government charter. Any owner of a vessel that has traded with Israel and who is prepared to take the calculated risk may offer his ship.

(b) Assist any boycott in any manner. The test of this statement is simple: Elimination of the clause would not change by one iota the posture of the boycott or the status of any vessel offered to MSTS. Its elimination would not enable any vessel to get into any port otherwise barred to it. Its elimination would not enable any vessel to perform that could not otherwise perform.

(c) Require a vessel owner to choose between serving Arab countries or Israel. (Such an allegation has been made.) The clause does not forbid trading with Israel. It cautions owners who have previously made a choice to trade with Israel of the risk of Arab boycott.

6. The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

Mr. KEATING. Mr. President, I am delighted that the Navy has decided to clarify its position on this highly complex and controversial issue. I congratulate the Secretary and all others responsible for this decision. The Department has indicated that it does not feel that the policy in this regard actually constituted an endorsement of the Arab boycott. This is fully discussed in the Secretary's letter which I have just inserted in the RECORD. I am glad that the Navy took this opportunity to explain their reasons for this policy. However, I feel strongly that the situation has changed significantly since this policy was established.

Concern over the Arab boycott of Israel shipping, particularly with regard to the ban on Israeli ships and Israeli cargoes using the Suez Canal, has mounted. The Secretary General of the United Nations, Mr. Dag Hammarskjöld, in a statement made yesterday, was pessimistic in commenting on the "deteriorating" situation in the Mideast, especially as to relations between Israel and Egypt with regard to the Suez. Mr. Hammarskjöld's comments followed upon a strong and abusive statement by General Nasser to the effect that the Arab Republic would never allow Israeli ships to use the Suez Canal.

Mr. President, in this context of tension and bitterness, there is no question that a U.S. Navy policy which appeared to imply support of the Arab boycott was bound to cause great confusion. Whether or not the Navy's policy actually supported the Arab boycott is not so important as is the fact that a great many informed Americans, including leading newspapers, interpreted the Navy's policy in this way. In light of this widespread interpretation, namely that the Haifa clause implied support of the Arab boycott, the Navy was certainly wise in discontinuing its use. I commend the Secretary for his willingness to discard this clause, not because he felt it to be wrong, but because he recognized that such a policy could not help but confuse and undermine American relations with Israel and with every nation in the world which is concerned about General Nasser's bitter and totally inexcusable boycott of Israeli shipping.

Mr. President, Secretary Franke has put to rest the fears of many Americans. The Arab Republic's boycott interference with the free flow of trade through one of the world's most important and critical waterways cannot be tolerated. This boycott has contributed greatly to the tension and unrest in the Middle East. It has burdened the commerce of our friend and ally, the great nation of Israel and has hampered this nation's vigorous drive to build a sound economy and to provide for the welfare of its citizens.

Mr. President, I conclude by repeating that I was greatly pleased yesterday to learn that the Navy has dropped its Haifa clause. In doing so, the Navy has clearly and forthrightly acted to eliminate confusion as to America's attitude toward the United Arab Republic's unreasonable and inexcusable obstruction of the commerce of the world.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEATING. I yield with the understanding that I do not lose my right to the floor.

Mr. HUMPHREY. First, I commend the distinguished Senator from New York for his remarks relating to the action of the Department of the Navy in removing what is commonly called the Haifa clause from contracts for oil tankers calling at Persian Gulf ports. I have received a similar notice, as the Senator knows, from the Department of the Navy, relating to its removal of this objectionable clause. I was greatly concerned upon learning last month of the inclusion of such a clause in MSTS contracts, and I immediately inquired of the Navy on this matter.

On February 4 I received in reply a letter dated February 3 from Vice Adm. Roy A. Gano, commander of the Military Sea Transportation Service, together with a memorandum on the subject "Use of the Haifa Clause by the MSTS."

This afternoon I received a hand-delivered letter and memorandum from Vice Admiral Gano informing me that the clause has been discontinued.

I ask unanimous consent that the Navy Department's replies of February 3 and February 19 and the attached memorandums relating to the use of the Haifa clause be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the letters and memorandums were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
MILITARY SEA TRANSPORT SERVICE,
Washington, D.C., February 3, 1960.

Hon. HUBERT H. HUMPHREY,
U. S. Senate,
Washington, D.C.

MY DEAR SENATOR HUMPHREY: Your inquiry to the Office of Legislative Liaison of the Navy concerning the New York Times news item of January 21, 1960, entitled "U.S. Contract Aids Boycott of Israel," has been forwarded to me for comment.

In my opinion, the New York Times news reflects a considerable misunderstanding of the contract provision in question and of the Military Sea Transportation Service's attitude. It has resulted in other news reports of a somewhat similar nature and in a great many inquiries addressed to the Navy.

For your information, I have prepared the attached memorandum which I think gives a more accurate picture. I hope that you will find it sufficient for your purpose. Please call on me for any additional information you may desire.

Sincerely yours,

ROY A. GANO,
Vice Admiral, U.S. Navy; Commander,
Military Sea Transportation Service.

USE OF HAIFA CLAUSE BY MSTS—MEMORANDUM FOR SENATOR HUMPHREY

1. Issue: During the past week in newspaper editorials and news comments and in correspondence addressed to the White House, to the Secretary of Defense, to the Secretary of the Navy and to Members of Congress, there has been a condemnation of the use by MSTS of what is known as the Haifa clause. Mr. CELLER introduced a bill (H.R. 9808) to prohibit its use in Government contracts. These critical comments range from the accusation that the clause constitutes a boycott by the Government of ships that have traded with Israel to the allegation that the Government, by its use of the clause, is recognizing officially the Arab boycott or is supinely accommodating itself to such a boycott.

2. The Haifa clause: The standard clause used in MSTS contracts for tankers calling at Persian Gulf ports is:

"(a) In event the vessel is prevented from loading or discharging in any port by the local authorities because of the vessel having previously traded with Israel, the charterer shall have the option:

"(1) To cancel the charter as of the date loading is refused or after discharge at another port,

"(2) To require the substitution of another vessel of similar size, class, condition of tanks or cargo holds, and in a similar position,

"(3) To nominate other loading or discharging port or ports.

"Expenses incurred by the charterer in exercising an option shall be for the account of the owner."

3. Background. This clause has been used in appropriate MSTS charters since the spring of 1958. It was adopted only after considerable discussion within MSTS and with the tanker industry and after rejection of several suggested alternatives. The immediate spur to the institution of its use was the *National Peace* incident in December 1957. The *National Peace* had been chartered by MSTS to carry Navy special fuel oil from Ras Tanura, Saudi Arabia to Manila. Port officials at Ras Tanura discovered that the vessel had previously, under the name of SS *Memory*, traded with Israel; they refused to permit the vessel to load. After some time, when it became quite obvious that the vessel would not be able to perform her contract, MSTS was forced to cancel and charter another vessel to fulfill this operational requirement. The vessel owners claimed damages from MSTS in the amount of $160,000 and upon disallowance of this claim, sued in the Federal courts. This suit is pending.

4. What the clause does: The *National Peace* incident stressed the advisability of adopting a provision in MSTS invitation for vessel offerings and in the ensuing charters that would tend to protect MSTS from a vessel's inability to accomplish an operational requirement as well as against the possibility of money loss. The provision itself is not any more severe in law upon the shipowner than the contract would be without such a provision. It puts shipowners on notice that ships that have traded with Israel may not be permitted by certain countries to come into their ports; it spells out the options that the Government may pursue in such a situation. It is thus of some assistance to the Government in preventing offerings of ships that would be unable to load important cargoes of petroleum products. It is of help to those shipowners who might unknowingly undertake a service they cannot perform.

5. What the clause does not do: Contrary to the various expressions of public concern, the clause does not:

(a) Preclude any vessel owner from bidding on a Government charter. Any owner of a vessel that has traded with Israel and who is prepared to take the calculated risk may offer his ship.

(b) Assist any boycott in any manner. The test of this statement is simple: Elimination of the clause would not change by one iota the posture of the boycott or the status of any vessel offered to MSTS. Its elimination would not enable any vessel to get into any port otherwise barred to it. Its elimination would not enable any vessel to perform that could not otherwise perform.

(c) Require a vessel owner to choose between serving Arab countries or Israel. (Such an allegation has been made.) The clause does not forbid trading with Israel. It cautions owners who have previously made a choice to trade with Israel of the risk of Arab boycott.

DEPARTMENT OF THE NAVY,
MILITARY SEA TRANSPORTATION SERVICE,
Washington, D.C., February 19, 1960.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HUMPHREY: Since my last letter to you of February 3, 1960, there have been further developments concerning the so-called Haifa clause, in which I believe you would be interested. Correspondence has indicated some misunderstanding of the clause by the public. To avoid any further misunderstanding, the Navy is discontinuing the use of the clause.

For your information, I have prepared the enclosed memorandum which I trust will give you a more correct picture.

If I may be of further service to you, please do not hesitate to call upon me.

Sincerely yours,

ROY A. GANO,
Vice Admiral, U.S. Navy; Commander, Military Sea Transportation Service.

USE OF THE SO-CALLED HAIFA CLAUSE BY THE NAVY'S MILITARY SEA TRANSPORTATION SERVICE—MEMORANDUM FOR SENATOR HUMPHREY

1. Issue: Recently in newspaper editorials and news comments and in correspondence addressed to the White House, to the Secretary of Defense, to the Secretary of the Navy and to Members of Congress, there has been a condemnation of the use by the Military Sea Transportation Service (MSTS) of what is known as the Haifa clause. Bills have been introduced in Congress to prohibit its use in Government contracts. Critical comments range from the accusation that the clause constitutes a boycott by the Government of ships that have traded with Israel to the allegation that the Government, by its use of the clause, is recognizing officially the Arab boycott or is supinely accommodating itself to such a boycott.

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4. What the clause does: By law, with or without the clause, a voyage charterer may cancel the contract in a situation wherein the owner is unable to present his ship ready and able to perform the voyage for which he contracted. For that reason, inability on the part of a ship to enter the specified port and load the cargo due to a boycott (just or unjust) works great financial hardship on the shipowner. It also results in financial loss to the cargo owner, who must continue to store and care for the cargo and position another ship. Where vital military cargo such as aviation fuel is concerned, a substantial delay in delivery also presents serious problems in the maintenance of the defense posture. The clause used by MSTS is not considered by shipowners as any more severe than a charter without the clause. However, it puts shipowners on notice that ships that have traded with Israel may not be permitted by certain countries to come into their ports. It spells out the options that the Government may pursue in such a situation. It is thus of some assistance to the Government in preventing offerings of ships that would be unable to load important cargoes of petroleum products. It is of help to those shipowners who might unknowingly undertake a service they cannot perform.

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(c) Require a vessel owner to choose between serving Arab countries or Israel. (Such an allegation has been made.) The clause does not forbid trading with Israel. It cautions owners who have previously made a choice to trade with Israel of the risk of Arab boycott.

6. The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

Mr. HUMPHREY. Mr. President, I hope the U.S. Government will never again permit itself to become in any way, either directly or indirectly, associated with what is obviously an attempt to coerce owners of American ships into not engaging in business with a friendly nation such as Israel.

The understandings relating to the Suez Canal arrived at in 1956 at the United Nations, following the British-French-Israeli action toward Egypt, finally boiled down to recognition that the Suez Canal would be an open waterway, and would not in any way be used to discriminate against legitimate shipping.

Regrettably, that has not been followed. What is more, the Arabs have maintained a boycott, not only against Israeli shipping, but also against cargoes intended for any Israeli port. And they have also maintained a boycott even against American personnel of

Jewish faith from being admitted to Arab land. They have gone so far as to pressure American-owned firms with which they deal from even employing Jews for work right here in the United States of America.

These actions by the Arab countries cannot be condoned by our Government. I call to the attention of our responsible Government officials the fact that the Mutual Security Act of last year, with the Morse amendment, made quite clear that in the administration of the mutual security program there was to be a determined effort by our Government to prevent such discrimination against American nationals of Jewish faith.

I hope the incident which has been commented upon here today by the Senator from New York [Mr. KEATING] and myself will serve to remind our officials that despite the inconveniences which may result to our Government, we should not in any way tolerate such action by the Arabs against the United States or the boycotts or embargoes in which the Arabs have indulged.

I thank the Senator from New York for yielding to me. Will he permit me to make a further statement at this time?

Mr. KEATING. Certainly.

U.S. PARTICIPATION IN THE WORLD COURT

Mr. HUMPHREY. Mr. President, pending before the Foreign Relations Committee is my resolution, Senate Resolution 94, to repeal the self-judging clause contained in our declaration of acceptance of the jurisdiction of the International Court of Justice.

A splendid article by Walter Lippmann on this resolution was published in the Minneapolis Morning Tribune of February 15. The article is entitled "United States Has Obligation Before World Court." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES HAS OBLIGATION BEFORE WORLD COURT

(By Walter Lippmann)

The Senate Foreign Relations Committee has been holding hearings on a resolution which, curiously and remarkably, was introduced by Senator HUMPHREY and has the ardent support of Vice President NIXON. This, as Mr. K. might say, is an instance where a shrimp has whistled.

The Humphrey resolution has the full backing of the administration and it is likely to command the support of the Democratic leadership. There are, to be sure, dissenters who are seriously worried that the acceptance of the resolution will be an abdication of American sovereignty.

But they are a small minority compared with the huge nonpartisan majority which includes so many of the leading lawyers of the country.

The Humphrey resolution would repeal what is known as the Connally amendment to the original Senate Resolution No. 196. This resolution, adopted in 1946, called for the deposit of a declaration accepting the compulsory jurisdiction of the International Court of Justice. This is the Court set up under the charter of the United Nations. The United States was perhaps its leading advocate.

Before the Connally amendment was adopted, the 1946 resolution said that "in relation to any other state accepting the same obligation" the United States accepts the compulsory jurisdiction of the International Court of Justice "in all legal disputes" which come under four classes of cases.

The International Court is to have compulsory jurisdiction in a dispute about (1) the interpretation of a treaty, (2) any question of international law, (3) the existence of any fact which, if established, would constitute a breach of an international obligation, and (4) the nature or extent of the reparation to be made for the breach of an international obligation.

The 1946 Senate resolution says expressly where the compulsory jurisdiction of the Court shall not apply. Of these reservations, the important one is that the Court shall not have jurisdiction in a "dispute with regard to matters which are essentially within the domestic jurisdiction of the United States."

The question was then raised in the Senate as to how it was to be decided whether a matter is or is not essentially within the domestic jurisdiction of the United States.

The Senate answered this question by accepting the Connally amendment, which added six words to the original text. Because of this amendment the question of whether a matter is essentially within the domestic jurisdiction of the United States is to be "determined by the United States." This is the amendment that both HUMPHREY and NIXON want to repeal.

As the law stands today, the U.S. Government has the right to exclude the Court whenever it desires to do so, without having to prove or to argue its position when it declares that the case is "domestic."

This means that while we have agreed to compulsory jurisdiction in legal disputes, we have in fact reserved the right to stop the Court's proceedings. As a result, no other nation with which we have a dispute can be compelled to come before the Court.

What is sauce for the goose is also sauce for the gander. Under the Connally amendment we cannot be sued without our consent. But equally we cannot sue anyone else without his consent.

This reduces the International Court of Justice to a kind of small sideshow. It is no doubt the reason why, despite all the international disputes with which the world is beset, the International Court has so few cases before it.

The question raised in Congress now is whether our Government or the International Court itself shall decide whether a matter is domestic. The dissenters, who believe that the amendment must be retained, argue that the Court might take jurisdiction in a dispute which challenged our tariff laws, our immigration laws, our currency laws, our administration of the Panama Canal.

These fears, though understandable, are groundless. If the Court took jurisdiction in domestic matters, it would be violating its own statute which expressly limits its jurisdiction to international legal disputes.

It is conceivable, although unlikely, that the Court might violate the law which created it. But if it did that, there would be a remedy. We would have an indubitable grievance and we would be entitled, legally and morally, to challenge the Court by political action in the United Nations.

There is, therefore, no risk which would leave us helpless. On the other hand, the advantages of building up the jurisdiction of the Court are very great. Perhaps the most important is one the Vice President pointed out in an address last April.

If the richer nations, like the United States, are to export capital to assist the underdeveloped countries, there must be legal security for the investments they make. To create that security the International Court can have a big part to play.

Indeed, in view of what is happening in this hemisphere to affect American property abroad, we have an interest that every property dispute, as with Castro today, should be decided by a court and not be left to propaganda, agitation, coercion and force.

But if we want to be able to go to court to protect our rights, we must be willing to go to court when someone else has a grievance against us.

THE DISARMAMENT MESS

Mr. HUMPHREY. Mr. President, if the Senator from New York will yield further, I ask unanimous consent to have printed in the RECORD an article entitled "The Disarmament Mess," written by Joseph Alsop, and published today in the Washington Post. In the article Mr. Alsop discusses a tragic situation which I, myself, have been speaking about, both in the Senate, in recent weeks, and in various parts of the country. This national tragedy is the fact that the United States has been unable to formulate any kind of either long-range or short-range disarmament policy. We invited the representatives of four Western nations to come to Washington to work out a joint Western disarmament policy; but these representatives have had to mark time while our State Department, Defense Department, and the Atomic Energy Commission argued and fought among themselves about what kind of a disarmament policy the United States ought to have.

As I have stated many times in the past, it is understandable that the various departments of government should have varying viewpoints about such crucial matters as defense and disarmament policies. But our Government and this administration have failed to exercise the necessary leadership to see that these viewpoints were reconciled rapidly into a definite policy. This state of affairs in disarmament matters has been going on for the past 5 years.

Unfortunately the situation seems to get worse, instead of better. We can be thankful for our allies, I believe, because without their prompting the situation might even be worse, if such can be imagined. I may say that there is a ray of hope that by the time the meetings are held in Washington with representatives of the four allied nations, some tentative or interim understanding will have been reached. However, there has not yet been a firm agreement between our Government and our allies. A meeting for a definite agreement will be held in March in Paris.

Mr. Alsop has rendered a real service by writing the article. Perhaps more people will now realize the serious situation that confronts us only 1 month prior to the opening of disarmament negotiations. No doubt we shall have some policy by the time the negotiations open. I have talked to Mr. Frederick Eaton, the chief of our delegation of the disarmament matter, about this problem; and he has assured me that some progress has been made, and that more will be made. Mr. Eaton, I feel sure, will be a competent negotiator. But one has to have a policy to negotiate about.

I am sure that my Republican colleagues on the other side of the aisle, in the interest of their party, as well as the interest of their country, will begin raising questions with the White House. On occasion they may have thought I was trying to be partisan when I have tried to bring these matters to light. This is not a partisan matter, and we cannot hide these facts from the American people. We must speak out, because that may be the only way in which our President and our Vice President will learn of the unfortunate "disarmament mess," as Mr. Alsop calls it, facing the country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DISARMAMENT MESS

(By Joseph Alsop)

During the past fortnight, this city has offered a spectacle that has been richly comic, not a little humiliating, and almost incredible, all at once.

Ministerial representatives of Britain, France, Italy, and Canada came here close to 2 weeks ago, in order to discuss with the American Government the Western position on disarmament. East-West disarmament talks are due to be reopened on March 15. After that date looms the summit meeting, in May, with top level disarmament talks conspicuous on the agenda. The need for an agreed Western position is therefore urgent, to put it mildly.

Yet for 10 days the American policymakers had to avoid substantive discussions with British, French, Italian, and Canadian guests, for the beautifully simple, frankly confessed reason that the American Government had not yet decided what its own position on disarmament ought to be.

Last Tuesday, a lame, empty American position paper was offered to the allied conferees, but this not only failed to satisfy the British, French, and other Allied representatives. It also by no means represented the views of the State Department. And as these words are written, the final, intra-administration debate about the American disarmament position is at least underway.

These extraordinary facts are far from exhausting this episode's sheer fantasy. American and Soviet negotiators had been talking about disarmament, almost nonstop, from 1955 onward until a year or so ago. But last summer, a new committee headed by the Boston lawyer, Charles Coolidge, was suddenly named for the avowed purpose of making up the American Government's mind about disarmament.

While the Coolidge Committee labored, our diplomats freely told our allies that they could not tackle the disarmament problem until the Coolidge Committee had made up the administration's mind about it. At length, a report emerged from the Committee's labors. It was promptly christened the mouse in the inner circle, since it included virtually no disarmament proposals at all. And for this reason, the report was promptly interred as altogether too fruitless.

By this time, another lawyer, the able New Yorker, Frederick Eaton, had been named to present the U.S. brief on disarmament. But Eaton had no brief to present after the internment of the Coolidge report. So the struggle began all over again. And it went on long enough to leave this country's representatives at first irresolutely mute and then dimly mumbling, at a conference with Western allied representatives planned many weeks earlier.

The reason for all this is a deep division in the Government. The State Department, and especially Secretary of State Christian A. Herter, thinks that we must certainly talk about nuclear disarmament, if we talk about disarmament at all. The Atomic Energy Commission and particularly the Commission chairman, John R. McCone, favors discussion of nuclear disarmament with extra emphasis on the need for a broad framework of general disarmament. But the Defense Department policymakers, and above all the Joint Chiefs of Staff, have taken the position that any discussion of nuclear disarmament is unthinkable.

On the one hand, the old psychology of nuclear monopoly obstinately survives in the Pentagon, in flat defiance of the grim facts of recent history. On the other hand, it is thought to be too expensive and too painful, nowadays, for Western nations to put ground armies in the field, as they once used to do. Hence the Pentagon argues that the West dare not lay down its nuclear weapons while confronted with the populous hordes of Russians and Chinese.

It was this psychology that made the Coolidge report so mouselike. It was this psychology that caused the American position paper of last Tuesday to be such an impoverished thing, including no really major proposals, and with no commitment in all its six pages to discuss nuclear disarmament at any time, even in the distant future after proved success in the so-called first stages.

After the British, French, and the rest protested this position paper's emptiness, Secretary Herter was at length enabled to appeal the great issue to President Eisenhower. Essentially, the question Herter has had to ask the President is whether or not we really want disarmament, after having given vent to so much moral blather on the subject. All the trouble arose, of course, from the President's failure to decide this absolutely basic question at the very outset.

This is dangerous trouble, too. There are clear signs of the same kind of split in the Soviet Government that exists in the American Government, with the majority, headed by Nikita S. Khrushchev, really wanting to see whether serious disarmament is not possible. There is one chance in three, or four, or five of really accomplishing something. But the chance will surely pass if the American Government merely continues to flounder in its self-made bog of interdepartmental committees.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that excerpts from two speeches on the subject of disarmament, which I recently delivered before the Commonwealth Club, in San Francisco, on February 12, and at the National Roosevelt Day Dinner, in New York City, on January 28, be printed in the RECORD. In those addresses I discussed many facets of disarmament, including one which was the topic of Mr. Joseph Alsop's excellent article, published today, which I have inserted in the RECORD.

There being no objection, the excerpts from the addresses were ordered to be printed in the RECORD, as follows:

DISARMAMENT

(Excerpts from the address by Senator HUBERT H. HUMPHREY to the National Roosevelt Day dinner, New York City, January 28, 1960)

"To some generations," President Roosevelt once said, "much is given. Of other generations, much is expected."

To our generation, more has been given than to any in history. And of us even more is expected.

For to us falls the supreme task of finding peace in a most unpeaceful world—a world divided by antagonisms and boiling with revolutions, armed as the world was never armed before, with the capability of total destruction.

Tonight, by striving with our minds and our hearts towards the goal of a just and enduring peace, we best honor Franklin D. Roosevelt.

I am not one who believes that peace can be assured simply by reminding ourselves and our adversaries of the unspeakable horrors of war.

Neither do I believe that peace can be secured by one-sided disarmament—whether based on principle or parsimony.

Co-existence is not peace. It is two garrisoned states walled in by mutual fear and distrust. A policy with no goal beyond co-existence does not lead to peace.

Let me say wherein I see the hope for peace.

I believe we must first have a vision of the kind of world where peace can dwell.

In my vision I look toward a world in which power will no longer be polarized between two giant forces, but balanced among many. In which Europe, revived and united, will be a powerful middle force. In which a democratic and prosperous India will speak with the full authority of her land and her people. In which the states of Africa will join in taming their rich continent. In which the new technology will spread its blessings to the ends of the earth and unto all the inhabitants thereof.

I look toward a time when the chinks in the Iron Curtain will become windows and doors through which ideas and people can pass freely, eastward and westward; when the maturing of the Soviet economy will bring in its train the liberalizing influence of a higher standard of living; when thought will break the bonds of dogma and politics.

I look toward a world in which differences among nations will be eroded by time and understanding; where common interests will overshadow mutual antagonisms; where, perhaps, a new world civilization will be in the making, building on the best the old world has to offer.

The 21st century could be the century of the United Nations. In such a world there could be peace, under law.

I believe we have it in our power to bring that kind of world into being. But we will have to be idealistic enough to seek it, and realistic enough to recognize what we must do to achieve it. And we will have to do better than we have been doing—far better.

Three great tests challenge us:

For the first time in history men everywhere have seen the vision of banishing want from their daily lives. They see the means at hand, and they demand the opportunity.

Are we appointed to tell them it is not yet time, that they should be patient with poverty?

Shall we expect them to understand about balanced budgets and balance of payments, until we can shake loose what we can spare of our affluence?

I say it is given to us to use our affluence and our inexhaustible technology to help men make a reality of rising expectations. Not grudgingly and in driblets, but to the limit of our capacity.

Can we do this? Yes, we can.

Will we? That is the test. It is not alone the Soviet challenge that demands it, but the challenge of a world in which peace is possible.

A second test lies closer at home: the test of our ability to declare our purposes, to muster our resources, to plan our future.

We do well to recall these words of Demosthenes to the Athenians:

"The worst feature of the past is our best hope for the future. What, then, is that feature? It is that your affairs go wrong because you neglect every duty, great or small; since surely, if they were in this plight in spite of your doing all that was required, there would not be even hope of improvement. But in fact it is your indifference and carelessness that Philip has conquered.

Your city he has not conquered. Nor have you been—no; you have not even made a move."

We, too, have not even made a move. We are lost in our indifference and carelessness. We are indifferent to the persistence of poverty in our own country. Indifferent to the neglect of our public investments and public services. Careless of the rights and liberties of millions of American citizens. Heedless of the needs of our growing population.

I say it is time to stop this. Let us stop gloating over the size of our national product and ask ourselves what we are doing with it. Let us stop congratulating ourselves on the miraculous rise of productivity in industry and agriculture and ask ourselves how to harness it to our most important needs. Let us have a litle less preaching of freedom and a little more practice of civil rights.

The test is whether a democratic country can plan its future and manage its affairs to good purpose and to good effect. That is a test we took in our stride during two World Wars. We can do it again for peace.

The third test is to lift the shadow of nuclear war, to gain the time in which peace can be secured. This can be done only by agreement between the United States and the Soviet Union.

Such an agreement cannot wait on the settlement of all the complex political and territorial questions that divide West and East. We must be prepared to negotiate, and we must negotiate, on any aspect of the control of armaments where there is the least hope for a workable agreement. But we must know what we want.

Not once in all the long series of conferences has the United States entered the negotiations adequately prepared. Not once has our Government known what it wanted to achieve. We have a mere handful of people working on this vast and technical subject on which the future of civilization itself depends. We have never allocated enough from the budget's billions for studies needed to translate the ideal of disarmament into a series of practicable steps toward that ideal.

In 6 weeks we will be entering disarmament negotiations with nine countries. We still have no policy. We still do not know what we want to propose there. Again we will be forced to negotiate within the Soviet frame of reference. Again the Soviet Union will have the initiative and will reap the reward in world opinion.

But there is too much at stake for partisanship. I remain convinced that the indispensable first step toward disarmament is an agreement for the cessation of nuclear testing under effective inspection and control. The United States must not start testing again as long as negotiations show that there is no real hope for such an agreement. And we must put all the skill and determination of both of our political parties behind achieving that agreement.

Even as we explore every possibility of agreement we must use the time to build our own strength. If there is one thing more than any other that will encourage the Soviets to drag their feet in negotiations for arms control it is the hope that an American Government will do for them what they could not do for themselves: reduce the United States to a second-class power.

The Russians know as well as you and I the effects of 7 long years of Republican rule on the strength of the United States.

In 7 years we have lost that preeminence in science and technology, which was our first and firmest line of defense.

Our schools and colleges labor under an accumulating deficit of neglect.

Our housing and our cities deteriorate faster than we can renew them.

Everywhere are unmet needs, neglected opportunities. These—not the $15 billion added to the national debt—are the measures of the failures of these last 7 years.

The Russians know this, without spying. The American people know. The whole world knows.

Only the President and the Treasury are unmoved.

No more frightening or shocking statement has come out of Washington than that the President made in a revealing moment of pique when he was asked about the Soviet claim to be able to hit any place in the world with a nuclear-armed missile. He replied:

"They (the Russians) also said that they invented the flying machine and the automobile and other things. * * * Why should you be so respectful of this statement this morning if you are not so respectful of the other three?"

Does this reasoning make our defenses adequate?

The same answer might have been given on oversea investment, or education, or hydroelectric development. The Russians didn't invent them, but they know how to turn them to their purposes.

The Russians didn't invent the automobile and the flying machine, but they did invent sputnik and they planted a rocket on the moon.

They didn't invent the Marshall plan, but they see the strategic importance of investment in developing countries.

They didn't invent TVA, but they understand its economic and political significance.

And they can read the President's budget. They can learn how little our Government has learned.

They can see that the prospect of paring the national debt is more important to our Government than an adequate long-range program of investment in the countries where the future of peace and democracy will be decided. Some call this investment foreign aid; I call it self-preservation.

The Russians can see in the budget that we are stubbornly determined to neglect our own national needs: our education system, our metropolitan cities, our farms, our forests, our resources of flowing and falling waters.

We can see it, too. If, as the new doctrine has it, intentions rather than capabilities are the determinants of power, we must appear weak indeed.

Oh, for a government of courage and vision and action, with the firm intent to use our great capabilities for power and strength.

The greatest danger is not that we cannot reach our destiny, but that we will neglect to grasp for it. Complacency and flaccid ease can defeat us, where nothing else could. It is our supreme business—yours and mine—to see that they do not.

My friends, I have great hopes and great confidence in this country and its people. I think, if they have not answered the summons, it is because they have not heard it. They have not heard it because it has been muffled and uncertain. I know that when it is loud and clear and unmistakable they will rise to the tasks that history has laid upon this generation.

Disarmament: A Central Aim of Foreign Policy

(Excerpts from remarks by Senator Hubert H. Humphrey before the Commonwealth Club, San Francisco, Calif., February 12, 1960)

I want to talk to you today about the problem which concerns us more profoundly, I think, than any other problem on our overcrowded national agenda.

We are all worried about many things—about the slowdown in the pace of our economic growth; about the continued denial of equal rights and opportunities to American citizens on the grounds of race, color, or religion; about the disgraceful inadequacy of our educational system to our expanding population and our national needs; about the allocation of an insufficient amount of our national abundance to public purposes; about the materialism and cynicism in our national moral life.

All these things, and many others, cause us deep concern. But the thing which haunts us most of all, I believe, is the question of war and peace.

The supreme task of our time is to find peace in this most unpeaceful world—a world torn by antagonisms, divided by ideologies, on fire with revolution—a world armed, for the first time in history, with the ultimate power, the power of self-obliteration.

There is no royal road to peace in such a world. Yet to renounce the search for peace is to commit us indefinitely to the theory that war can only be abolished by the permanent threat of war—that terror can only be eliminated by having a precarious and unstable balance of terror. It commits us to an everlasting arms race. It commits an ever-increasing amount of our resources to the making of guns and bombs and missiles. It commits us to deep and eternal tensions. It establishes the world forever as a collection of besieged states, each one bristling with armed power and suspicion and hate.

What a repellent destiny for mankind. Yet the fact that it is repellent does not mean that it cannot happen.

Serious issues divide the Communist states from the free states. We cannot pretend that these issues do not exist. We cannot pretend that communism does not offer the gravest possible threat to freedom. We cannot for one moment relax our guard or our vigilance. Given the Communist purpose and the Communist power, we have no alternative, in the present situation, but to build our own armed strength in order to prevent the balance of terror from turning against us.

Let me make this absolutely clear: No one hates the arms race more than I do; but, if I am sure of anything, it is that unilateral disarmament is no way out. We must redouble our efforts in the missile program and in the contest for space. We must show that we can stay in the race as long as our opponents. I say this because I know that this is the only way to convince them that they have no alternative except to join with us in bringing the race to an end.

Some proponents of unilateral disarmament have a considered belief that the Communist world means us no harm. Others have a considered belief that the capitalist world cannot afford to do what is necessary for its own defense. Unilateral disarmament is bad whether proceeding from principal or parsimony. We can never achieve peace by a policy of cutting down our own strength in advance of a general disarmament agreement.

The arms race is the center of the threat to humanity. For this reason, dealing with the arms race should be, in my judgment, the center of American foreign policy. As peace is our object, so controlled world disarmament is the key to peace. Once we can achieve this, then the political and territorial problems which tear the world apart will become relatively manageable. Until we achieve this, political and territorial settlements will be vain and illusory.

Nothing seems to me more self-evident than the understanding that disarmament, based on reliable inspection and control, affords the only chance of delivering the world from this terrifying and disastrous arms race.

Nothing depresses me more about recent American foreign policy than the low priority which disarmament has enjoyed in our dealings with the outside world.

Instead of being the center of our policy, disarmament has been on the periphery.

Instead of being a matter for top policymakers, it has been a matter for underlings.

Instead of our leaders taking every occasion and seizing every opportunity to identify the United States with the cause of disarmament, we have let the Communists reap most of the propaganda benefit from disarmament talk and have systematically presented ourselves to the world as the Nation throwing constant obstacles in the way of what the people of the world most desperately want.

Not once in all the long series of conferences has the United States entered negotiations properly prepared. Not once has our Government known what it wanted to achieve. We have a mere handful of people working on this vast and technical subject on which the future of civilization depends. We spend billions—and rightly so—to build new weapons; but we recoil at spending millions to learn how to control them.

I say that the time has come to stop treating the disarmament effort as a poor relation, to be kept in an unheated garret and fed scraps left over from the Pentagon table.

I say that the time has come to make disarmament a top priority in our foreign policy.

I say that the time has come for a President of the United States to make controlled world disarmament his personal cause and his personal crusade so that the people of the world will understand that the American Government is exploring every possibility in its fight to lift from the world the black shadow of nuclear war.

I say the time has come for a President to take the disarmament offensive against Khrushchev.

If disarmament is the key to peace, detection and inspection provide the key to disarmament. The technical problems in this field are very great; many critical problems remain to be solved. We must make the progress toward their solution a major national effort.

We had a crash program to build the bomb. Now we need a crash program to control it. We need a Manhattan project for peace. And we need a National Peace Agency to run the crash peace program.

This is not a problem for Republicans or Democrats. It is a problem for all Americans. It is time for us all to unite in the determination to make disarmament the central American issue. It is time for us so to bombard the Communists with schemes for inspection and control of all weapons that either they will accept a workable disarmament plan or else they will be exposed before the world as the real enemies of peace.

Why aren't we doing this already?

Well, one reason, I think, is that such a policy will require a great deal of administrative vigor and executive energy—vigor and energy to unite all branches of the Government behind such a policy.

Another reason is the obsession with balancing the budget. This obsession has led the Government to deny the Nation adequate funds for our national defense—which means that the Russians, convinced that we are probably going to let our defensive position deteriorate anyway, have no real incentive to submit to a scheme for arms control. It is the Communist hope that an American Government will do for them what they could not do for themselves: reduce the United States to a second-class power.

And this same obsession with budget-balancing denies our scientists and engineers the funds necessary for research on disarmament—research necessary to achieve the technical breakthroughs which will improve our systems of detection and inspection and make international arms control a practical reality.

If we accept the policy of controlled world disarmament, we must accept the implications of this policy.

One basic implication has to do with the nations to be inspected. Obviously any substantial arms control plan which leaves out Communist China would be meaningless. Without China in an arms control agreement, the entire power balance in the world would be dangerously upset. National security and world security alike demand the inclusion of Communist China in major arms control agreements.

Unfortunately Communist China is still highly irresponsible and aggressive. It may take the combined persuasiveness of the Soviet Union, the United States and all the countries of Asia to impress on Peiping the need to forego plans of aggression and to cease its defiance of the international community. Strange as it may seem to think of Soviet-American cooperation to persuade China to participate in a disarmament agreement, the world situation may yet produce such a result.

No problem in the world is more urgent than disarmament. No peace will be reliable until we have solved it. No responsibility will rest more fatefully on the next administration than the responsibility of restoring American leadership in the cause of disarmament.

As we solve this problem, then we can press forward on the other fronts necessary to bring about genuine peace.

Peace has to be something more than the absence of war. Peace must mean justice, freedom and opportunity for all the people of the world.

To achieve all the dimensions of peace will take generations, perhaps centuries. But, unless we embark on this effort soon, we may lose forever the chance to preserve the kind of world to which we, as Americans, have always been dedicated.

Why should we surrender our dream of freedom to the world of tyranny?

In my vision I look toward a world in which power will no longer be polarized between two giant forces, but balanced among many. In which Europe, revived and united, will be a powerful middle force. In which a democratic and prosperous India will speak with the full authority of her land and her people. In which the states of Africa will join in taming their rich continent. In which the new technology will spread its blessings to the ends of the earth and unto all the inhabitants thereof.

I look toward a time when the chinks in the Iron Curtain will become windows and doors through which ideas and people can pass freely, eastward and westward; when the maturing of the Soviet economy will bring in its train the liberalizing influence of a higher standard of living; when thought will break the bonds of dogma and politics.

I look toward a world in which differences among nations will be eroded by time and understanding; where common interests will overshadow mutual antagonisms; where, perhaps, a new world civilization will be in the making, building on the best the old world has to offer.

The 21st century could be the century of the United Nations. In such a world there could be peace, under law.

I say to you, with all the soberness at my command, that the fight for peace is the supreme issue of our lifetime.

I say to you that, unless the American Government dedicates its energy and resources to the achievement of workable world disarmament, we will have forfeited our claim to the leadership of free peoples.

And I say to you that, whatever the politicians and the makers of high policy think, this is what the American people want and demand. Neither the people of our own land nor the people of the world will be satisfied until the leaders of every great nation prove by words and deeds their absolute commitment to the search for peace.

OPPOSITION TO EXTENSION OF KLM AIRLINE ROUTES IN THE UNITED STATES

Mr. BRIDGES. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I yield, provided it is understood that in yielding to the Senator from New Hampshire, I shall not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRIDGES. Mr. President, in 1957, when a delegation from the Netherlands was in this country, to negotiate a bilateral air transport agreement with the United States, in a speech on the floor of the Senate, I deplored the action of the Department of State in making grants to the Netherlands far beyond what was deserved. The views which I expressed at that time were also expressed by the Senate Interstate and Foreign Commerce Committee, the House Interstate and Foreign Commerce Committee, the Chamber of Commerce of the United States, the Civil Aeronautics Board, and every U.S. airline who was interested and knowledgeable in the international field.

Despite my protests and those of many of my distinguished colleagues, the Department of State nevertheless made what I considered to be an excessive grant of air transport rights to the Government of the Netherlands.

One thing which the Government of the Netherlands sought at that time, but which the Department of State did not grant, was a route to the west coast. The Government of the Netherlands has continued to press, however, for rights to operate this route. Recently, a Netherlands delegation came to the United States, for the purpose of securing such rights. It is my information that the Department of State, with the recommendation and full concurrence of the Civil Aeronautics Board, has refused to make the grant. I should like to congratulate the Department of State for the soundness and firmness of this decision.

It should be emphasized that those who oppose the grant to the Netherlands of a route from the west coast are not taking a position which imposes a burden upon our friends on the west coast. My opposition, at least, is based upon the necessity for this Government to begin now to recognize the need to support its own U.S. airlines, and not to continue in a program of giving to other countries vital and lucrative route grants that are not warranted.

I should also like to say that I do not approve of the tremendous pressure which has been built up to procure air routes for KLM. In this connection, let me make it very clear that I hold the Government and the people of the Netherlands in the highest regard. Our two countries enjoy, and, I trust, will continue to enjoy, the friendliest of relations. However, this controversy is not

to be decided on emotional grounds. Instead, it should be decided on its merits. As I have stated, my compelling interest is in seeing that adequate protection and support are afforded U.S. air carriers.

I commend the Department of State for its position it has taken; and I express the hope that in the future it will continue to guard as carefully as it has here the interests of our own air-transport system.

NEGOTIATED COST-PLUS CONTRACTS

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from New York yield briefly to me?

Mr. KEATING. Yes, if it is understood that in yielding to the Senator from Delaware, I shall not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. I thank the Senator from New York.

Mr. President, within the past 2 years the Comptroller General has submitted to the Congress numerous reports calling our attention to the indefensible manner in which the Defense Department is wasting millions of dollars through the procedure of using negotiated or cost-plus contracts when competitive bidding would have been practical.

Under date of February 15, 1960, the Comptroller General submitted another report in which he called our attention to an unnecessary expenditure of $1,300,000 in the Department of the Air Force under circumstances which, to say the least, represent carelessness, if not deliberate waste.

This report of the Comptroller General's shows that the Government has borne increased costs because prices proposed by Fairchild and accepted by the prime contractor, Boeing Airplane Co., Seattle, Wash., in subcontract price-redetermination negotiations for B–52 wing and fin assemblies were excessive. Fairchild's proposed prices included estimated prices for component parts which Fairchild either knew or, based on past experience, should have expected would be reduced by voluntary price reductions by the supplier. Fairchild received and did not pass on to the Government reductions of about $1,300,000 in the estimated prices for these parts included in proposals for redetermination of subcontract prices.

Under these prime contracts, Boeing awarded subcontracts to Fairchild for outboard wing assemblies and vertical fin assemblies. These subcontracts were subject to subsequent price redetermination. For example, Boeing's purchase orders 739301 and 739303, issued under contract 28223, were subject to the terms of master purchase order 739305–8219 dated December 20, 1954, which provided for 10 percent upward or unlimited downward revision of the purchase order prices based on cost data to be furnished by Fairchild by May 28, 1956. Firm fixed prices were to be established on the basis of this cost data furnished by Fairchild.

Fairchild used the prices which it had established for parts furnished by a certain supplier, Research Designing Service, Inc., Centerline, Mich., in its proposals submitted to Boeing for redetermination of subcontract prices under the B–52 program. Research, however, had made frequent price reductions and, based on this experience, it should have been recognized that the prices proposed to Boeing were considerably higher than the costs which actually would be incurred. During the period March 25, 1955, to December 20, 1957, the supplier made voluntary price reductions, totaling $2,339,302, pertaining to Fairchild's subcontracts under the B–52 program, consisting of cash refunds of $1,276,304 and purchase order price reductions of $1,062,998. A substantial portion of the price reductions was received by Fairchild prior to price negotiations with Boeing for the subcontracts to which the reductions pertained. Therefore, it was unreasonable for Fairchild to base its price proposals to Boeing on the supplier's purchase order prices without giving appropriate consideration to reductions already received and to the probable further price reductions.

Voluntary cash refunds, totaling $1,276,304, directly applicable to subcontracts under four B–52 prime contracts were received from Research by Fairchild during calendar years 1956 and 1957. Only $253,158 of this amount had actually been passed on to the Government as of June 1959.

The remaining $1,023,146 had been retained by Fairchild or credited to commercial business. No evidence was found to indicate that the Government would receive any further benefit from this amount.

To make this situation even worse, the Government also incurred additional costs of $50,100 because certain of the cash refunds were applied as a reduction of Fairchild's cost of performing an incentive-type prime contract. This portion of the refunds was inappropriately retained by Fairchild as incentive profit.

Under the circumstances, the Government, rather than Fairchild, should have received the benefit of all these cash refunds and purchase order price reductions which were made by the supplier. Accordingly, the Comptroller General is recommending to the Secretary of the Air Force that action be taken to recover for the Government the full amount of the cash refunds and price reductions received by Fairchild under the B–52 program, but not passed on to the Government, including the portion retained by Fairchild as incentive profit. He is also recommending to the Secretary of the Air Force that contracting personnel be required to assure themselves, to the extent practicable through examination of contractors' records and procedures, that prime contractors and subcontractors pass on to the Government appropriate credit for significant price reductions made by suppliers.

There can be no defense for these many examples of inexcusable waste in the Defense Department's procurement of military supplies as are being periodically called to our attention by the Comptroller General.

In recent weeks there has been a regular parade of admirals and generals before the Congress, each urging an increase in the appropriations of his particular department over the amount recommended by the budget.

I most respectfully suggest to each of these military authorities that if they will direct a little more of their attention toward eliminating these many examples of unnecessary extravagance as are being systematically reported by the Comptroller General, they may find they already have enough money to provide for our defense needs.

It has been conservatively estimated that if Congress would pass a law demanding that these agencies award contracts on a competitive bid basis in all instances except when such procedure would not be feasible from a security standpoint, our defense costs would be reduced by hundreds of millions of dollars.

At a later date, I shall resubmit, as an amendment to the military construction bill, the so-called competitive bid amendment, and ask that the Armed Services Committee approve that amendment as a part of the bill it will report.

INTERNATIONAL COOPERATION ADMINISTRATION

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I yield to the Senator from Arkansas under the same unanimous-consent request I made with repect to yielding to the Senator from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, every time the International Cooperation Administration makes a mistake in administering economic aid overseas, someone is sure to place the matter in the CONGRESSIONAL RECORD. It is regrettable that when the ICA does something right, publicity rarely results.

In order to put charges of mismanagement in the administration of foreign aid in perspective, I therefore ask unanimous consent to insert in the RECORD at this point a letter which I received last November, making charges about irregularities in ICA procurement, together with the letter which I have just received from ICA, explaining what was done about the irregularities.

The interesting thing about this exchange is that on the day after the letter making the charge of irregularities was written, a Federal judge imposed a criminal penalty against the man charged with irregularities.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

G. ROSEKILLY MACHINERY,
San Mateo, Calif., November 23, 1959.

Hon. Senator FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: Thank you for sending me the "hearings" regarding the situation in Vietnam, together with a copy of the develop-

ment loan law, and other interesting information, which I have now finished reading.

You may not know that we supplied some generator sets to an importer here, delivering them f.o.b. Los Angeles docks for $23,500, he, collecting from ICA, we understand, $165,000 without as much as laying a hand on one box. These went to Saigon.

We do not believe this man—Frank Y. Lee—should keep out of jail.

We do not know the end result of your committee hearings but would expect a "whitewash" in view of the way the questions were asked, and the answers that were accepted. If you have any further hearings, I have quite a file that the ICA boys will have trouble talking away.

Would you like another current gem? ICA put out by airmail a request for bids on a great quantity of aluminum power cable for Thailand. We airmailed the advance word to our correspondent in Japan, who immediately went to work on it. On receiving the full information and bid forms from ICA, also by airmail from us and to us, we have a cable from Japan, that they already have had the matter for 3 weeks and are working on it direct.

How does Japan get the information nearly 3 weeks before we do?

May we wish you and yours a very happy Thanksgiving, probably away down in Arkansas—good food down there.

Thanking you,

Respectfully yours,

G. ROSEKILLY.

INTERNATIONAL COOPERATION ADMINISTRATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., February 3, 1960.

The Honorable J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reference to your letter of December 22, 1959, and our interim reply of December 31, 1959, concerning the procurement of generator sets financed by the International Cooperation Administration. I am pleased to inform you of the action that ICA has taken with respect to irregularities in this procurement.

The shipment of generator sets referred to in Mr. Rosekilly's letter was made by Timothy Chew & Co., 1122 Powell Street, San Francisco, to Thao Poum, Vientiane, Laos, on September 28, 1956. The contract amount for this equipment, $116,430, was financed against ICA Procurement Authorization No. 39-710-99-A6-6202. Payment was made in accordance with usual ICA procedures, payment to the supplier being under a commercial letter of credit on presentation of the supplier's invoice and shipping documents.

In the course of a routine price analysis by ICA it was determined that Timothy Chew & Co., as supplier, invoiced equipment at prices which grossly exceeded the price limitations as set forth by section 201.21 of ICA Regulation 1, as amended. This agency computed the overpricing to be approximately $90,000 on this transaction.

The ICA Inspection Division, Office of Personnel, Security, and Integrity, then conducted an investigation of all phases of this generator procurement. The investigation was carried on in the United States as well as in Laos and Thailand. Upon establishment of the existence of facts of an incriminating nature, the case was turned over to the Federal Bureau of Investigation for domestic investigation, inasmuch as that Bureau has primary jurisdiction in cases of fraud against the U.S. Government.

On February 25, 1959, the Federal grand jury, San Francisco, returned an indictment charging Timothy Chung Chew and Frank Y. O. Lee on one count with having falsified statements in documents (ICA Form 280) submitted to the U.S. Government in conjunction with the sale of the five ICA-financed generator sets to Thao Poum, Laos.

Mr. Frank Y. O. Lee entered a plea of guilty, and, on November 24, 1959, U.S. District Judge George B. Harris imposed a 2-year suspended prison sentence. Mr. Lee was placed on probation for 5 years and fined $10,000. The charges against Timothy Chung Chew were dismissed.

The assistant U.S. attorney, San Francisco, does not contemplate any further criminal action in this case. The case is now pending with the Civil Division, Department of Justice, Washington, D.C., for civil action.

We have appreciated the opportunity to explain the outcome of ICA review of this procurement. With respect to the question raised about power cable in the latter portion of Mr. Rosekilly's letter, our mission in Thailand has been requested to provide full clarification as to the mode and method of advertisement of the requirement. You will be informed of the facts as soon as the awaited reply is received.

With every good wish,

Sincerely yours,

JAMES W. RIDDLEBERGER.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. FULBRIGHT. Mr. President, on several occasions in recent weeks it has been suggested by Members of this body that the people of the United States are carrying too much more than our fair share of the free world's burdens. On this general proposition, there are, I am sure, differences of opinion.

There is one international financial institution which has had a remarkably fine record, and which has received excellent support from other peoples in Europe and Asia.

The International Bank for Reconstruction and Development, as a result of excellent management and sound administration, has inspired such confidence that today it is able to sell its obligations not just in the United States, but in practically all of the developed nations of the free world.

In the New York Times of Sunday last, February 14, there was an excellent article describing the experience of the International Bank for Reconstruction and Development. I shall ask that it be inserted in the RECORD at the conclusion of my remarks.

It will be noted that more of the loan money raised from subscribed capital has come from outside the United States. Also, more of the Bank's bonds are owned by investors outside the United States than by investors in the United States.

I ask unanimous consent that the article from the New York Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD BANK GETS ITS FUNDS ABROAD—BULK OF LOAN MONEY FLOWING FROM OVERSEAS—BIGGEST CREDITOR IS GERMANY—U.S. ROLE STILL MAJOR, BUT MUCH OF THIS NATION'S CAPITAL SUBSCRIPTION SERVES AS GUARANTEE

(By Paul Heffernan)

Few people would be surprised to know that of the $4,900 million of loans approved by the International Bank for Reconstruction and Development (World Bank), none has been extended in the United States. Wasn't the Bank's chief purpose to make loans abroad?

Most people would find it hard to believe, however, that the main source of the World Bank's loan money today is not the United States, but foreign nations.

The international lending institution is now a fully developed two-way money mechanism, one that is sucking in capital from all over the world in one breath and diffusing capital all over the world in the next. Oddly enough, the Bank's biggest single creditor is the postwar central bank of the West German Republic—the Deutsche Bundesbank.

Foreign capital is now putting up the lion's share of the World Bank's lending money—from subscribed capital and from loans to the World Bank in the form of public bond issues and otherwise. This has been true of subscribed capital since 1957. Last year, with investors abroad owning most of the Bank's own obligations, it became true of the debt capital, too.

CAPITAL FOUNDATION

It is, of course, a fact that the U.S. capital subscription of $6,350 million (the original 1945 subscription of $3,175 million was doubled last year) is the major financial underpinning of the international lending institution. It is also true that the Bank, as a market borrower, has raised more money through the sale of bonds payable in U.S. dollars than through loans denominated in other currencies.

But it must likewise be kept in mind that the major part of the U.S. capital subscription—$5,080 million of the total—cannot be used for lending purposes, but only as a guarantee fund subject to call to pay off the Bank's own obligations if borrowers from the Bank should default on their loans.

And it is a further fact that while most of the Bank's $1,900 million of debt is payable in U.S. dollars, about $1 billion of the total is owed to investors abroad.

In 1945 it was expected that the United States would be the Bank's chief source of funds for some time to come, even though the Bank was set up so that other nations would share in putting up the money as well as taking it out.

SMALL PART AVAILABLE

In mid-1947 the Bank had $8 billion of capital subscribed by 44 nations, but only $819 million was available for lending—$727 million of paid-in capital from the United States and $92 million from the rest of the world. The financial rigors of the immediate postwar years made it impossible for most subscribing nations to authorize release of the paid-in part of subscribed capital for lending purposes.

Canada was the first nation to respond to the Bank's urging for the release of the paid-in capital for loans. This was in 1952. Thereafter more and more subscription money became available for lending, first from industrialized Europe. It was not until 1956 that substantial releases came from Asia and Latin America.

The following table summarizes the availability of loan money today from the Bank's subscribed capital:

[In terms of millions of U.S. dollars]

Source area	U.S. dollars	Other than U.S. dollars	Total
United States	635.0	.....	635.0
Europe	72.4	608.5	680.9
Canada	6.5	53.4	59.9
Australia	4.0	36.0	40.0
Africa	3.2	20.7	23.9
Asia and Mideast	34.4	104.6	139.0
Latin America	11.5	21.3	32.8
Total	767.0	844.5	1,611.5

There still remains an equivalent of about $366 million in nondollar currencies not yet released for lending purposes, from the original paid-in capital. The Bank is continuing to press for permission to put such money out at loan.

The $125 million bond issue sold by the World Bank in the United States market last week was an opportune exploitation by the Bank of the late January shift here from a buyers' market in bonds to a sellers' market. There had been no active plans for a borrowing in this market this winter because the Bank in the last 6 weeks had raised the equivalent of about $90 million abroad through borrowings in British sterling, Swiss francs, and West German deutsche marks.

GERMANY'S ROLE CITED

The German credit, to take the form of 3-year notes, is the second borrowing of this kind the World Bank has arranged with the Bundesbank. Since 1957, the German institution has repeatedly purchased the World Bank's short-term notes payable in U.S. dollars. By the end of 1959, the Bundesbank had bought $403 million of such dollar obligations, of which $120 million were paid off at maturity. A further sizable block of World Bank short-term bonds payable in dollars was also placed with the Bundesbank.

On December 31, 1959, the World Bank had $1,990 million of bonds and notes outstanding, of which $1,642 million were payable in U.S. dollars and the $348 million balance in Canadian dollars. Belgian francs, West German deutsche marks, Netherland guilders, British sterling, and Swiss francs. About $960 million of the total was held by institutional investors in the United States and about $1 billion in more than 40 countries abroad.

The holdings abroad consisted of about $680 million of the outstanding bonds payable in U.S. dollars—or 41.6 percent—as well as about $348 million of securities payable in nondollar currencies. There were outstanding at the end of last year 19 issues of World Bank obligations payable in currencies other than dollars.

In the course of its operations, the Bank has sold to other investors $651 million of obligations issued by borrowers from the World Bank. Of this total, $413 million was bought by investors outside the United States and $238 million by investors in this country. Commercial banks and insurance companies in Canada, Belgium, France, Switzerland, Germany, the Netherlands, and Britain have become regular purchasers of loans negotiated by the World Bank yet not bearing the Bank's guarantee.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. KEATING. Mr. President, this is a historic period in the chronology of the 86th Congress. After much delay, we have finally come face to face with the civil rights challenge of 1960. The next few weeks will tell whether the Senate has met its obligation or whether it has rejected this challenge and compromised its duty.

What should be the goals of this debate? In simple terms—to protect the right of every qualified American to vote without discrimination; to protect the right of every American child to attend the public schools in his community without molestation; to protect the right of every citizen to equal protection of the law.

It is more than 170 years since the adoption of our Constitution, to preserve the blessings of liberty to ourselves and our posterity. It is almost 100 years since Abraham Lincoln began his service as our President and gave a new birth of freedom to America. It is 90 years since final ratification of the 15th amendment, declaring that neither the United States nor any State shall deny or abridge the right of citizens to vote on account of race, color, or previous condition of servitude. These great events mark the steady progress of liberty in our Nation which has made us the greatest democracy in the world. But we cannot rest on our laurels. We must not slacken our efforts as long as some of our fellow Americans are denied the benefits of our common heritage.

Our goals are righteous ones. Are new laws needed for their achievement? Let us look at the record. Our source book must be the report of the Commission on Civil Rights. No one can reasonably challenge the objectivity and fairness of the men who comprise this Commission. They are outstanding men from every section of our Nation and both political parties. Their report reflects a deep understanding of the controversies which have arisen. It is not rash or intolerant of any point of view. It does not do injustice to any section of the Nation.

But the facts related by the Commission should shatter the complacency of any American who thinks the job is done and disturb the soul of any American who is concerned about denials of justice and liberty to his fellow man. I offer the following bill of particulars:

First. In Gadsden County, Fla., there are a total of eight Negroes registered out of an adult Negro population of over 10,000. There was a registration drive from 1948 to 1950 which resulted in the registration of over 100 Negro citizens. None of the leaders of this drive live in Gadsden County any more. One of the leaders, who was fired from a good job, and allegedly threatened with physical violence, has left the State altogether.

Second. There are 300 Negro teachers in Gadsden County. They are unwilling to register because of the fear of losing their jobs or other economic reprisals.

Third. An elderly Negro who was registered to vote was asked by Commission investigators why he had not gone to the polls. He said: "I am too old to be beaten up."

Fourth. One businessman refused to be interviewed at all. His reason: "They would bomb my business out of existence if I even talked with you."

Fifth. The voting age Negro population of Mississippi is over 500,000. Yet there are 14 counties in Mississippi with over 100,000 voting age Negro residents in which not a single Negro citizen is registered.

Sixth. A Negro who attempted to pay his poll tax and register in Bolivar County, Miss., saw his bill thrown into the waste basket.

Seventh. Poll taxes are also refused in Tallahatchie County. Negroes in this county expressed fear of reprisals and were reluctant to testify at all. A public school principal who attempted to register was discharged from her post.

Eighth. In Leflore County, Miss., a Negro army veteran who had served as a technical sergeant, was visited and questioned at his home by two white men shortly after he attempted to register. Fearful of reprisals, he stopped trying.

Ninth. In Forrest County, Miss., Negroes have been told that they could not register. At other times, the registrar simply absents himself whenever Negroes apply to register. One Negro, while waiting for the registrar to return to his office, observed two white women being registered without question by a clerk who had told him she had no authority to register applicants.

Tenth. In Clarke County, Miss., the registrar turns Negroes away with the advice that they should "watch the papers and see how the mess in Little Rock and the mess in Washington worked out."

Eleventh. In Tennessee, intimidation of Negroes appears to be a problem in only three counties—Haywood, Fayette and Hardman. Twelve Negro war veterans registered in Fayette County in 1958. They were so intimidated, when they appeared to vote, that only 1 of the 12 voted, and he doubted that his ballot was counted because he thought he had handed it to someone instead of dropping it in the box. Two others were frightened away when two deputy sheriffs approached them. One was told by his banker that something might happen to him if he tried to vote. Another, who was in the hauling business, lost all his customers and the police threatened to arrest any of his drivers found on the highway in his trucks.

Twelfth. In Alabama, which has over one-half million Negroes of voting age, only 73,272 are registered. On the other hand, over 800,000 white citizens are registered out of the total voting age white population of 1,231,514.

Thirteenth. In 2 out of 12 counties in Alabama in which Negroes constitute a majority of the 1950 voting age population, not a single Negro is registered to vote. In 7 of these 12 counties, the number of Negroes registered is fewer than 7 percent of the county's Negro voting age population.

Fourteenth. Macon County, Ala., the site of Tuskegee Institute, ranks first in the State in the proportion of its Negroes of age 25 or over who have at least a high school education, and in the percentage of Negro residents who hold college degrees. After court action by Macon County Negroes to become registered, all members of the board of registrars resigned and there was not a publicly functioning board from about 1946 to 1948. The board has been periodically inoperative for long periods since that time.

Fifteenth. The voucher system is another obstacle in Alabama even when the registrars are functioning. This system requires every applicant for registration

to be accompanied by an already registered voter. But a voter can vouch for only two applicants per year and in recent years no white elector has vouched for a Negro applicant in Macon County.

Sixteenth. White and Negro applicants are registered in separate rooms. Negroes must wait 3 to 9 hours before they are admitted and are then given lengthy provisions of the Constitution to copy. Even after this rigmarole, many are never told whether they have been accepted or rejected.

Seventeenth. In Dallas County, Ala., Negro businessmen who attempted to register were refused service and deliveries by white wholesalers and other economic pressure was brought against them.

I could go on and on detailing these incidents from the official report of the Commission. But I think what I have already cited is sufficient. In the words of the Commission:

> It has become apparent that legislation presently on the books is inadequate to assure that all our qualified citizens shall enjoy the right to vote. There exists here a striking gap between our principles and our everyday practices. This is a moral gap. It spills over into and violates other areas of our society. It runs counter to our traditional concepts of fair play. It is a partial repudiation of our faith in the democratic system. It undermines the moral suasion of our national stand in international affairs. It reduces the productivity of our Nation.

This is a powerful indictment. The case has been proven by the evidence before the Commission. It is now for us to provide the remedy.

The right to vote, however, is not our only concern in this debate. Here is a bill of particulars for the field of education:

First. It has been almost 6 years since the Supreme Court's decision declaring school segregation unconstitutional. Yet, in five States—Alabama, Georgia, Louisiana, Mississippi, and South Carolina—not a single Negro child has been admitted to an all-white public school.

Second. At the same time, thousands of children, white and colored, have been deprived of all schooling for periods ranging up to several months. Other thousands of school children have been forced to use inadequate makeshift facilities. It has been estimated that over 1 million pupil-days of schooling have been wasted just in the last 2 years.

Third. The extremists have resorted to every kind of device to frustrate compliance with the law of the land. In some States, a rash of pupil placement laws have been enacted, in others automatic school-closing statutes, and in still others a system of allegedly private schools supported by State funds has been instituted.

Fourth. All this frantic activity has been designed to keep Negro children from sitting next to white children in a classroom. These children are the immediate victims of a prejudice nurtured by years of unremedied, unequal treatment of Negroes, but the whole country ultimately suffers from these actions.

Fifth. There has been some progress in these last 5½ years, but we have the right to be impatient about the time it is taking to carry out the Supreme Court's ruling. We must not sit back and watch the Court's mandate die of old age.

My bill of particulars cannot stop at this point. I must mention the rash of hate bombings which have plagued our land in recent years. I must add a word about the vicious racists who have destroyed our places of education, our homes, even our sanctuaries. These deeds have disgraced the whole Nation.

I must refer to the brutally depraved mob that murdered Mack Charles Parker. This mob has thus far escaped mortal punishment. But their souls will have no peace. And their example must never be allowed repetition.

Mr. President, no one who studies the record can doubt the necessity for additional laws to protect civil rights. The only differences, after reviewing this bill of particulars and the facts, can be over what new laws should be enacted, not over whether new laws are needed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield.

Mr. LONG of Louisiana. The Senator made reference to the Parker case. He does recognize that, with regard to the innocence or guilt of Parker himself, who was charged with a felony at the time, it was against the law of the State, and this case was investigated on invitation of the State government by the FBI, as well as by the local officials.

Mr. KEATING. I am aware of that. I am aware of several facts—first, that Parker was charged with a very serious offense, one for which, if he had been proved guilty, he could have received severe punishment; second, that an effort was made by the State authorities to obtain an indictment, but without success; third, that the Federal Government made an effort to charge the perpetrators with a violation of the criminal statutes relating to civil rights, and the grand jury in the Federal court refused to indict. I am aware of those facts.

Mr. LONG of Louisiana. In view of the fact that this case was placed before a Federal grand jury, and a Federal district attorney presented the evidence to the grand jury, and in view of the fact that the Governor of the State immediately requested the FBI to assist the local officials in investigating the case, it is difficult for me to see what additional law would have made any difference, if the law had been violated. Apparently the grand jury, upon the presentation of what evidence there was, simply did not find that sufficient evidence was presented to convict any person in connection with the alleged crime.

Mr. KEATING. However, even if there had been an indictment and the perpetrators had been found guilty in the Federal court, they would have been faced only with a $1,000 fine or a year in prison, as the maximum penalty they could receive as individuals, or a $5,000 fine and 10 years in prison if there was a conspiracy.

Obviously there was a coldblooded murder by someone. If there had been an indictment and a finding of guilt in the Federal court, I think the penalty should have been very much more severe. The proposal I make is for an amendment to the civil rights statute. It is not an antilynching bill in the same sense that many of the other bills before us are.

It would increase the penalties in case of conviction under the civil rights statute, and provide that if injury occurs, the penalty shall be greater; and if death occurs, and the jury so recommends to the court, and the court accepts the recommendation, the death penalty may be imposed.

Mr. LONG of Louisiana. We in Louisiana have been extremely fortunate, insofar as lynching is concerned during the time this Senator has represented that State. I do not believe a lynching has occurred during those 12 years. I suppose it has been a very long time since there has been a lynching in that State. However, during that time there have been a great number of other murders, and unfortunately, there were a considerable number of them in connection with which no one has ever been convicted of the crimes. Someone must have committed them. It is a favorite publicity stunt for some newspapers to advertise for anyone who may know some facts about a certain crime that has been committed, and offer $1,000 or $5,000 reward, printing all the details of unsolved murders that have been committed during the past 10 to 17 years.

It seems to me that there is not much evidence to indicate that justice could not be had under the existing laws, with respect to a lynching which might occur.

The Senator says nothing about all the other murders. There have been many of them. Sometimes white persons murder whites, and at other times Negroes murder Negroes.

In still other cases perhaps a member of one race murders someone of a different race. But it is impossible for us to apprehend every criminal. The Senator well knows that the general theory of our law is that it is better to fail to punish a number of guilty persons than to punish a single innocent person who has not committed a crime, or who has perhaps been falsely accused of it.

Mr. KEATING. The Senator from New York is aware of the fact that his own State and every other State have unsolved murders. The Senator from New York is against murder in any form, as is the Senator from Louisiana, no matter what the color of the skin of the perpetrator.

Fortunately lynchings have decreased in recent years. The Mack Charles Parker case is certainly what I would call a lynching. It brought us up pretty short, because it had been quite some time since there had been another. I hope it will be an eternity before there is a repetition of such an incident.

I favor a Federal antilynching law, but I can understand the position of those who do not. I was very grateful for the opportunity to point out the respect in which the proposal I make is

not a new Federal antilynching bill. It is an amendment to existing civil rights statutes which makes it a Federal criminal offense to deprive anyone of his civil rights. I realize that the punishment under my bill is more severe than it is under most of the Federal antilynching proposals, but I believe it is a step which some would be prepared to take, whereas they would not be prepared to go as far as to vote for a Federal antilynching law.

Mr. LONG of Louisiana. I certainly hope that the Senator would not recommend that a man be placed on trial for his life without the right of a jury trial.

Mr. KEATING. Oh, no. Of course he would get a jury trial. I believe that the seven point program proposed by the administration embodied in the Dirksen amendments is an excellent starting point, and that its enactment would be a most significant step forward. In brief, this program includes provisions to punish interference with school desegregation orders, to enable the FBI to track down the church and school bombers, to permit schooling of children of servicemen in areas where local schools have been shut down by the State in order to avoid complying with the Supreme Court decision, to require preservation and allow inspection of voting records by the Department of Justice, to assist the States in carrying out desegregation plans; to place the Committee on Nondiscrimination Under Government Contracts on a statutory basis, and to allow the appointment of voting referees in court voting rights cases.

I shall discuss each of these provisions in more detail as this debate unfolds. But I regard this as a meaningful and effective program for dealing with most of the problems in this field and I shall give it my full support.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KEATING. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator know offhand of any case with regard to a so-called hate bombing or with regard to a lynching occurring in recent years where the changes in the law which he recommends would actually have been effective? The point I have in mind is that the grand jury in the Parker case did not feel that it had sufficient evidence on which to base a true bill against anyone by way of indictment. It would appear to me that if that is the case, no indictment could have been returned, regardless of how the statute would have read.

Mr. KEATING. I have knowledge of such cases, and I shall be prepared to go into them in greater detail when we get to each of these specific amendments.

As I understand, a unanimous-consent request was made to consider the amendments en bloc. Objection was made. Therefore, it is necessary to consider them separately. I envision that as this debate unfolds we will be able to go into greater detail with regard to this matter.

The Senator has referred to hate bombings. My study of the problem, including, indeed, a personal visit to the areas involved, gave me a general impression which I believe is for the most part confirmed by nearly all of the local, municipal, and State officials in the States affected, who I might say were absolutely shocked by these bombings of churches and synagogues and schools just as much as anyone else from any other part of the country was shocked—a general impression that they were perpetrated by an interstate group of individuals with the characteristics of a Nazi-like group, which would do a job in Georgia, say, and then slip over to Florida and do a job there, and then slip over into Alabama and do a job there; that the explosives were carried across State lines, and that the explosives did not come from the States in which the incidents took place.

I believe it would be desirable to have the Federal Government in such a position that it could step into a situation like that at once.

I recall that after the Lindbergh Kidnapping Act was passed, it was narrowed to make it effective after 24 hours had elapsed, so that 24 hours after a person is kidnapped, it is presumed that he has been carried across State lines. That permits the FBI to come into the kidnaping almost at the beginning, and the great facilities of that fine organization are brought to bear on the solution of the crime.

I believe that has been an effective deterrent in the kidnaping field. It is relatively seldom now that one hears about a kidnaping. The same is true about white slavery and about motor vehicles and other crimes involving an interstate situation for which Federal legislation has been enacted. I believe that we should give our attention to making it possible for the FBI to step into such cases at an early stage.

Mr. LONG of Louisiana. Does the Senator have any doubt whatever that if a southern grand jury were presented with proper evidence it would not indict someone who had done something like engaging in hate bombing?

Mr. KEATING. I do not like to have the Senator ask me to characterize a grand jury in any one of our States. I wish he would relieve me of that necessity. Grand juries in my State sometimes have done things with which I was not in complete sympathy. The Senator from Louisiana, I am sure, realizes that grand jurors are human and are swayed to some extent by the feelings and mores of the communities in which they reside. I do not wish to characterize any group of men in any State of the Union as not fulfilling their oath of office.

Mr. LONG of Louisiana. Does the Senator have any knowledge of any case in which he feels the grand jury might have been presented proper evidence to indict someone for a bombing of a church or school building, but failed to do so?

Mr. KEATING. I do not think it is fair for me, as an outsider, to say with any degree of assurance that in any specific case, without being connected with the district attorney's office, and knowing exactly what the situation is, an injustice had been done. There have been cases in which I happen to think that probably an injustice was done. That is about as strong as I could conscientiously state it.

Mr. LONG of Louisiana. Perhaps the particular neck of woods from which the junior Senator from Louisiana hails is an exception. However, I do not think it is. We have a pretty good sheriff, and I believe a pretty good district attorney. The sheriff is the president of the National Sheriffs Association, and the district attorney is the former president of the National District Attorneys Association.

Mr. KEATING. And they have a very good Senator down there, too.

Mr. LONG of Louisiana. I thank the Senator. That would speak well for them. I believe it is a very fine community so far as harmony among people is concerned. I would be amazed indeed to find that in any part of the country a grand jury, with proper evidence before it, would not indict, and that the district attorney with such evidence in his possession would not prosecute to the full extent of the law, or that a judge would not punish appropriately any person that was found guilty of such activity.

It may not be a pleasant task for the local officials to act in such a case, but it is their duty to do so if they are confronted with it. It seems to me that the Federal Government should step into such a situation only if it appears that the local government has broken down. I do not know of any circumstances where they have failed to discharge their responsibility with regard to hate bombings. Does the Senator know of any case where there was any tangible evidence to indicate that these bombings were interstate in character?

Mr. KEATING. I believe it is undisputed that the pattern in many of the bombings was the same, and that the explosives used in most of them came from a State which was not involved in any bombing. I think the Senator from Louisiana will find that that understanding is quite well accepted.

Mr. LONG of Louisiana. I would be curious to know how that fact could be established, or even substantial evidence presented to that effect. As a former demolition man, I was under the impression that not much is left after a bombing to enable such an identification to be made. If a stick of TNT is exploded, not much is left of it to indicate its origin.

Mr. KEATING. It must be that advances have been made in demolition techniques in recent years, since the Senator from Louisiana was blowing up things, because methods were pointed out to us which enable identification to be made of the source of the explosive. In a number of instances, the explosives came from the same place. I myself did not know that until the question was raised in connection with this trip.

Mr. LONG of Louisiana. My impression would be that the explosives would come from an area where such things are manufactured. Could the Senator tell me what area that would be?

Mr. KEATING. I can, but I prefer to tell the Senator privately. I do not want to involve publicly the particular State concerned. It is not New York. But I prefer to tell the Senator privately, and I shall be happy to do so.

Mr. President, having made this statement, I give full support to the Dirksen amendments. I believe, at the same time, that additional measures are justified and needed to complete the job. These include a bill to deter lynching for all time by providing a discretionary death penalty for deprivations of civil rights resulting in the murder of the victim. Under the present law, the penalties are fixed without regard to the injury of the victim. These penalties obviously are inadequate in lynching cases and must be increased. I have been advised that the Attorney General supports this particular proposal, although I understand he has not indicated his approval of other so-called antilynching bills which have been introduced. I also shall offer an amendment to give the Attorney General the right to prosecute civil actions in all cases involving denials of equal protection of the laws and not merely in voting cases. The Government has a responsibility to implement this provision of the Constitution which should not be delegated entirely to private citizens. There is precedent for such a bill in a host of Federal statutes under which the whole weight of the Federal Government, including the legal resources of the Department of Justice, are made available to enforce Federal laws. The Federal Communications Commission, for example, will argue a case all the way up to the Supreme Court to defend the granting of a license to a broadcaster or a rate increase to the telephone company. The National Labor Relations Board will exhaust every available remedy for the benefit of an employee who it finds has been subjected to antiunion discrimination by his employer or coercion by his union. The Interstate Commerce Commission will defend shippers against unfair rate charges without any investigation of the ability of the shipper to prosecute his own claim. In all these cases, there is a public interest in the enforcement of the law which we have agreed, without too much controversy, makes it appropriate for the Federal Goverment to intervene. There is no less public interest in the enforcement of the provisions of the Constitution involved in equal protection cases.

In addition to the new provisions, I will also offer some amendments to the present provisions of the seven-point administration bill. The Department of Justice has prepared an amendment to the voting referee provision, spelling out in detail the mechanics of its operation. I believe this will improve the voting referee plan, and will certainly propose, therefore, that this latest version of the bill will be substituted for the present language. I also intend to continue to work within the Rules Committee for a proposal that will deserve the support of all of us interested in action to protect the right to vote. I am still of the opinion that the referee and registrar bills are not mutually exclusive and that it is possible to combine the best features of both in one measure. It is vitally important to avoid any unnecessary division among the supporters of strong right-to-vote legislation, and I shall certainly be working for bipartisan support on this critical phase of our efforts.

I also intend to propose an amendment to the antibombing section of the administration's bill to make it applicable to homes. Our experience has been that homes have been a frequent target of the hate bombers. I see no reason to leave such incidents uncovered by any bill on this subject.

I know that other amendments will be offered during this debate which I will be able to support. But we must beware of loopholes and traps in some of these proposals. The procedures spelled out in the majority leader's bill with regard to obtaining State voting records, for example, are entirely inadequate. They do not require State election officials to preserve their records for any period of time. And they make it virtually impossible to obtain these records without the cooperation of the State Governor involved. Since some Governors have been a little less than cooperative in the past, this whole procedure may operate as a snare and a delusion. In my opinion it would worsen, rather than improve, existing conditions.

The proposal in the same bill for a Conciliation Service, I also regard as unwise. I hope we never reach the stage in this country where the judgments of a court or the requirements of law are made subject to review by a Director of a Conciliation Service. The recognition and enforcement of a person's civil rights are not subjects to be bargained about.

Mr. President, the cry of States rights will be raised against every constructive proposal in this field. I am a firm believer in protecting true States rights and avoiding any usurpation of State functions by the Federal Government. But to me it is a disservice to the cause of States rights to raise this cry in the present context, for this implies that the States have the right to discriminate against Negro citizens who attempt to exercise the privilege of voting; it implies that the States have the right to flout the law of the land requiring school desegregation; it implies that the States can allow lynch mobs to act with impunity; it implies that the States have the ability to apprehend the hate bombers who cross State lines. These implications do not stand scrutiny.

I believe in States rights because the States are closer to the people than any Federal bureaucracy and because the States can serve as a laboratory for the distillation of new and progressive ideas and programs. But this requires the States to truly reflect the will of all their citizens; and no State, under our republican form of government, can espouse programs in violation of the provisions of the Constitution. States rights will be strengthened, not weakened, by the voting and other protections which I am advocating. Let us remember that these are corrective measures only. If there are no deprivations of voting rights, no evasions of constitutional requirements, no unsolved bombings and lynchings, then there will be no occasion ever for implementation of any of these laws. Surely the States have rights; but they also have obligations. If these obligations are fulfilled, the Federal Government will never be called upon to act under any of these provisions.

Mr. President, some skirmishes in this new phase of the civil rights battle already have been fought. It is regrettable, but undeniable, that the result of these skirmishes has been to make our cause more difficult.

We failed to change the filibuster rule in any substantial respect. This will handicap efforts to invoke cloture after there has been a reasonable opportunity for debate.

In addition, we failed to bring out of committee any civil rights legislation. This has made it necessary for us to utilize an entirely irrelevant measure as a vehicle for our debate. I regret this procedure as much as does anyone else, although it should be made clear that what is being done is entirely proper and is not at all uncommon under the rules of the Senate. At the same time, it certainly would be better to have a committee-approved civil rights bill before us; and I shall continue to urge the Rules Committee to act on the voting measures it has under consideration.

Delay and confusion are among the weapons of the opposition. We all know there are many important matters which have to be acted on by the Senate prior to adjournment. Delay will lead to pressure to get the civil rights debate over with, to compromise, to yield, perhaps even to abandon the fight. Many of us, however, do not intend to be intimidated by any talkfest. We will not be bullied by a barrage of words. It must be made clear at the outset that any filibuster will be futile; that the Senate will meet day and night, and on weekends, if necessary, to allow these issues to be dealt with on their merits. If all of us who believe in this cause will join together, we can overcome any unreasonable obstacle and achieve our goals.

Let it be known now that the proponents of equal justice are resolute and indefatigable; that our cause gives us strength; and that our convictions give us determination. I believe with all my heart and soul that the measures we shall advocate are in the American tradition of justice, equality, liberty, and freedom. The real question in this debate is whether we shall be true to our heritage.

Mr. President, these issues are too vital to the welfare of our country to be buried in a wasteland of passoniate outbursts and meaningless threats. Let

us deal with these issues on their merits. Let us respect honest differences of opinion, and avoid partisan or personal characterization. Let us give everyone reasonable opportunity to be heard. Then let us act in what each of us believes is in the best interests of our country. Let our debate reflect credit on this great institution and achieve positive results which will benefit all our people.

We have a sacred duty to perform—a duty deserving of our last full measure of devotion. When this chapter in our history is written, let it be recorded that we met our duty in the tradition of America.

THE WORLD WE WANT—ADDRESS BY SENATOR McGEE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, a very fine address by the junior Senator from Wyoming [Mr. McGEE].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE WORLD WE WANT

(Address by the Honorable GALE W. McGEE, Senator from Wyoming, at the North Carolina Conference on World Affairs, Chapel Hill, N.C., February 11, 1960)

We are met here today to discuss a question that is quite unreal, "the world we want." It is unreal because I seriously question whether Americans know what kind of world they want; it is unreal because the United States cannot in itself determine the kind of world to be.

A country which has already confused consumer luxury with national prosperity; one that has long since lost its dedication to high principle amid an abundance of materialistic gimmicks; one that has surrendered ideals to gadgetry; a country which prays on its national Thanksgiving for less food because of too much; a nation which describes its greatest national blight as food surpluses while three-fourths of the people of the rest of the world cry out for more * * * these passing attributes reveal a nation and a people who have lost their way, who have lost sight of true national purpose and national objectives. People in these circumstances can hardly know what kind of world they want.

Even if we in America knew what kind of world we wanted, it would be impossible to impose that image on the rest of the world. Long since should we have disabused ourselves of the notion that the world ought to be created in our image. We cannot make little Americans out of everyone, nor should we try. There are forces in the world, and always will be, which lie quite beyond the capacities of even Democrats or Republicans to change or to do very much about.

Therefore, it is far more important that we discuss here today, not the world we want but rather the world we're likely to get. This I propose to do in the next few minutes.

What will the world of the next decade be? It will possess three or four characteristics to which all American thoughts and plans must be accommodated. First, it will be this world and not some imaginary empire in outer space. From the press and TV one could be led to believe that we were about ready to abandon the Earth in favor of the Moon. The harsh fact is that we're going to have to learn to live on this globe with the chances of escape into some other planet being desperately remote if not impossible for the most of us. The planetary binge on which many Americans now seem to be is merely another upsurge for an escape from the realities of our time. While this is a human impulse, it is not defensible among a people whose history has been written by courageous acts committed against overwhelming odds. It is time we got our heads out of the stratosphere and our feet back on the good earth and work harder at the task of learning to live with our fellow men. It would be the height of folly if in our desperate search for escape we should win the Moon and lose the Earth.

A second characteristic of the world we're likely to get is that it will be an Asian world. One does not have to be a great prophet to foretell the racial makeup of the population of the world in the decade ahead. A typical cross section of mankind reduced to 100 people looks something like this even now. Out of the 100, 4 would be from Australia, New Zealand, and the South Pacific; 5 from the United States and Canada, 6 from Latin America, 7 from the Soviet Union, 8 from Africa, 14 from Western Europe, and 56 from Asia.

The next 10 years may well be characterized by a shift of power, as well as the point of danger, from Moscow to Peiping. In any case it will be shifting to a part of the world about which we know so little and understand even less.

Few indeed are the courses in world history taught in our public and private institutions today which include the histories of the great nationalities and cultures of the East. For most Americans the world still begins with Christopher Columbus. Rare is the history curriculum which attempts to carry the story back even to the days of Greece and Rome. Of this dominating major fact of the world, a distressing number of Americans remain blissfully ignorant.

To apply American standards or judgments to the peoples or achievements of the governments of Asia could create more trouble rather than less. On a recent trip to southeast Asia I saw among the new resettlement villages in the high central plateau country of Vietnam cases in point. In one instance the resettled villagers were still hauling their water from the banks of a stream up to their new huts considerably higher than the stream bed. It seemed obvious to some of us Americans that they should have built closer to the stream so that they might have piped the water through their homes as a matter of convenience. One of the villagers was quick to explain, however, that to do so would have deprived them of their daily trips to the riverbank for water and for the women to do the family laundry, an experience which gave them their principal contacts with their neighbors and their friends and which they were desirous of retaining. While this primitive means of procuring water tends to offend the efficient habits of an American, it is well for us all to remember that people are different—especially Asian people. If we're going to survive in an Asian world, we're going to have to work at understanding the Asian mind.

A third characteristic of the world we're likely to get is that it will be a nondemocratic world. In the memory of most men still living, we have waged two world wars for democracy. It is shocking to many of our people to realize that democracy has not been the major harvest of the peace which followed either struggle. Within 10 years after World War I, which had been waged "to make the world safe for democracy," the world had, in fact, been made safe only for dictatorships. Only Great Britain, France, and a handful of smaller countries remained with the United States as outposts of democracy. In the wake of World War II nearly 2 dozen nations in Asia and Africa have become independent. Very few of these can truthfully be described as democracies.

Before deploring the lack of democracy among these new governments, however, it is well for Americans to rediscover for themselves the basic truths of a working democracy. They should recall that democracy is not something that you can buy for, or impose upon, another people. Rather, it is an attitude and a way of looking at life that is born of a certain idealism and matures in the harsh realities of day-to-day national experience. Democracy can only come from within; it cannot be assigned to a people from without.

Our own history is an excellent case in point. Although we are fond of speaking of our own Revolution in 1776 as "democratic," in fact by the time we formalized our system in the Constitutional Convention a dozen years later, little more than the words of democracy had survived. True Democrats like Samuel Adams and Patrick Henry not only had deserted the cause, they were, in fact, not wanted by the framers of the Constitution. By 1789 when the United States launched its own form of government, scarcely one male in eight had the right to vote. The Americans were far from democracy in the early years of the Republic. And now, nearly two centuries later, we are still working hard at the business of becoming more democratic.

Remembering these facts, it ill behooves us to lose faith with the new nations of today's world because they do not have democratic governments. In the early stages at least it is far more important that these peoples acquire stability, a national consciousness, and a pride in their country. Because most of the areas now emerging in independence existed for centuries under an overburdening colonialism, they have a more backward society from which to call forth the experiences leading to democracy than nearly any government or people in the West. This is all the more a reason for our patience and our understanding of what these people in the developing areas of the world are going through.

One of the ironies of the moment, indeed, is that while we worry about the rampant forces of nationalism undermining the United Nations and the concept of collective security in the West, the new nationalism of the independent areas of the East becomes the first best hope for mobilizing resistance against the encroachments of communism or of any other form of imperialistic venture.

A fourth characteristic of the world we're likely to get is that it will continue to be a world in crisis rather than a world at peace. Given the frightening power capabilities of the giants of the earth through nuclear warfare; given the explosive concomitants of population increases everywhere; given the revolutionary expectations of hundreds of millions of people, principally in Asia and Africa, it would be naive to expect the world in the next decade to become a place of idyllic peace. For these reasons we must expect the world to continue to be a place of tensions, near wars, or even limited wars for a considerable time to come.

Facing the realities of these characteristics, we can, nonetheless, influence the direction of the changes now taking place and perhaps even temper the climate of opinion which surely will emerge. I would like to suggest several ways in which American foreign policy could best hope to do so.

The first is to increase our efforts in nonmilitary activities. The nature of the Communist conspiracy in widely scattered areas of the world has required an overwhelming military commitment on our part. The staggering size of our military appropriations for

defense around the world has tended, however, to crowd nonmilitary programs out of the budget or to squeeze them down to a meaningful or ineffective size.

As a consequence, the American image abroad has acquired a negative or defensive or predominantly military character in the eyes of other peoples. Nearly everywhere in my travels most native populations understand very clearly what it is America is against.

But increasingly they are asking, "What is America for?" This is to say that we have to balance our necessary defense posture with a constructive offering of positive values and hopeful nonmilitary goals. These goals will lie largely in the area of economic development, particularly in those areas of the world which lie generally south of the Northern Hemisphere—areas that are only now developing toward higher standards of living.

In Asia, for example, population increase and military necessity have combined to diminish, if not actually negate, most of our nonmilitary economic programs. Many of our endeavors in south Asia have been laudable, constructive, and farseeing, but their net impact has been lost amid the vast populations in the area. Take Vietnam, for example. There we have spent in the 4 years of independence approximately $1 billion—a staggering sum by any standards. Yet so much of this total has had to go into military and defense programs in order to hold back the tide of encroaching communism from the north that very little, in fact, has been left for public developments so sorely needed. As a result, the economy of Vietnam has increased but 1 percent, a modest increase wiped out by population growth.

India is another case in point. Once again population is the pressing problem. India has long been unable to produce even enough food for her own people. Although the birth rate there has declined, the death rate has dropped even faster. The result is a tremendous gain of births over deaths.

Because of the vast population base—more than 450 million people—there are more millions of people being added to the country each year than the slow-moving economic system there has been able to absorb. Even as our modest help to India has increased, the need for more and more economic assistance has increased still faster. In effect India, with all of our help, is falling behind her own requirements. The net result is a lowering rather than a raising of the standard of living in many areas. For a very few years ahead India will desperately need massive economic help—perhaps double that of the present—in order to get ahead of the population pressures. Only when they are on top of this problem will they dare to think about "phasing out" their economic dependence upon more fortunate countries like the United States.

India's plight is brought more sharply into focus when it is arrayed alongside the rising threat of Communist China. The test right now is whether the Chinese system of exploiting the individual will triumph over the Indian system of respecting the individual. Only the blind could be optimistic about the outcome at this moment.

Vietnam and India are strong examples of the nature of our problems in this critical part of the world. Unless our nonmilitary economic programs are vastly increased during the next 3 to 5 years, the position of the south Asians, and indeed our own position in that part of the world, will be inundated by the combination of population, military threat, and economic inadequacy.

The United States in order to win has to meet the economic challenge of south Asia on a scale commensurate with the size of the problem. It is foolhardy to point to the numbers of dollars being spent in that part of the world without reference to what needs to be done. To take one step ahead only to slip back two or three saves money for no one. Instead, it wastes it for all. Nor can it be excused as slow progress. It would, in fact, mark a retreat into oblivion.

The time is at hand, therefore, when the American people need to be told the truth about the magnitude of the economic challenge around the world. Mr. Khrushchev has warned us many times. He seems willing to grant that in sheer military capacities his country and ours cancel one another out. But he makes no bones about the fact that the Kremlin is confident of ultimate triumph through the instrument of economic warfare.

Economic war is the most dangerous and threatening of all, not because we can't afford it, but because we refuse to recognize it for what it is. It is difficult to excite people about economic warfare. It can't be launched from Cape Canaveral. People don't die today on the economic battlefronts—the fact that they may be liquidated 5 years or 10 years hence is a ruthless fact which the public mind finds it too convenient to postpone for later contemplation.

It is important, therefore, for Americans to recognize before it is too late that the battleground for the showdown between freedom and totalitarianism has been shifted from the military to the economic arena. It is still war regardless of what names may be used to disguise the conflict.

As a nation we are far better equipped to wage and to win this kind of war than we are a strictly military conflict. To do so, however, we must recognize the danger for what it is, discipline our endeavors, determine the necessary priorities, and prepare for the sacrifices which alone will permit us the maximum effort in a free society such as ours.

A second way in which American foreign policy can strengthen its position would be to launch a massive exchange-of-persons program. Until now we have made only token efforts in this area. The kind of program I envisage would have two phases, one aimed at the Russians, the other aimed toward Asia. For the Russians, it would require bringing to the United States tens of thousands of Soviets for at least a quick "cook's tour." In my judgment there need be no regard as to the kind of Russians to be included in this program.

During my own travels in the U.S.S.R. I found the Russians at all levels intensely curious about America and envious of our standards of material achievements, particularly in the area of consumer luxuries. It would be useful, in my judgment, if we could whet the Russian appetite for more and more consumer goods. I have often advocated that Sears-Roebuck and Montgomery Ward catalogs ought to be required in the luggage of every American tourist going to the U.S.S.R. Dropped among the townsfolk in any Russian community, the catalogs would create an explosion (in the form of new expectations) which would rival that of nuclear weaponry.

Whatever else one may think of the Russian people, they remain people and possess the same human aspirations as the rest of us. The more we can contribute to their rising expectations from their own government, the more we intensify the pressures on the Kremlin to yield to consumer demands and thus to modify the otherwise total drive toward strictly military and political objectives.

We have nothing to risk nor to suffer from Russians seeing how we live in the crossroads communities of America. On the other hand, there is everything to gain. This will cost money. I submit, however, that every dollar thus spent would bring a return in our favor far greater than those dollars necessarily being spent for strictly military endeavors.

The second phase of our exchange program would apply principally to Asia but also to the so-called Dark Continent of Africa and to Latin America. We are in difficulty in those areas of the world largely because most of our people know so little about the regions. It is not a difference of principles that separates us from the developing areas but a lack of understanding and a lack of basic information about what goes on there. Those few Americans who do see Asia, for example, are generally the wrong Americans. By "wrong" I mean they are elderly citizens who in their declining years have the financial independence to finance a trip to this distant part of the world. They are not the people that would be leading our country tomorrow. Most of them, moreover, have little or no participation in the leadership of our Government even today.

It is the youth of America that must rise to the needs to which Asia is challenging us at the moment. Therefore, I propose that the Government of the United States finance, as a part of our regular higher educational system, travel and residence for several months, perhaps for as long as a year, of 1 million students annually.

In addition, one of the alternatives to compulsory military service ought to be an extended period of service overseas, particularly in underdeveloped regions and in nonmilitary roles, such as agricultural development, social services in the cities, and similar public endeavors.

Again, the cost for such a program would be considerable, but the cost should be equated with the good and the substantial steps toward our laudable goal of a more understanding world—one we understand and which understands us. We in America sent 12 million young people around the world with guns on their shoulders without batting an eye at the cost because we had to, to survive. Why can't we send other millions of youth around the world with ideas in their heads? Guns alone cannot win; ideas may.

In the struggle for the minds of men let's not forget our greatest resource. It is our historical tradition of ideas and the vigor and dynamism of our youth. These millions of young people would serve at once as America's finest ambassadors of good will. They would represent our most formidable frontline in the quest for truth and freedom; and at the same time, they would return to America as a rapidly filling reservoir of understanding and informed opinion of the critical sections of the world where the outcome of the conflict between freedom and tyranny still hangs in doubt.

A third way in which American policy would best influence the changing world around us is to recognize frankly that the peoples of the world are in revolt and that these revolutions are principally within the context of American ideals and made up of American ideas. It would be a mistake to equate these outbursts as the evil doings of Communist conspirators. Rather, they would have exploded had there never been a Karl Marx or a Bolshevik uprising in Russia in 1917. They reflect the normal aspirations of people everywhere for human dignity, for the integrity of the individual, for national independence, and for freedom from tyranny. These movements are the Spirit of 1776 turned loose in the 20th century. While they have been delayed by nearly two centuries because of the heavy hands of colonialism and imperialism, they remain, nonetheless, powerful impulses.

In short, it is the Spirit of 1776 which is exciting the world rather than the Communist revolution of Marx and Lenin. The

sooner we recognize this fact, the sooner can we hope to channel the forces of change toward constructive ends. This means that we must recognize revolution for what it is, try to understand it, and, where possible, to assist in attaining these laudable human aspirations. It ill behooves us who first set the example in our own history to look down our noses at those who have arrived 200 years late.

Nowhere have we a better example of how not to do it than in China. There the forces of revolutionary change were under way long before even the Communist revolution in Russia. Yet, we pretended not to see these changes; and as a result, our once strong position on the mainland was washed away by the flood tide of revolution. The Russians, by contrast, saw the change for what it was. While not of their making, nonetheless, they seized it and rode it in their own direction and to their own advantage. We might well learn from this unfortunate experience in our recent past.

History teaches us nothing if not the inevitability of change. For us to assert, as we seem bent upon doing at the moment, that there must be no change, or at the most that we will sit tight, hang on, and ride out the storm is only to invite greater disasters. Our static concepts, our desire to cling to the status quo can only weaken our national foundations and hasten the decline of our position of leadership in the world.

It is in these nonmilitary areas then where the future opportunity for the strengthening of America's position in the world lies. By helping other peoples in technological and economic ways to help themselves by a massive exchange of persons; and through a conscious employment of our ideals and principles as guideposts between which to channel the forces of the world revolution now sweeping the earth, we not only acquire a new sense of direction ourselves, but we offer a hope and a challenge to those millions who aspire only to a better life.

Such a program has the obvious advantage of being positive and constructive rather than negative and defensive. It is aimed at helping people just because they are people and not because the groups involved are against Russians, or against Chinese, or against totalitarianism, or are willing (or unwilling) allies.

It is time that America faced this new opportunity for exciting the peoples of the rest of the world. It is this kind of concept which represents the true goals of American society, which reflects the deep purposes of the American way of life, and which consummates what Ralph Waldo Emerson once called the American dream.

THE CHESSMAN EXECUTION

Mr. FULBRIGHT. Mr. President, I was quite surprised and nonplused when I read on the news ticker a few moments ago that Assistant Secretary of State Rubottom had injected his office and advice into the highly controversial Chessman case, in California. According to the ticker, the Assistant Secretary of State sent the following telegram to the Governor of California:

> Through our Embassy in Montevideo the National Council of the Government of Uruguay (the Nation's nine-member executive authority) has tonight (Thursday) brought to urgent attention of State Department grave concern of council over anticipated hostile demonstrations of student elements and others to Chessman execution when our President visits Uruguay March 2.
>
> ROY R. RUBOTTOM, Jr.,
> *Assistant Secretary for Inter-American Affairs.*

Mr. President, I have not made a search of the precedents; but to my limited knowledge, and within my experience, I believe this is an unprecedented action by the Department of State, in interfering with the normal carrying out of justice within a State.

In that connection, today's Washington Post has published, on page 13, an article which gives a summary of the reactions of various persons in Europe. I wish to read several of their comments.

From the Paris Le Monde, which is one of the leading and most influential papers in France, I read what it had to say:

> If he was guilty, why add to the death penalty the agony of 12 years?

The article states further:

> It was this aspect of the case—Chessman's long wait for death—which angered many in Europe, where few countries still have capital punishment. Europeans generally are not as concerned about the conviction as they are about his 12 years in the shadow of the gas chamber.

The Manchester Guardian wrote:

> There is something radically wrong with a judicial system that can allow delays such as the 12-year ordeal which Chessman has endured in a death cell.

L'Osservatore Romano, the Vatican newspaper, pleaded for mercy for Chessman. "It is no longer a judicial question, but only a humane question," the paper said.

Mr. President, I think it is a very disturbing element in the ordinary administration of justice within our States, that we are now being pressured either by groups of people in European countries or by incipient mobs of students in a Latin American country. I, too, think that the course of justice in this case exposes our whole country and our judicial system to ridicule and contempt by civilized people. I think the delay itself was unfortunate. But I also think the interference by the State Department in the administration of justice at the last moment, causing further delay, would likewise be regrettable.

There may be facts about the case that I do not know, but, according to the press report and the ticker tape report, I think it is a very questionable procedure.

Mr. President——

Mr. ALLOTT. Mr. President, will the Senator yield before he moves to another subject?

Mr. FULBRIGHT. Yes, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to join the Senator from Arkansas in the general context of the remarks he has just made. I read the dispatch this afternoon, and it seems to me the action by the State Department is contrary to the sense and knowledge of our judicial system as it exists in this country. I would hesitate to think, applying this question on a more local basis, that if the courts of my own State had convicted a slayer—and we still have the death penalty in Colorado—the Governor would be subject to the pressure of the State Department or any other part of our Federal Government in procuring a delay of a sentence that was about to be executed.

In other words, Mr. President, the judicial processes are accomplished through long and tedious procedures. If it had not been for the fact that every possible effort was made to be sure that protection was given to an accused criminal in our country, this man would never have been able to delay execution of the sentence for 12 years.

As a matter of fact, the delay is due to his unusual tenacity in clinging to various appeals which he thought might offer him some relief, although they were uncertain appeals and did not afford him much protection.

Behind all the circumstances of the case is lost the fact that this man is a convicted criminal and a man convicted of bestial crimes on women, crimes too bestial even to be printed in public records.

I would not want to get into the argument as to whether or not the death sentence is warranted. That question is something which each State must decide for itself and which each person must decide for himself.

Certainly, without more explanation than has been given, I cannot imagine anything that would warrant interference by the State Department. In my opinion, I think this is an unwarranted intervention in the rights of the judicial processes of a State.

If this practice were permitted, the States would soon be reduced to a status in which any minority group or any well organized group of a country could raise so much fuss about a particular conviction that soon our State Department would become concerned about it, and would then contact the local authorities. The minute such procedure would be condoned, we would have surrendered a part not only of State sovereignty, but we would have surrendered a part of our national sovereignty. I must say I agree with the Senator from Arkansas in every respect. I believe this is a very, very dangerous development.

Mr. FULBRIGHT. I thank the Senator for his observation. As the Senator has said, it is a very complicated matter. There are many aspects of it, but the one for which I feel some responsibility is the intervention of the State Department. What justification the State Department has for interjecting its views into the matter is quite beyond me.

The State Department says this was done because the President is going to Uruguay. If the situation is so dangerous in Uruguay that this case would make that much of a difference, the President had better not go there. He does not have to go to Uruguay. He can go to Paraguay, or he can go somewhere else. It seems to me that is a very shallow and superficial reason to give for intervention by the State Department in this particular case.

If the Governor of the State has reasons for whatever action he may see fit to take, it is his place to act. It is not my responsibility to criticize him. I think the State Department has no business intervening in this kind of affair,

and I do not believe anybody would convince me that such action is a part of the functions of the Department.

Mr. ALLOTT. Mr. President, will the Senator yield a little further?

The PRESIDING OFFICE (Mr. McGEE in the chair). Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. FULBRIGHT. Yes.

Mr. ALLOTT. Mention has been made about the Governor of California. I think we ought to make the RECORD clear that the Governor of California is endowed by the Constitution of his State with the power to exert executive clemency on whatever basis he sees fit, and none of us can question that power, and certainly not those who reside outside the State of California. It certainly is an entirely different situation when the State Department of our Nation takes a hand in the case.

I thank the Senator from Arkansas for yielding to me.

INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. FULBRIGHT. Mr. President, by request I introduce, for appropriate reference, a bill to provide for the participation of the United States in the International Development Association—IDA. The President's message and the report on the IDA by the National Advisory Council have been received, and I am introducing this proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I believe my colleagues will find it useful to have a short summary of the more notable provisions of the bill and the new institution. But first I want to take this opportunity to pay tribute to the broad vision, the initiative, and the persistence of a colleague who has done more than any other single person to bring the IDA into being. I am, of course, referring to Senator A. S. MIKE MONRONEY, whose great capabilities and whose activities in his country's behalf are too well known to require elaboration.

Mr. President, many of us in this Chamber, believing that the slogan "business as usual" is the exact antithesis of the proper approach to these dangerous and fast-moving times, have risen to deplore executive branch immobility and to call for new and imaginative proposals. All too often the response has been a figurative shrug, a challenge to name a few such proposals off the cuff, and a continued obsessive sojourn in the countinghouse counting out the money; it is regrettable, meanwhile, that the public rather than the royal nose is being tweaked.

Today, however, I am glad to have occasion to stress both an example of a fresh, imaginative proposal and a clear-cut instance of congressional initiative. We are much indebted for both to the junior Senator from Oklahoma. Yet, lest I be accused—no matter how erroneously—of speaking in a partisan manner, I hasten to add that the executive branch, having finally been persuaded of the merits of the idea, should be congratulated for moving rapidly to bring it to fruition.

Now, the bill I have been requested to introduce to provide for U.S. membership in the IDA is closely modeled upon the Inter-American Development Act, which in turn was patterned after the Bretton Woods Agreements Act. Members of the Senate, therefore, will presumably be quite familiar with the terms employed in this proposed legislation. I shall limit myself to pointing out two important provisions in the bill: First, the U.S. Governor and Executive Director and alternates of the International Bank for Reconstruction and Development will act in the same capacities with respect to the IDA; second, the bill authorizes to be appropriated, without fiscal year limitation, a U.S. total subscription of $320,290,000. But it should be noted that this sum would be paid in over a 5-year period.

As indicated by the first point just made, the IDA will be a subsidiary of the World Bank; it will have the same strong management, which has built up IBRD reserves of over $450 million, and it will depend at least initially on existing staff and facilities. The same 68 member governments of the Bank are being invited to join and to subscribe funds.

The most notable feature of the IDA will be its ability to provide loans to its less-developed members on terms which are more flexible and bear less heavily on the balance of payments than those of conventional loans. This financing will in part be provided for projects of the type financed by the IBRD, and in part for development projects which are important to the area concerned but not immediately productive. Such financing will only be available if it cannot be obtained on reasonable terms from other sources.

From the U.S. point of view, the most important aspects of the IDA include its future status as the only international institution which would provide development financing on flexible terms with the broad participation of other industrialized nations besides the United States. This latter point is related to our current efforts to induce Western European and other highly developed countries to share the problem of helping less privileged nations in the free world.

The methods of providing funds for the IDA's operations are the unique feature of the institution. If all IBRD members join and accept their proportionate subscriptions, the initial resources of the IDA will total $1 billion. However, member countries are divided into two groups for subscription purposes, and the 17 more industrialized nations in group I will provide about $763 million as against the roughly $237 million subscribed by the less developed members in group II. Subscriptions will be payable over a 5-year period, and countries in both groups will make 10 percent of these payments in gold or freely convertible currencies. As for the remaining 90 percent of these initial subscriptions, they will be paid in gold or convertible currencies by group I members in five annual installments, whereas group II members will pay those installments in national currencies which the IDA cannot convert or use to finance exports from the country concerned without its consent—which the executive directors hope will be granted at an increasing rate.

Under these provisions, the first U.S. payment—combining the portions of the 10 and 90 percent components—would be approximately $74 million. Pending annual payments of about $62 million in each of 4 years thereafter, the balance of the total U.S. subscription would be held in noninterest bearing Treasury notes.

Finally, and very significantly, the IDA may also receive from any member, beyond its own subscription, supplementary resources in another member's currency provided the latter country does not object. Thus, the United States, for example, might offer to IDA some of the foreign currency holdings derived from surplus commodity sales under Public Law 480.

It should be noted that the IDA would have available during its first year of operation—which cannot begin before mid-September of 1960—less than $190 million in freely convertible currencies or gold.

Mr. President, in conclusion, I ask unanimous consent that the bill providing for U.S. membership in the International Development Association be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3074) to provide for the participation of the United States in the International Development Association, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Development Association Act."

ACCEPTANCE OF MEMBERSHIP

SEC. 2. The President is hereby authorized to accept membership for the United States in the International Development Association (hereinafter referred to as the "Association"), provided for by the Articles of Agreement (hereinafter referred to as the "Articles") of the Association deposited in the archives of the International Bank for Reconstruction and Development.

GOVERNOR, EXECUTIVE DIRECTOR, AND ALTERNATES

SEC. 3. The Governor and Executive Director of the International Bank for Reconstruction and Development, and the alternate for each of them, appointed under section 3 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286a), shall serve as Governor, Executive Director and alternates, respectively, of the Association.

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

SEC. 4. The provisions of section 4 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286b), shall apply with respect

to the Association to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund. Reports with respect to the Association under paragraphs (5) and (6) of subsection (b) of section 4 of said Act, as amended, shall be included in the first report made thereunder after the establishment of the Association and in each succeeding report.

CERTAIN ACTS NOT TO BE TAKEN WITHOUT AUTHORIZATION

SEC. 5. Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional funds under article III, section 1, of the articles; (b) accept any amendment under article IX of the articles; or (c) make a loan or provide other financing to the Association, except that loans or other financing may be provided to the Association by a United States agency created pursuant to an Act of Congress which is authorized by law to make loans or provide other financing to international organizations.

DEPOSITORIES

SEC. 6. Any Federal Reserve bank which is requested to do so by the Association shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

PAYMENT OF SUBSCRIPTIONS

SEC. 7. (a) There is hereby authorized to be appropriated, without fiscal year limitation, for the subscription of the United States to the Association, $320,290,000.

(b) For the purpose of keeping to a minimum the cost to the United States of participation in the Association, the Secretary of the Treasury, after paying the requisite part of the subscription of the United States in the Association required to be made under the articles, is authorized and directed to issue special notes of the United States from time to time, at par, and to deliver such notes to the Association in exchange for dollars to the extent permitted by the articles. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Association. The face amount of special notes issued to the Association under the authority of this subsection and outstanding at any one time shall not exceed, in the aggregate, the amount of the subscription of the United States actually paid to the Association under the articles.

(c) Any payment made to the United States by the Association as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

JURISDICTION AND VENUE OF ACTIONS

SEC. 8. For the purpose of any action which may be brought within the United States, its possessions, or the Commonwealth of Puerto Rico, by or against the Association in accordance with the articles the Association shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Association shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Association is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

STATUS, IMMUNITIES AND PRIVILEGES

SEC. 9. The provisions of article VII, section 5(d), and article VIII, sections 2 to 9, both inclusive, of the articles shall have full force and effect in the United States, its possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Association.

Mr. MONRONEY. Mr. President, I thank the distinguished chairman of the Committee on Foreign Relations not only for the introduction of the bill, but also for the kind words he said about the part the junior Senator from Oklahoma played in respect to this new international financial institution.

I should like to say that as chairman of the Committee on Banking and Currency the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] gave us our first encouragement as to the possibilities of such an institution. It was from the Committee on Banking and Currency that the resolution urging serious study of the proposal and a report to Congress came in 1958. Without the interest of the distinguished Senator, and his aid throughout the entire period of the hearings and later modification of original form of the resolution, I am certain there would have been no International Development Association.

The interest of the distinguished junior Senator from Arkansas in foreign aid, and particularly in the development of underdeveloped countries, has been one of the significant factors in this Nation's securities in that field. Certainly this is a new phrase in which, as the Senator so aptly predicts, there is an opportunity for the developing countries of the world to join in a mutual program which can provide a fruitful, sane, commonsense effort of self-help through loans of longer duration and at lower interest than would be possible in the ordinary bank loans offered by the World Bank.

Mr. FULBRIGHT. Will the Senator yield?

Mr. MONRONEY. I am happy to yield.

Mr. FULBRIGHT. I appreciate the Senator's recalling the early days with respect to the proposal. I remember when the Senator first proposed it, and I remember also the meetings and discussions in the committee as well as certain private meetings where the idea was promulgated. I think this is one of the rather rare examples where an idea which is incubated in such meetings in the committee and among Members of the Senate finally is brought to fruition. We have a bill as to which there really is agreement on the part of a sufficient number of nations—they have not formally agreed, but it is my understanding they have informally agreed—so that there is little doubt the organization will come into being.

Again I wish to express my appreciation, and I know the appreciation of the Senate and of the country, for the Senator's contribution to this organization. Under the direction of the International Bank, which has already proved its capacity and its efficiency in this field abroad, this organization will make a great contribution to the overall effort in which we are engaged in helping to develop the underdeveloped countries of the world.

This is a new approach. It is supplementary to the World Bank, and I think it is a very worthwhile organization.

Mr. MONRONEY. Mr. President, I deeply appreciate what the distinguished chairman of the Foreign Relations Committee has said. However, I would be less than realistic if I did not say that if it had not been for his encouragement and his participation as chairman of the parent committee reporting the bill, there would have been no bill. Neither would there have been an International Development Association, without support from many other Members of the Senate.

One of the greatest sources of help we received was the distinguished senior Senator from Connecticut [Mr. BUSH] a Republican member of the Committee on Banking and Currency. When it appeared that we were deadlocked and could not get a bill without further explanation or persuasion on the part of people who had had experience in this field, the Senator from Connecticut got together a private meeting of the Banking and Currency Committee to receive such information as was necessary to convince several members of the full committee that this was a feasible, plausible, and profitable way for the world to join in extending credit under institutional terms, under less than banking standards, to underdeveloped areas.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield.

Mr. FULBRIGHT. Perhaps some people will be left wondering why this legislation now comes from the Committee on Foreign Relations, when the original measure was reported from the Committee on Banking and Currency. I may explain for the record that a number of years ago, under the Reorganization Act, jurisdiction over international financial organizations was clearly placed in the Foreign Relations Committee. However, the then chairman did not care to handle the subject. The Bretton Woods Agreement had been handled by the Banking and Currency Committee, so this subject was placed under the jurisdiction of that committee rather by default.

Later this year, on examination of the jurisdiction of the respective committees, it was discovered that jurisdiction really resided in the Foreign Relations Committee. So when the bill was introduced it was referred to the Committee on Foreign Relations. That is why the jurisdiction appeared to shift. Actually the jurisdiction is and was in the Foreign Relations Committee.

I think it is very fortunate, because the Senator from Oklahoma was a member

of the Committee on Banking and Currency and not of the Committee on Foreign Relations. I think this accident of history was very fortunate, so far as the creation of the International Development Association was concerned.

Mr. MONRONEY. By one of the good fortunes of coincidence also, it is wonderful that the former chairman of the Committee on Banking and Currency, who so ably handled international finance as well as domestic financial problems, when he became chairman of the Committee on Foreign Relations took with him his wisdom and experience in this field. So we now have not only the legal jurisdiction of the Committee on Foreign Relations, but also the great experience of the junior Senator from Arkansas in this field.

A great many Members of the Senate are entitled to credit. Their number is far too large to try to mention them all without fear of leaving out a few. Those Senators have consistently given us great help, support, and encouragement. We have also received support and encouragement from members of the administration. After the ice was finally broken, and the case rather clearly developed, great leadership came from the Secretary of the Treasury, Hon. Robert Anderson. Secretary Anderson took this plan with him to the International Monetary Fund Conference at New Delhi; and engaged in many conferences with government officials interested in financial matters of the Asian countries.

Then he took it upon himself to explain it in person to representatives of the major powers. No one has done more or deserves more credit for the fruition of this plan than the distinguished Secretary of the Treasury.

The Under Secretary of State, Hon. Douglas Dillon, who was then Assistant Secretary of State, as well as the present Secretary of State, Mr. Herter, then Under Secretary of State, also interested themselves in this plan.

Because of their great help and assistance, this subject was brought before the World Bank Directors last fall. We were successful in obtaining a recommendation that the directors perfect a charter. As is well known, as of last week, the charter was approved without a single opposition vote, but with two abstentions.

I think it is very fortunate that the leaders in the executive department, as well as the chairman of our committee and others, have joined together in a partnership to bring about the desired result. I feel that this is a great forward step, and I am very happy over the progress that has been made thus far. I only wish that more adequate financing could be provided for in the initial capitalization. However, there is written into the proposed charter provisions for increases by a number of techniques. I believe this institution will grow when nations find, after what I feel will be a test period, the advantages of multilateral extension of loans rather than bilateral extension of aid or loans.

I deeply appreciate the expedition with which the chairman of the Committee on Foreign Relations has brought this subject to the attention of the Senate.

I ask unanimous consent to insert in the RECORD a series of three articles on IDA written for the Houston Post by Jim Mathis, chief of that newspaper's Washington bureau.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Houston Post, Dec. 13, 1959]

IDA—U.S. TAXPAYER, WORLD'S POOR WILL BENEFIT

(By Jim Mathis)

WASHINGTON.—In cramped rooms in the U.S. Treasury, and in the elaborate directors' offices of the World Bank a few blocks away on Pennsylvania Avenue, a fresh new buoy of hope for the world's underprivileged is being drawn into existence.

It is a slow, time-consuming business at best—this drawing of a formal charter for the latest edition of international cooperation.

Working together—not always in harmony but always seeking the possible—are lawyers, economists, financial experts, and secretaries from a dozen nations. They have labored for months.

By early January—time enough to go early before the Congress—the final form of the International Development Association will be perfected.

If Congress approves, and authorizes the appropriation and expenditure of the required $320 million, other free nations will probably fall in line.

A new approach to foreign aid will have been launched. Industrialized nations, now recovered from World War II economic depths, will share with the United States the burden of developing backward nations.

There will be two eventual winners: the poor people of the world and the U.S. taxpayer.

This may hardly seem possible, but inquiry indicates it is true. For the taxpayer, it would be a rare treat.

With the possible exception of some objections from the United Nations, which has its own ideas along similar lines, the proposed new organization seems to have a clear path ahead.

ALPHABETICAL ACCEPTANCE A BOOST

The Senate approved the plan in a broad sense in 1958. President Eisenhower gave his blessings and full support a short time later.

The 68 members of the International Bank for Reconstruction and Development—the World Bank—gave it 100 percent endorsement in a meeting here in late September.

The penultimate in anticipatory acceptance in Washington is almost formal recognition of the name IDA in the alphabetical language which prevails.

Although wrapped now in purple and handled like infant royalty, IDA has not always had it so good. There were years in which IDA's life was as precarious as that of a dauphin with a dozen jealous uncles.

IDA drew its first breath in faraway and very much underdeveloped Thailand in 1956. The occasion was a visit to Bangkok by Senator A. S. MIKE MONRONEY, Democrat, of Oklahoma, chairman of the Senate international finance subcommittee.

MONRONEY went to Thailand as an official delegate to the Interparliamentary Union meeting of 49 nations. This is considered something of a freeloading junket, and nothing happening on the meeting floor greatly impressed the tall, graying Oklahoma legislator.

It was off-floor talks with Thailanders which were to profoundly impress MONRONEY, and eventually give the United States a method of shoveling off part of the growing load of foreign assistance.

"Two projects were uppermost in discussions in these informal sessions," MONRONEY recalls today. "One, in which the Thais took great pride, was an irrigation dam built on the Ghao Phya River at a cost of $53 million. It irrigated 2,247,700 acres for the production of rice, and increased their annual product by a half-million metric tons."

THAIS' PRIDE HIGHEST ON FINANCING

MONRONEY found that the Thais took pride in their self-achievement in the dam's origination, design, and constructiotn. But their greatest pride, he discovered, was in the way it was financed.

"They had borrowed, on their own credit, from the World Bank $18 million required to supplement their own funds for its construction. This meant their credit and reputation were approved by the World Bank and their project had the solid economic justification to give confidence of full repayment in 10 years," the Senator explains.

The second project was a 140-kilometer section of highway built with Americans furnishing the funds, engineering, supervision and machinery. It was a vital link from Laos to Thailand in peace or war and cost $21.1 million.

But its construction was a bitter political issue. Their pride was offended at the outright gift, and they were embarrassed.

"Throughout Asia, I found this same attitude toward most of our aid programs," MONRONEY said.

He returned to the United States convinced that some method of providing loans to nations without political strings and with their own participation must be found if our expenditures were to accomplish both friendship and development.

Some provision should be made for loans on projects not qualifying under the strict requirements of the existing World Bank, MONRONEY thought. And the multiplying millions of soft currency—money not easily spent around the world—could be put to use.

Throughout 1957, MONRONEY pursued his idea, without too much success. He continued discussions, however, and by February 24, 1958, had firmed up his thoughts enough to introduce a Senate resolution directing the executive departments to explore a development loan association affiliated with the World Bank.

He proposed loans for longer periods through the international institution, with lower interest rates than required by the World Bank, using a mixture of hard and soft currencies.

IDA, MONRONEY argued, could take care of second mortgages on projects not wholly feasible under the World Bank, which must sell its bonds to the public. A portion of a loan for a project could be made by the Bank, and the gap closed by IDA.

A multipurpose dam in India, for example, costing $100 million, could qualify for $70 million from the World Bank calling for early repayment in hard currency at high interest.

The remaining $30 million for the dam could come from IDA to be repaid in Indian rupees over 40 years, at 2 percent.

MONRONEY suggested a $2 billion capital investment for the new institution, with subscriptions to be made up partly of hard currency and partly of soft currency.

In this manner, he proposed for the United States to utilize part of the nearly $5 billion in soft money it would have on hand in 1960 as a result of the sale of surplus farm commodities.

Beyond the immediate establishment of the bank, MONRONEY foresaw a need to switch the emphasis of our foreign aid program

from revitalized industrial nations halfway around the world to underdeveloped nations.

"Almost one-third of the world's population lived in these underdeveloped countries," he argued. "The foundations for modern progress must be laid. Our approach had included too many foreign aid workers, too many programs, too much regulation, too much dictation. In short, too much 'papa fix.'"

Neither the State Department, nor others concerned with the foreign aid program and foreign policy, were too overjoyed at the changes MONRONEY insisted upon. They were surely radical.

Testimony taken before MONRONEY's subcommittee indicated lukewarm interest. But MONRONEY persisted, got his resolution out on the Senate floor and approved by a 65-to-25 vote.

With no more force than a suggestion despite the resolution, IDA appeared destined to die in its swaddling clothes.

It was not until Secretary of the Treasury Robert B. Anderson recognized the potentialities in the suggestion and argued its virtue before President Eisenhower that IDA looked as if it would survive.

Anderson saw in the resolution continued nonpartisanship in foreign policy, and an opportunity at multilateral financing of undeveloped countries that would be an opening wedge to bring the growing industrial nations into paying part of the load.

As chairman of the National Advisory Council on International Monetary and Financial Problems, and U.S. Governor for the World Bank and International Monetary Fund, only Anderson was in a position to change MONRONEY's idea into reality.

The Secretary of the Treasury saw IDA also as one more link in a chain he needed to bolster the position of the U.S. finances in the world.

[From the Houston Post, Dec. 15, 1959]

IDA—TAXPAYERS IN UNITED STATES ARE NOW ASKING WHY?

(What has gone before: Regardless of the worthiness of foreign aid plans, American taxpayers for years have groaned about the millions of dollars sent abroad. Now the countries who are economically strong because of that aid are able to help the United States carry the load. Some have indicated a desire and willingness to help under a plan conceived by Senator A. S. MIKE MONRONEY, of Oklahoma and refined by Secretary of the Treasury Robert B. Anderson. Congressional approval early next year can make the plan reality.)

(By Jim Mathis)

WASHINGTON.—There are a billion people in the world today struggling for a better way of life in 22 new nations.

The way the United States answers their needs will determine how long we can perch on top of the pile. This is an accepted foreign policy axiom in Washington.

The requirements for capital for developing these small growing nations is insatiable. Paul Hoffman, Director of the International Co-Operation Administration, has estimated the needs will run to $40 billion.

While the needs and the demand stand apparent, it has also become clear in recent years that Americans are not going to bear the entire cost alone.

"Taxpayers in the United States are asking more and more why we can't dam some of our own rivers," one high and responsible official said this week.

In an effort to resolve the conflict, a nonpartisan effort to squeeze contributions from the revitalized industrial nations—particularly West Germany and Japan—has taken shape over the last 2 years.

One form of this effort—the International Development Association—is being solidified in negotiations here now.

The International Development Association, known better as IDA, would operate with an initial capital of $1 billion as an auxiliary of present world banks to make loans with low interest rates and long payment terms. The repayments could be made in the currency of the borrower.

Capital from the bank would be drawn from among the 68 members of the International Bank for Reconstruction and Development.

INDUSTRIALIZED NATIONS WANTED

The emphasis is upon getting the industrialized nations, numbering about 17, into the association, along with the 25 or so underdeveloped countries.

The industrial nations would chip about 75 percent of the capitalization funds.

President Eisenhower will probably consider the final version of IDA's charter for presentation to Congress in late January.

Predictions from concerned Senators and Congressmen are that IDA will have smooth sailing from a legislation standpoint. There may be more kicking over the first of five installments—probably around $160 million—when it hits the proper House appropriations committee.

There are two points working in its favor, however.

For many years, Senators and Congressmen have been calling, for the benefit of the people back home, for some new ideas in the way of foreign assistance. They have urged that some provisions for sharing the burden be designed.

This is it.

Not only is IDA a method leading toward eventually lightening the U.S. load, but it originated with the Senate. This is a formidable recommendation. Senator A. S. MIKE MONRONEY, who brought the idea back from Bangkok, Thailand, in 1956, pushed the resolution urging IDA through the Senate.

The administration, urged on by Secretary of the Treasury Robert B. Anderson, will be solidly behind IDA.

Senate Majority Leader LYNDON B. JOHNSON will probably support the proposal.

In a special statement on IDA, he explained his position in these words:

"Obviously these new nations don't have the capital to meet their own needs. If we wait until they can qualify as bankers' risks, we may find those nations turning to Soviet leadership rather than following our leadership. The West cannot survive as an island of freedom in a sea of Communist influence."

JOHNSON SAYS CHANGES NEEDED

"To meet this new responsibility, we are going to need some new concepts, new approaches, and new institutions. Since the end of World War II, our concept of assistance to others has been short-term, emergency-type aid. For the future, the needs will be longer term—needs for investment capital in the basic structure of a free society.

"I believe that this is a responsibility which all free nations share together and that each share according to their own rising capabilities. To do this, a new concept is necessary.

"Whether the IDA approach itself is the precise answer I don't know. But something akin to it in purpose, if not in form, should be studied and developed.

"When men go through the struggle of winning freedom, other free men have a responsibility to them to make freedom meaningful. There must be a parity of living standards among free men—and that should be the first objective of our own policies."

JOHNSON has frequently said that one of the two or three critical sectors of free world policy during the 1960's will be our response to the needs of the world's young nations.

Creation of the International Development Association will not mean an immediate cutback in U.S. contributions.

There are already more than half a dozen organizations to which we contribute in part or wholly.

The latest is the Development Loan Fund, a purely national effort spending in the neighborhood of $700 million a year.

The DLF makes loans similar to those which are contemplated by IDA but these are for purely selfish reasons—there is usually a political string attached.

"We probably always will need some such political fund," the officials quoted earlier said.

LOAN TO ARGENTINA WAS FAST

He pointed to the swift $80 million loan made to Argentina when Dictator Juan Peron was kicked out, only to leave the government in a big hole for foreign exchange.

"Had we not been able to make the loan, we would have been in no position to keep Peron out," he explained.

The eventual benefit of IDA to the U.S. taxpayer won't be so easily calculated, but it will be real, with the other industrial nations bearing a proportionate share of the cost for new projects, even to attaching their own "buy German" or "buy Japan" tags to their own financing. The overall cost to the United States will lessen.

There are vast sectors of the world awaiting some good loan terms for development. Two of the 60 to 80 which have hung fire in the World Bank because other developments get first priority on guaranteeing loans were pinpointed by the World Bank.

Negotiations on development of the Indus River Valley have gone on for more than a decade. The 1,700 mile river, called the wettest in the world, flows down the mountains of Tibet between and into India and Pakistan. The valley is the cradle of Indian civilization, and is at least 5,000 years old.

World Bank engineers have determined that a 10-year program involving numerous dams will cost $1 billion, half of which must come from outside the two countries. The World Bank cannot make multicountry loans.

IDA could.

Neither India nor Pakistan can finance the extra half billion. Both are straining to modernize transportation and other areas first.

Meanwhile, the 40 million people in the valley who would benefit are watching more water run unchecked down the Indus River to the sea than is used for irrigation each year in the United States.

A similar river project exists in the backward nations of Laos, Cambodia, Vietnam, and Thailand. This is the Mekong River—2,600 miles long, 10th longest in the world. It rises on the border of China and wanders through all four of these new nations before reaching the sea.

Three years ago a United Nations team surveyed the Mekong Valley and found considerable potential for irrigation and power projects. But no institution can make the four-country loan which is necessary to get started.

IDA could.

Of all the foreign assistance programs which grind their way through Congress under protest each year, this holds the most promise—for the weary U.S. taxpayer and for the underdeveloped countries of the world.

[From the Houston Post, Dec. 14, 1959]

IDA—LOAD-SHARING PLAN GAINED AT NEW DELHI

(What has gone before: While in Thailand in 1956, Senator A. S. MIKE MONRONEY, of Oklahoma, conceived a plan of tremendous economic significance to the world, a plan

whereby the nations who have regained their economic strength with U.S. aid could join the United States in helping still underdeveloped lands. He found a strong supporter in Secretary of the Treasury Robert B. Anderson. So was born IDA—International Development Association.)

(By Jim Mathis)

WASHINGTON.—The proposed International Development Association, born of discussions in the Far East, got its first pair of long trousers at New Delhi, India.

This was the scene, in October 1958, of the annual meeting of the governors of the existing international financial institutions, the World Bank, and the International Monetary Fund.

Secretary of the Treasury Robert B. Anderson, the U.S. Governor, had wisely chosen his first audience for IDA.

The thinking of the influential and experienced financial representatives of the 68 member nations, and their reports to their governments, would determine the future of the proffered soft loan branch.

While IDA was the one new feature proposed by the United States at New Delhi, it was only one point of a triangular program which represented the initial movement of the United States toward more universal sharing of the burden of assisting less fortunate nations of the world.

In an exchange of letters in August of 1958, Anderson and President Eisenhower had formalized the emerging new look of foreign assistance.

Anderson had become convinced soon after taking over as Secretary of the Treasury of basic facts in our international financial relations:

1. The preservation of the value of the dollar, now the standard of value, and the world's reserve currency, is of vital importance to the free world.

2. The U.S. financial transactions were leading it to an imbalance of international payments—the wrong way.

3. Continued capital must be made available to the underdeveloped nations as an important cornerstone of efforts to preserve their freedom and our own well-being.

4. The economically resurgent nations of Western Europe and Japan should shoulder part of the cost of development of backward nations.

TIME FOR CHANGE, ANDERSON FELT

In short, Anderson felt that the times called for a reorientation of the policies of the earlier postwar period.

The continued export of U.S. capital, in dollars, abroad through foreign aid, military spending, tourism, and investments in recent years had brought about two changes.

The once troublesome dollar gap had been closed. The revitalized industrial nations were competing for markets and the dollars were now congregating in Western Europe. Foreign banks backed by their governments hold $9.5 billion, in dollars, and companies and individuals hold another $6.5 billion.

The continued movement outward had led to an imbalance in international payments working against the United States. Last year, the United States ran $3.4 billion in the red. This is expected to climb even higher.

The $16 billion held abroad constituted a claim in cash or short-term notes on the United States. The $35-odd billion owed the United States is long term.

Anderson's efforts were to slow down the outward flow of dollars and gold while at the same time maintaining capital for the underdeveloped nations. And to shore up the value of the dollar.

At home, Anderson's influence was exerted toward a balanced budget and a freer hand in the management of the vast public debt.

For the international arena, the Secretary summed up his suggestions in the August 18, 1958, letter to the President.

It would seem highly desirable, he wrote, that the nations of the free world as a whole should move forward cooperatively to deal more effectively with the problem.

He suggested a doubling of the capital of the World Bank, the good loan-lending agency, and the International Monetary Fund, the stabilizer for foreign government finances.

In addition, he put forward the idea of the new International Development Association to fill in current blank spots in the World Bank's lending authority, as a separate but affiliated lending agency.

FOREIGN AID PROGRAMS OUTLINED

President Eisenhower, in his reply of August 2, outlined the advances the United States had made in its own foreign aid programs—increase in lending authority of the Export-Import Bank, incorporation of the Development Loan Fund, and other actions.

The President made three points necessary for a dynamic and financially sound economic environment for free nations:

1. A continuing growth in productive investment, international as well as domestic.

2. Financial policies that will command the confidence of the public and assure the strength of currencies.

3. Mutually beneficial international trade and a constant effort to avoid hampering restrictions on the freedom of exchange transactions.

He urged an increase in the quotas of foreign governments in the World Bank and the Monetary Fund.

The President directed Anderson to move toward establishment of the IDA.

"I believe that such an affiliate of the International Bank, if adequately supported by a number of countries able to contribute, could provide a useful supplement to the existing lending activities of the bank and thereby accelerate the pace of economic development in the less developed member countries of the Bank," the President wrote.

In this manner, the United States moved toward Anderson's goal—cooperative aid to the underdeveloped countries.

Anderson laid out only the bare outlines of IDA before the New Delhi group. There were some temporarily deaf ears present. Much more negotiating, jockeying, and outlining was to come.

In August of this year the National Advisory Council on International Monetary and Financial Problems made its formal report on IDA as instructed by Senate resolution. Anderson is Chairman of the Council.

MONRONEY PROPOSAL CUT IN HALF

The outline suggested a $1 billion capitalization, exactly half that proposed by Senator A. S. MIKE MONRONEY, Democrat, of Oklahoma, who originated the resolution. The U.S. contribution was to be $320 million over a 5-year period.

Other quotas were to be on the same percentages assigned for World Bank members.

There were limitations placed upon the use of soft currency held by the United States, a major factor in MONRONEY's plan. Part of these funds already have limitations, and their free use in underdeveloped countries could cause inflation easily.

The report indicated that a number of marginal nations—between the industrial and underdeveloped category—were still considering the balance of benefits and responsibilities involved.

IDA would be part and parcel of the World Bank, managed by the Bank's experienced staff, and its operations closely coordinated with other foreign loan and grant efforts.

The Bank's conservative-minded directorate could be expected to prevent abuse of the soft loan facilities at the expense of the tougher loan setup managed out of the main bank window.

A month and a half after making public its outline, Anderson again took IDA before the Bank's governors. In the meantime, ambassadors had been called in for talks, governors had been buttonholed, and the path generally smoothed.

Great Britain had gone so far as to endorse IDA on the floor of Parliament.

President Eisenhower made a personal appearance, and in a brief welcoming address, stressed the importance of all nations assuming their share of the development costs.

Many development projects exist, the President said, which, though economically sound, cannot be financed by existing international institutions.

"In our view, no other mechanism can perform this task for the free world as well as the International Development Association," the President said.

LENDING AGENCY NEED IS CITED

Anderson, speaking after the President, said that everyone realized that in less developed countries there were sound projects which could not be handled under the criteria set up by existing institutions.

"It would be unfortunate if we did not help in these situations, where often only a relatively small margin of capital is needed," the Secretary said.

Attached to the World Bank, he added, there would be no conflict, and membership would be made up of free nations "subscribing to the sound monetary policies" of the International Fund.

This was a lever aimed at nations reluctant to participate because of their hopes for the Special United Nations Fund for Economic Development, or SUNFED.

SUNFED proposed both long term, low-interest rates, and outright grants. Despite its happy combination of letters—it started out UNFED—the organization was bogged down in the U.N. It would include all nations.

The determination of the United States to move along its proposed policies of sharing the burden among free nations paid off. IDA was accepted without a single dissenting voice.

Mr. COOPER subsequently said: Mr. President, a few minutes ago, I heard the colloquy between the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Committee on Foreign Relations, and the distinguished Senator from Oklahoma [Mr. MONRONEY], on the subject of the International Development Association Fund. Great problems have been raised in this country about our foreign aid program, and they are being raised continually.

Looking ahead, I believe opportunities are offered for the consideration of multilateral efforts, whether they be through the World Bank, in the form of an association such as that sponsored by the Senator from Oklahoma, or through the Special Fund of the United Nations.

It is correct, as Mr. Hoffman says, that such multilateral efforts bring larger and more varied contributions from many countries. They remove short-term political considerations which inevitably enter into bilateral aid. I think they inspire a greater effort both upon the part of the developed countries and the developing countries toward economic and social growth.

I commend Mr. Hoffman's study to the Members of the Senate.

EXPORTS TO UNDERDEVELOPED COUNTRIES

Mr. MONRONEY. Mr. President, Mr. Paul Hoffman, brilliant administrator of our Marshall plan which was so successful in Europe, and now Managing Director of the United Nations Special Fund, held a press conference in Washington yesterday on a new pamphlet he has written titled "One Hundred Countries—1¼ Billion People: How To Speed Their Economic Growth and Ours—in the 1960's."

A multinational approach and a sharing of responsibility through both bankable loans and long-term loans at low interest rates which are genuinely repayable and not charity, marked the press release he issued regarding the pamphlet, and I ask unanimous consent to have the release inserted in the RECORD at this point.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

PAUL G. HOFFMAN PRESS CONFERENCE, REGARDING NEW PAMPHLET, "ONE HUNDRED COUNTRIES—1¼ BILLION PEOPLE: HOW TO SPEED THEIR ECONOMIC GROWTH AND OURS—IN THE 1960's"

WASHINGTON, D.C.—A potential market for the United States of $14 billion of our exports to 100 underdeveloped countries in 1970—representing an increase of more than 100 percent over our 1958 exports there—was predicted today (Friday, February 19) by Paul G. Hoffman, Managing Director of the United Nations Special Fund, provided the 1¼ billion peoples of these underdeveloped countries are enabled to raise their per capita income from their annual current $100 per person to $125 per person in 1970.

A market of about $320 billion over the next decade, for the exports of all the developed countries to these same areas would also result, he added.

The statements were contained in a pamphlet (released at a press conference in Washington on Thursday, February 18), calling for United States and world recognition of the 100 underdeveloped countries as "a great new economic frontier."

Titled "One Hundred Countries—1¼ Billion People: How To Speed Their Economic Growth and Ours—in the 1960's," Mr. Hoffman's pamphlet outlines new approaches and proposals by which to achieve such growth for "powerful moral, political, and business reasons."

Mr. Hoffman, former administrator for the Marshall plan, said, "I propose that the nations of the world set for themselves the common task of assisting the people of the underdeveloped areas to increase the annual growth of their per capita income from 1 to 2 percent each year for the next 10 years. This means roughly an increase of $2 per head per year, instead of the present rate of $1 per head. Compounded over 10 years, this would raise annual per capita income from its present level of about $100 to approximately $125 by the end of 1970.

"This is a modest, but a reasonable and feasible, goal. However, to achieve it, new concepts, fresh approaches, and more adequate technical assistance and investment are required."

Among the new approaches and proposals which the pamphlet sets forth are the following:

1. Economic assistance is not charity, and it must not be so considered. "If it is considered as charity, many nations will contribute nothing because the view is widely held, and I share it, that governments should not use tax money for philanthropic purposes * * *. If economic assistance is considered charity, the effect on the recipient nations is devastating; it saps the self-reliance of both the leaders and their people in the low income countries. The correct attitude psychologically and practically for all countries, whether their incomes are high, middle, or low, is that they must in their own self-interest accept proportionate responsibility for the achievement of a rapidly expanding world economy."

2. Economic assistance should be divorced from international politics. Helping to promote greater prosperity in expanding freedom is an objective worthy to be pursued for its own sake. We must not pull the effort down to defeat with political strings, nor try to buy goodwill with it, nor try to make momentary gains in a cold war.

3. "It is urgent to speed and expand programs of technical assistance, especially work such as that of the United Nations Special Fund in surveying natural resources and training people in the skills they must have to make effective use of their rivers, forests, fields, and mineral wealth. The reason for underdevelopment is underutilization of physical and human resources."

4. "Greatly expanded use should be made of the services of the United Nations and its specialized agencies operating in the development field." Mr. Hoffman emphasizes that assistance through the United Nations is more acceptable politically to the countries receiving aid. In addition the United Nations can be "tough" with the underdeveloped countries without being accused of seeking any political or commercial advantage. He believes that better results can be obtained through the United Nations machinery in substantial savings of money.

5. A steadily expanding world economy will be necessary. This means that the industrialized countries must sustain an accelerated rate of economic growth and maintain liberal trade policies so that the developing countries may earn their way as far as possible through their own exports and savings, and so that the industrialized countries may be stimulated to ever-increasing production efficiency.

6. Greater initiative and effort on the part of leaders and people of the underdeveloped countries themselves will be necessary.

7. There will have to be an increase in the flow of public and private investment capital from the industrialized countries to the less developed countries from the present level of about $4 billion a year to an average of $7 billion a year, over the decade 1961–70, or $3 billion a year over the present level.

Mr. Hoffman calculates that, of this amount, perhaps as much as $1 billion a year can be supplied through increased private investment and through expansion of bankable loans supplied by the World Bank, the Export-Import Bank, and other national and multinational public institutions. This would leave $2 billion a year in nonbankable loans to be supplied from new sources. This will have to be public money supplied for investment in the infrastructure or underpinnings of a developing economy: highways, schools, training institutes, community services, communications, and so on—facilities which are not immediately revenue producing, but which yield large returns in the generally increasing output of a developing economy. Mr. Hoffman says that these may not be bankable loans, as they would have to be for longer and more favorable terms and at lower interest than available from public or private banking institutions, but that they would be the best investments the industrialized countries could possibly make.

8. The proposed International Development Association, Mr. Hoffman believes, is admirably suited to make loans of this kind, but its proposed capitalization is far too small. Hr. Hoffman believes that at least half of the additional $2 billion a year needed for infrastructure loans should be channeled through the proposed IDA—and that IDA should be expanded to make loans of not less than $1 billion a year, rather than that amount over 5 years as seems to be currently planned.

"If IDA is not properly expanded, after a year or so of operations, then a new institution will have to be created," Mr. Hoffman states in the pamphlet.

Mr. Hoffman emphasized that the foregoing program was not only a practical possibility but that results might actually exceed the suggested goals.

"I am encouraged in this belief," he said "by our experience with the Marshall plan. * * * After only 2½ years of that plan the work of reconstruction had gone forward with such a will that industrial production in Western Europe had jumped to 40 percent above the highest prewar figure. The job of European recovery was accomplished with U.S. aid of only about $13 billion. Why did this happen? Because of the tremendous upsurge in the spirit of the European people. You cannot measure by statistical analysis the potentialities of the human spirit."

Mr. Hoffman leaves today for a trip to India, Pakistan, Japan, and other countries.

Mr. MONRONEY. Mr. Hoffman's bold approach to surveys of resources in underdeveloped countries through qualified experts will greatly simplify the focusing of attention on worthwhile projects and the elimination of uneconomic proposals. Thus the United Nations Special Fund run by Mr. Hoffman, the International Bank for Reconstruction and Development and the new International Development Association which I hope we soon will be operating, will be able to provide better planning, programing, and financing for economic development needed round the world.

Mr. COOPER subsequently said: Mr. President, a few minutes ago the Senator from Oklahoma [Mr. MONRONEY] commented on a report which had been made by Mr. Paul Hoffman, formerly administrator of the Marshall plan, and now the Managing Director of the Special Fund of the United Nations. Yesterday Mr. Hoffman released a booklet written by him and published by a private foundation, the Albert D. and Mary Lasker Foundation.

This is, I believe, one of the simplest and most comprehensive statements of the problem of economic growth in the less developed world that is available in brief and readable form.

It also makes, I believe, several unique contributions.

First, it reduces the complicated statistics of the problem to a basic arithmetic which is comprehensible to all. There are, he finds, 1¼ billion people, living in a hundred countries and territories in the non-Communist world, having average per capita incomes of about a hundred dollars a year—incomes which have risen at the rate of $1 a year over the past decade.

A second unique contribution made by Mr. Hoffman's new booklet is that it proposes a rough goal for the capital-exporting and the developing nations to seek together, during the decade of the 1960's. He proposes as a goal the raising of the average rate of economic growth for the billion and a quarter people in the hundred countries and territories

from a net advance of 1 percent per annum to 2 percent per annum. This would raise per capita income levels from about $100 a year to about $125 a year by 1970.

A third contribution made by Mr. Hoffman is that he has calculated the cost to the capital-exporting countries to achieve the goal he proposes. I need not remind Senators that one great advantage of the Marshall plan was that we had an objective to be accomplished within a given period of time and at a given estimated cost. Mr. Hoffman is now proposing that we can establish at least rough quantitative measurements for this completely different job of helping the less developed nations dig their way out of centuries of poverty and hopelessness.

Another contribution to our understanding of this problem is made when Mr. Hoffman stresses the point that aid is trade. He forcefully makes the point that in providing so-called aid, it does not go out in the form of dollar bills, pound-sterling notes, or French francs. It goes forth in the form of food and textiles, chemicals and machinery, equipment, and thousands of other items. He calculates that if the less developed areas as a whole do succeed in doubling their rate of growth during the present decade compared to the past decade, it would result in the growth of trade throughout the world.

Thus, by measuring the rate of progress over the past decade, by proposing an objective for the next decade, and by calculating the cost of reaching that objective, I believe Mr. Hoffman's booklet makes a very large contribution to understanding a subject which has been clouded in the past.

But to me the most encouraging thing of all in Mr. Hoffman's study is his report on the experience of the United Nations in fostering economic and social growth in the low-income areas of the world.

First, because the U.N. does not have any shortrun political aims, no military or commercial advantage to seek, no influence for sale, it can concentrate fully on economic criteria as a basis for its aid. The U.N. has been able to specify terms of performance for aid recipients which no single nation could demand without being accused of interference in the internal affairs of the other.

Second, because the U.N. makes possible a true partnership between the countries receiving assistance and the world agency which is providing it, there has developed a two-way traffic in economic cooperation. Eighty-five nations have made contributions to the U.N. technical assistance program, and most of the nations receiving U.N. technical assistance are also furnishing assistance in other fields to other countries.

Third, the United Nations has the advantage of being able to recruit technicians from all over the world—and it has done just that.

There is one statistic in Mr. Hoffman's report which should be very carefully pondered. During the first year of its operation, the U.N. Special Fund approved 44 projects to speed economic progress in 50 countries and territories. The total value of these projects is $75 million. Of this amount $44 million is supplied by the recipient countries themselves. The Special Fund contributed the other $31 million. The United States share of that was $12 million. So our contribution of $12 million helped bring about $75 million worth of resource surveys and research and training projects in 50 countries. This represents a partnership undertaking between the advanced nations and the developing nations with none of the frictions of bilateral relations.

It may be that the UN is pointing the way toward the most successful form of cooperative economic development.

In any event, I commend Mr. Hoffman's study to all Senators.

PEOPLE-TO-PEOPLE PROGRAM

Mr. COOPER. Mr. President, a little less than a year ago the distinguished Senator from California [Mr. ENGLE] and I had the pleasure of partaking in the annual meeting of the civic committee of the people-to-people program and the international municipal cooperation committee of the American Municipal Association, held in Washington.

The purpose of the meeting was to discuss ways of getting more American communities interested in establishing town affiliations or sister city relationships with foreign communities, as a means of building lasting two-way relationships from which international friendships and understanding can grow.

President Eisenhower has said:

> Greater understanding among nations, on a people-to-people as well as a government-to-government basis, is a necessary part of our efforts to remove the misunderstandings that hinder disarmament, the building of a safeguarded peace, and the strengthening of freedom.

The U.S. Information Agency is doing a great deal to remove these misunderstandings, through its radio broadcasts, films, exhibits, publications, and other media. However, in many countries of the world, especially those which have known colonial domination, the most open and objective American informational activity encounters age-old suspicions which equate governmental information services with propaganda, with all of its questionable connotations.

My experiences in India and in the United Nations strengthened my belief that mistrust and distrust cannot be overcome simply by rational explanations or analytical discussion. In personal ways peoples abroad can, through association, achieve understanding of the reasons which underlie American policies and objectives.

The President's recent 11-nation tour, for example, contributed greatly to the building of faith, confidence, and understanding in a distinctly personal way. The character of Dwight D. Eisenhower shone through to millions of people in Europe, Africa, the Near and Middle East, and South Asia as that of a warm, friendly human being, and as a sincere and distinguished statesman who spoke currently on national and international objectives. And, in the eyes of the peoples of the countries he visited, he became the symbol of the American people and their dedication to the spirit of peace, and friendship in freedom.

Similarly, through their affiliations with "sister cities" overseas nearly a hundred American communities are helping to instill faith and confidence in America, and to promote better understanding of American motives and actions among peoples abroad. The way some of these communities are carrying out the objectives of the people-to-people program is described in the March 1960, issue of the Reader's Digest, in an article entitled "The Two-Way Rewards of City-to-Foreign-City Exchanges," by Marianne Besser and Joseph Alvarez. I ask unanimous consent that the article be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, the cities of Louisville, Lexington, and Versailles in Kentucky have a historical affinity for communities in France which dates back to the attachment which the new State of Kentucky, settled by many who fought in the Revolutionary War, had for the French because of their help in the struggle for freedom. The very names "Louisville" and "Versailles" bespeak a French attachment, of course, as do our Paris, Lafayette, and Bourbon County. Today Louisville maintains an active affiliation with Montpelier, France, while Lexington has close relations with Deauville, and Versailles is "twinned" with its namesake city in France.

I believe that in the pairing of cross sections of America and peoples of other countries at the community or municipal level, we can achieve pervasive and enduring relationships. Civic officials compare notes about common problems like housing, transportation, sanitation, financing, and so forth; as schools, clubs, and other institutions share information and experiences with their foreign counterparts.

In this era of rising expectations, millions of people throughout the world are turning their backs on domination, poverty, disease, and illiteracy. They aspire to better things for themselves and their offspring. The people of American communities have a great opportunity to reach out hands of friendship to communities abroad, and to share experiences and information toward these objectives.

I hopefully look to the day when American communities and communities of other countries which have natural relationships of size, topography, economy, and historical and cultural interests will be affiliated in this people-to-people movement.

I am sure that the Reader's Digest article which follows will prompt thousands of American and foreign readers to seek more information about how they and their neighbors can reap the "two-way rewards of city-to-foreign-city exchanges."

EXHIBIT 1

THE TWO-WAY REWARDS OF CITY-TO-FOREIGN-CITY EXCHANGES

(By Marianne Besser and Joseph Alvarez)

With so much talk about the unpopularity of Americans abroad, consider the following incidents:

When a middle-aged couple from Worthington, Minn., arrived in Crailsheim, a farming community in southwest Germany, people lined the streets, eager to shake their hands.

A family of five from San Jose, Calif., visiting Japan's enchanting valley city of Okayama, were given an unforgettable welcome that included dinner on a lantern-lit boat, an exhibition of cormorant fishing, and an evening at a folk-dance festival.

In the town of Mercara, India, an American publisher and his wife were warmly received by townspeople and immediately taken into their homes.

Why were these Americans greeted with such hospitality? The answer involves an encouraging development in building international relations on a people-to-people level. For these Americans were visiting the "sister cities" of their home towns. Through such town affiliations, thousands in this country are discovering that meeting people of other cultures is fun. And other thousands abroad are beginning to have a new and warm understanding of Americans.

According to the American Municipal Association, about 90 U.S. towns have active friendships with sister towns in 23 countries. Some 150 additional communities have expressed interest in starting a program.

Affiliations usually begin informally, at the suggestion of private individuals. Take the Darien-Mercara story. One spring afternoon in 1954, three women in Darien, Conn., discussing the town's celebration of United Nations Day, decided that Darien might send a gift to a foreign city. They chose India because it offered more challenge than Europe. An Indian they met suggested Mercara, capital of Coorg, a state in southwest India. Its population is roughly the same as Darien (about 14,000), and both towns are relatively wealthy and progressive. Mercara has a government college, a large public secondary school, several private schools, a hospital, and a Rotary Club.

In the years since then, many personal friendships have sprung up between citizens of the two towns. Darien keeps permanent open house for Mercarans studying or working in the United States. An Indian silk tree grows in front of Darien High School; a baby elephant trumpets on the unfamiliar shores of Long Island Sound. Hundreds of Darien schoolchildren can tell you all about monsoons, the caste system, and Mercara's coffee plantations.

For Darien's first "India Day," in the summer of 1954, Indian doctors, students, and U.N. workers in the New York area were invited to spend the day with various Darien families. High point was a community picnic to which the Indian women in their gay saris added a colorful note. India Day has become an annual fete in Darien, attended by hundreds of Darienites and as many as 70 Indians. "This program gives you a feeling of doing something direct and personal," says Jane Edmundson, an enthusiastic supporter of the project. "Our Indian guests are delighted to visit American homes. I know I would feel terribly disappointed if I went to India and never saw an Indian household."

Two Darienites who did visit Mercara were shown the same enthusiastic hospitality. Tony and Evelyn Glick, in India on a Ford Foundation study, were entertained in homes, as well as at schools, where they delivered gifts from Darien children. The Glicks showed slides of Darien and answered many questions—about women's role in America; about why we don't censor to a greater extent our sensational movies and comic books; about snow, which Mercarans have never seen.

The outstanding symbol of the Darien-Mercara friendship is Shakuntala, the baby elephant, sent by Mercara schoolchildren to the children of Darien. To pay the cost of her passage, Darienites packed a benefit performance of "The River," Jean Renoir's movie about India. Shakuntala arrived amid festivities marked by the presence of India's consul-general, Gopala Menon. The owner of the local children's zoo offered to keep the elephant for 2 years so that Darien children could visit their pet at any time. As a return gift, Mercara has received a much-needed two-room hospital ward.

The friendship between Hagerstown, Md., and Wesel, Germany, began in 1951 when Dr. Rolfe von Boenninghausen, director of Wesel's surrounding County Rees, stopped off at Hagerstown during a State Department tour through this country. The U.S. city, with its many German names and its varied industry, so reminded him of Wesel that he felt the people of the two communities would get along well.

Few Hagerstonians had ever met foreigners. "Ours was a very tight little town," says Catherine Beachley, the dynamic spirit behind the local affiliation committee. "But this program really opened the hearts and homes of our people."

Hagertown's most recent guest from Wesel was Guenther Langner, a young man with a quick smile and firm handshake. Guenther worked part time as a maintenance man for the Board of Education while attending junior college. Wesel had especially asked to send a man with a trade, to get away from the tendency to limit international exchanges to officials, teachers, and students. A carpenter when he came, Guenther returned to Wesel determined to become an architect as a result of his American studies.

Special exhibits by each city have done much to cement Hagerstown-Wesel friendship. Wesel's exhibit showed how the city looked just after the war when it was almost 90 percent destroyed, and how it looks now that it has been nearly rebuilt. The U.S. exhibit portrayed the history and daily life of Hagerstown and surrounding Washington County. Educators, officials, businessmen, and housewives worked to put it together. Students built a model of an American Indian village—one of the most popular items in the exhibit. A doctor's wife planned the medical section. A German-speaking citizen translated the text. In 2 weeks 25,000 Germans flocked to Wesel's town hall to see the exhibit.

Language has never been a barrier in city-to-city programs. Language differences actually stimulated the friendship between Arles, France, and York, Pa. In 1952, York, an industrial town in the heart of the Pennsylvania-Dutch country, began experimenting with teaching French in elementary schools. This program led York to join in friendship with Arles. Today French is taught to all fourth-, fifth-, and sixth-graders in York's 15 elementary schools, and more than 200 adults have studied it in evening classes.

An exchange of teachers has created many new friendships. When French teacher Jean Laurain, his wife and child arrived, more than 20 Yorkers lent him everything from teaspoons to a washing machine and TV set to furnish his temporary apartment. English teacher Margaret Boltz married Arles' mayor Charles Privat.

To give Arlesians a taste of an American worker's life, two York industrialists offered temporary jobs to a couple of Arlesian men. Furniture manufacturer Bruno Weill admits he expected more spiritual than financial rewards from his offer, but Edmond Venzin proved such a good worker that Weill feels he got the best of the bargain.

"When I left France," Venzin says, "I thought I would find a country where people have an easy life and don't care about others. Instead I found people proud of their country and ready to share its advantages. Now when I meet an American in France, I have the feeling that I meet, not a stranger, but a fellow countryman."

One of the most successful friendships is between Worthington, Minn., and Crailsheim, Germany. In 1958 Worthington won a World Brotherhood Award largely for the aid it rendered its sister town in the difficult postwar period. The award helped Mr. and Mrs. Charles Cashel, who had started the program, to visit Crailsheim and some Far Eastern cities, to probe the possibilities of establishing a threeway friendship among Worthington, Crailsheim, and an Asian town.

Two California cities—San Diego and San Jose—exchange with two cities in Japan—Yokohama and Okayama. Montclair, N.J., and Graz, Austria, have exchanged students and visitors. And a Graz doctor recently saved an Austrian boy's life with methods he learned while he was serving in a Montclair hospital.

Most town-to-town friendships work closely with the People-to-People Civic Committee, headed by Mark Bortman. Any individual can spark an affiliation in his own community, but these friendships take patience, planning, and enthusiasm, and the support of city government, civic and service clubs, schools, and newspapers. The first contact with the foreign city is usually made through the mayors of the two towns. The American Municipal Association, 1612 K Street NW., Washington 6, D.C., cooperating with People-to-People and with city governments all over the country, has prepared a pamphlet to help in planning a town affiliation. "Your Community in World Affairs" is free to anyone upon request.

Mr. COOPER. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a statement prepared by the senior Senator from Pennsylvania [Mr. SCOTT] and a letter on this subject.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SCOTT ON TOWN AFFILIATIONS AND PEOPLE-TO-PEOPLE

I commend the distinguished senior Senator from Kentucky for calling to the attention of the Senate the importance of town affiliations of the President's people-to-people program.

It is most appropriate that Senator COOPER should introduce this material onto the floor because of his long and valuable service to the United States as Ambassador to India. But almost all of us in the Senate should have a deep interest in the town affiliations program since more than 100 American communities have affiliations overseas.

This program arranges sister cities between one community in the United States and another in a nation abroad. The cities then exchange people and ideas, bringing the citizens of both lands to a closer and better understanding of one another.

The article, "Two-Way Rewards of City-to-Foreign-City Exchanges," appearing in the March issue of Reader's Digest, tells of the active and happy relationship between Arles, France, and York in my State of Pennsylvania. I understand that this relationship took on a romantic and legal aspect when an English teacher, Margaret Boltz, married Arles' mayor, Charles Privat.

Other sister city arrangements in Pennsylvania include Chambersburg and Gotemba, Japan; Cheltenham with Chelten-

ham, England; Manheim with Mannheim, Germany; and Swarthmore with Stadt, Germany.

It is encouraging to see the increase in this activity which brings people closer to one another. One other of these arrangements, although not in the town affiliations program, was undertaken in Scranton, Pa., between its high school students and students in Japan.

JANUARY 13, 1960.

Mr. GEORGE E. CLARK,
The Scranton Times,
Scranton, Pa.

DEAR MR. CLARK: I read with great interest the article in the December 18 Scranton Times, which described the novel telephone conversations between students in Scranton and Japan.

The pages from the Times were put on my desk just after I returned from a congressional inspection tour of several parts of the world, including Japan. So I read it with a background of some recently acquired knowledge of the desire of the Japanese to strengthen their bonds with the United States.

Congratulations to the Scranton Rotary Club and the many people who cooperated to make the project a success. I hope there will be more. Anything that helps people to better understand one another is a step toward world peace. We, the adults of the world, have been only partly successful in that endeavor. We must encourage future generations to do an ever better job.

Kindest regards.

Sincerely yours,

HUGH SCOTT.

Mr. ENGLE. Mr. President, I am happy to associate myself with the remarks which have been made by my distinguished colleague from Kentucky [Mr. COOPER] concerning the great value of our people-to-people program and the township-affiliation activities associated with it. Of all the projects that have been developed under this people-to-people program, I can think of none that has made a greater contribution to international understanding than the "sister city" affiliations. American cities are linked together with foreign cities in bonds of friendship, with the selection of the "sisters" based, in most instances, on mutual interest. The American Municipal Association performs a valuable service in helping local communities find foreign cities to affiliate with, based as much as possible on bringing together communities which have like problems and interests.

I am proud to say that the cities in the State of California have provided much of the leadership and inspiration in this program. According to latest reports, California has more affiliated cities than any other State, 17 of the more than 100 cities now actively engaged in this outstanding venture in international good will. Of these 17 cities, 8 have Japanese sister cities, 2 have French sister cities, and there is 1 affiliation each with El Salvador, Chile, England, Germany, Italy, Sweden, and Turkey. When the American Municipal Association recently made awards to the five leaders in this program, two were chosen from California, Mayors Robert C. Doerr, of San Jose, and Charles C. Dial, of San Diego. These men were hailed for their active participation in efforts to develop grassroots relationships between the people of the free world.

I believe this to be one of the most dynamic developments in the field of U.S. foreign relations since World War II. The diplomats have difficulty in bridging the gap between different cultures and traditions. There is no substitute for getting to know the cultures of other people in practice. The close human relationships that have developed under the township-affiliation program have done much to give flesh and blood to our formal diplomatic agreements. And yet we have only begun to realize on the great potential for peace contained in this program. All Americans must be aroused to take an interest in and give active support to the program. This is one answer to the question the average citizen asks: "What can I do to further the cause of world peace?" The threat of war will fade away as the people of the world come together in bonds of friendship and mutual understanding.

Mr. KUCHEL. Mr. President, in response to President Eisenhower's call for participation of millions of individual Americans, California cities have been quick to assist in strengthening our Nation's ties with various foreign lands by joining enthusiastically the international town affiliation phase of the people-to-people program. It is gratifying indeed to observe that my native State, a large proportion of whose population is only one or two generations removed from other countries of the globe or sister States of our own Union, is in the front rank of the commonwealths which have established intimate ties with sister cities.

With what I hope may be pardonable pride, I point out to the Senate that California, whose ocean shores constitute more than two-thirds of our Nation's continental Pacific coastline, reflects a high degree of cognizance of the importance of developing warm relations with America's loyal, thriving ally of the Orient, Japan. This is especially significant in view of the fact that less than two decades ago virtually all residents of Japanese ancestry—even, our American-born nisei—were regarded with widespread suspicion, if not outright hostility.

The fact that eight separate communities of Japan have been adopted by a like number of California cities should be an impressive message to the entire world that Americans not only are forgiving and tolerant people. This aspect of our participation in the program demonstrates a fervent desire to improve the international, political, and economic climate by taking positive action to wipe out unfortunate misunderstandings of the past and by joining hands in a global march toward lasting peace and security.

As befits a State with residents whose roots extend in all directions far beyond its borders, California cities have extended the hand of international friendship to communities of three other continents—Europe, South America, and Asia. It is noteworthy that one of our California communities seeking to improve international friendship has created relations with cities of both the Orient and Europe. The forward-looking citizens of Pasadena have affiliations with Mishima, Japan and with Ludwigshafen, Germany. Thus, all together, 15 California cities have adopted a total of 16 communities in 9 other lands.

In the hope of encouraging other municipalities to take part in this effort in "grassroots diplomacy," I request unanimous consent to have published as part of my remarks the list of California communities engaging in the town program and the names of their affiliated sister cities in other lands.

There being no objection the list was ordered to be printed in the RECORD, as follows:

Alameda—Lidingo, Sweden.
Los Angeles—Nagoya, Japan.
Napa—Como, Italy.
Pasadena—Mishima, Japan, and Ludwigshafen, Germany.
Riverside—Sendai, Japan.
San Bernardino—Tachikawa, Japan.
San Diego—Yokohama, Japan.
San Francisco—Osaka, Japan.
San Jose—Okayama, Japan.
Santa Ana—Santa Ana, El Salvador.
Santa Cruz—Ajaccio, France.
Sausalito—Vina del Mar, Chile.
South Gate—Southgate, England.
Stockton—Shimizu, Japan.
Torrance—Konya, Turkey.

PAYOLA

Mr. ALLOTT. Mr. President, in recent weeks we have been bombarded with a variety of testimony reported in a variety of ways on the subject of payola. It would appear, if we are to believe all that we read and hear, that everyone is guilty, and that no one is guilty; that money has been paid either for special favors or for bona fide professional services; that the public has been bilked by unscrupulous manipulation of program format, or that television programs have merely been made more exciting for the viewing public.

In the wake of this tumult have come suggestions, demands, orders, and threats that someone must be made to pay. Notwithstanding a need for corrective action, I suggest an even greater need to permit those agencies responsible a sufficient time to make adjustments within the framework of their operation.

On the one hand, the Federal Communications Commission is adequately prepared to handle gross misuse of our airwaves. On the other, our broadcasting networks have demonstrated a willingness and ability to properly control their programing.

Mr. President, the facts have long since been established in any number of ways. It is time now for us to pause and see what is being done, not plunge ahead recklessly with legislation which might, in the long run, prove more harmful than good.

In this connection, two splendid published accounts have recently come to my attention. On February 10, 1960, the Rocky Mountain News published a very thoughtful, objective analysis of the situation; in its issue of February 12, the Saturday Review of Literature contained an article by Elmo Roper along these same lines.

Mr. President, so that my colleagues may obtain the same basis for study which I found in these articles, I ask

unanimous consent that they be printed in full at this point in my remarks.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Feb. 10, 1960]

THE LAW AND TV

On the one hand, says the House Committee on Legislative Oversight, the Federal Communications Commission and the Federal Trade Commission already have the power to "eradicate most, if not all, of the deceptive and corrupt practices in broadcasting." (This is what Attorney General Rogers said a while back.)

On the other hand, the committee says, the evidence it has gathered in its hearings on payola and rigged quiz shows points unmistakably to the need for further legislation which it recommends.

The committee says it doesn't trust the TV industry to clean its own house and deplores the passive attitude of the FCC and FTC in the past. But it notes a burst of regulatory energy since the hearings began last fall.

It is true the cleanup by TV officials and the busy crackdown initiated by FCC and FTC in recent weeks could have been started long ago if all these people had been hep to what was going on. But the Van Doren testimony and the other revelations now have shocked all hands into facing their problems.

This is what always happens when the facts get told. The public itself is the best policeman on the beat. Fear of public relation is the most effective type of regulation. In getting the story to the public, the House committee did its best work.

Whether new law is needed is something else. Most laws, especially in the field of industry regulations, could stand updating after a while. But giving any Government agency flat power to rule what's in the public interest and what isn't is risky. The public is the best judge of that.

Before it accepts the House committee proposal on this point, Congress ought to think it over pretty carefully. An overdose of bureaucracy is no cure for anything, and can be worse than the evil it is created to correct.

[From the Saturday Review, Feb. 12, 1960]

RIGGED QUIZZES: THE PUBLIC'S VIEW

(By Elmo Roper)

Exposed to the drama of the rigged TV quiz shows complete with sin and confession, villains, and victims, and a background chorus bewailing the downfall of national morality, the American public has refused to become hysterical. Rather, a nationwide cross section has just made the following evaluation of television vis-a-vis the quiz show scandals:

These disclosures show just how bad television is, 4 percent.

These practices are very wrong and should be stopped immediately, but you can't condemn all of television because of them, 65 percent.

No one can really be in favor of this kind of thing, but there's nothing very wrong about it either, 17 percent.

What happened is a normal part of show business and is perfectly all right, 7 percent.

Don't know, 7 percent.

The public, then, does not take the cynical view that "It's just show business," nor have people succumbed to a blanket condemnation of the whole television industry. Their appraisal has been sharp, but limited to the actual offenses that have been revealed.

Basically, our study was to determine the effect of the quiz show exposures on television as a whole. The resulting mosaic of opinion shows the public to be certain about some things, and divided about others, but in the final analysis capable of putting fraudulent quiz shows in a pretty sane perspective, saner than that of many of the newspaper headline writers.

Asked about a number of practices, associated with television, that have come under criticism recently, only the rigged quiz shows and "payola" received the clear and strong disapproval of the public. The public was divided in its opinion of TV ratings, free plugs, performers pretending to sing while their voices are supplied electronically, and canned laughter (which some people commented might not be immoral but was awfully annoying). Most people had no objections to advance rehearsals of interview shows with famous people.

The biggest question mark in the public's mind was over how thorough a cleanup job would be done by the television industry (39 percent expected a thorough job to be done, 37 percent thought only the most publicized abuses were being corrected, 9 percent thought not much of anything was being done, 15 percent just didn't know). Yet despite this skepticism as to how pure television practices are now and are likely to become in the future, the public gave television in general a heavy vote of confidence. Asked which medium they could least do without—radio, television, newspapers, or magazines—television topped the list, and by a big margin. Such a result might mean addiction rather than faith, but answers to a question on believability indicated the latter interpretation. Of the same four media, newspapers were considered by the public both the most and least believable, with television nudging newspapers for the "most believable" position, and seldom mentioned as "least believable." Radio was mentioned infrequently as either most or least believable, but magazines, on balance (presumably news magazines) got the lowest believability score. Thus while the public sees newspapers as running the gamut from integrity to irresponsibility, television is given a good score for general reliability.

But most of all, the public's sanity was demonstrated by the place it accorded quiz show rigging in a list of recent issues reported in the newspapers. Here are the percentages calling each "a serious moral problem":

The increasing amount of juvenile delinquency, 89 percent.

Dishonest labor leaders, 88 percent.

Government officials accepting bribes, 81 percent.

Policemen taking graft, 74 percent.

School segregation, 71 percent.

False advertising claims, 67 percent.

International disarmament, 66 percent.

The testing of atomic bombs, 65 percent.

Fixed boxing matches, 45 percent.

Congressmen putting their relatives on U.S. payrolls, 42 percent.

Rigged quiz shows on TV, 41 percent.

Disc jockeys taking payola, 34 percent.

Some may take the public's answers on this issue to indicate a moral callousness and complacency which bodes ill for the future of our society. I do not make this interpretation. Twenty-six years of asking the public thousands of questions on hundreds of subjects have convinced me that the public is usually pretty sound. It is true that occasionally a burst of emotion, usually inspired by widespread dissemination of misinformation, may cause them to go astray momentarily, but our research has shown that they are soon back on the path of commonsense, and I think I might even be pardoned if I use the word wisdom. The public, if it is anything, is human and it knows that wherever one finds human beings, one will find instances of great merit, instances of mediocrity and instances of shabbiness.

In this case the public seems to have concluded that while corruption should be stamped out wherever discovered, the fact of corruption is likely to be always with us, and the best we can do is fight its various forms as they turn up. But they haven't taken the quiz show revelations as conclusive evidence of this country's cultural degradation or decided that all entertainers are crooks, any more than they damned the entire Eisenhower administration for the peccadilloes of Adams or the entire American labor movement for the sins of Hoffa.

LAMAR, COLO.: ALL-AMERICA CITY

Mr. ALLOTT. Mr. President, I am constantly impressed with the great vitality that lies in the heart of the small communities of this country. Having lived for the last 30 years in Lamar, Colo., a rather small city, at least, small when measured by most standards, and having been a part of the growth and development of that city, I am, of course, very proud of it.

I am particularly proud at the moment that Lamar, Colo., is one of the cities which has been selected as an all-America city by Look magazine and the National Municipal League in the contest which has just closed.

Mr. President, the basis of this award is "energetic, purposeful, intelligent citizen effort in attaining specific civil improvements in the public interest."

In the case of my own city of Lamar, Colo., the situation is that here is a city which has gone through the Dust Bowl of the thirties, and more recently the very stringent drought period of the fifties, but has nevertheless been able to accomplish things which would shock most larger cities.

In 1956 the city set a goal of some 12 points which it intended to accomplish. These included three new schools, a completely new water system, including storage facilities, as well as the supplying of supplemental water, a modern sewage system, an airport, a swimming pool, and a better hospital, the hospital having doubled in capacity partially through the efforts of the local citizens and partially through the sisters who operate it.

Last year, determined to remain a regional hub, it began to diversify its industries, and this year it has added a new industry.

In this accomplishment I believe no small credit should go to Mr. C. O. Bowman, the present mayor and the mayor during a good portion of this time of development, as well as to Mr. C. E. Beggs, who has just concluded his term as mayor of this city.

Truly here is a city which has not had the benefit of any great wealth or any great deposits of uranium or any great deposits of oil—nothing but a great deal of hard work and elbow grease and a real ambition to place their community on the map and to make it a better place in which to live. I for one am proud to be a member of this community, and I wish here to express my congratulations to all members of that community who have done so much to merit the award which has just been made.

THE STELLA SCHOOL DISTRICT

Mr. FULBRIGHT. Mr. President, before I suggest the absence of a quorum, I wish to refer to a comment made yesterday by the distinguished minority

leader [Mr. DIRKSEN] with further reference to the Stella School District. He said, as appears in the RECORD of yesterday at page 2856:

The Army is not disposed to press the claim, so long as there is a possibility of handling the matter by legislation.

I am fully aware of the great influence of the minority leader on the Army and the executive branch. I feel certain that so long as he is the minority leader, and is willing and able to hold up action, he can do so. But I really do not believe this is satisfactory to the people of Stella, Mo. They are "under the gun" to the tune of $6,200, at least. They do not have $6,200. It is very embarrassing to self-respecting people in their area to have hanging over them, in my opinion, an unjustified bill.

The bill may die on the calendar. For example, at the end of this session, if the bill does not pass, the people of Stella, Mo., will be left without any possibility of relief. There will be nothing to prevent the Army, except the good will of the Senator from Illinois, from proceeding to press its claim.

Again I recommend to the minority leader that he consider the passage of a bill which will excuse this claim without any further delay, so that the financial solvency of the people of Stella, Mo., may not any longer be under a cloud.

The debate the other evening generally developed the thesis that it was a mistake to try to charge $6,200 rent for this old officers' club.

Again I recommend to the Senators that they reconsider their attitude with regard to this minor bill, and see whether it will be possible to reach a unanimous-consent agreement to pass the bill, so as to free the Stella School District from this unjustified and much too large rental for the officers' club.

Mr. KEATING. Mr. President, at this point will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield for a question.

Mr. KEATING. I wish to make a comment and also ask a question, but I am sure that both will be brief.

Today, I have been touched—as I was the last time—by the solicitude of my friend, the Senator from Arkansas, for Stella, Mo. If I did not know of the great activities and the distinguished service the Senator from Arkansas performs in this body and the assiduous way in which he goes about the performance of his duties, I would think he was a public-relations counsel for Stella, Mo.

Today, one of the distinguished Senators from Missouri spoke at great length on national defense, but never mentioned the situation at Stella, Mo., as constituting a problem of great concern to him.

Again I say that I think this matter is of primary concern to the Senators from Missouri. I believe they should be the ones who at least should join in the request for immediate action on the bill which deals with this problem.

I can say—because I talked with the distinguished minority leader about this matter—that action is not being taken by the Army simply because of the intervention of the distinguished minority leader. The Army feels that under the circumstances, with this bill pending, it would be inappropriate for it to proceed. So the Army is awaiting the outcome of this proposed legislation.

Mr. FULBRIGHT. I do not think the Senator from New York should minimize the influence of the Senator from Illinois. He is a very important figure in Washington.

Mr. KEATING. I fully realize that; he has great influence with me and with everyone else. But in this case I think the Senator from Arkansas would equally be able to get the Department of Defense not to press this claim, because I feel sure that the pending measure will eventually become law. In fact, this bill, together with very important amendments to it, should become law in the very near future.

I am sure that in connection with passage of the bill, the interest of the Senator from Arkansas in the people of Stella, Mo., will be so great that he will be happy to support the bill, no matter what amendments may be attached to it.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further business to come before the Senate?

PROGRAM FOR NEXT WEEK

Mr. FULBRIGHT. Mr. President, I have been requested by the majority leader to announce that next week there will be a number of late sessions and a Saturday session.

The PRESIDING OFFICER. Did the Chair correctly understand the Senator from Arkansas to say there will be a Saturday session?

Mr. FULBRIGHT. Yes, a Saturday session next week, not tomorrow.

RECESS TO MONDAY

Mr. FULBRIGHT. Mr. President, if there is no further business to come before the Senate at this time, then, in accordance with the order previously entered, I move that the Senate now stand in recess until Monday at 12 o'clock meridian.

The motion was agreed to; and (at 6 o'clock and 6 minutes p.m.) the Senate took a recess, under the order previously entered, until Monday, February 22, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 19 (legislative day of February 15), 1960:

U.S. DISTRICT JUDGE

Olin Hatfield Chilson, of Colorado, to be U.S. district judge for the district of Colorado, vice William L. Knous, deceased.

U.S. ATTORNEY

William C. Spire, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years. He is now serving in this office under an appointment which expires April 24, 1960.

U.S. MARSHALS

Lyle F. Milligan, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years. He is now serving in this office under an appointment which expires March 1, 1960.

Santos Buxo, Jr., of Puerto Rico, to be U.S. marshal for the district of Puerto Rico for the term of 4 years. He is now serving in this office under an appointment which expires March 1, 1960.

U.S. TARIFF COMMISSION

Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1966. (Reappointment.)

FEDERAL TRADE COMMISSION

Earl W. Kintner, of Indiana, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1960. (Reappointment.)

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from class 2 to class 1:

Ralph J. Blake, of Oregon.
James E. Brown, Jr., of Pennsylvania.
Joseph B. Costanzo, of New Jersey.
H. Francis Cunningham, Jr., of Nebraska.
Olcott H. Deming, of Connecticut.
Andrew G. Lynch, of New York.
Lionel M. Summers, of the District of Columbia.
Gerald Warner, of Massachusetts.
Barr V. Washburn, of Utah.

The following-named Foreign Service officers for promotion from class 2 to class 1 and to be also consuls general of the United States of America:

Patten D. Allen, of New York.
Norbert L. Anschuetz, of Maryland.
Miss Ruth Bacon, of Massachusetts.
Milton Barall, of New York.
J. Paul Barringer, of Pennsylvania.
Wymberley DeR. Coerr, of Connecticut.
Earl T. Crain, of Virginia.
Robert H. S. Eakens, of Texas.
John W. Evans, of the District of Columbia.
William A. Fowler, of Washington.
Eugene A. Gilmore, Jr., of Nebraska.
Sam P. Gilstrap, of Oklahoma.
John Goodyear, of New York.
Marshall Green, of Massachusetts.
Wesley C. Haraldson, of Virginia.
Ralph Hilton, of Texas.
Robert G. Hooker, Jr., of California.
Raymond G. Leddy, of New York.
Roy M. Melbourne, of Virginia.
Frederick T. Merrill, of the District of Columbia.
Armin H. Meyer, of Illinois.
John Ordway, of the District of Columbia.
Walter A. Radius, of Virginia.
Milton C. Rewinkel, of Minnesota.
Rufus Burr Smith, of Montana.
Charles Nelson Spinks, of California.
C. Allan Stewart, of Arizona.
William W. Walker, of North Carolina.
George Lybrook West, Jr., of California.
William A. Wieland, of New York.

The following-named Foreign Service officers for promotion from class 3 to class 2:

Kenneth B. Atkinson, of Virginia.
Taylor G. Belcher, of New York.
Donald C. Bergus, of Maryland.
Lee B. Blanchard, of Oklahoma.
Louis C. Boochever, of Maryland.
Howard Brandon, of Georgia.
John L. Brown, of Massachusetts.
Stanley S. Carpenter, of Massachusetts.
Albert E. Carter, of Tennessee.
Clyde L. Clark, of Iowa.
Otho T. Colclough, of North Carolina.

William B. Connett, Jr., of the District of Columbia.
Roy T. Davis, Jr., of Maryland.
Donald A. Dumont, of New York.
William B. Dunham, of Virginia.
Robert A. Fearey, of the District of Columbia.
Seymour M. Finger, of New York.
Richard B. Finn, of New York.
Edmund E. Getzin, of New York.
Joseph Godson, of New York.
Leo M. Goodman, of New York.
Windsor G. Hackler, of Nebraska.
Theo E. Hall, of Virginia.
Paul W. Hallman, of Virginia.
Norman B. Hannah, of Illinois.
John Hay, of Virginia.
Alton W. Hemba, of Mississippi.
David H. Henry 2d, of New York.
Jack A. Herfurt, of California.
William K. Hitchcock, of Virginia.
A. Guy Hope, of Virginia.
Albert E. Irving, of Maryland.
Frederick Irving, of Rhode Island.
William G. Jones, of Maryland.
John Keppel, of the District of Columbia.
Alexander F. Kiefer, of New York.
Clinton E. Knox, of Maryland.
Max V. Krebs, of California.
John A. Lacey, of Ohio.
Edward T. Lampson, of Connecticut.
Guy A. Lee, of Maryland.
Jack W. Lydman, of New York.
Eugene V. McAuliffe, of Massachusetts.
James A. McDevitt, of Illinois.
Adrian T. Middleton, of Texas.
George T. Moody, of Maryland.
George S. Newman, of New York.
Dana Orwick, of Ohio.
Albert Post, of the District of Columbia.
Donald L. Ranard, of Vermont.
Alfred Reifman, of Maryland.
Idar Rimestad, of North Dakota.
Edward F. Rivinus, Jr., of Pennsylvania.
Robert Rossow, Jr., of Indiana.
M. Robert Rutherford, of Montana.
Edwin L. Smith, of Arkansas.
John L. Stegmaier, of Massachusetts.
John H. Stutesman, Jr., of New Jersey.
Charles Wilson Thomas, of Utah.
Miss Margaret Joy Tibbetts, of Maine.
Richard W. Tims, of Maryland.
S. Roger Tyler, Jr., of West Virginia.
Sheldon B. Vance, of Minnesota.
William L. Wight, Jr., of Virginia.
Joseph O. Zurhellen, Jr., of New York.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Rodger C. Abraham, of Connecticut.
William O. Anderson, of Indiana.
John A. Armitage, of Tennessee.
Laurin B. Askew, of Tennessee.
John R. Barrow, of California.
Chester E. Beaman, of Indiana.
Frederic H. Behr, of New Jersey.
Miss Elizabeth Ann Brown, of Oregon.
Emerson M. Brown, of Michigan.
Stephen J. Campbell, of California.
Allan Chase, of Virginia.
Dennis A. Collins, of Ohio.
Stephen A. Comiskey, of Colorado.
Douglas W. Coster, of New York.
Leonard R. Cowles, of Florida.
Oliver S. Crosby, of Washington.
David C. Cuthell, of Connecticut.
Robert W. Dean, of Illinois.
Thomas J. Duffield, of Massachusetts.
William R. Duggan, of Colorado.
Lester E. Edmond, of Maryland.
David H. Ernst, of Massachusetts.
Charles C. Finch, of Kansas.
Miss Edelen Fogarty, of New York.
David L. Gamon, of California.
Edwin J. Garrity, of Virginia.
Scott George, of Kentucky.
Charles Gilbert, of New York.
William Giloane, of Maryland.
John K. Hagemann, of Maryland.
Philip E. Haring, of Pennsylvania.
Thomas R. Hodet, of Connecticut.
Adolf B. Horn, Jr., of the District of Columbia.
Alan G. James, of the District of Columbia.
Walter E. Jenkins, Jr., of Texas.
Jack R. Johnstone, of Washington.
Harold G. Josif, of Ohio.
Morris Kaufman, of New York.
William M. Kerrigan, of Ohio.
Thomas D. Kingsley, of Maryland.
Northrop H. Kirk, of California.
David Klein, of Kansas.
Francis X. Lambert, of Massachusetts.
Jerome R. Lavallee, of Massachusetts.
Frederick D. Leatherman, of Ohio.
Armistead M. Lee, of Vermont.
W. J. Lehmann, of the District of Columbia.
James F. Leonard, Jr., of Pennsylvania.
Guy O. Long, of Pennsylvania.
Albert K. Ludy, Jr., of Arizona.
Frederic K. Lundy, Jr., of Pennsylvania.
Dayton S. Mak, of New Mexico.
David J. S. Manbey, of California.
James H. McFarland, Jr., of Michigan.
Clarence J. McIntosh, of Florida.
Everett K. Melby, of Illinois.
John E. Mellor, of Connecticut.
Bruce H. Millen, of Louisiana.
George Moffitt, Jr., of Connecticut.
Neil N. Muhonen, of Virginia.
George F. Muller, of Maryland.
James F. O'Connor, Jr., of New York.
John G. Oliver, of Texas.
Miss Mary S. Olmsted, of New York.
Melville E. Osborne, of New York.
James P. Parker, of Connecticut.
Robert Person, of Virginia.
Robert M. Phillips, of California.
David Post, of Pennsylvania.
Sandy MacGregor Pringle, of New York.
Vladimir P. Prokofieff, of Virginia.
Normand W. Redden, of New York.
Robert J. Redington, of Connecticut.
Jordan T. Rogers, of South Carolina.
Morris Rothenberg, of Maryland.
J. Phillip Rourk, of California.
William T. Sandalls, of Connecticut.
Dwight E. Scarbrough, of Minnesota.
Robert R. Schott, of Oregon.
George W. Skora, of Arizona.
Walter W. Sohl, of Illinois.
Albert W. Stoffel, of New York.
William N. Stokes, of North Carolina.
William H. Sullivan, of Rhode Island.
Harrison M. Symmes, of North Carolina.
M. Gordon Tiger, of Virginia.
Francis T. Underhill, Jr., of New Jersey.
Christopher Van Hollen, of the District of Columbia.
Hendrik van Oss, of New Jersey.
Bertus H. Wabeke, of Massachusetts.
Milton C. Walstrom, of Hawaii.
Wayland B. Waters, of Michigan.
Harry J. Wetzork, of Pennsylvania.
Louis A. Wiesner, of New Hampshire.
Miss Jean M. Wilkowski, of Florida.
William H. Witt, of South Carolina.
Chalmers B. Wood, of Virginia.
Parker D. Wyman, of Illinois.

The following-named Foreign Service officers for promotion from class 5 to class 4:

Miss Hilda M. Anderson, of Maryland.
Daniel M. Arzac, Jr., of California.
Robert J. Ballantyne, of New Jersey.
John H. Barber, of California.
George M. Barbis, of California.
Robert E. Barbour, of Tennessee.
St. John Bargas, of Louisiana.
Robert S. Barrett IV, of Virginia.
William R. Beckett, of Michigan.
Norman J. Bentley, of California.
David B. Bolen, of Colorado.
Lewis W. Bowden, of District of Columbia.
Mrs. Mildred L. Brockdorff, of Maryland.
John A. Brogan III, of New York.
Jack B. Button, of Kansas.
William C. Canup, of Michigan.
Charles C. Carson, of the District of Columbia.
Peter R. Chase, of Massachusetts.
Willis B. Collins, Jr., of Alabama.
William F. Courtney, of Michigan.
Miss Virginia I. Cullen, of Pennsylvania.
Joseph H. Cunningham, of Nebraska.
Frank A. Davis, of Ohio.
David Dean, of Florida.
Francois M. Dickman, of Wyoming.
Arthur R. Dornheim, of Maryland.
Stephen Duncan-Peters, of New York.
William L. Eagleton, Jr., of Illinois.
Virgil M. Elliott, of Florida.
George A. Ellsworth, of Georgia.
Lawrence B. Elsbernd, of North Dakota.
Elden B. Erickson, of Kansas.
Guy Ferri, of Pennsylvania.
Thomas M. Gaffney, of Massachusetts.
Miss Elizabeth G. Gallagher, of Pennsylvania.
Millard L. Gallop, of Virginia.
Samuel R. Gammon III, of Texas.
John L. Gawf, of Colorado.
Richard D. Geppert, of New Jersey.
Loren L. Goldman, of Maryland.
H. Kent Goodspeed, of California.
Malcolm P. Hallam, of South Dakota.
Miss Betty R. Hanes, of Ohio.
William N. Harben, of New York.
William C. Harrop, of New Jersey.
Arthur A. Hartman, of New Jersey.
Robert C. Hayes, of Maryland.
Harry W. Heikenen, of Minnesota.
Mrs. Hallye A. Heiland, of California.
Herschel Hancock Helm, of Kentucky.
William A. Helseth, of Florida.
Gregory Henderson, of Massachusetts.
Richard V. Hennes, of Illinois.
Gerrit J. W. Heyneker, of the District of Columbia.
Max E. Hodge, of New York.
Paul R. Hughes, of California.
Thomas J. Hunt, of New York.
Johannes V. Imhof, of California.
Joseph R. Jacyno, of Massachusetts.
Gordon D. Johnson, of California.
Gerald G. Jones, of California.
Howard D. Jones, of Oklahoma.
Walter T. Kamprad, of California.
George R. Kaplan, of Massachusetts.
William G. Keen, of Tennessee.
George R. Kenney, of Illinois.
Miss Virginia L. King, of Nebraska.
Richard F. Kitterman, of Maryland.
William S. Krason, of New York.
John Krizay, of Pennsylvania.
Lyle F. Lane, of Washington.
Miss Lillie Levine, of Iowa.
Miss Eleanor V. Levy, of the District of Columbia.
Samuel W. Lewis, of Texas.
Philip M. Lindsay, of California.
John L. Loughran, of Pennsylvania.
Miss Doris Meltana Luellen, of California.
Mrs. Andrée P. Maddox, of the District of Columbia.
LeRoy Makepeace, of Connecticut.
Donald C. Mansfield, of Virginia.
Robert J. Martens, of California.
Miss Roberta McKay, of Michigan.
Delano McKelvey, of the District of Columbia.
Warren H. McMurray, of Georgia.
John A. McVickar, of New York.
Jack C. Miklos, of Idaho.
Paul M. Miller, of Maryland.
Robert H. Miller, of Washington.
William B. Miller, of Ohio.
George C. Mitchell, of Nebraska.
George C. Moore, of California.
Laurent E. Morin, of New Hampshire.
Albert D. Moscotti, of New Jersey.
Charles Willis Naas, of Massachusetts.
Michael H. Newlin, of North Carolina.
Edward P. Noziglia, of New York.
Frank V. Ortiz, Jr., of New Mexico.
John B. Penfold, of Missouri.
Peter J. Peterson, of California.
Lyle R. Piepenburg, of Wisconsin.
Onesime L. Piette, of New Hampshire.
Clifford J. Quinlan, of Minnesota.
James A. Ramsey, of Massachusetts.
Miss Catherine A. Rock, of Pennsylvania.

Woodward Romine, of Indiana.
Miss Helen W. Rose, of Minnesota.
Robert W. Ross, of California.
Frederick H. Sacksteder, Jr., of New York.
Edwin E. Segall, of Nebraska.
Robert G. Shackleton, of Ohio.
Lawrence W. Sharpe, of Ohio.
Max L. Shimp, of Ohio.
Emery Peter Smith, of the District of Columbia.
Paul A. Smith, Jr., of Virginia.
Eldridge A. Snight, of Virginia.
Herbert Spielman, of Maryland.
Christopher A. Squire, of the District of Columbia.
William A. Stoltzfus, Jr., of New Jersey.
Miss Cherry C. Stubbs, of Minnesota.
Michael H. Styles, of Delaware.
Sidney V. Suhler, of Texas.
Ralph C. Talcott, of Tennessee.
Robert J. Tepper, of New York.
Erwin C. Thompson, of California.
Arthur T. Tienken, of New York.
William D. Toomey, of North Dakota.
Richard D. Vine, of New York.
Robert H. Wenzel, of Massachusetts.
Miss Josephine D. Wharton, of Florida.
Frank S. Wile, of Michigan.
Robert B. Williams, of Kentucky.
Daniel L. Williamson, Jr., of North Carolina.
J. Robert Wilson, of Pennsylvania.
William D. Wolle, of Iowa.
Samuel H. Young, of Florida.

The following-named Foreign Service officers for promotion from class 6 to class 5:

Paul S. Dwyer, of Ohio.
Chris C. Pappas, Jr., of New Hampshire.

The following-named Foreign Service officers for promotion from class 6 to class 5 and to be also consuls of the United States of America:

Miss Jane S. Abell, of New Hampshire.
Dwight R. Ambach, of Rhode Island.
Miss Leona M. Anderson, of Iowa.
Robert F. Andrew, of California.
George R. Andrews, of Tennessee.
Richard B. Andrews, of Illinois.
Sam G. Armstrong, of Texas.
James H. Bahti, of Michigan.
Richard W. Barham, of Texas.
Kyle D. Barnes, of Alabama.
Charles White Bass, of Tennessee.
Frederick O. Beattie, of Virginia.
Joel W. Biller, of Florida.
Martin S. Bowe, Jr., of New Hampshire.
Merritt C. Bragdon, Jr., of Maryland.
Michael Buzan, Jr., of Florida.
Byron E. Byron, of California.
Norman L. Cansler, of the District of Columbia.
Frank C. Carlucci, of Pennsylvania.
Robert W. Chase, of Massachusetts.
Ward Lee Christensen, of Oregon.
Joseph A. Cicala, of Connecticut.
Miss Joan M. Clark, of New York.
Charles B. Cook 3d, of Pennsylvania.
Dwight M. Cramer, of Nebraska.
Miss Maurine Crane, of Utah.
Miss Jane A. Culpepper, of Louisiana.
Martin A. Dale, of New Jersey.
Allen C. Davis, of Tennessee.
Thomas W. Davis, Jr., of California.
John L. De Ornellas, of Alabama.
Willard A. De Pree, of Michigan.
Morris Draper, Jr., of California.
Frank D. Durfey, of Minnesota.
Richard W. Dye, of New York.
Harland H. Eastman, of Maine.
Raymond W. Eiselt, of California.
Michael E. Ely, of New York.
Edward B. Fenstermacher, of Pennsylvania.
Richard W. Finch, of Ohio.
Eric W. Fleisher, of Maryland.
Francis L. Foley, of Colorado.
Richard Forschner, of New Jersey.
Theodore T. Franzen, of Massachusetts.
C. Jefferson Frederick, of Washington.
Gerald A. Friedman, of Florida.
Jack Friedman, of the District of Columbia.
Miss Ellen Gavrisheff, of Texas.
Robert K. German, of Texas.
Miss Eleanor Van Trump Glenn, of Georgia.
Dirk Gleysteen, of Pennsylvania.
Roderick N. Grant, of California.
William B. Grant, of Massachusetts.
James M. Hall, of Washington.
Nez C. Hallett, Jr., of Texas.
C. Norman Hanley, of Washington.
Tobias Hartwick, of Montana.
Miss Edele P. Hauber, of Minnesota.
Frank J. Haughey, of California.
Mrs. Hertha Wegener Heiss, of New York.
Clarence J. Heissel, of California.
Brewster R. Hemenway, of New York.
Charles W. Henebry, of California.
Miss Frances D. Howell, of North Carolina.
James A. Howell, of Texas.
George O. Huey, of Illinois.
Mrs. Ellen G. Johnson, of Missouri.
Richard C. Johnson, of Massachusetts.
Miss Bernice T. Jones, of California.
Miss Betty-Jane Jones, of Wisconsin.
Robert V. Keeley, of Virginia.
Miss Alice E. Kinnare, of Illinois.
Roger Kirk, of Michigan.
Henry G. Krausse, Jr., of Texas.
P. Wesley Kriebel, of Pennsylvania.
Archibald Lappin, Jr., of California.
Burton Levin, of New York.
Orville M. Lewis, of Virginia.
Robert A. Lewis, of New York.
David E. L'Heureux, of New Hampshire.
Jack Liebof, of New York.
Miss Marcia N. Lindgren, of California.
Stephen Low, of Ohio.
Miss Helen K. Lyons, of California.
John W. MacDonald, Jr., of New York.
Julian F. MacDonald, Jr., of Ohio.
Byron P. Manfull, of Utah.
Ernest J. Mansmann, Jr., of Massachusetts.
Hugh J. McCall, of New York.
Franklin O. McCord, of Iowa.
John M. McIntyre, of Illinois.
Frazier Meade, of Virginia.
Calvin E. Mehlert, of California.
Miss Ruth G. Michaelson, of Michigan.
Curtis L. Mills, of West Virginia.
John L. Mills, of Georgia.
Leo J. Moser, of California.
Harry J. Mullin, Jr., of Kentucky.
Frederick E. Myers, of Ohio.
Philip M. Nagao, of California.
Ernest A. Nagy, of Ohio.
Leonardo Neher, of Illinois.
Miss Jeanne C. Nelson II, of Arizona.
Joseph B. Norbury, Jr., of New York.
Miss Geraldine M. Oliva, of Oregon.
Miss Nancy Ostrader, of Indiana.
John G. Panos, of Illinois.
Gabriel J. Paolozzi, of Nevada.
Grenfall L. Penhollow, of Nebraska.
Frederick P. Picard III, of Nebraska.
Arthur L. Price, of Illinois.
Leon Pukach, of Maryland.
Harry A. Quinn, of California.
Miss Nancy V. Rawls, of Georgia.
Owen W. Roberts, of New Jersey.
J. Leopoldo Romero, of California.
Miss Brynhild C. Rowberg, of Virginia.
Paul Sadler, of Tennessee.
Edward W. Schaefer, of Connecticut.
Alfred Schelp, of Missouri.
Miss Ruth Schneider, of New York.
Gerald Schwab, of New Jersey.
Mrs. Ree C. Shannon, of North Carolina.
Harry W. Shlaudeman, of California.
George W. Small, of West Virginia.
Miss Violet Smith, of New York.
Michael Smolik, of Oregon.
Raymond J. Swanson, of California.
Joseph Terranova, Jr., of Maryland.
Ross P. Titus, of Illinois.
Terence A. Todman, of the Virgin Islands.
Donald R. Toussaint, of California.
Miss Frances A. Usenik, of Minnesota.
Nicholas A. Veliotes, of California.
Leland W. Warner, Jr., of Kansas.
Mrs. Margaret P. A. Welsh, of Louisiana.
John P. Wentworth, of Washington.
John Quincy White, of Minnesota.
Frontis B. Wiggins, Jr., of Georgia.
Miss Suzanne S. Williams, of Ohio.
Victor Wolf, Jr., of New York.
Arthur H. Woodruff, of the District of Columbia.
Miss Olga M. Zhivkovitch, of Illinois.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Anthony C. Albrecht, of Virginia.
J. Bruce Amstutz, of Massachusetts.
Andrew Andranovich, of Connecticut.
Oler A. Bartley, Jr., of Delaware.
Frank L. Berry, of Kenutcky.
David A. Betts, of New York.
H. Eugene Bovis, of Florida.
Everett E. Briggs, of Maine.
Bazil W. Brown, Jr., of Pennsylvania.
Thomas R. Buchanan, of Illinois.
Charles R. Carlisle, of Florida.
Gordon Chase, of Massachusetts.
Richard S. Dawson, Jr., of California.
Miss Stella M. Deinzer, of New York.
Robert W. Drexler, of Wisconsin.
Thaddeus J. Figura, of Illinois.
Robert L. Flanegin, of Illinois.
Robert L. Funseth, of New York.
Paul F. Gardner, of Texas.
Miss Kathryn M. Geoghegan, of Colorado.
Ralph H. Graner, of New York.
Carl J. Grip, of California.
Walter V. Hall, of Virginia.
Charles R. Hartley, of the District of Columbia.
Roger P. Hipskind, of Illinois.
Thomas J. Hirschfield, of New York.
Robert M. Immerman, of New York.
George W. Jaeger, of Missouri.
James T. Johnson, of Montana.
Donald A. Johnston, of New York.
Robert M. Kline, of Connecticut.
Tadao Kobayashi, of Hawaii.
Larry E. Lane, of Texas.
Robert Gerald Livingston, of Connecticut.
Alan Logan, of California.
Peter P. Lord, of Massachusetts.
James Gordon Lowenstein, of Connecticut.
Paul B. McCarty, of Massachusetts.
Robert Marden Miller, of California.
Jay P. Moffat, of New Hampshire.
Beauveau B. Nalle, of Virginia.
Edward R. O'Connor, of New York.
John L. Offner, of Pennsylvania.
Charles R. O'Hara, of Maryland.
Mark S. Pratt, of Rhode Island.
John D. Scanlan, of Minnesota.
David E. Simcox, of Kentucky.
Edward H. Springer, of Oregon.
Roger W. Sullivan, of Massachusetts.
Miss Thelma R. Thurtell, of California.
D. Dean Tyler, of California.
William Watts, of New York.
William B. Young, of New Hampshire.
Albert L. Zucca, of New York.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Dan Alexander, of Washington.
George Aneiro, of Ohio.
Terrell E. Arnold, of California.
Thomas H. Baldridge, of Iowa.
David P. Banowetz, of Louisiana.
Thomas J. Barnes, of Minnesota.
John M. Barta, of California.
Eugene J. Bashe, of California.
Frank C. Bennett, Jr., of California.
Harry E. Bergold, Jr., of New York.
Miss Emma Bernardon, of New York.
Richard C. Bialock, of Oklahoma.
Michele C. Bozzelli, of Ohio.
Carroll Brown, of Alabama.
Eugene B. Bruns, of Maryland.
Alanson G. Burt, of California.
Robert S. Cameron, of California.
William Clark, Jr., of California.
John R. Clingerman, of Michigan.
Richard T. Conroy, of Tennessee.
Goodwin Cooke, of New York.

Emmett M. Coxson, of Illinois.
John E. Crump, of Kansas.
Robert R. Dennis, of Pennsylvania.
Robert B. Dollison, of New York.
Miss Suzanne E. Dress, of Pennsylvania.
Robert W. Duemling, of California.
Ernest A. Duff, of Virginia.
William L. Dutton, Jr., of Iowa.
Richard A. Dwyer, of Indiana.
William J. Dyess, of Alabama.
Raymond C. Ewing, of California.
Miss Mary L. Eysenbach, of Connecticut.
Charles E. Finan, of Washington.
Miss Alta F. Fowler, of Virginia.
Howard V. Funk, Jr., of New York.
George A. Furness, Jr., of Massachusetts.
Herbert Donald Gelber, of New York.
Richard J. Gibson, of Michigan.
James L. Gorman, of Oregon.
John M. Gregory, Jr., of New York.
Philip J. Griffin, of the District of Columbia.
John C. Griffith, of Connecticut.
William H. Hallman, of Texas.
Miss Jo Ann Hallquist, of Wisconsin.
Clifford H. Harpe, of Tennessee.
Miss Ange Belle Hassinger, of Louisiana.
Ashley C. Hewitt, Jr., of California.
John W. Holmes, of Massachusetts.
James R. Holway, of Illinois.
Michael P. E. Hoyt, of Illinois.
Martin Jacobs, of New York.
Alton L. Jenkens, of Massachusetts.
Warren Mark Johnson, of California.
Peter E. Juge, of Louisiana.
Frederick T. Kelley, of Massachusetts.
Edson W. Kempe, of California.
James E. Kerr, Jr., of the District of Columbia.
Walter F. Keville II, of Ohio.
John W. Kimball, of California.
Robert Kurlander, of New York.
David C. Lacey, Jr., of Ohio.
Miss Morelle Lasky, of California.
Alan F. Lee, of Illinois.
Sam E. Lesher, of Colorado.
Melvin H. Levine, of Massachusetts.
Wingate Lloyd, of Pennsylvania.
Roger S. Lowen, of New York.
George Q. Lumsden, Jr., of New Jersey.
Edward J. Maguire, Jr., of California.
Edward J. Malonis, of Massachusetts.
Wade H. B. Matthews, of North Carolina.
Henry Ellis Mattox, of Mississippi.
James A. Mattson, of Minnesota.
W. Douglas McLain, Jr., of Illinois.
Noble M. Melencamp, of Kansas.
Stanley R. Miller, Jr., of Florida.
Herbert T. Mitchell, Jr., of North Carolina.
John C. Monjo, of Connecticut.
John T. Morgan, of Illinois.
Gottfried W. Moser, of New York.
Robert B. Oakley, of Louisiana.
Oscar J. Olson, Jr., of Texas.
Ronald D. Palmer, of Michigan.
Thomas J. Pape, of Texas.
Sydney E. Paulson, of Michigan.
George A. Pavlik, of Iowa.
John A. Perkins, of California.
Miss Emily Perreault, of Illinois.
Lawrence Pezzullo, of New York.
Homer R. Phelps, Jr., of New York.
Martin Polstein, of New York.
Dale M. Povenmire, of Ohio.
Frederick D. Purdy, of Pennsylvania.
Walter G. Ramsay, of Virginia.
William E. Rau, of Missouri.
Miss Rozanne L. Ridgway, of Minnesota.
George B. Roberts, Jr., of Pennsylvania.
John T. Rogerson, Jr., of Florida.
George M. Scanlan, of New York.
Orville H. Schmidt, of Minnesota.
Roger C. Schrader, of Missouri.
Glenn E. Schweitzer, of California.
Leslie Andrew Scott, of New York.
Arthur P. Shankle, Jr., of Texas.
David D. Shobe, of Illinois.
Robert Lee Shuler, of Virginia.
John P. Shumate, Jr., of California.
William L. Simmons, of Mississippi.
Clint E. Smith, of New Mexico.
Joseph L. Smith, of Indiana.
Walter Burges Smith II, of New York.
Wayne S. Smith, of California.
C. Richard Spurgin, of Illinois.
Linwood R. Starbird, of Maine.
Andrew L. Steigman, of New York.
Gerald M. Sutton, of California.
John J. Taylor, of Tennessee.
James M. Thomson, of Minnesota.
Thomas A. Thoreson, of Illinois.
Donald C. Tice, of Kansas.
Blaine C. Tueller, of Utah.
John T. Vanderveen, of California.
Leonard A. Warren, of California.
Ronald A. Webb, of California.
Benjamin Weiner, of New York.
Alfred J. White, of the District of Columbia.
Albert W. Whiting, of Kansas.
James P. Willis, Jr., of California.
Dawson S. Wilson, of Florida.
Herbert Gilman Wing, of Pennsylvania.
Edward C. Woltman, Jr., of Indiana.
Brooks Wrampelmeier, of Ohio.
Edward E. Wright, of Louisiana.

George Dolgin, of Maryland, for appointment as a Foreign Service officer of class 2, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 3, consuls, and secretaries in the diplomatic service of the United States of America:

Merrill M. Blevins, of Kentucky.
Horace F. Byrne, of New York.
Edward A. Dow, Jr., of New York.
Thomas H. Englesby, of the District of Columbia.
Elmer M. Falk, of Virginia.
Jorma L. Kaukonen, of California.
James F. Magdanz, of Virginia.
William J. Tonesk, of Alabama.
Paul A. Toussaint, of New Hampshire.
Mrs. Virginia C. Westfall, of Virginia.
Mrs. Doris S. Whitnack, of Virginia.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

John Royle Baxter, of Maryland.
George M. Bennsky, of Virginia.
Irving G. Cheslaw, of Maryland.
David S. Ennis, of Florida.
Edzard S. Hermberg, of California.
Murray E. Jackson, of Illinois.
John Church Renner, of Ohio.
W. John Wilson, of California.

The following-named persons for appointment as Foreign Service officers of class 5, consuls, and secretaries in the diplomatic service of the United States of America:

Lawrence H. Harris, of California.
Harry V. Ryder, Jr., of Pennsylvania.
Miss Elizabeth B. Tolman, of Massachusetts.

The following-named persons for appointment as Foreign Service officers of class 6, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Miss Bernice M. Kelly, of Texas.
Elwood J. McGuire, of Connecticut.
William G. Murphy, of Massachusetts.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Burton M. Chadbourne, of the District of Columbia.
Miss Rose M. Dickson, of New York.
Lyman W. Priest, of Arkansas.
Miss Marjorie A. Sutton, of Colorado.
James A. Verreos, of Missouri.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Morton I. Abramowitz, of Massachusetts.
Francesco J. Alberti, Jr., of California.
Scott I. Amour, of California.
Carl A. Bastiani, of Pennsylvania.
Miss Lyndall G. Beamer, of Illinois.
Calvin C. Berlin, of Ohio.
David E. Biltchik, of New York.
John A. Bushnell, of California.
David W. Carr, of Massachusetts.
Anthony S. Dalsimer, of New York.
V. Raymond Dickey, of South Dakota.
Richard A. Dugstad, of Virginia.
Jay P. Freres, of Illinois.
Miss Marlene W. Futterman, of New York.
George G. B. Griffin, of South Carolina.
Miss Lois Haase, of Missouri.
Gabriel C. Hanson, of Illinois.
Pierre M. Hartman, of Colorado.
Martin G. Heflin, of Florida.
David C. Holton, of Virginia.
Richard F. King, of Louisiana.
Anthony S. Kochanek, Jr., of New Jersey.
William E. Landfair, of Ohio.
Paul A. London, of New York.
David W. McClintock, of California.
Harry Macy, Jr., of Florida.
Miss Priscilla E. Mitchell, of Indiana.
Miss Sandra A. Nelson, of New Jersey.
Donathon C. Olliff, of Alabama.
Gerald G. Oplinger, of Pennsylvania.
Miss Alison Palmer, of New York.
Frederick J. Piotrow, of New York.
Allen Van Potts, of Utah.
Anthony C. E. Quainton, of Washington.
Thomas J. Roesch, of Ohio.
David Rowe, of Maryland.
Thomas J. Scanlon, of California.
Miss Marilyn M. Shepherd, of North Carolina.
Richard W. Smith, of New York.
Roger A. Sorenson, of Utah.
Frederic N. Spotts, of Massachusetts.
Dirck Teller, of Maryland.
Richard S. Thompson, of Washington.
George R. Trolles, of Ohio.
Gary L. Vyne, of Arizona.
Raymond J. Wach, of Ohio.
John D. Whiting, of Wisconsin.
William B. Whitman, Jr., of Illinois.
Roderick M. Wright, of California.

Arthur J. Laemmerzahl, of New Jersey, for appointment as a Foreign Service officer of class 8, a vice consul of career and a secretary in the diplomatic service of the United States of America. (This nomination is submitted for the purpose of correcting an error in the nomination as submitted to the Senate on August 4, 1959, and confirmed by the Senate on August 12, 1959.)

The following-named Foreign Service Reserve officers to be consuls of the United States of America:

Martin H. Armstrong, of Washington.
Willard B. Devlin, of Pennsylvania.
John A. Noon, of Maryland.
Edward Stansbury, of Connecticut.

Richard P. Mitchell, of Pennsylvania, a Foreign Service Reserve officer, to be a consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

Maurice J. Gremillion, of Texas.
Russell S. Hibbs, of Missouri.
F. Raymond Senden, of California.

The following-named Foreign Service Reserve officers to be secretaries in the Diplomatic Service of the United States of America:

Richard T. Akins, of California.
Edwin U. C. Bohlen, of Maine.
G. Stanley Brown, of Oklahoma.
James P. Burke, of Maryland.
William A. Campbell, of California.
Harold C. Champeau, of Maryland.

Thomas J. Flores, Jr., of New York.
Joseph E. Lazarsky, of Virginia.
Robert D. Murphy, of Maryland.
Oliver M. Silsby, of Maryland.

The following-named Foreign Service staff officers to be consuls of the United States of America:

Roger K. Ackley, of Maryland.
Arthur C. Bartlett, of Connecticut.
William L. Green, Jr., of North Carolina.
Preston Valien, of Tennessee.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. John Albert Dabney, O16602, U.S. Army, in the rank of lieutenant general.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Lt. Gen. James Edward Moore, O15650, Army of the United States (major general, U.S. Army), in the rank of general.

Maj. Gen. Earle Gilmore Wheeler, O18715, Army of the United States (colonel, U.S. Army), in the rank of lieutenant general.

EXTENSIONS OF REMARKS

University of Hartford

EXTENSION OF REMARKS
OF
HON. PRESCOTT BUSH
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES
Friday, February 19, 1960

Mr. BUSH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement which I have prepared, for the information of the Congress and other readers of the RECORD.

We in Connecticut are proud of the rapid development and growth of the University of Hartford.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF HARTFORD

The growth and development of the University of Hartford, in Connecticut, is a noteworthy example of the effectiveness of private initiative in alleviating the shortage of facilities in the field of higher education.

The University of Hartford was formed in 1957 through a combination of three well-established institutions—Hartford Art School, Hartt College of Music, and Hillyer College, including its technical institute—the Ward School of Electronics.

Over 10,000 students are now enrolled at the University of Hartford, Connecticut's largest nontax supported educational institution, advancing their education in the fields of engineering, education, business administration, liberal arts, music, fine arts, and other fields.

Classes at the university are now being held in owned or leased facilities which are widely scattered, principally in the city of Hartford. Through private initiative and private fundraising efforts, 250 acres of land have been acquired on which a modern, fully integrated university campus will be built.

In the 1960 "Report to the People of Connecticut From the Founders of the University of Hartford" there is comment that will interest the American people and point the way toward the solution of one of our most urgent problems.

Alan Tompkins, Dr. Moshe Paranov and Dr. Alan S. Wilson, the administrators of these three colleges respectively, have this to say: "In many parts of the country the great increase expected in college enrollments in the next few years is being viewed with a pessimistic alarm which is certainly not justified. In Connecticut these increasing numbers of young men and women, eager for advanced education, are welcomed joyously for the strength they represent in our State and for the challenge presented by their need for education."

I commend to the Senate the University of Hartford for its forward-looking attitude. Thanks to the leadership of men such as Alfred C. Fuller, head of the Fuller Brush Co., more than $3 million has been raised toward creating a new university campus. A general classroom building and central heating plant are now under construction and another building started by the end of the year is a possibility, according to Austin D. Barney, chairman, university building and development committees.

There are no dormitories in the building plans of the University of Hartford. All money contributed goes into classrooms, laboratory, and other instructional facilities. Students attending its classes commute. They live at home and by so doing they save about 50 percent of the cost of a college education.

In the American tradition is the fact that 70 percent of these students hold jobs in addition to their studies.

To the people of this Nation, the University of Hartford can be cited as an example of America's ability to solve its problems—in this instance the tremendous wave of college enrollments due to our population explosion. At the same time the university stands as a tribute to our young people who, by their own efforts, are determined to secure the benefits of a college education.

In this same founders report, University Chancellor Vincent Brown Coffin states that building a new campus goes hand-in-hand with the educational program. "The second is the more important," Chancellor Coffin said, "but it cannot function without the first."

The University of Hartford, as pointed out by Chancellor Coffin, has 230 founders who are men of leadership within the State. In the Chancellor's words: "They have dedicated themselves to the deep concern shared by most of our citizens that Connecticut shall become an even better place to live." As one of the founders of the university I heartily associate myself with his statement.

It should be of interest to the Members of the Senate and the House of Representatives that such a significant accomplishment has come about in the field of education through private initiative.

Perhaps it can serve as a model for the establishment of other community colleges and universities throughout the land. In this way we may alleviate the critical shortage of facilities for higher education, simultaneously preserving the historic tradition of education free from Government control.

This is America as we all like to think of it: people, young and old, joined in a voluntary effort for the common good.

SENATE

MONDAY, FEBRUARY 22, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Reverend Walter G. J. Hards, Th. D., rector, St. David's Episcopal Church, Baltimore, Md., offered the following prayer:

Almighty God, our Heavenly Father, who hast given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor by striving to do Thy will. Save us from seeking easy solutions to perplexing problems, and from making simple matters into insoluble difficulties.

Grant wisdom and understanding to these, Thy servants, to whom has been entrusted the authority of government, that our Nation may be saved from confusion and complacency, from materialism and myopia, from pride and prejudice, and from violence and vassalage. Defend our liberties from the machinations of every foe, and liberate our defenders from the fatigue of every frustration.

Give to each one of us a due sense of our traditions, forged on the anvil of sacrifice, sagacity, and suffering, that we may preserve them inviolate for those who shall follow us. We thank Thee, O God, for the Father of our Nation; for his honesty, his humanity, and his humility. We thank Thee, O Lord, for the countless men and women of past generations whose dedicated service has made our Nation strong and free. We thank Thee, O Father, for the opportunity of serving Thee in our day as they did in theirs.

May Thy spirit direct this Senate as it seeks understanding. May Thy grace make the pertinent issues clear. May Thy presence enable this body to solve the problems which confront it.

These prayers and thanksgivings we offer unto Thee, O Father Almighty, to the glory of Thy holy name, through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 19, 1960, was dispensed with.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. JOHNSON of Texas. Mr. President, I am informed that the very able and distinguished Senator from Utah [Mr. Moss], in accordance with the custom and directions of the Senate, on this the birthday of the Father of our Country, will read President George Washington's Farewell Address.

The PRESIDENT pro tempore. Pursuant to the order of January 24, 1901, the junior Senator from Utah [Mr. Moss], who has been heretofore designated by the Vice President for that purpose, will now read Washington's Farewell Address.

Mr. MOSS advanced to the desk, and read the farewell address, as follows:

To the People of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, suffering, and successes.

But these considerations, however powerfully they addressed themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north,* in an unrestrained intercourse with the *south,* protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south* in the same intercourse, benefiting by the same agency of the *north,* sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north,* it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east,* in a like intercourse with the *west,* already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation.* Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only, that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be involved, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that

for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit or party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warning, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes, that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to

be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interest.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith: Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience.

With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Thcugh in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. JOHNSON of Texas. Mr. President, I commend the very able Senator from Utah upon his reading of one of the great addresses of history. He has performed a very useful service in the highest traditions of the Senate.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be a morning hour for the introduction of bills and the transaction of routine business, with statements limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF POULTRY PRODUCTS INSPECTION ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Poultry Products Inspection Act (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of January 1960, relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

REPORTS ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, reports covering 38 overobligations of appropriations within that Department (with accompanying papers); to the Committee on Appropriations.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the fourth quarter of 1959 (with an accompanying report); to the Committee on Banking and Currency.

WAIVER OF NATIONAL SERVICE LIFE INSURANCE PREMIUMS TO CERTAIN VETERANS

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to grant a waiver of national service life insurance premiums to certain veterans who became totally disabled in line of duty between the date of application and the effective date of their insurance (with an accompanying paper); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL OF THE UNITED STATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, his report on the activities of the General Accounting Office, during the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Government Operations.

ABOLISHMENT OF ARLINGTON MEMORIAL AMPHITHEATER COMMISSION

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to abolish the Arlington Memorial Amphitheater Commission (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the State of Alaska; to the Committee on Foreign Relations:

"SENATE MEMORIAL 9

"To the HONORABLE SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE RICHARD NIXON, PRESIDENT OF THE SENATE; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, REPRESENTATIVE FROM ALASKA:

"Your memorialist, the Senate of the State of Alaska in the first legislature, second session assembled respectfully submits that:

"Whereas four conventions and a protocol were formulated at the United Nations Conference on Law of the Sea; held at Geneva, February 24 to April 27, 1958, as follows:

"(1) Convention on the Territorial Sea and the Contiguous Zone;

"(2) Convention on the High Seas;

"(3) Convention on Fishing and Conservation of the Living Resources of the High Seas;

"(4) Convention on the Continental Shelf; and

"(5) Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes; and

"Whereas the said conventions and protocol were signed on behalf of the United States of America on September 15, 1958, and have been referred to the Senate of the United States where they are now pending the advice and consent of that body to ratification by the United States; and

"Whereas the State of Alaska considers that the said conventions and protocol represent a significant step forward in the codification of rules of international law in time of peace and thus promote the interests of the international community; and

"Whereas it is noted that the Convention on Fishing and Conservation of the Living Resources of the High Seas is the first international legislation dealing comprehensively with conservation problems and, as such, provides a sound basis for international cooperation in determining the need for and in the adoption of such conservation measures as are necessary to make possible the maximum sustainable productivity of high seas fishery resources; and

"Whereas it is noted that the said Convention on Fishing and Conservation of the Living Resources of the High Seas was referred to the Senate of the United States with a recommendation that the Senate advise and consent to its ratification subject to an understanding as regards the conservation procedure known as 'abstention';

"Now, therefore, your memorialist urges that the Senate of the United States advise and consent to ratification of the aforesaid conventions and protocol by the United States, subject, in the case of the Convention on Fishing and Conservation of the Living Resources of the High Seas, to the proposed understanding as regards the conservation procedure known as 'abstention.'

"Passed by the Senate February 10, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Carolina, relating to an amendment to the Constitution of the United States to balance the expenditures and income of the Government of the United States; to the Committee on the Judiciary.

(See the above concurrent resolution printed in full when presented by Mr. JOHNSTON of South Carolina (for himself and Mr. THURMOND) on February 19, 1960, p. 3008, CONGRESSIONAL RECORD.

The petition of A. Fred Roberts, of Westerly, R.I., praying for the enactment of legislation to increase the minimum monthly benefit under the social security law to $100 a month; to the Committee on Finance.

Memorials signed by R. J. Skeffington, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

By Mr. RUSSELL:

A resolution of the General Assembly of the State of Georgia; to the Committee on Agriculture and Forestry:

"H.R. 429

"Resolution requesting Congress to inaugurate a program for the eradication of hog cholera; and for other purposes

"Whereas the agricultural economy of the State of Georgia and the entire Nation has been severely damaged by the widespread incidents of hog cholera; and

"Whereas this disease has cost the farmers of this country millions of dollars and has indirectly cost the consumer public untold amounts of money; and

"Whereas brucellosis and screw-worm in prior years were also a great burden to the

country, but since programs to eradicate brucellosis and screw-worm were instigated by Congress, they have been successfully brought under control, thereby giving a much deserved boost to agriculture and all other segments of our national economy; and

"Whereby it is a well known fact that hog cholera could likewise be brought under control if Congress were to take the necessary steps; Now, therefore, be it

"Resolved by the General Assembly of Georgia, That the Congress of the United States is hereby respectfully requested and urged to take whatever steps are necessary to inaugurate a program leading toward the eradication of hog cholera; and be it further

"Resolved, That the clerk of the house is hereby instructed to transmit a copy of this resolution to the Presiding Officers of both branches of the United States Congress and to each member of the Georgia congressional delegation.

"Read and adopted in senate February 10, 1960.

"GEORGE D. STEWART,
"Secretary.

"Read and adopted in house February 4, 1960.

"GLENN A. EWARD,
"Clerk."

A resolution of the General Assembly of the State of Georgia; to the Committee on Finance:

"H.R. 453

"Resolution advising the U.S. Tariff Commission of the deep interest of the General Assembly of Georgia in the Commission's investigation of imports of cotton textiles, since the outcome of such investigation will have a significant effect on the welfare of the citizens and communities of Georgia

"Whereas cotton is an important factor in the agricultural and total economy of Georgia, being, in 1959, the source of $93,524,000 in income to the State's cotton farmers; and

"Whereas the manufacture of articles from cotton is the leading industry of Georgia, providing for the employment of more than 100,000 of our citizens and further providing more than $300 million each year to the communities of Georgia in payrolls, as well as substantial tax revenues from property, personal incomes and consumer sales; and

"Whereas in recent months the volume of foreign-made cotton textile goods entering the United States has grown steadily to unprecedented levels; and

"Whereas such foreign-made cotton textiles are manufactured by workers whose wages are often only one-tenth the wages of American textile workers; and

"Whereas foreign textile manufacturers can purchase American grown or foreign cotton at prices 8 cents or more per pound less than prices required to be paid by American manufacturers; and

"Whereas the Secretary of Agriculture has advised the President of the United States that there is reason to believe that textiles and other articles made abroad from American and foreign cotton are being imported into the United States in such quantity and to such extent that the effectiveness of the Nation's agricultural program as it relates to cotton is being impaired; and

"Whereas the living standards of thousands of cotton farmers and their families, the jobs of workers in Georgia cotton manufacturing establishments, the investments of Georgia citizens in such establishments and the welfare of Georgia communities in which such establishments are located have been and will continue to be in jeopardy so long as policies of our National Government permit the unlimited importation of cotton articles at prices which do not reflect the cost of operation which must be borne by American manufacturers, particularly by virtue of much higher wage levels in this country and artificially low world prices of cotton in foreign nations; and

"Whereas the future of the cotton farmer and the entire cotton industry of this State now lie virtually at the mercy of foreign interests, and

"Whereas the President has requested the U.S. Tariff Commission to make an immediate investigation of these problems and the Commission will hold a public hearing in connection therewith in Washington, D.C., on March 1, 1960: Now, therefore, be it

"Resolved by the General Assembly of Georgia, That the U.S. Tariff Commission be made aware of the concern of this general assembly as to the effect of its decisions on the welfare of the State of Georgia, her citizens and communities; and be it further

"Resolved, That this general assembly supports the position which the National Cotton Council, the American Cotton Manufacturers Institute, and other organizations will assume at the U.S. Tariff Commission public hearing on March 1, 1960, to the effect that imports of cotton textiles materially interfere with the Nation's agricultural program as it relates to cotton; and be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Secretary of Agriculture of the United States, the Chairman and members of the U.S. Tariff Commission and the members of the Georgia delegation to the Congress of the United States.

"Read and adopted in senate February 15, 1960.

"GEORGE D. STEWART,
"Secretary.

"Read and adopted in house February 10, 1960.

"GLENN W. EWARD,
"Clerk."

A resolution of the General Assembly of the State of Georgia; to the Committee on the Judiciary:

"H.R. 279–600

"Resolution relative to State Rights; and for other purposes

"Whereas significant events have occurred in the course of contemporary history under our government of laws which call for a rededication of our constitutional theory of self-government and state sovereignty as established by our forefathers and guaranteed in the 1st and 10th amendments to our Federal Constitution; and

"Whereas unbiased examination reveals that an appeal to reason and judgment is necessary as to all issues wherein the Federal Government has transcended its delegated authority and has encroached upon the rights of the citizens of the sovereign State of Georgia and of her sister States, and this invasion of our reserved powers must not be unchallenged; and

"Whereas the General Assembly of the State of Georgia is the appropriate body under mandate from the people of Georgia to intervene between Federal encroachment and State sovereignty; and

"Whereas article V, section 1, of the Constitution of the United States prescribes the only method of reestablishing those sacred constitutional principles affecting the very sovereign existence of the several States; and

"Whereas the General Assembly of Georgia explicitly affirms and declares that the powers of the Federal Government in all its branches and agencies are limited by the terms of the Constitution creating the Federal union to which the States are parties and by the plain sense and intended construction and interpretation of its provisions; and

"Whereas the basic concept of the Federal Constitution apparent upon its face is that the ratifying States, parties thereto, agreed voluntarily to delegate certain of their sovereign rights to a Federal Government thus constituted and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the respective States or to the people; and

"Whereas failure of this State to emphasize her clearly reserved powers could be construed as tacit consent and acquiescence in the surrender thereof; and that submissive acquiescence to palpable, deliberate and dangerous encroachments could in the end lead to the surrender of all powers reserved to the States and inevitably to the obliteration and destruction of the sovereignty of the States contrary to the concepts and ideals embodied in the sacred compact by which this union of the States was created: Now, therefore, be it

"Resolved by the General Assembly of Georgia, That the sovereign State of Georgia intervenes and registers officially its objection on behalf of its people to the effort of the Federal Government to assert an unlawful dominion over her citizens and humbly appeals to her sister States for their help and guidance in protecting the inalienable rights and cherished freedoms; to join in taking appropriate steps for the submission of a constitutional amendment which clearly and unequivocally defines States rights as understood by our forefathers, the framers of the Georgia Constitution and the U.S. Constitution; and that, until the question of States rights here asserted by the State of Georgia be settled by clear constitutional amendment, Georgia declares her firm intention to take all appropriate measures honorably, legally, and constitutionally available to the State to resist illegal encroachment upon her sovereign power, and to urge her sister States to join in protecting these inviolable rights and cherished freedoms of their people and to urge the Congress of the United States to exercise prompt and deliberate efforts to curtail further encroachment by the Federal Government upon the reserved powers of the respective States; and be it further

"Resolved, That the clerk of the house is hereby directed to transmit a copy of this resolution to the Governor of this State and of each of the other States, to the President of the United States, to the Vice President of the United States, to the Speaker of the U.S. House of Representatives and to each member of the Georgia congressional delegation.

"Read and adopted in senate February 15, 1960.

"GEORGE D. STEWART,
"Secretary.

"Read and adopted in house February 9, 1960.

"GLENN W. EWARD,
"Clerk."

RESOLUTION OF BOARD OF DIRECTORS, MID-CONTINENT OIL & GAS ASSOCIATION

Mr. CARLSON. Mr. President, the board of directors of the Mid-Continent Oil & Gas Association, at their meeting in Tulsa, Okla., on January 27, adopted a resolution in regard to the creation of a national fuels policy.

The Mid-Continent Oil & Gas Association covers the oil-producing States of Kansas, Oklahoma, Texas, Louisiana, Arkansas, Mississippi, Alabama, and Illinois.

I ask unanimous consent that the resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on

Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

"RESOLUTION FOR ESTABLISHING A NATIONAL FUELS POLICY

"Whereas there have been introduced in both Houses of the Congress concurrent resolutions providing for the establishment of a Joint Committee on a National Fuels Policy, which committee would, among other things, be authorized to consider the allocation of fuels to particular economic uses; and

"Whereas the establishment of such a national fuels policy as is contemplated by the concurrent resolutions would deprive the American people of their right of a free choice in selecting the fuels best suited to their needs and would inevitably result in a trend toward state socialism in our Nation; and

"Whereas this association is strongly opposed to the end-use control of fuels and believe that such a proposal constitutes a grave and definite threat to the development of the Nation's oil and gas resources, with grave consequences to the national economy: Now, therefore, be it

"*Resolved*, That the board of directors of the Mid-Continent Oil & Gas Association, assembled in annual meeting, hereby voices its unqualified opposition to the proposals for the creation of a so-called national fuels policy intended to eventually invoke end-use controls in respect to fuels of various types.

"The secretary of the association is directed to record this resolution in the permanent minutes of the association, and is further directed to transmit copies thereof to the Members of the Senate and House of Representatives of the U.S. Congress."

Done at Tulsa, Okla., this 27th day of January 1960.

CLAREL B. MAPES,
Secretary-Treasurer.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HOLLAND, from the Committee on Appropriations, with amendments:

H.R. 10234. An act making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes (Rept. No. 1097).

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 3078. A bill authorizing the establishment of a national historic site at Old Fort Davis, near the town of Fort Davis, Jeff Davis County, Tex.; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. AIKEN (for himself and Mr. PROUTY):

S.J. Res. 167. Joint resolution memorializing the St. Albans raid; to the Committee on the Judiciary.

RESOLUTION

ADDITIONAL COPIES OF 10TH ANNUAL REPORT OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. SPARKMAN submitted the following resolution (S. Res. 277), which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Select Committee on Small Business of the Senate, 3,000 additional copies of Senate Report No. 1044, 86th Congress, 2d session, entitled "Tenth Annual Report."

COLORFUL OLD FORT DAVIS SHOULD BE DECLARED NATIONAL HISTORIC SITE

Mr. YARBOROUGH. Mr. President, in the rugged grandeur of the Davis Mountains in Jeff Davis County, Tex., stands the ruins of historic old Fort Davis, Tex. For more than a quarter century, from its founding in 1854, soldiers barracked at this frontier outpost fought off Apache uprisings, and as best they could, protected the widely separated ranches.

Recently, the Honorable J. T. RUTHERFORD, the able Representative from this westernmost district of Texas, introduced a bill in the House declaring Old Fort Davis a national historic site. I warmly commend him for this action and leadership and support him by introduction of a companion bill in the Senate.

It was my good fortune from the years 1927 to 1931 to make my home in El Paso, in this trans-Pecos area of Texas. Upon a number of occasions I visited Fort Davis and Old Fort Davis. It seems obvious that the old fort, which is situated near Big Bend National Park, should be restored as part of the nationwide Mission 66 program designed to preserve, protect, and restore for all Americans many national historic landmarks. Thousands of visitors of the Big Bend would be much more likely to visit Old Fort Davis, too, if it were declared a national historic site. It is at the approximate midway point of the route from Carlsbad Cavern National Park on the north to Big Bend National Park on the south; a natural stopping point for the park visitors.

Old Fort Davis was established in 1854 on the order of Jefferson Davis, then U.S. Secretary of War. It was on the road of the camel caravan experiments carried out by the Army before the Civil War. It withstood Indian attacks for many years and finally was abandoned by Union troops to the Confederate forces in 1861. In the next 6 years, the fort was almost wiped out in repeated Apache attacks. When the Union soldiers reoccupied it in 1867, they had to rebuild it. For 14 more years it was used as the base to fight warring Apaches.

With dangers from the warriors under Geronimo, Victorio, and Cochise ended, the last troops left colorful Old Fort Davis in the summer of 1891 closing out a chapter in American frontier history which always should be preserved.

Under General Grierson and other commanders the fort had played its successful part in closing the Old West and opening the new. Many of its buildings still stand. Its history has been well told by Judge Barry Scobee, the historian of the Davis Mountains.

Mr. President, I introduce, for reference to the appropriate committee, a bill authorizing the establishment of a national historic site at Old Fort Davis, near the town of Fort Davis, Jeff Davis County, Tex.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The bill will be received and appropriately referred.

The bill (S. 3078) authorizing the establishment of a national historic site at Old Fort Davis, near the town of Fort Davis, Jeff Davis County, Tex., introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address delivered by President Eisenhower on Sunday, February 21, 1960.

By Mr. DIRKSEN:

Article entitled "Pacific Lines Wins Appeals Court Victory," published in the New York Herald Tribune of February 4, 1960, and excerpt from decision of U.S. Court of Appeals in ordering the Maritime Board to reconsider its order.

WATER IN THE NEWS

Mr. CASE of South Dakota. When the story of our times is written with the perspective of a century for review, it is entirely possible that some of the least noisy activities will be accorded more praise than that which captures the headlines on page 1 today.

This observation is occasioned by noting the progress which is being made by the Office of Saline Water, in the Department of the Interior, in the program of research into the desalination of water taken from the sea and from brackish wells.

The editor of the Washington Star in the edition of Sunday, February 21, 1960, took occasion to comment upon this program by noting that W. Sherman Gillam, chief of the Department's basic research in this field, has recently said that—

> Fresh water from the sea is much closer to being economically competitive with water obtained from normal sources of supply than most people realize.

Within the past decade, according to Mr. Gillam, the cost of desalting by the best equipment available has been reduced from a prohibitive $5 a thousand gallons to $1 and may, under certain conditions, be brought to a figure of 25 cents a thousand. The latter figure seems to me to be almost too optimistic, but if the cost is brought dependably below 50 cents a thousand gallons within 10 years of the time the Department of the Interior was commissioned by Congress to engage in this research program, it should be recognized as one of the greatest of scientific breakthroughs of our time, sputniks and space satellites in the competition notwithstanding.

To our former colleague, the Honorable Fred A. Seaton, Secretary of the Interior, who recognized the potentials in the research program and gave it a

departmental green light, to a former House colleague, Dr. A. L. Miller, who has energized the program in its second phase, that of selecting processes and sites for five demonstration plants, to Mr. Gillam, chief of the basic research, and to David Jenkins, who piloted the program during its early stages of contracts to industrial and scientific groups, our expanding economy and growing population will be considerably in debt, and not our country alone.

As the editor of the Star has said:

The progress being made in this field constitutes news that is full of the richest kind of promise for the whole of mankind.

Mr. President, I ask unanimous consent that the editorial may be printed in the body of the RECORD.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, and I shall not object, I wish to commend the distinguished Senator from South Dakota for the interest he has demonstrated this morning, as he has on so many other occasions, in the endeavor to bring about progress in the field of desalting of water. I recall vividly his great interest in legislation concerning this work, as do I recall the foresight and valiant efforts demonstrated by the distinguished junior Senator from New Mexico [Mr. ANDERSON].

I concur in what the Senator from South Dakota has said about the important breakthrough that has occurred. I am informed that a great American corporation is now working out an agreement with the Government of Israel with respect to the desalting of water. They confidently anticipate, and believe that they can firmly predict, that the costs in connection with that project will be less than 40 cents a thousand gallons.

I think this is marvelous news to all the peoples of the world, particularly this of us who live in arid sections which long ago could have been gardens of Eden, except for the water problem.

I am grateful to the Senator from Montana [Mr. MURRAY] for his interest in this field, and I am particularly grateful to the Senator from New Mexico [Mr. ANDERSON] for the leadership he has given this movement in bringing to the floor legislation which I am proud to have supported; and I am also grateful to my friend, the Senator from South Dakota [Mr. CASE], whose interest in a bill almost always assures successful action on it.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I should like to express my appreciation of the kind words spoken by the distinguished majority leader.

Whenever we have had on this floor legislation dealing with this subject, the Senator from Texas has been in the forefront not only of those who have given it support, but also of those who have given it the leadership which has been so important to its successful consideration.

The Senator from New Mexico [Mr. ANDERSON] is rightly recognized as the one who took the leadership in authorizing legislation for the demonstration plants which now are being constructed.

Furthermore, if we are to give credit where it is due, the two Senators from California [Mr. KUCHEL and Mr. ENGLE] should also be mentioned.

Mr. KUCHEL. Mr. President, will my friend yield to me?

Mr. CASE of South Dakota. I yield.

Mr. KUCHEL. Mr. President, I must say that I am delighted to hear the able Senator from South Dakota speak of the success which attends this tremendously important program.

Let me merely observe that because of the diligence of the Senator from South Dakota and the Senator from New Mexico in sponsoring legislation which I was most pleased to cosponsor with them, one conversion plant will be located, as my friend knows, in San Diego, in the southernmost recesses of my State, pursuant to a contract by which the people of the San Diego area will be permitted to purchase, as I recall, one million gallons a day of converted water, to assist them in overcoming their continuing water shortage.

The PRESIDING OFFICER. The additional minute yielded to the Senator from South Dakota has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Dakota may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. I yield further to the Senator from California.

Mr. KUCHEL. I thank my friend.

Mr. President, I wish to say to my two senior colleagues, the Senator from South Dakota [Mr. CASE] and the Senator from the New Mexico [Mr. ANDERSON], that, in my judgment, for the future of the people and the economy of our country, there will never be any greater contribution than that which was rendered when water conversion legislation passed the Congress and became law, approximately 2 years ago, and thus opened wide the opportunity for science to give us a precious life-giving substance which is scarce in many areas of the globe.

I congratulate my friend.

Mr. CASE of South Dakota. Mr. President, I appreciate those remarks by the Senator from California.

Mr. ANDERSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE of South Dakota. I shall be happy to yield in just a moment.

Mr. President, in order to demonstrate that this program has been a fully bipartisan one, I should mention the fact that when the junior Senator from California [Mr. ENGLE] was a Member of the House of Representatives, he sponsored in that body the research legislation which the Senator from New Mexico [Mr. ANDERSON] and I, here in the Senate, worked on, and which had the support of the senior Senator from California [Mr. KUCHEL], former Senator Cordon, of Oregon, and others.

I now yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I merely wish to say to the Senator from South Dakota and the Senator from California that I think this situation is a fine demonstration of how Members on both sides of the aisle work together in reaching good solutions.

This measure was passed by both Houses of Congress, with the support of Members on both sides. The Senator from South Dakota [Mr. CASE] was extremely effective in working out this measure and presenting it on a nonpartisan basis; and the Senator from California [Mr. KUCHEL] was extremely helpful in that connection. I am most grateful to both of them.

The PRESIDING OFFICER. The additional time granted the Senator from South Dakota has expired.

Without objection, the editorial will be printed in the RECORD.

The editorial submitted by Mr. CASE of South Dakota is as follows:

[From the Washington Star, Feb. 21, 1960]

WATER IN THE NEWS

Not many months ago Secretary of the Interior Fred A. Seaton suggested that our country was on the verge of a remarkable breakthrough in its experimental efforts to desalt sea water and purify brackish inland water in a way that could have a beneficient revolutionary effect on the life of the world.

This breakthrough now seems to be nearer than ever. At any rate, W. Sherman Gillam, chief of basic research in the Interior Department's Office of Saline Water, just declared in New York that "fresh water from the sea is much closer to being economically competitive with water obtained from normal sources of supply than most people realize."

In the mid-1950's the best equipment available could carry out the desalting process only at the prohibitive cost of $5 per 1,000 gallons. But today, according to Mr. Gillam, the conversion can be achieved at a cost of $1 per 1,000, and it may soon be possible, under certain conditions to reduce the figure to 25 cents per 1,000.

Thus we apparently are fast approaching the time when the cost of desalinized water will be roughly no more, and perhaps even less, than what most Americans now pay for regular drinking water—about 30 cents per 1,000 gallons.

Although it has not yet been honored with big headlines, the progress being made in this field constitutes news that is full of the richest kind of promise for the whole of mankind.

ALOYSIUS CARDINAL STEPINAC

Mr. KUCHEL. Mr. President, a great loss was suffered by freedom lovers abroad who are pledged to carry on the fight for self-determination and to smash the shackles of godless communism, when Aloysius Cardinal Stepinac, primate of Yugoslavia, passed from this life several days ago. Indeed, Mr. President, his passing created a tragic loss to lovers of freedom in every clime, all around the world.

The death of this devoted spiritual leader of millions of Yugoslavs is a blow to be regretted deeply wherever devotion to democratic principles and processes exists. Together with several thousand residents of my State who are proud of their Yugoslav heritage, I mourn the demise of this magnificent Christian, this unyielding foe of communism.

The fact that Tito's government initially denied Cardinal Stepinac the right and the solace of burial in his own cathedral, in Zagreb, cannot, of course, detract from the late cardinal's stature as a selfless, inspirational, and dedicated exponent of religious and political liberties in the highest sense. Indeed, one wonders if this pitiless attitude toward such a brave leader of Christianity and of freedom should not be a renewed warning that godless Communist influences continue to be exceedingly potent in unfortunate Yugoslavia.

LABOR PEACE

Mr. WILEY. Mr. President, the mail I receive indicates that the people are very much concerned about a number of subjects.

The first subject is misunderstanding in relation to our defense. I have spoken on that subject myself, quoting various military authorities, and I shall not speak on the matter today.

Another subject which the people are concerned about is the matter of inflation. They are concerned very much about the depreciation of the dollar. What are we doing about that problem? What is Congress doing? What consideration is being given to that question? So far as I am personally concerned, I feel it is one of the most serious challenges we are facing.

The third item about which I wish to say a few words is the fact that, as evidenced from my mail, the people are very much concerned about the labor-management situation. Are we getting anywhere in that field?

I was very much interested to receive through the mail today a little pamphlet by William Henry Chamberlin, explaining how Switzerland avoids big strikes without government's hand in bargaining.

One of the points made in this pamphlet brings up the fourth issue about which people are writing, and which to me is of tremendous concern. I am getting letters every day about the effect of foreign imports upon our own markets.

I want to read from this pamphlet:

> Workers as well as employers in Switzerland know that they live in a competitive world. A high proportion of the Swiss output * * * must be sold abroad. Swiss hotel and transportation workers are quite conscious of the fact that, if the tourist season should be interrupted by strikes, foreign visitors would take their money elsewhere.

That situation is evidenced in Cuba today. The American visitors are not there. The hotels in Cuba are vacant. The result is that conditions are not very healthy in Cuba in many ways.

I particularly wish to say that the article brings out the thought that Switzerland has found a way in the solution of labor-management problems. Let me read from the pamphlet about the solution it has found:

> Swiss labor-management peace seems to have grown out of a conviction on both sides that there is a real community of interest between them, and that strikes should be eliminated as harmful and costly to both, to say nothing of the effect on that innocent bystander, the consumer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Wisconsin may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILEY. Mr. President, I think the statement I have just read is borne out by our own recent experience in the steel strike. Not only will it take labor years to pick up what it lost, but the Government has lost millions and millions of dollars in taxes.

Mr. President, the article to which I have referred is so provocative—at least it was to me—that I feel it should be printed in the RECORD following my remarks, and I ask unanimous consent to that effect.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR PEACE—SWITZERLAND AVOIDS BIG STRIKES WITHOUT GOVERNMENT'S HAND IN BARGAINING

(By William Henry Chamberlin)

Switzerland, a highly industrialized country, has succeeded in almost eliminating the crippling strikes which in the United States are taken as something unavoidable.

And no element of repression or state compulsion is involved. Switzerland has completely free trade unions, which have grown considerably in membership as more and more of its mountain peasants have moved into cities and towns and taken up jobs in factories.

Furthermore, Switzerland has avoided major strikes in the face of the fullest kind of employment. In more than one country full employment and labor shortage have tempted trade unions to charge more than the traffic can properly bear when there is no unemployment to act as a brake on wage demands. But this has not been the case in Switzerland.

What is the Swiss formula for labor peace? Inquiries in Switzerland and directed to Swiss economists and Government representatives abroad make it clear that no sleight-of-hand legislative trick is involved. There is no law, state or national, that makes it illegal to strike in Switzerland. Although both the Federal Government and the cantons provide machinery for conciliation and, if the parties desire, arbitration, there is nothing compulsory about accepting the findings of these mediation agencies.

TREATY OF PEACE

Swiss labor-management peace seems to have grown out of a conviction on both sides that there is a real community of interest between them, and that strikes should be eliminated as harmful and costly to both, to say nothing of the effect on that innocent bystander, the consumer. Most Swiss believe that a turning point in industrial relations was reached more than 20 years ago, when an exhausting strike in the metal-working industry was followed by what is widely referred to as a "treaty of peace."

Under the terms of this far-reaching convention, strikes and lockouts were renounced and a variety of forms of peaceful settlement went into effect. These included adjustment committees in the factories, commissions for conciliation and, as a last resort, arbitration, which both sides have been willing to accept.

The "peace treaty" idea in industrial relations proved contagious. It spread from industry to industry. Whereas in 1929 there were only 300 collective agreements, involving 9,000 employers and 65,000 workers, by the 1950's there were 1,400 such agreements, with the participation of 100,000 employers and 800,000 workers.

Very striking has been the decline in industrial strife since the conclusion of the pioneer "peace treaty" in the metal industry. Althought the population and the number of employed workers has been growing, the amount of time lost through strikes has dwindled to the vanishing point. During the decade 1928–37 there were annually, on the average, 33 industrial disputes, causing a loss of 97,000 working days. In the period 1948–57 these averages had decreased to 9 strikes a year, with 22,000 lost working days. In one banner year of industrial peace, 1957, there were exactly 2 strikes, with 740 lost working days.

Apart from what must be an uncommonly smooth and efficient system of mediation and adjustment, there are special causes that help to explain this amazing record of industrial peace. Most of the Swiss unions are comparatively small, are on a craft basis, and lack both the power and the will to create national economic crises. Swiss industry is widely dispersed and many workers live in small communities, where they own their own homes and gardens and develop a keen sense of the value of property.

COMPETITION CONSCIOUS

Workers as well as employers in Switzerland know that they live in a competitive world. A high proportion of the Swiss output (more than 90 percent of the famous watches, for instance) must be sold abroad. Swiss hotel and transportation workers are quite conscious of the fact that, if the tourist season should be interrupted by strikes, foreign visitors would take their money elsewhere, to Austria, Germany, or France, for instance. Swiss industrial workers know that, if wage demands would push up costs of production too much, orders for turbines and precision machines would be placed with foreign rivals.

Even when allowance is made for these special conditions, the Swiss record of substituting cooperation for conflict reflects a high degree of self-discipline and enlightened self-interest on the part of employers and trade-union leaders alike. Some of America's rich large foundations seem to have money for almost any project. It migh be worthwhile to finance a detailed study of Swiss negotiation, conciliation, settlement, and uninterrupted work.

THE ECONOMIC OUTLOOK OF THE SOUTH—ADDRESS BY SENATOR KERR

Mr. TALMADGE. Mr. President, on Monday, February 15, the eloquent and distinguished senior Senator from Oklahoma [Mr. KERR] delivered the principal address before the annual dinner meeting of the chamber of commerce of Albany, Ga.

The able Senator, who is well known and highly respected throughout Georgia and the South, spoke on "The Economic Outlook of the South." His conclusions—coming as they did from a man who is regarded as one of our Nation's foremost authorities on business and commerce—were most encouraging to his audience and, according to reports which have come to me, were enthusiastically received.

I ask unanimous consent, Mr. President, that the text of the Senator's remarks on that occasion be printed herewith in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ECONOMIC OUTLOOK OF THE SOUTH

(Speech of Senator ROBERT S. KERR to chamber of commerce annual meeting, Albany, Ga., Monday, February 15, 1960)

There is every reason for us to look toward the future of the South with confidence and boundless optimism. Georgia and her sister States of the South have been advancing at a faster rate than those in any other region in the United States. The process of industrialization now in full swing in much of the South is just beginning. The industrial potential of most of the area has just begun to be tapped.

Since World War II, the relative economic growth of the South has been a significant feature in the national economic scene. There is mounting evidence of growing southern prosperity with which you as businessmen are familiar. A recent study of the Atlanta office of the Department of Commerce illustrates some of the gains the South has made during the postwar era. According to this study, gross personal income advanced by over $17½ billion and southern per capita income rose by $579 in the years between 1939 and 1958.

This study also compared the percentage increases in the major segments of the economy of the seven Southeastern States with the advances of the country as a whole since 1946. Banks in the region increased their deposits 74 percent while nationally the rise was only 61 percent. The value of construction contracts increased 271 percent as compared to 75 percent elsewhere. Increases in southern retail trade amounted to almost $9 billion, a rate 22 percent greater than in the rest of the country. The value of world trade handled in the seven-State area went up by a spectacular $2 billion this period.

Many more statistics could be cited to show the strides the South has made. But you don't need them. All of you have lived with and contributed to this growth. There was a time whien much of the South was a depressed area whose difficulties caused it to be called the number one economic problem of the Nation. Its amazing transformation and growth have made it one of the bright spots in the Nation's surging economic growth and power. The new South now has urban and industrial centers which compare favorably witth the best in other sections of the country. These being established now can give you many advantages over areas developed in previous decades. Yours are new and modern with much higher efficiency than those in other areas now impaired by obsolescence. Yours have been and are being built in a period when people know about the evils of industrial pollution of precious water resources and are determined to avoid them.

The growing prosperity of the South today can be attributed to a diversified and progressive agricultural program combined with sound industrial growth. The mistakes of its former one-crop economy have been corrected. Cotton is still a royal potentate, but his kingdom is greatly reduced. Your general area has forged to the front in the production of livestock. A wide range of agricultural crops are now being produced. Southern farmers are continuing to modernize their operations.

The diversity of present-day southern agriculture can be illustrated with the following brief list of outstanding crops now being produced in the region: fruits and nuts, vegetables, dairy products, forest products, peanuts, tobacco, floral and nursery products, soybeans, corn, hay, oats, and Irish potatoes, as well as cotton and cottonseed. Georgia now leads the country in its output of peanuts, pimentos, and watermelons. Its peach crop is second only to California.

Livestock production is playing an increasingly important role in southern agriculture. The postwar years have seen substantial increases in the number, types, and value-on-the-hoof of livestock in many parts of the South. Georgia is now the leading producer of broilers in the United States. The entire southeastern area acquired 3,896,000 more beef cattle and calves, and $346 million more in commercial broiler revenue since 1946. Commercial poultry hatcheries increased their output by 11 percent last year.

Another source of agricultural income that is growing in importance in many Southern States is tree farming. These operations now account for about one-third of the Nation's supply of pulpwood. Lumber shipments last year rose 18 percent. The South has abundant supplies of hundreds of species of trees. These resources can be preserved by wise forestation practices. The future of the industry looks bright with the booming southern pulp and paper industry providing a ready and growing market for these forest products.

These changes have given agriculture in the South greater gains during recent years than elsewhere in America. Cash farm income has increased 44 percent in the Southeast since the last World War while the countrywide gain was only 32 percent. Last year, cash farm income declined 2 percent nationally while the South experienced a 3-percent rise.

The gains made in industrial development throughout the South have been particularly spectacular. Manufacturing employment has increased 20.4 percent in the South but has declined six-tenth percent throughout the United States since World War II. The value added by manufacture rose 104 percent which was 5 percent greater than the national gain. The number of industrial plants in the South increased from 23,245 to 32,651, which was much greater than anywhere else in the country. Among the South's most important industries are food manufacturing, chemicals, oil-coal products, textiles—the South now produces 52 percent of the total U.S. textile output. There was a time when the South was trying to catch up to the rest of the country. Now the rest of the country is going to have to speed up to keep up with the South.

A recent Department of Commerce report announced that 12 of the 18 States ranking highest in the amount of industrial diversification were Southern States.

Georgia's record for 1959 as reported by the State Department of Commerce shows that the State was representative of the current boom in industrial activity all over the South. Some 200 new factories moved into the State in 1959 with capital investments totaling over $100 million.

What about the future? Is the South reaching the end of the upward trend which began around 1938, or can additional gains be expected? These are questions for southern leaders as we enter a new decade.

I believe the progress of the past decade is bound to continue. The progress achieved has been based on your abundant natural resources, your markets, and manpower. The resources with which you are abundantly blessed are absolutely essential to economic growth.

The area contains quantities of coal, oil, natural gas, iron ore, clay, limestone, sand, marble, graphite, and many other minerals used in hundreds of industries. Above all you are blessed with vast reserves of good water and a favorable climate. The booming chemical industry is an example of the influence such raw materials have on industrial development. Expansion in this industry was based largely on a boom in petrochemicals. The South was able to offer supplies of the necessary raw materials—petroleum and natural gas—as well as ready access to low-cost water transportation. The chemical industry in the South is now second only to food manufacturing in the region. The recent movement of chemical production southward now has located 39 percent of all U.S. output in the Southern States.

The benefits derived from this rich endowment in natural resources can be increased. Southern chemists and scientists are working on new uses and methods of taking advantage of nature's gifts. Programs such as the ones recently sponsored by the Georgia State Department of Commerce to study plastics and air conditioners are an important key to the future growth of the southern economy. The fruits of these labors may not be harvested immediately but such research is one of the best ways to insure continued progress.

The rising level of income in the South is providing the area with a steadily increasing consumer market. Family income in the South now amounts to about 70 percent of the national average compared with 50 percent two decades ago. Per capita personal income in the South is still below the national average but this regional difference is much less than it once was. Individual income has shown a greater percentage gain in the South than in any other section of the country since 1940. The influx of industries in such fields as metals, machinery, and equipment to provide employment along with the older industries—textiles, lumber, food, apparel, and tobacco—has raised the general rate of pay in the South. Industrial payrolls have quadrupled in a single decade. These developments as well as the improved conditions in southern agriculture have greatly increased the buying power of the area.

The enlarged southern consumer market is providing the region with one of its most promising resources. One significant result of the economic advancements of the postwar period has been the establishment of the South as its own best customer. This is a growing market—the potentials of which have not been fully realized. This area once was characterized as a good market for secondhand cars. It is now one of the most promising markets in the country for new cars. Industries looking toward future expansion see many opportunities in the growing southern consumer market.

Another factor favoring continued industrial and business growth is the South's supply of manpower. One of the biggest advantages of this area is its abundant labor pool. This pool is constantly being replenished by an influx of former agricultural labor. The movement of workers from the farms to the growing industrial centers is still in progress in many parts of the South. Even more can be expected as southern farms become more mechanized.

A major upturn in the business economy of the South is expected when the facts regarding southern income and manpower are publicized by the 1960 census. A new influx of business of various types may well be sparked when the potentialities of this great new market are better known.

Other hopeful signs include the expectations of the private utility industry regarding the growth of industry in the South. This industry regards the South as one of the fastest growing areas in the country. The past and projected sales of electric power has long been considered a barometer of industrial activity. According to a recent survey of private utility companies, the next 5 years will bring gains in industrial development of the South equal at least to the industrial growth of the last 5 years. Reports from 16 electric companies showed that sales to industrial concerns increased 44.5 percent since

1954. Ten electric companies forecast an exceptional increase in the coming years. They expect the energy requirements of the South—consumer and industrial—to be several times greater by 1970.

Other predictions tend to support these assertions. Optimism has been voiced regarding the future of the South by the State departments of commerce. The most prevalent feeling is that 1960 will be another good year for business. Industrial activity will probably continue at its present pace.

I do not need to remind you that it has required bold and aggressive leadership, careful planning, and supreme confidence in the future to transform the abundant resources of the South into economic wealth. You have proved to yourself and to the Nation that you can be the architects of a vast and noble destiny. So as we look into the future let me warn you: Be careful what you try to do—you are liable to succeed. Be careful what you plan. Your plans will become realities.

Illustrate "what is past is prolog."

BROTHERHOOD WEEK

Mr. KEATING. Mr. President, this is the week of annual observance of Brotherhood Week, which has been conducted since 1934 by the National Conference of Christians and Jews.

Communities throughout the Nation pay high tribute to this week. In essence, the meaning of Brotherhood Week is that each person has the inalienable right to be judged as an individual, not prejudged because of his origin, religion, or racial background. On this constitutional foundation—that "all men are created equal"—our country has emerged to its present eminence.

It is particularly appropriate that the recipient this year of the Big Brother Award is Cardinal Spellman, head of the Roman Catholic Archdiocese of New York, and Catholic military vicar for the United States.

The Big Brother Award was presented to Cardinal Spellman by President Eisenhower just prior to his good will journey to Latin America. It was awarded in recognition of the cardinal's dedication to the youth of America. The citation read:

> The giving of yourself, your heart, and your concern not only to your episcopal flock, but to all people, is a source of inspiration and pride to Big Brothers of America.

In presenting this award, the President remarked that while he and Cardinal Spellman had been friends for many years, this was his first opportunity to honor the prelate in the White House.

The extent of help given by the Big Brother Organization is indeed extensive and impressive. They extend help and guidance to fatherless boys between 8 and 17 years of age, and to all, regardless of religions, races, and nationalities. It is known for its "one-man-one-boy" personal approach in the prevention of juvenile delinquency.

In these days of tension, and perhaps the deterioration of moral values in some social areas, the work and philosophy of Big Brother Week takes on added meaning. America is the guardian and stronghold of freedom, equality, and tolerance in this troubled world. Anything that can be done, such as extending the principles of interfaith and the Big Brother Organization, deserves all possible encouragement. If we are to succeed in the spiritual and moral battle for men's minds—if we are to succeed in selling this deep-rooted philosophy of equality and democracy to the world—we must maintain our domestic vitality and strength by the daily practice of these fundamental principles at home.

I am proud to endorse the work of the Big Brother Organization, and extremely pleased at the honor which has come to Cardinal Spellman for his dedicated role in this vital area of moral values.

FARMER COOPERATIVES

Mr. AIKEN. Mr. President, there is a great deal of misunderstanding regarding the purpose and the operations of farmer cooperatives. In an effort to help clear up this misunderstanding, I ask unanimous consent to have printed in the RECORD an editorial which was published in the Wall Street Journal of January 22, 1960, entitled "The Growth of Co-ops," and a letter responding to the editorial, written by Mr. Homer L. Brinkley, executive vice president of the National Council of Farmer Cooperatives.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

THE GROWTH OF CO-OPS

The Nation's co-ops are under heavy attack in Congress right now—and properly so—on the ground that they don't pay their fair share of taxes. They have spread into manufacturing and processing—in direct competition with business that must pay the corporate tax rate ranging up to 52 percent.

They weren't always like that. When the co-ops first started, they were usually small groups of farmers who got together to buy equipment that one farmer alone couldn't afford. Or they bought big amounts of seed and fertilizer and so got a bigger discount than one farmer alone could get.

But it wasn't long before they began to branch out into other businesses besides farming. The way it worked was this: The co-ops avoided taxes on their earnings by issuing periodic certificates stating the individual's share of the earnings. The courts held these certificates were not taxable to the members since they had no determinable market value. So the profits made by the co-ops were reinvested in other enterprises. And the members received ever larger notices of their earnings—taxable only when they were cashed in.

Good deal, no doubt. But not a very good deal for all the other taxpayers, including the companies the co-ops were in competition with. So Chairman MILLS, of the House Ways and Means Committee, is going to work on a plan to force the co-ops to pay more taxes.

But what the growth of the co-ops also reveals, it seems to us, is man's ingenuity. They didn't really begin to grow into combines of all sorts of business until somebody discovered there was a legal tax dodge attached to the deal. They're certainly not alone in this; a great many other facets of the economy have their own built-in tax avoidance schemes. The co-ops, to that extent, are only a manifestation of one of the things that's wrong with the country today.

And what's plainly wrong is that the Government takes so much of the average man's earnings away from him that any man in his right senses is going to try legally to beat the tax collector.

We hope this study of co-ops will reveal that eternal truth to Congress. Maybe then they'll decide that patching up the tax structure won't do nearly as much to end tax avoidance and tax evasion as less Government spending and lower taxes.

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C., January 26, 1960.

Mr. VERMONT ROYSTER,
Editor, The Wall Street Journal,
Washington, D.C.

DEAR MR. ROYSTER: This letter is with reference to the editorial, "The Growth of Co-ops," which appeared in the January 22 issue of the Wall Street Journal. Obviously this editorial reflects a deplorable lack of information as to the background, structure, operations and tax status of farmer cooperatives.

Figures which are available from the U.S. Department of Agriculture—for the 1956–57 marketing year—show there were 9,872 farmer cooperatives in the country at that time. Of this number, 6,267 were engaged principally in marketing agricultural commodities for their farmer patrons. On a dollar volume basis, more than 77 percent of total farmer cooperative business in that year represented commodities marketing for farmers. Even so, farmer cooperatives perform one or more services in the marketing of only about 25 percent of all agricultural products and handle substantially less than one-sixth of the supplies and equipment purchased by farmers.

These proportions of the farm business being handled by farmers' own organizations reflect only a modest increase in recent years, and the facts do not support the frequent allegations of phenomenal growth. The total business volume of farmer cooperatives has, of course, grown to some extent but the facts show that the business volume of cooperatives—both in marketing and purchasing—has increased in the past 7 years at a significantly lower rate than the growth of the total economy.

As for the marketing functions of cooperatives, including processing and distribution, certainly no person or organization has a better right to market an agricultural commodity than the farmer who produced it, in any form he desires. The same is true with respect to the purchase of supplies used to produce those commodities. It appears to be your view that cooperatives were fine so long as they rendered minor services to farmers on a local basis, but when they began to develop to a position of being truly effective, they somehow became a threat to the pubilc interest.

The Congress for more than 50 years repeatedly has enacted legislation designed to encourage farmers to establish and operate their own marketing, purchasing, and service cooperatives. In the same manner, every State in the Union has enacted statutes authorizing and encouraging farmers to carry out these operations through business associations which they own and operate. These laws, both National and State, recognize the right of farmers to market their own commodities, in both raw and processed form, and to procure the supplies they need in the most advantageous manner, and are designed to fit the peculiar financial and organizational needs of farmers working together in their own economic self-interest.

Farmers and their cooperatives operate today in an economy characterized by bigness and concentration of economic power—in industry, in labor, in Government and even in agricultural production itself. Farmer cooperatives provide the only economic tool which the individual producer has to equip

himself with the bargaining strength he must have to stand any chance of getting a fair return from his farming operations. This statement in no manner is an indictment of bigness or economic expansion, because the growth of America's economy has provided us with the highest living standards the world has ever known, and without growth this would have been impossible. Would you withhold this privilege from farmers?

So long as farmer cooperatives were small and comparatively weak economically, there was little, if any, opposition to them. The attacks on them started when they became sufficiently strong to do the job for which they were designed—namely, to give individual farmers sufficient economic strength to bargain effectively and on terms of equality in the marketplace. All of us are familiar with the criticism leveled at some of the Government farm programs. Cooperatives are "farm programs" without Government assistance, and no doubt farmers have done more real and lasting good for themselves through their own cooperatives than has been done for them through Government assistance. This does not mean that we do not recognize that Federal assistance to agriculture has been necessary in many cases, just as Federal assistance to other parts of our economy has been necessary. I can assure you that the farmer cooperatives in this country grew to their present status because of the support, hard work, and recognition by farmers of their value, rather than as a result of any so-called tax advantage. Farmers have consolidated their marketing and purchasing operations—like other segments of American business have consolidated their functions as a means of staying in business in an era of economic concentration and growth.

With respect to the tax treatment of farmer cooperatives, the Congress in 1951 enacted legislation which provided that the cooperative pay a corporate income tax on any of the earnings from operations of the cooperative which was its own corporate income. On the earnings distributed to patrons, on a patronage basis either in the form of cash or evidence of its debt to them or reinvestment in the cooperative, liability for the tax rested with the recipient producer. No corporation is subject to an income tax on its debts or capital—only on its income. However, decisions of two circuit courts of appeal have interfered with carrying out of the single tax objective of the 1951 law, and the Treasury has issued regulations providing that farmers are taxable on their noncash patronage refunds only to the extent of their "fair market value."

The National Council of Farmer Cooperatives did not oppose passage of the 1951 law providing that all margins arising from a cooperative's operations should be subject to a single tax, either to the cooperative or the patron, dependent on whose income it was. Since the courts have made partly ineffective the single tax objectives of the 1951 law, responsible representatives of farmer cooperatives have been working and will continue to work with the Congress to develop legislative remedies for the problems in this field which have been forced upon farmers and their cooperatives.

The willingness of responsible farmer cooperative representatives to clarify the current tax problem is prompted by a sincere desire on their part to develop a sound solution to a complex situation not of our making, but one which has become the rallying point of individuals and groups whose real purpose is far removed from sound tax principles, but rather is intended to curtail the operations of farmer cooperatives. If tax laws are used to regulate and control any segment of our economy, they can spread to others. There is no doubt that these unwarranted attacks will be continued, regardless of any statutory changes in the tax treatment of cooperatives and their patrons. Likewise, there is no doubt that farmers will continue to support their cooperatives upon which they depend for the combined economic strength they must have to survive.

Sincerely yours,

HOMER L. BRINKLEY,
Executive Vice President.

Mr. AIKEN. Mr. President, along that same line, I ask unanimous consent to have printed in the RECORD an editorial which was published in Time magazine of February 15, 1960, entitled "The Co-Op Tax Dodge," and also a reply to that editorial by Mr. Homer L. Brinkley, executive vice president of the National Council of Farmer Cooperatives.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

THE CO-OP TAX DODGE—CONGRESS SHOULD CLOSE THE LOOPHOLE

Next to the oil-depletion allowance, the hoariest unsettled tax argument in Washington involves the virtual immunity of giant cooperatives from income taxes. More than 10,000 co-ops gross more than $13 billion a year, yet pay less than 6 percent of their profits in Federal and State income taxes, compared with the 52-percent Federal corporate tax alone. This year, in his budget message, President Eisenhower asked for new taxes for co-ops, and last week the House Ways and Means Committee started hearings on the question: How much should co-ops be taxed?

Originally, the co-ops were small neighborhood associations set up to improve farmers' competitive position by pooling their marketing and purchasing power. When Congress in 1909 imposed the first peacetime corporate income tax of 1 percent, co-ops were held to be exempt as "agricultural or horticultural organizations." There were no objections, since at that time their tax advantage over other businesses was so small. Subsequently, Congress spelled it out: A co-op was totally exempt if it did half or more of its business with members and met certain other tests, such as limiting dividends on capital stock to 8 percent. If it did not meet these requirements, it was still exempt on its regular income, if it was paid out to members in cash or in shares simply allocated to them on the books. Such allocations do not bind the co-ops, which can redeem them in cash when and if they want to, even lose the money without a comeback from members. Only when a member finally gets cash is the co-op income taxable—at the personal income-tax rate.

Virtually excused from taxation, the co-ops expanded enormously. The Farmers' Union Grain Terminal Association of St. Paul, founded in 1938, with only $30,000 in capital, today has a net worth of more than $40 million, largely finances the powerful Farmers' Union, which runs the propaganda machine behind the scandalous farm-subsidy program. FUGTA pays no Federal income tax. It holds 80 percent of its members' share of the profits until they quit farming or die. FUGTA has not only expanded its own elevators and feed mills, but bought out privately owned taxpaying businesses unable to compete. Since 1950 FUGTA's annual reports show $29 million in profits and only $9 million distributed as cash to members, the rest plowed back into the business.

Many co-ops have spread far afield of agriculture, own oil wells, tankers, insurance companies, banks, papermills, lumberyards, phone companies, hospitals, and even mortuaries. The Consumers' Cooperative Association, a farm organization, headquartered at Kansas City, owns 3 oil refineries, 1,000 or so oil wells, 935 miles of pipelines, 3 fertilizer plants, 2 feed mills, a steel-fabricating plant, a paint and grease factory, and a packinghouse, counts assets of $118 million. Grossing $154 million last year, Consumers had a net of $10.3 million. It paid only $1,237,000 in taxes, less than one-fourth the Federal tax alone that a non-co-op would have paid on the profits.

In 1951, over bitter co-op protests, Congress tried to close the co-op loophole by providing that co-op members pay personal income taxes on allocated profits, even though they got no cash. But the courts ruled aaginst this, holding that such allocations are untaxable because, being nontransferable, noninterest bearing, and payable only at the discretion of the co-op, they have no market value. To head off real tax reform, co-ops now are willing for Congress to pass a new law, forcing co-op members to pay personal income tax on allocations, but keeping the organizations themselves exempt. To overcome the court objections to taxing scrip, the Treasury recommends that all exempt allocations be made in cash or in certificates that would pay a minimum of 4 percent interest, have a maximum maturity of 3 years. This would, in effect, make the scrip short-term notes, give it a value for personal income purposes. But many experts believe that this is not enough, since it would leave the co-op itself exempt from corporate tax. Thus, other proposals before Congress would subject co-op income to both corporate and personal income tax when the profits are distributed, just as the profits of corporations are taxed.

No other country grants cooperatives such tax advantages. France allows no corporate-tax exemption for profits paid to members; Belgium disallows allocations; Canada and Denmark levy regular corporate taxes on a minimum of 3 to 6 percent of capital invested. Even on the mild Denmark plan, U.S. co-ops would pay some $90 milion to the support of the U.S. Government. To many tax experts, it is high time they paid. Says former Under Secretary of the Treasury Roswell Magill: "The exemption may have been necessary in the infancy of cooperatives. Now that cooperatives have become of age, it is quite unnecessary to their continued growth and health."

NATIONAL COUNCIL OF FARMER COOPERATIVES,
Washington, D.C., February 16, 1960.

THE EDITOR,
Time Magazine,
New York, N.Y.

DEAR SIR: We noted with much interest your highly editorialized news report, "The Co-op Tax Dodge," carried on page 94 of your issue of February 15, 1960.

Farmers, who have seen their share of the retail value of foods drop from 50 percent in 1947–49 to 38 percent in 1959—the lowest percentage in 20 years—because of their lack of adequate bargaining power, look with consternation at all the errors of misinformation and lack of understanding directed at them and their cooperatives which they developed to try to keep in the competitive race. We are inclined to overlook many of these slurs, but the caption and slant of your piece are so full of the malicious trademarks of those who have made a career of smearing cooperatives that we must protest your gross mistreatment. We would hope that you may have the grace to extend to your readers the courtesy of an opportunity to become acquainted with the facts.

Your initial and most self-exposing abuse was in the caption of the article, "The Co-op Tax Dodge." The word "dodge" is defined in Funk & Wagnalls' Dictionary as "an act of dodging; evasion; trick." To dodge is defined as "to avoid by a sudden turn, evade

adroitly." Yet, further in the article, you state that "no other country grants cooperatives such tax advantages." Without regard to the accuracy or pertinency of that statement, you thus admit that the tax treatment of farmer cooperatives and their patrons of which you complain is in accordance with policy established from time to time by the U.S. Congress, as interpreted by the courts, and as administered by the Internal Revenue Service. It is completely within your right, of course, to advocate a change in existing law. It is an entirely different matter, and one wholly unjustified by the record, to accuse approximately 10,000 farmer cooperatives in this great country and their many millions of farmer-members of acts of evasion or trickery in meeting their responsibilities and liabilities under existing laws for payment of income taxes. If you are looking for a tax "dodge," I suggest you look at the colossal amounts publicly estimated by the Commissioner of Internal Revenue as the total of interest and dividends on stock unreported by taxpayers.

In an attempt to discuss the tax treatment of noncash patronage refunds of farmer cooperatives in the hands of patrons, you state that "only when a member finally gets cash is the co-op income taxable—at the personal income tax rate." This is an inaccurate statement. Regulations issued under existing law by the Treasury Department on December 3, 1959, governing the tax treatment to patrons of allocations by cooperative associations, provide that the allocations in certificate form—representing cash authorized by the patrons to be invested in their cooperatives—are taxable to them to the extent of the fair market value of the certificates at the time of receipt by the patrons. There are many instances in which certificates issued by farmer cooperatives in this country are transferred for value and have a ready market prior to their redemption in cash.

You also stated that "in 1951, over bitter co-op protests, Congress tried to close the co-op loophole by providing that co-op members pay personal income taxes on allocated profits even though they got no cash." The facts are that, prior to 1951, a farmer cooperative meeting stringent requirements prescribed by law could set aside a reasonable reserve for necessary purposes without being subject thereon to income tax at either the cooperative or patron level. In 1951, with the cooperation and support of responsible representatives of farmer cooperatives and others, the Congress revised the law so as to require cooperatives to pay the corporate tax on any part of their margins or earnings which were not paid out in cash or earmarked or allocated to patrons on a patronage basis in a manner which disclosed to the individual patron the dollar amount of his interest.

The Congress did not provide in the 1951 act that cooperative members should pay income taxes on noncash patronage allocations, as you indicated. The Congress, however, did give implied acquiescence to the longstanding Treasury policy, which the Congress believed to be valid, that such amounts, if properly authorized to be invested by the patron in his cooperative, were taxable currently to the patron at the face amount.

Since that time court decisions, based on limited facts in only two cases, have frustrated the single-tax objective which was intended to be established by Congress, applicable to the net margins arising from operations of cooperatives. Our organization, which represents about half of the farmer cooperatives in the country, and other representatives of cooperatives are cooperating fully, both publicly and privately, to try to assist the Congress in developing appropriate legislative language which will close the gap, created by the courts rather than by any dodge, evasion, or trick, in reporting and paying of a single tax on all cooperative earnings, as intended by Congress.

The point you make that farmer cooperatives originally were "small, neighborhood associations" is well taken, indeed. You might just as accurately have added that there was little, if any, opposition to farmer cooperatives until some of them became strong enough to do effectively the job for which they were intended—to provide individual farmers sufficient combined economic strength to bargain effectively and on terms more nearly equal to the economic strength of those with whom they must deal in the marketplace. Farmer cooperatives in America have developed to their current status as a result of hard work and support by farmers and the recognition by them of the urgent need for a mechanism which they own and control to provide the economic strength which few, if any, individual farmers would have acting alone.

Farmers do business through their cooperatives simply because doing so provides them a market for the commodities they produce and a source of farm production supplies under the most advantageous terms. Membership and patronage of farmer cooperatives is purely voluntary with individual producers.

Responsible officials of farmer cooperatives are sincerely desirous of developing a sound solution to the complex problem of tax treatment of farmer cooperatives and their patrons. Developing of such a solution, however, has been and is being seriously hampered by individuals and groups using the tax problem as a smokescreen to hide their real purpose—that of wrecking farmer cooperatives. Resorting to the use of tax laws to regulate and control any segment of the American economy is exceedingly dangerous, to say the least. For, if such laws can be employed successfully to regulate and control one type of business, they most certainly can be directed to any other type of business. Those who seek to serve their own purpose regardless of the consequence to others recklessly imperil themselves as well. Regardless of any changes which might be made in the tax treatment of farmer cooperatives, I have no doubt that the vicious and slanderous attack on farmer cooperatives will continue and that certain news media will fall for it. At the same time, I am just as confident that farmers will continue to support their marketing and purchasing associations as the only mechanism available to them for combining their bargaining strength for economic survival.

Sincerely,

HOMER L. BRINKLEY,
Executive Vice President.

Mr. AIKEN. Mr. President, I think the printing of the two editorials and the responses on the part of farmer cooperatives may help clear up the situation a little bit.

ORDER OF BUSINESS

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

URUGUAY AND THE CHESSMAN CASE

Mr. GOLDWATER. Mr. President, as an American I must express concern and indignation over the act of the State Department last week in allowing the dictates of another country to be used to upset the sovereignty of one of our States, its courts, its laws, and its people. I refer to the message from Uruguay to the State Department which said in effect that if Mr. Chessman were executed in California last Friday students of that country might demonstrate when the President visited Uruguay on his present Latin American trip. Mr. President, the officials of Uruguay certainly have the right to communicate to our Government anything they care to. I do not quarrel with them—but, Mr. President, our State Department has no right under our Constitution to suggest, to imply, to order or to anyway infer that a State government should be guided in its actions by those communications. It is repugnant to me to see our Government anything they care to. to not immediately reply to the Uruguayan Government that foreign governments are never allowed to interfere with the decisions, the laws, or the courts of any one of our States. It would have been in complete keeping with the intent of the Constitution for the State Department to have said to the Uruguayan Government that they recognized the possibilities of a demonstration such as they described and in view of that the President would not visit that country. Why it is that officials of the State Department cannot recognize a Communist technique such as this was is beyond my powers to comprehend. Why, Mr. President, if this precedent were to be followed, it would be possible for friends of any convicted criminal in this country to organize demonstrations in foreign countries with the threat that unless the man were turned free or his sentence modified the demonstrations could do damage to Americans living in that country or do damage to American property whether it belonged to our Government or to private interests, and our State Department would again go against the grain of our governmental structure as they did in the Chessman incident.

I suggest, Mr. President, that our country has been shamed in the eyes of the world and in the eyes of our own people. If the State Department officials do not understand the basic separation of powers that characterize our Government and if they further do not comprehend that power of our Government known as States rights it is time either

for a thorough house cleaning or for some additional education for those responsible for this knuckling under to what amounts to an interference in our domestic affairs. I would further suggest that this one incident should change the attitude of those in our Government who would destroy the Connally amendment and further give cause to the people of this country to increase their demands that that amendment's protection not be stricken from the law. If the question of a man's execution, determined by a jury and by a court under the laws of a sovereign State, can be decided by the words of a foreign country then that is international in scope, and to my mind under these circumstances the World Court could move in.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an editorial entitled "Chessman Lives, but United States is Shamed," published in the Arizona Daily Star of February 20, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Daily Star, Feb. 20, 1960]

CHESSMAN LIVES, BUT UNITED STATES IS SHAMED

For another 60 days Caryl Chessman lives, his latest reprieve purchased with American shame.

Gov. Edmund G. Brown, at the suggestion of the U.S. State Department, has ordered a 60-day stay of execution because of a threat of demonstrations in Montevideo, Uruguay, during the coming visit there of President Eisenhower.

The wire, which Governor Brown declared had influenced his decision, was signed by Roy R. Rubottom, Jr., Assistant Secretary in charge of Inter-American Affairs, who said that it had been sent after he had consulted his superiors.

The State Department of this great Nation thus asks the Governor of a sovereign State to suspend the imposition of our laws because of a mere threat of demonstrations in the capital of a South American country.

In so doing it has shamed the State Department, Secretary of State Herter and, most of all, the American people. There is no precedent for such supine knuckling under to what amounts to an impertinent interference in our domestic affairs.

Does anyone believe for one moment that this weakness on the part of our State Department is going to make us friends in South America? Does anyone believe that granting unwarranted leniency to this man who has been found guilty of one of the foulest crimes because of a mere threat of demonstrations is going to gain respect for the United States?

Look at the reverse side of the coin. American protests against wholesale executions in Cuba did not stop them, even though most of the victims were not criminals in the ordinary sense, but merely members of a losing political team.

Early reports from Washington say that the White House has taken no part in this action. But the President and his administration will have to face up to the fact that our Department of State, for the second time in a few months, has failed to act with traditional American courage in Cuban and South American affairs.

How different this attitude is from that of President Monroe in 1823. In the face of demonstraitons by first-class European powers, he made his famous declaration of American courage and intent.

And Governor Brown, who only 18 hours before had declared that he was through with the Chessman case, cannot escape the charge of weakness. He grabbed at the State Department wire as an excuse to do what he had truthfully said should not be done.

Governor Brown by his action may please a minority in California, but by his show of weakness he has removed himself completely from any serious consideration as Presidential timber.

Chessman lives for another 60 days, but the people of the United States have been shamed in the eyes of the world.

VANISHING VETERANS AND THE COLD WAR VETERANS GI EDUCATIONAL BILL

Mr. YARBOROUGH. Mr. President, tomorrow morning the Veterans' Affairs Committee of the House, headed by one of my Texas colleagues, the Honorable OLIN E. TEAGUE, is scheduled to open hearings on the so-called cold war veterans GI bill.

This is the bill to extend educational and on-the-job training opportunities to veterans of the cold war which we in the Senate passed last session by a vote of 57 to 31, with the active aid and leadership of the able majority leader, my distinguished colleague from Texas [Mr. JOHNSON]. It is a proposal of far-reaching importance, one which can have powerful impact on the lives of millions of Americans within the next few years and throughout their lifetimes.

The proposed program is sound in every degree. We need only to look at the tremendously beneficial results of the World War II GI bill and the Korean GI bill to know what we can expect from the new cold war GI bill. One of the most important things we learned from the other GI educational programs was that returning veterans are for the most part serious minded and exceptionally good students. They go to college for the purpose of learning and for this reason they not only benefited themselves, they also benefited other students and the general national education program. As good students, they helped to substantially raise the educational level of the Nation.

Dean of admissions after dean of admissions, and college president after college president of some of the greatest colleges and universities of America testified before our committee at the first session of the Congress, that when the original GI educational bill was passed they first thought it was some kind of boondoggling to help the GI's. Now they are convinced that it is the greatest stimulus to cold war education of any single act in the history of America. The GI's made the highest average grades of any large group in college, and raised the academic standards of all the colleges and universities they attended.

Mr. President, an outstanding article on veterans in college was written by Mr. Don Knoles and published in the January 1960 issue of the Alcalde, the University of Texas alumni magazine. I ask unanimous consent to have printed in the RECORD the article entitled "Vanishing Veterans."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Alcalde, January 1960]

VANISHING VETERANS

(By Don Knoles)

The ranks of the veteran student are today at their thinnest since the first GI bill went into effect. The only time a stranger on the 40 acres could really be sure he was observing one of these men, so fast becoming extinct, is during the several days at the beginning of each month. For it is then that the university's remaining 1,100 vets, dressed in Ivy League clothes and speaking a smooth college jargon, line up on the ground floor of the main building to sign for their checks.

It would not take long for the knowing observer to see that the vet today, in his efforts to return to the traditional mold of the student, is but a ripple beside the waves of GI's which turned campus life upside down in the late forties. The era for one of the great experiments in education and the revolution which accomplished it has ended. While he left the heavy marks of his passage, the veteran student himself is vanishing from the 40 acres.

No other group ever had a greater impact than that which descended on the campus in 1946. During the fall of the previous year there were 7,027 students enrolled in the university. Of these, 645 represented the advanced patrol of veterans entering the university on the GI bill of rights. One year later ex-GI's alighted like a swarm of locusts; the 40 acres was never again to be the same. In that 12 months, enrollment jumped to 17,108, 10,849 being veterans.

The number of students in many of the university's colleges and departments quadrupled or tripled. Enrollment in the law school increased 10 times, from 78 to 797. In the crash program of accommodation, more than 176 full-time teaching positions were added within 1 year.

Classes ran until 11 at night. The traditional lunch hour from 1 to 2 p.m. was done away with, and students learned to eat when they had an open hour.

The university entered "shack era II" by bringing in 14 surplus buildings from Camp Wallace at Galveston. As during the earlier shack era following World War I, the new buildings were given such names as X Hall, Y Hall, etc. (While the frame structures of the first era lasted for a little more than 10 years, some of the buildings from era II are still in use.)

The campus swarmed with flight jackets, peacoats, cuffless khakis, Ike jackets, GI shoes, and other military apparel. The most acceptable piece of jewelry was the shiny little discharge button placed on the lapel. A student could not walk into Drag stores or eating places without hearing war stories.

Veterans' clubs sprouted with profusion on campus, becoming the most powerful of the many student organizations. Included in these groups were the Canopy Club, Navy Pilot Club, American Legion, Veterans of Foreign Wars, Disabled American Veterans, Ex-Servicemen's Association, and even one for the ex-prisoners of war.

Student elections were immediately preempted by the vets who comprised 63 percent of the student body. All candidates made it a point to have prominently painted on their campaign signs "World War II Veteran."

Ironically, a Texan editor, not really comprehending what lay ahead, had said in 1945: "Some groups and individuals other than fraternities have sought to discourage and retard the ex-servicemen for fear they will run the campus."

Getting something to eat during that fall in 1946 was no small problem. Almost every

day 2,000 students jammed into the Commons to eat lunch. The big worry, however, was housing. There were vets in basements, attics, garages, or any other place which would house a bed and a desk.

To alleviate the condition, the university reconstructed 720 living units for married students and 500 for single veterans. Many of these were the prefabricated hutments which gave rise to Little Campus Courts, Oak Grove Courts, and Deep Eddy Courts.

The flimsy buildings had four walls and a roof, and they kept the weather out. The married dwellers had no liking for the kerosene heaters and cookers, but, at the same time, were aware of the spirit of fellowship and friendliness that came naturally in these little villages.

Also set up were Brackenridge Apartments, two-story buildings of wood for married students. Couples not in the "plywood manors" were lucky to get single rooms with a shared kitchen.

For single vets, nine two-story BOQ (bachelor officer quarters) buildings were hauled in and reconstructed along San Jacinto Boulevard where they are still being used today.

Under emergency and temporary conditions, veterans continued to make up the greatest percentage of the student body until 1949 when Mark Batterson, writing in the Daily Texan, said: "One doesn't see much army underwear around the men's dorms these days. Aside from meaning that lots of students have been out long enough to wear through their last pairs of olive drab shorts, it also means that the veteran population at the university is disappearing by the hundreds."

During that same summer, the nonveteran student population finally regained the majority. There were still more than 7,000 former servicemen enrolled, but they were more difficult to discern. Most of them had lost their discharge buttons and few were willing to spend the dollar for another. In order to impress coeds, vets stopped telling war stories and changed their lines to the ones used before the war. Veterans organizations fast lost their support as well as membership.

In short, to be a veteran had at last lost its charm; all the boys wanted now was to be part of the whole campus group.

Finally, a July 25, 1951, deadline was set for World War II veterans to enter school under the GI bill of rights. The noble experiment which sent more than 25,000 ex-servicemen to the university appeared to be on its last legs. By 1953, there were only 1,297 veterans of a total of 13,826 enrollment in the university. The decline, however, was halted with the abrupt renewal of war in Korea, and a second wave of former servicemen was not long in hitting the Forty Acres.

During the fall term of 1950, Lt. Francis J. Maloney, holder of the silver star who had been wounded in a tank battle on the road to Seoul, became the first of the thousands of Korean veterans to follow their elder brothers of World War II. Under Public Law 550, a record 3,940 Korean vets out of the total enrollment of 18,116 were attending the university in 1956. Today, 4 years later, their numbers have dwindled to around 1,100, the lowest in more than a decade.

Gone is the ex-GI's proud claim of past service to his country. Gone are the organizations which one shouted so loudly on his behalf. Today the veteran is a little shy in admitting he once did something different from other students, a little reluctant to admit he is older, a little slower to point out the foolishness of the trivial student activities he earlier resented. Most of all, the veteran of today is more than ever eager to adjust to campus life shaped by younger people.

His immediate social power is in its decline, but the academic world will forever feel the effects of his presence on the campus.

The thousands of veterans that entered the university were dead serious about getting an education, and they went through no little trouble to get it.

Financially, one out of every four incurred debts while attending the university. Virtually all of them had to supplement their Government allotments from savings and loans or by working. (Under the two World War II bills, single men received $65 a month subsistence while claiming they had to spend a minimum of $90 to remain in the university. The married veteran received $95 while claiming to spend a minimum of $140. The single Korean war veteran received $110 and the married, $135.)

"I'm getting pretty damn tired of worrying whether or not I can afford a 35-cent ship model or go to the show," said one hutment dweller in 1947.

Those that took jobs were under a handicap of also having to take heavy class loads in order to draw full subsistence.

The seriousness, however, was more manifest in their classroom work. "They measure what you tell them and weigh it against the terrible insights they acquired into human nature," said one professor. "They work harder and make better grades but above all they bring with them a desire for knowledge. Never has teaching been more rewarding or more demanding."

Driven by efforts to retrieve lost time, vets relearned good study habits and proceeded to raise academic standards to heights which are said to have been even higher than those of today. In the fall of 1946, for example, veterans had a 1.348 grade-point average while nonvets had only a 1.191 average.

Ex-GI's compelled teachers to conduct their classes on a mature level. They also forced a reevaluation of teaching methods. "When you made a statement," a former teacher remembers, "you learned that it better hold water; if not, they were fast to call you down."

Right or wrong, veterans were never known for reluctance in expressing their own opinions: e.g., "My main gripe is against students, faculty, and administration, who have no social consciousness, want no more education given nor received than necessary for a stinking degree."

Only 1 in 11 took part in the extracurricular activities of the campus. The nonveteran student quite often came to school because he belonged to a certain income group which demanded he attend. This younger type was instilled with more of the makings for the "ole college spirit" which escaped the singled-minded veteran, his tastes for college glamour dulled by past experience.

Most educators agree that the sobering trend in today's education was abetted by the seriousness of the veteran.

The ex-GI attended the university with a definite occupational goal in mind. A little more than 70 percent studied a profession, and most of the rest were in the college of business administration. The veteran wanted an education more to the point, with less theory.

"Teachers are extremely theoretical, impractical, are too interested in getting their own points of view across for indoctrination," was one comment.

Because of this extreme pragmatic desire for a moneymaking degree, the university put an emphasis on these areas, and it was not until recent years that more liberal courses have been brought back into balance.

The most revolutionary of the institutions brought to the campus by the veteran was that of marriage. During peak years, about 4,000 students were married and more than a third of these had children. (The birth rate among veteran families was termed "astonishing.")

In prewar days it was not only socially unacceptable for a student to be married but financially impossible. Under the World War II GI Bill of Rights, however, the veteran found that by marrying he got $90 a month rather than the $65 he received for being single. Aprons, baby carriages, diapers and high chairs on the perimeter of the campus had suddenly become sanctioned and supported by the Government.

The married veteran went one step further and introduced a new division of labor between spouse and himself. Forced to go to classes full time in order to draw an allotment (which was still not enough), he soon had his wife working as the family breadwinner.

Surveys show that 50 percent of the wives worked. More shocking was the fact that 46 percent of all married veterans at the university admitted to pollsters that they shared at least equally in household duties with the wife. An old social stigma had been destroyed.

Those who have been around the university a number of years say campus life, with the departure of the veteran, is shifting back toward prewar days. For many reasons the Forty Acres could never really be the same, but most of all, long after the last ex-GI student under Government subsidy has left, students will be feeling the effects of the thousands of veterans who came before.

Mr. YARBOROUGH. Mr. President, I note the presence in the Chamber of the distinguished Senator from Alabama [Mr. SPARKMAN], who was one of the authors of the original GI bill of World War II, who ploughed new ground, and charted unknown fields in helping to plan and pass the first GI education bill. I pay tribute to his leadership in getting this program started. The program is acknowledged by educators to be the greatest educational program in the history of the country.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. SPARKMAN. I appreciate what the Senator from Texas has said to me.

Does not the Senator agree with me that the GI Bill of Rights, in all its features, but with particular emphasis on the educational features, proved to be one of the greatest reconstruction and rehabilitation pieces of legislation that has been enacted into law?

Mr. YARBOROUGH. I thoroughly agree. I appreciate the suggestion by the distinguished Senator from Alabama. I agree with him that it is one of the greatest reconstruction, rehabilitation, and forward-looking programs for advancement in the history of the Nation, following any war, any depression, or any great national calamity.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to be allowed to speak for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. YARBOROUGH. I thank the distinguished Senator from Alabama for pointing out the great benefit to the Nation. Of the 15½ million veterans of

World War II, 7,800,000, or half, took advantage of the educational provisions of the GI bill. As the distinguished Senator from Alabama has pointed out, it covered other fields than education. It was one of the greatest measures to advance this Nation ever passed in the history of the Congress.

I pay my respects to all those who had leadership and vision, during the time we were fighting the most difficult war the Nation has ever known, to plan for the future, and to pass that legislation in the midst of a great war.

LEASING OF PORTION OF FORT CROWDER, MO.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the first Dirksen amendment.

TENTH ANNIVERSARY OF THE ESTABLISHMENT OF THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. SPARKMAN. Mr. President, last Saturday, February 20, 1960, marked the 10th anniversary of the establishment of the Select Committee on Small Business. On February 20, 1950, by agreeing to Senate Resolution 58, the Senate established the present permanent Select Committee on Small Business. For the reason that Saturday marked the 10th anniversary of the establishment of the committee, and also because for 8 years of those 10 years I have enjoyed the honor of serving as chairman of the committee, I feel it is appropriate to present a brief balance sheet statement of what progress the Amercian independent businessman has made during the past decade.

Since it is the nature of a balance sheet to show liabilities as well as assets, I shall also include my views of some of the disadvantages which the national small business community has not as yet succeeded in overcoming.

Several of these handicaps, I am convinced, are so grave and deeprooted that to leave them uncorrected much longer may well threaten the proper functioning of our free enterprise economy.

No remarks about small business should fail to take grateful notice of the long hours of hard work and of the spirit of devoted application to the problems of independent enterprises shown by the members of the Small Business Committee. During the floor discussion 10 years ago preceding passage of Senate Resolution 58, a statement urging favorable action on the resolution creating a permanent Select Committee on Small Business made this persuasive point: that when something is everyone's business, it becomes no one's business.

It might be well at this point to recall that in the consideration of the establishment of the Select Small Business Committee a great deal of interest was shown in the Senate. There had been a temporary Small Business Committee established prior to 1950, but it had been allowed to lapse some time before, and there was a feeling that small business needed help. Several different resolutions were submitted relating to the subject. There were two principal resolutions which were offered on the floor of the Senate, one by the then Republican leader, Senator Kenneth Wherry, of Nebraska, and one by Senator HOLLAND, of Florida.

Senator Wherry's resolution would have established a permanent Small Business Committee without legislative power, whereas Senator HOLLAND's proposal would establish it as a permanent standing legislative committee. After discussion on the floor of the Senate, it was decided to merge the two proposals, and that was done on the Senate floor in such a way that there was established a permanent committee with a permanent staff and other powers, although it did not receive legislative authority.

I regret that Senator HOLLAND is prevented from being on the floor at this time. He knew I was going to make this talk, and he had expressed an interest in it, and had expressed a desire to be present to participate in the discussion. He is chairman of one of the subcommittees of the Committee on Appropriations, and is engaged as such at the present time, marking up an appropriation bill.

The same comment applies to the ranking minority member of the Select Committee, the distinguished Senator from Massachusetts [Mr. SALTONSTALL]. He is a member of the same appropriations subcommittee, and is also busily engaged in the work of that subcommittee; otherwise he would be here.

Another member of the Select Committee on Small Business, who has been a member of the committee throughout the years is Senator LONG, of Louisiana. Senator LONG had questions to ask and comments to make regarding the entire small business subject. Unfortunately he is kept away from the floor of the Senate today by reason of illness.

I regret that these distinguished Senators, along with Senator SMATHERS, of Florida, who likewise had expressed an interest in the presentation of the subject, are kept away from the Senate during the discussion today. They have been interested in the field of small business throughout all the years, along, I might say, with every Member of the Senate. The Small Business Committee has had wonderful support in the Senate during the 10 years that it has been in existence.

Faithful to the intent of Congress, the members of the Small Business Committee have made the welfare of small business very much their own business. The committee's list of accomplishments, if I may say so, is all the more remarkable considering that the Small Business Committee is without the authority to report legislation.

Of the 16 able and conscientious Senators currently serving with me on the Small Business Committee, four were also honored by being named in 1950 as "charter members" by the late and beloved Alben W. Barkley. It has been a particularly rewarding experience to me to have had the privilege of serving for these 10 years with Senators RUSSELL B. LONG, HUBERT H. HUMPHREY, LEVERETT SALTONSTALL, and ANDREW F. SCHOEPPEL.

Also, sight should not be lost of the cooperative attitude of the Senate as a whole toward the committee. When funds were needed to explore and investigate a pressing problem facing the national small business community, the Senate did not demur. Committee chairmen have also been quick to afford members of the Small Business Committee opportunities to discuss the small business implications of pending legislation. In short, the members of the Small Business Committee have at all times felt that in their efforts they enjoyed the confidence and support of the Senate.

This brief review of the work of the Senate Small Business Committee during the past decade must necessarily be panoramic. An exhaustive enumeration of the committee's activities would run to inordinate length. Students of the American business scene from 1950 through 1959, however, will find the committee's 10 annual reports accurately mirror the vicissitudes of the Nation's independent businessmen during what is being referred to with nascent nostalgia as the fabulous fifties.

Mr. SALTONSTALL. Mr. President, will the distinguished Senator from Alabama yield?

Mr. SPARKMAN. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, as one who, together with the Senator from Alabama, has been a member of the Select Committee on Small Business since its inception, I have known the work which that committee has done over the years. In my opinion, it has been extremely helpful to the great majority of the businessmen of our country, who, in the larger sense, comprise small business. What our committee has tried to do is to make it possible for small business to get a greater share of procurement from the Government, to help them with ideas as to how they can make their business more profitable; and how to get started in small business, whenever they have good ideas.

The present chairman of that committee has been an extremely helpful and objective Senator in this regard. While we have not always agreed completely in all respects, we have always agreed on our objective; and 90 percent of the time we have agreed upon the ways to accomplish that objective. I congratulate the Senator from Alabama upon making his statement outlining the history of the 10 years of existence of the Select Committee on Small Business.

Mr. SPARKMAN. Mr. President, before the distinguished Senator from Massachusetts leaves the floor, I may say that I greatly appreciate his interjection

of these remarks. I had previously commented on the fact that the Senator from Massachusetts has served on the committee from its inception and that he desired to be here to make some comments; but I knew he was detained in the work of marking up an appropriation bill.

I am delighted that the Senator from Massachusetts came into the Chamber when he did. He is the ranking minority member of the Select Committee on Small Business.

He said that while he had differed sometimes on the means of achieving objectives, we had never differed on the objectives. He said he believed we had agreed 90 percent of the time, even on means. I believe the percentage might be much higher, even as high as 99 44/100 percent.

Mr. SALTONSTALL. I am not so certain that it might be so high as the percentage of purity of Ivory soap.

Mr. SPARKMAN. The Senator from Massachusetts will recall, with me, that our committee has filed 10 annual reports during the time it has been in being, and that all 10 of the reports have been unanimous.

Mr. SALTONSTALL. That is correct.

Mr. SPARKMAN. I feel certain, too, that the Senator will agree with me that if there is such a thing in the Senate as a completely nonpartisan committee, the Select Committee on Small Business is nonpartisan.

Mr. SALTONSTALL. I agree with the statement of the Senator from Alabama in that regard. What we want to do is to keep the committee nonpartisan; to keep it so that we can help the different geographical, industrial, and agricultural sectors of our community.

Mr. SPARKMAN. I appreciate the presence of the Senator from Massachusetts on the floor. I wish he might be here as I continue to discuss some of the accomplishments of our committee. It is pleasing to review what we have done, because we have been able to accomplish things.

A little later I shall discuss briefly some of the tax benefits we have been able to secure, and the matter of our procuring a Small Business Investment Act to provide capital. All of the recommendations which have been made in our committee over the years have in turn, been referred to the appropriate legislative committees. As I said a few minutes ago, the various legislative committees have been most cooperative with us in considering and adopting our recommendations.

Mr. SALTONSTALL. Many of our recommendations have not required legislation at all, but have entailed judgment, advice, and suggestions.

Mr. SPARKMAN. That is correct. That has particularly been true in the field of programs, as the Senator mentioned. That has been one of the difficult problems confronting the small business community. But our committee has been constantly on the job, working with the people in the various executive agencies and suggesting to them how they might give small business a more equitable break in being able to receive some of the tremendous amount of business which the Government transacts each year.

Our committee has been constantly on the job, in working with the various executive agencies and suggesting to them how they could give small business a more equitable "break" in connection with obtaining some of the tremendous amount of business which the Government conducts each year.

Mr. SALTONSTALL. Mr. President, I wish to continue to cooperate with the Senator in connection with this matter.

Mr. SPARKMAN. I know the Senator from Massachusetts does, and I know that we can count on his cooperation. We appreciate it very much.

The conflict in Korea broke out in June of 1950, just as the newly established Small Business Committee was organizing itself for action. A month later the able chairman of the House Committee on Small Business, Representative WRIGHT PATMAN, joined with me in introducing legislation which resulted in the creation of the Small Defense Plants Administration. The primary purpose in establishing this executive agency was to place the Nation's millions of small business concerns on an equal footing in the councils of Government along with other major segments of our economy which historically had been well represented in Washington.

Korea brought the Nation's small producers face to face with two major problems. First, small companies wanting to become defense suppliers by selling to the military forces found that in general the doors to purchasing offices were closed against them. Not finding any information available on the concentration of defense contracts in the hands of a few large companies, the Small Business Committee itself compiled the first official report on this subject following the commencement of war in Korea. We were able to announce that from July 1950 to June 1951, the 50 largest holders of defense prime contracts received 64 percent of total military prime contract expenditures. That percentage figure today is much higher.

To help counteract this concentration of defense contracts, the committee sponsored a series of procurement clinics in 68 cities throughout the country to acquaint small businessmen with the complexities of Government purchasing procedures. In those trying days, we took Washington to Main Street. We also published a brochure entitled "Selling to Your Government," which became a best seller overnight. As I recall, almost 50,000 small companies asked for copies of this brochure.

The second crucial problem confronting small producers in those wartime days as an inability to obtain materials, especially basic metals vital to production. There was hoarding of these mettals and grey markets in steel, nickel, copper, aluminum, and zinc, shot the prices up beyond the reach of thousands of smaller companies. Many companies faced bankruptcy.

The committee conducted field investigations and held hearings on these problems. Many concerns were able to stay in business because of our successful efforts to bring about through the controlled materials plan a fairer allocation of scarce materials and a stricter control of runaway prices of these materials.

For example, owing to intervention by the Committee, a "death sentence" order of the National Production Authority, which would have put some 14,000 small aluminum fabricators out of business, was rescinded without noticeable detriment to our national security.

The Small Business Committee also pressed successfully in those trying days for Revenue Act amendments which softened the blow to small firms of the excess profits tax.

I was grateful that in 1952, my amendment to the Mutual Security Act helped to increase substantially the number of small firms able to market their products abroad. In fact, Mutual Security Administration officials estimated that 25 percent of the concerns doing business under MSA in Europe had never before participated in the export market.

Not only, Mr. President, did thousands of small companies benefit directly from the investigative activities of the Small Business Committee during this period, but the Government also benefited through the recovery of substantial sums of money. In 1952, to cite but one example, the Office of Price Stabilization recovered more than a million dollars from a steel company in overcharges and penalties. A complaint was also filed against a Detroit steel dealer to recover $180,000 on price violations.

Throughout this entire Korean period, small businessmen, briefcases in hand, visited the committee offices to voice their complaints about being brushed off and shortchanged by Government agencies. They also felt that their larger competitors and suppliers in many instances were taking unfair advantage of a national emergency to gain a kind of competitive dominance of markets and sources of supply usually associated only with monopoly power.

The conversations which committee members had with thousand of small businessmen, coupled with the heavy case work load undertaken by the committee's staff, gave to the committee an insight into the basic disadvantages of being a small businessman in the 1950's which proved of immeasurable value in understanding the problem of small business in the years of peace which were to follow Korea.

Mr. President, the American small business community was soon to learn that peace, as well as war, has its problems. It is one of the economic ironies of the 1950's that with talk of prosperity filling the air, in industry after industry small businessmen found themselves being forced to the wall.

Mr. President, at a time when our economy was showing a steady growth rate of about 3.4 percent, annually, measured in terms of a constant-dollar gross national product index, independent businessmen in such basic fields as food retailing were being crowded out of the picture by the fantastic growth of chain organizations.

One business management consultant, in writing about current conditions in the retail field, stated that during the fabulous fifties thousands upon thousands of independent merchants operated in what he called an atmosphere of disaster.

In the manufacturing segment of the economy, small companies which for generations had been able to withstand the vicissitudes of business existence, saw that trouble was brewing. The storm warnings for small craft were up.

The Small Business Committee was not unaware of the factors in the business climate which in the postwar 1950's were working against the interests of small- and medium-size companies. Some of these adverse influences, to be sure, applied equally to all business. There can be do doubt, however, that the brunt of any disadvantageous situation is going to be borne unequally by the sector of the economy which, because of its limited size and resources, is least able to withstand adversity.

Here, then, as I believe the other members of the Senate Small Business Committee might agree, is a summary of several business conditions which in the last half of the decade have exerted a braking action on the growth momentum of the national community of small business concerns:

First. Inflation increased the cost of doing business to the point where many small firms were unable to maintain their profit margins.

Second. Our income tax structure, based on the highest rates in the Nation's history, has made it impossible for many concerns to build up the reserves necessary for their growth and expansion.

Third. The tightness of the money supply and the high cost of money, when borrowing was possible have impeded the natural development of our smaller companies.

Fourth. In many fields of business the high rate of merger activity promoted an undue concentration of economic power, with the consequence of making existence for smaller enterprises increasingly risky.

Fifth. The percentage of prime contracts of the Defense Department's multi-billion-dollar annual procurement program being awarded to small companies has declined since 1954.

Sixth. The general competitive climate, as it evolved during the 1950's, has placed a premium on the dollar, and especially on the advertising dollar, thus making size of a company's bank balance its chief competitive weapon in the consumer product field.

I am certain, Mr. President, that every Member has received from his small-business constituents alarmed complaints about one or more of the business problems I have just listed. The files of the Small Business Committee bulge with letters, from all sections of the country, which state, in effect, that during the so-called "fabulous fifties" the bright sun of business prosperity has for them been behind a dark cloud.

The committee has not been content merely to deplore the elements of the business climate which tend to depress independent business. We have, I believe, with the tools at our disposal tried to remedy some of these defects.

For a moment let us consider the question of Federal income taxes. In the summer of 1951, I appointed a Subcommittee on Taxation to delve into the impact of taxes on small firms. Knowing how difficult it is for many small businessmen to travel to Washington to give testimony at hearings, the subcommittee itself went on the road and held hearings in seven major cities. With the aid of valuable, firsthand information supplied by more than 120 small businessmen, the subcommittee was able to submit a report. Four of our five proposals were adopted by Congress, to this extent:

First. The excess-profits tax was allowed to expire on January 1, 1954.

Second. More reasonable and liberalized depreciation policies were adopted in the Revenue Act of 1954.

Third. Section 102 of the Internal Revenue Code, which deals with accumulation of corporate profits, was redefined; and the burden of proof as to "reasonableness" was transferred from the corporation to the Bureau of Internal Revenue; and

Fourth. A start was made to remove death and the anticipation of death as an inducement to small businessmen to sell out or merge with competitors.

Of six other amendments to the Revenue Act of 1954, two were especially helpful to small firms. One allowed a 2-year carryback of business losses, instead of for only 1 year. The other—long urged by the Small Business Committee—gave partnerships the election of being treated for tax purposes, as corporations, in that certain capital expenditures would be taxed at the lower corporate rate, rather than at the rate which had been applied on the personal-income basis of partnerships.

These improvements in the tax structure helped small concerns, so far as they went. However, the committee was not satisfied that all of the inadvertent inequities to smaller enterprises had been erased from the Revenue Code. Therefore, the committee continued to make taxes a subject of its primary interest.

Mr. President, during 1957, and at my urging, the committee conducted tax hearings in 14 cities throughout the country. After much work and a written report on our studies, we incorporated our conclusions in a draft of what became the Small Business Tax Adjustment Act of 1958, known in the Senate as Senate bill 3194.

By this time, concern over the burden of taxes on small companies became so widespread that 50 Senators joined with me in sponsoring Senate bill 3194.

The rank and file of small business concerns had good reasons to be gratified at the passage of the Small Business Tax Adjustment Act of 1958. It had eight features which would materially soften the impact of taxes on little and many medium-size companies. Of these, owners of independent concerns applauded section 204, which permits any business, individual, or corporation which buys depreciable property with a useful life of at least 6 years, to take an additional first-year depreciation deduction of 20 percent of the cost of the property, up to a maximum of $2,000, or in the case of a joint return up to $4,000.

Also highly regarded by the small business community was section 206, which permits the executor of an estate consisting of a closely held business to spread the estate tax over 10 annual payments, instead of having to make a lump-sum payment. This section alone eliminated one major reason why so many small companies, upon the death of the owner, either had to be closed down, in order to pay the death levy, or else found it expedient to be acquired by another firm.

Last year, the committee again responded promptly to cries of help from small business, following decisions of the U.S. Supreme Court, in February, which seemed to open the gates to increased taxation by States of interstate commerce. The committee took testimony from expert witnesses in this complex field. I then introduced a joint resolution, the essential provisions of which formed the basis of Senate bill 2524, which was passed by both Houses, and was signed into law in September.

It will be recalled that this act grants immunity from State taxes on interstate commerce when the only business activity in a State by an out-of-State company is the solicitation of sales. This action by Congress benefited thousands of small companies, such as mail-order houses and concerns which merely send traveling salesmen across State borders to take orders, which then are approved and filled from outside the taxing jurisdiction.

Before leaving the subject of taxes and small business, I must mention one important objective which has not as yet been achieved. American small business desperately needs a form of tax relief which will provide an incentive for the reinvestment in the business of a portion of the profits, and will make that possible.

Mr. President, today our economy is making such headway that it is not enough just to own a small concern. The concern must be a going concern and it must be going in the same direction as the national economy. For a small company to rest on its oars, just drifting from day to day, is to risk being swamped by the waves of competition.

There must be forward motion. For this compelling reason, I have introduced, and will continue to urge passage, of my bill, S. 59, which has carried over from the first session of the present Congress.

The purpose of this measure, S. 59, is to help the owners of small companies to provide out of earnings money for expansion and modernization of their stores, plants, and equipment. This would be accomplished by the simple expedient of allowing a tax deduction of up to $30,000, or an amount equal to 20 percent of net income of the taxable year, for money plowed back into a business for additional investment in depreciable assets, inventory, and accounts receivable.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. Yes; I am glad to yield to the distinguished Senator from Wisconsin, who, by the way, is chairman of the Small Business Subcommittee of the Banking and Currency Committee. I explained before in my presentation that the Select Committee on Small Business, as everyone knows, does not have legislative authority; but it does investigate a good many aspects of the small business problems and reports to the several legislative committees that do have authority. I brought out the point that the various legislative committees have been cooperative with our committee, and that certainly has been true of the Banking and Currency Committee, and the Subcommittee on Small Business of that committee, which is under the chairmanship of the very able Senator from Wisconsin.

Mr. PROXMIRE. As chairman of the Small Business Subcommittee of the Committee on Banking and Currency, I want to say that the work of the Select Committee on Small Business has been absolutely invaluable. Much of the initiative in small business legislation has come from the Select Committee on Small Business. It is my understanding that this very week—as a matter of fact, within a day or two—hearings will be conducted by the Select Committee on Small Business looking into the Small Business Investment Act and other matters, which will be attended by several members of the Banking and Currency Committee staff, so that we can, as quickly and as expeditiously and as efficiently as possible, benefit from those hearings and so that we shall have a running understanding of exactly how the hearings are proceeding, so we can cooperate, just as quickly and as fully as we can, to secure enactment of legislation to improve the Small Business Investment Company Act and the way it is working.

Mr. SPARKMAN. Those hearings will be held tomorrow, Wednesday, and Thursday of this week. I am glad the Senator brought that matter to our attention. I had in mind inviting the Senator, this very day, to attend the hearings. It is our intention to have officials from the Small Business Administration report on the progress that has been made in the program. When we are going to do something which we have done during the whole time the committee has been in existence. We are having witnesses come before the committee from different parts of the country, persons who have had experience in the field of setting up small business investment companies or in trying to establish them, or in operating them, so they can tell us their story. We have followed that very activity through the years.

The Senator from Wisconsin has said something about the select committees taking the initiative in making legislative proposals. We have been able to do so by reason of the fact that we are constantly working with those interested.

I just wish I could tell, but I do not know offhand how many thousands of requests we get in the length of a year from small businessmen from all over this country, from every nook and corner in the land. A great many of them come before the committee through Senators. A great many of them come to us directly from small businessmen themselves, with all kinds of problems. So that keeps us constantly in touch with what is going on in that field. We believe we generally know just about what the situation is.

Mr. PROXMIRE. I think the hearings are very important, because those of us who are responsible for small business legislation, and those who are on the Banking and Currency Committee, of which the distinguished Senator from Alabama is one of the senior members, are deeply concerned with the fact that the number of small business investment companies has not been keeping up with the estimates that were made by the Small Business Administrator, or with the expectation of the authors of the legislation or of Senators generally. We had an idea the program would be a very substantial one and would be of great help to the businessmen of our country. I am sure the results of the hearings will receive most sympathetic attention and quick action from the Banking and Currency Committee and from the subcommittee of which I am chairman.

Mr. SPARKMAN. I am certainly delighted to hear that statement, although I knew I could expect it, because it is characteristic of the Senator from Wisconsin. As a matter of fact, under his guidance, we got through last year a very good bill amending the Small Business Investment Act, and it went to the House. I think I am correct in that statement.

Mr. PROXMIRE. That is correct.

Mr. SPARKMAN. The bill is pending before the House committee, and I hope it will soon be enacted into law. I feel that out of the hearings we may get helpful suggestions which may be instrumental in improving the bill.

I shall discuss the Small Business Investment Act a little later, but that act itself was the outgrowth of many years of effort. I did not introduce the first bill on the subject. The distinguished Senator from Wyoming [Mr. O'MAHONEY] actually introduced the first bill of which I believe I was a cosponsor, proposing to establish some kind of a capital bank system whereby small businesses might be able to obtain long-term and capital credit. It was quite a good bill, I will say.

The Senator from Wyoming then left the Senate for a short period of time. I am grateful it was for such a short period, because he has been a stalwart in the Senate for many, many years. While the Senator from Wyoming was gone from the Senate, I introduced the bill. I kept introducing it in Congress after Congress, making changes, trying to meet objections of some of the executive agencies. Finally, as the Senator from Wisconsin knows, 2 years ago, we were able to get a bill enacted into law, and we did put it on the statute books with high hopes.

I must say that I felt at first it was a procedure in which we ought to proceed rather cautiously and rather carefully. In fact, I was a little afraid at first. It seemed as if there was too much interest being manifested in it, and I felt that there should be a great deal of care in sifting the various applications. I feel the Small Business Administration exercised commendable care in sifting the applications. Whether it has proceeded too slowly, we do not know, because we have all been disappointed in the fact that a much larger number were not established. I believe the present number is 75—something like that. Is that correct?

Mr. PROXMIRE. It is approximately that number. Wendell Barnes, who was Administrator of the Small Business Administration, said that the number of corporations suggested was too low. He estimated there would be 200 SBIC's in 1953. At that time there were less than 60. Today, as the Senator from Alabama pointed out, about 75 are qualified.

This program has not merely proceeded at the pace necessary. I questioned Mr. Barnes at the time he appeared before the committee on this matter. He recognized that there are 16,000 commercial banks in the country, and he recognized that the SBIC is the kind of institution we hoped would be national in character and would be at least near to every community. He said he thought that some day, as I recall, there might be a couple of thousand. Seventy-five is a long, long way, of course, from several thousand.

At the same time, I think the Senator from Alabama is correct in his statement. It was very wise to proceed slowly, and not have anything develop which might discredit the whole program.

I think we should proceed somehow, in some way, with greater success than we have had. I also feel that there are aspects of the law, which make it difficult to organize these companies and to protect either the investors or the small businesses, that we can correct.

I think the hearings which the Senator from Alabama is about to conduct will be exceedingly helpful in determining exactly how far we can go and precisely how we can improve the law.

Mr. SPARKMAN. I certainly agree with the Senator in that statement. Of course. I suppose it would be difficult to deal with numbers. I have never felt that we needed several thousand of these organizations throughout the country, to be perfectly frank with the Senator. I have felt we should have a few hundred, or perhaps I should say several hundred. That many would be required.

For a business to succeed, it must have sufficient business to keep it going. I do not believe that the economy would support these companies to anything like the extent it supports the savings and loan associations, for instance. In my State, as an example, there is not yet a single one. I believe several have been organized in the Senator's State—at least three or four.

Mr. PROXMIRE. We have three, and we have access to at least one other, in Minneapolis, across from our border.

Mr. SPARKMAN. I believe there is one asociation which operates in my State, although it is actually organized in another State. However, not a single one has been organized in my State. I know we have a great need for them. I should think we could easly use three or four in my State. Such a corporation would be a profitable undertaking.

I am hopeful something can be devised whereby perhaps we can have a kind of selling program. I do not mean a promotional program, in the sense that we would urge people to take something they do not want, but I think we should devise some kind of a program.

When I say "we" I do not mean the Select Committee on Small Business, but I really mean the Small Business Administration. The Administration should device some kind of a program whereby information can be given to those who are genuinely interested in forming one of these companies. Perhaps some of the redtape could be removed, to cut down the length of time which is necessary for the organizing of the companies. I think that can be done.

Also, I think as these companies which are in existence prove themselves, their very experience will be helpful in getting others to come in the business.

Mr. PROXMIRE. There is no question that some 25 years, at least, of investigation by Government, industry and foundations of small business problems has indicated that the No. 1 problem of small business is more adequate capital, long-term capital and equity capital. Small business does not have the necessary capital now.

Mr. SPARKMAN. Particularly long-term and equity capital; that is correct. As to operating credit, which one uses for a short time, there is some need. For that reason we created the Loan Division of the Small Business Administration, because there is recognized a need. However, it is not the big problem; long-term and equity capital is.

Mr. PROXMIRE. The reason why I said we might need several thousand of these companies was that I have in mind the way some of them are working. I have noticed, in talking with some people in Wisconsin who have been operating, there sometimes is not the necessary turnover once the investment has been made. The company may make 5 or 6 or 8 or 10 investments, which is not very many, and then it is in a position where it must find some discounting operation to market the investments on hand at the time, or it will be frozen in, or else it is necessary to obtain more capital. With this in mind I felt perhaps the middle-sized communities, if not the very small communities, might have a use for a company under the SBIC. There could be required, conceivably, a very large number. Whether it would be several thousand or several hundred, in view of the desperate need for equity capital, I do not know.

I think the Senator from Alabama is performing a wonderful service in holding hearings now, so that we can do all we possibly can to move ahead much more rapidly than we have in the past, but with the same degree of prudence and carefulness.

Mr. SPARKMAN. Of course, there is another aspect of the matter, I may say, while we are talking about it, about which I think the Senator from Wisconsin would be concerned. I know the Senator has been greatly interested in the pockets of unemployment all over the country, and the movement of the population from certain farm areas. The removal of the people from the farms is going on, whether we like it or not.

One of the possible solutions for that problem is to get small industry into those areas, where part-time employment can be provided. If the people have to leave the farms, perhaps they can find employment with small industry, or perhaps employment can be furnished for the people who are presently unemployed.

Very often small companies are available to move into communities, but there is required a certain amount of cooperation between the company and the community itself.

As the Senator from Wisconsin knows, about 15 different States have organized industrial development associations. Those are State organizations. There are a great many cases where local governments or groups have organized those groups. Perhaps it has been done under the aegis of the city council or the chamber of commerce in a particular area.

The Senator knows that under sections 501 and 502 of the act, loans can be made by the Small Business Administration to those State and local development associations. It seems to me a great deal can be accomplished that way in helping to stabilize the employment situation all over the country.

I am sure the Senator from Wisconsin is interested in that particular phase of the matter, and I know the Senator from Michigan [Mr. MCNAMARA] is also interested. The Senator from Michigan is not a member of our committee, but he has done a great deal of work in the field of unemployment. In fact, he lives in an area in which the people have felt a lot of unemployment during the "fabulous fifties" we speak of.

Mr. MCNAMARA. Mr. President, I wish to say to the Senator that I am a member of the Senate Special Committee on Unemployment Problems, under the chairmanship of the Senator from Minnesota [Mr. MCCARTHY].

Mr. SPARKMAN. I knew the Senator was a member of that committee.

Mr. MCNAMARA. I agree with the Senator thoroughly in what he is suggesting. This proposal would make a great contribution.

Mr. SPARKMAN. It is a good program. It is a part of the overall Small Business Investment Act, about which the Senator from Wisconsin was talking.

Mr. PROXMIRE. Mr. President, will the Senator yield for two more brief observations?

Mr. SPARKMAN. I am delighted to yield to the Senator from Wisconsin. I wish to say that during the time the Senator has been a Member of the Senate and has served as chairman of a subcommittee of the Select Committee on Small Business he has become a real expert on the problems of small business and the way to solve the problems.

Mr. PROXMIRE. On page 8 of his statement the Senator from Alabama mentions, as his third point, the tightness of the money supply and the high cost of money, when borrowing was possible, which have impeded the natural development of our smaller companies.

I am delighted that the Senator from Alabama, who is undoubtedly the outstanding expert in the Senate on matters of small business, has highlighted this as one of the six extremely important obstacles in the way of small business operations. As I look at the six obstacles listed, it seems to me this point, together with perhaps No. 4 and No. 5, represents an area which can be most influenced by Government operations.

I feel—and I am sure the Senator from Alabama is aware of my position—that the policies of the Federal Reserve Board should be conceived with full recognition of the fact that this is a country in which small business is enormously important, and in which small business has been seriously handicapped by high interest rates.

The opportunity for small business to grow is limited by taxation, and by all kinds of other factors. When the Federal Government adopts a policy of tight money, even though it does so sincerely, and because it is thought to be necessary in order to achieve stability, it seems to me that there is not sufficient recognition of the fact that small business is seriously handicapped by such a policy, because small business must be a debtor. Small business must borrow to finance inventories or receivables or to build plants. Small business must deal with banks. The interest cost is a significant cost for most small businesses. On the other hand, large business is able to obtain financing from internal sources, from huge depreciation allowances, from selling stock on the New York Stock Exchange. Small business cannot possibly take such action. So I think the third point should be highlighted, emphasized, and remembered. I feel that our money managers, who, after all, have control over interest rates, should recognize the fact that when they act as they have been acting, even though with sincerity, by increasing interest rates they limit the money supply.

Mr. SPARKMAN. I am glad the Senator brought up that point, because I think it deserves special emphasis.

At various times I have discussed this problem personally and informally with Mr. William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve Board. He has admitted to me that in the case of tight money, small business is always hurt. He has said to me that there are two segments of our economy that are always hurt, first and worst, when we have a tight money situation. Those two segments are small business and home building, or housing. I do not think he was saying it merely because he knew of my interest in those two activities, but that is what he said to me. I have said to him, "It seems to me that there could be

established some kind of special arrangement under which there would be recognition of the fact that those two segments are called upon to bear an undue part of the burden of high interest and tight money, hard money, or whatever one may wish to call it."

There is a third segment which I would add—and I believe the Senator from Wisconsin will agree with me. I refer to farming. At present we are leaving the "fabulous fifties" and going into the sixties—I do not know that they have yet been given a name. We are going out with flags flying high, and talking about prosperity. We do have prosperity. I think there is no question about it. These are prosperous times, generally speaking, throughout the country. But the Senator from Wisconsin knows, as I do, that the three segments of our economy to which reference has been made represent soft spots in the economy.

The other day I read an article by Sylvia Porter, one of the great writers on economics. In her column within the past week or so, published in the Washington Evening Star, she pointed out the number of small businesses which would have to "bite the dust" this year. I believe that was the term she used. The number was abnormally high. But that is a part of the softness which we find in an otherwise generally strong and prosperous economy.

Mr. PROXMIRE. Mr. President, will the Senator further yield?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. I congratulate the Senator upon his statement. I cannot tell him how happy I am that he has been talking with the Chairman of the Federal Reserve Board, and that the Chairman of the Federal Reserve Board himself recognizes that small business is hurt first and worst. I hope that will temper his decisions in the future.

I should like to add, however, one further area which I think is of great importance, and which we see very readily is a serious sufferer from the hard-money, high-interest-rate policy. That sector might be called the public sector of the economy. I am talking about construction of schools and hospitals, and the financing of our enormous national debt. I am thinking particularly of schools.

I shall place in the CONGRESSIONAL RECORD letters from two educators in Wisconsin, one of them in Sheboygan, a fairly large city. He points out to me that recently a $4 million bond issue was floated. I have calculated that this $4 million bond issue will cost the taxpayers of Sheboygan $1 million more this year than would have been the cost if the issue had been floated in 1952. The cost of hard money to the taxpayers of Sheboygan is $1 million.

I received another letter from the administrator of the Frederick Common School District, a rural school district in northwestern Wisconsin. He says:

> We have borrowed every dime we can borrow under Wisconsin law and are still way short of what we need to properly house our pupils. Our levy for debt service alone for 1960 was over 26 percent of our levy for all of our operating costs and our interest payment amounted to 52.8 percent of our principal payment on this debt.

I apologize to my distinguished friend from Alabama for departing from his principal theme; but I could not resist emphasizing that hard money has imposed a very heavy burden on our schools, either by discouraging people from building schools, or imposing high taxes on those who pay for the construction.

Mr. SPARKMAN. Cutting down on the number of classrooms they might otherwise have.

Mr. PROXMIRE. Exactly.

Mr. SPARKMAN. At a time when we need additional classrooms so badly.

Mr. PROXMIRE. The Senator is correct.

Mr. SPARKMAN. I believe we need approximately 150,000 additional classrooms in the country.

Mr. PROXMIRE. Yes. Every one of those classrooms would cost an average of $40,000. They must be financed; and if the interest rate is 2 percent higher, it means that the cost will be about one-third greater today than the cost of financing the same classroom in 1952. The cost will be more than $13,000 additional, merely in interest cost. Multiply that by 150,000, and it amounts to a great deal of money. I made some calculations the other day, and found that the cost to education is something like $675 million this year.

Mr. SPARKMAN. If I remember correctly, recently the Senator placed in the CONGRESSIONAL RECORD a very interesting article dealing with some of the increased costs. I find this article to be most interesting and instructive.

Mr. PROXMIRE. I should like to ask the Senator from Alabama to refer to one other part of his remarks——

Mr. SPARKMAN. Before we leave the question of interest rates, one thing we must remember is that when we refer to the "public debt" we are not referring merely to the national debt, but to the public debt of cities, counties, and other segments. The Senator speaks of public activities, such as the construction of public buildings, schools, and other structures of that kind, including all kinds of improvements. Not only are interest rates higher, but higher taxes must be imposed in order to finance such improvements.

Mr. PROXMIRE. Exactly; and who pays those taxes?

Mr. SPARKMAN. There is a spiraling of taxes.

Mr. PROXMIRE. Farmers and homeowners pay them, but small business pays them, too. Small business has a very heavy burden of property taxes. I am sure that in proportion to total income, the weight of property taxes is far heavier for the small businessman than for most other segments of our economy.

Mr. SPARKMAN. I am certain that that is true. With reference to tax increases, the Senator will recall that the State without a tax increase during the past year was the exception rather than the rule.

Mr. PROXMIRE. Yes; and I recall very well that in April of last year the cost of living increased. The Bureau of Labor Statistics indicated that the principal reason for that increase was local taxes.

Mr. SPARKMAN. The Senator also mentioned the question of interest on the national debt. I have often compared this in my mind in this way. The interest on the national debt is, I believe, in the neighborhood of $9 billion. I believe it is in excess of $9 billion. That is more than the total Federal revenue was when I came to Congress.

Mr. PROXMIRE. If the Senator will yield at page 14 of his prepared speech, I interrupted the Senator from Alabama because I wanted to say at this point that the proposal which the Senator from Alabama is discussing would enable a small businessman to put more of his earnings back into the business.

Mr. SPARKMAN. It is to enable the small businessman to do that. As a matter of fact, it is an across-the-board matter. It enables any business to do that. However, it would be particularly helpful to small business, for the very reason the Senator mentioned a few minutes ago, and that is, that a big business, which has been in existence for a long time, has been able to build up its reserves or it has a good operating business, and, too, it has been able to finance its undertakings. Then, too, the typical big business has access to the security markets.

I do not want to be understood as saying that small business does not have access to the security markets, but there is the question of the cost that is involved.

Mr. PROXMIRE. I know about trying to get equity capital for a small business. I owned a company, which I sold when I came to the Senate, because of a possible conflict of interest. We did a business of about $120,000 to $150,000 a year. For us to get equity capital for our business would have cost 30 or 40 percent of what we received. For big business the cost is about one-half of 1 percent.

Mr. SPARKMAN. The Securities and Exchange Commission made a study a few years ago—perhaps 8 or 9 years ago—and it came to the conclusion that no business could afford to go into the security market for less than a million dollars of capital. That might very well be $2 million today, because of the change in the last 10 or 12 years. In other words, the cost of floating a stock issue was so high that small business could not afford to do it.

Mr. PROXMIRE. I wish to call the Senator's attention to the fact that the Harvard Business School a few years ago made a study of the impact of the corporate taxes on small business. It was pointed out that no little corporation today could possibly grow to giant size, no matter how efficient or how much money it made or no matter how wisely it was managed—and that included Ford Motor Co., General Motors, United States Steel—if they had to operate under our present tax laws.

That means that not only does small business suffer, but it also means that ambitious people, who have a great deal

to contribute to our society cannot possibly achieve the size they would like to achieve unless some allowance is made, as the Senator from Alabama is trying to make it here, so that they can grow and thus be able to reinvest their earnings.

The point I wish to make is that the Senator's proposal is a very modest proposal. It is a fine proposal, but it is a very modest proposal. The cost to the Treasury would be very little in the first years, and in the long run it would be nothing at all. Eventually the revenue would increase. However, the concession to small business would be slight, except to a very small firm. A growing firm would be helped, and all Senators should be enthusiastic to help.

Mr. SPARKMAN. I thank the Senator from Wisconsin. I feel the same way about it. It is difficult for me to understand why the administration, particularly the Treasury Department, should be opposed to it. Of course, it would have a loss in revenue for the first year and the second year, and perhaps the third year, but I am of the opinion that before the fifth year the Treasury would actually be making a profit.

Mr. PROXMIRE. The bill is a realistic bill, and it is calculated to do exactly that, because it requires that the money be put into——

Mr. SPARKMAN. Expansion.

Mr. PROXMIRE. Or into inventories.

Mr. SPARKMAN. Expansion of business.

Mr. PROXMIRE. Yes; expansion of business, which, of course, will mean that the profits will be taxable at all levels—wages, corporation tax, and so on.

Mr. SPARKMAN. Yes. It will be maintaining something that I have always held as being typical of the American free enterprise system. It is the opportunity for any person to go into business if he wishes to do so, and to venture his capital, and the opportunity to operate and make a profit if the business can do so. It would give him a fairly sure basis on which to plow back into the business the profits he made and to keep on growing and to expand and to become a big business eventually. That has been the history of business in this country down through the years. That is what has made our country grow and what has made our country strong. It has been due to the venturesomeness of our people and the willingness of the people to venture their capital. I could tell the Senator many incidents which have come to my attention through my experience with this subject through the years in my service on the committee.

Back in early 1951, during the Korean war we were holding a hearing one day before the Small Business Committee on the death sentence section. I do not know whether the Senator is familiar with that point or not. Back at that time the National Production Authority issued an order to the effect that only essential users of aluminum would be able to get any aluminum. Aluminum was one of the scarce materials. The proposal was to ration it to the extent that only essential users would be able to get aluminum. That would mean that 14,000 small fabricators of aluminum products would go out of business.

I remember that one young man from my State appeared before the committee. I remember asking him this simple question. It was not a rigged question. We had not rehearsed it. I said to him, "If we cannot get this order lifted, and you cannot get aluminum, what are you capable of doing?"

I meant in what direction were they capable of moving? He gave the most simple and direct answer I have ever heard. He said, "Well, Senator, we are capable of going broke." I think he meant just what he said. I happen to know the history of that situation. In fact, he told us a good deal about the history. He was a young GI who had come out of the service. He had served over in Germany, I believe, and while there he had learned about a way of making window sash from aluminum. He came back with that idea fixed in his mind. He and a buddy of his got together and used their separation pay and a little money they had saved up to start the business. They set up business in a one-car garage—just an ordinary one-car garage, like the kind that is attached to a person's home—and they opened up a little shop making aluminum sash. If they heard of Mr. Jones building a house, or of Mr. Smith building a house, they went there and tried to sell Mr. Jones or Mr. Smith their type of window sash. They did quite a business in their town, and then they spread out in the county, and eventually into other counties. They had to get a two-car garage in which to do their business. Finally he told us they had to move into a building.

I know something about his expansion today. He is operating in at least 40 States of the Union. I went by his place in his home city. I was down there a little while ago, and I happened to ride by, and I said, "Oh, that is the Southern Sash Co." I stopped by. He said, "Yes, and I would like to show you some of it." He now has buildings on six to eight city blocks. That is his principal establishment. He has establishments in every sizable town throughout our State and in a great many other States of the Union. He has spread out that much. He has grown into a big business now.

I could tell many more stories like that. I remember one time a little business down in my State was struggling, trying to build trailers.

The Senator from Wisconsin knows about it. That company must have had quite a job trying to get into the trailer-building business in my State. But they got a loan from the RFC. A time came when they were not able to pay off that loan. But by securing an additional loan and refinancing it, they thought they could make a success of the venture. The RFC rejected the loan at first. The RFC handled small business loans at that time, and this was to be a typical small business loan. The RFC agreed to a meeting. As a result, they changed their decision and made the loan. That loan was paid off promptly, on time.

The company grew and grew and was listed as a small business; and as a small business it was able to bid on the set-aside contracts in the Department of Defense.

About 2 years ago, the executive vice president of the company came to see me and said, "You know, the Defense Department has cut us out of bidding."

I asked, "Why?"

He said, "They say we are not a small business."

I said, "How many employees do you have?"

He told me.

I said, "Well, you are not a small business."

As a matter of fact, he managed to qualify for that particular loan, and he did so legitimately, because a part of his employment had been "blown up" by one particular contract he was fulfilling for the Defense Department. He was then able to bid. But he is not able to do so anymore. He has been out of that category for some time. His business has grown into a big one. It is really a big business.

I could name thousands of businesses of that type which simply by getting the proper help at the proper time were able to do what is typically American, that is, to make a profit; to share in the prosperity; to grow and continue to grow and become big business, if they want to.

As a matter of fact, most of the businesses in this country do not become big business; they want to remain as small business. About 94 percent of the businesses in America are small businesses. Probably it is a higher percentage than that; I believe it is 97 percent.

I sometimes believe that a great many citizens fail to recognize the significance of that when they consider our Nation's strength. We talk about how powerful we are; and when we talk about our power, we think of some of the giant corporations, great manufacturers, and large producers. They do give us tremendous strength. I do not belittle or seek to deemphasize for one moment the importance of those great companies in our economy. But 90 percent of the businesses in the United States are little businesses, which employ less than 50 persons. Think of that. That is the economic backbone of America. That is what we ought to keep in mind. That is all in the world we are trying to do for the little people. That is all I am urging, and that is what I will continue to urge.

As a matter of fact, I believe it is shortsighted on the part of our Government to oppose such a program, because I believe it will mean money to the Government in the long run to assist small business. I shall continue to urge such assistance, because it will help small businesses to keep from going broke. I shall seek help for them to modernize and expand their plants.

Such assistance will help the little corner grocer, who has to compete with the large chain grocery store down the block. It will help him to place a better stock of goods and will enable him to have a

better way of displaying it. Such assistance will enable small business in this country to remain healthy.

So I shall continue to work toward that end, as I know the Senator from Wisconsin [Mr. PROXMIRE] will, too. I hope to goodness that the Government itself—especially the Treasury Department—will look into this proposal in what I believe is a simple, sensible way, namely, that help for small business is a good investment today, one which will pay a fine return tomorrow.

Mr. President, the purpose of the measure to which I was referring, S. 59, is to help the owners of small companies to provide out of earnings money for the expansion and modernization of their stores, plants, and equipment.

While I am on this subject, let me digress to say something which I said earlier concerning help for small business to buy new equipment. There is another inequity, so far as small business is concerned. In the Tax Act of 1954, Congress provided a rapid depreciation plan for the purchase of new equipment. I said something about that a little earlier.

That matter was considered by the Small Business Committee. The Senator from Wisconsin [Mr. PROXMIRE] was a member of that committee during a part of the time when we were making this recommendation. He was a valuable member of our committee. I regretted to see him leave it, but I know he is rendering invaluable service as chairman of the Subcommittee on Legislation for Small Business of the Committee on Banking and Currency. One of our recommendations was that that same provision of the tax law be made applicable to the purchase of both new and used equipment. For some reason the Treasury Department did not look with favor upon our recommendation. There was an explanation. I seriously doubt that it was a good one. It certainly does not apply today, and I doubt that it was really good at that time.

The main purpose of the Tax Act of 1954 was, as the Senator from Wisconsin may remember, to provide greater incentive for increased production capacity. That was what was needed in the country at that time. It was said that if the rapid depreciation rate was allowed for the purchase of new equipment, it would serve as an incentive to business companies throughout the country to purchase new equipment, and would mean turning the wheels in the factories to make new equipment; whereas if we gave an incentive for purchasing used equipment, that result would not be achieved. As a matter of fact, I think it would have cost much more to get rid of the used equipment and to get new equipment to take its place. Nevertheless, that inequity remains in the law today.

We know that the typical purchaser of used equipment is the small businessman. He gets no right of rapid depreciation on used equipment; but his larger competitor, which can afford to buy new equipment gets the benefit of rapid depreciation. Again, I think that is a shortsighted policy on the part of the Government.

Let us stimulate business in this country. Let us make it possible for the little businessman, who needs to pep up his business by getting additional equipment, whether it is new or used, to receive the encouragement and the incentive to do so. That will mean a strengthening of the economy, which in the long run will mean a strenthening of the revenues to the Federal Government itself.

The purpose of S. 59 would be accomplished by the simple expedient of allowing a tax deduction of up to $30,000, or an amount equal to 20 percent of net income of the taxable year, whichever is less, for money plowed back into a business for additional investment in depreciable assets, inventory, and accounts receivable.

Clearly, Mr. President, if a small businessman cannot conserve his limited financial resources through forms of equitable tax relief, he will be forced to borrow. In this circumstance, the small operator, whether he is a manufacturer, a wholesaler, a retailer, or the owner of an establishment which provides services, is and has always been, at a disadvantage. Whereas large corporations find the door to the money market wide open, small companies often find this door either just ajar or closed tight.

This is common knowledge. It has been a cause of constant concern to the Small Business Committee. We have sought to rectify this situation in several ways. We fought for the establishment of a small business agency with lending authority. We appropriated many millions of dollars, so this agency could extend short-term credit to qualified small businesses which had their requests for credit turned down by their local lending institutions. Later, we made this agency, which at first was temporary, a permanent fixture of the Federal establishment, and increased its revolving fund, so that it could make more loans to credit-worthy small enterprises.

Many small businesses have been helped by this program. A spot survey made in my own State disclosed that small firms which received loans from the Small Business Administration thereupon substantially increased their employment and their sales. A large percentage of these borrowers stated that they did not believe they would be in existence today had this source of credit not been available to them.

By this constructive action, however, we had provided an answer to only one-half of the financial problems of smaller businesses. They still were confronted with a general inability to obtain long-term and equity capital. As long ago as 1950, I had joined with other Members to introduce legislation to plug this second small-business credit gap.

In 1958, this pressing small business need was finally met by Congress when the committee-sponsored Small Business Investment Act was passed. This landmark legislation provided for the establishment of private lending institutions organized under State laws and licensed by the Small Business Administration. The capital requirements of these investment companies are set at a minimum of $300,000, half of which may be borrowed from the SBA. Once established, the investment companies may make regular bank-type loans or may purchase debenture bonds convertible into stock of the borrowing small firms. No limit has been placed on the maturity of convertible debentures. There is a 20-year limit on conventional loans, which may be extended for an additional 10 years.

Another significant provision of this act is that it permits the SBA to make unsecured loans, as well as secured loans, to State development companies.

Funds were also provided so that the SBA may make grants to State and local governments and to colleges and universities to conduct original studies and research on problems peculiar to small businesses. The committee hopes and expects that the results of this research will provide new and valuable information on the management difficulties of conducting a small business successfully.

The Small Business Committee's interest in the Small Business Investment Act of 1958 did not end with the passage of the act. Next week, the committee will hold 3 days of public hearings to inquire into the question of how well the act is being administered and how successful it has been in meeting the long-term and equity capital requirements of American small business firms.

I have, Mr. President, touched in some detail on the accomplishments of the Small Business Committee in the fields of taxation and finance. I now wish to speak of another of the small business problem areas to which I alluded previously—that of military procurement.

No single small business problem has taken more of the committee's time than the inability of smaller producers and suppliers to obtain what they and the committee consider to be a fair share of defense prime contracts.

To state it briefly, of the more than $22 billion in prime contract awards made in the United States by the military services in the fiscal year 1959, small business received only 16.6 percent. Furthermore, of the more than $2 billion spent on research and development contracts in the first 5 months of the fiscal year 1960, the share of small firms has sunk to a mere 2.3 percent.

This is, Mr. President, and for some time has been, an intolerable situation. The concentration of defense purchases in large companies, with the top 100 defense contractors receiving more than 73 percent of all prime contracts above $10,000 in the fiscal year 1959, not only is depriving small firms of present defense business which many of them are entitled to share. It also, by means of the concentration of research and development contracts and the operation of the patent system—into which the committee is currently inquiring—will preclude small companies from sharing in the commercial production of the new products developed as a result of the

present research and development contracts being handed to their larger, although not necessarily more skilled, competitors.

The constantly declining participation of small business in defense contracts has caused the committee much concern. Every year we hold formal hearings and have informal discussions with the procurement officials of the Department of Defense, in an effort to reverse this economically dangerous trend. I will be the first to concede that our efforts have not met with success. In this problem area, the committee simply must redouble its efforts.

In this area, we also may properly look to the Small Business Administration for help. Congress has given the Small Business Administration two sharp cutting tools designed to carve out for qualified small companies a larger slice of defense prime contracts. One is the joint determination set-aside program by which specific contracts, or parts of contracts, are earmarked for exclusive competitive award to small business. The other involves certificates of competency, whereby the SBA may certify a small concern as being qualified to perform a specific contract, when that concern is designated "not qualified" by a military procuring agency. Both of these programs have made it possible for many small companies to participate in Government procurement, whereas otherwise they could not have done so. The committee will urge the SBA to intensify its use of these tools.

In addition, the committee will press its own campaign to persuade the military services to disengage themselves from wasteful and unnecessary sole-source purchases.

The final broad small business problem area which I shall touch upon, Mr. President, has to do with the general commercial climate in which businessmen necessarily have conducted their affairs during the past 10 years. I shall treat this inclusive subject only from the point of view of any basic changes which the Small Business Committee may have noted during this period in the relative position of small business, as compared with the position of large enterprises.

Generalizations are risky; yet this much, I believe, may be stated: Our smaller business units as a whole have tended to fare less well than their larger competitors. Since economics is admittedly an imprecise field of inquiry, reasonable minds may arrive at differing conclusions from similar premises. Nonetheless, the committee has time and again expressed itself as being concerned, not with the level of business activity, but with the question of whether small business has gained ground, lost ground, or merely held its own, between the years 1950 and 1959.

There is a school of economic thinking—with many adherents in Government and business circles—which holds that there is no need to try to help independent business, because when business is good, small firms will prosper; and when business is bad we cannot do anything about it, anyway.

That, I need not stress, is not the attitude of Congress; and I do not believe it reflects the thinking of the more than 4 million small business concerns. Neither does that point of view in any way conform with the observations of the Small Business Committee.

In its recently filed 10th annual report, the committee referred to "a continuation of some long-term trends which admittedly do not enhance the prospects of the possibility of a undercapitalized and undermanaged small firm to survive the rigors of present-day competition."

Does it mean anything, Mr. President, that whereas last year the companies listed on the New York Stock Exchange paid record cash dividends of more than $9 billion, the number of small business bankruptcies was higher than in any year since 1938, with the exception of 1958?

Does it mean anything that each year large chain organizations, mass merchandisers, and national distributors are gaining a larger and larger percentage of the consumer dollar?

Is there significance to the fact that through mergers and acquisitions, large and affluent corporations have right and left been buying up their smaller independent competitors?

Should we be concerned over the fact that between 1947 and 1954, the four largest producers of flour mixes increased their share of total shipments from 41 to 73 percent?

Are there any implications in the declining number of daily newspapers and in the fact that, whereas, in 1910, competing newspapers flourished in 689 cities, today there are competing daily newspapers in only 87 of our cities?

Should we just accept the fact that it is difficult, if not in many instances impossible, for small local business concerns to rent space in the chain-dominated suburban shopping centers that have mushroomed all over the country?

The Small Business Committee has been disturbed, and rightly so in my belief, about the competitive climate of the 1950's. We have urged a more vigorous enforcement of the antitrust statutes and of the laws dealing with unfair business practices. The committee recognizes that competition is the lifeblood of our free enterprise system, but the committee will continue to insist that the competition be clean.

To this end, the committee has sought through more than a score of bills and amendments to strengthen our antitrust laws. One such bill became law and gave to small businessmen certain tax advantages on the money recovered in private treble-damaged antitrust actions.

Last year, when my bill, S. 726, became Public Law 86–107, I felt that more progress was made in the antitrust field. This act ended the cumbersome procedures which had been necessary to achieve enforcement of cease-and-desist orders issued by the Federal Trade Commission and other regulatory agencies under section 11 of the Clayton Act. Now such orders become effective within 60 days, unless they are appealed to the courts.

The time may also be ripe for the Congress to reexamine the Robinson-Patman Act with a view toward offering any improving amendments which 25 years of experience under the act may suggest. Small businessmen, both as buyers and sellers, are daily being rankly discriminated against as to prices and various unfair allowances which favor the big and harm the small. In this connection, I urge consideration of my bill, S. 725, which would amend the Clayton Act to declare the Robinson-Patman Act to be an integral part of the antitrust statutes and permit the institution of actions for damages thereunder.

S. 724, which carried over from the first session, would also help small business by invigorating antitrust enforcement through prohibiting certain bank mergers and by making antimerger statutes more effective.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am glad to yield to the Senator from California.

Mr. KUCHEL. Mr. President, I had the honor of serving as a member of the Select Committee on Small Business for several years, a part of which time was under the chairmanship of the able Senator from Alabama. I would want, from the minority side of the aisle to have this RECORD indicate that, in my judgment, the progress which has been made in the interest of the independent entrepreneur in the American economy by the labors of this committee has been truly great.

Commitments were made to the independent businessman in America by the committee. Those commitments have been discharged, and they have been discharged well.

Under the able chairmanship of the Senator from Alabama, as he has suggested in his able speech this afternoon, a series of hearings was held across the country, which representatives of the small business community in America were invited to attend and to testify before, as to their unique problems under the internal revenue laws affecting small business.

I remember participating in those hearings, particularly in Los Angeles and in San Francisco. I remember, for example, a lawyer, a friend of mine, a leading professional man in the city of Los Angeles, coming forward to state that in his past years of professional experience he had one pointed recollection of a small business in which the owner had died, the heirs of that business—who came to my friend to guide the estate through probate—were unable to pay the Federal estate tax and the State of California inheritance tax, as the law required. Those heirs lost a business which the deceased father, by his own labor, had built up into a fine concern, because they were unable to pay the death taxes, at once, as the law required.

The relief given in that type of problem by the Congress, as my colleague has suggested, constitutes but one of the many-sided programs of tax relief that we promised to sponsor, which relief is now a part of the law of the land. Spreading out the time in which the estate tax may be paid is of tremendous value to thousands of small businesses in the Nation.

I regret I do not serve on the committee now. I do want to say, to the extent we continue giving assistance to a committee that is, as it should be, completely lacking in partisan approaches to common problems of small business, we will do much to strengthen the economy of our country and the future of the individual businessman or entrepreneur, who, by his own courage and by his own skills, is able to be successful in his own independent endeavors.

Mr. SPARKMAN. Mr. President, I am grateful to the distinguished Senator from California, who was a member of our committee, and who rendered effective service. I disliked to see him leave that committee. I recall how he cooperated wonderfully in helping to hold those hearings around the country during the time he was on the committee. I appreciate his telling of the incident in which a certain business was lost. As a matter of fact, that story could be multiplied thousands and thousands of times throughout the country, in respect to businesses that were closely held in families, that had been built up as family businesses over the years.

I recall an instance when we were holding hearings in 1952 in Chicago. I remember an old gentleman came before the committee. I believe he was from Iowa. He had a physical defect that could be seen. He limped. He got on the stand and told us what his age was. I do not now remember exactly what it was, but it must have been over 70. He gave us an explanation as to his lameness. He had had a stroke not long before. He said, "You know, I realize I do not have much longer to stay here. I have worked 50 years building up this business, wanting to leave it for my family. They cannot possibly pay the inheritance tax. Therefore, I have spent all of these years for naught, because they cannot possibly pay the inheritance tax within the time they are required to do it." He was crying unashamedly before the committee. The tears were rolling down his cheeks.

A great many persons may not give much thought to that particular provision of the law, which we were finally able to get enacted. That relief would apply to a number running into the thousands of relatively small businesses. The provision is important, and it is fair.

The Government does not lose a dime. All in the world we did was to say that, instead of there being a requirement to pay a lump sum in 15 months, now one has 10 years in which to pay, in 10 annual installments, with interest on the money. So the Government does not lose anything.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. KUCHEL. The trend in the American economy today is toward mergers and consolidations, which poses a very grave hazard for small businessmen. I think also it poses a very great hazard for what my friend from Alabama and I would call the traditional free competitive economy of our country. It has been a great tradition of America that any individual, by his own courage and initiative, could go into his own small business.

Mr. SPARKMAN. If he has a willingness to venture something.

Mr. KUCHEL. Precisely. What was done by the committee in arriving at this series of recommendations which have now been written into the law has helped to preserve that traditional free economic system. I think it was one of the bright pages in the history of the Congress when my friend's committee was able, first in the Senate and then later in the House of Representatives, to receive approval for that particular legislation.

Mr. SPARKMAN. I think the Senator's expression is correct as to the importance to the small business community and to the economic life of our country generally, and I appreciate his remarks.

In concluding my remarks, Mr. President, I with to append a list of Small Business Committee activities which will indicate the scope of our work in behalf of independent business during the past 10 years.

Mr. President, I ask unanimous consent that the list be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. KEATING in the chair). Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. Mr. President, I believe that anyone taking the time to scrutinize this list will conclude that there have been few problems of any magnitude confronting the Nation's smaller enterprises on which the committee did not take action.

My close involvement with the problems of small business has led me to the conviction that if our national economy is to continue to be based on a free enterprise foundation, our small business concerns must be guaranteed certain rights. I therefore suggest that in the 1960's we strive to develop a bill of rights for small business which will include the following:

First. The right of every American to have the door of business opportunity forever open.

Second. The right to strive for business success, free from unfair methods of competition and monopolistic practices.

Third. The right to equitable treatment in Government procurement.

Fourth. The right to a fair distribution of vital materials during a national emergency.

Fifth. The right to a tax system which encourages plow-back of earnings, into plant and business modernization and expansion.

Sixth. The right to equity capital and credit financing on reasonable terms for efficient operation and business growth.

Seventh. The right to develop markets overseas.

Eighth. The right to a voice in Government decisions.

These commemorative comments on the 10th anniversary of the Senate Small Business Committee have not been voiced, I hope, in vainglorious tones. Serving on this committee has been for me a humbling experience, for it has brought home to me a new awareness of the extent to which our Nation is dependent for its strength on our free enterprise system. Small and independent business is the foundation of this system, the bedrock to which it is anchored.

Small business must be preserved.

At the beginning of another and perhaps crucial decade, that is the goal to which the committee will dedicate itself anew.

EXHIBIT 1

SMALL BUSINESS PROBLEM AREAS IN WHICH THE SENATE SMALL BUSINESS COMMITTEE MADE INVESTIGATIONS AND TOOK SOME ACTION, 1950–59

1. Facilitating the entering of foreign trade by small firms.
2. The shortage of fuel in New England.
3. Complaints by Chicago oil retailers about attempts by large producers to force them out of business.
4. The problem of commercial rents for the small businessman.
5. Newsprint hardships facing small newspapers.
6. Effects on small businesses of manpower mobilization during Korean emergency.
7. Problems involving basing point and price discrimination.
8. Problems of irregular airlines.
9. Problems of independent tire dealers.
10. Concentration in banking and its implications for small business.
11. Price wars in the gasoline industry.
12. Government competition with business.
13. Mobilization planning for the future, to avoid mistakes of Korean emergency which had hurt small business.
14. Small business aspects of proposed extension of Renegotiation Act.
15. Study of ICC decisions on the trucking industry.
16. Induced Federal Reserve Board to make first major study of financing needs of small companies.
17. Problems of private antitrust actions.
18. Problems of small retailers with respect to renting space in suburban shopping centers.
19. Problems of dealers and retailers of flat glass.
20. Small business difficulties stemming from operation of the patent system as used by Federal agencies.
21. Problems of small businesses displaced by urban renewal projects.
22. Small businesses and their relations with the regulatory agenices of the Federal Government.
23. Problems of daytime radio broadcasting stations.
24. Impact of mergers and concentration in the trucking industry.
25. Problems of independent motion picture exhibitors.
26. Study of retail price maintenance.
27. Technological and competitive problems of independent scrap-steel dealers.
28. Tax depreciation allowances on capital equipment.
29. Mergers and unfair competition in the food industry.

30. Small business participation in defense subcontracting.
31. Effect of discount house operations on small retailers.
32. Problems of the independent logging and sawmill industry.
33. Impact of machine tool shortages on small manufacturers.
34. Price discrimination and the basing point system.
35. Relation of oil import quotas to small refiners.
36. The distribution of steel consumption by size of business units.
37. The denial to small firms of the right to buy goods, supplies, and services.

CALLABLE LONG-TERM BONDS

Mr. BUSH. Mr. President, during the recent hearings of the Joint Economic Committee the Secretary of the Treasury appeared as a witness and discussed the question of long-term bond financing of the Treasury Department. During the course of his appearance I asked questions concerning the use of callable long-term bonds, and he responded briefly. After the session was over, I asked the Secretary if he would write to me, giving me a plain statement as to the consideration by the Treasury of the use of callable bonds in connection with its financing operations. This he has done.

Mr. President, the Secretary points out that the Treasury is seriously considering the desirability of incorporating optional call features in new long-term bond issues—that is, over 10-year maturities—once the ceiling is removed. The Secretary also points out that the Treasury does possess full authority to issue such callable bonds, but he points out further some of the obstructions, one might say, to the process, inasmuch as many long-term investors, even considering the attractiveness of the higher interest rates, are reluctant to buy callable bonds, because they plan their investments a long time ahead and are interested in a guaranteed long-term rate of return, in order to meet the actuarial requirements imposed upon them. This statement would apply, for instance, to the pension funds and insurance companies, between whom a very large part of the long-term offerings of the Federal Government might be expected to be divided.

Mr. President, I ask unanimous consent that the letter from the Secretary of the Treasury may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 19, 1960.

The Honorable PRESCOTT BUSH,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: This letter is in response to your request for additional information with respect to the question of Treasury insurance of long-term bonds subject to call sometime in the future, a subject which I discussed in my testimony before the Joint Economic Committee on February 16. Recently a number of suggestions have been made that, inasmuch as interest rates are relatively high, the Treasury should not offer any considerable amount of intermediate or longer term bonds without retaining an option to call the securities in the event interest rates decline appreciably.

This point of view has considerable merit, and the Treasury would consider it unwise to issue large amounts of new long-term bonds under today's conditions. For one thing, we have no reason to believe that a market for a large amount of long-term bonds actually exists today. Consequently, large-scale issuance of long-term Treasury bonds might force interest rates to higher levels and also drain off a substantial portion of the savings that would otherwise flow into homebuilding, State and local government projects, and business expansion and modernization of plant and equipment.

It is noteworthy that the Treasury issued only $10 billion of bonds running 10 years or more to maturity during the period from the beginning of 1953 through the spring of 1959, when the 4¼ percent interest rate ceiling effectively halted the sale of new bonds. Thus the average amount issued in the 6½-year period was about $1½ billion a year. The Treasury would not expect, under current market conditions, to exceed by any great amount that volume of long-term bond issues, either in raising new cash or by refunding maturing securities. As I pointed out to the committee, a large portion of the debt extension that we desire to achieve—and which we believe is so highly important in our efforts to prevent a dangerous shortening in the maturity of the public debt—would be obtained through "advance refunding," in which case the actual coupon rates of interest paid by the Treasury could be kept well within the 4¼-percent ceiling.

Moreover, it is especially significant that since 1952 most of the debt extension that has taken place has resulted from issuance of securities in the 5- to 10-year maturity range, of which $39 billion were issued. The case for a call feature in connection with these 5- to 10-year issues—which will probably be used to a considerable extent in the future as a part of any debt-lengthening program—is much less apparent than the case for optional call privileges with respect to securities running for more than 10 years.

The Treasury is seriously considering the desirability of incorporating optional call features in new long-term bond issues (over 10-year maturities), once the ceiling is removed. We would, however, strongly oppose any legislative action that would compel the use of callable bonds exclusively. There may well be many occasions when the issuance of callable bonds would not be in the public interest, inasmuch as use of the feature involves several disadvantages as well as advantages. In addition, we believe that maintenance of the desirable degree of flexibility in debt management requires that legislation restricting the types of issues that the Treasury can sell be held to a minimum. The Treasury now possesses full authority to issue callable bonds, when conditions are appropriate, and, in fact, most of the long-term bonds issued in the past have contained a call feature. Since the late 1920's, however, the call privilege on long-term issues has been limited to the last 2 to 5 years before maturity.

If the Treasury, once the interest-rate ceiling is removed, decides to issue bonds callable at par, it must be recognized that the securities will have to bear a somewhat higher effective rate of interest than noncallable issues of similar maturity. The existence of a call feature tends to make securities less attractive to many long-term investors in comparison with fixed maturity issues. Most of the larger insurance companies, for example, prefer to invest in negotiated loans of definite maturity (private placements) rather than to buy callable corporate bonds (or, at least, bonds callable for refinancing). Thus, long-term investors tend to buy callable securities only if they believe that the increased interest which the borrower pays for the call feature is sufficient to compensate them for the risk of loss of future earnings in the event the bonds are called before maturity. It is possible that even with the attractiveness of a higher interest rate many investors (particularly those such as pension funds and insurance companies, which try to obtain a guaranteed long-term rate of return to meet actuarial requirements), who would otherwise purchase long-term fixed-maturity Government bonds, would refrain entirely from buying callable issues unless the call period were confined to a relatively short span of time before final maturity.

An alternative technique would involve long-term bonds which are callable at a premium above par. Many business corporations—particularly public utilities—have been quite successful in selling this type of security, which is callable at a sliding scale of premiums, depending on when the call is made. Despite considerable dissatisfaction on the part of investors, a study made in 1958, covering the preceding 32 years, indicates that the added initial interest cost to borrowers on bonds subject to immediate or early call was relatively small in comparison with costs on bonds which were not callable for a number of years. This study has not been fully completed. Furthermore, it relates primarily to issuance of callable bonds in a period of low interest rates in the earlier years and of rising interest rates through 1957. It does not reflect, therefore, the effect of the fall of rates in the 1958 recession in causing greater reluctance on the part of investors to purchase bonds callable at an early date.

We must also keep in mind, as I pointed out in my testimony before the committee, that the Treasury, in its debt management role, is in a much different position from a public utility corporation attempting to schedule its debt maturities. The typical public utility relies very largely on long-term bonds to finance its fixed capital requirements. The number of issues outstanding for any one firm is usually not large, and the average length to maturity typically exceeds 10 years. Thus the public utility finds the call privilege highly desirable, for it avoids the necessity of having to refinance all—or a sizable portion— of its debt during a period of high interest rates.

The Treasury debt structure, on the other hand, involves an automatic averaging process. We now have 11 issues of bonds outstanding with more than 10 years to final maturity, and these issues are spaced from 1970 to 1995. That in itself provides for a broad spread for the $25 billion of Treasury bonds in this category. But this $25 billion amounts to only 13 percent of the Treasury marketable debt outstanding, and the average length to maturity of this marketable debt is only 4¼ years. If the artificial restriction on long-term Treasury financing is removed, and if a reasonable amount of long-term securities can be marketed in most years, the Treasury will receive the benefit of an average level of rates over time, without any large bunching of long-term financing during a period of high rates.

In conclusion, I would like to emphasize again that the Treasury has no intention, once the ceiling is removed, of issuing large amounts of long-term bonds for cash or in exchange for maturing issues, but intends to rely to a considerable extent on advance refunding. Also, with the ceiling removed, the Treasury will be able, if conditions so warrant, to issue bonds callable either at par or at a premium above par. We shall continue to study the question of which type of callable bond would be most appropriate under different types of conditions, and any decision in this respect would, of course, depend primarily upon market circumstances at the time the offering is made.

Please do not hesitate to contact me if there is any other aspect of this subject that you would like to discuss.

Sincerely yours,

ROBERT B. ANDERSON,
Secretary of the Treasury.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Without objection——

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall not object——

The PRESIDING OFFICER (Mr. KEATING in the chair). The Chair will say to the Senator from California that this request is not debatable.

Mr. KUCHEL. Did the Senator not ask unanimous consent?

The PRESIDING OFFICER. He did ask unanimous consent.

Mr. KUCHEL. Is it not implicit in such a request that any Senator has the right to reserve the right to object?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the request is not debatable.

Mr. SPARKMAN. Mr. President, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. According to the Parliamentarian, the only matter in order is the request that the order for the quorum call be rescinded. The request was for unanimous consent to rescind the order for the quorum call.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Will the Chair state the rule? If the absence of a quorum is suggested, and the roll is called, in what form does the Parliamentarian rule that the request to rescind the order for the quorum shall take?

The PRESIDING OFFICER. The Chair will say to the distinguished Senator from California that the Chair makes the rulings, not the Parliamentarian. The Chair is advised by the Parliamentarian oftentimes in making rulings, in view of the long and faithful service of the Parliamentarian, but it is the Chair that makes the ruling.

Mr. KUCHEL. The Chair's ruling is what?

The PRESIDING OFFICER. By unanimous consent only can a rollcall be suspended. Any Member of the Senate may object to the unanimous-consent request, in which the case the rollcall must be continued.

Mr. KUCHEL. He may object, but he may not reserve his right to object. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

A CRITICAL ANALYSIS OF FEDERAL RESERVE TIGHT MONEY POLICY

Mr. PROXMIRE. Mr. President, on January 22 I wrote to the staff director of the Board of Governors of the Federal Reserve System, Mr. Ralph A. Young. Mr. Young answered my letter on February 16. The letter followed a series of questions that were addressed by members of the Committee on Banking and Currency to the staff of the Federal Reserve Board, who gave us a briefing on the subject of the economy and, to some extent, the assessment of the economy, which is the assessment, as I understand, on which the Federal Reserve Board bases its policy decisions.

Mr. President, I followed up the evaluation by the staff of the Federal Reserve Board with this letter because I thought it was extremely important that the Senate have some basis for determining from the Federal Reserve Board what it has done or what it is doing. I believe the replies I have received are very useful in understanding the policies it has followed, and I feel strongly that they are useful in showing where the Federal Reserve Board may be in error, and why they are in error, and because we can thus bring about a fruitful discussion of points involved in the Federal Reserve Board's mistakes and, on the other hand, what it thinks is a sound basis.

I feel, Mr. President, that it is not enough for us to disagree with the Federal Reserve Board and to point out, as many of us have done, the consequences of the action of the Board. I feel very strongly that not only are they sincere men who believe in doing what they can to provide a prosperous economy, but they are also capable and competent and thoughtful and able men. For that reason it is my intention to take the Senate's time for a while this afternoon to discuss their replies to the questions which I put to them.

The first question I addressed to the Federal Reserve Board related to demand influences, capacity utilization, and prices. The purpose of the question was to determine, if I could, how the Federal Reserve Board could feel that demand in our economy was exerting such pressure on prices that it was necessary for them to step in with a control of money policy which would diminish that demand pressure. I referred particularly to the labor cost chart in framing my question. In reading these questions I will refer to each question as I asked it of Mr. Young, and in reading the answers I will try to make it as explicit as possible. My first question reads as follows:

In discussing this same chart (the labor cost chart, No. 1127), you make the comment, and I quote, "Despite the great emphasis on costs in many recent discussions, industrial as well as agricultural prices at all times depend in part on demand influences." I saw no evidence in the chart that you showed at a later time, indicating very substantial unused capacity in the economy, at the same time that there were fairly steadily rising prices in the nonagricultural sector of the economy. What evidence is there that demand influences were really significant? Let me ask, also, is it a true conclusion that demand forces may exert an upward push on prices, or perhaps I should say an upward pull, but when it comes to industrial prices, they rarely these days exert a downward shove because of various cost rigidities related possibly to a cost accounting system of pricing in much of the industrial sector of the economy?

Mr. President, this latter question was never answered by the Federal Reserve Board. In part, I presume it was not answered because it is obvious to me that demand has not exerted in the industrial sector of our economy any downward push. As demand diminishes, prices do not fall in the industrial sector, by and large.

I ask anyone to cite an instance, regardless of how much demand has fallen, in which the price of steel, for example, has come down. Has the price of oil, tobacco, automobiles, or almost any commodity produced in that part of the industrial sector, in which large units of production predominate, dropped at any time, under any circumstances in recent decades?

The fact is that, in spite of the assertions by the Federal Reserve Board that we have a demand and supply economy, we do not have it. We have a bargaining power economy.

As I go along in giving the answers of the Federal Reserve Board, there will be indicated just exactly where the Federal Reserve Board fails to observe the facts of life of our economy. At any rate, all the evidence indicates that prices in the industrial sector are on a one-way escalator. At certain periods of times they go up very fast, but they always go up. Now to revert back to the question:

On page 26, in dicussing the chart "Production and prices" (No. 1304), you say, and I quote, "The whole postwar period has seen economic activity and prices of goods, services, and capital assets under strong demand pressure." Yet you show in another chart that there are very large areas of excess capacity in the economy during virtually the entire period. The only segment of the economy that has been operating at least in part at full capacity, is the farm sector of the economy. Of course we all know what has happened to prices there.

That is the irony of the situation. As we operate at full capacity, approximately, farm prices drop. We are operating well below capacity in the industrial sector of our economy, and prices are going up. That is just the reverse of what we might expect in the classic economy on which the Federal Reserve Board staff relies in advising the Federal Reserve Board.

I continue with my question:

Obviously the demand pressure was so feeble that prices have plummeted. Is it not true that the price increases in the economy have generally been in the last few years in those sectors in which there has been substantial excess capacity?

The answer of the Federal Reserve Board is as follows:

The margins of excess capacity shown in the chart for major materials, first of all, are not to be taken as a measure of wasted resources in this area, unless 100 percent

operation at every plant of every company in every industry is set as the standard. Using such a standard, the 91 percent average for major materials in mid-1955 would be regarded as "wasteful." Actually, however, in the pig iron, steel, aluminum, cement, and paper industries output was considerably higher in relation to capacity and so high that prices could be and were raised substantially, contributing to a general advance in industrial prices and a later rise in consumer prices. Output in the textile industries, meanwhile, was considerably lower than 91 percent of capacity, and prices on the average were stable.

I might point out that this was a period of stable prices. In fact, this was one of very few exceptions, at least in industrial prices. Textile companies have no bargaining power and prices have gone down as would be expected in recent years. The Federal Reserve Board went on to say:

A level of demands strong enough to raise output in the industries where it was significantly below capacity, as in textiles, would also have been accompanied by greater demand pressures in industries where output was already close to capacity.

Margins of unused capacity in mid-1955 were anything but excessive, in terms of their effects on costs and prices and on investment incentives.

This is exactly my point. This point shows that bargaining power is so strong in the industrial sector of our society and of our economy that even with 10 percent, 15 percent, or 20 percent of unused capacity, industrial prices can be shoved up. It is the bargaining power in this area—the control of the production of a relatively small number of producers—which primarily makes it possible for prices to be pushed up. It is not a matter of excess demand, because in steel, automobiles, tobacco—in all those areas of the economy—it is possible for the present capacity to meet demand—to meet any demand, even the very high demand of 1955, which in automobiles was far above what it is today.

In spite of the fact that demand is well below the level which would mean full capacity operations, prices go up. The Federal Reserve advisers argue that prices go up because of increased demand, and the Federal Reserve acts in such a way with regard to our monetary policy as to attempt to dampen down the demand, which is not adequate, on the basis of any kind of classical price analysis, to pull prices higher. The Federal Reserve Board continues:

In many individual plants producing major materials or other products, there was little if any capacity to spare and failure to reach full capacity in other plants was due in some instances to materials bottlenecks or shortages of skilled workers rather than to insufficient demand. Thus a higher average rate of capacity utilization, adding relatively little to total output, would have increased price pressures and operated to develop more imbalances in the economy.

More than 4 million people are out of work today in the United States Automobile factories are not operating at even close to capacity; some of the big ones, not even at crowded capacity. The fact is that the automobile industry is operating at about two-thirds of capacity. The machine tool industry is operating at about two-thirds of capacity. Industry generally is operating at well below capacity. Even steel firms are operating at below top capacity. Steel production is only as high as it is—90 to 95 percent—because of a temporary situation which everyone recognizes. Steel economists tell us that they will be happy if by the end of the year the steel industry is able to operate at 80 to 85 percent of capacity.

Yet the Federal Reserve Board is acting as if there was an excess of demand; as if interest rates had to be high to cut the demand.

The Board continues:

Capacity utilization needs to be interpreted in the light of history and of the nature of our economy. Judged by historical standards, plant and equipment capacity has been utilized at high rates during most of the postwar period. To cite one industry, utilization of steel capacity has been at a much higher rate through most of the postwar period than, for example, in the generally prosperous 1920's. Since the war, the operating rate has been above 90 percent in 6 years and for the whole period has averaged 84 percent; in the 1920's, the rate averaged 72 percent and was never above 90 percent for a full year.

The point is that although steel production has fluctuated, and although steel is the industry which was selected in answering my questions as a prime example by the Fed for the period of the 1920's, 1930's, 1940's, and 1950's, steel prices did not fall; they always rose, regardless of what happened to demand. Steel prices move in one direction, even at times when the plants are running at 70 percent of capacity. What the producers should do, according to every classic economic analysis I have seen, the same analysis on which the Federal Reserve Board bases much of its judgment, is not to increase prices, but to cut prices, so that operations can proceed, not at 90 percent of capacity, but at 100 percent.

The Federal Reserve Board goes on to say:

This is true despite the fact that growth in steel ingot capacity has been much more rapid since World War II than in the earlier period. Capacity increased 5 percent per year in the 4 years 1914 through 1917, but over the following 13 years the growth was less than 1.5 percent per year. Over the whole period 1914 through 1929 steel capacity increased by two-thirds. Since 1946 capacity has grown at an average annual rate of 4 percent. It is now four-fifths larger than in 1939, one-half larger than at the end of 1946, and nearly one-fifth larger than just 5 years ago.

To say that plant and equipment capacity has been utilized at high rates does not mean that there have been no margins of unused capacity. In an economy such as ours, where at any particular time some industries are growing and others declining, where some industries are under strong cyclical demand pressures and others are not, and where some regions are gaining and others losing business, important bottlenecks develop at the same time that unused capacity exists. Business enterprises, generally preferring to have margins of capacity large enough to maintain efficiency and flexibility in their operations, often go ahead to increase capacity well before output seems likely to reach the absolute limits of their ability to produce. They go ahead, moreover, on the basis of limited information as to future demands on their industry and as to their competitors' expansion plans.

The relationship of output to capacity is one very significant indicator of demand pressures.

It is, indeed. I say that what it shows is that whenever the steel industry or the automobile industry or the machine tool industry gets to a position where it is producing at 65, 70, 80, or 90 percent of capacity, they have the bargaining power to increase prices. They have the bargaining power which enables them to do it, because the only way demand could enable them to increase prices would be if they were operating at either high capacity or very close to it—and by "close" I mean 98 to 99 percent of capacity.

The Federal Reserve Board goes on to say:

In a broader framework, the evidence of demand pressures and their influence on prices is to be found in a review of the whole economic situation. Looking back to the recovery from the 1953–54 recession, for example, we see that a surge of consumer buying set in during the summer of 1954 and was followed shortly by a surge of business investment, first in inventory and then in plant and equipment. This was a period of rapid industrial expansion abroad, and foreign demands were also contributing strength to domestic markets. Industrial production reached its earlier high by the spring of 1955 and continued to expand, and the labor market tightened. Output of autos far exceeded previous record rates and residential building was in exceptional volume. Production of other consumer durable goods and business plant and equipment all advanced strongly. Even though steel production reached capacity levels and output of other primary metals was at peak rates, metals were in short supply.

It is interesting to note that the whole analysis by the Federal Reserve Board goes back to 1955, and my question was directed at 1959 and 1960. But the Board had to go back to 1955 to find a period which could justify their present policies. The fact is that if they will deal with 1960 they will find that throughout industry, even in the steel industry itself, there was no real justification for following the policy of "cut it tightness."

Then the Federal Reserve Board said:

With demands and activity rising vigorously, capacity—which can be expanded only slowly—was under mounting strain in important industries. Business profits after taxes increased considerably, providing greater incentive to modernize and expand capacity and also some of the funds needed for this investment.

In these conditions, demands for credit to finance consumers, businesses, and State and local governments were very large. It was in reflection of the pressure of these increasing demands against a less rapidly rising supply of savings and of bank credit that short-term interest rates rose markedly, and that there was also some increase in long-term rates.

Here is one of many examples in the answers which the Federal Reserve Board gave me in which they suggest that interest rates rose largely because of business demands and State and local demands, because of the situation with regard to savings. The fact is that the Federal Reserve Board knows better than anyone else in the country—and their advisory board knows best of all—that interest rates rise depending on the

way the Federal Reserve Board handles the money supply. The Federal Reserve Board can operate through open-market operations or by increasing or decreasing bank reserves, to make the supply of money—that is, currency and demand deposits—just exactly what they want to make them.

Of course, what the Board really is saying in this instance is that there has been a failure to increase the supply of money sufficiently to keep pace with the increased business activities and to keep pace with the expansion of the gross national product. That may have been a wise policy; but it seems to me that the reason why interest rates rose was, not because of what happened to business, but because of what the Federal Reserve Board either did or did not do.

I read further from the statement by the Federal Reserve Board:

From early 1954 to early 1956, the total wholesale commodity price index increased by 2 percent. Examination of the details of this increase reveals that expansion in demands was exerting considerably greater upward influence on prices than this 2 percent by itself suggests. Price advances in this period were exceptionally widespread, and the largest increases occurred for those industrial commodities whose prices usually respond most readily to shifts in demands.

Then the Board goes on to say something that is very interesting about the entire situation in 1955–56, as follows:

Despite expansion in industrial activity and in consumer income, and increasing consumption of farm products, prices of farm commodities declined substantially. The decline reflected large supply increases and decisions made by the Federal Government to reduce support levels on some products.

Think of it, Mr. President. The fact is that although we did have very large activity in the industrial sector of the economy, there was much unused capacity, even in 1955–56, in the industrial sector of the economy. But the farm economy was operating—as it almost always does—virtually at full capacity. However, although farmers were producing at full capacity, farm-commodity prices were falling, whereas there were rising prices for the products of the industrial sector of the economy, which was operating below capacity.

I read further from the Board's statement:

In early 1956, when market supplies of livestock were no longer expanding, average prices of farm products began to rise.

The wave of consumer buying that occurred in 1954–55 provided a strong stimulus for a boom in business capital expenditures beginning early in 1955 and persisting to late 1957. Total spending by governments over this period also rose.

Mr. President, I wish to call attention to the fact that all during the periods 1955, 1956, and 1957, the Federal Reserve Board was following a policy of credit restraints; it was keeping the supply of money low, in relation to the expanding gross national product, and it was driving the interest rates higher and higher and higher. Yet, as the advisers of the Federal Reserve Board say in their analysis, (a) there was a wave of consumer buying, and (b) there was a boom of business capital expenditures. So the high interest rates obviously did not follow the boom in capital expenditures by business or the wave of consumer buying.

I read further from the statement by the Federal Reserve Board:

Economic activity abroad continued to increase and export demands for U.S. goods gained further in strength. Some categories of demand showed less growth in 1956 and 1957 than earlier and still others, such as demands for autos and new houses, declined. Curtailments in some lines released resources permitting expansion elsewhere. Unemployment continued low throughout this period.

Mr. President, admittedly the Federal Reserve Board has a very, very difficult role; but I believe that all Americans should be aware of the fact that, at least by implication, the Board concedes that the area that was adversely affected by the monetary policy of the Federal Reserve Board was that of home building and automobile buying.

The distinguished chairman of the Select Committee on Small Business said only a little while ago, during his remarks on the floor of the Senate, that the Chairman of the Federal Reserve Board himself told him that small business is hurt first and worst by higher interest rates. Then the chairman of that committee went on to say that Mr. Martin, the Chairman of the Federal Reserve Board, also conceded that housing was hit directly by high interest rates.

I wonder how many people really realize that the Federal Reserve Board itself—not the Congress, not the President, but the Federal Reserve Board, an independent agency—is making policy decisions which can very sharply cut employment for those in the housing industry and can cut opportunities for people to buy and to own homes and can cut employment for literally hundreds of thousands of automobile workers, and can do so on the basis of a theory which I believe at the very best is questionable, and which—as I believe I can show this afternoon—has not worked at all when it has really been tested.

I read further from the statement by the Federal Reserve Board:

Price developments from early 1956 until recession in economic activity began in the autumn of 1957 reflected partly a working through of earlier increases in material prices and in other costs, and partly a response to shifts in the composition of demands. In the main, however, price developments continued to be dominated by strong aggregate demands.

I repeat, ad nauseum, that all these price developments occurred in spite of an excess of workers and an excess of capacity, whereas, on the basis of any classical analysis, there should not be any excess capacity.

I read further from the Board's statement:

From early 1956 to the summer of 1957, the total wholesale commodity price index rose 5 percent. Examination of index details again reveals a close relationship between demand and output developments and price changes. High on the scale of increases were prices of various types of machinery and fabricated metal products, iron and steel, coal, coke, and office furniture, for which demands were very strong.

A striking feature of this whole period was the ebullient attitude of business, labor and consumers toward longer run economic prospects and a growing acceptance of the idea that creeping inflation would be unavoidable.

Mr. President it is true that there was an increase in prices for steel, coal, coke, office furniture, fabricated metals, and various types of machinery, and it is true that there was an increase in demand. But I should like to make clear two points:

First, the increase in prices during that period was not caused by an increase in labor costs; and that is borne out very clearly by a table provided me by the Federal Reserve Board; the table shows that what happens whenever demand increases and production increases is that labor costs drop sharply, but that is the very time when prices rise.

Second, it seems to me that it is clear that the industrial prices that do rise do not rise simply and automatically because demand makes it mandatory that they rise. The fact is that in virtually all cases there is an excess of capacity. On the other hand, they do not rise because labor costs rise, because that is the very time when labor costs fall. They rise because the bargaining power of these large units in the industrial sector of the economy is greatly increased during periods when capacity is diminished though there is still substantial excess and when they are best able to administer an increase in their prices.

The statement of the Federal Reserve Board continues, as follows:

These attitudes were reflected in the magnitude of expansion in fixed capital outlays, in widespread use of escalator provisions in labor contracts and elsewhere, and in employer willingness to make commitments for wage rate increases for a considerable period ahead.

Mr. President, at this point I shall submit for the RECORD some figures, because I wish to be able to support my position on labor costs. The Federal Reserve Board has provided me with figures which show that in the first quarter of 1954, labor costs per unit of manufacturing output were 117.9; in the second quarter they were down to 116.2; in the third quarter they were down further to 114.1; and in the fourth quarter they were 114.8—a little higher.

In 1955, in the first quarter they were way down to 112.2; in the second quarter they were off further to 112.0; in the third quarter they were down to 111.5, a whopping 6-percent drop since early 1954, and in the fourth quarter they rose a little to 113.4.

In 1956 they began to rise somewhat, but they remained below the 1954 level, until the third quarter of 1956.

It was during part of this period when labor costs were falling, according to the analysis from which I have been reading, that there were price increases and pressures on prices. As I have said, the price increases were not caused by

the immediate impact of demand on the limited capacity or by a labor push; but they were caused by bargaining power.

Mr. President, I ask unanimous consent that the entire table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RELATIONSHIP OF UNIT LABOR COST CHANGES TO PRICE CHANGES

CHART 1127.—*Labor costs per unit of output in manufacturing*

[1947–49=100]

	Unrevised figures (shown on chart)	Revised figures (as of January 1960)	Consumer prices [1]
1953—3d quarter	116.2	113.2	114.4
4th quarter	118.6	116.9	
1954—1st quarter	119.6	117.9	
2d quarter	118.5	116.2	114.8
3d quarter	117.3	114.1	
4th quarter	116.2	114.8	
1955—1st quarter	115.3	112.2	
2d quarter	115.7	112.0	114.5
3d quarter	116.4	111.5	
4th quarter	117.3	113.4	
1956—1st quarter	118.8	114.8	
2d quarter [2]	121.8	116.7	116.2
3d quarter [2]	122.7	118.6	
4th quarter [2]	123.2	119.4	
1957—1st quarter [2]	124.1	119.1	
2d quarter [2]	125.7	120.4	120.2
3d quarter	125.0	120.6	
4th quarter	127.9	124.7	
1958—1st quarter	130.0	128.1	
2d quarter	129.5	126.8	123.5
3d quarter	126.1	122.8	
4th quarter	125.4	121.4	
1959—1st quarter	125.5	121.0	
2d quarter	125.5	119.2	124.4
3d quarter	124.9	121.3	
4th quarter		121.8	

[1] Department of Labor.
[2] Not shown on chart.

NOTE.—Compiled by Federal Reserve for internal use; wages and salaries in manufacturing (Department of Commerce data), divided by output in manufacturing (Federal Reserve data).

Mr. PROXMIRE. Mr. President, I read further from the statement by the Federal Reserve Board.

Despite the recession in economic activity which began in the autumn of 1957, and accompanying uncertainties as to the outlook, price reductions were largely limited to sensitive materials; prices of finished goods were generally maintained except for concessions from list in particular transactions. The index of industrial prices showed only a little decline. This was partly because many buyers and sellers regarded the recession as temporary and continued to expect price advances over the longer term. Thus the effect of the decline in demand was chiefly to check the upward movement in industrial prices rather than to bring about a decline. When recovery began in the spring of 1958, the average level of industrial commodity prices was substantially higher than before the 1955–57 boom and early in the recovery it advanced again. These developments clearly emphasize, in my opinion, the importance of containing the growth in demands for goods and services and for credit during periods of economic expansion and of preventing the development of a climate of expectations conducive to general advances in costs and prices.

Of course, I think this last sentence is true, but it seems to me that maintaining today high interest rates, which have killed off housing and automobile sales, and have been a terrific burden on education and hospital costs, is not the proper way to proceed, particularly when we recognize the bargaining power which makes price increases possible.

Mr. President, I am not going to be simply critical in this talk. I have constructive suggestions as to how we can realistically deal with inflation, and as to how we can realistically achieve price stability.

Mr. President, I once again want to read, before I conclude the section, the last part of the preceding question I asked the Federal Reserve Board:

Is it not true that the price increases in the economy have generally been in the last few years in those sectors in which there has been substantial excess capacity?

It seems to me, on the basis of this analysis, we can still answer that question "Yes."

What the analysis shows, I think, is that bargaining power, not demand, determines (a) price and (b) what industry gets the rise in price.

I now go to another section of the questions I asked the Federal Reserve Board, and I do this because it seems to me that this particular phase of my inquiry shows that there is one segment of the economy in which bargaining power is extremely weak and in which the performance of prices does not follow the analysis in the industrial sector. I do this not for critical purposes, but for constructive purposes, because I feel the answer to the problem is not by trying to prop up the thoroughly discredited price-support system, but by realizing that we live in a bargaining power economy, by recognizing that we pay higher and higher prices because of bargaining power, by recognizing that, by virtue of bargaining power, the California fruitgrowers for instance and the Florida dairy farmer get higher prices. That is why it seems to me we should consider seriously a change from our present programs to one in which the farmer can exert, in the marketplace, the bargaining power the other elements of our economy have.

I asked the Federal Reserve Board the following question:

On page 16, in discussing the chart entitled "Consumer Prices—Total and Food" (No. 1510), I was struck by the dramatic showing on the chart that the price of food is up over the long pull, and farm prices down. This has been a well-known phenomenon, but I though this chart showed it far more dramatically and sharply than I had appreciated. Do you have any explanation other than the traditional explanation that the food companies are providing far greater services than before in "packaging maid service," for this startling discrepancy?

The Federal Reserve Board's answer was this:

The price indexes of the Bureau of Labor Statistics are compiled in such a way that, conceptually at least, the increased spread since 1953 between the retail price index for foods and the wholesale price index for farm products would not reflect changes in the amount of processing and marketing services provided to consumers.

I should like to interrupt the answer of the Federal Reserve Board by saying that since 1953 we have not had such a sharp increase in the package-maid service situation as there was up to 1953. It has been continuing in a modest way, but it has been very modest, indeed. I think the change has not been nearly so dramatic between 1953—only 7 years ago—and today in the packaging services that are provided for food consumers, as the dwindling proportion enjoyed by farmers would indicate.

The Federal Reserve Board goes on to say:

Probably the main reason for the increased spread between these two price indexes is increased charges for performing processing and marketing services.

I think that sentence is technically correct, but if the statement means that the increase in price has been because of the in-built package service, it is wrong. The increase has occurred because the package processors' bargaining power has increased. If food prices go down, they are still able to charge more because they are sufficiently big and powerful in industrial organization to go out and get higher prices.

The Federal Reserve Board goes on to say:

Statistical differences may also be a factor. Thus, the two indexes do not cover quite the same range of commodities. The farm products index includes raw cotton and tobacco, for example, while the retail food index does not; and the farm products index includes many grades of cattle while the retail index contains only a single grade of beef. Again the weights for the wholesale index of prices of farm products are based on all transactions in primary markets while the weights for the retail index of food are based on expenditures of urban wage earners and clerical workers only.

FOOD VERSUS FARM PRICES

The Department of Agriculture compiles a statistical series on the farmer's share of the retail cost of a market basket of farm food products. Their figures show that in 1953, the first year shown on the consumer price chart, the farmer's share was 44 percent—an unusually high figure.

I am surprised, shocked, and disappointed that the economists in the Federal Reserve Board should say that the 44 percent of the food prices now being shared by the farmer is an unusually high price. The fact is that, historically, it is not high. Not so long ago it was 51 percent. Of course, it is high compared to what the farmer was getting before, but it is not high in terms of history and in terms of the tremendous contribution the farmer makes in the production of food, his great investment and the great amount of time he has to spend producing the food, and the enormous amount of efficiency which he has provided in food production. An increase in efficency much greater in the past 15 years than that of the food processors.

I continue to read what the Federal Reserve Board said:

The farmer's share has declined to 38 percent, which is below the 1935–39 average of 40 percent.

And, Mr. President, let me say that farm income in the thirties was distressingly and depressingly low.

Mr. SPARKMAN. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield to the Senator from Alabama.

Mr. SPARKMAN. Is that not one of the very reasons for the pinch the farmer feels today? In other words, he has to pay higher and higher prices for the products he buys with which to operate the farm, while at the same time he is getting less and less, so far as he is concerned, for the products of his farm.

Mr. PROXMIRE. The Senator from Alabama is so right. Of course, the point I am trying to make is that it is very important that all of the policymaking instrumentalities of our Federal Government, particularly the Federal Reserve Board, which is the agency which determines our interest rates, should recognize that the farmer suffers from high interest rates. The Board perhaps fails to recognize that the farmer, who gets 38 percent of the prices paid by the housewife operates at virtually full capacity, that the farmer works much longer hours than people in other industries do, that he is receiving less and less for his products, and one of the reasons for it is that he has to pay more for the products he buys and that interest rates are higher.

It is my understanding that the farmer pays more than does any other economic producer in the way of interest rates. He pays a higher proportion than does any other producer, because he is traditionally a debtor. He is a debtor on the land he buys, on the herds he has. He has to borrow money on his crops, on his equipment, on his house, on his buildings. He as a debtor has to pay the high interest rates, which are very burdensome and onerous for him.

Mr. SPARKMAN. Mr. President, earlier in the day the Senator from Wisconsin had an exchange with me along the same lines. At that time I pointed out the three segments of the economy that were particularly hard hit by high interest rates, tight money, hard money—whatever one wants to call it. Those three segments in our economy today are the small businessman, the homebuilder or home buyer, and the farmer. All three of them operate on very much the same basis. All three of them operate on a credit basis. Is that not true?

Mr. PROXMIRE. That is correct.

Mr. SPARKMAN. The typical farmer, the typical small businessman, and the typical home purchaser, have to have credit. For credit they are paying higher prices. It is just the same as if they were paying higher prices for the steel which goes into the farmer's plow or into the home purchaser's home.

Mr. PROXMIRE. At that point I should like to interrupt the Senator simply to say I am sure the Federal Reserve Board people feel that by increasing interest rates they tend to ease the pressures which drive up prices. I think the Senator from Alabama is indicating that a price which is a very important price to the home buyer, to the farmer, and to the small businessman, is the price of money, and that price keeps going up. So we have a selective inflation, a specific selective inflation which hits these groups very hard and very unfairly.

Mr. SPARKMAN. Let us talk about the typical American family. The family starts out, and typically it will either buy a home or rent a home. In other words, in any event the interest rate, the hard money policy, comes into play in the providing of adequate shelter for the family, whether it be a rented home or a home which is purchased; is that correct?

Mr. PROXMIRE. That is absolutely correct.

Mr. SPARKMAN. If the farmer has a tractor and the tractor wears out or breaks down, he must get another tractor. The farmer cannot wait until prices go down or until there is a more opportune time to buy.

Mr. PROXMIRE. He has no opportunity to wait.

Mr. SPARKMAN. So it is with all the things the farmer uses in getting his crop. The choice is not his. Is that not true?

Mr. PROXMIRE. That is correct. The farmer has no alternative whatsoever. He has to buy. He has to borrow. He has to pay interest.

Mr. SPARKMAN. The same is true with respect to the small businessman. These three groups which we have mentioned bear an undue part of the impact of whatever grows out of the hard money policy. Is that not true?

Mr. PROXMIRE. I agree with the distinguished Senator from Alabama.

Mr. SPARKMAN. I thank the Senator.

Mr. PROXMIRE. I thank the Senator very much for his contribution.

Mr. President, I asked the Federal Reserve Board a question also in regard to the position of the farmer in our economy. I asked the question because the Department of Agriculture suggested that the farmer is not really suffering, after all, they say, the value of farmland is increasing, the assets are increasing, and the farmer is wealthier and in a position where he would benefit from seeing the assets he holds go up in value.

The Senator from Pennsylvania [Mr. CLARK] asked a very discerning question on this matter, which indicated that perhaps the increase in the value of the farmland was the result not of an increase in the value of the land for the production of crops, necessarily, as much as it was an increase in the value of the land throughout America, particularly with respect to land which abuts a city or abuts suburban development, where the prospects for using the land for residential or commercial or industrial purposes increase.

I refer to prospects. Of course, once the decision is made to use the land for one of those purposes it would no longer be farmland. The prospects for using the land for such purposes drive up the values. I am very aware of that fact, because I happen to own a few acres of land in the vicinity of Madison. The value of this land has gone up very sharply. It is my understanding that the land might well be rated as farmland. Much of it is used for the production of crops. However, if I tried to sell this land for the production of crops the value would be far less than its value simply because the city of Madison is growing.

This is not an isolated example. This has happened in literally hundreds of thousands of cases. This has greatly distorted the value given to farmland. For that reason the Senator from Pennsylvania [Mr. CLARK] attempted to discover what the Federal Reserve Board's understanding was in regard to the situation.

I asked a question, following the question of the Senator from Pennsylvania, as follows:

> On page 17, in discussing chart No. 1602, "Farm Land Values and Income," there is no answer as I recall, to Senator CLARK's question on whether or not an increase in farm values may have reflected a vast increase in a few areas of land that are near large cities and sold either for speculative purpose, or directly for the purpose of a residential, commercial, or industrial development? I would presume, contrary to the conclusion that was given to our committee, by your staff, that the nonfarm increase in value was a substantial part of the explanation of the total increase in farmland values. Could you procure a definite answer to this?

The answer of the Federal Reserve Board was as follows:

> On the causes of the rise in farmland values over the postwar years, as far as we know there has been no quantitative study of the effect of the nonfarm influences to which you refer. The USDA makes strong efforts to exclude such nonfarm influences. The reporters who provide the basic estimates are "urged to exclude properties whose value would be influenced by use as, or offered for, town or suburban lots, resorts, country homes, industrial use, timber, oil, or mineral development." The USDA recognizes, however, that in some areas estimates may be biased upward by the sale of a few tracts for nonfarm purposes.

Incidentally, Mr. President, this is a very good answer by the Federal Reserve Board. Indeed, they may be correct. It is perhaps true that the Department of Agriculture has been successful in taking out these influences.

> The rise in land values has been widespread, with large increases in some of the areas removed from large population centers. The six States with the largest increases in land values from the 1947–49 level have been Florida, Louisiana, Georgia, Montana, New Jersey, and Minnesota. Farmland values in several of these States would seem to be little affected by urban influences.

Mr. President, it seems to me that is an erroneous conclusion to reach. Certainly the farmland values in Florida would be greatly influenced by urban and suburban and recreational developments.

The value of farmland in Louisiana would be similarly influenced. There is a great complex around New Orleans.

Georgia is another very attractive Southern State which has been growing as a resort and recreational area.

In respect to Montana, it is possibly true that urban influences have little effect.

Certainly in New Jersey urban influences would have enormous effect. There has been great growth in the great concentration of industry in New York City and Philadelphia, as well as in cities within the State of New Jersey.

Minnesota, also, has had a growth in some of the cities, which has been affecting the value of the farmlands.

All in all, it seems to me that the Federal Reserve Board might reconsider its qualifications in that answer.

Mr. President, the Federal Reserve Board goes on to say:

One factor of growing importance in recent years has been the demand for farmland to add to existing farms, a move which may yield higher than average returns. Of all purchases of farmland in 1958–59, 42 percent were reported as being added to existing farms, compared with 29 percent in 1954.

The timing of increases in land prices since 1940 strongly suggests that actual and anticipated farm income has been one major influence. Increases in land prices during several of the World War II years and again during the Korean war exceeded 10 percent a year. In those years farm incomes were rising. In 1948, 1952, and 1953, when farm incomes were declining, land prices declined slightly. In 1959, with incomes off, land values have risen little. However, over the postwar period as a whole, land values have risen sharply in relation to farm income.

The whole problem of analyzing land value changes in relation to farm income is complicated, involving the factors already mentioned and other such as various Government programs and the tendency for land values to move much less over the short term than farm income. Nevertheless, it seems important in analyzing broader problems to recognize that there has been a significant rise in farmland values in relation to farm income and that this rise—with an accompanying reduction in yields on investment in farmland—has come in a period when interest rates have risen.

Mr. President, I am happy that the Federal Reserve Board has put this emphasis on the last part of this answer. I hope they realize its full implication.

The Senator from Alabama [Mr. SPARKMAN] was very helpful in bringing out this fact. The fact is, as the value of farmland increases the cost increases, and this is not helpful to the farmer. It is extremely difficult for the farmer. First, if he wants to buy farmland to increase the size of his tract, to make it more productive, he has to pay more money. In order to buy that land he must borrow money, and in order to borrow money these days he must pay higher interest than before.

In the second place, because the land has risen sharply in value he must pay higher property taxes than before, and he must pay higher property taxes on the land than he did when his income was higher than it is at the present time. This is why I regret the emphasis of the Secretary of Agriculture on increase in value of farmland and farmers' equity or net worth, saying that this is a beneficial and helpful and encouraging development, when I believe that any reflection will indicate that it certainly is not. The only way the farmers can be helped is to have their income increased.

The next question I asked the Federal Reserve was designed to determine how effective high interest rates, with all the costs the Senator from Alabama has emphasized and that I have tried to emphasize, were in dampening down inflation. For that reason I asked this question:

On page 19, in discussing "Credit expansion, Federal and private" (No. 0906), you say, and I quote, "We note with even the 4-month steel strike in 1959, credit expansion was the largest on record with both Federal and private borrowing exceeding previous peaks." Then you go on to say, and I quote, "Record growth of credit occurred in spite of reduced volume in corporate long-term financing." In view of this conclusion, can it be said that the policy of the Federal Reserve Board of not expanding the stock of money while the gross national product was growing, and, therefore, following a stringent credit policy, that this Federal Reserve Board policy did not result in preventing what you have called the largest credit expansion on record?

The Chairman of the Federal Reserve Board, Mr. Martin, recently made a statement—I believe it was before the Joint Economic Committee in which he said that the tight money policy has not really been so tight. He said that we have the greatest credit expansion in history—a $60 billion increased flow of funds. That may be true, but I ask if, with interest rates as high as they are we have a fantastic credit expansion, what possible purpose does this high interest rate policy serve? In what possible way does this policy restrain inflation? The only way a monetary policy can succeed in restraining inflation is to restrain credit. If there is an increased credit expansion, in spite of the high interest rates, the high interest rates are totally useless. We still have pressure on limited resources, which would tend to drive up prices, and we have high interest rates to boot. So we are in the worst possible situation. We have to pay more for money, which means that we have to pay more for houses, automobiles, schools, and hospitals. At the same time there is a vast increase in credit, to prevent which was the whole purpose in following the monetary policy which the Federal Reserve Board knew would increase interest rates. This is the answer of the Federal Reserve Board:

The chart entitled "Credit Expansion—Federal and Private" relates to total credit expansion, and includes credit extended out of current savings as well as out of expansion of bank loans and investments. Total credit expansion was in record amount in 1959, as was noted in the presentation, even though there was little expansion of bank credit, as banks obtained most of the funds used for increasing their loans by selling Government securities. Similarly, in 1955, 1956, and 1957 total credit expansion was large, although bank credit expansion was not.

That is fine. We cannot blame the Federal Reserve Board for an increase in bank credit expansion if there was none; but they have told us that there was a total increase in credit expansion. They cannot deny that any other increase in credit expansion is just as inflationary as bank credit expansion.

The Federal Reserve Board's answer continued:

The amount of expansion in total credit cannot be regarded as measuring the success or failure of a policy of monetary restraint. The funds for nonbank credit expansion come from savings in financial form and when nonbank credit expansion increases sharply, this means that savings in financial form have also increased sharply—and that the funds going into such saving have not gone into current expenditures for goods and services.

That would be a fine answer; but the facts show that in 1959 savings actually decreased, and this occurred in spite of the fact that incomes increased sharply. In 1959, personal income increased by between $20 billion and $25 billion over 1958. But the actual amount of savings was less, meaning that in the $20 billion to $25 billion increase in personal income there was not a nickel of additional savings. The policy of increasing interest rates did not encourage the people to save. At the same time, it did not restrain the vast increase in credit expansion. The fact is that we did not have a great inflation in 1959, but it was not because of the policies of the Federal Reserve that we did not have it. There were other reasons for the fact that prices did not increase very substantially in 1959.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SPARKMAN. Speaking of inflation, of course, the year 1959, generally speaking, was one of relative stability so far as the effect of inflation is concerned. The Senator will agree with that, will he not?

Mr. PROXMIRE. Yes.

Mr. SPARKMAN. Generally speaking, 1959 was a year of relative stability. Was not that accounted for, however, in large part by the low price of food?

Mr. PROXMIRE. The Senator from Alabama is correct. That was a major reason. As I understand, in 1959 the cost of living went up about one point, but the cost of food went down sharply. If the cost of food had followed the pattern of everything else, the cost of living would have gone up 3 or 4 percent, and we would have had real inflation.

Mr. SPARKMAN. In other words, the farmer, in the situation the Senator from Wisconsin described a little while ago, really bore the burden against inflation.

Mr. PROXMIRE. That is correct. As a matter of fact, he was the real hero of the situation.

Mr. SPARKMAN. The unsung hero.

Mr. PROXMIRE. The unsung hero. His prices went down, and because his prices went down as sharply as they did, even though the food processors' margin went up, the housewife was able to buy food for less, and the whole cost of living diminished. While the farmer made this contribution, he was required to pay more in interest rates, which particularly damaged him, because he is such a big debtor.

Mr. SPARKMAN. And he had to pay more in the prices of the products he had to buy.

Mr. PROXMIRE. The Senator is correct.

Mr. SPARKMAN. One more question on the subject of inflation. There is one thing which puzzles me. We hear a great deal of talk about the threat of inflation; but, has the Senator noticed in recent weeks that Mr. Martin, of the Federal Reserve Board, has been talking about the danger of deflation?

Mr. PROXMIRE. I did not realize that he had been emphasizing it.

Mr. SPARKMAN. I would not say that he is emphasizing it; but the very fact that he is beginning to raise caution signs against deflation is significant. I wondered what reaction that statement evoked from the Senator from Wisconsin. At I say, it puzzled me.

Mr. PROXMIRE. In view of his policies, it is puzzling, in view of the fact that we now have a rediscount rate which I understand is higher than it has been in 30 years—it is very high, at any rate—and in view of the fact that the open market operations have not increased our money supply, and that we have a tighter money supply in relation to gross national product than we have had since 1930, I believe, or a period of 30 years—in view of his policies, this is quite startling. In view of the facts as they are, however, it is not at all surprising, because we have a situation in which I believe any objective analyst might very well say that we have deflation, or at least some of the worst elements of deflation, including mass unemployment.

Mr. SPARKMAN. The Senator means by that statement that the policies are essentially retrogressive.

Mr. PROXMIRE. The Senator is correct.

I thank the distinguished Senator from Alabama.

The Federal Reserve Board continues:

Thus restraint on bank credit expansion has an effect in limiting total expenditures and pressures on capacity and prices even though total credit expansion is in large amount. The higher savings which permit the expansion in total credit result in part from increased rates of return to savers, which stem from demands for credit which are heavy in relation to the total supply of bank and other credit available.

Nothing in the record shows that higher savings come from an increased rate of return to savers.

Logically, perhaps, it should, and it is possible to make a fine theoretical argument along that line, but the showing this year indicates the opposite. The Wall Street Journal made a survey last week. The survey, published in the Wall Street Journal, shows that the top executives of American savings institutions think there is no relationship at all between the interest rate and savings. They base that statement on a lifetime of experience in the savings field, and on practical experience. They say that when the interest rate goes up, people do not save more.

The Federal Reserve Board goes on to say:

In appraising the significance of any given expansion of total credit outstanding, account should be taken not only of the proportions supplied from savings and from bank credit growth, but also of the nature of the new commitments made by borrowers. The terms on which new debt is added and the capital values embodied in the debt are factors that must be watched carefully, whatever the sources of the financing. It is also important to consider the nature and amount of credit already outstanding and the resources borrowers may have available to meet obligations incurred.

Mr. President, all this may be true, but the facts are, first, that we have the highest interest rates in 30 years; second, the only effect this could possibly have on inflation is in discouraging credit expansion; third, the Federal Reserve Board has said that we have had the greatest credit expansion in history—A $60 billion credit expansion by 1959.

It seems to me, on the basis of these facts, and in spite of the Federal Reserve Board's answer, that their money policy has had no consequential effect in restraining inflation, it has driven up the cost of money sharply.

Mr. President, in order to pursue further the consequences of the policies of the Federal Reserve Board, so as to determine whether their policies really have an effect in stemming inflation and what effect they have on prices, I asked this question of the staff of the Federal Reserve Board:

On page 20, in discussing "bank portfolio changes" (No. 306), you say, and I quote, "shifts in bank portfolios last year closely resembled those of 1955, also a year of recovery and renewed expansion. In both years banks ran down their portfolios of Federal Government securities and curtailed their lending to State and local governments while sharply increasing their lending to consumers and businesses."

Mr. President, these were both in inflationary periods; in periods when people expected prices to rise. I said:

It seems to me that this is about the most inflationary thing that banks could do. To increase their lending to consumers and businesses obviously for the purpose of consumer and business spending, and to curtail their lending to State and local governments, would seem to me to directly increase the costs to State and local governments of financing, therefore the interest that State and local governments would have to pay over a period of many years for the financing, to afford the total costs of whatever projects State and local governments might be engaged for which the financing was needed.

I should say at this point that the reason why the sale of bonds by banks increases their price is that obviously when the bonds are sold, the price goes down, and the Federal and local governments, in borrowing money, because the price of bonds has gone down, have to pay more for interest, and interest rates go up.

This is, of course, a well known and automatic development. It reflects the sale by banks and institutional groups or the Federal Reserve of Government bonds.

High interest cost to Government would perhaps be deflationary if because of the high cost of interest the Government were postponing its activities. But there is no evidence that the Government hesitates at all to go ahead and borrow and spend, no matter how high interest rates go. We know this is true of the Federal Government. I have never heard anyone say he could not engage in a Federal project because of high interest rates. We complain about high interest rates, but we go ahead and spend the money anyway.

Many people believe that local governments might postpone their borrowing of funds and their construction activities if interest rates were high. However, the Federal Reserve Board conducted a very exhaustive study in 1958 of the effect of high interest rates on local and State construction activities. It was a very interesting study, because they studied some $2,600 million of bond issues, and their conclusion, it seems to me, was a real lesson. It showed that only $45 million, or less than 2 percent, of the construction activities of State and local governments, was postponed because of high interest rates. So, once again, high interest rates simply do not work to restrain government units or, for that matter, private or commercial sources of expenditure from going ahead and spending money.

My question continues:

This would seem to me to be reinforced by a Federal Reserve study that I saw about a year or so ago indicating that the Federal Reserve tentatively concluded, on the basis of a fairly competent study, that increased interest rates had virtually no effect in discouraging State and local public works projects. I would conclude from all of this, that the stringent money policy of the Federal Reserve would seem to have very little effect on inflation, inasmuch as banks increased their lending to consumers and businesses, "sharply," to use your term, while driving up the cost of projects engaged in by State and local governments.

Incidentally, the increase in interest rates probably greatly surpassed the 2 percent diminution in the total amount of construction by State and local governments.

The answer of the Federal Reserve Board was this:

Monetary policies of the Federal Reserve System are not designed to channel banking funds to or away from any particular sector of the economy at any time. They are intended, in periods of rising demands on our productive capacity, to restrain expansion in demands by limiting the amount of financing more closely to the available supply of saving. In the absence of such restraint, rapid expansion in bank credit would add to current or potential inflationary pressures.

Of course, the fact is that Federal Reserve policy did not prevent an expansion of activity that was inflationary. It did not prevent local and State government spending, as well as business and private spending.

The Federal Reserve Board went on to say:

It is difficult to see how a shift among sectors obtaining credit from banks can be construed as automatically inflationary, particularly if expansion in the total of bank credit is restricted.

It seems to me it is not difficult at all. What happens is that the individual person—the consumer—borrows money from the bank and spends it. The business borrows money from the bank and spends it to expand, which is exactly what happened in 1955 and 1959, according to the testimony of the Federal Reserve Board itself. That is inflationary. On the other hand, the securities of State and local governments and Federal securities were sold by banks in order to permit them to lend money. The result of this was to drive the price of securities down and the interest rates on those securities up. This increased

the cost of money to local governments, which in turn was inflationary, because it meant that the local governments had to pay more for their money and pass on the additional cost in higher taxes.

At the same time, the head of the Federal Reserve Board admitted that at the time this was taking place, in 1959, the country experienced the largest credit expansion in our history. The Board continued:

> Bank sales of Government securities in 1959 provided funds for loans to consumers and businesses, but the funds came largely from consumers and businesses who bought the securities sold by banks.

But they did this through credit expansion. The Federal Reserve Board goes on to say:

> Moreover, a considerable portion of consumer and business borrowing and most of State and local government security financing is for a similar purpose: to purchase construction goods and services—for community facilities in the case of State and local governments, for homes in the case of consumers, and for productive facilities in the case of business. Whether as a matter of public policy, it is desirable to encourage one or another of these uses of the resources of the building industry is one of the many issues not within the province of the monetary authorities.

Mr. President, here is the real rub. It seem to me there is no question at all that the Federal Reserve Board, by these answers of their advisers, conceive that their monetary policy does result in the shift of the allocation of resources and in the very decisive effect that has. Housing starts have dropped very sharply, as they began to drop in 1959, as they are doing now, and as they did in late 1955 and 1956, under the impact of high interest rates.

But business expands. The Federal Reserve Board of advisers say, "It is none of our business what the consequences are. We do it. It seems to us that we cannot concern ourselves with whether this is going to drive people out of work in the construction industry and prevent people from buying homes. That is simply beyond our concern."

Mr. President, I feel very strongly that that should not be; that the Federal Reserve Board should have this well in mind; and that if they should take this kind of action, they should accept the responsibilities. It may be at times that they should have to do it. There may be occasions when it will be necessary to adopt a policy of relative restraint of credit, in which interest rates might have to go up. But I think if this is the situation, the Federal Reserve Board ought manfully to recognize what has happened. The small businessman, the farmowner, and the homeowner, are hit. This has to be done, but this is the price we have to pay, rather than to say it is beyond the province of the monetary authorities.

I read further from the statement by the Board:

> While it is necessary for interest rates to rise in order to attract the increased volume of saving required to meet an enlarged demand for borrowed funds, it should be emphasized that restricting the volume of investment relatively closely to the volume of saving tends to restrain price increases. Stable prices are of great importance to State and local governments. In the case of school or other construction outlays by these governments, for example, interest payments usually account for a relatively small proportion of the total expenditure.

Mr. President, that assertion by an adviser of the Federal Reserve Board is worth repeating, because it is fantastically wrong. It is as follows:

> In the case of school or other construction outlays by these governments, for example, interest payments usually account for a relatively small proportion of the total expenditure.

Mr. President, the other day I placed in the RECORD material which shows that the increase in interest rates—all by itself—on a typical $1 million high school today is $300,000, or approximately one-third of the entire cost of the high school. It seems to me that no one can correctly say that is "a relatively small proportion of the total expenditure" or the total cost of the high school.

Mr. President, I have before me letters from two different school authorities in my State. One is from Sheboygan, Wis., and gives the city reaction; the other comes from Frederic, a small town or village in the farming section in northwest Wisconsin. But both of them have the same highly practical reaction to tight money. The letter from Sheboygan reports that the school authority there has just floated a $4 million bond issue; and, as I calculate, and as the school authority there recognizes, it had to pay $1 million more for the money borrowed, because at this time interest rates are that much higher than they were in 1952. That letter comes from Les Johnson, superintendent of schools in Sheboygan, Wis.

I also received a letter from the administrator of common schools in Frederic, Wis. In the letter he points out that—far from the conclusions of Mr. Young, who stated that "interest payments usually account for a relatively small proportion of the total expenditure, in the case of school or other construction outlays by these governments"—in the case of Frederic, Wis., which is typical of the smaller communities in Wisconsin, the school district will have to pay for debt services alone in 1960 more than 26 percent of the district's levy for all operating costs. Think of that, Mr. President. The debt service alone, or financing costs, in 1960 will be 26 percent—or more than one-fourth—of all the operating costs of the school district, including all of the costs for teachers' salaries and for maintenance and for transportation—26 percent of all of the very heavy costs of school operation.

He also points out that interest payments amount to 52.8 percent, on more than one-half, of Frederic's principal payment on this debt.

Mr. President, I call the attention of the Senate to copies of these letters which I have asked to have printed in the RECORD.

Then, Mr. President, the statement by the Federal Reserve Board reads as follows:

> Moreover, if prices rise and more funds must be borrowed, this operates to increase interest payments on future borrowing. Increases in interest rates create a much less onerous burden on taxpayers over the long run, therefore, than rising prices of construction goods and services.

No evidence at all of that is given. It seems to me that, in fact, the evidence is overwhelmingly to the contrary. I have concrete evidence from Sheboygan and Frederic, Wis., that the increase in interest costs constitutes a very great burden, and far more than does the increase in construction costs.

Furthermore, not one nickel of the increase in interest costs goes into the pocket of any school-construction worker. All of it goes to persons who are far removed from that area; and, by and large, that increase goes into the great financial centers.

The statement by the Federal Reserve Board reads, further as follows:

> Furthermore, since State and local governments are investors—e.g., of retirement fund assets—as well as borrowers, a portion of the higher cost of borrowing is offset by the higher rate of return State and local governments can obtain on their investments.

Well, that is a happy thought; but the trouble is that in almost every case and almost every kind of governmental situation—except in a rare situation such as that of Wisconsin, where the State is not permitted to go into debt—for most States and virtually all communities the cost of the funds borrowed is far greater than the interest yield to the States or their instrumentalities from their pension funds or other funds. So when interest rates rise, the burden on the taxpayers is much greater than any benefits which may be received; and I am surprised that the advisers of the Federal Reserve Board do not recognize that fact.

I read further from the statement by the Federal Reserve Board:

> The fact that banks purchase a smaller volume of State and local government bonds in 1 year than in another does not necessarily result in a smaller volume of State and local government bond sales. It may mean, as it did last year when State and local governments obtained about the same volume of long-term funds through the sale of bonds as in 1958, that the funds so obtained were supplied from saving rather than from expansion of commercial bank lending.

Once again, that is fine; but the fact is that in 1959, savings declined and income and interest rates increased.

Mr. President, in order to discover whether there was any justification for the request of both the Federal Reserve Board and the Administration or their position that Congress should remove the 4¼ percent limit on the interest rate on long-term Government bonds, I asked the Federal Reserve Board this question:

> On page 23, in discussing "Federal cash borrowing" (No. 0506), you say, "In the first half of calendar 1960, the Government is

likely to repay about 7 billion dollars of outstanding debt; in the first half of 1959, the Government increased its debt by nearly $1 billion. In the second half of 1960 the Government will be a net borrower as is usual at that time of year but probably by a much smaller amount than in recent years." In view of this situation, isn't it possible that the very substantial $7 billion of outstanding debt retirement expected by the Government in the first half of calendar 1960, would greatly ease the pressure on interest rates, and unless contrary action is taken by the Federal Reserve Board, tend to diminish the importance of the 4¼ percent interest limitation problem? That is, if the Government is retiring $7 billion of outstanding debt in 1960, would it not be easier to refinance short-term debt with longer maturities under these circumstances?

Mr. President, what has happened since I wrote that letter, almost exactly 1 month ago, is that interest rates have continued to fall, as we predicted they would. Short-term interest rates are down, and very short-term interest rates are far below the 4¼-percent limit, or they were until very recently. At this time I suppose they are at about that rate.

At any rate, it is apparent that the Government can borrow in the short-term market without paying any penalty for the 4¼-percent restriction; and it is also obvious that if the Federal Government were permitted to borrow at more than 4¼ percent interest, it would have to pay more, every month, for the money it borrowed, in addition to the fact that the Government would have to continue to pay the additional interest charge for many years to come—for as long as the Government borrowed the money.

The answer of the Federal Reserve Board is as follows:

It may be that the change in the fiscal position of the Federal Government from the large cash deficit in calendar 1959 to a surplus in 1960 and the consequent shift from substantial cash borrowing in 1959 to moderate debt repayment this year will relieve pressures on the capital markets enough to prevent further advances in interest rates or to bring about some decline in rates. In the event of a decline in rates there would be a question whether it would be sufficient to make long-term government issues salable at or below the 4¼-percent ceiling.

Well, that is agreed; I doubt very much that it will be that low.

But, as Gardiner Means suggested in a letter published this morning in the Washington Post, the Federal Government now can borrow for 4½ or 5 years; and this would have two effects:

First, it could borrow at relatively low interest rates at this time—at least around 5 percent or less; and second, this would be no more inflationary—that is, it would provide no more liquidity in the economy in any significant way—than would be the case if the Government borrowed on a 20-year basis.

It may be true, as Gardiner Means points out in his letter, that if the Government has to borrow on a 90-day basis or on a basis of less than 1 year, the liquidity would be increased, and that might have some kind of inflationary bias. But there is no doubt that borrowing for 4½ or 5 years at slightly higher rates could be done legally, with the result that the Government would be subjected to the higher interest rates for only a relatively short period of time, and without increasing the liquidity of the economy.

Mr. President, I ask unanimous consent to have Mr. Means' letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEBATE ON THE DEBT

Senator PRESCOTT BUSH, in his letter of February 12, objects to the businesslike handling of long-term debt which I proposed and which seems implicit in the interest ceiling. However, he admits that "few financial interests would question the direct saving which the procedure advocated by Dr. Means would realize." This undercuts one of his two major points, that failure to refund into long-terms "costs the taxpayers money."

On the broader question of the public debt and economic stability, Senator BUSH advocates the non-businesslike manipulation of the public debt to help offset fluctuations in demand. But this is not the immediate issue. The Treasury already has the authority to sell securities up to 5 years at whatever rate of interest is necessary. It can therefore obtain most, if not all, of the advantage of such manipulation by shifting from short-terms, such as 90-day bills, into intermediate-terms, such as 5-year notes.

The real issues are: (1) Would shifts from short-terms into long-terms have a significantly greater effect on demand than shifts into intermediate-terms, and (2) if so, would such shifting represent a good way to increase the stability of demand and employment?

It may be that a shift from 90-day bills into 5-year notes would have a significant effect on current demand. But there is little evidence that a shift instead into long-term bonds would have any important additional effect.

Even if we assume such an additional effect, this shifting would not be a useful way to increase economic stability for the following reasons:

(1) It is a one-way street. In time of potential excess demand it would be possible to shift amounts of debt from short- or medium-terms to long-terms, but once the shift had been made the debt would be locked into long-terms and the procedure could not be used effectively in reverse.

(2) Nonbusinesslike manipulation involving long-terms must place a net cost on the taxpayer, as Senator BUSH has acknowledged.

(3) It is generally conceded that the monetary powers of the Federal Reserve Board to alter the level of aggregate demand are great and highly flexible.

With such a potent instrument as monetary policy available to offset fluctuations in demand, it would not seem to be in the public interest to use for this purpose such a weak, irreversible and expensive instrument as the nonbusinesslike manipulation into or out of long-term issues.

Finally, the wisdom of the interest ceiling would seem to be confirmed by Senator BUSH's letter. He urges that the ceiling should be removed immediately so that refunding can reduce current costs and current demand.

To reduce costs in the current budget by increasing costs in future budgets to a much greater extent may be good politics, but it is certainly not economic statesmanship.

To reduce demand when there are more than four million workers seeking but unable to find jobs and the equivalent of another two million of manpower available would seem to be neither good politics nor economic statesmanship.

In essence, what Senator BUSH is recommending is that the interest ceiling be removed so that the administration can increase the longrun tax burden and increase current unemployment. Why?

GARDINER C. MEANS.

Mr. PROXMIRE. Mr. President, the Board further says:

A large demand for long-term funds is generally expected this year from other sectors of the economy, especially from the business sector.

Here is a good reason for the Government not to go into the long-term bond market. If there is to be an increase in the demand for long-term funds, especially from the business sector, then by all means there should not be another $20 billion of Federal demand for money, which the Secretary of the Treasury says he would like to put into long-term bonds, bidding up the interest rates on long-term bonds that much more. But the Board says there is going to be that increased demand. So we can expect those rates to go up even higher.

I read further from the Board's statement:

As was noted in the presentation, the volume of long-term financing by corporations was moderate in 1959. While investment in productive facilities increased last year, profits began to rise earlier and increased more rapidly than did such spending, thereby providing funds that limited the need for external financing by corporations.

A different situation seems likely this year. Surveys indicate that businessmen anticipate increased spending for productive facilities. This increase in spending may well be greater than the rise in internal funds, particularly in view of the larger Federal income tax payments resulting from last year's rise in corporate profits. Consumers' demands for credit may also increase, especially if automobile sales approximate the volume producers apparently expect. Finally, the financing requirements of State and local governments are unlikely to diminish.

There is a very real question whether, if business and consumer spending increase substantially, the supply of savings provided by these sectors will be large enough to meet the demand for long-term funds without at least continuation of the current advanced level of interest rates.

Once again there is the same fallacy—the fallacy which no one in the Federal Reserve Board, to my knowledge, has ever been willing to recognize or to debate, the policy that if interest rates are increased savings will automatically increase. The best evidence indicates that will not happen. Furthermore, unless the money managers act to provide some moderate, reasonable balance between the supply of money and the gross national product, we can certainly expect that as the gross national product increases, as we hope it will and expect it will, interest rates will go up, and that the interest burden will be that much more difficult.

The Federal Reserve Board goes on to say:

Last year consumers and corporations were the principal purchasers of Federal securities. If spending by these sectors rises sub-

stantially, it may well be that consumers and corporations will limit their purchases of Treasury securities, or possibly will want to reduce their holdings. For business corporations, such a reduction in holdings of Government securities would be facilitated by the fact that most of the securities they acquired in 1959 were of short maturity and could be sold with little or no capital loss. Also, if the demand for bank credit is large, commercial banks may well be selling Government securities, as they did in 1959, in order to obtain funds to lend to other borrowers.

Market yields on Treasury bonds and other securities are of course subject to sizable variations over short periods in response to new developments affecting the outlook for supply and demand in the capital markets. Thus in late 1959 and early 1960 average yields on Treasury bonds due in 10 years or more rose sharply to a high of 4.42 percent. Most recently yields have declined considerably and the average on long-term Government bonds is now back down to about 4.2 percent. In the early weeks of several other postwar years the Government securities market experienced a temporary decline in yields.

Regardless of these temporary variations, it must be stressed that for many months the average yield on outstanding long-term Government bonds has understated substantially the coupon rate which the Treasury would have put on a new bond offering to attract investment funds into long-term marketable Government securities. This understatement stems from two influences: (1) outstanding bonds, which carry interest coupons ranging from 3 to 4 percent, are quoted at large discounts below par; and (2) the long-term maturity sector has been sheltered from new supply as a result of the interest rate ceiling. In connection with the discounts at which bonds are selling, many present holders of long-term Government bonds are reluctant to sell even though they could improve ultimate yields to maturity by switching into other securities. By selling comparatively low-coupon bonds at current market prices, holders would have to realize unacceptably large capital losses. The reluctance to take capital loss on sales is reflected in the relatively light volume of trading in long-term Government bonds and suggests that the level of yields on these securities has not fully adjusted to the level of market yields obtainable on other investments.

In a period of relatively high economic activity occurring at an advanced stage of the business cycle, market interest yields become quite sensitive to shifting expectations of market professionals and investors and tend to show quite sharp and unpredictable fluctuations.

There is certainly the strong tendency that when the Federal Government enters the long-term security market, interest rates rise.

The Federal Reserve Board continued:

In this kind of a market situation, a temporary upsweep or downsweep in rates will not necessarily pressage a further increment in the same direction. Considering the stage of the present economic development, therefore, the recent decline in market yields does not diminish the importance of removing the 4¼ percent interest ceiling on Government bonds.

It seems to me this conclusion does not follow, from the rest of the Board's conclusions and analysis.

As a result of this briefing, I asked the Federal Reserve Board the following question:

On page 24, discussing the chart "Money supply" (No. 0203), you say, and I quote, "Demand deposits and currency increased about one-half percent in 1959, less than in most other recent years." Was this the result primarily of the policy of the FED, or were there other free market factors that were primarily responsible?

The purpose of this question was to see if the Federal Reserve Board had any explanation for the reason as to why interest rates had increased other than as a result of the policies followed by the Federal Reserve Board itself. This is what the Federal Reserve Board said:

Changes in the active money supply—demand deposits and currency—at all times result from the interaction of many forces, including Federal Reserve policies developed with recognition so far as possible of the other forces operating in any particular period.

I insist that the Federal Reserve Board is the active agency, the only humanly conscious agency acting on the money supply per se and the only agency that can make the money supply become anything it wants it to become. It has had that power and has exercised that power for more than 46 years. Any time the Board implies it is the market conditions which largely determine the money supply, it seems to me it is not being completely frank, or it is failing to realize what the situation is.

The Federal Reserve Board continued:

The public's preference with regard to the amount and nature of liquid assets they wish to hold, the public's demand for bank and other credit, bank willingness to borrow from Federal Reserve banks to meet loan demands, changes in gold reserves resulting from changes in the international balance of payments, Federal fiscal policies as they affect the Treasury's management of its cash balance, and Treasury debt management policy all exert pressures influencing the level of the money supply in the hands of the public.

This is all true, but what it really means is that if the Federal Reserve Board operates in such a way that currency and demand deposits are at a certain level, then the only way the other forces can act is that if the demand for money increases, then interest rates inevitably rise. If they act in such a way that the demand for money decreases, which happens in a recession, the interest rates go down. But the Federal Reserve Board, by varying the money supply, determines what the interest rate is. All it has to do is vary the money supply in relation to the other demand factors, and it can establish whatever interest rate it desires to establish. What is more the Congress has charged it with the responsibility for doing so.

The Federal Reserve Board went on to say:

The influence of all of these factors, including that of monetary policy, was reflected in the moderate rise in the money supply last year, as they were in the substantial increase in the money supply in the preceding year.

Of course, that is a relative term. The fact that the Fed increases the money supply by a few hundred million may not mean too much when we consider that we have a money supply of $140 billion. It is a lot of money, but in relation to the need for money, when there has been an increase of $20 billion or $25 billion in personal income, it is a very modest increase. In relation to the increase in the gross national product, this money supply is a very small increase. And this relationship is what we must keep our eye on.

The Federal Reserve Board continued:

Loan demands on commercial banks rose sharply with general economic recovery and expansion in 1958 and the first half of 1959. Monetary policy actions provided a substantial amount of reserves in the first half of 1958, permitting the growth in the public's demand for borrowed funds to be reflected in a record expansion in bank credit and a very large rise in the active money supply. Thereafter, monetary policy actions contributed to a progressive tightening in member bank reserve positions, although reserve credit was being supplied to the market to offset the outflow of gold. Slowing in the rate of growth of the money supply in the first half of 1959 reflected the effects of a slower expansion in bank reserve funds.

After mid-1959, active money supply declined somewhat reflecting primarily the public's diminished needs for active cash balances and the increased advantage of investing idle balances, rather than any changes in the degree of monetary restraint. The prolonged steel strike reduced the level of economic activity, thereby cutting back somewhat the community's needs for cash balances for transaction purposes.

Mr. President, recall that sentence as I read the next one. The next sentence of the Federal Reserve Board is as follows:

Moreover, the rise in interest rates occurring in this period made it increasingly attractive for the public to hold its balances beyond those needed for transactions purposes in interest-bearing liquid assets such as short-term Government securities.

That is absolutely contradictory. The Federal Reserve Board says, in the first sentence, that the prolonged steel strike cut back the community's needs for cash balances and the need for cash; but in the next sentence the Board says interest rates increased. Mr. President, interest rates do not increase when the community needs less money. Interest rates go up when the community needs more cash than it can get, and they go up when the community is willing to pay more money for that cash.

The Federal Reserve Board goes on to say:

Money use, as measured by turnover of deposits, which had leveled off in late spring, remained quite constant over this period until steel production was resumed in November, when turnover rose again.

Mr. President, I have two more questions and answers. The next to the last question I have relates to how the Federal Reserve Board advisers look at the rate of growth. I was very concerned by the appearance of a very fine man, a Governor of the Federal Reserve Board, who indicated he did not have as much concern as I thought he might have about the growth of our country. I was also very concerned about the presentation made by the Federal Reserve Board advisers, since I felt that they thought perhaps we might be growing too fast. It seems to me, in view of our very slow growth as compared to other free economies, such as that of

Germany, perhaps they are incorrect, so I asked this question:

On page 25, in discussing the chart "Gross national product," (No. 1006), you say, and I quote, "Recovery in production and employment from strike levels has been underway for some time now and a new high for gross national product of $500 billion is expected for the first quarter of 1960." Then you go on to say, and I quote, "Will the expansion that is now under way be sustainable?" Would you translate this expansion for me into per capita terms at constant dollars and indicate what expansion in the judgment of the staff might be considered to be more than is sustainable?

The answer was:

The projected estimate for gross national product of $500 billion in the first quarter of 1960 may be translated into a per capita gross national product figure of $2,469 in terms of 1954 prices, as compared with an estimated $2,390 in the fourth quarter of 1959. If this estimate is realized, per capita real gross national product will increase by 3.2 percent in one quarter, or at an annual rate of approximately 13 percent.

Mr. President, I think this is fantastic, because it is well known that the big jump between 1959 and the projected expectation for 1960 is due to expected recovery from the steel strike. This is not anything we should expect to have repeated.

Perhaps a 13 percent annual rate of growth would be too much, although I am not sure it would be.

In other words, to say that we are in a position where we have to restrain ourselves before we grow too fast, that we have grown so much in the last quarter, based on the expectation of what will occur with the steel strike over—that we will have much activity—I think indicates far too much caution and too much lack of faith in the economy on the part of our money market advisers.

The answer continues:

This rate may be compared to average annual rates of change of real per capita gross national product of 1.6 percent from 1899 to 1959 and of 1.8 percent from 1947 to 1959. In view of these annual rates of increase, which by and large reflect changes in available resources and increased productivity, it is evident that the 13 percent annual rate of expansion in real gross national product from the reduced strike level could not be sustained for an extended period. The question which you quote above relates rather to the general type of expansion possible and sustainable after production has already risen to a level only moderately below current capacity.

I should say, indeed it does, and it does not relate to that extraordinary situation which they quote.

They conclude the answer by saying this:

It may be further noted that the rate of expansion is typically high in the early phases of a recovery, as it was from the spring of 1958 to the spring of 1959 (8 percent per capita over this year), because of the availability of unemployed resources of manpower and of industrial capacity and also because productivity tends to show unusually large gains at this stage of the cycle. As expansion proceeds, higher levels of resource utilization are attained and the rate of expansion of real gross national product slows down. A major problem is to keep production rising, with a high level of resource utilization, for an extended period without accumulating excessive inventories or developing such other imbalances in the economy as will bring about an early decline in output, employment and income.

Mr. President, this is exactly true. The Senator from Alabama has mentioned that the Chairman of the Federal Reserve Board says we may have to be concerned about deflation. This is why now, at the present stage of our economy, I think we need monetary easing and not monetary restraint.

Mr. President, I come to my last question and answer, which relate to the orientation the Federal Reserve Board advisers have toward the stage our economy is in at the present time. This is exceedingly important. If the advisers to the Nation's money managers feel that the Nation can move along in the same way it has moved historically, and feel that we can go back to the period of the 1920's to take our norms and standards, then I think we shall be in trouble. I say that because we have had a fantastic change in our technology and in our economy in the last 10 or 15 years. I say that because other free nations, as well as Communist nations, are growing with immense rapidity. I say that because I have a feeling the advisers to the Federal Reserve Board, and perhaps the members of the Federal Reserve Board themselves, are thinking too much in terms of what happened 30 years ago.

For that reason I asked this question:

On page 27, in discussing the chart "Yields on Governments" (No. 0509), the statement is made, and I quote: "Certainly the runup in interest rates in this recovery period has been much more rapid and has brought rates to much higher levels than in the corresponding stage of the preceding cyclical recovery—although not particularly high relative to prewar periods of high-level activity." Now it seems to me that your chart distinctly showed interest rates are now higher than they have been since 1930. The statement that they're not particularly high relative to prewar periods of high-level activity means that there was no such thing as high-level activity after 1930, until the last few months. Is this correct? Secondly, I was shocked to hear a member of your staff argue that, in general, conditions were far more similar to the 1920's than the 1950's. I want to be fair, and perhaps I misunderstand him. It would seem to me, in view of (a) the enormous role of government, (b) the huge impact of the highly progressive and very substantial Federal income tax, (c) built-in stabilizers such as social security, unemployment compensation, price supports, plus huge Federal deficits in times of recession, that to speak of the immense shift in the nature of our economy in terms of the number of people engaged in agriculture, contrasted with industry and services, at the present period there is not the faintest kind of resemblance to the twenties. It would seem to me like saying that the present economic picture is much as it appeared in the period 1739 to 1750. It just seems to me that the world has changed so much in the last 30 years, in a sense we have telescoped centuries into this period, that to go back to the period of the twenties for comparison shocks me, although, of course, it may well be a sound reference. At any rate, it would seem to me that in view of the factors that I've mentioned, an interest rate that could be well justified in the twenties when the risk was far greater, that is, cyclical risk, simply cannot be justified on the same basis in the 1960's. Is this not correct?

The answer of the Federal Reserve Board:

The statement (on p. 27) that recent levels of yields on U.S. Government securities are not particularly high compared with those which prevailed in prewar periods of high-level activity should not be interpreted as implying that, until the past few months, there was no period of high activity after 1930. This statement, and the subsequent oral comment to which you referred, were designed to make the point that the levels of interest rates that have prevailed since the early 1930's have reflected special circumstances and should not be considered as representative of rates that might be expected in a prolonged peacetime period of high-resource utilization and large capital demands. The reasons for this view were too numerous for elaboration in a discussion of purely current developments.

The question which you raise in this connection is whether it is at all appropriate to go back to the 1920's to make interest rate comparisons in view of the many important changes which have occurred in the U.S. economy in the intervening years. In the 1930's, economic depression, which reduced credit demands, and an unprecedented gold inflow, which supplied the banks with an extraordinarily large volume of excess reserves for which they could find no use, caused interest rates to fall to exceptionally low levels. These levels existed at the outbreak of the war and were continued by a series of direct controls on credit demands and monetary use and a policy of pegging interest rates. As a result an excessively large volume of money was created and in addition the tremendously expanded public debt was made practically the same as money.

In the early postwar years the arbitrary pegs on interest rates were continued until 1951. Substantial Federal surpluses and debt retirement helped to absorb some redundant funds, but the money supply continued to expand at a moderate rate. Because of the very large supply of money already outstanding, together with the liquidity imparted to Government securities by the support policies, and the pentup demands for consumption and investment that had accumulated during the war, the period was marked by recurrent inflationary pressures.

Attempts to peg interest rates broke down of necessity with the outbreak of hostilities in Korea. It was neither desirable nor feasible to establish an effective system of direct controls that would have kept monetary and credit expansion within bounds and maintain prices and yields of Government securities at the then existing levels. The Treasury-Federal Reserve accord, therefore, was adopted in early 1951 in order to permit interest rates to move flexibly. Since that time there has been a general rising tendency in interest rates, with fluctuations that reflected variations in credit demands.

For historical comparisons with the present period, we are left essentially with the years before 1930. As you bring out in your letter, our country has undergone many profound changes since the 1920's. How these changes should be evaluated for the purpose of appraising the significance of levels of interest rates is evidently a most complicated matter; here I can only indicate some of the considerations which appear to be most important in making such an appraisal.

In the 1920's there were some conditions making for high interest rates which are not present now, or at least to a lesser extent. Foremost among these in the latter part of the earlier decade was the extraordinarily large demand for call loans to finance speculation in the stock market, which forced short-term money rates up to new peaks.

Many changes since the 1920's, however, including several of those mentioned in your letter, have affected comparability in the direction of higher interest rates today than those which prevailed a generation ago.

The larger economic role of government in the recent period—including State and local units as well as Federal—has been accompanied by increased demands for borrowed funds. On balance in the past decade Federal budget deficits have absorbed private savings and the public debt has grown by one-eighth, or $32 billion, to a new high. In the 1920's, in contrast, the public debt was reduced by one-third, or $8.5 billion, from its post-World War I peak.

That is another reason why I think the twenties are a very poor basis for comparison.

The Federal Reserve Board goes on to say:

The volume of Federal debt outstanding today is much larger relative to national income than at any time in the 1920's.

That is another reason, Mr. President, why public policy should favor interest rate reduction, because of the huge and steady interest payments required on our national debt, as compared with the 1920's, when there was not nearly the same cost of servicing the national debt.

The Federal Reserve Board goes on to say:

Even when fully covered by tax receipts, increased rates of Government expenditures probably make for higher levels of interest rates because of indirect effects of high taxes on individual's and business incentives to save and invest.

Once again, increased interest rates provide no increased incentive to save on the basis of all the available evidence we can get—none. The fact is that there is today a high tax cushion and a high spending cushion, both of which provide a kind of greater security and provide some recovery for those who have been loaned money, have gone into business, and have been unable to make a go of it.

A number of people have enjoyed high profits in prosperous periods, and have made investments during that time. Later they have lost money. They have been able to recover quite a bit of their loss by going back to the Federal Government and getting the kind of tax refunds which are due them under those circumstances. This is another element in our society which indicates that we can get along with less risk, and therefore interest rates can be lowered.

The Federal Reserve Board answer continues:

Thus, compared with earlier periods of our history, interest yields currently represent a smaller net return to lenders. At the same time, owing to additional tax deductions, the net cost to corporate borrowers is about half as much as in the 1920's and the cost to other borrowers is also lower by varying proportions. It should be especially noted that the complete elimination of tax exemption on U.S. Government bonds since the 1920's has tended to raise the level of nominal interest rates on this type of debt.

In spite of the tax exemptions, Moody's AAA showed the other day that the best municipalities are paying 4 percent or more for their money, even though such returns are tax exempt. The fact is that the tax factor has not reduced the rate of interest payments in anything like the way the Federal Reserve Board, it seems to me, implies in its answer.

The Federal Reserve Board continues:

Developments within the private sector affecting private demands for funds also help account for upward pressures on interest rates in recent years. These include recurrent tight labor markets and rising labor costs over the years, in contrast to relatively stable or declining labor costs in the 1920's.

At this point let me say that rising labor costs and tight labor markets should discourage investment instead of encouraging it; and in doing so, it seems to me that they have a tendency to drive interest rates down rather than to increase them.

The Federal Reserve Board continues:

Both periods were characterized by a rapid pace of technological innovation, growing foreign investment on the part of private American citizens, and generally strong consumer demands for housing and durable goods. Institutions and techniques to facilitate consumer financing were at a higher level of development in the 1950's than in the 1920's, and use of credit to finance consumer purchases was more widespread.

I may add that financing is much more efficient today. There is more financing competition in all kinds of ways. These are all reasons, it seems to me, why interest rates should be lower today than they were in the 1920's rather than at the same level or higher.

The Federal Reserve Board's answer continues:

The quantity of funds supplied, of course, has grown along with growth in private disposable incomes. It should be kept in mind, however, that a counterpart of the expanded role of government in the economy has been a reduced share of private disposable income in total income.

I wish to comment on that part of the answer. The disposable income and taxes have both increased greatly. As a matter of fact, disposable income has increased so very greatly that even after taxes there is a great amount left for savings, and a large amount left for investment—such a large amount in relationship to disposable income in the 1920's that I think the comparison is of little value.

The Federal Reserve Board continues:

Since saving is more likely to be generated in the private sector than in the public sector, this relative decline in the proportion of total income flowing to, and remaining in, the private sector has tended to limit growth in the saving potential of the economy. Rough estimates indicate that net financial consumer saving relative to incomes was somewhat less in the 1950's than in the 1920's, when interest rates were higher.

The fact is that in the 1920's—at least, a part of the 1920's—it seems to me interest rates were not higher than they are in 1960, or than they seem to be going in the sixties.

The Federal Reserve Board continues:

From the standpoint of appraising the relationship between the supply of funds and interest rate trends, the central questions relate to the willingness of individuals and others to save out of income, to the forms in which they are willing to put their savings, and to the levels of interest rates at which they are willing to make funds available to borrowers.

Once again, at the risk of being too repetitive, I wish to emphasize that the evidence today indicates that rising interest rates do not encourage people to save more. As a matter of fact, there has been a drop in savings.

The Federal Reserve Board continues:

The factors which influence attitudes of savers are evidently numerous and most of these factors are not subject to any quantitative measurement.

There is, however, one influence which, while not easily put in quantitative form, has been of considerable importance in recent years in shaping the decisions of savers and investors and, consequently, the level of interest rates. This factor is the tendency of many people, in thinking about the future purchasing power of money, to project into the future some more or less continuous advance in average prices of goods and services. Some economic observers have inferred that, reflecting a high degree of sensitivity to evidence of "creeping inflation," economic decision makers in recent years have generally assumed that the price level will tend to advance, on the average, at about 2 percent a year over the business cycle. Aside from questions as to the basic soundness and validity of such expectations, it is evident that the spread of inflation psychology has added materially to presssures on interest rates by diminishing the value in the minds of savers or investors of future payments stated in terms of fixed sums of money. This means that a degree of inflation may well be reflected in current levels of interest rates.

This is true. I do not mean to be partisan in saying so, but I think it is fair to say that the President of the United States and the administration generally have hammered away so long and so hard at the subject of inflation that there has been a tendency on the part of investors to dread inflation and to make their investments accordingly. That is one big reason why there has been a shift, until about 6 weeks ago, out of the bond market into the stock market, driving up interest rates on bonds and driving the prices of bonds down, while driving up stock prices, until the stock prices started to drop about the middle of December:

The Federal Reserve Board continues:

In the 1920's, which was a period of comparative price stability, there was a generally declining trend in commodity prices and some expectation that such a trend would continue as a reflection of technological or cost-saving changes. As I have indicated, there was at times considerable pressure on interest rates stemming from increasing speculation in equities based on credit, which more than anything else was responsible for the disasters of the early 1930's. Fortunately this speculative credit factor has been absent in the 1950's.

When account is taken of the various influences which have been operating on markets for credit and capital, one should perhaps be surprised that interest rates in fact are not higher relative to earlier periods of high activity.

I am really shocked by that conclusion. Interest rates are higher today than they have been in 30 years, and we have a

great increase in cost for homebuilders, automobile buyers, and many others in the economy.

The answer of the Federal Reserve Board continues:

> This is not to say that higher rates of interest should be welcomed. In terms of the broader interests of public policy, some of the influences underlying recent advances in interest rates, particularly excessive expansion in the Federal debt and the spread of inflationary expectations, are unsound. As a result of these influences, higher interest rates are established in markets for funds than would otherwise be needed under conditions of high rates of resource utilization. If these influences should diminish in importance, interest rates would be under less upward pressure than they have been in recent years.

With this I conclude the answers of the Federal Reserve Board, and I am about to yield the floor. Before I do so, however, let me say that I feel strongly that we should have not only a balanced budget, but a budget surplus.

I agree that excessive Federal spending, and particularly Federal deficits, are inflationary.

I feel very strongly that we must keep taxes up in prosperous times, and we must do all we can to keep spending at the lowest possible level.

I feel also that we require a proper wage policy, so that wage increases may keep pace with productivity increases. It seems to me that this is the way to oppose inflation:

First, recognize the threat;

Second, have a budget surplus;

Third, a wise wage policy;

Fourth, have a bargaining power policy which recognizes that the big administrative units in industry, because of their size and because of their dominance, and because there are so few of them, have the power, as has been clearly demonstrated by a number of economists, to increase prices when they are far below their full capacity, and regardless of the demand situation.

If we recognize these three factors, we can do something to provide price stability; but to rely on monetary policy alone, as this administration has been doing virtually exclusively is unwise. Such a policy restricts the supply of money; permits a huge increase in credit—as the Chairman of the Federal Reserve Board has himself said a $60 billion expansion in credit—and sends interest rates into the stratosphere.

I wish to express my gratitude to the distinguished occupant of the chair [Mr. KEATING] and to the fine Senator from Alabama [Mr. SPARKMAN] who have listened so patiently to me.

Mr. President, I yield the floor.

Mr. Preident, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Without objection, it is so ordered.

ORDER OF BUSINESS

During the delivery of Mr. PROXMIRE's speech,

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina for 10 or 12 minutes without losing my right to the floor. As I understand, the Senator from South Carolina has a brief statement that he would like to make.

Mr. KUCHEL. Mr. President, in the absence of the minority leader, who is in the cloakroom telephoning, may I ask my friend from Wisconsin how much longer he contemplates speaking?

Mr. PROXMIRE. About a half hour.

The PRESIDING OFFICER. The Chair will state, for the benefit of the distinguished minority leader, who has just entered the Chamber, that the Senator from Wisconsin has asked unanimous consent to yield to the Senator from South Carolina for 10 or 12 minutes, without the Senator from Wisconsin losing his right to the floor.

The minority leader is the next speaker on the list of speakers. Is there objection to the request?

Mr. DIRKSEN. Mr. President, there is no objection.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from South Carolina is recognized, with the understanding that the Senator from Wisconsin will not lose his right to the floor and with the further understanding that the remarks of the Senator from South Carolina will be printed in the RECORD at the conclusion of the address by the Senator from Wisconsin.

Mr. DIRKSEN. Mr. President, will the Senator from Wisconsin yield further?

Mr. PROXMIRE. I yield to the Senator from Illinois, with the understanding that I do not lose my right to the floor.

ORDER FOR RECOGNITION OF SENATOR DIRKSEN FOLLOWING THE MORNING HOUR TOMORROW

Mr. DIRKSEN. Mr. President, since the speeches which have thus far been made have taken a little longer than I had anticipated, I ask unanimous consent that immediately following the morning hour tomorrow I be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

THE CONNALLY RESERVATION TO THE WORLD COURT TREATY, AND THE CHESSMAN CLEMENCY PLEA

Mr. THURMOND. Mr. President, there is now pending before the Senate Foreign Relations Committee, Senate Resolution 94, which would repeal the Connally reservation to the World Court treaty. This reservation provides, in essence, that the U.S. Government reserves the right to determine, with respect to any dispute with another nation, whether the question involved is one international in nature, or is domestic. In my opinion, there is no question but that the reservation should be continued.

Nevertheless, Mr. President, it is increasingly obvious that some officials of our country, and particularly those of the State Department, are becoming less and less able to discern what is a domestic question. The latest indication of hopeless ignorance on the difference between international and domestic matters stems from no less personage than Assistant Secretary of State Roy R. Rubottom, Jr. I am sure the Senate is by now aware of the fact that Mr. Rubottom presumed to exert his influence on the Governor of a sovereign State by injecting his opinion of foreign reaction to a purely and simply domestic matter. I refer, of course, to the Caryl Chessman clemency plea to the Governor of California.

Nothing could be more domestic in character than the consideration of a clemency plea by the Governor from a man convicted under the laws of one of our sovereign States.

The laws of the several States of the United States provide for the protection of individual liberty to an extent unknown and unapproached in foreign countries. It is immaterial and inconsequential to the proper design and execution of these laws that the opinion of foreign nations may be one way or the other. These laws were designed to protect individual liberty of citizens of the United States, and not to gain the approval of those people in other countries.

Mr. Rubottom should be severely condemned. His actions in the Chessman case, which was, and is, a matter for the California authorities, raise a strong presumption of his lack of qualification to hold any position of prominence in the National Government.

Mr. President, grave damage can be done to the internal structure of our great country by continued efforts to kow-tow to world opinion. Unfortunately, there has been an increasing tendency to use foreign opinion as a wedge for subverting the best interests of the United States on domestic questions. For instance, our reciprocal trade program, originally designed for the purpose of promoting the economic interest of U.S. citizens, has increasingly become a tool of so-called international diplomacy and, as such, utilized in such a way as to almost invariably damage the interests of American citizens.

Another field in which world opinion has been injected into domestic matters is in the field of so-called civil rights. As I stated earlier, individual liberty is enjoyed and protected in the United States of America to a far greater extent than in any other nation of the world. In the United States, minorities, as well as majorities, enjoy not only individual liberty, but freedom from physical want. This is as it should be. Our laws have been proven by experience to be superior for these purposes to any others yet devised by men.

Cries for changes in these laws to meet the approval of peoples who have yet

to prove their own ability to protect even the most essential elements of individual liberty in their own countries are absurd. The laws of these United States are for the benefit of the people of the United States. It is only incidentally that they may also set an admirable example for people of other nations, for this was not the principal purpose for which they were designed.

Practical solutions for our own problems do not lie in trying to adapt the laws of the United States to meet the criticisms of foreigners. If we are lacking a position of strength in international relations, it stems from a lack of maintaining our national dignity by appeasement efforts in meeting the criticisms and complaints of foreign nations, rather than displaying with pride the domestic institutions which have fostered human dignity and individual liberty in the greatest degree history has ever recorded.

Those Americans who feel they must apologize to foreign nations for the design and enforcement of our domestic laws and policies show an abysmal ignorance and lack of appreciation for their heritage of liberty. They do a disservice to their own country and to foreign nations, who have so much to gain from patterning their own institutions after those of ours which have proven themselves.

THE PRINCIPLE OF FEDERALISM

Mr. THURMOND. Mr. President, I take pleasure in calling the attention of the Senate to one of the most excellent treatises I have ever read on the principle of federalism, which embodies the concept of the National-State division of powers so appropriately provided for by this Nation's Founding Fathers. The book is entitled "Freedom and Federalism." It was written by the distinguished author, journalist, and political philosopher, Mr. Felix Morley, of Gibson Island, Md. The respected Henry Regnery Co. of Chicago, Ill., is publishing the book.

Mr. Morley's theme is that freedom can be maintained in this country only so long as we have a government of separated and divided powers—which I might point out we are rapidly losing in the current trend toward socialism and centralization of powers in Washington. As one reviewer has pointed out, Mr. Morley tells a forthright tale of how we got our freedom, why we are losing it, and the inevitable end of the road we are now traveling.

I hope that copies of "Freedom and Federalism" will be made available in every school and college library, particularly for those students studying American history and government. Additionally, I hope that every Member of the House and Senate will spend a few hours in reading the material in the book's 274 pages. I am confident it will be found to be a profitable experience for all.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point in my remarks a few reviews on "Freedom and Federalism" which appeared in the Chicago Sunday Tribune of December 6, 1959, and the Pittsburgh Press of November 8, 1959.

There being no objection, the reviews were ordered to be printed in the RECORD, as follows:

[From the Chicago Sunday Tribune, Dec. 6, 1959]

HOW FEDERALISM CONSERVES FREEDOM IN AMERICA

(By Felix Morley)

(Mr. Morley has had a varied career, principally as educator [president of Haverford College] and journalist [editorial staff of the Baltimore Sun, editor of the Washington Post, editor of Human Events, etc.]. He has contributed articles on political, social, and economic issues to numerous periodicals, especially Nation's Business.

(Today's column is taken [with the permission of the publisher, Henry Regnery Co.] from the conclusion of Mr. Morley's recently published "Freedom and Federalism." In this book he studies in detail how American federalism combines order and freedom in "the political system under which so many Americans have so long had the opportunity to live full and fruitful lives.")

A truth now disagreeably self-evident is that the authoritarian state can, and is prone to, extend its physical control over every aspect of a free society—of course, including free enterprise. Slowly but surely, in less than a century Americans have witnessed, first, the nationalization of rights, then the nationalization of power, now the nationalization of the concept of freedom itself. With such a well-established trend, it is futile to expect that a mere mechanism like the free market will remain immune. For all the volumes that have been written about free enterprise, it is, after all, only one of many emanations from the basic concept of freedom.

In this context, the value of federalism, in preventing the prostitution of freedom, becomes more clear. It has, first, the negative advantage of blocking the thoughtless extension of national power. The word "no," used as a direct restraint on Government, occurs 26 times in the original seven articles of the Constitution, five times more in the Bill of Rights. Had President Truman been living in 1787 he could quite reasonably have called it a "do nothing" Constitution. But to do so would be to forget that the Founding Fathers put restraints on Government so that the governed might be free.

In addition to limiting governmental powers, the Constitution most delicately balances its exercise. And the balance of power, like the limitation of power, has worked admirably. * * * Fortunately so, since without balance there are only the alternatives of anarchy on the one hand or autocracy on the other.

That is why it is plain absurdity to talk of democracy as though unhampered majority rule could ever be itself an objective of good Government. The aim must be balance, which is achieved when local affairs are handled locally, and lost when Government becomes so omnipotent as to turn the citizen into a mere ward of a unitary state. Democracy, in the social sense of the brotherhood of man, can only be maintained, as Aristotle said, in local groupings. Interpreted in national terms, as the triumph of Rousseau's volunte generale, democracy becomes perverted and as such perverts freedom.

And finally, the Constitution, while "the supreme law of the land," was in its original form and still essentially remains a valiant attempt to reflect the even more fundamental natural law which men will endeavor to observe as long as they believe in those enduring moral values without which civilization would be impossible. Our organic law seeks to harmonize all governmental action with the talent of a truly free people for self-government. They remain free only as long as they maintain this spiritual aspiration. Without faith, the Constitution falls.

Whether or not our Federal Republic will be maintained is, therefore, at bottom a moral issue. It depends as much on the churches and the synagogues as on the legislatures and the law courts. The growth of big government goes hand in hand with the loss of big conviction.

When Caesar stood on the banks of the Rubicon, deciding whether or not to strike down the sadly corrupted Roman Republic, he argued to himself that the issue was really already settled. "It is nothing," he said, "to a republic now a mere name without substance or character."

If that is the way we have come to feel about federalism, then is our Republic also, in less than two centuries of history, on the way out?

[From the Chicago Sunday Tribune, Dec. 6, 1959]

THE PITFALLS IN THE DECLINE OF FEDERALISM

("Freedom and Federalism," by Felix Morley, reviewed by Robert J. Graf, Jr.)

Self-government, or political self-restraint, has been one of man's most insoluble problems since Lucifer was exiled to Siberia. In 1787, using colonial experience, the Founding Fathers established a federal union, complete with a Constitution and republican institutions intended to divide authority, establish a national government, and protect fundamental rights.

The experiment was bold, the confidence in it less so. Some of the fathers feared the anarchy of sovereign conflict, others the tyranny of democratic centralism.

These apprehensions were realized, for civil war destroyed state sovereignty and world wars established political centralism. The federal principle was steadily eroded by the demands of war and reconstruction, empire and destiny, social reform, and economic crisis. The unitary state, centering its authority in the executive, so distrusted in the enemy totalitarianisms, became a reality at home. For many citizens the service state embodied in Roosevelt's "four freedoms" became the sole concept of government in America.

This was not the original hope, as Felix Morley sadly points out. Federalism—the diffusion of authority and responsibility between Nation and the States—was intended to avoid the greatest menace of self-government: democratic rule. The revolutionary philosophy of Rousseau, the idea of the general will, was to be disregarded for the British separation of powers and inalienable rights thesis.

The balance beam which would secure individual rights from either the tyranny of centralism or the irresponsibility of majorities was to be federalism. Without federalism the United States would have no more chance of permanency than other experiments in self-government which degenerated into despotisms, benevolent or otherwise.

Brief but stimulating, this study is literate, informed, and vital. The author, an experienced observer, fears for American life without the principle of federalism. The lions in the zoo have freedom from want and fear, but at the sacrifice of liberty. The bars are not illusory.

[From the Pittsburgh (Pa.) Press, Nov. 8, 1959]

LIBERTY TAKEN LIGHTLY—MORLEY WARNS OF DRIFT AWAY FROM HERITAGE

(By Adm. Ben Moreell)

"Freedom is never free—the flames of freedom are fed by the sacrifices of those who love it."

Such statements have been used so often that those who are not aware of their deeper meaning might think them trite. In his excellent treatise on "Freedom and Federalism," Felix Morley applies to those who unthinkingly accept freedom as an unearned part of their rightful heritage the traditional treatment accorded wayward sailors who "get off course."

To cure a malady we must first determine its nature and extent, and trace its course. This is the task Mr. Morley has set for himself with respect to our current governmental malaise. He accomplishes it with admirable precision.

His story might well have been entitled "The Decline of American Freedom," for he tells a forthright tale of how we got our freedom, why we are losing it, and the inevitable end of the road we are now traveling.

In the course of his account we learn where we have been, where we are now, and where we are going—unless we impose upon ourselves those restraints defined in the Virginia bill of rights, drafted by George Mason, and adopted on June 12, 1776, which contains this statement:

"No free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles."

It is quite clear from the context that the fundamental principles referred to by Mason were religious principles; not so much the doctrines and creeds which distinguish one sect or denomination from another, but rather the fundamental belief in God which they shared. The basic concept was that a free society is possible only if it is composed of self-disciplined individuals.

Felix Morley recalled how the Founding Fathers sought to devise a form of government which would be conducive to the growth of individual moral responsibility and self-reliance.

It is timely to have this illuminating dissertation on federalism and democracy. In recent years we have been subjected to an intensive barrage of propaganda on the nature of our alleged "democracy" and the worldwide responsibilities which we must, in consequence, shoulder.

"It is plain absurdity," writes Mr. Morley, "to talk of democracy as though unhampered majority rule could ever be itself an objective of good government. The aim must be balance * * *."

There, in sharp summary, is the essence of our national problem. The implication of Mr. Morley's book is, I believe, that we must now face up to the questions:

Are we worthy of survival of a free people? And, if not, what must we do to become worthy before it is too late?

I believe the studious reader will find the answers to both questions in this book.

DISAPPROVAL OF HOSTILE FLIGHTS FROM AMERICAN SOIL

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a very timely editorial entitled "Cuban Bombings," which was published in today's Washington Daily News.

I most certainly am not a supporter or an admirer of the Castro regime, but I agree completely with this editorial which holds that the United States should promptly guarantee Cuba that there will be no more hostile flights from American soil, even if that necessitates the grounding of every private plane in Florida. In addition, those who are found to be responsible for underwriting these bombing raids from American soil should be held both financially and criminally liable.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CUBAN BOMBINGS

It turns out there is justification for some of the rantings of Fidel Castro. He has furnished clear proof that outlaw private planes based on Florida have been bombing the Cuban cane fields and refineries.

The proof is the identifiable wreckage of a Florida plane, plus the bodies of two Americans who died in it.

Our Federal officials who have previously denied the bombings, now are forced to admit they have taken place. They are represented as taking a strangely irresponsible attitude as to future bombings. It is said these can't be stopped with any certainty because of numerous Florida landing strips and the number of private flights.

Turn this thing around and suppose the bombs were coming from Cuba and were being dropped on Florida.

The United States should promptly guarantee Cuba there will be no more hostile flights from American soil, if it means grounding every bit of private flying in Florida.

STOP SELLING AMERICA SHORT

Mr. KEATING. Mr. President, beyond question, the United States is the most powerful Nation in the world today. Any nation that attacks us today commits suicide.

That is a fact too often obscured by the current public debate on the state of our national defenses.

I would be the first to agree that national defense is a proper subject for discussion in the Congress of the United States. Our preparedness for survival is of fundamental concern to each and every one of us.

Since there is no one "perfect" military posture, however, our national defense preparedness is a matter involving a great deal of judgment.

Men of experience—experts—disagree among themselves on what weapons systems should comprise our defense strength, on what portion of the total forces a particular weapon should occupy, on how fast to acquire new weapons off the production lines, while better weapons are coming off the drawing boards.

Informed men of sincere conviction differ on what our defense policies and plans should be.

In this land of free speech and free press these differences and these criticisms are freely aired. This is a part of our way of keeping the American people informed. At times, unfortunately, the people can be confused. The current stream of conflicting statements, evaluations, and assessments is confusing.

Moreover, there is a great deal of difference between constructive criticism of our defense planning and belittlement of our present strength. There is danger that the current debate will exaggerate our weaknesses and obscure our very real strength.

In my judgment, it is a great disservice to our country and to the cause of the free world constantly to belittle the United States.

Our passion for self-criticism can create the very false impression that America is weak and failing fast.

BELITTLING U.S. STRENGTH IS DANGEROUS

Daily downgrading of our military strength can cause Americans to lose faith in their Government, their leaders, and their country's capacity to resist. It is detrimental to morale both of our servicemen and of our civilian population.

Daily discounting our very powerful forces can cause our allies to doubt both our will and our ability to survive Communist attack and go on to win.

Belittling our capabilities can lead to miscalculation on the part of a potential enemy. No one knows how good the Soviet intelligence network is. But, if Russian agents and diplomats advise Moscow that the scare headlines are right—that we are unprepared—the men in the Kremlin may be tempted to attack us.

Constructive criticism is commendable.

Constant carping is dangerous.

RUSSIANS NOT 12 FEET TALL

I propose we stop giving the impression the Russians are 12 feet tall and invincible.

SUM TOTAL STRENGTH COUNTS

What counts is the sum total of our military strength. We are, today, more powerful than any other nation on earth.

Who says so?

The Chief of Naval Operations, Adm. Arleigh A. Burke, says so.

The Chairman of the Joint Chiefs of Staff, Gen. Nathan F. Twining, says so.

The Secretary of Defense, Thomas S. Gates, Jr., says so.

The Vice President of the United States says so.

And our Commander in Chief, the President, Dwight D. Eisenhower, a five-star general with considerable competence in the military field, says so.

These are the leaders of our Government who have direct responsibility for the safety of our Nation. It is inconceivable that they would relegate the United States to second-class power, either now or in the future.

U.S. VERSUS U.S.S.R.

Let us just briefly review the relative military posture of the United States and the U.S.S.R. This information is taken from unclassified sources and is recited here to place this controversy in proper perspective.

Manned bomber: The primary means today of delivering heavy nuclear bombs for decisive blows is the manned bomber.

In this category the United States far excels the U.S.S.R. We have several times more intercontinental jet bombers and more medium jet bombers. We have the best and most experienced bomber crews in the world. We are well ahead of the U.S.S.R. in our ability to refuel bombers in the air, in developing missiles launchable by our bombers far from their targets, and in other important air warfare techniques.

Missiles: In ICBM and sea-launched missiles, according to the official state-

ment of the Secretary of Defense, the Soviets probably have a "moderate" numerical superiority reaching a peak in mid-1962. Before and after 1962, the numbers will be closer together.

One reason—and an important one—for the disparity is that we do not want to go too heavily into the earliest models of missiles, preferring to get better, readier, and more reliable missiles that will be less vulnerable to enemy destruction at their site.

These so-called first generation missiles will soon be the model T's of our ICBM forces. Improved models are already on the way. Why freeze our procurement of missiles far in advance, when we know we will shortly be able to obtain much better missiles?

I stress that the so-called missile gap is one of numbers of missiles, not of availability of missiles. We already have in operational status our first ICBM—the Atlas. The first Titan ICBM will be operational in 1961 and the Minuteman solid fuel ICBM in mid-1963.

Even if the Soviets produce more and better missiles than our national intelligence now credits them with, the resulting difference in numbers, by itself, would not put the Soviets strategically ahead of us. We will still have a variety of means to strike back and destroy them.

Air defense: Getting back to the comparison, our air defense system against today's principal threat, the manned bomber, is more comprehensive and concentrated than that of the U.S.S.R.

Seapower: Our seapower is clearly superior to Russia's, even though in one category, submarines, they outnumber us. Theirs are mainly World War II models. In atomic submarines, our Navy is clearly ahead. We have 9 atomic-powered submarines already in commission and 23 under construction or conversion. The Soviets have yet to achieve their first operational atomic submarine.

We have under construction an atomic carrier, an atomic cruiser, and an atomic frigate. Our first atomic merchant ship was launched last summer. The only known Soviet surface ship with atomic power is an icebreaker now in shakedown status.

The United States has 14 aircraft carrier task forces. The Soviet Union has none. Carriers provide a mobile sea-launched atomic strike-back power unique to the United States.

Ground forces: Together with the Chinese Communists, plus the troops from the Soviet satellites, the Russians, of course, are ahead of us in ground troop strength. We have never attempted to match them man for man. At the same time, when the troops of our allies are added to ours, the Soviet numerical advantage is not so great.

Rocket engines: It is true the Russians are ahead of us in the development of very powerful rocket engines, enabling them to launch big payloads into space. After all, they began the development of high-thrust motors in 1946, while we virtually sat on our hands until 1953.

Nevertheless, even today our military experts assure us that our military strength has not been weakened by a lack of high-thrust engines. We still have missiles which can go the distance to targets in the U.S.S.R.—and arrive on target. Our Atlas ICBM, which as I have already said, is operational, has shown fantastic accuracy in test flights. In accuracy of ground-to-ground missiles, at the moment we are at least on a par with the U.S.S.R. and probably are ahead.

A LOOK AHEAD

What about our future strength? We plan to spend $41 billion this year and next, to buy the defenses that will insure our survival as a nation. If we need to spend more, I am sure the American people will approve it, and do it gladly.

Still, $41 billion is a very large amount of money. It ought to buy a very large amount of defense. But mere spending of dollars is not enough, if we spend it on the wrong things.

SOUND DEFENSE RESTS ON SOUND ECONOMY

Our security also depends on a sound economy. Curbing inflation and preserving a sound dollar are vital to our national existence. The American people should never forget that many nations have collapsed as a result of inflation.

We should not spend billions of dollars for weapons that will be obsolete before they are ready to use. We should not subsidize the pet projects of each of the rival services, without regard to military need. We should not underwrite waste in the military. We should not cling to outmoded weapon systems.

Our military programs are under constant review. The proposed budget, of course, is subject to change with the passage of time and events. In fact, the President has already announced he would ask Congress for $113 million more, to speed work on very high thrust engines and other space programs.

Our plans must, of course, be designed at all times to keep America's military strength first in the world. Should the need arise, there is no question that the President would not hesitate to ask for more defense funds for this purpose. As he has said time and again, national security comes first.

DIVERSIFIED, INVULNERABLE WEAPONS OUR GOAL

From analysis of the 1961 budget, it is apparent that we are not going to put all our defense eggs in one basket. Heaven help us if we ever fall into that trap. Now and for the next few years it is our deliberate policy to have many strings to our defense bow.

No enemy today could knock out all of our retaliatory forces. He would be utterly destroyed.

Over the foreseeable future, our deliberate plans are to make our land, sea, and air forces even more invulnerable to enemy attack. Our ICBM's will be underground in hardened sites, better able to withstand direct hits by enemy fire. Within the next few years, we will have Minuteman ICBM's that can be launched from railroad cars moving about the country. These, too, will be better able to withstand enemy missile attack.

Our Polaris submarines will be roaming the oceans submerged, their whereabouts unknown to enemy ballistic missile launchers. We may also have surface ships equipped with the 1,200–1,500 mile Polaris missile.

Over the next few years, we will still have in our defense arsenal several hundred long-range B–52 bombers of an improved design. These will be equipped with Hound Dog missiles which can be launched from B–52's 500 miles from enemy targets. Our first operational Hound Dog missile was delivered to SAC last December, and the Hound Dog weapon system is expected to be operational by June 30, 1960.

We will still have our IRBM's equipped with nuclear warheads in forward bases.

ONE B–52 CARRIES MORE DESTRUCTION THAN SEVERAL ICBM'S

Let us remember that one B–52 bomber can deliver more destructive power than several ICBM's.

Furthermore, unlike ICBM's, the B–52 can be redirected, if necessary, after take-off. Once a ballistic missile leaves its pad, it cannot be recalled or redirected.

During the next few years, we will have the B–58 supersonic medium bombers in numbers, as well as the workhorse B–47.

We will still have a thousand jet fighter bombers at bases surrounding the Soviet Union.

We will still have more than 200 Navy carrier airplanes that can deliver megaton bombs on enemy targets after take-off from their mobile bases at sea.

ENEMY DEFENSE AGAINST UNITED STATES FACES INSURMOUNTABLE PROBLEM

Any objective person evaluating this formidable array of power would conclude that now and in the next few years the enemy faces an insurmountable problem of defending against our retaliatory weapons.

The United States will not unleash this power except in event of enemy attack. By having this tremendous power in being, we hope to deter any potential enemy from striking us. This is really power for peace.

There are, of course, among the experts honest differences of opinion as to whether we are going fast enough and far enough in certain programs.

In particular, our missile programs are targets for frequent criticism. The impression often created is that our long-range missile programs lag behind those of the Soviet Union. Actually, our key experts have testified that our ICBM achieved operational status about the same time as the Russians.

MORE FOR PEANUTS THAN MISSILES

In assessing our relative progress, we cannot ignore the lost years of 1946 to 1952, when the Government spent $117 million to support the price of peanuts, and during the same 6 years spent $3,600,000 on our Nation's long-range missile program. In other words, we spent about 30 times as much for supporting peanuts as we spent for long-range missiles.

In contrast, more than $3.3 billion will be spent on long-range missile work in

the fiscal year 1960 alone. Not until 1954 was long-range missile development given the green light. In 1955, the highest national priority was assigned to ICBM research. Four years later, our first operational Atlas ICBM was in the hands of our SAC team.

It is pertinent at this point to compare the amounts devoted to all missiles in the fiscal years 1946 through 1952, which totaled $2,283 million. In the fiscal years 1953 through 1960, a total of $29,047 million was applied to all missile programs. For ballistic missiles alone, $3,600,000 were applied during 1946 through 1952—compared with $10,501 million from 1953 through 1960. Certainly these figures indicate the substantially greater level of effort from 1953 to date.

I ask unanimous consent to insert at this point in the RECORD the year-by-year figures as to missiles.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

Fiscal year	IR-ICBM programs	All missile programs
1946	1.9	70
1947	0	58
1948	.3	81
1949	.1	98
1950	0	134
1951	.5	784
1952	.8	1,058
1953	3.0	1,116
1954	14.0	1,067
1955	159.0	1,470
1956	526.0	2,270
1957	1,401.0	4,470
1958	2,150.0	5,107
1959	2,945.0	6,913
1960	3,303.0	6,634

BOMBER GAP—MISSILE GAP

Today the alarmists cry out against a so-called missile gap. Just 4 years ago, these same alarmists told us we were facing a bomber gap. The professional pessimists claimed our long-range bomber force would be vastly inferior to the Soviet intercontinental bomber fleet in the 1958–60 period. We were told we were in deadly peril unless we ordered hundreds more B–52's.

What happened?

Instead of using their total capacity, the Russians built very few long-range bombers. Now the United States has several times as many B–52 bombers as the Soviet Union has long-range planes.

At that time, just as today, the advocates of the one-weapon buildup chose to discount the other weapons in our strike force and those weapons under development to be ready in the 1960 time period. So today, there is, in my judgment, too much emphasis by defense critics on one element of national defense.

To give some perspective on where we are heading in the future, we must remember we are making steady progress in our ICBM's. We are pushing forward as fast as we can on our Polaris IRBM's. Two Polaris submarines, each equipped with 16 1,200-mile-range missiles, will be ready for action by December this year.

We are developing advanced manned aircraft, the B–70. We are modernizing our Army and Marine Corps equipment and weapons. We are improving our warning systems. We plan to buy spare engines and spare parts and to train crews for a standby air alert. If and when needed, we will be able to keep a certain portion of our retaliatory strike aircraft continuously in the air, ready to go to target if the enemy attacks. At this moment, continuous airborne alert is not deemed necessary because the Soviets do not have enough missiles to destroy all our strike forces on the ground all over the world.

What I am trying to stress is that we are making defense progress on a broad front. We must be prepared for general war and for so-called limited war. We must have forces that cannot be destroyed entirely by an enemy in his first strike.

Anybody that attacked us today would be destroyed. That we know. Nevertheless, we cannot rest on our oars nor be complacent. Nobody I know is complacent. We cannot stand still. We will not stand still. But, at the same time, we are not going overboard for a one-weapon military system. That is the sure way for us to drown.

We face some real tough decisions ahead. And the Congress will share in those decisions.

New weapons will be coming along. Shall we go into production at this time on the B–70 bomber, which has not been proved out yet and which may be obsolete by the time it may be operational?

Shall we put billions into the Nike-Zeus antiballistic missile system—which at best would give us only partial defense against incoming enemy missiles?

Maybe that money would be better spent on more Polaris submarines or on more Minuteman ICBM's.

This military picture changes so rapidly it must be under constant review. It is getting that review by responsible men at all levels, by our military chiefs, the civilian secretaries, and the President of the United States. As the defense programs go up the chain of command, the viewpoint changes from parochial to more and more comprehensive.

The Chairman of the Joint Chiefs of Staff, General Twining, and the military chiefs of the Arym, Navy, Air Force, and Marines, General Lemnitzer, Admiral Burke, General White, and General Shoup, have agreed on a program. They have been joined by a former five-star general with considerable proved competence, Commander in Chief Dwight D. Eisenhower.

Assessing our present strength and our plans for the future, President Eisenhower told the American people on a nationwide television program Sunday, February 21:

> We have created a great deterrent strength—so powerful as to command and to justify the respect of knowledgeable and unbiased observers here at home and abroad.

The President's remarks are so pertinent to the current defense debate that I should like to repeat them here. Mr. Eisenhower went on to say:

> Our many hundreds of Air Force bombers deployed the world over—each capable of unleashing a frightful destruction—constitute a force far superior to any other, in numbers, in quality, and in strategic location of bases.
>
> We have, in addition, a powerful nuclear force in our aircraft carriers and in our host of widely deployed tactical aircraft. Adding constantly to these forces are advanced types of missiles steadily augmenting the armaments of all ground and other military units.
>
> As for longer range ballistic missiles, from a standing start only 5 years ago, we have literally leaped forward in accomplishments no less than remarkable.
>
> Our Atlas missile, already amazingly accurate, became operational last year. Missiles of intermediate range are in forward bases. The first Polaris missile submarine—an almost invulnerable weapon—will soon be at sea. New generations of long-range missiles are under urgent development.

The President further declared—and I want to emphasize this:

> Collectively, this is a force not unduly dependent upon any one weapon or any one service, not subject to elimination by sudden attack, buttressed by an industrial system unmatched on earth, and unhesitatingly supported by a vigorous people determined to be free.
>
> Strategically, it is far better situated than any force that could be brought to bear against us.
>
> As we have strengthened these defenses, we have helped to bolster our own and free world security by assisting in arming 42 other nations—our associates in the defense of the free world.

Summing up, our Commander in Chief told the American people that—

> We have forged a trustworthy shield of peace—an indestructible force of incalculable power, ample for today and constantly developing to meet the needs of tomorrow.
>
> Today, in the presence of continuous threat, all of us can stand resolute and unafraid—confident in America's might as an anchor of free world security.

This is President Eisenhower's latest assessment of America's preparedness to meet the threat of today and tomorrow.

Congress, of course, must play its constitutional part in providing for the Nation's defenses. Committees of Congress are currently reviewing our security programs. It behooves those of us in Congress to forego this constant belittling of our country's strength. Let us wait until all the evidence is in—and then let us make our judgments.

By the time Congress gets around to appropriating money, many things may happen to alter the printed budget. On the basis of those changes, the Congress may decide we should go ahead with some programs and cut back on others, just as we did last year.

Whatever we do, I urge that we first, do not underestimate the enemy or second, do not sell America short.

America is first now—and, if we all forego partisanship and pull together—we will still be first 3 years from now, 5 years from now, and for as long as the threat persists.

Mr. President, Mr. Hanson W. Baldwin, of the New York Times, is widely acknowledged to be one of the foremost American journalists on military matters, if not the foremost. Unlike some of his confrères, he has maintained a thoroughly objective view throughout the heat and oratory of the so-called defense debate. In a recent article published in the New York Times Mr. Baldwin set forth in typically cogent form his appraisal of our defense posture.

It should be "must" reading for all those who want unbiased, factual information on this subject.

Mr. President, I ask unanimous consent that this important article may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 14, 1960]

VITAL QUESTIONS RAISED IN DEFENSE DEBATE—PARTISAN STATEMENTS CAN MISLEAD THE WORLD ON ACTUAL STRENGTH

(By Hanson W. Baldwin)

Washington's great defense debate, like many debates in an election year, raised more questions than it answered last week. Conflicting statements and extreme views—some the product of political emotion—confused both issues and public.

Neither the President's "Poppa knows best" attitude, expressed again at his news conference, nor the shrill generalities of some Democratic presidential aspirants, clarified or settled the debate. Defense in the missile-nuclear age has become an inevitable part of the 1960 presidential campaign, and Washington is the scene of the opening skirmishes.

National security, in its narrowest military and its far broader economic, social, and political sense, is a vital issue to every American. It is, therefore, a proper and inevitable subject for debate. But the debate itself contains certain pitfalls, unless it is tempered and subject to guidelines.

THE PITFALLS

The first is obvious—emotional partisan statements mislead and confuse not only the U.S. public but our friends and allies, and, perhaps more importantly, the Kremlin. Well-based, thoroughly studied critiques of our defense weaknesses can help increase our strength, but exaggerations can leave a global impression that we are much weaker than we are. Many of our friends and allies, partly because of extreme statements in this country, believe the Russians are superior to the United States in military strength. The Russians may come to believe this, too. A deterrent is no better than the enemy thinks it is, and in that case the danger of war could be increased.

A second pitfall lies in the area of semantics. Many participants in the debate have failed to define their terms. The issue of purely military security has become confused with psychological and prestige achievements, space exploration, foreign aid, economic expansion.

A third pitfall is the tendency toward particularization, or—as the President has sometimes put it—"parochialism." Service and congressional enthusiasts often discuss national security in terms of a specific weapons system or concept. They leave the impression that all is lost if so many more billions are not available immediately for its development.

A final pitfall is perhaps psychological. We have not really outgrown the victorian age of our security. Despite nuclear weapons, jetplanes, and missiles we yearn for and half believe in the possibility of a return to the security of yesterday. We have not become accustomed to living with danger; too many military men, Congressmen, and civilians are really talking in terms of absolute security—100 percent defense—in an age when that is far less possible than ever before. No matter how many billions are appropriated for defense, we shall continue to live under the threat of the sword; the debate should not be about how to achieve security but about how much of a calculated risk we can afford to run.

THE ISSUE

The defense debate has touched on a great many issues. Here are some of them:

How good is our intelligence on Russia? A brief answer is that it is far better than the congressional debates have led the public to believe. Long-range radar, communications intelligence, U.S. submarines and aircraft, and hundreds of other sources, have given us a pretty accurate picture of many, but by no means all, elements of Russian strength.

We know—within relatively narrow margins of error—how many long-range missiles the Soviets have fired, the procedures at their test sites, their estimated circular error, their approximate number of failures, the power and composition of their nuclear weapons. We do not know, and for a considerable period will be able only to guess, the exact number and location of Soviet missile launching sites.

In general the intelligence part of the debate is not so much about the facts we do know as about the facts we don't know and, in particular, about the interpretations and evaluation of the facts. The gaps in our knowledge are what make evaluations of our calculated risks uncertain; the varying interpretations of the facts we do know—the result in part of service and political partisanship—have led to some wild differences and distortions.

What about our missiles? In answering this question, the great debate tends to split apart. The opposition has been stressing the so-called missile gap—a Soviet superiority on the order of two or three to one by 1962–63 in numbers of intercontinental ballistic missiles. The administration has been stressing not only ICBM's, but our total nuclear delivery capability, and has insisted there is not now and will not be in the foreseeable future any deterrent gap.

MISSILE STRENGTH

In quality of long-range missiles, all available facts tend to indicate the United States is at least abreast of, perhaps ahead of, Soviet Russia. The two most recent Soviet long-range missile shots into the Pacific may be taken, indeed, not as evidence of Soviet supremacy but of Soviet qualitative inferiority. The Atlas, in test firings from Cape Canaveral, Fla., had been approximately duplicating the Soviet flights—which won such worldwide publicity—months before. The Atlas has proved amazingly accurate. As for reliability, the two Soviet failures and two successes in the Pacific missile shoot indicate an experience about on a par with our own.

In assessing quantity, the guessing game begins. The Russians may have some very slight lead now in numbers of ICBM's; this lead may increase, if we stick to our present plans.

But when all other missiles and means of delivery are taken into consideration, this numbers advantage in one field—ICBM—becomes of somewhat less importance. The first Polaris-firing submarines will be in operation this year, with missiles aboard, if all goes well. The Russians, as yet, have nothing to equal this weapons system.

Thor 1,700-mile missiles are ready in England. We have many relatively short-range missiles in Germany and tactical air forces with nuclear capability all over the world. The U.S. fleet, some elements of which are always at sea, has both atom-bomb carrying aircraft and missiles. And the Strategic Air Command is considerably more powerful and experienced than the Soviet long-range air forces.

NO GAP SEEN

The administration contention that there is not now, and will not in the near future be, any gap in our deterrent capability appears to be well founded as far as numbers and total power is concerned.

What about vulnerability?

Here is the weak point of both the opposition, which is concentrating upon numbers of ICBM's, and of the administration, which is tending to stand pat. A nuclear deterrent, to be effective, must be capable of surviving an enemy surprise attack. An enemy must know that no matter what he does first he will receive unacceptable damage in return if he attacks. If the Nation can provide, for instance, a so-called invulnerable deterrent—one that an enemy cannot find or destroy and that would be capable, no matter what the enemy did, of destroying every major Soviet city—it would be adequate to deter any rational ruler from aggression.

Fixed SAC bases are vulnerable to sudden attack; so, too, are Atlas, Titan, and Minuteman fixed launching sites. But the mobile Polaris submarine, which can hide beneath the sea, offers a deterrent weapon to which there is now no known answer. And certainly more of these could be built in the period prior to 1965 than the administration budget permits.

So, too, a partial air alert for the Strategic Air Command—when Russian progress indicates it is necessary—would insure the survival of some of our bomber striking force.

Gen. Thomas S. Power, commanding the Strategic Air Command, has stressed the vulnerability factor by estimating that 300 Soviet missiles might destroy our retaliatory capability. General Power has omitted from his equation a great many tactical Air Force units, as well as the Navy's nuclear-capable forces.

But even so, a simultaneous and synchronized attack by a salvo of 300 Soviet missiles, each launched on a precise, predetermined timetable so that the missiles would arrive simultaneously on their widely scattered targets, would assume a technical and organizational skill that we do not possess and are unlikely to possess in the immediately foreseeable future, and there is no reason to believe that the Russians possess such a technology.

DETERRENT GOAL

Thus, our vulnerability today—or in the immediate tomorrow—is not as great as an academic discussion can make it appear. Nevertheless, the development of an invulnerable deterrent—rather than superior numbers of ICBM's—should be the defense goal.

What about other elements of military strength? The great debate has so far paid only lipservice to other weaknesses in our defense structure, but some of them are real. Modernization of the Army and Navy; modernization of our airlift capability; improved amphibious shipping, and in general a stronger capability for limited war and development of more effective antisubmarine techniques are needed, plus more funds for research and development.

Is more money needed? Some reduction of our calculated military risk, even at the expense of increasing slightly our calculated economic risk, would seem desirable. But a reallocation of the defense budget to stress the development of the invulnerable deterrent, and to emphasize offensive measures as compared to purely defensive means, is more important than an increase in funds.

What is the danger? The primary danger is not that of all-out nuclear surprise assault. Our deterrent is still too strong. But Russia's military strength, plus the prestige and the political and psychological advantages she has won, presage two dangers.

SMALL CONQUESTS

The first is the danger of small conquests, of subversion, of Communist conquest by limited war or means short of war, particularly in unsettled areas such as southeast Asia, the Middle East, Africa, and Latin America.

The second danger is that we may play our hand in forthcoming international negotiations from weakness—weakness that is more apparent than real, but nevertheless weakness. Russian space and economic achievements and her missile bluster have won friends and influenced people in the world of power. A Soviet political offensive—around the conference tables and in the global forums of public opinion—must be met by U.S. strength that is obvious not only to the experts, but to the common man.

Mr. KEATING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McGEE in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 11 O'CLOCK A.M. TOMORROW

Mr. SPARKMAN. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 32 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, February 23, 1960, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 22, 1960

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

FEBRUARY 22, 1960.

I hereby designate the Honorable JOHN W. MCCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Judges 6: 12: *The angel appeared unto Gideon and said, "The Lord is with thee, thou mighty man of valor."*

O Thou who art man's refuge and strength in every generation, we thank Thee for this day in the annals of our national history when we unite to commemorate the life and character of George Washington whom we reverently and affectionately call the Father of his Country.

Our hearts expand with pride and patriotism as we call to mind his fidelity to the principles of human rights in championing the cause of the oppressed colonists; his fortitude in times of hardship, and his unwavering faith in divine providence which sent him down on his knees in prayer at Valley Forge that he might know how to march in step with the eternal will and wisdom of God.

Grant that the memory of this great American patriot may strengthen the soul of our Republic and inspire all of the citizens of our beloved country to be mighty men of valor girding themselves with the breastplate of righteousness, the shield of faith, and the sword of the spirit as they respond to the glorious adventure of bringing freedom and peace to our troubled world.

Hear us in the name of the Prince of Peace whose spirit is the strength and hope of all mankind. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 18, 1960, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced the appointment of the Senator from New York [Mr. JAVITS] as a member of the Board of Visitors to the U.S. Merchant Marine Academy, pursuant to the provisions of Public Law 301, 78th Congress.

The message also announced the reappointment of the Senator from Connecticut [Mr. BUSH] as a member of the Board of Visitors to the U.S. Coast Guard Academy, pursuant to the provisions of Public Law 78, 75th Congress.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may be allowed to extend their remarks in the RECORD today and include therein extraneous matter if they desire to do so.

The SPEAKER pro tempore. Without its being considered a precedent, without objection, it is so ordered.

There was no objection.

SUPPLEMENTAL APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Tuesday next it may be in order to consider under the general rules of the House a joint resolution making supplemental appropriations for the National Aeronautics and Space Administration; that the time for general debate be limited to not to exceed one-half hour, to be equally divided and controlled by the gentleman from Texas [Mr. THOMAS] and the gentleman from Iowa [Mr. JENSEN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, what is the resolution?

The SPEAKER pro tempore. This is a unanimous-consent request to make in order tomorrow the consideration of a joint resolution from the Committee on Appropriations making supplemental appropriations for the National Aeronautics and Space Administration, with one-half hour of general debate, to be equally divided and controlled by the gentleman from Texas [Mr. THOMAS] and the gentleman from Iowa [Mr. JENSEN].

Mr. GROSS. How much of an appropriation is it?

The SPEAKER pro tempore. My recollection is that it is $23 million.

Mr. ARENDS. Reserving the right to object, Mr. Speaker, has this request been cleared with the members of the minority? I know nothing about it. Whether or not Members on both sides have consulted about this I do not know.

Mr. PATMAN. It is my understanding it was cleared.

Mr. GROSS. Is not 30 minutes a rather short period of time to deal with an appropriation bill?

The SPEAKER pro tempore. It is just one item in a supplemental appropriation bill.

Mr. ARENDS. Mr. Speaker, I understand it has been cleared on this side of the aisle from the standpoint of both the minority leader and the ranking member of the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 15, 1960, the Chair recognizes the gentleman from Missouri [Mr. Brown] to read George Washington's Farewell Address.

Mr. BROWN of Missouri read the farewell address, as follows:

To the People of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past

kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, suffering, and successes.

But these considerations, however powerfully they addressed themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south* in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those

broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discrimination,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only, that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be involved, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit or party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot

and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warning, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes, that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and

powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interest.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith: Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us will not lightly hazard the giving us provocations when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. WOLF, for 40 minutes, on tomorrow, and to vacate the special order he had for today.

ADJOURNMENT

Mr. PATMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 23, 1960, at 12 o'clock noon.

REPORT OF COMMITTEES ON COUNTERPART FUNDS

Mr. BURLESON. Mr. Speaker, the Mutual Security Act of 1958, chapter IV, section 401(a), requires the Committee on House Administration to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the House using foreign currencies—counterpart funds—during the preceding year. Accordingly, there is shown herein, within the prescribed time limit, the consolidated report of the Committee on Armed Services.

FEBRUARY 19, 1960.

Counterpart funds

REPORT OF COMMITTEE ON ARMED SERVICES

Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Jan. 1, 1960

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Austria	Schilling	620.00	23.78	4,493.00	172.60	5,686.24	218.42	1,710.00	65.66	2,800.00	107.65	15,309.24	588.11
Burma	Kyat	104.00	20.00	90.15	17.33	114.00	21.93	180.00	34.61	141.85	27.28	630.00	121.15
Denmark	Kroner	2,428.55	350.94	478.18	69.10	634.18	91.50	138.24	20.12	45.00	6.52	3,724.15	538.18
France	Franc	1,872,253	4,037.01	463,431	906.51	511,459	1,054.46	124,259	274.90	188,555	386.09	3,159,957	6,658.97
Germany	Deutsche mark	37,059.58	9,062.84	1,609.55	383.93	2,159.65	514.70	517.47	123.28	778.08	185.56	42,124.33	10,270.31
Greece	Drachma	11,758.55	394.13	13,841.00	461.38	6,481.00	216.03	3,000.00	100.00	3,701.50	123.38	38,782.05	1,294.92
India	Rupee	400.00	80.00	397.25	79.45	350.00	70.00	175.00	35.00	177.75	35.55	1,500.00	300.00
Iran	Rial	2,128	28.00	5,451	71.72	4,560	60.00	1,672	22.00	1,389	18.28	15,200	200.00
Italy	Lira	736,915	1,306.62	642,374	1,034.69	438,054	705.46	149,388	241.02	246,092	394.78	2,212,823	3,682.57
Japan	Yen	108,000	300.00									108,000	300.00
Norway	Kroner			241.04	33.67	274.29	38.39	54.22	7.60			569.55	79.66
Poland	Zloty	524	9.54	1,850	33.64	1,375	25.00	440	8.00	2.76	5.00	4,465	81.18
Spain	Peseta	25,865.50	431.10	41,420.00	700.83	50,587.75	814.13	9,261.50	154.35	24,515.25	444.65	151,650	2,545.06
Sweden	Kroner			249.32	48.80	301.00	58.03	62.81	12.20			613.13	119.03
Thailand	Baht			523.60	26.18							523.60	26.18
Turkey	Lira	1,169.01	129.89	6,363.60	698.10	3,885.60	431.73	1,500.00	166.66	1,727.05	200.90	14,645.26	1,627.28
United Kingdom	Pound	102.4.0	287.29	204.16.0	574.61	258.16.5	725.99	46.15.0	130.99	253.14.7	711.37	866.5.12	2,430.25
Vietnam	Piastre	2,240	32.00	5,110	73.00	4,550	65.00	1,960	28.00	1,140	16.29	15,000	214.29
Total			16,493.14		5,385.54		5,110.77		1,424.39		2,663.30		31,077.14

CARL VINSON,
Chairman, Committee on Armed Services.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1853. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to amend the Poultry Products Inspection Act"; to the Committee on Agriculture.

1854. A letter from the Assistant Secretary of Agriculture, transmitting a report for the month of January relating to the cooperative program of the United States with Mexico for the control and the eradication of foot-and-mouth disease, pursuant to Public Law 8, 80th Congress; to the Committee on Agriculture.

1855. A letter from the Deputy Secretary of Defense, relative to 33 reports covering 38 violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, entitled "Administrative Control of Appropriations Within the Department of Defense", pursuant to section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

1856. A letter from the Secretary of Commerce, transmitting the 50th Quarterly Report on Export Control, covering the fourth quarter 1959, pursuant to the export Control Act of 1949; to the Committee on Banking and Currency.

1857. A letter from the Secretary of Labor transmitting a report submitted in accordance with section 4(d) of the Fair Labor Standards Act; to the Committee on Education and Labor.

1858. A letter from the Comptroller General of the United States, transmitting the annual report on the activities of the U.S. General Accounting Office during the fiscal year ended June 30, 1959, pursuant to section 312(a) of the Budget and Accounting Act of June 10, 1921; to the Committee on Government Operations.

1859. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation entitled "A Bill To Abolish the Arlington Memorial Amphitheater Commission;" to the Committee on Interior and Insular Affairs.

1860. A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation entitled "A Bill for the Relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck;" to the Committee on the Judiciary.

1861. A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation entitled "A Bill To Change the Title of the Assistant Director of the Coast and Geodetic Survey"; to the Committee on Merchant Marine and Fisheries.

1862. A letter from the Secretary of the Interior, transmitting a report of the operations of the Department of the Interior during the year 1959 under the Saline Water Act of 1952 (Public Law 448, 82d Cong., as amended); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House on February 17, 1960, the following bill and joint resolution were reported on February 19, 1960:

Mr. THOMAS: Committee on Appropriations. House Joint Resolution 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes; without amendment (Rept. No. 1280). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARY: Committee on Appropriations. H.R. 10569. A bill making appropriations for the Treasury and Post Office Departments and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1281). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of February 18, 1960, the following bill was reported on February 19, 1960:

Mr. BOGGS: Committee on Ways and Means. H.R. 5. A bill to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance; with amendment (Rept. No. 1282). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted February 22, 1960*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6329. A bill to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians; with amendment (Rept. No. 1283). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8796. A bill to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona; without amendment

(Rept. No. 1284). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 8649. A bill to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm kernel oil, and fatty acids, salts, combinations, or mixtures thereof; with amendment (Rept. No. 1285). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9307. A bill to continue for 2 years the suspension of duty on certain alumina and bauxite, with amendment (Rept. No. 1286). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9308. A bill to extend for 3 years the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory; without amendment (Rept. No. 1287). Referred to the Committee of the Whole House on the State of Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9862. A bill to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing, with amendment (Rept. No. 1288). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of February 17, 1960, the following bill and joint resolution were introduced on February 19, 1960:

By Mr. GARY:

H.R. 10569. A bill making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes.

By Mr. THOMAS:

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

[*Introduced and referred Feb. 22, 1960*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 10570. A bill to amend the Sugar Act of 1948 to provide for reducing Cuba's sugar quota by the amount of its exports of sugar from Cuba to the Iron Curtain countries; to the Committee on Agriculture.

By Mr. BROOKS of Louisiana:

H.R. 10571. A bill to increase the normal tax and surtax exemption, and the exemption for dependents, from $600 to $1,000; to the Committee on Ways and Means.

Mr. GRANT:

H.R. 10572. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. IRWIN:

H.R. 10573. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for expenses incurred in the construction of family fallout shelters of approved type and design; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 10574. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. LINDSAY:

H.R. 10575. A bill to supplement and revise the criminal laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. MAY:

H.R. 10576. A bill to extend the Sugar Act of 1948, as amended, for 4 years, to increase domestic beet sugar and mainland cane sugar quotas and assure new growers a fair share of such increase, to prorate quota deficits, to authorize the President to reduce quotas of certain foreign nations, and for other purposes; to the Committee on Agriculture.

By Mr. METCALF:

H.R. 10577. A bill to govern the harvesting of Indian timber; to the Committee on Interior and Insular Affairs.

By Mr. CLEM MILLER:

H.R. 10578. A bill to amend the Federal Water Pollution Control Act to expand research, extend State and interstate water pollution control program grants, and strengthen enforcement procedures, and for other purposes; to the Committee on Public Works.

By Mr. MORRISON:

H.R. 10579. A bill to provide that agricultural furloughs during World War I shall be deemed creditable service for pension purposes; to the Committee on Veterans' Affairs.

By Mr. PELLY:

H.R. 10580. A bill to prohibit agencies of the United States from imposing contractual provisions boycotting vessels trading with Israel; to the Committee on Merchant Marine and Fisheries.

H.R. 10581. A bill to establish a public policy with respect to oceanographic surveys, and to provide for coordination of the efforts of Federal agencies with respect to oceanographic surveys; to the Committee on Merchant Marine and Fisheries.

By Mr. SILER:

H.R. 10582. A bill to amend title 38, United States Code, to provide for the payment of pensions to Veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. WOLF:

H.R. 10583. A bill to permit weekly publications to suspend publication for not more than two issues in any one calendar year without loss of second-class mail privileges; to the Committee on Post Office and Civil Service.

By Mr. YOUNGER:

H.R. 10584. A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to property; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.J. Res. 622. Joint resolution to establish The American's Creed by William Tyler Page as the national creed of the United States; to the Committee on the Judiciary.

By Mr. MEYER:

H.J. Res. 623. Joint resolution authorizing the President to issue a proclamation recognizing the significance of the St. Albans Raid; to the Committee on the Judiciary.

By Mr. FLYNT:

H. Con. Res. 594. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to urging that the Senate of the United States advise and consent to ratification of the conventions and protocol formulated at the United Nations Conference on Law of the Sea, subject to an understanding as regards the conservation procedure known as abstention; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to urging that the State of Alaska be provided funds by Congress in the amount of $30 million over a period of 15 years to rehabilitate the fisheries of the State of Alaska through a program embracing research, development, conservation, and processing aspects of fishing; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Georgia, memorializing the President and the Congress of the United States to take whatever steps are necessary to inaugurate a program leading toward the eradication of hog cholera; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to propose an amendment to the Constitution of the United States relative to balancing the expenditures and the income of the Government of the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Commonwealth of Puerto Rico, memorializing the President and the Congress of the United States relative to expressing their objection to the legislation prepared by the Post Office Department of the United States aimed at reducing the 17.5 differential now accorded postal employees in Puerto Rico; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT:

H.R. 10585. A bill for the relief of Frank H. Chou; to the Committee on the Judiciary.

By Mr. BUDGE:

H.R. 10586. A bill to enable the Oregon Short Line Railroad Co. to convey title to certain lands in Idaho to the Pocatello First Corp. of the Church of Jesus Christ of Latter-day Saints; to the Committee on Interior and Insular Affairs.

By Mrs. CHURCH:

H.R. 10587. A bill relating to the effective date of the qualification of the Pattern Makers' Pension Trust Fund of Chicago as a qualified trust under section 401(a) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HAGEN:

H.R. 10588. A bill for the relief of Dinka Maria Hraste; to the Committee on the Judiciary.

By Mr. McMILLAN (by request):

H.R. 10589. A bill to exempt from taxation certain property of the Army Distaff Foundation; to the Committee on District of Columbia.

EXTENSIONS OF REMARKS

President Eisenhower's Radio-TV Talk To Nation

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, February 22, 1960

Mr. WILEY. Mr. President, we know President Eisenhower today began his four-nation tour of Latin America. With him goes the love, respect, and best wishes for a successful trip of the citizens of this country.

Throughout the Western Hemisphere, too, there are high hopes that our President will accomplish the major objectives of his mission, which include: Further improve the relations with our southern neighbors; promote greater cooperation among Latin American countries; create a better understanding, not only of our programs and policies, but of our willingness to participate in future plans to strengthen the bonds of friendship—as well as undergird efforts to promote greater economic, cultural, and intellectual progress—among these nations.

During his radio-TV address last night, the President also wisely included a reaffirmation of our policies for: maintaining the security of the Americas; adhering to our faith in the rule of law; and willingness to work to further strengthen the democratic institutions of the Western Hemisphere.

Overall, the address, in addition to putting the U.S. defense program in proper perspective, clarified the realistic, constructive "climate of intention and objective" in which the President is undertaking the trip to our Latin American neighbors.

Illustrative of the kind of statesmanlike and realistic, yet humanistic, approach of Mr. Eisenhower in attempting to find ways and means for further improving U.S. relations with other countries, this time with nations of the Western Hemisphere, I ask unanimous consent to have the text of the President's address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 22, 1960]

TEXT OF PRESIDENT EISENHOWER'S RADIO-TV TALK TO NATION

My friends, early tomorrow I start a journey to several of our Latin American neighbors, with three major purposes in mind.

These are: To learn more about our friends to the south; to assure them again that the United States seeks to cooperate with them in achieving a fuller life for everyone in this hemisphere; and to make clear our desire to work closely with them in the building of a universal peace with justice.

Our interest in our sister republics is of long standing, and of deep affection. This, in itself, is reason sufficient for this journey.

But in these days of world tension, of awakening ambitions, and of problems caused by the growing interdependence of nations, it is vital for national partners to develop better undertakings and to improve common programs.

TO REAFFIRM BONDS

The bonds among our American Republics are not merely geographic; rather they are shared principles and convictions. Together we believe in God, in the dignity and rights of man, in peace with justice, and in the right of every people to determine its own destiny. In such beliefs our friendship is rooted.

Yet even among close comrades, friendships too often seem to be taken for granted. We must not give our neighbors of Latin America cause to believe this about us.

So I shall reaffirm to our sister republics that we are steadfast in our purpose to work with them hand in hand in promoting the security and well-being of all peoples of this hemisphere.

To do so, calls for a sustained effort that is, unfortunately, sometimes impeded by misunderstandings.

One such misunderstanding, at times voiced in Latin America, is that we have been so preoccupied with the menace of Communist imperialism and resulting problems of defense, that we have tended to forget our southern neighbors.

Some have implied that our attention has been so much directed to security for ourselves and to problems across the oceans to the west and east, that we neglect cooperation and progress within this hemisphere.

It is true that we have given first priority to worldwide measures for security against the possibility of military aggression. We have made many sacrifices to assure that this security is and will be maintained.

But I hope to make clear, on my journey, that our military programs at home and abroad have been designed for one purpose only—the maintenance of peace, as important to Latin America as to us.

That there is need for these programs, postwar history clearly proves.

For the first 5 years after World War II, we in the United States, hopeful of a global and durable peace, pursued a policy of virtual disarmament.

But the blockade of Berlin, the military weakness of our European friends living face to face with the Communist menace, and finally the Korean war—together with arrogant threats against other peaceful nations—belatedly made it clear to us that only under an umbrella of military strength could free nations hope to make progress toward an enduring just peace. World uneasiness rose to the point of alarm.

ARMS TO SUSTAIN PEACE

Since then our Nation has developed great arsenals of powerful weapons to sustain the peace. We have created a great deterrent strength—so powerful as to command and to justify the respect of knowledgeable and unbiased observers here at home and abroad.

Our many hundreds of Air Force bombers deployed the world over—each capable of unleashing a frightful destruction—constitute a force far superior to any other, in numbers, in quality, and in strategic location of bases.

We have, in addition, a powerful nuclear force in our aircraft carriers and in our host of widely deployed tactical aircraft. Adding constantly to these forces are advanced types of missiles steadily augmenting the armaments of all ground and other military units.

As for longer range ballistic missiles, from a standing start only 5 years ago we have literally leaped forward in accomplishments no less than remarkable.

Our Atlas missile, already amazingly accurate, became operational last year. Missiles of intermediate range are in forward bases. The first Polaris missile submarine—an almost invulnerable weapon—will soon be at sea. New generations of long-range missiles are under urgent development.

STRESSES VARIED FORCE

Collectively, this is a force not unduly dependent upon any one weapon or any one service, not subject to elimination by sudden attack, buttressed by an industrial system unmatched on earth, and unhesitatingly supported by a vigorous people determined to remain free. Strategically, it is far better situated than any force that could be brought to bear against us.

As we have strengthened these defenses, we have helped to bolster our own and free world security by assisting in arming 42 other nations—our associates in the defense of the free world.

Our part of this indispensable effort is our mutual security program. It makes possible a forward strategy of defense for the greater security of all, including our neighbors to the south.

I am certain that our Latin American neighbors, as well as you here at home, understand the significance of all these facts.

SAYS SHIELD IS AMPLE

We have forged a trustworthy shield of peace—an indestructible force of incalculable power, ample for today and constantly developing to meet the needs of tomorrow.

Today, in the presence of continuous threat, all of us can stand resolute and unafraid—confident in America's might as an anchor of free world security.

But we all recognize that peace and freedom cannot be forever sustained by weapons alone. There must be a free world spirit and morale based upon the conviction that, for free men, life comprehends more than mere survival and bare security. Peoples everywhere must have opportunity to better themselves spiritually, intellectually, economically.

We earnestly seek to help our neighbors in this hemisphere achieve the progress they rightly desire.

We have sought to strengthen the Organization of American States and other cooperative groups which promote hemispheric progress and solidarity.

We have invested heavily in Latin American enterprise.

New credits, both public and private, are being made available in greater volume than ever before. Last year, these approximated $1 billion. Our outstanding loans and investments in Latin America now exceed $11 billion.

LISTS OTHER STEPS

With our sister republics, we have just established the Inter-American Development Bank. With them we hope this new $1 billion institution will do much to accelerate economic growth.

Additionally, we have expanded technical cooperation programs throughout the Americas.

To improve our own knowledge of our neighbors' needs, we recently established a distinguished panel of private citizens under the chairmanship of the Secretary of State.

This national advisory committee will by continuous study of inter-American affairs, help us at home better to cooperate with

our Latin-American friends. Members of the committee will accompany me on my journey.

This will be a busy trip, for our neighbors' problems are many and vexing—the lack of development capital, wide fluctuations in the prices of their export commodities, the need for common regional markets to foster efficiency and to attract new credits, the need to improve health, education, housing, and transportation.

These are certain to be subjects of discussion in each of the countries I visit.

CITES BASIC PRINCIPLES

And wherever I go, I shall state again and again the basic principles and attitudes that govern our country's relationships in this hemisphere.

For example:

Our good-partner policy is a permanent guide, encompassing nonintervention, mutual respect, and juridical equality of states.

We wish, for every American nation, a rapid economic progress, with its blessings reaching all the people.

We are always eager to cooperate in fostering sound development within the limits of practical capabilities; further, we shall continue to urge every nation to join in help to the less fortunate.

We stand firmly by our pledge to help maintain the security of the Americas under the Rio Treaty of 1947.

We declare our faith in the rule of law, our determination to abide by treaty commitments, and our insistence that other nations do likewise.

We will do all we can to foster the triumph of human liberty throughout the hemisphere.

We condemn all efforts to undermine the democratic institutions of the Americas through coercion or subversion, and we abhor the use of the lie and distortion in relations among nations.

RED "FALSEHOOD" MENTIONED

Very recently, in a faraway country that has never known freedom—one which today holds millions of humans in subjugation—impassioned language has been used to assert that the United States has held Latin America in a colonial relationship to ourselves.

That is a blatant falsehood.

In all history no nation has had a more honorable record in its dealings with other countries than has the United States.

The Philippines are independent today—by their own choice.

Alaska and Hawaii are now proud partners in our federated, democratic enterprise—by their own choice.

Puerto Rico is a commonwealth within the United States system—by its own choice.

After the two world wars and the Korean war, the United States did not annex a single additional acre, and it has sought no advantage of any kind at the expense of another.

And in all of Latin America, I repeat, we adhere honorably and persistently to the policy of nonintervention.

It is nonsense to charge that we hold—or that we desire to hold—any nation in colonial status.

These are but a few of the matters that friends in this hemisphere need to talk about. I look forward with the keenest pleasure to exchanging views with the Presidents of Brazil, Argentina, Chile, and Uruguay, and with their colleagues.

It is my profound hope that, upon my return, I shall be able to report to you that the historic friendship and trust among the nations of this hemisphere have been strenghened, and that our common cause—justice and peace in freedom—has been reaffirmed and given new life.

Good evening, and to my Latin American friends, buenas tardes (good afternoon).

"The American's Creed" Should Be Our National Creed

EXTENSION OF REMARKS

OF

HON. JOHN R. FOLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1960

Mr. FOLEY. Mr. Speaker, it is my privilege to offer for consideration a resolution to establish "The American's Creed" by William Tyler Page as the national creed of the United States. Mr. Page was born in the city of Frederick, Md., on October 19, 1868, and lived in Montgomery County, in the Sixth District of Maryland, which I am proud to represent in the House of Representatives.

In 1916, when half the world was aflame with war, the thought occurred to many Americans that we should more seriously than ever before consider the duties and obligations of American citizenship, lest we forfeit its rights and privileges. Among those who felt these things was Henry Sterling Chapin, of New York, who conceived the idea of promoting a countrywide contest for the writing of a national creed. The creed would be the briefest possible summary of our political faith in terms of fundamental things most distinctive in American history and tradition.

In March 1917, on behalf of the city of Baltimore, Mayor James H. Preston offered an award of $1,000 for the winning creed. In addition to a committee on manuscripts and a committee on award, a number of well-known men and women agreed to act as an advisory committee. The President of the United States informally approved of the contest, and many Governors, U.S. Senators, and Congressmen were members of this advisory committee of which the U.S. Commissioner of Education was, ex officio, chairman.

Of the thousands of creeds submitted from every State in the Union, the one chosen by the committees was submitted by William Tyler Page, a lineal descendant of Carter Braxton, a signer of the Declaration of Independence. From a lifetime practice of retiring to his library for a careful study of the great documents of American history on each Fourth of July, Page was able to express the essence of American faith in a simple yet comprehensive summary.

The American's Creed was selected in March 1918. In the following month, the creed was publicly announced at a ceremony held in the Office Building of the House of Representatives. The entire proceedings, together with the official reprinting of the American's Creed appeared in the CONGRESSIONAL RECORD of April 13, 1918. A few days after receiving a check for $1,000 from the city of Baltimore, Mr. Page stood upon the Capitol steps in Washington and purchased a $1,000 bond of the Third Liberty Loan.

All citizens of the Sixth District of Maryland are proud of William Tyler Page. In addition to having captured the very essence of American patriotism in a short and succinct statement, Page had the distinction of having served as an employee here at the U.S. Capitol for 61 years. He served under 11 Presidents from Chester Arthur to Franklin Delano Roosevelt. During this period there were 15 Speakers of the House of Representatives. His career began as a congressional page in the Clerk's Office of the House of Representatives on December 19, 1881. Page served in various capacities until he retired in 1942. He died in 1948 at the age of 80.

Today and every day the patriotic essence of his "American's Creed" should be daily practiced more intensely. For this reason I have proposed that "The American Creed" should formally be made by congressional resolution our national creed.

THE AMERICAN'S CREED

(By William Tyler Page)

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

Report of the Department of Health, Education, and Welfare Showing Receipt by the States of Surplus Real and Personal Property

EXTENSION OF REMARKS

OF

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1960

Mr. McCORMACK. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I include a report from the Secretary of Health, Education, and Welfare which shows that the States received surplus real and personal property valued at $88,842,822 for the period October through December 1959.

The Special Subcommittee on Donable Property, which was established by Chairman DAWSON of the Government Operations Committee and consists of myself as chairman, Congressman JOHN S. MONAGAN, and Congressman ROBERT R. BARRY, keeps a close watch on the operation of this program which has proven to be of great value to our institutions. As a matter of fact the Secretary of Health, Education, and Welfare has indicated that the donable surplus property program constitutes the greatest assistance now being given to our educational institutions. It is well known that many engineering and industrial schools throughout the Nation would have great difficulty operating without the machine tools and other pieces of

equipment made available to them through the donable property program.

The report follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions, October 1 through December 31, 1959 (acquisition cost)

[In accordance with sec. 203(o), Public Law 152, 81st Cong. as amended]

State	Personal property	Real property	Total
Total	$85,486,916	$3,355,906	$88,842,822
Alabama	2,237,413		2,237,413
Alaska	259,170	66,590	325,760
Arizona	730,687	7,040	737,727
Arkansas	1,001,385	208,835	1,210,220
California	11,995,539	39,823	12,035,362
Colorado	2,188,625	162,345	2,350,970
Connecticut	2,066,442		2,066,442
Delaware	287,900		287,900
Florida	3,562,217	35,955	3,598,172
Georgia	1,949,200		1,949,200
Hawaii	200,685		200,685
Idaho	589,462	19,423	608,885
Illinois	2,675,933		2,675,933
Indiana	1,197,437		1,197,437
Iowa	944,413	1,500	945,913
Kansas	733,270	8,822	742,092
Kentucky	1,455,417	24,159	1,479,576
Louisiana	895,584		895,584
Maine	658,389	40,000	698,389
Maryland	1,796,870		1,796,870
Massachusetts	2,613,814		2,613,814
Michigan	2,168,880		2,168,880
Minnesota	1,731,579		1,731,579
Mississippi	1,341,957		1,341,957
Missouri	1,316,827	30,104	1,346,931
Montana	249,850		249,850
Nebraska	653,282	22,357	675,639
Nevada	132,389		132,389
New Hampshire	314,993		314,993
New Jersey	1,514,497	5,000	1,519,497
New Mexico	871,450	80,223	951,673
New York	6,145,395	41,957	6,187,352
North Carolina	1,582,364		1,582,364
North Dakota	132,941		132,941
Ohio	2,681,242	7,537	2,688,779
Oklahoma	1,842,510	575	1,843,085
Oregon	1,212,371	11,451	1,223,822
Pennsylvania	1,698,773		1,698,773
Rhode Island	565,423		565,423
South Carolina	1,155,538		1,155,538
South Dakota	564,621		564,621
Tennessee	1,391,227	2,314,420	3,705,647
Texas	3,369,380	39,812	3,409,192
Utah	2,451,995		2,451,995
Vermont	162,750		162,750
Virginia	2,768,049	9,389	2,777,438
Washington	2,763,123	170,424	2,933,547
West Virginia	949,036		949,036
Wisconsin	2,718,524		2,718,524
Wyoming	359,355	8,165	367,520
District of Columbia	252,797		252,797
Puerto Rico	383,946		383,946
Virgin Islands			

Trade Between Hawaii and the West Coast—Favorable Action by U.S. Court of Appeals on Application of Pacific Far East Line, Inc.

EXTENSION OF REMARKS

OF

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Monday, February 22, 1960

Mr. DIRKSEN. Mr. President, on May 21, 1959, I informed the Senate that something effective should be done to end the alleged near monopoly that the Matson Navigation Co. has on trade between Hawaii and the west coast. There was considerable discussion about that matter, and a good many persons came to discuss it with me.

At the time, I wondered whether I was on bad ground; but I am happy to inform the Senate that on February 4, 1960, the United States Court of Appeals for the District of Columbia Circuit unanimously decided that the Federal Maritime Board had erred in excluding the Pacific Far East Line, Inc., from becoming the only competitor of Matson in the Pacific coast-Hawaii trade.

I am pleased that—for the first time, to my knowledge—a U.S. court has taken cognizance of Matson's apparent monopolistic position. The Department of Justice is to be commended for its strong stand, taken at my request, in arguing against this monopoly.

I am now informed that the Maritime Board—which is not an independent agency, but is a part of the executive branch, under the authority of the Department of Commerce—is considering opposing its own attorney, the Justice Department, and is seeking Supreme Court review of this historic decision which is so important to our new State of Hawaii.

In its decision the Federal court made clear that the Maritime Board had never even given consideration to the public interest in ending Matson's monopoly. I submit that the public interest involved in this matter requires that the Maritime Board submit to this decision and bow to the decision of its own attorneys, namely, the Department of Justice. For the Maritime Board to oppose the Justice Department in the Supreme Court is not only against the public interest, but also seems to me to be just a little ridiculous.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article, from the New York Herald Tribune of February 4, which supports this position. I also ask unanimous consent to have printed a short excerpt from the decision of the court of appeals in this case.

There being no objection, the article and the excerpts from the decision were ordered to be printed in the RECORD, as follows:

PACIFIC LINES WINS APPEALS COURT VICTORY—MARITIME BOARD TO RECONSIDER RULING

Pacific Far East Lines won a major victory yesterday over the Federal Maritime Board and Matson Navigation Co. in a ruling handed down by the U.S. Court of Appeals in Washington.

The court ordered the Maritime Board to reconsider its order denying Pacific Far East permission to maintain a nonsubsidized service between west coast ports and Hawaii in competition with Matson. The court further ruled that the Board had "practically equated unfair competition with effective competition" in its original decision.

John R. Wagner, executive vice president of Pacific Far East, hailed the decision as clearing the way "for establishment of a broader base of transportation between the States of Washington, Oregon, California, and the new State of Hawaii."

The court fight was marked by the unusual spectacle of the Department of Justice appealing the ruling of the quasi-judicial Federal Maritime Board in the court of appeals. The Justice Department supported Pacific Far East's contention that the Maritime Board had made an erroneous ruling. As a result, it is not expected that the court of appeals' decision will be taken to the Supreme Court.

Judge John A. Danaher said in the ruling that "preservation of Matson's monopoly is not an object or policy of the [merchant marine] act."

"On the contrary, the public interest in ending this monopoly should be considered," he continued. "The act does not exempt the California-Hawaii trade from the anti-monopoly policy which Congress has often expressed.

The Maritime Board made its ruling while Hawaii was still a Territory. Since Hawaii is now a State, the question whether ship services between it and the west coast comes under the Federal Maritime Board or the Interstate Commerce Commission has still not been resolved.

EXCERPT FROM U.S. COURT OF APPEALS, DECIDED FEBRUARY 4, 1960

Intervenor Matson has operated in the Pacific coast-Hawaii trade for more than 70 years and is said to carry 98 percent of the cargo in that trade.

The Board practically equated unfair competition with effective competition. But what is bad for Matson is not necessarily bad for the country. However adequate Matson's service may be, and in whatever sense Matson may "need" to retain its monopoly of the California-Hawaii trade, we cannot accept the Board's view that Matson is "fundamentally entitled" to retain this monopoly as against a competitor that is subsidized—as Matson itself is, through its subsidiary Oceanic—in a different trade. Service and need would be important if the Board were a public utility commission passing upon an application to enter a regulated field, but have nothing to do with the question whether PFEL's competition with Matson would be "unfair."

The U.S. Navy Band Goes to South America

EXTENSION OF REMARKS

OF

HON. CHARLES O. PORTER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1960

Mr. PORTER. Mr. Speaker, today on George Washington's birthday, the U.S. Navy Band gives the first of a series of concerts in South America in Buenos Aires, Argentina.

I am told that the band, its chorus—the Sea Chanters—and its Navy Band combo will play for several days in the Buenos Aires area. On subsequent days the band will be heard in Rio de Janeiro, Brazil, and in Montevideo, Uruguay.

The opportunity to introduce the Navy Band to our friends in Latin America came without much warning. It was the best of surprises because band members have wanted to make the trip for a long time. A lack of money for such purposes made it impossible.

Then early this year the Navy authorized that a cruiser, the U.S.S. *Macon*, make a series of official state visits to certain coastal ports along the eastern shore of South America. The U.S. Navy Band which is trained in protocol was the logical choice to accompany the officer making the visit. The next step was to make the necessary arrangements.

This meant making sure engagements for the band here were not canceled without proper replacements. It entailed, I learned, the finest sort of cooperation among the armed services. It was done quietly and efficiently.

Early this month arrangements were completed. Now final scheduling for the traveling group is in process.

FLY TO CARIBBEAN

On February 6 the band and chorus flew to the Caribbean where they boarded the *Macon*. On or around March 10 they will return to this country.

The actual story of how this came about really includes as a major hero the element of chance. The opportunity to go came unexpectedly. Arrangements to go could be made. The band went.

It is a simple story. One which I feel will do much to improve relations with our friends in South America. Friendship, of course, always can be improved. The moment it is taken for granted it deteriorates.

I have tried for some time, since July 1, 1958, to see if funds for the Navy Band's visit to Latin America might not be made available through the Department of State. It seemed to me that this type of musical people-to-people contact is diplomacy at the best level. The language of music dissolves the barrier of language. Musicians themselves generally are excellent ambassadors of good will.

On July 1, 1958, I wrote to the late Secretary of State, the Honorable John Foster Dulles, as follows:

JULY 1, 1958.

Hon. JOHN FOSTER DULLES,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Recently I had the privilege of listening to the Navy Band and its chorus, the Sea Chanters, make a recording of the Oregon State song. If you have heard them or about them, then I don't need to tell you what a superb group of performers they are.

It occurred to me that they would be good-will ambassadors of a high order wherever they went, representing as they do not only the spirit of the Navy, but of the America we all cherish.

With their discipline, dash, and virtuosity they could do us a lot of good in Latin America. My suggestion is that such a tour be arranged and announced at an early date. I should like very much to have your reactions to this suggestion and would be glad to discuss it further with you or your representative.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

MANY BRIDGES TO CROSS

There were many bridges to cross. On July 20, 1959, Rear Adm. C. C. Kirkpatrick, U.S. Navy Chief of Information, at my request provided me with details concerning the cost of sending the U.S. Navy Band to South America. A copy of his letter follows:

DEPARTMENT OF THE NAVY,
OFFICE OF INFORMATION,
Washington, D.C., July 20, 1959.

Hon. CHARLES O. PORTER,
House of Representatives,
Washington, D.C.

MY DEAR MR. PORTER: In response to your verbal request for information pertaining to the proposal that the U.S. Navy Band make a tour of Latin American countries, the following is submitted in answer to your specific questions:

Question. What is the background on previous action taken, particularly the results of discussions with other governmental agencies on the matter of financing the tour?

Answer. In 1957, proposals for such a tour were made separately by both Representative CARROLL D. KEARNS of Pennsylvania, and the commandant of the Potomac River Naval Command. The idea was thoroughly explored and was supported in principle by the Chief of Naval Personnel, the Chief of Information, and the Chief of Naval Operations, but funds to effect its implementation could not be found within the Navy Department. At that point the Vice Chief of Naval Operations personally investigated the possibilities of assistance from such other Government agencies as the Department of State, the U.S. Information Agency and the International Cooperation Administration. Each agency endorsed the proposal as a fine idea, but none was in a position to provide the necessary funds. The proposal was also endorsed by the Department of Defense provided funds could be found to cover the expense. Despite all efforts, no funds could be found and the project was dropped for the time being.

Your letter of July 1, 1958, to the Secretary of State revived the Navy's interest in the idea and again the matter of funds was thoroughly explored both by the Navy's Cold War Advisory Panel and the Special Assistant for Public Affairs to the Secretary of the Navy. This action took place shortly after the Vice President's trip to South America and the proposal was subsequently brought to his attention. He endorsed the idea and offered his support.

During the 1958 attempt, the possibility of setting up the tour under the President's fund was explored. The President's fund, administered by the Department of State, is used for the purpose of transporting individuals throughout the world on what is basically a cultural mission. Although representatives of the State Department were in favor of the Navy Band making the tour, they did not wish to designate moneys from the President's fund because (a) it would mean canceling some other (civilian) program from the schedule, and (b) no other Armed Forces unit had ever used moneys from the fund and they did not wish to establish a precedent. The project was again shelved due to lack of funds.

Question. What are the costs involved?

Answer. Costs have been estimated on the basis of the attached proposed itinerary for a 35-day tour. The band would consist of 70 enlisted musicians and 2 officers. In round numbers, the per diem for the band would amount to approximately $38,000. Transportation requirements include space for 7,300 pounds (654 cubic feet) of equipment as well as 72 individuals and their personal baggage.

Approximate figures have been worked out as follows:

(1) MATS special air mission: Two MATS C–118/R–6D-type aircraft, if available, could perform the airlift. Total cost including crew per diem, aircraft operating costs, and minimum daily charge while the aircraft are in an inoperative status, would be approximately $110,000. Thirty days leadtime is generally required for such airlifts.

(2) Navy air: Three U.S. Navy R–5D-type aircraft would be required for the tour, however the availability of these transports cannot be ascertained until the date of the tour is known. If the aircraft are available, at least 6 weeks, leadtime would be required for planning.

The total cost, including crew per diem and aircraft operations, would be approximately $27,854.

(3) Commercial air: Scheduled commercial air (Pan American) is available to most of the cities as shown on the attached itinerary. The cost, for band members only, figured at the 30-day excursion rate, would be approximately $43,315.

Band equipment and other cargo would have to be airlifted by an extra aircraft. Commercial air costs for this are not available but can be expected to be high. Pan American would have no objections if the cargo aircraft were provided by the Navy. Navy crew and aircraft costs would be approximately $9,000 for one aircraft.

Question. How much leadtime is required?

Answer. To insure a well-planned tour, it is believed that at least 9 months, and preferably a year of leadtime would be required. It would be essential to have an officer assigned full time as an advance man to visit all countries concerned several months prior to the commencement of the tour to insure that adequate facilities are available and that the band would be well taken care of and well received.

Question. Would sponsorship by an organization such as the Ford Foundation or the Rockefeller Foundation be appropriate?

Answer. Sponsorship by a nonprofit, noncommercial organization would be acceptable and might have certain political advantages, since possible charges of military motive could not be made. Preliminary investigation regarding financing of the tour by industry was not encouraging.

* * * * *

The proposed tour of Latin America would be an expensive operation, but it is believed it would be extremely worth while as a people-to-people effort. If the money for such a tour can be found, you may be sure the Navy would enter into the project with the greatest enthusiasm.

Your continued personal interest in sending the U.S. Navy Band to Latin America is deeply appreciated. Please do not hesitate to call upon me if you desire additional information.

Sincerely yours,

C. C. KIRKPATRICK,
Rear Admiral, U.S. Navy,
Chief of Information.

CONGRESSMEN INTERESTED

Other Members of Congress have expressed interest in the proposed southern visit. The Honorable CARROLL D. KEARNS, Republican of Pennsylvania, probably this House's stanchest and best friend of music, told me he thought the visit would be a good idea. In 1957 he proposed such a trip.

The Honorable CHESTER BOWLES, Democrat of Connecticut, wrote me December 23, 1959, as follows:

I agree that the idea of sending the Navy Band to South America is a good one but frankly I can't see any likelihood that one of the major private foundations could see its way clear to subsidize it. I do hope that some way can be found to send the Navy Band to South America. I hope there will be official reconsideration by the Government.

Reconsideration in this particular case would not have to be made, but similar financial need may arise again and again. I hope that more funds may somehow be apportioned for this sort of work.

I know that the Navy Band will be warmly welcomed in South America, as have other groups such as the National Symphony Orchestra.

The U.S. Navy Band will have one of the most important assignments of its

historic career when it plays at the American Embassy in Buenos Aires for the reception honoring the President of the United States. The assignment was not prearranged, I am told. It was a happy coincidence, a most opportune crossing of schedules for the President, the citizens of Argentina and the U.S. Navy Band members. It is a day of special honor for able Comdr. Charles Brendler and the other Navy men taking part in the tour.

Under leave to extend my remarks in the RECORD, I include my recent letter to Secretary of State Herter suggesting earlier that there might be funds within the department for a visit and the reply for the Department by Assistant Secretary William B. Macomber, Jr.:

JANUARY 4, 1960.

Hon. CHRISTIAN A. HERTER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: It is not a new idea to have an American band tour Latin America in the interest of improved relations. A recent tour by the National Symphony was, as you no doubt know, a great success. Not long ago the Air Force Band, as I recall, had great successes also in Latin America.

Enclosed is a thermofax of a letter I received July 21 from Rear Admiral Kirkpatrick. The Navy would like to send its band to South America but they need about $53,000 for a 30-day tour and apparently this money cannot be located.

I am referring this matter to you in the hopes that there may be funds within the State Department or available to it which could be used for this very worthy purpose.

Sincerely yours,

CHARLES O. PORTER,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., January 13, 1960.

The Honorable CHARLES O. PORTER,
House of Representatives.

DEAR MR. PORTER: Your letter of January 4, 1960, inquiring about the availability of State Department funds to finance a tour of the Navy Band has been received.

There is no question that the appearances abroad of bands, orchestras, and other musical groups drawn from our military services have enjoyed great success in appearances before civilian audiences abroad. Tours by units from the Army, Marines, and Air Force have handsomely supplemented our efforts in many areas where our financial resources were inadequate to have as extensive a program as we would have liked.

The Department has worked actively with the service units involved in laying out itineraries and other details to insure the success of these appearances. Among many others, the appearances of the Air Force Symphony in the Far East, the Seventh Army Symphony in Europe, and the Marine Band unit at Edinburgh perhaps deserve special mention. These tours were all undertaken at no cost to the cultural presentations program of the Department of State.

The Department would be delighted to see the Navy Band join the ranks of these groups appearing abroad. It regrets, however, that it is unable to offer financial assistance to this end. With limited resources at its disposal, the Department feels that it should emphasize the artistic and creative achievements of this country under a free enterprise system. This has meant emphasis on the presentation of groups which have developed and flourish in America without Government support or subsidy. Since the funds to portray this kind of development are inadequate to do the job that our Foreign Service posts believe needs to be done, we see no way we can support the requests of the military services to assist them on goodwill tours.

Should the Navy find the resources which are apparently available to other service units for tours of music groups, we would be happy to work with them in developing a tour itinerary and assist any other way possible. We offer them the strongest encouragement to contribute to a truer complete picture of American musical and cultural life.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary
(For the Secretary of State).

Increased Domestic Sugar-Beet Acreage Needed

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, February 22, 1960

Mrs. MAY. Mr. Speaker, I have today proposed a bill to amend the Sugar Act of 1948, as amended, so as to insure that the American farmer will have priority on all growth or increased consumption of sugar beets and sugar cane, and to allow new sugar-beet growers on Federal reclamation projects to share fairly in increases in quotas.

Under my proposal, the Sugar Act would be extended for 4 years, to December 31, 1964; the President would be delegated authority to reduce the quota of a foreign nation when he finds it to be in our national interest; the U.S. sugar-beet farmers' basic quota would be increased by 150,000 tons and mainland cane quotas would be increased by 50,000 tons; 100 percent of the growth quota or increase due to U.S. population expansion would be allocated to domestic growers; new sugar-beet growers on lands served by Federal reclamation projects would receive at least 60 percent of any increase in beet quotas due to population expansion; and the methods of handling quota deficits is restated and clarified. My proposal limits the quantity of white sugar that can be marketed by foreign suppliers, and prohibits the importation of sugar "ex-quota" in the form of syrups.

As you know, under the present law which expires December 31, 1960, domestic areas receive 55 percent and foreign nations receive 45 percent of the growth quota. No provision is now made for earmarking portions of the growth quota to new growers. At present, the President does not have authority to alter quotas.

I feel very strongly that consideration should be given the American farmer and that he should have priority on all growth or annual increased consumption. The American farmer has long expressed a desire for this priority since he started needing more than the basic 1,800,000 tons on or before 1955. I feel that the farmers would have been entitled to these increases even if the present strained relations with Cuba had not come about.

Let me point out the effects of the Sugar Act on various producing areas, since 1955, when the ASC, a division of the Department of Agriculture, took over the job of breaking down the national sugar beet quota and alloting it out to individual farmers. Prior to this time this had been a function of the individual beet companies. At that time each grower's acreage for the years 1952, 1953, and 1954, was used to establish his history for allotments. This resulted in a serious inequity to some new reclamation projects who happened to be historically a few years late in receiving water to get their base built in these years. The Columbia Basin of the State of Washington, one of the best beet-producing areas in the United States, is one of these.

The older projects had good bases established for these years and consequently have been able to gain fairly good increases under the amendment to the Act, which has allowed domestic beet growers to participate at the rate of 22.3 percent of the increased national consumption since 1956.

On the other hand, the area of one sugar company of the Columbia Basin, whose average yield of 29 tons per acre was top in the United States in 1958, has not gained one acre of beets above its 1955 acreage. Having a very small base history because water had not been available soon enough, its participation in the increased national consumption has been negligible. At the same time growers could not move in from other States with acreage and growers could not move from the old area of this State, because this is all an area of another company. These inequities would be corrected under the provisions of the legislation I introduced today. I feel that this legislation is vital to the future economy of the several new reclamation areas of the United States, and I am hopeful that hearings on this proposal, and all other proposals dealing with sugar legislation, will be scheduled for early consideration.

Loyalty Oath Has Proponents

EXTENSION OF REMARKS
OF
HON. EDGAR W. HIESTAND
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 22, 1960

Mr. HIESTAND. Mr. Speaker, several educators have proposed that the loyalty oath provisions of the National Defense Education Act should be modified, striking the clause which disclaims membership in any organization which seeks to overthrow the U.S. Government by unconstitutional means.

Today, thousands of youths who are required to sign the oath are joining an organization which supports the provision as it is now written and administered. There follows an article from the Tablet which presents a part of the

story. This movement stems from the students, themselves, rather than "from the top, down":

A national student organization founded for the object of preserving the student loyalty oath and nonsubversive affidavit in the National Defense Education Act was announced here this week.

The organization's name is the National Student Committee for the Loyalty Oath. Twenty-five colleges and universities across the Nation are represented on its governing board and more are to be announced in the near future.

Chairman of the organization is Douglas Caddy, a senior at Georgetown University in Washington, D.C. Caddy is presently State chairman of the Young Republican College Federation for the District of Columbia. Executive secretary-treasurer of the student committee is David Franke, a junior at George Washington University in Washington, D.C. Franke is also at the present time the editor of the Individualist, official student publication of the Intercollegiate Society of Individualists.

COLLEGES REPRESENTED

The committee is bipartisan in political character. Its activities will be confined solely to fighting for the preservation of the loyalty oath and affidavit presently embodied in the NDEA and will not enter into the other areas of controversy currently attached to the NDEA.

Colleges represented by students on the governing board of the organization include Harvard University, Boston College, University of Connecticut, City College of New York, Manhattan College, College of New Rochelle, University of Indiana, Butler University, University of Wisconsin, Antioch, Marquette University, St. John's University (Minnesota), University of Michigan, Wittenberg College (Ohio), Iowa Central College, Kansas State University, William and Mary University, University of Houston, University of Arizona, University of New Mexico, Georgetown University, George Washington University, American University, Dunbarton College, and Trinity College.

ENDORSED BY SENATOR

The committee has been given the endorsement and blessing of Senator STYLES BRIDGES, of New Hampshire, chairman of Senate Republican Policy Committee. Senator BRIDGES, in a recent letter to the committee, wrote in part:

"The formation of your nationwide committee has come to my attention, and I offer my congratulations for the example of patriotism being expressed by our young American college and university students. It should serve to inspire our future leaders in every field of endeavor to renew their knowledge of the fundamentals upon which our Nation was founded.

"Throughout our history thousands of our young people have daily saluted the American flag and repeated the pledge of allegiance without any thought of hesitation. It has always been my belief that it was an honor to take any pledge of allegiance or subscribe to any oath of loyalty on behalf of our Nation. Why this should become unpopular in some circles is almost beyond my belief and comprehension.

"I wish the committee well and hope it receives support throughout the country. It is most certainly a worthwhile endeavor.

"STYLES BRIDGES,
"Chairman, Senate Republican Policy Committee."

DEPLORES OPPOSITION

In announcing its formation, the student committee termed "deplorable" the actions of the 19 colleges and universities who have refused to participate or have withdrawn from participation in the NDEA because of the loyalty-oath requirement. The committee raised the questions (1) whether it is proper for the officials of these colleges and universities that have refused participation to act as a superlegislature and deny qualified students the opportunity to seek the benefits under a public law designed to aid them individually, and (2) whether such officials are not by administrative fiat depriving the students of the very freedom they seek to preserve. The committee called attention to the fact that while only 19 institutions have refused participation in the NDEA, over 1,370 other institutions are participating without protest of the benefits of NDEA.

Adlai E. Stevenson: Last Chance

EXTENSION OF REMARKS
OF
HON. HARLAN HAGEN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 22, 1960

Mr. HAGEN. Mr. Speaker, one of the least unlikely events of the Democratic Convention in Los Angeles on July 11 and the following would be an unprecedented nomination of Adlai E. Stevenson as the Democratic presidential candidate for the third time. In the light of this prospect comments on his personality and achievements are highly significant. Perhaps the best of these appeared in the February 1960 issue of the Progressive magazine authored by the Honorable RICHARD L. NEUBERGER. This article correctly reflects the stature and independence of Mr. Stevenson and I submit it for your consideration, as follows:

ADLAI E. STEVENSON: LAST CHANCE

(By RICHARD L. NEUBERGER)

In 1956, after his second defeat for the Presidency, Adlai E. Stevenson made a statement regarding the highest elective office in the free world which was both renunciatory and philosophical. He said, "I can contemplate in tranquillity the distinct possibility that I will never be President of the United States."

Because millions of his fellow Americans do not share this tranquillity, Stevenson continues to be regarded as the most likely nominee of his party for the third consecutive time. Many Stevenson enthusiasts happen to be intellectuals, civic leaders, and generous campaign contributors. They might be called the catalytic agent of the Democratic Party. They are what make the water fizz. They create public opinion. And they feel a sense of kinship with Adlai Stevenson that they seem to sense in no other presidential hopeful in either party.

Thus, in spite of all the zeal and fervor for that brace of tireless compaigning Democratic Senators, JOHN F. KENNEDY and HUBERT HUMPHREY, many adherents of these men continually make it evident that KENNEDY and HUMPHREY are their first choices only if Stevenson does not actively enter the field. At innumerable Democratic gatherings, I have heard people volunteer the information that their heart belongs to Stevenson even though they happen to be wearing somebody else's campaign button on their lapel or bosom at the moment. This was vividly demonstrated at the banquet in New York honoring Eleanor Roosevelt's 75th birthday. Most of the Democratic White House potentials were present. Stevenson received by far the most vociferous ovation. Raymond P. Brandt wrote in the St. Louis Post-Dispatch that only Stevenson and Mrs. Roosevelt herself "came away with increased popularity and respect."

Stevenson has told me that he will not spend a 4-cent postage stamp to win the Democratic nomination. He is personally fond of both HUMPHREY and KENNEDY, and he has given each of them a sort of may-the-best-man-win benediction. But if a stalemate should occur at the Los Angeles convention, it is probable that Stevenson will be available for the party's nomination—even though some of his closest friends trust this will not be the case, for they wish to see him spared the ordeal of a third nationwide campaign. "I'd die if Stevenson lost again," said the attractive wife of a wealthy and enlightened date grower near Palm Springs.

It is my judgment that most of the leaders of the Democratic Party look upon Stevenson as the Nation's intellectually best prepared man to serve in the White House. Who can rival his eloquence and basic wisdom? Yet many of these same individuals confess to some doubt that Stevenson can be elected. If it were not for this doubt, he probably would be a certainty for the nomination in 1960. But Stevenson has been beaten twice. One defeat was by a margin of 6,500,000 votes, the other by 9,500,000. These were not photofinishes. They were landslides. Over and again this is the dry comment of Palmer Hoyt of the Denver Post: "Who could have licked George Washington? That was how General Eisenhower was presented to the American people."

This is the great behind-the-scenes debate within Democratic ranks regarding Adlai Stevenson. Were 1952 and 1956 fair tests of his national vote-corraling ability? If they accurately measured his appeal, then Democratic Party delegates will shy away from him as the 1960 nominee. But if the previous two elections are written off as forlorn hopes for the Democrats, regardless of the identity of the party's candidate, Adlai Stevenson could still be the overwhelming choice of those who will assemble in Los Angeles next July to make a fateful decision. I was told by a generous and liberal-minded California contributor to Democratic coffers:

"If I could appoint a President, I'd appoint Stevenson. He has what it takes to be a truly illustrious President. But if Stevenson is unable to win at the polls, I would rather succeed with a Democrat of lesser stature than to lose again with Stevenson."

It is Hamlet's dilemma repeated, because it involves so many hypotheticals. What if the Suez crisis had not occurred on the eve of the 1956 elections? Had Republican demagoguery over the unpopular Korean war in 1952 made it impossible for a Democrat to succeed? Had the Democratic string run out after 20 years in national office? Many of Harry Truman's intimates believe that Stevenson was too indecisive, that he did not conduct fighting campaigns, that he equivocated on issues of vast potential appeal for the Democrats. But one of Stevenson's faithful has replied wryly, "Don't ever forget that Truman ran against Dewey. That's a whole lot different from running against Eisenhower."

THE LINGERING DOUBT OF WHETHER HE CAN BE ELECTED

The debate is endless, but it also narrows down to another question. How much have the two defeats by Eisenhower hurt Stevenson's political prestige, no matter how blameless he may be for what happened? One theory holds that too many voters among the present electorate cast their ballots against Stevenson for him ever to be able to reverse the verdict. Would millions of voters confess, even to themselves, that they could have been wrong twice before? Yet, arrayed against this is the fact that many political figures in America have won major offices

after numerous defeats—Senators JOHN CARROLL, of Colorado; WILLIAM E. PROXMIRE, of Wisconsin, and RALPH W. YARBOROUGH, of Texas, to mention only a conspicuous few on the contemporary scene. And if the British people had permitted earlier political failures to shape their attitude perpetually, they might have been denied the gifted leadership of Winston Churchill during World War II.

I am confident that Adlai Stevenson is the private 1960 favorite of the overwhelming majority of influential Democrats. But there exists among some of these same persons the lingering doubt of whether or not he can be elected.

Why is Stevenson such a favorite? What accounts for his enduring appeal to so many thoughtful men and women? He is not so liberal as HUMPHREY. He lacks the handsome youthfulness of KENNEDY. He cannot match the political skill of LYNDON JOHNSON. He has many more overt handicaps—his divorce, for example—than SYMINGTON. He is not currently in high elective office like Govs. Robert Meyner, of New Jersey, or G. Mennen (Soapy) Williams, of Michigan. Yet mere mention of Stevenson's name can inspire and thrill many a gathering of Democrats.

I have tried to locate the secret of Stevenson's appeal to intellectual and thoughtful voters. I think one of his strengths is a trait which most orthodox politicians regard as virtually his principal weakness—what they describe as his indecisiveness—his tendency to see both sides of a difficult question, his melancholy and prolonged grappling with highly complex issues.

Of some of these things there can be no doubt. In 1952, Stevenson thrashed about like a salmon in a fish ladder, trying to make up his mind whether to run for the Presidency or for reelection as Governor of Illinois. His attitude on farm price supports has never quite satisfied those who favor a continuation of big agricultural subsidies; nor are public-power groups content that he is 100 percent committed to their side. I have heard criticisms from certain labor leaders that Stevenson has seemed to encounter difficulty making up his mind about amendments to the Taft-Hartley Act.

Yet these very qualities, so disturbing to some groups, are a factor in endearing Stevenson to the intellectuals, teachers, and writers who predominate in quite a few Democratic circles. Here is a man who does not pose as having a pat solution for every problem of these troubled times. He rarely indulges in the glib slogans which pretend to offer such easy remedies for grim maladies. He reserves his doubts about ready answers to monumental problems like farm surpluses, competing with the Soviets, or raising the necessary funds to finance Government in the 20th century. This, in the minds of many people, is a welcome contrast to President Eisenhower's bland promises of 100 percent of parity, liberation of the satellite nations, and the unleashing of Chiang Kai-shek. Also, these Democrats occasionally recall that certain prominent members of their own party have heralded, with much fanfare, the unveiling of a marvelous new farm program—a program which they have not yet produced.

STEVENSON WEAKEST WHEN HE LISTENS TO CAMPAIGN STRATEGISTS

To extreme Democratic partisans, Stevenson at times can be somewhat less than satisfying. This is probably true of any political figure who broods extensively and who often appears indecisive. Lincoln, also a melancholy brooder, was not sufficiently hard toward the South to please the Republican radicals who unsuccessfully plotted his defeat for reelection in 1864. Indeed, Judge Samuel I. Rosenman of New York, former confidant of Franklin D. Roosevelt and an intimate of President Truman, has said somewhat disparagingly of Stevenson:

"I don't think his views are those of a liberal, but more of a middle-of-the-roader. On domestic issues, there's not much difference between Stevenson's ideas and those of President Eisenhower."

This is undoubtedly an oversimplification of Stevenson's reluctance to accept felicitous answers merely because they have voter appeal. Any person who has read his book, "What I Think," will know there is a gulf, vast and wide, between Stevenson's ideas and those of the war hero who has twice conquered him for the Presidency. There also have been the numerous occasions when Stevenson was ahead of his time. During the 1956 campaign he took the risk of urging a suspension of nuclear tests. Vice President NIXON called this suggestion extraordinary and appalling, catastrophic nonsense—the height of irresponsibility. Yet today, nearly 4 years later, NIXON himself has opposed a resumption of nuclear testing. Nor can it be wholly forgotten that Judge Rosenman's beloved patron, Franklin D. Roosevelt, was quite universally looked upon as a conservative among Democrats prior to his brilliant unfurling of the New Deal.

Stevenson is not a particularly adroit politician, and he himself probably would be the first to admit it. Eric Sevareid relates how Stevenson, shortly before the Illinois elections of 1948, told him they had written off PAUL DOUGLAS as a possible winner and that if he, Stevenson, won at all, it would be by a very narrow margin. Actually, DOUGLAS was elected to the Senate overwhelmingly, and Stevenson went to the gubernatorial mansion at Springfield by one of the most colossal majorities in the history of the State.

In 1952 my wife Maurine and I were visiting Governor Stevenson in the Illinois capital. He then was being casually discussed for the Democratic presidential nomination. Maurine pleaded with him not to consider this because Eisenhower was sure to be the Republican nominee. "And nobody could beat Ike," she added.

Stevenson countered with the information that Senator Scott Lucas, of Illinois, the Democratic Senate leader, believed Taft had the GOP nomination all wrapped up. "I agree with Lucas," said Stevenson.

It is probably an irony of our era that Stevenson, poor politician though he is, suffers the most when he permits his political peers to persuade him to be out of character. This occurred in the campaign of 1956. Departing from the 1952 style which had inspired and lifted so many Americans, he allowed himself to get down to such narrow specifics as the price of hogs or the cost of kilowatts. This was supposed to be shrewd politics in certain States. Some Democratic politicians also felt, with audible relief, that it removed Stevenson from the lofty plane and high ideals which had characterized his 1952 appearances. The metamorphosis didn't work. The St. Louis Post-Dispatch has observed: "In 1956 Mr. Stevenson lost the support of some of his 1952 admirers when he followed the advice of certain campaign strategists and deviated from his 1952 policy of talking sense to the American people."

No person is more thoroughly aware of this than Adlai Stevenson. "If I ever am foolish enough to let myself run for President again," he told me one day, "I will run exactly as my own man. I won't be met at the Iowa State line or the Oregon State line by people who will tell me the purportedly appropriate thing to say to win votes in that particular locality. I will relate to voters—everywhere—the blunt, hard facts about our position in the world and about the sacrifices required if we are going to improve it."

STEVENSON WORKS HARD ON HIS OWN SPEECHES

Kenneth S. Davis, biographer of Stevenson in the book, "A Prophet in His Own Country," has written that Stevenson's counselors in 1956 assumed he would delegate the writing of speeches to others while he was left free to concentrate on public appearances and personal "politicking." On many occasions in 1952 local bigwigs could not see the candidate because he was busy polishing his speeches until curtain time. The new division of labors in 1956 was an unhappy one for Stevenson. It helps to explain why the genuine Stevenson shone through so little of the oratory during that campaign. He later explained to Kenneth Davis that the actual preparation of speeches, "the creative thing, is what I like to do. It's the fun of my life."

This, too, may be the key to a good deal of the basic Stevenson image. Ours is an age of the synthetic—of the ghostwriter, the teleprompter, of makeup to hide the candidate's bald spots. We all know of the advertising agency which plans a promotional campaign for whiskey one day and a crusade for the Presidency the next. Neither is elevating nor meaningful. Candidates in both parties frequently have speech manuscripts thrust into their hands at the last moment. There is not even time in which to scan the ghost writer's product before it is presented to the waiting audience and to the Nation. People sense this and yearn for the days in our history when Lincoln and Jefferson wrote, under crucial stress, what they themselves felt and believed in. They remember tales of Jefferson, in rented lodgings in Philadelphia, drafting the stirring and rhythmical language of the Declaration of Independence.

In our era Stevenson, alone among leaders, seems to respond to these gleaming chapters from our past. Most topflight politicians make no secret of the synthetic authorship of their speeches. Indeed, they often boast of the task force of skilled experts in each field whom they have recruited for this task. Although Stevenson has had at his disposal some of the most gifted literary talent in the land, he has a hard time relying upon it. Davis, in "A Prophet in His Own Country," has thus described the reaction in 1952 of those who made the pilgrimage to Springfield to fortify the Stevenson cause with their pens and typewriters:

"All of them became convinced, if they were not at the outset, that Stevenson was a far better writer of Stevenson speeches than any of them ever could be. Most of them were initially perturbed by the fact that the final drafts of speeches generally bore little resemblance to the drafts they had painfully prepared, but * * * with pride and truth they could proclaim that the speeches as Stevenson finally gave them—speeches which would be gathered into a bestselling book months after the campaigning had ended—were very much Stevenson's own."

I still have my own vivid memory of Stevenson in the cramped bedroom of Portland's then only union-operated hotel in October of 1952. It was nearly midnight. He had just completed a long airplane flight. His dinner consisted of a bowl of canned vegetable soup and crackers, eaten off a lap tray. While he ate, he revised a speech on power and conservation which he expected to deliver the next day. His eyes were hallow and gaunt with exhaustion. It all seemed dreadfully inefficient for the candidate thus to drain his energies and strength, especially when I thought of Eisenhower's smoothly functioning campaign colossus with its troupe of writers and public relations experts. I knew the General was not polishing speeches at midnight. And yet when I came away from Stevenson's room that night with Jebbie Davidson, Assistant

Secretary of the Interior, there were tears of pride in our eyes.

Just how liberal is Adlai Stevenson? This question disturbs some Democrats, as exemplified by the strictures and doubts voiced by Judge Rosenman. When former President Truman endorsed Averill Harriman for President before the 1956 Democratic Convention, he said candidly that Stevenson was not liberal enough for him. Yet, by contrast, Mrs. Eleanor Roosevelt, whose liberalism has never been diluted, constantly reiterates her admiration and affection for Adlai Stevenson. So does former Senator Herbert H. Lehman, of New York, another of unquestioned liberality. It could even be a matter of temperament. The precinct liberals have rarely cottoned to Stevenson. But the intellectual liberals consider Adlai their nonpareil. They are his shock troops. Their allegiance to him seldom wavers.

Stevenson himself is definitely not a doctrinaire liberal. Many of his early affiliations, in business and corporation law, have helped to anchor him to rather orthodox economic ideas. In the grave crisis of World War II, he was assistant to Secretary of the Navy Frank Knox, who had been the 1936 Republican running mate of Alf M. Landon. After Knox's death from a heart attack, brought on by assiduous adherence to duty, Stevenson said:

"I loved that man. He was brave and honest. And he made a very great contribution to his country in her hour of greatest need. It cost him a lot. I'm sure it shortened his life. He was no intellectual, God knows, but he was highly intelligent—which a whole lot of intellectuals aren't, you know—and he knew his fellow man from a rough and crowded life. His loyalty to President Roosevelt, his political adversary in 1936, had a defiant quality, and his admiration and respect for his chief seemed to grow as the going got tougher."

WHAT KIND OF PRESIDENT WOULD STEVENSON MAKE?

It is perhaps a clue to Stevenson's outlook that he took no cognizance of the fact that Colonel Knox was not a liberal, but only that he was not an intellectual. In his personal associations, Stevenson does not dampen litmus paper to test if each acquaintance is simon-pure on every possible public question. This may accentuate certain suspicions concerning how far left-of-center Stevenson really dwells. Yet F.D.R. kept Jesse Jones in his Cabinet and he enjoyed cruising on Vincent Astor's yacht. Nor can Harry Truman be said to savor his bourbon and branch water exclusively in the company of those who score 100 percent on ADA's voting scoresheet on Capitol Hill.

I first met Adlai E. Stevenson at the United Nations Conference in San Francisco in 1945. We journeyed together to Yosemite's granite cliffs and plumed waterfalls, and we hiked in the majestic fastnesses of Muir Woods. My impression of him was not necessarily of a fervent liberal but rather of a fascinating intellect, who knew not only world diplomacy but also the subtle differences between a Douglas-fir and a ponderosa pine.

What kind of President would Stevenson be?

I rather imagine he would be a President who tried the patience of every special-interest group in the Nation. On agricultural legislation I would guess that he might be too conservative to please the National Farmers Union and not conservative enough to satisfy the American Farm Bureau. He would be too much of a loyal Democrat to win over partisan Republicans, but might be too fair and temperate to delight the extremists in his own party. For example, this is Stevenson talking to a Democratic National Committee dinner in Chicago in 1955—slightly later than midway between his two presidential defeats:

"Let us be very clear that Republicans want a safe and sane world every bit as much as Democrats. And in this day, when our position is more perilous than it has been since Korea, let us also profit from our past mistakes, while we deplore them, and let us think of foreign policy not as partisans but as Americans. Let us, indeed, remember that he who plays politics with peace will lose at both."

Noble and stately words, these, but not the kind to make a partisan audience leap onto its chairs. They tell why Stevenson is a greater favorite with the PTA president than with the local ward chairman.

Excesses are frequently the fuel of political fires, but Stevenson cannot bring himself to light such faggots. On the eve of the 1956 campaign he was finally persuaded to endorse 90-percent price supports on so-called basics. But he did not quite let go of the lanyard. He made it evident that he was approving an expedient and not an ultimate answer:

"While firm price supports keep income up they don't keep surpluses down, and I say again, lest the dam burst and engulf us, we Democrats must press on, with Republican help, I hope, to develop the much broader national farm program which is required to restore the full parity of total farm income. At the risk of misunderstanding and misrepresentation, I will say again and again that restoring 90 percent price supports to meet the present emergency is not to say they are a solution, but only that it is a better program than sliding supports which slide only one way."

STEVENSON'S RECORD AS GOVERNOR OF ILLINOIS

And there you have it, the strength of Stevenson intellectually and the weakness of Stevenson politically. He did come out for 90 percent price supports to cope with a crisis, but he could not quite bring himself to claim for such supports any panacea status. Perhaps the statement reveals why he has never carried a State in the Nation's breadbasket. Zealous advocates of 90 percent price supports rarely appreciate such gingerly backing. But the statement also revels that Adlai Stevenson is a sincere and honest man in bigtime politics.

This honesty was established for all the Nation to see in August of 1952, when Governor Shivers, of Texas, called ostentatiously at Springfield and asked Stevenson to favor the return on the rich oil tidelands to the States. This was a major issue in the four States which stood to profit heavily from such a transfer—Texas, Florida, Louisiana, and California. Many electoral votes were potentially at stake. Stevenson could have ducked the question completely, or he could have imitated Eisenhower's ambiguous acceptance of the States rights position. Instead, Stevenson crisply endorsed the majority Supreme Court opinion that the petroleum-laden tidelands were properly within the custodianship of the Federal Government. Quite obviously, this shut off his meager campaign exchequer from benefactions by the powerful oil industry.

An issue like the tidelands was no problem for Stevenson. On some other subjects, however, it has not been so simple for him to accept the traditional position of liberal Democrats. I have heard him sharply question several of my Senate colleagues from the Northwest about high interest rates. He was definitely not in favor of increasing the cost of borrowing money, but he wondered if there were anything to the claim that this might be necessary to quench the fires of inflation. I have listened to Stevenson asking the same kind of penetrating questions on the issue of Hells Canyon Dam. He did not instantly assume the attitude that a Federal dam was, ipso facto, better than a private utility company dam. He had to be convinced, with irrefutable figures, that the private dam would leave a good deal of the potential hydroelectricity of the Snake River undeveloped. Positions which some liberals take, almost by reflex action, do not come so automatically to Adlai Stevenson. Furthermore, I would classify him as relatively prudent on the broad issue of Federal spending. Deficit financing, which is attractive to quite a few congressional liberals is not found in the Stevenson litany. For example, one of the accomplishments of which he boasts as a feature of his service in the Illinois governorship is this: "* * * Kept State expenditures on a pay-as-you-go basis by ending the use of extensive deficiency appropriations at the end of a biennium."

Some liberals find it easier to propose methods of spending governmental funds than in raising revenues to finance these undertakings. Stevenson's record as chief executive of Illinois makes it likely that he would not be in this group, which perhaps accounts for the questioning of the degree of his liberality by former President Truman, Judge Rosenman, and others. A sound measuring stick of Stevenson's philosophy might be found in some of the other features of his gubernatorial reign which excite his own pride and satisfaction. Here are a few as compiled by Stevenson's staff shortly before he closed his desk at Springfield for the last time:

"Put the State police force on a merit basis, removing it as an item of patronage.

"Eliminated nonworking political appointees with whom State payrolls had been padded.

"Restored many sales tax evaders to the rolls and insisted on equal treatment to all on tax collections.

"Improved the care and treatment of the 49,000 patients in State mental hospitals, and provided for collection by the State of the cost of such care in cases where the patient or his family are able to pay.

"Enforced the overweight truck laws to protect the deteriorating highway system, and increased highway revenues.

"Pressed for elimination of chiselers and cheaters from the public assistance rolls.

"Initiated a program for State financing of tuberculosis sanitaria.

"Avoided new general taxes so that only two States, on a per capita income basis, have lower per capita State tax collections than Illinois.

"Reformed the administration of parole laws by appointing experts free from political pressure.

"Brought Illinois from the lowest to one of the highest levels of State aid for common schools."

A DEMOCRATIC TICKET OF STEVENSON AND KENNEDY

These acts reveal a man who has a warm humanitarian heart, who possesses fiscal soundness and prudence, who administers government without fear or favor, and who is not afraid of political pressures. They do not inevitably describe an orthodox political liberal in the conventional meaning of the term. Such a person might have tried to do away with the sales tax altogether rather than bring honesty to its enforcement. I recall talking to the late Phil Jackson, publisher of the Oregon Daily Journal of Portland, after his newspaper had given a luncheon in honor of Stevenson, whom the Journal had indorsed in the 1952 campaign.

"All my fat-cat friends at the Arlington Club have been telling me what a radical this man is," said Jackson. "Why, he's no radical at all—in fact, he's barely more liberal than I am, and I'm certainly no New Dealer, I can tell you that."

Similar episodes may have occurred elsewhere in the Nation, serving to explain why some flaming liberals cool off when confronted with a third candidacy for Stevenson. Still, a thoughtful man's performance in the American Presidency never can be predicted in advance with supreme safety and confidence. Walter Lippmann might hope to expunge the column which he wrote on January 8, 1932, about the man who was subsequently to become the Democratic nominee that year: "Franklin D. Roosevelt is no crusader. He is no tribune of the people. He is no enemy of entrenched privilege. He is a pleasant man who, without any important qualifications for the office, would very much like to be President." It may just be possible that the prophecies of F.D.R.'s amanuensis, Judge Sam Rosenman, could prove equally inaccurate about Adlai Ewing Stevenson.

Stevenson, grandson of Grover Cleveland's Vice President, will be 60 years old this February. This year, 1960, is virtually the last call for him. He either will be nominated in July at Los Angeles, the city of his birth, or he never again will be considered seriously for an office which many people regard as the natural niche for his talents of intellect, originality, and temperament.

I refuse to pass upon the dilemma of whether or not Stevenson's two previous defeats at the hands of Eisenhower stamp him indelibly as doomed to failure in quest of the Presidency. Only a seventh son of a seventh son could answer this question. It lends itself no more to authentic assessment prior to the event than does the whole question of the religion of Senator JOHN F. KENNEDY and California's Governor Pat Brown. We only can hope that the bigotry which plagued Al Smith in 1928 is no more. But can this actually be determined until it is put to the test? A casual inquiry at the front door fails to duplicate the emotions of an election in which hysteria and fanaticism might run wild. Intolerance cannot be measured apart from the conditions and atmosphere which tend to create it. The Stevenson riddle may not be quite so difficult to unlock, and yet surely the impact of previous failures is a generally unknown quantity in most elections.

I personally favor a Democratic ticket of Stevenson and KENNEDY. Despite all the current flyspecking as to his record in the Senate, I look upon JACK KENNEDY as one of the superior Senators of our era. Courage is a prime requisite in politics. Certainly it required courage to tackle the inflammable issue of labor reform. Regardless of the course he followed, KENNEDY was damned if he did and damned if he didn't. This has been demonstrated by the fact that, although KENNEDY strived successfully to pull some of the sharpest fangs in the Landrum-Griffin bill, he nevertheless now is enduring bitter criticism from some politicians with close labor alliances. At 42, KENNEDY'S youthful magnetism and personality might also be a useful foil to what some look upon as Stevenson's lack of lure to the distaff vote.

Why Stevenson for President? Franklin Roosevelt once described the Presidency as preeminently a position of moral leadership. If it had not been that in Lincoln's time, would the 16th President have been able to persuade his countrymen to accept the first military conscription and the first income taxes in American history, so that the Nation might be kept united? Stevenson, to me, possesses Lincolnesque qualities of soul searching, of personal inner doubts, of a brooding awareness that the way ahead is stern and hard. If somebody were to ask what I think is the vital difference between Stevenson and all other candidates in both parties, I would answer that it was an almost indefinable ingredient which might be called "stature." Within Stevenson, I believe, are the essentials to be a great President. This is quite different from being a good President or a successful President, as a number of the other aspirants unquestionably could become.

America today desperately needs a great President.

Foreign policy is the supreme challenge. With his flourishes of worldwide travel and pilgrimaging, Eisenhower has substituted the appearance of a policy for policy itself, in the view of James Reston, of the New York Times. After the cheering is over, the enigma of a divided Berlin or Soviet space supremacy still remains. Stevenson has persisted in recognizing that good-will journeys or vague platitudes are seldom substitutes for "generosity and decency in human relationships, and equality in human opportunities."

Discussing the unrest among the teeming millions of Asia and Africa, Stevenson has said, "Underneath the recriminations of diplomats and the conflicts of nation-states, there boils up today the hopes, resentments, and aspirations not just of leaders but of great masses of people seeking for themselves and their children the rights and privileges which [Woodrow] Wilson said, 'all normal men desire and must have if they are to be contented and within reach of happiness.'"

It is easy to be superficial about foreign policy because the guideposts are frequently so far away. The test of a farm program may be in the price of hogs, only 25 miles off at the railhead. The test of foreign policy may be in the sprouting seeds of a war which Americans a decade hence might have to fight on the opposite side of the globe. Not even 20–20 vision can discern these measurements. That is why it is so easy to promise ultimate liberation for their relatives to foreign-language voters in large American cities, or to hint that eventually the Soviets will be overthrown by revolution, and thus we do not need to worry about Russia's spectacular shot at the moon or its satellites in far orbit.

ADLAI STEVENSON IS AMERICA'S HAIRSHIRT

Stevenson has never indulged himself in these luxuries. He is the pragmatist who threatens his own political chances by reminding audiences that we cannot thumb our noses even at countries which occasionally offend our precious sensibilities. "I know some politicians tell us that we don't need allies," Stevenson has observed. "Life would certainly be much simpler if that were so, for our friends can be highly irritating. But it is not so. We need allies because we have only 6 percent of the world's population. We need them because the oversea airbases essential to our own security are on their territory. We need allies because they are the source of indispensable strategic materials. We need, above all, the moral strength that the solidarity of the world community alone can bring to our cause. Let us never underestimate the weight of moral opinion. It can be more penetrating than bullets, more durable than steel."

Stevenson is America's hairshirt. He is the man who offers blood, sweat, toil, and tears when others are hinting temptingly at tax reduction or more Federal subsidies and benefactions. Indeed, people have come to expect candor of Stevenson. One of the highest tributes which he received was when he strayed briefly from this role during the 1956 Presidential campaign. Men and women instantly complained that he was out of character, that the 1956 campaign product was definitely not the authentic Stevenson. Somehow, Adlai Stevenson has come to epitomize in many minds a political figure who tells the truth, irrespective of political consequences.

Nikita Khrushchev's doorstep has become a favorite platform for American political hopefuls. It has introduced a jarring and even frightening element into our political life. The Communist Party is unable to poll a fraction of 1 percent of the vote at American ballot boxes. Yet the world's top Communist, Khrushchev, may possess the power to shape an American election simply by rattling the nuclear sword of fluttering the dove of peace at appropriate moments. Bismarck did this as a calculated policy in Prussia to influence French politics. What if Khrushchev finds that the mailed fist or the gloved hand, on his part, can stampede American voters into favoring one party or the other as an instrument of supposed peace?

I think this is one of the truly disturbing developments of our era. That is why the visits of leading Americans with Khrushchev must be reported faithfully and realistically, and without self-serving embellishments. If public opinion in our country is to be unmoved by Soviet bombast or blandishments, then American statesmen must be entirely candid in analyzing their impressions of Khrushchev's motives and aspirations. Stevenson, as I see it, has come closer to such a goal than any other important visitor to the Soviet dictator.

For example, in interviews with the Progressive and the New York Times on Khrushchev's disarmament address at the United Nations, Stevenson exclaimed: "This is the first time I have ever felt encouraged on the subject of disarmament. His replies to my questions left me with the clear understanding that in his view an international control body should have the power and facilities to control and inspect each step of the disarmament process to the extent necessary to insure compliance with the step, such power and facilities to vary according to the needs of each phase.

"While I wish I were more sanguine that something positive might come of Mr. Khrushchev's sweeping disarmament proposal, he certainly gave me new hope that they meant business this time. And above all, we should not hastily and cynically dismiss his proposals as 'clumsy propaganda,' 'old stuff,' or 'utopian nonsense.' For thereby we only redouble the propaganda impact—if that is all it is—of Russia's posture as the peacemaker—the mighty Russia which first put a satellite in orbit and has just pinned her colors to the moon.

"We must pay attention, cautiously but carefully, to what Mr. Khrushchev says about disarmament because he has a lot to say about the life and death of all of us. And I wish we could learn that with the Communists the important thing is not always whether they are sincere but whether they are serious."

STEVENSON WOULD SHAPE A TIME OF GREATNESS

Stevenson has a nobility of spirit which is rare in politics. Lincoln said, "I shall do nothing through malice. What I deal with is too vast for malice." Alas, this counsel of restraint is frequently honored far more in the breach than in the observance. Many men in politics, flattered beyond belief and the object of constant sycophancy, whine and wail whenever matters do not suit their fancy. After a defeat at the polls, they blame everyone except themselves. I have sat beside former Governors and former Senators, listening to hours of abuse against those responsible for their political downfall.

Stevenson is a different kind of bird from the usual political breed. He was twice vanquished for the Presidency under the most trying and difficult circumstances. He brought tears to millions of eyes besides his own on the night of his defeat in 1952, when he told those who had worked in his losing cause:

"Someone asked me, as I came down the street, how I felt, and I was reminded of a story that a fellow townsman of ours in

Springfield used to tell—Abraham Lincoln. They asked him how he felt once after an unsuccessful election. He said that he felt like a little boy who had stubbed his toe in the dark. He said that he was too old to cry, but it hurt too much to laugh."

I have never heard Stevenson bewail his political fortunes. I have never heard Stevenson deride his conqueror or speak poorly of those who failed to support the Stevenson campaign. His references to the President of the United States, whether spoken in public or in private, are always in terms of personal respect. This is not usual in American politics. One should listen to former Senators commenting on those who occupy their chairs.

One night at a dinner party in Washington, my wife and I heard the Dean Achesons ridiculing and denouncing Stevenson. The vilification continued for a long time and was obviously no secret. They seemed anxious to make known their utter contempt and dislike for the Democratic Party's unsuccessful nominee of 1952 and 1956. Some weeks later we mentioned this episode to Stevenson. He shook his head sadly with a wry smile. "Dean was a fine Secretary of State," he said. "I only wish he and Mrs. Acheson thought better of me." And there the topic ended.

I do not know whether Adlai Stevenson ever will become President of the United States. The path ahead of a two-time loser is pocked with perils, and 1960 is undoubtedly his last chance. Destiny often foils those who seem most prepared for destiny's climactic events. But what I do know is this—if Stevenson does not go to the White House, millions of his fellow Americans will feel they have been robbed of their opportunity to live in a time of greatness.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, February 22, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my newsletter of February 20, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER)

The proposal to remove the interest rate ceiling on Government bonds and to give the Treasury Secretary flexibility in debt management is the chief fiscal issue currently confronting Congress and our Committee on Ways and Means. Every taxpaying citizen, every business and financial institution, even the free enterprise system is involved. Unfortunately, political considerations are distorting the facts, in addition to the understandable confusion surrounding the complex workings of Government financing. Two misconceptions, widely held, are stressed by Secretary Anderson, and need to be understood:

(1) "Increases in Government interest rates are necessarily inflationary." This is not so. "Interest rate" is simply the price of borrowing money, and reflects the supply and demand of money at any given time. Interest rates also act as a corrective balance wheel. A cheaper rate reflects a greater supply of money and becomes an inducement to borrow. A higher rate evidences increased competitive demand for the loan money available and is also a damper on borrowing. Therefore, higher interest rates encourage saving, discourage spending, and help to resist inflationary pressures. Obviously, artificial creation of money by Government (through deficit financing) and/or artificially set interest rates can hurt our people and competitive enterprise.

(2) "Only large financial institutions—the bankers—benefit from high interest rates on Government bonds." Not so. Individuals, many of relatively modest means, benefit directly or indirectly. Even the financial institutions pass on the interest received as earnings to all the people who have invested their savings. This debt management problem is concerned only with the currently owed $291 billion of recognized debt. Our total debt, including contingent liabilities and c.o.d. commitments, today approaches $750 billion.

The House Rules Committee this week reported out the controversial civil rights bill for debate on the floor. The bare newspaper accounts of this action leave a lot unsaid, for the footwork of the committee's conservatives in handling this bill was something to behold. The odds are that the Rules group acted in just the nick of time before a discharge petition offered by the rights' bill author, EMANUEL CELLER, had gained a sufficient number of signatures to remove the bill from the committee's jurisdiction, anyway. Many leftwing liberal-backed bills, having cleared the appropriate standing committee of the House, have run into tough sledding in the Rules Committee, which determines when, if, and how a bill shall be considered on the floor. Though Democrats control 18 votes to 4, the committee chairman, HOWARD SMITH, of Virginia, and BILL COLMER, of Mississippi, often vote with the four Republicans, throwing the committee into a 6–6 deadlock, and thus preventing consideration of a great deal of popular but ill-advised legislation.

When it became apparent this week that the discharge petition would succeed, the Republicans joined several Democrats in voting to grant a rule for civil rights debate. This way, at least, the Rules group set the ground rules for debate, whereas the rule requested by Mr. CELLER would have prevailed had the committee been discharged. The lineup of Members on this petition points up once again the unbridgeable conflict in the Democratic Party. Of course, no southern Congressman, Democrat or Republican, signed the petition. But, according to one authoritative report, of those who had signed by the first of the week, 164 were Democrats and only 42 were Republicans. A breakdown of those who had refused or declined to sign may be equally significant—outside the South and border States, 110 Republicans declined and only 9 Democrats.

The annual prayer breakfast was attended by the President, numerous Members of Congress, court justices, administrators, and people from all over the United States and abroad. Those on the program stressed that America's greatest strength, and that of the free world, is spiritual and moral. Most simply stated, our problem, it seems to me, is to practice as individuals in Government what we preach and, by so doing, present a correct image of U.S. conviction to the world, thereby retaining genuine prestige and respect as the leader of the free world.

"A Conservative's Answer to the ADA Brand of Modern Liberalism" was the subject of the Georgetown University Forum—a 30-minute Sunday show in Washington. I joined Brent Bozell, youthful writer and speaker, and Frank McNamara, counsel for the Un-American Activities Committee, to present this answer. The future of this Nation today is the balance, as I see it—whether we embrace the regimented, planned economy of the welfare state or whether we keep and rebuild free, competitive enterprise and individual freedom. All should know that the determined liberals are planning more spending, more Federal control, higher taxes, and more deficits. There's still time for people to stop this national suicide.

My television series (WFAA–TV, 10:30 a.m., Sunday) thus far has included interviews with Charlie Halleck, House minority leader; Dana Latham, Internal Revenue Commissioner; Maurice Stans, Budget Bureau Director; Wallace Janssen, Food and Drug Administrator; Frances Knight, Passport Director; and George Allen, U.S. Information Agency Director. A weekly radio report may be heard over KLIF at 6:45 p.m. Sunday. Those wanting to receive my newsletter need only to ask for it.

Public Reaction Favors Throwing Out Farm Programs

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, February 22, 1960

Mr. PELLY. Mr. Speaker, recently in Seattle the Secretary of Agriculture, Mr. Benson, in a press conference said that the wheat situation is "almost a national scandal."

Later in the day in a speech Mr. Benson said:

The billions we have invested in Democrat farm program failures are tragic. Were this money accomplishing the adjustment so sorely needed in agriculture, it might be worth the cost.

But we are not getting our money's worth, not while programs designed to meet the needs of a depression and revised to help win two wars are still in effect long after depression and wars have vanished. They are antiquated, outmoded and outrageous. The most glaring example is wheat.

This monster is not the Benson program. Neither is it the administration's program. Fixing the blame won't help. Correcting the situation can and will help.

The administration has the answer, which is not easy because adjustments will be difficult. The cure requires legislation. Only Congress can correct this obsolete outmoded, scandalous wheat problem.

Congress must strike out decisively for solid ground, or public reaction might well throw out all farm programs—the good along with the bad.

Of course, Mr. Speaker, I do not have any idea which programs Mr. Benson considers good. As for me, I think it is more a matter of degree and of which program is worse but there may be Government assistance plans which help the farmer and do not harm anyone else. I respect the Secretary and I only wish nonpartisanship and unselfish interests would have given him half a chance to demonstrate that by degrees he could remove farm price supports.

The Washington Post in a recent editorial expressed the view that acreage controls have proved to be an illusion,

and doubted whether marketing quotas tight enough to be effective would be tolerated. This newspaper's conclusion was that in the confused picture the most hopeful form of relief seemed to lie outside the realm of general price-support subsidies.

To this, the American taxpayer will say "Amen" if comments from my constitutents are any criteria.

Here is a sampling of such views:

It seems to me from what I read in the papers and magazines that the United States of America is being "took" plenty if the articles have any truth in them. According to one article, the Government is paying over $1 million a day for storage and people were renting warehouses from the Government at a price and renting them back at a neat profit. And why with such a surplus of wheat should the loaf of bread be the price it is, and why should Government land be leased for a wheat crop which never is planted and the lessor be paid for such a crop that never grew? These are what we read about and wonder. Something should be done.

I strongly favor abolition of all farm price support—particularly wheat price supports.

The agricultural price supports, soil bank payments, have not solved anything, but have given the large landowner-corporation-farmer huge benefit payments. * * * There is no reason why any particular segment of our American citizens should receive a subsidy, such as the farmers. The whole farm subsidy program should be repealed.

I protest subsidies of any nature unless they have to do with maintaining national defense. I believe a person and a nation is stronger for having worked out its own problems without having to lean on Government to work them out for him.

I don't understand why we should need farm price supports any more than we would need industrial price supports.

I would like to see the Congress return management of the farm to the farmers.

Farmers that are blaming Mr. Benson for their troubles should be told that the Democrats passed the farm law and they are in control of Congress.

I feel strongly about farm controls. They should be taken off. Now. And no price supports of any kind. Let supply and demand be their only control. A man should be able to grow what he wants and as much as he wants—this is the American way.

I am heartily and all out for Secretary Benson's efforts to seek improvement and relief for the agricultural situation.

I think storing of grain is a sin.

Let the farmers run their business as other businessmen do.

Agriculture price support; yes, they should be entirely abolished.

SENATE

TUESDAY, FEBRUARY 23, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, eternal, sure and strong:

When the world seems falling to pieces around us, when so many hopes are dashed to the ground, and so many dreams of brotherhood shattered, help us to stay our minds on Thee and in the strength of the everlasting values that nothing can destroy.

Beauty, truth, and kindness remain. Friendship, love, faith, and hope abide. These possessions remain unsullied by violence and hate, and untouched by any assault of evil.

In our deep concern for the Nation and for mankind everywhere, and in our grim resolve to balk at any cost the forces of darkness which threaten our heritage of freedom, we ask that our strength may be as the strength of 10 because our hearts are pure.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, February 22, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on February 20, 1960, the President had approved and signed the following acts:

S. 623. An act to provide a 2-year extension of the existing provision for a minimum wheat acreage allotment in the Tulelake area of California;

S. 713. An act to revise the boundaries of the Zion National Park in the State of Utah, and for other purposes; and

S. 2379. An act to donate to the Nez Perce Tribe of Idaho approximately 11.25 acres of Federal land in Idaho County, Idaho.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of routine business, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE—PREPAREDNESS SUBCOMMITTEE AND SPACE COMMITTEE HEARING

Mr. JOHNSON of Texas. Mr. President, tomorrow the Preparedness Subcommittee and the Space Committee will resume the defense hearings. I make this announcement so Senators may be on notice that there will be an executive session at which the CIA Director, Mr. Allen Dulles, will be heard. We hope we can straighten out some confusion which arose during our last hearing, at which time the Senator from Massachusetts [Mr. SALTONSTALL] asked that Mr. Dulles be recalled, to clear up some previous testimony.

I hope that all of us will keep the issues in perspective. It is important that Americans realize the real issues at stake.

Mr. President, to my knowledge, no responsible person would contend that our present defenses are inadequate to our needs. Of course, they could be improved. But we have ample power to strike back at any aggressor who would attack us.

The real issue is whether the course we are following will continue to build our defenses at the needed rate. In other words, in the foreseeable future will we have enough power to meet the anticipated power of a potential enemy?

This is of vital importance, because today defense requires a leadtime of a number of years. The decisions we make today will set the limits of our power for some time to come.

Among informed people there are serious doubts whether we are doing enough fast enough. This, of course, is a matter of judgment. But it seems to me that one thing is clear: If we step up our defenses and if they are not needed, all we lose is money. If we do not step up our defenses and if they are needed, we could lose our country itself.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, Washington, D.C., reporting, pursuant to law, on agreements concluded during the month of January 1960 under title I of the Agricultural Trade Development and Assistance Act of 1954 with the Governments of Greece, Israel, India, Uruguay, and Pakistan (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED CONCESSION CONTRACT, LAKE MEAD LODGE, NEVADA

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to maintain and operate the Lake Mead Lodge at the Boulder Beach site, Lake Mead National Recreation Area, Nev. (with accompanying papers); to the Committee on Interior and Insular Affairs.

EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for public hearings on air pollution problems of

more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"HOUSE JOINT MEMORIAL 33

"To the HONORABLE SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE RICHARD M. NIXON, PRESIDENT OF THE SENATE; THE HONORABLE FRED A. SEATON, SECRETARY OF THE INTERIOR; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, U.S. SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, U.S. REPRESENTATIVE FROM ALASKA:

"Your memorialist, the Legislature of the State of Alaska in first legislature, second session assembled respectfully submits that:

"Whereas Alaska enjoys a continental shelf in excess of some 70,000 square miles which provides the richest fishery in the world; and

"Whereas the Alaskan fishery has suffered serious depletion due to Federal mismanagement and abuse, and lack of knowledge and interest on the part of industry and responsible fishery agencies; and

"Whereas it is an established fact that if this fishery is not protected, developed and utilized by the people of Alaska and the United States it will most surely be exploited by foreign nations, even up to the 3-mile limit, and add thereby an additional threat to one of Alaska's basic industries; and

"Whereas previous Federal appropriations for research and development of this great resource have been grossly inadequate:

"Now, therefore, your memorialist urges that the State of Alaska be provided funds by Congress in the amount of $30 million over a period of 15 years to rehabilitate the fisheries of the State of Alaska through a program embracing research, development, conservation and processing aspects of fishing.

"Passed by the house February 4, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the senate February 10, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
Secretary of the Senate."

A resolution of the Senate of the Commonwealth of Puerto Rico; to the Committee on Post Office and Civil Service:

"Resolved, That the Senate of Puerto Rico express their objection to the legislation prepared by the Post Office Department of the United States aimed at reducing the 17.5 differential now accorded postal employees in Puerto Rico:

"The causes which justified the establishment of that differential still subsist, for which reason it should be maintained; and be it further

"Resolved, That copies of the resolution of the senate on this matter be transmitted to the Resident Commissioner for Puerto Rico in Washington, Dr. Antonio Fernós-Isern; to the Speaker of the House of Representatives and the President of the Senate of the United States, and to the chairmen of the Committees on Post Offices and Civil Service of both legislative houses."

RESOLUTIONS OF THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, on behalf of myself and my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], I present, for appropriate reference, resolutions of the General Court of the Commonwealth of Massachusetts. I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Armed Services and, under the rule, ordered to be printed in the RECORD, as follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING RETIREMENT BENEFITS OF CERTAIN RETIRED MEMBERS OF THE ARMED FORCES

Whereas there is now pending before the Congress of the United States a bill relative to the improvement of benefits for members of the U.S. Armed Forces who retired prior to June 1, 1958: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation that will increase the retirement benefits payable to those members of the Armed Forces who retired prior to June 1, 1958; and be it further

Resolved, That the secretary of the Commonwealth transmit forthwith copies of these resolutions to the Presiding Officer of each branch of the Congress of the United States and to each Member thereof from this Commonwealth.

Adopted in the senate February 1, 1960.

IRVING N. HAYDEN,
Clerk.

Adopted in house of representatives in concurrence February 4, 1960.

LAWRENCE R. GROVE,
Clerk.

LITHUANIAN INDEPENDENCE—RESOLUTIONS

Mr. SALTONSTALL. Mr. President, 1 week ago today, February 16, marked the 42d anniversary of Lithuanian independence. I and many of my colleagues in the Senate commemorated this important day with statements which recognized both the glory of the original declaration of independence by a group of brave Lithuanians and the sadness of the spring and summer of 1940 when the Soviet Communists took over that nation.

Since that time, Lithuania and her people have suffered severely under the Soviet occupation. Yet the spirit of liberty and the dedication to self-determination still lives strong within this Nation, and, on its behalf, throughout the nations of the free world. It is fitting for us to remind ourselves of Lithuania's continuing struggle, with prayers for and a fervent devotion to her freedom.

Mr. President, I ask unanimous consent that resolutions adopted by a mass meeting of Lithuanians of Greater Boston on the occasion of the anniversary of the independence of the Republic of Lithuania be printed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the 16th day of February 1960 will mark the 42d anniversary of the declaration of independence by the people of the Republic of Lithuania proclaimed on February 16, 1918, after 123 years of Russian occupation; and

Whereas by the treaty of Moscow of 1920 Soviet Russia recognized the sovereignty and independence of Lithuania and voluntarily and forever renounced all sovereign rights possessed by Russia over the Lithuanian people and its territory; and

Whereas the guaranteed liberty of Lithuania was forcibly violated and suppressed by Soviet Russia in 1940, notwithstanding the solemn treaties and agreements of nonaggression; and

Whereas the U.S. Government on July 23, 1940, condemned such aggression and refused to recognize Soviet occupation of Lithuania: Now, therefore, be it

Resolved, That we Lithuanian Americans reaffirm our adherence to American Democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, That we join with all Lithuanians throughout these United States and call upon our Representative in Congress to vigorously utilize all available means for the liberation of Lithuania and other Soviet enslaved countries; and be it further

Resolved, That our Government's foreign policy shall include the liberation of Lithuania and other Soviet enslaved nations as an integral and inseparable part of its program; and be it further

Resolved, That toward this purpose the U.S. Government bring forth to the United Nations the problem of enslaved Lithuania and demand that the Soviet Government withdraw all troops and control from Lithuania; and be it further

Resolved, That copies of these resolutions be forwarded this day to President Dwight D. Eisenhower, Secretary of State Christian A. Herter, Senator Leverett Saltonstall, Senator John F. Kennedy, United Nations Secretary Henry Cabot Lodge, Congressman John W. McCormack, the Honorable Foster Furcolo, Governor of the Commonwealth of Massachusetts, the Honorable Edward J. McCormack, Jr., attorney-general, Hon. John F. Collins, mayor of Boston, and to the press.

AMERICAN LITHUANIAN COUNCIL OF BOSTON,
JOSEPH ARLAUSKAS, *President.*
ANTHONY J. YOUNG,
Resolutions Chairman.

RESOLUTIONS OF ORGANIZATIONS OF STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by organizations of the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OF NEW YORK LETTER CARRIERS, BRANCH NO. 36, NATIONAL ASSOCIATION OF LETTER CARRIERS

Whereas postal employees are in dire need of an immediate, equitable pay increase in order to meet today's high cost of living; and

Whereas, the increased rate of productivity in the postal service has not been reflected in postal employees' pay checks; and

Whereas the families of postal employees are entitled to the higher standard of living prevailing in these United States, in this day and age, in the same manner as other skilled segments of the American labor force; and

Whereas postal employees have proven themselves to be one of the most loyal, conscientous and diligent groups in the U.S. Government service: Therefore be it

Resolved, That we, the postal employees, assembled at this salary drive rally, held this day, Wednesday, February 10, 1960, at the Rainbow Club House, 150 West 85th Street, New York 24, N.Y., reaffirm our complete and unswerving support to our national president, Mr. William C. Doherty, and his board of officers, and offer our sincere and deep thanks and appreciation to them for their determined and continuing efforts in seeking to obtain a realistic and adequate pay raise for our people.

RESOLUTIONS OF THE ROCKVILLE CENTER DIOCESAN UNION

Whereas the Congress of the United States has under consideration various bills, including S. 2, the so-called Murray-Metcalf bill, providing Federal grants of money to public schools throughout the United States; and

Whereas such expenditure of money is discriminatory, in that no money is to be granted or even loaned to non-public schools; and

Whereas there is a probability that acceptance of Federal financial aid would entail Federal domination of non-public schools: Now, therefore, be it

Resolved, That this Diocesan Union of Holy Name Societies of the Rockville Centre Roman Catholic Diocese, in regular meeting assembled at Smithtown, N.Y., this February 7, 1960, opposes the adoption at this time of Federal financial aid to schools; and be it further

Resolved, That copies of this resolution be sent to President Eisenhower; the chairman of the Rules Committee (Hon. Howard Smith) and the Education Committee of the House (Hon. Graham Barden); Senators Murray, Javits and Keating; Representatives Derounian, Becker and Wainwright.

Whereas a serious attempt is being made to strike from the law passed in 1946, by which the United States agreed to submit cases to the World Court the words "as determined by the United States"; and

Whereas the granting to this international body—at least two of whose judges are subjects of totalitarian nations—the power to invalidate our domestic legislation raises a serious danger to this Nation, and is repugnant to the patriotic sense of the American people: Therefore be it

Resolved, That this Diocesan Union of Holy Name Societies of the Rockville Centre Roman Catholic Diocese, in regular meeting assembled at Smithtown, N.Y., this February 7, 1960 strongly condemns any such weakening of our national self-protection, and we specifically ask the defeat of Senator HUMPHREY's bill S.R. 694; and be it further

Resolved, That copies of this resolution be sent to President Eisenhower; Senators Humphrey, Javits and Keating; the chairman of the Senate and the House Committees on Foreign Affairs; Representatives Derounian, Becker, and Wainwright.

Whereas this organization has previously gone on record as supporting the loyalty oath now required of college students receiving financial aid under the National Defense Education Act; and

Whereas another attempt is being made to delete these "affidavits of loyalty and allegiance" from the act, under the specious pretexts that they are discriminatory, ineffective and totalitarian: Now, therefore, be it

Resolved, That this Diocesan Union of Holy Name Societies of the Rockville Center Roman Catholic Diocese, in regular meeting assembled at Smithtown, N.Y., this February 7, 1960 reaffirms its position that all students receiving financial aid from the United States should pledge their loyalty to our Government; and to that end we ask our U.S. Senators and Representatives to vote against the pending bill S. 619; and be it further

Resolved, That copies of this resolution be sent to President Eisenhower; Senators Kennedy, Javits and Keating; Representatives Derounian, Becker, and Wainwright; the Tablet; and to such other papers as our publicity chairman shall arrange.

RESOLUTIONS OF NATIONAL LUTHERAN COUNCIL

MORAL RESPONSIBILITY IN MOTION PICTURE INDUSTRY

Whereas the church is deeply concerned about the spiritual and moral welfare of human beings everywhere; and

Whereas the motion picture industry exercises a tremendous influence upon the spiritual and moral values which shape contemporary American culture; and

Whereas, motion pictures produced in this country and shown abroad play a major role in determining attitudes toward our culture; and

Whereas certain segments of the motion picture industry have been demonstrating an increasing and alarming disregard for the moral and spiritual heritage of American culture and for attitudes towards this culture in other lands: Therefore be it

Resolved, That the National Lutheran Council—

1. Commends those motion picture producers who have cooperated with the NCCC Broadcasting and Film Commission, and who in general have given evidence of recognizing their moral responsibility in contemporary society, both at home and abroad.

2. Proposes to its participating church bodies that they give greater attention, through their appropriate boards, commissions, and committees, to the positive contributions of the motion picture industry as well as to those aspects of the industry which are destructive of moral and spiritual values.

3. Suggests to the participating bodies of the National Lutheran Council having membership in the National Council of Churches of Christ in the United States that they urge the National Council to strengthen the work of its Broadcasting and Film Commission and especially the west coast office of this commission.

RESOLUTION REGARDING FEDERAL AID TO EDUCATION

Resolved, That the National Lutheran Council views with concern the proposal made in connection with legislation currently before the Congress which would authorize loans to non-public elementary and secondary schools for the construction of school buildings, on the basis that:

(a) Such Government aid previously given to colleges and universities operated by religious groups has been considered by many as a borderline practice in proper relation between church and state, but Government aid for the construction of church-operated schools at the elementary and secondary level is clearly a form of tax support for sectarian instruction; and

(b) The availability of such aid to non-public schools would facilitate with public funds the establishment of racially segregated private schools as an alternative to integration in the public schools.

RESOLUTION RELATED TO RECENT OUTBREAKS OF ANTI-SEMITISM

Whereas the National Lutheran Council devoutly believes that God created one human family, that all men everywhere, whatever their color, culture, class, caste, or religion are inseparably related and bound together as members of that one human family, and that all men are created in the image of God and are equal in status before Him: Therefore be it

Resolved, That we call upon the participating bodies of the National Lutheran Council to urge their members:

1. To condemn all irresponsible acts of violence and vandalism aimed at robbing religious or racial groups or individuals of their dignity as children of God;

2. To deplore the spirit of hatred which such acts reflect;

3. To cooperate with the constructive forces in their communities to prevent their recurrence.

RESOLUTIONS OF THE MIDWINTER CONFERENCE OF HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA, INC.

INTERNATIONAL COURT OF JUSTICE

Whereas the International Court of Justice has been accepted by all the members of the United Nations as an instrument for the peaceful adjudication of legal issues; and

Whereas the scope of the International Court of Justice is hampered by the Connally reservation which limits the compulsory jurisdiction of the International Court of Justice by the United States reserving unto itself the right to determine unilaterally whether or not the subject matter of a particular dispute is within the domestic jurisdiction of the United States; and

Whereas as a result of this position on the part of the United States other nations have adopted similar reservations;

We, Hadassah, the Women's Zionist Organization of America, in midwinter conference assembled, commend the call of the President of the United States to the Congress of the United States, asking for the elimination of the Connally reservation; and

We, therefore respectfully urge the speedy passage of the bipartisan resolution Senate Resolution 94 introduced by Senator HUBERT HUMPHREY and cosponsored by Senator JAVITS, Senator KEFAUVER, and Senator KEATING, which calls for the above-stated elimination of the Connally reservation.

ARAB BOYCOTT OF ISRAEL

Hadassah, the Women's Zionist Organization of America, representing more than 318,000 American citizens, calls attention to the fact that, despite the inclusion of the Morse-Javits amendment in the Mutual Security Act, to safeguard against the injection of religious discrimination into the Armed Forces of the United States, American business and American employment practices, by foreign governments doing business with the United States, the U.S. Navy, in complete disregard of this amendment, has succumbed to the Arab boycott of Israel by barring owners of any U.S. ships, engaged in business with Israel, from bidding for naval contracts.

Believing that the Arab League boycott of Israel has brought about violations of the rights of American citizenship and interference with the freedom to trade, invest and travel, Hadassah views this Arab boycott as international intimidation and calls upon the American public vigorously to protest any yielding on the part of the U.S. Government, or any of its agencies, to such tactics;

Therefore, Hadassah urges American business to resist the illegal Arab boycott of Israel with every legal means at its command, and further urges the U.S. Government categorically to oppose the injection of racial or religious discrimination against American citizens in the administration of any treaties or executive agreements to which the U.S. Government or any of its agencies affixes its signature.

U.S. LOANS TO THE U.A.R.

Hadassah, the Women's Zionist Organization of America, with a membership of more than 318,000 American citizens, views with grave concern U.S. support of the recent loan of the World Bank to the United Arab Republic;

Convinced that the extension of aid to a government, which has flagrantly violated international commitments, represents a policy of appeasement offensive to the moral sensibilities of the American people, is inconsistent with the aims and objectives of the American foreign aid program, with the attached declaration of the President of the United States concerning free passage of ships through the Suez Canal, and with the basic principles inherent in American democracy and indispensable to the lawful functioning of the community of nations;

Hadassah once again expresses the view that the decision of the United Arab Republic to refuse passage through the Suez Canal to the ships of any nation carrying cargo to or from Israel constitutes a willful violation of the Constantinople Convention of 1888, of the Resolutions of 1951 and 1956 of the Security Council of the United Nations; a betrayal of solemn undertakings on the part of the Government of Egypt to abide by these resolutions, and an intolerable act of defiance against regulations governing a legally ordered international society;

Hadassah, therefore, urges the Congress of the United States to administer an American foreign aid program in accordance with the principles of law and justice which must govern the actions of a great nation, by demanding as a condition of further loans or aids to the United Arab Republic free access to the ships of all nations, including Israel, through the Suez Canal in accordance with the above-mentioned United Nations resolutions, and the statement of February 20, 1957, of the President of the United States; and be it further

Resolved, That a copy of this statement be forwarded to the Secretary of State, and the chairmen of the Senate Foreign Relations and House Foreign Affairs Committees.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 9660. An act to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax (Rept. No. 1098).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1752. A bill for the relief of Stamatina Kalpaka (Rept. No. 1099);

S. 1912. A bill for the relief of Timmy Kim Smith (Rept. No. 1100);

S. 2165. A bill for the relief of Erica Barth (Rept. No. 1101);

S. 2177. A bill for the relief of Peter J. Waterton (Rept. No. 1102);

S. 2247. A bill for the relief of Wong Gim Chung (Rept. No. 1103);

S. 2352. A bill for the relief of Chaim (Hyman) Eidlisz (Rept. No. 1104);

S. 2361. A bill for the relief of Andros Szasz (Rept. No. 1105);

S. 2419. A bill for the relief of Inez Gonzales Abilez (Rept. No. 1106); and

S. 2520. A bill for the relief of Shin Moriyoshi (Rept. No. 1107).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 247. A bill for the relief of Emil Milan Preseren (Rept. No. 1108);

S. 382. A bill for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas (Rept. No. 1109);

S. 1223. A bill for the relief of Alan John Coombs (Rept. No. 1110);

S. 1913. A bill for the relief of Evagelos Mablekos (Rept. No. 1111);

S. 2046. A bill for the relief of Max Kotscha (Rept. No. 1112);

S. 2142. A bill for the relief of George C. McKinney (Rept. No. 1113);

S. 2164. A bill for the relief of Osvaldo Riva Coolidge (Rept. No. 1114);

S. 2384. A bill for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda) (Rept. No. 1115);

S. 2418. A bill for the relief of Junko Hosaka Jordan (Rept. No. 1116); and

S. 2443. A bill for the relief of Edgar Harold Bradley (Rept. No. 1117).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2271. A bill for the relief of Pinelopi Yorgiadis and Dimitri Yorgiadis (Rept. No. 1118);

S. 2486. A bill for the relief of Nobuko Stickles (Rept. No. 1119); and

S. 2532. A bill for the relief of Margherita Fino (Rept. No. 1120).

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, without amendment:

S. 2804. A bill to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon (Rept. No. 1127).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin (Rept. No. 1128).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2307. A bill to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians (Rept. No. 1124);

S. 2456. A bill to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians (Rept. No. 1123); and

S. 2878. A bill to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes (Rept. No. 1125).

By Mr. GOLDWATER, from the Committee on Interior and Insular Affairs, without amendment:

S. 2962. A bill to grant 81 acres of public domain to the Cocopah Indians in Arizona (Rept. No. 1126).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 2877. A bill to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns (Rept. No. 1130).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nevada (Rept. No. 1129).

REPORT ENTITLED "THE AGED AND AGING IN THE UNITED STATES: A NATIONAL PROBLEM" (S. REPT. NO. 1121)

Mr. McNAMARA. Mr. President, from the Committee on Labor and Public Welfare, pursuant to Senate Resolution 65, 86th Congress, 1st session, I submit a report entitled "The Aged and Aging in the United States: A National Problem." I ask unanimous consent that the report, together with minority views, may be printed, with illustrations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

PARTICIPATION IN INTERNATIONAL CONVENTION OF CITIZENS FROM THE NORTH ATLANTIC TREATY NATIONS—REPORT OF A COMMITTEE (S. REPT. NO. 1122)

Mr. CHURCH, from the Committee on Foreign Relations, reported an original joint resolution (S.J. Res. 170) to authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater political and economic cooperation among their peoples may be promoted, to provide for the appointment of U.S. delegates to such convention, and for other purposes, and submitted a report thereon; which joint resolution was read twice by its title and ordered to be placed on the calendar.

ADDITIONAL COPIES OF REPORT ENTITLED "THE AGED AND AGING IN THE UNITED STATES: A NATIONAL PROBLEM"

Mr. McNAMARA, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 278) to print additional copies of the report on the "Problems of the Aged and Aging," which was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare three thousand additional copies of its report to the Senate pursuant to S. Res. 65, Eighty-sixth Congress, first session, entitled "The Aged and Aging in the United States: A National Problem."

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY:

S. 3079. A bill for the relief of Giovanni Viva; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. KEATING, and Mr. PROXMIRE):

S. 3080. A bill to supplement and revise the laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. SMATHERS:

S. 3081. A bill for the relief of Irena Maria Koller; to the Committee on the Judiciary.

By Mr. KERR:

S. 3082. A bill for the relief of M. Sgt. Leon O. Beck; to the Committee on the Judiciary.

By Mr. CASE of New Jersey:

S. 3083. A bill for the relief of Andrew Rerecich and his wife, Germana Rerecich; to the Committee on the Judiciary.

By Mr. ANDERSON (by request):

S. 3084. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING:

S.J. Res. 168. Joint resolution designating the week of June 5–11, 1960, as National American Guild of Variety Artists Week; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. SMATHERS:

S.J. Res. 169. Joint resolution authorizing the President to issue a proclamation designating the 7-day period beginning May 24, 1960, as "All-American Family Week"; to the Committee on the Judiciary.

By Mr. CHURCH:

S.J. Res. 170. Joint resolution to authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater political and economic cooperation among their peoples may be promoted, to provide for the appointment of U.S. delegates to such convention, and for other purposes; placed on the calendar.

(See the reference to the above joint resolution when reported by Mr. CHURCH, which appears under the heading "Reports of Committees.")

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF HEARINGS BEFORE SUBCOMMITTEE ON AGREEMENTS FOR COOPERATION OF THE JOINT COMMITTEE ON ATOMIC ENERGY

Mr. ANDERSON submitted the following concurrent resolution (S. Con. Res. 91); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be reprinted for the use of the Joint Committee on Atomic Energy two thousand additional copies of the hearings before the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy on Amending the Atomic Energy Act of 1954 with respect to exchange of military information and material with allies during the second session of the Eighty-fifth Congress.

RESOLUTION

ADDITIONAL COPIES OF REPORT ENTITLED "THE AGED AND AGING IN THE UNITED STATES: A NATIONAL PROBLEM"

Mr. McNAMARA, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 278) to print additional copies of the report on the "Problems of the Aged and Aging", which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full, which appears under the heading "Reports of Committees.")

EXECUTIVE CONFLICT OF INTEREST ACT OF 1960

Mr. JAVITS. Mr. President, on behalf of myself, and my colleague the junior Senator from New York [Mr. KEATING], I introduce, for appropriate reference—and I shall ask unanimous consent in a moment for permission to have other Senators cosponsor the bill—the "Executive Conflict of Interest Act of 1960," a comprehensive ethics bill applying to the 2,266,000 civilian employees of the Federal Government, regular and temporary, and to the 2,632,000 members of the Armed Forces. Representative JOHN LINDSAY, Republican, of New York, will introduce the bill in the House of Representatives.

The proposed legislation was drafted by the special committee on the Federal conflict-of-interest laws of the Association of the Bar of the City of New York and is being introduced Tuesday to coincide with the public release by the Association of the results of its 2-year study.

At this point in my remarks, I ask unanimous consent to have printed in the RECORD a list of the distinguished members of the committee, headed by Roswell B. Perkins, of New York, and including our colleague in the other body, Representative LINDSAY.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The members of the committee are Roswell B. Perkins, of New York, former Assistant Secretary of Health, Education, and Welfare, chairman; Howard F. Burns, of Cleveland, Ohio, member of the council of the American Law Institute; Charles A. Coolidge, of Boston, former Assistant Secretary of Defense for legal and legislative affairs; Paul M. Herzog, of New York, former Chairman, National Labor Relations Board; Alexander C. Hoagland, Jr., of New York; Everett L. Hollis, former General Counsel, Atomic Energy Commission; Charles A. Horsky, former Assistant Prosecutor at Nuremberg with the Chief of Counsel for War Crimes; Congressman John V. Lindsay, Republican, of New York, former executive assistant to the Attorney General; John E. Lockwood, of New York, former General Counsel, Office of Inter-American Affairs; and Samuel I. Rosenman, of New York, former Special Counsel to Presidents Roosevelt and Truman.

Mr. JAVITS. Mr. President, the proposed statute would codify various conflict-of-interest laws, repeal those now outdated, and extend its application to those engaged in the full range of modern Federal activity, including Government consultants to a more limited extent, with civil and criminal enforcement provisions. Charged with overseeing the operations of the act would be an Administrator to be designated by the President and to serve within the Executive Office.

Specifically prohibited under this conflict-of-interest proposal would be, first, receipt of gifts, gratuities, or favors when offered to an employee because of his post with the Federal Government, or if the giver is one who does business with the employee's agency or is regulated by it; second, receipt of pay from an outside source in return for personal services, unless such work is performed outside Government hours and is not otherwise prevented by agency regulations; and, third, ex-employees from assisting others, whether or not for compensation, in transactions with the Government in which the persons were previously involved; nor may the former Government workers' partners undertake such work for a period of 2 years. Again, that refers to the case where the ex-employee was involved in the activity.

Upon entering Government service in the executive branch, and periodically thereafter, every employee would be required to sign a statement that he or she has read a summary of the rules on conflicts of interest set up under the act and the accompanying regulations. Under the act there is specific provision for the retention of certain outside economic interests by Government employees such as participation in company pension plans.

The Nation's conscience has been deeply troubled during the last few months over disclosures of practices reflecting a breakdown in ethical conduct on the part of a small minority in various businesses and industries. In recent years, the misconduct or the alleged misconduct of a very few Federal employees have subjected Government workers to similar criticism, which as in business, unfairly reflects discredit on the great majority of loyal, hardworking employees whose integrity and devotion should be beyond question.

Therefore, this comprehensive report and recommended draft legislation on executive conflicts of interest as prepared by the special committee of the Association of the Bar of the City of New York is truly an invaluable document which makes a real contribution to one of the most perplexing personnel problems of Government—the recruiting and retraining at all levels of Government service of individuals of high ability and integrity. Well known is the fact that many Government salaries are not always compatible with pay levels for similar jobs in private industry. And in many instances, genuine confusion and misunderstanding about existing conflict of interest rules or regulations have arisen and led to most unfortunate situations which have embarrassed many Government employees not immediately involved. At the same time, the public is absolutely entitled to the reassurance that understandable, uniform, and equitable standards of conduct have been established to give guidance to employees in the executive branch—guidelines for action in every modern field of activity by the Federal Government which we believe are genuinely desired by executive department employees.

We are interested to note that the special committee recommends a study be made of what type of ethics legislation should apply to members of the legislative branch. We have previously introduced ethics legislation which calls for just that—the establishment of a Commission on Ethics in the Federal Government to study and develop legislative

recommendations while an interim code of ethics patterned after that presently in force in New York State is in operation at the Federal level.

I pause here in my prepared remarks to emphasize that we do not feel that Members of this Legislative Body, the U.S. Congress, are entitled to any special position or status, but that they, too, should be covered by conflict of interest legislation.

We hope very much that as the bill is considered, since it is a splendid demonstration of how citizens can help our Government, we shall at one and the same time consider proposed ethics legislation for members of the legislative branch.

Mr. President, as my colleague from Wisconsin [Mr. PROXMIRE] has already noted, there is a very important provision which gives to Senate committees considering the confirmation of the nominations of persons to be officials of the executive department an opportunity to get the benefit of the advice and factual information which is available to the Government administrator.

Mr. President, of particular significance in evaluating the work of the Association of the Bar of New York is the fact that it has been largely performed by lawyers previously in the employ of the Federal Government who are cognizant of the various ethical problems which normally arise. Second, this carefully drawn report is the output of many months of exhaustive work. Too often, we tend to wait until headlines about one person's unethical conduct hit us right between the eyes before we act. Here is a reasoned, practical approach to the problem translated into specific legislative recommendations. The hodgepodge of conflict of interest laws now on the books should be revised or replaced as soon as possible if the public and the public servants are to receive the protection to which both are entitled.

Our bill would place chief reliance on administrative and civil remedies for those who violate the proposed rules and regulations developed by the administrator and the heads of agencies and departments under the direction of the President. Under the civil enforcement provisions, an individual may be suspended or dismissed following appropriate hearings and appeals. In addition, any Government action or contract involved in the ethics violation may be received by the Government; the Attorney General may sue to recover three times the value of any improper acquisition obtained by the violator, and a civil penalty of up to $5,000 can be recovered for some of the most serious infractions. Criminal penalties include the imposition of a $10,000 fine, imprisonment up to 1 year, or both if the violation was with specific intent.

In conclusion, Mr. President, I should like to emphasize that we are very serious about this matter. This is a very serious bill. The association of the bar has done a magnificent job in the public interest. The foundation which financed the work has done a magnificent job in the public interest.

It is the intent of my colleague [Mr. KEATING] and myself not to let this matter rest. People in our free society are entitled to the best kind of government, but more than anything else they are entitled to honest government, especially when we have a thorough job done, such as this, which does not go into impracticalities but really applies practical, well-recognized, and accepted standards in a moral tone, as it were, which the whole community wishes to apply to a measure of this kind.

Mr. President, I hope that this will not be considered another exercise in fine thinking or in bar association draftsmanship. I appeal directly to the leaders of the majority and minority in the Senate to see that we get action upon this particular measure, and to see that we do not wait until some other scandal breaks upon us before we get all excited about the matter once again. We should act on the matter in advance, when thoughtful consideration may be given to a very thoughtful and representative job such as this.

Mr. President, I ask unanimous consent that the bill which we are introducing, for appropriate reference, may be printed in the RECORD, together with a memorandum of explanation on the bill which I have received from the Association of the Bar of the City of New York; and, Mr. President, following the desire of the Senator from Wisconsin [Mr. PROXMIRE], I ask unanimous consent that the name of the Senator from Wisconsin may be added as a cosponsor.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Is there objection to the request of the Senator from New York?

Mr. EASTLAND. Mr. President, reserving the right to object, what was the unanimous-consent request?

The PRESIDING OFFICER. The Senator wishes to add the name of the Senator from Wisconsin as a cosponsor of the bill.

Mr. JAVITS. Mr. President, I also ask unanimous consent, for the benefit of the Senator from Mississippi, to have the text of the bill printed, as well as a memorandum of explanation.

Mr. EASTLAND. Printed in the RECORD?

Mr. JAVITS. Printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD, and the name of the Senator from Wisconsin [Mr. PROXMIRE] will be added as a cosponsor of the bill.

The bill (S. 3080) to supplement and revise the laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. KEATING), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I—PROHIBITED CONDUCT, ADMINISTRATION AND PROCEDURE

§ 1. Preamble; declaration of policy and purpose

(a) The proper operation of a democratic government requires that officials be independent and impartial; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The attainment of one or more of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a government employee and his duties as an official. The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to employee conduct in situations where actual or potential conflicts exist.

(b) It is also fundamental to the effectiveness of democratic government that, to the maximum extent possible, the most qualified individuals in the society serve its government. Accordingly, legal protections again conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are most qualified to serve it. An essential principle underlying the staffing of our gov-

ernmental structure is that its employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where actual or potential conflicts with the responsibility of such employees to the public cannot be avoided.

(c) It is the policy and purpose of this Act to promote and balance the dual objectives of portecting Government integrity and of facilitating the recruitment and retention of the personnel needed by Government, by prescribing essential restrictions against conflicts of interest in the executive branch of the Government without creating unnecessary barriers to public service.

§ 2. Definitions

Unless the context of this Act otherwise clearly requires, for purposes of this Act the terms defined in this section shall have the respective meanings hereinafter set forth. The terms defined in this section include: "agency"; "agency head" and "head of an agency"; "assist"; "compensation"; "Government action"; "Government employee'; "intermittent Government employee"; "participate"; "person"; "regular Government employee"; "responsibility"; "State"; "thing of economic value"; and "transaction involving the Government".

(a) "Agency" means—

(1) the Executive Office of the President;

(2) an executive department;

(3) an independent establishment within the executive branch; and

(4) a Government corporation.

For purposes of this subsection (a)—

(i) the executive departments are the Departments of State; Defense; Treasury; Justice; Post Office; Interior; Agriculture; Commerce; Labor; and Health, Education, and Welfare; and

(ii) "independent establishment within the executive branch" means any establishment, commission, board, committee or other unincorporated instrumentality of the United States which is not—

(A) part of an executive department or Government corporation; or

(B) part of the legislative or judicial branches of the United States.

(iii) "Government corporation" means any corporation which is either defined as a "wholly owned Government corporation" in the Government Corporations Control Act of 1946 or is designated as a Government corporation for purposes of this Act by the President by regulations issued pursuant to section 10.

(b) "Agency head" and "head of an agency" mean the chief executive officer of an agency, who shall be the chairman in the case of an independent establishment which is a commission, board, or committee. The Secretary of Defense may delegate to the Secretaries of the Army, the Navy, and Air Force such of his responsibilities as an agency head as he may deem appropriate.

(c) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to, another person with knowledge that such action is of help, aid, advice, or assistance to such person and with intent so to assist such person.

(d) "Compensation" means any thing of economic value, however designated, which is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person or to the United States.

(e) "Government action" means any action on the part of the executive branch of the United States, including, but not limited to—

(1) any decision, determination, finding, ruling, or order, including the judgment or verdict of a military court or board; and

(2) any grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof, or failure to act with respect thereto.

(f) "Government employee" means any individual who is—

(1) appointed by one of the following acting in his official capacity—

(A) the President of the United States, or

(B) a person who qualifies as an employee under this definition; and

(2) engaged in the performance of a Federal function under authority of the Constitution, an Act of Congress, or an Executive act; and

(3) under the supervision or authority of one of the persons listed in (A) or (B) under (1).

Notwithstanding the foregoing, the term "Government employee" shall not include any of the following—

(i) officers and employees in the legislative and judicial branches of the United States;

(ii) employees of the District of Columbia;

(iii) employees of corporations other than Government corporations as defined in subsection (a)(iii) of this section; and

(iv) a reserve of the Armed Forces, when he is not on active duty and is not otherwise a Government employee.

An individual shall not be deemed an employee solely by reason of his receipt of a pension, disability payments, or other payments not made for current services, or by reason of his being subject to recall to active service.

Every Government employee shall be deemed either "intermittent" or "regular", as determined by the definitions contained in subsections (g) and (j), respectively, of this section.

(g) "Intermittent Government employee" means any Government employee who has performed services as such employee on not more than fifty-two working days (which shall not include Saturdays, Sundays, and holidays) out of the preceding three hundred and sixty-five calendar days: *Provided, however,* That—

(1) the President may issue an order increasing to not more than one hundred and thirty days the number of working days within a three hundred and sixty-five calendar day period on which a particular Government employee may perform services while still being classified as an intermittent Government employee for purposes of this Act: *Provided,* That the President shall make a determination that the national interest requires the retention of such employee's services during a further specified period. A statement of the pertinent facts and of the President's determination of national interest shall be published in the Federal Register;

(2) a Reserve of the Armed Forces, unless otherwise a regular Government employee, shall be classified as an intermittent Government employee for purposes of this Act while on active duty solely for training, irrespective of the number of working days of such training;

(3) irrespective of the fact he has performed services on less than fifty-two working days, a Government employee shall be deemed a regular Government employee, as defined in subsection (j) of this section, and not an intermittent Government employee, if—

(A) he was appointed to a position calling for regular and continuing full-time services, and

(B) his appointment did not evidence an intent that his services would be for a period of less than one hundred and thirty working days in the three hundred and sixty-five calendar day period following such appointment.

The termination of any particular term of employment of an intermittent Government employee shall take effect on the day when the earliest of the following events occurs:

(i) He becomes a regular Government employee, as defined in subsection (j) of this section;

(ii) He resigns, retires, or is dismissed, or the termination of his status is otherwise clearly evidenced; or

(iii) Three hundred and sixty-five calendar days shall have elapsed since the last working day on which he shall have performed services as an intermittent Government employee, unless his appointment was expressly for a longer period.

An intermittent Government employee shall be in such status on days on which he performs no services as well as days on which he performs services.

(h) "Participate," in connection with a transaction involving the Government, means to participate in Government action or a proceeding personally and substantially as a Government employee, through approval, disapproval, recommendation, decision, the rendering of advice, investigation, or otherwise.

(i) "Person" means any—

(1) individual;

(2) partnership, association, corporation, firm, institution, trust, foundation, or other entity (other than the United States or an agency), whether or not operated for profit;

(3) State or municipality of the United States or any subdivision thereof, including public districts and authorities; and

(4) foreign country or subdivision thereof.

(j) "Regular Government employee" means any Government employee other than an intermittent Government employee, as defined in subsection (g) of this section. The termination of any particular term of employment of a regular Government employee shall take effect when he resigns, retires, or is dismissed, or the termination of his status is otherwise clearly evidenced.

(k) "Responsibility," in connection with a transaction involving the Government, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, effectively to approve, disapprove, or otherwise direct Government action in respect of such transaction.

(l) "State" means any State of the United States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(m) "Thing of economic value" means any money or other thing having economic value, and includes, without limiting the generality of the foregoing—

(1) any loan, property interest, interest in a contract, or other chose in action, and any employment or other arrangement involving a right to compensation;

(2) any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option; and

(3) any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, irrespective of the conditions to its exercise, and the time the promise or undertaking is made, irrespective of the conditions to its performance.

(n) "Transaction involving the Government" means any proceeding, application, submission, request for a ruling, or other determination, contract, claim, case, or other such particular matter—

(1) which the Government employee or former Government employee in question believes, or has reason to believe, is, or will be, the subject of Government action; or

(2) in or to which the United States is a party; or

(3) in which the United States has a direct and substantial proprietary interest.

§ 3. Acts affecting a personal economic interest

(a) ECONOMIC INTERESTS OF A GOVERNMENT EMPLOYEE.—No Government employee shall participate in a transaction involving the Government in the consequences of which he has a substantial economic interest of which he may reasonably be expected to know.

(b) ECONOMIC INTERESTS OF PERSONS IN WHICH A GOVERNMENT EMPLOYEE HAS AN INTEREST.—No Government employee shall participate in a transaction involving the Government in the consequences of which, to his actual knowledge, any of the following persons has a direct and substantial economic interest:

(1) His spouse or child; or

(2) Any person in which he has a substantial economic interest of which he may reasonably be expected to know; or

(3) Any person of which he is an officer, director, trustee, partner, or employee; or

(4) Any person with whom he is negotiating or has any arrangement concerning prospective employment; or

(5) Any person who is a party to an existing contract with such Government employee or an obligee of such Government employee as to a thing of economic value and who, by reason thereof, is in a position to affect directly and substantially such employee's economic interests.

(c) DISQUALIFICATION.—Every Government employee shall disqualify himself from participating in a transaction involving the Government when a violation of subsection (a) or (b) would otherwise result. The procedures for such disqualification shall be established by regulations issued pursuant to section 10.

(d) SUBSTANTIAL ECONOMIC INTEREST.—The term "substantial economic interest" may be defined by regulations issued by the President pursuant to section 10, but the term shall not include—

(1) the interest of a Government employee in his grade, salary, or other matters arising solely from his Government employment;

(2) the interest of a Government employee, or of a person referred to in subsection (b) solely as a member of the general public, or of any significant economic or other segment of the general public.

(e) PRESIDENTIAL EXEMPTION.—The President may issue an order suspending the operation of subsections (a) and (b), in whole or in part, as to a particular employee with respect to transactions involving the Government of a particular category or in connection with a particular assignment, provided that the President shall make a determination that under all the circumstances the national interest in such employee's participation exceeds the public interest in his disqualification. A full statement of the pertinent facts and of the President's determination of national interest shall be published in the Federal Register.

§ 4. Assisting in transactions involving the Government

(a) GENERAL RULE FOR ALL EMPLOYEES.—Except in the course of his official duties or incident thereto, no Government employee shall assist another person, whether or not for compensation, in any transaction involving the Government—

(1) in which he has at any time participated; or

(2) if such transaction involving the Government is or has been under his official responsibility at any time within a period of two years preceding such assistance.

(b) ADDITIONAL GENERAL RULE FOR REGULAR EMPLOYEES.—Except in the course of his official duties or incident thereto, no regular Government employee shall—

(1) assist another person for compensation in any transaction involving the Government;

(2) assist another person by representing him as his agent or attorney, whether or not for compensation, in any transaction, involving the Government.

(c) NO SHARING IN COMPENSATION.—No Government employee shall share in any compensation received by another person for assistance which such Government employee is prohibited from rendering pursuant to subsection (a) or (b).

(d) PARTNERSHIPS.—No partnership of which a Government employee is a partner, and no partner or employee of such a partnership, shall assist another person in any transaction involving the Government if such Government employee is prohibited from doing so by subsection (a).

(e) PERMITTED EXCEPTIONS.—(1) Nothing in this section shall prevent a Government employee, subject to conditions or limitations set forth in regulations issued pursuant to section 10, from assisting, in a transaction involving the Government—

(A) his parent, spouse, or child, or any thereof for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary;

(B) a person other than his parent, spouse, or child for whom he is serving as guardian, executor, administrator, trustee, or other personel fiduciary;

(C) another Government employee involved in disciplinary, loyalty, or other personnel administration proceedings; or

(D) another person in the performance of work under a contract with or for the benefit of the United States:

Provided, however, That—

(E) in the case of clauses (A) and (B), such Government employee shall not have at any time participated in such transaction, nor, in the case of clause (B), shall such transaction have been under his official responsibility; and

(F) in the case of clauses (A), (B), (C), and (D), the circumstances of the assistance shall have been disclosed to the head of the employee's agency and approved by him in advance of the assistance; and

(G) in the case of clause (D), the head of such employee's agency shall have certified in writing that in his opinion the national interest will be promoted by permitting the special knowledge or skills of such Government employee to be made available to assist such other person in connection with such performance.

(2) Nothing in this section shall prevent a Government employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

§ 5. Compensation for regular Government employees from non-Government sources

(a) UNCOMPENSATED EMPLOYEES.—For purposes of this section the term "regular Government employee" shall not include any Government employee who, in accordance with the terms of his appointment, is serving without compensation from the United States or is receiving from the United States only reimbursement of expenses incurred or a predetermined allowance for such expenses.

(b) PAYMENTS FOR SERVICES TO THE UNITED STATES.—No regular Government employee shall receive any thing of economic value, other than his compensation from the United States, for or in consideration of personal services rendered or to be rendered to or for the United States. Any thing of economic value received by a regular Government employee prior to or subsequent to his Government employment shall be presumed, in the absence of a showing to the contrary by a clear preponderance of evidence, not to be for, or in consideration of, personal services rendered or to be rendered to or for the United States.

(c) COMPENSATION FOR SERVICES TO OTHERS.—No regular Government employee shall receive any thing of economic value (other than his compensation from the United States) in consideration of personal services rendered, or to be rendered, to or for any person during the term of his Government employment unless such services meet each of the following qualifications:

(1) The services are bona fide and are actually performed by such employee;

(2) The services are not within the course of his official duties;

(3) The services are not prohibited by section 4 or by applicable laws or regulations governing non-Government employment for such employee; and

(4) The services are neither performed for nor compensated by any person from whom such employee would be prohibited by section 6(b) from receiving a gift; or, alternatively, the services and compensation are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(d) PAYMENTS FOR FUTURE SERVICES TO OTHERS.—No regular Government employee shall receive, directly or indirectly, any thing of economic value during the term of his Government employment in consideration of personal services to be rendered to or for any person subsequent to the term of such employment. Nothing contained in this subsection (d) shall be deemed to prevent a Government employee from entering into a contract for prospective employment during the term of his Government employment.

(e) COMPENSATION FROM LOCAL GOVERNMENTS.—Nothing contained in this section shall prevent a Government employee from receiving compensation contributed out of the treasury of any State, county, or municipality if—

(1) the compensation is received pursuant to arrangements entered into between such State, county, or municipality and such employee's agency; or

(2) the compensation and the services for which it is received are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(f) CONTINUATION IN CERTAIN PENSION AND OTHER PLANS.—(1) Nothing contained in this section shall prevent a Government employee's continuation in a bona fide pension, retirement, group life, health, or accident insurance, or other employee welfare or benefit plan maintained by a former employer but to which such former employer makes no contributions on behalf of such employee in respect of the period of his Government employment.

(2) Nothing contained in this section shall prevent a Government employee's continuation in a bona fide plan, maintained by a former employer and to which such former employer makes contributions on behalf of such employee, in the case of—

(A) a pension or retirement plan qualified under the provisions of the Internal Revenue Code, or

(B) a group life, health, or accident insurance plan: *Provided,* That the contributions by such employer are not made for a period longer than five consecutive years of Government employment (or an aggregate of five years out of the preceding ten).

(3) Nothing contained in this section shall require the termination of the rights of a Government employee acquired under a bona

fide profit-sharing or stock bonus plan maintained by a former employer and qualified under the provisions of the Internal Revenue Code: *Provided*, That no contributions are made by such former employer on behalf of the Government employee based on profits attributable to any portion of the period of his Government employment.

(4) The provisions of this subsection (f) shall be subject to any additional conditions or limitations, including limitations on maximum amounts, set forth in regulations issued pursuant to section 10.

(g) TRAVEL AND RELATED EXPENSES.—Travel and related expenses received other than from the United States shall be deemed to be for or in consideration of personal services rendered to or for a person only to the extent provided in regulations issued pursuant to section 10.

§ 6. Gifts

(a) GENERAL RULE FOR ALL EMPLOYEES.—No Government employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person if such Government employee has reason to believe the donor would not give the gift, gratuity, or favor but for such employee's office or position within the Government.

(b) ADDITIONAL GENERAL RULE FOR REGULAR EMPLOYEES.—No regular Government employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person, or from any officer or director of such person, if such regular Government employee has reason to believe such person—

(1) has or is seeking to obtain contractual or other business or financial relationships with such employee's agency; or

(2) conducts operations or activities which are regulated by such employee's agency; or

(3) has interests which may be substantially affected by such employee's performance or nonperformance of official duty.

(c) PERMITTED EXCEPTIONS.—Exceptions to subsections (a) and (b) may be made by regulations issued pursuant to section 10 in situations where the circumstances do not lead to the inference that the official judgment or action of the Government employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby.

§ 7. Abuse of office

Except in the course of his official duties or incident thereto, no Government employee shall, in his relationships with any person specified in the succeeding sentence, use the power or authority of his office or position within the Government in a manner intended to induce or coerce such other person to provide such Government employee or any other person with any thing of economic value, directly or indirectly. This section shall apply to relationships with any person, or any officer or director of such person, from whom such Government employee, if he were a regular Government employee, would be prohibited by section 6(b) from receiving a gift.

§ 8. Postemployment

(a) GENERAL RULE.—No former Government employee shall at any time subsequent to his Government employment assist another person, whether or not for compensation, in any transaction involving the Government—

(1) in which he at any time participated during his Government employment; or

(2) if such transaction involving the Government was under his official responsibility as a Government employee at any time within a period of two years preceding such assistance.

(b) NO SHARING IN COMPENSATION.—No former Government employee shall share in any compensation received by another person for assistance which such former Government employee is prohibited from rendering by subsection (a).

(c) PARTNERSHIPS.—(1) No partnership of which a former Government employee is a partner, and no partner or employee of such a partnership, shall, for a period of two years following the termination of his Government employment, assist another person in any transaction involving the Government in which such former Government employee at any time participated during his Government employment. For purposes of this subsection (c)(1), the termination of the former Government employee's employment with the agency by which he was employed when he so participated shall be deemed to be the termination of his Government employment.

(2) Whenever subsection (c)(1) would be applicable but for the expiration of the period of two years referred to therein, the circumstances of the former Government employee's participation in the transaction during his Government employment, if the individuals acting for the partnership are aware of such participation, shall be disclosed to the agency principally involved in the transaction involving the Government, and an affidavit of such former employee to the effect that he has not assisted in such transaction involving the Government shall be furnished to such agency.

(d) SPECIAL RULE FOR COMPUTATION OF TWO-YEAR PERIOD FOR CERTAIN FORMER INTERMITTENT EMPLOYEES.—For purposes of this section, a former intermittent Government employee whose employment terminated under clause (iii) of section 2(g) shall be deemed to have terminated such employment on the last working day on which he performed services as an intermittent Government employee.

(e) PERSONS FORMERLY ON ACTIVE DUTY AS COMMISSIONED OFFICERS OF ARMED FORCES.—The President shall, in furtherance of this section 8, issue regulations of the nature herein described applicable to persons who have been commissioned officers on active duty in one of the armed forces of the United States. Such regulations shall have the effect of prohibiting such persons, for the periods therein specified, from personally dealing with personnel of the Department of Defense, or of such units thereof as may be specified in such regulations, with the purpose of assisting in the sale of anything, including services, to the United States through the Department of Defense or such units thereof as may be specified in such regulations. The retirement pay of any retired commissioned officer who violates such regulations shall be terminated pursuant to the regulations issued hereunder for the periods therein specified.

(f) PERMITTED EXCEPTIONS.—The permitted exceptions applicable to Government employees under section 4(e) shall also be applicable to former Government employees under this section 8, subject to conditions or limitations set forth in regulations issued pursuant to section 10. For purposes of this section 8, references in such section 4(e) to the Government employee providing assistance shall be deemed to be to the former Government employee, and references to his agency shall be deemed to be to his former agency.

§ 9. Illegal payments

(a) PAYMENTS AS COMPENSATION, ETC.—No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of section 4, 5, or 8.

(b) GIFTS.—No person shall give, transfer, or deliver, directly or indirectly, to a Government employee any thing of economic value as a gift, gratuity, or favor if either—

(1) such person would not give the gift, gratuity, or favor but for such employee's office or position within the Government; or

(2) such person is in a status specified in clause (1), (2), or (3) of section 6(b).

Exceptions to this subsection (b) may be made by regulations issued pursuant to section 10 in situations referred to in section 6(c).

§ 10. Administration

(a) RESPONSIBILITY OF THE PRESIDENT.—(1) The President shall be responsible for the establishment of appropriate standards to protect against actual or potential conflicts of interest on the part of Government employees and for the administration and enforcement of this Act and the regulations and orders issued hereunder.

(2) The President may, and shall do so when required by this Act, issue regulations extending, supplementing, implementing, or interpreting the provisions of this Act. Such regulations shall take precedence over any regulations issued by agency heads pursuant to subsection (c).

(3) The President shall have particular responsibility for the enforcement of this Act as applied to employees of the Executive Office of the President and to agency heads, and for this purpose the President shall have all the powers of an agency head.

(4) The President may conduct investigations of facts, condition or conditions, practices, or other matters in carrying out his responsibilities and powers under this subsection (a) and in obtaining information to serve as a basis for recommending further legislation related to the purposes of this Act. In connection with any such investigation the President shall have all the powers with respect to oaths, affirmations, subpenas, and witnesses as are provided in section 12(b)(2). The President may delegate any or all of his powers under this subsection (a)(4) to the Administrator referred to in subsection (b) or to others, either generally or in particular instances.

(b) EXECUTIVE CONFLICT OF INTEREST ACT ADMINISTRATOR.—(1) the President shall designate an official from within the Executive Office of the President or create an office within the Executive Office of the President (such official or the head of such office being hereinafter referred to as the "Administrator") to perform the following functions:

(A) To assist the President in carrying out his responsibilities under subsection (a);

(B) To receive copies of all regulations issued by agency heads pursuant to subsection (c), to analyze the same, and make recommendations to agency heads with respect thereto;

(C) To receive reports from agencies and to collect information with respect to, and conduct studies of, personal conflicts of interest of Government employees within the executive branch;

(D) To consult with the Attorney General, the Chairman of the Civil Service Commission, the Comptroller General, and other appropriate officials with respect to conflict-of-interest matters affecting more than one agency;

(E) To consult with agency heads, and with appropriate officers designated by them, as to the administration of this Act within their respective agencies and the regulations issued hereunder applicable to their respective agencies;

(F) To give advice with respect to the application of this Act and regulations issued hereunder, when so requested by the President or agency heads;

(G) To undertake and conduct, in conjunction with agency heads, a study of the extent to which any of the principles of this Act should be made applicable to persons

and to the employees of persons having contracts, subcontracts, licenses, or similar relationships with or from the United States; and

(H) To provide reports and information to the President and the Congress concerning the administration of this Act and conflict-of-interest matters generally.

(2) The Administrator is authorized to employ personnel and expend funds for the purposes of this Act, to the extent of any appropriations made for the purposes hereof.

(c) RESPONSIBILITY OF AGENCY HEADS.—(1) Each agency head shall be responsible for the establishment of appropriate standards within his agency to protect against actual or potential conflicts of interest on the part of employees of his agency, and for the administration and enforcement within his agency of this Act and the regulations and orders issued hereunder.

(2) Each agency head may, subject to the regulations issued by the President under subsection (a)(2), issue regulations extending, supplementing, implementing, or interpreting the provisions of this Act as applied to his agency. He shall file copies of all such regulations with the Administrator.

(3) Each agency head may conduct investigations of facts, conditions, practices, or other matters in carrying out his responsibilities and powers under this subsection (c). In connection with any such investigation the agency head shall have all the powers with respect to oaths, affirmations, subpenas, and witnesses as are provided in section 12(b)(2). The agency head may delegate any or all of his powers under this subsection (c)(3) to any officer designated by him, either generally or in particular instances.

§ 11. Preventive measures

The head of an agency may, and shall do so if so provided in regulations issued by the President, require—

(a) individuals entering Government employment with such agency and, periodically, the employees or particular categories of employees of such agency, to sign a statement that they have read an appropriate summary of the rules established by this Act and the regulations issued hereunder;

(b) employees of such agency, or particular categories thereof, to report periodically as to their non-Government employment or self-employment, if any;

(c) representatives of other persons before an agency to certify that, to the best of their knowledge, their representation will not violate section 4 or 8 or the regulations issued thereunder; and

(d) persons who are principals in transactions involving the Government to certify that, to the best of their knowledge, they have not received assistance under circumstances which would violate section 4 or 8 or the regulations issued thereunder.

§ 12. Remedies; civil penalties; procedure

(a) ADMINISTRATIVE ENFORCEMENT AS TO CURRENT GOVERNMENT EMPLOYEES.—

(1) Remedies and Civil Penalties: The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect of any Government employee of his agency upon finding that such employee has violated this Act or regulations promulgated hereunder. Such action may include the imposition of conditions of the nature described in subsection (b)(1).

(2) Procedure: The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally, and any such action shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of employees of the same category and grade.

(b) ADMINISTRATIVE ENFORCEMENT AS TO FORMER GOVERNMENT EMPLOYEES AND OTHERS.—

(1) Remedies and Civil Penalties: The head of an agency, upon finding that any former employee of such agency or any other person has violated any provision of this Act, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon—

(A) the appearance before such agency of such former employee or other person, and

(B) the conduct, or negotiation or competition for, business with such agency by such former employee or other person,

for such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this Act.

(2) Procedure:

(A) Hearings.—Findings of violations referred to in subsection (b)(1) shall be made on the record after notice and hearing, conducted in accordance with the provisions governing adjudication in title 5, United States Code, secs. 1005, 1006, 1007, 1008, and 1011 (Administrative Procedure Act). For the purposes of such hearing any agency head, or any officer designated by it, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the agency head finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the agency head to appear shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(B) Judicial review.—(i) Any party to a proceeding under subsection (b) aggrieved by an order issued by the agency head pursuant hereto, may obtain a review of such order in the court of appeals of the United States for any circuit wherein said party is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court within sixty days after the order of the agency upon a written petition praying that such order be modified or set aside in whole or in part.

(ii) A copy of such petition shall forthwith be transmitted by the clerk of the court to the agency head involved, and thereupon such agency head shall file with the court the record upon which the order complained of was entered. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part.

(iii) No objection to the order of the agency head shall be considered by the court unless such objection shall have been urged before the agency or there is reasonable ground for failure to do so.

(iv) The findings of the agency head as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material in that there were reasonable grounds for failure to adduce such evidence in the proceedings before the agency, the court may order such additional evidence to be taken before the agency and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper.

(v) The agency head may modify his findings as to the facts by reason of the additional evidence so taken and shall file with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, or setting aside in whole or in part, any such order of the agency head, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 346 and 347 of title 28. The commencement of proceedings for review under this subsection shall not, unless specifically ordered by the court, operate as a stay of the agency head's order.

(c) RESCISSION OF GOVERNMENT ACTION.—The President or any agency head may cancel or rescind any Government action without contractual liability to the United States where—

(1) he has found that a violation of this Act has substantially influenced such Government action; and

(2) in his judgment the interests of the United States so require under all of the circumstances, including the position of innocent third parties.

The finding referred to in clause (1) shall be made in accordance with the procedures set forth in subsection (b)(2) and shall be subject to judicial review in accordance with the provisions of subsection (b)(2)(B): *Provided*, That the President or such agency head may suspend Government action pending the determination, pursuant to this subsection, of the merits of the controversy. The exercise of judgment pursuant to clause (2) of this subsection shall not be subject to judicial review.

(d) CIVIL REMEDY FOR DAMAGES AGAINST EMPLOYEES AND FORMER EMPLOYEES.—The Attorney General of the United States may bring a civil action in any district court of the United States against any Government employee or former Government employee who shall, to his economic advantage, have acted in violation of this Act, and in such action may recover on behalf of the United States, in partial reimbursement of the United States for its expenses of administering this Act, damages in an amount equal to three times the amount of such economic advantage.

(e) CIVIL PENALTIES FOR ILLEGAL PAYMENTS.—Any person who shall violate section 9 shall pay a civil penalty of not more than $5,000, in partial reimbursement of the United States for its expenses of administering this Act. The Government employee or former Government employee involved shall not be subject to prosecution under title 18, United States Code, section 2, or title 18, United States Code, section 371, or any other provision of law dealing with criminal conspiracy, by reason of the receipt of any such payment.

(f) PUBLICATION OF CERTAIN FINDINGS AND DECISIONS.—Whenever the head of any agency, or the President, exercises the authority conferred by subsections (a), (b), or (c) of this section, copies of the findings and decision therein shall be filed with the President and shall be published at least once each year as part of a volume collecting such findings and opinions. Such volumes shall be made available for public inspection and shall also be made available for distribution or sale to interested persons.

(g) INTERESTS OF NATIONAL SECURITY.—When any provision of this Act requires publication of information and the President finds that publication of part or all of such information is inconsistent with national security, he may suspend the requirement of such publication to the extent and for such period of time as he shall deem essential for reasons of national security.

(h) STATUTE OF LIMITATIONS.—No administrative or other action under subsections (b), (c), (d), or (e) of this section to enforce any provision of this Act shall be commenced after the expiration of six years following the occurrence of the alleged violation.

TITLE II—CRIMINAL PENALTIES

§ 21. Acts in violation of Executive Conflict of Interest Act

Title 18 of the United States Code is amended by adding a new chapter thereto, to be designed chapter 16 and reading as follows:

"Chapter 16—Conflicts of interest

"§ 301. Acts in violation of Executive Conflict of Interest Act

"Any person who shall purposely or knowingly violate any provision of the Executive Conflict of Interest Act shall be fined not more than $10,000, or imprisoned for not more than one year, or both. For purposes of this section, the terms 'purposely' and 'knowingly' shall have the respective means set forth in subsections (a) and (b):

"(a) 'Purposely': A person acts purposely with respect to a material element of an offense when—

"(1) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and

"(2) if the element involves the attendant circumstances, he knows of the existence of such circumstances.

"(b) "Knowingly': A person acts knowingly with respect to a material element of an offense when—

"(1) if the element involves the nature of his conduct or the attendant circumstances, he knows that his conduct is of that nature or he knows of the existence of such circumstances; and

"(2) if the element involves a result of his conduct, he knows that his conduct will necessarily cause such a result."

TITLE III—AMENDMENT AND REPEAL OF EXISTING LAWS

§ 31. Amendment of title 18, United States Code, sections 216 and 1914

Section 216 of chapter 11 and section 1914 of chapter 93 of title 18 of the United States Code are each amended by adding the following as a new paragraph to precede the present text of each such section:

"From and after the effective date of the Executive Conflict of Interest Act, this section shall not apply to (1) any person who is a Government employee as defined in section 2(f) of that Act, and (2) any act of another person which is directed toward such a Government employee."

§ 32. Amendment of title 18, United States Code, sections 281, 283, and 434

Sections 281 and 283 of chapter 15 of title 18 of the United States Code are each amended by deleting the second paragraph thereof. Each of such sections is further amended and section 434 of chapter 23 of title 18 of the United States Code is amended by adding the following as a new paragraph to precede the present text of each such section:

"From and after the effective date of the Executive Conflict of Interest Act, this section shall not apply to any person who is a Government employee as defined in section 2(f) of that Act."

§ 33. Amendment of title 18, United States Code, section 284

Section 284 of chapter 15 of title 18 of the United States Code is amended by adding the following as a new paragraph to precede the present text of such section:

"From and after the effective date of the Executive Conflict of Interest Act, this section shall not apply to any person who has been a Government employee as defined in section 2(f) of that Act."

§ 34. Amendment of title 22, United States Code, section 1792(a)

Section 532(a) of the Mutual Security Act of 1954 (68 Stat. 859), as amended by section 10(d) of the Act of July 18, 1956 (70 Stat. 561; 22 U.S.C. 1792(a), is amended to read as follows:

"(a) Service of an individual as a member of the Board established pursuant to section 308 of this Act or as an expert or consultant under section 530(a) shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 6 of the Act of May 22, 1920 (5 U.S.C. 715), or section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities. Contracts for the employment of retired military personnel with specialized research and development experience, not to exceed ten in number, as experts or consultants under section 530(a), may be renewed annually, notwithstanding section 15 of the Act of August 2, 1946 (5 U.S.C. 55(a))."

§ 35. Amendment of title 5, United States Code, section 30r(d)

Section 29(d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r(d), is amended to read as follows:

"(d) When he is not on active duty, or when he is on active duty for training, a reserve is not considered to be an officer or employee of the United States or a person holding an office of trust profit or discharging any official function under, or in connection with, the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity: *Provided, however,* That a reserve on active duty for training shall be deemed an employee of the United States for purposes of the Executive Conflict of Interest Act."

§ 36. Repeal of particular substantive restraints

The following sections are repealed:

(a) Section 190 of the Revised Statutes (5 U.S.C. 99) (relating to postemployment prosecution of claims by employees in departments); and

(b) Section 244 of the Revised Statutes (5 U.S.C. 254) (relating to certain business interests of clerks in the Treasury Department);

§ 37. Repeal of particular substantive restraints applicable to retired officers

The following sections are repealed:

(a) Section 1309 of the Act of August 7, 1953 (67 Stat. 437; 5 U.S.C. 59c), (relating to loss of retirement pay by retired commissioned officers engaged in certain selling activities).

(b) Section 6112 of chapter 557 of title 10 of the United States Code (relating to the loss of pay or retirement pay by certain officers who sell naval supplies to the Navy Department).

§ 38. Repeal of exemptions from particular conflict-of-interests statutes

The following sections are repealed:

(a) Section 173(c) of chapter 7 of title 10 of the United States Code (providing certain conflicts exemptions for advisers to the Secretary of Defense).

(b) Section 1583(b) of chapter 81 of title 10 of the United States Code (authorizing conflicts exemptions for persons employed by the Secretary of Defense to serve without compensation).

(c) Section 5153(d) of chapter 513 of title 10 of the United States Code (providing certain conflicts exemptions for members of the Naval Research Advisory Committee).

(d) Section 807 of the Act of August 2, 1954 (68 Stat. 645; 12 U.S.C. 1701h) (providing certain conflicts exemptions for members of advisory committees of the Housing and Home Finance Agency).

(e) Section 5 of the Act of June 4, 1956 (70 Stat. 243; 16 U.S.C. 943) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the Great Lakes Fishery Act of 1956).

(f) Section 5 of the Act of September 7, 1950 (64 Stat. 778; 16 U.S.S. 954) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the Tuna Conventions Act of 1950).

(g) Section 5 of the Act of September 27, 1950 (64 Stat. 1068; 16 U.S.C. 984) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the Northwest Atlantic Fisheries Act of 1950).

(h) Section 5 of the Act of August 12, 1954 (68 Stat. 698; 16 U.S.C. 1024) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the North Pacific Fisheries Act of 1954).

(i) Section 1003 of the Act of September 2, 1958 (72 Stat. 1603; 20 U.S.C. 583) (providing certain conflicts exemptions for members of advisory committees and information councils appointed under the National Defense Education Act of 1958).

(j) Section 14(f) of the Act of May 10, 1950 (64 Stat. 154, 155; 42 U.S.C. 1873 (f)) (providing certain conflicts exemptions for members of the National Science Board and committees and commissions appointed under the National Science Foundation Act of 1950).

(k) Section 163 of the Atomic Energy Act of 1954 (68 State. 951), as amended by section 2 of the Act of September 21, 1959 (73 Stat. 574; 42 U.S.C. 2203) (providing certain conflicts exemptions for members of the General Advisory Committee and Advisory boards appointed under the Atomic Energy Act of 1954).

(l) Section 1(t) of the Act of June 19, 1951 (65 Stat. 87; 50 U.S.C. App. 463(a)) (providing certain conflicts exemptions for particular Selective Service officials).

(m) Section 113 of the Renegotiation Act of 1951 (65 Stat. 22), as amended by section 13 of the Act of August 1, 1956 (70 Stat. 792; 50 U.S.C. App. 1223) (providing certain conflicts exemptions for employees of departments and agencies to which the Renegotiation Act of 1951 is applicable and of the Renegotiation Board).

(n) Section 7(b)(4) of the Act of August 9, 1955 (69 Stat. 582; 50 U.S.C. App. 2160(b)(4)) (providing certain conflicts exemptions for persons serving without compensation under the Defense Production Act of 1950).

TITLE IV—MISCELLANEOUS PROVISIONS

§ 41. Short title

This Act shall be known and may be cited as the "Executive Conflict of Interest Act".

§ 42. Effective date

This Act shall take effect ninety days after the date of its enactment, except that section 37 shall not take effect until the effective date of the regulations issued by the President pursuant to section 8(e).

The memorandum of explanation presented by Mr. JAVITS is as follows:

TEXT OF THE OFFICIAL SUMMARY OF THE REPORT RELEASED TODAY BY THE SPECIAL COMMITTEE ON FEDERAL CONFLICT-OF-INTEREST LAWS OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

I. INTRODUCTION AND SHORT SUMMARY

We are today releasing a prepublication edition of a report based upon more than 2 years of study of the so-called conflict-of-interest laws of the Federal Government.

Also, we expect that there will be introduced today in both Houses of Congress a proposed Executive Conflict-of-Interest Act, which has been drafted by this committee and which is designed to remedy the manifold defects of the present law. Our findings and recommendations, which are set forth in the report, are expressed in statutory form in the proposed act.

The report will be published in the fall by the Harvard University press.

This committee is issuing this prepublication mimeographed edition of its report so that it will be available at the public hearings on the topic of the conflict-of-interest laws which commenced on February 17, 1960, before the Antitrust Subcommittee of the Committee on the Judiciary of the House of Representatives. The House Judiciary Committee, under the chairmanship of Representative EMANUEL CELLER, of New York, has already made an important contribution to the wider understanding and improvement of this confused, but crucial, area of law and public administration. The public hearings, which have just opened, should further advance the cause of urgently needed reform. Accordingly, we have distributed some 200 mimeographed copies of a prepublication edition of the report to Members of Congress, the press and to various Federal departments and agencies.

This official summary has been prepared for the information and guidance of those interested persons to whom the report is not available and as a guide to the report.

A. Objectives

The report of the committee has two themes. The first is that ethical standards within the Federal Government must be beyond reproach, and that there must, accordingly, be effective regulation of conflicts of interest in Federal employment. The second is that the Federal Government must be in a position to obtain the personnel and information it needs to meet the demands of the 20th century.

These themes are coequal. Neither may be safely subordinated to the other. What is needed is balance in the pursuit of the two objectives. We need a long-run national policy which neither sacrifices governmental integrity for opportunism nor drowns practical staffing needs in moralism. We need a careful regulatory scheme that effectively restrains official conflicts of interest without generating pernicious side effects on recruitment.

The basic conclusion of the committee is that such a scheme can be worked out. The report and the proposed act contain a recommended new program for achieving this result.

B. Assessment of existing restraints

The committee has concluded that the legal and administrative machinery of the Federal Government for dealing with the problem of conflicts of interest is obsolete, inadequate for the protection of the Government, and a deterrent to the recruitment and retention of executive talent and some kinds of needed consultative talent.

1. Obsolescence: The statutory law—most of it a century old—is not broad enough to protect the Government against the manifold modern forms of conflict-of-interest. Most of the statutes were and are pointed at areas of risk that are no longer particularly significant, mainly the prosecution of Government claims. Today, with the greatly expanded regulatory functions of the Federal Government, applications for rulings, clearances, approvals, licenses, certifications, grants and other forms of Government action are far more significant in the daily operation of Government than the prosecution of claims. Several of the basic statutes now on the books do not concern themselves at all with these modern Governmental activities.

Other aspects of obsolescence in the present statutes are:

(a) Their focus of interest upon a class of lower ranking politically appointed clerks that has disappeared. The Government today obtains its manpower through a vast civil service, a top layer of short term political appointees, an increasing group of advisory and part-time personnel, and through an unlimited variety of contracts for services provided by non-Government personnel.

(b) Their failure to recognize internal procedures of modern government, such as the flexible processes of personnel administration available to assist in enforcement.

(c) Their lack of recognition of the facts of modern economic life, such as the existence of private pension plans.

(d) Their failure to recognize the essential blending of public and private endeavor in the modern American society, as illustrated by the partnership of government, industry, and educational institutions in the science field.

2. Inadequate administration: Partly by reason of the deficiencies in the statutory law, administration of the conflict-of-interest restraints has always been weak. The Government has failed to provide a rational, centralized, continuing, and effective machinery to deal with the problem. If the statutes presented a coordinated whole—a unified program—and if they imposed direct responsibility on the President to carry out that program, the central coordination and leadership missing in the past would improve. A well-administered program could, and should, guide the thousand good men as well as snare the one bad one.

3. Uncertainty in interpretation: Enacted fitfully over a 100-year span, the uncoordinated statutes are inconsistent, overlapping, and at critical points defy interpretation.

4. The Congress: Congress has done a useful and constructive job in its capacity as investigator. But the Senate confirming committees have seldom considered the overall issue of conflict of interests in relation to recruitment. The Armed Services Committee has applied a wavering standard of stock divestment, useful for certain purposes, but overemphasizing one single source of conflict-of-interest problems and having little bearing on the question of actual official conduct.

5. Recruitment: The main adverse effect of the present system is its deterrent effect on the recruitment and retention of executive talent and some kinds of consultative talent. The restrictions tend to encircle the Government with a barricade against the interflow of men and information at the very time in the Nation's history when such an interflow is most necessary.

C. Recommendations

The defects in the present law cannot be cured by tinkering. A thoroughgoing reconstruction is called for—a new program of controls designed for modern needs, providing for adequate administration, and written as an integrated unit. The program must achieve a balance between the Nation's need for protection against conflicts of interest and its need for personnel.

The committee's basic recommendation are these:

1. Conflict-of-interest problems should be recognized and treated as an important, complex, and independent subject of attention and concern in the management of the governmental establishment.

2. The present scattered and uncoordinated statutes relating to conflicts of interest should be consolidated into a single unified act, with a common set of definitions and a consistent approach. Archaic provisions should be repealed.

3. The restraints contained in the present statutes should be greatly expanded in their scope by making them applicable to essentially all matters in which the public deals with the modern Federal Government.

4. Certain important restraints now covered in regulations, or not at all, should be included in the basic statutes, particularly restraints relating to receipt of gifts and coercive use of office.

5. The statutes should permit the retention by Government employees of certain security-oriented economic interests, such as continued participation in private pension plans.

6. Wherever it is safe, proper, and essential from the viewpoint of recruitment, the statutes should differentiate in treatment between regular employees and citizens who serve the Government only intermittently, for short periods, as advisers and consultants.

7. Regular, continuing, and effective enforcement of the law and regulations should be assured by emphasizing administrative remedies, rather than the clumsy criminal penalties of present law.

8. The statutes should create the framework for active and effective administration of the system of conflict-of-interest restraints, headed up with clear responsibility in the President. The President should designate, pursuant to the proposed act, an Administrator to assist him in this function.

9. In addition to the statutes themselves, there should be a second tier of restraints, consisting of Presidential regulations amplifying the statutes, and a third tier consisting of agency regulations tailored to the needs of particular agencies. The responsibility for day-to-day enforcement of the statutes and regulations should rest upon agency heads.

10. At all levels of administration, potential conflict-of-interest problems should be headed off by preventive action, such as, for example, orientation programs for all new employees to acquaint them with the applicable conflict-of-interest rules, and periodic reminders as to such rules.

11. There should be more effective prohibitions and penalties applicable to persons outside Government who induce or participate in conduct by Government employees in violation of the conflict-of-interest laws.

12. Each committee of the Senate considering a Presidential nominee for confirmation should be given the benefit of a full analysis, prepared by the Administrator in consultation with the Department of Justice, of any conflict-of-interest problems the nominee's particular situation may present. The confirming committee should give due consideration to this analysis and to the protections afforded by a modern and effectively administered overall scheme of conflict-of-interest restraints, if one is put into effect.

13. The Congress should initiate a thorough study of the conflict-of-interest problems of Members of Congress and employees of the legislative branch of the Federal Government.

The program advanced here will not solve the problem of conflict of interests in Federal employment. Like most real problems, this is one we must live with permanently, strive to mitigate, and adjust to. The program proposed, however, will do several things.

It meets the flaws of the present pattern of conflict-of-interest restraints—obsolescence, weakness of administration and faulty drafting. It would greatly strengthen the main policy of the conflict-of-interest statutes—preservation of the integrity of government. It would provide for an integrated and comprehensible system of standards and sanctions, together with an effective machinery for administering that system. It is grounded upon a realistic conception of the problem of conflicting interest as it ap-

pears in the modern setting of American government and society. It would make a significant contribution toward intelligent staffing of the Federal Government for world leadership.

II. MORE DETAILED STATEMENT OF THE PROGRAM

The committee recommends a thorough reconstruction of the entire legal and administrative machinery for dealing with the problem of conflict in interest in the executive branch of the Government. A summary of its principal recommendations appears below:

Recommendation 1

"Conflict-of-interest problems should be recognized and treated as an important, complex, and independent subject of attention and concern in the management of the governmental establishment."

Up until the present time, the subject of conflict in interest in the executive branch has been conceived of and dealt with only peripherally as an aspect of the general problem of ethics in Government. The fact is that its unique and complex nature and the variety of difficult problems it raises, particularly the problem of recruitment, demands that it be isolated and identified as an independent subject of governmental concern. Until it receives the consideration and attention which it deserves, the problem of conflict in interest cannot be adequately resolved.

Recommendation 2

"The present scattered and uncoordinated statutes relating to conflicts of interest should be consolidated into a single unified act, with a common set of definitions and a consistent approach. Archaic provisions should be repealed."

One of the principal shortcomings of the present law is that it is composed of many diverse elements scattered throughout the statute books and containing inconsistencies, overlapping and exemptions. The chaotic nature of the law is an impediment to understanding and a deterrent to recruitment.

The proposed act would unify the general law of conflict of interest in one comprehensive statute. Basic terms would be defined and then used consistently throughout. Examples of key terms, carefully defined at the outset and then, used consistently throughout the proposed act, include: "Government action"; "transaction involving the Government"; "assist"; "participate" and "responsibility".

The proposed act would treat the basic forms of conflict of interest in a logical progression. The first of the six substantive restraints deals with action by a Government employee in his official capacity in a matter in which he has a personal interest. The second deals with action by a Government employee in his private capacity in furtherance of an interest adverse to the Government. The third deals with receipt of pay from outside sources. The fourth deals with receipt of gifts from outside sources. The fifth deals with action as a Government official designed to induce payments from outside sources. The sixth deals with postemployment activities in furtherance of an interest adverse to the Government.

As an example of the close integration of these sections, the second and sixth prohibition are almost precisely parallel in their application to the intermittent Government employee and the recent former employee, reflecting the basic similarity of the two situations from the conflict-of-interest viewpoint.

The points in the total statutory scheme where it is important to supplement the statutes by regulation are clearly identified.

A few archaic statutory restraints superseded by the new act would be repealed. Others of the existing statutes would be amended to exclude from their coverage all executive branch employees (i.e., those covered by the new act).

Fourteen special exemption provisions contained in present law for members of various advisory committees and persons holding other part-time posts would be repealed, as being unnecessary in the light of the realistic approach of the new act to the intermittent employee problem. (See recommendation 6 below.)

Such a unified act would be more enforceable and more rational in its application. It would, by its very drafting, remedy many of the fundamental shortcomings of the present law.

Recommendation 3

"The restraints contained in the present statutes should be greatly expanded in their scope by making them applicable to essentially all matters in which the public deals with the modern Federal Government."

Six of the seven conflict-of-interest statutes on the books today have their roots in the problems of a century ago; they are directed primarily against corruption in the prosecution of claims against the government and the process of letting contracts by the Government. Claim prosecution and, to a lesser degree, procurement procedures have, however, been brought largely under control by administrative devices other than the conflict-of-interest statutes. In their places have grown up other risks that the draftsmen of the present statutes did not foresee and provide for. The proposed Act strikes hard at those deficiencies.

The proposed act would extend the conflict-of-interest restraints to every kind of transaction in which today's Government engages with the private segment of the economy. The term "transaction involving the Government" is broadly defined as "any proceeding, application, submission, request for a ruling or other determination, contract, claim, case or other such particular matter" which will be the subject of Government action. The effect of this broad definition in expanding the scope of the present restraints would be very great.

In this respect recommendation 3 is consistent with one made by the Justice Department to Congress several years ago in response to a court decision holding that the present postemployment restraints apply only to assisting in the prosecution of claims against the Government for money or property. In that case an application for a premerger clearance ruling from the Antitrust Division of the Justice Department was held not to be a "claim" within the scope of the statute.

The proposed act would expand present offenses in other respects. To cite a few examples, present law forbids a governmental employee to transact business as an agent of the Government with any "business entity" in the pecuniary profits of which he is interested. The comparable rule in the proposed act would apply not only to business transactions with business organizations, but to any kind of transaction with any kind of entity in which the employee has a substantial economic interest. Furthermore, unlike the present law, the statute specifies a number of specific situations where the employee is deemed to hold an economic interest, such as where that interest is in fact owned by his wife or child, or where he has an understanding as to future employment with a private person or firm.

Recommendation 4

"Certain important restraints now covered in regulations or not at all should be included in the basic statutes, particularly restraints relating to receipt of gifts and coercive use of office."

Present law would be further strengthened by the addition of two important areas of conduct heretofore treated only in regulations or not at all.

The first would forbid an employee of the Government to receive a thing of economic value as a gift, gratuity, or favor from anyone who the employee has reason to believe would not give the gift but for the employee's office or position with the Government. Furthermore, regular government employees are forbidden to receive gifts or favors from anyone who does business with or is regulated by his agency. Some room is left in the statute for minimal exceptions to be provided for in regulations.

The second new offense would forbid a government employee to use his office or position with the Government in a manner intended to induce or coerce a person or company doing business with him to provide him with any thing of economic value.

Recommendation 5

"The statutes should permit the retention by government employees of certain security-oriented economic interests, such as continued participation in private pension plans."

Hallmarks of modern American society are the pension plan, the group insurance plan, and other kinds of security-oriented arrangements. They are the basis of long-range economic planning by millions. Under present conflict-of-interest laws—passed when no such plans existed—there is some doubt whether an employee of the Government may legally continue as a member of some plans maintained by his former employer, at least if contributions to the plan by the employer are regularly made which benefit the Government employee. This overhanging doubt falls hard upon the noncareer employee.

The proposed act permits Government employees to continue their participation in certain private plans under some circumstances and with adequate safeguards. For example, it would permit a Government employee to remain a member of a pension, group insurance or other welfare plan maintained by his former private employer so long as the employer makes no contribution to the plan on behalf of the man in Government service. Similarly, a Government employee could continue to belong to certain of these plans even if the former employer does make contributions on his behalf, so long as the plans are qualified under the Internal Revenue Code and so long as the payments by the former employer continue for no longer than 5 years of Government service.

Recommendation 6

"Wherever it is safe, proper, and essential from the viewpoint of recruitment, the statutes should differentiate in treatment between regular employees and citizens who serve the Government only intermittently, for short periods, as advisers and consultants."

To an ever increasing extent the Government is dependent for information and advice—for learning not only how to do it, but what to do—upon part-time, temporary, and intermittent personnel. These serve individually, or as members of committees, but that service is in addition to their regular private work as scientists, technicians, scholars, lawyers, businessmen and so on. Technically, they are, however brief their service, employees of the Government, and at present, all of the conflict-of-interest statutes apply to them. This fact has brought about both refusals to serve and conscious or unconscious ignoring of the statutes by those who do serve. It has also resulted in a welter of special statutory exemptions.

The proposed act distinguishes, in a few key places where it is safe and proper, between rules for regular full-time Government employees and rules for what are defined as "intermittent employees." Under the

proposed act, an "intermittent employee" is anyone who, as of any particular date, has not performed services for the Government on more than 52 out of the immediately preceding 365 days. For such individuals, there are certain special rules under the proposed act. For example, regular full-time employees are forbidden to assist private parties for pay in transactions involving the Government; intermittent employees, who have to earn a living in addition to their occasional Government work, are allowed to assist others for pay in such transactions, except in cases where the particular transaction is, or within 2 years has been, under the intermittent employee's official responsibility or where he participated in the transaction personally and substantially on behalf of the Government.

Similarly, since intermittent employees, by definition, are employed by organizations in addition to the Government, they are not subject to the rule forbidding their Government pay to be supplemented from private sources in return for personal services. Finally, the rules as to receipt of gifts are different for the two classes of employees.

Recommendation 7

"Regular, continuing, and effective enforcement of the law and regulations should be assured by emphasizing administrative remedies, rather than the clumsy criminal penalties of present law."

The basic purpose of a system of conflict-of-interest restraints is to help maintain high ethical behavior in the executive branch of the Government. It is the judgment of this committee that the flexible and multiple weapons of the modern administrative process are more fitted to that task than the criminal law.

Because the present statutes rely on criminal sanctions, they are rarely enforced. They are, in many respects, too harsh for offenses they declare. Furthermore, enforcement by criminal law is difficult, expensive and time consuming. Accordingly, the proposed act relies basically on ordinary disciplinary procedures, including dismissal, for its sanctions. These procedures are supplemented by civil remedies particularly apt for former employees and nonemployees dealing with the particular agency—such as bans against appearances before the agency and civil damage actions.

The proposed act retains classical criminal penalties for the most flagrant violations: those committed "knowingly" or "purposely." The definitions of these terms are adopted from a draft Model Penal Code prepared by the American Law Institute.

Recommendation 8

"The statutes should create the framework for active and effective administration of the system of conflict-of-interest restraints, headed up with clear responsibility in the President. The President should designate, pursuant to the proposed act, an Administrator to assist him in this function."

One of the greatest deficiences in the present statutes is their failure to recognize the importance of a continuing administrative structure to deal with the problem of conflict-of-interest. The proposed act would specifically provide for such an administrative machinery.

Clear overall responsibility would be placed upon the President "for the establishment of appropriate standards to protect against actual or potential conflicts-of-interest on the part of Government employees and for the administration and enforcement of this act and the regulations and orders issued hereunder."

To assist the President in carrying out this responsibility, the act calls for the designation by him, from within the Executive Office of the President, of an "Administrator." He would be answerable directly to the President. He is given a series of coordinating, consultative and advisory functions under the act. He would work closely with the Department of Justice and agency heads or their designees, but his would be a small office, and in no sense charged with centralized operation or enforcement of conflict-of-interest restraints.

Recommendation 9

"In addition to the statutes themselves, there should be a "second tier" of restraints, consisting of Presidential regulations amplifying the statutes, and a "third tier," consisting of agency regulations tailored to the needs of particular agencies. The responsibility of day-to-day enforcement of the statutes and regulations should rest upon agency heads."

The proposed act contemplates the issuance by the President of a set of regulations extending, supplementing, implementing and interpreting the provisions of the act. The act also visualizes another set of regulations at the next lower level—that of the agency heads. The Presidential regulations would take precedence over any regulations issued by agency heads.

Agency regulations would tend to follow the present pattern, namely, particularized rules adapted to the special risks of the particular agency. For example, some agencies may have special rules on use of confidential information available within the agency. Others may adopt special post-employment restraints which go beyond the statutory provision. This diversity and particularization is realistic and desirable.

Recommendation 10

"At all levels of administration potential conflict-of-interest problems should be headed off by preventive action, such as, for example, orientation programs for all new employees to acquaint them with the applicable conflict-of-interest rules, and periodic reminders as to such rules."

Much can be done to fight the conflict-of-interests problem by preventive measures. Section 11 of the proposed statute makes several suggestions. New employees can be required to certify that they have read the conflict-of-interest rules and to report on their outside employment. In particular, an effective orientation program would be helpful. Agents and attorneys appearing before agencies can also be required to file an affidavit stating that they are not, by such appearance, violating any conflict-of-interest law.

Recommendation 11

"There should be more effective prohibitions and penalties applicable to persons outside Government who induce or participate in conduct by Government employees in violation of the conflict-of-interest laws."

Not infrequently a Government employee is found in a conflict-of-interest situation and penalized for it while the person responsible for placing him in the situation remains unscathed.

The proposed act contains a new and broad section making it a violation for a person to make a payment (or transfer any other thing of economic value) to a Government employee while "believing or having reason to believe that there exist circumstances making the receipt thereof a violation of" certain sections of the act. This prohibition also covers the making of gifts in the situations corresponding to the situations in which an employee may not receive a gift.

Both administrative and criminal sanctions are applicable to these violations by persons dealing with Government employees.

Recommendation 12

"Each committee of the Senate considering a Presidential nominee for confirmation should be given the benefit of a full analysis, prepared by the Administrator in consultation with the Department of Justice, of any conflict-of-interest problems the nominee's particular situation may present. The confirming committee should give due consideration to this analysis and to the protections afforded by a modern and effectively administered overall scheme of conflict-of-interest restraints, if one is put into effect."

There is substantial evidence that the Government's efforts to recruit top-level executives have been impeded by the requirements of stock divestment imposed by the Armed Services Committee of the Senate.

This problem cannot be dealt with by statute. The confirmation power is a constitutional prerogative. However, this problem should be a subject of joint concern and increased cooperation between the executive branch and the Senate. There is some evidence that recently the executive departments have taken more pains to prepare their nominees for confirmation. Legal opinions have on occasion been furnished by the Justice Department; plans have been worked out in advance of hearing as to what need be sold and what could be kept, and representatives of the appointing department or agency confer in advance of hearing with appropriate authorities of the committee.

If the proposed act were passed, the "Administrator" would become the central repository for all information concerning conflict-of-interest, and he would be expected to assist the executive branch in working out regular procedures for preparing nominees for confirmation. He could, in cooperation with the Department of Justice and general counsel to the agency in question, prepare a full analysis of the conflict-of-interest problems of the particular nominee. Over a period of time, these analyses might be given substantial weight by the confirming committees.

Furthermore, if a modern and effective system of statutory restraints is adopted by Congress and implemented by active executive branch administration, the confirming committees might be willing to place greater reliance on the statutory rules and procedures. One clear example is the procedure for disqualification recognized by the proposed act where a Government official holds a particular economic interest in a private entity.

Recommendation 13

"The Congress should initiate a thorough study of the conflict-of-interest problems of Members of Congress and employees of the legislative branch of the Federal Government."

Primarily because of their representative function, Members of Congress and legislative branch employees are, in matters of conflict of interests, in a significantly different position from that of executive branch employees. As such, Congress must be considered separately.

A fresh examination of these problems by Congress, or by a study group initiated by Congress, is needed. However, such a study should in no way deter immediate action with respect to the executive branch along the lines of the proposed act.

The committee's proposed program can be best assessed against the background of the more general discussion, analysis, and findings in the report. Appendix A to this statement summarizes some of the more salient features of this background.

APPENDIX A—SUMMARY OF BACKGROUND

A. HISTORICAL BACKGROUND

The United States is today relying upon conflict-of-interest laws whose basic design was largely laid down at around the time of the War Between the States. It was 1853 and Millard Fillmore was President when the first of the present seven general conflict-of-interest laws went on the books; it forbade employees of the Government to prose-

cute claims against the Government. The second, enacted in 1862, forbade Government employees to take pay for assisting another person to obtain a Government contract. In 1863, employees were forbidden to transact business on behalf of the Government with any business entity in which they had a financial interest. And in 1864, the scandals of the Civil War forced Congress to reinforce the earlier statutes by making it unlawful for a Government employee to perform services for any private person or institution if the services involved something in which the Government was interested and were performed before a governmental department or agency. In 1872, as abuses continued, employees of the Government were forbidden for 2 years after leaving from prosecuting against the Government claims that had been pending in the Government departments during the period they held office.

The general history of the period and the debates in Congress throw light on the purposes of these statutes. The U.S. Government was small in size and limited in function. An ordinary man seldom came into contact with the Government; when contact occurred at all, it was likely to take the form of making a contract with the Government or making a demand or claim against it for money or property. Administrative machinery for making contracts and adjudicating claims was informal and vulnerable to corruption.

The Government was not only small and limited, but rudimentary in its administrative organization. Its employees—few or none of them specialists—were recruited through the Spoils System. They tended to regard a Government job—and what they could make out of it—as a legitimate reward for party service. A change of administration brought a sweeping change in personnel; there were few permanent Government servants. Furthermore, by prevailing legal and administrative practice, whenever it was necessary to establish rules for governmental employees the appropriate vehicle was considered to be a statute from Congress covering everybody and backed up with criminal penalties.

During the mid-1800's, and particularly as a result of the abnormal strain put on the inexperienced Government by the Civil War, a rash of scandals occurred. They centered upon two areas of governmental activity—the letting of contracts and the adjudicating of claims. Congress responded from time to time with the statutes which are now—but were not then—referred to as dealing with conflict of interests. Little or no thought was given to making the statutes consistent or to estimating what effect they would have on the recruitment of governmental personnel. Nor was any of them intended to reach beyond the precise sort of corruption that had come to light in the scandals. Hence, the present law of conflict of interest is designed to control ancient abuses in the prosecution of claims against the Government and the letting of Government contracts.

The 20th century has added only two statutes to the general law of conflict of interest. One, enacted in 1948, merely reinforces the restraints on the prosecution of claims against the Government by former employees. The other, passed in 1917, added a new concept; it forbids a governmental employee to receive a salary from a private source for the work he performs for the Government, and forbids the outside source to supplement his salary.

The law of conflict of interest, however, does not end with these statutes. They are the most important, first, because they purport to cover everybody who works for the Government, and second, because they provide the basic framework of the law. They are supplemented, however, by a number of scattered additional statutes that apply only to particular jobs or particular individuals. As a result of pressure for manpower, there has also grown up over the years an enormous number of special and partial exceptions and exemptions to the general statutes.

This antique statutory system cannot do the job that needs to be done today. The statutes themselves are inconsistent, overlapping, vague, and unreasonably complicate, and do not meet current needs.

B. SCOPE OF THE REPORT

The unique principle underlying the general laws on conflicts of interest is as sound today as it was when it first was expressed in the form of statutes. Suppose an agent of the Internal Revenue Service is assigned to check and investigate his own tax returns. On the one hand, he represents the interest of the Government in collecting taxes; on the other, he has a personal economic interest in paying as little as possible. The evil is that the judgment of the agent is likely to be warped by the position that he is in, or that the public is likely to think it has been warped. Laws against "conflict of interest" are designed to head off an actual corrupt act, or the appearance of one, by forbidding governmental employees in advance to occupy a position where public and private interests may conflict.

Conflict of interest is therefore distinct from theft; the tax agent has not physically taken anything from the Government. It is also distinct from bribery, for the agent has received no payment intended to influence his official conduct. It is his official status—his status as a governmental employee—that creates the problem; conflict of interest is essentialy an offense arising out of that special status. Even if he in fact properly discharges his duty to the Government, the offense has been committed.

A democratic government cannot risk having its officials in a position where loyalty to their official duties conflicts with their personal economic interest. The history of man shows that in such a case some will succumb to temptation to the public injury. A corrupt government is an inefficient government. A government that plays favorites is fundamentally objectionable to the principle that everybody is equal under the law, as well as to the belief that public office is not to be used for private gain. Then, too, democratic government is derived from the consent of the governed, and consent requires confidence; if people believe that the Government is corrupt, they soon will lose their confidence in it. Even if the agent is tough with his own tax return, the situation looks corrupt, and, so far as the confidence of the public is concerned, the appearance of corruption is as harmful as the reality. Finally, the proper and approved channels through which government decisions are made are subverted when an official gets something for himself or another by the secret and improper use of his own office.

This study is limited to the kind of conflict-of-interest situation described above, official duty versus personal economic interest. There are several other limits. The study examines the conflict-of-interest problems of the executive branch only. The legislative branch is so different from the executive and so complex that an independent, separate study project, at least as extensive as this one, would be needed. Such a study of conflict-of-interest problems in the legislative branch should however be undertaken. No substantial reasons currently appear for a similar study of the judicial branch.

The personal conflict-of-interest problems of the President and Vice President are distinct from those of the rest of the executive branch and are therefore outside the scope of the report and of its recommended act. Finally, although a conflict would arise between an official's duty to the Government and, say, his loyalty to his own family or church or college, the study is restricted to conflicts involving the employee's economic interests only on the grounds that only they are susceptible to regulation by law.

C. ENFORCEMENT AND ADMINISTRATION

Existing restraints on conflict of interest are inadequately administered by the Executive Branch of the Government. This is partly because the general laws, by their nature and structure, defy effective and continuous enforcement. Enforcement also has lagged because enforcement duties are widely dispersed and no single coordinating authority is responsible for dealing with the problem.

Violation of the general statutes is punishable by fine and imprisonment, but over the years, only a relatively few prosecutions have been brought. The nature of the statutes themselves make enforcement difficult. Furthermore, the penalties do not always fit the crime; over-harsh statutes often go unenforced.

Since the statutes are inadequate and largely unenforcible, the task of guarding against conflicts of interest falls upon the departments and agencies of the Executive Branch. No central office in the executive branch has responsibility for controlling or coordinating the administration of ethical conduct among Government employees. Although ultimately it is the task of the Presidency to establish and maintain suitable standards of behavior, no President has built up an organization to carry out this purpose. Nor has any other agency with government-wide interests in personnel done so; the Civil Service Commission, the Attorney General, the President's Assistant for Personnel Management, the Bureau of the Budget, the Cabinet Secretariat—all of these in minor respects have something to do with the problem, but for a variety of reasons none has been given or has assumed authoritative and centralized control.

The task of promulgation and enforcement of conflict of interest restraints has ultimately fallen upon the operating departments and agencies. While they have been far more energetic than the agencies of general powers, their record is uneven. A few have done little or nothing; a large majority have issued regulations, but have not been active in enforcing them; a small number have not only developed detailed regulations but also have vigorously enforced them.

Regulations exhibit a healthy diversity as new and appropriate restraints have been developed to fit the peculiar problems of conflict of interest presented by the particular task that the agency is performing. At the same time, most regulations touch upon five basic kinds of potentially dangerous conduct by government employees: (1) acceptance of gratuities; (2) outside nongovernmental employment; (3) private financial interests; (4) use and disclosure of governmental information; and (5) transaction of business with the agency by a former employer.

A few agencies have also developed vigorous and effective enforcement programs. A number of techniques are used that are designed to assure compliance with the regulations on a day-to-day basis. Among them are programs orienting new employees to the problems of conflict of interest; rules that employees certify in writing that they have read the laws and regulations and are in compliance with them; procedures under which an employee can disqualify himself from an assignment that contains a conflict of interest; procedures for review of outside employment; and rules

requiring that employees regularly report outside interests that may be in conflict with official duties.

A general, and very important, conclusion of the study is that the administrative process, including well-tailored regulations, imaginative compliance procedures, and flexible penalties is far better adapted to deal with the problem of conflict of interest than the criminal law. At the present time, a few agencies are making substantial and well-conceived efforts to use these advanced administrative techniques. What the few have done, all should do.

D. THE ROLE OF CONGRESS

In addition to its role as legislator of the statutory conflict-of-interest laws, the Congress plays an important part in the development and enforcement of other restraints on conflict of interest in the executive branch.

1. Through confirmation of presidential nominees: In discharging their constitutional duty to confirm nominees of the President for executive office, the various committees of the Senate can have a considerable impact on the field of conflict of interest. In recent years, the Armed Services Committee has been particularly active in forcing nominees to sell stockholdings in companies involved in any way with defense, and thus sever some of their financial ties with private life. The committee's concern stems from the risk of conflict of interest arising out of the multibillion-dollar procurement programs of the Department of Defense. A survey of its hearings discloses that it proceeds from case to case, on an ad hoc and unpredictable course, sometimes requiring stringent divestment of stock and sometimes not. It has shown relatively little interest in forms of wealth other than stock, though no real reason exists for this result. There is evidence that its strict and inconsistent standards have been a thorn in the side of the President in seeking high officials for the Defense Department. It appears, however, that the executive branch has been developing new procedures for preparing nominees for confirmation and that the committee itself may be moving away from its most extreme position of compulsory divestment.

The conflict-of-interest statutes have received little mention in the hearings of the confirming committees; the committee's self-created standards emphasize the avoidance of the appearance of conflicts of interest.

Few other confirmatory committees have seriously inquired into the conflict-of-interest position of nominees.

2. Through general investigations: Congress also is active in the conflict-of-interest field through general investigations of government-wide problems of ethics. Between 1948 and 1953, committees examined alleged misconduct in a number of agencies, including the Department of Justice, the Federal Housing Administration and the Treasury Department. In 1951, the Douglas subcommittee, after extensive hearings, warned the Nation that it faced major ethical problems throughout the Federal establishment. Among the direct results of these hearings was a tightening of the ethical regulations of the agencies.

The first investigation expressly and exclusively addressed to problems of conflict of interest was commenced in 1957 by the Antitrust Subcommittee of the Judiciary Committee of the House of Representatives (the Celler committee). In 1958, the staff of that committee produced an extensive study of the law and regulations on conflict of interest and proposed important legislative changes.

Only recently the so-called Hébert committee, after considerable hearings, has recommended tightening of the law with regard to the hiring by defense contractors, of retired, high-ranking military personnel.

3. Through investigations of specific cases: Finally, by investigating specific cases of misconduct by governmental officials, Congress has had a significant impact both on the enforcement of conflict-of-interest restraints and the development of new restraints. Toward the end of the Truman administration, the cases investigated tended to involve alleged overt misbehavior, bribery, influence peddling, improper receipt of gifts and the use of public office to obtain favors for friends. During the Eisenhower administration, ethics cases have inclined more directly to involve the problem of conflicting interests.

4. Summary: In the field of conflict of interests, Congress has been more energetic and vigorous and in confirmation proceedings and investigations than it has in enacting new legislation. It has, however, moved ahead of the executive branch in leadership in the area of public ethics by inquiring into the conduct of governmental employees, articulating new standards of behavior, devising proposals for reform, rooting out evildoers, and, in general, maintaining constant pressure for ethical conduct on the part of the executive branch of the Government.

E. IMPACT OF CONFLICT-OF-INTEREST RESTRAINTS ON RECRUITMENT OF FEDERAL PERSONNEL

Conflict-of-interest restraints inevitably require public employees to adjust their personal affairs and perhaps to sacrifice some of their personal economic interests. The question is how much adjustment, how much sacrifice, is tolerable? No one, either at the time the present statutes were passed or since, has seriously inquired into this important issue. Although only approximations are possible in this field, the findings of this committee are as follows:

1. The present restraints do not deter the recruitment of full-time employees covered by the Civil Service System.

2. The present restraints—statutes, regulations, and congressional action—are a source of substantial deterrence in recruiting the more than 1,000 high-level "political executives."

(a) The strict requirements of the Senate Armed Services Committee on the divestiture of stock have made it difficult for the Department of Defense to procure top level executives. Most hard hit by the committee's rule are men owning and controlling family businesses.

(b) The restrictions of the statutes are apt to fall most heavily on the middle ranking and middle income business executive particularly as a result of the statute prohibiting the employer to supplement the employee's salary while on Government service. This statute is interpreted by some to compel the employee to abandon his pension and insurance plans held with his private employer.

(c) The statutes fall particularly harshly on lawyers, for several reasons, but seem not to have seriously impaired the availability of lawyers to work full time for the Government.

3. The statutes are serious deterrents to the recruitment of part-time and intermittent advisers and consultants, particularly lawyers.

4. The statutes not only discourage citizens from entering the Government, but to some extent encourage them to leave it.

5. Because of the difficulties of recruitment, in part because of low salaries and the rule against outside compensation, the Government has in some instances had to obtain assistance and advice informally and outside the proper and regular channels.

6. To the extent that the conflict-of-interest restraints discourage the flow of private citizens into the Government, they create a barrier to the flow of vitally needed information and ideas—particularly in the scientific and technical fields—to the Government.

F. BASIS FOR A NEW PROGRAM

Present restraints on conflict of interest are obsolete, their enforcement is inadequate, and their administration is insufficient. A thoroughgoing reconstruction of the entire machinery is urgently called for. Such a reconstruction must be founded on the relevant realities of the American Government in the 20th century.

Foremost among those realities are the following:

1. The enormous size of the Government: Today, the Federal Government is the most important single force in economy.

2. The mixed economy: Today the Government is deeply involved in such things as housing, roadbuilding, shipping, farm production, small business financing, scientific research and atomic energy. It carries on these activities through contracts, subsidies, guarantees, direct financing, technical advice and other new partnership arrangements between the Government and private parties. Indeed, there has occurred an interpenetration of Government and private institutions to such an extent that the classical dichotomy between Government and non-Government has become indistinct. The merger of private and public interests brought about by the mixed economy means that the simple assumptions of the present law will no longer hold up.

An additional consequence has been that today the Government touches and concerns the daily lives of citizens and institutions in hundreds of ways. Conflict-of-interest laws protecting only against abuses in the bringing of claims or the making of contracts are too limited.

3. The modern Federal personnel system: Unlike the period when the present law was passed, more than 90 percent of the Government's 2.4 million civilian employees are under civil service or some other merit system.

Even in the civil service there is a 20- to 25-percent turnover every year, and the problem of procuring and retaining civil servants is a very real one.

The Federal personnel system is based on the civil service, and above it, an ever-changing group of some 1,000 policymaking political executives ranging from heads of agencies down. They serve for relatively short periods of time and do not expect to make Government service a career.

Recent administrations have found it increasingly difficult to recruit such vital leadership. One reason is the low pay scales of the Government; it cannot compete in the marketplace with industry, foundations, and even universities.

Secondly, most Americans eligible for such positions, and particularly the business executive in the prime of his career, are involved in and are members of an organization and fear that they will lose their place on the promotional ladder if they leave. What is more, the movement of business executives is restricted by the complex network of pensions, insurance, and other security-oriented forms of compensation.

The basic reality is that for political executives at least, and even for the civil servant, there is a constant flow out of Government and there must be a constant flow into Government of able personnel.

The Government increasingly has been relying during the last generation on experts, consultants, and other personnel who serve only temporarily and intermittently. Many of these serve on advisory committees, of which some 2,000 are estimated to be in existence. Apparently the needs of the Government can only be served by use of such personnel. It follows that the Government and the private sector of the economy have become in a very real sense merged. Hence, any modern conflict-of-interest system must recognize and allow for this vital portion of the Government's personnel system.

4. The modern administrative procedures: Today new administrative and legal theories make it possible to deal with the problem of conflict of interests with far greater refinement and precision than of old. Moreover, such administrative techniques have already succeeded in reducing, if not eliminating, some of the dangers against which the original statutes were addressed. Thus, the prosecution of claims is no longer a serious problem, and even contracting procedures have so improved that there is little chance of substantial corruption.

Mr. KEATING subsequently said: Mr. President, the Executive Conflict of Interest Act of 1960 which has been offered today by my distinguished senior colleague from New York and myself and cosponsored in the House of Representatives by the able Representative from New York, Mr. LINDSAY, is the result of an exhaustive 2-year study by the special committee on the Federal conflict-of-interest laws of the Association of the Bar of the City of New York. The committee was made up of 10 outstanding attorneys and headed by Roswell B. Perkins, of New York City. Its 600-page report is an important contribution to a fuller understanding of the problems involved in this complex field of conflict of interest and offers reasonable and sound solutions to these problems.

The legislation we have introduced seeks to codify the various conflict-of-interest laws which are now distributed throughout our statute books. It seeks to modernize those laws and to extend them to cover all phases of activity under the Federal Government. The bill includes within its purview consultants with the Federal Government, and provides for an administrator to oversee the operation of the statute from the Executive Office.

While the language of almost any bill can be improved by hearings and study, I am convinced that this measure is a significant step in the right direction. It represents a thoroughly researched and carefully drafted attempt to deal with the very real problems in this field. It should go a long way to curb and deter those in the small minority who would breach the standards of ethical conduct which should be adhered to by all public servants. At the same time, it provides guidelines to prevent honest employees from inadvertently straying from the letter of the law.

Although the legislation we have introduced does not cover the legislative branch of the Government, it is significant to note that the special committee which drafted it recommends that this aspect of the problem be studied. I have previously offered legislation in this field which would establish a Commission on Ethics in the Federal Government to work for that goal. I feel very strongly that this branch of Government should be covered by the same conflict-of-interest statutes which apply to the other branches, and I hope before long we will place such legislation on the statute books.

Mr. President, the American people have every right to expect the highest degree of ethical conduct by those who serve them in the Federal Government. We must take every step possible to insure that no taint of corruption or conflict of interest touches these people.

In fairness to all concerned, we need to bring our conflict-of-interest laws up to date, we need to clarify them so that all can understand their meaning and application, and we need to strengthen and tighten up their provisions. The measure Senator JAVITS and I have today introduced will substantially achieve those objectives. Its enactment will raise the level of personnel in the Federal service and will raise the public recognition of the honesty and integrity of these public servants. I hope this proposal receives the prompt, thorough, and favorable consideration it deserves.

Mr. President, this morning's New York Times contains a summary of the report issued by the special committee on Federal conflict-of-interest laws of the Association of the Bar of the City of New York. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 23, 1960]

SUMMARY OF STUDY ON INTEREST CONFLICTS IN U.S. JOBS

We are today releasing a prepublication edition of a report based upon more than 2 years of study of the so-called conflict-of-interest laws of the Federal Government. Also, we expect that there will be introduced today in both Houses of Congress a proposed Executive Conflict-of-Interest Act, which has been drafted by this committee and which is designed to remedy the manifold defects of the present law. Our findings and recommendations, which are set forth in the report, are expressed in statutory form in the proposed act.

The report will be published in the fall by the Harvard University Press.

This committee is issuing this prepublication mimeographed edition of its report so that it will be available at the public hearings on the topic of the conflict-of-interest laws which commenced on February 17, 1960, before the Antitrust Subcommittee of the Committee on the Judiciary of the House of Representatives. The House Judiciary Committee, under the chairmanship of Representative EMANUEL CELLER, of New York, has already made an important contribution to the wider understanding and improvement of this confused, but crucial, area of law and public administration. The public hearings, which have just opened, should further advance the cause of urgently needed reform. Accordingly, we have distributed some 200 mimeographed copies of prepublication edition of the report to Members of Congress, the press and to various Federal departments and agencies.

This official summary has been prepared for the information and guidance of those interested persons to whom the report is not available and as a guide to the report.

OBJECTIVES

The report of the committee has two themes. The first is that ethical standards within the Federal Government must be beyond reproach, and that there must, accordingly, be effective regulation of conflicts of interest in Federal employment. The second is that the Federal Government must be in a position to obtain the personnel and information it needs to meet the demands of the 20th century.

These themes are coequal. Neither may be safely subordinated to the other. What is needed is balance in the pursuit of the two objectives. We need a longrun national policy which neither sacrifices governmental integrity for opportunism nor drowns practical staffing needs in moralism. We need a careful regulatory scheme that effectively restrains official conflicts of interest without generating pernicious side effects on recruitment.

The basic conclusion of the committee is that such a scheme can be worked out. The report and the proposed act contain a recommended new program for achieving this result.

ASSESSMENT OF EXISTING RESTRAINTS

The committee has concluded that the legal and administrative machinery of the Federal Government for dealing with the problem of conflicts of interest is obsolete, inadequate for the protection of the Government, and a deterrent to the recruitment and retention of executive talent and some kinds of needed consultative talent.

OBSOLESCENCE

The statutory law—most of it a century old—is not broad enough to protect the Government against the manifold modern forms of conflict of interest. Most of the statutes were and are pointed at areas of risk that are no longer particularly significant, mainly the prosecution of Government claims. Today, with the greatly expanded regulatory functions of the Federal Government, applications for rulings, clearances, approvals, licenses, certifications, grants and other forms of Government action are far more significant in the daily operation of Government than the prosecution of claims. Several of the basic statutes now on the books do not concern themselves at all with these modern governmental activities.

Other aspects of obsolescence in the present statutes are:

(a) Their focus of interest upon a class of lower ranking politically appointed clerks that has disappeared. The Government today obtains its manpower through a vast civil service, a top layer of short-term political appointees, an increasing group of advisory and part time personnel, and through an unlimited variety of contracts for services provided by non-Government personnel.

(b) Their failure to recognize internal procedures of modern government, such as the flexible processes of personnel administration available to assist in enforcement.

(c) Their lack of recognition of the facts of modern economic life, such as the existence of private pension plans.

(d) Their failure to recognize the essential blending of public and private endeavor in the modern American society, as illustrated by the partnership of Government, industry and educational institutions in the science field.

INADEQUATE ADMINISTRATION

Partly by reason of the deficiencies in the statutory law, administration of the conflict-of-interest restraints has always been weak. The Government has failed to provide a rational, centralized, continuing and effective administrative machinery to deal with the problem. If the statutes presented a coordinated whole—a unified program—and if they imposed direct responsibility on the President to carry out that program, the central coordination and leadership missing in the past would improve. A well-administered program could, and should guide the thousand good men as well as snare the one bad one.

UNCERTAINTY IN INTERPRETATION

Enacted fitfully over a 100-year span, the uncoordinated statutes are inconsistent, overlapping and at critical points defy interpretation.

THE CONGRESS

Congress has done a useful and constructive job in its capacity as investigator. But the Senate confirming committees have seldom considered the overall issue of conflict

of interests in relation to recruitment. The Armed Services Committee has applied a wavering standard of stock divestment, useful for certain purposes, but overemphasizing one single source of conflict-of-interest problems and having little bearing on the question of actual official conduct.

RECRUITMENT

The main adverse effect of the present system is its deterrent effect on the recruitment and retention of executive talent and some kinds of consultative talent. The restrictions tend to encircle the Government with a barricade against the interflow of men and information at the very time in the Nation's history when such an interflow is most necessary.

RECOMMENDATIONS

The defects in the present law cannot be cured by tinkering. A thoroughgoing reconstruction is called for—a new program of controls designed for modern needs, providing for adequate administration, and written as an integrated unit. The program must achieve a balance between the Nation's need for protection against conflicts of interest and its need for personnel.

The committee's basic recommendations are these:

1. Conflict-of-interest problems should be recognized and treated as an important, complex, and independent subject of attention and concern in the management of the governmental establishment.

2. The present scattered and uncoordinated statutes relating to conflicts of interest should be consolidated into a single unified act, with a common set of definitions and a consistent approach. Archaic provisions should be repealed.

3. The restraints contained in the present statutes should be greatly expanded in their scope by making them applicable to essentially all matters in which the public deals with the modern Federal Government.

4. Certain important restraints now covered in regulations or not at all should be included in the basic statutes, particularly restraints relating to receipt of gifts and coercive use of office.

5. The statutes should permit the retention by Government employees of certain security-oriented economic interests, such as continued participation in private pension plans.

6. Wherever it is safe, proper, and essential from the viewpoint of recruitment, the statutes should differentiate in treatment between regular employees and citizens who serve the Government only intermittently, for short periods, as advisers and consultants.

7. Regular, continuing, and effective enforcement of the law and regulations should be assured by emphasizing administrative remedies rather than the clumsy criminal penalties of present law.

8. The statutes should create the framework for active and effective administration of the system of conflict-of-interest restraints, headed up with clear responsibility in the President. The President should designate, pursuant to the proposed act, an administrator to assist him in this function.

9. In addition to the statutes themselves, there should be a second tier of restraints consisting of Presidential regulations amplifying the statutes, and a third tier consisting of agency regulations tailored to the needs of particular agencies. The responsibility for day-to-day enforcement of the statutes and regulations should rest upon agency heads.

10. At all levels of administration potential conflict-of-interest problems should be headed off by preventive action, such as, for example, orientation programs for all new employees to acquaint them with the applicable conflict-of-interest rules, and periodic reminders as to such rules.

11. There should be more effective prohibitions and penalties applicable to persons outside Government who induce or participate in conduct by Government employees in violation of the conflict-of-interest laws.

12. Each committee of the Senate considering a Presidential nominee for confirmation should be given the benefit of a full analysis, prepared by the administrator in consultation with the Department of Justice, of any conflict-of-interest problems the nominee's particular situation may present. The confirming committee should give due consideration to this analysis and to the protections afforded by a modern and effectively administered overall scheme of conflict-of-interest restraints, if one is put into effect.

13. The Congress should initiate a thorough study of the conflict-of-interest problems of Members of Congress and employees of the legislative branch of the Federal Government.

The program advanced here will not solve the problem of conflict of interests in Federal employment. Like most problems, this is one we must live with permanently, strive to mitigate, and adjust to. The program proposed, however, will do several things.

It meets the flaws of the present pattern of conflict-of-interest restraints—obsolescence, weakness of administration, and faulty drafting. It would greatly strengthen the main policy of the conflict-of-interest statutes—preservation of the integrity of Government. It would provide for an integrated and comprehensible system of standards and sanctions, together with an effective machinery for administering that system. It is grounded upon a realistic conception of the problem of conflicting interest, as it appears in the modern setting of American Government and society. It would make a significant contribution toward intelligent staffing of the Federal Government for world leadership.

BAR COMMITTEE'S MEMBERS

WASHINGTON, February 22.—Following is a list of the members of the special committee on the Federal conflict-of-interest laws of the Association of the Bar of the City of New York:

Howard F. Burns, partner, Baker, Hostetler & Patterson, Cleveland, member of the council of the American Law Institute; Charles A. Coolidge, partner, Ropes, Gray, Best, Coolidge & Rugg, Boston, former Deputy Director of Internal Security Affairs, Department of State; Paul M. Herzog, executive vice president of the American Arbitration Association, New York, former Chairman of the National Labor Relations Board, former associate dean of the Graduate School of Public Administration, Harvard University; Alexander C. Hoagland, Jr., practicing lawyer associated with Curtis, Mallet-Prevost, Colt & Mosle, New York City; Everett L. Hollis, corporate counsel, General Electric Co., New York City, former General Counsel, Atomic Energy Commission; Charles A. Horsky, partner, Covington & Burling, Washington, former assistant prosecutor at Nuremberg with the Chief of Counsel for War Crimes; John V. Lindsay, U.S. Representative from the 17th Congressional District, New York, partner, Webster, Sheffield & Chrystie, New York City; John E. Lockwood, partner, Milbank, Tweed, Hope & Hadler, New York City, former General Counsel, Office of Inter-American Affairs; Roswell B. Perkins, chairman, partner, Debevoise, Plimpton & McLean, New York City, former Assistant Secretary of Health, Education, and Welfare, former counsel to the Governor of the State of New York; Samuel I. Rosenman, partner, Rosenman, Goldmark, Colin & Kaye, New York City, former special counsel to Presidents Roosevelt and Truman, former justice of the Supreme Court of the State of New York.

AUTHORIZATION FOR APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, by request, a bill, S. 3084, to authorize appropriations for the AEC in accordance with section 261 of the Atomic Energy Act of 1954, as amended.

S. 3084 authorizes, in section 101, $171,256,000 for new AEC construction projects for the entire atomic energy program, including items for the production of special nuclear materials, atomic weapons, reactor development, physical research, biology and medicine, community, and general plant projects.

The bill also provides, in section 109, funds for the cooperative power reactor demonstration program, amounting to an increase of $40 million. In section 110 the bill authorizes $5 million for a cooperative research and development program with Canada in connection with heavy water moderated nuclear powerplants.

The Joint Committee on Atomic Energy plans to hold hearings on this bill March 8–10 and April 5–7, 1960. In the March hearings, the committee plans to consider all construction projects in section 101; and in the April hearings, the committee will concentrate on the cooperative atomic power program and the proposed cooperation with Canada for the heavy water moderated reactors. The hearings will, for the most part, be held in public, although aspects of the production and atomic weapons programs will necessarily be considered in executive session.

I am introducing this bill by request, since it is in the form requested by the Atomic Energy Commission. The Joint Committee will give careful and thorough consideration to each item in the bill and, as in the past, it is entirely possible that the Joint Committee may recommend some changes in order to assure an atomic energy program consistent with our long-range national needs and objectives.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3084) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, introduced by Mr. ANDERSON, by request, was received, read twice by its title, and referred to the Joint Committee on Atomic Energy.

NATIONAL AMERICAN GUILD OF VARIETY ARTISTS WEEK

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a joint resolution to designate the week of June 5–11, 1960, as National American Guild of Variety Artists Week. A companion measure is today being introduced in the other body by that great champion of the American entertainer, the Honorable SEYMOUR HALPERN, of New York.

Designation of this week would be a fitting salute to people who have spread

the sunshine of entertainment and happiness all over the world. It would constitute an appropriate recognition of their untiring efforts in behalf of a myriad of worthy causes.

Over the years members of the guild have been extremely generous in the donation of their time and talents to benefit persons of every race, color, creed, or national origin. As the president of the guild, the incomparable Joey Adams has pointed out, "The variety entertainer is synonymous with charity."

At the same time, by hewing to the principle that it is talent and skill alone that counts—not color of skin, or house of worship, or some other superficial attribute—American entertainers have set a fine example for men of good will everywhere to emulate.

AGVA is now planning to establish a home in Fallsburg, N.Y., for retired and indigent members of the profession. During the week which is proposed by this joint resolution Americans everywhere would be given an opportunity to contribute to this most worthy endeavor.

Mr. President, I am pleased to salute Joey Adams and other members of his profession for their many past humanitarian endeavors. I commend them for the drive they have launched to provide a haven for retired entertainers. I hope the Congress will grasp the opportunity offered by this joint resolution to express its appreciation, congratulations, and best wishes to this outstanding group. By enacting this joint resolution, we can resoundingly applaud the 20,000 members and their families who make up the National American Guild of Variety Artists.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of this joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 168) designating the week of June 5–11, 1960, as National American Guild of Variety Artists Week, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows.

Whereas for many years performers and artists in the variety field have circled the globe with their hearts and talents to bring entertainment and joy to all places and under all conditions; and

Whereas performers and artists in the variety field have unstintingly given of their services to the American people in behalf of every cause regardless of race, creed, or color: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 5–11, 1960, be designated as National American Guild of Variety Artists Week, in recognition of the outstanding services of performers and artists in the variety field to the American people.

CIVIL RIGHTS ACT OF 1960—ADDITIONAL COSPONSORS OF BILL

Under authority of the orders of the Senate of February 16 and 17, 1960, the names of Senators HART, HUMPHREY, MCCARTHY, PROUTY, HENNINGS, PASTORE, CASE of New Jersey, MORSE, and NEUBERGER were added as additional cosponsors of the bill (S. 3045) to effectuate and enforce the constitutional right to the equal protection of the laws, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. DOUGLAS) on February 16, 1960.

PROTECTION OF RIGHT TO VOTE IN FEDERAL ELECTIONS—ADDITIONAL COSPONSOR OF BILL

Under authority of the orders of the Senate of February 16 and 17, 1960, the name of Mr. HUMPHREY was added as an additional cosponsor of the bill (S. 3046) to protect the right to vote in Federal elections, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. DOUGLAS) on February 16, 1960.

TRAFFIC IN OBSCENE MATTERS AND MATERIALS—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. MUNDT. Mr. President, I ask unanimous consent that if there is an additional printing of the joint resolution (S.J. Res. 160) to provide for a conference consisting of Federal, State, and local officials, and members of public and private groups or organizations to consider and propose methods of, and to coordinate action for, combating the traffic in obscene matters and materials, introduced by the Senator from Pennsylvania [Mr. SCOTT], on behalf of himself and other Senators, on February 15, 1960, my name may appear as one of the cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO COMMERCE DEPARTMENT APPROPRIATION BILL

Mr. HOLLAND submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes, the following amendment, namely:

"On page 9, line 22, after the word 'cadets', insert the following: ': *Provided*, That not to exceed $100,000 of the unobligated balance of the appropriation "Ship construction (liquidation of contract authorization) maritime activities," may be transferred to this appropriation for the purpose of providing furnishings and equipment for the Memorial Chapel at King's Point, N.Y. (62 Stat. 172).'"

Mr. HOLLAND also submitted an amendment, intended to be proposed by him, to House bill 10234, making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. ELLENDER:

Address by Senator Moss delivered before the third annual Attorney General's Conference, New Orleans, La., February 19, 1960.

By Mr. SCOTT:

Address by Senator KEATING delivered at reception by World Academy in Jerusalem in honor of Rabbi Herbert S. Goldstein; and address delivered by Rabbi Herbert S. Goldstein at the same reception, on the occasion of his 70th birthday, January 31, 1960.

REPORTING OF DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATION BILL

Mr. HOLLAND. Mr. President, I wish to announce to the Senate that yesterday the appropriation bill for the Department of Commerce and related agencies was marked up by the full Appropriations Committee, and was filed before the recess of the Senate. I wish to call attention to the fact that the bill, H.R. 10234, is No. 1139 on the calendar; and the committee report has been printed, and is available to all Senators. It is report No. 1097. I hold a copy of it in my hand, and all Senators can secure copies at this time. The hearings, which amounted to 797 pages, have been printed, and are available to all Senators.

I am making this announcement for two reasons: First, I am happy about the cooperation of all members of the subcommittee and the full committee, which enabled us to get the report out yesterday—which is early in the session; second, I want all Senators to know that the measure is on the calendar, and I hope it may be brought up for early action, because the committee was proceeding, as it understood, under the request of the majority leader and the minority leader to get an appropriations bill on the calendar, ready for action.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. Is the Senator from Florida in position to join in giving unanimous consent to have the Senate proceed at this time with the consideration of that bill?

Mr. HOLLAND. I am not, because I am under the necessity of calling for a quorum if unanimous consent is requested for the consideration at this time of that measure or any other measure. But I am prepared to join in having the bill taken up on a few minutes' notice, and I am prepared at any time to support a motion to take up the bill.

I have been told that under the rule the bill cannot come up today. But I hope it will come up at the first moment possible under the rule; and I am ready to handle the bill on the floor.

As I understand, I have proceeded under the request, if not the direction, of the leadership on both sides, in expediting the reporting of the bill, so the Senate could get to it.

Mr. JOHNSON of Texas. The Senator from Florida is absolutely correct, so far as I am concerned. I have asked not only him, but all other members of the Appropriations Committee, to do all they could to expedite the reporting of all appropriation bills, because I believe it important that the printed hearings and reports be available at the earliest possible time.

But I gather that the Senator from Florida is not in a position to join in a unanimous-consent request to have the bill taken up at this time, if such a request were made.

Mr. HOLLAND. I am not in a position to act, by myself, for all Senators who may be interested. So I would call for a quorum.

I, myself, would not object to having the bill taken up at this time, but I would not permit that action to be taken without calling for a quorum.

Mr. JOHNSON of Texas. I understand.

For the information of the Senator from Florida—although I think it is information which he may have—such consent would not be given at this time.

Mr. HOLLAND. I do not have that information; but I do have information that all Senators would be interested in this matter. So I would not agree to have the bill taken up by unanimous consent without having a quorum call to give any Senator who has any interest in regard to the time when the bill is taken up an opportunity to be present when the matter is discussed.

Mr. JOHNSON of Texas. I appreciate very much the constant cooperation of the Senator from Florida. If he will pursue the matter further, and if he will give me any information he is able to obtain about the willingness of the members of the committee or other Senators to proceed, under a unanimous-consent agreement, to take up the bill and to limit the time available for debate on it, I shall be glad to have that information and to consider it.

Mr. HOLLAND. I thank the distinguished majority leader.

The distinguished chairman of the full committee [Mr. HAYDEN] is presiding over the Senate at this time, and I am sure that neither he nor I would have any objection to having the bill taken up at the earliest possible moment. But I repeat that before I would join in unanimous consent to have the bill taken up I would want other Senators to have an opportunity to know what would be going on, and I am sure the majority leader takes the same position.

Mr. JOHNSON of Texas. That is correct.

REQUEST FOR AUTHORIZATION FOR ANTITRUST SUBCOMMITTEE TO MEET DURING SESSION OF THE SENATE TODAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate Antitrust Subcommittee be permitted to sit during the session of the Senate today.

Mr. DIRKSEN. Mr. President, I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON of Texas. Mr. President, is there objection to a meeting of the Preparedness Subcommittee and the Committee on Aeronautical and Space Sciences tomorrow?

The PRESIDING OFFICER. What was the second request?

Mr. JOHNSON of Texas. For the Preparedness Subcommittee and the Aeronautical and Space Sciences Committee to sit, jointly, during the session of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection to those committees sitting during the session of the Senate tomorrow? The Chair hears no objection, and it is so ordered.

GENEVA TEST BAN TALKS

Mr. CHURCH. Mr. President, Prof. Hans J. Morgenthau, who is now with the Johns Hopkins University's Washington Center for Foreign Policy Research, has written a letter to the Washington Post which states with brutal clarity the stakes now riding in the Geneva test ban talks:

> We are standing—
>
> He says—
>
> at a turning point in the history of the world. If we fail here we have in all likelihood sealed our and mankind's doom, and the only issue remaining to be settled will be how and when we shall be doomed.

Dr. Morgenthau is, as he reminds us, a skeptic of Russia's intentions. His words command attention, therefore, when he suggests that the most recent Soviet concessions at Geneva, wherein Russia declares a willingness to allow international inspection within the Soviet Union, of a limited number of underground disturbances, might, just possibly, be explained on the basis of their desire that an agreement be reached. He thinks we ought to consider whether they might have changed their position with regard to international control and inspection on their territory because they, too, want to survive.

Mr. President, I have taken this floor on a number of occasions to remind the Senate and the country that our survival may be dependent upon ending the nuclear arms race. I have said many times that a controlled cessation of atomic tests is a first small step in the direction of meaningful disarmament.

Professor Morgenthau's eloquent words ought to be widely read. I ask unanimous consent that his letter, as printed in the Washington Post and Times Herald of February 23, 1960, be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TURNING POINT

The Soviet Union has just made another concession in the Geneva negotiations on the cessation of atomic tests. It has declared its willingness to allow international inspection of a limited number of underground disturbances whose nature cannot be identified with the presently available seismographic equipment.

This concession follows a number of others concerning international inspection and control on Russian territory, which together constitute a radical departure from past Soviet attitudes. Speculation is of course rife about the reasons why the Russians are taking this unprecedented attitude, which has been explained primarily in terms of propagandistic and military tactics.

I have myself been consistently suspicious of Soviet intentions and have raised my pen against the spirit of Geneva of 1955 and the spirit of Camp David of 1959 as soon as they transpired. I have but recently in a series of articles advanced the proposition that Khrushchev is more dangerous an antagonist and more difficult to negotiate with than was Stalin. But I have always credited the leaders of the Soviet Union with a sense of reality.

A realistic evaluation of the world scene has convinced me since 1955 that if the nuclear armaments race cannot be brought under control before any number of nations will have nuclear weapons, only a miracle will save mankind. The controlled cessation of atomic tests is a first small step in the direction of the control of the atomic armaments race itself.

If the United States and the Soviet Union cannot agree on this, they will not be able to agree on anything else in this field. We are standing therefore at a turning point in the history of the world. If we fail here we have in all likelihood sealed our and mankind's doom, and the only issue remaining to be settled will be how and when we shall be doomed.

Is it farfetched to assume that the Russian leaders are aware of what most knowledgeable observers outside the Soviet Union know, and that they have radically changed their position with regard to international control and inspection on their territory because they want to survive?

This explanation, I admit, is simple and lacks in that elaborate and improbable sophistication with which some Soviet experts like to make things complicated and, hence, unmanageable. But it may well be worthy of some consideration by that unfortunate interdepartmental committee which, for lack of guidance from above, must hammer out as best it can our policy on this momentous issue.

HANS J. MORGENTHAU.

Mr. CHURCH. Mr. President, in the same newspaper, Mr. Marquis Childs treats of the Geneva negotiations also. He points out that many of our difficulties stem from intergovernmental conflict, and suggests that the President seems unlikely to resolve the matter and force through a decision. In the meantime, he says, the United States is getting the worst of both worlds—refraining from testing without an inspection system.

I ask unanimous consent that the column entitled "Indecision Perils Geneva Position," as it appears in the Washington Post and Times Herald of

February 23, 1960, be included in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDECISION PERILS GENEVA POSITION

(By Marquis Childs)

A President, it has been written, is many men. President Eisenhower is one of those men and in such generous measure that it seems ungrateful to point out that he neglects or ignores the other roles making up the complex office of Chief Executive.

Off on another journey of good will, this time to Latin America, he is in his happiest aspect. The value of these journeys, despite the disappointment in the countries not visited, is unquestionably great.

He is the ceremonial President; the President who symbolizes and who speaks for a generous, idealistic America. With his vast reputation as soldier-hero for peace he is ideally equipped for the role.

But as recent events have begun painfully to show once again he is not the President who takes the hard, tough decisions and thereby sets a clear policy line for all in his administration to follow. The drift is conspicuous and above all in vital areas of foreign policy. Decisions are put off and put off until now with only 11 months to go President Eisenhower's successor is likely to find a truly appalling array of unresolved problems awaiting him.

The drift is well illustrated by the effort to shape up within the Government here an agreed disarmament position for a March 15 deadline. On that date in Geneva the representatives of five Western powers sit down across the table from five Soviet-bloc powers to start the long, tedious effort to cut back the arms burden with proper inspections and controls.

First the differences within the State Department, the Pentagon and the Atomic Energy Commission on the proper approach had to be worked out. Then the far-deeper divergencies between these three separate legs of the disarmament stool had to be reconciled. This last is a process that has really not yet been completed, although in the past few days progress has been made.

When the negotiators for the other four Western powers—Canada, Great Britain, France, and Italy—came here they were dismayed to find how much was still to be done within the American Government.

There was something almost comic about the behind-the-scenes attempt to find a way to put forward the March 15 deadline without asking the Communist bloc for a postponent. It happens that Geneva will be filled to the rafters on March 15. A conference on the law of the sea with representatives of 83 nations is to be held under United Nations auspices. At the same time the marathon conference on nuclear testing will still be going on.

In a message to the U.N. Secretariat the American negotiator, Frederick Eaton, suggested that the strain on hotel rooms and U.N. interpreters might be too great, so wouldn't it be better to put off the disarmament talks for 2 or 3 weeks. Back came the prompt reply that this presented no problem and all would be in readiness for March 15.

In the talks with the Soviet Union and Britain, looking to a ban on nuclear tests, the same indecision growing out of a conflict within the Government here has been evident. Currently a hopeful approach to a nearly cheat-proof detection system, in the view of distinguished atomic scientists, is in the addition to the detection network of a series of unmanned seismic stations to pick up small earth shocks.

A push to prove this up might get the conference over the last hurdles. But the push is not evident. The probability today, therefore, is that no agreement will be reached in time for a treaty to be put before the Senate. It will go over until January, which will mean that for 2½ years the United States will have had the worst of both worlds—refraining from testing without getting concessions from the Soviets in the form of an inspection system.

The late John Foster Dulles had the President's confidence so completely that he could force through decisions over intergovernmental opposition. No one could reasonably have expected his successor, Secretary of State Christian A. Herter, in a short time to achieve the same working relationship.

The fault may lie with the Presidency itself. Perhaps it is unreasonable to expect a President to be many men. But in his 7 years in the White House President Eisenhower has shown little awareness of what may be wrong with the office and what could be done about it.

FEDERAL CONFLICT-OF-INTEREST LAWS

Mr. PROXMIRE. Mr. President, this morning's New York Times carries a complete summary of an exceedingly interesting and constructive program to improve the Federal conflict-of-interest laws. This program is proposed by a committee of the Association of the Bar of the City of New York.

Among other proposals this committee recommends for the first time a ban on gifts to Federal employees from favor-seeking individuals or corporations.

It also recommends, Mr. President—

Each committee of the Senate considering a presidential nominee for confirmation should be given the benefit of a full analysis, prepared by the administrator in consultation with the Department of Justice, of any conflict-of-interest problems the nominee's particular situation may present. The confirming committee should give due consideration to this analysis and the protections afforded by a modern and effectively administered overall scheme of conflict-of-interest restraints, if one is put into effect.

The committee further recommends:

The Congress should initiate a thorough study of the conflict-of-interest problems of Members of Congress and employees of the legislative branch of the Federal Government.

Mr. President, it is my understanding that the two Senators from New York will introduce legislation to carry out all of the recommendations of this distinguished panel of outstanding New York lawyers. From my reading of the news article concerning the report and of the official summary, I commend the New York Senators for their action, and pledge them my enthusiastic support for principles indicated in the summary of the report.

Mr. President, I ask unanimous consent that the news article reporting this program, as carried in the New York Times, and the official summary of the study on conflict of interest, be printed in the RECORD at this point.

There being no objection, the article and summary were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 23, 1960]

U.S. REFORM URGED ON JOB CONFLICTS—CITY BAR'S SURVEY ASKS BAN ON EMPLOYEE GIFTS IN NEW LAW ON DUAL INTERESTS

(By W. H. Lawrence)

WASHINGTON, February 22.—A broad program to close gaps in conflict-of-interest laws covering 4,900,000 Federal executive and military personnel was recommended to Congress today. It was submitted by a special committee of the Association of the Bar of the City of New York.

The recommendations, growing out of congressional investigations of governmental scandals, proposed for the first time a ban on gifts to Federal employes by favor-seeking individuals or corporations. Also proposed was a prohibition on the use by governmental officials of their offices to induce acts from which they would benefit economically.

REMINDER OF RESIGNATIONS

The 600-page report called to mind the resignations under fire of Sherman Adams, formerly President Eisenhower's chief assistant; the late Harold E. Talbott, formerly Secretary of the Air Force and Richard E. Mack, a former member of the Federal Communications Commission.

Inferentially, at least, the report was critical of the many gifts accepted by President Eisenhower and placed on his farm at Gettysburg, Pa.

But the bar group said its aim was not alone to tighten Federal controls against misconduct by employees.

Equally important was the committee's intention to clarify, and, in some respects, modify present laws. Such changes would seek to make it easier for the Federal Government to recruit badly needed executives, especially for short-term assignments.

An important provision to assist Federal recruitment would allow persons joining the Government to retain "certain security-oriented economic interests, such as continued participation in private pension plans." Also suggested were trust arrangements under which Government officials might not be required to dispose of vast amounts of stock as was required by Charles E. Wilson before his confirmation as Secretary of Defense.

LONG-TERM POLICY URGED

"We need," the committee declared, "a long-run national policy which neither sacrifices governmental integrity for opportunism nor drowns practical staffing needs in moralism. We need a careful regulatory scheme that effectively restrains official conflicts of interest without generating pernicious side effects on recruitment."

The committee of 10 practicing lawyers, headed by Roswell B. Perkins of New York, concluded that "the legal and administrative machinery of the Federal Government for dealing with the problems of conflicts of interest is obsolete, inadequate for the protection of the Government, and a deterrent to the recruitment and retention of executive talent and some kinds of needed consultative talent."

The 2-year study, released simultaneously here and in New York, was financed by grants totaling $72,500 from the Ford Foundation.

Legislation carrying out the 13 main recommendations of the report will be introduced in the House of Representatives tomorrow by Representative JOHN V. LINDSAY, Manhattan Republican and a member of the committee, and in the Senate by New York's

two Republicans, JACOB K. JAVITS and KENNETH B. KEATING, and JOHN A. CARROLL, Colorado Democrat.

APPLICATION LIMITED

The recommendations apply only to employees of the executive branch and to members of the armed services. The bar committee suggested, however, that Congress should initiate a thorough study of the conflict-of-interest problems among Members of the Congress and other employees of the Federal Government.

The report also exempted the President and Vice President from the proposed new controls, but the committee gave the President this direct advice:

"In all matters within the executive branch the key figure must be the Chief Executive. Much of the difficulty characterizing the present pattern of conflict-of-interests restraints is traceable to the lack of an established role to be played by the Presidency. Present restrictions in the field are the product of sporadic congressional action and scattered agency energy. The voice that should be most heard in the administration of executive branch personnel is that of the Chief of the executive branch.

The bar committee did not refer directly to the shower of gifts in equipment, cattle, and similar items that have been placed on the Eisenhower farm at Gettysburg, but it did say that every President should set an example for other Federal employees.

"The behavior of Department heads and of their juniors will be powerfully influenced by the standards of behavior set by example in the White House," the report said.

"For example, although the flow of gifts, most of them symbolic in nature, to 1600 Pennsylvania Avenue, probably cannot and should not be stemmed, the matter of how the White House disposes of these gifts is very delicate. The soundest approach to this problem appears to be an invariable practice of passing such gifts along to charity or to the National Museum.

"In all other aspects of personal behavior in relation to those who may be regarded as seeking to advance their particular economic interests, the greatest circumspection should be used by all Presidents."

Basic recommendations of the committee were:

"Conflict-of-interest problems should be recognized and treated as an important, complex, and independent subject of attention and concern in the management of the governmental establishment.

The present scattered and uncoordinated statutes relating to conflicts of interest should be consolidated into a single unified act, with a common set of definitions and a consistent approach. Archaic provisions should be repealed.

Restraints in present statutes should be greatly expanded in their scope by making them applicable to essentially all matters in which the public deals with the modern Federal Government.

Certain important restraints now covered in regulations or not at all should be included in the basic statutes, particularly restraints relating to receipts of gifts and coercive use of office.

The statutes should permit the retention by Government employees of certain security-oriented economic interests such as continued participation in private pension plans.

[From the New York Times, Feb. 23, 1960]

SUMMARY OF STUDY ON INTEREST CONFLICTS IN U.S. JOBS

INTRODUCTION AND SHORT SUMMARY

We are today releasing a prepublication edition of a report based upon more than 2 years of study of the socalled conflict-of-interest laws of the Federal Government. Also, we expect that there will be introduced today in both Houses of Congress a proposed executive conflict-of-interest act, which has been drafted by this committee and which is designed to remedy the manifold defects of the present law. Our findings and recommendations, which are set forth in the report, are expressed in statutory form in the proposed act.

The report will be published in the fall by the Harvard University Press.

This committee is issuing this prepublication mimeographed edition of its report so that it will be available at the public hearings on the topic of the conflict of interest laws which commenced on February 17, 1960, before the Antitrust Subcommittee of the Committee on the Judiciary of the House of Representatives. The House Judiciary Committee, under the chairmanship of Representative EMANUEL CELLER of New York, has already made an important contribution to the wider understanding and improvement of this confused, but crucial, area of law and public administration. The public hearings, which has just opened, should further advance the cause of urgently needed reform. Accordingly, we have distributed some 200 mimeographed copies of prepublication edition of the report to Members of Congress, the press and to various Federal departments and agencies.

This official summary has been prepared for the information and guidance of those interested persons to whom the report is not available and as a guide to the report.

A. OBJECTIVES

The report of the committee has two themes. The first is that ethical standards within the Federal Government must be beyond reproach, and that there must, accordingly, be effective regulation of conflicts of interest in Federal employment. The second is that the Federal Government must be in a position to obtain the personnel and information it needs to meet the demands of the 20th century.

These themes are coequal. Neither may be safely subordinated to the other. What is needed is balance in the pursuit of the two objectives. We need a longrun national policy which neither sacrifices governmental integrity for opportunism nor drowns practical staffing needs in moralism. We need a careful regulatory scheme that effectively restrains official conflicts of interest without generating pernicious side effects on recruitment.

The basic conclusion of the committee is that such a scheme can be worked out. The report and the proposed act contain a recommended new program for achieving this result.

B. ASSESSMENT OF EXISTING RESTRAINTS

The committee has concluded that the legal and administrative machinery of the Federal Government for dealing with the problem of conflicts of interest is obsolete, inadequate for the protection of the Government, and a deterrent to the recruitment and retention of executive talent and some kinds of needed consultative talent.

1. Obsolescence

The statutory law—most of it a century old—is not broad enough to protect the Government against the manifold modern forms of conflict of interest. Most of the statutes were and are pointed at areas of risk that are no longer particularly significant, mainly the prosecution of Government claims. Today, with the greatly expanded regulatory functions of the Federal Government, applications for rulings, clearances, approvals, licenses, certifications, grants, and other forms of Government action are far more significant in the daily operation of Government than the prosecution of claims. Several of the basic statutes now on the books do not concern themselves at all with these modern governmental activities.

Other aspects of obsolescence in the present statutes are:

(a) Their focus of interest upon a class of lower ranking politically appointed clerks that has disappeared. The Government today obtains its manpower through a vast civil service, a top layer of short-term political appointees, an increasing group of advisory and part-time personnel, and through an unlimited variety of contracts for services provided by non-Government personnel.

(b) Their failure to recognize internal procedures of modern government, such as the flexible processes of personnel administration available to assist in enforcement.

(c) Their lack of recognition of the facts of modern economic life, such as the existence of private pension plans.

(d) Their failure to recognize the essential blending of public and private endeavor in the modern American society, as illustrated by the partnership of Government, industry, and educational institutions in the science field.

2. Inadequate administration

Partly by reason of the deficiencies in the statutory law, administration of the conflict-of-interest restraints has always been weak. The Government has failed to provide a rational, centralized, continuing and effective administrative machinery to deal with the problem. If the statutes presented a coordinated whole—a unified program—and if they imposed direct responsibility on the President to carry out that program, the central coordination and leadership missing in the past would improve. A well-administered program could, and should guide the thousand good men as well as snare the one bad one.

3. Uncertainty in interpretation

Enacted fitfully over a 100-year span, the uncoordinated statutes are inconsistent, overlapping, and at critical points defy interpretation.

4. The Congress

Congress has done a useful and constructive job in its capacity as investigator. But the Senate confirming committees have seldom considered the overall issue of conflict of interests in relation to recruitment. The Armed Services Committee has applied a wavering standard of stock divestment, useful for certain purposes, but overemphasizing one single source of conflict-of-interest problems and having little bearing on the question of actual official conduct.

5. Recruitment

The main adverse effect of the present system is its deterrent effect on the recruitment and retention of executive talent and some kinds of consultative talent. The restrictions tend to encircle the Government with a barricade against the interflow of men and information at the very time in the Nation's history when such an interflow is most necessary.

C. RECOMMENDATIONS

The defects in the present law cannot be cured by tinkering. A thoroughgoing reconstruction is called for—a new program of controls designed for modern needs, providing for adequate administration and written as an integrated unit. The program must achieve a balance between the Nation's need for protection against conflicts of interest and its need for personnel.

The committee's basic recommendations are these:

1. Conflict-of-interest problems should be recognized and treated as an important, complex, and independent subject of attention and concern in the management of the governmental establishment.

2. The present scattered and uncoordinated statutes relating to conflicts of interest should be consolidated into a single unified act, with a common set of definitions and a consistent approach. Archaic provisions should be repealed.

3. The restraints contained in the present statutes should be greatly expanded in their scope by making them applicable to essentially all matters in which the public deals with the modern Federal Government.

4. Certain important restraints now covered in regulations or not at all should be included in the basic statutes, particularly restraints relating to receipt of gifts and coercive use of office.

5. The statutes should permit the retention by Government employees of certain security-oriented economic interests, such as continued participation in private pension plans.

6. Wherever it is safe, proper, and essential from the viewpoint of recruitment, the statutes should differentiate in treatment between regular employees and citizens who serve the Government only intermittently, for short periods, as advisers and consultants.

7. Regular, continuing, and effective enforcement of the law and regulations should be assured by emphasizing administrative remedies rather than the clumsy criminal penalties of present law.

8. The statutes should create the framework for active and effective administration of the system of conflict-of-interest restraints, headed up with clear responsibility in the President. The President should designate, pursuant to the proposed act, an Administrator to assist him in this function.

9. In addition to the statutes themselves, there should be a second tier of restraints consisting of Presidential regulations amplifying the statutes and a third tier consisting of agency regulations tailored to the needs of particular agencies. The responsibility for day-to-day enforcement of the statutes and regulations should rest upon agency heads.

10. At all levels of administration potential conflict-of-interest problems should be headed off by preventive action, such as, for example, orientation programs for all new employees to acquaint them with the applicable conflict-of-interest rules, and periodic reminders as to such rules.

11. There should be more effective prohibitions and penalties applicable to persons outside Government who induce or participate in conduct by Government employees in violation of the conflict-of-interest laws.

12. Each committee of the Senate considering a presidential nominee for confirmation should be given the benefit of a full analysis, prepared by the Administrator in consultation with the Department of Justice, of any conflict-of-interest problems the nominee's particular situation may present. The confirming committee should give due consideration to this analysis and to the protections afforded by a modern and effectively administered overall scheme of conflict-of-interest restraints, if one is put into effect.

13. The Congress should initiate a thorough study of the conflict-of-interest problems of Members of Congress and employees of the legislative branch of the Federal Government.

The program advanced here will not solve the problem of conflict of interests in Federal employment. Like most problems, this is one we must live with permanently, strive to mitigate, and adjust to. The program proposed, however, will do several things.

It meets the flaws of the present pattern of conflict-of-interest restraints—obsolescence, weakness of administration and faulty drafting. It would greatly strengthen the main policy of the conflict-of-interest statutes—preservation of the integrity of Government. It would provide for an integrated and comprehensible system of standards and sanctions, together with an effective machinery for administering that system. It is grounded upon a realistic conception of the problem of conflicting interest as it appears in the modern setting of American Government and society. It would make a significant contribution toward intelligent staffing of the Federal Government for world leadership.

[From the New York Times, Feb. 23, 1960]

BAR COMMITTEE'S MEMBERS

Following is a list of the members of the Special Committee on the Federal Conflict of Interest Laws of the Association of the Bar of the City of New York:

Howard F. Burns, partner, Baker, Hostetler & Patterson, Cleveland; member of the Council of the American Law Institute.

Charles A. Coolidge, partner, Ropes, Gray, Best, Coolidge & Rugg, Boston: former Deputy Director of Internal Security Affairs, Department of State.

Paul M. Herzog, executive vice president of the American Arbitration Association, New York; former chairman of the National Labor Relations Board; former associate dean of the Graduate School of Public Administration, Harvard University.

Alexander C. Hoagland Jr., practicing lawyer associated with Curtis, Mallet-Prevost, Colt & Mosle, New York City.

Everett L. Hollis, corporate counsel, General Electric Co., New York City; former General Counsel, Atomic Energy Commission.

Charles A. Horsky, partner, Covington & Burling, Washington; former assistant prosecutor at Nuremberg with the Chief of Counsel for War Crimes.

John V. Lindsay, U.S. Representative from the 17th Congressional District, New York; partner, Webster, Sheffield & Chrystie, New York City.

John E. Lockwood, partner, Milbank, Tweed, Hope & Hadler, New York City; former General Counsel, Office of Inter-American Affairs.

Roswell B. Perkins, chairman, partner; Debevoise, Plimpton & McLean, New York City; former Assistant Secretary of Health, Education, and Welfare; former counsel to the Governor of the State of New York.

Samuel I. Rosenman, partner, Rosenman, Goldmark, Colin & Kaye, New York City; former special counsel to Presidents Roosevelt and Truman; former justice of the Supreme Court of the State of New York.

Mr. JAVITS. Mr. President, I thank my colleague from Wisconsin for his kind words. I am about to introduce the bill on the subject to which reference has been made. Though I am introducing it today with my colleague from New York [Mr. KEATING] as a cosponsor, because obviously this is a matter which comes from our own community, and I happen to be a member of the association of the bar, and it is my own bar association, and I worked with it in this whole effort, I do believe if, after the bill has been introduced, other Senators would like to join in cosponsoring it, I would be more than happy to welcome them as cosponsors, and I shall ask unanimous consent, after the bill is introduced, that other Senators may cosponsor it.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PROXMIRE. I thank the Senator from New York very much for his generous offer. I am delighted to have the opportunity to cosponsor the bill. I want to apologize for perhaps "jumping the gun." The Senator understands how these things take place on the floor, in view of committee meetings and appointments that we have. I wish to emphasize that the Senator from New York is taking the leadership in this matter, and I am delighted to have an opportunity to follow him.

CIVIL RIGHTS

Mr. YOUNG of Ohio. Mr. President, it is my fervent hope that the great debate in which we are presently engaged will lead to legislation establishing for all time first-class citizenship for all Americans.

For too long, a huge segment of Americans has been denied the basic rights our forefathers envisioned when they conceived the Constitution of the United States.

It is left to us, now, to guarantee those rights for all our citizens.

No greater issue faces our country today than the problem of carrying forward the integration decisions of the Supreme Court and guaranteeing the civil rights of all Americans.

We, as a nation, have carried the torch of liberty higher and more proudly than any other nation in history, on the other hand, we have tolerated social and economical segregation of 15 million of our fellow Americans.

These two traditions are mutually exclusive, and one of them will have to yield. If our country is to survive, discrimination because of race or color must be eliminated. The breathtaking pace of modern life no longer permits slow, leisurely adjustments to reality.

This fact has been widely recognized for some time. The Civil Rights Act of 1957 was based on this recognition. This was merely a preliminary measure in the drive to secure civil rights for all Americans.

Unfortunately, the Civil Rights Commission established in 1957 had to cope with innumerable difficulties. Many obstacles were placed in its path.

Its efforts to investigate denials of the right to vote were prevented by open defiance of local authorities; sometimes by violence and complete lack of cooperation of officials from the States involved.

Mr. President, the conclusion is unavoidable that there are persons seeking by every possible means to keep the Negro confined within the "Uncle Tom" image which they themselves created in an era which died nearly 100 years ago.

They simply refuse to recognize the Negro as a doctor, lawyer, teacher, businessman, or responsible citizen. Consequently, they have thrown up barriers against Negro voting.

In some instances they have gone so far as to purge registered voters from the lists. Their weapons in this rearguard action against progress and decency have been threats, violence, subterfuge, and the most maddening chicanery.

Voting, however, is only a part of the civil rights problem. Another, and equally important part is education. Since the Supreme Court led the way by

rejecting that tired old contradiction "separate but equal," 5 years ago, the struggle for desegregation has occupied the attention of the country.

The Eisenhower administration heretofore has paid only lipservice to the great cause for which this struggle is fought.

Lipservice is not leadership. Pious evasions do not solve problems, but merely perpetuate them. When a President temporizes on such a vital issue, defiance of the law is encouraged, contempt for the law is fostered.

Mr. President, despite the proclamations of opponents of civil rights legislation, there is nothing immoderate, arbitrary nor dictatorial in providing a definite civil rights law. We do not seek to establish new rights. We seek only to preserve old rights—rights as old as mankind itself.

We should have no sympathy for those who believe that the best the Congress should do for Negroes is to give them a license to fight for their God-given rights, while Congressmen remain idle by the roadside to see if they can win them.

The Federal Government must not remain neutral nor be a mere onlooker. We, who are Senators of the United States, must exercise our responsibility to the Constitution and to millions of Americans who have heretofore been treated as second-class citizens.

This year, we must go on record as saying that enforced racial segregation in public schools violates the 14th amendment to the Constitution of the United States.

We must provide an orderly program for financial aid by the Federal Government to help and hasten public school desegregation. The South will be faced with a very real physical problem of dislocation and temporary disorganization when segregated education is abandoned.

The Attorney General should be authorized to seek civil court remedies to accomplish public school desegregation and to protect individuals who are being denied the equal protection of the laws on the basis of race, color, religion, or national origin.

The right to vote must be protected either by Federal registrars or by referees. Under penalty of criminal law, election records must not be destroyed. Adequate procedures should be established for their inspection by the Attorney General.

All tests—questions and answers—for registration or voting in Federal elections should be required to be printed or written.

Finally, the Federal criminal law should be extended to punish flight across a State line to avoid punishment for damaging or destroying any building or vehicle.

Mr. President, with these provisions included, we would have an effective Civil Rights Act.

American democracy demands no less.

THE INDUSTRIAL SECURITY PROGRAM

Mr. KEATING. Mr. President, last June the Supreme Court in the Greene case invalidated the Defense Department's industrial security clearance program on the ground that the program was not authorized either by statute or Executive order. The Court made it clear that it was not determining whether the President or the Congress had power to fashion such a program, and was only deciding that the procedures followed by the Department of Defense had not been expressly sanctioned. In the language of the majority opinion:

> Before we are asked to judge whether, in the context of security clearance cases, a person may be deprived of the right to follow his chosen profession without full hearings where accusers may be confronted, it must be made clear that the President or Congress, within their constitutional powers, specifically have decided that the imposed procedures are necessary and warranted and have authorized their use.

The President has now issued an Executive order prescribing the standards and procedures for granting individual defense workers the privilege of access to classified defense information. I have reviewed this order and I believe that it will guarantee essential fairness to employees in such cases without unduly undermining necessary security safeguards. The President certainly must be commended for taking the action needed to reestablish this program on a proper basis.

It should be understood, however, that the President's action does not obviate the necessity for legislation. The majority opinion in the Greene case made it clear that the Court did not decide that "the President has inherent authority to create such a program or whether congressional action is necessary." Under these circumstances, the best way to assure operation of this program without further legal jeopardy is for Congress to enact a supporting bill.

On July 21, 1959, I introduced, on behalf of the distinguished Senator from Connecticut [Mr. DODD] and myself, a bill (S. 2416) for this purpose. This bill in many respects parallels the President's Executive order. It requires a written statement of the reasons for any denial of clearance, an opportunity to reply, a hearing, review by the head of the agency or other officer designated by the President, and a written decision. The bill provided that all hearings under its provisions should be conducted in such manner as to assure the applicant of a full disclosure of any evidence against him and confrontation of all adverse witnesses, with certain limited exceptions. At the time this bill was introduced I explained on the Senate floor that it was "designed to provide for a continuance of an effective industrial security program and at the same time to introduce as many safeguards against unfairness or arbitrary action against an individual as is possible without undermining our security system. It is designed to assure that no individual will be denied clearance as a result of idle rumor or gossip. It recognizes the importance of disclosure and a right of confrontation to the ascertainment of truth where facts are in dispute, without interfering with the work of regular investigative agencies. While it does not convert the clearance system into a judicial trial, it is intended to provide safeguards necessary to deal fairly with anyone who may become involved in such proceedings."

Mr. President, these comments are entirely applicable to the recently issued Executive order. I believe, therefore, that the bill which Senator DODD and I introduced may well serve as the framework for congressional authorization for this program. While some changes in phraseology undoubtedly will be required, a bill along the lines of S. 2416 would fulfill our legislative obligations in this field.

This is a very important program affecting millions of private employees engaged in defense work. I hope that Congress will soon act to remove any continuing legal cloud over its operations.

Mr. President, this morning's New York Times editorially commends the Executive order as the "latest move in an attempt to reconcile the security of the citizen with the security of the Nation." While it expresses some reservations about one exception in the Executive order, the editorial states that "several million persons who work in defense industries should find their jobs and reputations more secure" under its provisions.

Mr. President, I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 23, 1960]

THE NATURE OF SECURITY

Several million persons who work in defense industries should find their job and reputations more secure because of an Executive order issued by President Eisenhower. The President's order is, indeed, the latest move in an attempt to reconcile the security of the citizen with the security of the Nation.

Last June, in the case of *Greene* v. *McElroy*, the Supreme Court held that when a worker in a sensitive defense industry was forced out of his employment on charges not supported by the test of confrontation and cross-examination the Government was exceeding its statute authority. Chief Justice Warren, writing the majority opinion, dismissed the question of constitutionality. He merely held that the Defense Department was assuming powers it did not legally possess.

The new Executive order is manifestly an attempt to do three things: First, to legalize whatever screening processes may be necessary; second, to eliminate as far as is possible (to quote the Chief Justice) "the testimony of individuals whose memory might be faulty, or who, in fact, might be perjurors or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy"; third, to meet such constitutional objections as might arise.

We must not forget that even though no criminal charge is involved, the security procedure sometimes inflicts a heavy penalty on an individual. In the Greene case, for example, a highly competent aeronautical engineer was discharged from an $18,000-a-year job and had to take one paying only $4,700 a year.

The new order puts more emphasis upon the individual's right to confront and cross-examine his accusers. The exceptions are intended to protect witnesses whose identity must be kept secret in the interest of national security; identify witnesses who are sick, dead, or otherwise unable to appear,

and give discretion to department heads to withhold names for good and sufficient reasons.

The last exception is the trickiest. We can't yet say that an accurately just balance has been reached between private and public security. However, some progress has been made, and if necessary the Supreme Court can still pass on the basic constitutional issue of a confrontation. Sooner or later we must ask ourselves what security is—that is, whether it consists in the liberties of the citizen or in the smooth functioning of the agencies of Government.

COMMENTS ON A WORLD TRADE CENTER FOR NEW YORK CITY

Mr. KEATING. Mr. President, I again call the attention of the Senate to a proposal recently announced by the Downtown-Lower Manhattan Association of New York City that the Port of New York Authority undertake a study of the planning, financing, and activating of a World Trade Center for New York City. I am delighted that the Port of New York Authority has now initiated a thorough and far-reaching study of this proposal.

It is clear that the benefits of a World Trade Center in New York City would accrue not only to New York and the surrounding metropolitan region, but to the entire United States. American investments abroad now total well over $400 billion. Combined sales from exports and from the oversea operations of U.S. companies today run at an annual rate of $50 billion. Economists agree that the next 10 years will see an enormous expansion of worldwide trade and of production abroad.

Mr. President, the focal point for U.S. foreign trade is of course New York City. It is for this reason that I have taken a special interest in the plan recently advanced by the Downtown-Lower Manhattan Association calling for a center for America's foreign trade operations together with the necessary supplementary services. Such a center would add materially to the capability of our Nation to maintain its place as a great leader in international trade.

Although the port authority study of the proposal for a World Trade Center is just getting under way, the possibility of its construction has excited the civic and business communities of the New York metropolitan region.

Mr. President, I ask unanimous consent that certain editorials which recently appeared in some of the leading newspapers of the area and which applaud the plan for a World Trade Center in New York City be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 27, 1960]

DOWNTOWN'S BIG FUTURE

They are thinking large in downtown Manhattan. The World Trade Center, with a construction cost of perhaps a quarter of a billion dollars, proposed by the Downtown-Lower Manhattan Association, Inc., is the most important project for the economic future of the Port of New York launched for many a year. As "a headquarters to assure the expanding role of our country in international trade," it has meaning that goes beyond dollars and goods, the encouragement of that friendly if competitive exchange of business with peoples throughout the world that makes for better understanding.

We now begin to get the specifics of the billion-dollar redevelopment program first presented to Mayor Wagner in the fall of 1958 by the association led by David Rockefeller and John D. Butt. The clouds of uncertainty about the future of downtown or waterfront areas had already been lifted as to lower Manhattan, which since 1950 has been enjoying a spectacular boom. In 10 years 35 new major buildings have been completed or begun.

The future of downtown Manhattan, already guaranteed by the confidence and leadership of its businessmen, now receives a further stimulant in the plan for the World Trade Center, several new buildings to be erected on a 13-acre site overlooking the East River south of Brooklyn Bridge. Rising from an elevated platform several blocks long, a World Trade Center commerce building of 50 to 70 floors with perhaps 10 of these used as a hotel; a world trade mart, to be of low elevation in pleasing contrast, and finally a central securities exchange building to be erected if the Stock Exchange should elect to move are the fundamentals of this plan, now in preliminary schematic concept. A 1,500-car parking garage would be built under the whole project. Shopping arcades and elevated plazas are interesting features.

New York's prosperity, and that of the whole metropolitan area, depends to a degree not generally comprehended on the port area's unique position as a center of commerce—sea, air, rail, over-the-road. The downtown Manhattan area is, of course, the historic focus of this tremendous business, this creator of employment and well-being. This new World Trade Center makes available the office space, the storage space, the exhibition space, the hotel and dining accommodations, the library and information resources, the convenience of proximity for all the varied elements that go into commerce and its promotion.

For realization of the part of the plan appropriate to its chartered function the Port of New York Authority, qualified in every respect for the large undertaking, has been approached. To the courageous, intelligent leadership of the businessmen downtown responsible for such vision in planning, the people of New York and New Jersey owe grateful recognition. The World Trade Center is an exciting, stimulating prospect.

[From the New York Herald Tribune, Jan. 27, 1960]

WORLD TRADE CENTER A GREAT IDEA

The Downtown-Lower Manhattan Association, headed by David Rockefeller and John D. Butt, which has been tirelessly engaged for a good many months in big plans for redeveloping the jumbled tip end of our central city, sprang a highly important proposal yesterday.

It's a plan to develop a World Trade Center on a 13½-acre tract at the foot of Wall Street, from Old Slip to Fulton Street, between Water and South Streets. As envisaged now, there would be two main structures—a world trade mart and a commerce office-hotel building of 50 to 70 stories. Also considered is the possibility of a central securities exchange building, with the hope that the New York Stock Exchange might become the occupant.

The idea of such a trade center is to provide within a concentrated, easily accessible area all the services and facilities needed for the development of international trade.

An integrated, coordinated area would offer great advantages. For here the businessmen from home and abroad would enjoy a comfortable meeting place, see import and export goods on permanent display, and be assured of every helpful assistance—even to the detail of a multilingual secretarial pool.

As the Downtown-Lower Manhattan Association points out, the establishment of a World Trade Center has been discussed from time to time over the last quarter century. But the finished plan never materialized.

Meanwhile New Orleans, Boston, and San Francisco have developed their own trade centers with excellent results. Certainly this ought to be ample signal to New York, the No. 1 port, to go after an even greater share of growing business.

Next step, then, is to move ahead. But the present report is careful to explain that where the potential benefits are so great, it is essential to "attract the support of both private enterprise and government."

To get a World Trade Center which actually fulfills the name, the bistate port has "a crucial need for further extensive developmental study." And therefore it is recommended that the Port of New York Authority make this study for ultimate consideration by all component governments.

As every one knows, the port authority has a tremendous successful record in planning and developing big public projects. If ever there was a job right down the P.A.'s alley, the World Trade Center is it. In fact, Chairman S. Sloan Colt and Vice Chairman Horace K. Corbin gave immediate and enthusiastic approval of the study idea. Then we shall see exactly how the World Trade Center can be brought into being. Who knows, perhaps by the P.A. itself.

Meanwhile the Downtown-Lower Manhattan Association is to be congratulated for getting things started. Civic leadership, we are delighted to see, is very much alive in New York.

[From the Newark Evening News, Jan. 29, 1960]

PORT DEVELOPMENT

New York and New Jersey treated the Port of New York Authority to promote and develop the commerce of the port which both States share. It is this responsibility, sometimes obscured by bridges and tunnels and airports, which is invoked by the Downtown-Lower Manhattan Association in recommending that the port authority survey the feasibility of a plan for a $250 million World Trade Center.

The plan calls for the construction on lower Manhattan's East River front of a combination office and hotel of 50 to 70 stories, a central securities exchange building in which it is hoped to have the New York Stock Exchange as a tenant, a six-story international trade mart and exhibition hall.

The association leaves for port authority determination such questions as who would put up the money and who would operate what. However, David Rockefeller, vice chairman of the Chase Manhattan Bank and chairman of the association, suggests the trade center might be built and operated by the port authority, with private capital financing the office building and hotel and the securities exchange building.

The association's reasons for believing such a project is necessary to meet increasing competition from other east coast ports are presented persuasively. If it succeeded, New Jersey as well as New York could expect to benefit. With the expansion under port authority management of the marine terminals of Newark, Elizabeth, and Hoboken, world trade is becoming increasingly important to the New Jersey side of the harbor.

As Governor Meyner indicates, New Jersey has reason to approve the proposed study. Whether the port authority should

also participate in financing any part of the proposed trade mart proper is a question to be considered when all the facts are in.

[From the Elizabeth (N.J.) Journal, Feb. 3, 1960]

DREAM FOR MANHATTAN

Another grandiose project for the betterment of the lower section of Manhattan has been presented by a group envisioning its dream as a World Trade Center. This prospective ouster of the Fulton Fish Market is a monumental undertaking and would assume a position in New York activity now vacant.

The promoters, or perhaps merely sponsors, call themselves the Downtown-Lower Manhattan Association, and will call upon the Port of New York Authority for assistance in reducing their dream child to tangible form. The plan is slated to encompass 13½ acres; and a skyscraper office, a hotel, international trade hall, and an auditorium are to be included in the proposed construction.

The first of several gestures toward the revival of that portion of Manhattan seemed risky, but each appears to have succeeded. They are attracting back to that end of the island the business that seemed to be disappearing toward 57th Street. New office buildings and new housing are replacing outmoded hangovers of a distant era.

Downtown Manhattan has many advantages, and the gradual completion of traffic facilities are encouraging the renaissance. East Side and West Side Highways, the Battery Tunnel, and the Brooklyn-Queens Expressway each contribute to the convenience of this area.

The day when New York will be compelled to decide upon a crosstown expressway downtown draws near, and that will be another encouragement to development that already has revised the skyline.

A World Trade Center should be a stimulant for the entire section. It will bring to downtown Manhattan representatives of many interests who otherwise probably never would see it and also spur port activity along the East River.

City hall professes to accept this project cheerfully, as it should, and substantial obligation devolves upon the Port of New York Authority. That agency already has broadened its scope abundantly to enable it to take a hand in final determination of the feasibility of the World Trade Center and perhaps in its perfection. Establishment of this project patently would create a new asset to the port, with benefits reaching far beyond the watery boundaries of Manhattan.

Mr. KEATING. Mr. President, I also ask unanimous consent that a statement by Governor Rockefeller commending the Port of New York Authority for its recent announcement of the initiation of a study along the lines requested by the Downtown-Lower Manhattan Association be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Governor Rockefeller today applauded the action of the Port of New York Authority in authorizing a broad study of the feasibility and practicability of the proposed $250 million World Trade Center in lower Manhattan.

Governor Rockefeller said:

"This action by the Port of New York Authority carries forward with dispatch the exciting project for redevelopment of lower Manhattan as envisioned by the Downtown-Lower Manhattan Association, Inc.

"In this great period of economic growth, it is essential that the great Port of New York be prepared to take full advantage of the anticipated expansion in world trade.

"I commend the Port of New York Authority for taking decisive steps to make the necessary surveys and studies on which this great redevelopment project can go forward.

"The World Trade Center will mean not only an immense economic stimulus to the city of New York, the metropolitan area, the entire State, and our neighboring States, but it could have tremendous implications in helping raise living standards throughout the world."

PROGRESS IN SOLVING MUNICIPAL PROBLEMS

Mr. DIRKSEN. Mr. President, every year the National Municipal League, which is a league of American municipalities, in conjunction with Look magazine, determines what cities in the country have made the greatest progress in solving municipal problems. They have a team which carefully evaluates this progress, and at the end of the year a number of cities are selected to receive the awards.

This year 11 cities received awards, and 11 were called runners-up in the contest.

Among the award-winning cities were two in the State of Illinois. One was the city of Alton and the other the city of East St. Louis. I thought it only appropriate, in connection with this distinction, that I insert in the RECORD in connection with my remarks some comment from Look magazine, and some other data which have a bearing on the subject, to show what the record of performance and accomplishment really is.

I ask unanimous consent that these additional data be printed in the RECORD at this point as a part of my remarks.

There being no objection, the material referred to was ordered to be printed in the RECORD, as follows:

ALL AMERICA CITIES

EAST ST. LOUIS, ILL.

For years, East St. Louis deserved its wretched reputation. A national betting syndicate operated within a few blocks of city hall. There were at least a dozen horse parlors. More than 50 prostitutes worked in a single two-block area. Bars and strip joints, frequented by bookies and B-girls, lined the downtown streets.

In 1951, citizens demanded a cleanup. Within 4 years, the red-light district had been closed, organized gambling banned, and undesirables banished. But though the city was clean, its unsavory reputation persisted. Downtown sections were becoming slums, and industry was leaving the area. Labor-management relations deteriorated. Then, in 1957, citizens formed Community Progress, Inc., a union of all interested organizations and individuals. The move sparked a civic improvement program, with these results:

A labor-management code of ethics has stabilized labor relations. Some 1,500 new jobs have been created. New construction has doubled. Voters have approved an urban renewal bond issue. And the city has completed a $7 million school building program and a $2 million park program.

ALTON, ILL.

"The trouble with Alton," one citizen explained, "was that things just weren't bad enough." Business thrived, and there was little unemployment, but serious civic problems were being ignored. There had been no major municipal improvements in 25 years. The newest fire station had been built before World War I.

In late 1956, one of the city's main sewers became almost completely clogged, and sewage began seeping into basements. Things were finally "bad enough." The Greater Alton Association of Commerce outlined an improvement program, and the League of Women Voters campaigned for a change to council-manager government. The Alton Citizens for Better Government was formed and in 1957 elected officials in sympathy with the proposed change. In 1958, a city manager was hired. The city already has annexed tax-producing industrial sites, installed new street lighting, repaired sewers, and made plans for a new sewage system.

RED CHINA ON THE MARCH—WHAT U.S. POLICY?

Mr. WILEY. Mr. President, recently I was privileged to help provide for the publication of a committee print entitled "Tensions Within Red China."

Generally, the print has received widespread approval.

At the time of publication, I issued a statement stressing the need for a new, hard look at our Red China policy. Among other steps, the recommendations included efforts to: First, prevent any further territorial expansion of communism; second, effectively combating the ideological campaigns of communism in the Far East; third, coping with the growing economic strength of Red China; and fifth, strengthen the regional coalitions of non-Communist nations in self-preservation-type programs, particularly in the Far East.

As the world's most densely populated country—about 650 million people—ranking third in land area with a total of 3,750,000 square miles—Red China is undertaking a dynamic, industrial, agricultural, military development program. While the "Great Leap Forward" has missed its mark, the Communists—with an iron grip on the reins—dedicate a vast volume of manpower and resources to agricultural and industrial growth and military power.

In suggesting a new look at China policy, this does not mean that we should "go soft on communism." Nor does it mean—now or in the foreseeable future—that we should recognize Red China or admit it into the United Nations.

However, it does mean that—to deal effectively with a dynamic, growing enemy—we cannot have a static policy.

Recently, the Racine Journal-Times published an editorial entitled "Wiley Calls for Flexibility." The editorial deftly reflects the spirit of my recommendations, as well as reemphasizes the need for an effective policy for dealing with Red China in the years ahead. I request unanimous consent to have the editorial printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Racine (Wis.) Journal-Times, Jan. 22, 1960]

WILEY CALLS FOR FLEXIBILITY

It has been said quite truly that any agreement between the United States and

Russia would be meaningless if Red China were not involved.

What good would it do for the United States and Russia to throw away all their weapons, nuclear and conventional, if the Red Chinese Army was still in existence? We would only open the door wide to world domination by the Chinese.

This is one of the problems that gives emphasis to the importance of Senator ALEXANDER WILEY'S conclusion that there must be a reexamination of our relationships with Red China, and a new flexibility in those relationships.

WILEY says that he is not proposing diplomatic relations with the Communist Chinese, nor any immediate softening of our position that they should be excluded from the United Nations. However, many others are coming to the conclusion that our hard position on these two points must eventually soften. They hold, quite realistically, that diplomatic recognition does not imply approval, and exclusion of Red China from the U.N. merely excludes them from a situation where they could be approached in efforts for world peace.

Completely aside from those two issues, however, is the pressing need to consider Red China as an economic, social, and political force in the world. Our policy toward China for the past decade has been to ignore its existence, except as a current or potential military enemy. That policy no longer holds up against the facts. China is a great economic force in Asia, and a growing one in the world. The very fact that China's population is swelling almost incredibly makes it a social factor to be reckoned with. Politically, China's Communist government is coming of age, and China's neighbors in Asia know it. Some of those neighbors, like Japan, are our good friends and firm allies, but they cannot realistically agree with us that the great giant on the continent of Asia just isn't there.

WILEY'S call for flexibility in U.S. policy is one that has needed saying for some time. As a ranking member of the Senate Foreign Relations Committee, we hope that he has some success in awakening that body and the administration to the need for new thinking in this important direction.

Mr. WILEY. Mr. President, in addition, the Christian Science Monitor recently published an informative article bearing on our Red China policy, entitled "Red China on the March—What U.S. Action?" written by Takashi Oka.

I request unanimous consent to have this article also printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED CHINA ON THE MARCH—WHAT U.S. ACTION?

(By Takashi Oka)

WALKING ON TWO FEET

Communist China's wants are enormous. Its leaders demand a modern army and air force, equipped with new planes, new weapons, perhaps eventually nuclear warheads and missile-launching pads. They call for huge steel mills, elaborate rail and road networks, factories making machine tools and automobiles, transistors, and precision instruments. And to do all this, China's only really abundant resource is people—people increasing at the rate of "two Australias" every year.

What is to be the order of priorities? Aid from the Soviet Union is limited and is strictly on a loan basis. Unlike India, Peiping cannot depend on American agricultural surpluses to feed its mushrooming population while it concentrates on projects such as dams and steel mills—projects vast in scope and requiring years to come into production.

This is the situation, observers here believe, which led Mao Tse-tung to proclaim his slogan of "Walking on Two Feet" that is, simultaneous development of agriculture and industry, of light industry and heavy, of modern means of production and traditional handicraft methods, of large urban factories and small village workshops, of chemical fertilizers and pig manure.

Unbelievable crash program

This is the situation which underlays Peiping's startling decision in 1953 to herd the peasants into communes and to begin a frenzied "leap forward" program which would attempt to catapult Communist China into the ranks of the world's great industrial nations in 3 years—unless its citizenry collapsed from sheer exhaustion.

It is, by Western standards, a crazy, unbelievable crash program, which has led to enormous excesses and has set up as many new imbalances as it was designed to eliminate. Production figures have been revised so many times that even a conscientious follower of the Communist press hardly knows which one to believe.

In grain production, for instance, the original target for 1959 was the astronomical figure of 525 million tons. In August 1959 this target was drastically pruned to 275 million tons. According to latest figures released by the State statistical bureau January 22 this year, the actual harvest came to 270,050,000 tons. But since these are preliminary figures, another revision may be in order later.

Likewise, in steel, the original target for 1959 was 18 million tons. This figure was trimmed to 12 millions tons in August, but production figures released January 22 showed overfulfillment of the August target by 1,350,000 tons. Again, this figure is subject to revision.

Light industry accented

More significantly, the January 22 communique announcing these figures heavily emphasized results claimed in the light industry field. Paper production, for instance, came to 2,130,000 tons in 1959, it was stated; sugar mounted to 1,130,000 tons; cotton yarn to 8,250,000 bales; and cotton cloth to 7,500,000 meters (8,218,126 yards). These figures represented increases of 26 to 32 percent over the previous year's totals, the Communists said. Among minor items listed subsequently were: 5,700,000 alarm clocks and 130 million fountain pens.

This shift in emphasis, plus recent statements by top Peiping leaders, have led observers here to believe that during 1960 the Communists may devote their efforts toward ironing out the worst of the imbalances developed during the course of their 2-year "leap forward" campaign.

Officially, 1960 is to be a year of continued "leap forward." But the major effort will be directed, it appears, toward raising agricultural output—which must be the principal consideration in countering population growth.

Next, light industry, producing consumer goods, will be emphasized, and heavy industry, formerly given the top priority, will be downgraded to third place, with propaganda stressing, not steel for steel's sake, but the importance of heavy machinery in agriculture.

"Each branch of heavy industry must adopt the idea that it is serving agriculture," declared Li Fu-ch'un, State Planning Committee chairman, in a New Year's article in the ideological journal Red Flag.

The people's communes are likely to be strengthened, not liberalized. They may be extended from rural China to the cities, which were specifically exempted in the Central Committee resolution adopted at Wuhan in December 1958.

Here again, observers speculate that a factor impelling urban communes may be the necessity of drastically improving consumer-goods supplies in order to keep pace with population growth. Peiping's aim may be to recruit through the communes the 30 million women and older men who presently constitute surplus urban labor to engage in light-industry production while younger, sturdy, active workers continue in heavy-industry lines.

EXTERNAL PROBLEMS

According to the Chinese lunar calendar, the Year of the Rat opens a new, auspicious 12-year cycle. While Peiping rejects old superstitions, it was undoubtedly pleased that during the New Year's celebrations which ushered in the Year of the Rat January 28, Burman Prime Minister Ne Win was on hand to sign a border agreement and friendship treaty, reopening vistas of peaceful coexistence which Communist actions the previous year had so rudely blocked.

The year 1959 was probably the blackest one for Communist China's foreign relations since the regime was established 10 years before. Peiping ended the year in bitter dispute, not merely with its longstanding opponents Nationalist China and the United States, but with hitherto friendly Asian neighbors such as India and Indonesia. And its principal ally, Moscow, was reported to be inclined to blame Peking for this state of affairs, especially for its border troubles with India.

Line likely to continue

Therefore when blunt-spoken General Ne came to Peiping to try to iron out, once and for all, his country's frontier problems with Communist China, he received red-carpet treatment and an agreement which gave up Peiping's claims to large chunks of the indeterminate tribal lands between the two countries. The Communists hope that this agreement will serve as a model for far more complicated negotiations with India, with which Peiping shares a 2,000-mile frontier.

The Sino-Burman agreement indicated that despite the menacing actions of Chinese Communist troops along the Himalayan frontier last year, Peiping intends to continue the coexistence line it has so assiduously peddled since the Asian-African conference at Bandung, Indonesia, 5 years ago.

Together with this coexistence line is an attitude of uncompromising hostility toward the United States. Peiping's stand appears in many respects to be far sterner than that of Moscow. Observers here believe, however, that the two Communist partners differ more in emphasis than in fundamentals of foreign policy.

Feud with Nationalists continues

For both Moscow and Peiping, the world is divided into three groups—the Communist bloc, the capitalist bloc, and the nations in between—what Chinese Communist Foreign Minister Chen Yi calls the intermediate zone. The capitalist bloc is the "enemy," and the nations of the intermediate zone are the battlefield on which both sides are competitively trying to win friends and expand their influence.

But Peiping has problems, both with the "enemy" and with its neighbors of the intermediate zone, which Moscow is believed not to share—certainly not to the same degree.

For one thing, Peiping is still fighting a rival regime, Nationalist China, which under American protection has established itself as a going concern on the island of Formosa. The American naval and air presence in Formosan waters directly embroils Peiping with Washington. A comparable situation might be envisaged in Europe were the Berlin blockade still going on.

For another thing, whereas the Soviet Union has satellite buffers along its West

European frontier, Peiping's only two satellites are north Vietnam and North Korea—with the latter probably more under Soviet influence than Chinese.

On its southern border Peiping faces weak but prickly neighbors, extremely susceptible to the least hint that their sovereignty is being infringed.

Along its eastern sea frontier Peiping feels far more exposed than does the Soviet Union in Europe, for it is ringed by American air and sea power operating from bases in the Philippines, Formosa, Okinawa, Japan, and South Korea.

Added to this is the fact that 13 million oversea Chinese residing in southeast Asia complicate Peiping's relations with the countries of this area. One can imagine Western Europe's sentiments toward the Soviet Union were each country there to include Soviet minorities of several millions.

Historic, geographic conflict

Whereas the American presence along China's eastern sea frontier is a direct result of Peiping's own aggressive posture and the Korean war, most of the factors making for tension between the Chinese Communists and their southern neighbors are inherent in history and geography and would cause trouble whenever a strong centralized regime was in power in China, whatever the political coloration of that regime might be.

The situation is intensified by a new phenomenon: mainland China's enormous population spurt, which the regime is trying to solve, at least in part, by channeling population pressure outward from the overcrowded central provinces to the sparsely settled border provinces.

For the free nations of the West, and for the United States in particular, this situation presents opportunities and pitfalls. Far East observers believe that it would be fruitless for Washington to attempt open, direct negotiations with Peiping unless their presently irreconcilable positions over Formosa edge somewhat closer, and there is no indication that such a shift is in the offing.

Peiping desires international respectability and membership in the United Nations, but only on its own terms. Few observers believe it would be willing to give up its claims to Formosa or even to its freedom of action in order to achieve such respectability. Even if, in fact, Peiping plans to gain Formosa peacefully, it would not say so openly or tacitly, for its threat to use force and its military preparations to do so are part of the total psychological pressure it seeks to exert against the Chinese Nationalists.

Element of distrust acquired

But more subtle pressure could be exerted by the West by working through the nations of the intermediate zone, who have been convinced by the events of the past year that the Chinese Communists are at least as bad as any of the former western colonial powers.

As an astute Indian observed, whatever Peiping's future protestations of peaceful coexistence may be, its actions in Tibet have caused the Asian nations to acquire "that minimum element of distrust which is necessary in most dealings between nations"—an element which hitherto was plentifully apparent in Asian attitudes toward the West but which, because of lack of experience, had been lacking in Asian intercourse with Peiping.

This changed Asian climate will do no good to the United States if it simply tries to take cold-war advantage from it by stampeding hitherto nonalined nations into defensive alliances with one another or with the West.

But if it chooses the path that President Eisenhower and his advisers appear to have embarked upon—the unobtrusive economic helping hand, the multilateral approach toward solving problems of poverty and underdevelopment, the cooperative, sustained effort to help bring nonindustrialized nations across the threshold of self-generating economic growth—then the 1960's offer the United States and its allies the most challenging vistas of the century.

By helping China's Asian neighbors to help themselves the United States may exert a far more powerful influence on the future direction of Communist China's march than any attempts to open overall negotiations with Peiping's headstrong rulers could accomplish at this time.

Growth of mainland China's population

[Year-end figures in thousands]

Year	Population	Increase over preceding year	
		Numbers	Percentage
1949	541,670		
1950	551,960	10,290	1.9
1951	563,000	11,040	2.0
1952	574,820	11,820	2.1
1953	587,960	13,140	2.3
1954	601,720	13,760	2.3
1955	614,650	12,930	2.2
1956	627,800	13,150	2.2
1957	649,500	21,700	3.4
1958	673,000	23,500	3.6

Source: Table 14 from "China's Population," by Dr. Chandrasekhar, Hong Kong: Hong Kong University Press, 69 pages, 1959.

These figures were compiled by Dr. Chandrasekhar, director of the Indian Institute for Population Studies, from various Chinese sources. Dr. Chandrasekhar warns that there are discrepancies between 1 official publication and another, but does not consider that the rate of increase shown by these figures is abnormal, since China has a huge population to start with.

Communist China: Selected targets and performance, 1959

Commodity	Target set December 1958	Revised August 1959	Performance Jan. 22, 1960, communique
Steel.....tons	18,000,000	12,000,000	13,350,000
Coal.....do	380,000,000	335,000,000	347,800,000
Grain.....do	525,000,000	275,000,000	270,050,000
Cotton.....do	5,000,000	2,300,000	2,410,000
Cotton yarn bales			8,250,000
Cotton cloth meters			7,500,000

In cotton cloth and cotton yarn, no targets for 1959 were announced in advance. But in all these commodities, 1959 production figures are said to have approached or exceeded targets originally set for 1962—final year of the 2d 5-year plan.

UNITED STATES AND SOVIET ECONOMIES COMPARED

Mr. JAVITS. Mr. President, two officials of the Soviet Union concerned with consumer production and distribution recently expressed their amazement at the efficiency of one of our men's clothing factories and at the low retail price of the men's suits they saw. They were assured that these were not Government subsidized prices.

Their surprise is understandable if we realize that in the Soviet Union every industry is Government owned and operated. The central government is also the only supplier of durable and consumer goods, the only distributor and department store owner, and the only employer. Practically everyone who works in the Soviet Union, works for the Government, which sets wages and salaries, and also fixes the prices for all the products of industry.

A comprehensive study comparing the economies of the United States and the Soviet Union was issued last year by the Joint Economic Committee of the Congress, of which I am a member. It provides the criteria necessary to arrive at the conclusion that even though Soviet standards are low, availability rather than price is the big problem facing the Soviet consumer.

The Soviet citizen pays more than the average American for food, but lacks variety and choice. He pays more for items of personal care as well as for such luxuries as refrigerators, appliances, and automobiles, when and if they become available. For clothing he pays as much as 20 times more for comparable articles which are inferior in quality and style than Americans do. Many items, particularly in women's clothing, which Americans take for granted, are available in the U.S.S.R. in very limited quantities only as imports.

The Soviet citizen pays considerably less than we do for housing, which is heavily subsidized, but housing is still in very short supply; and for his recreational and cultural activities, which are numerous, but his per capita consumption of food is just a little more than half our own, and he uses on the average less than half as much clothing as we do.

No doubt the Russian would use more of everything if he had it, and his demands are making an impact on the present regime. The underdeveloped nations of the world are watching the efforts of the Soviet economy to gear up its production of peace goods in response to this demand because the Communists are out to convince them that they can develop faster and attain higher living standards under communism—but it is starting from way back and guns still have high priority over butter in the U.S.S.R.. This is an aspect of the economic struggle between the economies of the free world and communism, and as I have pointed out this economic struggle which the Communists call "peaceful coexistence" presents the most dangerous threat faced by the free world.

I ask unanimous consent to have printed in the RECORD an article by William M. Freeman in the New York Times of December 18, 1959, on the Russians' visit to the Robert Hall clothing distribution center in Manhattan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 18, 1959]

RUSSIANS, ON ROBERT HALL PRICING: IS IT RIGGED?

(By William M. Freeman)

Two officials of the Soviet Union, here for a month's study of this country's business methods, were stopped yesterday from inspecting a Brooklyn clothing factory. They saw only the distribution plant in Manhattan.

They marveled at the conveyor belts, overhead hangers, and advanced packaging and loading procedures at the plant of Robert Hall Clothes at 333 West 34th Street. They fingered the modest price tags, discussed conversion rates briefly with their interpreter, and asked: "Is this rigged?"

The Russians were Anatole N. Romanov, who is in charge of all consumer distribution in the Leningrad district, a matter of $6 billion retail volume, and Vladimir A.

Polievkov, who is in charge of economic planning and distribution for the eastern Soviet Union. They have been here for the last 20 days, touring Chicago, Boston, Washington and Battle Creek, and they will be here for 10 more. Harold Rosner, president of Robert Hall, assured them that what they saw was the everyday operating method that sorts the output of the Brooklyn factory into loads marked for individual stores—sportswear for the South, California styles for the Far West, and so on.

The visitors, perhaps recalling Potempkin's put-up display for Catherine the Great, were particularly interested in the prices, which were considerably below Russian levels, and Mr. Rosner told them the figures on the tags were not wholesale but retail.

Apparently the Russians had assumed the prices were wholesale, and even so, very low. The Hall organization, operating a vertical business, making, distributing, and retailing its clothing, would have no wholesale business at all, of course.

The visitors conceded they had nothing like the Hall operation in their homeland, called it exceedingly efficient, and said that they would like to install it at home, although trade barriers probably would prevent it.

Mr. Rosner thereupon offered to go to Russia to assist in setting up such a distribution system in line with the overall Soviet program to improve consumer living conditions.

The Russians said they wished very much the offer could be accepted, but meanwhile they wanted to know more about production and distribution for mass markets, and especially about how Mr. Rosner bought materials. They had a pointed question on how fabrics were chosen and how styles were selected. If, for example, a fabric made up into clothing did not go over, what was done about it?

Mr. Rosner's reply summed up a basic American merchandising procedure.

"We just lower the price," he said.

The Russians paused to remark on the television and radio commercial announcements used by Robert Hall in what advertising men call a saturation technique. With the help of their interpreter, Roald Kotomin, who is an economist with the Amtorg Trading Corp., Soviet buying organization, they said the fast-talking electronic salesmen were fascinating, interesting, amusing, and extraordinary, but the visitors stopped short of saying they were good or bad.

The next stop on the visit was to have been an inspection of the Brooklyn factory, and here Mr. Kotomin held up a warning hand. Russians could visit only New York, and Brooklyn was not New York; or was it?

A hurried call to the State Department in Washington disclosed that the Russians were restricted to Manhattan in this area, with all of Long Island except a small part of Queens "off limits." It developed, incidentally, that part of the Robert Hall factory overlooked the Brooklyn Navy Yard.

With this part of the tour suddenly canceled, Mr. Rosner invited his visitors to luncheon at Le Valois, a French restaurant in the East Fifties. Here the Russians could get good American cooking, he suggested.

The visitors sampled vodka martinis and switched to straight vodka. The officials ordered steak and Mr. Kotomin broiled chicken, preceded by tomato juice and followed by home-style strawberry tarts. Then, aware that the Soviet is expanding coffee imports in line with Brazil's drive for larger world markets, they ordered coffee to help the cause along.

The luncheon ended the day's tour. On Monday they will see Seabrook Farms in southern New Jersey, of special interest because they have ordered machinery for processing frozen food. Also scheduled for shipment home is a machine to make potato chips, a delicacy they said was unknown in Russia. And they will check with their superiors on the matter of inviting Mr. Rosner to Russia to set up a Robert Hall type of organization there.

OSCAR AWARD NOMINATIONS FOR 1960

Mr. KUCHEL. Mr. President, I call the attention of my colleagues to an event we Californians regard as both colorful and important. I refer to the annual awards of the Academy of Motion Picture Arts and Sciences—the presentation of Oscars for notable film accomplishments of Hollywood during the past year.

This is the 32d year of the Oscar awards, given for pictures and to people who have made the great contributions to motion-picture making. But, in several respects, Mr. President, this award year is an especially promising one for my State's remarkable industry.

Today there is a great deal more optimism in Hollywood than I have seen in some time. And it seems well-justified optimism.

The motion picture industry has suffered hard blows in recent years—the competition of television and swiftly changing economic and social patterns. Some thought these were lethal blows for Hollywood.

But happily for Hollywood and, I think, for all of us, this pessimism has proved to be groundless. Today more Americans are going to our movie theaters than in several years past. And there is also a great and growing demand for our films overseas.

Oscar night, Monday, April 4, this year will take place on an international hookup of NBC television and radio. It will reach all of our 50 States and Canada. It has always been a great show. And knowing the people who are putting it on this year, I am sure you will have a great evening if you tune on your sets and join the audience.

Let me enumerate the nominations for the Oscars. They are as follows:

Best picture: "Anatomy of a Murder," Columbia; "Ben-Hur," MGM; "The Diary of Anne Frank," Twentieth Century-Fox; "The Nun's Story," Warner Bros.; "Room at the Top," Romulus.

Best actor: Laurence Harvey, "Room at the Top," Romulus; Charlton Heston, "Ben-Hur," MGM; Jack Lemmon, "Some Like It Hot," United Artists; Paul Muni, "The Last Angry Man," Columbia; James Stewart, "Anatomy of a Murder," Columbia.

Best actress: Doris Day, "Pillow Talk," Universal-International; Audrey Hepburn, "The Nun's Story," Warner Bros.; Katherine Hepburn, "Suddenly, Last Summer," Columbia; Simone Signoret, "Room at the Top," Romulus; Elizabeth Taylor, "Suddenly, Last Summer," Columbia.

Best supporting actor: Hugh Griffith, "Ben-Hur," MGM; Arthur O'Connell, "Anatomy of a Murder," Columbia; George C. Scott, "Anatomy of a Murder," Columbia; Robert Vaughn, "The Young Philadelphians," Warner Bros.; Ed Wynn, "The Diary of Anne Frank," Twentieth Century-Fox.

Best supporting actress: Hermione Baddeley, "Room at the Top," Romulus; Susan Kohner, "Imitation of Life," Universal-International; Juanita Moore, "Imitation of Life," Universal-International; Thelma Ritter, "Pillow Talk," Universal-International; Shelley Winters, "The Diary of Anne Frank," Twentieth Century-Fox.

Best director: William Wyler, "Ben-Hur," MGM; George Stevens, "The Diary of Anne Frank," Twentieth Century-Fox; Fred Zinneman, "The Nun's Story," Warner Bros.; Jack Clayton, "Room at the Top," Romulus; Billy Wilder, "Some Like It Hot," Ashton Productions and the Mirisch Co., United Artists.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there further morning business? If not, morning business is closed.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DIRKSEN. Mr. President, would the Senator withhold his request for the time being?

Mr. JOHNSON of Texas. Mr. President, I withdraw the request.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

Aiken	Gore	Monroney
Brunsdale	Green	Proxmire
Carlson	Hayden	Russell
Case, S. Dak.	Holland	Saltonstall
Chavez	Hruska	Schoeppel
Church	Javits	Stennis
Dirksen	Johnson, Tex.	Wiley
Douglas	Keating	Williams, Del.
Eastland	McNamara	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I also announce that the Senator from Oregon [Mr. NEUBERGER] and the Senator from Missouri [Mr. HENNINGS] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BUSH, Mr. BUTLER, Mr. BYRD of Virginia, Mr. BYRD

of West Virginia, Mr. CANNON, Mr. CAPEHART, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DWORSHAK, Mr. ELLENDER, Mr. ENGLE, Mr. ERVIN, Mr. FONG, Mr. FREAR, Mr. GOLDWATER, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HICKENLOOPER, Mr. HILL, Mr. JACKSON, Mr. JORDAN, Mr. KEFAUVER, Mr. KENNEDY, Mr. KERR, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MARTIN, Mr. MCCLELLAN, Mr. MCGEE, Mr. MORSE, Mr. MORTON, Mr. MOSS, Mr. MUNDT, Mr. MURRAY, Mr. MUSKIE, Mr. PASTORE, Mr. PROUTY, Mr. RANDOLPH, Mr. ROBERTSON, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. SPARKMAN, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota, entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I should like to announce, for the information of the Senate, that I am informed that there will be quorum calls from time to time, and the attachés at the desk will announce the number of Senators present on the quorum calls. I hope all Senators realize that, as an agent of the Senate, I have agreed with the minority leader and other Members of the Senate that we would give due notification of the debate on civil rights bills, and that a bill to which civil rights amendments could be offered would be motioned up. I have met that honorable commitment, which I believe I made.

I have no doubt that many Senators do not desire to have a vote of any kind taken on any kind of civil rights bill. Therefore it will be necessary for us to have later sessions, and therefore it will be necessary for Members to be readily available if live quorums are called for, as the minority leader called for the last one.

So I want all Senators to know that if they expect to be recorded, they will have to be present in the Chamber and answer to their names, when called; and I hope they will not make evening engagements until this matter is disposed of, unless they are prepared to miss votes.

Mr. MANSFIELD. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. MANSFIELD. I wish to announce to the leadership and to the Senate that I was in a committee meeting this morning; the meeting was presided over by the distinguished junior Senator from Washington [Mr. JACKSON], and was also attended by the senior Senator from South Dakota [Mr. MUNDT] and the senior Senator from Connecticut [Mr. BUSH]. We did not hear the quorum bells; and if I had not left the meeting a little ahead of time, to come to the Senate Chamber, I would have missed the last quorum call.

I think this explanation should be made, because had those Senators heard the quorum bells, they would have been present in the Chamber and would have answered to their names. As it is, they are being detained on official business, and are not in the Chamber now, because of the fact that no quorum bells were heard in that particular committee room.

LEASING OF PORTION OF FORT CROWDER, MO.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the first amendment submitted by the Senator from Illinois [Mr. DIRKSEN].

NATIONAL DEFENSE

The PRESIDING OFFICER. Under the order previously entered, the Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, at the outset, let me say that I am always reluctant to have a live quorum called for. I have no pride about the matter; I am never particularly interested in whether the Chamber is full or partially full, or whether only a scattering of Members is present. But a number of Members inquired, because they wished to be on hand today for whatever remarks I might make; and, inasmuch as I did not see them appear after we had come to the end of the first call, I thought it only appropriate, under the circumstances, that a live quorum be present. But I do that only when I feel impelled to do so.

Mr. President, this morning I was quite intrigued by the remarks made by the majority leader on the general subject of security. I do applaud his statement. It was brief, but it was to the point. If I am able to reconstruct it, I believe he said that no thinking person believes that we do not have an adequate defense, and that the nub of the problem, or the controversy before us, is the progress we are making in that field, so that our defense may remain adequate in the days and the years which lie ahead.

This matter was rather thoroughly ventilated on the floor of the Senate on Friday last. I believe I heard virtually all the debate. I had hoped to intrude myself at that time. But there are chores which must be disposed of from time to time, and the hour was growing late, and some Members wished to catch planes; and I did not feel that at that time I wished to take time, at the inconvenience of some Members of the Senate.

However, I feel that some things should be said, and some comments should be made. My remarks will not be world shaking, by any means. I make no pretentions to possessing expert knowledge in this field. I am not a member of the Preparedness Investigating Subcommittee; neither am I a member of the Armed Services Committee. No longer am I a member of the Appropriations Committee, and, therefore, I cannot serve on the Appropriations Subcommittee, which deals with our Armed Forces. So whenever items which would presuppose expert knowledge are to be discussed, I very fairly confess that perhaps I have no answers; and I do not try to rebut a statement or an allegation unless I feel, on the basis of knowledge, that I am in a position to do so.

I had hoped to make a statement last night, but the hour became too late. So I was constrained to request unanimous consent to be recognized to make this statement immediately after the morning hour today.

One reason why I thought perhaps I could make the statement yesterday was that it seemed timely to the occasion, for on yesterday we observed the 228th anniversary of the birth of the first Commander in Chief of this Republic, George Washington. In view of the fact that much of the debate can direct itself toward the present Commander in Chief, 228 years later, therefore, if for no other reason, the session on yesterday would have furnished a slightly romantic, and certainly a historic, background against which to present my remarks. That is why I thought I might discuss this matter here on yesterday.

First, Mr. President, I wish to allude, of course, to the address made by the President to the country on Sunday evening. At this time I ask unanimous consent to have printed in the RECORD, in connection with my remarks, only page 2 of the President's statement to the country, as it was released.

There being no objection, the excerpt from the address was ordered to be printed in the RECORD, as follows:

I hope to make clear, on my journey, that our military programs at home and abroad have been designed for one purpose only—the maintenance of peace, as important to Latin America as to us.

That there is need for these programs, postwar history clearly proves.

For the first 5 years after World War II, we in the United States, hopeful of a global and durable peace, pursued a policy of virtual unilateral disarmament. But the blockade of Berlin, the military weakness of our European friends living face to face with the Communist menace, and finally the Korean war—together with arrogant threats against other peaceful nations—belatedly made it clear to us that only under an umbrella of military strength could free nations hope to make progress toward an enduring just peace. World uneasiness rose to the point of alarm.

Since then our Nation has developed great arsenals of powerful weapons to sustain the peace. We have created a great deterrent strength—so powerful as to command and to justify the respect of knowledgeable and unbiased observers here at home and abroad.

Our many hundreds of Air Force bombers deployed the world over—each capable of unleashing a frightful destruction—constitute a force far superior to any other, in numbers, in quality, and in strategic location of bases. We have, in addition, a powerful nuclear force in our aircraft carriers and in our host of widely deployed tactical aircraft. Adding constantly to these forces are advanced types of missiles steadily augmenting the armaments of all ground and other military units.

As for longer range ballistic missiles, from a standing start only 5 years ago we have literally leaped forward in accomplishments

no less than remarkable. Our Atlas missile, already amazingly accurate, became operational last year. Missiles of intermediate range are in forward bases. The first Polaris missile submarine—an almost invulnerable weapon—will soon be at sea. New generations of long-range missiles are under urgent development.

Collectively, this is a force not unduly dependent upon any one weapon or any one service, not subject to elimination by sudden attack, buttressed by an industrial system unmatched on earth, and unhesitatingly supported by a vigorous people determined to remain free. Strategically, it is far better situated than any force that could be brought to bear against us.

As we have strengthened these defenses, we have helped to bolster our own and free world security by assisting in arming 42 other nations—our associates in the defense of the free world. Our part of this indispensable effort is our mutual security program. It makes possible a forward strategy of defense for the greater security of all, including our neighbors to the south.

I am certain that our Latin American neighbors, as well as you here at home, understand the significance of all these facts.

We have forged a trustworthy shield of peace—an indestructible force of incalculable power, ample for today and constantly developing to meet the needs of tomorrow. Today, in the presence of continuous threat, all of us can stand resolute and unafraid—confident in America's might as an anchor of free world security.

Mr. DIRKSEN. Mr. President, I shall refer to only two or three statements which the President made in the course of his address, because I am quite sure that every Senator either heard the address or has had an opportunity to examine it.

Among other things, the President said this, speaking about World War II:

Since then our Nation has developed great arsenals of powerful weapons to sustain the peace. We have created a great deterrent strength—so powerful as to command and to justify the respect of knowledgeable and unbiased observers here at home and abroad.

Now, the words in the phrase that struck me most forcefully in that statement were "great arsenals of powerful weapons."

I think that one phrase "keys" the policy and "keys" the direction in which the administration has been going. There has not been mere emphasis on one weapon or another. There has been a sheaf of weapons. It has been a collection of weapons. It has been a balanced arsenal of weapons. The President made a very timely selection of words in that statement when he said, "great arsenals of powerful weapons."

With respect to missiles, the President said:

As for long-range ballistic missiles, from a standing start only 5 years ago we have literally leaped forward in accomplishments no less than remarkable.

I call attention to the words "from a standing start." I think history bears out pretty well, insofar as I know, and insofar as I have had an opportunity to examine the record, that, in truth and in fact, it was an effort made from a standing start in the missile field.

So when the catalog is examined, when all these categories are examined, when we look at and see what we have at the present time, I think it can be said with the Commander in Chief that our accomplishments were no less than remarkable.

I call attention to one other statement by the President. He said:

We have forged a trustworthy shield of peace—an indestructible force of incalculable power, ample for today and constantly developing to meet the needs of tomorrow.

The Commander in Chief was dealing with what is in being, he was dealing with fact, he was dealing with actuality, and then he was dealing with the future when he stated, "constantly developing to meets the needs of tomorrow."

I have enough faith, I have enough confidence, in the Commander in Chief and his dedication to his responsibilities, first, as Chief Executive under the Constitution, and as Commander in Chief of the Armed Forces, to feel that when he made that statement he was standing on solid ground.

I believe the message had a tonic effect upon the country. If there were pockets of anxiety, I believe they were allayed. If there was confusion—and there is confusion—and I confess my own confusion at times—I think a great deal of it was dispelled. The accent for the people was put where it should be, because the President was speaking of a package of strength.

Finally, when he mentioned, in this highly controversial field, that we were getting off from a standing start, I think our people can fully understand it.

Now, I would add some observations to all this with respect to the statement made by the very distinguished Senator from Missouri [Mr. SYMINGTON] on Friday of last week.

First, Mr. President, I freely concede that he speaks with some weight of authority. He was in the military forces in World War I, when I served in the First World War. He was Assistant Secretary of War for Air in 1946 and 1947. He was Secretary of the Air Force from 1947 to 1950. He was Chairman of the National Security Resources Board in 1950, 1951, and 1952. I am sure that information is correct, because it comes from the pages of "Who's Who," 1958–59 edition.

I do not pretend to enter the lists with a man who has had such excellent background, because, at best, I can only boast that I came through the ranks as a private, as a private first class, as a corporal, as a line sergeant, and as a second lieutenant. That was the end of my military experience. Certainly I would not venture myself as a protagonist against so distinguished and at once so worthy an opponent. But first I want to allude, of course, to this whole defense dispute and to one thing the distinguished Senator offered as a fact.

On page 9 of his prepared, published statement, there is fact No. 8. Now, Mr. President, with me a fact is an actuality. A fact is a reality. A fact is an irresistable, stubborn thing. And there is no qualification of a fact. Two and two equal four. That is a fact. Stand on your head—it is still a fact. Go to Hong Kong, or Singapore, or the Fiji Islands, or Berlin—it is still a fact. And it is an unequivocal fact. And so I examined one of these facts, and I read it to Senators verbatim:

Fact No. 8: Gen. Thomas Power, commander of the Strategic Air Command, stated on January 19, 1960, that the Soviets could at that time destroy 95 percent of all the U.S. retaliatory forces if—

And what a big "if"—

they had 150 ICBM's and 150 IRBM's and if we had no airborne alert.

The Soviets already have large numbers of IRBM's and will soon have large numbers of ICBM's.

Now, that is not all General Power said, and that is the reason why I quarrel about it when, as justification, we say the taxpayer pays the bill and he has a right to know. Well, in this regard, I give him the right to know everything; and do not escape the fine print in the contract, because what General Power said along with that statement, if I am informed correctly, was that this was "a mathematical calculation."

Mr. President, we have a hard time finding that statement when the story goes out to the country under these amazing headlines. There was a headline from the Herald Tribune dated February 20 which read, "Deception on Missiles Laid to Administration."

We know the penchant of our people, and we know our own weaknesses, in examining the first paragraph of an article, but it is the headline that makes the impression, and there it is: "Deception on Missiles Laid to Administration."

The same day this news story was reported in the Washington Star—and I have the quotation here in the file—something else was added, and that something was a statement by an Air Force spokesman, quoted in the Washington Star of February 9, 1960. He was commenting on the Power statement. Incidentally, when I saw it without any qualification, I thought, "This is incredible." It is what impelled me to take the floor and lament the fact that all these things were "dished up" not merely for the information of our people, but for the information of the whole wide world, including our enemies, as I shall presently establish.

But the Air Force spokesman on that day, February 9, 1960, said, "On a hypothetical set of circumstances." Now, if that is a fact, I will eat it.

I like the story about the fellow who saw an automobile accident in my town. They put him on the witness stand, and after they qualified him, the attorney said, "Did you see the accident?"

He answered, "Yes, sir."

The attorney said, "How far away were you when it happened?"

Without hesitation, the witness said, "22 feet 9¾ inches."

The attorney said, "Now, smart aleck, tell the court and jury, how do you know?"

The witness said, "When it happened, I measured from where I stood to the impact, because I knew some fool lawyer like you was going to ask me that question."

Now, these questions are asked. All I say is, and the only plea I make is, that if it is a fact I will respectfully stand back

and not argue with it, but I want no equivocal facts, and I want no qualified facts, because they are not facts within my estimate of the situation. That is the first point I make about the discussion which took place on Friday last.

Secondly, I cannot help raising my voice with respect to the dubious value of the ventilation of a good many of these matters, simply because it is alleged that it is in the public interest, that the people should know, that of course it will resolve the confusion. If one could get the whole story before the people, I would have no quarrel, but I know the necessities and the verities of the situation—how much and how little space is available, ofttimes, to tell the story. I know something about the weakness of readers' interest, and what makes a good headline.

This makes a good headline, "Deception on Missiles Laid to Administration." It is a wonderful headline, but I am not sure that it adds to the confidence of our people in their Government, whether it be this or any other Commander in Chief or this or any other administration. So I have had some doubt about the value of dilating on these matters; and my doubt continues to grow.

There was a speech in the House of Representatives on February 8. Under the rule I cannot mention the name of the Representative who made the speech, but he is a very distinguished Member and a committee chairman. I hope, Mr. President, it will not be charged that I violate the rules. I try only to identify the speech and not to identify the individual.

In that speech the Representative said we ought to stop listening "to the admirals." I do not know whether he used the term generically to include generals also. I do not know. But that goes out to the country. Does it add up to understanding, or does it add up to confusion?

Of course we had distinguished witnesses before the committee—Admiral Burke, General Power, General Twining and Secretary Gates. I thought—and this is wholly a personal opinion—that Admiral Burke, our Chief of Naval Operations, when he appeared before the House Committee on Science and Astronautics, made a sensible summation of the whole matter. He said:

> The defense argument stems from the fact that sincere men can make different judgments on future strength.

But what are the people to get from this? What are the people to divine? Does this add up to information for the public? I have some very, very grave doubts about it.

We of course know the responsibility of Congress in this field. I know the responsibility of the committees of the Congress. I can generally always commend them for their factfinding explorations, even when I disagree. But our national security is such a delicate thing that unless every shade of opinion and every aspect of the matter, in proper and balanced context, is gotten out to the country, I am not sure reports dispel the confusion of our people and add up to anything of truly durable value.

The next observation I wish to make is that when I speak about influencing the rest of the world on the subject it gives me some concern. I have in my hand a monitored radio broadcast from Peking, China. It was uttered on the 7th of February 1960. I suppose whoever gave it used the headline, "Bitter Charges in United States Over Rocket Lag."

This is a shortwave broadcast beamed at Asia and Europe. When one says "Asia," that refers to Red China. When one says "Europe and Asia," that includes the Soviet Union. That is not a happy headline—"Bitter Charges in United States Over Rocket Lag."

Mr. President, I ask unanimous consent to have the monitored broadcast printed in the RECORD at this point as a part of my remarks.

There being no objection, the radio broadcast was ordered to be printed in the RECORD, as follows:

BITTER CHARGES IN UNITED STATES OVER ROCKET LAG

(NCNA, radioteletype in English to Europe and Asia, February 7, 1960, 1958 GMT–B.)

PEIPING, February 7.—Serious disputes and accusations broke out recently among U.S. ruling circles both within and outside Congress over the fact that the United States was lagging far behind the Soviet Union in the fields of missiles and outer space exploration, according to reports from Washington. The disputes reflected the panic and desperate struggle of the admirers of the policy of "positions of strength" once they had lost that "position." The disputes, which were called the great debate on U.S. military policy, were started by opposition Democrats, particularly influential Democrats who had announced that they would and were ready to take part in this year's presidential election campaign. One after another they delivered speeches or testified in Congress, attacking the Republican government for "lagging" in the development of missiles and for its responsibility for the missile gap between the Soviet Union and the United States.

At a meeting launching the 1960 election campaign of the Democratic Party, the former President, Harry Truman, accused the Eisenhower administration of "indecision" and "neglect of a number of crucial issues," including space and military questions, and for being the "worst government" the United States had had for scores of years. One of the Democratic presidential candidates, Senator STUART SYMINGTON, accused Eisenhower of "not taking count of the startling changes which have come about since he came into office in 1953." Contrasting the military strength of the Soviet Union with that of the United States, he said, "In the missile field, the Russians are ahead, in the space field they are way ahead. They have more submarines than we have. In ground forces they are ahead. Only in long-range bombers can we claim any advantage at this time. But even here the problem is that the bombers are getting obsolescent and their deterrent value diminishes." SYMINGTON admitted that the United States would become a second-rate power.

Senate Leader LYNDON JOHNSON, Senate Deputy Leader MIKE MANSFIELD (both Democrats—NCNA), chairman of the Senate Armed Services Committee RICHARD RUSSELL, and Democratic Senators HUBERT HUMPHREY and JOHN KENNEDY, who have announced that they will take part in the presidential election campaign, all used the missile lag as their major attack against the Republican government. At the same time, they insisted that the United States should greatly increase its military spending to develop missiles.

MANSFIELD said dejectedly that, during the past decade, the Soviet Union made great strides in the economic, space, and the military fields, while "we have seen a period of Roman decadence as far as our own country is concerned." After the Soviet launching of a powerful rocket into the Pacific, JOHNSON said that this constituted the most serious danger the country had ever faced. Democratic Senator RALPH YARBOROUGH lamented that the United States was lagging pitifully and terribly.

Senator KENNEDY said that Eisenhower had led the United States to an unfavorable military position compared with the Soviet Union. He was in favor of increasing the military expenditure for the coming year. Joining the attack against the Government, the former Army Chief of Staff, Maxwell Taylor, even wanted the United States to increase annual military expenses from the present $41 billion to $50 or $55 billion in the next 5 years, so as to increase U.S. strength.

The attacks made by the Democratic Party have put the Eisenhower administration in an awkward position, because they have further exposed the outwardly strong but inwardly weak U.S. position of strength. AFP reported that the U.S. Government was launching a nationwide campaign in defense of U.S. military strength. The objective of the campaign was to reassure American opinion, the allies, and the noncommitted countries who are beginning to express serious doubts as to the chances of the United States regaining the lead in the field of cosmic exploration. But, in the face of ironclad facts, the report said that the senior officials in charge of operation truth would have to avoid any attempt to minimize the caliber of Soviet cosmic achievements. These successes are too evident.

At meetings of the Senate and the House committees in charge of investigation, U.S. Secretary of Defense Thomas Gates took the lead to defend the U.S. Government. On the one hand, he had to admit the advance and might of Soviet science and technology, but, on the other hand, he tried his best to minimize the missile gap between the Soviet Union and the United States. He blatantly said that the U.S. Defense Department had estimated formerly that the Soviet superiority in ICBM's could be in the order of 3 to 1 in the period 1960–63, but the present estimate was that the Soviet Union enjoyed a moderate numerical superiority. But Gates could not give any facts to back his new estimate. Consequently, this had given rise to general doubts both within and outside the U.S. Congress.

During one of the roughest press conference pummelings in many years in Washington, Gates lamely conceded that his estimate was based on the Defense Department's recognition of "what the Soviet Union will probably do" and not on the Soviet Union's actual capability in producing missiles. After Gates' statement, many Congressmen and leading papers accused him of being irresponsible and disgraceful. Senate Democratic Leader JOHNSON pointed out that U.S. estimates of the strength of the other side were often construed from "wishful thinking, the easy way out, escape from reality, and avoidance of the hard facts of life." He added that these "are the sure roads to disaster." U.S. Strategic Air Commander Thomas Power also said that, "with only some 300 ballistic missiles, the Soviets could virtually wipe out our entire nuclear striking capability within a span of 30 minutes; only about half of these missiles would have to be ICBM's."

CIA Director Allen Dulles said that, to a larger extent, the Soviet Union surpassed

the possibility which the world expected of it in gaining scientific and technological achievements. At present, although there are persons abroad who still cherish the hope that the United States would catch up with the Soviet Union, it is seen that, in the next 5 to 10 years, doubts regarding the realization of this possibility would increase.

At the same time, the U.S. Government was strenuously advocating more intensive arms expansion. Recently, U.S. President Eisenhower repeatedly stressed that the United States would greatly develop missile weapons and requested Congress to increase appropriations for the study of large-size rocket engines. He also indicated that, in fiscal year 1960, the U.S. Government's expenditure for missiles "is getting close to the point where money itself will not bring you any speed, any quicker development."

Vice President RICHARD NIXON insisted that militarily the United States "must maintain sufficient strength" and should not cut military expenses. "Under no circumstances should the United States or its allies reduce their strength," he said. Defense Secretary Gates stressed that the United States should improve the retaliatory capability for a general war and maintain the capability for local wars. He indicated that the United States was speeding the development of ballistic missiles, military satellites, and long-range bombers. Gates did not disguise his opposition by saying that "negotiations with the Soviets will result in agreements that will ease our defense problems."

Mr. DIRKSEN. Mr. President, I shall read only a few parts of the broadcast.

Serious disputes and accusations broke out recently among U.S. ruling circles both within and outside Congress over the fact that the United States was lagging far behind the Soviet Union in the fields of missiles and outer-space exploration, according to reports from Washington.

It is so easy to utter speeches on this floor. The next day they are in the headlines 10,000 miles from the Senate Chamber. I have a right, I think, to ventilate my own fears in that respect when the wrong thing is said.

The broadcast goes on:

The disputes reflected the panic—the panic—and desperate struggle of the admirers of the policy of "positions of strength" once they had lost that "position." The disputes, which were called the "great debate"—

They do not miss anything. They know all the changes—

the "great debate" on U.S. military policy, were started by opposition Democrats, particularly influential Democrats who had announced that they would and were ready to take part in this year's presidential election campaign. One after another they delivered speeches or testified in Congress, attacking the Republican government for "lagging" in the development of missiles and for its responsibility for the "missile gap" between the Soviet Union and the United States.

I shall read one further paragraph, and that is enough for my purposes:

At a meeting launching the 1960 election campaign of the Democratic Party, the former President, Harry Truman, accused the Eisenhower administration of "indecision and neglect of a number of crucial issues," including space and military questions, and for being "the worst government" the United States had had for scores of years. One of the Democratic presidential candidates, Senator STUART SYMINGTON, accused Eisenhower of "not taking account of the startling changes which have come about since he came into office in 1953."

They read that or heard it in China, and they heard it in Korea. They heard it in Vietnam. They heard it in Burma. They heard it in Europe.

Do Senators think for 1 minute that the present Commander in Chief has not taken account of the changes in military posture and military developments since he has been in office? I sat with him long; and I will stake my chips on the fact that for 41 years he has given the best of his life to the defense and security of this country. But when we talk on the hustings, I make full allowance for the liberties we take in a campaign. I have taken them myself. But I believe that when we enter this delicate security field, it calls for some restraint, because a country—a blessed country—and its survival are involved. That is one matter that distresses me somewhat.

When we talk about fields in which supposedly we lag, there is always brought into purview, I think, the question of "How great the peril?" Someone may very well assail these rather casual remarks I make on the ground that back in the early days perhaps there was not so much danger; but now we must lay everything out so that the whole world can see, because the peril was never greater.

Let us take a look. Here is a report from the Subcommittee on Investigation of the Preparedness Program. This is the 39th report. It was messaged to the chairman in a letter of submittal on June 17, 1952. Our distinguished majority leader, the Senator from Texas [Mr. JOHNSON], was the chairman. Let me say, where all the world can hear, that he is a distinguished Senator, a distinguished citizen, and a distinguished leader. I have abundant confidence in him.

What was said in this report was nothing more than something to show how an estimate at one time can be so far afield, and why we should exercise an abundance of caution when we throw allegations and figures around, sometimes a little carelessly. I shall read from page 5 of the report. The subtitle is "The Stretchout." By way of background, I may say that there was a good deal of feeling about stretching out procurement and the expansion of our Air Force. I read from the report:

But even more important than these delays was the decision of the President and his advisers to postpone the attainment of air strength for a period of about a year. This is commonly referred to as the stretchout, a step that was taken for fiscal reasons.

I will get to the fiscal reasons in a little while.

This decision, according to Secretary Lovett, "involved the acceptance of a considerable degree of calculated risk." It meant a cutback of current as well as future production. It meant fewer deliveries of planes to Europe.

This is the salient part:

In a memorandum commenting on the stretchout, the Joint Chiefs of Staff made the following statement: "The Joint Chiefs of Staff desire to reaffirm that they consider the general period of 1954 to be the most dangerous for the security of the United States in the foreseeable future."

Were they right? I thought 1954 was a quiet and tranquil year. The President had been in office for a little while. The country was going forward. We had resolved the difficulties in Korea. So the era of 1954, which was said to be the most dangerous in the foreseeable future, did not turn out to be so dangerous after all. Do not ask me why. I do not know. I know, however, what the history books show. I know what happened in January, February, March, April, May, June, July, August, and September. I need only to look at the chronology in the World Almanac, or in the encyclopedia, or to look in my own notes to find out what happened. The danger was not there. It did not come in 1955, 1956, 1957, or 1958. Where was the great peril in 1954?

It might be argued that that proves that leaders can make mistakes. Perhaps General Power made a mistake too. I think we should be cautious indeed how we drape the sun, the moon, and the stars with all the figures, and even threaten to release the intelligence figures unless we get an answer. The threat was later withdrawn. It does not make me very happy, when we are dealing with the whole delicate question of the security of the country.

There are differences of opinion about this whole business. But there is one thing on which I do not believe there can be a difference of opinion, and that is the interest in his country, his fidelity, his patriotism, and his anxiety about its security and its survival, of the Commander in Chief 228 years after the first Commander in Chief of this Republic was born.

It distresses me no end when it is made to appear that the Commander in Chief puts a balance sheet, and money, above our survival. The critics will ring the changes. We shall hear them—money versus security.

On February 3, 1960, the distinguished Senator from Missouri [Mr. SYMINGTON]——

Mr. SYMINGTON. Mr. President, will the Senator yield for an observation? If the Senator wishes to talk about me, will he turn in my direction, so that I can hear what he is saying?

Mr. DIRKSEN. I thought I was talking loud enough.

Mr. SYMINGTON. The Senator seems to be talking to the other side all the time. Since I am here, I should like to be able to hear what he has to say.

Mr. DIRKSEN. Most of the congregation is sitting on this side of the church. [Laughter.]

The PRESIDING OFFICER. The occupants of the galleries are guests of the Senate, and they will remain silent.

Mr. DIRKSEN. On February 3, 1960, the distinguished Senator from Missouri made a speech to the National Democrat Club in New York. To be exact, the club is located at 223 Madison Avenue. From reading the columns from day to day I

thought "Madison Avenue" was an exclusive term applied to us Republicans, but this club is located on Madison Avenue.

That was reported——

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. Will not my good friend wait for a little while? I will yield to him later.

Mr. ERVIN. I did not want the Senator to say that that is exclusively Republican, because I understand that some people on Madison Avenue worked on Democratic projects, also, and they even tried to change the name of the Democratic Party to the Democrat Party.

Mr. DIRKSEN. If the Senator is not careful, he will spoil a good speech. [Laughter.]

They bring out the Madison Avenue boys, and I always thought they meant us. At least, the club is located on Madison Avenue in New York City. This is what the New York Journal reported on February 4:

Mr. SYMINGTON was speaking of old guard Republicans, those who put Hoover in office, those who put Dewey in office.

I was for Hoover. I am proud of it. I think he was one of the greatest Americans then and is now that this country ever produced. I was for Dewey. I may have said some things that he did not like, on occasion. [Laughter.]

But I was still for him. The world will admit and everybody will admit that he is one of the greatest administrators in our Government this country has ever seen.

So I am tarred with the characterization of being an old guard Republican. This is what the distinguished Senator from Missouri had to say:

They are willing to juggle the intelligence books to balance the budget books, and give the people a false impression of our relative security in this troubled world.

Mr. President, I have a right to regard that as putting security in the political field. That statement was made before a Democratic club. It was a political speech. It was an attack upon this administration and many members of it. And it was an attack on me, because I suppose I am included by this term "old guard Republican."

So many terms have been fastened on me that sometimes I do not know which I must own up to. I am just a garden variety Republican who, like Lincoln, believes in the Constitution and in the Bill of Rights and in our free-enterprise system, and who wants to see the country go forward, so that those who will be the legatees of what we do here or fail to do will have a full, fair, and decent chance to enjoy the same benefits we have had in our generation.

There is the issue of money versus security:

They are willing—

Willing? That must show an enthusiastic disposition to do it. When it is said that a man is willing, he is champing at the bit; he is waiting—

to juggle the intelligence books to balance the budget books.

He is willing to put mammon ahead of his country. He is willing, in the interest of a balanced budget, to take a chance upon the survival of the country for whose protection he took an oath.

I do not like it. I will say that anywhere. I say it to the Senator from Missouri. I want the country to know how I feel about it. Then I want the country to know how the Senator from Missouri felt about it.

It is best to be careful about throwing stones around in this man's town and in this political arena, because often the book rises up to haunt one. The book is read on me once in a while, but I take it that is part of the business. Is it not, my friends? One needs a tough hide in this business. One really does.

The distinguished Senator from Missouri appeared in Montclair, N.J., before a meeting, in 1952. To be exact, it was on March 14. It was reported the next day in the New York Herald Tribune. What was happening was that he was receiving an award from Yale alumni.

Mr. President, I ask unanimous consent to have the whole article printed in the RECORD at this point. I will read one paragraph.

Mr. ERVIN. I dislike to object, but I would like to hear the article read. I do not know what it is.

Mr. DIRKSEN. May I say to the distinguished Senator from North Carolina that the print in this article is rather fine, and my bifocals are not working too well this morning. I will put the whole article in the RECORD. Most of it relates, of course, to the award, and so forth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Mar. 15, 1952]

DANGER OF U.S. COLLAPSE TOLD BY SYMINGTON—HE WARNS YALE ALUMNI UNPRECEDENTED SPENDING MAY LEAD TO BANKRUPTCY

MONTCLAIR, N.J., March 14.—STUART SYMINGTON said here tonight that Communist Russia may be relying on an economic collapse of the United States to keep it out of an all-out atomic war.

The former Administrator of the Reconstruction Finance Corporation spoke at a meeting of the Yale Alumni Association in the Montclair Golf Club at which he received the 1952 Montclair Yale Bowl Award as the outstanding alumnus of the university.

"Perhaps the Politboro," he said, "will now rely on their silent weapons, such guns as crippling taxes, unprecedented spending, inflationary tendencies and the consequent effects on that personal incentive and corporate initiative—

Mr. DIRKSEN. I read the last paragraph:

"I have great respect for most of our military leaders" he continued, "but as sure as the sun is coming up tomorrow, if military appropriation requests are not checked at least as carefully as all other appropriation requests, this armament program can only end in national bankruptcy."

That is not I saying it. That is the distinguished Senator from Missouri saying it. He said it when he received an award in 1952. What does anyone think the President has been doing? He does not want the country to go into bankruptcy. He is charged with some regard for the budget, and very properly so. He tries to put this whole matter into proper balance. Consequently, who shall say that in so doing and in thinking of a balanced budget, to dampen the fevers of inflation, the President of the United States should be charged with putting money above security; and that these amazing headlines should develop over whether or not he was misleading the country? That is a rather amazing thing. It is a matter of deep concern to me.

There is still another statement to fortify what I am saying. I do not depend on that alone. The distinguished Senator, when in his capacity with the Air Force, appeared before the Armed Services Committee of the House on January 27, 1949, and in responding to a question, said:

What the military and Air Force consider is essential to security, sir, is not paramount, as I see it. Anybody against us can win in two ways. The first would be in battle, and the second would be by forcing us to spend more money than the country could afford, getting into deficit spending.

He was an official of the Government. He was charged with high responsibility. He said that what the military thought about it in the field of security was not paramount. He said others could win against us in battle, but they could also force us "to spend more money than the country could afford, getting into deficit spending."

What does anyone think the President of the United States has been trying to do? He has a responsibility, even as we have, to keep the country on an even keel.

I do not quarrel with the distinguished Senator from Missouri about that statement. I only quarrel when an ulterior purpose may be ascribed to the present Commander in Chief with regard to a balanced budget, deficit financing, and a regard for our first line of defense, which is the home line, and that he has no proper regard for security and for survival.

I add one other thing, because when the distinguished Senator from Missouri was about to say farewell to his job, the New York Times made the following statement:

SYMINGTON said that although he was convinced of the need for 70 air groups, he supported the Truman budget "without any reservations whatsoever."

The former Secretary of the Air Force said he was convinced that the country should have 70 air groups. Many people were convinced that we should not have that many. But he supported his Commander in Chief's budget without reservation. I add that statement because so long as the Almighty gives me breath, I expect to defend the Commander in Chief of the United States against any allegation whatsoever that he is so devoted to a balanced budget that the consideration of security and the survival of this blessed country becomes secondary.

There are some other things I suppose I could add to these rather casual remarks. We can differ, and we shall differ from time to time. But when all is

said and done, so much of what we say is opinion, and we ought to be careful how we throw it around. If we want to reflect on how we differ, let us consider what happened to the defense appropriation bill last year.

The House reported a $38.8 billion bill. They passed it by a rollcall vote of 329 to 3.

The Senate passed a bill, by a vote of 39 to 6, which provided $800 million more.

So the House and Senate differed on how many hundreds of millions of dollars should be provided in the bill.

The bill went to conference. What happened? The conference split the difference. The conference report was approved in this body by a vote of 85 to 0. Talk about differences? There they are. When the House reported the defense bill last year, it made this significant statement:

> The Joint Chiefs of Staff as a corporate body is not providing the kind of advice and leadership which this country requires.

That is a great reflection upon great leaders who have given their lives to training themselves for these responsibilities. Yet the House committee indicted them, broad scale, when it said:

> The Joint Chiefs of Staff as a corporate body is not providing the kind of advice and leadership which this country requires.

That is in print. It is contained in a printed document, prepared at the expense of the people. I have sometimes wondered how many people have seen it.

I remember the discussions which took place concerning the Bomarc missile. The House cut the amount for that missile sharply, and they assigned a most interesting reason. They said it was one way to focus attention on the missile controversy. The way to focus attention is to take the money away. So they proceeded to do that. The Senate restored almost $80 million. I did not check back to see what finally happened.

Mr. President, we have had our differences concerning a conventional aircraft carrier, a nuclear carrier, or no carrier. But when we got all through, we did not make too much noise about it. Then we went our particular ways.

But when this subject becomes a political issue, and it is made to appear that this administration and the present Commander in Chief are putting an iridescent dollar sign in the sky and are making that the point of worship, instead of our security and survival, then, Mr. President, it will make no difference who in the Senate or who in Government is involved: I intend to protest. That is why I protest that sort of thing today.

Mr. President, I yield the floor.

Mr. BUSH rose.

Mr. SYMINGTON. Mr. President, I have listened with interest to the remarks of the junior Senator from Illinois. I thank him for his thoughtfulness in giving me prior notice that he was going to make this talk on the floor of the Senate today.

With some of the implications of his talk I do not agree. With some of the statements in his talk I do not agree. Therefore, rather than attempt to answer the distinguished minority leader in detail at this time, I shall read his speech carefully. Then I shall let him know, if and when I shall answer him on the floor of the Senate.

Mr. President, I should like to make an additional remark in this category. The junior Senator from Illinois referred to the majority leader. Many years ago it was my privilege to meet for the first time the majority leader of the Senate [Mr. JOHNSON of Texas]. As a former member of the executive branch and as a junior Senator, I say there is no man whose legislative record in support of our country's defenses surpasses that of the distinguished senior Senator from Texas. On one occasion, as the record will show, there were but eight votes in the Senate which favored the maintenance of an adequate Air Force. The vote of the distinguished majority leader was one of that small number.

Mr. President, last month the Secretary of Defense testified that the analysis of intelligence data had been changed to one based on an "estimate of what we believe he [Russia] will probably do, not what he [Russia] is capable of doing."

The Secretary concluded that as a result of this change in procedure, "the great divergence [in ICBM's] based on figures testified to in past years, narrows."

A few days later, the Secretary of the Air Force even went so far as to say that the new method had adjusted the picture to such an extent that he was not sure but what the ICBM gap may have been eliminated altogether.

Those were the statements made to the people.

Ten days after the statement by the Secretary of Defense, however, the Director of the Central Intelligence Agency, in a closed, secret session, told the Senate exactly the reverse.

At that time the Director said the new intelligence data showed that the number of long-range ballistic missiles the Soviets were expected to have ready to be launched against the United States was, in ratios, greater than the estimate of what they were expected to have based on last year's intelligence data. In fact, at mid-1960, mid-1961, and mid-1962, the new estimates, the new estimates of the Soviet ratios in ready-to-launch capability average between 20 and 50 percent more than the estimates of last year.

Based on this year's figures and this year's method of analysis, the Soviets are expected to have a capability greater than the 3 to 1 lead Secretary McElroy forecast last year.

Therefore, the recent public statements and implications by this administration on this matter, previously referred to, were wrong. Accordingly, I stated that the administration was misleading the American people with respect to this vital matter. There has been no correction of the erroneous statement made last month by those two officials, as there was last year. I commend Secretary McElroy for his clarification last year.

Therefore, my statement stands: The American people are being misled. The American people are being told one thing in public statements by members of this administration; and the U.S. Senate is being told a vastly different story, in secret or executive hearings.

Mr. President, there is a simple way to clear up this confusion. Let the Secretary of Defense, or whoever is the proper official, announce at this time the current estimated ratios on ICBM's. This Secretary McElroy did around the time the budget came up last year. He announced, at that time, that we planned to let the Soviet Union attain a lead of 3 to 1 in these highly important weapons. Surely, all of us will agree that, if any ratios are to be released to the people of the United States, the right ratios should be released.

To the best of my knowledge no Member of the Senate has released or has suggested releasing classified data. However, if any information is to be made available, the American people and the Members of the Congress have the right to demand that such information be accurate and not misleading.

Therefore, this administration should publish now what it is estimated the Soviets will be capable of launching against this country, compared with our like capability—in ratios or percentages—for mid-1960, mid-1961, and mid-1962.

In that way, without divulging any classified information and without telling any possible enemy anything he does not already know, the American people would have the truth.

Mr. President, no amount of oratory can justify the giving out of misinformation. Under our form of government the people are entitled to the truth.

I wish to thank my friend, the Senator from Connecticut [Mr. BUSH], who, I believe, was ahead of me on the list of speakers for today, for yielding to me at this time, in order that I could make these comments following the remarks of the minority leader.

Mr. BUSH. Mr. President, I have been very glad to yield to the distinguished Senator from Missouri. Certainly he was entitled to that courtesy, after the remarks of the minority leader.

I had intended to make today some extended remarks of my own on this subject. However, in view of the remarks made by the minority leader, I shall defer mine.

I wish to take this opportunity to thank the minority leader for his very clear and well-documented exposition of the subject under debate here. I am particularly grateful to him for his stirring defense of the administration, and of the President of the United States, in particular. Certainly I think the Senator from Illinois has made an ironclad case for the fact that the President does not put dollars above survival, and I think the Senator has made a good case for the fact that none of us who support the President in this great debate do that.

I congratulate the minority leader, and I think that all of us who are on this side of this great question owe him a very great debt of gratitude.

Mr. ALLOTT. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield to the Senator from Colorado.

Mr. ALLOTT. I thank the Senator from Connecticut for yielding.

Mr. President, I, too, wish to congratulate the minority leader; and particularly I wish to say that in his speech he has stated in all respects my position on this matter. I agree with him wholeheartedly; and I believe that the job he has done by means of the speech he has made, in bringing this question into focus before the Senate today, is a real contribution to the situation we face in connection with our national armaments.

Mr. KEATING. Mr. President, will the distinguished Senator from Connecticut yield to me?

Mr. BUSH. I yield, if I may, to the Senator from New York.

Mr. KEATING. Mr. President, I wish to join in the commendation of the minority leader for placing this matter in proper focus.

I wish to add to his remarks a statement about the testimony of General Power. On yesterday, I placed in the RECORD, following some remarks of mine under the title "Stop Selling America Short," a recent article by certainly one of the foremost, if not the foremost, military journalists in the country, Hanson W. Baldwin, whose articles are published in the New York Times. He dealt specifically with the matter to which the minority leader has referred, regarding the testimony of General Power; and Mr. Baldwin had the following to say:

> Gen. Thomas S. Power, commanding the Strategic Air Command, has stressed the vulnerability factor by estimating that 300 Soviet missiles might destroy our retaliatory capability. General Power has omitted from his equation a great many tactical Air Force units, as well as the Navy's nuclear-capable forces.
>
> But even so, a simultaneous and synchronized attack by a salvo of 300 Soviet missiles, each launched on a precise, predetermined timetable so that the missiles would arrive simultaneously on their widely scattered targets, would assume a technical and organizational skill that we do not possess and are unlikely to possess in the immediately foreseeable future, and there is no reason to believe that the Russians possess such a technology.
>
> DETERRENT GOAL
>
> Thus, our vulnerability today—or in the immediate tomorrow—is not as great as an academic discussion can make it appear.

I think it very important to keep this entire matter in proper focus. I believe that in the remarks I made yesterday I was doing so, in pointing out that it is perfectly proper to have a high-level discussion of our national-defense policy and it is entirely in the public interest; but it is a disservice to make it appear that we are weak, because we are the strongest nation on earth, and we intend to continue to be the strongest. The President of the United States is more dedicated to that objective than any other man I know.

I thank my friend, the Senator from Connecticut, for yielding to me.

Mr. BUSH. Mr. President, I wish to congratulate the Senator from New York for the remarks he made in the course of the debate yesterday, which I read with admiration and approval in the RECORD. I believe he is quite correct in pointing out the special quotation from Hanson W. Baldwin. It has a very direct bearing on this whole matter. Those who read information of this type will be glad to know, I believe, some of the truths which bear on the matter of our defense posture.

Mr. CASE of South Dakota. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. CASE of South Dakota. I wish to join in the appreciation which has been expressed of the effort of the minority leader to place this whole matter in better focus before the American people.

I am one of those who do believe that the people are entitled to know as much as can be told. At the same time, I think there are in the field of national security certain limits beyond which we should not go.

I do not think it is a good part of strategy or of national defense to advertise weakness, if there be some. Let us advertise our strength, rather than weakness. But in saying that, I do not wish to be misunderstood.

At one time the Senator from Connecticut was a great baseball player, I understand. So I am sure he knows that in assessing the strength of a team, one thinks of the teamwork and a balanced team.

What our President and what the Defense Department have sought to provide for the American people is a well balanced team. There may be a stronger punch here or a stronger punch there; but I believe the American people are entitled to know that the U.S. team is the strongest team on the field today.

Mr. GOLDWATER. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I desire to associate myself with the laudatory remarks concerning the speech made by the minority leader relative to our defense position and the attitude of the President in the entire matter.

In listening to the remarks which the distinguished minority leader ascribed to the Senator from Missouri [Mr. SYMINGTON]—as having been made in 1952, as I recall, in New York—it was my recollection that the Senator from Missouri commented that we could be defeated by continued deficit spending in this country just as well as we could be defeated by military means. They were not his exact words, but the meaning was there.

That is a point which I think is constantly overlooked by the opposite side. I cannot for the life of me understand why they think there is some source of money other than the people's pockets; why they believe we can continue with deficit spending, even if it is involved in military expenditures, which will not ultimately lead to bankruptcy.

I respectfully submit that the Russians do not care how they defeat us. They are doing pretty well around the world now, without firing a shot or dropping a bomb. They do not care whether they defeat us psychologically, by causing our economic collapse, or, if they have to, by military means.

I think we have to recognize their announced intention of the captivation of the capitalistic world, which means the United States and our allies.

We have to have a balance in spending so we do not have unbalanced budgets and increased deficit spending, which has wreaked havoc on the value of our dollar in this country and on the respect for the dollar around the world.

I think the aim of the military should be to achieve a balanced power, and that is exactly what I have understood the President to be in favor of. He does not look upon missiles as the only weapons we have. He does not look upon Polaris missiles as the only weapons we have. He does not look upon the Strategic Air Command as the only weapon we have. He does not look at surface vessels of the Navy as the only weapon we have. Rather, he considers all those weapons in toto and says, truthfully, that this is the greatest military force assembled in the history of the world.

I am convinced the President is correct. I am confident we can maintain that superiority.

There are aspects of this defense picture as to which I am not in agreement with some Senators on this side of the aisle. But when we are talking about total forces, balanced forces, and about the total power of those forces, then I must agree with the Commander in Chief that we have the strongest military position in the world today, and we will maintain it so long as we maintain a balanced budget in our country and do not, so to speak, spend ourselves to destruction.

I thank the Senator from Connecticut for yielding to me.

Mr. BUSH. I thank the distinguished Senator from Arizona. Incidentally, I think it is interesting to observe for the record that he himself is a member of the Armed Forces of the United States, a general officer in the Air Force Reserve, and one who would be as much concerned with our national defense and the general posture of our defense as any Senator could possibly be. So I am very much reassured by his frank statement on this subject. I think the people of our country should be reassured by that statement because of his connection with the armed services and his constant interest and activity in connection therewith as a general officer in the Air Force Reserve.

I thank the distinguished Senator from South Dakota [Mr. CASE] for his contribution and his relevant comments on this situation. Certainly one who has been on the Armed Services Committee for as long as the Senator from South Dakota has been is in a position to have his statements bear some weight. He is generally recognized by Senators on both

sides of the aisle as one of the most careful and accurate men in the whole U.S. Senate, and he is not given to making irresponsible or extravagant statements. On the other hand, he is usually very careful and conservative in what he says, and backs those statements up with facts and figures.

The fact that he is wholeheartedly committed to the President's position in this matter is of gratification to all of us who agree with the President's general position.

One more word, Mr. President, and I shall conclude. There has been a great tendency in this debate to harass the Bureau of the Budget. From time to time the Bureau of the Budget is made a whipping boy in connection with matters in which authorized expenditures appear to have been set aside temporarily or otherwise. The Bureau of the Budget has been harassed for such action.

I think it should be said for the RECORD and for the understanding of people generally that the Bureau of the Budget has no power of its own; that the Bureau of the Budget is under the President of the United States; that it is a part of the staff of the President. The Bureau has no authority of its own. When the Bureau of the Budget does something, it is the President of the United States who does it, and the Bureau does it with his approval.

So I think those who seek to harass the Bureau of the Budget must realize—and I am afraid perhaps some of them do not—that actually they are attacking the President of the United States when they attack the Bureau of the Budget.

Mr. President, we could not run this Government without a Bureau of the Budget. It would be a shambles. It would be an unorganized, chaotic affair. The Bureau of the Budget's job is to keep expenditures within appropriated sums, and also, as a part of his staff, to help the President to come to conclusions about the needs of the various departments, so he can reach a balanced conclusion, as the Senator from South Dakota has said, regarding not only the merits of the demands of the armed services, but also in relation to demands of other departments of the Government.

So, as one who has regard and admiration for the operation of the Bureau of the Budget, and particularly during the last few years under Mr. Stans, I pay tribute to the Bureau and to him for the faithful administration of the President's policies and for the Director's faithful work as the President's chief of staff in connection with budgetary controls.

Mr. President, I yield the floor.

STUDY OF CHARGES AND ALLEGATIONS OF UNION CORRUPTION

Mr. MCNAMARA. Mr. President, seven prominent citzens who constitute the Public Review Board of the United Auto Workers have been asked by the union to study charges and allegations of corruption within the union.

I ask unanimous consent that an article appearing in today's New York Times describing this action be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 23, 1960]

UAW ASKS STUDY OF GOP ATTACKS—CITIZENS BOARD TO TAKE UP RACKETS CHARGES LABELED AS LIES BY AUTO UNION

(By Damon Stetson)

DETROIT, February 22.—The United Automobile Workers asserted today that a report of four Republicans on the Senate Rackets Committee was a politically motivated, anti-labor document based on "falsehood" and "malicious slander."

At the same time, Walter P. Reuther, president of the UAW, asked the union's public review board, an independent group of seven prominent citizens, to examine the charges. After doing so, he said, the board should report the truth regarding the allegations to the public and to the union's members.

MADE PUBLIC BY GOLDWATER

Later today, Mr. Reuther met with Rabbi Morris Adler, chairman of the review board, and two other members from this area to discuss the request.

After the conference Rabbi Adler said that the requested action came within his board's jurisdiction and that the board had a duty to review the charges. He said he would convene the review board's executive committee immediately to discuss the matter.

Senator BARRY GOLDWATER, Republican, of Arizona, made public last week the Republican report of the Rackets Committee, formally known as the Select Committee on Improper Activities in the Labor or Management Field.

The four Republicans said in their report that they were convinced that "corruption, misappropriation of funds, bribery, extortion and collusion with the underworld had existed within the UAW as in the Teamsters and those other unions whose derelictions have been so widely publicized."

The report of the full committee, headed by Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, is expected to be issued this week.

Robert F. Kennedy, former chief counsel for the committee issued a statement last week branding the Republican allegations about the UAW as false. He accused the Republican members of "across-the-board hatred of organized labor."

The international executive board of the auto union attacked the Republican report today in strong language.

REPORTED CALLED UNTRUTHFUL

It charged that the report had distorted the truth and contained outright fabrications.

"It reflects the hysterical hatred of those Senators for the UAW and all other clean and democratic unions," Mr. Reuther said in a statement.

The Review Board was established by the union in 1957. It was empowered to make final and binding decisions on all cases appealed to it and to deal with matters related to alleged violations of any ethical practices codes of the American Federation of Labor and Congress of Industrial Organizations.

The Goldwater report dealt particularly with the long Kohler Co. strike at Kohler, Wis. Stress was put on what Senator GOLDWATER called a "pattern of violence in UAW strikes."

The union statement today said that an objective evaluation of the charges would demonstrate that the four Republican Senators had "glaringly and guiltily" omitted reference to the record of "violence, terrorism and intimidation" that, it said, the Kohler Co. had directed against its workers.

THE DOUBLE STANDARD OF THE WASHINGTON POST AND TIMES HERALD

Mr. THURMOND. Mr. President, for years the great majority of the press, radio and television in parts of the Nation other than the South has operated on a double standard. They persist in espousing a holier-than-thou attitude in the field of so-called civil rights. Closing their eyes to their own prejudice, they concentrate exclusively on what they term "racial prejudice," which they perceive to exist only in the South.

In the first place, racial prejudice, probably exists to a greater extent in other parts of the country than it does in the South. Certainly, outbreaks of violence between the races are more frequent and vicious in the population centers of the Northeast than any that occur in the Southern States.

Behind the paper curtain the word "prejudice" has been narrowed in definition to a brand of "racial prejudice" as seen in the eyes of the holier-than-thou do-gooders who publish the anti-South periodicals. These very publications are themselves the epitome of prejudice against the white people of the South. Their biased and vicious half-truths and exaggerations concerning the people of the States which comprised the late Confederacy find no equal in bigotry.

Foremost among the papers whose editorial policy reflects the intense degree of prejudice against the South to which I refer is the Washington Post and Times Herald. On Monday, February 22, the Washington Post and Times Herald published an editorial entitled "Fair Security Procedure." In general, the editorial approved of the new industrial security program inaugurated by the executive department and bitterly condemned the procedures which were contained in Department of Defense Regulation 441 for industrial security programs; the latter having been declared unconstitutional by the Supreme Court last year in the case of Greene against McElroy, partially on the grounds that there was no provision in the regulation for confrontation of the accused by the prosecuting witnesses and no right of cross-examination.

With respect to security cases, the Washington Post and Times Herald finds the rights of cross-examination and confrontation to be essential and basic rights of the individual. In extolling the right of cross-examination, as applied to security cases, of course, the editorial said:

The right of cross-examination grows not out of a sentimental concern for accused persons but out of a recognition, distilled from experience, that it is an indispensable means of discovering the truth. This is why testimony in criminal trials is invariably subjected to it. It is especially important and

useful, as Chief Justice Warren pointed out in the Greene case, "where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy." Cross-examination protects the Government no less than an accused individual. For it safeguards justice. It ought to be given full application in the Federal employee security program as well as in the industrial security program.

The rights of confrontation and cross-examination have recently been raised in a setting where, not suspected security risks, but State and local officials, are the ones denied the rights of confrontation and cross-examination. I refer, of course, to the case of Margaret M. Larche against John A. Hannah and others, which originated in the U.S. District Court for the Western District of Louisiana. In this instance, it was the rules of the Civil Rights Commission which were contested before the court. Both the District Court for the Western District of Louisiana and a special three-judge Federal court of appeals have found that the rules of the Civil Rights Commission were unconstitutional because they did not provide for the rights of confrontation and cross-examination. The lack of concern for the basic due process in this instance by the Washington Post and Times Herald is a prime example of the double standard to which I refer. The Washington Post and Times Herald can find in its editorial heart great concern for the lack of due process on behalf of security risks, and many an editorial tear has been and will be shed on behalf of these security risks. Not before the proverbial cold day in the hot place Mr. President, will the Washington Post and Times Herald express concern over the deprivation of due process to white citizens of the Southern States, for they in the eyes of the Washington Post and Times Herald are to be relegated to the position of second-class citizens in keeping with the double standard which permits the existence of the Yankee paper curtain.

PRESIDENT EISENHOWER BACKS THEODORE ROOSEVELT MEMORIAL IN WASHINGTON

Mr. KEATING. Mr. President, I am delighted to report to the Senate that President Eisenhower has given his emphatic endorsement to the effort to establish a Theodore Roosevelt Memorial in Washington. Herman Hagedorn, Executive Director of the Theodore Roosevelt Centennial Commission, has just sent me a copy of a letter from the Chief Executive, which reads as follows:

DEAR MR. HAGEDORN: Thank you for your recent letter enclosing the final report of the Theodore Roosevelt Centennial Commission. This report is a splendid testimony to the work of the Commission. I believe the commemoration of Theodore Roosevelt's 100th anniversary encouraged among our people a new dedication to his noble sense of responsible citizenship.

I note your particular concern for the proposed national memorial. I agree that it would be eminently desirable to erect a suitable memorial to Theodore Roosevelt here in the Nation's Capital and I appreciate the Commission's hope that the Congress will provide the necessary authorization.

Again my thanks to you for your leadership in the work of the Centennial Commission. Knowing your deep affection for Theodore Roosevelt, I am sure that this work has given you—and will continue to give you—the highest satisfaction.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. President, I am also pleased to announce that the House Administration Committee will this afternoon hold a hearing on the proposal to create a Theodore Roosevelt Memorial on Theodore Roosevelt Island. It is significant to note that 22 Members of the House and 5 Members of the Senate, of both political parties, are sponsoring this proposed legislation.

I am confident that the Senate Committee on Rules and Administration, of which I am a member, as is the distinguished present occupant of the chair, the Senator from Nevada [Mr. CANNON], will act favorably on this measure in the near future.

Certainly the vigorous endorsement of the President, of the Vice President, and of leaders in and out of Congress of both political faiths emphasizes the strong case for building a lasting memorial to the incomparable Teddy Roosevelt. The island tribute which is planned will be a suitable salute to a man who for all time will symbolize the vigor, vision and global responsibilities of America.

I should like also to invite attention to the words of the Theodore Roosevelt Centennial Commission in its final report on July 9, 1959, strongly urging passage of the memorial legislation. The report stated:

The Commission respectfully submits its petition to the Congress to authorize and empower the Commission, in this closing year of its statutory life, to fulfill the mandate of the 84th Congress to complete the development of Theodore Roosevelt Island. We feel, indeed, that the Congress has a moral obligation to complete the memorial on this island so generously donated to the people by the Theodore Roosevelt Association. Plans are ready and have been approved by all concerned.

Fulfillment of this project is relatively simple and inexpensive and the Commission hope Congress will pass the necessary legislation at this session.

Surely, Theodore Roosevelt's greatness merits an adequate memorial in the National Capital, and the Theodore Roosevelt Association's magnificent gift to the Nation of Theodore Roosevelt Island deserves the development that has been planned for it and that the 84th Congress directed the Commission to complete.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. EASTLAND. Mr. President, I move to strike out section 204 of the amendments.

Mr. President, on February 8, 1960, our distinguished minority leader, Senator DIRKSEN, for himself and on behalf of 22 additional Republican Members of this body, introduced S. 3001, a so-called civil rights bill.

On February 15, 1960, amendments in identical language with S. 3001 were sent forward to the desk intended to be proposed by the Senator from Illinois [Mr. DIRKSEN] to the pending business, H.R. 8315. These amendments consist of seven sections and have been styled "The Civil Rights Act of 1960." As a package, the proposals add up to the most vicious, iniquitous, revolutionary, and unconstitutional series of measures that has ever been proposed in the Congress of the United States, except for that period of time when the Southern States were divided into military districts and were operated by the military governors in a status which equaled nothing more nor less than sheer tyranny.

In the name of "civil rights," civil wrongs are proposed to be perpetrated against a great segment of U.S. citizens. Nothing that was dreamed up by the arch abolitionists and the most rabid South haters in the Reconstruction Congresses can be equated with the punitive measures now proposed.

For this 20th century invasion of the South the capstone of the strategy is a plan to give to the Federal district courts the right and power to take over the complete supervision and control of the election processes of the sovereign States. In State, county, municipal, and local elections ranging from constable to Governor, election referees will be empowered to bypass completely the State election machinery and register new voters, attend the polling places, and see that these wards of the Government are permitted to vote, then take control of the ballot boxes and count, or see that the votes are counted. The iron fist of force, rather than being the bayonet as in the past, is the more potent, awesome power of the criminal contempt citation, carrying with it jail sentences without benefit of trial by jury.

Equally obnoxious as are the election referees, or even more so, is section 204 which would place the imprimatur of congressional sanction on the pseudo-sociological and psychological decisions of the U.S. Supreme Court in the case of Brown against Board of Education of Topeka and related cases involving the integration of white and Negro children in public schools. This course of action would merely compound the basic unconstitutionality of the Supreme Court's decision. Congress should never be particeps criminis to such a flagrant invasion of the Constitution. After giving sanction to this decision, the provision goes further and opens the cornucopia of the Federal Treasury to school districts under so-called desegregation orders and other school districts in some of the border States which have foolishly proceeded under voluntary desegregation plans.

Section 203 of the proposed amendments proposes that the election records

of the States be preserved in a manner, form, and fashion suitable to the whim of the Attorney General of the United States and be always available for his personal inspection and perusal whenever he so desires. As the Attorney General admitted in his testimony recently before the Rules Committee of the U.S. Senate, he must have this wide and generous pasture to graze in if ever there is a hope for him to maintain suits under the Civil Rights Act of 1957 and under the new powers which he seeks in section 207 of the proposed amendments.

Section 201 of the amendments proposes to create a new Federal crime. This crime is designed to implement the unconstitutional desegregation decisions by declaring that any person who in almost any manner, shape, or form attempted to prevent, obstruct, impede, or interfere with, the execution of any desegregation decree, could be subjected to a fine up to $10,000 or imprisonment up to 2 years in the penitentiary, or both. Any so-called threatening letter or communication made against one of these desegregation decrees would bring a person within the definition of the crime.

Section 206 of the amendments would set up a Fair Employment Practices Committee insofar as employers who wish to bid on Federal contracts are concerned.

Section 202, like section 201, creates a new Federal crime that is discriminatory and restrictive. It provides punishment by a fine of not more than $5,000 or imprisonment for not more than 5 years, or both, for flight in interstate commerce to avoid prosecution, custody or confinement after conviction, for damaging or destroying by fire or explosive, property used primarily for religious purposes, or for the purpose of public or private primary, secondary, or higher education. The House Judiciary Committee, in reporting a proposed civil rights bill to the Rules Committee, was at least fair enough to change the language in the original administration proposal to include any real or personal property rather than attempting to confine the property definitions to schools and churches.

Still another section in the proposed amendments attempts to provide for the education of children of members of the Armed Forces in communities in which the public schools are closed. This provision contains a most vicious feature, since it gives discretion to the Commissioner of Education in the Department of Health, Education, and Welfare to take possession of any State or local school facility where Federal funds were used to construct it, and through the use of such building furnish what in his judgment is suitable public school facilities to the children of the members of the Armed Forces as long as he deems necessary.

Finally, section 207 of the bill provides the blueprint for Federal court referees to register promiscuously under a simple, alleged, application any person who is not white in color and see that he is voted and that his vote is counted. Under one interpretation of the proposed referee plan it is even argued that the referees can register and vote white people. State election officials are to be bypassed and supplemented by Federal officers. Both the letter and spirit of the 10th amendment would be trampled into the dust. The creators of this Union would be made the slaves of their creation.

Mr. President, this far-reaching revolutionary and unconstitutional scheme for Federal court referees was first presented to this Congress by the Attorney General on February 5, 1960. This day was the last day of some 3 weeks' hearings held by the Senate Rules Committee on the so-called Federal registrar bill that had been introduced to implement recommendation No. 5 of the Civil Rights Commission. Since Mr. Rogers' new proposal was introduced when he was the final witness, there has been no opportunity offered whatsoever for opponents of this iniquitous plan to furnish expert and competent legal testimony to controvert it. When Congress proposes a new action that is admittedly directed against the body politic of a sovereign State, simple decency and common courtesy require that the responsible public officers of the States to be involved in the application of the newly proposed law have an opportunity to study and analyze the plan and present to Congress their objections, if any, against it. In my State, both the Governor and the attorney general were submitted copies of the so-called registrar proposal, and both of these able and conscientious men requested an opportunity to be heard in opposition to the Executive appointment of Federal election registrars. The attorney general appeared in person and the Governor, grounded in air travel to Washington, submitted his statement. Insofar as the referees are concerned, the doors of Congress have been slammed in their faces and they are to be denied, along with their colleagues of other Southern States, from having their voices heard. We, who represent these States in Congress, are being denied the benefit of their lucid and cogent criticisms and comments which we well know would be made in unalterable opposition to any referee scheme for the Federal establishment to undertake the supervision and control of State and local elections.

For my part, I have not had the time to do more than examine just the outer edges of this referee proposal. Combined with the vast discretionary power that was given to the Attorney General under the Civil Rights Act of 1957 to institute suits for so-called voting right denials, the complete package adds up to the greatest single unconstitutional transfer of power to the combined executive-judicial branches of the Federal Government that has ever been attempted in the long history of our Government.

Mr. President, fundamental amendments are now being proposed to the Civil Rights Act of 1957 even before the courts have begun to resolve the grave constitutional issues that have been successfully raised in regard to the original act. I, and many others, charged repeatedly during the debates in 1957 that the proposed Civil Rights Act was unconstitutional both as a whole and in many of its separate parts.

As to the Civil Rights Act of 1957, the U.S. district judge, in the case of U.S.A. against Raines, et al., said:

> For the reasons set forth above, the court concludes that section 1971(c) of title 42 (sec. 131(c) of the Civil Rights Act of 1957) is beyond the jurisdiction of Congress and unconstitutional. It is not appropriate legislation within the meaning of section 2 of the 15th amendment to the Constitution of the United States. There existing no other basis for an action by the attorney in the name of the United States seeking the remedy here sought, the motion to dismiss should be, and the same is hereby, granted.

Here, Mr. President, the court destroyed literally, if Senators will pardon the expression, the guts of the Civil Rights Act of 1957. At least until the Supreme Court has ruled on this decision, it would appear that Congress, in good conscience, should refrain from adding any new provisions to the presently declared unconstitutional act.

Then there is another case pending in the Supreme Court involving the Civil Rights Act of 1957. The style of this case is the U.S.A. against State of Alabama and others. In this case the district court judge held:

> The act does not define "persons." In common usage that term does not include the sovereign, and statutes employing it will ordinarily not be construed to do so. * * * The absence of any comparable provision extending the term to sovereign governments implies that Congress did not desire the term to extend to them.
>
> In accordance with the foregoing, an appropriate order will be entered dismissing this action as to each of the defendants.

Please note carefully the above language, because the Attorney General of the United States certainly has. In this instance the judge did not mention the Constitution; he said Congress had not authorized the Attorney General to sue a sovereign State. Now open the amendments to H.R. 8315, page 22, lines 20 to 26; I will read them:

> When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant.

The Attorney General is now asking Congress to cure what the judge found to be the defect. Such unseeming haste. The Supreme Court may rule that he now has that power under the 1957 act.

But mind you, Mr. President, Congress is not all that is involved at this critical point. The Constitution of the United States is also involved, and before this debate is over I propose to have plenty to say on this particular issue. The 11th amendment to the Constitution of the

United States is involved, and the Attorney General may try as he will but I do not believe the courts are ever going to give, and this Congress should not attempt to give, sanction to violate the 11th amendment to the Constitution. The 11th amendment says:

> The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

When the Attorney General brings an action under the Civil Rights Act of 1957 he brings it in a representative capacity. He has no rights other than those possessed by the individuals he represents. The rights of these individuals are restricted by the language of the 11th amendment. There is no constitutional authority for an individual in a State to sue his sovereign State in either a State or a Federal court. More will be said about this at a later time.

Two other cases have resulted from the Civil Rights Act of 1957. In one, where the U.S. district judge ordered 1,300-odd individuals restored to the rolls as qualified voters of Washington Parish, La., the Fifth Circuit Court of Appeals stayed the order, and that case is now pending in the Supreme Court and is set for argument when the Court convenes today. The other Louisiana case now in the Supreme Court does not directly involve with the Civil Rights Act of 1957 itself. They are concerned with the highhanded and sanctimonious tactics of the Civil Rights Commission in Louisiana in attempting to require the production of State election records before the Commission without giving to the State officials any information as to who are the individuals who are making the charges against the State officials and informing them of the nature and character of the wrongs that are charged against them. If white people in the South have any constitutional rights left, there is no evidence on the record that the Civil Rights Commission is willing to concede this point. In both Alabama and Louisiana, the only two Southern States they have officially visited, their sole accomplishment has been to stir up a hornets' nest of controversy and resulting lawsuits in Federal courts which have uniformly been resolved against the so-called Civil Rights Commission.

This is the sum and substance of the "success" of the Civil Rights Act of 1957 after more than 2 years on the statute books.

The report of the Civil Rights Commission itself evidences an utter contempt for judicial processes, either Federal or State. The report says:

> The two other suits brought by the Attorney General under the same act had not at this writing resulted in a single registration. The suit in Georgia had been dismissed and was on appeal; the one in Louisiana was pending.
>
> In short, no one had yet been registered through the civil remedies of the 1957 act.
>
> Class suits on behalf of a number of Negroes to obtain registration have rarely been successful. The courts have inclined to the view that these suits are of an individual nature, with the result that a vast number of suits may be necessary.
>
> The delays inherent in litigation, and the real possibility that in the end litigation will prove fruitless because the registrars have resigned, make necessary further remedial action by Congress * * *.

Thus, they recommend setting up Federal election registrars who would successfully and unconstitutionally bypass judicial processes. The Attorney General of the United States questions the constitutionality of some aspects of the Commission's recommendation No. 5 and comes up with a new referee plan of his own. Yet, insofar as the Civil Rights Act of 1957 is concerned, he has had his ears pinned back in the Federal court with as great, or greater, a degree of regularity as had the Commission.

Here is the testimony of the Attorney General regarding actions under the Civil Rights Act of 1957 before the Senate Committee on Rules and Administration:

> The CHAIRMAN. Mr. Attorney General, under the Civil Rights Act of 1957, how many suits if any have been instituted?
>
> Attorney General ROGERS. Actually five or six. Two of them involved the Civil Rights Commission itself, and would involve action which was started by the United States. The two involving the Civil Rights Commission are in the Supreme Court. Judge Walsh, the deputy, argued those cases before the Supreme Court. The other cases involved Terrell County, Ga., Macon County, Ala., one in Louisiana and one in Tennessee. I might say on that point that it seemed wise to me to make certain that the test cases which we brought under that act, and I use the words "test cases" because it was assumed that the first ones would all be challenged, and that we would make law in the first cases, that those test cases be very strong in their facts, and we tried to be certain that those four cases which were started first would be strong so we could get the constitutional and other legal questions resolved with strong factual support.
>
> Once those things are decided by the courts, and I hope they will be soon, I think they will be soon, then we can bring other cases with a little less concern about the complete strength of the facts in the case.
>
> We can review the other complaints we have in the light of the decision of the Court and decide whether to proceed or not.
>
> I might say, Mr. Chairman, that I have been surprised how few complaints we have had, and I would hope that if Congress does give support to these proposals, this one and the one about preserving election records, which is vitally important, that there will be greater effort on the part of the Negro to register and vote, because constitutional rights cannot be enforced unless the people attempt to exercise them.

Mr. President, with the exception of the new case in Tennessee, I have previously explained the "success" of the Government in these cases. Mind you, the Attorney General says he handpicked the cases so the Government would be strong on the facts. Yet, he lost every one of them on constitutional or other legal issues. Now he is asking Congress for additional legislation before he knows where he stands on the old.

Both from a standpoint of the executive branch of the Government, represented by the Attorney General and the administration, and from that of the legislative branch, I charge that this is a disgraceful state of affairs when we are called upon to enact new and additional legislation without the remotest idea or knowledge of how the Supreme Court is to rule as to the validity of the old. Is an election year sufficient excuse and justification for the Senate to throw reason, commonsense law, and the Constitution out the window?

Section 204 of the proposed Civil Rights Act of 1960 deals with the forced integration of white and Negro children in the public schools of the Southern States. The preamble of the section proposes that Congress determine, approve, and recognize that—

> Prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (b) on May 17, 1954, the Supreme Court of the United States ruled that under the 14th amendment to the Constitution segregated education is inherently unequal; (c) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (d) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools.

Mr. President, if Congress adopts and approves the above language, it will be the greatest single blow that has ever been struck against the existing system of free public education in this country. It is now almost 6 years since that black Monday when the Supreme Court handed down the integration decision. It has been no easy task for Southern States to have to combat the weight of the integration decision and its attempted implementation in Federal district courts. But in one manner, form, fashion or another, it has been combated and successfully resisted in every community where the white people are determined that their children are not going to be forced into public schools with those children of the Negro race. This is also going to be true in the foreseeable future.

Even if the legislative branch of this Government is successful in lending its aid and comfort, all that it can possibly accomplish is to pour additional gasoline on a fire burning on the surface of the water. No matter how much gasoline is poured, or how inconvenient the fire is to the water, the water will not burn. Some of it may be evaporated by the heat, but the water will remain steadfast. When the fuel burns off, and it certainly will, we are still going to have segregated schools in the Deep South.

To this point, at least, Congress has wisely refrained from becoming a party to a controversy that so far has involved only the Federal judiciary and the States. I plead with the Senate to follow the course of common sense and reason, and to reject this attempt to aline

the legislative branch of the Federal Government on the side of an illegal and unconstitutional attempt to destroy the public-school system in a vast area of these United States.

I do not propose at this time to rehash the valid and overwhelming legal and constitutional arguments that can be made against the basic Supreme Court decision. I would, however, like to open the pages of history and examine some of the attitudes and positions of Congress on the proposition of integrated public schools.

Of course, it is generally known that contemporaneous with the adoption of the 14th amendment, Congress provided for a separate system of white and Negro public schools in the District of Columbia. Congress' will in this regard was specifically nullified by one of the cases decided on May 17, 1954.

The last of the Reconstruction Acts was the Civil Rights Act of March 1, 1875. This was the act for which Senator Sumner so pertinaciously fought for over the years. On his deathbed he had exacted a promise from Senator Hoar that:

> This project for securing the extension of Federal guarantees of equal rights for the blacks should not be abandoned by the party. It must be modified; its most extreme provision, as, for instance, concerning the intermixture of the races in the schools, must be abandoned. ("A History of the United States Since the Civil War," Oberholtzer, vol. III, p. 196.)

Charles Sumner died on March 11, 1874, shortly less than a year before his pet project was to receive legislative sanction. When Congress did enact the vicious act of March 1, 1875, a provision attempting to integrate white and Negro children in schools was omitted. It was omitted at the direction of Senator Charles Sumner.

Serving in the U.S. Senate with Sumner was Carl Schurz, a Republican Senator from the State of Missouri. On September 24, 1874, in a speech delivered at the temple in St. Louis, Mo., Schurz cast vivid light on Sumner's project to legislate civil rights for Negroes. He pointed out that in connection with the proposed supplementary civil rights bill the measure was brought forward and pressed by the dearest friend he ever had among public men of America—Senator Sumner. To this measure, however, he said he could not give his support; and he added:

> Nobody knows better than I do that it sprung from the purest motives, a rare sincerity of generous impulse and high patriotic aspirations. But it was based upon a theory of constitutional power and upon views of policy upon which my friend and I had for years been agreed to disagree.

He then went on to state his own opinions on the bill, saying:

> Those who have observed my utterances on questions of constitutional power, such as were involved, for instance, in the Ku Klux Act, need not be told that I must consider the civil rights bill as transgressing the limits with which the Constitution hedges in the competency of the National Government, and as encroaching upon the sphere of State authority. I will not tonight tire you with a restatement of principles which I have frequently discussed.

Carl Schurz was one of the most brilliant minds that ever graced the U.S. Senate. Born in Germany on March 2, 1829, he migrated to the United States in 1852 as a refugee from the revolution of 1848. He was admitted to the bar and practiced law in Milwaukee, Wis. Appointed Minister to Spain in 1861, he soon afterward resigned, and during the War Between the States was appointed a brigadier general of the Volunteers of the Union Army. After the war he was elected as a Republican to the Senate, and served from March 4, 1869, to March 1, 1875. His retirement was voluntary. He then served in the Cabinet of President Hayes, as Secretary of the Interior, from 1877 to 1881. He became editor of the New York Evening Post, vice president of the National Civil Service Reform League, and engaged extensively in literary pursuits. He died, in New York, May 14, 1906.

Schurz' opinion on constitutional law and the power of Congress to enact legislation demand and deserve the highest respect.

Over and above the unconstitutional aspects of the proposed legislation, he further states:

> But the civil rights bill, if made a law, would have other effects which its originator did certainly not design it to have—effects injuriously touching the interests of the colored people themselves. It has been said that the enactment of that bill would be calculated to break up the whole system of public schools in several of the Southern States. My observation and reflection convinces me that this apprehension is well grounded. And nobody would be a greater sufferer than the colored people; for nothing can be more important to them than that, issuing as they do from a state of degradation and ignorance, an efficient system of public instruction should put them on the road of progressive improvement. Anything injuriously affecting such a system must therefore be gravely injurious to them.

(At this point Mr. EASTLAND yielded to Mr. PROXMIRE, who made statements on the Small Business Administration and interest rate policy, which statements appear elsewhere in the RECORD.)

Mr. EASTLAND. Mr. President, was ever a man a greater prophet than Carl Schurz? His prediction of 1874 is a literal fact today, not because of any action on the part of this Congress, but because the U.S. Supreme Court usurped to itself the powers that it does not possess and asserted principles that the Constitution does not warrant and justify.

But let me read further from Senator Schurz' speech:

> Now, it is a well-known fact that in the States containing the bulk of the colored population there existed, if not a general, still a widespread and powerful, prejudice against the introduction of a system of common schools, to be supported at the public expense. We know something of that even in Missouri. That prejudice, although now overborne by a superior public opinion, is far from being entirely extinct. It requires only a new and strong impetus to impart to it new strength enough seriously to disturb what has with difficulty been built up.

Where is the substance to the charge that systems of State-supported schools were unknown at the time of the adoption of the 14th amendment? While, naturally, free public education was not then as prevalent as it is today, it was part of the warp and woof of the political and social life of the States.

Mr. President, Carl Schurz says further:

> It is equally well known that a large majority of the white people of those States, even a large majority of those who are sincerely anxious to secure to the colored children the largest possible advantages of education in separate establishments, still are very strongly, nay, violently, opposed to any law which, like the civil rights bill, would force the admission of colored children together with white children, in the same schoolrooms. That opposition exists, and we have to deal with it as a fact. Try to enforce, under such circumstances, the system of mixed schools, and what will be the result? The old prejudice against a system of public instruction to be supported by taxation, as it still exists in the States in question, will at once find itself powerfully reinforced, and to an attack so strengthened, against a defense in the same measure weakened, it is most probable that the systems of instruction, laboriously built up, will succumb. At any rate they will be interrupted for a disastrously long period.

Here, Mr. President, he has departed from his constitutional arguments and based his reasoning on the practical problems involved as they are obviously eminently known to him. Experience today demonstrates conclusively that the same problems are no less present here and now as they were then.

Mr. President, I ask unanimous consent to have a quorum call, provided it does not prejudice my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, Carl Schurz continued to develop his theme, saying:

> There is scarcely a greater misfortune conceivable that could befall those communities. But what would especially the colored people have gained? Now they have at least their separate schools at the public expense, as a part of the general system. Destroy that system, and they will have no mixed schools, while their separate schools will perish also. Would the law, then, benefit the colored race at all? A colored man might indeed then enforce his rights to ride all over the country in a pullman palace car, to board at a first-class hotel and to sit in the dress circle of a theater. But such things can be enjoyed under any circumstances only by the very small number of wealthier people among them. And these pleasures and conveniences of their few men of means would be purchased at a

dreadful price; the interruption of the public school system, the advantages of which they now extensively enjoy in separate establishments, would deprive the children of the poor of a thing which is as necessary to them as their daily bread. I happen to know very sensible colored men, who have the interests of their race sincerely at heart, and who, looking over the whole field, and recognizing facts as facts, are not willing to pay the price of their poor children's education for their rich men's convenience and pleasure.

Mr. President, I ask today, What single thing has the National Association for the Advancement of Colored People—that small number of wealthier people among them—done to lend aid and comfort to the Negro children in Prince Edward County, Va., where there are today no public schools, either separate or mixed, to educate either the white or the Negro children of that county? As Schurz predicted, when the time came that a choice had to be made, the schools would be abolished, the white children would be educated under a selective system, and the Negro children would receive no education whatsoever.

Mr. President, let me close with one further quote from this great man that is equally as apt and appropriate to the situation that then existed in 1874 as it is this day in this year of our Lord 1960:

But the National Government and the dominating party can do something far better for the colored man than pass laws of doubtful constitutionality or send troops for their protection.

What was gained by Little Rock?

Let them openly and severely discountenance those corrupt partisans in the South who have misled the colored people into an organized support of robbery and misgovernment, and done all they could to make them believe that in the matured opinion of white men the science of politics consists in stealing as much of the public money as you can lay your hands on. Let them punish, at least with removal, these officeholders who have prostituted the authority of the Republic by using their official power to work into the hands of the plunderers. Let in their places be put men of wisdom, conscience and honor, who will set them an example of high official integrity and public spirit, and disabuse them of the idea that whatever they may do as partisans of those in power, the aid of the National Government will always stand behind them.

When Senator Schurz delivered his eloquent and masterful speech in 1874, he did not then know apparently of the deathbed promise made by Senator Hoar to Senator Sumner that the supplementary civil rights bill would be passed by Congress and that the provision for mixing white and Negro children in the schools would be omitted. When the bill was passed on March 1, 1875, left in it was this language:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous conditions of servitude.

On October 15, 1883, the U.S. Supreme Court, in an opinion delivered by Judge Bradley, the above stated section of the act of March 1, 1875, was declared to be unconstitutional. Now, if the intermingling of the white and Negro races in schools had been inserted in the act, it is a moral certainty that the Supreme Court would also just as forcibly and clearly hold this to be an unconstitutional exercise of congressional power.

Again reading this historic case, this language in the majority opinion caught my attention:

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty and property the same as white citizens; yet no one at that time, thought that it was any invasion of his personal status as a free man because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances and places of amusement.

The cycle repeats itself. After a lapse of 85 years we are again confronted with legislation that attempts to make the Negro the "special favorite of the laws." And, the attempt to transfer him from the category of a mere citizen whose rights should be protected in the ordinary modes by which other men's rights are protected is as unconstitutional today as it was when the civil rights cases were decided in 1883.

Mr. President, in view of the uncontrovertible historical facts that I have here reviewed, I deny emphatically that the "separate but equal" doctrine magically sprung into constitutional law at the time the Supreme Court rendered its decision in the case of Plessy against Ferguson on May 18, 1896. Long before Plessy against Ferguson, and deep in the warp and woof of our constitutional system of Government, was imbedded the "separate but equal" doctrine for the white and colored races.

Let me say that I am much ashamed that the Governor of Virginia, in the face of the wishes of his people, would desert that doctrine.

On August 30, 1890, this Congress passed an act, which is chapter 841, U.S. Statutes at Large, volume 27, page 417, to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and mechanical arts established under the provisions of an act of Congress approved July 2, 1862. This was one of the supplemental Morrell Acts in regard to the establishment and operation of land grant colleges. There is now before the Senate a bill which will commemorate the 100th anniversary of this historic and beneficent Morrill Act. In the margin of page 418 of the Statutes at Large appear two provisos—one states "no distinction of race, and so forth, in any one college." The second says "separate colleges for white and colored students."

I ask unanimous consent that the pertinent provisions of the text may be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Provided, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July 2d, 1862, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of 1862, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

Mr. EASTLAND. Mr. President, can anything be more clear and explicit than is this congressional sanction for separate but equal college facilities for white students and Negro students? I say, Mr. President, that both the white and colored races have received immeasurable benefits from the schools that were established throughout these United States in accordance with the sensible doctrine hereby adopted and applied by the U.S. Congress.

What more proof need there be offered than that this Congress, regardless of unconstitutional Supreme Court decisions, has always itself adhered to the Constitution in regard to this great and serious question of not attempting to force racial intermingling by law. I ask, Senators, today to take heed of the precepts and reject the proposed congressional sanction to the decisions in Brown against Board of Education, and related cases.

Mr. President, before this debate is concluded I anticipate that I will rise to speak time and time again not only against the so-called Civil Rights Act of 1960 but against any and every civil rights measure of all kinds and character that may be presented to the Senate.

I plead with Senators today as we enter into this debate to divorce themselves from partisan considerations, from prejudice and from political expediency. I know that every Member of this body reveres the Constitution of the United States as much as I do. Why should we depart from it? Why should the Senate attempt to enact legislation of questionable character insofar as its constitutional validity is concerned?

In 1833 a man who was once a Justice of the U.S. Supreme Court, and who served on the Supreme Court for 33 years, Joseph Story, in writing his commentaries on the Constitution of the United States, uttered these noble and inspiring words. Like the North Pole star, which never sinks below the rim of the horizon, the injunctions which he gave to us—and to all posterity—in regard to the Constitution of the United States should be the star upon which we fix our sights when constitutional questions are at issue before this body. He said:

> What is to become of constitutions of government if they are to rest, not upon the plain import of their words, but upon conjectural enlargements and restrictions, to suit the temporary passions and interests of the day? Let us never forget that our constitutions of government are solemn instruments, addressed to the commonsense of the people, and designed to fix and perpetuate their rights and their liberties. They are not to be frittered away to please the demagogs of the day. They are not to be violated to gratify the ambition of political leaders. They are to speak in the same voice now and forever. They are of no man's private interpretation. They are ordained by the will of the people: and can be changed only by the sovereign command of the people.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Mississippi yield with the understanding that he will not lose the floor, while I make a request?

Mr. EASTLAND. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Mississippi may yield temporarily to me, without losing his right to the floor, and without his continuation counting as a second speech, in order that I may make a unanimous-consent request that the Senate proceed to the consideration of executive business for the purpose of the consideration of the treaties on the Executive Calendar; that the treaties be considered en bloc; and that there be a yea-and-nay vote.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield for a parliamentary inquiry?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. As I understand the rules of parliamentary procedure, the Senator from Texas would be thoroughly within his rights in moving that the Senate proceed to the consideration of executive business for the purpose of taking up the agreements, without the displacement of the pending business on the Legislative Calendar.

Mr. JOHNSON of Texas. That can be done without debate.

Mr. HOLLAND. Mr. President, am I correct in my understanding of the parliamentary situation?

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. JOHNSON of Texas. That can be done without debate.

Mr. HOLLAND. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Thomas W. S. Davis, of Virginia, to be a member of the Foreign Claims Settlement Commission;

Oliver Gasch, of the District of Columbia, to be U.S. attorney for the District of Columbia;

Jean L. Auxier, of Kentucky, to be U.S. attorney for the eastern district of Kentucky;

Gerald F. Bracken, of Maryland, to be U.S. marshal for the district of Maryland; and

Albert A. DiMeolo, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania.

By Mr. KEATING, from the Committee on the Judiciary;

Neil R. Farmelo, of New York, to be U.S. attorney for the western district of New York.

THE AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS; THE NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT; THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES CONCERNING RADIO BROADCASTING IN THE STANDARD BROADCAST BAND

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Calendars Nos. 1, 2, and 3 being respectively, Executive I, 86th Congress, 1st session; Executive A, 82d Congress, 1st session; and Executive G, 85th Congress, 1st session, be considered en bloc.

The PRESIDING OFFICER (Mr. CANNON in the chair). Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider, en bloc, the following agreements, which were severally read the second time, as follows:

AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS

PREAMBLE

The contracting States,

CONSIDERING that the free exchange of ideas and knowledge and, in general, the widest possible dissemination of the diverse forms of self-expression used by civilizations are vitally important both for intellectual progress and international understanding, and consequently for the maintenance of world peace;

CONSIDERING that this interchange is accomplished primarily by means of books, publications and educational, scientific and cultural materials;

CONSIDERING that the Constitution of the United Nations Educational, Scientific and Cultural Organization urges cooperation between nations in all branches of intellectual activity, including "the exchange of publications, objects of artistic and scientific interest and other materials of information" and provides further that the Organization shall "collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image";

RECOGNIZE that these aims will be effectively furthered by an international agreement facilitating the free flow of books, publications and educational, scientific and cultural materials; and

HAVE, therefore, AGREED to the following provisions:

ARTICLE I

1. The contracting States undertake not to apply customs duties or other charges on, or in connexion with, the importation of:

(a) Books, publications and documents, listed in annex A to this Agreement;

(b) Educational, scientific and cultural materials, listed in annexes B, C, D and E to this Agreement;

which are the products of another contracting State, subject to the conditions laid down in those annexes.

2. The provisions of paragraph 1 of this article shall not prevent any contracting State from levying on imported materials:

(a) Internal taxes or any other internal charges of any kind, imposed at the time of

importation or subsequently, not exceeding those applied directly or indirectly to like domestic products;

(b) Fees and charges, other than customs duties, imposed by governmental authorities on, or in connection with, importation, limited in amount to the approximate cost of the services rendered, and representing neither an indirect protection to domestic products nor a taxation of imports for revenue purposes.

ARTICLE II

1. The contracting States undertake to grant the necessary licenses and/or foreign exchange for the importation of the following articles:

(a) Books and publications consigned to public libraries and collections and to the libraries and collections of public educational, research or cultural institutions;

(b) Official government publications, that is, official, parliamentary and administrative documents published in their country of origin;

(c) Books and publications of the United Nations or any of its specialized agencies;

(d) Books and publications received by the United Nations Educational, Scientific and Cultural Organization and distributed free of charge by it or under its supervision;

(e) Publications intended to promote tourist travel outside the country of importation, sent and distributed free of charge;

(f) Articles for the blind:

(i) Books, publications and documents of all kinds in raised characters for the blind;

(ii) Other articles specially designed for the educational, scientific or cultural advancement of the blind, which are imported directly by institutions or organizations concerned with the welfare of the blind, approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles.

2. The contracting States which at any time apply quantitative restrictions and exchange control measures undertake to grant, as far as possible, foreign exchange and licenses necessary for the importation of other educational, scientific, or cultural materials, and particularly the materials referred to in the annexes to this Agreement.

ARTICLE III

1. The contracting States undertake to give every possible facility to the importation of educational, scientific or cultural materials, which are imported exclusively for showing at a public exhibition approved by the competent authorities of the importing country and for subsequent reexportation. These facilities shall include the granting of the necessary licenses and exemption from customs duties and internal taxes and charges of all kinds payable on importation, other than fees and charges corresponding to the approximate cost of services rendered.

2. Nothing in this article shall prevent the authorities of an importing country from taking such steps as may be necessary to ensure that the materials in question shall be re-exported at the close of their exhibition.

ARTICLE IV

The contracting States undertake that they will as far as possible:

(a) Continue their common efforts to promote by every means the free circulation of educational, scientific or cultural materials, and abolish or reduce any restrictions to that free circulation which are not referred to in this Agreement;

(b) Simplify the administrative procedure governing the importation of educational, scientific or cultural materials;

(c) Facilitate the expeditious and safe customs clearance of educational, scientific or cultural materials.

ARTICLE V

Nothing in this Agreement shall affect the right of contracting States to take measures, in conformity with their legislation, to prohibit or limit the importation, or the circulation after importation, of articles on grounds relating directly to national security, public order or public morals.

ARTICLE VI

This Agreement shall not modify or affect the laws and regulations of any contracting State or any of its international treaties, conventions, agreements, or proclamations, with respect to copyright, trademarks or patents.

ARTICLE VII

Subject to the provisions of any previous conventions to which the contracting States may have subscribed for the settlement of disputes, the contracting States undertake to have recourse to negotiations or conciliation, with a view to settlement of any disputes regarding the interpretation or the application of this Agreement.

ARTICLE VIII

In case of a dispute between contracting States relating to the educational, scientific or cultural character of imported materials, the interested Parties may, by common agreement, refer it to the Director-General of the United Nations Educational, Scientific and Cultural Organization for an advisory opinion.

ARTICLE IX

1. This Agreement, of which the English and French texts are equally authentic, shall bear today's date and remain open for signature by all Member States of the United Nations Educational, Scientific and Cultural Organization, all Member States of the United Nations and any non-member State to which an invitation may have been addressed by the Executive Board of the United Nations Educational, Scientific and Cultural Organization.

2. The Agreement shall be ratified on behalf of the signatory States in accordance with their respective constitutional procedure.

3. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE X

The States referred to in paragraph 1 of article IX may accept this Agreement from 22 November 1950. Acceptance shall become effective on the deposit of a formal instrument with the Secretary-General of the United Nations.

ARTICLE XI

This Agreement shall come into force on the date on which the Secretary-General of the United Nations receives instruments of ratification or acceptance from ten States.

ARTICLE XII

1. The States Parties to this Agreement on the date of its coming into force shall each take all the necessary measures for its fully effective operation within a period of six months after that date.

2. For States which may deposit their instruments of ratification or acceptance after the date of the Agreement coming into force, these measures shall be taken within a period of three months from the date of deposit.

3. Within one month of the expiration of the periods mentioned in paragraphs 1 and 2 of this article, the contracting States to this Agreement shall submit a report to the United Nations Educational, Scientific and Cultural Organization of the measures which they have taken for such fully effective operation.

4. The United Nations Educational, Scientific and Cultural Organization shall transmit this report to all signatory States to this Agreement and to the International Trade Organization (provisionally, to its Interim Commission).

ARTICLE XIII

Any contracting State may, at the time of signature or the deposit of its instrument of ratification or acceptance, or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Agreement shall extend to all or any of the territories for the conduct of whose foreign relations that contracting State is responsible.

ARTICLE XIV

1. Two years after the date of the coming into force of this Agreement, any contracting State may, on its own behalf or on behalf of any of the territories for the conduct of whose foreign relations that contracting State is responsible, denounce this Agreement by an instrument in writing deposited with the Secretary-General of the United Nations.

2. The denunciation shall take effect one year after the receipt of the instrument of denunciation.

ARTICLE XV

The Secretary-General of the United Nations shall inform the States referred to in paragraph 1 of article IX, as well as the United Nations Educational, Scientific and Cultural Organization and the International Trade Organization (provisionally, its Interim Commission), of the deposit of all the instruments of ratification and acceptance provided for in articles IX and X, as well as of the notifications and denunciations provided for respectively in articles XIII and XIV.

ARTICLE XVI

At the request of one-third of the contracting States to this Agreement, the Director-General of the United Nations Educational Scientific and Cultural Organization shall place on the agenda of the next session of the General Conference of that Organization, the question of convoking a meeting for the revision of this Agreement.

ARTICLE XVII

Annexes A, B, C, D and E, as well as the Protocol annexed to this Agreement are hereby made an integral part of this Agreement.

ARTICLE XVIII

1. In accordance with Article 102 of the Charter of the United Nations, this Agreement shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

2. IN FAITH WHEREOF the undersigned, duly authorized, have signed this Agreement on behalf of their respective Governments.

DONE at Lake Success, New York, this twenty-second day of November one thousand nine hundred and fifty in a single copy, which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all the States referred to in paragraph 1 of article IX, as well as to the United Nations Educational, Scientific and Cultural Organization and to the International Trade Organization (provisionally, to its Interim Commission).

ANNEX A—BOOKS, PUBLICATIONS AND DOCUMENTS

(i) Printed books.

(ii) Newspapers and periodicals.

(iii) Books and documents produced by duplicating processes other than printing.

(iv) Official government publications, that is, official, parliamentary and administrative documents published in their country of origin.

(v) Travel posters and travel literature (pamphlets, guides, time-tables, leaflets and similar publications), whether illustrated or not, including those published by private commercial enterprises, whose purpose is to stimulate travel outside the country of importation.

(vi) Publications whose purpose is to stimulate study outside the country of importation.

(vii) Manuscripts, including typescripts.

(viii) Catalogs of books and publications, being books and publications offered for sale by publishers or booksellers established outside the country of importation.

(ix) Catalogs of films, recordings or other visual and auditory material of an educational, scientific, or cultural character, being catalogs issued by or on behalf of the United Nations or any of its specialized agencies.

(x) Music in manuscript or printed form, or reproduced by duplicating processes other than printing.

(xi) Geographical, hydrographical, or astronomical maps and charts.

(xii) Architectural, industrial, or engineering plans and designs, and reproductions thereof, intended for study in scientific establishments or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free admission of these types of articles.

(The exemptions provided by annex A shall not apply to:

(a) Stationery;

(b) Books, publications, and documents (except catalogs, travel posters, and travel literature referred to above) published by or for a private commercial enterprise, essentially for advertising purposes;

(c) Newspapers and periodicals in which the advertising matter is in excess of 70 percent by space;

(d) All other items (except catalogs referred to above) in which the advertising matter is in excess of 25 percent by space. In the case of travel posters and literature, this percentage shall apply only to private commercial advertising matter.)

ANNEX B—WORKS OF ART AND COLLECTORS' PIECES OF AN EDUCATIONAL, SCIENFIFIC, OR CULTURAL CHARACTER

(i) Paintings and drawings, including copies, executed entirely by hand, but excluding manufactured decorated wares.

(ii) Hand-printed impressions, produced from hand-engraved or hand-etched blocks, plates or other material, and signed and numbered by the artist.

(iii) Original works of art of statutory or sculpture, whether in the round, in relief, or in intaglio, excluding mass-produced reproductions and works of conventional craftsmanship of a commercial character.

(iv) Collectors' pieces and objects of art consigned to public galleries, museums and other public institutions, approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, not intended for resale.

(v) Collections and collectors' pieces in such scientific fields as anatomy, zoology, botany, mineralogy, palaeontology, archaeology and ethnography, not intended for resale.

(vi) Antiques, being articles in excess of 100 years of age.

ANNEX C—VISUAL AND AUDITORY MATERIALS OF AN EDUCATIONAL, SCIENTIFIC OR CULTURAL CHARACTER

(i) Films, filmstrips, microfilms and slides, of an educational, scientific or cultural character, when imported by organizations (including, at the discretion of the importing country, broadcasting organizations), approved by the competent authorities of the importing country for the purpose of duty-free admission of these types of articles, exclusively for exhibition by these organizations or by other public or private educational, scientific or cultural institutions or societies approved by the aforesaid authorities.

(ii) Newsreels (with or without sound track), depicting events of current news value at the time of importation, and imported in either negative form, exposed and developed, or positive form, printed and developed, when imported by organizations (including, at the discretion of the importing country, broadcasting organizations) approved by the competent authorities of the importing country for the purpose of duty-free admission of such films, provided that free entry may be limited to two copies of each subject for copying purposes.

(iii) Sound recordings of an educational, scientific or cultural character for use exclusively in public or private educational, scientific or cultural institutions or societies (including, at the discretion of the importing country, broadcasting organizations) approved by the competent authorities of the importing country for the purpose of duty-free admission of these types of articles.

(iv) Films, filmstrips, microfilms and sound recordings of an educational, scientific or cultural character produced by the United Nations or any of its specialized agencies.

(v) Patterns, models and wall charts for use exclusively for demonstrating and teaching purposes in public or private educational, scientific or cultural institutions approved by the competent authorities of the importing country for the purpose of duty-free admission of these types of articles.

ANNEX D—SCIENTIFIC INSTRUMENTS OR APPARATUS

Scientific instruments or apparatus, intended exclusively for educational purposes or pure scientific research, provided:

(a) That such scientific instruments or apparatus are consigned to public or private scientific or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, and used under the control and responsibility of these institutions;

(b) That instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

ANNEX E—ARTICLES FOR THE BLIND

(i) Books, publications and documents of all kinds in raised characters for the blind.

(ii) Other articles specially designed for the educational, scientific or cultural advancement of the blind, which are imported directly by institutions or organizations concerned with the welfare of the blind, approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles.

PROTOCOL ANNEXED TO THE AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC AND CULTURAL MATERIALS

The contracting States,

IN THE INTEREST OF facilitating the participation of the United States of America in the Agreement on the Importation of Educational, Scientific and Cultural Materials, have agreed to the following:

1. The United States of America shall have the option of ratifying this Agreement, under article IX, or of accepting it, under article X, with the inclusion of the reservation hereunder.

2. In the event of the United States of America becoming Party to this Agreement with the reservation provided for in the preceding paragraph 1, the provisions of that reservation may be invoked by the Government of the United States of America with regard to any of the contracting States to this Agreement, or by any contracting State with regard to the United States of America, provided that any measure imposed pursuant to such reservation shall be applied on a non-discriminatory basis.

TEXT OF THE RESERVATION

(a) If, as a result of the obligations incurred by a contracting State under this Agreement, any product covered by this Agreement is being imported into the territory of a contracting State in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry in that territory producing like or directly competitive products, the contracting State under the conditions provided for by paragraph 2 above, shall be free, in respect of such product and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend, in whole or in part, any obligation under this Agreement with respect to such product.

(b) Before any contracting State shall take action pursuant to the provisions of paragraph (a) *above, it shall give notice in writing to the United Nations Educational, Scientific, and Cultural Organization as far in advance as may be practicable and shall afford the Organization and the contracting States which are Parties to this Agreement an opportunity to consult with it in respect of the proposed action.*

(c) In critical circumstances where delay would cause damage which it would be difficult to repair, action under paragraph (a) *above may be taken provisionally without prior consultation, on the condition that consultation be effected immediately after taking such action.*

For Afghanistan:
For Argentina:
For Australia:
For Austria:
For the Kingdom of Belgium:
JOSEPH NISOT, November 22, 1950.
For Bolivia:
A. COSTA DU RELS (*ad referendum*), November 22, 1950.
For Brazil:
For the Union of Burma:
For the Byelorussian Soviet Socialist Republic:
For Canada:
For Ceylon:
For Chile:
For China:
TINGFU F. TSIANG, November 22, 1950.
For Columbia:
ELISEO ARANGO, November 22, 1950.
For Costa Rica:
For Cuba:
For Czechoslovakia:
For Denmark:
For the Dominican Republic:
MAX HENRÍQUEZ UREÑA, November 22, 1950.
For Ecuador:
QUEVEDO, November 22, 1950.
For Egypt:
M. SALAH-EL-DIN, November 22, 1950.
For El Salvador:
HÉCTOR DAVID CASTRO, December 4, 1950.

For Ethiopia:
For France:
For Greece:
ALEXIS KYROU, November 22, 1950.
For Guatemala:
RICARDO CASTAÑEDA PAGINI, November 22, 1950.
For Haiti:
Dr. PRICE-MARS, November 22, 1950.
For Honduras:
For Hungary:
For Iceland:
For India:
For Iran:
For Iraq:
For Israel:
ARTHUR LOURIE, November 22, 1950.
For Italy:
For the Republic of Korea:
For Lebanon:
For Liberia:
For the Grand Duchy of Luxembourg:
PIERRE PESCATORE, November 22, 1950.
For Mexico:
For Monaco:
For the Kingdom of the Netherlands:
D. J. BALLUSECK, November 22, 1950.
For New Zealand:
For Nicaragua:
For the Kingdom of Norway:
For Pakistan:
For Panama:
For Paraguay:
For Peru:
For the Philippines:
CARLOS P. RÓMULO, November 22, 1950.
For Poland:
For Saudi Arabia:
For Sweden:
For Switzerland:
JEAN-FRÉDRICÉ WAGNIÈRE, November 22, 1950.
For Syria:
For Thailand:
WAN WAITHAYAKON, November 22, 1950.
For Turkey:
For the Ukrainian Soviet Socialist Republic:
For the Union of South Africa:
For the Union of Soviet Socialist Republics:
For the United Kingdom of Great Britain and Northern Ireland:
GLADWYN JEBB, November 22, 1950.
For the United States of America:
HENRY CABOT LODGE, June 24, 1959.
For the United States of Indonesia:
For Uruguay:
For Venezuela:
For Yemen:
For Yugoslavia:

MEMORANDUM OF ADDITIONAL COMMENTARIES RELATING TO VARIOUS OF THE MORE IMPORTANT ASPECTS OF THE NEW NARBA

(The additional comments below, with respect to the North American Regional Broadcasting Agreement (the new NARBA) signed at Washington on November 15, 1950, will assist in evaluating the merits of the agreement:)

GENERAL

Station notifications and classifications and general standards of protection from interference: The new NARBA provides in general for continued recognition of past notifications of United States stations and for international acceptance by the parties thereto of the station and channel classifications, engineering standards of station protection, and other related engineering factors. This is basic from the viewpoint of the United States if many of its approximately 2,200 standard (AM) broadcasting stations are to continue to operate within the band of 107 channels available for such broadcasting and continue to receive the international protection necessary for a stabilized broadcasting system capable of genuinely serving the people of this country. For example, under the new NARBA the channels available for standard broadcasting are classified as "clear," "regional," and "local" channels as under past agreement; stations are classified in classes I, II, III, and IV; and power and other specific engineering requirements are set out to govern the use of the several types of channels and the operation of the different classes of stations. The importance of provisions such as these should be fully appreciated for our whole broadcasting system is predicated upon the use of such classifications and standards internationally as well as domestically. And, as indicated earlier, such station and channel classifications, and engineering standards, as well as the continued acceptance and protection of our existing station assignments, are effective from an international viewpoint only to the extent that they are provided for by agreement. One of the technical standards contained in past agreement and in the new agreement, but with respect to which Cuba has taken reservation in the new agreement, is the so-called 650-mile rule. It is referred to subsequently in connection with provisions of the agreement concerning clear channels.

Duration of agreement: investigation and elimination of objectionable interference: arbitration, etc.: The new NARBA contains a number of provisions of a general legal and administrative nature which are most important from the viewpoint of the United States. For example, provision is made that the new NARBA will remain in effect even beyond its normal term of 5 years in the event that a subsequent NARBA is not available to replace it. Thus, in the absence of denunciation of the agreement, the type of uncertainty and dislocation which has existed during the past year or two because of the absence of an agreement will be circumvented for the future. The new NARBA also contains agreement by the parties to cooperate in the investigation and elimination of objectionable interference. Moreover, it contains clear-cut provisions for compulsory arbitration of disputes in the event that such disputes are not settled otherwise, and for the holding of administrative conferences permitting frequent consideration of engineering matters during the period between plenipotentiary conferences.

CLEAR CHANNELS

Class 1–A stations: Under the original NARBA the United States secured priority in the use of 25 clear channels for class 1–A stations. As a result of domestic assignments this number was reduced to 24 during the period of past agreement. Class 1–A stations are intended to serve wide areas at considerable distances from the transmitter location. The protection to which these stations were entitled under the original NARBA was basically (a) a requirement that the signal at the border of the United States from any foreign station on the channel not exceed a specified maximum strength and (b) that no foreign station operate on the channel at night within 650 miles of the U.S. border. As previously indicated, Canada and Mexico each received 6 such assignments and Cuba received 1, which it subsequently relinquished upon acquiring a number of other important privileges in the interim agreement. Under the interim agreement of 1946 Cuba was authorized to establish stations on 4 of the 24 clear channels upon which the United States had class 1–A priority. No requirement was specified for protection of these Cuban stations from interference caused by stations in the United States.

Since expiration of the original NARBA and the interim agreement, Cuba, asserting a right as a sovereign country to use of all channels in the absence of any agreement to the contrary, has assigned one or more stations to each of approximately 14 of these channels. And, in the absence of any NARBA, Cuba has considered itself to be without special obligation to protect the U.S. stations on these channels. Under the new NARBA, the number of clear channel class 1–A priorities recognized for the United States has been restored to 25 and the number of such priorities recognized for Canada has been increased from 6 to 7. One such priority is also recognized for the Bahamas. Cuba will utilize only 6 of the 25 channels so assigned to the United States, withdrawing stations from approximately 8 of them. Moreover, Cuba has agreed to accord a high degree of protection to the U.S. stations on those channels. Jamaica would use 2 of the 25 channels, but would fully protect the border of the United States. On these 8 channels, i.e., the 6 to be used by Cuba and the 2 to be used by Jamaica, the United States would provide a limited protection to the Cuban and Jamaican stations specified in the agreement but would otherwise retain full freedom in the use of those channels.

Accordingly, under the new NARBA the United States would retain its class 1–A priority on 25 clear channels. This is the same number as under past agreement. On 19 of these channels all other countries signatory to the agreement would protect the U.S. stations to the border of the United States. For example, in the case of Cuba this would mean protecting the United States to the tip of Florida even though we may not at present have a useful signal at that point. The border protection specified in such cases is exactly the same as that which was provided in past agreement. From our recent experience without an agreement it is quite clear that in the absence of the new NARBA continued recognition by all parties to the agreement of the priorities and protection just indicated cannot be expected. On 6 of these channels the U.S. station would receive a degree of protection which, though somewhat less than full 1–A protection, is greater than that accorded any other type of station and would still permit them to render service over extensive areas hundreds of miles from the station. On these channels, also, a considerably lesser degree of protection could be expected in the absence of the new NARBA. In view of the provision of the NARBA requiring full "border" protection to U.S. stations on 19 clear channels, and in view of the fact that under the agreement the United States would have no obligation whatever to protect any station that might in the future be assigned on any of its 1–A channels, failure of Cuba to accept the so-called 650-mile rules does not in reality appear to present a particularly serious difficulty, although it would have been preferable to have Cuban acceptance of that rule and every effort was made by the U.S. delegation to secure such acceptance.

It is to be noted that in no case is a Class 1–A station in the United States required to change its operation.

One of the important factors in evaluating the effect of the new NARBA is the effect that the provisions with respect to class 1–A priorities would have upon service to rural areas in the United States. As a result of the reduction in the actual use by Cuba of clear channels upon which the United States has class 1–A priority, there would, as a practical matter, be a significant improvement in service to rural areas from class 1–A stations. Moreover—and this is of utmost importance—in the absence of the new NARBA interference to such rural service from sta-

tions in other countries would in all probability become even worse than at present. The improvement in rural service that would result from the new NARBA is of utmost importance because of the great dependence in rural areas upon 1–A channels for broadcasting service.

The new NARBA also contains most important provisions concerning class 1–A channels which are favorable to the United States and which were not found in earlier agreement. For example, flexibility in the use of class 1–A channels, that is, freedom to add additional stations to those channels, change existing assignments, increase power, etc., without in any way jeopardizing internationally the class 1–A status and protection of its 25 channels, and without the obligation to protect any foreign stations on the channels with the exception of the six Cuban and two Jamaican stations which have been referred to at an earlier point and which would be entitled to protection as class II stations. The clear recognition of this right of flexibility was not contained in past agreement and is a matter of greatest importance in order to make possible the most effective domestic improvement in broadcasting service.

Class 1–B stations: This class of station, like class 1–A stations, is intended to serve wide areas through skywave service. Although a station of this class does not receive protection from foreign interference at the border of the country, it does receive a high degree of protection in areas in which its service is useful. Under the new NARBA, Cuba would be permitted to cause some derogation of the usual protection standards for U.S. class 1–B stations by 14 stations on 11 channels. Under past agreement this was permitted by six stations on five channels. However, in none of these instances recognized in the new NARBA does it appear that as a practical matter the U.S. station would suffer sufficiently to prevent satisfactory accomplishment of its operation. Moreover, under the new NARBA 3 additional class 1–B priorities are recognized for the United States, and in no case would it be necessary for the U.S. station to change its operation.

Class II stations: A class II station also operates on a clear channel but its operation is subordinate to the class I operation on the channel. Under past agreement class II stations were not entitled to any protection from class I stations. Under the new agreement those class II stations which now exist would receive a degree of protection from changes in existing class I assignments and from future class I assignments. It is under this new provision that the Cuban and Jamaican class II stations on eight clear channels upon which the United States has class 1–A priority would receive some protection. However, it is important to note that under this provision at least 25 class II stations in the United States would also be entitled to protection from class I stations for the first time. In addition, to accommodate certain frequency changes in Cuba which are part of a general reallocation in that country, three U.S. class II stations would be required under the new NARBA to change frequency, with consequent changes being required in their antennas and equipment.

REGIONAL CHANNELS

Class III stations: There are approximately 900 class III stations in the United States. In general, they are intended to serve not only the cities in which they are located but also a substantial area surrounding their locations. With few exceptions, the standards governing class III stations and protection remain the same under the new NARBA as under past agreements. In 10 cases Cuban stations on regional channels would be permitted to operate with powers in excess of that normally permitted on such channels. In 3 of these cases the Cuban stations are classified as class III stations. In 7 of these cases the Cuban stations are classified as class 1–C or 1–D stations which are discussed in the immediately following paragraph. However, in all 10 of these cases the class III protection is accorded the United States stations on the channels involved. In one of these cases a United States station would be required to modify its antenna system to reduce radiation towards Cuba. However, Cuba would also be required to modify its use of the same frequency in order to reduce radiation towards stations in the United States to an equal degree.

Special Protection of Certain Cuban stations: On 11 channels Cuba would be entitled to a relatively high degree of protection from future assignments in other countries. These Cuban stations would be classified as classes 1–C and 1–D stations. It is to be noted in this connection that under the new agreement Cuba does not receive any class 1–A assignments and would receive only one class 1–B assignment. It is also to be noted, as indicated above, that the special protection to which Cuban 1–C and 1–D stations would be entitled in no way affects existing stations. It only has reference to future assignments.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES CONCERNING RADIO BROADCASTING IN THE STANDARD BROADCAST BAND

The Governments of the United States of America and the United Mexican States, being desirous of promoting the effective technical use in the two countries of the standard broadcasting band with a minimum of interference between stations in the two countries, and believing that this purpose can best be served by making provision in common agreement between the two Governments, have designated for that purpose their undersigned Plenipotentiaries who, having communicated to each other their respective Full Powers, found to be in good and due form, have agreed as follows:

ARTICLE I—PURPOSE AND SCOPE OF AGREEMENT

A. Sovereign rights of contracting parties—purpose of agreement

While fully recognizing the sovereign right of each country with respect to the use of all of the channels in the standard broadcast band, the Contracting Parties also recognize that, in the absence of technical developments permitting the elimination of radio, interference of an international character, agreement between them is necessary in order to promote and maintain the effective use by both countries of the standard broadcasting band.

In the exercise of their respective sovereign rights and for the purpose of eliminating objectionable interference, the United States of America and the United Mexican States have concluded earlier agreements, under which it has been possible to establish and develop their respective standard broadcasting installations and services. The maintenance and protection of these services constitute a principal objective of this Agreement, while at the same time a harmonious development of the broadcasting services of both nations for the future is sought.

It is the purpose of this Agreement to accomplish these objectives by establishing rules and principles relating to the use of the standard broadcasting band by each country so that both countries may utilize it in the most effective manner and with a minimum of interference between their respective broadcasting stations. This Agreement shall govern the relations between the United States of America and the United Mexican States in the use of the standard broadcast band (535–1605 kc/s).

The Contracting Parties agree to take the necessary measures to require the observance of the provisions of this Agreement upon the private and other operating agencies recognized or authorized by them to establish and operate broadcasting stations within their respective countries, possessions or territories.

If either Contracting Party acts in a manner deemed to be inconsistent with the provisions of this Agreement by the other Contracting Party, there shall be consultations at the request of the latter party regarding the matter. In the event that such consultations do not result in a resolution of the matter to the satisfaction of both parties, the latter Contracting Party may avail itself of the provisions of Article V B.

The United States of America and the United Mexican States declare their objective to incorporate, in substance, the pertinent provisions of this bilateral Agreement into the next North American Regional Broadcasting Agreement that is concluded.

B. Annexes to this agreement

The following annexes complete and form an integral part of this Agreement:

Annex I:

(A) Table of Class I–A Priorities.

(B) Secondary Use of Class I–A Clear Channels.

Annex II: Table of Class I–B Priorities.

Annex III: Protected Service Contours and Permissible Interfering Signals from Co-channel Stations.

Annex IV:

Figure 1: Angles of Departure versus Transmission Range (omitted in RECORD).

Figure 2: Sky Wave Curves 10% and 50% of the Time (omitted in the RECORD).

Annex V: Specific Cases.

Annex VI: Notification Procedure.

Annex VII: Abbreviations.

ARTICLE II—TECHNICAL

A. Definitions

1. *Broadcast Station.* A station the emissions of which are primarily intended to be received by the general public.

2. *Broadcast Channels*—535 to 1605 kc/s. A broadcast channel is a band of frequencies ten (10) kc/s in width, with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to broadcast stations shall begin at 540 kc/s and be in successive steps of 10 kc/s. No intermediate frequency shall be assigned as the carrier frequency of any broadcast station.

3. *Service Areas.*

a. Primary service area. The primary service area of a broadcast station is the area in which the ground wave is not subject to objectionable interference or objectionable fading.

b. Secondary service area. The secondary service area of a broadcast station is the area served by the sky wave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

4. *Dominant Stations.* A dominant station is a class I station, as hereinafter defined, operating on a clear channel.

5. *Secondary Station.* A secondary station is any station except a class I station operating on a clear channel.

6. *Objectionable Interference.* Objectionable interference is that which exceeds the maximum interference permissible under the terms of this Agreement.

7. *Power.* The power of a radio transmitter is the power supplied to the antenna.

8. *Spurious Radiation.* A spurious radiation from a transmitter is any radiation outside the frequency band of emission normal for the type of transmission employed, including any harmonic modulation products, key clicks, parasitic oscillations and other transient effects.

B. Classes of channels and allocation thereof

1. *Three Classes:* The 107 channels in the standard broadcast band are divided into three principal classes: Clear, regional, and local.

2. *Clear Channel:* A clear channel is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas.

3. *Regional Channel:* A regional channel is one on which the several stations may be assigned to operate with powers not in excess of 25 kW. However, within an area 100 kilometers (62 miles) of the common border powers in excess of 5 kW may not be used.

4. *Local Channel:* A local channel is one on which several stations may operate with 1 kW daytime, and 500 watts nighttime, at distances of 150 kilometers or more from the common border. Stations located more than 100 kilometers from the common border, but less than 150 kilometers from said border, may be assigned to operate with powers not in excess of 1 kW daytime and 250 watts nighttime. Stations located 100 kilometers or less from the common border may be assigned to operate with powers not in excess of 250 watts daytime and nighttime.

5. *Number of Channels of Each Class:* The number of channels of each class shall be as follows:

Clear channels	60
Regional channels	41
Local channels	6
	107

6. *Allocation of Specific Channels to Each Class.* The channels are allocated to the several classes as follows:

a. *Clear Channels.* The following channels are designated as clear channels: 540, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, and 1580 kc/s.

b. *Regional Channels.* The following channels are designated as regional channels: 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kc/s.

c. *Local Channels.* The following channels are designated as local channels: 1230, 1240, 1340, 1400, 1450, and 1490 kc/s.

7. *Use of Regional and Local Channels by Countries.* The Contracting Parties may use all regional and all local channels, subject to the power limitations and standards for prevention of objectionable interference set forth in this Agreement.

8. *Priority of Use of Clear Channels:*

a. Each of the Contracting Parties hereby recognizes the Class I priorities of the other in the use of clear channels, as set forth in Annexes I and II.

b. Neither Contracting Party shall make any nighttime assignment on the channels upon which the other Contracting Party has Class I–A priority under this Agreement, except as provided in Annex I.

c. Daytime Class II assignments by either Contracting Party on clear channels upon which the other Contracting Party has the Class I–A priority will be subject to the following conditions:

1. *Permissible Hours of Operation:* Sunrise to Sunset at the location of the Class II station.

2. *Permissible Signal Intensity at the Boundary of the Country Which Has the Class I–A Priority on the Channel Involved:* Not more than 5 uV/m ground wave.

3. *Permissible Power:* 50 kW, except that:

(a) The United Mexican States may assign stations to operate with powers not in excess of 5kW on the following channels: 700 kc/s, 720 kc/s, 1120 kc/s, 1210 kc/s.

(b) The United States of America may assign stations to operate with powers not in excess of 5 kW on the following channels: 730 kc/s, 800 kc/s, 900 kc/s, 1050 kc/s, 1220 kc/s, 1570 kc/s. Furthermore, stations with powers in excess of 1 kW may not be assigned in areas within the following distances of the locations specified:

i. 800 kc/s: 1319 kilometers (820 miles) from Ciudad Juarez, Chihuahua.

ii. 1050 kc/s: 998 kilometers (620 miles) from Monterrey, Nuevo Leon.

iii. 1570 kc/s: 998 kilometers (620 miles) from Ciudad Acuña, Coahuila.

d. It is recognized and agreed by the Contracting Parties that the secondary use of Class I–A clear channels permitted under the terms of this Agreement imposes no obligations on the Contracting Party having the Class I–A priority to protect such secondary use, and that the Contracting Party having the Class I–A priority retains full freedom to make such use of the channel upon which it has Class I–A priority as it deems necessary to meet its domestic service needs. However, if either of the Contracting Parties contemplates changes in its use of such Class I–A clear channel which would increase the adjacent channel sky wave interference to stations in the other country, such proposed changes shall be the subject of consultation between the Contracting Parties, with a view toward minimizing such interference before the changes are implemented.

C. Classes of stations and use of the several classes of channels

1. *Classes of Stations:* Broadcast stations are divided into four principal classes, to be designated Class I, Class II, Class III, and Class IV.

2. *Definition of Classes:* The four classes of broadcast stations are defined as follows:

a. *Class I:* A dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Class I stations are subdivided into two classes:

b. *Class I–A:* A Class I station which operates with power of 50 kW or more and which has its primary service area, within the limits of the country in which the station is located, free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area, within the same limits, free from objectionable interference from stations on the same channel, in accordance with the engineering standards hereinafter set forth.

c. *Class I–B:* A Class I station which operates with power of not less than 10 kW or more than 50 kW and which has its primary service area free from objectionable interference from other stations on the same and adjacent channels and its secondary service area free from objectionable interference from stations on the same channel, in accordance with the engineering standards hereinafter set forth.

d. *Class II:* A secondary station which operates on a clear channel and is designed to render service over a primary service area which, depending on geographical location and power used, may be relatively large, but which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power of not less than 0.10 kW or more than 50 kW. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference, in accordance with the engineering standards hereinafter set forth, with Class I stations and with other Class II stations.

e. *Class III:* A station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contained therein and contiguous thereto. A station of this class operates with power not less than 0.5 kW and not more than 25 kW. The service area is subject to interference in accordance with the engineering standards hereinafter set forth.

f. *Class IV:* A station generally using a local channel and designed to render service to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kW and not more than 1 kW daytime and 0.5 kW nighttime. Its service is subject to interference in accordance with the engineering standards hereinafter set forth.

3. *Additional Provisions Concerning the Use of Clear Channels.*

a. In principle, Class I stations shall be assigned only to clear channels.

b. Except as otherwise provided in this Agreement, Class II stations may be assigned to clear channels only on condition that the interfering signal does not exceed that permitted under the standards in Annex III.

4. *Use of Regional Channels.*

a. In general only Class III stations shall be assigned to regional channels.

b. On condition that interference not be caused to any Class III station, and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

5. *Use of Local Channels.* Only Class IV stations shall be assigned to local channels.

D. Service and Interference

1. *Satisfactory Signals.* It is recognized that, in the absence of interference from other stations and in regions where the natural electrical noise level is not abnormally high, a signal of 100 uV/m constitutes a usable signal in rural and sparsely settled areas but that, because of the higher electrical noise levels in more thickly populated communities, greater field intensities (ranging as high as 25 mV/m or more in cities) are necessary to render satisfactory service. It is further recognized that it is not possible to accord protection to stations from interference over the entire areas over which their signals are or may be above the electrical noise level, particularly at night, and that it is necessary to specify boundaries on contours at or within which stations are protected from objectionable interference from other stations.

2. *Areas Protected From Objectionable Interference.* The boundaries or contours at and within which the several classes of stations shall be protected from objectionable interference are as set forth in Annex III. No station, however, need be protected from objectionable interference at any point outside the boundaries of the country in which such station is located except as provided elsewhere in this Agreement.

3. *Objectionable Interference on the Same Channel.*

(a) *Daytime; to All Classes of Stations; Nighttime; to Class I Stations.* Objectionable interference shall be deemed to be caused to an existing station when, at the boundary or field intensity contour specified in Annex III with respect to the class to which the station belongs, the intensity of the field produced by another station exceeds, for 10 percent or more of the time, the value of the permissible interfering signal set forth for such class in Annex III.

(b) *Nighttime; to Class II and Class III Stations.* Objectionable interference shall be deemed to be caused to an existing station when at the field intensity contour specified for the class of station in Annex III or at the contour within which the station provides interference-free service (whichever is higher) a new signal exceeds 70 per cent of the intensity of the permissible interfering signal set forth in said Annex for the class of station, or 70 per cent of the strongest interfering signal from an existing or duly notified station if the latter is in excess of the permissible signal.

4. *Objectionable Interference on Adjacent Channels.* Objectionable interference is considered to exist when, at or within the specified contours of a desired station, the field intensity of the ground wave of an undesired station operating on an adjacent channel exceeds a value determined by the following ratio:

Separation between Channels:	
10 kc/s	1 to 0.5
20 kc/s	1 to 30

The undesired ground wave signal shall be determined at or within the 0.5 mV/m ground wave contour of the desired station. These values apply to all classes of stations both day and night and are based on ground wave only. No adjacent channel interference is considered on the basis of an interfering sky wave.

5. *Frequency Stability:* The operating frequency of each broadcast station shall be maintained to within 20 cycles per second of the assigned frequency.

6. *Spurious Radiation:* The Contracting Parties shall endeavor to reduce and, if possible, eliminate spurious radiations from broadcast stations. Such radiations shall be reduced in all cases until they are not of sufficient intensity to cause interference outside the frequency band required for the type of emission employed. With respect to type A–3 emissions the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur.

E. Determination of presence of objectionable interference

1. *Antenna Performance:* For the purpose of calculating the presence and the degree of objectionable interference, stations of the several classes shall be assumed to produce effective field, corrected for absorption, for 1 kW of input power to the antenna, as follows:

Class I: 362 mV/m at one kilometer; 225 mV/m at one mile.

Class II and III: 282 mV/m at one kilometer; 175 mV/m at one mile.

Class IV: 241 mV/m at one kilometer; 150 mV/m at one mile.

In case a directional antenna is employed, the interfering signal of a broadcasting station in any direction, in the absence of actual interference, measurements will be determined by calculations of the horizontal and vertical field intensity patterns of the directional antenna.

2. *Power.* The power of a station shall, for the purposes of notifications required by this Agreement, be determined in one of the following manners:

a. By taking the product of the square of the antenna current and the antenna resistance (antenna input power).

b. By determination of the station's effective field intensity, corrected for absorption, by making sufficient field intensity measurements on at least eight radials as nearly equally spaced as practicable and by relating the field intensity thus determined to the effective field intensity of a station having the antenna efficiency stipulated above for its class.

3. *Methods of Determining the Presence of Objectionable Interference—General.* The existence or absence of objectionable interference from stations on the same or adjacent channels shall be determined by use of ground wave or sky wave curves referred to in paragraph 4, below.

4. *Use of Propagation Curves.*

a. *Sky Wave Curves.* In computing the distance to the 50 per cent sky wave field intensity contour of a Class I station of a given power, and also in computing the 10 per cent sky wave field intensity of an alleged interfering station, of any class and given power, at a specified distance, use may be made of the appropriate graphs set forth in Annex IV.

b. *Ground Wave Curves.* The distance to any specified ground wave field intensity contour may be determined from appropriate ground wave curves plotted for the frequency under consideration and the conductivity and dielectric constant of the earth between the station and desired contour. The frequency and the conductivity of the earth must be considered in every case and where the distance is great due allowance must be made for loss due to curvature of the earth. The family of curves to be used for this purpose is similar to the curves of Ground Wave Field Intensity versus Distance for different frequencies, contained in the Regulations, Part 3, Radio Broadcast Services, January 1956 edition, issued by the Federal Communications Commission of the United States of America.

Where several values of conductivity are presumed to occur along a single propagation path, the "Kirke" or "Equivalent Distance" method of computation shall be used in computing the distance to a specific field intensity contour in conjunction with the curves referred to in the preceding paragraph. The application of this method is described in the Regulations of the Federal Communications Commission mentioned above.

F. Review of technical standards and requirements

The technical standards and requirements adopted in this Agreement shall be the subject of constant study by both countries in the light of continuing development of the radio art, and shall be subject to such change during the term of this Agreement as the appropriate administration of the Contracting Parties may find mutually agreeable.

ARTICLE III—NOTIFICATION

A. Recognition of existing notifications of standard broadcasting station assignments

1. All outstanding notifications of standard broadcasting station assignments received from either Contracting Party by the Inter-American Radio Office (O.I.R.), Habana, Cuba, on or prior to June 15, 1955, which are not the subject of objection submitted through that Office by either Contracting Party, and are not modified by the specific assignments in the Annexes hereto, are hereby recognized and accepted.

2. The notifications of standard broadcasting station assignments set out in the Annexes to this Agreement are also hereby recognized and accepted. All notifications and objections inconsistent with the assignments set out in the said Annexes, or otherwise inconsistent with the terms of this Agreement, are hereby withdrawn.

B. Notification of new broadcasting station assignments. Changes in existing broadcasting assignments, etc.

1. New station assignments or changes in existing station assignments made by either Contracting Party shall be consistent with the terms of this Agreement.

2. Each Contracting Party shall notify the other Contracting Party of all new broadcasting station assignments, and all changes in or deletions of existing broadcasting station assignments in accordance with Annex VI of this Agreement. Each Contracting Party shall also notify the other Contracting Party of the deletion of any broadcasting station assignments and of the date of commencement or cessation of operation, and consummation of changes in broadcasting stations.

To be valid, each notification must be such that the new broadcasting station, change or deletion proposed therein is in accordance with this Agreement.

4. Each Contracting Party shall, within forty-five days after the date of receipt of such notification, advise the Contracting Party making the notification of any objection it may have thereto under the terms of this Agreement or of its acceptance of the notification. In case the supplementary information required under the provisions of Annex VI does not accompany the basic information and such supplementary information is received within the period specified in the said Annex, the period during which objection may be made shall be extended to thirty days after the date of receipt of such supplementary information.

5. Failure of either Contracting Party to object to a notification within the period specified above shall be deemed to be an acceptance by that Contracting Party of such notification.

6. The date of priority of a notification shall be determined by the date of receipt, by the Agency or Government performing the notification exchange function, of the basic information constituting the notification, provided the supplementary information with respect to such notification is also submitted within the period specified therefor in Annex VI. If there is a conflict between two or more notifications, priority in the date of receipt thereof by the Agency or Government performing the notification exchange function shall govern.

C. Cessation of effect of notification

1. Any notification of a new broadcasting station assignment or of a change in an existing broadcasting station assignment shall cease to have any effect if, within the period specified in Annex VI, the supplementary information shall not have been supplied.

ARTICLE IV—RATIFICATION AND ENTRY INTO FORCE

A. Ratification

1. This Agreement shall be subject to ratification by both Contracting Parties in accordance with their constitutional procedures.

2. The Contracting Parties agree to take the actions appropriate and necessary to ratification as expeditiously as possible consistent with their constitutional procedures.

3. The instruments of ratification shall be exchanged in Mexico, Distrito Federal.

B. Entry into force

1. This Agreement shall enter into force upon the exchange of instruments of ratification.

ARTICLE V—TERM AND DENUNCIATION OF AGREEMENT

A. Term

This Agreement shall remain in force for a period of five years unless, before the end of that period, it is terminated by a notice of denunciation pursuant to paragraph B of this Article or replaced by a new agreement between the Contracting Parties.

B. Denunciation

Either Contracting Party may terminate this Agreement by notice of denouncement to the other Party. The denunciation shall take effect one year after the date of receipt of the notice thereof, except that denunciation pursuant to the provisions therefor in Article I of this Agreement shall take effect ninety days after the date of receipt of the notice thereof.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Agreement in duplicate in the English and Spanish languages. The texts in both languages shall be equally valid. An authentic copy thereof shall be forwarded by the Government of the United Mexican States to the Governments of the United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica); Canada; Cuba; Dominican Republic; and Haiti; to the Secretary General of the International Telecommunication Union and to the Agency performing the notification exchange function.

DONE at Mexico, Distrito Federal, this twenty-ninth day of January, one thousand nine hundred and fifty seven.

For the Government of the United States of America: Francis White, *Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Mexican States;* Rosel H Hyde, *Chairman of the United States Delegation.*

For the Government of the United Mexican States: Ingeniero WALTER C. BUCHANAN, *Acting Secretary of Communication and Public Works;* Ingeniero EUGENIO MÉNDEZ, Docurro, *Director General of Telecommunications of the Ministry of Communications and Public Works.*

ANNEX I

A. TABLE OF CLASS I-A PRIORITIES

Channel kc/s	Country having I-A Priority	Channel kc/s	Country having I-A Priority
540	Mexico	870	USA
640	USA	880	USA
650	USA	890	USA
660	USA	900	Mexico
670	USA	1020	USA
700	USA	1030	USA
720	USA	1040	USA
730	Mexico*	1050	Mexico
750	USA	1100	USA
760	USA	1120	USA
770	USA	1160	USA
780	USA	1180	USA
800	Mexico	1200	USA
820	USA	1210	USA
830	USA	1220	Mexico
840	USA	1570	Mexico

*The Parties hereto recognize the limitation to the Mexican operation on 730 kc/s caused by operation of stations in the United States of America on the frequency 740 kc/s and agree to continue their study of this matter in an effort to arrive at an adjustment in the use of 740 kc/s that will be mutually satisfactory and upon the basis of which the United States of America may modify its existing priority for the use of 740 kc/s. Each Contracting Party agrees to exchange views and to give careful consideration to any suggestions by the other Contracting Party.

B. Secondary use of Class I–A clear channels

1. Neither Contracting Party[1] shall make any nighttime assignment on the channels upon which the other country has Class I–A priority under this Agreement, except as follows:

a. The United Mexican States may make the following assignments:

(1) *660 kc/s*—5 kW maximum power, directional antenna, Mexico, Distrito Federal, with the signal intensity at any point within the boundaries of the United States of America limited to 50 uV/m, 10 per cent sky wave.

(2) *760 kc/s*—5 kW maximum power, directional antenna, Mexico, Distrito Federal, or south with signal intensity at any point within the boundaries of the United States of America limited to 50 uV/m, 10 per cent sky wave.

(3) *830 kc/s*—5 kW maximum power, directional antenna, Mexico, Distrito Federal, with signal at any point within the boundaries of the United States of America limited to 50 uV/m, 10 per cent sky wave.

(4) *1030 kc/s*—Mexico, Distrito Federal, 10 kW–D, 1 kW–N, ND, U, II.

b. The United States of America may make the following assignments:

(1) *1050 kc/s*—New York, New York, 50 kW, DA–N, U, II, with the directional antenna pattern used at present for such operation.

(2) *1220 kc/s*—Cleveland, Ohio, 50 kW, DA-N, U, II, with the directional antenna pattern used at present for such operation.

(3) *540 kc/f*—Assignments in the United States of America on this frequency:

(a) shall be located outside the area; bounded on the north by the parallel 35°N and on the east by the meridian 93°W; provided that no such assignments may be made within the United States of America south of the parallel 30°N, and

(b) shall not place a signal intensity at any point within the United Mexican States in excess of 50 uV/m nighttime and 10 uV/m daytime.

(4) *730 kc/s*—Santurce, Puerto Rico, 10 kW, DA–1, U, II.[2]

(5) *800 kc/s*—Juneau, Alaska, 5 kW, ND, U, II.

(6) *900 kc/s*—Fairbanks, Alaska, 10 kW, ND, U, II.

[1] In the case of the United States of America this also includes Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

[2] The maximum permissible signal at the nearest point on the Mexican boundary shall be 17.5 uV/m.

ANNEX II.—*Table of Class I–B Priorities*

Channel kc/s	Station	Country having I–B Priorities	Antenna	Schedule	Channel kc/s	Station	Country having I–B Priorities	Antenna	Schedule
680	San Francisco, California	USA	ND	U	1130	Shreveport, Louisiana	USA	DA	U
690	Tijuana, Baja California	Mexico	DA	U	1130	New York, New York	USA	DA	U
710	New York, New York	USA	DA	U	1140	Monterrey, Nuevo Leon	Mexico	DA	U
710	Seattle, Washington	USA	DA	U	1140	Richmond, Virginia	USA	DA	U
810	San Francisco, California	USA	DA	U	1170	Tulsa, Oklahoma	USA	DA	U
810	Schenectady, New York	USA	ND	U	1170	Wheeling, West Virginia	USA	DA	U
850	Denver, Colorado	USA	ND	U	1190	Guadalajara, Jalisco	Mexico	DA	U
850	Orizaba, Veracruz	Mexico	DA	U	1190	Fort Wayne, Indiana	USA	DA	U
940	Mexico, Distrito Federal	Mexico	ND	U	1190	Portland, Oregon	USA	DA	U
1000	Mexico, Distrito Federal	Mexico	DA	U	1500	Washington, District of Columbia	USA	DA	U
1000	Chicago, Illinois	USA	DA	U	1500	St. Paul, Minnesota	USA	DA	U
1000	Seattle, Washington	USA	DA	U	1510	Nashville, Tennessee	USA	DA	U
1060	Mexico, Distrito Federal	Mexico	DA	U	1510	Spokane, Washington	USA	DA	U
1060	Philadelphia, Pennsylvania	USA	DA	U	1520	Buffalo, New York	USA	DA	U
1070	Los Angeles, California	USA	ND	U	1520	Oklahoma City, Oklahoma	USA	DA	U
1080	Hartford, Connecticut	USA	DA	U	1530	Sacramento, California	USA	DA	U
1080	Dallas, Texas	USA	DA	U	1530	Cincinnati, Ohio	USA	DA	U
1090	Rosarito, Baja California	Mexico	DA	U	1540	Waterloo, Iowa	USA	DA	U
1090	Little Rock, Arkansas	USA	DA	U	1550	Nuevo Laredo, Tamaulipas	Mexico	DA	U
1090	Baltimore, Maryland	USA	DA	U	1560	New York, New York	USA	DA	U
1110	Omaha, Nebraska	USA	DA	U	1560	Bakersfield, California	USA	DA	U
1110	Charlotte, North Carolina	USA	DA	U					

ANNEX III.—*Protected service contours and permissible interfering signals from co-channel stations*

Class of station	Class of channel used	Permissible power	Boundary or signal intensity contour of area protected from objectionable interference		Permissible interfering signal	
			Day	Night	Day Ground Wave	Night 10% Sky Wave
I A	Clear	50 kW or more	Boundary of country in which station is located		5 uV/m	25 uV/m.
I B	Clear	10 kW to 50 kW	100 uV/m	500 uV/m (50% sky wave)	5 uV/m	25 uV/m.
II	Clear	0.10 kW to 50 kW	500 uV/m	2500 uV/m (ground wave)	25 uV/m	125 uV/m.
III	Regional	0.5 kW to 25 kW as provided in definition of Regional Channel.	500 uV/m	2500 uV/m (ground wave)	25 uV/m	125 uV/m.
IV	Local	0.1 kW to 1 kW day as provided in definition of Local Channel. 0.1 kW to 0.5 kW night as provided in definition of Local Channel.	500 uV/m	4000 uV/m (ground wave)	25 uV/m	200 uV/m.

ANNEX V.—*Specific cases*

540 kc/s	Haines City, Florida	10 kW	DA	D	II[a]
550 kc/s	Merida, Yucatan	5 kW	DA-1	U	III[a]
550 kc/s	San Diego, California	5 kW	DA	U	III[k]
570 kc/s	Morelia, Michoacan	1 kW	ND	U	III
580 kc/s	Guadalajara, Jalisco	25 kW	DA-1	U	III[a]
#590 kc/s	Reynosa, Tamaulipas	5 kW-D/.25 kW-N	ND	U	IV
590 kc/s	Hermosillo, Sonora	1 kW	ND	U	III
610 kc/s	Sabinas, Coahuila	3 kW-D/0.5 kW-N	ND	U	III
620 kc/s	Chihuahua, Chihuahua	1 kW-D/0.5 kW-N	ND	U	IV
620 kc/s	Mexico, Distrito Federal	10 kW-D/5 kW-N	ND	U	III
630 kc/s	Monterrey, Nuevo Leon	10 kW	DA-2	U	III[a]
660 kc/s	Ciudad Delicias, Chihuahua.	0.5 kW	ND	D	II
690 kc/s	Tijuana, Baja California	50 kW	DA-N	U	I-B[a,e]
690 kc/s	La Mesa, Texas	0.25 kW	ND	U	II
690 kc/s	State of Yucatan	50 kW	DA	U	III[j]
710 kc/s	Tuxtla Gutierrez, Chiapas	1 kW	ND	U	II
790 kc/s	Mexicali, Baja California	0.5 kW	ND	D	III
790 kc/s	La Paz, Baja California	2 kW-D/0.75 kW-N	ND	U	III
810 kc/s	Kansas City, Missouri	50kW-D/10 k W-N	DA-N	U	II[a]
810 kc/s	Tampico, Tamaulipas	50 kW	DA-N	U	II[a]
850 kc/s	Orizaba, Veracruz	100 kW-D/50 kW-N	DA-N	U	I-B[e,g]
920 kc/s	Piedras Negras, Coahuila	1 kW-D/0.25 kW-N	ND	U	IV
920 kc/s	Culiacan, Sinaloa	5 kW	DA-N	U	III[b]
940 kc/s	Mexico, Distrito Federal	150 kW-D/50 kW-N	ND	U	I-B
950 kc/s	Tijuana, Baja California	2.5 kW	ND	U	III
960 kc/s	Nuevo Laredo, Tamaulipas	2 kW-D/1 kW-N	ND	U	III
970 kc/s	Ciudad Juarez, Chihuahua	10 kW-D/5 kW-N	ND	U	III
1000 kc/s	Chicago, Illinois	50 kW	DA-2	U	I-B[a]
1000 kc/s	Mexico, Distrito Federal	10 kW	ND	U	I-B[d]
1000 kc/s	Oklahoma City, Oklahoma	5 kW	DA-2	U	II[a]
1010 kc/s	Ciudad Acuña, Coahuila	0.5 kW-D/0.2 kW-N	ND	U	II
1070 kc/s	Tehuacan, Puebla (will shift from 1080 kc/s)	1 kW-D/0.25 kW-N	ND	U	II
1080 kc/s	Zitacuaro, Michoacan	0.5 kW-D/0.1 kW-N	ND	U	II
1110 kc/s	Mexico, Distrito Federal	50 kW	DA-N	U	II[e]
1130 kc/s	Jalapa, Veracruz	10 kW	DA-N	U	II[a]
1140 kc/s	Monterrey, Nuevo Leon	50 kW	DA-N	U	I-B[h]
1150 kc/s	Ciudad Obregon, Sonora	5 kW-D/0.3 kW-N	ND	U	III
1150 kc/s	Merida, Yucatan	0.5 kW-D/0.35 kW-N	ND	U	III
1150 kc/s	Mexico, Distrito Federal	10 kW	DA-N	U	III[a]
1190 kc/s	Fort Wayne, Indiana	50 kW	DA-N	U	I-B[a]
1190 kc/s	Portland, Oregon	50 kW	DA-1	U	I-B[a]
1190 kc/s	Guadalajara, Jalisco	10 kW 50 kW	ND DA-N	U U	I-B[i] "
1250 kc/s	Port Arthur, Texas	5 kW-D/1 kW-N	DA-N	U	III[a]
1310 kc/s	Torreon, Coahuila	10 kW-D/0.25 kW-N	ND	U	IV
1320 kc/s	Mexico, Distrito Federal	1 kW	ND	U	III
1330 kc/s	Gallup, New Mexico	5 kW-D/1 kW-N	DA-N	U	III[a]
1360 kc/s	Iguala, Guerrero	1 kW-D/0.5 kW-N			III
1360 kc/s	Celaya, Guanajuato	1 kW-D/0.175 kW-N	ND	U	IV
1370 kc/s	Monterrey, Nuevo Leon	10 kW	DA-N	U	III[b]
1370 kc/s	Nogales, Sonora	5 kW	ND	U	III
1380 kc/s	Tecate, Baja California	0.25 kW-D/0.1 kW-N	ND	U	IV
1380 kc/s	Mexico, Distrito Federal	5 kW	ND	U	III
1410 kc/s	Nuevo Laredo, Tamaulipas.	1 kW-D/0.25 kW-N	ND	U	IV
1410 kc/s	Searcy, Arkansas	1 kW-D/0.5 kW-N	DA-N	U	III[a]
1450 kc/s	Valle Hermoso, Tamaulipas.	1 kW-D/0.25 kW-N	ND	U	IV
1470 kc/s	Ciudad Miguel Aleman, Tamaulipas.	0.5 kW-D/0.25 kW-N.	ND	U	IV
1470 kc/s	Mexico, Distrito Federal	10 kW-D/5 kW-N	ND	U	III
1520 kc/s	Hidalgo del Parral, Chihuahua.	1 kW	ND	D	II
1540 kc/s	Los Angeles, California	5 kW	ND	D	II
1540 kc/s	Waterloo, Iowa	50 kW	DA-N	U	I-B[a,e]
1550 kc/s	Nuevo Laredo, Tamaulipas.	50 kW	DA-N	U	I-B[a]
1550 kc/s	Huntsville, Alabama	5 kW-D/0.5 kW-N	DA-N	U	II[a]
1560 kc/s	Bakersfield, California	10 kW	DA-1	U	I-B[a,e]
1560 kc/s	New York, New York	50 kW	DA-1	U	I-B[a,e]
1560 kc/s	Ciudad Cuahtemoc, Chihuahua.	2 kw-D/0.25 kW-N	ND	U	II
1580 kc/s	Hermosillo, Sonora	50 kW	ND	U	II
1590 kc/s	Mexicali, Baja California	10 kW-D/1.5kW-N	ND	U	III
1590 kc/s	Mexico, Distrito Federal	10 kW-D/5 kW-N	ND	U	III
1600 kc/s	Brownsville, Texas	1 kW	DA-2	U	III[f,a]

NOTES

The Contracting Parties recognize that operation of XERT, Reynosa, Tamaulipas, on the frequency 590 kc/s, with presently notified daytime power of 5 kW, would seriously limit the ground wave service of co-channel station KTBC, Austin, Texas. The United Mexican States therefore agree to study the possibility of maintaining the daytime power of the Reynosa station at a level where such interference to the Austin station is minimized.

[a] With presently notified DA pattern, any subsequent change in this pattern must not result in increased interference to stations in the other country under the engineering standards of this Agreement.

[b] Directional antenna will protect stations in the other country in accordance with the engineering standards of this Agreement.

[c] Future assignments will protect this station in accordance with its I-B classification.

[d] Non-directional operation with power not to exceed 10 kW is permissible. If higher power is used a directional antenna will be employed which will restrict the radiation to 715 mV/m, or less, unattenuated field, at 1.609 kilometers (one mile), over the arc between the true bearings 11 and 47 degrees (WCFL secondary service area) and to 1125 mV/m, unattenuated field, at 1.609 kilometers (one mile), over an arc between the true bearings 314 and 333 degrees (KOMO secondary service area).

[e] The directional antenna shall restrict the radiation to 200 mV/m, unattenuated, at 1.609 kilometers (one mile), over an arc between the true bearings 327 and 10 degrees (KFAB secondary service area) and over an arc between the true bearings 27 to 65 degrees (WBT secondary service area).

[f] This station will be subject to interference which may be caused at any time by XEAE, Ciudad Acuña, Coahuila, with power of 5 kW, or if XEAE changes location to Monterrey, Nuevo Leon, to operate with 1 kW. In either case, XEAE will operate with non-directional antenna.

[g] *850 kc/s.* The Orizaba, Veracruz, assignment on 850 kc/s will protect the secondary service area (0.5 mV/m, 50 per cent sky wave contour) of KOA, Denver, Colorado, in accordance with the I-B classification of KOA.

[h] This assignment shall provide I-B protection to the United States I-B station in Richmond, Virginia, except that the unattenuated field at 1.609 kilometers (one mile) toward the northern part of the Richmond station's secondary service area may be increased to the following values at the bearings indicated:

250 mV/m at 19° true
140 mV/m at 22° true
140 mV/m at 35° true
200 mV/m at 52° true

[i] Non-directional operation with 10 kW is permissible. If higher power is used the directional antenna shall restrict radiation to 870 mV/m, unattenuated field at 1.609 kilometers (one mile), over an arc between the true bearings 323 and 343 degrees (KEX secondary service area) and to 715 mV/m, unattenuated field at 1.609 kilometers (one mile), over an arc between the true bearings 17 and 59 degrees (WOWO secondary service area).

[j] The United Mexican States may operate a Class II station at any point in the Yucatan Peninsula with power of 50 kW using a directional antenna that will give to stations in the United States of America protection equivalent to that which they receive from the present operation of the station in Mexico, Distrito Federal, on this frequency (5 kW, ND-U-II).

[k] Protection requirements for other stations to be based on previous operation on 550 kc/s.

ANNEX VI. NOTIFICATION PROCEDURE

A. Notification of new broadcasting station assignments or changes in existing broadcasting station assignments

1. *Performance of the Notification Exchange Function*

Notifications concerning broadcasting station assignments and changes in or deletions of such assignments, objections thereto, and other communications made pursuant to the provisions of this Article, shall be sent for purposes of exchange to the Agency or Government which performs the notification exchange functions for the countries of the North American Region.

2. *Notification of New Broadcasting Station Assignments or of Changes in Existing Broadcasting Station Assignments*

In making any notifications of a new broadcasting station assignment, or of a change in an existing broadcasting station assignment, the Government shall supply the basic information, which is essential to constitute a notification. The basic information shall be accompanied or followed as soon thereafter as possible, but in no case more than ninety days thereafter, by supplementary information.

(a) *New broadcasting station assignments*

(1) Basic information: Basic information shall consist of the following: frequency; class of station; location by city and province or State; power; time designation; whether a directional antenna is to be used and the time during which it will be used (DA–1, DA–2, DA–N or DA–D); the date of expected commencement of operation.

(2) Supplementary information: Supplementary information shall consist of the following: call sign; geographical location of the midpoint of the antenna system in degrees and minutes of latitude and longitude; and,

(i) for a directional antenna system, its electrical and physical dimensions, the horizontal radiation pattern for day operation, and the horizontal and vertical radiation patterns for night operation (the vertical patterns to be supplied only for directions in which protection is required for stations in other countries);

(ii) for omnidirectional antennas, the electrical and physical dimensions (including those of the ground system, etc.)[3] and the horizontal unattenuated radiated field at 1,609 kilometers (1 mile) for 1 kw of input power to the antenna.

(b) *Changes in Broadcasting Station Assignments*

(1) *Basic Information.* The basic information shall consist of the nature of the change, together with the date of expected consummation thereof, and any revision of the basic information previously supplied necessary to make it conform to the change.

(2) *Supplementary Information.* The supplementary information shall consist of any revision of the supplementary information previously supplied necessary to make it conform to the change.

3. *Notifications of Deletions of Broadcasting Station Assignments*

Notifications of deletions of broadcasting station assignments shall consist of sufficient information to identify the station assignment deleted, including call sign, location, frequency and power, together with the date on which the station has ceased, or is expected to cease operation.

4. *Notification of Commencement or Cessation of Operation of, and Consummation of Operation of, and Consummation of Changes in, Broadcasting Stations*

The exact date of commencement of cessation of operation of a broadcasting station, or of consummation of a change in broadcasting station, shall be notified.

[3] It is assumed that omnidirectional antennas will be guyed or self-supporting insulated towers located on the ground with a buried radial ground system. Where the antenna system deviates from this (for example: is located on a building, is a type T or inverted L, is shunt fed; is sectionalized or top loaded) full particulars, including a sketch if necessary for clarity, shall be submitted.

ANNEX VII. ABBREVIATIONS

kc/s: Kilocycles per second.
kW: kilowatts.
U: Unlimited time (day and night).
D: Daytime only.
N: Nightime only.
ND: Omnidirectional or non-directional.
mV/m: Millivolts per meter.
uV/m: Microvolts per meter.

DA-1: Directional antenna: the digit indicates same pattern but not necessarily the same power day and night.

DA-2: Directional antenna: the digit indicates different patterns day and night, with either the same or different power day and night.

DA-N: Directional antenna: the "N" indicates directional antenna used for nighttime operation only; omnidirectional day.

DA-D: Directional antenna: the "D" indicates directional antenna used for daytime operation only.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the agreements.

The yeas and nays were ordered.

THE AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS

Mr. MANSFIELD. Mr. President, the agreement now before the Senate, Executive I, 86th Congress, 1st session is for the purpose of encouraging the exchange of materials of a cultural, scientific, and educational nature. Some 31 states which are parties to this agreement undertake to admit free of duty the following categories of materials:

First. Books, publications, and documents.

Second. Works of art and collectors' items.

Third. Visual and auditory materials.

Fourth. Scientific instruments or apparatus.

Fifth. Books and other articles for the blind.

Sixth. Certain public exhibition materials.

The agreement to which we are now asked to give our advice and consent will not come into effect for the United States until necessary implementing legislation has been enacted.

The materials which are to be admitted are carefully prescribed in the agreement itself, and the certifying agent as to whether such materials come under the terms of the treaty is to be the Secretary of the Treasury.

The United States retains the right to prohibit the importation of any material relating to national security, public order, or public morals. Furthermore, the protocol of reservation permits the United States to suspend in whole or any part of the agreement if any materials are admitted in such quantities or under such conditions as to cause or threaten serious injury to domestic producers.

Finally, it should be noted that the United States is an exporter of all of the items listed, and it can be anticipated, therefore, that the agreement will, in general, be to our advantage.

The committee considered the convention in late January and heard a number of witnesses testify in support of it. No testimony was received in opposition to the agreement.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the text of the report on Executive I, 86th Congress, 1st session, relative to the importation of educational, scientific, and cultural materials, and also the message from the President of the United States on this particular matter.

There being no objection, the report—Executive Report No. 1—and the message from the President of the United States, were ordered to be printed in the RECORD, as follows:

1. MAIN PURPOSE OF THE AGREEMENT

The main purpose of the Agreement on the Importation of Educational, Scientific, and Cultural Materials (commonly known, and hereinafter referred to, as the "Florence agreement") is to enable organizations and individuals in the participating countries to obtain such materials with less difficulty through reduction of tariff and trade obstacles. It is believed that ratification and implementation of the Florence agreement would promote the fuller exchange of knowledge and ideas across free-world national boundaries with a consequent substantial contribution to international understanding.

2. BACKGROUND

The formulation of an international agreement to overcome governmental obstacles to the free flow of educational, cultural, and scientific materials was proposed in 1948 by the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO). Following drafting revisions by a meeting of contracting parties to the General Agreement on Tariffs and Trade—consulted because of the proposal's character—a text was unanimously adopted by the General Conference of UNESCO at its 1950 session in Florence. The Secretary-General of the United Nations having received instruments of ratification or acceptance from 10 countries, the Florence agreement came into force in May 1952. To date, 31 states have become parties to the agreement; none of the Communist bloc countries has joined.

While the United States actively participated in the drafting of the agreement and the negotiations leading to its adoption, this country did not become a signatory until June 1959. The explanation for the delay given by the executive branch relates to a requirement first to seek ratification and judge the effects of the Universal Copyright Convention, which also concerns the importation of published materials. Because of delayed ratification of that convention by other English-speaking countries, data on its effects could not be gathered at any earlier time. Now, however, according to the State Department report to the President:

"From import information obtained to date it would appear that the increase in English language imports under the Universal Copyright Convention is not significant in relation to the total volume of domestic production, and is in fact so small that it could very well represent a normal year-to-year variation rather than a result of the change in the manufacturing clause."

In receipt of this pertinent information, the executive branch undertook to bring about U.S. participation in the Florence agreement.

3. NATURE OF THE AGREEMENT

The Florence agreement is concerned with six basic categories of materials: books, publications, and documents; works of art and collectors' items; visual and auditory materials; scientific instruments or apparatus; books and other articles for the blind; and public-exhibition materials of a prescribed nature. The contracting states undertake to arrange for duty-free entry of these materials insofar as they are specifically defined in five annexes to the agreement. As an example of such definition, stationary and publications which are primarily commercial or advertising materials, except catalogs and travel publications, are excluded. Furthermore, the necessary licenses and/or foreign exchange are to be granted for the importation of certain categories of publications, and articles for the blind, which either are consigned to public institutions or are of an official governmental, United Nations, or travel-promotion character.

The provisions governing works of art are so drafted as to ensure only inclusion of items of genuine and individual artistic and educational merit. In most instances where visual and auditory materials are involved, it is provided that they can enter duty-free only when imported by organizations of an educational character approved by the competent authorities of the importing country and when intended for noncommercial use. Here, as elsewhere in the agreement, the certifying agent for the United States would be the Secretary of the Treasury.

The provisions of annex D, covering scientific instruments or apparatus have such limited scope that they may be quoted directly. They are included in the agreement if "* * * intended exclusively for educational purposes or pure scientific research, provided: (*a*) That such scientific instruments or apparatus are consigned to public or private scientific or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, and used under the control and responsibility of these institutions; (*b*) That instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation."

In addition to the inherent restrictive terms of the agreement, the national interests of the United States—and those of the other contracting countries—are protected in two ways. First, the participants may prohibit or limit the importation, or the circulation after importation, of items on grounds relating directly to national security, public order, or public morals. Secondly, the protocol of reservation, if adopted as recommended, would permit the United States (and other participants on a reciprocal basis) to suspend, in whole or in part, any of its obligations under the agreement if, as a result of those obligations, any materials covered by the agreement are being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of similar or directly competitive products.

With respect to the duration of the Florence agreement, any participating country may denounce the agreement by an instrument in writing deposited with the Secretary-General of the United Nations. The denunciation would take effect 1 year after its receipt.

4. COMMITTEE ACTION

On August 25, 1959, the President of the United States transmitted the Florence agreement to the Senate with a view to receiving its advice and consent to ratification.

The Committee on Foreign Relations held an open hearing on the agreement on January 26, 1960, at which time the administration's case in favor of ratification was presented by Mr. W. T. M. Beale, Jr., Deputy Assistant Secretary for Economic Affairs in the Department of State. Non-Government witnesses, all of whom testified in support of the agreement, were: Prof. Sanborn C. Brown, representing the American Association of Physics Teachers; Mr. Curtis G. Benjamin, president of the McGraw-Hill Book Co., and cochairman of the National Committee for the Florence Agreement; Mr. Robert W. Frase, testifying for the American Book Publishers Council and the American Textbook Publishers Institute; and Edward B. Bunn, president of Georgetown University, on behalf of the Association of American Colleges. The testimony of Mr. Verner W. Clapp, representing the American Library Association, was also inserted in the record. Communications urging favorable consideration were received by the committee from

the Directors of the U.S. Information Agency and the National Science Foundation, and from such organizations as the American Council of Learned Societies and the American Council on Education. No opposition to ratification of the agreement was manifested prior to committee action.

Two points should be noted in connection with committee review of the Florence agreement. First, the administration reiterated the assurance that, if the Senate gives its advice and consent to ratification, deposit of the instrument of ratification will be withheld until the Congress has had an opportunity to consider the implementing legislation and such legislation has been enacted into law. Secondly, it is clearly impossible to estimate with any accuracy the costs to the United States which might be incurred under the agreement because of the varying nature and possible volume of future transactions. On the other hand, any revenue losses would probably be quite small, since some materials listed in the agreement already enter duty free, and others are covered by minimal tariffs.

After the last witness was heard on January 26, the committee went into executive session and ordered the Florence agreement reported to the Senate with the recommendation that the Senate give its advice and consent to ratification subject to the reservation contained in the protocol.

5. CONCLUSION

The Committee on Foreign Relations has repeatedly urged the administration to do its utmost to promote the free flow of ideas and knowledge in the cause of international education and understanding. It considers this agreement, in which 31 free-world countries participate, a useful and necessary element in the international exchange programs which the United States has championed, even though not always with the vigor and expenditures required by the demands of these critical times. It further believes that the domestic interests of the Nation, and of its individual citizens, are amply protected in the agreement and its attached protocol.

The committee urges the Senate to give its advice and consent to ratification of the Florence agreement.

THE WHITE HOUSE,
August 25, 1959.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the agreement on the importation of educational, scientific, and cultural materials, which was opened for signature at Lake Success, N.Y., on November 22, 1950, and entered into force on May 21, 1952. The agreement was signed in behalf of the United States on June 24, 1959.

I transmit also, for the information of the Senate, the report of the Acting Secretary of State with respect to the agreement.

DWIGHT D. EISENHOWER.

(Enclosures: (1) Report of the Acting Secretary of State; (2) certified copy of agreement on the importation of educational, scientific, and cultural materials.)

DEPARTMENT OF STATE,
July 6, 1959.

THE PRESIDENT,
The White House:

I have the honor to transmit to you, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, the agreement on the importation of educational, scientific, and cultural materials, which was opened for signature at Lake Success, N.Y., on November 22, 1950, and entered into force on May 21, 1952. The agreement was signed in behalf of the United States on June 24, 1959.

In 1948 the General Conference of the United Nations Educational, Scientific, and Cultural Organization proposed the formulation of an international agreement to overcome governmental obstacles to the free flow of materials of an educational, cultural, and scientific character. The proposed agreement, although designed to promote education, science, and culture, is in effect primarily a tariff and trade instrument. Consequently, the first draft prepared by the Secretariat of the United Nations Educational, Scientific, and Cultural Organization was submitted to a meeting of the contracting parties to the General Agreement on Tariffs and Trade, which produced a revised text deemed to be both technically sound and capable of wide acceptance. A meeting of experts which convened in 1950, attended by representatives of certain member states of the United Nations Educational, Scientific, and Cultural Organization, prepared a further draft of the agreement in the light of comment received from governments. The text prepared by the meeting of experts was adopted unanimously by the General Conference of UNESCO at its fifth session in Florence in July 1950. The United States participated in the negotiations leading to the conclusion of this agreement.

The major purpose of the agreement is to facilitate the importation of educational, scientific, and cultural materials by reducing tariff and trade obstacles and thus permitting organizations and individuals in the countries party to the agreement to obtain such foreign materials with less difficulty. The agreement concerns itself chiefly with six basic categories of materials as specified in the five annexes and article III, namely, (1) books, publications, and documents, (2) works of art and collectors' items, (3) visual and auditory materials, (4) scientific instruments and apparatus, (5) articles for the blind, and (6) public-exhibition materials.

The primary tool the agreement uses to accomplish its objective is the duty-free entry of these six categories of materials. More specifically, article I of the agreement provides for exemption from the application of customs duties and other charges not imposed on like domestic products, except those charges for services rendered which represent "neither an indirect protection to domestic products nor a taxation of imports for revenue purposes," with respect to the materials listed in the annexes to the agreement, including the following:

(1) Books, newspapers, periodicals, official government publications, manuscripts, music, maps, tourist material, and other categories of printed matter. Stationery and publications which are primarily advertising materials, except catalogs and travel publications, are expressly excluded from the operation of the agreement (annex A).

(2) Paintings and drawings, including copies, executed entirely by hand, but excluding manufactured decorated wares, certain types of handprinted impressions, sculpture, collectors' pieces of art destined for approved public galleries, collections, or collectors' pieces in various scientific fields, such as zoology, mineralogy, or achaeology, if not intended for resale, and antiques (articles over 100 years old) (annex B).

(3) Films, filmstrips, microfilms, and sound recordings of an educational, scientific, or cultural nature, provided they are destined for an approved institution or organization (except that there is no limitation on destination for these materials produced by the United Nations or its specialized agencies), certain newsreels, and patterns, models, and wall charts used for educational purposes of an approved institution (annex C).

(4) Scientific instruments or apparatus intended exclusively for educational purposes or pure scientific research if assigned to or under the control of an approved institution and provided that "instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation" (annex D).

(5) Reading materials in raised characters for the blind, and other materials for the advancement of the blind if imported by approved institutions or organizations (annex E).

The sixth category of materials which may enter duty free are materials of an educational, scientific, and cultural nature which are imported solely for showing at an approved public exhibition. The importing country may take such steps as necessary to assure the reexportation of these materials (art. III).

The agreement requires the granting of the necessary licenses and foreign exchange for the importation of (1) books and publications destined for specified types of libraries, official government documents, books and publications of the United Nations and its specialized agencies, books and publications received by the United Nations Educational, Scientific, and Cultural Organization and distributed free of charge under its supervision, free publications intended to promote international tourism, articles for the blind; and (2) other educational, scientific or cultural material insofar as possible (art. II).

Parties to this agreement undertake, as far as possible, to simplify the administrative procedure governing the import of, facilitate the expeditious and safe customs clearance of, and promote the free circulation of, educational, scientific or cultural material (art. IV).

Contracting states may prohibit or limit the importation, or the circulation after importation, of articles on grounds relating directly to national security, public order or public morals (art. V).

The United States has the option of ratifying the agreement subject to the reservation set forth in the protocol thereto. That reservation permits the United States to suspend, in whole or in part, any of its obligations under this agreement if, as a result of the obligations incurred under this agreement, any of the materials covered by the agreement are being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or directly competitive products. In the event that the United States becomes a party to the agreement subject to such a reservation, any other party to the agreement may invoke the reservation against the United States. Any invocation of the reservation by either the United States or another party must be applied in a nondiscriminatory manner. While the protocol provides that the suspension of such obligations shall take place after consultations with the other contracting parties, it is recognized that under special circumstances emergency action may be taken prior to consultation. It is recommended that the Senate give its advice and consent to ratification of the agreement subject to the reservation contained in the protocol.

The agreement provides that disputes regarding the interpretation or application of the agreement shall be settled by negotiation or conciliation according to previous conventions to which the contracting states may have subscribed (art. VII), and that disputes regarding the educational, scientific, or cultural character of imported materials may, by common agreement of the interested parties, be referred to the Director General of the United Nations Educational, Scientific, and Cultural Organization for an advisory opinion (art. VIII).

Article XII provides that a state becoming a party to the agreement is to take measures within 3 months to make the agreement fully effective. Deposit of the instrument of ratification will be withheld until the Congress has had an opportunity to consider the implementing legislation which will be submitted after the Senate gives its advice

and consent to ratification and such legislation has been enacted into law.

Although the United States participated actively in the drafting of this agreement, and voted for its adoption by the General Conference of the United Nations Educational, Scientific, and Cultural Organization at its fifth session in Florence in July 1950, the United States has deferred submission of the agreement to the Senate until the effect of the U.S. ratification of the Universal Copyright Convention (6 U.S. Treaties and Other International Agreements 2731) became known, since the implementation of that convention also affects the importation of published materials.

The Universal Copyright Convention requires, in effect, that works coming within the terms of that convention, that is, works of nationals of other parties to the convention or first published in territory of such other parties, be exempted from certain formalities, including the "local manufacturing clause" of the U.S. copyright law. This so-called manufacturing clause is essentially a quota on the number of copies of any English language book manufactured abroad which may be imported into the United States if copyright is claimed here. There was some concern that modification of the "manufacturing clause" to the extent necessary to permit effect to be given to the Universal Copyright Convention might cause injury to the U.S. book-manufacturing industry. Since the agreement on the importation of educational, scientific, and cultural materials would require the elimination of rates of duty on books and periodicals, it was not considered appropriate to seek ratification of the two agreements simultaneously. Accordingly, only the Universal Copyright Convention was submitted for approval in 1954, and it was decided that the present agreement would not be signed or submitted to the Senate until it could be ascertained what effect the implementation of the Universal Copyright Convention would have on the U.S. book-manufacturing industry.

Due to the unanticipated delay in the ratification of the Universal Copyright Convention by English-speaking countries of principal importance in the book-manufacturing field, it has not been possible until recently to gather data on the effect of the change in the U.S. "local manufacturing clause." From import information obtained to date it would appear that the increase in English language imports under the Universal Copyright Convention is not significant in relation to the total volume of domestic production, and is in fact so small that it could very well represent a normal year-to-year variation rather than a result of the change in the manufacturing clause.

At present the following states are parties to this agreement: Afghanistan, Austria, Belgium, Cambodia, Ceylon, Cuba, Egypt, El Salvador, Finland, France, Federal Republic of Germany, Ghana, Greece, Haiti, Israel, Jordan, Laos, Luxembourg, Malaya, Monaco, Netherlands, Norway, Pakistan, Philippines, Spain, Sweden, Switzerland, Thailand, United Kingdom, Vietnam, and Yugoslavia. It is hoped that favorable action by the United States at this time will renew the impetus for other countries to become parties to the agreement.

The United States has long advocated and supported the basic objective of the present agreement, which is to improve international understanding by reducing barriers to the flow of knowledge. Ratification would demonstrate to the world the continued support by the United States for international collaboration and for the principle of free flow of information and ideas.

Respectfully submitted.

ROBERT MURPHY,
Acting Secretary.

Mr. MANSFIELD. Mr. President, I hope the Senate will give its advice and consent to the ratification of this agreement.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. PROUTY. As the distinguished Senator from Montana may know, Vermont is a leading producer of carved stonework in the form of monuments, memorials, statues, and similar objects. Vermont is one of the few places in this country where such objects are produced, and has some of the few skilled artisans in this country who are able to do such stone carving.

Annex B of this agreement calls for the duty free importation of original works of art including statues. The language used would seem to exclude works of conventional craftsmanship of a commercial character, but the exact definition of these terms is left in some doubt.

Is it intended to provide for the duty free importation of monuments, memorials, statues, and similar objects which are commercially produced in this country? Each of these objects produced in Vermont is a work of art and involves highly skilled techniques. None may be said to be of conventional craftsmanship, because each may be unique in itself and produced by highly skilled stone carvers of long experience for a specific use and according to a specific design.

Will this agreement, if it is ratified by the Senate, permit the duty free importation of such objects from abroad, in competition with the production in Vermont?

Mr. MANSFIELD. I am delighted to answer the distinguished Senator from Vermont.

It may be recalled that both the Senator from Vermont and his distinguished senior colleague [Mr. AIKEN] have shown more than ordinary interest in the question raised, both in the committee and on the floor today.

As the Senator from Vermont has said, the pertinent language in annex B of the Florence Agreement provides duty-free entry for original works of art of statuary or sculpture—excluding mass-produced reproductions and works of conventional craftsmanship of a commercial character.

The degree of uniqueness and skill involved in the production of a piece of statuary certainly would not be generally considered as directly related to its status as a work of art. While one can appreciate and applaud a craftman's pride in his vocation, his product might well be judged conventional in terms of artistic merit, even if it were unique and skillfully made. A consensus in artistic circles is what usually defines a work of art, and this has startling effects on the commercial price of such objects.

Let me illustrate how this provision might operate in practice: Let us say that an institution thought of importing a statue from abroad. If the institution decided to commission the carving of an original work, in a foreign country, it would take the overwhelmingly adverse risk that the finished statue would not subsequently be termed a work of art. If it decided to import what was generally conceded to be an original work of art, it would have to pay a price so large as to make the question of duty wholly irrelevant.

In any case, the present duty of 10 percent ad valorem on original works of art created of stone is not so high as to affect the likelihood of their importation under existing conditions.

In sum, I would say to my distinguished colleague from Vermont that I believe he need have no fears of any new competition from abroad arising from this agreement with respect to the carved stone work produced in his great State.

Mr. PROUTY. I am very grateful to my distinguished friend.

I should like to ask an additional question, so there will be no doubt in the mind of anyone as to the purpose of the Florence Agreement: Am I correct in my understanding that if this agreement is ratified, implementing legislation will be necessary in order to reduce the tariff rates on the categories of materials covered? In other words, do I correctly understand that the ratification of the agreement will not of itself reduce the tariff rates on any of the materials covered, and that additional legislation will have to be enacted before the tariff rates on any of the materials which now are dutiable will be lowered or eliminated?

Mr. MANSFIELD. My answer is that the Senator from Vermont is absolutely correct. We have complete assurance that the instrument of ratification would not be deposited until implementing legislation had been passed.

Mr. PROUTY. I thank the Senator very much.

Mr. BUTLER. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. BUTLER. I should like to ask the Senator from Montana several questions in connection with the agreement:

Are any of the Communist bloc countries signatories to this agreement?

Mr. MANSFIELD. None.

Mr. BUTLER. Is it possible that they could become parties to the agreement later, without having the matter come back to the Senate again?

Mr. MANSFIELD. That is possible, but it is highly improbable at this time.

Mr. BUTLER. But it is possible, is it, for them to become members, without having the matter come before the Senate again before that is done; or would it be brought to the attention of the Senate at that time?

Mr. MANSFIELD. I am sure the matter would then be considered by the Senate Committee on Foreign Relations, and that it would give due notice before the action was taken.

Mr. BUTLER. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, that finishes what I have to say on the Florence Convention.

I hope the Senate will now turn to the agreements under the control of the Senator from Oregon [Mr. MORSE], for explanation.

Mr. MORSE. Mr. President, I shall discuss briefly the treaty which deals with the North American Regional Broadcasting Agreement and the treaty which deals with the Mexican Broadcasting Agreement. The first is the North American Regional Broadcasting Agreement, signed at Washington on November 15, 1950. The second is the agreement between the United States of America and the United Mexican States, concerning radio broadcasting in the standard broadcast band, signed at Mexico City on January 29, 1957.

I call attention to the brief report which our subcommittee unanimously submitted to the full committee. That report serves as the basis for the unanimous recommendation of the full committee to the Senate.

My statement will be very brief:

Mr. President, the two broadcasting agreements now before the Senate have been pending for a number of years—the North American Broadcasting Agreement, for 9 years; and the Mexican Broadcasting Agreement, for 3 years. During this period, they have been the subject of exhaustive examination by the Committee on Foreign Relations. Hearings on the North American Regional Broadcasting Agreement—known as the NARBA—were held four times; and on the Mexican Agreement, three times. The committee has thoroughly satisfied itself that these agreements are clearly in the national interest, and should be ratified. For this reason, the committee recommends that the Senate give its advice and consent to ratification of the agreements.

Both treaties are highly technical. Briefly, they concern the use by the signatory nations of radio frequencies in the standard broadcast band, so that radio stations in one nation will create the least amount of interference with stations in another nation. To that end, they set up a system of priorities, classes of stations, and engineering standards.

In many ways these treaties merely continue existing standards and regulations established by the first NARBA, which was approved by the Senate in 1938. The growth of the broadcasting industry in the intervening years made necessary certain relatively minor adjustments between the nations of the North American region.

Mexico, which was a party to the first NARBA, did not sign the new NARBA. This necessitated the signing of a separate agreement with Mexico. In general, the provisions of the two treaties are compatible and complementary to each other.

The agreements have the strong support of the Federal Communications Commission, the Department of State, the major networks and farm organizations, the clear channel and regional broadcasters, and a multitude of stations of all classes.

The only opposition remaining is from a group of daytime stations which object to a paragraph in the Mexican agreement which provides that daytime stations using certain Mexican channels operate from sunrise to sunset. These are now, of course, the permissible hours of operation for daytime stations; and the treaty does not affect in any way the present situation. Nevertheless, the group opposes the treaty, on the basis that it would preclude these stations from extending their hours of broadcasting. The committee received from the FCC and other sources lengthy and convincing testimony that engineering studies show that a future extension of broadcasting hours is not possible, because of immutable physical laws of nature.

Under these the sky undergoes certain changes between daylight and nighttime that so affect radio waves that a daytime station broadcasting beyond sunset would create interference to other stations that would far outweigh the additional service gained. In any event, the matter of broadcasting hours for daytime stations is not one that properly belongs within the jurisdiction of the Committee on Foreign Relations.

The agreements are entirely consistent with domestic legislation, and no changes in our laws will be required. No cost to the Federal Government is involved. The Committee on Foreign Relations strongly urges that the Senate advise and consent to ratification of these agreements.

Because questions have been asked me by certain colleagues about the daytime station broadcasting problems, I think I should supplement my written statement with some brief observations. As a member of the Small Business Committee of the Senate, serving on a subcommittee of that committee, I conducted hearings on this daytime broadcasting problem and made a rather voluminous record on it. All parties had an opportunity to present their evidence and their contentions. As chairman of a subcommittee of the Committee on Foreign Relations, I conducted further hearings, at which all parties were given their full say.

At the time of those hearings, the Federal Communications Commission handed down a decision denying the request of the daytime stations for extension of their broadcasting time from 6 a.m. or sunrise, whichever is earlier to 6 p.m. or sunset, whichever is later. I felt, with that adverse decision coming down from the Federal Communications Commission, just a day or two before we started our hearings, it was not fair to take the position that we would close the record of those hearings. So we filed with the Senate Committee on Foreign Relations before adjournment last year, a preliminary or tentative report setting out what the facts were as disclosed by the hearings, but saying we were postponing a decision of the subcommittee until January 1960 at which time my subcommittee would have further public hearings and give the parties an opportunity to make their final case before the committee, because counsel for the daytime broadcasters could not tell at our hearings last year what appeal procedure, if any, they might follow in regard to the Federal Communications Commission decision.

I felt that their procedural rights should be made available to them before the Senate made any final judgment, while any appeal was pending. Therefore, just a few weeks ago—and I see present on the floor, the Senator from Ohio [Mr. LAUSCHE], the Senator from Kansas [Mr. CARLSON], and the Senator from Louisiana [Mr. LONG], who participated in those hearings with my committee—we held the January 1960 hearings.

After those hearings, we felt we had given the daytime broadcasters every possible opportunity to prove their case, and we came to the unanimous conclusion that the treaties in their present form should be ratified.

That is our case, and I am willing to submit myself to any examination or to any questions my colleagues desire to ask me.

Mr. LAUSCHE. Mr. President, will the Senator yield, without his losing the floor?

Mr. MORSE. Yes.

Mr. LAUSCHE. The Senator from Ohio is a member of the subcommittee which heard the testimony as to whether this treaty should be ratified or not. My own conviction is that each of the members of the committee entered into the hearings with the sympathetic purpose of helping the daylight stations. At least, that was my mental attitude when the hearings began, and it continued throughout the hearings as I listened to the testimony.

When the testimony was concluded, I was of the definite opinion that to respond to the request of the daylight stations would be of some benefit to those stations, but the overall impact that would come through the conflicts with other stations would do far more damage than the good that would result by responding to the petition of the daylight broadcasters.

Moreover, it was my definite conclusion that, under the laws of nature which apply and which cannot be changed, the extension of these clear channel daylight stations into service at night would operate as a most damaging influence upon existing stations.

One word with respect to Mexico. We have agreements with that country. Those agreements have been complied with by both parties. In my opinion, if we sought to change the assignment of cycles in the air, we would create a condition with Mexico that is neither justified nor practical.

Therefore, I join my colleague, the Senator from Oregon in urging the Senate to approve the treaties as signed by the President.

Mr. MORSE. Mr. President, may I make two points very quickly, before I yield again? The Senator from Ohio spoke about the daytime broadcasters in relation to other broadcasters. Numerically, there are about 250 daytime broadcasters using Mexican clear channels, and, in round numbers, about 3,600 of the other stations.

I think Senators who have had complaints from the daytime stations will be pleased to know that on the day our subcommittee unanimously decided to recommend to the full committee the approval of these two treaties, I made a recommendation to the subcommittee,

which was unanimously adopted, that the subcommittee write a letter to the Federal Communications Commission, and particularly to Commissioner Hyde, who represented the FCC at our hearings, making perfectly clear that we wanted every possible consideration given, within the policies of the Commission, to the interests of the daytime broadcasters. Frankly, I shared the view that the Federal Communications Commission had too long delayed giving consideration and final decisions in the various petitions of the daytime broadcasters.

Mr. President, I ask unanimous consent that the letter which we sent to the Federal Communications Commission be printed in the RECORD as a part of my remarks, but first I want to read a part of it:

At the same time, the subcommittee unanimously agreed to make known to you its hope and expectation that the Federal Communications Commission will give fair and equitable consideration to any proposals, put forward individually and on an industry-wide basis by daytime stations, that are designed to improve their service to the public. The subcommittee's intent is to assure itself that its action in rejecting the reservation offered by the Daytime Broadcasters' Association will not be construed by the Commission as an indication that the subcommittee is not sympathetic to the plight of the daytime stations in the United States. On the contrary, the subcommittee is deeply concerned that local and rural service be improved by any means possible.

I ask unanimous consent that the full text of that letter and Commissioner Hyde's answer to the letter be inserted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1960.

Commissioner ROSEL H. HYDE,
Federal Communications Commission, New Post Office Building, Washington, D.C.

DEAR COMMISSIONER HYDE: As you probably have already been informed, on February 1, 1960, the subcommittee on the North American Regional Broadcasting Agreement and the Broadcasting Agreement with Mexico agreed to report the agreements to the full committee with the recommendation that the Senate give its advice and consent to their ratification.

At the same time, the subcommittee unanimously agreed to make known to you its hope and expectation that the Federal Communications Commission will give fair and equitable consideration to any proposals, put forward individually and on an industry-wide basis by daytime stations, that are designed to improve their service to the public. The subcommittee's intent is to assure itself that its action in rejecting the reservation offered by the Daytime Broadcaster's Association will not be construed by the Commission as an indication that the subcommittee is not sympathetic to the plight of the daytime stations in the United States. On the contrary, the subcommittee is deeply concerned that local and rural service be improved by any means possible.

Sincerely yours,

WAYNE MORSE.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, February 8, 1960.

The Honorable WAYNE MORSE,
U.S. *Senate,*
Washington, D.C.

DEAR SENATOR MORSE: I am pleased to receive your letter of February 2, 1960, regarding the recommendations of the Subcommittee on the North American Regional Broadcasting Agreement and the Broadcast Agreement with Mexico. In order to assure that the Commission may be advised as to the views of the subcommittee as expressed in your letter, I am having copies brought to the attention of each member.

I am sure that the Commission will not construe the action of the subcommittee in rejecting the reservation offered by the Daytime Broadcasters Association as indicating a lack of sympathy with the plight of such stations. Also, the Commission in the discharge of its duties must, of course, give fair and equitable consideration to any proposals proferred by individual daytime stations or by the group designed to improve service to the public.

May I thank you on behalf of all those who participated in the negotiations for the judicious and careful consideration given the new agreements by your subcommittee.

Sincerely yours,

ROSEL H. HYDE.

Mr. KEATING. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield to the Senator from New York.

Mr. KEATING. Mr. President, there appears to be great interest among the thousands employed in the radio industry in these two treaties. Many have furnished me with factual material in support of the acute need for approval of these two pacts. They will go a long way toward preventing interference with radio signals and broadcasts of our good neighbors to the north and south, and will prevent their interference with our broadcasters. I urge approval of these treaties.

An excellent and concise statement of the need for confirmation of these treaties appeared in an editorial in the New York Times of May 12, 1959. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TWO PIGEONHOLED TREATIES

For more than 10 years the United States has had no effective treaties with our neighbors to the north and south to regulate radio broadcasting. In 1949 the North American Regional Broadcasting Agreement, known as NARBA, expired and only a gentleman's agreement among the countries has prevented complete chaos in the broadcasting field. But during this period there has been progressive deterioration in the service rendered U.S. listeners. It may not be known generally that even a low-powered station in Cuba, Mexico, or Canada can cause interference to stations in the United States if the assignment of broadcasting frequencies is not regulated by international agreement.

Two treaties aimed at correcting this situation have been buried in the Foreign Relations Committee of the Senate for years. They are the new NARBA and a similar agreement between the United States and Mexico. The new NARBA was submitted to the Senate by President Truman in 1951 and the Mexican treaty by President Eisenhower more than 2 years ago. The Senate has not acted. Now the Federal Communications Commission has urged the Foreign Relations Committee to act as soon as possible, saying in its request: "Until the treaty is ratified the United States receives most of the limitations imposed by the treaty but enjoys few, if any, of the considerable benefits which would redound to it under the treaty." The State Department has also gone on record for prompt ratification. The Senate should rescue these treaties from the pigeonhole and give its advice and consent now.

Several Senators addressed the Chair.

Mr. MORSE. Mr. President, I yield first to the Senator from North Dakota [Mr. YOUNG] and then I will yield to the Senator from New York [Mr. JAVITS].

Mr. YOUNG of North Dakota. Mr. President, I was much interested in the explanation of the treaty by the distinguished Senator from Oregon [Mr. MORSE].

The smaller daytime stations in my area of the United States are tremendously important and do perform a wonderful service. The people are greatly concerned that if the treaty is approved the stations' chances of broadcasting longer hours in the future will be nonexistent—that there will be no opportunity to do so. Does the Senator feel that adoption of the treaties would foreclose any possibility of extending the period of broadcast?

Mr. MORSE. I wish to make very clear to the Senator from North Dakota and to other Senators that in my judgment the approval of these treaties today, for the period of time of the life of the treaties, will reduce almost to a complete zero any right for the daytime broadcasters to expect an extension of their time. However, they do not have that right now. They are bound now by the rules of the Federal Communications Commission. The Federal Communications Commission does not allow them to do that now.

The testimony makes it perfectly clear that the Commission does not have any intention of allowing the broadcasters to do that, because of the great interference with the clear channels which giving them that permission would create. So the approving of the treaty this afternoon will not change any of the rights of the daytime broadcasters, as they exist at the present time. They will not be allowed to interfere with the clear channels.

Mr. YOUNG of North Dakota. They would have less hope, looking forward to the future? There would be less chance that they could get a longer period of broadcasting, if the treaty were approved, would there not?

Mr. MORSE. There would be less chance, on the theory that it is theoretically possible for the Federal Communications Commission to reverse itself. For the life of the treaty the treaty would be binding, anyway.

I will say to the Senator from North Dakota, my colleagues on the committee are present in the Chamber and they know the position the Senator from Oregon took for a long, long time, to see to it that the daytime broadcasters had every possible opportunity to establish their case, because I was sympathetic with their plight. I ended up by saying, "After all, we cannot repeal the law of physics, and this happens to be a matter which involves the law of physics."

If we extend the broadcast time we create an interference, and there is nothing we can do about it. We then create trouble between countries. There is bound to be trouble created in the relationships with other nations of this hemisphere. We then open wide the

door of no control between Mexico and the United States, and put Mexico in the position where, if her stations are going to be interfered with, then she at least would have the right to take the position, or would be tempted to take the position, of engaging in reciprocity by way of interference with our stations. That is not the way to build up good international relations.

I also wish to say that the last hearing we had, in January, brought forth evidence even from some daylight stations that they recognize the paradox in which they find themselves and are reconciling themselves to it.

Mr. JAVITS and several other Senators addressed the Chair.

Mr. MORSE. Mr. President, I promised to yield next to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, I wish to commend the Senator from Oregon for his leadership in this matter. We from New York—as my colleague [Mr. KEATING] has stated—have had expressions of interest from smaller and independent stations which have themselves understood the influence upon them, as the Senator says, of international physical facts, and the fact that this problem does surmount even the boundaries of our great country and must be dealt with by international agreement. They have indicated their understanding of and ardent desire to lend themselves to this kind of international concord.

I think this is an extremely constructive development, especially since it has enlisted so much support from smaller independent stations. I am very pleased the treaty is before us for ratification today and that we shall have the privilege of supporting it.

Mr. MORSE. I thank the Senator from New York very much.

I wish to address one other comment to the Senator from North Dakota [Mr. YOUNG].

So far as Mexico is concerned, we have been operating under a so-called gentleman's agreement, or an informal understanding with Mexico since 1950. There has always been the request that we put it down into a formal executive document.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield for a moment more?

Mr. MORSE. I yield.

Mr. YOUNG of North Dakota. In the years gone by, before the advent of television, the people in my part of the country listened to and depended upon the high-powered radio stations miles away from home. Since we have had television, the people have come to depend upon the local stations for the important weather and news and other information which they must have. These daytime stations are more important now than they have ever been before, for that reason.

Mr. JAVITS. Mr. President, will the Senator yield to me so that I may ask unanimous consent to have printed in the RECORD a list of the independent stations which have communicated with me in favor of approval of the treaty?

Mr. MORSE. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have such a list printed.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATIONS

WHEN-TV, Syracuse.
WRUN, Utica.
WHEC, Rochester.
WQXR, New York City.
WNEW, New York City.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Kentucky.

Mr. COOPER. I address to the Senator from Oregon some questions to secure information about the effect of the treaty on daytime stations. I have had the inquiries from some operators of daytime stations in Kentucky, and I want to record their objections, and I want to ask the Senator to give some guidance regarding their objection.

I have received a copy of a letter addressed to you, from the association of daytime operators opposing this treaty.

I am sure the Senator is familiar with the first statement I desire to quote, for it is a part of the letter written to the Senator:

Paragraph 8 of the United States-Mexican agreement firmly finds a U.S. daytime class II station (265 of them) to sunrise to sunset hours at the location of the U.S. daytimer. For instance, during some months, sunset in our State of Maine occurs approximately 2 hours before sunset at the location of the dominant station in Mexico, yet the U.S. daytimer in our State of Maine must go off the air at it's sunset, a full 2 hours before it could possibly cause interference to the class I clear channel station in Mexico.

I explain that it is a quotation from the letter written by the chairman of the board of directors of the Daytime Broadcasters Association, January 20, 1960, to the Senator from Oregon, I quote further from the letter:

This is typical of the unreasonable and impractical restrictions imposed upon our U.S. daytime stations by this United States-Mexican radio broadcast agreement. This same restriction is of little significance to Mexico because they have very few daytimers on the clear channels assigned to the United States.

In order that the situation may be clear in the RECORD, I would like to ask the Senator certain questions. My first question is: Is it correct that class II stations are limited to sunrise to sunset hours?

Mr. MORSE. Yes. Those are the Federal Communications Commission rulings now.

Mr. COOPER. I know that it is the ruling of the FCC at this time but the daytime stations desire the rule to be changed.

Mr. MORSE. May I ask the Senator from Kentucky to take note of page 5 of the committee report, where we set forth the arguments and the point of view of those in opposition, and the answers to the opposition which the record brought out.

Then, at the top of page 8 of the report, I should like to read a paragraph:

The committee also took note of the fact that the position of the Daytime Broadcasters Association was determined in part by a poll that it conducted of 225 daytime-only stations operating on Mexican clear channels. Of the 120 replies to the questionnaire, 99 favored continued opposition and 21 advised favoring the Mexican treaty. These figures must be viewed against the fact that there are over 3,600 broadcasting stations in the United States.

2. Effect of failure to ratify: Strong and convincing testimony was offered on the serious effects which would result in continued failure to ratify these treaties. According to the FCC witnesses, there have already been a number of so-called derogations—uses of channels by other nations which are not in accord with the proposed treaties. These can be expected to multiply in the future if the United States shows no disposition to ratify, and unless the treaties are ratified there are no legal means by which such derogations can be corrected.

In the rest of that section we discuss the bad international effects, we think, of a failure to ratify.

Lastly, in reply to the Senator, I would have him turn to the hearings, on page 319, where a chart will be found. The chart was submitted by the Federal Communications Commission. It shows the increase in interference which starts even 3 hours before sunrise, and lasts 3 hours after sunset.

We really could justify, on the basis of the interference, not letting those stations operate as long as they do, so far as their effect on interference is concerned. We think, on the basis of preponderance of evidence submitted to us, that the Commission has fixed a rather fair time when the stations must go on and go off the air, namely, from sunrise to sunset, because of all the scientific and engineering testimony put into the record as to the effect of allowing them to broadcast either before sunrise or after sunset.

Mr. COOPER. I am familiar with the careful workmanship of the Senator from Oregon. I have served on committees with him, and I know how exhaustively he goes into every subject over which he has jurisdiction. I should like to ask him further questions.

If the treaty is ratified—it will be in force for 5 years. Is that correct?

Mr. MORSE. It will be a treaty for 5 years.

Mr. COOPER. It will become the law of the land.

Mr. MORSE. It will become the law of the land. In my judgment—and this is only my personal opinion—the daytime broadcasters have no chance of getting any change in their broadcasting schedule during the life of the treaty.

Mr. COOPER. At present the broadcasters have a forum—the FCC—if they can make a case supporting an extension of service.

Mr. MORSE. They have been in that forum for a long time; and if they have not exhausted all their remedies in that forum, and if they have not presented every possible argument in support of their position, all I want to say is that, after three hearings to which I have listened, and after studying the long

record they have made, I do not know what they could say that they have not already said to the Federal Communications Commission.

Mr. COOPER. I want their position shown in the RECORD. Up to the time of the ratification of the treaty, daytime broadcasters can go before the Federal Communications Commission, and, if they can make a case, a decision extending broadcasting hours could be made.

Mr. MORSE. They have been before the Commission.

Mr. COOPER. If the treaty is ratified it will become the law of the land, and they could not then secure relief.

Mr. MORSE. That is correct. That is why I insisted upon a series of postponements of action so as to be sure that they could be given every possible consideration and have their day in court.

Mr. COOPER. Their rights would be fixed under the treaty for at least 5 years.

Mr. MORSE. That is correct.

Mr. COOPER. What evidence did the committee receive as to the actual effect of this treaty on the small broadcasting companies—265 of them, or whatever the number may be? What would be the consequences if this treaty were ratified? How would it effect their operations?

Mr. MORSE. There would be a perpetuation for 5 years of exactly the same kind of operation they must conform to now. The treaty merely provides that the rules and regulations now binding on them shall become a matter of international agreement for a 5-year period. They must comply with every proposal set out in the treaty now, so far as their operations are concerned, because these are the rules of the Federal Communications Commission, as applied to daytime broadcasters.

Mr. COOPER. The Senator is saying that the ratification of the treaty would not put any additional burden on them. Do I understand that it will not change their present operating schedules?

Mr. MORSE. No. They want to improve their situation. They say, "If we could get the situation changed it would be better for us economically." And it would.

Mr. COOPER. But the ratification of the treaty would not worsen their existing situation?

Mr. MORSE. It would not worsen their existing situation.

Mr. COOPER. As I understand their position they would like to be permitted to operate for a longer period of time.

Mr. MORSE. Yes. Of course, they wanted unlimited time. In their first case they asked for 2 hours before sunrise and 2 hours after sunset. That request was turned down. Then they asked for 5 a.m. or sunrise whichever is earlier to 7 p.m. or sunset whichever is later. That request was turned down. At one time they suggested the hours from 6 a.m. to 6 p.m. That proposal was turned down; and it is turned down, the Commission witnesses keep saying, because of a law of physics. It simply means that if we give them any of these extensions, the law of physics being what it is, we simply guarantee an interference with clear channel stations and with Mexican stations, and get into all the difficulties which arise from such a situation.

There are two further points. I want the Senator from Kentucky to know everything I know about the matter of procedure open to the daytime broadcasters. I brought this point out, as my colleagues in the committee will testify, and as will be seen from the printed hearings. There are pending in the House a couple of bills which would seek, by legislation, to guarantee these stations the right to broadcast for longer hours; but, in fairness to them, at our last hearing, as the record will show, they agreed with the chairman when he said, "I want you gentlemen to know that although I postponed action of this committee until this January, so that you could tell us what legal appeal you might take, so far as legal procedures are concerned, I am not inclined to give you any further extension merely because there is some bill pending seeking to change the law. I cannot give you a further extension on that ground." The broadcasters made it very clear that they did not expect it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. I must leave to catch a plane very shortly, but I should like to have the RECORD show that if I could be present to vote I would vote to approve the treaties.

Mr. MANSFIELD. Mr. President, perhaps we can conclude action on the treaties before the Senator must leave.

Mr. COOPER. Mr. President, will the Senator yield for a further question?

Mr. MORSE. I yield to the Senator from Kentucky for a question.

Mr. COOPER. The Senator from North Dakota [Mr. YOUNG] made a fine statement with which I agree calling attention to the great value of these smaller stations to the communities they serve. I ask the Senator if he believes this treaty would place the stations in a worse competitive viewpoint, in a bad position, compared with the larger American broadcasting companies?

Mr. MORSE. The situation would be no different from that in which they are now. They are in exactly that same position now.

The second point which I said I was going to raise, but did not raise, is this: There is testimony in the record from witnesses which points out that there are certain changes which some of the stations can make in their broadcasting techniques, such as directional antennas, which some of them do not now have. Of course, they are expensive, they say in reply. But there are certain scientific developments which are occurring within the radio industry which might possibly, in the years immediately ahead, be so reduced in cost that they might be able to conform to the Federal Communications Commission requirements, so that they would not create interference. But the Federal Communications Commission makes it perfectly clear that without those perfecting scientific devices, they cannot approve allowing these stations to go ahead with the interference.

Mr. COOPER. I thank the Senator. I have wanted very much to see these daytime stations protected in every way, and I have so informed the Committee on Foreign Relations. I wish it had been possible to write a reservation to give them opportunity to pursue their claims. The Foreign Relations Committee, after hearing the proof, has reported that this treaty is necessary for the entire broadcasting industry, and that it does not believe the daytime operators will be injured. I hope this is true. I urge the Federal Communications Commission and the State Department and the committees of Congress to see that this is done.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Washington.

Mr. MAGNUSON. I wish to say very briefly that I am not unconscious of the great amount of work the Senator from Oregon and other Senators have done on these treaties. However, I shall have to vote against them, only for one reason. It is not because of the judgment of the Senator from Oregon, because I think he and the committee judged this case in about the best way they could, considering the fact that for years the Federal Communications Commission has protected so-called clear channels, almost to the extent of being unreasonable in some cases. They have frozen them to the detriment of the smaller stations. The clear channels in other countries—Canada and Mexico—have used the clear channel argument, because in this case they want to protect the clear channels clear through the United States, and that was turned down, I believe wisely. These were problems of interference. I note in the report that it was agreed—Mr. Hyde agreed—to the transfer of a station in Alaska because it would interfere with a clear channel in Mexico. That is in the report. Well, there may be sometimes at night when interference would be caused in such a situation, but I know that engineeringwise there would be no interference. I know of stations that have been held up on hours on channel frequencies because of the clear-channel problem within the United States and in Mexico and in Canada. We use our clear channels to a great degree. In Mexico they are not used to that same degree. After all, there are good reasons for that situation. In the first place, they do not have as many stations.

What the Senator from Oregon has said is correct. However, I will cast my vote against it. I am sure in my mind that engineeringwise this problem can be whipped within 5 years. Of course, I understand that Mexico probably would not agree to anything unless a freeze were put on it of about 5 years.

I am not against what the committee has done. I say we cannot whip the problem now. Of course, the cost is too great for the little fellow who is operating what we call a peanut grinder. I am sure within 5 years or so that problem can be taken care of. I have that hope. That is why I wanted to explain why

I shall vote against the treaty. I know it is a very difficult problem.

Mr. MORSE. Mr. President, I wish to say to the Senator from Washington that in our hearings, when we started to get the evidence on the possibility or the expression of hopeful expectation that the problem of interference might be solved from the standpoint of reducing transmitting difficulties, I raised the point, "Well, then, would we be bound by the 5-year period?"

My attention was called to the fact—and I wish to call this to the attention of the Senator from Washington—and this appears at page 13 of the treaty, that the treaty states:

> This agreement shall remain in force for a period of 5 years unless before the end of that period, it is terminated by a notice of denunciation pursuant to paragraph B of this article or replaced by a new agreement between the contracting parties.

Paragraph B provides:

> Either contracting party may terminate this agreement by notice of denunciation to the other party. The denunciation shall take effect 1 year after the date of receipt of the notice thereof—

And so forth.

Mr. MAGNUSON. That might clear up my problem. I had not read that part of the treaty. If, engineeringwise, this problem could be solved at little cost, so that the little fellow could get hold of it and could operate without additional expense, and without interfering with clear channels locally or in Mexico or in Canada, then we could say within a year we would like to look at this treaty again, and if we could give proof to Mexico that it would not interfere with them, we would be all right.

Mr. MORSE. I raised that point myself in the hearings.

Mr. MAGNUSON. It is essentially an engineering problem.

Mr. MORSE. Yes; it came up when we discussed the subject of some stations wanting to improve their stations and do less interfering, which they could do if they had, for example, directional antennas. However, they are very expensive. A small station naturally cannot afford such antennas. Nevertheless, there is the hope that it will be possible to get the cost down. I may say that that is one reason why the committee considered my suggestion, and we were able to get a unanimous vote to send Commissioner Hyde our letter, making it perfectly clear to him—if Senators will read the letter they will see that that fact is self-evident—making it clear to him and to the rest of the Commission that because we had turned down the daytime broadcasters on this matter we did not expect the Federal Communications Commission to accept that as an indication that we thought these broadcasters should not get every possible consideration from the Federal Communications Commission in regard to any request they asked of the Commission that could stand up on the merits.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PASTORE. Do I understand the Senator from Oregon to say that the term of the treaty is for 5 years, but that unilaterally either party could denounce it and the treaty could be terminated within 1 year?

Mr. MORSE. That is correct.

Mr. PASTORE. Without any consent from the other side?

Mr. MORSE. That is correct.

Mr. PASTORE. In fact, then, the agreement is for 1 year.

Mr. MORSE. Yes; except that I should say that denouncing a treaty is a great rarity, as the Senator knows.

Mr. PASTORE. I understand. However, the purpose of the denunciation provision in this treaty is for the purpose of recognizing the fact by both sides that there are certain engineering obstacles that possibly could be overcome, and for that reason we reserve that right.

Mr. MORSE. That is a fair statement.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ERVIN. What agency of Government would be empowered to do the renunciating?

Mr. MORSE. It would be done through the State Department.

Mr. ERVIN. Yes. In other words, when we ratify this treaty, we part with the legislative power to do anything about it prior to the expiration date. Is that correct?

Mr. MORSE. Certainly, we would have—and I am now thinking off the top of my head, so to speak—I believe that if we had evidence in Congress which we thought showed a great injustice was being done, we could adopt a resolution expressing the sense of Congress to the State Department that this treaty ought to be denounced. That resolution would be subject to hearings, and the Foreign Relations Committee would have the State Department officials appear before it, and we would present our evidence, and we would see what we could do about it. After all, it is up to the executive department to initiate the denunciation.

Mr. ERVIN. Yes. If I understand, the main object of this Mexican treaty is to allocate to the United States certain clear channels for the use of our broadcasting stations, and to allocate to Mexico certain clear channels for use by Mexican stations. Is that correct?

Mr. MORSE. That is correct. We have many times what we should have in that allotment as compared with what Mexico received.

Mr. ERVIN. The central object of the treaty is to make certain that each nation shall enjoy the use of certain clear channels without interference.

Mr. MORSE. That is correct.

Mr. ERVIN. Is there anything in the Mexican treaty which would interfere with the daytime broadcasters other than in paragraph 8?

Mr. MORSE. That is all I know of.

Mr. ERVIN. These restrictions would apply to daytime broadcasters, and this treaty would place those restrictions on daytime broadcasters only to the extent of preventing interference with Mexican stations. Is that correct?

Mr. MORSE. Before sunrise and after sunset.

Mr. ERVIN. As to any other matters in this field, relating to the clear channels allotted to the United States, Congress would still reserve its legislative power, would it not?

Mr. MORSE. Congress reserves its legislative power to all and everything not specifically covered by the agreement.

Mr. ERVIN. The part of the agreement which would be binding upon us as a Nation under the Constitution, of course, would be the part in which the United States obligates itself to Mexico.

Mr. MORSE. That is correct.

Mr. COTTON. Mr. President, returning to Executive I, I should like to ask the Senator from Montana a question.

Does "scientific materials" include scientific instruments and tools?

Mr. MANSFIELD. Yes, indeed. Annex D is as follows:

ANNEX D

SCIENTIFIC INSTRUMENTS OR APPARATUS

Scientific instruments or apparatus, intended exclusively for educational purposes or pure scientific research, provided:

(a) That such scientific instruments or apparatus are consigned to public or private scientific or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, and used under the control and responsibility of these institutions;

(b) That instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

Furthermore, these types of instruments amount to very few in number.

Mr. COTTON. My second question is: Under "educational materials," does "books" include textbooks?

Mr. MANSFIELD. Yes.

Mr. COTTON. There is one more matter which is of serious importance to me. I understood from the Senator's answers to inquiries made by the distinguished Senator from Maryland [Mr. BUTLER] that if the Agreement on the Importation of Educational, Scientific, and Cultural Materials is ratified today, other countries, including Iron Curtain countries, may become signatories to it later without further formal ratification or action by the Senate. I understood the Senator from Montana to say that unquestionably the Committee on Foreign Relations would be notified of the proposed addition of such countries, and that in turn that committee would notify the Senate, but that the action of such signatories would not require any formal ratification of a further agreement or treaty.

Mr. MANSFIELD. Except insofar as any matters might come up threatening U.S. producers, such as those stoneworkers of Vermont. I do not mean Vermont's marble exclusively, but I refer to the possibility of invoking the protocol of reservation.

The implementing legislation would go before the Committee on Finance, so that committee would have a hold on the subject and could take control also.

Mr. COTTON. I am much more interested in books and textbooks than in other materials which might be imported. Am I correct in my understanding that

if an Iron Curtain country desired to become a signatory to this agreement, provided the Senate ratified it today, the only way in which Congress could actually prevent it would be to repeal the implementing legislation, and that would require affirmative action by both the Senate and House of Representatives and signature by the President, and could even necessitate the passage of such a measure over the President's veto?

Mr. MANSFIELD. That is correct. But neither the Soviet Union nor any other Iron Curtain country has as yet, after the passage of 10 years, even signified a desire to join in the agreement. The agreement now under consideration is one which has been agreed to by 31 nations.

Mr. COTTON. I appreciate the Senator's answer. I am not suggesting for one moment that it is the intention of anyone, within or without Congress or the executive department, to leave a loophole for new signatories, and thus open the door to an influx of literature from those countries.

If the Senator from Montana will forgive my saying so, I cannot escape the conclusion that actually this agreement opens the door for such action in the future without any further ratification on the part of the Senate. I am compelled, for that reason, reluctantly to vote against Executive I.

Mr. MANSFIELD. The Senator from New Hampshire has a point. I think he has reinforced that point by what he has just said his vote will be on the agreement.

Mr. MORSE. Mr. President, I shall take but half a minute to place in the RECORD the gist of a private conversation I have had on the floor with the Senator from Kentucky [Mr. COOPER] and the Senator from Washington [Mr. MAGNUSON].

The Senator from Kentucky suggested that we should make it very clear that if the daytime broadcasters find that they can install the equipment which in effect eliminates interference, then they will be in a position to go before the Federal Communications Commission and get authority to broadcast without causing any interference.

A part of the problem is to make certain that they get equipment—although then they are not in fact going to be what would amount to daytime broadcasters, because a characteristic of a daytime broadcaster is that before sunrise and after sunset—because of the kind of radio station he operates, he creates interference, and the regulations of the Federal Communications Commission prohibits him from operating at a time when he creates interference.

Mr. MANSFIELD. Mr. President, I should like to read, for the edification of the Senator from New Hampshire, article 5 of the proposed agreement, Executive I:

> Nothing in this agreement shall affect the right of contracting states to take measures, in conformity with their legislation, to prohibit or limit the importation, or the circulation after importation, of articles on grounds relating directly to national security, public order, or public morals.

That would be done under the supervision of the Secretary of the Treasury. I believe this provides an additional safeguard.

Mr. COTTON. The Senator from Montana having mentioned my name, I may say that it is still my understanding that, once the Senate has ratified this agreement, a situation can actually arise in which, if Congress desires to prevent the importation from new countries—perhaps Communist countries—it would still require an act of Congress to amend or repeal the act of implementation, through action by both Houses of Congress and signature by President, or the passage of such repealing legislation over the President's veto. That is still the fact, is it not?

Mr. MANSFIELD. Except that, as in the case of other treaties, we can give a year's notice to bring about the denunciation of the agreement.

Mr. COTTON. But it would require the desire of the executive department to do that.

Mr. MANSFIELD. That is correct.

Mr. COTTON. We, as the Senate of the United States, will have given a blank check by our action today, so far as we are concerned. If some future President and some future State Department should see fit to take these steps, they may do so.

Mr. MANSFIELD. I would not agree with the Senator, because I do not think we will give them a blank check. We will give a check which is very circumscribed, although there are loopholes which could bring about such a situation.

Mr. JAVITS. Mr. President, I shall vote to ratify the agreement on the importation of educational, scientific, and cultural materials, because I believe it is very important in the interests of our country that we do so. Unless nation-states learn how to surmount their national boundaries in matters which are universal in their import, then I fear for the future of nation-states.

Disarmament is one matter; intellectual communication is another. We will probably find that ethics and religion are yet others in which we shall somehow or other have to surmount our national boundaries if we are to survive in the category of nationhood.

I believe the negotiators of the agreement have fully protected the legitimate national interests about which any of us could be solicitous in a hardheaded way by the two caveats which have been included: First, as to prohibiting or limiting the importation or circulation after importation of items on grounds relating directly to national security, public order, or public morals; second, that the protocol of reservation would permit the United States to suspend, in whole or in part, any of its obligations under the agreement if, as a result of those obligations, any materials covered by the agreement are being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of similar or directly competitive products.

It seems to me that the interests of the United States are fully protected by such hardheaded consideration. As a great leader of the free world, we say that we, by way of surmounting national boundaries, when we have to surmount them in the interest of the free world, are fully covered by this agreement.

I shall vote to support the agreement.

Mr. MAGNUSON. Mr. President, I do not want to delay the vote; I shall simply take a minute to speak apropos the agreement with Mexico. I appreciate that the Committee on Foreign Relations has dealt only with the technicalities concerning channels, and would have had nothing to do with this subject except perhaps to call to the attention of the countries with which they make agreements some other facets of the problem.

I hope the Mexican Government will be a little more cognizant of the establishment in Mexico of stations which use the airways to broadcast into the United States at night, so that Mexico will revive, or at least establish, some kind of code of ethics for the kind of advertising which is presented to the Mexican people and the American people.

As everyone knows, we are in the process of taking a good, hard, long look at some of our domestic practices in radio and television. But any Member of the Senate who has listened to some of the programs which come from Mexican states, and are beamed at night toward the United States, will have found that many requests are made for contributions to cure-alls, and in that connection there is misleading advertising to the *n*th degree. Senators will find that on almost all of the programs of that sort, there are requests that money contributions be sent to addresses in the United States. I know of thousands of Americans who have literally been "fleeced" by some of the groups that advertise on such programs which come from south of the border. They are not sanctioned by the government there, and I suppose the government is trying to do something about them.

I am hopeful that by means of this treaty the Government of Mexico will take another look at such programs, because at times the programs on the Mexican stations advertise almost everything from shares of stock to cancer cures, and invariably the programs include requests to send money contributions to addresses in New York, Denver, San Francisco, or somewhere else in the United States; and, upon investigation, it generally is found that at such an address there is located only one person who is using a typewriter in a one-room office.

In short, not one of such programs could ever be put on the air in the United States, because the advertisements are so misleading and they result in so much "fleecing" of the people. That is why the programs are broadcast from the Mexican stations.

I hope that as a result of the ratification of this treaty, the Mexican Government will take more cognizance of the content of the programs which are beamed into the United States, and are directed toward the American people who listen at night.

Mr. JOHNSON of Texas subsequently said: We have entered into an agree-

ment to vote on the treaties en bloc. I am informed that some Senators would like to vote on the two treaties, Executive A and Executive G, en bloc, but that they would like to vote separately on Executive I.

Therefore, I ask unanimous consent that, instead of having one rollcall vote on all three treaties, we have two rollcall votes, separating Executive I from Executive A and Executive G.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate on Executive I, the treaty will be considered as having passed through its various parliamentary stages, up to the point of adoption of the resolution of ratification, which the clerk will report.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement on the Importation of Educational, Scientific, and Cultural Materials, which was opened for signature at Lake Success, N.Y., on November 22, 1950, entered into force on May 21, 1952, and was signed in behalf of the United States on June 24, 1959, with a protocol of reservation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification?

On this question the yeas and nays have been ordered.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Are all three of the treaties now before the Senate; or is the Senate to vote on them separately?

The PRESIDING OFFICER. The three treaties have been divided, for the purpose of being voted on by the Senate. The Senate is now considering Executive I.

On the question of adoption of the resolution of ratification of Executive I, the yeas and nays have been ordered; and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, is it not correct that the Senate is now in the process of voting on Executive I, which has to do with the Florence Convention?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Is it not also correct that the subsequent votes will be on Executive A and Executive G, both of which have to do with radio conventions signed with foreign countries?

The PRESIDING OFFICER. That is correct.

The yeas and nays have been ordered on the question of adoption of the resolution of ratification of Executive I; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business. I also announce that the Senator from Oregon [Mr. NEUBERGER] and the Senator from Missouri [Mr. HENNINGS] are absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

On this vote, the Senator from Minnesota [Mr. MCCARTHY] and the Senator from Missouri [Mr. HENNINGS] are paired with the Senator from New Hampshire [Mr. BRIDGES]. If present and voting, the Senator from Minnesota and the Senator from Missouri would each vote "yea," and the Senator from New Hampshire would vote "nay."

The yeas and nays resulted—yeas 76, nays 14, as follows:

YEAS—76

Aiken	Gore	Monroney
Allott	Green	Morse
Anderson	Gruening	Morton
Bartlett	Hart	Moss
Beall	Hartke	Mundt
Bennett	Hayden	Murray
Bible	Hickenlooper	Muskie
Brunsdale	Hill	Pastore
Bush	Holland	Prouty
Byrd, W. Va.	Jackson	Proxmire
Cannon	Javits	Randolph
Capehart	Johnson, Tex.	Robertson
Carlson	Jordan	Saltonstall
Carroll	Keating	Scott
Case, N.J.	Kefauver	Smathers
Case, S. Dak.	Kennedy	Smith
Chavez	Kuchel	Sparkman
Church	Lausche	Stennis
Clark	Long, Hawaii	Symington
Cooper	Long, La.	Wiley
Dirksen	McClellan	Williams, Del.
Douglas	McGee	Williams, N.J.
Ellender	McNamara	Yarborough
Engle	Magnuson	Young, Ohio
Ervin	Mansfield	
Fong	Martin	

NAYS—14

Butler	Frear	Schoeppel
Cotton	Goldwater	Talmadge
Curtis	Hruska	Thurmond
Dworshak	Kerr	Young, N. Dak.
Eastland	Russell	

NOT VOTING—10

Bridges	Hennings	Neuberger
Byrd, Va.	Humphrey	O'Mahoney
Dodd	Johnston, S.C.	
Fulbright	McCarthy	

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification of Executive I is agreed to.

REPORT ON SMALL BUSINESS ADMINISTRATION

During Mr. EASTLAND's speech on proposed civil rights legislation,

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. EASTLAND. For a question only.

Mr. PROXMIRE. For a question only. I will wait.

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wisconsin provided it does not jeopardize my right to the floor and that it will not count as another speech at the time I resume speaking.

Mr. PROXMIRE. Mr. President, I further ask unanimous consent that my remarks may not appear in the RECORD during the remarks of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as chairman of the Small Business Subcommittee of the Banking and Currency Committee, I called the attention of the Senate on January 28, 1960, in a speech on the floor, to a letter to me from the Comptroller General recommending a strengthening of certain policies of the Small Business Administration. I also placed in the RECORD a letter from me to Mr. Philip McCallum, the Chairman of the SBA asking him what action he had taken to comply with the recommendations of the Comptroller General calling for closer supervision over regional offices and recommending independent audits as a prerequisite to loan authorization on larger loans.

I have just received a reply from Mr. McCallum. He writes me that the SBA has taken steps to provide closer supervision of field activities and that "a great improvement" has been achieved since the date of the audit by the General Accounting Office.

With regard to audited statements on larger loans, McCallum writes that the SBA usually requires annual audits if outstanding balances on loans exceed $100,000, unless circumstances, in the discretion of the Regional Director, justify a waiver of the requirement.

Mr. President, I intend to pursue this matter further. I ask unanimous consent that the letter to me from Mr. McCallum be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., February 20, 1960.

The Honorable WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of January 23, 1960, requesting to be kept informed of the action which we have taken as a result of the recommendations made by Mr. Joseph Campbell, Comptroller General, in his report to Congress of his review of the financial assistance activities of the Small Business Administration.

The basis for the recommendation that the Administrator take action to provide for closer supervision over the regional offices, with a view to obtaining compliance with the Small Business Administration's own regulations, was a survey of five of our field offices made more than a year ago. Our own audits had disclosed substantially the same delinquencies which the General Accounting Office discovered and, prior to receipt of Mr. Campbell's recommendations, we had taken the following actions to insure compliance with regulations and to provide closer supervision over the regional offices.

Early in 1959, a separate Office of Loan Administration was created responsible to the Deputy Administrator for Financial Assistance. This office is charged with the servicing of all outstanding SBA loans and the liquidation of those on which resort to collateral must be made for collection. In order to strengthen field performance in both these areas, separate loan servicing and loan liquidation staffs also have been set up in all regional offices and in those branch offices where the workload is large enough to justify this degree of specialization. At the time of the survey by the General Accounting Office,

most SBA field offices were understaffed insofar as loan servicing activities were concerned. The tremendous growth of the Agency's financial assistance workload had necessitated utilization of most personnel on th loan processing activity. Atlhough it has been difficult to fill loan servicing positions with people qualified to assume a full workload, our offices have been training loan servicing examiners as rapidly as possible and we believe most of our offices are now adequately staffed.

In addition to setting up separate offices of loan administration and liquidation, both in Washington and the field, and recruiting sufficient people to perform the functions of these divisions, we have attempted to provide a closer working relationship with our field offices by bringing into Washington, each for a week at a time, the Chiefs of the Financial Assistance Division in the regional offices and the chiefs of the loan administration and loan processing sections in the regional offices. During this period in Washington, these field chiefs are reindoctrinated in policy and procedural matters and are given an opportunity to become familiar with the way other regions are operating through actual assignments in the review of reports forwarded from other field offices for Washington action.

Washington office staff members also have held a series of area work conferences attended by personnel from the field offices in various parts of the country. A similar series of such conferences is being planned for this month and early in March of this year. A regular program of annual meetings in Washington of the Chiefs of the Financial Assistance Divisions has been initiated. Further, the Deputy Administrator for Financial Assistance has recently appointed to his staff a field liaison man who will make regular visits to the field offices, both regional offices and branch offices, in the area assigned to him in order to:

1. Provide continuing indoctrination in policy and procedural matters for people actually working in the field;

2. Promote greater uniformity in field operations; and

3. Provide liaison between the field offices and the Washington offices of financial assistance.

Regular field audits are also made by personnel of the audit staff of the Small Business Administration's Controller and by personnel of the Office of Program Analysis—both responsible to the Deputy Administrator for Administration. Copies of these audits are furnished to the Deputy Administrator for Financial Assistance in order to keep him informed of the performance of the field offices in the area under his jurisdiction and permit him to take action for correction and improvement.

It is my belief that the steps we have taken and are taking will provide for closer supervision of our field activities and for compliance with our own regulations. Our own internal audits have shown a great improvement in these matters since the date of the audit made by the General Accounting Office. We expect that their future audits will confirm this improvement.

You have also asked that I inform you of the results of my study of the question whether we should require independently audited financial statements in connection with applications for loans in amounts over $100,000. The cost to small businesses of obtaining independently audited statements is considerable. To require them in connection with applications from firms who do not regularly obtain them for their own purposes would increase the expense of applying for SBA loans for successful and unsuccessful applicants alike. For the applicant otherwise well-qualified who has not made a practice of obtaining annual audits, the time involved in having a special audit made for purposes of the SBA application would provide further discouragement.

We do ask for audited statements annually from borrowers whose loans have outstanding balances in excess of $100,000, unless there are circumstances which, in the discretion of the Regional Director, justify waiver of this requirement. We also request audited statements in connection with applications for loans of any size where the prospective borrower customarily obtains such statements for his own use and has one available to furnish us. In such cases, we accept a copy of the last annual audit plus an interim statement verified by a company officer.

We are attempting to obtain figures on the average expense which imposition of a uniform requirement for audit statements would impose upon our borrowers and to ascertain the practices of banks which make commercial term loans. We are also reviewing our own experience to determine whether it can be shown that any substantial portion of losses has resulted from failure to require audited statements. When our studies are completed, we shall weigh the delay and the expense to which the prospective borrower will be put against the risks to the taxpayers' funds attendant upon our present practices to determine whether imposition of the requirement is reasonable. We shall be pleased to furnish you with the results of our study and with information as to our decision as soon as we have reached it.

If the foregoing report leaves any questions unanswered, please communicate with me and I shall attempt to answer them for you. Your comments and suggestions will be most welcome.

Sincerely yours,

PHILIP MCCALLUM,
Administrator.

CLASH OVER INTEREST RATE POLICY

Mr. PROXMIRE. Mr. President, there has been a great deal of heated controversy over the interest rate policies of the Federal Reserve Board. And I am sure there will be much, much more before this session is over. This debate can serve the public interest provided it is as constructive and informed as possible. This monetary policy-interest rate field is technical and complex. It is very easily misunderstood. It is also immensely important. No one can question that decision made by Government officials in this area very seriously affect the prices we pay, the jobs Americans have, the prospects for building homes and buying cars, and the State, local, and Federal taxes we pay.

For these reasons, Mr. President, I feel that Senators may learn much from the recent appearance of Gov. George H. King, of the Federal Reserve Board, one of the Nation's seven money managers, before our Banking and Currency Committee, where he came for consideration of his nomination for reappointment for a 14-year term. The views expressed by Governor King contradict mine in many important respects, but they are exceedingly pertinent and interesting. And so, Mr. President, I ask unanimous consent that the full text of the hearing before the committee on the King nomination be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GEORGE HAROLD KING, JR.

Mr. KING. Thank you, Senator. I do not have a prepared statement I would like to simply say it is a privilege to come over here before this committee. I felt very privileged last year to be here, and I will say that when I was a little boy I never dreamed I would have the privilege of appearing before a Senate committee, and particularly one such as the Banking and Currency Committee, two times. So I am proud of it, and I appreciate the opportunity to come over here.

I think that as to anyone in my position who might possibly be projected into the future as far as 14 years in a field as important today as the money and credit field of our country, Senators certainly have a right and a responsibility to look into the person being projected that far in advance. So, as I say, I am very happy to be here. I feel it is a privilege.

Senator SPARKMAN. Thank you, Mr. King.

We have been furnished a biographical sketch. Without objection, it will be printed in the record.

(The biographical sketch of Mr. King follows:)

BIOGRAPHICAL SKETCH OF GEORGE HAROLD KING, JR.

General: Born August 18, 1920, at Oakdale, La.; father, George Harold King (see Who's Who In America); Mother, French Freeman. Graduated Glenmora (La.) High School, 1937: best athlete award, 1936; activities award, 1937; attended Louisiana State University, 1937–41; member Sigma Chi Fraternity; member "L" Club (varsity letter club); graduated in 1941 with Bachelor of Science in accounting; also attended University of Colorado Summer School 1939, 1940, 1941.

Military service: Entered active duty in U.S. Naval Reserve as ensign on May 1, 1942; released to inactive duty February 2, 1946, with rank of lieutenant.

Family: Married Daudrille Elaine Hollaway of Melville, La., on May 15, 1942; children, Linda Elaine King, born November 30, 1944; George Harold King III, born November 21, 1945; Lisa Hollaway King, born February 3, 1955.

Commerce and industry: Treasurer of King Lumber Industries, Canton, Miss., from 1946 to 1949; executive vice president 1950–58, president 1958. King Lumber Industries operates lumber, oak flooring, woodworking, and wood-preserving plants in Mississippi and Louisiana; presently employs over 500 persons in manufacturing; engaged in commerce through extensive marketing of wood products; has extensive timber holdings and timber leases in Louisiana; domestic and foreign shipments of lumber and oak flooring; also engaged in mineral leasing of lands.

Agriculture: Started herd of purebred Hereford cattle in 1948 known as King Herefords, Canton, Miss.; farm size, 405 acres; 125 brood cows. In January 1957 exhibited champion Hereford bull at National Western Livestock Show, Denver, Colo. This animal bred and raised by King Herefords, Canton, Miss. Produce of herd sold throughout the United States and Mexico. Received commendation from Mississippi Legislature on March 26, 1956, for accomplishments in cattle breeding; director, American Hereford Association 1956 to date; director, Mississippi Hereford Association 1949 to date.

Federal Reserve System: Appointed director of New Orleans branch of Federal Reserve Bank of Atlanta in January 1956; served as chairman of New Orleans Branch Board, 1958; appointed to Board of Governors March 25, 1959.

Miscellaneous: Deacon First Presbyterian Church; Director, Mississippi Economic Council (State chamber of commerce); member Rotary Club; member Jackson Country Club; member, Madison County Country Club.

Senator SPARKMAN. Senator PROXMIRE.

Senator PROXMIRE. Mr. King, you were appointed on March 25, so you have served a little less than a year.

Mr. KING. Yes, sir.

Senator PROXMIRE. What is the responsibility of the Board of Governors? By that, I mean, do you feel that the Board of Governors is responsible primarily to the Congress? Do you feel there is any degree of responsibility at all to the administration, the President, or do you feel the responsibility is inherent in the statutes that have been set up and you have a responsibility to serve the public interest, by your own lights, without a direct responsibility to either Congress or the President?

Mr. KING. I feel, sir, it is near your last suggestion, although I feel that the responsibility is really to all segments of the American interest, as I understand it. I think the Board must be completely mindful at all times of the interest of the public.

Certainly, the Federal Reserve System is a creature of the Congress and Congress has the right and responsibility to oversee it and to alter it if they see fit in any way. This imposes on a member of the Board an extreme trust and responsibility to conduct that office in such a fashion that it will truly serve the best interests of the American people.

Do I make myself clear?

Senator PROXMIRE. Yes; that is a nice general statement.

I would like to be a little more specific. What kind of consulting obligations do you feel a member of the Board of Governors might have? Do you feel it would be desirable or useful that he should consult with, for example, the Secretary of the Treasury or the Assistant Secretary of the Treasury? Do you feel that it would be useful for him to consult with, say, the chairmen of the Banking and Currency Committees of the House and Senate or not?

Mr. KING. Yes, sir; I think a member of the Board should feel free to consult with anyone and everyone whom he felt could give him some thinking that might benefit the public interest. That is, to permit him to become enlightened, so that his decisions might be sounder ones for the country.

Senator PROXMIRE. Let me move into a little different area.

As a member of the Board, do you regularly try to acquaint yourself with the views of the Secretary of the Treasury and with the chairmen of the committees of the two Houses of Congress on monetary policy?

Mr. KING. No, sir. I have not tried to become familiar with the views, specific views, in regard to any specific question, of the Secretary of the Treasury or of the chairmen of any committees. I have not tried to find any specific answers to any specific questions from any of those people, and I will say that I have had no one even suggest to me what I should think.

Senator PROXMIRE. Then, I take it your advice comes primarily from the employees of the Federal Reserve Board, who have a responsibility as monetary experts to advise you and other Board members on actions taken with regard to our monetary policy. Is that correct?

Mr. KING. Sir, I have received the benefit of, not advice, but what I would consider enlightenment on any subject that I have cared to discuss at the Board with the staff. I have found that the staff of the Federal Reserve Board helps on both sides, pro and con. And, as far as I have been able to see, they are very, very much concerned that any subject in any decision is developed in an objective manner. I have found that they will pursue, not argue, but pursue either side of the question in order to satisfy themselves that that member of the Board may really make an objective approach to any question that comes up.

Senator PROXMIRE. Do you try to follow the thinking of the professors of monetary policies at leading universities or the leading economists of banks and of industry and so forth?

Mr. KING. No, sir; I do not try to follow the thinking—

Senator PROXMIRE. I am not saying you try to follow their thinking. What I am trying to say—I put it badly—is: Do you follow the discussions, the controversies, that are going on in this area so that you can enlighten yourself on what the thinking is, and what developments are going on, so you can arrive at decisions based on the best and most competent and expert authority?

Mr. KING. Yes, sir; I do. I follow their opinions and views and read them all I can, in the amount of time that I have, with a great deal of interest. It is one of the things, to me, in trying to find the right answer for the country, and I am very happy to take access to all of the information and informed points of view that I can find.

Senator PROXMIRE. I want to go back a little bit because I want to be completely fair. I wonder if you follow the expressions of the views of leading Members of Congress who have opinions and express them in the CONGRESSIONAL RECORD or express them in committee reports and so forth?

Mr. KING. Yes, sir; I do.

Senator BENNETT. Mr. Chairman, will the Senator yield?

Senator PROXMIRE. I yield; yes.

Senator BENNETT. I wonder if the matter would be clearer if we all understood what you mean by "follow." "Follow" can mean two things—either keep in touch with or be guided by.

Senator PROXMIRE. I thank the Senator from Utah for a clarification. Of course, I meant, and I am sure the nominee meant, "keep in touch with," and not "be guided by."

He made his position emphatically clear a little earlier in saying he was not guided by the opinions of either members of the administration or the Congress.

Senator BENNETT. "Follow" has that dual meaning.

Senator PROXMIRE. I think that is an excellent clarification.

Mr. KING. I meant "keep in touch with." That was the essence of what I was trying to say.

Senator PROXMIRE. I would like to inquire as to your relationship with the Chairman of the Board. Do you usually consult with him before you arrive at your own decision?

Mr. KING. No, sir; I do not.

Senator PROXMIRE. You arrive at your decision independently?

Mr. KING. Yes, sir.

Senator PROXMIRE. You do not consult with other members of the Board either before you arrive at specific decisions——

Mr. KING. No, sir; we do not. I will say that due to the procedure that is used at the Board, which I think is a very good one, the four junior members express their opinions on a certain subject, or other matter up for decision, first. Thereby, you have no way of knowing what the Chairman or the other two senior members of the Board think.

Senator PROXMIRE. So it is kind of reverse seniority?

Mr. KING. Not completely in the sense that——

Senator PROXMIRE. As far as speaking out.

Mr. KING. Some of the more senior ones speak before I do, as a general rule, although, on certain occasions, I will be called on to speak first and without any knowledge of what anyone else thinks. As I say, I think this is a very healthy procedure.

Senator PROXMIRE. During the last several months the Joint Economic Committee has had a series of hearings on all aspects of our economy. One of the most significant, I thought, was their hearing on monetary policy. They had four outstanding experts on monetary policy appear, one of whom was Professor Friedman of the University of Chicago. Professor Friedman, as I understand it, is recognized as an outstanding conservative monetary economist. But he had rather drastic views on the Federal Reserve Board.

As I recall, his views included the opinion, for example, that the country might be better served if the Federal Reserve Board surrendered its power over both the rediscount rate and varying reserve requirements. How do you feel about this opinion of Professor Friedman?

Mr. KING. Well, sir, the Congress, in the original Federal Reserve Act of 1913, stated that one of the purposes was to provide rediscounting for commercial banks. This has been continued in the law as one of the System's tools of monetary policy, and it has been used.

If the Congress felt that it should be removed, that would be in the Congress' discretion to remove it. As to any automatic surrender of a tool that has been bestowed on the Board by the Congress, I would not think that would be a wise approach.

Senator PROXMIRE. You feel that these two tools have been useful and are necessary and desirable for the Federal Reserve Board to do the job it should perform?

Mr. KING. Yes, sir; I think the Federal Reserve Board should have as many tools as it can to try to accomplish its true purpose.

Senator PROXMIRE. The principal conclusion of three of these four economists, as I understood them, was that the Federal Reserve Board ought to follow a policy of what might be called policy neutrality.

In other words, they felt that the Board might expand the money supply at a regular rate, the regularity being in accordance with the growth of our country. That is to say, make the expansion of the money supply conform with the increase in the gross national product, roughly. Professor Friedman suggested an annual increase of about 4 percent. He said it would be 3 percent if the money only included demand deposits and currency, 4 percent if it included time deposits, too.

He argued this very persuasively, in my judgment, and Professor Seldon seemed to agree. Professor Wiesner took a little different tack, but he felt that this general policy might be desirable.

How do you feel about this?

Mr. KING. I think that is very good point, Senator. The money supply of the country has grown more or less through the years, and that is a very, very healthy thing. However, it is my understanding that in recent years people have learned how to use money and turn it over more rapidly, increasing what is commonly referred to as the "velocity of money."

With this increase in velocity, I do not believe that it has been necessary to increase the money supply, itself, as much as would have been necessary if the velocity had not been increasing so much. And I think it is conceivable that the country may be reaching more or less a plateau on its velocity, that people have really learned to use their funds and keep them busy just about as much as they possibly can.

In fact, they have more or less perfected this velocity of money and that might call for additional increases in the money supply.

As to trying to govern the money supply by any exact percentage per year, I think this would be attempting to substitute some formula for judgment. My own opinion is that the subject is a complex one and is of a kind that is better left to judgment,

rather than to try to make some such formula that would apply year in and year out.

Senator PROXMIRE. The position of Professor Friedman and Professor Seldon was that the record of the Federal Reserve Board has not been very good. He argued that there is a lag between the action of the Federal Reserve Board and its total reaction on the economy. He argued it might vary from 4 months to 20 months. The Federal Reserve Board for instance might fail to take action to increase the money supply as rapidly as the GNP will increase. Interest rates tend to rise, but the evil effect on the economy would not be felt for quite a period. And at the time it is felt, we might be in a period of recession rather than in a period of prosperity.

He did not question the sincerity and expertness of the Federal Reserve Board. He just felt nobody has been able to predict. If you could predict where the economy was going to be 6 months or 18 months from now, you could make fabulous amounts in the stock market and lots of other ways. But this is something that is unpredictable. And the safest and fairest way to operate under these circumstances would be to have a regular monetary increase and let the market forces, the free play of supply and demand and so forth, work its way on the economy without an attempt to look into a crystal ball and foresee what the economy is going to be like several months from now.

Mr. KING. Well, sir, I think if the Board took that approach, that it would be——

Senator PROXMIRE. What this goes to, and I think the only technical question I can ask on this is: Do you think that there is such a lag? Do you think that the effect of an action by the Federal Reserve Board, using any of its three weapons, is fairly immediate, or do you think there is a lag of 6 months to a year and a half before it really is effective?

Mr. KING. I think there is, certainly, some lag in effects of actions by the Federal Reserve. But, as I have understood it since I have been on the Board, we have not been contracting the money supply. It has been, to me, more a matter of some restraint on credit expansion.

What was your question?

Senator PROXMIRE. The question was on the lag. That was the thing I was focusing on here.

Mr. KING. So, naturally, there is some time that elapses from the time any additional restraint might be placed on the credit markets, for example, and the time that it manifests itself through carloadings from a manufacturing plant.

I am very conscious of this because I have been in the manufacturing business, and I am cognizant of the fact that the effect on an order file of a manufacturing plant that is built under today's circumstances, may not manifest itself or show itself in the statistics for as long as 4 to 6 months. So I am well aware of the time that elapses from the time an action is taken, say, to restrict credit in any way, and the time that it really makes its impact in a statistical form.

Does that answer your question?

Senator PROXMIRE. It does.

Then, you agree with Professor Friedman that there is a lag. There is and, therefore, Federal Reserve policy does require prognostication. It does require a prediction as to what the economy is going to be like 6 months or 18 months from now.

The only question is on the basis of your experience both as a member of the Board and before you were a member of the Board. Do you feel that the Board has a capacity to look clearly in the crystal ball?

Mr. KING. Well, sir, I can only say that the Board, to my knowledge, does try to the best of its ability to see ahead as far as possible. People naturally become more familiar with this process as they work at it. And it would be my opinion that this ability to forecast would improve, perhaps not greatly, but would continue to improve as time goes along.

Senator PROXMIRE. Many of us, of course, are familiar with what happened in 1956 and 1957 and feel that the Board was much too slow. We feel we can go back and point out many, many cases where, in our judgment, the Board was increasing the rediscount rate, for example, at a time when the recession either had already started or was, obviously, in our judgment, going to follow and did, indeed, follow afterwards, as happened in 1957.

I would like to refer quickly to a speech that was made very recently by an adviser to the Board of Governors, Woodlief Thomas, a splendid gentleman with great ability. His speech was distributed to all members of this committee by the chairman of the committee, the Senator from Virginia.

There are three points he made that particularly concern me, and I would like to ask your opinion on them.

Mr. Thomas, in the course of his speech, argues that interest rates are not really high now; that they are high as compared with what happened in the 1930's and 1940's but that was an artificial situation.

I think he is right about being artificial, but, as compared with the 1920's and the period before World War I, they are not particularly high, that they are comparable. I am disturbed by this comparison; I feel the economy has changed enormously since the 1920's and the comparison is not very apt with the period of 1890, to go back that far. Obviously, there have been serious, critical changes in our economy. The fluctuations have been ironed out very greatly. We do not have the kind of depressions we did. We do not anticipate having them.

I wonder whether or not the interest rates at the present time could be regarded as high or about right on a long-term basis; or low.

Mr. KING. Well, sir, trying to say whether they are high is just a matter of saying something in relation to something else.

Senator PROXMIRE. That is right.

Mr. KING. My own view is that I think interest rates that are somewhat lower than the present level are desirable for the country if we do not, thereby, risk inflation and endanger our reserves. And I particularly have in mind our gold reserves. Or we do not damage the purchasing power of the currency.

In other words, I think that the Board as a whole, and the System as a whole, does not have any desire to have interest rates at any certain level, but that their desire is to protect the integrity of the dollar and possibly, as the Joint Economic Committee report has suggested, that it has had to use monetary policy to too great a degree because of not using fiscal policy enough. I would certainly hope that fiscal policy would be used to a greater degree.

Therefore, by lessening the necessity for the amount of judgments that are and have had to be exerted in the monetary policy field——

The CHAIRMAN. Off the record a moment.

(Discussion off the record.)

The CHAIRMAN. I would like to make the statement that the chairman is glad to welcome Mr. King again before our committee and to tell him that he is following his work on the Federal Reserve Board. The chairman has received high commendation from other members of the board of Mr. King's services as a board member. And, personally, the chairman feels that the confidence imposed in Mr. King when he voted his confirmation last March was not misplaced.

Senator PROXMIRE. Mr. Chairman, I have a series of questions, and I realize other members may have, too. Perhaps it might serve the interests of the committee better if I yielded to other Senators and then came back at the end. I am extremely interested in this whole question.

I have great respect for the nominee. I think his answers have been responsive so far, but I want to proceed at greater length. Some of the members may have other appointments, so I will defer to them.

Senator SPARKMAN. Other members of the committee?

Senator BENNETT. Thank you, Mr. Chairman. I simply want to follow the chairman in expressing my faith in the nominee and my appreciation of the record he has made and my faith in the basic judgment of the Federal Reserve Board in these trying times.

I recognize that my friend from Wisconsin and I have a completely different approach to the economic principles involved in this situation. I cannot believe that there is any reason to have a Federal Reserve Board if we have an automatic money supply and attempt to maintain a fixed rate of interest. There is no use having men with judgment. We might just as well turn the thing loose and let the consequences come. And they will come, and that will be a retreat, that will be a loss in the fundamental faith in the American currency.

Senator PROXMIRE. Will the Senator yield at that point for one clarification?

Senator BENNETT. Yes, surely.

Senator PROXMIRE. I want to make it absolutely clear I do not believe in pegging the rate of interest at all. I oppose that very strongly. As I understand Professor Friedman's suggestion, it would not do that at all. But what it would do is increase the money supply at a regular rate. The rate of interest would fluctuate, depending on market forces.

Senator BENNETT. I think the effect of Mr. Friedman's program might be to permit the market to operate freely. But it would operate, in my opinion, to produce a constantly increasing rate of inflation and a continued diminution of the value of the dollar.

The Senator from Wisconsin and I, having worked together on these problems, recognize the differences that exist between us. But the Senator from Utah is disturbed a little bit, frankly, at the use of this hearing as a means of discussing, of bringing up again, this technical controversy. It seems to me the problem before us is whether or not this gentleman has the capacity to serve on the Board under the existing laws. If we in Congress feel that the present setup, the present program, in which the Federal Reserve Board is engaged by law should be changed, we should talk about changing the laws.

I want to express my confidence in the ability of Mr. King to carry out his responsibilities under the existing law.

That is all I have to say, Mr. Chairman.

Senator SPARKMAN. Senator FREAR.

Senator FREAR. I will not delay the Senator from Wisconsin as I am interested in his questions, also, but I do appreciate this opportunity, Mr. Chairman. I voted for the President's nominee to be a Governor of the Federal Reserve Board when he appeared before this committee the first time. Like the chairman, my confidence, I think, at that time was well founded, and I expect to vote for his confirmation again.

Perhaps this is not the time to discuss and debate the merits of the Federal Reserve System. I might have views that would coincide or differ from those of the Senator from Wisconsin or the Senator from Utah. But I must agree that if we are going to keep the Federal Reserve System and, at the moment, I see no strong reason to discard it, that we should back the System and its Board of Governors. Perhaps it may be a legislative matter in many respects, as I

gathered from the questioning this morning. I commend Governor King for his answers, whether I am in total agreement or not.

The System has performed a very necessary function, and I doubt if we could have maintained our position in domestic and world economy without its services. I hope that as conditions change, which might necessitate legislative action regarding the System, the Members of Congress will not hesitate at any time to recognize this and make what, in their opinion or desire, changes are needed.

But may I say to you, Governor King, that I am very happy that I had this privilege of coming back and listening to you and again have the opportunity of voting for your confirmation. This may expose my vote in advance, but I think it is no secret. I shall do it, sir.

Mr. KING. Thank you, sir.

Senator SPARKMAN. Senator WILLIAMS?

Senator WILLIAMS. I have no questions, Mr. Chairman.

Senator SPARKMAN. Senator PROXMIRE?

Senator PROXMIRE. Thank you, Mr. Chairman.

I think when I was questioning you, Governor King, we were talking about interest rates, whether they were low or high, with reference to the period back in the 1920's and before. You said that the international situation would influence you to some extent in your judgment on the level of interest rates. I would like to follow that up with one question with regard to Mr. Thomas' statement. And that is that he points out that interest rates are lower in America than they are in other countries. This has been true. And they have been lower for a long time; and substantially lower.

I think the question you raised on international balance of payments and so forth goes to the heart of this.

I am just wondering if, in your judgment, it may be necessary for us to have a higher rate of interest, and whether we might consider it desirable if we gave emphasis to the much higher rate of interest that other countries have.

Mr. KING. I am not sure I understand exactly the question, Senator. I think I understand the subject, but I don't know exactly what specific point you want.

Senator PROXMIRE. Do you feel the higher rate of interest in other countries is one of the factors which should be taken into consideration in determining our own programs?

Mr. KING. Yes, sir; I think it is one that we must be aware of, just as we must be aware of many, many other things. I think that any changes in policy by the Federal Reserve Board, as long as it is maintained in its present form, will have to be made in the light of all of the circumstances prevailing at that particular time. I do not think it is really possible to project into the future and then say that a person absolutely will or will not do a particular thing. It depends on the circumstances at the time.

As I said, it is a tremendous trust and responsibility that the Congress has placed on the Board, and I hope that I am—I believe that I am—well aware of this trust.

I do not think that the international rates would be the controlling factor, necessarily, at any time. However, it is conceivable that some action at some time would be necessary, purely because of the international structure. I have no desire to maintain interest rates at any particular level.

My personal feeling, being a borrower rather than a lender, is for rates to be as low as possible without damaging our currency or without inflicting any inflation on the country. But, from my personal standpoint, I would rather pay, if necessary, some higher rate than to accept the consequences of the inflation that would go along with a more or less unlimited release of credit.

Senator PROXMIRE. It is a fact, though, is it not, that we have had that lower rate of interest than other countries for many years and that during most of this period, far from an unfavorable balance of payments, we have had a favorable balance of payments. There are many, many factors affecting the balance of payments other than interest rates. Is that not a correct conclusion?

Mr. KING. I think so, sir.

Senator PROXMIRE. So it is perfectly possible there is nothing inconsistent with our having a lower rate of interest than other countries have and having a responsible and thoughtful and effective international monetary policy.

Mr. KING. Yes, sir; I think that is partly a result, too, of the stability of this country relative to other countries of the world——

Senator PROXMIRE. That is an excellent point.

Mr. KING. Of their respect for our ability to face and meet our problems in a head-on and realistic manner. I think this confidence is a factor that is terrifically important in our maintaining as low a level of interest rates as possible and in maintaining the reserves that we need for this country to go ahead on.

Senator PROXMIRE. My good friend from Utah has indicated that my line of questioning may not be appropriate for the consideration of a nominee to the Federal Reserve Board. I feel it is important, not only to get the caliber of your thinking, but also to get your views and your opinions and your feelings and your convictions on our monetary policy. We do have the power of acting on your appointment, of course, and, as many, many speeches on the floor of the Senate have indicated, we have a very deep interest. I think if we are going to criticize the Federal Reserve Board, we should know what we are talking about.

We have before us this morning an expert on Federal Reserve policy. You are a Governor of the Federal Reserve Board. Therefore, it seems to me it is very useful to get your viewpoint.

I have an open mind on these things. I am learning as I go along, and I am sure I am going to learn this morning. That is one reason why I ask you these questions.

Mr. Thomas made this statement in his speech to a group of mortgage bankers recently. He said:

"It seems to be believed that interest rates could be prevented from rising by legislation which places ceilings on rates that the Treasury can pay or on those that lenders can charge on mortgages."

I do not think that anybody seriously, at least no Member of the Senate, thinks we can prevent interest rates from rising generally by legislation. We think that we can, if not prevent, have an influence, though. Would it not seem logical to you that if the Federal Government, for example, should hold down interest rates on long-term Government bonds, admitting this may not be a wise policy—I think it is a wise policy for us to do that, but many people disagree—that one consequence would be that the Government would not enter in the long-term competition for limited funds and, therefore, that policy might have the effect of keeping interest rates—might have the tendency, at least, of keeping long-term interest rates—down. Is this not a correct conclusion?

Mr. KING. Senator, I am sorry, but I am not sure I get the specific point.

Senator PROXMIRE. Let me ask it again.

We have, as you know, a 4¼-percent limit on the interest rate the Government can pay on long-term bonds. My question is: If we should eliminate that limit, as the President has asked us and as the Chairman of your Board has said we should do, would not one consequence be to permit the Federal Government to get into the long-term Government bond market to bid up the price of money because they are borrowing money? The Treasury says they would borrow $20 billion. Would this not have the effect of increasing interest rates generally for schools, for hospitals, for corporations, for various others, who are also in that market now, just having another big competitor get in. The demand for money would go up. Therefore, the price of the money would go up.

Is that not logical? Would that not follow?

Mr. KING. Well, sir, at the present time, we have more of the demand concentrated in the short term.

Senator PROXMIRE. I recognize that. I am not asking you about that. That is true, and right now I am not asking whether r not this would be a wise policy or unwise overall. I am just asking because I want to get a reply to the statement that Mr. Thomas has made or implied. I want to know if it is not true that by legislation we can tend, at least, in some areas, to prevent interest rates from increasing.

Mr. KING. By legislation?

Senator PROXMIRE. In other words, by legislation, which restrains the Government from entering this field. Is there not a tendency to keep the demand for long-term funds lower and, therefore, diminish the pressure on interest rates for long-term Government bonds?

Mr. KING. I do not believe that the mere lifting of that particular ceiling would produce higher interest rates.

Senator PROXMIRE. Long-term interest rates? You do not think that another $20 billion of demand for money by the Federal Government in that area would have a tendency of creating of long——

Mr. KING. It would relieve that amount of demand from the short term.

Senator PROXMIRE. I recognize that. We are talking just about long term now. I think you are right about short term.

Mr. KING. And I do not know, sir, as it depends on so many things. I do not believe it would make it rise. If it did, I do not believe it would be appreciable. It would be of a very, very minimum nature, if it did. It could conceivably go either way, a little bit, but I think it is more a matter of the economic structure as a whole than of any certain sector.

Senator PROXMIRE. You have answered the question. We disagree, perhaps.

The final conclusion by Mr. Thomas—this is the last question with regard to his speech—was:

"It may be concluded that attempts to control the level or the structure of interest rates by direct governmental action is likely to meet with failure and to have disastrous consequences."

Is it not direct governmental action when the Federal Reserve Board raises the rediscount rate, when it lowers reserve requirements, when it engages in open-market operations? This is a Government agency which is acting. Heaven knows, it is acting directly. Does it not have an obvious effect on interest rates?

Mr. KING. Yes, sir. I would think it would have an effect on interest rates. What Mr. Thomas may have had in mind would be if Government policy were to try to maintain interest rates at a certain level, at an exact level, and the only means through which this could be accomplished would be through the creation of more Federal Reserve credit, which would undoubtedly lead to more inflation.

Senator PROXMIRE. He does not say to peg interest rates. I agree that is a bad policy. He says, "attempts to control the level or the structure of interest rates."

It seems to me if the Federal Reserve Board is not doing that, I am a little puzzled by what they are doing. At least one of the consequences of their action is to vary the

interest rate, to vary the level and the structure of interest rates and its direction, and it is a Government agency.

Let me move on to another area.

Senator BENNETT. Before you leave that area, may I ask the witness one question which I think fits into it?

Senator PROXMIRE. Very happy.

Senator BENNETT. Does the Federal Reserve Board lead or follow the general level of interest rates when it changes the rediscount rate?

Mr. KING. Well, sir, I can only speak from the time that I have been on the Board, which has been about 10 months. I do not think the Board or System tries to particularly or necessarily lead or follow. It tries to deal with the developments on a day-to-day and a month-to-month basis with the decisions made in the best interests of the country as a whole.

Since I have been on the Board, the System has increased some restraint on credit. It has not been a contraction of credit or money, but rather a fairly mild restraint. I think this is a good thing.

Senator BENNETT. Has the Board raised the rediscount rate since you have been on the Board?

Mr. KING. Yes, sir. The Board has raised the rediscount twice in that time. In both instances, this was done subsequent to the raising of the prime rate by the commercial banks.

Senator BENNETT. So in both instances, the Board followed rather than led the market?

Mr. KING. That is correct.

Senator BENNETT. Thank you.

Senator PROXMIRE. I thank the Senator from Utah. He may have a very good point there. He usually does have an excellent point. Maybe with regard to rediscount rate, it is more or less a passive instrument.

It would certainly seem, however, that the Federal Reserve Board has active instruments, to wit, open-market operations. And I would assume that usually, not always, but usually, fluctuations in the reserve requirements are not forced by any discrepancy in interest rates. They are simply an action taken because they feel more money is needed in the economy. Is that not your judgment?

That when the Federal Reserve Board reduces reserve requirements, and therefore increases the money supply, this is not taken to follow anything that has happened in the supply and demand for money. This is simply taken because, in their judgment, the economy needs additional money as it grows.

Mr. KING. That is right. That is one method of increasing the money supply. The other one, of course, as you know, would be through open-market operations.

Senator PROXMIRE. Yes.

I call attention of the nominee to the present situation. The Federal Reserve Board, according to your own words, has followed a moderate policy of not contraction but of restraint. They have expanded the money supply, but less rapidly than the economy has grown, perhaps. Do you think it is a good policy for the Federal Reserve Board and its advisers to pay attention to such elements as in the economy of the stock market?

In other words, as I understand it, the stock market has a fairly good record, certainly not a perfect record, but a fairly good record of preceding industrial falls or drops preceding it by corresponding rise in stocks or fall in stocks.

Is it your judgment that this is a factor that should be noted, observed, and evaluated?

Mr. KING. Yes, sir; I think so, definitely. I think that every bit of information that we can get is of help in trying to arrive at an intelligent decision.

Senator PROXMIRE. Is it not true that the stock market is the best judgment of the Nation's investors on what is going to be the future level of profits and industry? At least, this is one element of what goes into making stock rises.

Mr. KING. It is a good element, but I think, at times, it is extremely difficult to understand.

Senator PROXMIRE. Sometimes it is completely wrong, too. But by and large the record, as I have seen it compared, is fairly good. They are right more than they are wrong.

The stock market dropped in January very very sharply. As I understand it, it wiped out the entire gain of 1959, and we are virtually back to the level of early 1959—the stock market indexes. Would you consider this to be, at least, one factor which would persuade you to consider the possibility of a change in monetary policy?

Mr. KING. It would certainly influence my thinking, yes, sir.

Senator PROXMIRE. You are familiar with the National Industrial Conference Board? You have heard of that organization?

Mr. KING. No, sir; I do not remember it. I might have heard of it, but I do not recall.

Senator PROXMIRE. The National Industrial Conference Board is a large business organization, economic organization, which attempts to appraise what is going on. One of the things they do is to make periodic surveys of the plans of executives.

The National Industrial Conference Board recently tried to assess the impact of so-called credit restraint on the plans and programs of American business. They interviewed some 228 manufacturers, and it was interesting to me to discover that they concluded that credit restraint has had virtually no effect, in the judgment of 228 manufacturing concerns, which I presume were typical because this is a very responsible and careful organization, on their plans for the future—the plans for expansion and their plans for growth and their plans for pricing. It had no consequence whatsoever.

Would this kind of finding influence you in your judgment as to the efficacy or effectiveness of monetary policy?

Mr. KING. Yes, sir. I would be affected and take all of that, any information I could get, into consideration. I think that it is inconceivable, though, that there would not have been some reduction in expansion of industrial output because of interest rates.

I have personal friends that I know that are in business that put off——

Senator PROXMIRE. I agree. There are some individuals that are affected.

I will call your attention to the fact that during the period of credit restriction between 1955 and 1957, we had a tremendous expansion in business plant, business equipment, business expansion. And the U. S. News & World Report, in the current issue, makes this finding: What is tight money doing to business operations? Not much, according to a survey of 228 manufacturers by the National Industrial Conference Board.

And then they go on to say that international financing is expected to take care of investment plans by 90 percent of the firms in the National Industrial Conference Board list. These are the big firms, the firms that really make the big investments and constitute the biggest factor in our economy.

Mr. KING. I would say this, sir, that to the best of my knowledge, the System's intention is not to stop anybody from doing anything per se, but rather one of not expanding credit so that it inflicts more inflation on the Nation. That is the basic approach that I take to the problem of——

Senator PROXMIRE. So that you do, you would, recognize that it appears to be a fact that many of the bigger business firms are not affected. They do not postpone their expansion plans. They do not limit their operations on the basis of monetary policy.

I think you and I perhaps could agree that smaller firms do. I had a small printing firm, for example. We expanded in 1955, but if we had waited a little while later, we probably would not have done it. And I think that is true of the smaller firms. The big firms, the big element in the economy, however, on the basis of this evidence of 1955–57 seem to go ahead regardless of——

Senator BENNETT. May I make a comment?

Senator PROXMIRE. I wish you would.

Senator BENNETT. I think it is healthy that American business can expand out of self-generated income rather than putting additional pressure on the credit market.

Senator PROXMIRE. I would agree 100 percent with the Senator from Utah.

Senator BENNETT. I am sure that is true of many small firms as well as many big firms.

Senator PROXMIRE. I think it is true, too. My point was, however, if one purpose of credit restraint is to bank the fires of inflation by discouraging borrowing, the effectiveness is very questionable in view of the fact that the manufacturers pay no attention to it and expand anyway.

Senator BENNETT. They do not expand by borrowing. Your article says they expect to expand from internal capitalization, which I think is good.

Senator PROXMIRE. I think it is good, too. I simply argue that credit restraint or tight money, which ever you want to call it, has not been effective and seems to be not effective on the basis of the very latest judgment of manufacturing executives in stemming the borrowing of manufacturers.

Mr. KING. Well, sir, I do not think monetary policy can affect everything and accomplish the ideal in everything at all.

Senator PROXMIRE. I think you are right. It has a devastating effect on the cost of financing schools and hospitals and municipal activity generally, although that is questionable, too.

Let me come to this point. The Federal Reserve made a study last summer which was just made available, a study of State and local bond financing during the first half of 1958. And one of the purposes of the study was to determine what effect high interest rates had in postponing construction.

This might be a very important effect in diminishing the pressure on prices by encouraging people to postpone construction to a later date. That may be very desirable in a period of inflation. What they found was very startling to me. They studied some $2,685 million in dollar volume of issues during the first half of 1958. And it was a very competent, fine survey by your own organization, the Federal Reserve Board. They found of these $2,685 million, only $45 million in construction was delayed, State and local.

What does that mean? Does it not mean that, once again, this tight money policy is not having the effect of diminishing the pressure on prices by discouraging borrowing and business activity?

Mr. KING. As I said earlier, I think really the purpose of the System has been to restrain inflation more than to try to slow anything down or to stop anybody from doing anything. I think——

Senator PROXMIRE. If you do not stop them from doing anything, how do you stem the pressure on prices?

Mr. KING. Well, sir, it is up to each individual to make his own decision as to whether he will or will not do something according to the interest rates. Frankly, I do not think that the rates that are in general effect now are prohibiting anybody with a legitimate demand for credit or legitimate loan from getting credit.

Senator PROXMIRE. As I understand it, there are just two ways that the higher interest rates can mollify the effect of inflation. Number one is by tending to discourage borrowing. Number two is by encouraging saving.

We have been discussing borrowing. And on the basis of the evidence that I have been able to find—these are just two examples and there are many—as you know, there seems to be very little effect in discouraging borrowing. People pay more when they build their hospital or build their school or build their plant if they have to borrow money for it. There is a selective kind of inflation, but they do not postpone it. They still do it, and it still has this same effect on inflation as it would have if interest rates had not been increased.

So the borrowing aspect of this thing, it seems to me—the saving would be something else. I want to come to that in a minute—but the borrowing aspect, it would seem to me that the evidence is clear that credit restraint has not been successful in inhibiting borrowing.

Mr. KING. I think it all points up the limitations that monetary policy has and points up the need, as the Joint Economic Committee report has shown, for greater use of fiscal policy.

Senator FULBRIGHT. Will the Senator yield for questions?

Senator PROXMIRE. I would be delighted to yield.

Senator FULBRIGHT. Maybe you have covered this, Mr. King, but what do you think would be the effect if the budgetary surplus were $12 billion instead of $4 billion?

Mr. KING. A budgetary surplus?

Senator FULBRIGHT. A Federal budgetary surplus. The budget recently submitted to Congress provided a $4 billion surplus, which is much less than our deficit last year. In other words, if this year's surplus balanced last year's deficit, instead of only a $4 billion surplus, what would have been the effect upon the interest rates; this problem you are speaking of?

Mr. KING. I think that would tend to lower the interest rates, Senator. I would think that would be the normal consequence.

Senator FULBRIGHT. Do you think it would be beneficial to our whole fiscal policy, including this matter which is causing so much concern now, the balance of international payments, if we had a budgetary surplus of $12 billion?

Mr. KING. Yes, sir; I think it would be a very, very healthy thing for the country.

Senator FULBRIGHT. Did the Federal Reserve Board recommend to the administration that they have a $12 billion surplus instead of a $4 billion surplus?

Mr. KING. No, sir; I do not think the Board, since I have been on it, has recommended anything along that line to the administration. I mean, we really do not, to my knowledge, include in recommendations to the administration in that particular field. We feel that our own——

Senator FULBRIGHT. The point the Senator was making illustrates the limitations of monetary policy. If the Board is interested in keeping the level of our economy on a reasonable basis, why does it not make a recommendation that it believes a budgetary surplus of $12 billion would be beneficial to the economy?

Mr. KING. Well, sir; I would certainly be glad to recommend that to anybody, but I am a junior member of the Board and, as such, have not been called upon by the administration for an expression along that line. I would be glad to give anyone that thinking of mine, but I would not presume to advise the President about——

Senator FULBRIGHT. Do I understand that the administration does not consult the Federal Reserve System on important matters such as how the budget should be balanced and how our Government's fiscal policies are set up? I do not mean you personally; I mean the Federal Reserve System and the Board. They are not consulted?

Mr. KING. There is certainly some contact between the administration and the Federal Reserve Board. I personally have had very, very little. I make up my mind and cast my vote on each matter in an entirely independent manner.

Senator FULBRIGHT. The administration is in a very critical situation, it seems to me. It would be perfectly proper if the Board feels this way that they make a recommendation to try to straighten the administration out. It is in bad shape apparently.

Mr. KING. Well, sir; I think the Board has been more concerned with trying to deal with its own direct statutory responsibilities.

Senator FULBRIGHT. But it is tied in with this other problem. I know the other members of the Board's staff I have heard, thought that we ought to take off this ceiling on the interest rates in behalf of the Government's bond policy, in behalf of a better fiscal situation. You do recommend that, do you not, that we remove the 4¼-percent ceiling?

Mr. KING. I think it would be in the best interests of the country to remove it, at least on a temporary basis.

Senator FULBRIGHT. It is my understanding you all recommended that. I think you recommended it to this committee.

In answer to questions, you said, "Yes," you think that it is a good thing. Is that not so?

Mr. KING. Yes, sir.

Senator FULBRIGHT. I do not see why you are being so backward about recommending to the administration some more sensible policies with regard to its budget.

Mr. KING. Well, sir, I think the Board has had no desire to appear to be suggesting or advising the Congress or to the administration as to what they should do.

Senator FULBRIGHT. In answer to my question, then, you would recommend, if you were asked, that there be a larger surplus?

Mr. KING. Yes, sir.

Senator FULBRIGHT. Of course, there are two ways to do that. One is to cut expenditures, if they can; and, if they cannot, they ought to increase taxes, should they not?

Mr. KING. That is correct, sir.

Senator FULBRIGHT. Do you think an increase in taxes is justifiable, assuming they cannot find any way to cut expenditures?

Mr. KING. That would be a matter that I am glad the Congress would have to decide, Senator.

Senator FULBRIGHT. I know we need advice. I am asking your advice. You are here to give us advice.

Mr. KING. I would not recommend it is as long as we could maintain something like a $4 billion surplus.

Senator FULBRIGHT. Now you are backing up. You said $12 billion would be much better, and it would be good for the country. Why not 12.

I think it would be perfectly proper for you to answer. You are supposed to give us advice, both the Congress and the country. You are experts on this. You have nothing else to do, but contemplate these problems.

Mr. KING. I think a $4 billion surplus would be a fine thing. I think $12 billion would be better. But I would not recommend raising taxes to try to increase the surplus from 4 to 12.

Senator FULBRIGHT. Why not?

Mr. KING. Because I think, in the light of the circumstances that we are in today and what the country is trying to do and the position it is in trying to get and provide a climate for people to go ahead and develop their full capabilities and possibilities, that it would be undesirable.

Senator FULBRIGHT. Is it true that the net Federal takeout of our gross national product is no more now than it was in 1953? Is that not true?

Mr. KING. In the form of taxes?

Senator FULBRIGHT. Yes.

Mr. KING. I thought it had gone up, Senator. I do not know the exact figures.

Senator FULBRIGHT. Your staff, I think, can tell you that the percentage of the gross national product today is no more than it was in 1953.

Is that not right, Mr. Young?

Mr. YOUNG (Ralph A. Young, adviser to the Board). That is about right, yes, sir.

Senator FULBRIGHT. And we have a growing economy. Why would you hold it back to the same level as 1953?

Mr. KING. I do not think it would be a matter of holding anything back. I think that the lower the taxes are in general, the more it stimulates people to go ahead with business enterprises that benefit, in my opinion, all of America. I do not think there is any such thing as saying that this level or that level is too high or too low. But I think that there is some point there where it does discourage people from going ahead.

So I would approach tax increases—although, as I say, that is not in my field. But since the Senator has asked me about it, I want to tell him what I think to the best of my ability. I think that increases only discourage this type of thing. And I think that it is fine for this country when people are encouraged to go ahead and are able to profit if they risk. Through the risk, they provide jobs for people of this country and, of course, that will be one of the tremendous problems that we have in this next several years ahead. It is consideration for the employment in the country that there are jobs for all these people that will be here.

Senator WILLIAMS. Mr. Chairman, will the Senator yield?

Senator PROXMIRE. I yield to the Senator.

Senator WILLIAMS. I wonder, in this connection, Mr. King, what you consider a healthy rate of growth in this country?

Mr. KING. Well, sir, I will admit that that is one that has me slightly buffaloed. I do not know exactly how it would be measured. I have heard people measure it in terms of gross national product, and I think that is certainly an important thing. But I think growth is something to be achieved through a climate of as much freedom as possible for the citizenry to go ahead in, rather than to try to artificially achieve any certain rate of growth. I think in producing the climate for expansion of the country, in producing a climate that will permit its citizens to be encouraged to try to expand their investments and their plant and operations, that we will truly achieve more growth than in trying to more or less, through governmental means, force a certain amount of growth.

Senator WILLIAMS. Are you now satisfied with the climate and the opportunity for growth at this time?

Mr. KING. No, sir. I confess, I am never completely satisfied with anything, I am afraid. I am more inclined to hope that we can continually perfect our system. I think that we have been having a reasonable growth in this country.

As I go about the country and into other cities and observe industries, such as aircraft, and I see the tremendous expansion that we have had in this country in the last few years, I think that we really have had considerable growth. Now, I do not know exactly how I could measure that in any percentage, for example. But from what my eyes tell me, we have had a considerable amount of growth. I am not against more growth, because I am for the Government providing the most favorable climate possible, conducive to its citizenry to go ahead and provide this growth.

Senator WILLIAMS. Thank you.

Senator PROXMIRE. I want to return in a minute to the effectiveness of monetary policy. But before I do that, I want to follow up the questioning of Senator FULBRIGHT.

The Chairman of the Board of Governors of the Federal Reserve System, Mr. Martin,

speaks out frequently and with great effectiveness on the editorial pages of America. Also, of course, we listen to him. I read everything he says. He is a very persuasive man when he speaks out. Does he speak out as an individual, or does he consult you and clear what he says with you and the other six members of the Board?

Mr. KING. Well, certainly, sir, he is free to say many things on his own by virtue of his position. Official Board matters, though, such as any policy decision or any action, including replies to the congressional committees and the like, of course, come before the Board for its inspection, criticism, or alteration.

Senator PROXMIRE. He makes his recommendations to Congress, which he has done frequently on various policies, including the 4¼-percent limit, after consultation with you and other members of the Board, or does he do that as——

Mr. KING. Oh, no, sir. He does that in consultation with the Board during regular Board meetings.

Senator PROXMIRE. You have had an opportunity to pass on that with your approval or disapproval?

Mr. KING. Yes, sir.

Senator PROXMIRE. Can you tell me, or is it private, as to how that vote went? Was it unanimous?

Mr. KING. Well, sir, I would not think it was proper for me to——

Senator PROXMIRE. That is all right. Just say it was an executive decision.

Mr. KING. That is right, sir.

Senator PROXMIRE. You say that you thought we should have a surplus of $4 billion, which it just happens is the figure that the President recommended. Do you favor the President's recommendation for an increase in the gas tax and the postal increase that he recommended?

Mr. KING. I am sorry, Senator, but I am not qualified on those. I know nothing about those particular fields.

Senator PROXMIRE. That is the only way we can have the surplus, unless you say we ought to have other taxes.

Mr. KING. Well, sir, I really do not know anything about those particular taxes. I think it is outside my field.

Senator PROXMIRE. When you said a $4 billion surplus, you apparently meant we ought to have as big a surplus as possible. Whether we have those taxes or do not have them is a matter of——

Mr. KING. That is right.

Senator PROXMIRE. To return to the effectiveness of monetary policy, you agree that it has its very substantial limitations? I would like to turn to the savings aspect and call your attention to a Wall Street Journal article just yesterday which had this to say:

"The best overall gage of savings is the Commerce Department's figure for personal savings. This is the difference between personal after-tax income and personal consumption expenditures. The Department's figures for the full year of 1959 are not complete, but the President's Council of Economic Advisers estimates they will show personal savings last year totaled $23.3 billion down from $23.5 billion in the previous term. (Very close to the same, but a slight drop.) The 1959 figure would amount to 7 percent of after-tax income down from 7.4 percent in 1958 and the lowest percentage for any year since big spending 1955."

The fact is that this year we have the highest interest rates we have had in 30 years. Yet, the evidence is overwhelming that people are saving less.

This article goes on to point out that most savings executives—they talked with a number of bank executives—doubt that higher interest rates induce consumers as a group to save a larger percentage of their income. Therefore, it would seem that if high interest rates do not discourage borrowing, if they do not encourage savings, what real effect do they have in dampening the flames of inflation?

Mr. KING. Well, sir, they have a limited effect on it, I think, as there are so many other factors bearing on the problem. I think, though, how bad it would be if it had not been for what dampening effect it does have. I think I recognize limitations of monetary policy, but I am very happy that the System has done what it has done to try to maintain the integrity of our currency.

I am inclined to think that if the rates had been lower in general, how much less the saving would perhaps have been and how much more inflation we would have had. I think the Federal Reserve System certainly does not try to make a case for stopping inflation, but rather of doing what it can to keep the value of the dollar as stable as possible.

Senator PROXMIRE. Is not this the same thing? What is the difference between stopping inflation and doing what it can to stabilize the dollar?

In other words, if it is not taking any action that is going to stop inflation, then it is not doing anything that is going to stabilize the dollar.

Mr. KING. Yes, sir, as I say, I think their ideas are to do what we can to be helpful, realizing that we cannot do the complete job. But the realization that we cannot do everything is no reason to do nothing.

Senator PROXMIRE. What effect can the monetary policy have if it does not substantially discourage borrowing and if it does not encourage savings?

Mr. KING. I think it is the alternative that we have to think about which is the result of what would follow from releasing credit in greater and unwarranted quantities through open-market operations or through reserve requirements.

Senator PROXMIRE. Mr. King, this is a matter of degree and, of course, when we speak as polemicists—I am not accusing you of being one, but what we do is accuse our opponents of having a very extreme position, and we attack that. I have never advocated any sudden, huge expansion of the money supply. I do not think Senator DOUGLAS has or those of the rest of us who disagree with the Federal Reserve have done so. What we have advocated is that we have a moderate expansion and keep pace with the growth in the gross national product.

Why do you think that this would tend to be inflationary?

Mr. KING. I think it is just a matter of common experience that the more credit that is turned loose—and even on pure economy theory—the more money there is to buy the same amount of goods, and that is necessarily going to produce a certain amount of increase in prices that are not related to increase in productivity.

I am, frankly, in favor very much of providing what increases are proper for the money supply to be able to go ahead and do its part in the achievement of the maximum growth and development consistent with as much stability of the currency as possible. It is a very inexact thing, and I am reminded of the Radcliffe report issued in England this past year.

They studied for 2 years, and 100 of the most learned people on the subject participated. When I got through it, I came out with the conclusion that they, too, realize it was a complicated subject, and that they had not been able to really say anything absolute, either—that it is more a matter of whether human beings are to be entrusted with the responsibility to make these decisions or whether there is a way of doing it by a machine of some kind to grind out answers and policies.

I am aware of the frailties of humanity and of the frailties of my own mental faculties. I merely hope to do the best I can for the country, and I can assure you, Senator, that my devotion is to this country more than anything else. I intend, if I am confirmed, to do the best I can for the country. I am not an expert, Senator. I have been on this job for about a year, and I have tried to apply myself, and I have done the best that I know how.

With your permission and the permission of the Senate, I will continue to try to learn with, I think, a very, very open mind, based on the dedication for what I feel is a great sense of responsibility to the American people as a whole, not just to the American people today or those of us that are occupying this room or those that are on earth today, but also to those that will come along in the future. I think in having this sense of responsibility, it is awfully hard to say that this, that, or the other is absolute in the field of monetary policy.

I just propose to do the best I know how to do and to try to continue to learn. I do not pose, as I say, as an expert. If I stay on the Board for possibly several more years, then perhaps I might be considered as being one. At least, I should hope to become more expert than I am now. But that is simply my intention. It is just to do the best that I know how to do.

Senator PROXMIRE. I think that is a very commendable statement of intentions.

I realize there are no final definitive answers. But this is one of the reasons why, with human frailty, with its tendency for agencies to become the satraps of the industry they are supposed to regulate—that is why some of us are thinking about the possibilities of limiting the power of the Federal Reserve so we would have a regular increase in the monetary supply rather than have one that is subject to crystal-ball gazing and guesses and one that seems to be resulting in higher and higher interest rates.

I would like to call your attention to some figures that I have noted over the past 8 or 10 years. The fact is that our money supply has increased between 1952 and 1959 at a fairly regular rate from $129 to $140 billion. At the same time, the gross national product has increased from $347 to $480 billion.

In order to make this simple, the fact is that the ratio of the money supply to gross national product has declined sharply from 37 percent in 1952 to 36 percent in 1953 and went back up to 37 percent in 1954 as the Federal Reserve Board tried to expand monetary supply to meet the recession problems. Then, they contracted it again to 34 percent in 1955 and 33 percent in 1956 and 31.5 percent in 1957. They let it go up a little in 1958—not much—to 32.7. Now it is down to 29 percent. It is the lowest relationship that we have had in 30 years.

The result of that has been to increase interest rates on Treasury bills from 1.8 percent in 1952, 1.9 the next year, and so forth, up to 4.6 percent today.

It has had the effect of increasing AAA bonds from 2.96 to 4.6 percent.

My question is: Is this policy of keeping the money supply stringent in relation to the gross national product wise in view of the very sharp increase in interest rates over the past 8 years?

Mr. KING. Well, sir, I think generally that the monetary policy has been wise over the past 8 years. While I have not been there for that period and thus am not qualified to say, I nevertheless think that it is entirely possible that the Board, the System, has done some things that it would have been somewhat better in retrospect to have done in a different way.

Senator PROXMIRE. Let me go to some more specific points on this. When the interest rate increased from roughly 2.1 percent up to 4.1 percent on long-term bonds,

municipal bonds, it meant that the cost of interest in financing the building of a school, a $1 million school, went up by $300,000 if it is financed over a 30-year period. It went up by that much without providing another brick, and without providing a dollars' increase in salary for the people working on it. It did provide great discouragement for school builders, a great burden on property taxpayers in various local districts. This is an enormous price to pay for a monetary policy which a Governor of the Federal Reserve Board admits is very limited in its impact, a monetary policy which cannot point to any specific benefits it has had in dampening the effects of inflation.

The school example that I pointed to is exactly the same with regard to hospitals. It is the same with regard to all kinds of things which this country urgently needs. The effect has been to increase the price very greatly, to some extent to discourage building or to result in building only at very great cost.

Mr. KING. Well, Senator, I can say that I do not believe I have any bias toward high interest rates or toward the institutions that we regulate. I would say, rather, if I had any, it would be on the other side because of my personal background, which I cannot erase in any way. I cannot get rid of the fact that I am from industry, primarily, before I came on this Board to which I now devote my full time. That industry is directly connected through its operations, its profits or losses—and we have had losses—with the construction business. So I certainly have no desire to dampen construction.

As I say, if I had a bias, it would be in that direction. I certainly——

Senator PROXMIRE. You recognize, then, the very adverse consequence on school construction and on education in America? The fact is that this high-interest-rate policy has greatly increased the cost of school construction to local school districts.

Mr. KING. Well, Senator, the only schools I am familiar with are the ones in my home State. And even in spite of monetary policy of the past several years—as I say, I do not propose to defend every action of the Federal Reserve System back into history, but only that I have approached it from the standpoint of trying to do what I can while I am on the Board in the interests of the country. But in our State, our schools are going ahead very well.

There are some cases, naturally, where the people in our municipalities want to do all at once everything that they could reasonably do in a period of several years. They would like to constrict it all into one period. Naturally, if they do this it will put a load and a strain on the credit markets, which has a tendency to—not a tendency—but rather, which certainly adds to the cost of the buildings.

But I believe, frankly, that what restraint has resulted to that particular field, it has been worth it to the community to bear that amount of restraint rather than to have borne the alternative, which would have been Federal Reserve creation of inflationary credit in larger and larger amounts.

Senator PROXMIRE. No. Supposing they simply followed a policy beginning, say, in 1954–55, of maintaining a ratio of 34 percent, a moderate ratio much lower than it has been during most of the past 30 years—a little bit higher than the 1920's, but not a monetary stringency so that interest rates are now at the lowest level since——

Mr. KING. Well, Senator, I think you will have to recognize that the velocity of money during that period, the rate at which people have found it possible to turn money over——

Senator PROXMIRE. Of course. The velocity of money cannot do anything else if the money supply is low and the gross national product increases. By definition, the velocity of money is bound to go up. By definition it cannot do anything else. It is bound to follow. If you diminish the money supply, cut it in two, and if the gross national product somehow maintained its level, then you just have a doubling in velocity. It is just automatic. So when you say velocity takes care of it, sure, it does.

The way you can tell the effect of this velocity taking care of it is in the interest rates and what happens to the interest rates. What has happened is, as I have shown, it has increased enormously, not only for Treasury bills and the taxpayer's costs, but also for people who want to build schools, hospitals, and for individual companies or businesses.

Senator BENNETT. Will the Senator yield?

Senator PROXMIRE. Yes.

Senator BENNETT. I have been following the Senator's reasoning. If we carry it to a logical conclusion, the solution of the problem is to supply all the money the market demands in terms of——

Senator PROXMIRE. May I answer my friend from Utah by saying the "logical conclusion" is ridiculo ad absurdum. You can make any argument ridiculous by then saying, "provide an infinite amount." What I am saying is we should simply have a moderate policy of fairly neutral action by the Federal Reserve Board, not pegging interest rates, but keeping the supply of money at a level so it keeps pace with the growth in the economy.

Senator BENNETT. To me, there is a very definite necessary relationship between the supply of money and the savings of people. I have been listening to your questioning of the witness, and it seems to me you have put the whole burden on that amount of increase in the supply of money for credit.

As a matter of fact, money and credit are not wealth, and the people who borrow money to build school buildings or buy houses are limited, eventually, by the amount of actual savings, wealth, that the people are willing to contribute to the process. If we doubled the supply of money tomorrow, we would not increase wealth by $1. But eventually, we would double the price of everything we put out.

This concentration on the fiscal supply of money as the solution of this problem seems to me to be essentially fallacious.

Senator PROXMIRE. May I answer my good friend from Utah by saying that the only element in the economy over which the Federal Reserve Board, in my judgment, has any degree of control is the money supply. I would agree 100 percent with my good friend from Utah that this is not the whole answer at all. I am saying it is an answer that affects interest rates. It is an answer that affects inflation very slightly on the basis of the best evidence we can find that has not been contradicted. But it is an answer which has very serious consequences on the American people in many, many very serious ways. And I am trying to get from the nominee his thinking about the consequences, not only on the economy as a whole and in general, but the consequences on our schoolchildren and the consequences on people who want to buy a home and build a house.

Senator BENNETT. The thing that bothers the Senator from Utah is that you set up your premise which, to me, is not stable or sound, that the failure to increase the actual supply of credit is the sole reason for the rise in the interest rate. Then you finally bring yourself to the point, as I have tried to follow you, that the monetary policy of the Federal Reserve is to bear the whole responsibility for the situation you feel is bad.

Actually, I think over the last 3 or 4 years the supply of available credit in this country has substantially increased, as has the supply of savings. I do not agree with the premise of the Senator that the policies of the Federal Reserve Board have not increased savings and therefore, they have no effect on that phase of the inflation problem and they have not dampened down borrowing. Actually, we have no way of testing what the situation would have been like if the policy the Senator proposes had been followed out. But, looking back at history, generally, when those conditions existed, we have had high inflation. I feel the record should not be based entirely on the idea which I think the Senator, probably unintentionally, is putting into the record that the Federal Reserve, by failing to increase the money supply at a rate consonant with the increase in the gross national product, has somehow been solely responsible for the rise in the interest rates and this, in turn, has choked off, or has helped to choke off, our growth.

Senator PROXMIRE. May I reply to my good friend from Utah by saying that perhaps the word "solely" would not be correct and, as the Senator from Utah said, this was unintentional.

Let me say it is intentional on my part to say that the one conscious agency in our society that has been influencing in a planned way, in an orderly and thoughtful way, the rate of interest has been the Federal Reserve Board. Perhaps the Treasury to some extent, but I think—the Federal Reserve Board has primarily done this. Let me show you that in 1952 the ratio was 37 percent of money supply to gross national product. The interest rate on bills was 1.8. The next year, the ratio dropped, interest rates went up—36 percent and 1.9. The next year—this was a recession year, 1954—the ratio went up again. The money supply was increased and interest rates dropped. They dropped all the way down to 1 percent.

The next year, the ratio was diminished as the money supply failed to increase as gross national product increased. What happened to the interest rates? They went up sharply. The next year the same thing happened. Money supply was maintained almost static. As the gross national product grew, interest rates shot up to 2.7 percent.

The next year, exactly the same thing happened. The ratio dropped down to 31.5; interest rates went up to 3.3. The next year the Federal Reserve Board followed the policy of credit ease. They increased the money supply. The gross national product remained about the same. That was the recession year of 1958. Interest rates dropped to 1.8.

And this year, 1959, during the middle of the year, the ratio was 29 percent. It is even less now, I believe, and interest rates went up.

I say this is direct, immediate; this is as explicit and specific as we can possibly get. This is one agency which has amazing control over the element in the economy that they are supposed to control, and that is the interest rate. I do not know how anybody can dispute that in view of these figures.

Senator BENNETT. I think they are not charged with control of the interest rate; they are charged with the management of the money supply, and the interest rate changes as an automatic result. I think that is one of the basic differences between me and the Senator from Wisconsin and one of the things that I think is the basic fallacy in his assumption that the Federal Reserve Board is charged with the responsibility of fixing interest rates.

Interest rates are an effect; they are not a cause.

Senator PROXMIRE. They are an effect that follows inevitably, I think, from this policy.

I do not want to detain the nominee too long. You have been very, very patient as well as responsive in your replies. I would like to call your attention, however, to two other things. One is the front page of the Wall Street Journal just 2 or 3 days ago. George Shea who wrote this is a very fine

financial writer, and I think we can agree the Wall Street Journal is one of the leading financial papers in the country. Mr. Shea in the Journal has just pointed out our economy is well below capacity in most industries. Automobiles will be far below the 8 million capacity which they achieved in 1955. Machine tools will be below two-thirds of capacity. Steel is about 95 percent of capacity now, but they are replenishing inventories because of the strike situation, and they are expected to operate during most of the year at 80 or 85 percent of capacity. So we do not have a situation which has excess demand putting pressure on capacity and driving up prices in that sense.

Also, I would like to call your attention to the point that the most recent figures we have on employment is that 5.2 percent of the work force, far more than 3 million men, are out of work now, looking for work, bidding for work. There is an excess labor supply.

Under these circumstances, it is apparent that we do not have a shortage of human resources, and we do not have a shortage of factory capacity and the argument that we have an excess of demand that is likely to cause an inflationary situation, it seems to me, is answered by the cold, hard facts of life that show, on the contrary, we have an excess capacity and an excess labor force.

Under these circumstances, the argument for further credit restraint is answered fairly conclusively by the facts of life, particularly in view of the fact that the stock market appears to be anticipating a further diminution in industry activity toward the end of the year and in view of the fact of the National Industrial Conference Board and others suggesting that they are going to taper off industrial activity.

I would like your reaction to that.

Mr. KING. Senator, those are all factors I would take into consideration in arriving at a decision. There are, of course, many other factors that would have to be considered in connection with that. I will say to you, sir, that I very strongly dislike seeing people out of work.

As a matter of fact, the business that I came from—and I am not an official any more—has a plant in Monroe, La., that manufactures oak flooring. The plant is shut down right now. Normally there are about 125 people there, and I hate to see those people out of work, Senator. I have had a very close relationship with them. They are not numbers on a piece of paper to me. They are real people. So I have a very, very keen awareness of people that are out of work. But that has happened on occasions.

I suppose that my main interest in being on this Board was to attempt, within the framework of my capabilities, to help make decisions that would minimize unemployment and would permit the country to go ahead on an even keel toward sustainable growth as much of the time as possible, because the ups and downs of the economy can have very, very terrible effects on business, and that has an effect on unemployment.

So I am probably more interested in this job because of an awareness of these things that you talk about. As I have indicated I certainly oppose unemployment. I do not think, though, that the answer to all of the ills that we have is for the Federal Reserve to grind out more and more credit.

In fact, Senator, I think it is really an unreasonable position to say that the Federal Reserve is responsible for all this problem that we are in. I think that the Congress must take its full share of the responsibility. And my hope is that if I am permitted to continue in the Federal Reserve that we can conduct our policies in harmony with the Congress toward a concerted effort to give the American people more stability.

Senator PROXMIRE. I would like to ask you about two specific problems. One is the 3-percent limit on time deposits for national banks, which the Federal Reserve has maintained. There is a feeling on the part of many people that this may be a concession to the industry, that, obviously, the national banks have an interest in limiting competition among themselves and limiting the amount they have to pay out to time depositors. And I am wondering, in view of the very sharp increase of interest rates generally, in view of the feeling that the Federal Reserve Board has expressed that Congress is delinquent by not taking the 4¼ percent interest off long-term bonds why the Federal Reserve Board does not permit the national banks in this country to be competitive, too, and not maintain this artificially lower pegged interest rate which is in the interest of the banks, certainly, and not the general public.

Mr. KING. Senator, I can give you only my own thinking on that. The subject has been discussed pro and con at the Board on many, many occasions.

The Congress, in what I consider its wisdom, has required the Board to place a maximum limit on the interest that member banks may pay on time and savings deposits. And the Board increased that maximum about 3 years ago, I think. That was before I came on the Board. It was then moved from 2½ to 3 percent, and the FDIC took the same action for nonmember insured banks.

I agree very wholeheartedly that, if the present general interest-rate structure continues, there is no reason to deny people a higher rate of return on savings deposits unless it might involve some danger by placing the banks in competitive positions of having to bid too highly to get deposits. The mere moving up of the maximum, however, would not require the banks to pay higher rates since the maximum rate, whatever it is, is only permissive. But, then, if the maximum permissible rate were ever moved down as the general structure of interest rates moved lower, that would be a harder action in the sense that it would require banks that were paying the maximum to reduce their rate. Therefore, the movement of the rate up can be said to be an easier thing than a movement down in the ceiling.

My belief is that an increase in the past, and I am not speculating on the future because I will have to decide that in the light of the conditions at the time, but in the past, though, it has been my belief that an increase in it might help to shove the whole structure into higher ground, which I think could have the effect of making the next drop a sharp drop and, therefore, contribute to a more rigorous up and down.

As I said earlier, I am more concerned with trying to straighten out these ups and downs or make them as little up as possible and also as little down as possible and to let the economy ride along on as much of an even keel and with as much stability and sustainable growth as possible.

Senator PROXMIRE. This is your province. It is something which you should have a conviction about what Congress should do. Would you recommend that Congress just knock off this Federal Reserve power to determine, fix, the maximum limit on time deposits and let it be competitive?

Mr. KING. No, sir; I would not.

Senator PROXMIRE. If we did eliminate this power, you would not have to worry about the argument you are making now that you have trouble lowering it. It would be competitive. That would be it.

Mr. KING. I would rather have the trouble of doing it, Senator, than to have it left wide open. You would risk too wide open competition. I think the legislative history shows that a reason for enactment of the law was to attempt to eliminate wide open competition of banks for savings deposits, and I am aware of the fact that today this places commercial banks in rather poor competitive position with other savings institutions and also even with——

Senator PROXMIRE. Why should they not be competitive?

Mr. KING. Sir?

Senator PROXMIRE. Why should they not be competitive?

Mr. KING. Well, sir, I think that they should be. I think it is really more a question, though, of whether it is better to throw down safeguards or to keep them where they can be maintained in the absence of safeguards in other fields. I think it is entirely true that the scramble for the funds of other people in the form of this fellow bidding more and this one bidding more and this one bidding more contributes to a subsequent drop in the economy that is very, very hard on people.

Senator PROXMIRE. You have a scramble now with savings and loans bidding it up.

Mr. KING. Yes, sir; that is right.

Senator PROXMIRE. This is just one artificial limitation. One area does not provide a blanket overall limitation for all institutions.

Mr. KING. That is correct, sir.

Senator PROXMIRE. It seems to me inefficient and, in a sense, it handicaps the national banks although I can see why they would be interested in maintaining it.

Mr. KING. I will say this, too: If I thought this developed to a critical enough point, I would probably conclude I had to vote to raise that minimum. The Board has not voted on this. I am expressing an opinion here that has not been an official position I have taken on the Board. We have discussed it as I indicated earlier.

Senator PROXMIRE. You have an open mind on it?

Mr. KING. Yes, sir.

Senator PROXMIRE. All right.

I just have one further area of questioning, and that is with regard to reserve requirements. There has been criticism which may or may not be well founded of a policy the Federal Reserve Board follows, which is mighty profitable for the banks and mighty expensive for the taxpayer. This is to increase the money supply whenever the Federal Reserve increases it, by lowering reserve requirements.

On the other hand, the way the Federal Reserve contracts the money supply when it does this is by engaging in open-market operations. If open-market operations were used as a means of increasing the money supply, it would be done by the Federal Reserve Board going into the bond market, buying bonds and receiving the income that private banks now receive from those Federal bonds. And if they did this over a period of 8 or 10 years, it would mean a very substantial procurement of Federal bonds. It would mean a sharp reduction in service on the national debt, and it would be in the great interests of the economy for our Nation. We could reduce our Federal cost by hundreds of millions if the Federal Reserve followed this policy of expanding the money supply by open-market operations instead of reserve requirements, although the banks might not enjoy profits that they enjoy under present Federal Reserve policies.

How do you feel about that?

Mr. KING. Well, Senator, I feel that they are both tools for a flexible monetary policy. I think that it is very advisable to leave the Board, if the people who are appointed to it are considered competent to make reasonable decisions—that it is better——

Senator PROXMIRE. Let me just interrupt at this point to say it is my understanding that the members of the Board feel they ought to be 10 percent down from 16 percent now. That would mean a very great in-

crease in the supply of money over a period of many years. It would mean a great improvement in bank earnings. It would also mean that the Federal Government would be foregoing a mighty substantial revenue it should be enjoying. So it is a matter of whether you are for the taxpayers or the bankers.

Mr. KING. Well, Senator, I can assure you I have no bias toward the reserve requirement route of increasing the money supply. I think that it is——

Senator PROXMIRE. Why does the Board always do it this way? Why does it not ever do it by open-market operations?

Mr. KING. It has not been done since I have been on there, sir. Reserve requirements have not been—I am not competent to defend the Board and the System for all of their actions in the past.

In fact, I might disagree sometimes with some of the actions——

Senator PROXMIRE. May I say that we passed a bill last year. I was the author of a similar bill. The bill we passed was the chairman's bill, but my bill was similar, to permit banks to count vault cash. This bill meant that credit could be expanded. This was my understanding. But we made it clear that the new law should not be used for this purpose. The law was simply a means of correcting inequities and permitting the country banks to take advantage of their vault cash and thereby create a more equitable situation.

However, it is my understanding also that the Federal Reserve Board has permitted banks to count some degree of their vault cash now in accordance with the law and has not contracted reserves when they did it. So the effect has been to expand bank reserves. The Federal Reserve expanded the money supply by following this route in recent months. Is this not correct?

Mr. KING. Yes, sir; that is correct, although the increase in relation to the total is rather small. The Board felt that it was desirable to make a start in implementing the act, although an ideal time to implement that feature of the act would be in a time of decreased activity. The Board had a very strong feeling of not wanting to do anything through vault cash to affect the overall economy one way or the other. Consequently, the action, which was of a seasonal nature, was rather small and was, I should say, a start toward effectuating the purposes of the act.

Senator PROXMIRE. Your answer is what worries me because it implies that, given a period when you think the money supply might be increased, that you are going to follow a policy of permitting vault cash to be counted as soon as you can, which is a matter of expanding bank reserves and thereby the money supply by permitting the banks to increase their loans and enjoy more profits.

It is not the way of expanding the money by increasing the Federal Reserve Board purchases of Government bonds.

Mr. KING. Senator, my own proposal and plan which I presented to the Board—even though I was junior and I recognized my neophyte status, I did present a plan to the Board. My plan called for increases in reserve requirements to offset the vault cash permitted to be counted. My plan was not accepted, and it did not hurt my feelings at all because I realize that I was very, very junior. And, on further thought, I realized that possibly any action to permit the counting of vault cash in large amounts and offsetting with reserve requirements might have an adverse effect on the economy as a whole, and that it would possibly be better, in the light of the views of those with more experience with the subject than I, to more or less abandon my approach to the matter at the time.

But I think that should be fairly strong evidence that I do not lean toward increasing the money supply in that direction alone.

Senator PROXMIRE. So your method of increasing money supply would be by open-market operations?

Mr. KING. Well, sir, I would not want to make a statement as to what I would do in the future in the light of the then existing circumstances.

Senator PROXMIRE. You feel on the basis of what the current situation is that that might be a wiser way. You would certainly consider as an advantage of open-market operation that it is a way of reducing the cost of servicing the national debt. That would be an important consideration for you?

Mr. KING. That would be an important consideration.

Senator PROXMIRE. I think that is all I can ask.

Mr. KING. Yes, sir; it would be.

Senator PROXMIRE. Thank you.

Mr. Chairman, I would like to make one correction for the record. I inadvertently used the index of AAA bonds with corporations before, and I should have used the Standard & Poor Municipal Bond Index, which is even more decisive in the point I wanted to make.

Between 1952 and currently, the interest rate has gone up from 2.19 to 4.2. And, as I calculate, the cost of a $1 million school over a 30-year period, it has increased by $300,000 or nearly one-third of the total cost because interest rates have increased as they have since 1952.

I would like to tell the nominee that he has been most patient. I did not mean to make a marathon interrogation, but it appears I have done so. You have been very kind and thoughtful in your answers. I certainly did not mean to do anything improper in questioning you about your views. I do think when a man is appointed to the Federal Reserve Board to be one of the seven money managers of this Nation for a 14-year period, that we have a duty to find out your views, your opinions, and, in doing so, of course, attempt to evaluate your ability as well as to just get the facts about your biography.

Mr. KING. I agree with you entirely, Senator. I have really enjoyed today. I think I have enjoyed this more than any day I have been in Washington, frankly.

Senator PROXMIRE. I'm glad to hear it. Thank you very much.

Senator SPARKMAN. Mr. King, I shall not detain you longer. The hour is late. Let me see if I can more or less summarize your view as stated in the early part of your questioning.

That is when you were discussing guidelines you would use. You consider the acts of Congress, the laws passed by Congress, as being your guidelines?

Mr. KING. Yes, sir.

Senator SPARKMAN. But that does not mean that you disregard opinions of others such as Senator PROXMIRE? You would take these as advisory and consider them along with other factors?

I believe from your comment that you must have read the report of the Joint Economic Committee issued recently?

Mr. KING. Yes, sir.

Senator SPARKMAN. You are familiar with the various recommendations made in it?

Mr. KING. Yes, sir.

Senator SPARKMAN. Senator BENNETT, anything further?

Senator BENNETT. No further questions.

Senator SPARKMAN. Thank you very much, Mr. King.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Mississippi for so graciously yielding to me.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, while the Members of the Senate are present in the Chamber I should like to query the majority leader a little.

First, I should like to ask about the length of the sessions for this week and what the Senator visualizes for next week. This is particularly important because of the hope that we can make some progress on the civil rights bill. I do not mind saying I have suggested that while I certainly do not want to be offensive or extreme in the matter I believe somehow we are going to have to lengthen out the sessions and that all Members ought to be put on notice to that effect, so that there will be no inconvenience and the Members will have a chance to cancel engagements both in Washington, D.C., and at home, if that is necessary.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Mr. President, earlier in the day, shortly after we convened this morning, I informed the Senate that I had conferred with the minority leader and with other Members of the Senate and that we would expect a session on Saturday, the majority of the Senate being willing, and we would run late each evening this week. I would hope, if the majority of the Members concur, that we can stay in session at least as late as 10 o'clock, or 10:30, in the evenings this week.

Beginning on Monday of next week I would hope we could come in early in the morning, say at 10 o'clock, and unless and until we are able to obtain votes on the pending amendment, which can be divided into seven parts, we should stay in session throughout the evening, if necessary, until we are able to obtain the votes, if the membership of the Senate is willing to do that in order to obtain a vote.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator.

Mr. DIRKSEN. I have the floor. I yield to the Senator from Pennsylvania.

Mr. CLARK. The Senator from Pennsylvania is happy to hear what the majority leader has said. It occurs to me that many of us who are vitally interested in the proposed civil rights legislation are being put in a position where we go on day after day after day in, it seems to me, interminable debate. We do not bring the matter to a conclusion.

There are certain procedures under the Senate rules which could be adopted, which I know the majority leader would be loath to see adopted.

We have come to the Senate Chamber to pass a civil rights bill in the Senate, following the understanding that we would take the matter up on the 15th of February. For one, I certainly am willing to stay in session all night, as many

nights as is necessary, or to invoke the rules with regard to cloture, in order to bring this matter to an early conclusion.

I want to congratulate the majority leader for having indicated he is prepared to keep the Senate in session until we pass a bill.

Mr. JOHNSON of Texas. Mr. President, first I want to say to the minority leader that how long we stay in session and what we consider will depend entirely upon the wishes of a majority of the Members of the Senate who are present, for a majority can adjourn the Senate at any time they desire to do so.

I do not think we ought to be hasty in the matter, and I do not intend to be. I want to see each Senator provided with a full and adequate opportunity to speak at length on each amendment, and I have no doubt that many Senators will avail themselves of that right.

I think that each Senator should know it is my judgment that a majority of the Senate desires to reach a vote on the Dirksen amendments and that Senators are willing to stay in session until a vote is reached. I know that the Members will be understanding, and willing to spend many hours waiting for that vote.

We shall have concluded 2 weeks of time since the Dirksen amendments were taken up for consideration when we finish our deliberations Saturday evening.

I would not want to run late night sessions this week, but I hope that each Member will survey his own commitments, and if a majority of the Members are willing to come to the Senate and to be readily available for what I expect will be many suggestions of the absence of a quorum, then I would expect to ask the Members to stay until we can at least obtain some votes in the matter.

Mr. DIRKSEN, Mr. RUSSELL, and Mr. ELLENDER addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, let me amplify a little my own feelings in the matter.

I recall the colloquy between the distinguished Senator from Florida [Mr. HOLLAND] and the majority leader this morning. I rather inferred from that colloquy that if other matters were submitted to the Senate and if it were requested that the pending business be temporarily laid aside there would undoubtedly be objection. At least I was so advised. If that is the case, it of course implements the conclusion that the Senate is somewhat immobilized, in a sense, that the pending business is before the Senate and it will take quite some time to dispose of it.

I should like to query the majority leader a little further. When the majority leader speaks about late sessions this week, I am mindful, of course, of the fact that every Senator has dinner engagements. I think there are some on my book for every night, but the book is simply going to have to be thrown overboard.

At the same time, we do not want to take undue advantage of the Members of the Senate without giving a prior notice. That is why I am suggesting now that perhaps this is a good opportunity to give prior notice with respect to next week, so that Members can get their calendars in order and so that by next week, when we shall have spent 2 full weeks on this matter, we can think seriously about round-the-clock sessions.

Mr. JOHNSON of Texas, Mr. RUSSELL, and Mr. ELLENDER addressed the Chair.

Mr. DIRKSEN. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I would not anticipate any round-the-clock sessions this week. I would expect, if we have not been able to vote by Monday evening, that we would go around the clock Monday night, the majority of the Members being willing.

I substantially made that announcement earlier in the day, and I repeat it now, so that every Member can be on notice.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, I desire to address a further inquiry to the majority leader, so that we shall have a complete and clear understanding of what is in the mind of the majority leader.

Contingent, of course, on the will of the majority of the Senate, there will be late sessions the rest of this week.

Mr. JOHNSON of Texas. That is correct; until 10 o'clock.

Mr. DIRKSEN. And in the absence of further progress, and perhaps no votes on the pending matter, we can look forward to sessions around the clock, or nearly so, starting next week?

Mr. JOHNSON of Texas. I have been informed by a number of Members that is their desire, and I believe a majority of the Members want to bring the matter to a vote. Therefore, I think all Members should be on notice that their presence may be demanded at any time during any evening, or the early hours of the morning, all night around the clock, every night next week or the following week, until a vote is obtained.

Mr. DIRKSEN. And can this colloquy now be considered as notice to Members of the Senate that that is the kind of schedule which will be contemplated for the rest of this week and starting next week?

Mr. JOHNSON of Texas. If that position is supported by a majority of the Members of the Senate.

Mr. DIRKSEN. I yield the floor, Mr. President.

Mr. RUSSELL. Mr. President, I am under no illusions as to the situation which prevails in the Senate of the United States at the present time with respect to this proposed legislation. I am fully cognizant of the peculiar charm which attaches to any bill in a presidential election year—such as we have this year—which bears the title of "civil rights."

I shall not complain about the very onerous schedule which has been outlined to us. I will say that in other circumstances, in connection with other proposed legislation, I have seen debate continue for 3 or 4 weeks before the Senate was threatened with round-the-clock sessions and with all other kinds of punitive measures to force us to vote before the Members who are opposed to the proposed legislation have debated it as fully as we wish.

I realize, Mr. President, that a good many Members of this body will vote for any measure that bears the label of civil rights, and that they are thirsting for the opportunity to do so. I appreciate the fact that it has been stated that the majority, if it saw fit, might adjourn the Senate at some future date. That provision happens to be in the rules.

Of course, I am fully aware of the fact that I and those associated with me in resisting this force legislation, this unwise legislation, this unnecessary legislation, do not have a majority to adjourn the Senate. I will state to the distinguished minority leader that I do not have any dinner engagements, and that I shall undertake to be here through the evening sessions; and when we start the round-the-clock sessions, perhaps two or three of those who are opposed to this legislation will be present.

If we are to be subjected to this kind of legislative regimen this early in the discussion of the pending bill, I notify the Senate, and I notify the majority, that there are other Senators who know how to play that kind of game. I put Senators on notice that there will be quorum calls. There will be quorum calls at awkward times if we are to be subjected to this kind of legislative procedure. In my judgment, Senators might as well get their cloture petition ready now if they propose to ramrod this measure through by starting all-night sessions and round-the-clock sessions when the measure has not been before the Senate for 2 weeks, and especially when much time has been taken in discussing other issues. All of the debate has not been conducted by Senators who are laboring under the present legislative disability of being called southern Senators.

We will resist to the limit of our ability, within the provisions of the rules. I think I can speak for the majority of those associated with me in resisting this legislation when I say that we will use every legal means at our command to undertake to prevent this legislation from being passed until it has been thoroughly and fully discussed and explored.

Some very able speeches have been made. Senators do not seem to attend sessions of the Senate as they once did. I doubt whether they read our colleagues' speeches, as they have done in times past, in the RECORD. Perhaps we will catch enough Senators as they flit in and out answering quorum calls and voting upon whatever collateral motions may be made, to bring home to them the vices, the inequities, and the very grave injustice not alone to the South, but to the United States, in undertaking to adopt some of the provisions contained in the so-called Dirksen amendments.

Mr. TALMADGE. Mr. President, will my colleague yield to me?

Mr. RUSSELL. I am glad to yield.

Mr. TALMADGE. Is it not true that the Senate spent 2 full weeks on a so-called clean elections bill, which was of very little import to the country, with no threats about round-the-clock ses-

sions, no duress of any kind, and no compulsion? The bill was deliberated very leisurely for a period of 2 whole weeks, even though the legislation was of very little moment to the United States.

Mr. RUSSELL. There may be a difference of opinion as to whether it was a matter of moment to the United States. Personally, I thought it was a very bad bill, but it certainly was discussed for 2 full weeks, without there being any all-night sessions or any sessions late into the evening.

Mr. TALMADGE. I thank my colleague.

Mr. ELLENDER. Mr. President, I regret very much the position taken by the majority and minority leaders. For the past week I have been holding hearings on public works measures. Next week I had hoped to hold hearings on the so-called wheat bill. I think it is important that the Congress do something in respect to wheat legislation. But I give notice now that if what the majority leader and the minority leader have said comes to pass, that is, the holding of round-the-clock sessions of the Senate beginning next Monday, I am going to stop holding hearings on public works, and I am going to object to any committee sitting next week and the week after during sessions of the Senate, so long as this condition exists.

I happen to serve on five of the subcommittees of the Appropriations Committee, which subcommittees handle almost 90 percent of the budget which will confront us this year.

I understand that the Appropriations Committee has the right to sit during sessions of the Senate. It has obtained unanimous consent to do so; but so far as I am concerned, I intend to see to it that a quorum is present at each meeting of the subcommittee, and that a quorum is maintained.

Those of us who are opposed to this legislation hope to speak at length on it. We need a little rest in between. I do not want to spend my rest period holding hearings on public works, on wheat legislation, or on any appropriation measures which come before the Senate.

Mr. EASTLAND. Mr. President, I ask unanimous consent to yield the floor to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator does not have the floor. The Senator from Louisiana has the floor at this moment.

Mr. EASTLAND. Are we not operating under a unanimous-consent agreement?

The PRESIDING OFFICER. The unanimous-consent agreement was that the treaties would be disposed of; but the treaties have not been disposed of as of this moment.

Mr. ANDERSON. I wonder if the able majority and minority leaders might answer a question that is in the minds of a great many Senators as to this evening. I am sure that half the Members of the Senate have accepted dinner engagements this evening, all of them in the same place, and I wonder whether it is the purpose to have repeated quorum calls while that dinner is in progress, whether we would better all cancel our engagements, or what we should do. A great many of us accepted this engagement months ago, and I wonder what is going to happen if Senators on both sides of the aisle plan to go. I should like to see if there is some way of getting a clarification as to what to do.

Mr. JOHNSON of Texas. Earlier in the week I stated—and I have repeated it to each Member who asked me each day—that we expected evening sessions each night this week. We do not expect these evening sessions to run later than 10 or 10:15 or 10:30, but we do expect evening sessions this week. I have said that to a number of Members on both sides. There is hardly a day when some Senators do not have evening engagements. I believe the minority leader has told Senators on the other side of the aisle the same thing.

Mr. ANDERSON. I know that the Senator from Florida [Mr. HOLLAND] and the Senator from Washington [Mr. JACKSON], have the same engagement. We are all perfectly willing to get out of it if that is desired and desirable. We would like to go, but we may all be called away from the dinner. I should like to find out if it is possible for us to keep this engagement.

Mr. JOHNSON of Texas. We ran out of speakers last evening earlier than we anticipated. We have been continuing sessions into the evening all this week, and we have given notice that we expected to have late sessions this week. I have said that publicly and privately to every Senator who has asked me. It has happened that some time after 7:30 or 8 o'clock a Senator has concluded his speech earlier than he expected. The other evening I was told that a Senator desired to address the Senate for 35 or 40 minutes, but he addressed it for only 2 minutes. We cannot always make the correct guess in that respect, but I have said that we expect to have late evening sessions all this week.

I will not suggest the absence of a quorum, but I am sure other Members, in the light of what they have said, will suggest the absence of a quorum. I have been informed that there may be quorum calls this evening.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I wish to address myself to the distinguished majority leader and to the distinguished minority leader along the same lines to which my distinguished friend the junior Senator from New Mexico has addressed himself. The meeting tonight is no ordinary meeting. In the first place, it is made extraordinary by the fact that one of our distinguished orators in the Senate, the senior Senator from Alabama [Mr. HILL] is to be the principal orator.

In the next place, it seems to me, with notice given only this morning, we could well afford to extend enough of the quality of mercy in connection with the planning of the leadership to allow Senators who have accepted the dinner engagement—and some had accepted it as much as 4 to 6 months ago, not only for themselves but for their wives as well—some assurance that they will be able to attend this meeting, which is a meeting of grand masters of Masons from various countries as well as from many States of the Union. We might thus have some assurance that we can attend that meeting without being disturbed by quorum calls, which would have no useful purpose anyhow, since we are not yet even approaching being able to understand the issues on which we are to vote.

I invite the attention of the Senate to the fact that there are 54 separate bills in the lap of the Senate on the so-called civil rights subject. In addition, numerous amendments have been offered. There has been not the slightest indication as to what form the bill will take which the leadership will decide upon. There are a great many differences between the various bills. I am hopeful that the two leaders—I will desist until I may have the attention of the majority leader——

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. I hope that the two leaders will allow the quality of mercy to prevail, if not with reference to the Senators who are involved, at least with reference to the wives of the Senators who are involved, so that we may attend the meeting tonight, and that we may have the drastic rule, to which I have no objection at all, start to apply tomorrow, rather than this evening, since we have had no notice of it except that given this morning.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. ELLENDER. I will yield, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the Senator has had notice. He has had ample notice. The Senator has had two or three notices. I read from the CONGRESSIONAL RECORD of last Friday:

> I should like all Senators to be on notice that we may have evening sessions next week, including rollcalls, and that we expect to have a Saturday session next week.

The Senator from Texas does not propose to make a point of no quorum being present this evening. If the Senators who desire to discuss the bill have a speaker who will speak for 2 or 3 hours, and if he does not yield for the purpose of the quorum call, every Member of the Senate can attend the dinner this evening. I have no desire to bring Members of the Senate back to the Chamber. However, other Senators have said to me that I should be on notice that quorum calls may be had, and therefore, I transmit that information to the Senator from Florida.

I shall be here, and I will not make a point of no quorum being present. I am sure the minority leader will not do so either.

I said last week that we expect to have evening sessions. So there has been adequate notice. The only reason for

making the announcement now about sessions next week, when so many Senators are present, was so that every Member may have full and adequate notice.

So far as this evening is concerned, with respect to the question raised by the Senator from New Mexico, the majority leader will say that he will not make a point of no quorum being present. I understand there are several Senators who desire to speak at length. If they do, the Senators who attend the dinner this evening will not be inconvenienced. I know that the minority leader will not make a point of no quorum being present.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I am sorry that I was not on the floor when the distinguished Senator from Texas made the announcement he said he made last week. I have no doubt that that is the case. But at that time I was, in fact, holding hearings, on the urgent suggestion of the Senator from Texas, on an appropriation bill, so that it may be brought before the Senate for its consideration. Yesterday, on Washington's Birthday, I held two meetings, a markup meeting before the subcommittee, and a meeting also by the whole committee. We held these meetings until late. I was trying to carry out the urgent request, if not the direction, of the majority leader.

This is the first intimation I have had that there has been notice given with respect to the possibility of a night meeting for this night, Tuesday night.

I say again that Members of the Senate must live under the rules of the Senate. They are not always easy rules to live under. I will be perfectly prepared to proceed under the schedule announced by the distinguished majority leader, tomorrow night. So far as I am concerned, I have had no notice other than that given this morning. I hope that we will be able to keep the dinner engagement this evening which is of great importance to many Members of the Senate and to many of the citizens in their States.

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. DIRKSEN. I should say to the distinguished Senator from Florida that open announcement was made by the distinguished majority leader. He made no exception as to any nights; it was to apply equally to all nights and at all times. I believe all Senators had to presume that they were on notice with respect to every night in the week. I do not complain. I suppose that one could attend a dinner every night. I say to the majority leader that I shall make no point of no quorum. So, if the Senator from Florida can prevail upon some of his associates to do likewise, Senators can attend the dinner tonight. If we are still in session at the end of the dinner, perhaps they can return to the Chamber.

Let me say to the distinguished Senator from Louisiana that his situation is not unlike my own. I had to say at a meeting of the Subcommittee on Monopoly and Antitrust Legislation today that I preferred that it did not meet after the Senate was in session. I notified the distinguished Senator from Tennessee [Mr. KEFAUVER], when he had a roomful of witnesses over in the caucus room, that I would do what I could do to be on the Senate floor. If my distinguished chairman—the chairman of the Monopoly and Antitrust Legislation Subcommittee—carries out what he said he would do, he will hold hearings tonight 1 hour after the Senate adjourns. At least that is how we left it. Therefore I may find myself listening this evening with tired ears and dim and dreary eye to testimony until 1 or 2 o'clock in the morning. So I find myself immobilized. I do not quarrel. I am like the distinguished Senator from Georgia [Mr. RUSSELL] on this point. I do not complain. I accept the necessities of this situation.

The present condition, however, cannot continue, because the Senate is not going to come up with a constructive record if we are going on week after week in exactly this fashion without getting a vote on some of the proposals which are presently pending before the Senate. It is that simple.

Can any Senator suggest any other way of doing this job except to keep the Senate in session and give everyone an opportunity to make the speech he wants to make on the civil rights question and then have a vote?

If Senators are willing, we can set a date on which to vote. If they are willing to do that, I am entirely willing. Let them tell me what they have in mind, and we will discuss various dates, and we will try to appoint a day certain. If the Senators will agree to do that, we can say, "That is the date on which we will start voting on this proposal, section by section, until it is disposed of." I am agreeable to following that procedure. I am confident that the majority leader is likewise.

Mr. ELLENDER. I may say to the distinguished Senator from Illinois that in the past the Committee on Appropriations has been permitted to meet during the Senate sessions under a standing unanimous consent agreement.

Mr. DIRKSEN. I understand.

Mr. ELLENDER. But Appropriations Committee subcommittees are required to have a quorum present in order to transact business. I hope to make certain that at all such hearings a quorum is present, so that the rules of the Senate are properly observed. I will say that, for my own part, if efforts are made to horsewhip the South, I am prepared to return the compliment. I hope I will be successful.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. MAGNUSON. I wanted to ask the majority leader a question. On the calendar are several bills of a minor, noncontroversial nature. Some of them are urgent as to time. Second, there are on the calendar bills to provide funds for the committees, to enable them to make payments to personnel by March 1. The Senator from Alabama [Mr. HILL] has one such bill; I have one for my own committee. There are several other bills on which a time element is involved, and which do not go beyond a couple of weeks.

I wonder if we are to understand that so far as those bills are concerned, there will be no opportunity to set aside, temporarily, the so-called civil rights measure for a period of perhaps 2 or 3 hours, in which the calendar might be called or in which to debate bills which are of a noncontroversial nature.

Mr. JOHNSON of Texas. Not unless the Senator could obtain unanimous consent to take up any resolution and temporarily lay aside the pending business, with the understanding that it will be for a definite length of time, an hour or two. I have been informed that such consent could not be obtained.

Mr. MAGNUSON. This deals with what the Senator from Louisiana suggested. Are the majority leader and the minority leader so informed that if any committee desires to meet during next week, now that we are to meet at 10 o'clock, objection will be made to the committee meeting?

Mr. DIRKSEN. There is likely to be objection; it will depend on the subject matter.

Mr. MAGNUSON. It is my understanding that many committees have set hearings. My own committee has set several hearings. In order not to disappoint witnesses who are concerned with important proposed legislation, perhaps we had better tell them that there will be no committee meetings for at least the next two weeks.

Mr. ELLENDER. The Senator is optimistic, I would say the time involved might be more like 4 months. [Laughter.]

Mr. MAGNUSON. The Senator from Louisiana says 4 months. That is satisfactory to me, if I simply know what is planned. But the Committee on Interstate and Foreign Commerce expects between 200 and 300 witnesses to come from all over the country to testify on different bills—not on one bill only. I want to be able to notify them not to come, and to call off the hearings, unless we may meet at 10:30 at night.

Mr. DIRKSEN. It breaks my heart to concede that the distinguished Senator from Washington is probably correct; but there will probably be objection to having committees meet during the sessions of the Senate.

Mr. MAGNUSON. The chairman of the Committee on Banking and Currency suggested that a motion might be made to enable committees to sit. Would the majority leader and the minority leader entertain a motion to that effect? I suppose it would be necessary to get unanimous consent to move for that purpose.

Mr. DIRKSEN. Oh, no.

Mr. MAGNUSON. To move that the committees be permitted to meet.

Mr. JOHNSON of Texas. It is my information that unless unanimous con-

sent is given, no committee, except the Committee on Appropriations, may meet during the session of the Senate.

The PRESIDING OFFICER. The Senate, by majority vote, may authorize a committee to meet.

Mr. RUSSELL. But such a motion is debatable; is it not?

The PRESIDING OFFICER. The motion is debatable.

Mr. MAGNUSON. I thank the majority leader and the Members of the Senate. I announce for the RECORD tonight that unless there is some change in the situation, all hearings scheduled by the Committee on Interstate and Foreign Commerce during the next 2 weeks will be called off and postponed to a later date.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Alabama, provided I do not lose the floor.

Mr. HILL. I very much appreciate the statement of the Senator from Florida to the Senator from Alabama. The Senator from Alabama had for many weeks hoped and planned and expected to attend a meeting tonight. It will be a very auspicious gathering, but the Senator from Alabama is not the speaker.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. HOLLAND. Unhappy as I am to lose the opportunity to attend the meeting tonight, my grief has been assuaged somewhat by the information that the orator will not be the distinguished senior Senator from Alabama.

I did want to say, in reply to the Senator from Illinois [Mr. DIRKSEN], who raised the question a while ago, that my suggestion would be that he postpone his drastic plan until tomorrow, in view of the fact that so many Senators had accepted long ago these invitations.

I also want the Senator to know that I am relieved that he will not ask for live quorums. The majority leader has already said that he will not ask for quorum calls. So perhaps it will be possible to get some sort of consent which will enable us to keep our engagements of long standing.

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. DIRKSEN. Mr. President, I simply wish to give the Senator from Florida my solemn word now that I, for one, will make no request for a quorum call, live or otherwise. I will personally suggest to every one of my colleagues not to do so. If the Senator from Florida can prevail upon his associates to do the same thing, he can, with a blithe heart and a disengaged mind, go to that dinner tonight.

Mr. DOUGLAS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield provided I do not lose the floor.

Mr. DOUGLAS. I, too, would like to assuage the anxiety of the distinguished Senator from Florida. I think I may say on behalf of what is loosely called the northern Democratic civil rights bloc that we will not ask for any quorum calls tonight, and the Senator from Florida can go to his dinner, happy in the knowledge that if quorum calls are requested, it will be on the initiative of associates of his, and that he may, therefore, properly address his doubts, trepidations, and desires to them.

I am also quite certain that when committees meet, we will not insist on quorum calls. Furthermore, we will not make any obstructive quorum calls.

To the distinguished Senator from Washington [Mr. MAGNUSON], I may say, with respect to his desire to expedite the business of the Senate, that we will not object to the laying aside of the civil rights question for short periods of time in order to transact necessary business. In other words, we will try to facilitate the orderly business of the Senate in every possible way. If obstructive tactics are used, they will not be carried on by us.

In closing, I congratulate the majority leader for the position he has taken in the whole matter of procedure.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield for one more comment, with the same understanding?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. HOLLAND. I thank the distinguished Senator from Louisiana, who is always patient in the superlative degree.

I wanted to thank the Senator from Illinois for his graciousness, except in one regard. The Senator from Florida does not like to be excluded from the ring of his friends and associates. [Laughter.] I am certain the Senator from Illinois did not intend to exclude the Senator from Florida and I mention this only in a spirit of good will.

RELATIONS WITH LATIN AMERICA

Mr. ELLENDER. Mr. President, even while the President of the United States is visiting Latin America, events are once again demonstrating that improved relationships between the United States and the countries to the south of us are dependent upon more than merely another good will tour, more than merely having our Chief Executive pronounce the appropriate platitudes, more than promises of large scale U.S. economic and technical aid on a government-to-government basis.

In his farewell speech to the American public before departing, the President coined a new phrase—"good partners." This is evidently the administration's terminology for a policy which may replace the historic good neighbor policy of prior years.

And yet, Mr. President, aside from coining another phrase, the President gave us no indication that anything specific to implement that policy has actually taken place within our State Department or elsewhere.

I do hope that Uncle Sam is not still without any policy vis-a-vis our Latin American friends, save the drift and falter lack of policy which already has disrupted and damaged the relationships which in the past have linked, and which must, again, in the future link, all nations of the Western Hemisphere.

It is time, Mr. President, to remove our relationship toward the nations of Latin America from its present context, to examine and appraise it in the light of today's conditions, today's needs, and tomorrow's probabilities, and to mold a policy toward our sister Republics, based on the results of such an examination.

Despite the President's trip, despite his speech, there is no sign that such is being done.

It is to be hoped that the State Department is not too busy doing other things, not too busy with the details of diplomacy, to give consideration to the foundations upon which a successful relationship with the nations of Latin America must rest.

It is passing strange, to say the least, that even while American prestige in Latin America sinks to an alltime low, even while the byproducts of a policyless half-decade appear with alarming rapidity and regularity, we find the Office of the Assistant Secretary for Inter-American Affairs needlessly meddling in the affairs of one of our States, sending a telegram to the Governor of California pointing out dire consequences if a reprieve is not granted to a man convicted of such heinous crimes that good taste prevents the press from describing the details thereof.

Two thoughts immediately come to mind:

First, as the chairman of the Foreign Relations Committee has already pointed out, if the Government of Uruguay—whose views apparently prompted the State Department's telegram—was either unwilling or unable to accord the proper welcome to our President, despite any disagreement with the Chessman case by the people of Uruguay, then perhaps the President should not have gone to Uruguay. The President of the United States is spokesman for the entire free world, not a huckster, not a hat-in-hand traveling salesman who is bound to knock at every door, even those before which the family mongrel sits growling at him. It is a tragic parody upon the prestige of the Presidency and the reputation of our Government that when a family dog bares his teeth, the President of the United States must abjectly be compelled to go around to the back door.

Second, the Government of Uruguay should be intelligent enough to know that the knife it has sought to wield cuts both ways. If the Government of the United States is to use its influence to affect and change the course of justice within one of our States, in response to pressure of public opinion in Uruguay, is the Government of Uruguay prepared to use its authority to change and modify conditions within Uruguay which may prompt complaints from Americans? If our Governments are to deal as equals, then what is sauce for the goose is sauce for the gander. Our Government is just as free and just as proud, as the Government of Uruguay, or, at any rate, it should be, although the telegram of the Department of State obviously leaves that point dangling.

I find it alarming, too, that even while circumstances in Latin America require that we demonstrate our firmness, our strength, and our resolution, we find the Department of State supinely apologizing to the Red-tinged, viciously anti-American government of demagog Fidel Castro because a privately owned aircraft departed from its previously filed flight plan and flew from Florida to Cuba, where the aircraft was destroyed and its occupants were killed.

In this connection, it is interesting to note the Castro government's reaction to Uncle Sam's humbling himself at the feet of the Cuban dictator. Reaction to our apology in the government-controlled Cuban press was immediate and forthright: Uncle Sam had not bowed low enough, the Cubans proclaimed; Uncle Sam must prostrate himself further, was the gist of the demand.

Mr. President, will the State Department never learn that free men gain nothing by capitulating to rogues of Castro's ilk? What is needed to make the State Department understand that appeasement of two-bit dictators by major powers merely whets the appetites of such dictators for more appeasement? Have the results of appeasement at Munich been so quickly forgotten by our once-proud Republic, which once proclaimed "millions for defense, but not 1 cent for tribute?" I remind the Department of State that tribute can be paid in more ways than in dollars—that the sweetest kind of tribute, insofar as Castro and his cohorts are concerned, is that occasioned by having a sorely aggrieved Uncle Sam appear as a supplicant at their feet, abjectly apologizing for the flight of a civilian aircraft.

Along with a much-needed spine-strengthening on the part of the State Department must come the realization and appreciation that factors presently operating within South America and Central America should be viewed and measured against standards which, thus far, the Department of State has apparently not been disposed to apply.

It strikes me that many of our diplomats, along with a considerable segment of our national press, persist in viewing governments within the Americas as either dictatorships or democracies. The decisive factor seems to be the presence or absence of a strong executive. Thus, for example, Trujillo, in the Dominican Republic, and Somoza, of Nicaragua, are generally lambasted as dictators. Their downfall is often demanded on the basis of their individual strength alone—simply because they are strong men, and thus, according to some, ipso facto, bad men. The same was once true of Batista, in Cuba. Castro was welcomed by much of the national press, and, consequently, by a large number of individual Americans, because he was anti-Batista. This element, alone, was apparently sufficient in the minds of many to justify his ascending to the leadership of the government of Cuba. The causal link was apparently as follows: Castro is against Batista; Batista is a dictator; dictators are bad; thus, necessarily, Castro is good.

It is syllogistic reasoning of this variety which, in a large measure, accounts for our present decline, and will result in our ultimate fall, in Latin America, unless we change our way.

I suggest that a major element in any American policy toward the nations of Latin America should involve more than merely the personalities and personal policies of those who may, at a given time, head the government of our sister Republics. Consideration must be given to what kind of government, what leadership, would succeed any existing regime should we permit it to fall, or, even worse, assist in its destruction.

As a correlative, a sound policy should also consider the long-range impact of domestic policies pursued by any government whose demise vigorous elements of our public, our press, or even the Congress, might be demanding at any given time. I refer specifically to such things as compulsory education, improved sanitation, diversification of industry, internal tax reform, improvements in agriculture, and related factors.

I wish to note that this is a very important consideration. It is appealing to suggest that all the people of the globe should have the right of self-determination; that democracy—that is, the right of full and complete suffrage—should be available to all who may reside within a political organism; that the right of the ballot should be freely available to all the citizens of a state or nation.

And yet, Mr. President, the right to vote is accompanied by the duty to use that right wisely. How much, if any, thought is given to whether or not the residents of a given area may be qualified to use the ballot wisely should the right of such ballot be, often practically overnight, extended to them? How much consideration is given to the fact that an anti-American dictatorship can be maintained and perpetuated by the votes of an illiterate, unschooled, ignorant electorate with even more ease than upon the existence of a military junta?

I might also comment at this point upon the obvious inconsistency of those who, under the guise of proclaiming the need for self-determination by various peoples across the globe, couple this proclamation with the cry for our Government to initiate changes in existing governments. After all, if the objective is, indeed, self-determination, the initiative for removing existing governments should rest with the local people, free from outside influences. The removal of any government from power is basically a matter for the local people to determine for themselves; and, to the extent our press, our people, our Government, may take the initiative in "tightening the screws" on any such government, to that extent we are imposing our own views on that country—in derogation of the objective which may be proclaimed, namely, the right to self-determination.

Let me revert for a moment to my own reactions obtained during a trip through practically all of the Latin American countries in late 1958. As my report shows, I found the highest standard of living, the most emphasis upon education and hospitalization, the cleanest food markets, and the best-organized agriculture in the Dominican Republic. I took pains to point out in my report that I was not qualified to pass judgment on the caliber or quality of the government in power there, and that my reactions to conditions as I found them in the Dominican Republic were the products of personal inspections, and were not offered as a means of either endorsing or condemning the present regime because, quite frankly, I did not feel myself qualified or authorized to sit in judgment on that regime.

I offered similar comments with regard to Nicaragua.

If I were to base a judgment solely upon what I saw by way of progress, by way of the services available to the people in those two countries, then I would say that Trujillo and Somoza are doing a good job. Our own representatives there say so, as well as many others who have visited those countries and who similarly attempted to make objective studies of conditions existing there.

Of course, I received quite a lot of editorial abuse because, upon my return, I confined my reports to facts, to reporting the visible circumstances of daily life within those countries, as opposed to general or philosophical comments upon the kind of government which then prevailed.

The fact is, Mr. President, that the Department of State, the national press, indeed, the public as a whole, must begin giving some consideration to not only where we stand today, but where we may be at a given time in the future. The existence of strong, stable, pro-American governments in Latin America must be encouraged. True, these governments, whenever possible, should be encouraged to found their existence upon the will of the people of such countries, but we must nevertheless recognize that advocating the deposition of governments which, at long distance, seem to be autocratic, can often result in disaster to our own Government's relationship in Latin America unless adequate weight is given to what kind of government may fill the political vacuum which removal of a strong autocracy may create.

American prestige, American interests, the urgent requirement for hemisphere solidarity, cannot survive many more Cubas. We must not permit the Cubanizing of the Dominican Republic and Nicaragua, just because of the wailing of Castro and his cohorts. From indications, they are at the bottom of the troubles that have been recently visited upon those two countries.

And, by the same token, we are going to face more such situations, or even worse, unless we formulate and pursue a long-range policy toward our friends to the south of us.

Latin America needs our help, but this help must be made available in such a manner that the people of our neighbor countries are not compelled to exchange their pride for our dollars. For this reason, I am opposed to economic grants to Latin America. The people there are able to repay loans made on reasonable terms. The area is a storehouse, a virtually untapped treasure chest, of natural wealth. This wealth must be developed, as a joint endeavor, by the Latins

themselves, with U.S. assistance, as a means of benefiting the people of Latin America, not further enriching the ruling classes.

Primary reliance should be placed upon private enterprise to accomplish this task. This, of course, will require the cooperation of local governments, a willingness on their part to forgo often nationalistic ambitions in order to better serve the long-range good of their peoples. In return, our Government should assure the countries wherein American enterprise may operate that the profits derived from such developments will be utilized in accordance with the following priority:

First, the payment of reasonable taxes, with the bulk of such taxes used to benefit the masses of the people—for schools, roads, housing and medical care, to name only a few.

Second, providing decent job opportunities at a fair wage to the local people employed.

Third, and last, assurance of a reasonable return on capital to investors.

Only in the case of extreme emergencies, only if private enterprise is unable or unwilling to do the job, should U.S. Government capital financing be injected—and even then, only on a loan basis. I might remark that it is folly for us to foster and aid the creation of socialized industries within some of our neighbor nations when private enterprise can and will do the job, subject to the three considerations I have outlined.

Furthermore, and reverting to my original theme, such policies as I have outlined in this address must be pursued on a long-term basis. Our friends to the south deserve to know our intentions, our objectives, and the manner in which such objectives are to be obtained. They are entitled to rely upon assurances of continuity in our policies, in return for which they must be willing to cooperate with the people of the United States in achieving mutual growth, and mutual betterment.

Perhaps the President used the right words when he called for a partnership of neighbors; in fact, I am convinced he did.

I say this because over a year ago, upon my return to this country in late December of 1958, from an inspection trip through the countries of South and Central America, I called for an economic partnership between the nations of Latin America and our country.

In my report of findings on this trip, filed with the Committee on Appropriations and entitled, "A Review of U.S. Government Operations in Latin America," I said:

> Truly, the two continents of the Western Hemisphere are neighbors, and neighbors we must remain. The factors of geography alone so dictate.
>
> Our aspirations are similar; our origins are essentially the same. We are joined by a common bond of history and a common desire for freedom. Our ideals are founded on a spiritual concept of man. Our belief in the rights of the individual is so sacred that we willingly sacrifice our all to protect them.
>
> These concepts, of themselves, offer assurance that no part of the Western Hemisphere is likely to succumb to a totalitarian state.
>
> Above all, just as the United States and our Latin American neighbors share a joint past, so must we share a joint future. As neighbors, linked by common bonds of friendship, history, tradition, and culture, we must join hands today, as partners in tomorrow.

In addition, I recently made available to television stations of my State a four-part filmed report of my trip through South and Central America, drawn from more than 8,000 feet of film I personally took at my own expense. I also showed these films to interested Members of the Senate, and their staffs.

In each of these four segments, I discussed the crying need for the creation of an economic partnership between our countries for the good of all of the Americas.

From the first show, which dealt with the countries of Central America, I said:

> It is my feeling that if we extend a helping hand to our friends in Latin America, they will become our stanch friends and most worthy allies. I believe that if we stand by Latin America, they will stand by us in any emergency, for the countries of the Americas have a great deal in common. First, we have a common heritage of the settlement of a new world. Second, we have a common faith in God, and, third, we are contiguous—we are geographically close to one another.
>
> If we but stand together, we can be of mutual benefit to one another. The United States must take the lead in molding an economic partnership of the Republics of North and South America.

In the second film, which covered the countries of the west coast of South America, I said:

> It is nothing less than pure folly for us to ignore our friends to the south. I can visualize a great partnership between our country and the nations of Latin America, if only the United States will take the initiative.
>
> We have a surplus of industrial products. They have a surplus of raw materials. We could be one another's best customers, if only we made the effort.

The third segment was concerned with the countries of the east coast of South America. Of this area I said:

> I have said on many occasions that we should not, under any circumstances, countenance exploitation of the laboring classes, nor of the natural resources of the countries to the south of us. Care should first be taken of the local people. Even after the huge tax take, there will be much left over to feed the hungry industries of our own economy. Great markets can be created for our goods, but we must first dispel the idea that our object is to help ourselves first and then provide for the local needs.
>
> We must strive for a fair and equitable partnership with our good friends to the south.

My last stop before returning to the United States was the Caribbean. In the show dealing with this area, I said:

> We must realize that the future of all our countries are closely linked. In the face of the ever-growing economic battle with the Communist world, we must grow closer together.
>
> Latin America has a wealth of raw materials. It also has a crying need to raise the standard of living of its common people.
>
> If we can help the countries of Latin America develop those raw materials—through judicious investment of private capital with the guarantee that profits will not be drained out of the country—then we will raise their standard of living.
>
> In turn, the United States has an ever-increasing need for raw materials. It also faces the question of who will buy the tremendous output of our expanding industry.
>
> In my judgment, if we but work together, both of our problems can be solved. Latin America can offer us the raw materials we need, and the market our industry must have. We, in turn, can help Latin America develop itself and improve the way of life of its people. But, we must work together—and we must work together peacefully, in friendship, as partners.

These statements point out very clearly that as long as 1 year ago, I was calling for exactly what the present administration is just now considering for the countries of the Americas—a partnership of nations. And I coupled my suggestions with specific recommendations for implementing those suggestions, because it will take much more than merely pronouncing platitudes to implement such a partnership.

We need more than glossy phrases; more than Presidential appearances in four nations to bring this partnership into being.

I only hope, Mr. President, that the President's words are quickly followed by appropriate action, for, in Latin America, as elsewhere, our actions do speak louder than words.

REQUEST OF NETHERLANDS GOVERNMENT FOR COMMERCIAL AIR ROUTE TO LOS ANGELES

Mr. MAGNUSON. Mr. President, for the past several weeks our State Department has engaged in a consultation with the Netherlands Government on its request for a commercial air route to Los Angeles.

The negotiations have been concluded. The State Department did not grant the Los Angeles route to the Netherlands airline KLM. I commend the State Department for this action. No other course of action was justified, in my opinion.

The other day I read an Associated Press dispatch from The Hague to the effect that Joseph Luns, Dutch Foreign Minister, in discussing our refusal to grant them landing rights at Los Angeles, said Holland was being punished by the United States for having "what he called a small and insignificant Communist Party."

Mr. President, that is a perfectly asinine remark and I am amazed that a high official of the Dutch Government would make it. The State Department, I am sure, decided this route matter entirely on the merits, and that the facts of the case justified the action they took.

I have a very high regard for the Dutch people. I am distressed that one of their top officials would attempt to berate us into giving them something to which they are manifestly not entitled, and I deeply resent the methods they have used and the pressures which have been applied through diplomatic channels to force a decision favorable to them.

KLM is a very fine airline, I am told. The Dutch have a right to be proud of it.

But we also have some very fine airlines. I think they are the finest in the world; I am mighty proud of them. I am particularly proud of the fact that operating as a part of our free-enterprise system they are able to compete so effectively with the airlines of the world, such as KLM, that are government controlled, whose resources are unlimited, who do not have to be too concerned if their balance sheet is in the red at the end of the year.

However, our airlines cannot continue to operate very long as a part of our private enterprise system if we proceed, without rhyme or reason, to hand to their foreign competitors valuable landing rights in this country.

Mr. President, again I want to say that I think the State Department has proceeded wisely and prudently in this matter. In the past the Senate Committee on Interstate and Foreign Commerce has been sharply critical of the State Department for some of its actions with respect to international air agreements. So I am particularly happy that today we can give them a pat on the back for a job well done.

I hope the Department will continue to show the same courage and immunity to pressure with respect to any other attempts which may be made by foreign airlines to secure landing rights or other concessions inimical to the best interests of the U.S. carriers.

I ask unanimous consent to have printed in the RECORD at this point two news items concerning the Los Angeles case and the attitude of the Dutch Government, an excerpt from a report which the Committee on Interstate and Foreign Commerce submitted to the Senate in the 84th Congress entitled "International Air Agreements"—Senate Report No. 1875—and a statement prepared by the Department of State giving the background of this recent consultation.

There being no objection, the articles, excerpt, and statement were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1960]

DUTCH RAP U.S. STAND ON KLM BID

THE HAGUE, February 6.—Joseph Luns, Dutch Foreign Minister, said today Holland was being punished by the United States for having what he called a small and insignificant Communist Party.

In a nationwide TV broadcast Luns discussed U.S. refusal to grant Los Angeles landing rights to the Dutch KLM Airline.

He said there is the greatest unanimity in Holland on the value of close ties with the United States.

But, asserted Luns, the Americans feel they can treat Holland with less consideration than other countries "which have to enjoy certain benefits from the United States to prevent a political attitude which might be unpleasant to the United States."

He added that the affair is not closed as far as his government is concerned.

[From the Washington Post, Feb. 16, 1960]

DUTCH MIFFED AT UNITED STATES OVER AIRLINE REJECTION

Netherlands Ambassador J. H. van Roijen told Secretary of State Christian A. Herter yesterday that his government was disappointed at U.S. refusal to permit the Royal Dutch Airlines (KLM) to fly an Amsterdam-to-Los Angeles route.

Van Roijen gave Herter a copy of a resolution passed recently by the Dutch Parliament expressing deep displeasure. It said this country's action discriminates against the national interests of the Netherlands and is not in keeping with the friendly relations between the two nations.

He also gave the Secretary a copy of a statement, critical of the U.S. refusal, made to the Parliament by Dutch Foreign Minister Joseph M. A. H. Luns.

In his statement, Luns said that American aviation policy is aimed plainly at the most complete protection of the short-term interests of American domestic airlines.

While relaying his country's displeasure, Van Roijen did not lodge any formal protest. He also apparently did not ask Herter to take any action personally in the controversy.

The American refusal was based on the fact that the Netherlands could not offer U.S. airlines landing rights in their country in return for establishment of a KLM Amsterdam-Los Angeles route.

[Excerpt from S. Rept. No. 1875]

CONCLUSIONS AND RECOMMENDATIONS

A. GENERAL OBSERVATIONS

There is no desire on our part to see the United States unfairly or artificially restrict the growth of our foreign-flag competitors, large or small, providing they are engaged in traffic recognized as primary under the worldwide system of agreements into which the United States has freely and generously entered. They are to be respected and allowed to share in a prosperous international airline industry. Under the system of regulated competition recognized for over a decade in these many agreements, they can prosper in relation to the volume of traffic between their country and ours. Indeed, many of them are extremely formidable competitors, not only because of their inherent ability but because of their low wage rates and the support accorded them by their respective governments.

However, no foreign-flag airline competitor to the United States-flag carriers should be allowed to prosper at the expense of the United States by engaging in traffic to which it does not have a primary entitlement. The United States has a legal and moral right to regulate competition of this variety, and such action cannot be considered as contrary to the general principle of liberality in international trade to which the United States properly adheres. The United States, as the leader of the free world, has a duty both to itself and to others to maintain a strong international air transport system, and at reasonable cost to the taxpayers. Under the American system, this should be accomplished by private enterprise companies which pay salaries and wages commensurate with the American standard of living.

It would be no contribution to the welfare of the free world, and certainly not to the welfare of the people of the United States, if America's international air transport system were to follow the deplorable downward path of the United States-flag maritime industry. A sound basis for avoiding such a catastrophe has existed since 1938 in the Civil Aeronautics Act, and since 1946 in the so-called Bermuda-type bilateral air transport agreements. It is only necessary to apply these two resources in accordance with their basic principles and in the light of the economic realities which will confront us over the next decade. Nothing fundamental needs to be changed, but the policy direction, and the day-to-day decisions of those responsible for handling these matters in our Government, need to be sharply reoriented. If they are not, United State-flag carriers' now declining participation in the world air market will continue. We have tended to bargain away too frivolously the value of the United States market; this poor bargaining has resulted in the loss of American dollars to American-flag carriers. This criticism is not chauvinistic; it is based upon just plain good business sense.

B. SPECIFIC RECOMMENDATIONS

1. The committee has not found any occasion to criticize the Bermuda principles. The United States is committed to the Bermuda principles; the airlines endorse them; and no feasible substitute has been suggested either in the committee or subcommittee hearings.

2. Having committed itself to the Bermuda principles, the United States should see to it that they are enforced with respect to the operations of foreign carriers, consonant with the discussions in the body of the report.

3. The United States should not make route grants which cannot economically be operated without violating Bermuda capacity principles.

4. The record before the committee pointed up the inadequacy of preparation for the German negotiations, and the great necessity for careful, thorough preparation and use of economic data in the future.

5. Under the Civil Aeronautics Act, the CAB is the agency of Government vested with the responsibility to develop an air transportation system properly adapted to the present and future need of the foreign commerce of the United States. This requires the Board to assert fully its responsibility as the principal aviation adviser to the executive branch of the Government on international air agreements.

6. Many of the inadequacies of the German agreement, we believe, result from the failure of the Government to confer with and to allow sufficient participation by representatives of the airline industry. It is important that our Government avail itself of the expert assistance within the air transport industry. The committee recommends the following principles for Government consultation with U.S. air carriers in connection with air transport negotiations:

(a) Interested carriers should be advised by the Government prior to any discussions with respect to negotiations for air transport agreements.

(b) Full and complete opportunity for discussion between interested carriers, on the one hand, and the Government, on the other, should precede any formal negotiations respecting air transport agreements.

(c) Prior to any discussions with foreign countries respecting air transport agreements, representatives of all interested carriers should consult fully with U.S. Government representatives.

(d) Prior to the formal negotiations on air transport agreements, a representative of interested carriers should be made a duly accredited member of any delegation appointed to negotiate such agreements. As a duly credited official representative of the delegation, a carrier representative should be included not only in all negotiating sessions but also in all U.S. delegation meetings, and be given a fair and reasonable opportunity to consult with his principals before any ultimate decision is made.

(e) Also, throughout the negotiations, the interested carrier representative should be consulted. We cannot emphasize too strongly our view of the necessity of our Government's securing the benefit of the comment of such representatives at every stage of the negotiation.

7. Based upon the hearings to date and additional data studies by the committee, it appears that the German route exchange is economically unsound. In the absence of a satisfactory renegotiation the Government should insist upon performance of the basic principles of the agreement and make full use of the agreed rights to consultation under article 12, or even termination under article 16 if abuses develop.

8. The Department of State should create appropriate and adequate facilities to handle the negotiation of air transport agreements and consultations under them. This undertaking by the Department of State should result in the creation of posts of rank and responsibility commensurate with those of foreign governments, and qualified Foreign Service officers should be selected to fill them. With the development of international aviation, it seems clear that it would be necessary to have several persons, some able to travel abroad and some to remain in Washington, to cope with the many negotiations and consultations which will be required in this field.

The subcommittee should continue to function in order (1) to observe the development by the Government of a procedure for working with the carriers, (2) to insure that such procedure is satisfactory, and (3) to watch the formulation of an effective program for enforcement of the Bermuda principles—all in all, so that we can be certain at this important transitional stage, of the maintenance of the deserved preeminence of the United States in world air transport.

BACKGROUND STATEMENT ON THE RECENT UNITED STATES-NETHERLANDS CIVIL AVIATION CONSULTATION CONCERNING THE NETHERLANDS REQUEST FOR A ROUTE TO LOS ANGELES

A civil aviation consultation was held in Washington between January 7 and February 3, 1960, to consider the request of the Netherlands for a commercial air route to Los Angeles. On February 3, the Netherlands delegation was told that the executive branch, after considering all of the factors put before the U.S. delegation, was unable to give a commitment to grant the route to Los Angeles.

In its consideration of this route request, the Department of State and the Civil Aeronautics Board made every effort to comply with the policy which was set forth in the administration's report on Civil Air Policy of April 20, 1954, which was brought up-to-date in 1959. In that connection, reference is made to the following statement: "In determining the routes to be included in bilateral air transport agreements, the United States will continue its objective of establishing, insofar as possible, an equitable exchange of economic benefits."

The above statement of policy was enunciated as a result of a study by the executive branch of the Government through the Air Coordinating Committee. On April 10, 1956, a subcommittee of the Senate Committee on Interstate and Foreign Commerce issued a report which was subsequently adopted by the full committee (Rept. No. 1875, 84th Cong., 2d sess.). In that report it was emphasized that in granting routes to foreign countries for operation by their airlines, the United States should obtain an equitable exchange of benefits and in this connection should recognize fully the great amount of business which the air carriers of other countries obtain through the ability to serve traffic points in the United States.

After this brief summary of the policy considerations involved, it would be appropriate to review the history of our civil aviation relations with the Netherlands. Prior to the conclusion of a bilateral air transport agreement with the Netherlands in 1957, service by the airlines of both countries was conducted on the basis of unilateral operating permits issued to them by the respective aeronautical authorities. U.S. airlines were operating to Amsterdam, Surinam, the Netherlands Antilles and points beyond. KLM, on the other hand, was serving New York and Miami from Amsterdam and the Netherlands Antilles, respectively. The routes involved represented a reasonably equitable exchange of rights although even then the Netherlands airline derived greater revenue from its routes than did the United States airlines from their routes.

During the negotiations which took place in March and April 1957, the Netherlands Government pressed hard for the grant of three new routes by the United States in addition to those already served by KLM. The first and most important was the route from Amsterdam to Los Angeles, the second from Amsterdam to Houston, and the third from the Netherlands Antilles to New York. In the light of the great value to the Netherlands of its existing services to New York and Miami, the Department of State and the Civil Aeronautics Board did not believe that the grant of all three of these routes was warranted. However, the routes from Amsterdam to Houston and from the Netherlands Antilles to New York were granted but the route to Los Angeles was denied.

The Netherlands Government recently renewed its request for an additional route to Los Angeles. It submitted certain information in regard to the broad trade relations between the two countries and attempted to show that on aviation grounds alone there was sufficient reason to grant the route. However, the justification for the request differed little from that exhaustively considered in 1957, which led to the decision to grant additional routes, but not Los Angeles. Since 1957, the Netherlands' carrier has benefited greatly from its operations over the new routes.

One of the basic principles of U.S. aviation policy as expressed in 50-odd air transport agreements, including that with the Netherlands, provides that the primary purpose of operating a route shall be to carry traffic between the two parties to the agreement rather than to third countries. There is considerable doubt in this country that the operations of the Netherlands airline over existing routes are fully consistent with this principle. The data available to the U.S. delegation led us to the conclusion that while there would have been some movement from Los Angeles with an ultimate destination in the Netherlands, the great majority of the traffic, while moving through the Netherlands because of the direct route, would in reality have been destined for other countries in Europe. The United States also has bilateral air transport agreements with those other countries, i.e., the Scandinavian countries, the Federal Republic of Germany, France and the United Kingdom among others. The airlines of the named countries already are or will shortly be operating direct services between the U.S. west coast and their respective countries in addition to the services of the U.S. international airlines concerned. Under our air agreements with those countries, their airlines and ours have the primary right to carry traffic between the respective countries. KLM, therefore, sought access to a larger volume of traffic to which it had only a secondary claim under the agreement, as well as further access to the traffic between our two countries. In addition it was seeking traffic rights between Los Angeles and Montreal.

Further, the traffic on the west coast is not considered to be a type of pool available to the airlines of any country upon request. International airline traffic rights are subject to bargaining on the basis of an equitable overall exchange of economic benefits for the airlines of each country. In the case at point, there was currently no comparable traffic or other advantage that could have been obtained for U.S. airlines in return for the grant of the valuable right involved. In the absence of proof of a definite need for the service, combined with the extensive rights already open to KLM under the existing agreement, the addition of a further carrier would have diluted the market to the disadvantage of the carriers already authorized to operate direct services. The persons who might travel directly to the Netherlands will not be greatly inconvenienced by the absence of direct service to Amsterdam in view of its short distance from London and Paris. The U.S. delegation knew that Air France intended to commence operations very shortly and that British Overseas Airways Corp. would follow soon.

This department, of course, did not minimize the importance of our overall relations with the Netherlands, both in the economic and political spheres. However, these aspects had to be weighed against other factors such as the interests of our own domestic and international airlines. The final position of the executive branch was of necessity influenced by the various considerations and elements of U.S. aviation policy discussed above.

Mr. FREAR. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FREAR. The Senator from Washington has made a statement pertaining to the KLM line, which has requested an air route to California.

Mr. MAGNUSON. Yes.

Mr. FREAR. I assume that the Senator from Washington wants the status quo held, rather than the right granted?

Mr. MAGNUSON. No; not necessarily the status quo. I do not think this means the status quo must be maintained.

Mr. FREAR. KLM has applied for certain cross-country flights, has it not, in connection with the round-the-world flights?

Mr. MAGNUSON. That is correct.

Mr. FREAR. As I understand the position of the Senator from Washington, he hopes this will not be granted?

Mr. MAGNUSON. The State Department refused to grant the request.

Mr. FREAR. Then I want to associate myself with the remarks of the Senator from Washington, now that I am sure of his position.

THE NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT: THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES CONCERNING RADIO BROADCASTING IN THE STANDARD BROADCAST BAND

The Senate, as in Committee of the Whole, resumed the consideration of the North American Regional Broadcasting Agreement (Ex. A, 82d Cong., 1st sess.); and the agreement between the United States of America and the United Mexican States concerning radio broadcasting in the standard broadcast band (Ex. G, 85th Cong., 1st sess.).

The PRESIDING OFFICER. If there be no further debate on Executive A or Executive G, the treaties will be considered as having passed through their various parliamentary stages, up to the point of adoption of the resolutions of ratification, which will be stated.

The legislative clerk read the resolutions of ratification, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate

advise and consent to the ratification of The North American Regional Broadcasting Agreement and the Final Protocol Thereto, which were Signed in the English, Spanish, and French Languages at Washington on November 15, 1950, By the Respective Plenipotentiaries of the United States of America, the United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahamas and Jamaica), Canada, Cuba, and the Dominican Republic.

Resolved (two-thirds of Senators present concurring therein), That the Senate advise and consent to the ratification of The Agreement Between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, which was Signed in the English and Spanish Languages at Mexico City on January 29, 1957.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolutions of ratification?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

I further announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Indiana [Mr. CAPEHART], and the Senator from Nebraska [Mr. HRUSKA] would each vote "yea."

The yeas and nays resulted, yeas 76, nays 8, as follows:

YEAS—76

Allott	Cannon	Curtis
Anderson	Carlson	Dirksen
Bartlett	Carroll	Eastland
Beall	Case, N.J.	Ellender
Bennett	Case, S. Dak.	Engle
Bible	Chavez	Fong
Brunsdale	Church	Frear
Bush	Clark	Goldwater
Butler	Cooper	Gore
Byrd, W. Va.	Cotton	Green
Gruening	Long, La.	Saltonstall
Hartke	McClellan	Scott
Hayden	McGee	Smathers
Hickenlooper	McNamara	Smith
Hill	Mansfield	Sparkman
Holland	Martin	Stennis
Jackson	Morse	Symington
Javits	Morton	Talmadge
Johnson, Tex.	Moss	Thurmond
Keating	Mundt	Wiley
Kefauver	Murray	Williams, N.J.
Kennedy	Muskie	Williams, Del.
Kerr	Pastore	Yarborough
Kuchel	Prouty	Young, Ohio
Lausche	Randolph	
Long, Hawaii	Robertson	

NAYS—8

Douglas	Jordan	Proxmire
Dworshak	Magnuson	Young, N. Dak.
Ervin	Monroney	

NOT VOTING—16

Aiken	Hart	Neuberger
Bridges	Hennings	O'Mahoney
Byrd, Va.	Hruska	Russell
Capehart	Humphrey	Schoeppel
Dodd	Johnston, S.C.	
Fulbright	McCarthy	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification of Executive A and Executive G are agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be notified that the Senate has agreed to the three resolutions of ratifications that have been agreed to.

The PRESIDING OFFICER. (Mr. MUSKIE in the chair). Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 10:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. EASTLAND. Mr. President, section I of the Eisenhower administration's proposed civil rights bill creates a new Federal crime—a felony, punishable by a fine up to $10,000 or imprisonment of not more than 2 years, or both. This crime was conjured up by the minds of the legal beavers in the Department of Justice to apply only to the narrowest possible area of alleged obstruction to Federal court orders—the alleged interference with school integration decrees. Not satisfied with the terrible, awesome power inherent to deal with violation and interference with orders and decrees by criminal contempt proceedings, where under certain circumstances citizens can be denied even the right or privilege to a trial by jury, it is now proposed to make alleged interference with these integration orders an infamous crime.

Slightly more than 2 years ago, in testifying on civil rights proposals made to Congress in 1957, the Attorney General then categorically stated that the last thing that was needed, or even wanted, in the area of civil rights, was additional criminal sanctions of any sort. He said that the statute books were filled with criminal penalties for alleged civil rights violations that were useless because the Government could not get grand juries to indict or petit juries to convict. What he then wanted, and got to a marked degree, was new and novel authority to invoke certain civil sanctions. Now his then Deputy Attorney General comes to Congress and says that what they then requested is not enough. What we now need in addition is for Congress to enact this monstrous, and to me patently unconstitutional, new criminal definition and place it on the statute books and in the arsenal of the Department of Justice to combat the lawless activity of the white people in the South who object to having their children forced by the Federal Government to attend the same public school with Negro children.

Just assume a situation where an irate white female parent should happen to shove or push a U.S. marshal who was accompanying a Negro child on the first day of attendance at the newly integrated school. This lady would be guilty of violating the State law regarding assault and battery and could be tried and sentenced for that offense. The Federal judge could throw her into jail for 45 days and fine her up to $300 for criminal contempt of court without her having the benefit of a trial by jury. The U.S. attorney could indict her under the newly proposed criminal statute, and she could, upon a guilty finding, be sentenced again, by the same judge who threw her into jail for contempt, to 2 years in the penitentiary and fined an additional $10,000. Finally, since she assaulted a U.S. marshal, she could again be indicted and tried under the present obstruction-of-justice statute, 18 U.S.C. 1503, as one who injures an officer on account of the performance of judicially connected duties. For this alleged crime she could be subjected to a fine of not more than $5,000 and a penitentiary sentence up to 5 years, or both. This series of charges and sentences is in the teeth of the eighth amendment to the Constitution, which provides that:

> Excessive bail shall not be required, nor excessive fines imposed, or cruel and unusual punishment inflicted.

And the fifth amendment, which provides, in part, that—

> No person shall be subject for the same offense to be twice put in jeopardy of life or limb.

But the language itself, in defining this newly proposed crime, provides:

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

Thus, the judge still retains his weapon of criminal contempt and can fine and sentence for this. Recent decisions of the U.S. Supreme Court have made it crystal clear that double jeopardy is not involved when different offenses are charged which arise out of the same act.

I believe that the Senate, upon calm consideration, will be forced to delete this section of the proposed amendment out of a sense of what is fair and right. On all of the Federal crimes described above, the same judge who threw the book at the poor lady for criminal contempt could preside at the trial for obstructing the desegregation decree and injuring an officer on account of the performance of judicially connected duties.

Mr. President, I have drawn an extreme example, but the example is laid squarely on the law as it is now written and interpreted, and will so be if this new crime is created by Congress. Is there a Senator, knowing that what I have described could in fact result from one simple assault, who could be a party to such an unconscionable piece of legislation? It is no answer to say, but the Government would not ask for such to be done and the judge himself would not inflict such punishment. If Congress gives to the Federal Government and the courts the bald power to be a party to such a travesty of justice, the guilt for such an act will equally rest on the shoulders of the legislative branch as well as the other two. If anything, the guilt of the legislative branch will be the greatest, for without this newly proposed crime being declared the courts cannot possess and exercise the power.

Let me explain further, Mr. President, exactly what is proposed for this new crime. Where any integration decree of any kind has been rendered by a Federal district court, the bill proposes that—

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined—

And so forth. This language is so tight, comprehensive, and all inclusive that nothing is left to doubt or imagination. As I read and interpret it, it is the most colossal gag that has ever been proposed on the constitutional rights of freedom of speech, freedom of the press, the right of the people peaceably to assemble, and the right to petition the Government for a redress of grievances.

If it were not for section 6, article I, of the U.S. Constitution, even a Member of this Senate or a Member of the House of Representatives would be effectively gagged under this proposed bill from any comment or criticism of integration decrees on the floors of these respective bodies. Nothing in the old alien and sedition laws contained such an overpowering threat to freedom of the press and freedom of speech.

Just what is a threat by letter or communication which might prevent, obstruct, impede, or interfere with an integration degree, or endeavor so to do? A newspaper editor, sincerely and conscientiously opposed to a decree forcing Negroes and whites in the same school, would clearly be guilty of a felony if he publicly voiced in print his objections to and criticism of the decree. A private citizen writing a critical letter to a newspaper for dissemination to the public protesting such a decree would certainly be guilty of the crime. Parents and teachers, or parents alone, assembling to discuss what was to be done with their children, now that the Court had spoken, would be guilty of committing a crime, even if they used the sign language to communicate with each other their intention to resist, even by all lawful means, the implementation of the decree. Any remarks that I might have to make, or those of any southern Member of Congress, would have to be made right here. Anything I might say against one of the court orders would have to be said right here. Why, Mr. President, when one stops to think what I have said in the past about these school integration decisions of the Federal courts, if the sentence were 2 years for each statement, not enough years to serve out the sentences would lie ahead for me.

Proposed criminal legislation of this kind and character does more than anything else to point up the terrible situation that develops when the Supreme Court usurps legislative power, bends and breaks the Constitution with decisions clearly outside its scope, and heedlessly attempts, on the grounds of sociology and psychology, to force the integration of the white and Negro races in the public schools. I add that it has done that at the behest of the Communist Party, and has used Communist literature and Communist propaganda as authority for its decisions. An original course of illegal action must of necessity be compounded with even grosser and more illegal acts and unconstitutional proposals to buttress it. Would there be any reason for Congress today to be even remotely called upon to consider such heinous legislation as that now proposed if the Supreme Court had not rendered the original unconstitutional decision in the case of Brown against Topeka and the related cases?

In his testimony before the Senate Constitutional Rights Subcommittee, in support of the proposal to enact new legislation to make such action a crime under the Federal statutes, the Attorney General said:

The problems that arise when individuals act by force or threats of force to obstruct desegregation decrees issued by a Federal court are national in scope. They must be met promptly and vigorously, and this proposal has been drafted with this thought and objective in mind.

Mr. President, how could the problem be national in scope? Where have there been, or where can there be, desegregation decrees other than in sectional areas where there is a high concentration of white and Negro populations? What the Attorney General is actually seeking is class, criminal legislation of the grossest sort. Why not have it apply to any and every Federal court order and decree? If he had asked for such general classification of obstruction of court orders, the power and influence of organized labor would have seen to it that the proposed bill would never have been discussed on the floor of the Senate or on the floor of the other body. Unions and individual members of the labor movement have attempted, more than any other class of interference known in this country, to obstruct, impede, and interfere with Federal court injunctions. But the political power of organized labor is sufficient to hold it immune from any possible Federal sanction such as that now directed against the southern people for the alleged obstruction of desegregation orders.

Mr. President, section II of the Dirksen civil rights proposal would amend the Federal criminal code, so as to punish and prohibit, and make subject to prosecution for the commission of a criminal offense, whoever flees in interstate or foreign commerce, with the intent of avoiding prosecution or custody or confinement, after conviction under local law for willfully damaging or destroying by fire or explosives any real or personal property used primarily for religious or educational purposes.

I share the concern of all our citizenry over the epidemic of hate bombings that has broken out in the last several years. I condemn any bombing, be it of a church, a school, an auditorium, a plant, a home, or any place used as an assembly place by persons, with the consequent danger to life and limb occasioned by such action by wanton and reckless hoodlums.

All agree that any investigations into any of the so-called hate bombings correctly fall within the authority of the State and local police powers. Nowhere have I heard it said that in this regard there is a lack of enforcement of State and local statutes. I personally am of the opinion that State and local law-enforcement officials have adequately dealt with and can adequately deal with these bombings; and therefore I feel that our State laws are adequate in order to have the perpetrators of these heinous crimes investigated and brought to justice. So a Federal statute on the subject is unnecessary. For that reason, I say that section II of the Dirksen proposal is unnecessary.

While I feel that State authorities can adequately police the field at which this proposed Federal statute is directed, I say that if the proponents of this legislation want an antibombing statute enacted, I believe it should apply across the board, and not be limited solely to bombings of educational or religious structures.

The Attorney General, in testifying on the administration proposal before the standing subcommittee on constitutional rights, of the Committee on the Judiciary, stated, in speaking of the proposal to confine antibombing legislation to measures dealing with the destruction of educational or religious structures:

This important problem, we believe, requires additional legislation, particularly as it relates to bombing of schools and places of worship. All decent, self-respecting people are shocked by these incidents of lawlessness. They are manifestations of racial and religious intolerance that are of extreme concern on both the domestic and international scene. While the perpetrators should be dealt with primarily under a local law and by local law enforcement officers, supplemental aid from the Federal Government is needed.

While I agree with the Attorney General that all decent, self-respecting people are shocked by these incidents of lawlessness, I feel that all decent people certainly are also shocked by the dynamiting of individual homes or the dynamiting or destruction of other buildings or facilities; and certainly any bombings should be of concern to all. In line with the comment of the Attorney General that decent people are shocked at these manifestations of racial and religious intolerance, Mr. Charles J. Bloch, an eminent Georgia lawyer, when testifying before the House Judiciary Committee on civil rights legislation, raised questions in which I heartily concur, when he asked:

I ask you, would not decent, self-respecting people be shocked if any building, structure, facility or vehicle were wantonly damaged or destroyed by fire or explosives? Are manifestations of racial and religious intolerance the only manifestations that are of extremely serious national and international concern?

Why is not our Government equally concerned with bombings of hospitals, courthouses, city halls, auditoriums, highway bridges, underpasses, overpasses, piers, railway bridges, mining facilities, factories, business houses of all sorts?

Why limit the scope to religious or educational structures?

If a State government building were bombed, I should think that would be a manifestation of anarchy which ought to be of national concern, though it might not be of international concern.

Should one be permitted to bomb a State capitol or a courthouse or auditorium, or even a building owned by private capital, and flee with impunity?

I share the views of Mr. Bloch that it is not enough if there must be a Federal statute to limit its scope to the bombings of religious or educational structures, and I repeat that the approach should be to make this legislation apply across the board uniformly to cover all bombings and wanton and malicious destruction of all buildings or other real or personal property in violation of State law.

One only has to pick up the newspaper and read of instance after instance of willful and wanton destruction of property other than religious or educational institutions. I recall seeing an Associated Press dispatch some time age concerning the dynamite explosion at the Harriet-Henderson Cotton Mills in Henderson, N.C. The dispatch stated:

I ask unanimous consent that it be placed in the RECORD at this point in my remarks.

There being no objection, the quotation was ordered to be printed in the RECORD, as follows:

A dynamite explosion ripped up a section of earth inside the North Henderson plant gates during the night, but there was little damage to the buildings. Occasional rifle shots shattered windows and splattered against plant walls late last night.

Mr. EASTLAND. Mr. President, that explosion was one of more than a dozen that have occurred in the course of that long and bitter labor dispute in North Carolina. It has become a common occurrence to learn of bombings during the course of long and drawn-out labor disputes, and it seems sensible to me that if there is to be Federal legislation implementing the State police powers on this subject, these bombings incident to labor disputes should fall within the purview of any proposed legislation.

Mr. President, I think it is pertinent to ask why the scope of this bombing proposal should be limited to religious or educational structures when one can note in the newspapers, day after day, items describing bombings of plants, homes, and personal property during the course of bitter labor disputes. Here are a few newspaper items that I have noticed which point up a strong necessity for a broadened and unlimited bombing bill, if there is to be such legislation.

I ask unanimous consent that these quotations be placed in the RECORD at this point in my remarks.

There being no objection, the quotations were ordered to be printed in the RECORD, as follows:

An Associated Press dispatch dated April 10, 1959, states: "A Dearborn, Mich., carwash operator who was bombed out of business after a dispute with the Teamsters' Union appealed to the Senate Rackets Committee today for help."

The New York Times for December 8, 1957, carried this item: "A Senate committee heard evidence today that tended to link Tennessee Teamster Union leaders with unsolved dynamitings."

The Daily Labor Report for December 6, 1957: "Mrs. Lola Freels, bookkeeper of local 621 in Knoxville, Tenn., from 1953 to December 1956, testified that one Teamster business agent accidentally shot another during a midnight shooting at two nonunion trucks; she paid bills for dynamite used in blowing up nonunion places."

The Daily Labor Report for December 5, 1957: "The Senate Labor Rackets Committee starts off a new round of hearings with charges that a goon squad built around Teamster officials with long police records was responsible for at least 173 acts of violence in connection with union organizing campaigns over the last 4 years in Tennessee.

"The 173 acts listed by the committee include 10 dynamitings, 35 assaults, 3 arsons, 24 shootings, and 33 instances of putting sirup in truck crankcases to ruin the motors. The committee investigator estimates that these actions caused $2 million damage to property and in lost business."

From the Wall Street Journal of December 4, 1957: "A Teamster Union member told the Federal court that he knew of at least three companies that were dynamited by his union."

The New York Times for November 27, 1957, reported from Tulsa, Okla., that "Marvin Ralph Hall, a convict, testified today that Robert W. Bryant, business agent of the Tulsa Teamsters' Union, had hired him for 'destructive goon work.' He said that he had been hired to dynamite two Central States Steel trucks in 1954."

A New York Times dispatch of December 10, 1957, stated: "A Senate committee piled up more evidence today of unpunished assaults, dynamitings, and sabotage visited on Tennessee employers, who had refused to take orders from local officials of the International Brotherhood of Teamsters."

An Associated Press dispatch from Whitesburg, Ky., dated April 29, 1959: "A nonunion loading plant, the B. & H. Coal Co., was dynamited out of commission in neighboring Knott County."

A United Press International dispatch from Frankfort, Ky., dated April 24, 1959: "Governor Chandler of Kentucky sent 2,000 Kentucky National Guardsmen into southeastern Kentucky's coalfields today. The Governor said the immediate cause of his decision was the dynamiting of a tipple at Viper early today, the dynamiting of a road at Combs, and the massing of an unruly crowd of some 500 pickets at the Ashlo Coal Co., also at Combs."

A United Press International dispatch from Henderson, N.C., dated June 6, 1959: "The strike at the Harriet-Henderson Cotton Mills entered its 30th week today. A dynamite blast last night added another item to the record of violence that has marked the strike. The blast rocked downtown Henderson but was not definitely located. There was no report of damage."

A United Press International dispatch from Lexington, Ky., dated April 30, 1959: "Six dynamite sticks exploded underneath a nonunion coal-weighing house in the tense eastern Kentucky coalfields last night. A mine guard suffered leg bruises."

An Associated Press dispatch from Hazard, Ky., dated April 26, 1959: "National Guardsmen with fixed bayonets patrolled trouble spots in the eastern coalfields today, as more dynamite blasts occurred. One explosion took place outside the home of an operator of a nonunion loading ramp. Another was at Chavies, near a ramp facility."

An Associated Press dispatch from Daingerfield, Tex., dated October 30, 1957: "An explosion tonight shook an area near the United Steelworkers union hall 6 miles south of Daingerfield, scene of a strike against the Lone Star Steel Co."

An Associated Press dispatch from Henderson, N.C., dated July 23, 1959: "A North Carolina judge sentenced three textile union leaders today to prison terms of from 6 to 10 years as the ringleaders in a conspiracy to blow up vital installations at the Harriet-Henderson Cotton Mills."

The New York Times for August 19, 1958, carried this item: "Barbershop Rocked by Explosion. An explosion rocked a cut-rate barbershop in the Firestone district near Huntington Park yesterday. Operators of the shop at 7713 South Pacific Avenue told Sheriff's deputies the source of the explosion was either a small homemade bomb or a large firecracker."

An Associated Press dispatch from Scranton, Pa., dated August 1, 1957: "Four labor leaders, convicted of conspiracy in the dynamiting of a house being built with nonunion labor, were sentenced to 1 to 2 years in prison and fined $500 each. Judge Otto P. Robinson denied a defense motion to free the four in bail pending a motion for a new trial."

The New York Times for April 16, 1959, carried this story: "Blast Wrecks Home in Coal Strike Area. Fire and an explosion wrecked a home in this strike-bound eastern Kentucky coal area today and destroyed a coal loading ramp. There were no injuries.

"The estimated $100,000 damage was far greater than that caused in any other of the 15 explosions that have occurred since union miners walked off their jobs a month ago."

Mr. EASTLAND. Mr. President, I cite these newspaper reports of bombings in labor disputes in support of broadening the coverage of any bombing bill so as to include all bombings, whether in labor disputes or destruction of religious or educational institutions, plants, or any facility. All acts of violence arising out of bombings should be curbed and brought within the purview of any legislation along this line, and should not have limited scope, but should apply to all wanton acts of violence in whatever fields they occur. If such a provision is enacted, I shall strongly insist that it not be limited to religious or educational institutions, but extend to all bombings of real or personal property.

As I have stated, it is my firm conviction that the detection of criminal acts, regardless of how reprehensible, is the primary duty, responsibility, and obligation of law enforcing officers at the local level. However, if there is to be Federal intervention in the field, the legislation should apply uniformly across the board to cover all bombings in whatever field they may occur.

Mr. President, it is an irony of legislative futility for this Congress to try to make a new Federal crime in regard to the bombing of churches and synagogues while this selfsame Congress is charged with the sole constitutional responsibility of maintaining some semblance of law, order, and security of person and property here in the District of Columbia. Assaults, muggings, robberies, homicides, and rapes—and let me emphasize the crime of rape—has grown so prevalent here in Washington that private citizens are forced to form their own vigilante groups in self-protection.

Dogs are being added to the police force because the human guardians of the law are unable to cope with rampant crime. The Women's District Bar Association is contributing its private funds to send policemen to faraway England for additional training in the utilization of police dogs. There is no safety or security for the women of Washington from criminal assault and rape, either on the streets or in the home or apartment. Washington, and the same can be said for most other of our large cities, is a literal cesspool of crime and violence. But Washington is the responsibility of this Congress and not that of some other sovereign element of government.

I deplore as much as anyone this wave of crime and violence that is sweeping our cities. By and large, our southern cities and our Southern States are as peaceful and law abiding as are those in any other area of the United States. Crimes are promptly detected and swiftly punished. We have less of a juvenile delinquency problem, both among the white and Negro population, than does any other area. If we are going to create new Federal crimes and get the law-enforcing agencies of the Federal Government to work on them, they should be general crimes for all of the United States.

In a recent article appearing in the American Weekly, former President of the United States, Herbert Hoover—who is a good Republican—had some very sensible comments and a feasible solution to make on this whole subject of crime. He said:

The Bill of Rights guarantees to all Americans the right "to be secure in their persons."

Surely that must include the right of our people to walk the streets free from holdups, muggers, murderers, hoodlums, and teenage gangs.

Mr. President, any white woman walking on the streets of Washington tonight is a prey to vultures. There are rapes here that, in the judgment of the Senator from Mississippi, run to the number of several a day, when one counts those that are not reported. That is a matter for Congress to handle.

President Hoover said further:

Our people also should have protection from racketeers, blackmailers, extortionists, kidnapers, forgers, embezzlers, bank robbers, and auto thieves. Our children need protection from rapists.

But in actual fact, how secure are we? What do we know about the crimes being committed in our country? What happens to these criminals? And, what can we do about it?

He suggested that a commission be established to take a crime census and make an overall study of the entire field. He added:

The census could show as far as possible what races the offenders come from.

I quote further:

It might stir the leaders of the various racial groups to action and we might be surprised as to where the great fault lies. It would show the weakness or strength of the present parole systems. It might show the failure of the courts to give adequate confinement in cells so that people could no longer trespass on our constitutional rights.

There is much merit to these suggestions and the plan of doing something about crime as made by our distinguished former President. Congress could make much better use of its time in "looking after Washington" and looking for sane solutions to the crime problems generally rather than now attempting to create these new and novel Federal crimes directed solely and exclusively against the people of a handful of Southern States.

Mr. President, there was a former gangster named Roger Touhy who was assassinated on the streets of Chicago. He had a bodyguard, who was also wounded, who was a retired police lieutenant. According to the newspapers, this police lieutenant made a statement before he was taken to the hospital that there was a secret supergovernment in the State of Illinois, and everybody knows that the syndicate controls and dominates the State of Illinois. We could better spend our time by looking into the activities of the old Capone syndicate and its powers in Illinois.

Mr. President, section V of the proposed Dirksen Civil Rights Act would provide for the education of children of members of the Armed Forces on active duty in communities where the public schools are closed, or where, in the discretion of the Commissioner, such school facilities as are available to those children are not, in his judgment, "suitable."

The section offers Federal aid to children of members of the Armed Forces in communities where the public schools have either been closed by local authorities, or where, in the opinion of the Commissioner of Education, the public schools available do not meet his ideas or determination of what is "suitable facilities" for public schooling to the children of members of the Armed Forces.

This section would also provide that wherever a school is erected, in whole or in part, with Federal funds, and such building is closed, or when the manner in which the local authorities close it, it becomes "unsuitable" in the opinion of the Commissioner to serve the educational needs of pupils for whom such schools are provided and among which pupils are children of the Armed Forces on active duty in that area, then this proposed legislation would empower the Commissioner to take over physically such school building or such school facilities, if Federal funds were used to construct it, and through use of such building furnish what, in the judgment of the Commissioner, is "suitable" public school facilities to children of members of the Armed Forces as long as he deems necessary. If the Commissioner takes over school property under this section he must pay rent to the school district on a basis of comparative amount of funds furnished by Government and State agencies to construct the building, including other acquisitions and capital costs.

At the outset let me say that I am in favor of providing for education of children of members of the Armed Forces in areas where it is needed. I would not deny to members of the Armed Forces serving on active duty any rights and privileges that they need, including education for their children.

However, I do oppose tacking this proposed legislation on to a civil rights proposal where it does not belong. I see no rhyme nor reason that a proposal relating to the Armed Forces should be intertwined with the question of civil rights.

Obviously, the only reason it is offered as a part of this proposal is to add a little frosting to this cake and make it more palatable.

This provision of this section vesting power in the Commissioner of Education to take over school facilities in a school district of a State and, by taking over those school facilities, to furnish what in his judgment, would be "suitable" public school facilities for these children, is objectionable because it is taking from local school boards any authority whatsoever over their own educational system and placing it in the hands of officials in Washington. Here again is another demonstration of efforts to centralize control in Washington and away from the separate sovereign States.

These public laws enacted by the 81st Congress were considered by the respective committees having jurisdiction

over matters relating to the field of education, the Committee on Labor and Public Welfare. When a similar bill, S. 959, was introduced in the Senate, it was referred to the Senate Committee on Labor and Public Welfare by the Senate Parliamentarian, and very properly so. Subsequently, S. 959 and another measure in this related field were re-referred to the Senate Committee on the Judiciary because it was suggested that they should be considered as a part of the so-called civil rights package.

I see no reason why this proposal should be tied in with civil rights at all, and orderly procedures would call for the committee having jurisdiction over the subject matter to consider the proposed legislation and get it to the floor and have it considered on its merits.

Once again we see the extreme efforts used to get votes by attempting to offer a pleasant package of civil rights tidbits.

Why play politics with education for children of the members of the Armed Forces? What connection does this provision have with any so-called civil rights bill?

No reason exists why this bill should not be considered on its own merits and not tied in with extraneous matter.

During the hearings conducted by the House Judicary Committee on the so-called civil rights proposals, the Secretary of Health, Education, and Welfare, Mr. Flemming, in addressing himself to this provision, and in attempting to justify the inclusion of such language in the context of civil rights, stated:

Title VI of H.R. 4457 recognizes that the Federal Government has a unique responsibility with respect to the education of children of military personnel. Members of the Armed Forces serve in communities under orders, and public education is normally available to their children only as it is provided in the communities in which they live.

During the recent closure of certain secondary schools in Norfolk, Va., about 10,000 children were deprived of free public education for a full semester. Of the 10,000 children affected, about 2,500 were school-age children with a parent on active duty in the Armed Forces, assigned to military installations in the Norfolk area. Of the 2,500 such children, only about 350 lived on Federal military posts. And these 350 children, under existing Federal law, would have been the only ones for which the Federal Government could have provided schooling if the public schools had remained closed.

The proposed legislation, if it had been in effect, would have permitted the Government to provide education for the other 2,150 children of military personnel who live off Federal property.

I am informed there are at the present time six States in which no integration has taken place where the laws either require or permit the closing of public schools that are under orders of a Federal court to accept one or more Negro children for enrollment in previously all-white schools. These States are Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina.

If all the public schools in these States were closed by State or local authorities, which is of course unlikely, it is estimated, on the basis of data supplied by the Department of Defense, that about 70,000 school-age children of active-duty military personnel might be affected.

Potentially, then, the proposed legislation may be regarded as insurance for some 70,000 children of military personnel against the denial of educational opportunity in such circumstances. • • •

Title VI of the administration bill provides a practical and promptly usable method, on a standby basis, for meeting a serious problem if it arises. It gives assurance that military personnel ordered to duty in certain States will not be placed in the impossible situation of having to undertake emergency and makeshift arrangements for the education of their children, with the Federal Government powerless to assist.

Senators will note that the Secretary concedes that it is highly unlikely that all of the public schools in these States would be closed by State or local authorities, and that this proposal is advocated as being necessary for only a standby basis; that the situation does not require legislation such as this at the moment but that they want to have the authority to use this if the occasion ever arises. These statements by the Secretary of Health, Education, and Welfare support my contention that legislation such as this cannot be characterized as "must" legislation and can be considered in the ordinary course of events by the appropriate committees of the Congress having jurisdiction in the field of education and considering this type of legislation on its own merits and not trying to make this a part of any so-called civil rights package.

Mr. President, in the normal and customary practices of Congress, whenever new legislation is proposed that touches on controversional provisions of constitutional law, opportunity is given for long and careful scrutiny of the proposal, both as a whole, and in its minute and separate parts. Long and exhaustive hearings are held by the appropriate committees of both the House of Representatives and of this Senate, giving to both proponents and opponents every possible opportunity to present every conceivable argument both for and against the proposal. When the Constitution of the United States is at issue, the people of this country, particularly those against whom the proposed legislation is directed, have the right to expect and demand that Congress discharge this responsibility by permitting the fullest and freest discussion and examination.

The voting referee provisions of the Dirksen civil rights bill, as delineated in section 207 of the proposed amendments to H.R. 8315, involve drastic, and even revolutionary, applications of so-called principles of constitutional law to the present balance of Federal and State relations under the Constitution of the United States. The basic bill, S. 3001, which contains this revolutionary plan, was only introduced on February 8, 1960, and properly referred to the Committee on the Judiciary. The subject matter involved is clearly and unquestionably within the legislative responsibility and jurisdiction of the Judiciary Committee. As chairman of this committee I have a right, not only to expect, but to demand that the Senate give the committee an opportunity to consider this proposed legislation. But in view of what has transpired on the floor of this body in the past 10 days I fully well realize that this would be a futile and useless gesture.

But, Mr. President, in the name of common decency and fairplay, will some Senator, either on this side of the aisle or the other, tell those of us who are opposed to this voting referee business just what is the form, character, and provision of legislation that we are supposed to oppose?

The Attorney General submitted the so-called voting referee plan that appears in the Dirksen amendments first to the Senate Rules Committee on February 5, 1960. He said that this is what the administration wants. I now hold in my hand six pages of mimeographed matter that was transmitted to me, at my request, from the Office of the Deputy Attorney General of the United States, Judge Lawrence E. Walsh. I have been informally advised that these sheets have also been given to the Judiciary Committee of the House of Representatives and to the Rules Committee of this Senate. The sheets are purported to contain: "A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes."

The substance is involved, detailed, complicated, and different in many respects from the Rogers plan. Apparently this is not an attempt to suggest amendments to the Dirksen amendments to H.R. 8315. This is an entirely new bill that the Attorney General is now apparently suggesting be substituted for the original plan he proposed. What purpose can possibly be served, Mr. President, by me and others speaking against and attempting to analyze matter that is now formally before this Senate if tomorrow, or the day after, this new, now only mimeographed, abracadabra is going to be substituted for the language now in the voting referee amendment? Mr. President, if ever there was a time when this Senate was engaged in more disorderly procedures than we are now witnessing I do not know when it could have been. I am opposed to the appointment of U.S. voting referees, period, but I am entitled to know just how, and on what basis, it is proposed to go about appointing them, and how the referees will operate if they are appointed.

I have made a sincere attempt to unravel this maze of legislative legerdemain, but the solution is far beyond my poor power to comprehend or resolve. I suggest in the place of the presently confusing plans and projects by Rogers, Dirksen, McCulloch, Walsh, House Judiciary, and Senate Rules, we substitute the Eastland plan of nothing and just forget the whole business.

As near as I can tell, Mr. President, what happened is this. The Attorney General, Mr. Rogers, was the last witness to appear before the Senate Rules Committee, then taking testimony on the Civil Rights Commission's recommendation No. 5, concerning the so-called Federal registrars of voting in national elections. He then and there dumped in his Federal judge appointed voting referee plan and no one had time to consider the details of the proposal and take any exceptions to it. But my great and good friend, the distinguished minority leader, went ahead

and bought the package and put it before the Senate. But meanwhile, over in the other body, the House Judiciary Committee, which was the proper committee to have this type of legislation, was giving some concentrated thought to the Rogers plan and asked the Department of Justice to send a representative to "enlighten" them in regard thereto. Judge Walsh received the assignment from the Department. His testimony was taken in "executive session" of the full House Judiciary Committee. Since these hearings were closed, and printed copies have not been made available to me or the Senate Judiciary Committee, I do not know exactly what transpired. Some fascinating beams of light are cast, however, on what must have happened in the executive session, by reading the transcript of hearings in an open session of the House Judiciary Committee which was held on February 16, 1960. The only witness for that hearing was that great American, one of our most distinguished Southern sons, a leading luminary of the American Bar, and one of the outstanding authorities, living or dead, on the Constitution of the United States, the Honorable Charles J. Bloch, of Macon, Ga. The transcript of this single hearing covers 144 printed pages without the inclusion of the numerous exhibits that were offered during the course of the testimony and colloquies. I might add for clarification that Charlie Bloch was opposed to the Rogers voting referee plan.

The first reference to Judge Walsh appears at page 22 of the transcript.

Mr. President, I ask unanimous consent to have the excerpt from the transcript printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I have had the opportunity of reading the testimony of Deputy Attorney General Judge Lawrence E. Walsh before this committee on February 9, 1960.

With the deepest respect for my distinguished friend for whom I have the utmost respect, I suggest that in the fervor of his advocacy he has overlooked what he would not, as a judge, have overlooked.

For this bill to be valid, it must be appropriate legislation under the 15th amendment. No other provision of the Constitution could possibly warrant it. To be appropriate legislation under the 15th amendment, congressional legislation must be limited to the prevention of denials or abridgements by a State of the right of a person to vote by reason of his race or color or previous condition of servitude.

In this adroit bill, the scheme is to empower a Federal court to decree that State officials are generally guilty of acts depriving a person of his 15th amendment rights, and then by reason of that decree to compel the State to permit other persons, not parties to the suit, to vote at its elections.

The fundamental vice is the confusion of prevention of discrimination with mandatory provisions compelling the State to permit voting at its elections.

It overlooks the fundamental proposition of law that the privilege of voting is not derived from the United States but is conferred by the State. (*Breedlove* v. *Suttles* (302 U.S. 277, 283). See also *Lassiter* v. *Northampton Board of Elections* (360 U.S. 45, 79 S. Ct. 985).)

If a person proves to the satisfaction of a proper court that he has been deprived of voting rights contrary to the provisions of the 15th amendment, a court, in a proper case, may have the right to redress that deprivation by compelling the State to permit that particular person to vote. But that is a far cry from the attempt of this bill. Here, if A is prevented from voting on account of a studied practice contrary to the 15th amendment, the court may confer the privilege of voting in State elections on B, C, D, E, F, G, and X, Y, and Z.

Under its power to enact legislation to prevent denial or abridgement by a State of a citizen's right to vote, Congress may not convert Federal courts into registration boards supplanting State officials.

The questions propounded by the chairman of this committee to Judge Walsh (record, pp. 44 et seq.) show that he, as a trained lawyer, recognized the gravity of this very question.

In response to the chairman's searching questions, Judge Walsh said:

"Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble" (record, p. 45).

"The CHAIRMAN. You mean that Congress can justify that presumption?"

Mr. Walsh answered:

"Yes, sir. I think it is a reasonable presumption. I think, if you have a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption. Not only is it reasonable, but it is necessary, because for an individual to prove each case that he had been a victim of prejudice [sic] is very difficult. Therefore, I think he needs Congress, help in that regard."

Here we have a striking example of what Justice Hugo Black was warning against when he recently said:

"The concept that the Bill of Rights and other constitutional protections against arbitrary government are inoperative when they become inconvenient or when expediency dictates otherwise is a very dangerous doctrine and if allowed to flourish would destroy the benefit of a written Constitution and undermine the basis of our Government" (*Reid* v. *Covert* (354 U.S. 1, 14, June 10, 1957)).

Here we have the Deputy Attorney General of the United States seeking to justify a "presumption" not on the basis of its constitutional validity but because forsooth it is in his opinion reasonable and necessary.

This is what Congress is being asked to do:

In the opinion of the Attorney General, a person has engaged or there are reasonable grounds that a person is about to engage in acts or practices which would deprive some other person of his right to be entitled and allowed to vote at an election. He institutes a civil action in the name of the United States for preventive relief (U.S.C., title 42 1971(c)). The Court finds that under color of law or by State action persons have been deprived of those rights on account of race or color. It finds that such deprivation was or is pursuant to a "pattern or practice." The statute is silent as to how this question of "pattern or practice" vel non, is to be put in issue. Whose "pattern or practice," we do not know. The language is not limited to a "pattern or practice" established or sanctioned by the State. It may be just anyone's pattern or practice. All that the Court is required to find is that "such deprivation was or is pursuant to a pattern or practice." Then it is authorized to appoint voting referees to receive applications from any person claiming that he has been deprived of his right to register and qualify to vote. It is presumed that such other person is also the victim of such pattern or practice.

The Department of Justice would have the Congress legislate on this basis: In the State of A, there is a pattern or practice of denying or abridging the right of Negroes to vote. X is a Negro and has been refused registration. Therefore X has been unconstitutionally deprived, and the State must let him vote.

In seeking to justify the "Attorney General's proposal," Judge Walsh says first that it is "a bare facilitation of an ancillary procedure by that court to make its decree effective."

Just after the language just quoted, it is said. "The Civil Rights Act does not say the only thing a court can do is to enjoin the registrar. It says it can make such other orders as are desirable."

The action which the Civil Rights Act permits the Attorney General to institute for or in the name of the United States is: "a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

That is the exact language of 42 U.S.C. 1971(c).

The Attorney General is limited to seeking "preventive relief" which may be granted by the Court by means of a "permanent or temporary injunction," a "restraining order, or other order."

And says the Department of Justice, "and all Congress would be doing in the Attorney General's proposal, really, would be making a statutory presumption to avoid one element of proof, that causal link which is so difficult to prove. So it could be justified constitutionally that way."

This overlooks the fact that the Constitution of the United States does not permit such facile leaping of hurdles.

"It is not within the province of a legislature to declare an individual guilty or presumptively guilty of a crime." (*McFarland* v. *American Sugar Co.* (241 U.S. 79, 86, 36 S. Ct. 498, 501, 60 L. Ed. 899).)

Cited in *Manley* v. *State of Georgia* (279 U.S. 1, 6), holding that a statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment. (See also *Bailey* v. *Alabama* (219 U.S. 219, 233 et seq., 31 S. Ct. 145, 55 L. Ed 191).)

"A statute creating a presumption that is arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process clause of constitutional amendment 14, since legislative fiat may not take place of fact in judicial determination of issues involving life, liberty or property." (*Western & A. R. Co.* v. *Henderson* (279 U.S. 639, 49 S. Ct. 445(3).)

Legislation providing that proof of fact shall constitute prima facie evidence of main fact in issues satisfies requirements of due process of law when the relation between the fact found and presumption is clear and direct and is not conclusive. (*Adler* v. *Board of Education* (72 S. Ct. 380(16) 342 U.S. 485).)

The presumption there involved was upheld because it was "not conclusive but arises only in a hearing where the person against whom it may arise has full opportunity to rebut it." (342 U.S. at p. 495.)

It is suggested that "maybe * * * a State is entitled to less protection because it is not a person under the 14th amendment" and perhaps the due process clause of the 14th amendment does not apply to a State.

This suggestion overlooks the fact that a "person or persons" are the defendants in an action under 1971(c). It is those "persons" to whom the Attorney General will

transmit the "supplementary decree" proposed to be issued under the amendatory act, it is those persons—election officials—who are subject to prosecution for contempt.

During the questioning of Judge Walsh by Representative WILLIS, he was asked: "Then this voting referee, however, would have a right to protect, according to the pattern of the bill, not only persons named in the original action, but anybody in the area who feels that he is the victim of the pattern?"

The answer was: "Yes, sir, anybody who is a member of the same race" (record, p. 48).

The bill, H.R. 10035, does not confine the reception by the voting referees of "applications" to those of the same race as those for whom the original suit was brought.

Page 2, lines 5 and 6, empowers these voting referees "to receive applications from any person claiming such deprivation as to the right to register."

"Applications" for what? For what do the applicants apply? Was the fact that what these "applicants" will be seeking is a registration certificate designedly omitted?

Perhaps, the drafters of the bill gagged at the idea of so patenty converting a Federal court into a registration board.

At page 50 of the hearings, Mr. Willis asked Judge Walsh if he was familiar with the jurisprudence that under clause (b) of rule 53, the adverse party could insist upon a showing that an exceptional situation existed before a master could be appointed. Judge Walsh replied: "Yes, sir, and that was because he would have to pay one-half of the cost of the master, whereas here no one is going to pay the cost of the master except the Government."

I respectfully suggest that that is not the real reason for the extreme reluctance which exists on the part of Federal judges to appoint "masters."

The real reason is that by its nature and consequence the procedure of reference to a master "nullifies the right to an effective trial before a constitutional court."

See "In re Tom R. Watkins, praying for a Writ of Mandamus," decided by the U.S. Court of Appeals, Fifth Circuit, November 24, 1959, 271 F. 2d 771.

The quoted language is at page 775, and reference is there made to the case of *Beacon Theatres, Inc.* v. *Westover* (1959, 359 U.S. 560, 79 S. Ct. 948, 3 L. Ed. 2d 988).

In that case, at pages 508–509, Justice Black speaking for a majority of the Court says:

"Our decision is consistent with the plan of the Federal rules and the Declaratory Judgment Act to effect substantial procedure reform while retaining a distinction between jury and nonjury issues and leaving substantive rights unchanged."

Then follows language which is summarized in 79 S. Ct. 948, headnote 18, as follows:

"In Federal courts, equity has always acted only when legal remedies were inadequate."

As Justice Black points out, that rule is derived from a long line of cases one of the earliest of which is *Hipp* v. *Babin* (60 U.S. 271, 19 How. 271, 15 L. Ed. 633). Note: See Equity, Supreme Court Digest, Key No. 46.

Despite these ancient rules of law, despite the limitations upon the judicial power of the United States as set out in the Constitution, despite the 10th amendment; the Attorney General would have a Federal court become a registration board, and permit the claims of thousands of "applicants" who have never submitted those claims to proper State tribunals, to be adjudicated in a proceeding said to be "ancillary" to a pending proceeding, an ex parte proceeding, and to be adjudicated by a so-called supplementary decree. Prepared statement of Judge Walsh before the committee, page 6.

The "applications" which would be filed by those who were not parties to the original action would in no sense be such a "complaint" as is required by Federal Rules of Civil Procedure No. 3 for the commencement of a civil action in a Federal court.

A civil action in a Federal court is commenced by the filing of a complaint with the court. Rule 3.

Other rules provide for the issuance of process, the service of process, the filing of defensive pleadings. Rules 4, 5, 8 and 12 for example.

Unless those rules are complied with there is no suit in the Federal court. There being no suit at all, there is no ancillary suit.

But even if we can denominate this strange new "application" as a complaint, a suit it is not in any sense heretofore adjudicated by the Federal courts ancillary to the civil action which, filed by the United States of America, had preceded.

That action created by the Civil Rights Act of 1957 permits the United States of America to institute a civil action for preventive relief against persons who may be depriving other persons of certain rights.

Now, it is proposed after there shall have been a decree granting such preventive relief, and declaring a pattern or practice to exist, to permit "applicants not parties to the original suit to be granted mandatory relief, to be by a Federal court registered as voters at all elections, State or Federal."

Up to now, it has been the law that even a real case or controversy, as distinguished from an "application" cannot be regarded as "ancillary" so that jurisdiction can be made to depend upon the jurisdiction in the original suit unless it has direct relation to property or assets actually or constructively drawn into the court's possession or control by the principal suit. (*Oils, Inc.* v. *Blankenship* (145 F. 2d, 354, 356).)

Even if these so-called applications could be dignified with the title of "supplemental bills," they would be unauthorized under presently existing and adjudicated principles of law and equity and equity practice in the Federal courts. (*Walmac Company* v. *Isaacs* (220 F. 2d, 108, 113–4). *Dugas* v. *American Surety Co.* (300 U.S. 414, 428, 57 S. Ct. 515, 521, 81 L. Ed. 720).)

The bill provides for the issuance of a "supplementary decree" by the court after these proceedings before the voting referees which proceedings Judge Walsh characterizes as "ex parte," his statement, page 6.

The phrase "supplementary decree" is not recognized or defined in the Federal Rules of Civil Procedure nor in title 28 of the United States Code.

Heretofore an action in equity has ended with the final decree adjudicating the rights of the complainants and defendants in the cause.

A court of chancery has had jurisdiction of course to effectuate its decree by appropriate process. (19 Am. Jur. Equity, Sec. 420.)

Heretofore, in the United States and in England, that effectuation has been confined to the enforcement of the rights of and relief granted to the parties to the case.

Never before has it been thought that a "supplementary decree" could be promulgated by a court granting relief to "applicants" who were not parties to the case in which the decree was promulgated, and granting relief of an entirely different nature from that prayed or granted in the main suit.

The only "supplementary decrees" known to equity practice in the United States and England as it heretofore existed resulted from "supplemental bills" founded upon matter arising after entry of the decree. (See for example, *Root* v. *Woolworth* (150 U.S. 401); *Independent Coal & Coke Co.* v. *United States* (274 U.S. 640); *Looney* v. *East Texas R. Co.* (247 U.S. 214).)

The so-called supplementary decree here sought to be authorized would be nothing more or less than what in some countries have been called ukases—which in czarist Russia were "imperial orders or decrees, having the force of law."

Mr. EASTLAND. Mr. President, it is not my purpose today to argue the legal and constitutional issues involved in the voting referee plans. The arguments here advanced by Mr. Bloch need no comment by me. I do say that before this debate is concluded plenty will be heard about Judge Walsh's amazing assertion that this Congress is constitutionally justified in jumping a gap and establishing a conclusive presumption by legislative fiat. I am also further suggesting that we find from this portion of the House transcript one of the reasons why it is now necessary for the Attorney General to send to Congress this newly proposed bill that is now contained in these six mimeographed pages.

The hearings were resumed in the afternoon at page 77 of the transcript.

Mr. President, I ask unanimous consent that Mr. Bloch's testimony at page 77 be printed in the RECORD.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

The real bite, the real sting in this proposed legislation—we might as well meet it head on—the real bite and sting is that a Federal judge is given the opportunity, is given the privilege, is given the right to appoint Federal referees to supplant the State registrars upon certain conditions. The last in the chain of those conditions is that he must have found that a pattern or practice exists.

The CHAIRMAN. Now, what is unusual about that? We have that in our statutes already—pattern or practice. We have it in the antitrust laws.

Mr. BLOCH. Well, I saw where Judge Walsh said that is where they got it from. He alluded to that. But that does not make it right, because it is in some other law.

The CHAIRMAN. Well, it has been in the law for a great many years, and nobody has seen fit to attack it.

Mr. BLOCH. Well, Negroes were forbidden to vote in white primaries in Georgia, in the Southern States, for a great many years, but that did not make it legal, according to the decision of the Supreme Court. It will be attacked if it is ever put into the law—it will be attacked.

The CHAIRMAN. When you have words of that character, they become words of art. They become imbedded in the statute, and the courts are rather loath to change those words or change the practice that has developed as a result of those words. The burden is on you to show that they are so unusual that they should be changed.

Mr. WILLIS. Will the gentleman yield at that point?

The CHAIRMAN. I will yield.

Mr. WILLIS. It is not my recollection at all that the antitrust law uses the word "pattern" at all. If we are trying to put a meaning of a word of art on the word "pattern," what the antitrust law provides is a scheme somewhat like this—and I have not read it in quite a number of years. I see counsel is here.

The CHAIRMAN. Course of conduct.

Mr. WILLIS. That if there is a prosecution for violation—alleging combination or conspiracy to violate the antitrust law, and the corporations or companies involved are held to have conspired or combined, then the very people involved and who have been hurt are given the benefit of that holding in question in connection with a damage

suit that flows from it. But there is no reference to the word "pattern" in that statute.

The CHAIRMAN. The word "pattern" is not used, but the Supreme Court, in interpreting the antitrust laws, indicated where a course of conduct prevailed and has endured for a considerable length of time, that may be deemed a combination in violation of the Clayton and/or Sherman Act.

Mr. BLOCH. I noticed, Mr. Chairman and Mr. Willis, and I wondered where that phrase "pattern or practice" came from. Judge Walsh testified before this committee on February 9. I did not see his testimony until about February 11. I noticed in reading it that he said that phrase "pattern or practice" was used in the antitrust laws.

Mr. WILLIS. No, I do not think he used that phrase.

Mr. BLOCH. Well, he said something which gave me the idea that he had gotten it from the antitrust laws.

Mr. WILLIS. I think he was trying to find a precedent for this procedure, but I do not think he used the words.

Mr. BLOCH. I would be very glad to have the opportunity to supplement my memorandum with a written memorandum to the chairman for insertion in the record.

Mr. WILLIS. I ask, Mr. Chairman, and that will be done, I know, shortly, that the gentlemen give some study to the precedent, so-called, of the antitrust laws, and let's dig into it.

Mr. BLOCH. He said something about the antitrust laws. I never had an opportunity to look into it. As I say, it has not been but 5 days since I read it.

But my point is this, sir——

The CHAIRMAN. I just want to make an answer to that request. You have a right to insert in the record anything you want to put in there concerning so-called precedents under the antitrust laws.

Mr. BLOCH. Yes, sir.

But what I was talking about was this: Assuming that that is a good phrase, and assuming for the sake of the argument merely that a pattern or practice means something and gives somebody a right to do something—now, here is my point—under this bill, 10035, the Federal judge is given a right to appoint Federal referees whenever he finds that a pattern or practice of discrimination exists.

Now, my point is this, sir: Even if that Federal judge finds that a pattern or practice of discrimination exists, that that pattern of discrimination, or prejudice, as Judge Walsh at one time calls it—that that pattern or practice cannot be considered or cannot be deemed as synonymous with a denial or abridgement by a State until a State—the State in which that pattern or practice is carried on—has had the opportunity to correct that pattern or practice by decisions of its own courts.

That is my point.

The CHAIRMAN. You say Judge Walsh maintains that?

Mr. BLOCH. Sir?

The CHAIRMAN. You did not say Judge Walsh maintains that, did you?

Mr. BLOCH. I said that was my view. That even if a pattern or practice on the part of registrars exists, that that does not mean anything unless that pattern or practice can be legally—is legally synonymous with denial or abridgement by a State. And that that pattern or practice cannot become synonymous with denial or abridgment by a State until the courts of the State have had a right to adjudicate with respect to that pattern or practice.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. THURMOND. Is it not correct to say that the plan testified to by the Attorney General of the United States and presented before the Hennings subcommittee has been revised again and has never been presented to the Senate by him or anyone else?

Mr. EASTLAND. The distinguished Senator is correct.

Mr. THURMOND. It has not been considered by the Judiciary Committee of the Senate, of which the able Senator from Mississippi is chairman. Is that correct?

Mr. EASTLAND. That is correct.

Mr. THURMOND. It has had no opportunity to consider it. We are going to be called upon here to act in the Senate itself, in the Senate Chamber, upon far-reaching legislation, which has received no consideration, no discussion, and no observation before the Judiciary Committee of the Senate, which is the appropriate committee which has jurisdiction over consideration of such a measure.

Mr. EASTLAND. That is correct. The Committee on Rules and Administration has held hearings on the Civil Rights Commission program for Federal registrars.

The Attorney General, Mr. Rogers, testified before that committee as the last witness. The Governors of the various States of this Union and the attorneys general were not given an opportunity to appear before that committee to state their objections to the referee plan, or to point out the defects in the Rogers plan. There have been no hearings held, but we are asked to legislate on a vital matter which would take over the elections and federalize the elections of this country, without any hearings being held before a Senate committee.

Mr. THURMOND. Notwithstanding the fact that the question of elections is reserved to the States under the Constitution of the United States.

Mr. EASTLAND. Yes. That is correct.

Mr. THURMOND. I should like to commend the able and distinguished Senator from Mississipi for the magnificent presentation he is making. I should like to commend him for pointing out to the people of this Nation that amendments are being offered which contain far-reaching provisions and raise serious constitutional questions without affording to the Judiciary Committee of the Senate an opportunity to study the new proposal. That it has received no consideration and study by the appropriate committee, which should make a recommendation to the Senate before this body should be called upon to discuss these amendments and to act on them.

The distinguished Senator from Mississippi is rendering this Nation a great service in presenting this matter so effectively here in the Senate, and again I wish to commend him.

Mr. EASTLAND. I thank my distinguished friend from South Carolina. Let me add that the Deputy Attorney General of the United States has sent up six mimeographed pages of a bill which is different from that which was presented by the Attorney General. Evidently they decided that the Attorney General's proposal was not sound, so they have sent up a new version. It has not even been introduced. It may be the administration's referee bill.

Mr. THURMOND. This new proposal is not even before the Senate.

Mr. EASTLAND. This new proposal has not even been introduced. It is different from the first one that was sent up.

Mr. THURMOND. That is right. Yet they want us to take action in this field on an important measure on which the Attorney General himself has changed——

Mr. EASTLAND. On which they themselves are not in agreement.

Mr. THURMOND. On which they have changed their mind several times.

Mr. EASTLAND. Yes.

Mr. THURMOND. I wish to thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. SPARKMAN. I was interested in the discussion as to the proposed legislation before us. I know what the pending business is. I understand there is only one amendment. I do not know yet upon what we shall be called to act, in other words.

Mr. EASTLAND. I have in my hand the last thing they sent up that the Department of Justice wants considered. It is the latest version. It has not even been introduced.

Mr. SPARKMAN. I started to say that it has not even been introduced.

Mr. EASTLAND. No. It has not been introduced.

Mr. SPARKMAN. Are we certain as to what they want or what they expect? We are not certain as to what the proposed legislation that is to be before us actually will be. I have read in various newspaper accounts, statements to the effect that it is being used more or less as a stalking horse, if I may use that expression, until some other proposed legislation is finally drafted and is brought before us. Therefore, I have been quite puzzled all along as to just what finally we are going to be called upon to act.

Mr. EASTLAND. I would like to know what we will be called upon to act on. I think the present bill is dead. It flies in the face of the Constitution of the United States. What we are going to be called upon to act on, I do not know. There is some vague referee plan—it is vague and shadowy—but I do not think they know themselves what they want.

Mr. SPARKMAN. Mr. President, will the Senator yield for another question?

Mr. EASTLAND. I yield.

Mr. SPARKMAN. The Senator is chairman of the great Committee on the Judiciary. He has very close association and affiliation with the judicial system of this country. He has a high admiration for the judicial system, and for the purpose and intent for which the courts were established. Does he believe——

Mr. EASTLAND. I think the present Supreme Court is a disgrace.

Mr. SPARKMAN. I am not talking about that. I am talking about the courts generally—the district courts and the court system, and the judges who are appointed to serve, and the jurors, and so forth—and the Senator is familiar, is he not, with the history of the referees under the old Reconstruction Act which was passed back in 1871, and how it brought disdain upon the courts themselves.

Mr. EASTLAND. The Senator from Mississippi is familiar with the act to the extent that it was an instrument of the Republican Party to control the elections principally in the North, particularly in New York State, and that it was a vehicle of fraud. It was repealed by honest men when they got control of their Government.

Mr. SPARKMAN. Several days ago I inserted in the CONGRESSIONAL RECORD an editorial from the New York Times which was written on the occasion of the repeal of that act in 1894.

Mr. EASTLAND. Does the Senator not agree with me that it wac a vehicle of fraud?

Mr. SPARKMAN. Completely. I was just going to ask the Senator from Mississippi if by any chance he had read the editorial.

Mr. EASTLAND. No; I have not read the editorial.

Mr. SPARKMAN. It pointed out that it became completely unbearable and impractical and unworkable, and became, as the Senator said, a vehicle of fraud, and brought contempt upon the courts themselves; and the judges, regardless of how honorable they were, were bound to share some of the criticism that came about by reason of the referees that they had been called upon to appoint.

Mr. EASTLAND. Does the distinguished Senator from Alabama—and he is truly one of the distinguished Members of this body—agree that if the referee plan is enacted in any form, it will be used as a vehicle for intimidation and to control elections in this country?

Mr. SPARKMAN. That was the experience before. The New York Times editorial said that the 1871 plan had been enacted for the purpose of controlling elections in the South, but that it had been turned against the North and had been used there actually to enable the leaders to go down into the wards and the beats and the precincts in order to control elections. Of course, it will be used again. The temptation will be too great not to do so.

Mr. EASTLAND. It will be used again.

Mr. SPARKMAN. Certainly it will. I strongly believe that the country ought to be made aware of just what is the potential of the so-called referee system. Goodness knows, if people would only go back and read history, it seems to me that that ought to be sufficient reason to cause them to steer away from such a proposal completely.

Mr. EASTLAND. I hate to think that the Democratic Party would be gullible enough to fall for this proposal, because it is a Republican proposal to control elections and to fool Democrats.

My prediction is that regardless of the higher motives of those who present the proposal, it will be a vehicle of fraud and corruption in the future. I believe I am speaking correctly in the light of history.

Mr. President, I regret having to pass over the opportunity to comment on the points raised by the participants in the colloquies, but my present purpose is to unravel Judge Walsh's relation to the House hearings and the reasons or justifications for these six mimeographed pages. So I will just rest here for the present.

At page 102 of the transcript Mr. MEADER, of Michigan, asks a question of Mr. Bloch which involves Judge Walsh's previous testimony.

Mr. President, I ask unanimous consent that that portion of the testimony be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Mr. MEADER. Mr. Bloch, if I may return, I had some misgivings, if you read the record, about some passages of this legislation, which I discussed with Judge Walsh when he was before our committee a week ago today. One of them was whether or not the order of the Court, or the decree of the Court, would run against persons who were not parties to the proceeding, and it seems to me you have just, in your reply to Mr. WILLIS, indicated that you believe that the order of the Court might run against persons who were not defendants in the suit.

Is that your belief?

Mr. BLOCH. I said in my prepared statement that that might be possible. I have not studied it sufficiently to say even whether the Court, in a supplemental proceeding, could be authorized by the Congress to register people. My view is—I said there that it might be legal. I conceded it.

My view is that it would not be legal. I say legal—that it would not be constitutional, because even in the case of one person named in the bill, for the sake of example—named in the suit—that Congress would be conferring upon the Court a nonjudicial power.

Now, I am not as strong on that—I am frank to admit I am not as strong on that as I am on the general provisions of the bill. But that question also, Mr. MEADER, was raised in the Raines case.

Mr. MEADER. Let me read a passage from the hearings a week ago, from page 36, the top of page 36.

Mr. BLOCH. What are you reading from, sir?

Mr. MEADER. The hearings a week ago, with Judge Walsh.

"Mr. MEADER. So the whole effect of this referee provision is confined to the parties to an action. Is that correct?

"Mr. WALSH. Confined to the parties to the original action. But those are the parties in their official capacity. In other words, the parties to the original action would be in your case;" and so forth.

"Mr. MEADER. And any of this business of serving the supplementary order would affect only parties to the original action.

"Mr. WALSH. Yes, sir, and their successors in office."

So in any case brought by the Attorney General, under subsection (c) of 131, according to the Attorney General's representative before this committee, was intended to affect only the parties named as defendants to the action or their successors in office.

Mr. BLOCH. Yes, sir.

Mr. MEADER. It would not apply to the whole State, as you just said, in your answer to Mr. WILLIS.

Mr. BLOCH. Well, that is what he says. But what does the bill say?

Mr. MEADER. I am perfectly willing to concede that the present phraseology of this legislation we have been talking about, the bill pending before the committee, might lend itself to the interpretation you have made of it and then it seems to me the problem is for the committee to draft language which says only what the Attorney General says he wanted it to say; namely, that the parties to the action were the only ones intended to be affected; that is parties to the action or their successors in office intended to be affected by the decree.

I think it should be perfectly feasible to draft phraseology to limit it in that respect; don't you?

Mr. BLOCH. It would be feasible to draft it; yes. I don't know whether I would like it when it was drafted.

Mr. MEADER. But if it were not so limited, Mr. Bloch, I apprehend that others not party to the action might very well be denied due process on their day in court if they were to be affected by decree in which they had no participation, in which they had not been permitted to produce evidence, cross-examine witnesses, and make their arguments before the court.

Do you agree with me on that?

Mr. BLOCH. Yes; I notice I have not had the opportunity to read this printed report of the hearing. I had not seen one of them.

I did have the mimeographed copy and I noticed your questions of Judge Walsh along that line. But I was struck with the fact that in the time that I had had to read it that there was considerable discussion as to the effect on certain parties defendant, but I didn't see much discussion, if any, as to what the meaning of the phrase "receive application from any person claiming such a deprivation."

What was the meaning of that phrase "any person"?

Mr. WILLIS. Will the gentleman yield?

Mr. MEADER. Just for one question.

Mr. WILLIS. Judge Walsh made that perfectly clear. I didn't know there was any apprehension or misunderstanding about it, that the real purpose of the bill is an effort, honest effort upon the Department of Justice to provide a right to vote and to provide a means to enforce the right to vote of persons not in the original action at all.

That is the whole idea of the bill; the third party, not the parties to the action, as the parties to the action are protected by injunction.

The whole idea of this bill is to give opportunity to people not in the original action, but in the whole area, the whole county supposedly affected by the pattern of discrimination, to come in and say, "I want the right of a certificate to vote" and accorded the conclusive presumption that I know I have to prove that I am discriminated against.

Mr. MEADER. I don't yield further because I think the gentleman has assumed.

The CHAIRMAN. Wait a minute, Mr. MEADER. I want to correct the gentleman.

There is nothing conclusive about the presumption. It is a rebuttal presumption, not conclusive.

Mr. MEADER. I took exception to Mr. WILLIS' statement that the people deprived of the right to vote were parties to the action.

I thought we had that stage behind us because the party to the action is the Attorney General, whether he is required to name individuals or not, they are not parties to the action.

Mr. BLOCH. Well, Mr. MEADER, I think you called it 111–C and I called it 1971–C—what power does it give to the Attorney General?

Would you mind reading that to me again? I thought I had a copy of the statute.

Mr. MEADER. I just got through reading it a few minutes ago, but the action is on behalf of the United States by the Attorney General and it doesn't require him to name individuals.

Mr. BLOCH. What does it say?

Mr. MEADER. It says, "Whenever any person has engaged or there is reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b)."

Mr. BLOCH. What comes next?

Mr. MEADER. "The Attorney General may institute for the United States or in the name of the United States, a civil action or other proper proceeding for prevented relief."

Mr. BLOCH. Preventing what?

Mr. MEADER. "Including an application for a permit or temporary injunction or other restraining order."

Mr. BLOCH. How would you get the injunctive order preventing such practices unless the persons were named?

Could you just get a general antidiscrimination order under that?

Mr. MEADER. Well, as far as the statute is concerned, I believe that is what is contemplated. It doesn't say that you have to get an injunction restraining you from discriminating against Susie Jones.

It doesn't say that you have to name the person, but at any rate I think we should go on to another point, whether these people are parties or not.

I would like your comments on this question. If this legislation authorized the district court to issue a writ of mandamus to a State registrar compelling him or ordering him to register a certain person, would you have objection to that on constitutional ground?

Mr. BLOCH. If the statute left the registration process to the State registrars and then issued a writ of mandamus commanding the State registrars to register a certain person——

Mr. MEADER. Without any reference to this referee?

Mr. BLOCH. I have objection to that.

Mr. MEADER. What would it be?

Mr. BLOCH. It would contravene the 10th amendment.

My objection secondly would be until the action of those registrars had been reviewed by the State courts, that there hasn't been any abridgement or denial on the part of the States and that the district courts of the United States, as said in this recent case, that the district courts of the United States ought not to interfere with the State processes until the State courts have had an opportunity to rectify any errors which have been committed; but if a person claims to have been unconstitutionally deprived of his right to vote on account of his race or color, that the district courts of the United States ought not to be granted the power to compel a State body by writ of mandamus to register that person without that person having first exhausted his State judicial remedies, but until he does that, that isn't any abridgement or denial on the part of the State.

Of course, that is the question upon which Mr. MCCULLOCH stated the opposite view a while ago so it gets down to the basic question.

Mr. MEADER. There is nothing in the 15th amendment that says the United States has to wait until the States have completely failed in their judicial process for remedies for these people who are guaranteed the right to vote.

If I agree with Mr. MCCULLOCH that the United States can act right now without waiting until the States have failed in their duty, then your argument wouldn't apply.

Mr. BLOCH. But Mr. MEADER, how can Congress ever determine—this is more or less a rhetorical question—how can the Congress ever determine that the States have failed in their judicial process when the States have not been given an opportunity to apply their State laws so far as the record shows and where there is a case in Georgia where a Negro voter claiming that he has been denied the right to vote, or that his constitutional rights have been abridged, has ever appealed to the State courts.

Mr. EASTLAND. These passages, Mr. President, seem to be most confused and confusing. Only the witness seems capable of steering a straight and accurate course through the labyrinth of legalism. But in addition to further tracing Judge Walsh's course before the House committee, I ask this question: If the brilliant legal minds who constitute the membership of the House Judiciary Committee are having so difficult a time, as they obviously are, making legislative and judicial sense out of the referee voting plan advanced by the administration, how can this Senate, acting in effect as a committee of the whole, possibly attempt to write up a bill from this floor? It simply cannot be done, Mr. President.

Consider these passages carefully and bear in mind that Mr. MCCULLOCH is the House sponsor of the administration's voting referee plan. His bill, H.R. 10035, is now identical language to the Dirksen amendment to H.R. 8315, presently before the Senate.

Mr. President, I ask unanimous consent that a further portion of the testimony be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Mr. BLOCH. Mr. Chairman, where is there anything in the book that says that is a rebuttable presumption?

The CHAIRMAN. Nowhere does it say that.

Mr. BLOCH. Where is there anything in the bill giving anybody an opportunity to introduce evidence to rebut that presumption?

Mr. MCCULLOCH. Mr. Chairman, might I comment at that point?

The CHAIRMAN. Yes.

Mr. MCCULLOCH. The matter generally is approached on lines 14, 15, 16 and 17. It is on page 2 of H.R. 10035.

It, of course, declares the finding or report shall be accepted by the court unless clearly erroneous.

Well, the very phrase "clearly erroneous" implies that evidence might be submitted under proper conditions which would show that the report was clearly erroneous. Furthermore, it is a very simple matter to write an amendment into this bill whereby there may be exceptions filed to the report and where witnesses may be called on behalf of those exceptors and where there may be a final supplemental decree which is based upon evidence in the case after people have been given the right to be heard.

Later on in these hearings, I shall make a statement saying that two bills to cure many of these defects which has taken a great deal of time and properly so, will be cured by an opportunity to have witnesses called and examined by the persons to be charged.

Mr. BLOCH. Does it say so?

Mr. MCCULLOCH. Not in this bill, except as I said where the phrase "clearly erroneous" is used, there is a clear implication that evidence might be submitted to disprove that or there would have been no use for that phrase.

Mr. BLOCH. Mr. MCCULLOCH, I was more apprehensive about the presumption which is a component part of the bill before you ever get to lines 14 and 15 and about which Judge Walsh testified.

The CHAIRMAN. I am sorry I can't make it stronger, Mr. Bloch.

Mr. BLOCH. It wouldn't do me much good.

Mr. MEADER. Mr. Bloch, if I could help you, I would like to have you read what Mr. Walsh said on page 14. It is not a rebuttal presumption but a conclusive presumption which Congress is enacting into law and that is why he wants this bill.

Mr. MCCULLOCH. Mr. Chairman, I do not agree with that statement and Judge Walsh and the language of the bill does not justify that statement, in my opinion.

Mr. MEADER. That is what he thinks the bill does.

Mr. BLOCH. What page, Mr. MEADER?

Mr. MEADER. Page 14.

Mr. WILLIS. I will bring that out, Mr. Bloch. I underscored passages along that line.

Now may I call this to your attention. On questioning by the chairman and Mr. LINDSAY of this committee. Mr. Walsh brought out that the registrar proposal was vulnerable on constitutional grounds.

For example, on page 18 of the printed record Mr. LINDSAY said, "I am not clear on your argument about the registrars proposal. Is it not true that the 15th amendment would also cover the registrar proposal insofar as State elections are concerned in the event that the registrar proposal were broadened to include State elections."

Mr. Walsh said, "I think the problem you would be confronted with there is the supplanting of a State officer with a Federal officer without a judicial finding and that the 15th amendment conditions have been met."

Mr. LINDSAY said, "I understand. Do you think that raises a clear constitutional question?"

Judge Walsh said, "I think it does, yes."

Then on page 19 Mr. LINDSAY said, "What I am trying to figure is what is the authority for making the distinction under the 15th amendment between the referee proposal and the registrar proposal. Again talking about State elections, I want to see if I understand you clearly."

Judge Walsh said, "Well, the basic distinction is the analogy of a due process problem."

I am just making that statement so that my questions will follow, Mr. Bloch.

Then, having raised that question of constitutionality, he tried to bring out the virtue of his proposal and he was the one who introduced the question of presumptions, and I have underscored some of his statements which I now read before I will ask you a few questions.

For instance, he brings out the idea of the presumption on page 14 as Mr. MEADER developed and then on page 15 also.

Mr. MEADER. You better read that.

Mr. WILLIS. I will read those passages:

"The voting referee, I would not make that determination. That is the whole purpose of the statute to avoid the need for that determination in each individual case; namely, the termination of individual discrimination."

Then again on page 16 Judge Walsh says, "The Congress, if this bill prevails and passes, will have made a legislative finding that the probability is so high that that is the only reason for not letting Negroes register; that it may be assumed a conclusive presumption or statutory rule that therefore need not be found in each individual case."

Mr. BROOKS. What page was that?

Mr. WILLIS. Pages 15 and 16.

Mr. BLOCH. That is the part I was talking about.

Mr. WILLIS. Well, if you found a pattern and practice of Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

In other words, he said that five times. Now isn't he treading on due process there, on constitutional grounds as of serious import as is his criticism on the registrar proposal?

Mr. BLOCH. Yes, and I call attention to that in my original statement and that was just what I was about to point out to Mr. McCULLOCH when I said I was troubled, apprehensive about the presumption that was created before you ever got to lines 14 and 15, up at the top of the page.

I called attention in my written statement to that language on pages 45 and 46 of the mimeographed copy and it is on page 21 of the printed record where Judge Walsh said, "Well, if you found a pattern and a practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble."

The chairman said, "You mean the Congress can justify that presumption?"

Mr. Walsh said, "Yes, sir. I think it is a reasonable presumption. I think if you have had a pattern and found the likelihood of any other reason for refusing to let him register even though he is qualified, I think there is a reasonable basis for such a presumption."

Then he goes further and says, "Not only is it reasonable but it is necessary because for an individual to prove each in each case that he had been a victim of prejudice is very difficult. Therefore, I think he needs Congress' help in that regard."

Now I say that that presumption as construed by Judge Walsh violates the due process clause of the Constitution.

Mr. MEADER. Will you yield for just a minute?

Let we ask you if you wouldn't add it is a judicial determination and not a legislative determination.

Article III says the judicial power of the United States shall be vested in the Supreme Court and such inferior courts as Congress may ordain and establish. The finding that a particular act or practice has occurred is a judicial function, not a lawmaking, legislative, policymaking function.

Mr. BLOCH. There is another subparagraph of that article, a little below that, that refers to cases and controversies and I say that we are going back to the supplemental proceeding now in getting away from the presumption and I take it that that supplemental proceeding would not be a case or controversy and I say further that a registration proceeding is not a judicial function under the judiciary clause of the Constitution.

But to go back to the presumption section, I further contend in response to Mr. Willis' suggestion that that presumption that is created there, as irrebuttable presumption or if rebuttable, nothing in the acts give any body the right to rebut it, giving nobody the right to introduce evidence to rebut it, giving nobody the right to appeal to the court, is a violation of the due process clause.

Now as I said to Congressman FORRESTER at lunchtime, it seems to me that it is akin to this other situation.

Suppose that the registrars in my county were about to register a group of people of any race, white, colored, or red, from the lower 20th District, we will say. I will say the lower 20th because there isn't any such and I don't want to step on anybody's toes.

Let's say there were 100 people there seeking to register and the board of registrars asked 20 of them various questions about the Constitution of the United States under the registration statute and all 20 of them couldn't answer.

The registrars could then say that creates a presumption that the rest of you are ignorant, that all 80 of you are ignorant and we won't register any of you. That is what the bill does.

Mr. WILLIS. Let's pursue what Judge Walsh's interpretation of the proposal is.

Mr. McCULLOCH. Might I add something there?

Mr. WILLIS. I am sorry. I want to nail this down because I think we are talking about two bills. I have been talking about 10035 and Judge Walsh in his testimony on page 21 of the record is talking about his mimeographed bill.

Mr. WILLIS. What page?

Mr. McCULLOCH. Page 21 of this printed record. Isn't Judge Walsh talking about his mimeographed bill and not about the printed bill which bears my name, 10035, and if he isn't then the record ought to make that unmistakably clear.

Mr. WILLIS. Page 21?

Mr. McCULLOCH. Yes.

Mr. WILLIS. Of course not. Well, I say of course not, from reading it, it doesn't say so, it doesn't say he is speaking of his mimeographed proposal. He said it five times.

Now may I pursue it further?

Mr. McCULLOCH. All right, if you will limit your questioning to this bill so there is no mistake in the record, then I shall be pleased.

Mr. WILLIS. All right. On page 29 in my colloquy with Judge Walsh I said, "Then you say this different element of proof is the one which the statute would eliminate; namely, proof of individual discrimination. Congress would, in effect, provide that where the court has found a pattern of discrimination against Negroes it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro applicant, that the applicant need not prove this casual thing."

Judge Walsh said that was the heart of the bill.

Mr. BLOCH. Yes.

Mr. WILLIS. Now Mr. WILLIS said this: "That is what I understood it to be and we are talking about the 15th amendment which talks about the lack of power of the Federal Government or of a State to deny or abridge the right to vote on account of race, color, or previous condition of servitude which is in the constitutional provision, but this very thing that the 15th amendment protects, the individual is not required to prove."

Judge Walsh said that is the purpose of this statute. He said, "That is my construction of what we are after."

Now coming to rule 53 of the "Rules of Civil Procedure," this proposal would only take one of the five subsections of rule 53, namely, subsection (c) which vests in the masters or the referees certain powers.

Now those powers in this bill are given to this referee. But the protective features of subsections (a), (b), (d), and (e) are not included. In other words, in normal master in chancery references, in exceptional cases, the Federal judges have a right to name masters and referees, but then rule 53 doesn't stop with giving them powers but spells out that in proceedings that they ought to conduct that they are required to give notice to parties; that the parties are entitled to counsel, to consultation, to cross-examination, confrontation, and then following these protective measures, subdivision (e) says that the findings of a master with these protective features shall be binding on the Federal judge except when shown to be "clearly erroneous.

In this proposal, the findings of the referee, the voting referee, are dignified with that evidentiary weight to the effect that the judge is bound by them without requiring confrontation and so on.

Now isn't it true that under all matters referred to a subsidiary officer, whether it be a referee or an examiner under this Civil Procedures Act, that before the report of an examiner or of a referee is dignified with that presumption, it is supposed that it has that weight because of these due process standards, and can this Congress dignify the report or the actions of a referee without any constitutional standards to giving the parties interested an opportunity to appear, a notice to appear, the right to cross-examination, the right to counsel.

Now can that stand, that provision?

Mr. BLOCH. I don't think so.

Mr. WILLIS. Can it stand constitutionally?

Mr. BLOCH. In my opinion, no.

Mr. WILLIS. I wish you would express yourself on that a little further.

Mr. BLOCH. I think there too that you have a presumption of correctness.

There is a presumption of correctness attributed to the referee's findings; presumption of correctness that just can't stand up in the law when the persons against whom that presumption of correctness is to be used have had no opportunity to offer evidence, to swear witnesses, to cross-examine witnesses or even have notice of the hearings.

Going back to that, Mr. WILLIS, going back before the district judge is authorized under this bill even to appoint those referees or masters of whatever they are going to call them, he must find a pattern that there exists a pattern or practice of discrimination.

Now analyze that phrase—"pattern or practice of discrimination."

A pattern or practice of discrimination on the part of whom—the State of Georgia, the State of Louisiana, or certain individuals?

Where it is your State action, unless there is a pattern or practice of discrimination on the part of the State involved—aside from that and as a matter of procedure, how is that question of whether or not there is a pattern or practice of discrimination to be put into issue?

The first time that that phrase "pattern or practice" appears in the bill is in line 3, on page 2, "in the event one of those proceedings under 1971–C, that the court finds that such deprivation was or is pursuant to a pattern or practice."

Now what is going to be the basis for the district judge's deciding that there is a pattern or practice? Is the court simply to reach up into the air and say there is such a pattern or practice, or is the Attorney General, representing the United States, going to be required to allege and prove that there is such a pattern or practice with the right on the part of the defendants in that main case to introduce evidence to the contrary?

Where is that determination of whether or not there was a pattern or practice to come from? How is it to get into the case?

That is one of the basic questions.

Mr. WILLIS. One final question as I don't want to prolong the hearing.

Judge Walsh answered most of my questions along this line by saying that it is to be assumed that the primary party to the initial proceeding, let's say the registrar of voters, could somehow come in, although the bill doesn't require a rule to show cause and file exceptions to the findings of the referee, voting referee, but as I see it, since the referee proceeded on a presumption of discrimination which the individual voter doesn't have to prove and secondly, that his findings are given the weight of being right unless proved erroneous, wouldn't it follow that the registrar, if he does have a right to file an exception, and be placed in the analogous position of having to disprove or to prove disqualification rather than the individual affected having the right to prove that the right to vote has been denied or abridged.

Wouldn't that be an analogous position to put a person filing an exception into?

Mr. BLOCH. Yes.

Mr. WILLIS. Do you follow my point?

Mr. BLOCH. Yes.

Mr. WILLIS. In other words, the problem of proof would shift and the registrar would have to prove disqualification in order to challenge the report or to file an exception.

Do you know of any such comparable proceeding?

Mr. BLOCH. I know of none, sir. This is about as far reaching as any proposal that I have ever heard of and you might add to the statement that you have just made that you will notice that under that proposed supplemental proceeding, that there isn't any time limit on it.

Now what I mean by that is that that was the reason for my calling the attention of the committee to the fact that we have a law in Georgia which requires the registration books to close 6 months before the general election so that there is a period of 6 months in there when the rights of persons who may or may not be on that list can be adjudicated.

Now under this law, under this bill if it is passed into law that supplemental decree could be issued 3 days before the general election and that supplemental report issued the next day and the registrars be compelled to include those names and permit those names to vote at an election held on say the 4th of November when they had absolutely no opportunity to appeal that ruling.

Mr. WILLIS. I see that counsel is shaking his head. Maybe the Federal judge wouldn't do that, but the bill does not stop him from doing it.

Mr. BLOCH. Let's not fool ourselves. Whatever rights Federal registrars in the South get have got to be spelled out in the law.

Mr. MCCULLOCH. Mr. Chairman, last week, after Judge Walsh's excellent presentation, I suggested to members of the staff that an attempt be made to redraft the voting referee bill in order to take advantage of the points which came out in Judge Walsh's discussion.

In particular, I was interested in protecting the rights of local and State officials, while at the same time providing an effective measure to assist the district judge in his task of providing effective relief for all members of the class of persons who have been denied the right to register and vote.

I now have drafts of two separate bills which, I wish to emphasize, are still in the draft stage; but which I believe overcome most of the major objections raised by Mr. Bloch to H.R. 10035, H.R. 10034, and H.R. 10018.

I request that these drafts be included in the record at this point and that Mr. Bloch be given an opportunity to submit a statement within the time fixed by the chairman.

I might add that the committee profited greatly from the views of Judge Walsh and I am sure that the committee will equally profit from the views of Mr. Bloch on this subject.

The CHAIRMAN. Will the gentleman yield?

Mr. MCCULLOCH. Yes.

The CHAIRMAN. Is that the draft of which the original was sent to me?

Mr. MCCULLOCH. That is right, together with additional drafts that I have.

Mr. EASTLAND. Mr. President, I do not know whether these six mimeographed pages contain the original answers, the supplementary answers, or substitute answers from the Department of Justice to the problems that Mr. McCulloch or, and, others may have experienced in working over the Federal district court voting referee plan. But obviously, somebody has been doing some work, somewhere, and we now have a clean bill proposed only on six mimeographed pages and having no official sanction of any kind or character, that is, to my knowledge. The Minority Leader could render substantial assistance merely by answering this simple question: What plan or plans does the administration propose that Congress adopt to further the voting referee scheme? The one in his proposed amendments? The one contained on these six mimeographed sheets? Or another or others?

Mr. President, time limitations, in addition to my physical capacity, prevent me at this time from discussing other important aspects of the proposed Civil Rights Act of 1960. I have not forgotten, neglected, or overlooked the FEPC provision, and the one requiring State officials to preserve and make available to the Attorney General the State registration and voting records. In due course I propose to speak against them, and at length.

According to actual count, and disregarding amendments, 54 original so-called civil-rights bills have been introduced in the Senate and 110 in the House of Representatives during the course of the 86th Congress. With few exceptions, all of these bills are suspect to a greater or lesser degree insofar as their constitutional validity is concerned. While these bills avowedly plan to punish and humiliate one geographic area of the United States, history has demonstrated time and time again that this type of punitive legislation has a tendency to backlash and do the greatest harm and damage to people and areas far removed from the intended victims.

In closing, let me again say that since all of the proposed civil-rights legislation so inextricably involves constitutional issues, I ask each and every one of my colleagues to consider once more Mr. Justice Story's injunction regarding the Constitution of the United States:

> What is to become of constitutions of government if they are to rest, not upon the plain import of their words, but upon conjectural enlargements and restrictions, to suit the temporary passions and interests of the day? Let us never forget that our constitutions of government are solemn instruments, addressed to the commonsense of the people, and designed to fix and perpetuate their rights and their liberties. They are not to be frittered away to please the demagogs of the day. They are not to be violated to gratify the ambition of political leaders. They are to speak in the same voice now and forever. They are of no man's private interpretation. They are ordained by the will of the people and can be changed only by the sovereign command of the people.

Mr. President, I withdraw my motion.

Mr. SCOTT. Mr. President, has the Senator from Mississippi concluded his address?

Mr. EASTLAND. Yes.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I move that the Senate take a recess until tomorrow, at 10:30 a.m.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina. [Putting the question.]

The motion was not agreed to.

Mr. THURMOND. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is requested.

Mr. THURMOND. Mr. President, I withdraw the request.

Mr. SPARKMAN. Mr. President, perhaps the most dangerous section of the proposed so-called civil rights legislation is that having to do with the court appointment of U.S. voting referees. This matter was dealt with quite thoroughly by the distinguished Senator from Mississippi [Mr. EASTLAND], the chairman of the Judiciary Committee, in the course of the remarks he has just now concluded. However, I wish to add to the discussion of this particular subject.

In brief, this bill—suggested by the Attorney General of the United States—would authorize the district court to appoint voting referees upon a finding that under color of law, or by State action, any person or persons have been deprived of the right to vote on account of race or color, and that such deprivation was or is pursuant to a pattern or practice.

These court-appointed referees would receive applications from any person who claimed he had been deprived of the right to register or otherwise qualify to vote at any election; then the referee would take evidence and would report to the court his findings as to whether the applicant was qualified to vote at any election and had been deprived of the opportunity to register or otherwise to qualify to vote or had been found by State election officials not qualified.

The court would then review the referee's report and findings, and it would have to accept the findings contained in the report unless they were clearly erroneous.

Note here, Mr. President, that there is no provision for notice or for hearing by the court. Indeed, the report could be made to the court at any time or at any place, without any notice; and unless the court found the report to be clearly erroneous, the court would be required by this measure to accept the findings.

Once the findings were accepted, the court would issue a supplementary decree naming which person or persons named in the report were qualified and were entitled to vote.

Pursuant to the decree, the Attorney General of the United States would then transmit to the appropriate election officials of the State certified copies of the original decree appointing the referees, and any supplementary decrees.

In the event the election officials refused, for any reason, after having received the notice from the Attorney General of the United States, to permit the named persons to vote or to have their vote counted, such officials could be proceeded against for contempt under other provisions of the Civil Rights Act.

Senators will remember that that act authorizes a district court to try for criminal contempt any such person without a jury, so long as the punishment imposed does not exceed imprisonment for 45 days or a fine of $300.

In addition, the district court may require the referee to issue to any person named in the court's decrees a certificate identifying the holder as a person qualified to vote.

Not only could a district court be used in this way, but the court would also be authorized to give the miscalled referees—actually, they are nothing but Federal police officers—the right to be present at the polling places and to oversee the counting of the votes and to report back to the court the results of their supervision of State officials in the discharge of their duties.

It is also interesting to notc that the court would not be limited to the use of its so-called referees in this snooping in State affairs, but would be authorized to appoint any other person or persons—including, I suppose, the military forces of the United States.

The bill goes further, and would arm the miscalled referees with the powers of a Federal master, as defined by rule 53(c) of the "Federal Rules of Civil Procedure."

Mr. President, it is my intention to show conclusively how mischievous is this proposal and how menacing it is to the traditional concept of State and Federal relations—a concept which is basic to the survival of this Republic.

Let us examine this proposal. Note carefully the use of the language "any elections." I presume this would be applicable to all primary and general elections of State, local, and national contests. While such a proposal is far more reaching than the Federal election law which was passed as a part of the Reconstruction Act of 1871, the principle is the same: the usurpation of a State function by the Federal Government.

Accordingly, I think it would be helpful to all of us to review the effects of the Reconstruction Act of 1871 upon the relationships between the State and the Federal Government. I believe Senators will also be interested in the widespread abuses disclosed.

I wonder how many Senators have had an opportunity to read the record of the debates on the proposed repeal of that iniquitous law, as recorded in the CONGRESSIONAL RECORD, volume 26, part 1 and 2, December 4, 1893, February 8, 1894. All Senators would find that RECORD to be interesting and helpful in connection with their consideration of the legislation now proposed.

At this time, I wish to speak for a while about that debate. I want to quote some of the things which not only Senators from the South, but also Senators from all other sections of the country had to say about the Reconstruction Act of 1871.

Mr. President, I want my colleagues to think back to the situation which existed at that time. During that debate, Senators had the benefit of the very recent experience with the application of that act. They had the advantage of having witnessed the effects of that act, which was so similar to the legislation that is proposed today. Let us profit from their experiences, and let us heed what they said.

December 19, 1893, the Senator from Arkansas, Mr. James H. Berry, said on the floor of the Senate, as reported in the CONGRESSIONAL RECORD, volume 26, part I, page 382, for December 19, 1893:

> I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.
>
> I take it for granted, Mr. President, that each Senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men. We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is, can this purity and this fairness be best secured by the General Government or by the several States.

Mr. President, this comment of Senator Berry's is an extremely important one. For the alleged purpose of the bill passed back in 1871 is the same purpose which proponents of the bill now before us claim for it; that is, free and fair elections. But what were its effects?

Senator Berry said further, and I quote his words from the same citation of the CONGRESSIONAL RECORD that I gave a moment ago:

> I do not speak of the period of reconstruction for the purpose of reviving the bitter passions, prejudices, and contentions engendered by those acts, but that period is intimately connected with the passage of these laws.

Nor do I. However, for all the tragedy of that period—and there are few today who would describe it differently—there must have been some advantage; and if there were, it is in the hard lessons we learned—lessons which I hope and which I believe the people of this Republic shall never forget.

And what are those lessons? In clear and forceful language, Senator Berry described it thusly, and again I quote from his speech as reported in the CONGRESSIONAL RECORD:

> It is a dark period in American history, a blot upon the name of the Republican Party. It can never be forgotten and ought not to be forgotten. It should serve as a warning not only to us but to those who come after us against the fatal policy of centralization of power in the General Government, against the policy of attempting to exercise by Federal authority that control and direction of local affairs which was intended by the framers of the Constitution to be regulated by the States alone. Its evil effects upon the Southern States and upon the country at large ought to serve as an overwhelming and unanswerable argument for the repeal of the laws connected with it and all others of a kindred character.
>
> Let me repeat this one clause:
>
> It should serve as a warning not only to us but to those who come after us.

How meaningful is this phrase today. At a time when it is proposed to go full circle—to reinstate that which has been discarded as useless and mischievous—how important it is that we take heed of the counsel and advice available to us from men whose expertise in respect of what they say comes from hard experience—not fancy or premise or theory—not supposition, but knowledge—a knowledge to which I hope the Senate will give consideration and from which it will profit.

Ours is not a perfect government, but it is the best that man, through Heavenly guidance and inspiration, has been able to devise.

We take pride in our form of government. We take pride in the fact that ours is a government of laws, and not of men. We realize that what has made our country great is its representative form of government. We know that the administration of laws is best handled by people close to and directly answerable to those who will be affected by the administration of those laws.

If we are to preserve our electoral process, we must not wrest control of it from those who in the final analysis will determine whether it shall operate. As Senator Berry said:

> In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than by those appointed by the General Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the country. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill-feeling and tend to destroy the peace and good order of society and threaten the security of their property.
>
> Where the entire responsibility rests upon them local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.
>
> On the other hand, officers appointed by the Federal courts, supervisors and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judges of election and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge cannot have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.
>
> These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members

of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute books there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicions, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he is trusted and placed upon his honor, and where he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the General Government.

Mr. President, that rather lengthy quotation from Senator Berry is to be found on page 383 of the CONGRESSIONAL RECORD, the volume of which I gave previously.

Mr. President, I have quoted at length from Senator Berry because it seems to me he very well sized up the situation. His language is restrained. There is no heat in it. There is no heat of passion and no hatred. It is restrained. It is based upon experience. This is not something he is predicting for the future. He is not making wild predictions about what will happen. He talks about a law which had been in force for more than 20 years, for a little more than 22 years. The people had seen it at work. Elections had been held under it. The people had seen the frauds which had been worked in the elections.

It is rather strange to say, Mr. President, as was so well stated in the editorial of the New York Times which I placed in the RECORD a few days ago, although this bill was enacted into law directed at the South, it was turned upon the North. That was where were found the terrific frauds which were perpetrated in the elections. As the New York Times said in its editorial condemning the law and praising Congress for repealing the law, in effect, there was no one to lament the passing of this law. The Democrats, against whom it had been used, against whose opposition it had been originally enacted into law, were, of course, in favor of repealing it, but even the Republicans could not find a good word to say for it.

The Senator was describing the situation all of us know so well when we think of our own communities. Those of us who have practiced law in the county courthouse know something of the workings of the court, and know something of the difference between the workings of the State courts and the workings of Federal courts.

In my State we have three Federal districts. We have a very fine set of Federal courts. However, as Senator Berry said in the article, the Federal judge, serving over the district which covers a great number of counties, cannot possibly know intimately and well the people of all those counties, as the circuit judge sitting over one county or one circuit knows the people within the county or within the circuit.

I think Senator Berry made a good record in stating the experience actually had during 22½ years under that law.

The New York Times editorial concluded with a statement which I want to emphasize particularly, because it is a prediction the New York Times made based upon some 22 to 23 years of experience with this obnoxious law, the very same law which it is sought to write on the statute books of the United States today. The New York Times said:

We have probably seen the last for a long time of attempts at extending Federal action and influence to the details of government in the States, and from our past experience we have no reason to regret the fact.

It is most unfortunate, Mr. President, that the prediction of the New York Times did not continue to hold good. Of course, it is a long time since 1894—it is 66 years, almost exactly, since the editorial was written. However, I think it is most regrettable that even 66 years later a reconstruction measure like the one we are discussing should be brought up in an effort to write it into the laws of the land. After the terrible experience which was had with its forerunner, which the reconstruction Congress wrote into law in 1871, the attempt should not be made.

Mr. President, the whole purpose of the proposals is to remove from the States the right and the power and the authority to control and to supervise their elections. This carries with it a suspicion of the people of the sovereign States.

I will say it carries not only a suspicion of the people of the sovereign States, but it also represents a breakdown of the sovereignty of the States. It violates the Constitution of the United States, which clearly gives to the States the right to control and to supervise elections and the qualifications of electors.

There is another danger in the kind of legislation proposed. Its purpose is to subvert the control and supervision of elections by State officials. Its purpose is to substitute for State authority over State elections the full power and authority of the Federal Government.

Its proponents argue that things are moving too slowly in the South. Its proponents would hurry them up. In this respect, Senators will be interested in what the Honorable John M. Palmer, Senator from Illinois during the 53d Congress, had to say during the debate regarding the repeal of the obnoxious Reconstruction Act of 1871. He pointed out how he had supported legislation giving the colored man the right to vote.

I quote from the speech made before the Senate, as found in the CONGRESSIONAL RECORD for the 53d Congress, page 868:

I favored giving to the Negro the ballot. I felt that it was a great educational agency and by that means I would assist in hastening the time when the races in the late slave States would live in harmony and would consult their mutual interests. Those were my views.

Mr. President, remember that the Senator speaking is not a southern Senator. The Senator speaking is the Senator from Illinois. The Senator says that his prime purpose, his main objective, was to see the two races live in harmony with one another. Continuing, the Senator said:

I was not unmindful, though, that legislation which secured the rights of the black men might dangerously affect the rights of other races and the rights of the free people of the States in which slavery had never existed. I may state as another personal matter that from February 1865, to May 1866, I was the military commander of the Department of Kentucky under martial law. I saw the dissolution of slavery in Kentucky, that State having been excepted from the operation of the Proclamation of 1862.

That was the Proclamation of Emancipation.

I saw there that under the legislation of the times, in the temper of the times, while the power held by a military commander was necessary, perhaps, for a state of war, it was subversive of all just conceptions of popular liberty. Although I exercised the powers of a Department Commander for some 15 months, I declare today when I think of the enormous powers that were conferred upon military commanders as the necessary logic of the war, I tremble that so much power was conferred upon any single individual.

It was not that circumstance alone which was startling. It was that large powers were not only conferred by military orders but they were maintained and supported by a public sentiment all over the United States.

The next quotation from Senator Palmer's statement is, I think, perhaps one of the most significant of them all:

The people had become so accustomed to the swift and decisive methods of the government of the bayonet that they were impatient of the slow processes of civil government. This feeling was not confined alone to the loyal people of the States lately in insurrection or rebellion, for they were maddened by local strifes, and it was not strange that they should seek to employ force to overcome their immediate neighbors and enemies, because such was the condition of most of the Southern States; but this sentiment prevailed over the whole North, and it is somewhat remarkable, too, that it had taken possession of the great Republican Party.

That quotation from Senator Palmer of Illinois is to be found in the CONGRESSIONAL RECORD, volume 26, part 1, of January 16, 1894, page 868.

It is true, Mr. President, that all too often our Government does move slowly. Sometimes it moves much more slowly than many people would have it move. I believe that this is the basis of the greatness of our form of government. Yet it is easy to understand that some people become impatient. In our impatience, however, we must not do damage to our form of government. As we see the Federal Government move more and more into control of the affairs of the States, we see more and more a diminution of the powers of the States and of local self-government.

In this respect, Senator Palmer, of Illinois, made this statement:

I believe, therefore, that those who insist upon the constant supervision and watchfulness of the people are the enemies of popular liberty. They must be aware of the fact that popular liberty depends upon the people themselves, and they must be aware that this exercise of extravenous force is degrading and demoralizing, and to demoralize the citizen is to destroy their high self respect which should characterize an American free man.

That is to be found in the same citation I gave above, on page 871.

Later, Mr. Palmer, of Illinois, said:

I am content to be judged by my own theory, and that theory is that the people of the United States, of the localities, the townships, the election districts, or whatever may be their municipal organizations, have the right themselves to control and regulate and conduct their own elections without the help of a watcher (CONGRESSIONAL RECORD, supra, p. 927).

In accord also was Arthur P. Gorman, Senator from Maryland, who made this statement:

Those of us who are in favor of repealing these laws are content to leave the regulation of elections to the people of the States, to trust them. If they cannot be trusted, as I said before, Mr. President, the whole theory of our Government is a failure (CONGRESSIONAL RECORD, p. 926).

These are not southern Senators I am quoting. They are Senators from other parts of the United States.

Mr. William D. Allen, from Nebraska, said:

If the Senator will permit me, why should the Government, by the intervention of marshals and deputy marshals, undertake to interfere with or to observe the elections held in the different States? What is to be gained by it? Is it not a confession that local self-government is itself a failure? Is it not a confession that the people of the different States of the Union cannot be entrusted with the election machinery of their own States? (CONGRESSIONAL RECORD, supra, p. 929).

And later Mr. Allen, of Nebraska, pointed out further:

The impression made upon my mind all the way through of the workings of this law is, that it has been a law to perpetuate in power the political party which happened to be in power at the time the election was being held, and that it is a virtual transfer of the election machinery of the different States into the hands of the National Government; and, as a rule, the persons who are charged with the duty of inspecting the registration and observing the polling of the vote are of a lower character than the persons over whom they are set to watch (CONGRESSIONAL RECORD, supra, p. 929).

I am quoting from history. It is history already made. It was made by placing upon the statute books of this country the obnoxious Reconstruction Act of 1871, which the Attorney General of the United States somehow has discovered, and has pulled out of those old statute books and brought up here, saying to the Congress, "Enact this. Call it civil rights." Members of Congress rush to get behind it to enact it into law, apparently oblivious of the history of this act, as testified to by Democrats and Republicans alike, including the northern Senators whom I have been quoting.

I wish to read the last quotation again, because I think it is significant. I think it should sink in.

The distinguished Senator from Pennsylvania [Mr. SCOTT] was formerly chairman of the Republican National Committee. It seems to me that what I am about to quote ought to sink into his mind. I consider him to be a fair-minded, very fine gentleman—unfortunately a Republican, but nevertheless a very fine gentleman and a fine Senator. I want him to listen to this. I am quoting Senator Allen, of Nebraska. I do not know what party Senator Allen belonged to, but knowing Nebraska as I do, and the history of Nebraska of those days, I would guess that he was a Republican. At least he was not a Southern Senator. I read what Senator Allen said especially for the benefit of my friend the Senator from Pennsylvania. I mean it when I say, "my friend." I am proud to count him as my friend:

The impression made upon my mind all the way through of the workings of this law is, that it has been a law to perpetuate in power the political party which happened to be in power at the time the election was being held, and that it is a virtual transfer of the election machinery of the different States into the hands of the National Government; and, as a rule, the persons who are charged with the duty of inspecting the registration and observing the polling of the vote are of a lower character than the persons over whom they are set to watch.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

Mr. SPARKMAN. I am delighted to yield to my friend formerly from the State of Virginia, who must believe in the theory of government that our forebears so well wrote into the Constitution—the division of powers between the Federal Government and the State government.

Mr. SCOTT. Mr. President, I am always happy to be enlightened. The Senate of the United States offers more opportunity than any other experience that I have had for enlightenment, although at times I think we do proceed in a state of chiaroscuro, whereby the enlightenment comes from darkness and different degrees of darkness. Whenever I can be enlightened, I hasten to welcome the opportunity.

I thank the distinguished Senator, my very good friend from Alabama, for having included me among his friends, since I happen to be at the moment, at this fairly late hour of the evening, entrusted with the responsibility on behalf of my party of maintaining vigilance over the rights of the citizens of the Republic.

I do want to say that I had not intended to participate in the discussion, since my sole purpose in being here is to wait patiently for the time when Senators will come finally to recognize the rights of all Americans of voting age and residential requirements to cast their ballots in all elections. Being a true Jeffersonian and, as the distinguished Senator has said, by birth a Virginian, of which I am proud, and by long, long residence, longer than the age of some persons in this body perhaps, a Pennsylvanian, I have in myself an appreciation of the philosophies of Benjamin Franklin and of Thomas Jefferson; and I never knew Mr. Jefferson to espouse any cause other than that intended to expand the frontiers of man's dignity and of man's right to participate freely as a citizen in the conduct of his Government, though he may have recognized that the day was not immediately present when all good things could come for the welfare of the Republic. And surely, Benjamin Franklin, great egalitarian that he was, would, I am sure, if he were presently in this body, applaud the efforts of many Members to secure the free right of all American citizens to vote, regardless of race, color, or creed. And I do suggest to the Senator from Alabama that all else is diversionary; that all else is apart from that which we are met here today and perhaps for months to achieve, if we may—and that is to see that man in America is a free man; that a man and a woman in the United States will have the right to vote when qualified by age and residence, and that voting qualifications shall be made available to them, preferably by the States. When it becomes apparent that that cannot be accomplished by the States, then, reluctantly, but of necessity, we come to the measure now before us, as to which the Senator from Alabama and I disagree—and I have great respect for his opinion, for his personality, and for his conviction in the point of view which he holds, and I am sure the Senator from Alabama feels the same with regard to me. This is the greatest deliberative body in the world, and he appears to be intent on proving it.

Mr. SPARKMAN. Mr. President, I appreciate the participation of my distinguished friend from Pennsylvania in the debate. I am rather proud to have him refer to this body as the greatest deliberative body in the world. I hope it may always be that. I think it means a great deal to our democracy. I am very proud of the dual system of government which our forefathers set up when the States came together and surrendered certain sovereignty they had—some sovereignty, not all. It was not the National Government that came in and gave the States certain powers. It was the States that came together and gave certain powers to the centralized Federal Government. There was recognized by our forefathers the dual system whereby the States surrendered a certain part of their sovereignty to the National Government, and thereafter the National Government was to exercise that sovereignty. All the other powers were reserved to the States. As a matter of fact, after the proposed Constitution was drafted, and before it was adopted, a great many people, many down in the great State of Virginia, and I suppose some in the State of Pennsylvania—and that was before the time of my friend from Pennsylvania—questioned whether or not there had been sufficient safeguards set up for the reservation of those powers to the State and for the protection of the rights of citizens against the National Government and, in some instances, even against the State governments.

So it was our forefathers who got their heads together and decided on a bill of rights. The Bill of Rights became our first 10 amendments to the Constitution. It was agreed by the leaders of that time that if the States adopted the Constitution as written, at the first session of Congress under the new Government the Bill of Rights, consisting of those 10 amendments that were already drafted and advertised, would be added to the Constitution. Acting in good faith the people of the several States agreed to the draft of the Constitution. One of the earliest acts was to submit these 10 amendments to the Constitution, the 10th amendment saying clearly what was already implied, that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, were reserved to the States respectively, and to the people.

I am proud of that dual system of government of our country. I am just as eager that it be preserved as I am that we preserve this, the greatest deliberative body, and the principles of Jefferson and Franklin and the other Founding Fathers.

Mr. SCOTT. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I am glad to yield to the Senator from Pennsylvania.

Mr. SCOTT. Does not the Senator from Alabama agree that the 10th amendment to the Constitution has been affected in its operation by the adoption of the 14th and 15th amendments?

Mr. SPARKMAN. The 14th and 15th amendments contain certain provisions. I admit that there were some modifications in these particular amendments.

There is one other thing the Senator said to which I wish to advert at this time. It is not completely relevant to the remarks I was making, but I believe it is relevant to the remarks the Senator made about Jefferson and Franklin and the other Founding Fathers wishing to expand the freedoms and liberties, and so forth.

Yes; that is true. The Senator referred to persons who were of voting age, and to a certain other requirement which I do not recall at the moment. But there are certain qualifications which States are recognized as having the right to impose.

I call the Senator's attention to a report made not so long ago by the Southern Regional Council. The Southern Regional Council is a biracial organization. It has been working for a good many years toward bettering race relations in the South, and bettering conditions generally. It has been quite liberal in its views. It made the statement not very long ago—I think in reply to a suggestion which some organization made—to the effect that there should be millions of persons added to the 1960 voting list. The Southern Regional Council said, in effect, that to think anything like that was simply not realistic; that there was involved the matter of people having to be brought up educationally and economically to the level of being able to discharge their responsibilities as voters. That organization is not some southern conservative clique which is advocating that view. That is the Southern Regional Council, which is quite liberal in its views.

I think that is one thing which some of us sometimes forget. That was a thing which Senator Palmer, I believe it was, from whose remarks I was reading a few minutes ago, said that people forget. They become impatient. I think that is one trouble with a great many advocates of so-called civil rights legislation. The people become impatient. They do not realize the progress which has been made.

The Governor of Alabama, Hon. John Patterson, testified not long ago on the so-called registrar bill, the one which was being pushed at that time before the Senate Committee on Rules and Administration. The attorney general of Alabama, Mr. MacDonald Gallion, also testified. Both of them pointed out that over the past several years remarkable progress had been made in Alabama in the number of Negroes who were brought in as eligible voters. Most of those who speak about this subject would not lead one to believe that that was true at all. Yet it is true. They overlooked this fact.

I am sorry the Senator from Pennsylvania [Mr. SCOTT] has left the Chamber. I should like to read something which would be of interest to him. He made a statement as to some of the things which Mr. Jefferson might advocate. I do not happen to have a direct quotation from Mr. Jefferson on this subject, but Mr. Jefferson's thinking was usually in line with that of his neighbor and friend, Mr. James Madison. Mr. Madison is usually referred to as the Father of the Constitution. Here is a quotation from James Madison in the Virginia Convention. We all know that later Madison became one of the very able Presidents of the United States. In the Virginia Convention, when he was asked his opinion about the section relating to elections, Mr. Madison said:

> It was found necessary to leave the regulation of these—

That is, times, places, and manner—

> in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and to prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, congressional control will very probably never be exercised.

In other words, Mr. Madison, while recognizing the right of Congress to step in if the dissolution of the General Government was threatened, if a breakdown of the republican form of government was threatened, said, at the same time, that in the absence of that, Congress would never act, and that it was a matter which ought to be left up to the State and the people living in the localities where these things were taking place. I do not see how anyone can differ with that line of reasoning so well stated by Mr. Madison, later President Madison, and generally known as the Father of the Constitution of the United States.

Mr. President, I was quoting from Senator Allen, of Nebraska, who spoke on the repeal of the obnoxious Reconstruction Act of 1871, which is being reconstructed or resurrected and brought before us in the form of a proposal which we are told ought to be enacted.

I may say to the able majority leader [Mr. JOHNSON of Texas], who is with us in the Chamber, that I am speaking now on one phase, the one relating to the so-called referees. I have dealt with a little history. The Senator from Texas, of course, knows quite well that this proposal is pulled out, almost bodily, from the law books of 1871, when it was enacted as one of the vicious Reconstruction acts. It became so bad, so impractical, so unworkable, so fraudulent in its application, that the people of the United States simply would not have anything more to do with it and insisted upon its repeal.

So in 1894, with almost solid Democratic support from the North and the South, and certainly with no grief on the part of the Republicans themselves, that law was wiped off the statute books, and the New York Times said, in effect: Let us hope that it may be a long, long time before any effort is made again by the Federal Government to encroach on the rights of the States in the field of elections.

I have been quoting from some of the Senators who took part in the debate of 1894. The Senator from Texas, I am certain, knows that the act of 1871 was aimed at the South. It was a Reconstruction Act. It was aimed at the control of elections in the South, but it was turned against the North. The Republican Party used it as a means of perpetuating itself in power. They raided New York City and other areas of the North. I do not know whether some of them believe that this may be their only means of retaining power during another quadrennium or not. Be that as it may, that is the history of the act.

I have been quoting from Senator Allen, of Nebraska. I quote further:

> The General Government should never reach its hand into any State or Territory to control its elections, unless there be a controlling necessity for it, unless the people of that State or Territory have shown themselves manifestly incapable of having a fair election. In my judgment, the experience of this Nation under the law now under consideration has been that the elections are infinitely worse, as a rule, in the hands of Federal supervisors than those in the hands of the local authorities.

What a truth he spoke, Mr. President.

Mr. George G. Vest, Senator from Missouri, gave an example of the effect of the Reconstruction Act of 1871 in the State of Missouri. Senator Vest, I suppose, is best known because of the speech he made in paying tribute to the dog. I think perhaps he is known better for that than for any other one thing. But he participated in the debate on the Reconstruction Act of 1871 and had some words of good advice to say. This is what he said:

> I understand matters better in regard to the State of Missouri than any Senator here

possibly can except my colleague. I know with absolute certainty what has occurred in Missouri.

In 1876 the necessities of the Republican Party (and I will prove this from the sworn testimony of their own witnesses) demanded that three congressional districts in Missouri should be carried for the Republican ticket. A determined effort was agreed upon here in Washington to carry the U.S. House of Representatives for the Republicans. Mr. W. D. W. Bernard was the confidential friend of General Grant and the chosen instrument of the administration to do that thing. He was the national bank examiner of the State of Missouri, appointed by Grant. The U.S. marshal in the St. Louis district was H. W. Leffingwell, whom I know very well, a real estate man of high character and a very old citizen. Leffingwell was an honest man, conservative and patriotic.

Bernard carried the instruction of Mr. Taft, the Attorney General of the United States, to the Republicans of St. Louis that those three districts must be carried for the Republican Party by the use of the instrumentalities provided in the Federal election law. He carried the instructions of the Attorney General to Leffingwell, the U.S. marshal, and they both swear to it. Leffingwell said, "Why, there is profound peace in Missouri; there is no danger of any tumult or riot here in the city of St. Louis. The calm is profound politically, socially, and otherwise." Bernard said to him, "Here are your orders. Who made you marshal?" "Well," said Leffingwell, "you had a good deal to do with it. You are very near the President." "Well, sir," he said, "the man who made can unmake; and if you do not carry out these orders, I will put you out of this office." (CONGRESSIONAL RECORD, vol. 26–PA1, Jan. 18, 1894, p. 981.)

Mr. President, I call attention to the fact that Senator Vest, who made that speech, was not just talking. He said he could show affidavits to that effect. He did not say so, but I presume that what he quoted then was contained in the affidavits, and was not hearsay.

Then Senator Vest said:

It is hardly necessary for me to remark that the conspiracy was carried out and that the three districts were carried by the Republican Party. R. Graham Frost was beaten by a Republican named Metcalf on the return, though he was elected at the polls. Frost contested the election, and here is the testimony taken in that contest.

There was a recitation of part of the testimony; and then, later, Mr. Vest continued.

Mr. President, I have been quoting from the CONGRESSIONAL RECORD for January 18, 1894. That part of the CONGRESSIONAL RECORD contains the debate had at that time in this very Chamber, the Chamber of the greatest legislative body in the world. The CONGRESSIONAL RECORD includes all that debate; and in the course of it, Senator Vest further said:

Mr. Bernard goes on to state that he himself took the authority away from the chief marshal and appointed 1,028 deputies—

I take it that was in that one congressional election district. Nothing in Senator Vest's speech states that; but the contest related only to that one congressional district—

organized them into regiments, battalions, and companies; the captains reported to the majors, the majors to the colonels, and the colonels to him—

I suppose he was the generalissimo—

and he reported to the Attorney General of the United States. They put the city of St. Louis under a military organization under this law. (CONGRESSIONAL RECORD, supra, p. 982.)

Later, Mr. Vest pointed out:

Now, Mr. Bernard under this authority from the Attorney General, * * * proceeded to carry those elections. Mr. Bernard testifies that he disfranchised 5,700 voters.

Mr. President, I am sorry that my friend the Senator from Pennsylvania [Mr. SCOTT], who is so anxious to guard the voting rights of all citizens of the country, is not now in the Chamber to listen to my reading of this part of the debate in this very Chamber in 1894. I would that he were here now to listen to my reading of that part of the debate, which was had on that occasion in this very Chamber.

Mr. President, I am delighted to see that my friend the Senator from Pennsylvania has returned to the Chamber. Let me state, for his benefit, that I have been referring to the referees proposed to be appointed under the provisions of the pending amendments to the bill now before the Senate. Previously, the Senator from Pennsylvania spoke of those provisions as a means of assuring that some citizens have the right to vote. I have been reading part of the history of this subject.

I am sorry the Senator from Pennsylvania was called out of the Chamber for a few minutes. I hope that tomorrow he will read the part of today's CONGRESSIONAL RECORD in which I have quoted from the debates which occurred in this very Chamber, the Chamber of the greatest deliberative body in the world, back in 1894, when the vicious anti-southern Reconstruction Act, which was directed against the Senator's forefathers and mine, back in 1871, was under debate, prior to its repeal. That vicious act is the original from which the proposal now before us has been copied.

In 1894 that vicious act was stricken off the statute books; and I have been quoting from the debate which occurred in the Senate Chamber at that time. I shall read again a portion of that debate, inasmuch as the Senator from Pennsylvania has now returned to the Chamber.

Mr. SCOTT. Mr. President——

Mr. SPARKMAN. Mr. President, if the Senator from Pennsylvania will promise me faithfully that tomorrow morning he will read in the CONGRESSIONAL RECORD the remarks I have recently been making, I shall not repeat what I said a few minutes ago.

Mr. SCOTT. To the best of my capacity, I shall devour what the Senator from Alabama may have said.

Mr. SPARKMAN. I know the Senator from Pennsylvania can do it.

Mr. SCOTT. I think there may have been some misunderstanding in regard to the use of the word "expanded." My concern is that every man and woman who is qualified to vote shall be protected in the exercise of that right; but I believe the exercise of that right is denied in many parts of the country. So the question is one of the protection of the right to vote.

I do not believe that a play on the word "expand" fully represents what I was trying to say.

I apologize to the distinguished Senator from Alabama for leaving the Chamber. However, in this world there are demands for other kinds of nourishment, aside from intellectual nourishment, which is best to be had on the floor of the Senate. I am sure that under those circumstances the Senator from Alabama will forgive me.

Mr. SPARKMAN. Mr. President, I was not being at all critical of the Senator from Pennsylvania. I really want him to hear me read this part of the historical account. I am very glad that he has returned to the Chamber at the right time.

The pending amendment is a resurrection of the vicious Reconstruction Act which was on the statute books from 1871 until approximately February 9, 1894, when it was repealed by Congress. Even the Republicans were glad to have it repealed, because the Democrats had then come into power; and after the Republicans had used the Reconstruction Act to take away the voting right of many citizens and to run the elections in the way the Republicans wanted them run, they naturally were afraid of what the Democrats were going to do with that act. So the Republicans themselves were really glad to see the vicious Reconstruction Act taken off the statute books. There was no weeping or gnashing of teeth or wailing when that statute was removed from the books.

In the debate in this very Chamber in 1894, Senator Vest, of Missouri, referred to a case which had arisen in Missouri.

I know the Senator from Pennsylvania is familiar with Senator Vest's remarkable tribute to a dog; and a few minutes ago I said that Senator Vest probably is better remembered for that tribute than for anything else he said.

Senator Vest then made a very fine, clear, and lucid speech on the floor of the Senate—in this greatest deliberative body in the world—in urging the repeal of the vicious Reconstruction Act; and in the course of that speech he related some actual experiences. I suppose we could dig up the records of them, although I have not done so, inasmuch as Senator Vest then presented the matter in a very clear way, as shown by the CONGRESSIONAL RECORD for that date.

In short, there was an election contest in Missouri; and the evidence showed that instructions went from the Attorney General of the United States to the State of Missouri. Remember, the man who got the orders swore to this. He swore that three congressional districts there were to go Republican—regardless. The orders were that they had to go Republican. Those who received the orders started to move to make certain they went Republican, and they went Republican—that is, they were counted Republican. They did not go Republican; they were counted Republican. They did it by carrying out the instructions of the Attorney General, and

the testimony was that this man appointed 1,028 deputies.

Let me repeat what Senator Vest said:

Mr. Bernard goes on to state that he himself took the authority away from the chief marshal—

Mr. Bernard was acting under the directions of the Attorney General of the United States—

and appointed 1,028 deputies.

Suppose in the congressional district which is so ably served by the now distinguished Senator from Pennsylvania there had been turned loose 1,028 deputies to watch over, supervise, control, regulate, and carry out the elections in the district. What chance would the Senator have had, if they had not been on his side? In this instance they were there for a certain purpose, and the purpose was to see to it that the district went Republican.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield. Remember where I left off, because I want to start there when I get back to my statement.

Mr. SCOTT. First, it is not necessary to turn 1,028 people loose in my district, because the Democratic political forces of the party bosses up there turn loose a great many more than 1,028 in every election, and they do the job, I am sure, with better results than those to which the Senator referred.

I never thought that this opportunity would come to me. The Senator has given me an opportunity to tell a little bit of untold history that, so far as I know, has never been told about the 1928 election. The Senator will recall, I am sure, in that election the official vote, in connection with the candidate of the Democratic Party, Mr. Alfred E. Smith, showed that he had carried the State of Alabama and had defeated the candidate of the Republican Party, Mr. Herbert Hoover.

Some few weeks ago a political scientist from a university not far from here, making a study of voting habits and trends in various parts of the country, secured permission to go to the Capitol Building in the State of Alabama. I hope the Senator from Alabama will not hold me too strictly to account for the accuracy of my statement when I refer to the building, but the facts I state are otherwise correct. He examined the dusty and musty and long since forgotten ballots cast in the 1928 election. I think the Senator will be immensely interested to know his count of the ballots showed that, not Alfred Smith, but Herbert Hoover, got the majority of the votes cast in the State of Alabama, many of which never saw the light of day until this alchemist, this researcher, went down there and discovered that fact. He told me the story.

I thought at this time, while we are speaking of voting difficulties, the Senator would want to share with me what I regard to be a refreshing little bit of unrecorded history. I thank the Senator for giving me that opportunity.

Mr. SPARKMAN. It is a most interesting tale—and that is all it is, an old wives' tale, because it is not a fact at all. I remind the Senator from Pennsylvania that it would be absolutely impossible for anyone to find the ballots in the State Capitol in Montgomery, Ala. The ballots are brought to the county seats and they are held there for the time required under law, for a longer time than usual in the event of a contested election, and then they are destroyed. They never go to the capitol in Montgomery.

Mr. SCOTT. Will the Senator yield further?

Mr. SPARKMAN. Yes.

Mr. SCOTT. I said I was not sure. It might have been the library.

Mr. SPARKMAN. Wherever it was.

Mr. SCOTT. Wherever they would normally go. I have the word of a distinguished researcher and author of many books.

Mr. SPARKMAN. He was merely having a good time.

Mr. SCOTT. He counted the ballots in the election.

Mr. SPARKMAN. I do not know who he was, but he was having a good time with my friend.

Mr. SCOTT. Oh, no.

Mr. SPARKMAN. The election in 1928 was close in Alabama, but I think it was very carefully checked. I remember the election. I was a much younger man then than I am now.

Mr. SCOTT. The Senator was certainly very young.

Mr. SPARKMAN. Mr. Hoover had his supporters in the State. There was not any question of someone stealing an election, because the votes were pretty well balanced. As a matter of fact, the State went Democratic by only 7,000 votes, or something like that. Anyway, it is an interesting story. But what I am reading comes from the sworn testimony that is in the records of the Congress of the United States, and it tells how, under this vicious Reconstruction Act relating to elections, the Republican Attorney General of the United States directed this man to see that three congressional districts in Missouri went Republican. And they did go Republican, and this is the way Senator Vest said they did it:

Mr. Bernard goes on to say that he himself took the authority away from chief marshal and appointed 1,028 deputies, organized them into regiments, battalions, and companies; the captains reported to the majors, the majors to the colonels, and the colonels to him, and he reported to the Attorney General of the United States.

They put the city of St. Louis under a military organization under this law.

And that is the law that many in this body are trying to write into the laws of this country today.

Mr. Vest went on to say:

Now, Mr. Bernard, under this authority from the Attorney General * * * proceeded to carry these elections.

This is what I wanted my friend from Pennsylvania to hear. That is why I particularly said I was sorry he was temporarily called out of the Chamber, because he had said that the purpose of these referees was to see that people who were entitled to vote got the right to vote. Let us see if they operated that way back in the time of this election. I believe it was in 1876. That was a notorious election, as we can all remember. But back in that 1876 election Mr. Bernard testified that he disfranchised 5,700 voters in that one congressional district.

Mr. Vest said:

He took the registration list and struck off 5,700 names; and amongst them were some of the most reputable and oldest citizens of St. Louis, men who had fought the Indians for sovereignty over their territory, men who had blazed the pathway of civilization with the ax in one hand and the rifle in the other. They were arrested on the morning of the election by these military deputy marshals, and terror seized the whole community. Many Democrats refused to go near the polls. Conservative businessmen remained at home during the entire day. Three Republican Congressmen were brought to the House of Representatives under that proceeding from three Democratic districts in my State. (CONGRESSIONAL RECORD, supra.)

That is the statement which Senator Vest made on the Senate floor back in 1894. Just 66 years ago, a couple of weeks one way or the other, Senator Vest stood somewhere in this Senate Chamber—I know not where—and told about this sworn testimony showing that 5,700 names were struck off the registration lists. They were not down there extending the right of suffrage to people who were entitled to it. They were taking suffrage away, in order to throw elections. That is history. We are supposed to profit from experience.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. If so, who would advocate writing this kind of vicious legislation into the law of the land? It is hard for me to conceive of anyone—and particularly my friend from Pennsylvania—advocating any such thing as that.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am glad to yield.

Mr. SCOTT. I am a little at a loss as to whether the Senator from Alabama is arguing that names are stricken from the list in his State at this time, or whether they are not stricken from the list, or whether the situation which existed in Missouri has or has not recently existed in Alabama.

Mr. SPARKMAN. No.

Mr. SCOTT. Perhaps it is because I have some difficulty in understanding, but I am not quite clear as to what the Senator is driving at.

Mr. SPARKMAN. No; names have not been stricken from the poll list in my State. We have had an orderly way of adding the names of people to the poll list through the years, until Civil Rights Commission representatives came to Alabama and virtually scared to death many of our registrars.

Do Senators know what one of the ridiculous things they did was? I want my friend the Senator from Mississippi [Mr. STENNIS], a former judge in the courts of his State, to listen to this. Does the Senator know what they maintained? They maintained that registrars, who are hired to serve in a county

for practically no pay, for very little pay, a small per diem, once appointed could not resign, or, if they did resign, were not released from the responsibility of office until somebody had taken their place.

Who in the world is going to serve as a registrar, threatened with the incoming Federal deputies, Federal marshals, Federal registrars, Federal referees, and all kinds of Federal interference—people coming in trying to harass them? They did harass them. The Civil Rights Commission did.

It is no wonder that there are bad spots with regard to registration in my State. There will continue to be some, so long as the Federal Government tries to interfere.

I have a further observation to make to my friend from Mississippi. We are getting a little off the subject, but since the Senator brought the question up, I wish to say that only 2 or 3 weeks ago I heard the attorney general of my State and the Governor of my State testify before the Committee on Rules and Administration of the Senate. We were following orderly procedure. The Committee on Rules and Administration was holding hearings with regard to proposed civil rights legislation, with the idea of reporting a bill, until all at once there came this terrific upsurge, and we were called upon to work on proposed legislation, though not a single Senator in this Chamber now can tell us what it is. We do not know with what we will be confronted. We are simply talking against certain things which have been proposed, not knowing what will be in the bill which will be finally submitted to us.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I should like to complete my statement, please, and then I shall yield.

The Governor of my State and the attorney general of my State testified at different times. I believe the Senator from Mississippi was present when one of them testified. They both made the same statement. Each of them made the same statement, separate and apart from each other. The statement was that under the laws of the State of Alabama—and this has been true all through the years—any person, regardless of race, color, or creed, can, at any time he feels he is aggrieved by action or inaction of a registration board, take his case to the court. It becomes a privileged case. Such a person can take the case to court without the payment of costs. Not only that, but the case has priority on the docket.

The former judge from the State of Mississippi knows what that means. The case has preference for action. And such a person can take the case forward without even having to pay the costs. He has 30 days in which to do that. All registration forms are preserved during those 30 days.

Yet in spite of all the "stuff" which has been thrown out by the Civil Rights Commission, and in spite of all the talk up and down about what has been happening in Alabama, not at one time has a single one of these people ever seen fit to take recourse to his rights in the courts of law, which, by the way, entitle those persons to an appeal on up to the Supreme Court of the United States, without payment of cost, if a person claims to be aggrieved.

Why is it no one has ever acted, if all of these things are as bad as it is said they are?

I am now glad to yield to my friend, the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish to say to the Senator from Alabama, amidst all the confusion with reference to the fact that there have been so many bills and proposals, with no reports, no explanations and, as yet, few, if any, speeches by the proponents of the measures, the Senator from Alabama has rendered a service to the Senate by pointing out some of the major provisions of these pending measures, by discussing them, and showing their application from the historical standpoint, and by applying his own personal knowledge to affairs as they are today.

If the Senator will yield to me further, I should like to specify one thing about these bills which I read in a reliable newspaper column Sunday. Though I do not have the column before me now, it was stated that at this Congress, the session last year and the session this year, there have been a round number of 100 bills introduced which are classified by the newspaper as being so-called civil rights bills. Of those 100, 29 of the bills have been introduced by 1 Member of this body.

Mr. SPARKMAN. Apparently he does not know what he wants.

Mr. STENNIS. I have not checked on the accuracy of that statement, but it comes from a responsible newspaper. If that report is anywhere near accurate, it seems to me, with all due deference to the Senator, that fact itself shows that there is an avalanche of emotion—almost hysteria—on the subject.

I believe this is the first time in the history of the Nation that a great number of measures have been brought to the Senate in regard to a serious matter and simply pitched into the lap of the Senate without any guidelines, without any recommendations, without any signals, without any reports of any kind, without any analysis and without any study.

I know—and it is not surprising—that Senators every day are discovering points in these bills about which they did not know and about which they had no way of knowing.

If I may give a personal illustration, I testified before one of the committees about one of these bills. I did not have my testimony written out. I went to the committee with some notes and I testified orally. The reporter took it down. Now I am unable to get a copy of my own testimony. I should like to read it. Perhaps I could improve on it a little. I feel slighted somewhat that the committee will not print any of that testimony.

Mr. SPARKMAN. I believe that testimony has been printed, and I think it was delivered to the offices of Senators, but there is a not a copy to be found in the Senate Chamber.

Mr. STENNIS. There is not a copy in the Chamber?

Mr. SPARKMAN. No; not a one.

Mr. STENNIS. I did not know the testimony had been printed.

Mr. SPARKMAN. I am not sure it has been.

Mr. STENNIS. There was testimony by the Attorney General of the United States?

Mr. SPARKMAN. That is correct. He testified concerning one piece of proposed legislation which many Members of this body have rushed very fondly to embrace.

Mr. STENNIS. That is correct. The Attorney General came before the committee and testified in opposition to a bill which had been recommended by another branch of the Government.

Mr. SPARKMAN. Of the same Government.

Mr. STENNIS. Which was expressly charged with and, in fact, created for the very purpose of making a study of this problem.

Mr. SPARKMAN. That is correct. The Attorney General said the proposal was terribly bad and was clearly unconstitutional.

Mr. STENNIS. That is one reason why I want to read my own testimony again, and I want to read the Attorney General's testimony, because he happened to agree to points I had made theretofore. That does not often happen; at least, on this subject.

I think the Senator has rendered quite a service to the Senate tonight. Again I wish to point out, as I did once before in the Senate last week, that, in spite of the fact that there are no reports for us, no guidelines, no recommendations, and no analyses of these bills, when we rise on the floor to discuss them, after preparation, almost no one is present to hear the discussion. The only way in the world we have to get the attention of the membership in connection with what is in the bills, and how it will apply, and what are the defects, is to speak on the floor of the Senate, after special preparation. That is exactly what the Senator from Alabama is doing tonight.

I am sorry to do this, but I must point out that, instead of speaking in a Chamber with 20 percent, 50 percent, 75 percent, or 100 percent of the membership present, out of 100 Members of the Senate only 5 are in the Chamber, at this moment, including the Senator from Alabama, the speaker. I point that out to show that the situation has become such that it is totally impossible to get the contents of the bills before the membership of the body.

Mr. SPARKMAN. I wonder if I may offer a suggestion to the Senator from Mississippi. He and I think exactly alike on the question of orderly conduct and procedure in the Senate, I believe. I feel that the Senator from Mississippi would agree with me that there is something to be proud of in the name so often given to this body, as the greatest deliberative body in the world. Does not the Senator agree?

Mr. STENNIS. That is correct—very much so.

Mr. SPARKMAN. Based upon what the Senator has just said, does not the Senator feel that perhaps we may be slipping away from that standard? Does not the loose—I will not say "careless"—but certainly the loose manner of bringing up legislation, such as we have before us at the present time, contribute to that deterioration, in the opinion of the Senator?

Mr. STENNIS. It certainly does. That condition is developing, not so much because of the fault of individual Senators, and not because of any reflection on their capacity, but we have an onrush of business, to such an extent that there is more to do than one person can get to in a day's time.

Another factor is the great volume of legislation which is attempted here, particularly on the subject we have under discussion now. I believe that this procedure represents one of the loosest, most lax, and I think most irresponsible ways of dealing with major legislation that I have ever seen.

Mr. SPARKMAN. Tonight I am speaking on only one subject, the subject of referees. I suppose that in the amendments before us, to say nothing about all those we read about, which are coming, there are at least 15 different items.

Mr. STENNIS. Oh, yes. A commission is proposed to be created.

Mr. SPARKMAN. We hardly know how to proceed.

Mr. STENNIS. On page 17 of the Dirksen amendments, so-called, we find the following language:

> SEC. 206. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

Mr. SPARKMAN. Is that the FEPC?

Mr. STENNIS. That is a major aspect of what we used to see in the press so much, in connection with the FEPC bill.

The amendment continues, page after page, with six pages of powers proposed to be created and put into the hands of the Commission, including powers and regulations for the use of such powers.

Mr. SPARKMAN. Powers taken from the States and given to the Federal Government.

Mr. STENNIS. Yes; that is only one of the subjects. I do not believe that subject has been explained or discussed.

Mr. SPARKMAN. I do not believe it has been discussed. It has been mentioned from time to time, but there has not been a major speech analyzing the subject.

Mr. STENNIS. It has only been mentioned in passing. The subject has not been analyzed in any way.

There is serious complaint here tonight because we cannot get a vote on the bill. It seems to me that we have hit a new low in the Senate, and that it will not be long before we hit a new low beyond that, if this effort to crowd the proposed legislation through is continued.

Mr. SPARKMAN. Let me say, before the Senator moves on to another subject, that the Senator from Mississippi and I came to the Senate at very nearly the same time. He knows that I have a very high admiration for him. I know something about how he feels with regard to the Senate.

Does not the Senator feel that even during the 13 years we have both been here there has been a change in the procedure in the Senate? For my part, I have always had a very high regard for what we may call the committee processes.

Mr. STENNIS. So have I.

Mr. SPARKMAN. Because I have felt that through the committees we were able to go through bills clause by clause, provision by provision, sift them out, and bring a bill to the floor of the Senate with an explanation, a report, and a recommendation. Are we not a little lacking in that respect today?

Mr. STENNIS. I believe the Senator is correct. I think the longer we are here the more we appreciate both the necessity and the value of the committee work, the staff work, the analysis, the report, and the guidance, both pro and con, in our consideration of bills. That is particularly true as the volume of work increases.

I pointed out last week in debate that when I first came to the Senate in 1948 the then Senator from California, Mr. Downey, threw the Senate into consternation upon one occasion in connection with a bill known as the tidelands bill.

Mr. SPARKMAN. I remember it quite well.

Mr. STENNIS. He made a motion that, instead of the bill being referred to a committee, it be taken up immediately for consideration by the Senate. I believe the Senate finally voted on the motion, and the bill was placed on the calendar, but it was the news of the week and the talk of the Senate for many weeks, that such a procedure should be adopted, and the bill should not be referred to a committee.

Mr. SPARKMAN. Where it could receive careful screening.

Mr. STENNIS. Now we have adopted the procedure which the Senator has already outlined.

Mr. SPARKMAN. In this case the bill has not even been considered by the House.

Mr. STENNIS. The Senator is correct. That is a good distinction. In 1948 the bill which created such a furor was accompanied by a House report. There had been House hearings, and we had the benefit of all the testimony.

Mr. SPARKMAN. As well as the benefit of the debates in the House itself.

Mr. STENNIS. The complete debates. The bill came to us with all the trimmings of recommendations, and all that went with them. This time we cannot get a report. We cannot get a bill. We cannot get speeches. For a few days we had to bring newspapers along and read from them in the debate, in order to find out just what the provisions of the bill were.

So I think the Senator has well pointed out just how far we have gone in the consideration of legislation—and the direction has been down.

Let me say one word with respect to election registrars. The Senator from Alabama has touched upon that subject. He has referred to the small amount of pay they receive. I should like to point out in that connection that I remember that when I was a young man in Mississippi the managers of the election were not paid anything. The idea was that it was an honor to serve, that it was a community responsibility. Those officials were responsible in every way, under strict State law, for the conduct of elections, but it was a patriotic service, and a civic responsibility. It was an honor to be chosen by the county committee to manage elections within the precinct. A man put on his best clothes to go to the election. Later the services in that position became a great burden. There were many more ballots to count. Then a modest compensation was allowed. It is still true in the South, I believe, that the registrar serves for a very nominal sum, sometimes a small per diem, and sometimes a very small fee.

My major point is that when we pass all this Federal legislation, clothing men with all the powers which have been described, messengers clothed with such powers are sent out by 2's, 4's, 10's, and so forth. I believe in one case the figure reached a thousand.

Mr. SPARKMAN. There were 1,083 in one congressional district.

Mr. STENNIS. I think we destroy the attitude of civic responsibility and patriotism which has existed for so long, and has been such a fine contributing factor, when we follow such procedures.

Speaking of clean elections, those men were the kind of men who really conducted clean elections. That is another great power and a great good in government that we are attempting to kill here by one stroke.

Mr. SPARKMAN. The elections were controlled by the people in the localities, as intended under the Constitution.

Mr. STENNIS. That is correct. The process was carried on in that way.

Mr. SPARKMAN. I should like to have the Senator's help on this point, because he is a former judge and is a constitutional authority, and possesses, furthermore, one of the finest legal minds in the Senate.

Mr. STENNIS. The Senator is very generous, but I appreciate his statement.

Mr. SPARKMAN. The Civil Rights Commission came into our State breathing fire and brimstone, and scared some of our registrars practically to death. I remarked that one thing they held there was that the registrar could not resign, that he could not quit his job, and that he continued to be responsible even beyond his resignation. The Senator could see why a person would not take the job of registrar under those conditions. I believe that certainly the Senator would agree with me that that was simply a foolish contention, would he not?

Mr. STENNIS. I believe so.

Mr. SPARKMAN. That was just an attempt to bluff people.

Mr. STENNIS. An attempt to coerce and bluff people, particularly men of

small means and limited concept of the law, relatively speaking. It was an attempt to bluff, pure and simple.

Mr. SPARKMAN. I believe that this is something that the people might pay close attention to. A great deal of what the Civil Rights Commission has done has been directed against the State of Alabama, because there, it seems to me, is where they centered their attack. There were three Federal court actions growing out of what they had done in the State of Alabama. They initiated three actions in the Federal court. To date every decision made by the Federal court at the district and circuit level, has sustained the State of Alabama against the Civil Rights Commission.

Mr. STENNIS. I am glad to hear that. I believe that proves that the people who were in charge in the State and those who were advising them knew what they were doing. Those people were advised in the law and were trying to carry out their functions according to law. May I ask the Senator some questions?

Mr. SPARKMAN. I yield to the Senator from Mississippi.

Mr. STENNIS. With reference to registrars, we do not know whether we are dealing, under the registrar bill, with the referee bill, and I do not know just which one is going to be proposed.

Mr. SPARKMAN. We must fight all of them.

Mr. STENNIS. That is the only pattern that we can follow here.

Mr. SPARKMAN. Yes.

Mr. STENNIS. In the bill it is proposed that if a judge finds a certain pattern of conduct, he may take certain action. We have already found our pattern of attack, when we have these bills thrown at us in a group.

Mr. SPARKMAN. In the Navy that is called firing a salvo. We are confronted with a salvo.

Mr. STENNIS. I understand another bill is to be introduced. It is a combination of the registrar bill and the referee bill.

Mr. SPARKMAN. I have heard that, but I have wondered, since the Attorney General effectively torpedoed the registrar bill, if some of my friends will continue to advocate that bill.

Mr. STENNIS. I do not know what is coming.

Mr. SPARKMAN. I do not know, either. We must be prepared to fight them all.

Mr. STENNIS. It has been brought out that the Assistant Attorney General has served notice that he would have a still further version of the referee bill put before us. I know that one additional version has already come in. As I understand, however, they have served notice that there may be another version. Has the Senator had a chance to study it?

Mr. SPARKMAN. No; I have not. However, does the Senator remember that his senior colleague, in his presentation earlier today, presented a six-page mimeographed document which he said was the latest version of the administration's program, but that it had not yet been introduced?

Mr. STENNIS. I understood that a copy of it was available.

Mr. SPARKMAN. I have not seen it.

Mr. STENNIS. It had not been introduced. It is not available in print. Is that the Senator's recollection?

Mr. SPARKMAN. Yes. Here we are jumped upon for not being willing to vote, when we do not know what we are going to be called upon to vote upon before this question is disposed of.

Mr. STENNIS. The Senator has made some timely remarks about the judiciary. All of us respect the judiciary. After all, it is the most responsible and most necessary branch of the State government and of the Federal Government. As an instrumentality of government it is certainly entitled to the very highest regard of the people. Of course the men who are holding these high offices for the time being must demand that respect; otherwise it will not continue.

However, coming down to the operation of the proposed law, under which the judiciary would be called upon to appoint the election referees—we will now say that it is the referee bill, under which the referee is sent out by the judge, functioning as the judiciary branch of the Government—does the Senator know that under this provision the referee would take the testimony of the party who complained he had been illegally denied registration, and that the referee would take the complainant's statement ex parte?

Mr. SPARKMAN. Unless it is shown to be clearly erroneous, he must accept it as it is.

Mr. STENNIS. As the referee goes out, he can take this ex parte statement.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. Of this Mr. X, or Mr. Y, or Mr. Z, or whoever it may be. As soon as that ex parte statement is taken, that starts it on its journey to become a judicial conclusion, unless it is interrupted some way. Is that not correct?

Mr. SPARKMAN. The Senator is absolutely right.

Mr. STENNIS. Is that not the very reverse and is that not contrary to all judicial functions under our system of government?

Mr. SPARKMAN. From all the way from back at Runnymede down to the present date, every principle that has been engraved onto the Anglo-Saxon system of law has been contrary to what is proposed to be done in the bill.

Mr. STENNIS. Then when that is done, when this ex parte statement has been taken, the registrar is excluded from any opportunity to be heard, and that is done without any hearing. Is that correct?

Mr. SPARKMAN. That is correct.

Mr. STENNIS. Is that in accordance with judicial process?

Mr. SPARKMAN. The Senator is not talking about the Federal registrar, but about the local registrar. Is that correct?

Mr. STENNIS. The local registrar.

Mr. SPARKMAN. Who has been appointed under authority of the Constitution of the United States.

Mr. STENNIS. Yes. His statement is not even admissible.

Mr. SPARKMAN. Not at all.

Mr. STENNIS. It is therefore a decision rendered contrary to him, and without ever letting him testify. Is that correct?

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. Is that in keeping with judicial processes?

Mr. SPARKMAN. It is completely contrary to what we know under the Anglo-Saxon system of fairplay.

Mr. STENNIS. The Senator is correct. This is the referee bill we are talking about, as proposed by the Department of Justice.

Mr. SPARKMAN. The resurrected Reconstruction Act.

Mr. STENNIS. The so-called mild bill which is going to be introduced.

Mr. SPARKMAN. Some may call it that.

Mr. STENNIS. The so-called mild bill.

Mr. SPARKMAN. It is vicious in more ways than one.

Mr. STENNIS. After the conclusion, based upon the ex parte statement, gets back to the courtroom, does the Senator find in the proposed bill the provision which states that it would prevail unless clearly erroneous?

Mr. SPARKMAN. I said that only a few minutes ago; yes.

Mr. STENNIS. I am sorry that I did not hear the Senator make that statement.

Mr. SPARKMAN. Yes.

Mr. STENNIS. Unless it is clearly erroneous, it takes another step forward in becoming a judicial decision.

Mr. SPARKMAN. Yes; still onesided, or ex parte.

Mr. STENNIS. Yes; largely ex parte, although I believe there is a provision for the State to be heard. Anyway, if that step does not happen——

Mr. SPARKMAN. That does not happen unless it is shown to be clearly erroneous.

Mr. STENNIS. They have opened the door, but they have hit the man in the face, and the burden is his to show that it is clearly erroneous. The next step is that, if the judge concludes from the ex parte statement that these facts represent a pattern, there would be set out an area, and that is where he could send out what in effect would be managers of elections, although they are called referees. Is that in keeping with the American concept of the judiciary?

Mr. SPARKMAN. It is more nearly in keeping with martial law than it is with peacetime judicial action.

Mr. STENNIS. Does the Senator believe that the facts we have related here, which we take from the bills, represent the kind of judicial power which the men who wrote the Constitution of the United States had in mind when they vested the judicial power in the courts?

Mr. SPARKMAN. I certainly do not. It is hard for me to believe that any Member of the Senate who will really study the bills, to learn what is in them, and who will think back to the days following Valley Forge and the welding of our Nation into the great, fine, strong Government it has been down through the years, could possibly subscribe to this kind of proposed legislation.

Mr. STENNIS. Does not the Senator further believe that this point is so plain and clear that a little study will convince a person of its purpose? One does not have to be trained in the law or be a lawyer to understand it.

Mr. SPARKMAN. The purpose is so apparent that he who runs may read.

Mr. STENNIS. One further question on the subject. The Senator from Alabama has been discussing referees. Is it not true that any person will, in a bona fide case, when referees are needed—election cases or any other kind—turn to existing law and have the court appoint the referee?

Mr. SPARKMAN. In Federal elections or in cases in which the rights of citizens are infringed, because of race, color, or previous condition of servitude.

Mr. STENNIS. Yes; they have the benefit of the present law.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. So does not the proposed additional law show on its face, since the power already exists in bona fide cases, that this is a political beachhead, one might say, or a Federal beachhead, for controlling elections within the States where it is decided to interfere?

Mr. SPARKMAN. In controlling elections. I have often said that, to me, it is sad that in an election year we always see trotted out all kinds of so-called proposed civil rights legislation. Simply trot out anything and attach to it the label of civil rights. The Senator from Mississippi has heard it said on the floor, since the discussion began 10 days ago, that this is an election year, and that the chances of passing civil rights legislation in an election year are enhanced.

Mr. STENNIS. Yes.

Mr. SPARKMAN. It is political. I think it is most unfortunate; nevertheless it is true.

Mr. STENNIS. To sum up the whole matter, does not the Senator believe that this is not a judicial approach; that it is not really an effort to expand the judicial jurisdiction or power, at least, of the courts; but that it is a political plan, a scheme, so to speak, to handle these matters in the courts, and thereby to cloak the power with judicial robes? Does not the Senator believe that, in effect, it is a plan or a political scheme, or beachhead, as I call it, in the operation of local elections?

Mr. SPARKMAN. I believe the Senator is correct. I cannot help feeling that this is being done, in part, because it is felt that to place it in the hands of the judiciary will give it a cloak of respectability which could not be applied to the so-called Federal registrars. I believe that the Attorney General perhaps realized that people would rebel against the idea of sending Federal registrars into local areas to hold elections, so he decided to get around that objection by providing a cloak of respectability within the local district courts of the States.

Mr. STENNIS. As I said a while ago, it seems to sound better when we read about it in the newspapers. It looks a little better when we read the proposal in a bill. But when we analyze the registrar proposal, which is in the Committee on Rules and Administration and cannot get out—it has been condemned by the Attorney General—and then analyze the referee plan, we see very striking similarities. Essentially, the two proposals are the same, except that the referee plan provides a cloak of respectability.

Mr. SPARKMAN. Yes. I believe the Senator is exactly correct.

Mr. STENNIS. But in operation——

Mr. SPARKMAN. In operation the plan is exactly the same.

Mr. STENNIS. There will be an army.

Mr. SPARKMAN. The Senator heard me read a while ago how the act operated in the election of 1876 in St. Louis; how an army of 1,083 Federal marshals was created. They were set up in regiments, battalions, and companies. The captain reported to the major, the major reported to the colonel, and the colonel reported to the general.

Mr. STENNIS. The Senator from Alabama ought to enlighten the Senate further and bring out the historical record in that respect.

Mr. SPARKMAN. I have a good bit yet to relate.

Mr. STENNIS. I shall defer my questioning for the time being.

Mr. SPARKMAN. Before we get away from the subject of the judicial cloak of respectability, I wish to remind the Senator of something else. This is found in some of the discussions which the Senator may not have read.

When the Reconstruction Act was on the books between 1871 and 1894, and was operating through the courts under a cloak of so-called judicial respectability, the courts themselves became, not corrupted, but, shall I say, contaminated.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Contaminated by the actions on the part of the referees.

A statement was made about Federal judges sitting in a district. I do not know how many Federal judges there are in Mississippi. Alabama has three Federal districts and four district judges. One judge may cover 20 or 25 counties.

Mr. STENNIS. Yes.

Mr. SPARKMAN. The point was made that a Federal district judge could not possibly know intimately and closely the people of the whole area, whereas a circuit judge, presiding over one county, or even two counties, perhaps, at the most, probably knows personally practically every citizen in the area. If anyone is to be appointed, it ought to be the circuit judge who appoints him. If any question came up concerning an election, the State courts should decide the question. The Federal judges cannot possibly know the people.

The result was that when the act of 1871 was on the statute books, the judges would appoint persons who had been recommended to them. So the program became one of patronage—tremendous patronage. Think of the marshal who had to appoint 1,083 deputies. Think of the amount of patronage he had in one little district, or certainly not more than three, because only three districts were concerned.

Reference is made to election committees. Think of the 1,083 deputy marshals who were appointed. Does the Senator from Mississippi believe that the district judge could possibly have known personally those 1,083 to the extent that he was willing to vouch for their honesty, sincerity of purpose, and conduct?

Mr. STENNIS. He would not have had a chance.

Before we leave the question of the judiciary, I should like to say one further word. These bills ought to be voted down, defeated, and not permitted to pass for the sake of protecting the judiciary, if for no other reason, more so now than in the time of the cases from which the Senator from Alabama is now reading, because now, unfortunately, we know that things have swung around to the point where the Department of Justice has great power in selecting the Federal judges—we are talking about trial judges—who will have to carry the load.

Mr. SPARKMAN. Yes.

Mr. STENNIS. In addition to all the other litigation which the Department of Justice handles before those judges, it is now proposed by the Attorney General to vest the Federal judges with the power of appointing referees. So the same Department of Justice which initially brings the suit—and it more or less directs where it shall be brought—will control the operation of the so-called referees in conducting the elections and also in counting the ballots. Does the Senator agree with that interpretation?

Mr. SPARKMAN. I do.

The Senator referred to the part played by the Attorney General in selecting judges.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Of course he virtually puts his finger on the one he anoints, the one who is to be selected. But let us remember that that is also true as to the marshals and the attorneys.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Let me call attention to the case I read. The one through whom they worked was the U.S. marshal in St. Louis. His name was Leffingwell. According to the sworn testimony, the instructions went from the Attorney General of the United States to the U.S. marshal in St. Louis, Mr. Leffingwell. Mr. Leffingwell did not want to carry out the instructions; but Mr. Bernard said to him, "Here are your orders. Who made you marshal?"

Mr. Leffingwell replied, "Well, you had a good bit to do with it; you are near the President."

By the way, Mr. Bernard himself testified to this.

Then Mr. Bernard said to Leffingwell, "Well, sir, the man who made can unmake. And if you do not carry out these orders, I will put you out of office."

And Bernard testified that he took the authority away from the chief marshal and—acting for the Attorney General—appointed 1,028 deputies, and organized them into companies, battalions, and regiments, with the captains reporting to the majors, and the majors reporting to the colonels, and the colonels reporting to him; and he, in turn, reported to the Attorney General of the United States. That is the history of that matter, and that is how that act worked; and that is the very act that some persons would have Congress reenact into law today.

Mr. STENNIS. That is the pattern of conduct or behavior the Senator from Alabama found when he followed the history of that act; is that correct?

Mr. SPARKMAN. Yes; that is the pattern.

Furthermore, the advocates of the pending proposal contend that its purpose is to assure voting rights to more people. That is what my friend the Senator from Pennsylvania [Mr. SCOTT] contended a while ago—namely, that he wanted to have more people protected in their right to vote; and that was also what was argued as being the purpose of the Reconstruction Act of 1871.

Mr. Bernard testified that he disfranchised 5,700 voters, that he struck off the registration lists the names of 5,700 voters who would not vote for the Republican candidates that he wanted elected to Congress. That was Mr. Bernard's own testimony.

Mr. STENNIS. I am very glad the Senator from Alabama has brought that out.

Mr. SCOTT. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. SPARKMAN. I yield.

Mr. SCOTT. I hope the Senator from Alabama will forgive me for injecting a note of skepticism, in connection with the ritual which has been going on—namely, one of affable query and amiable rejoinder.

Mr. SPARKMAN. Certainly I am glad to forgive the Senator from Pennsylvania, even in advance, because it is hard for me even to think that he would be skeptical.

Mr. SCOTT. I am impelled to recall the similarity between the exchanges which have been occurring here and some of the recent radio quiz programs, in connection with which both parties seemed to be aware in advance of what both the questions and the answers would be. Far be it from me to interfere with such a happy arrangement.

Mr. STENNIS. Mr. President, there has been no rehearsal of this debate.

Mr. SPARKMAN. No, Mr. President; nothing about this debate has been rigged. As a matter of fact, I am speaking right "off the cuff." I do have some prepared material, but I am not using it now—although I shall use it later.

Mr. SCOTT. I am sure the Senator from Alabama has at his command ample verbiage and sufficient material to last him a long time.

Mr. SPARKMAN. Yes; and soon I shall use some of that material.

As I said a moment ago, under the vicious Reconstruction Act of 1871, the names of 5,700 voters in St. Louis, Mo., were stricken from the registration lists; and the Republican candidates whom the Attorney General had directed should be elected were elected.

I hope my friend the Senator from Pennsylvania will listen to the statement I shall now make. A moment ago I said something about voting in Alabama.

Mr. SCOTT. Mr. President, let me suggest that I seem to be some sort of bouncing wall for the remarks of the Senator from Alabama.

Mr. SPARKMAN. A moment ago I said that the Civil Rights Commission had directed many of its shafts at the State of Alabama; and I referred to comments made by the Southern Regional Council, which said that it was necessary to proceed step by step, not all at once, in these matters. The Southern Regional Council said there had to be a gradual approach.

The Governor of Alabama, in recent testimony before the Rules Committee, said, in essence, in regard to the increasing number of Negroes in Alabama who are registered to vote and who are voting in both National and State elections, that this has not been because of any Federal legislation. He said that, indeed, it is true in spite of Federal activity.

Let me refer to the figures he quoted in that connection. The figures are taken from the report of the Civil Rights Commission:

In 1947, 6,000 Negroes were registered to vote in Alabama.

In 1952, there were 25,224; in 1956, there were 53,366; and in 1958, there were 70,000.

And the Governor of Alabama recently announced that 77,000 Negroes are now registered to vote in Alabama.

Mr. SCOTT. Mr. President, will the Senator from Alabama yield further?

Mr. SPARKMAN. I yield.

Mr. SCOTT. Is the Senator from Alabama contending that if all the civil rights laws were taken off the statute books and if the measure now proposed to be enacted were not enacted, in Alabama more Negroes would vote than the number of Negroes who now are entitled to vote there?

Mr. SPARKMAN. Certainly, because the history of this subject has been one of progress; and it will continue to be so.

Mr. SCOTT. If that is the case, why does not the Senator from Alabama agree to have all Negroes of voting age in Alabama allowed to vote? That would take care of the problem.

Mr. SPARKMAN. In Alabama we have certain voting qualifications, just as there are such qualifications in Pennsylvania. I am not sure exactly what the voting qualifications in Pennsylvania are; but the beauty of the arrangement is that, under the provisions of the Constitution, each State has the right to impose its own voting qualifications.

According to the statements made by the Southern Regional Council and also according to some of the statements made by Members of the Senate in 1894, one must not be too impatient; this field is one of gradual growth and development, both economically and politically, as the Southern Regional Council has said.

Mr. SCOTT. Mr. President, will the Senator from Alabama yield further?

Mr. SPARKMAN. I yield.

Mr. SCOTT. I said the States are not vested with the sole responsibility. Both the Senator from Alabama and I are advocates of States' rights, although our individual definitions of States rights may vary.

But the States do not have the unimpeded right to decide who shall vote and who shall not vote. They have that right under the qualifications which have been imposed.

Mr. SPARKMAN. They have the right to set the qualifications.

Mr. SCOTT. But one of the constitutional amendments provides that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. SPARKMAN. Or by reason of sex.

Mr. SCOTT. Yes; that is under the provisions of another constitutional amendment.

Mr. SPARKMAN. Yes, with the exception of those restrictions or violation of the rights inherent in every citizen, in connection with voting in Federal elections—for the Federal Government has some right in that connection, too. But aside from that, the States have the right to decide what shall be the qualifications of voters, and that is all we are requesting—namely, that the States continue to have that right.

We recognize the limitation relating to the holding of Federal elections and the limitation relating to any denial of the right to vote to women, because of their sex, or any denial of the right of a person to vote because he may be of a particular race or a particular color or may hold to some particular creed. Those are limitations which we recognize.

But we still do not believe the Federal Government should send snoopers, under the name of registrars or referees, or whatever other name may be used, into a State, to supervise the holding of elections which the Constitution of the United States says come within the jurisdiction of the individual States.

I was quoting from what Senator Vest said. He made this statement:

> Three Republican Congressmen were brought to the House of Representatives

under that proceeding from three Democratic districts in my State.

That was in the notorious election of 1876, which I believe all historians now recognize as having been Democratic, but counted Republican. I do not believe anybody disputes that fact now. In fact, I think it is rather historically admitted that President Hayes more or less agreed to serve only one term in order not to have the election further contested, or something to that effect, or friends agreed for him. But, be that as it may, I think all historians agree that the election of 1876 was a Democratic election, although it was counted Republican. In order to count it Republican, remember, U.S. marshals, and even commanding generals, military commanders, in certain Southern States, had to count the electoral vote of every contested State. Every single vote had to be counted for the Republican candidates, rather than for the Democratic candidates. The Democrats needed only one vote out of all the contested States. Tilden needed only one vote to win. What happened? The Republicans saw to it that the voting was counted in their favor. That happened at a time when this vicious Reconstruction Act, which some are seeking to reenact today, was on the statute books. Under it, the Republicans managed to take every single contested vote and to put in the White House of the United States a man who had not been elected by the people of the United States to serve there. That happened under the act of 1871. I do not say that act altogether made it possible, but it contributed.

Here we have the sworn testimony as to how three Republican Representatives were sent to Congress from Democratic districts, under the operation of that act, when an army of deputy marshals was appointed, 1,028 in number.

No wonder the people became sick of the law and that Congress repealed it as soon as it could.

Let me continue:

There was no pretense that there was any disturbance in the city of St. Louis. There was nothing but absolute peace and tranquillity. Mr. Bernard, as he himself swears, received his orders in Washington from the Attorney General to carry those three election districts, under the election law, and he went out to St. Louis and achieved the purpose, and then he had hardihood to avow it when a sworn witness upon the stand. But I leave to my distinguished friends on the other side to go through the testimony in detail. The conspiracy was successful. Five thousand and seven hundred men were disfranchised. Hundreds were arrested on the morning of the election. It was an ex parte proceeding.

I interject at this point to say that that is the kind of operation this country experienced under a law that we are asked now to rewrite into the statute books of this land. I cannot conceive of any Senator, with a mind that is not already made up reading the record and then being willing to vote for such a vicious act as is proposed.

Let me go further, still quoting Senator Vest:

The Senator from New Hampshire seemed to resent the idea yesterday that the deputy marshals were anything else than reputable citizens, angels of political light and purity. Mr. President, this man Bernard called from the purlieus and dens of vice throughout the great city of St. Louis every reckless and characterless mercenary who for $5 a day would take his marshal's badge and arrest men at the polls. There were appointed at $5 a day 1,028 men without responsibility, without character, willing for this pitiful sum to strike down the liberties of any man, no matter how old, how respectable, how influential. It cost the people of the United States $21,000 to consummate that infamy.

That is to be found in the same volume of the CONGRESSIONAL RECORD I mentioned a while ago, at page 982.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. Yes.

Mr. SCOTT. Was Senator Vest complaining of the law being breached under the cloak of legality?

Mr. SPARKMAN. I do not know that I exactly get the meaning of the Senator's question, but I think it is very clear that Senator Vest was complaining of the operation of the act, which had been put on the statute books presumably for the purpose of helping people to get the right to vote, and then was used to strike names off the voting lists when they would not support the chosen candidate. It seems to me that is what Senator Vest was rightly complaining about. That is the kind of legislation that some persons would urge us to vote for today. I cannot bring myself to believe my friend from Pennsylvania would join a group that would urge that type of legislation.

I resume with the quotation. Remember, Senator Vest was representing the sovereign and majestic State of Missouri, and he had seen this law operate.

I may say to the Senator from Mississippi [Mr. STENNIS] that I am still quoting from Senator Vest. He had seen the law operating. I wish I knew which desk had been that of Senator Vest. It must be recorded somewhere which desk he had. Someday I am going to ask the Secretary of the Senate to ascertain which desk Senator Vest used. I want to see it. He was standing at that desk, talking, and he was telling what he had seen.

Will the Senator from Pennsylvania listen to this? He was talking about testimony that was on record in the files of the Congress of the United States, which was sworn to by Mr. Bernard himself, who, representing the Attorney General, had directed the deeds that had been committed.

Mr. SCOTT. Mr. President, if the Senator will yield, I was merely curious as to whether the Senator is considering recessing the proceedings for the evening, so that we can all look for Senator Vest's desk. I will be glad to help the Senator.

Mr. SPARKMAN. Let me say to the Senator that I have a good bit more, but if the Senator from Pennsylvania wants to recess——

Mr. SCOTT. No, no. I am not urging a recess to terminate any oratorical flow which the Senator feels impelled to relieve himself of.

Mr. SPARKMAN. No; I do not feel impelled.

Mr. SCOTT. The time is within the discretion of the Senator from Alabama.

Mr. SPARKMAN. I am trying to review the infamy brought about by this vicious piece of legislation that some persons would try to have us enact into law today, after it was tried so disastrously in the days of Reconstruction.

If the Senator from Pennsylvania wants me to quit, I can suspend for the evening and resume tomorrow. Perhaps in the meantime we can find Senator Vest's desk.

Mr. SCOTT. I will say to the Senator from Alabama, that I am gifted with a capacity for endurance and am long-suffering, though this has no relation to the Senator's speech, I assure him. I am certainly not suggesting, on my part, any recess or adjournment, because the Senator is demonstrating a fact of which he has spoken with considerable pride, which is that this is the greatest deliberative body in the world. If the Senator wishes to continue deliberating, with only two of us present, plus the Presiding Officer, I certainly want to accommodate the Senator.

Mr. SPARKMAN. No, I do not ask to at all. If the Senator from Pennsylvania is tired of hearing the sworn testimony, I should be very glad to accommodate him by suspending at this point and by asking unanimous consent that when we convene tomorrow I may resume. Would the Senator from Pennsylvania entertain that kind of suggestion?

Mr. SCOTT. Mr. President, the Senator from Pennsylvania has indicated entire complacence toward the interesting, entertaining, and voluminous discussion with which the evening has been brightened.

I will say that it is not for me to say how long the Senate shall remain in session. The Senator from Alabama has the floor. If the Senator from Alabama feels he is stuck with the floor, the Senator from Alabama knows what to do.

Mr. SPARKMAN. No, I do not feel stuck with the floor.

Mr. SCOTT. Or to it.

Mr. SPARKMAN. I will say to the Senator from Pennsylvania that I have material, and am capable of keeping the floor for a long time, and I feel that I have the physical ability to do it. I am not feeling bad at all.

I will say to the Senator from Pennsylvania, even though he has suggested we might possibly recess——

Mr. SCOTT. Oh, no. The majority leader, if the Senator will yield for a correction, made his statement. I am not now suggesting, nor have I suggested at any other time, that we recess. I simply asked a question as to whether the Senator from Alabama wanted to go hunt for Senator Vest's desk; and if he does, I will help him hunt. That was all I said.

Mr. SPARKMAN. Is that the point the Senator was making a while ago, when he referred to Senator Vest being interested in breaches?

Mr. SCOTT. I made some reference to Senator Vest and breaches and a cloak, but that was merely for the sake

of giving the Senator from Alabama an opportunity to draw in his belt or hoist his galluses, as the occasion and custom may call for, and to proceed with further elaboration of his subject.

Mr. SPARKMAN. The Senator from Pennsylvania has now corrected me by saying he really did not suggest a recess. He did say something about it, but I will not say he suggested it.

I was about to say to the Senator that the majority leader said to me earlier in the evening that he would like to have the session continue until around 10 o'clock. I think I can continue to quote Senator Vest and to read some other material I have.

Mr. SCOTT. If the Senator will yield further, the Senator has now made the statement, which I think we all recognize is very much to the point, that at the request of the majority leader he is prepared to continue to 10 o'clock. I accept that.

Mr. SPARKMAN. No. The Senator from Pennsylvania heard the majority leader and the minority leader in conjunction say, earlier in the evening, they thought we ought to continue until about 10 o'clock.

I will say that the majority leader—though I am not sure, perhaps the minority leader also—asked me how long a speech I had, and I said I had a very long speech, but I would be willing to terminate it at 10 o'clock if it was their wish to suspend at that time. So I shall be very glad to talk until 10 o'clock. When we reach the hour of 10 o'clock, I think I shall be willing to give up the floor.

I think the Senator from Pennsylvania realizes that I could yield the floor now and suggest the absence of a quorum, and we certainly would have a recess until tomorrow, because surely no quorum can be found very well at this time of night. However, I do not intend to take advantage of any of those parliamentary maneuvers, which we can take advantage of. I believe in playing it straight.

I will simply continue. I have the material available. It is good material. If I do not give it tonight I am going to give it at some other time, so I might as well proceed. If the Senator from Pennsylvania does not object, I will proceed.

Mr. SCOTT. The Senator from Pennsylvania does not object.

Mr. SPARKMAN. Good.

Mr. SCOTT. I wish to take note of the fact it is my information that the boys in the cloak room on the Democratic side of the aisle have been told to stay until 10 o'clock.

Mr. SPARKMAN. No; it was not done in the cloak room; it was done on the floor.

Mr. SCOTT. I am glad to hear it.

Mr. SPARKMAN. It was done on the floor. If the Senator from Pennsylvania was present, he heard the minority leader, the Senator from Illinois [Mr. DIRKSEN], and the majority leader, the Senator from Texas [Mr. JOHNSON], announce to the Senate as a whole that it would be proper to continue tonight until about 10 o'clock. Inquiry was made of me, when it was learned I was going to speak, as to how long my speech would be. I said I had a very long speech, but that I would be willing to suspend at 10 o'clock. That is all there is to it.

Of course, the majority leader, the Senator from Texas [Mr. JOHNSON], is available in case we need him. I do not know where the minority leader is. Anyway, it does not matter, since the Senator from Pennsylvania is guarding the floor for his side of the aisle. That is all right. We will get along.

I should like to quote a little more, and only a very little more, from the remarks of Senator Vest.

The last thing I gave was the quotation:

> There were appointed at five dollars a day 1,028 men without responsibility, without character, willing for this pitiful sum to strike down the liberties of any man, no matter how old, how respectable, how influential. It cost the people of the United States $21,000 to consummate that infamy.

Mr. President, I wish to remind Senators that it was said, a little before, that some of the oldest residents of the area, some of the most respected businessmen, veterans who had fought the Indians and had carried the frontier back, were arrested for even trying to vote, for presuming to vote. I presume they were among those 5,700 who were stricken from the rolls on that day simply in order to carry out the instructions of a Republican Attorney General, sitting in Washington, D.C., sending orders down, or sending his man down with orders to Missouri, saying, "You elect Republican Congressmen in these Democratic districts or, if you don't promise to do that, you will lose your job."

So there was appointed an army of deputy marshals, some 1,028, each paid $5 a day to put on a deputy marshal's badge and to arrest people, to turn them away from the polls, to supervise the elections, and to control the elections. That is what it amounted to, control of the elections. It was a day of infamy. It was made possible under that infamous Reconstruction Act, which is sought by some people to be reenacted into law now, to be resurrected from the days of Reconstruction and put back on the statute books of this great country of ours.

I wish to quote a little further from the remarks of Senator Vest:

> However, there was one precinct in that great city (St. Louis) in which the Democrats, notwithstanding all this fraud and force, secured a majority. Precinct No. 71, well known in the political history of my State. Bernard found it had gone Democratic, and our returning board, composed of the county judge and the county clerk and another State officer, under the Statutes of Missouri, met the next day or the day afterwards, the second day, to count the votes and make the return. Bernard, booted and spurred and armed, with an armed deputy marshal at his heels, went into the room in the courthouse where the State returning board, under our law, met.

I want the Senator from Mississippi [Mr. STENNIS] to listen to this, since it concerns the operation of the law in that infamous election of 1876. This was one district which, in spite of orders, had gone Democratic. The returning officers appointed under the State statutes, I hope Senators will bear in mind, met to give the returns. This Federal referee came in, with the marshal on his heels, armed to the teeth. He went to the returning board and this is what happened:

> He said, "I understand you are about to count precinct No. 71." The county clerk said, "What right have you in here, sir; this is a State board," and he ordered him out of the office—

As he ought to have done.

> Bernard said, "I am under Federal authority, and if you dare to count the votes in that precinct, I will put every one of you in jail before night." He swears that he did so.

This is the statement of Bernard. This is the testimony of the man who did it—

> And the county clerk then again told him that he must leave the office, and difficulty was averted by pushing Bernard out of the door.

That is what they ought to have done. Free men are not going to put up with that. These people were exercising their rights guaranteed to them under the Constitution of the United States. They pushed this man Bernard, the Republican order taken from the Republican Attorney General of the United States, sent out to these Democratic districts in a free State, the sovereign State of Missouri, who said to them, "You must elect Republican Congressmen in these Democratic districts." These three men had the spunk to say, "You cannot order us around." When he said "I will put you in jail"—and he admitted he said "I will put you in jail this night"—they got hold of him and pushed him out the door and went ahead and counted the vote and returned it Democratic. That is to be found in the CONGRESSIONAL RECORD, volume 26 of the 53d Congress, page 983.

> These facts are beyond any sort of controversy. They happened in my own State. They are recited here in a document printed by the Congress of the United States, and everything I have said is substantiated upon the sworn testimony of these men.
>
> Mr. President, I repeat that whenever the time comes that national coercion is necessary to secure the purity of elections in the States, it is a confession that the principles upon which our Government is based have failed, and that popular sovereignty has passed into history merely as an attempt upon the part of the people to secure personal and constitutional liberty.

That is Senator Vest speaking; and how well he spoke. He was speaking in 1894 here in this Chamber on the occasion of the repeal of the election law that the Republicans had written into the law as a part of the Reconstruction Acts—a program of hate directed to the South, but it turned out that it worked on the North, and under it were held such infamously bad elections as the one in 1876.

The Senator from Mississippi was called from the floor temporarily. While he was gone I made mention of the fact, I think, that all of the historians today admit that Tilden was really elected President in 1876. The Senator from Mississippi will recall that when the returns came in, there were four States, if I remember correctly, most of which, if not all, were still under military control. The electoral votes of these four States were turned in, if I remember correctly, for the Democratic candidate. But they were contested, and the Election Commission came up with the remarkable admission that every single contested vote should have gone Republican. The Democrats needed only one vote to win, but they could not get that one out of all the States whose votes had been contested. I believe that was one of the elections which really stimulated thinking in this country. By the way, 4 years later a Democrat was elected, very largely because of that.

Mr. STENNIS. Will the Senator yield for a point?

Mr. SPARKMAN. I yield.

Mr. STENNIS. The Senator said, I think, that it is very timely to bring out the repeal of that election law. It is very revealing, indeed, to read some of Senator Vest's speech and to read from the testimony of Bernard. With reference to the Tilden election, does the Senator recall that the Commission that made the final decision decided how those four States would go? Does he recall that the vote was seven to six?

Mr. SPARKMAN. Seven to six or seven to eight.

Mr. STENNIS. One vote was decided by the Commission, which was all that the four States would need to determine the way they would go.

Mr. SPARKMAN. The Senator is correct. One vote by a Republican decided that all four States went solidly Republican. Of course, the election that Senator Vest had been talking about was only one phase, but I suppose that situation could be multiplied a dozen times all over the country in the infamous election of 1876.

Mr. STENNIS. The Senator from Mississippi understands Senator Vest's reply. Senator Vest's testimony referred to three congressional districts in one State.

Mr. SPARKMAN. Yes; in fact, in the city of St. Louis.

Mr. STENNIS. This pattern of operation showed how severe the contest was for even one seat in the House of Representatives.

Mr. SPARKMAN. Now, Mr. President, is it any wonder that the 53d Congress of the United States repealed a statute which would permit this kind of thing to go on. Is one to say that this example would be a far-fetched one, when indeed these facts happened.

This is supposing; it is not predicting something that is to happen in the future. It is pointing to what actually happened in the past, as borne out by sworn testimony in the records of the Congress of the United States.

Now it is proposed, Mr. President, to put this kind of legislation back on the statute books. I have confidence that this Congress will not take any such action. Certainly I hope that this Congress will not say to the people of the United States that it has no confidence in the States of the Union, even the State of Pennsylvania, represented by my good friend who is acting minority leader at the present time. I mean every single State, all 50 of them, throughout the whole of the United States. Let us remember that this law would not be effective in the South alone. It would be effective all over the country.

When it was enacted in 1871, it was enacted for the purpose of being effective in the South, but it was used principally in the North, and there is where the great revulsion came against it. It turned on the people who intended to use it in the campaign of hate toward the South.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. SCOTT. The Senator from Alabama has spoken at great length about the operation of the law in 1876.

Mr. SPARKMAN. From 1871 to 1894.

Mr. SCOTT. He has made reference to occurrences of 84 years ago, and other occurrences.

Mr. SPARKMAN. Yes.

Mr. SCOTT. The measure which is the pending order of business, broadly speaking, involves, among other things, the jurisdiction of the Federal district courts. Does the Senator from Alabama seriously argue that the Federal judges who are themselves natives of their States or of their area, in the case of circuit judges, are so lacking in integrity, so lacking in familiarity with the laws and with the problems of the area that they would under any conceivable set of circumstances permit to exist in the 1960's the abuses to which the Senator from Alabama has so eloquently referred as having happened 80 or 90 years ago, under an entirely different law, nothwithstanding the desire of the Senator from Alabama to associate the law of that time with the pending business? Does the Senator contend that the Federal judges in the South are so untrustworthy that they cannot be relied on?

Mr. SPARKMAN. No. I am afraid the Senator from Pennsylvania was not listening when I discussed this point.

Mr. SCOTT. I have been listening most of the time.

Mr. SPARKMAN. No; some time ago in the exchange with the Senator from Mississippi, we talked about the cloak of respectability said to be thrown around this by having them appointed by the judges. Both of us spoke of the very high esteem in which we hold judges in our States and all over the country in the Federal courts. I cited some of the things that various Senators had said at that time. I pointed out, may I say to the Senator from Pennsylvania—and when he reads the RECORD in the morning he will read this full statement—that in my State we have three districts. We have the northern district of Alabama, the middle district of Alabama, and the southern district of Alabama. We have four judges. One of those districts has two judges. One district, I believe, contains 23 counties. In fact, all of them have approximately that number of counties, because there are 67 counties in the State.

I pointed out that a Federal judge could not possibly know the people all over the entire State very well and intimately, particularly with reference to whether somebody should be appointed referee or not appointed referee, especially if they are to be appointed in such armies as in St. Louis, where 1,028 were appointed in 3 congressional districts. If they were to be appointed in all the districts of Alabama, we would have an army of referees appointed. One of the bad things about it is that it would inevitably bring disrepute and a certain degree of condemnation against the courts, just as it did back there in St. Louis, even though the judges themselves were as honest and honorable and incorruptible as they could be.

Mr. SCOTT. Is there any requirement that Federal judges shall be personally acquainted with all their appointees?

Mr. SPARKMAN. If a judge appoints a man, that is a responsibility that comes to the judge. The Senator from Pennsylvania asked a moment ago whether I did not have confidence in the judges in my State, or whether they would know the people well enough that they would appoint.

Mr. SCOTT. I believe I should clarify that statement.

Mr. SPARKMAN. I believe that is what he asked me.

Mr. SCOTT. I had better clarify that for the benefit of the Senator from Alabama.

Mr. SPARKMAN. Let me suggest that after we have finished, the Senator from Pennsylvania look at the reporter's notes to clarify it there.

Mr. SCOTT. I am quite aware of what I said. I will now clarify it further for the benefit of my good friend from Alabama.

Mr. SPARKMAN. The Senator need not do that. I heard it distinctly.

Mr. SCOTT. I referred to the integrity of the district court judges. I later said that I knew of no law which requires a judge to be personally acquainted with the appointees. I will add this: Does not the Senator from Alabama think that Federal judges ought to have the capacity to consult with those in whom they have confidence; and in cases where they do not personally know all the appointees, do they not have the means by which they can ascertain the background and capacity of those appointees?

Mr. SPARKMAN. I can only say that down in my State Federal judges have their hands full trying to handle the dockets placed before them.

Mr. SCOTT. Almost all Federal judges have that problem.

Mr. SPARKMAN. Why place upon them the additional burden of appointing deputy marshals or referees, or whatever they are to be called, to go snooping around elections, which under the Constitution of the United States are to be controlled by the States?

Mr. SCOTT. The Senator has said something with which I heartily agree, that almost all our Federal judges have their hands full. If the Senator's party will get out the omnibus judges bill, which they have held up for some 4 or 6 years, we might very easily cure that problem.

Mr. SPARKMAN. How can that be done when the Senate is expected to hold sessions running around the clock starting next week? How will we be able to hold any committee meetings?

Mr. SCOTT. Perhaps one abuse engenders another. Perhaps an extension of discussion in one area might prevent discussion in another.

Mr. SPARKMAN. Let us remember, as I said a few minutes ago, that this law would be effective not only in the South, but all over the country. I hope that Members of the Senate and of the House will remember that this is the very kind of thing that can happen time and time again through the width and breadth of this land.

Mr. President, there is another side to this coin. Section 7 of S. 3001 proposes, as did the Reconstruction Act of 1871, to set up the courts as a lord of chancellor over State electoral processes. As the courts have been injected into the running of the public schools in the South, the courts would now be made virtual dictators over the implementation of State voting laws.

This was the situation, Mr. President, in 1894, when the Congress finally repealed the iniquitous reconstruction bill of 1871.

Mr. Turpie, Senator from Indiana, made this comment:

> A respect for law is always closely connected with the courts that administer it, and with the officers of the courts, the judges who have charge of that administration. A very large proportion of that decadence in respect for the law, for the administration of justice, and for the judges of the courts, especially in the Federal judiciary, is due to the enactment, in the first place, and the existence in administration since, of what are known as the Federal election laws, the repeal of which is the object of the bill now pending.
>
> I do not know anything better calculated to degrade the courts, to lower the character of judges, and to shake the confidence of the people in the administration of justice than to connect the judges and the courts closely with those animated contests, not always pure, not always honest, not always of the most scrupulous character, which political parties make as a part of the necessity of a free government in the various States and communities where they exist.
>
> As was said by the Senator from Missouri, Mr. Vest, the other day, we can judge most readily and most correctly of the operation of a system from the experience in our own States. I shall detail a slight experience and a very recent experience under the administration of these laws in Indiana.
>
> We have had a political judge in Indiana now in the succession, much distinguished for his rulings, pro and con, upon the subject of these laws, who has devoted very great attention to the practical administration of them. What is the consequence?

And Mr. Turpie continues:

> There never has been any ruling in favor of a political opponent indicted in our courts; always against him. There never has been any conviction of a Republican for any political offense in our court—not a single one. Eighty Republicans were indicted, indicted upon full hearings, upon lawful information, and upon full evidence, for violation of the election laws. The indictments were quashed, and what is known as the "general jail delivery" occurred in Indianapolis and all of the defendants were discharged.

Mr. President, that was a statement by Mr. Turpie, a Senator from Indiana, which is found in the CONGRESSIONAL RECORD, volume 26, part II, January 30, 1894, page 1663.

Mr. President, I believe the Senator from Mississippi will be interested in what I am about to say. I received a letter the other day from one of the best lawyers in the South, certainly in the State of Alabama; in fact, he is one of the leading attorneys in the United States. I refer to Mr. Forney Johnson, of Birmingham, Ala. What I am about to read is really from a memorandum which Mr. Johnson sent to me regarding this very proposal. He is an outstanding constitutional lawyer. He has been called upon to argue some of the outstanding constitutional cases in the Supreme Court of the United States. This is what he said:

> The proposal of the Attorney General for the appointment by Federal judges of miscalled referees would gravely distort the judicial function and immeasurably impair the instinctive and traditional respect for the Federal judiciary. The President of the United States has apparently approved this proposal, without understanding either its basic abuse of judicial theorem function, its inherent summary process, and its jubilant reincarnation of Reconstruction. But even more immediate and shocking to those who understand the vital background and the deserved respect for the judiciary is the certainty that the Attorney General's proposal would undermine that instinctive respect and would associate the district judge appointing these referees with direct personal responsibility for the process.

I hope the Senator from Pennsylvania will listen to this statement, because it comes from one of the finest constitutional lawyers in the United States. He is speaking about how this proposal would undermine our judges.

> Many would understand and attempt to explain that the appointment of these drumhead, police officials was required by a Federal law; but it would be impossible to disassociate in the popular mind the judges from direct responsibility and the damage would be immeasurable.
>
> It is inconceivable that any lawyer, even with the rudimentary sense of our system or the function of the judiciary and the dignity of judicial procedure, as well as the vital substance of due process, could propose a rump hearing at the voting booth by a court-appointed police agent, accompanied by and sponsoring a bumptious complainant demanding a vote.
>
> Election officials in the South, as elsewhere throughout the country, are volunteers. Sometimes, there is a small compensation, but it is very small indeed. Generally, these people are quietly performing a public duty, with no responsibility for the voting list. There can be no possible doubt of the inevitable and active resentment of election officials with no responsibility for the voting list at having a synthetic Federal official looking over their shoulders, snatching at their papers, and demanding names for process. It would be extraordinary if in any precinct in the South this resentment was not shared by the public.

That is the conclusion of the statement by Mr. Johnson.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. STENNIS. I am very much impressed with the statement. It is so true, so sound, so well expressed.

Mr. SPARKMAN. It is a restrained statement.

Mr. STENNIS. It is a judicial type of statement. I respect the gentleman for his very high concept. I honor him for his respect for the judiciary. I know Mr. Johnson by reputation, not personally. I know he is one of the truly great lawyers in the entire Nation. He is a man of high concepts and high responsibility. I believe the Senator from Alabama has made an excellent contribution to the debate. What Mr. Johnson has said is so very true. There is no way to distinguish in the public mind between the judge and the one who represents the judge.

Mr. SPARKMAN. The Senator is so correct.

Mr. STENNIS. That is a subject which is not understood by everyone. The Senator from Alabama and I come from a part of the country where the people tip their hat to a judge. I wish that were done everywhere. But that cannot continue if the judges are to send out emissaries of this kind to follow the elections.

Mr. SPARKMAN. I thank the Senator from Mississippi. He is so right.

I might say, Mr. President, that this same kind of resentment would not be confined to the South but would be general throughout the Nation, as is evidenced by the experience which our forebears had with respect to the Reconstruction Act of 1871.

Mr. President, I hope that Congress and the Senate will not be misled into becoming parties with the Attorney General of the United States into dragging the judiciary into disrepute as unwilling agents to a political plan to destroy the sovereign rights of the States in respect to voting.

Mr. President, I am reminded of another comment made by Senator Turpie, of Indiana, when he said:

> Now, take an election board organized under the law of the State with men of good repute, honest men, known to each other, law-abiding men of different political parties, having watchers and every other convenience for the safety of a vote cast, and the counting of it after it is cast.
>
> These men are organized under an oath of the faithful performance of their duty. Then, there are onlookers appointed by another power foreign to the jurisdiction of the State, not responsible to the State, not known in any way to the electors or to the

election board organized under the laws of the State. They are onlookers. I say, sir, that under such circumstances, the very look of these watchers is an insult. I say that the inspection of such characterless villains is an indignity. I say that the voice and presence of such an onlooker is an outrageous violation of the freedom of elections and of every other franchise which freemen have fought for and won.

This will be found on page 1637 of the same volume of the CONGRESSIONAL RECORD which I mentioned a moment ago.

That language, which is not unique, or as restrained as the language of Mr. Johnson, is the language of Senator Turpie, of Indiana, who was not a southerner. He was talking about conditions in Indiana.

Mr. President, those who are in favor of the pending proposal would invite such dissension and such conflict between the people of the South, other sections of the country, and the Federal Government so as to weaken the very foundation of our Republic. They would open a Pandora's box which would turn loose difficulties and problems so great that several generations would pass before all the damage was undone. Even today, Mr. President, we are trying to live down the disgraces which were committed against the people of the South during the dreadful days of Reconstruction. I have endeavored to show here what we can expect to happen if such a law is passed. It is not as if we have nothing upon which to judge the future. We do have. In this respect, I quote again from a speech which the late Senator from Illinois, Mr. Palmer, said during the debate of the repeal of the national election laws:

I oppose the law which it is now proposed to repeal. I perhaps have spoken of it as being an element of party agency. That is placing my opposition to it upon grounds entirely too low. I oppose it because it is an assault upon popular liberty. Believing as I do that the people of the United States are capable of governing themselves, believing that the interests of every community are safest in its own keeping, believing as I do that no man was ever capable of governing another man—of course, I make this statement with some proper limitations—that no man was ever good enough to be a master and that no man was ever base enough to be a slave, believing that this legislation is a mere menace, a useless, idle, insulting menace, to every community where it has been put in force, I cannot do otherwise than assert the duty of Congress to repeal it.

Mr. President, a moment ago I spoke about the dangers of this kind of legislation to the judiciary. I pointed out how the injection of the judiciary branch of the Government into matters of voting would result in a lessening of public support for the courts and would place the courts in a position of public disrepute. This is precisely what happened back in 1890. I think Senators may be interested in the comments of the late Senator Daniel, of Virginia, who on February 6, 1894, made the following statement on the floor of the Senate—page 1926:

Mr. President, there is another reason why this law should be repealed. It introduces the judiciary of this country into its political affairs. In my judgment, the judiciary should be as separate from the political elements of the Government as possible.

We should do everything to segregate the judge from the transient current of political agitation and ambition. This law interjects him into it "nolens volens." It stimulates and inspires partisanship in the very spot where partisanship is the greatest evil. In the next place, this law is very expensive to this Government. If good were obtained by the expense the argument would be nothing, but the expense is useless.

Mr. President, finally on February 7, 1894, the U.S. Senate came to a historic decision—one typical of its great tradition. The Senate passed the bill to repeal the iniquitous national election law. It did not do so hurriedly. The Senate, as we have seen, debated that matter at great length. Senators on both sides of the question discussed its merits fully. Senators were advised as to experiences which people in every State of the Union had had regarding the administration of such a law; and Senators came to the conclusion that it was not in the public interest, and should be wiped from the statute books.

Of course, the section of the country most affected by that act was the South; and the section of the country against which the pending bill is designed is the South. However, as an examination of the vote had then will show, Senators from all sections of the country appreciated the dangers of that act, and voted to repeal it. Senators found that legislation of that kind, although designed from the beginning to be used against the South, was used in all sections of the country to the detriment of the electoral process, to the danger of the judiciary system, and to the threat of increasing friction and discord between the States and the Federal Government.

At this point, I shall enumerate the Senators who either were recorded in favor of the repeal of that act or voted for its repeal: Alabama—John T. Morgan and James L. Pugh, two great Senators who lived in the same city—as a matter of fact, they lived directly across the street from each other; Arkansas—James H. Berry and James K. Jones; California—Stephen M. White; Delaware—George Gray; Florida—Samuel Pasco and Wilkinson Call; Georgia—Alfred H. Colquitt and John B. Gordon; Illinois—John M. Palmer; Indiana—David Turpie and Daniel W. Voorhees; Kansas—John Martin and William A. Peffer; Kentucky—William Lindsay and Joseph C. S. Blackburn; Louisiana—Donelson Caffery and Edward D. White, and I take it that that Edward D. White was the one who later became Chief Justice of the United States; Maryland—Arthur P. Gorman and Charles H. Gibson; Mississippi—James Z. George; Missouri—Francis M. Cockrell and George G. Vest; Nebraska—William V. Allen; Nevada—William M. Stewart; New York—David B. Hill; North Carolina—Matt W. Ransom; North Dakota—William N. Roach; Ohio—Calvin S. Brice; South Carolina—Matthew C. Butler and John L. M. Irby; South Dakota—James H. Kyle; Tennessee—William B. Bate and Isham G. Harris; Texas—Roger Q. Mills and Richard Coke; Virginia—John W. Daniel and Eppa Hunton; West Virginia—Charles J. Faulkner; Wisconsin—John L. Mitchell and William F. Vilas.

Mr. President, the majority leader is here. This is a convenient point at which to make an interruption in my speech. I have a great deal more material to present, and I could not possibly present all of it tonight.

Earlier in the evening the majority leader suggested, together with the minority leader, that the session this evening continue until 10 or 10:30. It is now 5 minutes past 10. If the majority leader wishes to have the session for tonight end at this time, that will be agreeable to me.

Mr. SCOTT. Mr. President, first, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield to my friend from Pennsylvania.

Mr. SCOTT. The Senator from Alabama has even read to us the names of the Senators who voted for the repeal of the act in 1894 or were recorded in favor of its repeal. He has been discussing that situation with great ability. Many years have passed since that act was repealed.

Mr. SPARKMAN. Yes, 66 years have passed since then, for the act was repealed in 1894.

Mr. SCOTT. Yes. But the condition still remains, and has been a matter of most lively debate within the entire confines of the Republic. Does not that fact suggest to the Senator from Alabama that perhaps there is some merit on the part of those who believe that something should now be done about a situation which has lasted so long?

Mr. SPARKMAN. I do not agree with the Senator from Pennsylvania that the condition against which that act was supposedly put on the statute books has lasted so long. A while ago I referred to figures from my own State, to show the remarkable progress which has been made. Those figures were placed in the hearings of the Rules Committee by the Governor of Alabama, only a few weeks ago.

Human nature remains the same. That act was a hate act; it was a Reconstruction Act under a hate program back in 1871. But its effect was contrary to what it was assumed, in the beginning, its effect would be.

Today, the people behind the pending proposal may be absolutely sincere in their purpose. I am sure that a great many of those who were in favor of placing the 1871 act on the statute books were also absolutely sincere in their purpose. But human nature is the same. That act was used as a political weapon; and if it were on the statute books today, it would be used as a political weapon, and, as I have tried to point out tonight, it would tend to discredit the judiciary of the country.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I am glad to yield.

Mr. JOHNSON of Texas. Mr. President, I heard a good deal of what the Senator from Alabama had to say this evening. I commend him for his attention to duty. I wish every Member of the Senate could have heard him.

Alabama has sent to this body some of the greatest Senators it has ever known; but Alabama has never sent here two men who were more beloved or more admired than its present two Senators.

I take great pride in the fact that I served for many years in the House of Representatives with the junior Senator from Alabama [Mr. SPARKMAN], who this evening has addressed the Senate. I have enjoyed the fine friendship and association with him as a Member of the Senate.

I know that each Member of the Senate who was not privileged to hear the Senator from Alabama speak tonight will on tomorrow read with care his remarks, as they will appear in the CONGRESSIONAL RECORD, because he has approached this subject—as he approaches all subjects—with diligence, attention, sincerity, and a genuine purpose that is never excelled, and rarely is equaled.

I commend the Senator from Alabama for the statement he has made; and in the morning I shall read all of it in the RECORD—particularly the part I did not hear tonight.

Mr. President, if it meets with the pleasure of the Senator from Alabama, I shall now move—

Mr. SPARKMAN. First, Mr. President, I naturally would like to express my gratitude for the very kind remarks of the majority leader.

I wish to say that I believe there are real decisions to be made in connection with this proposed legislation, and certainly we should approach it very carefully and we should analyze it, to see what is in it.

Mr. JOHNSON of Texas. The Senator from Alabama certainly did that this evening.

Mr. SPARKMAN. If we do not profit by experience, we may be headed for trouble.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. SPARKMAN. Yes.

Mr. STENNIS. I have heard the Senator's remarks. He has brought out the legal and constitutional points involved, and has discussed our judicial system in a very learned way. I appreciate what he has said and commend him for his approach and for his analysis of the problems involved. The tragedy is that the ones who are going to vote on the question were not present to hear the Senator's remarks. I do not share the view of the Senator from Texas that they will read the speech tomorrow. That is one of our great troubles in connection with these bills. They are not going to be analyzed or studied or considered as they should be.

Mr. JOHNSON of Texas. If the Senator will yield, I did not underwrite a guarantee that every Senator would read them; I expressed the hope they would.

Mr. STENNIS. I share the Senator's hope, but I point out that this subject will not be analyzed or weighed or considered as the subject matter and the constitutional questions involved require. I commend the Senator highly for his fine address.

I have another point or two to make on the question of due process of law, but I will reserve them until the Senator takes the floor again.

TRAFFIC IN OBSCENE MATTERS AND MATERIALS — ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. SCOTT. Mr. President, at the next printing of the joint resolution (S.J. Res. 160) to provide for a conference consisting of Federal, State, and local officials, and members of public and private groups or organizations to consider and propose methods of, and to coordinate action for, combating the traffic in obscene matters and materials, introduced by me on February 15, 1960, and cosponsored by a number of other Senators, I ask unanimous consent that the name of the Senator from Colorado [Mr. CARROLL] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10:30 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 10:30 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 12 minutes p.m.) the Senate recessed, under the order previously entered, until tomorrow, Wednesday, February 24, 1960, at 10:30 o'clock a.m.

NOMINATIONS

Executive nominations signed February 22, and received by the Senate February 23 (legislative day of February 15), 1960:

ATOMIC ENERGY COMMISSION

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960, vice Harold S. Vance, deceased.

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

U.S. AIR FORCE

Maj. Gen. Albert Meldrum Kuhfeld, 884A (brigadier general, Regular Air Force), U.S. Air Force, for appointment as the Judge Advocate General, U.S. Air Force, for a period of 4 years beginning April 1, 1960, in the permanent grade of major general in the Regular Air Force. This nomination is made under the provisions of section 8072, title 10, United States Code.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 23, 1960

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

FEBRUARY 23, 1960.

I hereby designate the Honorable JOHN W. MCCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 12: 10: *Be kindly affectioned one to another with brotherly love.*

O Thou who art the God and Father of us all, grant that in this Brotherhood Week we may understand more clearly that the question, "Am I my brother's keeper?" must be answered conclusively in the affirmative.

We rejoice that in Thy great love Thou hast mercy and compassion upon our confused humanity with its bigotry and prejudice, its blindness and misunderstanding.

May we always look upon the frustrated souls of men and nations with sympathy and give us the insight to see the wonderful possibilities in those whom we so frequently misjudge and condemn.

Show us how we may walk and work together in the ways of friendship and build a social order in which there is blessedness for all mankind in its search and struggle for a freer and fuller life.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following date the President approved and signed bills of the House of the following titles:

On February 20, 1960:

H.R. 8171. An act amending the act of February 20, 1931, as amended, with respect to a rail transit crossing across the bay of San Francisco; and

H.R. 9664. An act to stabilize support levels for tobacco disruptive fluctuations and to provide for adjustment in such levels in relation to farm cost.

MISSILE LAG

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, in his television appearance last Sunday before his takeoff on his South American trip, President Eisenhower put his finger on the exact spot where the missile gap began to appear.

You will recall the President stated our present missile potentiality began "from a standing start 5 years ago." President Eisenhower has been in office for shortly over 7 years. From his speech on Sunday, we may gather that the missile lag was the first 2 years of the Eisenhower administration when everything in the defense program was practically at a standstill while the new administration took a "new look" at our defense picture.

We might also recall, as the new administration came into power in 1953, there was a program attempting to coordinate our missile program and to expedite it. This program was under the direction of Kaufman Thuma Keller, who had been selected by former President Truman as an overall director of the missile program. The new Eisenhower administration regarded this program so lightly that Kaufman Keller, our missile program expediter, was one of the top officials who was allowed to leave Government service. There was a long period thereafter when there was considerable lack of coordination in pushing our missile program.

In this connection may I present for the enjoyment of my colleagues in the House a few lines that occurred to me in relation to the Secretary of Defense's invention of the phrase "gap-deterrent":

Mr. Gates, what are these antics
That provide defense through pure semantics!
Unwilling, of course, to take the rap,
For what you call the missile gap,
You concede that such may be apparent
But invent a strawman—"gap-deterrent."
This you steadfastly insist
Simply, friend, does not exist
Where we count one, you count three.
Ah! the magic of budgetry.
But may I ask if a cheery whistle
Is much defense against a missile?

STATE DEPARTMENT MEDDLING

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, the State Department, which attempts to dictate to all agencies of the Federal Government, including Congress, has now stuck its long nose directly into the affairs of a State.

It provided the crutch on which a weak-spined politician leaned to stay the execution of an habitual criminal—a sexually depraved wretch—a scourge to any civilized society.

Why this shocking intervention by the State Department into the affairs of a sovereign State? Because it was reported that a bunch of Communist inspired students in Uruguay would stage an anti-American demonstration on the occasion of President Eisenhower's visit to that country. This means that the State Department has again succumbed to the worldwide Communist pressure apparatus.

Assistant Secretary of State Rubottom says he consulted his superiors before he sent his telegram of intervention.

Mr. Speaker, Assistant Secretary of State Rubottom ought to be fired for this act and those superiors who approved it, no matter who they may be, ought to be fired with him.

SUBCOMMITTEE ON LIBRARIES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Libraries of the Committee on House Administration may be permitted to sit today during general debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FEDERAL WATER POLLUTION CONTROL ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 346)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 3610, an enrolled bill "to amend the Federal Water Pollution Control Act to increase grants for construction of sewage treatment works, and for other purposes."

The bill would authorize an increase in Federal grants to municipalities for assistance in the construction of sewage treatment works from $50 million to $90 million annually, and from $500 million to $900 million in the aggregate.

Because water pollution is a uniquely local blight, primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised, as it has been, by State and local governments. This being so, the defects of H.R. 3610 are apparent. By holding forth the promise of a large-scale program of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds.

The rivers and streams of our country are a priceless national asset. I, accordingly, favor wholeheartedly appropriate Federal cooperation with States and localities in cleaning up the Nation's waters and in keeping them clean. This administration from the beginning has strongly supported a sound Federal water pollution control program. It has always insisted, however, that the principal responsibility for protecting the quality of our waters must be exercised where it naturally reposes—at the local level.

Polluted water is a threat to the health and well-being of all our citizens. Yet, pollution and its correction are so closely involved with local industrial processes and with public water supply and sewage treatment that the problem can be successfully met only if State and local governments and industry assume the major responsibility for cleaning up the Nation's rivers and streams.

The Federal Government can help, but it should stimulate State and local action rather than provide excuses for inaction, which an expanded program under H.R. 3610 would do.

The following are steps which I believe the Federal Government should take so that our rivers and streams may more rapidly be relieved of the pollution blight.

First. I am requesting the Secretary of Health, Education, and Welfare to arrange for a national conference on water pollution to be held next December. This conference will help local taxpayers and business concerns to realize the obligation they have to help prevent pollution. It is unconscionable for one town or city deliberately to dump untreated or inadequately treated sewage into a stream or river without regard to the impact of such action on the lives of downstream neighbors. Local taxpayers should be willing to assume the burdens necessary to bring such practices to a halt. Businessmen and industrialists must face up to the expenditures they must make if industrial pollutants are to be removed from the Nation's waters. In short, the proposed conference will provide a forum in which all concerned can confront and better appreciate their mutual responsibility for solving this pressing problem.

Second. Where the issue is of an interstate nature and the problem is beyond the powers of a single State, or where it is otherwise appropriate to assist State enforcement actions, the Federal Government should have authority to move more quickly and effectively in directing the application of control measures that will swiftly correct such intolerable pollution. In accordance with the 1961 budget message, recommendations will be submitted to the Congress for strengthening the enforcement provisions of the Federal Water Pollution Control Act.

Third. The Federal Government should continue to provide modest financial assistance for the administration of control programs by States and interstate water pollution control agencies. Because such programs rest upon a solid foundation of local cooperative action, they properly merit Federal encouragement and assistance. An extended life for this program is recommended in the 1961 budget.

Fourth. The Federal Government, through research and technical assistance, can be of material help in contributing to our knowledge of water pollution—its causes, its extent, its impact and methods for its control. Increased

Federal effort in this respect is also provided for in the 1961 budget.

These measures will provide Federal authority that accords with the proper Federal, State, and local roles in water pollution abatement. I urge their early consideration by the Congress.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 22, 1960.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and, without objection, the bill and message will be printed as a House document.

There was no objection.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on the President's message be put over until Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTEREST RATE RESTRICTIONS ON U.S. BONDS—COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight Monday, February 29, to file a report on *H.R. 10590*, relating to interest rate restrictions on bonds of the United States. That request also includes any minority or supplemental views.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. PATMAN. Mr. Speaker, reserving the right to object, will the gentleman state what the bill contains?

Mr. MILLS. Yes. The bill that has just been ordered reported by the committee has four provisions. The first provision relates to authority in the area of advance refunding so that advance refunding may occur even though the yield on the new bond exceeds 4¼ percent ceiling would still apply to the coupon rate, however.

The second provision authorizes the Secretary of the Treasury with respect to the issuance for cash or in exchange at maturity date of bonds to exceed the 4¼ percent presently in the law within limitations, to the extent of 2 percent of the public debt upon a finding by the President with respect to each offering that the national interest requires such action.

The restriction of 4¼ percent is eliminated with respect to Government bonds that the Government trust funds invest in. Then there is a provision allowing the President to direct the Secretary to exceed the 4¼ percent with respect to savings bonds whenever he deems that the national interest requires it.

Mr. PATMAN. Mr. Speaker, if the gentleman will yield further, it does then permit the increase of the interest rate on long-term bonds?

Mr. MILLS. The Secretary of the Treasury may do so, as I stated, upon a finding by the President that the national interest so requires.

THE BILL WHICH HAS BEEN ORDERED TO BE REPORTED IS AS BAD AS OUTRIGHT REPEAL OF THE 4¼-PERCENT CEILING ON GOVERNMENT BONDS—IT WIPES OUT THE DISTINCTION BETWEEN THE TWO POLITICAL PARTIES AND THUS DENIES THE AMERICAN PEOPLE ANY POLITICAL CHOICE

Mr. PATMAN. Mr. Speaker, as I understand from the explanation which the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], has given, and also from his press release which I have just read, the bill which the Ways and Means Committee has ordered to be reported is worse than a bad compromise. It appears to me to be a complete, 100 percent surrender insofar as retaining any protection, safeguard, or restraint on interest rates is concerned.

As I understand the first section of the bill, this section alone rolls back the ceiling as wide as the blue heavens themselves. In this case the further exemption provided in section 2 of the bill, as to 2 percent of the amount of the debt outstanding, is merely surplus verbiage.

Under section 1, if I correctly understand it, the entire national debt—every penny of it—could be refunded with securities paying effective yields of 5 percent, 6 percent, 10 percent, 20 percent, or any other percent that the Treasury and the Federal Reserve System see fit to have them pay.

If the Federal Reserve, under this administration, sees fit to tighten money to the extent that a security running, say, 1 year to maturity, is driven down to a market price of $50, then the Treasury could sell a 10- or 20-year bond at an equal discount, and place a 4¼ percent coupon on it in addition.

Why is this bill regarded as a compromise? What is the difference between repealing the interest rate ceiling outright and what the bill will, in practice, permit?

There is none that I can see.

Does the committee have any assurance whatever from the Federal Reserve people as to how high they will drive interest rates after this bill is passed? If the committee has any assurance, the distinguished chairman has not said so. I suggest that the committee has none; and I suggest further that in the absence of such an assurance, this bill will permit the Treasury to bind the American people by contracts over 20, 30, or 40 years to whatever interest rates the Federal Reserve System decides we are to be bound to by its actions between now and the time this administration goes out of office.

As to the point that discounting would be permitted only in the case of securities exchanged for outstanding securities, it provides no limit, no safeguard, and no restraint whatever. We are dealing here with marketable securities. The same people, the same banks, the same insurance and other financial companies now holding the outstanding marketable bonds are the same people and the same companies which would buy the new bonds in any case. But this exchange provision would not exclude any new would-be owners from obtaining the new cutrate bonds, and the provision would not encourage any investor to keep his funds invested in Government bonds, any more so than the new interest yield would encourage him to buy such bonds anew. This could have been accomplished in exactly the same way by repealing the interest rate ceiling outright, as the President asked.

I cannot see that the flimsy effort to shift the responsibility for what is to happen onto a President who cannot succeed himself, at the same time the Democratic Congress gives the President powers to do what his administration wants to do, provides any kind of escape from congressional responsibility for this matter. Nor do I think that the overwhelming majority of the American people who will be hurt by this action will be fooled into believing that Congress has clean hands simply because it tries to shift the blame over to the President. The American people will be paying for this action, if Congress passes the bill, long after President Eisenhower is gone to his deserved retirement.

Nor do I see any possibility that the Congress can successfully escape the blame by trying to shift the blame to the Federal Reserve System. The Federal Reserve System must help to do what is about to be done, yes. It must stick the first knife into the backs of the American people because only the Federal Reserve System can do it. Only the Federal Reserve System can decide what interest rates shall be today, tomorrow, and next year.

But Congress itself will be responsible for a very large part of the increase in interest rates which will be made if this bill is passed. The moment we pass the bill, or even give serious consideration to passing it, we will cause the whole financial community to expect higher interest rates, and this expectation will, itself, drive down the prices of Government securities and drive up interest rates.

Last year the Senate and the House passed a resolution requesting the Joint Economic Committee to make a thoroughgoing investigation of our economic system, of monetary policies, of interest rates and related matters. One of the primary tasks assigned the committee was to find out what the effects of high interest actually are.

Last fall, when the House was acting on the bill to raise the rate on savings bonds, the question was then put to the House whether to act also on the President's request for higher rates on marketable bonds. The leadership and the overwhelming majority of the House then took the position that we should wait for the conclusion of the Joint Economic Committee's investigation and recommendations.

That investigation has been completed and the committee's recommendations have been made. Everything that the committee learned and everything it recommended is just contrary to what the Ways and Means Committee now proposes to do.

The Joint Economic Committee, at least the Democrats on that committee, could not find any justification for higher interest rates. On the contrary, everything we learned was that interest rates were already much too high for the good of the country. We recommended that interest rates be brought down and brought down immediately.

Why now a bill which endorses both the administration's past high-interest policy and its ambitions for still higher interest?

The committee's action in reporting this bill is most disturbing. I say this not merely because the bill, if it is enacted, authorizes and condones a program of robbing the great majority of the people for the special benefit of the wealthy few. I say it also because the bill would erase finally and completely the two-party political system in this country. This would be most serious. It would deny the people a choice of political policies, and this is the same as killing political freedom.

In the whole history of the two political parties, the one basic and unchanging difference between them has been—until now—in their fundamentally different attitudes and policies toward money and interest rates. From the time of Andrew Jackson's administration, and long before, the Democratic Party has stood, if for nothing else, for making money widely available to the people of this great land so that they may work and produce the material things of life and build for the future. The Republican Party and its political ancestors—all the way back to Alexander Hamilton—have, on the other hand, stood for tight money and dear money. It has stood for excessive exploitation and excessive financial gain for the favored few who control the institutions through which the money must pass.

The historic differences between the two parties was the production and distribution of real wealth is an inevitable byproduct of their fundamental differences over the question of making available the money which is necessary for the productive processes to go forward. The question is and has always been—until now—how much privilege of exploitation should be accorded those who control the money.

The Democratic Party has—until now—stood for high production for the fullest opportunity for all groups and all individuals freely to bend their muscles and their brains to the output of the good material things of life. The Democratic Party has, in short, stood—until now—for economic freedom.

The Republican Party, on the other hand, has stood for monopoly favoritisms, for protectionism, for restricted production, for a low output of goods and services at high prices, even at the expense of massive unemployment and dire human suffering. It has stood for policies which have restricted and inhibited the productive potentialities and aspirations of our people because it has stood for exploitation of the control of money.

To find this basic and historic difference between the two parties now being wiped out—to see the two great political parties merging into one is deeply disturbing to me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain excerpts and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CIVIL RIGHTS

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 359, Rept. No. 1289), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution, the Speaker shall recognize the chairman of the Committee on the Judiciary, to move that the House resolve itself into the Committee on the Whole House on the State of the Union for the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes. All points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two days to be equally divided and controlled by the chairman of the Committee on the Judiciary and the ranking minority member thereof, the bill shall be considered as having been read and open at any point for amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as shall have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

With the following committee amendments:

Page 1, line 1, after the word "resolution", strike the words "the Speaker shall recognize the chairman of the Committee on the Judiciary, to move", and insert "it shall be in order to move".

Page 1, lines 6 and 7, strike out "All points of order against said bill are hereby waived."

Page 1, line 9, strike out "two days", and insert "fifteen hours".

Page 2, line 1, after the word "rule", insert the following sentence: "It shall be in order to consider, without the intervention of any point of order, the text of the bill, H.R. 10035, as introduced under the date of January 28, 1960, as an amendment to the bill, H.R. 8601."

PROGRAM FOR THURSDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that under the unanimous-consent agreement heretofore entered into the vote to override the veto of the President of the United States on the message read this morning will be taken on Thursday next; that is, Thursday of this week.

SUPPLEMENTAL APPROPRIATIONS, 1960, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. THOMAS. Mr. Speaker, in accordance with the unanimous-consent agreement of yesterday, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 621) making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 621, with Mr. METCALF in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

Mr. THOMAS. Mr. Chairman, I shall not use over 2 or 3 minutes because, if I may respectfully say it to the House, I doubt if there is anything in this joint resolution that will create any difficulty.

We bring for your consideration a supplemental appropriation for the National Aeronautics and Space Administration for the completion of this fiscal year 1960, to the tune of $23 million. That is the full budget estimate.

About $12,200,000 of this is for research and development. I might say that the figure of $12,200,000 is broken into two or three parts. About one-third to one-half of it is necessary by virtue of contract overruns where they missed their guess, and also for changing plans and specifications for the capsule. This is for this capsule Mercury, the man in space project. Of course, when you change a gadget in that big capsule whether you improve on it or not, it necessitates changes in a good many instances. You have to modify several of the gadgets.

Mr. Chairman, the other $10,800,000 is for construction. That is brought about by the construction of more listening posts, so to speak. You will recall that this new agency inherited tracking stations from the IGY program. They had 18 or 20 of these stations.

So all in all, Mr. Chairman, we submit to you the full budget estimate. I presume they will need it, and the reason I say, I presume that they will need this $23 million is that they will come to the Congress for the new fiscal year with a request to the tune of about $915 million.

Mr. Chairman, I reserve the balance of my time.

Mr. JENSEN. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, when one begins to delve into space, especially one who is very much a layman such as I in that

field, you feel quite unprepared to act intelligently so you do your best with the best judgment you can muster. I am not a member of the Subcommittee on Appropriations that handles the regular bills for the space agency. But, I am a member of the Subcommittee on Deficiency Appropriations that handled this bill. This request, of course, came before that committee. In order that I and the other members of the committee and all people might better understand at least a little more clearly the benefits we might expect from the expenditures for the space agency, I asked Dr. Glennan, the Administrator of the space agency, a few questions, as follows:

Mr. JENSEN. Just what do you expect to accomplish by the space program and what benefit to the United States of America do you expect if we are able to put a man on the moon or on some other planet? That is the question which the common layman asks.

Mr. THOMAS. You mean that is the $64 question?

Mr. JENSEN. It is. Of course, I am one of the very common laymen in this field of space, as is almost everybody else.

Can you tell us in a few words, and you can elaborate on it for the record if you so desire, what the benefits are which we can accrue from this space program?

In reply Dr. Glennan did explain to the committee the benefits he expects would accrue from this program for the United States of America, as follows. You will find his explanation beginning on page 45 of the hearings. I shall insert it in the RECORD along with another statement which I requested of Dr. Glennan:

Dr. GLENNAN. We would not be working at it as hard as we are. New knowledge which ultimately should result in a better control of our environment is what we seek.

We expect ultimately to be able to do a better job of weather predicting over a very much longer period of time. It is possible that with that kind of knowledge we may ultimately find a way to modify, not to control, but to modify, weather.

It is probable that within a period of 10 years the kind of communications systems which we presently are designing and building, that is the rather normal conventional cables, radio links, and that sort of thing, will be utterly unable to carry the discussion that goes on between countries that our Defense Department needs in keeping in contact with its farflung outposts.

It is expected that a communications system using satellite-based reflectors will make possible around-the-world television, for instance, and the carrying of very, very heavy traffic between continents and between stations in our military and civil networks.

It is of interest to note that in some ways part of the work we are doing is similar to that which was done by the Navy very recently when they transmitted a message and a picture via the moon from Washington to Hawaii.

We will later this year be putting up some artificial moons, if you will, the 100-foot balloons with which we have been experimenting off Wallops Island. We expect to put some of those into orbit during the course of the year and that is simply bringing the moon under control so we will have it where we want it when we want it.

Beyond that, Mr. JENSEN, the search for new knowledge is a matter about which we must be constantly on the alert and which we must pursue aggressively.

This Nation has grown to its present position of prestige and power largely through the application of new scientific knowledge which has been found out both in this country and other countries. The leadership in this field cannot be allowed to pass from our hands, and this space field provides us perhaps the most difficult and perhaps the most expensive area in which to seek new knowledge, and yet there is knowledge to be had there that we can get in no other way.

As in most research and development programs undertaken by governmental agencies in support of wartime activities, the fallout, if you will, from these programs in terms of new processes and new techniques, finds its way back into industry constantly. The electronics industry is a result largely of the war requirements for radar and communications equipment and the tremendous expansion in all of those highly specialized industries based on advanced technology. They come from the kind of support that the Government provides in times of stress or in programs of great urgency of this kind.

Perhaps Dr. Dryden would like to add to that.

Dr. DRYDEN. There are only two additional remarks I would make. They have to do more with the rate at which we do the work, perhaps, rather than the fact we are as a nation compelled to work in the space field. One of these is the matter of our competition to which Dr. Glennan referred. Much to the surprise of many of us, the fact that the Russians did secure some spectacular firsts in this field has had a very great effect on the reaction of other people of the world to our whole social system. We can argue they should not, that this is not significant, but it is a fact which is attested to by the head of the USIA. There is a need to be strong in this field and it is very essential to our posture before all the nations of the world and the way in which they regard us and our social system.

Finally, although we do not now see clearly as sensible and reasonable men exactly what kinds of weapons will come out of the space field, we do not know of any developments in technology which have not found application in our national defense system. There are certain areas which we see now, such as reconnaissance satellite, but I think our vision of what actually can come forward is about as cloudy as at the time of the first airplane when men found it difficult to see what this new element would mean in the military field.

I think if we put this together with the economic benefits, benefits to industry, and so on, as described by Dr. Glennan, that we have the case for the necessity for this country to go forward with the exploration of space and all that it implies just as rapidly as makes good sense from the technological point of view.

Mr. JENSEN. Russia, of course, was in this field many years before we were so far as the satellite program is concerned. They launched the first satellite, sputnik. How many years were they operating in this field before we got started?

Dr. GLENNAN. The launching of satellites or deep space probes is based on the use of a rocket system, and it is our estimate that they have been in the business of developing their rocket systems initially to carry nuclear warheads and later to carry space satellites and probes for, perhaps, 4 to 5 years longer than we have been. We started our really significant work in the missile business in 1954—late 1953, 1954, and 1955. The Russians paid particular attention to the space business, the significant date being the date when they set up a council—I have forgotten the exact name——

Dr. DRYDEN. Commission on Interplanetary Communications.

Dr. GLENNAN. They set up the CIC in 1954. This would have been the equivalent of NASA being set up in 1958.

Mr. JENSEN. Well, then, they had a 4-year lead on us?

Dr. GLENNAN. Yes, sir; in the planning of their program.

COMPARISON BETWEEN UNITED STATES AND SOVIET SPACE PROGRAM RESULTS

Mr. JENSEN. I wish you would state for the record your opinion as to a comparison between our space programs of this date and the Communist space program, as much as you feel you could say without divulging any of our secrets.

Dr. GLENNAN. All right, sir.

Mr. JENSEN. Will you do that?

Dr. GLENNAN. I will provide that for the record. I will submit a report prepared as of December 15, 1959, by Dr. Newell which provides the information you are requesting.

(The information follows:)

"UNITED STATES AND U.S.S.R. SPACE SCIENCE RESULTS

"(By Homer E. Newell, Jr., Assistant Director, Space Sciences, National Aeronautics and Space Administration)

"Results obtained

"The United States has been using sounding rockets for upper air research and rocket astronomy since the close of World War II. WAC Corporal, V–2, Viking, Aerobee, Aerobee H–1, Nike-Deacon, Nike-Cajun, Nike-Asp, and Rockoons were used. Altitudes attained were below 200 miles for the most part. Many hundreds of rockets were fired prior to the start of the International Geophysical Year; an additional 200 were fired as part of the International Geophysical Year program. Current rate of rocket soundings is somewhat below 100 per year. Higher altitude rockets are being introduced into the work to extend the atmospheric observations to one to several thousands of miles altitude. Launchings have been carried out at White Sands, N. Mex.; Wallops Island, Va.; San Nicolas Island, Calif.; Cape Canaveral, Fla.; Fort Churchill, Canada; Guam; and from shipboard in the North Atlantic, the mid- and South Pacific; and the vicinity of Antarctica.

"The U.S. program has produced hundreds of research papers and reports giving results on the pressure, temperature, density, winds, and composition of the upper atmosphere, the ionosphere; the earth's magnetic field; the aurora and airglow; cosmic rays; micrometeors; solar radiations; and ultraviolet astronomy. Some experiments have been carried out on modifying the upper atmosphere by the release of special chemicals, and on modifying the radiation belt by nuclear explosions. Some biosciences experiments have been performed.

"The U.S.S.R. has also been carrying out a rocket-sounding program since the last war. Although the precise number of rocket soundings to date is not known, they number in the hundreds. Firings have been made from Franz Josef Land and from Mirny in Antarctica, as well as from European U.S.S.R. The Soviets have perfected a meteorological sounding rocket that is used for more or less routine soundings of the atmosphere to measure air pressures, densities, and temperatures up to 35 miles altitude. In addition, their 'geophysical rocket' is capable of carrying ton-and-a-half payloads up to 300-mile altitudes.

"From their sounding rocket program the U.S.S.R. has obtained a broad collection of results. The meteorological soundings have produced detailed data on the structure of the upper atmosphere just above the troposphere, showing its temporal and seasonal variations. The geophysical rocket program has provided considerable information on the

very high atmosphere, including the ionosphere. The description of one of the geophysical rocket payloads is so similar to the description of Sputnik III and its instrumentation as to lead one to conjecture that the payload may have been essentially the Sputnik III payload. Whether or not this is the case, the instrumentation provided for a broad range of measurements on the ionosphere, atmospheric structure, energetic particles, and the earth's magnetic field. The U.S.S.R. rocket program has also included considerable work on biological researches. There have been some 20 tests in which dogs, and/or rabbits were sent aloft and recovered for study. During the flight the behavior of the animals was telemetered to ground.

"The U.S.S.R. launched the first successful artificial earth satellite. To date the U.S.S.R. has successfully launched three earth satellites and three space probes. Two of the space probes achieved earth escape velocity; the first passed within two or three moon diameters of the moon. The second Soviet space probe actually hit the moon. The third space probe was launched so as to pass close enough to the moon to take pictures of the unseen side of the moon's surface, then to loop around the moon returning to the earth. The lunar pictures were successfully obtained.

"The United States has to date successfully launched 15 earth satellites; namely 5 Explorers, 3 Vanguards, 1 Project Score, and 6 Discoverers; and 3 space probes, all called Pioneers. Only one of the space probes achieved earth escape velocity, passing by the moon at some 37,000 miles distance.

"Both the United States and Soviet satellites and space probes have produced valuable scientific results. Included are some spectacular discoveries and achievements, some of which are given in the accompanying table No. 1. In addition to the more spectacular output, these satellite and space probe flights are turning out a steady flow of information and results that build up gradually to an impressive advancement of mankind's knowledge of the earth and outer space. Some of these are listed in table 2.

"Problems being attacked

"In attempting to compare the relative stages of advancement of the United States and the U.S.S.R. in space research, one might proceed by trying to list item by item the individual results from the two programs and to relate these results item to item. This would turn out to be difficult even if one were sure that all the results obtained by the Soviets were actually at hand, for there would be many observations obtained by the Russians that had not yet been obtained by the United States, and conversely, many obtained by the United States that had not yet been obtained by the Russians. A more effective, and perhaps more significant way of comparing the relative stages of advancement, would be to isolate the general areas of investigation and the general problems being attacked by the two countries.

"Taking this approach one can say that the United States and the U.S.S.R. appear to be at about the same stage of advancement in upper air research. The U.S. results on the atmosphere below 200 miles appear to be more detailed and complete, but the Soviets have made higher altitude measurements by means of their geophysical rocket. The Soviets appear to have done far less than the United States on solar radiations, but the U.S.S.R. has done much more than the United States on biosciences experiments, having conducted numerous flight tests in which dogs were carried aloft in rockets and safely recovered. The U.S.S.R. has carried the technique of ejecting instrumented packages from the rocket carrier farther than has the United States, which has carried the technique of telemetering to a high degree of refinement.

"Likewise, the United States and the U.S.S.R. seem to be at about the same stage of advancement in studies of the earth's environs where satellite techniques are adequate for making the necessary observations. In fact, it may be that in this regard the United States has the slight edge. The big advantage the Soviets have in attacking these problems lies in their greater payload capacity. On the other hand, the United States has launched many more satellites than the Soviet Union.

"In deep space probe work the U.S.S.R. has definitely taken the lead. This is directly attributable to their clear lead in vehicle technology.

"Table 3 provides a comparison of the states of advancement of the United States and the U.S.S.R.

"A review of table 3 shows fairly clearly that the United States and the U.S.S.R. scientists are at about equal stages of advancement in the problems they are attacking or are about to attack in space research. As groups they undoubtedly have comparable competencies and understandings of the significant problems that ought to be tackled. Their instrumentations are roughly equivalent, although the United States may have a slight adge here, as indicated by the fact that the U.S.S.R. quite often simply copies U.S. equipment for its own instrumentation. The conclusion follows then that the side that has the more advanced technology in the way of payload capabilities, guidance, etc., will have the distinct edge and, by virtue of the increased flexibility and capabilities provided by the more advanced technology, will forge steadily ahead. Thus, one may predict a time lead in vehicle technology will be transformed into a corresponding time lead in the exploration and investigation of outer space."

TABLE 1—SIGNIFICANT FIRSTS IN SOUNDING ROCKET, SATELLITE, AND SPACE PROBE RESEARCH

UNITED STATES

1. A number of firsts in high altitude rocket research, including among others:
First detailed photo of solar ultraviolet spectrum.
First photo of complete tropical storm.
First penetration of equatorical ionospheric current sheets.
First detection of X-rays in high atmosphere.
First detection of auroral particles in high atmosphere.
2. Discovery of the Van Allen Radiation Belt.
3. Discovery that the Van Allen Radiation Belt consists of at least two zones.
4. Performance of the Argus experiments.
5. The first precise geodetic use of artificial earth satellites (Vanguard I) to obtain refined information on the size and shape of the earth, providing an improved value for the flattening and showing that the earth is actually slightly pear shaped.
6. First achievement of an elementary communication satellite, in Score.

U.S.S.R.

1. First artificial earth satellite.
2. First lunar near miss.
3. First lunar impact.
4. First pictures of the hitherto unseen side of the moon.
5. First detection of what may be a current ring about the earth (the Chapman-Stormer ring).
6. First routine recovery of large animals (dogs and rabbits) from high altitude rocket flights.
7. Development and routine use of a meteorological sounding rocket, recoverable and reflyable.
8. First launching of a large animal (Laika) in a satellite of the earth.
9. First high capacity, maneuverable, heavily instrumented, spacecraft with fully successful long-range communication (Lunik III).

TABLE 2.—*Sounding rocket, satellite, and space probe results*

Field	United States	U.S.S.R.
Upper atmosphere	1. Rocket observations have been made of pressure, temperature, density, composition, and winds of the high atmosphere at a wide variety of locations, both day and night, and in the various seasons.	1. Rocket observations have been made of pressure, temperature, density, composition, and winds of the high atmosphere at a wide variety of locations, both day and night, and in the various seasons.
	2. Upper air densities have been obtained from the tracking of both U.S. and U.S.S.R. satellites.	2. Upper air densities in the higher latitude regions obtained from drags on Sputniks I and III.
	3. It has been shown that the radiation belt may account for much higher atmospheric temperatures observed in the auroral zone atmosphere than in the high atmosphere above the middle and equatorial regions.	3. High enough flux of low energy electrons measured with Sputnik III instruments in the northern regions to account for the higher atmospheric temperatures there.
	4.	4. Direct measurement of upper air densities made with gages in Sputnik III, for heights up to 355 kilometers.
	5. Fluctuation in satellite drag, hence presumably upper air densities, have been shown, from observations on Vanguard I and Sputnik II, to be directly correlated with fluctuations in the 10 centimeters radiation from the sun, and hence solar activity.	5.
	6.	6. The routine meteorological sounding rocket has been used to give atmospheric structure data at middle-European, Arctic, and Antarctic locations showing seasonal variations as well as geographic. It turns out that the seasonal variations are different for the different altitude ranges.
	7. From both satellite and rocket observations high altitude air densities have been shown to vary widely with time of day, season, and geographic position.	7.
	8. The amounts of diffusive separation both below and above the E region of the ionosphere have been measured in sounding rocket experiments, and shown to be very slight below the E region and quite pronounced above altitudes of 110 to 120 kilometers.	8. Diffusive separation in the upper atmosphere below the E region has been measured with results that agree in general with the U.S. observations.

TABLE 2.—*Sounding rocket, satellite, and space probe results*—Continued

Field	United States	U.S.S.R.
Ionosphere	1. Extensive electron density data have been obtained for a number of locations from rocket soundings.	1. From rocket soundings electron densities have been obtained up to and above the F region maximum.
	2. From radio signals of both U.S. and U.S.S.R. satellites, propagation characteristics of the ionosphere and electron density distributions have been obtained.	2. Electron densities above 300 kilometers were obtained by observation of the radio signals of Sputniks I and III.
	3.	3. Observations on Sputnik I showed 3.5 times as many electrons above the F region maximum as below.
	4. The heavy ions in the ionosphere above White Sands and Fort Churchill have been identified up to the F region in rocket sounding experiments.	4. The ionic composition of the ionosphere has been measured in sounding rockets to above the F region maximum.
	5.	5. Sputnik III observations showed that the predominant ion from 250 to 950 kilometers is positive atomic oxygen, O+.
	6.	6. In Sputnik III the satellite potential in the daytime ionosphere was observed to be as much as −7 volts.
	7. Very low frequency propagation data were obtained from Explorer VI.	7.
	8.	8. In the 2d lunik, evidence of a lunar ionosphere was obtained.
Magnetic field	1. Data on earth's magnetic field were obtained from Pioneer I and Explorer VI, and a great deal of additional high quality data are being obtained from Vanguard III.	1. Data on earth's magnetic field obtained from Sputnik III.
	2. By their magnetic effect, electric current flows were plotted in the E and lower F regions, in rocket sounding experiments in the equatorial regions.	2.
	3.	3. On Mechta measurements were made of the earth's magnetic field and its extension into space. A marked dip in the field was discovered in the region of the radiation belt, indicating perhaps the existence of a current ring such as postulated by Chapman.
	4. Rocket measurements of the earth's magnetic field have been made in the auroral regions.	4.
	5.	5. Lunik II, on its plunge to the surface of moon, showed that the lunar magnetic field is not greater than 50 gamma.
Cosmic rays	1. Extensive data on cosmic ray intensities, composition, and interactions with matter were obtained from sounding rockets in various locations and throughout all the seasons.	1. Cosmic radiation measurements have been made in U.S.S.R. sounding rockets.
	2. The cosmic ray count was obtained above the atmosphere with counters in Explorer satellites and Pioneer probe.	2. The cosmic radiation was measured in Soviet satellites and space probes.
	3. Cosmic ray counts in the first Explorers gave discovery of the radiation belt.	3. Sputnik II observations showed an increase in counting rate with height (this being at the time an unrecognized hint of the presence of the radiation belt).
	4. Details on the cosmic radiation as a function of time and position in space have been obtained from Explorer VI and are being obtained from Explorer VII.	4. Sputnik III and cosmic rockets provided measurements on the heavy nuclei in the cosmic radiation.
Radiation belt	1. Radiation belt discovered with instruments in Explorer I	1. Abnormally high cosmic ray counts were observed in Sputnik II particularly at the high latitudes. Sputnik III showed a very high electron flux in the northern latitudes.
	2. A great amount of additional detail obtained on belt in Explorers III and IV and the Pioneer probes. Extent of radiation belt shown by Pioneer I. Pioneer III showed belt to consist of at least 2 zones.	2. Sputnik III Mechta and other Soviet satellite and space probe observations confirm the U.S. findings.
	3. Pioneer IV showed the extent of the outer radiation belt to have increased greatly following a 5-day period of high solar activity, thus proving that the outer belt is of solar origin.	3.
	4. Argus experiments showed individual inner zones of the radiation belt to be very stable.	4.
	5. Argus observations lend support to conclusion that inner radiation belt produced by cosmic rays. See No. 7 below.	5.
	6. Detailed energy spectrum of radiation in radiation belt was obtained by Explorer VI.	6.
	7. Sounding rocket observations showed that the energetic particles of the inner radiation belt are protons of energy spectrum expected from B decay of neutrons, hence supports cosmic ray origin for hard components of inner belt.	7.
	8. Extensive additional information on the radiation belt was obtained from Explorer VI and is being obtained from Explorer VII and Vanguard III. Huge variations of many orders of magnitude in counting rates were observed in outer zone.	8.
	9. Radiological hazard of radiation belt estimated to be not serious for a direct traverse of the belt; but quite serious for a space station that spends a lot of time in the belt.	9. Radiological hazard of radiation belt estimated to be not serious for a direct traverse of the belt; but quite serious for a space station that spends a lot of time in the belt.
	10.	10. The moon was shown not to have a radiation belt detectable within the sensitivity of Lunik instruments.
Aurora	1. Rocket soundings have been used to study the electromagnetic and particle radiations in the aurora. It was found that soft radiation flux above 40 kilometers was many times the primary cosmic ray count.	1.
	2.	2. A very high flux of low-energy electrons was observed in Sputniks II and III. This flux was taken to be the cause of the very high atmospheric temperature in these regions.
	3. The particles in the outer radiation belt have been shown to be the likely immediate cause of the aurora.	3. The particles in the outer radiation belt have been shown to be the likely immediate cause of the aurora.
Geodesy	1. Vanguard I observations give an oblateness of the earth of 1/298.3.	1.
	2. Vanguard I observations show the earth to be pear shaped with a 50-foot peak at the North Pole, and a 50-foot flattening at the South Pole; this appears to imply an internal strength to the earth, rather than a free-flowing plasticity.	2.
Meteors	1. A fairly low count of micrometeors corresponding to a total influx of 1,000 to 10,000 tons of material per day, from Explorer and Pioneer observations.	1. Influx of material per day indicated by Sputnik III observations in general agreement with the U.S. results.
	2. A very large amount of additional data are being obtained from the Vanguard III instrumentation.	2. Additional measurements made in Soviet cosmic rocket flights.
Astronomy	1. In sounding rocket experiments ultraviolet sources in the sky have been detected and plotted.	1.
	2. The solar spectrum has been observed and photographed down to 303 angstroms.	2.
	3. Solar radiations have been observed and measured in the X-ray regions.	3.
Lunar explorations	1.	1. First photos taken of the hitherto unseen side of the moon.
	2.	2. The lunar magnetic field shown to be no greater than 50 gamma.
	3.	3. Lunar ionosphere detected.
Miscellaneous experiments	1. The Argus experiments were carried out	1.
	2. Sodium vapor was released in the high atmosphere and observed to measure its radiations, atmospheric winds, and diffusion.	2. Sodium clouds were released from Luniks II and III and observed from the ground.
	3. Various chemical contaminants were released in the high atmosphere to study the photochemical reactions that resulted.	3.

TABLE 2.—*Sounding rocket, satellite, and space probe results*—Continued

Field	United States	U.S.S.R.
Biosciences	1. On numerous sounding rocket flights biological specimens of seeds, fruitflies, etc., have been flown and recovered for study. Larger animals, such as rats and monkeys, have been flown for study of their behavior and the effects of the flight environment on them. Recovery of such animals has been effected on numerous occasions.	1. Large numbers of sounding rocket experiments have been carried out with dogs and rabbits, in which the animals were both studied during flight and recovered after flight for further study.
	2.	2. Observations were made on the behavior of Laika, particularly heartbeat and respiration, in Sputnik II.
Engineering data	1. U.S. satellites show that moderate temperatures can be achieved in orbiting vehicle.	1. U.S.S.R. satellites and space probes show that moderate temperatures can be achieved by appropriate engineering.
	2. Elementary communications link checked out in Project Score.	2.
	3. Based on radiation belt data, it is deduced that satellites may charge to a potential of some hundreds of volts in the radiation belt.	3. Sputnik III measurements show that in the daytime ionosphere the satellite acquired an appreciable negative charge corresponding to a negative potential of several volts.
	4. The meteor erosion and puncture problems have been shown in general to be not particularly serious.	4. The meteor erosion problem appears to be not particularly serious.
	5. An elementary TV scanner was checked out in Explorer VI, while some of the basic elements of a meteorological satellite were checked out in Vanguard II.	5.
	6.	6. Automatic photography of the moon and the televising of the photographs obtained back to earth has been achieved.
	7. Solar cells have been shown to be a practical, reliable source of power.	7. Solar cells have been shown to be a practical, reliable source of power.
	8.	8. A complete spacecraft, maneuverable, with temperature control, power supply, long-range communications link, complicated instrumentation, etc., has been engineered and flown successfully; namely, Lunik III.
	9. It appears that the radiological hazard to space vehicle crews traversing the radiation belt directly may be relatively low, while the hazard to those in a satellite orbiting through the radiation belt would be quite serious. In addition, marked increases in proton intensities of the cosmic radiation found at the time of solar activity may be a very serious radiological hazard: dose rates of 1,000 roentgens per hour.	9. It appears that the radiological hazard to space vehicle crews traversing the radiation belt directly may be relatively low, while the hazard to those in a satellite orbiting through the radiation belt would be quite serious.
Meteorology	1. Numerous sounding rocket photos of cloud formations and significant weather areas have been taken. In particular a composite photo from 1 sounding rocket showed a completely developed tropical storm approaching hurricane proportions.	1.
	2.	2. A meteorological sounding rocket was developed and has been used on a routine basis for meteorological studies.
	3.	3. Detailed measures ofpressures and temperatures have been obtained with the meteorological rocket for Antarctic, Arctic, and Middle European locations.
	4. Cloud picture data were obtained in Vanguard I, but motions of the satellite have so far prevented reducing the data to useful pictures. Also, very low resolution, elementary television pictures have been taken of cloud formations as seen from Explorer VI. One of these pictures was assembled and released.	4.

TABLE 3.—*Problems currently under attack*

Field	United States	U.S.S.R.
Upper atmosphere	1. A detailed study of the structure, winds, and composition of the ionospheric regions and beyond in the earth's atmosphere is under way by means of sounding rockets and earth's satellites.	1. A detailed study of the structure, winds, and composition of the ionospheric regions and beyond in the earth's atmosphere is under way by means of sounding rockets and earth's satellites.
	2. Work is under way to develop a routine rocket sonde for synoptic studies of the lower portion of the upper atmosphere in association with meteorological soundings.	2. The U.S.S.R. has already achieved the development of a routine rocket sonde for meteorological-type soundings into the lower portion of the upper atmosphere.
Ionosphere	Intensive rocket and satellite studies of the ionosphere in the F region and beyond are under way.	Intensive rocket and satellite studies of the ionosphere in the F region and beyond are under way.
Magnetic field	The United States has used search coils saturable core magnetometers and proton precession magnetometers in its measurements of the earth's magnetic field. The United States is preparing to use a much more sensitive instrument, the alkali vapor resonance magnetometer, for further studies of magnetic fields in space and to measure the magnetic field of the moon.	The U.S.S.R. has also used standard-type magnetometers and proton precession magnetometers for observations of the earth's magnetic field. The U.S.S.R. has made a measurement to detect the lunar magnetic field, finding none to within the sensitivity of their instrument. It is not known whether the U.S.S.R. is preparing to use the alkali vapor magnetometer in the near future.
Cosmic rays	Balloon, sounding rocket, and stellite observations of the intensity, nature, and effect of cosmic rays are under way.	Balloon, sounding rocket, and satellite observations of the intensity, nature, and effect of cosmic rays are under way.
Radiation belt	Detailed study of the radiation belt by means of sounding rockets, satellites, and space probes, with occasional use of controlled experiments is under way.	The U.S.S.R. made intensive studies of the radiation belt in Sputnik III, but at the present time appears to be investigating the belt incidentally as part of their concentration on deeper space missions, namely on their lunik flights.
Aurora	U.S. scientists are tackling the problem of both visible and ultraviolet auroral radiations, the particles connected with the aurora, and the ultimate origin of the aurora.	The U.S.S.R. scientists are tackling the same problems.
Geodesy and celestial mechanics	United States is continuing use of satellites for geodetic studies.	The U.S.S.R. shows skill in applications of celestial mechanics, as witnessed by their ability to launch Lunik III with the accuracy achieved, and to predict the motions of the Lunik III spacecraft.
Meteors	The United States continues to collect data on meteors in space, using a wide variety of experimental equipments.	The U.S.S.R. has made an intensive study of micrometeors in their satellites and space probes, appearing to attack the general problem very much along the lines followed by the United States.
Astronomy	Active rocket astronomy in-being. Orbiting telescopes, solar, and astro-physical observatories being worked on.	Unknown.
Lunar exploration	The United States is preparing to conduct intensive investigations of the moon, but the actual observation of the moon from space vehicles is yet to begin.	The U.S.S.R. has already achieved significant steps in its investigation and study of the moon. It may be presumed that the Soviets will continue their vigorous effects in this area.
Planetary investigations	United States has minimal capability in this area at present, and on the present schedule planetary work is proceeding at a very low pace.	The U.S.S.R. has an advanced capability in this area, and has declared its definite interest in planetary research.
Miscellaneous experiments	United States using upper atmosphere regions for controlled chemical and Argus-type experiments. Also planning relativity and gravity experiments.	Unknown.
Biosciences and man in space	The United States has a 1st stage man-in-space program in Project Mercury. Support work of a research type is being carried out in the Discoverer program. Some experimental work is being carried out in sounding rocket flights. A well-rounded, fully developed program of research in both biotechnology and biosciences is yet to be worked out.	The U.S.S.R. has a highly active program of research on animals under rocket flight and satellite conditions. It is not known how fully developed their biotechnical and fundamental biosciences programs are. It is expected, particularly from recent news releases, that the U.S.S.R. does have a man-in-space program.

TABLE 3.—*Problems currently under attack.*—Continued

Field	United States	U.S.S.R.
Meteorology	The United States is developing rocket photographic techniques for meteorological purposes. The United States is developing a meteorological sonde for synoptic soundings. The United States is conducting fundamental satellite experiments associated with meteorology, and is taking the initial steps in the development of a meteorological satellite system.	The U.S.S.R. has already developed a working meteorological rocket sonde, which they have already put to extensive use. It is not known what the U.S.S.R. is doing in the matter of developing a satellite meteorological system.
Communications	In its rocket, satellite, and space probe telemetry the United States has shown good capability. Long-range communication systems are being worked on for deep space probes. Communication satellite systems are being worked on.	The U.S.S.R. rocket, satellite, and space probe telemetry has been successful. In particular the communications and telemetry problems of Lunik III appear to have been worked out with a high degree of competence. It is not known whether they are developing a communication satellite system, but it may be presumed that they are.
Navigation	The United States is working on a navigation satellite of high degree of refinement.	It is not known whether the U.S.S.R. is devoting effort to a navigation satellite.

Of course, as Dr. Glennan explained, there are many benefits which he feels will come about by this space program. He says in the beginning, as you will note:

We expect ultimately to do a better job of weather predicting over a very much longer period of time. It is possible that with that kind of knowledge we may ultimately find a way to modify, not to control, but to modify, weather.

He went on and said:

It is probable that within a period of 10 years the kind of communications systems which we presently are designing and building, that is, the rather normal conventional cables, radio links, and that sort of thing, will be utterly unable to carry the discussion that goes on between countries that our Defense Department needs in keeping in contact with its farflung outposts.

After listening to Dr. Glennan and his staff, the committee felt justified in approving the full amount which Dr. Glennan requested. Now we can only hope that time will prove we did the right thing for the American people.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman has consumed 7 minutes.

Mr. THOMAS. Mr. Chairman, I yield to the distinguished gentleman from California [Mr. SISK] 1 minute.

Mr. SISK. Mr. Chairman, I rise to support the request of the National Aeronautics and Space Administration for a $23 million supplemental appropriation.

The importance of the various programs in which the space agency is engaged, and which these funds will help to promote, cannot be emphasized too strongly. The future lies in space and the part this country plays in the exploration of space will determine for many years to come the welfare of the United States and the free world.

It is my sincere hope that those in charge of our space exploration program realize as well as do the members of our Committee on Science and Astronautics the urgency that faces this Nation in pushing forward with the space programs with the utmost possible speed.

The exploration of space is costly but the freedom and security of our country is tied in with it and no cost is too great to bear to maintain our freedom and our security. I am sure that this Congress and this country feel the same way.

NASA has announced a 10-year program. It has outlined specific goals to be achieved in that period. I hope it does not let up one moment in achieving those goals.

I regret, however, that one of the goals it has not scheduled for this decade is the landing of a manned expedition on the moon. Most people are convinced that the first man to land upon the moon will be an American or a Russian. I am concerned over which one it will be. I urge the space agency to set its sights a little closer. If not, I am afraid that the hammer and sickle may be planted on the moon before the Stars and Stripes.

Mr. JENSEN. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. JONAS].

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Mr. Chairman, I strongly support House Joint Resolution 621, making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes. I believe the money is necessary and I think it will greatly advance the U.S. space program, especially the effort to put a man in the space.

No one seriously doubts that in the serious competition existing between U.S.S.R. and the United States that we are engaged in a race with the Soviet Union to place successfully a man in space and ultimately to the moon. This race is not merely for the sake of being first. It is fundamental that if the U.S.S.R. achieves a material and significant technical advantage in the areas of space exploration and rocket research and development over the United States, this country's world prestige will be seriously damaged. The United States has distinguished between space for peaceful purposes and the use of space for military operations. This is not so with the U.S.S.R. Therefore, in supporting this supplemental appropriations bill of $23 million I want to emphasize that every dollar and every minute that goes into our space program is essential to the future security of the United States. The $23 million represents to NASA an element of time that promises a greater certainty of accomplishing its research and development objectives.

Mr. JONAS. Mr. Chairman, just to have it all in the RECORD at one place, I think it should be noted that this $23 million contained in the bill before us is in addition to $500 million appropriated for the Space Agency in the regular appropriation bill enacted last year.

The subcommittee heard Dr. Glennan and his witnesses with interest and in detail, and went into this matter thoroughly. We are convinced that the additional $23 million is needed for necessary speedups in the program and for certain modifications that must be made if the program is to continue on schedule. There were no controversies within the subcommittee itself. I join the chairman of the subcommittee in urging that this resolution be adopted today.

Mr. JENSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I wish to ask the chairman of the subcommittee one or two questions. I understand the bill increases the number of employees in the NASA by 175 positions, yet nowhere in the hearings and nowhere in the report do I find a breakdown as to grades. I assume that these additional 175 employees are going to be among the best paid employees in the Federal Government. Am I correct in that assumption?

Mr. THOMAS. The gentleman is certainly correct. May I explain to my friend from Iowa in the first place that there is no provision in the bill for an increase of salaries.

Mr. GROSS. No; these are new jobs.

Mr. THOMAS. There was a limitation in last year's appropriation bill saying they could have 9,836 employees. They come back and say "We want 250 more of these high-powered employees but we will absorb the cost out of 1960 funds." So the committee told them: "You go ahead and use your own funds, but instead of having 250 employees we suggest you hold it down to 175."

What were they going to do with the 250 employees? They were going to put 100 of them in Alabama to join the team of the very noted German scientist, Dr. von Braun. They wanted 150 in headquarters here, lawyers, newspapermen, and others. The committee suggested that they take 100 and give them to Dr. von Braun and cut down the number for headquarters in the District of Columbia to 75.

Mr. GROSS. I compliment the committee upon the language to be found on page 2 of the report:

"The committee cautions that the headquarters staff of NASA is getting topheavy."

But in what category will these employees fall? What will be their grades, pay, and so forth?

Mr. THOMAS. That information is in the committee office. They will get from $16,000 to $17,000 or $18,000 and there will be a number at $12,000, $13,000, and $14,000.

Mr. GROSS. I assume the gentleman is well aware of the provisions of Public Law 801. I was tempted today to raise a point of order against the consideration of this bill because I do not believe it conforms to Public Law 801.

Mr. THOMAS. There is no money in this bill for the 175 people.

Mr. GROSS. I hope the gentleman's subcommittee in this and other matters will be guided in the future by the provisions of Public Law 801, which provides, broadly speaking, that in any bill appropriating more than a million dollars and providing for additional employees there must be set forth the estimated additional man-years of employment, expenditures for personal services, and so forth.

Mr. THOMAS. We have followed that. There is not one penny in here for the 175 people.

Mr. GROSS. Neither in the hearings nor in your report do you conform to Public Law 801, in my opinion, I hope you will do that in the future so that we who are not on the Appropriations Committee may know what is proposed to be done when new employees are authorized.

Mr. THOMAS. I thank the gentleman for his observation, and we assure him we will live up to the rules of the House. I know that he will give us his support if we do that, because we are trying to be economical. We cut the request here by 75 people. There is not one penny in this bill for these jobs.

Mr. GROSS. I hope the chairman of the committee will follow up on the criticism he has lodged against the headquarters office of the NASA and see to it that the people who are paid these high salaries are properly used.

Mr. THOMAS. I thank the gentleman for his suggestion.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. JONAS. The chairman of the subcommittee called attention to the number of employees. That number should be emphasized. The number of employees on board, according to the ceiling imposed last year, was 9,836, which was an increase of 875 over the preceding year. This is a substantial number of employees for one agency.

Mr. GROSS. That is right. And I am sure that the gentleman from North Carolina, with the gentleman from Iowa, is deeply concerned about these increases in employment in the Government.

Mr. JONAS. The gentleman from Iowa is correct in that observation. I intend to do everything in my power to hold the number down to the absolute minimum.

The CHAIRMAN. There being no further requests for time, the Clerk will read the House joint resolution for amendment.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, namely:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and development

For an additional amount for "Research and development", $12,200,000, to remain available until expended.

Construction and equipment

For an additional amount for "Construction and equipment", $10,800,000, to remain available until expended.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise and report the House joint resolution back to the House with the recommendation that the House joint resolution do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. McCORMACK, having assumed the chair, Mr. METCALF, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Joint Resolution 621, making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes, had directed him to report the House joint resolution back to the House with the recommendation that the House joint resolution do pass.

Mr. THOMAS. Mr. Speaker, I move the previous question on the House joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the House joint resolution.

The House joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on the House joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the gentleman from Texas?

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS, AND THE TAX COURT OF THE UNITED STATES APPROPRIATION BILL, 1961

Mr. GARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10569) making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, one-half of the time to be controlled by the gentleman from New Jersey [Mr. CANFIELD] and one-half by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10569, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

Mr. GARY. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, may I take this opportunity to call the attention of the Chair to the fact that this is the second largest appropriation bill that the Congress is called upon to deal with each year.

The total amount covered by this bill is $29,535,276,475. Of that amount $9,625 million is for permanent indefinite appropriations. The chief item of that appropriation is the interest on the public debt. The estimated interest on the public debt for 1961 is $9.5 billion, which is only $200 million more than the estimate for 1960. But, I think I would be recreant to my trust if I did not call your attention to the fact that when this figure is compared with the actual interest payment in 1959, it shows an increase of $1.9 billion over the amount actually paid in 1959. In other words, the estimated increase of interest payments in 1961 over 1959 is approximately the amount that was required to operate the entire Government in the year 1917, in the latter part of which World War I began.

Another appropriation in this bill is $15,114,441,230 from the trust funds. The principal items of that appropriation are $11,721,423,651 for Federal old-age and survivors insurance, which is an increase of $1,543,529,606 over 1960; $1,097 million for Federal disability insurance, which is an increase of $34 million and $2,284 million for unemployment compensation which is a decrease of $16 million from 1960.

Our committee had no opportunity to reduce those funds. They are estimates. The payments are authorized by law and will be made out of the Treasury in accordance with the law. There is no way that we can increase or decrease the expenditure of those funds.

In addition, we have appropriations for the Treasury Department, the Post Office Department, and the Tax Court of the United States. Those total $4,795,414,000. If you will look on page 1 of the committee report you will see that, for those appropriations, we recommend a decrease of $136 million from 1960 and a decrease of $102 million below the budget requests. I might point out, however, because I want to be absolutely fair, that the $136 million decrease does not present a true picture of the action

of our committee because there was contained in the 1960 appropriation bill a nonrecurring appropriation of $280 million for the Inter-American Development Bank and there is no request for a similar appropriation for 1961. The Congress did authorize the appropriation of considerably more funds but they are not required at the present time and they will not be requested until they are needed. Therefore, the recommendations of the committee do represent an increase for the Treasury Department over the 1960 appropriation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GARY. I shall be glad to yield to the gentleman from Iowa.

Mr. GROSS. If legislation is enacted for IDA, the International Development Association—this time it is Association—the gentleman will be confronted with a very substantial appropriation request for the World Bank, will he not?

Mr. GARY. As a matter of fact, the Congress has already authorized more money than they had used so that they can come back under the present authorization for additional funds.

Mr. GROSS. Does the gentleman think they have enough money to float IDA now?

Mr. GARY. I could not answer that. As there was no request for funds, we did not go into that item. We had no request at all before us.

Mr. GROSS. If the gentleman will yield further, I wonder if he has any idea whether we have reached a limit on these international financing organizations?

Mr. GARY. I could not answer the gentleman's question, but I will say this, that any request we get in the future for appropriations of that kind will be very carefully scrutinized by our committee.

Mr. GROSS. I thank the gentleman.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. GARY. I am glad to yield to the gentleman from New Jersey.

Mr. CANFIELD. I am sure the gentleman will agree with me that when you make allowance for the nonrecurring item, which is $280 million, for the Inter-American Development Bank, the Treasury is also asking for additional funds?

Mr. GARY. That is right, and we are allowing them additional funds; not for that purpose, but for the regular annual operating expenses of the department. That is the reason why I want to go into the individual items that they have requested.

With reference to the budget estimates—and, Mr. Chairman, I hope we shall give particular attention to this point—the budget estimates contemplated nearly 25,500 additional employees, with a total average employment in fiscal year 1961 of approximately 683,500, including more than 28,500 military personnel of the U.S. Coast Guard.

Under the amounts recommended in the pending bill approximately 16,000 new employees could be added to the rolls by the end of fiscal year 1961 and average employment would thus be approximately 675,000 for the fiscal year 1961 as compared with 661,000 for the fiscal year 1960. This increase in average employment is composed of nearly 2,000 in the Treasury Department and some 12,000 in the Post Office Department.

I will discuss with you first the items of the Treasury Department. If any of you have the report of the committee before you, you will find that beginning on page 3.

Appropriations for the Treasury Department for 1960 were $1,063,543,000. They asked for $843,270,000 only for 1961. That was because of the $280 million to the Inter-American Development Bank, to which I referred just a few moments ago. We recommended in the bill $822,849,000, which is $240,694,000 less than the 1960 appropriations and $20,421,000 less than the request.

The budget estimates contemplated an addition of more than 4,000 new employees to the payroll and average employment of 101,700 in 1961, including nearly 73,200 civilian and more than 28,500 military personnel. Under the amounts recommended in the accompanying bill, average employment will be about 99,400, providing increases of about 900 in the Internal Revenue Service, 100 in the Bureau of Customs, and 750 in the Coast Guard.

We will take these items up in order as they appear in the report. I see no need for discussing all of them.

For example, for the Office of the Secretary we allowed approximately what he asked. We cut that appropriation only $3,000 which, as you will note, is a nominal cut.

Out of a total of $3,489,000 for the Bureau of Accounts we cut only $8,000, which certainly cannot be called excessive. This amount includes approximately $10,000 for within-grade salary advancements, $18,000 for the employee health program, and $73,000 for increased volume and costs of operation.

Let me say that in every one of these increased appropriations allowances have been made for the employee health program which the Congress approved last year for each of the employees.

In the Division of Disbursement there was a very small cut of $182,000 out of an appropriation of $22 million. This division has been operated very economically. It has installed a lot of time-saving machinery. Consequently the committee did not feel that they should cut this division materially. The increase includes $112,000 for the employee health program and $900,000 for the increase in volume of workload processed by the division. The balance of the increase is for costs of the continuing conversion to more modern equipment and methods. We thought that was justified. When the number of checks they have to process increases materially, you have to give them some increase. We cut them $182,000, but we allowed them $1,300,000 more than last year.

The fund for payment of Government losses in shipment is merely a transfer of funds from one trust account to the other.

On the item of the Bureau of the Public Debt, we allowed them the estimate. There again they have installed time-saving machinery. They are consolidating their efforts, centralizing their accounts, and have reduced their expenditures to a minimum, the committee feels. Therefore, we did not cut their estimates. By the way, they deserve a medal because this is one Bureau that asked for $150,000 less than we gave them last year. Of course, we cut that off in accordance with their request. Our committee likes to be accommodating. But, we did not cut them any further.

With reference to the item of the Office of the Treasurer, I do not know how many of you know the Treasurer of the United States. She is a very charming and enchanting lady. Usually, she gets almost anything she asks for here in the Congress of the United States. But, she came in this year, and I want to compliment her for it, and asked for $200,000 less than last year. The reason for that was that we allowed her a certain amount of money to buy additional currency last year. The Bureau of Printing and Engraving reduced the unit cost of printing the currency so she was able to purchase more currency than had been anticipated with the funds we gave her. That allowed her to increase the stockpile. We thought the stockpile would be high enough if we cut off a little bit more. So we did cut her an additional $600,000. It will not interfere with the operation of her office, but merely will reduce the stockpile of currency to some extent—and to an extent that we thought would be adequate.

On the item of the Bureau of Customs. We have had tremendous problems with this Bureau during the last few years because, I am happy to say, American trade has increased very materially and is increasing materially every year. They cannot handle this additional workload unless we give them sufficient funds with which to do it. What we did was to give them $1,635,000 more than they had for 1960. The action of the committee will provide for an increase of about 100 in average employment to support expanded enforcement and administrative workload resulting from the great increase in foreign trade and travel. We did, however, eliminate 25 new positions for criminal investigators. The reason for that is that our staff made some investigation of the Bureau last year and they found that certain of the enforcement officers were under the collector instead of under the Enforcement Division. They recommended that the Bureau would operate more efficiently if they were transferred. The Bureau asked for 25 additional enforcement officers. We said that we would consider that increase when you make this transfer which has been recommended. The Bureau agreed that the recommendation was sound, and they had already started to make some of these transfers. We thought we could tell better how many additional employees they need after the transfers have been accomplished.

The next item, Mr. Chairman, is one of the major items in the Treasury Department appropriation. That is the Internal Revenue Service. The appropria-

tion for 1960 was $364,250,000. They requested $393 million for 1961 and we allowed them $378 million. We allowed them an increase of $13,750,000 over the 1960 appropriation. We decreased them $15 million on their 1961 estimates. Let me give you some of the history of that situation. Back in the 80th Congress, when we had a wave of economy sweeping the country, the appropriation for the Internal Revenue Service was cut $20 million.

As a result of that cut they had to get rid of some of their best-trained men, and the country suffered as a consequence. We have been restoring those men and adding others gradually through the years. They tell us that for every dollar we spend in adding to the field service they will give us an increase of $10 in revenue. Naturally, sooner or later you will reach the point of diminishing returns.

We have a new Commissioner of Internal Revenue. He is a career service man. He is very enthusiastic. Frankly, I think he is very efficient. I have always said that the head of a bureau has no business there unless he thinks his bureau is the best in the Government and unless he thinks he can improve it. He came before us with a 5-year program. I do not condemn him for it, but he began to tell us if they could adopt this 5-year program they could collect a lot more money. That is probably true. Then we asked, "How many new employees do you contemplate during this 5-year period?" And he said, "24,900." Twenty-five thousand additional employees in that one bureau. We in the Congress, sitting on our side of the table, have to look at the needs of that department as compared with all other departments. I dare say that other departments could do more if they had more employees, but we have to look at the funds we have available. We thought his program was a little too ambitious. We had allowed him about 700 additional people last year. We thought if we allowed him approximately the same number this year that would be satisfactory. We actually allowed him 900 for 1961.

The Bureau of Narcotics we did not touch. Dr. Anslinger is doing and has done a wonderful job for many years. It is a most important assignment, because he is trying to stop the importation of narcotics into the United States. If we can do that you will not have the sale of narcotics within the United States. In my judgment, he is one of the most efficient department heads we have in the Government. He did not ask for any increase in force. He asked for $20,000 additional to take care of within-grade promotions and the health program, and we allowed the entire amount.

The U.S. Secret Service is doing a very excellent job. They had their hands full this past year with the President traveling all over the world. They have to accompany him on these trips. We allowed them an increase of $111,000, just exactly what they asked for. We did not touch their request for the White House Police and we also allowed their full request for the Guard Force. We feel that the Congress wants the President and his family properly protected.

Next is the Bureau of the Mint. We gave them $300,000 more than they had this year. With the expansion of trade, with the increased prosperity, there has been an unusual demand for coins. We did not feel that they needed all they asked for, so we cut them down $138,000. The coinage program has been steadily expanded to enable the Bureau to meet the increased demands, and the amount recommended will provide a further increase of approximately 40 million coins for 1961.

The U.S. Coast Guard, in my judgment, is one of the most economically operated departments of this entire Government. It is an integral part of of our defense forces, and yet they have been operating largely with castoff materials from the other defense agencies.

We allowed them an increase of $15,200,000, which we thought was justified. We cut them $3 million. Their appropriation for 1960 was $189,800,000. This year we gave them $205 million for their operating expenses.

Under the heading "Acquisition, construction, and improvements," we allowed them $30 million, an increase of $6,750,000 over 1960. For a long time we have urged the Coast Guard to adopt an adequate airplane replacement program. They had old planes in the Coast Guard and we were afraid loss of life might result from their continued use. We therefore insisted that they adopt a proper program of replacement. They have, and we allowed the money to carry it out.

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. KOWALSKI. I am very happy to see that the committee has considered the augmentation of the Coast Guard Academy, but I want to point out to the committee the need for further modernizing of the facilities at the Academy. I know the gentleman understands the situation.

Mr. GARY. I am delighted that the gentleman has mentioned that subject, because to me it is a matter of very grave concern, the matter of the difference between the Coast Guard and the other services. For example, the Coast Guard needed a chapel. Instead of Congress appropriating the money for that chapel, the Coast Guard had to go out and raise the funds from their own membership. They built a small but beautiful chapel on the campus of the Coast Guard Academy. To my mind that was a very commendable thing. But when the Congress just a few years later appropriated millions of dollars for the monstrosity that has been built—I have not seen it, but according to the pictures of it I have seen—the monstrosity that was built on the campus of the new Air Force Academy, I feel we have given the Coast Guard too little consideration.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. ROGERS of Colorado. I think the gentleman's criticism perhaps is a little unjustified at this time for the reason that the chapel has not been completed. How graciously it may display itself against its high mountain backdrop cannot be ascertained until it is completed. I am sure when that happens the gentleman will not be as critical as he is.

Mr. GARY. I will say to the gentleman that I think a chapel is a very necessary part of the equipment of all the academies. The thing I am objecting to is the difference in treatment between the two academies. The Congress has authorized the expenditure of millions of dollars for the one out near Denver. I do not want to make fish of one branch of the service and fowl of another. That is the thing I am objecting to.

In further answer to the gentleman from Connecticut let me say I have had the privilege of serving on the congressional board of the Academy for 4 years. We recognize that there are needs for capital improvements. The Congress 2 years ago authorized the expenditure of $2 million for a new dormitory. At that time a great many of the students were housed, and they still are, as a matter of fact, in temporary barracks which were not comfortable and which were very unsatisfactory. The new building will be completed and put into operation by September 1 of this year. When that is done every student in the Academy will be housed in a permanent building with much better accommodations.

In the second place, we had a problem there at the Academy with the officers training school. We brought these older boys in, we had nowhere else to put them, so we accommodated them on the Academy campus. It was not satisfactory because the Academy cadets said: "Why, these guys come up here and stay 6 months and get their commissions. We have to stay here 4 years."

They overlooked the fact that these "guys" they were talking about serving 6 months had already served their 4 years in college. On the other hand, the men in the training school were older than the average man in the Academy and they looked with some disdain upon the cadets. So it was never a satisfactory arrangement.

The Coast Guard has finally secured an excellent place for their school at Yorktown, Va. They have established the school so that the training school has been moved from the Academy. That has also helped the situation very materially.

In addition to that, we have in this budget $500,000 for additional classrooms, also plans for a study to be made to determine what additional improvements should be made and in what order of priority.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. GARY. Mr. Chairman, I yield myself 15 additional minutes.

Mr. Chairman, we feel that until the study is made we have appropriated everything that the situation warrants at the present time.

Mr. KOWALSKI. I thank the gentleman.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. It is my understanding there was a long-range construction program that had been approved by the Board of Visitors in connection with this capital construction that the gentleman is discussing here. Is he familiar with that?

Mr. GARY. Yes, I am. They were just improvements that were submitted to the Board by the Superintendent. We recognized that they were improvements that should be made. The original cost would have been about $6 million as well as I recall. We have spent $2 million of that. So it would leave about $4 million. But before we embark upon that program the Coast Guard felt there should be some further study. They are going to make that study and report to us next year.

Mr. MONAGAN. That is the study to which the gentleman referred?

Mr. GARY. That is the study to which I referred, yes.

Mr. MONAGAN. These capital improvements would be covered in that and the committee would then be receptive to considering further construction?

Mr. GARY. Absolutely.

Mr. MONAGAN. I thank the gentleman.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Texas.

Mr. CASEY. In connection with the cuts that were made on the Coast Guard, did you provide for all of their requests for navigational improvements?

Mr. GARY. Yes.

Mr. CASEY. In harbors. In other words, I have a letter in reference to a ship canal. It is in this budget?

Mr. GARY. We feel there will be ample funds to take care of that. What we have cut out was just with reference to some of the new boats that were requested. They need those, too, but we thought they could be postponed for the time being. We can assure the gentleman the items to which he referred are still in there.

Mr. CASEY. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Iowa.

Mr. GROSS. I understand there is an increase in the appropriation to the Coast Guard for the Small Boats Registration Law.

Mr. GARY. That is correct.

Mr. GROSS. Which brings it up to what?

Mr. GARY. $3,500,000 plus $1,300,000.

Mr. GROSS. Making it close to $5 million?

Mr. GARY. Yes.

Mr. GROSS. Does the gentleman anticipate this cost is going to go still higher?

Mr. GARY. We hope not, but up to the present time we do not know how many States are going into this new program. All of them have not adopted a program and we cannot estimate that cost very accurately until we find out what the final figures are going to be. We are proceeding with the program with caution and we are scrutinizing it very closely. Congress having passed the bill, we do feel we have to allow them sufficient money to finance a proper program.

Mr. GROSS. I agree with that. Does the gentleman think that any of this expenditure can be recaptured by way of license fees?

Mr. GARY. Oh, yes; absolutely. A substantial part of it will be recaptured by the licensing of the boats, but that money goes directly into the Treasury. The Coast Guard does not get that money. That money goes directly into the Treasury, and we have to appropriate every dollar the Coast Guard spends on the program.

Mr. GROSS. I appreciate the language in the report, too, on the part of the committee, urging that the States get into this program rather than the Coast Guard handling it. That is where it belongs.

Mr. GARY. That is right. We hope that they will do it.

Mr. Chairman, I notice from this morning's paper that the Postmaster General is at the wailing wall again. He complains this is the biggest cut in the history of the Post Office Department. He does not mention, however, that his request was the biggest request in history and that the appropriation recommended by our committee is the biggest appropriation in history, and that it is an increase of $104 million over the amount appropriated last year for the current fiscal year.

Mr. CANFIELD. Will my distinguished friend, the chairman of the subcommittee yield?

Mr. GARY. Gladly.

Mr. CANFIELD. I am sure he is quite ready to agree with me that $38 million of those funds are mandated by the Congress as the result of the enactment of laws passed by the Congress last year for employees' health benefits, so the figure $105 million would be $38 million less. I am sure the gentleman agrees that the Congress voted last year for $38 million.

Mr. GARY. That is right. It does include automatic increases. I want to be perfectly fair.

I fear that we have a new epidemic in Washington—an epidemic of bureaucratic paranoia. I did not know the meaning of that word until a short time ago when my doctor told me that one of my clients was suffering from paranoia. I asked him what that meant and he said that he had delusions of grandeur. He explained it by saying that he had taken a patient to one of our institutions a short time before and he met one of his doctor friends whom he thought was there for the same purpose. He stopped and spoke to him and asked him how the world was treating him and he said fine—it ought to—I own it.

The Postmaster General has tried to surround the post office with a halo of sanctity far removed from the desecrating hands of the Congress. Now he attempts to carry his point by intimidating the Members of the Congress. He threatens to curtail postal service, and he has even threatened individual Members of the Congress with the loss of post offices in their districts if the cuts are sustained. If we capitulate to any such pusillanimous tactics we might as well close up shop right now and go home. I have too much confidence in this House to believe that you will be influenced by such threats.

The Congress appropriated money which permitted an increase of approximately 14,000 additional employees for the current fiscal year 1960. The Postmaster General requested 21,400 additional positions for 1961. The recommendation of our committee will allow a minimum of 12,000 additions for the next fiscal year, and with an increase of $104 million, 12,000 additional employees, and some efficiency, the Post Office Department should be able to give excellent postal service to the people of the United States during 1961.

But the Postmaster General says that our cuts were without justification. I not only say to you that is not true but if you will follow me I shall prove to you that it is not true. There is ample justification for every cut that this committee has recommended. Now let us look at the individual items.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. GARY. I am glad to yield to the gentleman.

Mr. WIER. Before the gentleman goes into that, I should like to say that he is very close to the item that I have been observing here on page 14 of the report, in the third paragraph. I regret to find that this subcommittee of the Committee on Appropriations has been led into endorsing the so-called guideline operation that this czar is installing in the Post Office Service. I wonder how much attention was paid to what I presume was the presentation of the Post Office Department in lauding this program and announcing that they had saved $1 million in a few operations. I have legislation that I have introduced on this guideline operation and I hope that the legislative committee will take heed of this new operation. But I am just wondering, Mr. Chairman, what prompted the committee to feel that they ought to endorse this guideline operation.

Mr. GARY. Will the gentleman indicate where in the committee report we have endorsed it?

Mr. WIER. It is not in the bill, but it is in the report.

Mr. GARY. I beg to differ with the gentleman; it is not in the report. Here is what we did. The Post Office Department said they were installing this system and that they had saved $1 million by its operation in Brooklyn. Also they said that there were 275 additional post offices with receipts of over $1 million where it would be effective. So what we said was this, that if they had saved a million dollars in Brooklyn and that if they were going to install this system in 275 additional post offices, and if the savings in those offices were in proportion, then they would save $45 million. We only cut them $35

million. The savings, therefore, on this program alone, would more than take care of the entire cut.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. GARY. I shall be glad to yield to the gentleman.

Mr. PILLION. Is it not true that the committee very carefully refrained from a blank endorsement of the guideline distribution system, but did recognize the fact that it was being installed, that the Postmaster General stated and Mr. Barnes restated that it was not intended to be a speedup system, that it was intended to be a work performance measurement standard which is a necessary and legitimate tool for management in order to effect economies.

I, myself, believe that the question whether this system is going to be a speedup system or whether it will be a mere measurement of work performance depends upon whether it will be installed as a permanent measure, day in and day out, hour by hour, in which case it will be a speedup system or whether, on the other hand, it is used periodically merely for the measuring of work performance standards, and is not harshly administered by the postmaster in charge, when it could be a very valuable tool without becoming a harsh speed-up type of system.

Mr. GARY. The gentleman is absolutely correct. The committee did refrain from making any recommendations on the system at all. Frankly, I had some complaints about the system and I began to question it on that basis. They told us that they had already installed it in one office and saved $1 million, and were installing it in other offices. We thought if they could save money that way, fine, we would take it into consideration in determining their appropriations.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I am sure my distinguished chairman will agree with me when I say that some of the cuts imposed on operations were predicated on the employment of this system.

Mr. GARY. That is correct, absolutely.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. ROGERS of Colorado. In the report on page 14 you do say that the testimony shows that in one office where the guideline system was placed in effect more than $1 million was saved. I take it that was testimony submitted by the Department?

Mr. GARY. Absolutely, by Mr. Barnes, who is the Director of Operations.

Mr. ROGERS of Colorado. Did the gentleman's committee then examine how this guideline system operates?

Mr. GARY. We did. It is very fully discussed in the hearings.

Mr. ROGERS of Colorado. From that you arrived at your figure, but in spite of the explanation made your committee is not recommending as to whether or not they should take the guideline system as a permanent thing?

Mr. GARY. Our committee knew that bills had been introduced, as my colleague from Minnesota just mentioned here on the floor. We thought it was a matter for the legislative committee to handle. Therefore, we took no action on that part of it. But since the Post Office told us about the fact that they had saved this money, we thought we could take that fact into account in the amount we recommended. That is the only action our committee took with reference to it.

Mr. ROGERS of Colorado. Will the gentleman yield further on another matter that appears later in the report?

Mr. GARY. Yes.

Mr. ROGERS of Colorado. It deals with transportation, and it appears on page 18. The question arises as to the cost for transportation of the experimental airlift on first-class mail, which I am sure the gentleman went into in complete detail. At the end of that section on transportation the report contains this statement:

> Accordingly, the committee recommends that there be no extension of the airlift until the Congress has taken legislative action on the question.

That is based, as I understand, on the theory that the Post Office Department had for a period of time used some experiments in transporting the so-called first-class service mail by airmail. You say you do not think they should do it.

Mr. GARY. I know exactly what the gentleman has in mind. The Congress authorized the Post Office to try the transportation of first-class mail by air on an experimental basis. They have now reached the point where they want to adopt it as a permanent policy. A bill was introduced in the Congress to accomplish that. It went before a committee of the Senate. The Senate committee reported out the bill without acting on that point, but said that they did not think it was necessary to act on it because the Post Office Department already had the authority.

All we say in our report is that this is a very serious matter which affects our entire transportation system, and that we do not think the Post Office Department should extend—and the big word there is "extend"—extend that policy without further authorization from the Congress. It is a legislative matter and one over which we have no control.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. GARY. I am glad to yield further to my colleague.

Mr. ROGERS of Colorado. Is there any way in which you can impress upon the Postmaster General that he should not extend this authority in face of the testimony by the Assistant Postmaster General when he was before the committee and he said that they had concluded that clarifying legislation was unnecessary since ample authority already existed under present law? My question is: What assurance can we, as Members of the Congress, be given that the Postmaster General will not extend it when he already has the authority in spite of what you may say in your report?

Mr. GARY. Our committee went as far as we felt we could without legislating on an appropriation bill—which we have no right to do, of course.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to my colleague.

Mr. CUNNINGHAM. I certainly want to congratulate the chairman and the members of the committee for this language in the report which we now have under discussion. I think the time is long overdue when we should take legislative action to stop the practice of airlifting first-class 4-cent letter mail and I want the committee to know that I introduced legislation several weeks ago that would provide that no mail should go by air unless it carries the 7-cent airmail stamp as provided by law. I introduced this legislation as the ranking minority member of the Postal Operations Subcommittee of the Committee on Post Office and Civil Service. Identical bills have been introduced by Congresswoman GRANAHAN, the chairman of the subcommittee, and by Mr. WIER, of Minnesota, and perhaps others.

Mr. Chairman, I trust that the Post Office Department will take note of the clear recommendations by the committee that this airlift program be stopped until Congress takes the necessary legislative action. I hope that this legislation will be enacted and this discrimination against surface transportation will cease. If enacted, this legislation will terminate the authority given the Post Office Department to airlift first-class mail without the payment of the 7-cent rate. I represent the fourth largest rail center in the Nation and I know the economic plight of American railroads. The continuation of this airlift policy is, as stated, discriminatory and is a further drain on the much needed revenues of the railroad industry. I do not agree that there is any basis in fact for the statement that alleges this airlift experiment results in reduced costs. But even if this were so, it causes irreparable harm financially to a most important part of our Nation's economy, namely, the American railroads.

This authority was given by Congress solely for an experimental program. This experiment has been going on since October 1953 and has resulted in the transportation of 94 million ton-miles of first-class mail by air. This is no longer an experiment as authorized and intended by Congress. It should be stopped until clear authority is received from Congress, if it is the desire of Congress that the program continue.

I commend the Appropriations Committee for its concern about this program. It is a serious matter, affecting all of our transportation mediums and their employees. Its cost is a proper concern of all citizens and the Congress. At a time when we are faced with serious problems in surface transportation,

especially as concerns railroads, it is unthinkable that a department of the Government should be taking business away from the railroads under this highly questionable procedure. All 4-cent letter mail should be transported as such. If it goes by air, it should pay the 7-cent rate as the Congress has intended.

Mr. GARY. May I say to the gentleman, I agree with him that the question should be studied. Our committee has taken no action on it. Our time is very limited and we cannot settle that problem here today so I hope that further questions will be reserved until the legislative bill reaches the floor.

Mr. CUNNINGHAM. Just one further comment. I appreciate the interest that you have taken in this matter and congratulate you on the recommendations. I want the Congress to know that such a bill is in the hopper.

Mr. GARY. I thank my colleague very much.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. HARRIS. I am quite interested in this provision contained in the report and the discussion which has occurred here today. I understand from the language in the report that the committee seems to feel the Postmaster General is probably engaging in airlift of mail beyond what is considered to be the experimental stage; is that true? In reading the language of the report, it occurs to me that the committee has concluded from the hearings that the committee has held, that the Postmaster General is going beyond the so-called experimental airlift with reference to mail.

Mr. GARY. We recommend that it do not go beyond the experimental stage without further action from the Congress.

Mr. HARRIS. That is precisely my question. Our committee has, as you know, gone into the problem affecting transportation of all kinds, the airlines, railroads, buses, trucks, and so forth. We have tried to work with the industries and the Government agencies to provide the soundest possible transportation system. We provided when airmail was authorized that there should be a 7-cent postage for an airmail letter, first class. In the basic act, the Postmaster General made a request of the Civil Aeronautics Board for authority to engage in experimental airlift for one reason or another. It is under the provision for experimental purposes that the Postmaster General has authority to enter this field?

Mr. GARY. That is absolutely correct, and I so stated.

Mr. HARRIS. The point is the Postmaster General is entering upon experimental programs from Washington to Chicago, from here down the east coast and up the east coast and several other places. As I understand, there has been some indication that this so-called experimental program is going to be put into effect throughout the country. Is that true?

Mr. GARY. That is true.

Mr. HARRIS. Does your committee feel that is experimentation?

Mr. GARY. We said in our report that there should be no expansion of the present situation until the Congress has acted. He can continue to do what he is doing, but there should be no expansion. We have tried to hold the situation as it is without taking any action, because it is a legislative matter and we cannot decide it here.

My time has about expired, and I cannot yield further.

Mr. HARRIS. I congratulate the committee for what it has done, but if that is the way they are going to administer this program of experimentation, then the Congress had better define what is "experimental."

Mr. GARY. I hope the Congress will act promptly.

I am sorry I cannot yield further. I hope to pay my respects to the members of my committee. We had one of the best subcommittees I have ever worked with. My very warm friend, the gentleman from Louisiana [Mr. PASSMAN], who is my chairman on the Foreign Operations Subcommittee; Mr. TOM STEED, of Oklahoma; Mr. ALEXANDER, of North Carolina; Mr. GORDON CANFIELD, of New Jersey; Mr. JOHN R. PILLION, of New York; Mr. SILVIO O. CONTE, of Massachusetts. They have worked hard. I have never had a committee that attended meetings more regularly and devoted their time more assiduously to the business of the committee, and I want to pay my respects to each and every one of them.

Now I come to one of the saddest duties that I have had to perform since I have been a Member of the Congress.

I cannot conclude these remarks without a note of regret and sadness over the recent announcement of our distinguished colleague, the Honorable GORDON CANFIELD, that he will retire from the Congress at the conclusion of this session.

Mr. CANFIELD took up his duties in Washington in January 1923 as the secretary to the late George N. Seger. He succeeded Mr. Seger as a Member of the Congress on January 3, 1941. He has a long and distinguished record as a Member of this body. In fact, I do not know of a Member of Congress who is more dedicated to his task than is Mr. CANFIELD. As a matter of fact, I have a feeling that this very dedication to duty is probably responsible for the undermining of his health, which has not been too good in the last few years and which, no doubt, has caused his decision to retire.

Mr. CANFIELD has been an invaluable member of this subcommittee for many years. He was elected to the Appropriations Committee on September 17, 1945, in the 1st session of the 79th Congress. He was assigned to the Subcommittee on Treasury and Post Office at that time. He became chairman of the subcommittee in the 80th Congress, and since the 80th Congress he and I have alternated as chairman of the committee as the political complexion of the Congress changed from time to time.

I can personally testify as to the very excellent service that he has rendered as a member of this committee, and I can say that his departure will not only be a loss to the committee but a loss to the Congress and to the Nation.

I daresay that no one in the Congress will miss GORDON more than I, because it has been our pleasure to work together for a number of years. We have had disagreements during that time, but we have always been able to disagree agreeably, and therefore we have remained the very best of friends. When I have served as chairman of this committee, Mr. CANFIELD has given me the utmost cooperation and support. I have tried to reciprocate, and together we have carried on the work of this committee without any friction, without any partisan politics.

It was with very great sorrow that I noticed the announcement of his retirement. I certainly think he is entitled to a rest after his many years of service, and I wish him Godspeed in any of his undertakings after his departure from the Congress. I am certain that the members of this committee share my feelings in this respect.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I wish to endorse and associate myself with all of the remarks of my distinguished chairman. And I especially want to say that I know of no Member of Congress with whom I have served toward whom I feel personally closer than my good friend, GORDON CANFIELD. Occasionally we do disagree, but we have always done so without being disagreeable.

After GORDON retires I certainly hope he will return to Washington occasionally and call on this committee and this House at least for the purpose of friendly visits. And I particularly hope that he will visit with me in Louisiana.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield.

Mr. CANFIELD. And when I go down to Louisiana I shall do more than fish; I shall remember you.

Mr. PASSMAN. Thank you, my friend.

If the distinguished chairman will yield just briefly——

Mr. GARY. Gladly.

Mr. PASSMAN. I rise in support of this bill, Mr. Chairman. I think it is one of the soundest of the appropriation bills which will reach the floor of the House in this session of the Congress. I think it is a bill which the distinguished chairman of this committee can successfully defend all the way through until the President signs it. I feel certain that the relatively small cut in funds, when properly analyzed, will not cause the Members to decline to support the carefully considered recommendations of the committee.

The CHAIRMAN. The gentleman from Virginia has consumed 1 hour.

The Chair recognizes the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Chairman, I yield myself 25 minutes.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. CANFIELD. Mr. Chairman, I am just recovering from an attack of influ-

enza, which is epidemic here on Capitol Hill, and I ask your indulgence and that of my colleagues. I shall not try to make a long speech; I shall make a few observations which I believe to be very important.

First, let me say that this is the last time I shall be appearing in the well of this House in connection with a regular appropriation bill for funds to operate the Treasury and Post Office Departments. I am retiring on January 2, 1961, after 37 years of service on my beloved Capitol Hill. May I say that while I am retiring from the Congress of the United States, I am not retiring from the pursuit of happiness; and most certainly I shall continue my everyday interest in the cause of good government in our country. Among other things when I retire—and I have some opportunities to proceed in different directions—opportunities in private enterprise, opportunities in health work—I plan to do some writing. I am a former newspaperman. When I write, Mr. Chairman, I am going to write about you, I am going to write about Chairman GARY of our subcommittee. I am going to write about OTTO PASSMAN, TOM STEED, HUGH ALEXANDER, JOHN PILLION, SILVIO CONTE, and other Members of this great legislative body.

You will never know how pleased I have been to serve as a member of the so-called Gary committee. I have said on the floor of the House before, and I repeat the statement today, that he is one of the finest gentlemen, one of the greatest legislators I have ever known. He is the salt of the earth. In our proceedings year after year he has set the tone, always on the highest level. I shall miss him more than I can say.

Mr. Chairman, the Post Office Department of the United States is one of the biggest business operations in this world. It is now a $4 billion per year enterprise. With a fast-growing country the volume of mail increases every year; wages and all other costs continue to rise and additional employees have to be added to the rolls. I do not remember a year wherein we did not have to provide for thousands of extra employees to carry the ever-increasing workload.

There are some significant facts brought out by the Department in its testimony this year that should be brought to your attention at this moment. In fiscal 1959, for instance, the Department handled 20.2 percent more mail than it did in 1953, with an additional cost of only 7.6 percent. That is why year after year members of the Gary committee have saluted the Postmaster General and the members of his staff for the remarkable job they have done during their tenure in office.

The postal deficit today is approximately $600 million and were it not for the rate increase enacted by the Congress in 1958 and savings made by the Post Office Department, a deficit in fiscal 1960, the current fiscal year, would approach $1.25 billion. From 1947 to 1959 our postal deficits alone have amounted to almost $7 billion, practically one-half of the $15 billion increase in our Federal debt.

In 1938 the Department handled 26 billion pieces of mail. This year it will handle 64 million pieces of mail. And, 10 years hence, mark you, Mr. Chairman, it is anticipated that the Post Office Department of the United States will service 90 billion pieces of mail.

In its report on the bill now before us our subcommittee boasted that several years ago it was able to cause a reduction in service, which resulted in the cutting back of the delivery service in residential areas from twice daily to once daily. I have never felt this cut was proper and, as I pointed out a year ago, there is hardly a city in Europe that has not increased deliveries in recent years. Moscow and other cities have made great strides in that direction.

So, Mr. Chairman, it disturbs me to see the subcommittee today report three ways in which economy of a durable nature can be accomplished in the postal establishment. Our subcommittee rates, first, improvements in equipment and method, and second, a possible reduction or termination of some present postal services. That is in our report.

I hold that the postal patrons of the United States want better postal service with no reductions or terminations in our present service. Our annual review of the money requests submitted by the President and the Bureau of the Budget for the Post Office Department is cursory.

May I repeat again, this is my last presentation on a regular appropriation bill in this House of Representatives, and I know my colleagues and my friends are going to listen to the very important things, I truly believe they are important, I am now saying.

I repeat, Mr. Chairman, our annual review of the money requests submitted by the President and the Bureau of the Budget for the Post Office Department is cursory. Our subcommittee holds some 8 or 10 days of hearings and the Postmaster General and his staff appear to justify their requests. We hear no patrons, and it is rare that we have as a witness a representative of the postal workers union. There are 570,000 postal workers in our United States. We have no policing of the expenditure of these funds during the year except now and then a staff inquiry. When we impose our judgment respecting volume on that of the department, we usually err, and the Department in due course presents a supplemental, which we usually accept. Last year we felt that the Department had gone overboard in its volume estimate, and we cut that estimate down. Within a few days the Department will come before us to justify a $21.4 million request to carry through its operations until the end of the 1960 fiscal year, that is, June 30 next. We made a mistake, and we now have to correct that error by allowing what? A supplemental of millions of dollars of extra funds.

Mr. Chairman, I do not like to see the House and the Congress march uphill and downhill on appropriations for the Post Office Department of the United States. Now, witness what happened in 1957 when we were working on the 1958 fiscal year request. What did happen in 1957? Our subcommittee cut the 1958 request by $58 million. The Department closed every office in the land on one Saturday morning as the result of this $58 million cut. Within a month and a day after the bill as cut went through the Congress of the United States we in this body were restoring every dollar of that cut plus $75 million more for required services of the Post Office Department of the United States. That was a reflection on the Congress of the United States. We erred grievously in 1958, and it took us only 1 month and a day to make the correction.

Mr. Chairman, what does the Postmaster General say today about the 1961 cut now before us? Here is what he says:

> I am shocked at the magnitude of these reductions, the largest appropriations cut in postal history.

Then he goes on to say—

> if anything like this cut is ultimately approved, we would, of course, have to curtail service drastically, reduce our entire modernization effort and deprive many communities of greatly needed postal facilities.

Now, he has been accused of having "bureaucratic paranoia." I do not think that is a fair or proper reference to the Postmaster General of the United States. I, too, went to the corner of the Chamber a few moments ago to look in Webster's dictionary to get the meaning of "paranoia," and this is the meaning, according to Mr. Webster, "A chronic mental disorder characterized by systematized delusions of persecution and of one's own greatness, sometimes with hallucinations." Nobody wants to say that of the Postmaster General of the United States who, in his frequent appearances before our subcommittee, has been applauded by every member of the committee for his production efforts in one of the greatest enterprises in all this world.

Now, Mr. Chairman, I measure my words when I say I am sure the Postmaster General means just what he says, and I am equally sure that this House within a reasonable period will be making a restoration of most of the funds requested in this budget.

I am not going to propose any amendments for restoration today, because I was defeated in the committee; the leadership on both sides were opposed to my efforts. I am not going to offer a recommittal motion here today, such to include a restoration proposal. I am not going to put my colleagues and my friends on the spot. This bill with its record cuts is scheduled to pass.

Mr. Chairman, the man-years required for the Post Office Department to handle this increased volume in 1960 which were not in the budget document have been increased by 3,803 as testified on page 48 of the hearings. The committee intended to hold the increase in employment in 1961 to that experienced during the present year. Under the revised 1960 figures, it is apparent that the Department will use 18,000 man-years more in 1960 than in 1959 but is asking for an increase in 1961 of only 14,000 man-years. However, the funds allowed by the committee today will permit an increase of only half this amount or 7,500 man-years.

How, I ask you, how can the Department possibly handle an increase of 4

percent in mail volume with only a 1½-percent increase in employment? For 1961 we are proposing to lay the foundation for a certain supplemental request for Post Office funds; there is no question about it.

Mr. Chairman, a very important item at this point. Our subcommittee makes much of a statement in its report that the committee is recommending an increase of $104,595,000 for the fiscal year 1961 over the amount appropriated to date for the fiscal year 1960. Nowhere do you find in the report any statement to the effect that almost $40 million of this amount will be required to pay employees' health benefits as a result of congressional legislation this last year, for which you and I voted.

Reference has been made to extraordinary savings the committee expects will be realized this next year because of the success in the so-called Brooklyn Guide Plan Study. It is not explained that the Brooklyn Post Office was badly behind on productivity and therefore any achievement of the Guide's program in this office would not be representative. Furthermore, it was not fully developed by our committee that employee unions are bucking this program right and left.

Mr. Chairman, let me say just a few words about the transportation appropriation. Last year we cut this appropriation $3.3 million and the Department did not appeal in the hope that it might conceivably live within the funds allowed. To complete the year the Department has had to borrow the same figure, $3 million, from other funds under the transfer clause and it is now seeking replacement of this $3 million in this supplemental bill that we are going to consider in just a few days. There is no significant way in which the transportation activity can be curtailed other than by the placing of an embargo on certain types of mail and refusing to handle such.

Mr. Chairman, the cut in the facilities appropriation was $13.6 million of which $10 million is in the fund used for the payment of rent. Payment of rent—we are cutting that. The rent money for the Department requested for the fiscal year 1961 is predicated on the occupancy of buildings becoming available in 1961 which have been contracted for during the fiscal year 1960; some in 1959, some in 1958. How can we approve this reduction when the obligations for a major part of the funds have been made?

It is our subcommittee, led by the distinguished chairman, the gentleman from Virginia [Mr. GARY], that has been prodding the Post Office Department for years to up its modernization program. Anyone familiar with the postal plant knows the story of its crude obsolescence. We have actually cut $30 million from postal modernization in this bill. This is a 40-percent cut.

How many of you are concerned about modernization in your own district? There are 20 large projects, major projects, with a priority No. 1 scheduled for action during this next fiscal year. They are prejudiced, they are hurt in this operation. There are 150 more throughout the United States. Have you checked with the Post Office Department; have you checked with your committee to see if your post office is going to be modernized, if new electronic equipment is going to be put in your post office?

They may be in the 1960 and 1961 programs.

If this cut is based on a misinterpretation by the committee of obligations made to date for this program during 1960, an explanation of these obligations is important. The whole concept of postal modernization is new, but our committee has been prodding the Department to get going on it. In 1948 the distinguished chairman of this subcommittee, the gentleman from Virginia [Mr. GARY], accused Postmaster Donaldson of dragging his feet on modernization, and Mr. Donaldson did not like it. He had words with our chairman. But our chairman was right when he said what he did.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. CANFIELD. I yield to the gentleman from Virginia.

Mr. GARY. That incident shows that the present chairman of this committee has not played any favorites, since Mr. Donaldson was a Democrat and I did not hesitate to criticize his actions when I did not approve of them.

Reverting to his previous remarks, the gentleman certainly knows I had no idea whatever of casting any reflections upon the mentality of Mr. Summerfield. He is an extremely able man; as a matter of fact, he operates a little more cleverly sometimes than I like. Personally I have very great respect for him, and we have long been good friends. When I used the words "bureaucratic paranoia" I did not apply them to him as a person; I said that some department heads were suffering from bureaucratic paranoia which, of course, meant that they were suffering delusions of grandeur with respect to their departments.

Mr. CANFIELD. May I say to my friend from Virginia, my beloved chairman, I agree with all he said about how he went after Mr. Donaldson on modernization. He has also gone after Mr. Summerfield on modernization. But he never had an opportunity to cut Mr. Donaldson the way he has cut Mr. Summerfield in this bill today. This $30 million cut is something unprecedented. It is a most severe cut, an historic cut.

Mr. GARY. Is it not a fact that our subcommittee, when Mr. Donaldson was in office, recommended that he decrease the service of the Post Office Department by cutting the delivery of mail in residential sections from twice a day to once a day, and he put that into effect and said that it was because of the recommendation of our committee? I stood on the floor of this House and assumed full responsibility. We have saved over $100 million a year by that one change, and nobody in the United States has suffered by reason of it.

Mr. CANFIELD. I think the gentleman recalls that I fought that cut very bitterly, if I may use that word; yet I do not like to use the word "bitterly" because there is no bitterness in my system. I fought that cut very aggressively. I still disagree with my chairman on the validity and the propriety of that cut. It has saved some money. Yet I envision the day, and I will not be here next year or the years thereafter, when there will be more than one delivery of mail a day in the United States, even as they have four in Moscow, four in Berlin, five in London, and four in Brussels.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. CANFIELD. I yield to the gentleman from New York.

Mr. PILLION. I think the hearings will show that the committee examined most thoroughly into the question of the very tremendous modernization program. The committee spent days, not hours but days, in examining the witnesses to attempt to determine the feasibility and economic worthwhileness of this modernization program. After 2 days we knew less about it than when we began. They were completely unable to justify the $500 million proposed modernization program. As the gentleman knows, the turn-key project is $15 million. Whether it is worth while and the question of its utility is very doubtful. With reference to the Oakland proposal, we were unable to find any real objective for it. It is a $9 million program. So the whole question of mechanization and modernization is up in the air. They have been unable to justify this program, and the committee just wants them to slow down so we can find out where we are going so the taxpayers of this country can get their dollar's worth of value for every dollar spent. This is not going to cripple the program. It is intended to slow it down until we know where we are going.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. CANFIELD. I yield.

Mr. GARY. I just want to say to the gentleman, I heard the suggestion this morning that this was a political cut. That is not true. I simply asked the question with respect to Mr. Donaldson to show that we cut when the Democrats were in power as well as the Republicans.

Mr. CANFIELD. May I say to my good friend from Virginia, for whom I have the greatest affection, that he has never played politics on this committee and he has never played politics as we talk about it here on the floor of the House. The gentleman from Virginia is not that way. Most certainly, no such criticism like that has ever emanated from me.

Mr. GARY. I am sure of that but I did hear the suggestion here this morning.

Mr. CANFIELD. The gentleman from Virginia is sincere, dedicated, honest, and clean, and I repeat, he is the salt of the earth and no charge like that would ever be made by me, and if I ever hear anybody else making such a charge, I would have plenty to say.

Mr. GARY. I thank my colleague very much.

Mr. CANFIELD. Mr. Chairman, I have been on this subcommittee longer than any other member. I have been on this subcommittee since 1945. I have been so concerned about our Post Office Department and its moderniza-

tion program. I have worked with the gentleman from Virginia [Mr. GARY] and with the Department and Postmaster Generals—not one but with several. I was chairman of this subcommittee in yesteryear when a certain Postmaster General, and listen to this, said that he would not appear before our subcommittee to justify the requests of the Post Office Department. He said he simply would not appear. That was an unheard of thing, but he did appear. We are writing a different story today. We are living in a different world. We are competitive. We are competitive with the Soviet Union. We are competitive with other countries. We cannot afford to let the Post Office Department deteriorate. We cannot afford to go backward. We cannot afford to cut $82 million from the President's budget for the Post Office Department. We cannot afford to make a 40-percent cut in the appropriation for modernization if we mean to go forward.

The first year of postal modernization is the most critical and consumes much time in preparation, with the need to develop engineering data, make individual facilities studies, effect land acquisitions, and negotiate research contracts. In the first half of the current fiscal year, only 22 percent of the money appropriated was obligated because of the time necessary to prepare for later obligations. However, in the last calendar month alone, an additional 15 percent of this appropriation was spent. This reflects the accelerated pace now achieved. I am convinced from inquiries of departmental officials that the balance of the total appropriation will be completely obligated before the end of this fiscal year. Furthermore a substantial backlog of planning and engineering will be available for action as fiscal year 1961 begins.

Mr. Chairman, almost every congressional district in our country is involved in this modernization program. If we had a record vote here today and, of course, there will not be a record vote, I wonder how many Members would say "aye" to this cut in postal operations? I wonder how many Members would say "aye" to this cut in modernization—a 40-percent cut.

A drastic cut of 40 percent in the program which the Department has projected for the next fiscal year will basically defeat the whole concept of modernization and destroy the momentum which has been attained in reaching the worthy goal of plant rehabilitation of the Post Office Department, recognized by all as long overdue.

Mr. Chairman, the distinguished chairman of our subcommittee some time ago referred to the cut imposed by this committee on Internal Revenue. When that cut went down to the White House, President Truman signed the Treasury-Post Office appropriation bill, and do you know what he said? He said:

> For every dollar cut in the Internal Revenue Service we are going to lose $20 for the Treasury of the United States.

Using Mr. Truman's words, this $15 million cut we would impose on the Internal Revenue Department today would mean $300 million lost to the Treasury of the United States.

The number of taxpayers required to file income tax reports has steadily increased, so that during 1959 almost 93 million tax returns were filed with the Service.

The Commissioner of Internal Revenue in his presentation of the 1961 budget made it clear that this Service was now in a position to recruit and train a substantial number of new agents. Each one will pay his cost of service personnel many times more. The Commissioner says 10 times more. Mr. Truman says in his day 20 times more. The Treasury Department on December 31, 1959, had more than 12,000 fewer civilian employees than it had at the end of 1952. That is remarkable.

Now, Mr. Chairman, we are cutting the Internal Revenue Service $15 million today. They had 55,370 employees at the end of 1952; only 47,972 at the end of 1959. In 1952 the revenue collections totaled $65 billion. In fiscal 1959, with fewer employees, the revenue amounted to $80 billion. What a job was done by the Internal Revenue Service during this last fiscal year.

The number of tax returns filed continues to increase. This cut today will result in failure to collect hundreds of millions of dollars of essential tax revenue.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CANFIELD. I yield.

Mr. CURTIS of Missouri. I am happy to hear the gentleman make that statement. I am wondering what is behind the philosophy of the majority on this committee in the light of the rather constant criticism that we hear emanating from the other side about tightening up more on tax collection.

Mr. CANFIELD. What is the position of the gentleman's committee, the Ways and Means Committee, and its counterpart, the Senate Finance Committee, on this matter?

Mr. CURTIS of Missouri. Our position is quite clear. I wish someone from the majority side might speak, but I think I speak accurately. We have been urging the Internal Revenue Service to clamp down, and do more work in the way of tax collection. We are well aware of the problems that they face in the matter of trained personnel and expansion; and, after all, the collecting of taxes does depend on the number of tax returns. Those have increased considerably. Even at this point about $1 spent on tax collection has produced about $10 in additional taxes. We are in an era where the expenditure of money really produces results.

Mr. CANFIELD. I wonder now if my colleagues will listen to me for a minute or two as I digress to say something personal.

Mr. Chairman, on May 27 last, I became ill; I suffered a very serious case of physical exhaustion. The doctors at Walter Reed Hospital suggested that I go to Syracuse, N.Y., to be with my 80-year-old mother, my sister, and my brother-in-law, who is Chancellor William Pearson Tolley, of Syracuse University. I was in Syracuse under the care of doctors for 3½ months. It was the second episode of this kind I have experienced in my life. I do not know how many Members listening to me today have experienced anything like it, but when I went to Syracuse, even the odor of coffee was most distasteful; I could not stand the smell of cooking food, particularly meat. I lost weight, and I had a difficult time getting back on my feet.

My therapy consisted of taking long walks, doing a little swimming, and by and by it seemed to me after communing with my Maker, my prayers were being answered.

I returned home some time in November. On December 1 last I lost my nurse, my 80-year-old mother was called away—and what a wonderful woman she was; what a zest for life she had. Believe it or not, 2 years ago she was beating my younger brother, 5 years younger, at golf in Nashua, N.H., and making some par holes. It was a difficult summer, very hot and humid. A major part of my therapy was talking to my mother and listening to her advice. Among her words of advice were these: "GORDON, I do not want you to run for Congress for an 11th time; I do not want you to run again." I did not promise mother that I would not run again, but I did everything but make a covenant with her that I would not; and when she was called away on December 1 last I knew that I could not run again.

But I have recovered from that illness, and I want to say to my colleagues and friends in the House among other things that I am going to write about in the days ahead—and I am going to be interested in you and all you are doing. I am always going to be interested in good government. I plan to crusade for a 4-year term for Members of the House of Representatives, for which President Eisenhower recently made a strong statement. Some of our best lawyers feel that there should be 4-year terms on a staggered basis but be the terms staggered or not I think House Members should have 4-year terms. There is no reason why so many Members of the House have to think in terms of reelection almost every day and almost every night. There is no reason why they cannot enjoy periodic recesses. There is no reason why they cannot think a little bit more about the things they have to do in committee and on the floor of the House of Representatives. Mr. Chairman, it is all wrong; the present system is all wrong. I know it and you know it. I hope it will be changed.

I thank you for listening to me.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Chairman, I strongly urge the approval of the Post Office appropriation for fiscal 1961, as recommended by the Appropriations Committee. This includes a little more

than $40 million for postal modernization and the priority list of major projects includes $3,752,000 for equipping a new post office at Buffalo, N.Y.

I cannot overemphasize the dire need for a new post office in our city, designed to handle the increasing mail volume flowing through this transportation center. The present facilities are in a very dilapidated condition, and the equipment is outmoded and antiquated. I repeat what I have said before, that if Benjamin Franklin could return and take a walk through our post office, he would find some of his own inventions still in use.

The Post Office Department, as late as December 21, 1959, stated that it has been aware of Buffalo's need for some time.

For the past 4 years we have been frustrated in Buffalo by repeated delays in planning the new working post office. An acceptable site has been acquired and private capital will be available to finance construction.

Funds in the 1961 Post Office budget will provide the vital new equipment which will be needed to make the new Buffalo Post Office one of the most modern and efficient postal facilities anywhere.

I urge my colleagues to support the Post Office appropriation bill as it has been recommended by the Appropriations Committee. And, at the same time, I urge the Postmaster General to recognize and support Buffalo's priority for equipment funds while expediting remaining plans necessary to get construction work started promptly.

Mr. CANFIELD. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I rise in opposition to the severe and meat-ax approach cuts made to the 1961 Post Office-Treasury appropriation bill. At the outset, let me say that I am somewhat reluctant to oppose my chairman and the majority of our committee, for VAUGHAN GARY, our chairman, is one of the finest men that I have ever met during my last decade in politics. He is understanding, fair, and a man of unimpeachable integrity. I have found out in the time that I have served with him that we can disagree without becoming disagreeable.

In 1959, the Post Office handled 20.2 percent more mail than it did in 1953. It did this with an additional cost in man-hours of 7.3 percent, which figure includes an increase of 24.2 percent in city carrier manpower needed to serve our rapid population growth. If we excluded the 24.2 increase of city carriers to cope with the mushroom growth of our suburbs, all other employment increased only 2.2 percent.

Some may say that the Post Office Department could stand this cut, that they have asked for a great deal more than they need. The best answer to that is that at the end of fiscal year 1959, the Post Office ended up with $10½ million out of an appropriation of $3,640 million. This amounts to the uncomfortable margin of three-tenths of 1 percent. I believe that this points up the sincerity of the Post Office Department in presenting its budget to the Congress of the United States.

Specifically, let us talk about some of the cuts that have been made here—$10 million in building occupancy—these are funds for the payment of rents and utilities.

Such a cut cannot be sustained because:

First. Binding obligations for payment of these funds are made when an agreement to lease is entered into by the Department. Six months to 2 years are required to provide new facilities from the time of the binding agreement to the date of actual occupancy by the Department. Reductions cannot, therefore, be made in expenditure of these funds which, in fact, have been committed.

Second. Utility bills must be paid as utilities are used. The Department cannot postpone or curtail the use of required utilities, thus expenditures for this purpose must be paid from other funds in the Department if appropriations for this purpose are insufficient. The transfer of funds from other parts of the operating budget create an inexcusable and intolerable condition for postal management.

In regard to the committee's proposed $30 million cut in funds for postal modernization, this 40-percent cut is dangerous because:

First. The rapid growth of mail volume since World War II and the continuing rise expected have made obsolete an already antiquated physical plant of the Postal Establishment. Archaic methods of mail handling have been compounded and actually doubled and tripled in recent years due to this deplorable state of capital equipment and building accommodations. This situation cannot be improved without concerted effort now. Further delays will cause tremendous inefficiency and high costs of service if the tools for modern plant operation are denied the Post Office Department. Each congressional district in America suffers to some degree, large or small, from the deficiencies of functionally degenerated postal accommodations and the resulting deteriorated service for mail patrons. How can any Member of this astute body fail to see the seriousness of this problem?

Second. Planning and engineering of new facilities and equipment require months of preparation. Studies which have been made and are being made for the Department's program for 1961 will be largely wasted effort if funds are not available for implementation of the program.

Third. The Department has reached a point of activity great enough to handle its projected program without difficulty. Reduction in the program will completely destroy this momentum and require a complete reprograming of all modernization.

Fourth. All of the projects for improvement which the Department calculates for 1961 have been discussed in and out of Government for as long as 5 to 10 years in the past. The citizens of communities destined to receive modern postal plants in the coming fiscal year are cognizant of the already prolonged delays and will find further delay extremely hard to explain to their satisfaction.

Fifth. In fiscal year 1960 the Congress cut over 10 percent of the funds requested by the Department. The final appropriation of $80 million was acknowledged by all to be small. Yet we are now discussing a further cut of 40 percent, or an additional $30 million, in the second year of this badly needed program. How can the Congress in 1958 act to demand modernization of the postal plant and now for fiscal year 1961 justify the provision of such ridiculously low amounts as to effectively kill any continuity for action?

Sixth. Included in postal modernization is an estimate of $5,960,000 for research and engineering. While the action of the committee did not specifically cut this item, as part of the overall modernization program, it will be adversely affected by any general cut in these funds. A large number of man-hours of engineering goes into every project designed for the modernizing and improving of mail handling facilities.

Postal modernization is not a luxury. It is a program for the survival of an efficient postal service in the face of a constant national growth.

The cuts of $35.3 million in operations and $2.4 million in transportation, if sustained, will without any doubt necessitate either serious curtailments of service or supplemental appropriations in 1961. Under the tight provisions of the Antideficiency Act, it is entirely possible that curtailments would have to be initiated.

It is ironical that the committee recognizes in the report—page 21—that modernization of the Postal Establishment is one of the effective measures which can be taken to accomplish economies in the handling of the mail and yet slashes the appropriation for this purpose. The Department introduced into the record substantial evidence of savings already achieved with the limited funds thus far made available. The reductions proposed by the bill for postal modernization will, as I have stated, throw this program for a loss and delay for more years the advantages to be gained by full-scale modernization.

In the 1961 hearings the subcommittee was informed that mail volume is currently exceeding that upon which Congress based the 1960 appropriation and that 3,803 additional man-years would be required in 1960 to meet the needs of the service. On this basis the increase requested for 1961 amounts to only about 14,000 man-years, while the increase in 1960 over 1959 will be 18,000 man-years. Yet the committee's recommendation would provide for an increase of only 7,500 man-years, or much less than half of the 1960 increase. If the Postal Department is correct in its expectations of an increase of 5.2 mail volume over last year's committee estimate, these cuts made by our committee will hinder the progress of the Post Office Department and, in fact, bring it to a standstill.

In concluding I would like to call to the attention of my colleagues the following progress which has already been made by the Post Office Department in

clerk productivity and which was built into the budget estimates for 1961, and also to pay tribute to the clerks for their conscientious service to the Department. It is my hope that these cuts be substantially restored:

Average pieces of mail per clerk man-year

Fiscal year:	
1958	239,223
1959	241,530
1960 (estimate)	243,231
1961 (estimate)	245,568

Post Office Department—Summary of man-years of employment

1960 budget estimate (p. 14 of report)	563,364
Add 1960 increase (p. 48 of hearings)	3,803
Revised 1960 estimate	567,167
1959 actual	549,203
Expected 1960 increase	17,964
1961 request	581,632
1960 revised estimate	567,167
Revised 1961 increase over 1960	14,465
Committee's proposed allowance	574,632
1960 revised estimate	567,167
Committee's proposed increase	7,465

Before closing, Mr. Chairman, I think there is a very innocuous looking amendment to this bill but one that has concerned me no end. We met in subcommittee and this was adopted. It was not taken up before the full committee; it was merely accepted as routine. I had a great deal of time to think over the weekend when I went home, and my conscience, Mr. Chairman, bothers me no end to think that this piece of legislation has this language in it.

We are providing in this bill, Mr. Chairman, that every Member of the Congress be given the privilege on his frank to send his constituents "occupant" mail. In other words, Mr. Chairman, what we are doing here is merely saying to a Congressman, "You can send out to every single voter in your district a letter merely by stating on the cover, 'Occupant.'"

Mr. Chairman, I am not going to be a party to compounding a felony. What is good for me is good for my constituents. What is bad for my constituents is bad for me. If this is bad for my constituents then the Congress should not have this privilege and I hope this will be stricken out. If it is not stricken out I make this pledge, that my office will never avail itself of this service.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PELLY. With regard to the remarks the gentleman made about taking this mail in the cities, as I understand it, that authority now exists in the law.

Mr. CONTE. For rural box holders.

Mr. PELLY. I think it does also for city mail.

Mr. CONTE. It is a matter of departmental policy that they are against it for city delivery.

Mr. PELLY. But there is nothing in the language of this bill, as I see it, that would compel the postmaster to follow the authority that exists now in the law; is that correct?

Mr. CONTE. I do not know.

Mr. PELLY. It says the funds are made available.

Mr. CONTE. As authorized by law.

Mr. PELLY. As authorized by law, but I do not think that would change the situation one iota, as far as I see it, to have this amendment. I would agree that the people are against that junk mail whether it comes from a Congressman or any other source. I, for one, would support any amendment that was offered on that basis.

I thank the gentleman.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield.

Mr. YOUNGER. Very clearly the purpose of the amendment is to put the Congress and its mail outside of the regulation that now prohibits occupant mail. That is the only reason in the world for such an amendment and as far as I am concerned, if that amendment stays in, I shall not vote for the bill.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PILLION. I would like to refer to an article in this morning's paper. The headline is "Summerfield Protests Plan To Cut Postal Funds."

Further on in the article he says:

> If anything like this cut is ultimately approved * * * we would, of course, have to curtail postal services, drastically reduce our entire modernization effort and deprive many communities of greatly needed postal facilities.

I would like to say to this committee that that appears to be a threat rather than a protest, and I regret to see that language and that type of threat made by the Postmaster General.

I share the gentleman's high regard for the Postmaster General. I think he has had a very fine operation there. He is one of the great Postmaster Generals in the history of this country. But I do not believe that that is an accurate statement of fact. The cut made by the committee was a reasonable cut, not a meat-ax cut. It is one he can well live within. I am sure the Postmaster General realizes and knows very well that there is not a Member of this House who wishes to curtail the public service of the Post Office Department, and he is fully aware of his right to act to get supplemental funds so that the Post Office operations will not be curtailed; and I am sure he knows that Congress will grant him such funds.

Mr. CONTE. I am sorry to say I disagree with the gentleman from New York. I feel it is a meat-ax cut. I sincerely feel that way. If I did not feel that way I would not be here on the floor discussing it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. GROSS. With respect to the provision, which I take it is what the gentleman is talking about, that would permit Members of Congress to send out franked mail to occupants, I have here a committee print. I do not believe it is contained in the committee print.

Mr. CONTE. If the gentleman will refer to the report on page 17 he will see these words:

> The committee has inserted language in the bill, the purpose of which is to make clear, on its face, that funds in the bill are available, as now authorized by the postal laws, for expenses of delivery to postal patrons of mail sent under the frank. It anticipates return to a method of addressing city-delivery franked mail followed on previous occasions, as has long been the case with rural and star-route mail. This would facilitate communication with constituencies in consonance with concepts inherent in the granting of the frank.

Mr. Chairman and colleagues, the decision to retire by our distinguished colleague, GORDON CANFIELD, prompts me to express my feelings and, I am sure, those of my associates on this committee. Thus, by his decision, a career of 37 years on the Hill, 20 of which were devoted to legislation, comes to a close. To the work of this committee he brought the high standards of serious application and meticulous regard for detail.

During his term as chairman of this committee he displayed unusual tact and diplomacy. In the 1st session of the 83d Congress the Treasury-Post Office bill sent from this committee was passed without a single change in the House and, what is more unique, was accepted in the same manner by the Senate: a rare moment in the history of legislation.

Certainly, his example of serving between sessions in World War II, aboard a tanker as an ordinary seaman to encourage interest in the merchant marine effort, was an inspiration and contribution to the war effort. As a Congressman he was never satisfied to accept the written reports alone. To be completely informed he wanted to see for himself and, as a result, traveled to areas all over the world. Buchenwald, Hiroshima, the Korean war front, and many others, came under his personal scrutiny. The establishment of a Coast Guard Reserve is due to his indefatigable efforts.

There is much, indeed, to thank him for and I as a newcomer to the Congress feel privileged in having had the benefits of his vast knowledge and long experience and to have learned from his example and wisdom. To the new phase of his life he is bringing all the characteristics which have made his career in the Congress such an outstanding success. While I, personally, regret that he shall no longer participate in the deliberations of this body, I know that his exemplary guidance shall ever remain with us.

I wish him a long life of good health and happiness: The sincerest of good wishes on the new life which he has chosen.

Mr. CANFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. CORBETT], a member

of the legislative Committee on the Post Office and Civil Service.

Mr. CORBETT. Mr. Chairman, I have asked for this time in order to direct a few questions to the chairman of the subcommittee. First, notwithstanding the language of the report as found on pages 13 and 14 and notwithstanding the $45 million cut in the appropriation which was predicated on the probability or possibility that the guideline system would be widely extended, the chairman of the subcommittee said, did he not, that neither he nor the committee endorsed or recommend this guideline system?

Mr. GARY. That is absolutely correct.

Mr. CORBETT. All right. But that is apart from the main burden of the questions I wanted to ask. As the gentleman knows, I regard him as one of my best friends here, but I am going to disagree with him rather sharply at this time. Does the gentleman suspect there is any danger of these paranoidal tendencies he mentioned spreading to the committees of the House? It is possible that this bureaucratic epidemic might spread up here?

Mr. GARY. We, in this subcommittee, tried to hold it down.

Mr. CORBETT. I am afraid the gentleman failed because I wonder under what jurisdiction or under what new grant of authority the subcommittee has practically cut the heart out of the postal policy act of May 27, 1958. Was there some new ground or authority or something that permitted the Committee on Appropriations to undo the work of the House and Senate and conferees?

Mr. GARY. In what respect?

Mr. CORBETT. In what respect? All right, sir. I find this on page 50 of the hearings. Here is the language:

> The statutory language proposed should eliminate the possibility of misunderstanding in this area (that is, public services) in hearings on postal rates both before congressional committees and the ICC.

So your language in these hearings and again in the report—in the report you say—and these figures are approximate:

> The public service features under some estimates, particularly the Senate research—the public service features amount to about $250 million.

This bill provides $49 million for public service features.

My question is not as to which figure is right, but how does the subcommittee on appropriations just ignore the policy?

Mr. GARY. I still say to the gentleman, the committee tried to hold that down. I personally am absolutely opposed to any allowance for public service, if you want to know the truth about it.

Mr. CORBETT. Yes; but just a moment——

Mr. GARY. The gentleman is asking a question, and I am trying to answer him.

Mr. CORBETT. I want to ask the gentleman a question. I did not ask the gentleman whether he is for or against the items. We are in disagreement. I simply ask under what authority do you set aside the Postal Policy Act of 1958 and take your own figures?

Mr. GARY. This question arose last year. The House cut the item out of the bill entirely. The other body put that provision in, and the final action was a compromise. This year the Department asked for the compromise figure, and we agreed to it. That is the situation.

Mr. CORBETT. All right, I will ask my question again. Under what authority does either the Department or the subcommittee find the power to set aside the will of the Congress?

Mr. GARY. Under the power to make appropriations to carry out the action of the Congress. The Committee on Appropriations is not required to recommend appropriations for everything that the Congress authorizes.

Mr. CORBETT. I grant that—granted. In the hearings you say further:

> The appropriation is merely a device by which the Congress itself will establish each year the portion of the Department's net cost which should be borne by the general taxpayer.

You say "should be." Now it is not your prerogative to say what should be. It is your prerogative to say how much—but not as to what should be. And you go on to say that the remaining portion should be paid for by the users of the postal services in accordance with the provisions of the Postal Policy Act. Let me show you what you did there. You, in effect, said and I will use, for example, the income tax law—the income tax law says, in effect, that you shall pay a percentage of tax on your gross income. But then it adds the words "after deductions." You gentlemen simply left out the words "after the deductions for public service" and said that the users of the mail should pay the remaining deficit. I am not going to debate here as to why I think this is a dishonest tax levied on a proportion of the population. I am simply questioning and trying to find out how the subcommittee can undo an act of Congress with language in a report?

Mr. GARY. If the gentleman finds that the subcommittee has done anything illegal or improper in the bill, he is completely at liberty to take such corrective action as he deems advisable.

Mr. CORBETT. Should I say that the gentleman has taken a legislative fifth amendment?

Mr. GARY. It was not intended as such because I stated previously in quite emphatic terms that if I had my way, there would be no such item in the bill at all. That is not evading the issue. I have declared exactly how I feel about it. I fought that item last year and finally we comprised on the method of computing the amount. The bill now before the House includes an item for public services computed in the manner approved by the Congress in its final action on the 1960 appropriation. This the committee has not set aside the will of the Congress at all, but has carried out exactly the most recent expression of that will.

Mr. CORBETT. I am not quarreling with the gentleman's right to favor a special tax on a special group. That is his privilege. But that is what this amounts to when the Congress votes that certain types of mail shall be handled free, and this congressional policy is chargeable to the Treasury. Who else is it chargeable to?

Mr. GARY. It is chargeable to the Treasury in this bill. But I must point out that under the Policy Act it was contended that we should charge to the Treasury the entire cost of handling that mail.

Mr. CORBETT. I want the gentleman to explain what he means by "that mail."

Mr. GARY. The entire cost of handling the free mail. It was contended that we should charge the entire cost. Now, if that mail was not free it still would not pay the entire cost. It would only pay the postage rate which is charged for similar regular rate mail now. Our committee felt that the differential in rate was the proper charge rather than the entire cost. We so indicated, and we made our recommendation accordingly.

Mr. CORBETT. Now the gentleman raises another issue, that if there is to be a public service item, should it be the total out-of-pocket cost to the Government or the total amount of postage that would have been paid if the prevailing rate was charged? So the gentleman is entitled to either formula, but how does he account for the fact that some of these items of public service are left out entirely?

Mr. GARY. The Post Office Department said it was absolutely impossible to determine what those costs were, and we could not perform a miracle.

Mr. CORBETT. They were able to tell you to the penny what we lost on first and second and third class mail, but they could not give you any information on this?

Mr. GARY. I am telling you what the Department told us. We acted on the information they gave us.

Mr. CORBETT. So you did not accept the Department's recommendations as to what amount of money they needed to operate the next fiscal year, but you took as Biblical what it costs to operate the other services?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANFIELD. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. CORBETT. I yield to the gentleman from New York [Mr. PILLION].

Mr. PILLION. I think there should be some clarification of the misunderstanding as to where the cut came. A cut of $45 million was made. That was only a minor consideration of the cut. The difference of opinion on the material for the cut was the major consideration.

Mr. CORBETT. May I interrupt the gentleman?

Maybe the figure should be corrected. It is in the report on page 14.

Mr. PILLION. And it could be misinterpreted.

Mr. CORBETT. It says here:

> The experience in one office would indicate that potential savings of $45 million

might be realized from extension of the guideline system.

Mr. PILLION. But it was not used as a basis for the cuts.

Mr. CORBETT. It should not be in the legislative report, then.

Mr. PILLION. The legislative report is correct, but we should not interpret it as a specific and flat statement.

Mr. CORBETT. The gentleman can well understand my bewilderment because the chairman of the committee says we can accept the Post Office figure and their estimates of revenue, that we can accept categorically their estimates of public service. Then I come along and read in the report which says $45 million will be saved; and the gentleman gets up and tells me "No; that is not what it means at all."

Mr. PILLION. That is right.

Mr. CORBETT. I am getting as bewildered as a paranoiac. That is about what is happening to me. But I would say that I have been exposed here to some sort of budgetary legerdemain.

Mr. GARY. The gentleman asked me to answer his question. We did not accept the Department's figure last year. They came up with a figure of $170-some-odd million. We cut out the entire amount.

Mr. CORBETT. Despite the Policy Act?

Mr. GARY. Despite the Policy Act. It then went to the Senate. They put a portion of it back, and we agreed in conference to a compromise method of computing this item. This year the Post Office Department came in with their estimates computed on the basis of what had been agreed upon by both the Senate and the House last year in the appropriation bill, and we have approved that without change.

Mr. CORBETT. I would like to say, Mr. Chairman, in closing, that these matters of public service were once very carefully outlined, estimated costs put on. They were worked out and they became the law of the land. Since that date there have been deviations from that policy, and there will be more in the future.

But what I cannot understand, they represent to me specifically that it is estimated that a certain item is to be chargeable to the Treasury; yet we cannot charge the full amount, that is, the estimated cost is not charged to the Treasury, they are just paying part of it and telling the users of the mails they have got to pay for the rest. We provide for third-class mail, fourth-class mail, and create third-class post offices, fourth-class post offices and star routes in the country and all kinds of services. We say to the people of the United States: "You do not have to pay for it, we will charge it to the users of the mail." On the basis of that we build up a huge deficit in the minds of the people conditioning them for a further increase in postal rates. Believe me, I think there is something paranoidal in the whole business.

Mr. GARY. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. BOWLES] such time as he may desire.

Mr. BOWLES. Mr. Chairman, I am grateful to the gentleman from Virginia, not only for this opportunity to say a few words about the Coast Guard Academy appropriation, but also to commend him personally for the persistent effort he has made in this connection. There are three items in the bill under consideration which are vital to the continued development and growth of the U..S Coast Guard Academy in New London, Conn., and I am confident that if it had not been for the efforts of the subcommittee chairman and the other friends of the Coast Guard Academy here on Capitol Hill, we could not have reached even this limited success. Last year I had the honor of being appointed to the Congressional Board of Visitors to the Academy, through the courtesy of the able and distinguished gentleman from Virginia [Mr. GARY], who kindly relinquished his membership on the board to enable me to serve. Congressman GARY's interest in the affairs of the Coast Guard and his dedicated service on the board of visitors are well known to his colleagues. Under his chairmanship, the Subcommittee on Treasury and Post Office Departments Appropriations has again and again expressed its concern about the deteriorating condition of the wartime wooden buildings still in use at the Academy.

The board of visitors, in its report filed in August of last year, recommended several items of construction which were needed to bring the physical plant of the Academy up to the standards of the academies at West Point, Annapolis, and Colorado Springs. The bill before us this afternoon contains three items which will begin, if in a small way, to upgrade the condition of the Academy's physical plant. They are $122,000 to provide for the extension of classroom space, $450,000 for the construction of a new maintenance shop building, and $20,000 for a survey of facility requirements.

I submit, Mr. Chairman, that these three items, totaling less than $600,000, are little enough to provide for one of our country's finest service academies. I might point out to my colleagues, as the gentleman from Virginia pointed out to Secretary Anderson during the hearings on this bill, that the chapel at the Coast Guard Academy was made possible by voluntary contributions from members of the Coast Guard, in sharp contrast to the millions spent at Colorado Springs for a chapel the design of which, to be very kind, is controversial.

No one who has seen the need for new facilities at the Coast Guard Academy can help but admire the persistence and dedication of the gentleman from Virginia, who for so many years has fought hard and long for adequate facilities there. Nor can anyone who has met the indifference in the Department of the Treasury toward the needs of the Coast Guard in general and the Academy in particular fail to realize the difficulties under which the distinguished chairman has labored.

It is a tribute to his persuasiveness and diligence that this bill contains any items for the Academy at all. I very frankly wish it included funds for the additional buildings which are so sorely needed, but I welcome these three items as a beginning of a larger long-range program, and I urge my colleagues' support of these small items which in time will mean so much.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman.

Mr. HECHLER. I would like to ask the distinguished gentleman if there is any money in this bill for lookouts and peepholes?

Mr. GARY. There is no specific money in this bill for lookouts or peepholes. The Post Office Department, of course, has authority to employ lookouts and peepholes, and they can use any portion of the appropriation for "Operations" for that purpose. There is no specific appropriation for that purpose and that subject was not discussed by our committee.

Mr. HECHLER. There is no specific stamp of approval placed by the gentleman's committee on the operation of these things?

Mr. GARY. None whatever.

Mr. HECHLER. I thank the gentleman.

Mr. GARY. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. STEED], a member of the subcommittee.

Mr. STEED. Mr. Chairman, I have asked for this time for two purposes, first to make a few remarks about the bill before us and the second to address myself to a more personal matter. I am sure that the Members are aware of the fact this is not only one of the largest appropriation bills to come before the Congress each year but it also involves funds to operate some of the most important, some of the oldest and some of the most far-reaching service agencies of the Government. I think also they are aware of the fact that we can prepare a bill of this sort and when the line items come up for sums needed for carrying out these several functions, you have to put an interpretation on each request for funds under one of two categories—whether it is essential or whether it is desirable.

I think the record will show that throughout the years, and especially this year, to the very best of its ability, the subcommittee has tried with all sincerity to provide every dollar that it felt came under the heading of what is essential for these agencies to carry out their functions.

Most of the disagreements we encountered came under those items that could be classified as desirable but not necessarily essential. While I support the bill before the House today, I might say that in all the long variety of items that are in the bill there are some I probably would have cut more than we did. There are one or two I would like to have seen larger than they are. But I think that is a typical reaction that comes when a group of men try to prepare a very comprehensive and complicated bill like the one before us today.

For instance, in the modernization program, I happen to be one of those who is a strong advocate of this program. I know it is in some sense essential and certainly in all cases highly

desirable that we carry on a comprehensive and an effective modernization program. I opposed in the subcommittee the substantial cut made in this item; but like you always do, after the majority had made its decision I accepted it, and I accept it now.

There is another item in the bill I would have liked to have seen more generously treated than we did. The recommendation was made that we provide funds to construct 15 border stations along our border. I have been an advocate of progress in this direction for some time.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Virginia.

Mr. GARY. It is true that the budget requested funds for 15 stations along our borders. Those stations are supported equally by the Bureau of Customs and the Immigration and Naturalization Service. We recognize that all of the stations are needed, but we feel that to build 15 of them in 1 year would be too much of a planning and construction task to permit best use of the funds. So we are recommending money for 7 of those 15 stations to be built this year and we will consider the other 8 next year.

Mr. STEED. The chairman is entirely correct. I only mention the item to illustrate why there are some things you are interested in, which you feel are highly desirable but for very good reasons you have to come up short of what you would really like to do because you have to total up these costs, you have to tighten the belt someplace, and that is the way these decisions are arrived at.

I would like to address the remainder of my remarks to my feeling about the announcement of my very dear colleague from New Jersey, GORDON CANFIELD, to retire from these Halls at the end of this term. I do not know whether there is any appropriation bill that benefits as much from Members who have had a long and highly experienced background on the programs that are involved as does this particular appropriation bill. His long service on this committee has made it possible for him to have a veritable wealth of knowledge about some of the oldest and most important agencies of our Government. I personally, and I know all of the members of the subcommittee have benefited many times from this wealth of information which we can draw on because of GORDON CANFIELD'S long experience and long devotion to the success of these agencies of our Government.

His attitude is also one that has been refreshing and helpful to all of us, and I wanted him to know that I feel a personal loss in the fact that he will no longer be with us after this year. I know that these agencies of Government will have lost one of their most able, best, finest, and friendliest advocates that the House has ever had, and I think the country will share in that loss, too. I regret that during the next session this encyclopedic knowledge that he has always so generously given to us in arriving at these difficult decisions will no longer be available to us. However, I know what his circumstances are, and I want him to know that I join fervently with the rest of us in wishing for him many years of happy, healthful, fruitful life after he begins his well deserved rest that he has decided to take.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, I am very happy to join my friend from Oklahoma in the remarks that he has just made about our distinguished friend and colleague the gentleman from New Jersey [Mr. CANFIELD]. GORDON CANFIELD is one of the finest gentlemen that you or I or anyone else have ever met or ever will meet in the journey of life. I know it has been for my friends and colleagues on this side of the aisle as it has been for my colleagues on the other side of the aisle a source of refreshing inspiration to know that GORDON CANFIELD has served with us and has been one of our friends and to know the fine manner in which he approached the problems of his duties as a legislator in this important body. In addition to that, one of the noblest traits that he is possessed of and which impresses itself upon others as an inspiration for all others to follow is his nobility of character. I know that I express the sentiments of my colleagues on this side of the aisle in stating that we wish for GORDON CANFIELD and his loved ones many years of happiness and success in retirement from this body, which he is voluntarily leaving.

Mr. STEED. I thank my leader and I agree with him.

Mr. MARTIN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN. I am sure I voice the sentiments of every Member of the House when I say we all genuinely regret the decision of GORDON CANFIELD to retire from the House. He is a man of sterling character, as honest as the day is long; conscientious, hard working and intelligent.

He had but one purpose in his long service, and that was to faithfully serve his district, his State of New Jersey, and the Nation.

It was my privilege to know him for many years, first when he was secretary to Congressman George N. Seger and later as Mr. Seger's successor as Congressman from the same district. I always enjoyed his warm friendship. It is my fervent hope that in his years of retirement, Congressman CANFIELD will enjoy good health and a full measure of prosperity.

Our country can ill afford the retirement of this great American patroit. We, his colleagues in the House, will miss him greatly.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Missouri.

Mr. CANNON. Mr. Chairman, it has been my pleasure and privilege to serve with GORDON CANFIELD in the House for many years, and it has been an especial privilege to serve with him on the committee. I think that there is no one who has devoted himself more faithfully and assiduously to his duties than GORDON CANFIELD of New Jersey.

Naturally on this side of the aisle we cannot always agree with everything favored on the other side of the aisle and sometimes it has been my misfortune to find myself in disagreement with the gentleman from New Jersey, but always I knew that he was sincere and conscientious in his position, and I might say that entirely too often I found that he was right and I was wrong.

It is always a matter of deep regret when a man who has spent the best years of his life in this forum decides it is time for him to leave. He has been urged by both sides of the aisle to stay. His long and intimate knowledge of this particular bill, which is one of the most intricate of all the appropriation bills that come to the floor of the House, has been invaluable. We shall miss him. We shall need him. And we regret to lose him. His district is anxious to return him but he says it is time to go.

He has earned his vacation. And so we wish for him in this richly merited rest, the best period of his life, much joy and happiness and Godspeed.

Mr. STEED. I thank the gentleman.

Mr. CANFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS], a member of the House Committee on Ways and Means.

Mr. CURTIS of Missouri. Mr. Chairman, I wanted to discuss a bit the cut in the Internal Revenue Service of $15 million, most of which is for additional employees that the Internal Revenue Service has felt were necessary in order to do an adequate job.

The committee report on page 7 actually says:

> The committee continues its support of an aggressive and equitable enforcement of Federal tax laws and encourages the Internal Revenue Service in that program. Present officials of the Internal Revenue Service have demonstrated an aggressive and conscientious approach in carrying out their responsibilities and in seeking additional funds and staff for these purposes.

Then the committee goes on to say that they are going to cut $15 million out of their request which the Service says is necessary in order to conduct this aggressive and equitable enforcement program.

I might state that the Internal Revenue Service has made a very detailed report to the committee which is to be found at pages 457 to 516, along with charts. I have never, myself, seen quite such a detailed explanation of just where personnel is going, what it is being used for, the training program, and so forth. In light of that the action of the committee is hard to understand.

Mr. Chairman, I would like to point to a couple of items. One is at page 472 where the Internal Revenue Service is discussing the enforcement activities in

the expense accounts and entertainment area. They say:

> Not only are we losing revenue, but we find an increasing resentment on the part of other people against these practices, and that in turn strikes at the heart of our voluntary compliance system.

Then they go on to say:

> We feel that the second major step which we propose to see through in detail is to make certain that its enforcement in the field is done on as reasonable as possible a basis as opposed to a "witch hunt" approach.

That means detailed work and that means personnel. Mr. Chairman, I want to go on to the next point, the reporting of dividends and interest. This is the Internal Revenue Service speaking:

> The best figures obtainable would indicate that there is approximately $4½ billion a year in dividends and interest that should be reported and tax paid on and is not.

Again, that is an area that requires personnel to enforce. I have heard orators around the country, some of them in the House and some in the other body, talking about closing tax loopholes and having better enforcement. Here is an opportunity to do it. Yet instead of giving the Internal Revenue Service the tools to do the job, they are cut out from the opportunity to do that job.

I might point out what we are talking about as referred to at page 510. This covers an interchange between the gentleman from New Jersey [Mr. CANFIELD] and Mr. Latham, the head of the Internal Revenue Service. Referring to the yield as far as personnel and money spent in tax collection are concerned, we find the following:

> Mr. CANFIELD. And, I am quite sure you prefer the ratio of 10 to 1?
>
> Mr. LATHAM. Conservatively, it probably will be that much, although we do not stress that too much because we think if we get from 5 to 10 times yield on a balanced program, it will be amply justified.

In other words, $1 spent and $10 collected in additional revenue plus the fact that we preserve the basis of our system, which is the voluntary cooperation of our citizens when they realize that taxes are being collected equitably and fairly across the board.

As I have before remarked, the tax take is the result of a formula that is something like this: Tax base times tax rate plus a factor of collectibility. As the tax rates go up, the factor of collectibility, I regret to say, goes down, and the resistance of the people to paying their taxes goes up. Certainly if taxes are not collected equitably, the compliance and the voluntary cooperation of our citizens declines very, very rapidly. If ever there was an area that needed further examination before money was cut out in the name of economy, it is this.

Mr. GARY. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, I should like to add my words to those that have been said about the gentleman from New Jersey, GORDON CANFIELD. I believe this is the greatest deliberative body on earth. GORDON CANFIELD has added dignity and stature to this body. He is a gentlemanly, honest, chivalrous, clean-minded, God-fearing man. I am honored to call him friend. I think he has added greatly to the stature of this body. His district can well be proud of his 20 years of service. I am sure all Americans can be proud of his service.

May I ask the gentleman from Massachusetts [Mr. CONTE] who spoke a few moments ago, if he did not say that the services had been increased 22 percent from 1953 to now?

Mr. CONTE. The mail volume has increased.

Mr. STAGGERS. Does the gentleman know how much appropriations have been increased from 1953 until this year?

Mr. CONTE. The cost in man-years has increased only 7.3 percent.

Mr. STAGGERS. I am not talking about man-years; I am talking about appropriations, dollars and cents. I will tell the gentleman, if he wants to know, what the record shows.

Mr. CONTE. Is the gentleman talking about inflated dollars?

Mr. STAGGERS. It is on the record. I think the gentleman perhaps knows something about inflated dollars, because in that period of time dollars have become inflated terrifically. There is not much value left as to what they used to be. The increased appropriations have been from $2,787 million to $3,971 million. That is not 22 percent as in services; but in money I figure that will be over 40 percent.

I am for better service in the Post Office Department. In my district they have been cutting out post office after post office in the last 7 years. My people cannot understand this, because every time we write the Post Office Department and ask them why they say it is for economy, they need to do it for better service, they are economizing. Thousands of post offices have been cut out throughout America and thousands of employees have been released. Where has the economy been? And where has the additional revenue gone? Members have spoken about meat-ax slicing of appropriations, yet you pick up the papers daily and see it said that the Democrats do not know what they are doing, they just want to spend for everything. I have heard time and again today this talk about curtailing the services. You are not curtailing one single thing that has been done last year or the year before because this bill appropriates approximately $100 million more for this next year than it did last year. It is not curtailing. I am for the Internal Revenue Department adding more men and not curtailing their services. Look at the budget and see what it provides for. It provides for 900 more men to go into the Internal Revenue Service; 900 men across America should be sufficient. I am speaking from the record and from the facts. I cannot understand all of this talk about curtailing. Let us get at the facts. You have added $100 million more to the Post Office Department which means 12,000 more men next year. Is that the kind of economy we are talking about? As stated in the committee report, there will be 12,000 more men for the Post Office Department and approximately 2,000 more for the Treasury Department including 900 people for the Internal Revenue.

I would like to add that I have always held the Post Office Department and all its employees in the highest esteem. I feel it is one of our truly great, loyal, patriotic group of citizens working for the Government and doing a good job. I am only interested in giving the best possible postal service that we can for the Nation, in keeping with our overall economy.

Mr. CANFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES] who has been a chairman of the House Committee on Post Office and Civil Service.

Mr. REES of Kansas. Mr. Chairman, I join with other Members of the House who have spoken with respect to our Postmaster General. In my book he is one of the greatest public servants our Nation has ever had. I know no one who is more devoted to his work and to his service and who is more sincere in his efforts to serve the public than our distinguished Postmaster General, Mr. Summerfield. I also would like to pay tribute to his assistants. They are all devoted officers. This bill represents a great deal of hard work. I want to call attention particularly, if I may, to Mr. David Stephens, the man in charge of inspection in the Department. Some members of our official family do not know much about him, and there has been some criticism of his work. David Stephens is one of the great men in our Post Office Department. He is a devoted public servant.

Mr. Chairman, having in mind that the real mission of the inspection service of the Post Office Department is to protect the revenues of the postal service, I took a look back at the general situation with respect to the revenues and the number of inspectors in the postal service.

I noticed in the latest annual report of the Postmaster General that, in 1946, when the revenues were $1¼ billion, there were over 1,100 inspectors. This bill will provide for a little over 1,300 inspectors. At the same time, I would like to point out that revenues have increased nearly 300 percent, to an estimated $3½ billion for this year.

The Postal Inspection Service requested no additional personnel for 1961. All of the funds will be required to pay salaries of personnel on the rolls, plus grade and step increases required by law.

The committee concludes that about 50 percent of inspectors' time is spent on administration and directs a reduction of 90 man-years between inspectors and field service officers.

Testimony—page 140, report of hearings—shows at least 45 percent of inspection force is engaged full time on criminal investigations and 40 percent is assigned full time to audit inspections of post offices and other postal installations. Remaining is not more than 15 percent of the force for attention to part-time criminal work—to which all postal inspectors are subject, financial defalcations, accidents and various casualties, major charges cases, court work, personnel security, and those frequent public

complaints which require investigative attention. None of these responsibilities are or logically could be shared by any other element of the departmental or postal field service.

While the Department assures that overlapping will be avoided and inspectors will not engage in management, it is equally important that the Congress make it clear it intends no relaxation in attention to any one of the basic and important duties of the inspection service just mentioned. It is certain the public will require no less, as frequent expressions clearly prove.

The committee continues to insist that inspectors engage in administration. The Postmaster General and all other members of top management insist that inspectors have no administrative jurisdiction except that pertaining to the criminal work with which it is specifically charged, and the administration of the inspection service itself.

The organizational plans of the Department and the field postal service, which have been approved after thoughtful study by the House Post Office and Civil Service Committee clearly define separate duties and functions for the inspection service. While these defined duties definitely contemplate that the inspection service will be called upon as needed to conduct service investigations and evaluations, these can be no more considered administration than can the studies which are made of various operations of the several departments and agencies by the General Accounting Office.

One of the specific understandings reached between the Post Office Department and the Committee on Post Office and Civil Service was that regionalization of management was not to in any manner impair the inspection service and that the duties of the latter must be extended to provide a review of all regional activities with reports thereof to be submitted to the Postmaster General.

While there is no intent that the inspection service will be responsible for management or be called upon by management for inquiry into routine service matters, it is obvious that management will call upon the inspection service for various investigations for which they are especially trained.

The audit inspections of all postal installations has for years been one of the basic duties of the inspection service, and are of greater importance today than at any previous time as the General Accounting Office has advised.

The current accounting system of the Post Office Department provides that many of the original documents to important revenue items now remain in the post offices instead of being submitted to regional controllers as was formerly required. While this system relieved postmasters of numerous reports, it was approved by Congress with the understanding that site audits and examinations of procedures which are made by postal inspectors would be extended. The General Accounting Office obviously recognizes the importance of these audits and inspections as they make continuous evaluations of their adequacy.

The importance of criminal investigations for which postal inspectors are responsible obviously has not been overlooked as the records reveal. The 77,500 criminal investigations accomplished and the 8,859 arrests affected during the past year speak for themselves. It is to be noted also that the several specialized programs initiated by the Chief Inspector within the past few years are producing outstanding results and have resulted in considerable public approval. It might be profitable to compare the cases accomplished and arrests resulting per man with those of other Government agencies having like responsibilities. A Senate Judiciary Subcommittee recently commended the postal inspection service for its work in the handling of criminal work then under scrutiny by the subcommittee.

I want to pay tribute to the chairman of our committee. He called attention, in his report to other committees who are making an investigation in respect to the needs of the postal service. If he could give us the names of the people who submitted such report, it would be appreciated.

Mr. GARY. I did not refer to another committee. I referred to the staff of the Appropriations Committee. That staff investigated this matter for our committee.

Mr. REES of Kansas. That was the investigation you had in mind?

Mr. GARY. Yes.

Mr. REES of Kansas. Do we have any report on that?

Mr. GARY. The report was submitted to the committee.

Mr. REES of Kansas. But it is not included in this report?

Mr. GARY. No, it is not.

Mr. REES of Kansas. Is there any reason for that?

Mr. GARY. Well, it is not customary to make internal committee reports public any more than it is for a department to make internal correspondence public.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. REES] has expired.

Mr. GARY. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. MORRISON].

Mr. MORRISON. Mr. Chairman, I rise to protest a truly outrageous development in connection with this appropriations bill for the Postal Establishment. I refer to the abbreviated earmarking of funds for public services performed by the Post Office Department.

There is no need to remind any Member of this body that an appropriations measure is not a proper vehicle for legislation. Yet in this instance the subcommittee has gone along submissively with the Post Office Department's request for "statutory language" in the Post Office appropriations bill for 1961.

The Postmaster General wants this statutory language—Members will find the explanation on page 50 of the hearings—in order to undo completely the law which he attempted to undermine in the Second Supplemental Appropriations Act for 1960, the Postal Act of 1958.

The Post Office Department spokesman, Mr. Hyde Gillette, told the members of the Subcommittee on Postal Appropriations:

> The statutory language proposed should eliminate the possibility of misunderstanding in this in hearings on postal rates both before congressional committees and the Interstate Commerce Commission.

Just what is the misunderstanding which is to be cleared up?

The Postal Act of 1958 said specifically that the loss on the operation of third- and fourth-class post offices is a public service cost and should be borne by the General Treasury. Postal officials want to be sure no one thinks it means what it says just because it was enacted into law by the Congress and signed by the President.

The act of 1958 said specifically that the loss in operating star routes was also a public service cost. The legislation proposed in the pending appropriation will straighten out the thinking of any Member who may be misled into believing that the law meant what it said in this instance also.

Similar misunderstandings would be cleared up as regards the loss on special services and the loss on nonpostal services designated in the 1958 act as public service costs to be borne by the taxpayers in general.

Without this statutory language as a guide, Members may not realize that the committee report accompanying the Second Supplemental Appropriations Act of 1960 was intended to supersede the language of Public Law 85–426.

Legislators or members of the Interstate Commerce Commission may simply add up the losses on the services enumerated in Public Law 85–426 and come to the conclusion that public service costs amount to $270 million instead of the $49 million recommended by the Post Office Department and presented to us in the pending bill.

I was one of the conferees who worked on the language which finally became the Postal Policy Act of 1958, but it does not take an insider to explain what the law meant in regard to public service costs. The intent was spelled out very carefully so that there would be no misunderstanding.

Public services costs, according to Public Law 85–426, were not to constitute direct charges in the form of rates or fees upon any user or class of users of such public services or of the mails generally. Public service costs, segregated out of general postal expenditures for the first time, were to be recognized for what they were and paid for out of the General Treasury.

Such a separation does not mean any additional appropriation. It costs exactly the same amount of money to run the Post Office Department whether the money spent is labeled "deficit" or labeled "cost of public service." But this earmarking of funds is the only basis on which we can set just postal rates—that users should pay for the cost of services to them—no more and no less. The first step needed to set fair rates is to get the bookkeeping straightened out so that charges will be assessed where they belong.

Should any class of mail user or mail users as a whole pay for such public services as free mail for the blind, support of smalltown newspapers, and other worthy causes approved by congressional action? Or should the cost be distributed among all taxpayers as are all other services performed by the Government for the general public?

While there was some difference of opinion among the conferees as to which items were properly public service and some of us agreed to curtail the list in order to secure a bill, there was no difference of opinion at all as to the principle that mail users should not underwrite the entire public service activity of the Post Office. It is no secret that the officials of the Postal Establishment disagreed with me.

Just how did the Post Office Department arrive at an estimate of $49 million for public service costs instead of the $270 million which the law would call for? The legislative justification cited is the committee report which accompanied the Second Supplemental Appropriation for 1960. The two public service costs acknowledged by the committee and for which funds were earmarked in the bill were updated. Those two items are the loss of revenue sustained through statutory rate concession to certain users of the mail and the excess rates paid to foreign air carriers as a matter of national policy.

Note the use of the term "loss of revenue" rather than total loss. Historically the loss-of-revenue concept is based on the old Kelly law, which was specifically repealed in section 214 of the Postal Policy Act. Loss of revenue is the difference between reduced rates paid by preferred users and the rate paid by other users. For instance, in the case of free incounty newspapers, the total cost of handling them is $15 million. But the Post Office estimate of the cost chargeable to the general taxpayer for this vital public service is $856,000. That is what free incounty papers would be charged at the regular newspaper rate.

Just who is to bear the balance of this public service cost? Who is to be charged with the difference between total loss and the loss-of-revenue estimate on all of the public services performed by the Post Office?

According to the justification submitted by the spokesman for the Post Office Department—and I refer you now to page 87 of the hearings:

> The remaining portion should be paid for by the users of the postal services.

This is in direct contradiction to the language of Public Law 85–426, which states that these costs "shall not constitute direct charges in the form of rates and fees upon any user or class of users of such public services, or of the mails generally."

Fellow Members, have we completely abdicated our responsibilities? When a Cabinet officer finds a law we have passed does not suit him, should we say meekly, "We did not really mean it," and then take a backdoor method of undoing legislation which was passed after literally years of hearings and studies made by congressional groups?

We are all familiar with the sacrifices of vital services made today on the altar of the balanced budget. If we sit quietly by and permit the recision of the Postal Policy Act through this legislation, who can be sure that service will not be curtailed as another means of reducing the postal deficit, a deficit artificially inflated because it includes the losses on postal public services.

The appropriations measure before us is in direct violation of laws of Congress in that it is an attempt to legislate on an appropriations bill. It is an obvious effort to bypass the proper committee, the Committee on Post Office and Civil Service.

If the Postmaster General was dissatisfied with the laws as passed by the Congress he should address his request for amendment first to the Post Office Committee, not to the Committee on Appropriations. If the Appropriations Committee wishes to recommend a change in legislation, there are certainly proper means available to that committee to make such a recommendation.

In this instance both the request of the Post Office Department and the action of the Appropriations Committee are highly improper.

The appropriations bill before us effectively negates the action of the Congress in passing Public Law 85–426. I refer to the abbreviated earmarking of funds for public services performed by the Post Office Department.

The following is a concrete comparison between the act of 1958 and this appropriation bill:

THE POSTAL POLICY ACT OF 1958 (PUBLIC LAW 85–426) PROVIDES	BUT THE POSTMASTER GENERAL WANTS TO REWRITE THE LAW (1961 APPROPRIATIONS ACT)
A. The total loss (difference between income and cost) shall be set aside and charged to general funds. This amounted to $250 million or 5 percent of the Post Office budget. The act specifies in section 104(a):	A. Urges loss of revenue (difference in special rate and regular rates) but the act in section 214(a)(1) repealed this concept. Finds $49 million, or 1 percent, as public services.
1. Total loss on certain free or reduced rate postage items.	1. Agrees with detail but insists on loss of revenue.
2. Total loss resulting from operation of third- and fourth-class post offices and the star route system.	2. Says this item should not be in law and refuses an estimate—although he says he saves $1,400 every time he closes a fourth-class office.
3. Total loss on nonpostal services, such as documentary stamps.	3. Rejects this item, although included in his 1960 appropriation request.
4. Total loss on special services, such as special delivery.	4. Rejects this item although included in his 1960 appropriation request.
5. Additional cost of transporting U.S. mail by foreign air carriers.	5. Agrees with this. (See page 10, lines 9 to 14 inc., Post Office appropriation bill, 1961.)
	(See exhibit A)
B. Provides that the sum of such public services should not constitute direct charge upon any user or class of users (sec. 103(c)(3)(A)).	B. On page 87 of House hearings, Post Office, says users should pay these charges.
C. If the law be in error, it should be repealed in regular legislative process.	C. But the Postmaster General attempts modification in the Appropriation Act.
D. In the 1960 budget the President requested $172 million for four of the items mentioned above. He asked that item 2—third- and fourth-class post offices and star route be modified.	D. The Postmaster General urged Appropriations Committee to cut this to $37.4 million, after House had dropped the original request of $172 million.
E. Act provides a balanced Post Office budget—revenues equaling expenses after allowance for public services. (Sec. 103(4).)	E. But Post Office leaves $200 million in public services, as required by law, unsettled because users are not required to pay these costs by law.
F. Under terms of the act, deficit should be around $300 million, and $200 million if capital construction of $88 million is omitted.	F. The pressure tactics of the Post Office in refusing to follow the 1958 act leaves the deficit in excess of $500 million.
G. Congress shall determine cost of these services in appropriation acts, based on budget estimates submitted to Congress (sec. 104(b)). How can the Congress act when the Post Office defies the law?	G. The administration originally submitted $172 million (1960) in partial compliance with law. (Omitting third- and fourth-class post office and star route.) Now the administration submits $49 million (1961), omitting three items—((2), (3), and (4) of section 104(a)) and bases concept on theory (loss of revenue) repealed by the law. On page 50 of 1961 appropriations hearings, Mr. Gillette refers to this as "the statutory language." Does he thus attempt to amend an act of Congress?
H. Public service estimates in no way affect total of Post Office budget. The faulty section in the 1961 Post Office Appropriation Act can be eliminated without affecting total.	H. Post Office urges that the Congress retain only that part of law it prefers and on a theory contrary to the law.
I. Under this act the total loss on some 6,500 nonprofit religious, fraternal, scientific, and philanthropic newspapers and magazines, in the amount of $64 million, would be set aside as a public service and charged to general funds of the Treasury. The administration has never requested a rate increase on this item.	I. The Post Office says only $6 million should be charged off as public services. It thereby implies: Businesses who must make a profit and pay taxes to exist must pick up a $58 million loss on their nonprofit competitors. How else do we achieve that lofty "pay as you go" principle? It is the only possible way the Post Office budget can be balanced.

EXHIBIT A. PUBLIC SERVICES

Conflict between loss-of-revenue concept advocated by the Post Office Department and total loss required by Postal Policy Act of 1958

Class of mail	Total loss,[1] 1958 law	Post Office estimate, 1961 (loss of revenue)
1. Revenue loss on free and preferred rate mail:		
2d-class mail:		
(A) Reduced rate mailings: Newspapers and periodicals	$63,952,000	$6,217,000
(C) Free-in-county mail	15,541,000	836,000
(I) Reduced rate mailings: 2d-class publications for religious and classroom use	2,888,000	430,000
Total, 2d class	82,381,000	7,483,000
3d-class mail:		
(J) Reduced rate: 3d-class mailings of nonprofit organizations	32,162,000	19,715,000
4th-class mail:		
(L) Reduced rate mailings:		
Books	15,987,000	15,987,000
Library books	3,360,000	3,360,000
(F) Publications for blind at reduced postage rates	87,000	87,000
Total, 4th class	19,434,000	19,434,000
Penalty and official mail:		
(B) Official mailings: Pan American Union	77,000	77,000
(G) Free mailing privileges: To Pan American sanitary bureaus	5,000	5,000
Total, penalty and official	82,000	82,000
1. Revenue loss on free and preferred rate mail—Con.		
Franked mail:		
(E) Free mails, diplomatic corps of Pan American Union countries	$55,000	$55,000
(H) Free mailing privileges to widows of Presidents	----------	----------
Total, franked	55,000	55,000
(R) Free mailing privileges: Absentee ballots	----------	----------
(D) Free for the blind matter	1,381,000	1,381,000
Total revenue loss on free and preferred rate mail	135,495,000	48,150,000
2. Cost of excess rates paid to foreign air carriers	850,000	850,000
Total	136,345,000	49,000,000
3. Loss on 3d- and 4th-class post offices	[2] 52,000,000	----------
4. Loss on star route	[3] 43,000,000	----------
5. Loss incurred in performing nonpostal services, such as sale of documentary stamps	16,482,000	----------
6. Loss incurred in special services, such as special delivery	22,655,000	----------
Total	134,137,000	----------
Public service appropriation or estimate	270,482,000	49,000,000

[1] Based in part on 1960 estimates.
[2] Senate Post Office and Civil Service Committee report, 1957.
[3] "Cost Ascertainment," report, 1958.

I want to join with the other Members of this House in paying tribute to the gentleman from New Jersey, GORDON CANFIELD, who has over the years demonstrated that no more conscientious Member ever served this body. We hate to see him leave us, and we shall miss him in the years to come.

His job has been well and faithfully done, and he has proven himself a great American by his service here.

Mr. CANFIELD. Mr. Chairman, I yield such time as he may desire to the gentleman from Maine [Mr. MCINTIRE].

Mr. MCINTIRE. Mr. Chairman, I rise to commend Postmaster General Summerfield, all of his associates and all employees of the Post Office Department for the job they are so effectively doing in handling an increasingly difficult job and in bringing about the improvement and modernization of the postal service.

Recently the Metro system has been installed in Maine. While there are a few problems, nevertheless that is a major step toward improvement in postal transportation and service to postal patrons.

I am deeply concerned relative to the cuts in budget requests of the Post Office Department. We need economy in governmental operations but on the basis of our experience of last year I believe these cuts may prove to be unjustified. I trust that further consideration of this appropriations bill will bring about further study of postal needs and that the program of improved modern service may be fully supported.

May I join with the Members of this body in warmest commendation for the distinguished service of our colleague, the gentleman from New Jersey, GORDON CANFIELD. I treasure his personal friendship.

Mr. MCGOVERN. Mr. Chairman, I am greatly concerned about the condition of the postal service. I am very much distressed about the changes which have been made in the postal service and about the Post Office Department's disregard for employee privileges while at the same time making strong public statements of its awareness of those privileges. The record of the Post Office appropriations hearings shows the administration is opposed to giving a proper salary adjustment to postal employees. We are told that the salaries of postal employees compare very favorably with employees in outside industry. The National Association of Letter Carriers on the other hand has come up with evidence to show that not only do the salaries of postal employees not compare favorably but that in many communities postal salaries are from 25 cents to 75 cents per hour less than those paid to garbage collectors. I remember well 1955 when the present postal field services pay act was enacted. At that time the Post Office Department made pretty claims about how enactment of the bill would provide equal pay for equal work and the inequities which had been built into the pay structure of the postal worker would be removed. Since that time the employees have cried out persistently about the injustices of the postal field services pay act and any improvements which the administration has effected within its broad authority have evidently been slight indeed. Now we have the crowning injustice of the Post Office Department making claims that there is no need to adjust the pay of postal employees.

One of the circumstances upon which an increase in pay might properly be based is raised productivity. On this subject the record of the hearings before the Appropriations Subcommittee is rather unclear. On several occasions spokesmen for the Post Office Department declared that the average productivity increase per year is 1 percent. On the other hand at page 64 in the hearings, it is declared that under the work performance standard system the number of piece handlings per man-hour increased in the 5-year period from 1954 to 1959 from 524.3 to 662.3. The purpose here is not to quarrel with the 30 percent increase in productivity demonstrated by the figures advanced officially in the hearings by the Post Office Department; rather I declare and insist that if the Post Office Department is to continue to attempt to make claim for increased productivity and if guidelines or other systems are to be installed as a means toward that end, then quite clearly the employees should be given the benefit of those increases regardless of the type of increase or the place at which those increases may occur.

One of the biggest drains on the postal budget must be the constant engineering studies which are undertaken. The record of this year's appropriation hearings tells us that there is no request being made for implementing the new transportation study during 1961. Nevertheless, a study which has been under way for 2 years must have required quite a sum for its completion. Employee leaders have told me that the new transportation study is merely a glorification of the metropolitan area plan. Accordingly, I feel that the Congress should be told exactly how much the study entailed in the way of costs, who the management engineers were who undertook the study, and specifically what timetable is planned in regard to implementation of the transportation survey. The Post Office Department admits the need to improve the postal service and that need is readily discernible when it is recognized that at page 245 in the hearings the admission is made that only 3.3 percent of first-class mail posted by 5 p.m. could be guaranteed next-day delivery. In the face

of such conditions, it seems obvious that simple air transportation alone is not enough. The use of highway post offices will need to be increased and it seems that, with the displacement of conventional aircraft such as DC–7's by huge jets, the possibility of distribution en route in the air should certainly be given consideration.

Some postmasters have said that, in the face of claims of increased efficiency and economy by the Post Office Department, we find ourselves each year with the Postmaster General coming back for deficiency appropriations. All the wonderful new plans such as work performance standards, guidelines, metropolitan area operations, and so forth, have not actually reduced the cost of operation or increased the efficiency to the point where actual economies in outlay can be demonstrated.

Mr. Chairman, I have mentioned only a few of the places in which I feel the administration of the Post Office Department is in need of adjustment.

One other area should be touched upon. Claims have been made that excellent personnel relations exist between the Post Office Department and the employees. Claims have also been put forth that amalgamation of airport mail facilities and railway terminals will result in increased efficiency and greater economy. If the Post Office Department were serene in its position in either of these two counts, it would not have undertaken the merger of airport mail facilities and terminals on the very day that Congress returned to Washington and it would not have made the announcement just 2 days before the order was to become effective.

In brief, Mr. Chairman, I feel that the Congress is entitled to a convincing demonstration by the Post Office Department that the needs of the employees are in fact being considered; that the atmosphere within the Post Office Department is truly being improved and that moneys advanced by the Congress are being applied for productive purposes and not for engineering contracts, and so forth. I hope that this Congress in restoring to the Postmaster General the funds he has requested will direct him to undertake a truly improved postal service with attendant benefits both for mail users and postal employees.

Mr. METCALF. Mr. Chairman, I wish to compliment the gentlemen of the committee for authorizing money to continue the program of replacing inadequate customs facilities. Funds in this bill will provide for a replacement at Del Bonita, Mont., and, depending on construction costs, also may build new facilities at Opheim.

I hope the other body will provide additional funds to remove any doubt about construction at Opheim, and also for new facilities at Morgan, Mont.

Mr. CANFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

BUREAU OF ACCOUNTS

Salaries and expenses

For necessary expenses of the Bureau of Accounts, $3,590,000.

Mrs. CHURCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time, too, to pay my tribute to the ranking minority member of this subcommittee, whose great capacity is equaled by his integrity, and whom we shall miss beyond all possibility of expression.

I rise to ask the chairman of the subcommittee if he can assure me that the proposed cut in the appropriation for the Coast Guard of $3 million under the budget estimate will in no way affect the services of the Coast Guard on the Great Lakes, and, in particular, I must confess, on the southern and western end of the lake, where we need the protection of the Coast Guard very greatly.

Mr. GARY. Absolutely.

Mrs. CHURCH. Can the gentleman tell me if there is to be any expansion of the services of the Coast Guard in that area of the Great Lakes?

Mr. GARY. Under the bill the Coast Guard could expand the services as they deem necessary.

Mrs. CHURCH. May I express the hope to the gentleman and to the committee that cognizance will be given to the local need for greater protection in that area of the Great Lakes, particularly since the use of small family boats has been increasing.

Mr. GARY. I will say to the gentlewoman from Illinois that we have increased the appropriation for the enforcement of the small boat law, and to that extent there would be additional funds available for that purpose.

Mrs. CHURCH. I look forward with the gentleman, I hope, to the day when there will be adequate Coast Guard protection on the Great Lakes.

The Clerk read as follows:

OPERATIONS

For expenses necessary for postal operations, not otherwise provided for, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service, and for other activities conducted by the Post Office Department pursuant to law; $3,100,000,000, including expenses of delivery to postal patrons of mail matter under congressional frank, as now authorized by law: *Provided*, That not to exceed 5 per centum of any appropriation available to the Post Office Department for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations; but the appropriation "Administration, regional operation, and research", shall not be increased by more than $1,000,000 as a result of such transfers: *Provided further*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, in addition to the appropriation transfers otherwise authorized in this Act and with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations.

Mrs. CHURCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CHURCH: On page 17, line 18, after the figure "$3,100,000,000" strike out the comma, insert a colon, and strike out the language on lines 18, 19, and 20, as follows: "including expenses of delivery to postal patrons of mail matter under congressional frank, as now authorized by law."

Mrs. CHURCH. Mr. Chairman, I do not think it is necessary to belabor this point. Certainly at a time when the subcommittee and the committee have attempted to do what appears to some of us a most stringent job of cutting the moneys appropriated in this bill, it seems inappropriate to load an additional service on the Post Office Department. However, I would say that my main objection is to the extension of the franking privilege. I think that this additional franking service represents a luxury that Members of Congress might very well sacrifice for themselves. Such discrimination, furthermore, in providing this expensive service to Members of Congress would be sure to be followed by extension of the privilege in such a way as to overburden the mails still further with unsolicited or "junk" mailings.

I hope that the amendment will pass.

Mr. GARY. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Illinois.

Mr. Chairman, if there is anything wrong in the language that is sought to be stricken, I do not know what it is. It says "including expenses of delivery to postal patrons of mail matter under congressional frank, as now authorized by law."

It does not add anything. It just says: "This includes that item as now authorized by law."

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Washington.

Mr. PELLY. This does not add or detract anything at all as far as the law is concerned. It would, therefore, still be up to the Postmaster General and the Department as to whether it would regulate for or against the franking privilege within the city of patron's mail.

Mr. GARY. Yes.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. If it adds nothing to the law and has no purpose, why not agree to the amendment to strike out the words?

Mr. GARY. It is in the bill and it is authorized by law. I see no objection to the language. The committee voted for it.

Mrs. CHURCH. I was very much impressed by the remarks of the gentleman from Massachusetts. I thought that probably he would offer this

amendment. The proposal would surely increase the expenses of the Government because far more mail would be sent by frank.

Mr. GARY. If by any chance it has the result the gentleman from Massachusetts suggested, it would save the Post Office Department money because it is cheaper to distribute the mail that way than to distribute it according to address.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from California.

Mr. YOUNGER. If it makes no difference, why was it left out of last year's bill and why put it in this year? That particular clause I refer to was not in the bill last year.

Mr. GARY. No, it was not in the bill last year.

Mr. YOUNGER. We got along very well with our frank all the way through this year. There must be something that somebody has in mind in that little clause, otherwise it would not be in here.

Mr. GARY. Some Members do not think they have gotten along so well with the frank.

Mr. YOUNGER. I thought that we had gone too far.

Mr. GARY. That is the gentleman's privilege.

Mr. YOUNGER. Unless it can be taken out I am not going to vote for a pig in a poke.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Massachusetts.

Mr. CONTE. The reason I did not consider an amendment, I thought there would be a rollcall here today and certainly I did not want to be in a position of embarrassing my colleagues. The issue I make is, I do not know whether this is cheaper or not; but if it is cheaper then we should make it available to the public. Why should we single out the Members of Congress and give them the right to send occupant mail to everybody in their districts, whereas an ordinary citizen will not be able to do it, only where persons have boxes?

Mr. GARY. We give them the frank. That is the purpose of the frank. Certainly we do not give the frank to the public. The purpose of the frank is to enable a Congressman to get information to his constituents as to what is going on in the Congress. If we can make it cheaper for the Post Office Department to distribute it to them, I see no objection to it.

Mr. CONTE. As I said on the floor to my good friend from Virginia, I do not want to compound a felony—two wrongs do not make a right, this would allow a Congressman to flood his constituents with letters or circulars or speeches through this method. Now, one of the biggest complaints that we receive is about junk mail. People just do not like to receive junk mail. Under this language you are encouraging the Congressmen to send out every bit of printed matter they want regardless of its importance or value without any expense at all to themselves.

Mr. GARY. Well, I can imagine somebody might refer to a speech I made as junk, but I do not believe we want to classify the speeches of every Member of this Congress as junk.

Mr. CONTE. I wish not to imply that the chairman of my subcommittee has made junk speeches. They are pearls of wisdom, and certainly I would like to tear a page out of his book before I leave the Congress.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Louisiana.

Mr. PASSMAN. It is not compulsory for the Members of Congress to use this privilege, so it is up to the dictates of the conscience of each Member as to whether or not he sees fit to use it.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CANNON. Mr. Chairman, I rise in opposition to the amendment and I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Chairman, when in Philadelphia in 1789 the final draft of the Constitution was promulgated, the chancelleries of Europe rocked with derisive laughter. They said the idea of an ignorant backwoods people being able to govern themselves was absurd.

The great majority of the colonists could neither read nor write. They knew little or nothing about international affairs and, generally speaking, information could be disseminated only by word of mouth. European statesmen were convinced that any attempt to form a government based upon suffrage by the people would be doomed to early failure.

Even the fathers of the Constitution, Washington, Adams, Jefferson, Franklin, and Hamilton, were themselves apprehensive. They realized the force of the argument against government by a people who were illiterate and uninformed.

There were no public schools. Only the children of the wealthy were educated. And the Founding Fathers had grave doubt of being able to carry to the people, and explain to the people, of the United States the issues upon which they were expected to vote.

They met that desperate situation by three measures.

First, they established upon every hill the little red schoolhouse. They taught the people to read.

Second, they gave local newspapers the right to use the post office for local circulation without charge. They taught the people to read and then provided, by free distribution through the post offices, of newspapers carrying information which would prepare them to exercise the rights and duties of citizenship.

And, last, they gave the Congressman the frank, through which he would be able to keep in touch with his constituents and advise them on the issues of the day and his position on questions before the Congress and his attitude as their Representative on those questions.

Under the Constitution, implemented by these three expedients, we have made this the greatest Government on earth.

It could not have been achieved, Mr. Chairman, without the schoolhouse, without the newspaper, and without the frank.

The schools and the newspapers have grown with the Nation but today they are tampering with the frank, the only means of direct communication Congress has with the people, they are infringing on your prerogative as a Representative. They are circumscribing the original purpose for which it was authorized. They are making it impossible for you to reach every constituent in your district. Impossible is the word for no matter how carefully you prepare your lists, or how recently you have reviewed the addresses in your files you cannot reach everyone.

I am myself just now having a convincing demonstration of that fact.

For some time in my office I have had three extra clerks addressing envelopes trying to comply with all the vagaries of the postal dispensation. Of course that means delay and extra and unnecessary expense. But even then I am receiving every day hundreds of envelopes returned which could not be delivered for the various reasons marked on the outside of the envelope.

Now you may be interested in what I am sending out in these envelopes. My district is largely agricultural. The Government publishes at considerable expense many farm bulletins. They are prepared by experts and are constantly revised and are very helpful and are much appreciated by progressive farmers. There are also bulletins in great demand by urban constituents. The only method of notifying them that these bulletins are available is for the Congressman to send them lists and then forward such as are requested.

There is no politics whatever involved in such distributions. It is merely a service to those for whom the Government maintains experiment stations and compiles data—for the farmer—and of course it benefits those who use the farm products produced by these improved methods.

But under this absurd restriction placed on the use of the frank many cannot be served and all the effort and expense of the Government to help them is wasted.

The preposterous feature of it is that it costs the Government more and burdens the postal carrier more and delays the postal service more than if an envelope addressed to Occupant or Boxholder could be used as formerly.

The distinguished gentleman from Virginia [Mr. GARY], the chairman, had the representatives of the Post Office Department up here and they told us it was easier on the man who delivered the mail, and less expensive, and more expeditious, for him to deliver a letter merely marked "Occupant."

That is very easily understood.

If the envelopes are addressed by streets, it is necessary before the postman starts out to arrange his deliveries in the order in which they come as he proceeds on his route. That requires both time and experience. When he

finds some have moved or for some other reason it cannot be delivered, he must mark on each envelope why he could not deliver it and then send it back. But where it is merely sent to "Occupant" he does not have to arrange each letter before starting out. He drops in one of the envelopes without stopping to read the address and is not required to return an undelivered envelope with a written report on the reason for nondelivery.

The gentleman calls this "junk mail." Mr. Chairman, that is merely an opprobrious term invented by the lobbyists who haunt the corridors of the Capitol and Departments, representing the companies who sell these lists. It is a multimillion dollar business. But it should not be allowed to interfere with the long-established right of every Member of Congress to reach every constituent in his district in the least expensive and most effective way.

To circumscribe the right of a Representative to inform every constituent on the issues of the day and of his position on any question before the Congress is to that extent the denial of the benefits of free and democratic government.

The amendment should be rejected.

Mr. PASSMAN. Mr. Chairman, I move to strike out the last word.

I have frequently commended Postmaster General Summerfield and members of his staff for their excellent management of postal operations. I shall not be unduly critical on this occasion. However, I think the record is abundantly clear that there is a certain amount of error in the representations of the amounts that have been allowed.

On one occasion members of the Department came before our committee and wanted us to accept a recommendation without any justification, merely upon the basis of their desires. The committee was adjourned and they later returned with justification material.

In many instances in recent years the laws have been changed by directive from the Department.

On page 17 of the committee report appear these words:

> The committee has inserted language in the bill, the purpose of which is to make clear, on its face, that funds in the bill are available, as now authorized by the postal laws.

Then, referring to the bill, page 12, line 18, "$3,100,000,000, including expenses of delivery to postal patrons of mail matter under congressional frank, as now authorized by law."

We are not changing the law. We cannot force the Postmaster General to change the regulation or the directive he has issued. This is only to indicate that the Members of Congress recognize that the Postmaster General has changed the law by intent, and we are merely being a little persuasive. There is nothing in this bill which would bind the Postmaster General to carry out the intent. Is that correct?

Mr. GARY. That is my interpretation.

Mr. PASSMAN. We are pointing out to the Department that the Congress should have a word in legislation such as this and not permit the Department to change the intent of the law by regulation.

It should be noted, by way of further explanation, that Members of Congress at this time can send franked mail in cities of 25,000 population, for example, to each mail-receiving resident. The difference here is that the mail would be sent to the occupant, rather than necessarily by name and address.

The net result would be an economy for the Government, though the savings effected by not tying up a congressional office staff with the work involved with the mailing lists and addressing, and especially so when it is considered that a postal carrier could sort and distribute this occupant mail in at least one-fifth the time required for handling the mail addressed to each individual.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from California.

Mr. YOUNGER. If those words are in there for that purpose, and that occupant mail is a good thing, then why is it not in there for everybody, not just for Congressmen?

Mr. PASSMAN. That is comparable to asking why all of our 180 million citizens cannot use the mail under a frank. We are representatives of the people and we are entitled to handle our official mail and get it in the hands of our constituents. So the gentleman's argument, in my opinion, would not hold up. This privilege applies only to Members of Congress. I, myself, am willing to trust the other Members and let them follow the dictates of their own consciences. If the privilege should be abused not only the Member's conscience would have to answer, but his constituents would know it and act accordingly.

Mr. YOUNGER. Then the fundamental principle is to give occupant mail to Congressmen?

Mr. PASSMAN. To carry out the authority given Members of Congress to full use of their franking privilege.

Mr. YOUNGER. The purpose of this insertion is to give to Congressmen under frank the use of occupant mail?

Mr. PASSMAN. To leave the decision up to the Members of Congress as to whether they wish to address it individually or use occupant mail. I represent a predominately rural district. I can send out 100,000 pieces of mail tomorrow morning and every piece of it will be delivered to my rural constituents. I do not see the reason why I should not be extended that type of privilege to place important information in the hands of my city constituents.

Mr. YOUNGER. But a Congressman does not now have the right to use occupant mail within the cities.

Mr. PASSMAN. Under the intent of the law, yes; but under the interpretation and direction of the Postmaster General, no. We are not changing the law; we are merely being a little persuasive to these people downtown that they should not completely ignore the intent of Congress.

Mr. YOUNGER. But, it is still the intent to give Congressmen "occupant" mail?

Mr. PASSMAN. I would prefer to have the gentleman decide that matter for himself. I believe I have answered the gentleman quite adequately.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I simply wish to state that this is not primarily a question of the use of the frank. No matter how thick or thin it is sliced, this will result in discrimination as between Members of Congress and the general public unless the Post Office Department sees fit to go back to the old policy of permitting the general public to use the address of "Occupant" in dispatching mail.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. PASSMAN. This applies only to Members of Congress.

Mr. GROSS. Yes, and that is why I say it is discriminatory.

Mr. PASSMAN. If Members should discriminate too often, they would find that they would be involuntarily retired from the Congress.

Mr. GROSS. That does not necessarily follow.

Mr. PASSMAN. The gentleman's argument would also be applicable in large measure to the franking privilege in general.

Mr. GROSS. Mr. Chairman, I want the RECORD to show that if the amendment by the gentlewoman from Illinois [Mrs. CHURCH] is defeated I will vote against the bill.

Mr. REES of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Chairman, I am in favor of the amendment to the Post Office appropriation bill that strikes out the special privilege whereby Members of Congress would be permitted to address their mail to "Boxholder" or "Occupant" without naming the person or his address. I am in favor of the amendment because this is a special privilege and anyone who writes a letter ought to address it to an individual and to his address. I do not think it is right for a Congressman or anyone else to send his mail to "Occupant" or "Boxholder."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. CHURCH].

The question was taken; and on a division (demanded by Mrs. CHURCH) there were—ayes 26, noes 80.

So the amendment was rejected.

Mr. MICHEL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Chairman, I just want to make my own position clear on this proposal to extend to Members of Congress the privilege of simply addressing our franked mail to occupants of

urban dwellings. I am opposed to it and happy that on the division vote my Republican colleagues were unanimous in their opposition to it. I would not think of cheapening my correspondence to constituents by resorting to the much maligned practice of advertisers and their use of so-called junk mail. I would be willing to wager that 99 percent of the people getting this trash are much more incensed than impressed with the sender and how any Member of Congress can harbor the thought that he would escape this wrath I just cannot understand.

The Clerk read as follows:

TITLE III—TAX COURT OF THE UNITED STATES

Salaries and expenses

For necessary expenses, including contract stenographic reporting services, $1,565,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 15, after line 7, insert the following:

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. No part of any appropriation contained in this Act, or of the funds available for expenditure by any individual, corporation, or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation proposed or pending before Congress."

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. GARY. Mr. Chairman, I will say to the gentleman, I have no objection to this amendment.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. CANFIELD. I will say to the gentleman, I have no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. TABER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, we have just passed the Treasury-Post Office appropriation bill and, with it, the last big appropriation bill upon which GORDON CANFIELD is accustomed to serve. He has done a good job on it, as he always has. We are all sorry that he is not going to be here next week, and I regret very much to see him go. He always has been a good friend of mine and one on whom I could count. I hope that in the days to come, he will be able to enjoy his retirement and that his health may return to the point where he will feel able to become active again. I could not let this bill go by without saying something on this point.

Mr. O'HARA of Illinois. Mr. Chairman, may I remark that I was possessed by a great emotion, which I am sure was shared by all my colleagues in this historic Chamber, when the able, dedicated, and beloved GORDON CANFIELD spoke for the last time from the well for the appropriation bill reported by the subcommittee of which he is the ranking minority member and of which he was chairman during the years when the Republicans were in control and JOE MARTIN, deeply embedded in our hearts, was Speaker.

I confess, Mr. Chairman, and I am not ashamed, that there were tears in my eyes when the distinguished gentleman from New Jersey told us of the circumstances of his recent illness, of the strength to fight through and conquer that came from his mother, and now that she has passed to the rarefied realms above, how her presence and her influence remain with him and are the source of his determination to retire from the Congress at the end of his present term.

I wish that every American could read that eloquent tribute of a son to his mother. I feel privileged and grateful that I was present to hear that tribute voiced from the well with the rich eloquence which comes only from deep and sincere emotion, the words springing from the heart.

I shall remember especially three occasions since I have been a Member of this body that stand out. One was when Ed Hart spoke on the death of Joe Tumulty and recalled the days and the personalities of the Woodrow Wilson administration. It was oratory in its very highest expression, and as LEE METCALF remarked to me immediately after its delivery when all who heard it were in a magic spell, "perhaps we have just listened to one of the great orations of history."

Another occasion was when in the early months of the first Eisenhower administration, Dan Reed, tall, athletic, handsome, fighting a losing battle for what he believed was right, so won by his eloquence of sincerity the hearts if not the votes of his colleagues that every Member on the floor and there were few absentees that day, arose as a man and applauded for a very long time.

The third occasion was when GORDON CANFIELD spoke today. There doubtless will be similar occasions as the years roll on, but none to excel in the drama of pure emotion.

The gentleman from New Jersey represents in my book the finest attributes of heart and mind. I doubt if he ever said an unkind word of any person. His consideration of others, his helpfulness and kindnesses, his modesty and entire lack of affectation, his constant doing of good deeds dictated by a good heart, stamped him in my mind, as I know they did in the minds of my colleagues on both sides of the aisle, as a true practitioner of the religion of self-abnegation.

I also, Mr. Chairman, would extend my congratulations and heartiest commendation to the outstanding chairman, the gentleman from Virginia [Mr. GARY], and all the members of the subcommittee that has established such an enviable record for close working together and gaining the approval of the House with the very minimum of trouble.

Mr. GARY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and Mr. MCCORMACK having assumed the Chair as Speaker pro tempore, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10569) making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. GARY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. GARY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 10569.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ADJOURNMENT OVER UNTIL THURSDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. ARENDS. Mr. Speaker, reserving the right to object, does the gentleman know of any other legislative business coming before the House on Thursday, aside from the veto message vote?

Mr. ALBERT. I know of no other business at that time.

Mr. ARENDS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TARIFF REDUCTIONS IN TARIFF NEGOTIATIONS CONDUCTED IN GENEVA, SWITZERLAND

Mr. FLYNT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Speaker, on yesterday I introduced House Concurrent Resolution 594, which, if passed, would express the sense of Congress that the United States should grant no further tariff reductions in the forthcoming tariff negotiations to be conducted in Geneva, Switzerland, and would order an investigation to be followed by a report to Congress, stating the significance, extent, and effect of limitations other than tariff which are imposed by foreign countries on exports from the United States.

During my service in Congress I have made a continuing effort to protect American industries and the jobs of men and women employed in these industries from unfair competition in the form of unrestricted imports from other countries. From time to time I have directed the attention of the House of Representatives to the serious adverse effects, including complete plant closings and industrywide cutbacks, due to the manner in which provisions of the Reciprocal Trade Agreements Act have been administered in the past and may be administered in the future.

Mr. Speaker, I hope that the chairman of the Committee on Ways and Means will schedule hearings on this concurrent resolution in order that the record may be made complete and that testimony may be taken which will demonstrate both adequately and clearly the serious position in which more and more American industries now find themselves.

A copy of the resolution which I introduced on yesterday follows:

Whereas the Eighty-fifth Congress passed the Trade Agreements Extension Act in August 1958, authorizing the President within a four-year period to reduce existing customs duties up to 20 per centum;

Whereas an international conference held under the auspices of the General Agreement on Tariffs and Trade will be convened in the autumn of 1960 and continue into 1961;

Whereas the executive branch of the Government pursuant to the provisions of the Trade Agreements Extension Act of 1950 (Public Law 85–686) is engaged in the preparation of a list of products upon which the United States will be prepared to offer further duty reductions, up to 20 per centum, at such international conference;

Whereas profound changes in the international competitive standing of United States producers have occurred since the passage of the Trade Agreements Extension Act of 1958;

Whereas imports have increased sharply since the passage of said Act while exports have declined, thus contributing to the mounting deficits incurred by the United States in the total foreign account, which in 1958 attained the magnitude of $3,400,000,000, and an estimated $4,000,000,000 or more in 1959;

Whereas the gold outflow in partial satisfaction of these deficits since January 1958 has exceeded $3,500,000,000, while the stock of gold at Fort Knox has fallen to a level of $19,500,000,000 against which foreign claims of more than $18,000,000,000 are outstanding, approximately $16,000,000,000 of which could be withdrawn on demand;

Whereas prevention of a disastrous outflow of gold to foreign countries adds to the pressure on the Treasury Department to offer higher interest rates on its current and future borrowings, thus adding to the outlay for interest on the national debt, the interest service on which has already reached the level of $9,600,000,000 annually and bids fair to rise appreciably, thus adding to the national budget additional billions of dollars of fixed charges;

Whereas imports as a whole in 1959 rose approximately 22 per centum compared with 1958, while those from the industrial countries rose more sharply, notably 54 per centum from Japan in the first nine months of 1959 compared with the same period in 1958, and 43 per centum from Europe during the same period, thus reflecting the sharpened competitive advantage that has been gained by other industrial countries over the United States;

Whereas the United States has moved from the position of a leading export nation in a number of items that are products of mass production and therefore the output of our most advanced industries technologically, among them being automobiles, steel, sewing machines, and typewriters, thus reflecting the startling loss of technological leadership by the United States to other countries that enjoy a wage differential in comparison with this country;

Whereas numerous domestic manufacturers have in the past two years made arrangements to manufacture abroad as a means of gaining lower production costs and enabling them to supply foreign markets from abroad rather than from the United States and in some instances to ship into the United States from branches established abroad, thus reducing opportunities for employment of American workers, and foreclosing American suppliers of materials and parts to domestic industry, and small American companies that lack the capital resources to invest in foreign facilities from participating in the economic growth represented by such use of United States capital, thereby producing the total effect of shrinking American industrial power and diminishing tax revenues at a time when the cold-war costs of the Federal Government are mounting;

Whereas the shrinkage of United States exports would be much more severe than has in fact been registered but for the extensive subsidization of certain crop exports, notably raw cotton and wheat;

Whereas such subsidization as a means of stimulating exports adds to the burden on the Treasury and thus cannot be looked to for correction of the deficit position of our total foreign account;

Whereas the productivity of labor in other industrial countries has taken a notable leap, stimulated in great degree by some $25,000,000,000 in modern machinery and equipment shipped abroad by the United States during the past seven years, thus increasing the competitive advantage of foreign producers, particularly in the absence of any significant increase in foreign wage rates compared with those prevailing in this country;

Whereas American industry may expect increasingly sharp and distressing competition from abroad because of the generally weaker bargaining powers of foreign labor unions compared with those of this country, thus offering no hope of any closing of the cost differential between foreign and domestic producers in the foreseeable future;

Whereas this competition, already severe and capturing progressively larger shares of our home market for numerous products, will create grave problems of survival for some of our industries and of maintaining in such industries an American scale of wages and the enjoyment of an American standard of living for their workers, even without further tariff reductions by the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress:

(1) That the United States should grant no further tariff reductions in the forthcoming tariff negotiations under the auspices of the General Agreement on Tariffs and Trade in 1960 and 1961, notwithstanding the authorization contained in Public Law 85–686, known as the Trade Agreements Extension Act of 1958; and

(2) That the executive branch of the Government should conduct an investigation either through the State Department or as the President may otherwise direct to determine and report to the Congress the significance, extent, and effect of the limitations other than tariffs imposed by foreign countries on exports from the United States and the extent to which such limitations are removed during the course of the next two years either as a result of the activities presently being pursued by the State Department or otherwise.

Other Members of Congress have heretofore introduced similar or identical resolutions and many of them have expressed their thoughts on this very important matter. I shall urge the Committee on Ways and Means, which has legislative jurisdiction over this subject matter, to schedule hearings on this and similar resolutions.

Mr. Speaker, it seems to me preposterous that this country should offer further tariff reductions when 1959 imports attained an alltime record, higher by more than $2 billion than the previous record of 1957. Imports from Japan alone in 1959 increased over 50 percent over 1958; those from Europe, more than 40 percent.

It is incredible that we should now embark on further tariff reductions under these circumstances. Greater exposure to foreign imports than already exists in a number of industries will be an invitation to disaster for them, in fact, a death sentence. The textile industry, for example, is already struggling under a vicious type of competition that will ruin it if firmer steps than any taken in the past are not soon forthcoming to offset the production cost advantage enjoyed by Japan, Hong Kong, and other areas.

Other industries are similarly exposed and the number is growing almost daily. A few industries are almost gone. Only one company is left to produce sewing machines in this country, and that one is resorting more and more to production overseas and importing from abroad.

I am informed that the tuna fisheries of the west coast have seen their clipper fleet dissolve into half of what it was only 7 or 8 years ago. The fisheries of New England have lost over half of the domestic market to imports in the past decade. Our watch industry is nearly gone. Imports supply from two-thirds to three-quarters of the market.

For the first time in history we are importing more typewriters than we are exporting. The same is true of automobiles and petroleum. Even the steel industry has seen its foreign market

shrinking while imports have climbed and surpassed exports by more than two to one in tonnage. This trend was well under way before the steel strike was in sight.

Let me point out, Mr. Speaker, that these industries and many others that could be mentioned are not marginal or inefficient industries. They are in the very van of our industrial advancement. A decade ago it was thought that we were so far out front in point of technology that our mass production industries at least had nothing to worry about from imports. Now these very industries, long pointed to by economists as examples of the kind of efficiency that was proof against import competition, find themselves beset by prices offered by foreign manufacturers that they cannot touch.

It is no secret why or how this came about. It was brought about deliberately. To be sure, there were objections; but the policy was clear. Our Government undertook to help other countries with their mechanization and technology. We sent technical experts overseas and we invited thousands of foreign productivity teams to these shores and we led them through our plants, mills and factories, to learn what they could.

We shipped abroad billions upon billions of dollars of the most up-to-date machinery, appliances and equipment. Over the last decade many companies overseas that had been destroyed by bombs or otherwise badly damaged were reconstructed and came out with more modern machinery than many of their counterparts in this country. This machinery greatly increased their productivity and yet their wages remained far below ours. Little wonder then that previously non-existing competitive advantages over us were generated in many areas of the world. We helped the textile industry in Japan and elsewhere and today they are underselling us in a manner that forebodes disaster to our textile and garment industry.

So compelling have these competitive advantages become, many of our own companies, the larger ones, began to seek foreign sources of production. They either undertook branch plant construction or bought out going foreign concerns or made manufacturing arrangements abroad. The tractor industry, the automobile industry, manufacturers of typewriters and office machinery, electronic companies, machine tool builders, makers of watches, rubber tires, drugs, and a host of other items have done so, and others are in the process.

Mr. Speaker, it is as if the investment tide were running out of our industry and flowing into other countries, simply because the outlook for profits is much better abroad than it is in this country.

It makes little difference why our costs are higher. We have had the costs of war and of expensive defense and aid to other nations loaded upon our production system. Many factors, some of them of legislative origin, have combined to raise our prices along a broad front far above world prices; and the outlook is that it will be that way for some time to come.

The outlook is further that our exports will have an increasingly hard time in more and more lines while imports will find our market easier and easier to penetrate.

These facts were not so visible in 1958 when the Congress authorized the President to enter into additional trade agreements and to lower our tariffs another 20 percent.

Nor was it clear then, as it is today, that the United States is running a serious deficit in its total foreign account. Since the beginning of 1958 we have fallen $7½ billion behind in our foreign transactions. True, we are still shipping abroad more goods in dollar value than we are importing; but this fact overlooks the character of a considerable part of our exports. It also overlooks the fact that our imports are considerably lower priced than our exports.

During the fiscal year of 1958–59 our agricultural exports fell to $3.7 billion from $4 billion in 1957–58 and $4.7 billion in 1956–57. This was a loss of $1 billion in farm exports in 2 years' time; but that is not the point.

In 1958–59 only 43 percent of our farm exports represented private commercial unsubsidized dollar exports. The other 57 percent of our farm exports were either subsidized heavily, as in the case of wheat and cotton, or moved under Public Law 480, as gifts or sales for foreign currency, or under other Government programs.

Therefore, our favorable trade balance of 1959, amounting to a billion dollars, was actually paid for in good part by the U.S. Treasury.

Mr. Speaker, there cannot be the least question that the United States stands in a very unfavorable foreign competitive position today. Two years ago this inescapable fact was not so clear. Congress at that time supported the President's request for authority to enter into further trade agreements. I do not believe for 1 minute that we would have done so if the facts that have since come to the surface had been evident at that time.

In any case, there was nothing mandatory about the Trade Agreements Extension Act of 1958. It merely authorized—it did not make it mandatory—to reduce the tariff another 20 percent.

In view of the extremely serious developments of the past year and a half, during which period trends have unfolded that show conclusively the untenable competitive spot that most of our industry occupies in point of foreign competition, it becomes imperative if we are to do our duty to our country to call a halt, a temporary halt if need be, to the folly of further tariff reductions at this time.

I join wholeheartedly with my colleagues in our feeling that the Congress should express itself to the Executive to the effect that we have no further tariff concessions to offer on this occasion; and also to inquire, before we make further moves in that direction, how far other countries have gone in relaxing their many obstructions, not at all confined to tariffs, that keep our goods from entering their markets.

Mr. Speaker, I strongly urge that the Committee on Ways and Means schedule early hearings on this concurrent resolution.

INQUIRY INTO THE FUNCTIONS OF THE TELEVISION AND RADIO INDUSTRY

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SHEPPARD] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHEPPARD. Mr. Speaker, I am taking this opportunity of specifically calling attention to the present inquiry into the operations of general functions of the television and radio industry being made by a special subcommittee under the Honorable OREN HARRIS, chairman, Interstate and Foreign Commerce Committee.

At the present time the radio and television industry is undergoing a serious and critical reexamination. Efforts are being made to determine how improvements can be made to insure the public a full, complete, and impartial presentation of public information, news, and entertainment.

During investigation on this subject, it has been disclosed that the public has been misled into believing that music played over the air was the best or the top hits; in fact secret payments have been made by record companies to stimulate the performance of these records.

Similarly, hidden commercials have been inserted in network and local programs throughout the country.

If we are to maintain a policy of eliminating practices such as above, it is also important to prevent the manufacturers of broadcast equipment from influencing the policy of radio and television stations. When a television permit is granted by the Federal Communications Commission, expenditures of approximately $250,000 to $500,000 must be made for the necessary equipment. With radio stations lesser expenditures are required but in many cases they amount to nearly $150,000. It can thus be seen that the manufacturers have a big stake in the broadcast field and because of it they will attempt to influence broadcasting operation to serve their best interests as manufacturers of equipment.

Moreover some manufacturers operate a network of stations. We all know that a network contract is a life-or-death matter with individual stations. If a network threatens to cancel, a station can go into bankruptcy. Is there not the temptation then for a manufacturer to require a station to purchase its equipment with the threat that its network contract can be canceled?

These influences are not wholesome in the broadcast industry and there thus should be a divorcement of manufacturing and broadcasting. Accordingly, I strongly recommend that the Communications Act of 1934 be amended by in-

serting a new section which would provide as follows:

No construction permit or license for broadcasting facilities shall be granted by the Commission to any company which directly or indirectly owns, operates or controls, or has 25 percent or greater interest in, a company manufacturing radio, broadcasting, transmitting or receiving equipment.

ASSISTANCE TO SCHOOLS

Mr. METCALF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. METCALF. Mr. Speaker, earlier this month the Senate approved vitally needed legislation to assist the States in meeting the pressing obligations to their school systems occasioned by burgeoning enrollments, the shortage of qualified teachers, and the long backlog of deficiencies in school construction programs.

Both the legislation passed by the Senate and H.R. 22 leave the States free to determine, according to their individual needs, what share of the Federal funds made available to them shall be used for school construction, and what proportion for improving teacher salaries as one of the necessary steps in overcoming the shortage of qualified teachers.

Ample precedents for such legislation may be found in other Federal enactments which provide, among other things, Federal assistance to the States for fostering vocational education, and for assistance under Public Law 874 for the operation and maintenance of schools unduly burdened by either civil or military functions of the Federal Government.

Mr. Speaker, is fiscal years 1953 to 1959, inclusive, according to the U.S. Office of Education, we have provided $231,572,000 in grants to the State for vocational education. Of that sum, an estimated 90 percent, or $208,415,000, has been used for teacher salaries.

In the same 7-year period, Mr. Speaker, under Public Law 874, according to the U.S. Office of Education, we have made available to the States $688,-500,000 for the operation and maintenance of schools in so-called federally impacted areas. Of that sum an estimated 65 percent, or $447,525,000, has been used for salaries.

In the light of these circumstances, Mr. Speaker, I am at a loss to account for the statement made by President Eisenhower at his press conference last week. Asked whether he would like to see the school-support bill, recently passed by the other body, "scaled down," he replied:

I'd go further than that. I say this: I do not believe the Federal Government ought to be in the position of paying a local official. If we're going into that, we'll have to find out every councilman and every teacher and every other person that's a public official of any kind, or public servant, and try to figure out what his right salary is. And I think—I can't imagine anything worse for the Federal Government to be in.

Mr. Speaker, in every year that President Eisenhower has been in office the Federal Government has made available to the States, through the vocational education and impacted areas legislation, funds which have been used, in large part, for the payment of teacher salaries. The total of Federal funds so used in those years is more than $655 million.

I have yet to hear it alleged, Mr. Speaker, that during all of those years any official of the Federal Government has suggested to any of the States what the "right salary" would be for any of the teachers paid by the States with the assistance of Federal funds.

Surely there is nothing shocking in the idea that Federal funds for education be used to pay teacher salaries. It was only a little more than 2 years ago, on January 27, 1958, that President Eisenhower himself, in a message to Congress, urged that this be done.

National security requires—

President Eisenhower told us on that occasion—

that prompt action be taken to improve and expand the teaching of science and mathematics. Federal matching funds can help to stimulate the organization of programs to advance the teaching of these subjects in the public schools.

The administration therefore recommends that the Congress authorize Federal grants to the States, on a matching basis, for this purpose. These funds would be used, in the discretion of the States and the local school systems, either to help employ additional qualified science and mathematics teachers, to help purchase additional laboratory equipment and other materials, to supplement the salaries of qualified science and mathematics teachers, or for other related programs.

Mr. Speaker, both H.R. 22 and the legislation for Federal support of the schools which the Senate approved February 4 are intended, among other things, to supplement the salaries of qualified teachers and to do this in the discretion of the States and local school systems without dictation by the Federal Government.

President Eisenhower told us 2 years ago that this could be and should be done. I would like to think that his 1958 views in a thoughtfully considered message to Congress were more representative of his sound judgment than his offhand reply to a press conference interrogation.

OUR COUNTRY'S PUBLIC DEBT

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, Washington's views, expressed in 1796, are very important to all of us today. If we do not heed him, and curb our staggering national debt, which is already costing every man, woman, and child in the United States $1 each and every week of the year in interest payments alone, we may fast see the day when the danger to our country economically may be greater than the danger militarily; unless action is taken we will find ourselves headed down the road of financial self-destruction after standing indestructible against all outside forces for over 184 years.

The wise advice of President George Washington:

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate.

Mr. Speaker, in this present period of prosperity, it is inexcusable that there is not a plan for the reduction of the debt. I am hopeful that the administration will still offer a program for a systematic and planned reduction.

I have introduced a bill, along with several other Members, which would require as a bare minimum the payment of 1 percent each year on the debt. This would require a budget item for debt reduction each year, thus establishing a progressive program of reducing the debt, and at the same time cut the interest payments on the debt which are now costing the American taxpayers over $9 billion a year.

Debt reduction is vital to the fiscal stability of our Government, and to economic survival in the cold war. Our citizens must be aroused to the danger of not acting now, and they must let their views be heard so that the administration and the Congress will set up a program for the systematic reduction of the national debt.

UNITED STATES RELATIONS WITH LATIN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida [Mr. SIKES] is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, I trust that the United States fully recognizes the fact that basic changes in the course of the social, political, and economic development of Latin America are now taking place. Some of these changes directly involve the position of the United States in the hemisphere.

Fortunately, the geographic situation of the American Republics, their separation from other land areas, has fostered a mutuality of attitudes and of actions. This same separation has resulted in sensitivity of one American Republic to developments in another. We share a common Western political heritage—freedom for the individual under democratic governments. This common heritage is but one of the bases for the tradition of inter-American cooperation which has become institutionalized in

the Organization of American States. The OAS stands as a unique example to the rest of the world of a dynamic, effective agency created out of voluntary international cooperation among sovereign, equal American States.

The economic interdependence of the Americas is one of the dominant facts of life of the hemisphere. About 22 percent of our total exports go to Latin America. At the same time we buy approximately 45 percent of the goods exported by that area. About one-third of our private direct investments abroad are made in Latin America, these now totaling over $9 billion. These investments have been increasing at an annual rate of approximately $600 million over the past few years.

Almost every aspect of our lives is affected, in one way or another, by events occurring in Latin America; and it is vital that we have a clear awareness of the depth and the magnitude of the Latin American growth and development which is producing important changes in the social, political, and economic structures of the various countries.

We believe that in Latin America as everywhere in free societies improved conditions and social standards can be attained without sacrificing the dignity of the individual, the right to freedom, and the protection of minorities. The Communist world advocates another way to the fulfillment of the peoples' aspirations, preaching dangerous doctrines of repressive action which they claim are a shortcut to the goal. The overwhelming majority of the people of Latin America reject the Communist way, seeing it as a contradiction of their own traditional philosophies; but we must not complacently expect the inter-American community to be able to defend itself against Communist blandishments, threats, and subversion unless all of its members, including the United States, devote their energies and resources to demonstrating the effectiveness of our way of reaching desired economic and political objectives and to blocking communism.

The interdependence of the inter-American community makes the welfare of one member the concern of all. We are engaged in mutually worthwhile bilateral and multilateral programs to assist in the development of the hemisphere. In addition to the steadily increasing flow of private direct investment from the United States to Latin America, public agencies are making notable contributions in Latin America. The Export-Import Bank of Washington has lent to that area a greater portion of its total lendings than to any other world area. The Development Loan Fund and the technical assistance programs of the International Cooperation Administration continue to help in the diversification and improvement of the area's economies.

This year has seen the creation of an Inter-American Development Bank which will have an initial capitalization of $1 billion. This financial institution is an important and a heartening result of inter-American cooperation.

However, we should not confine ourselves to the pleasant side of this story. There are other facets, too.

One matter of moment which should not be overlooked is the future of foreign investments in Latin America. In Cuba, for instance, the situation is particularly bad. Foreign holdings are being expropriated and there are serious misgivings about the proposed method of compensation. In other countries, restrictions are placed upon private American investments which make them of dubious desirability. In still other countries, there are threats of possible expropriations in the future which are not likely to attract the favorable interest of foreign investers. These are matters which need clarifying.

Now we must also admit new problems of understanding. It is difficult to know whether the worsening relations which are taking place between the United States and some Latin American countries are due to our own neglect of the opportunities which are presented to us or whether Communist activities are playing a part. Probably it is both. I anticipate that definite good will come from President Eisenhower's trip to the area. He is especially good at this sort of thing and his trip to Europe and to the Middle East was very beneficial. It is to be hoped that in South America there will not be a reoccurrence of the unfortunate incidents which marked Mr. NIXON's trip to that area, but I personally am confident that the welcome they give to Mr. Eisenhower will be entirely different to the reception received by Mr. NIXON. Regardless of these things there has been a substantial stepup in Communist activity in Latin America and the Soviet Government has achieved a higher standing in trade and other agreements than it has enjoyed previously in Latin America. We cannot afford to be blind to this situation or to the effect of loss of U.S. prestige in Latin America. While we expect fair treatment from Latin American governments, we must also redouble our diplomatic activities to retrieve the ground we have lost. Somehow, some of us never contemplated that the Soviets would be active on a broad scale right in our own backyard.

Now I point to an inconsistency which may be helping to deprive us of proper understanding of and better relations with our neighbors.

We in the United States unfortunately are treated to a constant deluge of news about the worst aspects of United States-Latin American relations and about the most serious economic or political problems of our neighbors to the south. All too often we fail to receive the better news which is available and which shows the tremendous, vital progress which is being made. As an illustration, since much turmoil has been created by events in Cuba, it is only natural to focus attention on that unhappy country. But on the other hand there is more than one bright ray of hope which appears on the horizon of Caribbean, Central American, and South American affairs. Substantial progress is evident in a number of Latin American countries and among those in which this is a matter of particular note are Argentina, Chile, Colombia, Peru, and Ecuador. Another nation showing solid achievement and one in which we have a particular interest is Guatemala and on this country I will treat in more detail.

Guatemala is the only nation which has thrown off the Communist yoke. Some 2 years ago Gen. Miguel Ydigoras Fuentes was elected President of Guatemala. He is a strong anti-Communist, but has determined to use democratic methods in dealing with Communists. Perhaps he has leaned over backward in an attempt to avoid any semblance of dictator methods. Now, with the impact Cuba is having on the rest of Latin America and realizing the insidious threat to his own country posed by Communist infiltration, President Ydigoras has stiffened his anti-Communist policies and practices. In this process and in order to gain added strength, he has taken into his cabinet another strong anti-Communist, the former Guatemalan Ambassador to the United States, Col. Jose Luis Cruz-Salazar, himself a former candidate for President who ran second to General Ydigoras in the last presidential election. General Ydigoras is obviously not a man to harbor grudges of any kind where the welfare of his country is concerned.

Mr. Speaker, I consider this settling of differences for the good of their country a great act of statesmanship both on the part of the President of Guatemala, General Ydigoras, and on the part of Col. Jose Luis Cruz-Salazar. Colonel Cruz-Salazar, who built many friendships for Guatemala during his stay here, holds the important post of Minister of Communications and Public Works, an important activity for the future of Guatemala.

It is my firm belief that the joining together of the Ydigoras and Cruz-Salazar forces will mean another strong anti-Communist bastion where it is needed most—in the Caribbean and Central American area. This is the crucial starting and focal point in ridding the Western Hemisphere of the growing tide of Communist infiltration.

So, Mr. Speaker, I want especially today to call attention to this remarkable welding together of anti-Communist forces. I want particularly to do so because it has taken place in a country which has experienced Communist domination and which knows from first-hand experience and suffering that communism is not the answer to economic and social problems and that, on the contrary, communism is utterly contemptuous of the problems of the individual and of his search for dignity and security. I want especially to call attention to this happy turn of events in the country of Guatemala which through its courage and love for freedom, rid itself of the shackles of communism. I wish to commend the people of Guatemala, President Ydigoras and Colonel Cruz-Salazar for having clasped hands in a united determination never again to let the evil of communism befall their lovely land and, thus united, to set an example for other

countries in Latin America. Every country can profit from the lesson of Guatemala—past and present.

We will do well to give credit for growth of freedom and for economic progress to those of our friends who stand beside us and cooperate with us in the common objectives of a good and prosperous life for all our peoples and democracy for every land.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to my distinguished colleague from Florida.

Mr. MATTHEWS. Mr. Speaker, I want to thank the dean of our Florida delegation and my dear friend, Mr. SIKES, for this very wonderful address that he has given us in which he has emphasized the positive aspects of our relationships with our friends and neighbors to the south. The gentleman and I are both alumni of the University of Florida. On the campus of this great university we have an Institute of Inter-American Affairs. I know that there are similar institutes on campuses of other American universities. We have on the campus of the University of Florida many of these fine students from our sister nations to the south of us. They have come to our campus. They have learned something of our problems and we have been able to develop a person-to-person relationship that I think is another indication of the many positive aspects of our relationships with our neighbors to the south. Just this past fall I had the pleasure of attending, as I have attended for 3 years, the annual Carribean Conference on the campus of the University of Florida, and there I found much to encourage me, as the gentleman so well pointed out this afternoon. I want to thank him again for giving us this very stimulating address.

Mr. SIKES. I am very grateful for the contribution by the gentleman from Florida.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to my colleague from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to join my friend from Florida [Mr. MATTHEWS] in congratulating my friend from Florida [Mr. SIKES] on the remarks he has made here this afternoon. I, among others, as the gentleman knows, have had the privilege and pleasure of traveling in these countries to the south of us. But, in my judgment, Mr. Speaker, there is no more important task before the United States than the development of friendly relations or the continuation of friendly relations between the Republics to the south of us and our own great Nation.

Now, I was very much interested in what the gentleman said about his alma mater, the University of Florida, and I congratulate both of the gentlemen on being graduates from such an outstanding university. I happened to attend a university which has always been interested in this problem, but without taking anything away from the University of Florida or any other university, Senator MANSFIELD and I for some years have sponsored a resolution in both bodies which would call for a study by our Government of the feasibility of establishing a University of the Americas.

I would commend to both gentlemen from Florida and to their colleagues in the State this resolution. I think it commends itself to the furtherance of better relations between these nations and, just as the gentleman from Florida [Mr. MATTHEWS] has said, these programs for the training of young people, in my judgment, are as important as anything that we can do.

So again I congratulate the gentleman and hope that he will forgive me for having used this opportunity to make a pitch, so to speak, for something which I think he is equally interested in.

Mr. SIKES. I am very glad to have the gentleman's comments. The gentleman always speaks well and ably and I am always proud to follow my distinguished friend's leadership in these matters.

Mr. BOGGS. I thank the gentleman.

IOWA HOGS BECOME SYMBOL OF FRIENDSHIP BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. WOLF] is recognized for 40 minutes.

Mr. WOLF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, last Friday the gentleman from Kentucky, Mr. COOPER, and the gentleman from California, Mr. ENGLE, discussed in the Senate the very excellent people-to-people program.

Mr. ENGLE said in part:

I believe this to be one of the most dynamic developments in the field of U.S. foreign relations since World War II.

Mr. COOPER said in part:

In personal ways peoples abroad can through association, achieve understanding of the reasons which underlie American policies and objectives.

I believe that in the pairing of cross sections of America and peoples of other countries at the community or municipal level, we can achieve pervasive and enduring relationships.

Now, Mr. Speaker, I would like to demonstrate how this program is developing in the case of the people of Iowa and the people of Yamanashi Prefecture in Japan. But before I develop this topic I would like to read an AP report of a wonderful event in Japan: the birth of the first child to the Crown Prince and Princess:

WASHINGTON.—Official Washington sent its warmest congratulations to Japan's popular Crown Prince Akihito and Princess Michiko today on their first-born child.

Senator MIKE MANSFIELD, Democrat, of Montana, the assistant majority leader, summed up the reaction of most Congressmen:

"It gives me great pleasure to join with your many friends throughout the free world in congratulating you upon the arrival of the new Prince," he messaged, "and to express the fervent hope that he will grow up in a world of peace and freedom for all people."

"We rejoice with the Japanese people on this happy event," said J. Graham Parsons, Assistant Secretary for Far Eastern Affairs.

I would like to join with my congratulations.

Mr. Speaker, during the recent Washington meetings between the President and Prime Minister Kishi of Japan, we were reminded that this year marks the centennial of the establishment of formal diplomatic relations between Japan and the United States. We were further apprised of the hopes of these respective leaders "that their signing of the new United States-Japan treaty of mutual cooperation and security would usher in a hundred years of prosperity and peace which the peoples of our countries so earnestly desire."

Japan is very important to us from an economic standpoint as well as from a national security standpoint. Japan is the world's second largest importer of American goods, and the largest importer of goods produced in Iowa.

As a citizen of Iowa, I take pride in the fact that at that very moment the people of Iowa had just completed the first major agricultural project to be undertaken under the concept of the President's people-to-people program.

The sister-State relationship between Iowa and Yamanashi was created several years ago under the people-to-people program as a means by which the peoples of these two communities could dramatically explain to each other the truth and facts of their way of life, their firm belief in the brotherhood of man, and by which they could gain knowledge of each other's sincerity and devotion to the strengthening of international amity.

In search of ways to consummate this endeavor in international understanding and as a means of helping their typhoon-ravaged sister State, a group of Iowans, led by Mr. Walter Goeppinger, president of the National Corn Growers Association, suggested the establishment of a hog breeding industry for Yamanashi. I cannot overemphasize the work done by our own Air Force M/Sgt. Richard A. Thomas, of Iowa. It was Sergeant Thomas who first conceived the idea, as a result of living for 3 years in Japan.

In developing their plans, the participants took into consideration a number of important economic factors, among them the knowledge of Japan's interest in increasing considerably its meat consumption. A shipment of 35 purebred hogs would result in an anticipated offspring of about 2,800 in a 2-year period which would be a significant start for any such industry. It was, therefore, not out of the question to surmise that the growth of this industry in Japan could lead to the eventual purchase by Japan of a considerable amount of Iowa corn.

In support of this point, Mr. Tokoro, the Agricultural Attaché, Embassy of

Japan, in Washington, D.C., pointed out in his address at the ceremonies in Des Moines:

Japan has for some years been the second best world customer for all exports from America. We are also the American farmer's second best customer abroad, and a good share of our purchases in the United States originate in Iowa. In the 7 years from 1951 to 1958, the number of hogs, dairy cows, and chickens in Japan increased threefold. In the same period, our imports of feed grains—principally from the United States—increased sevenfold. Sixty-five percent of our total import of feed grains in 1958 consisted of corn, and 44 percent of this volume came from the United States.

Operation Pork Lift transported these purebred swine, provided by Iowa farmers, to Japan in a U.S. Air Force cargo plane. This plane was returning to its base in Japan following maintenance work in the United States. With the excellent cooperation of the U.S. Air Force, the U.S. Information Agency, the Department of Agriculture, the project was carefully and thoroughly executed resulting in the arrival of the 35 swine at Tokyo on January 19.

It is impossible to describe the reception which the project received from the grateful and appreciative Japanese recipients. Mr. Dick Greene, of Ames, Iowa, eloquently expressed the emotions engendered in all of us by the reception given the Iowa project when he said:

It's hard to fight back the tears when an American hears a Japanese band play the "Star-Spangled Banner" and Old Glory waves with all her majesty from the portico of the capital building at Yamanashi Prefecture.

I am highly honored that I was able to participate in this important event as Governor Loveless' personal representative, and as a representative of the people of Iowa. I would like to quote at this point several excerpts from Governor Loveless' letter to Governor Amano:

This presentation is made on behalf of the citizens of the State of Iowa. It represents the sincere interest of our people in the efforts of your people toward continued agricultural improvement.

As my spokesman, Representative WOLF will introduce to you Mr. Roscoe Marsden, of Ames, and Mr. Albert Miller, of Ogden, two central Iowa farmers whom I have designated as my technical representatives to assist in the introduction of the hogs into Japan. Both of these men have farmed for many years and are livestock producers of long experience. They also are directors of the National Corngrowers' Association, which played a large part in planning the hog shipment.

It is the hope of our people that this token consignment of breeding hogs will prove one day to have been the nucleus for a substantial expansion in meat animal output, which we understand is one of your agricultural goals. Such a development should help assure your people of that very important ingredient for the peace and happiness of a nation, namely, an adequate food supply of desired variety and protein level.

I have written that this shipment is to be considered as coming with the best wishes of the people of Iowa, but in a larger sense it also is an additional demonstration of the good will toward Japan of all the people of the United States.

I should like to cite a few of the comments of both Japanese and Americans who either participated in or witnessed the events in both Tokyo and Yamanashi following our arrival:

Yamanashi—Governor Hisashi Amano: "I can assure you that these valuable breeding hogs are of great assistance to our reconstruction program, and I want you to know how much Yamanashi farmers are expecting from them. Our prefectural government has arranged all the necessary measures to take good care of the hogs so that Yamanashi Prefecture will be the future Japanese hog-breeding center. This year we both—American and Japanese—are celebrating the centennial anniversary of the signing of the United States and Japanese Commerce and Trade Treaty. I am firmly convinced that this magnificent Yamanashi and Iowa program is one of the most memorable events to commemorate this centennial."

Seiichi Natori, Speaker, Yamanashi Prefectural Assembly: "On behalf of the Yamanashi Prefectural Assembly, I hereby express my sincere appreciation for the 35 head of excellent breeding hogs contributed to us, through your kindness, for our rehabilitation from typhoon damage and for enhancement of our industry. This year happens to be the 100th anniversary of the signing of the Treaty of Amity and Commerce between the United States of America and Japan, and the friendly relations between the two nations will be further promoted."

U.S. Ambassador to Japan, Douglas MacArthur II: "Reports which we have received from Yamanashi Prefecture show clearly that the Governor and thousands of Japanese living in the prefecture, as well as Japanese living throughout Japan, were deeply moved by the generosity and thoughtfulness of the people of Iowa. They will long remember Iowa, not only because Des Moines and Kofu are sister cities, but also because of the warm friendship that Iowans have demonstrated in so many ways. * * * We are particularly grateful that you [Congressman WOLF] took the time from your busy schedule in Washington to present the gift from Iowa and to participate in the ceremonies in Kofu. Your presence here personalized the gift and made it vastly more significant than it would otherwise have been."

Kofu City (Yamanashi Capital), Mayor Keijiro Takano: "It is a great privilege for me to have Mr. LEONARD G. WOLF, Representative of the U.S.A. Government and, at the same time, special good-will envoy of the Governor of Iowa, coming far away across the sea and mountains in order to present 35 hogs as consolation and sympathy for the disaster to the Yamanashi Prefecture that has just entered into the special relationship of sister States with Iowa. * * * In the capacity of mayor of Kofu, as well as representative of the mayors' association over the prefecture, I wish to extend to you my heartfelt appreciation, together with thanks of the whole citizenry."

Yukun Kubota, president, Town and Village Association of Yamanashi Prefecture: "I noticed, so vivid in the clear air of that morning, the letters 'Iowa-Yamanashi Sister States' painted both in English and Japanese on the body of the aircraft of the U.S. Air Forces which carried the hogs, and the letters were symbolizing the friendly relations between the United States of America and Japan, which have entered a new stage."

Japan representative, Northrop International, Edwin T. Layton, rear admiral, U.S. Navy (retired): "This is the sort of thing, in my opinion, which cements friendships between countries. The benefits of Iowa's sharing her abundance with her Japanese sister State will multiply, both literally and figuratively. Japanese, who are lovers of art, have never referred to hogs as beautiful, but these Iowa hogs were truly 'beautiful Americans,' in marked contrast to the best seller, 'The Ugly American.' "

Jiro Noguchi, chairman, Yamanashi Japan-American Society: "It is nothing else but immense good will and sympathy extended by the people of Iowa to Yamanashi citizens that we could rise again from the bottom of the misfortune caused by the indescribable disaster of typhoon twice coming upon Yamanashi Prefecture last August and September. Thank you again for your kindness."

Masatome Yamamoto, speaker, Kofu City Council: "We will remember this good will of yours forever. We will pay the best attention to the raising and supervision of those hogs so that our Yamanashi will be, some day, the hog-breeding prefecture in Japan and thereby those farming communities be rehabilitated and the physical standard of the people of the prefecture be improved."

Dick Greene, news manager, WOI stations (TV and radio): "I was very proud to have been a part of this worthwhile accomplishment. My congratulations to Congressman LEONARD WOLF on a job well done from start to finish. The U.S. Air Force should be commended for their fine work, especially Sgt. Richard Thomas. In closing, it's hard to fight back the tears when an American hears a Japanese band play the "Star-Spangled Banner" and Old Glory waves with all her majesty from the portico of the capital building at Yamanashi Prefecture."

Hachiro Takano, president, Breeding Hogs Association of Yamanashi Prefecture: "I believe that is the representation of the spirit of all Americans who are always the leader of world peace with friendship and good will as their motto."

Tokio Yamamura, president, Yamanashi Prefectural Livestock Association: "It is our responsibility and the best way to repay you for your favor to endeavor to help the sufferers restore typhoon losses by raising these animals."

Walter W. Goeppinger, president, National Corn Growers Association: "We have followed with interest your activities and I am highly pleased with the manner in which your presence lent additional strength and stature to the whole project. As general chairman of the effort I take this opportunity to thank you in behalf of all those who participated."

Mr. Tokoro, agricultural attaché, Embassy of Japan: "This is a warm hand of friendship extended across the sea. It is the spirit of the people-to-people program expressed in the most realistic as well as the most sublime of terms. Like the hogs you have presented, the seed of friendship you have planted will increase itself, producing generations of blue ribbon friends and good will of the purest strain."

These words from responsible individuals testify to the importance of this particular people-to-people effort.

Personally, I had never fully realized the great importance of the ties between Japan and the United States. I am now convinced, however, that anything that we as Americans can do to further the cause of the people-to-people program will be tremendously helpful. I am sure that the reaction of the Japanese people is no different from the reaction we would receive in many other countries if we demonstrated that the people on a direct basis, without involving the Federal Government, are really anxious to dramatize their desire for international understanding, which leads to greater friendship.

From the time of our arrival in Japan until my departure, the appreciation of the Japanese people was apparent. We were overwhelmed by the reception given us by the people of Yamanashi I think they realized fully that here was

a gift from the heart of the people of Iowa and that there was no direct government or political involvement. I do not believe that it is an exaggeration to say that more than 5,000 people turned out to greet us. There were tears in my eyes when I left Yamanashi. Many people were on hand at the railroad station to say farewell as I was leaving and to wish me a pleasant journey, and to thank me again for the gift from my fellow citizens of Iowa. This was one of the most gratifying experiences—and one of the most poignant farewells—of my life.

I would like to close my remarks with a most appropriate quote from a poem written by the great Japanese statesman and soldier of the 16th century, Lord Takeda Shingen, of Kai Province, and given to me by a grateful citizen of Yamanashi. This is simple, yet symbolic, wordage which best explains our feeling for those bonds that now unite Iowa with Yamanashi, and I am sure all of America with Japan:

Man is the fortress
Man is the stone wall
Man is the moat
Mercy is your ally
Enmity is your enemy.

NATIONAL AMERICAN GUILD OF VARIETY ARTISTS WEEK

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HALPERN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HALPERN. Mr. Speaker, it was my privilege to introduce today a joint resolution—Senator KEATING is also introducing it in the Senate—designating the week of June 5–11, 1960, as National American Guild of Variety Artists Week. This wonderful group of Americans has an outstanding record of devoted service to every cause without regard to color or creed, and it is eminently fitting that a week be designated in recognition of this work.

For years people of the variety field have circled the globe with their hearts and talents, traveling to all places and under all conditions, and bringing with them the enjoyment and happiness which is their stock in trade. Indeed, some of these soldiers in greasepaint have given their lives to make this possible.

The variety entertainer is synonymous with charity. Every cause has benefited from the gift of their service. In a business where talent alone is the sole criterion, variety people have set an example to the whole world.

Now, the members of the American Guild of Variety Artists through the leadership of their dynamic president, Joey Adams, are asking for a little assistance from the American public. They plan to establish a home for indigent, elderly, retired people in the variety business at Fallsburg, N.Y. During National American Guild of Variety Artists Week, they would ask Americans who frequent places where there is live entertainment to contribute toward making this home possible.

Adoption of the joint resolution would not only constitute recognition of the outstanding work of AGVA, but it would serve as a means for the American people to express their appreciation to the 20,000 members and their families and to wish them well on their plan for the establishment of the home.

AID TO NEEDY CHILDREN PROGRAM, SAN DIEGO COUNTY, CALIF.

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. WILSON] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WILSON. Mr. Speaker, following please find the text of a resolution adopted by the San Diego County, Calif., Board of Supervisors with respect to the aid to needy children program. I respectfully call this resolution to your attention and to the attention of my colleagues:

RESOLUTION REQUESTING THE LEGISLATIVE BODIES OF THE STATE OF CALIFORNIA AND THE UNITED STATES TO ACT PROMPTLY AND PASS THE NECESSARY LEGISLATION TO PROVIDE BETTER CONTROL OF THE AID TO NEEDY CHILDREN PROGRAM

Whereas the Board of Supervisors of the County of San Diego, State of California, is gravely concerned with the increased costs of the aid to needy children program; and

Whereas this board is further concerned that the present aid to needy children program contributes to family disassociation, deterioration of moral values, and public dependency of recipients; and

Whereas the stated child welfare goals of the aid to needy children program are not being implemented by existing laws, rules, and regulations; and

Whereas this board has observed that aid to needy children funds are granted under circumstances not in the best interests of the children involved: Now, therefore, be it

Resolved, That the Board of Supervisors of the County of San Diego, State of California, respectfully request the legislative bodies of the State of California and the United States of America to act promptly and pass the necessary legislation to provide better control of the aid to needy children program in order to conserve public funds; be it further

Resolved, That copies of this resolution be prepared by the clerk of the board of supervisors and sent to the Governor and the appropriate legislators of the State of California and the appropriate legislators of the United States of America.

FEDERAL VOTING REFEREES

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MCCULLOCH] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MCCULLOCH. Mr. Speaker, on January 28, 1960, I introduced the administration bill, H.R. 10035, providing for the court appointment of Federal voting referees in cases in which there is found to be a pattern or practice of discrimination, operating to deprive certain qualified citizens of the right to vote because of race or color. I firmly believe in insuring the right of the elective franchise to all qualified Americans.

At the same time, I am acutely aware of the delicate problems which will be created in the event there is an indiscriminate displacement of State authority by Federal authority in the field of voting qualifications. My awareness of this problem has prompted me to support the administration measure rather than the various proposals for establishing voting registrars, who would be Federal officials and who would actually displace and supersede the existing State authority.

After filing H.R. 10035, I requested the chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], to hold hearings on the voting referee proposals in order that the Judiciary Committee, which has the primary responsibility in the field of civil rights, could be intelligently informed of the problems incident to this legislation. As a result, the full Judiciary Committee heard very extensive and constructive testimony on February 9, 1960, from Judge Lawrence E. Walsh, the Deputy Attorney General of the United States, and on February 16, 1960, from Charles J. Bloch, Esq., an eminent attorney and constitutional lawyer, representing the State of Georgia, Gov. Ernest Vandiver, and Atty. Gen. Eugene E. Cook.

The testimony of these very distinguished witnesses indicated several areas in which the voting referee bill could be improved.

In particular, these improvements relate to the procedures to be followed by the district court in the determination of the voting qualifications of persons who were previously denied the right to register and vote. In view of these changes, I felt it necessary to introduce at this time an additional bill which contains the latest proposals of the administration. In view of the rule granted by the Rules Committee, on H.R. 8601, I am introducing the present measure on voting referees in order that the membership of the House may become acquainted with the provisions in advance of the occasion when I will formally attempt to incorporate it as an amendment to the pending bill on civil rights.

AMERICAN MEDICAL ASSOCIATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DINGELL. Mr. Speaker, many of my colleagues recently received a letter from Mr. Cecil B. Dickson, legislative

representative of the American Medical Association, enclosing a list of physicians by counties in their districts.

Mr. Dickson's letter of transmittal said that the list was being furnished "in order to keep in touch with these physician constituents." However, the real motive is revealed in the final paragraph of the letter which reads:

> If you have some personal friends among this group, I would appreciate it if you would let me have their names.

Mr. Speaker, this is obviously a brazen attempt by AMA lobbyists to elicit from Members of Congress convenient pressure points which the AMA can use in tightening its tourniquet to strangle the Forand bill, H.R. 4700.

During the hearings on H.R. 4700 last July, Congressman FORAND questioned AMA witnesses concerning their lobby activities and inserted into the hearing record—page 293—a questionnaire circulated by the AMA to leading physicians in every congressional district in the country just prior to the 1958 election campaign.

This latest AMA attempt to bring pressure on Members of Congress is brought into better perspective by listing the 15 questions which were previously asked of physicians for use by the AMA lobbyists:

1. Who is the person or persons in each ward or county in the congressional district who is most influential with the Congress? List the names, addresses, and business or profession of each.
2. Who is the physician who knows and can work with each of the above?
3. Who are the four or five men in the Congressman's district who really influence him? List their names, addresses, and business or profession.
4. Who are the principal contributors to his campaign?
5. What contacts does the medical profession have with officers or leaders of such organizations as the Blue Cross-Blue Shield, dentists, hospital boards, or directors, chambers of commerce, farm bureau and grange? Who are the doctors who can talk to these leaders?
6. Who is the Congressman's personal physician at home and in Washington?
7. What contacts does the medical profession have or who knows the Congressman's top secretariat on his Washington staff?
8. What are the Congressman's hobbies, his favorite charities, boards or organizations, church?
9. What papers in the district supported him in his last campaign? What is their present attitude toward him?
10. What contact does the medical profession have with any or all of these newspapers, either directly with the editors or through other influential citizens or advertisers?
11. How big a factor is labor in the district?
12. Do any of the labor organizations deviate from the national labor organization and for what reason?
13. How big a factor are old folks in his district?
14. What contact has organized medicine or individual physicians with the Congressman?
15. What is his general attitude?

A reading of these questions makes it clear that the AMA is leaving no stone unturned in its efforts to bring pressure on Members of Congress and their staffs from every possible quarter—through political channels, farm groups, chambers of commerce, hospital boards, dentists, Blue Cross-Blue Shield officials, his personal physician, his churches, clubs, newspapers, advertisers, and labor organizations.

Mr. Speaker, my colleagues might find it interesting to read the official publication of the American Medical Association, the AMA News. Take, for example, the January 25, 1960, issue. The front page features two stories—one headed "President Suggests Delay on Aged Aid Bills," the other entitled "M.D.'s Get Less of Health Bill."

Anti-Forand-bill stories appeared on pages 2, 3, 4, 7, and 13 of the 16-page tabloid. Over two pages were devoted to ads by insurance companies, while another two pages featured ads for Cadillac, Lincoln Continental, Buick, and Simca automobiles. Another page was given to articles and ads on tax gimmicks and stock-market tips, while another offers helpful information on how doctors may defend themselves against malpractice litigation.

Only 19 column inches, or less than 3 percent of the space, could be considered as providing current medical, scientific, or similar types of information to enable doctors to keep up with new trends in medicine.

Mr. Speaker, I am sure that all Members of the House have received many pathetic letters from old folks in their districts, as I have, pleading for enactment of the Forand bill. For many of these individuals, it is a matter of life or death. The hearings held by the Ways and Means Committee last summer clearly revealed the plight of millions of aged persons, whose average old-age benefit is only $73 a month.

In the case of an arthritis sufferer, this would scarcely pay for the bare necessities of life and the drugs needed to bring even temporary relief, let alone doctors' fees, hospital bills, and other medical expenses. Similar examples could be given in countless other cases.

No one who has studied the provisions of H.R. 4700 can seriously contend that it offers any threat to the doctor-patient relationship or to the medical profession as a whole. It specifically prohibits any administering agencies from interfering with hospital administration or the private practice of medicine.

The official study of the medical needs of the aged, conducted by the Department of Health, Education, and Welfare, reveals that only 2 out of 5 persons age 65 or over now have any private hospitalization-surgical protection. Yet the AMA seems to be pretending that the problem does not exist.

The need of these folks is great; it is urgent; they cannot wait for another decade or two for private insurance companies to move into this field with sufficient interest to substantially improve the present deplorable situation.

Mr. Speaker, neither a "head in the sand" nor pressure approach on this legislation becomes the American Medical Association. I am confident that it does not speak for all doctors in my district, nor would they condone the pressure-type lobbying activities now being carried on by their professional organization.

Many of the Nation's outstanding doctors, experienced in group medical problems, testified in favor of the Forand bill. They included Dr. James P. Dixon, Jr., Philadelphia; Dr. Morris Brand, New York; Dr. William S. Hoffman, Chicago; Dr. Joseph A. Langbord, Philadelphia; Dr. Julius Schwimmer, New York; Dr. Leo Price, New York; Dr. Frank F. Furstenberg, Baltimore; Dr. Caldwell B. Esselstyn, New York; Dr. Franz Goldmann; and Dr. George Baehr, New York.

Mr. Speaker, the position of the AMA hierarchy on the Forand bill reminds me of a patient suffering from hypochondria—the imagined ills deprive each of reason and logic and send them off in fits of despair at the slightest provocation.

It has been put another way in a poem, the author of which had best remain anonymous:

> If you make a diagnosis
> Of the medical psychosis,
> That is now identifiable
> as AMA disease,
> You will find that hypertension
> Is induced by any mention
> Of a method whereby patients
> Can afford their doctor's fees.

THE LEVITTOWN CASE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. ADDONIZIO] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ADDONIZIO. Mr. Speaker, Americans who believe that the democratic principles on which our great Nation is founded must be translated into reality for all citizens are gratified by the recent decision of the New Jersey Supreme Court in the Levittown case, upholding the New Jersey law against discrimination in publicly assisted housing. Suit was brought by persons who allegedly were rejected as purchasers of houses in Levittown, in Burlington County, N.J., and in Green Fields Village, in Gloucester County, because of their color.

New Jersey has an enviable record in the field of civil rights, and her citizens are proud at this latest demonstration that discrimination against residents of the State will not be tolerated. The people of New Jersey are determined to implement fully section 4 of the law against discrimination, R.S. 18: 25–4, reading:

> All persons shall have the opportunity to obtain employment, to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation and publicly assisted housing accommodation, without discrimination because of race, creed, color, national origin, or ancestry, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

The able attorney general of New Jersey, the Honorable David D. Furman, argued the cause for the defendant-respondent, division against discrimina-

tion in the State department of education. Mr. Lee A. Holley, deputy attorney general, of counsel, only a few years ago, was a Capitol policeman while a student at Georgetown University Law School.

Instrumental in this splendid victory was Julius Wildstein, Newark attorney and chairman of the Commission of Law and Social Action of the New Jersey Region, American Jewish Congress, who sacrificed time and energy, without any material compensation to act as chief attorney for the defendants. He, together with attorneys from the American Jewish Congress, as well as lawyers from other agencies, are to be commended.

Unfortunately, space will not permit printing the full text of this noteworthy decision, but I believe the following excerpts will be of particular interest to my colleagues.

In discussing whether the developments are "publicly assisted housing accommodation," as that phrase is used in section 4 of the law against discrimination and amplified by section 5(k) of that statute, the court concluded:

II–A

* * * * *

The statute plainly includes, as publicly assisting housing, housing projects such as those here involved as to which, at the time of the discrimination, an FHA insured loan is committed (R.S. 18: 25–5(k)). And the public assistance demonstrated by the Federal insurance of such loans is much the same, under the circumstances of this case, as that demonstrated by an FHA commitment to insure housing loans. Just as ownership of housing and its concomitant benefits attributable to an FHA-insured loan is said by the statute to be publicly assisted, by the same reasoning the advantages which accrue to the developers in question from the FHA commitments is plainly the result of public assistance. The very existence of the development can be attributed to the FHA commitment. The mass market opened by FHA and other Government-insured purchase money housing loans accounts for the prospect of sufficient buyers to purchase the housing in question. Without such a mass market, it is inconceivable that the developments would have been built; the number of prospective purchasers with adequate savings accumulated to make the downpayment required by conventional financing and with sufficient income to meet from their income the payments on a conventionally financed debt would not warrant the mass housing construction in evidence today. Thus the very fact that there are houses with which to discriminate in the development in question is primarily attributable to public assistance. We need not here decide what are the outer limits of the term "publicly assisted housing accommodation." Suffice it to say that the public assistance rendered the housing here in question places it within the definition of that term as used in R.S. 18:25–4, and perhaps within R.S. 18: 25–5(k).

* * * * *

IV

The plaintiffs argue that the law against discrimination, by including within its purview only publicly assisted housing, creates an unreasonable and arbitrary classification in violation of the 14th amendment to the United States Constitution and the New Jersey Constitution 1947, article I, section 1. They argue that the relationship between the end toward which the statute is directed and the class to which it is applicable is not based on reasonable grounds. In other words, since the statute was intended to eliminate discrimination in housing, it must apply to housing generally, and since there is no difference between publicly assisted housing and housing generally insofar as the ability to discriminate or its effects are concerned, the distinction, and hence the statute, must fall.

As we indicated above, the presumption favors the constitutionality of the statute and it will be upheld unless facts judically known or proved refute that presumption. *Clark* v. *Paul* (306 U.S. 583, 594 (1939)); *Gibraltar Factors* v. *Slapo* (23 N.J. 459, 463 (1957)). The strong burden on the party attacking the constitutionality of a legislative classification (*New Jersey Restaurant Association* v. *Holderman*, 24 N.J. 295, 300 (1957)) has been expressed in various formulas. Thus the classification will be sustained unless it causes invidious discrimination. *Morey* v. *Doud* (354 U.S. 457, 463 (1957)); *Schmidt* v. *Board of Adjustment* (9 N.J. 405, 418 (1952)). The legislature must only avoid arbitrary discrimination between persons similarly circumstanced. *Gundaker Central Motors, Inc.*, v. *Gassert* (23 N.J. 71, 80 (1957)), appeal dismissed (354 U.S. 933 (1958)). But it is not sufficient to show that there are others equally guilty of the evil to be remedied to which the statute could have been made to apply. As was stated in *New Jersey Restaurant Association* v. *Holderman* (24 N.J. 295, 300 (1957)):

"It is easily stated that the classification (1) must not be palpably arbitrary or capricious, and (2) must have a rational basis in relation to the specific objective of the legislation. But the second proposition is qualified by limitations which compound the difficulties of one who assails the legislative decision. Thus it is not enough to demonstrate that the legislative objective might be more fully achieved by another, more expansive classification, for the legislature may recognize degrees of harm and hit the evil where it is most felt. [Citing cases.] The legislature may thus limit its action upon a decision to proceed cautiously, step by step, or because of practical exigencies, including administrative convenience and expense * * * or because of 'some substantial consideration of public policy or convenience or the service of the general welfare.' * * * Hence it may 'stop short of those cases in which the harm to the few concerned is thought less important than the harm to the public that would ensue if the rule laid down were made mathematically exact.'"

Considering the circumstances which led to the enactment of the statute in question, it becomes apparent that the classification presents no constitutional difficulties: We may note the pressing need for adequate housing for minority groups. Many more in these groups than at present would be in a position to take an active and beneficial role in the cultural, social, and economic life of the community were they given an opportunity, and a vital factor in affording this opportunity is access to normal housing accommodations. The portion of the statute in question which relates to housing may be viewed as a means chosen to ease the housing problem facing minority groups. It may be argued that the main purpose is to secure some measure of adequate housing for minorities and only incidentally to this purpose is discrimination proscribed. The desired end may be achieved by legislation in regard only to a specific kind of housing. And the type of housing chosen is that most easily financed and as to which established patterns would least likely be disturbed. If these goals are not the intent of the legislature, they do at least serve to demonstrate, insofar as they give a reasonable basis for the statutory classification, that the statute is not invalid on its face or palpably arbitrary. Cf. *Sage Stores Co.* v. *Kansas* (323 U.S. 32, 35 (1944)); *Jamcuneau* v. *Harner* (16 N.J. 500, 519–520 (1954), cert. den. 349 U.S. 904 (1955)); *Reingold* v. *Harper* (6 N.J. 182, 194 (1951)). In the absence of a showing of an actual injury to the plaintiffs, which was not attempted in the proofs, we cannot declare the legislation unconstitutional. Thus, the means chosen by the legislature to accomplish its goals are not unreasonable, and on that basis we hold that plaintiffs' argument that the law against discrimination incorporates an unconstitutional classification is without merit.

* * * * *

VI

The plaintiffs next argue that the law against discrimination invades a legislative field preempted by Congress and is for this reason invalid, citing *Pennsylvania* v. *Nelson* (350 U.S. 497, rehearing denied, 351 U.S. 934 (1956)), and *Hill* v. *Florida* (325 U.S. 538, rehearing denied, 326 U.S. 804 (1945)). Plaintiffs state that "Congress, as an integral part of its legislative program, determined not to prohibit discrimination in the sale or lease of FHA insured housing," and reason from this that any State law having that effect would violate congressional policy and the rule of preemption.

There is a considerable gap between Congress' refusing to adopt an express policy of nondiscrimination in regard to FHA insured housing, to be applicable under all circumstances and in all sections of the country, and a congressional policy prohibiting States from enacting laws proscribing such discrimination. Congress did refuse to accept amendments to various versions of the National Housing Act which would have expressly prohibited the discrimination with which plaintiffs are charged. Comment, 59 Colum. L. Rev. 782, 784, n. 17 and text accompanying (1959). But to construe this action as establishing a congressional policy against State laws having the same effect is not warranted by the circumstances. Failure of Congress to incorporate in the National Housing Act a positive imposition of a policy of nondiscrimination with its necessary national implications, may be grounded in political expediency to secure its enactment, and in any event, such a provision would not account for local conditions and the effect of such a policy, on a local basis, on the national housing program. But State laws incorporating such a policy, taking into account and being expressly designed to meet purely local conditions and attitudes, are not subject to the same difficulty. Thus there appears reason why Congress might have rejected a nondiscrimination amendment to the National Housing Act and yet not be opposed to State laws achieving the same result. It would be unsound, therefore, to conclude that the law against discrimination invade a legislative area preempted by Congress.

VII

Finally, plaintiffs argue that the statute in question conflicts with the National Housing Act and hence is invalid under the supremacy clause of the Federal Constitution, article IV, paragraph 2. Insofar as this argument rests on a supposed frustration by the law against discrimination of a congressional policy of permitting discrimination with respect to FHA insured housing, it is sufficient to point to our discussion of the argument concerning Federal preemption, above, where we hold that Congress did not intend to exempt FHA-insured housing from the operation of State laws prohibiting discrimination with respect to such housing. Unlike in *Johnson* v. *Maryland* (254 U.S. 51 (1920)); *Miller* v. *Arkansas* (352 U.S. 187 (1956)), and *Public Utilities Commission* v. *United States* (355 U.S. 534, rehearing denied 356 U.S. 925 (1958)), cited by plaintiffs as supporting their position, there is no conflict between State and Federal power

which might undermine the intent or purpose of the Federal law of operation. *Cf. Stuyvesant Town, Inc.*, v. *Lingham* (17 N.J. 473, 486 (1955)). Thus the statute creates no difficulties under article IV, paragraph 2 of the U.S. Constitution.

EMPLOYMENT OF RETIRED MILITARY OFFICERS BY DEFENSE CONTRACTORS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SANTANGELO] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SANTANGELO. Mr. Speaker, last June in the defense appropriation bill I offered an amendment to prevent retired commissioned officers from being employed by a defense contractor for a period of 5 years. As a result of the debate, the House was promised that an inquiry on the employment of retired military officers by defense contractors would be made by the Subcommittee on Special Investigations of the Armed Services Committee of which the Honorable F. EDWARD HÉBERT is chairman.

An investigation has been conducted and all persons who had any information were granted the opportunity to testify and many defense contractors were called to testify as to their procedures and their relationship with retired officers. The subcommittee has published its hearings, detailing the testimony, and also published its supplemental hearings relating to the entertainment furnished by the Martin Co., of Baltimore, Md., of U.S. Government officers. The Subcommittee on Special Investigations filed its report containing its findings and recommendations.

On January 18, 1960, the chairman of the subcommittee filed a bill, H.R. 9682, relating to the employment of retired commissioned officers by contractors of the Department of Defense or to an Armed Force of the United States. The purpose of the bill is to stop selling, and to ban selling information acquired while in Federal commissioned service or otherwise for a period of 2 years. The bill will have the effect of preventing influence in the granting of defense contracts, eliminating waste, and restoring confidence in the contracting procedures.

In my opinion, the Hébert bill is sound, but is deficient in three major respects.

Consequently, I am introducing today a bill which I believe better meets the situation and imposes sanctions upon the person who profits most by the violation of law, that is the defense contractor. In the Hébert bill, the retired pay of a retired commissioned officer is withheld if he engages in selling to the Department of Defense or to an Armed Force of the United States within 2 years of the date of retirement and imposes a penalty for such violation or not more the $10,000 or 1 year imprisonment. No sanction or penalty is provided against the defense contractor who knowingly permits the retired officer to violate the law and profit from the violation.

My bill proposes to amend title 10 of the United States Code by adding a new chapter at the end of part II of subtitle A with several new sections.

Section 1603 would suspend a defense contractor from engaging in any defense contract for a period of 1 year where such defense contractor knowingly permits any retired officer to sell to the Defense Department or to an Armed Force of the United States in violation of the law. In this way the burden is put where it properly should be. It is put on the person who would profit most by the violation of law, that is the defense contractor.

However, a saving clause is provided in my bill. If the Secretary of Defense finds the work of such defense contractor is necessary for the defense of the United States, he may waive such ban and prohibition and must report the reasons therefor to the appropriate committee of the Armed Services of the House of Representatives or of the Senate.

The second feature of the Hébert bill which I would correct would be in connection with section 283 of title 18 of the United States Code. The Hébert bill would prohibit any officer or employee of the United States or any agency or department thereof, or of the Senate or House of Representatives, to act as agent or attorney for prosecuting any claim against the United States, or aids or assists in the support of such claim otherwise than in the proper discharge of his official duties. This proposition I accept. The Hébert bill goes further and prohibits Senators, Congressmen, their employees, or officers of the House of Representatives or the Senate, or any department or agency of the United States, from aiding anyone before a department, agency, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, contract, claim, controversy, charge, accusation or arrest, and would subject such a person to a fine or imprisonment.

My bill proposes that if Senators, Congressmen, or their employees, or an employee of the House or Senate, or agency or department, aids or assists anyone in the proper course of his duties before any agency, department, court-martial, officer, or any civil, military, or naval commission, then he is not in violation of the law and not subject to imprisonment or fine. In other words, if a Senator, Congressman, or employee acts in the proper course of his employment, he may aid and assist anyone before any agency or department, or any civil, military or naval commission, in connection with any matter before it.

The third correction would be a clarifying provision to Congressman HÉBERT'S bill. In section 1601 of chapter 82 of title 10 of the United States Code, a retired commissioned officer who sells to the Defense Department or to any Armed Force of the United States within 2 years of retirement would be subject to the loss of his retirement pay. Section 1602 provides that where a retired officer is engaged in selling to the Defense Department or to any Armed Force of the United States for a defense contractor, he shall file a statement with the Secretary of Defense of his employment. The inference created by section 1602 is that if a retired officer enrolls with the Secretary of Defense and files a statement with him, then he may sell to the Defense Department or to any armed force of the United States without violating the law. My bill provides in section 1602 that enrollment with the Secretary of Defense does not excuse or relieve any one of liability arising out of the violation of section 1601.

I have read the report of the Subcommittee on Special Investigations of the Armed Services Committee and am satisfied that a full investigation was had without any desire for headlines and that its only objective was to obtain the facts which it did. With our increasing budget and tremendous expenditures in the field of procurement, especially where negotiated contracts are granted, that is contracts without competitive bidding, we must eliminate any elements which would increase the costs and which would tend towards improper procurement because of influence or prior friendship or military relationship. If we can accomplish such results, then we shall have raised our standard of conduct and have contributed a great service to the defense of our country and to the preservation of our economy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PORTER, for 30 minutes, on Thursday next.

Mr. HOFFMAN of Michigan, for 30 minutes, on Wednesday and Thursday of this week.

Mr. CONTE, for 5 minutes, on February 25.

Mr. BAILEY (at the request of Mr. ALBERT), for 30 minutes, on Tuesday next.

Mr. POWELL (at the request of Mr. ALBERT), for 30 minutes, on Thursday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mrs. KEE and to include extraneous matter.

Mr. FINO.

Mr. MERROW and to include extraneous matter.

(At the request of Mr. MOORE, and to include extraneous matter, the following:)

Mr. TOLLEFSON.

Mr. SMITH of California.

Mr. CUNNINGHAM, his remarks in Committee of the Whole on the Post Office appropriation bill.

Mr. MORRISON (at the request of Mr. ALBERT), his remarks on H.R. 10569, to include extraneous matter and charts.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. DINGELL.

Mr. BARING.
Mr. MULTER.
Mr. SANTANGELO.
Mr. BURKE of Massachusetts.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Thursday, February 25, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1863. A letter from the Acting Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report concerning agreements concluded during January 1960 under title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Cong.) as amended, pursuant to Public Law 85–128; to the Committee on Agriculture.

1864. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "a bill to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

1865. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States"; to the Committee on Interstate and Foreign Commerce.

1866. A letter from the Assistant Secretary of the Interior, transmitting a proposed concession contract which, when executed will authorize Howard Hampton to maintain and operate the Lake Mead Lodge at the Boulder Beach site, Lake Mead National Recreation Area for a term of 15 years from October 1, 1959, pursuant to the act of July 14, 1956 (70 Stat. 543); to the Committee on Interior and Insular Affairs.

1867. A letter from the Administrator, Veterans Administration, transmitting a draft of proposed legislation entitled "a bill to grant a waiver of national service life insurance premiums to certain veterans who became totally disabled in line of duty between the date of application and the effective date of their insurance"; to the Committee on Veterans' Affairs.

1868. A letter from the Comptroller General of the United States, transmitting a report on the review of the operation and administration of public advisory committees of the Department of Agriculture, April 1959; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 359. Resolution providing for the consideration of the bill H.R. 8601; with amendment (Rept. No. 1289). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 10590. A bill relating to interest rate restrictions on bonds of the United States; to the Committee on Ways and Means.

H.R. 10591. A bill to amend certain provisions of the Internal Revenue Code of 1954, and certain provisions of title 28, United States Code, relating to taxation; to the Committee on Ways and Means.

By Mr. MASON:

H.R. 10592. A bill to amend certain provisions of the Internal Revenue Code of 1954, and certain provisions of title 28, United States Code, relating to taxation; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 10593. A bill to provide for certain pilotage requirements in the navigation of U.S. waters of the Great Lakes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BURDICK:

H.R. 10594. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. FASCELL:

H.R. 10595. A bill to amend the act of October 9, 1940, to provide that the 10-year statute of limitations applicable to claims against the United States shall not bar such claims where they are filed with an appropriate agency of the United States during such 10-year period; to the Committee on Government Operations.

By Mr. FLYNN:

H.R. 10596. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. FOLEY (by request):

H.R. 10597. A bill to amend the act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended; to the Committee on the District of Columbia.

By Mr. HUDDLESTON:

H.R. 10598. A bill to clarify certain provisions of the Criminal Code relating to the importation or shipment of injurious mammals, birds, amphibians, fish, and reptiles (18 U.S.C. 42(a), 42(b)); and relating to the transportation or receipt of wild mammals or birds taken in violation of State, National, or foreign laws (18 U.S.C. 43), and for other purposes; to the Committee on the Judiciary.

By Mr. McGOVERN:

H.R. 10599. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McINTIRE:

H.R. 10600. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. McMILLAN:

H.R. 10601. A bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes; to the Committee on Agriculture.

By Mrs. MAY:

H.R. 10602. A bill to authorize the Secretary of the Interior to negotiate and to execute amendatory repayment contracts with the Quincy-Columbia Basin Irrigation District, the East Columbia Basin Irrigation District and the South Columbia Basin Irrigation District, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MEADER:

H.R. 10603. A bill to amend sections 703 and 704 of the Federal Property and Administrative Services Act of 1949 to extend for 2 years the period within which payments in lieu of taxes may be made with respect to certain property formerly owned by the Reconstruction Finance Corporation or its subsidiaries; to the Committee on Government Operations.

By Mr. MORRISON:

H.R. 10604. A bill to extend the Library Services Act for a period of 5 years; to the Committee on Education and Labor.

By Mr. MOSS:

H.R. 10605. A bill to amend the Communications Act of 1934, to aid in protecting individuals, corporations, companies, and other organizations against defamatory or otherwise injurious statements made in interview or discussion programs purporting to be spontaneous and unrehearsed; to the Committee on Interstate and Foreign Commerce.

By Mr. OLIVER:

H.R. 10606. A bill to repeal the provisions of the Railroad Retirement Act which reduce the annuities of the spouses of retired employees, and the survivors of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of Alaska:

H.R. 10607. A bill to relieve certain veterans who relied upon erroneous information from repayment of subsistence allowances paid to them under the Servicemen's Readjustment Act of 1944, as amended; to the Committee on the Judiciary.

H.R. 10608. A bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 10609. A bill to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television facilities to be used for educational purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROOSEVELT:

H.R. 10610. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mrs. ST. GEORGE:

H.R. 10611. A bill to amend the Internal Revenue Code of 1954 to provide that the retailers excise tax on jewelry and related items shall not apply to articles designed especially for use by members of certain scouting organizations; to the Committee on Ways and Means.

By Mr. SANTANGELO:

H.R. 10612. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mr. UDALL:

H.R. 10613. A bill to provide for the acquisition of a patented mining claim on the south rim of the Grand Canyon National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WITHROW:

H.R. 10614. A bill to amend section 901 of title 38, United States Code, to provide that a flag shall be furnished to drape the

casket of each deceased veteran of Mexican border service; to the Committee on Veterans' Affairs.

By Mr. JARMAN (by request):

H.R. 10615. A bill to provide that the United States shall resell certain mineral interests in lands acquired for an aviation trade school and naval hospital at Norman, Okla., to the former owners thereof; to the Committee on Government Operations.

By Mr. LANE:

H.R. 10616. A bill to prohibit agencies of the United States from imposing contractual provisions boycotting vessels trading with Israel; to the Committee on Merchant Marine and Fisheries.

By Mr. McDONOUGH:

H.R. 10617. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Bridge Canyon project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McFALL:

H.R. 10618. A bill to amend the act of September 2, 1958; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 10619. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

H.R. 10620. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. CLEM MILLER:

H.R. 10621. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS:

H.R. 10622. A bill to amend title II of the Vocational Education Act of 1946, relating to practical nurse training, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMPSON of Louisiana:

H.R. 10623. A bill to extend the Library Services Act for a period of 5 years; to the Committee on Education and Labor.

By Mr. FORAND:

H.R. 10624. A bill to amend the act of September 2, 1958; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 10625. A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes; to the Committee on the Judiciary.

By Mr. HALPERN:

H.J. Res. 624. Joint resolution designating the week of June 5–11, 1960, as National American Guild of Variety Artists Week; to the Committee on the Judiciary.

By Mrs. MAY:

H.J. Res. 625. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington; to the Committee on Interior and Insular Affairs.

By Mr. KASEM:

H. Con. Res. 595. Concurrent resolution expressing the desire of Congress that the United States become a member of the Bureau International des Expositions; to the Committee on Foreign Affairs.

By Mr. LEVERING:

H. Con. Res. 596. Concurrent resolution expressing the sense of Congress that the U.S. moratorium on the testing of nuclear weapons shall be continued; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Con. Res. 597. Concurrent resolution to proclaim the period of March 13–20, 1960, as DeMolay Week; to the Committee on the Judiciary.

By Mr. ADDONIZIO:

H. Res. 452. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; to the Committee on the Judiciary.

By Mr. HAGEN:

H. Res. 453. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; to the Committee on the Judiciary.

By Mr. KASEM:

H. Res. 454. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; to the Committee on the Judiciary.

By Mr. MONTOYA:

H. Res. 455. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Georgia, memorializing the President and the Congress of the United States relative to State rights, and for other purposes, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 10626. A bill for the relief of Michael Pascu; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 10627. A bill for the relief of Naman Louis; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 10628. A bill for the relief of Dr. Salvatore Zannino; to the Committee on the Judiciary.

By Mr. HARMON:

H.R. 10629. A bill for the relief of Wai Ban Chan; to the Committee on the Judiciary.

By Mr. JACKSON:

H.R. 10630. A bill for the relief of Louei Chei Shang; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 10631. A bill for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck; to the Committee on the Judiciary.

By Mr. LEVERING:

H.R. 10632. A bill for the relief of Teresa Woosin Ch; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 10633. A bill for the relief of Maria Odelia Campos; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 10634. A bill for the relief of Sirvart Nalbandian (also known as Serwart Nalbandian); to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 10635. A bill for the relief of Mrs. Mario Baptista; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

An Invitation to the Academy Awards

EXTENSION OF REMARKS

OF

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1960

Mr. SMITH of California. Mr. Speaker, out in California, we have two events that have become known to all Americans and all the world.

The first is the Festival of Roses and the Rose Bowl football game every New Year's Day. This occurs in my own hometown of Pasadena. Thousands come every year to see it. It is carried by radio and television throughout America and throughout the world.

And there is another annual event in our neighboring community of Hollywood. This, too, attracts the attention of the public in America and in the world. It is the annual presentation of the awards of the Academy of Motion Picture Arts and Sciences.

These awards have put a new word into practically every language on earth. The word is "Oscar."

The time is near at hand for these annual Oscar awards. Yesterday afternoon, the academy announced its nominees for the various categories of the motion picture art. A winner will be selected from each of these categories. And these distinguished Oscar winners will then be revealed on Oscar night—Monday evening, April 4, over an NBC radio and television network.

The annual Oscar presentations are sponsored by the motion picture industry itself. Last year, more than 70 million people saw these colorful ceremonies in the United States and Canada. This year, the industry hopes to have an audience of 100 million in this country and Canada.

I want to extend an invitation to all my colleagues to join the millions tuned in on the Oscar show this year. It will start at 10:30 p.m., eastern standard time, and will last an hour and a half. It has always been a good show, and from what I know of the preparations now going on in Hollywood, I think I can assure you that this year's will be the best Oscar night ever.

Here are the nominations in the key categories for this year's awards:

Best picture: "Anatomy of a Murder," Columbia; "Ben-Hur," MGM; "The Diary of Anne Frank," 20th Century-Fox; "The Nun's Story," Warner Bros.; "Room at the Top," Romulus.

Best actor: Laurence Harvey, "Room at the Top," Romulus; Charlton Heston, "Ben-Hur," MGM; Jack Lemmon, "Some

Like It Hot," United Artists; Paul Muni, "The Last Angry Man," Columbia; James Stewart, "Anatomy of a Murder," Columbia.

Best actress: Doris Day, "Pillow Talk," Universal-International; Audrey Hepburn, "The Nun's Story," Warner Bros.; Katherine Hepburn, "Suddenly, Last Summer," Columbia; Simone Signoret, "Room at the Top," Romulus; Elizabeth Taylor, "Suddenly, Last Summer," Columbia.

Best supporting actor: Hugh Griffith, "Ben-Hur," MGM; Arthur O'Connell, "Anatomy of a Murder," Columbia; George C. Scott, "Anatomy of a Murder," Columbia; Robert Vaughn, "The Young Philadelphians," Warner Bros.; Ed Wynn, "The Diary of Anne Frank," 20th Century-Fox.

Best supporting actress: Hermione Baddeley, "Room at the Top," Romulus; Susan Kohner, "Imitation of Life," Universal-International; Juanita Moore, "Imitation of Life," Universal-International; Thelma Ritter, "Pillow Talk," Universal-International; Shelley Winters, "The Diary of Anne Frank," 20th Century-Fox.

Best director: William Wyler, "Ben-Hur," MGM; George Stevens, "The Diary of Anne Frank," 20th Century-Fox; Fred Zinneman, "The Nun's Story," Warner Bros.; Jack Clayton, "Room at the Top," Romulus; Billy Wilder, "Some Like It Hot," Ashton Productions and the Mirisch Co., United Artists.

Free Trade and Foreign Aid Are Ruining America

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks in the RECORD, I should like to speak in behalf of H.R. 10181, introduced by the Honorable NOAH MASON, of Illinois. I can well understand and appreciate how the Congressman feels when he receives mail from a constituent telling him how he has been injured by the importation of items produced with cheap labor in certain foreign countries. I know that Congressman MASON introduced H.R. 10181 in an effort to do something for his constituents.

I might say that we who support his bill will also be helping our constituents. Scores of residents of my State have been and still are being hurt by the bureaucratic attitudes of the State Department as well as other Government agencies. There are companies in my State which have substantial investments in properties and facilities that were capable of producing lead, zinc, magnesite, tungsten, copper, mercury, and silicon, but they have been forced to cut back or shut down their operations entirely because of the importation of these same minerals from foreign countries using cheap labor and submitting to substandard operating conditions. Labor in this country is protected by law, and sweatshop conditions have long since been eradicated.

Dozens of cattlemen in Nevada are now in competition with foreign beef producers. Again we are in competition with cheap labor. I have been advised that last year 58,300,000 pounds of boneless beef were imported into the United States.

I could go on and on, but in short every facet of our economy is affected by the importation of foreign production. I think it is about time we gave consideration to the American producer and our taxpaying citizens instead of sitting complacently by as we watch our country ruled and ruined by "one worlders" who sit in Geneva as a GATT gang, pointing a "gat" at the basic economy of this country.

I suggest that every Member join me in supporting H.R. 10181.

Women's Duties and Responsibilities as Citizens

EXTENSION OF REMARKS
OF
HON. JAMES A. BURKE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mr. BURKE of Massachusetts. Mr. Speaker, included in the February and March issue of the magazine Topics is an article written by my distinguished colleague the Honorable EDITH NOURSE ROGERS, U.S. Representative in Congress from the Fifth Massachusetts District, entitled "Women's Duties and Responsibilities as Citizens."

I know I echo the sentiments of the entire Massachusetts congressional delegation when I say—the gentlewoman from Massachusetts is truly one of God's great noblewomen.

I ask unanimous consent to have the article included in the RECORD:

WOMEN'S DUTIES AND RESPONSIBILITIES AS CITIZENS

Privilege is only one side of the coin of citizenship. The other is clearly labeled "Responsibility." In government, one without the other is valueless. Privilege without the restraints of responsibility becomes dangerous. On the other hand, responsibility without the freedom of a democracy becomes meaningless.

The continued responsible exercise of our democratic rights by all our citizens—women as well as men—will be the determining factor in the future destiny of our country.

In a broader sense, it seems almost a rule of life that every privilege carries with it a corresponding duty. In the field of government, the full privileges of citizenship, which women of America have been granted, carry with them certain responsibilities. It was only 39 years ago that American women were given the constitutional right to vote. In the history of our Nation that is not a very long time, but what our women have accomplished in this short period since their enfranchisement has encouraged other countries to give women a voice in their governments.

It is interesting to me that our Constitution and the amendments to it are mainly concerned with granting our people certain rights. Perhaps our patriots and statesmen who had given so much to obtain these precious freedoms believed that it would be unnecessary to remind us of our responsibility to use them.

Ideas, rights and hard-won benefits become rusty through disuse just as our more tangible possessions. And so it is with the American woman's rights and duties of good citizenship. Certainly, it has been my conviction that the women of America have, just as have the men, made a substantial contribution to the wise operation of this Republic. In the executive, legislative, and judicial branches, women have proven that wisdom, judgment and ability are possessed in equal degree by both men and women.

And so I would urge every American woman, whatever her role in life, to take full advantage of her privileges as an American citizen. For those who are inclined, this may mean running for public office or serving in some appointive position. For others, it may mean helping with the numerous tasks of a political party. At the very minimum, it will mean becoming thoroughly informed on the great issues and current problems and voting on each election day and encouraging others to do so.

In these important ways, American women will be fulfilling their duty and making certain that the coin of our democracy is spent wisely and well.

EDITH NOURSE ROGERS,
U.S. Representative, Fifth Massachusetts Congressional District.

A National Lottery

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mr. FINO. Mr. Speaker, there was a time when horseracing was considered the sport of kings because it provided for their amusement and helped to breed better horses.

But, that was a long time ago. As horseracing grew in popularity, betting became more and more general among people. Today, horseracing is no longer the sport of kings for amusement but the sport of Governors for revenue—it is no longer used to breed better horses but to improve State treasuries.

In other words, Mr. Speaker, because horseracing today is a lucrative business, many of our States are taking full advantage of and capitalizing on the natural gambling urge of the American people. Throughout this Nation, State racing commissions have been lengthening their racing seasons and enlarging their daily racing cards not for the amusement of the public but because it brings more and more money into the State coffers.

Mr. Speaker, New Jersey is the latest State to become concerned over the track tax competition from neighboring States. The Governor of New Jersey admits that the revenue is essential to balancing his State budget and has proposed "suitable action to protect its racing revenue against the possibility of a decline."

Mr. Speaker, all of this competition for more horseracing time means not only a recognition of the fact that the urge to gamble is deeply ingrained in human beings but that a tax on this gambling activity produces a great revenue.

Yet, in spite of this competitive movement among the States, we, in Congress, continue to keep our eyes closed and ignore the obvious, we refuse to accept the glaring fact that the desire to gamble is not confined to racetracks only.

Mr. Speaker, if this Congress would only remove the blinders, it would discover that a national lottery could easily satisfy the natural gambling spirit of the American people and, at the same time, pump into the U.S. Treasury $10 billion a year in additional income. This added revenue would mean a tax cut for the hard-pressed wage earners and a reduction in our growing national debt.

Let us get smart and also compete for this gambling revenue which the States now enjoy alone.

Keenotes

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mrs. KEE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include copy of my newsletter Keenotes which was released Monday morning, February 22, 1960:

KEENOTES

(By Representative ELIZABETH KEE)

Two messages received by Congress this week will touch off lively debate.

1. A request for slightly more than $4 billion to carry on the foreign aid and mutual security program during the next fiscal year received a chilly response from many Members, both Democratic and Republican. Not only were objections raised to the size of the proposed program—$1 billion more than voted by Congress last year—but many Members were sorely disappointed that it did not reveal that a portion of the burden has been shifted to other nations which are in a position to share a part of the load. Congress is likely to insist on a sharing of this burden.

2. The President's request for an additional 1-cent increase in first-class and airmail postage rates was also coldly received. Many Members will not vote to increase mail rates on these two types of mail. First-class and airmail rates at present are high enough to pay their own way and increased rates should not be asked. After all, increased postal rates on the type of mail used by the vast majority of the people would constitute a tax increase. I seriously doubt that Congress will be willing to increase these postal rates again in the foreseeable future.

COAL RESEARCH BILL PASSES

The House has passed a coal research bill. There was little opposition to this proposal to create a Coal Research Office in the U.S. Department of Interior to strengthen this great industry. Inasmuch as the bill was amended to meet objections voiced last year by the President in a veto message, there is an excellent chance the bill will now become law. Those of us from coal-producing States strongly supported the measure.

RETIREMENT BENEFITS FOR SELF-EMPLOYED PROPOSED

The House has passed a bill which will help about 10 million self-employed persons—small businessmen, lawyers, doctors, accountants, engineers and others—to build up a retirement fund.

The House-approved bill allows a self-employed person to deduct up to 10 percent of his annual net earnings or $2,500 (whichever is less), provided it is put into an approved retirement program.

When the self-employed person starts drawing benefits under his retirement program, the accumulated earnings would be subject to ordinary income and taxable as such.

The cost to the Government would be relatively small. But it would give the small businessman a concession similar to that enjoyed now by about 18 million persons under corporate pension plans. It is good legislation and I hope the Senate will follow the lead of the House in approving it.

The Modern District Attorney

EXTENSION OF REMARKS
OF
HON. ALLEN J. ELLENDER
OF LOUISIANA
IN THE SENATE OF THE UNITED STATES
Tuesday, February 23, 1960

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a very learned address by the junior Senator from Utah [Mr. Moss] delivered in the city of New Orleans on February 19, 1960, entitled "The Modern D.A."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"THE MODERN D.A."

(Address of Senator FRANK E. MOSS, Democrat, of Utah, before the Third Annual Attorney General's Conference, New Orleans, La.)

When Jack Gremillion asked me to address the Third Annual Attorney General's Conference of Louisiana, I was pleased to accept. I always enjoy coming to Louisiana. And in my first year in the Senate I have been grateful for the counsel and help of your two distinguished Senators, RUSSELL LONG and ALLEN ELLENDER. They are capable men of good will who represent the State of Louisiana and the United States in a fine and honorable fashion. I know you are rightfully proud of them.

Being a lawyer and having been a judge and a prosecutor, I thought I could talk rather informally to my fellow members of the bar who are working in the field of criminal law enforcement. It was after I accepted the invitation that I learned that there would be included in the audience not only the district attorneys, but their strong right arm—the sheriffs of the 64 parishes of Louisiana and also your coroners who I understand to be professional doctors.

It was with some trepidation that it dawned upon me that I just couldn't while away some time with my friends at the bar, but instead would be addressing a formidable group of dedicated public servants including the ancient and honorable institution of the sheriff and the respected and professionally competent office of the Louisiana coroner.

The challenge seemed a rather confusing one, but after reflecting on my own experience I concluded that I have a good background in dealing with confusing problems. In my own State, we have a rather unique situation in that we have both a county attorney and a district attorney who have a divided jurisdiction in criminal matters. The county attorney has the responsibility for issuing the complaint and proceeding with a criminal case through the initial stage of a preliminary hearing. If the preliminary hearing results in a "bind-over" the county attorney then loses all jurisdiction and it becomes the responsibility of the district attorney to proceed with the trial. The county attorney has both civil and criminal jurisdiction, but the district attorney has only criminal powers, except he handles reciprocal support cases.

I submit that having been a judge for 10 years and a county attorney for 8 years under such an arrangement makes me an authority on confusing situations.

In a more serious vein, however, all of you have the same objective—and that is the diligent and just administration of the criminal law. This is a most important and sober public business—and particularly so in view of the international climate of the 20th century.

Underlying the structure and fabric of our law is a Bill of Rights designed to protect the life of every citizen, his liberty and his property. At the time they framed this charter of liberties, the lawyers who in an earlier day set the fires of the Revolution were mentally smarting from the personal abuses heaped upon them by king and government and the violation of personal and property rights that had been secured to freemen by the Magna Carta. Officers of the king had broken into shops and homes of friends and neighbors, searched and seized anything and everything at pleasure. Respected and honored citizens had not been free of arrest upon a hint or a sly suggestion of a petty official. Often they were imprisoned on suspicion with no opportunity to be heard and without a fair trial.

Out of their bitter memories they wrote into the Constitution basic and fundamental principles to restrain any excesses of government and check any arbitrary power that might invade the rights of personal liberty and private property.

Today the principles of freedom and fair play are being challenged and opposed around the world by totalitarian ideology that denies the existence of God and subjects the individual to arbitrary naked power of the state.

The greater threat to the rule of law in any of the nations of our free world is the danger that the people will become dissatisfied with the functioning of their system of justice and do irreparable injury to it, without realizing that by so doing they are destroying the very foundation of the rule of law in their society.

It is our professional responsibility to keep the pulse of life beating strongly in the law. We cannot do this by treating our fundamental freedoms as abstract theoretical concepts of a legal system. The people of the free world must learn to believe those freedoms to be what we believe them to be, the practical dynamic concepts for living, unalienable in every human being.

In earlier days the status of law in other nations was not a vital concern to us. But we are living in an era where it is no longer possible to ignore the attitudes of other peoples. This state of society is the result of two factors. Under the impact of science and technology our world is shrinking. And old empires are dissolving into new nations, filled with aspiration not unlike our own.

The tremendous success of scientists and technicians has left a gap between our scientific discoveries and their beneficial and peaceful utilization within the framework of

the institutions devised to insure freedom and rights of the individual. The bridging of this gap may well prove to be the legal framework of free societies in the making.

If we reflect on the issues at stake in the cold war, if we analyze its deepest meaning, we come to the inevitable conclusion that among the most essential values at stake are legal ones: the relation between citizen and state, the liberty and liberties of individuals.

Obviously, our system is under attack and tremendous pressure from without. Our national survival will depend upon our internal social strength. We cannot be strong in a democracy unless we can effectively enforce the criminal laws and at the same time safeguard the sacred right of the individual.

You are the agents of your State who from day to day must work and live with the criminal law, its ramifications and complexities. The strength of our Nation and the reputation it enjoys in the world are in your hands. Only if the criminal law is fairly and properly administered can this Nation survive in its present democratic form.

Keeping in mind the necessity of effectively enforcing the criminal law and at the same time safeguarding the rights of individuals it is somewhat disconcerting to look at the results.

J. Edgar Hoover in the February 1960 issue of the FBI Law Enforcement Bulletin made this rather dramatic statement:

"America today is threatened by a sinister, unholy alliance which saps the strength of our Nation and besmirches our country's dignity.

"To the profession of law enforcement, this dark force is known as organized crime—a lawless legion of extortionists, strong-arm hoodlums, and professional racketeers whose greed reaches into every community of our land. Their lust for power and profit costs American citizens an astounding $22 billion a year. No longer are their victims necessarily rich individuals of position who were the targets of the so-called 'syndicates' of the 1920's and 1930's. Professional hoodlums have turned to looting every class. Their prey is the small businessman; the legitimate industry; and the unwary community which leaves its door open to supposedly minor vices.

"Organized crime exists by exploiting weaknesses throughout our society whether they be city ordinances, county codes, State statutes, or Federal laws. The lawless legion infiltrates through every loophole, its booty flowing into underworld coffers whether it be nickels and dimes from a jukebox in a bar in the smallest town or from a multimillion-dollar stranglehold on large metropolitan centers obtained through the domination of a few dishonest labor officials. The depredations are an endless shame to the countless honest, law-abiding labor leaders and businessmen across the Nation."

The latest available figures dealing with criminal activity in the United States are published in the 1958 Uniform Crime Reports. The figures are astonishing. For the 1958 calendar year the following criminal offenses were reported:

Murder and nonnegligent manslaughter, 3,870 for an increase of 3.2 percent over 1957; forcible rape, 7,622 for an increase of 13 percent over 1957; robbery, 56,207 for an increase of 13.7 percent over 1957; aggravated assault, 72,460 for an increase of 3.5 percent over 1957; burglary, 427,457 for an increase of 11.8 percent over 1957; larceny ($50 and over), 272,805 for an increase of 10.3 percent over 1957; auto theft, 196,784 for an increase of 1.9 percent over 1957.

It should be of interest to us that during the calendar year 1957 45 police officers were killed in the performance of their duties.

It is apparent that organized crime is growing. Starting with the days of prohibition, we saw the advent in America of organized crime on a large scale. There were different mobs operating in well-defined territories in the handling of liquor and these mobs often warred with each other. Their organization was loose and their methods were crude compared with the type of organized crime which I perceive to exist at the present time.

Since the 1930's crime has become better organized and criminals often operate with the best legal and accounting advice. They have adopted corporate methods in the handling of vast enterprises.

There is no lack of money in these criminal enterprises. It is estimated that narcotics peddlers take between 180 and 300 million dollars a year from a gullible public. In the field of labor racketeering the take could amount to $100 million very easily. It is estimated that between 14 and 16 billion dollars are involved in gambling enterprises of one sort or another in this country. Of this amount, over $2 billion goes into the pockets of the gamblers and the syndicates. I shall not try to estimate the millions of dollars which are involved in the distilling and sale of illegal alcohol, or in the other areas of criminal activity.

Needless to say, most of this money is not reported on income tax returns—it is "hot money." As such, it goes into the channels of illicit trade such as narcotics, vice, and other enterprises. Some of it, I believe, goes into bank accounts in Switzerland identified only by a number and kept in great secrecy by bank officials, and is siphoned off abroad where it can be invested without fear of discovery.

It is no wonder then that these organized criminals recognize the necessity of setting up as a control an invisible government whose edicts are carried out by unknown enforcers and nameless assassins and who, themselves, are not prohibited from employing the most modern devices to perpetrate their crimes and to conceal them. It is not beyond conception that they will attempt to buy protection from those who enforce the law.

I do not wish to belabor the point and I do not wish to appear as an alarmist, but it is important to recognize the threat posed by the modern criminal—he is a modern man, with modern tools at his disposal and the know-how to use them. He is represented by modern attorneys. He deals in and with the modern corporate institutions. He circles the globe in modern airplanes and he has readily available to him modern means of communications that can put him, within minutes, in touch with almost any place in the world.

We cannot cope with a jet-age criminal with a horse and buggy prosecutor. We need a modern district attorney, with modern tools and the legal right to use them. The right to wire tap, with proper safeguards, is essential.

The prosecutor needs to become a specialist and as such should have some specialized training. There was a time when the only training a prosecutor received was on the battlefield. As a specialized profession, however, the situation is changing, and for the better. The prosecutor now has some inservice training schools which are doing a great deal toward professionalizing the office. The good that is accomplished through conferences such as this is immeasurable. There is the short course for prosecutors at Northwestern University. There are the PLI, the University of California, and some others. I submit that it is in the public interest that attendance by prosecutors should be at public expense since the public reaps the benefits in better service.

The professional prosecutor needs a professional library and the public needs to be educated as to the wisdom of paying for one. In many States the bar association can be persuaded to cooperate in the development of a good library for the prosecutor.

I am proud of the small part I have played in the National Association of County and Prosecuting Attorneys—now the National District Attorneys' Association. Through this association of prosecutors there is a continual exchange of information and ideas. And through this exchange, members not only become more competent in their duties, but they discover that many situations arise where they can be helpful to each other and thereby discharge their duties better. This cooperation of district attorneys can be and is fruitful.

Of course, the prosecutor can do a great deal to improve the effectiveness of his office by helping to train the personnel of the other offices with which he works. Classes and lectures for the police officers and sheriff's force can pay untold dividends in cooperation and in giving direction to the efficient performance of their duties.

Fortunately the prosecutor is beginning to learn the value of new and modern tools in meeting the challenge—and fortunately new and better tools are becoming available—the wire tap—the FBI lab—the medical examiner and other scientific laboratories. Also the regular exchange of information about criminals and their activities has been greatly facilitated. The best tool which we have, however, is the well-trained, competent and imaginative professional prosecutor.

In the complex society of a democracy the modern district attorney must be a man of dedication, strength and honor beyond reproach. This is by far the most important quality.

When the district attorney obtains a guilty verdict from the jury in a criminal case, people usually crowd around offering him congratulations for his victory. I suppose that everyone has witnessed this kind of scene. But what I often wonder is whether these congratulations are offered because of a job done with diligence and skill or whether the congratulations are offered simply because the district attorney has won his case. When the district attorney gets a conviction and particularly when the case has notoriety and widespread attention, there are crowds of people who push forward and exult. On the other hand, when the prosecuting attorney dismisses an indictment or dismisses a case after it has come to trial or when he for reasons of his own refuses to seek a complaint or an indictment, how many are there to congratulate him then? I submit that the usual reaction in the latter case is for people to raise their eyebrows or to suggest darkly that the prosecutor has been bought off by money or political pressure or by some other nefarious action.

A district attorney who has wrestled with the facts and the motives and the people involved in a human situation and who has perhaps spent sleepless nights thinking about his case may well be exhibiting more courage and may well be better executing his office when he dismisses and fails to prosecute than when he takes the defendant before a jury.

In saying this I do not wish to convey the impression that there are vast numbers of people improperly accused of crime because I recognize that usually when a person is accused by a police officer or other law enforcement personnel there is substantial basis for the accusation and the ordinary procedure is for the prosecutor to go ahead with his presentation in court. But there are situations occurring in every prosecutor's office where the honorable and human thing to do is to dismiss, even though such action usually will be unpopular with law enforcement agencies and with the press.

And on the other hand, the prosecutor must be ever watchful not to usurp the legitimate function of the court. This is a constant challenge to the prosecutor's attitude, courage, intellectual honesty and motives in the exercise of his office.

Another of the important aspects of the prosecutor's job is to deal with the public. In some cases the police department creates a friendly and cooperative relationship with people, but more often than not, a rather hostile relationship ensues. The court is remote from the people and few citizens have an opportunity to deal with the court unless they are involved in a trial, and then of course, the relationship must be very formal and somewhat impersonal. But the prosecutor has to deal daily and on a close personal basis with the people in his jurisdiction. His office should be a place where people can come with their problems and can receive a sympathetic hearing. One admonition that I would give to every prosecutor is to remember that whenever a citizen comes in with a problem, it is to that citizen a problem of great importance and seriousness. The event may seem routine to one experienced in the law. There may be a dozen or more of these incidents brought into the office every day, but to the individual who brings his problem, this event is the most important thing in the world at that time. A prosecutor who properly discharges his duty will treat people in his office so that each feels that he has a sympathetic hearing and that he is understood. And of course the people who come daily include victims of crime, worried parents, evicted tenants, deserted children, and some who might be classed as crackpots. Even in the case of the crackpot, it is desirable to take enough time to let him feel that he has been heard and then to dismiss him without harshness or abruptness.

Many people who come to the office of the prosecutor will be seeking legal advice in personal civil maters. The ordinary citizen who is unlearned in the functions of the prosecutor's office feels that the elected prosecutor is his public lawyer and he will present questions of nonsupport, rental evictions, unpaid debts, and all manner of problems. If the prosecutor undertakes to advise fully all of these people, he not only will spend his full time so doing, but he will run afoul of the bar association which will resent the diversion of civil business from the practicing lawyers in the area, and rightly so. But in explaining the necessity of seeking legal counsel from a private practitioner, the prosecutor can be human and helpful. Many people can be helped with just a word or two of counsel, whereas others will have long and complicated problems. Each case must be dealt with as it arises, but the prosecutor should be careful not to brush off or refuse to see citizens who come in with private legal problems. He should be helpful where he can and he should direct the person to seek private legal counsel with a full explanation of the necessity for so doing.

Still another area where a prosecutor finds many of his problems is in dealing with juveniles. Most States have statutes which provide that a juvenile cannot commit a crime but that if he performs the acts which would constitute a crime if they were performed by an adult, then the juvenile is considered a delinquent child. There usually is an additional provision that under certain circumstances and in certain age groups a juvenile may be prosecuted as an adult. In principle, however, a juvenile is considered in a different manner from the adult and the prosecutor must be fully cognizant of this difference. He must be prepared to work with the juvenile authorities in a situation which is completely different from his court appearances in ordinary criminal cases.

Another problem which confronts every conscientious prosecutor is the relationship which he maintains with the police force or the sheriff's office in his jurisdiction. No prosecutor can function properly without the help and cooperation of the police department or sheriff who is charged with the apprehension of criminals and is responsible for the gathering, preservation and presentation of evidence before the court. Ordinarily the police officials expect the prosecutor to vigorously prosecute and surely convict every person who is arrested and charged with a crime. To be popular with the police department, it would seem that a prosecutor would try every person accused, regardless. And it is true that in cases where in his judgment it is not legally feasible to prosecute and he dismisses or for some other reason the case is dropped, there is often a feeling of resentment and hostility from the police department. To avert such resentment and conflict, it is my recommendation that the prosecutor take the police department into his full confidence in the consideration of every case. It is my belief that he will be better respected for standing his ground and refusing to prosecute when he has a sound reason for taking this action, provided that he clearly states this reason to the police. Some prosecutors tend to be patronizing or even a little disdainful of the police. Of course this attitude brings the expected reciprocation from the officers. It is also sometimes a problem when the prosecutor maintains an investigative force of his own. Unless the closest of liaison between the prosecutor's investigators and the police force is maintained, they will often be at cross purposes and the police will be suspicious and resentful of the activity of the investigators. If proper liaison is maintained, the investigator from the prosecutor's office can serve a very useful purpose and, of course, be a safeguard against corruption within the police force.

A very important part of the prosecutor's relationship to the police department is with reference to the public image created by the relationship. I suspect that there is nothing that will cause the public to lose its confidence and trust in both the prosecutor and the sheriff faster than the image of bickering and lack of cooperation between these two offices. And the effectiveness of both offices can be seriously jeopardized by such a public image. But neither should the public feel that the prosecutor always followed the police, that he was in their pocket.

The relation of the prosecutor with the judge or judges before whom he appears is of great importance. It must be remembered that the prosecutor occupies a sensitive position in his community and that figuratively all eyes are upon him. If the prosecutor maintains an extremely close personal relationship with the court, it is then suspected that the judge is influenced to do exactly what the prosecutor wishes, or that "things are worked out in advance." If this impression grows in the minds of the people, then their confidence in the administration of justice is undermined. It is apparent, however, that the prosecutor should maintain a friendly, although respectful, relationship with the court, because he must work constantly with the judge and he can better discharge his obligation if they are working in harmony. But again the local situation must be evaluated. Each prosecutor must decide for himself to what extent he can develop a close social relationship without impairing his effectiveness in the community. Judges are human, too, and cannot be totally ignored socially, but without a doubt some degree of restraint must be exercised.

The relationship of the prosecutor with the local press is of great importance. Of course the cynic will say that it is of importance for the prosecutor to get a laudatory press so that he can be reelected or can use his office as a steppingstone to higher political endeavor. But I mean that the relationship is of great importance in getting the job done with which the prosecutor is currently charged. In the first instance, the inhabitants of the jurisdiction must have confidence in the prosecutor. Unless the press reports his activities in a reasonable and straightforward manner, he can be greatly misunderstood and can be hampered in the execution of his office. The press, of course, is anxious to print news and vie for a scoop in running a story. Oftentimes the press will uncover bits of evidence unknown to the prosecutor or to the police. In those instances the press can be of great value if their cooperation has been obtained. Sometimes the press comes into possession of information which should be kept confidential for a period of time and the question arises then whether the press can be persuaded to exercise restraint on publishing the information. If the prosecutor has built the right kind of relationship with the press over a period of time, his request ordinarily will be respected. It is recommended that the prosecutor habitually take the press into his confidence and reveal whatever information he has with the request that matters which could be damaging to his investigation or prosecution be withheld for a reasonable length of time. If the prosecutor is reasonable in his request for restraint and if he is scrupulous in keeping his word with the press, he can ordinarily have complete cooperation. The matter is, of course, a two-way street, and whenever the prosecutor is in possession of information which is newsworthy and which can be published without damage, then he should go out of his way to reveal it to members of the press who are charged with gathering such information. The conscientious and fairminded prosecutor most certainly will refrain from trying his case in the newspapers. Restraint is indicated because of the temptation to use the press before trial.

Perhaps one of the greatest problems facing today's prosecutor is that of his salary. He is generally a well-trained, competent and professional attorney. His responsibilities are large and complex, and the demands on his time are excessive. This is the age-old problem of salaries for public officers, but here it is magnified since the public at large fails to realize the responsibilities involved and the value of professional legal competence. To hold any public office generally involves personal sacrifice but in the case of attorneys, the sacrifice is usually larger.

Because of this simple fact new problems are created. The prosecutor usually needs and looks for additional sources of income. He practices law on the side, either solo or in partnership and then the delicate problem of conflict of interest raises its head to haunt the prosecutor and constantly to subject him to criticism, either warranted or unwarranted, of the press and the profession. The result is, of course, a loss of confidence by the public. I needn't tell you what this leads to.

In the same general area the prosecutor is always subject to the pressures and influence of groups who want favors and the temptation is strong to dispense such favors in the hopes of winning votes. It is interesting to note that such favor seekers consist of not only the criminal element, but also the chamber of commerce, labor groups, racial groups, churches, in fact, almost everyone—this seems to be the American way of life. The prosecutor who succumbs, however, is surely undermining his own effectiveness and will eventually pay the price.

It is necessary because of these problems for the prosecutor to have the finest sense of discretion—to be absolutely honest and of unquestioned integrity. This seems to me to be the only answer and it is a standard which the great majority of prosecutors meets.

I have spent considerable time talking about the problems of prosecutors—these are the problems you live with daily—the problems each prosecutor must resolve for himself. But, the trust and the challenge of

the prosecutor are greater than any one of these problems—in fact, greater than all of them put together.

The Supreme Court of New Jersey has said:

"In his county, as we have seen, the prosecutor is the foremost representative of the executive branch of the government in the enforcement of the criminal law. (*State* v. *Winne*, 96 A. 2d 63.)"

And in Kansas, the supreme court held:

"He is the officer upon whom the State relies for the prosecution of all criminal offenses within his jurisdiction. If he fails or refuses to act, the law is voiceless and powerless. It is paralyzed. (*Johnston* v. *Foster*, 32 Kans. 14 3P. 534.)"

You must keep in mind that you are the chief law enforcement officers of America. By way of contrast, the courts are too remote and too formal—the public cannot speak with, deal with, or negotiate with the courts. On the other hand, the police department often is regarded by the public as being hostile, antagonistic, severe, and unapproachable. Thus, it is the prosecutor who must deal with the public on a day-to-day basis—on whom the public relies—who must shoulder the responsibility and the honor of maintaining peace and order.

The public must feel that the D.A. is alert, incorruptible, and understanding. He must be a man of courage—but he must also be a man with a heart and wisdom.

It would be well for you to stop and realize that in this context, the office which you hold is as important as any other office in government. Justice is the cornerstone of our democracy, and the framers of our Constitution and the drafters of our statutes have entrusted this cornerstone in your keeping.

The Supreme Court of the United States identified this trust in the case of *Berger* v. *U.S.* when it said:

"The * * * (prosecuting) attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

The prosecutor has a trust unsurpassed by any other officer in our great democracy. The challenges are many and are complex.

The most important assets a prosecutor must have to enable him to successfully meet the challenge are dedicated and efficient sheriff's force and professionally competent scientists, such as your coroners. If you will reflect upon this for a moment, I think you will agree that a prosecutor can be no more effective than his sheriff or his experts. Without your sheriffs and your coroners you would be helpless—you might as well lock up the office and go home for all the good that you can do. And so, while I have talked largely of the prosecutor, I want it known that I use this term to include your sheriffs and your coroners. They are an essential part of the prosecutor's office and what I have said about prosecutors applies equally to them.

In my experience, the district attorneys of America have been people who are devoted to the public welfare and are concerned with the effective execution of the office which they hold. Many of our finest D.A.'s have turned down the opportunity to sit on the bench or to hold other public office because they were devoted to the position of prosecutor. Many others who have chosen to move on to other fields have nevertheless given their best efforts while holding the office of prosecutor. In any field of public endeavor where many are involved, there will always be a few misfits and downright rascals. Fortunate it is that we have had so few in America in the past 50 years. The office of the modern prosecutor is one of great power and a fine tradition. He who takes the oath and embarks upon this service should be prepared to devote his heart and mind and his personal life to the service of his people.

Carlo Bianchi & Co. Against the United States

EXTENSION OF REMARKS
OF

HON. ALFRED E. SANTANGELO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1960

Mr. SANTANGELO. Mr. Speaker, on January 27, 1960, I called upon the Attorney to protect the interests of the United States in the defending of lawsuits instituted against it. I stated that the case of Carlo Bianchi & Co. against the United States, Court of Claims Docket No. 466–54, had come to my attention. This case is one in which the Attorney General's Office had not properly represented the United States and was foreclosed from introducing proof to reduce damages. I also pointed out that this is a case I know about and I wondered how much more money the Government had squandered by reason of the laxity and lack of preparation in protecting the Government's interest.

On February 3, 1960, Mr. George Cochran Doub, the Assistant Attorney General in charge of the Civil Division of the Department of Justice, wrote to me and claimed that I was not correct in my statements. On February 8, 1960, my colleague, Mr. FRANK T. BOW, inserted into the CONGRESSIONAL RECORD a letter which Mr. Doub forwarded to him in connection with the Carlo Bianchi case.

In view of the misleading statements, I am setting forth Mr. Doub's letter to me dated February 3, 1960, and my reply to him dated February 19, 1960, and am forwarding this matter to the appropriate congressional committee for further investigation and for a determination as to the efficiency of the Civil Branch of the Attorney General's Office:

DEPARTMENT OF JUSTICE,
Washington, February 3, 1960.

Hon. ALFRED E. SANTANGELO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SANTANGELO: To straighten the record and in fairness to the trial attorney of this Department who is handling the case of *Carlo Bianchi and Co.* v. *The United States*, Court of Claims Docket No. 466–54, I wish to call your attention to some major errors in your extension of remarks referring to this case, contained in the CONGRESSIONAL RECORD for Wednesday, January 27, 1960, commencing on page 1429.

Your assertion that, after the Government was held liable in this case by the Court of Claims, the court will not now permit the Department to introduce any testimony with respect to damages, that the Government has been defaulted on the issue of damages and that as a consequence the United States has been held liable in the amount of $680,066 were not correct.

The court has not ruled that the Government may not submit any testimony on damages, has not defaulted the Government and has not held it liable for $680,066 or any other amount. The fact is that the Government attorney handling this case is presently on the west coast preparatory to offering before the Commissioner at a scheduled hearing commencing February 8 in San Jose, Calif., the testimony of one of the Government's most important witnesses, the resident engineer on the project.

A misunderstanding did arise between the Commissioner and the Government attorney regarding the time and place of presenting the Government's evidence and the court did deny a motion of the Government for leave to submit additional testimony on the basis of the situation then existing. However, in the event the Department of Justice concludes, after the taking of testimony later this month in California, that the Government's interest will require additional proof, it proposes to apply to the court at that time for leave to do so and we have no reason to believe that, in the event of such a reasonable application, the court will not permit the Government to present additional testimony on the issue of damages.

I have confidence in the competence and industry of the trial attorney handling this case who, under difficult circumstances with a heavy caseload, has handled an extremely complex and involved matter in an able manner and we cannot avoid the conclusion that your remarks criticizing this lawyer were unjust.

Very truly yours,
GEORGE COCHRAN DOUB,
Assistant Attorney General.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 19, 1960.

Hon. GEORGE COCHRAN DOUB,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. DOUB: On February 3, 1960, you forwarded me a letter in which, among other things, you assert that my statements regarding the case of *Carlo Bianchi and Co.* v. *The United States*, Court of Claims Docket No. 466–54, are not correct and that the Government has not been defaulted on the issue of damages. You further state that you have confidence in the competence and industry of the trial attorney handling this case. Based upon the docket at the Court of Claims, I question whether the best interests of the United States were adequately and competently represented by the Assistant Attorney General's Office charged with such responsibility. Our confidence in the ability of your Office to safeguard the taxpayers' moneys must not be weakened.

Under your responsibility, and in the name of the trial attorney whose name I do not care to mention at this point, a motion was made to reopen proof. Said motion was denied by the judge of the Court of Claims on December 18, 1959, with a notation "denied for the reasons that defendant has failed to show the Commissioner's action in closing proof was erroneous." Said decision was filed on December 19, 1959, and as of the noon of February 18, 1960, the docket of this case at the Court of Claims in the clerk's office does not show any permission to the Government to reopen proof. The only entry in the docket after the denial by the court of the Government's motion to reopen for the purpose of introducing proof is an entry showing that a duplicate set of exhibits, renumbered, were filed by the parties. In my opinion, the statements in your letter did not

set forth the truth and appeared to be intentionally misleading.

I am setting forth several statements in the moving papers which were submitted under your name and under the name of the trial attorney. They speak for themselves and indicate that the Government was foreclosed from offering additional proof to reduce damages.

On page 1 of the moving papers you make this statement: "Defendant respectfully moves the court for an order reopening proof herein so that it may present evidence essential to its defense of this action. Through inadvertence and misunderstanding on the part of defendant's counsel the proof was closed by the Commissioner, before all such evidence was presented."

On page 8 of the same moving papers, you state: "In the present status of this case the Commissioner has closed proof on both sides with the exception of one witness to be heard on behalf of defendant in San Jose, Calif., on February 8, 1960."

On page 8 of the said statement you state: "It is accordingly respectfully suggested, for the reasons hereinbefore stated, that the case be reopened and that a further hearing for the taking of defendant's testimony be set sometime before February 8, 1960."

On page 8 you state: "Although considerable extra expense would be involved, defendant, in the light of the misunderstandings above mentioned, would undertake to bring its witnesses to California for that purpose."

Your motion to reopen the case for the purpose of submitting additional proof was denied by the court, and, therefore, your statement that I am in error when I stated that the court will not now permit the defendant to introduce any testimony with respect to damages was not correct and was made for the purpose of avoiding the responsibility which is yours.

I am forwarding your letter to me and my letter to you to the appropriate congressional committee because I believe that our Government deserves better representation in the defense of lawsuits against it, and the appropriate committee will draw its own conclusions.

Very truly yours,

ALFRED E. SANTANGELO,
Member of Congress.

Antarctic Treaty

EXTENSION OF REMARKS
OF
HON. THOR C. TOLLEFSON
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mr. TOLLEFSON. Mr. Speaker, under leave to extend my remarks I should like to inform the Members of the House that on February 4, 1960, the American Association of Patriotic Societies at its annual meeting unanimously adopted a resolution opposing the recent Antarctic Treaty which would internationalize the Antarctic. This treaty has yet to be confirmed by the Senate.

The association also urged that the Antarctic areas explored by the United States be claimed by our Nation. A like resolution was adopted by the Women's Patriotic Conference on National Defense during its annual meeting on February 5.

House Joint Resolution 97, which I have introduced, declares the rights of sovereignty of the United States over those areas which she has explored, and reserves her rights to other areas.

Senator Keating Honors Rabbi Goldstein

EXTENSION OF REMARKS
OF
HON. HUGH SCOTT
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Tuesday, February 23, 1960

Mr. SCOTT. Mr. President, on January 31 there was an important meeting in New York. The World Academy in Jerusalem held a reception in honor of Rabbi Herbert S. Goldstein on the occasion of his 70th birthday.

It is fitting that this great man of God should be honored by the junior Senator from New York. Senator KEATING has been honored many times by Zionist organizations. In a recent trip to Israel, he was present at the dedication of the Ken Keating Forest.

The junior Senator from New York and I have agreed on many matters in both Houses of Congress. One of these is in our deep admiration for the people of Israel and for their great cultural attainments.

I ask unanimous consent that Senator KEATING's address and the one delivered by Rabbi Goldstein be printed in the CONGRESSIONAL RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR KENNETH B. KEATING, REPUBLICAN OF NEW YORK, AT A RECEPTION GIVEN BY THE WORLD ACADEMY IN JERUSALEM IN HONOR OF RABBI HERBERT S. GOLDSTEIN ON THE OCCASION OF HIS 70TH BIRTHDAY, IN THE GRAND BALLROOM OF THE PLAZA HOTEL AT 8 P.M., JANUARY 31, 1960

Mr. Chairman, fellow members of the celebration committee, ladies and gentlemen, this is a warm and wonderful occasion—because we honor tonight a man who, in a sense, has honored all of us by the gift to humanity of so long a life of service, of friendship, of dedication. Rabbi Goldstein, there are two ways in which I could reveal your age—by saying you have lived for 70 years—or—that the world about you has been enriched for 70 years. I think the latter is the best way to tell your age.

Many of your friends and associates here tonight have been privileged to have their own lives touched, and inspired and ennobled by your own. I have only read the story of the fruitful years you look back upon, across the vista of memory, but, that story of achievement—that generous giving of yourself to great causes, to great purposes over the years, is no less inspiring to me than to those so fortunate as to have been within the happy circle of your influence and your friendship.

Anyone studying your long and splendid career, Rabbi Goldstein, might well be moved to say: Here is a man who has made a happy blending of vocation and avocation—for, on the one hand he collects honors, on the other, he collects friends.

Surely, one of the most preeminent causes with which your name has been so closely associated is that of the World Academy in Jerusalem. No one can build you a finer monument than you have built for yourself—by your unceasing efforts in behalf of this outstanding cultural contribution to the history of the Jewish people.

I do not know of any way in which the meaning of the World Academy can be better expressed—or its essence better described—than in the words of the late chief rabbi of Israel, Isaac Halevy Herzog, who said: "The World Academy is to the State of Israel what the soul is to the body."

One has only to visit Israel—as I recently had the privilege of doing, to realize the truth of this statement—to appreciate the intensity and the scope of the spiritual and intellectual contribution of the World Academy. The facets of its program are many and they are vital. The academy is at once a repository and a source—filled with the great treasures of the past, enriching the present and the future with its research, its energies, its wisdom.

I look back with fond recollection on my visit to Israel. It remains one of the most vivid and illuminating experiences of my life. I was invited by the Israeli Government on the occasion of the dedication of the Ken Keating Forest—a great and cherished honor for me.

I do not believe I shall ever forget that dedication ceremony, high up on one of those beautiful Judean hills that look down upon Jerusalem. The soil was hard and rocky, and I could not help but remark to the chairman of the occasion: "It does not seem possible that trees would take root in this stony ground."

He smiled and said to me: "In Israel, the trees, like the people, are inspired to grow by the very difficulties of growing."

I have told this little incident to many of my friends, and I have impressed upon them that, to me, it sums up the greatness of spirit which alone can explain the success of Israel.

To read of Israel, her people, and her institutions is, in a sense, like reading the review of a book. To me was given the wonderful opportunity to read the book itself—to turn its pages, to dwell upon their grandeur, to study their meaning in terms of human spirit.

This fountainhead of Jewish culture has been built from the heart outward. It is a striving into which life has been breathed by a dedicated people. It is a historic breakthrough, out of the past and into the present.

Our guest of honor tonight has exemplified in his own life this spirit I found in Israel. The willingness—the hunger, almost, to meet new challenges—the freshness of what one might call constructive dissatisfaction—that is, an impatience to build, to achieve, to improve—to push, pioneerlike—toward new frontiers of creativity, toward a richer, fuller expression of the free spirit of man. These are the traits of a great culture because they are the traits of the great men who make that culture—men like you, Rabbi Goldstein.

One of the discoveries that impressed me most in Israel was the balance that has been maintained in the broad field of culture, between science and the broad fundamental values of the spirit and the intellect. The tremendous economic upsurge of Israel, with all the materialistic aspects it implies, has been accomplished in a perfect equation of the demands of existence with the demands of the spirit. Important as it is to the growth of Israel, science has its place, not its pedestal, in the total concept of Israel's meaning and its mission.

The Weizmann Institute, which I had the pleasure of visiting in the company of my good friend, Abba Eban, is unique in its part of the world. There is no other scientific

research center between Rome and Tokyo that compares with it. Together with the famous Technion at Haifa—which Dr. James Killian called the "M.I.T. of the Middle East"—the institute has been the main factor in meeting and solving Israel's industrial development problems.

In this pattern of counterbalance I have referred to, the World Academy in Jerusalem stands as a prime and perfect example of the emphasis given by Israel to the deep spiritual and religious values in man's life as contrasted with the purely scientific and utilitarian.

Israel today stands as a great act of faith. Everything is related to that act of faith—is part of it—whether it takes the form of scholarly research into the roots of this great culture or scientific probing into the undiscovered and unknown.

Yes, Israel can well be summed up as an act of faith, brought to glowing life by the zeal and the energies of its people. Believe me when I tell you that, to the visitor, it inspires faith as well. It shows him what man can accomplish in this world when a great and noble purpose is infused with the heart and the will and the muscle to make it succeed.

In this regard, it is timely to pay tribute to the truly magnificent contribution made to the growth and to the success of Israel by her many and generous friends here in America. Rabbi Goldstein epitomizes this devotion of self to a great cause, but whether the giving is to be reckoned in time, in generosity, in energy, or in moral and spiritual support, Rabbi Goldstein finds himself in a numerous and dedicated company.

We know too well, all of us, that the great, overshadowing problem remains—the island status of Israel in an unfriendly surrounding sea. Yet, in this very metaphor of land and water, lies, I feel, the best hope of an ultimate resolving of the problem. By this I mean that the great force and influence of Israel is like a tide breaking upon a shore. The shore must change. It cannot ignore the tide. It must feel its pressures, it must take nourishment from its waters, it must one day realize the tremendous flow of vitality and health and human betterment that this ceaseless tide represents. By its will and its energies, Israel has pounded through the granite wall of the impossible to create a new nation. The wall of hatred and distrust that now confronts it is man-made and man can break down what man has erected. It is your fervent hope—and my own—that each passing day may bring us nearer to the realization of that sublime hope.

In general, we have done well as a nation in helping our friend Israel grow and prosper. However, I am greatly disturbed by some recent incidents.

In a news story a few days ago it was reported that the Navy had included cancellation clauses in its contracts with U.S.-flag ships to take into account the Arab boycott of Israel. What the Navy had said in effect is that, if Arab nations won't let a ship with a Navy cargo use the Suez Canal or trade with Israel, the shipper is obligated to cancel his contract and to substitute another and exactly similar vessel to the Navy. As a consequence, no American shipper who does business with Israel could conceivably bid for a contract involving shipment through the Suez. The New York Times in a recent editorial recorded (and I quote) "shock to learn that the U.S. Navy is supinely accommodating itself to the Arab boycott of ships trading with Israel." The American Jewish Congress, in commenting on this same situation, noted that the Navy is in effect acting as enforcement agent for the Arab boycott.

The news about the Navy's Suez shipping policies is all the more troublesome because it comes so soon on the heels of the World Bank's endorsement of the Arab boycott in loaning the UAR $56 million. This will never do. Official American Government policy cannot and must not back the wholly indefensible tactics of Israel's hostile neighbors. The policies and official pronouncements of our Nation should not disadvantage our close friend and ally, in its efforts to engage in trade and commerce with the rest of the world.

Last week, I wrote a letter to the Secretary of the Navy on this matter asking for a full report on the Navy's policy precluding American shippers who deal with Israel from bidding for Navy contracts to carry goods of the American Government through the Suez.

I have asked the Secretary to answer the following questions, and I am anxiously awaiting his reply.

1. What are the reasons behind this official pronouncement of Navy policy which to many people seems to have the effect of backhandedly and subtly endorsing the Arab boycott of American ships trading with Israel?

2. Does the Navy intend in this way to indicate official or tacit approval of this boycott?

3. What, if any, steps have been taken by the Navy to protest the Arab boycott in general and to deal with the specific ramifications of the Navy's shipping policy toward American shippers who do business with Israel?

Now perhaps I should not have gotten into this serious subject on this auspicious occasion but it was very much on my mind and I couldn't refrain from sharing some of my thoughts with you.

Rabbi Goldstein, in my earlier remarks I spoke of the many lives you have touched in your long and distinguished career. I would be remiss, indeed, if I did not mention that your influence has radiated into my own life. Not directly, perhaps, but, under the circumstances, I think I could use the expression, "by remote control."

I must explain to our audience that one of the rabbi's fine sons, Simeon was one of the architects of my 1958 victory in the New York senatorial race. I suppose it's part of the old story: if the rabbi can't be there in person he'll send somebody.

We do honor to you tonight, Rabbi Goldstein, but I know that you would be the first to insist that it be a shared honor—that your life has borrowed from many lives to make you deserving of our tribute. Above all, the unfailing devotion of your wonderful wife—with all that she has meant to you in inspiration, in support, in the tenderness and sympathy that makes the burden seem less and the way seem brighter—this devotion richly entitles her to share in the tribute we pay to you on your 70th birthday.

Now most people who reach the age of 70 feel that they have arrived at a destination. I know, as well as Mrs. Goldstein does, as well as his family and his friends do, that to our guest of honor 70 is not a destination. It's a mere stopover en route. His eyes are not looking backward, upon what has been done—but forward to what remains to be done. As you move into a new decade of service, Rabbi Goldstein, let us assure you that the hearts and the thoughts of your legion of friends are with you. May all the years ahead be golden years—and may happiness walking with you every step of the way.

ADDRESS BY RABBI HERBERT S. GOLDSTEIN AT THE RECEPTION HELD IN HIS HONOR AT THE HOTEL PLAZA, NEW YORK CITY, JANUARY 31, 1960

Mr. Chairman, distinguished rabbis, Senator Keating, Mayor Wagner, honored guests on the dais, my dear friends all, I want to take this means of thanking each and every one of you as fervently as I can for coming here tonight in connection with my 70th birthday. At 70, I should like to look back and look forward. I look back at my early manhood when the question of religion was the dominant motif when one was either a religious, or an irreligious, Jew. I have seen it change to nationalism and Zionism and the dominant note became, not so much religion as Zionism. A little over 11 years ago the emphasis has been placed upon the recognition, thank God, of the State of Israel, and all that this implies.

Since the creation of the state, we were and are absorbed with the realization of the prophecy that there would be an ingathering of exiles into Zion. We have, both in Israel, and in the Diaspora, evidence of one of the loftiest lessons in the history of brotherhood. No stone is being left unturned to make room for the 1,200,000 refugees who have entered Israel, up to the present time. In Israel our people willingly denied themselves every comfort and unhesitatingly accepted the privations of food rationing, which the tremendous increase in population necessitated. The Jews in the rest of the world have made giving to the United Jewish Appeal and purchasing State of Israel bonds, a top priority, so that our brethren everywhere, may find a haven of refuge in their divinely deeded homeland.

As to the future, we now enter upon a new era in the history of the Jewish people. It requires a searching examination of the very foundation and function of our existence. We have been eminently successful in making the State of Israel a refugee land. We must now enter the next phase of converting the refugee land into our ultimate purpose and goal, namely, to have it become, once more, a holy land. Prof. Hugo Bergman has well put it in an article he wrote in 1949, right after the state was declared, "the question whether we are a nation like all nations; a secular people, or Israelis professing various religions, or whether we are a religious-national group of a special spiritual structure, is not just a question of amusing sophistry, but of great moment." Zionism, dear friends, means a return to Judaism, as well as a return to the land of the Jews. Israel may not be merely a state of Jews, but a Jewish state.

If we are true to ourselves, the conversion of the refugee land into the Holy Land will be a religious event in the life of mankind. Our prophets have envisioned the contribution of Israel to civilization, as a spiritual one. The spiritual one according to the prophets can only be a religious one and thus do we say three times daily in the Shemoneh Esra prayer the following words:

"And let our eyes behold Thy return Oh God in mercy to Zion." Since the destruction of the temple, we pray on the festivals, and on the Day of Atonement. "And gather our exiles to Thy holy courts to observe Thy statutes, to perform Thy will, and to serve Thee with a perfect heart."

The Emet World Academy in Jerusalem is dedicated, through its research in higher Jewish learning, to make clear the role and the responsibility of the Jewish people of this era namely the conception of our history is a holy one. Charles Journet, a Swiss-French writer, a devout Catholic, in his book "Destinees D'Israel," said "The gentile nations were bound to the laws of nature. Israel was chosen in order that through the patriarches, through Moses, and through the prophets, it might rise to a state," and I add with the Torah with its constitution. The Jewish state has yet to bring to the world one of its greatest contributions.

"And they shall beat their swords into plowshares, and their spears into pruninghooks; nation shall not life up sword against

nation, neither shall they learn the arts of war any more." This prophecy in regard to disarmament, carries with it also an economic solution, namely, that if the swords are turned into plowshares and the spears into pruning hooks there will be enough food for all peoples and there will be no need of worrying about the overpopulation of the world. It will also mean the saving of billions and billions of dollars spent upon the swords and the other implements of war which could be turned into peaceful pursuits and last, but not least, it shall mean that men "shall not learn the arts of war anymore."

I propose, as a task for the future for the World Academy in Jerusalem, the establishment of "an institution for the advancement of world peace." We were never so ripe for this study in all of its ramifications, as we are today. It has become the new tune for the nations—even Mr. Khrushchev is now appearing as a pied-piper for disarmament—I hope and pray, it is not what the Psalmist said: "High-sounding phrases are in their mouths, but the two-edged sword is in their hands."

With the help of God, I want to dedicate the coming years, with which I may be blessed, to the furtherance of world peace through the World Academy in Jerusalem. To help us realize this dream, we need a Joseph, a dreamer, whom the Bible also calls "A man of action," who can, as Joseph did, save mankind and make himself immortal, by the promotion of this holy task for the advancement of world peace. Without the prophetic idea of disarmament the world is doomed to destruction. With it, the Bible promises to all mankind peace with "none to make it afraid."

I felt it my function tonight to express briefly my views concerning the past—my 70 years since my birth in my beloved city of New York, and to refer you to the present, so ably described by Dr. Leo Jung, and to the future task of the World Academy.

I can envisage our invitation to all the nations, to send their representative scholars to our campus in Zion, each one bringing his people's contribution, for the advancement of peace. From such a historic gathering, there is bound to emerge a blueprint, and inspiration, for all mankind to follow. Then will we realize the prophecy of Micah and Isaiah, "And many people shall go and say, 'Come ye and let us go up to the mountain of the Lord, to the House of the God of Jacob; and He will teach us of His ways, and we will walk in His paths,' for out of Zion shall go forth the law, and the word of God from Jerusalem."

I close with the same thought as does our Talmud, in its closing Mishnah, "There is no vessel that can contain true and full blessing unless it is the vessel of peace. May the World Academy sail on a vessel of peace until we reach the true blessing of God, namely, universal disarmament and world peace, and let us all prayerfully say, 'Amen.' "

Grants for Sewage Pollution Control

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I am inserting into the RECORD a table showing amounts of grants which would be made available to the several States for construction of desperately needed sewage pollution control works under three different proposals.

The first is the President's budget proposal of $20 million, a clearly and grossly inadequate proposal which by no means will attack the problem of pollution of our rivers and streams with its accompanying health hazard and economic loss to farmers, business, municipalities, and its tremendous attendant danger to human life.

The second column shows the amount of grants available under Public Law 660 if the full $50 million is appropriated. This amount is about half that required to stimulate a sufficient growth in State and municipal programs.

The last column shows the amount of Federal grants to the several States under the conference report on H.R. 3610 of $90 million.

According to experts in this field this amount of grants will stimulate a sufficient rate of construction of sewage abatement works to clean up the foul, disgusting, and polluted rivers of this country.

I hope my colleagues will study these figures, especially insofar as their own States are concerned, since the President has vetoed H.R. 3610.

The table follows:

State allotments for grants for construction of waste-treatment works, fiscal year 1961

	President's budget	Present program	New program
Total	$20,000,000	$50,000,000	$90,000,000
Alabama	448,890	1,122,225	2,020,005
Alaska	170,650	426,625	767,925
Arizona	223,870	559,675	1,007,415
Arkansas	403,070	1,007,675	1,813,815
California	819,460	2,048,650	3,687,570
Colorado	252,000	630,000	1,134,000
Connecticut	247,770	619,425	1,114,965
Delaware	137,270	343,175	617,715
District of Columbia	180,260	450,650	811,170
Florida	360,140	900,350	1,620,630
Georgia	450,780	1,126,950	2,028,510
Hawaii	213,090	532,725	958,905
Idaho	235,570	588,925	1,060,065
Illinois	702,280	1,755,700	3,160,260
Indiana	419,530	1,048,825	1,887,885
Iowa	354,570	886,425	1,595,565
Kansas	301,030	752,575	1,354,635
Kentucky	431,260	1,078,150	1,940,670
Louisiana	387,160	967,900	1,742,220
Maine	255,560	638,900	1,150,020
Maryland	303,800	759,500	1,367,100
Massachusetts	446,650	1,116,625	2,009,925
Michigan	567,000	1,417,500	2,551,500
Minnesota	372,130	930,325	1,674,585
Mississippi	469,500	1,173,750	2,112,750
Missouri	423,910	1,059,775	1,907,595
Montana	211,440	528,600	951,480
Nebraska	271,030	677,575	1,219,635
Nevada	143,290	358,225	644,805
New Hampshire	213,110	532,775	958,995
New Jersey	446,630	1,116,575	2,009,835
New Mexico	235,520	588,800	1,059,840
New York	1,096,190	2,740,475	4,932,855
North Carolina	507,560	1,268,900	2,284,020
North Dakota	255,410	638,525	1,149,345
Ohio	665,960	1,664,900	2,996,820
Oklahoma	342,560	856,400	1,541,520
Oregon	265,110	662,775	1,192,995
Pennsylvania	839,650	2,099,125	3,778,425
Rhode Island	217,790	544,475	980,055
South Carolina	413,770	1,034,425	1,861,965
South Dakota	258,560	646,400	1,163,520
Tennessee	448,750	1,121,875	2,019,375
Texas	687,170	1,717,925	3,092,265
Utah	236,910	592,275	1,066,095
Vermont	218,010	545,025	981,045
Virginia	414,180	1,035,450	1,863,810
Washington	310,130	775,325	1,395,585
West Virginia	347,070	867,675	1,561,815
Wisconsin	394,890	987,225	1,777,005
Wyoming	181,190	452,975	815,355
Puerto Rico	471,570	1,178,925	2,122,065
Virgin Islands	329,350	823,375	1,482,075

The United States in the Atomic Age

EXTENSION OF REMARKS
OF
HON. CHESTER E. MERROW
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1960

Mr. MERROW. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I include a speech I made at the annual communion breakfast of the Grace Church at Manchester, N.H., on February 22, 1960, entitled "The United States in the Atomic Age":

THE UNITED STATES IN THE ATOMIC AGE

(Speech by Congressman CHESTER E. MERROW at the annual communion breakfast of the Grace Church, Manchester, N.H., on Monday, February 22, 1960)

GEORGE WASHINGTON IS CHIEF ARCHITECT OF THE REPUBLIC

We commemorate today, the 228th anniversary of the birth of George Washington—general, first President, and Father of his Country. Washington's birthday is always an important occasion for Americans. At this time, we give particular attention to the outstanding and enduring contribution of this great personality not only to his own country but to the cause of freedom throughout the world. Washington towered high above his contemporaries and, as the years have come and gone, men have constantly entertained a deepening appreciation for the mastery of the statecraft and the leadership of our first President whose stature is, I am sure, destined to hold a position of dominance through the centuries.

For the September 1953 issue of the annals of the American Academy of Political and Social Science, I wrote an article entitled "U.S. Leadership in a Divided World." I was much interested to hear President Eisenhower, in his state of the Union message on January 7, 1960, say, "We now live in a divided world of uneasy equilibrium, with our side committed to its own protection and against aggression by the other."

In the article to which I have referred, I stated, "Our Republic occupies a destiny-given position of leadership in a sharply divided world." I emphasized past and present critical periods in the history of the United States and concerning the first, so closely identified with the leadership of George Washington, I included two paragraphs which are as apropos today as in 1953 and which will be appropriate for all the decades to come:

"In the beginning years of this Nation, Gen. George Washington, who has been affectionately termed by his own and succeeding generations as the Father of his Country, displayed qualities of leadership and statesmanship not approached by any other individual in the supreme art of statecraft. Washington holds his place in history, constantly growing in stature, achieving immortality in the hearts of millions because of his unique contribution to his country. For three reasons he towers above other prominent figures in history: as leader of the Revolutionary Armies he won freedom for the United States; as president of the Constitutional Convention, he held the delegates together until they wrote what is beyond doubt one of the greatest documents created by man; and then, as first President of the United States, General Washington set laudable precedents for his successors.

"Truly he was the chief architect of the Republic. Fortunately this leader of leaders had the foresight and vision to lay the foundation making possible the structure of

the Republic which we proudly possess in these hours of unprecedented trouble. Washington's work has become increasingly important and is of outstanding significance to the free world in this time of grave peril. The principles which guided his actions are the principles that must be established in the world today if men are to become truly free. Actually the entire free world is indebted to the work of Washington, for had it not been for his foresight and vision and for the ideas which motivated his conduct in public affairs, the United States would not have developed and would not now possess the power and freedom that it has today. No other general, no other statesman, no other diplomat has achieved the stature of General Washington."

We could well ask ourselves on this occasion why is it that no other general, no other statesman, no other diplomat has achieved a similar position in history to that held by General Washington? The answer to this query, I am convinced, is found in his ideas, his ideals, and his philosophy of life plus a most unusual ability to act upon fundamental principles.

No man in history has broken with the past so completely as did General Washington and, at the same time, no man has ever acted upon the principles which human experience had—by ceaseless trials in prior history—found to be applicable to ever-changing conditions which every generation must face. George Washington never sought to maintain the status quo, and yet he did not depart from or discard the ideas and the ideals that had lifted a large and growing portion of mankind from the law of the jungle to the place that civilization had arrived when he had the opportunity to hold for such a crucial period the center of the stage in American history. He so conducted himself that his personality then, as now, commands a central position on the stage of world history and will continue to do so as long as human beings aspire for freedom and a complete release from tyranny in all its forms.

Washington departed from the past in leading the American Revolution. He departed from the past in creating the Constitution of the United States—I say in creating the charter of our liberties because, even though he did not write it, his dominant personality held the framers to their task until it was finished. He departed from the past in setting precedents for his country and in discarding the mantle of power—always so jealously held by dictators—for the sake of making certain that in this country the people—and not the tyrants—should determine our destiny. At the same time, Washington held to, and fought for, the principles of freedom, individual liberty, and the ideas and ideals of democracy which generation after generation from ancient times had succeeded in hammering out on the anvil of human experience.

Now then comes the question, What do we derive from the life and work of Washington that will help us in this second decade of the 20th century?

THE WORLD IN WHICH WE LIVE

We must be familiar with the type of world in which we live in order to evaluate and solve the problems that confront us. This is the atomic age. On July 16, 1945, the United States exploded a fission bomb in Alamogordo, N. Mex. On February 13, 1960, France exploded an atomic bomb in the Sahara. Within this period of less than fifteen years there have been many such explosions. Today there are four atomic powers—the United States, Great Britain, Russia and France.

We have fission bombs; we have fusion bombs; we have nuclear submarines; we have missiles with nuclear warheads; and at the same time we are making rapid progress on the harnessing of nuclear energy for peaceful purposes. The mind of man has penetrated the hidden recesses of the atom, releasing energy sufficient to sear the earth or to construct a paradise. Therefore, we must solve our social, economic, political and spiritual problems if atomic power is to advance and not destroy civilization.

We live in a divided world with the free nations on the one hand and those enslaved by communism on the other. Millions of men and women live in underdeveloped areas. These people are seeking a better way of life. There is a growing and justifiable desire to receive the benefits of modern technology. The tide of nationalism surges forward, and we need only think of the continent of Africa where there are now 11 independent nations; there are 3 that will achieve independence during 1960; and, in addition, there are 3 in the status of negotiation and will probably become independent during 1960. Asia is in ferment. Explosive situations exist in Latin America. Economic problems beset us. Defense of the free world is of prime importance. The race for missile superiority is ever upon us.

In the presence of world conditions as I have sketched them, are we to maintain our standard of living, our economic power and our position of leadership? How are we to solve the problem of controlling nuclear power? How are we to proceed in the conquest for space? How can man develop a workable disarmament program? How can an international order, which will enable all people to live in peace and enjoy the benefits of technological revolution, be brought into existence?

I am deeply convinced that we cannot meet the issues of the day by a determination to follow the patterns of past procedures or by insisting on maintaining the status quo. I take it that, in both national and international affairs, we must—as did General Washington—break with the past, taking with us only the ideas that have proven to be of value and try to solve the problems of the atomic age with a new and enlightened approach. Such procedure is applicable to all our problems—national and international—and furthermore, there is no sharp line of demarcation between what is domestic and what is foreign.

RESPONSIBILITY OF THE FEDERAL GOVERNMENT

The Nation has expanded since the time of Washington to include 50 States. Economically and militarily, we are the strongest country the world has ever known. Methods of communication and transportation have brought the Nation much more closely together than it was in the time of the Father of our Country. With our rapid advancement socially, economically, and politically, the Federal Government has become involved in a wide variety of activities, and the responsibility has constantly grown.

In the Economic Report of the President transmitted to the current session of Congress on January 20, 1960, we find these words which are in keeping with the foregoing: "In a free society, government makes its major contribution to economic growth by fostering conditions that encourage and reinforce the efforts of individuals and private groups to improve their circumstances. This includes the preservation and enhancement of competition, the maintenance of a stable currency, the moderation of fluctuations in employment and output, participation in the development of human and natural resources, the enhancement of personal security, provision of a sound national defense, and the maintenance of mutually advantageous ties with other countries."

It is basic that the duties and the powers of local governments must be assiduously preserved. No one denies this but in cases where local governments find that their capabilities and capacities cannot meet the legitimate needs of the people, then the Federal Government certainly has an obligation and a responsibility.

The Federal Government is engaged in many enterprises calculated to improve the general welfare. For example, it is now recognized that social security is as much a part of the national fabric as the free enterprise system. Our efforts must be directed toward the highest possible level of prosperity, health, education, employment and security consistent with the sound principles of government. As we seek to gain these objectives, every care must be taken that the private economy of the Nation is not injured.

As a result of rapid national development in a technological age, there has been—and still is—a growing inability, by virtue of present-day conditions surrounding us on the part of local governments, to meet many of the requirements of 20th century United States. We therefore should not be reluctant and should not hesitate to employ the powers of the Federal Government for legitimate and constructive purposes which aid in improving the welfare of our people.

Be it an amoeba, a galaxy, or an economic system, nothing stands still. I am certain that if Washington were alive today, he would hold that in the light of current conditions the Federal Government must rise to its responsibility in many fields in which prior to the 20th century, it was not engaged. He would, I am sure, not stand for the status quo that existed decades ago.

A BALANCED BUDGET

As we advance in the diversified fields of governmental activity, our goal must be the achievement of a balanced budget, the preservation of the value of the dollar and a check on inflation. I am not disturbed by the magnitude of the Federal budget. For the next fiscal year, the President has estimated that spending will be $79.8 billion which is $1.4 billion above the current fiscal year. He has also projected estimated receipts at $84 billion—an increase of $5.4 billion over the present fiscal year. This gives an estimated $4.2 billion surplus which the President has urged be applied to reducing the national debt which today stands slightly in excess of $290 billion.

In subsequent fiscal years, the Federal budget—which for a long time in our past history was under a billion dollars—may be much larger than it is today. We have seen it increase rapidly and we will continue to see it become even higher as the United States continues to grow. May we not think of the Federal budget as a measure of our growth, our economic activity, our influence throughout the world and our responsibility as the foremost free and democratic power on earth?

I certainly am not for the concentration of excessive powers in the Federal Government, but we are all a part of the Federal Government and if anyone can demonstrate how we can operate as a nation without being engaged in farm issues, highway construction, improved social security legislation in better health and welfare programs, in the improvement of our educational system, in providing for better housing, in making plans for urban renewal and other programs to cope with problems—too large and too difficult for the local communities to handle—and in the construction of an impregnable defense, then, it would be possible to explain how we can cut billions from the Federal budget.

SENATOR AIKEN ON THE BUDGET

Senator GEORGE D. AIKEN, in a Lincoln Day speech delivered a year ago said that Mr. Lincoln had to make a choice between values that were conflicting and he chose the greater values. To quote the Senator directly, he said, "He could have balanced the

budget and lost the Union. He could have held down the national debt and perpetuated slavery. * * * I have little sympathy," continued AIKEN, "for those of our party who would cling tenaciously to the status quo. I have no desire or intention of standing still under their leadership."

I do not mean to imply by quoting my good friend, Senator AIKEN of Vermont, whom I have known for over a quarter of a century, that I am opposed to balancing the budget and I am sure that Senator AIKEN is not opposed to balancing the budget, but I have called attention to his remarks to point out that we must always choose the greater values. We must, for instance, be absolutely certain that our military capability is sufficient in every field to deter Soviet aggression, and whatever the cost to get in that position, the cost must be met. As the President said in his budget message on January 18, 1960, "Our national objective remains as before—peace with justice for all peoples. Our hope is that the heavy burden of armaments on the world may be lightened. But we should not delude ourselves. In this era of nuclear weapons and intercontinental missiles, disarmament must be safeguarded and verifiable."

We must not, by platitudinous phrases, give the impression that we fear change. Positive leadership is required. Progressive leadership is imperative as we seek to serve the legitimate needs of our people, always making certain that our policies are administered in such a way as to improve our national welfare. This, I believe, is what Senator AIKEN had in mind.

There are many problems confronting us with which we must grapple and in the solution of which we must exercise new thinking and new action. As Washington broke with the past in meeting the issues of his time, so must we abandon prejudicial approaches, shun old methods that have resulted more in confusion than in solution, seek new approaches and endeavor to resolve our difficulties—not in terms of trying to maintain the status quo but in terms of moving ahead.

Agriculture

An abiding and controversial problem is that of developing an agricultural program. In the President's recent farm message to Congress, he stressed particularly the wheat situation. He pointed out that the Federal funds tied up in wheat amount to about $3.5 billion and that the cost of stabilizing the wheat bill is $1.5 million a day or $1,000 a minute. The President asked for legislation to meet the farm situation. He suggested three guidelines:

1. Any price support must be related realistically to whatever program the Congress selects in respect to the control of production, pointing out that the higher the support, the more regimented will be the farmer.

2. The "support levels must not be so high as to stimulate still more excessive production" or so high as to increase subsidies necessary to hold the world outlets or reduce domestic markets.

3. We must not give subsidy payments to programs for crops in surplus, and programs which would invite harmful countermeasures by our friends must be avoided. He urged that we "act sensibly and act swiftly."

I am for a drastic reduction of the price support program which, in my opinion, is failing to meet the present problem and challenges us to do something different in the field of agriculture. There are in process now hearings before the Agricultural Committee, and certainly we must break with the past if we are to prevent the constant increase of agricultural surpluses. The President's budget contains a suggested appropriation for our agricultural purposes of $5.6 billion. A new approach in agriculture is long overdue.

Education

An ever-present and controversial issue is Federal aid to education. Recently, a bill carrying $1.8 billion was passed by the Senate providing $1 billion for school construction over 2 years and $800 million in grants for a 2-year period to help in teachers salaries. As recently as the 9th of February, a House subcommittee tentatively approved a bill limited strictly to grants for construction. The measure calls for $325 million over a 3-year period. No matching funds would be required for the first 2 years but a 50–50 matching basis would be put into effect the third year.

Certainly, something must be done in the field of education since, without trained people, we cannot meet the demands necessary for our security in the missile age. It is time that we pulled ourselves out of the pattern of past operations and actually solve our educational problems.

Civil rights

Although the Civil War ended nearly 100 years ago, we have at every session of Congress the problem of civil rights. I signed the petition to bring the civil rights bill to the floor of the House. Under increasing pressure, the House Rules Committee has now decided to bring a civil rights bill to the floor on the 10th of March. It is impossible to tell what the final legislation will be like, but there have been proposals for a measure containing a referee provision for voting and authorizing Federal assistance to enable Negroes to register in the areas where the courts find a discrimination.

Abraham Lincoln freed the slaves at the time of the Civil War but today we have a continuing fight in making it possible for the colored people to have the rights to which they are entitled under the Constitution of the United States. There is no area in which there is more urgency to break the status quo and stop looking backwards than in civil rights.

Taxation

Everybody agrees, including Members of Congress, that the tax structure needs to be revised so that loopholes will be closed and the burden of taxation will be evenly and equitably distributed among our people. This must be done as soon as possible. We must break with the past, revise the tax structure and move to the future with a better instrument of taxation than we possess now.

Latin America

To the south of us, Cuba is in turmoil, apparently aided and abetted by the Communists. There is agitation in Panama. Explosive situations are ever present in Latin America. It is essential that we devise programs which will produce positive results in our relations with the nations in this hemisphere.

More attention must be given to Latin America. New policies should be developed. Economic reprisals will defeat our own end just as sending Marines into that part of the hemisphere in the old days made for ill will and disillusionment. Hard, vigorous thinking and programs calculated to relieve tensions in this area is necessary.

Foreign affairs

In a recent report of a Special Study Mission in Europe (in which I participated), we recommended that, in view of the great industrial development of Western Europe resulting from our most successful Marshall plan, "Our NATO partners must assume a greater share of the common defense effort."

We also recommended that "The industrialized countries should give high priority to the development of long-range plans for the assistance to underdeveloped countries." This is what I mean by breaking with the past and yet not discarding what is good. Our aid must continue but we must constantly have more cooperation on the part of the recipients.

Two economic blocs have recently been formed in Europe—one, the European Community or the Common Market, and the other the European Free Trade Association, commonly called the Outer Seven, led by the British. Only recently, Under Secretary of State Dillon attended a conference in Paris with representatives of these two trading areas. Out of the conference came plans for the formation of a new economic organization which is to include the countries of Western Europe, Canada, the United States and possibly Japan. This new organization, which will not be formed for a year or so, is a result of new thinking and new proposals of action necessary to prevent the United States from being discriminated against in the field of world trade. It also is for the purpose of securing multilateral help for underdeveloped countries.

One of the major criticisms of the mutual security effort is the mistakes made in its administration. The Foreign Affairs Committee, of which I am a member, is now holding hearings on the program for fiscal year 1961. While the mutual security program is the vital instrument of our foreign policy, it is obvious that many errors have been made in administering it. We must break with the past; we must improve the administration of mutual security but we must not discard the policy. To do so would imperil the achievement of our goals.

NATIONAL DEFENSE

International communism seeks to dominate the earth. The issue between the free and the enslaved world is joined around the globe. The United States is the leader of the free peoples since the economic and military strength of the Republic exceeds that of any other nation. Our gross national product is approaching $500 billion a year. Our standard of living, although there remain infinite possibilities for growth, is the highest on earth.

Due to the ambition and aggressive onslaught of international communism, it is essential that we maintain a strong retaliatory position to deter the possible launching of a nuclear attack—thus, for the purpose of major national security, the budget, which the President presented for the fiscal year 1961—and which is now being considered by the Congress—carries expenditures of $45.6 billion. In the President's budget message of January 16, 1957, are these words, "Our nuclear weapons and our ability to employ them constitute the most effective deterrent to an attack on free nations."

On November 13, 1957, in setting forth our military policy for protecting ourselves and the free world from international communism, the President said, "As a primary deterrent to war, maintain a nuclear retaliatory power of such capacity as to convince the Soviets that any attack on us and our allies would result, regardless of damage to us, in their own nation's destruction." In the President's budget message of January 18, 1960, are these words, "Our aim at this time is a level of military strength which, together with that of our allies, is sufficient to deter wars, large or small, while we strive to find a way to reduce the threat of war."

In response to a question on our retaliatory power, the President said, as recently as February 3, 1960, "I don't believe that anyone today can destroy all of our capabilities for retaliation, and they cannot destroy today enough of them that we couldn't retaliate very effectively to the point of destructiveness to them."

The clear position taken by the Eisenhower administration in building retaliatory capacity recalls to mind a speech which I

delivered on December 15, 1947, in the House of Representatives. In that speech, I said, "Any nation contemplating an attack on the United States will hesitate only if she knows that within a period of hours from the time the attack is made there will be delivered in reprisal a knockout, devastating, retaliatory blow from the air." The only revision I would make in this statement of policy to fit exactly the present situation would be to say, a knockout, devastating, mobile retaliatory blow from the air.

I have lived to see the policy I have been advocating for over a dozen years become the foreign policy of the United States. In the current great debate on the strength of our defenses and on our ability to retaliate as well as to meet brushfire conflicts, there is no disagreement as to the general objective. The objective is to be so thoroughly and so adequately prepared that no one will dare to make an attack upon us.

One of the great battles in the current session of Congress has to do with our missile capability. The generals are not in agreement on how to achieve our overall retaliatory objective. In testimony before committees in Washington, an airborne alert has been urged and an increase in defense spending of $10 billion to $15 billion over the $41 billion in the budget has been suggested. Only recently nearly a billion dollars in additional funds has been recommended for 6 more Polaris submarines—which would bring the total nuclear-powered, underwater craft to 18—and Air Force officials hold that the missile gap between the United States and the Soviet Union is greater than the estimates of the National Intelligence Board.

President Eisenhower has said, "What you want is enough, a thing that is adequate. A deterrent has no added power, once it has become completely adequate." I have great confidence in the President of the United States. I also have respect for the opinion of the military men who are urging greater effort. We dare not make a mistake in the evaluation of the missile situation and the intent of the Soviet Union. Therefore, it would seem to me that the proper course of action is for all the experts to get together, be sure that the facts of military life are interpreted and understood correctly and then take whatever steps are necessary to implement the policy upon which we all agree—namely, that we must have sufficient and adequate mobile retaliatory capacity regardless of the cost.

In order to negotiate from a position of strength for the purpose of achieving disarmament, we cannot afford to make a mistake in our defense capabilities. Failure to take into consideration the present military facts of life, failure to realize that mobile retaliatory capacity must be evaluated in terms of missiles and not in terms of past conflicts may well mean disaster. Any course of action that fails to plan carefully for the future is fraught with peril and disaster.

We all know that one of the greatest issues of our time is that of disarmament and here vision and foresight are demanded. To achieve disarmament, we must be in a position to prevent any power from overcoming us by force. Unless we do this, we invite aggression from those who are bent upon our destruction.

Thus, we could go on to discuss area after area of our governmental activities. The issues are difficult and complicated but not insoluble, and, as we endeavor to solve them, we must move from the status quo, break with the mistakes of the past, preserve what is good and always be willing to employ a flexibility of approach.

OPPORTUNITIES EXCEED PROBLEMS

As we prepare for what lies ahead, we must develop ideas and programs that will meet the issues of 20th century America. The Nation George Washington founded is faced with many problems but likewise we are presented with many opportunities. I hold the opportunities far exceed the problems. So, we should be optimistic—not pessimistic; happy and not depressed even in the face of nuclear fission and fusion; thankful to providence for our destined position of leadership; grateful for an opportunity to develop in peace a better world; and confident and determined that we will make our contribution guided by our faith in the ability of ourselves and our Nation.

If we live for today and not yesterday; if we act on the principles to which the Father of our Country dedicated himself; if we develop programs we need in the present century; if we are willing to move away from the status quo and disregard the archaic procedures that have not brought results; then we have nothing to fear as the greatest free republic that the Author of this universe has seen fit to create.

We must remember, in the phrases of James Russel Lowell, "New occasions teach new duties; Time makes ancient good uncouth; They must upward still, and onward, who would keep abreast of truth"; and we must further keep in mind that the "Future's portal" will not yield to the "past's blood-rusted key."

So inspired by the leadership, statesmanship, vision, and spiritual dedication of General Washington, patterning our approach to current problems on the methods he used—in achieving a place of prominence not only for himself but more important for his Nation—we will succeed in fulfilling our destined-given opportunity of bringing into being a better United States; also a better world, a world of free peoples.

Extension of the GI Bill

EXTENSION OF REMARKS

OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1960

Mr. MULTER. Mr. Speaker, the following is my statement before the Veterans' Affairs Committee today in support of my bill, H.R. 4807, to provide vocational rehabilitation, education and training, and loan guaranty benefits for veterans of service after January 31, 1955:

STATEMENT OF REPRESENTATIVE ABRAHAM J. MULTER, DEMOCRAT, OF NEW YORK, BEFORE THE HOUSE VETERANS' AFFAIRS COMMITTEE IN SUPPORT OF H.R. 3807, TO PROVIDE VOCATIONAL REHABILITATION, EDUCATION AND TRAINING, AND LOAN GUARANTEE BENEFITS FOR VETERANS OF SERVICE AFTER JANUARY 31, 1955

Mr. Chairman and members of the committee, thank you for giving me this opportunity to appear in support of H.R. 4807. As you know, this bill will provide vocational rehabilitation, education and training benefits, and loan guarantees for those individuals called upon to serve during the cold war. You are also aware, I am sure, of the many efforts made by the Congress and by the Armed Forces to attract adequate manpower into our military services. Many reasons have been advanced concerning the inability of the services to attract and retain, on a voluntary basis, sufficient personnel to supply the manpower requirements of our current military commitments. It is still necessary to induct men into the services. The number of individuals drafted during recent months is not impressive. However, there is no record of the number of individuals who, because of the draft, elect to volunteer for service. This bill makes no distinction between those who, because of the draft, volunteer for service and those who, waiting until the final day, are actually "inducted." Benefits proposed by my bill should be available, without distinction, for all who serve.

There are many arguments in opposition to this legislation. Such arguments, in my opinion, fall within five major categories. First, there are those who oppose this legislation because of the cost. This group, not yet having fully analyzed the statistics published by the Veterans' Administration, look at the estimated $500 million annual cost of these benefits. And yet, data from the Veterans' Administration show conclusively that veterans of World War II and the Korean conflict, as a result of educational benefits, have increased their income levels so that they now pay, in additional income taxes, over $1 billion annually into the Treasury of the Nation. At this rate the entire cost of GI benefits will be paid, by those who received them, within the next few years. Thus, the initial cost, over a few short years, will be more than paid into the Treasury.

A second group of individuals oppose this legislation because of the small number who are actually subjected to induction. This group fails to recognize that many individuals, facing induction, voluntarily enlist. Others, offered choice assignments, volunteer for service. For this reason the actual number entering military service because of the draft is unknown. This group fails to consider the entire problem. They refuse to face up to our national obligation—an obligation to every individual—not merely an obligation to groups large enough to exert political pressure.

A third group opposes this legislation on the basis that such benefits will induce trained personnel, personnel who have been in the service for the required 2-year period, to leave the service and accept benefits offered by this legislation. It is true that some individuals failed to reenlist so that they could avail themselves of GI benefits. It is also true that such individuals provided, and still provide, a pool of trained manpower, better trained, in some cases, because of the higher educational level attained as a result of educational benefits. These individuals are available if needed, for the security of our country. They may be lost to the military services; but only temporarily; such loss may cause concern to the services; they may not be available on a full-time basis; but they are available for the security of this Nation and they can, and will, provide trained manpower if or when needed.

A fourth group opposes this legislation because it provides benefits not heretofore provided for the peacetime soldier who faces none of the hazards of war. This group points out that such benefits have in the past been reserved for those who served during periods of war. This group maintains that the peacetime inductee can anticipate the draft and plan accordingly. They say such planning was not possible by the wartime GI. This group points out that an individual can effectively postpone being drafted by attending school, or by enrolling for the 6-month training program. This legislation does not seek to change the law with respect to methods which can be used to delay and, in some cases, actually thwart military service. This legislation is designed to provide benefits for those who for one reason or another do not delay or postpone their obligatory services. To be a draft dodger or patriot is often a dilemma of a college student. Let us not continue to penalize those who choose to be patriots.

It is true that peacetime draftees do not face the hazards of war. It is also true that of the millions of men who were called into the service during World War II and the Korean conflict only a small number were actually involved in combat. And yet the GI bill did not distinguish between those who served in actual combat and those who also served. The cold war has not yet ended. Men are still being inducted into the service—they, too, serve—and deserve the benefits provided in this bill.

Finally, a number of individuals object to this legislation because there is no clear showing of need, that educational benefits should be provided for all individuals who have the capability and desire to continue their education. I agree and will fully support any measure which is designed to increase the educational level of our Nation. Such legislation is a must. But the Congress has not yet enacted legislation broad enough to provide sufficient opportunities for the educational advancement of all our younger citizens. The National Defense Education Act of 1958 was a step in the right direction. I am sure it will provide opportunities for many of our youths to attain higher education. The legislation here proposed will not conflict with the objectives of that act. It will supplement the provisions of that law. It will encourage individuals to volunteer for service so that they can pay for their education by serving our country. This legislation will clearly and unmistakably serve as notice to all our youth that their obligation to serve their country is not a one-way proposition—that those who serve in the cold war are not forgotten by a grateful Nation.

There are many other arguments against this legislation and I am sure you gentlemen have already heard most of them. I will not take any more of your time to point out the invalidity of them. I am sure, in your consideration of this bill, you will clearly see that those objections are not founded on a careful analysis of the benefits derived by this Nation from the GI bills of rights. Instead, if I may, I would like to point out that many of the educators of our Nation are in favor of this bill. I would also like to point out some of the benefits derived by the Nation from benefits provided by the GI bill of rights. I feel that the same, or similar benefits will accrue from enactment of H.R. 4807.

The most important benefit to be derived from enactment of this bill seems to me to be our keeping faith with the youth of the Nation. The current draft law and obligatory service hang as a shadow over the youth of our country. Many are called, without their consent, to serve in the cold war. To them service is real. To them 2 years displacement from their friends and jobs places them at a disadvantage in their struggle for a place in our competitive society. They resent this disadvantage. They often feel they have been rejected. On return to civilian life they must once more be recognized. They must compete with those who are not called. Enactment of this bill will assist those individuals to find their place in our society. It will express, in no uncertain terms, the appreciation of this Nation to those who also served. It will assure such individuals an opportunity to compete favorably with those who managed to stay behind.

In conclusion, gentlemen, I would like to point out that passage of this bill will increase the educational level of our country and provide, in the long run, further revenue for the Nation. All of you are familiar with the number of veterans who took advantage of the GI bill. All of you are aware that the increased earning capacity of such veteran will in a few years pay in additional income taxes, for the entire program. An increase in the educational level of the Nation, a benefit national in scope, a benefit to enable us to compete with other world powers in scientific fields, is vital to our survival.

The program advocated here, like the GI bill, will increase the educational level of our Nation; it will provide educational opportunities for those who are called to serve in the cold war; it will recognize and provide some means of restitution for those who, for 2 years, are called away from their jobs and friends; and it will, over the years, provide additional revenues offsetting, in no small way, the expenditures required.

I am certain that after careful consideration this committee will favorably report this much needed legislation.

SENATE

WEDNESDAY, FEBRUARY 24, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 10:30 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, we come in the assurance not of our feeble hold of Thee, but of Thy mighty grasp of us.

We thank Thee for the sweet refreshment of sleep, restoring the frayed edges of care, and for the beckoning glory and the fresh vigor of the new day.

Across all its toiling hours, O Thou great companion of our pilgrim way, keep our hearts with Thee as once more Thy servants here set their faces toward vexing social problems which tax their utmost to solve.

In a world of suspense and suspicion and turmoil breathe now in this quiet moment Thy peace on hearts that pray—the peace that comes only when our jarring discords are tuned to the music of Thy will.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object—and I shall not object today—let me say that notice has been served upon us that commencing on Monday next the Senate will meet in a round-the-clock session. I think it is only fair that I notify the leadership and the Senate that, so long as we are subjected to that kind of legislative torture, there will be no unanimous-consent business transacted in the Senate, unless it be insertions in the RECORD during the morning hour.

Commencing on Monday next, I shall object to dispensing with the reading of the Journal, or any other business, by unanimous consent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON ACTIVITIES IN THE FIELDS OF AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

In accordance with section 206(b) of the National Aeronautics and Space Act of 1958, I am transmitting herewith the second annual report on the Nation's activities in the fields of aeronautics and space.

During 1959, the Nation's space effort moved forward with purpose and its accomplishments were many, as this report recounts. In the short period of a single year, a program of great complexity and scope was alined so that the scientists of many organizations in and out of Government could pool and coordinate their knowledge and skills. Much information of far-reaching significance was acquired on the frontiers of science and technology; substantial gains were made, ranging from advances in aircraft and space vehicle design to greatly improved understanding of the environment in which our planet exists and by which its natural forces and life are conditioned.

The year was also one of transition. The national space program grew in breadth and depth—benefiting greatly from the tremendous efforts of the American scientists, engineers, and technicians who, in the short space of the past 5 years, have performed miraculously in developing United States rocket technology.

This report details the steps taken during 1959 to establish a firm foundation for a dynamic program of space exploration, and it summarizes the contributions of Federal agencies toward the paramount goal: the conquest of space for the benefit of all mankind.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 22, 1960.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 10569. An act making appropriations for the Treasury and Post Office Departments,

and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes; and

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Appropriations:

H.R. 10569. An act making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes; and

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour for the introduction of bills and the transaction of routine business, and that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet during the session of the Senate today.

Mr. LONG of Louisiana. Mr. President, for the present I am obliged to object. I may be willing to agree to that request later.

Mr. JOHNSON of Texas. Mr. President, let me say for the RECORD that the Senator from Virginia [Mr. BYRD] has made this request. I am making it on his behalf.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

A letter from the Acting Secretary of Agriculture, recommending amendments to sections 374 (b) and (c) of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

REPORT ON DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the Acting Secretary of Health, Education, and Welfare, reporting, pursuant to law, on the disposal of foreign excess property by that Department, during the calendar year 1959; to the Committee on Government Operations.

REPORT ON REVIEW OF OPERATION AND ADMINISTRATION OF PUBLIC ADVISORY COMMITTEES, DEPARTMENT OF AGRICULTURE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of operation and administration of Public Advisory Committees, Department of Agriculture, April 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON SALINE WATER CONVERSION

A letter from the Secretary of the Interior, reporting, pursuant to law, on the operations of that Department under the Saline Water Act of 1952, during the calendar year 1959; to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Memorials signed by W. Harris Gempler, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

RESOLUTIONS OF AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by the American National Cattlemen's Association, at its 63d annual convention, held at Dallas, Tex., on January 27–30, 1960.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1. ECONOMY IN GOVERNMENT

Whereas for many years we have, in our resolutions, called for economy in Government and have pointed to ways, such as through adoption of the Hoover Commission reports, for example, to cut down our Government spending; and

Whereas each succeeding year brings greater spending of the taxpayer's money, much of it for nonessential services that are based on political expediency and not on demand by the public; and

Whereas our Government cannot long continue to spend if it is unable to find the means for paying for its spending other than through printing money; and

Whereas such a course leads only to more of the inflation which has already cut the value of our dollar to less than half its former worth and which jeopardizes the economic welfare of every person in the Nation: Therefore be it

Resolved, That, as a first step toward economy in Government, we urge Congress to spend only within the balanced budget that the President has promised; and be it further

Resolved, That we urge, for the sake of the future of our country, that the administration and Congress face up to the fact that we have already gone a long way toward ruinous inflation which can only be corrected by turning away from profligate spending, and recognizing that Government's role is to govern and not to spend us into bankruptcy and chaos.

RESOLUTION 2. INFLATION

Resolved, That we commend President Eisenhower for his program of balancing the Federal budget and checking further erosion of the purchasing power of the dollar.

RESOLUTION 3. TWENTY-THIRD AMENDMENT

Whereas last year in Omaha this association respectfully requested the Congress of the United States to take such immediate action as is required to give the American people the opportunity made possible under the Constitution to vote upon the question of whether the 16th amendment to the Constitution is to be contained or repealed; and

Whereas no action relative thereto has been taken by the Congress, nor is such action probable without demand of the people: Therefore be it

Resolved, That we commend those State officials who have approved the proposed 23d amendment to the Constitution of the United States now pending in Congress as House Joint Resolution 23; and be it further

Resolved, That we urge the support of our membership be given to all State officials willing to entrust such a vitally important decision to the discretion of the people in all 50 States; and be it further

Resolved, That we reiterate our conviction that the people of this Nation are entitled to an opportunity to restore unto themselves the constitutional rights abrogated by the 16th amendment.

RESOLUTION 4. WORLD COURT

Whereas the World Court was established to exercise jurisdiction in international legal disputes; and

Whereas, this Court is made up of 15 judges, with the United States having but 1 member, and a majority of 9 members may render decisions, thus making it possible that 5 judges, possibly even from communistic countries, could render decisions; and

Whereas the Connally reservation to the World Court, which provides that the Court shall not have jurisdiction in our domestic affairs "as determined by the United States," is a safeguard against any attempt of the World Court to rule in matters of U.S. domestic jurisdiction: Therefore be it

Resolved, That we express our unalterable opposition to repeal of this reservation and that we petition Congress not to submit our constitutional rights to the jurisdiction of the World Court.

RESOLUTION 5. WATER RIGHTS

Whereas our Nation's long-established policy has been that water rights are dependent upon and determined by State laws and decisions, and since 1866 Congress has repeatedly recognized such sovereign State rights; and

Whereas certain established water rights are now in jeopardy because of a Supreme Court decision holding that a Federal agency may disregard State law in its use of water on Federal reserves: Therefore be it

Resolved, That we urge Congress immediately to enact legislation such as H.R. 5555, which (1) would specifically recognize the rights of the States to control, supervise, and adjudicate the water within their borders, and (2) would require Federal agencies to comply with State water laws or decisions in their use of water in the same manner as any other user of water.

RESOLUTION 6. AMERICAN MARKETS AND FOREIGN TRADE

Whereas the 1934 Trade Agreements Act—the so-called reciprocal trade law—transferred the constitutional responsibility of Congress to regulate foreign commerce to the President; and

Whereas the President assumed the authority in 1947 to transfer such responsibility to GATT (the General Agreement on Tariffs and Trade); and

Whereas under GATT, 40 foreign, low-wage, competitive nations, each with one vote, are continuing the division of American markets among themselves through multilateral trade agreements; and

Whereas such trade agreements, in addition to the bilateral trade agreements set up by our State Department, have injured hundreds of American industries; and

Whereas under this system there is an exodus of American investments in plants and mines to the European and Asiatic markets; and

Whereas the principle of fair and reasonable competition, long established by Congress, is still the basic law, providing the Trade Agreements Act is repealed or not extended when it expires in June 1962; and

Whereas the basic law provides that the Tariff Commission shall, upon request, hold public hearings on any particular industry or product and adjust the flexible tariff on the principle of the "equalization of the costs of production" here and in the "principal competing country on each product;" and

Whereas through taking the profit out of foreign labor at the water's edge, foreign nations will be encouraged to allow their wage-standard of living to increase and establish increased markets at home: Therefore be it

Resolved, That we work for the repeal of the trade agreements law and seek the return to our basic foreign trade law.

RESOLUTION 7. MEAT IMPORTS

Whereas we feel the unwarranted decline in the price of slaughter cattle has been caused by the increased importation of cheaply produced foreign meat, and that this low price of cattle has resulted in great numbers of breeding cows and heifers that would normally go to slaughter being held on ranches and farms, further increasing the surplus of cattle; and

Whereas owing to the increased cost of domestic processing and retailing, this price reduction has not materially reduced the price of beef to the consumer; and

Whereas beef producers have consistently opposed Government subsidies: Therefore be it

Resolved, That this association request the Congress and the administration to grant our industry relief by enacting equitable and realistic quotas on importation of all foreign livestock, meat and meat products, and, specifically, by setting quotas that curtail the import of below-second-grade meats which at the present time are unrestricted as to volume.

RESOLUTION 8. INVESTIGATION UNDER ESCAPE CLAUSE

Whereas the beef cattle industry is now facing a continuing declining market for its product because of growing cattle numbers; and

Whereas continuing heavy imports of beef are aggravating and will continue to aggravate this situation and further depress domestic prices: Therefore be it

Resolved, That this association immediately file an application for an investigation under section 7 of the Trade Agreements Extension Act of 1931, as amended, known as the escape clause, seeking relief from present injury and the threat of serious future injury to domestic producers of cattle as the result of increasingly damaging imports.

RESOLUTION 9. MEAT INSPECTION

Whereas beef producers are well aware of the fine and valuable work of the U.S. Meat Inspection Service in protecting the health of the consuming public and assisting meat producers in supplying a wholesome, safe product: Therefore be it

Resolved, That we reiterate our approval and appreciation of this service and request that the Congress continue to provide adequate funds for its efficient operation.

RESOLUTION 10. BRUCELLOSIS

Whereas the special committee appointed pursuant to resolution No. 24 adopted at our convention in 1959 made considerable progress toward a practical brucellosis control and eradication program; and

Whereas we still believe in the practicality of official calfhood vaccination as an alternate method for recertification and believe that proof of official vaccination should be sufficient for interstate shipment of beef type cattle: Therefore be it

Resolved, That we ask the president of the American National Cattlemen's Association to appoint a special committee made up of men selected from nominees in the interested States to continue the work necessary to implement resolution No. 24 of 1959; and be it further

Resolved, That we urgently request the various States to permit free movement without further test of cattle from nonquarantined herds across State lines when such cattle originate in modified certified brucellosis-free areas; and be it further

Resolved, That we request the U.S. Department of Agriculture veterinarians to give proper consideration to the immediate problems in individual States in the control and eradication program and fully cooperate with individual cattlemen; and be it further

Resolved, That adequate funds be provided by Congress for the above program.

RESOLUTION 11. SCREWWORM ERADICATION PROGRAM

Whereas the screwworm eradication program in the southeastern part of the United States has proved completely successful: Therefore be it

Resolved, That we urge a similar eradication program be carried forward in the Southwest.

RESOLUTION 12. DISEASE CONTROL

Whereas it has been demonstrated that there is great possibility of the development of control measures for animal pests and diseases in addition to the many effective chemicals now in use: Therefore be it

Resolved, That we request the Agricultural Research Administration to put increased emphasis upon studies of these alternate methods.

RESOLUTION 13. LEPTOSPIROSIS

Whereas many facts concerning Leptospirosis are still unknown: Therefore be it

Resolved, That we request intensified research on this disease.

RESOLUTION 14. BEEF GRADING

Whereas it is essential that our market system identify beef cattle and carcasses that combine high quality meat with a minimum of waste fat and bone in order to encourage the efficient production of beef with the highest possible degree of consumer satisfaction; and

Whereas at least a 30-percent range exists in the carcass yield of preferred retail cuts—loin, rib, round, and chuck—and it has been demonstrated that the yield of these cuts can be predicted with workable accuracy: Therefore be it

Resolved, That we strongly urge the Department of Agriculture to adopt standards for carcass beef which provide for the identification of cut-out yield separate from the quality grades; and be it further

Resolved, That we urge sufficient funds be made available for relating the carcass standard to slaughter animals and for thoroughly demonstrating the application of these revised grade standards to all segments of the industry; and be it further

Resolved, That the Department of Agriculture meet with individual industry groups and thoroughly explain this voluntary grading system and that an industry-wide meeting be held after this program has been presented to all interested groups.

RESOLUTION 15. MARKETING PRACTICES

Resolved, That we oppose any attempt by the Packers and Stockyards Administration or any other Government agency to set up a regulation to eliminate the long-established practice of direct buying and/or pencil shrink in connection with the sale of cattle and calves.

RESOLUTION 16. FREE MARKETS

Whereas we believe it is imperative that the free flow of livestock through all channels of marketing be maintained; and

Whereas restrictions in the movement of livestock hamper the methods livestock producers and feeders use to sell their products; and

Whereas H.R. 9897 would make it unlawful for anyone whose purchases totaled $1 million in the preceding year "to buy livestock in commerce for the purpose of slaughter except at a stockyard," or for anyone selling more than $100,000 worth of livestock the preceding year "to sell livestock in commerce for the purpose of slaughter except at a stockyard": Therefore be it

Resolved, That we oppose H.R. 9897 and all regulations or legislation which would close or jeopardize any channel of livestock marketing.

RESOLUTION 17. CATTLE AND BEEF INDUSTRY COMMITTEE

Whereas the American National Cattlemen's Association was instrumental years ago in organizing the cattle and beef industry committee to represent the industry in certain matters related to the entire cattle and beef industry; and

Whereas in this committee the American National's leadership has been continually recognized by having its president named chairman of the committee: Therefore be it

Resolved, That we reaffirm our support of this committee.

RESOLUTION 18. AVERAGING OF INCOME AND RETIREMENT BENEFITS

Resolved, That we favor the Smathers-Morton-Keogh-Simpson legislation providing tax protection on voluntary retirement benefits for self-employed individuals; and be it further

Resolved, That we favor legislation providing for the averaging of income for tax purposes over a period of from 5 to 10 years.

RESOLUTION 19. FACTFINDING

Resolved, That, considering the effective work of the association's factfinding committee in its year of temporary assignment, we urge that this committee become a function of the marketing committee and that Dr. Herrell DeGraff be retained as a consultant for the purpose of continuing the economic research and analysis which he has so ably conducted.

RESOLUTION 20. PROMOTIONS

Whereas the Packers and Stockyards Act prevents the collection of voluntary contributions from sales of livestock for promotion purposes, a method of financing now available to all other agricultural commodity groups: Therefore be it

Resolved, That we take immediate action to secure the correction of the inequity in the present law so that livestock producers will have the right to finance their industry promotion through the collection of voluntary contributions at posted markets. (Such voluntary collections shall be automatic, with privileges of prior refusal to participate or subsequent recovery of the amount collected, on request.)

RESOLUTION 21. BRAND INSPECTION

Whereas during the past year the necessity for the propriety of the inspection for brands, marks, and other identifying characteristics of all cattle passing through posted markets has been questioned and was the subject of a hearing before an examiner for the Department of Agriculture; and

Whereas said examiner has recommended that such inspection be stopped in certain areas, basing his conclusion on two major premises:

(a) That there is no mandatory law requiring cattle to be branded; and

(b) That such inspection does not render a public service; and

Whereas we believe that where inspection is authorized all cattle must, in the public interest, be inspected for brands, marks, and other identifying characteristics regardless of whether they are branded and marked or not; and

Whereas we further believe that a mandatory brand law is not required to justify such inspection: Therefore be it

Resolved, That we respectfully request the Secretary of Agriculture to disapprove the reasoning and the findings of the examiner.

RESOLUTION 22. WILDERNESS LEGISLATION

Whereas national legislation and regulations establishing wilderness by law in wild, wilderness or primitive preservation areas are contrary to the multiple-use principle in management of Federal lands; and

Whereas Federal agencies now control most of the areas of the West, thus limiting our normal tax resources, which is detrimental to the growth and expansion of our State industries: Therefore be it

Resolved, That we commend the Natural Resources Development Council for its opposition to the wilderness legislation, and that we seek the aid of the Congress and other interested groups in preventing any change in the present multiple-use management on Federal lands.

RESOLUTION 23. POSTING PUBLIC LAND

Whereas a tentative order by the Secretary of the Interior requires the posting of Federal lands for the purpose of directing the public onto public lands; and

Whereas in many cases private lands are intermingled with public lands, causing objectionable trespass and being detrimental to proper conservation practices: Therefore be it

Resolved, That we urge this matter be handled on a State or local basis; and be it further

Resolved, That, in the interest of conservation, we urge that the respective game departments of the States regulate and police the sportsmen's use of such lands.

RESOLUTION 24. DEVELOPMENT OF RANGELANDS

Whereas we recognize and approve the principle of multiple use of public lands; and

Whereas the Congress has endorsed a program of increased improvements and development of the national forests; and

Whereas our BLM lands will also be developed and improved: Therefore be it

Resolved, That we recommend that the range resources of the public land should not be neglected but be developed at the same rate as other resources, such as timber and recreation, and that this action be reflected in budgeting and allocation of funds.

RESOLUTION 25. TRANSFERS

Whereas it is to the interest of the cattlemen of the United States to be able to transfer and acquire grazing preferences issued by the Department of Agriculture without also transferring their base land or cattle: Therefore be it

Resolved, That we recommend to the Secretary of Agriculture that the regulations relating to said transfers be amended to permit transfers of grazing preferences without base land or cattle where the person acquiring the grazing preferences has sufficient commensurability to qualify for said grazing preferences.

RESOLTION 26. APPEALS IN LAND USE CASES

Whereas under present procedures, the only court hearing on the merits of any grazing dispute with the Bureau of Land Management given to a licensee is before the Circuit Court of Appeals in Washington, D.C., by appeal from a decision of the Secretary of the Interior; and

Whereas considering the expense to western stockmen of prosecuting an appeal before that court, and considering, also, that the court is an appellate and not a trial court, and would not be as familiar with western grazing problems as western courts and juries in the area where such disputes arise, and that the present right of court hearing of such disputes amounts to no right of court hearing at all: Therefore be it

Resolved, That we support the necessary amendatory legislation to give Taylor grazing licensees a right to appeal on the merits of any grazing dispute from a decision thereon by the Secretary of the Interior to the Federal district court in the Federal district and division where the range involved is located, and that upon such appeal a hearing de novo be held on the merits of such dispute before the court.

RESOLUTION 27. LIMITING GAME INCREASES

Resolved, That we urge the wildlife use of public lands administered by the Bureau of Land Management be not increased to conflict with the present allotted numbers of livestock on these lands; and be it further

Resolved, That we oppose the importation or introduction of wildlife into new areas of rangeland or on lands not now supporting such game animals without prior approval of the private landowners within the areas affected.

RESOLUTION 28. FOOD-NEED STUDY

Whereas we are aware that the increasing human population is bringing about additional requirements for food and fiber; and

Whereas lands are continually being withdrawn from production of these products; and

Whereas we believe a study of future food and fiber needs is as important as a study of future recreational needs which Congress has already provided for: Therefore be it

Resolved, That we urge Congress to set up an independent committee to make a study to determine the national requirements of food and fiber for the year 1975 and also for the year 2000, and that the study be completed by 1961.

RESOLUTION 29. GREAT PLAINS PROGRAM

Whereas Congress, in an attempt to promote the conservation of land and other natural resources, established the Great Plains program; and

Whereas the Great Plains program provides for grants-in-aid under 10-year contracts between individual farmers and ranchers and the Soil Conservation Service, with severe penalties and fines for breach of contract; and

Whereas these contracts and plans as designed by the Soil Conservation Service vest managerial control of such farms and ranches in a Government bureau—namely, the Soil Conservation Service; and

Whereas fines and penalties imposed by the Soil Conservation Service could result in Government ownership of such farms and ranches under contract; and

Whereas compulsory conservation under the Great Plains program could be the forerunner of compulsory 10-year plans for all farms and ranches; and

Whereas the Great Plains program is largely a duplication of conservation programs now conducted on a voluntary basis between farmers and ranchers and such Government agencies as the ASC, the Farmers Home Administration, the Extension Service, and others: Therefore be it

Resolved, That we oppose the extension of the Great Plains program.

RESOLUTION 30. NATIONAL MONUMENTS AND PARKS

Whereas the National Park Service has announced its intention to discontinue the grazing of cattle in the Badlands National Monument beginning with the year 1961 and on other national monuments and parks; and

Whereas the discontinuance of grazing will result in a further depletion of the tax base to the local units of government, and subsequent loss of tax revenues: Therefore be it

Resolved, That the National Park Service be urged to reconsider its announced policy to discontinue grazing on the said lands.

RESOLUTION 31. RETURN OF MINERAL RIGHTS

Whereas the Federal Government collects many millions of dollars annually from royalty and rentals on leased mineral lands in public land States; and

Whereas the financial needs of the school districts of the States are becoming more acute each year; and

Whereas the State of Alaska now receives 90 percent of the mineral royalties from its Federal lands; and

Whereas the Tideland States and Alaska were permitted to retain title to the mineral resources in the submerged offshore lands: Therefore be it

Resolved, That the American National Cattlemen's Association hereby petition Congress to pass the necessary legislation to return 90 percent of the mineral royalty funds and rentals collected from the public lands to the States from which they were derived; and be it further

Resolved, That copies of this resolution shall be sent to the President of the United States and to Members of Congress.

RESOLUTION 32. WITHDRAWAL OF PUBLIC LANDS

Whereas there is a growing tendency on the part of Federal agencies, such as the Defense Department, the Fish and Wildlife Service, the Forest Service, Reclamation Service, and others, to seek withdrawal of land from the public domain; and

Whereas many of the withdrawals are unnecessary and are not being used to their fullest potential; and

Whereas these withdrawals are contrary to the concept of multiple use and are a detriment to the economy of the western public land States: Therefore be it

Resolved, That we favor legislation requiring specific approval by Congress in any acquisition of land by Federal agencies.

RESOLUTION 33. NOTICE OF APPRAISAL OF PUBLIC LANDS CLASSIFIED FOR SALE

Whereas considerable public land is now being classified as suitable for public sale under the public land disposal laws without advising the lessee or permittee of such lands of the appraised value placed on said lands prior to publication of notice of sale: Therefore be it

Resolved, That we urge the Bureau of Land Management be required to advise the grazing lessee or permittee of the appraised value of such lands proposed to be sold when he is notified of such classification for sale.

RESOLUTION 34. COMPENSATION IN LOSS OF USE OF PUBLIC LANDS

Whereas public lands are being disposed of either to individuals or to Government agencies; and

Whereas under existing law the grazing lessee, permittee, or licensee has been compensated only for the value of the improvements upon the lands so disposed of, without compensation for the loss of grazing or the loss of the value of the land as a part of his ranch unit, or without compensating him for certain changes which he may be required to make for replacement of range improvements; and

Whereas the stockmen of the West, since the passage of Federal laws governing the use of Federal lands, have invested large sums of money in purchasing and building up their ranch units and making improvements upon lands which together with their patented and State holdings have a real and substantial investment and loan value; and

Whereas in the past few years thousands of applications have been made for acquisition of the title to Federal lands embraced within grazing leases or permits, and such applications are increasing day by day: Therefore be it

Resolved, That we request Congress to enact proper law providing for full compensation for damages suffered by lessee, permittee, or licensee when Federal lands are disposed of, either for Government purposes or to individuals; and be it further

Resolved, That such legislation provide that the measure of damages for such loss shall be fixed by the laws of the State, as in condemnation cases, and definitely include severance damages as an element of compensation for the loss of such land and its improvements, such compensation to be paid by the one seeking to acquire the land; and be it further

Resolved, That the determination of the damages shall be made by the head of the Federal Department having control over said lands, with the right of appeal from the final decision to the courts.

RESOLUTION 35. INDIAN LANDS

Whereas, for many years the Indian Bureau policy has tended to segregate and confine Indian people on and within the various reservations, particularly as applied to the public school system; and

Whereas we feel that this policy is not for the best interest or welfare of the Indian people: Therefore be it

Resolved, That we instruct our legislative committee to support legislation transferring earned income from submarginal lands on the various reservations from the Department of Interior to school districts from which it was derived, to help counties defray expense of coming desegregation of public schools on the various Indian reservations.

RESOLUTION 36. L.U. LANDS

Whereas all ranchers now using L.U. lands, also known as title III lands, have been encouraged to predicate their economy on the use of these lands: Therefore be it

Resolved, That we support the principle that priority of preference for purchase shall be given the present users of L.U. lands in the event these lands shall be offered for sale at appraised values; and be it further

Resolved, That we urge a longtime purchase contract be made available in this matter.

RESOLUTION 37. TRANSPORTATION

The following sections of the report of the transportation committee have been approved by the resolutions committee. These sections recommend that the association—

1. Support legislation proposed in H.R. 2172, 7212, and 7297 to amend the Internal Revenue Code which, if enacted, would provide a more reasonable and realistic depreciation period for railway rolling stock and other property, thus allowing the railroads to recover their cost of plant and equipment over a shorter period than presently allowed;

2. Urge repeal by the Congress of the excise tax on passenger fares and communications;

3. Support H.R. 8031 in the Congress. This would, if enacted, require the motor carriers and freight forwarders to pay reparation to shippers, when ordered to do so by the Commission, where unjust or unreasonable rates are assessed. The railroads are now required to pay reparation to shippers in such cases, and the motor carriers and freight forwarders should not be exempt from the law in that respect;

4. Urge that a nonpartisan factfinding board be set up by railway management and labor to investigate and determine facts concerning the controversy between management and labor regarding so-called featherbedding, for the purpose of ascertaining whether corrective legislation is desirable in the public interest;

5. Support S. 1811, S. 1812, H.R. 6468 and 6469, now in the Congress, which bills were requested by the ICC to empower it to direct assessment of penalty per diem charges against any offending rail carriers, in order to alleviate serious livestock car shortages;

6. Oppose any further increase in the Federal gasoline tax;

7. Support S. 1813 and H.R. 9178, now in the Congress, which bills were prepared by the ICC, and which, if approved, would provide that suits in the courts to set aside Commission orders shall be brought against the Commission instead of the U.S. Government;

8. Advocate and ask to be introduced in the Congress legislation which would repeal the so-called short-haul provisions of section 15(4) of the Interstate Commerce Act that now permit the originating rail carrier of livestock, or other traffic, to retain its maximum long haul of such traffic;

9. Oppose the efforts of the railroads to charge for two single-deck cars when a double-deck car is ordered but is not available;

10. Oppose legislation now pending in the Congress which, if enacted, would prohibit nonlawyers from appearing before the Interstate Commerce Commission;

11. Take necessary action to have a bill similar to S. 3820 introduced at our request by Senator MAGNUSON on May 15, 1958, in the Congress, and reintroduced in both the Senate and the House, proposing amendment of section 20 of the Interstate Commerce Act to provide for recapture of attorney's fees on civil suits in the courts on livestock killed in transit by railroads;

12. Favor the voluntary consolidation of the railroads into a limited number of systems; and

13. Oppose any change in the present exemptions provided in section 203(b)(6) of the Interstate Commerce Act governing the movement by motor carriers of agricultural commoditites, including livestock.

RESOLUTION 38. BEEF IMPROVEMENT

Whereas the beef cattle industry of the United States is a multibillion-dollar industry; and

Whereas the American National Cattlemen's Association represents a large segment of the industry; and

Whereas the research committee of that association has long recognized the need to intensify research on development of a more desirable beef animal, as evidenced by previous resolutions; and

Whereas, all segments of the beef cattle industry including breeders, raisers, feeders, marketers, transporters, packers, retailers, consumers, breed associations and researchers are vitally concerned with development of an improved animal: Therefore be it

Resolved, That we ask the American Nation to sponsor a meeting of all segments of the industry, including the U.S. Department of Agriculture, for the purpose of formulating research and other programs to develop improved quality beef animals with the desirable amounts of wholesome, red meat.

RESOLUTION 39. DEATH OF A. A. SMITH

We have lost during the year a past president of the American National Association, Arthur Smith, of Sterling, Colo. This man worked untiringly for the good of the industry, and for many years carried forward, both in his own State of Colorado and for the Nation at large, the public spirit that is so essential to the advancement and worth of any organization.

We hereby express our deep sorrow at the passing of Arthur Smith and at the great loss we have suffered from loss of his counsel and guidance. We want also to express our deep sympathy for his widow and members of his family.

RESOLUTION 40. DEATH OF RADFORD HALL

We have lost in the past year our former executive secretary, Radford Hall, who gave many years to the service of our industry. We could list many, many accomplishments of this man in his work for the cattle industry, and we know our membership sorely misses his presence and advice here.

We express our sorrow at his sudden passing and for the great loss to the industry in his death, and we wish to extend our condolence to his widow and family in his passing in the prime of his life.

RESOLUTION 41. DEATHS OF MEMBERS

The association has also lost through death some of its valued members during the year. We express our sorrow at these deaths and our sympathy for the families of these deceased members.

RESOLUTION 42. THANKS

We wish to thank all those who have contributed to the success of this convention both in a business way and in entertainment and comfort, including particularly all of the fine committees and institutions in Dallas and Texas. We also wish to thank our speakers and our officers and the publicity media, all of whom helped make this convention an outstanding success.

RESOLUTIONS OF HIGHLAND FARMERS UNION LOCAL, HAVEN, KANS.

Mr. CARLSON. Mr. President, the Highland Farmers Union Local of Haven, Kans., adopted resolutions at its last meeting in regard to the present farm problem and included in the resolutions its recommendations for future legislation.

I ask unanimous consent that the resolutions be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas the present situation and outlook for agriculture is getting so severe that farmers are finding it difficult to finance their production operations:

Whereas importation of meats in this country is breaking the livestock men, and

Whereas since it is difficult for farmers to finance their operations, high interest rates are adding to their already heavy financial burden: Therefore be it

Resolved; That we the members of the Highland Farmers Union Local petition and

urge that Congress enact emergency legislation to pull farm prices up to not less than 100 percent parity price supports; and be it further

Resolved, That farm policies should be directed to the preservation of the family size farm and price supports be maintained on farm commodities; and be it further

Resolved, That high interest rates be reduced as high interest charges are further sapping the farmers' shrinking income, thus pointing to bankruptcy of a great number of farmers.

Highland Farmers Union Local goes on record urging full study and work for the welfare of the farmers.

WALTER BACK,
President.
Mrs. ARTHUR BACK,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey" (Rept. No. 1135).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah (Rept. No. 1134).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes (Rept. No. 1133).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 68. A bill to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either (Rept. No. 1131).

By Mr. ANDERSON (for Mr. O'MAHONEY), from the Committee on Interior and Insular Affairs, without amendment:

S.J. Res. 150. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the Third Division, Riverton Federal reclamation project, Wyoming (Rept. No. 1132).

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 4251. An act to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures (Rept. No. 1137); and

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes (Rept. No. 1136).

ADDITIONAL EXPENDITURES BY COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 279) authorizing additional expenditures by the Committee on Government Operations, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Government Operations is hereby authorized to expend from the contingent fund of the Senate, during the Eighty-sixth Congress, $10,000, in addition to the amount, and for the same purposes specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of Ohio:

S. 3085. A bill to establish and prescribe the functions of a U.S. Department of Aeronautics and Space, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. YOUNG of Ohio when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY:

S. 3086. A bill for the relief of Mrs. Elizabeth Clifford; to the Committee on the Judiciary.

S. 3087. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a proper relationship between wheat, corn, grain sorghum, and other feeds on a proper feed unit basis, to bring supply and demand into balance, and to assist American agriculture in essential adjustment during the years 1960, 1961, and 1962, and to provide for a permanent farm program thereafter; to the Committee on Agriculture and Forestry.

S. 3088. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

(See the remarks of Mr. McCARTHY when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. ELLENDER (by request):

S. 3089. A bill to amend the Poultry Products Inspection Act; to the Committee on Agriculture and Forestry.

By Mr. SYMINGTON:

S. 3090. A bill to amend section 3 of title 4, United States Code, to extend the effect of that section; to prohibit the use, in advertising for a commercial purpose, of a uniform of any of the Armed Forces of the United States; and for other purposes; to the Committee on Armed Services.

By Mr. BYRD of West Virginia:

S. 3091. A bill for the relief of Pasquale Mira; to the Committee on the Judiciary.

By Mr. COOPER:

S. 3092. A bill to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers; to the Committee on Public Works.

S. 3093. A bill to authorize acquisition of land for the expansion of Zachary Taylor National Cemetery, Jefferson County, Ky.; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER (for himself and Mr. HAYDEN):

S. 3094. A bill to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMATHERS:

S.J. Res. 171. Joint resolution to authorize the Speaker of the House of Representatives to confer a medal on John Edgar Hoover, Director of the Federal Bureau of Investigation; to the Committee on Banking and Currency.

(See the remarks of Mr. SMATHERS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DODD:

S.J. Res. 172. Joint resolution authorizing the striking of a gold medal in honor of J. Edgar Hoover; to the Committee on Banking and Currency.

(See the remarks of Mr. DODD when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

JOINT COMMITTEE ON ARRANGEMENTS FOR PRESIDENTIAL INAUGURATION ON JANUARY 20, 1961

Mr. HAYDEN submitted the following concurrent resolution (S. Con. Res. 92), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the twentieth day of January 1961.

RESOLUTION

ADDITIONAL EXPENDITURES BY COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 279) authorizing additional expenditures by the Committee on Government Operations, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full, which appears under the heading "Reports of Committees.")

DEPARTMENT OF AERONAUTICS AND SPACE

Mr. YOUNG of Ohio. Mr. President, our need for a unified space program is one of the most pressing problems facing the Nation today. We have allowed ourselves to fall behind the Soviet Union in this vital new field. We are falling further behind every day.

As a result of this lag our country is suffering a severe setback, not only in its military potential, but also with the hundreds of millions of people in uncommitted nations of the world. We have not yet even begun to catch up, much less overtake the Soviet Union; not because it is beyond our capability to do so, but because leaders in the executive branch have not yet made up their minds that it is urgent and imperative that we do so immediately.

Americans generally feel, as I do, that we must proceed with the greatest urgency to provide adequate defense against the Soviet missile and submarine threat.

Our country's missile, rocket, and space program is more tangled than a landlocked octopus. If we do not act quickly to bring our space and missile programs under one authority, we shall continue to be enmeshed in a multiplicity of agencies, and the missile lag between the Soviet Union and this Nation will increase.

Due to a multiplicity of civilian space agencies, 14 research advisory committees on which military personnel serve, and then 34 working committees in the Department of Defense on which NASA staff members serve, we have this maze of complexity.

Above that, we have William M. Holaday, Guided Missile Director; a Chairman of the Advanced Research Projects Agency—ARPA—Dr. George B. Kistiakowsky, the President's Special Assistant on Sciences and Technology; and Dr. T. Keith Glennan, Administrator of the civilian National Aeronautics and Space Administration.

Then we have the President's civilian-military liaison committee, the Secretary of Defense, the Joint Chiefs of Staff, and Secretaries of the Army, Navy and Air Force.

General Bernard A. Schriever, chief of the Air Research and Development Command, testified before our Subcommittee of the Committee on Aeronautical and Space Sciences, that authority for direction at the operating management level is not clearly defined because of the division between various services. He testified that the Army, Navy, and Air Force, and various civilian agencies, in effect are competing against each other. This results in higher costs to the taxpayer, amounting to billions of dollars.

General Schriever testified before the Senate Committee on Aeronautical and Space Sciences that the advanced research projects agency—ARPA—could be abolished. In fact, he stated that it could be abolished as of last July. ARPA from its inception was a fifth wheel in our space effort. Missile development of our country and space exploration have been delayed and are being delayed due to division of authority and multiplicity of committees within the Defense Department and also of civilian committees. Some changes toward simplification have been made. Taxpayers have been saved money as a result, but there is more streamlining to be done. There must be a line of authority. We must proceed forward not on the basis of a 40-hour week but with real urgency. We must not permit the Soviet Union to win control of outer space, nor to increase their lead in intercontinental ballistic missiles and intermediate range missiles.

During the hearings recently held by the Committee on Aeronautical and Space Sciences and the Preparedness Investigating Subcommittee of the Committee on Armed Services, we heard witness after witness testify to the fact that we are second to the Soviet Union in the space and missile field.

The missile and space race is one we must win if we are to stop Communist military and economic domination of the world.

Our space and missile program will cost approximately $6 billion during the current fiscal year. The cost will climb steeply in future years, and, it is estimated, if the present grave world situation continues, that we will be spending between $20 and $25 billion annually before the end of the decade.

We have an abundance of scientific talent and we have the pioneering spirit to take leadership in this age of challenge. The Congress has provided and will continue to provide the money. However, we must eliminate duplication and waste in the present program.

Our civilian space and aeronautical science program should be unified under one authority with the creation of a new Cabinet official—Secretary of Aeronautics and Space.

Great Britain already has a Ministry of Space and Atomic Research in the Cabinet of the Prime Minister.

The creation of this Department will not only lessen costs and increase efficiency, but also give proper recognition and status to the challenging new space age.

Therefore, Mr. President, I introduce, for appropriate reference, a bill to create a Department of Aeronautics and Space which will have Cabinet status. With the creation of such Department, I believe we can look forward to an end to much of the duplication and waste, as well as to a dramatic surge forward in the race for space supremacy in which we are presently crucially engaged with the Soviet Union.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3085) to establish and prescribe the functions of a U.S. Department of Aeronautics and Space, and for other purposes, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on Government Operations.

COMPUTATION OF RETIREMENT PAY OF ENLISTED PERSONNEL

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3088) to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer, introduced by Mr. McCARTHY, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. McCARTHY. Mr. President, this proposed legislation is intended to correct an existing inequity in the computation of retirement pay of enlisted personnel.

Prior to the Military Pay Act of May 20, 1958—Public Law 85-422, 72 Stat. 122—officers retiring with 20 or more years' service were authorized to multiply the basic pay of their retired grade by 2½ percent times the number of years creditable to them in computing their basic pay.

The Pay Act changed this with respect to nonactive duty Reserve service after June 1, 1958. Today such service is no longer considered on the basis of a full active duty year to compute retired pay. Instead it is computed on the basis of the point computation system applicable to Reserve officers retired under the Reserve Retirement Act—Public Law 80-810. They get less money but they still get some retirement credit for the nonactive duty time.

The enlisted man can credit only active duty time.

It would seem to me discriminatory to permit officers to count their inactive Reserve or National Guard duty as a credit in determining their retired pay after completing 20 years of active duty and not permit the enlisted man this same credit.

This would only add an estimated $695,000 a year to present retirement costs.

AUTHORIZATION FOR SPEAKER OF THE HOUSE OF REPRESENTATIVES TO CONFER A MEDAL ON JOHN EDGAR HOOVER

Mr. SMATHERS. Mr. President, the name of J. Edgar Hoover, Director of the Federal Bureau of Investigation, is one which is indelibly imprinted on the hearts of every American throughout the length and breadth of this country. Over the years he has considerably increased the stature of the law enforcement profession, and today is recognized as the father of modern law enforcement. His record of dedicated service is one of unparalleled achievement redounding to the benefit and well-being of his fellow man. Mr. Hoover is truly a great American in every sense of the word.

In recognition of his 43 years of unselfish and dedicated public service, I introduce for appropriate reference, a joint resolution, which would authorize the Congress to present to this great American an appropriate tribute in the form of a gold medal, with suitable emblems, devices and inscriptions, and I sincerely hope that the committee to which it is referred will act with haste in favorably reporting this measure.

I ask unanimous consent that the joint resolution may be printed in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 171) to authorize the Speaker of the House of Representatives to confer a medal on John Edgar Hoover, Director of the Federal Bureau of Investigation, introduced by Mr. SMATHERS, was received, read twice by its title, referred to the Com-

mittee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of forty-three years of dedicated service rendered to the United States by John Edgar Hoover, Director of the Federal Bureau of Investigation, in building a law enforcement agency of unparalleled efficiency and integrity, one which is constantly on the alert in order to safeguard our national security, and for promoting and engendering a closer spirit of cooperation between law enforcement agencies at all levels of government, the Speaker of the House of Representatives of the United States, on behalf of the Congress, is authorized to present to John Edgar Hoover, Director of the Federal Bureau of Investigation, an appropriate gold medal. For such purpose, the Secretary of the Treasury is authorized to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary and the Speaker. There is hereby authorized to be appropriated the sum of $2,500 for this purpose.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

MEDAL IN HONOR OF J. EDGAR HOOVER

Mr. DODD. Mr. President, on February 11, Representative ROGERS of Florida introduced in the House of Representatives a joint resolution authorizing the striking of a gold medal in honor of J. Edgar Hoover. I am introducing this joint resolution in the Senate today.

For more than a quarter of a century, J. Edgar Hoover has been a national symbol, a symbol of integrity, patriotism, high purpose and effectiveness in government.

Thirty-six years ago, when Mr. Hoover became Director of the Federal Bureau of Investigation, the FBI was a minor agency of Government. Today it occupies a preeminent position in the fields of law enforcement and the protection of our national security. The principal credit for this achievement belongs to J. Edgar Hoover.

He gave the leadership, established the standards, and provided the personal inspiration which brought about this transformation.

During an era in which many Americans in important places either ignored the danger of Communist subversion or reacted to this danger by calling for abrogations of constitutional rights, J. Edgar Hoover both recognized the threat and acted against it within the framework of complete observance of the spirit and the letter of our constitutional rights.

The list of J. Edgar Hoover's accomplishments are many, but three achievements overshadow all others.

Under his leadership, the FBI has proved that a law enforcement agency can reach the pinnacle of effectiveness and success without resorting to brutality, violating due process of law or engaging in other unethical practices.

He has demonstrated that a democratic society can develop effective methods of controlling subversion and protecting its security that do not involve the destruction of essential constitutional freedoms.

And he has through his writings, his speeches and his official statements done all that one man can do to keep this country vigilant against communism.

Mr. Hoover's leadership of the FBI spans a period of domestic and international upheaval unparalleled in history. Through recurring panics and hysteria, through radical shifts of political sentiment, through all the shifting currents of peace and war, J. Edgar Hoover has provided a steady leadership which makes his name and his organization synonymous with devotion to the public interest and dedication to the ideals which gave birth to this Nation and which have motivated it in its finest hours.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 172) authorizing the striking of a gold medal in honor of J. Edgar Hoover, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of 43 years of dedicated service rendered to the United States by John Edgar Hoover, Director of the Federal Bureau of Investigation, in building a law enforcement agency of unparalleled efficiency and integrity, one which is constantly on the alert in order to safeguard our national security, and for promoting and engendering a closer spirit of cooperation between law enforcement agencies at all levels of government, the Speaker of the House of Representatives of the United States, on behalf of the Congress, is authorized to present to John Edgar Hoover, Director of the Federal Bureau of Investigation, an appropriate gold medal for such purpose, the Secretary of the Treasury is authorized to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary and the Speaker. There is hereby authorized to be appropriated the sum of $2,500 for this purpose.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS—AMENDMENTS

Mr. JAVITS submitted amendments, intended to be proposed by him to the amendment of Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which were ordered to lie on the table and be printed.

CHANGE OF REFERENCE

Mr. BARTLETT. Mr. President, on behalf of the chairman of the Committee on Interstate and Foreign Commerce, the Senator from Washington [Mr. MAGNUSON], I move that that committee be discharged from the further consideration of the bill—S. 2661—to amend title 23, United States Code, to provide for participation of Federal-aid highway funds in the construction of approach roads to ferry facilities on the Federal-aid systems, and that the bill be referred to the Committee on Public Works.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. ENGLE:

Address delivered by Senator SYMINGTON before the World Affairs Council, at Los Angeles, Calif., on February 15, 1960.

BIRTHDAY ANNIVERSARY OF ADMIRAL NIMITZ

Mr. JOHNSON of Texas. Mr. President, in the hill country west of Austin, where I was born, there is a very widely known name. It is a name that was famous in the Pedernales Valley long before World War I—and it belonged to the Nimitz family.

About 15 miles from the ranch on which I first discovered America, is the city of Fredericksburg. It was founded by sturdy, independent, hard-working German settlers who came to this country in the middle of the last century. They were proud of their ancestry and proud of their heritage. The Petsches, the Stehlings, the Kowerts, the Schmidts, the Bierschwales, the Dietels, and many other similar families have lived in the Pedernales Valley for many generations. And during the great part of that time the community life of Fredericksburg and Gillespie County centered around the Nimitz Hotel.

We Texans are very proud of the fact that Fleet Adm. Chester W. Nimitz was born in our State. But to us he is much more than just a great man and a great American. We look upon him as a neighbor—whose family we knew long before he shook the dust of central Texas from his heels and began a career that has led him to immortality.

The hill country of Texas breeds rugged men. It is a country where men must learn early to make decisions and to stand by them. Drought and flood are intermittent companions which must be met squarely and battled for survival.

The capacity to make decisions—something that is rare among men—was one of the great qualities that sustained Admiral Nimitz during the dark and trying days of World War II.

When he assumed command in the Pacific, it became apparent at once that a cool, able, stouthearted man had taken over. For Fleet Admiral Nimitz was the kind of man who knew how to mobilize the full strength of the forces that were given to him to strike back effectively and devastatingly at the enemy.

Many years have passed since the great campaigns of the mid-Pacific. Midway, the Carolines, the Marshalls, the Mariannas are names that are a part of history.

But they are names that will never fade as long as there are men who love freedom. And permanently enshrined in our memory and in our hearts will be Chester W. Nimitz—a man who rose to a great occasion and who proved that he was equal to that occasion.

I know that I can speak for Americans everywhere when I wish Admiral Nimitz a happy birthday, and when I tell him that all of us who regard him with so much respect and appreciation are looking forward to many more years in which we can express the thanks of a grateful Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, a very fine editorial regarding Admiral Nimitz appearing in the New York Times of this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ADMIRAL AT 75

Fleet Adm. Chester W. Nimitz, who is 75 today, believes with Sir Walter Raleigh that "whosoever commands the sea, commands the trade; whosoever commands the trade of the world, commands the riches of the world and, consequently, the world itself."

In his prophetic paper on "The Future Employment of Naval Forces," forwarded to the Secretary of the Navy in 1947, on his last day in an active Navy role, Admiral Nimitz undertook to argue that the Raleigh dictum of the 17th century was still valid in the 20th century of A-bombs and missiles.

His paper was in character with the man. One of the principal architects of the victory against Japan in World War II, Admiral Nimitz has long been not only an exponent of seapower, but its implementer, its organizer, and one of its great leaders. His wartime services in the Pacific and his postwar service as Chief of Naval Operations won him worldwide fame and the decorations and awards of many grateful governments. It is a pleasure to join in best wishes to him on his birthday.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. I thoroughly concur in the sentiments which the Senator expresses with respect to this great old seadog, who is one of the great naval commanders in American history. I presume there are hundreds of thousands of people all over the country who on this day will wish him well.

Mrs. SMITH. Mr. President, today is the 75th anniversary of the birth of a great American and naval hero—Fleet Adm. Chester W. Nimitz. Anything that I might say about this great man who so brilliantly led our naval forces in World War II would only be repetitious.

Suffice it to say that I know that the people of the United States salute him today and wish him many more anniversaries—and that they again extend to him their deep gratitude for what he did for his country and for the splendid contribution that he made to perpetuate the wonderful freedom under which we live.

I am proud to number Admiral and Mrs. Nimitz among my best and closest friends. During the war it was my privilege as a member of the House Naval Affairs Committee to work very closely with him. In the latter part of the war, I had the interesting experience of visiting with him on the old aircraft carrier *Saratoga*—one of our most glorious ships in that conflict.

I salute both Admiral and Mrs. Nimitz today and wish for them many more years of health and happiness.

HAWAII'S TRIBUTE TO ADM. CHESTER W. NIMITZ

Mr. LONG of Hawaii. Mr. President, on appropriate occasions, a grateful Republic pays honor to those great citizens and patriots who, in peace and in war, have served the Nation nobly.

This 24th day of February is such an occasion, for it was 75 years ago today that Chester W. Nimitz was born in Fredericksburg, Tex., a fact to which the distinguished majority leader referred with pride.

This anniversary of his birth recalls memories shared by everyone in Hawaii. His well-deserved reputation as one of the greatest naval commanders of all times was established when Hawaii was his headquarters. The people there remember him not only as a great commander, but also as a great American citizen. All during the period of his naval service in Hawaii, he served as a member of the community, taking an active part in local affairs, despite the heavy burdens he carried in military life.

The country as a whole will always remember Admiral Nimitz in his role of commander in chief of the most powerful naval force in the world's history. It was on Christmas morning—December 25, 1941—that he arrived at Pearl Harbor to take over his new command. Only 2 weeks before, the United States had suffered the worst defeat in its history. "A pall of incredible sadness hung over the harbor, a place of death," was the way William H. Ewing of the Honolulu Star-Bulletin described it. During those depressing days, Admiral Nimitz used the Hawaiian phrase "hoomana wanui"—be patient—as he mobilized our shattered forces and inspired our men to the comeback that made history.

The lights burned early, and the lights burned late at Makalapa, his headquarters as commander in chief of the Pacific. He dedicated himself—heart and soul—to winning the war. He had a strong heart and a resourceful mind. There was no challenge too great, no demand too trying. He measured up magnificently.

Later, the President, on behalf of Congress, awarded Admiral Nimitz the Distinguished Service Medal with a citation which stated, in part:

At the most critical period of the present war in the Pacific [he] assumed command in that area and, despite the losses at Pearl Harbor and the tragic shortage of vessels, planes, and supplies, organized his forces and carried on defensive warfare which halted the Japanese advance. As rapidly as ships, personnel, and material became available, he shifted from defensive to offensive warfare and, by his brilliant leadership and outstanding skill as a strategist, enabled the units under his command to defeat the enemy in the Coral Sea, off Midway, and in the Solomon Islands; and to capture and occupy the Gilbert and Marshall Islands.

By act of Congress in 1944, the five-star grade of fleet admiral of the U.S. Navy was created, and the next day the President appointed Admiral Nimitz to that rank.

In 1945, when the President personally presented Admiral Nimitz with a Gold Star in lieu of the third Distinguished Service Medal, the citation stated:

Initiating the final phase in the battle for victory in the Pacific [he] attacked the Marianas, invading Saipan, inflicting a decisive defeat on the Japanese fleet in the First Battle of the Philippines and capturing Guam and Tinian.

In vital continuing operations, his fleet forces isolated the enemy-held bastions of the central and eastern Carolines and secured in quick succession Peleliu, Angaur, and Ulithi.

With reconnaissance of the main beaches on Leyte effected, approach channels cleared and opposition neutralized in joint operations to reoccupy the Philippines, the challenge by powerful task forces of the Japanese fleet resulted in a historic victory in the three-phased battle for Leyte Gulf, October 24 to 26, 1944.

Accelerating the intensity of aerial offensive by pressure exerted at every hostile strong point, Fleet Admiral Nimitz culminated long-range strategy by successful amphibious assault on Iwo Jima and Okinawa * * * finally placed representative forces of the U.S. Navy in the harbor of Tokyo for the formal capitulation of the Japanese Empire.

All these historic developments are known to America and to the world and will always be remembered. The people of Hawaii, however, have additional memories of the ruddy-cheeked Texan who hoisted his flag aboard the submarine *Grayling* in that fateful month of December 1941 in a harbor littered with the wreckage of American men and vessels. And it is these recollections which I would like to emphasize today, on the admiral's 75th anniversary.

Despite his arduous duties during one of the most critical times in our history, he found time to cooperate with the civilian leaders of Hawaii in trying to lessen the strains of war on the half-million people who were living there. He was aware that these people had borne the first shock of the war and that for a considerable time—from Pearl Harbor to the Battle of Midway—they were subject to greater stress than any other people of the Nation.

All through the uncertainties of this period, the admiral was a steadying influence. He found time to associate himself with almost every community agency concerned with the general welfare of the people. He gave special attention to the schools and actively sup-

ported the parents of Hawaii in their efforts to maintain an effective program of instruction for the youth of the community.

He knew that if homelife was to be protected, the economic life of the territory must be protected. Every possible aid was given to maintain trade and industry, to provide employment, and to maintain as nearly as possible normal living conditions.

Admiral Nimitz also knew how supremely important moral and spiritual qualities are in time of crisis. He therefore participated in the recreational and religious life of the community, doing all he could in his quiet way to strengthen the inner life of the people.

Out of this experience, Admiral Nimitz developed a strong feeling of aloha for the people of Hawaii. He understood and fully appreciated their devotion to the Nation. And the people of Hawaii responded to his confidence in them.

When the time came for him to leave Hawaii, the schoolchildren showed their appreciation by contributing pennies and nickels to obtain an aloha gift—a beautiful painting of one of the admiral's favorite marine scenes.

Admiral Nimitz, in a note of thanks, replied that "it was a great honor to receive this painting, and even more so since I learned the children of Hawaii contributed so greatly toward its purchase. It now occupies a very prominent place in my home where the family and all our friends enjoy it very much. It is a constant reminder of beautiful Hawaii and the warm friendliness of her people."

Hawaii showed in other ways its high regard for the admiral. A six-lane highway leading from Honolulu to Pearl Harbor is named the Chester W. Nimitz Highway. One of the largest of the public schools has been designated the Chester W. Nimitz School.

For a decade after he left the Pacific command, while the people were urging this body to grant statehood to the citizens of Hawaii, there was no other voice raised in their behalf which was clearer or more persuasive than that of Chester W. Nimitz, Fleet Admiral of the U.S. Navy.

And thus the life of this great American has been closely associated with Hawaii. The people of the Aloha State are proud that the admiral is a part of their tradition, a part of the foundation that makes America great. And as long as there are leaders like Chester W. Nimitz, the future of America will be secure.

Mr. KUCHEL. Mr. President, today we honor a great American as he celebrates his 75th anniversary, Fleet Adm. Chester W. Nimitz.

Never has an officer in our country's service faced a greater threat to the future security and defense of the United States than did Admiral Nimitz at the battle of Midway. The Japanese desperately wanted this small atoll as a westernmost anchor of their defensive sphere; and more importantly, as a base from which to attack Hawaii. Nimitz learned of the Japanese plan for a major strike in the Pacific early enough, but he was still faced with great odds. He correctly foretold that the enemy would employ 2 to 4 fast battleships, and he had none; 4 or 5 big carriers, and he had 3 at most; 8 or 9 heavy cruisers, and he had 7; 4 or 5 light cruisers and he had 2; 16 to 24 destroyers, and he had 14; and at least 25 submarines against his 19; and this estimate of Japanese forces did not include their main body which would have made the balance even less favorable to the United States. Admiral Nimitz again correctly estimated that Japan would make a full scale attack for the quick occupation of Midway, that submarines would scout and intercept our forces up to 200 miles west of Oahu, that the carrier planes and battleships would attempt to engage our surface forces, and that the surprising of our carriers would be their prime objective.

The Japanese were so confident of victory at Midway that they had provided the occupation force with new Japanese names for the two islets and for Midway itself, the last meaning "Glorious Month of June." So it was, but not for them.

"The whole course of the war in the Pacific may hinge on the developments of the next 2 or 3 days," was the opinion of the CINCPAC staff on receipt of this news. It did. The great naval action of those fateful days in June 1942 was one of the most decisive of the war. Instead of surprising us, the Japanese lost four aircraft carriers and 220 airplanes. They turned back from Midway and from that day onward their doom was assured.

The man who led our naval forces back from the dismal defeat at Pearl Harbor, across the wide reaches of the Pacific Ocean area, and who represented the United States at the surrender ceremonies on the battleship *Missouri* in Tokyo Bay, Admiral Nimitz, had served his country for more than 40 years.

"I have just assumed a great responsibility and obligation which I shall do my utmost to discharge," the admiral declared when he took command of the U.S. Fleet in the Pacific on December 17, 1941.

This calm, frosty-faced, steel-blue-eyed Texan was long regarded as one of the Navy's best strategists and administrators, who was known to be able and sure in action.

Graduated from Annapolis in 1905, Nimitz spent his first few years of sea duty on the Old China Station, and on submarines when these boats were still regarded, in the admiral's words, as "a cross between a Jules Verne fantasy and a whale." His faith in the efficacy of the submarine was strengthened during the First World War, and he returned to the United States firmly convinced of the need for undersea craft.

Between the two wars, the admiral held a variety of posts afloat and ashore, among them, Chief of the Bureau of Navigation in the Navy Department in 1939. His promotion to rear admiral came in 1938. During his shore assignments, Admiral Nimitz did an outstanding job at the University of California where he set up, and commanded, one of the original six naval ROTC units in the country. Experience with these units, Mr. President, paved the way for the vast expansion of the naval officer training program which enabled the Navy to man the thousands of ships needed to bring final defeat to the Hitler-Tojo axis.

Admiral Nimitz was promoted to admiral in December 1941, having been jumped over 38 senior admirals at the time. He shared responsibility for the war against Japan with Gen. Douglas MacArthur, and his tact and sagacity in making do with what was available, until America could produce enough of the engines of war to defeat a stubborn enemy, earned for him the respect, the admiration, and the undying gratitude of the Navy, his Commander in Chief, and indeed all of the American people.

From Guadalcanal to Okinawa to Japan, the names of those strange and distant islands, some almost forgotten, were household words as the admiral's mighty fleets battered an implacable foe. Flushed with victory, full of honors, the admiral returned home, and modestly set about a new life as a civilian. His service to his adopted State of California is in keeping with the admiral's entire career. Until recently he was a regent of the University of California.

The name of Nimitz has become to his countrymen synonymous with honor, duty, service, and victory. We join in wishing him Godspeed in his next 75 years.

Mr. President, in last Sunday's Washington Star was published an interesting article about Admiral Nimitz entitled "Nimitz on State of Defense." I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ADMIRAL AT 75—NIMITZ ON STATE OF DEFENSE

(By L. Edgar Prina)

Chester W. Nimitz, the last of the Navy's fleet admirals, has taken issue with opponents of the Joint Chiefs of Staff system and critics of current defense policies.

The five-star commander of the mightiest fleet in history will be 75 on Wednesday. But he has lost little of his vigor and, in answering a series of questions from a reporter at his home in Berkeley, Calif., the snowy-haired admiral did not duck controversy.

Present defense organization "is working well and should be maintained," he said, adding: "It is essentially the one with which we won World War II."

He had one suggestion, however: The authority and responsibility of each service secretary should be upgraded and preserved.

While Admiral Nimitz agreed that the Joint Chiefs had not, up to now, proved effective, he did not blame them. In an interview with the Associated Press, he gave this as the reason:

"Varied Secretaries of Defense have not functioned in the manner contemplated by the National Security Act."

This was a polite way of saying that he thought there has been a lack of decision-making by the Secretaries. He explained:

"The principal criticism of the JCS has been that service jealousies prevent the Joint Chiefs from making a decision. The Security Act set up a Secretary of Defense who would be the source of decisions when the Joint Chiefs could not agree.

"Their [the JCS] not being able to agree is not an unhealthly state of affairs, because it employs the various points of view from responsible people. The National Security Act foresaw these situations and set up the Secretary of Defense to make decisions."

CONFIDENCE IN GATES

The admiral said that he expected things to become better under Secretary Thomas S. Gates, Jr.

"Mr. Gates has proposed a new scheme for carrying out his responsibilities which I think is very sound and workable. When important matters come up, the Secretary will meet with the Joint Chiefs and decide small points as they arise. This way JSC members will not reach a position from which they cannot retreat."

Asked about the recommendation by Gen. Maxwell D. Taylor, who retired last June after 4 years as Army Chief of Staff, that the JCS be jettisoned in favor of a single military chief, Admiral Nimitz declared:

"I don't agree with Taylor on scrapping the JCS, because the resulting organization would be so large it would be impossible to find a man properly qualified to handle it."

The man whose Pacific command in World War II covered 65 million square miles, had another reason for disagreeing with General Taylor.

PRESENT POLICIES OK

"You would have the problem of the man on horseback," he said, "an all-powerful fellow with a budget of more than $40 billion a year. I don't say it would happen here, but it could. A man on horseback can always become a dictator."

The admiral apparently believes that his old five-star colleague, General Eisenhower, is doing all right as far as our military posture is concerned. He told the Star:

"Defense is a matter of confronting the possible aggressor with the power to defeat him, no matter how he chooses to strike. It seems to me that our present national defense policies are designed to achieve this end.

"A military leader always feels he can use much more than he has in men and equipment in order to provide a margin of safety. However, just how much he gets is a matter for the heads of government who must take into account the economic, diplomatic, and political conditions of the Nation and the world."

As many other military and nonmilitary leaders do, the admiral sees limited war more likely than all-out nuclear war. But in either case, he is convinced the Navy will have the vital task of projecting our power overseas.

He did not downgrade the other services. On the contrary, he pointed to their importance when he said:

"It is clear that the Navy and Air Force would play the leading roles in the initial stages of any future war.

"However, the reduction and occupation of certain strategic areas would require the utmost from our Army and Marine Corps. A foot soldier is just as important today as he was in World War II."

Admiral Nimitz cautioned that no potentiality of any of the services should be neglected.

"Each service must be assigned broad functions compatible with its capabilities and limitations, and each should develop the weapons systems it needs to fulfill these functions," he said.

This, he believes, could not be done under any merger of the Armed Forces, an idea that still is being pushed despite repeated repudiations by Congress.

On speaking of the idea of a single service the admiral once told a news conference:

"I see no tendency to merge all newspapers of this country under one newspaper. It has been done in some countries, and then you could have a common editorial policy and a common supply arrangement and you could run your paper cheaper. Now just think that over."

Although he doesn't list it as such, seapower, and its importance remains a Nimitz hobby.

He likes to recall that a naval force—of French ships—forced the surrender of Cornwallis at Yorktown. And he points out, too, that the Union Navy, in operating against a foe without a fleet, helped shorten the Civil War by blockading Confederate ports, bombarding forts and controlling the Mississippi.

DIPLOMA—AFTER 44 YEARS

The Nimitz career began when he left high school, before graduation, to enter the Naval Academy in 1901. Forty-four years and two world wars later he returned to his hometown of Fredericksburg, Tex., and finally got his diploma—in his fleet admiral's uniform.

It is said that he first had his eye on West Point, even though his grandfather had been a sea captain. And after his first saltwater experience young Chet Nimitz must have wondered about entering the naval service. While in an Annapolis prep school he once sailed across the bay to Kent Island.

"I got frightfully seasick," he wrote later, "and must confess to some chilling of enthusiasm for the sea."

As an ensign Admiral Nimitz had an experience that probably made the odds prohibitive against his ever becoming Chief of Naval Operations.

"In 1907 I was in command of a destroyer, the U.S.S. *Decatur*. On a dark night I ran it onto a mud bank in Manila Bay. It was dark. I didn't know we were in mud. Anyway, there was a court-martial and the committee decided on a reprimand."

IMPORTANCE OF MORALE

This experience may very well have helped shape his attitude toward subordinates. Although firm, he has always been warmhearted. As commander in chief, Pacific Fleet, a job he got 2 weeks after Pearl Harbor when President Roosevelt vaulted him over 28 senior admirals, he said in an order:

"You can't make a soundman listen or a lookout look or a radarman radiate information by getting tough or putting him on report. You've got to instill morale—an eager desire to do the job not well, but perfectly."

As he nears 75 the admiral continues his devotion to fresh air and the vigorous life. He likes to hike over the hills around Berkeley and watch the ships come in and out of San Francisco Bay, from where he first sailed in 1905.

He attends concerts given by the San Francisco Symphony Orchestra, for which Mrs. Nimitz helps raise funds. (She did the same for the National Symphony when they lived here.)

"All members of my family are musical but me, and I am a good listener," the admiral said. "I have to sit up front in the third row because my hearing is not so good anymore."

Mr. KUCHEL. Mr. President, I thank my friend very much for yielding to me.

Mr. HOLLAND. Mr. President, certainly I am always glad to yield to the Senator, particularly for such an insertion in the RECORD. We are, of course, all indebted to Admiral Nimitz.

THE CUBAN SUGAR QUOTA

Mr. GOLDWATER. Mr. President, 90 miles off the southern tip of Florida lies the Republic of Cuba, whose government is controlled by the most blatant stronghold of communism in the Western Hemisphere. It is a government that has shown itself to be anti-American, not only through indignations against American citizens and expropriation of American business interests, but by opposition on an official level to the U.S. Government itself. Repeatedly the Cuban leaders have insulted the heads of our Government. Their dictator, Fidel Castro, time after time, has hurled his invective against us.

Mr. President, there is one salient and vital aspect in our relationship with Cuba: The United States buys most of her sugar, the industry that pumps the lifeblood into Cuba's economy.

For the purposes of comparison, I direct your attention to another Latin American Republic. Immediately adjacent to our own Nation, separated from the State of Texas by the Rio Grande and from Arizona, New Mexico, and California by a mere line on a map, lies the Republic of Mexico. The Government of Mexico, forged in a struggle for independence, has long known the dangers of communism and chased that foul concept from its governmental halls.

Some of our finest tradition and heritage stem from Mexico. She is a nation of people who have openly demonstrated their friendship and regard for our citizens and our Government. She has made evident her cooperation with us in matters of mutual interest.

In the past 5 years Mexico has purchased more than $4 billion worth of our products, and, in fact, is the largest purchaser of our goods in all of Latin America, and the fourth largest purchaser from us in the entire world. Mexico's balance of trade with the United States is on a short end of a ratio of about 2 to 1.

Mexico, like Cuba, grows sugar. She has 75 producing sugar mills—evidence of the importance of sugar to her economy. Mexico is the only sugar-producing country with a land boundary common to us. That means she can supply us with our sugar needs more quickly and with greater ease than can any other country in times of war or peace.

At this moment, Mexico is burdened with a sugar surplus of some 500,000 tons and unless she is able to dispose of more of her sugar to us, this surplus can be as high as 900,000 tons by the end of the year.

Mr. President, let us compare these two nations. Cuba supplies us with sugar, but Cuba is unfriendly and Communist controlled. Mexico supplies us with sugar, but she is friendly and free of Communist domination.

Let us review this in a business sense. Suppose a merchant had two suppliers, one with whom not only was there external friction but whom he did not trust. The other supplier was one whom he trusted and respected and with whom he could conduct transactions on the highest plane. To which would this merchant turn for his supplies? I think it is obvious he would turn to the supplier who had his trust and respect.

Now, shortly, we here in the Halls of Congress will have to decide between these two countries as a partial supplier of sugar to the United States. I

suggest to my colleagues that it would be folly to continue to recognize Cuba as a source of sugar when there are other countries which are far more friendly and trustworthy to us, and believe with us that communism is a threat to the freedoms of men everywhere.

Mr. President, I suggest that Mexico and those other nations of demonstrated friendship and cooperation should by our actions and those of the executive branch of our Government receive an increase in domestic sugar. This increase could be brought about by a similar marked decrease in the quota assigned to unfriendly Cuba.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am glad to yield.

Mr. LONG of Louisiana. Is not the Senator from Arizona aware of the fact that many times an American businessman in deciding on a contract will turn down a low bid and turn to someone who has been dependable in the past to give him the business even though his bid is not the lowest bid?

Mr. GOLDWATER. Is the Senator referring to a country, or a businessman?

Mr. LONG of Louisiana. I am talking about sound business practice. I am asking whether it is not true that it is standard American corporation practice, when it has bids from two suppliers who have bid approximately the same price, that a corporation will oftentimes decline the low bid and turn to someone who has been reliable in the past because he can be depended upon.

Mr. GOLDWATER. That happens very often.

Mr. LONG of Louisiana. And time and again they will turn down a favorable bid from a financial point of view and give their business to someone who can be relied upon.

Mr. GOLDWATER. As I understand, we are paying to Cuba a bonus price for sugar. I am not mentioning that in my statement, but I think that is the case.

Mr. LONG of Louisiana. Cuba gets an advantage that the other countries do not get.

Mr. GOLDWATER. Just the other day I read that Russia has contracted to buy Cuban sugar at a price which is greatly below the price we pay Cuba.

Mr. LONG of Louisiana. Russia is buying sugar from Cuba at a price below cost of production, whereas we are paying Cuba 50 percent above the production cost of sugar.

THE AMERICAN MEDICAL ASSOCIATION STILL FIGHTS PROGRESS

Mr. YOUNG of Ohio. Mr. President, the plight of America's aged is becoming worse. Most retirees live marginally and cannot afford good housing, good food, or proper health care. Various bills have been introduced in the Congress to help ease the pressing problems of the aged.

True to its tradition, the American Medical Association, led by a small group of willful men, has stubbornly fought against these measures to assist the elderly.

Twenty-five years ago, the reactionaries of the AMA labeled the Social Security Act "State socialism." They opposed that enlightened and humane legislation.

I remember that clearly, because I was a member of the other body of the Congress at that time, and I voted in support of our social security law. The social security system celebrates its 25th anniversary later this year. It is one of the many imprints left on the pages of history by that great American President, Franklin D. Roosevelt.

Recently as an editorial in the Washington Post points out, they are still throwing around the same old, tired charges, aiming them this time at the Forand bill to provide health benefits for persons protected by social security.

The editorial emphasizes the need for health protection for the aged and punctures the foolish charges of the AMA.

I ask unanimous consent to embody this editorial in my remarks, and that it be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RETIREMENT NIGHTMARE

Everywhere in its travels around the country, Senator MCNAMARA'S Subcommittee on Problems of the Aged and Aging heard anxiety expressed by older citizens as to how they would pay for medical care in their retirement. How can anyone with foresight, old or young, fail to be anxious about this problem? While a man is employed, he can enjoy the protection of some sort of group or private insurance program to cover medical and hospital bills if he becomes ill. The chances are, however, that when he retires he will no longer enjoy such protection; yet this is the time, obviously, when he will need it most—when, indeed, he is certain to need it sooner or later, which is what makes the cost of such private insurance prohibitively high for the aged.

The McNamara subcommittee came to the conclusion that this problem should have top priority for legislative consideration in 1960 and recommended in its report an expansion of the system of old-age, survivors, and disability insurance to include health service benefits for all persons eligible for OASDI. We think this conclusion is inescapable. The essence of it is embodied in the Forand bill which would cost about $1 billion a year to be financed with one-fourth of 1 percent increase in social security taxes. Like other old-age benefits, this would be paid for by a citizen throughout his wage-earning years, with a matching contribution by his employer. It would relieve retirement of one of the worst of its nightmares.

That the American Medical Association would offer its usual doctrinaire opposition to this proposal was as much to be expected as a bill from a doctor after a visit to his office. Senator MCNAMARA has observed that the AMA had nothing to offer but tired abuse. This is not, by the wildest flight of the most neurotic fancy, socialized medicine or political medicine. It is simply a system, if the AMA could but calm its nerves enough to realize it, which, like Blue Cross or Group Hospitalization or any other insurance program, would enable a patient to go to the doctor and the hospital of his choice and pay the bills resulting from the care he needs in old age. It would help doctors, hospitals, and medicine in general. And it would enable American men and women to retire in their old age with more security and self-respect.

TEXAS IS WEST, NOT SOUTH

Mr. YOUNG of Ohio. Mr. President, an excellent article in one of the fine Scripps-Howard papers, the New York World-Telegram and Sun, has attracted my attention. As I have said, the New York World-Telegram is a Scripps-Howard newspaper, and the fact is that three of Ohio's great newspapers are members of the Scripps-Howard chain.

The article, written by Marshall McNeil, points out the geographical fact that Texas is west as well as south. It says, "Suh, when you call us Texans southerners, smile."

I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York World-Telegram and Sun, Feb. 13, 1960]

TEXAS IS THE WEST, NOT SOUTH—SIX-SHOOTERS BACK THE CLAIM

(EDITOR'S NOTE.—It won't surprise you to learn that the writer of the following is himself a Texan.)

(By Marshall McNeil)

WASHINGTON, February 13.—I'm sick and tired to two kinds of people.

Self-serving or ignorant or both, they are the ones who:

First, are trying again to make "Old South" a couple of dirty words in this year's political campaign; and

Second, are trying to condemn Senate Democratic Leader LYNDON JOHNSON, of Texas, as a "southerner."

Those in the first category conveniently forget that George Washington was a southerner of Virginia, so were Thomas Jefferson and James Madison. Andrew Jackson was a southerner, so was Woodrow Wilson, a native-born Virginian.

Those in the second category might lay their rulers on the map.

They will find that most of Texas is as far west as the Dakotas, Nebraska and Oklahoma. El Paso is farther west than Casper, Wyo., or Denver, Colo. Austin, the capital of Texas, is farther west than Omaha, Topeka or Tulsa.

All of Texas is west of the Mississippi.

Texas is indeed south of the Mason-Dixon line. So are New Mexico, Arizona and Oklahoma. So is about half of California—the most populous half—and a chunk of Nevada. Maybe that's why we refer to ourselves, accurately, as southwesterners.

Perhaps the myth that Texas is of the Old South stems from these facts:

First, it was a member of the Confederacy. But only a relatively small part of Texas, what we call deep east Texas, has even been oriented with the Old South.

Second, it's a cotton-raising State. But so are California, New Mexico and Arizona.

Third, it is generally speaking a one-party (Democratic Party) State. But in the two most recent presidential elections, and in 1928, Texas gave her electoral votes to the Republican presidential candidates. It has had three Republican Congressmen, one serving now.

And, if modern-day proof is what you're looking for, watch your television set. There's hardly a western TV show that doesn't at one time or another take Texas as its locale.

And then look at the White House. Dwight Eisenhower is a native-born Texan. Is he a southerner?

There probably are a good many grounds on which Senator JOHNSON can be criticized

and maybe rejected as a Democratic presidential prospect.

But geography is not one. Neither is a political ideology linked to the Old South.

It was Mr. JOHNSON who, as Senate majority leader, got through the Senate and enacted into law the first civil rights bill passed since Reconstruction days.

That 1957 achievement was one that neither easterner, Franklin D. Roosevelt, of New York, nor that midwesterner, Harry S. Truman, of Missouri, could accomplish.

Suh, when you call us Texans southerners, smile.

NEW YORK STATE AND THE PEOPLE-TO-PEOPLE EXCHANGE PROGRAM

Mr. KEATING. Mr. President, I wish to extend my congratulations to the distinguished senior Senator from Kentucky [Mr. COOPER] for his timely and significant remarks of last Friday on the subject of the people-to-people program, with special emphasis on the salutary effects on the establishment of exchanges between American and foreign municipalities. The able Senator's advocacy of such exchanges was strongly buttressed by the Reader's Digest article which he placed in the RECORD, "The Two-Way Rewards of City-to-Foreign-City Exchanges."

I welcome the opportunity to express my wholehearted concurrence with the concept of the development of such sister city relationships within the framework of the people-to-people program, originated in 1956 through a White House Conference called by President Eisenhower. City-to-city exchanges are in the full spirit of the stated objective of the White House Conference: the building of a bridge of communication between Americans and the citizens of other lands, to establish lasting two-way relationships from which international friendships and understanding can grow.

In the creation of the some 100 city-to-city affiliations, the International Municipal Cooperation Committee of the American Municipal Association has contributed a vital cooperative effort in association with the people-to-people program.

It is a source of special pleasure to me to note that my own State of New York is represented actively and effectively in this important area of oversea exchanges. In this regard, I should like to list the sister city affiliations presently existing between cities of New York State and foreign cities, and to commend the municipal authorities and the citizens who have devoted their time and energies to this effective extending of hands across the sea.

The healthy and desirable aspect of these city-to-city exchanges lies in the fact that they cut through the crust of formal diplomatic relations, and reach down to the citizens of the countries so associated. In the warmth and understanding generated by such personal contacts lies a tremendous force for the supreme hope of all freemen: the establishment of peace through friendship and justice throughout the world.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of the New York State cities participating in city-to-foreign-city exchanges.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NEW YORK STATE CITIES PARTICIPATING IN CITY-TO-FOREIGN-CITY EXCHANGES

Cortland—Peshawar, Pakistan.
Garden City—Coburg, Germany.
Long-Beach—St. Marc, Haiti.
Jamestown—Jacobstad, Finland.
Garden City—Aixen Province, France.
New Rochelle—La Rochelle, France.
Rochester—Rennes, France.
Locust Valley—Breisach, Germany.
Lynbrook—Tobaru, Okinawa.

ANNUAL OBSERVANCE OF BROTHERHOOD WEEK

Mr. KEATING. Mr. President, the present week of February 21–28 has been designated as the period of the annual observance of Brotherhood Week, under the sponsorship of the National Conference of Christians and Jews.

Brotherhood Week has been established as a symbol of the fundamental kinship of the members of the Protestant, Catholic, and Jewish faiths. It remains, as well, a living reminder of the eternal truth that all men are brothers, and that they must dwell with one another in the spirit of fraternity and of harmony. Too often, throughout the history of our Nation, the differing views, attitudes, and practices of men have become walls which isolate and divide. The magnificent work of the National Council of Christians and Jews has served to break down those walls of distrust and misunderstanding and to foster the harmony of mind and heart which is the essence of true brotherhood.

In a world where viciously divisive forces would set friend against friend and neighbor against neighbor, to create the enmity on which tyranny breeds, it becomes ever more urgent and vital that we strengthen and expand the great counterforce of the spirit of brotherhood throughout America and the world.

The road to brotherhood is the road to international understanding, and ultimately to the peace for which all peoples yearn.

ESTONIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, today marks the 42d anniversary of the declaration of independence of the Republic of Estonia. On this historic date it is eminently fitting that we pay tribute to the brave and spirited people of this freedom-loving nation. The tragic story of Estonia must remain vivid and alive in our minds, for it is the story of the enslavement of freemen. As a part of the great brotherhood of freemen, we share in this loss of freedom, and we pledge our continued devotion to the cause of the ultimate liberation from tyranny of the splendid nation of Estonia.

The Estonians, numbering, no more than a bare million in their historic homeland on the northeastern shores of the Baltic, had endured the oppressive yoke of Russian czars for centuries, and in the First World War they regained their freedom and proclaimed their independence on February 24, 1918. From that day on for about two decades they lived happily under the democratic institutions of their reconstituted country. Their sole desire was to be left alone and live in peace with their neighbors. However, their more powerful neighbor on the east was rampaging violently in a massive design for conquest that was ultimately to engulf democratic Estonia. These Communist forces of destruction achieved their brutal goal in the last war. Early in 1940 Estonia was overrun and occupied by the Red army and then incorporated into the Soviet Union, thus putting an end to independent Estonia.

Since then, for almost 20 years, unhappy Estonians have been living under totalitarian tyranny in their once-free homeland. Today their lot under Communist domination is far worse than it was under the callous agents of the czars. Even in the face of such disheartening conditions, stouthearted Estonians have not given up their struggle, and they still hope and pray for their freedom. On this 42d anniversary of their Independence Day let us extend to all Estonians, through the Estonian National Committee in the United States, our deep and heartfelt wish that the light of freedom, so bravely kept alive in the darkness of oppression, will blaze again, as in the past, in a free and blessed Estonia.

Mr. HART. Mr. President, 42 years ago today the people of Estonia declared their independence from Russia and established the Estonian Republic. History shows that this independence lasted little more than two decades, but the power and the example of Estonian courage will be felt always.

For hundreds of years the people of Estonia lived as subjects of other nations, yet never lost their faith in freedom or their desire for liberty. Their dream of freedom was a reality for only two decades. The Soviet Union shattered their dream and sought to eliminate them as a nation. With it all, the Estonian people have not given up their goal of liberty and national independence.

I join with others who share in the prayers of all Estonians that there will one day be a realization of this centuries-old hope: That freedom will return to that people whom we all respect and salute.

THE CHESSMAN CASE

Mr. CARLSON. Mr. President, I believe it might be well to forget the Chessman case. However, there appeared this morning in the Washington Post a very excellent article on that matter. The article was written by Roscoe Drummond, and it reads, in part, as follows:

CHESSMAN CASE: STATE DEPARTMENT WAS TARDY

(By Roscoe Drummond)

In the Caryl Chessman reprieve it seems to me that the State Department is being attacked for all the wrong reasons and is escaping criticism where it has been seriously at fault.

No blame attached to Roy R. Rubottom, Assistant Secretary of State for Inter-American Affairs, for transmitting objective information to Governor Brown, of California, that the execution of Chessman might subject President Eisenhower to dangerous, hostile demonstration during his South American trip.

Surely there was nothing wrong in passing along this information. If you were Governor, you would want to have all the facts bearing on your decision.

What is wrong and what is inexplicable is that the State Department should either be so tardily aware of emotional outbursts in numerous of the South American countries over the Chessman case or so dilatory in getting the facts to Governor Brown as to make it look as though foreign opinion was the deciding factor in his action.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD, because I believe it sets forth pertinent facts which the country should know.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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(By Roscoe Drummond)

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The State Department ought to be exonerated on the first criticism and held to account for the second.

Several Senators leaped to the headlines the second they heard that Secretary Rubottom had transmitted to Governor Brown the Uruguayan Government's concern that student sentiment over Chessman's execution would get out of hand during Mr. Eisenhower's tour.

But what would they be saying if the President's life had been endangered, the whole good-will trip ruined and Secretary Rubottom had been found holding on his desk a telegram to Sacramento he had refused to send? You can well imagine what they would be saying under such circumstances. Mr. Rubottom would be twice as vociferously denounced for not sending the telegram as he is now being upbraided for sending it.

These critics of the State Department's action are wrong at two other points. Secretary Rubottom did not intervene with any opinion as to what the State of California should do. He did no more than transmit pertinent information without recommendation. Actually, California's Deputy Attorney General, Richard P. Rogan, had telephoned Washington earlier asking for just this kind of information.

Secondly, it is inaccurate to suggest, as many have, that foreign sentiment in the Chessman case was a deciding factor in the reprieve. Governor Brown said no such thing. In announcing the reprieve, he said: "I do this because I want to give the people of California an opportunity, through the legislature, to express themselves once more on capital punishment." At the end of his statement he mentioned the State Department's telegram as an additional factor.

The State Department seems to me to be blameless for its action. But I cannot escape the conviction that it is blameworthy for its long period of inaction which meant that in the end, communicating its information to California only a few hours before Chessman was due to die, it created by its own dilatory reporting the appearance of pressuring Governor Brown at the last minute.

The State Department has not exceeded its duty. It just did not discharge its duty soon enough and well enough.

ADDRESS BY HON. HALE BOGGS TO WOMEN'S NATIONAL DEMOCRATIC CLUB

Mr. GREEN. Mr. President, the year 1960 promises to be a most eventful and fateful one—a year of critical tensions that will have a profound influence on the position of the free world and its ability to respond to the Soviet challenge; 1960 is also a year in which the American people will make an important decision for the future—whether or not we will return a Democratic President to the White House. It is no secret that I firmly believe that only the Democratic Party is equipped to lead our country through this crisis.

The challenge to our country and to the Democratic Party was discussed recently by the Honorable HALE BOGGS in an eloquent address to the Women's National Democratic Club, which, in my judgment, should stir the conscience of all true Americans. HALE BOGGS is an outstanding leader in the House of Representatives. He is a vice chairman of the Democratic National Committee. Young in years, yet with considerable experience as an able and dedicated Congressman, he speaks with a clear, fresh voice.

His cogent and incisive address—which can be considered a clarion call to the Democratic Party—will explain, in part, why this dynamic legislator has achieved the national prominence he enjoys, and why the future holds so much in store for him as a national figure and as a leader of the Democratic Party. His excellent remarks on that occasion deserve the attention of all those who are vitally concerned with the strength of purpose of our great Nation.

Mr. President, I ask unanimous consent to have this address by the Honorable HALE BOGGS printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. HALE BOGGS, WOMEN'S NATIONAL DEMOCRATIC CLUB, WASHINGTON, D.C., FEBRUARY 11, 1960

With the birthdays of both Washington and Lincoln, February is the month of the year that occasions more concentrated political speech-making than any other and this is particularly true in a presidential election year. Much as we should pay homage to these great Americans, it seems to me that we politicians have been neglecting another date on the calendar of this abbreviated month—a date whose political importance has not as yet been adequately assessed. I am speaking of St. Valentine's Day.

Political pollsters and prognosticators have devised all kinds of complicated techniques for forecasting the outcome of presidential elections. They do not neglect the most dazzling mathematical gymnastics. In the manner of H. V. Kaltenborn in the early hours after the 1948 election, they divide southern California by northern Michigan and come out with a Dewey victory in Rhode Island.

All this I say is idle and misdirected theorizing. There is one fact about presidential election years that we politicians have not taken adequate cognizance of and to our peril. That is, simply, that every presidential year is a leap year. And, as everyone knows, in a leap year the ladies do the choosing. So on behalf of the Democratic Party I say in this month of February to you the Women's National Democratic Club, "Will you be our valentines?" And since I suspect that the answer will be in the affirmative, may I then express the hope that our partisan romance will flourish and that you will woo and win your Democratic man in this leap year of 1960.

I want to talk today about a subject that involves at one and the same time, the issue of the survival of Western civilization and, in my judgment, the issue which will test the vigor and decide the fortunes of the Democratic Party in the United States. This, of course, is the challenge of Soviet communism and the adequacy of our response to it. Seen against the perspective of history, it seems to me that the American people have a most fateful set of decisions to make today and in the near future. It is no exaggeration to suggest that, in a sense that is unique and unusual in our history, we hold the key to the kind of life that we will have on this planet for many years to come.

One of the most cogent and incisive observers of the American scene was that visiting Frenchmen, Alexis de Tocqueville, who after a visit to the United States published in 1835 his "Democracy in America." In this book, de Tocqueville records a most prophetic observation. He wrote:

"There are at the present time two great nations in the world, which started from different points, but seem to tend toward the same end.

"I allude to the Russians and the Americans * * * all other nations seem to have nearly reached their limits, and they have only to maintain their power; but these are still in the act of growth. All the others have stopped, or continue to advance with extreme difficulty; these alone are proceeding with ease and celerity along a path to which no limit can be perceived. The American struggles against the obstacles that nature opposes to him; the adversaries of the Russian are men. The former combats the wilderness and savage life; the latter civilization with all its arms. The conquests of the American are therefore gained by the plowshare; those of the Russian by the sword.

"The Anglo-American relies upon personal interest to accomplish his ends and gives free scope to the unguided strength and common sense of the people; the Russian centers all the authority of society in a single arm. The principal instrument of the former is freedom; of the latter, servitude. Their starting point is different and their courses are not the same; yet each of them seems marked out by the will of Heaven to sway the destinies of half the globe."

There is one correction that we must make to de Tocqueville's observations. It is that the United States and Russia today will sway not the destinies of half the globe, but indeed those of much of the universe.

Ours is a larger world and yet a much smaller place than it was in 1835—too small indeed to contain an uneasy equilibrium of the two great forces that de Tocqueville describes. Nor can we take comfort that, in the over 100 years that have passed since he wrote these words, the destinies of the globe have not yet been shaped with any finality. For we do not have another hundred years or even a fraction of a hundred years to fix the pattern of our policy in response to the Soviet bloc if we seek to shape a destiny consistent with the values that are held dear by Western man.

What is so alarming is that we have in this most critical period of our national life neither become sufficiently aware of the nature of the challenge nor have we mobilized for response. These past 7 years have been marked by an absence of initiative and a default in national policy. We have been suffering from a kind of national somnolence.

We have been living through the quiet hour—you might say, the Eisenhower—of our national life.

Why has this been the case? Is it the fault of the American people or is it the fault of their leadership? I suspect that it is a combination of the two.

After years of crisis—a deep depression, World War II, the postwar readjustment, the containment of communism along the borders of the free world, the Korean war—the American people grew tired of crisis. They found in President Eisenhower a respectable symbol of normalcy and passivity that was congenial to the attitude that prevailed. There was a marriage of the man and the mood, the one reinforcing the other. A "do not disturb" sign was hung on the door and hushed voices from the White House did nothing to disturb the tranquillity that reigned.

It seems to me that there are two factors at work to explain the lack of awareness, the lack of dedication on the part of the American people these last several years—a situation, may I add, that I am convinced is righting itself.

The first is the character of the crisis.

The crisis we face in East-West relations and the threat that it poses to our national position and to the future of the free world is unique in our history. We have not experienced the infamy of a Pearl Harbor to shock our national consciousness nor is this even an attack across the 38th parallel.

No; the crisis we face is a creeping crisis. This is something unique and new in our national experience. We are not confronted with any single jolting act that arouses us or affronts us. The Soviet threat is a long-term one. What is involved is a gradual erosion of our position that will become apparent only when the immediacy of crisis is upon us and then, of course, it will be too late.

The second factor seems to be that this creeping crisis is difficult to comprehend and to respond to in the climate of affluence and wealth that most Americans have been enjoying. The gloss of prosperity and contentment that overlays our national psychology has dulled our senses and we find it difficult to accept the fact that we are living in a crisis age. The dedicated pursuit of consumer goods, of status, and of private wealth has had its own momentum and drive.

A condition of affluence is not the environment in which people worry about threats that appear to be remote.

And yet the signs of crisis are plain to see, and certainly they must be obvious to those who are charged with the responsibility of guiding the destinies of this nation. It is the duty of leadership to awaken the American people and it is therefore the default of that leadership which is responsible for our present condition.

We talk about missile gaps and gaps in other areas of performance. What disturbs me most is the existence of a policy gap—that wide chasm between the challenge that confronts us and our reluctance to develop a response equal to it.

What are the consequences of this policy gap? First, that through inertia, inaction, and inadequacy the United States will slide into a position of second best in the world. And what are the consequences in this age of being a second-class power? Well, they are tremendous—the consequences of second place are no more and no less than that the ideals and values that the United States has held high to illuminate our age will themselves acquire a diminished luster. If the United States becomes second best then democracy itself becomes second best.

The idea will go abroad in the world that the United States is no longer the innovator, no longer the leader, no longer the pioneer of scientific advancement, and that the place that we have occupied has been taken by the Soviet Union with all of the sinister implications thereof. The danger is that communism not because of its achievements but because of our lack of dedication will be regarded as the wave of the future.

What concerns me even more are the consequences of a slide into second place for us, the American people. We are, above all, a people that has held a profound belief in the irrevocable march of progress.

We have come to think of ourselves as the unchallenged leaders of world progress and democracy. We are not schooled in adversity. Our history has not prepared us for a demotion into second place. What will happen to us; to our image of ourselves; to our sense of confidence and hope—if we in fact find ourselves in second place?

Will we lose our nerve? Will we become disenchanted? Will the shock be too much?

This is what makes these years so critical. We are still in a period of challenge. There is still time for response to assure our continued stature. Will this period of challenge—our Valley Forge—lead only to a Waterloo? Will what might otherwise have been a passing phase become a nation's epitaph engraved on the tombstone of history?

Is what I have been saying just gloom and doom—a prophecy of despair? I hope not and I do not think so. I think rather that there is great hope that our dawning awareness will be reflected in political action. There is still time to talk sense, to face reality, to show leadership. The question is whether the Republican Party can show this leadership. I don't think so. The default of the administration is not only a default of candor but it reflects a failure and breakdown of a basic political philosophy. Thomas Jefferson's statement which is reproduced as the frontispiece of CHESTER BOWLES' new book puts the issue very well:

"The two parties which divide the State, the party of conservatism and that of innovation are very old. Now one, now the other wins the day, and still the fight renews itself as if for the first time. It is the opposition of past and future, of memory and hope."

The Republican Party is the captive of its own political philosophy. It is a philosophy so brittle and arid that it cannot bend to the weight of events. This was never better demonstrated than in the answer that President Eisenhower gave to Edward P. Morgan's question in his press conference last week. As a statement of political philosophy it is unique. Mr. Eisenhower in effect was saying that we are living in the best of all possible worlds; that what is, is good; that we would jeopardize our freedoms by working to preserve them; and that Government should not lead, but need only follow. In short, that second-place was good enough.

This kind of disengagement from reality is the real opiate of the people. When our national leaders offer platitudes as a defense against missiles, we have indeed reached an extremely dangerous stage in our national life.

George Kennan's observation made from this platform last October strikes at the heart of the question. He asked whether a country "with no highly developed sense of national purpose * * * has, over the long-run, a good chance of competing with a purposeful, serious, and disciplined society such as that of the Soviet Union, I must say that the answer is 'No.'"

And, when we contemplate the character of the leadership that has failed to develop a sense of national purpose or even to concede that there is a need for identifying goals and objectives, we must agree with Walter Lippmann that "we are falling behind in the race because we are not allowed to run."

The way of society responds to challenge is the index to its vital metabolism. Our metabolism has been running down and the doctor blandly assures us that we are all right.

There is no need to detail the inventory of inadequacies; they are well known. The heritage of 7 years of Republican Government without policy is one of gaps in every important part of our national agenda.

Today in Washington the question of the adequacy of our military posture occupies the center of the stage. Our wisest military heads in and out of the Pentagon have counseled that we are lagging dangerously. Mr. Nixon has said that this is all a numbers game. But most of us feel that it is a dangerous sort of Russian roulette, when the military chiefs, the director of Central Intelligence, and a number of other authorities criticize the subservience of defense to the budget.

But military-defense aspects of our national policy and performance are only one facet of the problem. Defense is the sine qua non of our survival. But survival alone is not sufficient. It is the quality of the life that we lead that is important. It is the things that we do as creative human beings that give meaning to existence. And here the record of our performance is equally distressing.

Our economic growth is lagging. What has been happening to the U.S. economic performance has been amply documented in the recent report of the Joint Economic Committee. The inadequacy and misdirection of our economic policies are discussed there in great detail. The Director of the Central Intelligence, Mr. Allen Dulles, a man who comes equipped with the highest credentials, testified that the growth of the Soviet gross national product during the period 1950–58, has been at an annual average rate of about 7 percent. He observed, "The conclusion, then, is that Soviet gross national product has also been growing twice as rapidly as that of the United States over the past 8 years." Mr. Dulles went on to say that "if the Soviet industrial growth rate persists at 8 or 9 percent per annum over the next decade, as is forecast, the gap between our two economies by 1970 will be dangerously narrowed unless our own industrial growth rate is substantially increased from the present pace."

Not only has our rate of growth been half of that of the Soviet Union, but the way we have used our national income has resulted in a relative deterioration of our position. As Walter Lippmann has pointed out, one of the great achievements of the present administration has been that the national budget represents a smaller percentage of our gross national product than it did when the administration took office. And, to

quote again from Allen Dulles' testimony before the Joint Economic Committee.

"The major thrust of Soviet economic development and its high technological skills and resources are directed toward specialized industrial, military, and national power goals. A major thrust to our economy is directed into the production of a consumer-type goods and services which add little to the sinews of our national strength. Hence, neither the size of our respective gross national products nor of our respective industrial productions is a true yardstick of our relative national power positions."

Mr. Dulles ended his testimony with this sentence: "The uses to which economic resources are directed largely determine the measure of national power."

Our national power and prestige is not measured only by rates of economic growth and the size of our gross national product, but the uses to which our gross national product is put. In a great many areas we have not attended to the pressing needs of our society—needs which are essential for sustained, long-term economic growth and to improve the standard of life as well as the standard of living of our population.

In education, we have not committed the resources that are necessary to accommodate our growing school population, to recruit new teachers and to remunerate them properly, and to improve the quality of our educational facilities so that excellence is fostered.

We have not undertaken the programs to improve the public facilities that are necessary so that our industrialized society and mushrooming population can grow unhindered.

In natural resources, in public works there are serious deficiencies that will constitute impediments to future growth as well.

In agriculture we have not yet learned to use the blessings of abundance to overcome the curse of poverty.

Advanced as our society is we still tolerate pockets of unemployment and economic distress without positive programs to restore the productive activity of the human resources that have been idle.

We have yet to face up to one of our great problems which is urban congestion. The spreading of slums, the deterioration of the center cores of our major cities will increasingly demand our attention and imagination in the years to come.

In our foreign policy we see the reflection, as George Kennan has put it, of the absence of a sense of national purpose. We are anti-Communist, but we have not successfully projected to the rest of the world that we are a dynamic vital force for democracy, for progress, for hope for all mankind.

What is so disheartening, so difficult to comprehend, is that we have it within our power to do what we have to do. It isn't a question of not being able to undertake the effort that is necessary. If we can't afford the programs that are essential under conditions of high prosperity, when will we be able to do so? And yet when a concern is demonstrated, the response from the White House is that we cannot afford to do the things that are suggested because that would mean inflation. Budget balancing, stringent monetary policies, become ends in themselves.

In Jefferson's phrase: "We must make our election between economy and liberty." We are not a Nation that has found its testament in the ledger books.

If in our present condition of affluence, and while we are enjoying a position of dominance and strength, we are told that we cannot summon up the effort and character that is essential, then will we be able to do so in decline?

It is here that the party of hope and the future, the party of innovation, can play its role in the rennaissance of American life. I need not demonstrate the virtues of the Democratic Party to this audience. But I am firmly of the persuasion that the Democratic Party alone can do this job. It alone is the party that is congenial to ideas. It is not afraid to innovate; it does not resist responsibility; it will talk sense to the American people. It is the party that, as in the past, can restore the image of America in the world.

This is our campaign issue for 1960.

SERMON BY ROBERT B. CUMLER AND FRED B. HOLMBERG

Mrs. SMITH. Mr. President, a joint sermon by cominister Robert B. Cumler and Fred B. Holmberg at the Christ Church in Kennebunk, Maine, on November 29, 1959, is of such profound nature that I call it to the attention of every Member of the Senate, and I ask unanimous consent that it be printed in the body of the CONGRESSIONAL RECORD.

There being no objection, the joint sermon was ordered to be printed in the RECORD, as follows:

BLOOD WITHOUT CHANGE

(Sermon by Robert B. Cumler and Fred B. Holmberg, Cominister, Christ Church, Kennebunk, Maine, November 29, 1959)

Not long ago, Chet Huntley, one of our finest news commentators and analysts, closed a special TV program on the subject of "How People Will React in a Crisis" with these dramatic words: "We live in a strange new world in which men count backward, 10–9–8–7–6–5–4–3–2–1. Will civilization end with men counting backward?"

In order to more accurately predict how people would act in a crisis, such as an atomic or hydrogen blast, he interviewed people who had survived some of the more famous holocausts—survivors of bombings—escapees of the ill-fated *Titanic*—and survivors of a recent New England hurricane. The most tragic and most often repeated human failing was that all too often these people had stood in the midst of preventable and unnecessary danger. In interviewing one survivor of the hurricane and its flood, Mr. Huntley asked him why he did not leave the threatened area when the warning came that the flood would inundate that particular area. The reply was, "I just didn't think the flood would come. I just didn't think it could happen, and I had lots of things I needed to—I thought I needed to do."

There is a certain mental anesthesia which seems to lull the human mind into feeling a false sense of personal security—it just couldn't happen to me. We can deny facts avoid issues, and like the proverbial ostrich, bury our heads in the sand, but it can happen to us. We can become much like the old lady who upon hearing about evolution and its implications for some of her religious beliefs, prayed the following prayer: "God grant that it may not be true, but if it is true, grant that not many people will hear about it."

There are many opinions about the possibilities of a third world war and the hideous realities of a civilization being obliterated under a mushroom cloud. Many will say that it couldn't happen. Man is too intelligent—too reasonable to destroy himself with the white heat of a nuclear war. But, did reason stop madmen like Adolf Hitler or Joseph Stalin? There are other ways that we can be destroyed as well. Mr. Khrushchev said, "I will bury you," but we don't think that can happen either. As long as the bomb exists, it could happen. As long as we rest on our mass apathy we could be buried. Why do men stand in the midst of preventable dangers, Fred, what are the other reasons for our apparent indifference?

Bob, there are no simple answers to these questions, yet, there are several reasons why we, as a nation, now find ourselves in such a position. Two reasons seem to stand out. The first of these is the false security which bids us believe that if we are prepared for war, then it won't happen. Again and again through all of the mass media comes the constant hammering of the fact that our enemy is subtle, treacherous and bound by no moral scruples. We are told that he has no normal concepts of morality, that murder, falsehood, betrayal of colleagues, stealing and spying all become moral types of behavior if employed in behalf of the cause of the Communist world mission. So it is said again and again, "If you want war, prepare for peace, and if you want peace, prepare for war." History has proven, however, that this old chestnut is far from the truth. Quincy Wright and Arnold Toynbee, two of the world's historians, have pointed out time and again that "to be prepared for war is to be predisposed to war."

A fairly recent study was made of ROTC students across the Nation at many colleges and universities. The inescapable conclusion was that "people are favorable to war in proportion to the amount of military training and education they have had." It was Jan Smuts, that distinguished gentleman of recent history, who made the observation, "If the instrument is ready for use, the occasion will arise and men will use it."

Perhaps the most graphic illustration of this principle was hammered out on the anvil of human experience during the Second World War. A recently published book, entitled "Brighter Than a Thousand Suns," by Robert Jungk, states clearly, well documented information that points up the real reasons for the dropping of the atomic bomb on Hiroshima and Nagasaki. The oft-repeated reason given to the general public was that it would shorten the war, and thereby save many American as well as Japanese lives. In reality, however, Japan had openly offered through Russian diplomatic channels to surrender before the atomic bomb was dropped. American Intelligence had long since broken the Japanese secret code. Among other decoded messages to Sato in Moscow from Prime Minister Tojo was this highly significant statement: "Japan is defeated. We must face that fact and act accordingly." There is little doubt that the peace could have been brought about within a week or so without ever having dropped the atomic bomb. However, the politicians and strategists concerned with using the atomic bomb could not help fearing that the entire Manhattan project, which had used about $2 billion of the taxpayers' money, would be considered as a senseless waste of money if the bomb were not used.

The fame and public acclaim which they might otherwise get would be turned into ridicule and harsh criticism. The instrument was ready for use and men found the occasion to use it. Again in 1959 we see the same immature attitude of being afraid of losing face on the part of the military in America. Many of our present military installations offer little or no security, such as the airbase in Greenland, and yet, rather than admit that the cost of preparing the bases was shortsighted, we continue to support that which is already obsolete.

There is a second reason for our national predicament. Our consistent lack of imagination has deluded us into thinking that the enemy cannot change his approach to world problems. Nor can we imagine what the change might be. Dr. A. Glenn Mowrer has pointed out that while the Russians basic philosophy of world Communist domination has not changed, they are content with the idea of spending the next century developing their natural resources, industrializing their vast town and city areas and building up

their agricultural sources of supply. If Russia can achieve some measure of success and prosperity in its quest for wealth, strength, and status, the dream of world communism which was merely a "fighting reaction to frustration" will die gradually and will be replaced with many values similar to our own. She needs the money now being used for military purposes for inner development. Mr. Khrushchev has stated that he will bury us economically, and that he well may do if we take lightly his proposals for peace. In light of the new goals toward which Russia is striving, it is entirely possible that she will go along with a fair disarmament program. Senator MARGARET CHASE SMITH, in a recently delivered speech, warned of the economic chaos that might result in the United States if Russia disarmed rapidly. She pointed out that this kind of a move by Russia would leave us with no moral justification for our huge defense and armament program. Our imaginations are far too small and our programs reflect that smallness.

When the first atomic bomb was exploded at Los Alamos there took place a dramatic witness to the smallness of men's minds. When the bomb exploded, the light and shock was so great that not a single man was able to perform the job for which he had been specifically and intensively trained. One of the senior officers shouted, "Good God, we have lost control." The thought that flashed through Robert Oppenheimer's mind was, "I am become death, the shatterer of worlds."

Just as our imaginations are too small to comprehend the catastrophe of an atomic explosion, so, too, they are not great enough to imagine the tremendous change involved in preparing for peace. If we prepare for war long enough, we will undoubtedly fight it. If our imaginations are too small, we will lose, whether it is fought or not.

What must we do to revive the collective imaginations of our Nation, and what can we do to convince people that war in itself is obsolete, Bob?

Fred, we must start now with our children to let them know that war has nothing to do with the lovely sound of military music and snappy uniforms. Our history is diabetic with the sugar coating of war. We must scrape off the sweet veneer and expose it for what it really is. They must learn what it does to people—just plain people. We dare not let them be duped and deceived by those who would teach them of the glory of war. We must somehow offset the tragic lies of those who profit from war, and they must be told not about the excitement and glory, but about the inhuman suffering and brutality. We must show them the ridiculousness of the writings about the glories of war.

The trouble with much familiar talk about war's glories is that it comes from people who never saw any soldiers except on a parade ground—or from a distance. They will come to understand that this mouthwash about the glories of war comes from poets and orators, and preachers. When they read such words as "Charge, Chester, charge; on, Stanley, on," they should know that this was Sir Walter Scott writing about war. As Harry Emerson Fosdick revealing asks, "Did Sir Walter Scott ever see war?" Never.

> "And how can man die better
> Than facing fearful odds
> For the ashes of his father and
> The temples of his Gods?"

That is Macaulay's writing. Did he ever see war? He was never near one.

> "Stormed at with shot and shell
> Boldly they rode and well
> Into the jaws of death
> Into the mouth of hell."

That is Tennyson's writing. Did he ever see war? I'll say not, he was never even near it.

The glory of war comes from poets, preachers, orators, the writers of martial music, statesmen, and generals preparing flowery speeches designed to dress up wars—for other men to fight. And they speak of statistics. Oh yes; they admit there are some losses and death, but it doesn't have the human touch.

"And so they sit in rooms that are far away and point to charts on the wall and indicate little bits of tinted paper stuck in a sandbox, and say, 'Take this island, envelop that position, break through right here.' And nobody's legs give way under them, and nobody starts coughing and spitting blood, and nobody carries in a boy that's too old to cry and too young to swear and too lifeless for either. And nobody sticks him in the sand and says, 'This is Joe,' while all the traffic cops present nod their heads in agreement and murmur, 'Yes, General, yes indeed, General, how right you are, General.'"[1]

We must stop making killing respectable and making it sound so comfortable and clean. Listen to what one GI had to say who was not writing poetry, but who was writing from the experience from a real war,[2] "GI Joe," they call him, "GI Joe," they say as if it were something cute and cunning to be smiled at patronizingly. "Sure, lots of laffs, plenty of jokes. The grinning kid. That's Joe. Ain't he a fetching little fella?"

"If all there was to it was just washing his socks in his helmet. If all there was to it was just spending a night in a foxhole. If all there was to it was just eating the same tasteless rations out of a can three times a day. But it's more than just that. It's a sharp cry held in a muted throat. It's seeing your buddy shot and listening to him breathe and watching his final movements. It's never having quite enough of everything at one time. If you've got a cigarette, nobody's got a match. If you've got a match, nobody's got a cigarette. If you have a razor, you find that your blades are unusable. If you have good blades, someone has borrowed your razor. If you have both razor and blades, you discover that you have lost your shaving cream, and if you have all three you're told there's no water for shaving anyway."

"Someday they'll put up a big monument to the war in memory of those boys who fell during the course of its being, and it will be made of marble with bronze statuary and a high-sounding inscription cut into the sides. But, if Joe had his way, he'd tear it down and melt the statues and let the marble crumble under indignant sledges. Oh, yes—he'd put up a war monument all right. It would be a little plot of ground in the middle of the main drag, fenced in by barbed wire, and in the center of it there would be a drainage ditch dug with a pole over it, and a crudely lettered sign saying, 'Latrine,' and all the Joes would come and urinate in it and empty their bowels in it and throw garbage in it and fill it with red liquid that looks like blood. And people would watch it flowing like a public fountain and they would smell it and they would be reminded of war."

We can and we must help them to understand that there are men who profit from war, men who are more concerned with the value of a dollar than with the value of a human life. They must learn that all of us have a moral obligation to become informed about the bleeding world in which we live—that the editorial page is more than something in which to wrap the garbage.

If we have learned, Fred, that to be prepared for war is to invite it, we need also to realize that there are men whose thinking has been geared for so long to military morals that they want to try out their new weapons and hide information from people as to the danger and nature of those weapons. The scientists, at Los Alamos pleaded with General Groves to allow pamphlets to be dropped with the atomic bomb, warning against the dangers of radiation. His refusal was based on the fear that we might be accused of using a type of weapon like poison gas, and he wanted to make the unrespectable, respectable, and so he diverted the attention of the public from the radioactive dangers involved. Groves stated openly at a congressional hearing that he had heard that death from radiation was very pleasant. Such observations, according to the author of "Brighter Than a Thousand Suns" made the Los Alamos scientists' blood boil. For at that very moment one of their 26-year-old colleagues was dying a cruel death with intense internal pain, swollen hands and with his hair falling out from an accident of radiation. Eight months later a second accident occurred, and it was considered absolutely essential that this affair be kept secret. Residents of Los Alamos were forbidden to decline the invitations to attend a reception which had been arranged months in advance in honor of Sante Fe notabilities who had been asked to visit "The Hill," as the atomic lab at Los Alamos was called. Even the closest friends of Louis Slotin, who was the dying victim, were obliged to appear at this cocktail party in between attendances at the bedside of the dying man, and to behave as though they had not a care in the world. The scientists were under strict security regulations not to give information about the dangers of radiation—under threat of imprisonment, even when they knew that a bill was going to be presented in Congress concerning control of atomic power. Freedom of speech was denied for them, but they had a moral responsibility and they risked the threat of imprisonment and exposed the military grab for power.

When a nation begins to gag its citizens and to supress their sense of moral obligation, it stands on dangerous ground.

There are other things that must be done so that there will be no more blood without change. What else can we do, Fred?

These are real problems, Bob, what do you do to prevent war and bring about something more than a peace that leans on the trigger of an atomic fuse? There are many things that could be done, but I shall just mention one more. We desperately need a combining or moral or religious control with our scientific development. It is not enough simply to know something, science must not only say what is, nor deny its responsibility for the use of what it has discovered. A scientist is also a moral man. He must say, "What ought to be," as well as "what is." It has been said many times that "to educate a man's mind without educating his morals is to educate a monster." Many of us fail to realize that the United States was probably saved from atomic destruction in World War II by the unrelenting morality of a few German scientists. It has recently been revealed (in well-documented material) that German scientists had come a long way in atomic research as early as 1940. Because they were moral men, the records of much of their atomic research were shipped for safekeeping to other countries, and the attention of the official German Government was purposely diverted in other directions. Robert Jungk has made the penetrating observation that "it seems paradoxical that the German nuclear physicists, living under a saber-rattling dictatorship obeyed the voice of conscience and attempted to prevent

[1] "Beach Red," p. 103.
[2] Ibid.

the construction of atomic bombs, while their professional colleagues in the democracies, who had no coercion to fear, concentrated their whole energies on production of the new weapon."

We mentioned before how our own scientists at Los Alamos were terrified by what they had created. Practically the only man who was not moved to consider the moral implication of the first explosion was Enrico Fermi. It was he who commented, "Don't bother me with your conscientious scruples. After all, the thing is superb physics." We are almost overcome by the national push to bring scientific development up to par. Throughout the centuries man has had little difficulty in developing better and better weapons. Yet, it has been so difficult to develop moral control. We must teach our children and ourselves that we are morally responsible first—and scientists and technicians second. We must teach our children and ourselves to be moral first, lest we become the thermal monsters which we all dread.

Bob, you have given some things that we must do, but is it enough? What else must we do?

Fred, we know now that our values must be reordered. We can no longer look through the haze of our emotional thinking. When we spend $500 for defense for every dollar that is spent on medical research, there is something sick about our sense of values. As Dr. Albert Gray has pointed out so well, there is something wrong with a culture which must depend upon the manufacture of weapons of self-destruction in order to insure its own continuing economic prosperity. It is in a category with the man who tore the clapboards from his house and sold them for the purpose of raising money. In order to maintain an acceptable social standing and to enjoy certain luxuries of life.

We need men who will not lie—men who will not be silent when it is time to speak—men who will not be gagged and bribed. We must again see people as people, and not as impersonal statistics.

You who have the means at your disposal must support student exchange. As education increases in U.S.S.R. and here, demands for personal freedom will increase also. Intercultural differences will be reduced in number.

We must stop seeing foreign countries as "friends" only if they can provide us with military strategic positions. They will not be fooled. They see it for what it is, and they hate sham and fraud. You cannot buy friendship.

We must aid underdeveloped countries on a person-to-person basis as have men like the now famous Dr. Tom Dooley, and it must be done with a keen and compassionate understanding of the cultural and spiritual values which these people hold dear.

We must encourage, with our education and our pocketbooks, our best students to go into the foreign diplomatic service.

We must be interested in the underdeveloped countries and know the internal problems which frustrate and discourage them. Then we will understand that "bigness is not greatness" and that a feeling of concern and understanding is basic to all human beings. We must stop this idle chatter, this favored cliche, "charity begins at home," or there will be no home in which to give charity at all.

We must be willing to pay a price. God is getting awfully tired of our heaped-up indifference to His tired and bleeding world.

Christ came to give comfort to those who needed comfort, but not to make people comfortable. There are things that must be done. He said, "Blessed are the peacemakers," not the peace wishers. We know now that war does not determine who's right, but only who's left.

The pull of the ideals and the push of the hard, cold facts are leading us in the same direction. We must have peace or pieces. We have had enough blood without change.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there further morning business? If not, morning business is closed.

LEASING OF PORTION OF FORT CROWDER, MO.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, House bill 8315.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the first amendment of the Senator from Illinois [Mr. DIRKSEN].

Mr. JOHNSON of Texas. Mr. President——

Mr. RUSSELL. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator from Texas withhold that suggestion for the time being?

Mr. JOHNSON of Texas. Yes.

Mr. DIRKSEN. Mr. President, morning business has been concluded, has it not?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Then, Mr. President, I withdraw my amendments, now pending as title II to House bill 8315, and offer their text as an amendment in the nature of a substitute, to strike out all after the enacting clause and to insert in lieu thereof the text of my amendments.

Mr. RUSSELL. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum—or I yield to the Senator from Georgia, if he wishes me to do so.

Mr. RUSSELL. Yes, I do.

Mr. President, while I have an opportunity to do so, under rule XVIII, I demand a division of the question pending.

The PRESIDING OFFICER. A division is granted, under the rule.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Chavez	Gore
Anderson	Church	Green
Bartlett	Clark	Gruening
Beall	Cooper	Hart
Bennett	Cotton	Hartke
Bible	Curtis	Hayden
Brunsdale	Dirksen	Hennings
Bush	Dodd	Hickenlooper
Butler	Douglas	Hill
Byrd, Va.	Dworshak	Holland
Byrd, W. Va.	Eastland	Hruska
Cannon	Ellender	Jackson
Capehart	Engle	Javits
Carlson	Ervin	Johnson, Tex.
Carroll	Fong	Johnston, S.C.
Case, N.J.	Frear	Jordan
Case, S. Dak.	Goldwater	Keating
Kefauver	Morse	Smathers
Kerr	Morton	Smith
Kuchel	Mundt	Sparkman
Lausche	Murray	Stennis
Long, Hawaii	Muskie	Symington
Long, La.	Pastore	Talmadge
McCarthy	Prouty	Thurmond
McClellan	Proxmire	Wiley
McGee	Randolph	Williams, Del.
McNamara	Robertson	Williams, N.J.
Magnuson	Russell	Yarborough
Mansfield	Saltonstall	Young, N. Dak.
Martin	Schoeppel	Young, Ohio
Monroney	Scott	

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. Moss], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

The Senator from Oregon [Mr. NEUBERGER] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Vermont [Mr. AIKEN] is absent on official business.

The PRESIDING OFFICER. A quorum is present.

Mr. JAVITS and Mr. RUSSELL addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENTS TO CIVIL RIGHTS PROPOSALS

Mr. JAVITS. Mr. President, I send to the desk sundry amendments, under the rule, to the substitute introduced by the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and lie on the table.

CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, I listened with great interest and deference to the majority and minority leaders last night respecting the debate and the conditions for debate which would be pursued in this very important civil rights issue.

Mr. President, it had been my intention to make a comment upon that discussion, in the morning hour, based upon the news which all of us read in the press this morning, but, unfortunately, the morning hour was almost over before I had my material here. Hence I have waited until this time to do it, and I shall detain the Senate only for a few minutes.

Mr. President, may I have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Mr. President, will the Senator speak louder, so we can hear him?

Mr. JAVITS. I thank my colleagues.

As we get into around the clock sessions and some understandable irritation of tempers on the subject in connection with the pending civil rights measure, let us remember that notwithstanding the niceties of parliamentary procedure and the excellent personal relations which all of us have a duty to seek to maintain here, there are great issues at stake.

For, right outside the Senate door as an alternative to law, hover anarchy, violence, and injustice and, perhaps also grave jeopardy to the success of freedom in the current world struggle.

The morning news shows this all too clearly. Sitdowns in Chattanooga, Tenn., by Negroes demanding equal service at lunch counters did erupt into a racial riot, it is reported. This follows similar demonstrations reported in other North Carolina cities, Greensboro, Fayetteville, Highpoint, Raleigh, Durham, Winston-Salem, Charlotte, and Concord—and also in Richmond, Portsmouth, Whaleyville, and Hampton, Va.; Tallahassee, Fla.; Nashville, Tenn.; and in Rock Hill, S.C. Certainly violence or breaches of the peace are not to be condoned or accepted by anyone. We know also that what is happening is symptomatic of the refusal to accept a suppressed status which in the present day and age American citizens, whatever their color, find to be intolerable.

There is indignation in some quarters and concern in most quarters of the country outside the South about this vexing problem, which cannot be swept under the rug.

The 1954 decision of the Supreme Court in the public school desegregation cases and the report of the Federal Civil Rights Commission have ended for all time the mythology of change as the result of education and time alone; the backing of law seems to be essential.

Indeed, we see this spirit which typifies all of this activity in action throughout the world causing a revolution historic in extent even if there were no struggle between freedom and communism on the scene.

The greatest difficulties, indeed, Mr. President, are being experienced in places where repression is most severe, like the Union of South Africa.

At one and the same time that these events in our own Southern States are reported, the President is in Brazil on a good will mission, a nation distinguished not only by its size and importance to the Western Hemisphere, but also by the fact that it is known far and wide as a nation without a color bar. I assure my colleagues that Brazilianos read the papers, too, and, from what our information services tell us, with particular attention to the civil rights news from Chattanooga and Washington, D.C.

In short, let us not get so lost in the rarified atmosphere of high affairs in Washington as to forget that we are dealing here with the essence of the Republic and with freedom itself. It is not my office to quarrel now with the determination of those Senators who feel that they must utilize every parliamentary opportunity and device available to them to block civil rights legislation, but I make my statement to those who are determined that this shall not frustrate reasonable and just civil rights laws essential to the security of the Constitution and our Nation, calling to their attention that the cause is worth all the effort and is critically important.

Mr. President, I believe that there will be every desire to obtain, and every effort made to give, as has already been shown, an apportunity for full and free debate, which is typical of this very great body. To that all of us must lend our aid.

Mr. President, I think at one and the same time that there is such a very marked objection to this procedure there should also be a marked understanding on the part of those who intend to support civil rights legislation as to what this is all about, why it is worth what is being done in its name, and why it is essential in the national interest that it should be done.

I believe, Mr. President, that what we read in the newspapers this morning in regard to the visit of the President in Brazilia, the capital of the great Republic in South America, taken in juxtaposition to what was happening, very unhappily, in certain of our Southern States, typifies for us very much both the domestic struggle and the struggle in relation to foreign policy which is involved in the civil rights issue, and I believe it is worth being noted by every Senator. I deeply believe it should make every Senator, who will have to be present night after night and who will have to answer quorum calls, as we were told, at very awkward hours, feel that this is not a vain, annoying exercise in which we are engaged but that it is essential to the interests of our country and to its future. It is also essential, I believe, to the final success of freedom in all the world.

THE CONNALLY RESERVATION

Mr. BUTLER. Mr. President, yesterday morning in Chicago, the house of delegates of the American Bar Association met to discuss and vote upon a resolution dealing with the repeal of the Connally reservation limiting the jurisdiction of the International Court of Justice. The resolution, introduced by Mr. Frank Holman, a distinguished lawyer and former president of the American Bar Association, is against the repeal of the Connally reservation. The resolution states that repeal would be unwise because since 1947 "it has become evident that a wide tendency has been fostered to merge matters of a domestic nature into matters of international concern."

Mr. President, this resolution touches upon a subject which has aroused the interest of Americans in every corner of the land. My mail on this subject has been extremely heavy and is running heavily against repeal and for a retention of the Connally reservation, a reservation, by the way, which the distinguished former Senator from Texas, Tom Connally, still supports.

Now, in view of the meeting yesterday morning of the house of delegates to discuss the resolution of former ABA President Holman, it seems pertinent to me to bring to light some literature of the ABA on this subject with the hope that it might clarify the issue for members of the ABA and those of my colleagues who are concerned about the Connally reservation and its possible repeal.

In August 1959, the American Bar Association section of international and comparative law published a report entitled "Report on the Self-Judging Aspect of the U.S. Domestic Jurisdiction Reservation With Respect to the International Court of Justice." On page 4 of that report, which calls for the withdrawal of the Connally reservation, acknowledgment is made to Prof. Louis B. Sohn:

> Prof. Louis B. Sohn of Harvard has been good enough to read this report in draft form and give the committee a number of factual corrections as well as his suggestions.

Professor Sohn is a well-known teacher of the Harvard University Law School in Cambridge, Mass., a frequent lecturer and author. In fact, in 1958, along with Grenville Clark, he was the author of a book entitled "World Peace Through World Law."

Mr. President, I have in my hand a copy of that book and I would like to read a few excerpts from it to impart the flavor of that book and the philosophy of Professor Sohn, an important adviser to the American Bar Association committee calling for the repeal of the Connally reservation.

May I also say that the book "World Peace Through World Law" is in effect, a proposed revised charter of the United Nations and shows conclusively to what lengths those gentlemen in favor of repeal of the Connally reservation would go in bringing nations, public or private organizations, and individuals under the International Court of Justice.

On page 23, under the heading "Enforcement and Penalties" the statement is made:

> The plan envisages a variety of enforcement measures, including the prosecution in United States regional courts of individuals responsible for a violation of the disarmament provisions. Moreover, in case of a serious violation for which a national government is found to be directly or indirectly responsible, the General Assembly could order economic sanctions against the nation concerned. In extreme cases the Assembly (or the Executive Council in an emergency and subject to immediate review by the Assembly) would also have authority to order the United Nations Peace Force into action. Any such action would, however, be limited, if at all possible, to air or naval demonstrations and would involve actual military operations against a violating nation only if absolutely necessary.

On page 22 under the heading of "The "Judicial and Conciliation System" we find the following:

> In order to provide means for the trial of individuals accused of violating the disarmament provisions of the revised charter or of other offenses against the charter or laws enacted by the General Assembly, and to provide safeguards against possible abuse of power by any organ or official of the United Nations, provision is also made for regional United Nations courts, inferior to the International Court of Justice, and for the review by the International Court of decisions of these regional courts.
>
> The regional United Nations courts, together with the International Court of Justice, would introduce a regime of genuine and enforcible world law in respect of legal questions involving world peace; and the world equity tribunal would be an important new means for the authoritative settlement of nonlegal situations dangerous to peace.

I quote further from page 511, under the title of "Statutes of the World Conciliatory Board."

THE STATUTE OF THE REGIONAL COURTS OF THE UNITED NATIONS

It is proposed to establish United Nations regional courts, inferior to the International Court of Justice, for the trial of individuals and private organizations accused of violating the revised charter or any law or regulation enacted thereunder. These regional courts would also be authorized to deal with other matters specifically provided for in the various annexes, some of which are mentioned below.

1. The General Assembly would be required to establish not less than 20 or more than 40 regional courts and to delineate the regions in which they would have jurisdiction.

3. The judges would be appointed by the executive council from a list of qualified persons prepared by the International Court of Justice; the appointments to be subject to confirmation by the General Assembly. Not more than one-third of the judges of any regional court could be nationals of the nations included in the region of the court's jurisdiction, and no two judges of any regional court could be nationals of the same nation.

4. The judges would be appointed for life, subject only to the possibility of dismissal if, in the opinion of two-thirds of all the judges of the International Court of Justice, a judge is no longer able properly to perform his functions or has ceased to fulfill the required conditions of his tenure.

6. The jurisdiction of the regional courts would include:

(a) The trial of individuals and private organizations accused of offenses against the revised Charter or any law or regulation enacted thereunder.

(b) The issuance, under articles 21 and 22 of annex I of the revised Charter, of authorizations for the conduct, without notice, of periodic inspections and of aerial inspections, and of authorizations for the inspection of places and facilities other than those specifically made subject to inspection by annex I.

(c) The consideration of appeals against decisions of the Inspector-General refusing the grant of a license under article 16 of annex I, or suspending or revoking a license under article 31 of that annex.

(d) The determination, in case of dispute, of the amount of compensation or rent payable by the United Nations under article 104 of the revised Charter, article 28 of annex I and article 2 of annex II.

(e) The issuance, under article 21 of annex I, of injunctions against performance by the Inspection Service of acts not authorized by annex I or by laws or regulations enacted thereunder.

(f) Any other matter where access to a regional court by nations, public or private organizations or individuals is specifically provided for in the revised Charter (including any annex thereto) or in any law or regulation enacted thereunder.

Mr. President, "World Peace Through World Law," has 540 pages and while I could quote for several more hours as to the recommended expansion of the United Nations and the International Court of Justice, I will not do so at this time. I will merely suggest that this book and the opinions expressed by the report of Professor Sohn, an adviser to the American Bar Association, calling for the repeal of the Connally reservation are irrefutable proof that the fears of many Americans like myself that American sovereignty will be superseded by an international organization and an international court of justice are justified, and I recommend strongly that those colleagues of mine who are concerned about the repeal of the Connally reservation read and study the book, "World Peace Through World Law," which is, in effect, a blueprint for one world. This is a concept which I cannot support and which any realistic person cannot support.

Mr. JAVITS. Mr. President, I understand it is agreeable to the Senator from South Carolina for me to yield 2 minutes to the Senator from South Dakota [Mr. CASE].

Mr. THURMOND. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MR. LANPHIER'S INTEREST IN MISSILES

Mr. CASE of South Dakota. Mr. President, the following news dispatch from San Diego has just come in over the ticker:

SAN DIEGO.—Thomas G. Lanphier, Jr., last night gave up his $50,000-a-year job with Convair Division of General Dynamics to crusade for a speedup in U.S. missile defenses.

I interpolate to say, it is high time. It is high time, Mr. President, that Mr. Lanphier should resign his $50,000 job, for, as the dispatch says:

Lanphier, 44, a World War II pilot hero and vice president of Convair which manufactures Atlas ballastic missiles, only 3 weeks ago said he believed President Eisenhower "is taking a dangerous, dangerous gamble with national security." He reiterated this belief today.

Mr. President, Mr. Lanphier is entitled to his opinions and his beliefs. But clearly, he will be in better light to crusade for bigger purchases of Atlas missiles if he is not a major officer of the company whose wares he seeks to sell.

I am one of those who have been bothered by rumors that Mr. Lanphier, while vice president of Convair, has been seeking as a former Air Force officer to obtain top-secret information from intelligence sources, and to use it to increase sales of the Atlas missile which his company makes.

Continuing with the dispatch:

He [Lanphier] said his resignation was motivated by his concern for the Nation's security and his desire to take his warnings to the American people as a private individual.

J. V. Naish, president of Convair, announced in a prepared statement that Lanphier's resignation was for personal reasons.

Lanphier's criticism of President Eisenhower and the Nation's position in the missile and space race was known to have distressed management of General Dynamics Corp.

Lanphier accused Eisenhower of underestimating Russia's strength and overestimating the strength of the United States.

If Mr. Lanphier wishes to crusade for more missiles, Mr. President, that is his privilege but if he wishes to divest himself of any suspicion of conflict of interest, I suggest that he also make it clear that he has divested himself of any major stock interest in General Dynamics Corp., and also any stock option rights he may have in that or any other corporation with missiles to sell.

Mr. JAVITS. Mr. President, I understand that the Senator from Pennsylvania [Mr. SCOTT] wishes to add something to what the Senator from South Dakota has said, but I will not yield unless it is agreeable to my colleague from South Carolina.

May I yield 1 minute to my colleague from Pennsylvania?

Mr. THURMOND. I yield for 1 minute.

Mr. SCOTT. Mr. President, with reference to the comments made by the Senator from South Dakota, there are some of us who have from time to time heard the President of the United States refer somewhat acridly to propaganda by the munitions makers in order to create some new business in munitions.

I do not know whether the President had reference to any particular individual, but I agree with the Senator from South Dakota that it is about time for those who wish to engage in propaganda in an attempt to increase purchases of munitions by this country to dissociate themselves either from munitions makers or from the Armed Forces, wherever they may find themselves. If they insist upon carrying on their propaganda, let them do it as private citizens.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. RUSSELL. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. RUSSELL. I desire to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. What is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the question of agreeing to the so-called Dirksen substitute.

Mr. RUSSELL. A few moments ago I gave notice that I would demand a division of the question. I now make the first specific demand, under rule XVIII, and demand that section 201 be considered separately, it being a divisible question.

The PRESIDING OFFICER. That is a proper demand under rule XVIII.

Mr. RUSSELL. So the pending business before the Senate at the present time is section 201 of the so-called Dirksen substitute.

The PRESIDING OFFICER. The Senator is correct.

Mr. RUSSELL. Mr. President, I have another parliamentary inquiry.

I shall reserve the other parliamentary inquiry until a later date.

The PRESIDING OFFICER. The Senate will be in order.

THE IMPACT OF TEXTILE IMPORTS

Mr. THURMOND. Mr. President, in a number of leading newspapers across the country today there appears an advertisement by the J. P. Stevens Co. which, in my opinion, is a public service type of advertisement. It portrays very ably to the American people a circumstance that portends grave difficulties for the American people. This full page advertisement reads as follows:

A MESSAGE OF IMPORTANCE TO AMERICANS, CONCERNING AN INDUSTRY ESSENTIAL TO OUR NATIONAL SECURITY AND PROSPERITY: THE INFLUENCE OF UNCONTROLLED TEXTILE IMPORTS ON OUR ECONOMY

The continuing growth of foreign imports constitutes a threat to the future of many American jobs. Today textiles face an immediate problem as a result of these uncontrolled imports. The time has come to examine these conditions which so strongly affect our textile industry as well as the national economy.

It is a known fact that increasing imports of yard goods and garments have seriously hurt the textile industry. In a period of continued prosperity, many textile mills have had to close their doors—with the resultant loss of American jobs.

Thus currently in a business upswing, the textile industry has been and continues to be close to the bottom of the national industry list in earnings. However, the issue here is not one of corporate earnings so much as it is the potential further loss of jobs through further liquidation of important segments of an essential industry.

Trade between nations is helpful and desirable. Our foreign trade policy is an integral part of our Government's overall foreign policy, which should be respected for the important job it does. There is no question of willingness to share the load to enable the country to carry the economic burden of an enlightened foreign policy.

In sharing, however, circumstances have placed an undue portion of the burden on the American textile industry. And the need for some control, governed by a rule of reason, has now become urgent.

Lately the burden on textiles has increased alarmingly. Last December, yardage of imported cotton fabrics reached the highest total in history, with more countries than ever exporting into the American market. The upward zoom of imports is graphically shown on the chart in the center on this page. And these figures pertain only to cotton.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the able and distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, I congratulate the distinguished Senator from South Carolina for the remarks he is making and the question he is discussing today. It is one of the most important issues, in my judgment, presently before Congress. As the Senator well knows, employment in the textile industry is the largest source of industrial employment in my State and, I believe, also in the State of South Carolina and in many other States of the Union.

The Senator was a member of the subcommittee of the Committee on Interstate and Foreign Commerce which went into this question last year. The committee did outstanding work in that field. However, the recommendations it presented to Congress have not yet been acted on. All the recommendations if adopted would be extremely helpful to the textile industry and to those who work in the textile industry at the present time.

Is it not a fact that thousands of employees in the textile industry are forced out of jobs every week because of the increase in foreign competition?

Mr. THURMOND. The able Senator is absolutely correct in his statement. Since World War II more than 300,000 jobs have been lost in the textile industry, and undoubtedly the largest proportion of those jobs were lost because of competition from other countries which send their goods into this country.

Mr. TALMADGE. Is it not also true that the 300,000 who have lost their jobs have joined the unemployment rolls in cities, which were already overburdened?

Mr. THURMOND. The able Senator is absolutely correct in his statement. Unless something is done to stop this trend of imports into this country, we will have thousands more persons going on the relief rolls in the United States from textile mills.

Mr. TALMADGE. Is it not further true that almost every week some textile industry goes out of business because of the increase in foreign competition?

Mr. THURMOND. Hundreds of textile mills have closed since World War II. I believe that some figures which were presented last year show that over 700 such mills had closed since World War II.

Mr. TALMADGE. Is it not correct to say that cotton produced in South Carolina costs the South Carolina textile mills $40 a bale more than the same South Carolina cotton would cost if bought by a textile mill in Pakistan or India or Indonesia or Japan?

Mr. THURMOND. Foreign countries are able to purchase cotton on the world market at from 8 to 9 cents a pound cheaper than our own textile mills in this country are able to do.

Mr. TALMADGE. Does the Senator see any justification whatever for an American commodity being sold to a foreign industry cheaper than it is sold to our own industry in this country?

Mr. THURMOND. It seems unconscionable that that should be done.

Mr. TALMADGE. Is it not also true that the International Cooperation Administration has sent a letter to people in Indonesia, particularly, but also to others who are interested, urging that they establish mills in Indonesia, and guaranteeing them against expropriation, and guaranteeing them favored treatment from the United States?

Mr. THURMOND. My information is that they are not only encouraging the establishment of these mills, but that they are also assisting in financing their establishment.

Mr. TALMADGE. Can the able Senator from South Carolina see any justification for using American taxpayer dollars to build up competition that would destroy our own textile mills in this country?

Mr. THURMOND. It does not make any sense to the Senator from South Carolina.

Mr. TALMADGE. Congress is enamored with the problem of civil rights. It seems that almost any bill which bears that label, regardless of its nature, is assured of passage. Does the Senator not think that those who work in textile mills have a civil right to make a living?

Mr. THURMOND. That is the opinion of the Senator from South Carolina. In the report of the subcommittee of the Committee on Interstate and Foreign Commerce, which is headed by the able Senator from Rhode Island [Mr. PASTORE], and of which the able Senator from New Hampshire [Mr. COTTON] is a member, a specific recommendation is made along that line.

Mr. TALMADGE. Is it not further true, that the wage level in some foreign countries, from whence these textile imports come, is about 10 percent of what it is in the United States?

Mr. THURMOND. The Senator is correct. The wages in other countries run from perhaps 8 to 15 cents an hour, whereas in this country they run from a dollar and twenty-five cents to $2 an hour, with an average of probably between a dollar and twenty-five cents and a dollar and fifty cents an hour.

Mr. TALMADGE. I congratulate the able and distinguished Senator from South Carolina for his presentation. I also desire to congratulate the able junior Senator from Rhode Island [Mr. PASTORE], who was chairman of the subcommittee which made the investigation, and also the third member of the subcommittee, the able and distinguished Senator from New Hampshire [Mr. COTTON]. I congratulate the distinguished Senator from South Carolina and compliment him for calling this matter to the attention of the Senate. I also thank him for yielding to me.

Mr. THURMOND. The remarks of the able Senator from Georgia are highly appreciated. The distinguished Senator from Georgia has long been interested in this subject. While he was Governor of the State of Georgia he took a great interest in the textile industry, which is the largest industry in his State. He has rendered magnificent service to his State and to his Nation because of his interest and work in this important field.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. HOLLAND. First, I compliment the distinguished Senator from South Carolina not only upon his able presentation, but also upon the fact that he is so concerned with this problem, which is vital to hundreds of thousands of our people.

Second, I wish to advise him that when the distinguished junior Senator from Rhode Island [Mr. PASTORE], speaking for the Subcommittee of the Committee on Interstate and Foreign Commerce, of which he is chairman, and of which the Senator from South Carolina is an able and effective member, appeared before the Committee on Appropriations last year, and again this year, in the hearings just completed, he made a very strong case for the support of a special investigation to produce in specific form

the things which needed to be done and which could be done by Congress or by the Government.

I do not recall that in my service as chairman of the subcommittee of the Committee on Appropriations which handles this type of matter any subject has ever received more unanimous approval from all members of that very large committee, regardless of their party. I recall that even though the item was not even in the budget, and even though the surveys of the subcommittee had just been completed, or were being completed, the Senate subcommittee included in the annual bill last year $200,000. That failing in conference, we tried again in a supplemental bill, and finally came out with an item of $175,000, which makes a beginning, perhaps not a sufficiently large beginning, on the investigation of this critical matter.

I want the Senate to know that the Senator from Rhode Island [Mr. PASTORE]; the Senator from South Carolina [Mr. THURMOND]; the Senator from Massachusetts [Mr. SALTONSTALL], whom I see in the Chamber, and who has been so diligent in supporting this measure in the Committee on Appropriations; and the Senator from Maine [Mrs. SMITH], who is the ranking member of the subcommittee which I have just mentioned, and which I have the honor to head, have all worked diligently on this matter together with others, whom I will not try to name in their complete number.

In commending the Senator from South Carolina, I wish to assure him of that continued support which was manifested only Monday night, George Washington's Birthday night, when the subcommittee and the full committee, in turn, again evidenced a complete willingness to support a project by which we hope to bring about remedial measures which will afford relief to the imperiled industry, the imperiled employees, and the imperiled producers of the commodities, particularly cotton, which are involved in this matter.

Again, I congratulate the Senator from South Carolina.

Mr. THURMOND. The State of the able Senator from Florida contains a number of textile mills. The Senator is thoroughly familiar with the problem concerning the textile industry. He has shown great interest in it and has rendered magnificent service, especially on the Committee on Appropriations, where he was so helpful in securing appropriations, at the request of the Textile Subcommittee, which request was so ably presented by the chairman of our subcommittee, the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. PASTORE. First, I think a word of commendation should be uttered on the floor for the yeoman work which was done by the chairman of the Subcommittee on Appropriations for the Department of Commerce, the distinguished Senator from Florida [Mr. HOLLAND].

As is typical of him, the Senator from Florida is always very gracious and very generous in his eulogies of the efforts of others, but is always so humble as to minimize his own efforts. But if it had not been for the interest, the energy, the industry, and the enthusiasm which were displayed by the senior Senator from Florida, I doubt very much that that very modest appropriation would have been included in the supplemental bill. The amount is $175,000, as the Senator has already stated. The purpose of this appropriation is to assist the Interagency Committee, which was created by Presidential directive, in gathering the data and statistics which are necessary to be brought to the attention of the administrative agencies of the Government involved in problems of the textile industry. These are the agencies which are responsible for much of what has been happening. These effects have been more or less emphasized by the advertisement which was published in the newspapers throughout the country today. This subject is being very appropriately, deliberately, and eloquently presented by the distinguished Senator from South Carolina [Mr. THURMOND].

What it is necessary to emphasize, not in generalities, but in specifics, are the matters which were brought out by the committee, if the Senator from South Carolina will permit me to do so. There has been talk about the number of jobs which have been lost in the textile industry. The textile industry in 1947 employed 1,325,000 workers. By 1957, the number had been reduced to about 1 million. In other words, during a period of 10 years the textile industry lost 325,000 jobs. That was during a time when the United States had shown a phenomenal growth in gross national product. While the rest of the country was enjoying tremendous development, the textile industry, which is second only to steel in essentiality, lost 325,000 jobs.

In the last 10 years, 717 textile mills have been closed in the United States.

The subcommittee on problems of the textile industry met only last week with Mr. Dillon and Mr. Mueller and brought out the fact that in the woolen and worsted industries, since the close of World War II, one-half of the mills have been closed. The United States has lost one-half of the jobs in this field, while imports of woolens and worsteds to the United States in that same length of time have gone up 1,000 percent.

I think all of us favor reciprocity. All of us believe in international trade. But unless we become a little more realistic, unless we become a little more awake to what is happening to this essential industry of the United States, we shall end by having no domestic textile industry. If that ever happens—which God forbid—in the event of another tragedy or emergency, the United States will not have sufficient clothing to put on the backs of her soldiers. That is how serious the situation has become.

I believe the approach to this problem should be more realistic. I think the advertisement which was published today is timely and propitious. I congratulate the Senator from South Carolina in bringing this matter out in so forceful a manner.

Mr. THURMOND. I compliment the distinguished Senator from Rhode Island for his remarks. I have served on a number of committees and subcommittees since coming to Congress, but I have not served under a more able chairman than the Senator from Rhode Island. He has rendered not only his State, but also the entire Nation, a magnificent service in the work he has done as chairman of the Textile Subcommittee of the Committee on Interstate and Foreign Commerce.

Mr. HOLLAND. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. HOLLAND. Mr. President, I am most grateful for the more than generous compliments which have been paid me by the Senator from South Carolina and the Senator from Rhode Island. I have simply tried to help get done a job which seemed to me to be of tremendous importance to the Nation. I had a small part in it. This is a matter in which there have been no party lines and in which there has been no disagreement. We are all Senators of the Nation, whether we come from prosperous areas or not. We have joined together in trying to find solutions for this problem.

I thank the Senator from South Carolina.

Mr. THURMOND. The assistance rendered by the able Senator from Florida has been invaluable.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield.

Mr. ERVIN. I wish to commend the Senator from South Carolina, the Senator from Rhode Island [Mr. PASTORE], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Maine [Mrs. SMITH], the chairman of the Committee on Interstate and Foreign Commerce, the Senator from Washington [Mr. MAGNUSON], and the Senator from Florida [Mr. HOLLAND] for the great work which they have been doing to save one of the basic industries of the United States, an industry which the Senator from Rhode Island has just characterized as the second most important industry in the Nation.

My State has a tremendous stake in the textile industry, because approximately 230,000 of my fellow Tarheels earn their daily bread in textile plants in North Carolina, and upward of one million North Carolinians either directly or indirectly are dependent upon the prosperity of the textile industry for their livelihood.

It seems to me that we have adopted a tremendously shortsighted national policy with respect to the textile industry. Strange to say, those who favor it invoke the name of Cordell Hull to justify a concept which is totally inconsistent with everything Cordell Hull ever advocated while he walked among us on this earth.

During the debate on the so-called Reciprocal Trade Agreements Act 2 years ago I placed in the CONGRESSIONAL RECORD many statements which Cordell Hull made on the subject of reciprocal trade. On every occasion when he expressed himself on this matter, Cordell Hull said that the only kind of trade

that would be satisfactory between nations was trade which was mutually advantageous to those nations. He said that the reciprocal trade concept, as envisioned by him, contemplated that the United States would enter into agreements with other countries under which the United States would export to those countries goods which the United States produced in surplus quantities, and under which the United States would import from those countries goods which the United States either did not produce or which the United States could not effectively produce.

It has been true for many years that the textile industry has produced a surplus of textile goods. I wish to ask the able Senator from South Carolina whether a system of so-called reciprocal trade, which by artificial methods gives a substantial part of the domestic market of American textile manufacturers to other nations, is not absolutely abhorrent to any idea of reciprocity?

Mr. THURMOND. The statement of the able Senator from North Carolina is eminently correct.

Mr. ERVIN. I should like to ask the Senator from South Carolina a question based on the indisputable fact that the United States encourages, in an artificial manner, the importation of foreign manufactured textile goods, at a time when the United States is producing surplus quantities of those goods. Does not that policy inevitably result in denying to Americans the right to earn their livelihood in a vocation to which they are accustomed? In other words, does not the existing policy have the effect of exporting the jobs of Americans to foreign countries?

Mr. THURMOND. There is no question about the accuracy of the statement made by the Senator from North Carolina on that point.

Mr. ERVIN. I should like to ask the Senator from South Carolina whether the United States does not rightly support the wages of employees in the textile plants of the Nation by a minimum wage law under the Fair Labor Standards Act.

Mr. THURMOND. The Senator from North Carolina is correct. We have a minimum wage law which applies to our textile industries. But the foreign countries which ship goods into the United States in competition with the goods produced by our own manufacturers do not have such minimum wage standards.

Mr. ERVIN. I should like to ask the Senator from South Carolina whether or not it is a fact that under this present perversion of the trade concept, the wages of some of the persons who make the imported textile goods are only approximately one-tenth of those paid to American employees of the textile industry of this Nation?

Mr. THURMOND. The wages of employees in textile plants in some other countries are approximately one-tenth of the wages of employees in the textile industry in the United States, and some, as in Hong Kong, are even less.

Mr. ERVIN. Furthermore, I should like to ask the Senator from South Carolina whether under our program for the disposal of surplus cotton, the United States itself is not actually selling American-grown cotton to the competitors of the American textile industry at anywhere from 4 cents a pound to 6 cents a pound less than the price for which the American textile industry can buy the same kind of cotton?

Mr. THURMOND. I believe the price differential runs approximately 8 cents.

Mr. ERVIN. Can the Senator from South Carolina advise me by what method the American textile industry, with a minimum wage required by law, and with the necessity of purchasing the cotton it uses at prices anywhere from 6 to 8 cents a pound higher than those paid by its foreign competitors, can possibly survive long?

Mr. THURMOND. When American textile manufacturers are paying 8 cents a pound more for cotton than their foreign competitors pay for it, and when our manufacturers pay wages 10 times as high, it would seem impossible that they would be able to compete very long, especially in view of the alarming rate at which such imports are increasingly coming into this Nation.

Mr. ERVIN. Is not the maladministration of the reciprocal trade agreement concept, which was originated and developed by Cordell Hull, responsible, in large part, for the deficit position in which we now find ourselves in our foreign trade—a deficit which, as I recall, during the last year was approximately $4 billion?

Mr. THURMOND. The Senator is absolutely correct.

Mr. ERVIN. The Senator from South Carolina is familiar with the fact that much of our foreign policy is really made and applied by the International Cooperation Administration, an agency within the State Department, is he not?

Mr. THURMOND. Yes, I am only too aware of that fact.

Mr. ERVIN. Is not the State Department the agency of our Government which has been most concerned with tearing down all so-called trade barriers as a matter of foreign policy?

Mr. THURMOND. I thoroughly agree with the statement of the Senator from North Carolina, and later in my remarks today I shall elaborate somewhat on that specific point.

Mr. ERVIN. It takes a very strange act on the part of the ICA to astound me; but I was astounded when, a few years ago, the ICA, which preaches that America ought to tear down all tariff walls and ought to abolish all quotas, sent or lent to the Philippine Government one of its experts to devise a way for the Filipinos to develop a textile industry. This agent of the ICA made to the Philippine Government a report in which he recommended that the Philippine Government erect around the Philippine Islands a tariff wall so high that no textile products manufactured in the United States or anywhere else on earth could enter the Philippine Islands. It seems to me that is an astounding recommendation to be made by a man who represents an agency of our Government which is intent on destroying any and all protections accorded Americans employed in the textile industry.

Mr. THURMOND. I am informed that almost all other countries take steps to protect their manufactured goods by tariffs, currency manipulations, export licenses and quotas, but that the United States is permitting foreign goods to be imported in almost unlimited quantities.

Mr. ERVIN. And is not the standard argument of those who advocate that course this: "If the rights of Americans are not surrendered, the foreign countries involved will turn to communism"?

Mr. THURMOND. That seems to be the argument, and it is very fallacious.

Mr. ERVIN. Are not we blackmailing ourselves into the surrender of precious rights of Americans now employed in the textile industry to continue to earn their livelihood in this industry, the only one they know anything about?

Mr. THURMOND. That is exactly what we are doing.

Mr. ERVIN. I thank the Senator from South Carolina.

Mr. THURMOND. I wish to compliment the able Senator from North Carolina for the questions he has asked and the points he has brought up. He comes from what I believe is the second largest textile State in the Nation. It used to be the first in textile production, but I believe South Carolina is now first.

North Carolina is a great State, and has produced millions of yards of textile goods. Its textile industry is supporting thousands of employees. Unless steps are taken to limit the importation of foreign manufactured goods, thousands and thousands more North Carolinians are going to be out of jobs because of the further mill closings that will take place throughout that State, along with others.

Mr. ERVIN. I will ask the Senator another question. The question is whether Congress has not delegated to the executive branch of this Government the power to regulate commerce insofar as textiles are concerned.

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. And has not the executive branch of this Government delegated that power to the competing textile industry and Government of Japan?

Mr. THURMOND. That seems to be the case, because Japan has set up voluntary quotas at the request of our Government. We do not seem to be able to fix quotas ourselves, but we are permitting Japan itself to say to what extent she will agree to limit her exports to the United States.

Mr. ERVIN. I will ask the Senator if this is not the first time since the "morning stars sang together in glory" that one sovereign nation has delegated to another sovereign nation the power to regulate its trade and industry in behalf of the competing industry of that other nation?

Mr. THURMOND. We have delegated this power to Japan, but Hong Kong, India, Spain, France, and various other countries—on which subject I shall elaborate further this morning in my talk—are now exporting to the United States in quantity without any quotas, voluntary or otherwise.

(Several Senators addressed the Chair.)

Mr. THURMOND. I believe I promised to yield to the Senator from Massachusetts next.

Mr. SALTONSTALL. I appreciate the Senator's yielding to me, and I am very glad that the Senator from South Carolina is stimulating attention and interest on the Senate floor to this problem of cotton imports and, incidentally, to woolen imports, because it is a subject of great interest in New England, as well as in his State of South Carolina and also in North Carolina.

I call to the Senator's attention the fact that 2 years ago, the year before last, all the New England Senators, regardless of their party, discussed this project and sent a joint letter to the President of the United Staets in connection with it. They worked very hard with the various departments with respect to this Commission, which the Senator from Rhode Island has mentioned. That Commission was given a life, with the help of the Senator from Rhode Island and the Senator from Florida, in the Appropriations Committee last year. I was glad to be present in the committee then and also again this year. Before I came to Washington in January I had a luncheon with some of the cotton textile people in Massachusetts. Since we have been here, under the guidance of the Senator from Rhode Island we have had a meeting on the woolen textile imports, in which we also discussed cotton imports. When the Prime Minister of Japan was here, we had an opportunity to talk with him for a little while in the Foreign Relations Committee room. We talked about cotton imports and the voluntary restrictions we have now with Japan.

I cannot go quite as far as my friend from North Carolina [Mr. ERVIN] would go about the fault of the State Department. I voted in favor of reciprocal trade treaties, but I was not sent here to throw our citizens in New England out of work, nor was the Senator from South Carolina.

What we want to do is to try to work out a reciprocal trade agreement, and at the same time stimulate employment in vital industries here in the United States. I am certainly not very happy about the situation. While I may not agree with all the Senator from South Carolina has said, nor with some of his answers to the Senator from North Carolina, I do appreciate his stimulating the attention of all of us and our interest in this great subject. Any cooperation I can give from this side of the aisle, I would be glad to give. Although I am not trying to say—I cannot say—that the State Department is absolutely wrong, as I understood the Senator from North Carolina to say with relation to this problem of imports and voluntary agreements, I hope that the Senator will maintain his great interest in this subject, and I know he will.

Mr. THURMOND. The able Senator from Massachusetts has long been interested in the textile industry, and he has, I am sure, guarded it zealously; but a great many of us do feel that the trade and aid policies of our Government must change in some major respects. Otherwise the textile industry here is going to be shut down.

Mr. SALTONSTALL. I agree with the Senator.

Mr. THURMOND. If the Senator will listen to the rest of my address, he will see how alarming the increase has been in the importation of foreign manufactured goods within the past year. I shall go into the subject in detail. I intend to give the figures as to imports and the increases. They are amazing; and I believe after he hears them, he will agree that some drastic action must be taken, even if it upsets the State Department's hold on the trade program.

Mr. SALTONSTALL. I agree that we must study this matter and take some action further than we have now taken if we are to keep down and keep from increasing the imports of cotton and woolen textiles that are coming into this country.

Mr. THURMOND. I thank the distinguished Senator from Massachusetts for his contribution in this matter.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. THURMOND. I am delighted to yield to the Senator from Georgia.

Mr. RUSSELL. I desire to join those Senators who have commended the distinguished Senator from South Carolina for bringing about this discussion concerning the plight of the textile industry. I desire to associate myself with the very able comments that have been made on the floor protesting the partial liquidation of the American textile industry. This matter is not confined to cotton textiles; woolen textiles have likewise taken a dreadful beating under the present policy.

My State is not as important as a textile State as is North Carolina and South Carolina, but I think we rank third in the United States. We have approximately 175 textile plants employing about 100,000 people in that industry, with a payroll of about $300 million annually. So this is a matter of vital concern to us.

It is not only of vital concern, Mr. President, to the people who are engaged directly in the textile industry; it is also a matter of great moment to farmers who produce cotton. We all know that the Government is being compelled to sell a great deal of cotton on the world market.

I wish to associate myself with some of the comments made by the Senator from North Carolina [Mr. ERVIN]. Since the end of World War II, we have sent about $70 billion abroad under the foreign aid program for almost every conceivable type of project. That does not take into consideration all we have sent abroad. We have helped establish and reestablish industries, including textile industries, in low-wage areas abroad with taxes paid in part by the American textile industry.

Along with the $70 billion that we have sent abroad, apparently we have also sent along about 300,000 of our textile jobs. When we consider the wages that would have been paid, that amounts to several billion dollars that would have been paid to American employees had we been able to maintain the textile industry in this country at the level it had been.

We have sent all that abroad and given it to foreign countries, many of which are better off financially than is the United States. Many of those countries have balanced budgets and derive their revenue in part from industries that have been presented to them by the U.S. Government to the detriment of our own industry.

Mr. President, I wish again to express my willingness and my desire to do anything that is possible under the circumstances to rectify a very grave injustice that is being perpetrated on one single industry in this country.

I have pursued this matter as vigorously as I knew how in company with the Senator from South Carolina and, I think, practically all the other Senators who have commented today on the floor. We have urged the President to take action on the findings by the Secretary of Agriculture that section 22 should be invoked. The Senator from South Carolina prepared a letter that I was glad to sign, I believe under date of January 25, to the President asking him to extend the scope of that inquiry.

I regret very much that I received only this morning a letter from the Assistant to the President declining to extend the scope of the inquiry.

Mr. President, I think that patience has ceased to be a virtue in these circumstances. I believe that Congress will be derelict in its responsibility to the American people, if we do not compel the State Department and the other agencies of Government to take some action to assure the survival of what is left of our textile industry.

Again I congratulate the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able and distinguished Senator from Georgia for what he has done on behalf of the textile industry. His State is one of the leading States in the Nation in regard to textiles. The Senator has always shown a special interest in trying to help the textile industry, and I am sure the service he has rendered this morning will be very beneficial to this cause.

Mr. RUSSELL. I thank the Senator.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator yield?

Mr. THURMOND. I yield to my colleague from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, I desire to commend my colleague from South Carolina for bringing up this matter. It is a subject very close and dear to my heart. It does me a great deal of good to know that many Senators have become interested in it.

I also wish to commend the Senator from Rhode Island [Mr. PASTORE], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Florida [Mr. HOLLAND], and many other Senators who have seen fit to really bring to the attention of the people of the United

States and of the administration the dire need we have at the present time for something to be done with regard to quotas for other countries which are sending material to the United States, which is resulting in so many of our citizens being put out of work.

I am interested in the textile industry. The main reason for my interest is that the industry builds up our country and gives people work.

I am interested in the working people of my Nation more than in anything else. I do not mind telling them so. For that reason I back up the industry and I shall do everything I can for the industry in order to give jobs to the working people.

Senators heard the figures which were given this morning. There are nearly 1 million people who have been put out of employment. When we think of that we think of South Carolina, of North Carolina, and of Georgia, in particular. Those States are the biggest producers, and have more people employed in the industry than the other States, but they are not suffering quite as much as some other States are suffering. The New England States were caught, so far as manufacturing is concerned, in a squeeze play, so to speak. We in the South have good weather conditions. We have cheap power. We have a good supply of labor. All of those things have helped our industry. However, the New England States have not only had to compete against those factors but, like South Carolina and other States, have had to compete against cheap foreign wages which are but 10 percent of what our manufacturers must pay.

Since I serve on the Committee on Agriculture and Forestry I know how we have been trying to dispose of cotton by selling it out of the United States. We must sell 40 percent of the cotton produced in the United States to other countries. When we do that at prices cheaper than our own industries can buy it at, and the cotton goes to other countries, it comes back to us in the form of cloth, in the form of shirts, in the form of caps, and in the form of every other material made of cotton.

Last summer I was at Myrtle Beach. While I was on the beach with a friend of mine the little boy of a man from South Carolina came up and said, "Daddy, I want a cap just like you have on." He handed the boy a dollar and told me that was what he paid for his hat. The little boy went to the stand, and when he came back he said, "Daddy, I cannot buy a cap there for $1. The cost is $2 for the cap." The man said, "I will go down to see." When he went to the stand he looked at the cap for sale and looked at his own. It was the same type of cap, made of the same kind of material, but when he looked inside the caps he learned the dollar cap was made in Japan and the $2 cap was made in the United States. That is the kind of competition we are trying to meet at this particular time.

When we consider the States of South Carolina, Georgia, and North Carolina, I ask Senators to take note of the fact that approximately one-half of the active textile spindles in America are in the two States of South Carolina and North Carolina. The State of Georgia ranks next highest. So we will become involved in the difficulty being experienced by the textile industry. The manufacturers in New England have faced the greatest difficulty so far, and more mills have been closed there than in the other States, but we will be next unless something is done.

I warned Senators in 1947, when they were setting up this Frankenstein in the United States, when a group of Senators was meeting to consider the matter. At that time manufacturers in the United States were desirous of helping Japan rehabilitate and wanted to build cotton mills in Japan. They requested a quarter of a million dollars to help build mills in Japan.

At that time, I regret to say, there was only one voice which warned the country about what would happen in the future. At that time I spoke up and told Senators what would happen. I am sorry it has eventuated as I told them at that time it would turn out.

The money which we sent to Japan is causing the trouble today, because of the goods which are being sent to the United States. We helped them at that time. Now they are sending part of their production to the United States. They make more than our Government will ask for. They have set up their own quota system in Japan. They know they are mistreating the American industry. They know we cannot meet the competition, or they would not even offer any quotas, but they have offered quotas.

That is the situation we face today. Therefore, I commend the Senator. Later today I shall make a speech along this same line, but I am going to approach the subject from a different angle. I desire to inform the people of this nation what we have built up in other nations and what we are doing today to tear down our industries at home.

It is time that America thought a little bit about the homefires, instead of other fires of other nations of the world. It is time for us to become a little bit nationalistic, as I see it, instead of being worldminded.

I shall develop that point sometime today, I hope. I thank the Senator very much for bringing up the subject.

Mr. THURMOND. Mr. President, I thank my distinguished colleague for his fine remarks, which are very pertinent on this subject. The senior Senator from South Carolina has long been interested in the textile industry. When the Senator was growing up, as a young man he worked in a textile mill. He worked his way through college. The Senator deserves a great deal of credit. I know he knows the workings of the industry from the ground up. His remarks are very beneficial in this debate.

Mr. JORDAN. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield to the distinguished junior Senator from North Carolina.

Mr. JORDAN. I wish to commend my distinguished colleague from South Carolina for the most able presentation he has made of the important subject which he has discussed.

I also wish to associate myself with my distinguished colleague [Mr. ERVIN] for the fine remarks he has made relative to the same issue. I also commend other Senators who are vitally interested in the same problem.

I also wish to commend the subcommittee of which the Senator from Rhode Island [Mr. PASTORE] was chairman, and upon which subcommittee were also the Senator from New Hampshire [Mr. COTTON] and the Senator from South Carolina [Mr. THURMOND], for the able investigation they made last year. Not only did the subcommittee go into North and South Carolina, but it went into the New England States, and all other States vitally interested in this important problem.

I had the privilege of attending one of the hearings in Charlotte. That meeting was attended not only by executives of textile mills, but by representatives of labor organizations, and others concerned with the textile problem and the plight of the textile industry as a result of the danger arising because of the constant flow of imports.

The report which was made was an able one. As I see it, it has not been followed in the least. As Senators well know, a number of petitions to broaden the scope of the investigation under section 22 of the Agricultural Adjustment Act, as was pointed out a few moments ago, were denied. The remedy prescribed is certainly not adequate to do anything about the plight in which the textile industry finds itself today.

I also wish to commend the J. P. Stevens Co., to which the Senator has referred, and which is running the advertisement that is appearing all over the United States so that the American people can see just exactly what is happening not only to the textile industry, but to a great many people who are indirectly affected by the textile industry.

It is impossible to kill off one industry without having the effect of it felt by other industries. For example, automobile manufacturers need textiles for their upholstery in automobiles. Therefore this is an interrelated problem, which affects many people. If employees in a textile plant are forced out of jobs, they cannot buy automobiles, and they cannot buy anything else. Therefore, the whole economy suffers. This problem is a vast problem, as I see it, and it is becoming worse every day.

I have figures here, which I believe the Senator will bring out later more graphically than I can, which show that the condition is not only bad, but that it is getting worse daily.

A few years ago, before I became a Member of this great body, I made a tour of Japan at my own expense, to study the textile industry there. I also went to Hong Kong. I went to the Philippines, and I also went to the other places in the world where textiles are being manufactured. I was astounded to find that in Japan, for instance, the

mills were much more modern than are our own mills in the United States. I also saw that the U.S. taxpayers' dollars were used to build those new plants.

This is not a southern problem. Of course, it is of great importance to North Carolina, because this is the largest industry in North Carolina. It means a great deal to our people. As was pointed out, 717 plants have closed since the war. In that period of time the United States has reached its greatest development period, not only by way of population increase, but also from the standpoint of corporation growth. The business of other corporations has gone up at a rapid pace, whereas the textile industry has been going down.

This is a problem also for New England and other parts of the country. It is not an area problem. As I have said, it means a great deal not only to North Carolina and to South Carolina and to Georgia and to Alabama, but also to other States.

In the beginning, the United States was importing practically all cloth, and no garments. The cloth was converted by American workers into shirts and underwear, and everything else that was made from the cloth. In the last year, particularly, that problem has been aggravated. They are now making dresses and caps and every conceivable kind of garment that can be made out of textiles. A great portion of that product is being brought into the United States.

I believe we had a moral obligation to put Japan back on its feet, and to make it possible for its people to clothe themselves. I did not object to that in any way. However, I do object to having American taxpayers' money used to build plants which take jobs away from the American people, regardless of what is made by those plants. The plants I saw in Japan were brandnew plants, equipped with American machinery. They were air-conditioned plants, of one-story construction. The tile walls and floors were more beautiful than are the floors in the Senate Chamber, and they far exceeded anything that I have ever seen in this country.

Their wage scale is approximately 20 cents an hour. If Senators will check that wage scale with the wage scale of the textile industry in this country, they will find that the American wage scale averages about a dollar and fifty cents and hour.

I then went to Hong Kong, and I found that conditions there were even worse than in Japan, from the standpoint of competition. The people of Japan were complaining about the competition from Hong Kong, where the mills were paying only 10 cents an hour. The Hong Kong plants, too, were new plants. They were producing great quantities of textiles, and the big bulk of that production was being sent to the United States. The products are exported as Crown Colony exports, and consequently they are not counted in the self-imposed quota which the Japanese mills imposed on themselves. That has been referred to previously in the debate, and was particularly mentioned by the Senator from North Carolina [Mr. ERVIN] a short time ago.

I found that the people in Hong Kong were complaining about the competition from Pakistan and India, where the mills were paying only about 5 cents an hour.

Therefore, I did not find anyone in the textile industry who was happy. I have stated the type of competition we are faced with from these various countries. As has been brought out, the American taxpayer is paying a subsidy on cotton which is 8 cents a pound less than the price for which it is sold in this country.

Another distressing feature is that the textile importations come not only from Japan. That was the beginning nation, and it was the largest exporter to this country. However, in the last year, more than at any other time, Syria has started to export yarn into the United States. Italy has started to import yarn into the United States, and also cloth and fabrics and dresses and shirts. West Germany is now shipping into the United States. Lebanon is now shipping into the United States. Austria is now shipping into the United States. Canada is also shipping into the United States. The Netherlands are shipping into the United States. Pakistan is now shipping into the United States. Egypt is shipping into the United States.

There are two additional countries which have become exporters in the last few months, namely, Spain and Portugal. They have become large exporters.

I do not know whether the distinguished Senator from South Carolina realizes this or not, but Spain is a large producer of cotton, and produces a great deal of cotton. They grow their own cotton, and manufacture their own goods and then ship the goods over here, and thus drive Americans out of jobs. All of this is already affecting New York, because New York is one of the large producers of finished ladies' dresses, shirts, sport shirts, and all the other type of outerwear that is manufactured. It is affecting them right now, and it will affect them even more as time goes on. Importations are increasing in every category that I know anything about in the textile industry.

Therefore it seems to me that the President should take action. I know he is having a study made. But he should take appropriate action under section 22, under which he is having an investigation made.

If nothing is done, it will be up to Congress to say, "This must be stopped."

There is another vital feature about this matter which concerns the people I am discussing. It deals with the countries from which we are bringing these imports into our country. The more we import from them the larger their plants will become. They will expand their plants. When the time comes when they must stop selling us all these goods, they will have to shut down their plants. Then we will have lost another friend. In the end we will not have helped them at all, because we will throw those people out of work. In Spain, France, Switzerland, West Germany, and many other countries people are moving from farms into small villages and towns to be employed in the textile industry.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from Rhode Island.

Mr. PASTORE. I believe that is the most important argument that has been made here this afternoon. The trouble is that we have led and lulled these countries into believing that the American consumer market is inexhaustible insofar as exports are concerned. This is the troublesome situation we found at the time we were conducting our investigation. We found that already some plants in Japan were being closed because the industry had overexpanded. Much of the trouble in Latin America today stems from the fact that during the war period we created the impression in Latin America that for all time we could buy all the mineral and metals that they could produce. Then came the cessation of hostilities, and we closed down the market. That threw a great many of their people out of work. As a result we earned their animosity, which today is stronger than our good will was at the time we helped open their plants.

The pitch here has been that so far the countries which are now being rehabilitated and are beginning to industrialize are all striving for the American consumer market. There is absolutely nothing wrong with that. But, after all, what is happening in the United States now is that we are beginning to kill the goose that laid the golden egg. We do not have a market that can take them all and stay solvent. As I brought out a short while ago, in the last 10 years 717 American textile mills have closed. How much longer can we last before the flag goes up? The textile industry in the United States has lost 325,000 jobs in the last 10 years. Imports of worsteds and woolens alone have grown from 4 million yards to 46 million yards in 10 years. One-half of all the worsted and woolen mills in the United States have closed. One-half of all the jobs in those industries have been lost.

If we consider woolens and worsteds, and then American made screws and barbed wire, and keep multiplying and multiplying, and as Italy rehabilitates, as Germany rehabilitates, as France rehabilitates, as the Philippines rehabilitate, and as India rehabilitates, and every one wants to sell to the American market, everything will be lovely as long as we can absorb their production. But when we get to the point where we are putting Americans out of work, as has been indicated in the investigation we have conducted—and no one has yet disputed it or refuted the figures—we can see for ourselves that that will lead to an imbalance of international payments to the distress of our own economy.

That was brought out at the meeting of Foreign Ministers of Finance a year ago in Washington. For the first time in the history of this administration, the Secretary of the Treasury rose and said that the disparity between exports and imports was creating a situation that would be chaotic if it continued. We now find that $4 billion of American gold has left the country and will not come back. Why? Because foreign nations send us their goods, but

they do not buy from us, we pay them and our gold does not come back to us. Now we find that we are without $4 billion of America's gold.

Unless someone rises to face this problem for what it is, we shall find out one day that what has happened to the textile industry can happen to any and every other industry. I am not advocating that we should cut off international trade. I agree with the philosophy of Cordell Hull, as he expressed it. But today a new factor has entered into the whole picture of international trade. It is a political factor.

We are told that unless we buy all the goods which Japan manufactures, she cannot stand up against the threat of Red China. That may be true. On the other hand, Japan must be made to understand that if the United States becomes economically bankrupt, we cannot help Japan anyway.

Japan is the biggest exporter of textile goods of any nation in the world—mind you, Mr. President, of any nation in the world.

Ten years ago we exported 15 percent of our production in textiles. Today the percentage has dropped to 5, and it keeps going down. The industry has just been able to survive to date. We have lost 717 mills. And the time has come when we must begin to reappraise and reanalyze what is taking place. We must find out where we are going, because the direction in which we are traveling is dangerous. If we continue in that direction without any reins or checks, we shall find out one day that even our friends abroad in the hope that they would sell their production to America have overextended and overexpanded their industry. We will find in Western Europe the same kind of trouble which confronts us in Latin America today. Why? Because we have encouraged the nations of Western Europe to overexpand. When they begin to contract their industries, when they begin to recede and begin to shut down, they will blame us for not continuing to buy their expanded production.

That is the trouble. I said that to Under Secretary of State Dillon; I said it to Secretary of Commerce Mueller. They listened attentively, and they agreed that the problem is serious. The only reaction is, we ask each other, What is the answer?

The answer is very simple. A time will soon have to come when our representatives will have to be courageous enough and strong enough to face the facts of life as they are. We shall have to tell our friends abroad that we can absorb only so much. There will have to be a stop to excessive imports. Whether it will have to be on a nation-to-nation basis or an over-all basis, I do not know. But I say the time will come when we shall have to begin to look at this whole problem realistically.

There was a time when we were told that 4 million American workers would be needed to produce and service American products which would be sold abroad. The President of the United States made that statement at the time the historic Trade Act was before Congress for extension. Today that picture has changed.

We were told at that time that we would buy $12 billion of foreign goods, but that we would sell $18 billion of our own. That condition is no longer true. We have almost reached parity now between exports and imports.

We have been able to "take it" up to now. But I think we are on the threshold of a new day. If we want to see light and not darkness in the development of the free world, I think we shall have to sit down and talk cold facts in the way Secretary Anderson talked to the financial ministers at the meeting in September; in the way Mr. Kearns talked in Tokyo; the way I talked to him in my office at the time Japan wanted to raise her voluntary quota from 235 million yards of cotton goods to 246 million yards.

I made a forceful speech to him in my office. I said that such action would kill American industry. I said that Japan's proposal would hurt the textile industry in America.

I felt reassured when 6 months after that he made to the Japanese the same speech which I made to him in my office. He said, in effect, that the time had come when Japan could destroy the very instrumentality which was intended to help Japan—the strong economy of the United States.

What has happened in Japan has happened in Italy and in France. It will happen in the Philippines. It will happen in Great Britain and in West Germany. The producers of those nations will be lulled into the belief that they can expand and expand and continue to sell to the American consumer. But if the American consumer loses his job, he will not have the money with which to buy the goods. That is just as plain as the day is bright. We must begin to think in practical, realistic terms. We must act sensibly and be a little more selective.

Let us buy more of the things we do not make but which we need. Let us look a little more closely at what our foreign trade policy is doing to American industry, especially to the textile industry. The figures have been developed.

I say to the gentlemen in the State Department: You are good Americans. You are sincere Government officials. But please do not run wild every time someone says to you, "Unless you let us sell you more goods, the Commies will come." Do not be too gullible. We can meet Soviet competition only with an American economy that is safe and sound.

This is a serious problem. American industry needs to be saved. We need international trade, but we must be more selective. We cannot do tomorrow the things we did yesterday. The situation has changed. The world has become rehabilitated. The economies of many countries have been helped back to health.

When I was in Denmark, our Senate group was briefed by the Ambassador.

Mr. President, will the Senator from South Carolina permit me to continue?

Mr. THURMOND. Yes, I am glad to yield further.

Mr. PASTORE. I asked the representative of the State Department what was the percentage of unemployment in Denmark. At that time 12 percent of the working population of Rhode Island was out of work. He said he did not have the figures but could obtain them. I asked him to do so, because it was important. What I am saying is not in derogation of Denmark. I do not mean it to be such. I am merely stating a fact.

The State Department representative returned and said that the rate of unemployment in Denmark was 5 percent. While 12 percent of the working population in my State was out of work at that time, and the rate of unemployment in the United States was 6 percent, Denmark on her part was complaining because she was not selling more of her dairy products. I understand that at the time all the dairy products used by our troops in West Germany were being exported, not from Wisconsin, not from the United States, but from Denmark.

Mr. President, how far can we go? How much more of this can we take? The time has come when we shall have to be more courageous and stern in our negotiations, we must avoid agreements that compel us to subject ourselves to quotas instituted by other nations. I know why that is so in the case of Japan. It is because we have already negotiated an agreement with that country. We in America are not in the habit of breaking our treaties. It is now in the province of Japan to institute a voluntary quota. But when we renegotiate again, let us not make the same mistake twice. Let us consider, a little, our own industry. Let the men in the State Department read the newspapers. Let them read the reports which are published. Let them weigh the fact that 717 textile mills in the United States have closed in 10 years. If that is not true, let them say so. If it is true, let it be a warning that if this trend continues, if this situation persists, we will be killing the goose that laid the golden egg—the sound economy in which national security is born.

Mr. President, I thank the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Rhode Island for his pertinent and appropriate remarks. I think he has succinctly presented the question in a very able manner.

Mr. President, I now yield further to the distinguished junior Senator from North Carolina.

Mr. JORDAN. Mr. President, I wish to associate myself most definitely and emphatically with the remarks of the distinguished Senator from Rhode Island.

I have never said—either on this floor or anywhere else—that I want all imports into this country stopped. I have said that we must regulate them and must bring them into line, and we must do so in an orderly fashion.

As my colleague from North Carolina and as the Senator from Rhode Island

know, our country is partly responsible for the fact that today Japan has to import goods into this country, for our country has built up a textile industry in Pakistan, a natural market for Japan. And American dollars were used for that purpose. Therefore, Japan has been forced to find new markets.

But the manufactured goods produced in Japan are produced at wage scales far lower than those which apply in the United States; and Americans cannot possibly live on the Japanese wage scales. Neither do we want our people to live on relief. But if the present course is continued, our relief rolls will grow larger, rather than smaller.

I shall not take much more of the time of the distinguished Senator from South Carolina, because I know he has prepared an excellent speech.

A few minutes ago I referred to the importations of garments and other finished goods which not only take away the jobs of those who operate the looms and the spinners in our country, but also take away the jobs of the cutters and the other Americans who are employed in the U.S. garment industry. In 1958, 1½ million dozen shirts were imported into the United States. The manufacture of those shirts would provide employment for many of our people. But in 1959, 2.41 million dozen shirts were imported. In other words, the importations have increased very rapidly. Furthermore, many other textile goods are now being imported—among them, ladies' blouses. They are being imported by the millions. Hosiery and other textile goods are also being imported in large quantities.

I repeat that at an early date we must find some way to regulate—not to stop—such importations. I do not favor stopping the importation of any goods into our country. But we must decide what the American consumption of such goods will be and what part of that consumption is to be produced by American workers, and then limit the imports accordingly.

I was told that the Japanese are building a textile machinery plant in Brazil, and are sending their Japanese specialists to show the Brazilians how to run the plant. I know that Brazil is now importing textiles into the United States, whereas Brazil used to purchase textile goods from the United States.

As the able Senator from Rhode Island has pointed out, our country used to be a large exporter of textile goods—especially those of the finer classes—to almost all the other countries of the world. But in a short time that situation has entirely changed; and today our exports of such goods have almost ended. If the present trend continues, it will not be long before no American goods in those categories will be exported; and when that happens, many Americans will lose their jobs.

My concern relates to more than textiles. I am concerned with all employment in the United States. This situation affects not only North Carolina, but also South Carolina, Rhode Island, and all the other States of the Union.

For example, foreign-produced transistor radios are now being sold on the American market at prices approximately one-half of the cost of producing such radios in the United States; and I am told that last year the importations of foreign-produced transistor radios amounted to approximately 40 percent of the total sales of such radios in our country. In North Carolina there are electronics plants; and the importations of such radios take more jobs away from North Carolinians.

Today, Japan has practically captured the ball-point pen market in this country.

Mr. President, cigarette lighters might be regarded as a minor item. However, the livelihood of many Americans depends upon the manufacture of cigarette lighters. Foreign-produced cigarette lighters can now be purchased in the United States at prices much lower than the prices which necessarily must be charged for cigarette lighters manufactured in this country. I have in my pocket a cigarette lighter which was given to me. The words "made in Japan" appear in very fine print on that lighter. In fact, I thought the lighter was manufactured in this country, because the patent for the manufacture of such lighters was issued to an American. But the label on this lighter shows that it was manufactured in Japan.

Similarly, today our automobile manufacturers are no longer shouting about their exports. As a matter of fact, I think I am correct in saying that the imports of automobiles into this country now exceeds the exports of American-manufactured automobiles.

Last year I took a trip to South America. I traveled there on a very large vessel. The captain of the ship told me that in prior years his ship had carried approximately half a load of steel on every trip. But he said that in the last year his ship had carried no steel whatever. Instead, all the steel going to those countries now is going to them from Belgium and other parts of the world.

Reinforcing bars can now be produced in foreign countries for 40 percent to 50 percent less than the cost of production in the United States.

Practically all the nails being used in the United States are now being imported, because foreign-produced nails can be sold here at prices $4 or $5 a keg less than the price which necessarily must be charged for nails manufactured in the United States.

Barbed wire, which, of course, is principally used to keep cattle and horses in the fields, used to be manufactured in large quantities in the United States. But today practically all the barbed wire used in the United States is being imported.

Similarly, the American optical goods manufacturers and the American camera manufacturers are encountering very great trouble.

One by one the foreign producers are taking over our markets. Something must be done soon about this situation, because, if not, Americans will not be able to buy even the cheapest imported goods. If a man does not have a job, he cannot purchase anything at any price.

The plywood industry is also vital to North Carolina. But practically all the plywood mills in North Carolina have had to shut down, chiefly because of Japanese imports of plywood, inasmuch as plywood can be manufactured in Japan much, much cheaper than the cost of manufacturing it in the United States. As a result of the closing of the plywood mills in North Carolina, not only are those who formerly worked in those mills now without their jobs, but also the large number of North Carolinians who formerly supplied to the North Carolina plywood mills the lumber they used are now without that employment.

Therefore, Mr. President, if the Tariff Commission will not take some immediate action to help in this situation—and, in particular, to help the textile industry, which has been harder hit than any other American industry—I think Congress must take action.

At the same time—as the distinguished Senator from Rhode Island has said—such action is also necessary if we are to save our foreign friends. Otherwise, we shall soon make enemies of them; for if we permit them to overexpand their manufactures, and if then we are compelled to reduce the imports, they will be the worst enemies we have.

I thank the Senator from South Carolina for yielding to me, Mr. President.

Mr. THURMOND. Mr. President, I wish to compliment the able Senator from North Carolina for the valuable information he has supplied during this debate. He has been engaged for many years in the textile industry, and he knows that industry from one end to the other. He knows just what that industry has suffered, and he is aware of the hundreds of thousands of jobs which American textile workers have lost because of the importations. I am sure he foresees greater danger today than ever before, and a seriously growing threat to American industry and American labor, unless steps to remedy the situation are taken promptly.

Mr. JORDAN. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. I am glad to yield.

Mr. JORDAN. I think I know as much about the textile industry as does any other Member of the Senate. I do not say that in a spirit of bragging; but I started to work in a cotton mill as a sweeper, and in those days the wages were 20 cents an hour, and we worked 12 hours a day. I do not want this country to return to those conditions. I do not want this country ever to go back to that condition, because it cannot.

I have worked all over cotton mills. I have worked in them for a long time. I know the cotton-mill industry. I know the people. I know that plants, the warehouses, and other facilities which were in existence at the time I started to work in the mills today have gone completely out of business because the competition from abroad has completely wrecked their business. They will not

go into operation again because the machinery has been junked and melted and has gone into other uses.

I thank the Senator from South Carolina for yielding to me.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Virginia, with the understanding that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I commend the Senator from South Carolina for the splendid presentation he has made of one of the most difficult problems that confront this country, in my judgment.

I wish to commend the junior Senator from North Carolina [Mr. JORDAN] for disclosing a great many pertinent facts in regard to the situation that confronts us, and also wish to commend the Senator from Rhode Island [Mr. PASTORE], who was chairman of a committee that made a report with respect to textile importations into this country, which report every Member of the Senate should read. I have read it twice. It is a very fine presentation of a great problem that confronts us.

I was one of the Senators who, in 1935, voted for the Hull reciprocal trade program. I am still for it. I think it was far superior to the Smoot-Hawley tariff bills and other bills written in committees of Congress. But the program should be reciprocal. This country should get the advantage of trade with other countries coincidentally with the importations that come into this country.

The problems facing the textile industry, the cotton and wool manufacturers, is one of the greatest domestic problems that confront the American people in the field of foreign trade. A big woolen mill in the town of Winchester in my State closed up not so long ago, and it was a serious blow to that community.

The question is serious because of the disparity between the wages paid in this country and those paid in countries from which we import textiles. Probably in some cases the wages in some of those countries are not much over 10 percent of the wages paid in this country.

I am glad the statements on this subject have been made. I want to say that, as chairman of the Finance Committee, which has jurisdiction of this matter, it is a question of deep concern both to the chairman and the members of the committee.

As chairman of the Finance Committee, I recently wrote a letter to the President of the United States, asking for a full investigation, and for suggestions as to what can be done to save the textile industry from the great injury which would result from the closing down of many plants.

I merely desired to make this statement.

Mr. THURMOND. I wish to express appreciation to the able and distinguished Senator from Virginia for his remarks. There is no Member of the Senate who is more highly respected than is the able senior Senator from Virginia. I am sure that he and his committee will give this question their most serious consideration, and, if it is necessary to establish quotas to save the jobs of Americans, I believe his committee will do it. I wish again to thank him.

At this point, Mr. President, I would like to explain the graph which appears in the advertisement to which I have referred and to which the text of the advertisement refers. The graph shows the imports of countable cotton cloth, excluding all garments and other fabricated items, in millions of square yards by quarters for the years 1957, 1958, and 1959. For the year 1957, the graph shows that there was imported into the United States between 35 million square yards and 25 million square yards per quarter. There was very little fluctuation over the four quarters. There was little fluctuation in 1958, the level of imports being approximately 36 million square yards per quarter. The alarming thing indicated by this chart is the increase over the four quarters in 1959. For January, February, and March, 1959, a total of 36.8 million square yards of countable cotton cloth were imported. In April, May, and June, the imports increased to 45.3 million yards. In July, August, and September, they increased again to 55.9 million square yards. In October, November, and December—and this is the most alarming fact, Mr. President—the imports of countable cotton cloth, excluding garments and other fabricated items, increased to the amazing total of 102.8 million square yards, almost double the previous quarter. The text of the advertisement continues as follows:

As matters now stand, the cheap prices of textiles imported from low-wage countries cannot be matched by the American textile industry. The reasons are simple. First modern textile facilities have been built overseas, often with the aid of the American taxpayer. Second, and more important, is the higher wage scale and living standard of the American textile worker. This means higher costs, including health and hospitalization insurance, social security benefits, maintenance of safe working conditions, local, State, and Federal taxes and vacations with pay, all of which are part of the American way of life.

It seems abundantly clear that some reasonable restrictions are needed to check this flow of cheaply made imports. If it is not done, and soon, more and more American jobs will be lost and an essential American industry will be further impaired.

Others share this opinion. More than a year ago, a special Senate subcommittee, composed of Senator PASTORE, of Rhode Island, chairman; Senator COTTON, of New Hampshire; and Senator THURMOND, of South Carolina, studied the problems of the American textile industry and held public hearings. In its report to the Senate, the committee said, "In view of the defense essentiality of the domestic textile industry we feel that the only answer to the problem is to regulate the flow of foreign textile products into this country. The quotas established need not be fixed for all time." To date, no action has been taken on this recommendation.

American cotton growers, too, are concerned as they see more and more of the domestic cotton market being taken away from their best customer, the American spinner.

We believe ceilings governing imports should be established to stem the rising tide of low-wage imports endangering the livelihoods of those who work in cotton growing, textile manufacturing, and garment making. Without altering the fundamental objectives of our foreign policy, and without being unfair to anyone, sensible controls can lift part of the disproportionate load now carried by the textile industry.

It seems to us that full discussion of this problem at this time will serve a very useful purpose in seeking a fair solution for a resulting situation which was not contemplated or intended at the time our existing foreign trade policy was being formulated.

The 34,000 employees of J. P. Stevens & Co., Inc., produce over 700 million yards of fabric annually to serve all America through its vital industries, such as agriculture, aircraft and missile, automotive, building, chemical, clothing, electrical, home furnishings, rubber, shipping, and many others.

That, Mr. President, is the text of the full-page advertisement which appeared in many of the leading papers across the country.

Mr. President, as I have said, this advertisement is a public service, for the public should be advised of the alarming facts which are taking place under and by virtue of our so-called reciprocal trade program. Unfortunately, even in a full-page newspaper advertisement, sufficient space is not available to give the entire statistical picture. This advertisement portrays, primarily, the drastic jump in imports of cotton cloth and, indeed, it shows an alarming picture.

Traditionally, the United States has been a net exporter of cotton cloth by a very wide margin. For instance, the ratio of U.S. imports of cotton cloth to exports of cotton cloth for the years 1949–58 are as follows: For 1949, the ratio was 2 percent; for 1950, 9 percent; for 1951, 6 percent; for 1952, 5 percent; and at this point, Mr. President, the increase began in earnest. In 1953 the ratio was 10 percent; 1954, 12 percent; 1955, 25 percent; 1956, 37 percent; 1957, 22 percent; and 1958, 28 percent. Over the years the ratio has fluctuated, but for the 10-year period it has increased steadily. This steady increase over the 10-year period is, in itself, a considerable cause for concern, but as stated by the advertisement, does not show the truly drastic picture which has come into focus in view of the events in 1959.

The ratios of imports of cotton cloth to exports by months in 1959 are as follows: January, 21 percent; February, 41 percent; March, 33 percent; April, 33 percent; May, 41 percent; June, 39 percent; July, 55 percent; August, 45 percent; September, 55 percent; October, 62 percent; November, 90 percent; and December, 93 percent. Nothing could more emphaticaly demonstrate our worsening trade position with respect to cotton cloth than the fact that as late as January 1959, U.S. imports of cotton cloth were 21 percent as large as the exports; but by December 1959, U.S. imports were 93 percent of exports, imports having reached an all-time record high of 241 million square yards in 1959.

Although the figures are not available for the part of 1960 to date, there is every indication that the ratio is continuing to increase. We are on the verge of becoming a net importer of cotton cloth and, in fact, we may have already reached that point.

Unfortunately, Mr. President, the statistics on imports of cotton cloth, as black a picture as they show, do not reveal the entirety of the picture. The figures on the imports of cotton yarn and cotton apparel are equally as frightening.

With respect to imports of cotton yarn, the same trend is obvious that is shown by the statistics on imports of cotton cloth. For instance, in the first quarter of 1959, imports of cotton yarn were 282,756 pounds. In the second quarter, they were 223,065 pounds. In the third quarter, they were 194,189 pounds. The fourth quarter, Mr. President, as was the case with imports of cotton cloth, shows a tremendous increase, for our imports of cotton yarn in the fourth quarter of 1959 reached the astounding total of 680,427 pounds. This brings the total imports of yarn for 1959 to 1,380,437 pounds, as compared with the 835,000 pounds which were imported in 1958.

Although it is difficult to measure the imports of the total apparel which was made of cotton, the trend in apparel imports can be graphically illustrated by selecting specific items which have been brought into this country. For example, in the first quarter of 1959, the United States imported 379,000 dozen shirts. In the second quarter of 1959, imports of cotton shirts were up 22 percent to 461,000 dozen. By September of 1959, imports of cotton shirts had reached 1.5 million dozen, which was equal to the total imports for the entire year of 1958. Although the final figures for imports on cotton shirts have not been released by the Tariff Commission for the last portion of 1959, the total rate for 1959 is up to 2.41 million dozen. Mr. President, as pointed out in the advertisement, these statistics do not relate solely to the fact that some American industries will have their profits impaired. Every yard of cloth, every item of apparel, and every pound of yarn which is imported into the United States represents labor performed by someone other than an American citizen, and as our imports continuously approach—and possibly by this time equal or surpass—our exports, jobs for American citizens are decreasing correspondingly.

This is no time for the National Government to adhere to and administer policies which have the net effect of decreasing employment for American citizens. It is quite true that at the present time employment in the United States is at an almost alltime high. We must ever keep in mind, however, that the number of workers in the United States will increase by nearly 20 percent, up 13.5 million, to a total of 87 million, by 1970. The increase in the number of workers during the 1960's will be by far the largest for any 10-year period in our history—50 percent greater than during the 1950's. According to recent estimates by the Department of Labor, a greater percentage of the increased work force will be constituted of unskilled and semiskilled workers, including those in the older age groups and a larger percentage of women workers. Despite earlier retirements, it is estimated that 20 percent more workers will be 45 years and over in 1970 than in 1960. By 1970 it is estimated that there will be about 30 million women workers—6 million more than in 1960.

Studies by the Labor Department show that already the percentages of unemployed are much greater among groups who are less skilled and have a lower degree of education; and it is in these groups that the crucial problem of unemployment will develop, if it develops, in the next decade. Our economic history has clearly proven that textile workers can be trained readily from this particular portion of the labor pool; to wit, older people, women, and persons who have been unable to secure a high level of formal education and technical training. This is the exact area in which we must concentrate our efforts to provide not less, but additional employment. We can no longer administer the policies of the National Government exclusively for the benefit of foreign nations to the detriment of deserving American workers.

I do not mean to imply, Mr. President, that the textile industry is bearing or will bear ultimately the total brunt of the maladministration of the trade program. Already other basic industries, such as steel and automobiles, are feeling the pressure of increased imports and decreased exports. In the postwar era, our policies for the reconstruction and industrialization of the so-called backward nations of the world have been concentrated in the field of light industries, primarily textiles. As the industrialization program of these countries continues with or without our help—now that we have set them on the road—they will make greater and greater dents in all areas of the markets for our industrial products.

The so-called reciprocal trade program, as originally conceived and enacted into law, was certainly not designed to visit these drastic consequences on American industries and American workers. Despite the unwise delegation by Congress of its constitutional power, authority, and responsibility to regulate tariffs and imports to the executive branch, basic safeguards for the protection of domestic industries and American workers were provided in the law. Unfortunately, as our trade program has come ever increasingly to be administered as an instrument of foreign policy, rather than as an economic program, those safeguards provided in the basic law delegating the congressional power to the Executive have been usurped or ignored. In their place, halfhearted efforts have been made to remedy the situation by extra-legal methods conceived in the minds of those concerned with foreign policy, rather than in the minds of economists. I refer, of course, to the so-called voluntary quota agreements negotiated with the Japanese, who were the source of the initial flood of our textile imports.

Mr. President, the voluntary quota system, so far as the Japanese textile import situation is concerned, has undoubtedly been of assistance to American textile plants and American textile workers. It is not, however, a satisfactory solution of even the Japanese import problem, much less the overall textile import problem.

In the first place, Mr. President, the textile import situation from Japan is a peculiar economic situation, in itself. Exports from Japan are closely regulated by governmental agencies, and it is therefore possible to negotiate directly with the Japanese Government on exports of a particular commodity, since the Government is in a position to supervise the exports and insure that the so-called voluntary agreements are adhered to. At this point, let me make it clear that in my opinion the voluntary quota agreements are unsound, both as a matter of principle and practicality, even in the case of such nations as Japan. It would seem that the least that American industries and American workers have the right to expect from their own Government is action in protection of their interests. They should not have to rely for that protection on the grace of a foreign nation. Aside from the matter of principle, however, Mr. President, as I have pointed out, the situation with Japan is unique. Voluntary quotas cannot even be approached with other countries which have come into prominence as exporters of cotton textiles to the United States. These countries are many, and their exports to the United States are ever increasing. Consider, for example, the imports into the United States of unbleached cloth. In 1958 the United States imported a total of 50,383,000 square yards, of which 37,784,000 square yards originated in Japan. In 1959, however, U.S. imports of unbleached cotton cloth had increased to a total of 145,405,000 square yards, of which only 41,128,000 square yards were from Japan. Of the approximately 95-million-square-yard increase, Japan was the originator of only 4 million square yards of that increase. The bulk of the increase came from other places such as Hong Kong, which increased from 1,262,000 square yards to 29,898,000 square yards; India, which increased from 455,000 square yards to 22,419,000 square yards; France, which increased from 16,000 square yards to 10,288,000 square yards; Spain, which in 1958 exported no unbleached cotton cloth to the United States, but in 1959 exported 9,310,000 square yards. Other countries from which imports increased drastically included Korea, Pakistan, Formosa, West Germany, and Switzerland. It should be quite obvious that no voluntary quota system will satisfactorily meet the problem of the increased imports from these many countries.

Mr. President, it is still possible under the existing law for the executive department to counter and remedy this problem with machinery provided it. I refer primarily, of course, to the escape clause procedure established in the Reciprocal Trade Act. The escape clause procedure was designed specifically for the purpose of preventing any domestic

industry from being injured by the operation of the program. Unfortunately, however, the executive department has established such a consistent policy of declining to implement the Tariff Commission's findings that this procedure has, to all intents and purposes, been nullified as an instrument to provide the protection for which it was originally intended. Domestic industries have become so discouraged by the administration's refusal to give relief that Tariff Commission cases, expensive and cumbersome in the first place, have ceased to hold any hope.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. First, let me say that I regret that I have not been able to hear all of the Senator's presentation on this timely subject. I have been holding a hearing of the Select Committee on Small Business, and I have just completed that hearing. I am delighted that the Senator is making a speech on this subject. He may have already answered my question; I do not know. However, I understood him to say within the last few minutes, in the course of his speech, that there is ample legislation on which the administration could act. Am I correct in that statement?

Mr. THURMOND. Well, as I stated, there is machinery under which that action could be taken through the escape clause.

Mr. SPARKMAN. As I recall, a letter was written by President Eisenhower to Mr. JOE MARTIN, former Speaker of the House of Representatives, who is from Massachusetts and has a great interest in the textile problem. It was written in the course of the campaign of either 1952 or 1956. In that letter the President gave assurance that the administration would handle that problem. I believe it was during the campaign of 1956. Has the Senator seen that letter?

Mr. THURMOND. I do not recall the specific letter to which the Senator refers.

Mr. SPARKMAN. About a year ago, or a little more than that, I placed that letter in the CONGRESSIONAL RECORD. I think it might be helpful to the discussion here if a portion of that letter could be placed in the CONGRESSIONAL RECORD at this time. Unfortunately I do not have it with me. I can obtain it, and shall be glad to insert it in the RECORD if the Senator will permit me to do so.

Mr. THURMOND. I shall be pleased to have it inserted in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I wish to comment on the administration of this legislation if it is enacted into law * * *. This program must be, and will be, administered to the benefit of the Nation's economic strength and not to its detriment. No American industry will be placed in jeopardy by the administration of this measure.

Mr. SPARKMAN. In the letter the promise was made, as the letter will show, that action would be taken to correct this vexatious problem. The Senator from South Carolina has cited figures here which certainly indicate that action has not been taken, and that it is still badly needed. Am I correct in my conclusion?

Mr. THURMOND. That is correct. As I stated a few minutes ago, unfortunately the executive department has established such a consistent policy of declining to implement the Tariff Commission's findings that this procedure has, for all practical purposes, been nullified as an instrument for providing the protection for which it was originally intended. The domestic industries have become so discouraged by the administration's refusal to give relief that Tariff Commission cases, expensive and cumbersome in the first place, have ceased to hold any hope.

Mr. SPARKMAN. And those cases are long drawn out.

Mr. THURMOND. Yes, they certainly are.

Mr. SPARKMAN. They are long drawn out, and oftentimes it takes years to complete the investigation and to make a report and to get any action whatever.

Does not the Senator construe the Reciprocal Trade Agreements Act as having as one of its essential parts flexibility which will permit the handling of just such problems as those now being disclosed?

Mr. THURMOND. The Senator from South Carolina does construe that flexibility is provided, and that that flexibility ought to be exercised. The Senator from South Carolina believes that if it is not exercised Congress may have to take action to save the textile mills of this country.

Before the Senator came into the Chamber, facts were brought out showing that, since 1947, 717 textile mills in this country have closed, with a loss to American citizens of 325,000 jobs.

Mr. SPARKMAN. Of course, we know that at different times the ups and downs of the textile industry have constituted one of the soft spots in our economy. The Senator from South Carolina may remember that a few years ago an amendment was offered on the floor of the Senate—and I believe it was sponsored by the Senator from Rhode Island [Mr. GREEN], and vigorously supported by the Senator from Georgia, Mr. George, who was then the chairman of the Committee on Foreign Relations—and that when the amendment was put to a vote on the floor of the Senate, even in the face of the defense that was made on the part of the administration, that if we would not take that legislative action administrative action would be taken to solve this vexing problem, the amendment failed by a very narrow margin from being adopted by the Senate. Does the Senator remember that?

Mr. THURMOND. I recall the amendment to which the Senator refers.

Mr. SPARKMAN. I believe the Senator was a Member of the Senate at the time and participated in the debate. That shows that Congress has been willing to act, but that at one time it was forced to postpone action by the promise of the administration that it would do the job. Later there has been recognition of the fact that the legislation now on the statute books is sufficient if the administration would make use of it. Is that correct?

Mr. THURMOND. Mr. President, in view of what has occurred, the Senator from South Carolina is very dubious now that that existing legislation is sufficient. The imports which have come into this country in the last few years have entered in such tremendous quantities that it looks now as though it will be necessary, especially in view of the administration's obstinate attitude, for quotas to be fixed by Congress; otherwise the textile industry, along with a number of other essential industries, which are necessary to the defense and welfare of this country, will be forced to close their doors.

I wish to go on with my prepared statement, and I hope the Senator from Alabama will remain to hear what I have to say on the next point, particularly. I wish to thank him for his interest in this matter. He has always been interested in the cotton farmer, especially the little farmer. He is also interested in the economy of this Nation. He is a well informed Member of the body. I believe the next point I will make will be of particular interest to him.

With respect to imports of cotton textiles, there is another remedy which might be utilized by the administration to offset the impact of textile imports on our domestic industry. I refer to the provisions of section 22 of the Agricultural Adjustment Act. A petition to the Secretary of Agriculture under section 22 was filed on June 29, 1959, by the National Cotton Council, asking for relief under this section. Section 22 provides in part for relief against imports if it is found that imports tend to render ineffective or materially interfere with any agricultural program of the National Government.

The very point that this petition was filed by the National Cotton Council raises another important point, Mr. President. The National Cotton Council is an association of all groups which deal with cotton; to wit, the cotton farmers, ginners, merchants, warehousemen, seed crushers, and spinners. The petition itself was actually originated by the cotton producers or farmers. The increasing imports of cotton textiles represent not only an impairment to the domestic textile industry and a loss of jobs to American textile workers, but also represent a loss of markets to cotton producers in the United States. It is obvious from the fact that our exports of raw cotton are continuously decreasing that these imports consisted, in an ever larger degree, of cotton grown in foreign nations.

Only a few years ago about one-half of all the cotton consumed abroad was imported from the United States. In the last 5 years the situation has drastically changed, however, for the United States has not furnished one-half of the cotton for foreign consumption, but only one-seventh. The cotton producers, as

well as the textile mills, are affected by these imports to the extent that our whole agricultural program for cotton is imperiled.

Mr. President, I would like to think that there is ground for optimism concerning the administration's response to the National Cotton Council's petition under section 22 of the Agricultural Adjustment Act. Complete candor leaves little room for any optimism. The administration, while admitting that the Cotton Council has made a case in its petition, has taken the unjustifiable position of so narrowing the investigation authorized to be made by the Tariff Commission as to render almost impossible the granting of any substantial relief from these cotton textile imports. The limitation applied is applicable to the scope of the investigation and the scope of the remedy.

Section 22 provides that relief may be granted when imports into the United States—and I quote from the statute—"materially interfere with any Government cotton program or reduces substantially the amount of any product processed in the United States from American-grown cotton." We are all well aware that included in the Government cotton programs are such as the price-support program, marketing quotas and acreage allotments, conservation reserve and surplus disposal, including the cotton export subsidy program. In his letter the President restricted the scope of the Tariff Commission's investigation to the narrow field of the cotton export subsidy program alone. This is an undue and unwarranted deviation from the congressional intent and expression in the statute.

The scope of the remedy was also limited unrealistically. Section 22 provides for relief in the form of imposition of such fees and tariffs as required, not to exceed 50 percent ad valorem and/or imposition of quotas, at a level not less than 50 percent of imports in the base period. The President's letter, however, requested recommendations only as to the advisability of the imposition of an 8 cents a pound—equivalent to the cotton price differential between domestic price and world price of cotton—on imports of manufactured textile goods. Such a limitation almost completely nullifies any excuse for a hearing since the price of manufactured goods would not be materially affected by an 8 cents a pound tariff. For instance, a man's dress shirt weighs approximately three-fourths of a pound, and a 6 cents tariff per shirt would have very slight if any effect on the problem sought to be corrected by the petition.

The impracticality of the limitations imposed have been brought to the attention of the President himself, and he has been requested to reconsider the directions which he has given to the Tariff Commission. I regret to say that I was advised only this morning by the White House that although the President did reconsider his directions to the Tariff Commission, he once again has succumbed to the advice of those who concern themselves solely with the use of the trade program as an instrument of foreign policy. The result, of course, is a continuation of the head-in-the-sand attitude with regard to the damage being done domestic industries by the administration of our trade program, and little hope for effective relief from the narrow investigation which is to be made by the Tariff Commission under the provisions of section 22.

Mr. President, this situation cannot be allowed to continue. Too long the jobs of American citizens have been sacrificed on the altar of questionable foreign policy considerations. It appears that the administration will continue to refuse to take action for relief of the situation under the provisions now contained in the Reciprocal Trade Act. Unless the administration will immediately reconsider and take a practical view of this alarming situation, there is no alternative but for Congress to resume the discharge of its constitutional responsibility in the control of imports and tariffs. The American public will not long continue to permit the jobs of its citizens to be wantonly traded away by a calloused National Government, which apparently has no concern for the best interest and employment of its own citizens.

Mr. President, the senior Senator from New Jersey [Mr. CASE] was unable to be present on the floor for the discussion of textile imports this morning. He is interested in this alarming matter, however, and has asked that remarks prepared by him be placed in the RECORD in connection with this discussion.

I therefore ask unanimous consent that a statement by the Senator from New Jersey [Mr. CASE] be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CASE OF NEW JERSEY

Unable to be present on the floor of the Senate at this time because of another meeting, I have asked my colleague, the junior Senator from South Carolina [Mr. THURMOND], to express my interest in the urgent problems confrontng the American textile industry.

The economic health of this major national industry is a matter of great concern to the Nation as a whole, as it clearly is to the management of the many companies and the large numbers of workers engaged in producing American textiles. I wish to commend the interest in this problem displayed by the special Senate subcommittee which studied and held hearings on the problems of the American textile industry.

PRESENTATION TO SENATOR McCLELLAN OF GEORGE WASHINGTON AWARD OF FREEDOMS FOUNDATION

Mr. BYRD of Virginia. Mr. President, on February 22, 1960, at Valley Forge, Pa., Freedoms Foundation presented its highest award, the George Washington Award, to Senator JOHN L. MCCLELLAN, of Arkansas. This was a great tribute to a great Senator. Senator MCCLELLAN requested that the $5,000 cash portion of the award be retained by the Freedoms Foundation for the establishment of certain permanent awards in the educational field, as may be determined later by the board of directors, along lines suggested by the Senator. Senator MCCLELLAN was honored for his contribution in helping to bring about greater appreciation and understanding of the American way of life in 1959. The citation accompanying the plaque presented to Senator MCCLELLAN read:

An outstanding patriot, dedicated to the principles of the Republic of the United States;

Valorous in his defense of his country and in his protection of the rights and liberties of his countrymen;

A man of integrity and courage who has assailed the battlements of communism and corruption wherever he found them and laid bare their insidious secrets;

A leader by deeds, as well as by words, determined that the citizens of this great land shall be free from the evils or coercion and the perils of deceit;

Senator JOHN L. MCCLELLAN, may your distinguished career serve to inspire and encourage all true Americans in the constant struggle to preserve and enhance the American way of life and the principles of freedom upon which it is built.

Senator MCCLELLAN was the fourth individual to receive this top award. The first George Washington Award was presented to the FBI Chief, J. Edgar Hoover, in 1957. In 1958 the recipient was former President Herbert Hoover. The 1959 winner was Dr. Arthur A. Schuck, chief Scout executive of the Boy Scouts of America. The award recipient is determined by a distinguished jury, composed of State supreme court jurists and the heads of national patriotic, veterans, and service club organizations. This year the Very Reverend Laurence J. McGinley, S.J., president of Fordham University, New York City, and Dr. Don H. Morris, president of Abilene Christian College, Texas, were cochairmen of the national and school award jury.

Freedoms Foundation at Valley Forge was founded in March 1949. It is a nonprofit, nonpolitical, and nonsecretarian organization created to bring about better understanding of the basic principles underlining the Republic. President Dwight D. Eisenhower is honorary chairman and former President Hoover is honorary president. The foundation's funds come from the widest national sources—individual, corporate, and foundation.

The object of the foundation's annual award program is to honor citizens, regardless of race, creed, or economic status, for outstanding efforts to improve public understanding and appreciation of the basic constitutional rights and freedoms inherent in the American way of life, through the things they write, do, or say. There are two divisions of award—national and school. In addition to the presentation of the highest national award, the George Washington Award, to Senator MCCLELLAN, Freedoms Foundation also presented nine special Freedom Leadership Awards. They went to Secretary of the Army Wilber M. Brucker; Comdr. William R. Anderson of the submarine *Nautilus;* Lt. Comdr. Donald M. Hanson, of San Diego, Calif; movie stars Ward Bond and Bob Hope; Armand Penha, Fairhaven, Mass.; Mrs. Ann Hawke Hutton, Bristol, Pa.; the Honorable Elwood Fouts,

Houston, Tex.; and Dr. Ian Stuart, Birmingham, Ala. National awards were also made for outstanding organization efforts toward promoting the American way of life, as well as for sermons, radio, and TV programs, public addresses, and other contributions to Americanism.

School awards were made to public, private, and parochial schools for exceptional programs on teaching the fundamentals of the American system. The credo of the American way of life, founded on the fundamental belief in God and a constitutional Government to serve all the people, is the basis for the selection of all award winners.

Mr. President, I ask unanimous consent that the remarks of the Senator from Arkansas [Mr. McCLELLAN], in accepting the George Washington Freedoms Foundation Award, be printed in the RECORD as a part of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN L. McCLELLAN AT FREEDOMS FOUNDATION ANNUAL AWARD, VALLEY FORGE, PA., FEBRUARY 22, 1960

Thank you, Dr. Wells.

Officers and trustees of Freedoms Foundation at Valley Forge, distinguished guests, and fellow Americans, the extent and depth of my appreciation for the high honor you have so graciously bestowed upon me here today cannot be expressed in language that I am able to command.

No conscientious public servant pursues his official responsibilities with the thought of personal accolades, honors, or preferred recognition; but rather in the spirit and understanding that the truer and finer rewards of service exist largely in the satisfying knowledge of a challenge met, a duty performed, and a job well done.

Yet I would be less than human, I think, if I did not experience, as I do, a feeling of elation and personal pride in being selected by your eminent awards jury to receive this enviable distinction.

This feeling is tempered, however, by the knowledge that many, many people, far too numerous to mention individually, have contributed greatly to any success that may have attended the activities and undertakings in which I have been engaged. Thus, in honoring me, you honor them.

I am proud, therefore, to accept this notable George Washington Award of your foundation, and I do so with profound humility and gratitude.

I accept it not for myself alone, but also on behalf of my family, Mrs. McClellan and our children, whose faith and trust have constantly inspired and sustained me.

And, too, I should like to accept this award in the name of my native State, Arkansas, and her proud and wonderful people whom I have the honor to represent in the U.S. Senate. Except for their support and the confidence they reposed in me, I would have never had the opportunity and high privilege of serving in the National Congress. To them, I am eternally indebted and thankful.

I am aware of the splendid program carried out by Freedoms Foundation honoring schools and classroom teachers for their exceptional efforts in teaching a deeper understanding of freedom and a keener sense of responsible, patriotic citizenship. As a contribution in furtherance of that program, I desire, and I now request, that the cash portion of the award ($5,000) tendered me be retained by Freedoms Foundation and used by it for the establishment of certain other permanent awards in the education field (which I have suggested) as may be determined later by the board of directors.

I can think of no other place or time that would be more appropriate to commemorate our most important historic events and to reassess and talk about freedom's worth than here and now—here at the shrine of Valley Forge and on this day, the anniversary of the birth of George Washington.

We who are here assembled are brought together by our love of liberty and our unwavering devotion to the ideals that inspired our Founding Fathers in the War of Independence. The terrible price they paid—the blood they shed in that struggle—proved irrefutably that freedom is not free. It is never bestowed; it must be won.

Only a short distance from this auditorium, thousands of men with indomitable spirit endured indescribable suffering that this Nation might be free. These were the troops under General Washington who spent the harsh winter of 1777–78 encamped in the rolling hills of Valley Forge—untrained, ragged, hungry, sick, tired men. The flame of freedom's torch that had been kindled at Concord, Lexington, and Bunker Hill, and sparked with brillance and promise by the signing of the Declaration of Independence at Philadelphia, here flickered and was threatened with extinction.

But in that time of most cruel hardship and extreme adversity that tried their very souls, these gallant men with unsurpassed courage and fortitude withstood and repelled the assaulting forces of deprivation, defeatism, and despair. They were prepared to pay for freedom with their lives, their fortunes, and their sacred honor—and many did just that.

They rebelled at subservience to a king. They believed that men were born to be free and capable of creating their own destinies. The unconquerable spirit that emanated from their sufferings and sacrifices here carried them triumphantly on to decisive victory with the surrender of Cornwallis at Yorktown in October 1781.

They knew that this Nation would be great, and she is great. She is now on the very pinnacle of economic power and is preeminent among the nations of the world. She has kept her date with destiny.

But the next few years may be the most fateful in human history. The greatest threat to our survival, the most imposing danger to the free world, is the swaggering power of atheistic communism. The goal of this international conspiracy is world domination.

This global threat has created a contest between the Communist powers and the free world for superiority in science, space exploration, technology, and military power. This involves an unrelenting struggle for the minds of men as well. Our American fortress—our moral, spiritual, political, economic and military strength—is the only hope for freedom's survival. We must remain strong. If we falter and fail, then all will be lost.

No nation can be stronger than the moral fiber and stamina of its people. Crime and corruption are destructive forces that can subvert and wreck our security from within. Frightening statistics on the surging growth of crime and juvenile delinquency, reported by the Federal Bureau of Investigation, and the startling revelations of vice and corruption made by various congressional investigations are unmistakable signs of deteriorating integrity and moral decay. If our free society under law and order is to be preserved, these insidious forces of evil must be driven from the American scene.

There is another threat to our internal security that should give us grave concern. It is fiscal irresponsibility. Habitual deficit spending, tolerating a permanently unbalanced budget, and pyramiding the national debt—all feed the flames of a consuming and disastrous inflation. This unwise practice in which we are indulging runs counter to the admonitions of President Washington. It transgresses the laws of sound economics, evades our responsibility of citizenship, and shifts to others who will follow us the obligations that it is our duty to assume and discharge.

Those who scoff at a balanced budget may well be inviting economic chaos. The strength we shall surely need in this crucial struggle for supremacy and survival will not be found in a bankrupt treasury and national insolvency.

Our precious heritage of freedom must be saved. It is an estate that was purchased at great price. We can keep it, or we can lose it. We are accountable for our trusteeship of it. If we shirk our duty, forget its cost, and fail to remember and revere the vision and wisdom of the Founding Fathers who proclaimed it, and the suffering and sacrifices of the Revolutionary fighters who obtained it, then we shall surely lose it.

Summertime soldiering and sunshine patriotism are wholly inadequate to meet the exigencies of this critical period in history. They will not suffice in the great task and mission that America must perform. The preservation of our freedom requires eternal vigilance, fidelity to its ideals, dedicated services and sacrifices commensurate with the protections, blessings, and liberties that it bestows.

Thus, when we ask or contemplate "What price freedom?" we know that the price of freedom is high. We also know that the cost of tyranny is fatal—fatal to personal liberty and human dignity. So, for God and country, and for all humanity let us here resolve that freedom shall not perish and let us hope and pray that the spirit of Valley Forge shall abide with us—always.

CALL OF THE ROLL

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Fong	Long, Hawaii
Brunsdale	Frear	McClellan
Butler	Gore	McGee
Byrd, W. Va.	Hart	McNamara
Carroll	Hickenlooper	Magnuson
Chavez	Holland	Russell
Church	Hruska	Schoeppel
Clark	Johnson, Tex.	Sparkman
Dodd	Johnston, S.C.	Thurmond
Dworshak	Keating	Williams, Del.
Ellender	Kefauver	Yarborough
Engle	Kuchel	
Ervin	Lausche	

The PRESIDING OFFICER (Mr. McGEE in the chair). A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. HOLLAND. Mr. President, I did not hear the motion.

The PRESIDING OFFICER. The Senator from Texas has moved that the Sergeant at Arms be directed to request the attendance of the absent Senators.

Mr. HOLLAND. Much as I regret to have them inconvenienced, Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BUSH, Mr. BYRD of Virginia, Mr. CANNON, Mr. CAPEHART, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DIRKSEN, Mr. DOUGLAS, Mr. EASTLAND, Mr. GOLDWATER, Mr. GREEN, Mr. GRUENING, Mr. HARTKE, Mr. HAYDEN, Mr. HENNINGS, Mr. HILL, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN, Mr. KERR, Mr. LONG of Louisiana, Mr. MANSFIELD, Mr. MARTIN, Mr. MCCARTHY, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MUNDT, Mr. MURRAY, Mr. MUSKIE, Mr. PASTORE, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. STENNIS, Mr. SYMINGTON, Mr. TALMADGE, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. YOUNG of North Dakota, and Mr. YOUNG, of Ohio entered the Chamber and answered to their names when called.

The PRESIDING OFFICER. A quorum is present.

LATE SESSIONS AND QUORUM CALLS

Mr. JOHNSON of Texas. Mr. President, I wish to inform the Senate again that it is our plan to run this evening until somewhere in the neighborhood of 10 or 10:30. We expect to meet tomorrow at 10 o'clock and run late tomorrow evening. I hope any Senators who have engagements away from the Capitol will plan their itineraries in such a manner that they can return in case the absence of a quorum is suggested. I am informed that such suggestions will be made from time to time, and I hope each Senator will regard this as notice that he must plan his itineraries accordingly.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. COTTON. I would merely like to make this suggestion. It is the desire of all of us to cooperate with the minority leader and with the majority leader in this session of the Senate. I do not know who controls the running of the elevators in the New Senate Office Building, but I want the RECORD to show it is becoming a more and more difficult matter to get from our offices to the Senate Chamber in time when a quorum call is sounded. The elevators are not run for the use of the Senators, unless we are prepared to make ourselves obnoxious and throw our weight around. When we finally do get to an elevator, it is filled with the public, and we either have to say "I am a Senator and get me down fast," and appear very rude to those who are in the elevator, or we have to take a nice junket up and down the building. When we get down, in order to get on the subway cars a Senator almost needs a horse, a suit of armor, and a spear in order to get on the train and then on the elevator.

This sounds like a very ordinary housekeeping matter; but I hope that whoever has control, whether it be the Rules Committee, or the superintendent, or whatever other official group has control, will make it easier for us to cooperate, so that we can have the means of getting here without throwing our weight around and being obnoxious to the public. I am afraid there might be a constituent from New Hampshire in the elevator. I would not want to offend him and lose his vote. [Laughter.]

Mr. JOHNSON of Texas. I thank the Senator, and I think he made a very good point. We will take what steps are possible to see if we can possibly alleviate the elevator situation.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Pennsylvania.

Mr. SCOTT. I should just like to comment that I have seen the junior Senator from New Hampshire in action, and he is a very good broken field runner.

Mr. KERR. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JOHNSON of Texas. I yield.

Mr. KERR. I ask unanimous consent that when any Senator is attempting to get here to answer a quorum call and is prevented from doing so by forces and powers beyond his control, he will be deemed to have answered to his name on a quorum call.

Well, there seems to be objection. I withdraw my request. [Laughter.]

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. JOHNSON of Texas. I yield the floor, Mr. President.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. KUCHEL. Mr. President, will the Senator yield for a few brief remarks?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from California?

Mr. HOLLAND. On condition that I will not lose my place on the floor, I yield gladly.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HOLLAND. Mr. President, the current debate, the so-called civil rights debate, marks the most disorderly approach to any important national field of legislation which I have ever observed. Yes, the matter is done all according to rule, Mr. President, but the real question is, What is the wisdom of the approach and what is the fairness of the approach being followed?

I invite to the attention of the Senate, and I wish to have placed in the RECORD, the fact that when we began this debate 54 bills had been introduced in the Senate, in this Congress, relating to the subject of civil rights, and the fact that no one knows at this time how many amendments have been suggested to those various bills, or will be or can be suggested to any one of the bills, or to any conglomeration of them, which may finally be agreed upon as the text which the leadership will hope to have adopted as the law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? Without objection, they will be printed in the RECORD.

Does the Senator from Florida yield to the Senator from Louisiana?

Mr. HOLLAND. Mr. President, I did not ask to have anything printed in the RECORD.

I will yield to the Senator, provided I do not lose my place on the floor.

Mr. LONG of Louisiana. I ask the Senator to yield for a question.

Is it not the right of a Senator, customarily, to oppose a motion to bring before the Senate any particular piece of proposed legislation? I ask the Senator, if that is so under the ordinary procedures and courtesies and rules of this body, would it not have been proper that those who wished to oppose the civil rights proposal should have been accorded the right, had they desired to exercise it, of opposing a motion to bring it before this body?

Mr. HOLLAND. Mr. President, of course the Senator is correct. The normal approach to legislation is by motion to consider a bill, which motion itself is subject to debate.

Of course, the method adopted in the Senate was adopted ostensibly because no bill was on the calendar in this field, and I wish to address myself to that situation briefly in a moment, if I may.

The fact remains, Mr. President, that 54 bills in this field are in the lap of the Senate, or were when this debate started. I do not know how many other bills have been introduced since that time, but I know the distinguished senior Senator from New York gave notice in a learned speech earlier in the afternoon that he had another long bill prepared, and he invited the attention of the Senate to that fact.

The PRESIDING OFFICER. Will the Senator permit the Chair to interrupt for a moment? It is uncertain to the Chair whether the Senator wishes to have the 54 bills printed in the RECORD at this point.

Mr. HOLLAND. The Senator does not. I think that would be an unnecessary and improper encumbering of the RECORD.

The PRESIDING OFFICER. It was understood by the Chair that the Senator made the request for inclusion in the RECORD.

Mr. HOLLAND. I appreciate the suggestion of the Chair, but I simply invited attention to the fact that 54 such bills have been introduced, and that instead of having the issue clarified, in the committee or otherwise, by a motion to discharge the committee, we began this debate by bringing up without notice as to the specific measure, as the Senator from Louisiana has of course correctly suggested, a bill having no relation to the subject matter. It is a worthy bill, I understand, coming

from the Committee on Armed Services, relating to the giving of certain rights to a small school district in Missouri for the use of certain facilities of the United States at Fort Crowder.

Mr. President, I reiterate: I do not claim that anything is done in this approach which contravenes the rules of the Senate, but I am simply inviting attention to the fact—which was so well supplemented by the question and the remark of the Senator from Louisiana—that this approach is not only completely unusual but it leaves no assurance whatever as to what type of proposed legislation will be before the Senate in this matter.

Certainly I think, despite the zeal of the advocates of civil rights—and they are many and their zeal is great—they will not combine all of the measures in the 54 bills which have been introduced because some of them happen to be contradictory of others.

I have not had yet the privilege of seeing the bill which was announced by our distinguished colleague from New York as a bill being made ready for introduction as a substitute. I understood from the conversation a few minutes ago that the Senator has a bill and will introduce it. He has not yet done so, so I cannot refer to it.

I am simply inviting attention to the fact that this is the situation, as well as inviting attention to what was the situation, when we began the debate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. The Senator knows, does he not, that ordinarily Senators are party to the privilege and the right, under the rules, to resist a motion to consider a bill before this body? The probabilities are that some Senator would have availed himself of that opportunity had Senators known that the pending measure was to be converted into a civil rights bill.

Mr. HOLLAND. The Senator is of course correct. While the zeal of the advocates of so-called civil rights legislation is unquestioned, there are some of us who believe that the direction in which their thinking goes is entirely false, and that instead of bringing peace into the areas which are so directly affected the passage of such legislation would bring turmoil, and we would lose ground greatly which we have gained over recent years.

Mr. President, there is no telling what the final form of the bill will be. I wish to mention in particular the fact that one of the queerest incidents is that one committee which had several of the bills before it, namely, the Committee on Rules and Administration, is, except for one member, as I recall, composed entirely of Senators who are advocates of civil rights legislation. The press had announced, immediately before the debate began, that in that committee a meeting was imminent which had been called for the purpose of marking up a bill. Notwithstanding that, the impatience of those who so ardently desire a measure, by whatever means may be followed, was such that they called up the matter through this irregular and disorderly method, leaving no assurance whatever, either to those who support civil rights legislation or to those who oppose it, or to those who support it in part and oppose it in part, as to what will be the contents of the bill which will finally be offered to the Senate.

Before the bill has even been formulated, notice has been given of long sessions each day of this week, lasting for 12 hours, and intimations have been given—which sounded to me very much like threats—that round-the-clock sessions could be expected all next week. This is the second week of the debate, if the debate continues to the end of this week. Next week would be the third.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. Is the Senator aware of the fact that the junior Senator from Illinois [Mr. DIRKSEN], the Republican leader, had withdrawn his first set of amendments and offered in their stead a second set of amendments, in the nature of a substitute for the entire bill, and that now we are asked to go through with round-the-clock sessions to force us to a vote on a second set of amendments, which has not even been before the Senate for the past 2 weeks?

Mr. HOLLAND. I am indebted to the Senator from Louisiana for calling my attention to that fact, because I had not known it. However, I am not surprised, because it is of a piece with the disorderly and illogical methods of approach which have been followed up to this time by the leaders on both sides of the aisle, who seem to be walking shoulder to shoulder in this effort—though I confess that I have been a little surprised to see the advocates of so-called civil rights legislation who sit on this side of the aisle apparently content to allow the leader on the other side of the aisle to lay the predicate for claiming all credit for whatever may be enacted. I would not expect that situation to continue very much longer, judging from my prior observation of the way things are done in the Senate.

The notice of round-the-clock debate next week does not cause me to be fearful at all. I have subsisted through a good many of them before, and I can do so again, I hope and believe. Yet I am constrained to say, with all my strength, that I feel that that is the improper way, instead of the proper way of approaching any legislation, and particularly legislation which is in the snarl in which this legislation now is, when apparently no Member on either side of the aisle, even including the leaders on both sides of the aisle, has any idea what the form of the bill will be in its final shape.

I invite attention to the fact that when we start round-the-clock sessions, the responsibility for the health and the lives of Members of the Senate who cannot stand up to that kind of punishment very long will be upon those who invoke that sort of procedure.

I well remember the comments made by a former distinguished majority leader in this body, former Senator Lucas, of Illinois, who was the majority leader during an earlier debate on this very question. When he was pressed by ardent advocates of civil rights measures to call for round-the-clock sessions, he always refused to do so, though he himself was an ardent advocate of this type of legislation. He said that he was not willing to take the responsibility for forcing that kind of procedure upon men whom he knew should not be subjected to that kind of mistreatment.

In order that the Nation may read, and in order that both leaders may search their consciences in this matter, I am calling attention to these points briefly before I come to the subject of my remarks this afternoon. Those who insist upon round-the-clock sessions are taking upon their own hearts and hands and consciences the responsibility for the health and the lives of several Members of the Senate who should not be subjected to that type of cruel treatment, and who may not be able to survive it. I want that issue to be very clearly considered, and in the mind of anyone who insists upon the imposition of that sort of treatment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. Does the Senator recall occasions on which Members of this body have been known to collapse and fall prostrate during such sessions?

Mr. HOLLAND. I well remember such occasions. I remember the night we were debating in the Old Supreme Court Chamber, when a former Member of this body, the late senior Senator from North Dakota, Mr. Langer, collapsed in front of my seat. I remember making such efforts as a layman could to find out whether he still lived, and how serious was the calamity that had come upon him. I am frank to say that I could not feel a pulse. I know the deep concern which existed in the minds of many Senators for hours, and even through following days, as to whether or not Senator Langer could survive that bitter experience.

I hope I can survive that kind of experience. If I cannot, I do not know my own strength. I believe my able young friend from Louisiana could speak around the clock 2 or 3 times, and go out and play tennis or golf the next day, but that does not happen to be the case with all Members of this body, and I want the RECORD to show that at least one voice was raised before this decision was put into effect, to warn the leadership that they assume responsibility for lives and for health, if they bring about round-the-clock debate in the Senate on this subject.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for another question?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. Is the Senator familiar with the tremendous burden which round-the-clock sessions place upon the Official Reporters of Debates and their assistants, who ably take

down and transcribe the proceedings on the floor of the Senate?

Mr. HOLLAND. The Senator from Florida is well aware of that element. The Senator well remembers that on a previous occasion certain members of the staff were not able to stand up to that grind, and a hurried search had to be made to bring in additional reporters to carry the burden. I believe that those fine men, who handle in such an able and conscientious way the reporting of debates in this Chamber, are entitled to better treatment than this order would permit.

I remind the leadership in the Senate that several of those gentlemen are far along in years. Nevertheless, because of their dedication to the public service and their ability to do this job well, they remain here reporting on the floor of the Senate. I am very glad to have the Senator from Louisiana call attention to that fact.

Mr. LONG of Louisiana. Does the Senator not recall that some years ago Senator Lucas placed in the RECORD a letter which told of the tremendous burden and the great injury to the health of the Official Reporters of Debates when they attempted to perform their duties diligently and courageously, when confronted with long hours or round-the-clock sessions, and other protracted Senate meetings?

Mr. HOLLAND. I am sorry that I do not recall that single act of the former Senator from Illinois, Mr. Lucas, but I do well remember that I have discussed the situation with him only recently. I renewed my congratulations and expressions of appreciation for the stand which he took repeatedly, saying that he was not willing to visit that kind of disorderly procedure, based, as it was, on the question of who could be first exhausted, upon his associates in the Senate, for which I honor and respect him.

Mr. President, so far as I am concerned, I merely wished to call attention, before I come to my prepared remarks on another subject, to the facts which I have mentioned. I wished to make it clear from the record that I do not propose to debate the——

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator from Florida will suspend until the Senate is in order. The Senate will be in order.

Mr. HOLLAND. I thank the Chair. I do not propose to debate the whole field of civil rights and all the proposals embraced in the 54 or more bills and in the amendments which have been offered and already mentioned until I see a bill which presents a more restricted issue, to which I can devote more thorough attention than is possible in the face of the shotgun attack which is now being employed.

Therefore, although I am always ready to debate in this field of civil rights—and I have a record in this field, having voted for and supported civil rights proposals which were not easy to support in my own State and were not easy to support on the floor of the Senate sometimes—I am strongly opposed to coercive and compulsory methods, which are the methods embraced in most of the proposed legislation before us.

I wish to voice this one word of warning from a lifetime of having lived with this problem. I say that compulsory or coercive legislation not only does not accomplish the results anticipated, and does not give the solutions which are sought—I am sure conscientiously sought by Senators who do believe in this type of legislation—but, to the contrary, is foredoomed to failure and is foredoomed to resentment and resistance on the local level, and is foredoomed to making the problems we seek to correct worse, instead of better.

I do not believe there is any better example of what has happened than the situation I now cite, when I speak of compulsion. I refer to the school decision of the U.S. Supreme Court, which was later greatly modified by the second decision on proceeding with all deliberate speed. Nevertheless, in spite of the moderating influence and the moderating philosophy in the second decision, I believe that every man, woman, and child in the United States knows that the living conditions in the Southland have been made vastly worse as between the races, and that the relative calm which prevailed in this field, under which Americans of Negro race who are citizens of our States—and many of them are fine citizens—had gone a long way and had progressed a great deal in the decades before that decision was handed down by the Supreme Court.

When the time comes that there is a specific bill before us, I shall address myself with all the vehemence at my command, and shall try to show that we cannot hope with compulsion or coercion to bring the healing balm of Gilead to a situation which grows out of emotion and out of men's hearts and souls and out of their fears and hopes for their families and for their wives and children, and their fears and hopes for their schools and for all the things which are so dear to them.

With that brief remark, Mr. President, I shall proceed to a discussion of a subject which I believe is quite appropriate at this time.

Mr. President——

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator from Florida.

THE INTER-AMERICAN HIGHWAY

Mr. HOLLAND. Mr. President, our President is in Latin America making a historic visit to four friendly Latin American nations which are among those who have been traditionally close to us.

I have read with a great deal of pleasure this afternoon, on the ticker tapes of both the AP and the UPI—and I am sure other Senators have done the same—the reports from Latin America showing that our President was received in a truly magnificent fashion by the citizens of Brazil, particularly at Rio De Janeiro and Brasilia. Both press services report that it has not been possible even to estimate the number of people who were gathered there, in the streets and in the windows of the 30 or 40 story buildings, pouring out ticker tape upon the man whom they were seeking to honor, because he represents a visit from this very friendly neighbor to them in his effort to bring greater understanding and greater good will.

It seems to me that at the very time this visit is under way we can do one constructive thing here today, instead of wasting a great deal of time in discussing the so-called civil rights problem, by discussing the Inter-American Highway, which I believe is the finest joint venture we have undertaken with any of our Latin American neighbors. I have visited in every one of the countries affected by the highway. That highway has brought more good will and more mutual understanding and more promise of good things ahead for all of us in our relations with the sister nations affected than any other program we have undertaken in Latin America.

Mr. President, as the President of the United States makes his tour of Latin America, our attention is focused upon this area, which is of such great importance to our Nation and to its future. Accordingly, I believe it is highly appropriate that the Senate today lend its attention to one of the most promising possibilities for strengthening our ties with these nations, the completion of the Inter-American Highway.

I will ask my assistant, if he will, to point out on the map the locations as I mention them. This highway is that section of the pan-American highway system beginning at the United States-Mexican border near Laredo, Tex., and extending through Mexico and southeast through the Central American countries of Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and part of Panama, terminating at the Panama Canal. It is approximately 3,142 miles long. That is approximately the distance from the Atlantic coast to the Pacific coast across our Nation at its greatest distance. The map shows only the mileage of the Inter-American Highway which is located in the six small Central American countries, because it is with that mileage that our story of cooperation begins. Those nations are Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and a part of Panama.

We have never had land access to the Panama Canal. Therefore we have some stake in the completion of this highway. That stake, from the standpoint of national security, cannot be too greatly accentuated, because the road is subject to interruption, and the other values so greatly transcend this first one which I have mentioned.

Mr. President, the Inter-American Highway has been one of my most active interests since I entered the Senate. Senators will forgive me for mentioning this, but as a member of the Public Works Committee for many years, it was my privilege to work on legislation to further the Inter-American Highway. During a portion of my service on that committee, I was chairman of the subcommittee having jurisdiction of this project. In this capacity, I handled its authorization proposals in subcommittee, committee, and on the floor. Since leaving that committee and joining the Appropriations Committee, I have

continued my interest and efforts on its behalf as a member and chairman of the subcommittee in charge of its appropriations for the highway.

Because of my interest in and work on legislation to further this highway, I was invited by the Department of Commerce and the Department of State to be a member of the U.S. delegation which participated in ceremonies held on the Nicaragua-Costa Rican border on May 7, 1955, to mark the opening of one of the most critical links in the highway from Santa Cruz, Costa Rica, to the Nicaraguan border. Besides myself, the delegation consisted of: Representative George H. Fallon, chairman of the House Subcommittee on Roads; Representative George A. Dondero, ranking minority member of that subcommittee; Representative Tom Steed, member of that subcommittee; Representative Walt Horan, member of the Commerce Subcommittee, House Appropriations Committee; and Representative Walter Norblad, member of the House Armed Services Committee.

A few days later I was present at the dedication of another link at Barberena, Guatemala, on May 10, 1955. That was the first completed link under the new President, Castilio Armas, later assassinated. The completion of that link was a matter of great pride to him because of his chance to found a stable government in Guatemala.

Because of my keen interest in the highway, I represented Congress at the Special Pan American Highway Congress at Mexico City in October 1952, and at the Sixth Pan-American Highway Congress at Caracas, Venezuela, July 11 to 21, 1954. On the latter occasion, I was honored to receive the "Pan American Highway Award" of the American Roadbuilders Association.

During these and other trips to Central America, I have traveled over much of the Inter-American Highway, and have observed its progress from year to year with great satisfaction. Riding along this highway is a real experience. The traveler sees a tremendous abundance of exotic vegetation, bird, and animal life. Colorful parrots and parakeets flit about the trees. Lazy iguanas, asleep on the hot road bed, awaken as the automobile approaches, and with leisurely assurance amble off the road with a minimum of time to spare. Thousands of acres of banana and coffee plantations stretch across the horizon, and the traveler views many other plants and trees not ordinarily seen in areas farther from the Equator, and strange to the eyes, so far as citizens of the United States are concerned.

The President well expressed the importance of the Inter-American Highway to our country in a special message to Congress on March 31, 1955, in which he recommended that work on this highway be accelerated so that it might be completed in 3 years. The President gave the following reasons:

1. A completed highway will provide a very important contribution to the economic development of the countries through which it passes.

2. There will be an opportunity for increased trade and improved political relations among these countries and the United States.

3. The resultant increase in tourist traffic would not only improve cultural relations but also serve as a very important element in the development of their economies through earnings of foreign exchange.

4. The existence of such an all-weather highway would be of substantial security importance, both in providing overland contact and communication as far southward as the Panama Canal, and bringing an important physical link between these countries in our common defense of the Western Hemisphere against aggression from without and subversion from within.

Mr. President, as to the kind of gift which is given by such a highway to nations which misunderstand one another, I should like to recite what I myself saw at the dedication of the highway at the border of Nicaragua and Costa Rica. There sat a customs house just across the border in Costa Rica. It had literally been shot all to pieces a few months before, and all those in it—nine in number were killed. This was a place where the border had been closed to traffic since before that incident. Yet simply because the highway was completed and was being opened to traffic for the people of both countries, not only was there a huge crowd of citizens and dignitaries present from those countries—and, as a matter of fact, from practically all of Latin America—but there were lined up on each side of the border several hundred automobiles ready to proceed, at this first opportunity which had been given to proceed, into a neighboring country to visit people or scenes or families, something which they had not been able to do for a long time.

I have never seen a more complete illustration of what the making and maintaining of good physical connections by way of highways means to countries which do not understand each other, than that which was presented to me on this occasion in connection with these countries and which had up to that time been in a state of de facto war against each other.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. Would it be fair to say that to a very considerable degree the people of this country, who live in States separated by several hundred miles, like Louisiana and Florida, are actually in closer contact with one another than are some of the people who live in Central American countries which are separated by only 25 or 30 miles across a jungle area?

Mr. HOLLAND. The Senator is completely correct. Not only is there an impassable jungle, but there are very high, rugged mountains and wide rivers. The countries are so sparsely settled, as a rule, that there are many places where one can travel for miles and miles without seeing a house or a human being, but can see only the representatives of the nature of that particular environment. It is truly a wonderful place to visit. I have not mentioned the active volcanos, of which I have seen several; and I have not mentioned the beautiful scenery one views, as he looks out across the bays, the fiords, the mountains, or the inland area of Lake Nicaragua. I have not mentioned the strange animals which can be seen; and having been a hunter all my life, I like to see strange animals, even though I am only seeing them and have no thought of pursuing them.

When this road is opened, hundreds of thousands of Americans will visit that region. Americans are natural born tourists. They like to travel and see strange places. There is hardly a citizen in America who does not take great pride in the Panama Canal, where we did a tremendous thing for ourselves and the rest of the world, a project which had been the subject of failure by others.

I predict a very great movement in the field of tourism, a movement which will be of great benefit to every one of those countries, and which in turn will be of great benefit to our own people, because most of the tourist traffic, at least for awhile, will be going from our country to Central America.

I come from a State which entertains 6 million or 7 million Americans every winter. We are not trying to ruin our tourist business, and I do not think we will. We are not trying to ruin the tourist business of any other tourist area. But we are trying to help to open new vistas to our people, who will enjoy them to the fullest, and who in so doing will not only have a chance to become better acquainted with our neighboring countries, but will have the opportunity to make a real contribution to their economy, which will be well worth while.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida further yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Will this highway not provide a tremendous number of job opportunities for the people who live along the right-of-way, even, in fact, for those who live somewhere near it? Will it not provide all sorts of opportunities for service facilities, tourist camps and other tourist accommodations, including hotels, filling stations, and small industries of the kind which many of those people never even expected to have in their communities? Furthermore, many of those communities never had sufficient lodging accommodations for everyone.

Mr. HOLLAND. The Senator from Louisiana is correct. Gasoline stations are far apart. Restaurants are far apart. The criticism which has been made by the three agencies which have recently traversed the entire highway so as to secure information for the American people as to what is in store for them in the near future, say there is not a sufficient number, as yet, of filling stations, of repair shops, of hotels and restaurants, and of various other service facilities of that kind to support a heavy tourist trade.

The people of Mexico, on the part of the highway nearer the United States, have already developed a tremendous business along the lines which the Senator has so properly mentioned. Ex-

cellent facilities have already been established and have made a great contribution to the economy of Mexico. I am one who is glad that Mexico has made that contribution. I am certain the Senator from Louisiana feels that way about it, too.

Mr. GRUENING. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the distinguished Senator from what I hope will eventually be the greatest tourist area, except one, in the Continental United States, the junior Senator from Alaska, who himself did so much to see to it that Alaska, long a Territory, assumed the status of statehood, which she now occupies as our largest State, a State which is still unavailable for visitation in the way I hope she will soon be.

Mr. GRUENING. I thank the distinguished Senator from Florida. I am happy to express my great appreciation for the tremendous help he rendered the people of Alaska in securing statehood.

Before I ask my question, I should like to point out a striking similarity between the pioneering spirit of the people of Florida and of the people of Alaska. I believe that his prophecy of future tourist development will work in reciprocal fashion—in other words, that the people of Alaska will welcome the sunshine and the warmth in the wintertime that are to be found in Florida; and the people in Florida, which is a relatively flat State, will be inspired by the lofty mountains, the magnificent scenery, and the wonderful recreational opportunities to be found in Alaska in the summertime.

Mr. HOLLAND. The Senator from Alaska is correct. The people of Florida are about as eager tourists as any to be found; and I predict that there will be a great deal of automobile travel and travel by private airplane from Florida to Alaska.

The Senator from Alaska will recall that in the course of one of the debates which preceded the granting of statehood to Alaska, I called attention to the fact that at the time when Florida sought to become a State, some persons felt that Florida was too close to the great empire of Spain, and that there would be too much risk in having so remote and so unprotected an area, so close to that empire, admitted as one of the States of the Union. Of course, Florida is only 90 miles from Havana. Other persons said, "Florida is too remote to possibly be a good State"; and attention was called to the fact that the first delegates from the county in which Key West lies had to go by ship to New York, and then go overland, back to the South, to the first capital of our Territory, before they could report to the first session of our Legislature. In fact, as I recall, approximately 2 months was required for that trip.

At one time Alaska was thought to be remote; but probably Alaska was never considered more remote than the Territory of Florida was considered to be in those early days.

Mr. GRUENING. I was going to ask the Senator from Florida whether he thinks that the fine progress made by Mexico, which the Senator from Florida has so properly praised, in building its own highways, furnishes to the United States an excellent example in connection with trying to encourage more self-help by other countries in developing themselves. Does not the Senator from Florida agree that the example set by the Republic of Mexico has been very profitable and very useful in that connection, not only from the economic point of view but also from the point of view of self-respect?

Mr. HOLLAND. That is correct.

However, unfortunately, some of our other friendly neighbors in Latin America do not have sufficient assets or sufficient ability to be able to proceed wholly by their own means, as Mexico has done.

Mr. GRUENING. That is true.

Mr. HOLLAND. My hat is entirely off to Mexico, and I have never failed to take advantage of an opportunity to praise Mexico for the fine position she took. She did not seek help from the United States; and today Mexico is building this road, 1,600 miles long, from Laredo to the southern border of Mexico.

But the six smaller nations, which have very rugged terrain and sparse populations—I believe that each of them has a population of approximately one million, aside from Guatemala—simply do not have either the means or the opportunity to do that for themselves.

I thought we did something that was good in our own interest, and also in Mexico's interest, and also in the interest of these smaller countries, when we said, "If you will provide one-third of the cost and will make available the right-of-way, we will provide the other two-thirds of the cost and the necessary know-how," as we have done in the case of some other countries.

Mr. GRUENING. That method certainly is preferable to having our country provide 100 percent of the cost.

Mr. HOLLAND. Of course the Senator from Alaska is entirely correct, and I approve his position in regard to that matter.

However, I believe we have to judge each of these situations against the background of the facts which relate to each of them. There remain in Latin America situations in which I believe the nations affected are without the necessary means, unless we help them and unless we invite other Latin American nations, which are able to help, to work with us mutually and with the affected country mutually in solving the remaining portions of the problem. I speak now of the area south of the Panama Canal, not of the Inter-American Highway.

Mr. GRUENING. I thank the Senator from Florida.

Mr. HOLLAND. I thank the Senator from Alaska for his observations.

I am sure he will recall that in supporting statehood for Alaska, time after time I took the position that the amount of tourism which would be developed in Alaska would render great service in respect to the quicker development of Alaska and in permitting Alaska to build the things which must be built in that great area. Alaska is now our largest State; and Alaska needs the benefit of additional funds and of additional people. I will not say Alaska needs additional initiative, because the people of Alaska already have great amounts of initiative. But Alaska needs new people with initiative; and we want to help Alaska in every way we possibly can.

Mr. GRUENING. I thank the Senator from Florida.

I am sure he will support the highway program which I have proposed by means of a bill which will enable Alaska to catch up, following the many years during which Alaska was totally excluded from the Federal aid highway legislation.

Mr. HOLLAND. I feel reasonably sure that that will be the case; but first I should like to read the bill.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Nebraska. By the way, Mr. President, I happen to know that, as one of our most diligent Senators, the Senator from Nebraska traversed the whole length of the Inter-American Highway last year, and I hope that he found it as interesting as it has been to the Senator from Florida, and as full of good prospects for the future as I have tried to picture it in the feeble words I have spoken about it.

Mr. HRUSKA. The Senator from Florida is very kind.

First of all, Mr. President, I should like to observe that my knowledge about the interest of the Senator from Florida in this highway is of long standing. I first became aware of it when I was a member of the Public Works Committee, as one of the successors of the Senator from Florida. We learned there something of the fundamental history and also the development of the highway. Later, when I was assigned to the Committee on Appropriations, I found, likewise, that the path-making and path-breaking work of the Senator from Florida was very, very useful in this field.

Mr. HOLLAND. The Senator is very kind. I thank him.

Mr. HRUSKA. I would like to say, in connection with the colloquy between the Senator from Alaska and the Senator from Florida that in those Central American Republics there is one problem which we do not encounter in our tourism to Alaska, and that is the difficulties with the customs houses. There is a great field for improvement, in my observations of the problem, that was touched on briefly already by the Senator from Florida and I might say that perhaps that is one of the factors which will militate strongly in favor of a great and rapidly growing tourism to the north, which may prove to be somewhat of a barrier to the south for a while.

Mr. GRUENING. We hope there will be an increase in tourism to Alaska. I thank the Senator.

Mr. HRUSKA. May I say, Mr. President, that the significance of this Inter-American Highway is readily apparent to anyone who travels anywhere in that area. It is easy to see why. After all, it is the one, the great, symbol of cooperation and helpfulness and genuine interest on the part of the United States and North America, as they call it there, in their respective countries, and it is

making a tremendous impact upon each and every one of those areas.

I was wondering if the Senator had any observation to make a little later about the maintenance of the highway down that way, which is part of our agreement with those countries. We do participate in the cost of construction, but that is in return for an agreement by each one of these countries to furnish the right-of-way and then also to maintain the highways. We did make some observations. I might say that on the tour which Mr. Gonzales of the Appropriations Committee and I took, at the instance of the chairman of the Appropriations Committee, we traversed that entire area, covering about a third of the way by car on surface and the rest of the way, as nearly as we could at low altitude, in plane. One of the big problems in Guatemala, for example, was maintenance, and particularly right after the rainy season, and while it is something which will require, in due time, a good deal more "riding herd" on our part, in my judgment, some progress is being made. I do think that progress was especially reflected in the care that Nicaragua is taking in regard to maintenance.

There it was explained to us that the appropriations of their Congress are divided into two categories. One is for the maintenance and the capital improvements of the segment of the Inter-American Highway within their borders, and the other part of highway appropriations is, as the President told us on one occasion, for their Congress to debate about, and to assign to various parts of their Republic; and that was very encouraging, because they certainly showed every indication that they were going to comply with their contractual obligation to see that maintenance was properly taken care of. I wondered if the Senator had any observations with regard to the maintenance portion of that highway which would be of interest.

Mr. HOLLAND. I had not expected to make any specific observations on that, but there is a problem. It is called attention to in the article from the New York Times which I am going to ask to have put in the RECORD later in my remarks. After the three survey parties had made their trip, the New York Times sent down Mr. Joseph C. Ingraham, and his report of the situation in a way binds together the three reports of the other agencies, and he also makes certain comments of his own. One of the comments he makes emphasizes the necessity of better maintenance in certain places. I intended to place that in the RECORD. I shall not attempt at this time, however, to try to outline the steps which we should take in that direction, on which I have some ideas. I think it is important to say that one of the things we need down there is more public works on which they can employ their people and use their manpower, of which they have an abundance. The maintenance of their highways may well be a large factor in the increase of their public work payrolls in the near future, if not the largest.

Mr. HRUSKA. If the awareness of that problem continues, I think it will tend to solve itself, because, as time goes on, it would appear that this truism which will develop will make it necessary, I think, and will make it more apparent to those people down there, that in their own self-interest they should continue to maintain the highway.

Mr. HOLLAND. I think the Senator is right. If the people from Louisiana, Alaska, Nebraska, and Florida go down there and complain about the bad condition of the highways, and make it clear that they are not going farther because of certain disrepair, I believe that the people of those countries in their own self-interest—because they are a very intelligent people and quite ambitious in connection with this highway venture—will surely maintain the highways in good shape.

Mr. HRUSKA. I should like to conclude by commending the Senator for his abiding interest. It is an interest of long years' standing, and I shall be very happy to associate myself with it in whatever small way I can contribute to progress.

Mr. HOLLAND. Mr. President, I am grateful for that offer, and the Senator's association is not a small matter to me. It adds great weight to the expressions which I have made and shall hope to make.

Mr. President, I have read from the President's message of 1955 the four compelling reasons which he supported for the early completion of the Inter-American Highway. I continue.

These reasons for prompt completion of the Inter-American Highway are as valid today as they were 5 years ago, and they will continue to be valid until the last mile has been constructed. The President's impending tour through Latin America is eloquent testimony of the continuing importance of good relations between the nations of the Western Hemisphere. Recent international events indicate the continued importance of protecting our hemisphere against aggression from without and subversion from within.

As every Member of this body knows, Congress promptly and overwhelmingly passed the legislation requested by the President as necessary to complete the Inter-American Highway within 3 years, this being enacted as Public Law 129, 84th Congress, July 1, 1955.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. I wonder if the thought occurred to the Senator from Florida that one way to maintain the highway, rather than have the people look to the Treasury of the United States for money for its maintenance, would be to see if we could not encourage establishment of a pan-American highway association? Some of us have learned that when we can form an association which is interested in public improvements, the association has ways of getting citizens interested in it and encouraging Congress, other legislative bodies, and State governments to act in those matters. So when an association gets behind something, that program gets rolling, whereas it tends to lag without an association behind it.

Mr. HOLLAND. It is certainly a good suggestion. I want to say that the existing Pan American Congress, which meets periodically, certainly can afford a self-help agency which can handle this particular field.

I had the pleasure and honor of representing the Senate at two meetings of the Pan American Highway Congress, one at a special meeting in Mexico City and the other at a regular meeting at Caracas.

The most impressive thing there was the fact that even nations which were bickering over matters, some substantial and some not substantial, sent engineers who found it quite possible, even though they spoke in different tongues, to work cooperatively on this matter. When we get to the matter of building roads and using know-how to build roads, bridges, and the like, those people are not politicians; they are technicians and engineers and, in some instances, scientific people, and they do cooperate together.

I cannot speak too highly of the fine performance of the delegates from all nations in this hemisphere to the Pan American Highway Congress. There were four different languages spoken. We had headphones, which we are accustomed to using in the United Nations.

Mr. LONG of Louisiana. Can the Senator tell me what other languages, besides Spanish and English, were used?

Mr. HOLLAND. Portuguese by those from Brazil and French by those from French Guiana and from Haiti.

Mr. LONG of Louisiana. Are those countries connected with the Pan-American Highway program?

Mr. HOLLAND. They are connected with the Pan-American Highway Congress, but the Pan-American Highway program, of course, does not touch Haiti. The highway does have a branch which will lead around the eastern shore of South America, and therefore would touch French Guiana. Incidentally there were some delegates there from the French West Indies. Those four languages were spoken, and the interpretations were immediate, and we could follow well the debate going on. Generally, it was not so much a debate as it was an offering of supplemental ideas that one set of engineers, who had had one kind of experience, gave to another. It was not a debate such as we have in the Senate, and certainly not like a civil rights debate.

It was a highly constructive meeting of men whose minds were turned in the same direction, and that was the benefit of their countries and the hemisphere by having better roads and bridges. It was a fine experience.

If it does not already exist, an agency devoted to the cause of maintenance, such as the Senator from Louisiana speaks of, certainly should be a part of that body. I am glad the Senator has mentioned that possibility.

The idea of the Inter-American Highway first developed from the unsuccess-

ful attempt to link the American Continents by a Pan-American railroad, and was considered at the first Conference of American States held in Washington in December 1889.

Mr. President, we are all so impatient these days. We all seem to think that things should be done in a minute, and we are so frustrated when we cannot do it in a day or two that I thought Congress might be interested in hearing about the ideas brought out in the next few paragraphs. One of the projects in mind at that time was a means of transportation which in that day, before the day of the automobile, was thought to be best. It was discussed at great length, as the minutes show.

The construction of an automobile highway within and between the countries of the Americas was recommended at the Fifth Conference of American States held at Santiago, Chile, in 1923.

In 1924 a group of engineers and administrators from the several countries was invited to the United States, and through the Bureau of Public Roads an opportunity was given to study our National and State highway organizations and to observe progress under our Federal aid system.

Mr. President, I recall again that was in 1924, 36 years ago, when this matter was being studied by engineers of different experience, different ability and different training, from all the countries of the Americas. We have not even completed this first and to us most vital link 36 years later.

Following the Second Pan American Highway Congress, held in Rio de Janeiro in 1929, when a general plan was worked out, the countries of Central America, Mexico, and the United States were invited by Panama to send representatives to a conference at Panama City to consider ways and means of furthering the Inter-American Highway section of the Pan American Highway.

There was a time, not borne out in some respects by later events, when the Republic of Panama greatly valued our presence in the Panama Canal Zone, and the thought was it was a primary source of help to establish communications with the bulk of the North American continent.

At this conference in Panama the groundwork was laid for a survey of the proposed Inter-American Highway.

In 1930 Congress appropriated $50,000 for a reconnaissance survey of a road to connect North and South America. This survey was started in 1930 and completed in 1933. For all practical purposes the name "Inter-American Highway" was established in 1934, when the conference report of the survey was printed in a Senate document entitled "Proposed Inter-American Highway."

Mr. President, the research people at the Bureau of Public Roads indicate to me that this is the first use of the term "Inter-American Highway," as applicable to this important segment of the Pan American Highway, which extends to the end of the South American Continent, from Alaska. It is the first time this wording was applied to this important segment of the road.

In 1934 the United States made available an initial construction fund of $1 million to be expended largely on those sections of the Inter-American Highway which could be immediately made serviceable and which would demonstrate the possibilities of modern road and bridge construction. This work was completed in 1939.

Mr. President, there were in existence in some of our cooperating countries small mileages which could be extended or perfected or made more serviceable and could thus demonstrate the value of a fine highway to the people affected much better than any other means available, so that method was followed.

In December 1941, an appropriation of $20 million was authorized by Congress for construction of the Inter-American Highway in cooperation with the countries south of Mexico, to and including Panama, on terms which required countries cooperating with the United States to contribute one-third the cost of construction.

The Senate will note, of course, this was at the time of the breaking out of the Second World War. These problems assumed much more importance to a military power, as we were then called upon to be, to protect the Western Hemisphere, than they had had up to that time. So the $20 million appropriation was made in December, 1941.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for an observation?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Louisiana?

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield to the Senator without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. As the Senator was relating the progress, from the proposal for this project until it actually got under way, up until about 1941 the project was just about getting in the construction stage. The junior Senator from Louisiana at that time was hoping to receive a law degree in the next year. That is a time when this project had been proposed and studied and developed for a period of more than 50 years.

By contrast, as the Senator made reference to only a few moments ago, some people cannot wait to develop things in an orderly way. The Congress passed a civil rights bill in 1957, at the close of the year. The first important case testing that bill and testing the powers of the Federal judge under that bill is now before the Supreme Court. It was argued, I believe, on yesterday. That case was decided by a Federal district court about the 10th of January. By the 23d of February the case was in the Supreme Court, which is certainly a short period of time for a case to move from a district Federal court to the Supreme Court of the United States.

Even before the decision is available in the advance sheets for lawyers to read, the case has moved forward, yet some people cannot even wait to see what the 1957 act accomplishes before they have to pass more acts amending the 1957 act. That shows how, in some instances, people cannot wait to proceed in an orderly fashion, to see what they are doing, although some of the soundest projects we have, such as the one the Senator is discussing, have been studied over a long period of time. Although people had to wait to see their dreams come true, in doing so they knew they were doing things in the proper way.

Mr. HOLLAND. Mr. President, I thank the Senator for his observation. I am sure it is clear that my remarks do apply to the bill pending before the Senate in the way suggested by the Senator from Louisiana, because zealots are never patient or reasonable. What we need is patience and reason and a calm, deliberative approach to a problem which is being approached in a helter-skelter manner, which is the very antithesis of calmness, patience and reason.

Mr. President, construction began in February of 1942 and continued until the funds were exhausted in 1951. However, in 1943 heavy construction encountered in the mountains of Costa Rica necessitated a special appropriation of $12 million by the Congress of the United States, which was expended without any matching requirement.

The Senate will note that was at the very height of the war, 1943. The fact that Costa Rica was not able to put up, or required time to put up, even one-third of the money, became a matter of small consquence, and the Congress appropriated $12 million of nonmatching funds, which was used at that time in the mountains of Costa Rica.

Mr. LONG of Louisiana. Mr. President, may I inquire of the Senator whether there was any urgency about that particular segment of the road?

Mr. HOLLAND. I am unable to say. Apparently there was enough urgency about it, either from the standpoint of our relations with those countries or the meaning of the road itself, that Congress took the position the work could not be held up at all and had to move forward immediately. I am not familiar with the specific problem involved in that exact mileage.

The Federal Aid Highway Act of 1950 authorized the appropriation of $4 million for each of the fiscal years 1951 and 1952; the Federal Aid Highway Act of 1952 authorized $8 million for each of the fiscal years 1953 and 1954; and the Federal Aid Highway Act of 1954 authorized to be appropriated $8 million for fiscal year 1955 and a like sum for each fiscal year thereafter to and including fiscal year 1959. Of this total amount authorized—$64 million—there still remained unappropriated at the beginning of the 84th Congress $49,250,000.

The most dramatic progress in financing began with the enactment of Public Law 129, to which I referred earlier, on July 1, 1955.

That was the act enacted upon the specific request of President Eisenhower, when $25,250,000 was immediately appropriated, followed by an appropriation of $37,730,000 on August 4, 1955. A

total of $85,080,000 has been appropriated since July 1, 1955, as compared with the $53,622,302 appropriated before that date.

Mr. President, I digress long enough to say that those who think we have ignored and have not recognized the importance of our relations with our Latin American neighbors need look only at this record to see how much we have speeded this project in recent years and how much we have sought to bring to an early completion this important highway.

The things that have interrupted completion to this date have not had to do with any reluctance or dalliance on our part, but, instead, have involved practical difficulties, such as division between a President and the Congress of one of the Republics affected, and other internal difficulties in various situations.

As of the present time, a total of $138,702,302 of U.S. funds has been authorized and appropriated for the Inter-American Highway. Of this amount, $6,973,000 was appropriated during the 1930's and early 1940's to the Department of State and the War Department.

The Senate will note that in those early days the program was regarded as wholly a matter either for international relations, or our defense.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. The Senator can well understand that nowadays, when this Nation is experiencing greater and greater difficulty in its relations with Cuba, it might very well be, in some future disaster in the event it should develop into war, that this highway might be very much needed in order to transport sugar, for example; and later, in the event the highway were extended, to transport coffee and other commodities from South and Central America to the United States.

Mr. HOLLAND. Of course that is possible, but I believe that unless some threat to our control of the inner sea should exist which is much greater than any we have ever recognized, it would always be cheaper for us to bring in sugar, coffee, and other highly important commodities by ship, rather than to move them by truck. The Senator will notice that the highway is anything but straight, and it is much closer to cut across by water, and involves a cheaper form of transportation, as well. However, the point is well worth considering.

Mr. LONG of Louisiana. Let me ask the Senator what he believes are the principal defense requirements of the highway, and in what respect the highway is important to our national defense?

Mr. HOLLAND. For the first time it will give us land access to the Panama Canal. For the first time it will give us land access to the various bases in the Pacific and the Caribbean which we had to activate in World War II, and which we might wish to activate again.

It might be required for all kinds of emergency uses which may not now be foreseen, because the natural resources of that area are highly varied, and we shall never know, until the time comes, just which of those resources we may need most in a time of great necessity. Certainly the road does have some defense meaning to us, and that is listed as the fourth of the reasons named by President Eisenhower for early completion of the highway.

Mr. LONG of Louisiana. Does the Senator feel that there is some possibility that the highway might be needed someday in order to give assistance to some of those countries in the event they should be attacked, or their security should be endangered?

Mr. HOLLAND. It might well be the case. Great airports which are necessary for landing troops or supplies in great quantity are rare down there, and the existence of a highway affording through connections in both directions from any of the great airports is a matter of great consequence. I am glad the Senator has called attention to that point.

As of the present time, a total of $138,702,302 of U.S. funds has been authorized and appropriated for the Inter-American Highway. Of this amount, $6,973,000 was appropriated during the 1930's and early 1940's to the Department of State and War Department, successively, in recognition of the importance of the highway to our foreign relations and national defense, specifically in connection with our World War II effort. Subsequently, all appropriations have been to the Bureau of Public Roads, these appropriations totaling $131,729,302. At this point I ask unanimous consent to have included in the RECORD a table of authorizations and appropriations to the Bureau of Public Roads.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Inter-American Highway—Authorizations and appropriations

Act	Authorized	Appropriated
Dec. 26, 1941 (55 Stat. 860)	$20,000,000	
1st Deficiency Appropriation, 1942, Feb. 21, 1942 (52 Stat. 101)		$7,000,000
Independent Offices Appropriation, 1944, June 26, 1943 (57 Stat. 178)		5,000,000
2d Deficiency Appropriation,[1] 1943, July 12, 1943 (57 Stat. 537)	12,000,000	12,000,000
Independent Offices Appropriation,[2] 1945, June 27, 1944 (58 Stat. 369)		2,000,000
Independent Offices Appropriation, 1946, May 3, 1945 (59 Stat. 115)		1,000,000
Independent Offices Appropriation, 1947, Mar. 28, 1946 (60 Stat. 60)		5,000,000
Federal-Aid Highway Act of 1950, Sept. 7, 1950 (64 Stat. 785):		
Fiscal year 1951	4,000,000	
Fiscal year 1952	4,000,000	
2d Supplemental, 1951, Jan. 6, 1951 (64 Stat. 1223)		4,000,000
State, Justice, Commerce, and the Judiciary, 1952, Oct. 22, 1951 (65 Stat. 592)		3,000,000
State, Justice, Commerce, and the Judiciary, 1953, July 10, 1952 (66 Stat. 573)	[3] −698	999,302
Federal-Aid Highway Act of 1952, June 25, 1952 (66 Stat. 160):		
Fiscal year 1953	8,000,000	
Fiscal year 1954	8,000,000	
State, Justice, and Commerce Appropriation, 1954, Aug. 5, 1953 (67 Stat. 382)		$1,000,000
State, Justice, and Commerce and U.S. Information Agency Appropriation Act, 1955, July 2, 1954 (68 Stat. 428)		1,000,000
Supplemental appropriation, 1955, Aug. 26, 1954 (68 Stat. 807)		4,750,000
Federal-Aid Highway Act of 1954, May 6, 1954 (68 Stat. 73):		
Fiscal year 1955	$8,000,000	
Fiscal year 1956	8,000,000	
Fiscal year 1957	8,000,000	
Fiscal year 1958	8,000,000	
Fiscal year 1959	8,000,000	
Commerce and related agencies appropriation, 1956, June 30, 1955 (69 Stat. 232)		25,250,000
July 1, 1955 (69 Stat. 244)[4]	25,730,000	
Supplemental appropriation, 1956, Aug. 4, 1955 (69 Stat. 452)		37,730,000
Commerce and related agencies appropriation, 1958, June 13, 1957 (71 Stat. 76)		12,000,000
June 6, 1958 (72 Stat. 184)	10,000,000	
Supplemental appropriation, 1959, Aug. 27, 1958 (72 Stat. 866)		10,000,000
Total authorized (net)	131,729,302	131,729,302

[1] Appropriation "Inter-American Highway (Costa Rica)." ($152,080.92 transferred to miscellaneous receipts of the Treasury.)
[2] In addition, $6,000,000 contract authorization was provided.
[3] Rescinded in accordance with provisions of sec. 605 (66 Stat. 573).
[4] Act of July 1, 1955 provided availability for immediate appropriation of all unappropriated authorizations.

Mr. HOLLAND. The 3-year target date has now passed. That is the date toward which we were moving when the last authorization was put through.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. LONG of Louisiana. Thinking in terms of defense requirements, it occurred to the junior Senator from Louisiana that in the event this Nation were at war its merchant shipping would be needed so badly in order to reach far-flung battlefields in the world, and in order to give assistance to friends overseas, that our shipping might be very hard pressed. It might very well be that, notwithstanding the additional cost of delivering commodities to those countries by truck, it might still be desirable to do so to relieve the pressure on our shipping facilities.

Mr. HOLLAND. The Senator is correct. The construction of a highway affords greater mobility for any purpose, in connection with the movement of either personnel or goods, which may be required, either in time of peace, or, particularly, in time of emergency.

Mr. LONG of Louisiana. Particularly when it is not necessary to deliver certain items by shipload, or when a boxcar load or three or four truckloads might fulfill the immediate requirements with respect to that particular item.

Mr. HOLLAND. The Senator is correct.

While the 3-year target date has now passed, I believe the progress has been entirely satisfactory, in view of the complex and difficult problems which have been encountered. The Bureau of Public Roads tells me that with the funds on hand, it will not be possible to pave the highway all the way—that is, to put on the final surface—but that it believes it will be possible to complete the portions not paved with all-weather roads, including bridges. In fact, the time is near when that result will be attained.

At this point, Mr. President, I believe it would be profitable for us to lend our attention to the status of construction on the Inter-American Highway.

Mexico has completed the approximately 1,587 miles of this highway within her boundaries, using her own funds, and this section has been completed to a paved surface standard for a number of years, with the exception of a short stretch of about 60 miles near the southern boundary of the country.

Mexico took the position that while it graded the last 60 miles, it saw no reason for paving it until the connection at the border of Guatemala could be made. Mexico stood ready to start the paving at any time, and, as I understand, she is now engaged in doing just that. This 60-mile section, however, is surfaced with gravel and is open to all-weather travel. We cannot be too complimentary to Mexico for having built the entire mileage within her boundaries at her own expense.

In Guatemala, base course, paving, and bridge contracts are under way covering 173 miles of highway from the Mexican border to the town of Patzicia with the exception of a section of 7 miles in the Selegua Canyon which, while passable at the present time, will require further widening together with surfacing in order to bring it up to the standard of the remainder of the highway.

That mileage was completed some years ago, but the surface of the earth proved to be very unstable. It is in the middle of a great gorge, which has slid in several times, and much more earth had to be taken out than had been anticipated in the beginning.

From Patzicia to Guatemala City and southward to Barberena the highway has been completed with a bituminous surface and is in good condition. From Barberena to Asuncion Mita the grading and bridges are practically complete. A 10-mile contract for base and bituminous surface has been awarded, leaving 47 miles of paving yet to be placed under contract. The 12-mile section from Asuncion Mita to the El Salvador border has been paved. With the work under way, therefore, the road will be completed in Guatemala with the exception of 47 miles of paving south of Barberena and the 7 miles needing further improvement in the Selegua Canyon.

All the reports of the survey are to the effect that all that mileage is traversable at the present time, though some of it is not good for ordinary travel.

In El Salvador the entire 196-mile length of the highway has been completed to a paved surface standard for a number of years, and no further work is proposed in that country.

In Honduras, the entire 94-mile length of the highway has been completed except for the base and paving. Bids were opened on December 15, 1959, for this paving. The contract has now been awarded and construction is starting. This contract bears a completion date of June 30, 1961.

All of the highway in Nicaragua has been paved or placed under contract for paving except a 48-mile section between Condega and Sebaco in northern Nicaragua on which bids were opened on December 15, 1959. This contract has also been awarded and construction is under way. The completion date for this contract will also be June 30, 1961.

In Costa Rica a 146-mile surfacing contract is nearing completion, which will bring the highway to a paved surface standard from the northern border with Nicaragua through the capital city of San José, and for 14 miles southward therefrom to the town of Cartago. From Cartago southward the road climbs across the Continental Divide to its highest elevation just under 11,000 feet, and descends to San Isidro at about 2,500 feet elevation.

I wish to call attention at this time to the fact that these distances are all very close to the sea. When a mountain rises 11,000 feet, the altitude looks stupendous, because it practically begins to rise from sea level. It is not like our great mountains in the West, which begin to rise from an altitude of a mile or more. These mountains in Costa Rica rise to a height of 11,000 feet at the point of crossing, which is by no means the very top of the ridge.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. A mountain rising from the sea to an altitude of 11,000 feet would appear to be about twice as high as Pike's Peak, if one is looking at it from ground level.

Mr. HOLLAND. That is correct. I have been impressed always by the observation made by my distinguished friend from Alaska [Mr. GRUENING] who now occupies the chair, that one of their greatest mountains in Alaska, Mount St. Elias, looks like the highest mountain in the world, yet it is not quite as high as Mount McKinley. Mount St. Elias begins to rise at sea level, and anyone looking at it gains the impression that it is too big for description. So it is with these mountains in these relatively narrow stretches of land. They are very high, of course. 11,000 feet is a good height. That is some 4,000 feet higher than Mount Mitchell, which I believe is the highest peak in the eastern part of the United States.

The Senator from Louisiana will appreciate, therefore, what the scenic possibilities are down there, and that the mountains are simply grand and have great appeal, particularly because some of them are active volcanos, which travelers observe with great interest.

It is between San Isidro and the Panama border where the last remaining work to complete the highway has been under way under difficult conditions of access and rather difficult tropical jungle construction conditions for 133 miles.

I come from a State which has pretty good wildernesses and interesting jungles, but I have seen nothing anywhere in the United States that begins to compare with the jungle conditions that one runs into in this very warm and very moist country in Central America, where the jungles are probably among the most difficult in the world.

Grading contracts are nearing completion for this section, however, which will bring a graded road and gravel base to the Panamanian border. Contracts have not yet been awarded for the 204 miles of paving between Cartago and the Panamanian border. Likewise, the contract has not yet been awarded for the construction of 39 bridges in the 133-mile section from San Isidro to the Panamanian border, although the steel for the superstructure was purchased by the Bureau and shipped to the job some time ago. In other words, the steel is at hand.

An agreement has recently been entered into with Costa Rica whereby the Government of Costa Rica will perform the engineering and supervision of future contracts under the general supervision of the Bureau of Public Roads.

That differs from the earlier policy, under which the Bureau of Public Roads let the contracts. I can appreciate the desire on the part of these small countries to handle as much of the work as they find their increased capacities and skill will permit them to handle.

In the past in Costa Rica, the engineering and supervision of construction has been directly under the Bureau of Public Roads and this new agreement enables Costa Rica to assume more direct responsibility for the future work and to strengthen their highway organization.

I wish to take the time of the Senate at this point to relate a personal incident here. I was delighted to find there a young Costa Rican engineering graduate of the College of Engineering of the University of Florida. When he embraced me in the Latin American fashion, he assured me that we were both good Gators—Gators being the name applied to University of Florida graduates—and Senators can judge how thrilled I was to find that we were making some contribution, in an indirect way, to the skill and know-how of the people of Costa Rica.

The 133-mile section referred to above will be impassable to passenger cars until the 39 bridges are completed. It is hoped that Costa Rica can place these bridges under construction before the end of the present dry season.

The contracts now under way in Costa Rica will be completed this dry season. However, bituminous surfacing contracts cannot be awarded until it is determined what balance of funds remains available for such work.

In Panama, adjacent to the Costa Rica border, there is a 17-mile section which is now impassable, but is under construction for grading, bridges, and gravel surface, and will be completed this dry season.

I think it is fair to say that the reason why Panama has not completed that mileage, or begun upon it earlier, is the same as in the case of Mexico. They saw no reason why they should build a stub-end road until this difficult terrain in lower Costa Rica had been made accessible.

The rest of the route in Panama is passable at all times. It is hoped to award contracts for the paving of the 17-mile section referred to above and for the unpaved section of 37 miles between Puerto Escondido and Guabala soon. The rest of the highway in Panama is either paved or under construction for paving except for a 62-mile section from Guabala to Santiago, where a major relocation of the route has been started. The old highway is quite travelable, but they are making the road shorter by cutting across the elbow, as indicated on the map by my assistant.

However, the Government of Panama has agreed to pave the existing road between these points, so that provision has now been made for a paved highway from the Costa Rica border to Panama City. A 35-mile section of the 62-mile relocation between Guabala and Santiago has been placed under construction for grading, bridges, and gravel surface, but further work on this relocation must wait for additional funds.

It has been the policy of the Bureau of Public Roads to utilize the available funds in such a way as to insure the construction of an all-weather road with permanent bridges throughout the length of the highway, supplemented by as much dustless surfacing as can be provided with funds made available by the Congress. In order to provide equity to each of the cooperating countries, it has been felt that as nearly as possible the highway should be brought to about the same relative stage of completion in each country. For several years, therefore, the Bureau has followed the policy of restricting its approval of paving contracts until it had been assured that an all-weather road would be obtainable throughout the full length of the highway between Mexico and Panama, which will be the case now within a very few months.

Although the route between Mexico and San Isidro, Costa Rica, and between Panama City and Concepcion, Panama, is now used to a considerable extent by local traffic, it is not desirable for tourists to travel in some of these areas at this time because of the large volume of construction work now under way. It should be possible, however, by the dry season of 1961–62 for normal traffic to move throughout the length of the highway with reasonable ease, even though the dustless surfacing may not all have been completed by that time.

With the exception of a few projects in Nicaragua, all of the work has been and is being done by contracts awarded on the basis of competitive bidding. In Guatemala and Panama all contracts have been awarded by the highway departments of those countries, subject to concurrence of the Bureau of Public Roads. This is similar to the arrangement followed on Federal-aid work with the State highway departments in this country. In both Nicaragua and Honduras the Governments have officially requested the Bureau of Public Roads to prepare specifications, solicit and award the construction contracts, subject to their concurrence. This has likewise been the practice in Costa Rica until recently when the Costa Rican Government requested that the work be contracted by them rather than by the Bureau of Public Roads.

In all cases the law requires that the cooperating country shall provide funds of its own equal to at least one-third of the amount of the contract, and in addition shall provide rights-of-way and certain other items without cost to the project. In most cases these countries have negotiated loans with the Export-Import Bank to obtain their share of the required matching moneys. Such loans have had to be approved by the legislative bodies of the respective countries before they could be accepted by the Export-Import Bank and a letter of credit provided either to the Bureau or to the country, whichever one is serving as the contracting agency. These formalities have necessarily caused some delays in the actual construction of the highway.

There is another Central American highway project which deserves our serious and careful consideration, Mr. President. This is the Rama Road project across Nicaragua. Although it is not a portion of the Inter-American Highway, it connects with and is closely related to that highway. While in Central America in 1955, I had the opportunity to view the work on this road from a helicopter, and to go over a considerable portion of the highway in an automobile.

The Rama Road, or the Atlantic Highway as it is sometimes called, is a highway which when completed will form the main transportation link between the settled portions of Nicaragua on the Pacific coast and the Caribbean and the large undeveloped fertile areas of eastern Nicaragua.

Most of the population of Nicaragua is on the west coast, the Pacific coast. The building of this road will not only provide access from ocean to ocean, but will also give access to a large area of fertile, undeveloped land in the eastern part of Nicaragua. It begins at San Benito, a point on the Inter-American Highway 22 miles north of Managua and extends 158 miles east to Rama, a river port on the Escondido River which empties into the Caribbean near Bluefields and El Bluff. A survey for a highway from Rama to El Bluff was originally included as a part of the Rama Road project but has since been eliminated by mutual agreement.

For years the people of Nicaragua have hoped for a canal across their country. There are many people in this nation who feel the United States would be in a better position if we had a secondary or an additional canal across Nicaragua.

At the time the construction of the Panama Canal was taken over by the United States, the Nicaragua route was given serious consideration. By treaty in 1916, the United States acquired exclusive rights in perpetuity to construct an interocean canal in Nicaragua. By 1941, the Government of Nicaragua had concluded that since there was no immediate prospect of a canal to connect its Pacific and Atlantic coasts, construction should begin on a road for that purpose. Accordingly, in December 1941, it initiated work on a pioneer road from San Benito and reached Rama in April 1942. In a few weeks the rainy season began, and the road became impassable. In early 1943, the Nicaraguan Government tried to open the pioneer road and succeeded in April. The rainy season again obliterated the highway.

From the treaty of 1916 to that time, the Nicaraguan Government had contended that the treaty was in effect an agreement by the United States to build a canal agross Nicaragua, whereas our understanding is and always was that we simply had an option to do that, in the event we decided it became advisable or necessary to do so.

In early 1942 certain conversations were held between the then President of the United States, President Roosevelt, and the head of the Republic of Nicaragua, President Somoza. An agreement was reached between them that, in return for Nicaragua's accepting the position of the United States that the 1916 treaty was only an option which carried no fixed obligation to build a canal, the United States would bear the expense of building the Rama Road. An additional consideration for this agreement was our use of certain naval bases in Nicaragua in the war effort, which were turned over to us to use.

On April 8, 1942, our Government in an official note stated that it would be willing to construct a highway between San Benito and Rama. In furtherance of this agreement, the President in August 1942 authorized the allotment of $4 million from the "Emergency fund for the President, national defense, 1942 and 1943," to be expended by the Bureau of Public Roads for the construction of a paved highway from San Benito to Rama in Nicaragua, and for the survey of a practical route for a highway from Rama to El Bluff. An agreement was signed on November 20, 1942, between the Government of Nicaragua and the Bureau of Public Roads providing for the construction of the road as covered by the President's allotment. Surveys were started immediately, and construction work began early in 1943. This work was done on a force account basis by the Government of Nicaragua with its own labor and equipment. Unfortunately, it was very difficult during the war to press the construction of the road, and with the passage of time costs rose. Work ceased June 30, 1948, upon the exhaustion of the $4 million of U.S. funds which had been allocated by President Roosevelt.

At the completion of this part of the program an all-weather gravel road had been constructed from San Benito to Santo Tomas, a distance of 90 miles. The last 12 miles of this road were not completed, however, to present standards.

After the shutdown of the above part of the program which had been financed by the United States, the Government of Nicaragua, with its own funds and own forces, opened an all-weather road to reduced standards to the town of Villa Somoza, 96 miles from San Benito, and constructed a pioneer road for a distance of 12 miles more toward Rama. At this stage there was therefore an all-weather road from San Benito to Villa Somoza for a distance of 96 miles, the last 18 of which were not built to present standards, and an additional 12 miles more of pioneer road usable mainly as an access road.

U.S. participation was resumed when Congress passed Public Law 413, 82d Congress, June 25, 1952, authorizing an expenditure of $4 million for the project. An appropriation of $1 million on August 5, 1953, opened the way to resumption of construction. Since resumption of U.S. participation in June 1952, a total of $12 million has been authorized and $8,500,000 appropriated to date for work on Rama Road. The 1961 budget contains $1 million for continuing the project. By passing these authorization and appropriation bills, Congress recognized and confirmed President Roosevelt's agreement.

As a first step toward joint resumption of the joint effort, our Government in November 1953, entered into a project statement and memorandum of understanding with Nicaragua covering the responsibility of each party in the future work. In this document, it was agreed that the highway would be constructed to mutually acceptable standards which meant that in effect the United States was relieved of the responsibility of providing a paved road. This agreement was amended in October 1954, to provide that all future work on the Rama Road would be done by contract construction under the direct supervision of the Bureau of Public Roads. It was further amended in February 1958, to eliminate the part of the agreement providing for the survey of a practical route from Rama to Bluefields.

In February 1954, a project agreement was entered into between Nicaragua and the United States providing for the completion to full standards of the last 18 miles of the 96 miles from San Benito to Villa Somoza which had not been fully completed before the shutdown of U.S. operations in 1948. This work was done on a force account basis by the Government of Nicaragua and was completed in May 1956.

In November 1954, a project agreement was entered into with Nicaragua to put into effect the previously agreed provisions of the project statement and memorandum of understanding that future work would be done by direct contract methods under the supervision of the Bureau of Public Roads.

Since then four contracts have been awarded to an American contractor on the basis of public competition bids for the continuation of the work. At that time the work left to be done to complete consisted of the construction of 62 miles of all-weather road and the construction of 17 bridges.

On November 18, 1954, project R–3 consisting of the construction of an all-weather gravel road and two bridges on the next 12 miles of the road from Villa Somoza, was advertised. Bids were opened on December 23, 1954, and the contract was awarded on December 29, 1954. Contract time started on March 11, 1955, and the work was completed on March 13, 1957.

On December 15, 1955, project R–3A consisting of the next 14 miles of all-weather gravel road was advertised for bids to be opened on January 19, 1956. All bids were rejected and the project was readvertised on March 15, 1956, with bids to be opened on April 12, 1956. A contract was awarded on April 19. Contract time started on May 16, 1956, and the work was completed on June 19, 1959.

On September 12, 1957, project R–3B, consisting of 15 miles of all-weather gravel road was advertised for bids to be opened on October 15, 1957. The contract was awarded on October 18 and contract time started on November 20, 1957. Because of the favorable prices obtained, the contract was extended to 16 miles after it was awarded. The project was 50 percent complete on December 31, 1959.

Within the limits of the 42 miles covered by the above-mentioned three projects, there are eight bridges which have not been built. At the present time, there are either temporary bridges in existence or detours or fords available, and it was considered advisable to construct as much passable highway as possible with the funds available.

Since then the structural steel for seven of these bridges has been purchased by the Bureau of Public Roads and delivered to Nicaragua. On July 2, 1959, project R–3C, consisting of the construction of these seven bridges, was advertised for bids to be opened on August 6, 1959. The contract was awarded on August 18, 1959, and contract time started on September 12, 1959. Work is just getting well started.

Upon completion of the above work, there will be 138 miles of completed all-weather road from San Benito toward Rama, with the exception of one permanent bridge near the end of the last project. The work left to be constructed consists of 20 miles of all-weather gravel road and eight bridges. In other words, we are almost through with this long, difficult, and costly project.

Mr. President, there is no escaping the moral obligation of our Government to continue to provide the necessary funds until the Rama Road is completed. In return for good and sufficient consideration, our President made an agreement to complete the road with U.S. funds. This agreement was later recognized and confirmed by Congress when it enacted authorizations and appropriations for the project. Having this obligation, it is a matter of national honor for us to make the necessary funds available as soon as possible and to do all in our power to bring the project to prompt completion.

I cannot say too strongly that, in my judgment, we have not pushed the Rama Road with the degree of diligence which we should have used. In my opinion Nicaragua has been patient and understanding with us. The terrain has been difficult, it is true.

But I hope that in the next year we shall bring the matter to completion, and for the first time permit Nicaragua to have access from its western highly settled country across to the Caribbean or across to the head of navigation of the Escondido River, and thence to the Caribbean.

Another route connecting with the Inter-American Highway is of particular importance to the State which I have the privilege of representing. This route would connect Key West with the Inter-American Highway in southern Mexico. This project was of great interest to my distinguished and beloved predecessor, Senator Charles O. Andrews, of Florida, whom the senior Members of this body remember with great affection and respect. Mr. President, I see in the Chamber at this time the distinguished senior Senator from Virginia [Mr. BYRD], whom Senator Andrews, of Florida, counted as one of his dear friends. Senator Andrews devoted a great deal of time and effort to this project.

The plan is to utilize the ferry service across the 90 miles between Key West and Cardenas, Cuba, thence along the Cuban Highway westerly to a point near the end of Cape San Antonio, in Cuba—that is the west end of Cuba—where a ferry would connect Cuba, across something over 120 miles of gulf and Caribbean waters, to a Yucatan Highway which would begin at or near Puerto Juarez, Yucatan. This highway would run westerly and southwesterly for a distance of approximately 500 miles, across the Yucatan Peninsula, to connect with the Inter-American Highway at a point near Chiapa, Mexico.

The work which is most greatly needed before this route becomes a reality is the building by Mexico of the Yucatan Highway, portions of which are under construction. Mr. President, they have already built quite a large mileage of it; but I understand that 300 miles remain to be built, and they are proceeding with diligence to do so.

The Mexican authorities are extremely anxious, in connection with this matter—as they were in connection with the original building of the 1,600 miles of the Inter-American Highway—to have this branch completed, so that the loop will be completed, and will be available both to Mexico and to the southeastern parts and the southwestern parts of the United States, so as to enable tourists to enter from the north and travel by way of the Yucatan Peninsula, thence to Cuba, and thence to Florida, or in the opposite direction. The Key West-Cuba ferry is already in operation, and the highway in Cuba is almost completed. While there is now no ferry connecting Cuba and Yucatan, there should be no

delay in establishing this ferry service, once the Yucatan Highway has been completed.

Completion of this route would bring the Inter-American Highway hundreds of miles closer not only to my State, but to all Atlantic Coast States, as well. There is reason for optimism that Mexico, which fully appreciates the tourist potential, will complete the Yucatan Highway without undue delay. Certainly Mexico's experience with the Inter-American Highway has been a happy one from an economic standpoint; and there seems to be no reason why completion of this route would not also bring an influx of tourist dollars, to the mutual advantage of the countries concerned.

Mr. President, in these troublesome days in Cuba, I hope the people and the Government of Cuba will realize that we here in Washington are showing some interest in their future prosperity, in connection with the very matter I am discussing today, and are proceeding with this matter in every helpful way we can.

Mr. President, I should also like to say that the connecting link, in traversing Yucatan, would pass through the ancient Mayan area, where the ruins of ancient civilizations are so much sought after by antiquarians, as well as by sightseers; and the completion of that link of the road also would add vastly to the scenic attractions to those who would wish to go that way.

It is necessary to a proper appreciation of the Inter-American Highway, Rama Road, and the Key West-Yucatan route to relate these routes to the Pan-American Highway, of which the Inter-American Highway is a part. The Pan-American Highway System totals 19,000 miles of roads extending all the way from Circle, Alaska, to the tip of South America, linking the Arctic with the Antarctic. Outside the United States, the Pan-American Highway System generally includes each country's best roads. Of its total mileage, about 7,800 miles of the Pan-American Highway are paved; 8,600 are not paved but are passable at all times; 1,700 are passable only in dry weather, and only 900 are impassable at all times.

The dream of linking North America and South America is an old one. King Charles V of Spain in the early 1500's ordered a road built from Mexico to South America. However, practical difficulties made this plan impossible, and it received no further consideration until the 1880's. Beginning with 1880 there was a rebirth of interest, and the U.S. Congress began considering measures to investigate the possibility of a pan-American railway as an overland connection between the two continents as already noted in the earlier portions of my address.

On July 7, 1884, Congress appropriated funds for a special Commission to consult with the governments of other American Republics and to "ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America."

I quote those words from the authorizing legislation.

Following the Commission's exploratory tour it submitted to Congress a report which recommended the calling of a conference of American States for joint consideration of the project.

This was only one of a number of subjects demanding the attention of the American Republics. To resolve these problems, the United States invited other republics to the First International American Conference in Washington, D.C., in December 1889. As a result of that Conference an International Railway Commission—later known as the Pan American Railway Committee—was created as the cooperative agency to seek to bring this dream to reality. Seasons of heavy rainfall, jungles, and mountainous terrain prevented this group from formulating any workable plan, just as these practical difficulties had frustrated all previous planning efforts.

Later, with the development of the automobile, the plan for a railway was abandoned in favor of a highway. By 1923 the vision of a hemisphere highway had seized the imagination of statesmen in various Western Hemisphere nations and the first tangible progress toward such a connecting link was taken at the Santiago Conference in 1923, as pointed out earlier.

The only portion of the Pan American Highway outside the United States to which our funds are committed is the portion of the Inter-American Highway between Mexico and the Panama Canal, particularly the portion in the six small countries which we have mentioned heretofore.

Most of the 900 impassable miles in the Pan American Highway system are below the canal. Thus far our Government has made no contribution to the completion of the gaps in the Pan American Highway system south of the canal. The question which occurs to me, as well as to others who are vitally interested in the completion of this intercontinental highway system, is whether there is anything the U.S. Government should agree to do on these portions of the system. That is, those portions uncompleted below the Panama Canal. In general, they are very difficult portions and located in countries that perhaps do not have the means to do the work themselves.

Without trying to urge a specific plan at this time, it might be well for our Government, through the Organization of American States or its appropriate subagency, to offer its technical advice and assistance in this undertaking. It is my feeling that the State Department or other appropriate agency should begin moving in that direction.

Perhaps the most difficult gap in the Pan American Highway system is the Darien Gap in Panama and Colombia; that is extending from Chepo, just beyond Panama City, clear across the rest of Panama, most of which is very difficult terrain and across similar terrain in Colombia before it comes to the settled and developed portions of Colombia.

The Panamanian Government has constructed an all-weather road south of the Panama Canal to Chepo, a distance of about 38 miles. Just beyond Chepo is the Darien Gap. This 400-mile gap through eastern Panama and northern Colombia forms an impassable barrier to highway traffic between South America and Central and North America. It was explored only 2 years ago, and suitable routes for the Pan American Highway were roughly mapped out. However, so far no funds from the United States or the Latin American countries have been made available for this construction. It is estimated a final survey of the Darien Gap will cost about $3 million. Construction of a highway through the virgin jungle will cost between $70 million and $100 million. It is estimated that it will take from 5 to 7 years to construct this portion of the highway.

Colombia has recently officially designated and signed into law the route for a 220-mile stretch of the Pan American Highway in Colombian territory.

When this section and Panama's portion of the Darien route are completed, Bogotá and Panama City will be linked, thus eliminating the last big obstacle to international motor travel between North and South America. Altogether the Darien highway will extend about 400 miles.

The route selected by Colombia will parallel the Pacific coast through the uplands of Colombia's Choco region from a junction point at Palo de los Letras on the Panamanian border, passing through Cabeceras del Nercua, Bahia Solano, and San Pablo Isthmus. From there it will go to Manizales and connect with the highway to Bogotá.

Panama has agreed to Palo de los Letras as the border connection. Its section of the Darien route swings north to El Real and then to Maje and Chepo.

While selecting the location of the Darien Highway in Colombia, the Colombian Government also approved construction of a route between Palo de los Letras and Sautata, a port on the Atrato River. From Sautata a canal will be built across swampland to a point near Chigorodo, located on the highway between Medellin and Turbo. The canal will be about 21.7 miles long, 98 feet wide and 8.2 feet deep. It will be used to ferry vehicles destined for the northern part of Colombia and Venezuela. That will afford, Mr. President, an east and west connection with the settled and highly developed portions of Venezuela. That does not show on this map, of course.

Colombia also authorized construction of a highway between Turbo and Monteria. This will allow a connection between Turbo and the Western Trunk Road, from which it is possible to travel without interruption to Cartagena, Baranquilla, Santa Marta, Riohacha, and Maracaibo and Caracas, Venezuela.

As a consequence, future travelers will be able to use two different roads—one direct to Venezuela and the other leading south to a connection with the existing Pan American Highway System.

Colombia has authorized the opening of credits in the budget to provide money for starting studies and construction. Financing will be discussed further at the May meeting in Bogotá of the Eighth Pan American Highway Congress. That is, this May, Mr. President, of the Eighth Pan American Congress.

The Panama-Colombia Highway will be vital economically because it will open both the Darien area in Panama and the Choco region in Colombia for development. It is also expected to benefit Bahia Solano, considered one of the finest natural harbors on the west coast of Colombia.

From Bogotá south to the Ecuadorian border an all-weather road is available. In this section the highway traverses deep valleys, the lowest point being Girardat, only 1,000 feet above sea level, and high mountains reaching a peak at the 12,000 foot Quindio Pass.

Ecuador is accelerating its highway program with the help of a World Bank loan and a loan from the U.S. Development Loan Fund.

The dream to link all the Americas with a modern all-weather highway will be just a little nearer realization upon completion of the Loja-Macara highway.

This highway is the last remaining unimproved section of the Pan American Highway in Ecuador, and its construction will permit not only unbroken automobile travel from the Colombian border to Peru, but also from Caracas to Buenos Aires, thus linking by highway almost all the countries on the South American Continent.

In addition to its importance as a part of the Pan American Highway, the road is urgently needed to open Loja Province for commercial traffic from the rest of Ecuador.

The road from Loja to La Toma has been completed and will be asphalt surfaced to Pan American Highway standards. The section of the highway from La Toma to Las Chinchas is in poor condition, but was constructed to standards approaching those established for the Pan American Highway.

Because of its importance, improvement of this section will be given the highest priority under this program.

It will be widened along its entire length and realined in many places to eliminate sharp curves and reduce steep grades. From Las Chinchas to Catacocha the road is under construction and should be completed by the latter part of this year. Due to low traffic density, authorities do not intend to asphalt surface this stretch at this time.

From Catacocha to El Limon, grading to Pan American Highway standards has been completed, but work has not yet begun on four bridges and all-weather surfacing.

From El Limon to the Catamayo River, only a pioneer road exists, but a good highway for this stretch is included in Ecuador's new highway program. The program also includes a bridge over the Catamayo River and steel for this already has been purchased.

Already in existence is a pioneer road, 13 feet wide, between the Catamayo and Macara. Although work has not begun on this section, steel for a bridge over Tangula Brook has been purchased.

Work has not yet begun on the final stretch from Macara to the Peruvian border, 2 miles away. Excavation on this short stretch is expected to total approximately 100,000 cubic meters.

When the Peruvian border is reached, little difficulty is encountered throughout the remainder of the Pan American Highway system.

In other words, the stronger the nation and the better financed it is, the more nearly complete the highway. In Peru, Chile, and the Argentine, an adequate highway exists.

Most of the mileage is paved and that which is unpaved is all-weather gravel road of high quality.

There is no effort which is too great for the peoples of the Western Hemisphere to expend in the completion of the Pan American Highway system. It will permit quick access between all our countries, and will facilitate and stimulate Western Hemisphere trade and commerce. It will promote the common defense of our countries, not only by giving overland access to the Panama Canal, but also by giving our land forces greater mobility. It will combat subversion by making it easier for our peoples to travel among and understand each other. It will open this area to a tremendous number of tourists who will find much to interest and delight them in the strange and beautiful vegetation, mountain and sea vistas, and areas of vast antiquity.

It is because of these potentialities, Mr. President, that I have strongly supported all efforts to complete the portions of this system in Central America and the northern portion of South America during my service here. The accomplishments on this great intercontinental highway link during the 1950's were impressive. With the continued support of the U.S. Congress, I anticipate with great pleasure the completion of the last remaining links during the early years of the 1960's. This will truly usher in a new era of friendship, understanding, and economic progress in the Western Hemisphere.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Let me congratulate the Senator for a magnificent report to the Senate on the progress of this great undertaking, in the interest of communication and understanding between the peoples of this hemisphere. The Senator has brought us a great amount of information which we need to know about this subject.

As one citizen of this country, I had looked forward for many years to the day when I could drive my automobile, and perhaps take my family, to visit the countries to which the Senator has made reference. Many of us had hoped that by this time the project would have been completed.

May I ask the Senator if it is necessary for people to have air-conditioned automobiles in order to enjoy the use of the highway?

Mr. HOLLAND. It is desirable. Frankly, most of the mileage of the road I went over, which was between 400 and 500 miles, was in a car of a practical engineer, a civilian employee of the U.S. Corps of Engineers. It was not air conditioned. I did not find it intolerable. I found the trip immensely interesting. There is mileage on the road, both in Mexico and the Central American countries, which passes through low country, and which many times of the year will be hot, but a great deal of this highway is in high locations. The Senator will find that as one uses the highway he passes from the tropics to a different climate almost within minutes, as he climbs across the mountains and goes through the rugged terrain which is found so frequently in this interesting area.

Mr. LONG of Louisiana. Having at one time driven on the highway as far as Mexico City, it was my impression that during the day, at times, while in the lowlands, it was hot, but when we got in the mountains, the driving was very comfortable, even in the heat of the summer.

Mr. HOLLAND. The Senator is correct. The lowlands, beginning at the crossing of the Rio Grande, extending for some distance, are uncomfortable in the summer. However, after a traveler gets onto the high plateau of Mexico, which I believe is nearly 5,000 feet high—I believe the city of Mexico City is on that plateau, nearly 5,000 feet above sea level—he finds the climate is very, very comfortable. At least I found it so. Of course, since I live in Florida perhaps my reaction is different from the reaction of others, but I do not think it is greatly so.

I think much of the mileage in Mexico and in the Central American countries would be comfortable mileage, even without air conditioning. If I went there, I would take air conditioning, because I think it would meet the problem in the places where it was needed. I think I would take an extra supply of gasoline, under the present conditions, and some extra parts, in case repairs were needed. That will not always be necessary. Business comes where there is an opening for business.

That has been shown to be true in the area not only from our borders to Mexico City, but on down to Cuernavaca and over to the resort city on the Pacific.

Mr. LONG of Louisiana. Acapulco?

Mr. HOLLAND. Acapulco. The frequency of service installations is quite adequate in that area.

In driving through that type of mileage in Mexico, even if one turns to the southeast, through Mexico City and Puebla and toward Veracruz, one finds abundant service available.

I am sure the same will be true in the other areas when the traffic presents the need for such service.

Mr. President, I appreciate the patience of the Senate. I have talked about this subject not at all because of the pending civil rights legislation. This talk was prepared in the closing days of the last session of Congress and has been brought up to date.

I have felt very bad, so far as our country is concerned, about our slowness

in completing the Rama Road. I have felt very much frustrated because of the slowness in completing some of the links in the smaller Central American countries, because of local difficulties, which are not chargeable to us.

I felt I should always express admiration for Mexico, for the fine way in which Mexico has done her full part of the job, which is the equivalent in mileage to the part covering the other six countries, with her own finances and her own engineering skill, simply because Mexico has felt it was a service to herself, a service to those countries south of her and to us, which she was willing to undertake.

Mr. President, our commitment goes, up to this time, only to the mileage on the Inter-American Highway; that is, only to get one into the Republic of Panama and to Panama City. I should have mentioned that the high level bridge we are building now at our own expense, under terms of our treaty with the Republic of Panama, across the southern or Pacific end of the Panama Canal, is a vital connecting link of the Inter-American Highway to take a traveler into Panama City.

We will be soon in complete fulfillment of our obligations all along the Inter-American Highway, and it is soon going to be completely realized as an avenue of travel of great importance to us and of even greater importance to the nations which it traverses.

It is my hope that when we conclude the work on the highway, Mr. President, we may give most serious thought to the extension of our participation in the concluding of those very difficult links which I have mentioned in my talk, below the Panama Canal, which go through countries which cannot handle the situation by themselves and which I am sure would like to have an arrangement worked out between them and us and the comparatively well off countries of South America, which I certainly do not want to leave out, since they have a stake in this matter.

This is another vehicle for joint operation somewhat similar to the Inter-American Bank which, as a mutual and joint operation, gives great promise. I supported the bank with great joy last year.

I do not believe we will find any field which will pay off any more, if as much, as our joint efforts with our Latin-American neighbors to help them to secure adequate communications, which helps their economies and helps their culture, as well as helps us. I think it is a completely grand service from every point of view we can approach it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. It seems to this one Senator, who has heard the explanation and the report of the Senator from Florida, that the construction really should be under way now, to get this highway completed through the countries of South America. Undoubtedly those countries will want to participate fully in this program once they see the benefits to be enjoyed. I should imagine most of those countries can already see the great potentialities of the program.

Mr. HOLLAND. I think the Senator is correct in that statement. I have been impressed, for instance, with the very forward-looking opinion and attitude of the engineers and Secretaries of Interior from Peru, from Argentina, and from Chile. Those countries have good roads. Those countries have been able to build the roads, and have done so.

In Venezuela there has been built a wonderful highway extending from Caracas across to connect with Colombia. The people know the value of the highway.

I think countries of that kind would be able to and would be glad to join with us in a program which would enable Panama and Colombia, in that difficult terrain, and perhaps Ecuador, with respect to her roughest problems, to quickly complete the additional mileage, which is comparatively small, to make the Pan-American Highway in full a reality from the tip of Alaska, on the Arctic Ocean, on down to the tip of Argentina and Chile, in the remote end of South America.

The highway was once a dream. It is now so nearly completed that it is very far from a dream. It is approaching reality. I know of no way in which I think we can more properly approach our better off neighbors in Latin America than to say, "How can we, by merging our efforts, help complete these few remaining difficult links in the Pan American Highway which, when completed, will link us together in a way we have never been linked together before?"

Mr. LONG of Louisiana. Does the Senator know of any proposal which has a greater prospect for bringing to the people of South America and Central America a true understanding of the nature and attitudes and ideals of North Americans than to construct such a highway, which would be traversed by people of all classes, by all kinds of Americans, who would come into contact with one another on a day-to-day basis?

Mr. HOLLAND. I think there is no other way to get better results for ourselves or for them.

We spent the night with the Governor of the Province of Guanacaste in Costa Rica. The little capital town is named Liberia. The Governor told me there was nothing which had contributed so greatly to the development of his little province, and to its prosperity, than the fact that it was traversed by the Inter-American Highway, which was then nearing completion across the area.

Incidentally, the Governor gave us a wonderful party that night. Simply to see people who are different from us entertaining and enjoying themselves is in itself an experience which one will always cherish.

I appreciate very much the attention of the Senator from Louisiana during the long time of my remarks, which have extended longer than I intended.

Mr. GRUENING. Mr. President, will the Senator yield for a comment?

Mr. HOLLAND. I yield.

Mr. GRUENING. I wish to congratulate my good friend the senior Senator from Florida on a most comprehensive and enlightening discussion of a very important subject.

Mr. HOLLAND. I thank my good friend.

Mr. GRUENING. This is important not only to the people of the United States, but also to the people of the Americas.

I was particularly pleased with the Senator's comment in regard to Mexico. It seems to me one of the most heartening aspects of our foreign relations which, as we all know, have been troubled with many reverses, many defects and many setbacks, is to see the steady improvement of our relations with our immediate land neighbor to the south, Mexico. I think that is a great achievement. I have long believed that as we strengthen and improve our relations and our friendship with Mexico we shall thereby strengthen and improve our relations with all the Latin American nations.

Mr. HOLLAND. I agree completely with the distinguished Senator. We are all in the same hemisphere. The strength and friendliness of our neighbors in this hemisphere mean more to us than the attitude of anyone else on earth.

Mr. GRUENING. The Senator will recall the great change which came about in our relations with Mexico with the advent of the Franklin Delano Roosevelt administration. He enunciated the good neighbor policy for Latin America, and reversed the trend of interventionism, of gunboat diplomacy, and of threats which had characterized previous administrations for many generations.

Mr. HOLLAND. Of course that was an important advancement of our relations, and I am hopeful that we can always preserve the ground gained there and add to it as we move along.

Let me recite one incident to show how incidental advantages come to a country by reason of this road program. It became necessary to have maps. Some of the countries affected did not have maps, and some of the terrain was so rugged that it had never been surveyed. At Managua I found that our Government had sent in two squadrons of Army Engineers in helicopters to map Nicaragua. I talked with President Somoza, Sr., now no longer living, on that subject, and he said that in many ways those maps would give them information which they had long needed, to develop various parts of their country.

I traveled in one of those helicopters across the route of the Rama Road, and I regretted it before I got back, because it was pretty rough travel. If I may brag a little, I found that the pilot and the copilot were both Florida boys, from Jacksonville, which made the trip even more pleasant and more unforgettable for me. All the service rendered by two squadrons of our troops doing something that was necessary to train them for

what they might be called upon to do in time of war was regarded as rendering a service of great value in completing a project that had never been completed in any measure before, and which, for the first time, was to make available a real map of Nicaragua.

Later the engineers went to other countries affected. That is only a part of the additional good will which is created by a venture of this kind.

While there are many fields in which we can operate to create good will, I do not believe there is any field in which we can go where we can find, to any greater extent, engineers, builders, and workers cooperating. They are not worried about politics or the attitude of their government, but they are trying to build a good bridge, or trying to grade and surface a good road. They find that their objectives are the same, and that they can work together under the sun, which is sometimes very hot, or in the cold weather which they sometimes experience, in order to complete a road and bring a dream to reality. I do not believe there is any other field which offers more in the way of opportunities for creating good will and longtime worthwhile, tangible results, than the field of joint roadbuilding.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to my distinguished friend from Kentucky.

Mr. COOPER. Speaking from the Republican side of the aisle, I should like to join other Senators who congratulated the Senator from Florida on the very fine speech he has made, pointing out the practical benefits derived from construction of the Inter-American Highway, and also the effect upon our relations with the Latin American countries.

Many speeches are made in the Senate from time to time calling for great imaginative projects, seeking new ideas and new developments. The Senator has been discussing a very imaginative development, one which has been going on for some time, and one which deserves more attention. This program involves study, association, and working together on a practical and helpful project such as the Inter-American Highway. I believe that such a project results in great good to the relationships between the United States and its neighbors to the south. I congratulate the Senator for making an important speech today about a very important project.

Mr. HOLLAND. I certainly appreciate the kindly comment of the Senator from Kentucky. I would not wish to let this opportunity pass without observing that the distinguished Senator from Kentucky, as our Ambassador to India at a very critical time, made great contributions to the promotion of good will between ourselves and that great country, at a time when it seemed that good will was about to vanish. I congratulate him on that achievement. We all watched it with interest and affection, because we had served with him in the Senate. Of course, we would much rather have him back in the Senate, where he now is, than in India. However, he contributed to the same thing we are talking about, except on a different continent, in a very marked way, of which we are very proud.

Mr. COOPER. I thank the Senator. I hope I shall be permitted to remain here.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. BYRD of Virginia. I have greatly enjoyed listening to the fine speech of the Senator from Florida. I found it most interesting. I am looking forward to the first occasion to take a trip over this road. The Senator from Florida has pictured it in such a way that I know my trip will be very enjoyable.

Mr. HOLLAND. I thank the Senator. I cannot imagine anything that would add more to my enjoyment of such a trip than to have the distinguished apple-grower from Virginia along, and to have the benefit of his practical and scientific comments on the coffee plantations, the banana plantations, the plantain plantations, the coconut groves, and the like, and to obtain from him a viewpoint which I know he could contribute, which would not be possible for me to have, because of my limited experience. I hope we shall be able to go together.

Mr. President, earlier in my speech I spoke of the fact that there had been three recent surveys and reports. I suspect many Senators saw the one made by the American Automobile Association, which is one of the three mentioned and digested in the informative article in the travel section of the New York Times of Sunday, February 7. Without taking the time of the Senate to read it, I ask unanimous consent to have the article printed in the RECORD at this point as a part of my remarks. I believe Senators will find additional items of interest in it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN ROLLER COASTER—BETWEEN LAREDO, TEX., AND PANAMA, WITH SOME TOTAL GAPS, STRETCHES A HIGHLY SPORTING MOTORING ADVENTURE

(By Joseph C. Ingraham)

Now that the dry season has come to Central America, a hardy vacationist with a passion for the great outdoors and magnificent scenic splendor can have an adventure in motoring as rugged as mountain climbing.

The challenging excitement is along the two-lane road that is called the Inter-American Highway. This is the designation for that part of the sprawling Pan American Highway system between Laredo, Tex., and Panama City. Although the Pan American Highway proper is actually a far-off dream route that some day will connect North and South America, it now has a fascination and interest out of all proportion to its status as a highway and usability.

While one cannot drive from one continent to the other, the Inter-American Highway offers would-be adventurers enough thrills, hardships, and rewards to make it imperative for those who consider motoring on modern superhighways uninspiring and good only for fast point-to-point transportation.

As of recently, three official expeditions had completed progress surveys along the 1,555 miles from the northern tip of Guatemala to Panama City.

The 1,587 miles from Laredo to the Mexico-Guatemala border are "old hat". Since 1957, that entire segment, except for the 60 miles between Las Casas and Comitan in Mexico, has had a paved bituminous roadbed. The Las Casas-Comitan stretch has a graveled surface.

ON THE TRAIL

Although the official reports of the three expeditions are at hand, one small unofficial group of Canadian businessmen is still somewhere on the trail. They call themselves the Trans-Darien Expedition and they are leisurely touring the long road. Their goal is the Darien, a mountainous, jungle-covered section that starts near Chepo, east of the Panama Canal, and goes into Colombia, a distance of 400 miles. It is the biggest gap in the Pan-American system.

Survey work has been going on there for 5 years and, although there is no highway there now, plans have been made to start construction of about 85 miles of pioneer road in the Panama section of the Darien wilderness.

The Canadians are equipped with gear similar to that carried by the official surveyor teams of the American Automobile Association, the International Road Federation and the U.S. Bureau of Public Roads.

ESSENTIAL CHECK LIST

Standard equipment for a trek along the Inter-American Highway consists of two sets of heavy duty puncture-proof tires, a complete set of tools and repair parts (and the know-how to use them), special waterproofing material for coating electrical connections, extra tanks of gasoline and oil, an icechest and a supply of canned food and bottled beverages. There are currency and border problems, too, all of which add up to the conclusion that this is not a trip for the vacationist. A working knowledge of Spanish also is essential.

Service facilities for tourists are infrequent, and the best bet is to drive not more than 200 miles a day and spend the nights near large cities. Night driving is hazardous. Moreover, there is little, if any, night life, and de luxe accommodations are a rarity.

In a pungent summing up of the first leg of their trip, from Guatemala City to San José, Costa Rica, the Canadian trailblazers reported that "if the motorist is not adverse to spending nights on hard beds and having meals that are inclined to leave the digestive system in some doubt, and if his appreciation of magnificent scenery, volcanos, sandy Pacific beaches, and unspoiled atmosphere is sincere, then he should enjoy the many different aspects of Latin American life here in Central America. Tourism à la North America is a long way off still."

The official Public Roads report put it this way: "Travelers who are prepared to accept the different customs, habits, and ideas of the people of the Inter-American Highway countries will find the trip interesting and enjoyable."

TRAVELERS' ATTITUDE

The surface is dusty along most of the route during the dry season (December to April). To add to motorists' trials, this is when construction activity is at its peak and when detours, which contribute to the hazards of the journey, prevail. Nevertheless, except for one formidable gap of 149 miles in southern Costa Rica and northern Panama, the highway is passable at all times by automobile.

This is because it either is paved or has what the experts consider an all-weather gravel surface. But maintenance is spotty and chuckholes are numerous, even in the dry season. In the rainy season, earth and rock slides frequently block the roadway.

There are times, too, when it becomes necessary, if an interminable delay is to be avoided, to transfer both the car and its occupants to a train or boat.

All the official agencies agree that considerable headway was made last year, with the highlight being the opening of the Tapon section. This is a 7-mile stretch in northern Guatemala that runs through the picturesque Selegua River Canyon. Landslides and bridge washouts have plagued construction, but the road is now passable, although not completed to its full width. What will happen when the annual rainfalls descend on El Tapon (the Plug) is keeping the engineers awake with worry even at this early stage.

When the work under contract is finished in about 3 years it will be possible to travel over a paved road from the Mexico-Guatemala border to San Jose. The only exceptions will be three short stretches, including the Tapon segment, all of which can be used now in good weather. The two others are a 40-mile strip between Guatemala City and the El Salvador border and the 28 miles between Nandaime and Rivas in Nicaragua. The last-named link previously had been paved but now needs major reconstruction because of base failure.

Construction also has started on the last unfinished part of the highway in Costa Rica. That is the section between San Isidro and the Panama border. By June, traffic should be able to move over this segment, the International Road Federation says, even though paving will not be completed. From the Costa Rican border to Panama City there is no driving problem; all-weather travel already is possible.

ON TO PANAMA CITY

Between Guabala and Santiago, both in Panama, a new location of the Pan-American Highway is under construction, but lack of funds probably will mean completion of only 35 of the 62 miles for some months, the public roads agency says. However, the old road between the cities is in good condition and is passable at all times.

The highway builders' age-old cry of "lack of funds" runs through all the official reports, and financing will be a major topic when the Pan-American Congress meets this May in Bogota, Colombia. Maintenance funds for completed sections, some of which are rapidly deteriorating, also will be a prime topic of the congress.

Since 1936, when the system started taking shape, more than $150 million has been allotted by the United States for construction of 3,142 miles of the Inter-American Highway. Mexico is the only nation north of the Panama Canal to have built its part of the road without U.S. financial help. The Central American nations—Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and Panama—are building their sections on a joint basis with the United States, which is paying two-thirds of the cost. The total cost of the long road from Mexico to the Panama Canal will be about $225 million.

Although the highway is far from completed and not a genuinely popular tourist route, some tangible economic benefits have followed construction, the Road Federation says. "Land values have risen, new farmland has opened to exploitation, transportation costs have been slashed and tourism is on the rise."

And New Yorkers who recognize that the East River Drive is legally Franklin D. Roosevelt Drive would feel right at home if they traveled the Inter-American Highway in Guatemala. The section through that country has been named the Franklin D. Roosevelt Highway.

In its recently completed survey of the Inter-American Highway, the Bureau of Public Roads said a country-by-country check showed:

Mexico (1,587 miles): Paved from Laredo, Tex., to Mexico City. Highway is termed comparable to a good two-lane road in the United States. It also is accessible, via paved roads, from other major ports of entry in Texas, including Brownsville, McAllen, and Eagle Pass. Mexico City also can be reached via paved highways from El Paso, Tex., and Nogales, Ariz. Tourist facilities south of Oaxaca are scarce.

Guatemala (313 miles): Narrow road in the Selegua Canyon area, but passable. Good tourist accommodations at Huehuetenango, 50 miles south of the Mexican border. From Huehuetenango south to Patzicia, a distance of 123 miles, construction is under way and short delays may be expected. Complete tourist services are available at Guatemala City, which is an excellent headquarters for interesting side trips. The road from Guatemala City south to the El Salvador border (103 miles) is passable at all times, but only the first 34 miles and last 12 miles are paved. The intervening 57 miles are being improved.

El Salvador (196 miles): The entire road is paved and well maintained, including a 5-mile spur at the southerly end. The capital city, San Salvador, 61 miles from the Guatemalan border, has good tourist facilities.

Honduras (94 miles): Road is a good gravel-surfaced one that is to be fully paved by 1961. Tourist accomodations are meager because the route does not pass through any large centers of population. Tegucigalpa, the capital, is 57 miles off the Inter-American Highway but it can be reached via a good road from Jicaro Galan.

Nicaragua (238 miles): The first 83 miles, from the Honduran border to Sebaco, are gravel, but are being paved. Also paved are the next 64 miles, from Sebaco to Managua, the capital, where the best tourist accommodations in the country are to be found. From Managua south to Rivas, the road (69 miles) is paved, but the last 25 miles appear to be only a gravel road. This is because the bituminous surface has worn out. From Rivas to the Costa Rican border, there is an adequate gravel road under contract for paving.

Costa Rica (410 miles): Paved from the Nicaraguan border to the capital at San José, a distance of 193 miles. The road is close to sea level for the first 120 miles. It then rises abruptly to the Central Plateau, an elevation of about 4,000 feet. San José has good tourist places and a pleasant climate. Fourteen miles from San José, the road climbs to an elevation of 11,000 feet, the highest point on the Inter-American Highway. It then drops to 2,000 feet at San Isidro.

This upland section, which has a gravel surface, presents hazardous mountain driving, but recent construction has eliminated many dangerous curves and grades. At times clouds envelop the mountains and travelers are cautioned to make local inquiries as to the best time to make the trip.

SHORTAGE OF BRIDGES

As far as passenger car travel is concerned, the highway ends at San Isidro, for the worst road-building conditions are encountered for the next 132 miles (to the Panama border). Construction is going on, but a lack of permanent bridges blocks travel. Through travelers should take a boat from Puntarenas, 165 miles north of San Isidro, to Panama City.

Panama (304 miles): The first 17 miles, from the Costa Rican border to Concepcion, are impassable. But construction is under way and will be completed before the Costa Rican link is opened. From Concepcion to Panama City, the capital, the route is at low level. It is open at all times and poses no problems. Several segments are gravel-surfaced; others are paved. From Remedios to Santiago, a distance of 62 miles, the road is being rebuilt on a new alinement; but the old road, which is 6 miles longer, is passable.

All the way from Santiago to Penonome, paving is being laid; the final 92 miles into Panama City are paved. Panama City lives on tourists.

Although the Inter-American Highway, as such, ends at Panama City, there is a road for 38 miles to Chepo. Beyond this lies the Darien jungle. Reconnaissance surveys for a route are being made by the Governments of Panama and Colombia.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRUENING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. RUSSELL. Mr. President, I feel constrained to object. I think Senators should be in attendance to hear the distinguished Senator from Alaska.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The rollcall was resumed and concluded, and the following Senators answered to their names:

Allott	Fong	Mansfield
Anderson	Frear	Martin
Bartlett	Goldwater	Monroney
Beall	Gore	Morse
Bennett	Green	Morton
Bible	Gruening	Mundt
Brunsdale	Hart	Murray
Bush	Hartke	Muskie
Butler	Hayden	Pastore
Byrd, Va.	Hennings	Prouty
Byrd, W. Va.	Hickenlooper	Proxmire
Cannon	Hill	Randolph
Capehart	Holland	Robertson
Carlson	Hruska	Russell
Carroll	Jackson	Saltonstall
Case, N.J.	Javits	Schoeppel
Case, S. Dak.	Johnson, Tex.	Scott
Chavez	Johnston, S.C.	Smathers
Church	Jordan	Smith
Clark	Keating	Sparkman
Cooper	Kefauver	Stennis
Cotton	Kerr	Symington
Curtis	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Dodd	Long, Hawaii	Wiley
Douglas	Long, La.	Williams, Del.
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Yarborough
Ellender	McGee	Young, N. Dak.
Engle	McNamara	Young, Ohio
Ervin	Magnuson	

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). A quorum is present.

PRESIDENT'S VETO OF WATER POLLUTION CONTROL BILL

Mr. CHAVEZ. Mr. President, the Nation has steadily fallen behind in providing the sewage treatment necessary to protect its vital water resources.

We have fallen behind.

In recent years this trend has accelerated as municipalities, particularly the smaller communities, have found it increasingly difficult to finance these necessary and important public works.

To assist municipalities in meeting their sewage treatment needs, described by Fortune magazine in a series of articles as the Nation's worst public works

problem, the construction grants provision was included in the Federal Water Pollution Control Act of 1956. That the grants program is achieving the intended support and stimulation of municipal treatment plant construction is amply shown by the record since then.

In the 4 years 1952–56 immediately prior to the Federal grant program, annual contract awards for sewage treatment construction averaged $222 million annually. In 1957, the first full year of the grant program, contract awards rose to a $351 million level, an increase of 58 percent over the 1952–56 averages. Further stimulation was achieved in 1958 when contract awards soared to an all-time high of $389 million, an increase of 75 percent over the 1952–56 averages. Despite this stimulation, however, construction falls far short of the $575 million annual construction level estimated by the Public Health Service to be needed if we are to catch up with municipal needs in protecting our water resources.

The administration's Public Health Service says that $575 million annually is needed for construction, if we are to catch up with municipal needs in protecting our water resources.

The lion's share of the increase in sewage plant construction in 1957 and 1958 resulted from Federal aid, for the reasons given by the Senator from Alaska.

Most of the stimulation was among the smaller communities. Those were the communities along the Mississippi River and in the different States along the Missouri River and the Ohio River.

Most of the stimulation was among the smaller communities as was intended by the grants provision. Although the communities being stimulated are smaller, it must be remembered that their total pollution constitutes the major portion of the national problem.

In addition to the number of municipal projects being placed under construction since 1956, the stimulatory effect is perhaps more dramatically shown by dollar participation of local communities.

In matching $131.6 million of Federal funds thus far, municipalities have pledged an additional $553.6 million. This shows that more than four local dollars are being spent for each dollar of Federal aid received.

BACKLOG OF NEEDS

Despite the excellent stimulation of construction by the present grant program, needs are not being met. Although the $389 million reached in 1958 is a record, it falls $186 million short of the $575 million level needed.

There is a present backlog of more than 1,250 applications for Federal aid to support projects estimated to cost more than $784 million. Under the present grant formula these projects will require $123 million of Federal funds. The backlog of needs is shown even more dramatically in a survey by the Conference of State Sanitary Engineers in 1959. For the fiscal years of 1960–62 the State water pollution control agencies have estimated that sewage treatment requirements if Federal aid is available will total 3,119 projects costing $1,410 million. These projects would require Federal grants of $251 million for the 3-year period.

The stimulation that has been affected by the present $50 million annual level of allotments amounts to about a $143 million increase in construction over nonfederally aided projects. Increasing the Federal program to $100 million would provide almost all of the additional construction to meet the needed $575 million level of construction to wipe out the backlog of municipal sewage treatment that is required.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a table showing State allotments for grants of construction of waste-treatment works, for the fiscal year 1961.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State allotments for grants for construction of waste-treatment works, fiscal year 1961

	President's budget	Present program	New program
Total	$20,000,000	$50,000,000	$90,000,000
Alabama	448,890	1,122,225	2,020,005
Alaska	170,650	426,625	767,925
Arizona	223,870	559,675	1,007,415
Arkansas	403,070	1,007,675	1,813,815
California	819,460	2,048,650	3,687,570
Colorado	252,000	630,000	1,134,000
Connecticut	247,770	619,425	1,114,965
Delaware	137,270	343,175	617,715
District of Columbia	180,260	450,650	811,170
Florida	360,140	900,350	1,620,630
Georgia	450,780	1,126,950	2,028,510
Hawaii	213,090	532,725	958,905
Idaho	235,570	588,925	1,060,065
Illinois	702,280	1,755,700	3,160,260
Indiana	419,530	1,048,825	1,887,885
Iowa	354,570	886,425	1,595,565
Kansas	301,030	752,575	1,354,635
Kentucky	431,260	1,078,150	1,940,670
Louisiana	387,160	967,900	1,742,220
Maine	255,560	638,900	1,150,020
Maryland	303,800	759,500	1,367,100
Massachusetts	446,650	1,116,625	2,009,925
Michigan	567,000	1,417,500	2,551,500
Minnesota	372,130	930,325	1,674,585
Mississippi	469,500	1,173,750	2,112,750
Missouri	423,910	1,059,775	1,907,595
Montana	211,440	528,600	951,480
Nebraska	271,030	677,575	1,219,635
Nevada	143,290	358,225	644,805
New Hampshire	213,110	532,775	958,995
New Jersey	446,630	1,116,575	2,009,835
New Mexico	235,520	588,800	1,059,840
New York	1,096,190	2,740,475	4,932,855
North Carolina	507,560	1,268,900	2,284,020
North Dakota	255,410	638,525	1,149,345
Ohio	665,960	1,664,900	2,996,820
Oklahoma	342,560	856,400	1,541,520
Oregon	265,110	662,775	1,192,995
Pennsylvania	839,650	2,099,125	3,778,425
Rhode Island	217,790	544,475	980,055
South Carolina	413,770	1,034,425	1,861,965
South Dakota	258,560	646,400	1,163,520
Tennessee	448,750	1,121,875	2,019,375
Texas	687,170	1,717,925	3,092,265
Utah	236,910	592,275	1,066,095
Vermont	218,010	545,025	981,045
Virginia	414,180	1,035,450	1,863,810
Washington	310,130	775,325	1,395,585
West Virginia	347,070	867,675	1,561,815
Wisconsin	394,890	987,225	1,777,005
Wyoming	181,190	452,975	815,355
Puerto Rico	471,570	1,178,925	2,122,065
Virgin Islands	329,350	823,375	1,482,075

Mr. CHAVEZ. Let me say to my good friend from Alaska [Mr. GRUENING] and to the Senate that the only time the President's veto has been overruled has been in the case of public works, such as this. The bill which was vetoed was recommended by the Public Works Committee, of which my good friend from Alaska, my good friend from West Virginia [Mr. RANDOLPH], and my good friend the Presiding Officer [Mr. MUSKIE], and other Senators are members.

The only way to treat the problem is to override the veto. We have a precedent. We did it before. Let us do it again.

Mr. GRUENING. I hope the House will make that possible.

Mr. CHAVEZ. I hope so and I further wish to compliment the Senator from West Virginia [Mr. RANDOLPH], for submitting the amendment which further strengthens the bill.

Mr. GRUENING. Mr. President, the veto by President Eisenhower of H.R. 3610, a bill to amend the Federal Water Pollution Control Act, is truly shocking.

It is shocking because it is in utter disregard of the needs of our Nation for the conservation of the vital health factor in our water resources.

It is shocking because it shows a cold indifference to one of the most basic of human needs—the need for pure, clean, fresh water.

It is shocking because it reveals a callous disregard of what should be elementary as a first priority in a civilized nation.

It is shocking because it turns the Presidential back on the issue which, reduced to the simplest terms, is the menace of sewage in the people's drinking water. The President may close his eyes to this stark fact, but it is even more unfortunate that the American people cannot close their mouths.

It is shocking also, because it evidences an attitude toward the division of governmental functions at the Federal, State, and local levels which would have the Federal Government shirk its rightful responsibilities.

Under President Eisenhower's philosophy, the major Federal responsibility in the field of water pollution would be only to use the big stick on States and localities in an effort to force them to clean up the streams they pollute. But no financial assistance would be given them in doing so.

The President takes this stand in the face of a recommendation to the contrary from an advisory group which he himself appointed—a body which stated firmly that "to safeguard public health and other legitimate water uses additional incentives are needed to meet the backlog of municipal waste-treatment facility construction."

As the Washington Post says in its leading editorial this morning, the veto "is a lamentable example of small economy size thinking about a formidable national problem," and concludes with the expression of hope that "perhaps a sufficient outcry on the Hill can yet persuade the President to do more than call another conference and wave a budget book at the sewage around us."

The President's veto message makes the amazing misstatement that water pollution is a uniquely local blight. A look at the map will readily disclose that water pollution control is not and cannot be solely a State and local matter. Just

as the Nation's rivers and streams do not stop at State lines, so, also, sewage or other pollution dumped in a river upstream is not automatically turned back either at the city limits or at the State boundaries. In fact, except in Alaska, it is a small and unusual river which does not cross State lines. In a recent statement on the Water Pollution Control Act, the able and distinguished Senator from Colorado [Mr. CARROLL], pointed out that four major rivers rise in Colorado and supply water to farms and cities from the Mississippi Valley to the Pacific coast. They are the South Platte, the Arkansas, the Rio Grande, and the Colorado.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. GRUENING. I yield with pleasure.

Mr. GORE. If what the Senator has said be true, as it surely is, how then could the pollution of those streams be truly or realistically regarded as a local problem?

Mr. GRUENING. I think that is the issue raised by the President's astonishing position. The State of the Senator from Tennessee borders one of the Nation's great rivers. I wonder whether the Senator feels that the State of Tennessee, which the Mississippi River skirts for a little distance, should be held responsible for all the pollution which pours into the Missisippi-Missouri Basin from the Ohio and other rivers north of Tennessee?

Mr. GORE. Tennessee is no more responsible for preserving the purity than we are capable of doing so, because the Ohio, the Cumberland, the Tennessee, the Missouri, and many other tributaries add to the mighty Father of Waters. It cannot, it is not, it must not be regarded as a local problem, because there is no local solution to the problem. It is beyond the capacity, beyond the reach, of local officials and local government.

Mr. GRUENING. Is it not true that the Mississippi, the Missouri, and their tributaries drain a majority of the States of the Nation?

Mr. GORE. I am not certain.

Mr. GRUENING. Whatever the number, it is clear that the problem is certainly not a local one.

The Mississippi and Missouri Rivers, and their tributaries, drain more than a score of States. Some 2,000 rivers and streams in this country are interstate in character. It is incredible that the President should have so little sense of our geography in connection with this vital problem.

The striking thing about the President's veto is its inconsistency. And yet, I suppose, we cannot expect this administration to be either consistent or logical—to be either practical or farsighted when the dollar sign is raised.

The Eisenhower administration sees no inconsistency in a 50–50 or better Federal matching for a nationwide highway program, although, by the Presidential logic as applied to water pollution, each State could be asked to pay its entire highway bill. This is made more striking the fact that rivers by nature are interstate and national, while highways are interstate only as man makes them so.

It is perfectly justifiable, says the administration, for the Federal Government to assume a vigorous role in forcing States and localities to clean their rivers and streams, whose pollution derives from other States, perhaps. But it is not justifiable, according to this administration, to assist, financially, States and localities to establish the necessary facilities to purify waste.

Water is the lifestream of our Nation. Its amount is constant, while its use is steadily increasing at a steadily accelerating rate. If pollution is permitted to continue unabated, we shall in the foreseeable future face a national calamity of major proportions. If that time comes—and I hope it never may—it will do our country little good to say then that we balanced the national budget in fiscal year 1961, but at the expense of our future clean water supply. If that time ever comes, it will be too late to remedy our neglect of today.

The magazine, the New Republic, puts succinctly the issue posed by President Eisenhower's veto of this bill, when it asks:

> Do you mind polluted drinking water—sewage, worms, and things of that sort?

Mr. President, I ask unanimous consent that the entire article, together with the editorial from which I have been quoting and the two articles from the Washington Post, detailing what is happening to the drinking water right here in the Nation's Capital, be printed in the RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. For myself, Mr. President, and for millions of my fellow Americans, I can answer the question in the affirmative: Yes; I do mind drinking contaminated water. I mind still more having my children and my grandchildren drink polluted water; and I doubt that many American parents or grandparents would feel otherwise.

I can also answer in the affirmative the further question as to whether I believe that the Federal Government, alone with States and localities, has a responsibility to do something to make certain that our precious supply of water will be kept as pure as science and modern engineering can make it.

I believe the Federal Government cannot shirk its responsibilities in the field of water pollution control—although that is precisely what the Presidential veto would accomplish. That is not a case of having the Federal Government do an entire job which the States and localities should be doing. This is a partnership arrangement, with the States and localities putting up more than $4 for each Federal dollar put into the program. In view of the interstate character of so many of the rivers involved and in view of the interstate character of so many of the problems raised, the States and localities are carrying their share of the burden.

Mr. President, this is a veto we cannot afford. It is, however, consistent with the policy of this administration in giving low priority to the conservation and development of our own resources, while at the same time resisting to the end any attempt either to make the slightest cut in the flow of American dollars in support of projects abroad, or even to subject those expenditures to the same budget and accounting procedures as are applicable to domestic projects.

Is it not surprising, Mr. President, to find that the same administration which says that water pollution control is a local problem to be met—if it is met—with local funds and local resources also says that it will brook no congressional decrease in the funds it requests for water-pollution-control projects abroad? The same administration does not believe that we should restrict the Federal Government's role in water-pollution control abroad to enforcement. And for good reason, for fundamentally the administration must realize that oratory alone will not control water pollution. The administration must know that all the advice in the world given to foreign nations about the need for the treatment of waste to avoid water pollution will not result in the construction of such needed facilities unless the proffer of advice is accompanied by the proffer of cash.

But in the United States the administration contends that its function will be limited to giving advice, and that it will reserve the cash to accompany the advice for foreign nations. This is another example of the administration's double standard—doing abroad with Federal funds what it says is against its policy to do with Federal funds at home. Are they not the same dollars—Federal dollars—whether used for projects here or abroad?

For this program of water-pollution control in the United States, the President recommended a ceiling of only $20 million. This is a drop of $30 million from the ceiling under the present law. Even this reduced program of $20 million the President would permit only as a step toward total phasing out of the program.

Let us, for a moment, Mr. President, look more closely at what the President would begrudgingly allow for water-pollution-control projects here in the United States, and contrast them with similar projects financed with ICA funds abroad; and let us note that the ICA is only one of several governmental agencies which are giving away, abroad, American dollars.

Under the President's recommendation, Alabama would receive $448,890. Contrast this with $800,000 in American dollars spent in Korea in fiscal year 1956 for the construction of sanitary facilities.

Under the President's recommendation, Alaska would receive $170,650. Compare this with the $189,000 in American dollars spent in Thailand in fiscal year 1955 for environmental sanitation.

Under the President's recommendation, Arizona would receive $223,870. Contrast this with the $500,000 in American dollars spent in Guatemala in fiscal year 1957 on environmental sanitation.

I could, of course, make similar comparisons with respect to each of the 50 States.

Mr. RANDOLPH. Will the Senator yield?

Mr. GRUENING. I yield with pleasure to my distinguished colleague from West Virginia.

Mr. RANDOLPH. I asked him to yield for the purpose of informing my colleagues that the Senator from Alaska visited West Virginia this past weekend. He made a very splendid personal impression upon the people of our State, and he gave a meaningful message to a very fine group of West Virginians gathered on Saturday night last at Madison City, Boone County. I was privileged to accompany the Senator from Alaska into West Virginia for that event.

I would remind him that he saw in West Virginia the streams, at least some of them, which have caused our State to be called the Mother of Rivers. I shall not delineate the streams which find their headwaters in West Virginia, except to say that the Potomac, which, of course, is a waterway noted not only for its passage through the District of Columbia, but for its beauty in some portions, has its beginning in the mountains of West Virginia. But I would remind the Senator that under the vetoed bill West Virginia would have received $1,562,000, approximately, which is a sum less than the amounts which the Senator has so properly read which are going to other countries including India.

Mr. GRUENING. I thank the Senator from West Virginia. And I would ask him whether he has noted that, under the President's budget proposal, the State of West Virginia would receive only $347,070.

Mr. RANDOLPH. Yes; I have.

Mr. GRUENING. Which is a sum far smaller than that we are spending in many foreign countries for the same purposes.

Mr. RANDOLPH. Yes; and I will say—and I will not detain the Senator in his splendid address—that, of course, under the President's program, we could make practically no progress in West Virginia in this important area of public health—water conservation and the development of industry in our State.

Mr. GORE. Mr. President, will the Senator yield?

Mr. GRUENING. I yield to the Senator from Tennessee.

Mr. GORE. I am not prepared to question at the moment the advisability of American aid to Guatemala for the elimination of pollution in her streams. It may be needed; doubtless it is. It may be justified; I do not know. I shall make inquiry.

As the Senator knows, I am one of those who has supported the foreign aid program. I have done so, because I thought it was in the interests of the people of the United States and in the interest of the freedom and defense of the free world. The constant and insistent reduction or elimination and vetoing of bills to provide similar funds for similar purposes in our own country, where I know the need exists, surely makes it more and more difficult to support the President's foreign aid program.

Mr. GRUENING. The Senator from Tennessee has put his finger directly on the issue. This is not a question of the value and merit of foreign aid. That is a different subject. The issue is the striking contrast between the insistence of the President, of this administration, that we must not cut a nickel from projects which the Congress cannot really pass upon accurately—foreign aid projects where we are not given hard and fast budget items—and his determination to cut drastically every domestic project of the same character, whether it be in education, whether it be in forestry, whether it be in coal development—and now in water supply, the most basic of all. That is the fundamental issue.

Mr. GORE. Add highways.

Mr. GRUENING. And highways. Indeed, you may add not only highways, but every important field of activity in which the American people have need. There are no exceptions to this double standard as the Senators will see as I proceed. I have just been comparing the amounts that would have been received under the President's program. Now take the amounts which would be granted under the bill which the President has vetoed: Are they much greater in comparison with our foreign efforts? Let us see.

For example, under H.R. 3610, Arkansas would receive $1,813,815. Contrast this with the $2 million in American dollars spent in Panama in fiscal year 1957 for the extension of water and sewers.

Under H.R. 3610, the State of California would receive $3,387,570. Contrast this with the $3,795,000 in American dollars spent in Pakistan on the Greater Kurachi water and sewage disposal project in fiscal year 1955.

Again, under H.R. 3610—which President Eisenhower vetoed—Colorado would receive $1,134,000. Compare this with the $1,250,000 spent in Honduras in fiscal year 1957 for health and sanitation projects.

Again, under H.R. 3610, the State of Connecticut would receive $1,114,955. Contrast this with the $1,336,000 in American dollars spent in Cambodia during these fiscal years on various environmental sanitation projects.

Again, under H.R. 3610, the State of Delaware would receive $617,715. Compare this with the $7,567,730 spent on environmental sanitation projects in Egypt in fiscal year 1955 alone.

Again, under H.R. 3610, the State of Florida would receive $1,620,639. Contrast this with the $1,926,600 in American dollars spent in India in fiscal year 1955 on a national water supply and sanitation program.

I could continue to make specific comparisons with respect to each of the States. Each of my colleagues can do the same with respect to his own State. But I do not wish to delay the Senate too long. In order that such information be available, however, I ask unanimous consent that a table which I have prepared with respect to sanitation projects under ICA for the fiscal years 1955 through 1959 be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Fiscal year 1955 projects, health and sanitation

ENVIRONMENTAL SANITATION

Far East:	
Cambodia: Sanitary wells in rural areas	$26,000
China:	
Kachsiung water works rehabilitation	694,000
Improvement village water supply	5,000
Improvement sanitary engineering practices	44,000
Philippines: Water supply (wells and springs)	842,000
Thailand:	
Environmental sanitation	189,000
Environmental sanitation	4,000
Vietnam: Rural water supply	125,000
Near East, Africa, and South Asia:	
Egypt:	
Installation of potable water supply system	7,488,000
Sanitary engineering department	69,730
India: National water supply and sanitation program	1,926,600
Iraq: Environmental sanitation	18,547
Israel:	
For sewerage and sewage treatment	9,000
Public health sanitation participantship	5,000
Sanitary engineering participantship	3,000
Jordan: Environmental sanitation	86,690
Lebanon:	
Extension of health and medical services to villages	84,766
Village water supply	88,700
Pakiston: Greater Karachi water and sewage disposal project	3,795,000
Latin America:	
Colombia: Public health engineering	45,300
Costa Rica: Engineering studies project	5,120
Ecuador:	
Environmental sanitation	22,181
Technical assistance in environmental sanitation	18,538
Honduras: Environmental sanitation	5,300
Mexico: Division of health and welfare	4,838
Nicaragua: Environmental sanitation	44,750
Panama:	
Training in environmental sanitation, sewage disposal and garbage collection	5,000
General engineering services for the servicico (environmental sanitation)	18,600
Peru:	
Sanitary engineering instruction	50,277
Sanitary engineering	23,359

Fiscal year 1956 projects, health and sanitation

ENVIRONMENTAL SANITATION

Far East:	
Cambodia:	
Sanitary wells in rural areas	$55,000
City water supplies	416,000

Fiscal year 1956 projects, health and sanitation—Continued

Far East—Continued	
China:	
Improvement of sanitary engineering practices	$55,300
Establishment of environmental sanitation bureau	10,000
Korea:	
Waterworks rehabilitation	850,000
Construction of wells and sanitary facilities	800,000
Seoul water distribution system rehabilitation	300,000
Seoul waterworks enlargement, Goo-I-Ri plant	500,000
Philippines: Water supply (wells and springs)	2,107,000
Thailand: Environmental sanitation	66,000
Vietnam:	
Rural water supply	143,000
Disposal of waste	23,000
Near East and South Asia:	
Egypt: Sanitary engineering services (D)	46,525
India: National water supply and sanitation program	987,358
Iraq: Village sanitation project	15,690
Jordan: Environmental sanitation	159,000
Lebanon: Village water supply	83,050
Pakistan:	
Greater Karachi water supply and sewage disposal project	10,000
Municipal water supply	112,270
Village water supply	1,743,900
Chittagong water supply and sewerage	420,000
Dacca water supply and sewerage	420,000
Africa:	
Ethiopia: Well drilling	52,534
Libya:	
Development domestic water	441,600
Sanitation activities	83,900
Latin America:	
Brazil: Sanitary (environmental) engineering	192,200
Colombia: Public health engineering	60,900
Costa Rica:	
Engineering studies project	6,000
Water supply project M	1,000
Environmental sanitation personnel training project	10,000
Ecuador: Environmental sanitation	37,500
Honduras: Environmental sanitation M (health cooperative service)	15,900
Mexico:	
Health and Sanitation:	
Sanitary engineering consultation to Ministry of Hydraulic Resources	8,000
Environmental sanitation	41,000
Nicaragua: Environmental sanitation	32,926
Panama: General engineering services for the servicio (environmental sanitation)	27,300
Peru: Sanitary engineering	15,786
Venezuela: Rural water supplies engineering and construction	24,900
Oversea Territories:	
British Honduras: Training in engineering for municipal services	3,500

Fiscal year 1957 projects, health and sanitation

ENVIRONMENTAL SANITATION

Far East:	
Cambodia: Improvement of city water supplies	$300,000
China (Taiwan):	
Kaohsiung water works rehabilitation	5,000

Fiscal year 1957 projects, health and sanitation—Continued

Far East—Continued	
China (Taiwan)—Continued	
Improvement of sanitary engineering practices	$51,000
Environmental sanitation bureau (institute)	5,000
Korea:	
Waterworks rehabilitation	2,026,000
Construction of wells and sanitary facilities	514,000
Street and city drainage	762,000
Philippines: Water supply (wells and springs)	981,000
Vietnam: Rural water supply	30,000
Near East and south Asia:	
Ceylon: Environmental sanitation	18,000
India: National water supply and sanitation program	109,000
Iraq: Village health services	12,000
Jordan: Environmental sanitation	28,000
Lebanon: Village water supply	193,000
Pakistan: Greater Karachi water supply and sewage disposal	5,000
Africa:	
Ethiopia:	
Community water supply	500,000
Community water supply, well drilling	238,000
Libya:	
Sanitation activities	76,000
Development of domestic water	27,000
Development of domestic water supplies	760,000
Sanitation activities	42,000
Latin America:	
Bolivia: Environmental sanitation	85,000
Brazil: Sanitary (environmental) engineering	151,000
Colombia: Public health engineering	90,000
Ecuador: Environmental sanitation	48,000
Guatemala:	
Environmental sanitation	12,000
Environmental sanitation	500,000
Honduras:	
Environmental sanitation	5,000
Health and sanitation project for specific problems in the Republic of Honduras	1,250,000
Mexico: Health and sanitation, environmental sanitation	26,000
Nicaraugua: Environmental sanitation	4,000
Panama:	
Extension of water and sewers	2,000,000
General engineering service for the services (environmental sanitation)	24,000

Fiscal year 1958 projects, health and sanitation

ENVIRONMENTAL SANITATION

Far East:	
Burma:	
Rangoon water supply	$1,400,000
Rangoon sewerage system	645,000
Village water supply and sanitation	577,000
Town water supply	224,000
Rangoon General Hospital	752,000
Cambodia: Improvement of water supplies	224,000
China (Taiwan):	
Sanitation and water supply	38,000
Municipal water supply, Taichung	130,000
Korea:	
Water works rehabilitation	1,139,000
Construction of sanitary facilities	528,000

Fiscal year 1958 projects, health and sanitation—Continued

Far East—Continued	
Philippines: Water supply (wells and springs)	$964,000
Near East and South Asia:	
Ceylon: Environmental sanitation	28,000
India: National water supply and sanitation program	82,000
Iraq: Rural health services	23,000
Jordan: Environmental sanitation	107,000
Africa:	
Ethiopia: Community water supply	135,000
Libya:	
Development of domestic water supplies	321,000
Municipal slaughterhouse development	28,000
Latin America:	
Bolivia: Environmental sanitation	52,000
Brazil: Sanitary (environmental) engineering	118,000
Colombia: Public health engineering	54,000
Costa Rica:	
Engineering studies project	15,000
Water supply project	1,000
Municipal sewerage systems	2,000
Ecuador: Environmental sanitation	60,000
Guatemala: Environmental sanitation (public health cooperative service)	500,000
Haiti: Water distribution, construction, and water sewerage surveys for Port-Au-Prince	330,000
Panama:	
General engineering services for the servicio (environmental sanitation)	39,000
Extension of water and sewerage system of the city of Panama	1,000
Venezuela: Rural water supply, engineering and construction	21,000

Fiscal year 1959 projects, health and sanitation

ENVIRONMENTAL SANITATION

Far East:	
Cambodia: Improvement of water supplies	$315,000
China (Taiwan): Improvement of sanitation and water supply	38,000
Korea:	
City drainage improvement	447,000
Environmental sanitation	363,000
Philippines: Water supply (wells, springs, and waterworks)	427,000
Near East and south Asia:	
Ceylon: Environmental sanitation	20,000
India: National water supply and sanitation program	113,000
Iran: Environmental sanitation	126,000
Jordan: Environmental sanitation	71,000
Pakistan: Greater Karachi water supply and sewage disposal	24,000
Africa:	
Libya:	
Domestic water	584,000
Slaughterhouse	107,000
Latin America:	
Bolivia: Environmental sanitation	30,000
Brazil: Sanitary engineering	106,000
Colombia: Public health engineering	35,000
Costa Rica: Environmental sanitation	19,000

Fiscal year 1959 projects, health and sanitation—Continued

Latin America—Continued	
Ecuador: Environmental sanitation	$47,000
Guatemala: Public health services (environmental sanitation and health education)	89,000
Nicaragua: Environmental sanitation	15,000
Panama: General engineering services	39,000
Venezuela: Rural water supplies, engineering and construction	19,000

Mr. GRUENING. Mr. President, the total in American dollars spent abroad for these projects for these years was $48,539,797.

May I also point out that in relation to an anti-water pollution program, no community can receive more than 30 percent of the cost of its plant, or $250,000, whichever is the smaller amount. Under the bill vetoed by the President, this limit would be raised, but there would still be a limitation. Under the administration's double standard, however, there seems to be no similar limitation on foreign projects, and none is proposed. As a matter of fact, the administration has resisted, and resisted vehemently, any attempts to restrict such foreign projects.

Mr. President, we should no longer tolerate the double standard practiced by the Eisenhower administration. We should not tolerate it because we, at least, should realize that the wherewithal to continue to help our friends abroad must come from the development and conservation on a continuous basis of our remaining natural resources. That we cannot do through phasing out programs as important as that contained in H.R. 3610.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GRUENING. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. May I congratulate the Senator for the very learned and pointed address which he is making to bring these facts before the Senate of the United States. We in Louisiana well know the wisdom of his remarks. Water from some 30 States goes through my State. My home town of Baton Rouge is on the last high land of the Mississippi River. We do not drink that water. Instead, we spend money to dig wells for drinking water, although we are located on the passageway of the largest river in North America. We pump water from the soil in order to get water which is not polluted as is the Mississippi River.

Farther downstream, in New Orleans, where there is no longer any prospect of obtaining sufficient water from under the ground, there has been established a sewage and water board under which, at great expense, water is cleaned up for consumption in that vicinity.

Pollution of the Mississippi River is a problem that we cannot meet alone, because the pollution is coming from 30 States, and not just from Louisiana. We have learned that water is one of our greatest resources. It certainly is in the State of Louisiana. Yet the use of water from the Mississippi is very limited to us. We can use it only for industrial use. It is too expensive to use that water for domestic purposes, whereas, for the benefit of the Nation, it would have been far better had the water not been polluted in the first place.

The Senator from Alaska has done a great service by pointing out that we are spending money in foreign aid programs of this kind while we are not willing to help our own communities solve the same kind of problem.

Communities located upstream find that the cheapest way to get rid of sewage is to dump it into the rivers. That does not bother them, because the sewage goes downstream. It is those who are located downstream who are worried about pollution. Once a river is sufficiently polluted, nobody worries about it, because nobody can use the water in it.

Mr. GRUENING. And the State of Louisiana is "low man on the totem pole," so far as use of Mississippi waters is concerned.

Mr. LONG of Louisiana. When the Mississippi waters reach our State, the state of cleanliness of those waters is about as low as it is going to get.

Mr. GRUENING. Does the Senator from Louisiana not consider it as paradoxical that the 30 or so States from which the waters of the Mississippi flow, should be compelled, under the present program, individually to work out a solution which it is obvious should be a joint Federal-State program, just as is the highway program? A river system is by nature interstate in character, whereas highways are interstate only to the extent that man has decided to make them so.

Mr. LONG of Louisiana. Yes. As I pointed out previously, the easiest way for any community to get rid of its sewage is to dump it into a river. That is the cheapest way of getting ride of it, but it creates difficulty for those who are located downstream. That being the case, it makes good sense that a joint effort should be made to clean up the water.

As a matter of fact, a situation existed in Louisiana in which a fairly small city, located about 150 miles upstream, dumped its sewage into one of our rivers, and that sewage in turn polluted water in the Gulf of Mexico, so that the oysters in that area were unfit for human consumption. It took a while for the people to learn what was causing pollution of those waters, but finally they learned that it was caused by that upstream community, located about 150 miles away. Assuming that community, located 150 miles away, was not consuming those oysters, it is a safe assumption that the community would not be very much interested in expending funds to clean up the water going down the river, unless some pressures were brought to bear or some sort of aid program was put into existence to assist them to do it.

Mr. GRUENING. Since the Senator from Louisiana has been kind enough to join this colloquy, I wonder whether the Senator realizes that under the President's program, with a $20 million ceiling, the great State of Louisiana would receive only $387,000.

I will say to the Senator, Burma received in fiscal year 1958 $2,846,000 for a variety of projects, as follows:

Rangoon water supply, $1,400,000; Rangoon sewerage system, $645,000; village water supply and sanitation, $577,000; town water supply, $224,000.

This emphasizes the very point I am trying to make, which formed the basis of my colloquy with the distinguished junior Senator from Tennessee. It is not a question of foreign aid, but it is a question of the strange contradiction that presents itself when the President says "Cut, cut, cut; phase out the program for the American people," but at the same time says, "Do not cut a nickel when it is for foreign countries for the same purpose."

Mr. LONG of Louisiana. As a matter of fact, Louisiana is doing quite a lot of stream pollution control. It could and would do a lot more, provided there were something to assure us that the water would not be completely polluted by the time it got to us, which makes the program useless.

What Louisianians would be more interested in is having other communities clean up the water, or clean up sewage before they dump it into the streams, so that by the time the water reaches us there would be an incentive to keep the water pure.

Mr. GRUENING. No one has suggested that this is a bill asking the Federal Government to do all, or even half. It is simply a request that the Federal Government have a reasonable participation. Perhaps a 25-percent participation is all it would be called upon to provide.

Mr. President, let me resume and ask: Who will pay the penalty?

Not those without vision of the future.

Not those blind to the Nation's growing needs.

The penalty will be paid by the generations to come who will look back at our profligate waste of our Nation's precious national resources in 1960 in dismay and wonder how we could ever have been so shortsighted—so penny wise and pound foolish.

Mr. President, on three previous occasions in this session of the 86th Congress, item-by-item comparisons have been made on the floor of the Senate citing project by project, with dollar amounts, to demonstrate the Eisenhower-Nixon double standard, namely, lavish expenditures abroad, sharp retrenchment at home.

On February 1, the distinguished junior Senator from West Virginia [Mr. BYRD] contrasted the Eisenhower veto of a simple coal survey bill, designed to investigate possible further uses of this fuel with a view to developing this resource and giving reemployment to the thousands of miners out of work in West Virginia, Alabama, Kentucky, Illinois, Pennsylvania, Utah—and other coal-mining States—contrasting, I say, this veto with the millions of dollars spent in foreign countries not merely for coal surveys, but for actual development of coal mining.

Here was demonstrated that the simplest measure of exploration for relief of an important domestic industry, but a

sick industry, and the tragic economic and social consequences thereof, is denied by the Eisenhower-Nixon administration, while far, far more for that industry than was asked at home is done in foreign countries, and there, abroad, we are enjoined by the White House not to cut one cent. In fact, the President is now requesting the biggest of all foreign aid appropriations of this Congress.

On February 4, I made a similar comparison, or rather contrast, in the field of education. I did this after the President's opposition to aid for teachers in the education bill was cited on the floor and after the Vice President had, by breaking the 44-to-44 tie, defeated the Clark amendment for teachers' salaries support.

I pointed to the contrast of what the United States was doing with American dollars in many foreign countries in the field of education, including aid for teachers' salaries.

On February 9, I spelled out, by facts and figures, a similar contrast in the field of forestry conservation, development and research. I cited the more than 70-percent slash in the budget of this administration's own program, as presented by the Forest Service of the Department of Agriculture, and contrasted it with the extensive reforestation and afforestation programs, logging enterprises, timber development, forest research and forest laboratory construction and operation in foreign countries.

Now, Mr. President, we find a no less striking contrast in the most basic of all natural resources—water.

We shall continue to find that contrast under this administration in each and every program vital to our Nation's needs, whether as has already been demonstrated in fuel, education, timber resource, water, health, housing, and whatever else our Nation needs and this Congress desires to supply.

In every case we face, as we have, either the threat of a veto, or as now, an actual veto of these national necessities.

In concluding, I repeat what I said on previous occasions when I contrasted what the President's program gives away abroad with what he permits us to have at home—this administration, the Eisenhower-Nixon administration, will go down in American history as the first administration which favored the interests of people in foreign lands over the interests of our own people.

Mr. CHAVEZ. Mr. President, I wish to say "Amen" to every word the Senator from Alaska has said. I do not believe there is any other legislation which is as important as the legislation the Congress acted upon with regard to water pollution. I am very proud that the members of the Committee on Public Works have participated in making recommendations to the Senate and are speaking on this subject matter.

Mr. President, I shall take only a very short time with respect to the veto message. The Senator from Alaska has covered it very well.

Mr. President, may we have a little order in the Chamber?

Mr. LONG of Louisiana. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senate will be in order.

Mr. CHAVEZ. Pollution of every type and description is so important that even Los Angeles was asking for aid in connection with contamination of the air.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to commend the Senator from Alaska for his forceful discussion of the problem we are now considering. I am mindful of the fact that he is calling to our attention the fact that we are living under a double standard in America at the present time, in connection with matters such as this. If the proposal before us involved foreign aid to some country, there would be no trouble about it. But when it involves giving to some of our home folks to try to bring about some improvements at home, we are met with a veto in a great many instances.

I commend the Senator for what he has had to say. I approve of everything he has said. I believe in looking after the people at home first, and caring for situations such as they exist in America, and not giving the money to some other country first.

I listened to the Senator from Louisiana [Mr. LONG], and I know that he spoke the truth when he said his State was at the bottom of the totem pole. It receives all the filth that is poured into the Mississippi River all the way back up into Canada. It empties into the streams of his State.

I think we should do something concerning this problem throughout the United States, and not give all the money to foreign countries to enable them to look after their people.

Mr. GRUENING. I thank the Senator from South Carolina, and I hope that somehow we can persuade the administration, regardless of the merits of the issue of foreign aid, to do something for our own people. To me, foreign aid is an entirely separate issue. In the case of domestic appropriations we are told to cut, cut, cut. We are told, "We cannot afford this; this is extravagant; this is wasteful; this will unbalance the budget." But we are asked to spend $4 billion abroad annually, and we are told that we must not shave one cent from it, for precisely the same type of projects, projects which we are told we cannot have here, but which we are giving to many foreign countries. This situation shocks me. I fail to understand how any administration could urge such a program.

Mr. JOHNSTON of South Carolina. Mr. President, in a few moments I intend to deal with a similar subject, and show that our foreign aid has built up in other countries industries which today are putting American industries out of business.

Mr. GRUENING. That is another and very important aspect of our foreign-aid program, or so-called mutual security program, both the mutuality as well as the security of which are in many cases extremely doubtful. We are building up industries abroad in countries with far lower wage standards, to compete with our own industries. These chickens will come home to roost when this administration is no longer in power, and the succeeding Democratic administration will have to wrestle with the heavy inheritance which has been built up through the years.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New Republic, Feb. 22, 1960]

WILL EISENHOWER VETO WATER?

Do you mind polluted drinking water—sewage, worms, and things of that sort? It may just happen that Eisenhower's first 1960 veto will be the bill to raise present Federal contributions to build local sewage disposal plants from $50 to $90 million annually. Not a large amount, but Eisenhower wants to cut it to $20 million and then drop it altogether. (It's a local responsibility and the Government can't afford it.) He is supported by the NAM and U.S. Chamber of Commerce, whose members fear restrictions on dumping industrial wastes into the Nation's streams.

Pollution is a big problem. Urban population explodes: America's water supply remains constant. Every year streams become poisoned faster than we can purify them. We have now reached a crisis—it kills the fish but we drink it. Scientific reports on the subject are vivid but don't read them on a full stomach. Anyway, both Houses of Congress have now passed an antipollution bill by big majorities and Eisenhower's veto is taken for granted.

[From the Washington Post, Feb. 24, 1960]

DOWN THE DRAIN

President Eisenhower's veto of the Blatnik water pollution control bill is a lamentable example of small economy size thinking about a formidable national problem. The bill before the President would have expanded existing Federal assistance programs from $50 to $90 million annually—a modest increase which local authorities feel is the absolute minimum needed to combat effectively the peril of polluted waters, poisoned streams and sewage-choked rivers. But Mr. Eisenhower turned the measure down with these listless words: "By holding forth the promise of a large-scale program of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds."

The President has been badly misinformed. Since the Federal Government has begun to provide incentive grants, the construction of local facilities has gone up from 60 to 75 percent over the previous 5-year average prior to the time grants were available. Furthermore, the President's own Federal Pollution Control Advisory Board has concluded: "There has been no slowdown in the rate of construction of treatment works financed entirely by non-Federal funds." The great virtue of the Federal program has been that it has stimulated exactly the kind of local initiative Mr. Eisenhower admires.

An effort may be made to override the President's veto, and certainly proponents of the program can muster an impressive rebuttal to every point in the veto message. Perhaps a sufficient outcry on the Hill can yet persuade the President to do more than call another conference and wave a budget book at the sewage around us.

[From the Washington Post, Feb. 21, 1960]

WHERE SHOULD WASTE GO?—ANSWERS STILL HAVE NOT BEEN FOUND TO PROBLEM OF DULLES AIRPORT SEWAGE

(By James R. Carberry)

The way things are going, the new Dulles International Airport terminal may prove to be the only Eero Saarinen-designed building in America with a backwoods privy.

Saarinen's gleaming architectural layout for the Chantilly (Va.) field envisions more modern devices.

Yet the rustic outbuilding—with its appropriately clean, functional lines—could eventually be called upon as the quickest, simplest and cheapest solution to Dulles International's No. 1 problem: How to get rid of the airport's sewage without putting it in somebody's drinking water.

Is the airport waste to be flushed into the upper Potomac? Carried to Occoquan Creek? Sent to the District treatment plant? Pumped into underground wells? Sealed in rockets and shot into outer space?

With the $90 million airport scheduled to open in just 18 months, nobody seems to have the answers.

The airport is located in parts of Fairfax and Loudoun Counties in Virginia. Only last week, the two counties told the Federal Aviation Agency they can't agree on what ought to be done. The FAA doesn't seem to know either. If it does, it's not saying. The same applies to the White House and the Congress.

And yet the long-range purity of the area's biggest water supply source, the Potomac River, may depend on the answer. Already more than a million people in the District, Maryland, and Virginia get their tap water from the Potomac. Many thousands more, mostly suburbanites, will be dipping into the river within the next 18 months.

The dilemma goes back 3 years, when the FAA first went to Congress for money to build the 9,800-acre airport. Nobody paid much attention then to a minor $750,000 item, for construction of a sewage treatment plant.

But their ears perked up in September 1958, when Fairfax County executive, C. C. Massey, reported the plant probably would discharge into an undistinguished stream known as Broad Run.

Broad Run would carry the effluent—300,000 gallons a day at the outset and 1 million gallons daily at peak operation—into the Potomac River 13 miles above the Army Engineers' water intake at Great Falls.

Nine hours later, it would be in the District's water supply lines.

(There was an alternative. The FAA could pump the treated sewage into Cub Run, which would take it into Occoquan Creek. But this was not calculated to bring joy to the 150,000 customers of the Alexandria Water Co. They get their tap water from the Occoquan.)

Massey's report caused a public uproar. Virtually every conservation group in Metropolitan Washington joined in blasting the FAA's plan. The protests grew so hot the Agency went back to Congress last year and asked for another $2.45 million.

With the $750,000 already appropriated, officials said, the money would finance a $3.2 million 18-mile sewer line from the airport to the District's interceptor sewer at Chain Bridge. From there the sewage would be pumped to Blue Plains for treatment and discharge into the Potomac below Washington.

When the House Appropriations Committee took up the request, Representative FRANK T. BOW, Republican, of Ohio, thundered: "Who has put the gun to our head on this one that we have to build this facility? I just want to find out whether this is another back door approach where * * * we are going to set up a sewerage system for the folks out in Virginia."

HOUSE STANDS FIRM

With Bow leading the opposition, the House struck out the item, which looked like an underestimate anyway. Although the Senate twice approved the $2.45 million, the House made the cut stick.

Area water drinkers let loose another outcry at this action, or lack of it, and it was heard by the White House. In September President Eisenhower ordered the FAA to hold up construction of the plant and come up with some other means of handling the situation.

It probably was the first time in the Nation's history that a President had personally intervened in the building of a sewage-treatment facility.

There is one simple, overriding reason why this seemingly local fuss reached so high. If the FAA builds the airport plant, it will make a mockery of the area's efforts to clean up the long-suffering Potomac.

During the last fiscal year, the river at Great Falls wasn't even safe for swimming. In fact, it just barely met U.S. Public Health Service standards for municipal raw-water supplies.

HARDLY A PRISTINE STREAM

It was the dirtiest Potomac in a decade. The daily water samples the Army engineers took at the water intakes showed twice the contamination recorded in 1958. The water was three times more polluted than in 1957.

All of this is based on coliform counts. Without getting sticky about it, a coliform is a grouping of bacteria. Some occur in the human digestive tract. Coliforms are found in great numbers at the outlets of sewage-treatment plants.

During fiscal 1959, the engineers recorded an average of 4,862 coliforms in every 100 milliliters of water entering the Washington Aqueduct supply lines. One hundred milliliters is about a cupful.

The Public Health Service recommends that swimmers stay out of water with a count of more than 3,000. The Service sets 5,000 coliforms as the top for water processed for drinking. On this basis, the Potomac was OK by 138 bugs.

It must be pointed out that by the time the water came out of your faucet it was purer than a Rocky Mountain stream. Coagulation, prechlorination, flocculation, sedimentation, filtration, and dechlorination took care of that.

The water, of course, didn't taste like a Rocky Mountain stream. But it was assuredly sanitary.

Obviously the Potomac didn't get as dirty as it was last year because people were wading in it. A look upstream proves enlightening.

WHERE IT COMES FROM

Between Great Falls and Harpers Ferry, 50 miles upriver, 5 towns send their sewage into the Potomac. They are: Gaithersburg, Md., (175,000 gallons a day); Herndon, Va. (125,000 gallons); Leesburg, Va. (150,000 gallons); Brunswick, Md. (20,000 gallons) and Frederick, Md. (3.5 million gallons).

All in all around 4 million gallons of sewage goes into the Potomac, which has an average daily flow of 7.5 billion gallons every 24 hours. Does it do any harm?

According to an Army Engineers' survey last summer, the Potomac's average coliform count just below Harpers Ferry was just under 1,700. By the time it reached Great Falls, it was almost three times as polluted.

With the exception of Brunswick, none of these sewage discharges goes directly into the Potomac. They are all carried a half-dozen miles or more to the river by tributaries. Evidently the journey doesn't help much.

Gaithersburg sewage, for example, goes into Muddy Branch. Herndon's goes into Sugarland Run. Last summer Muddy Run's pollution count as it moved into the Potomac was 12,750. Sugarland Run's was 13,500.

By contrast, Virginia's nearby Broad Run presently carries no plant effluent. Last summer its coliform count was about 6,000, less than half of streams carrying sewage.

The five towns which operate these plants are served entirely by wells and springs. None takes any water from the Potomac.

If the FAA follows its congressional directive and builds an airport sewage treatment plant on Broad Run, it will mean several firsts.

1. It will make the Federal Government the first to violate the 1957 antipollution agreement of the Washington Metropolitan Regional Conference. In this agreement, the area's top officials pledged they would not allow any more sewage to be dumped into the Potomac within 25 miles of Great Falls.

2. It will make the airport the first Federal installation in the area to flush its sewage into the upper Potomac. Both the Atomic Energy Commission, when it settled at Germantown, Md., and the Central Intelligence Agency, which chose a site at Langley, Va., made arrangements to ship their sewage to the District's treatment plant.

3. It will make the airport plant the first new Virginia disposal unit to discharge effluent into the Potomac above Great Falls in more than 20 years.

Loudoun and Fairfax Counties view the FAA's predicament with the air of two fraternity boys watching a pledge trying to crash a sorority party. If the FAA does it, they say, there's no reason why they can't.

Already Fairfax has plans for placing four sewage treatment plants east and south of the airport. One would discharge into Broad Run and another into Difficult Run, which enters the Potomac 6 miles above Washington's aqueduct's auxiliary water intakes at Little Falls.

Loudoun has an engineering report recommending six small treatment plants. Four would dump effluent into streams joining the Potomac above Great Falls.

Fairfax County Board Chairman Anne Wilkins and Loudoun Chairman J. Emory Kirkpatrick say approximately the same thing. They are under tremendous pressure to open the airport area to development. If the FAA builds a plant to serve Dulles International why not construct them for the people the airport will attract?

Broad Run, like most of the streams on which these plants would be located, is knee deep and 20 feet wide. But during the summer Broad Run sometimes does not run. It is dry—or would be, except for the expected sewage.

Virginia's infamous Pimmit Run affords an example of what happens when a stream is overloaded with treated sewage.

Pimmit Run carries more than a million gallons of effluent every day from two Fairfax County treatment plants. The creek foams with detergent, which normal sewage treatment does not remove, as it malodorously spills into the Potomac below Chain Bridge.

HARDLY BRANCH WATER

What the combined discharge from these planned plants would do to the Potomac as a drinking water source is perhaps subject to debate. But no one has suggested it will make the river taste any better.

The condition of the Potomac, by the way, is not just a District of Columbia problem.

Every drop of water consumed in Arlington County, Falls Church, and Rockville comes from the river above Great Falls.

If you live in northern Fairfax or southern Montgomery County, you may be getting your water from the same source within a year or two.

All in all more than a million area residents depend on the Potomac to make coffee, take baths, boil carrots, heat bottles, hose lawns, shave, scrub floors, wash socks, and soak teeth. There soon will be 250,000 more users.

The Washington Suburban Sanitary Commission is building a $28 million water filtration plant at Watts Branch, 3 miles above Great Falls. When it opens late this year, it will pump around 30 million gallons.

Most of it will go to the Bethesda, Chevy Chase, and Silver Spring sections, introducing around 200,000 Montgomery County residents to the Potomac. Now they are supplied from the Patuxent.

FALLS CHURCH PLANS SWITCH

In Virginia, Falls Church plans to quit buying its water from Arlington (which gets around 18 million gallons daily from the District) and start taking it directly from Dalecarlia Reservoir via the city's main under the Potomac.

The Fairfax County Water Authority plans to lay a $5 million, 35-mile pipeline to tap the Falls Church main. This will bring Potomac water to some 50,000 county residents who now depend chiefly on wells.

The authority's prize customer, under a franchise awarded in 1958, will be Dulles International Airport. By 1965 the airport is expected to have 7,000 employees and 4 million passengers a year.

If the FAA builds a sewage-treatment plant on Broad Run, these passengers and personnel will be in a unique and probably unwanted position: They will be the first people in the area to get their drinking water from the same place they send their sewage.

Late last year, 3 months after the President told the FAA not to proceed with the controversial disposal plant at Dulles International, the Agency called in the Loudoun and Fairfax County supervisors for a talk.

In effect, the Agency asked the officials to come up with a joint plan for sewering the airport area. The Bureau of the Budget included a broad hint that the plan might logically include how much the counties would be willing to contribute toward financing the system.

Last week the two Virginia counties reported they could not agree.

[From the Washington Post, Feb. 22, 1960]

FINDING SEDIMENT IN YOUR ICE CUBES? WAIT TILL CHANTILLY WASTE HITS RIVER

(By James R. Carberry)

The next time you mix a drink, let the ice cubes melt all the way down in the glass.

If you are using cubes made from Potomac River water, the chances are you will find a flaky, white sediment at the bottom. This is mostly lime. The more flakes there are, the dirtier the Potomac is likely to be.

The cubes carry lime because the filtration process at Washington aqueduct turns the water somewhat acid. This is largely because alum is added to the raw water to coagulate and settle out the mud, leaves, and other solids.

The chlorine that burns out the smaller impurities adds to the acidity. So the Army engineers add lime to the finished water to neutralize it. Otherwise the water would corrode everybody's plumbing.

The lime ordinarily is not noticeable in the water. But when it is frozen the particles collect in the center of the cubes. Then when the cubes melt, the lime comes out of suspension all at once. It is supposed to be harmless, incidentally.

RIVER GETTING DIRTIER

The flakes in the glass help point up what's happening to the Potomac upstream from Washington: It seems to be getting dirtier. If the Federal Government builds a sewage treatment plant at Dulles International Airport, the river will get dirtier still.

Congress has told the Federal Aviation Agency to construct a highly efficient treatment plant for the airport on a Potomac tributary.

According to Representative FRANK T. BOW, Republican, of Ohio, the most outspoken proponent of this arrangement, the plant could not possibly harm the Potomac.

In fact, says Bow, its effluent will be purer than the Potomac as it enters the District's water intakes at Great Falls.

This is true, not because treated sewage is clean, but because the river is polluted.

This logic has been used before, and right here.

In 1956, the town of Fairfax asked the Virginia State Water Control Board for permission to expand its overtaxed sewage plant on Accotink Creek just below Fairfax circle.

FORT BELVOIR PROTESTS

Fort Belvoir, with its water supply reservoir just a half-dozen miles downstream, vigorously protested. The fort's commanding general told the board the plant discharge might endanger the drinking water of 25,000 persons.

Fairfax officials replied that the plan would be among the most efficient in Virginia. They said it would take out 96 percent of the principal pollutants in raw sewage and actually would make the Accotink a cleaner stream.

Fort Belvoir relented before this argument and the $850,000 plant was dedicated in December 1958.

Three months later, the reservoir was so contaminated the Army quit using it altogether. The fort now buys its water from the Alexandria Water Co.

Despite this unencouraging precedent, the airport treatment plant, standing by itself, will not by any means ruin the Potomac. The trouble is, it will not stand by itself.

REAL TROUBLE FORECAST

Both Loudoun and Fairfax counties are ready to spot small, temporary treatment plants all around the Chantilly Airport if the FAA builds one. They would send treated sewage into Broad Run, Sugarland Run, and Difficult Run, all of which flow into the Potomac above the water intakes at Great Falls and Little Falls.

If this happens, with no firm, long-range arrangements for eliminating these plants, the Potomac will be in real trouble.

The FAA, which acknowledges this, late last year asked Loudoun and Fairfax Counties to get together on a plan for protecting the river.

As anyone familiar with the chaotic history of water and sewage problems in northern Virginia might have predicted, the counties reached an impasse. Here is why:

The supervisors agreed that what their counties need is a big interceptor sewer. As the name indicates, an interceptor sewer picks up the wastes from smaller lines, much as a river gathers in its tributaries, and carries them off to an unobtrusive disposal plant in some low-rent district.

COULDN'T AGREE ON ROUTE

The officials also agreed on the financing: An interest-free, 50-year Government loan to be repaid from fees collected from users of the sewer line.

What the counties could not agree on was the route the interceptor should take.

Fairfax proposed, and Loudoun concurred, that a sensible starting point would be in the Cub Run watershed just south of the airport. Among other things, this would rule out the need for treatment plants now planned for the area around Chantilly.

Cub Run, on which most of these plants would be located, feeds into Bull Run and then Occoquan Creek. The creek, which already shows distinct signs of contamination, is the sole source of supply for the Alexandria Water Co.

The interceptor would cut diagonally across the airport into the Broad Run watershed, where Loudoun County is expecting its heaviest residential and industrial growth.

After following the general northerly course of Broad Run toward the Potomac, the interceptor would turn eastward and run parallel to Virginia Route 7 toward Washington.

As it passed Sugarland Run, the interceptor could pick up the discharge from Herndon's sewage treatment plant. The line could also carry off the effluent from Vienna's treatment plant on Difficult Run.

If the two towns agreed, this arrangement would leave Leesburg the only town in northern Virginia flushing its sewage into the Potomac above Washington—and this would come in more than 15 miles above Great Falls.

MARYLAND FAR AHEAD

Maryland is far ahead of Virginia in this respect.

The Washington Suburban Sanitary Commission, the water-sewage agency for most of Montgomery and Prince Georges Counties, is extending its Rock Creek interceptor sewer to Gaithersburg this year.

The interceptor will absorb the sewage that now is being treated at Gaithersburg's badly overloaded plant on Muddy Branch.

During the summer canning season this plant turns out up to 500,000 gallons of sewage a day—treated, partly treated, and treated not at all. It moves into the Potomac 6 miles above Great Falls.

Three miles below the mouth of Muddy Branch, the WSSC is building its new $28 million water filtration plant. Rockville's $2.6 million waterplant is at Beall's Island, 2 miles farther downstream.

When the Gaithersburg plant closes down, Maryland will not have a single municipal sewage treatment plant using the upper Potomac all the way to Monocacy River.

COUNTIES SPLIT ON ROUTE

But in Virginia, the Fairfax-Loudoun togetherness ended at Difficult Run.

Loudoun wanted the interceptor to continue straight down to Potomac to Chain Bridge. There it would connect with the District's system, which would send the sewage downstream to the Blue Plains treatment plant.

Fairfax, however, wanted to route the interceptor south along Difficult Run. The sewer would run past Vienna, down the Accotink, past Springfield to a treatment plant to be built on Pohick Creek. The treated sewage would be piped into the Potomac at Gunston Cove.

The Fairfax consultants said their 38-mile sewer would cost around $25 million.

Loudoun's engineers did not release an estimate on the Chain Bridge route.

On the deadlock, Loudoun County Board Chairman J. Emory Kirkpatrick had this to say: "We don't think the Federal Government is going to lend any money to build a sewer running clear through Fairfax County.

"The important thing is to keep the sewage from going into the Potomac. The best way to do that is to lay a permanent interceptor sewer along the river toward Leesburg."

Anne Wilkins, chairman of the Fairfax County Board, has long argued for a north-south interceptor serving the central part of the county. A trunkline along the Potomac would be highly desirable, she says, but it would not pay for itself.

The Fairfax argument is that if service charges are to repay a loan the sewer has to have customers. Those customers, Mrs. Wilkins says, are not in the high-priced hills along the river; they are in the compact, populous subdivisions around Vienna, Fairfax, and Springfield.

The problem of money, however, enters the controversy in at least two other ways:

First, an interceptor sewer running from the airport to Chain Bridge would be primarily a gravity flow system. This means the line is laid at a slight downgrade, so that the sewage moves along of its own accord.

PUMPING STATIONS NEEDED

But if the line ran up Difficult Run and south through Fairfax County, sizable sec-

tions would consist of force mains. In other words, the sewage would have to be pumped up grades.

A force main system is more expensive to build and service than a gravity-flow system. It breaks down more frequently. But most important, a gravity-flow system lasts almost indefinitely.

The Army Engineers built a 9-foot conduit before the Civil War to bring water from Great Falls to Washington's Dalecarlia Reservoir. It relied entirely on gravity. It is still in use.

Second, if the Fairfax route is followed, it probably would cost at least $500,000 to build a sewage treatment plant at Gunston Cove. According to specifications for the proposed Dulles International Airport plant, it might cost another $1 million to equip the plant to process as much as a million gallons daily.

Assuming the plant processes 300,000 gallons daily when it opens, its initial operating costs would be almost $300 per million gallons treated. Processing a million gallons a day, the plant's cost would drop to $100 per million.

The unit cost of sewage treatment decreases enormously as the amount of sewage treatment increases. The District's Blue Plains plant, for example, treats around 180 million gallons daily. The price it charges its neighbors for this two-stage treatment averages around $25 per million gallons, plus a pro rata share of capital improvements.

TREATS SUBURBAN SEWAGE

Under this arrangement the District treats some 18 million gallons daily sent down from the Maryland suburbs. The Fairfax-Loudoun sewage, if piped under Chain Bridge to the District's system, would be treated the same way.

Under the District's plan C, an "express" sanitary sewer costing around $50 million is to be laid along the Potomac from Blue Plains to Chain Bridge. According to Chief Sanitary Engineer David A. Auld, the interceptor will be big enough to take on any foreseeable additional wastes from northern Virginia.

Apparently Loudoun and Fairfax Counties never got to the talking stage about how much each would contribute to retiring the loan and other essential questions.

As a result, the aviation agency is not much closer to resolving the Chantilly crisis than it was before it asked their advice. It is still up to the FAA, the White House, and the Congress to decide what to do.

The Government's responsibility to take the lead seems clear, and if for no other reason than this: If the airport had been located at Burke, Va., as at one time the Government had every reason to do, there never would have been a threat to the Potomac.

PRESIDENTIAL VETO OF ANTIPOLLUTION BILL IS SERIOUS SETBACK FOR ALL AMERICA

Mr. RANDOLPH. Mr. President, I wish to express my genuine appreciation to the dedicated senior Senator from South Carolina [Mr. JOHNSTON] for allowing me to speak briefly. I know that he had intended to address his colleagues at this time. It is appropriate that the continuity of the discussion on the President's veto has brought comment from the able chairman of the Public Works Committee and the very forthright Senator from Alaska into focus. As a member of the Public Works Committee, having felt that I wished to speak upon this subject, I am very happy that the arrangement with the senior Senator from South Carolina has been granted to our esteemed colleagues from New Mexico and Alaska and me.

Mr. President, for the Tuesday afternoon, February 23, 1960, editions of the Washington (D.C.) Evening Star, Staff Writer Garnett D. Horner wrote in an article published on the front page:

President Eisenhower informed Congress today that he has vetoed a $900 million water pollution control bill because it will "provide excuses for inaction" by State and local authorities.

The veto was a blow to Potomac River communities. The District had hoped to speed its program of separating storm and sewage lines with the additional grants. Many Maryland, Virginia, and West Virginia communities, which do not have enough money to build sewage treatment plants, had been counting on Federal funds to construct such facilities.

Mr. President, the action of the Chief Executive in vetoing H.R. 3610 was a disappointment not only to communities adjacent to the Potomac River, but, indeed, was a lethal blow to all America.

When the veto became known to me, I felt it appropriate to issue a statement for publication in my own State of West Virginia. In that statement I said, with words which had been weighed prior to their delivery:

West Virginia's public health, conservation development, and industrial expansion were given a serious setback by President Eisenhower's veto of the bill passed by Congress to amend the Federal Water Pollution Control Act. As a member of the Senate Committee on Public Works which acted favorably upon this measure, I declare that an effort must be made in the Congress to override the President's veto.

The program set aside by the President in withholding his approval of the bill is essential not only to West Virginia, but also to the entire Nation. There must be strengthened Federal assistance to local communities to construct sewage treatment plants and to purify the streams.

The bill vetoed by the President is a modest one when compared with U.S. Public Health Service estimates that we should be spending nearly $600 million annually to aid municipal waste-treatment facility construction and provide for replacement of obsolete existing plans.

COMMUNITIES NEED ADEQUATE HELP

Few municipalities in West Virginia are in a financial position to solve the waste disposal problems of their communities without adequate Federal assistance.

Mr. RANDOLPH. Mr. President, those remarks directed to West Virginians are, of course, equally applicable and might appropriately be directed to citizens in all 50 States of the Union.

The present program for desperately needed sewage pollution control works in fiscal year 1961 is predicated upon availability of $50 million, but the administration's budget would allow only $20 million, whereas the more realistic and much more necessary program embraced by the bill vetoed by Mr. Eisenhower would have provided $90 million.

For the State I represent, West Virginia, the President would allow only $347,070 for fiscal year 1961, whereas extention of the present program would have allowed $867,675, and the bill vetoed by Mr. Eisenhower would have made $1,561,815 available. I say to my colleagues with certain knowledge: West Virginia communities can make practically no antipollution progress with only $347,070 of Federal aid which the President would fix as their portion. The $1,561,815 of annual funds which the vetoed bill would have provided, when matched by equal locally provided shares, would still fall far short of the progress and the projected expenditures for necessary antipollution projects which the administration's Public Health Service has announced to be vital to the public's health.

At this point in my remarks, Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Down the Drain," which was published today, February 24, 1960, in the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

[From the Washington Post, Feb. 24, 1960]

DOWN THE DRAIN

President Eisenhower's veto of the Blatnik water pollution control bill is a lamentable example of small economy size thinking about a formidable national problem. The bill before the President would have expanded existing Federal assistance programs from $50 to $90 million annually—a modest increase which local authorities feel is the absolute minimum needed to combat effectively the peril of polluted waters, poisoned streams and sewage-choked rivers. But Mr. Eisenhower turned the measure down with these listless words: "By holding forth the promise of a large-scale program of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds."

The President has been badly misinformed. Since the Federal Government has begun to provide incentive grants, the construction of local facilities has gone up from 60 to 75 percent over the previous 5-year average prior to the time grants were available. Furthermore, the President's own Federal Pollution Control Advisory Board has concluded: "There has been no slowdown in the rate of construction of treatment works financed entirely by non-Federal funds." The great virtue of the Federal program has been that it has stimulated exactly the kind of local initiative Mr. Eisenhower admires.

An effort may be made to override the President's veto, and certainly proponents of the program can muster an impressive rebuttal to every point in the veto message. Perhaps a sufficient outcry on the Hill can yet persuade the President to do more than call another conference and wave a budget-book at the sewage around us.

Mr. RANDOLPH. Mr. President, I recall, as I am sure the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Alaska [Mr. GRUENING] also recall, the testimony in 1959 of an administration official in reference to this legislation. That testimony came from Elliot L. Richardson, Assistant Secretary of Health, Education, and Welfare. I ask Senators to listen to these words of Mr. Richardson:

The critical urgency of the problem is evident in recent water-use figures. During the period 1950 to 1957, while our population increased 12½ percent, the total fresh water used increased 57 percent. Where we now use 270 billion gallons of water per day, by 1980 we will need 600 billion gallons per day—more than double our present requirements. For the major part of these burgeoning needs we must depend on surface

streams to produce the food we eat, the clothing we wear, the things we use.

We must keep in mind also the irreplaceable value of clean waters for recreation and the conservation of our great aquatic and wildlife resources. Recreation is vitally important to the public health and welfare.

Mr. President, I cannot concur with Mr. Eisenhower's veto message comment that "pollution is a uniquely local blight." To the contrary, pollution, as it occurs in America today, is an accumulation of local blights. And the very few communities which would have the fiscal capacities to do something substantial about their local problems under the inadequate program proposed by the White House would not make any major contributions to stream purification. As any moderately informed person knows, impurities left in our creeks and rivers are blights which endanger the public health, inhibit wildlife propagation, and conservation, and mitigate against industrial expansion by many potential producers who require adequate supplies of water free of various kinds of pollution content.

LOCALITIES PAYING THREE-FOURTHS

I agree with the Chief Executive that "primary responsibility for solving the problem lies with State and local governments," and I submit that the evidence is clear that the States and localities are assuming their responsibilities to the extent of financing almost 75 cents out of every $1 expended on stream waste control projects. In no event can the Federal Government finance more than one-third of the costs under existing law and the same would have applied under the statute which the President vetoed.

Thus, local government would assume primary responsibility roles, as they have done in the past, if the Federal Government properly shares in efforts to solve a problem which is one that demands greater partnership participation by more local communities with the Federal Government through an adequately financed national program.

President Eisenhower has been badly misinformed, and I hope there will be a sufficient outcry, as the Washington Post editorial so appropriately noted, that "the Hill can yet persuade the President to do more than call another conference and wave a budget book at the sewage around us." The best persuader would be action by Congress which would override the Presidential veto of H.R. 3610.

Now, while referring to the Washington Post and while speaking on the general subject of water pollution, I ask unanimous consent to have printed in the RECORD at this point an article by Edward Gamarekian, staff reporter for the Post, under the front page headline of today's issue, "Cut Advised in Limit of Radiation."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUT ADVISED IN LIMIT OF RADIATION—RECOMMENDATION PUTS MANY FOODS NEAR DANGER LEVEL

(By Edward Gamarekian)

A special radiation study committee has advised lowering the permissible limits of radioactivity in food and water to a concentration well below that already present in a number of foods. This radioactivity is coming from nuclear weapon tests and wastes from atomic reactors.

The move is likely to have widespread repercussions because the concentrations of strontium 90 in some foods are already above the present permissible limit and causing considerable concern.

The recommendation could make the permissible limit for strontium 90 as low as one-sixth its former value. A food which now contained an allowable amount of strontium 90 would have six times the limit if the recommendation is adopted by the Federal Government.

QUASI-OFFICIAL STUDY

A few studies have shown there are practical ways to decrease the strontium 90 in some foods and, in addition, decrease the amount of strontium 90 retained by the body. The extent to which such measures would reduce the contamination caused by nuclear weapons tests and atomic reactors has not been fully studied, however.

The recommendation to reduce the permissible limits of radioactivity in food and water came from an ad hoc committee set up by the National Committee on Radiation Protection in November 1958. The NCRP is a quasi-official group of scientists and engineers from Government agencies, universities, the armed services, and private industry which have been recommending radiation limits since the days of the first X-ray machines.

The authority to set permissible limits was transferred from the individual agencies to the President of the United States by an act of Congress last summer. The responsibility for advising the President was vested in a Federal Radiation Council that was made up of various agency and department heads. The responsibility for working up the data on which the Council would base its advice was placed, in turn, in the Department of Health, Education, and Welfare. HEW Secretary Arthur S. Flemming is the current chairman of the Council.

The recommendation just announced by the committee and published in this week's issue of the magazine Science is only the first step.

The key sentence in the ad hoc committee's statement which signaled the downward revision of the permissible limits for all radioactive substances was the following:

The committee "believes that the maximum permissible dose of manmade radiation (excluding medical and dental sources) should not be substantially higher than the background level of natural radiation without a careful examination of the reasons for higher values. For this purpose, it may be convenient to take the background level arbitrarily to the 100 millirem per year."

This was a radical departure because the NCRP had formerly based its limit for strontium 90 on bone analysis of the radium dial painters. Strontium, like radium, settles in the bones where large concentrations can produce bone cancer and leukemia. NCRP raised the strontium limits for the bone last year to a level which could give the bone about 600 millirem per year, or six times the background level specified. The permissible limit for atomic workers was 10 times as high or 60 times this background level.

There is a growing feeling among scientists that the average person (excluding atomic workers for special reasons) should not get very much more radiation than he is now getting from sources of radioactivity that are normally present in nature.

By reducing the permissible limit of radiation from such things as fallout and atomic wastes to the level one gets from background sources, the individual will get a total dose of 3 times the background. This total will be made up of the background; plus the radiation from fallout, wastes, TV, watch dials, and so forth, (equal to one background); plus the radiation from medical and dental X-rays (also equal to one background, approximately).

Mr. RANDOLPH. Mr. President, we are well aware of the policy of the present administration to place budget-balancing above public health protection, above wildlife conservation, and above water purification for both human consumption and industrial usage. The President's veto of H.R. 3610 is pertinent evidence.

We have been informed, through the timely publication by the Washington Post of Mr. Gamarekian's excellent article, that there is concern about the amount of radioactivity finding its way into the food we eat and the water we drink. He mentions the main sources of this radioactivity as being nuclear weapon tests and wastes from atomic reactors.

FEDERAL ATOMIC PROGRAM POLLUTES

The President, in his veto message, indicates that local communities must bear the major burden of our stream antipollution program. He makes light of Federal responsibility in this field. Presently, I shall come to another specific reason why I believe Mr. Eisenhower is ill-advised in his concept of the problem and in his veto of the best approach to solution of the problem.

There is an aroused public opinion in many sections of the State I represent, as I am sure there is in other States represented by my esteemed colleagues. Among the most concerned of my constituents are those whose homes and industries draw their water supplies from the Ohio River.

Near its headwaters, at Shippingport, Pa., there is a federally subsidized experimental atomic powerplant which comes under the scrutiny of the Atomic Energy Commission. In the latter commission's recent report to Congress it revealed that radioactive wastes are being dumped in the Ohio River. Here, then, is a problem induced by the Federal atomic energy program, but the President of the United States chooses to call all pollution problems "uniquely local blight" conditions.

Mr. President, supplementing these remarks, I ask unanimous consent to have printed in the RECORD at this point extracts from four articles published in the Wheeling, W. Va., News-Register on 4 consecutive days, January 31 through February 3, 1960, concerning the Ohio River atomic waste pollution problem about which I shall have more to say on a subsequent date and in connection with which I hope the Atomic Energy Commission and the U.S. Public Health Service will assume proper responsibility and appropriate action to safeguard both human health and vital industry in the great Ohio Valley.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Wheeling (W. Va.) News-Register, Jan. 31, 1960]

ATOMIC WASTE DUMPED INTO OHIO RIVER—AEC REVEALS POLLUTION ABOVE CITY

Radioactive wastes are being dumped in the Ohio River some 44 miles north of

Wheeling, it was revealed to Congress yesterday in the Atomic Energy Commission's annual report.

They are the result of operations at an atomic powerplant operated by the Duquesne Light Co. at Shippingsport, Pa., about 8 miles upstream from Chester in Hancock County, it was pointed out.

What the effect this atomic waste will have on the fish, on the plants and on the people who drink the water is still undetermined, Congress was told by the Atomic Energy Commission. Also, the question of whether the water will be damaged so it cannot advantageously be used by industry has not been learned.

Seeking an answer to these questions are the Graduate School of Public Health and the Department of Biological Sciences at the University of Pittsburgh.

Their study has been going on for more than 2 years at stations along the Ohio River.

The public at large, however, was not informed of the dumping of atomic wastes into the stream until Saturday.

The most poisonous wastes from uranium processing plants have been a constant source of worry, embarrassment, and expense to the Government since the first experiments in atomic bombs.

In some cases, these atomic wastes are sealed up in barrels, and taken out into the middle of the ocean and dropped. In other cases, they are deeply buried in waste spots far from civilization. It has been proposed that they be melted with proper alloying materials into a sort of glass and that this be deposited in exhausted salt mines or other isolated spots.

It is presumed that the wastes being dumped into the river do not have the same lethal, deadly force as the fallout from atomic bomb explosions, and particularly the deadly strontium isotope which has caused so much discussion and fear in recent years.

Medical experts have found that certain atom bomb ray materials have a cumulative effect. The element strontium, for instance, which often results from atom bomb testing, seems to settle in a person's bones. It has been found recently that when milk containing strontium fallout is filtered through bones, the milk becomes harmless again, as the bone captures the deadly material.

Evidence that the atomic waste in the Ohio River has not reached a dangerous figure, according to the Atomic Energy Commission, is found in its report. Studies so far "indicate that there has been no constant elevation rise in radioactivity concentrations in the Ohio River," it says.

Tests, said the report, already show that the amount of radioactivity in this waste is well within Commission values for maximum permissible concentrations.

But the Atomic Energy Commission is evidently not sure, for it says, "However, information still is needed on what the long-range effects these discharges will have."

[From the Wheeling (W. Va.) News-Register, Feb. 1, 1960]

CONTAMINATION POSSIBILITIES UNANSWERED—WEST VIRGINIA OFFICIAL SKIRTS ATOMIC POLLUTION ISSUE

(By Monroe Worthington)

Will the atom-poisoned ingredients in the polluted water from the Shippingport, Pa., power reactor settle in a person's body, and ultimately tend to cause cancer or to alter the form and capabilities of future children?

This was the question put to Bern Wright, secretary to the State water resources commission, today at his office in Charleston. It followed the disclosure in Sunday's New-Register that atomic wastes are being dumped into the Ohio River a mere 44 miles above Wheeling.

"I'm not competent to comment," answered the official, whose agency is entrusted with maintaining the health and value of the water flowing in the streams of the State. This is the same agency which has been compelling various West Virginia cities to spend millions of dollars on sewage disposal systems, so raw sewage would not be dumped into the streams.

"Before the Duquesne Light Co. plant was placed in operation," he said, "there was a meeting attended by representatives of several States. I attended for West Virginia. The Public Health Service was present. Our understanding was that the pollution which the company is permitted to discharge into the river is well under the danger point," the West Virginia official said.

Other questions which were put to the State water resources commission, and which were unanswered, were:

How long does the contamination continue? An hour, a day, a year?

Does the atomic waste irradiate the calcium, iron, and sodium in water, these elements being ones which are absorbed into the blood, bone, and muscles of the body?

What are the permissible figures for radiation from the powerplant wastes, in terms of curies per cubic centimeter, or roentgens? (The latter is the index of X-ray radiation; more than a certain figure is highly dangerous).

What percentage of the permissible poisoning of the river is actually being poured into the stream?

How is this poisoning of the river essentially different from the poisoning of cranberries, which was supposed to have the power to cause cancer, after a certain amount had been consumed?

The State water resources commission had no answer, but felt that the Pennsylvania State authorities would. The commission was reminded that no large Pennsylvania cities draw their water from the Ohio River at a point below the power reactor, and that its construction and operation meant large contributions to Pennsylvania's prosperity.

The answers to some of these problems are buried in a 250-page report, which the State water resources commission had in its files. They promised to send photoprints of some of the more important pages to the News Register for the benefit of worried users of the local water supply.

Wellsburg is one city which is not at all worried by the radioactive waste scare. Its residents have long drawn their water from wells, and thus do not have to drink treated sewage nor atomic-waste contamination.

Secretary Wright did report that the most dangerous of the atom power wastes were being encased in concrete and buried deeply, where they would presumably not contaminate the Ohio stream. His feeling was that pollution of the Ohio River was caused by use of the water for cooling the steam condensers. The alpha, beta, and gamma rays from uranium, and from power reactors, penetrate right through thickest metals, although lead is a fairly efficient barrier. This is the one used in an X-ray room, to prevent the X-rays from affecting people in other parts of a hospital.

The apparent attitude of public officials to the problem is that only a little poison gets into the Ohio River, and that it is not likely to kill anyone.

Whether this attitude is justified, or whether Ohio Valley residents will ultimately find they have suffered worse effects than the survivors at Hiroshimo, is a question which the years will settle.

[From the Wheeling (W. Va.) News-Register, Feb. 2, 1960]

YORKVILLE PROTESTS POLLUTION

Yorkville village council last night protested the dumping of atomic waste into the Ohio River on grounds that it is a health menace and that it violates pollution control laws.

The action—first of its kind taken by an Ohio Valley municipality—follows Sunday's News-Register report that the Duquesne Power Co. has dumped this type waste into the Ohio River some 40 miles north of Wheeling.

Councilmen stated they oppose the Duquesne firm's action and any dumping of wastes into the river.

Acting Mayor Lawrence Corvi said Yorkville, as well as other riverfront communities, had been ordered to construct sewage disposal plants to clean up the river so he wonders why atomic wastes should be dumped into the river.

Yorkville was one of the first communities in east Ohio to erect a $500,000 sewage disposal plant that went into operation almost 2 years ago.

[From the Wheeling (W. Va.) News-Register, Feb. 3, 1960]

TRI-STATE INQUIRY SPARKED—RANDOLPH, MOORE TACKLE POLLUTION

Both Senator JENNINGS RANDOLPH and Congressman ARCH A. MOORE, JR., indicated they are concerned about the discharge of atomic wastes into the Ohio River, 44 miles above Wheeling.

Congressman MOORE, immediately upon his return to Washington, D.C., this morning from a West Virginia speaking engagement, contacted various Federal agencies to seek to bring the discharge to an abrupt halt. He told the News-Register that "this concerns me as much as anything since I have been in office."

Senator RANDOLPH has pledged that he will seek the cooperation of his colleagues from this State, from Ohio, Pennsylvania, and other States bordering the river, to bring about an inquiry into the discharge, and an effort to bring about an improvement of the situation.

Meanwhile, Wheeling City Council last night joined Yorkville council in formally protesting the dumping of the atomic wastes into the river by the Duquesne Light Co. at Shippingport, Pa., about 8 miles from Chester, W. Va.

An aroused Wheeling City Council—pointing to the millions of dollars municipalities are spending to clean up the Ohio River—last night demanded to know what steps are being taken to prevent industrial pollution of the stream, particularly from radioactive waste.

Spurred by Councilman James Rogers council adopted a resolution of protest against industrial waste being dumped into the river to be passed along to the State water commission.

City Engineer Walter Nickerson was asked to present council with a summary of what the Ohio River Valley Sanitation Commission has reported on the situation during the past 6 years.

Rogers referred to News-Register stories telling of radioactive waste being dumped into the river by the Duquesne Light Co. and asked if the city was receiving reports on the atomic content of the river.

City Manager James C. Boyd said the ORSWC has monitor stations on the river above and below the plant and he had received reports that "the situation is not dangerous at all."

Rogers later pointed out that the monitoring stations could not stop waste but could only serve as a warning system and asked the manager if it were not possible the city might have to stop pumping water from the river for as much as a day if a dangerous situation arose. Boyd nodded.

More councilmen expressed indignation and asked questions about the pollution situation.

Charles Schenerlein, a boating enthusiast, referred to newspaper stories last summer that showed how industrial wastes played havoc with craft in the river.

He pointed in particular to grease that accumulated on pleasure boats and "popcorn" waste that clogged intake pipes, causing considerable damage.

He said the waste had been traced to an industrial plant. "Why can't we tell them?" he asked, referring to the fact the city has been told to keep its pollution out of the river and a huge sewage system is being constructed to comply with that order from the State water commission.

"Do we have to go through another one of these grease stages next summer?" Schenerlein asked.

Rogers said, "We want a report on what industry is going to do."

Councilman Harry J. Dailer said he was among council representatives who attended a regional meeting of the ORSWC at Pittsburgh 3 years ago.

At that time, he said, a report was promised within 1 year on regulations that would be set up to govern pollution from industrial plants.

He said as far as he knew no such report had been seen here after 3 years.

Councilman Frank O'Brien, Jr., inquired several times if council could act directly about industrial pollution instead of waiting for the State water commission to take steps. It was decided to go to the commission with the protest resolution and in the meantime, while the resolution is being prepared, the city engineer is to compile a statistical picture for council to look at next Tuesday.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. GOLDWATER. In his veto message in relation to the subject just discussed by the distinguished Senator from West Virginia, relative to the responsibility of the Federal Government where Federal plants are dumping waste into a river, I believe, if I understand the language in the message correctly, the President recognizes that point too. I read from the message as follows:

Second. Where the issue is of an interstate nature and the problem is beyond the powers of a single State, or where it is otherwise appropriate to assist State enforcement actions, the Federal Government should have authority to move more quickly and effectively in directing the application of control measures that will swiftly correct such intolerable pollution.

Does that language not imply that the President recognizes the fact that where the Federal Government has an impact, not only in this area, but in any other area, the Federal Government has a responsibility? I believe the President recognizes that responsibility.

Mr. RANDOLPH. Yes. I would not want to misrepresent the statement by the President in reference to the special category to which the Senator from Arizona has directed our attention.

I ask the Senator, in response to his inquiry: Is there any place where the Government sets forth a formula or a plan for the Federal Government in connection with cost in the antipollution program?

Mr. GOLDWATER. Not in this message, I must say; but in reading the next sentence of the same paragraph, we find the following:

In accordance with the 1961 budget message, recommendations will be submitted to the Congress for strengthening the enforcement provisions of the Federal Water Pollution Control Act.

I imagine that would be the only answer I could give, because it is the only language I find in the veto message which seems to indicate that the President will make recommendations for strengthening that particular section.

Mr. RANDOLPH. I say again that the Senator from Arizona is always eminently fair. I realize that he presents here an important point. I am conversant with those facts of the veto message, but I believe they constitute an inadequate answer to the problem I am presenting, from the standpoint of the dumping of radioactive wastes into the Ohio River.

The President, in his veto message, stated that he felt pollution control was one of importance, and that he was calling for or anticipating a conference to be held in December 1960, to think about, to survey, and to discuss these problems. I believe, very frankly, that the Chief Executive is postponing consideration of matters which are of very current concern to the Senator from West Virginia and to his constituency.

Mr. GOLDWATER. I cannot quite agree that the President does not recognize the responsibilities of the Federal Government, where Federal impaction occurs. I do not believe any Member of the Senate is more violently opposed to Federal aid than is the junior Senator from Arizona. But I have long recognized that where the Federal Government is responsible for an undesirable situation, the Federal Government has a responsibility to correct it. I believe the Senator from West Virginia will find that the administration holds that view. I can attest to it by the administration's continued support of public laws which grant assistance to school districts where Federal plants have impacted those districts; and which grant assistance to Indians who attend the white man's schools, and the white man's schools are paid by the Federal Government for such attendance.

I must say that I believe the President is fully aware of the responsibility of the Federal Government in this case.

If the Senator will permit me to transgress further upon his time, I concur in the President's fourth step, in which he says:

The Federal Government, through research and technical assistance, can be of material help in contributing to our knowledge of water pollution—its causes, its extent, its impact and methods for its control. Increased Federal effort in this respect is also provided in the 1961 budget.

I believe there is an area where the Federal Government can properly operate, and I believe that to do so would be of great benefit to local communities. I speak with no great knowledge of this subject, but with a knowledge gained from having served on a city council in a city which was faced with the problem of raising some $70 million to provide additional sewage facilities.

I cannot help agreeing with the President. I believe that is the main reason for his vetoing the bill. I do not believe the veto related to the amount of money to be provided, although that might have entered into the veto to some extent. Near the beginning of his veto message, the President says:

Because water pollution is a uniquely local blight, primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised, as it has been, by State and local governments.

I believe, if I might suggest this to the Senator from West Virginia, that that is the nut of the reason for the veto—not dollars and cents, but the idea that if the amount to be provided for such assistance were $90 million this year, it might be $200 million next year, and eventually the local governments would be entirely relieved of any responsibility for the disposal of sewage. I do not believe that that should come to pass.

I think there is too strong a tendency on the part of the Federal Government to relieve the local communities of responsibilities which are purely local in nature. The Senator from West Virginia might say that the local governments cannot afford such a program. I realize that raising taxes at the local level, after the Federal Government has taken its terrific bite, is very difficult. My answer to that would be to have the Federal Government take a smaller bite and let the local government take a bigger one. I am convinced that the greater part of the taxes raised at the local level in West Virginia communities, in Alaska communities, in South Carolina communities, or in Arizona communities will be spent locally than if the money comes from Washington. There is a very high Federal brokerage fee imposed to enable such funds to get back to the States. Any Federal aid money which the States receive has a large bite taken out of it, all the way from 20 percent to 50 percent.

I again suggest to the Senator from West Virginia that I believe the fear of the President is that such a program will become a purely Federal responsibility, and that the communities will say, "That is fine. We do not have to worry about it any more. We will let the Federal Government take care of it."

I have a very serious question as to the constitutionality of the Federal Government injecting itself into this matter or into any other Federal aid programs.

I shall not labor the point; I simply wanted to point out what I believe was the President's thinking in this instance.

Mr. RANDOLPH. Mr. President, again I say that a colloquy with the Senator from Arizona is always very pleasant.

I am so grateful for the consideration which has been shown me by the distinguished Senator from South Caro-

lina that I shall not continue to labor the matter which has been very properly brought to the Senate floor by the distinguished Senator from Arizona, even though I disagree with his comment in several particulars.

Mr. GOLDWATER. I thank the Senator from West Virginia. I apologize to the Senator from South Carolina for having impinged on his time. But I felt that this matter was of sufficient importance to bring it up now.

ACADEMY OF SCIENCE CONCERNED

Mr. RANDOLPH. Mr. President, in amplification and supplementation of the accounts of the Ohio River atomic waste pollution problem as set forth in the articles published in the Wheeling News-Register, I received a letter, dated February 10, 1960, from Prof. M. H. Berry, of West Liberty College, West Liberty, W. Va., who wrote in his capacity as chairman of the Conservation Committee of the West Virginia Academy of Science.

Professor Berry remarked that his committee is aware that "the amount of radioactive waste dumped into the waterway is below immediate lethal thresholds," but he states that there is concern "because we know that radioactive materials are detrimental to human health and can be classed as poisonous."

The communication from the distinguished chairman of the Conservation Committee of the West Virginia Academy of Science is an important element of the discussion. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WEST LIBERTY STATE COLLEGE,
West Liberty, W. Va., February 10, 1960.

The Honorable JENNINGS RANDOLPH,
Senator from West Virginia,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: The recent press release by the AEC stating that the atomic energy electric plant of the Duquesne Light Co. at Shippingport, Pa., is, and has been, dumping radioactive waste into the Ohio River. This has caused considerable concern to the conservation committee of the West Virginia Academy of Science.

While we are certain that the amount of radioactive waste dumped into the waterway is below immediate lethal thresholds, we are concerned because we know that radioactive materials are detrimental to human health and can be classed as poisons. No one knows the lethal threshold of low-level exposure to radioactive substances, but we do know that these poisons are cumulative. A glass of drinking water taken into the body today containing radioactive poison will contribute to the amount added to the body yesterday. How long it will take for the body to accumulate enough of the poison to cause tissue damage, we do not know, but it is a risk we do not have to take, and we feel that the people who live along the Ohio River should not be required to take this risk.

We know that certain radioactive substances do cause bone deterioration, bone cancer, and leukemia. The latter is the result of a malignant condition of the bone marrow. Too, we know that exposure to radioactivity promotes a rise in the mutation rate among animals. Since humans are animals there is no reason to assume that humans are immune. It can be assumed that exposure to radioactivity can bring about abnormalities in human offspring.

We do know that exposure to radioactivity can cause horrible deaths to humans. As one member of the committee put it, "We have rushed into the atomic age with complete abandon, without serious regard to the consequences." I am heartily in agreement with this statement. The atomic age is a wonderful development of our civilization, but we should use caution in dealing with it. There are so many things we do not know about the dangers involved, and it is frightening to realize that we who live along the Ohio River are taking radioactive poisons in our drinking water. We have laws to protect us from poisons in our food. It seems to this committee that we should have some protection from poisons in our drinking water. In view of this serious situation, we beseech you and our other Representative to Congress from the State of West Virginia to introduce a resolution condemning the practice of dumping radioactive poisons into the Ohio River by the Duquesne Light Co.

We are taking this matter up with the eight-State commission appointed to study means of control of pollution in the Ohio River. If that body feels that legislation is necessary, that request will be forthcoming.

Respectfully yours,

M. H. BERRY,
Conservation Committee, West Virginia Academy of Science.

SENATOR SCOTT REAFFIRMS HIS STAND ON CIVIL RIGHTS

Mr. SCOTT. Mr. President, as the Senate begins its deliberations on civil rights legislation, I would like to make very clear my own position on this very vital subject.

I believe that there is not adequate Federal legislation now to assure all people of their civil rights and civil liberties.

The Eisenhower administration has proposed the following measures, of which I am in strong support:

First. Obstruction of court orders on desegregation: Makes it Federal crime to use force or threat to interfere with court orders in school desegregation cases.

Second. Antibombing: Makes it a Federal crime to flee from one State to another to avoid prosecution for bombing schools or churches.

Third. Preservation of election and voting records: Enlarges powers of the Attorney General to inspect election and voting records by requiring their preservation for 3 years, and penalties for destruction.

Fourth. Financial assistance to school districts attempting to carry out desegregation orders: Makes grants to local educational agencies where professional services are required by desegregation cases.

Fifth. Free public education for children of military personnel: Authorizes Commissioner of Education to provide free schooling for children of military personnel residing on Federal property where local education agency unable to provide.

Sixth. Equal job opportunity under Government contracts: Gives Civil Rights Commission statutory authority to implement U.S. policy to eliminate discrimination in Government contracting and subcontracting.

Seventh. Voting referees: Implements Attorney General's plan authorizing Federal courts to appoint voting referees to secure evidence and render findings in both Federal and State elections where persons are deprived of opportunity to register and vote.

I believe we should go even further than those seven provisions. I am a cosponsor of an additional bill which would restore part III, which was stricken from the Civil Rights Act of 1957. It would give the Attorney General authority to initiate a civil injunction to prevent interference with civil rights if an affected individual files a sworn complaint.

I intend to fight for each of those proposals. Other good bills have been proposed. They might come to a vote instead of the bills I have mentioned. My constituents can be sure that I will judge each bill on its merits and will do everything in my power to help enact sound civil rights legislation without regard to the person or party which is sponsoring the particular measure.

All good citizens should help us by writing or wiring their Senators and Representatives, urging them to vote for sound, constructive, and progressive civil rights legislation.

THE THREAT OF FOREIGN IMPORTS AGAINST U.S. INDUSTRIES, LABOR, AND GENERAL WELFARE

Mr. JOHNSTON of South Carolina. Mr. President, ever since I have been in the Senate of the United States, I have opposed foreign aid on two major bases. One is that we cannot afford to give away these billions of dollars when we are faced with such a tremendous national debt and continuing unbalanced budgets.

Mr. President, it is to be noted that the amounts of money we have given to foreign countries total almost the same as the amount of the United States deficit—which means that we have had to borrow and to go into debt in order to give those funds to other nations. Second, I have opposed this foreign aid because I can foresee that it will build up foreign industry and agriculture programs which in future years will come back to compete unfairly against American industry and American agriculture, and will result in the loss of American jobs and will diminish the strength of American industrial power.

Those are the two reasons why I have been against foreign aid.

Mr. President, that day has arrived. In the Saturday Evening Post of February 27 appears an article entitled "Is Foreign Aid Jeopardizing American Jobs?" I plan to read this entire article to the Senate, for I think it is of great importance that all of us understand the extreme dangers facing our Nation as result of more than a decade of lavish giveaway programs.

Of great significance in this article is the report that the Secretary of the

Treasury, Robert B. Anderson, has become so concerned over the stability of the American dollar and the future of American industry and the threat against the jobs of millions of Americans that he has gone to the President, to warn that the surest way to safeguard the mutual security system is to give top priority now to measures designed to protect American jobs and the dollar. To my way of thinking, there is no better way to protect American jobs than first to protect American industry.

The only way to protect American industry against cheap foreign labor and world-market-priced raw materials is by positive import-quota action. Year in and year out I have wearily warned this administration of the dangers of rising import quotas. My words have fallen on deaf ears, for the present administration has allowed a one-world-minded State Department to run its affairs on every level.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. It seems to me that more Senators should be present to hear the remarks of the Senator from South Carolina. Would he mind if I suggested the absence of a quorum?

Mr. KUCHEL. Mr. President, I did not hear the request. What was it?

Mr. LONG of Louisiana. I asked the Senator from South Carolina whether he would object if I now suggested the absence of a quorum, in order that more Senators could be present to hear the Senator's remarks.

Mr. KUCHEL. Would that mean that at the end of the quorum call, the Senator from South Carolina would still be making his first speech?

Mr. LONG of Louisiana. I certainly would like to suggest the absence of a quorum, without prejudice to the right of the Senator from South Carolina to the floor, if I may do so.

Mr. KUCHEL. The point is simply that if we are to be faced with a constant application of the rules, on the basis of very nice distinctions, I believe that those of us who thirst for a yea-and-nay vote do not wish to accede to any arrangement which would permit additional speeches to be made, under the rule, on the pending question.

Mr. President, reserving the right to object to the request, let me propound a parliamentary inquiry: If a quorum call were had at this time, and if thereafter the Senator from South Carolina, who has been speaking, were to be recognized, under the rule would he then be making a second speech?

Mr. JOHNSTON of South Carolina. Mr. President, I am not fearful about how many speeches will be made, because I can foresee, in the future——

The PRESIDING OFFICER. The Chair rules that if a point of order were made, then, under the rule, it would be held that the Senator from South Carolina was then making a second speech.

Mr. MANSFIELD. Mr. President, is it not true that if the Senator from South Carolina yielded for that purpose and if unanimous consent were given, he would still be proceeding with the speech which he was making when he yielded for that purpose?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. Mr. President, I have no objection.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that at this time I may suggest the absence of a quorum, without jeopardy to the right of the Senator from South Carolina to the floor.

Mr. PASTORE. Mr. President, reserving the right to object, do I correctly understand that the Senator who now has the floor can yield for that purpose only by unanimous consent; otherwise he would have to proceed, following the quorum call, with his second speech?

The PRESIDING OFFICER. Unanimous consent would be required in order to protect the Senator's rights.

Mr. PASTORE. Then I must object, because such a move would be nothing but dilatory.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from South Carolina yield for that purpose?

Mr. JOHNSTON of South Carolina. Under the circumstances, Mr. President, I yield for that purpose.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. To keep the record straight, I was trying to protect the right of the Senator from South Carolina, when I made my previous query.

If a quorum call is had at this time, under these circumstances, it will mean that when the presence of a quorum is obtained, if the Senator from South Carolina then speaks, he will be making a second speech; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSTON of South Carolina. Mr. President, is it not true that I can send to the desk an amendment, and can speak on it, in any case? In other words, I can circumvent the rule if I wish to, and probably I shall do so.

So let the absence of a quorum be suggested, for I can speak when I want to, anyway.

Mr. LONG of Louisiana. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Capehart	Dodd
Anderson	Carlson	Douglas
Bartlett	Carroll	Dworshak
Beall	Case, N.J.	Eastland
Bennett	Case, S. Dak.	Ellender
Bible	Chavez	Engle
Brunsdale	Church	Ervin
Bush	Clark	Fong
Butler	Cooper	Frear
Byrd, Va.	Cotton	Goldwater
Byrd, W. Va.	Curtis	Gore
Cannon	Dirksen	Green
Gruening	Long, Hawaii	Robertson
Hart	Long, La.	Russell
Hartke	McCarthy	Saltonstall
Hayden	McClellan	Schoeppel
Hennings	McGee	Scott
Hickenlooper	McNamara	Smathers
Hill	Magnuson	Smith
Holland	Mansfield	Sparkman
Hruska	Martin	Stennis
Jackson	Monroney	Symington
Javits	Morse	Talmadge
Johnson, Tex.	Morton	Thurmond
Johnston, S.C.	Mundt	Wiley
Jordan	Murray	Williams, Del.
Keating	Muskie	Williams, N.J.
Kefauver	Pastore	Yarborough
Kerr	Prouty	Young, N. Dak.
Kuchel	Proxmire	Young, Ohio
Lausche	Randolph	

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSTON of South Carolina. Mr. President, I offer the amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. It is proposed, in the amendment offered by the Senator from Illinois [Mr. DIRKSEN], on page 2, to strike out lines 2 through 15.

Mr. JOHNSTON of South Carolina. Mr. President, I offer the amendment only to protect myself on the order of the speech. That is the only reason I have offered it at the present time. I want to discuss the amendment at the present time.

The article in the Saturday Evening Post states that the Secretary of the Treasury, Mr. Anderson, has gotten through to the President the concern he holds for American jobs, industries, and the American dollar. I wonder if this could be true in light of the fact that the President has asked for $4.3 billion for his newest foreign aid program. I hope the article is based upon facts that have transpired since the President's message to Congress on foreign aid. Perhaps the President will now agree to cut back this amount.

Mr. President, I now would like to read this article from the Saturday Evening Post to the Senate:

IS FOREIGN AID JEOPARDIZING AMERICAN JOBS?

(By Demaree Bess)

Ten years ago my wife and I built a home in the western North Carolina mountains at Asheville. This move from Europe puzzled our friends who knew that I intended to keep on writing about America's international relations, as I have done since 1924. I explained that I would still spend a good part of my time traveling, but after living abroad for more than 30 years we felt that we needed to know more about our fellow Americans who live outside the world's political centers.

One reason we chose western North Carolina was that the South was almost as foreign to us midwesterners as the numerous overseas countries where we have resided.

We looked forward to another novel experience. During these 10 years we have learned a lot about the South and about the United States. And we have become more aware of the intimate connection between America's international relations and the everyday problems of the American people.

The trips which I take abroad and to Washington give me what Ernie Pyle, the great war reporter, used to call "the big picture." But that picture often stays badly blurred until I have come home to think about what I have learned and to discuss it with my neighbors. Recently I have done

that with one phase of our foreign relations now undergoing searching reappraisal. This is our foreign economic policy, which has produced some of the most grandiose and imaginative projects in our history, including the Marshall plan and other varieties of foreign aid. But this policy also has created potential dangers to two things affecting the lives of most Americans—dollars and jobs.

Unfortunately our foreign economic policy is so complicated, so controversial, that most of us get bored reading about it. I often feel that way, although I have been struggling to understand and report the development of this policy ever since it began to assume its present shape during World War II. I have watched it evolve step by step until it produced this year a dilemma which was aptly pointed out by Edwin Dale, Jr., economic specialist for the New York Times. Mr. Dale reported that President Eisenhower and his advisers are now torn between two powerful emotions. On the one hand, they feel that we should maintain foreign aid at present levels, or even increase it. Today most foreign aid goes to underdeveloped countries and has become as much a weapon in the cold war as missiles. When underdeveloped countries cannot get help from our side they turn to the Soviet bloc, which frankly uses foreign aid to encourage the spread of communism. But on the other hand, the President has become increasingly concerned about the stability of the dollar and the millions of American jobs which may be affected one way or another by foreign economic policies.

It has often been noted that Mr. Eisenhower keeps in tune with popular feeling, and my hometown neighbors confirm this impression. Our medium-sized southern community is undergoing the same emotional conflict about foreign economic policy which reportedly is bothering the President. Asheville people have generally approved foreign-aid projects under both Democratic and Republican administrations. This community lies in what is sometimes called the Bible Belt and has supported missionaries all over the world for generations. The concept of sharing our abundance with countries wrecked by the war appealed to the missionary spirit, as did the later policies of helping underdeveloped countries. With surprisingly little complaint my neighbors have accepted the heavy taxes necessitated by our worldwide mutual security program. To an extent, they have also personally profited from Washington's huge expenditures in foreign countries for defense and economic aid. These countries often bought American products with this money. However, foreign aid has always been presented as a temporary measure, designed to meet one emergency after another. For example, the Marshall plan itself was originally depicted as a 4-year project restricted to Europe, with the total cost accurately calculated in advance.

Today, more than 12 years later, my neighbors are uneasily aware of the fact that there seems to be no end to foreign aid. Washington policymakers have made foreign aid a permanent item in the budget, almost as firmly rooted as the appropriations for our military forces. At the same time, our costly overseas garrisons, also originally presented as temporary, have become equally permanent. The concept of foreign aid likewise has been extended to include manipulation of tariffs and quotas to assist distressed foreign countries. These developments probably were inevitable. But they have created a wholly different set of problems than those foreseen during and immediately after the war. Our foreign and domestic affairs have become so inextricably intermingled that the fate of the dollar and of American jobs depends to a much larger extent than ever before upon our foreign transactions.

So far as my North Carolina neighbors are concerned, the threat to American jobs is more serious than the threat to the dollar. One recent example will explain why this is so. Last autumn Asheville people noted with pride that our district has been removed from Washington's chronic unemployment list for the first time in many years. Western North Carolina has comparatively few industries to provide jobs, but its mountain people are so devoted to their ancestral homes that they stay put as long as they possibly can. These reliable workers, living in a region with abundant water and a good climate, have enabled energetic local businessmen to cooperate with North Carolina's businessman Governor Luther Hodges in attracting industries to eliminate chronic unemployment. But shortly after this was done, I read a brief item in a New York newspaper reporting that the Treasury Department had ruled in favor of several European companies accused of dumping rayon staple fiber on the American market, which means selling below the home market price. These companies are in France, West Germany, Austria, Italy, and Belgium, and represent industries restored with Marshall plan aid.

This news item attracted my attention because the largest industrial enterprise in western North Carolina is American Enka, which makes rayon staple fiber among other things. I asked friends in this company whether the ruling affected them, and my question revealed what I consider a startling situation. For several years American Enka, like all rayon producers, has had many problems adjusting itself to revolutionary innovations in synthetic fibers by competitors. But by the end of 1957 the company had solved most of these problems, partly by building a large nylon plant. Moreover, rayon made a striking comeback, so much so that American Enka found it worth while to build a $25 million rayon staple-fiber plant, only recently completed. But the profitable operation of this plant was made possible only by an act of Congress in 1958, plugging a loophole in the antidumping law which had enabled European producers to sell rayon staple fiber on the American market at prices American producers could not meet.

Then the foreign companies straightway appealed to the Treasury and they were cleared of dumping charges because of allowances which the Treasury had made after the law was passed. This meant that they could continue to undersell American producers on the American market. To an extent they were able to do this because European governments have subsidized exports in order to get gold and dollars. In short, the Treasury ruling has meant that foreign competition has made American Enka's costly new plant unprofitable. As a result, as this is written, several hundred of Enka's jobs are thus jeopardized. Of course, other American fiber producers are equally affected.

This dilemma in my hometown personalized the "big picture" of our foreign economic relations which I had been studying for several weeks in Washington and Europe. And at an Asheville meeting last October a flood of similar complaints from every Southern State was reported to the Southern Governors' Conference. Georgia claimed that "vastly unequal standards of living make it absolutely impossible for the American textile industry to compete with foreign producers on equal terms." Texas lamented that "uncontrolled imports of foreign oil and oil products threaten to destroy completely the domestic oil industry in Texas and the Nation." Oklahoma listed oil, glass, zinc, and lead among its industries in difficulties, "almost wholly due to heavy imports of these products." Similar complaints are coming from every part of the United States, and whether they are justified or not, they make it clear that our foreign economic policy will be a major campaign issue in the 1960 elections. Exhaustive studies are therefore being made all over the place in Washington—in congressional committees, in the Departments of State, Treasury, Labor, and Commerce and by several unofficial research groups. These studies have been mainly concerned with the way our foreign economic policy affects the dollar's stability and American jobs.

Since early last summer the health of the dollar has preoccupied President Eisenhower and his Secretary of the Treasury, Robert B. Anderson.

Mr. President, let me digress in the reading of the article to say that only a week ago I called the office of the Secretary of the Treasury to ask that the delegation from South Carolina be permitted to come over to talk with him about a matter in which we are vitally interested. We received an appointment within an hour, and we went over and discussed the matter with him. When we finished the discussion, which was very brief, he said he wanted us to talk with one of his assistants, but to come back to him again, because he had another matter which he wished to discuss with us. When we returned, he told us about the money situation, and what a difficult situation we were in in the United States at the present time.

What has troubled them most is the fact that we are sending many more billions of dollars abroad than we are getting back. During 1958 the deficit in international transactions was $3,400 million, and during 1959 it topped $4 billion for the first time. As a result our gold reserves have dropped to the lowest point since the war, less than $19 billion, while foreign claims against our gold have risen to more than $15 billion. It may be only a coincidence that the 1958–59 deficits happen to be almost identical with foreign aid. But most economists agree that deficits cannot continue at this rate indefinitely without endangering the dollar's stability. And in this election year foreign aid is the most obvious target for political attention.

However, respected authorities disagree about what should be done to protect the dollar, and their controversies are confusing to those of us who do not pretend to be experts on such matters as gold reserves and international transactions. Many Members of Congress confess that they also are not experts, but they cannot just sit back and watch. Congress shares with the President and his advisers responsibility for foreign economic policy. So our legislators have been laboring valiantly to get information which will enable them to choose between contradictory expert opinions.

In particular, the Joint Economic Committee of Congress has taken testimony from a long procession of specialists during several months of 1959. Over and over again, in one form or another, they have asked this question: How can we assure a stable dollar and protect American jobs while also fulfilling our worldwide commitments? The Senators and Representatives on this committee have discovered that there is no simple answer. But the expert testimony has revealed one disconcerting fact—the American dollar and American jobs are now in jeopardy partly because of the gratifying success of American efforts to revive and nourish a free world. While Americans were accomplishing this important and valuable achievement, we were also creating new problems for ourselves.

There is, I believe, no historical precedent for America's foreign aid programs. The best known of these programs, the Marshall plan, underwrote the economic revival and

modernization of Europe's most advanced industrial countries and later was extended to Asia's only fully industrialized power, Japan. Aided by American billions, these countries have become more effective producers than they were before the war, and therefore stronger competitors against us. Americans made it possible for them to replace in record time their war-damaged industrial plant, much of which was obsolete, with facilities matching and in many cases surpassing our own. The war did not wreck any of our plants, so that many of them are out of date.

To digress from the article, I call attention to what has happened in the United States. It is well known that the cotton textile industry has left the States of the Northeast, better known as the New England States. It has now become established in the South. That happened because of the mismanagement of the plants in the Northeast. The owners failed to install new machinery. Instead of removing the old machinery, putting it in reserve, and building plants designed for new machinery, they took their profits in dividends.

But the plants which were built in the South are equipped with modern machinery. That is the reason they are better able to compete than the plants in the New England States. The new plants in the South have had installed machinery which is capable of being operated with fewer employees than the machinery used in New England.

Similarly, that was what we did for industries in Europe. When we provided them with new machinery, they moved out their old machinery. But we paid for the new machinery which was installed as replacements for the old. I continue to read from the article:

So we have, in effect, recreated trade competition at least as formidable as that which we faced before the war. This was a necessary thing to do in order to meet the menace from Moscow. We need have no regrets about this achievement, but the time has come to reconsider how to meet the competition.

I have reported America's foreign-aid projects from their outset. Some of my most vivid memories are of the mingled incredulity and suspicion with which non-Communist Europeans greeted Secretary of State George C. Marshall's 1947 offer to underwrite their recovery. This offer was made almost without conditions. Europeans looked for a catch somewhere, but there was no catch. In 1947 many Americans were convinced that Europe was on the verge of going Communist and that an economically strong non-Communist Europe was essential to American security and well-being. At the start the Marshall plan was not concerned with rearmament—in fact, Congress specifically forbade the use of these subsidies for rearmament. The costly business of rearming the entire non-Communist world came later.

After touring all Marshall plan countries I discussed the program with a Swiss banker who proved to be a poor prophet. This international financier told me: "I doubt that American taxpayers will put up the billions to complete this program when they see what it really means. The countries you are subsidizing were your toughest trade competitors before the war, and they can become equally tough again." Possibly the Swiss banker's doubts would have been confirmed if the Korean war had not broken out in 1950. But the Korean war had about the same effect upon Americans as Pearl Harbor. This Communist use of naked force swept away almost all the remaining resistance to the Marshall plan concept. Subsidies snowballed to cover continents other than Europe, and to include global rearmament and a network of American bases and garrisons abroad.

I found that some of our former enemies were the most surprised beneficiaries of American subsidies. One day West Germany's cities were piles of rubble, and Americans were still dismantling the surviving remnants of Germany's industrial plants and shipping them to Russia in accordance with wartime reparations agreements. Then suddenly the German industrialists, some of whom we had labeled "war criminals," found themselves back in favor, with Americans underwriting restoration of their industries. American bankers and businessmen flocked to Germany to contribute the latest technological advice as well as dollars. The Germans did not conceal their astonishment. One of them exclaimed to me, "Imagine this, only 3 years after Hitler and our unconditional surrender." A considerable number of those Germans have since become millionaires again.

In 1952, when I revisited Japan for the first time since the war, I found Japanese leaders even more bemused by the turn of events. During the American occupation immediately after World War II, almost all the principal Japanese industrialists and bankers were either imprisoned or hidden behind a kind of purdah of inactivity, as loathsome collaborators. Now Washington was urging these same Japanese to rebuild their bombed-out and dismantled plants with the latest American equipment to supply our soldiers fighting the Korean war.

One of the first Japanese I sought out was an acquaintance, dating back to the 1920's—career diplomat Mamoru Shigemitsu. He had just finished a 7-year prison term as a war criminal, but was soon to become prime minister with the American Government's enthusiastic approval. In prison Mr. Shigemitsu had been out of touch with world affairs and he asked me wonderingly, "Did you foresee anything like this situation?" What astonished him was that Americans had underwritten Japanese industrial rehabilitation in 1950, less than a decade after Pearl Harbor.

I assured Shigemitsu that I had not foreseen these developments, and neither had anybody else I knew—least of all Washington wartime policymakers. They planned for a very different kind of economic world order. They assumed that victorious Soviet Russia would cooperate with her wartime associates in creating a prosperous global economy. On this assumption Russia was included in all international economic and financial institutions set up for postwar rehabilitation. When Russia did not perform as expected, Washington hastily revised its economic policies from 1946 onward.

Now the American Government visualized a world neatly divided into two blocs—Communists and non-Communists. The catchy title "free world" was universally adopted by governments, press, and public to cover all non-Communist regimes, ranging from parliamentary democracies to 1-man dictatorships. The same Americans who had hoped for a one world economy with Russia now settled for the more limited free world economy, including everybody except Communists. Essential to this new concept was a federated non-Communist Europe, vigorously pushed by Democrats like Averell Harriman and Republicans like Paul Hoffman and General Eisenhower, while he was chief of NATO.

Europeans did not accept this revolutionary plan as quickly as its American sponsors had hoped. But during the past 18 months European economic federation has become an accomplished fact. It has developed so rapidly and so quietly that many Americans probably are still unaware of it. The American labor leaders and industrialists who heartily supported in principle what amounts to a European economic revolution apparently did not anticipate some of its effects upon American workers and industry, for Western Europe's economic revolution has strengthened immeasurably the ability of Europeans to compete with Americans in world trade.

In 1959 two powerful European combinations began to operate. One is the European Economic Community, also known as the European Common Market; the other is the Outer Seven. The Common Market got going on New Year's Day, 1959. It brought together six highly industrialized nations with a combined population of 165 million: West Germany, France, Italy, Belgium, the Netherlands, and Luxembourg. The community's immediate purpose is to form a Common Market roughly equivalent to that of the United States by gradually eliminating trade barriers among its member nations. The first internal tariff reduction already has been made, and others are scheduled at regular intervals until the Common Market becomes as unrestricted as those of the United States and Russia.

This community could become even more formidable if Great Britain joined it. But the United Kingdom could not join without surrendering its system of preferential trade with British Commonwealth nations. Only after the Common Market began to operate did London decide to protect its interests by setting up another European economic federation. Last July, 79 delegates from 7 countries, organized by Britain met in Stockholm and formed a customs union known as the Outer Seven, consisting of Britain, the three Scandinavian countries, Austria, Switzerland, and Portugal. The Outer Seven agreed to reduce tariffs among themselves by 20 percent before July 1, 1960, matching reductions scheduled by that date within the Common Market. Sponsors of both combinations are still hoping to arrange a merger. This situation presented so many potential challenges to American trade with Europe that Under Secretary of State C. Douglas Dillon, an investment banker in private life, spent some weeks in Europe recently in negotiations with his European counterparts.

Mr. Dillon sought an agreement between the United States and the two new European combinations that they would not discriminate against each other's trade and would join forces to aid underdeveloped countries. But so far the agreement is only "in principle."

When President Eisenhower flew to Europe last August, the American public was so fascinated by the prospect of Nikita Khrushchev's visit here that one of the major purposes of the President's mission was generally overlooked. Only a few specialists noted that in his talks with European statesmen last autumn Mr. Eisenhower showed almost as much concern about our economic relations with our allies as about our relations with Russia. In a television report to the people last September, the President first revealed that he was contemplating what might be called an Eisenhower plan, designed to replace the Marshall plan concept which has dominated American economic policy for more than 12 years. Mr. Eisenhower's September speech and subsequent administration statements have explained how the Eisenhower plan differs from the Marshall plan. The United States was the sole contributor to the Marshall plan, and Europe's industrial powers were its principal beneficiaries. The Eisenhower plan proposes to make underdeveloped countries its sole beneficiaries, with Europe's industrial powers and Japan acting as joint contributors with the United States.

The Eisenhower plan recognizes that foreign aid today is a very different proposi-

tion from what it was in 1947, because of basic changes in the world's economy. During the past 12 years the United States has voluntarily abdicated its unchallenged economic supremacy in the free world by sharing its economic power with its allies. Western Europe and Japan possessed the know-how and we have given them the money and means to apply it. This has enabled them to win an increasing share of the American market as well as the world market.

Their gains are not entirely due to wage differentials. These experienced industrial powers have come up with innovations which narrow the technological gap between them and us. Two conspicuous examples of this are typewriters and automobiles. West German and Italian typewriter manufacturers have made substantial inroads upon what was a virtual American monopoly because of the quality of their products, as much as prices. The Italian Olivetti company recently bought controlling interest in the company making the Underwood typewriter, a machine which helped me earn my living for many years. Appealing foreign automobiles have invaded the American market with considerable success. Similarly the Japanese, who formerly competed only with cheap inferior products, now emphasize quality in such items as transistors, optical goods, and textiles marketed throughout the United States.

At the same time America's non-Communist competitors have swiftly acquired formidable bargaining power against us. For example, Europe's Common Market is now in a position to counteract American manipulation of tariffs and quotas with equivalent maneuvers. While this discourages advocates of high American tariffs, it also demands firm and constant bargaining to protect American interests.

Also, this makes it certain that during President Eisenhower's last year in office he will focus intensely on economic policy. The most vulnerable item in the 1960 budget will be foreign aid, which is sure to be even more subject to political attack than ever in this presidential election year. During his 2 years as NATO commander and 7 years as President, Mr. Eisenhower has consistently supported all forms of mutual security. He has insisted that the contest with the Soviet bloc demands firm continuance of America's global commitments. However, during 1959 the President and his associates have begun to realize that the menace from Moscow has obscured threats to American jobs and the dollar's stability from non-Soviet competition. Mr. Eisenhower has been particularly impressed by Secretary Anderson's arguments. The Secretary of the Treasury has pointed out that our worldwide security system has been erected upon the foundation of a stable dollar and a solidly prosperous American domestic economy. If that foundation is seriously weakened, or even if its strength becomes doubtful, the entire structure is jeopardized.

This viewpoint has inspired several recent revisions of foreign economic policy. The administration has adopted a number of measures to insure that more of our foreign-aid grants be spent in the United States. It has concluded agreements to remove discriminations against American goods which were previously tolerated because of so-called dollar shortages.

Finally, the administration is using all the means at its disposal to persuade our prosperous allies to contribute much more toward their own defense and toward aiding underdeveloped countries. American subsidies have not only restored the industries of our allies but have also footed most of their defense bills during postwar rebuilding. Now Washington is proclaiming that one era has ended and another begun. For more than a decade after World War II American workers and industries alike profited from universal shortages, caused by war damage and economic chaos in all major industrial countries outside the United States. Competition in our domestic market was minimal, and foreign countries eagerly bought American products while they were not yet equipped to make their own. They could buy these products because Washington was providing grants estimated at about $40 billion. During this period the American Government often showed more interest in restoring foreign industries than in protecting American industries. American labor leaders and management tolerated this attitude so long as they were profiting by worldwide shortages.

But now that the free world's economy has been brilliantly restored, the United States faces competition probably more fierce than any we have known, and no American politician can afford to ignore this fact. The Democratic majority in Congress feels the same pressure from voters as the Eisenhower administration does. Therefore, a large number of Democratic as well as Republican Members of Congress privately endorse Secretary Anderson's thesis that the surest way to safeguard the mutual security system is to give top priority now to measures designed to protect American jobs and the American dollar.

When Congress enacted the Trade Agreements Extension Act, the intent of Congress was to increase exports and imports, but certainly not to increase imports at the expense of American industry.

At the time the law was passed, the countries in Europe and Asia were not competitive to American industries. However, Congress did recognize the potential threat fostered by our foreign aid, and did enact the escape clause. This provision was to be used by American industry in requesting relief when the imports caused injury.

The criteria to be used in determining whether actual injury had been sustained because of the imports were: First, a downward trend of production, employment, prices, profits, or wages in the domestic industry concerned; or, second, a decline in sales, an increase in imports, either actual or relative to domestic production, a higher or growing inventory; or, third, a decline in the proportion of the domestic market supplied by domestic producers.

It was and still is the intent of Congress, that when a domestic industry qualifies as set forth above, the Federal Government take action to protect the domestic industry.

Industry after industry has submitted statistics on top of statistics showing conclusively that the increased imports have played havoc with the American industry. Two industries in particular, the textile and plywood, have especially suffered.

In spite of all the facts and figures shown, and in spite of all the relief requested, the administration has shown no inclination to help. The administration points the finger at competition between our industries, inventions, innovations, bad management, and a whole host of other factors. Then the administration does nothing.

Let us look at these two industries.

The qualifications set forth in the three criteria have been met by both industries. Plywood production declined over 142 million square feet between 1955 and 1958.

In the textile industry, just one segment, that of cotton broad woven goods, decreased over a billion linear yards between 1957 and 1960.

Sales in the plywood industry decreased 15 percent since 1958, as did employment.

The textile industry showed a similar decline.

Prices and profits in both industries have declined.

While we are on the decline, the imports of both products are increasing. Hardwood plywood imports from all countries increased 1,340 percent since 1950, and 113 percent from 1955 through 1958. Hardwood plywood imports from Japan alone increased 12,950 percent since 1950. Get that, Mr. President—12,950 percent since 1950.

As for textile imports, in 1948 we imported 31.7 million square yards. In 1957, this figure had increased to 122.5 million square yards. By the same token, our domestic production remained at approximately the same figure during this 10-year span.

This past week I was advised that one of the oldest plywood plants in the Nation intends to close its doors within 2 weeks. This plant, known as the J. L. Anderson Co., of Cheraw, S.C., has 130 employees, most of whom have been with the mill from 5 to 25 years. What will happen to these employees when their paychecks stop is anybody's guess.

When I received this information I sent the newspaper clipping which was sent to me on to the U.S. Tariff Commission in order to substantiate what I have been saying for several years. I hope that some action will be taken.

Also, I wish to bring to the attention of the Senate an advertisement which is appearing in many daily papers over the Nation today. It is sponsored by the J. P. Stevens Co., which operates several textile plants in South Carolina.

The title of this advertisement is "The Influence of Uncontrolled Textile Imports on Our Economy."

The figures in this advertisement will astound those Senators who are not familiar with the textile industry. I hope that all the Members of the Senate and the administration officials who are charged with our import and export program will read this advertisement.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSTON of South Carolina. Mr. President, not in the entire history of the U.S. Senate has there ever been such confusion surrounding any proposed legislation as there is now surrounding civil rights bills. Never has fog shrouded over the Senate as it does at this hour.

There are pending civil rights proposals in the Judiciary Committee.

There are civil rights proposals in the Rules and Administration Committee. There are civil rights amendments at the desk ready to be offered to the first bill that comes along, such as H.R. 8315, which the majority leader has announced will be a vehicle for floor-sponsored and unheard civil rights proposals.

There are civil rights proposals in the House. We have civil rights proposals in the hip pockets of Senators and Representatives all over the Capitol. Some are sponsored by Democrats, some by Republicans, some by Members on both sides of the aisle, and some of them probably cannot even find a sponsor, they are so unconstitutional. We have civil rights proposals everywhere.

Some Senators want hearings to be held on these proposals. Some Senators want the administration's proposals passed without hearings. Other Senators have other ideas. Some Senators want a coalition bill passed; and some, like myself, do not want any of these bills passed; and certainly not without proper hearings.

Never has there been such rampant confusion as we find ourselves in today. There is but one main reason why there is such confusion. It lies in the fact that the leadership of the Senate has abandoned leadership, has joined the followers and departed down an ill-founded road to tear up all legislative procedure and to blindly pass bills in the Senate without hearings and without evidence of need, all for the sake of political maneuvering.

Mr. President, when I speak of the leadership I speak of the Democratic and Republican leadership. I speak of leadership in policy, both Democrats and Republicans, when I speak of leadership.

So, on the floor of the Senate, if the leadership has its way, we will have for consideration a proposal for Federal election referees upon which no hearings have been held. This and other renegade civil rights bills will be offered as amendments to an Armed Services Committee bill which deals with the leasing to a school of property at Fort Crowder, Mo.

The proposals are not compatible in the vaguest sense. If and when the Senate unifies these illegitimate amendments with the bill, in all probability when the bill gets to the House it will be scuttled, because the amendments will be ruled ungermane to the title of the bill. The leadership will be taught a tough, but old, lesson: Haste makes waste.

I predict that in a few days—perhaps about 2 weeks into March—we may have another bill, coming to us from the House of Representatives. Then there will be a scramble to discuss that bill.

Today, when I was interrupted, when we were talking about speaking, as to whether there would be a second speech or a first speech, since I knew I could offer any amendment I wanted to offer and could speak on any amendment I wanted to speak on, it did not make any difference whether I spoke on the amendment or on the bill, especially since there are so many bills pending in the House of Representatives and in the Senate and before all the committees at the present time.

The leadership will be to blame because it switched from leadership to joinership. The leadership will have joined up with the crowd that would destroy not only Constitutional Government, but also the machinery of organized senatorial procedures for the sake of a vote-baiting political promise.

Where have all our rules gone to?

We have a number of proposals in the Senate Rules and Administration Committee seeking to establish Federal registrars, and certain other specified civil rights measures about which there has been drafted a 764-page book of hearings.

I think there are some on my desk at the present time.

Among these hearings are the testimonies of attorneys general of several States, including South Carolina. The several States spent thousands of dollars preparing their testimony and sending their representatives to Washington, D.C., to be heard.

Is all this to be cast aside? Are these people and their States to be insulted by the Senate's ignoring all this testimony?

Exactly what type of bill are we considering at the present time?

The leadership of the Senate seems bent on locking up all the southern Senators in a corral, silencing the voices of millions of people from a minority section of the Nation, and proceeding to construct civil rights legislation with the implements of a wrecking crew.

Legislation built with wrecking crew machinery will do a wrecking crew's job when it is applied across our land.

The trouble with the U.S. Senate today is that there are too many people running for President who do not think they will be in the Senate next year to cope with the "mess" that will be left in the wake of all this illegitimate legislating.

The basis for all this drive in the Senate to get civil rights legislation considered has been the so-called promise of the leadership that by February 15 we would be considering such legislation.

At no time, apparently, has any consideration been given to the merits of or the contents of bills to be considered, so long as the bills are civil rights in name and nature. That is all that is necessary. Whether these measures are needed or not appears to be academic to the leadership. So long as headlines can be gathered and a political vantage gained—that is apparently the most important thing to the leadership of the Senate at this moment.

The efforts of all the people who came to Washington to testify before the Rules Committee are to be completely disregarded. The hearings in the Judiciary Committee of the Senate are to be thrown in the trash basket, and the intelligent statements made by people from all over this Nation, including South Carolina, are to be ignored.

The State laws to protect the voting rights of its citizens from illegal elements, as guaranteed by the Constitution of the United States, are to be double-crossed and unconstitutionally nullified by reckless and unthinking leaders who place the gaining of the office of President above the preservation of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Do not the laws of the State of South Carolina, like the laws of Louisiana, provide amply for the protection of the rights of all citizens to register and vote?

Mr. JOHNSTON of South Carolina. We certainly think so. I have never heard any complaint in South Carolina by anyone about not being allowed to register.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that under Louisiana law a simple procedure is provided under which a person whose qualifications have been challenged can come in with three citizens of the community who can identify him, and when they vouch for his residence and the correctness of his registration, he is entitled to be placed immediately upon the rolls?

Mr. JOHNSTON of South Carolina. We have practically the same law in South Carolina.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the present case being appealed to the Supreme Court involves more than a thousand colored people? Incidentally, some white people were also challenged. In that situation only one out of that large number of people made any effort to be restored to the rolls in the orderly way provided by the law. They all went to the Federal court seeking an order by a Federal judge to set aside any challenges that had been issued against anyone voting.

Mr. JOHNSTON of South Carolina. If the Supreme Court really looks into the law, as it should, it will find that there is a remedy in the States, and that the people to whom the Senator refers did not make use of that remedy. Then the Supreme Court will not give any relief to a person in a situation of that kind.

Mr. LONG of Louisiana. I assume the Senator knows that the Supreme Court of the United States these days has odd ways of arriving at one conclusion when a case involves people from the South, and a different conclusion in a case involving someone else.

Mr. JOHNSTON of South Carolina. I am aware of that. I remember the 1954 decision in a case coming up from South Carolina, which decision reversed all the prior Supreme Court rulings, about 100 of them.

I do not know how it was done, but there was a new ruling of the Supreme Court, which set out a different way of doing things.

Mr. LONG of Louisiana. Does the Senator recall that the original Supreme Court decision outlawing the white primaries was based upon the theory that the 15th amendment forbade any dis-

crimination because of race, creed, or color, and that the State was discriminating if it limited a primary election to white citizens? I am sure the Senator recalls—the case came from his State—that subsequently in his State the legislature repealed all laws relating to primary elections, and then there were none whatever on the books.

Mr. JOHNSTON of South Carolina. I remember that.

Mr. LONG of Louisiana. Somehow the Supreme Court arrived at the conclusion that the State was still discriminating, even though the State had nothing to do with the primaries. Can the Senator tell me by what rationale the Supreme Court arrived at the conclusion that the State was discriminating when the State had nothing to do with the primaries?

Mr. JOHNSTON of South Carolina. I cannot understand. The attorney general of South Carolina and almost every other lawyer in the State thought that was the thing to do, because then the Federal Government would have nothing to do with the primaries. But the Supreme Court did not so decide.

Mr. LONG of Louisiana. That reminds me somewhat of a Supreme Court decision involving a tax law some years ago. The law of Louisiana was upset. That decision was the first of its kind. There was no logic to support the decision. Some accountant said he thought he could explain the decision in five words. He was asked what the five words were. He said, "The Government needs the money." There is no other logic to sustain that decision.

Mr. JOHNSTON of South Carolina. I thank the Senator from Louisiana. He always contributes a good thought.

Nothing seems so important in the U.S. Senate today, as how much politics can be played with civil rights on this floor by the leadership from both sides of the aisle.

Mr. President, I want to demonstrate how low the demagogery has become in this political civil rights shell game.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. ERVIN. Let me ask the Senator whether or not he shares my opinion.

If these bills were not called civil rights bills, and if it were not thought that they were directed against the South only, no one would be willing to be caught with one of them in his pocket, down in the bottom of a coal mine at 12 o'clock midnight, during a total eclipse of the moon, while the United Mineworkers were out on strike. [Laughter.]

Mr. JOHNSTON of South Carolina. I think the Senator has something there.

Mr. ERVIN. I fear that some Members of the Senate may be in need of psychiatric treatment. We are here tonight not because the Senator from South Carolina wants to make a speech but because the Democratic leadership of the Senate, in effect, is aiding and abetting the Republican leadership of the Senate to compel us, against our will, to speak against a Republican so-called civil rights bill advocated by the Republican administration. Is that not so?

Mr. JOHNSTON of South Carolina. That is entirely correct.

Mr. ERVIN. I do not know whether the Senator from South Carolina agrees with me, but this situation reminds me of the lecturer who delivered a lecture entitled "Why Are We Here?" It was a very fine lecture, and the superintendent of a hospital for mental defectives heard him deliver it. He thought it had some fine therapeutic qualities that would be beneficial to the inmates of his institution, so the superintendent of the hospital for mental defectives invited the lecturer to come and deliver the lecture to the inmates of his institution.

On the appointed day the lecturer appeared, and was presented to the audience of mental defectives by the superintendent of the institution. The lecturer rose and started the speech in his usual way. He asked, "Why are we here?"

One of the inmates of the institution rose and said, "You asked a simple question—'Why are we here?' We are here because we are not all there," pointing to his head. [Laughter.]

Is it not a queer thing when the Democratic leadership of the Senate aids and abets the Republican leadership of the Senate to require Democrats to stand on the floor of the Senate and speak against a Republican administration bill? I cannot conceive of the Democratic leadership of the Senate being concerned about the passage of a Republican administration civil rights bill. Does not the Senator from South Carolina think that perhaps we are here at what might be called an ungodly hour because we are not all there?

Mr. JOHNSTON of South Carolina. There might be something to that. I have a tendency to agree with the Senator from North Carolina on almost everything he has to say on this issue. He and I serve on the subcommittee which deals with this subject, and we have had a great time in the subcommittee.

Mr. ERVIN. I thank the Senator for yielding. If we can see in these dark days and in this dark night just a little bit of humor, it assists me to keep my saccharin disposition sweet. So I thank the Senator for yielding.

Mr. JOHNSTON of South Carolina. Speaking about inmates of an institution for people whose minds are not entirely right, I remember something that happened at the State hospital in South Carolina. I went over there one time and asked the superintendent to take me through the institution. He said, "Governor, I will be glad to take you through." As we started, he said, "By the way, we have a man here from your home town who I am sure would like to meet you." He gave me his name. So I went to see him and the superintendent said to him, "John"—we will call him that—"I want you to meet the Governor."

The inmate said, "Why, Good Lord, when I came here I thought I was the President of the United States."

Sometimes I wonder, too, why we are here, and whether, being here we are in our right minds, when we stay all night or far into the night, when we are accomplishing nothing.

The Congressman from Pennsylvania, ROBERT NIX, placed in the RECORD last week an article he described as "very revealing and analytical."

This is, in part, what this article from a Negro newspaper said:

> Many of the brilliant minds in Congress and high executive officials are wrestling with the problem of how to guarantee Negroes the right to vote. They say that if we can get the South to permit Negroes to vote freely all the other injustices which they endure would pass away. They appear to believe that it is a most difficult task. It is complex because their thinking makes it so.
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> All the ills which Negroes suffer all over the United States can be directly traced to the denial of the ballot to them in the South. For if Negroes had full voting privileges in the South there would be no Senators and Representatives elected to Congress such as Senators JOHNSTON, of South Carolina—

He has put me at the top of the list. I thank him—

> BYRD, of Virginia; and EASTLAND, of Mississippi; BARDEN, of North Carolina; SMITH, of Virginia; and DAVIS, of Georgia.

I do not know why they left out the Senator from North Carolina [Mr. ERVIN].

> These men and their associates come to Congress with the avowed purpose of maintaining white supremacy. All they had to do to get elected, since Negroes are barred from the polls, was to tell the voters that they were more determined than their opponents to keep Negroes in their place.

Mr. President, Congressman NIX knows this article is not true. I defy him or anyone else to bring forth any statement ever uttered by me to the effect that I have ever promised to prevent any Negro from voting in any State election at any time.

I further defy anyone to come forth and give any evidence to the U.S. Senate that they have ever been denied the right to vote by some illegal act. The same qualifications, which I think are simple and easy in my State, are required of all citizens, black, white, yellow, or whatever their color.

For the information of the Senate—as can be found in hearings before the Senate Judicary Committee's Subcommittee on Constitutional Rights—a prominent Negro leader in South Carolina admitted that more than 120,000 Negroes voted in the 1948 election in South Carolina. He further testified there were from 150,000 to 200,000 Negroes registered to vote.

It was bragged, by this Negro leader in the papers, that it was the Negro vote that kept South Carolina in the Democratic column. I personally disagree with this belief but, nevertheless, his statement stands as mute evidence that Negroes in South Carolina vote. Furthermore, if they voted, they had to be registered. The fact is, many Negroes have told me they have voted for me.

This same Negro leader testified before the Senate Judiciary Committee's Constitutional Rights Subcommittee that he himself had voted for me. It is obvious

the charges made in the article placed in the RECORD by Congressman NIX are untrue.

Congressman NIX was adding fuel to the fires of the demagogs when he put this article in the RECORD and described it as "very revealing and analytical."

Congressman NIX is a native of South Carolina, and he should know, better than any other Negro Congressman, that the charges hurled in this article against me and the other distinguished Members of the Senate hold no more truth than the theory that the moon is made of green cheese.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Is the Senator aware of the fact that when the Civil Rights Commission came to Louisiana it made the statement that there were actually fewer colored people registered in 1959 than there were in 1956, without making clear that every 4 years a person's registration expires, with the result that he must reregister? The high water mark in registration always occurs every fourth year.

Mr. JOHNSTON of South Carolina. They failed to make that fact known. In South Carolina we register only every 10 years. The result is that the colored people, particularly, build up their registration over 10 years after the election, as in 1948 and 1958; and now everyone must reregister.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the Civil Rights Commission in its report made much of the fact that a State senator had said his group was going to challenge the qualifications of a great number of Negro voters, with the objective of reducing the number of Negro voters from 130,000 to 13,000, leading one to believe that by the time Congress met there would be only about 13,000 Negroes registered to vote? Actually, instead of the number being reduced by about 120,000, the number had increased by 27,000. That shows how completely misleading some of these people are in giving out information, knowing that there is no merit to it at the time they put it out.

Mr. JOHNSTON of South Carolina. That is exactly correct. The same thing is true in my State, and it is about the same in other States also.

I bring this to the attention of the Senate, not to stir up a row between some other Members of Congress and myself, but to point up the type of untrue, inflammatory propaganda which has been used to whip up the fires of hate against the South.

Every State has voting qualifications and must have these qualifications. Otherwise the elections for every office in the land would be just as confusing and mixed up as is this Senate today.

Even the State of New York, as admitted by the Senator from New York on television Sunday a week ago, has voting qualifications which deny unqualified citizens of his State the right to vote. I would be the last to charge that these people in New York cannot vote because the Senator from New York had exerted his influence or power to keep them from voting.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that in many cities there are large numbers of itinerants—seamen, traveling salesmen, busdrivers, persons who operate railroad trains, and those who are engaged in other pursuits—who move back and forth from one place to another? Unless someone is very careful at election time to check the rolls, it might be found that some of those people might have left their resignation papers with a ward leader or at a hiring hall. Then someone could go to the polls and cast the votes of a great number of persons who no longer reside in the community at all.

In olden days, if a person did not watch out, such tactics would be widely used. Certainly in Louisiana if a careful watch is not kept at a port city like New Orleans, the opposition might cast many fraudulent votes. One reason why our election laws were passed was to make it possible to challenge persons who had no business being on the voting lists.

Mr. JOHNSTON of South Carolina. Several thousand itinerant farm hands enter and leave South Carolina and move from State to State and place to place and work on the farms. If anyone denies that fact, I will be willing to introduce a bill not to allow itinerant workers to vote.

From time to time we hear about the number of such itinerants who come into the State to gather the crops. It is necessary to take such factors into consideration. The itinerants go from county to county and State to State; they do not live in a particular place for any long period of time.

Mr. LONG of Louisiana. I assume the Senator is referring to the so-called wetbacks.

Mr. JOHNSTON of South Carolina. A good many of them are wetbacks.

Mr. LONG of Louisiana. Others are itinerant laborers, many of them not American citizens.

Mr. JOHNSTON of South Carolina. They are not American citizens, and they do not care to become citizens; they are simply here to make money.

Mr. LONG of Louisiana. The point is that if a registrar wanted to help a corrupt machine, it would be possible for him to register a great number of those people. They could be placed on the rolls to vote while someone held the registration papers. Come the next election, the votes of persons who no longer resided in the community at all could be cast.

Mr. JOHNSTON of South Carolina. I suppose there would be more of such cases in the Senator's State of Louisiana, which has a large seaport, than in South Carolina.

Mr. LONG of Louisiana. There have been elections in Louisiana, going back 20 years, when the ability of one side to win depended upon its ability to have stricken from the rolls alleged fraudulent voters numbering in the tens of thousands, persons whose names had no business appearing on the rolls. If the city machine could cast enough of that type of votes, it could carry the election, even if it would have lost badly in an honest election.

Mr. JOHNSTON of South Carolina. That is true. Years ago, I often heard it said that people came across the Savannah River from Georgia in order to vote and change the result of the elections in South Carolina, because at that time we did not have strict election laws and qualifications for voters.

I believe the question of qualifications for voting in the State of New York is the business of the State of New York. It is not the business of the U.S. Senate. I feel the same way about the voting qualifications of any other State. Each State has the right to set its own qualifications.

In this connection, I think it would be well to set the record straight concerning South Carolina, to read some of the testimony the attorney general of South Carolina presented to the Senate Rules Committee on this matter. Since we seem to be functioning as a Committee of the Whole with a lot of half-truth evidence, without hearings, testimony, or committee reports, I believe this is only rightfully in order.

Attorney General Dan McLeod, of South Carolina, on the subject of who is registered and who votes in South Carolina, declared before the Committee on Rules and Administration:

> In South Carolina, we have approximately 546,000 registered voters. Of this total, approximately 480,000 are white and approximately 60,000 are colored.

Senators should bear in mind that South Carolina has just started this registration. Since the 1958 election, South Carolina has started a new registration system.

> Mr. Chairman, I interject at this point that up until 1948 there were compilations of figures by race.

We did not keep such compilations previously.

> But I can speak from personal experience and from consultation with those who have observed it, that since the decisions of the U.S. Supreme Court and the lower Federal courts whereby the primaries were made, in effect, part of the general election machinery and considered as such, that voter registration in South Carolina in the primaries has constantly increased insofar as the colored race is concerned.
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> I myself have observed it in the lines before the various boards of registration, and although we have no precise figures to go by, I can assure the committee—and I do not think it will be disputed by anyone—that voter registration, insofar as the colored race is concerned, has mounted spectacularly since the decisions relating to primaries were handed down by the courts.
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> The colored registrants constitute approximately 10 percent of all registered voters.

Many persons believe that South Carolina has more colored people than it has. Only 30 or 35 percent of the population of South Carolina is colored. There was a time when 62 percent of the population was colored. But large numbers of colored people are going to other States, including New

York. They are the States which will have trouble in the future. If we pass a civil rights bill, the States to which the Negroes are now migrating will probably have trouble in the future, because the colored people are migrating in large numbers.

The State of the distinguished junior Senator from New York [Mr. KEATING] and not the State of South Carolina, will have this situation to contend with.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Is the Senator familiar with the proposal which has been made by Southern Senators to have the moving expenses paid for anyone who is not satisfied with the situation in the South, and who thinks he would like it better in the North?

Mr. JOHNSTON of South Carolina. I have heard that said, but we are not asking them to go unless they want to go. It is their privilege to go anywhere they want to go.

Mr. LONG of Louisiana. Does the Senator believe that that would be a fair situation if colored persons did not like conditions in the South, but felt that they would have more rights in, say, Harlem, in New York?

Mr. JOHNSTON of South Carolina. They certainly ought to have a right to go where they think they can be best treated. It would suit many people, I think, if the colored people want to do that.

Mr. LONG of Louisiana. Is the Senator familiar with the proposal made by the late Senator Langer, of North Dakota, to the effect that colored people who wanted to settle in the newly independent nations of Africa should have their expenses paid to move there? Is the Senator also aware of the fact that there is a substantial element of the pure African race who are very much interested in such a proposal?

Mr. JOHNSTON of South Carolina. Abraham Lincoln was one of those who advocated that.

Mr. LONG of Louisiana. Were not George Washington and Thomas Jefferson among the first to make that proposal?

Mr. JOHNSTON of South Carolina. Yes; and it was also made by Abraham Lincoln. The proposal was to send the Negroes to Liberia.

Mr. LONG of Louisiana. Certainly the Senator from South Carolina knows that a great number of American statesmen, beginning with George Washington, and continuing to Abraham Lincoln—in fact, almost all the outstanding statesmen during that part of the history of our country—had the point of view that the slaves should be liberated and returned to the land of their forebears.

Mr. JOHNSTON of South Carolina. That is true; and today we, too, want to do the right thing for those people, and also for the States and for the States rights.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield further to me?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from South Carolina yield further to the Senator from Louisiana?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Has the Senator from South Carolina ever heard of any objection to having any citizens of South Carolina who did not like conditions in South Carolina go to some other State or to some other place—to North Carolina or New York or Chicago or Detroit or Los Angeles, or any other part of the country?

Mr. JOHNSTON of South Carolina. We have never discouraged any who wanted to leave South Carolina—white, colored, Indian, or what-have-you—from leaving. Of course they should be allowed to go where they wish.

As a matter of fact, we should let the Indians trade with each other. But I wonder whether it is generally known that some of the Indians—the native Americans—are not even allowed to trade cows or horses. Does the Senator from Louisiana know that? When complaints are made about rights, more attention should be paid to the treatment of the Indians. But many of the Indians still are not permitted to trade a cow or a horse without getting permission from the officials who are placed over them. In fact, until a few years ago the Indians were not allowed to vote at all.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Does the Senator from South Carolina not think it would be a good idea for those who do not like the way the Southern States are run to join with us in providing whatever aid would be necessary to permit those who do not think they have enough civil rights in our States to move to States where civil rights are said to be had?

Mr. JOHNSTON of South Carolina. The trouble with such an arrangement would be that it would be similar to the case of a colored man I knew about the time of the end of the First World War. In 1921, I was a traveling salesman, selling cloth for a cotton mill; and one Sunday afternoon when I was in Charlotte, N.C., I went to the station. A colored man walked up to me and said, "White folks, would you give me a dime?"

I said, "What do you want a dime for? It looks like you are big enough and strong enough to earn a dime."

He said, "Yas-suh, but I has been up No'th, and I'se goin' back South, and I wants a dime, to get a sandwich."

I said, "Where are you going to go, down South?"

He said, "Greenville, S.C."

I said, "That is not very far from my home."

He said, "White folks, where is your home?"

I said, "I am from Honea Path, S.C."

He said, "Do you know, that's where I is from, but it's such a little place that I didn't think you would know where it is."

My point is that some who, under such an arrangement, might go up North, might not find it as pleasant as they had been told it would be; and then they would want to return to the South; and thus the money spent to permit them to travel up North would have been thrown away.

Yes; a good many of them would want to return to the South.

Mr. LONG of Louisiana. But even if the money were wasted in that way, even if those who went to the North would decide that they wanted to return where they had started from, even so, perhaps they would be satisfied after they had seen the conditions in "the great land of civil rights." By observing the conditions in those great centers, it would be possible for the ones who went there, after leaving the South, to find out how "civil rights" were operating there.

Mr. JOHNSTON of South Carolina. Yes; that might be a good way to let them get a little taste of conditions in the North; and, especially, Negroes who had been teachers in the South could go up North and could try to get teaching jobs there. Does my colleague know that New York, New Jersey, Pennsylvania, and Ohio have almost the same number of colored people that South Carolina has; but does my colleague know that South Carolina employs more colored teachers than all four of those States, put together, employ?

Mr. LONG of Louisiana. Can the Senator from South Carolina state why that is the case?

Mr. JOHNSTON of South Carolina. I do not know. Those States claim to educate the Negroes who live there, but they do not employ them as teachers.

Mr. LONG of Louisiana. I thank the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I thank the Senator from Louisiana for bringing out some excellent points.

Mr. President, I read further from the remarks by the attorney general of South Carolina:

> Our laws providing for the registration of voters and the conduct of elections are fairly and impartially administered. Ample safeguards are provided to protect the right to register to vote, even to the extent of a convocation of the Supreme Court of South Carolina in special session to hear an appeal from a denial of registration.
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> I have served as attorney general of South Carolina for 1 year, and before that I served as assistant attorney general for 9 years. My office works closely with the election officials in the various counties, and I know that I would have immediate cognizance of any complaint relating to the denial of registration, the right to cast a ballot, or to have that ballot counted. Yet in those 10 years not one single complaint has come to my ears officially, or unofficially, whereby anyone has asserted that he has been denied the right to register or to vote.
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> I have made pointed inquiries of various election officials in the counties with respect to this; I have consulted my immediate predecessor in office, and I have consulted with the secretary of state of South Carolina, the Honorable O. Frank Thornton, who is charged primarily with the administration of the election laws. I am authorized by them to say that they concur in the statement which I now make.

There has been no appeal from a denial of registration in South Carolina. Nor has there been any complaint, even unofficially made, from such denial.

That statement was made by the Attorney General of South Carolina. It is well to bear that statement in mind when we consider the complaints which have been made about South Carolina.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield again to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. In South Carolina, is not the Negro vote a very important element in the outcome of any election in that State?

Mr. JOHNSTON of South Carolina. Yes, in statewide races. It is not so important in some of the county elections.

Mr. LONG of Louisiana. As a practical matter, is not the large Negro vote there—the vote of more than 120,000 colored persons—sufficient to assure the colored people that any person who is running for office is going to try to see to it that they are treated fairly and properly, not only because that is right, but also because the candidates hope that the colored people will vote for them if they have done the right thing for them while they were in office?

Mr. JOHNSTON of South Carolina. I do not know of any person who has been elected in South Carolina, in a statewide race, who has had any serious opposition by the colored people in the State.

Mr. LONG of Louisiana. Does the Senator from South Carolina know of any situation in his State where the colored people are actually discriminated against by their government?

Mr. JOHNSTON of South Carolina. I do not.

Mr. LONG of Louisiana. Can the Senator from South Carolina tell me how the welfare money of his State is distributed?

Mr. JOHNSTON of South Carolina. The colored people of South Carolina certainly get their share. I think it will be found that the same is true of the colored people in Washington and in many of the other States; and I believe it will be found that in New York the colored people get their share of the welfare funds; and also the Puerto Ricans get their share of the welfare funds, too.

Certainly both the Senator from Louisiana and I have always fought to get those funds increased all along the line.

Mr. LONG of Louisiana. Is it not true that, although the colored population is approximately 35 percent of the total population in South Carolina, the percentage of the welfare funds which goes to the colored persons in South Carolina is far in excess of 38 percent, and probably is in excess of 50 percent?

Mr. JOHNSTON of South Carolina. That is true.

Mr. President, I realize that the issue of Federal voting regulations is only one phase of the civil rights proposals that face us. But I wanted to point out this situation with regard to South Carolina to emphasize how unfair, how demagogic, and how prejudicial the entire civil rights tangle has become.

The South has become a presidential campaign whipping boy of the Nation. The South has been singled out by those who conspire to capture the votes of an amalgamation of minority groups as the best emotional issue that can be whipped around for political reasons.

I want to call attention to this matter. If Senators are talking about minorities being mistreated, how has the United States treated the South? Is it not true that a man from the South cannot even be nominated to be a candidate for the Presidency of the United States? It makes no difference what his ability is. Is it not true that a man has to divest himself of what he is and say, "I am not from the South. I am from the West," or some other section of the United States, in order to try to get the nomination? Is that not true? Some of those who are complaining about discrimination against minorities should realize that no one has discriminated against the South more than has the United States. I resent it, myself. Sometimes it seems that both parties ought to be given a whipping. I have been true to my party. I have stood up and voted faithfully for the Democratic Party. But, Mr. President, I am becoming tired of seeing anything like this happen, when the party leaders of my own party switch their stand on an issue, probably, in order to be nominated for the Office of President of the United States. I am tired of seeing the South become the whipping boy for all the troubles of the Nation.

Mr. President, we are faced with a question of procedure which transcends by far the importance of the merits and demerits of all pending so-called civil rights bills.

Why is this bill so important as not even to be considered by a committee? Why is it that other bills not as important as this one are considered in committee? I am thinking today that if a precedent is being set for the Senate, we will regret the fact that we did not have a recognized committee of the Senate pass upon a proposal of this kind before it was taken up by the Senate.

The question penetrates the entire legislative process. The question is: Shall we consider any bill before it is duly considered by the appropriate committee of the Senate? There are related questions. Is it the proper procedure for the Senate, in the absence of a careful study, based upon hearings or other pertinent data, to debate and impose upon the country, legislation which, after careful study and a complete committee report, may prove unwise, inadvisable, or unconstitutional?

On February 8 the so-called administration bill, S. 3001, was introduced by the minority leader, the Senator from Illinois [Mr. DIRKSEN]. When the bill was introduced, the minority leader announced it would become "a sort of working paper which will be available to all Senators."

The minority leader went on to say of this bill:

I expect to use it in due course under the prearrangement in September of last year as an amendment to a bill to be called up, I trust, next week when we convene on Monday. The bill represents the administration's program and contains seven sections.

The first section deals with the use of force or the threat of force to interfere with or obstruct court orders in school desegregation cases.

I would like to have someone point out to me any provision of the Constitution of the United States which allows the U.S. Government to enter into the administration of schools. I would like to have someone to point out to me a section of the Constitution which gives the Federal Government that right.

I continue reading from what the minority leader said:

The second section makes it a Federal crime for suspects to flee from one State to another to avoid prosecution for bombing schools or churches.

How much more harm is there in that than in bombing other buildings in a State? Why limit the bill to bombings of schools and churches? Why should it not include bombing of apartment houses? Why not include the bombing of any building, a skyscraper for instance? Why leave them out of the bill? According to this proposal, they can be bombed, but this provision would apply only to schools and churches.

Further quoting the minority leader:

The next section authorized the Department of Justice to inspect voting records in enforcing the 1957 Right-To-Vote Act and to preserve Federal election records.

The fourth section relates to school assistance and provides grants to be matched by the States or communities under a 2-year program to help provide additional nonteaching, professional services required in desegregation cases.

The fifth section relates to schools for the children of military personnel. It authorizes the Government to provide schools for the children of military personnel in areas where regular schools are closed because of desegregation.

The sixth section establishes a Commission on equal job opportunities under Government contracts.

The last section amends the Civil Rights Act of 1957 to provide for court-appointed U.S. voting referees.

This measure has been introduced in the House as H.R. 10018 and H.R. 10035. I have indicated that it represents the administration's package and will become a working paper when we come to the civil rights discussion next week.

For weeks, the Committee on Rules and Administration has held hearings on the so-called Federal Registrars Act. Those hearings were terminated on February 5. No final draft bill and no report has yet reached the Senate on that bill.

We may anticipate many amendments to both of these bills when they are properly before the Senate. They will not properly be before the Senate until the Committee on the Judiciary has acted upon them, unless by force of numbers our predetermined order of business is set aside, declared of no avail and thwarted. I plead for regularity of procedure, order in our deliberations, and sanctity for the safeguard of the legislative process.

The established order and procedures of our deliberations should be observed

at all times. They should not be observed for some bills and not for other bills. I believe in fair treatment all along the line. I believe all bills should be treated alike. There should be no discrimination in the consideration of bills. Any departure or deviation from the established procedures leads to ill-considered action and hasty and improper legislation. Such results naturally tend to break down precedent, encourage punitive legislation, and in the end do more harm than good.

What demand, other than for political gain and benefit to those who wish to curry favor with minority groups, is there before us to justify our laying aside all the time-honored safeguards which experience through the years has taught us is necessary before proposed legislation should reach the Senate for its consideration? The only compelling reason is political, rather than for the welfare of the country as a whole. We all have to acknowledge that. To me this is too apparent. It is self-evident and self-imposing.

Are we to vote amendments to either of those two measures irrespective of a consideration by the duly-constituted Senate committee as to their possible unconstitutionality?

Must we give way to the demands of individuals who seek political preference by playing into the hands of and for the favor of loud-mouthed minority groups?

I contend that the orderly procedures and safeguards established for all proposed legislation by our rules and precedents should be followed here and now as they have been in the past.

Let us have the reports on these bills. Let us have the majority and minority reports from the appropriate committees. We can then deliberate and act with prudence, wisdom, and some measure of foresight. In the absence of such reports and printed hearings, we will be compelled to grope in darkness and doubt.

The Senate needs more than a working paper when it is called upon to consider a complicated measure such as S. 3001, containing more than 21 pages of typewritten language. The bill has seven sections. It is omnibus in character. Each section is far-reaching in effect. Each section requires detailed study and analysis. The precedents need thorough reviewing before we shall be enabled to deal adequately with their consequences to peace, order, and the rights of the States and our citizens generally.

A working paper should not contain the complicated devices one will find in S. 3001. A working paper, in my interpretation of the term, contemplates an accomplished document or a generally accepted fact about which a debate is to be engaged in or a judgment is to be reached. It does not contemplate, in my judgment, a consideration of a multiplicity of legislative proposals wrapped up in an executive decision of what may or may not be for the best interests of the country as a whole.

I am opposed to the consideration of major legislative proposals in the absence of a committee study of them. For what do we have committees unless it be to advise us? Why has the Congress, from its inception, found it advisable and to the best interest of orderly procedure, the safeguarding of rights, and the determination of the necessity for legislation to have the bills submitted to it referred to the appropriate committees? The answer to such a question is obvious. Should we act otherwise now we would encourage disregard for law, order, precedent, custom, and the natural flow of wisdom which comes from such procedures. Confusion, dismay, disorder, and anarchy itself can be the natural consequences of our flouting the established safeguards for legislation.

The larger interests of proper Senate procedures, handed down to us by our distinguished predecessors, require more consideration than the immediate personal interest of any one of us, regardless of what office we may be seeking.

I call for orderly procedure. I, for one, wish to honor precedent and the due process in the bills we are to debate on the Senate floor. We need not circumvent our customs, flout our procedure and disregard our precedents. Now, of all times, when in the world at large we see so much doubt and confusion, so many changes in Governments, so much tyranny and disregard for law and order, so many human conflicts and so many property rights imperiled, we should walk cautiously and act wisely after due deliberation. To walk cautiously and act wisely after due deliberation, we must seek the light of the past to guide our steps into the future. The accumulated wisdom of our predecessors in this body dictates a higher regard for the rules we have adopted.

The bill introduced only a few days ago, S. 3001, designated as a "working paper" by our minority leader, and the Federal Registrars Act, which has been under consideration of the Committee on Rules and Administration, contain obvious questions relating to the powers reserved to the States under the 10th amendment to the Constitution. Constitutional questions are thus obviously raised. While it is true that the chairman of the Committee on Rules and Administration of the Senate is also chairman of the Subcommittee on Constitutional Rights of the Judiciary Committee, that alone is insufficient. No other member of the Committee on Rules and Administration is a member of the Constitutional Rights Subcommittee. No other members of that subcommittee have considered in subcommittee the proposals of the two bills about to come before us. I think that questions involving the constitutionality of a proposed measure should be considered by the Subcommittee on Constitutional Rights of the Committee on the Judiciary. We should not bypass that committee. We are not at war. No imminent danger to our country is present to justify a departure from well-considered customs and precedents.

To the contrary, such departure at any time endangers the Nation and our constitutional form of government as much as some foreign power. We are forming habits in the Senate, and to depart from procedures starts a bad habit which eventually could destroy committees and bog us down in "Committee of the Whole" proceedings. That is what we are doing. Our parliamentary procedures are safeguards for all of us. They are protections from an intrusion on the constitutional rights of all of us. While some time may be required, the pressing needs of the country are such that time is not of the essence unless for political expediency we see fit to follow expediency rather than precept, examples, and the customs which have guaranteed and insured our rights from the very foundation of our Government.

Mr. President, is the South to be lashed to the post and whipped to death? Is the South to be pistol-whipped into line by the bully majority? Is the majority going to herd us into the corral like cattle, and, like a band of rustlers, take off with all the rights of the States?

Mr. President, in my opinion, if the Senate continues to proceed in this unprocedural manner, then it is acting no better than a mad mob that is about to lynch some poor soul.

There is little difference between mob violence that breaks down the jailhouse door and drags off its victim to be lynched at the end of a hemp rope in violation of judicial procedure, and mob violence that breaks down constitutional parliamentary procedure in the Senate to lynch the South, or any minority, at the end of a legislative rope.

This is what Senators will be doing if they follow the program that has been scrambled together in this Senate. Senators will be acting no better than a mob that wants civil rights blood at all costs, regardless of right or wrong, regardless of committee hearings, regardless of testimony, and regardless of constitutionality.

We are setting a national example in the Senate by our actions. If the Senate abandons judicial processes and gives in to the temptation of mob violence, we will be setting a terrible example for the people.

Mr. President, now I have made my charges concerning the gravity of the situation we are now faced with. I think we understand the conditions causing the confusion in the Senate, and I think, in all justice to everyone concerned, our problems are deeply rooted in the fact that the Senate has diverted from normal committee procedure.

What of the justification of any of this legislation?

What of the trials and errors of our civilization in the past with such legislation dealing with local matters, particularly election matters?

I say let us not just talk to one another on the floor about our own personal current beliefs concerning this legislation. I say let us look at the record.

I turn to page 382 of the CONGRESSIONAL RECORD dated December 19, 1893, and I tune my ear in on the men who were making history on that day. We are all, in this Senate, making history,

and any man in a position of responsibility such as we hold who attempts to make history in 1960 without first taking the lessons of history made before him is failing to carry out his obligation to the people and to the Constitution of this Nation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. I note that the Senator from Illinois [Mr. DOUGLAS] has now joined us on the floor. I should like to renew my suggestion that we resolve this entire impasse by substituting a bill which would pay for whatever subsidy might be necessary to enable those who find that there are not enough civil rights available to them in South Carolina and Louisiana to move to Illinois or New York.

Mr. JOHNSTON of South Carolina. As I said a few minutes ago, they might go, and some do go, but they do not always stay.

Mr. LONG of Louisiana. The citizens of those States apparently must be enjoying to a degree the kind of civil rights that the Senators of those States advocate. Does not the Senator believe that the speediest way to achieve that objective would be to make it possible to speedily transport those people to Illinois and New York, where they could enjoy the kind of civil rights that are advocated by those who represent those States?

Mr. JOHNSTON of South Carolina. I fear that they might get up there and then find that they could not enjoy all those civil rights, or the kind of freedom that these people speak of. I would like to know how many colored teachers and how many colored people there are in Chicago. I wonder how many they have in his State. He will find that we do not have anything like that ratio. Therefore I believe that the colored teachers probably would be out of work up there.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. DOUGLAS. It is true, of course, that there has been a great migration of Negroes to the North, and that, while individuals may have returned, on the whole the North seems to exercise a good deal of attraction on Negroes in the South. Is it not also true that if this migration continues, a lot of the hard, manual work of the South will have to be done by whites and this will not be pleasant.

Mr. JOHNSTON of South Carolina. I do not believe that it will be necessary for them to work in the cotton fields. We have about quit raising cotton in South Carolina. The Senator is behind the times. We are going into industry now. We are taking industries away from the northern people. There is a good reason for that. We have better labor, and better climate, and cheaper power, and other advantages. That is why industries continue to come down South.

However, the Senator from Illinois is correct when he says that the colored people are leaving. We had approximately 62 percent at one time. Today it is only about 30 percent. So the Senator will find that he, and not the South, will have the problems. He will probably find that the shoe will be on his other foot.

Mr. DOUGLAS. Then why is the Senator worried?

Mr. JOHNSTON of South Carolina. I am not worried. We are being fair to all people, and we give them all the right to vote.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Before the Senator from Illinois leaves the Chamber, I would suggest that the appropriate answer would be for the Senator from Illinois and the Senators from New York to join in the proposal to pay the expenses of the people who believe they do not have enough civil rights in the South to move them North, and help them settle and establish themselves there, and also help to pay the expenses of white people who wish to move south, in case they would like to live among us and enjoy the type of civil rights that we have.

Mr. JOHNSTON of South Carolina. When the Senator suggests that the white people come to the South, I would like Senators to know that a great many white people are already coming to the South. That is true in the lower part of my State and in Florida. They are really building up the population down there. Where are they coming from? They are coming from the North and they stay down there.

Mr. LONG of Louisiana. The other day a delegation of colored citizens visited me, urging that I introduce a bill so that people of African heritage could return to Africa, particularly to the newly liberated nations there. In the light of that situation, I cannot understand why the NAACP, which claims to represent the colored people, are against such a proposal and appear to favor the Communist concept that a person cannot leave a country if he wants to do so.

Mr. JOHNSTON of South Carolina. I do not wish to discriminate against anyone. I want to give both white and colored people the opportunity to come to South Carolina if they want to come. That would suit me fine.

Mr. LONG of Louisiana. Does not the Senator from South Carolina consider it passing strange that we cannot get any kind of suggestion or any answer to this problem? That being the case, why can we not arrange it so that those who do not like the civil rights they enjoy in the South can have the opportunity to go North?

Mr. JOHNSTON of South Carolina. I should think the Senator from Illinois would agree with that proposal. One of the greatest advocates on this subject came from his State—Abraham Lincoln.

Mr. LONG of Louisiana. Nevertheless, if some people feel they are being denied civil rights in the South, the answer would be to help transport them to the North and get them settled there, where they can enjoy the civil rights that exist there.

Mr. JOHNSTON of South Carolina. I think that would be fine. The money for that program would come from the U.S. Treasury. Of course, it would not come from the States that they were leaving.

Mr. LONG of Louisiana. This being a national problem, would it not be fair for the Government of the United States to pay the expenses of helping toward a solution of that problem?

Mr. JOHNSTON of South Carolina. I think that would be fair.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. ERVIN. As I construe the question which the able and distinguished Senator from Louisiana asked of the able and distinguished Senator from South Carolina, it was substantially this: The Senators from New York and Illinois profess to have the solution for the problem, and that problem is in the South. The suggestion the Senator from Louisiana is making is that we move the problem to where the solution is. In that way the problem would be solved, and everybody would be happy. Then the Senators from New York and Illinois could spend more of their time doing something more useful than trying to reconstruct the South. The country would advance by leaps and bounds, and everybody would benefit.

Mr. JOHNSTON of South Carolina. Another point is that we would be treating them the way we treat the wetbacks. We say that if a farmer wants to have wetbacks come across the border to help him, he must pay their way over and then see to it that they get back. We would be treating our migrants the same way.

Mr. LONG of Louisiana. In that case the Senator would invariably find that there might be no need for integrating.

Mr. JOHNSTON of South Carolina. South Carolina does not have any counties in which colored persons are not allowed to be out after dark. But there are whole counties in States in the North where colored persons are not allowed to be out after dark. One would not have to go very far to get into such a State, either.

Any fool can go headlong into wild legislative experimentation, but a wise man counsels with the lessons of history before he acts.

I appeal to the Senate to listen to history, which I shall read from the debates of 1893, when the same kind of bill was before the Senate. At that time the Senate was engaged in repealing a law, not in passing one. That bill had some of the same features in it as does this proposal.

Mr. James H. Berry, the Senator from Bentonville, Ark., obtained the floor and asked that the Senate take up the pending bill of that day, which was H.R. 2331 of the 2d session of the 53d Congress, the purpose of which was to repeal all statutes relating to supervisors of elections and special deputy marshals, and for related purposes.

As we open this page of history, the Senator from Arkansas was reciting the purposes of this bill.

I shall now quote Mr. Berry from the CONGRESSIONAL RECORD:

Mr. President, this bill provides for the repeal of section 2002 of the Revised Statutes of the United States, relating to the bringing of armed troops to places of election, and of sections 2005 to 2031, inclusive, relating to the appointment, qualifications, powers, duties, and compensation of supervisors of election and special deputy marshals, and also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, and a part of section 643, relating to crimes and their punishment. All of these laws which it is now proposed to repeal relate to the supervision of elections by Federal authority.

The power to pass these laws originally is derived, or claimed to be derived, from the following clause of the Constitution of the United States:

"ARTICLE I

"SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time make or alter such regulations, except as to the places of choosing Senators."

It has long been contended that this clause of the Constitution conferred upon Congress the power only to pass election laws when the States had neglected or refused to act in the premises, and that the laws now in question were not warranted by the provisions of the Constitution.

That sounds almost like the situation today, does it not?

I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.

I take it for granted, Mr. President, that each Senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men.

We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is, can this purity and this fairness be best secured by the Federal Government or by the several States?

These laws which we seek to repeal are part and parcel of the Reconstruction laws. They were passed soon after the close of the Civil War; passed at a time of great political excitement; * * * passed for the additional purpose of enabling the Republican Party to retain control of the State of New York and other leading States throughout the North.

Mr. President, nothing has been presented to the U.S. Senate by any Member which would guarantee that any Federal election laws or referee laws Congress may wish to pass could not be used to guarantee to a particular party the control of National, State, county, municipal, and other elections. Let that sink in.

As the Senator from Arkansas pointed out in 1893, the election or registration or supervisors' statutes of that day—Senators can call them whatever they want in 1960; but what is being proposed here is the same as was on the books at that time—were used to control elections; not to control them to make them free, honest, democratic elections, but to help a certain party to retain its stranglehold on the country.

I do not care what language is used; I do not care what terminology is used; I do not care what excuses are used in the writing of any statutes giving the Federal Government control over local elections. Regardless of what is behind it, any statute giving the Federal Government control over election machinery at any level will be able to be used in a clandestine, partisan, political way.

No matter how honest we are today, there will always be someone who will be tempted to misuse such terrifying power.

I continue to read from the RECORD of December 19, 1893, still quoting Senator Berry, of Arkansas:

If there was ever any excuse for their passage, if there was ever any condition of affairs to justify any man in supporting them, this condition has long since passed away, and there can be no excuse for their retention now.

I do not speak of the period of Reconstruction for the purpose of reviving the bitter passions, prejudices, and contentions engendered by those acts, but that period is intimately connected with the passage of these laws. It is a dark period in American history, a blot upon the name of the Republican Party. It can never be forgotten and ought not to be forgotten. It should serve as a warning not only to us but to those who come after us against the fatal policy of centralization of power in the General Government, against the policy of attempting to exercise by Federal authority that control and direction of local affairs which was intended by the framers of the Constitution to be regulated by the States alone. Its evil effects upon the Southern States and upon the country at large ought to serve as an overwhelming and unanswerable argument for the repeal of the laws connected with it, and all others of a kindred character.

Mr. President, nothing that any American could say could possibly overemphasize the very dangerous hidden powers which such legislation which would place in the hands of the central Federal Government, as a result of giving it the machinery by which to control our elections.

So, I beg each Member of the Senate to study the pages of history and consider the tragic lessons which were taught our Nation in the late 1800's.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a question?

Mr. JOHNSTON of South Carolina. I yield for a question, only.

Mr. LONG of Louisiana. I ask the Senator to yield only for a question.

Is the Senator from South Carolina familiar with the fact that the history of the operations of corrupt political machines shows that whenever the machines were successful in winning elections, to keep themselves in power, they were able to take with them the Attorney General or the other law-enforcement authorities, such as the district attorneys, and that the machines never would prosecute their own hirelings or their own machine members for their dishonest actions in perpetrating corrupt elections?

Mr. JOHNSTON of South Carolina. Certainly not many of them were ever known to have been prosecuted, when they were of that class or kin.

Mr. LONG of Louisiana. That is correct. In other words, whenever a corrupt political machine won an election, and carried with it control of the administration of the Government, it never would prosecute its own people for their dishonesty in stealing the ballots in order to get the machine in power. Is not that true?

Mr. JOHNSTON of South Carolina. Yes; and the machine politicians know that; and thus they go to such extremes. They will continue to do so if they are given an opportunity.

Mr. LONG of Louisiana. As a matter of fact, quite apart from prosecuting those who steal votes for the machine, those who control the machine will reward—by giving them jobs or other political favors—those who steal votes for them, will they not?

Mr. JOHNSTON of South Carolina. Certainly; and such cases have occurred in recent years, too.

As a matter of fact, in certain parts of the South if a candidate were known to be supported by Tammany, which controlled the politics in New York City, that knowledge would be politically fatal for that candidate. That has been true in the South, has it not?

Mr. LONG of Louisiana. Yes.

Mr. JOHNSTON of South Carolina. That was because at that time there was rotten, corrupt, machine control of politics, by means of the Tammany organization.

Yet today we are confronted with a proposal to establish a machine to enable the President's administration and his Attorney General to elect the next President and the next one after that.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Is it not true that once the Federal Government were allowed to control and to conduct the election process, a corrupt executive with a corrupt administration would have enormous power to perpetuate that administration in power, by using dishonest methods, the like of which the mind simply cannot conceive on short notice?

Mr. JOHNSTON of South Carolina. I do not have to refer to other than my own experience, in order to know that. In my State there used to be a city where the elections always resulted in the way the administration in power wanted them to result. The administration in power there always carried the elections, but not in the way the people of that community wanted the elections to result. The administration officials would change ballot boxes or would burn ballots or would throw ballots into the Atlantic Ocean. That happened in one city in my State; any South Carolinian will tell you that that did happen.

So we can judge what would happen under such conditions if the proposed legislation were enacted into law.

For instance, in 1930 I was elected Governor of South Carolina; but because of the influence of the machine I did not serve as Governor of South Carolina at that time.

Later on I found that the machine had juggled the ballots and destroyed so many ballots in Charleston as to give my opponent an overwhelming majority of the votes cast there—so overwhelming that I was declared to be the loser, although in the rest of the State I was leading by approximately 7,000 votes. That is what happened at that time. I speak from actual experience. So I know very well what machines can do.

Therefore, Mr. President, I know what the enactment of a law such as the one now proposed would do, in terms of the establishment of a machine with the benefit of election watchers.

Mr. LONG of Louisiana. Is it not true that in the Reconstruction era the Republican administration which at that time was in power used corrupt means to control the elections in the Southern States, and not only were such corrupt means used to control the elections in the South—by means of the Republican machinery which was in control at that time—but the elections in New York and other Northern States were also corrupted by means of that machine, even though in those States the elections had previously been free and had not theretofore been under the control of such corrupt machines?

Mr. JOHNSTON of South Carolina. That is true.

The people of South Carolina suffered under that situation until 1876. But today it is proposed to set up a similar machine to penalize the South. Those who now propose the establishment of such a machine hope to have it set up in such a way that certain persons would have to vote Republican.

Mr. President, I fail to understand why all Senators on this side of the aisle do not wake up. All Members of the Senate should study the pages of history, and then should consider what some now wish to do by means of Republican election machinery set up under the law now proposed.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Cannot the Senator from South Carolina anticipate what would happen under such a law, when many persons who, under the honest election laws of the States, could not be placed on the election rolls, would be allowed to vote? Cannot the Senator from South Carolina anticipate that under such circumstances thousands and thousands of persons who were not qualified to vote—in fact, many of whom could neither read nor write—would be allowed to qualify and to vote? Does not the Senator from South Carolina anticipate that it even might be possible for such persons to register and to vote 8 or 10 times?

Mr. JOHNSTON of South Carolina. Certainly; and before I conclude my remarks, I shall discuss that situation.

Mr. President, I do not know how long the session tonight will last; but I assure the Senate that I am prepared to speak at length. When I conclude the speech I am now making, I will call for a quorum, and then I will begin another speech. I warn Senators that is what I plan to do. If some Senators wish to keep me here for hours and hours, I will reciprocate by keeping them here for hours and hours, too. Certainly that game can be played by both sides.

Mr. President, I would never question the intentions of any Member of the Senate, for I trust that everyone's interest in this matter is to secure for everyone free, honest elections. However, I beg of each Member to study the pages of history and consider the tragic lesson which was taught our Nation in the late 1800's.

Let me repeat what Senator Berry said when he referred to that dark period of history, when our Nation had Federal controls over elections:

> It should serve as a warning not only to us but to those who come after us against the fatal policy of centralization of power in the General Government, against the policy of attempting to exercise by Federal authority that control and direction of local affairs which was intended by the framers of the Constitution to be regulated by the States alone.

Mr. President, that address by Senator Berry is of tremendous importance to all of us; and I shall continue to read from the RECORD what he said to the Senate on that December day:

> The Senator from Illinois [Mr. Shelby M. Cullom of Springfield, Ill.] in a speech made in the Senate a few days ago used the following language:
>
> "I apprehend that no Senator will fail to perceive that this discussion brings us back to the identical question which our friends in the South attempted to settle at Sumter on that April day in 1861, and which reached a final settlement in 1865."
>
> Mr. President, it is most remarkable to me that, whenever we attempt here to correct by legislation any evil which has grown up under Republican rule, we are almost invariably met with the answer that it is a measure which has been settled heretofore by war. When we ask the repeal of laws which pretend to give fair elections, because they are used as an engine of fraud, the Senator from Illinois tells us that this was an issue settled by the war.
>
> When we attempt to modify the tariff law, which levies tribute upon the great body of the people of the United States for the maintenance and protection of a few individuals, the Senator from Oregon [Mr. Joseph N. Dolph of Portland, Oreg.] tells us that the war which ended in 1865 was waged for free trade.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question at that point?

Mr. JOHNSTON of South Carolina. Yes.

Mr. LONG of Louisiana. Is the Senator reading from something that happened in 1893, or is he speaking about the present parliamentary situation?

Mr. JOHNSTON of South Carolina. It is something that was said in 1893, but does it not sound as though like I were speaking about what is happening today in connection with this particular legislation? The only difference is that an effort is being made to have such legislation enacted now, and Congress was repealing such an act at that time. We are putting it back; and they were taking it off the statute books.

Mr. LONG of Louisiana. I thought the Senator had departed from his text and was speaking about the present day when he mentioned what the Senator from Oregon and the Senator from Illinois said.

Mr. JOHNSTON of South Carolina. I mentioned the name of the Senator from Oregon; I did not name present Senators, but Senators of that day.

Further quoting Senator Berry:

> This question is brought up on every possible occasion whenever the other side seeks to perpetrate a fraud at elections under the pretense of protecting the ballot box, whenever they seek to take from the people of this country a large amount of their substance under the pretense of protecting American labor, or whenever they seek to take possession of a small kingdom under the pretext of improving the morals of the queen—in either and all these instances, when objection is made, we are met by the proposition that the people of the South engaged in rebellion and fired on Fort Sumter some 30 years ago. I submit that that is no answer to the proposition.
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> Mr. President, I deny that this discussion raises any such question. I deny the statement that there is any disposition upon the part of any Senator on this side of the Chamber to raise again the issues which were settled by 4 years of war. The great questions that the contest which began at Sumter in 1861 and ended at Appomattox in 1865 settled were these: First, that no State could secede from the Union or sever its relations with the general Government; and, second, that thereafter neither slavery nor involuntary servitude, except for crime, should exist within the United States.
>
> These we freely concede and have never denied. These were the issues upon which the battle was fought and decided against us. We accepted the verdict in good faith and have never sought to reverse it. The people of the South have never complained either of the conduct of the war or its final result. They entered the contest boldly and fearlessly and threw down the gage of battle to a superior foe. They showed in 4 years of war that they were in deep and deadly earnest, and believed in the principles their fathers had taught them. They displayed a courage upon the field of battle, an endurance under great privations, and a patience in defeat which command the admiration and respect of the civilized world.
>
> When defeat came they accepted its consequences without a murmur, and are today as loyal to the flag of our common country, as solicitous for the honor and glory of this great Republic, and for the happiness and prosperity of the people of all the States of this union as are the people who followed Meade and Hancock at Gettysburg or those who gathered around General Grant at Appomattox.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. Yes.

Mr. LONG of Louisiana. If I correctly understand the Senator, he is quoting from a speech made by a southern Senator who was seeking to relieve the South from the horrible injustices which had been done the South for a period of more

than 20 years after the Civil War; and this speech was made 26 years after that war was over. Is that correct?

Mr. JOHNSTON of South Carolina. That is so.

Mr. LONG of Louisiana. The South, all during that quarter of a century, was suffering every type of injustice which can be imagined, and which today is admitted.

Mr. JOHNSTON of South Carolina. The South had been living under that act all those years and it had been suffering. The South had to go through that period of suffering under this law, and the people knew that in States like New York dishonesty had grown up under the operation of this law; and the act was before the Senate, and it was repealed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Does the Senator find himself wondering how short the memory of Democrats can be about the fact that it was just this type of law, a Reconstruction Act, and other laws which went along with it, which disfranchised all the whites who were worth their salt in the South, because they had been Confederate soldiers? This was before the days of women's suffrage. All the decent white men of the South who had been Confederate soldiers or Confederate sympathizers were disfranchised. The only persons who were not disfranchised were renegades, turncoats, and traitors.

Mr. JOHNSTON of South Carolina. That is correct.

Mr. LONG of Louisiana. So the turncoats, renegades, traitors, and carpetbaggers, who got rich at the expense of the victimized people, who were down and were being held down; they were the only ones who could vote, plus the newly liberated Negroes, who could neither read nor write, with the result that the carpetbaggers left after getting rich and after carrying off with them all that they could, which was most of the tangible wealth that could be carried off. One of the phases of reconstruction was that the only way the Republicans could be kept in control was by giving the vote only to the turncoats, renegades, traitors, and carpetbaggers, and the liars who said they did not support the Confederacy, when they had, plus the Negroes, who had had no opportunity to have had an education.

Does it not seem to the Senator that the memory of Democrats is short when they do not realize that these were the acts which were used to keep the South under, from the end of the Civil War until 1893?

Mr. JOHNSTON of South Carolina. Yes, the memory of man is short. I think this is one instance in which the memory of man is very short. I point out that Abraham Lincoln was not elected by a majority vote. Abraham Lincoln, when he was elected President, received only 40 percent of the votes cast in the United States. Abraham Lincoln would not have been elected President of the United States if it had not been for the fact that the Democratic Party had split into three factions, and had three persons running for President, while the Republicans had one.

That is exactly what the Republicans are trying to do today. They are trying to split the Democratic Party in order that their candidate may be elected. That is the reason why they are talking about civil rights. I am willing to bet my bottom dollar that if we could get into their caucuses and hear what the Republicans are saying, we would hear, "We have got to stir them up. If we can stir them up, we will split the Democratic Party wide open."

That is exactly what is taking place. The Democrats do not have enough sense to realize it.

The Democrats met in Charleston, S.C., first. That is my State. They met in 1860. When they met there, they broke up and part of them went one way and part of them another way, and the groups began to meet in other places in the United States, nominating candidates as they went, and then what happened?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. The man who gets the highest number of votes in a State gets all the electoral votes. That is the only way Abraham Lincoln was elected.

Mr. LONG of Louisiana. I wonder if the Senator agrees with the statement which is made from time to time, by historians, that it was actually the splitting up of that Democratic Convention at Charleston which brought on the Civil War. If the Democrats had been able to stick together at Charleston there would not have been a Civil War.

Mr. JOHNSTON of South Carolina. That is my opinion, and I think any good historian who has studied history would tell us we would not have had the Civil War if this particular issue we are "squawking over" in the Senate had not been "squawked over" in 1860, and if the Democratic Party had not split, which caused the election of a Republican, and ended up with the start of a war.

Nobody can deny that fact. All our politicians ought to see that, and ought to get together and leave the States alone.

I am not going to fool with New York State. New York can elect anyone it wishes to elect Governor or Senator or Representative in Congress or anything else. New York can make any regulation it wants to. I think that jurisdiction belongs to the State.

But I resent anybody telling the people of South Carolina how we can operate, who will be registered in South Carolina, and what qualifications the voters shall have. I think that prerogative belongs to the State, and I resent the interference.

Mr. President, I quote further from the remarks of Senator Berry in 1893:

> But if the Senator from Illinois intends to state that the war settled the question that the General Government had the right to control the local affairs and police regulations of the several States, or to state that because we believe that fair and honest elections can be better secured by the States themselves without the interposition of the General Government, that we are seeking to revive the issues of the war, then he misstates the facts of history.
>
> We never complained of the war and its results, but we did complain of the passage of the laws which we now seek to repeal and others of a like character, enacted after the close of the war. They professed to pass these laws, and other reconstruction laws, in the interest of fair and honest elections, and yet they enabled the Republican Party in the South to perpetrate the most glaring frauds at elections that the history of the Government has ever known. Under governments established by that party under these and other laws passed during that period, fraud and false counting became the rule and not the exception throughout the South.

Do not blame the South for that. Blame the Republican Party for putting it into effect at that time.

Mr. President, I quote further from the remarks of Senator Berry in 1893:

> The will of the people as expressed at the ballot box was habitually overthrown and disregarded, and men were foisted into high places of power and trust whom the people had repudiated at the polls, and these men by their acts of tyranny and shameless robbery perpetrated upon a helpless people cast a stain upon American manhood, and by their own wrongful acts they furnish to us here the strongest evidence that could be presented why all laws that could bring about such a condition of affairs should be taken from the statute book.

If the people thought at that time the law should be taken from the statute books, why should we put it back?

I quote further from the remarks of Senator Berry:

> The Senator is mistaken when he says that this was an issue settled by the war. The Supreme Court of the United States has decided again and again that the amendments to the Constitution passed soon after the war did not destroy the autonomy of the States, and did not take from them the power to regulate and settle their own local affairs, and every attempt upon the part of the Government to deprive the States of this power and to usurp the functions which properly belong to the States has without an exception resulted in great evil to the country.
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> For more than three-quarters of a century the times, places, and manner of electing Senators and Members of Congress was regulated and controlled by the States and no laws were passed interfering in any way whatever with this control. During that time the Republic prospered as no country had ever prospered before. Peace and order prevailed everywhere. Frauds in elections, false counting, and illegal voting were of the rarest occurrence, and a charge of that kind made against a party or an individual was sure to excite the public mind and, if proven, to bring the party or individual under the condemnation of all the people without regard to political affiliation.
>
> Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception, in Louisiana, of the use of money in elections or of false counting brought against any party in any of the States of the South; but from 1868 to 1874, under the Republican rule in my own State—and I presume it was so in other Southern States—the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well-known facts, and hurling charges of wrongdoing at their political opponents.

That sounds good today also.

I quote further from the remarks of Senator Berry, of Arkansas, in 1893:

When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas largely outnumbered the blacks, and the great and overwhelming majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro, the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority they deliberately falsified the returns and declared it adopted.

These are the remarks of Senator Berry in 1893. Still some want to put these laws back into effect again. Oh, how history does repeat itself.

I quote further from the remarks of Senator Berry:

When the people protested, militia forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government.

Just as they will be behind the people who are sent in to watch and to carry on the elections in the various Southern States.

In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their Government.

This will serve to show, Mr. President, something of the different conditions which prevailed under the two systems; the one where the time, place, and manner of holding all elections were regulated by the people of the State, and the other where the General Government usurped the control of elections by the power of U.S. soldiers.

When people start fighting over the spoils, it is like two dogs fighting over a bone, and a third dog who comes up and goes off with the bone. That is what happened in this particular case. While the two Republican factions were fighting over the spoils, the Democratic Party got back into power.

Mr. LONG of Louisiana. Does not that sound like the story of the two farmers fighting over a cow, one pulling on the head and one pulling on the tail, while the lawyer was sitting in the middle and milking the cow over which the two farmers were fighting?

Mr. JOHNSTON of South Carolina. Yes.

Further quoting from Senator Berry, 1893:

In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than those appointed by the General Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the country. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill feeling and tend to destroy the peace and good order of society and threaten the security of their property.

Where the entire responsibility rests upon them local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.

On the other hand, officers appointed by the Federal courts, supervisors and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judges of election and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge can not have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.

These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute book there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicions, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he is trusted and placed upon his honor, and where he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the the General Government.

The Senator from Illinois says that these laws in no way influence or affect the election of State officers, but relate only to Members of Congress. While this is true on the face of the laws it is not true in point of fact.

In those States where the Members of Congress are elected at the same time and in the same place as the State officers, in every State where this condition prevails Republican supervisors and Republican deputy marshals have almost invariably used their office to control and influence the election not only of Members of Congress, but of State officers also, and for this reason many of the States have refused, and very properly refused, to permit the State elections to be held at the same time and place.

Throughout the South wherever and whenever these supervisors and deputy marshals have been appointed they have had a large and controlling influence with the colored population. With many of these ignorant citizens the man who holds power from the General Government is regarded as all powerful and one whose wishes cannot be safely disregarded, and that he is a kind of guardian for them, and has to a certain extent the right to direct how they shall cast their ballots; and those who have been appointed supervisors and deputy marshals in my State, at least by Republican judges and Republican marshals, have not hesitated to use this power and this influence on behalf of Republican candidates.

I am not quoting Mr. Berry now, but referring to remarks of the Senator from Louisiana [Mr. LONG]. I can imagine how those who would be appointed would carry on and do things. I can imagine that if they were appointed, we would see them, perhaps the night before election, meeting in a house somewhere with a group of colored people in my State, telling them, "You must vote the Republican ticket, for they are the ones that got the watchers for you. We are in charge. We have been sent down here by Mr. Eisenhower; and if you don't vote with us, they will be repealing all these laws and then you will not have somebody to look after your interests."

Can we not imagine that taking place? Does anyone believe that would be a fair election? I predict that would happen if we came to it.

The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committeed from 1868 to 1874 than any other one man in the State. He has since he has held the office of chief supervisor used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

We can very well imagine that the same thing would happen again, because they have not changed in any respect. We would find that in the next election after the pending bill was passed, they would be in my State and they would be in other Southern States. They would be in the State of every Senator. We would find them in some precincts in New York, and we would find them using this law against the people of every Senator from every State, just exactly in the same way that the old law was used in the South at that time. There is nothing like history, or like the past. The past is prolog.

The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and notwithstanding it was a Republican judge and district attorney, and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended, and where the result was in no way changed, and as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Is the Senator familiar with the number of cases which have reached the Supreme Court involving voting rights that would be protected by the 1957 Civil Rights Act passed by Congress 2 years ago?

Mr. JOHNSTON of South Carolina. Does the Senator remember any?

Mr. LONG of Louisiana. The point I had in mind is that the first case involving the 1957 Civil Rights Act, if I correctly have the fact, is at present before the Supreme Court.

Mr. JOHNSTON of South Carolina. That case originated in the Senator's State. Is that correct?

Mr. LONG of Louisiana. The case is from the State of Louisiana; yes. Does it not seem to the Senator from South Carolina that it is absurd to go on legislating and passing more laws relating to voting rights, and going beyond the 1957 act, before we have an opportunity to find out what the effect of the law is? Does the Senator agree with me?

Mr. JOHNSTON of South Carolina. I agree with the Senator thoroughly. Has the Senator read the testimony given by the members of the Commission before the Subcommittee on Constitutional Rights?

Mr. LONG of Louisiana. If I may answer the question and at the same time protect the Senator's right to the floor, I do not remember the point the Senator has in mind.

Mr. JOHNSTON of South Carolina. When they appeared before the Subcommittee on Constitutional Rights, at first they hesitated even to ask that the act be continued. Many of them, as the Senator no doubt knows, did not want to serve, and resigned from the Commission. The Senator will find from their testimony that they were not enthusiastic in that field at all. The Commission as a whole did not make any recommendations as to any laws. However, they divided, and one would say this, another one would say that, and the third would say something else. Each one made separate recommendations as to what ought to be done. They could not get together on what ought to be done or as to what law should be passed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LONG of Louisiana. Does the Senator know that based on the decision which is presently before the Supreme Court, the case which was heard yesterday, it may very well develop that there is no conceivable additional power that the Federal court could ask for, if the decision in the New Orleans case, which is presently being deliberated by the Supreme Court, is upheld?

Mr. JOHNSTON of South Carolina. The Senator from Louisiana is entirely correct on that point. I have heard it said many times on the floor of the Senate that when a case is under consideration by the Supreme Court we should not take the case out of the hands of the Court. I am sure the Senator has heard that statement made on the floor.

Mr. LONG of Louisiana. Does the Senator recall that some years ago we passed the McCarran Act, which related to the control of subversive elements in this country, and which set up a commission to undertake to investigate and control subversives; and does the Senator recall that that commission was thwarted by a considerable number of legal difficulties involving Supreme Court appeals? Some of those decisions were favorable to the Communists and Congress took a long time before it sought to legislate in that field. Further, does the Senator recall that no attempt was made to carry out the original intent of Congress when we were confronted with the legal impediments which the attorneys for the Communists threw before the commission?

Mr. JOHNSTON of South Carolina. The Senator is entirely correct. We certainly should study this subject very carefully and find out where the road is taking us, to make sure that we are traveling the constitutional road, not the unconstitutional road.

Mr. LONG of Louisiana. Does the Senator recall that many liberals were content to take the attitude with respect to subversives that we should wait to see what the previous enactment had accomplished before passing any new legislation in the field?

Mr. JOHNSTON of South Carolina. The so-called liberals were shouting all along the way. I recall that very distinctly. I thank the Senator from Louisiana for calling that to my attention and to the attention of the Senate. We ought to remember it.

Mr. LONG of Louisiana. As one Senator who did not support the 1957 act, I ask the Senator from South Carolina, Would it not seem reasonable that if anyone attempted to go beyond that act, he ought to give the courts an opportunity to rule on that act, to see how far it does go and what it achieves?

Mr. JOHNSTON of South Carolina. I believe the Senator from Louisiana is correct.

I continue to read:

> Laws that can be thus used ought to be repealed. They can do no good and they produce much evil.

Mr. President, I pray and hope we will never need to have debate repeated in the Halls of the U.S. Senate which spells out such a black time in our history. If we cannot take heed of this lesson in history, then we shall fail to keep the faith with the people who expect us to use our brains as well as our hearts when we write laws in the Halls of Congress.

I would like to continue now with the statement of the late Senator Berry from Arkansas, as he discusses the election of a deputy marshal in that State:

> Just preceding the election of 1890 a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock—

Little Rock. That sounds familiar, does it not? It is the only place where troops have been used in connection with school attendance since Reconstruction days—

> went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to frighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress.

This is not something which might happen. Senator Berry was telling what happened. I continue to read:

> Mr. President, laws under which such men as our chief supervisor can be clothed with such power and which can be used for such purposes can be productive of no good. We want them abolished and we want our chief supervisor abolished with them; and because we thus seek to correct existing evils we do not think it is fair to charge us with seeking to reopen issues that were settled by the war. If fair and honest elections cannot be secured by trusting the people of the several States then they cannot be secured at all.
>
> The whole structure of our Government is founded upon the theory that the great body of the people are honest, and if the time should ever come when the people are corrupt then the Government will fall; and if the people of any State cannot be trusted to conduct their own elections then no kind of force used by the general Government will suffice to produce an honest result. The whole history of the Government shows that it is better to trust the people of the States, to permit them to control their own local affairs in their own way. Such was the intention of the framers of the Constitution, and every attempt to turn from their teachings has proven disastrous to our institutions.

Mr. President, no other rule of thumb in our Nation's history has proved to be more accurate than this, which the late Senator Berry reiterated to the Senate. Senator Berry stated his reasons for wanting to repeal Federal election laws as powerfully and as logically as any human being could; and he further stated and predicted:

> I confidently believe that time will show that complaints of fraud in the election of Members of Congress will be far less numerous when this power is entrusted entirely to the people of the several States of this Union.

Mr. President, this prediction by the Senator from Arkansas has proved to be entirely true. His judgment was accurate.

At the time Senator Berry's speech was made, the Nation was appalled at the fraud being committed in elections all over the country. In studying the debates of that day, I came across some newspaper headlines which were quoted in the RECORD by a Member of the Senate. Newspaper headlines were a little more descriptive then than they are now, but that is all the more reason for quoting these headlines because they carried the story of the day: "A Would-Be Doctor Divulges a Damnable Scheme"; "Fraudulent Registration Certificates Issued to Them"; "The Most Shameless Methods Ever Resorted to by Designing, Desperate Men To Subvert Honest Government Laid Bare"; "Sunlight on Local Politics From the Lips of the Conspirators."

The inserter of these headlines in the CONGRESSIONAL RECORD of 1894, page 1448,

went on to explain that these headlines described the fraudulent election conditions of that day in a particular State. Going on, the inserter placed the following headlines in the RECORD: "No Wonder the Books Were Hidden"; "Rankest Sort of Frauds Dragged From Their Hiding"; "Registration Certificates Out in Solid Blocks of Hundreds"; "Certificates Issued to Dead Men, Vacant Lots, Depraved Women, and Mythical People by Multitudes."

Mr. President, the CONGRESSIONAL RECORD of December 1893 and January 1894 are filled with charges of fraud in elections all over this country, when the Federal Government was messing with them.

In all of these debates, it was obvious that fraud in the various elections was made possible by the existence of Federal registration machinery over which the local citizenry had no control. The placing of such power in the hands of the Federal Government made it impossible for honest citizens to control their own elections.

I can imagine that it would be said in a State, "Now it is up to the Federal Government." I can imagine a group getting together and saying, "The Federal inspector can handle things at this box. We now have Federal watchers. They have promised that they will do this, that, and the other, and they will handle things."

It would seem reasonable to conclude that the competing elements in the various political subdivisions of State governments would police each other to keep election machinery clean. The existence of Federal controls over elections takes from the hands of the local people any control or any power to keep the elections clean.

Never in the history of our Nation has there ever been a period of such fraud, deceit, and outright election stealing as went on during this period when Federal election machinery was on the statute books.

Mr. President, I defy anyone to question that statement. More things of that sort occurred at that time than at any other time in the history of our country.

But then some persons wish to place back on the statute books the very law which brought about those rotten elections and the stealing of elections.

Mr. THURMOND. Mr. President, will my colleague yield to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. THURMOND. I should like to commend my distinguished colleague, the senior Senator from South Carolina, for the great speech he is making here this evening. What he is saying is a great contribution to the enlightenment of the American people on this subject, on which so much enlightenment is needed; and I desire to congratulate him on the fine speech he is making.

Mr. JOHNSTON of South Carolina. I thank my colleague.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield for a question.

Mr. LONG of Louisiana. Might I congratulate the Senator from South Carolina for the very fine and learned address he is giving us this evening and for the information he has made available on this subject?

It seems to many of us that it is unfortunate that not more Senators have had the benefit of hearing the extremely fine presentation the senior Senator from South Carolina has been making. Certainly he has gone thoroughly into this matter, and has brought us a great amount of information which all Senators need to have before they can pass intelligently on the proposed legislation.

Mr. JOHNSTON of South Carolina. I thank the Senator from Louisiana.

Mr. President, it is now 10 o'clock, and I have finished approximately half of my speech. I do not wish to keep the Senate in session any longer.

I am now ready to discuss the pending measure. I have already discussed the history of this subject and its legislative background, and I have shown how the vicious Reconstruction Act brought about great evils in elections.

On the next occasion I shall explain, line by line and section by section, the effects of this measure—some of them similar to the effects of the Reconstruction Act and of other provisions of law which were revealed in the early 1890's.

Mr. President, I withdraw my amendment; and I now yield the floor.

Mr. JOHNSON of Texas. Mr. President, has the Senator from South Carolina concluded his statement?

Mr. JOHNSTON of South Carolina. Yes.

Mr. JOHNSON of Texas. Mr. President, if no other Senator desires to address the Senate at this time, I am about to move that the Senate take a recess until tomorrow.

I want the RECORD to show that I hope all Senators have had an opportunity carefully to examine the proposed substitute offered by the Senator from Illinois [Mr. DIRKSEN], and have had a chance to examine the hearings which were held for many weeks by the committee. Copies of the hearings are on the desks of all Senators.

I hope that on tomorrow the session will continue into the evening, and that each Senator who desires to address himself to the subject will have adequate opportunity to do so.

Mr. LONG of Louisiana. Mr. President, will the Senator from Texas yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. LONG of Louisiana. Is the proposed substitute which has been submitted by the minority leader presently printed and available to us?

Mr. JOHNSON of Texas. It is printed, and it has been available for several days. As I understand the situation, the amendment previously offered was withdrawn, and the same text has been offered as an amendment in the nature of a substitute.

Mr. DIRKSEN. Mr. President, will the Senator from Texas yield to permit me to make an explanation and a statement for the RECORD?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. What we had before us was, of course, the so-called Stella School District bill. That bill has become moot, for a very good reason, namely, that on February 15 all the children were moved out of the building which belongs to the Army, and they are now in their own school.

That bill contains a lease provision. Therefore, all that remains is the claim which the Federal Government might have for rent for the period of time when the school occupied that officers' quarters building. That matter is in the hands of the Army and the Department of Justice. At the moment there is no effort to press that claim; and it can be taken care of at any time.

So all the provisions of that bill have become virtually academic.

Consequently, this morning I withdrew the original substitute amendment which I had offered—it consisted of seven sections—and, in turn, I offered it in this fashion: To strike out all of the text of the school bill, following the enacting clause, and to substitute the text which appeared in the amendment which I originally had offered.

Mr. LONG of Louisiana. Then are we to understand that if the bill is amended in the way the Senator from Illinois advocates, it will not contain any provision for the benefit of the Stella School District, not even in regard to the $6,000 rent which it owes?

Mr. DIRKSEN. Yes; because that matter could be handled at any time—either by separate legislation or by attaching the claim provision to another bill which might come before us. So that matter raises no difficulty.

Mr. LONG of Louisiana. Why was the bill introduced in the first place, if no legislation was necessary in order to forgive the rental claim on the Stella School District?

Mr. DIRKSEN. The bill was introduced as a House bill, and was passed by the House last year. At that time there was a lease problem.

But since then the school district used the insurance money and used other help to build its own school facility; and on February 15 all the children were moved into their own school.

Mr. LONG of Louisiana. However, as I understand the matter, the Stella School District would still owe the Federal Government for rent for the period of time when the children were using the officers' quarters building.

Mr. DIRKSEN. Yes, if the Federal Government undertook to press the claim.

But in order to make sure that all the tearful compassion which Senators expressed the other evening, in the course of a long colloquy which took nearly one hour and a half, was not in vain, I made it my business to talk to the Assistant General Counsel of the Army and to the Department of Justice; and there is no disposition to press the claim, and the school district will not be prejudiced or jeopardized in any way.

Thereafter, in due course, in the forbearing spirit which Congress has so often manifested, Congress can completely forgive the claim, if the Congress so desires.

But the essential thing is that the children are now in school and are being educated day after day, and there is no interruption of the instruction courses. Of course we hope that many of the students will eventually become some of the foremost scientists in the country, since this is the scientific age.

Mr. LONG of Louisiana. I certainly hope the minority leader has more influence with the Department of Justice than I had when I was practicing law. I recall that on one occasion I bought some property from the War Assets Administration, and the property proved to be valueless. But the Department of Justice insisted on collecting the money.

I certainly hope the minority leader will have sufficient influence to see to it that the school district will not now be sued for the $6,000 of rental. I am certainly glad to know that the children are now in their own school; but I thought it was necessary to pass this bill, in order to forgive the $6,000 of rent.

Mr. DIRKSEN. But if for any reason any perverse individual in this farflung governmental structure might undertake otherwise, I have offered to develop a legal flying phalanx, consisting of the former Attorney General of the State of New York [Mr. JAVITS], the distinguished lawyer from New York [Mr. KEATING], the not distinguished lawyer from Illinois, myself, being a lawyer, notwithstanding, in good standing at the bar——

Mr. LONG of Louisiana. Somewhat like the Senator from Louisiana.

Mr. DIRKSEN. And others; and we would volunteer, at our own expense, to journey to the great Commonwealth of Missouri and there defend that school district against any perversities of the Federal Government.

Mr. LONG of Louisiana. Are we to understand that the amendment presently at the desk is identical with that which was previously offered by the Senator from Illinois?

Mr. DIRKSEN. It is the identical text, with all of the provisions of the school district bill stricken out after the enacting clause.

Mr. LONG of Louisiana. I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, I hope every Senator will read the RECORD and will arrange his itinerary so as to permit him to participate in the deliberations of the Senate that will be taking place the remainder of this week and beginning next week.

I am pleased that the distinguished minority leader has made the explanation that he has made about the Stella School district. I express the hope that the fair and just and honorable and tolerant Members who make up the Senate will find the opportunity, sometime in the days ahead, to read the RECORD of last September 14, in order that they may see that all the Members present were fully informed of the procedures that were contemplated would take place on February 15 of this year.

I think it is quite an indictment of Members of the Senate, after the many speeches that were made on that subject, after the many newspaper articles that were written on that subject, for any of them ever to admit that they were taken by surprise.

So far as I know or am informed or have been able to read, no Member of the Senate has taken such a position; but just to refresh the memory of the staff of the Senate, the minority leader, the other Members who are present, and those who read the RECORD, I should like to remind the Senate that on September 14, 1959, conferences were held, without my knowledge, between the Senators from New York [Mr. JAVITS and Mr. KEATING] and the minority leader [Mr. DIRKSEN], at which time they discussed the desirability of calling up certain amendments then pending at the desk to the then Civil Rights Commission extension proposal. They all concluded that, in view of the fact that adequate notice had not been given, and the fact that some of those who were opposing those amendments were not even in the city, it would be the better part of wisdom to attempt to arrange a day certain, and to put each Senator on notice that on that day certain those amendments, or similar amendments, would be offered in the Senate.

I learned about that conversation about 2 minutes after it had taken place. I learned about it when I heard the announcement made by the distinguished minority leader. And because the function of the leader, if he has any function, is to schedule legislation and to attempt to see that all Members are put on notice with respect to proposed legislation, I inquired of the minority leader what he contemplated in that respect. The minority leader told me that on or about January 18 he would proceed to make a motion, or some Senator would make a motion, to proceed to the consideration of these amendments or other amendments relating to the subject of civil rights.

I conferred with him, after conferring with many southern Senators, and many Senators who favored civil rights, and many who opposed civil rights, and finally concluded that the most convenient day to suit every faction in the Senate, and every bloc in the Senate, and every viewpoint in the Senate, would be after the Jefferson-Jackson Day addresses in January, the Roosevelt birthday address in January, and the Lincoln birthday addresses in February. We all agreed that this subject would come before the Senate on or about 12 o'clock on February 15.

We further spelled out that each Senator should be on notice it would come about in one of four ways. The first method was by motion to discharge the committee headed by the Senator from Mississippi [Mr. EASTLAND]. No Senator likes to discharge a committee, but no one can correctly maintain that this committee had not had adequate time to consider such legislation, because I conferred with the chairman of the committee on numerous times last year about legislation in this field, and came away from those conferences with the definite impression that the chairman not only did not plan to report such legislation but that he would see that no such legislation would be reported if he could prevent it, and he did not desire to have the committee discharged.

The vote the other evening showed that there were only four Members of the Senate who felt the Senate should take such drastic action as to discharge the committee. But that was one of the methods of procedure that was outlined at least three times on September 14.

The second method was to proceed to consider a House bill, if a House bill on civil rights should be passed.

The third method was to take a Senate bill, if a Senate bill had been reported, which none of us expected to take place.

The final and fourth method was to bring up by motion a House bill and offer amendments to that bill.

The majority leader stated, and the minority leader stated, and various Members of the Senate stated, that we would follow one of those four procedures, and that every Member of the Senate should be on notice that we would do so.

Not only did we state it on September 14, but the press of this country, from one end to the other, on Friday, Saturday, and Sunday before action was taken on Monday, predicted what the action would be, and some of them selected the centennial bill. When I arrived Sunday evening I saw that the Sunday newspapers were predicting the action would come on the centennial bill.

It would have been a very easy matter for any Senator to have offered amendments to the tobacco bill. It was the pending bill. But the tobacco bill was a very important bill. It protected several States and many people. And for that reason unanimous consent was requested that we proceed to the consideration of this House-passed bill. It was done for one reason, and one only; namely, it was the only House bill that was on the calendar which could serve this purpose.

No motion was made whereby a majority could ride roughshod over the minority, but a unanimous-consent request was made; and once it was granted, another unanimous-consent request was made, with many Senators, from many States, on the floor including many southern Senators, and we asked permission to lay aside this bill temporarily and go to the tobacco bill.

At that time the Senator from New York, the Senator from Illinois, or any Senator personally could have offered any of these amendments. Such amendments frequently are offered. I have seen Senators who are now present on the floor of the Senate offer amendments to bills which were just as different as the Stella School District and civil rights proposals are, and have them adopted. I have seen them offer major provisions to minor tax bills because the bills originated in the House.

The reason why we selected February 15 at 12 o'clock was so that each Member of the Senate could be in his seat to protect his rights, provide his services, and do his duty as he saw it.

No advantage has been taken of anyone. That argument is merely a smokescreen.

I am having additional copies of the RECORD of September 14 made available, so that the people of this country can see that every Senator was put on notice.

I invite the attention of each Senator to the press reports of last Sunday, where there were stories on the front pages showing that this method was to be used.

Everybody knows the House has not passed a civil rights bill. Everybody knows the Senate committee has not reported a bill. Everyone knows that the leadership has never participated in a movement to discharge a committee. The only thing which was left for the leadership to do is what it did do, to move to consider a private bill which had passed the House, which had been cleared by the policy committee—and the only one which had been cleared—and then say to all Senators, North and South and East and West, "Offer your amendments. Submit them to the judgment of your colleagues."

I have not made any recommendations as to how to vote or when to vote or upon what to vote. I have simply said that I trust the judgment of the Senate. I have confidence in my colleagues in this body.

I do not even resent the mistaken impression which has been created by some of the comments which have been made. I realize that a good many Senators are interested in this subject in a political year. I do not charge them with any bad motives. I think all Senators have their duties to perform, and they perform them as their consciences dictate.

I hope that Senators will permit me to reserve for myself the same judgment concerning my actions as they reserve for themselves. So long as I am the leader in the Senate I will try to be fair with every Member of the majority and of the minority as well. I do not want to take advantage of anyone. I do not want to surprise anyone. I do not want to outfox anyone. I do not want to trick anyone.

I do not know how many times one must tell a U.S. Senator what one is going to do before he has due notice, but I do want the RECORD to show again tonight that we plan to have the Senate meet tomorrow at 10 o'clock in the morning, and we plan to stay in session until 10 o'clock tomorrow evening, so that every Senator, on each side of the aisle, can rise to say what he pleases to say on this subject. Next week we will have more extended sessions.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. JOHNSON of Texas. I do not want anyone to say that he has not been put on notice. I do not want anyone to say that he has not had an opportunity to speak. I do not want anyone to say that he has been mistreated.

I think we have to be tolerant of each other. We have to be understanding of each other. A very difficult question confronts us. We want to solve it with the best judgment each of us possesses.

So far as I am concerned, I think every Member of the Senate is as conscientious as I am, and the only thing he wants to do is what is right. We live in different sections of the country. We have different environments and different backgrounds. We have different constituents. All those factors enter into the picture.

But there is one thing all of us can do, and that is to be honest with each other and to be true to each other and to be fair with each other. I am going to do that, Mr. President. Every Member of the Senate can vote as he wants to vote on any of these measures. All I am going to do is to see that every Member has an opportunity to understand the proposals, has an opportunity to hear the arguments made, has an opportunity to make the arguments, and has an opportunity to make them at extended length.

I have not objected all week. Senators have been offering amendments. I have seen other leaders in the Senate, when such amendments were offered in order not to have the speech count as a speech against the Senator, rise and get recognition and move to lay an amendment on the table.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. JOHNSON of Texas. I yield.

Mr. LONG of Louisiana. The Senator recognizes, does he not, that when the minority leader withdrew his amendments and offered a complete substitute for the bill he wiped the record clean on all previous speeches, anyway?

Mr. JOHNSON of Texas. Yes. I surely do realize that.

I recognize that the Senator from South Carolina offered an amendment, and he has withdrawn it. Of course, when the Senator offered that amendment, I recognize that any Member could have risen, obtained recognition, and moved to table the amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for an observation at that point?

Mr. JOHNSON of Texas. I yield.

Mr. LONG of Louisiana. That would not have been necessary, if the junior Senator from Louisiana had been present in the Chamber when the Senator from South Carolina rose, because I had intended to suggest the absence of a quorum. However, since I was signing mail at that moment I did not make the motion timely, and because some persons did not understand the good intentions they objected to letting me overcome that problem by unanimous consent. If there had been no objection to the customary request, there would have been no necessity at all for the amendment.

Mr. JOHNSON of Texas. The Senator from Texas always understands that the Senator from Louisiana has nothing but good intentions.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. The Senator from Texas never questions the intentions of the Senator from Louisiana or of any other Senator. I merely point out I think it is necessary, as this discussion continues, for us to be tolerant of each other, for us to understand each other. We must understand that each of us may have a viewpoint somewhat different from that of some other Senator. Each of us has different duties and different constituents.

So far as the Senator from Texas is concerned, I am going to try to be ever mindful of that fact. I think the country should know, I think the country will know, I think the country must know, that we have spent 2 weeks on the so-called Dirksen amendments, or discussing this general subject, and that we are going to provide whatever time may be necessary to permit an adequate discussion of any legitimate amendments which may be offered.

So far as the Senator from Texas is concerned, I am not trying to please the Ku Klux Klan or the ADA, but I am trying to do what is right as I see it, and I am going to do what is right if I know what is right. I expect to get some information on that general subject before this discussion is over.

Mr. JOHNSTON of South Carolina and Mr. DIRKSEN addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, I yield first to my friend from South Carolina, and then I will yield to the Senator from Illinois.

Mr. JOHNSTON of South Carolina. Speaking for the southerners, Mr. President, I think the main thing in which we are interested is to know what we have before us. We have been discussing the subject for 2 weeks. I think every Senator realizes that something else is coming before us in the future, and we are going to be splashed with something else which is entirely different.

I should like to ask the Senator from Illinois a question.

Mr. JOHNSON of Texas. I should like to answer the Senator.

Mr. JOHNSTON of South Carolina. Is the Senator's bill the same as the Attorney General recommended the last time?

Mr. DIRKSEN. It is the administration bill.

Mr. JOHNSTON of South Carolina. It is the latest recommendation?

Mr. DIRKSEN. That is correct. The Senator is speaking now only of the matter of referees?

Mr. JOHNSTON of South Carolina. Referees.

Mr. DIRKSEN. This is the original proposal and it has not been modified, but it is subject to amendment. The Senate can modify it and bring it in line with the last recommendations made, and in line, of course, with the action taken by the House Committee on the Judiciary with respect to the refinements and specifications in that particular section of the bill.

Mr. JOHNSON of Texas. Mr. President, I should like to say to the distinguished minority leader I have never seen a bill brought before the Senate which has not been subject to amendment.

Mr. DIRKSEN. The Senator is correct.

Mr. JOHNSON of Texas. We frequently amend bills. There is nothing new about that procedure. That is why we bring bills before the Senate, and have them read at least three times before we pass them, so that each Member of the Senate may speak or offer any amendment he wants to offer.

All amendments which are offered from the floor do not have 3,000 pages of testimony in connection with them. Some of the amendments come from Senators' hip pockets.

This is another reason why it is important that we take whatever time may be necessary to permit each Senator who is sincere to discuss the subject. That is why I was present last night at 10 o'clock, why I am present tonight at 10:30, why I expect to be here tomorrow night, and next week, and whatever time is necessary during the following week, to see that adequate consideration is given to the bill.

The question which is before the Senate tonight is the same thing which has been before the Senate since the bill was taken up for consideration. The text of the proposal is the same, whether it is called the amendments or the substitute.

I do not know whether the Senators have read the proposal or not, but this substitute is the same as the amendments which were originally proposed. If Senators do not care to read them, that is their own responsibility, but the text is ready to be read, ready to be examined, and ready to be studied in connection with all of the testimony that has been offered.

Amendments may be offered.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I have heard three or four offered in the past week. The Senator from Mississippi [Mr. EASTLAND] had an amendment yesterday. The Senator from South Carolina [Mr. JOHNSTON] had an amendment today. Other Senators have offered amendments. No doubt other Senators will offer amendments. However, when amendments are offered they can be discussed on their merits. They can be discussed in an atmosphere of judiciousness, and can be voted upon on their merits.

I will not try to cut off debate and hurry things through. So long as any Senator wants to address himself to the merits of this proposal, and wants an opportunity to be heard on this subject, he can be heard. That is why we have been in session for the past 2 weeks. That is why we will be in session, probably, for several more days.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. LONG of Louisiana. The Senator realizes, of course, that the bill is not accompanied by a committee report or a recommendation, insofar as the bill and the various amendments to it are concerned.

Mr. JOHNSON of Texas. The Senator from Texas realizes that more than any other Senator. I met with the chairman of the Committee on the Judiciary I do not know how many times, trying to get a report, but to be perfectly frank, I do not think I am giving away any secret when I inform the Senate that the chairman of the Committee on the Judiciary is not about to make a report on a civil rights bill. The Senator from Louisiana knows that as well as I do. We could stay here till doomsday and never get a report from the Senator from Mississippi on this subject, if the Senator from Mississippi could keep from making it, and he has said that he plans to do so.

Mr. LONG of Louisiana. We might get a report from either the Committee on the Judiciary or from the Committee on Rules and Administration.

Mr. JOHNSON of Texas. Mr. President, I now yield to my able friend from Illinois [Mr. DIRKSEN]. He is a member of that committee. I also will yield to my friend from New York [Mr. KEATING]. Let them report on their ability to get a bill from the committee.

Mr. DIRKSEN. Let me say, first, that the majority leader makes a completely fair and accurate statement of what has happened and how this matter has come before the Senate.

I think I could amplify what the Senator says, to this effect: from the time we assembled in January the press has been full of speculation and discussion as to what the schedule would be for this session, and invariably the newsmen have pointed out since January, when we came back, that the civil rights bill would be on the agenda, under the arrangement which was contrived on the 14th of September of last year.

The other thing I would like to say is this: The majority leader is quite correct. These bills were introduced 55 weeks ago. They were introduced on the 15th of February 1959, with the exception of the so-called referee proposal, which first came to us as a registrar proposal.

The proposal has been modified in a number of particulars, both by those who have given special attention to it and by the House Judiciary Committee, but it cannot be said, when consideration is given to the fact that the bills were introduced 55 weeks ago, that there has not been an opportunity to examine them by anybody who might be interested.

I ask my distinguished friend from South Carolina if my recollection is correct. As I recall, when we adjourned last year in September, he had the floor in the Judiciary Committee. He had not completed his presentation, I think my friend will bear me out, that when we adjourned he had the floor.

Mr. JOHNSTON of South Carolina. I still have it.

Mr. DIRKSEN. He still has the floor. I recall that when we had the last meeting of the Judiciary Committee, my very distinguished and scholarly friend came to the committee, and I saw what I thought was a rather voluminous text on this subject, and I made some inquiry as to how long it might take to present his views. He always presents his views to the committee not only in a scholarly but also in an orderly manner, and in the most sedate and circumspect fashion.

When I made inquiry, it appeared that it would probably take 14 hours, as I recall, for the Senator to present his views. I believe that was the estimate the Senator gave me last September. Then I began to interpolate: If the Judiciary Committee had one meeting a week, and we ran from 10:30 to 12 o'clock, when the rule might be invoked, since we could not sit during the sessions of the Senate, it would probably take 8, 9, or 10 weeks for my very distinguished friend to complete his scholarly presentation. If we had two sessions a week, it might take 4 or 5 weeks. But there were other Senators to be heard, who had indicated that they had long presentations to make. And so, as the matter stands as of this good hour, in the Senate Judiciary Committee my distinguished friend has the floor in that committee, and has not completed his presentation, as I recall.

Mr. LONG of Louisiana. That explains the situation with respect to that committee. How about the Rules Committee?

Mr. JOHNSTON of South Carolina. Let us keep the record straight. After that the civil rights bill was before the Rules Committee, but what held it in the Rules Committee?

Mr. LONG of Louisiana. Let me address myself to that question. Mr. President, here is the membership of the Rules Committee: THOMAS C. HENNINGS, JR., of Missouri, a stanch civil rights advocate; CARL HAYDEN, of Arizona, a westerner; THEODORE FRANCIS GREEN, of Rhode Island; MIKE MANSFIELD, of Montana, the assistant Democratic leader of the Senate; B. EVERETT JORDAN, of North Carolina; CARL T. CURTIS, of Nebraska; KENNETH B. KEATING, of New York; NORMAN BRUNSDALE, of North Dakota. The only southerner on that committee is B. EVERETT JORDAN, of North Carolina. What is the excuse for that committee?

Mr. DIRKSEN. In the first instance, the bill was never referred to the Rules Committee.

Mr. LONG of Louisiana. The Rules Committee does have a civil rights bill, I take it. It has to do with the election referee proposal, which is the very heart of the Dirksen amendment.

Mr. DIRKSEN. That is the only thing that was referred to the Rules Committee—only that one section; no more.

Mr. LONG of Louisiana. Would that not be a better skeleton to which to add the civil rights bill than the Stella Reorganized School District bill, which the Senator says is no longer necessary?

Mr. DIRKSEN. But that bill is no longer before the Rules Committee.

Mr. LONG of Louisiana. The point I have in mind is, first, that the bill could have been reported by the Rules Committee.

Mr. JOHNSON of Texas. Or the Judiciary Committee could have reported a bill.

Mr. LONG of Louisiana. Second, many of us do not know what we are going to vote on. We are told that the Dirksen bill is the administration bill. We are told that the present amendment conforms to the previous Dirksen amendment—which I am glad to hear—but even if it does, that is not the final version. It may be revised again by its author before we vote on it.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. DIRKSEN. May I ask the distinguished Senator from Louisiana if his

exception runs to that section relating to referees? Could I get a commitment from him and his associates now to vote for the other six sections in the bill? We can separate that one section and consider it separately, and let the Senate express its will upon that section.

Mr. LONG of Louisiana. Before the Senator asks that, what are we to do about the other hundred civil rights bills which the majority leader has invited us to bring in? I understand that it is his standing invitation for any Senator who has an amendment to the civil rights bill to bring it in.

Mr. DIRKSEN. That is not an invitation. It is in accordance with the rules.

Mr. JOHNSON of Texas. Every Senator has that right, as the Senator from Louisiana knows. It is a right that Senators have exercised from time to time. Many times they have heard my statement in this body that every Senator can offer amendments. The majority leader does not have to invite Senators to offer them. Certainly I will not try to prohibit them from doing it, because I have not that power.

Mr. LONG of Louisiana. Speaking as one Member of this body, I do not view lightly the suggestion that the majority leader might consider with favor some Senator bringing in the other hundred civil rights bills that are lying around in various committees. Some of us regard that as a very severe threat. It has been my impression that when the majority leader invites Senators to offer amendments and indicates that he would probably consider such action favorably, Senators had better be ready to fight an amendment if they do not agree with it, because that is on a different basis from an amendment some Senator offers on the floor; particularly when that amendment does not belong in the same bill.

Mr. JOHNSON of Texas. The majority leader said to the Members of the Senate who opposed any form of civil rights legislation, and those who favored every form of it, that the 15th of February would be the time for Senators to be in their seats, and that at or about 12 o'clock that day proposed legislation would be motioned up, and that the Senators could exercise their right to offer amendments to it. That was done. Every Senator knew it. I do not know how many amendments are to be offered. I have not invited any to be offered. I have only said that this is the final opportunity. I made an honorable commitment to bring it before the Senate, and I gave all Senators equal notice. I had not motioned up the bill, the minority leader would have motioned it up, and if the majority leader had not motioned it up, some other Senator would have motioned it up.

But I would not think much of a majority leader who would enter into an agreement with all of his colleagues, north and south, east and west, that on a certain day at a certain time a certain motion would be made, and then, when the time arrived, take to the tall timber and put his tail between his legs and refuse to make good on his commitment.

I brought up by motion the Stella School District bill in accordance with a commitment I had made to all my colleagues. All my colleagues had knowledge of the fact that a bill would be motioned up at that time. They had knowledge of it at least three times. If they will read the RECORD they will see that adequate notice and knowledge was given. If they do not want to read the RECORD, they can read the newspapers. If they do not want to read the newspapers, they can hear it. They can hear it because it has been the subject of general discussion since the first of January. It has been constantly discussed: "When are we going to get to this subject?"

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. LONG of Louisiana. I believe the RECORD will also show, if the Senator will read it, that on the day he called up the Stella School District bill he made a statement something to this effect: "I have told Senators that they have an opportunity to vote on civil rights and to offer separate amendments. To those Senators who have amendments and would like to offer them, I suggest that they get them and offer them."

That was said after the Dirksen amendment had been offered and was before the Senate. That was a standing invitation, it seems to me, for anyone who had an amendment to find it and bring it in and offer it.

Mr. DIRKSEN. That is far from being an outstretched invitation.

Mr. JOHNSON of Texas. I do not believe the committee amendment to the Stella School District bill had been disposed of at that time. The committee amendment was not disposed of until later. I said that I had carried out my commitment to bring up a bill before this body that could be acted on and that could be amended. I did not have to give permission to any Senator to offer an amendment. Thank God, we do not operate under any kind of procedure under which the majority leader must give permission for any Senator to offer an amendment. I said I had made a commitment that on or about 12 o'clock on the 15th day of February we would provide this vehicle. I do not know what amendment may be added to it, or when it may be added, but any Member who can obtain recognition can offer an amendment in accordance with the rules of the Senate. That is what has been done.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. KEATING. Mr. President, I should like to say a word in clarification in light of the comments of the distinguished Senator from Louisiana. First, in my judgment and, I believe, in the judgment of the vast majority of Members of the Senate, the majority leader took the only honorable course which he could take, and the course which we who know him as a man of honor expected him to take.

On the question of the Committee on Rules and Administration, we are all familiar with the fact that after the registrar bill, dealing with elections, was referred to the committee, the Attorney General came before the committee and presented the voting referee proposal. Other proposals were made, including one of my own, combining the two proposals.

After the hearings, which were extensive, the chairman of the committee unfortunately was taken ill and is now, I believe, in Bethesda Hospital. For that reason it has not been possible for the committee to report a bill on this subject.

I join in the hope that in the next few days it will be possible for the Rules Committee to meet and to report a bill to the Senate. Whether that bill will contain the wording of a part of the amendment offered by the distinguished minority leader, or other wording, I do not know. However I hope that there will be such a bill before us. And I hope that when it comes to us in the regular manner, not attached to a private bill, it will enlist the support of the distinguished Senator from Louisiana and some of the other Senators who are causing a great deal of controversy over the question of irregular procedure.

I feel certain that if the opponents of civil rights legislation would allow us to proceed in our discussions of civil rights in an orderly and expeditious manner in committee and on the floor of the Senate, there would be no question of irregular procedure before us at this time.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. McNAMARA. I ask the Senator from New York if his committee has completed hearings on the bill now before it.

Mr. KEATING. The hearings have been completed.

Mr. McNAMARA. Have they been printed, and are they available?

Mr. KEATING. I think they have been printed. They do not seem to be on our desks.

Mr. McNAMARA. As I understand, the committee heard the Attorney General, but I do not believe the opponents had an opportunity to be heard.

Mr. KEATING. Before the Attorney General we heard a number of Members of the Senate and others. Oh yes, the opponents of these measures were heard.

Mr. McNAMARA. Then the hearings on the bill before the Rules Committee have been completed, and we are about to get a bill. Is that correct?

Mr. KEATING. My understanding is that the hearings have been completed and printed. We have not had a meeting on the bill only because of the illness of the chairman. I believe that efforts will be made in the next few days to hold such a meeting, with the hope that the chairman will be able to conduct it.

Mr. McNAMARA. I hope that if the hearings have been printed, we may get copies of them.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. The Senator from New York is correct. The Committee on Rules and Administration completed its hearings on the 5th day of February. I believe the hearings have been printed. On the 4th of February the attorney general of South Carolina appeared before the committee. No bill has been reported from that committee. That is the position at the present time. The only thing we do not like is—and if other Senators were in opposition they would think this way too—is that we do not know what we are up against. We do not know what bill is before us. Every time we come to the Chamber there is another new one. We want something before us while all this argument is going on. If we are to accomplish something, we should have something definite before us. I predict that we are going to keep up the argument until the 12th or 15th of March, when the House bill will come over to us. Then the proponents will wish to take up the House bill and start the fight and the argument all over again and will try to force that down our throat. That is what we are afraid of. We are afraid that is what is going to happen in the Senate. That being true, naturally we do not like being kept here until after 10 o'clock every night, and perhaps around the clock, when we know that something like that will probably happen. We do not know what we are discussing, or what bill is before us, or what is coming up by way of an amendment.

Mr. JOHNSON of Texas. I must differ with my distinguished friend from South Carolina. He is obviously much more prophetic than I would dare to be, when he outlines a course of action that will be followed. First of all, I do not know whether anything will come from the House. I do not know when it may come. If anything comes, I doubt seriously that it will come here by March 12.

Mr. JOHNSTON of South Carolina. I said March 15.

Mr. JOHNSON of Texas. I am making this statement for the RECORD. We do know what is before us. We know that there is a substitute before us, and that substitute has been offered by the Senator from Illinois [Mr. DIRKSEN]. We know that the text of that substitute has been on the desks of the Members since February 15.

Two or three amendments have been offered to it by Senators who are opposing it, and they have been withdrawn. Any Senator can see the text. It is here in identically the same form as it was 2 weeks ago. I do not know whether I shall support the text in its entirety, because the Senator from Georgia has already given notice that he is going to ask for a division.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I will yield to the Senator when I have finished my statement. The Senator from Georgia has given notice that he will ask for a division. We will have seven different votes if that practice is followed. If the Senator from South Carolina has any doubt about what he is going to be called on to vote upon, I will say to him that he will be called upon to vote on the Dirksen substitute. The Senator from Georgia has already given notice that he will ask for a division on it, and ask that it be divided into seven parts. So the various parts will be taken up one at a time.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JOHNSTON of South Carolina. I wish to ask one question of the minority leader. Did the minority leader not send up a new amendment today?

Mr. LONG of Louisiana. No; it is a substitute for the whole bill.

Mr. DIRKSEN. No. This is the same text which has been here since the 15th day of February. There has not been a modification of a period or a comma. I hope, since the distinguished Senator from Georgia has requested a separate vote on the first section, section 201, that perhaps this would be an excellent time, with the Senate well attended, to propose a unanimous-consent request——

Mr. JOHNSON of Texas. I would not want that done, because I would want to give adequate notice.

Mr. JOHNSTON of South Carolina. I will call for a quorum.

Mr. JOHNSON of Texas. I do not yield the floor for that purpose. I believe we have transacted all the business we are going to transact today. I simply did not want to cut off my colleagues.

Section 201 will be the first amendment to be voted upon. Senators can find that amendment on page 1 of the bill, H.R. 8315, in the form of a substitute. It goes through several pages, through page 6.

I am willing, when the membership is in full attendance, to propose a unanimous-consent agreement, and to say to those on each side, if Senators think that might be agreeable——

Mr. JOHNSTON of South Carolina. I will not agree to anything right now. If anything is sought to be agreed to, I will raise the point of no quorum.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. In fairness to the majority leader, the distinguished senior Senator from Texas, I believe every Senator from the South knew that he was going to move on the 15th day of February to bring a civil rights bill before the Senate in some fashion or another.

As a matter of fact, we heard him say so last fall, and we knew he made that commitment when the civil rights bill was before the Senate. I believe it was a bill to extend the life of the Civil Rights Commission, and that bill was appropriately subject to a civil rights amendment. A number of amendments were being offered by various Senators, and the Senator from Texas gave a firm commitment to those who had amendments at the desk that he would give them an opportunity to vote on civil rights by making a motion come February 15. He fixed a date certain. So, in fairness to him, since he is a man of his word, he had to make such a motion on February 15, because he had promised to do so. I do not believe we would want a majority leader who did not keep his word.

Some of us did not know precisely the bill which the majority leader would call up on motion. We believe that this process is completely contrary to all the traditions of the orderly procedures of the Senate. In fairness to the Senator from Texas, I believe he was forced to resort to some irregular procedure, if he was going to make his motion, because the Committee on Rules and Administration nor the Committee on the Judiciary had reported a bill.

But that leaves those of us who are opposed to civil rights legislation in an embarrassing position, because we do not know what we are likely to be called upon to vote on, or how the amendment will read when we do vote. Neither do we know if the sponsor of the amendment will modify his amendment before it comes to a vote.

This was the statement by the Senator from Texas on February 15, 1960, as it appears on page 2470 of the CONGRESSIONAL RECORD:

> The bill is open to amendment. I hope all interested Senators will offer, in a spirit of constructive, responsible, and nonpartisan dedication to human rights, the proposals they believe will best serve the ends of protecting the constitutional rights of American citizens.

That statement sounded to many of us like a standing invitation to any Senator who had a bill which he would like to call a civil rights bill to offer it as an amendment. The orderly procedure is for a committee to report a bill and make its recommendations, and for the Senate to have some understanding of what the committee believes is sound and unsound.

Now we do not begin to know all of the proposals that we are being threatened with or what bills will be offered. We have no idea what the final version of the bill at the desk will be. We believe that is a most irregular procedure.

In fairness to the majority leader, I know, as one Senator, that the Senator from Texas had committed himself to move to bring up the matter of civil rights in some form or fashion on February 15. I had no doubt whatsoever that such a motion would be made.

Mr. JOHNSON of Texas. I thank the Senator from Louisiana for his fair statement. I made the statement that some bill would be called up to which civil rights amendments could be offered. The only vehicle was the Stella School District bill, because it was the only House bill which had been cleared by the policy committee.

Mr. LONG of Louisiana. Any bill coming before the Senate, be it a House bill or a Senate bill, would be subject to amendment, unless it was an appropriation bill.

Mr. JOHNSON of Texas. That is correct; but even in the case of an appropriation bill, the rule could be suspended, as was done in the case of the amendment to continue the Civil Rights Commission. If my memory serves me correctly, the civil rights proposal was legislation on an appropriation bill, but the Senator from Arizona [Mr. HAYDEN]

moved to suspend the rule in order to attach the civil rights amendment to the appropriation bill. As I remember, many Senators, while they were opposed to the extension of the life of that commission, really felt that that was the best parliamentary way to deal with the subject; at least, they so advised me.

I know many Senators who violently protest the procedure which is being employed in connection with the Stella School District bill. But far-reaching amendments have been offered to bills reported by other committees, and the Senate has been asked to vote on such amendments without benefit of reports, without benefit of hearings, and the Senators who offered them have been successful in having their amendments adopted. In this instance, Senators have before them four volumes of hearings on civil rights.

It is not always possible to retain the amendments in conference, but at least the amendments go to conference, and an effort is made to have them adopted. There is hardly a measure which comes before the Senate to which some Senator does not offer an amendment which has not been printed. But he sends the amendment to the desk and asks that it be read from a typewritten paper. Then often a request is made for the yeas and nays, and the amendment is voted on. That is not a new experience for any of us, certainly not for one so experienced and effective as the distinguished junior Senator from Louisiana. I believe he has offered more amendments to more major bills than perhaps any other Senator.

Mr. LONG of Louisiana. And he has had more of them disposed of in conference without any final result.

Mr. JOHNSON of Texas. I plan to call a meeting to deal with that subject whenever the Senator from Louisiana asks me to do so, because I think that when he fights a battle for his people and fights a battle for what he believes is best for his country, and the majority of the Senate adds the amendment to the bill, and it goes out the door to conference, it should receive the full support of the conferees. I am one member of the majority who has supported the Senator from Louisiana, as he knows.

The Senator from Louisiana and I may not vote alike on the Stella School District bill, but I believe he will agree that more testimony has been taken on this general subject than has been taken on most amendments which have been offered. The Dirksen amendment has been before the Senate longer than most other amendments have been before us.

The next time an amendment is offered to a bill, I think I will make a point of order and say that it has not been before the Senate for more than 2 weeks; that we have discussed it for only 2 weeks, which is all the time the amendment has been before us. I suppose Senators would not like that position.

Mr. LONG of Louisiana. The Senator would not say that about the amendment he is holding in his hand. The one he is talking about has not been printed.

Mr. JOHNSON of Texas. The amendment I have been talking about has been printed. It has been offered in a different form, so that there will not be seven clotures; there will be only one, if any. I would say that it is purely a parliamentary movement. The text of the amendment is the same as the text of the substitute. Not one word or comma or period is different.

Section 201 will be voted on first, according to the Senator from Georgia. I am sure the yeas and nays will be ordered and that every Senator will have ample opportunity not only to read the three pages, but also ample time in which to discuss the amendment, because I do not anticipate any vote on the subject in the next few hours.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. First, I do not want the RECORD to be closed with the observation by the Senator from Louisiana that this is an irregular procedure. It is not an irregular procedure. If the Senate wants to change the procedure, all it has to do is to adopt a germaneness rule. There is no germaneness rule in the Senate, as distinguished from the House. We are free to offer any amendment to any proposal.

If a bill should be introduced to authorize that the moon be sliced into pieces on the theory that it is green cheese, and to spread it around, some Senator could offer an amendment to send a rocket to the moon. The amendment would not have any relationship to the moon or to green cheese, but since there is no rule of germaneness in the Senate, such an amendment could be hooked on. There would be nothing irregular about it.

The other point is that Senators do not have to be invited to offer amendments. I have seen a time when there have been a hundred printed amendments. Senators are neither coy nor reticent about offering amendments, as I have discovered over a long period of time.

Mr. LONG of Louisiana. I will await with interest the day when the Senator from Illinois is exercising his responsibility or the Senator from Texas is exercising his, and some Senator introduces a bill to change the whole pattern of existence in a number of States of the Union as an amendment to an innocuous little bill having to do with a school district or placing a few children in an Army camp while a schoolhouse is being rebuilt, and will see if that is regarded by the leadership as being appropriate legislation to be added, on the floor, to such a minor bill as that.

There is no particular point in prolonging this debate, but Senators can read the RECORD and can judge for themselves.

I trust that those who will consider this matter are familiar with the subject, and will judge whether this is the proper way to handle legislation.

Mr. JOHNSON of Texas. But the Senator from Louisiana knows that when he was unable to have the committee take favorable action on the amendment he proposed, in order to take care of every grandmother, he then offered the amendment here on the floor of the Senate, and he appealed to Senators to vote to include that new section in the bill, so the grandmothers would be taken care of.

Furthermore, time and time and time again the Senator from Louisiana has followed that procedure because he could not get an amendment which he favored added to a bill in his own committee.

The procedure we had to follow was either to discharge the committee headed by the Senator from Mississippi [Mr. EASTLAND] from the further consideration of such a bill, or else bring up by motion a House bill, so that Senators who wanted to draft amendments and offer them would have a chance to do so. That is all that was done, and I hope all Members understand that.

I am proud of the Senator from Louisiana, as I always am, for his very fair statement about the procedure employed. If I had not motioned up the Stella School District bill, the tobacco bill was before the Senate; and the Senator from Louisiana, good parliamentarian that he is, knows that any amendment which he might then have sent to the desk and offered would have been in order as an amendment to the tobacco bill. Is not that correct?

Mr. LONG of Louisaina. That is correct.

Mr. JOHNSON of Texas. So all the talk about Senators being taken by surprise or all the talk about "sneak" tactics or about being "outfoxed" is just so much propaganda.

Mr. KEATING. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KEATING. Mr. President, I must say that I rather resent the charge, as made by the Senator from Louisiana, of disorderly procedure. I call attention to the fact that last year I followed the orderly procedure of offering such an amendment to the bill which dealt with peanuts, and that was completely in accordance with the Senate procedure.

Mr. JOHNSON of Texas. Yes; and it was also completely in accordance with the rules of the Senate—the same rules which the Senator from Louisiana used on June 25, 1959, when he offered, en bloc, and when the Senate adopted, very complicated amendments to increase the Federal matching funds for public assistance by the States to the needy, the blind, dependent children, and so forth. The vote on those amendments was 42 to 36. It would take me a long time to read those involved amendments; and if I did read them here, other Senators could not understand them. But the Senator from Louisiana offered those amendments; and when he did, I knew I wanted to support him, and I did, and 41 other Senators also did; and the Senate adopted those amendments over the objections of the chairman of the committee, and did so by a vote of 42 to 36.

The Senator from New York is just as much within his rights in offering an amendment to a peanut bill as the Senator from Louisiana was in offering those amendments to that bill. Certainly it

cannot properly be said that that was disorderly procedure or legislative lynching or an attempt to run a truck through the Chamber or to tear up the orderly procedures or to take advantage of Senators. And every Member had a great deal more notice about the civil rights proposal than about those amendments.

Mr. KEATING. I was saying that I did not press for action then on those amendments—as is known by the Senator from South Carolina, who was interested in the peanut bill; and the peanut bill went through without pressure from us for the adoption of those amendments to it. That was on the understanding—as has been stated by the distinguished majority leader—that a day certain would be fixed for the consideration of civil rights amendments. All Senators were then given ample notice, that they should be ready to meet the issue on February 15, at or about 12 o'clock. All that occurred last September 14.

Mr. JOHNSON of Texas. Does not the Senator from Louisiana remember that on that day there were three separate colloquies and every Senator had a chance to object to the proposed procedure if he wished to object to it? But I did not observe any Senators rise at that time and say, "Oh, no; we will not agree to that." No such statement was made, because all Senators knew that if objection to it were made, the civil rights amendments which then were at the desk would then have been called up, because the Senator from New York had several amendments at the desk and, if I correctly recall, the Senator from Missouri had several amendments at the desk.

But first the minority leader announced—without my knowledge—that he would agree with the suggestion of the Senator from New York. When I heard that statement, I said, "Let us postpone this matter until February 15"; and all of us agreed on that date. I did not hear any Senator say a word against it.

Later in the day we brought up the matter a second time, and discussed it again; and still later in the day the matter came up a third time. By that time I was getting rather tired of explaining how we were putting all Senators on notice; so I said, "We have already discussed this twice before, today; and I think every Senator knows that on February 15 this will happen."

Mr. LONG of Louisiana. If the Senator will just tax his memory, he will recall that the welfare amendments offered by me were on a completely different basis. Those amendments were to put into effect the same provisions that the House of Representatives had passed by almost unanimous vote and sent to the Senate the previous year.

Mr. JOHNSON of Texas. Mr. President, I commend the Senator from Louisiana for the merits of those amendments; but they were amendments to that bill, were they not?

Mr. LONG of Louisiana. Yes; and they were practically the same provisions which the Senate Finance Committee had recommended the previous year, and the same provisions which failed to pass the Senate just because one Senator advised that if the bill were thus amended, it would be vetoed by the President that year—if the bill included measures of that magnitude in relation to public welfare.

But the previous year the bill containing the substance of that amendment had been passed by the House—by an almost unanimous vote; and it had been agreed to prior to that by the Ways and Means Committee, and had been agreed to in the Finance Committee, and offered on the tax bill in the committee.

Mr. JOHNSON of Texas. My only point is that the Senator from Louisiana is adept in offering amendments to bills; and when he offers amendments, he generally succeeds in having them adopted. Certainly such a course is not in any way irregular or unparliamentary or contrary to the rules; and no one knows that better than does the able parliamentarian from Louisiana, Senator LONG.

I do not know what amendments, if any, will be adopted to the Stella School District bill. I know the Senator from Illinois [Mr. DIRKSEN] has offered an amendment in the nature of a substitute, and I know the Senate will have a chance to vote on it. I do not attempt to predict what the outcome of the vote on it will be. Let the majority of the Senate decide as it wishes as to that.

All I wish to do is provide ample opportunity for each Member to discuss that amendment, and I hope I shall be able to do so without being chastised or criticized or defamed or slandered. Of course the Senator from Louisiana is much too generous to do anything of that sort.

He has stated that what I have done was done in line with the agreement which was reached with all the Senators to whom I talked; and I talked to liberal Senators and I talked to conservative Senators, and I talked to northern Senators and I talked to southern Senators.

I do not suggest any southern Senator implied that he wanted to have a civil rights bill brought up; but I told them that such a bill would be brought up on February 15; and many of them sat here and heard me make that statement, and they knew I made it; and if they forgot about it, they could read it thereafter in the CONGRESSIONAL RECORD.

So I do not want any Senator to say—either here or in his home State—that he could not hear what was said at that time, because the RECORD clearly shows just what I said then.

BIRTHDAY OF FLEET ADM. CHESTER W. NIMITZ

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Hawaii [Mr. LONG] has given us a stirring tribute to Fleet Adm. Chester W. Nimitz's wartime service, and a picture of the man in action as he forged victory in the Pacific in World War II, on this commemoration of the 75th anniversary of his birth.

Mr. President, they are having a commemoration service in San Francisco tonight, where Admiral Nimitz now lives.

The entire Nation is proud of the record that places Fleet Admiral Nimitz in the front rank, not only with American admirals like John Paul Jones, Oliver Hazard Perry, and David G. Farragut, but in the front rank of alltime great admirals as well, such as Sir Francis Drake and Lord Nelson.

Texas has a particular pride in Fleet Admiral Nimitz. He is her most distinguished sailor son. Born three-quarters of a century ago in Fredericksburg, Gillespie County, Tex., he was a third generation Texan. Though he grew up in a landlocked county on the Edwards Plateau of scrub timber, thin soil, and little rain, he came from a seafaring family.

Fleet Adm. Chester W. Nimitz' grandfather, Capt. Charles H. Nimitz, had helped found the German-American town of Fredericksburg, in 1846. The Nimitz Hotel in Fredericksburg stood for many years with a lookout deck, built in the shape of a ship's deck, surmounting the top story.

Might I say here, Mr. President, that the distinguished Senator, the majority leader's family were adjoining us, and it is no disparagement to say that the country is hard, the soil difficult, the rainfall scanty. It is a hard country to wrestle a living from, but it makes men because of the difficulties that they have wrestling a living from that country. They come out, as the majority leader has exemplified, as people who are diligent in application, determined, and long-range planners.

From the Texas hill country of the Edwards Plateau, that produced little wealth, but required resolution, resourcefulness, and determination for survival, came this great captain. Few towns, of whatever size, have produced such an architect of victory.

Genoa still boasts of the fact that it gave birth to the admiral of the ocean and seas, Christopher Columbus. So, too, Fredericksburg will be proud, so long as that town exists, to be known as the community of Admiral Nimitz.

Fredericksburg and the hill country are not rich in material goods, but Admiral Nimitz' life is living proof that from those sparsely clad hills, there come men with the will and fortitude to first discipline their own lives, then lead others in time of great national stress, which calls for national discipline. From the rugged Edwards Plateau area of Texas, peopled, like Admiral Nimitz' family, principally by Americans of German extraction, came this man of granite character, inflexible will of purpose, and singular ability of execution, to lead our people in time of crises to the greatest sea and combined operations victories in our Nation's history.

Mr. President, in closing this tribute to a distinguished son of Texas on this his 75th birthday, I ask unanimous consent to print at this point in the RECORD a sketch of his official naval promotions and honors, and a few of the many other honors he has received, including a list of honorary degrees. And I ask further consent to print at this point in the RECORD an article from the Washington Post of February 21, 1960, about Admiral Nimitz.

Further, Mr. President, I ask unanimous consent to print at this point a review from another paper on Admiral Nimitz, entitled "He Picked Up the Pieces," by William H. Ewing from the Saturday Honolulu Star-Bulletin of December 5, 1953.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 21, 1960]

NIMITZ, 75, CALLS JOINT CHIEFS OF STAFF WORKABLE

(By Robert Eunson)

BERKELEY, CALIF.—The Joint Chiefs of Staff setup "has not proved effective," Admiral of the Fleet Chester W. Nimitz feels, "because various secretaries of defense have not functioned in the manner contemplated by the National Defense Act."

However, the silvery haired seadog who commanded the most powerful naval force in the world's history doesn't believe that the Joint Chiefs should be scrapped and the services merged.

"You would have the problem of the man on the horse," Nimitz says, "an all-powerful fellow with a budget of $40 billion a year. I don't say it would happen here, but it could. A man on horseback can always become a dictator."

In a prebirthday interview at his home in the Berkeley Hills, Nimitz, who will be 75 Wednesday, sailed full steam ahead into the most controversial topics of the day.

He firmly believes that Defense Secretary Thomas Gates can and will make the Joint Chiefs function properly.

"The principal criticism of the JCS," Nimitz said, "has been that service jealousies prevent the Joint Chiefs from making a decision. The Security Act set up a Secretary of Defense who would be the source of decisions when the Joint Chiefs couldn't agree.

"Their not being able to agree is not an unhealthy state of affairs, because it employs the various points of view from responsible people. The National Security Act foresaw these situations and set up the Secretary of Defense to make decisions.

"Up to date," he said, "it has not proved effective because various Secretaries of Defense have not functioned in the manner contemplated by the act. Now Gates has proposed a new scheme for carrying out his responsibilities which I think is very sound and workable.

"That is, when important matters arise, the Secretary of Defense will join the JCS and decide small points as they arise, so the members can't reach a position from which they cannot retreat.

"Question. Such as Taylor?

"Answer. Yes."

(Gen. Maxwell B. Taylor resigned last year as Army Chief of Staff. He contends that the Joint Chiefs setup has failed and should be scrapped.)

"I don't agree with Taylor in scrapping the JCS," Nimitz said, "because the resulting organization would be so large it would be impossible to find a man properly qualified to handle it. It takes each Secretary (of Defense) years to know precisely what is going on."

Nimitz was wearing a green jacket, green tie, and gray flannels. We were sitting in a small office off his living room.

The walls were covered with photographs, most prominent of which was a picture of Nimitz accepting the Japanese surrender aboard the battleship *Missouri*, in Tokyo Bay. On a stand nearby was a bust of John Paul Jones.

Nimitz has quit smoking, but he still drinks Navy coffee. It would be better to call it Nimitz coffee, because he buys the beans and grinds them himself—one-third Italian and two-thirds American.

There was a pot brewing he said, so "let's go out in the kitchen."

Mrs. Nimitz was sitting on a stool at the sink, preparing string beans. The Treasure Island Naval Base loomed from the fog on San Francisco Bay below us.

"These are nice green beans," she said, "but they're almost too thin to slice."

He handed me a cup with five stars and his name painted on the side. "A bluejacket made that for me," he said as we sat down in the breakfast nook. The coffee curled my toes, but I managed to squeak another question:

"Do you feel that this is the most dangerous period in our history?"

"Any country that reaches the top of the heap in world power and wealth is always the target for less powerful nations," he replied. "That was true in the past and will be true in the future.

"Threats come from different directions. The present threat appears to be about as serious as any we ever had. To that extent, I'll agree with General Taylor."

What of the Navy's future in the missile age?

"The Navy has played an important part in this country from the beginning. In fact, it was seapower from a navy, not the Continental Navy, but that of France, which forced the surrender of Cornwallis at Yorktown and brought the Revolution to a successful end."

The conversation turned to the finger missing from the admiral's left hand.

"I built the biggest diesel engine in the Navy in 1916," Nimitz explained. "It was for the oil tanker *Maumee* at New York Navy Yard. I had a canvas glove on and the glove got caught some way and the machine smashed my finger up to the last knuckle. My Annapolis class ring saved that much of my finger."

Another accident in Nimitz' career resulted in a court-martial, a story which has been kicked around a good deal in Navy clubs from Norfolk to Pearl.

"When I was Chief of Naval Operations and Mr. (the late James Vincent) Forrestal was Secretary of the Navy, we had a court-martial and a captain was reduced in numbers," Nimitz said. "The press was pretty indignant and at a news conference demanded to know if any officer who had been convicted by a court-martial ever rose to flag rank.

"'I don't know,' Forrestal said. 'How about you, Chet? You know of any?'

"'You're looking at one,' I said. 'Me.'"

Nimitz chuckled and took another belt of coffee.

"In 1907 I was an ensign in command of a destroyer, the U.S.S. *Decatur*. On a dark night I ran it onto a mudbank in Manila Bay.

"It was dark. I didn't know we were in the mud. Anyway, there was a court-martial and the committee decided on a reprimand."

At 75, Nimitz still rises early, about 6:30 a.m., and makes the coffee. He likes to walk and pitch horseshoes. He and Mrs. Nimitz are busy raising money right now to help the financially ailing San Francisco symphony. They go to a movie occasionally and often enjoy their evening meal at the Faculty Club of the nearby University of California.

When it was time to go, we walked out into the yard.

"If the sun were shining," he said, leading the way to a marble stand, "I'd show you a sundial that keeps time to the minute. A bluejacket made it for me."

Did he remember the name?

"Why, yes. He was Seaman Fred Hagner, of San Antonio, Tex. We shipped together the first time I went to sea. That was in 1905, right down there in San Francisco Bay."

[From the Honolulu Star-Bulletin, December 5, 1953]

HE PICKED UP THE PIECES

(By William H. Ewing)

The Stars and Stripes never flew over a blacker Christmas scene than Pearl Harbor on December 25, 1941.

Oil from the broken holds of sunken ships lay in dirty dark pools. A pall of incredible sadness hung over the harbor, a place of death.

Small boats moved in a grim procession, bearing a grisly cargo from hulks to land—the bodies, burned, broken, or waterlogged, of some 3,000 men killed in the December 7 Japanese attack.

On this Christmas morning, 2 weeks after the most crushing defeat in the history of the American Armed Forces, a Navy flying boat, a 4-engine PB2Y4, droned in from the northeast and alighted in the waters of Pearl Harbor after a flight from California.

Its principal passenger that morning was a man destined to cause the phoenix to arise from the ashes, a man who, though fatherly and gentle with the members of his farflung commands, nevertheless never hesitated to order lives spent to win battles, and who, before Japan bowed its head in 1945, was to make American naval spirit live as it had not lived since the days of John Paul Jones.

He was Fleet Adm. Chester William Nimitz, lately Chief of the Bureau of Personnel, now to become commander in chief, Pacific, and of the Pacific Fleet, and soon of all that vast area stretching westward from Oahu to the very shores of Japan.

He had come to pick up the pieces.

The thought has often been noted that, after Pearl Harbor, there was in all the Armed Forces probably only one man who possessed all the qualities needed to weld our Army, Navy, and Air Force into a victorious team in the Pacific.

That those with power to choose settled upon that one man, Admiral Nimitz, is one more proof that governments, like individuals, can rise to the occasion when the extremity is great enough.

It was the beginning of a trying time for this ruddy-faced Texan who, for all his kindly manner, knew the full meaning of war.

The first 4 months of 1942 were the hardest for him. The United States with its allies suffered a succession of tremendous reverses, one after another. Our most active combatant forces during this time were the submarines. Tragically, they were not damaging the enemy a great deal. Our torpedoes were too frequently faulty. Sometimes after a direct hit they failed to go off; sometimes they exploded prematurely.

Nimitz's righthand man, and the brightest figure in the Pacific during these early and depressing days, was Adm. William F. Halsey. Halsey's gallant forays into enemy territory with a task force built around the great carrier *Enterprise* created a spirit that lasted throughout the war beginning with the January 31, 1942, raid on the Gilbert and Marshall Islands.

While Halsey was dealing such vicious blows to the enemy, it was the task of Nimitz to remain in the relative inactivity of Pearl Harbor, to bide his time and prepare for the day when a real offensive could be undertaken.

It was during this period that he began using, to the delight of his island friends, the Hawaiian phrase "hoomanawanui," meaning, be patient.

After the Coral Sea action in April 1942, things began to look up. On June 4, 5, and 6, in probably the greatest naval engagement ever fought, the forces under Admiral Nimitz crushed the Japanese fleet at the Battle of Midway. In August his Marines landed at Guadalcanal and halted the Japanese drive toward Australia.

Fifteen months later the big push was ready; on November 20, 1943, the Battle of Tarawa was fought, followed by the Marshalls and Marianas invasions. Tarawa, one of the most violent battles in history, saddened Admiral Nimitz with its heavy losses. Otherwise it did not disturb him. We were actively and effectively fighting back.

This greatest figure of the Pacific war now lives a quiet life with Mrs. Nimitz in Berkeley, Calif. He is still on the Navy's active list.

He has no routine assignment; he is special assistant to the Secretary of the Navy. In this capacity he has served on occasional boards in Washington and from March 1949, to May 1950, acted for the United Nations as the prospective administrator of a plebiscite in Kashmir which had to do with the still current dispute between India and Pakistan.

Since making Berkeley his home in 1948, Fleet Admiral Nimitz has been a member of the board of regents of the University of California. Problems rising on its eight campuses keep him occupied.

He still pitches horseshoes; he likes to walk, and describes himself as "general utility and yardboy" at his home.

His life now, as it was even during the war, is one of serenity and dignity touched by a sparkling sense of humor.

In the struggle to conquer Japan, the petty animosities and personal ambitions which frequently marred the complete cooperation necessary between commanders never affected him. He took orders from his superiors like the good sailor that he was, and if he had any different ideas on the subject at hand he kept them to himself.

His whole concern, in a long and distinguished career, has been to serve his country well.

FLEET ADM. CHESTER W. NIMITZ, U.S. NAVY

Chester William Nimitz was born in Fredericksburg, Tex., on February 24, 1885, son of Chester Bernhard and Anna (Henke) Nimitz. He attended Tivy High School, Kerrville, Tex., before his appointment to the U.S. Naval Academy from the 12th Congressional District of Texas in 1901. After graduation (with distinction, seventh in a class of 114) in January 1905, he joined the U.S.S. *Ohio* at San Francisco, Calif., and cruised in her to the Far East where she became flagship of the Asiatic Fleet. In September 1906 he was transferred to the U.S.S. *Baltimore*, and on January 31, 1907, after the 2 years at sea, then required by law, he was commissioned ensign. He subsequently advanced in rank to that of rear admiral, effective June 23, 1938. He was appointed admiral to date from December 31, 1941; and his nomination to be fleet admiral (a rank established by act of Congress) was confirmed by the Senate, to date from December 19, 1944.

Remaining on Asiatic station in 1907, he successively commanded the U.S.S. *Panay* and the U.S.S. *Decatur*, and served in the U.S.S. *Denver*. He returned to the United States in the U.S.S. *Ranger* in December 1908 and reported in January 1909 for instruction in the First Submarine Flotilla. In May of that year he was given command of the flotilla, with additional duty in command of the U.S.S. *Plunger* (later renamed the U.S.S. *A–1*). He was transferred to command the U.S.S. *Snapper* when that submarine was commissioned on February 2, 1910, and on November 18, 1910, assumed command of the U.S.S. *Narwhal*. In the latter command he had additional duty from October 10, 1911, as commander, Third Submarine Division, Atlantic Torpedo Fleet.

He assumed command of the U.S.S. *Skipjack* (later renamed U.S.S. *E–1*) on February 14, 1912. On March 20, 1912, he rescued W. J. Walsh, fireman, second class, U.S. Navy, from drowning. A strong tide was running and Walsh, who could not swim, was being rapidly carried away from his ship. When picked up, both men were exhausted. For his heroic service, Nimitz, then a lieutenant, was awarded the Silver Lifesaving Medal by the Treasury Department.

After serving from May 1912 to March 1913 as commander, Atlantic Submarine Flotilla, he was ordered to duty in connection with the building of diesel engines in the tanker U.S.S. *Maumee*, under construction at the New London Ship & Engine Building Co., Groton, Conn. He had detached duty in the summer of 1913 to study engines at the diesel engine plants in Nuremberg, Germany, and Ghent, Belgium. Returning to the New York Navy Yard, where the *Maumee* was completed, he had duty as her executive officer and engineer from her commissioning on October 23, 1916, until August 4, 1917.

After he was detached, the United States was at war with Germany, and he reported on August 10, 1917, for duty as aide on the staff of commander, submarine force, U.S. Atlantic Fleet. On February 6, 1918, he was appointed chief of staff and was awarded a letter of commendation by the Secretary of the Navy, which stated: "He performed meritorious service as chief of staff to the commander, U.S. Atlantic Submarine Fleet."

On September 16, 1918, just before the armistice, he reported for duty in the Office of the Chief of Naval Operations, Navy Department, Washington, D.C., and on October 25 was given additional duty as senior member, Board of Submarine Design. From May 1919 until June 1920 he served as executive officer of the U.S.S. *South Carolina*. When detached, he had orders to command the U.S.S. *Chicago* with additional duty in command of Submarine Division 14, based at Pearl Harbor, T.H. Returning to the United States on board the U.S.S. *Argonne*, in the summer of 1922, he completed instruction at the Naval War College, Newport, R.I., in June 1923, then had duty as aide and assistant chief of staff to commander, battle fleet, and later to the commander in chief, U.S. fleet (Adm. S. S. Robinson).

In August 1926 he was ordered to the University of California where he installed and taught in one of the first Naval Reserve Officers Training Corps units established in a university. In June 1929 he was ordered to command Submarine Division 20 (redesignated SubDiv 12, April 1, 1931). In June 1931 he was transferred to command of the U.S.S. *Rigel* and the destroyers out of commission at the destroyer base, San Diego, Calif. In October 1933 he assumed command of the U.S.S. *Augusta* and cruised in her to the Far East, where in December she relieved the U.S.S. *Houston* as flagship of the Asiatic Fleet.

Detached from command of the *Augusta* in April 1935, he returned home to serve for 3 years as Assistant Chief of the Bureau of Navigation. He was then designated commander, Cruiser Division 2, battle force, and in September 1938 was transferred to command of Battleship Division 1, battle force. He remained in command until May 1939, and on June 15, that year, was appointed Chief of the Bureau of Navigation, for a term of 4 years. Before the term was completed, however, the United States was at war, and on December 17, 1941, he was designated commander in chief, U.S. Pacific Fleet, with the rank of admiral, effective from December 31, when he assumed that command. He was presented the Distinguished Service Medal by the President, awarded in the name of Congress, with the following citation:

"For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as commander in chief of the Pacific Fleet since December 31, 1941. At the most critical period of the present war in the Pacific, Admiral Nimitz assumed command in that area and, despite the losses at Pearl Harbor and the tragic shortage of vessels, planes, and supplies, organized his forces and carried on defensive warfare which halted the Japanese advance. As rapidly as ships, personnel, and material became available, he shifted from defensive to offensive warfare and, by his brilliant leadership and outstanding skill as a strategist, enabled the units under his command to defeat the enemy in the Coral Sea, off Midway, and in the Solomon Islands; and to capture and occupy the Gilbert and Marshall Islands."

He was also awarded the Distinguished Service Medal by the Navy Department, for "exceptionally meritorious service as commander in chief, U.S. Pacific Fleet." The citation states that "His conduct of the operations of the Pacific Fleet, resulting in successful actions against the enemy in the Coral Sea, May 1942, and off Midway Island, June 1942, was characterized by unfailing judgment and sound decision, completed with skill and vigor."

On October 7, 1943, he was redesignated commander in chief, Pacific Fleet and Pacific Ocean Areas. By act of Congress, approved December 14, 1944, the grade of fleet admiral of the U.S. Navy—the highest grade in the Navy—was established for certain officers of the active list, and the next day the President of the United States nominated and, with the advice and consent of the Senate, appointed Admiral Nimitz to that rank. He accepted the appointment and took the oath of office on December 19, 1944.

On September 1, 1945 (Washington, D.C., time), Fleet Adm. Nimitz was one of the signers of the United States when Japan formally signed the surrender terms aboard the battleship *Missouri* in Tokyo Bay.

On October 5, 1945, which had been officially designated as "Nimitz Day" in Washington, D.C., Admiral Nimitz was personally presented a Gold Star in lieu of the third Distinguished Service Medal by the President of the United States "for exceptionally meritorious service as commander in chief, U.S. Pacific Fleet and Pacific Ocean Areas, from June 1944 to August 1945.

On November 26, 1945, his nomination to be Chief of Naval Operations, for a term of 2 years, was confirmed by the Senate. He had hauled down his flag at Pearl Harbor, T.H., where he had hoisted it in December 1941 on board the submarine *Grayling*, in a harbor littered with wreckage of American warships, and on December 15, 1945, relieved Fleet Adm. Ernest J. King, USN, as Chief of Naval Operations. He was awarded the Gold Star in lieu of a fourth Distinguished Service Medal, the citation stating in part:

"For exceptionally meritorious service to the Government of the United States in duties of great responsibility as commander in chief, U.S. Pacific Fleet and Pacific Ocean Areas, from August 1945, and as Chief of Naval Operations from December 1945 to December 1947. With his primary and immediate objective the difficult task of reducing the most powerful Navy in history to a fraction of its wartime peak, (he) administered not only the rapid demobilization of vast numbers of personnel and vessels, but also the programs for the establishment and maintenance of Active and Reserve Fleets with the potential strength and readiness required to support our national policy."

On December 15, 1947, he was detached as Chief of Naval Operations and ordered to San Francisco, Calif., for duty as directed by the Secretary of the Navy. On January 1, 1948, he reported as special assistant to the Secretary of the Navy in the Western Sea Frontier, and serves in an advisory capacity, assisting in other matters pertaining to the Navy when called upon to do so.

On March 23, 1949, the Secretary of State announced the nomination, by the United Nations Secretary General, of Fleet Admiral Nimitz as plebiscite administrator for Kashmir, the dominions of India and Pakistan

having both previously agreed to the plebiscite. Admiral Nimitz assumed the task as an international public servant of the United Nations, and not as a representative of the U.S. Government. In January 1951 he was selected to head the President's proposed Internal Security Commission, consisting of nine prominent citizens under his chairmanship.

In addition to the Distinguished Service Medal awarded by Congress, the Distinguished Service Medal with two Gold Stars in lieu of similar awards by the Navy, the Army Distinguished Service Medal, and the Silver Lifesaving Medal, Fleet Admiral Nimitz has the Victory Medal with Escort Clasp and Star; the American Defense Service Medal; the Asiatic-Pacific Campaign Medal; the World War II Victory Medal; and the National Defense Service Medal.

Decorations and awards from foreign governments include:

Britain: Order of Knight Grand Cross of the Bath, August 10, 1945.

Greece: Grand Cross of the Order of George I, July 16, 1946.

China: Order of the Grand Cordon of Pao Ting (Tripod), Special Class, March 8, 1947.

Guam: LaCruz de Merito Militar de Primera Clase, May 27, 1947.

Britain: Pacific Star, September 8, 1947.

Netherlands: Order of Orange-Nassau with Swords in the Degree of the Knight Grand Cross, December 1, 1947.

France: Grand Officer in the National Order of the Legion of Honor, December 9, 1947.

Cuba: Grand Cross of the Order of Carlos Manuel de Cespedes, December 13, 1947.

Argentina: Order of the Liberator, December 11, 1947.

Belgium: Grand Cross of the Order of the Liberator, December 11, 1947; Grand Cross of the Order of the Crown with Palm; Croix de Guerre with Palm, May 26, 1948.

Italy: Knight of the Grand Cross of the Military Order of Italy.

Philippines: Medal of Valor.

Ecuador: Star of Abdon Calderon (1st Class), July 6, 1944.

Honorary degrees from the following universities and colleges have been conferred: University of California, University of Notre Dame, Columbia University, University of Hawaii, Northwestern University, Seton Hall College, Southwestern University, Syracuse University, Lafayette College, Tulane University, University of South Carolina, Princeton University, University of Richmond, Williams College, Fordham University, Harvard University, Wayne University, Loras College, University of Alabama.

He and Mrs. Nimitz, the former Catherine Vance Freeman, of Wollaston, Mass., reside at 78 Santa Barbara Road, Berkeley, Calif. They have a son, Rear Adm. Chester W. Nimitz, Jr., U.S. Navy retired, and three daughters: Catherine Vance, wife of Capt. James T. Lay, U.S. Navy; Anne Elizabeth (Nancy) Nimitz, and Mary Manson Nimitz.

RECESS UNTIL TOMORROW, AT 10 A.M.

Mr. JOHNSON of Texas. Mr. President, if no other Senator desires to speak at this time, I move that the Senate stand in recess until tomorrow, at 10 a.m.

The motion was agreed to; and (at 11 o'clock and 8 minutes p.m.) the Senate took a recess until tomorrow, Thursday, February 25, 1960, at 10 o'clock a.m.

EXTENSIONS OF REMARKS

Progress in Space

EXTENSION OF REMARKS
OF
HON. CLAIR ENGLE
OF CALIFORNIA
IN THE SENATE OF THE UNITED STATES
Wednesday, February 24, 1960

Mr. ENGLE. Mr. President, our distinguished colleague, Senator STUART SYMINGTON, addressed the World Affairs Council in Los Angeles on February 15, 1960, on one of the most important problems facing the United States in the space age. In an outstanding address, he spelled out the steps which must be taken if America is to make the kind of progress in space that it has made in the past in developing its own frontiers. Reminding Americans of the great accomplishments of the pioneers in opening up the West, he calls the exploration of space America's new manifest destiny. Senator SYMINGTON has asked America to answer this new call to greatness "eagerly, unafraid, with the spirit and cooperation that has won her a cherished place in the history of man."

I ask unanimous consent that this excellent address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PROGRESS IN SPACE

In the year 1484, a young Italian sailor named Columbus approached the King of Portugal with a plan to sail west and find a new route to the Indies.

Columbus wanted the King to outfit three ships, give him the title of "Great Admiral of the Ocean" and assure him one-tenth of all the revenues and precious metals derived from the lands he discovered.

At the same time, he sent his brother Bartholemew to interest the Kings of England and France in the same expedition.

All three monarchs rejected the idea. It sounded good, they said, but it was too expensive.

Eight years later, Columbus made the same offer to the Queen of Spain; and because she undertook it, it was Spain and not the other nations which led the way to discovery and colonization of the New World.

The claims established by Spain, and the wealth that poured in from the treasure houses of Mexico and Peru, changed her from a collection of little states to the preeminent power in Europe for 100 years.

For the next two centuries, command of the ocean routes was to be the basis of wealth and world leadership.

The opening up of the New World had shifted the balance of power among nations.

Discovery became an obsession.

Those countries which channeled their energies into this field were able to compete with Spain and eventually surpass her.

Those who hesitated lost their rank among the nations of the world.

This bit of history points the way to anyone who considers the course of America in the exploration of space.

For man's first ventures into space have opened up a chapter of history as vital to modern nations as the voyages of discovery were for the past.

It is not just another job for government to meet by creating a new agency and requesting a bigger budget.

It is a grand enterprise of discovery, full of opportunities that challenge our imagination.

The world we know today, full of change as it is, is going to be rendered obsolete by what is done in this great new dimension of man's progress.

Eventually, the exploration of space and the results of that exploration will play a major role in the life of man.

Even before that day, what happens in space will greatly influence our security and our position in the world.

I do not speak just of efforts that have already been planned and projected—such as probing the moon, and orbiting a space station. I speak of the even more ambitious projects which will exert increasing influence over conditions on earth, and eventually send men far into the universe, to tap the resources of the planets.

Of course such activities strain the imagination of many of us today.

But the history of progress is the history of accomplishments that could not be envisioned by ordinary men.

It has been estimated that a manned flight to Venus, at a minimum launching velocity of 38,000 feet per second, would take 5 months.

This is no longer than a trip by covered wagon took from Missouri to California in 1849, on the Santa Fe trail.

Deep space flight will pose many dangers, some of which we can predict, others we cannot.

But the covered wagon trips which opened up the West were fraught with many great dangers to the first pioneers.

I believe that the nation which leads the way into space, and follows up that lead, will hold in its hand the key to the future.

The advantages accruing to those who first master this new dimension are enormous—for possible war and for peace, for good or for ill.

The peaceful exploration of space can create world living standards higher than earthbound men can dream of.

Think of the utility of a space vehicle that could predict weather conditions even before they occur.

Through the knowledge gained from such meteorological satellites, we could eventually make giant strides toward controlling the weather.

By regulating rainfall, we could eliminate the arid conditions which now chain the productivity of millions of acres in our Nation, as well as in Asia and the Middle East.

By regulating temperature, we could open up new areas of the earth for comfortable settlement.

Nor can we exclude the possibility, once space flight is achieved, of the discovery and colonization of other planets.

In these ways, many of the basic causes of international tension—poverty, disease, and hunger—could be eliminated, and with them war itself.

Now let me just mention a few of the new applications.

There is now in development a television reconnaissance satellite which can photo-

graph objects 7 feet in diameter from 300 miles above the earth.

The nation that can orbit such a reconnaissance vehicle obviously has an advantage in the field of intelligence.

There is now in development a nuclear weapon which can first be placed in orbit, then recalled, electronically, to hit any point of the earth.

Any nation orbiting such a weapon literally holds the sword of Damocles over its adversaries.

And it is not outside the scope of present studies to imagine a space vehicle which could through ground control, turn back aircraft or other space vehicles by the mere turning of a switch or pressing of a button.

Another tremendous reward for leadership in space is the impact on the minds of men.

The heavens can be seen by the eyes of all men. For centuries, people have looked at them in awe. There is no more effective place to display scientific accomplishment.

Last month, the head of the U.S. Information Agency, George Allen, testified before Congress as follows:

"It is hardly an overstatement to say that space has become for many people the primary symbol of world leadership in all areas of science and technology.

"Our space program," he said, "has an importance far beyond the field of the activity itself. It bears on almost every aspect of our relations with people of other countries, and another view of us as compared with Russia."

As the man in charge of America's strategy in the contest for men's minds, this is what he believes.

"The seesaw seems to have tipped solidly in the Soviet direction in world opinion" as a result of sputnik, the moon shot, and other dramatic achievements on this great world stage.

The Soviets do not intend to rest on their accomplishments so far. They intend to press their advantage in space—to play it for all it is worth.

In reading Soviet scientific literature, one cannot help but be impressed by the boldness, the scope, and the dedication of the Soviet effort toward the ultimate conquest of the cosmos: Manned interplanetary travel.

There seems to be no question in the Russian mind that man's most cherished dream will be fulfilled in and by the Soviet Union.

They have already made great strides toward attaining this goal, including their large geophysical research rockets and their massive artificial earth satellites, plus extensive detection, tracking, and data-handling network associated with that satellite program.

Their confidence in the ultimate result is reflected in the fact that, whereas originally sputnik observers were asked to send their tracking data to Moscow sputnik, they now ask that data be sent to Moscow kosmos.

In such a competition, it is essential to have a clear idea of where we are behind and where we are ahead.

Certainly the Russians have the more spectacular accomplishments to their credit. They got there first, with the most.

We have orbited more earth satellites than have they—but the Soviets have put more weight into space in one shot than we did in all of ours put together.

And make no mistake about it: Weight in space is a measure of control of space.

But our situation is far from hopeless. We have made more progress than the Soviets in instrumentation; also in communication from satellites.

We discovered the radiation belts, which must be surmounted if successful manned flights are to be attempted.

We have, right now, the scientific competence and the resources to overtake the Soviets in the space field.

To this end, I would now make the following seven suggestions:

The unrealistic efforts to distinguish between civilian and defense aspects of space activities should be stopped. It was well intentioned, but it has fallen flat on its face.

In most cases, no such realistic distinction can be made, and further attempts to do so will merely add to the wasteful duplication and confusion now characteristic of our space policies.

There must be one coordinated overall space program, not two or more, and the products of such a coordinated program should have both military and civilian uses.

For this purpose, the authority, funding, and responsibility for such a program should be placed under one man.

The head of such agency should be a member of the National Security Council, and he should report directly to the President.

The present Space Council in the White House should be abolished.

A regular flow of information about the space program should include all facts which will not affect adversely this country's security. In a democracy the people have the right to know all truth which will not help the possible enemy.

I make these suggestions with full realization that without a greater sense of urgency the best organized program will continue to stumble along in second place.

More than anything else, our space program needs a topmost priority in the must-do list of our Government.

The exploration of space is America's new manifest destiny.

It must be treated as more than just another Government program.

It must be treated as the opening of a new frontier; as prudent an investment as the Louisiana Purchase; as vital to our Nation as the push over the Alleghenies, the settling of the Mississippi Valley, and the opening of the West.

The age of space has now given us a new chance to shine with the spirit of the American pioneer.

Let us set ourselves to the task—together.

Let history record that America did not end up in second place in space.

But that she stepped forth eagerly, unafraid, with the spirit and cooperation that has won her a cherished place in the history of man.

You and I, all of us, desire a first-rate, first-class, first-place America.

First in space as well as first on earth.

And, above all, first in the hearts of all mankind.

SENATE

THURSDAY, FEBRUARY 25, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, from all the complexities of hectic and burdened days, in moments of prayer help us to find again our lost simplicity, and with that simplicity may there come a new marvel at the wonder of the world and at the wonder of our own lives, with all their hidden splendor.

Give us the vision and the strength to rise on steppingstones of our lower selves to higher levels of spiritual apprehension and achievement.

May an abiding sense of Thy presence light lanterns of faith for the path before us, as with that kindly light we go on a step at a time—for without that guidance, who is sufficient for the need of these times? In the struggle to enthrone truth and right as Thou dost give us to see it, join us with all who in our common humanity are toiling for a better day in a fairer world. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour for the introduction of bills and the transaction of other routine business, such as insertions in the RECORD, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SESSION OF THE SENATE

Mr. JOHNSON of Texas. Mr. President, at the request of the Senator from New Mexico [Mr. ANDERSON], I ask unanimous consent that the Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs be permitted to sit during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a semiannual report of that Commission, for the period ended June 30, 1959 (with an accompanying report); to the Committee on Foreign Relations.

CLAIM OF OMAHA TRIBE AND NATION *v.* THE UNITED STATES

A letter from the Chief Commissioner and Associate Commissioners, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of *The Omaha Tribe of Nebraska, and Amos Lamson, Charles J. Springer, John F.*

Turner, and Henry F. Freemont, ex rel., Omaha Tribe of Nebraska, Omaha Tribe and Nation including all groups, bands, and members of said Omaha Tribe and Nation v. *The United States of America, defendant,* docket No. 225–A, 225–B, 225–C, and 225–D, finally consolidated into 225 Consolidated (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF COMMUNICATIONS ACT OF 1934, RELATING TO ISSUANCE OF RADIO OPERATOR LICENSES TO NATIONALS OF THE UNITED STATES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF TITLES 10 AND 32, UNITED STATES CODE, TO CODIFY RECENT MILITARY LAW

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to codify recent military law, and to improve the code (with accompanying papers); to the Committee on the Judiciary.

REPORT ON POSITIONS FILLED IN CERTAIN GRADES OF CLASSIFICATION ACT OF 1949

A letter from the Chairman, United States Civil Service Commission, transmitting, pursuant to law, reports on positions filled under the Classification Act of 1949, in grades GS–16, GS–17, and GS–18, in various agencies, for the calendar year 1959 (with accompanying papers); to the Committee on Post Office and Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the General Assembly of the State of Georgia, favoring the inauguration of a program for the eradication of hog cholera; to the Committee on Agriculture and Forestry.

(See the above resolution printed in full when presented by Mr. RUSSELL on February 22, 1960, p. 3092, CONGRESSIONAL RECORD.)

A resolution of the General Assembly of the State of Georgia, relative to State rights; to the Committee on the Judiciary.

(See the above resolution printed in full, when presented by Mr. RUSSELL, on February 22, 1960, p. 3093, CONGRESSIONAL RECORD.)

A telegram in the nature of a petition from the Cordova, Alaska, Chamber of Commerce, signed by W. H. Ekemo, secretary, relating to road construction in Alaska; to the Committee on Public Works.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRUENING (for himself and Mr. BARTLETT):

S. 3095. A bill to authorize the construction, operation, and maintenance of the Crater-Long Lakes division of the Snettisham project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING (for himself, Mr. CASE of New Jersey, Mr. FONG, Mr. JAVITS, and Mr. SCOTT):

S. 3096. A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government; to the Committee on Government Operations.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3097. A bill to amend the Labor-Management Relations Act, 1947, and for other purposes; and

S. 3098. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above bills, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 3099. A bill to extend the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959 to employees of Agricultural stabilization and conservation county committees; to the Committee on Post Office and Civil Service.

By Mr. ERVIN:

S. 3100. A bill for the relief of Mrs. Chieko Suzuki Davis; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 3101. A bill for the relief of Irby S. Burbage; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 3102. A bill to strengthen the domestic and foreign commerce of the United States by providing for the establishment of an Office of International Travel and Tourism and a Travel Advisory Board; to the Committee on Interstate and Foreign Commerce.

RESOLUTION

EXPRESSING THE SENSE OF THE SENATE OVER THE AIR ACCIDENT IN CITY OF RIO DE JANEIRO ON FEBRUARY 25, 1960

Mr. JOHNSON of Texas (for himself and Mr. DIRKSEN) submitted a resolution (S. Res. 280) to express the sense of the Senate over the tragic air accident in the city of Rio de Janeiro on February 25, 1960; which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. JOHNSON of Texas, which appears under a separate heading.)

A MULTIPURPOSE POWER PROJECT: SNETTISHAM, FOR A NEWSPRINT MILL AND THE GROWING NEEDS OF ALASKA'S CAPITAL AND SURROUNDINGS

Mr. GRUENING. Mr. President, on behalf of myself, and my colleague, the distinguished senior Senator from Alaska [Mr. BARTLETT], I introduce, for appropriate reference, a bill to authorize the construction, operation and maintenance of the Crater-Long Lakes division of the Snettisham project. This is a hydroelectric power project located near Juneau, the Capital City of Alaska. The development sought there by means of this legislation has many values not connected with most public power projects which are proposed.

Seldom are we able to combine in a single undertaking the interests of a growing area, a great industry, the development of natural resources and the Nation's interest as we can by means of the Snettisham project.

Alaska has a total hydroelectric power potential at known sites of more than 50 billion kilowatt-hours annually. Less than one-fourth of 1 percent of this energy potential has been harnessed. The Snettisham project, which has been surveyed by the Bureau of Reclamation, would convert to man's use waterpower equivalent to 292 million kilowatt-hours of firm energy annually. This is not a large project—its installed capacity is 48,000 kilowatts—but it is one which is large in its prospective benefits to the people of the United States.

First of all, it will take care of the growing energy needs of the capital city of the 49th State and its surrounding area, which includes also the city of Douglas and the Glacier Highway Rural Electric Cooperative as well as some additional areas. Also, and I consider this of prime importance in connection with this proposal, it will permit the establishment near Juneau of a newsprint mill which will produce a large quantity of this raw material which is essential to publishers in the United States. Among the natural resources which have never been utilized in Alaska are not only waterpower running wasted to the sea but forests which through the ages have matured, died, rotted, and reseeded themselves without being of any benefit to man.

The Tongass National Forest in southeastern Alaska, managed on a basis of sustained yield, can provide in perpetuity a significant portion of the total newsprint needs of the publishing industry of the United States. Most of the newsprint used in this country is now imported, some of it from Canadian mills located not too far from that which is proposed at Juneau. Two pulpmills have been established in southeastern Alaska since World War II, one at Ketchikan and another which began operations at Sitka only a few months ago. Neither of these produces newsprint, and a newsprint mill will not be feasible at Juneau until and unless a large and dependable source of electric power becomes available.

The interests of the 49th State and of the newspaper publishers in all the States argue for the enactment of the legislation which I introduce today.

Despite its enormous hydroelectric power resources, Alaska up to this time has only one very small Federal power project; that is the Eklutna project near Anchorage. The Nation needs the benefits which can be derived from the har-

nessing of more of Alaska's wasted waterpower. Particularly it needs the Snettisham project because of the important side benefits I have discussed briefly here today.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The bill will be received and appropriately referred.

The bill (S. 3095) to authorize the construction, operation, and maintenance of the Crater-Long Lakes division of the Snettisham project, Alaska, and for other purposes, introduced by Mr. GRUENING (for himself and Mr. BARTLETT), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ESTABLISHMENT OF A "KNOW YOUR GOVERNMENT" OFFICE

Mr. KEATING. Mr. President, I have always been impressed by the fact that a great many Americans lack a real and meaningful understanding of the structure of our Federal Government and of the roles played by the various agencies and offices of which it is composed. As a Senator, I frequently receive letters from people in my State who are not familiar with the workings of Government and who write merely to ask me to put them in touch with the agency that deals with the program or problem in which they are interested. Similarly, in talking with persons throughout New York State, I have noted a lack of knowledge as to how our Government operates and as to the types of assistance which persons can and certainly should obtain from the various agencies of the executive branch which have been set up to help them.

It is not surprising that this lack of knowledge about Government exists. The Federal Government is a huge and complex administrative machine. It is composed of a number of separate and distinct agencies, departments, and independent offices—each of which contains any number of bureaus, branches, and divisions.

To most citizens, the Federal Government is a bewildering array of nameless offices, piled high with red tape and staffed by the stereotype of the "fumbling bureaucrat." When the time comes that an individual needs to obtain information or assistance from the Government, he does not know where to begin. I am afraid that a great many people call it "quits" at this point. Others write to the wrong agency and as a consequence suffer long delays before receiving an answer to their inquiry. Many write to their Representatives in Congress—and after a protracted and "roundabout" process of referrals—they receive the information which they requested.

Mr. President, I admit that perhaps this is not a major problem compared, for instance, to national defense, appropriations policies, civil rights or the like. I am, however, concerned that, wherever possible, measures be taken to reduce the number of people who, because of their apprehension and lack of information, do not avail themselves of opportunities to obtain information and assistance from the various agencies of the Federal Government. Similarly, we have a responsibility to see to it that steps are taken to speed up the process by which persons are put in touch with the governmental department or agency that has jurisdiction in the field in which they have an interest.

Mr. President, I introduce for appropriate reference, a bill establishing an office in Washington to disseminate general information about the nature and scope of our Federal Government and to answer specific inquiries as to what departments or agencies are responsible for given activities carried out by the Federal Government.

The bill is cosponsored by the Senator from New Jersey [Mr. CASE], the Senator from Hawaii [Mr. FONG], my senior colleague from New York [Mr. JAVITS], and the Senator from Pennsylvania [Mr. SCOTT]. I want to express my sincere appreciation to each of these Senators for his interest in this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3096) to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government, introduced by Mr. KEATING (for himself, Mr. CASE of New Jersey, Mr. FONG, Mr. JAVITS, and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. KEATING. Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD at the conclusion of my remarks, and that the bill lie on the table for 1 week, to permit time for other Senators who may be interested to add their names as cosponsors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. KEATING. Mr. President, as stated in the bill I have just introduced, the office established herein would be located in Washington and would be contained in the National Archives and Records Service, which in turn is part of the General Services Administration.

Mr. President, it has always been my feeling that an office of this type should have a short, easy to remember, title and address. I therefore have proposed the name, "Know Your Government Office," which I believe would be easily identified and quickly recalled.

This office would have four major functions as follows:

First. The dissemination of general information concerning the functions of the various departments and agencies of the Government.

Second. Providing students and other interested persons with information concerning the organization of the Government.

Third. The furnishing of information upon request concerning the officer or agency to be contacted for specific inquiries bearing upon the activities of a particular agency of the Government.

Fourth. Enhancing by an educational program public interest in and understanding of the structure and operations of the Government.

As I envision it, the "Know Your Government Office" would be a small staff and mailing operation located solely in Washington. The office would send out various general informational publications, forward letters to the relevant agencies and notify the sender, and provide information as to what local and regional officials should be contacted with regard to particular types of inquiries. Its general function would be that of a clearinghouse and information center.

Mr. President, I want to make it very clear that the establishment of a "Know Your Government Office," as I have described it, would not necessitate or entail huge new expenditures of Federal revenues and the establishment of branches throughout the 50 States. The "Know Your Government Office" would be located in Washington alone. Its staff would be of limited size and for administrative and clerical purpose would come under the jurisdiction of the General Services Administration. Although I certainly respect Parkinson's law, I do not feel that an office such as described here would necessarily have to involve hundreds of people, 3 cafeterias, a new building, a separate personnel office, a limousine, and 80 water coolers.

In the long run, this office might well involve a net savings of Government funds in that it would bring about a reduction in the "bucking" of letters from one agency to another and in the time-consuming business of having someone in each agency responsible for the disposition of these letters.

No one who has served in the House of Representatives or in the Senate could help but appreciate that "bucking" operation.

To sum up, I believe that the establishment of a "Know Your Government Office" would have a decidedly favorable impact upon the affairs of our Government. Such an office would eliminate a certain amount of the duplication and delay in the operations of the Federal Government; and from the point of view of the individual citizen, it would help him to obtain certain types of information and assistance which are and should be available to him.

Mr. President, in considering the establishment of a "Know Your Government Office" as described above, it is important that we take into account factors such as the fundamental role of Government and its impact upon each of us in our daily lives. The purpose of the "Know Your Government Office" is an important and worthy one. Its basic and underlying aim would be to give all of the citizens of our great Nation a clear and definite indication that they can and should keep informed as to the activities of their Government—and in this way participate in the process of governing.

EXHIBIT 1

S. 3096

A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a) in order to achieve a better public understanding of the organization of the Federal Government, and the operation of its various agencies, the Administrator of General Services shall establish in the National Archives and Records Service, an office, to be located in Washington, D.C., and to be known as the "Know Your Government Office" (hereinafter referred to as the "Office").

(b) The functions of the Office shall include—

(1) the dissemination of general information concerning the functions of the various departments and agencies of the Government;

(2) providing students and other interested persons with information concerning the organization of the Government;

(3) the furnishing of information upon request concerning the officer or agency to be contacted for specific inquiries bearing upon the activities of a particular agency of the Government; and

(4) enhancing by an educational program, public interest in and understanding of the structure and operations of the Government.

SEC. 2. Such sums as may be necessary to carry out the purpose of this Act are hereby authorized to be appropriated.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS—AMENDMENTS

Mr. ERVIN submitted amendments intended to be proposed to him, to the amendment of Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which were ordered to lie on the table and to be printed.

Mr. JOHNSTON of South Carolina submitted an amendment, intended to be proposed by him to House bill 8315, supra, which was ordered to lie on the table and be printed.

CONSTRUCTION AT CERTAIN MILITARY INSTALLATIONS—AMENDMENT

Mr. WILLIAMS of Delaware (for himself and Mr. SCHOEPPEL) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10220) to authorize certain construction at military installations, and for other purposes, which was referred to the Committee on Armed Services and ordered to be printed.

PROPOSED CIVIL RIGHTS LEGISLATION—WITHDRAWAL OF SPONSORSHIP OF BILL

Mr. PROUTY. Mr. President, through some misunderstanding or inadvertence I find that my name is listed as a cosponsor of S. 3045, which is a bill to effectuate and enforce the constitutional right to equal protection of the laws, and for other purposes.

I wish the RECORD to show that I am not a cosponsor of that bill.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GRUENING:

Address by Senator FRANK E. MOSS delivered before the 18th annual meeting, National Rural Electric Cooperative Association, February 24, 1960, St. Louis, Mo.

By Mr. KEATING:

Editorial entitled "States Must Control Campaigns or Face Congressional Action," published in the Twin City Sentinel, Winston-Salem, N.C., on January 29, 1960; and letter written by him to the editor of the aforementioned newspaper, relating to said editorial.

By Mr. CHURCH:

Article entitled "Pacific Missile Mess," written by Senator MIKE MANSFIELD, of Montana, published in the New Leader of February 15, 1960.

By Mr. WILLIAMS of New Jersey:

Correspondence dealing with the education of migratory workers.

CALL OF THE ROLL

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Green	Morton
Brunsdale	Gruening	Moss
Bush	Hart	Murray
Byrd, W. Va.	Hartke	Pastore
Cannon	Hayden	Proxmire
Carlson	Hickenlooper	Robertson
Chavez	Hill	Russell
Clark	Holland	Saltonstall
Cotton	Hruska	Scott
Dirksen	Johnson, Tex.	Smathers
Ellender	Jordan	Sparkman
Engle	Keating	Talmadge
Ervin	Kuchel	Thurmond
Frear	Lausche	Young, Ohio
Gore	Long, Hawaii	

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from New York [Mr. JAVITS] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. DIRKSEN. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ANDERSON, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BUTLER, Mr. BYRD of Virginia, Mr. CAPEHART, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. CHURCH, Mr. COOPER, Mr. CURTIS, Mr. DODD, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. FONG, Mr. GOLDWATER, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON of South Carolina, Mr. KEFAUVER, Mr. KERR, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MARTIN, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCNAMARA, Mr. MONRONEY, Mr. MORSE, Mr. MUNDT, Mr. MUSKIE, Mr. PROUTY, Mr. RANDOLPH, Mr. SCHOEPPEL, Mrs. SMITH, Mr. STENNIS, Mr. SYMINGTON, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the calendar will be stated.

THE FOREIGN CLAIMS SETTLEMENT COMMISSION

The Chief Clerk read the nomination of Thomas W. S. Davis, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ATTORNEYS

The Chief Clerk proceeded to read sundry nominations of U.S. attorneys.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

U.S. MARSHALS

The Chief Clerk proceeded to read sundry nominations of U.S. marshals.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, under the order we will have the

usual morning hour, with statements limited to 3 minutes; is that correct

The PRESIDING OFFICER. The Senator is correct. Is there any morning business?

USE AND MANAGEMENT OF FOREST LAND IN NORTH CAROLINA

Mr. JORDAN. Mr. President, I have the pleasure of announcing a study of the ownership, use and management of forest land in North Carolina by the American Forestry Association, under a grant from the Mary Reynolds Babcock Foundation. This is the third pilot study undertaken by this national conservation organization in its efforts to clarify the status, responsibility, and action of all classes of owners regarding the management and use of forest lands.

As Senators know, the productivity of forest land and its availability for uses other than timber production often hinge upon the identity and objectives of the owner. A paper company, of necessity, is interested primarily in the yield of woodfiber. A utility company must protect its watersheds. Some public agencies stress multiple-use for timber, grass, water, wildlife, recreation and mining. Others may be dedicated primarily to park, reservoir or wildlife purposes.

It becomes apparent, then, that ownership of land is one of the key factors in evaluating the contribution of forest resources to the future economy of the Nation and to the social well-being of its citizens. It affects such vital matters as purpose, continuity, and intensity of forest practice; feasibility of multiple-use management; establishment and stability of wood-using industries; utilization of water for industrial, agricultural, municipal and recreational purposes; encouragement of service facilities, such as resorts; and community support in the form of taxes or contributions in lieu of taxes.

What changes in ownership and management of forest land will contribute most effectively to development of the economy on a sound and permanent basis? What percentages of recreational, watershed or timber lands should be in county, State, Federal, corporate, farm or other ownerships? What pattern should these ownerships form? What considerations motivate small woodland owners? How can they be stimulated to practice better forestry? These are examples of questions to which no clear answers are available at present.

These studies, all financed privately, are the outgrowth of the Fourth American Forest Congress held here in Washington in 1953. At that time those assembled recommended that the States and the Federal Government appoint committees to first, consider a desirable pattern for ownership of Federal, State, and private forest, range, and other conservation lands; second, formulate policies to guide action of public agencies toward achieving this pattern; and third, recommend to the Congress legislation needed to enable Federal agencies to implement these policies.

The American Forestry Association assumed responsibility for three pilot studies in, first, California, where half of the land is in Federal ownership; second, Minnesota, where State and county ownerships predominate; and third, in North Carolina, where 268,000 private owners hold 92 percent of the forest land.

The suggestions of the initial investigation in California, completed in 1958 with publication of "California Lands—Ownership, Use, and Management," now are being studied more intensively by a committee of the California Legislature. Also, a Wildland Research Institute has been created in the University of California to determine better ways of managing the resource.

The second survey is in its final stages in Minnesota. An interim committee of the State legislature already has picked up the preliminary recommendations with a view to introducing corrective legislation.

Now we look forward with much interest to initation of a similar project in North Carolina.

Meantime it is suggested that other States and the Federal Government may well consider the need for similar studies.

DEDICATION OF A ROOM IN THE NEW SENATE OFFICE BUILDING FOR USE BY PRAYER GROUPS IN THE CAPITOL

Mr. JORDAN. Mr. President, on Thursday, February 4, the senior Senator from South Carolina [Mr. JOHNSTON] delivered an inspiring speech to the Ladies' Prayer Group of the Congress dedicating a room in the New Senate Office Building for their use. This room will also be used by other prayer groups in Congress from time to time. There is nothing more powerful than prayer to guide us as we go about our work.

The Ladies' Prayer Group and the Men's Prayer Group on Capitol Hill are both affiliated with the International Christian Leadership, a national organization composed of more than 200 such prayer groups. I thought it would be well to bring the fact that we have prayer groups in our Nation's Capitol, and that this room has been dedicated for their use, to the attention of the Senate.

Mr. President, for this reason I ask unanimous consent that the remarks which Senator JOHNSTON made at the dedication of this room be printed in the body of the RECORD following my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR OLIN D. JOHNSTON, DEMOCRAT, OF SOUTH CAROLINA, DEDICATING A ROOM IN THE NEW SENATE OFFICE BUILDING FOR USE BY CONGRESSIONAL PRAYER GROUPS

Ladies, friends, it is a source of great pleasure to me to be able to present this room to the Ladies' Prayer Group. Here you may gather for a weekly communion with our Maker. You ladies cherish this privilege of meeting to pray. I hasten to add that much can be accomplished by prayer groups such as yours.

St. Matthew tells us that "Where two or three are gathered together in My name, there am I in the midst of them."

We have assembled this morning to dedicate this room to a refreshed, renewed and continued service by prayer to the giver of all good and perfect gifts. We must continue to renew our faith in our Saviour and return our grateful thanks to Him for the manifold blessings He has bestowed upon us, the richness of love and abiding grace.

Man—and I refer of course to women—may not live by bread alone. Man requires and demands a divine power as a source of help and guidance. Here in this room you may gather. In its quietness you may ask for divine intercession, spiritual guidance and seek forgiveness for the errors of the flesh.

No man or woman is really great who neglects his responsibility to pray.

Lord Tennyson has said, "More things are wrought by prayer than this world dreams of. Wherefore let Thy voice rise like a fountain for me night and day."

Reverently and in the name of our Saviour and Lord, I dedicate this room as a room of prayer that the Lord may continue to bestow upon us His blessings and guide us in His ways now and forever more.

THE PLIGHT OF THE DOMESTIC TEXTILE INDUSTRY

Mr. COTTON. Mr. President, it was the earnest desire of the junior Senator from New Hampshire to be present and participate briefly in the colloquy which took place yesterday on the floor led by the Senator from South Carolina [Mr. THURMOND] and the Senator from Rhode Island [Mr. PASTORE] regarding our textile industry and its problems. Because of an important committee meeting, I could not be present, and therefore, although I shall be extremely brief, I ask unanimous consent to proceed for 2 minutes extra—5 minutes in all.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. COTTON. Mr. President, the distinguished Senator from South Carolina and the distinguished Senator from Rhode Island, with whom I serve on the special subcommittee of the Committee on Interstate and Foreign Commerce studying the problems facing the textile industry in this country, deserve great commendation for their devoted work on this subcommittee.

The subcommittee was created and its work authorized as the result of a resolution which the junior Senator from New Hampshire introduced into the Senate. It is a privilege to serve with these Senators and under the able chairmanship of the Senator from Rhode Island.

I am not going to take the time to reiterate or reemphasize the matters that were so well presented and so forcibly emphasized by these and other Senators on this floor yesterday. Needless to say, it is a subject upon which I feel deep concern.

Since World War II, 325,000 textile jobs have disappeared, and more than 12,000 of those textile jobs have been lost in my own State of New Hampshire, which is one of the oldest textile States in the Union.

I am not going to rehearse what was said yesterday, but I do wish to call the attention of the Senate, the Congress, and the people to one point that did not happen to be referred to yesterday and, which I think is rather impressive, and that we ought to consider, and that is the

Secretary of Commerce of the United States has recently issued the fourth quarterly report for 1959 on export control, and on page 3 of that report under Security Export Controls appears the following significant line of information:

Among the commodities approved for export to eastern European countries during the fourth quarter of 1959 were: textile mill to U.S.S.R. $17 million.

Mr. President, in the New York Times for December 29, 1959, appeared an article further amplifying this incident. I ask that it be inserted at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 29, 1959]

U.S. SYNDICATE WILL EQUIP BIG TEXTILE PLANT IN SOVIET—GROUP TO INSTALL SPINNING AND WEAVING MACHINES VALUED AT $20 MILLION—FIRST SUCH DEAL SINCE THE WAR

(By Osgood Caruthers)

Moscow, December 28.—A consortium of more than 40 American companies signed a contract with the Soviet Union today to provide the machinery for a new $30 million textile plant.

The American group will also install the machinery in the projected 50,000-spindle plant. It will be one of the largest spinning and weaving mills erected anywhere since World War II.

It was understood that the cost of the machinery to be purchased from the American consortium would be about $20 million. The estimated total cost of $30 million includes construction.

This was the first such agreement between the Soviet Union and American companies for construction of plants since the years before the war, when Ford and International Harvester set up factories in the Soviet Union and U.S. engineers helped build the first big hydroelectric power dam on the Dnieper River.

The contract was signed in Moscow after months of difficult negotiations and intensive competition with a British group.

The consortium is Intertex International, Inc., 270 Madison Avenue, New York. It agreed to furnish machinery and install it in the plant at Kalinin, halfway between Leningrad and Moscow.

Although the Soviet Union originally sought credits and had been offered them by the British group, the final deal called for cash payments. The American negotiators, headed by Sidney H. Scheuer, board chairman of Intertex, said shipments of equipment were expected to be completed during the first quarter of 1961.

The American group of 15 sales executives and technicians who had conducted the negotiations were cautious about revealing details of the contract they signed today with representatives of the official Soviet organization called Techmachimport. It was believed, however, that actual construction of the plant would be carried out by Soviet workers, possibly with the Americans giving technical advise on the installation of machinery.

A statement issued by the consortium said the plant would represent "the most advanced technology in all departments."

A plant of this kind, which according to the American representatives, would be able to spin, weave, and finish cotton, worsted blends and synthetic fibers, will obviously give valuable assistance to Soviet textile production.

Less than a month ago the Government decreed a great expansion of the textile industry, including the building of new plants, renovation of old ones and streamlining of existing production lines. This was ordered as a measure to meet growing consumer demands for quality goods as well as quantity and to fit into Premier Khrushchev's elaborate 7-year economic plan for overtaking the United States.

Part of that plan calls for production of synthetic materials on an infinitely greater scale. The Soviet Union has already asked the United States for credits and approval of the purchase of whole chemical plants to produce them. Thus far, Washington has rejected such requests.

The Soviet Union has recently concluded contracts with Italian concerns to build a nylon plant. It is reported that this plant will also be near Kalinin, a city of 260,000, and that it no doubt will supply materials for the spinning and weaving plants.

Production from such plants will enable the Soviet Union to offer greater amounts of materials to the underdeveloped countries, where an all-out economic aid and trade offensive is going on.

There appeared to be political significance in the fact that the Soviet Union has been trying for more than a year to penetrate Washington's unwillingness to trade with the Communist world.

The contract signed today far exceeds the total value of U.S. exports to the Soviet Union in 1958. According to Soviet statistics, this trade amounted to 19 million rubles, or at the official rate of four to a dollar, a little less than $5 million. Soviet-American trade showed a marked increase this year.

Among major companies associated with the transaction are the James Hunter Machine Co. of North Adams, Mass.; Crompton & Knowles of Worcester, Mass.; the Whitin Machine Works of Whitinsville, Mass.; the Rodney Hunt Machine Co. of Orange, Mass.; the National Drying Machine Co. of Philadelphia, and the Cocker Machine and Foundry Co. of Gastonia, N.C.

Mr. Scheuer led the negotiations and was aided by Norman Garlington and T. D. Lewis, Jr., vice president of Intertex.

The negotiations were based on a project outlined in April 1958. Earlier this year they nearly broke down, but resumed at the beginning of this month.

EARLIER DEALS NOTED

Mr. Scheuer said here yesterday that Intertex had been selling complete textile plants to the Soviet Union for some time.

A knitting plant supplied by Intertex is operating and equipment is being shipped for a 15,000-spindle worsted spinning plant and a tufted-carpet mill.

Mr. Scheuer emphasized that the new contract was the first to provide also for American assistance in the installation of the plant equipment.

Intertex International is an affiliate of Scheuer & Co., a textile brokerage concern also of 270 Madison Avenue. The active phase of business relations between Intertex and the Soviet Union dates from April 1958, when the New York concern invited a group of Soviet textile men to visit the United States.

The group, led by N. Y. Chesnokov, chief of the Light Industry Section of the Soviet Planning Committee, toured the plants of many of the textile-machinery manufacturers associated with the new contract.

Mr. COTTON. I shall quote only one paragraph from this article. After describing the fact that a $30 million modern textile mill will be set up in Russia—the article indicates that U.S. sources will provide $20 million worth of the most modern textile machinery to equip the plant. I want to make it plain we are not giving it to them.

The New York Times comments in the article:

A plant of this kind, which, according to the American representatives, would be able to spin, weave, and finish cotton, worsted blends and synthetic fibers, will obviously give valuable assistance to Soviet textile production.

Mr. President, the distinguished and able Senator from New York [Mr. JAVITS], in his additional views, published in the report of the Joint Economic Committee on Employment, Growth, and Price Levels, said:

Although we are not engaged in a hot war, the life and death struggle between the economic and social systems of freedom versus communism—still the cold war now phasing into predominantly an economic struggle—demands unusual expenditures, personal sacrifice and a dynamic policy. The peaceful competition between the United States and the free world versus the U.S.S.R. and the Communist world is now shifting more and more into the economic sphere—an indication of growing confidence by the U.S.S.R. in its power in the economic area.

I quote this passage because it is before the Senate as a part of the Economic Committee's report and because the Senator from New York has so well expressed the point I want to make.

In the years since World War II, we have exported, and in many cases given, to other nations, including Japan, the best, most modern and competitive textile machinery that we could produce. We have given the know-how. We have built up competition.

There are good reasons to be advanced for this. I do not wish to be an obstructionist in the matter of seeking a peaceful solution between this Nation and the Communist world.

However, when we are fighting desperately to save a dying textile industry in this country, I believe it is exceedingly unfortunate that the determination should be made downtown, in the Department of Commerce, that we should provide our greatest competitor in the cold war with a modern textile plant, with the latest and best machinery, so that they may set it up, expand it, and copy it in their production of textiles, and in that way improve their competition with the free world.

Mr. President, we spend our time on the floor of the Senate shouting about our defense and about the missile gap, and about how we might be slipping behind the Soviets in the contest. At the same time we turn around and select an area which is just as vital, if not more vital, than the competition between armaments, an area in which this country is in the worst possible situation today, the textile industry, and proceed to deliver this modern plant to our greatest rivals, those who have not shown any desire or willingness to meet us halfway in friendly competition, but only desire to crowd us out of every industrial and economic field possible.

Mr. President, I hope this sort of policy will not continue. How softheaded can we get?

ADDRESS DELIVERED BY SENATOR McGEE AT THE NORTH CAROLINA CONFERENCE ON WORLD AFFAIRS

Mr. JORDAN. Mr. President, on February 11, 1960, the junior Senator from Wyoming [Mr. McGEE] made an unusually penetrating address at the North Carolina Conference on World Affairs held in Chapel Hill, N.C.

Senator McGEE has made several speeches in my State during the past 2 years. All of them have been outstanding, and the people of North Carolina look upon Senator McGEE as one of the truly great statesmen of our times.

I ask unanimous consent, Mr. President, that there appear in the body of the RECORD an editorial which appeared in the February 1960 edition of the Daily Tar Heel, the student newspaper of the University of North Carolina, concerning Senator McGEE's speech of February 11. It is an example of the high regard we in North Carolina have for the able Senator from Wyoming.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Daily Tar Heel, Feb. 17, 1960]

McGEE AND OUR WORLD

Senator GALE McGEE, of Wyoming, is a man who makes a good deal of sense in a day and age when most politicians are content to deal with platitudes and generalities. His ideas are based on sound personal observations and his outlook is one which might best be termed one of refreshing pessimism.

The good Senator from the frontier spoke here last week as the featured guest at the Tenth Annual North Carolina Council on World Affairs. Several of his statements are worthy of comment and further exploration.

McGEE is a former history professor at several universities, including the University of Wyoming, his last post before being elected to our most exclusive men's club, in the fall of 1958. With this academic background, McGEE advocates, as might be expected, a mass exchange of American students with colleges and universities in other lands.

The Senator feels that study abroad should be an integral, and indeed; a required part of each student's education. He proposes that the U.S. Government finance something like a million students a year to study in other countries. This is composed to the figure of 8,000–10,000 being thrown around now in the Senate. This would obviously be an expensive proposition, but as McGEE points out, surviving the challenge we face will be expensive and will require ingenuity and sacrifice on the part of the American people.

Speaking on the world situation in general, McGEE pointed to the dangers presented by our attitudes and complacency. He stated that there is a tendency for us to feel that we have arrived and reached the pinnacle of man's possibilities. In reality, as McGEE pointed out, we possess the greatest assortment of useless and unnecessary gadgets in the history of mankind. What we possess materially, we lack inwardly.

He touched, as all realists must, on the revolution of rising expectations, Adlai Stevenson's brilliant phrase for describing the world of today. The people of the world have been shown our standard of living and wish to equal it. But instead of attempting to force the uncommitted peoples to bow to our will and accept our way of life, McGEE says we must try to understand them. He was quick to point out our tendency to condemn those countries which do not have a democratic form of government, and then added that our country, when it was young, was anything but purely democratic. You don't legislate democracy or freedom; it is something which comes from within, a concept which takes a long period to condition those who live under it.

And then he concluded with the world of tomorrow, what he feels will surely be an Asian world, due largely to the population explosion in that part of the world. Certainly the potential of these people to develop is largely dependent on the aid supplied to them. The Senator maintains we must step up our aid commitments to them. He is right.

Concluding, he used the story of Rip Van Winkle. Old Rip went to sleep in 1769 under a British King and awoke in 1789 under an American President. He had slept through the Revolution. In McGEE's own words: "God help us if we sleep through this revolution."

Mr. MANSFIELD. Mr. President, I should like to associate myself with the remarks made by the junior Senator from North Carolina [Mr. JORDAN], relating to the address delivered by the distinguished junior Senator from Wyoming [Mr. McGEE] before the North Carolina Conference on World Affairs, held in Chapel Hill, N.C., on February 11, 1960.

In his address, Senator McGEE advocated certain steps which America must take in order to insure the kind of world we want. The Senator from Wyoming also outlined what the world of the next decade will likely be, and what our country can do to influence the changes which are occurring at this time in history.

I commend the address to the Senate for consideration. I think it was a very wholesome one, gives us a good deal to think about, and offers us new and far-flung ideas.

For the information of the Senate, the aforementioned address can be found on page 3070 of the CONGRESSIONAL RECORD of February 19, 1960.

CONNALLY RESERVATION TO WORLD COURT TREATY

Mr. THURMOND. Mr. President, one of the most far-reaching proposals now pending before the committees of Congress is Senate Resolution 94, which would secure the repeal of the Connally reservation to the so-called World Court Treaty. The Connally reservation has been much maligned in the most recent attempt to cast it aside in an effort to win an illusory international popularity contest. It is most heartening to know that there are still sound minds which perceive the very cogent reasons for the essentiality of the continued existence of the Connally reservation. Former Senator Tom Connally has, himself, reaffirmed his strong position in favor of the amendment, and in this regard I ask unanimous consent that a letter from former Senator Connally to the chairman of the Foreign Relations Committee, dated February 16, be printed at this point in my remarks.

I also ask unanimous consent that there be printed at this point in my remarks an editorial by Mr. Raymond Moley, entitled "World Peace by Law," which appeared in the February 22 edition of Newsweek.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

FEBRUARY 16, 1960.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: My position on the so-called Connally reservation has in no way changed since I originally advocated its adoption. You may remember that at that time I said in part:

"The United States is the object of envy of many nations of the world and many peoples. Our Treasury is most attractive to them. Immigration to our shores is something they dream of. I do not favor and I shall not vote to make it possible for the International Court of Justice to decide whether a question of immigration to our shores is a domestic question or an international question. It is a domestic question, of course; but the Court might contend it is international in character.

"Mr. President, do we wish to submit to the International Court the question whether we have a right to levy tariffs and duties and to regulate matters of that kind? They are purely domestic questions, and I do not propose to have the International Court have jurisdiction over them.

"Do we want the International Court of Justice to render judgment in a case involving the navigation of the Panama Canal? The Court might say, 'It is an international stream, like the Dardanelles, * * * and problems relative to it are international problems.' Such problems are not international." (92 CONGRESSIONAL RECORD 10695.)

I believe that the repeal of the amendment which reserves to the United States of America the sovereign right to determine what matters are essentially within the domestic jurisdiction of the United States would be most unwise. And I am far from alone in this belief. The Texas Bar Association and many other professional organizations and patriotic societies have written to assure me that they remain very strongly opposed to repeal.

I wish also to express my deep regrets that a matter of such serious importance as the so-called Connally reservation is being treated as a propaganda device in an attempt to win an international popularity contest.

I should appreciate your reading this letter to the members of your committee at the public hearing you are having on Senate Resolution 94, February 17, 1960, and making it part of the published record.

Sincerely,

TOM CONNALLY.

WORLD PEACE BY LAW

(By Raymond Moley)

As an ideal, "world peace through law" has moved enlightened minds over many centuries. There were many prophets even before Dante wrote his De Monarchia in the 14th century. Three hundred years later, Hugo Grotius became the founder of modern international law. There have also been many judicial bodies of an international nature, the latest of which is the United Nations International Court of Justice. The U.S. Senate by resolution in 1946 recognized its jurisdiction.

At that time, however, wise people recognized that under modern conditions many domestic concerns might be construed to be

international and that we would need some protection against having our internal affairs dragged before a tribunal dominated by other nations. Senator Tom Connally then succeeded in having added to our recognition of the Court's jurisdiction the words, "as determined by the United States." That was the Connally reservation. We were not alone in specifying a reservation. Twenty-two other nations have made such limitations of their own.

CONNALLY RESERVATION

But now the effervescent Senator HUBERT HUMPHREY has before the Senate a resolution to repeal the Connally reservation. This idea, born of a current flush of optimism, holds that since we are strong—which HUMPHREY frequently denies—we can attain peace by unilaterally submitting our domestic affairs to the caprice of others. An unusual group of bedfellows supports the Humphrey proposal. There are, of course, his fellow "liberals" in the Senate, also many global societies, and, strangely enough, the Secretary of State and the Attorney General. The State Department in an official policy statement has stated that "there is no longer any distinction between 'domestic' and 'foreign' affairs." This doctrine would apply to such subjects as immigration, tariffs, and the Panama Canal, which we have regarded as vital to our internal affairs.

The court to which we would assign such interests under the Humphrey self-denying act is composed of 15 judges selected by the United Nations. We, as well as other countries, have one judge. The U.S.S.R. and Poland have one each. Several small countries are also represented.

But while the Communist bloc thus outnumbers us in the court, no Iron Curtain country has agreed to submit to the compulsory jurisdiction of the court. This is indeed a strange situation, in which people sit on the court to administer law which they themselves refuse to recognize as binding.

CONSENT, KEY WORD

In their zeal for an ideal, those who propose unilateral legal disarmament forget the true nature of law and its capacity to command obedience. Woodrow Wilson sacrificed popularity, health, and life itself for the ideal. But he understood the reality of civil obedience and the substance of courts and judges. In his four point speech on July 4, 1918, he summed up the matter in a sentence:

"What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."

"Consent" has a long history and deep meaning. It is real only when those involved freely, knowingly, willingly, and with a part in creating the situation, enter into the benefits and responsibilities of the decision. It is not present when a virile and sizable minority disagrees. "Opinion" is not created by law. Opinion creates law. Opinion, not a mere majority in the U.N. or in a township. We learned that when we tried to enforce sumptuary laws here. The overwhelming majority must see law as the embodiment of what it deems just. After law, there must be courts.

There is no such world law now, with great Communist nations in defiance of what other nations believe to be justice and sacred obligation. We should, however, seek for such consent and the law that defines it. The International Court of Justice is useful to remind us of the ideal and to adjudicate what minor matters come before it. But we must not alienate our responsibility to stay strong and thus through weakness dissipate our moral influence in the world. Legal disarmament would be as disastrous as military disarmament.

THE EAST-WEST CENTER: MOSCOW VERSION

Mr. LONG of Hawaii. Mr. President, a front page story in yesterday's New York Times tells of a university of friendship of peoples which the Soviet Union will open this year in Moscow. Its creation was first announced by Premier Khrushchev last Sunday, but details are now available for the first time.

The new university will offer scholarships, including full maintenance and stipends, to students from Asia, Africa, and Latin America. Engineers, teachers, economists, agriculturalists, doctors, and other specialists will be trained in 4- and 5-year programs. The first year enrollment is estimated at 500, to increase to 3,000 or 4,000 in the future.

The news report goes on to say:

The Soviet move to attract leading young specialists, teachers, and physicians from backward nations is part of a mounting campaign to win the sympathies and support of peoples in Asia, Africa, and Latin America.

Besides training the foreign students, the university apparently will attempt to give representatives of underdeveloped nations a sense of special importance and identity in Moscow. That is how the institution is likely to become an important adjunct of Moscow's current campaign in those nations.

Mr. President, if imitation is the sincerest form of flattery, our distinguished majority leader should indeed be flattered by this action of the Kremlin. You will recall that last June the senior Senator from Texas introduced a bill to accomplish this same basic purpose on behalf of the foreign relations programs of the United States. At that time he proposed that a center for cultural and technical interchange between East and West be established by the State Department in the new State of Hawaii.

Here, the term "East-West" was used, not to signify the two opposing sides of the slowly thawing cold war, but the two sides of the Pacific Ocean, in which lies Hawaii, the cultural bridge across that broad ocean.

With the support of many Senators, conspicuously that of the chairman of the Foreign Relations Committee, Senator JOHNSON'S proposal was incorporated in the Mutual Security Act of 1959 as a directive to the Secretary of State to make recommendations to the Congress as to the best way of establishing this East-West Center.

The report of the Secretary of State was made promptly on the convening of this session of Congress. The Secretary reported that the proposed international center could "constitute a valuable long-term contribution to the promotion of better relations and understanding among the United States and the nations of Asia and the Pacific." It further recommended that the center should be established at the University of Hawaii, because of the facilities and personnel knowledgeable of the Pacific Basin already existing at the university which would be available for the center.

Unfortunately, Mr. President, no provision was made for the creation of the center in the budget submitted to Congress. The administration has given its blessing, but has provided no cash. That is up to Congress.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. LONG of Hawaii. I yield.

Mr. JOHNSON of Texas. I congratulate the very able and effective Senator from Hawaii for the very fine statement he is making. The situation is as he states it. All of us who have been vitally interested in the establishment of the proposed center deeply regret that it has not been possible to get more effective support from the executive department.

I am hopeful that in the days ahead the executive branch of the Government may see fit to help us more than it has in the past. I really believe that they agree with the sentiment in Congress that it would be wise and effective, in cooperation with the student philosophers of the world, to establish an East-West Center. I believe such a center would give value received for every dollar spent on it.

I am hopeful that before the conclusion of this session it will have been possible to enact the necessary enabling law and to provide the necessary appropriations to permit the construction of adequate facilities and, at least, in cooperation with the students of other nations to formulate an effective program which will be born this year.

Mr. LONG of Hawaii. I thank the distinguished Senator from Texas.

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Hawaii may have 2 additional minutes, since I have imposed upon his time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Hawaii. The distinguished Senator from Texas has uttered encouraging words in relation to what we hope will be a period of real progress concerning this project.

As in other fields, we are moving more deliberately than the Russians in this movement. Under a government where power is concentrated in the hands of a few, the leap from idea to action can be quick. In a democracy we must carefully consider new programs and obtain widespread understanding and consent before we move ahead. This is our way; in this is our strength—provided that after mature consideration we do indeed move.

Mr. President, there is a significant difference between the Russian model of an international institute and the American model proposed by the Senator from Texas [Mr. JOHNSON]. As described by Izvestia, through the correspondent of the New York Times, the Russian center would provide for one-way traffic only. Foreign students would be instructed in a separate institution, apart from Russian students. Perhaps the Soviet leaders are fearful of what the Russian students, say, at the University of Moscow, might learn from the guests if they were studying side by side.

The International Center proposed to be established at the University of Hawaii would provide for two-way traffic.

It would give American students a chance to learn about Asian cultures, as well as educate young people from across the Pacific in the ideals, institutions, and problems of the United States. Technical training would also be offered by skilled teachers, but within a center which sought, above all, to engender the mutual understanding and respect that alone makes possible enduring peace among nations.

Mr. President, Congress and the State Department have given and are continuing to give attention to the proposal for creating the East-West center to serve the most constructive aspects of our foreign policy. I hope and trust that when the proposal comes before the Senate for adoption it will be approved, so that we will not further lag behind our competitors in the struggle for the minds of men.

Mr. GRUENING. Mr. President, will the Senator from Hawaii yield?

Mr. LONG of Hawaii. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. I compliment the able Senator from Hawaii for his excellent presentation, and likewise commend the distinguished majority leader for his active interest in this extremely worthwhile east-west project. It is, as has been pointed out, a great pity that the administration has not thus far seen fit to approve this worthwhile project, which is so important in promoting excellent relations between America and Asia, and in building upon the great asset which the admission of Hawaii as the 50th State provides in this field. The center has great potentialities to improve our relations with the peoples across the Pacific, relations which have already been improved through the visits to the Orient by the distinguished senior Senator from Hawaii [Mr. FONG] and Hawaii's able Representative in the House, Mr. DAN INOUYE.

I am hopeful that before this session has been concluded, Congress will have enacted the legislation necessary to make it possible for the east-west center to get started. I shall do everything in my power to help bring that event about.

Mr. LONG of Hawaii. I thank the distinguished Senator from Alaska for his support.

Mr. SMATHERS. Mr. President, will the Senator from Hawaii yield?

Mr. LONG of Hawaii. I am glad to yield.

Mr. SMATHERS. I, too, wish to join with those who are commending the able Senator from Hawaii for once again bringing this matter to the attention of the Senate. There are those of us who believe that this proposal is such a good idea that we should like to see inaugurated a similar type of operation which will serve to improve and cement relations between North America and Central and South America, with respect to Latin America particularly. We believe this type of operation could well be established either in the southern tip of Florida, or if not there, then in Puerto Rico. It would be a very meaningful step in improving relationships between the northern and the southern parts of this hemisphere.

I assure the Senator from Hawaii that he will have my full cooperation in bringing to a reality the East-West Cultural Center. I am certain the Senator from Hawaii will lend his support to a similar type of operation designed to improve North-South relations.

Mr. LONG of Hawaii. That is true. I am certain that we will all be interested in the Senator's proposal.

Is it not interesting that Russia is now so openly bidding for a place in the thinking and in the cultural and emotional life of the South American Republics? We have not heard much of that in the past, but it is coming very much to the fore now.

Mr. GRUENING. Mr. President, I should also like to join in endorsing the proposal of the junior Senator from Florida. I think that while we are improving the relations between East and West, we certainly must not neglect to improve our relations between the northern and the southern portions of our hemisphere. We have a very close bond with our neighbors to the south. I am happy to see that in recent years our relations with our immediate land neighbor to the south, Mexico, have become greatly improved.

I believe an institution of the kind which the able junior Senator from Florida has suggested would be most useful and most constructive. I hope that the project will be pushed to realization.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. Who has the floor?

The PRESIDING OFFICER. The time of the Senator from Hawaii having expired, the Chair recognizes the Senator from Pennsylvania.

Mr. GRUENING. Mr. President, I was on the floor, seeking recognition.

The PRESIDING OFFICER. The Chair had previously recognized the Senator from Pennsylvania. The time of the Senator from Hawaii had expired.

Will the Senator from Pennsylvania yield to the Senator from Alaska?

Mr. SCOTT. I will gladly yield. I simply desire to confirm my right to the floor.

STREAM POLLUTION

Mr. GRUENING. Mr. President, yesterday, in discussing the President's veto of the water pollution bill, I pointed out, as shocking, what the people of the United States are denied in the field of water pollution control, in contrast with what is being done for foreign nations in the very same field. We are being repeatedly told by the White House that our demands in the United States to satisfy major needs in many fields in our own country are extravagant, are inflationary, and tend to unbalance the budget; whereas we are enjoined by the same Chief Executive that funds for similar projects in foreign nations, and in far larger amounts, must not be cut by one nickel.

I have just received a telegram from Mr. A. W. Boddy, executive director of the Alaska Sportsman's Council. He is a very able and prominent Alaskan figure in the field of conservation. Although I shall ask unanimous consent to place Mr. Boddy's telegram in the RECORD following my remarks, I wish to read at this point one sentence from his telegram, a sentence which goes to the heart of the problem which has been raised by the Presidential veto of the water pollution bill.

The present state of pollution of vital water resources has reached the point where it jeopardizes each and every individual within our Nation. It is also my firm belief that pollution has proceeded to the point where it is impossible for the individual States to cope with the situation.

Mr. President, I ask unanimous consent that the entire telegram from Mr. Boddy be printed at this point in my remarks. I fully share the views he expresses.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JUNEAU, ALASKA, *February 25, 1960.*

Senator ERNEST GRUENING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: God saw fit to bless America with an abundance of natural resources through use and utilization of these many resources through the years. It has become possible for us to become the greatest nation on earth but we have made mistakes; perhaps the most outstanding mistake or abuse has been pollution of our valuable water resources. Increasing population and the demand for more safe potable water by the individual points up very vividly the need for us to clean up our valuable water supply. The founders of our great Nation recognized the need for State and local government and made adequate provision for protection of these rights within the Constitution. They also recognized the possible need for Federal controls and assistance to protect the interest of the Nation as a whole. It is my firm belief that we have arrived at such an occasion. The present state of pollution of vital water resources has reached the point where it jeopardizes each and every individual within our Nation. It is also my firm belief that pollution has proceeded to the point where it is impossible for the individual States to cope with the situation. Our extensive river systems throughout the many States require nationwide effort to correct a disgraceful situation. In order that we may correct this situation it is my firm belief that the Federal Government should and must intervene at this time. It is extremely regrettable that President Eisenhower has seen fit to veto H.R. 3610, the Blatnik water pollution bill in its amended version. In behalf of the Alaska Sportsmen's Council, myself, and many other residents of the State of Alaska, I urge you to do everything possible to override the President's veto of this important measure.

Sincerely,

A. W. "BUD" BODDY,
Executive Director, Alaska Sportsmen's Council.

REPORT ON EXAMINATION OF TRADE IN ASIA AND AFRICA FOR SENATE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. SCOTT. Mr. President, an examination of matters related to our foreign trade was made in some 19 countries of Asia and Africa during the

months of November and December 1959. In each country visited, meetings were held with our Embassy staff, U.S. businessmen, and officials and businessmen of the country visited. In the Far East and south Asia, I was accompanied by Mr. J. Clement Lapp; and in the Near East and Africa, by Mr. Hermann Ficker, both members of the staff for the foreign-trade study. In each country the focus of our examination was upon obstacles to trade and measures which may be taken to expand trade. I understand that the factual details and statistics on the status of our trade with each region are contained in the interim report of the staff to the committee. I shall, therefore, confine this report to my overall conclusions, supplemented by a brief description of the major problems and matters discussed in each country. It may be noted that with the possible exception of Japan, Hong Kong, and South Africa, the problems of trade cannot readily be separated from the general economic problems confronting nations in comparatively early stages of economic growth.

SUMMARY CONCLUSIONS

First. While the volume of our exports to Asia and Africa has not declined to any great extent, there are formidable obstacles to any large-scale expansion of exports. The major obstacles to future expansion of United States exports are (a) lack of hard currency reserves or purchasing power in the developing nations and (b) competition in the field of machinery and manufactured goods from Japan and Western Europe.

Second. The measures, other than grant-aid, that might be taken to improve their balance of payments situation run the gamut of the measures essential to economic development. These would include measures to increase productivity, to increase the rate of savings and capital formation, to increase hard currency earnings through increased sales of their raw materials and other exports, measures to increase domestic and foreign private investment, and the many other measures essential to sustained economic growth.

Third. As for specific measures to meet increased competition and the problems of development as related to trade, I recommend that the Committee on Interstate and Foreign Commerce make an intensive study of the following substantive questions:

A. The adequacy of present trade promotion facilities of the Department of State and the Department of Commerce. This should include an examination of the trade mission and trade fair programs, as well as a look at the activities of commercial attachés. I have the impression that our commercial attachés are overburdened, and that competitor governments may be offering to their businessmen better services than we are offering. A modest expansion and reorganization of our corps of commercial attachés would have positive results.

B. The facilities for U.S. governmental or private trade credit, as compared with credits offered by competitor countries. The American businessmen I met looked upon the preferred credit terms of competitor countries as an important factor affecting our trade now and in the future.

C. The relation of expanded trade to expanded private investment. I returned from Asia and Africa with the conviction that any large expansion of U.S. exports will go hand in hand with expanded private investments. I feel that our present investment-guarantee program and investment treaties are not enough. A few dedicated and knowledgeable people working full time assisting prospective American investors could produce results. I am not prepared to say that this program should be under the ICA or an expanded trade promotion corps in the Department of Commerce, or both; it should be examined, however.

D. Measures which may be taken to insure a maximum market, stable market, and stable price for the primary raw material exports of the less developed countries. In some instances the value of our economic aid is canceled by conditions preventing maximum hard-currency earnings by these countries. I recognize that this is a difficult problem. Through stockpiling programs, our policy on excise taxes, our tariff and other instruments, the United States can aid in maintaining maximum earnings by the underdeveloped countries. For the most part, these raw-material exports are not competitive with U.S. production. To the extent that there is an element of competition with the more developed countries, multilateral agreements among the nations concerned may be the answer. While international commodity agreements may not have been entirely satisfactory in the past, the developed countries should give imaginative thought to means for insuring a maximum income to the less developed parts of the world.

E. Measures, within the framework of GATT, to hasten the elimination of restrictions imposed by several developed countries upon imports from the United States. Most of the countries visited maintain such restrictions for balance of payments reasons. Only in Japan does the state of economic health appear to warrant an early removal of restrictions. Japan is moving in this direction. The counterpart, of course, is that the United States keep our restrictions on imports at the minimum level consistent with the needs of protecting industries vital to the national defense. In this connection the Committee should also examine our export restrictions on strategic items. Some broad classifications of what is strategic also encompass items which have no strategical value.

F. Other measures to expand our exports must be taken by the American business community. There is little that this Committee can do to improve delivery time, instill foreign languages in American representatives to the extent that our competitors train themselves in foreign languages, or adapt the American product to the needs of the Asian of African market or to compete favorably in the provision of spare parts or services. I feel confident that the American business community can compete favorably in these respects; and to the extent that higher prices may be a factor, if we are pressed to do it, we can match competitors' prices in most lines.

PHYSICAL EXAMINATIONS FOR SENATORS

Mr. SCOTT. Mr. President, out of solicitude for the Membership of the Senate, and perhaps since the only solicitude which the Senate can expect may be from among its own Members, for its own Members, and inasmuch as we are engaged in what appears to be a lengthy debate, and since some concern has been expressed over the effect of this debate upon the health of Members, therefore, Mr. President, I wish to make a suggestion to Members who are planning to make lengthy speeches. I do not, so far as I am now aware, plan to make such a speech, and I add that recently I have had a physical examination and I feel fine. But inasmuch as we have heard references to 50-hour speeches and 20-hour speeches, in consideration of their own health, I hope that Senators will consider the suggestion that the Senate physician, Dr. Calver, give them physical examinations, so that no Member of the Senate may by any miscalculation of his powers of endurance suffer any accident by virtue of the fact that he may not have had the benefit, in advance, of a physical examination.

Mr. President, I hope my solicitude is duly appreciated.

Mr. THURMOND. Mr. President, in response to the remarks of the able Senator from Pennsylvania, I may say that those of us who are opposing the so-called civil rights bill deeply appreciate his solicitude. Since the distinguished and able Senator from Pennsylvania is so solicitous about the health of those who are opposing these bills, I wonder whether he feels that in the interest of our health they should withdraw their espousal of these unreasonable and impractical measures.

Mr. SCOTT. If the distinguished Senator from South Carolina is addressing the question to me, I may say I am not the one to whom it should be addressed. I believe in the proposed legislation; and, of course, the fact that it is the pending order of business is a matter of policy decided by the distinguished majority leader and the distinguished minority leader. My suggestion was born simply out of solicitude for Members who may be compelled to speak at some length on either side of the question.

Mr. ERVIN rose.

Mr. THURMOND. Mr. President, does the Senator from North Carolina wish to speak on this particular point?

Mr. ERVIN. Yes.

Mr. THURMOND. I yield.

Mr. ERVIN. Mr. President, like the Senator from South Carolina, I, too, appreciate the solicitude of the able and distinguished Senator from Pennsylvania, and I should like to commend to the very prayerful consideration of the

majority leader and the minority leader the old statement—

'Tis excellent to have a giant's strength, but 'tis tyrannous to use it as a giant.

We are not engaged in a test of strength or power. We speak and we debate; but the question is, What are we debating? At this stage of the proceedings, Senators do not really know what they are debating.

I assume that both the majority leader, the minority leader, and all the advocates of civil rights legislation desire to have passed a civil rights bill which will conform to the Constitution of the United States.

Mr. RUSSELL. Mr. President, if the Senator from North Carolina will indulge me, that is the most violent assumption the Senator ever made.

Mr. ERVIN. Well, I still hope that is so, despite my almost abiding conviction to the contrary.

But I do not know why we are in this sort of situation. The Senator from Illinois [Mr. DIRKSEN] has a substitute pending; but, to my knowledge, about 50 varieties of civil rights bills are being carried around in the pockets of Members.

Having also served in the House of Representatives, I believe the part of wisdom demands that the House act first on this question. I know that in the very nature of things, by reason of its large membership and by reason of the rules under which it must operate, the House has very little opportunity to correct bad legislation passed by the Senate. On the contrary, due to the rules of the Senate and the right of all its Members to debate all propositions, I know that if the House passes a bad bill, the Senate will have a reasonable opportunity to debate it and correct any errors in it.

For that reason, the interests of good legislation would require that the present proceedings be laid aside until the House acts and until the House bill comes to the Senate.

Mr. President, I do not know why the law which prevents cruelty to animals does not apply to the human animals in the Senate. I do not know why it is thought necessary physically and mentally to exhaust all Southern Members who happen to oppose these bills, before the debate really starts and before the Senate actually knows the proposition with which it will be confronted. That is something which passes my power of comprehension.

I cannot understand why adult men will act in this sort of way. It seems to me that we should lay aside this matter, and should wait until a bill comes to the Senate from the House. We will then know what the proposition is and will be able to debate it as rational beings.

This is the only time I have ever known in which an overwhelming majority of a legislative body which has complete control of procedure, not only denies to a minority all the benefits of procedure erected for the purpose of protecting the rights of minorities, but also seeks to exhaust the minority physically and mentally before the debate starts, and before the legislative body knows what is to confront it.

To my mind, this procedure makes a mockery of the legislative process, and is impairing the dignity and the prestige of the Senate, not only in the eyes of its Members, but also in the eyes of the Nation.

Mr. SMATHERS. Mr. President, will the Senator from South Carolina yield briefly to me?

Mr. THURMOND. Yes, on the same basis—that in yielding for this purpose, I do not lose the floor.

Mr. ERVIN. Mr. President, let me say again that I appeal to the majority leader and the minority leader to consider prayerfully the saying—

'Tis excellent to have a giant's strength, but 'tis tyrannous to use it as a giant.

Let there be no tyranny of the majority in the U.S. Senate. Let the Senate act as a deliberative body, where Members reason together under proper circumstances, not under circumstances in which they are physically and mentally exhausted before the time for reasoning comes. It may be that some southerners may make significant contributions to the Nation if they are not physically and mentally exhausted by round-the-clock sessions before the Senate knows what propositions it is to confront.

Mr. SMATHERS. Mr. President——

Mr. THURMOND. I yield to the Senator from Florida.

Mr. SMATHERS. First, Mr. President, let me say that I thoroughly agree with the able expression of the Senator from North Carolina.

I wish to address a remark or two to the suggestion made by the Senator from Pennsylvania [Mr. SCOTT], who demonstrated considerable solicitude with respect to the Members who will speak at some length.

I would think it might be possible for him to organize a humane society for the Senate, because I hope his solicitude is also in the hearts of others; and I think we could get him elected as president of it. It might be that we could adopt for it programs and platforms similar to the ones which other humane societies have with respect to certain animals; and I am certain that if there is that much solicitude, it might even be that we would not hold these long, round-the-clock sessions, and would not be tormented and anguished and put to the limit of our physical endurance. It might be that we could commence a program in connection with which there would begin to come to the offices of Senators mail similar to that which came in large quantities to Senators' offices some years ago, when an anti-vivisection bill was before this body, at which time many people wrote to Senators, "I do not think animals should be used as test specimens to determine what correct medical procedures should be followed."

It might be that we could get a real ground swell going here which would help get the Senate back on balance, and that we would not attempt to force on people the kind of legislation proposed merely because they were too tired any longer to resist it. I think that might be a good idea.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the distinguished Senator from Illinois.

Mr. DIRKSEN. In response to the question raised by the distinguished Senators from North Carolina and Florida, and also in response to the point which was raised yesterday by the senior Senator from Florida, I merely wish to say that I will be the last Member of the U.S. Senate to ever confess here publicly my incapacity to pursue my responsibilities as a Senator. I think, according to the record, there are only 26 Members of the Senate who in age are older than the minority leader, and many of the 26 older only by a year or two. I am, myself, willing to accept whatever burden, whatever onus, whatever my responsibilities are, and I do it in good conscience when this question as to the kind of physical burdens may be imposed on the Members of the Senate is raised.

I wanted to make it clear that I ask nothing for myself that I do not freely accord every Member of this body; but I intend, without confessing my incapacity to do this chore, to get it done if we can do it.

I say further, we know what this is all about. Contrary to what was said here this morning, we know what we are debating. I shall not make confession of the fact that it is wise to wait on another branch of Congress to take action before we can act. In the days when I was a Member of the House of Represenatives I always thought all the brains, all the power, and all the wisdom were over on that side of the Capitol; and when I moved over here I thought all the profound and residual wisdom in the world was over on this side. It depends on where one sits.

I do not believe the House will be complimented by any statement that the House ought to act first, and that then the Senate, in its infinite wisdom, will refine what the House has produced and make it workable before it can be engrossed on the statute books. I do not believe that body would be complimented by such a statement.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield to the distinguished Senator from Georgia.

Mr. RUSSELL. I merely wish to observe I trust the Senator from Illinois will stay in the Senate and not go to the House and move over to the other side of the Capitol, where all the brains, all the capacity, and all the vision in Washington resided as long as he was in the House, because when he came over here those qualities then resided here. So I trust he will not move over to the House and leave the Senate completely bereft of any intelligence, vision, and wisdom, which he has.

Mr. DIRKSEN. I thank the Senator for his compliment.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the distinguished junior Senator from Pennsylvania [Mr. SCOTT] appears vitally interested in the health of Senators during this civil rights debate. However according to a statement made yesterday by the junior Senator from Pennsylvania, it appears that the contrary is true. He stated, and I quote:

I believe we should go even further than those seven provisions—

Speaking of the Dirksen civil rights proposal.

I am a cosponsor of an additional bill which would restore part 3—

That is the part that would permit troops to be used to enforce integration in the schools—

which was stricken from the Civil Rights Act of 1957. It would give the Attorney General authority to initiate a civil injunction to prevent interference with civil rights if an affected individual files a sworn complaint.

I intend to fight for each of those proposals.

Those are the words of the distinguished junior Senator from Pennsylvania. It seems by that statement he plans to go all of the way to have a part in forcing down the throats of the people of this Nation unreasonable, impractical, unwise, unnecessary, unconstitutional provisions, which are unfair.

I want to say, as one Senator from a sovereign State, that I am opposed to those proposals; and I say further that there has been an atmosphere created that the southerners are putting up just a little fight, and that we know a bill is going to be passed anyway, and we take it for granted.

Mr. President, no impression could be further from the truth. Speaking for myself—and I believe I speak the sentiment of the other Southern Senators—we are truly and sincerely and bitterly opposed to the passage of these so-called civil rights proposals, and we expect to fight those proposals, and I put the Senate on notice now, we expect to fight them to the finish. It is not going to be any sham battle. It is not going to be a battle just for the newspapers or for display. We do it because we think in our hearts these bills are punitive, unreasonable, and unconstitutional, and it is our duty to do it in order to defend constitutional government in the United States.

Mr. ERVIN. Mr. President, I assure the very able and distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], that I am not primarily concerned about the health of Senators. What I am concerned about is the wholesomeness of the legislative process in the Senate of the United States and the wholesomeness of such legislation as may be enacted by its votes.

Mr. KEATING. Mr. President, I most respectfully but most emphatically take issue with the distinguished Senator from North Carolina on his proposal that we in this body should wait for the House to act first. As a Member of the House, I saw countless instances where it was the House which improved bills which had been sent to it by the Senate and which had been hastily passed here. I have in my office a record of many, many instances when that took place.

The House is equally responsible, and thoroughly as well equipped to pass upon proposed legislation, as is the Senate of the United States. The fact that the House has more Members, of course, makes it necessary for the House to spend less time in actual consideration of matters on the floor of the House, but oftentimes in the committees Members of the House are able to give more thorough consideration to bills. There is no reason under the sun why we should not proceed with the proposal which is before us and which has been before us for 2 weeks now.

We talk about the professors at Tuskegee Institute not having the right to vote, but I wonder when Senators of the United States are going to get the right to vote.

Mr. President, none of us wants to be unfair or discourteous. None of us wants to impair the health of any other. None of us enjoys the idea of a 24-hour around-the-clock session starting next week.

I have little doubt that if we could get down to business and could pass upon two or three of the amendments, since the Dirksen amendment has been severed into 7 parts, such sessions might not be necessary. If we could get some votes on one or two or three of those parts this week, I have every reason to believe—and I have not talked to them at all—that the distinguished majority leader and the distinguished minority leader might relent from this position of around-the-clock sessions next week. But with the situation which we face now—lengthy speeches on everything under the sun, including the civil rights bill before us—I see no alternative except to endeavor to keep the Senate in session until we dispose of some of these important matters.

PLIGHT OF OREGON CRANBERRY GROWERS

Mr. MORSE. Mr. President, great concern has been advanced in my State by responsible cranberry growers over the impression that has been left in the minds of the American public by statements on the use of carcinogenic chemicals in connection with the raising of this crop.

The responsible cranberry growers to whom I have alluded, Mr. President, on February 2 wrote to me a letter in which they set forth the sequence of events antecedent to the Food and Drug Administration release.

It can be seen, I feel, by any objective observer who reads this letter that the writers are men of sincerity and men who honestly tried to follow every recommendation that was made by the Department of Agriculture to protect the consumer.

It is important, in my judgment, Mr. President, that the facts be placed on the record. I therefore ask unanimous consent that the letter, dated February 2, 1960, to which I have alluded, be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1960.

Senator WAYNE MORSE,
417 Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We need your help.

As manager of the Ocean Spray Cranberries, Inc., operations in Oregon, I want to present to you the facts concerning the extent to which we went in order to make certain that not a single cranberry produced by a single member would ever be placed upon the market if it contained any of the residue of amino-triazole.

In 1957 we impounded and held off the market berries from bogs which had been sprayed with the chemical. In April of 1958, the drug was cleared by the Department of Agriculture for post-harvest use, bearing out an earlier prediction of the specialists that they had expected its clearance. With that clearance some of the Oregon cranberry bog owners used the drug as directed on the post-harvest in 1958, after picking the 1958 crop.

On or about the 15th of September 1959, inspectors from the Food and Drug Administration informed me, as manager of the Ocean Spray Cranberries, Inc., that they were going to confiscate any berries found to contain a residue, regardless of how small, of amino-triazole, and regardless of when the ATA had been applied on the bogs, post-harvest or not.

They came back again at the start of our season, about September 25. They looked over maybe 30, 40 to 50 percent of our bogs, talked to growers asking where they had sprayed, how much they had used, etc. They spent about 2 weeks in the area talking to growers, going in and out of the plant, and taking samples of the berries as we were taking the harvest. During this period they also made recommendations to me as to how the crop should be handled.

I followed every recommendation they made. This included coding the cases of fresh berries, indicating the bog they came from, and the name of the owner. They told me that in the event it became necessary to seize berries that their test proved contained residue of the drug they would seize only that lot numbered.

We had no intention of putting any berry on the market that was produced on a bog where the chemical had been used, even on the outlying area of the bog, let alone on the bog itself.

In line with that intention I carefully marked berries that came from every member, those berries from bogs where the chemical had been used were shipped to our Albany freezer where they still remain. Less than 10 percent of the remainder of the crop which had been produced on bogs where the chemical had not been used was sold in 1959. The remainder of the crop, some 90 percent, or approximately 4 million pounds, is being held voluntarily in warehouse freezers.

The Food and Drug Administration and the Oregon State Department of Agriculture provided chemists who ran tests for a period of 6 or 7 weeks on berries sent to market in Oregon. In spite of exhaustive testing they did not find a single sample that contained any trace of the chemical in the berry. They did not find one that was even suspicious.

Please bear in mind, Senator, that there are in the State of Oregon this year only 10 or 12 independent growers who market their berries outside of our organization. The berries coming from these 10 or 12 independent growers, outside of our association, were all tested and the only berries that were seized by the Food and Drug Administration

were two lots shipped by Dr. Falk, of North Bend, to California for testing before being released for canning. Dr. Falk has been an independent and not a member of our co-op for more than 3 years.

Senator, through our own efforts we were able to independently make certain that not a single berry would be placed on the market for consumption that was produced at a bog where the chemical had been used. The exhaustive tests made by the Food and Drug Administration and by the Oregon State Department of Agriculture of berries that were placed on the market did not result in the finding of a single contaminated berry grown in Oregon.

Your constituents that are producers of cranberries in Oregon, and are members of Ocean Spray Cranberries, Inc., deeply resent the implications in the statements made by Mr. Flemming and others that Oregon cranberry growers were responsible for contaminated berries being placed on the market. Unless there is some clarification by these high Government officials, who are apparently bent on destroying any market for cranberries in the future, there will always remain a doubt in the minds of the American people concerning the use of cranberries at any time. Mr. Flemming has successfully linked cranberries with cancer unjustifiably, and he should be made to correct that impression. It is in that respect that we plead for your help.

Out of the hundreds of thousands of pounds of this chemical that has been manufactured and sold for use in agriculture to control weeds, less than 600 pounds was used by Oregon cranberry growers. In spite of the known fact that traces of this chemical have been found in other food crops, Secretary Flemming selected the cranberry crop to link with cancer.

We will wind up in 1960 with not only the 100 million pound 1959 cranberry carryover crop, but we will add to it another 100 million pounds, none of which will come from bogs where any of the chemical has been used.

It seems unbelievable that any Government official could be so irresponsible as to be bent on completely destroying an industry made up of around 2,000 independent small farmers; an industry in which these same members have during the past few years invested a large percentage of their returns from the sale of cranberries in promoting a market for cranberries, not only at Thanksgiving time but the year around.

Whatever the result of suggested legislation, or the possibility of court action, you can be helpful in seeing to it that plans are made now for helping us promote the sale of the 1960 crop of cranberries.

Mr. Jack Dean, a former member of the board of directors of our association is joining me in this letter.

Sincerely,

WILLIAM DUFORT.
JACK DEAN.

Mr. MORSE. Mr. President, I want the farmers of Oregon to know that I am deeply concerned with two aspects of this whole problem. On the one hand the paramount importance of protecting the public health and on the other, checking that equity be done to those who are innocent of any transgression.

Mr. President, much as I applaud the extension of emergency credit to those who are qualified, in my view, additional steps may need to be taken in order to prevent this great industry of my State and other States from facing a continuing economic disaster.

I want the farmers of Oregon to know that I am working closely with other senatorial offices in reviewing draft proposals for legislation designed to alleviate the pressing plight in which too many of our cranberry growers now find themselves.

It is my hope that sound, equitable solutions can quickly be found to their problems.

Mr. President, I wish to express my appreciation to the Senator from Massachusetts [Mr. SALTONSTALL] for the help he has been to the cranberry growers of the whole Nation in our desire to find some sound, equitable solution which can help the growers with their pressing problems.

IN DEFENSE OF TELEVISION

Mr. WILEY. Mr. President, today television—a youthful, creative industry—is transforming the pattern of life in America.

Currently, 45 million, or about 80 percent of all homes in the country, now have television.

More than $1½ billion were spent by advertisers in 1959 for television time and talents.

Through television, Mr. and Mrs. Average Citizen have attained a better picture of themselves and the world in which they live. In politics, for example, the voter now has an opportunity to get a close-up of the issues and candidates, national conventions, and other events.

Internationally, TV has helped to broaden the scope of our thinking and understanding. In our living rooms, we now witness President Eisenhower's trips around the globe, sessions of the United Nations, meetings of heads of states, obtain a satellite's eye view of the globe and outer space and experience other extensions of our concepts of the modern world. Progress in space exploration, in itself a challenge to understanding, now has been presented and clarified to the degree possible through the TV screen, accompanied by authoritative discussions of the complexity, power, and challenge in the field of rocketry.

Particularly in news coverage, television has helped to create a better understanding of local, national, and world problems.

By interpretive discussions by responsible leaders in a wide variety of fields, the American people, too, have become better acquainted with the thinking and ideas which undergird our national policies and programs.

Art, music, poetry, drama, all of these also served "live" for the families of our Nation will, I believe, leave indelible impressions, and have a rich cultural, creative effect upon our people.

Historically, almost all industries find themselves, at one time or another, suffering from the inevitable mistakes of the trial-and-error process.

Today, television is facing just such a challenge—undergoing the "fiery trials" of growth and progress.

The American public—and, I am confident—the leaders of high integrity in the industry—recognize the need for maintaining high standards of television programing, to best serve the interests of our people.

As necessary, the industry, itself, as well as Congress, should take appropriate actions to prohibit abuses by the minority of irresponsible who, unfortunately, by their acts, unfairly reflect on a whole industry.

Under a cloud of unfavorable headlines, however, I believe we should not forget that, even though mistakes have been committed, the television industry has the potential of becoming an increasingly significant contributor to American life.

In principle, I do not believe in categorical condemnation of a whole industry because of the undesirable activity of a minority. In the midst of the investigations into mistakes, it is well to also remember the splendid record of accomplishments of the TV industry—within its brief lifetime.

These accomplishments can be attributed, not only to the responsible leadership—and producers, actors, writers, technicians, and others—in the national networks, but also to creative people operating the independent stations.

If the picture is put in perspective—the present difficulty, I believe, constitutes only a minor flicker in the great light that is television.

Today, the great challenge to the industry—potential and its responsibility to the American people—is the presentation of programs that meet the highest standards of cultural, educational, moral values that can be presented to the public.

Fortunately, in TV—as in all great industries—there are those who are willing to reach out beyond the usual, to explore, to try new ideas, to attempt to present programs that not only enlighten and inform—but, at best—inspire.

Unfortunately, the history of television has illustrated that this type of venturing has not always proved successful economically.

Nevertheless, it is to the credit of farsighted individuals and leaders in the industry that there is a continued effort to present these higher-quality programs.

Although TV has made great strides, there is still a great untapped potential in science, education, industry, and many other fields.

Overall, television is a great asset to a wide field of public information media that, over the years, has enriched American life, including radio, newspaper, books, magazines, and many other sources of educational, informative, entertainment, inspirational values.

In the days ahead, I believe the Congress, the people, and the TV industry—in accordance with our fair tradition—will find it possible to take the necessary steps to prevent abuses in this field, without being overpunitive. At the same time, we will all benefit from constructive efforts to create an ever-improved climate in which still greater rewards can be obtained from the great potential of television.

LEASING OF PORTION OF FORT CROWDER, MO.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to section 1 of the Dirksen amendment, upon which a separate vote was demanded by the Senator from Georgia [Mr. RUSSELL].

Mr. JOHNSON of Texas and Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Fong	Monroney
Allott	Frear	Morse
Anderson	Goldwater	Morton
Beall	Gore	Moss
Bennett	Green	Mundt
Bible	Gruening	Murray
Brunsdale	Hart	Muskie
Bush	Hartke	Pastore
Butler	Hayden	Prouty
Byrd, Va.	Hickenlooper	Proxmire
Byrd, W. Va.	Hill	Randolph
Cannon	Holland	Robertson
Capehart	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Johnson, Tex.	Schoeppel
Case, N.J.	Johnston, S.C.	Scott
Case, S. Dak.	Jordan	Smathers
Chavez	Keating	Smith
Church	Kefauver	Sparkman
Clark	Kerr	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Dirksen	Long, La.	Wiley
Dodd	McCarthy	Williams, Del.
Douglas	McClellan	Williams, N.J.
Dworshak	McGee	Yarborough
Eastland	McNamara	Young, N. Dak.
Ellender	Magnuson	Young, Ohio
Engle	Mansfield	
Ervin	Martin	

The PRESIDING OFFICER. A quorum is present.

Mr. SMATHERS obtained the floor.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Has the unfinished business of the Senate been laid down?

The PRESIDING OFFICER. It has been laid before the Senate. The question is on agreeing to section 1 of the Dirksen substitute.

Mr. SMATHERS. Mr. President, I should like to yield to the distinguished senior Senator from Oregon, with the understanding that I will not lose the floor. He wishes to speak on a matter of personal privilege.

Mr. MORSE. I must board a 2 o'clock plane for the west coast. I have a matter of personal privilege I wish to discuss very briefly. Then I wish to submit—and I shall be brief in doing that—certain amendments to existing labor laws, which I shall ask to have printed and referred to the appropriate committee. I should like to have that done, with the understanding that I will not thereby jeopardize the right to the floor of the Senator from Florida [Mr. SMATHERS], whose courtesy I appreciate very much.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PERSONAL STATEMENT

Mr. MORSE. Mr. President, yesterday, while I was laid up with the flu, I was called by newspapermen in regard to the indictment of two St. Louis Teamsters locals and certain Teamsters officials. I released a statement, on which I wish to make some comments at this time. I said:

I have been asked to comment today concerning an indictment of two St. Louis Teamsters locals for alleged illegal campaign contributions to various Senators in the 1956 campaign.

No campaign contributions have been made to me personally by the Teamsters Union at any time and in the 1956 campaign, committees handling campaign funds on behalf of my candidacy were informed that no union funds could be received inasmuch as the law prohibits contributions of campaign funds by unions to candidates for the U.S. Senate.

I wish to make perfectly clear for the record today—and this is based on my experience, and I am sure that many other Senators have had similar experiences—that my campaign finances were handled by various finance committees; that I received no campaign money personally, other than those few dollars, that were reported, which were given to me personally for campaign expense purposes. However, my standing rule was that money should not come to me, but should go through one or another of the campaign finance committees. We had specific instructions that no money was to be received from any union unless assurance was given that the money was what was called free money; that is, nonunion money, but voluntary contributions by individual members of a union.

I believe I should say also that in my campaign of 1956 there was conducted across this Nation, for which I shall always be very grateful, in view of the tremendous sums of money which were spent in an endeavor to defeat me in Oregon, a campaign drive among workers of this country which became known as the "bucks for Morse" drive. This was a campaign finance program, in which individuals would contribute $1, $2, $5, or $10. The record is perfectly clear that there were many instances in which workers would contribute small sums of money each payday. There were several thousands of them. The name of each of them was listed on the public records of the State of Oregon, in acordance with State law.

I am very proud of those contributions by the workers of this country. In 1962 I hope they will double the amount. I will certainly need it, and will welcome it.

My press release continues:

Various contributions of voluntary political action funds were made to campaign committees in my 1956 campaign and were received by my committees with the understanding that the funds were voluntary contributions of union members, as contrasted with union contributions.

Contributions totaling $1,809 of what were clearly designated as voluntary contributions of teamsters, St. Louis, Mo., were made to the Wayne Morse political committee in 1956, and were reported to the appropriate State of Oregon authorities as prescribed by law, and became a matter of public record.

Mr. President, it is necessary to have a little sense of humor about this when such attacks are made. Yesterday, when the representatives of the press called me, they said, "We understand that your campaign got some $1,200 of union money."

Well, I ordered an immediate investigation of my campaign finance books, as had been done some weeks ago, when FBI men came to my office. I gave them complete access to my books, and they made perfectly clear to me that they appreciated very much the availability of my records. The figure was not $1,200; it was $1,809. So the press did not have the correct figure as of yesterday.

I am sure that many rank-and-file Teamster members throughout Oregon and other parts of the country contributed hard-earned dollars to the "bucks for MORSE" campaign fund in 1956. I am proud and pleased over the fact that so many working people saw fit to express confidence in me by such individual contributions to my campaign.

The records of my campaign show that the contributions from the St. Louis teamsters are as follows:

Bill Newman	$10
Charles Chuckray	10
David Gottlieb	2
Bill Latal	1
Ben Fleischman	1
Carl Leathwood	10
Art Reuter	10
Ernie Neidel	10
Tom Ryan	10
John Nedich	10
Joe Bommarito	10
Phil Reichardt	10
Sidney Zagri	25
John Naber	25
Ed Brown	30
Ernest Calloway	10
Richard Kayner	25
Stanley Rosenblum	25
Teamsters Local 405, voluntary contribution	250
Teamsters Local 688, voluntary contribution	1,000
Teamsters Local 618, voluntary contribution:	
Mel Horn	50
Catherine Sullivan	50
Edwin D. Dorsey	50
Joe Baker	25
Ralph Vossmeyer	25
Carl Gibbs	25
Art Peiffer	25
William Shackles	25
Edward Struckman	25
Joe Wallace	25
Total	325
Grand total	1,809

Mr. President, let me say good naturedly that WAYNE MORSE will always welcome the most thorough investigation of the campaign books of his various finance committees for every campaign in which he has ever engaged. They are available. Their contents are a matter of public record.

But I also want to say good naturedly that this is an old tactic which is used

when people take the positive stand I have taken on the great labor causes in this country, the stand that the legitimate rights of Americans be protected, both the procedural rights before the law and the substantive rights in legislative form.

So once again, and after inviting the closest scrutiny of all the campaign records of the senior Senator from Oregon, I turn now to putting into practice my position of seeking always to protect the legitimate rights of free labor in the United States, as I shall continue my record of seeking to protect the legitimate rights of American industry, agriculture, teachers, old people, veterans, and all other groups in this country which constantly need the protection and the application of the principle that the economically weak must always be protected from the exploitations of the economically strong.

So, Mr. President, I introduce for appropriate reference, out of order, two bills which seek to amend existing labor law. The two bills are in the general field of labor legislation covered by the Labor-Management Reporting and Disclosure Act of 1959, passed by Congress last year, and now signed into law as Public Law 86–257.

The first of these bills concerns itself with changes in that part of the reform bill that created history—Federal legislation geared to discourage and prevent abuses among unions and employers exposed by the McClellan committee hearings.

The second bill contains amendments to the Taft-Hartley Act—amendments which should have been included in last year's bill but were not, because the mood of the country had been aroused into punishing labor, not reforming it.

Both of these bills contain language which I, along with others, proposed at various times during the deliberation of the labor reform bill. Much of the material was actually proposed in the conference between the House and Senate managers of the legislation. Hence, I am not offering a completely new series of amendments, but instead a set of changes which, had they been adopted, would have gone a long way toward rectifying the harm done to the American trade union movement.

In suggesting these amendments, I welcome any challenge that they are "soft" on labor or "soft" on management. These amendments are fully as effective in carrying out the need for reform as the language actually adopted by the Congress. However, these amendments are not punitive—not devised to harass officers of labor unions—not aimed to disrupt efforts of union leadership to be responsible toward employers and the rank and file employees of their organizations.

LABOR-MANAGEMENT REFORM AMENDMENTS

First. The first group of amendments numbered 1 through 7 have to do with the so-called bill of rights. It is difficult for anybody to believe that a set of lofty principles named after the first 10 amendments of the Federal Constitution could do harm. Nevertheless, title I of the labor reform bill, even after the many changes made after it was first proposed on the Senate floor, still imposes unjustifiable interferences with internal labor union procedures. It still gives rights to members which could subvert the purposes of unions and create irresponsibility in their relationship to employers.

What we needed when the labor reform law was under consideration was the enactment of provisions designed to insure the careful application of democratic procedures to be guaranteed by union constitutions and bylaws. What was not needed but what was brought about under the 1959 Labor Reform Act was the danger of unions being run by minorities and union business being handled by individual, as contrasted by group, action.

My amendments will place more reliance on abiding by the union's constitution and bylaws, allow the courts greater freedom as to when to intervene and prevent a diversity of lawsuits in State courts. In other words, they will provide for unions the orderly majority rule concept that is part and parcel of political or social grouping of human beings engaged in common objectives.

Second. During the conference, I made the point, and still believe, that the Secretary of Labor should have the authority to exempt the many thousands of small and impoverished unions of the necessity of completing and filing complicated Government forms. I just yesterday saw the "simplified forms" for such small unions and I am more certain than ever that the difficulties in actually completing these forms will discourage many from the perils of assuming union office.

Third. The employer reporting section needs strengthening. The law, as passed, allows employers to engage in all kinds of illegal activity without reporting to the Labor Department by the simple device of having their own employees engaged in such activity instead of hiring unscrupulous attorneys and consultants.

Fourth. I fought hard to prevent unauthorized persons in the guise of candidates for local union office to inspect union membership lists.

I have an amendment which deals with that problem.

I also fought to prevent hamstringing a union in its right to spend money for legitimate purposes. Amendments 11 and 12 would accomplish the objectives I had in mind last year on the floor of the Senate and in conference.

Next, I have a bonding provision which would remove any doubt that might arise in the interpretation of the existing law that a "position schedule" bond was permissible.

Mr. President, it is interesting to note that in spite of statements made by the Senator from Arizona [Mr. GOLDWATER] and Mr. BARDEN, chairman of the House conferees, the bonding section of the bill has been interpreted to permit position schedule bonding.

The Secretary of Labor has issued an administrative ruling notifying the unions that they can participate in position schedule bonding. I say to the unions: You are buying some lawsuits, because you are going to be taken through the courts in regard to the matter of the so-called position schedule bonding.

In order to give what I believe is the clear legislative backing needed for the Secretary of Labor's administrative order, I have offered these amendments to the law. That will remove any doubt as to whether position schedule bonding is legal under the act.

Fifth. I have always believed that when a problem of regulation becomes national in scope, there should no longer be the possibility for overlapping Federal and State laws. Hence, I believe the "States rights" provisions in the bill should be eliminated.

TAFT-HARTLEY AMENDMENTS

The Taft-Hartley amendments are the same ones which I submitted during the conference on the bill. They are under three general headings: First, "No man's land;" Second, "secondary boycotts and hot cargo;" and third, "picketing."

Mr. President, I want to stress that the undesirable regulations upon consumer picketing enacted into law last year would be removed by the Morse amendments, and we would go back to what I consider to be the unanswerably sound public policy principle enunciated in such great landmark decisions as Thornhill against Alabama and the Hutcheson case, which recognized that free men and women organized into unions should unquestionably have the right, under the first amendment, to "stretch" a consumer picket line, so long as it is orderly and nonviolent and carries out the duty of unions to inform the public in regard to the labor practices of any employer who, for example, is selling "struck" goods or is following a labor course of action which is not in the best interests of the free labor movement. My amendment, Mr. President, will reestablish that precious right.

Mr. President, I ask unanimous consent that a brief statement by me in regard to the decisions in the case of Thornbill against Alabama and in the Hutcheson case, in connection with consumer picketing, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

What is consumer picketing? A shoe manufacturer sells his product through a department store. The employees of the shoe manufacturer go on strike for higher wages. The employees, in addition to picketing the manufacturer, also picket at the premises of the department store with a sign saying, "Do not buy X shoes." This is consumer picketing, an appeal to the public not to buy the product of a struck manufacturer. And more than two decades ago, in 1937, the New York Court of Appeals recognized the full legitimacy of such picketing:

"Where the manufacturer disposes of the product through retailers in unity of interest with it, unless the union may follow the product to the place where it is sold and peacefully ask the public to refrain from purchasing it, the union would be deprived of a fair and proper means of bringing its

plea to the attention of the public" (*Goldfinger* v. *Feintuck*, 276 N.Y. 281, 11 N.E. 2d 910).

It was such decisions as this, along with the Norris-La Guardia Act, which took the yoke from around the necks of free men and women in the labor movement, the yoke which had been imposed upon them by the Bedford Stonecutters case. Those who have studied the history of the American labor movement well know the results of the Bedford Stonecutters case.

* * * * *

We take a long and backward step when we illegalize consumer picketing. It is not enough to say that the union can make its appeal by newspaper advertisements and leaflet distribution. Advertisements are expensive, and both may be ineffective to quickly and dramatically catch the public's eye. Picketing is usually the only effective way of reaching the consumer at the only place where it matters—where the product is sold and at the time that the customer is interested in buying it. When we prohibit consumer picketing we compel the public, through ignorance of the situation, to side with the employer rather than the union. We prevent the consumer from making his own choice.

One of the great labor-case decisions of the U.S. Supreme Court was in *Thornhill* v. *Alabama* (310 U.S. 88), in which the Supreme Court, ruling on the issue of consumer picketing, stated:

"The safeguarding of these means is essential to the securing of an informed and educated public opinion with respect to a matter which is public concern. It may be that effective exercise of the means of advancing public knowledge may persuade some of those reached to refrain from entering into advantageous relations with the business establishment which is the scene of the dispute. Every expression of opinion on matters that are important has the potentiality of inducing action in the interests of one rather than another group in society. But the group in power at any moment may not impose penal sanctions on peaceful and truthful discussion of matters of public interest merely on a showing that others may thereby be persuaded to take action inconsistent with its interests."

That is great language in a great case, decided by the U.S. Supreme Court in *Thornhill* v. *Alabama* (310 U.S. 88, 194).

On the basis of that case I hold with the late Chief Justice Stone that the "publication, unaccompanied by violence, of a notice that the employer is unfair to organized labor and requesting the public not to patronize him is an exercise of the right of free speech guaranteed by the first amendment which cannot be made unlawful by act of Congress." (*United States* v. *Hutcheson*, 312 U.S. 219, 243).

Mr. MORSE. First, the no man's land proposal is similar to a proposal made by the Senator from Vermont [Mr. PROUTY]. I do not believe that labor relations in companies engaged in activities affecting commerce, and in an economy in which competitive forces are national in scope, should be regulated by separate State laws.

Mr. President, I think the Federal law, and only the Federal law, should be made applicable to interstate commerce issues; and it makes not one whit of difference to me whether the interstate commerce plant hires 10 men, 200 men, or 2,000 men; and it makes no difference to me how much interstate business the plant does. Mr. President, once it becomes a plant doing interstate business, then, in my judgment, the workers in the plant are entitled to the same interstate commerce privileges, rights, and protections that go to a worker employed in a Detroit automobile plant, for example. My amendment seeks to adopt the principle of the so-called Prouty compromise procedure which was a modification of the Morse amendment which was in the Kennedy-Ervin bill, and was adopted by the Senate when the Kennedy-Ervin bill was passed by a vote of 90 to 1. Mr. President, although procedurally I would prefer that approach, I recognize the acceptability of the approach in the Prouty amendment; and I am pleased to endorse it again, as I did last year, and through this amendment, seek to have it enacted into law.

For these reasons, I have long been an advocate of a single law, applicable throughout the country, covering collective bargaining and organizational rights. The Prouty amendment would accomplish this purpose. It would permit the State agencies and State courts to assert jurisdiction over cases which the National Labor Relations Board declines to handle, but the State agencies or courts would be required to apply Federal law. I had been unwilling, in the earlier discussions of the bill, to agree to allow the State courts, in the absence of administrative agencies, to handle such problems. I am convinced that Senator PROUTY's suggestions represent an acceptable compromise of this problem, since an appeal from any State agency would go to the Supreme Court, and thus would insure a measure of uniform interpretation.

Second. The secondary boycott provisions are a rewrite of the law as it stood prior to last year—which constituted a fairly effective prevention of this type of conduct. I had hoped that amendments to this section would do two things: (a) Close the loopholes, which had shown up, to the detriment of legitimate employer interests, and (b) correct injustices which had resulted in the deprivation of union rights. In other words, I viewed the problem as a repair project, based upon the experience of 12 years under the Taft-Hartley Act. My proposals, I believe, constitute such a balancing of interests. Among the most important of these proposals is one which would permit the building trades unions, which in general are not able to avail themselves of NLRB election procedures, to have a means of organization of a job site. I also provided for a hot cargo prohibition in the specific area in which abuses of hot cargo provisions have developed, as shown by the McClellan committee.

Third. The country has become aware of the dangers of organizational picketing. Unfortunately, it is not aware of the real dangers in restricting such picketing—dangers which protect workers from so-called "sweetheart" contract and "crooked" employer arrangements and dangers to the rights of American workers to organize into unions. My proposal would prevent organizational picketing if the union lost an election, on the one hand, and would prevent it if the union failed to seek an election 30 days after it started such picketing.

Fourth. My final amendment would provide a much more flexible administration of existing law: it would permit the General Counsel to exercise discretion in obtaining injunctions based upon the equities of a case, and would allow mutuality in remedies where employers, as well as unions, were committing unfair labor practices.

Mr. President, I introduce these amendments today, as I introduce any bill in which I am interested; but I am not married to any of these amendments, in the sense that I would not consider any modifications of them, when it can be demonstrated, after hearing, that it is in the public interest to modify them. I hope I have demonstrated throughout my 16 years of service in the Senate that on all issues which involve legislation which affects unions and employers, I take the position that the most important part involved is always the public interest.

So if anyone can show me, by evidence submitted, that any of these measures would not give the maximum of protection to the public interest, I shall be in favor of modifying them accordingly.

Mr. President, I introduce the bills and ask unanimous consent that they be appropriately referred.

The PRESIDING OFFICER. Without objection, the bills will be received and appropriately referred.

The bills, introduced by Mr. MORSE, were received, read twice by their titles, and referred to the Committee on Labor and Public Welfare, as follows:

S. 3097. A bill to amend the Labor-Management Relations Act, 1947, and for other purposes; and

S. 3098. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I turn now to another matter.

Mr. DIRKSEN. Mr. President, is the Senator from Oregon still proceeding on a point of privilege?

Mr. MORSE. I am still proceeding under the unanimous-consent agreement. I made clear that I rose, first, to a point of personal privilege, which I covered first, and also to introduce certain proposed legislation, and to make comments thereon.

Mr. DIRKSEN. Is the matter the Senator from Oregon is now going to discuss one of privilege?

Mr. MORSE. It is a matter which I want to discuss briefly—I have 3 pages of manuscript—in my capacity as chairman of the Subcommittee on Relations With Latin America, in dealing with a release which the Department of Defense issued yesterday, which I think should be answered forthwith.

Mr. DIRKSEN. I raise the question only because the distinguished Senator from Oregon was entitled to the floor to raise a question of privilege. But I think the Senator from Florida would now have to yield to him, if the Senator from Oregon is now to proceed on another matter.

Mr. MORSE. I shall conform to the wishes of the Senate; but the RECORD

will show that I addressed myself to a question of privilege, and also wished to introduce certain labor bills, and also wished to refer to the matter which I shall mention now, although I did not refer by name to this Latin American matter. But I think my words were such that I was authorized to discuss it under the unanimous consent which was granted to me.

However, I shall abide by the wishes of the minority leader in connection with this matter, although I think I should now propound a parliamentary inquiry, because I never want to occupy the floor improperly.

I would like to have an answer to a parliamentary inquiry as to whether or not the Senator from Oregon is in order in discussing the subject matters he has already discussed and the subject matter he seeks to discuss now, namely, his reply to the Defense Department in connection with its release of February 23 relating to military aid to Latin America.

The PRESIDING OFFICER (Mr. Moss in the chair). The understanding of the Chair is that the Senator from Florida [Mr. SMATHERS] has yielded to the Senator from Oregon for a statement on a matter of personal privilege, with the understanding that the Senator from Florida would not lose his right to the floor. The extent to which the statement of the Senator from Oregon would be limited to a matter of personal privilege is not entirely clear to the Chair, and the Chair would have to refer to the Senator from Oregon in that respect.

Mr. SMATHERS. Mr. President, I shall be delighted to have the Senator from Oregon pursue this additional subject so long as it is understood that I do not lose my right to the floor.

Mr. DIRKSEN. Mr. President, if the Senator will yield, the Senator can yield only for a question. I am not trying to be arbitrary about it.

Mr. MORSE. Mr. President, will the Senator permit me to make a comment?

Mr. DIRKSEN. Yes.

Mr. MORSE. After all, it is not of such earth shaking importance. I should like to say I think the Chair is in error in regard to this statement with respect to the authority that was granted to me, but, of course, the only accurate source would be the Official Reporter's words, and I am not going to ask to have them read, but I make the statement now, so Senators can read for themselves tomorrow morning, when the CONGRESSIONAL RECORD for today will be available, that the unanimous-consent agreement I asked for was not limited to a point of personal privilege.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Oregon, without losing my right to the floor.

Mr. MORSE. It is only a short statement.

Mr. DIRKSEN. Mr. President, reserving the right to object, I shall not object except to make the point that I am quite sensitive to the criticism that we have not discussed civil rights. We are discussing labor matters and matters relating to Latin America and the Federal Reserve System; but I think now there has to be confinement to the rule, and we must get the civil rights matter discussed, so that at long last we can come to a vote and the Members of the Senate will have full understanding of that matter. That can be done only if we keep ourselves confined to the subject matter that is present before the Senate. I shall not object at this time.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. There is no rule of relevancy or germaneness that has been adopted by the Senate; is there?

The PRESIDING OFFICER. There is not; the Senator is correct.

Mr. RUSSELL. Any Senator, if he obtains the floor, can discuss any matter which moves him; can he not?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, if I may make one short comment, I recognize there is no rule of relevancy. I am stating the fact only that speeches have been made and this bill has not been discussed. I think the time has come to discuss it. Senators are quite within the rules and quite within their rights in discussing all these matters, but I think now we have a responsibility here and we ought to get this bill discussed.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. I appreciate the courtesy of the Senator. I shall await reading tomorrow the CONGRESSIONAL RECORD of the proceedings of today, when the CONGRESSIONAL RECORD comes out, to see what transpired here, because when I rose and when I made the unanimous-consent request, the thing I wanted to make clear, and I think the RECORD will so show, was that I was seeking to discuss a matter other than that of personal privilege.

MILITARY AID TO LATIN AMERICA

Mr. MORSE. Mr. President, be that as it may, I now ask unanimous consent to have printed in the RECORD at this point, because I want to discuss it, an article which appeared in the Washington Daily News of yesterday, by Henry Raymont, entitled "Latins Get More Arms Dollars."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Feb. 24, 1960]

LATINS GET MORE ARMS DOLLARS

(By Henry Raymont)

The United States has increased its military aid to Latin America by about one-third this fiscal year, the Defense Department revealed today.

The Department also disclosed that Cuba and the Dominican Republic were continuing to receive defense aid despite a 1958 decision not to ship arms to the Caribbean area.

The disclosures were expected to stir a storm of protest in Congress which has repeatedly urged the administration to curb military assistance to Latin America and observe a strict arms embargo toward Cuba and the Dominican Republic.

UP, UP

A Defense Department estimate showed that 18 Latin American Republics would receive $69,951,000 in defense assistance during the year ending June 30, compared with $52,983,000 for the previous 12 months.

The figures were part of a hitherto secret regional and country-by-country breakdown of U.S. military aid to friendly countries in the past 10 years.

They disclosed that the Dominican Republic and Cuba in 1959 received $1,089,000 and $543,000 in military assistance respectively. The totals estimated for 1960 were $445,000 for the Dominican Republic and $249,000 for Cuba.

These figures came as a surprise to State Department officials as well as to the Senate Foreign Relations Committee.

NO COMMENT

The Defense Department published its tabulation without comment.

State Department sources had no immediate explanation for the allocations listed for the two Caribbean nations. They believed, however, that they represented costs for training Cubans and Dominicans in the United States.

The sources emphasized that no combat weapons had been sent to either Caribbean nation during the past 2 years and that no appropriation whatever was being asked for the fiscal year starting July 1.

A Senate committee source said the legislative body was under the impression that all military assistance to the two countries had ceased in March 1958, following the U.S. policy of maintaining scrupulous neutrality in the Caribbean.

Mr. MORSE. Mr. President, I wish to speak a very few minutes to the Senate in my capacity as chairman of the Latin American Republics Subcommittee of the Committee on Foreign Relations, and warn the Senate that, in my opinion, there has occurred what appears to be a very flagrant and inexcusable violation of the Mutual Security Act on the part of the Department of Defense in particular, and the entire executive branch in general.

Section 105(b)(4) of that act reads in part:

The aggregate amount of funds which may be obligated or reserved during the fiscal year 1960 for furnishing military assistance to American republics shall not exceed the aggregate amount of funds obligated or reserved for such purpose during the fiscal year 1959.

This provision, I may note in passing, was written by the conference committee on the mutual security bill last year after the House conferees had rejected language in the Senate bill putting an even tighter restriction on military aid to Latin America.

Now, compare this provision with the lead sentence in a story in the Washington Daily News of February 24, 1960:

The United States has increased its military aid to Latin America by about one-third this fiscal year, the Defense Department revealed today.

The Congress had solemnly provided that military aid to Latin America was not to exceed 1959 levels; so the Defense Department blithely increased it by one-third—to be specific, from $52,983,000 to $69,951,000.

Further, the Defense Department did so out of a total worldwide military assistance appropriation which was substantially smaller than had been

requested. The administration last year requested $1.6 billion in military aid. This request was strongly defended by high administration witnesses as the absolute minimum necessary to preserve the free world; and in this administration presentation, strong emphasis was put on the needs of NATO and of our embattled allies in the Far East.

In any event, Congress actually appropriated only $1.3 billion for military assistance. And now what has happened? Out of this smaller total, which, according to what the administration said last year, would have been inadequate for the vital needs of NATO and the Far East, that same administration has—I repeat, in flagrant violation of the law—apparently increased military aid to Latin America; and this could only have been done at the expense of aid to NATO.

The Defense Department has not only violated the law; it has been dishonest with Congress. It made its case for military aid, such as it was, primarily on the basis of NATO, and then it diverted part of the money against the explicit direction of Congress from NATO to Latin America.

Nor is this all. The country-by-country figures, as reported in the press, show that the Dominican Republic received $1,089,000 in fiscal 1959, and is getting $445,000 in fiscal 1960. Cuba received $543,000 in 1959, and is getting $249,000 in 1960.

These figures are not large in either the worldwide or the area totals. But I had been led to believe—I assumed in good faith—that military aid to Cuba had ceased in March of 1958, some 4 months before the start of fiscal 1959. I had also been led to believe that there had been no military assistance to the Dominican Republic for approximately the same period, and that our diplomats in Western Europe were exerting what influence they have to the end of dissuading Western European nations from making arms sales in the Caribbean. If this is in fact the case, the Defense Department's press release of February 23, 1960, is obviously going to undercut these diplomatic efforts to keep arms out of the Caribbean.

Now, I say I "had been led to believe" these things. I do not want to violate any confidences, but I owe it to the Senate to say that I speak on the basis of repeated conferences over the last 2 years with responsible officials of the Department of State.

In this connection, I call attention to section 523(c) of the Mutual Security Act which provides:

> Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the assistance programs authorized by this act, including but not limited to determining whether there shall be a military assistance program for a country and the value thereof.

On the basis of that provision, it is entirely reasonable for a Senator to assume that when the Department of State says there is no military assistance for a particular country, then in fact there is no military assistance for that country.

On the basis of the Defense Department's press release, as reported in the press, this assumption is unfounded. There are only two explanations: First, either somebody has been lying to the Foreign Relations Committee; or second, the Defense Department has willfully violated not only the law, but the instructions which it has received under the law.

Possibly a third explanation is that the press statement may be an inaccurate reporting of the Defense Department's press release.

One further point is worthy of note here. The Defense Department issued this press release February 23. The first information the Foreign Relations Committee had of it came in a telephone call from a newspaperman. The Defense Department has not yet favored the committee with a copy of this remarkable document. Perhaps the Department thinks its press releases are covered by executive privilege. In any event, this aspect of the matter is not of large consequence. My subcommittee of the Foreign Relations Committee is accustomed to getting most of its information from the press.

Perhaps it would be a good idea, however, for the Department to consider the preparation of a training manual on how to talk out of both sides of the mouth at once without getting caught. This would be at least as useful as smearing clergymen or cleansing dogs.

Mr. President, I think the Committee on Foreign Relations of the Senate is entitled to better treatment from the Department of Defense and also from the Department of State than this particular instance illustrates, but it is illustrative of many such instances, Mr. President. I think the time has come for my subcommittee to find out now exactly what the administration did do last year in Latin America in regard to military aid.

The Senator from Oregon repeats again, as he did last year, that he will continue to oppose the heavy expenditures for military assistance in Latin America. Mr. President, I think those expenditures are not doing our prestige any good in Latin America. They are not doing the people of Latin America any good.

Furthermore, the people of Latin America, or their governments, are not getting their money's worth from most of the military aid which is going to Latin America, in those instances where they put up any money for it. Much of the material they get is obsolete and is of no value in any international engagement on a worldwide basis. It can be helpful to those who want to use such military aid not for hemispheric defense purposes, for which the aid is justified by rationalization by the administration, but, Mr. President, as it is too frequently used, to keep down freedom in an area of the world where freedom must be strengthened and, in my judgment, not jeopardized by military aid. This military aid is stirring up a great deal of military opposition throughout Latin America.

Mr. President, I now desire to thank the Senator from Florida [Mr. SMATHERS] for his great assistance. I wish to read to the Senator what the RECORD today states in this regard:

> Mr. MORSE. I must board a 2 o'clock plane for the west coast. I have a matter of personal privilege I wish to discuss very briefly. Then I wish to submit—and I shall be brief in doing that—certain amendments to existing labor laws, which I shall ask to have printed and referred to the appropriate committee. I should like to have that done, with the understanding that I will not thereby jeopardize the right to the floor of the Senator from Florida [Mr. SMATHERS], whose courtesy I appreciate very much.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Senator from Florida [Mr. SMATHERS] is recognized.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I send to the desk three amendments to the Dirksen amendment to H.R. 8315 and ask that they be printed and lie on the desk until called up.

The PRESIDING OFFICER. Without objection, the amendments will be printed and will lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that Hon. JOHN W. MCCORMACK, a Representative from the State of Massachusetts, has been elected Speaker pro tempore during the absence of the Speaker.

The message announced that the House of Representatives having proceeded to reconsider the bill (H.R. 3610) to amend the Federal Water Pollution Control Act to increase grants for construction of sewage treatment works, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

TRADE WITH LATIN AMERICA

Mr. SMATHERS. Mr. President, it is now one week since I returned to Washington from a 10-nation tour of South America and the Caribbean. In the interim, my staff and I have been hard at work assembling our notes, consolidating our impressions, and preparing the numerous policy recommendations suggested by our experience.

While I hesitate at this time to impose on the Senate for what must nec-

essarily be a rather lengthy speech, I feel that I must do so. With the current visit to South America of President Eisenhower, public interest in our good neighbors to the south has reached a new peak after long years of wallowing in the valley. As Frank Sullivan's cliche expert might put it, we have turned a corner and the iron is hot—now is the time to strike.

REEXAMINATION OF POLICY IN PROSPECT

More seriously, to anyone who has given close attention to United States-Latin American relations, it is clear that a long-needed reexamination of policy is now in prospect. To engage in a little British understatement, much hinges on decisions to be taken—I hope at the very highest level—in the weeks and months immediately ahead.

Wise decisions, arrived at against a background of frank, full, and informed discussion, can open up a new era in United States-Latin American relations—a golden age of democratic progress toward solution of the many economic and social problems which afflict the hemisphere.

Inadequate decisions, arrived at in ignorance or self-deceit, can open the floodgates to chaos.

With this crossroads in view, I have already given a report on my trip to the President of the United States. I now do so, in greater detail, to my colleagues in the Senate.

REASON FOR TOUR

This tour was undertaken in my capacity as chairman of the Latin-American Trade Subcommittee of the Senate Interstate and Foreign Commerce Committee. My primary mission, therefore, was to assess the United States-Latin American trade situation. This I attempted to do to the best of my ability within the rather strict limitations imposed by time.

Before leaving Washington, however, my staff and I had already done a considerable amount of work on this subject, and so we were more in the position of checking facts and correcting impressions than of trying to learn all from the ground up. Even so, 3½ weeks is not a very long time. But I feel I have learned much that is useful; and the fruit is a series of recommendations which I shall shortly present for the consideration of Senators.

Commercial problems, however, cannot be set apart and studied in isolation. This is particularly true in Latin America. Commercial problems there are bound up intimately with the social, economic, and political problems of the individual countries and of the hemisphere. And so, necessarily, I also turned my attention during my visit to foreign policy matters.

Before I move into a detailed discussion of commercial matters and of country-by-country social, political, and economic problems, I wish to make a few general observations.

I have been active in Latin American affairs ever since I first entered Congress in January 1947. I am fortunate in being regarded in most places in South America as a friend.

MET CHIEF EXECUTIVES

I had the privilege during my tour of visiting with the Chief Executives of each of the 10 countries in which I stopped, as well as other leading figures in government and business. In each case, our own embassies gave me detailed briefings on local conditions. My staff and I talked, at length where possible, with resident U.S. businessmen, with local citizens, with church leaders, educators, newspapermen, missionaries, labor leaders, and students. In Lima, Peru, I spent a most revealing hour and a half with Senor Eudocio Ravines, once leader of the Peruvian Communist Party and, more recently, a convert to the moral rearmament program.

While I would not care to suggest that in 3½ weeks I exhausted the subject of U.S.-Latin American relations, I am firmly convinced there is virtue in the quick, intensive look which allows the mind to capture major outlines and broad features. The nonspecialist is more often overwhelmed than instructed by a morass of detail.

Moreover, this was my seventh trip to Latin America, and I think I have by now a fairly adequate basis for comparing the past with the present.

SOUTH AMERICAN PHASE

In general, let me say, I was very much encouraged by what I found in the South American phase of my travels. The last time I visited South America, in 1955, half the countries on the continent were in the hands of cynical and ruthless men, dictators bent on plunder and headed for ruination.

Today the dictators are all but gone. In their places, struggling with inherited problems, are for the most part able and dedicated men—Alberto Lleras Camargo in Colombia, Ponce in Ecuador, Manuel Prado and Beltran in Peru, Alessandri in Chile, Frondizi, and Alsogaray in Argentina, Kubitschek in Brazil, Betancourt in Venezuela. From each conversation I came away heartened and hopeful.

But I do not deceive myself. As several of the leaders themselves quite frankly warned, the road ahead is steep and treacherous. One President told me, "Senator, we have at most 4 years. If we do not succeed by then in our reforms, we will have either another dictatorship of the right or a bloody revolution. In either case, the hopes of democracy will be dead."

What this man and others are trying to do is to break the round of ignorance, poverty, disease, and misery which is all there has been in life for the vast majority of Latin Americans.

It is essentially a world without a middle class. On top in most countries of Latin America is an oligarchy of small numbers and vast wealth. At the bottom, the masses of people are without land and in most instances without hope.

Most of the new generation of leaders recognize that such a social structure is inherently unstable as well as morally indefensible. They know that the dissolution of such a society is inevitable, and that in all probability it cannot survive the sixties. They know that the choices are reform, or revolution and repression.

THREATS FROM RIGHT, LEFT

On either side of the narrow path to a better tomorrow lies a huge pit.

On the one hand, waiting vulturlike to resume power are the same groups which plundered and bled the countries before. The enemies of democratic reform are very powerful in Latin America, and they will do what they can to prevent progress, which to many of them is synonymous with loss of position and divine privilege.

On the other hand, the Communists are hard at work—stoking the fires of discontent, slandering the reformers, preaching the gospel of revolution and class war. And among the innocents and the dispossessed, among the young who are by nature impatient for the millenium, among those wretched peoples for whom salvation is simply enough to eat, the volcanic mixture is already cooking and the time of eruption is drawing near.

The test for U.S. foreign policy is whether we can assist the moderates in negotiating this high wire strung across twin chasms.

Within the next few years, concrete evidence must be given to the people of Latin America that genuine progress can be obtained through democratic methods. Otherwise the volcano will erupt—as in one instance it has already done to the detriment of the hemisphere and the debasement of decency.

As a democracy and as a friend of democracies, the United States must support the moderate reformers of South America up to the limit of its capabilities. If we do effectively, I have every confidence we will see the development of a new and broadbased stability throughout the area as well as steady progression toward relief of poverty and the inexorable spread of democratic institutions.

PROBLEMS IN THE CARIBBEAN

In the Caribbean, I regret to report, the situation is much less encouraging.

Panama is seething with unrest. Cuba is in the grip of a bloody-handed left-wing dictatorship. The people of the Dominican Republic, after 30 years of iron rule, still lack the most elementary of political freedoms. Tiny Haiti, caught literally between ruthless suppression on the right and a reign of terror on the left, is struggling against odds with the worst poverty in the hemisphere.

Clearly, the fuse is burning very close to the bomb. A number of difficult decisions need to be made in the Caribbean—and very quickly. Some of them, as I have already found out personally, may be very hard to make politically. But we must either take the risks or take the consequences—and the consequences could be very unpleasant indeed.

So much for the broad picture. Let me turn now to some specifics.

REPORT ON TRADE

First, as to the trade situation.

Mr. President, I ask leave to incorporate in the RECORD at this point a series

of tables summarizing United States-Latin American trade relations during selected years from 1938 to 1959. These tables were compiled from United Nations, International Monetary Fund, and Department of Commerce sources.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Latin America—20 Republics—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	1959	1954	1955	1956	1957	1958	1959
United States and Canada	45	46	47	46	46		51	49	52	54	51	
Latin America	9	10	8	9	9		11	12	10	10	11	
Continental Europe	20	18	20	20	19		22	22	21	21	22	
Oversea territories	9	9	8	8	8		3	3	3	2	2	
Sterling area	9	9	10	11	10		7	7	7	8	8	
(United Kingdom)	(8)	(7)	(8)	(10)	(9)		(5)	(5)	(5)	(5)	(5)	
Rest of the world	8	7	6	6	9		6	8	7	4	6	
Soviet area		(3)	(2)	(1)	(1)			(1.2)	(1.7)	(0.8)	(0.8)	
Coffee [1]	25	22	23	20								
Petroleum [1]	21	23	23	26								
Sugar [1]	7	8	7	9								
Wool [1]	3	3	3	2								
Cotton [1]	6	6	5	4								

[1] From IFS, February 1960.
Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=NA; 1957=NA; 1959=NA]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	1,749	6,493	7,000	7,592	7,761	7,769	8,395	8,480	7,911	
Exports to United States	542	2,484	3,533	3,484	3,397	3,511	3,867	3,812	3,581	
Total imports	1,542	5,997	7,011	6,130	7,069	7,310	7,559	8,905	8,104	
Imports from United States	522	3,485	3,713	8,117	3,426	418	3,802	4,690	4,003	
Trade balance	+207	+496	−11	+1,462	+692	+459	+836	−425	−133	
Balance with United States	+20	−1,001	+80	+361	−29	+93	+65	−878	−422	
U.S. exports			3,480	3,134	3,377	3,308	3,863	4,673	4,186	3,195
U.S. imports			3,411	3,442	3,291	3,327	3,639	3,768	3,596	3,615
U.S. balance with subject country			+69	−308	+86	−19	+224	+805	+590	−170

Upper set of figures from DIT.
Lower set from WTIS.

Leading import sources—Percent of all imports

	1938	1948	1954	1955	1956	1957	1958
United States	33.9	58.1	48.5	46.8	50.3	52.1	49.0
Canada	1.0	2.0	2.4	2.1	2.0	2.0	2.0
Netherlands Antilles	1.9	3.1	3.1	2.6	2.8	2.1	2.0
Argentina	3.4	3.2	2.8	3.2	1.9	1.8	1.8
Brazil	1.3	3.1	2.4	2.2	1.6	1.9	2.1
Venezuela		1.0	2.2	2.4	2.9	3.3	4.2
United Kingdom	13.1	8.3	4.7	4.6	4.6	5.2	5.3
Belgium	4.0	2.9	1.7	1.9	1.8	2.2	2.2
France	3.4	1.5	3.5	3.4	2.3	2.3	2.2
Germany, Western	16.9		7.0	5.4	5.6	4.6	6.7
Italy	3.1	3.3	2.2	2.8	2.6	2.8	3.1
Netherlands	1.6	.6	1.9	2.2	2.0	1.8	2.0
Sweden	1.6	1.8	1.8	1.6	1.9	2.0	1.9
Switzerland	1.2	1.6	1.3	1.3	1.2	1.1	1.2
Eastern Europe	2.2	.7	1.6	2.4	2.1	.8	.8
Japan	2.2		2.3	2.4	2.6	1.3	1.8

Mr. SMATHERS. Tables for the 20 Latin American Republics show total exports and exports to the United States, total imports and imports from the United States, U.S. exports to and imports from Latin America, the area distribution of Latin American trade, and the extent of Latin American dependence on primary commodities.

I am including here summary tables for each of the 20 republics individually. I ask unanimous consent to have the tables printed in the RECORD at this point as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Argentina—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	12	13	12	12	13		16	16	21	25	17	19
Latin America	17	19	11	15	13		24	21	19	22	22	26
Continental Europe	35	25	37	41	36		25	23	26	27	31	30
Oversea territories				1			4	4	6	4	4	3
Sterling area	20	22	22	25	24		17	14	10	18	15	14
(United Kingdom)	(19)	(22)	(21)	(24)	(24)		(8)	(7)	(5)	(8)	(8)	(8)
Rest of the world	17	21	17	6	14		14	24	18	3	11	8
Wheat [1]	20	26	16	16	13	16						
Corn [1]	11	3	7	5	8	11						
Meat [1]	15	22	26	26	30	26						
Wool [1]	12	13	13	12	10	13						
Hides [1]	6	6	7	6	6	7						
Linseed [1]	4	3	2	3	4	4						
Quebracho extract [1]	3	3	3	3	2	2						

[1] From IFS, February 1960.
Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

Argentina—Area distribution of trade—Continued

[1951=69; 1957=165; September 1959=525]

Rest of the world difference, 1955 and 1957 largely in Soviet bloc and Japan.

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	461	1,627	709	1,166	1,080	929	944	975	994	
Exports to United States	46	159	162	181	122	118	118	113	128	
Total imports	491	1,590	1,195	877	955	1,173	1,128	1,310	1,233	
Imports from United States	100	604	230	124	141	154	230	307	202	
Trade balance	−30	+37	−486	+289	+125	−244	−184	−335	−239	
Balance with United States	−54	−445	−68	+57	−19	−36	−112	−194	−74	
U.S. exports			148	104	123	148	212	282	249	231
U.S. imports			159	182	103	126	133	129	133	126
U.S. balance with subject country			−11	−78	+20	+22	+79	+153	+116	+105

Upper set of figures from DIT; lower set from WTIS.

Bolivia—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	1959
United States and Canada	59	60	53	34	34		43	43	47	48	47	
Latin America	2	1	7	8	2		29	23	25	20	17	
Continental Europe	3	4	3	5	4		17	25	21	21	27	
Overseas territories												
Sterling area	36	33	38	53	59		7	8	6	9	6	
(United Kingdom)	(36)	(33)	(38)	(53)	(59)		(7)	(8)	(6)	(9)	(6)	
Rest of the world		3			1		3	3	1	3	4	
Tin [1]	65	58	59	60	58	69						
Tungsten [1]	15	16	15	7	2	2						
Lead [1]	6	6	8	9	9	6						
Zinc [1]	5	6	5	6	5	1						
Silver [1]	5	5	7	5	8	5						

[1] Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=40; 1957=2,428; May 1959=2,940] [1]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	34.0	98.0	151.0	83.8	70.0	76.0	81.0	74.0	50.0	
Exports to United States [2]	1.6	70.6	92.5	69.0	62.7	61.0	55.5	33.0	18.8	
Total imports	29.0	79.0	93.0	68.0	73.0	81.0	84.0	92.0	79.6	
Imports from United States [2]	6.5	33.7	38.0	21.6	24.9	31.2	38.5	43.3	27.2	
Trade balance	+5.0	+19.0	+14.0	+16.0	−3.0	−5.0	−3.0	−18.0	−30.0	
Balance with United States	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	
U.S. exports			30.0	19.0	31.0	39.0	49.0	34.0	29.0	23
U.S. imports			56.0	62.0	47.0	41.0	42.0	16.0	9.0	8
U.S. balance with subject country			−26.0	−43.0	−16.0	−2.0	+7.0	+18.0	+20.0	+15

[1] From IFS, February 1960.
[2] Bolivia reports trade figures at foreign market prices; total exports are presented here as IFS estimates, which correct for freight costs.
[3] Not relevant due to freight factor.
Upper set of figures from DIT; lower set from WTIS.

Brazil—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	38	43	41	49	44	46	36	25	30	38	37	37
Latin America	9	10	7	10	12	8	14	22	19	16	18	18
Continental Europe	35	28	26	23	26	27	30	30	23	26	25	25
Overseas territories				1	2	2	8	6	5	4	5	4
Sterling area	6	6	5	6	6	8	2	4	7	7	7	6
(United Kingdom)	(5)	(4)	(4)	(5)	(4)	(6)	(1)	(1)	(3)	(3)	(3)	(3)
Rest of the world	11	13	11	11	10	9	10	13	15	9	8	10
Coffee [1]	61	59	70	61	55							
Cotton [1]	14	9	6	3	2							
Cocoa [1]	9	6	5	5	7							

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=67; 1957=206; August 1959=339] [1]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	289	1,173	1,409	1,539	1,562	1,423	1,483	1,391	1,243	
Exports to United States	99	507	727	745	579	602	735	660	534	
Total imports	295	1,134	2,010	1,319	1,634	1,307	1,234	1,489	1,353	
Imports from United States	71	588	837	366	537	309	355	548	483	
Trade balance	−6	+39	−601	+220	+28	+116	+249	−98	−110	
Balance with United States	+28	−81	−110	+379	+42	+293	+380	+112	+51	
U.S. exports			565	297	456	241	309	482	532	406
U.S. imports			808	769	682	632	746	700	572	629
U.S. balance with subject country			−243	472	−226	−391	−437	−218	−40	−223

[1] From IFS, February 1960.
Upper set of figures from DIT; lower set from WTIS.

Chile—Area distribution of trade

[1951=65; 1957=627; September 1959=1,130]

	Exports						Imports					
	1954	1955	1956	1957	1958	1959	1954	1955	1956	1957	1958	1959
United States and Canada	46	43	45	42	41		42	44	47	53	52	
Latin America	15	13	9	8	10		31	24	18	15	13	
Continental Europe	20	25	25	31	31		18	21	23	23	21	
Overseas territories												
Sterling area	14	18	17	15	15		5	6	6	6	8	
(United Kingdom)	(14)	(17)	(17)	(15)	(14)		(5)	(6)	(5)	(6)	(7)	
Rest of the world	5	2	4	4	4		4	4	6	3	6	
Copper [1]	60	68	73	67								
Nitrates [1]	17	12	10	10								

	1938	1948	1952	1953	1954	1955	1956	1957	1958 [2]	1959
Total exports	141	330	462	415	403	475	544	458	229	
Exports to United States	22	174	264	265	187	201	244	190	88	
Total imports	103	269	371	336	343	376	354	441	293	
Imports from United States	29	114	191	177	140	162	162	229	150	
Trade balance	+38	+61	+91	+79	+60	+99	+190	+17	−64	
Balance with United States	−7	+60	+73	±88	+47	+39	+82	−39	−62	
U.S. exports			130	98	75	91	158	195	148	137
U.S. imports			286	242	197	200	237	196	156	212
U.S. balance with subject country			−156	−144	−122	−109	−79	−1	−8	−75

[1] From IFS, February 1960.

[2] 8 months; IFS figures for year:

Exports	386
Imports	415
Balance	29

Upper set of figures from DIT; lower set from WTIS.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

Colombia—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	81	75	74	73	71		65	66	65	63	62	64
Latin America	1	1	1	2	2		3	4	3	3	4	5
Continental Europe	11	15	15	15	17		22	22	24	23	25	24
Overseas territories	5	4	5	6	5		3	2	2	3		
Sterling area	1	2	2	3	3		5	5	4	5	5	4
(United Kingdom)		(1)	(1)	(1)	(2)		(5)	(4)	(4)	(5)	(4)	(4)
Rest of the world	1	2	2	2	3		2	2	3	3	3	3
Coffee [1]	84	84	79	76	78	77						
Petroleum [1]	12	11	12	14	14	15						

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=95; 1957=133; September 1959=162]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	81	289	473	596	657	584	599	511	454	
Exports to United States	43	240	381	477	518	431	435	359	318	
Total imports	89	337	415	547	682	669	657	483	387	
Imports from United States	44	235	279	338	421	421	406	289	228	
Trade balance	−8	−48	+58	+49	−25	−85	−58	+28	+67	
Balance with United States	−1	+5	+102	+139	+93	+10	+29	+70	+90	
U.S. exports			231	285	343	331	323	241	185	106
U.S. imports			384	466	506	441	410	388	333	340
U.S. balance with subject country			−151	−181	−163	−110	−87	−142	−148	−134

[1] From IFS, February 1960.

Upper set of figures from DIT; lower set from WTIS.

Costa Rica—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	1959
United States and Canada	68	59	53	60	59	49	61	36	57	58	55	
Latin America	5	5	5	7	6	5	4	4	7	5	6	
Continental Europe	25	34	40	32	32	43	19	19	21	23	23	
Overseas territories							5	3	4	4	4	
Sterling area		1	1		1	1	8	7	7	6	7	
United Kingdom		(1)	(1)		(1)	(1)	(7)	(7)	(6)	(5)	(6)	
Rest of the world					1	1	3	3	3	4	6	
Bananas [1]	42	41	38	39	29	24						
Coffee [1]	41	46	50	49	55	57						
Cacao [1]	10	7	4	5	6	7						

[1] From IFS February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

Costa Rica—Area distribution of trade—Continued

[1951=102; 1957=110; August 1959=112]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	10.1	46	73	80	84	81	68	83	97	
Exports to United States	4.6	38	53	53	51	44	34	43	50	
Total imports	12.6	42	68	74	80	88	91	103	101	
Imports from United States	6.1	33	43	44	47	52	50	57	53	
Trade balance	−2.5	+4	+5	+6	+4	−7	−23	−20	−4	
Balance with United States	−1.5	+5	+10	+9	+4	−8	−16	−14	−3	
U.S. exports			34	38	41	43	43	48	42	22
U.S. imports			31	35	33	28	19	28	36	19
U.S. balance with subject country			+3	+3	+8	+15	+24	+20	+6	+3

Upper set of figures from DIT; lower set from WTIS.

Cuba—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	1/1959	1954	1955	1956	1957	1958	1959
United States and Canada	70	69	66	59	69	78	80	76	77	77	72	
Latin America	3	2	3	2	1	3	3	4	3	6	10	
Continental Europe	8	9	11	13	8	7	9	9	8	7	9	
Overseas territories	2	2	1	3	3	5	3	3	4	2	1	
Sterling area	10	3	5	7	7	3	14	4	5	5	5	
(United Kingdom)	(4)	(1)	(4)	(5)	(5)	(1)	(2)	(2)	(3)	(3)	(3)	
Rest of the world	8	15	13	15	12	4	2	3	3	2	3	
Sugar [1]	80	80	79	81	83	72						
Tobacco [1]	7	7	7	6	7	9						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=?; 1957=97; 2d quarter 1958=101; wholesale prices=98 in August 1959]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959½
Total exports	143	710	675	640	539	594	666	808	734	
Exports to United States	109	367	409	393	369	401	431	468	491	
Total imports	106	527	618	490	488	575	649	642		
Imports from United States	75	421	463	371	367	423	488	452		
Trade balance	+37	+183	+57	+150	+51	+19	+17	+166		
Balance with United States	−34	−54	−54	+22	+2	−22	−57	+16		
U.S. exports			516	427	429	451	519	618	546	208
U.S. imports			440	431	401	422	457	482	528	260
U.S. balance with subject country			+76	−4	+28	+29	+62	+136	+18	−52

Upper set of figures from DIT; lower set from WTIS.

Dominican Republic—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	1/1959
United States and Canada	60	56	47	41	54	50	71	70	70	66	65	69
Latin America	2	1	1		1	3	2	3	2	3	3	3
Continental Europe	9	12	16	17	11	12	14	12	14	16	16	15
Overseas territories	4	2	2	2	2	2	6	6	6	5	4	5
Sterling area	24	23	27	36	25	25	4	5	5	6	7	5
(United Kingdom)	(21)	(21)	(26)	(23)	(24)	(20)	(3)	(3)	(3)	(4)	(4)	(3)
Germany												
Japan-Netherlands												
Rest of the World	3	6	7	4	7	8	3	4	3	4	5	3
						1/1959						
Sugar [1]	34	39	48	55	44	54						
Coffee [1]	26	25	26	16	17	19						
Cacao [1]	27	21	12	12	21	10						
Tobacco [1]	4	4	4	3	4	3						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=100; 1957=104; July 1959=104]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	14.3	82	115	104	120	115	125	161	134	
Exports to United States	4.9	34	54	53	71	64	59	65	71	
Total imports	11.3	65	97	87	83	98	108	117		
Imports from United States	6.0	52	68	59	55	64	71	73		
Trade balance	+3.0	+17	+18	+17	+37	+17	+17	+44		
Balance with United States	−1.1	−18	−14	−6	+16	0	−12	−8		
U.S. exports			54	48	52	60	70	74	76	35
U.S. imports			56	52	72	62	60	63	72	39
U.S. balance with subject country			−2	−4	−20	−2	+10	+11	+4	−4

Upper set of figures from DIT; lower set from WTIS.

Ecuador—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	1/1959
United States and Canada	65	61	60	58	54		60	57	55	56	52	54
Latin America	13	12	10	13	12		7	8	7	3	6	7
Continental Europe	20	23	26	25	28		25	26	29	30	32	28
Oversea territories												
Sterling area	1	1	2	1	1		7	7	7	8	6	7
(United Kingdom)	(1)	(1)	(2)	(1)	(1)		(6)	(6)	(6)	(7)	(5)	(6)
Rest of the world	2	3	1	3	4		2	2	2	2	3	2
Bananas [1]	41	55	51	52	56	63						
Coffee [1]	22	20	26	22	19	12						
Cacao [1]	27	16	15	14	15	18						
Rice [1]	3	2	1	4	3	2						

[1] From IFS, February, 1960.

Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=97; 1957=102; June 1959=104]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	11.9	49	80	76	100	90	94	99	89	
Exports to United States	4.5	21	44	48	65	55	56	57	48	
Total imports	10.5	50	58	63	86	90	80	98	87	
Imports from United States	3.6	34	36	38	46	47	42	52	43	
Trade balance	+1.4	−1	+22	+13	+14	0	+14	+1	+2	
Balance with United States	+.9	−13	+8	+10	+19	+8	+14	+5	+5	
U.S. exports			37	42	48	46	46	51	47	49
U.S. imports			43	45	61	53	53	58	56	60
U.S. balance with subject country			−6	−3	−13	−7	−7	−7	−9	−1

Upper set of figures from DIT; lower set from WTIS.

El Salvador—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	1959
United States and Canada	73	66	45	46	40		61	59	54	53	50	
Latin America	5	4	5	5	7		14	12	13	12	14	
Continental Europe	17	23	36	42	40		19	22	23	24	25	
Overseas territories												
Sterling area	3	2	3	1	1		3	3	4	5	4	
United Kingdom	(3)	(2)	(3)	(1)	(1)		(3)	(3)	(4)	(5)	(4)	
Rest of the world	2	4	12	5	11		3	4	6	7	6	
Coffee [1]	88	86	77	79	73	66						
Cotton [1]	6	8	16	11	16							

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=95; 1957=102; July 1959=107]

	1938	1948	1952	1953	1954	1955	1956	1957	1958 [2]	1959
Total exports	10.9	46	88	90	105	107	113	139	96	
Exports to United States	6.7	35	74	73	76	69	50	63	34	
Total imports	9.1	42	68	72	87	92	105	115	91	
Imports from United States	4.2	30	42	44	51	52	55	59	44	
Trade balance	+1.8	+4	+20	+18	+18	+15	+8	+24	+5	
Balance with United States	+2.5	+5	+32	+29	+25	+17	−5	+4	−10	
U.S. exports			37	37	41	47	50	50	45	19
U.S. imports			61	65	61	62	49	56	49	26
U.S. balance with subject country			−24	−28	−20	−15	+1	−6	−4	−7

[2] 10-month figures.

Upper set of figures from DIT; lower set from WTIS.

Guatemala—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	1/1959	1954	1955	1956	1957	1958	1959
United States and Canada	73	76	70	68	66		67	67	69	63	62	
Latin America	2	2	2	4	5		7	8	6	7	6	
Continental Europe	24	20	25	27	26		15	13	14	18	19	
Oversea territories							6	6	6	5	5	
Sterling area	1	1	1	1	1		4	5	4	5	6	
(United Kingdom)	(1)	(1)	(1)	(1)	(1)		(4)	(4)	(4)	(5)	(5)	
Rest of the world		1	1	1	3		2	1	1	1	1	
Coffee [1]	71	71	74	72	72	71						
Bananas [1]	19	16	12	13	12							

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

Guatemala—Area distribution of trade—Continued

[1951=99; 1957=104; August 1959=105]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	16.3	50	87	89	96	99	116	109		
Exports to United States	11.3	45	73	68	68	73	83	73		
Total imports	16.7	68	76	80	86	107	122	131		
Imports from United States	7.4	52	48	51	56	70	82	80		
Trade balance	−.4	−18	+11	+9	+10	−8	−6	−22		
Balance with United States	+3.9	−7	+25	+17	+12	+3	+1	−7		
U.S. exports			40	45	48	57	83	81	79	34
U.S. imports			64	63	66	71	79	74	66	32
U.S. balance with subject country			−24	−18	−18	−14	+4	+7	+13	+2

Upper set of figures from DIT; lower set from WTIS.

Haiti—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	1959	1954	1955	1956	1957	1958	1959
United States and Canada	46	42	34				73	70	69			
Latin America		1					2	1	1			
Continental Europe	51	51	60				14	14	15			
Oversea territories							3	4	4			
Sterling area	2	2	2				7	7	6			
(United Kingdom)	(2)	(2)	(2)				(4)	(4)	(3)			
Rest of the world	1	4	3				1	3	5			
Coffee [1]	79	66	71	61	74							
Sisal [1]	9	16	14	18	13							
Sugar [1]	3	5	6	9	2							

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=101; 1957=112; 3d quarter 1958=112]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	6.9	30	52	38	55	36	42	47		
Exports to United States	2.9	18	28	17	25	15	14	18		
Total imports	7.5	31	53	44	48	40	46	39		
Imports from United States	4.1	25	37	29	31	26	29	24		
Trade balance	−.6	−1	−1	−6	+7	−4	−4	+8		
Balance with United States	−1.2	−7	−9	−12	−6	−11	−15	−6		
U.S. exports			33	29	36	32	37	24	25	10
U.S. imports			30	17	25	16	15	18	23	7
U.S. balance with subject country			+3	+12	+11	+16	+22	+6	+2	+3

Upper set of figures from DIT; lower set from WTIS.

Honduras—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	1959
United States and Canada	81	71	75	70	68		69	67	69	65	61	
Latin America	11	16	13	17	16		7	7	5	6	10	
Continental Europe	7	11	10	11	12		11	11	11	10	13	
Oversea territories							5	5	5	6	6	
Sterling area	1	1	1	2	3		3	3	3	3	4	
(United Kingdom)		(1)	(1)	(1)	(1)		(3)	(3)	(3)	(2)	(3)	
Rest of the world					3		5	6	6	10	7	
Bananas [1]	52	46	60	52	56	46						
Coffee [1]	26	22	19	18	15	24						
Silver [1]	5	6	2	3	3	3						
Wood [1]	6	11	7	12	9	9						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS), 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=100; 1957=108; July 1959=111]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	8.1	22	61	67	57	52	73	64		
Exports to United States	7.1	16	48	53	44	36	47	42		
Total imports	10.3	36	58	54	52	54	59	69		
Imports from United States	6.3	28	43	39	35	36	40	44		
Trade balance	−2.2	−14	+3	+13	+5	−2	+14	−5		
Balance with United States	+1.8	−12	+5	+14	+9	0	+7	−2		
U.S. exports			42	36	34	34	39	42	36	17
U.S. imports			23	30	27	23	30	26	28	17
U.S. balance with subject country			+19	+6	+7	+11	+9	+16	+8	0

Upper set of figures from DIT; lower set from WTIS.

Mexico—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	74	75	74	78	79		83	83	81	80	79	76
Latin America	5	4	4	5	5		1		1	1	1	1
Continental Europe	6	9	11	9	8		11	12	12	13	14	16
Overseas territories												
Sterling area	8	5	4	3	3		4	4	4	4	5	5
(United Kingdom)	(8)	(5)	(4)	(2)	(2)		(2)	(2)	(2)	(3)	(3)	(3)
Rest of the world	7	8	7	5	5		1	2	1	2	1	2
Cotton [1]	29	28	30	23	26	27						
Coffee [1]	14	13	12	15	10	10						
Lead [1]	19	7	6	7	5	4						
Copper [1]	9	8	8	5	4	4						
Zinc [1]	4	3	5	6	3	3						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=89; 1957=135; August 1959=154]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	186	477	593	496	502	622	660	585	566	
Exports to United States	125	360	466	367	365	463	481	452	439	
Total imports	109	529	739	807	799	884	1,072	1,155	1,127	
Imports from United States	63	459	612	671	647	701	839	890	869	
Trade balance	+77	−52	−146	−311	−297	−262	−412	−570	−561	
Balance with United States	+62	−99	−146	−304	−282	−238	−358	−438	−430	
U.S. exports			666	646	634	700	851	902	885	731
U.S. imports			410	355	382	397	401	430	451	437
U.S. balance with subject country			+256	+291	+252	+308	+450	+472	+428	+294

Upper set of figures from DIT; lower set from WTIS.

Nicaragua—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	46	39	39	41	40	22	67	67	64	60	57	57
Latin America	6	5	3	5	5	6		7	7	8	10	12
Continental Europe	24	36	39	39	36	38	15	14	15	18	17	13
Oversea territories	1	1	1	1	1	1	5	6	7	7	7	7
Sterling area	12	7	8	10	8	7	4	4	4	4	5	6
(United Kingdom)	(12)	(6)	(7)	(10)	(7)	(7)	(3)	(3)	(4)	(4)	(4)	(5)
Rest of the world	11	13	10	5	11	26	3		3	3	5	5
Coffee [1]	46	42	40	44	38	23						
Cotton [1]	31	43	41	34	39	54						
Sesame [1]	4	2	2	3	3	3						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (United States, 1951=97, 1957=105, August 1959=109).

[1951=88; 1957=114; May 1959=117]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	5.8	27	51	55	63	80	65	71	71	
Exports to United States	3.9	20	27	25	29	30	25	28	26	
Total imports	5.1	24	40	44	58	70	69	81	78	
Imports from United States	3.0	20	28	28	38	45	43	47	43	
Trade balance	+.7	+3	+11	+11	+5	+10	−4	−10	−7	
Balance with United States	+.9	0	−1	−3	−19	−15	−18	−19	−17	
U.S. exports			25	26	37	39	34	39	38	13
U.S. imports			23	25	26	26	20	22	21	11
U.S. balance with subject country			+2	+1	+11	+13	+14	+17	+17	+2

Upper set of figures from DIT; lower set from WTIS.

Peru—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	36	36	37	35	40	31	55	52	53	51	52	52
Latin America	19	21	17	15	15	19	9	9	7	9	7	9
Continental Europe	20	24	23	24	25	28	23	24	26	25	28	27
Overseas territories												
Sterling area	16	12	14	10	10	11	10	11	11	10	10	9
(United Kingdom)	(14)	(10)	(11)	(10)	(9)	(10)	(9)	(9)	(9)	(8)	(8)	(7)
Rest of the world	10	8	9	14	10	12	3	4	3	4	3	3
Cotton [1]	26	25	28	21	27	20						
Sugar [1]	13	14	11	16	12	18						
Lead [1]	10	10	10	9	9	8						
Petroleum [1]	7	8	8	8	6	6						
Copper [1]	8	11	11	8	8	8						
Silver [1]	6	6	6	6	7	7						
Zinc [1]	4	5	5	5	4	5						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (U.S., 1951=97, 1957=105, August 1959=109).

[1951=86; 1957=125; August 1959=161]

	1938	1948	1952	1953	1954	1955	1956	1957	[1] 1958	1959
Total exports	77	162	239	222	248	271	311	330	262	
Exports to United States	21	40	67	85	88	98	115	115	101	
Total imports	58	168	288	292	250	300	361	400	310	
Imports from United States	20	91	161	160	130	150	179	191	146	
Trade balance	+19	−6	−49	−70	−2	−29	−50	−70	[2]	
Balance with United States	+1	−51	−94	−75	−42	−52	−64	−76	[2]	
U.S. exports			127	119	98	120	163	198	167	122
U.S. imports			62	87	97	110	135	137	126	119
U.S. balance with subject country			+65	+32	+1	+10	+23	+61	+41	+3

[1] 11-month figures.
[2] Not available.

Upper set of figures from DIT; lower set from WTIS.

Panama—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	1959
United States and Canada	86	87	96	89	96		65	62	62	61	57	
Latin America	9	9	1	4			4	4	4	3	3	
Continental Europe	1	2	1	2	2		10	11	11	11	12	
Overseas territories												
Sterling area	1						6	7	6	6	6	
(United Kingdom)	1						(4)	(4)	(4)	(4)	(4)	
Rest of the world	4	1	1	5	1		15	17	16	19	22	
Bananas [1]	73	74	73	71	68	68						
Cacao [1]	6	3	2	3	3	4						
Re-exports [1]	6	7	7	5	6	5						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (U.S., 1951=97, 1957=105, August 1959=109).

[1951=101; 1957=99; September 1959=99]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	3.7	15	16	18	18	22	19	24	21	
Exports to United States	3.3	10	11	15	16	19	17	22	21	
Total imports	17.6	64	74	71	73	76	84	99	93	
Imports from United States	10.1	48	48	46	45	45	50	59	51	
Trade balance	−13.9	−49	−58	−53	−55	−54	−65	−75	−72	
Balance with United States	−6.8	−38	−37	−31	−29	−26	−33	−37	−31	
U.S. exports			75	83	100	76	69	85	84	46
U.S. imports			14	17	18	20	20	24	24	14
U.S. balance with subject country			+61	+66	+82	+56	+49	+61	+60	+32

Upper set of figures from DIT.
Lower set from WTIS.

Paraguay—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	3/1959	1954	1955	1956	1957	1958	3/1959
United States and Canada	19	18	18	25	24	33	20	14	13	24	27	21
Latin America	53	48	40	37	40	22	37	46	40	39	25	27
Continental Europe	3	13	13	16	15	17	24	20	13	16	18	18
Overseas territories							4	6	10	8	8	9
Sterling area	8	9	15	16	12	12	10	7	8	8	8	9
(United Kingdom)	(8)	(9)	(15)	(16)	(12)	(12)	(10)	(7)	(8)	(8)	(8)	(9)
Germany												
Rest of the world	18	11	14	6	9	17	5	9	16	4	15	14
Timber [1]	33	37	32	29	29	13						
Cotton [1]	20	16	15	14	11	9						
Quebracho [1]	12	16	18	14	10	10						
Oilseeds [1]	9	6	4	7	4	5						
Meat [1]	6	7	13	11	24	35						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (U.S., 1951=97, 1957=105, August 1959=109).

[1951=26; 1957=209; August 1959=243]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	6.9	28.0	31.0	[1] 37.0	34.0	35.0	37.0	33	34	
Exports to United States	.8	.3	10.0	[1] 6.0	6.0	6.0	7.0	8	8	
Total imports	7.5	24.0	[1] 24.0	24.0	33.0	29.0	25.0	27	33	
Imports from United States	.7	6.6	[1] 7.0	7.0	7.0	4.0	3.0	7	9	
Trade balance	−.6	+4.0	[2]	[2]	+1.0	+6.0	+12.0	+6	+1	
Balance with United States	+.1	−6.3	[2]	[2]	−1.0	+2.0	+4.0	+1	−1	
U.S. exports			7.1	7.1	6.6	4.8	7.8	11	10	8
U.S. imports			7.7	6.1	5.0	4.2	5.8	7	8	8
U.S. balance with subject country			−.6	+1.0	+1.6	+.6	+2.0	+4	+2	0

[1] Estimates.
[2] Not available.

Upper set of figures from DIT; lower set from WTIS.

Uruguay—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	2/1959	1954	1955	1956	1957	1958	2/1959
United States and Canada	13	9	12	10	8	13	18	21	18	26	13	15
Latin America	16	18	13	9	10	3	26	27	27	23	36	27
Continental Europe	36	48	55	50	36	32	33	32	28	29	28	32
Overseas territories												
Sterling area	19	14	10	17	16	10	18	14	10	14	9	8
(United Kingdom)	(19)	(14)	(10)	(16)	(15)	(10)	(15)	(11)	(7)	(10)	(6)	(5)
Rest of the world	16	11	9	13	31	41	6	7	17	7	13	18
Wool [1]	50	58	59	50	58	59						
Meat [1]	18	4	9	21	11	19						
Hides [1]	7	8	5	8	6	9						
Wheat [1]	12	21	14	7	12	3						
Linseed oil [1]	3	3	1	5	3	2						

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (U.S., 1951=97, 1957=105, August 1959=109).

[1951=82; 1957=149; April 1959=221]

	1938	1948	1952	1953	1954	1955	1956	1957	1958	1959
Total exports	62	179	209	270	249	184	211	128	139	
Exports to United States	2	51	51	51	33	16	25	13	11	
Total imports	62	201	257	195	275	226	206	226	135	
Imports from United States	7	67	61	35	45	51	54	69	16	
Trade balance	0	−22	−48	−75	−26	−42	+5	−98	+4	
Balance with United States	−5	−16	−10	+16	−12	−35	−29	−56	−5	
U.S. exports			43	25	43	38	34	49	22	33
U.S. imports			59	53	31	15	25	18	9	18
U.S. balance with subject country			−16	−28	+12	+23	+9	+31	+13	+15

Upper set of figures from DIT.
Lower set from WTIS.

Venezuela—Area distribution of trade

	Exports						Imports					
	1954	1955	1956	1957	1958	1959	1954	1955	1956	1957	1958	1959
United States and Canada	39	40	42	44	44		66	63	62	66	60	
Latin America	7	8	9	10	11		1	1	1	1	1	
Continental Europe	6	8	8	9	8		21	23	24	22	26	
Overseas territories	39	26	31	24	23							
Sterling area	5	7	9	11	8		7	7	8	6	7	
(United Kingdom)	(2)	(4)	(6)	(8)	(6)		(7)	(7)	(8)	(6)	(7)	
Rest of the world	4	2	2	2	5		5	5	4	4	5	
Petroleum [1]	94	94	94	92	91							

[1] From IFS, February 1960.

Prices (from monthly bulletin of Statistics and IFS) 1953=100 (U.S., 1951=97, 1957=105, August 1959=109).

Venezuela—Area distribution of trade—Continued

[1951=100; 1957=98; June 1959=107]

	1938	1948	1952	1953	1954	1955	1956	1957	[1] 1958	1959
Total exports	181	1,040	1,450	1,445	1,690	1,874	2,118	2,367	2,109	----------
Exports to United States	24	278	496	538	623	712	835	992	887	----------
Total imports	96	727	759	739	904	975	1,026	1,668	1,284	----------
Imports from United States	54	544	524	489	564	581	607	1,063	740	----------
Trade balance	+85	+313	+691	+706	+786	+899	+1,092	+699	[2]	----------
Balance with United States	−30	−266	−28	+49	+59	+131	+228	−71	[2]	----------
U.S. exports	----------	----------	501	513	534	556	674	1,050	808	737
U.S. imports	----------	----------	397	441	504	576	705	900	892	890
U.S. balance with subject country	----------	----------	+104	+72	+30	−20	−31	+150	−84	−153

[1] 11-month figures.
[2] Not available.

Upper set of figures from DIT.
Lower set from WTIS.

Mr. SMATHERS. My tour, of course, took me to 10 of the 20 Republics. I am including the other 10 countries for 2 reasons. First, because of delays necessarily involved in the collection of commercial statistics—especially in Latin America—it was not possible during this tour to make any comprehensive analysis of 1959 trade patterns. With one or two exceptions, trade figures for the countries we did not visit are no less complete than for those countries on our itinerary.

Second, for purposes of comparability it is necessary to see the United States-Latin American trade situation as a whole.

As suggested earlier, the main advantage conferred by the tour was that we were able to check, on the ground, with U.S. businessmen, with U.S. commercial attachés, and with local business and Government leaders, impressions gained through preliminary research.

In actuality, a complete picture of United States-Latin American trade as of the end of 1959 cannot be drawn until trade figures are available from each of our Latin American partners.

KEY IS MARKET SHARE

The key question, of course, in which we are all vitally interested, is how the United States is holding up in the Latin American market in comparison with our major competitors from Western Europe and Japan.

This question can be answered satisfactorily only when we know for certain whether the obvious decline in U.S. exports to Latin America exceeds in percentage terms the equally obvious decline in Latin American purchases and the losses of major competitors.

In 1957, as the tables I have inserted in the RECORD show, the United States exported $4,673 million in merchandise to the 20 republics of Latin America. In 1958 we sold $4,186 million—a decline of about 10½ percent. In 1959, according to unpublished Commerce Department figures, U.S. exports to the republics of Latin America slid to $3,495 million, the lowest dollar figure since 1955. This represented an additional decline of almost 17 percent from 1958 and an overall decline from 1957 of 25 percent.

Latin American purchases have also declined precipitously during this period. From $8,905 million in 1957, imports dropped to $8,104 million in 1958—a decline of 9 percent. Fragmentary figures plus on-the-spot observations suggest that the curve continued to fall sharply during 1959.

On the face of these gross statistics, it would seem that the United States took more than its fair share of the loss.

However, it must be borne in mind that 1957 was a peak year for U.S. sales to Latin America. In that year 53 percent of all Latin American imports came from the United States. In 1956 the U.S. share had been 50.3 percent; in 1955, it dropped to 46.8 percent. Our share in 1958 was 49 percent.

A recently published Commerce Department analysis of U.S. shares in major markets concluded that the United States was holding its own in Latin America—at least through 1958. This study, based on data for 45 commodities sold to Latin America by the United States, Western Europe, and Japan, found that our overall share in 1958 was pretty much what it had been in 1954 through 1956.

COMMODITY LOSSES AND GAINS

Share losses were reported for such commodities as organic chemicals, office machinery, automobiles, tractors, noncotton fabrics, iron and steel, and copper manufactures. But these were balanced by share gains in metalworking machinery, electrical machinery and appliances, railway vehicles, textile yarns, and metal manufactures.

Partial figures suggest that the U.S. share position did deteriorate during 1959. If the monthly average of exports to Latin America during 1958 is taken as a base, U.S. shipments stood at 86 percent in the first quarter of 1959, shipments by members of the Organization for European Economic Cooperation compared at 89 percent.

During the second quarter, U.S. exports rose to 91.2 percent of the 1958 average. OEEC exports, meanwhile, rose to 97.1 percent of the 1958 average.

In the third quarter, the U.S. average declined once more to 87.7 percent, while OEEC exports rose to 100.3 percent.

Comparable fourth quarter figures for the United States and the OEEC are not now available. But the average of U.S. shipments during the fourth quarter was down at least another percentage point from the third quarter average.

In addition, the Commerce Department's published trade figures show that most of the items in which the United States was strongest, relatively speaking, in 1958 faltered badly during the first 9 months of 1959. Electrical apparatus, metal manufactures, and railroad transportation equipment sales were down 19 percent, 22 percent, and 50 percent, respectively. Items that had been weak in 1958 continued to register big losses. Office machinery was off 29 percent from the first 9 months of 1958, tractors 21 percent, and iron and steel mill products 50 percent.

SOME LOSS OF POSITION

This dry statistical evidence may not be very exciting. But it is needed to get behind the general complaint of U.S. businessmen that the United States is losing its markets in Latin America.

Actually, what the evidence seems to indicate is that the United States has indeed suffered some loss of position in Latin America but that the loss, up to this point, is not as universal as many had feared. The main trouble appears to be concentrated in organic chemicals, automobiles, tractors, noncotton fabrics, iron and steel, and copper manufactures. These are very important commodities, to be sure, but they are not the whole of U.S. trade.

How do we explain, then, the general feeling of the businessman that he is losing the Latin American market to Western European and Japanese competitors?

One basic reason would seem to be the tremendous changes which have taken place in the Latin American market since 1956–57.

ONE COMMODITY COUNTRY PROBLEM

As has often been noted, Latin American countries are for the most part dependent on one or two primary commodities for the bulk of their foreign exchange earnings. Venezuela's leading export, petroleum, accounted in 1958 for 91 percent of all export receipts. In Mexico, the least dependent of the 20 Republics on a single export, cotton still furnished in 1958 26 percent of all its exports.

Fourteen of the twenty republics are dependent on a single commodity for half or more of all export earnings. Ten republics derive three-quarters of their earnings from two top exports.

The big countries of Latin America are no less vulnerable in this respect than the small. Brazil in 1958 got 55 percent of its export earnings from coffee, 62 percent from coffee and cocoa.

In recent years, the prices of many of these primary commodities have been declining. I commend attention in this connection the meticulous study "Commodity Problems in Latin America" prepared for the Senate Foreign Relations Committee by International Economic Consultants, Inc., and published as a committee print on December 12, 1959.

As shown by the 20 republic trade tables which I earlier inserted in the RECORD, Latin American exports in 1956 amounted to $8,395 million, Latin American imports to $7,559 million. In 1957, the alltime peak year for world trade, Latin American imports increased to $8,905 million, a jump of 18 percent. Latin American exports rose very slightly to $8,480 million, an increase of about 1 percent.

SHIFTING ECONOMIC BALANCE

In that single year, the 20 republic trade balance shifted $1¼ billion against Latin America.

The result in a number of countries was a foreign exchange crisis. Efforts were made by several governments in 1958 to restrict imports and, as I earlier pointed out, Latin American imports fell steeply. But Latin American exports also declined.

Though the drop in sales was not as sharp as the drop in purchases, 1958 nonetheless continued to see a weakening of the foreign exchange position in many Latin American countries.

With reserves all but gone, drastic action was required. Little was to be hoped for from the stimulation of exports, and judging from fragmentary statistics, little has been achieved. But the Latin American republics could trim imports to the bone, and most of them have.

The past 2 years, therefore, have been very poor years from the standpoint of the businessman exporting to Latin America.

To some extent, businessmen—like the rest of us when things are going badly—tend to believe that they have been singled out by fate for special unfavorable attention. This may explain why, even in some commodity categories where the objective evidence tells us the United States is holding its own, we have been hearing complaints that oversea firms are taking over the market.

It may explain, too, why, despite the fact that U.S. manufactured goods have generally been higher priced than the goods of competitor countries, that we are now hearing more and more about the United States pricing itself out of the market.

I am not suggesting that there is no truth to the pricing out of the market complaint. Nor am I suggesting that there has been no resurgence of competition in Latin America.

MUST STUDY OBJECTIVE EVIDENCE

What I do suggest is that we need to study the objective evidence on these questions before leaping to rash conclusions and launching rash programs of action.

We need to identify the commodities in which the United States has been losing ground. We need to identify, insofar as possible, the reasons for our loss of position. We need to determine, coolly and carefully, the actions we can take to correct these flaws.

Now, with our objectives defined in these terms, let us take a closer look. It is clear, I think, from the evidence I have already submitted that the major reason for the decline in Latin American purchases in general and of imports from the United States as well is the relatively weakened foreign exchange position of most Latin American countries as a result (1) of declining prices for Latin American exports and (2) of the sharp rise in Latin American purchases in 1957.

This fact is made even more dramatic if we remember that the Latin American export picture was distorted in 1957 by the Suez crisis.

If we exclude from the 20 republic export-import figures, the totals for Venezuela, which is the world's second largest oil producer, after the United States, and the world's leading oil exporter, we will find that instead of being a peak year for Latin American exports, 1957 was some $164 million behind 1956 and $61 million behind 1953.

The 19 republics—that is, 20 republics minus Venezuela—ran a negative trade balance in each year from 1954 through 1958. But from a quarter of a billion dollars in 1956, this negative balance in 1957 more than quadrupled to $1,124 million. And in 1958 it stood at $1,025 million.

Venezuelan oil distorts the picture in yet another way. Oil prices through the decade of the fifties were very good. In any attempt to arrive at an overall index of Latin American export prices, the good situation in oil has generally tended to mask the bad situation in other commodities.

A separate price index calculated by the United Nations for exports of Argentina, Brazil, Chile, Paraguay, Peru, and Uruguay shows that, with 1953 equaling 100, export prices in 1957 stood at 82.

As a general proposition, therefore, it can be said that the decline in Latin American purchases during 1958 and 1959 was dictated in large measure by the necessity to conserve dwindling exchange reserves. Some improvement may be expected when the exchange situation eases. But the hopes for drastic improvement are nil without a substantial increase in Latin America's capacity to earn foreign exchange.

STATEMENT BY INTERNATIONAL GENERAL ELECTRIC

In this connection, I think the Senate will be interested in the following statement from International General Electric in reply to a questionnaire circulated the past autumn by the Latin-American Trade Subcommittee. This is an excerpt, but without omission:

> There appear to be evidences that: (1) U.S. participations in Latin America's markets have been substantial in relation to totals and have not indicated any broad swings nor trends toward loss of position; (2) U.S. exports to Latin America tend to balance off, over a period of years, with its imports from Latin America, which is believed to be a historical trend that could be traced back further in years; (3) U.S. exports, however, have fallen substantially in the first half of 1959 compared with 1958—about 15 percent, which could involve a combination of such factors as the following: decision in some areas to curtail expenditures abroad in line with need for austerity in local economies; desires—in some cases inspired by necessity—to pay off debts resulting from prior years' imports; needs—in some cases—to build up exchange reserves that may have become dangerously low; slackening of shipments of equipment from United States in 1959 under direct investment programs of U.S. concerns in Latin America.
>
> On the basis of the thesis that Latin America's imports from the United States tend to depend upon the level of Latin America's exports to the United States, it would appear that increased U.S. exports might bear a relationship to any rise in U.S. purchases from Latin America.

Similar opinions were voiced by many of the other companies which responded to the subcommittee questionnaire.

The so-called one commodity country problems of Latin America and the broad swings in prices of these primary commodities which have occurred during the last decade are properly a matter of concern for the United States. This is so not only because of foreign policy considerations but for basic commercial reasons. Unless Latin America is healthy economically, unless its export earnings are reliable, it cannot be a good customer for the United States.

In 1958, Latin America purchased 23.4 percent of all U.S. exports. In the first 9 months of 1959, Latin American purchases declined to 20.8 percent of the U.S. total. Obviously we have an important stake in the soundness and in the continuing growth of Latin economies.

LATIN AMERICA BELOW WORLD AVERAGE

Unfortunately, Latin America's exports since 1950 have been increasing at a figure much below the world average. While world trade through 1958 grew at an annual rate of more than 7 percent a year, Latin America's exports rose less than 3 percent annually.

I do not wish to labor this point. But it is the broad canvas on which the rest of our trade picture must be elaborated.

There is a second background fact which must also be kept in mind. To some extent—I believe this is as definite as I can be—the increased competition from West Germany and Japan represents, not a new condition, but an old condition, a return to prewar market patterns. Part of what looks like U.S. goods pricing themselves out of the market may in fact be traditional underpricing by companies which have reestablished an old edge.

This, I realize, is small comfort for U.S. businessmen who are losing sales to vigorous foreign competition. But we must restrict our attention, I believe, to the cases where U.S. sales are being lost because of factors which are susceptible to control.

I do not think the United States is ready to undertake a broad program of export subsidies, as was recommended to me by several businessmen in Rio. Nor do I envision a drastic overhaul of our domestic economic and social policies so as to lower the cost of labor.

To be sure, U.S. business and U.S. labor could profitably join hands to consider such problems affecting our foreign trade position. Instead of treating one another as natural enemies, they ought to recognize and consult their mutual interests. Much good could flow in many directions from such an economic romance. But while I am perfectly willing to play cupid, I want no part of a shotgun wedding. There is no place in the bridal party for the U.S. Government.

Still a third factor which must be taken into account in arriving at a reliable estimate of the current trade situation is the effort being made by most of the countries in Latin America to diversify their economic structure, chiefly through manufacturers. This drive has given rise in some countries to penalty rates against foreign imports as well as to the normal assortment of investment incentives.

Although it is difficult, if not impossible, to know what proportion of U.S. sales has been driven out by local manufactures, everyone who knows anything at all about the subject agrees that it is a substantial dollar amount.

For the most part, despite the immediate losses involved, this policy is not contrary to the best interests of the United States or of U.S. business. As Automatic Electric International pointed out in its reply to the subcommittee questionnaire mentioned earlier:

> Experience has shown that when areas and countries industrialize, they become bigger markets for exports, not smaller markets. They will remain U.S. markets rather than European markets if we supply the technique. In this way, they can continue to supply work for U.S. labor.

However, there is an aspect of this problem which does need active attention. In some countries, so I was told during my visit, permanently uneconomic activities are being set up under the guise of the legitimate industrialization program. Not only does this penalize U.S. business, but ultimately it harms the country involved.

DISCRIMINATION AGAINST U.S. AIRLINES

Specifically, although strictly speaking this is not in the industrial area, United States airlines in Latin America have found themselves increasingly in competition with favored local airlines. Many of these lines have been set up, not with regard to economic logic, but as a matter of national pride. Most of them are nonmembers of the International Air Transport Association; and, with lower standards of equipment and service, they are undercutting by 25 percent in most places, and up to 40 percent, in some, the rates of established U.S. airlines.

The local lines have the additional advantage of government support—that is, of policies which favor them, at the expense of their competitors. For example, in Argentina, the air force, which controls the national airline, has used its influence to keep U.S. lines from obtaining free access to the market. The result is lost business for the United States, certainly. But it also is a lower standard of service to Argentine consumers.

In a similar vein, the U.S. Government and U.S. businessmen in Latin America recognize the valiant efforts that many governments are making to conserve dwindling foreign exchange and to put their economic houses in order. We—and I think this goes for U.S. business as well as for the U.S. Government—support these efforts completely. In fact, in several cases we urged the adoption of the austerity programs now in effect.

For the most part, I was told during my visit, the controls applied to imports, as a result of the austerity programs, are being administered without discrimination as to the country of origin. But there are some important exceptions. For example, in Chile I was told that a standard German automobile, the Volkswagen, sells for about $5,000; a U.S.-made Chevrolet, for about $11,000.

The Volkswagen is, of course, cheaper than the Chevrolet, and should be expected to enjoy some price advantages in Chile. But the main reason for the existing price gap is the exorbitant tariff levied on higher priced automobiles. The discrimination against U.S. manufacturers is inherent in the tariff structure, even though there is no specific animus against the United States or U.S. products.

Similarly, in Panama, the new tariff schedule in effect since January 1, 1958, places a 20-percent levy on autos costing up to $1,500 f.o.b., 22½ percent on cars from $1,501 to $2,200, 25 percent on $2,201 to $2,500, 30 percent on $2,501 to $3,000, 35 percent on $3,001 to $3,500, and 40 percent on automobiles worth $3,501 or more.

One automobile man in Panama told me—I do not vouch for the figures—that U.S. automobiles used to command 70 percent of the market, but that since the enactment of the new tariff schedule the U.S. share had fallen to 20 percent.

Evidence to support or contradict this assertion is not now available. However, all sources agree that the United States has lost a substantial portion of the market it earlier enjoyed.

One very interesting and perhaps revealing element in the Panamanian situation is that U.S. firms continue to hold most of their previous business. They have simply begun importing in vast quantities their own European-made cars. A General Motors distributor told me the business he had lost on Chevrolet had been replaced by sales of the GM-owned Vauxhall. Ford had had similar experience with its Consul.

COMPETITIVE PROBLEMS IN TRADE

Leaving now the area of Government controls and their effects on U.S. exports, I want to turn to several other deficiencies which showed up in discussions on my tour and also in replies to the subcommittee questionnaire.

CREDIT

Without doubt, the competitive problem which was most often mentioned is credit availability. Several European governments, the Canadians, and the Japanese have credit insurance or reinsurance programs which enable their firms to offer terms which U.S. exporters cannot match. The trouble seems to be concentrated in 90- to 180-day payments on sight drafts and in the area of 3- to 5-year credits.

The activities of our Export-Import Bank were uniformly and warmly praised. During its 25 years of existence, the Export-Import Bank has made more loans in Latin America than in any other area of the world—approximately 40 percent of its total loans I believe.

Nonetheless, for reasons which are not altogether clear to me at this point, the Bank's charter or its methods of operation do not permit the U.S. Government to compete satisfactorily with Government-backed credit programs in the time periods I cited.

In Ecuador, for example, we were told that a leading U.S. manufacturer of electrical generators was invited to bid competitively on a large project against a leading West German firm. The U.S. firm's bid was approximately 25 percent higher than the West German firm's bid. Despite the price differential, the Ecuadorians were inclined to grant the contract to the U.S. firm, and would have, except that the U.S. firm was unable to meet the extremely favorable credit terms which the Germans were able to offer with effective government support.

The problems attending a program of credit insurance or reinsurance are extremely complex, and I would not pretend to pose as an expert. I am merely reporting, for the edification of the Senate, the almost universal feeling of U.S. businessmen in Latin America that the competitive deficiency has reached the acute stage, and requires immediate attention. I am told that other members of the Foreign Trade Study group of the Interstate and Foreign Commerce Committee have run into a flood of similar complaints during recent tours of the Far East, Middle East, and Africa.

Latin America, it must be emphasized, makes nearly all of its foreign purchases on credit. So desperate is the shortage of capital, and so powerful is the appetite for progress, that Latin Americans seek, almost invariably, to delay payment as long as possible.

No one who has given the least attention to Latin America's economic potential can possibly doubt the future. But, without exception, the countries of Latin America are capital poor—indeed, capital starved.

With our own great reliance on Latin American markets and resources, we have an immense stake in seeing to it that development loans and investment capital are made available in as large amounts as our own resources and commitments allow.

Apart from the moral obligation, which all of us recognize, to help our neighbors to help themselves escape the clutches of poverty, apart from the question of hemisphere solidarity, and the threat of communism—crouched to spring if we should fail—there are also sound business reasons for a carefully wrought development and investment program.

As professional economists long ago established, exports tend to follow close behind investments. If Latin America's development is accomplished with

U.S. financial and technical help, we can legitimately expect to improve our position in the Latin American import market. If, on the other hand, leadership passes to other countries—including, let me add, the Soviet Union—the U.S. share of the market must be expected to shrink.

TAXES ON INVESTMENTS

I raise this point in connection with two matters often discussed with me during my tour. First, U.S. investors complain—and I think rightly—that our own Federal tax laws operate to deprive them of the advantage of tax concessions granted by other governments in an effort to attract capital. This hardly makes sense, if, as we contend in all of our official pronouncements, our desire is to see the countries of the world develop along free-enterprise lines, with the participation of American free enterprise.

PROCESSING OF APPLICATIONS

A somewhat different, but related, problem affects the processing of loan applications from Latin America. Many times during the tour I heard from local leaders the complaint that it is much easier to obtain a $5 million loan from Washington than a $50,000 loan. To be sure, this problem should be alleviated to some extent when the new Inter-American Development Bank begins effective operation. But this will not solve the entire problem, I fear.

The difficulty is that the administrative costs of preparing applications and required technical supporting data are much too burdensome for a small enterprise. Moreover, there is generally no one in the local government, nor, often, in the U.S. Embassy itself to whom a small local businessman can turn for expert guidance.

As anyone who has wandered in the Washington labyrinth can tell you, the basic equipment for the novice includes a road map, a compass, provisions for a month, a Sherpa guide, and a seeing-eye dog, preferably a St. Bernard.

I am told that even some of the larger companies get themselves tangled up in redtape and eventually perish in the wilderness, leaving their bleached bones to startle future travelers.

COMMERCIAL PROMOTION

All levity aside, I have no criticism to make of the commercial officers in our Latin American embassies. They generally impressed me as able and conscientious men, and many of them furnished me with thoughtful and immensely useful summaries of local problems. But the commercial attaché system, as presently constituted, is not equipped to deal with several of the most pressing problems now confronting us in the commercial sphere.

For example, as one commercial attaché himself said in describing this loan application problem, if a commercial attaché has had any real experience or training in dealing with agency applications, it is by accident rather than design. Moreover, most of our commercial people are unable, because of the demands of their jobs, to do much fieldwork. The result is that our commercial reporting service is not as solid as it might be. A large majority of the companies responding to the subcommittee's questionnaire said they had received little or no help from Government commercial services. Several compared U.S. trade promotion efforts unfavorably with those of European governments.

Again let me stress that I am not suggesting the Europeans are endowed with better people in their commercial service. They are not. However, they seem to be more attentive to the government's responsibilities in the area of trade promotion, and I think we would do well to emulate them in this regard.

PRIVATE RESPONSIBILITIES IN TRADE

Before I begin my country-by-country report on my tour, let me say a few words about private responsibilities in the trade sphere. Obviously, in the final analysis, U.S. business success in Latin America, as elsewhere, hinges on the imagination and the perseverance of the U.S. businessman himself. The Government can act properly only as a catalyst. It can see to it that adequate credit guarantees are available. It can facilitate investment. It can furnish accurate trade information. But the rest is up to private firms and their representatives.

By and large, I am convinced that U.S. business is doing a capable job in Latin America. But there are some obvious soft spots. For a number of years after the end of the war, U.S. business had the Latin American market virtually to itself. Now the Western Europeans and the Japanese are back, and they are hungry for business.

Such aggressive competition can be met only with keener business techniques and better and more persuasive salesmanship on the part of U.S. businessmen.

One of the leading automobile manufacturers, in its answer to the subcommittee questionnaire, confessed frankly that the chief reason for its declining sales in Latin America was that European makes were better suited to the market. This is a shocking admission. Surely, U.S. technical genius is capable of designing products which will suit the needs of the Latin American consumer.

DOW CHEMICAL'S ADVICE

As Dow Chemical Co. told the subcommittee, in an answer that might serve as a model for all industries:

> U.S. chemical companies must compete with European and Japanese firms on quality, price, packaging, terms and technical assistance if they want to hold a leading place in supplying Latin America's needs. If it is impossible to reduce costs in a U.S. plant in order to compete, then it is necessary to build plants in Latin America, have a local company manufacture for you, or grant a license to a local company. Otherwise, you would lose the Latin American market.

U.S. business needs to be represented by more people who can speak the languages of Latin America and who understand the customs of the area. There also ought to be greater emphasis placed on technical assistance, that is, on training of local personnel in U.S. methods.

This is, of course, not my province, and I have entered it gingerly. It is admittedly not my job to tell American firms how to run their business. The profit and loss statement, under the free enterprise system, ought to prove a sufficient check. Nonetheless, I did find during my trip that U.S. salesmanship was flagging in some respects, and I felt obliged to offer these brief comments on the subject.

COUNTRY-BY-COUNTRY REPORT

At a later point in this speech, I shall have a series of specific recommendations to make concerning what may be done to improve our commercial policies in Latin America.

First, however, I want to report on each of the countries I visited.

My trip took me to Panama, then down the west coast of South America into Colombia, Ecuador, Peru, and Chile, across the Andes into Argentina, and then up the east coast into Brazil—where the President is today—and Venezuela and, after a stopover in Puerto Rico, to the Dominican Republic and Haiti in the Caribbean, and then home.

REASON FOR OMITTING CUBA

My original itinerary had also included Cuba. I dropped it off the list only after one of Fidel Castro's official hate sheets published an insulting editorial disinviting me. Under the circumstances I felt I ought not to go where I was not wanted. I regret that this was necessary. I have never understood why a Senator seeking information on which to base his legislative judgments needs to be any more circumspect about where he goes and whom he sees than, let us say, a newspaperman searching for news. Unfortunately, as I found out in the case of Cuba, and as I later found out in the case of the Dominican Republic, there are double standards in these matters. Presumably, Cuba does not care to have the facts known to the U.S. Senate.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall be happy to yield to the able Senator from Arizona.

Mr. GOLDWATER. I regret that another engagement will prevent my hearing the entire discussion of the Senator from Florida, but I would be remiss in my duty to my conscience if I did not at this time express to him my deep appreciation for his long interest in Latin America. I think the improved relations between the Latin peoples and our own people are due in a large measure to the constant and unflagging interest in this problem of the junior Senator from Florida, and it has been a problem.

I have lived all my life on the Mexican border. I have had great interest in our neighbors to the south. I know that in the lean years the Latin people looked on us with distress, and did not like us. But now, due in large measure to the efforts of the junior Senator from Florida and the efforts of the Senator from Indiana [Mr. CAPEHART], this situation is being corrected.

I wish to call the attention of my colleagues to one important aspect of this matter. By the year 2000, Latin America—that is, those countries lying south of the Rio Grande and the borders of

New Mexico, Arizona, and California—will have a population of half a billion—500 million people. Latin America will be the third largest population area in the entire world.

Europe is not growing in population. Europe has become a stagnant part of the world, but we have in the Latin countries a very vibrant and growing part of the world. For that reason, if for no other reason—if we simply wish to be selfish—we should be more interested in the Latin countries than we have been. They will constitute a great market for our goods, and we in turn will constitute a great market for theirs.

It has been interesting for me to notice the great concern Russia has been applying in the Latin countries, as well as in Asia and in Africa, while we have constantly put all of our eggs, so to speak, in the one basket of Europe. I have nothing against Europe, but I think our future lies more in Latin America than across the Atlantic.

I am also sorry I shall not be present for the full discussion of the country the Senator previously mentioned, Cuba. Yesterday on the floor I directed some remarks to the intolerable situation which exists 90 miles south of the Senator's own State. I do not know whether the Senator read my remarks, but I was wondering if the Senator would be in agreement with me that the Latin countries which produce sugar, for example, are entitled to our sugar business, and Cuba, which hates us, judging from the words of the dictator leader and the Communist government, is not deserving of further support in that general area.

Would the Senator care to comment now, or is he going to comment later on that situation?

Mr. SMATHERS. I shall comment on that later, but I wish to say first that I appreciate the very generous statements made about me by the Senator from Arizona. I do not deserve them all—in fact, I probably do not deserve any of them—but I also wish to point out that the Senator from Arizona himself has long been interested in this problem. I think the Senator's own efforts have done much to help improve relationships between the United States and Latin America.

I notice that sitting beside the Senator from Arizona is the able senior Senator from Vermont [Mr. AIKEN], who has recently returned from a trip to Latin America and who has filed a very illuminating and highly useful report, from which I shall quote several times, and with which I find myself in agreement in almost every instance.

I shall comment later with respect to Cuba, but since the Senator will not be present at that time I will say now I cannot help feeling the United States would make a mistake in not recognizing the fact that we have many other friends in Latin America.

There are countries like Brazil which has no sugar quota from the United States at all.

The little country El Salvador has no sugar quota from the United States.

Haiti has practically no sugar quota.

Peru, which has historically been our friend would like to get a larger sugar quota. The people in Latin America cannot understand how the U.S. Government can take the abuse which has been heaped upon it by Fidel Castro and his government and still turn around and give to the country of Cuba such preferential treatment with respect to a sugar quota when they, who are our friends and who do not abuse us, have none.

In addition to that, the people also cannot understand how it is that Cuba can make a trade agreement with the Soviet Union, under which they agree to sell to the Soviet Union sugar at 2 or 3 cents a pound, at the world market price, whereas they want to sell to the United States and do sell to the United States sugar at 5 and 6 cents a pound.

What happens is that we confuse our friends. I was asked many times: "Why is it that you treat your enemies better than you treat your friends?"

We put into their minds the idea that perhaps the best way to get help is to find some Communists, move them into the Government, and let them start abusing the United States, so that the United States will look after them.

As a simple matter of maintaining good relationships with our other neighbors, of maintaining good relationship with those who have supported us in the United Nations and all around the world, certainly we should not discriminate against our friends. I think the time has come when we should seriously consider reducing Cuba's sugar quota, and giving that quota to those countries which have long been our friends and which wish to remain our friends. Those countries have democratic governments. They support us at the political level and at the commercial level.

In this respect, I certainly agree with the Senator from Arizona.

Mr. GOLDWATER. Mr. President, will the Senator yield for a further question?

Mr. SMATHERS. I yield.

Mr. GOLDWATER. After the close of the first session of this Congress, I took a vacation through Mexico and many of the countries in Latin America which the Senator has recently visited. When I was in those countries I detected a feeling that the United States should act cautiously toward Cuba, that we might hurt our relationships with other Latin American countries by moving too strongly in that direction. I think this was born of the hope that the Cuban situation would take care of itself. Recently, through letters I have received from friends in the South American countries and particularly from friends in Mexico, I get the impression that the feeling has changed, and is changing, to one of, "Why does not the United States get tough with Cuba?"

I gather further the impression that if we did get tough with Cuba it would help our relationships with all other Latin Amercan countries.

Did the Senator find that to be true in his recent visit?

Mr. SMATHERS. I completely agree with the able Senator from Arizona.

I should like to elaborate on that last point for a moment. I think we all agree that when Fidel Castro came into power there was no man who had a greater opportunity to render sevice to his own country and to the democratic process all over Latin American than he did. However, after this power he apparently liked it so well that he did not care to pass it on.

He first postponed the elections. Then he moved in Che Guevara. He moved in his brother Raul as the head of the army. He moved in David Salvador as the head of the labor unions, and so it went.

I might say that Salvador and certain others, if not admitted Communists, have dedicated all their lives and all their energy to the Communist cause.

However, I think it was wise for us to have done nothing at that time. We had to let everybody know what Castro really was like. We had to give him time to identify himself. He has done that. He has identified himself as being anti-democratic and being anti-United States. He has further identified himself as being pro-Communist, and he is moving toward the setting up of an extreme left-wing dictatorship.

Now that this has become clear, we find disillusionment on the part of most of the people in South America toward Fidel Castro. Today the people say, "Now that we know him, now that we have seen what he has done, now that he has taken these overt steps to identify himself with the Communist movement, the time has come for the United States, yes, to deal with him firmly."

I will say to the able Senator from Arizona that, in the last 3 weeks this feeling throughout the hemisphere has begun to produce results. Senators will notice that Castro has sort of quieted down. The United States has begun to take a firmer position. Castro did not think we had enough sense to reduce his sugar quota even though he abused us. But then he began to see that we did not intend to go on giving him everything when he showed no intention of cooperating with us. When Senators began to stand on this floor and speak, finally he stopped some of the tirades against the United States. And now he says he will send a commission here to talk with us if we will keep the sugar quota going. But he says "If the U.S. Congress is not careful, if they continue to abuse me, then we are liable not even to send this commission."

Who stands to lose? Fidel Castro's government stands to lose $400 million. I think it very evident, from what has happened in recent weeks, that the talk about moving to a stronger position has finally made them realize we are not going to sit back and let them pour buckets of verbal mud all over us, so that we lose our self-respect and our dignity, and suffer a diminution of respect all over Latin America, and still give them privileged treatment.

When he saw we were not going to stand for it, there was a change for the better, or at least, an attempt on his part to repair relationships. For my own part, I hope we do not send back

our ambassador to Cuba until we get an apology from Mr. Castro for what he said about the President of the United States and what he said about this country.

For my own part I agree completely with the Senator from Arizona that the time has come to cooperate with and help our friends. We should not continue to give to our enemies advantages that we do not let our friends have.

Mr. GOLDWATER. I thank my friend from Florida. Again I congratulate him as an American who is engaged in the type of endeavor which has produced statesmen in this body in the past. This kind of dedicated attention to an assigned task I think makes for enduring remembrances in the Senate; and as one American, I thank the Senator from Florida for the work he is doing.

Mr. SMATHERS. I thank the Senator very much.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to my friend the Senator from Kansas, a member of the Foreign Relations Committee.

Mr. CARLSON. Mr. President, it was my good fortune to spend a few days in four sugar-producing countries in the West Indies last December. I spent some time in Puerto Rico, the Dominican Republic, Haiti, and Cuba, with the very definite purpose of looking into our sugar problem, and what our future problems may be in this particular field.

Everyone in the places I visited appreciated the services of the distinguished Senator from Florida, his fine interest in that section, and his knowledge of it, in which I concurred in every instance. Not having been in South America, I cannot discuss it, but having spent some time in these four places, I share the Senator's views and concern over our problem in those four places. In every instance I met the same feeling, that we should give some thought to the problem before reestablishing our sugar quotas, in view of the pressing demands from other countries. As the Senator well knows, the Dominican Republic is capable of producing sugar in greater quantities. They want additional quotas. In my opinion, Haiti needs additional quotas, because of its situation from an economic standpoint; and no doubt that is true of other countries.

Mr. SMATHERS. That is true.

Mr. CARLSON. In other countries than Cuba I learned that the people were most critical of Cuba, for the reason that last year Cuba sold to Russia 250,000 tons of sugar at 2 or 2½ cents a pound when the cost of production is about 3 cents a pound. I was told that Cuba could do that because we would give them a preferential treatment of about 2 cents a pound. I think it would be well to take a look at that situation.

Mr. SMATHERS. I appreciate what the Senator has said. When Cuba sells to the Soviet Union sugar at less than cost, of course, the net effect is that the sale is subsidized out of the premium price which the people of the United States are paying.

Mr. CARLSON. As the Senator well knows, the people in the Dominican Republic, in Haiti, and Puerto Rico bring up that point every time the subject is discussed. When I was in Cuba, I visited the Minister of Commerce of Cuba, and I discussed the sugar situation with him. I told him that one question that he or whoever else is sent here to urge an extension of the quotas will have to answer will be as to why and how they could do that, and how they could expect us to give them preferential treatment when they did that as against other sugar-producing countries who are friends of ours. I thank the Senator for the contribution he has made by visiting the Latin American area.

Mr. SMATHERS. I thank the able Senator from Kansas, who is a member of the Foreign Relations Committee and of the Finance and Taxation Subcommittee, which will have before it very shortly the sugar-quota problem. I know he has a very keen knowledge of the subject.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. YARBOROUGH. I appreciate the leadership which the distinguished Senator from Florida is giving in this field. He is very active in the foreign commerce section of the Interstate and Foreign Commerce Committee, in addition to his other services.

Mr. President, distinguished Senators have mentioned the need for higher quotas in other countries. I point out the need for increasing the sugar acreage quotas in the United States. My State of Texas formerly had a very small quota of 2,200 acres, that has now been cut to 1,700 acres, less than 3 square miles, less than 3 sections of land for the whole State, whereas in the high plains area west of Amarillo, which is more than 3,000 feet above sea level, that is the best crop that can be grown. It brings more cash for the farmers. It produces more money for them. It will bring in about $150 an acre for a year. Therefore, it is the best crop that could be grown. Our farmers are told, "You cannot grow sugar. You must grow milo, maize, or something that will not bring in as much money."

When we start reshuffling the quotas we ought to consider our farmers at home, who are under the spur and whip of the necessity of making a living or leaving the land. Sugar beets are very productive, and have a high cash value. They bring in more money that wheat or milo, or anything else that can be raised in that area. When the renewal of the treaty comes up for consideration we should consider our own people at home. Those people have been raising sugar beets for more than 20 years. They have been asking for increased acreage for more than 20 years. It has been proved, both in drought and rainy seasons, that the sugar beet crop does not fail. It comes in year after year. It is peculiarly adapted to the climate of that area, which is favorable for the growing of sugar beets, as are parts of Colorado and Utah.

I commend the distinguished Senator for his research on this question. I ask that we consider our domestic economy along with the economies of other countries. I do not oppose granting some acreage quotas to those countries, but the consumption of sugar is increasing. The market is increasing. Let our people, our farmers, who so badly need a money crop to enable them to stay on the farms, as they want to do, and as their ancestors have done before them generation after generation, receive some consideration. We should not cut off sugar production in this country and force people off the farms and into waiting lines for jobs in the cities, in order to give the sugar quota away to other countries. Let us have some of that quota for our own farmers.

Mr. SMATHERS. I appreciate very much the statement made by the able Senator from Texas.

One thing we can give Mr. Castro full credit for is that he has stirred up this entire question. The Senator from Texas and other Senators have constituents who want to produce more sugar. This subject will be presented in its entirety to the Finance and Taxation Subcommittee. I share to some extent the sentiments expressed by the Senator from Texas. As the population of our own country increases, and the general consumption of sugar in our own country increases, I think it is only right and proper that our local people have a proportionate share of the benefit resulting from that growth.

Mr. YARBOROUGH. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. YARBOROUGH. I thoroughly agree with what the distinguished Senator from Florida said when he stated that Fidel Castro stirred up this question. For 20 years our farmers have asked for larger quotas. They have sent petitions to Congress. Already this year they have sent two or three delegations here, calling on the Department of Agriculture and various other agencies. They learn that they cannot produce more sugar because of the quantity produced in Cuba, and they see Dr. Castro on the television painting Americans as murderers and evil characters; while they are told, "You cannot grow more sugar, because we must let Mr. Castro grow it." Their patience has about reached the breaking point. There is a growing tide of anger. Our Government, they think, is neglectful of American needs. They think the Government is standing idly by and permitting them to be abused. They are abused, because they cannot grow more sugar, while Cuba is growing it.

Mr. SMATHERS. I thank the able Senator. I know that the Finance and Taxation Subcommittee, will go into the subject thoroughly, not only from the standpoint of whether or not Cuba should be permitted to enjoy the very favorable position it now occupies, but, at the same time, to consider how much of an increase in quotas should be granted our domestic producers.

Let me return now to the discussion of my tour.

Presumably, if some of my critics are right, a Senator does not require any facts about the Dominican Republic. He need only consult the opinions of editorial writers who have never been within 1,000 miles of the place and who derive their opinions from other editorial writers.

I do not believe in conducting the affairs of the U.S. Senate in this fashion. That is why I traveled to South America and the Caribbean during the midst of the congressional session. That is why I visited the Dominican Republic and why I would have visited Cuba if it had not been specifically indicated that I would be unwelcome.

REPORT ON PANAMA

As I have already said, the first stop on my tour was Panama. Because of the recent flag demonstrations, the situation in Panama has been termed acute. In fact, it is not acute but chronic. The difference between the two words, I submit, is central to an understanding of problems in this tiny but strategically-located republic.

As the senior Senator from Vermont correctly observed in his recent report to the Senate Foreign Relations Committee, Panama is a country of "about 1 million people who are very poor and about 50 families who are very rich."

Panama is by no means the poorest country in Latin America. Nor is it more tightly in the grip of a tiny oligarchy than some. But Panama's problems are, in an important sense, accentuated psychologically by the presence of a wealthy enclave of privileged foreigners who furnish a constant reminder of what might be and who provide a ready outlet for emotional grievances.

Panamanian demagogs have long since realized the utility of this outlet for diverting attention from genuine economic and political problems, and they continue to use it with great success.

We need to be clear-sighted enough to recognize the fuss and cry for what it is.

The current dispute over the flying of the flag in the Panama Canal Zone is merely a symptom of a deep-rooted problem. And in my humble opinion, it helps matters not at all for us to be passing resolutions of defiance. Arched backs there and here will only add to the tensions and increase the danger of explosion.

I will remember the determination of the British not to yield an inch at Suez. And I remember the outcome.

In this connection, it is significant that a number of Panamanians have made the pilgrimage to Egypt to study Nasser's methods, that the U.A.R. Embassy, I am told, is one of the most active in the country, and that some Panamanian extremists have already drawn up a plan to go into the hills and dam off the Chagres River which is the principal source of water for the canal's operation.

No one doubts our capacity to hold the canal if need be. But I think it is uncommonly foolish of us to meet reason with equal and opposite unreason. Men who feel deeply do not back down in the face of latent threats. Better for us to seek to disarm the psychological issue and to direct ourselves then to solving the problems which lie behind the smokescreen of emotion.

What are Panama's real problems?

Esentially, they are two in number. Great disparities in wealth—of which the Canal Zone and its inhabitants are unfortunately the most convenient and visible symbol—and, secondly, economic overdependence on the Canal Zone.

Indeed, it is perhaps not too much of an exaggeration to say that Panama's economy is the Canal Zone. The country's gross national product amounts to about $375 million annually. Of this total, more than a sixth—$64 million—comes from wages paid by the zone and from services furnished to the zone administration. But this fact does not convey the full extent of dependence any more than wages paid by the Federal Government tells us how completely the existence of the District of Columbia depends on its being the seat of government.

Apart from the zone, Panama's economy is basically quite weak. Its resources have been neglected.

Panama exports bananas, cacao, shrimp, and manila hemp. Largely because of technical aid from the U.S. point 4 program, Panama has recently become almost self-sufficient in the production of rice, sugar, coffee, and beef. But even today it must import large quantities of food. In 1958, the last year for which complete statistics are available, Panama imported nearly $13½ million worth of food and nearly a million dollars in beverages—altogether about 15 percent of total imports. In addition, Panama must import its machinery, its transport, its pharmaceuticals—in short, virtually all its nonfood needs.

Because of its dependence on the zone, Panama is especially vulnerable to fluctuations in world trade. The country's history has been one of alternating boom and bust. It is now going through a depression phase with unemployment, according to U.S. sources, running about 20 percent of the labor force. The corps of the unemployed furnish a ready reserve for the agitators and demagogues now active in anticipation of the coming presidential election, which I think will be held in May.

Best information is that there are few Communists in Panama who are active—as they are everywhere—but the situation there is clearly much to their liking and we can expect them to take an increasing role in promoting unrest.

Obviously a great many Panamanians see a ready solution to their problems in the $83 million annual revenue of the Panama Canal Co.

Moreover, the life of comparative luxury lived by the 3,500 Americans who inhabit the zone—not luxury compared with U.S. standards, but luxury so far as Panamanians are concerned—is a source of considerable local irritation, especially—and let us be frank about it—when these foreigners persist in treating the local population as their social inferiors, which sometimes we Americans are inclined to do.

By local standards, wages paid to Panamanian employees of the Canal Zone Company are very good indeed. The minimum wage zone—paid to a grasscutter—is 55 cents an hour. But the average wage paid Americans in the zone is four times the average paid to Panamanian employees. Even for comparable jobs there is a 30 percent differential deriving from the bonus paid to Americans for tropical employment and a slight income tax concession due to the variation in Panamanian and U.S. tax rates. These differences are many times magnified in the minds of the people, and even some high officials in the Panamanian Government harbor the most fantastic notions concerning the income disparities between U.S. and Panamanian workers.

Efforts to keep pace with zone pay standards have disrupted the Panamanian economy. A recently passed wage law set a minimum of 40 cents an hour for employment in Panama City and 35 cents an hour in Colon, which is at the other end of the country. Most workers had been earning about 25 cents an hour. Wholesale firings have followed the enactment of this law, and many local businessmen claim they cannot pay the minimum and remain solvent.

Added to this potpourri of tensions and frustrations is the fact of divided U.S. authority in Panama. The State Department, of course, has primary responsibility for dealing with the tense diplomatic situation. But it does not have sufficient authority to go with its awesome responsibilities. In addition to our Ambassador, Julian Harrington, there are separate centers of authority in the Canal Zone Company, headed by its Governor-President Maj. Gen. William E. Potter, and in the Defense Department's Caribbean Command, headed by Lt. Gen. Ridgely Gaither.

Moreover, the residents of the Canal Zone are themselves organized and articulate—and there is no mistaking their attitude—or their influence in the current controversy.

RECOMMENDATIONS ON PANAMA

Personally, I think the impasse in Panama can be resolved, and an approach made to the deeper problems affecting U.S.-Panamanian relations. During my stay in Panama City I recommended a compromise solution of the flag issue. I am encouraged by recent press reports that my recommendation is thought by those in authority to contain the seed of effective and honorable compromise for both sides.

First. What I suggested was that an acre of land be set aside within the Canal Zone itself, that this acre be named the "Plaza of the Two Flags," and that within it the flags of the United States and of the Republic of Panama should fly permanently as a symbol of the historic friendship and cooperation of our two peoples. These flags could be crossed before a double monument—a bust of a leading Panamanian hero, Balboa for example, and

one of George Washington, say, or William Gorgas or General Goethals, both of whom contributed enormously on behalf of the United States to Panama's development.

On the occasion of national celebrations, Panamanian groups would be invited to hold their ceremonies within the zone on the "Plaza of the Two Flags" with U.S. cooperation and participation.

This solution would, I think, satisfy the natural patriotic desire of Panamanian citizens to assert symbolically their sovereignty over the zone, although by treaty the zone is ours to control and administer in perpetuity as if we were sovereign. As Americans, we all have an emotional and sentimental attachment to the Stars and Stripes, and I believe the Panamanians have a right to their emotions and their sentimentality.

The issue is symbolic and psychological, and I think we can disarm it symbolically and psychologically if we approach it in the proper spirit.

But this is only the first step. The deeper issues remain.

To this larger problem, I think we must also address ourselves at this time, else we will find ourselves, in another few years, facing passions which cannot be turned aside symbolically.

Second. Therefore, I recommend that we turn our attention now to sharpening the focus of U.S. authority in the Canal Zone. We ought to surrender the obsolete notion that the canal is primarily or even secondarily important for its military value. It is time, it seems to me, that we quit refighting the last war. We have a complete two-ocean Navy now and, in fact, many of our largest fighting ships cannot even use the canal. Moreover, if the next war comes, may the Lord forbid it, it will not be fought in the cumbersome Miraflores Locks or on the reaches of Gatun Lake.

We ought to revamp our thinking and our chain of command to put the emphasis where it belongs—on commercial and diplomatic considerations. Final authority should be vested in the Department of State, and the Department of Defense should be demoted to the status of an interested party in the general overall defense areas there.

Third. Next, the Canal Zone policies now at issue with the Panamanian Government should be fully and fairly reexamined. In particular, I would like to see us reverse our present policy of excluding Panamanians not employed by the zone from attendance at zone schools. I think there is no better way to build a community of understanding than by student interchange. We have devoted millions of dollars to promoting student interchange between the United States and distant foreign lands. Yet here we have a readymade opportunity and we shut our eyes to it. This seems to me incredibly stupid.

Attendance can be financed by tuition payments, and I think we would be wise to institute a scholarship program for worthy students who cannot afford to pay the tuition whatever it might be.

As I say, we have the best readymade opportunity to have Panamanian students enter our schools, as they did up to 5 years ago. But we have closed our eyes to the opportunity. One of the reasons why so many demonstrations are taking place in Panama, and why so many of the schoolchildren are against us, is that the younger generation is no longer permitted to attend the American schools. The children used to be permitted to go to the schools in the Canal Zone upon payment of tuition, and we never had any trouble from them when they were in our schools.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. AIKEN. First, I compliment the Senator from Florida on what is, in my opinion, an accurate description of the situation as it exists in Panama today. I have not come to any conclusion with regard to flying the flag of Panama in the Canal Zone. It is entirely possible that the suggestion made by the Senator from Florida may be the solution.

The Senator was speaking about giving Panamanians the opportunity to enter our schools. I went into the U.S. Information Service library on the first day it was reopened after the riot of November 3. Someone had thrown a rock through the window, and the library was closed for about 2 weeks thereafter. But I was there on the first day the library was reopened. A number of young Panamanians, teenagers, were waiting to enter the building to get hold of any of the material they could obtain to study. When they sat down, they studied; they did not merely look around. They were selecting textbooks—English books—anything which would give them more information about the United States.

The suggestion of the Senator from Florida regarding the further development of Panama is an excellent one. It offers one way to create a better feeling between the peoples of our two countries. The people of Panama have depended too much upon the Canal Zone for their living. It is time that the industry of that area was diversified. The terrain of Panama lends itself to productive development to a far greater extent than is the case now. I think the United States can help Panama in that respect.

There is another thing I learned in talking with Panamanians. They feel that they have a right to closer relations with the United States than do other people, because except for the United States they might not be celebrating independence anniversaries at all. They feel rather badly about the episode of November 3. Apparently a dozen or more young boys around the ages of 14 to 16 had been incited to create a disturbance at that time, and they were turned back. Earlier in the day Panamanians who behaved themselves were permitted, as usual, to go on to the Canal Zone with their flag. Panamanians have always been permitted to enter the Canal Zone on their Independence Day and on their other national holidays. Also, on the Fourth of July, the U.S. flag is flown all over Panama.

Mr. SMATHERS. Throughout the country.

Mr. AIKEN. Throughout the country. Panamanians celebrate our Independence Day too.

Evidently there has been a misunderstanding of some kind. As the Senator has said, and as I was informed, there is a very small but very active group of agitators — Communists, probably — in Panama. Perhaps they do not number more than a dozen. I was told about that by the Panamanian officials, including members of the Panamanian Congress. They know the agitators are there. They hate to have them there and would like to get rid of them.

Also, it is difficult to tell whether the demonstrations in Panama are demonstrations against the United States or against the ruling oligarchy. I believe the oligarchy which had been reviling the United States prior to the November 3 riot, and for a few days thereafter, realized that they had overreached themselves. They became scared, in other words, because they finally realized that if a real rebellion broke out, they, rather than the United States, might be the first object of reprisal or attack.

Panama offers great possibilities for development. The Canal situation is, of course, entirely different from the Suez Canal situation, but the problems connected with the Canal require much thought. I do not believe anyone has any feeling that we should at this time seriously consider relinquishing the Canal. I made the statement that if things got progressively worse, until they reached the point where we had to hold possession of the Canal Zone by force, then we should consider doing something else. But that point has not been reached.

Of course, making different arrangements in regard to the Canal is the last thing that the Panamanian ruling class wants to do. I visited with probably the same people with whom the Senator from Florida visited, to a considerable extent. I am certain the President of Panama feels very kindly toward the United States, and I believe that is true also of the public officials generally. I do not believe we would have much trouble getting along with the people of Panama.

A 40-cent-an-hour minimum wage law is in effect in Panama. One of the largest employers told me that they had been paying 18 cents an hour. Perhaps that was all they could pay, considering the profit which they made. I do not question that. But it is the wide economic disparity between a few people and a million others which is creating difficulties for all of us in Panama.

I am very happy that the Senator from Florida has presented so clearly and, in my opinion, so accurately the situation which prevails in Panama.

Mr. SMATHERS. Mr. President, I thank the distinguished Senator from Vermont for his generous comments. I have read his report on his trip to

South America. I am delighted to say that our views coincide almost 100 percent.

Mr. AIKEN. I have not heard any difference expressed; in fact, if anyone goes to Panama and impartially surveys the situation, he cannot help reaching the same conclusion.

Mr. SMATHERS. That is correct.

Mr. AIKEN. As the Senator from Florida has said, there is divided authority, which creates somewhat of a problem there. Governor Potter, in his position, has done a good job, I believe, in operating the canal.

Mr. SMATHERS. That is correct.

Mr. AIKEN. Nevertheless, the State Department has to deal with the Panamanian Government and the Panamanians.

I also talked with General Gaither, and I believe he has done as well as anyone in that position could do.

But there are two or three persons among whom to divide the authority. I do not know how closely the work is integrated.

Mr. SMATHERS. I gathered that it was not very closely integrated. Of course that was one of the problems.

Mr. AIKEN. Yes. There is also a disparity between the pay received by the Americans who live in the Canal Zone and the pay received by others. Americans who live in the Canal Zone receive a 25 percent hardship allowance, I believe, if they go to the Canal Zone from the States. That allowance seemed to me to be a little out of order, because they were living very well.

Mr. SMATHERS. Yes.

Mr. AIKEN. Perhaps that matter will take a little study, too.

Mr. SMATHERS. I am sure both of us agree that it needs immediate attention.

Mr. AIKEN. Yes.

Mr. SMATHERS. The President of the country is a graduate of Brown University, and so is his son. The President is very friendly to the United States. If he finishes his term—which I believe is due to end in July—he will be the first President in 30 years to be able to finish his term—either because of revolution or because of death. So he is anxiously hanging on. He is our friend; but he says, "I cannot resist the natural emotional forces which are being created by the lack of firm policy in the United States in Panama."

Mr. AIKEN. Panama is, in effect, our godchild.

Mr. SMATHERS. That is correct.

Mr. AIKEN. The Panamanians know that, and remember it. But the trouble is that they think we have forgotten it.

Mr. SMATHERS. Yes.

If our officials there could open our schools to the Panamanians, as used to be done, they would pay tuition, as our own people do; and then the Panamanians who attended those schools would have the benefit of U.S. education, and would be taught by teachers from the United States. Thus we would avoid the ultimate necessity of appropriating large sums of money to be spent in Panama to ease the situation. That would settle the problem in its infancy.

Mr. AIKEN. Anyone who wishes to be able to confirm what the Senator from Florida is saying needs only visit the small library there—and I believe there is also a room in which educational movies can be shown—to observe the use which the natives of Panama make of the little facilities we now have there. Certainly if they were allowed to attend our schools, they would do so.

Of course, what is true of the Panamanians is also true of the people of the other countries in that part of the world. The binational centers throughout South America are doing extremely fine work. In Bolivia a good many of the officials—from the President down—have studied at our binational centers; for instance, they studied English there.

In Rio de Janeiro and in Sao Paulo, each of the centers is attended by more than 6,000 people. They pay tuition—$25 or so for a course—and learn the English language, United States customs, and many other things about the United States.

Mr. SMATHERS. I thank the Senator from Vermont, and I appreciate very much the comments he has made.

Mr. CARLSON. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator from Florida yield to the Senator from Kansas?

Mr. SMATHERS. I yield.

Mr. CARLSON. Both the Senator from Vermont and the Senator from Florida have mentioned the present Governor of the Panama Canal Zone, Mr. Potter. I have observed his work for many years, in the Corps of Engineers, for during his great military career he served in the Kansas city district office, in the regional office in Omaha, and in many other important posts. Last week, he was in Washington, and I had an opportunity to visit with him. I understand that in the next few weeks he will conclude his 4-year tour of duty.

I understand some critical situations exist there. He has handled them very well, and certainly he is entitled to much credit.

Mr. SMATHERS. I thank the Senator from Kansas.

Mr. President, it should be noted that children of U.S. citizens living outside the zone can send their children to zone schools on the payment of tuition. Why is there not equal treatment for the Panamanians?

At the same time, we should also reexamine our present policy of keeping children of United States Zone employees and children of Panamanian Zone employees in separate schools. The logic of this arrangement, I am told, is that the Panamanian and the United States children are being prepared for citizenship in different cultures and in different countries. This seems to me incredibly shortsighted and provincial.

Fourth. The zone's purchasing and pay policies also need attention. In both cases, I think there is a substantial element of justice in present practices. But one needs to be in Panama only a few minutes to discover the vast misunderstandings which have been generated. As I said earlier, some of the highest officials in the Panamanian Government believe our policies are totally inequitable. If our policies are unfair, they ought to be changed. If they are reasonable—and I think they generally are—they ought to be explained in detail, so the misunderstanding will be eliminated. The Canal Zone Company needs to pay more attention to public relations now.

Fifth. Next, we ought to agree to a hearing on increased fees for canal transit. The subject should be examined from all angles, with a view to assuring the self-sufficiency of the Canal Zone Company and an equitable payment to the Panamanian Government.

Sixth. Finally, I believe we should devote increased attention to the basic economic problems which are the ultimate source of present friction and possible future discord. That means the imaginative application of the policies which I propose to suggest later on, for general use in Latin America. Until the problems inherent in a society in which few are rich and many are poor can be solved, we shall continue to be plagued with political instability and the Canal Zone will continue to be a focus of discontent, and an inviting target for the agitators and the irresponsibles.

Let me proceed now to discuss the other countries on my itinerary. I shall be briefer in discussing most of them, since I plan to defer to a later point in the speech my overall recommendations for Latin America.

REPORT ON COLOMBIA

In Colombia, as in Panama, a few families dominate the economic life, and the vast majority are subjected to grinding poverty. Since the overthrow of the tyrant, Rojas Pinilla, Colombia has made tremendous strides. Its President, Dr. Alberto Lleras Camargo, is a man of great ability and deep convictions. He has given Colombia effective democratic leadership pointed toward solution of the pressing economic problems which confront his country. But let no one be mistaken: The problems are enormous, and the future of democracy is far from assured.

When General Rojas was driven out of office in 1957, Colombia's treasury was almost empty, partly because of systematic looting, partly because of declining coffee prices. Colombia derives about 80 percent of its export earnings from coffee, and about 14 percent from petroleum. Between 1954 and 1958, Colombia's exports dropped from $657 million to $454 million, or about 31 percent. Even at the earlier date, however, Colombia was running a negative trade balance. To bring the country's payments into line with its greatly reduced income, President Lleras has been forced to institute a rigid austerity program. Imports have been slashed to the bone, and are limited to items necessary for the country's economic development.

This austerity program has been deliberately arranged, I am told, to bear most heavily on the upper-income and middle-income groups, as part of the

President's drive to reduce income disparities. The cost of this program in political support for Lleras and his National Front Liberal-Conservative government is difficult to determine. But austerity has given rise to extensive and troublesome smuggling operations which the government finds it impossible to control.

Added to his troubles from this source, Lleras has had to launch a military campaign to suppress the bands of roving bandit-killers who have been terrorizing the countryside ever since the bloody Bogota riots of 1948. This banditry originally had a certain amount of political content, but most observers are agreed it has simply become a way of life for the outlaws involved. Some 200,000 people or more have been killed by the bandits during the past 12 years, and deaths still amount to several thousands annually, according to official estimates. Some persons say the government is deliberately underplaying the bandit menace and that the recorded deaths are only a fraction of the actual murders which take place.

In any case, the bandit menace scarcely contributes to the tranquillity and to the political stability which are desperately required if democracy is to succeed in its task of reform.

The Communists are attempting to exploit this unrest, but without notable success. However, the Lleras government has restored their right to operate legally and, should the reform movement fail, they can be counted upon to push the cause of revolution.

Mr. TALMADGE. Mr. President, will the distinguished Senator yield?

Mr. SMATHERS. I am happy to yield to my very fine colleague from the State of Georgia.

Mr. TALMADGE. I thank my respected colleague, the distinguished junior Senator from Florida, for addressing himself to this subject today. He is recognized as the Senate's leading authority on Latin American relations.

I am sorry I was not able to be on the floor to hear all of the distinguished Senator's remarks. I shall certainly read them in full in the RECORD tomorrow.

I know that the able Senator is concerned, as all of us are, about the present situation in Cuba. Did the Senator have an opportunity to visit Cuba on his recent trip to South America?

Mr. SMATHERS. At the start of the trip Cuba was on the itinerary, but just before we left the United States "Revolucion," which is the semiofficial paper of the Castro government, wrote such uncomplimentary editorials about me and about the United States that it was decided it would not be wise to go to that country. As a matter of fact, the editorials stated they hoped I would not come to Cuba, terming me an unwanted guest. So I did not go there, because I thought I was obliged not to go.

Mr. TALMADGE. I appreciate the Senator's comment. The situation there is one which has concerned me, and I am sure all of us in this country, for some time. The point to which I want to address myself specifically is the fact that in purchasing sugar from Cuba and the Castro government, this Government has paid approximately $120 million annually over and above the world price, in order to help that country. Castro has taken this money, and at the same time he has expropriated American property without any compensation whatsoever.

It is my understanding that the subsidy law with respect to Cuban sugar expires this year. I, for one, certainly do not think we ought to take any action to renew it.

Would the Senator care to address himself to that point?

Mr. SMATHERS. I shall be happy to do so. I discussed that point rather fully a moment or two ago with the Senator from Arizona; but, just to summafize in brief my own views, while I probably do not share them completely, I share in major respect the sentiments of the Senator from Georgia. What bothers me most about the present situation is that many, many of our good friends in Latin America do not have a sugar quota.

Mr. TALMADGE. And some of those countries are very friendly to the United States of America.

Mr. SMATHERS. They are our best friends. They have supported us, and continue to support us. They do not understand why we continue to give to a government which is admittedly unfriendly to us, the government of Fidel Castro, favorable treatment with respect to the importing of sugar into the United States. Under this arrangement we pay 3 cents a pound to Cuba above the world price for sugar. Yet the government in Cuba has demonstrated it does not want to cooperate with us in any respect, and as a matter of fact, is playing the Communist game. The other Latin American countries cannot understand how the United States would give to Cuba, which is a country unfriendly to us, such a preferential position. As some of them have said, "Maybe we ought to import a few Communists and start abusing you. Perhaps we would get better treatment from the United States."

Mr. TALMADGE. In other words, they think the enemies of America may get better treatment than the friends of America do.

Mr. SMATHERS. They are getting it, and those countries are much confused over the situation.

Brazil, Peru, El Salvador, and some of the other Latin American countries all would like to get more of our sugar quota. They do not quite understand how we can be so friendly to the Cuban Government when it makes an arrangement with the Soviet Union to sell sugar at a price which is less than the price the United States is paying Cuba for that same sugar by about 3 cents a pound.

Mr. TALMADGE. If the Senator will permit my interruption, not only at a price 3 cents a pound less, but that sugar to be paid for with Soviet goods at prices to be determined by the Soviet Union. As I understand it, not one single dollar will change hands.

Mr. SMATHERS. The Senator is correct. As the Senator from Kansas pointed out previously, another point which makes this situation so important is that last year the Cuban Government sold 200,000 tons of sugar at a price which was below the cost of production. How could it do so? It could do so because the American taxpayers have been paying a premium price which resulted in a 300 percent profit. The Cuban Government took the profit and was able to enter into an arrangement with the Soviet Union to take sugar at less than cost.

Mr. TALMADGE. When the Senator speaks about the premium price we are paying Cuba for its sugar, is it not true that we are paying Cuba exactly the same amount for its sugar that we would pay to any other producer of sugar in any one of the 50 States of the Union? In other words, Cuba now gets identically the same price that the sugar producers would receive were they located in a State of the Union.

Mr. SMATHERS. The Senator is absolutely correct. Some of the Cubans argue that we do this in order to protect our domestic producers. However, it would be easy enough for the U.S. Government to use the money it pays in premiums in a hundred other ways, rather than give it to the Cubans.

Mr. TALMADGE. Is it not also true that some of the sugar producers in some of the States of this Union are limited in the amounts of sugar they may produce, while there is no such restriction in Cuba?

Mr. SMATHERS. I do not know that I quite follow the Senator's reasoning.

Mr. TALMADGE. There is a quota system in effect on domestic sugar beets and sugarcane.

Mr. SMATHERS. There is a limit on how much the Cubans can send into the United States.

Mr. TALMADGE. So, as a matter of fact, sugar producers in Cuba are getting more favorable treatment than is accorded our own producers in the United States.

Mr. SMATHERS. I do not know that I follow the Senator completely. I know we have quotas in the United States. We have quotas which limit the amount of sugar which Cuba can ship into the United States. I think the Government of Cuba probably does not have any quota on the amount——

Mr. TALMADGE. The Senator has addressed himself to the point. We have placed restrictions on the right of Americans to produce sugar while no such limitations eixst in Cuba. Yet we are paying the producers in Cuba the same price we pay our producers in the United States of America, who are operating under a quota system. That, in effect, gives the Cuban producers preferential treatment over citizens of the United States. Is that not correct?

Mr. SMATHERS. By that process of reasoning it does, yes.

Mr. TALMADGE. I agree wholeheartedly with the expressions of the distinguished and able Senator from Florida. I congratulate the Senator upon his masterful presentation. I want to state to the Senator from Florida and to all others who feel the same way that I, for one, am not in favor of spending American tax dollars to support a government by buying its principal commodity, sugar, at a price which is far

greater than the world price when that government is confiscating American property without due process of law.

I thank the distinguished Senator for yielding.

Mr. SMATHERS. I thank the Senator for his comment.

I suggested about 6 weeks ago what I thought might be a solution to this problem: that the U.S. Government put into escrow the difference between the world price for sugar and the price which we are paying. I suggested we hold that money in escrow to be used eventually to repay those people in the United States who have invested their money in Cuba and who have had their land expropriated without due process of law.

Mr. TALMADGE. I would agree with the Senator's approach, but that would still be using American tax dollars to pay for the confiscation of American property by a foreign government. Even at that, however, such a course certainly would be preferable to paying what amounts to a bonus under present procedures for the confiscation of American property.

Mr. SMATHERS. I will say, on that point, the sugar crop in Cuba is presently in prospect of being harvested. We are faced with the immediate problem. By treaty we have a responsibility to pay Cuba from 5 to 6 cents per pound for sugar, whereas the world market price is only about 2.9 or 3 cents per pound. The expropriation of American lands in Cuba was forbidden by the original treaty. Therefore, since the Cubans have abrogated the treaty on one side perhaps we would be justified—and I think we would be—in saying, "We are not going to pay the full amount of this money. We are going to put into escrow the premium price, so that we can repay the people who have invested money in your lands, at your solicitation, at least some of that which they have lost."

The reason this is important is that all over South America what is needed most is venture capital. If the idea ever gets broadcast among American businessmen that the U.S. Government will not protect its own people who go to South America to invest money, then we will see very little money invested. Not only will this hurt our businessmen to some extent, but it will also hurt Latin America. We must there give some indication that the United States will take steps, in a situation of illegal expropriation, to try to help our people.

Mr. TALMADGE. Mr. President, if the Senator will yield further at that point, I wish to say I agree fully with his construction of treaty obligations. The Senator is a very able lawyer. A treaty, as the Senator well knows, is nothing less than a contract. If a contract is made between two parties and is abrogated by one party, it certainly is not binding on the other party. In my judgment the United States would be entirely within its legal rights to hold sugar funds in escrow for the compensation of American citizens who have had their property confiscated without due process of law.

Mr. SMATHERS. I thank the able Senator.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to my friend from South Carolina.

Mr. THURMOND. Mr. President, I wish to take this opportunity to congratulate the able and distinguished junior Senator from Florida for the magnificent address he is making. The junior Senator from Florida has traveled a great deal in Latin America and is one of the best informed and posted men in the entire United States on that section of the world. The Senator's travels and studies and research have been of great value to the Congress.

I simply want to take this opportunity to commend the Senator for the splendid service he has rendered.

Mr. SMATHERS. I thank the able Senator very much for the kindness and generosity of his remarks.

Mr. HOLLAND. Mr. President, will my colleague yield?

Mr. SMATHERS. I am happy to yield to my very able and distinguished colleague from Florida.

Mr. HOLLAND. Mr. President, I wish to say to my distinguished colleague I speak not only for myself but I am sure for the people of my State and his, in saying we are exceedingly happy about the service rendered by my distinguished colleague, and exceedingly proud of his sustained interest in Latin America and the many effective things which he has done in bettering our understanding each of the other, the understanding of our country of the South American countries and theirs of us. I think my colleague is rendering, in this field, a service which is inestimable in its value to the Nation as a whole.

Mr. SMATHERS. I thank my distinguished colleague.

Mr. HOLLAND. If my colleague will yield further, I would simply like to say that I particularly appreciate his decision, under the facts which were existing at the time the decision was made, not to extend his recent travels into Cuba. Mr. President, something is happening down there which I do not claim to understand, but which is at complete variance with my lifelong knowledge and acquaintance, which have been rather close to many, many Cubans. The Cubans have always been the soul of courtesy and the personification of understanding and gentility.

To find the new Cuban leaders now, at this stage, as hostile as they have shown themselves to this country and to one of the best friends they have ever had, in the person of my colleague, as well as to the cause of general cordial relations with us, is something which is completely foreign—as I am sure my colleague knows, because I suspect he is as puzzled about the situation as I am—to their whole background and their general attitude toward anyone who is a guest or a visitor or a friend. It is disturbing to see this change in philosophy.

I am glad the Senator did not go there. I am hoping, as does my colleague, that sanity will reassert itself in Cuba. There are many fine people there.

As the Senator knows, I have had the pleasure of sitting down with the men they call the members of the tobacco table from Cuba. These men are the leaders in that industry, and they come once a year to Tampa, where we make more all-Havana cigars than are made in Havana. They have several days' conversation with the leaders of our Florida tobacco industry, and I have found them to be the very finest kind of people, and always reasonable.

We have had similar relations with the Cuban sugar people, with the Cuban vegetable people, and with the Cuban baseball players. Incidentally, a good many years ago—I am not going to say how many—the senior Senator from Florida had the privilege of playing on a Cuban baseball team, and he found the Cubans eminently good sports and fine fellows.

I am disturbed about what is happening, and I am sure that my junior colleague has even greater cause for disturbance, because he is closer to the problem than I am.

I think my colleague did exactly the proper thing. When Cuban leaders are blind to the fact that we have been their best friends—that we have seen they had their freedom; that we have sustained them in their freedom; that we have made them the most favored nation under our reciprocal trade agreement structure; that we have been their leading customer, at prices which the Senator has mentioned, for their principal product, sugar; that we have been their best customer for their tobacco and for their vegetables; that we have supplied them with nine-tenths of their tourists, and tourism has become one of their biggest, if not their biggest, sources of revenue—to find them, with all the background of Castilian courtesy which has been so significant in their character up to this time, completely unable, apparently, to recognize the fact that we are their best friends, and have shown ourselves so through many years, and quite patiently in recent months is, to me, a rather startling development.

I think that the Senator showed exceedingly good judgment in not going there. I am sure that the good people of Cuba, who are in the great majority, will recognize the fact that, in view of the hostility manifested by the newspaper, which is the mouthpiece of the present administration, not only was the Senator justified in not going there, but that to have gone might have provoked the exactly opposite effect to that which he desired and toward which he has so ably worked in many places, namely, the bringing about of better understanding and more amicable relations with good neighbors and friends.

Mr. President, if the Senator will yield further, I would like the RECORD to show that while I agree with the junior Senator from Florida that in Panama there are many considerations which we must carefully look into, to see whether there is anything we can do to better our relations with them, I happen to know, through a good many years of handling the appropriations for the Canal Zone, visiting there and the like,

that we have been rather patient, and I think rather generous, in our treatment of the Panamanians. I hope we will very cautiously consider any change of relations.

Not only do I accept at face value the suggestions made by my distinguished colleague, but I am inclined to feel, offhand, that they are sound.

However, only 3 or 4 years ago we yielded to the suggestions of the then administration in Panama to negotiate a new treaty much more generous to them than that which has existed before, and the Senate confirmed it by an almost unanimous vote. Some of the provisions of that treaty were that we should turn over to them certain very valuable properties lying outside the Canal Zone, but which we had owned throughout the years. We have done so in most instances and are in the process of doing so in others.

Another provision of the treaty was that we should build a high level bridge across the Pacific or south end of the canal, largely as a convenience to them, though it is of value to ourselves as well. We are in the course of doing that at a cost of over $20 million.

We have been helping them to build, by putting up two-thirds of the cost, some 300 to 400 miles of the Inter-American Highway that are in that country, and have been doing so many other things that I think evidence our good will and our generous attitude toward them, that I hope we will go very slowly and carefully into anything that might be regarded by them as an evidence of weakness.

I was particularly concerned when Governor Potter was before our subcommittee a few weeks ago—and I see in the Chamber some members of the committee—when he stated that on one of the occasions of greatest turbulence and disorder that occurred only a few weeks ago, the President of Panama failed to make available the national guard, which is the police force in the Republic, and that we had to call out our own personnel, at great danger and risk, to prevent those who were in the riot, mostly students, from coming over into the Canal Zone and doing some destructive things. I think it is one of the trouble spots to which we must give attention, and I think my distinguished colleague has made valuable contributions by way of specific suggestions. I simply want the record to show, from some things that I know about because of my own contacts here in the Senate, that there are many of us who have tried to be both fair and generous in our attitude. If we have failed to do so, it has not been because we have not wanted to do so. But there seems to be in Panama, as there is in Cuba, an unwillingness on the part of some of the people to recognize who their best friends are.

I again congratulate my junior colleague. I do not believe any other Member of the Senate, during my service here, has made anything like the contribution to mutual understanding and good relations with Latin America as has my distinguished colleague, of whom I am very proud.

Mr. SMATHERS. I am very grateful to my senior colleague for his very generous remarks. I think, in all fairness, it must be said of him that he is himself well respected all over South and Central America, particularly in Central America, for his leadership in connection with the Pan-American Highway program. In my judgment, that program could not have gone as far as it has now gone without his untiring efforts to make of it a success. I do not know of anything which will do more toward the improvement of relations between those countries and ourselves than the completion of this highway. When Latin Americans can travel up here with comparative ease and with very little expense, and we, in turn, can go down there conveniently, that will afford the best means of resolving disagreements that I know of. The people can come to know each other.

I thank the Senator for his very warm and friendly comment. He knows how I feel about him. I thank him sincerely.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. YOUNG of North Dakota. I was greatly interested in the comments of both Senators from Florida on the Latin American situation. I have known both Senators as great friends of Latin America. They have extended a helpful hand in committees of the Congress and on the floor of the Senate on many occasions in the past. No two other Senators have had a greater friendly interest in Latin America than the two Senators from Florida.

I was greatly interested in hearing their comments regarding the situation in Cuba. It seems to me that we should not reward a country which manifests such an ungrateful attitude for all the friendliness we have extended to it in the past. The Cuban Government openly and flagrantly abuses a country and its citizens which has been friendly to that country. So I was very much interested in the approach to the Cuban problem of the two Senators from Florida. I think we should consider, perhaps, some further changes in sugar legislation, and perhaps even a higher sugar tariff, if necessary, to place Cuba on the same basis as all the other countries of the world. I do not see why we should continue our highly preferential treatment to a nation that does not deal fairly with us.

Mr. SMATHERS. I thank the Senator from North Dakota for his comments.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. ERVIN. I wish to commend the junior Senator from Florida on the excellent statement he has made with respect to the Latin-American countries, and concur in the remarks which the able and distinguished senior Senator from North Dakota has just made with respect to the activities of both Florida Senators in respect of Latin-American countries.

I do not know of any Member of the Senate, or any other living American today, who has devoted more time, attention, and study to the problems, or who has a more friendly understanding of the problems of Latin-American countries in their relationships with the United States than the junior Senator from Florida. For this great service to the cause of understanding in the Western Hemisphere he merits the thanks not only of the people of the United States, but all the people in the Western Hemisphere.

Mr. SMATHERS. I very much appreciate those remarks of my friend from North Carolina.

Colombia now has, for the first time in its history, the real beginnings of a middle class, but it is still out of the question for a professional person—a doctor, a lawyer, or an engineer—to obtain social standing without the background of inherited wealth. Moreover, the members of the oligarchy continue to look abroad for their culture and their fashions, and many have no intention of surrendering their privileges if they can help it. The oligarchy, I am told by informed sources, patronizes the smuggling trade quite extensively.

PRESIDENT LLERAS IN CONTROL

Independent observers believe President Lleras is in firm control of the government, and there are, despite some mutterings among the wealthy, no visible threats to his regime. However, the future is very chancy if I may be permitted that colloquialism. Under the national front system written into the constitution after Rojas' ouster, the liberals and the conservatives are to alternate in the presidential office until 1974. The conservatives are supposed to have their turn next. However, the liberals are the majority party, and some persons doubt they will allow the change to take place. Whether the much-needed reform program can be carried forward under any but the most stable of political circumstances remains to be seen. On the answer may hang the future of democracy in Colombia.

Ecuador, too, needs time to achieve essential reforms, and the time is growing short. Dr. Camilo Ponce Enriquez, the current President, is about to complete his 4-year term. He will be the third successive chief executive to serve his full four years without extra-constitutional interference. Certainly this is an encouraging sign. I am told that the military, which used to tip over governments for breakfast, has come to realize that the way of democracy, if slower, is also considerably more sure.

Nonetheless, Ecuador's democratic instincts are far from secure. Dr. Ponce was elected in 1956 with a mere 29 percent of the vote. Nominated on the Popular Alliance ticket of the Conservatives, Catholics, and Social Christians, he was the first Conservative to be elected in over 60 years. In office, however, Dr. Ponce has espoused the cause of Ecuador's hard-pressed Indian population, and he has advocated the breaking up of large, unproductive landed estates. These policies are against the traditions of the Conservative Party but they ex-

press President Ponce's conviction that the only alternative to reform is revolution. I cannot quote what he told me directly, but let me say that he was most emphatic on this point in our conversation.

ECUADOR'S PROBLEMS

Ecuador has an extremely low standard of living—about $155 per capita—an exceptionally high rate of illiteracy—about 43 percent—and an incredible infant mortality rate due to the prevalence of disease and the absence of sanitary facilities. But even these are not Ecuador's most serious problems.

The big question for today and tomorrow is whether Ecuador's dominant Indian population can be successfully absorbed into national life. Ecuador's white population is only 10 percent of the total. About 40 percent are Indians and another 40 percent are mestizos—part white, part Indian. Probably a majority of the Indians and a good many of the mestizos speak little or no Spanish. Hours from Quito, the savage Jivaros still hunt heads to sell for 1,000 sucres or about $140. In the fastnesses of the jungles, tribal warfare continues, with men put to death and women and children carried off to increase the numbers of the victorious tribe. As Columbia University's Dr. Frank Tannenbaum has eloquently phrased it, the Indian and white races "met as billiard balls do on a billiard table. They met but did not penetrate. The result was a nation within a nation, a culture within a culture, two people living in proximity but belonging to two different universes."

Today the Indians are becoming restless, and as always the Communists are on hand to fan any fires that may develop. Within the past year, three Communist-inspired riots have cost 100 lives. Reportedly the Communists have made plans to disrupt the coming Quito Conference of the Organization of American States. A repeat of the Bogotá fiasco of 1948 is not impossible.

Ecuador is also burdened, as are many other Latin American countries, by a heavy birth rate which drains off such gains as may be made in gross production. And its economic potential is ball-and-chained with military expenditures many Ecuadorans believe are necessary because of continuing friction with Peru over the Rio Protocol of 1942 which ended over warfare between the two countries but left certain boundaries undetermined.

At this point, development and land colonization are proceeding slowly, in part because of a procedural dispute between the Ecuadoran Government and the ICA, over a $2 million loan for land colonization. Let me repeat that the time in Ecuador is growing short, and procedural delays can be just as fatal as any other.

VISIT TO PERU

From Ecuador, I flew on to Peru where I had the pleasure of meeting President Manuel Prado and of renewing my acquaintance with his dedicated reform Prime Minister, Senor Pedro Beltran. Senor Beltran is publisher of La Prensa, Lima's leading newspaper, and he is a nonpolitician who has been brought into the Government to deal with Peru's pressing economic and social problems. Conservative in outlook, Senor Beltran is nonetheless one of the continent's leading reformers, and he has the wholehearted backing of President Prado, who has, in effect, lent him his own political support. Beltran's austerity policies, which, like Colombia's, bear most heavily on the wealthy, have earned him the enmity of his own class, and the possibility of another rightwing coup cannot be wished away.

As in Ecuador, Peru's major problem is the assimilation of its dominant Indian and mestizo population. Peru's population is 13 percent white, 49 percent Indian, and 38 percent mestizo. The Indians are for the most part illiterate and are effectively barred by law from ownership of the land. The processes of the 20th century, however, are breaking down the traditional order, and the race is on. I am told that if Beltran's reform program does not succeed, there is great danger of violent revolution within the next 3 to 5 years.

Senor Eudocio Ravines, whom I mentioned at the beginning of my speech, the man who organized the Communist Party in Peru, reports that the Communists are strong among student groups and are trying actively to infiltrate the labor movement. They are said to have had considerable success in the copper miners' opinion. Their major opposition comes from the Aprista Party, a non-Communist, but leftwing group, which was outlawed during the dictatorship of Gen. Manuel Odria, but which is now free to operate. The Apristas have given firm support to the Prado government and to Senor Beltran.

GROWTH RATE IS RAPID

Until a few years ago, Peru had managed to sustain one of the best growth rates in Latin America. After an interruption of several years, this expansionary drive has been recaptured—in spite of the burdensome impact on Peru's economy of U.S. policy regarding lead and zinc imports.

Of the many things Peru needs, I would single out two—first, seed capital to set up local savings and loan associations and, second, relief from the burden of a large and hungry military establishment. My conclusions on these matters coincide very closely with those expressed by the senior Senator from Vermont, and I commend his report to the attention of Senators.

Peru's housing situation is desperate and the source of profound social unrest. Senor Beltran proposes to meet the housing crisis in the best traditions of free enterprise. He hopes to establish, with the help of U.S. loans, savings and loan associations which will in turn finance homebuilding on a reasonable, businesslike basis.

MORE HOUSING NEEDED

The Development Loan Fund, which has Peru's application for a $1.5 million loan, has been unconscionably slow to act, apparently because of doctrinaire views that housing is noncreative and because of fears that a loan to Peru will open the floodgates. In this connection, I wholeheartedly endorse the position of the senior Senator from Vermont; namely, that a savings and loan association provides a means for creating capital, a means whereby savings of thousands of people in amounts which are individually insignificant can be mobilized and brought together in amounts which are meaningful. It provides, in short, a beginning toward broadening and institutionalizing the process of capital formation, and this may well be a more significant longrun contribution than any short-term improvement in housing. I hope that the DLF will approach this problem with pragmatic good sense. Certainly a decision is long overdue.

As far as the military establishment is concerned, Peru's democratic leaders hope fervently for outside relief. The military in Peru are the beneficiaries of earmarked taxes. They have a guaranteed source of income in addition to regular appropriations for which they may qualify in the normal course of affairs. Peruvian leaders are constrained to placate the military, knowing that democracy exists on sufferance. I found great enthusiasm in private for the inter-American police force idea which I have often espoused on this floor—as, indeed, I did in many countries on this tour where the leaders do not feel secure enough to make their private opinions public.

DISARMAMENT VIEW GAINS

Mr. President, it delights me that the principle of disarmament for Latin America appears to be gaining ground. President Eisenhower, during his current visit to Latin America, and Adlai Stevenson, the Democratic nominee for the Presidency during the last campaign, have both referred to the necessity for eliminating arms competition as a factor in the area. As I have indicated, the new generation of leaders in the developing democracies of South America are likewise convinced that without disarmament the progress of their countries will always rest on the shaky foundation of military acquiescence in the reforms which are so vitally needed.

As I have many times said on this floor, disarmament is a key—perhaps the key—to the future in Latin America. I believe that the way to get it in motion is to adopt the principle of the Latin American police force under the aegis of the OAS. Such an organization, guaranteeing the borders of all states against external aggression, would eliminate the necessity for large national forces and would permit the disarmament which Latin America craves, and which we in the United States support. I am glad to note that President Eisenhower and also Adlai Stevenson yesterday, in response to a question, showed that they are lending strong support to the idea of an inter-American police force. I believe all of us will live to see the day when we will have it.

DEMOCRACY IN CHILE

After Peru, I moved on to Chile where I had the privilege of consulting with President Jorge Allesandri Rodriguez and many leaders of his government as well as some opposition people. Chile

has a long and proud democratic tradition and there is, happily, no present indication that it is about to be discarded for the absolutism of right or left.

However, there are mutterings of revolution, and the Communist Party, which is legal, is exceptionally strong. In the last election the candidate of the combined Socialist and Communist Parties, Senator Salvador Allende, ran a strong second to President Alessandri. The President's coalition captured 32 percent of the vote, the far left popular action front, about 29 percent of the vote.

The Communists are believed to have about 20,000 to 25,000 members in Chile and some 450 paid agents are believed to be active in the labor field alone. The numbers actually understate the Communist threat, however, for several reasons. First, the Chilean political spectrum is divided and subdivided into 17 separate parties. There used to be 29. Second, the Socialist Party, with which the Communists have made common cause, is in some respects even more radical and irresponsible than the Communist Party. Third, Chile's economic situation continues to be critical.

While there will not be another presidential election in Chile until 1964, congressional elections are due in 1961, and it is the consensus of those I spoke to that definite progress must be shown if the moderate, liberal, and conservative parties are to withstand the political assault of the left.

Chile, since the 1930's, has undergone a very debilitating inflation. In 1957 and 1958, the cost of living rose 70 to 80 percent annually. President Alessandri, nominated as the candidate of the right wing, has devoted himself to bringing this inflation under control. He has freed prices to seek their normal levels. He has informed businessmen that they must absorb their costs without raising prices. He is exerting pressure on the Congress to limit the wage adjustment this year to 10 percent, despite the fact that the unions have heretofore been accustomed to receiving all or most of the cost-of-living increase.

INFLATION SPIRAL SLOWED

By these methods, President Alessandri managed to hold inflation in 1959 to 30 percent—a substantial rise, to be sure, but a considerable improvement over the experience of the previous 2 years. Although elected as a dyed-in-the-wool conservative, Alessandri, like Beltran in Peru, is pushing strongly for a housing program to relieve the intolerable slum conditions which are one of the chief reasons for left wing political success. In Santiago alone, some 150,000 persons inhabit miserable shanty slums, which have no counterpart in the United States, miserable as some of our own slums may be.

Some progress in clearing these slums has already been achieved, but President Alessandri, like Senor Beltran, hopes that American seed capital can be employed to speed up the process with the active participation of local private enterprise.

Chile's wealthy, like some others in Latin America, do not like to pay taxes, and this has been and continues to be a pressing problem for the Alessandri administration. The Government is also faced with the fact of declining per capita agricultural production. Once a food exporter, Chile must now import to live. Due in small part to migration from the farms and in larger part to population increases, Chile's per capita farm production has skidded 20 percent in 20 years on a per capita basis.

Apart from the long-range hope that food production can be increased by persuading large property owners to undertake intensive land cultivation, Chile must look to an increase of exports to provide foreign exchange for food purchases abroad. The Alessandri government is desirous of increasing local manufacturing, and it has drawn up an attractive new law to entice foreign investment into the country. However, because of its geography and population distribution, Chile does not now offer an attractive market for modern manufacturing methods. For this reason as well as for others, Chile has been a motive force in the drive to organize a Latin American Common Market.

LARGE MILITARY FORCE SUPPORTED

Again like Peru, Chile is troubled by the need to support a large military establishment. Each military expenditure by Peru on the north or by Argentina on the east is certain to create pressure for a like expenditure in Chile. The civilians in Chile's Government would like to get off this merry-go-round—and so would the Peruvians. Yet without external help there seems to be no hope.

After Chile, my next stop was Argentina. Here, too, leadership has passed into the hands of a relatively conservative, businessman's government. President Arturo Frondizi, a man of great culture and sensitivity, has exhibited the highest political courage in his efforts to relieve the Argentine Republic of the ruinous economic and social legacy left behind by Juan Perón when he fled with his satchels full of gold.

Originally supported by the Peronistas and the Communists, Frondizi and his chief deputy, economic czar Alvaro Alsogaray, have clamped down with a tough, in fact uncompromising, austerity program which has left the Frondizi government with questionable popular political support. However, Frondizi is taking a daring political gamble—a gamble that his policies will pay off before an accounting must be made at the polls. If this gamble should fail, Argentina will be back in the soup. The Peronistas are still incredibly strong, though they lack any kind of positive program and would probably disintegrate if confronted with the necessity of presenting one. The Communists, in their usual cynical fashion, have been working both sides of the streets.

FRONDIZI FACES CHALLENGE

An effort to challenge the Frondizi government with a political strike failed in the middle of last year. The strike collapsed in 2 days. Senor Alsogaray, a tough-minded little man, dedicated to the cause of free enterprise, believes that the turning point has already been reached and passed. Friends of democracy must certainly pray that this is so.

During the Perón years, Argentina's capital resources were allowed to deteriorate alarmingly. The cattle herds which are the country's major source of exports were substantially depleted. Production goods had depreciated. Inflation was rampant. It was in this way, in part, that Perón managed to pay for the general welfare programs which were the source of his appeal to the masses and which diverted public attention while he stole the country blind.

The program of President Frondizi and Senor Alsogaray has gone directly to the root of the problem. Prices have been freed. Unlike in Chile, this has led to a 120 percent rise in the cost of living in the last 18 months. However, there was no other way to reverse the deadly process of decapitalization. In addition, the government has established a single rate of exchange to be determined by supply and demand, has eliminated trade prohibitions, subject to surcharges and prior deposits, has slashed government spending, has placed severe restrictions on public and private borrowing, and has insisted on limiting wage increases.

With these results, foreign exchange reserves have increased 500 percent, from $90 million to $450 million; a negative foreign trade balance of $250 million in 1958 was converted into a positive balance in 1959 of $50 million. Inflation at last appears to be leveling off.

OIL IMPORTS COSTLY

The Frondizi government has also opened its oil reserves for foreign investment, though the reserves remain ultimately in the hands of the YPF, the Government oil firm. Oil imports have been costing Argentina in the neighborhood of $200 to $250 million annually. Argentina now hopes to be self-sufficient in oil production by the end of 1961.

However, there is still much to do. There is a long tradition of tax evasion among Argentina's wealthy. The Frondizi government hopes to correct this basic fault and, in the process, to reorganize the tax laws, eliminating the tax on low-income groups and increasing it on the upper level.

Moreover, Argentina, like Chile and like Peru, has an acute housing problem. For 15 years or more, Argentina has had rent controls on certain houses, with the result that comparable housing may cost anywhere from 2,000 to 40,000 pesos. A new law due to be enacted within the next couple of months would provide for low-cost Government housing for low-income groups and free enterprise housing for the middle- and upper-income levels. Argentina, too, likes the idea of creating savings and loan institutions with seed capital to finance the needed construction.

The U.S. Government and such international lending agencies as the IMF have given liberal assistance to the Frondizi government in its mighty efforts to order its economic house. Credits in the past 4 years have amounted to around $1 billion. We have a heavy investment in the success of this effort, and some critics have suggested that we have put too many eggs in a single bas-

ket. I cannot accept this view. The only apparent alternative to the Frondizi government at the present time is dictatorship, whether of the right or left. In all cases, we ought to offer our support, as in Argentina, to the moderate, democratic forces. They are the hope of the hemisphere.

BRAZIL MOVES AHEAD

In Brazil, the situation is very different. There the watchcry is not austerity but full steam ahead. In Juscelino Kubitschek, Brazil is gifted with a President of powerful energies and high purpose, a President with the will and apparently the way to transform his sleeping giant of a country into the colossus of the continent.

Brazil is today experiencing wracking inflation, however, and this will apparently be the leading issue in the upcoming presidential election. Both of the leading candidates, Gen. Teixeira Lott, the administration candidate, and Janio Quadros, have been critical of the Government's inflation-feeding policies and have promised to bring the runaway cart under control.

It is to be hoped that a program aimed at reducing the inflationary pressures in its economy will enable Brazil to consolidate the very real gains registered under President Kubitschek. The President's goal has been to supply the basic economic infrastructure on which to build a 20th century society. During his administration, he has added about 3,000 new roads, many of them penetrating the heretofore trackless jungle interior, and about 1 million kilowatts of power. The enormously costly construction of the new Federal capital at Brasilia is, in part, intended to be a symbolic act opening up Brazil's mineral-rich frontier for exploration and development.

This has been achieved at the cost of a $100 million trade deficit in each of the last 3 years, an inflation amounting to about 50 percent in 1959 alone; the overextension of credit; and the relative neglect of agriculture on which Brazil's export trade normally rests.

POWER SHORTAGE

Even with all of the economic activity of the past few years, Brazil still faces a power shortage, and, despite a manifold increase in the production of petroleum—about 2,000 percent in 5 years—it is still importing oil at the rate of about $250 million a year. In short, Brazil is bursting economically and the danger is that it may burst.

President Kubitschek would like very much to have U.S. aid. We have been reluctant to extend loans to cover trade deficits when there was no assurance that these deficits would not be immediately repeated.

Our Government's policies have engendered a certain amount of unhappiness in Brazil. That country, which covers half the land mass in Latin America, and contains nearly half of the continent's population, feels that its importance as an ally of the United States has been greatly underrated.

In recent years, the Brazilians have sought barter agreements with Iron Curtain countries, and have shown some tendency to wander out of the free world camp at the United Nations—for example, in their vote to seat Poland on the Security Council. In all probability, the United States will come in for some verbal abuse during the coming presidential elections in Brazil.

However, Mr. President, we can take pride in the fact that Brazil was the first country in South America to turn down the offer of the government of Castro to hold in Havana a convention of all the underdeveloped countries, and thereby make it appear that the Cuban Government was taking the lead in that field. We understand that when Kubitschek was approached by the Cubans with that offer, he turned it down with great certainty and rapidity.

UNITED STATES-BRAZIL RELATIONS GOOD

Nonetheless, although they need some attention, U.S. relations with Brazil are basically good. And there is no question that President Eisenhower's visit there, yesterday and today, will do relations between the two countries a great deal of good. We cooperate in a very active binational center program, and several of the centers are quite large. The centers in Rio and Sao Paulo have 7,000 members each. The center in Porto Alegre has 6,000 members. Very little U.S. money goes into these programs. The activities of the centers are financed by fees paid for courses in the English language.

By and large, I share the feeling of the senior Senator from Vermont [Mr. AIKEN] that our approach to Brazil's economic problems may be too much dictated by doctrine, and too little influenced by creative imagination. I do not, however, agree with his view that we ought to extend loans to Petrobras, Brazil's Government-owned oil monopoly.

Mr. President, I have just now learned that there was a very serious plane crash in Rio de Janeiro today which involved a large number of U.S. Navy Band members and several Brazilians. All of us are saddened by this tragic accident. I extend my most heartfelt sympathy to the survivors of all those who were lost in this disaster.

VISIT TO VENEZUELA

From Brazil, I flew to Venezuela, where President Romulo Betancourt is walking perhaps the giddiest tightrope of all. The overthrown Perez Jiminez dictatorship left as its legacy to the unhappy people of Venezuela a substantial debt and a charged political atmosphere. The present Government is a coalition of the three major parties—the Democratic Action Party, which is President Betancourt's own group; the Democratic Republican Party; and the Social Christian Party—plus some independents. Prior to the democratic elections of December, 1958, all the major parties agreed that, regardless of which candidate won, all parties would be brought into the Government, in an attempt to provide the stability needed to meet the innumerable problems bequeathed the country by the unlamented dictator. Thus far, the agreement has held up. In addition, Betancourt enjoys the support of the leaders of the armed forces of Venezuela.

The political situation is not as rosy, however, as these facts might lead one to believe. Betancourt has resolutely refused to admit the Communists into his coalition, and they have made life miserable for him. The labor unions, the university faculties, the student groups, and the communication media are heavily infiltrated with Communists, who are preaching the gospel of revolution. Moreover, Venezuela and President Betancourt personally are under nightly attack from the radio of the Dominican Republic. I may say that when I was in the Dominican Republic, I attempted to get those attacks stopped. Emotions are still as close to the surface as they were when Vice President NIXON was stoned in Caracas, 2 years ago. Rumors of revolutions and coups sweep the city with almost monotonous regularity. I am told that students at the university are openly manufacturing crude bombs, and maintain semi-disciplined military groups, for the moment when they may be called to action.

COALITION UNDER PRESSURES

To maintain his coalition, Betancourt has been forced to "keep a great many people happy" with political plums and appropriations. On the rumor circuit, which buzzes 24 hours a day, there are always reports that the coalition is about to dissolve.

Despite the constant political harassment and the intense pressures under which he must necessarily operate, Betancourt and his ministers have managed to make considerable progress. Three-quarters of a billion dollars in obligations left behind by the dictator have now been repaid. Starts have been made toward improving conditions in education, housing, agriculture, public health, and social services—all of which were neglected by Perez Jiminez, in favor of showcase public works projects in the capital city of Caracas. Betancourt has also begun extensive programs in land reform and economic diversification, designed to reduce the disparities of wealth which have made Venezuela a land of millionaires and misery, oil and oppression.

But the Betancourt government still faces a number of acute economic problems. Its foreign exchange reserves have declined from $1.4 billion to about $600 million, in spite of advance payments on taxes by the leading oil companies and a healthy backlog, at the beginning, of about $700 million from oil concessions granted in 1956–57. In addition, there appears to be—although the evidence on this point is not clear—a considerable flight of capital from the country, most of it speculative money seeking a haven.

VENEZUELA SEEKS LOAN

Venezuela at this point needs at least $200 million to tide itself over the rough period immediately ahead. A group of U.S. banks have offered to make such a loan, but on terms Venezuela finds it impossible to accept, at least at the moment. The money would have to remain

on deposit in the United States, earning 3½ percent interest, while Venezuela paid 6 percent for the privilege of having a loan at least on the books.

However, Venezuela is also engaged in negotiations with the World Bank and the International Monetary Fund, and there is hope that one or the other will come to the rescue. The U.S. Government, I believe, should do everything in its power to see to it that Betancourt's government gets what it needs on reasonable terms. I am convinced—as was every American with whom I spoke in Venezuela—that the success of the Betancourt government is an absolute essential for own self-interest, as well as for the future of democracy in that particular area. Let us remember that we are jumping in, not behind one man or one party, but behind the entire democratic movement of the nation. All the democrats in Venezuela, of whatever party, have committed themselves and their fortunes to the common cause.

VIEWS ON CASTRO

Now let me move on to a discussion of the Caribbean. Before I do so, let me summarize for you something I learned during my South American swing. In every country which I visited I found, as you might expect, intense interest in the Cuban situation. A year ago Fidel Castro was quite a hero in Latin America. Today, in most places and with most people the shine has worn away to reveal the tyrant and the megalomaniac beneath. Certainly the responsible leaders of South America want no part of Fuehrer Fidel and his firing squad humanism.

From Panama south, there are few illusions about Fidel. Moreover, he seems to have lost his grip on the imaginations of all but the most inveterate Yankee-haters.

But many in Latin America are waiting anxiously and expectantly to see what the United States is going to do about this self-important little dictator. Are we going to continue taking abuse, grinning all the while like a sick ape? Are we going to continue rewarding insults and provocation with favors in the American market? Are we, in short, going to continue cowering in the corner because someone might accuse us of bullying the bullyboy?

If this is to be our course of action, then I can assure Senators there are many in Latin America who will imitate Fidel for the sake of the favors we might confer. I was told confidentially by several top leaders whom I visited that Fidel's example sets a dangerous precedent—that, even now, some believe the only way to make Uncle Sam pay attention is to kick him in the shins.

In addition, our excessive tolerance of this intolerable tyrant is making things very, very difficult for the moderate leaders, democratic leaders, who are disposed to be our friends.

CASTRO IS IDENTIFIED

We have waited long enough, I think. Castro has now identified himself for what he is—a man, who if not himself a Communist—and I do not know he is—is certainly doing the work of the Communists with the direct help of the Communists.

If it were not so serious for my country, I might find a kind of ironical amusement in the fact that Anastas Mikoyan can come to Havana and be greeted as a hero for buying sugar at the world market price while we in the United States are assaulted verbally day in and day out for buying at 2 cents over the world price.

I do not believe—and my findings in Latin America back me up—that the world will respect us if we have no self-respect.

I do not favor our acting unilaterally against Cuba. I believe we should take all the voluminous information in our official files and turn it over to the Organization of American States for consideration under the Caracas Resolution. The states of the hemisphere should know that the dictatorship of Fidel Castro is just as oppressive and just as bloody as if it had no so-called revolutionary ideals to mouth and no giant neighbor to rail against.

At the same time, the United States must immediately adopt a hard and tough line with Castro. We must make it absolutely clear that we will stand for no more arrogant nonsense or condescending notes. And we must see to it that the contagion spreads no further.

DOMINICAN REPUBLIC VISIT

It was with this thought in mind that I proceeded from Venezuela to the Dominican Republic after a brief stop in San Juan, Puerto Rico. It would have been easy for me to overfly the Dominican Republic, as I have already suggested. I was urged to do so. I elected to go on chiefly because I felt the time and the opportunity had come to talk turkey with Generalissimo Trujillo. I wanted to see him to express my concern about what might happen when deposal, as it might, or death, as it eventually must, took away the powers he has exercised with an iron hand for 30 years.

I told Generalissimo Trujillo face-to-face, in an atmosphere initially quite cool, that his displacement from office was inevitable; that, if a vacuum were left behind, Communists and Fidelistas as well as genuine democratic Dominican groups would move in; that in any contest for power, the Communists, as the best organized and best disciplined group, would make a determined and possibly successful bid for power; that if the Communists took over, the economic gains achieved under Trujillo would disappear; that, in any case, all the monuments erected in Trujillo's name would be dishonored and discredited.

I told him further that he had an opportunity to arrange for an orderly transfer of power through democratic processes from a dictatorship, to the people of the Dominican Republic themselves.

FREE ELECTIONS ASKED

Trujillo listened to all of this and then asked me what I meant by democratic processes. I said, "Free elections."

He told me that he could be elected President of the Dominican Republic in a free election. I said that might very well be true, but that if Trujillo, his brother, his son, or anyone bearing the name of Trujillo participated in an election—irrespective of how fair the election might be—no one in the world would believe that it had been free.

Trujillo then agreed to have the Dominican constitution changed so as to permit free local elections within the next 15 months, and he also assured me to hold free elections on the national level within 2 years. He told me additionally that neither he nor any member of his family would be a candidate.

He stated he would extend an invitation to the refugee Dominicans who were then in exile to return to their homeland to join in the elections. He said he would invite the Organization of American States to send observers to oversee the election procedures.

In addition, the Generalissimo asked me if I would suggest the name of a responsible American official to come and observe the trials of the young men who have been arrested and charged with plotting the overthrow of the government. I suggest the name of Richard Ervin, Florida's attorney general and president of the National Association of State Attorney Generals. Mr. Ervin subsequently declined the assignment.

That, as faithfully as I can recall it, was the substance of our conversation. It was witnessed by several members of my own party and by the American Chargé d'Affaires in Ciudad Trujillo, Mr. Henry Dearborn.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Did Mr. Trujillo suggest the number of men who had been arrested and who would likely be tried? Did the Senator get any information in that respect? I have heard some conflicting reports as to the number arrested. Some people think the number of such persons runs into the thousands. Others think comparatively few have been arrested.

Mr. SMATHERS. It was reported originally that somewhere between 5,000 and 6,000 persons had been arrested; but upon our visit there, as best we could ascertain from our own sources, as well as from sources at the Embassy and our military attachés—and this fact was confirmed pretty well by the Dominican Government—when the revolution first came about, from 1,500 to 2,000 persons were arrested, in a sort of dragnet. Thereafter, all but 200 of those arrested were turned loose. Then that number was reduced to the point where there are now 132 in jail, awaiting trial.

Mr. RUSSELL. I regret that even that number is incarcerated, if any of them have been arrested unjustly. While I am not blowing Mr. Trujillo's horn, and I interpret him as being a typical dictator, apparently he was not as sweeping in his arrests as had been the case in the adjoining Caribbean Republic of Cuba, where allegedly a

much larger number of persons have been arrested for conspiring against the existing government.

Mr. SMATHERS. If the Senator is interested in the information coming out of Cuba, there are from 2,000 to 3,000 in jail, and many of them, unfortunately, originally participated in the 26th of July movement. They have now been accused of being counter-revolutionaries because they have expressed some resentment about the manner in which the Cuban Government is proceeding.

It may be of interest to the Senator to mention at this point that only last Monday I had a meeting, in Miami, Fla., with Dominican exiles who had thought my visit to the Dominican Republic was an unwise move for me to make. During the course of that visit I said, "Well, now, gentlemen, I want you to understand I am against Communists, and I hope that none of you who are here are Communists. If you are Communist-inclined, there is no sense in this meeting. You picketed me. You put up signs saying and indicating I had participated in some of the activities of Trujillo, which, of course, was completely untrue. That is why I have asked to meet with you."

I was delighted when the spokesman for the group spoke up and said, "First, we want to tell you that we are not Communists."

They were a group of fine looking young men, I will add.

"Secondly," they went on to say, "we would prefer to have Trujillo than a Communist dictatorship."

The newspapermen were sitting there, and there were four or five of the television people present. I talked to a newspaperman later, and I said, "I thought that was a rather significant statement", and he said, "I did, too." But, regrettably, nothing appeared in the newspapers or in a television broadcast about that particular statement.

However, we went on with the discussion. After they had said that Trujillo was all of these other things—a tight dictator who could not be trusted, and so on—and had abused him verbally at some length, when I asked, "Do you not admit it would be a good idea if we could get this dictatorship moved out and democracy moved in?" they agreed. I said, "Would you not admit that we should not criticize people, even though they might be a little naive, who would try to do that?" And they waited a few minutes and said, "Well, we have to agree that it ought to be tried."

I said, "Gentlemen, that was the purpose of my visit to General Trujillo, to try to impress upon him the fact that he could not stay there forever, that he could not stop the pressure of democratic government. I was greatly afraid of what might happen as a result of the political vacuum which would be created when Trujillo vacated his office—either because of natural causes, or through some violent political upheaval.

I had already gained information from Mexico that the Dominican exiles were waiting in Caracas to come in. That does not worry me particularly, but that particular Caracas group, according to some excellent information I have received, is completely dominated by Communists. They are well disciplined. They are well organized. They have planes chartered to go to the Dominican Republic.

What I am afraid of is that when the fight for power starts, to see who will take over after Trujillo, the Communists will end up on top. Then we really will have a problem, with the Cuban Government being what it is and the Dominican Government being under the control of the Communists.

I said to Trujillo, "That is our major concern. Therefore, we think if you wish to preserve this country of yours for Dominicans, so that the Dominican people can run it, in a situation where you have any chance at all of having your name respected in any fashion whatever, you should now start the transition from the dictatorship into the democratic government."

As I said earlier, he stated he would do it. Of course, that has been "fly-specked" considerably by some of my friends in the press, but I can always say, and I firmly believe, whenever anybody labors to eliminate a dictatorship and to bring about a democracy to take its place he is laboring on the proper side.

Mr. RUSSELL. Mr. President, I wish to commend the distinguished Senator from Florida and to congratulate him for his courage and his willingness to discuss the cause of more democracy in the Dominican Republic with Generalissimo Trujillo. I know the Senator has correctly recited what occurred there.

It is a difficult thing for a man who has been drinking the heady wine of dictatorship over a number of years to ever voluntarily lay down the many benefits and prerogatives which accompany absolute rule in any country anywhere.

The Senator undoubtedly made a great impression upon the generalissimo. Even if he did intend to renege on his promise that he would have a free election, he had something in the nature of a Hitlerian election, as I noticed in the press reports the other day. He had the people out in large numbers to indicate their support of him. That shows the Senator from Florida touched a very tender and sensitive spot in his discussions with the generalissimo, which caused him great concern.

The generalissimo will never have any better advice than that which the Senator from Florida gave to him. If there is any one lesson we have learned from history, it is that when the pendulum swings back from a dictatorship to any other form of government and the dictator topples, all of the statues fall immediately, and there will not be even a back alley in the city of Trujillo which will have a sign designating it as "Trujillo." The people probably will burn all of the books which have his name in them anywhere.

Mr. SMATHERS. May I interrupt the Senator to say that I do not think it was necessarily my persuasiveness which caused him to come to his conclusion. It is simply that the man is able enough and smart enough to recognize what the Senator from Georgia is saying: that if there be any chance at all of his name being at least endured in the Dominican Republic after his death, or after he goes out of power, he had better make this transition now because, if they remove him from office, if his dictatorship topples, as the Senator says, it will be all gone. They will then destroy every remembrance of him.

Mr. RUSSELL. Whatever may be the generalissimo's feelings, he is undoubtedly a doting father. Did the Senator from Florida remind him that the vengeance of the people will probably not be limited to being visited on the generalissimo himself, but may be handed down even unto the second and third generation, if such an event should occur?

Mr. SMATHERS. I did not remind him of that, but I had the feeling that he was beginning to see that that could happen. It would be a mistake, however, in my judgment, to think that the generalissimo was doing this because of any immediate prospects of his being overthrown.

Mr. RUSSELL. I agree.

Mr. SMATHERS. Our military people tell me—and this is the consensus of everyone with whom I talked, including our own business people—that he has the toughest army and military establishment of anyone in the Caribbean. Castro sent 300 men, some of his best, against him last summer, and they were obliterated, except for 2. There were no wounded. Somehow there were two remaining, who had the Cuban army papers left on them, for identification purposes to the Organization of American States, so that they could show from where they came.

Mr. RUSSELL. That shows a remarkable accuracy in their shooting.

Mr. SMATHERS. It was remarkable accuracy, when we consider that nobody was wounded.

In addition to that, Trujillo has, I understand, some very highly trained people from outside of his country who are, apparently, very loyal to him. There is not much prospect of his being immediately overthrown. I do not think that this is any sign, necessarily, on his part, of weakness. He is very proud of his country. He has done some good things, economically. He has more paved roads per square mile, than any other country in the area, more schools per thousand people, and more hospitals, but, of course, there has been no political liberty at all. There has been the tightest kind of suppression.

He is proud of the economic results which he thinks he has accomplished. Strangely enough he says, and the report is, that he is very popular with all the campesinos—I guess we would call them—the farmers group and the working people. They like him very much. The people who do not approve of him, of course, are the people who are educated, who have had some taste of liberty, and who do not like this kind of dictatorship. Actually, the group which revolted against him recently is made up of the sons of the lawyers, the doctors,

and the business people in the Dominican Republic.

I do believe, as the Senator from Georgia has so ably pointed out, that no dictator has ever been able to have his name revered anywhere. I think this man has suddenly realized that he is not going to last much longer, and that he has a chance, as no dictator has ever had before, to have his name somewhat respected in his own country. The only way he can do it is to alter his government now and move it into a democracy, where he can remain in the country with his family at least, and not be thrown out.

There is one example where that was done, down in Peru, under General Odria. I understand Peru went from a dictatorship into a democracy, which they have there now. He is the only man who has ever been able to do it. It may be that Trujillo is attempting to do the same thing. So far as the United States is concerned, it is very desirable for him to do it, because if he will make this transition, we shall end with two things—we shall have another democracy, but, most important of all, the Dominicans will be controlling their own country, for themselves, and the Communists will not come in to take it over and run it for them.

Mr. RUSSELL. While the Senator is indulging me, let me say that, while a one-man government, or a totalitarian state, is very offensive to all my philosophy of government, in my opinion, if we must have a dictator, Trujillo has been about as liberal a dictator as a country could have. I do not believe there is any question that the average working man in the Dominican Republic is better off today than he was before Trujillo took power. It is very seldom that we see any country anywhere in the hands of a dictator for as long a time as the Dominican Republic has been ruled by Trujillo, in which the average man's economic status is improved. However, that has undoubtedly been the case in the Dominican Republic. Does the Senator not agree?

Mr. SMATHERS. I agree. That is why, yesterday, he was able to get 300,000 people to come and pay him homage. That particular group very much appreciated it.

We traveled all over South America, but one of the best housing and slum clearance programs we saw was in the Dominican Republic.

Mr. RUSSELL. I congratulate the Senator on his entire dissertation. I hope the fact that this very able analysis of the conditions in our sister states to the south of us was delivered while a certain measure was pending in the Senate will not cause the people of the country to fail to read and analyze the Senator's report.

I think the people of the country would greatly profit from studying the Senator's very able statement, and receiving the benefit of his views.

The Senator has been greatly interested in the affairs of our sister states to the south for many years. The city of Miami, by reason of its geographical location, is rather a focal point in all our dealings with the Latin American States. I suppose there are a number of Dominican and Cuban exiles in the city of Miami at the present time. Is that not true?

Mr. SMATHERS. Yes. It is very difficult to say how many exiles from Cuba are in Miami. We have an overall Cuban population, in round figures, of about 75,000. I suppose we have a Dominican population of about 3,500.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CHAVEZ. I know of my own knowledge that Miami is the only city, aside from New York City, in which there is a Spanish newspaper with a circulation of 100,000 or more. San Antonio has one such newspaper, but its circulation is not as great. The same is true of Los Angeles.

Mr. SMATHERS. I thank the Senator. We have two radio stations which broadcast only in Spanish.

Mr. RUSSELL. In the city of Miami?

Mr. SMATHERS. In the city of Miami.

Mr. RUSSELL. I again congratulate the Senator. I am sure that Senators who are not present could read the Senator's remarks with profit to themselves.

Mr. SMATHERS. I thank the able Senator from Georgia for his kindness.

ORDERLY CHANGE SOUGHT

I know that other Members of the Senate share my conviction that an orderly transfer of government by democratic processes is infinitely better than change accomplished through violence. I went to the Dominican Republic to urge this course, hoping that I might thereby save many lives and prevent the establishment of yet another Communist beachhead in the Caribbean.

Time will tell whether I succeeded or failed. In any case, I am not sorry that I tried—whatever image of George Smathers it may have created here or abroad.

I was not duped, because I carried no illusions with me. And as for the charge that I have given moral support to dictatorship, it is beneath contempt and I will waste no time upon it.

It is always useful to direct one's labors toward the elimination of dictators and the substitution of democratic procedures.

From the Dominican Republic I continued on across the island of Hispaniola to Haiti. This is a country accustomed to political turmoil. Today it is living on the knife's edge between the aggressive leftwing dictatorship of Fidel Castro on the west and the rightwing dictatorship of Trujillo, on the east. One revealing statistic—the present administration under Dr. Francois Duvalier is the seventh since the ouster of Dictator Paul E. Magloire in December 1956.

HAITI PLAGUED BY POVERTY

Haiti is wracked by the most extreme poverty and by illiteracy approaching 85 percent. The Duvalier government has attempted to come to grips with these problems but it is desperately short of funds.

When President Duvalier assumed office, the national treasury was empty and the Government's domestic and foreign debt amounted to $55 million. The year 1958 was a bad year for Haiti's coffee crop, and as a result the financial situation has not improved.

Moreover, Haiti's economy has not yet recovered from the vicious body blow dealt by Hurricane Hazel in October 1954. Furthermore, agricultural production, on which 90 percent of the population depends for its livelihood, is under ever-increasing pressure from an exploding birth rate.

The United States has stepped into this breach with direct technical and economic assistance, and we have been sending in surplus food to help combat a shortage brought on by prolonged drought. At the present time we also have a detachment of marines in Haiti, there at the invitation of the Haitian Government to help train Haitian ground forces against possible invasion.

I think those marines are doing an excellent job of helping to train the local constabulary. They are a wonderful source of stability. We do not like to talk about marines being anywhere in Central or South America. We hope they will never be sent again without invitation. I am sure they will not be. However, in this instance not only do I believe that we need these 50 marines, but both the colonel in charge of the detachment and the Haitian Government ask that we send about 50 more.

Much as I would prefer to report another finding, I can see no alternative to the continuance of this direct economic-budgetary assistance to Haiti.

Nor can I see how our Marine detachment can be withdrawn, given the current unrest in the Caribbean. Here again may I put in a plug for my Inter-American police force plan. If such a force were now in existence it would not be necessary for U.S. marines to guarantee Haiti's borders.

Finally I recommend that our technical assistance program to Haiti should be continued at least at the present level. I hope that somehow it may be increased.

Let me move now into my general overall recommendations.

CREDIT INSURANCE PLAN

First. As to trade, I recommend that Congress act immediately to establish a credit insurance or reinsurance program comparable to those now in existence in Western Europe and elsewhere. These guarantees would enable American firms to meet the credit competition of Western European, Japanese, and Canadian exporters who are now making significant inroads in world markets, not because they offer better quality goods or lower prices, but simply because they can grant more favorable terms than those which U.S. firms can reasonably extend.

COMMERCIAL ATTACHÉ TRAINING

Second. We should take immediate action to establish a system of full-time commercial attachés, adequately trained in the intricacies of the governmental labyrinth and therefore able to offer knowledgeable advice when it is solicited, as to where and how things are done. These men should have sufficient help so

that they are able to investigate trade conditions in the field instead of being chairbound by the demands of their job. As I said earlier, the great need is for a catalyst to bring together existing opportunities and the businessmen who can make the most of them. To date, this country has been too little interested in this kind of trade promotion. Trade fairs are lovely, and we should have more of them. They do much good. But they are only part of the job which must be done.

LOCAL DEVELOPMENT

Third. We should assist local governments in the setting up of national development authorities which would in turn furnish technical help and clerical assistance to small firms seeking business loans from the U.S. Government, from international agencies and from private banks. Conceivably such institutions, with the establishment of proper safeguards, might themselves become final lending authorities.

EXPORT-QUOTAS

Fourth. U.S. quota restrictions against Latin America's principal export commodities should be reexamined, having in mind especially those governments which have shown themselves friendly to the United States. At the same time, the U.S. Government should insist on equitable treatment for U.S. exports even where circumstances have forced local governments to control purchases for the sake of conserving foreign exchange. All we ask—and we should always ask it—is the right to compete on even terms.

COMMON MARKETS

Fifth. In every way that it is possible, the U.S. Government should offer its enthusiastic backing for the development of common markets or free trade areas in Latin America. Less than a week ago, Argentina, Brazil, Chile, Mexico, Paraguay, Peru, and Uruguay signed a treaty for a free trade zone. A Central American Common Market, embracing Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica, I believe, is about to be brought into being. Colombia, Ecuador, and Venezuela agreed a year and a half ago on the principle of a customs union. These developments do, of course, portend some immediate loss for U.S. exports. But it would be short sighted of us to see only the short-range loss. Latin America's economic progress has been hampered by small national markets which make consumer manufacture impractical. The trade zone and common market principles make possible the creation of large, multi-national markets. In part our own economic progress rests on a similar principle. The commerce clause of the Federal Constitution is the charter of the American customs union, and it has brought us vast benefits. The existence of a huge consumer market clear of tariff and customs barriers has brought prosperity to us all and made the U.S. market a prime target for foreign goods. In the long run, the interests of American exporters will be directly served by the establishment of an equivalent market set up in Latin America. A growing market is a good market for anyone who has useful products and services to sell.

U.S. INVESTMENTS IN LATIN AMERICA

Sixth. Despite the current balance of payments deficits, the Boggs bill on foreign investment, I believe, should be adopted to enable U.S. firms to invest in Latin America on a freely competitive basis. Again, we would be foolish to adopt the short-range view. We cannot save jobs for American labor by shutting our eyes to the facts of life. We must see to it that the economic development of Latin America goes forward with U.S. help. Ultimately, this development will itself generate additional demand for U.S. goods and, therefore, for the products of U.S. labor.

Seventh. Wherever possible, U.S. business should be encouraged to adopt a policy of employing local personnel and training them in U.S. techniques. Familiarity with U.S. machines and U.S. methods will help to stimulate demand for U.S. exports.

Now, as to other policy questions.

HOMEBUILDING PROGRAM

First. The U.S. Government should adopt a policy of actively promoting the establishment of local savings and loan associations in Latin America. This would permit a direct approach to the housing problem which is enormous and generic to Latin America, and it would also have side benefits in familiarizing Latin America with U.S. techniques for mobilizing and employing capital in amounts which are individually insignificant but collectively powerful and useful.

A. Peru's application for a loan of seed capital to help establish a savings and loan association is now pending before the Development Loan Fund.

I believe personally—and everyone with whom I have talked about it and who is knowledgeable about the matter believes also—that it should be approved at once.

B. Section 5 of the Home Owners Loan Act of 1933 should be amended to permit U.S. savings and loan associations, under adequate safeguards, to invest a modest amount of capital in Latin American savings and loan associations.

C. The Export-Import Bank should establish the policy, which it has already accepted in principle, of making Cooley Fund money available for local homebuilding projects when these seem financially sound. A Peruvian corporation, headed by an American named Willard Garvey, has already received a loan of about $150,000 for this type of project. I see no reason why the policy should not be extended in instances where the business arrangements are equally sound.

D. The existing policy of the International Cooperation Administration of lending local currencies for seed capital should be pushed wherever possible within the context of ICA's other obligations.

E. U.S. bankers should be encouraged to extend and develop the modest exercises in technical banking cooperation which are already under way.

Let me add one other program. It is the housing program. Everywhere we went we met the housing problem. It is probably the principal problem for all of these countries. It has social implications and economic implications and political implications. If we are ever to have any kind of stability of any nature whatever in these South American countries, we must cooperate with these governments in helping their people attain better housing than they have today. I would certainly urge the development loan program and all other agencies of Government to do immediately all they can to bring about better cooperation in the field of housing.

REENACT SMATHERS AMENDMENT

Second. The so-called Smathers amendment for sanitation, education, land colonization, and distribution should be reenacted—as quickly as possible.

It was a loan program, and it was doing a great deal of good. We should reenact it.

INTER-AMERICAN DEVELOPMENT BANK

Third. Concerning the Inter-American Development Bank, I would recommend that U.S. influence should be exerted on behalf of a pragmatic, case-by-case judgment of loan applications. Of all the lending agencies, this one should be most inclined, in view of the pressing economic and social needs of Latin America, to reject the doctrinaire approach of the classicists. Strict business principles need to be balanced against the social, political, and economic dividends which in many cases are more significant than immediate dollar costs.

However, I would never go so far as to say that this bank should make a loan which it did not consider repayable.

SMALL LOANS FOR FARMERS

Fourth. The United States should explore the possibility of helping local governments to set up agricultural loan funds for small farmers who require $200 to $300 or less to purchase seed and thus increase their yield. U.S. participation should be undertaken on a loan basis only with local governments guaranteeing repayment.

STUDENT EXCHANGE

Fifth. Again, as I have done before, I recommend a substantial increase in the student exchange program. As Rector David Stitchkin of the University of Concepcion in Chile pointed out to me, when I was there only the other day, local leaders and intellectuals, trained in the United States, are one of the most effective answers possible to anti-Americanism. And it is among the architects of the future, the university students of today, that we are losing out to the siren appeal of the Communists.

HELP FROM NATIVES

Sixth. As a corollary to the previous recommendation, we should see to it that the names of all individuals who have studied in the United States are made known to our Embassies and to USIA personnel. Many such people told me they would be glad to assist in

putting the U.S. case before the groups in which they are active. Unfortunately and surprisingly, they are not now in contact with our representatives in the countries.

BINATIONAL SCHOOLS

Seventh. We should offer emphatic support to the binational school program which is making small but significant progress toward breaking down suspicion and establishing friendly relations between our country and the people of Latin America. Since these schools are largely self-supporting, we can step up this program dramatically without incurring substantial cost.

INFORMATION PROGRAMS

Eighth. Our oversea information programs should be carefully scrutinized by the Department of State and by committees of the Congress to determine whether they are reaching the people they are intended to reach. In several countries I was told that our information releases do not penetrate very deeply. For example, an Argentinian friend of the United States told me that U.S. brochures and magazines, printed on quality paper with first-class typography, are dismissed as propaganda and are not even read by the working class. Communist propaganda, printed sloppily on poor quality stock, is devoured eagerly. It may be, in certain cases, that our technical competence defeats our purposes.

Why this would be the case, I do not know, but certainly we should direct our efforts to the group to which we want to get this information.

COMMUNICATION TO THE PEOPLE

Ninth. This matter of communication with the local population deserves greater attention than it is now getting. In this connection, I offer several subrecommendations:

A. An institute for training diplomats bound for Latin America should be established on the island of Puerto Rico, which serves as a natural bridge between the cultures of North and South America. Training should also be available to the wives of those bound for duty in the area. Ultimately, such an institution might also become a locus for education of Latin Americans, many of whom would like exposure to U.S. schooling but who cannot use the English language with sufficient confidence.

SPANISH-SPEAKING CITIZENS

B. More Spanish-speaking citizens of the United States—from Puerto Rico, from Florida, and from the States bordering Mexico—should be recruited for service in Latin America. The key word is "recruited." I think I understand the reasons of the Foreign Service for lowering its language requirements to permit normal tonguetied Americans to qualify. I am by no means in favor of limiting our diplomatic corps to linguists. But here again we seem to take an all-or-nothing approach. The facts are that just as we need able young economists and other social scientists who could not conjugate a foreign verb if their lives depended on it, so we also need more officers who understand intimately the language and customs of the areas in which they serve.

Mr. CHAVEZ. Mr. President, will the Senator from Florida indulge me for just a moment?

Mr. SMATHERS. I am happy to yield to the Senator from New Mexico.

Mr. CHAVEZ. With respect to the matter the Senator from Florida is now discussing, we have the greatest natural resource of any country in the world. As the Senator will, I am certain, agree, the American citizenry is composed of all the races of the world. But in the Foreign Service I have found that a first-class stenographer, of Spanish extraction, coming from New Mexico, will be assigned to Germany or perhaps to Sweden, while a girl from Milwaukee, having a Swedish background, will be sent to Bogotá, Colombia. The assignments should be reversed. The linguistic resource of our country is not being used in the proper way.

Many years ago, Mr. Nelson Rockefeller was employed in the Foreign Service, where he performed excellent work. He tried to adopt the kind of policy I have outlined, but for some reason or other he did not succeed.

In my travels all over South America, and also in Mexico, I have found that the Government will have assigned a tall, fine-looking blond, but that she cannot swing her hips like a girl from Texas or even from Florida. I think we are losing a bet.

Mr. SMATHERS. I thank the Senator from New Mexico. I could not agree with him more. I believe he is absolutely correct.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. RUSSELL. I certainly wish to associate myself with the statement of the distinguished Senator from New Mexico. I further point out that this condition is not confined to the State Department. Time and again I have complained when I have found in the military services that personnel who have been trained in a certain language or who are experts in the activities of certain countries are stationed just as far from those countries as it is possible for the department to assign them.

I saw a classic example of that during World War II when I was in France. A brigadier general had just returned from north Africa, where he had led effectively and fruitfully a brigade of infantry in the north African campaign. I spoke to him about his speciality. He said he had specialized for 2 years in the service in the Japanese language and in the history, tendencies, and natural reactions of the Japanese. There was a man who had spent 15 years studying Japanese, but the Army had him assigned to north Africa, leading a brigade against the Germans and Italians.

When we see things like that, all we can do is fall on our knees and thank Providence that It has seen us through so many grave dangers, because certainly we ourselves are not entitled to much credit. We make almost every conceivable mistake in matters of that kind and in others which could be mentioned.

Mr. SMATHERS. I thank the Senator from Georgia for his contribution to the debate. I think a system which permits the assignment of personnel to places where they do not belong is completely wrong.

Mr. President, I shall hurry along, because I have been talking on this subject since 12:30. I have been trying to be as brief as I can. I would not want it to be presumed that I was deliberately holding up the activities of the Senate.

Mr. RUSSELL. Mr. President, I think the Senator from Florida will do the Senate and the country an injustice if he does not deliver his remarks in full. I find them tremendously interesting and informative.

Mr. SMATHERS. I thank the able Senator from Florida.

Too many of our diplomats are simply not comfortable in the countries where they work. I do not mean this is the sense of creature comfort. Nor do I mean a slur against the Foreign Service. Only that we need more diplomats who feel at home where they are serving and who can ably interpret the United States to the people and, in turn learn things that a diplomat with a Down East or a Florida accent will never even get to hear.

LONGER FOREIGN SERVICE TOURS

C. Diplomats serving in Latin America should be assigned to their posts a minimum of 3 to 4 years, except under unusual circumstances. In less time than this, there is barely an opportunity to learn the job before moving on and precious little incentive to mix with the local population.

At present, they serve only 2 years. Everywhere one travels in Latin America, Europe, or Asia, he finds that the personnel hardly get settled in a house and place their children in school for a year, that after about 6 months they are informed that they are to be moved again The result is that they cannot fan out into the areas of the local communities in which they live. They cannot take part in the activities of the local governments. Therefore, they hardly get the "feel" of the country to which they are assigned to work.

I believe the Department should change its policy and stop moving the diplomats every 2 years. I think that a change should be made to the old system, under which the personnel remained on assignment abroad from 4 to 5 years. If they are doing good work, they may be allowed to remain even longer.

MISSIONARIES FOR DEMOCRACY

The United States should organize a positive program of democratic missionaries to carry our message into the unions, the schools, and the press of Latin America. This is what the Communists do and so should we. I believe we should establish an agency whose sole mission would be to promote the cause of democracy as the Reds promote the cause of revolution. If we give it a proper chance, the democratic message—that reform accomplished by democratic political action is sure and lasting—is cer-

tainly no less persuasive than the Communist dogma of class hate and revolution. I feel confident a good deal more so.

I feel confident that with that kind of people carrying the message and knowing what they are doing and why it is important to believe in representative government, freedom, and democracy, the people of the South American nations can understand the meaning of communism, just as we can.

The trouble is that despite their large populations, not enough people are actually working to improve the labor unions; no one is debating with Communists the conditions which exist. No one is going to the schools to present the case for freedom and democracy.

Yet we in this country sit back and think that somehow those people are going to learn our way of life by osmosis. We take things for granted when we read about them in the newspapers.

I am satisfied that there are numerous young people in the United States who would be willing to go to South America, as the religious missionaries have done and are doing, to meet the Communists on the local grounds, and present what will be for those people, as it is for us, a better philosophy. I am certain that our young Americans can do excellent work in spreading democracy.

UNDER SECRETARY OF STATE FOR WESTERN HEMISPHERE AFFAIRS

Tenth. Finally, I recommend, as I have many times before, that we revamp the organizational structure of the Department of State so as to create the office of Under Secretary of State for Western Hemisphere Affairs. I will not repeat the argument I have several times made on this floor except to say that unless we give this hemisphere the place in our thinking which it properly deserves we are likely to awaken one day and find the Communists beating on our door. Have we so soon forgotten the lesson of Guatemala? Or have we not yet learned the lesson of Cuba, just 94 miles away?

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. KUCHEL. I would be recreant in my duty if I did not tell the Senator from Florida what a very great service, in my judgment, he has performed by his address this afternoon. I was tempted to interrupt him several times to comment. With respect to the position which he has outlined concerning the very unhappy situation in the Caribbean, I agree with his comments. I share his hope for the forward march of democracy in the areas south of the border where there is no democracy today.

I simply do not want to be in the Senate and to listen to the Senator's excellent address without indicating to him the respect I have for the labor he has performed.

Mr. SMATHERS. I thank the able Senator from California, who is himself greatly interested in Central America and South America, and who has done much toward improving the relationships between our country and those countries. I thank him for his generous remarks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Ervin	Mansfield
Allott	Fong	Martin
Anderson	Frear	Monroney
Beall	Goldwater	Morton
Bennett	Gore	Moss
Bible	Green	Mundt
Brunsdale	Gruening	Muskie
Bush	Hart	Pastore
Butler	Hartke	Prouty
Byrd, Va.	Hayden	Proxmire
Byrd, W. Va.	Hickenlooper	Randolph
Cannon	Hill	Robertson
Capehart	Holland	Russell
Carlson	Hruska	Saltonstall
Carroll	Jackson	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kerr	Symington
Cotton	Kuchel	Talmadge
Curtis	Lausche	Thurmond
Dirksen	Long, Hawaii	Wiley
Dodd	Long, La.	Williams, Del.
Douglas	McCarthy	Williams, N.J.
Dworshak	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	McNamara	Young, Ohio
Engle	Magnuson	

The PRESIDING OFFICER (Mr. RANDOLPH in the chair). A quorum is present.

The Senator from Colorado [Mr. ALLOTT] is recognized.

CUBAN AFFAIRS

Mr. ALLOTT. Mr. President, our great President, Mr. Eisenhower, is now embarked upon a journey of friendship among our good neighbors to the south. It is the hope of all of us that he not only will be well received, but that our neighbors will see his trip for what it is—visible proof of our desire to work together to better the future for all freedom-loving peoples of the Western Hemisphere.

Perhaps because of the generally warmhearted feeling of the people of the United States toward those who share with us the dreams and aspirations of the New World, it is most difficult for us to conceive that the ideals of democracy and individual dignity which we all espouse could be threatened by any other ideology on our own doorstep.

We first of all must look to our own liberty. Secondly, we must assure the right of self-determination—true self-determination without fifth column conspiracies—for fellow nations. Third, we must weigh any actions in regard to the current situation—actions such as those surrounding necessary extension of the Sugar Act—to make dead certain that we do not create more problems than we are trying to cure. Fourth, it is essential that any action taken against this Communist intrigue is understood by the rest of the world and is triggered, not by some sudden decision on our part, but by a definite, forewarned action by those participating in the intrigue. Finally, we need not act alone. We do have many friends in this hemisphere, and we do have machinery, such as the Organization of American States, for dealing jointly with threats to any or all of the nations of the New World.

Since 1952, Latin America has been in the throes of not only political and social evolution but revolution. Eight nations have overthrown dictatorships. The lands south of us are the world's fastest growing areas. They are hard put to match our plentiful economy. In some places there remain poverty which staggers our imagination. We are stepping up our efforts, as much through private enterprise as through Government aid, to help overcome this situation. There is no thought on our part of "Yankee imperialism" or of "dollar dominance"—only of mutual self-help. The President's recent recommendation for an International Development Association certainly confirms this fact.

But the international Communist conspiracy, always quick to exploit dissatisfaction, is moving rapidly to influence the peoples of the Americas. A recent account in Parade magazine graphically detailed all this, including the fact that Russia now has 89 cultural centers and 36 exhibits selling communism there. Parade pointed to a comparatively few Communists stirring up nationalist feeling in Panama; a warning of Red plans to make trouble in Ecuador during the forthcoming Inter-American Conference; Communist inroads among Peruvian students; Chinese Communist activities in the Chinese settlement in Chile; an unholy alliance in Argentina between Communists and Peronistas; Brazil's economic agreement with Russia; renewed Red work in Guatemala; Communist-led armed bands in Nicaragua; and so on.

It is not a pretty picture.

Neither is the picture in Cuba, just 90 miles from our shores.

Until New Year's Day, 1959, Cuba was held in the iron-fisted dictatorship of Batista. Then Batista fled before the bearded rebels led by Fidel Castro. Cubans and the free world hoped that here was a spring breath of new freedom, of true democracy. There had been charges of Communist connections, of Red domination, in the rebel movement. But most reporters found little or no evidence of this in rebel ranks.

For many days, Cubans savored the essential flavor of freedom. Then came rough military justice meted out to Batista police and terrorists. Firing squads took over. Much of the world reaction turned to incredulity, to shock, finally to indignation. Perhaps it was the more intense because, while we expected this from a Batista, we had hoped for better from a Castro.

Just as much a problem facing Cubans was the immense graft and corruption in government, business, labor, and industry. The new government swore to wipe out all this—and we waited hopefully that it would do so. Now, what do we find today?

The present Cuban Government, which is largely composed of Castro supporters, has shown itself to be highly nationalistic, critical of U.S. policies, and apparently determined to effect a social and economic revolution in Cuba. It has reacted sharply to foreign press and other criticism of its policies which became

particularly strong during the execution of "war criminals" of the Batista regime earlier this year. Since January 1959 the Cuban Communist Party has resumed open operations and the publication of its daily newspaper, Hoy.

Mr. President, if Castro himself is not a Communist—and we have no proof he is—certainly he has been a very fine dupe and tool of the Communists.

Castro and his ministers have made it clear that they believe it will be necessary to carry out a deep-seated social revolution before political democracy can be restored in Cuba. Castro's programs are designed to benefit and to appeal to the working class and small farmers. To date, other political groups have been slow to organize in opposition to the Castro regime, particularly because of uncertainty as to when Castro plans to hold general elections.

Since January 1, 1959, the Cuban economy has experienced a marked slowdown. The principal cases for the slump have been the economic measures enacted by the Castro regime with the concomitant uncertainty of the business community as to what other measures may be in store, the drop in the world price of sugar, and a decrease in the tourist trade. The agrarian reform law, to which I will refer in a moment, has shaken the confidence of Cuban and foreign investors alike, and Castro's drastic reduction of rents—from 30 to 60 percent—has brought new construction to a standstill. Inevitably unemployment has risen.

The essence of the present regime's economic policy appears to be a desire to provide a broader distribution of national income while at the same time increasing Cuba's national product. To accomplish the former objective, the government has shown itself highly sympathetic toward labor, and labor's demands have as a result become increasingly unrealistic. Faced with a shortage of new private investment and large-scale unemployment, the government has been forced to embark upon an extensive program of public works and other public sector expenditures.

The most drastic of the Castro government's economic measures is the agrarian reform law which was promulgated on June 3, 1959.

Mr. President, when I think of agrarian reformers, I cannot help thinking of our old, old acquaintance, Mao of China, who was supposed to be the agrarian reform idealist of this century.

This agrarian reform law provides for the expropriation and redistribution of agricultural land throughout Cuba, and will affect the sizable American-owned holdings of sugar, cattle, and other agricultural properties. The 31 American-owned sugar mills in Cuba stand to lose ownership of approximately 1.8 million acres of land with an estimated value of $120 million. The law provides for payment for expropriated lands in the form of 20-year bonds bearing 4½-percent interest with valuation based upon the declared value for tax purposes.

In recent days the National Agrarian Reform Institute—INRA—has turned out to be the vehicle for the socialization of all Cuba. Its powers extend beyond agriculture to education, oil refining, importing, metal mining, housing, and a dozen other spheres.

The latest INRA vehicle is the formation of cooperatives. These are less like the cooperatives as we know them or as Denmark knows them and more like the Russian collective farms or the Chinese communes. They are not controlled by the participants. They are not owned by the participants. They are owned by the Castro government and the government decides what shares, if any, the participants will have from the cooperatives.

Mr. Cal Brumley of the Wall Street Journal has written two excellent articles on this subject which were published in the Journal of February 24. I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 24, 1960]

CUBA'S ECONOMIC CHIEF OUTLINES HIS POLICIES: FIRMS NOT TAKEN OVER FACE STRICT CONTROL

(By Cal Brumley)

HAVANA. — Cuba's revolutionary Government hopes to blend state-owned concerns, private United States and Cuban investment under strict Government control, and Russian equipment and know-how in an industrialization program aimed at doubling national production within 10 years.

The man most likely to manipulate this socialist blend is an Argentina-born, avowed anti-American named Ernesto (Che) Guevara, president of the Cuban National Bank and expected to rank second only to Prime Minister Castro on the newly formed central planning board.

In answers to written questions submitted to him earlier this week by the Wall Street Journal, Major Guevara spelled out in more detail than previously his ideas on managing the Cuban economy. In general, he assailed private enterprise and declared it has failed in Cuba and in other underdeveloped countries. "Its insufficiency is being demonstrated by history," he says, contending it has given Cuba a one-crop colonial economy and has resulted in 700,000 Cubans being unemployed or critically underemployed.

He proposes, and the administration apparently agrees, that the Government "undertake directly the development of these basic industries: steel, metallurgy, power, fuel, and heavy industry." Light industry is scheduled for "orientation."

But, although barring private capital from new companies in basic industries, the major does hold out some slight hope that private concerns will be allowed to continue in some form.

"If some private concern is at present operating in any of these (basic) fields, it may continue to do so as long as it adequately fulfills its functions," he says. A businessman, noting this, adds with some bitterness, "And the Government will decide the adequacy of the businessman's function."

PLACE FOR PRIVATE

"Private investment may and should participate in the (light) industrial development," with definite limitations, the major declares—subject to what he labels "orientation." In defining the term he says the Government will decide what new industries can be established and what size they should be.

This is one of the areas, he says, in which the new planning board will function. Duties of the board, outlined in broad terms in the official announcement of the board last weekend, are: "To shape and oversee the nation's economic policy, to set, supervise and coordinate the economic policy of different state organizations, to point out and rebuild general orienting standards for private business and to rebuild the general economy of the nation."

As an example of the degree to which the Government will direct the economy, Major Guevara says: "We desire to employ (our) limited resources to greatest advantage and therefore prefer a textile industry to produce woolens and cloth rather than lace and nylon stockings.

"The Government also will determine how many plants should be involved in a particular product—refrigerators, for example," he says.

When Government restrictions permit a monopoly in manufacture of a product, the major notes, "the Government may participate in management of such industries, or will reserve the right to control production levels, quality and price."

And, he adds, the Government may hold down prices on goods manufactured under protection of Cuban import barriers by a "reduction of speculative profit margins, progressive taxation, enlargement of Government services and price and packaging restrictions on such items as pharmaceuticals."

PLANTS BEING PLANNED

Among facilities which the Government is considering building, Major Guevara says, are a plant to fabricate automobile mufflers and fuel pumps, a metal extrusion plant to make copper tubing and a dye plant to color textile yarns.

Additional industries that will come under Cuba's industrialization program, according to one Government official, include: Sugar byproducts, cattle and chicken feed, stove and refrigerator fabrication, quality textiles, fruit and vegetable processing, meat packing, radio and television set assembly—to increase the local labor content—and frozen fish packing.

Deciding priorities for new industries will be one of the jobs of the new planning board. How fast Cuba will industrialize can't be forecast. But Major Guevara says Government plans "might result in a rate of gross growth of about 9 or 10 percent per annum."

A few businessmen, decidedly in the minority, believe they can operate under the conditions outlined by the Government. "We think we can get along in certain small industries which use imported raw materials," says one businessman who is negotiating with the Government.

OPTIMISTIC BANKERS

A banker here also is cautiously optimistic. "A business that already is here, that wants to protect its markets, probably can operate, at least for a while," he says. "But it's not a particularly attractive atmosphere for new investment." Another banker adds: "The board could be a good thing if it brings some order out of the confusion we have here now. At least then we would know where we are going, and how long we can last."

Among the weapons used to take over or harass industry, the most potent is a decree giving the Ministry of Labor power to intervene in a business in which there is an insoluble dispute between labor and management. The law also gives the Government authority to put money into a business in this circumstance, either on a loan basis or as a participating owner with a share equal to the amount of money invested. Labor problems and possible intervention currently are bothering many sugar mills and two of the three foreign-owned oil refineries in Cuba.

The threat of Government competition, especially in the petroleum industry, is of growing concern to many businessmen.

Cuban officials say they plan to build an oil refinery and organize Government marketing and buying agencies. Noting that petroleum is one of the items Cuba intends to obtain from Russia, an oilman says, "I doubt if any of the three oil companies controlled by American concerns (Texaco, Inc., Standard Oil Co., New Jersey, and Shell Oil Co.) look forward to refining Russian crude in their refineries when they all have a surplus of crude much closer to Cuba (in Venezuela)."

American interests have more than $800 million invested in Cuba, owning or having a share in 31 of the island's 161 sugar mills, nearly 2 million acres of land, the island's electric and telephone utilities, its major oil refineries, and its two largest mining installations. New investments last year, the first under the Castro regime, plummeted from the levels of previous years.

Some recent developments have pointed up Major Guevara's growing influence: He outlined the Government's economic policy in a Cuban magazine, then was the administration's economic spokesman on a 3-hour television program, a performance similar to the lengthy TV appearances favored by Mr. Castro. And he was a prime mover in the recent trade and credit agreement between Cuba and Russia.

[From the Wall Street Journal, Feb. 24, 1960]

CUBA'S COLOSSUS—"FARM" INSTITUTE MOVES INTO HOUSING, SCHOOLS, OIL AND METAL MINING—AMATEURS RUN 1,220-STORE GROCERY CHAIN; OKLAHOMA COWBOY ADVISES ON COTTON—COMMUNE-LIKE CO-OPS SPREAD

(By Cal Brumley)

HAVANA—INRA's bearded bureaucrats race around Havana—and all Cuba—these days at a frantic pace. And no wonder. They're trying to supervise INRA grocers, INRA teachers, INRA rice growers, INRA cooperatives, INRA housing plans, INRA oil dreams, INRA sugar mills, INRA cows, and even an INRA Oklahoma cowboy turned cotton expert.

INRA stands for the National Agrarian Reform Institute, an almost all-powerful government agency which touches nearly every phase of Cuba's economic and political life. Agricultural reform was the chief battle cry of Castro's revolution before it overthrew Batista last year. INRA is the instrumentality to carry out the state-ordained redistribution of land, and as such is the center of the nation's rapidly-growing trend toward complete socialism.

But INRA's powers already have been extended considerably further than agriculture. Oil refining, metal mining, education, importing and housing also fall within its purview.

SHORT ON EXPERIENCE

INRA officials, many scarcely out of their teens, are often long on enthusiasm, short on experience. At a recently expropriated sugar mill, a labor leader comments on the abilities of the youthful INRA man who has just taken over: "The commandante doesn't know much about running a sugar mill, but he certainly knows what the workers want."

The decisions of INRA's youthful, inexperienced local executives, furthermore, are being carried out with breakneck speed. In many cases, according to land owners, the officials are brazenly ignoring their own recently passed laws governing the rights of property owners and are taking over land and cattle without any legal documents whatever or without even taking inventory of what they are acquiring.

The expropriation of agricultural lands, as a result, is being effected much more rapidly than had been expected. Expropriation of lands owned by foreigners, mainly Americans, will be completed by March 31, a high INRA official says. The government takeover of plantations owned by Cubans will be complete by July 26, a significant date for Premier Castro, whose political party is known as the July 26 Movement.

PAYMENTS FOR PLANTATIONS

About 13.4 million acres of Cuba's 20 million acres are involved in the takeovers. This includes about 1.9 million acres, mostly sugar plantations, held by Americans. Compensating payments of from $300 million to $350 million will be made in the form of 20-year bonds which cannot bear more than 4½ percent interest.

"We are changing the rustic concept of private property to that of public property, explains Dr. Waldo Medina, head of INRA's legal department. Dr. Medina recently was refused a visa to visit the United States by the U.S. State Department. Although the State Department never gives out a reason for refusing a visa, it is generally understood here that Dr. Medina was turned down because of his close association wtih Communist-front organizations.

"The INRA officials just come up, swinging their guns, and tell you that they've come to take over," says one cattle rancher whose land and livestock have been seized. This owner and most others have attempted to protect themselves by notarizing statements of inventory which they hope will be useful when—and if—the payment day comes.

About 6.6 million acres already have been occupied by INRA. A spokesman says the premature seizures were necessary to "prevent sabotage" of the lands, though the U.S. Government in an official note has protested some of the takeovers were "illegal acts."

STATUS IS HAZY

Although Cuba has lost no time putting up signs identifying most of the seized lands as cooperatives, some of the remainder is turned over to individual workers. Still, the actual status of the so-called co-ops is highly hazy even to their members and officers.

At a tomato-growing cooperative at Cascajal in western Las Villas Province, Gonzalez Palacio, the INRA coordinator, has one idea of how the co-op's income will be divided; his foreman has another. According to Mr. Gonzales, a $1.7 million loan at 4-percent interest to the co-op by INRA must first be repaid; then the profits will be split, 12 percent to INRA, 20 percent into a reserve fund, 20 percent for building houses, schools, and hospitals, and 48 percent will be divided among the workers. His foreman says, "We'll divide 33 percent of the profits and the Government will get the rest."

Neither the peasants nor Government officials are quite sure yet who can belong to a cooperative. Mr. Gonzalez at the tomato cooperative says all the people in Cascajal were given a number. When they work their hours are put in a book and they will share in the profits according to their hours.

At a rice cooperative in Camaguey Province, a different system is in effect. "We select the members here on the basis of people who lived here before and those who have been working here many years," says Bernardo Rodriguez Cardenas, an official.

In Havana, Oscar Pino Santos, head of INRA's production and external commerce section, says, "Membership in co-ops is undecided in many cases. We're trying to decide now how many workers should be members and how many should be just workers."

The workers are even more confused about who will get land. Says Orlando Villegas Aguilar, a canecutter in Las Villas Province, "I think I may get some land, but I don't know yet."

Ramon Nunez, another canecutter, comments wistfully, "Up to now I don't have land. Perhaps later on."

This is a possible source of great trouble for INRA and Castro. Farmers who believe they will get land and then are disappointed could well become converts to counterrevolutionary forces.

Admittedly, Premier Castro inherited almost overpowering land and employment problems from his predecessor. More than 46 percent of the country's farmland, under Batista, was owned by 1.5 percent of the island's landlords. And 700,000 Cubans either had no work at all or were employed for only 3 or 4 months of the year.

NOTHING BUT CO-OPS?

There are many people in Cuba who believe INRA intends to make cooperatives of all the expropriated and confiscated land. Mr. Pino of INRA lends weight to this belief, saying, "We think that as the land reform goes on more and more farmers will choose to be in cooperatives. There probably isn't enough land to give everyone his share and small plots do not make efficient production units."

Some disillusioned revolutionaries claim cooperatives will be forced on the people. According to the reform law, each tenant farmer is to be given about 66 acres of land and will be allowed to purchase about 100 acres more if it can be found. However, those who receive land cannot sell or mortgage it, and the land must be returned to INRA if crop production quotas are not met. So far about 1,200 Cubans have received such land, but according to unconfirmed reports, even this property will be organized in co-ops.

In addition to land cooperatives, there will be auxiliary service co-ops—to provide machinery, technical assistance, consumer goods and credit. These are similar to farm cooperatives in the United States and Denmark with one important exception: The Cuban co-ops will remain indefinitely under INRA control.

Under a subsidiary organization—the National Petroleum Institute—INRA plans to go into the refining and marketing of oil and eventually into drilling and exploratory work. Already, it operates one small refinery and more are planned. Still in a somewhat nebulous stage are plans for nickel, copper, and manganese mines.

INRA is in the homebuilding business, too, and claims to have constructed 10,000 so far. Its programs also call for building hundreds of new schools in rural areas and the setting up of many new agricultural experiment stations.

Some of the land co-ops, where the land is to be owned jointly by the workers, are similar to Russian collective farms or Chinese communes. Central Washington, a sugar mill in Las Villas formerly owned by Batista and some of his friends, is an example. Capt. Alberto Fernandez, an ex-schoolteacher who fought in Castro's army and is now commandant of the mill, says the land surrounding the mill will be turned into a cooperative, about 10,000 acres for cane and about 6,700 acres for fruit. A cotton gin and an animal feed mill also are under construction.

OPTIMISTIC ON WELFARE

Typically, Captain Fernandez seems much more optimistic about the project's welfare activities than about its production potentials. The 24-year-old captain, smooth-shaven but sporting the long wavy hair that is another rebel symbol, grins broadly as he describes the social plans that have been undertaken. "We're getting ready to build houses for some of the workers, a dormitory for others and a dining hall which will operate for everyone. The people will be able to have lunch there for 12 cents against existing restaurant prices of 60 cents. There'll be night classes for workers, because too many of our people now can sign their name only with a fingermark. And we're putting $60,000 into playgrounds and a swimming pool. Then there'll be a dramatic theater for children and we'll put in movies for the grownups."

Some grandiose plans, however, have already come a cropper, mainly because of lack of operating experience. One big rice cooperative in Camaguey Province, for example, is being split into three this year. "We just couldn't run it last year. It was too big," admits one of the officials.

INRA also is having trouble finding people who can run two new rice co-ops. "Many educated people are reluctant to get mixed up in these things," asserts a Cuban businessman.

The situation is being turned to good advantage by some individuals, fast on their feet and with a gift of gab. Take the Oklahoma cowboy who is now a cotton expert for INRA. "I just got tired of that cold wind blowing up the back of my jacket so I decided to come down here," he drawls. He admits he learned his cotton culture from a correspondence school.

INRA has other problems besides inexperience. Many of the farmworkers admittedly do not work as hard as they did under the former private owners of the land. "We are free now, and don't have to work harder than we want to," says one laborer on a cooperative. This attitude is prevalent even though Premier Castro is on television almost weekly with exhortations about the importance of hard work.

Another possible sore spot is the People's Stores, established in rural areas by INRA. So far about 1,220 have been set up and double that number are planned by the year-end. They are supposed to sell at cost plus 10 percent. However, a comparative shopping tour of some People's Stores and privately operated rural stores casts some doubt on how consistently the official markup is working. For example, a small box of Fab soap powder costs 20 cents in both. But staples, such as rice and beans, are 3 to 5 cents a pound cheaper in the People's Stores.

INRA officials openly predict the People's Stores eventually will drive private stores out of business in the rural areas. To help control its prices in the stores, INRA has taken over the purchase and resale of such things as corn, coffee, beans, eggs, machinery, and insecticides.

The far-reaching activities of INRA cost money and INRA expenditures probably are a major factor in the financial difficulties of the Cuban Government. The recent trade agreement with Russia possibly was prompted, aside from political considerations, by hopes it would help ease Cuba's foreign exchange and internal money shortage problems.

INRA'S BUDGET GROWS

INRA's budget in 1959 was estimated at more than $150 million and in 1960 will be considerably higher. In comparison, the total budget for the whole Cuban Government in 1959 was about $580 million. INRA gets a good deal of money from general government funds and other amounts from the Ministry for the Recovery of Stolen Property. The estimate of recovered property, taken from Batista supporters and enemies of the present government, is about $50 million in cash and securities and $20 million to $25 million in real property, including 25 sugar mills. Banks have been instructed to give INRA projects loan priority.

INRA headquarters is an 18-story buff-colored building in the new Civic Plaza on the road from the airport into Havana. Started by the Batista government as a new city hall building for Havana, the edifice is still unfinished. Its main entrance is guarded by soldiers who swing their rifles about carelessly. No one is allowed above the lobby without a pass obtained from clerks working behind a nest of temporary desks.

An organizational chart of INRA presents a misleadingly orderly picture. At the top is Fidel Castro, president of the organization as well as premier of the nation. His INRA office is on the fourth floor of the headquarters building; on the 18th floor is his prime minister's office.

Second in command is Antonio Nunez Jimenez, 36, a leftish rebel army captain and formerly geography professor at Las Villas University. During the days before Batista's overthrow, he operated an underground press in his home and once was arrested and supposedly tortured. In 1955 an anti-American political geography book, authored by Mr. Nunez, was suppressed by Batista; today the book is an official textbook in Cuban schools.

Another top man is Oscar Pino Santos, 30 years old and formerly an economic writer for two Havana weekly magazines. He is head of farm production and external commerce. "I helped draft the land reform law and Fidel asked me to take a job here," he says.

Dr. Medina, head of the legal department, is 50 years old and is a former judge. His judicial robes were removed in 1956 by Batista after the Havana Bar Association protested his work. Like Mr. Pino, Dr. Medina has journalistic inclinations, writing for a daily newspaper and a weekly magazine.

The industrialization department currently is headed by Cesar Rodriguez, who calls himself a petroleum and geological expert. He succeeded Maj. Ernesto Guevara when the latter became president of the National Bank of Cuba and apparently still takes orders from the major. Recently he sent word to a reporter seeking information about Cuba's industrialization plans, "You'll have to talk to Major Guevara about that."

Mr. ALLOTT. Mr. President, the first article describes the situation in great detail. The second is an interview with the Argentine-born Ernesto Guevara, who is emerging as the real economic chief of the Castro regime. It is interesting to note that one of the weapons being used in socializing Cuba is a decree allowing the Minister of Labor to intervene in any business—to take it over—where there is a labor dispute, and there seem to be so-called labor disputes plaguing virtually every foreign-owned company in Cuba.

Externally, since coming to power, the present Cuban Government has expressed in no uncertain terms its animosity toward the "dictatorships" in Latin America. Cuba's tolerance and encouragement of foreign revolutionary elements—despite Castro's call for the United States to crack down on any within our borders who would plot against him—is a serious factor in mounting tension in the Caribbean.

What are the basic U.S. objectives regarding Cuba?

First. Strengthening the ties of friendship which have always united our two peoples.

Second. The evolution of Cuba into a stable, democratic government.

Third. Obtaining just treatment for U.S. investors in Cuba.

The dispassionate statement of the President of January 26 on this subject was entered in the RECORD by the distinguished Senator from New York [Mr. JAVITS]. It will only be reviewed now to recall that it stressed our traditional policy of nonintervention in the internal affairs of Cuba and other countries; pledged anew to prevent illegal acts against other nations from our territory; protested the brash attempts of Castro and other spokesmen to create the illusion of aggression against Cuba; again recognized the right of the people of Cuba in the exercise of their national sovereignty, and, finally, said that we must protect the principle of liberty. The President added that we have faith that the people of Cuba can recognize and defeat the intrigues of international communism. I was glad to note that the statement also received the commendation of the distinguished chairman of the Subcommittee on American Republics Affairs [Mr. MORSE].

One of the best comments on that statement and on our policy came in a column written by Walter Lippmann. I ask unanimous consent, Mr. President, that it be printed at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR CUBAN POLICY

(By Walter Lippmann)

The official statement on Cuba, which the President made at his press conference last Tuesday, is an approach to a problem of which no one can now know the solution. The problem is larger than Cuba. It is the problem of what this country is to do about the revolutionary movement in Latin America, of which Castro's is a spectacular but by no means the only manifestation.

For what is going on in Cuba today is no mere palace revolution at the top, in which one oligarchy has ousted another. This is a social revolution involving the masses of the Cuban people, and its aim is not to install a new set of rulers but to work out a new social order.

Our experience, which began with the Mexican revolution some 40 years ago, has taught us that armed intervention or even economic coercion by blockade, embargo, and economic repisals, do little good and much harm. They do not protect the legitimate American interests which are jeopardized by the revolution and they make it very difficult to come to reasonable settlements when the revolutionary fervor subsides, and the time of reconciliation and reconstruction arrives.

The President has based his position on that experience. It amounts to saying that for the time being our policy is to sit it out on the principle that this is the kind of situation where it is better to do nothing than to do the wrong thing. This policy of keeping our hands off and of sitting it out will work as long as only American property and American pride, but not American lives, are involved.

In his press conference the President said that "we are concerned and more than that, we are perplexed" about the savage attacks made upon us by Castro and his government and the Cuban press. Unfortunately the truth, though very unpleasant, is not perplexing. It is that to attack this country is popular, that it rallies mass support not only in Cuba but in many other countries in this hemisphere. If we really face it, we have to realize that in our relations with Latin America we have, with notable exceptions, identified ourselves with the support of the past and as opponents of the future. The chickens are coming home to roost. To be anti-Yankee is to be popular and progressive.

Thus, our Cuban policy in the face of the exasperating provocations of Castro involves our relations with all the progressive popular movements in this hemisphere. Castro knows this and is exploiting it fully. At times there is reason to suspect that he is trying to provoke us into an intervention

in order to rally his own people and to arouse mass support in the whole hemisphere.

The President and his advisers appear to be fully aware of this, and the attitude they have taken is surely the wisest and the most responsible that is possible in the circumstances. It is worthy of full national support. They have understood that much more is at stake than some property and that hard words are just hard words. There is at stake our ability to convince our American neighbors and the world outside that we are not enemies but are indeed the friends of the liberating, democratic, and progressive movements of our age.

To convince our Latin American neighbors of this will be, I take it, the President's mission in his coming trip to South America. We should understand that this is by all odds the most difficult trip he has yet undertaken, and that the risks, the political risks, are very considerable. These risks would almost surely become prohibitive, owing to popular resentment in South America, if in his Cuban policy the President had even flirted with the idea of intervention or economic coercion.

Mr. ALLOTT. Mr. President, only a few days ago, two steps were taken which prove, in all deliberate measure, that we mean exactly what we say. The President issued an Executive order authorizing the Department of Justice, through the Federal Bureau of Investigation, to seize arms and munitions—and vessels and planes containing them—when intended for illegal export from the United States. Second, despite all provocation to do otherwise, we formally apologized for a small private plane raid on Cuba from a Florida field.

How is this calm, continuing hand of friendship accepted? Is it clasped in good will? Is it not. It is deliberately slapped by the Castro regime and its spokesmen. The only effect of our apology was to encourage Castro spokesmen to double their villification of us.

Little wonder that many Americans are tempted to lash out at these wordy men of ill will. Certainly, there can be no doubt that even if Fidel Castro is not a Communist, he is surrounded by many who are and his regime is harboring others who are plotting their future moves in other Latin American lands. Thus, the Communist threat has arrived within less than 100 miles of our shores. It is today a very real factor in our own hemisphere, and our own deliberations here.

Surely, the investment of U.S. capital in Latin America—$300 million in Cuba alone—and the growing trade with Latin America has helped in at least some measure to build the economy of our neighbors. Cuba's foreign trade, for example, is principally with the United States. We take about 60 percent of her exports; provide about 75 percent of her imports. In 1958, Cuban exports totaled $733 million, of which 76 percent was sugar, half of which went to the United States at above the world price.

No wonder, when the recent trade agreement between the Soviet Union and Cuba was announced, that Scotty Reston opened an article in the New York Times with the statement:

Cuba has a new sugar daddy, the Soviet Union's top traveling salesman, Mr. Anastas I. Mikoyan, and the question now is whether she can also keep old Uncle Sam on the string.

Because Mr. Reston states some of the questions raised by that pact in clear, understandable style, I ask unanimous consent, Mr. President, that his article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBA'S NEW "SUGAR DADDY" CAUSING CONGRESSIONAL STIR

(By James Reston)

HAVANA.—Cuba has a new "Sugar daddy," the Soviet Union's top traveling salesman, Mr. Anastas I. Mikoyan, and the question now is whether she can also keep old Uncle Sam on the string.

If she can, she'll be doing fine, but as every woman knows, two sugar daddies at once are an extremely complicated operation.

Mikoyan has made clear here that there is a limit to Moscow's generosity.

This is no grant-in-aid or nest egg he is making to Cuba: It is a $100 million loan at 2½ percent interest; it is very largely a buy-Russian loan, which would make Cuba at least partly dependent on Soviet machinery parts and technicians, and that is not all.

Mainly, Cuba would sell her sugar to the Soviet Union at the world price of around 3 cents a pound.

Earlier in the week, Mikoyan bought 345,000 tons here at 2.78 cents a pound. This is not only less than the world price, but is less than the 4 cents a pound it costs Cuba to produce the sugar, and is almost half of the subsidized price of 5.25 cents a pound paid by old Uncle Sugar.

So Cuba is taking quite a gamble.

She is betting that she can play footsie with Mikoyan, expropriate U.S. property in Cuba, and still retain a U.S. sugar subsidy of more than $100 million a year above the world price.

This raises an interesting political question in Washington.

How, for example, would you like to go to Capitol Hill and argue on behalf of an economy-minded administration that the Appropriations Committee should vote to continue paying $100-million-a-year subsidy to Cuba, whose officials and press are vilifying the United States and moving closer economically and politically to the Soviet Union?

Fidel Castro, whose experience with any Congress is strictly limited, has started more political hares running with this deal than he apparently realizes.

Washington is full of lobbyists arguing against the Cuban subsidy, demanding more sugar production in the United States, and urging a larger share of the U.S. sugar market for Mexico, Peru, the Dominican Republic, Brazil, and Nicaragua.

Even before today's Soviet-Cuban deal was made, U.S. officials here were having trouble holding the line against those in Washington who thought the U.S. subsidy to Castro's government should be cut or eliminated.

The argument of U.S. Ambassador Philip Bonsal was that the Cuban people should not be punished for the follies of their government.

It was also part of his argument that if the United States continued the sugar subsidy in spite of the anti-American attitude of the Castro regime, the other Latin-American governments would take this as final proof that the United States would not use its economic power against them, even when provoked.

Now, however, even those officials here who were making these arguments to the State Department are on the defensive.

For they now have to explain what will happen in the rest of Latin America if Cuba can benefit from Soviet trade, expropriate U.S. property, and still be subsidized by the United States to the tune of over $100 million a year.

Finally there is the Soviet aspect of the deal.

U.S. officials here frankly felt that Moscow would not risk a deterioration of relations with the United States just before a summit meeting in order to improve Soviet relations with Cuba.

The Russians have now done so, however, and there was considerable speculation here that they were trying to demonstrate that, if Washington refused to recognize Moscow's sphere of influence in Eastern Europe and on the southern borders of the Soviet Union, or Peiping's sphere of influence in the Formosa Straits, the Soviet Union would not continue to recognize our sphere of influence even in the islands off our shores.

Mr. ALLOTT. Subsequent developments and further study of the Soviet-Cuban trade agreement indicate that, like some other "sugar daddies," Red Russia may be taking advantage of a naive girl's anxious innocence. A wise old uncle of this little girl, the conservative paper Diario de la Marina, took a second look at Cuba's arrangement and decided she had been took, as the saying goes. The newspaper figured that the Soviet Union bought nearly 2 million tons of Cuban sugar since 1955, without formal agreement, and paid $139 million for it. Now the Soviet will buy a million tons each year for 5 years. But, this sugar daddy will ante up dollars for only one-fifth the sugar, a total of only about $75 million in cash. The rest will be paid in goods.

"You must come to the conclusion," the newspaper said, "that the brandnew sugar pact means Cuba loses $64 million in foreign exchange with the aggravating factor that, according to the experts, the U.S.S.R would have bought an equal or similar quantity of sugar in the coming years."

Additionally, I might point out, the world price for sugar is less than it costs Cuba to produce it. So the Cuban people have been saddled with a losing deal in sugar; a $100 million loan with a 12-year payoff; an agreement to buy petroleum, fuel oil, wheat, wood, machinery, and other products, not from her neighbors in this hemisphere but from Russia; and a deal whereby the Soviet Union may charge against the loan any work of investigating or planning proposed factory projects in Cuba and all costs of Communist specialists to assist, allegedly, in industrial development.

I, for one, feel sorry for Cuba.

Perhaps she is being led, once again, down the primrose path. This deal, as one Cuban businessman was quoted, "is another bit of clever Russian manipulation." A grain elevator operator in Havana told an American reporter, "I don't like their products," referring to communism. Newsreel shots of Mikoyan in Cuban theaters were roundly booed.

These are signs that the Cuban people are not in a mood to pay for Castro perfidy. They still have the burning desire with which they greeted his pronouncements of 13 months ago—that here was hope to an end to greedy tyranny; hope of democracy and progress. Castro's

actions and words have raised grave doubts that he and his fellows can fulfill that desire.

The Washington Post this morning, in a UPI dispatch from Havana, reported that the Castro government yesterday denied anti-Communists a permit to hold a demonstration in Central Park in downtown Havana. The sponsors, who promptly canceled their meeting, were described as "the authentic wing of the former Cuban revolutionary party."

John Herling begins a column today—February 25—in the Washington Daily News, with the statement that "political terror hangs over the workers of the beautiful and unhappy land of Cuba." Mr. Herling's description of the situation within the ranks of our friends, the average worker in Cuba, is such that I ask, Mr. President, unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Feb. 25, 1960]

CUBAN WORKERS' PLIGHT

(By John Herling)

Political terror hangs over the workers of the beautiful and unhappy land of Cuba. The arm of the Castro government is now flexed to sweep nonconforming workers out of their jobs. Object: Their complete political submission.

Several months ago, the purge of anti-Communist labor leaders was already under way. Now the Castro regime has moved in on the plain working stiff.

New powers have been assigned to the Ministry of Labor, headed by Augusto Martinez Sanchez, who is a close friend of Raul Castro, the Cuban Premier's Communist brother.

Under the new decree, the Minister of Labor can intervene (that is, take over) any enterprise with an unresolved labor dispute. He can also fire any individual employee for counterrevolutionary activity—a catchall term. And finally, under a new system of registration of the entire labor force—ostensibly set up to deal with unemployment—no worker may change his job without permission, and in order to get a job he must be on the registration lists.

This system, like the labor registration setup in Soviet Russia and Poland, becomes a weapon to crack the spine of doubting workers.

By ordering the discharge of any employee for political reasons, Senor Martinez also removes him from the employment list. An unlisted worker is practically outlawed from his livelihood.

Already, the Castro regime has removed about 10 top leaders of national unions on charges of "political unreliability." Two of them found refuge in the Venezuelan and Guatemalan Embassies, and so escaped the country.

More aggressively than before, Communist spokesmen are moving in from the wings and onto the stage. A leading Communist spokesman, Dr. Juan Marinello, who was also a power under the Batista regime of the 1940's boasted over TV that the Communists were gaining the ascendancy. Furthermore, he said, "Anybody—anybody—who raises the anti-Communist banner is raising the banner of treason."

This bald statement of political expropriation startled many Cubans, themselves active in the July 26th revolutionary movement which brought Fidel Castro. Throughout Havana, the question was asked: Will Dr. Marinello get away with it? The next day came the answer. It was a powerful, daring answer—but anonymous.

Signed by the CON—Commision Obrera Nacional of the Autentico Party—the statement said: "We raise the banner of anti-communism. We who are for the revolution—and have been from the beginning—say that to be anti-Communist is not to be anti-revolution."

Such a position as Dr. Marinello pronounced, the CON said, is an insult to the Cuban people. "We want Cuba to be free, democratic, independent and sovereign." The sad fact is that no names were signed. After all, history can be written only by survivors. Two papers published the statement in full: Diario de la Marina and Information.

Meantime, the drive to discredit anti-Communist labor leaders is pushing ahead. Inside the CTC—the Cuban Federation of Labor—the man with the iron broom is Jesus Soto, added to the CTC's directorate at the last labor convention. Sr. Soto is CTC's secretary for organization. Working with him is the president of the bank clerks, Jose Maria de la Aguilera.

Armed with purification powers granted by the CTC convention, the purgers went furiously to work. But, as often happens, they overreached themselves. Some of the national unions resisted their intrusion, fearful that the central organization would undermine their autonomy. After all, revolutions have been known to eat their own children.

At any rate, on the top level, the speed of the purge has been somewhat slowed, but not its direction. No Cuban worker with a political mind of his own dares lift his head if he wants to feed his family or stay out of jail.

Mr. ALLOTT. Also in the press of today are accounts of Castro stating that any foreign private capital coming into Cuba in the future will, and I quote, "be delivered to the nation" and invested as it sees fit. Reporters on the scene and in the business world generally agree that Castro's stand will end all private investment in Cuba.

It is very difficult to understand how our neighbors to the south, under such a declared policy, could possibly expect capital from this country or any other country in the westward hemisphere to flow into Cuba.

These actions come at a time when he and his cohorts have made extravagant claims and extravagant promises to build Cuban economy. It well may be that Castro himself will pull the trigger which will destroy any remaining faith of the Cuban people in him as a leader.

What are we to do meanwhile?

Certainly we cannot stand idly by while our interests are imperiled; while our national honor is vilified; while our hand of friendship is rudely knocked aside. Neither can we abandon the time-tested pattern of dignity; of self-determination for all peoples; of "our good partner policy," as the President so aptly described it.

We shall consider here shortly one piece of major legislation which some of our colleagues are seizing upon as a potential weapon. That is the Sugar Act, which expires December 31 and which must be extended in some form before we adjourn lest we create chaos for our own sugar growers and refiners, as well as those of other nations. This includes both our cane growers and our sugar beet growers.

Suggestions range from a 1-year extension without change in Cuban participation—a continuing wait and see policy—to completely cutting Cuba out of any participation in our market. The solution may lie somewhere between. My studies lead to a conclusion that the Sugar Act should be renewed for a minimum of 4 years to provide continued stability; that a small reallocation should be made to care for continuing Puerto Rican deficits; and that the President should be empowered to cut—not to adjust but to cut—quotas of other nations for 1 year, with proper consultation with Congress. The latter would provide a flexible and potent weapon for economic warfare if that is what Castro wants. We should make it clear that we want to be good neighbors. We should make it clear what we intend to do if Castro persists in being a bad neighbor. We should make it clear that the choice is up to him.

We can, in good faith, without penalizing Cuba, allocate to the growers of the United States the deficits of Puerto Rico which have been falling to Cuba, but which are not Cuba's quotas, and to which Cuba has no right in law or under any treaty, or in any other way.

I think it is also time for us to destroy forever the image of a big and strong America dancing a jig to a tune played by a little dictator.

Additionally, serious consideration should be given to setting forth before the Organization of American States all of the facts available on Communist penetrations in Cuba, in our own Nation, and throughout the hemisphere. OAS then could decide upon joint courses of action by all free nations of the Western Hemisphere who are as concerned about godless tyranny as we.

After all, as the President pointed out Sunday night:

> The bonds among our American republics are not merely geographic; rather they are shared principles and convictions. Together we believe in God, in the dignity and rights of man, in peace with justice, and in the right of every people to determine its own destiny. In such beliefs our friendship is rooted.
>
> Yet even among close comrades, friendships too often seem to be taken for granted. We must not give our neighbors of Latin America cause to believe this about us.
>
> So I shall reaffirm to our sister republics that we are steadfast in our purpose to work with them hand in hand in promoting the security and well-being of all peoples of this hemisphere.
>
> To do so calls for a sustained effort that is, unfortunately, sometimes impeded by misunderstandings.

And, the President added:

> We wish, for every American nation, a rapid economic progress, with its blessings reaching all the people.

There is considerable doubt that the blessings which Fidel Castro and his associates have taken unto themselves since they led their bearded bands out of the hills are being—or will be—shared by the people of Cuba. Our sympathy goes to them, our friends, once again, in the face of a new tyrannical overlord.

I ask unanimous consent that two articles touching on this question, to which

I have previously referred, be made a part of the RECORD in this matter.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 25, 1960]

ANTI-RED GROUP DENIED PERMIT FOR HAVANA RALLY

HAVANA, February 24.—The Government today denied anti-Communists a permit to hold a demonstration in Central Park in downtown Havana. The sponsors of the meeting, the authentic wing of the former Cuban Revolutionary Party, promptly canceled the session.

The refusal of the authorities to permit the meeting was presumed due to a desire to avoid a possible clash between anti-Communists and Cuban Confederation of Labor delegates scheduled to hold a mass meeting at the Worker's Palace at the same time.

Some 5,500 delegates representing a million and a half union men were scheduled to deliver to Government leaders the first installment of a 4-percent wage deduction applied to all workers for the next 3 years for industrialization purposes.

Prime Minister Fidel Castro, his brother, Raul, the Defense Minister, and National Bank President Ernesto Guevara were to speak.

Raul Castro in a speech to Havana University students last night told them that "enemies of the revolution" are trying to keep the Cuban people "illiterate and obedient."

In a reference to the Spanish-American War of 1898, the Defense Minister said U.S. troops "intervened" only to frustrate "the revolutionary stage" and "only after the Cubans were dominating the military situation." Castro said the United States went to war with Spain "simply to establish U.S. monopolies in Cuba."

While Castro was speaking, so-called "pirate aircraft" again fire bombed Cuban sugarcane fields. Reports from the interior say mystery aircraft destroyed some 50,000 tons of cane in attacks on fields in and about Santa Clara in central Cuba. The attacks were carried out by one small plane dropping phosphorus flares.

Italian industrialist Amadeo Barletta, meanwhile, denied in a press statement the Government allegations that his $40 million business holdings in Cuba were seized because of his alleged close connections with the ousted Batista regime.

Not one of the estimated 20 business establishments Barletta owned in Cuba ever was aided financially or otherwise by the Batista regime, he said. He said he wished to deny categorically the Government allegation that he was a "beneficiary" of the Batista regime.

Diario de la Marina, meanwhile, criticized the revolutionary Government for its invitation to French existentialist Jean Paul Sartre to be a state guest. The newspaper asked why it was necessary to "import" the Frenchman "when, in the era in which we live, we lack foreign exchange and foment nationalism in all things."

POLICY BROADCAST—CUBA WILL ASSIGN FOREIGN CAPITAL DOLLARS

HAVANA, February 25.—Premier Fidel Castro declared today that any foreign private capital coming into Cuba in the future will be "delivered to the nation" and invested as it sees fit.

Castro bitterly attacked foreign investors in a 2-hour-and-20-minute televised speech to 7,000 unionized workers in the Blanquita movie theater—one of the shortest major television appearances he has ever made.

PURPOSE

"Private foreign capital is motivated neither by generosity nor by charity nor by a desire to aid the people," he said. "Private foreign capital is invested to help its investors.

"The investors * * * set conditions to increase their gains and to take them away, extracting the juice from the country indefinitely."

Castro's stand was expected to end private foreign investment in Cuba. Although the new conditions for investment have not yet been defined, it appeared unlikely that they would prove attractive to investors.

The Premier made no mention in today's speech of the fate of existing investments in Cuba. He had announced previously that at least 51 percent of all "basic industries" will be taken over by the government, but has not said what will happen to the producers of consumer goods.

PRAISE—BLAME

Before Castro took the stage, David Salvador, extreme leftist secretary general of the CTC union federation, had praised the recent trade deal with Russia—"in the best interests of Cuba" and attacked the foreign press.

"The reactionary international press and the imperialist news agencies bombard this country and the world daily with a miserable campaign of defamation against our revolution and our people," Salvador said.

Others who appeared briefly at the meeting included Argentine-born Maj. Ernesto (Che) Guevara, president of Cuba's national bank, who joined Russian-style in applauding himself.

At the end of Salvador's 50-minute speech, a parade of union officials started to the stage to hand Castro the first checks contributed by the unionists who Salvador said will give 4 percent of their pay to the government for the next 5 years.

The contribution previously had been scheduled for a period of 3 years. Salvador said payments over the longer term would make about $200 million available to the government.

Castro announced detailed plans for the use of the first year's 4-percent money, which he expects to total about $40 million. He said $4,600,000 would be soon spent on a thread factory, $500,000 for a manganese plant, and $250,000 for a precooked rice factory.

He said the $100 million loan recently received from Russia will be used to build a steel mill.

Mr. ALLOTT. Mr. President, in conclusion, I wish to say that we in this country are on the horns of a dilemma. There are those whose reaction, as I have indicated, is one of extreme anger, and thus they wish to cut the quota of Cuba clear out of the renewal of the Sugar Act.

In my opinion such a course could have only disastrous consequences, and it is one which people in Cuba could not understand, and I am afraid it is the course which perhaps the free nations of the world could not quite understand, in view of the great importance of sugar to Cuba, amounting, as it does, to some $420 million of their economy.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. THURMOND. I wish to take this opportunity to congratulate the able and distinguished Senator from Colorado on the magnificent address he is making. The information he has brought to the Senate is very valuable on this timely and pertinent topic. I believe he has rendered a splendid service to Congress by bringing us this address today.

Mr. ALLOTT. I thank the Senator.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PROUTY. I would like to pay tribute to the calm, well-seasoned thoughts of the distinguished senior Senator from Colorado on the problems and pitfalls we face in the Cuban situation. As he pointed out, this is no time for precipitate action—and neither is it a time for putting our heads in the sand.

While our distinguished colleague is not a member of the Foreign Relations Committee, he always has maintained a deep and understanding interest in the relations of this Nation with our many good neighbors to the south.

So that we all may be aware of this, I request unanimous consent at this point to print in the RECORD the text of a speech made by the senior Senator from Colorado. It deals with our sugar industry, our relations with the Cuban people and with our own economic future. It is worthy of close attention.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR GORDON ALLOTT, BEFORE BEET SUGAR PRODUCERS, GRAND JUNCTION, COLO., FEBRUARY 5, 1960

We in Colorado have had a sugar beet industry for such a long time that we are prone to think that it began here. Over in eastern Colorado the tendency is to think beet sugar was invented there. People remember the first sugar factories in the Arkansas Valley began operations in 1900. The first factory started at Loveland in 1901. You and I know, of course, that they were Johnies-come-lately. The first factory in Colorado fired up right here in Grand Junction in 1899.

Since that time, beet sugar has become a $55 million Colorado enterprise—both agricultural and industrial. Its well-being affects the entire State and, in turn, it has been our most stabilizing influence.

This is not difficult to remember back in Washington. Certainly I hear frequently from you and your representatives. It has been my pleasure to work closely with such people as Dick Blake and Harry Clark, representing the growers, and Frank Kemp and Mick Shoup, here, representing the processors. You can be proud of these and other men who carry your views to Washington. They are knowledgeable, rational and persuasive. As a result, they are heard, and respected.

You face a difficult situation this year. The Sugar Act expires next December. The cost-price squeeze, Puerto Rican deficits in recent years, Fidel Castro's arrogant rantings in recent months, research which has brought greater yields, the desire of would-be growers to obtain quotas and of present growers to expand quotas, all complicate the picture. They loosen the lock on a veritable Pandora's box which, if opened, might create chaos from which the industry might not recover for years—if ever.

The largest single factor in the sugar picture is one man—Fidel Castro. He is anti-American. He is surrounded by persons who have close Communist connections. He is obviously harboring leaders of a movement to bring more of Latin America under Communist domination.

This man's country, Cuba, provides America with more than one-third of its huge annual sugar requirements. We grow less than one-third in the continental United States. Castro's importance—and danger—

to American welfare will grow in the coming weeks. He has initiated a program of expropriation of foreign-owned lands and other properties. His expropriation program has broad significance for all Americans—not only the Americans who have investments in Cuba. And this is why:

The Cuban Government is taking over Cuban sugarcane lands as they are harvested. The cane is cut on 10 hectares of land today, and the Castro government takes over that 10 hectares tomorrow. This is going on all over the Cuban sugarcane country right now—for the harvest of the 1960 sugarcane crop is in full swing. By June, the harvest will be completed—and the Cuban Government will have full possession and control of all the sugarcane lands in Cuba. That puts the entire sugar industry of Cuba under the control of Fidel Castro. By the same token, it places in his hands the exclusive control of the income of that crop of about $420 million, of which $320 million has been from sales to the United States. And that presents this cold, hard fact for all Americans to consider: By the middle of this year, the source of one-third of America's sugar supply will be completely controlled by a man who is violently anti-American, who is determinedly attempting to discredit America throughout the southern part of this hemisphere, who has publicly urged the American people to revolt against our own Government, who preaches a doctrine of hate against the United States, who has made an armed camp of Cuba. For the first time, the countryside of Cuba has become to a large degree armed.

Under terms of the present Sugar Act, we assure this man that he will continue to have control of one-third of our sugar supply—that we will continue to give him 30 percent of every increase in our annual sugar market—that we will thus, in effect and in reality, by our purchases of sugar continue to finance to the extent of hundreds of millions of dollars the campaign of hate he directs against us.

The Sugar Act expires at the end of this year. Clearly this law, which has been so beneficial to consumers and producers alike, must and will be extended. But to extend it in its present form, with all its present assurances of a larger and larger market for Castro sugar, is unthinkable.

A natural and normal instinct is to urge amendment of the act with immediate and drastic cuts in the Cuban quota. This urge becomes the stronger as we think of the many American farmers who now are denied the right to grow sugar beets—a dependable crop not in surplus—because such a huge part of our market is reserved for Castro sugar. As a matter of fact, several bills already have been introduced into the Congress which would make sharp reductions in the Cuban quota.

I sympathize with the emotions behind these bills. We have not learned to deal adequately with the internationalist Communist menace. When a small country barks at us, we too often seem overly concerned with what others think of us instead of being honest with ourselves, fair to others, and, above all, firm. We already have delayed nearly a year in considering extension of the Sugar Act—months during which we hoped that perhaps Castro would go away, or that he would throw out his Communist camp followers. He has not gone away—and the Reds seem to have taken him into camp.

There are those in the Congress who would continue a policy of watchful waiting by extending the Sugar Act for only 1 year. This also can be dangerous. It gives Castro free rein for another year. More than that, though, it is not in the best interests of steady and desirable progress and growth of our domestic sugar industry.

Obviously, calm reasoning must prevail. We must not forget that the people of Cuba—and I do not mean those few bearded prophets of revolution—have been and still are good friends and neighbors of America. These Cuban people have played an important role for more than 25 years in working with us for a stable and effective sugar program.

A segment of the big-city eastern press, as might be expected, is using the occasion of the Cuban uncertainty to utter the customary jackal cries for abolition of the Sugar Act. I say, instead, that for more than a quarter century the Sugar Act has proven its importance to the Nation's welfare.

It has assured adequate sugar supplies for the American housewife and the great sugar-using industries of our Nation. No one today feels impelled to hoard sugar or carry huge stocks to be sure of having a supply of sugar on hand.

The Sugar Act has brought a certain stabilization to sugar prices, for the benefit of sugar consumers as well as producers; and the grower can count on a reasonable price for his crop in a ready market.

In terms of cents per pound, American sugar prices are lower than in most of the rest of the world. In terms of wages and income of consumers, the United States is among the two or three countries having the very lowest sugar prices in the world. An American workman needs to work only a few seconds more than 3 minutes to earn enough to buy a pound of sugar. In England he must work 10 minutes; in France and Germany, about 20; in Russia, 2½ hours.

Sometimes the raw sugar price in New York is compared with the raw sugar price on the so-called world market. This is not an accurate or fair basis for comparison. Virtually all the world's sugar trade is regulated closely by national and international agreements of one kind or another, like our Sugar Act. Sugar reaching the so-called world market represents less than 10 percent of total world production. It is sugar that has no home—nowhere else to go. The so-called world market is a residual market—a dumping ground.

The Sugar Act has, of course, helped to keep a strong, healthy, and competitive domestic sugar industry operating in the United States. In this time of crisis concerning Cuba, let us not apologize for this. Let us be grateful for it.

For many years before we had a Sugar Act, consumers, producers, and growers alike were plagued by uncertainties, alternating periods of scarcity and surplus, alternating periods of high prices and ruinously low prices. To talk of returning to those times is, of course, foolish. The sugar program is one farm program that works. Its operations, through a small tax on sugar, return more to the U.S. Treasury than the program costs. Let us not talk foolishly about tossing out one farm program that works effectively for consumers, producers, and the Government.

I must congratulate the statesmanlike attitude of the beet sugar industry in the current situation. I can well envision that if this industry had men of lesser stature there would be loud and brazen attempts to capitalize on the present Cuban uncertainties and demand a much, much larger share of the American sugar market than the beet sugar industry now has. However, you are most reasonable in your requests.

Admittedly there are strong pressures in some areas in some States for larger quota. You should have more quota to keep pace with your continuing increases in efficiency. Your efficiency of production per acre is advancing at a faster rate than your share in the growth of the U.S. sugar market.

Yet the principal quota adjustment your spokesmen have discussed with me concerns an adjustment to be made principally as an offset to a change in the method of allocating deficits in the sugar quota of Puerto Rico and the Virgin Islands, which have occurred in recent years and appear likely to continue. In the last 3 years Puerto Rican deficits have totaled almost 800,000 tons, an average of 264,000 tons a year. Almost two-thirds of the recent Puerto Rican deficits have gone to the domestic beet and mainland cane sugar areas. Under terms of the present law an increasing proportion of future Puerto Rican deficits will continue to go to these two areas.

The charge has been made that this feature of the present law causes a maldistribution of sugar supplies within the United States, resulting in an alleged shortage of sugar in the Northeast and an oversupply in the Midwest. Of course there has been no actual shortage of sugar in the Northeast as alleged. And of course under the act more raw supplies from offshore areas other than Puerto Rico can be routed to the Northeast and less to the refiners supplying the Midwest. Accordingly, we have hoped that the situation would in time correct itself. However, it is evident that the market conditions on which the charge is based still persist.

The allocations of Puerto Rican deficits to the domestic beet and mainland cane sugar areas in recent years have caused the pressure on these areas for higher basic quotas. Even so, the demand for additional beet acreage remains unsatisfied. In light of this fact, and if the domestic beet and mainland cane areas are to relinquish their rights to future Puerto Rican deficits, their basic quotas must be increased in line with their present and immediate future production and marketing potentials. Such basic quota increases are particularly desirable now at a time when the need for more reliance upon domestic continental sugar production is underscored by the present Cuban situation. Exchanging Puerto Rican deficits for comparable flat additions to their quotas, plus about 27,000 tons of new basic quotas, will enable these areas better to program their production and selling operations, will facilitate general administration of the law, and should ameliorate some of the market conditions said to be created by the present Puerto Rican deficit situation.

Despite the conflicting views of the various interests involved, we are happy to hear there is complete agreement among domestic producers and refiners that additions to the domestic beet and mainland cane quota totaling 200,000 tons—150,000 tons for beets and 50,000 tons for cane—should be made in the extension of the act. It is hoped that the industrial users of sugar, who have often indicated their belief that the present Puerto Rican deficit provision should be changed, will feel that this is a practical way to handle this problem at this time.

This will allow a normal growth in available quotas.

Now, in light of the Castro threats, how much deeper should Congress go? Obviously, we do not want to take hasty and ill-considered action which will hurt our own program or which could have repercussions throughout Latin America and, indeed, the world. We must be neither weak, nor overbearing, but, as I stated earlier, honest, fair, and firm. The power of Congress to influence Cuba or Castro by threatening to cut its sugar quota is clumsy diplomacy. It takes time, obviously, for any change to be made in the act through congressional action.

Yet, we do need a method to meet future moves by Castro. This method must provide day-by-day flexibility or it will be meaningless. We have such methods in our normal, accepted administrative procedures.

Since our legislative processes are slow, and unsuited to this occasion, such legis-

lation should delegate to the President, the general authority to cut quotas of other countries. This should not be confused with a right to adjust quotas * * * as between the numerous beneficiaries of our Sugar Act. If, then, in the national interest, it became necessary to cut a quota abroad, the President might make such cuts as were needed, with proper consultation with Congress. The diminishment thus obtained could then be filled from the surplus stocks of friendly countries and of our own producers. When such action is required, it would be most effective if done immediately when required.

Congress always has maintained control over the pattern of allocating foreign sugar quotas, as it has over the pattern of domestic quotas. Providing the additional authority to the President to deal with foreign quotas, when the national interest requires such action, is not any abrogation of responsibility or authority on the part of the Congress. Safeguards can be written into the law which would limit the President's authority for a single such action to a single calendar year. And the sugar involved in any quota cut could be reallocated in such a way that it would give no other producing area a vested right in the amount of sugar thus allocated. Therefore the Congress can give this additional authority to the President without upsetting, over the long haul, the quota pattern established by the Congress.

There are those who would oppose it at this time on partisan or other grounds. I trust they will not prevail. As Dick Blake pointed out so well in Los Angeles 2 weeks ago tonight, to add more to basic quotas might have sad consequences. Even if we could leap the hurdle of existing plant capacity, we could face the depressing effects of too much sugar in our market if the Puerto Rican production increases or the Cuban situation is rapidly resolved and restored to its historic basis. This would benefit no one and would lead eventually to far more serious problems than we now face.

Perhaps Congress should explore the possibility, with the administration, of providing funds now to purchase from the world market—or from other Latin American neighbors—around 500,000 tons right now to offset future failure of Cuba to deliver its usual quota. With this additional stock, and sugar normally available from such sources, plus what we might ourselves grow additionally, it would make meaningless any threats or action Castro might make to withhold sugar from us. Castro's only alternative in this situation would be to unload it on the world market at a lower price. If the course of Castro resulted, then, in this situation, it would not enhance his popularity in his own country.

It is my hope that very soon we shall see the passage of legislation to renew the Sugar Act for a minimum of 4 years to provide continued stability; that it will deal adequately with the continuing problem of Puerto Rican deficits, and will arm the President and Nation with a flexible potent weapon for the economic warfare into which we are now plunged.

Mr. ALLOTT. Mr. President, I thank the Senator from Vermont for his very kind words.

On one hand, of course, if we follow the advice of those—and many of us probably feel this way to some extent—who would cut all sugar quotas of Cuba out of the Sugar Act, is that we may open ourselves to justifiable criticism from the rest of the world. I have already pointed out how significant sugar is to the national economy of Cuba.

On the other hand, if we go the other way, as some of our people would have us do, and confirm in Cuba everything she already has, it seems to me we can do nothing else, and we would do nothing else, but place ourselves in a national posture of trembling at the rantings of a very minor dictator in Latin America, a man who may not represent his people politically, even though he did win the revolution, if it actually turns out that it has been won.

Therefore what I have proposed and what I propose is that we do give to the farmers of America the deficits of the Puerto Rican sugar quotas, which will be no penalty to Cuba, because she never had any right to them in the first place; and that we then give to the President the power to cut the quotas of Cuba, with this power to be exercised from time to time as the occasion arises, in order that we may vote, not on a yearly basis or on a 4-year basis, but on a day-by-day basis, and in that way fight this Red cancer which is growing on our underside, 90 miles from our shores.

It is a far more realistic way of facing this question than by a precipitant extreme in either of the other directions.

I hope that we will by this action dignify ourselves in the eyes of the world and perhaps slow down other than a little bit, the extreme turn to communism, which seems to be afflicting our neighbor to the south, having in mind always the friendship and natural warm feelings we have always had toward the people of that country.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Ervin	Martin
Allott	Fong	Monroney
Anderson	Frear	Morton
Beall	Goldwater	Moss
Bennett	Gore	Mundt
Bible	Gruening	Muskie
Brunsdale	Hart	Pastore
Bush	Hartke	Prouty
Butler	Hayden	Proxmire
Byrd, Va.	Hickenlooper	Randolph
Byrd, W. Va.	Hill	Robertson
Cannon	Holland	Russell
Capehart	Hruska	Saltonstall
Carlson	Jackson	Schoeppel
Carroll	Javits	Scott
Case, N.J.	Johnson, Tex.	Smathers
Case, S. Dak.	Johnston, S.C.	Smith
Chavez	Jordan	Sparkman
Church	Keating	Stennis
Clark	Kefauver	Symington
Cooper	Kerr	Talmadge
Cotton	Lausche	Thurmond
Curtis	Long, Hawaii	Wiley
Dirksen	Long, La.	Williams, Del.
Dodd	McCarthy	Williams, N.J.
Douglas	McClellan	Yarborough
Dworshak	McGee	Young, N. Dak.
Eastland	McNamara	Young, Ohio
Ellender	Magnuson	
Engle	Mansfield	

The PRESIDING OFFICER. (Mr. LAUSCHE in the chair). A quorum is present.

Mr. DODD obtained the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Connecticut yield to me?

Mr. DODD. I am glad to yield to my friend.

Mr. JOHNSTON of South Carolina. I ask unanimous consent that the Senator from Connecticut may yield to me without losing his right to the floor, in order that I may submit—as I now do—and send to the desk an amendment to the amendment proposed by the Senator from Illinois, which was in the nature of a substitute proposal for House Resolution 8315.

My amendment simply provides for a new section of the bill to make certain amendments to the Federal Water Pollution Control Act. Basically, it would provide in this proposed legislation a section which would be the same as the water pollution and sewage treatment works legislation which was vetoed by the President on February 22.

Only a short time ago, the vote in the House was 249 in favor of overriding the veto and 157 in favor of sustaining the veto; so in the House there were not sufficient votes to obtain the necessary two-thirds that would have been required in order to override the veto. For that reason, I am submitting this amendment.

Mr. President, I wish to make clear that my amendment is in the form of an amendment to the proposal of the Senator from Illinois, and merely sets out an additional title to his substitute proposal.

In offering this amendment, Mr. President, I shall not go into any great, lengthy statement, for I think Senators should have an opportunity to read the amendment as printed in the RECORD, before we go into discussion of it.

I call to the attention of the Senate the fact that the majority leader and the minority leader have stated on the floor, time and time again, that an amendment offered at this time need not be germane to the issue before the Senate. However, I believe that at this time this amendment is very germane, for if the country ever will need a Federal sewage disposal program, it certainly will need one if the pending legislation on civil rights and voting laws, as proposed by the Senator from Illinois, is passed.

Mr. President, I thank the Senator from Connecticut for yielding to me.

The PRESIDING OFFICER. The amendment submitted by the Senator from South Carolina will be received, printed, and lie on the table.

THE UNITED STATES SHOULD CUT ITS LOSSES ON TANKERS

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Connecticut yield briefly to me?

Mr. DODD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a very timely article entitled "The United States Should Cut Its Losses on Tankers." The article was published in Barron's magazine on February 15. In the article the author makes a very appropriate description of the new policy of the Maritime Administration, as follows:

At the national expense, it would bail out not only a small group of private speculators, but also a blundering Federal agency which probably should be overhauled from stem to stern.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED STATES SHOULD CUT ITS LOSSES ON TANKERS

Of all the ships to which men commend their fortunes, perhaps none has encountered more ups and downs of late than the tanker. Just a few years ago, it will be recalled, Messrs. Livanos, Niarchos, and Onassis became the warders of the financial world; as a symbol of unparalleled affluence, the tanker owner all but replaced the Texas millionaire. Under the relentless pounding of events, however, the glamour and glitter have begun to fade. Aristotle Onassis has had difficulties with the U.S. Government. According to recent estimates, nearly one-quarter of total tanker tonnage has been laid up. Most distressing of all, a new fleet of tankships, largely financed with Federal assistance and flying the Stars and Stripes, is perilously close to foundering in the choppy economic seas.

In an effort to stave off disaster, its owners have sent out urgent calls to Washington for help. In particular, they seek immediate relief from contractual obligations which have grown as burdensome as any albatross. With an eye toward the long pull, moreover, they are pushing for a privileged, and highly profitable, status in the transportation of petroleum to these shores. Lacking such aid, say the storm-tossed mariners, they are bound to go under; the U.S. Maritime Administration, willy-nilly, may wind up with a large fleet of tankers on its hands. While this, of course, would be an untoward event, the proposed alternative is clearly worse. For one thing, at heavy cost to both producers and consumers, it would turn the flow of imported oil into a tight little monopoly. Furthermore, at the national expense, it would bail out not only a small group of private speculators, but also a blundering Federal agency, which probably should be overhauled from stem to stern. Like a beacon on a foggy night, then, the tale of the tankers sheds a piercing light on what is wrong with U.S. shipping policy.

The sorry saga dates back to the time of Suez when the U.S. Government, alarmed at a temporary shortage of tankers, decided to spur their construction. The Maritime Administration was authorized to offer private operators a number of incentives, including the privilege of making a relatively small downpayment (ranging from 20 percent to as little as 12½ percent) on a new vessel and borrowing the balance on a mortgage insured by the agency. Under this attractive scheme, shipowners agreed to build upward of 20 tankers, at an estimated cost of $250 million. Long before their completion, however, the market tides had turned. Instead of facing a scarcity of oil, the free world soon found itself burdened with a glut. To make matters worse, this country last year imposed stiff quotas on foreign shipments of crude oil and products. As a consequence, tanker charter rates have dropped to a 5-year low, and a great deal of tonnage, including some vessels which never have hauled a cargo, is on the beach. Several federally insured mortgages are threatened with default; in at least one case the Maritime Administration actually has begun to make the necessary payments of principal to the lender. Unless help is forthcoming shortly, cry spokesmen of the harassed owners, the whole fleet may sink into bankruptcy.

To stay afloat, they are urging, first, that the Maritime Administration be empowered to throw them a temporary lifeline—that is, to meet their mortgage payments as the need arises. The agency, out of skimpy reserve funds, has taken this sympathetic tack with one hard-pressed debtor. Under a bill introduced last week by Senator MAGNUSON, Democrat, of Washington, MA would have the right to draw on the Treasury as well. Whatever shape it may take, the expedient is thoroughly unsound. For one thing, the surplus of tankers may persist for years; most observers in the trade, indeed, expect it to grow considerably worse before it gets better. At best, vessels burdened with excessive capital and operating costs, as are the new U.S.-flag tankers, would have trouble surviving in anything but a global crisis. Hence, by trying to tide over the shipowners, instead of simply foreclosing, the Maritime Administration might be throwing good money after bad. In any case, it would be committed to unseemly speculation for the rise.

To be sure, under a second proposal advanced by the owners, the rise would be swift. Briefly, they have asked the Office of Civil and Defense Mobilization to rule that in the national interest, half of all the petroleum imported into the United States must be carried in vessels flying the American flag. i.e., their ships. Such an extraordinary decree, of course, would constitute a vast windfall for the group. At a stroke it would turn a hopeless excess of tonnage into a severe local shortage, thereby driving up charter rates and creating, for the favored few, a buoyant prosperity and the prospect of handsome capital gains.

The rest of the country, however, would have to foot a steep bill. Such shoddy commercial tactics would cost the United States a precious tradition of maritime freedom which it now shares with almost every other nation of the West. They would exact a heavy toll from the oil companies, thereby leading, sooner or later, to higher fuel costs for factory and home alike. What the tanker owners are seeking, finally, would put American industry, already none too robust competitively, at a further disadvantage in the markets of the world. The upkeep of ships, as Plautus once observed, is one of the two most expensive things on earth. To support a fleet of tankers, on the terms outlined above, is plainly more than the United States can afford.

Far from expanding its maritime commitments, then, the only sensible course for Washington to follow is to cut its losses. In the process it would do well to take another look at the national policies which have led to the construction of an armada of commercially unviable vessels, as well as at the officials who apparently would spare nothing to keep them afloat. The federally financed tanker fleet has been a fantastic waste of resources, private and public alike. From the sad experience, let the United States salvage whatever wisdom it can.

HOW NOT TO PROMOTE ANGLO-AMERICAN UNDERSTANDING

Mr. DODD. Mr. President, within any alliance of free nations there are bound to be differences of opinion and tensions. Indeed, within very broad limits, the existence of differing viewpoints may be considered a proof of vitality.

It would be naive to assume, however, that the Communists do not exploit our differences. The Kremlin has at its disposition the most highly organized, most subtle propaganda apparatus in human history. Although black and white proof may be difficult to obtain, I am convinced that the Kremlin is using this apparatus to foment tensions within the Western alliance, and to aggravate those that already exist. I am convinced that they do their utmost to encourage anti-British feeling in America, anti-American feeling in Britain, anti-German feeling in Britain, anti-British feeling in Germany—and so on, through every permutation of possible hostilities.

Legitimate differences of opinion cannot be muted. A free press must be free to criticize not only its own government, but also governments that happen to be allied with it. But when familial criticism within the Western alliance becomes malicious, irresponsible, or even thoughtless, it plays into the hands of the Communist enemy. In the present crisis through which NATO is now passing, such criticism becomes particularly dangerous.

On January 27, the Associated Television Ltd.—the independent TV network in Britain—broadcast a filmed program entitled "We Dissent." I consider this program to be a prime example of the kind of irresponsible criticism that undermines the Western alliance by weakening the fabric of mutual respect.

I cannot say whether the person or persons responsible for the production of the program acted out of tendentiousness or out of ignorance, whether the selection of participants was calculated or fortuitous.

Fortuitous or not, in effect a fraud has been perpetrated on the Associated Television Ltd., on the British public, through this network, and on a number of Americans who participated in the panel discussion, through their separately filmed interviews.

In the interest of decency, fairness, and the public health of the Western alliance, I think it might be useful to examine some of the details of that fraud.

The ostensible purpose of "We Dissent," was to present a spectrum of nonconformist views in America. These were the opening words of the commentator:

> Yet there is another tradition in America: a proud tradition of dissent. The Pilgrim Fathers sailed across the Atlantic because they were religious dissenters. The Founding Fathers—Washington, Jefferson, Hamilton—created the United States because they dissented politically from George III. Have wealth and conformity, gray flannel suits, and ranch homes killed that revolutionary urge, and smothered dissent?

My answer is, "Of course not—as every honest man knows."

The commentator went on to explain that the program was intended as "a platform for Americans who have doubts about the American way of life." He said:

> We think it important for these varied minority views to be seen in Britain as a reminder that the America of the so-called American Century is not just what it appears on the surface—in fact, it is still a dynamic society with new ideas, wise and foolish, half-baked and profound, bubbling up inside it.

So far, so good. But how did the program go about presenting these "varied minority views?" First of all, let us see whom it selected to make this presentation.

The first group of participants—and qualitatively the dominant group—consisted of communists and party liners—of people, that is, who are sworn enemies of Britain, America, and the cause of freedom.

First of all, there was Arnold Johnson, former legislative director of the Communist Party, one of the 28 Communists sentenced to prison, under the Smith Act, for conspiring to overthrow the U.S. Government by force.

There was Clinton Jencks, head of the United Mine, Mill, and Smelter Workers Union, which was expelled from the CIO in 1950 because of its Communist control. Jencks has been identified in sworn testimony as a member of the Communist Party, and he has invoked the fifth amendment in refusing to answer any questions concerning his association with the party.

There was the Reverend Stephen Fritchman, of Los Angeles, who has been as consistent and as notorious a party liner in this country as the Reverend Hewlitt Johnson has been in Britain. Dr. Fritchman has been associated with many Communist-front organizations and has played a prominent role in Communist peace congresses. He invoked the fifth amendment when he was asked by the House Committee on Un-American Activities in 1951: "Are you a member of the Communist Party?"

There was Dalton Trumbo, one of the famous "Hollywood Ten" who were sentenced to prison for contempt of Congress because they refused to answer questions concerning their membership or activities in the Communist Party.

Finally, there was Alger Hiss, who, as everyone knows, is a convicted perjurer. It is sometimes forgotten, however, that part of the charge on which he was convicted was that he lied when he said that he had not handed over secret State Department documents to Soviet representatives.

These so-called "dissenters" were not merely simple members of the panel. Clinton Jencks was presented as the spokesman for nonconformist trade unionism in America, the Reverend Stephen Fritchman as the spokesman for nonconformist religion in America, Dalton Trumbo as the spokesman for nonconformist Hollywood writers.

Only one of this group, Arnold Johnson, was formally identified as a Communist or Communist sympathizer.

The second group of participants in "We Dissent" consisted of serious-minded liberals like Norman Cousins; Trevor Thomas, of the American Friends Service Committee; Norman Thomas; Prof. Kenneth Galbraith, of Harvard; Prof. Wright Mills, of Columbia University; and Dr. Robert M. Hutchins. They belong to the legitimate spectrum of dissent in our country today, and they speak for points of view that are significant. But they would, I believe, be the first to admit that by themselves they do not constitute the spectrum of dissent, that the views they advocate belong almost exclusively to that segment of the spectrum which lies between liberalism and left-liberalism.

Professor Galbraith and Professor Mills have distinguished themselves as critics of the affluent society; Norman Cousins, Norman Thomas, and Trevor Thomas have been ardent advocates of total disarmament and the abolition of nuclear testing; Dr. Hutchins enjoys a reputation as one of the most eminent critics of congressional investigations, as a fundamentalist champion of the fifth amendment.

I happen to agree in part with Professor Galbraith's books. I believe that Norman Cousins, Norman Thomas, and Trevor Thomas are great humanitarians, but unrealistic in their approach to disarmament and nuclear testing. I have great respect for Dr. Hutchins, although I believe that he has been unrealistic in failing to recognize the Communist Party as an alien conspiracy.

But this is "by the way." Much as I may disagree with some of their views, I believe, of course, that there can be no objection to their airing them abroad. But I do object to "We Dissent," first, because of the completely one-sided nature of the presentation; second, by combining the views of these legitimate dissenters on certain limited issues with the views expressed by the members of group 1, the program created the false impression that the views of group 1 and group 2 are in mutual harmony. Through this invidious association, in my opinion, the legitimate dissenters were maligned, while the pro-Communists were endowed with a respectability to which they are not entitled.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes.

Mr. HOLLAND. Did the announcer introduce Mr. Norman Thomas as the perennial and longtime candidate, for many years, of the Socialist Party for President of the United States?

Mr. DODD. I am not certain. I read the text of the program as it was broadcast. I am not certain he was introduced in that way, but my recollection is that he was.

Mr. HOLLAND. May I ask the Senator if the announcer made it clear what lack of national impression his candidacy made?

Mr. DODD. No; I do not think the program chairman made any reference to that fact.

Mr. HOLLAND. I thought I would mention that fact, because it seemed to me that if anyone in that group had been respected personally, but had demonstrated conclusively that he did not represent any considerable segment of American life, Mr. Norman Thomas would fulfill that description; and I wondered if that description had been applied to him.

Mr. DODD. I do not think it was, fully. I think there was some identification of him as being a presidential candidate many times.

I am happy to report that Mr. Norman Cousins and Mr. Norman Thomas have issued statements questioning the manner in which their interviews were combined with those in group 1.

Mr. Cousins, in a cabled protest to the Associated Television Network, said that he had not been informed his interview would be used in the context of "What's Wrong With America," and he vigorously protested the misrepresentations that had been made to him at the time he did the recording. He requested permission to organize a 90-minute television program on the subject "What's Right With America," with the Associated Television Network paying the costs.

Mr. Norman Thomas said in a letter to me that he does not consider Communists and beatniks to be part of "the proud tradition of dissent" in our country, and he endorsed my proposal for a counterprogram.

The third group of participants consisted of miscellaneous eccentrics, extremists, and faddists. There was the writer Alex King, who told his British audience that he is "absolutely surrounded by whores." There were the beatnik writers, Bob Kaufman, Alan Ginsberg, and Laurence Ferlenghetti. There was the beatnik drug addict Philip Lamantia who defended the right to take dope. There was the Reverend Maurice McCrackin, of Cincinnati, who had been imprisoned after persistent refusal to pay that portion of his income tax which, in his opinion, was intended for military purposes.

There was Norman Mailer, high priest of the "hipsters." What is a "hipster"? In Mailer's words, a "hipster" is "a man who has divorced himself from history; in a kind of way, a "psychopath" who is "first concerned with his own needs" and "turns morality inside out."

Another of group 3 was Harold Call, director of the Mattachine Society, an organization "which is endeavoring to educate the general public and the sexuality in our culture today as well as a number of other problems concerning sex deviation and the adjustments thereto." He was on the British television program telling about the terrible condition in America.

With 22 personal interviews, "We Dissent" might indeed have presented to the British public a panorama of the "varied minority views" in our country. "The proud tradition of dissent" in America was represented on the program, although in a limited and completely one-sided manner, by people like Hutchins, Galbraith, Cousins, and Thomas. But I challenge the program's contention that "our proud tradition of dissent" is in any way represented by most of the other members of this tendentious amalgam—by Communists, party liners, and a convicted perjurer, by beatniks, eccentrics, a dope addict, and an expert on sex deviation.

Not very surprisingly, the picture of America painted by this strange assortment of dissenters ranged from dark gray to black—with a few insane splotches of color added by the beatniks and eccentrics. America was portrayed as a land where conformism and fear of nonconformism prevail; where dissenters are persecuted, deprived of passports, incarcerated, blacklisted; where freedom of speech exists only as a formality; where the press and radio are controlled by the capitalists and run by prostitutes; where people are afraid to talk about freedom or justice or better housing for fear of being suspected of communism. The general impression conveyed by the program was that it is

a materialistic land, a frightened land, in which idealism and higher values are virtually nonexistent.

To be fair, the picture presented was not all dark gray to black. The legitimate dissenters did their painting in gentler hues. But theirs were not the predominant colors; it was the gray-to-black that prevailed. And their gentler hues were used in a manner which seemed to make them blend with and lend support to the darker hues with which the party liners filled most of the canvas.

Let us examine some of the details of this canvas.

Prof. Wright Mills said:

> Freedom of speech exists, of course, in the United States. Nobody locks you up. But on the other hand, nobody has to lock you up, because many intellectuals are locking themselves up.

Alger Hiss said that there has been a tendency to conform over the past 10 years because of "a sort of nameless fear, a fear of the unknown."

Arnold Johnson assailed the political persecution of conscientious objectors, Puerto Rican nationalists and Communists, and the curbs on academic freedom and civil liberties.

Dalton Trumbo said that unorthodox opinions are forbidden in Hollywood, that if Americans now wish to make a statement favoring better housing, they must preface their statement with a declaration of hatred for communism.

Clinton Jencks described the widespread hunger and the long unemployed lines which, he said, still characterize our economy.

The beatnik writer, Laurence Ferlinghetti, said:

> And after it became obvious that the Voice of America was really the deaf ear of America, and the President was unable to hear the underprivileged natives of the world shouting, "No contamination without representation"—then it was that the natives of the Republic began assembling in a driving rain from which there was no escape except peace.

This was how "We Dissent" combined the opinions of legitimate dissenters with those of beatniks and pro-Communists to present a completely distorted view of America and of the status of dissent in America.

I am frank to say I do not understand that, but that is what he said.

No one can tell me that a nationally telecast program like this does not have some effect. Such a presentation could only dispose those who feel negative about America to feel more negative, and those who are neutral or friendly to feel uneasy.

And who gains from all this?

I do not mean to suggest that our British friends should be told only good things about America or that Americans who appear on British television programs should avoid frank criticism of their country. I object to the program in question because of its outrageously one-sided nature, and because it made Communists and party liners the chief spokesmen for "the proud tradition of dissent" in America.

I should like to suggest to the Associated Television Network of Britain that an effort be made to redress the wrong that has been done by presenting another program of equivalent length. Mr. Norman Cousins has urged that the theme of such a program should be, "What Is Right With America?" There is a danger, however, that a program so completely one-sided in the opposite direction might be considered suspect.

Why not, instead, present our British friends with a sort of townhall discussion of America today—a discussion in which the pros and cons, the assenters and the dissenters, are equally and fairly represented? I would be prepared to endorse the widest latitude in the selection of legitimate dissenters. But in the name of sanity, let us not have beatniks as representatives of the American tradition and let us not have Moscow conformists masquerading as American dissenters.

Such a 90-minute program, soundly conceived, could present an effective panorama of America to the British public—and it would certainly give them a much more accurate insight into the vitality of the democratic process in our country today.

In fairness to the British people and the American people, both, I hope that such a program can be arranged. I have today sent a letter to the Associated Television Network formally proposing such a program.

But above all, I hope that the press and radio of all the NATO countries will utilize their great influence to promote mutual understanding and respect; that, where they consider it their duty to criticize, their criticisms will be tempered and carefully weighed; that they will look upon it as a sacred duty to combat divisive influences within the Western Alliance and to promote its spiritual unity.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a condensed version of the British television program, "We Dissent." In making the excerpts for this condensed version, I have conscientiously endeavored to preserve the transcript's original balance between legitimate dissenters, party liners, beatniks, and eccentrics.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "WE DISSENT," PROGRAM TELECAST BY ASSOCIATED TELEVISION NETWORK OF BRITAIN ON JANUARY 27

WRIGHT MILLS INTERVIEW

Mr. MILLS. In the United States today there is no broad base of dissent, there is no broad instrumentality that is available for dissent and hence the people who are rejecting current trends of affairs and those in charge of them, they tend to be scattered, they tend to be less groups than grouplets, scattered individuals, and they tend to be, of course, small circulation magazines. * * *

And hence, when we speak of freedom to speak just in that minimum sense of dissent, with any kind of effectiveness, well, you have to speak of capitalism in the sense that it now owns those instrumentalities. And so, perhaps, the biggest obstacle to intellectuals' dissent, assuming that they wish to, which I don't think many do, would be access to the means of communication. Freedom of speech as a formal fact exists, of course, quite fully in the United States. Nobody locks you up. But on the other hand, nobody has to lock you up because many intellectuals are locking themselves up.

ALEX KING INTERVIEW

Mr. KING. There were always a lot of prostitutes in the world and there are just more now. And to be nonconformist means that you're not a prostitute yet, not altogether. And I have been prarticularly aware of this because originally I was an artist and I was a book illustrator. Later I was a magazine editor and now, of course, I am mixed up with bookwriting and worst of all with television, you see. And the amount of prostitution increased in each case, until now I'm absolutely surrounded by whores. There are some who are not; I'm not going to mention their names because they'll lose their jobs. But I think that's about the nature of it; you see we're all corrupted, every one of us is corrupted, and the tendency of our life is to corrupt us more each day.

Mr. WILLIAM CLARK. Apathy and supercommercialism—so far those seem to be the forces favouring conformity, stifling dissent. What are the others? We put this question to someone now living in obscurity, his State Department career cut short by a famous trial in which he was convicted of perjury: Alger Hiss.

ALGER HISS INTERVIEW

Mr. HISS. I think this is a very big question because there are so many. I would think certainly one of them in the past 10 years has been fear; sort of a nameless fear, but a fear of the unknown, of unusual, unexpected things. As a result of that, the thing sort of spread. There has been a tendency to conform in the professions, in education, and even in cultural matters. Well, this is one of our finest areas of valuable nonconformity, I would say. Our greatest jurist-consul would be Justice Oliver Wendell Holmes, whom I knew briefly for a year when I was his secretary. Throughout his career he was noted and famed for his independence of thought, his grandeur of thought, and was actually known as the Great Dissenter. He and Justice Brandeis, another person in the same general category, a man who thought beautifully for himself. It is interesting that in more recent years what used to be Justice Holmes' lonely voice has become much more the majority voice, not through any conformity from outside but because of the validity of his own opinions and judgment, coming somewhat belatedly to be recognized. So that to sum it up, I would say that our legal tradition is one that recognizes and has benefited tremendously by the power of nonconformist thought. I don't imagine any dynamic, growing developing country whose political scene wasn't constantly changing, and certainly this wouldn't be new in American history, American tradition. We've had different parties appearing, Teddy Roosevelt's party the Progressive Party, the Debs party, and more recently Henry Wallace's party. So I feel confident that it doesn't take much clairvoyance to anticipate that any growing developing country will of course mold its political institutions to fit its growing needs and developments. I would think it likely that unless the two existing parties, perhaps by changing their own patterns, meet the needs, then they will have to anticipate the development and a growth of a new one.

NORMAN THOMAS INTERVIEW

Mr. THOMAS. Oh, we're still a democracy, an imperfect democracy; but I'm not decrying it altogether, but practically we're governed by under four bureaucracies. The civil government bureaucracy, the military bureaucracy, the bureaucracy of management

in big business and big labor. The balance operates it, it may be shaken by some developments in labor legislation, and the steel strike, but it has operated the last 10 years rather smoothly, in a kind of agreement and it's an agreement to enjoy life, to get as many things as we can create. To have the kind of city we look at over this terrace. But always under fear, for we know perfectly well that one mistake, one accident, one passion, could result in the ruin of it all. And we don't much like to think about it, and we don't know very well what to do; we ordinary people feel very strongly but we get no distinguished and imaginative leadership in our Government. And the individual dissenter, nonconformist, is not exactly a voice crying in the wilderness; he's a voice crying in a mad world where we know that all this pomp and price and our comfort could go so easily. And knowing it, we don't know what to do, we escape, we evade, we don't argue, we evade. We've got some organization, we're beginning to get a little more interest, more widely distributed, at least stopping tests and trying to check the nuclear armament. But there is no mass surge and no apparent leadership. I have a feeling all the time as if it may be just emerging. For I do not think of us as hopelessly sunk in the kind of apathy I've been describing. If I don't believe that, I'd find it hard to carry on.

BOB KAUFMAN INTERVIEW

Mr. KAUFMAN. The abomunist manifesto. Abomunists join nothing but their arms, legs, or other senses. * * * Abomunists love love, hate hate, drink drinks, smoke smokes, live lives, die deaths. Abomunist writers write writing or nothing at all. Abomunists demand the reestablishment of the Government in its rightful home at Disneyland.

LAURENCE FERLENGHETTI INTERVIEW

Mr. FERLENGHETTI. After it became obvious that the strange rain would never stop and after it became obvious that the President nevertheless still carried—he went in the strange rain a little can opener could be used instantly to open but not to close the hot box of final war. If not to waylay any stray asinine action by any stray asinine second lieutenant pressing any stray button anywhere, violet ray over an Arctic Ocean, thus illuminating the world once and for all, God Bless America. And after it became obvious that the law of gravity was still in effect, and that what blows up must come down on everyone including white citizens. And after it became obvious that the Voice of America was really the deaf ear of America, and that the President was unable to hear the underprivileged natives of the world shouting "No contamination without representation."

Then it was that the natives of the Republic began assembling in a driving rain from which there was no escape except peace.

And finally after everyone who was anyone and everyone who was no one had arrived, and after every soul was seated and waited for the symbolic mushroom soup to be served and for the keynote speeches to begin, the President himself came in, took one look around and said, "We resign."

PHILIP LAMANTIA INTERVIEW

Mr. LAMANTIA. My name is Philip Lamantia. And I go around with whoever, which means all kinds of weird persons I like. Junkies, tricks, dummy poets, mads, holdup men, squares, priests, monks, professional bums, bent Jews, Jew-haters, Spade-trumpet players, hopheads, Zen monks, antispades, supergigolos, cokeheads, murderers, okie poets, smugglers, hippies, flips and black supremacists, white supremacists, and red Indian supremacists—wild ones. My myth is my people. They make grass grow, start fire, and who knows when the ghost of Edgar Allen Poe looms my nights. I'm the sickest of San Francisco. I want opium. Police confiscate opium. I want police to give me opium. I want them to stop busting noncriminals, people who want to recover their sense of being, dig. Searching for God, smoking marijuana, eating paodi. And because Chinese afraid of us, do not smoke as mandarin, just heroin; so we are all niggers and mandarins now. I'll buy all the stock of Chinatown. I'll buy all the junk of Oakland. I'll buy all. For I'm rich with the free gift of grass and the point precisely that if you haven't made it to ( ) Heaven, marijuana, cocoa, and opium make it for you. For me, when I'm in pain they take the pain away. If you are square OK., but stop pointing ignorant, stupid, scandal fingers at me and getting us all locked up.

Mr. WILLIAM CLARK. So far, we've been dealing with people who criticized the American way of life or chose to withdraw from it. Some Americans have gone further—challenged it, willing to take the consequences, including jail.

First, Arnold Johnson, of New York, who was imprisoned on the charge of spreading advocacy of the overthrow of the American Government by force.

ARNOLD JOHNSON INTERVIEW

Mr. JOHNSON. I happen to be just 1 of the 28 Communists who served in prison just because of my ideas, or almost more accurately, what some paid "stool pigeon" said were my ideas. That was true with all the others. At the present time, there are three Communist leaders who are in Federal prisons for their ideas. There are others who are also political prisoners, such as Puerto Rican nationalists, conscientious objectors, and others. Actually and truly all these people should be free and there should be an end to this kind of political persecution within America. These attacks that are made upon us finally curb the liberties of others—curb academic freedom, willingness to discuss questions, making them cautious, and all those things. Then, in addition to this group, there is a grouping of people who were born in other countries, came to this country in their early years, and in this recent period faced deportation, exile, banishment.

Mr. WILLIAM CLARK. Next, someone who seems to have inherited a fair measure of the inflexible attitudes of the Pilgrim Fathers, the Reverend Maurice McCrackin.

REV. MAURICE M'CRACKIN INTERVIEW

Mr. MCCRACKIN. It came to me that * * * I was giving a large proportion of money each year for the purchase of live guns to put in somebody's hands to actually kill somebody. And so in my income tax returns for 1948, I indicated that I was no longer able to pay the total amount. In 1949, I withheld 70 percent, which went to military expenditures. And the following years through 1954 I withheld 80 percent, telling the Government that I would like to pay the civilian tax but the other I wanted to use for causes that I believed were making for peace. In 1955 I did not file any income tax. I have been asked by the Government on a number of occasions to come in and discuss the matter, my nonpayment.

I was arrested on September 12, just a little over a year ago by Judge Guthel, the district Federal judge who through the years has been very hard on those who have conscience objective beliefs. He first of all said that I should be examined by psychiatrists to see whether I was able to face the trial and was competent. He then sent me to jail until I had purged myself of contempt and I had no feeling of guilt and would make no such action, but I was held in the county jail on three different occasions and was brought to trial on the charge of refusing to obey a summons and to bring information. And I was sentenced on December 12, a year ago, and more now. And I was for a period of 6 months of this year, and was sent to Allenwood, Pa., which is part of the Lewisburg penitentiary system and after serving an extra month because I was unwilling to sign a pauper's oath or to pay the fine, then I was released on May 29. I do not know whether the Government will again take custody of my body, but God being my helper, the Government shall never take possession of my conscience, nor of my spirit.

Mr. WILLIAM CLARK. The Dalton Trumbo, who was one of the famous Hollywood 10 who went to jail for refusing to recognize the constitutional right of a congressional committee to quiz them about their beliefs or affiliations.

DALTON TRUMBO INTERVIEW

Mr. TRUMBO. The problem is that unorthodox opinions are forbidden in Hollywood. The motion picture industry for the past 12 years has worked under the curious theory that the private lives and thoughts and affiliations and associations of each of its employees is a matter of public concern, of corporate concern, and of congressional concern. This misapprehension of constitutional virtues in our country has resulted in a committee in our Congress called the Un-American Activities Committee, asserting unto itself the power to summon all persons in public life and particularly the entertainment areas of public life because there lies such a rich harvest of publicity for these squalid inquisitors. They summon the person, he is asked to answer, and compelled under law to answer questions relating to his associations, to his thoughts, to his opinions, to his political affiliations, and to his writings. For example, one of the charges in my dossier in this committee was an ironic line I had written in a wartime script in which Ginger Rogers said, "Share and share alike, that's democracy." This I was called upon to explain and I declined not only that explanation but all others as involving and concerning no one but myself. The result if you take this course of action, can well be that you are indicted by Federal grand jury, arraigned for trial, placed under bond, tried, convicted; everybody was convicted; sentenced to jail, spend a year in jail, you pay your fine and you come out to discover that you are banned in any way from participation in your profession by the motion picture industry itself. Some 235 artists in the United States have been under this ban from 7 to 12 years. Writers occasionally have been able to hide their heretical identity by assuming other names. The actors, the actresses, and the directors have been destroyed.

You call a Democrat a Communist and he will faint dead away. The result is that liberal speech in this country has acquired a preface which is mandatory. You arise to speak as a liberal and you say, "Now mind you I'm not a Communist, and mind you I bow to no one in my hatred of the Soviet Union, and I loathe all local Communists, but really, we ought to have better housing in this country."

There is only one dissenting force of any consequence at all, and that is the Negro people. Seventeen million Negroes in this country have moved. What they have achieved has not been given to them. Although again the liberal will say we must stop the Soviet Union from pointing a finger at our Negro people and their condition. Therefore, as a weapon against communism, let us free them, let them live, let our children sit down beside them because it would help us in a political war. This has not helped the Negro people. They have been helped by their own efforts, by their own organizations, by their own courage, by the intelligence of their own leaders.

I should like to see a greater participation of all people in all of the wealth of the country. I presume you would say that ultimately and ideally I should like to see in this country the circumstances of socialism—of socialism without jails.

Mr. WILLIAM CLARK. The press is of course another medium of organized protest and a fairly active one, but big newspapers are close to big business, so that dissenters sometimes find themselves moving from the journalistic "bigtime" to small papers. Here is David Wesley, who gave up a career on a very big national paper to help edit the local Gazette and Daily, of York, Pa.

DAVID WESLEY INTERVIEW

Mr. WESLEY. Well, we stand for nothing very radical or unusual except what you might call old Jeffersonian democracy, I suppose. But it's perhaps a comment on what's happened in our society culturally and socially that this does make us stand out and be even liable to be called nonconformists.

Here in America why, we have freedom of speech and nothing really meaningful to say; and freedom of the press and no press worthy of the name, practically all newspapers again are motivated by money, not by the responsibilities of journalism; freedom of petition and assembly and who assembles, who petitions? And freedom from want and nothing very worthwhile to buy actually. This is really a considerable human retrogression in a period of what should be great human progress and in many ways, is.

KENNETH GALBRAITH INTERVIEW

Mr. GALBRAITH. The question that all of this begs, of course, is production for what? What do we use these goods for? And, when we begin to examine this question, it does seem to me that production, simple expansion of output, does leave a lot of important questions unsolved and has left a great many important questions unsolved. For example, we see the great contrast between the opulence of our private consumption—our automobiles, our houses, our furniture, and so forth—and the poverty of our public services, the poverty of our schools and of our street sanitation establishments—our cities are by no means as clean as they should be—of the poor quality of our city planning, the problem of urban sprawls—all of these other things which, side by side with our virtuosity in the production of private goods, are causing us a great difficulty.

Mr. WILLIAM CLARK. The trade unions, of course, are powerful organizations in America but you may remember Professor Mills at the beginning pointed out that the large unions, big labor, were relatively conservative. But the tradition of economic dissent, in spite of American prosperity, is sharply reflected in many of the smaller—and, as they're sometimes called, loftier—unions. Here, Clinton Jencks, in San Francisco, of the Mine, Mill, and Smelter Workers, tells something of his past, and his hopes for future action by American organized labor.

CLINTON JENCKS INTERVIEW

Mr. JENCKS. Right down here in this beautiful city of San Francisco there are thousands who are living in slums. There are untold thousands who don't have enough to eat, when out in our productive, rich valley there is food in the fields; we're paying millions of dollars for surplus food storage that's rotting in warehouses, when people are hungry. There are long lines at the unemployment office every day and workers who want to work and can find no jobs. I don't think this is right; I don't think it is necessary, and I think something can be done about it. And it's been my continued work and it's now through my union and in part community to try to see if we can't so organize ourselves that these riches can be more fairly shared because there are need for all those brains and all those hands. There is just enough for everybody, wealth enough for everybody. We have to find how to organize ourselves so that we can all participate in it.

Here, I must say, that we can certainly take a page from our brothers in Britain because they have a labor party, we have none here. So it is our hope that we will become more active politically, that we will have our own political party.

Mr. WILLIAM CLARK. One method of influencing dissent in America is lobbying—a concerted attempt to convert legislators and voters to your particular point of view. Dissent has its lobbyists too and here is one who works through these channels in both California and Washington—Trevor Thomas.

TREVOR THOMAS INTERVIEW

Mr. THOMAS. The whole war and peace matter of course is reflected I think in our political life by what one person has called the bipartisan euphoria. I have in mind, for instance, the perennial action by Congress in condemning—of course in proud and patriotic terms it's very difficult to disagree with—condemning Communist Chinese and saying, never, under any circumstances, will we allow recognition by the United States or membership in the United Nations. I believe that Communist China must be recognised and the group that I work with has attempted to point up the advantages of bringing Communist China within the United Nations.

Mr. WILLIAM CLARK. The dissenting churches which helped to found America have remained strongholds of crusading nonconformism, not only religious but political and social. The Reverend Stephen Fritchman is the minister of the First Unitarian Church of Los Angeles. We asked whether the church still carried out this function of dissent.

THE REVEREND STEPHEN FRITCHMAN INTERVIEW

Mr. FRITCHMAN. We the Unitarian Church where I'm the minister are working in the area not only of domestic problems here in this country, but we feel very much that a religion worth its salt at all is concerned with greater chances of survival of the human race, we are interested in the stopping of atomic tests, on the whole the liberal churches, the dissenting churches, my own included, are dedicated to the end of the war, colonial war, and all war.

The Committee on Un-American Activities has subpenaed me once or twice. I have found getting transport, getting a passport difficult in years past, though I recently returned from a peace congress in Stockholm, and I would say the greatest obstacle that my congregation and I have faced was that of having to resist a State loyalty oath back in 1954, which we did successfully in 4 years, going through the channels of the courts to Washington, and maintaining that tradition that we referred to earlier of absolute and complete separation of church and State: The right to preach and pray and act as we please as advocates of religious freedom.

HAROLD CALL INTERVIEW

Mr. CALL. The Mattachine Society is an organization of laymen which is endeavoring to educate the general public and the homosexual about the problems of homosexuality in our culture today as well as a number of other problems concerning sex deviation and the adjustments thereto.

NORMAN COUSINS INTERVIEW

Mr. COUSINS. I happen to believe a sane nuclear policy begins when we take the flat position that we would rather die ourselves than to drop these bombs on human beings. Other members of the committee believe that we have to have some basis for enforceful agreement, that unilateralism won't work. But whatever our disagreements, we do agree on this: that it becomes the solemn responsibility and obligation of all the nations in the world, I'm not mentioning any one nation, it becomes the solemn responsibility of all the nations in the world to recognize that human life is now endangered.

Mr. WILLIAM CLARK. Our last speaker for institutional nonconformity is Robert M. Hutchins, president of the Fund for the Republic, a nonprofitmaking organization subsidized by the Ford Foundation dedicated to the single educational purpose of preserving and defending civil rights in America.

ROBERT HUTCHINS INTERVIEW

Mr. HUTCHINS. The fund found in the course of its experience as a foundation giving away money to upholding civil rights, that it suffered two difficulties. One was the McCarthy era, then at its height. It made it almost impossible for anybody to talk about freedom or justice without being suspected of being a Communist and the other was the general confusion of the American society about what freedom and justice in the contemporary world could mean.

The primitive notion about democracy on which we were brought up, is that everybody can do something about everything. When you find that because your labor union is now bureaucratic, the corporation that you work for is bureaucratic, when you find that the industrial machine has mechanized everybody, you begin to believe that there is after all nothing you can do about anything.

Well, as Aristole once remarked, "Men do not deliberate about things that are beyond their power."

I don't believe that an active nonconformity can bring about anything except the most important thing, which is the continuation of the dialog.

Mr. HOLLAND rose.

Mr. DODD. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I congratulate the distinguished Senator from Connecticut. I think the Senator has made a real contribution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Ervin	McGee
Allott	Fong	McNamara
Anderson	Frear	Monroney
Beall	Goldwater	Morton
Bennett	Gore	Moss
Bible	Gruening	Mundt
Brunsdale	Hart	Muskie
Bush	Hartke	Pastore
Butler	Hayden	Prouty
Byrd, Va.	Hickenlooper	Proxmire
Byrd, W. Va.	Hill	Randolph
Cannon	Holland	Robertson
Capehart	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N. J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S. C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kerr	Symington
Cotton	Kuchel	Talmadge
Curtis	Lausche	Thurmond
Dirksen	Long, Hawaii	Wiley
Dodd	Long, La.	Williams, N. J.
Douglas	Magnuson	Williams, Del.
Dworshak	Mansfield	Yarborough
Eastland	Martin	Young, N. Dak.
Ellender	McCarthy	Young, Ohio
Engle	McClellan	

The PRESIDING OFFICER. A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HILL. Mr. President, I have many times risen in opposition to so-called civil rights measures and in opposition to any other measures which I thought threatened our constitutional system of government and our democratic way of life. I have done so out of a sense of loyalty to the people of Alabama, the whole South, and the Nation, and also out of a sense of devotion to the Constitution which the Founding Fathers bequeathed us.

The administration's Rogers-Dirksen civil rights proposals before us at this time constitute the most recent and most serious threat to our dual system of government under the Constitution and to our American democratic way of life and out of the same sense of devotion to my people, the people of the Nation and the Constitution, I rise again today to voice as strongly as possible my opposition to these proposals.

Mr. President, in this instance I feel as deeply a sense of duty and responsibility to the people of Alabama and the Nation and, for that matter, to my colleagues here in this Chamber, to make clearly known the full meaning and import of the administration's civil rights proposals before us and their far-reaching effects and dangerous implications.

The proposals under consideration, which were introduced on February 8 of this year as the administration's civil rights bill, S. 3001, were for the first time formally explained to the Congress by the Attorney General before the Senate Committee on Rules and Administration on February 5. The bill, as I said was introduced on February 8 and was brought on the floor of the Senate on February 15, just 1 week later.

As has been said not once but a good many times on the floor of the Senate, the bill has had no committee consideration. As we so well know, the usual, the regular, the ordinary, the timeless procedure from the beginning of our Government down to date is for a bill to be considered by a committee.

As we all know, the committee not only calls witnesses and hears expert testimony and hears the views and opinions of many different persons, representing many different points of view and not only makes a careful analysis and a thorough examination of the bill and an exposé of many different parts of the bill by the many different witnesses who appear before the committee, but the committee also sits down in executive session itself, and thoroughly and carefully and painstakingly examines the bill and its many different provisions. The committee usually goes through the bill line by line, sentence by sentence, paragraph by paragraph, provision by provision.

As none of this has taken place with reference to the proposed legislation now before us, the pending bill, the Senate does not have the advantage that it has always had in the past, and that we always felt we had a right to have, the consideration of the bill by a committee and the expressed views of the committee on the bill.

As we know, sometimes bills are reported with the full views and opinions of the majority on the committee, and then it is not unusual or extraordinary to have concurring views or dissenting views, so that all the views of the members of the committee may be before the Senate, and that the Senate may have these views for its guidance, when the Senate considers a particular bill.

But today we find ourselves without any of these guidelines, without any of these guideposts, without any of this information, without any of this explanation, without any of these instructions, without any of these recommendations or decisions that have come through the years from the committees before legislation has been brought before the Senate.

In fact, with reference to the particular proposed legislation, so far as the Senate knows, no committee staff has even had an opportunity of making even the most elementary analysis of the provisions and the recommendations and the requirements contained in the administration's proposed legislation.

Certainly we do not have the benefit of the testimony of witnesses. Often, as we know, bills which come before the Senate are House bills, which means that they have been carefully considered by committees of the House. Very often a bill has first been considered by a subcommittee of a full committee of the House. Then after the most diligent, careful, painstaking, and thorough consideration by the subcommittee, the bill goes to the full committee.

There the bill is again thoroughly analyzed, thoroughly examined, thoroughly weighed in its different provisions and effects; and before any action is taken, the committee thrashes out the provisions of the bill and files a written report with the House, so that the Members of that body may have the benefit of the views, the thoughts, the recommendations, and the guidelines of the committee. After the committee has acted, the bill then goes to the Committee on Rules, where a rule is sought so that the bill may be considered by the House. There, again the bill receives the further consideration of the Committee on Rules. Sometimes that examination, as the distinguished Presiding Officer knows, involves a more lengthy and, sometimes, a more profound consideration than even the examination by the legislative committee. But all those procedures are followed, and then the bill is ready for consideration by the House, ready, as they say in the House, under the 5-minute rule. That means the bill is open for amendment, open for debate, open for consideration, before finally it is acted upon by the House and before it comes to this body.

In the situation which faces the Senate today, none of those procedures has been followed. None of the procedure has been followed with respect to legislation so far as House action is concerned. None of the procedure has been followed so far as any subcommittee or committee having considered the proposed legislation now before the Senate is concerned.

I say again, Mr. President, that I feel a deep sense of duty and responsibility to the people of my State and of the Nation to make known to them the full meaning of these proposals which constitute such a grave threat to our dual system of government and to our American democratic way of life.

Many so-called civil rights bills have been introduced since this session of Congress convened not quite 2 months ago. According to the best information, at least 64 of these bills have been introduced. All of them need close scrutiny; all need careful study; all need thorough debate. I shall not endeavor at this time to examine and discuss every one of the proposals which have been rushed into the hopper during the opening weeks of this election year. I shall at this time address myself only to the pending matter, the administration's civil rights bill, the Rogers-Dirksen bill, now under consideration. I shall, however, expect to have something to say about other so-called civil rights proposals at another time in this body.

The Rogers-Dirksen-administration civil rights bill was introduced as S. 3001 and is now before the Senate as an amendment in the nature of a substitute. Generally speaking, the amendment proposes first, that any resistance by local and State officials, and for that matter the public, to a Federal court desegregation decree be made a crime punishable by both imprisonment and fine; second, that a new kind of fugitive law be enacted creating another new Federal crime and making the penalty for fleeing greater than for the wrongful act; third, that Federal jurisdiction be asserted over State election records and over the handling by State election officials of such records—it would open records of State and local elections and election officials to a politically appointed Federal Attorney General or his designated representatives; third, that Supreme Court decisions be regarded as amendments to the Constitution and that funds be authorized and appropriated for use in efforts to bribe State and local officials to integrate their schools; fourth, a further push for widespread acceptance and enforcement of the old FEPC proposals, which would give a Federal agency control over hiring and firing employees in private business; and fifth, that Federal agents be authorized to determine who is qualified to vote in any local, State, or Federal election and police the polling places, the administration of the election processes, and the counting of the votes.

Discussing these proposals in order, the first one would amend chapter 73 of title 18 of the United States Code by adding at the end thereof a new section, as follows:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes,

or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

1509. Obstruction of certain court orders.

This provision of the bill, it is clear, purports to make a crime of an act or acts which already are patently illegal under existing laws. It is elementary to observe that willful disobedience or obstruction or interference with a lawful order, judgment or decree of a court of the United States is an illegal act for which punitive measures can be taken by the court itself.

There is on the books today an adequate obstruction-of-justice statute in section 1503 of title 18. This section, which has been the law of the land for many years, prohibits anyone by threats or force from obstructing the "due administration of justice," under heavy penalties. The section has a clear and unmistakable meaning. It covers court orders, judgments, or decrees based upon law.

Let me say that for many years the Federal courts have successfully been enforcing their orders and decrees by contempt proceedings. Certainly I know of no instance in which any court has found itself unable to enforce one of its decrees through a contempt proceeding. Today, anyone who resists Federal court school desegregation orders may be found in contempt of the court, and may be proceeded against accordingly. However, under section 2 of this Rogers-Dirksen bill the same persons would be felons guilty of committing a Federal crime, and punishable by 2 years' imprisonment or $10,000 fine, or both the imprisonment and the fine.

Mr. President, I think the finest, most pointed, and most eloquent commentary on section 201 of the administration's civil rights bill was made by the distinguished Senator from North Carolina [Mr. ERVIN] in his masterful presentation in the Senate on February 16. All of us are aware of the legal brilliance of the distinguished Senator from North Carolina and of the constitutional authority with which he speaks. I take the liberty of reminding the Senate of these words of his regarding section 201:

For the first time in American history, so far as I have been able to determine, this section undertakes to make resistance to a Federal court desegregation decree a crime. Mr. President, it is not necessary to make the impeding of a Federal court decree a crime. An act of that character is already punishable as a contempt of court. But if it were wise to make resistance to a decree of a Federal court a crime—for the first time in American history—the law to that effect should be directed at resistance to all decrees of the Federal courts. If it is iniquitous to resist one type of decree of Federal courts, then it is iniquitous to resist all types of decree of Federal courts.

Mr. President, I can only conclude that this proposal is aimed at the single objective of obtaining legislative sanction to a judicial decision which orders the forced integration of the races in the public schools. And I conclude that it is nothing more or less than a political declaration.

Mr. President, it is never the proper function of the legislature to lend its political support to a judicial holding. And I say to the Senate that adoption of this provision of the administration bill by the Congress would be an act which is wholly, simply, and entirely political; it would not be legislative; and it could not properly be judicial or executive.

The proposal to make resistance to a Federal court desegregation decree a crime is not only wholly unnecessary and wholly unjustified, but it is also a most dangerous proposition. Let us pause to give thought to the first amendment to the Constitution, the first part of the Bill of Rights. As all of us well know, the first amendment to the Constitution guarantees the right of free speech. I believe that everyone should have the right to speak his frank and honest thoughts about anything he may wish to discuss, including rulings or decisions of any courts.

Mr. President, I well remember that Thomas Jefferson said that, as between a free government and a free press, he would take a free press, because he knew that when there was a free press, when the people of the United States would have the right to express their views freely and to give free expression to their thoughts, their opinions, and their judgments, it would not be very long before there would be a free government.

Mr. RUSSELL. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HILL. I am glad to yield to the very able and distinguished Senator from Georgia.

Mr. RUSSELL. I thank my friend.

Of course, the doctrine that any court is beyond the pale of criticism is a very recent doctrine. Certainly it would come as a very great surprise to Thomas Jefferson, who was about as critical as any man could have been of the U.S. Supreme Court; and it would bring a little fire and brimstone from "Old Hickory"—Andrew Jackson. If anyone had suggested such a thing to him, that person surely would have had to leave his presence rather hastily.

Mr. HILL. Either that or be "burned up."

Mr. RUSSELL. That is correct; such a person would look not to the order of his going, because Andrew Jackson was one who—as it was described—defied the Court and challenged the Court. He once said: "John Marshall has made his ruling. Now let him enforce it."

Mr. HILL. That was in connection with the Court's decision in the famous case of Chisholm against Georgia, was it not?

Mr. RUSSELL. No, because that decision was cured by the 11th amendment to the Constitution. The incident to which I referred occurred in connection with the Wooster case.

Mr. HILL. That is correct, the Wooster case.

Mr. RUSSELL. Abraham Lincoln, the patron saint of the Republican Party—certainly one of the great figures in all of human history, was also unsparing in his criticism of the Supreme Court.

Mr. President, men of great stature have sat on the Supreme Court in the past, and yet were criticized. As I measure those justices against some of those who are now on the Court, I think that if ever there has been a time when criticism was justified—yea, when the demand for criticism cries out—that time is today. Certainly in all the history of the Republic there has never been so arrant an attempt by a judicial body to amend the Constitution of the United States by judicial decree as there was in the infamous Brown case decision.

Mr. HILL. Does the Senator from Georgia suppose that is the reason why the provision was included in this measure—to try to give protection to those folks?

Mr. RUSSELL. Oh Mr. President, the Court has been crying for some ratification or approval of its decision; it has tried to get the Congress to forget that there is such a thing as a Constitution by having Congress declare that its decision is consistent with the Constitution.

But if that were the case, how could it have been that for 80 years the separate-but-equal doctrine was held to be the law of the land, and was generally accepted by all except the NAACP and its most ardent espouser, Earl Warren? That doctrine became fixed, in connection with the Constitution.

Mr. HILL. Mr. President, as the Senator from Georgia well knows, I realize that a Senator of the United States enjoys certain immunity, under the Constitution. However, the Senator from Georgia had better be careful not to persuade some of his friends in Georgia to indulge in such criticism, because if that were to happen and if this bill were to be enacted into law, they could be put in jail for 2 years and could be fined $10,000, or both, if the provisions of this bill were applied to them.

Mr. RUSSELL. Yes, that is quite true; I am well aware of that. But in this case I will take my chances with congressional immunity.

All of us remember, in the history of this country, the old alien and sedition laws, when the Congress provided that

it would be a crime to criticize the President of the United States or any other official of the Federal Government. We all remember the story of that heroic man, Lyon, who languished in jail for years. There have been memorials established to Lyon, but those whose acts caused him to be jailed have been recorded in history as ignominious persons.

Of course, this proposal is drawn, in my opinion, in an effort even to reach cases in which the people may feel it is necessary to close their schools in the face of integration, as occurred in Prince Edward County, Va.

Mr. HILL. The Senator has spoken of the alien and sedition laws. The American people rose up in wrath and wiped those laws off the statute books. They are no longer laws.

Mr. RUSSELL. That is correct; and the political party that enacted them was destroyed.

Mr. HILL. It was the end of that party.

Mr. RUSSELL. Yes.

Mr. HILL. That party went down into the tongueless silence of dreamless dust, along with those alien and sedition laws.

Mr. RUSSELL. The Senator has expressed it truly and eloquently.

Mr. HILL. I thank my distinguished colleague for the very fine contribution he has made to this discussion.

As I have been saying, under the construction of the proposal we are discussing, it is by no means inconceivable that spoken words or criticism of a Federal court desegregation decree could, under certain circumstances, be construed as resistance to that decree; and if the administration's proposals were enacted into law, the person so construed to be in resistance to the decree could be sent to jail for 2 years, and a fine of $10,000 could be imposed upon him.

I do not have to emphasize, Mr. President, that I am unalterably opposed to any proposal which could be used to undermine or in any way impair the right of free speech. I think there is no right more precious than the right of free speech, the right to a trial by jury, the right to confrontation by witnesses, the right of habeas corpus. These are great, basic, fundamental rights that have made our America the land of liberty, the home of freedom, and an inspiring example to the people of all the nations of the world.

The second section of the administration's civil rights amendment proposes to amend chapter 49 of title 18, United States Code, by adding at the end thereof a new section, as follows:

1074. Flight to avoid prosecution for destruction of educational or religious structures.

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

(b) The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for destruction of educational or religious structures."

Mr. President, I, of course, along with, I am sure, all my colleagues in the Senate, deplore and condemn the willful destruction of educational or religious structures by fire or explosives, or by any other means, and I do not believe that anyone should be allowed to avoid prosecution for any such acts by fleeing across State lines. I do, however, believe that the penalties for the act of fleeing should be the same as to all fugitives, regardless of the act from which they may be fleeing. In this regard, I am opposed to section 202 of the bill as singling out and discriminating against certain groups of fugitives, making them guilty of a crime for a particular act, while everybody else committing the same act shall not be guilty of a crime. The law should be uniform as to all.

Under the Constitution today, a person who is guilty of a crime has a right to be tried in the district in which the crime was alleged to have been committed. Under the proposal, a person charged with a crime could be tried wherever he might be held, wherever he might be apprehended, wherever he might be in confinement.

Under the law today, if a crime were committed in the State of Florida, for example, the person would have the the right, under the sixth amendment of the Constitution of the United States, to be tried in the district in Florida where the crime occurred, and not in Hawaii, Alaska, Maine, or somewhere else, perhaps, where he might be apprehended. If he is apprehended, he is taken back to the district where the alleged crime was committed, and he has a right to be tried in that district.

The best that can be said of this provision is that it is unnecessary and that it would constitute a further erosion of the rights of the State and of the basic principle of the Federal system—an indestructible union of indestructible States. The enactment of section 202 would be further evidence that there are many in Congress who, for political reasons, desire to enact civil rights legislation merely for the sake of enacting it.

To continue, one of the worst features of the administration's civil rights amendment is contained in section 203, which reads as follows:

SEC. 3. (a) Every officer of election shall retain and preserve, for a period of three year from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by subsection (a) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) Any record or paper required by subsection (a) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

That representative may be anybody. It may be some person sent from Wisconsin or Michigan to the State of Florida, to look over the records of the State of Florida.

(d) Any record or paper demanded pursuant to subsection (c) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

In other words, all that is necessary to do is to issue an order, that one bring all of the papers to the district attorney's office, so that they may be inspected, they may be photographed, they may be reproduced, or they may be copied.

(e) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this section, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

He himself is the judge, and the sole judge. He is the sole arbiter. He makes the sole determination as to what might be considered his duty—as to where the reproduction, the photograph, the copy might go, or who might see it or who might not see it.

(f) The United States district court for the district in which a demand is made pursuant to subsection (c), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

(g) As used in this section, the term "officer of election" means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the

office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for.

This provision gives the Attorney General of the United States the right to make public the manner in which any person or any number of persons have voted. In other words, Mr. President, it would gravely endanger the secrecy of the ballot.

At first appearance, this recommendation would seem to be a further effort to encroach on the rights of the States only, but a close scrutiny of the proposal reveals it to be an effort on the part of the Federal Government to desecrate one of our most precious inheritances—the right to a secret ballot.

The right of a citizen to cast his ballot in all secrecy is one of the greatest bastions of human liberty that the mind of man has created. This right, like the right of trial by jury, is an indispensable component of American democracy. Once this right is infringed upon, our concept of American democracy will have been drastically altered, for it will never be the same. Once this right is infringed upon, we will have to adjust ourselves to a new mode of self-government, for the enlightened concept of government of the people, by the people, and for the people will have been seriously abridged.

There is no substitute for the secret ballot. No procedural device ever conceived can take its place. It is unique. There is nothing like it that has ever been engendered. The secret ballot alone is the sure protector of the continued preservation of our American democratic way of life. Once that is lost all that we hold dear may well be lost.

The fact is that the citizen can go to the ballot box and vote the dictates of his conscience, vote his best judgment, cast his vote as he thinks is wisest and best for his city, his county, his State, or his Nation, without any fear of reprisal, without any fear of some future penalty being imposed upon him, without any fear that in some way he will lose some favor he might enjoy or some benefit to which he might be entitled, without any fear that he is going to be penalized for doing his duty as his conscience tells him to do it. This is a right citizens possess.

This right is so jealously guarded and is so dearly prized by the American people that I devoutly believe any attempt to abrogate it will be renounced at once as an outrage to which an enlightened people will never acquiesce.

It will go down to the tongueless silence of dreamless dust, exactly as the alien and sedition laws did in an earlier period of our history.

Mr. President, I should like to discuss the argumentative and inaccurate statements which the Senate is being asked to adopt into law as contained in section 204 of the administration's—Rogers-Dirksen—civil rights amendment.

The Senate is being asked to enact into law a provision which states:

> The Congress recognizes that * * * the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land.

The Supreme Court held many years ago that a decision of a court is not the law but merely the evidence of what the law is. Under our Constitution, all power to make law, to amend law, and to repeal law is vested in the Congress of the United States.

I now invite attention of the Senate to article VI, paragraph 2, of the Constitution which provides as follows:

> This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Certainly the Founding Fathers could not have written that language in more definitive or more clear terms than we have it before us today.

If indeed the Constitution as interpreted by the Supreme Court is the supreme law of the land, the Supreme Court could not have rendered its decision on May 17, 1954, in the case of Brown against Board of Education because it had previously decided that separate but equal educational facilities satisfied the constitutional requirements.

Further, I believe it is a dangerous practice for the Congress to engage in a futile game of applauding the Supreme Court for politically expedient decisions. I do not agree with the Supreme Court decision in the Brown case. I do not agree with the basis on which the decision was reached. I shall never be a party to ratifying the decision on the floor of the U.S. Senate, as proposed in section 204.

I also strongly disagree with the statement in section 204 that "State and local governments and agencies which had relied upon the separate but equal doctrine are now obligated to take steps toward the elimination of segregation in their public schools." In my opinion, this is not a correct interpretation of the decision of the Supreme Court in the Brown against Board of Education case.

Judge John J. Parker, one of the ablest judges in the history of our country, chief judge of the fourth circuit, clearly pointed out the inaccuracy of this statement when he said, in referring to the Brown case:

> It [the Supreme Court] has not decided that the Federal courts ought to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend.
>
> What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches.
>
> Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation.
>
> The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

The bill before us, the Dirksen-Rogers bill, further declares that it is the intent of the Congress to assist State and local governments and agencies in carrying out their constitutional obligations by giving financial assistance to such States.

I challenge the proposition that the States have a constitutional obligation to affirmatively desegregate schools. The Supreme Court has said that a State may not deny any person, on account of his race, the right to attend a public school, but that is all it has said.

The true intent of the supporters of this legislation is clearly indicated by the provision which would permit the Commissioner of Education or his agents completely to bypass the established educational authorities and system in a State where a State has not submitted a plan to receive assistance under the proposed integration program. Under the provisions of this bill, the Commissioner or his agent could deal directly with local educational agencies, if the Commissioner or his agent determined that the State had consented to the making of applications by local educational agencies, or if the Commissioner or his agent determined that the State had indicated that it assumes no responsibility with respect to the desegregation of public schools.

This can result in a complete breakdown of State and local schools systems, with Federal interference bypassing established procedures and controls—procedures and controls which have existed in this country from the very founding of the public school systems in the various States. Yet under this administration's civil rights proposal we would have this interference, breaking down the State public school systems.

As has been said on the Senate floor several times, it is, in effect, a bribe to bring about the integration of schools.

I have throughout my many years in Congress stood steadfast in opposition to any Federal interference with or control of our public schools, and I vigorously oppose this proposal of the administration's civil rights amendment for the same reason.

Section No. 6 of the administration's proposal calls for the creation of another Federal Commission to push for general enforcement of FEPC proposals for Federal control of hiring and firing of employees in private business. The Commission would be called the Commission on Equal Job Opportunity Under Government Contracts, but its activities would in effect be much broader than might be suggested by its title.

The Commission's activities go beyond controlling employment practices of contractors and subcontractors doing business with the Federal Government. Even in this instance, however, many

private businesses would feel a longer and stronger arm of the Federal Government reaching in to help dictate policies regarding the hiring and firing of employees.

That we may understand the breadth and scope of the Commission's activities under this proposal, I quote the following provisions of section 5:

The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

The Commission is authorized to establish and maintain cooperative relationships with agencies of the State and local governments, as well as with nongovernmental bodies—

With private organizations, private associations—

to assist in achieving the purpose of this section.

The Commission may employ such personnel as may be required for the effective performance of its duties.

It can send out swarms of people throughout the land.

I have on this floor, not once, but time and again, stated my strong opposition to any FEPC proposals. Under our Constitution it has never been seriously questioned that a man has a right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. This personal freedom of contract is basic to the free enterprise system which has contributed so much to the growth and development of our Nation. The proposal contained in the administration's civil-rights amendment pushing FEPC application puts in jeopardy this personal freedom of contract and violates many of the precious rights and liberties given us by the Constitution of the United States. I again today register my strong opposition to any such proposal.

I agree with Mr. Justice Brandeis when he declared:

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness—

That comes to us from the Declaration of Independence—the right to life, liberty, and the pursuit of happiness—

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness—

The right to life, liberty, and the pursuit of happiness for which our forefathers waged the Revolutionary War to give us; they fought and suffered and, many of them, died, that we might have these precious rights, that we might have this right to the pursuit of happiness.

Justice Brandeis continued:

They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men.

When we talk about America, the land of freedom, that is what we are talking about, that we live under a system of government under which we can be free in our thoughts, in our beliefs, in our emotions, and in our sensations; and we draw the contrast between the totalitarian government of a Stalin, of a Khrushchev, of a Hitler, or of a Mussolini, where one is sent to the salt mines if he has a thought that varies from the thoughts of the dictator or tyrant who runs the government.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to the distinguished and very able Senator from North Carolina. There is no more able constitutional lawyer who has served in the Senate in the 20 years that I have been privileged to serve here, than is the distinguished Senator from North Carolina, and I feel it a privilege to yield to him.

Mr. ERVIN. I certainly appreciate the far too generous language of my friend from Alabama. I was very much impressed by the speech and the emphasis the Senator is laying on the freedoms. The Senator has called attention to Judge John J. Parker's absolutely correct analysis of the school desegregation decision. Does not the Senator believe that parents ought to be permitted to select the schools which their children shall attend?

Mr. HILL. Unless parents have that right, unless they have that free choice, then this is no longer a land of freedom.

Mr. ERVIN. I will ask the Senator if the substitute for the Stella, Mo., school bill does not contain one section which undertakes to provide that the Federal Government, acting through the Commissioner of Education, shall deny the parents of children the right to select the schools that they shall attend?

Mr. HILL. It does, indeed. I have commented on that. It seeks to deny them that right, and then it seeks to bribe them to get the people to surrender that right.

Mr. ERVIN. It offers them 30 pieces of silver.

Mr. HILL. That is right; it offers them 30 pieces of silver.

Mr. ERVIN. Then it undertakes to say that the Federal Government shall assist in the integration of all the schools regardless of the wishes of the parents of the children concerned.

Mr. HILL. That is correct. The Senator is exactly right.

It would deny the parents this right, and it would offer, as the Senator so well says, the 30 pieces of silver as a bribe to get them to acquiesce in this denial of their right.

Mr. ERVIN. I was very much impressed by the Senator's reference to the danger of the provision of the substitute interpreting the decision of the Supreme Court and declaring such decision to be the supreme law of the land.

I should like to ask the Senator from Alabama how anyone can take that position in view of the fact that the Constitution of the United States vests all legislative power of the Federal Government in Congress, and denies any of that power to the Supreme Court. How can anyone say that a court which has no authority to make law or to amend law or to repeal law, can make the supreme law of the land?

Mr. HILL. The Senator is exactly right. Earlier in my remarks I stated that article VI, paragraph 2, of the Constitution, makes it very clear: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

Mr. ERVIN. If the theory which is put out in the Dirksen substitute——

Mr. HILL. The Dirksen-Rogers substitute.

Mr. ERVIN. If that were to be accepted, then we would have a strange situation indeed. As the Senator from Alabama knows, in 1927, the Supreme Court of the United States, in the case of Gong Lum against Rice, in an opinion written by Chief Justice William Howard Taft, and in which Justice Brandeis and Justice Oliver Wendell Holmes, and other giants of the law concurred, held that the 14th amendment permitted the States to operate segregated schools.

When the Warren Court made an exactly contrary decision in 1954, the Warren Court, according to this declaration, made law, although it is denied the power under the Constitution to make law.

Mr. HILL. The Senator is exactly correct. Earlier in my remarks today I stated that if indeed the Constitution as interpreted by the Supreme Court is the supreme law of the land, the Court could never have rendered its decision on May 17, 1954, in the case of Brown against the Board of Education, because as the Senator from North Carolina has well said, the decision which he cited, which was handed down by the then Chief Justice, a former President of the United States and a distinguished jurist, William Howard Taft, the father of our late colleague, Robert A. Taft, ratified, affirmed, and confirmed the separate but equal doctrine.

Mr. ERVIN. Does not the Senator from Alabama believe that the threat which is held over the heads of the Members of the Senate by the distinguished majority leader and the distinguished minority leader, to keep the Senate in session around the clock, from sunrise to sunrise next week——

Mr. HILL. The Senator from North Carolina means the torture sessions; does he not?

Mr. ERVIN. Yes; the torture sessions. Does not the Senator from Alabama believe that that is absolutely incompatible with the best way to obtain legislation?

Mr. HILL. Of course it is. The Senate has long been held by the American people, and has held itself to be, the greatest deliberative body in the world. How in the world can the Senate be a great deliberative body if its Members are to be held in session from sunrise to sunrise?

Mr. ERVIN. I show the Senator from Alabama the Holy Bible. I ask the Senator if he agrees with me in the opinion that in this great book God laid down sufficient rules to deal with all the sins of all the sinners of all generations.

Mr. HILL. The Senator is correct.

Mr. ERVIN. It required a book of this size only for the Lord to tell how all the sins of all the sinners of all generations should be dealt with. Yet the Members of the Senate——

Mr. HILL. Mr. President, will the Senator yield at that point?

Mr. ERVIN. Yes.

Mr. HILL. Not only how all the sins of all the sinners may be dealt with, but and so important, how those sinners might absolve themselves from those sins and finally reach the gates of heaven. Is that not correct?

Mr. ERVIN. Yes. I call the attention of the Senator from Alabama to the productions of Members of Congress who seek to deal with a few sins of a few Southerners, and to contrast these productions with the size of the Holy Bible. These documents I exhibit to the Senate are the civil rights bills introduced at this session of Congress.

Mr. HILL. Only the bills introduced in the Senate?

Mr. ERVIN. No; I have a few House bills. There are 64 Senate bills. Some Members of the Senate are out right now preparing more bills which they will introduce tomorrow.

Mr. HILL. Undoubtedly.

Mr. ERVIN. I have had this packet of civil rights bills weighed. They weigh 5 pounds.

Mr. HILL. 5 pounds?

Mr. ERVIN. Yes. They measure 3¾ inches in thickness. They undertake to deny Southerners' rights which were guaranteed them under the Constitution by the Founding Fathers.

But it is strange to consider that the Lord could have put into a small book of the size of the Holy Bible the precepts and examples necessary to deal with all the sins of all the sinners of all the generations, as well as to point out to them how to repent and get to heaven, while Members of the present Congress have introduced this big package of civil rights bills weighing 5 pounds merely to correct what they think are a few sins of a few Southerners. That leads me to say that I do not blame those who advocate these 5 pounds of bills for not being willing to come to the Senate floor and debate those bills. But does not the Senator from Alabama agree with me that we really cannot have any real debate in the Senate on the civil rights question until those who are sponsoring the 5 pounds of bills come here and tell us how many ounces of the bills they want passed?

Mr. HILL. The Senator is exactly correct.

Mr. ERVIN. Does not the Senator from Alabama believe that the threat to keep the Senate in session around the clock, from sunrise to sunrise, will have a tendency to dull or to weaken the wits of those who oppose the bills, and to disable them to some extent, by reason of exhaustion, from making the kind of contribution they might possibly make to get a good bill?

Mr. HILL. There is no question about it. When one is weary in the flesh and tired and worn out, his mind does not function with its usual alacrity, keenness, and competency.

Mr. ERVIN. The Senator from Alabama came to this body when he was really a little boy. He is still in early life. I should like to ask the Senator if this is not the first time in his long experience in the Senate that the majority leader and the minority leader have joined in a common cause, a coalition, to exhaust all the Members of the Senate who happen to oppose civil rights bills on principle by round-the-clock sessions before such Members of the Senate can learn how many ounces of these five pounds of civil rights bills their sponsors want the Senate to pass?

Mr. HILL. The Senator is exactly correct. This is the first time in my long years of service in either the House or the Senate that we have been confronted with a situation such as that which confronts us today.

Mr. ERVIN. I am sorry the able and distinguished minority leader is not now in the Chamber. This morning, when I raised the point that we did not know what bills were to confront us or what the proposals were going to be, he said he knew those things. I wish he would come to the floor of the Senate and discuss his amendment and tell us exactly what it does. It provides many things. For example, on page 3, line 18, we read:

> Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed—

I have no quarrel with the constitutionality of that provision. But there is also this first alternative provision—

> or in which the person was held in custody or confinement.

Mr. HILL. The Constitution of the United States provides that such a person shall be tried in the district in which the act was committed.

Mr. ERVIN. The Senator from Alabama is eminently correct, because the sixth amendment, in language so plain that he who runs may read and not err in so doing, provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Yet the substitute provides, the sixth amendment to the contrary notwithstanding, that a person may be tried in the Federal court of the district in which he may be in custody or confinement. According to the bill, a man could commit one of these crimes in New York, and flee over State lines to Texas, and be confined and be tried in Texas.

Mr. HILL. Earlier in my remarks I said that a man might be charged with committing an act in Florida and that he might be tried in Hawaii.

Mr. ERVIN. The Senator is correct. Then, in addition to the possibility of his being tried in those two places, he may be tried in a third place, in the Federal district where he is apprehended.

I wish the able and distinguished author of this amendment would debate it and would tell us why he thinks the provisions of the Constitution ought not to be observed in the case of this particular crime. But I fear that those who have introduced these 5 pounds of bills do not want any information on the subject. They have already made their decision. They are like the justice of the peace in North Carolina who wanted to go fishing, although he was engaged trying a case in which there was a lawyer on each side. When the presentation of the evidence had been concluded, the justice of the peace asked the lawyers whether they wanted to argue the case. They said they did. The justice of the peace asked them this question: "How long do you want to argue it?"

They replied, "Well, we want to argue it for an hour on each side."

The justice said to them, "You gentlemen have a right to do that, and I will let you argue to your heart's content. But I am going fishing. When you get through arguing, just pick up the book that is lying on my desk, and under it you will find my decision, already written out."

If the authors of these 5 pounds of civil rights bills do not want to come here and defend their bills and if they do not want to tell us why their bills should be passed, I think they should at least identify how many ounces of those 5 pounds they want enacted into law, and what particular ounces they want enacted into law. Does not the Senator from Alabama agree with me about that?

Mr. HILL. I agree wholeheartedly with the Senator from North Carolina; and the very point the Senator from North Carolina has made inevitably raises the question, How much of these 5 pounds of bills is really of legislative purport, and how much is of political purport. Is not that a logical question to raise under these circumstances?

Mr. ERVIN. I agree.

Does the Senator from Alabama agree with me when I say that, of the 5 pounds of civil rights bills which now are pending before the Congress, less than 1 milligram of them is nonpolitical—and that is by accident, not by design.

Mr. HILL. I am not sure that I would even agree that 1 milligram of them is nonpolitical. I might agree that an even smaller amount was nonpolitical—but certainly not a greater amount.

Mr. ERVIN. Mr. President, at this point will the Senator from Alabama yield further to me?

Mr. HILL. Certainly.

Mr. ERVIN. I wonder whether the Senator from Alabama is inclined to agree with me when I say that the authors of these 5 pounds of civil rights bills do not wish to appear here and tell us what they are about. In that respect, they are somewhat like one of my constituents in North Carolina, who

was attending church one day. The preacher looked at him, and said, "Brother Jones, lead us in prayer."

But Brother Jones remained silent.

So the preacher again looked at Brother Jones, and again said to him, "Brother Jones, lead us in prayer."

Brother Jones answered, "I won't—I just don't want to mess with it." [Laughter.]

Mr. HILL. I may say to my distinguished friend from North Carolina that it has been said that nothing is so eloquent as silence. Surely in this case the absence of the authors of these 5 pounds of bills speaks for itself. The absence from this floor of those who have offered these many bills—their absence from this floor hour after hour and day after day, their failure to be here to present their bills, and to explain them, and to endeavor to enlighten the Senate as to the merits of their bills and their failure to argue the merits of their bills—certainly all that speaks for itself.

So I agree with the conclusion of the Senator from North Carolina.

Mr. ERVIN. I thank the Senator from Alabama.

Mr. HILL. Mr. President, as I approach section 7 of the bill under consideration, I think it significant to note that in this debate much has been said about the right to vote. Indeed, the measure has been presented to us with the ecomium that it is the right-to-vote bill.

I call the Senate's attention to the fact that nowhere in the body of the original Constitution is there any reference to any "right" to vote. Indeed, article I, section 2, of the Constitution made clear that it was to be the States, and not the Federal Government, which would set the qualifications for electors in the following language:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State—

That is, those who shall vote for Members of the House of Representatives—

> shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Of course, we recall that in the original Constitution, and up to the time of the adoption of the 17th amendment in 1913, U.S. Senators were not elected by the electors. They were elected by members of the State legislatures. But we also recall that in the amendment providing for the direct election of U.S. Senators, this very language was retained, providing that the electors voting for Senators in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The property qualification of the voters in the different States, as well as other requirements, were so different that it was concluded to leave it to each State to determine who should be qualified to vote for a candidate for a seat in the House of Representatives. "To have reduced the different qualifications in the different States to one uniform rule," wrote Hamilton in "The Federalist," "would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention."

We know, from a study of the debates which took place in the Constitutional Convention, from the writing of the Constitution, and from the State conventions that ratified the Constitution, that if a provision had been insisted on that was other than what has been written into the Federal Constitution, there would have been no Federal Constitution. It is only because the men who wrote the Constitution left the qualifications of the electors to the States that we received our Federal Constitution.

I shall have much more to say about the setting of qualifications for electors later on in my remarks, but at this point on the question of any "right" to vote, I call my colleagues' attention to Judge Thomas M. Cooley's clarification of the question as found in "Cooley's Constitutional Limitations" eighth edition, Carrington, volume 2. Mr. Cooley, a great and universally accepted authority on the Constitution, explained it this way:

> The right to vote is not of necessity connected with citizenship. The rights of the citizen are rights, such as liberty of person and of conscience—

I am sure if he were here tonight, he would add, the right of a parent to send his or her child to the school of his or her choice.

Judge Cooley said further:

> The right to acquire and possess property, all of which are distinguishable from the political privilege of suffrage.

At another point in his work on constitutional laws, Judge Cooley said:

> Many of the States admit no one to the privilege of suffrage unless he is a taxpayer.

That was true in the early days with reference to many of the States in our Federal Republic. Note again that Judge Cooley referred to the "privilege of suffrage," and not to any "right to vote."

As I said earlier, from the time of the creation of the National Government until May 31, 1913, when the 17th amendment was adopted, U.S. Senators were selected by the legislatures of the several States. The 17th amendment declares:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.
>
> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

I shall discuss that subject much more fully, if not in my remarks tonight, certainly in further discussion in this debate, because we who oppose these many proposals wish to come before the Senate and tell the facts. We wish the Senate to know what the Senate is asked to vote upon. We do not, by reason of absence, wish to deny any Senator the information, instruction, and enlightenment that he should have and must have.

Section 207 of the administration's civil rights amendment proposes to set up a system of policing voting rights through Federal referees.

The Senate will remember that registrars were first recommended by the administration, and on February 8, instead of the baby being a girl, it became a boy. Instead of a registrar, the baby became a referee. Is that correct, I ask the Senator from North Carolina [Mr. ERVIN]?

Mr. ERVIN. Mr. President, if the Senator will yield, they are the same old supervisors as were provided for in the act of May 31, 1870, the old Reconstruction Act. It is the same old provision for supervisors, under a different guise.

Mr. HILL. It is the same old provision for supervisors, under a different guise, except this: Even at that time those supervisors had power and authority only with reference to election of Members of Congress, whereas under the proposal before the Senate now, these so-called referees, the reestablished supervisors, would have power and authority with reference to all elections, Federal, State, county, municipal, local—any election of any kind, sort, or description.

Mr. ERVIN. The Senator is absolutely correct; but insofar as these registrars, or referees, or whatever they may be, are concerned, they are the same old supervisors who lost respect in elections in New York, and who were buried in ignominy and disgrace, and who have been resurrected now and given a new garb and title. But they are the same old registrars.

Mr. HILL. They are the same old registrars, whether one calls them Federal registrars, Federal referees, or Federal commissars.

As the distinguished Senator from North Carolina has said, section 207 simply follows and greatly enlarges upon the Reconstruction Act of 1871, which Congress had the wisdom and the good judgment to repeal some 66 years ago.

I shall go into the reasons for that repeal as I proceed.

After the passage of only a few years it became evident that this measure which had been aimed against the South had come back to haunt the Northern States, which had placed the heel of Federal tyranny upon the people of the South.

It had brought about all kinds of corruption and fraud and rottenness in the North.

In 1892, the House of Representatives established a Select Committee To Investigate the Federal Election Laws, particularly with respect to widespread abuses of the laws in the city of New York.

The careful study of the Select Committee of the House To Inquire Into the Supervision and Administration of Election Laws in New York produced such shocking results in exposing the frauds, the abuses, and the corruption throughout the country by unscrupulous Republican machine bosses under the Reconstruction Force Act, which by that time had commonly become known as Davenport's law—getting the name from that

of its author—that it led to the repeal of the act. The corrupt, iniquitous, and other evil practices under the act were commonly referred to as Davenportism, again for the name of the author of the Reconstruction force act.

The distinguished Senator from Georgia [Mr. TALMADGE] in his eloquent and masterful presentation on February 18 did a great service to the Members of this body and to the people of his great State of Georgia and the people of the Nation when he reviewed the history of the infamous Davenport law and thoroughly discussed it and the select House committee's report, and told of the far-reaching effects and implications of the dangers and evils of Davenportism. As one deeply concerned in preserving our constitutional form of government and our Republic, I thank the distinguished Senator from Georgia for the great contribution he has made to this debate. I commend to those who have not already done so that they read the Senator's address of February 18 before seriously considering a reenactment of Davenport's law and a resurrection of Davenportism.

Mr. President, when I entered the House of Representatives I was not, as my very kind and generous friend from North Carolina implied, a boy, but I did happen to be the "baby Member" of the House of Representatives. When I arrived in the House as a very young Member, a very wise man was there, a Member who was a profound student of the Constitution of the United States. He had devoted many years of his life to a study of our Constitution, our laws, and our Government; and no man in the House spoke with greater authority on our constitutional system.

No man was more greatly revered nor more esteemed by the Members of the House, because of his great erudition and his great ability, and because of his outstanding patriotism, than this Member, the late Henry St. George Tucker, of Virginia.

Judge Tucker was most kind to me as a young Member of the House. He happened to be the chairman of the committee which made the report on the election of the President and Vice President which accompanied the bill which repealed the Davenport Act.

He told me much of the hearings before the committee, of the evidence taken, and of the actions of the committee in reporting the bill to the House. He was the leader in the House of Representatives in pressing for the passage of the law which repealed the Davenport Act.

My distinguished colleague, the junior Senator from Georgia [Mr. TALMADGE], referred to the report of the committee of then Representative Henry St. George Tucker, presented to the House on September 20, 1893. I wish at this point to read in part from that report.

Judge Tucker said:

> The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress: and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.
>
> This subject has been discussed before in Report No. 1882, part 2, page 5, 1st session of the 51st Congress, as follows:
>
> "The power is sought in the fourth section of article 1 of the Constitution, which is as follows:
>
> " 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.' "
>
> We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.
>
> We notice, first, that the times, places, and manner of holding elections, etc., is primarily confined to the legislature of each State; secondarily, it is given to the Congress.
>
> The language itself and the arrangement of the two clauses show this:
>
> "The times, places, and manner, etc., shall be prescribed by the legislature of each State.
>
> "But the Congress may, by law, at any time make or alter, etc."
>
> The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.
>
> We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.
>
> We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.
>
> Of the Original Thirteen States that framed the Constitution, seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.
>
> The language of some of them is most striking and instructive. On February 6, 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:
>
> "That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."
>
> Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waiver in his support of those principles in the Halls of Congress (even in the year 1960), the convention added this strong language:
>
> "And the convention do, in the name and in behalf of the people in this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

In Massachusetts they wanted to make dead certain that the qualifications should be set by the States, that the time and place and manner of elections should be fixed by the States; and only when there was some default by the States should there be any action by the Federal Congress.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ERVIN. The Senator is still reading the words of Mr. Tucker?

Mr. HILL. Yes.

Mr. ERVIN. He was a Virginian, was he not?

Mr. HILL. Yes. He came from the home of Robert E. Lee and Stonewall Jackson, namely, Lexington, Va.

Mr. ERVIN. He was a great scholar.

Mr. HILL. He was a great scholar, and a constitutional authority.

Mr. ERVIN. The Senator is making a significant contribution in calling our attention to that fact. I am reminded of what the Federalist says on that subject. As the Senator from Alabama knows, the Federalist was a series of articles written by John Jay, Alexander Hamilton, and James Madison, in advocacy of the ratification of the Constitution.

Mr. HILL. That is correct.

Mr. ERVIN. The Federalist declares that the reason the Constitutional Convention gave this power to the Federal Government was that it was said that every government must have the ability to perpetuate itself, and that the reason

this power was given to Congress to make or alter regulations adopted by the States was to make certain that elections would be conducted for Members of Congress; and it was contemplated that the Federal Government would act only when the State failed to make provision for elections for Members of Congress. That was exactly in line with what Mr. Tucker stated in his report on the Davenport investigation.

Mr. HILL. Judge Tucker, in the report from which I am now reading, quotes from the Federalist. He quotes from Mr. Madison. He quotes from Mr. Hamilton. He quotes from Mr. Jay. All those quotations sustain and support, ratify, and confirm exactly what the Senator from North Carolina has said.

To proceed further with the report by Judge Tucker, it will be remembered, as I have said, that not only does this report come from a great constitutional authority and a great student of the Constitution, but also it was the report of the committee which brought in the bill to repeal the Reconstruction Act of 1871, which provided for Federal supervisors which, as the Senator from North Carolina has so well brought out, was just another name for what are now referred to as Federal referees, except that the Federal referees would be given so much more power and authority than was given to the Federal supervisors under the act of 1871.

Continuing with the Tucker report:

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity—

That includes the Senator from Alabama and the Senator from North Carolina—"all posterity"—

a perpetual and fundamental right in the local, exclusive of the Interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

In other words, they had the same thought which the distinguished Senator from North Carolina has just expressed as being the thought of Mr. Madison, Mr. Jay, and Mr. Hamilton in their writings in "The Federalist." It is a right of the State legislatures; and only when the State legislature forfeits that right by refusing to exercise it, or through negligence does not exercise the right, shall the Congress have any right to act.

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

Judge Tucker states in his report for the committee:

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find—

I am quoting from the New York Ratification Convention—

"that nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

In other words, they wanted to make it even stronger than it is now in the Constitution and as it has been for all these years.

We recall, as Judge Tucker reminds us:

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson——

Mr. ERVIN. Later a distinguished member of the Supreme Court.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HILL. The Senator from Alabama yields to the Senator from North Carolina. The Senator from North Carolina is exactly right. Mr. James Wilson of Pennsylvania was a member of the Convention which wrote the Federal Constitution. He was not only a member of the Constitutional Convention which ratified the Constitution of the United States, but, as the Senator from North Carolina has said, he was also a distinguished member of the Supreme Court of the United States.

I continue—

a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the "Federalist" Mr. Hamilton discusses this subject and says:

"They (the Convention) has submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise (secs. 820, 823, 824, et, seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480).

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution.

"Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

In other words, the legislatures might not set the times, places, and manner. That was the thought when the Constitution was written.

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether" ("Madison Papers," vol. 3, p. 1282).

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what extraordinary circumstances, what extreme necessity, what urgent exigency exists now—

That was in 1892—

for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

Judge Tucker went on to say:

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill—

The Reconstruction Act of 1871—

still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be necessary and proper for carrying into execution the foregoing power. In *Hepburn* v. *Griswold* (8 Wall., 614), Chief Justice Chase, in defining these words, says the words "'Necessary' and 'proper' were intended to have a sense, to use the words of Justice Story, at once admonitory and directory, and to require that the means used in the execution of an express power should be bona fide appropriate to the end."

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities.

Certainly, as the Senator from North Carolina and the Senator from Alabama so well know, that is true today. The same duties are imposed in all essential qualities.

With this state of things we find these statutes which are sought to be repealed create officers—

Referring specifically to the statute of 1871—

whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States.

Judge Tucker was referring to the act of 1871. The same language applies to the Rogers-Dirksen bill, now before the Senate. Judge Tucker adds:

This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the things which is the subject of the supervision. How then can the United States, by its supervisors—

Or shall we say referees—

and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country. The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past—

That is, under the act of 1871—

has resulted only in irritation, contention, and criticism of the Government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Mr. RUSSELL. Mr. President, the Senator from Alabama is making a magnificent address. I should like permission, if I may do so, to suggest the absence of a quorum without impairing the Senator's right to the floor.

Mr. HILL. I yield for that purpose.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum. The Senate ought to hear this address. It is a great address.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Ervin	McGee
Anderson	Fong	Mansfield
Bible	Frear	Moss
Brunsdale	Gore	Mundt
Byrd, W. Va.	Gruening	Muskie
Cannon	Hickenlooper	Randolph
Chavez	Hill	Russell
Church	Hruska	Schoeppel
Clark	Jackson	Stennis
Curtis	Johnson, Tex.	Thurmond
Dirksen	Johnston, S. C.	Williams, Del.
Dodd	Kefauver	Williams, N.J.
Douglas	Kuchel	Yarborough
Ellender	Long, Hawaii	Young, N. Dak.
Engle	Long, La.	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Michigan [Mr. HART], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Ar-

kansas [Mr. McCLELLAN], the Senator from Michigan [Mr. McNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Missouri [Mr. HENNINGS], and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from New Jersey [Mr. CASE] are necessarily absent.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. AIKEN, Mr. BEALL, Mr. BENNETT, Mr. BUSH, Mr. BUTLER, Mr. CAPEHART, Mr. CARLSON, Mr. CASE of South Dakota, Mr. COOPER, Mr. COTTON, Mr. DWORSHAK, Mr. GOLDWATER, Mr. HARTKE, Mr. HAYDEN, Mr. JAVITS, Mr. JORDAN, Mr. KEATING, Mr. MAGNUSON, Mr. MARTIN, Mr. MORTON, Mr. PASTORE, Mr. PROUTY, Mr. ROBERTSON, M. SALTONSTALL, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. TALMADGE, and Mr. WILEY entered the Chamber and answered to their names when called.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). A quorum is present.

Mr. HILL. Mr. President, I was discussing the report to the House of Representatives made by the late Judge Henry St. George Tucker, reporting for the Committee on Elections to the House on a bill to repeal the old Reconstruction Act of 1871 and on similar acts which had been enacted at that time.

Judge Tucker continued:

> Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

While we read this from the report of Judge Tucker, we are reminded, Mr. President, that the proposed legislation before us is the very type thing which Judge Tucker had set forth as one of the strongest arguments in his report for the repeal of the old Reconstruction statute, that is, the breakdown, the destruction of confidence of the people in the integrity and impartiality of the Federal courts.

Judge Tucker continued:

> If these laws are wrong in principle they are certainly wrong in practice. From one end of the country to the other a sentiment has grown from day to day and year to year in favor of their ultimate repeal. They are founded upon a false principle. They have nothing but partisanship to sustain them, and they have become an eyesore to the whole country.

Mr. ERVIN. Mr. President, will the Senator yield to me?

Mr. HILL. I yield to my friend from North Carolina for a question.

Mr. ERVIN. When all is said condemnatory of the Enforcement Acts of 1870 and 1871—and much may be said condemnatory of those acts—can it not also be said that the authors of those acts were in one sense fairer and more just than the proponents of the present proposal, in this respect, that the authors of those acts were willing for their States to take the medicine they thought should be prescribed for the South; whereas the authors of the present bill are not willing to have the act apply to their States but, instead, pick out the Southern States for their application.

Mr. HILL. The Senator is exactly correct. The pending proposal is directed against one section of the country, the South, whereas, as the Senator points out, the authors of the acts of 1870 and 1871 were fair enough to believe that the right thing to do would be to have those acts apply all over the United States.

Mr. ERVIN. Mr. President, will the Senator yield further for a question?

Mr. HILL. I yield.

Mr. ERVIN. As one who has always thought that a doctor ought to be willing to take the medicine which he prescribes for his patient, I also believe that a legislator ought not to favor the passage of a law which he is not willing to have applied to his own constituents. I ask the Senator whether he agrees with me.

Mr. HILL. I agree wholeheartedly with the Senator. In fact, I can think of no better yardstick for a Senator to use in his consideration of proposed legislation than the yardstick suggested by the Senator from North Carolina, and that is whether a Senator is willing to apply that yardstick to his own constituents.

Mr. ERVIN. I should like to ask the Senator from Alabama if, like myself, he sometimes becomes a little envious of those who worry about the sins of someone far off. Does not such worrying act as an opiate to blind oneself to the sins lying on his own doorstep?

Mr. HILL. There is no question about it. The Senator is exactly right. When a person contemplates or worries about sins in some distant place, he tends not to be concerned and worried about the sins in his own backyard.

Mr. ERVIN. I am sometimes tempted to yield to that impulse. However, as long as I expect, like the man in the Scriptures, to be clothed and in my right mind, I will assume that the people outside the State of North Carolina can handle their own problems much more wisely than I can, because they are more familiar with the conditions there.

Mr. HILL. That was the fundamental principle written into the Constitution of the United States. Is that not so?

Mr. ERVIN. That is certainly correct.

Mr. HILL. One reason we have had such a great and wonderful country, and democratic way of life, is this basic principle upon which we founded our democratic government.

Mr. ERVIN. As long as I believe that the people of the other States can solve their own problems better than I can solve them for them, I will never introduce a civil rights bill to be added to these 5 pounds of civil rights bills which are now pending before this session of Congress.

Mr. HILL. In other words, the Senator is saying that he is not going to add one-tenth or one-hundredth of a milligram to the 5 pounds that he now has before him. Is that correct?

Mr. ERVIN. That is correct. I do wish that someone would tell us how many ounces of these 5 pounds of bills he would like to have enacted into law.

Mr. HILL. They are so heavy in introduction, but so weak in the effort to explain or justify those bills; is that correct?

Mr. ERVIN. Yes. I should like to know if there is any Member of Congress who is in favor of all 5 pounds of them.

Mr. HILL. If the Senator finds the answer to that question, I hope he will advise the Senator from Alabama.

Judge Tucker continues in his report, in speaking of these statutes:

> Under their operations human liberty has been trampled upon, human rights have suffered, and human beings unjustly punished. The merciless exactions of the chief supervisors in the great cities have added additional horrors to the law.

They were supervisors, not only in the South, but more particularly, as the Senator from North Carolina has suggested, in the Northern States—in New York and Illinois and Ohio and Indiana and Missouri, and in so many other States.

Judge Tucker continued:

> Men have been torn from their families and brought to trial with no ground of action except the desire to deprive them of the right of suffrage. To continue such laws longer would be an insult to the intelligence of the people. "Davenportism" has become a byword and a word of reproach throughout the land. The atrocities of the Duke of Alva do not exceed the crimes against liberty which have been committed under these laws in the State of New York and elsewhere. The voices of those who have passed away within the past 20 years, who have suffered by imprisonment, privation, and ultimate death at the hands of this despot cry out to us for vengeance.
>
> No trophy has been too large for his greed and no victims too low for his rapacity. The scholar, the divine, the hoodlum, all alike

share his vengeance; but we can well imagine that when the free citizens of this country were in common suffering the unjust penalties of these laws, the statement of the prelate of old amid the tortures of the stake was often heard.

"Be of good cheer, brother; we shall this day kindle such a torch in England as I trust in God shall never be extinguished."

And, Mr. Speaker, the day has come, and now is, when we, responding to that cry of the freemen of the country, will wipe from the statute books the last remnant of these laws, and if the blood of the martyr is the seed of the church, then—

"Each single wreck in the warpath of might
Shall yet be a rock in the temple of right."

Davenportism.

I hold in my hand a statement of the accounts of this man—

Meaning this man Davenport—

taken from the files of the Treasury Department. This statement shows that from March 4, 1889, to March 4, 1893, he drew from the Treasury of the United States, as supervisor and commissioner of the circuit court, fees amounting to the neat sum of $145,591.81.

Senators will recall that $145,000 was a great deal more money then than it would be in our present currency.

This paper shows another fact. It shows that from March 4, 1885, to March 4, 1889, when Grover Cleveland was President of these United States and John I. Davenport was *chief supervisor* of New York, not an account was presented by him for payment.

He did not present any account while we had a Democratic President. Grover Cleveland, above everything else, was known for his honesty and integrity. This man did not dare present one of those accounts to him.

It shows, however, that although no account was presented during Mr. Cleveland's former administration ending on March 4, 1889, yet on April 11, 1889, 1 short month after President Harrison came in, Mr. Davenport put in an account of $3,000-odd, covering his services from August 1 to November 10, 1888, a period when Mr. Cleveland was President.

It shows another remarkable fact; namely, that on June 1, 1889, 2 months later, he put in an account of over $2,000 for services in the November election of 1885. It shows further that on June 15, 1889—for his appetite was being whetted—he put in another account for services in the November election of 1886, during Mr. Cleveland's first administration, of $23,000. Those "services" were rendered while Mr. Cleveland was President. Again, on October 30, 1889, he put in another account covering the time to November 6, 1888, amounting to only $31,000. Then on January 31, 1893, just before Mr. Harrison went out of office, he put in a little account of $3,000, and on February 24, 1893, 10 days before the expiration of Mr. Harrison's term, he put in and had allowed an account of $31,000.

As Senators will recall, the present proposal contains no prescription of the amount referees may be paid. They may draw their fees exactly as the so-called supervisors did under the act of 1871—they may simply submit a claim to the Treasury Department. Judge Tucker continued:

Why, Mr. Speaker, here is a man who draws from the Treasury of the United States nearly a hundred thousand dollars for services which he claims were rendered while Mr. Cleveland was President, yet he had not the manhood to present his accounts to Mr. Cleveland's administration, but waited until that administration had come to an end, and then handed over these accounts to the Harrison administration, and had them allowed. Truly, truly, "the ox knoweth his owner, and the ass his master's crib."

Mr. Speaker, I say to the gentleman who asks me what these facts have to do with the question of the rightfulness or the wrongfulness of these laws, that they show one of two things—either that this man Davenport, who has a life tenure, should be abolished because he is a corrupt man, or else that the laws are so corrupt and so difficult to execute that they make even as pure a man as Davenport commit these outrages.

Mr. ERVIN. Mr. President, will the distinguished Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. ERVIN. If my recollection serves me rightly, Davenport was being compensated as a Federal supervisor of elections at a rate higher than the salary of the President of the United States.

Mr. HILL. Certainly; the fees he received would strongly indicate that. There is no doubt about it. His fees were much higher, I am certain, than were the salaries of Federal judges at that time, and much higher than were the salaries at that time of Members of Congress.

Mr. ERVIN. Am I correct in my assumption that he got that compensation under the Enforcement Act of 1870, which has been resurrected from its dishonored grave by the pending substitute and offered for the salvation of the American people?

Mr. HILL. The Senator is correct—the only difference is that it is offered in a much larger and more extensive form, because referees would not be limited to collecting fees in elections for the House of Representatives; they could collect fees in State elections, county elections, municipal elections, and local elections, of any kind, character, or description.

Mr. ERVIN. With the unlimited compensation provided in the bill for anyone who has the avaricious spirit of Davenport in his bosom in this period of inflation, there is no telling how much his compensation might exceed the amount of foreign aid. [Laughter.]

Mr. HILL. I think the Senator is exactly correct. The Senator from North Carolina weighed the many civil rights bills before the Senate. I believe he said they weighed 5 pounds. If the collections of fees were weighed, they could not be lifted today.

Mr. ERVIN. Would they weigh as much as this bundle of civil rights bills?

Mr. HILL. Oh, far more than that.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Comes the hour of happy colloquy. If I may be allowed to stand between the Senator from Alabama and the Senator from North Carolina to tell a story, it might provide my dear colleagues a brief respite.

Mr. HILL. Mr. President, with the understanding that I do not lose the floor, I am delighted to yield to the Senator from West Virginia to permit him to tell his story.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mention has been made of the accumulated weight of civil rights bills and we have heard talk about resurrection.

A Democrat—I do not know just what type of Democrat—was stumbling through a cemetery one night. We might say that he had something under his belt other than substance, something perhaps of a spirituous nature.

Mr. ERVIN. Did the Senator say spirituous or spiritual?

Mr. RANDOLPH. Spirituous. He was attempting to find his way home. The moon was shining on a marker. He peered at the inscription and read:

Here lies the body of Mary Ann Brown
In life she weighed 400 pounds.
Now she is dead and sweetly at rest
Safe in the arms of Abraham's breast.

I said he must have been a Democrat, for he could face adversity smiling, which is a wonderful characteristic. He exclaimed:

It may be sweet for Mary Ann
But it's a heck of a load for Abraham.

[Laughter.]

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HILL. I am glad to yield.

Mr. ERVIN. It is interesting to learn that Mary Ann was overweight, but I might say further that if these 5 pounds of civil rights bills were enacted, they would weigh far heavier on the people of the Nation than Mary Ann weighed on Abraham's bosom. [Laughter.]

Mr. HILL. The Senator from North Carolina is very accurate in his observation.

Judge Tucker composed a little ditty—shall I call it a little poem?—to the man Davenport. He said:

Mr. Speaker, I can only say, in closing, about this gentleman that his character as an officer may be summed up in the following:

"Too cautious or too sly to feign,
A love he never cherished,
Beyond the bounds of office gained
His patriotism perished.

"While others hail in distant skies
The glories of the Union,
He only sees its glory shine
Through this [holding up the account]
and many hundreds."

Of dollars he had collected.

Mr. Speaker, I object to these laws for another reason. The true policy on the part of this Government toward the State governments should be to have perfect confidence existing between the two. One of the chief reasons for my objection to these laws is that they show a lack of confidence on the part of the Federal Government toward the State governments. On their face, they amount to a charge of distrust—a charge that the Government of the United States cannot trust the people of the country; and I tell you, Mr. Speaker, that no country will long flourish where such a state of things as that exists.

Where there is distrust and suspicion written upon the laws of the country toward the people, you are going to find that it will react

against the Government which indulges in it. Put the election of representatives into the hands of the States, where the Constitution intended it should be put; wipe from the statute books these laws that cause jealousy and friction all the time among the people, and you will find there will arise throughout the country an increased love and increased patriotism among the people such as we have not experienced in the country for the last 30 years.

Why, Mr. Speaker, this matter of trust and confidence is not to be despised. If you bring up your child with the understanding that he is to be watched and guarded and scrutinized through life—that you are a detective upon his movements, with your eyes suspiciously upon him all the time—let me tell you that when he grows to manhood he will not be able to look you in the face. If you want to bring up and encourage a nation of sneaks, let it be understood that the Government which the people are expected to love, honor, and revere is a detective on their track. I do not believe in that principle.

Mr. President, when the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government—and of course we know that the only sovereignty the Federal Government has is that which was given to it by the States—they did so with a great deal of trepidation. No one knows that better than does my friend, the Senator from Rhode Island [Mr. PASTORE], because he knows well the history of his great State, how careful the Founding Fathers were, how wise they were, in seeking to protect the sovereignty of the States and in seeking to be certain that they did not give away sovereignty that they did not intend to give away or did not think was wise to give away.

The Founding Fathers delegated or gave away this sovereignty with a great deal of trepidation, and they did so only with the firm conviction that it was unity, alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty—that could enable the people of our country to long endure and abound in the joy of the priceless legacy which an heroic young nation had won at the cost of much sacrifice and loss of life.

Mr. President, when I speak of the unity which motivated our Founding Fathers in bringing this Government into being, I well recall the eloquent words which I heard uttered on this floor by the great, leonine Senator Borah, of Idaho. He declared:

> It is not in the interest of national unity to stir old envies, to arouse old fears, to lacerate old wounds, to again after all these years brand the southern people as incapable or unwilling to deal with the question of human life.

He added:

> This bill is not in the interest of that good feeling between the two races so essential to the welfare of the colored people. Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by tolerance for conditions in different parts of the country, by confidence that the people in the different parts of the country will solve their problems.

Mr. President, there may be those who think that the system of government that was devised in this country over 170 years ago and was given us as part of that priceless legacy is obsolescent. In answer to any such thinking, I should like to point out that one of the most baffling problems that faces contemporary democracies arises from the deadening effect of sprawling, impersonal, overcentralized governments. How does one keep democracy fresh, vital, and close to the hearts of the people, in the face of these ponderous machines of government? We have the answer, Mr. President. The Federal system which was devised by our forefathers in the 18th century provides the brightest hope for the survival of democracy in the 20th century. If we tamper with the basic tenets of the system bequeathed to us by our forefathers, if we trample on this precious heritage, we will deserve the fate that will undoubtedly befall us.

In the spirit of our forefathers, let us rededicate ourselves to this precious heritage and to the sysem of government it gave us.

Let us be done, Mr. President, with these measures that would weaken this system of government and undermine its very foundations.

Let us be done with these measures that would violate and belittle that great document, the Constitution of the United States, for which so much blood was shed and so many human lives were sacrificed.

Let us stand squarely upon the Constitution of the United States—rock of freedom, ageless, and enduring foundation of our rights, our hopes, and our democratic faith.

Mr. ERVIN. Mr. President, will the Senator yield for a moment?

Mr. HILL. I yield to my friend from North Carolina.

Mr. ERVIN. I should like to say that the Senator from Alabama has made a most magnificent presentation of the history and the experience of the act of 1870, and I regret that the authors of the bill which undertakes to resurrect that act and compound the felony which it committed were not present here to hear the great exposition by the Senator from Alabama concerning the history of that act, and how that act offended the reservations made by the States to article I, section 4, of the Constitution when they ratified the Constitution of the United States. I do not see how any man could have heard the presentation by the Senator from Alabama on that point and could still favor a bill of that character, in view of its irreconcilable conflict with the reservations of the States when they ratified the Constitution, and in view of the terrible and tragic history of its predecessor.

Mr. HILL. Mr. President, I want to thank the distinguished Senator from North Carolina for his most generous words. I deeply appreciate them, and I particularly am grateful to him, because I think we all recognize that he stands among us as a great student and expounder of the Constitution of the United States.

Mr. ERVIN. I thank the Senator from Alabama for his far too generous remarks concerning me.

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I am glad to yield to the Senator from West Virginia.

Mr. RANDOLPH. Earlier, the Senator was gracious to yield to me for the spinning of an old yarn which I have used in campaigns.

But now, at the conclusion of the Senator's remarks, I wish to state that the Members of the Senate and the country as a whole are helped when men with differing viewpoints speak as has the Senator from Alabama in good conscience and with courage. If there is a genius at work in this body—and there must be, at least from time to time—certainly it exists when, to the order of business we have the approach, sincere and dedicated, which has been so well exemplified by my friend this evening.

Mr. HILL. I thank the distinguished Senator from West Virginia. I had the pleasure and the honor and privilege of serving with the distinguished Senator in the House of Representatives. There, he and I worked side by side, together. Here in the Senate we sit on the same committee. We continue to work side by side, together; and I know how conscientious and how diligent and how able he is and how devoted he always is to the interests of the people. I am most grateful to him.

DEATH OF MEMBERS OF THE U.S. NAVY BAND AND BRAZILIANS IN AIRPLANE ACCIDENT AT RIO DE JANEIRO

During the delivery of Mr. HILL's remarks,

Mr. JOHNSON of Texas. Mr. President, will the Senator from Alabama yield, in order that I may propound a unanimous-consent request?

Mr. HILL. Yes, Mr. President; with the understanding that in yielding for that purpose, I shall not lose my right to the floor, I am glad to yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Alabama may yield to me, in order that I may have read a proposed resolution, and may ask unanimous consent for its immediate consideration, and may make a brief statement in connection with it, and also in order that the minority leader and the Democratic whip may make brief statements in that connection, without causing the Senator from Alabama to lose his right to the floor, and with the further understanding that the remarks made in connection with the resolution will be printed elsewhere in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, on behalf of myself and the distinguished minority leader [Mr. DIRKSEN], I propose to submit to the Senate the following resolution:

> *Resolved*, That the Senate of the United States of America hereby expresses its deep and profound anguish that, in the line of duty, members of the Armed Forces of the United States of America and citizens of the

United States of Brazil have today met their Creator in a tragic air accident in the city of Rio de Janeiro.

In full knowledge that the peoples of the United States of Brazil and the United States of America have stood together, in war as in peace, and believing as it does that our friendship will ever grow stronger, it is the sense of the Senate that the sacrifice of these lives will long be remembered; be it further

Resolved, That the Senate hereby expresses its profound sympathy to the bereaved families and friends of those who have died.

The President of the United States is hereby requested to communicate the sense of this resolution to the Government and people of Brazil.

I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, the tragedy that has taken the lives of so many Brazilians and so many of our own people fills our hearts with sadness.

The people of the United States of America extend their sympathy and their condolences to the families of the Brazilians who have lost their lives in this unfortunate accident; and we know that the people of the United States of Brazil reciprocate this feeling.

We join with President Kubitschek in expressing the prayer that out of our mutual sorrow will come a unity which will unite our two great nations ever more closely together.

May the souls of the citizens of Brazil and the citizens of our country who have lost their lives in this tragedy rest in peace.

Mr. DIRKSEN. Mr. President, accidents such as the tragic one which occurred today are distressing under any circumstances. Who can say why they happen? They are the fortuities of life. When they come, they do so with profound shock.

It is particularly sad to have one of them come at this time. Yet, out of it all there may come even closer ties between these two great Republics of the Western Hemisphere.

So I concur in the sentiments expressed by the assistant majority leader [Mr. MANSFIELD]; and I trust, and I am sure, that the President of the United States will convey this sentiment of the Senate to the proper authorities of the Republic of Brazil.

Mr. RUSSELL. Mr. President, I wish to associate myself with the remarks which have been made by the majority leader, the minority leader, and the distinguished majority whip, the Senator from Montana [Mr. MANSFIELD], with respect to this very tragic accident.

In any event, an accident which involves a collision in the air and death in the skies comes very close to all our people; and that is particularly true on this occasion, for I understand that the Navy Band was on its way to Rio, to play at a reception which was to be given this evening at our Embassy there.

The hearts of the American people will go out not only to the personnel of the Navy Band, but also to the citizens of the United States of Brazil whose lives were snuffed out in this unfortunate incident.

Mr. President, I am sure that other Members of the Senate will later wish to associate themselves with the statements which have been made at this time, and will wish to make statements of their own with respect to this resolution.

The PRESIDING OFFICER. Is there objection to the request for the present consideration of the resolution?

There being no objection, the resolution (S. Res. 280) was considered and agreed to.

Mr. JOHNSON of Texas. Mr. President, I thank the Senator from Alabama for his courtesy.

Mr. HILL. Mr. President, it was sad to have to yield to my friend, in view of the tragic situation. But of course I am always glad to yield to him.

Mr. JOHNSON of Texas. The Senator from Alabama is always courteous, and I greatly appreciate his understanding.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. STENNIS. Mr. President, I offer, and send to the desk, an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2 of the Dirksen amendment, it is proposed to strike out lines 16 through 18.

Mr. STENNIS. Mr. President, I had not really intended to address the Senate this evening, but a series of events transpired which caused me to seek this opportunity to present some material for the RECORD. I wish to read the testimony of certain witnesses because I want that testimony to appear in the RECORD, and I want to give it circulation throughout the country. I shall explain in just a few minutes what those statements are, but first I want to commend my colleague from Alabama for his very fine presentation in the Senate of a subject which is indeed a serious one; and his comment, too, upon the effect and the operation of this proposed measure, to which he was speaking in opposition, is strikingly correct and true. The Senator is preeminently qualified to speak for the people of Alabama and as an expert witness with a fine understanding of what would be the consequences should such an unfortunate proposal become law.

I have the honor of representing a sister State of the State of Alabama. All of our area was once in the same territory, and I feel a very strong affinity for the fine people of the State of Alabama, and particularly for the Senator from that State.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. May I say that the Senator from Mississippi is always so fine, so generous, and so devoted that we in Alabama call him the third Senator from Alabama, and we rejoice to have him. Certainly, the Senator from Alabama is deeply grateful to the Senator from Mississippi for his most generous words about the Senator from Alabama.

Mr. STENNIS. I thank the Senator very much, and I could not have a higher compliment than that from the people of Alabama. My friends in Alabama know that, in addition to the many fine qualities of the Senator from Alabama, he is an effective Senator. I do not think anyone in this body can exceed him in that respect.

Mr. President, I am going to present to the Senate and read into the RECORD the testimony given this week by four very distinguished witnesses before a subcommittee of the Committee on Government Operations. I am not a member of that committee, but I was invited to attend it by the Senator from Washington [Mr. JACKSON], who is chairman of the Subcommittee on National Policy Machinery.

I was so impressed with what these outstanding men said that I think their statements ought to be given immediate further circulation, and not wait for the printing of the reports and the slow process of getting those reports before the people, editorial writers, and other news agencies.

One of those witnesses was the Honorable Robert A. Lovett, former Secretary of Defense.

The second witness was Mr. Robert C. Sprague, of the Sprague Electric Co.

The third witness was Dr. James P. Baxter III, president of Williams College.

The fourth witness was Mr. Thomas J. Watson, Jr., president of International Business Machines Corp.

Mr. President, I shall not ask for any quorum call, so far as I am concerned. I want to show the Members of the Senate that this is not a matter of merely speaking and putting something in the RECORD. I want these statements to have circulation, and I have prepared a brief introductory statement.

Mr. President, the Subcommittee on National Policy Machinery, under the chairmanship of the Senator from Washington [Mr. JACKSON], has just completed its first public hearings.

As Senators know, the subcommittee has been charged by the Senate to determine whether our Government is now properly organized to meet the challenge of the cold war. As the Senator from Washington described it in his opening statement: "The question before the subcommittee is this: How can a free society organize to outthink, outplan, and outperform totalitarianism—and achieve security in freedom?"

The Jackson subcommittee invited four distinguished citizens to address themselves this week to the overall challenge confronting our Nation today and in the years ahead, as it relates to organizing for national safety and survival. These gentlemen were, as I said, Mr. Robert A. Lovett, former Secretary of Defense and a partner in Brown Bros., Harriman & Co.; Mr. Robert C. Sprague, chairman of the Sprague Electric Co., and codirector and then director of the

Gaither committee; Dr. James P. Baxter III, president of Williams College and a member of the Gaither committee; and Mr. Thomas J. Watson, Jr., president of the International Business Machines Corp.

Mr. President, in my opinion, the statements of these gentlemen, in the aggregate, constitute some of the most stimulating, forceful, and significant testimony presented to Congress in recent years. The Jackson subcommittee is to be congratulated on marshalling such impressive, authoritative talent to launch its hearings.

I also wish to read briefly from an opening statement that outlines the purpose of these hearings, which was made by the Senator from Washington [Mr. JACKSON], who opened the hearings.

The meeting will please come to order.

This is the first public meeting of the Subcommittee on National Policy Machinery of the Senate Government Operations Committee.

Our subcommittee is charged with a difficult task. We have been asked by the Senate of the United States to determine whether our Government is now properly organized to meet successfully the challenge of the cold war. Put broadly, the question before the subcommittee is this: How can a free society organize to outthink, outplan, and outperform totalitarianism, and achieve security in freedom?

Put more specifically, our problem is to decide how those parts of the Federal Government charged with assuring the security of our country can work most effectively together toward that end. Our problem involves the National Security Council and the Presidency; it cuts across the Departments of State and Defense; it goes into the Bureau of the Budget and the Treasury; it is shaped everywhere by the ever-growing impact of science and technology.

These departments and agencies of the Government now spend annually more than $50 billion. They work through literally thousands of interdepartmental and interagency committees. Daily—in every part of the world—they must make and coordinate hundreds of different decisions profoundly bearing on national security.

Six months of hard work by the subcommittee have preceded this hearing. During these months, we have talked to literally hundreds of authorities in the fields of Government organization and national security. We have been in touch with the best brains in our country. We have put the same two questions to all of them: Where are the gaps and weaknesses in our present way of making and carrying out national security policy? How can we do better?

Here are some of the down-to-earth questions with which we will grapple during these next few months:

What can our Government do to move more speedily on crucial scientific and technical programs—any one of which can radically affect the world balance of power? Here I have in mind the delays in such vital projects as the hydrogen bomb, satellites, and the intercontinental missile.

What can we do to help the statesman and the soldier work together for common goals? Here I have in mind the commonly acknowledged problem that the State and Defense Departments often make plans with the left hand not knowing what the right hand is doing.

What can our Government do to develop a truly integrated national strategy for the long pull? Here I have in mind the question of how the National Security Council and its subordinate bodies can develop policies representing more than least-common-denominator compromises between the departments represented upon it.

How can the budgetary process be made a better management tool for clarifying, illuminating and speeding the development of needed programs? Here I have in mind the widespread feeling that many important programs are stillborn because of the money agencies.

What can our Government do to recruit and retain outstanding senior officials for national security posts? Here I have in mind the chronic difficulties of the Defense Department and other agencies of finding qualified men—and even more important, holding them long enough to master their jobs.

If I may make a one-sentence comment on that last point, Mr. President, I have been on the Armed Services Committee for several years. When a man who is entirely new in that field of work comes before the committee as the Secretary of Defense, instead of wanting to scrutinize him and question him and cross-examine him, I feel more sympathy and more pity for him than anything else, realizing, in part, what a tremendous and almost impossible task he is confronted with.

I proceed to the statement of Mr. Robert A. Lovett before the subcommittee:

STATEMENT OF ROBERT A. LOVETT BEFORE SUBCOMMITTEE ON NATIONAL POLICY MACHINERY, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, FEBRUARY 23, 1960

Your committee has invited me to appear before it and to state, first, my estimate of the broad challenge confronting the United States today and in the years ahead; and, second, to select the areas which, in my opinion, have special significance to national security or survival, with particular emphasis on the existing machinery, its adequacy, and its problems in making effective our foreign policy, and defense planning and operations. A series of searching questions in your interim report were sent me covering a very wide range of subjects within the terms of the Senate resolution authorizing your study.

Many of these questions lie in areas of Government outside my experience. Therefore, if it meets with your approval, I should like at the outset to limit my comments to an attempt to identify a principal cause for the delays and difficulties in the operation of policymaking machinery in our democracy; and, thereafter, to narrow my comments to the more specific questions dealing with the fields of Government operations in which I served some years ago—the Department of State and the Department of Defense.

These comments are based for the most part on notes made some 8 years ago (in connection with a report submitted in November 1952) and not then used because of their emphasis on procedures. Reflections on these subjects and brief periods of association with them during the subsequent years have not materially changed my opinion as to the desirability of having a hard look at some of the points raised for discussion. It should, therefore, be clear that none of these observations is intended to be critical of any individuals or of operational decisions.

BACKGROUND CONDITIONS

The operation of our governmental machinery today is complicated by a number of factors which we must not only comprehend but to which we must also readjust. We see in the world today a rate and variety of change which in our history has never been equaled. We not only have to face the challenge of bold, new scientific and technological advances but also to adjust to changing conditions created by the emergence of new and independent countries and a growing sense of nationalism in many parts of the world.

This would be difficult if Government machinery were perfect and decisions on policy could be promptly translated into action. But our problem is magnified manyfold by the fact that our system of government and our way of life have come under direct and deadly challenge by an implacable, crafty and, of late, openly contemptuous enemy of both. We need not waste much time in attempting to prove this point. If the public statement "we will bury you" does not carry the message to us, then words have lost their meaning. Attempts to explain away this blunt warning of intention by calling it jovial, or by saying that it really does not mean a big military funeral but just a little economic one, is a form of jocularity too close to the jugular to lighten my heart.

If we are not prepared after that statement, and the evidence of the past several years, to admit that we are in a struggle for survival involving military power, economic productivity, and influence on the minds of men in political, scientific, and moral fields, then we have truly succumbed to the hard sell of the soft attitude.

For whether we like it or not, we are in the early stages of a ruthless and lengthy period of competition between our system of free men governed by their consent, in a society of reasonably free enterprise, and the communistic system with the so-called advantages derived by a dictatorship endowed with coldblooded patience, continuity of determined effort, and openly declared singleness of purpose directed toward world domination.

As one observes the new and heightened tensions of the world today and adds them to the long-standing and unsolved problems we have been trying to settle for many years, it is not surprising to hear occasional doubts expressed about the inability of our governmental procedures to meet today's needs, magnified by the enormous compression of time and space, and the consequent requirement of prompt decisions leading to prompt action.

EXECUTIVE DEPARTMENT OVERLAP AND THE CLASH OF GROUP INTERESTS

One of the questions most frequently asked, either profanely or with a sad whimper, is "Why does it take the Government so long to make up its mind?" or, in the more restrained language of this committee's questionnaire, "Can anything be done to speed up our Government policymaking machinery?"

In the search for an answer I should like to explore briefly—and solely within the executive branch itself—a field responsible, I believe, for many of the procedures and methods of policymaking which cause bewilderment, seem redundant and have, occasionally, even less attractive characteristics. I do so because, if a fairly accurate identification can be made of one of the basic problems affecting Government machinery and causing certain parts of it to malfunction, perhaps some corrective measures can be taken by the executive branch within its existing powers or with the help of the Congress.

I am not suggesting that a major cure in policymaking delay is in sight or that any real progress will come from something as appealing as simplifying or streamlining. It is wholly unrealistic to talk of making government simple. We can aspire to make it manageable and effective, but its characteristics make simplicity of machinery impossible. This is the result of its vast size, of its complexity, of its multitude of activities, and particularly of the wide divergence of interests it represents and the different needs of the various groups of citizens which it must reconcile.

It is this last-mentioned requirement, I think, that we must focus on if we are to recognize one of the main reasons for the great amount of time consumed in the making and execution of national policy. The often forgotten fact is that our form of government, and its machinery, has had built into it a series of clashes of group needs. They appear to have been originally designed to protect the individual citizen and to keep any one group or department of government from getting too dominant. This device of inviting argument between conflicting interests—which we can call the foul-up factor in our equation of performance—was obviously the result of a deliberate decision to give up the doubtful efficiency of a dictatorship in return for a method of protection of individual freedom, rights, privileges, and immunities.

When government was small, the foul-up system must have worked very well; when government became large, it probably worked fairly well. But government has now become gigantic at the very moment in history when time itself is not merely a measure, or a dimension, but perhaps the difference between life and death. The Federal Government is by far the largest and most complicated operation in this country. This huge organization would be hard enough to run if authority were given where responsibility was placed. Yet, that frequently is not the case.

The constitutional principle of the separation of powers certainly sounds as though the intent was neatly to assign certain authorities and responsibilities to separate branches of Government charged with executive, legislative, and judicial functions of government. But then the necessity of putting limits on power had to be met and it is at this point that we run headfirst into the system of checks and balances as it applies to the executive departments. We are interested here only in those overlaps occurring between departments, agencies, etc., within the executive branch. This is really a method of requiring power to be shared (even though responsibility may not be) and of introducing rival claimants from another department with a different mission into the policymaking or decision-taking process.

This is the "foul-up factor" in our methods and it needs some careful examination because there is, I think, a discernible and constantly increasing tendency to try to expand the intent of the system to the point where mere curiosity on the part of someone or some agency and not a need to know can be used as a ticket of admission to the merry-go-round of concurrences. This doctrine, unless carefully and boldly policed, can become so fertile a spawner of committees as to blanket the whole executive branch with an embalmed atmosphere.

Whether or not this itch to get in the act is a form of status-seeking, the idea seems to have got around that just because some decision may affect your activities, you automatically have a right to take part in making it. In consequence, the general area of executive department checks and balances is the source of a broad stream of procedural complications that consume vast amounts of time and energy. It would be well to look into it, I believe, because there is some reason to feel that the doctrine may be getting out of hand and that what was designed to act as a policeman may, in fact, become a jailor.

DEPARTMENT OF DEFENSE

May I now turn from the point just discussed as part of the general subject of "problem areas requiring possible remedial action" and try to respond to the questions asked in relation to the narrower limits of the Department of Defense and the Department of State. As I understand them, the questions here asked fall into two rough categories: (1) Does the Government machinery, as presently provided, give us adequate means for determining national security policy; and (2) can you identify "problem areas" and suggest "any constructive and practical reform."

Taking the Department of Defense first—since it is freshest in my mind—I believe that adequate policymaking machinery in its special field is currently available; that proven operations machinery is in being; that it has, furthermore, the essential military attribute of close relationship between planning and operational responsibility; that it enjoys, through the military services, a fair amount of stability and continuity (though still inadequate, in my opinion); and that it can be staffed by specially trained personnel, giving whatever balance or mix is desired between military, civilian, scientific, and professional skills.

While I have not seen, at firsthand, the effects of the reorganization of 1958, I doubt whether anything in it materially reduced the availability of competent and specially trained military officers with which the Department has fortunately been endowed for some years.

But while we talk about policy as if it were the end product of a machine, we are, of course, really speaking about people in the military department and, fortunately for us, very good people, with a high percentage of them uniquely dedicated and skilled in their professions. These men are custodians of a great tradition of duty and honor that entitles them to our respect and to our understanding of the pride they must develop in their demanding service. They respond to a wide variety of stimuli, just as the rest of us do, and they function best under certain working conditions and in an orderly, disciplined atmosphere.

The military portion of the national policymaking machinery will, I believe, function with least difficulties and with the highest quality of output under certain conditions which are conducive to its best performance. These include the following:

(a) The Department of Defense and its military establishments should be nonpolitical and nonpartisan.

The great tradition that the military services are nonpolitical should, I am convinced, apply equally to the civilian heads of these Departments. If this principle were not more persuasive on other grounds, the practical consideration of representing the needs of the Nation as a whole before Congress, and the nonpolitical operation of the draft law, ought to make the desirability of nonpartisanship in the military structure abundantly apparent. The only thing more dangerous than an external enemy is a group of homegrown military sycophants.

(b) Military policy and strategic planning require a prior step—the determination of a national political policy.

The military professionals should be contributors to and not makers of national political policies. They are trained to carry out such policy—not to originate it. They clearly cannot do their planning job until a higher level fixes national goals.

(c) The number of committees in the Department of Defense and the military departments is still far too great. There is excessive staff layering.

The constant increase in the number of committees (other than those statutorily created) has reached a point where they are no longer mere nuisances but have become positive menaces to the prompt and orderly conduct of business. Some committees are obviously necessary (for example, certain interdepartmental ones), but I think it fair to say that Dr. Parkinson's first law finds its best examples in this field. Committees reviewing other committees, or overlapping them, are one of the most productive sources of vacillating administration and wavering policies.

Of some importance also is the fact that the number of committees adds materially to the difficulty of protecting highly sensitive material and makes increasingly likely those leaks which are dangerous to the national security.

Excessive staff layering results, I think, in overstaffing in certain areas of the military departments and contributes much to delay and little to vigorous and imaginative planning. The visible results lie in unnecessary costs and in the number of initials on a paper. At some point their quantity must inevitably reduce quality and increase porosity.

(d) The authority of the individual executive must be restored.

The derogation of the authority of the individual in government, and the exaltation of the anonymous mass, has resulted in a noticeable lack of decisiveness. Committees cannot effectively replace the decisionmaking power of the individual who takes the oath of office. Nor can committees provide the essential qualities of leadership. Some, occasionally, serve those in authority as a device to postpone or avoid making decisions themselves; others sometimes seem to spring into being because higher authority does not fully trust the judgment of the subordinate executive. But two heads are not always better than one—particularly if they are growing on the same body.

(e) Civilian and military executives alike should stick to the fields in which they have special training and aptitudes.

If they do, the chance of making the machinery work well is excellent. One of the few humans as exasperating as a civilian businessman who suddenly becomes an expert on military strategy and tactics is the military adviser who magically becomes an expert in some highly sophisticated production problem in which he has no background of experience.

(f) Turnover of key civilian executive personnel.

Everyone is aware of this much-discussed problem of government. In the Department of Defense it has a special importance, largely because continuity of planning and operations is of vital concern. It takes a long time for an able man, without previous military service of some importance and experience in government, to catch up with his job in this increasingly complex Department. At a guess, I would say he could pay good dividends to the Government in about 2 years. Meanwhile, of course, he is becoming a more valuable asset each day. To lose him before, or just as, he becomes productive is manifestly a serious waste of the effort that went into his training.

How to hold him is a problem to which I do not know the answer. But I have a feeling that, in many cases, the cause of his leaving lies in the conditions surrounding his entry into Government and his terms of employment in the first instance. Reasons most commonly ascribed to the problem of hiring good men usually center about the so-called conflict-of-interest laws and their effect on the man who has built up, over a period of years, a right to a pension or other incentive benefits made important to him by some of the more grotesque provisions of our tax laws. Frequently a sharp reduction in standard of living is another part of the problem.

But I think the order of magnitude of these difficulties can be reduced if we want to do it, and that sensible, even if only partial, answers can be found by applying realistic rules of reason through legislation which might take into account modern business' capital structure and its operation under present-day regulations.

(g) "Split papers" from the Joint Chiefs of Staff should not be regarded as inherently objectionable.

Naturally, they need not be welcomed. But it is vitally important to a Secretary of Defense, as one of the advisers to the President with a special responsibility, to know what the alternatives are to a course of action, or what serious obstacles to a proposed program are foreseen by a responsible Chief of Staff, so that, in reaching a decision, he will be possessed of all the facts available.

(h) Need for consent, close and sympathetic cooperation with the Department of State.

National political policy includes foreign policy and defense policy (among others) and simply cannot be fragmentized. It should, of course, be integrated. Military power is today so intertwined with our national foreign policy that the Department of State must be a full partner—and, above all, a welcome one—in all major decisions of planning and policy. While lateral liaison should be insisted upon and must take place at the lower levels that work on planning and policy papers at the first stages, the tone of the cooperation must be set by the two Secretaries.

DEPARTMENT OF STATE

Now we come to the Department of State. Because policymaking has historically been its main function, it is more difficult to isolate those elements of its machinery which have special importance to national security or which serve to complicate it. This Department, furthermore, has a unique position in the executive branch because it draws its powers in part from those directly delegated to it by the President from his constitutional responsibilities for foreign affairs and in part from statutory sources.

The Secretary of State is the President's principal adviser on foreign policy and his agent when the President chooses to have him so act. He is the ranking Cabinet officer and heads a Department which has been going through a period of violent transition in the last 20 years. Today he must operate as an adviser and an executive in a world which carries an open threat to our national security and one in which the easily distinguishable boundaries of the past, between domestic and foreign policies, have disappeared. And still the end of such complications is not in sight.

The Secretary has, therefore, to rely less on the broad powers of his Department and more on integrated planning with other members of the executive branch. As the interim report of this subcommittee correctly says:

"He needs a wide-ranging knowledge of the relations between military and foreign policies, of the uses and limitations of economic and military aid, of information, propaganda, and related programs, of the strengths and weaknesses of our adversaries, of the dangers and opportunities in countries around the world, and of the working of international institutions and of regional organizations."

This is enough responsibility to keep anyone fully occupied and the work load, not counting the necessary formal social functions of the office, is in my opinion already at the dangerous level. This feeling colors the answers I attempt to give below to certain of the questions asked.

(a) "Is the Department's organization adequate for policymaking?"

The policymaking machinery and procedures in the Department seem to me, in general terms, to be adequate. Adjustments designed to accelerate decisions and provide guidelines for other departments would seem possible with certain changes in method of operation covered briefly below.

(b) "Should the Secretary be given a more dominant role in overall national security planning?"

I think not. He already has more than he can do properly and his opinion can now carry whatever weight the President feels it deserves. Increasing the Secretary's role will not relieve the President from making the ultimate decision on foreign affairs which, as is pointed out earlier, is a necessary first step in national security planning.

(c) "Are the responsibilities of the State and Defense Departments in national security policymaking now correctly defined and divided?"

I think they are adequately defined at present. The effectiveness of any such allocation depends on the intent and cooperation of the parties at interest. No organization chart is a substitute for a sense of common goals. Such charts are, I think, generally proof that a picture of a lot of oblong boxes (especially when colored) can be more deceiving than a thousand words.

(d) "Should some of State's functions in national security policymaking be shifted to a sizable planning staff at White House level?"

I believe this would solve nothing, would increase organizational layering and promote overstaffing, and would prove wasteful in time, money, and manpower. It seems to me that if planning is removed too far from operating responsibility, a misleading lack of realism results. The President ought to be provided, I think, with the full flavor of the operational department's planning.

(e) "In view of his formidable burdens of office, can the negotiating responsibilities of the Secretary of State be lightened?"

My answer is an emphatic "Yes."

As indicated in an earlier paragraph, the Secretary's duties are extremely heavy. His voice in council is of cardinal importance if delay and vacillation in policy and performance are to be avoided or substantially reduced. To have him dashing about, all over the world, to an increasing variety of meetings or negotiations, makes very little sense to me. Our system of government, with its checks and balances and other essential procedures, differs so materially from most of the others in the world that the argument that "they can do it, why not we" rings hollow and false. Actually, the ability to yank our Secretary out of his chair for some Foreign Minister's meeting (and keep him out of the country for days or weeks) is a rather neat way to throw a monkey wrench in our policymaking machinery and in our method of consulting the Congress.

Among the most important attributes a Secretary of State must possess are, in my opinion, truthworthiness, reliability, and availability in Washington. One hears much of the first two virtues but little of the almost equally important third. The travel burden placed on the Secretary in the last 10 years has steadily increased. If the trend keeps up, he will soon find that such time as is not spent in oversea meetings is barely enough to devote to the enforced neglect of his other duties.

A possible solution—and the only one with much appeal that I have heard of—is to continue to regard the Secretary of State as the first-ranking Cabinet member and Presidential adviser with responsibility for the conduct of the State Department. Then create a new Cabinet position, responsible to the Secretary of State and, through him, to the President and have him devote full time to meetings and negotiations. He could be given such title as is needed to do the job—perhaps, minister of foreign affairs. The skills and special gifts needed for this work may prove more easily developed when not burdened with other executive responsibility.

(f) On the budgetary process: "Should State and Defense (and perhaps other agencies concerned with national security) participate fully in the initial establishment of budgetary guidelines for national security programs?"

I believe they should, since a sound budget can only be developed if both State and Defense (the latter in particular) go painfully through the steps of determining: (a) What is necessary (and not merely desirable) for national security; (b) whether it is feasible from the point of view of national resources and production machinery; and (c) whether it is socially or politically acceptable to the people.

An added reason lies in the importance of having the budgetary goals determined from the outset by a great concern for a system of priority of national need and not have them too greatly influenced by the officials of the Bureau of the Budget itself.

Finally, national security depends, I believe, on something far more important than the machinery which is supposed to serve it. It depends on many things. Some of them, to be sure, are material things. But the more important ones are matters of the national spirit. It depends on our belief in the future; it depends greatly on our sense of values; and it depends on our willingness to give up a little of today in order to have a tomorrow.

While the challenges of the moment are most serious in a policymaking sense, I see no reason for black despair or for defeatist doubts as to what our system of government or this country can do. We can do whatever we have to do in order to survive and to meet any form of economic or political competition we are likely to face. All this we can do with one proviso: we must be willing to do our best.

In brief summary, therefore, I suppose the net of my answers to the questions dealt with above is that there is nothing wrong with the machinery that cannot be corrected by the removal of some excess parts, the replacement of some wornout ones, by lubricating generously with an understanding approach to the personnel problem involved and by having a destination clearly in mind before we start out.

Mr. President, the next witness in the hearings was a gentleman to whom I have already referred, Mr. Robert C. Sprague. I have identified Mr. Sprague as chairman of the Sprague Electric Co., of Massachusetts, and coordinator, and later director of the committee that filed the Gaither report. This testimony was given on February 24, 1960:

STATEMENT OF ROBERT C. SPRAGUE TO THE SENATE SUBCOMMITTEE ON NATIONAL POLICY MACHINERY, FEBRUARY 24, 1960

Mr. Chairman, I welcome this opportunity to talk to your committee. The subject you have asked me to cover is one to which I have given a great deal of prayerful thought during the past 7 years and concerns matters about which I feel very strongly.

Advancing military technology is rapidly precipitating us into an unstable security position. The problems we now face and will increasingly face in the years ahead, make it most important that some significant changes be made in our organization for security.

In my prepared statement, I wish to emphasize six major points:

First, the Nation faces a clear and imminent threat to its survival, but we have not yet fully awakened to this very unpleasant fact.

Second, the Nation can and should do much more to put its back into the job of meeting the threat. We certainly have the resources to do those things required for our survival, provided we allocate them wisely.

Third, key officials concerned with our national security frequently do not have all the facts they need to make many important decisions, or they have the wrong facts.

Fourth, I believe our key officials, particularly the Secretary of Defense, need better staff assistance for securing objective military advice.

Fifth, the Congress should, by appropriate legislation, give the President and the Secretary of Defense more flexibility in assigning roles and missions to the three services and to the Marines.

Sixth, the Congress could and should play a more active role in stiffening our response to the Communist challenge.

On the first and second points:

I do not wish to speak at length about the challenge we face. This is a subject on which others have expressed themselves with great authority before this subcommittee.

It is said, with some justice, that generals prepare for the last war, especially if they happened to be on the winning side. Civilians may make the same mistake.

I suggest that Mr. Khrushchev does not make the same distinctions between peace and war that we do. The Communist views life as a struggle to be waged all the time until final victory has been achieved. He chooses his weapons in light of his opportunities. If it is advantageous, he will use military force. But if a means short of military force seems more advantageous, he will use that means.

One of our basic problems today stems from the failure of most Americans to realize that we have actually been at war with the Communists, in their sense of the word, since 1946. We find it comfortable to think that peace is the norm, that situations like Korea and Berlin are variations from the norm. The truth is that since 1946 war has been the norm. We are very slow to appreciate that very distasteful fact. And that is why, although we have done much, we have not done a great deal that urgently needs to be done.

World War III, in the sense of a thermonuclear holocaust, may never come. Indeed, to be prepared for it is the best means to avoid it. But if the test of war is not whether there is shooting, but whether someone is trying to defeat us, we are fighting World War III right now—and we could lose it without a shot being fired on either side.

I think that Mr. Khrushchev has a very simple view of history. It can be put into three words: Power is supreme. He plans to win by being more powerful—militarily, economically, psychologically.

This ambition is supported by:

(1) A high degree of centralized control and great power over the Soviet people achieved by the small, ruling group in Russia—probably the greatest such control over a vast population in history.

(2) The obvious ruthlessness with which the Russian hierarchy is willing to act to carry out its plans and programs. Example—Hungary.

On both these points, the subcommittee's study of "National Policy Machinery in the Soviet Union" also provides ample documentation.

(3) The rapid industrialization of Russia, and the success of her controlled economy.

(4) The high percentage of her total economy being directed into military effort.

Our figures indicate that Russia's gross national product has been growing at a rate of 6.5 percent a year—twice our rate.

Her massive military machine has been built with a gross national product less than half that of the United States. Russia could do this only because she was willing to put some 25 percent of her gross national product into the military sector, as against some 9 percent of our gross national product going for the same purpose.

We seem to have accepted a policy limitation that we are not going to put more than about $40 billion a year into our military effort. In 1957, when the Soviet gross national product was 20 billion less than it is now, their effort approximately equaled ours.

There is no solid basis to argue that the Soviet economy will not continue to grow at its present rate. We cannot assume that they won't continue to plough at least 25 percent of their gross national product into military effort as they have been doing for the past 8 or 9 years. And they will still have enough left to meet minimum domestic needs and wage economic warfare abroad.

If, for the 10 years ending in 1967, Russia continues to increase her military position by 6.5 percent per year—while ours remains fixed at $40 billion per year—then we will obviously fall far behind in relative military strength.

It takes two to make peace, but only one to make a fight. We did not and do not want this contest with the Soviet Union. But Soviet policies leave us no alternative. We must either outperform them—in the cold war, which includes as an essential element adequate military preparedness—or pay the price. And the price is defeat, perhaps in war if the military balance swings too far against us, perhaps without war. I do not think Mr. Khrushchev wants war if he can avoid it. No sane man would. Rather, he wants to establish a dominant power position, so that he can have peace—on his terms.

Now let us examine our response to the Soviet challenge. We are using less than 10 percent of our gross national product for all national security purposes, and the percentage is declining. Per capita disposable income—the amount we have left after paying taxes—is at an alltime high of nearly $1,900. It probably is $1,900 this quarter. It has risen about $325 (measured in 1958 prices) during the last decade. If we were to devote only one-tenth of this increase to national security purposes, it would permit an increase of over $5 billion per year in our programs for national security.

We can see that the idea that an increase in spending for survival will bankrupt us is, to put a plain word on it, silly. The question is whether we are willing to use a small fraction of our increased wealth for the defense of our way of life.

All of us know how the total budget has always been prepared—except in shooting wars. First, a budget ceiling is determined. This rests upon a judgment about national income, taxes, and Federal debt, and the most recent levels of Government expenditures.

Once the total budget ceiling is set, the more or less fixed costs of domestic programs are subtracted. What is left is available for national security. Only in time of shooting war do we begin by asking: "What do we need?" The rest of the time we tailor the defense program to fit the budget. The ceiling is usually an arbitrary judgment figure.

The point I am trying to make is that whatever this country really needs to do, this country can do. This may involve implementing an effective nationwide fallout shelter program to save 40 to 60 million Americans if we are attacked; or hardening and protecting SAC bases and planes so they won't be destroyed or rendered unusable by relatively low overpressures and fallout from near misses of nuclear weapons. It may mean maintaining an airborne alert of B–52 bombers to insure SAC's ability to retaliate massively, or acquiring greater limited-war capabilities than we now have, or some appropriate combination or extension of such measures. It's just utter nonsense to believe that we can't do the things that we need to do to survive, to win this contest. We can't be sloppy about it or careless about it; we can't do the same thing several times over, but we certainly can do all the things that need to be done to assure our survival and to assure winning.

One point recently developed by competent economists has been a surprise to my business friends—and has to do with our national debt. I've been a conservative Republican, and also responsible in a small way as chairman of the Federal Reserve Bank of Boston for maintaining a stable economy, but it is an interesting fact, not always understood, that we operate in this country not only an equity economy, but also a debt economy. There has been, since 1900, a reasonably constant ratio between total debt, including Federal, State, local, and private debt, and the gross national product. This ratio has traditionally run about 1.8. Recently this ratio between total debt and gross national product has been lower than it has been at any time since 1900, except for one 4-year period. And it is interesting to consider the elements of this debt structure. Every time the Federal Government has decided that it was a good thing to reduce national debt, the other segments of debt had to accelerate and expand more rapidly as the economy expanded. So that the Federal debt alone is not sacrosanct. There is no indication that the economy would materially suffer if it had to be increased further. I'm not recommending that it be increased, but simply pointing out that a necessary increase should not be considered a block.

Of course, no taxpaying citizen enjoys spending money for defense. But we are not competing with the Russians to have fun. This is not a game to be played over again some other day. We can only play once, and that once is "for keeps."

As to the third point:

Perhaps the most serious weakness of our system is that key officials often do not have available all the facts necessary for basic policy decisions. I have found in my personal experience that important and influential men, close to the President, did not have vital information. Barriers to communication within the Government are high and complicated.

Because the men at the top are busy, the practice called "briefing" is increasingly used to impart to them important information. Excessively and unwisely used, the "briefing" practice can be a serious threat to the Nation's security. Even the best "briefing" is no substitute for homework. The man who does not have time to do his own reading of really basic studies and policy papers and reflecting on them has not assigned proper priorities to the demands on his time.

Furthermore, a man who does want to do his own reading of important basic material often has trouble getting access to the necessary classified documents. Few, if any, persons except the President have access to all classified material. Many times, in my opinion, the "need to know" rule is given an excessively narrow interpretation. Those who should know, are not informed. The result is that advice to top officials is all too often drawn up in the halflight of inadequate, inaccurate, or incomplete information. Important facts may not be passed on to them because their relevance to an important decision is not evident without other pieces of the puzzle.

The time has long since passed when information could be neatly cataloged and pigeonholed. Literally everything affects our survival. We must search for ways to bring all information relevant to our problem of survival to the attention of those who make decisions. For a President or key officials to be uninformed or misinformed is usually far more dangerous than the risk of a possible security leak.

Now to the fourth and fifth points:

When it enacted the National Security Act in 1947, with the 1949 amendments, the Congress—among other things—explicitly defined the roles and missions of the three services and the Marines. The President and

the Secretary of Defense urgently need, many believe, much more flexibility than permitted by the act to modify and adapt the roles and missions of the services to the changing technology of weapons and weapon systems, and resulting changes in military strategy and tactics. This might also be accomplished by giving the Secretary of Defense greater financial flexibility between the services.

I would like to comment briefly on the serious problem of competition between the services for money, programs, and prestige.

I believe in reasonable competition between the services, but the Secretary of Defense urgently needs a "command post" type staff, of our most capable and best trained officers, freed from particular service allegiance.

One way to implement this suggestion might be to pick graduates of the National War College, who would be selected annually and equally from each of the three services, and permanently transfer them to a top level planning staff after they have served a year with each of the other two services. Members of this staff would serve only the Secretary of Defense without further identification as to service, with a common uniform, and a continuing promotion solely at the discretion of the Secretary of Defense. These men could also be later available for assignment to high posts in unified commands.

Finally, if you will permit me to say so, the Congress is not playing the role it could and, I think, should play.

The record of the Joint Committee on Atomic Energy illustrates on the whole what a fully informed and well-staffed congressional committee can contribute. On more than one occasion it has stimulated the executive branch to act on matters that seemed to have been neglected.

The President has, and must obviously retain, the key role in making and executing foreign and defense policies. But he might be greatly assisted if a Joint National Security Committee of the Congress, equally representative of both parties, were monitoring information relating to national security policy. Special committees of the Congress have repeatedly demonstrated their ability to safeguard sensitive material and to handle it responsibly. Congress now receives, in one way or another and in bits and pieces, highly classified information on questions of defense and foreign policy, and not infrequently makes responsible use of such knowledge to bring matters to the attention of the President and his principal advisers. In a time when the sheer volume of information is so large that no one can possibly digest all of it, the monitoring of information by an independent group, such as a responsible bipartisan committee of the Congress, would help to insure that significant items of information were brought promptly to the President's attention.

A unanimous or nearly unanimous recommendation of this committee would probably also have great weight with other Members of Congress and with the public.

As things now stand, the Congress must pass on legislation relating to most aspects of foreign and defense policies—certainly on all that involve appropriations—but it must do so with inadequate information about the relation between national strategy and force requirements, about the roles and missions of the Armed Forces, about the links between foreign policy and the political, economic, and the other means available for pursuing our goals.

The reason that the Congress might play a useful role of this sort is precisely that it is independent of the President and the executive branch of our Government. The Congressman stands in an entirely different relation to the President from that of the Secretary of State or the Secretary of Defense. It is time to take advantage of this fact by giving a carefully selected and well-staffed congressional committee an opportunity to read, study, and reflect upon problems of national security on the basis of a full exposure to a large body of information now available only to the executive branch. Because of its constitutional role in legislation, the Congress must have a right to this information. More important, however, the Nation might greatly benefit from such an independent check on what we are doing and why—a check less in the sense of a restraint, than in the sense of a stimulus to act when action is called for in the interest of national survival.

Mr. President, that concludes the statement by Mr. Sprague.

I come now to a statement by Dr. James P. Baxter, 3d, president of Williams College. Before the same subcommittee, he made this statement:

STATEMENT OF JAMES P. BAXTER, 3D, TO THE SENATE SUBCOMMITTEE ON NATIONAL POLICY MACHINERY, FEBRUARY 24, 1960

Mr. Chairman, I welcome this opportunity to talk to your committee. The subject you have asked me to discuss, the relation of force to national policy, is one which I have studied for years.

One of the generals of Alexander the Great who took over part of his farflung empire, was known to history by the grim name of Demetrius Poliorcetes, "Demetrius, the slayer of cities." What puny weapons he had at his disposal compared with those in the stockpiles of today's nucler powers.

In one decade, still fresh in our memory, the power of a single weapon jumped twice, in 1945 and 1952, and each time by a thousandfold. The increase from a blockbuster of World War II to a multimegaton H-bomb has put strains on the international system more severe than any in previous history.

Democracies have never been at their best in relating force and policy. The normal pattern in the United States has been to let our armaments run down in a long period of peace, to fail to discern the impending danger in time, and to prepare too little and too late. Our unreadiness could be measured not only in terms of material and trained manpower, but in ways of thinking which are highly dangerous in wartime. Unpreparedness was woven through the whole texture of our national life. President Polk risked simultaneous wars with England over Oregon and Mexico over California and an expanded southern boundary at a time when the British Navy could have swept the American flag from the seas. President Franklin D. Roosevelt did a good job in expanding the Navy and organizing our scientific resources for the production of new weapons, but our Army was lamentably unprepared for the burdens laid on it by simultaneous hostilities with Germany and Japan. Our experiences in that great struggle led to the National Defense Act and the creation of the institutions with which you are familiar. How they function under the unparalleled strains of the cold war is the problem to which this Senate subcommittee has set itself.

As France and Russia drew together in the early 1890's in an alliance pretty much pointed against England, the British countered with a declaration that they were prepared to keep their fleet as strong as the next two naval powers combined. Before the decade was over the British were nearer to a three-power than to a two-power standard. It was a costly business even for a power as rich as they were but it paid great dividends. In the darkest days of the Boer War, when hostility to the British ran high in France, Russia and Germany, not one of the three powers had a mind to challenge the Mistress of the Seas. Here the deterrent was a powerful fleet in being plus a frank avowal of an intention to maintain a decided superiority over any possible hostile coalition no matter what the cost.

To follow such a course requires a long purse, an advanced technology, and a stubborn resolution to maintain one's lead despite any threat of a scientific breakthrough by one's possible opponents. After the close of the Crimean War in 1856 the French Navy sought such a breakthrough by introducing a seagoing ironclad warship and succeeding on the first try thanks to the genius of their great naval constructor, Dupuy de Lome. The British Navy faced a difficult choice in 1858, which has its parallel today in the challenge presented to us by the Russian intercontinental ballistic missile. The Controller of the Navy pointed out that the British, with the largest navy in the world, hesitated to introduce ironclads whose success might make junk of much of her existing material. When a rival, however, had already forced her hand by introducing armored ships, the construction of an adequate force of these novel craft became, as he put it, "a matter not only of expediency but of absolute necessity."

If you analyze this statement you see that British policy had been to permit a rival a head start, assuming that British superiority in technology would enable them to catch up in short order. They believed they had a precious advantage in leadtime, the interval between conception and the finished product. As things worked out they had a long stern chase, for in the middle of planning the British ironclads the Conservative ministry fell in June 1859, and much precious time was lost. An ironclad gap opened up of serious proportions but the British at long last set out in earnest to fill it. Soon Italy, Austria, Spain and Russia also entered the race. When the news of the battle between the *Monitor* and the *Merrimac* crossed the Atlantic in March 1862, more than 40 seagoing ironclads, 30 armored coast-defense vessels, and 18 partially protected gunboats were already built, building, or authorized in Europe. A French ironclad frigate had cruised on the coast of Mexico in 1861.

The British never forgot their lesson, and in subsequent decades preserved the precious advantage of leadtime in shipbuilding. A similar superiority in leadtime for new weapons was achieved by the United States over the Germans and Japanese in World War II, to our enormous advantage. The importance of leadtime under present competition with the Russians has been stressed by Senator SALTONSTALL among others. This problem seems to me to deserve serious study by this subcommittee.

Those who have studied the history of Soviet Russia have been astonished at the changes in their rate of development. They were not five feet tall when we looked down on their fumblings and inadequacies in the twenties and thirties and they are not seven feet tall as some pessimists regard them today. But they are growing very fast, as we did at a comparable period in our own economic development. The annual increase in their gross national product is close to 6½ percent while ours is 3½ percent. Striking as this fact is it is perhaps less remarkable than the allocation of 25 percent of their income to their military effort in comparison with our allocation of 9 percent. Combined with an impressive improvement in their science and technology they confront us with a most serious challenge in diplomacy, trade, economic, and military power from the Caribbean to outer space.

American youths, and many of their parents, too, find it difficult to believe that the

Soviet Government can continue to deny their people so many of the good things of life; adequate housing, consumer durables like iceboxes, washing machines, and the many things we have come to believe must be the portion of all newlyweds. They do not realize that this denial to the Russian masses of what we consider necessities is one of the secrets of rapid capital formation in Russia, and the leaps and bounds of their heavy industry. In the United States popular consumption follows popular desire as the day follows the night. In Russia the Government can concentrate on guns and missiles and steel plants, and 500 submarines instead of butter. The linkage between popular desire and public consumption is missing.

The Russian concentration on the instruments of war stems, in my opinion, from a desire to dominate the world. They have not provoked a war because we have looked strong and determined and because they hope to achieve the control of Europe without having to fight for it. Their ideology requires them to believe that capitalist states inevitably swing from boom to bust and that when the bust comes we shall go isolationist and give them the control of Europe without a battle. Once they control Europe with its factories, its machine tools and its vast amount of skilled labor the rest of the way to world dominion would be relatively easy. As we have not accommodated them by going into an economic tailspin they might choose an alternate route, taking over the oil of the Middle East and using it to bring Europe to heel.

In teaching American diplomatic history during the past 35 years I have naturally given much thought and study to our relations with the Soviet Union. My conclusions, for what they are worth, are that the U.S.S.R. has from the start aimed at the dominion of the world by international communism, and still does so aim. They have developed a remarkable flexibility as to means while retaining an iron consistency of purpose. They have been willing to wait, confident that time is on their side, that capitalism has in it the seeds of its own decay and that their strength eventually will succeed that of the free world. They have not ruled out force as a means of attaining their goal, as their military literature, so ably summarized by Raymond Garthoff in his book, "Soviet Strategy in the Nuclear Age," makes clear. But they would naturally prefer to win without the risks of a full-scale war.

Eighteen years ago when I had the privilege of serving as a deputy director of the Office of Strategic Services, my then chief, Col. William J. Donovan, used to tell his staff that 1 day a week they should put their hats on backward, assume that they were staff planners for the enemy, and try to think out plans that would do us maximum damage. If you will permit me for a few moments to apply this technique the results would be something like this. (1) If the Russians could persuade the free world to scrap its nuclear strength while retaining secretly a nuclear capability of their own they might count on world mastery. (2) If the Russians could persuade the free world to scrap its nuclear strength, even at the cost of scrapping their own, they could dominate the world if they retained their present superiority in conventional forces. (3) If by a surprise strike with missiles followed up by manned bombers they could destroy our air force on its bases, our cities would then be at their mercy and they could write the peace terms at their leisure. True, they would face very heavy losses at home, so heavy at present as to be quite unacceptable, but we are talking about a nation which killed great numbers of its own people to establish its political system and millions more in order to institute its system of collective agriculture. If our nuclear strength did not deter full scale war, who knows how many million Russians they might be prepared to sacrifice to attain world mastery? The Russian sources cited by Garthoff start with the assumption that Russia could stand the attrition of nuclear war better than we, having the advantage of the first strike, greater dispersion of cities, etc.

Assuming that the free world has strength enough to deter a surprise attack by making unescapably clear to the Russians that the result would be unacceptable losses, the Russians would still have a fourth alternative: to drive wedges in our alliance structure by a threat or series of threats of limited war. This would be risky business indeed if the threat should bring out Strategic Air Command into action, for the Russian losses that would follow would be clearly unacceptable. But suppose the challenge came outside the NATO area. Could the Russians find a spot where the game seemed not worth the SAC candle; where we might be willing to commit conventional forces as we did in Lebanon and the British did in Jordan, but where we were not prepared to commit our nuclear bombers? Many people think that such a testing of the free world is more likely than a full-scale war.

Already grave doubts have arisen among the uncommitted peoples as to whether the United States would commit SAC in such circumstances, and as to our capabilities to handle such a situation with our limited strength in conventional forces. We have commitments of one sort or another to 40 nations. If we should dishonor one defense obligation, we weaken our alliance value everywhere. This might seem to be a profitable line of approach for Russian staff planners, for the risks of a single limited war from which they or one of their satellites might withdraw if the going got too rough, might seem small in proportion to the gains that would follow success. These gains, or a series of such gains, say in the Middle East, might seem to the Russians to hold out the hope that an irresolute free world could be maneuvered beyond the point of no return.

There are effective counters to all these possible Russian moves, if they are met with the courage and consistency which the free world mustered at the time it executed the Berlin airlift and created NATO.

First let us take a look at the dangers implicit in disarmament. I have spent several years of my life studying the history of disarmament, and it is gloomy reading indeed for a lover of peace. It is not too difficult to get the powers to rule out a weapon that holds out little hope of a large military payoff, but it is quite another thing to rule out one that does. At the First Hague Peace Conference of 1899, it was one thing to get the powers to forego dropping bombs from balloons. But look at their attitude at the Second Hague Conference of 1907, four years after the Wright brothers had won immortal fame at Kitty Hawk, and had given the world an inkling of the new possibilities in bombing from the air. The payoff of the aerial bomb increased greatly from 1914 to 1945, then twice leaped a thousandfold in one decade, from tons to kilotons to megatons. The multimegaton bomb seems a costly instrument at first sight, but it is actually the cheapest way known to kill large masses of people. That is the most horrible thing about the bomb, for history thus far has shown that the likelihood of the successful outlawry of a weapon has been in inverse proportion to its destructiveness.

Undaunted by this the United States came up with the Acheson-Lilenthal Report and the subsequent Baruch proposals for the internationalization of fissionable materials. These unforgettable proposals rested on the concept so well stated by that wise elder statesman Henry L. Stimson: "The riven atom uncontrolled can only be a growing menace to us all * * * upon us, as the people who first harnessed and made use of this force, there rests a grave and continuing responsibility for leadership, turning it toward life, not death."

There is a parallel here between the Acheson-Lilenthal proposals for internationalizing fissionable materials and a celebrated episode in American history in the 1780's. You will recall that Maryland refused to accept the Articles of Confederation unless all the States possessing claims to western lands should agree to pool them for the Nation's good. Every schoolboy knows that the joint ownership of the western lands by the 13 States of the seaboard set in motion centripetal forces that helped to give us a more perfect Union. Is it farfetched to believe that the internationalization of atomic development might have a similar beneficent effect on world affairs, allaying suspicions, mitigating rivalries, lifting the world to the level of amity and concord? It would be a first step toward common control of common property, a strange type of property, with a fabulous potential for good or evil.

You know the tragic outcome of the Acheson-Lilenthal Report and the Baruch proposals, how they were shipwrecked by the Russian refusal to agree to adequate inspection, because of the Russian obession against having foreigners perform such a function within their territory. But though we know how that story came out, I wish everyone would read the account of it by Frederick Osborn, who had the frustrating task of trying to persuade the Russians to go along with the American proposals. You will find it in a volume published by the World Peace Foundation in 1951 entitled "Negotiating with the Russians," edited by Raymond Dennett and Joseph E. Johnson. It will give you a better idea of the rocks with which the task of negotiating with the U.S.S.R. is strewn.

Undismayed by this disheartening experience, President Eisenhower has made repeated efforts to break through Russian intransigence and attain a satisfactory solution. They include some of the most imaginative moves the United States has ever made on the international chessboard: the "atoms for peace" proposal of 1953, the "open skies" offer of 1955, the offer to Bulganin of March 1956, the negotiations for the suspension of nuclear tests and the very important proposal for safeguards against surprise attack. The whole subject has been admirably presented in Secretary Herter's fine speech before the National Press Club last Thursday.

The defense policy of the United States rests on deterrence. Let me first point out that I have seen no classified material of later date than January 1958, and that I am not authorized to disclose any classified material that I saw from August 1953 until January 1958. I would like to express my conviction, as vigorously as my friend Mr. Sprague did, that the United States today has a great military superiority over the Russians. Like him, I would like to see further efforts made to maintain our superiority and strengthen deterrence. Remember that this concept rests on something that takes place in the enemy's mind, not in yours or mine. You will recall the old story about the man who was approached by a bristling dog, and remarked to a friend who tried to reassure him: "You know that the dog won't bite, and I know he won't bite, but does the dog know?"

I believe that at the present moment, SAC is an adequate deterrent against full-scale wars, and I hope and pray that it always will be. It will be an adequate deterrent against limited wars if the Russians believe

that we would use it. They would, in my opinion, be more likely to believe we would resort to "massive retaliation" if we embarked on a fallout shelter program, as I think we should. Such an effort on our part would greatly strengthen our deterrent power. With due respect to contrary opinion, I should be happier if we improved our conventional strength to wage limited war, and added thereby to our deterrent power. In any event, we must never welsh on a treaty commitment, because if we do, we destroy our alliance value and with it the whole fabric of free world defense. I believe that we shall never make that mistake, as long as men remember the consequences of the Munich surrender.

Because I have stressed so heavily the military necessities of the situation, let me make clear that I believe that we must go far beyond military preparedness to insure the peace of the world. We must continue both economic and military assistance to our allies and increase our assistance to undeveloped nations.

Lastly, because I am a teacher, I would like to express my belief that we must make a better effort in education, from the bottom to the top. My study of new weapons development in World War II taught me that the nation that wins that race must have not only large numbers of scientists and engineers but an adequate number of the best of them. You don't solve problems like the atomic bomb or the proximity fuse with run-of-the-mine people. The same is true in medicine, in surgery, in government, in every field of endeavor.

I realize that the total of what I have suggested runs into a lot of money. Nobody hates inflation more than college presidents, unless it is the directors of hospitals. But there are things the American people spend a lot of money on that they well could do without or have less of, in exchange for greater security. I am not advocating that we waste anything, for that is not in the nature of a New England Yankee. I am willing to pay more taxes if it is necessary to do the things we need to do, and I believe that our entire people would feel the same way if they realized all that is at stake.

Now, Mr. President, I now read the fourth statement, by Mr. Thomas J. Watson, Jr., as made before the same subcommittee:

Mr. Chairman, gentlemen, I appreciate the opportunity of appearing before this subcommittee. The task to which you are addressing yourselves is of paramount importance to the future of our country, and if I can be of some small help to you, I will be most happy.

You have heard several distinguished witnesses—men with vast experience in government and in education. Since I am just a businessman, I have been wondering what point of view I am bringing to your hearings. I have concluded that my point of view is that of a citizen who is concerned about the general posture of our country in today's world.

My qualifications for appearing are only those of an interested citizen and a businessman. The IBM Company has been operating in an increasingly competitive market since World War II and we have had to make major changes in our operations to meet this competition. Therefore, I am sure that many of my reactions about our response to the international competition now being thrust upon our country are based upon my business experience.

Like many Americans, I have been devoting a great deal of thought to the Soviet problem. It interests me for several reasons. First, I visited the Soviet Union in 1937 as a tourist and traveled across Siberia to Manchukuo on the Trans-Siberian Railroad. Second, I was stationed in Russia for 5 months in 1942 as a U.S. Air Force pilot and saw a great deal of the people and the country. Third, and most important of all, I believe the present challenge of the Soviet Union for world domination is serious—the most serious problem our country has faced in decades. If we meet the problem sensibly, it can certainly be solved and we can continue as a world leader.

My whole thesis today may be summed up in one word—"realism." We must be realistic about the Soviets—their strong and their weak points—and we must be realistic about our own accomplishments and shortcomings.

There is a singular lack of realism in our modern United States and it has evolved quite naturally. We have built the finest form of government and the finest way of life in history. We live amid creature comforts and luxuries which are almost unbelievable to most of the rest of the world. Everything we have is so nearly perfect that increasingly since World War II, we have devoted our attentions toward preserving the present way we live—toward preserving the status quo.

No nation bent on preserving the status quo has survived. We cannot remain stagnant. We must rise to the tasks that face us as a nation—whether or not we like the situation or the tasks—in order to advance steadily and retain the world leadership that we enjoy today.

I believe that the most essential requirement confronting us as a nation is this: To honestly recognize that we face the challenge of our lives in the Soviet Union. Realism—as I have said—must be a part of every American's outlook. It is a primary requisite for victory over Russia. It would be nice to think that everything the Russians do is wrong and ineffective. This conclusion tends to make us underestimate the potential of the Soviet Union. This we are doing almost daily.

While we are unrealistic and comfortable in our present way of life, the Russians are completely realistic—realistic to a degree almost inconceivable to Americans—about what it takes to achieve their goal of becoming the most powerful nation on earth. I began to appreciate the realism of the Russians during my stay in their country in 1942. This last summer I went back to visit the Moscow fair where an IBM machine was answering questions about American life. Here again I was impressed with their realism. Listening to their questions to our bilingual people convinced me that they believe in communism. They do not strongly object to their low standard of living because they believe that this is necessary to the achievement of their goals.

They have an intense pride in their jet aircraft, their use of atomic energy, their sputniks, in fact in all of their progress. Incidentally, within Russian borders one hears only of peaceful uses of atomic energy, not the military uses. They are master propagandists. There are displays of missiles throughout the country and they are usually not models but missiles that have been somewhere and show it by the marks made as they re-entered the atmosphere.

It seems to me to be completely unrealistic to hope that the Soviet empire will topple automatically. It seems equally unrealistic to think that if somehow Soviet citizens could be brought to America in large numbers to see how we live that they would then go home and change their system to one of democracy. The Soviet system is well enough accepted by the average citizen so that the possibility of drastic change or revolution can be discounted.

If we can begin to look at the Soviets in these terms, we can begin to achieve a realistic appraisal of our present status and a realistic plan for continuing our world leadership.

Coexistence with the Soviet Union may be possible and may be achieved—without sacrifice of pride or dignity. But it can only come about by being prepared for war until an acceptable disarmament agreement is reached.

We all recognize the ambition of Mr. Khrushchev for Soviet success and world control. I spent 3 hours with him in an IBM plant in San Jose last October. Contrary to some of his appearances, he was reserved and polite with us. Underneath his reserve, however, one could feel a formidable personality—a driving ambition—great vitality and leadership ability and a cold realism that was almost physical. He and his people know exactly where they want to go and how they propose to get there.

I believe that the winning of any contest begins with ideas. The creative thinker is the priceless ingredient of progress. We have been famous for nearly 200 years for fostering an atmosphere which has produced the original thinking we have needed to build our Nation. The atmosphere is not as conducive as formerly to the breeding of new ideas.

It is all too easy to criticize new and creative approaches. President Eisenhower's invitation to Mr. Khrushchev was a courageous and imaginative step in seeking a solution. Yet he was criticized. This tendency to reject the new and the creative act is all to prevalent in our country today.

These problems of national attitude are compounded by our confusion about our competitive posture in military and technological areas.

Freedom of speech is basic in a democracy but we should be ingenious enough to have freedom of speech without confusing the public about our military posture. Perhaps we need a new governmental approach which will provide that all debate on a vital and controversial subject remain behind closed doors until there is some unanimity of opinion, or at least until the majority and minority views are crystallized.

I suspect that I am discussing a question of degree and governmental discretion. These same debates must have arisen in World War II but rarely did they reach the public. This must have been because the emergency had forced us into settling our military and budget differences privately in order not to confuse the country and give aid and comfort to the enemy. Perhaps we must realize that a similar emergency exists today. If we did, public testimony of subordinate military commanders against the official position of their commanding officers would be unheard of. You understand, I am not in favor of suppressing any point of view which could possibly be helpful to the national defense. I am just discussing what is the right place and the right time for such testimony.

In appraising Soviet advances—military and otherwise—one must be able to compare their accomplishments with our own. To do this is extremely difficult, for some say we are in a good competitive position while others say we are hopelessly behind. The facts probably lie somewhere in between these points of view. Unless the Government can agree to some facts on a nonpartisan basis, it is extremely difficult for the man in the street to be anything but confused.

I believe we would do well to look at each other and admit that the Russians are ahead of us in certain areas. While we announced for months ahead of time that we were going to put up a satellite, the Russians quietly launched sputnik.

Then we began to talk of how we were going to get to the moon. To our shock and dismay, lunik was already there—first again.

The next game apparently is to be a man-in-space game. We have been preparing for that by headlining the training activities and personalities of our seven astronauts.

While I would not depreciate them for one instant, perhaps it would be better to say less until the mission is completed.

Space accomplishments have captured the imagination of the world and we must recognize that we cannot be second best in space for very long and still command respect and hold world leadership. In a very real sense, we are in a war of scientific development, as well as a war of production. We must have firsts—firsts in space and firsts elsewhere, if we are to continue to be leaders.

We may gain comfort and peace of mind by mixing our own doubts about our abilities in rocketry with thoughts of the superiority of our Air Force and other weapons. However, this kind of thinking is not conducive to long-term world leadership.

We have some firsts today and we can be proud of them. The atomic submarine and its trip under the pole are very real firsts and there are others, but we need more.

In addition to space, military, and other technological challenges, the Soviets now challenge us in the underdeveloped and uncommitted countries of the world. These nations have a population of about a billion people—a third of the world total. They have a great deal in common, despite their different cultures and varying stages of economic development. Radical political, economic and social change is going on in all of them.

These emerging peoples are susceptible to new governmental philosophies. What their choice will be depends largely on how interested we, in our warm, comfortable America, become in their problems and how well we sell our ways to them. If we do not sell our democratic way successfully, the Soviets will be there seeking to sell their Communist way.

To those not living in the advanced industrial nations, communism, on the surface at least, is easy to describe with appeal. If offers what sounds like a magic road to success, proposing to take from the rich and give to the poor. Couple this magical sounding concept with recent Soviet technological successes and you have a package which cannot help but give the underdeveloped nations pause.

These peoples—this one-third of the world—demand economic development that will keep them from starving, medical attention that will keep their children from dying at an early age, and education and technical assistance to help them help themselves. If we win these peoples to a way of life compatible with our own, the Western World will be a majority—but if most of them are lost to communism, we will be a small minority in the world.

So we must find a way to draw these uncommitted and underdeveloped nations and peoples to us. One important way of doing this is to increase our trade with them. To increase trade, we must continue to reduce our tariff barriers on a reciprocal basis. In this area also we are challenged by the Russians. Mr. Khrushchev has told us that they value trade least for economic reasons and most for political purposes.

We must realize that the Communists are fully committed to the contest for the underdeveloped nations while we, at times, seem uncertain and unwilling to decide whether we are in the race or not. We must decide to enter this race. Once decided, we must adhere to the program year in and year out. We invest abroad to help ourselves and to help underdeveloped nations. Let us not get this investment in our future confused with altruism. It is a sheer necessity.

To meet these challenges of the Communists will require sacrifices. The English author, Barbara Ward, puts it this way:

"At no time in history have nations been granted the privilege of defending themselves both successfully and also at a level they think they can afford. There is no reason to suppose that history has obligingly reversed itself for the benefit of the West."

We cannot just go along with "business as usual" and hope to win. We have got to throw our economy into full scale competition with the Russians—meeting their challenges whenever and wherever they occur. This is not an easy decision because realistically it means a departure from our present way of life.

We want to spend everything that is necessary for all of the programs to strengthen America—we want a balanced budget—and we want the same or lowered taxes. These three are incompatible. One of our first sacrifices must be a willingness to accept higher taxes, if necessary, in order to accomplish our purpose of keeping America ahead of the world on all counts. There are no easy solutions.

I do not agree with people who suggest that we must not push our economy to any point necessary to win in competing with the Soviet because we then might lose what has made our country great. If we do not impose the strains necessary to win, it is obvious that at best we will live in a Soviet-dominated world, and at the worst in a Soviet province.

All of us are strongly opposed to greater government controls, but I would rather have greater control by our Government under our present system than to discover one day that business as usual had not been sufficient to win the battle.

Of course there are many places in Government where savings can be made. There is no one—in or out of Government—who would deny this fact. The difficulty is that each of us wants to make the savings in a different area—usually in an area in which we are not vitally concerned. I hope that a more bipartisan approach to this problem in future can result in great savings but I would hate to feel that any of our actions to combat the Soviet challenge would have to wait for these Government savings. Our President has addressed himself to this matter and has made substantial savings. We have the Hoover report on the same subject with attendant improvement. It would be fine, of course, to make additional economies but I would hate to have the village burn while the people debated whether to buy a new fire engine.

We must make the changes in order to survive. If we do not make our economy compete effectively with the Soviets, then they, not we, have the superior system—not from the point of view of rights of individuals—but by the very fact that it is their system that survives. Certainly we do not want to spend one penny more than necessary but an error on the low side might place this country in great jeopardy.

With an economy that is producing twice as much as the Soviets, and is producing four times as much for individual consumption per capita, these sacrifices should not really hurt us much. But even if they do, we all will welcome whatever sacrifices are necessary when we realize the alternatives.

When a business is faced with problems due to increased competition, one of the fundamentals of reorganizing to meet this threat is to have a single individual charged with each responsibility within that business. This is done simply so that he can be rewarded if he does well or can be relieved if he does poorly. It is extremely difficult to get a similar definition of responsibility throughout the Government, and yet I believe we must seek ways to achieve this type of organization if we are going to be able to move fast enough in the future to adequately respond to the Soviet challenge.

With the right organization and the right men, businesses are able to respond adequately. The responsible leaders must have complete authority and responsibility in their areas of interest. They must be able to stop study and discussion at any point where they feel they have enough facts upon which to make a decision.

Study and review beyond a certain point in the decision making process of a business merely delays the decision and confuses the issue. Business managers must be courageous enough and have top management backing to make the decisions at the right time. The bigger the business, the greater the temptation to delay decisions and have committees study the problem. Thus, without very aggressive management, big businesses often slow down.

When one comes to the problems of managing the biggest business of all—the Government—the task is staggeringly great. Nevertheless, I am persuaded that the business approach offers the greatest chance for success.

This has necessarily been a very general discourse. In conclusion, may I summarize some of the things that I, as an ordinary citizen, believe we must do to bring our country successfully through this difficult time.

Our national goal should be clear superiority over the Soviet Union in all possible areas and we should believe enough in our democracy so that we will not be reluctant to fully enter the contest.

We must be coldly realistic about Soviet successes and our own and balance one against the other to evaluate where we stand.

We are in a crucial contest with the Soviet Union. Therefore, we must be willing to accept any sacrifices necessary to win.

We must cultivate an atmosphere which will foster the type of creative and unorthodox thinking necessary to find effective solutions to the Soviet problem.

We must eliminate or cut back all programs of Government spending which our common sense tells us cannot be tolerated in an emergency.

We must balance our budget and even strive for debt reduction. To do this may well require more taxes for we must spend more in the areas where the Soviet are ahead or moving up.

Our foreign aid programs must be held at reasonable levels until the underdeveloped nations are economically independent. We must realize that we invest here in our enlightened self-interest and not for charity.

We must somehow avoid the type of public debate that confuses the country.

These are a few of the things we must do. They will begin to be accomplished when information flowing from Government to the people becomes clear enough so that the people can understand the emergency.

Finally, taken out of context, much of what I have said might be construed to be critical of either political party or of the administration. I want to emphasize that our present position is, in my opinion, no more the fault of one party than the other. The events which have brought us to our present status have evolved under at least two administrations, one of each major party.

I believe that the Government is the shadow and the measure of the thoughts of the citizenry. Our present dilemma is caused by indecision on the part of most Americans.

The majority of Americans do not feel that the Soviet Union has a real possibility of dominating this Nation in the foreseeable future. When this possibility is fully understood, there will be no reluctance on the part of anyone to undertake the contest and win.

As a concluding sentence of my own, I submit these very fine statements, which by their very nature are so full of logic and common sense represented by the far-reaching experience of the authors

of them, are of untold value to the Senate and to the country. For that reason I wanted them spread in full on the RECORD, rather than await their printing by the subcommittee on an uncertain day in the future.

Mr. President, I yield the floor.

Mr. JOHNSON of Texas. Mr. President, I want to commend the Senator for his great service to this country, not only in his committee work, but in his service here on the floor. There is no man in all America who is more respected or more loved by his colleagues than is the Senator from Mississippi. There is no one with whom I have ever associated who is more earnest, genuine, and able, in connection with the discharge of his official duties, than is the Senator from Mississippi [Mr. STENNIS], who displayed those qualities again tonight by staying here until a late hour and addressing the Senate on this subject.

Mr. STENNIS. I certainly thank the majority leader for his very generous words. It is a privilege to work with him on tasks of committees into which we are thrown together a great deal, and where his fine leadership is displayed, as it is everywhere else.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Mississippi withdraws his amendment.

NOTICE OF LATE SESSION TOMORROW EVENING AND SATURDAY SESSION

Mr. JOHNSON of Texas. Mr. President, I announce that we expect to have a late session tomorrow evening. I hope all Senators will adjust their engagements so they may be available for quorum calls and votes we may have.

I also want to give notice of a Saturday session, so that all Senators who may not have read the RECORD of the last 3 or 4 days will be able to arrange their engagements.

RECESS TO TOMORROW AT 10 A.M.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 18 minutes p.m.) the Senate took a recess until tomorrow, Friday, February 26, 1960, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25 (legislative day of February 15), 1960:

THE FOREIGN CLAIMS SETTLEMENT COMMISSION

Thomas W. S. Davis, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States.

U.S. ATTORNEYS

Oliver Gasch, of the District of Columbia, to be U.S. attorney for the District of Columbia for a term of 4 years.

Jean L. Auxier, of Kentucky, to be U.S. attorney for the eastern district of Kentucky for a term of 4 years.

Neil R. Farmelo, of New York, to be U.S. attorney for the western district of New York for the term of 4 years.

U.S. MARSHALS

Gerald F. Bracken, of Maryland, to be U.S. marshal for the district of Maryland for a term of 4 years.

Albert A. DiMeolo, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania for a term of 4 years.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 25, 1960

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

FEBRUARY 25, 1960.

I hereby designate the Honorable JOHN W. MCCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,
Speaker of the House of Representatives.

PRAYER

Rabbi Jacob M. Sable, Riverdale Jewish Center, Bronx, N.Y., offered the following prayer:

Almighty God, Father of all men, as the shadows of darkness pass before the rays of heaven and a new day of creation begins, we invoke Thy blessings upon the work of our hands and the creative spirit of our minds.

Strengthen our will, we pray Thee, Heavenly Father, to do justly, to love mercy, and to walk humbly before Thee. Guard our tongues from speaking evil and our lips from speaking guile. Inspire us to perform good deeds and righteous acts before Thee.

May the wisdom and courageous spirit of our first President, George Washington, ever serve as a lantern to illumine the steps of the dedicated men and women who serve Thee in the Halls of Congress. May his words, "to bigotry no sanction, to persecution no assistance," serve as a powerful citation of democracy. May every Congressman and Congresswoman be endowed with determination to place righteousness above expediency. Gird them with steadfastness and fortitude to achieve freedom and progress for human society and grant to all men the spirit and the right to live and work, to think and speak, in accordance with the dictates of their good conscience.

Oh Lord, grant them strength and bless us and all mankind with Thy most precious gift, peace. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, February 23, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

ELECTION OF SPEAKER PRO TEMPORE

Mr. ALBERT assumed the chair.

Mr. PRICE. Mr. Speaker, I offer a resolution (H. Res. 456) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That Hon. John W. MCCORMACK, a Representative from the State of Massachusetts, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. JOHN W. MCCORMACK as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MCCORMACK resumed the chair and took the oath of office, administered by Mr. PRICE.

SECOND SUPPLEMENTAL APPROPRIATIONS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a report on the second supplemental appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JENSEN reserved all points of order on the bill.

AMENDING TRADING WITH THE ENEMY ACT

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 457, Rept. No. 1290), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6462) to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDING WAR CLAIMS ACT

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 458, Rept. No. 1291), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2485) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

REREFERENCE OF H.R. 10575—REVISING CRIMINAL LAWS AGAINST CONFLICT OF INTEREST

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the bill H.R. 10575, introduced by our distinguished colleague the gentleman from New York [Mr. LINDSAY], a bill to supplement and revise criminal laws prescribing restrictions against conflicts of interest, which was referred to the Committee on Post Office and Civil Service, be rereferred to the Committee on the Judiciary. I have already arranged with the chairman of the Committee on Post Office and Civil Service and there is no objection to the rereference of the bill.

The SPEAKER pro tempore (Mr. MCCORMACK). Is there objection to the request of the gentleman from New York [Mr. CELLER] that the bill H.R. 10575, which has been referred to the Committee on Post Office and Civil Service, be rereferred to the Committee on the Judiciary?

Mr. GROSS. Mr. Speaker, reserving the right to object, since the gentleman from New York is making a request having to do with the transaction of committee business, I think he should go to the well of the House and speak through the microphone so that the Members of the House may know what is going on.

The SPEAKER pro tempore. The Chair repeated the request so that Members would be advised and be alerted as to the transaction of any business. Will the gentleman from New York [Mr. CELLER] please repeat his request?

Mr. CELLER. The bill concerns the conflict of interest. Ordinarily, all such bills have been referred to the Committee on the Judiciary but because of some peculiarity of some additional language in this particular bill, it was referred to the Committee on Post Office and Civil Service.

I have spoken to the chairman of the latter committee and he advises me that they have no objection to the rereference to the Committee on the Judiciary.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADM. CHESTER W. NIMITZ

Mr. KILDAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Speaker, on yesterday, we observed the 75th anniversary of the birth of Fleet Adm. Chester W. Nimitz. In the 59 years since he received his appointment to the Naval Academy, he has exhibited continually those qualities of inspired leadership, brilliance of planning, and genius in execution which are the marks of the really great man. At the same time he has repeatedly proved his personal valor and shown an innate modesty of character.

The public remembers with gratitude and appreciates Fleet Admiral Nimitz' major role in the prosecution and successful conclusion of World War II, from the time of Pearl Harbor to the surrender in Tokyo Bay. But he has served in roles other than that of a protector of his country in time of war. He acted with signal success in the international capacity of plebiscite administrator for Kashmir during troublesome times between India and Pakistan. After completing that assignment, he served as head of the President's Internal Security Commission.

Fleet Admiral Nimitz' accomplishments have been rewarded by high decorations from his country. These include four awards of the Distinguished Service Medal and a special Distinguished Service Award by our Congress for his abilities during the most critical period of the war.

Recognition of his genius and his successes has not been limited to Congress and the Military Establishment. No less than 19 colleges and universities have conferred honorary degrees upon the admiral whose birthday we observe today, and 11 foreign governments have awarded him their country's highest medals and decorations.

To a great man who has brought honor and distinction to his country, we are proud to add our sincerest congratulations to the thousands from other friends, admirers, and former shipmates of Fleet Admiral Nimitz on his 75th birthday.

TRANSFER OF NUCLEAR WEAPONS TO OTHER NATIONS

Mr. KOWALSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include a copy of a concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOWALSKI. Mr. Speaker, I have submitted today a concurrent resolution expressing the sense of the Congress that it is opposed to the distribution of nuclear weapons to other nations and to the transfer of nuclear weapons secrets to other nations.

I am pleased that other Members of the House have joined me in presenting this resolution. I hope that other Members, after reading and studying it, will also give it their sponsorship.

The resolution contains two key provisions. The first expresses the opposition of the Congress to the dispersal of nuclear weapons and nuclear weapons secrets by the United States. The second provision calls on the President of the United States to undertake negotiations with the Soviet Union, the United Kingdom, and France—the sole present members of the so-called atomic club—aimed at agreements which would ban the transfer of nuclear weapons and nuclear weapons secrets from any nation to any other nation.

We have initiated this resolution because we fear that dispersal of nuclear weapons, as advocated in some quarters, will increase the dangers of a war that could wipe out civilization. The more widely nuclear weapons are dispersed, the greater is the danger of accidental war.

While I believe strongly that we should have the most powerful defense forces and weapons possible, I also feel that permanent world peace is our greatest objective. Hopes for peace will be endangered if more and more nations are given nuclear weapons which can wreak the ultimate in devastation.

For our own national security we must keep our nuclear weapons at the ready, but in the hands of our own military services. To disperse our nuclear weapons among other nations could well be an invitation to disaster, for America and for the world.

The resolution (H. Con. Res. 598) follows:

Whereas the dispersion and transfer of nuclear weapons to other nations will decrease the chance for negotiating effective international agreements for control of nuclear weapons; and

Whereas the dispersion and transfer to other nations of nuclear weapons will render it more difficult to reach agreement on disarmament; and

Whereas the dispersion of nuclear weapons will increase the chance of nuclear accidents, and of nuclear irresponsibility and nuclear blackmail; and

Whereas the dispersion and transfer to other nations of nuclear weapons will result in the heightening of international tensions; and

Whereas the dispersion and transfer to other nations of nuclear weapons threaten the survival of our civilization, and of the human race: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress (1) that the United States should not transfer nuclear weapons or nuclear weapons secrets to other nations, and (2) that the President should undertake negotiations immediately with

the Soviet Union, the United Kingdom, and France to seek agreements prohibiting the transfer of nuclear weapons and nuclear weapons secrets from one nation to another.

THE AIR FORCE TRAINING MANUAL

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, recently there has appeared in segments of the press criticisms of the manual issued by the Air Force. I want to discuss just one phase of this criticism that has to do with what is called in an editorial in this morning's paper "silly remarks concerning security."

This was lifted deliberately out of context. Let me read the entire two paragraphs in which this is contained:

When a newspaper prints some so-called secret data, it merely means that the Government no longer considers that particular data secret—it does not mean we have no secrets left. Or it could mean that clever newspapermen took pieces of unclassified information which they were authorized to have, put them together, and came up with the right answer. However, because such accounts may have given the correct information does not mean that the information is no longer classified. Newspapers are not official—and until the Government declassifies security information, it remains classified.

Another rather foolish remark often heard is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion. If a football team should start telling the other side the plays it planned to use, their opponents would sweep them off the field. It's the same in war—hot or cold; if we tell our secrets, we are likely to be beaten, and beaten badly.

I submit that this is an entirely proper thing to be in this training manual.

SEVENTY-FIFTH ANNIVERSARY OF THE BIRTH OF FLEET ADM. CHESTER W. NIMITZ

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, the Nation celebrates the 75th anniversary of the birth of Fleet Adm. Chester W. Nimitz. The distinguished chairman of the Committee on Armed Services, the gentleman from Georgia [Mr. VINSON], is placing something in the RECORD today in reference to Admiral Nimitz.

Admiral Nimitz and General of the Army Douglas MacArthur were the principal architects in the victory in the Pacific during World War II.

I have this day introduced legislation extending to these two men the thanks of the Congress, also with the additional authority that gold medals be struck off in their honor in commemoration of their distinguished and unparalleled contribution to the survival of mankind in this age of questionable survival.

GENERAL MacARTHUR AND ADMIRAL NIMITZ

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I would like to tell the gentleman from South Carolina [Mr. RIVERS] that I shall be delighted to support the resolution concerning the medals honoring Gen. Douglas MacArthur and Admiral Nimitz. They are so greatly deserved.

BILL FOR EXCHANGE OF REAL ESTATE

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I have today introduced a bill whose purpose is bringing about an exchange of property between the U.S. Government and a private citizen. This exchange, which consists of some 22 acres on each side, is for the mutual benefit of the two parties involved but without the U.S. area being declared surplus, no present procedure exists whereby this exchange might be made. For this reason I am offering the required legislative approval which will enable the exchange to be made.

The instant case regards property in the Jefferson Barracks National Cemetery and Jefferson Barracks Veterans Hospital area located in St. Louis County, Mo. The private party, Mr. Ellsworth Breihan, of St. Louis, owns a 22-acre tract adjacent to the national cemetery and the veterans hospital grounds. For purposes of consolidation of holdings, the Department of the Army would like to have that area. In return the Department is willing to convey to Mr. Breihan 22 acres on the periphery of the cemetery property. Mr. Breihan is willing to pay any difference in the valuations of the two areas.

CAROL HEISS

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, America has a new sweetheart. I am sure that every Member of Congress was as excited as I was with the magnificent victory scored for the United States by Miss Carol Heiss at Squaw Valley. This is the first gold medal that we have won in the Winter Olympics this year. For this we may thank this charming girl. She is a great champion and, what is more, a great young lady. I have had the pleasure of knowing Carol Heiss. In fact, as a very bad amateur figure skater, I have even achieved an Olympian height myself, namely, a few pointers given to me by Carol herself.

The achievement of this young lady is remarkable. She was brought up in the city of New York. She learned to be a champion skater in Madison Square Garden, which is located in the district which I am privileged to represent. She is a good student at New York University, to which she commutes by subway from her home in Queens. Since her mother's tragic death a year ago, she has managed the household, looking after her father and her younger sister and brother. She thrives on hard work, and you can only imagine the many, many years of effort that has produced such perfection on ice.

Carol is lovely to look at. She has a smile and laughter that radiates joy and good will wherever she goes. Above all, she is most kind and generous to all. She is always ready to help others, and she goes out of her way to do so.

In short, Carol Heiss is the very best kind of representative that the United States can have in its international efforts. She has done us a great service, not only by making herself a great champion, but by just being herself. The Nation now gives Carol Heiss a hearty round of applause. We New Yorkers, of course, are particularly proud that she is one of ours.

One hears much discussion about the youth of America. Juvenile delinquency is among us; politicians talk about sagging morals, payola is said to be an accepted way of life. I doubt these things. But even if there is the slightest truth in them, it is refreshing to have someone like Carol Heiss to set such standards of courage, determination, moral and physical strength, and inspiration for all of our youth to follow. I know that every Member of this body will join me in extending our congratulations to Carol Heiss for a job well done.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the acting majority leader as to the program for next week.

Mr. ALBERT. In response to the gentleman, on Monday we will take up the second supplemental appropriation bill for 1960.

Tuesday, H.R. 6462, to amend the Trading With the Enemy Act, and H.R. 2485, to amend the War Claims Act.

For Wednesday and the balance of the week, if rules are reported, one or more of the following may be programed: H.R. 10590, interest rate restrictions on U.S. bonds; H.R. 5, Foreign Investment Incentive Tax Act of 1959; H.R. 2331, national parks, C. & O. Canal, Md.; H.R. 10128, school construction.

Mr. Speaker, I may say also that on Wednesday next the gentleman from Arkansas [Mr. MILLS] will ask unanimous consent for the consideration of sundry bills, and I ask unanimous consent to have inserted in the RECORD at this point a list of these bills. They are listed in numerical order, not necessarily the order in which they will be brought up.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bills referred to are as follows:

H.R. 8649 (Mr. KING of California): To continue suspension of processing tax on coconut and palm oil for 3 years.

H.R. 9307 (Mr. BOGGS): To continue suspension of duty on alumina and bauxite for 2 years.

H.R. 9308 (Mr. BOGGS): To continue the suspension and reduction of duty on certain chicory for 3 years.

H.R. 9820 (Mr. KEOGH): To continue for 3 years the suspension of duty on certain tanning extracts (including certain hemlock and eucalpytus extracts).

H.R. 9861 (Mr. BETTS): To continue the suspension of duty on istle or Tampico fiber for 3 years.

H.R. 9862 (Mr. BOSCH): To continue the suspension of duty on certain shoe lathes for 2 years.

H.R. 9881 (Mr. MILLS): To continue the provisions for free importation of personal and household effects brought into the United States under Government orders for 2 years.

Mr. ALBERT. Any further program will be announced later. Conference reports may be brought up at any time.

FEDERAL WATER POLLUTION CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 3610) to amend the Federal Water Pollution Control Act to increase grants for construction of sewage treatment works, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Minnesota [Mr. BLATNIK].

Mr. BLATNIK. Mr. Speaker, in urging my colleagues in the House to override the unfortunate Presidential veto of the bill H.R. 3610, I thought we could confine ourselves to a precise summary of the final key arguments on a program that has been debated and discussed pro and con several times during the past 5 years.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield.

Mr. HALLECK. Did the gentleman ask unanimous consent that all Members may extend their remarks at this point?

Mr. BLATNIK. I did not do so, but I shall.

Mr. Speaker, the President, in his veto message, has two main objections to H.R. 3610.

First, the President regards water pollution as a uniquely local blight, and says the primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised by State and local governments.

Second, the President states that by holding forth the promise of a large-scale program and of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they hunted or waited for Federal funds.

Mr. Speaker, where the President got this completely erroneous notion that Federal funds would tempt municipalities to delay essential water pollution abatement works and construction, I do not know, for here is the record. Until 1956, the average level of construction in America over a 5-year period was about $222 million without any Federal grants. After 1957, when Federal grants came into effect, construction jumped from approximately $222 million to $351 million in 1957 and $389 million in 1958. That was the highest level of construction of waste treatment plants in the history of America. It was an increase of 75 percent. But, the health officers of America and the mayors and those who know this problem tell us that we should be spending $600 million a year to catch up with the backlog, replace obsolesence and provide the new facilities for this rapidly increasing population of ours.

The President's own Water Pollution Control Advisory Board composed of members appointed by the President himself said this just last month in an official resolution unanimously adopted:

> After careful analysis of the construction grant program for municipal waste treatment works to control water pollution, the Board believes that these grants have significantly stimulated and increased construction of needed facilities. At the same time there has been no slowdown in the rate of construction of such treatment works financed entirely by non-Federal funds.

I will say merely that the major objection which has been raised by the President that Federal grants will delay construction of municipal facilities is completely without foundation. It is disproved by the record itself in the past 3 years, and it is disapproved by the resolution adopted by the President's own advisory board.

As to the President's argument that pollution is a uniquely local problem, I can only say that I have always maintained that the major burden of water pollution control should and must rest on local shoulders. That is why this grant program contains the limitation that the Federal aid shall not exceed 30 percent of the cost of any project or $450,000, whichever is smaller.

Over the last 3 years, since 1956, $163 million in Federal grants has been made to 1,956 projects having a total estimated cost of $938 million. In other words, for every $1 of Federal funds the local people have contributed almost $5. In short, of those projects which have received Federal grants almost five-sixths of the financial burden, was carried on the shoulders of the municipalities and only one-sixth by the Federal Government.

Who supports this program which has proved to be the most effective Federal grant program and the only really effective water pollution control program carried out in the history of America? Who supports the program?

The American Municipal Association.

The National Association of County Officials.

The State Sanitary Engineers.

Conservation groups, such as the Citizens Committee on Natural Resources, the National Wildlife Federation, and the Izaak Walton League.

The Garden Club of America.

The League of Women Voters, who in a project extending over 4 years with all local groups studying this aspect, came out strongly and wholeheartedly in support of the program; and, last but not least, the President's own Advisory Board on Water Pollution.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I wonder how we can justify denying the American people funds for this program in our own country and then provide funds for a similar program to foreign nations. The several facets of the foreign-aid bill now approach $10 billion annually; and I shall ask permission to put the exact figures in the RECORD.

May I call to the attention of the Members that the President's request for the mutual security program for fiscal 1961 is $4,175,000. Add to that, if you will, a surplus agricultural commodity cost under Public Law 480 and the amount of money for oversea construction of runways, hangars, and facilities in the defense budget, then add the annual interest cost of $95 million plus that we have given to foreign nations since the inception of the foreign-aid program. And, Mr. Speaker, we could include the billions that will be given away through some of the newly chartered lending agencies that will make loans to be repaid in local currency.

We have in the foreign relief bill tens of millions of dollars allowed for the same type of work that this bill provides for, the difference being that this is for our own people and not for foreign nations.

I would like to direct the Members' attention to pages 3361–3363 of the CONGRESSIONAL RECORD of February 24. This will, indeed, be an eye opener, but it is only a partial list of the multitude of similar projects scattered throughout the world.

How can we in good conscience deny the American people this kind of assistance which we in turn ask the Congress to provide in the foreign relief bill, all facets of which, I say, when put together total approximately $10 billion, and tens of millions of dollars are allowed for the same type of work this bill provides for? Can the gentleman enlighten me as to how we can justify it?

Mr. BLATNIK. I could not agree more with the gentleman. How anyone, including our President, with all due respect to him, would have the nerve to advise the Congress or the people of America that with the great productive capacity and wealth that we have we cannot control this simple but serious matter of polluting the rivers and streams of America which is increasing year after year, and at the same time we can afford to appropriate an equal amount of money, if not more, in 1 year to foreign countries is beyond my understanding.

Mr. PASSMAN. Is it not true that last month our imports exceeded our exports? And would you not agree that this was brought about to a very large extent by our foreign aid—or foreign relief—program that is now in 76 nations, past and present?

Mr. BLATNIK. That is correct. Today, and a few weeks from today, we are going on record, and the President is urging us to go on record, that we either cannot or should not support this water pollution control program at home but we must support it abroad.

Mr. PASSMAN. In other words, we are going to deprive the American people of the very same things that we are appropriating hundreds of millions of dollars to do abroad.

Mr. BLATNIK. That is correct.

Mr. Speaker, today 1,000 applications for Federal grants are still pending, involving a total of $600 million in construction projects. That shows the extent to which the municipalities are in need of help and anxious to go ahead on their own, carrying the major burden on their own shoulders, but they need a little bit of help to stimulate, motivate, and to activate them.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Ohio.

Mr. HAYS. In line with what the gentleman from Louisiana has just said, the Secretary of State appeared before the Committee on Foreign Affairs the other day, and I asked him the question: Mr. Secretary, apparently the decision has been made that we cannot afford to be anything but second in the missile race, second in the educational race; we cannot afford stream pollution at home, we cannot afford medical assistance to our old people, we cannot afford a housing program. Who made the decision that we increase foreign aid by a billion dollars? Do you know what he said? He said, "That is beyond my camp."

Mr. MEYER. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Vermont.

Mr. MEYER. In connection with what the gentleman said about Federal money kind of holding back local appropriations, I can say in Vermont we have made very great progress with this program on a local basis; we have appropriated $5¼ million for 375,000 people, which is almost $15 for every man, woman, and child to push this ahead.

If the same thing was done on a national level, it would mean locally raising about $2.7 billion. So, I think the facts in our case definitely refute what has been said.

Mr. BLATNIK. That is the general pattern all over the country. Perhaps no Federal grant program has resulted in the stimulation and encouragement of as much local activity as this program itself.

In conclusion, Mr. Speaker, let us face this one fact and let us have the RECORD show this one fact. We know today what our population is going to be 10 years from now. In 1970 the demand for water will equal our available supply. There is no shortcutting, there is no bypassing this problem. It is a matter of the preservation of water which is today one of the most pressing problems, and year by year it is getting to be the No. 1 problem that confronts the people. I strongly urge you to go on record to override the veto and to take care of the basic needs of the country.

Mr. Speaker, I yield such time as he may desire to the gentleman from Washington [Mr. MACK].

Mr. MACK of Washington. Mr. Speaker, I will not consume as much time, 17 minutes, as was used by the gentleman from Minnesota.

Mr. Speaker, the Congress during each of the past 2 years has provided $45 million a year of Federal money to provide grants-in-aid to municipalities for building sewage disposal plants. The vetoed bill now before us doubles this rate of spending, makes it $90 million a year instead of $45 million.

The President in his budget message of last month recommended an appropriation of $20 million for the coming year as grants-in-aid to municipalities for building sewage disposal plants. The bill vetoed by the President proposes spending $90 million for this purpose, or $70 million more than the President requested. Thus a vote to override the President's veto is a vote to bust the President's budget on this one item alone by the huge amount of $70 million.

It is no secret to press or public that many of the greatest forensic political battles of the present session of Congress will be on the issues of spending and on whether the budget is to be balanced or the budget is to be busted.

Pending in Congress are many bills to spend vast sums of taxpayers' money in new and untried fields of Federal activities. Also pending are many proposals, like the one in the present vetoed bill, to expand Federal spending far beyond present levels. If very many of these bills become law the budget may be busted by billions of dollars and a new round of inflation started to rob the people of the purchasing power of their wages and their savings.

We all know that excessive spending, unbalanced budgets, and a constantly rising national debt have in the past produced inflation. What has occurred in the past may well continue to happen in the future.

All history, ancient, medieval, and modern, attests that no family, no business, and no government year after year can spend beyond its income without encountering ultimate disaster. Families and business which do so go bankrupt. The Government does not go bankrupt. It merely prints more paper money which causes the value of the dollar to go down, down, and the prices of the things money buys to go up, up, and up.

I for one intend to vote to sustain the President's veto, because I believe in doing so I am helping the fight against inflation which, if continued, can undermine, weaken, and destroy the matchless free enterprise economic system of the United States which has made our country the strongest in defense and most prosperous in peace in all the history of the world.

A vote to sustain the President's veto does not kill this sewage plant disposal program. If the veto is sustained, there still will be on the books the act of 1956 which authorizes the spending of $50 million during each of the next 8 years—or $400 million altogether—in grants-in-aid for such plants. In voting to sustain the veto we merely say that we believe that this program should not be increased in the light of the Nation's present financial condition at this time to $90 million a year.

One of the main causes of the inflation which has harassed our people by eroding the value of their money has been the tendency of Congress to take over more and more of the functions which traditionally and historically have been the responsibilities of local government. In many cases the local governments being closer to the problems know the local needs far better than we, the lawmakers and bureaucrats who are hundreds to several thousands of miles away from these communities, know them.

Some believe the Federal Government has some mysterious Aladdin's lamp source of revenues. Yet, the Federal Government has no money to spend on anything except that which it first takes away from the people in taxes.

If we vote to sustain the veto, we will be voting to help halt ruining inflation and preventing it from going further and doing more damage than it already has done.

Prudent families and businessmen, when confronted with unbalanced budgets and mounting debts, usually postpone and defer buying things they want and believe desirable until they have put their financial house in order. The Federal Government with years of deficits behind it and a national debt of $290 billion in many cases wisely could follow the example of those families and businessmen and at least wait awhile before embarking on new or expanded spending programs.

Some people seem to think there were no sewage disposal plants in this country until the first Federal sewage disposal grants were voted in 1956. Prior to the passage of the first sewage disposal plant bill 3 years ago, however, there were more than 3,000 municipal sewage disposal plants in the Nation, all built by the municipalities without $1 of Federal contribution.

Proponents of this bill say that more money was spent to build sewage disposal plants after the Federal Government began spending $45 million a year

to help build them than during the average year for the 5 years prior to the enactment of the Sewage Disposal Act of 1956. This is true. I thought, however, that using the figures for the average year of the 5 years prior to the act was unfair since some of those years were Korean war years when manpower and materials were scarce and all nondefense construction of all kinds was at a very low level. Combat activities in Korea did not end until July 27, 1953.

In the 2 years prior to the Sewage Disposal Act of 1956, municipalities spent more than $240 million a year for the construction of sewage disposal plants without the Federal Government contributing $1. In the 2 years after the act, spending increased by 60 percent of which $45 million a year, about one-third, of the increase was contributed by the Federal Government. The net gain in spending for such plants by municipalities, therefore, increased by about 40 percent after the sewage disposal plant bill was enacted. This seems a good record until we compare it with spending figures for other similar works. While spending by municipalities increased 40 percent, expenditures of private sources for office buildings and warehouses increased 86 percent and for public utilities 91 percent—went forward and was increased more than twice as fast as municipal disposal plant spending.

This is called a pollution abatement bill. In a way it is. In another way it is a community facilities bill, for the money in this bill is just as available to towns and villages far removed from any running water as it is to villages and towns along rivers and streams. Under this bill the towns and villages in a sparsely settled arid region, in the middle of a desert or high on the mountains far remote from any running water, are just as eligible for Federal grants as are communities along a river or stream. Money spent on plants in such areas can contribute little to solving the pollution problem.

In the interest of a return to sound national financing and halting ruinous inflation, I urge that President Eisenhower's veto of this bill be sustained.

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks in the RECORD on the bill H.R. 3610.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROBISON. Mr. Speaker, I am voting to sustain the Presidential veto of H.R. 3610, which would increase the authorization for Federal grants to communities to assist them in the construction of sewage treatment works from $50 million to $90 million, annually, and from $500 million to $900 million in the aggregate, as well as to increase the maximum specific grant from $250,000 or 30 percent of the estimated project cost to $450,000 or 30 percent of the estimated project cost.

I would like to emphasize that I am not doing so primarily for budgetary reasons, although I have given due consideration to the necessity for supporting the President in his quest for a balanced budget.

There can be no doubt that this particular Federal program has worked successfully to stimulate and increase construction of facilities that are badly needed to reduce the hazards that polluted waters pose to our national health and economic growth, particularly in view of our rapidly expanding population. I am aware of the need, and I am aware of the great demand for Federal funds to meet that need.

However, although the program has worked well, as I have mentioned, it has not served to induce our various State governments to join in this effort by matching or even supplementing Federal funds except in a very few instances. This lack of State cooperation, in most instances, has left the local communities, which are the least able to afford such a burden, with the necessity of raising 70 percent or more of construction costs. Everyone—even the proponents of this legislation—recognize that this problem is primarily one of local responsibility. I think it is also one of State responsibility, and I am as confident of the fact that if this bill passes we will be further closing the door against eventual State sharing of the cost of meeting this need, as I am of the fact that there just is not enough money in the Federal Treasury to solve all, or such a disproportionate portion, of State and local problems such as we are here concerned with.

I do not object to Federal participation in this type of program, in view of the Interstate nature of most of our streams and rivers. I think there is much more justification here for such participation that in many other areas formerly considered to be purely State or local in character but which the Federal Government has invaded in recent years. I do, however, believe it to be unwise to expand Federal participation here before a "national conference on water pollution," as the President proposes, has met to further consider all aspects of this problem.

I also believe there is merit in considering strengthening the enforcement provisions of the existing Federal Water Pollution Control Act, and in encouraging the formation of more interstate compacts, along the lines of some already in existence, whereunder States situated on a common river or stream have successfully solved their own pollution problems by themselves, without Federal aid or interference.

Finally, it should also be mentioned that there is an apparent defect in the existing program, which this bill would not correct. Even though this is a water pollution control program, no controls were provided in the enabling legislation to insure that communities with genuine water pollution problems actually get Federal funds. Funds can now go even to towns and villages in the middle of deserts or in arid regions many miles from any river, stream, creek, or brook of interstate character.

It will be said, today, that the extra $40 million here authorized will not, in this era of $80 billion budgets, break the Treasury. Of course it will not, but that points to the easy, the expedient way out. The issue we are facing is not that simple nor that narrow. Does anyone here suppose that this program will, with all its allure, tail off at $90 million a year, or that there will not soon be pressure to up the Federal share from its present 30 percent to something like the two-thirds share of urban renewal programs Uncle Sam now shoulders for our cities? I think not, and while political expediency dictates a vote to override as being the popular thing to do, I also believe that it is time for some of us to call a halt to the trend toward big Government whereunder we may eventually find it necessary to change our national bird from the American eagle to the mother hen.

Mr. STRATTON. Mr. Speaker, in casting my vote to override the President's veto of H.R. 3610, I believe I am acting in line with the best interests of the people of the 32d Congressional District of New York, which I have the honor to represent. We are well aware of the problem of clean water in my district. In fact the General Electric Co., one of our great manufacturing concerns, has been campaigning for clean water for many years and has in fact taken the lead in promoting action to end pollution of our streams and lakes and rivers. Two important rivers run through my district, the Mohawk and the Susquehanna. In both of these basins the problem of water pollution exists, particularly in the case of the Mohawk River, a historic river that has not only seen great history but has in the past been the site of a great deal of recreational activity. But the Mohawk is no longer as suitable as we would like for recreational purposes because of pollution.

The program of Federal assistance in the construction of local sewage treatment plants, which would have been continued and extended under H.R. 3610, has already proved most helpful in our locality. Because of this fact the bill received the support of New York's Republican Governor, Nelson Rockefeller, and in addition received substantial and outspoken support from a great nonpartisan organization interested in good government, the Schenectady League of Women Voters.

Recently New York State has taken action to deal with the water pollution problem by ordering several communities located near the Mohawk River to undertake construction of sewage treatment facilities within a specified time limit. Unfortunately most of these communities are already taxing themselves to the hilt and simply cannot raise the additional funds needed to construct these plants. The cities of Johnstown, Cloversville, and Amsterdam in my district, for example, are all already suffering heavily from unemployment. Whatever funds are available to them are being used to attract new industry. Their real estate tax rate is already oppressively high, and the chances of increasing this real estate tax to pay for sewage treatment facilities as mandated by the State is almost impossible. The State, incidentally, has made no funds available for this purpose.

In situations like this the Federal water pollution program has met a tremendous local need. These communities have been able to look toward the Federal Government for help, not to relieve them completely of the responsibility for constructing their sewage plants but just to make it possible for them to get started without going completely into bankruptcy. If this program in H.R. 3610 were enacted into law, Amsterdam, Johnstown, and Gloversville could, I am sure, have found it possible to get started on building the sewage treatment facilities the State has ordered them to build. Without this legislation on the books they will find it almost impossible to meet the deadline and water pollution will continue in the Mohawk Basin.

Mr. Speaker, I agree with the President that water pollution is primarily a local problem. But as the experience in my district and in other districts has demonstrated, the virtue of the program covered by H.R. 3610 has been that it has actually stimulated local action to eliminate water pollution. With the program wiped out, any further local action is bound to grind to a complete stop.

Mr. Speaker, here we find a Federal aid program which is meeting a real local need and meeting it well. I believe we have a responsibility to carry this kind of sensible and effective cooperation between Federal and local governments forward rather than end it. Surely, if we can afford to give billions on billions of dollars away for similar activities in foreign lands, we can also afford to extend a helping hand to our local governments when we see how valuable is the return to the Nation as a whole.

Mr. EDMONDSON. Mr. Speaker, I hope the House will override the Presidential veto, and thereby assure the maximum national effort that is required in the field of water pollution control.

The pollution of our Nation's streams and rivers is one of our most serious problems today.

It threatens the health of every citizen.

It limits the growth of our towns and cities in many areas.

It hinders and impairs the development of many fine industries which are dependent upon good water.

In the final analysis, it saps and weakens our national health, strength, and vigor, and endangers future generations of Americans.

This bill provides for an annual expenditure, within our own country, of less than one-fortieth the sum which our President asks us to approve for foreign aid during the next year.

I cannot understand an appraisal of our national resources which advises that we can afford to spend $4 billion a year on foreign aid, but cannot afford to spend $90 million a year to protect our country's precious water supplies from pollution.

This is the Presidential position, and I cannot accept it.

If the veto is overridden, Congress will thereby authorize expenditure of $1,541,520 in Federal funds, to match community expenditures for pollution control, in the State of Oklahoma next year.

For this purpose, the President's budget now calls for only $342,560 in Oklahoma next year.

The need is far too pressing for false economy in this critical field today.

Let us therefore vote to override the veto, and protect our Nation's water supply for future generations.

Mr. DERWINSKI. Mr. Speaker, despite the technical discussion of amendments and the explanation of the compromise figures that this bill now contains, the key issue remains obvious to each and every one of us, namely, that this is the first attempt of the 1960 session to disrupt the budget and plunge the Nation along a path of fiscal irresponsibility.

Since this is an election year issue, those of you who practice political expediency by supporting proposals despite glaring inconsistencies are attempting to delude the American public. Rarely, if ever, do the wild-eyed spenders display political courage and explain to their constituents that they, as taxpayers, pay dearly for all governmental expenditures. It is an easy thing to buy the votes of constituents. It takes statesmanship and courage to represent the taxpayers and protect the integrity of the dollar.

Much has been said to date and much will be said of the segments of our population that are faced with economic difficulties. The basic facts are these: that runaway inflation has been caused by the leftwing elements that have dominated the Congress for the last 6 years, and in keeping with socialistic philosophy practice one policy—spend, spend, and spend.

President Eisenhower in his veto message clearly and emphatically stated the basic issue involved in this legislation, namely, that water pollution must be regarded as a local and then a State responsibility where the most practical controls must be maintained. He further pointed out the obvious fact that by holding forth promises of large-scale Federal participation, municipalities would be tempted to delay their own plans, thereby contributing to problems in water pollution abatement.

The American taxpayer—and here may I emphasize that the one thing all Americans have in common is their mutual position as taxpayers—is watching us this afternoon to see that his elected representatives in the Congress of the United States act in accordance with a sound, practical manner for his true benefit and for the economic integrity of this era and generations to follow.

I shudder, Mr. Speaker, when I think of the fantastic spending proposals being presented, in the unholy attempt to purchase the votes of the American public, which, at the same time, would place a crippling burden of expanded bureaucratic government upon the already bent shoulders of the taxpaying public.

Mr. BENTLEY. Mr. Speaker, I am supporting the President's veto of H.R. 3610.

This legislation, if approved, would authorize an annual increase in Federal grants to municipalities for the construction of sewage treatment works from $50 million to $90 million which, over an aggregate 10-year period contemplated in the bill, would total $900 million. I understand that President Eisenhower, on the other hand, believes that an annual expenditure of $20 million is sufficient to enable the Federal Government to play an appropriate part in this program.

We have here a perfect example of a Federal program that should be turned back to the States in its entirety. There is no requirement in the pending legislation that municipalities with genuine pollution problems will receive the grants. Even where we deal with waters of an interstate nature, there is nothing to prevent States who have, for example, the same rivers flowing through their territories from signing an interstate compact to deal with the issue and I understand this has already been done in a number of instances.

The whole subject of water pollution is a local matter and I see no reason why the Federal Government should become involved. Many municipalities have essential problems of water pollution but, if they believe they may get Federal funds up to 30 percent of the cost of the project, they will certainly be strongly tempted to delay their own efforts. I sincerely believe that Federal action should be limited to provide a stimulation to State and local action in this important field.

We all recognize the importance of preserving our water resources, of cleaning them up and of keeping them clean. It is not here a question of money since, if this were properly a Federal function, I would vote for several times this amount to preserve our natural resources. But I consider the prime responsibility to be on business concerns to remove industrial pollution from our waters and for local taxpayers to assume the major share of the financial burden involved.

The presence of industry in any community brings benefits to that community. It benefits the local citizens of that community in a variety of ways. Why should the Federal taxpayer at large be called upon to finance the solution of a problem that is created at the local level and which should be solved at the local level. More important, why should the citizens of communities not so affected be asked to share the responsibility of those towns or cities who will either not treat their sewage or treat it inadequately?

There are certain appropriate actions in the fields of control where only the Federal Government can act and where it should have authority to act. The Federal Government should also encourage and assist State and interstate water pollution control agencies and I understand the funds recommended in the 1961 budget are more than ample for this purpose.

I do not say that the supporters of this legislation are trying to bust the budget, create deficit financing or inflation or otherwise act in a financially irresponsible manner. I do say that they are attempting to enlarge and perpetuate Federal jurisdiction and control in a field that properly belongs to the States and local governments. I also say that the

supporters of H.R. 3610 are in effect offering a Federal subsidy to industry since their proposed legislation would relieve industry of a large share of the responsibility that rightfully belongs to it in the matter of pollution control.

I hope, Mr. Speaker, that the Congress will uphold the President's veto and will then proceed to enact the appropriate legislation necessary to enable the Federal Government to play its proper role in this important question.

Mr. BOLAND. Mr. Speaker, I rise to state my position on the issue before us concerning the President's veto of H.R. 3610, the Water Pollution Control Act.

I am going to vote to override the veto. The purpose of this legislation is to further stimulate construction of needed municipal waste-treatment facilities to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of this country.

Mr. Speaker, as a member of the House Appropriations Subcommittee on Public Works for the last 6 years, I have become increasingly concerned over the relatively fixed water supply in the United States. Yet, more and more water is being used because of an increasing population and more and more industrial-human wastes are being discharged into our waters because of expanding industry and suburban growth.

In vetoing this bill the President would terminate the first successful program to remedy the polluted condition of the waters of this Nation. The sewage treatment plant construction grants are the very heart of the program. The States and municipalities of the Nation contribute the lions share of the construction cost. For every Federal dollar given in grants, the non-Federal sources contribute $4.70 for sewage treatment plant building costs.

Mr. Speaker, for the last 3 years these Federal construction grants have accelerated the construction of municipal waste treatment facilities in my congressional district. Since the original act was passed by Congress in 1956, seven cities and towns in the Second Massachusetts District have received a total of $1,246,204.74 in these grants for construction of sewage treatment plants. Under leave to extend my remarks, I list them here:

Community	Construction cost	Federal grant	Approved
Agawam	$1,490,840	$44,952	April 1959.
Do	15,455	4,636	October 1959.
Do	250,477	75,143	November 1958.
Amherst	710,000	213,000	July 1959.
East Longmeadow	9,597	2,878	February 1957.
Easthampton	501,550	150,465	Do.
Longmeadow	619,673	184,680	March 1957.
Do	300,000	90,000	June 1959.
Northampton	675,614	202,684	April 1957.
Do	280,000	84,000	October 1958.
South Hadley	645,884	193,765	May 1959.

One more community, Ludlow, has an application pending and the city of Chicopee will soon file an application for a sewage treatment plant grant.

Mr. Speaker, under leave to extend my remarks I include with my remarks three letters from League of Women Voters units in my district which are typical of the volume of mail I have received supporting this water pollution control program.

LEAGUE OF WOMEN VOTERS,
Northampton, Mass., January 26, 1960.

The Honorable EDW. P. BOLAND,
House Office Building,
Washington, D.C.

DEAR MR. BOLAND: At our pleasant meeting at Mrs. Mann's house on January 8, there was no time to discuss the prospects of H.R. 3610, the bill to increase grants for sewage treatment plant construction. As you know, Northampton was helped—psychologically as well as financially—by the Federal aid for our new sewage treatment plant under Public Law 660, which H.R. 3610 amends. We know that such incentive aid brings about speedier action in a better spirit. Since the increase proposed in H.R. 3610 still leaves 70 percent of the financial responsibility with the State and town, it remains an incentive grant, but will give effective aid to more communities.

The League of Women Voters supports this bill as a desirable and important one in the battle against pollution, and hopes that the impending conference will result in its passage in both Houses of Congress.

Yours sincerely,

Miss SARAH C. PORTER.

LEAGUE OF WOMEN VOTERS OF SPRINGFIELD, MASS.

The Honorable EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

DEAR MR. BOLAND: After 4 years of research and study on water resources, the League of Women Voters has reached strong consensus on some of the various steps needed to meet present and future water problems of the people of the United States. As part of this program we believe that the Federal Government has a necessary role in financing water resources development, although State governments, local governments, and private users should share costs based as far as possible on the benefits received and their ability to pay.

The Federal grant-in-aid for pollution control program under Public Law 660 has proved very effective in Massachusetts in stimulating the development of local responsibility for the construction of municipal water disposal plants. If recreation is to continue to play an important role in Massachusetts progress, pollution must be controlled.

Therefore on behalf of the League of Women Voters of Springfield I should like to urge your support of the Blatnik bill, H.R. 3610, which would continue to expand the present Federal incentive program for pollution control by which the Federal Government may pay up to 30 percent of the cost of sewage treatment plants where the local communities pay the balance. The States administer this program.

We understand that a conference report to resolve the differences between the House and Senate bills is under way and would appreciate your support of the bill when it is returned to the House for final vote.

Very truly yours,

EVE D. DOLGIN,
Mrs. Irving Dolgin,
President.

LEAGUE OF WOMEN VOTERS OF AMHERST,
AMHERST, MASS., *February 7, 1960.*

The Honorable EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

DEAR MR. BOLAND: We want to urge you to continue your support of the Blatnik bill (H.R. 3610). Thank you very much for voting "yea" on June 9; we hope you will vote for the conference report—and that it will be closer to the original House version, rather than to the smaller Senate version.

Under a newly reached agreement in the League of Women Voters, we will also be supporting the Resources and Conservation Act of 1960, S. 2549. After 4 years' study in the field of conservation and water resources, consensus has been reached throughout the league in all 50 States.

In general this agreement centers on three areas: Overall long-range planning and development of water resources; comprehensive planning, development and water management on a regional basis; and Federal financing of water resources development with State and local governments and private users sharing costs, as far as possible, based on benefits received and ability to pay.

Sincerely yours,

LUCY BENSON,
Mrs. Bruce B. Benson,
President.

Mrs. GREEN of Oregon. Mr. Speaker, I rise to speak in support of the water pollution bill, the President's veto to the contrary notwithstanding. I have read the President's veto message with some care. I find it an intriguing statement of the issues involved—a statement that, with the deletion of a few non sequiturs, might well have been offered as a speech in favor of the bill. What I do not find in that message is any reason for vetoing the bill.

The President began his message by assuring us that he is against water pollution. He points out, quite accurately, that "the rivers and streams of our country are a priceless national asset." He assures us that he favors wholeheartedly Federal, State, and local cooperation in cleaning up the Nation's waters and in keeping them clean.

The President further states the fact that polluted water is a menace to the health and well-being of our people.

However, and here we have the first of the major non sequiturs, the President thereupon asserts that "local industrial processes" are "so closely involved" with pollution and its problem that the problem can only be met by local and State authorities.

Mr. Speaker, I fail to see why "local industrial processes" cannot be properly brought under a program such as that envisaged in H.R. 3610. Local labor relations can be brought under the terms of Federal labor statutes. Local problems of every sort are, and ought to be, brought under the aegis of Federal programs where the overall problem is national in scope.

Why is water pollution so exclusively local? Has the President ever heard of the fact that some of these waterways border on more than one State? Is the President cognizant of the fact that the Columbia River borders my State of Oregon and the great State of Washington on the northern bank? Is the President aware of the fact that his own home State of Pennsylvania shares the Delaware River with New Jersey? That the States along the Mississippi and Missouri share a great waterway? That one of his favorite vacation spots—the State of Colorado, shares the river named after it with several other States?

I find the President's arguments on the exclusively local nature of water pollution somewhat at variance with the observable facts of the case.

What does the President propose, in lieu of H.R. 3610? First, he resorts to

the favorite approach of anyone who wishes to avoid a problem. He suggests the appointment of a national conference to study the question. Mr. Speaker, what do we need with another national conference? If there is anything the Public Works Committee, after many months—yes, years—of study does not know about water pollution, no multi-headed national conference is going to find it out in a few days in Washington—at the taxpayers' expense.

In calling for this conference, the President righteously points out that it is "unconscionable for one town or city deliberately to dump untreated or inadequately treated sewage into a stream or river without regard to the impact of such action on the lives of downstream neighbors." Mr. Speaker, this is precisely the point. It is unconscionable, and there is no State or local authority that is broad enough to do anything about it. The President, in unusually cogent language has here summed up the best possible reason for voting to override his veto. He has persuaded me. I shall so vote.

In reading the President's veto message, I felt that a typographical error had occurred at the end. I looked carefully, and in vain, for the familiar sentence which always closes any letter on a bill from an executive department. I refer, of course, to the sentence:

> The Budget Bureau advises me there is no objection to the submission of this report.

It is true the missing sentence was superfluous for if ever the Budget Bureau wrote a veto message, this was it. There is no over reference, to be sure, to the budgetary question. But the veto message contains absolutely no logical statement which would uphold a veto.

I can only conclude that water pollution, like school construction, like adequate housing for our people, like adequate social security for our senior citizens—like so many other programs which this administration has blocked and studied to death— costs too much money.

It is unfortunate that the health of our citizens, the utility of our waterways for recreational purposes, the adequacy and purity of our national water supply, is too expensive for this administration to worry about.

Mr. LANKFORD. Mr. Speaker, it is incredible to me that this body finds itself at this moment having before it the question of whether or not to override the President's veto of H.R. 3610. This veto, if sustained, will cripple one of the most successful Federal grant programs ever enacted.

The President, in his veto message, proposes additional studies and conferences when the time for accelerated action is long overdue. Further, the President feels that the enactment of H.R. 3610 would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds. This statement has been repudiated by the President's own Advisory Board, and is certainly not applicable to the State of Maryland.

Water pollution is unquestionably a domestic crisis that will continue to grow in seriousness in the months and years ahead. Yes, there is local responsibility; but one only has to look at the Potomac River, which passes practically under the back porch of the White House, to grasp to some degree the national scope of the problem involved.

The Honorable J. Millard Tawes, Governor of the State of Maryland, who has vigorously supported H.R. 3610 and has assisted the Maryland delegation in the House of Representatives, has furnished me, by messenger this morning, a most succinct statement as the value of the water pollution control program to the State of Maryland. The Governor has informed me that he supports fully our efforts to override the veto, and I would like to read into the RECORD at this point the Governor's statement:

> I am deeply disturbed by the President's veto of H.R. 3610. This Federal grant program, in the short time that it has been in effect, has combated water pollution with a vengeance.

This is the story in my own State of Maryland. We have received and allocated $2,241,622 of Federal funds since 1957. This sum has already resulted in the construction of $10,496,115 worth of sewage-treatment facilities. My State board of health estimates that we need to build some $50 million worth of sewage-treatment facilities to bring pollution under control. I am happy to report that we are well under way.

Our local communities, cities, towns, and sanitary districts, in cooperation with our State board of health, have projected their construction plans for the next 3 years. The plans call for:

Year	Number of projects	Estimated cost
1959–60	24	$11,019,000
1960–61	18	9,050,000
1961–62	19	9,100,000

The successful completion of these projects is, of course, predicated upon the continuance of the Federal grant program.

It is not financially possible for many small communities to build the needed treatment facilities by themselves. But the Federal program, supplemented as it is in Maryland, by an additional State grant program, has brought the Maryland pollution problem in sight of early solution.

As an example of cooperative federalism, this program as it operates in Maryland is unequaled. I want you to know that this Federal grant program has had the added effect in Maryland of creating a companion State grant program whereby any municipal corporation in Maryland that is eligible for a Federal grant is automatically entitled to an additional State grant. But if there is no Federal program, there is, automatically no State program.

It is, I think, no exaggeration to say that the Federal Water Pollution Control Act of 1956 has put Maryland in a position where it can now see a solution to its pollution problems. The Federal grant program plus the State grant program makes it possible for our small cities and towns to undertake the heretofore financially prohibitive construction of needed sewage treatment facilities. Our State health department is now armed with additional authority to enforce antipollution measures and our cities have been given the necessary legislative authority to borrow and spend the necessary moneys.

Mr. BOGGS. Mr. Speaker, the worst aspect of the President's veto of the Blatnik amendment to the Water Pollution Control Act is that it is a direct slap at local initiative.

The flood of mail which my office has received on the Presidential veto came from people and organizations on the local level who have moved ahead with great sacrifice and splendid initiative to meet the growing problem of water pollution control. They had counted on the backing of an administration which has constantly said that one of its great principles is the encouragement of local initiative to meet needs of the day.

Yet, the veto destroyed a move that was based squarely on the principle that local initiative should be encouraged and helped.

In the Second District of Louisiana, this veto dealt a terrific blow to a host of local people who had shown their willingness to attend to their local problems.

The Ninth Ward Sewerage Committee of Jefferson Parish wired me that:

> Residential expansion has been so rapid that many homes are equipped with septic tanks * * * resulting in what we consider a serious health menace. After 2 years we have succeeded in getting a sewerage district for our area of 9,000 people. Plans have started for a central sewage treatment plant. Loss of Federal aid will probably kill this project.

Here were people moving with good faith in a direction that would indicate they are completely willing to play their part in meeting a serious problem.

From all over my district, the same word came. The Jefferson Parish Council said that "the continued growth of Jefferson Parish" depended on the recognition and help provided in the Pollution Control Act. President Charles Spencer and Chairman Russ Roberts said that need for the law was "very important." Here is an entire area looking to its needs and moving to meet them.

The president of the Louisiana Municipal Association, Sidney Gray, pointed out simply that "the towns and cities of Louisiana desperately need the additional funds that this bill provides."

From Kenner, La., Mayor Joseph Maggiore wrote that lack of the funds caused by the veto would "prejudice the proposed program of sanitary sewerage facilities" for his community. He, too, could tell of the dedicated work and financial sacrifice of his people in moving to meet the problem of pollution control.

Mr. Speaker, it is utterly beyond my understanding how an administration which has bombarded us constantly with statements about how it wanted to encourage local initiative could veto a bill that so faithfully fits this principle, a bill that in every way makes it possible for local governments and individuals to meet the growing menace of pollution.

The administration goes so far as to admit that this is a nationwide problem. Yet it blandly flies in the face of the problem and its own solemn principle.

Mr. Speaker, the administration has shown a lack of faith in its own principles. It has confused and sadly discouraged millions of people, including the people of the Second District of Louisiana, with its veto of the Blatnik amendment.

The veto will make even more critical the Nation's pollution problem. It will intensify the pressure and the necessity in coming years for Congress to undertake a massive crash program to meet a national problem of monumental proportions.

Worst of all, the veto disheartens the Americans who have been moving ahead meet a local problem. They have had the rug pulled out from under them by an administration which has promised time and again that such initiative and sacrifice would be encouraged and rewarded.

Mr. OLIVER. Mr. Speaker, during the period that the Federal Water Pollution Control Act has been in effect, there has been in my State a continuously increasing volume of interest in many communities to initiate action to abate the critical condition of pollution of our streams and our coastal areas.

Maine has developed over recent years an ever-increasing popularity as a most agreeable recreational area. This popularity is certain to grow. But, Maine, blessed as it is with relatively clean waters, desperately needs the expanded financing available through this program, envisioned by H.R. 3610, which has been vetoed by the President.

Several of our municipalities have already taken advantage of this constructive program. Many others are in the process of planning to take advantage of the expansion which will be available if the veto of the President is overridden here, today.

The issue seems entirely clear to me. Does America intend to clean up its polluted waters which are a dirty and filthy menace to our present and future generations with as much dispatch as is possible, or does America resign itself with an attitude of financial defeatism to a most inadequate and parsimonious effort which cannot and does not measure up to the needs?

My decision to support the expanded cleanup program by voting "aye" to override the President's small economy-size thinking about a formidable national problem is based upon the filthy conditions of pollution as I know them to exist in my congressional district.

Only last summer, residents of the Presumpscot-Martin's Point area of Portland actually became nauseated by the stench of polluted waters. Paint on their houses became discolored and actually eroded as a result of the polluted air, emanating from this manmade cesspool. If this Federal program is not expanded, the hope of these good citizens for a remedy will be frustrated for years to come. There has to be supporting action here today, rather than another of these fruitless White House conferences while sewage flows all around us.

Our rivers, streams, and coastal areas are a priceless heritage of which pollution by man makes a mockery. Of course, for pound-foolish reasons we can tolerate almost any disagreeable and unsanitary condition. But the wise and prudent policy is to correct such conditions as expeditiously as constructive planning can be done. Anything less than this is selling out our heritage for a mess of sewage.

Of course, I have received messages of opposition by industry, both individually and collectively. The following is a typical position traditionally taken by the Associated Industries of Maine:

> Regarding H.R. 3610. We feel this bill far too costly and unduly restrictive. Also broadening scope of Federal authority seems neither necessary nor wise at this time. Respectfully urge your giving strong consideration to upholding Presidential veto.

On the other hand, I am grateful for the support of far-sighted, clear-thinking leaders, such as Mr. Frank G. Chapman, executive secretary, Maine Municipal Association:

> Urge that you strongly support water pollution control bill H.R. 3610. Passage of this bill will assist several municipalities now applying for Federal assistance and will give greater stimulus to other communities.

It is also encouraging to have the continued support of the Maine Water Improvement Commission whose executive director and engineer, R. D. MacDonald wired as follows:

> Resolution of Maine Water Improvement Commission membership made at meeting of February 24 urges passage of Blatnik bill (H.R. 3610). This bill essential to continuous speeding up of pollution abatement program. Urges your support.

Sewer-choked rivers, poisoned streams and filthy shorelines are a critical detriment and a real threat in every part of the Nation; but to Maine, especially with its natural water resources, it is actually criminally negligent for us to tolerate this manmade filth to the point where living alongside of open sewers has become common practice.

In conclusion, Mr. Speaker, my vote, today, to override this misguided veto of the President is, in my opinion, one of the most constructive decisions which I have been privileged to make in this 86th Congress.

Mr. ELLIOTT. Mr. Speaker, the decade of the 1950's saw an awakening of the American people to the value of water. During this 10-year period, in community after community, all across the country, our people began to grasp the importance of conserving our water resources. And, for the first time we began to take concentrated action to conserve and develop and clean up our water and our rivers and streams. We became more aware of water pollution and its effects on the health and well-being of our population.

I am confident, Mr. Speaker, that during the 1960's we are going to witness an even greater expansion of interest in water conservation and purification.

I have seen this awareness of the importance of water develop in my own State of Alabama. The people of the Seventh Congressional District, whom I have the honor to represent in the Congress, have demonstrated their awareness and their interest by making plans and forming organizations so as to get better water systems and to improve our rivers and streams.

The Water Pollution Control Act, passed by Congress in 1956, is truly pioneering legislation. It has greatly aided cities and towns in making proper plans for sewage treatment and disposal and has accelerated construction of municipal systems.

In light of the success of the program to date, and in view of the unmet needs, it is indeed difficult to understand President Eisenhower's action in vetoing H.R. 3610, a bill to increase grants for construction of sewage treatment works. It appears to me that the President is placing budgetary considerations ahead of equally important considerations in this field. Our own streams are filled with filth, disease, and wastes of all sorts.

The President's budget for this year, Mr. Speaker, called for a $20 million appropriation for pollution control purposes for fiscal 1961. This is $30 million less than we are spending for fiscal 1960. In my own State of Alabama, cities are now seeking grants of $300,000, but only $45,000 of Alabama's appropriation is left.

Alabama used every dime of its first appropriation of $2,307,300 in 1957–58; we used every dime of our 1959 appropriation of $1,144,725; and we will use every dime of our 1960 appropriation of $1,122,-100. Yet, a survey made by our State shows that some 30 communities still need Federal assistance totaling $3,223,-000 in order to correct and improve water pollution already surveyed. The needs of my State are much greater than the amount of money that would have been provided it under the bill vetoed by President Eisenhower. Alabama would have received $2,020,005 under the vetoed bill, H.R. 3610. The President's budget for this year would have given Alabama $448,890, or about 15 percent of its need.

I do not subscribe to the argument that communities would delay needed water-pollution abatement methods while awaiting a Federal grant. The facts are, Mr. Speaker, that Federal grants have speeded up construction and local efforts. Before the adoption of the Water Pollution Control Act in 1956, the annual average expenditure for pollution control was $222 million. In 1957 this rose to $351 million with Federal assistance. In 1958 it rose to $400 million.

In the country as a whole, local communities have spent nearly $5 for every Federal dollar spent.

I want to point out, Mr. Speaker, where these Federal grants have been going. Cities with a population of 5,000 or less have received 64 percent of the Federal grants made to date. Cities with populations between 5,000 and 10,000 have received 14 percent of the grants. When President Eisenhower talks about communities and States taking care of their own water problems, he

has forgotten that communities of this size do not have the tax base to raise the revenues necessary to do the job.

Since 1956 when the Water Pollution Control Act was adopted, four communities in the Seventh Congressional District of Alabama have received grants. Oneonta received $38,883 on a $284,404 project; Winfield received $42,000 on a $140,000 project; Haleyville received $108,600 on a $363,000 project; and Jasper received $250,000 on a $997,000 project.

Cordova has an application for a $90,000 Federal grant in order to begin a $300,000 project. But Cordova is competing for that money with two other Alabama cities. The three cities want a total of $400,000. Yet all that is left in the present budget is $45,000.

And what of the future? Some 30 Alabama communities have been surveyed by the State and need according to the survey $3,223,000 in Federal funds to help do the necessary work on pollution and sewage treatment.

Under the vetoed bill, Alabama would have received $2,020,000 next year. Under the President's budget request the State would have received $448,890.

I urge the U.S. House of Representatives to override the President's veto of this bill. It will go a long way toward controlling pollution of our streams and water courses. It will make America stronger.

Mrs. PFOST. Mr. Speaker, Members of the House most certainly should vote to override the President's veto on the water pollution bill before us. Unless we do, we are not keeping faith with the citizens of America.

Today we hear a great deal of talk about meeting the Soviet challenge. But I believe, that in many ways, the job of meeting the needs of our own Nation and our own people poses every bit as great a challenge as the Soviet Union, for we cannot expect to successfully meet their challenge until we fulfill our own.

The Nation today is falling behind in the fight against wasteful pollution. The problem can be expected to grow more serious and more expensive to resolve with each passing year.

The President, in his veto message on H.R. 3610, emphasized that he recognized the rivers and streams of our country as a priceless national asset. But his solution was that same, timeworn administration tactic of putting off a job that has to be done by calling another conference.

I think Members of the House will agree that we have already had too many conferences and too much talk and too little action from the administration on the water-pollution issue.

I believe that H.R. 3610 represents a program of prevention. It recognizes that the job must be done now and that a dollar spent now will save the taxpayer many, many times the amount having to be spent to do precisely the same job in the future.

Water use in this country is expected to double within the next 20 years. The days are over when we can take water for granted. We cannot assume we are always going to have all we need because scientists tell us that this is not the case.

Our Nation's exploding population is putting an ever-greater strain on our water resources. Just to insure that America's tap be kept running, we have engaged in costly experiments in purifying brackish water and desalting seawater. But what is needed in addition to such experiments is the broad attack on the pollution problem that is represented in this legislation.

It is pollution that destroys the usefulness of water. Pollution is a topic on which too many people have become all too careless in America in recent years. New industries have boomed since World War II and they are tremendous users of water. The wastes that one such small chemical plant can pour into a stream, for example, can literally make that stream unusable as a water supply source for years. It is then, that the job or cleaning that stream takes on such grossly expensive proportions.

The magazine U.S. News & World Report, in its February 29 issue, contains an article posing the question, "How Pure is Your City Water?" It points out that the problem of keeping drinking water free and clear from disease-carrying organisms is becoming an increasing problem in many American cities.

The story describes the scientific research being done on the Nation's drinking water at the Robert A. Taft Sanitary Engineering Center in Cincinnati, Ohio. I recommend the article for reading by everyone. It concludes with this telling quotation from Bernard B. Berger, Chief of the Water Supply and Water Pollution Research Plant at the Center: "The burden on water is increasing. You put in a sewage treatment plant and there is unquestionably an improvement in water below the plant. Working against that, however, is the growing population and the increasing industrial establishment of the country. It is going to take a lot of effort to stay even with the problem and more if we are going to make any improvement."

I think that H.R. 3610 is one good answer to the question posed in the U.S. News & World Report article.

My own State of Idaho is one of the finest fishing and outdoor playgrounds in the United States. Maintaining stringent water pollution control and having modern sewage treatment plants in tip-top condition is vital to our well being and progress. Under the bill, Idaho would receive $1,060,065 for fiscal 1961, and I must add that every dollar would be put to good use in my State.

I think this legislation is sorely needed at this time. I emphasize again that an ounce of prevention now will save millions, and possibly billions, of tax dollars in the future. It is the future for which we must plan if we to create a strong and healthy America for our ever-growing population.

Mr. BLATNIK. Mr. Speaker, we have no further requests for time.

I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 249, nays 157, answering "present" 1, not voting 23, as follows:

[Roll No. 6]

YEAS—249

Abernethy	Giaimo	Natcher
Addonizio	Granahan	Nix
Albert	Grant	O'Brien, Ill.
Alexander	Gray	O'Brien, N.Y.
Anderson, Mont.	Green, Oreg.	O'Hara, Ill.
	Green, Pa.	O'Hara, Mich.
Andrews	Griffiths	O'Neill
Anfuso	Hagen	Oliver
Ashley	Hardy	Passman
Aspinall	Hargis	Patman
Bailey	Harmon	Perkins
Baldwin	Hays	Pfost
Barden	Healey	Philbin
Barr	Hébert	Pilcher
Barrett	Hechler	Poage
Bass, Tenn.	Hogan	Porter
Beckworth	Holifield	Powell
Bennett, Mich.	Holland	Preston
Blatnik	Holtzman	Price
Blitch	Huddleston	Prokop
Boggs	Hull	Pucinski
Boland	Ikard	Quigley
Bolling	Inouye	Rabaut
Bowles	Irwin	Randall
Brademas	Jarman	Reuss
Breeding	Jennings	Rhodes, Pa.
Brewster	Johnson, Calif.	Riehlman
Brock	Johnson, Colo.	Riley
Brooks, Tex.	Johnson, Md.	Rivers, Alaska
Broomfield	Johnson, Wis.	Rivers, S.C.
Brown, Ga.	Jones, Ala.	Roberts
Brown, Mo.	Jones, Mo.	Rodino
Buckley	Karsten	Rogers, Colo.
Burdick	Karth	Rogers, Mass.
Burke, Ky.	Kasem	Rooney
Burke, Mass.	Kastenmeier	Roosevelt
Byrne, Pa.	Kee	Rostenkowski
Canfield	Kelly	Roush
Carnahan	Keough	Rutherford
Casey	Kilday	Santangelo
Celler	King, Calif.	Saund
Chelf	King, Utah	Saylor
Chenoweth	Kirwan	Scott
Clark	Kitchin	Selden
Coad	Kluczynski	Shipley
Coffin	Kowalski	Sikes
Cohelan	Landrum	Sisk
Conte	Lane	Slack
Cook	Lankford	Smith, Iowa
Curtin	Lennon	Smith, Miss.
Daddario	Lesinski	Spence
Daniels	Levering	Staggers
Davis, Tenn.	Libonati	Steed
Dawson	Loser	Stratton
Delaney	McCormack	Stubblefield
Dent	McDowell	Sullivan
Denton	McFall	Teller
Diggs	McGinley	Thomas
Dingell	McGovern	Thompson, La.
Donohue	Macdonald	Thompson, N.J.
Doyle	Machrowicz	Thompson, Tex.
Dulski	Mack, Ill.	Thornberry
Durham	Madden	Toll
Edmondson	Magnuson	Trimble
Elliott	Marshall	Udall
Everett	Martin	Ullman
Evins	Matthews	Vanik
Farbstein	Merrow	Van Zandt
Fascell	Metcalf	Vinson
Fisher	Meyer	Walter
Flood	Miller, Clem	Wampler
Flynn	Mills	Watts
Fogarty	Moeller	Whitener
Foley	Monagan	Whitten
Forand	Montoya	Wier
Fountain	Moorhead	Willis
Frazier	Morgan	Wolf
Friedel	Morris, N. Mex.	Wright
Fulton	Morris, Okla.	Yates
Gallagher	Morrison	Young
Garmatz	Moss	Zablocki
Gathings	Moulder	Zelenko
Gavin	Multer	
George	Murphy	

NAYS—157

Abbitt	Allen	Arends
Adair	Andersen, Minn.	Ashmore
Alger		Auchincloss

Avery	Gary	Moore
Ayres	Glenn	Mumma
Baker	Goodell	Murray
Barry	Griffin	Nelsen
Bass, N.H.	Gross	Norblad
Bates	Gubser	Norrell
Baumhart	Haley	Osmers
Belcher	Halleck	Ostertag
Bennett, Fla.	Halpern	Pelly
Bentley	Harris	Pillion
Berry	Harrison	Pirnie
Betts	Hemphill	Poff
Bolton	Henderson	Quie
Bosch	Herlong	Ray
Bray	Hess	Reece, Tenn.
Brooks, La.	Hiestand	Rees, Kans.
Brown, Ohio	Hoeven	Rhodes, Ariz.
Broyhill	Hoffman, Ill.	Robison
Budge	Hoffman, Mich.	Rogers, Fla.
Byrnes, Wis.	Holt	Rogers, Tex.
Cahill	Horan	St. George
Cannon	Hosmer	Schenck
Cederberg	Jackson	Scherer
Chamberlain	Jensen	Schwengel
Chiperfield	Johansen	Short
Church	Jonas	Siler
Collier	Judd	Simpson, Ill.
Corbett	Kearns	Smith, Calif.
Cramer	Keith	Smith, Kans.
Cunningham	Kilburn	Smith, Va.
Curtis, Mass.	Knox	Springer
Curtis, Mo.	Kyl	Taber
Dague	Lafore	Taylor
Davis, Ga.	Laird	Teague, Calif.
Derounian	Langen	Thomson, Wyo.
Derwinski	Latta	Tollefson
Devine	Lindsay	Tuck
Dixon	Lipscomb	Utt
Dooley	McCulloch	Van Pelt
Dorn, N.Y.	McDonough	Wallhauser
Dorn, S.C.	McIntire	Weaver
Dowdy	McMillan	Weis
Downing	McSween	Westland
Dwyer	Mack, Wash.	Wharton
Fenton	Mailliard	Williams
Fino	May	Wilson
Flynt	Meader	Winstead
Ford	Michel	Withrow
Forrester	Miller, N.Y.	Younger
Frelinghuysen	Milliken	

ANSWERED "PRESENT"—1

Mahon

NOT VOTING—23

Alford	Cooley	Mitchell
Baring	Fallon	O'Konski
Becker	Feighan	Rains
Bonner	Kilgore	Shelley
Bow	Mason	Sheppard
Boykin	Miller,	Teague, Tex.
Burleson	George P.	Wainwright
Colmer	Minshall	Widnall

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas and Mr. Kilgore for, with Mr. Mahon against.

Mr. Feighan and Mr. Shelley for, with Mr. Becker against.

Mr. Rains and Mr. Bonner for, with Mr. Wainwright against.

Mr. Widnall and Mr. Cooley for, with Mr. Bow against.

Mr. Miller of California and Mr. Sheppard for, with Mr. Mason against.

Mr. Alford and Mr. Baring for, with Mr. Minshall against.

Until further notice:

Mr. Mitchell with Mr. O'Konski.

Mr. MAHON. Mr. Speaker, I have a live pair with the gentleman from Texas [Mr. TEAGUE] and the gentleman from Texas [Mr. KILGORE]. Were they present they would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The message and the bill, together with the accompanying papers, are referred to the Committee on Public Works and ordered to be printed.

The Clerk will notify the Senate of the action of the House.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from INDIANA [Mr. WAMPLER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WAMPLER. Mr. Speaker, I have voted today to override President Eisenhower's exceptionally inadvisable veto of the Congress' legislative recommendations for continuing and expanding the Nation's impressively beneficial domestic program to assist local communities combat health and safety dangers resulting from water pollution.

While asking Congress to appropriate $4.1 billion of the taxpayers' money to strengthen the military and economic positions of other countries throughout the world, Mr. Eisenhower, once again, through some mysterious reasoning process, has decided to turn his back on our fundamental domestic needs—such as clean, filth-free water.

I think it significant, Mr. Speaker, to point out that the administration's very generous foreign aid program contemplates, as it has in the past, the construction of oversea civic improvement facilities of exactly the same or of a very similar nature to those which, by Presidential veto, will be to an appreciable extent denied the United States.

Although the administration, in a commendable, but frenzied and often self-defeating dedication to budget balancing, has extolled, long and hard, the extreme virtues of "paying your own way" and "standing on your own two feet," the Chief Executive apparently has overlooked the fact that for every Federal dollar awarded a community for sewage plant construction local interests put up almost five times that amount.

Nonetheless, the President has rejected Congress' quite modest proposal to increase from $50 million to $90 million a year for 10 years the water pollution abatement program; a program designed to free the Nation's communities from the painfully obvious health perils of sewage-laden waters.

Contrary to the administration's belief that local municipalities would delay essential water pollution abatement efforts while they waited for Federal funds, it has been pointed out that local sewage facilities construction has increased from 60 to 75 percent over the previous 5-year average prior to the time grants were available.

Mr. Speaker, the Federal Water Pollution Control Act commands, understandably, universal respect, popularity, and appeal. In the State of Indiana, as of December 31, 1959, 33 cities and towns have received funds under the act. They are: Alexandria, Bloomfield, Carmel, Columbia City, Decatur, Ellettsville, Evansville, Fairmount, Fort Wayne, Fremont, Galveston, Gas City, Huntingburg, Jonesboro, Lagrange, Martinsville, Middletown, Monon, Morristown, Napoleon, New Albany, North Vernon, Palmyra, Paoli, Petersburg, Pierceton, Shelbyville, Sullivan, Sunman, Tipton, Vincennes, Wabash, and Winchester.

Indiana localities which have taken advantage of the act's provisions to help reduce, if not rid, their communities of water pollution problems range in population from less than 2,500 to 250,000.

For the 33 Indiana sewage treatment projects, eligible construction costs have been approved totalling $21,116,102, on the basis of which the Government has made grant offers of $4,099,895. Currently, there are 12 Indiana projects under construction for which eligible costs total $13,674,911 and grants have been made amounting to $2,112,182. Thirteen Indiana projects costing $4,369,290 have been completed; the Government supplied $1,205,743.

I note, with interest, Mr. Speaker, that the community of Carmel, Ind., which I have the honor to represent, received a grant under the act in December 1959, for $87,955.20 on a new treatment plant costing a total of $293,184.

In addition, the U.S. Department of Labor, Health, Education, and Welfare, Public Health Service, has received applications from 26 other Indiana towns and cities for grants under the act, including the city of Zionsville, Ind., which has requested $132,000 for a pollution control project estimated to cost $483,000.

There are also, I am informed, 23 more Indiana community applications for Water Pollution Control Act grants presently pending before the Stream Pollution Control Board, Department of Health, State of Indiana, 1330 West Michigan Street, Indianapolis, Ind. Terre Haute, the largest city in the Sixth Indiana Congressional District, I am told, is expected to file an application for sewage treatment construction plant funds.

Indiana's Water Pollution Control Act allocation for fiscal 1960, Mr. Speaker, was $1,040,825. Upon investigation, I have determined that as of February 15, 1960, Indiana had obligated all but $2,000 of its 1960 Pollution Control Act funds, a fact which I think testifies eloquently to the act's absolute appeal and strongly indicates that President Eisenhower's contention that water pollution control is fundamentally a local responsibility is shaky, if not incorrect, at least in the State of Indiana.

AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 349)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with Section 206(b) of the National Aeronautics and Space Act of 1958, I am transmitting herewith the second annual report on the Nation's activities in the fields of aeronautics and space.

During 1959, the Nation's space effort moved forward with purpose and its accomplishments were many, as this report recounts. In the short period of a single year, a program of great complexity and scope was alined so that the scientists of many organizations in and out of Government could pool and coordinate their knowledge and skills. Much information of far-reaching significance was acquired on the frontiers of science and technology; substantial gains were made, ranging from advances in aircraft and space vehicle design to greatly improved understanding of the atmospheric and space environment in which our planet exists and by which its natural forces and life are conditioned.

The year was also one of transition. The national space program grew in breadth and depth—benefiting greatly from the tremendous efforts of the American scientists and technicians who, in the short space of the past 5 years, have performed miraculously in developing U.S. rocket technology.

This report details the steps taken during 1959 to establish a firm foundation for a dynamic program of space exploration, and it summarizes the contributions of Federal agencies toward the paramount goal: the conquest of space for the benefit of all mankind.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 22, 1960.*

DISPENSING WITH PRIVATE CALENDAR NEXT TUESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Private Calendar on Tuesday next may be dispensed with.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADDRESS BY CONGRESSMAN FRANCIS E. WALTER, CHAIRMAN, COMMITTEE ON UN-AMERICAN ACTIVITIES, BEFORE AMERICANISM COMMISSION OF THE AMERICAN LEGION AT NEW ORLEANS, LA.

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include an address.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Speaker and gentlemen of the House, on last Monday on the occasion of George Washington's birthday, I had the distinct privilege of accompanying our colleague the gentleman from Pennsylvania [Mr. WALTER] to New Orleans to be signally honored by the American Legion. He was presented with the George Washington Great American Award. On that particular occasion, the distinguished gentleman delivered what, in my opinion, is one of the finest and most far reaching addresses on the subject of communism and infiltration into our American way of life that I have ever heard. The address is of such great moment, Mr. Speaker, that I believe it proper that I take this particular time to call it to the attention of every Member of the House of Representatives and to invite every Member to read this address which, under the unanimous consent of the House, I shall add to my extension of remarks at this time.

May I say again, Mr. Speaker, the House should be proud of the chairman of the Committee on Un-American Activities for the splendid job he is doing and for his devotion to duty. He is a credit to this body.

Mr. Speaker, the address by our colleague is as follows:

ADDRESS BY CONGRESSMAN FRANCIS E. WALTER, CHAIRMAN, COMMITTEE ON UN-AMERICAN ACTIVITIES, BEFORE AMERICANISM COMMISSION OF THE AMERICAN LEGION, FIRST DISTRICT OF LOUISIANA, AT THE MONTELEONE HOTEL, NEW ORLEANS, LA., FEBRUARY 22, 1960

It is a gratifying experience for me to visit at the grassroots of our Nation with those who are dedicated to fundamental Americanism. In fact, if it were not for an occasional refreshment and invigoration which comes from a fellowship of this kind, those of us who are constantly confronted in our official duties with the machinations of the Communist conspiracy would become hopelessly discouraged.

I am especially gratified at the opportunity of joining here my colleague, ED WILLIS, with whom it is my privilege to serve on both the House Judiciary Committee and the Committee on Un-American Activities. I can testify from firsthand observation that he is one of the outstanding Americans on Capitol Hill who is doing a tremendous job not only for the people whom he represents, but for his State and Nation. Likewise, I am happy to pay tribute to my good friend, ED HÉBERT, who is always firmly on the side of sound government and the cause of Americanism. Louisianians may take justifiable pride in both of these men because they reflect great credit on you who have sent them to the Halls of Congress.

It is appropriate that the commemoration of the birthday of George Washington be observed by an organization which grew out of the crucible of a war to defend this Republic which Washington did so much to establish. The guns of World War I were hardly silent before the American Legion was formed at a caucus of the first American Expeditionary Force held in Paris, in 1919.

On Armistice Day, less than a year later, in a small town of Centralia, Wash., veterans of the newly formed American Legion prepared for appropriate ceremonies and a parade. To the lively tune of World War I music the parade began. After only a few paces eight of their number lay sprawled in the middle of the street, four dead and four severely wounded by machineguns in the hands of the subversive Industrial Workers of the World. That baptism in blood caused the national convention of the American Legion which was then in session to bring into being the National Americanism Commission of which this Louisiana commission is an integral part and which through the years has been in the forefront of the fight against subversion and for the cause of freedom. In establishing the National Americanism Commission, the American Legion took cognizance of an all-important fact: that the freedom which was bought with bloodshed and human life on the battlefield could be lost in other arenas on conflict.

As one who is a veteran of both World Wars I and II, I would be the last to underrate the importance of military strength as a necessary safeguard of our freedom. The clash of arms at Bunker Hill, Lexington, and Concord, the roar of cannon in the Argonne Forest, the hail of steel on the beaches of Normandy, Guadalcanal, and Okinawa attest to the role of physical force as a price of liberty. We are spending over $40 billion this year for military defense and you who have faced the enemy on field of battle know that we cannot afford a second-best military establishment.

But the obvious question is: Who and where is the enemy? Just a few months ago the Premier of the Soviet Union visited these shores and repeatedly and solemnly assured us of his peaceful intentions. What does he mean by "peaceful intentions"? His record of murder, deceit, treachery, broken promises, and brush-fire wars over the globe hardly confirms his professions of peaceful intention if that term is to be construed as an absence of conflict. Without accrediting any good faith whatsoever to Khrushchev and his cohorts, however, as calculating realists bent on world domination by the Communist conspiracy, they must recognize the folly of an all-out thermonuclear war in which there can be no victor. In this relative military stalemate, then, the chief arena of conflict between the forces of freedom and international communism shifts from the military to the nonmilitary. The enemy's threat, however, becomes even more dangerous, because it is more difficult to detect and engage in combat. His arsenal includes weapons of internal subversion, espionage, sabotage, propaganda, and economic and political warfare. His objective remains the same: destruction of all free societies, conquest of the world and enslavement of mankind. The battlefields are every institution and organization of society including the home, the church, the school, and every agency of our Government.

As chairman of the Committee on Un-American Activities which is charged with the responsibility of maintaining a continuous surveillance over the operation of the Communist conspiracy on American soil, I regret to report that the forces of atheistic communism have penetrated the lines of our defense on every front and that they are gnawing now at the vitals of our Republic. Time would not permit me to discuss with you all of the fronts on which the Communist subversive warfare is being waged in America. Let me, therefore, comment on a typical single breakthrough by the Communist conspiratorial forces, namely, in the field of legal subversion.

Over the course of the last 20 years, due largely to the intense efforts of the investigating committees of the Congress and the work of such patriotic organizations as the American Legion, there were forged

formidable legal weapons to cope with the Communists and Communist activities. But, as you shall shortly see, many of these weapons have been blunted and rendered ineffective by judicial interpretation or have been lost in a maze of continuances and delays so that for all practical purposes most of our laws against subversion are presently only so many words in the musty lawbooks—impotent and archaic. Let me give you a few illustrations.

In 1950—10 years ago—after exhaustive and painstaking efforts, the Congress of the United States enacted the Internal Security Act which requires registration with the Attorney General of Communist organizations and disclosures by them of certain information. The legal processes involved contemplated a finding against the Communist Party itself, and thereafter similar findings against the hundreds of Communist fronts which are operating in the United States. Notwithstanding the fact that all of the administrative processes have long since been completed, and that 4 years ago the Supreme Court had full argument on the case, the Court has yet to issue its opinion. Just several days ago, on February 5, the Court, on petition of the Communist Party's lawyers, again continued the case until next October. A companion case arising under the Smith Act has been on the Court's docket for five successive terms and has been twice fully argued. Mr. Justice Clark, in dissenting from the Court's order continuing this case, stated, "I have found no appellate case in the history of the Court that has been carried on the active docket so many consecutive terms or argued so often."

The Smith Act, which is involved in the companion case, has all but been emasculated by the Court. The Smith Act has two principal provisions, the first of which makes it a crime to teach and advocate the forcible overthrow of the U.S. Government. The second principal provision of the Smith Act makes it a crime to organize a group committed to the overthrow of the Government. In *Yates* v. *The United States* the Supreme Court reversed convictions under the Smith Act of 14 known leaders of the Communist conspiracy operating on American soil. In this opinion, which is a masterpiece of legal juggling with plain meaning of words, the Court held that the teaching and advocating of the forcible overthrow of the U.S. Government was not punishable even though the Smith Act says it was. The Court likewise said that the term "organize" as used in the Smith Act was meant by the Congress to refer only to the acts of organizing the original Communist Party some 40 years ago and did not embrace other organizational activities engaged in by Communists since then. Since the Court's opinion in the Yates case in June of 1957, the convictions of over 30 key Communist leaders have been reversed on the basis of its language in that case. Judge Richard H. Chambers of the U.S. Court of Appeals, in reversing the convictions of 11 Communist Party leaders because of the decision in the Yates case, said that this decision "leaves the Smith Act, as to any further prosecutions under it, a virtual shambles."

And here are the words of Dorothy Healey Connelly, chairman of the Los Angeles Communist Party, respecting the Court's opinion: "This is the greatest victory the Communist Party in America has ever received."

But the Yates case is not unique in its decimation of our security laws. It only follows a pattern. In *Cole* v. *Young*, the Supreme Court ruled that an employee of the Federal Government could not be dismissed under the Summary Suspension Act in the interest of national security unless he occupied what the Court described as a "sensitive position." In other words, according to the Court's opinion, it is perfectly proper to have a Communist in the file room where security reports are kept so long as his official position does not technically entitle him to have access to the reports. In passing, may I say that, as a result of the decision in the *Cole* v. *Young* case, 109 employees of the Federal Government who had been dismissed as security risks have now been restored to Government service, including employment in such agencies as the Air Force, the Army, and the Navy; and 74 are still on the rolls.

In the Kent-Briehl case the Supreme Court reviewed the action of the Secretary of State who had denied applications for passports filed by known, identified Communist agents. The Court struck down his authority to withhold the passports on the theory that the passports were being denied because of their "beliefs and associations." Shortly afterwards, the Committee on Un-American Activities conducted a series of hearings in which we interrogated over a dozen International Communist agents who then had in their possession U.S. passports which had been issued to them to use in their worldwide missions on behalf of the Communist conspiracy.

The first witness whom we heard was Harry Bridges, head of the International Longshoremen's Union, an International Communist agent, who had just returned from Europe where he had traveled on a U.S. passport for the purpose of conferring with the leaders of Communist controlled longshoremen unions. He bluntly told our committee that in event of war in the Far East with Red China, he would do all in his power to block shipment of munitions to our allies. He left the United States again shortly after the hearings on a U.S. passport to confer with Communist agents in the Far East.

Just last year in the case of *Greene* v. *McElroy* the Supreme Court held invalid virtually the entire industrial security program of the Defense Department on the ground that it is not clear that the President or the Congress "within their constitutional powers specifically have decided that the imposed procedures are necessary and warranted and have authorized their use." Listen to these words of Mr. Justice Clark in his dissent to the Court's opinion:

"Surely one does not have a constitutional right to have access to the Government's military secrets.

* * * * *

"What for anyone else would be considered a privilege at best has for Greene been enshrouded in constitutional protection. This sleight of hand is too much for me."

In the Nelson case, the Court blocked all prosecutions of subversives under State laws. In the Jencks case the Court ripped to shreds the protective security of secret FBI reports. In *Nowak* v. *The United States* the Court held that before a Communist can be denaturalized, it must be shown not only that he was a member of the Communist Party but that he, within his own mind, subjectively knew of the program of the Communist Party. This, of course, is impossible of proof. In *Rowalt* v. *Perfetto* the Supreme Court ruled that in attempting to deport a Communist alien, proof of the alien's membership in the Communist Party was not sufficient to sustain the order of deportation; that the Immigration and Naturalization Service had to prove that the alien in addition had what the Court described as a "meaningful association with the Communist Party." This, likewise, is impossible of proof.

I could go on to the point of monotony with case after case in similar vein, but I shall mention only one more, the Watkins case, in which the Court stated that a congressional committee has unquestioned power to expose graft, corruption, waste, and inefficiency, but that it cannot expose Communist activity because the Court equates this with "political action and political belief."

Lest I appear to be alone in my concern over this pattern of the Court's opinions, let me point out that several months ago the Conference of Chief Justices of the Appellate Courts of the States issued a grave warning in its report on Federal-State relationships as affected by judicial decisions, and expressed dire apprehensions over the Court's reckless disregard of the fundamental principles of our Anglo-Saxon system of law.

Likewise, a special committee on Communist strategy, tactics, and objectives of the American Bar Association, after extensive study of the Court's opinions in security cases, stated:

"Many cases have been decided in such a manner as to encourage an increase in Communist activity in the United States through invalidation of State sedition statutes, and limitation of State and Federal investigating powers in the field of subversion although these cases might readily have been disposed of without so broadly limiting national and State security efforts. The paralysis of our internal security grows largely from construction and interpretation centering around technicalities emanating from our judicial process which the Communists seek to destroy, yet use as a refuge to masquerade their diabolical objectives."

But, you may properly ask, what can or should be done to patch up the holes in the dike? Every one of these decisions and others which I have not mentioned are or have been the subject of legislative proposals in the Congress for the avowed purpose of repairing the damage done to our security system by the Court's opinions. I myself have sponsored over a dozen such bills. But the legislative process, as you know, is slow and tedious. It involves extensive hearings, preparation of reports, debates in two bodies of the Congress, and with the continuous stream of adverse decisions, it is, to say the least, discouraging to try to keep up with the Court's assault on our security system.

But why are we confronted with this situation in which the handiwork of the Congress, which is composed of some of the ablest lawyers of the Nation, passes the scrutiny of the Federal trial judges and of the appellate courts until it reaches the Supreme Court where it is destroyed? You, here in the Southland, perhaps more than in any other section of our Nation, have heard condemnation of the Court and its opinions. Without taking issue with you on this score, let me call your attention to a situation which, I suggest, may have some bearing on the question, namely, the activities of Communist agents who are trained in the law.

Last year the Committee on Un-American Activities issued a report entitled "Communist Legal Subversion—The Role of the Communist Lawyer." In this report the committee points out that there is an elite corps of Communist lawyers who use the legal instruments of our society for the destruction of the very Government which sustains it.

In the past decade alone, our committee report states, identified Communist lawyers appeared in person before the U.S. Supreme Court or were on the principal brief in at least 32 important cases adjudicated by the Court on some vital issue affecting the operations of the Communist Party itself—but in none of these cases did the Court indicate its awareness that the lawyers who were practicing before it were themselves members of the Communist conspiratorial apparatus. In connection with our committee hearings on other subjects, more than 100 persons who have been identified as members of the Communist Party have also been identified as members of the bar.

I need not emphasize here that a Communist operates under an iron discipline which places his party's subversive purposes above professional and personal loyalties. Hear these words from a Communist pamphlet:

"A Communist must utilize a political trial to help on the revolutionary struggle. Our tactics in the public proceedings of the law courts are not tactics of defense but of attack. Without clinging to legal formalities, the Communist must use the trial as a means of bringing his indictments against the dominant capitalist regime and of courageously voicing the views of his party."

The Special Committee on Communist Tactics, Strategy and Objectives of the American Bar Association when confronted with these issues urged the disbarment of lawyers who are found to be members of the Communist Party or who invoke the fifth amendment regarding party membership. But then, my friends, we begin again the monotonous, vicious circle in the courts. In the Konigsberg case, the Supreme Court overruled the California court which had denied an applicant admission to the bar when he refused to answer questions about his Communist Party connections.

Permit me here, in all earnestness, to quote Scripture:

Mark 8: 18: "Having eyes, see ye not? And having ears, hear ye not? And do ye not remember?"

I need not impress you of this Commission that the stakes are high or that time is running out. I have, as I previously stated, discussed with you only one front in which the Communists are breaking through our lines of defense. The same story can be told on the many other fronts—in the field of propaganda, espionage, Communist activities among our youth, in our schools, in our defense plants, and in our communications facilities.

Is there an analogy? Can we look to history for a similar course of events? Let me conclude with neither optimism nor pessimism by quoting a letter written by George Washington to his cousin, Lund Washington, on June 12, 1776:

"Heaven knows how truly I love my country; and that I embarked in this arduous enterprise on the purest motives. But we have overshot our mark; we have grasped at things beyond our reach; it is impossible we should succeed; and I cannot with truth say that I am sorry for it; because I am far from being sure that we deserve to succeed.

"Our want of skill, our want of ammunition, in short, our want of everything which an army ought to have, are all, no doubt, exceedingly against us; but they are all nothing to our want of virtue. * * *

"There are not a hundred men in America that know our true situation; three-fourths of the Congress itself are ignorant of it. * * *

"If it be the will of God, that America should be independent of Great Britain, and that this be the season for it, even I and these unhopeful men around may not be thought unworthy instruments in His hands. And should we succeed, we are heroes, and immortalized beyond even those of former times; whereas, disgrace only, and intolerable infamy await our retreat. In this persuasion I resolve to go on, contented, to save my country, or die in the last ditch."

A PROGRAM TO CONSTRUCT MORE POLARIS SUBMARINES TO BUILD MORE RAPIDLY A GENUINELY INVULNERABLE NUCLEAR DETERRENT FORCE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, I have today introduced for appropriate reference legislation which would appropriate $975 million for the construction of six Polaris ballistic missile submarines over and above those already provided for in the President's 1961 defense budget.

Mr. Speaker, the debate on our national defense posture has been a long and bitter one. I am one who believes it has also been a most constructive and helpful debate and has served to awaken the people of America to the needs of our national defense in these difficult days. But even in a democracy, Mr. Speaker, debate cannot continue indefinitely. In my judgment the time for debate has ended and the time for appropriate action is upon us.

This legislation is offered today in an effort to provide what I believe to be the most important significant step forward that this Congress can take to make sure that none of the dire consequences which have been suggested as a result of our unpreparedness will occur.

Mr. Speaker, looking back over this debate on our national defense, there has been a surprising amount of general agreement. There is agreement, for instance, that the United States is stronger today than the Soviet Union or any other power in terms of overall defense, because of the tremendous and undoubted strength of our long-range manned bombers of the Strategic Air Command. But it is also admitted by everyone in this debate, Mr. Speaker, that the Soviet Union can be expected in the months immediately ahead to increase her production of long-range intercontinental ballistic missiles at a rate greater than our own, and as these ballistic missiles are developed, in numbers which we can incidentally only judge at and not determine with real accuracy, then the power of our Strategic Air Command will drop correspondingly, because as the number of missiles increases the vulnerability of these planes, the possibility of their being destroyed on the ground before they can even leave to deliver their deterrent blows, will be increased.

This situation is a serious one indeed, as even the officials of the Air Force themselves recognize. The increasing vulnerability of our long-range bombers, which today constitute the major basis of our nuclear deterrent power, could, for example, give the Soviets the temptation to strike us first before we are prepared to strike back. And it could also make our own leaders perhaps somewhat uncertain of themselves in deciding when to launch a deterrent blow. If we had to wait for incoming missiles to fall to make certain that they really were missiles and that they really were directed against us, we might be tempted to fire quickly and perhaps even mistakenly rather than run the risk of losing our deterrent force altogether.

For all these reasons, Mr. Speaker, the Air Force itself has called for the inauguration of a so-called airborne alert, and there has been again general recognition on all sides in the current national debate on defense that such an alert is desirable at some particular time in the months ahead.

Given these facts, Mr. Speaker, on which, as I have indicated, there is, after all, a surprisingly large amount of general agreement, it follows then that our most urgent present need in the field of defense is to switch as rapidly as possible from a basic nuclear deterrent power which rests upon a weapon like the Strategic Air Command which is vulnerable and which is destined to become increasingly so, to one that is just as invulnerable as we can possibly make it. A good deal has been said in this debate about the matter of a missile gap and the so-called numbers game, revolving around a comparison of the number of long-range missiles in our possession as against the number of long-range missiles in the possession of the Soviets on any particular date.

But I submit, Mr. Speaker, that more important than any mere comparison of numbers should be the recognition that our really urgent need is to build our deterrent power around a weapon which is invulnerable rather than vulnerable; and if we can achieve this kind of invulnerability, differences in numbers need not disturb us so greatly. The quicker we shift from a vulnerable to an invulnerable deterrent, the more certain are we to be safe and secure.

Such an invulnerable weapon is already available to us in the Polaris ballistic missile firing submarine. It has been almost completely tested and engineered by the Navy and is expected to be fully operational in the fall of this year. This weapon is therefore available well ahead of any other that has been planned or conceived, and is also closer to absolute invulnerability than any other we have been talking about. This being so, Mr. Speaker, it seems to me that the only wise course is for this Congress to determine that we should move as quickly as possible to switching our deterrent power from the long-range manned bomber striking force to the Polaris ballistic missile firing submarine. The Chief of Naval Operations has testified that we need 45 of these ships on station in order to feel fully secure. If the President's 1961 budget is approved as recommended we will have funds only for 15. Surely, considering the importance of our problem, we ought to move more swiftly than this. If we are to make any error let us err on the side of safety rather than on the side of weakness. For these reasons I am proposing funds for the construction in the 1961 budget of 6 more Polaris submarines for a total of 21 at a cost of $975 million.

Of course this is an expensive addition to our defense budget, but it is the cheapest form of protection we can buy for our dollar. The cost of this program will not exceed the cost of 1 year of the full maintenance of an airborne alert; and yet at the end of the year we will have something left to show for our money. And if we can achieve the invulnerable deterrent which I believe these ships represent then we will have really moved far toward a stalemate

in nuclear warfare and we will then stand for the first time on the threshold of a real and genuine peace.

Mr. Speaker, I hope that the Members of the House and specifically of the Committee on Appropriations will consider this proposal carefully and will give it their full support.

U.S. PARTICIPATION IN PARIS UNION

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, I have introduced a joint resolution to authorize appropriations enabling the United States to carry its fair share of the expenses of the International Bureau for the Protection of Industrial Property—commonly referred to as the Paris Union. This Union deals principally, insofar as the United States is concerned, with international protection of patents and trademarks.

The Union provides basically that each country will accord to American nationals the same protection that it accords its own nationals. The Union has a central office or international bureau which performs clearinghouse services for all of the participating nations. Back in 1934 the budget of the Bureau was set at 120,000 Swiss francs—$27,900—to be shared by the participating countries according to a scale based on six classes. The United States being in class 1 contributes approximately 7,200 Swiss francs—$1,661. The 1934 budget, however, has long since become inadequate and in 1947 it was proposed to increase the total annual expense allowance to 214,000 Swiss francs—$49,700. All of the countries to the Union declared themselves in agreement, and since 1948, with the exception of the United States, have been paying the increase with respect to their individual contributions.

The United States, however, has not gone along with the increase for legal reasons, namely, the text of the Paris Union Convention stipulates that the annual expenses can be increased only by a decision taken at a diplomatic conference and then only by the unanimous consent of all the parties.

In 1958, at a diplomatic convention at Lisbon, Portugal, the U.S. delegation was prepared to support a unanimous decision to increase the Bureau's maximum expenses, in the light of the Bureau's inadequate budget. However, the conference was unable to reach unanimity because the Soviet bloc members maintained that unanimity was impossible because of the absence of East Germany. Other countries to the conference, including the United States, were unwilling to accept the Soviet argument that East Germany was entitled to a vote and, after prolonged negotiations proved fruitless, the matter was terminated.

However, the Lisbon conference did adopt a resolution inviting the countries to the Union, on their own initiative, so to speak, to raise their present contributions in order to bring the funds of the International Bureau to the amount of 600,000 Swiss francs annually.

Since 1948 the United States is the only country which pays its contributions on the 1934 basis, namely, $1,661 annual, whereas all the other participating countries pay their contributions on the basis of the suggested 1948 annual budget, and some are already contributing on the suggested 1958 figure.

The difference between what the United States is now paying and what its share would be under the increased budget is covered by the Swiss Government since the latter is responsible for making up the necessary advances.

The State Department favors an increase in the budget of the Bern Bureau.

In addition, as a member of the House subcommittee which has jurisdiction over patents and trademarks and therefore having a direct concern with legislation on these subjects, I feel it is in the best interests of the United States to conform with the practice of other member countries by raising its annual contribution to the International Bureau in order that the extremely valuable and important services of this activity may be continued. The United States has been receiving the benefits of the Paris Union but has not been paying its fair share of the expenses of that office.

The amount involved is not great. It calls for approximately $7,250 yearly for the foreseeable future and a one-time payment of a further amount of $10,514 to cover retroactively the increased budget to 1950. I hope the Congress will take favorable action on this meritorious legislation in order that a longtime inequity may be corrected.

FOREIGN AID: A BENEFIT OR AN EVIL

Mr. BREEDING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BREEDING. Mr. Speaker, I would like to call the attention of the House of Representatives to an article which has been written by my colleague, the Honorable NEWELL A. GEORGE, Member of Congress, representing the Second District of Kansas, on the subject of "Foreign Aid: A Benefit or an Evil." This article was written for the Kansas Business Review, published by the center for research in business of the University of Kansas, at Lawrence, Kans.

I want to commend my colleague, Congressman NEWELL A. GEORGE, for the very thorough knowledge he has displayed in this article on the subject of foreign aid. I concur wholeheartedly with his remarks and feel that every Member of this body should be given an opportunity to have his thinking on this subject. Although the gentleman from Kansas [Mr. GEORGE] is serving his first term as a Member of this august body, he has displayed in his many actions and deeds here his ability as a great Representative of the people of our beloved State of Kansas.

The article follows:

FOREIGN AID: A BENEFIT OR AN EVIL

(By Congressman NEWELL A. GEORGE)

The Marshall plan was created and put into effect to assist our war-torn allies in regaining their economic equilibrium. It was never intended to be a permanent program.

The constant and relentless drive of the Soviet Union to dominate the world and the rapid industrial growth of that nation, however, has caused the United States to enter upon extensive military and foreign aid programs. The mutual security program is of the utmost importance. Through it underdeveloped countries and nations, some of whom have recently obtained their complete freedom, are given assistance. This program is designed to cope with the external threats of the Soviet Union to our security and contributes materially to the protection of our freedom by helping support the free world economically.

The Marshall plan was terminated in 1951, having successfully restored the vigor to the economies of the Western European nations. The threat of Soviet aggression in that area of the world is now at a minimum. Also, our military aid in Western Europe has been reduced considerably because of their economic recovery.

Hunger and destitution are two of communism's allies. The new and underdeveloped nations which are not yet under the domination of the Soviet Union are, and should be, the object of our aid. Included are the countries of Asia, Africa, and South and Central America. If these nations can prosper and become economically stable, revolutions and political explosions, which are the tools of Communist dictatorship, would be reduced in number and in magnitude or rendered unsuccessful and the freedom of the community of free nations would be safeguarded.

A new approach was taken with the creation of the Development Loan Fund in 1957. The importance of the domestic development of underdeveloped countries and the vital interest of the United States in their political and economic prosperity was recognized by the Congress. It was expected that these countries, who were willing to help themselves, could accelerate their economic development and retain their honor without being the recipients of outright gifts or grants of funds. Loans are being repaid in the currency of the borrowing country.

Financing under the Development Loan Fund is provided only if it cannot be obtained on reasonable terms from other sources in the free world. In addition, under the provisions of the Mutual Security Act, it is required that the following be taken into account in considering any loan proposal:

(1) The economic and technical soundness of the activity to be financed.

(2) Whether the activity gives reasonable promise of contributing to the development of economic resources or to the increase of productive capacities of a less developed country.

(3) The possible adverse effect upon the economy of the United States, with special reference to areas of substantial labor surplus, of the activity, and the financing operation or transaction involved.

(4) That loans be made only on the basis of firm commitments by borrowers to make repayment and upon a finding that there are reasonable prospects of such repayment.

(5) The Fund be administered so as to support and encourage private investment and other private participation.

(6) That it not be administered so as to compete with private investment capital,

the Export-Import Bank or the International Bank for Reconstruction and Development (the World Bank).

Loans may be made from the Fund to private business firms and the recipients are such that do not generally attract private financing, such as power distribution systems, ports, railroads, and highway and bridge construction projects.

Certain types of loans, such as for local public utilities, could not adversely affect the economy of the United States. Loans for food, agriculture and industry, however, could very easily affect our economy adversely.

The U.S. economy has obtained both direct and indirect benefits from the development loan program through the purchase of military and other supplies, the establishment of facilities in foreign countries which are of strategic value to the United States, the creation of new sources for food and fiber not produced in America and an improvement in world trade as a result of international economic development.

A sizable amount of foreign aid has been given in the form of outright grants and many Americans object to their tax dollars being used in that manner. They fail to distinguish between loans and grants and apparently do not realize, or have not yet recognized, the continuing and unswerving effort of the Soviet Union to grasp control of free nations and subjugate them to Communist dictatorship.

Because the critical din is constantly rising, and because it is economically prudent, the emphasis in foreign aid should be placed on long-term loans. There is no question but that the life and death struggle between communism and the free world is one that will affect the United States for years to come. Unless and until there can be a religious and spiritual penetration of the Iron Curtain, communism is certain to rule the Soviet Union and so long as it does, freedom in all parts of the world will not be secure.

Many critics of our foreign aid programs emphasize the fact that the rate of our economic growth is now less than that of the Soviet Union. Testimony before the Committee on Foreign Relations of the U.S. Senate caused the estimate to be made that from the present through the year 1970 the average annual growth rate will be 4 percent for the United States and 6.5 percent for the Soviet Union and that of the Western European nations will lie somewhere between the two.

These critics also point out that the international balance of payments deficit is increasing year by year. This has caused protectionist sentiment to mount and many industries are urging the Congress to increase tariffs on imports. To some extent, even the U.S. Chamber of Commerce has retreated in recent years from its liberal trade position. This threat vitally affects our foreign policy. The economic and political relations between the United States and other countries of the free world are injured thereby, and the ability of the free nations to achieve unity of purpose and action is jeopardized.

Reduction in imports could weaken our position in the free world and imperil our security by causing other nations to turn to Communist countries for trade. One of the great disappointments in our economy during 1959, however, was our poor balance in foreign trade. While commercial exports showed little gain, imports increased substantially, which caused a depressing influence on our gross national product.

With continued improvement in business conditions abroad, with additional trade from the underdeveloped nations and through liberalization of restrictions on dollar goods by a number of countries, our exports should increase by at least $2 billion in 1960. This rise in foreign trade would greatly improve our balance of payments position.

Instead of alienating our foreign friends and driving their trade to the Soviets by again erecting high tariff walls, we must constantly seek to have such trade barriers in other nations removed. Liberal import policies abroad could be much more readily accomplished if the United States continues to maintain a liberal import policy.

Some of those who sincerely support foreign aid are urging that tariffs in certain fields, only, be raised. The capacity of foreign countries to buy our exports would be lessened because high tariffs increase the cost of doing business, thereby adversely affecting our own economic growth. Tariff barriers could be an ally of communism and would contribute to the cold war—but to the wrong side.

Trade could replace aid if the underdeveloped countries can develop a good, sound economy. They would then contribute materially to the expansion of multilateral trade and thus promote the economic development of the free world.

It is true that the United States faces an ever increasing volume of international financial obligations and, although it may be less in the future, this country will be constantly confronted with a balance-of-payments deficit, provided, of course, our commitments are kept. Although the balance of payments is important, the basic problem is not the deficit in such payments, but the continued assurance that this Nation maintains a dynamic competitive position in the world economy. If we can maintain this position, the deficit in the balance of international payments will fluctuate. If, however, the next 8 years should be as unfavorable as were the balance of payments during the years since 1952, this country could be faced with economic disaster.

We can be thankful that it is the friendly countries of Western Europe, and not the Soviet Union, that could make a demand upon our gold reserves. So long as there is international confidence in the American dollar, there will be no serious problem.

Other, who criticize the foreign aid programs state that our Government has more interest in and does more for people of foreign lands than for our own people. The claim is made, for example, that more money has been made available for works projects in foreign countries than has been allocated for domestic public works. This is particularly significant to the citizens of the Midwest and other areas where, because of devastating floods or lack of sufficient water, the completion of flood control and water conservation projects is of utmost importance. Some term these proposals "pork barrel" legislation. Any Member of Congress, however, who fails to support domestic public works projects affecting the lives and property of his constituents would be remiss in his duties and callous to the best interests of those he represents.

Some Americans wonder why we contribute so much of our money to erect school buildings and to pay teachers salaries in foreign lands but fail so miserably to provide the best possible education for our children at home. Others justly complain that farmers in other countries are recipients of our aid while we permit the income of our own farmers to drop below the peril point.

Our potential is such that this Nation can take care of our needs at home and continue our participation in programs that aid less fortunate countries economically. By adding momentum to our flood control and water conservation programs, by establishing an education program that makes available a good education to every young person who desires it and by restoring prosperity to agriculture, the economy of this country would expand to such a degree that the amounts expended on foreign aid would be inconsequential.

We must insist that those nations whom we aided through the Marshall plan and whose economies are again on the upsurge now join with us through greater contributions in the economic warfare with Communist countries now raging throughout the world.

Our aid in any form should be denied to any foreign country whose government tolerates, sanctions, or encourages anti-Semitism or the persecution of any race or of any people.

While it is true that more and more Americans are becoming critical of foreign aid and its cost in dollars, with the Communist threat ever lurking about us, it would be suicidal to completely withdraw all forms of foreign aid. The annual cost of foreign aid actually amounts to a very small percent of our national budget. Should a strong President insist upon proper unification of the armed services, more than the total expended on foreign aid could be saved each year. Military assistance can be reduced although it must be continued to the extent necessary to protect our friends from Communist aggression. Many fear Russia will outmaneuver us at the summit and that even if we should obtain what appears to be favorable agreements from the Soviets, they would be disregarded just as soon as it would be to the advantage of Russia to do so.

Leaders of our Government must meet and negotiate with those of other world powers. Inevitably, agreements must be entered into with Soviet Russia and they must be made as ironclad as possible. Even then our Government must be constantly on the alert and prepared for the eventuality that is certain to come—the violation of agreements solemnly entered into by the Soviet Union, thereby making our function a dual one with respect to any agreement with the Soviets.

Thinking Americans are deeply concerned about the future of our country. The cold war—the political and economic war—with Communist Russia may prove to be more deadly and more decisive than any hot war that has ever been fought.

Criticism of foreign aid, some of which comes from powerful sources, must not be permitted to destroy our perspective or jeopardize our position as the leader of freedom-loving peoples in the family of nations. The critics should not be ignored, however, and we must constantly strive for improvement and perfection in our foreign aid programs and in the administration of them. Certain phases should be emphasized and new methods should be examined, among which are:

(1) Aid avenues to the United Nations should first be exhausted by applicants for aid in any form.

(2) Limit most of our financial aid to the establishment of credit in the United States on a long term loan basis in order that American industry and American labor may reap the benefit of the expenditure of our taxpayers' dollars.

(3) Eliminate or consolidate the many governmental organizations and agencies which are dealing with the various phases of our foreign aid program in order to cut the overall costs and make for more efficient administration.

(4) Use of our surplus commodities to aid the underfed and underclothed peoples of the world. Our farmers could continually produce at maximum capacity if this phase could be put into effect and be properly executed.

Always we must remember that although our future course may be changed, not even God can alter the past. What we do today becomes history tomorrow. And upon what we do today may depend the future of our democratic form of government and of our

very freedom as we know it in America. Let us take no step that will destroy our relations with our friends and allies or that will weaken our position in this fast-moving world. And above all let us do nothing that will place this Nation at a disadvantage in our economic battle with Communist imperialism.

MARDI GRAS TIME IN WASHINGTON

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. McSWEEN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McSWEEN. Mr. Speaker, it will be Mardi Gras time in Washington next Saturday night, February 27, again bringing to the Nation's Capital the beauty, brilliance, and pageantry of Louisiana's famed carnival season.

The occasion will be the 13th annual Mardi Gras Ball sponsored by the Louisiana State Society of Washington, to be staged at the Sheraton-Park Hotel. Hundreds of members of the society and guests, together with a large number of visitors from Louisiana, will attend this spectacular event in which 25 festival queens of that State will be presented.

Serving as chairman is Congressman HAROLD B. McSWEEN, while the State Society president, Mr. Felix M. (Dan) Broussard, is again in charge of general arrangements.

This year's ball salutes the paper industry of Louisiana, employers of over 23,500 Louisianians and fourth ranking Louisiana manufacturer. King of the event will be paper and forest industrialist Vertrees Young, of Bogalusa, a director and consultant of Crown Zellerbach Corp., manufacturers of paper and paper products. He is past president of the Louisiana Forestry Association and past chairman of the Louisiana Forestry Commission, of which he is still a member, also a director of the Gulf Mobile & Ohio Railroad Co., regional vice president of the American Forestry Association, and vice president of Southern Pulpwood Conservation Association.

Representatives of the paper industry, comprising the king's committee, are Col. Edwin Y. Argo, of Shreveport; W. F. Gillespie, Bogalusa; Russell T. Hudson, Elizabeth; Frank E. Johnson, Hodge; W. S. Osgood, Lockport; Parrish Fuller, Oakdale; R. H. Crosby, Jr., De Ridder; and Col. George T. Madison, Bastrop.

The industry of Her Majesty the Queen of the 1960 Mardi Gras Ball is not to be revealed until Saturday night. Louisiana's Governor-designate Jimmie H. Davis will serve as the queen's escort, a duty performed in past years by Vice President RICHARD NIXON, Senate Majority Leader LYNDON JOHNSON, and House Speaker SAM RAYBURN.

The young ladies chosen as the queens of annual celebrations staged by Louisiana industries, or representing other events, who will be honored at this year's ball, their home addresses, and the places where the events they represent are held, follow:

Miss Shirley Banks, Haughton, State queen, Future Farmers of America, Baton Rouge.

Miss Brenda Belton, Bogalusa, paper festival queen, Bogalusa.

Miss Carol Ann Bordelon, Belldeau, queen of Louisiana Livestock and Pasture Festival.

Miss Laura Lee Broussard, Abbeville, Dairy Festival queen, Abbeville.

Miss Peggy Collins, Lake Charles, Yambilee Festival queen, Opelousas.

Miss Georgia Contine, Cow Island, Louisiana Poultry Show queen, Alexandria.

Miss Diane Domingues, Breaux Bridge, Breaux Bridge Centennial and Crawfish queen, Breaux Bridge.

Miss Helen Fielder, Ruston, Louisiana State Forestry queen, Winnfield.

Miss Geraldine Marie Fitzgerald, New Orleans, queen spirit of Mardi Gras, New Orleans.

Miss Mary Alice Gastal, Abbeville, Vermilion Fair and Livestock Show queen, Kaplan.

Miss Helen Gulley, Shreveport, Holiday in Dixie Festival queen, Shreveport.

Miss Judith Ann Haydel, Houma, International Rice Festival queen, Crowley.

Miss Patricia Kavanaugh, Ruston, Louisiana Peach Festival queen, Ruston.

Miss Phyllis Claire LeBlanc, Delcambre, Delcambre Fishing Industry queen, Delcambre.

Miss Hilda Elizabeth McCullough, Lafayette, Queen Evangeline, Southwest Louisiana Mardi Gras Association, Lafayette.

Miss June Mixon, Bogalusa, rose queen, Rose Festival, Bogalusa.

Miss Mary Celia Moore, Homer, Louisiana Farm Bureau queen, Baton Rouge.

Miss Susan Marie Onnebane, Opelousas, Louisiana Sugar Cane Festival queen, New Iberia.

Miss Jo Ann Purcell, Port Sulphur, Orange Festival queen, Buras.

Miss Ann Reed, Lafayette, Oil Queen Lagcoe IV, Oil Festival and Exposition, Lafayette.

Miss Juanita Ritchie, Bogalusa, sweetheart of American Legion, Bogalusa.

Miss June Robichaux, Franklin, Fur and Wildlife Festival queen, Cameron.

Miss Patricia Thibodeaux, Morgan City, Shrimp Festival queen, Morgan City.

Miss Anita Sue Thomasson, Bossier City, North Louisiana Delta Festival queen, Bastrop.

Miss Toni Whittington, Natchitoches, cotton queen, Ville Platte.

The Mids Maids invited to participate in this year's ball and their home addresses:

Misses Katherine Dunbrack Clark, New Orleans; Shelia Elizabeth Daschbach, Towson, Md.; Sally Dorsey, Chevy Chase, Md.; Verna Celeste Duhe, New Iberia, La.; Charlotte Edwards, Marksville, La.; Jan L. Ketcham, Arlington, Va.; Rebecca Launey, Ville Platte, La.; Kay Long, Baton Rouge, La.; Rosa Saia, Baton Rouge, La.; Nancy Wilcox Snellings, Monroe, La.; Beb Beverly Sonnier, Lake Charles, La.

Sixteen Louisiana midshipmen from the U.S. Naval Academy who will serve as escorts to the queens, are John N. Barineau III, of Shreveport; Edward P. Barker, Shreveport; Andre R. Brousseau III, New Iberia; Gordon W. Callender, Jr., New Orleans; Walter S. Cumella, Alexandria; Robert W. Deputy, Shreveport; Ralston P. Cole, New Orleans; Ernest C. Fischer, New Orleans; William C. Hamilton, Jr., Baton Rouge; Wilton H. Hyde, Jr., Hammond; William F. Klumpp II, New Orleans; Anthony J. Lanzetta, New Orleans; Charles W. Lyman III, Opelousas; Peter L. McCammon, New Orleans; Charles S. Parker, Baton Rouge; Lucian B. Purinton II, New Orleans.

Other escorts to the queens will be Lt. C. Tommy Bienvenu, U.S. Marines, of St. Martinville, La., and students of Georgetown University, Washington, including J. Menville, New Orleans; E. Aucoin, New Orleans; Thomas Boggs, Washington; Charles Coulon, Washington; Tom Clare, Washington; Sam LeBlanc, New Orleans; Patrick McKeever, Chevy Chase, Md.; and Thomas Dolan, Chevy Chase.

The maids will be escorted by members of the Louisiana congressional delegation, also by Allen Foster, of Monroe; Parrish Fuller, a former king of the ball; and President Broussard, of the Louisiana State Society.

Their number augmented to 100 and prepared to add more than ever to the gaiety of the evening are the members of the masked and costumed Krewe, directed by Louisiana's Senator RUSSELL B. LONG. Senators, Congressmen, and many others high in Government circles will be in this merry group.

Activities to be climaxed by the ball Saturday night began with the arrival of the queens and maids this afternoon by plane. Friday morning they will participate in a sightseeing tour, followed by the Louisiana congressional delegation luncheon in their honor in the former Supreme Court quarters in the Capitol. The king's cocktail party will follow in the evening from 6:15 to 7:45 and the queens and maids will again be honored at the king's dinner dance at 8:30 Friday night at the Sheraton Park, and at the king's reception Saturday afternoon.

Seating at the Mardi Gras ball will begin at 8 o'clock, with dancing at 8:30 and the pageant starting at 9:45.

Among the many visitors from Louisiana already here for the ball and preceding events or who are due to attend are a number from my congressional district. They include: Mr. and Mrs. Ford Thibodaux, Houma; Mayor Roy Theriot, of Abbeville; Louisiana State Comptroller designate and Mrs. Theriot; Mr. and Mrs. Gabriel Abshire, Abbeville; Mrs. Iris Castille and Mrs. Willa Lejeune, New Iberia, chaperones to the festival queens; Mrs. John LeBlanc, Delcambre, mother of the Delcambre Fishing Industry queen; Mrs. Dalton Gastal, Abbeville, mother of the Vermilion Fair and Livestock Show queen; Mr. and Mrs. R. D. Domingue, Breaux Bridge; Miss Adele Miller, Morgan City;

Mr. and Mrs. Grover Rees, Breaux Bridge; Mr. and Mrs. Pete Guarisco, Morgan City; Ed Kyle, Morgan City; Mr. and Mrs. Tom Bulliard, St. Martinville; State Senator A. O. Rappelet, Galliano; Thomas M. Barker, Lockport, president of the Lafourches Parish Police Jury.

JUSTICE MICHAEL A. MUSMANNO

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, during Soviet Premier Khrushchev's visit to the United States, Justice Michael A. Musmanno, of the Supreme Court of Pennsylvania, delivered two speeches which I believe should become part of the permanent record of that historical event. Justice Musmanno is undoubtedly one of the most able, implacable, and articulate foes of communism that this country has. In 1929, while a member of the Pennsylvania Legislature, he introduced a bill to outlaw the Communist Party in Pennsylvania. In 1951 he authored the measure now known as the Musmanno Act which definitely made membership in the Communist Party in Pennsylvania a criminal act. He also became coauthor of the Federal Communist Control Act of 1954.

Justice Musmanno opposed Khrushchev's visit to America and so informed President Eisenhower. However, once the Soviet Premier came here, Musmanno urged his fellow Pennsylvanians to accord the visitor every courtesy but not to forget his past crimes. And then, what seemed paradox to others, but not to those who know Musmanno's high sense of fairness, he took up the cudgels in behalf of Mrs. Khrushchev when she was publicly referred to as being "dowdy."

Mr. Speaker, under unanimous consent I include these two excellent speeches by Justice Musmanno in the CONGRESSIONAL RECORD, as follows:

SPEECH BY PENNSYLVANIA SUPREME COURT JUSTICE MICHAEL A. MUSMANNO AT MASS MEETING, SOLDIERS AND SAILORS MEMORIAL HALL, SEPTEMBER 20, 1959

Mr. Chairman and friends, next Thursday Soviet Premier Nikita Khrushchev will be in Pittsburgh. I recommend that he be received with courtesy and maximum politeness. He is the guest of the Nation and we must not be inhospitable. In addition, President Eisenhower will be the guest of Russia sometime soon and we desire that he be treated with the dignity and respect which are his due as President of the United States.

However, showing Premier Khrushchev all the amenities due a guest does not mean that we should wipe from the slate of memory the sad story of what a communistic form of government stands for and what deep wounds it has inflicted on the human race. I, for one, condemn the Communist system because it is tyrannical, oppressive, and devoid of every essence of spirituality.

I condemn communism because it is atheistic.

I condemn it because it seeks to place itself above God.

I condemn it because it has forced the world into a straitjacket of torment and worry and kept it there ever since it violently seized power in Russia.

I condemn communism for its many crimes and sins. It murdered millions of innocent people in the Ukraine. It killed the Hungarian Republic and tens of thousands of its brave defenders. It has dared to tell the United States to get out of Berlin when it is a historical fact that the Russian forces would never have got as far as the borders of Germany had it not been for the tanks, armament, and other assistance given to Russia by the United States.

I despise communism because it was only by the blood of uncountable precious American lives that we were able to defeat Nazi Germany which would never have unleashed the mad dogs of war had it not been that Stalin conspired with Hitler to open the doors of the hideous kennel of maniacal destruction.

I abominate communism because it has but one overall intention and that is to enslave the world. Never, never let us forget that. Under a Communist form of government, there would be no free press, no free elections, no free speech, no free enterprise.

I detest communism with every corpuscle in my veins. And yet I would show Nikita Khrushchev every courtesy. He is a man of keen perception, and he could obtain a great deal of information in the United States which could cause him to realize that he is following the wrong brand of thinking and planning.

On the day he arrived in Washington some skywriting airplanes took to the skies and drew a gigantic cross against the gray clouds and the blue horizon. As he entered New York these planes again sketched the symbol of mercy, of salvation, and goodness against the Manhattan skies. I do not know whether the cross made any impression on Khrushchev, but we do know that 1,600 years ago a Roman pagan emperor, Constantine, saw a flaming cross in the sky, and beneath it were written the words, "In hoc signeo vinces." (Under this sign thou shalt conquer.) Prior to this divine manifestation, Constantine had been cruel and despotic. He now became the champion of tolerance. He proclaimed religious freedom, he declared for civic and political liberty, he opened the prisons to those unjustly detained there, he built hospitals for the indigent poor, he erected homes for orphans which he maintained at his own expense, he installed courts to insure justice to all. His name is blessed.

Nikita Khrushchev, when you return to Russia, think of those crosses you saw in the sky in Washington and New York. When you have ensconced yourself in the Kremlin, send to the library for a book on Constantine. Put aside the scribblings of the sloppy-minded Karl Marx, ignore the revolutionary scribblings of the fire-eating Nicolai Lenin, and forget the homicidal rantings of the murderous Josef Stalin, whom you once adored, then abhorred, and finally left ambiguously in the mausoleum in Red Square, disputing for space with his dead partner in crime, Lenin.

Read the life of Constantine, and reflect on the goodness which a man in power can achieve, and ponder on the happiness you can bring to mankind. You have more individual secular power than any other single man in the world. Use that power for the peace about which you speak unceasingly. It was said of Abraham Lincoln that during his administration he possessed more power than any other living man at the time but that he never abused that power except on the side of mercy.

However, we do not ask you to be merciful, we only ask that you be reasonable. It is because we hope you may listen to reason that the American people have been courteous and hospitable. It is because we believe you are capable of being a reasonable man that we have been willing to put aside for the moment our grief and our sorrows for the horrible things which your Government has countenanced. Your Government sanctioned the shooting down of American fliers engaged in a peaceful mission, your Government imprisoned American pilots who got lost in a storm, your Government precipitated a war in Korea which was cruelly unnecessary and which brought about the death of 30,000 Americans. We shall never forget these martyred boys, but we have been willing and are willing to put aside our grief and our sorrows, hoping that our hospitality and sincere greetings will give you some pause and resolve you never again to unsheath a bayonet against a people which has shown your people only friendship and sympathy in many unhappy events of Russian history.

We have never coveted and never will covet any of your territory, we do not want any of your resources, we seek in no way to interfere with your internal affairs. We only want your good will.

Since you have come to America to see us, and we to see you, you must be interested in what we think of your visit. Candor requires us to say that we were deeply disappointed with your speech before the United Nations. We had hoped that you would present a real plan for genuine disarmament, and not merely speak in generalities. We want to disarm, we want to remove from the backs of our people the burdens of taxation which they must carry in order to maintain a military establishment which must keep pace and be ahead of yours, which is always threatening. But we cannot disarm unless you disarm also.

Why didn't you say in your speech that you approve of mutual inspection? If I have a quarrel with my neighbor and then we agree to be friends, we open the doors of our respective homes to each other. Instead of speaking about disarmament as an abstraction, why don't you be specific? Why don't you say that you will open up your country for inspection of all your plants, your stock atomic piles, your laboratories and your scientific testing grounds on condition that we do the same. If you make that proposition, I feel confident that the latchstring of our doors will be in your hands not in a matter of 4 years, but 4 weeks, and possibly 4 days. Once we are honest with each other as to the weapons we respectively possess, then, in a methodical fashion those weapons can be destroyed or turned over to the international police force you hint at but do not precisely describe.

Our President invited you to America so that you could see that we are friendly and so that you could also see that we are strong. The President wanted you to see that we love democracy, we preach it, and we practice it. And we wanted you to know that we love democracy, so much that we will not permit any country to destroy it here or in any of those countries to which we are pledged in amity and mutual self-preservation. We wanted you to see, what you must certainly have known all the time, that we are not a war-minded people.

We hoped as you became more and more aware of the thousand-times-proved facts that we have no designs on your territory or security, that you would show an understanding which would lead to a liquefaction of all the glaciers of the cold war throughout the world, and that in the resulting Gulf Stream of friendliness the Russian and the American peoples, with the rest of the world, could cruise in the enjoyment of a life which will never again know war or threats of war or manmade fear.

You have been in many ways a pleasant guest. In many ways you have proved, as you wished to prove, that you do not have horns. You have shown that you can be

good natured, good humored, and that you have in abundance the enthusiasm and ebullience of life, all of which is good. But as much as the American people have enjoyed reading about you in the newspapers, listening to you on radio, and watching you on television, you have given them moments of disillusionment and even of horror. When you accepted the invitation to speak at the National Press Club in Washington you agreed to answer any questions which might be put to you. Yet, when you were asked about the Hungarian episode you responded in language which was offensive and which carried the connotation that no one dared to inquire into the motives of your country in that world-shaking event.

The people of America awaited anxiously, even eagerly, to have you explain why it was that, although you profess not to interfere in the internal affairs of other countries you sent annihilating tanks and death-talking machineguns into Hungary which killed Hungarian patriots whose only crime was that they loved their country, their homes, and their liberty. All of America was listening; you had an opportunity to explain why you crushed Hungary. What was your answer to this perfectly legitimate question? You replied that those who asked this question had dead rats in their throats. This was an angry reply, it was an insulting reply, and certainly not worthy of the head of a country who hopes to convince the world that he is ready to engage in any discussion which leads to further enlightenment and the ever-sought-for goal of peace.

You also resented the question as to why your government jams the airwaves so that your people may not listen to the news of the world beamed from countries whose friendship you profess to desire.

Nikita Khrushchev, when you will have returned to Moscow and you are sitting by your fireside and you reminisce over your American speeches you will undoubtedly be like every other speaker who wishes he might have phrased certain thoughts a little better than he did. And perhaps, so reminiscing, you will be a little ashamed for your reply to the inquiry about the Hungarian massacre, and you will also see that you could have put yourself into better grace with your knowledge-hungry audience if you had said that from now on your people may listen to whatever they desire and that they may read the news of the world without censorship.

Sitting there by the fireside in your Moscow home, you will undoubtedly live again in fond memory the wondrously fine time you had in America. You will recall that you were the guest of the President of the United States, that you slept in the historical Blair House, that you lived in the luxurious Waldorf-Astoria Hotel in New York, that you were taken to the summit of the tallest skyscraper in the world and that, there, in the company of the stars of the heavens, you looked down on the most extraordinary demonstration of man's urban genius on the globe. You will recall how you luxuriated in the royal suite in a San Francisco hotel and how you reveled in the company of the wit, beauty, and artistic talents of Hollywood.

While in Hollywood, you complained because you were not taken to see Disney's fairyland. It was explained to you that you were not taken there because of solicitude for your own protection. However, you did not need to go to Disneyland to see a fairyland with its castles. America itself is a fairyland and every citizen a king. His home is his castle and his liberties are always protected by constitutional moats. He enjoys luxuries and physical comforts which no king of ancient days could even have dreamed of.

It is within your power to give your people a fairyland. Give them a true representative form of government such as you have witnessed here and when that is done there will never be any question about eternal peace between Russia and the United States. The Russian people are friendly, they like the American people and that affection is wholeheartedly reciprocated by America.

As you dream by the fireside in your own home, you will recall that throughout your travels in America you enjoyed the companionship of Governors, mayors, Senators, and people of distinction in nearly every field of endeavor. As you relive those glorious moments you cannot help but remember that all these good people were friendly to you, your family, and your entire entourage. How can you come to any conclusion other than that America wants the friendship of Russia, a friendship which will mean permanent peace, increased trade relations, extended cultural exchange—all leading to the happiness of the peoples of your country and our country, and the peoples of the rest of the world?

I am confident that as you dream by that fireside, reliving in reverie all that you have done and seen and enjoyed in America, there will come the wish that you may return for another visit. The return visit is up to you. You can take immediate steps to initiate a workable plan for a realistic and effective world disarmament; you have the power to restore true democracy to the subservient countries now flying the Soviet flag by proclaiming free elections; you have the power to declare for an untrammeled press; you have the power to settle the Berlin and German issues simply by announcing that you will agree to let the people decide for themselves what they wish.

You have it in your power to bring the assurance and the guarantee of peace to the whole world which is weary of reading, hearing, and worrying about ever-recurring international crises with their overtones of hostility and war which can lead to universal annihilation. You can bring all this tragic nonsense to an end simply by putting true democratic principles into effect by letting the people decide their own destiny.

The undictated-to ballot box contains the solution of every major problem which today afflicts the world. We know that only the utterly insane could want war. Then let there be no war. That can be assured by letting the people speak, without fear, without threat of reprisal—through the ballot box.

If you do these things when you return to Russia, we assure you that the American people will build a bridge of good wishes and flowers to Moscow over which you can travel, in any vehicle you wish, back to America where you will be received with music, cheers, and the warmest of friendship that mankind can ever feel or suitably express.

SPEECH BY PENNSYLVANIA SUPREME COURT JUSTICE MICHAEL A. MUSMANNO OVER WIIC TELEVISION STATION, PHILADELPHIA, SEPTEMBER 17, 1959

In the news of Khrushchev's visit to America, several well-known columnists and not a few reporters have referred to Mrs. Khrushchev as being "dowdy." I wish they would cease doing this. In the first place, it is less than chivalrous to refer derogatorily to the attire of a female guest of the Nation, and then, in the second place, it is not true that Mrs. Khrushchev is "dowdy."

The word "dowdy" suggests untidiness. Mrs. Khrushchev is neither untidy nor slovenly. On the contrary, while dressed plainly, she is neat. Furthermore, her pleasant, motherly smile outshines the most fashionable outfit.

And then, it must be realized that her simple attire well symbolizes the poor condition of her sister housewives in Russia who not only toil in the kitchen but who often work as riveters and coal miners as well. What they earn goes to dress the man in the moon, while the wife wears the rag which is left.

I take off my hat to Mrs. Khrushchev because in her kindly face I can see the privations and hardships of the women in Russia for whom she must often shed a silent tear. I recommend we show Mrs. Khrushchev respectful and friendly greetings everywhere. I also recommend that the fashion plate of her husband spend a few rubles to buy his wife a nice wardrobe. I further urge that when he returns to Moscow he will promise all Russian women to lift them out of their economic bondage so that they all can wear attractive clothes, the fond dream of every woman everywhere.

CONTROL OF CANAL ZONE—PANAMA CANAL AND CONNALLY RESERVATION—CUBA AND MONROE DOCTRINE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, since the start of the current drive for internationalization of the Panama Canal, I have noted a rising tide of criticism for that proposal, especially in letters of our citizens to newspapers.

Under leave to extend my remarks, I quote a recent letter from the February 16, 1960, issue of the Christian Science Monitor:

[From the Christian Science Monitor, Feb. 16, 1960]

CONTROL OF CANAL ZONE

To the CHRISTIAN SCIENCE MONITOR:

America has spent and is spending millions upon thankless nations; yet some feel constrained to hand out even territory as well.

Senator GEORGE D. AIKEN, of Vermont, proposes the Panama Canal's internationalization. He claims that the United States may "face the dilemma of holding the Canal Zone by force or withdrawing completely."

Now, a true dilemma has two equally unsatisfactory alternatives, or horns. Here, withdrawal is a sharp one indeed. Among other things it would puncture our Nation's self-esteem. As for holding by force, it is unpleasant but acceptable. May this country never refuse to protect its interests.

No red-blooded American boy would allow a prized penknife to be taken from him without putting up a stand. Should his Uncle Sam act less manfully?

The lanky, long-bearded fellow has outgrown the playing of mumblety-peg. His valuables are holdings such as farflung military bases and the Panama Canal. For him is the grim game of world politics and a much-too-frequent war.

The generous Mr. AIKEN should remember that in 1903 Uncle Sam dug into those gaily striped trousers and planked down $10 million for a strip of swampy tropical real estate. Moreover, for 56 years he has made liberal annual payments to Panama. In return the United States was guaranteed perpetual control of the Canal Zone.

Panama, created in the same year payments began, collects $60 million annually. Without funds from the zone this tiny Republic would probably collapse.

What say President Eisenhower and most Members of Congress? All are firmly for U.S. control.

How fortunate that our Government was designed with checks and balances to abort ill-considered ideas.

LEONARD STILLMAN.

LEMON GROVE, CALIF.

PANAMA CANAL AND CONNALLY RESERVATION

Mr. Speaker, two great issues now before the Congress and the people of the United States relate to movements for destruction of U.S. sovereignty over the Canal Zone and Panama Canal, also for rescission of the Connally reservation affecting the jurisdiction of the Court of International Justice.

Though they appear as separate and distinct subjects, they are definitely connected, for were the protection afforded by the Connally reservation revoked the way would be open for unending litigation before the International Court about a matter that is of vital concern to the United States—the sovereignty of the Canal Zone and Panama Canal.

Fortunately, patriotic groups in our country are alert to the dangers involved in both of these subjects. At its annual convention on February 4, 1960, in the Nation's Capital, the American Coalition of Patriotic Societies passed resolutions dealing with each.

The resolutions follow:

THE AMERICAN COALITION OF PATRIOTIC SOCIETIES, WASHINGTON, D.C.—RESOLUTIONS ADOPTED AT ITS ANNUAL CONVENTION IN THE MAYFLOWER HOTEL, WASHINGTON, D.C., FEBRUARY 4, 1960

CURRENT RESOLUTIONS

A. Connally reservation

Whereas a proposal to subject the United States to the compulsory jurisdiction of the Court of International Justice (hereafter called the World Court) has recently been submitted to the Senate of the United States (S. Res. 94, CONGRESSIONAL RECORD, vol. 105, pt. 4, pp. 5037-5040) whereby if adopted this Nation would relinquish completely its power to determine unilaterally that any case brought against the United States in the World Court is exclusively within its domestic jurisdiction, and therefore wholly beyond the jurisdiction of the World Court; that power having been preserved to the United States by the Connally Reservation of 1946 (S. Res. 196, 79th Cong., 2d sess.); and

Whereas the 15 members of the World Court are elected from time to time by a majority of the Security Council and the General Assembly of the United Nations; each member of the United Nations is eligible for representation on the World Court with respect to one justice only; and

Whereas the United States at the present time is represented by only one justice on the court and the Iron Curtain countries by two—those of the U.S.S.R. and Poland—and future representation on the court may include any number of Iron Curtain countries and countries subject to Soviet influences; and

Whereas the proposed elimination of the six words of the Connally reservation—"as determined by the United States"—represents not merely an arrangement for the disposition of traditionally international matters by a World Court but rather the fundamental revision of the entire constitutional structure of the United States of America and a signal surrender of sovereignty to a court on which implacable enemies of our Nation already sit, with incalculable consequences to the Nation and to its citizens:

Resolved, That the American Coalition of Patriotic Societies emphatically opposes the Humphrey resolution (S. Res. 94) and all efforts similarly aimed at expanding the powers of the present World Court;

Resolved, That the American Coalition of Patriotic Societies urges the retention and enforcement of the Connally reservation to the protocol of the U.S. adherence to the World Court.

B. Panama Canal

Whereas widespread propaganda has been for more than a decade aimed at wresting from the U.S. Government its ownership and control of the Panama Canal, which was constructed, maintained, and operated at the expense of American taxpayers under an absolute grant, in perpetuity, by the Republic of Panama which, by the treaty of 1903, gave the United States exclusive sovereignty over the Canal Zone thereby establishing the conditions of political stability in the Canal Zone absolutely necessary for the construction, maintenance, and operation by the United States of the canal; and

Whereas the purpose of such propaganda has been, and still is, either to internationalize the Panama Canal under control of the United Nations or under the Organization of American States (in neither one has the United States more than a minority voice), or to permit nationalization of the canal by the Republic of Panama without reimbursement to American taxpayers; and

Whereas expropriation of the Canal Zone and of the canal itself is being prepared for by various means including mob violence, invasion, and demands for a vast increase in the U.S. annuity (now $1,930,000) and by insisting that the Panamanian flag be flown in the Canal Zone and on ships in transit through the canal as a symbol of Panama's sovereignty; and

Whereas Panamanian politicians are demanding that the U.S. Government shall be hailed before the United Nation's International Court of Justice and there required to accede Panama's demands or assent to negotiating an entirely new treaty with Panama; and

Whereas annulment of the Connally reservation, which now withholds from jurisdiction of the World Court disputes with regard to matters which are essentially within the domestic jurisdiction of the United States, would be an invitation to the Panamanians to take their complaints to that Court, where Panama and the United States are represented each by 1 out of 15 justices: Therefore, be it,

Resolved, That the American Coalition of Patriotic Societies urges the Congress of the United States to proclaim by joint resolution the constitutional sovereignty of the United States over the Canal Zone, and to declare that the policy of the United States shall be not to surrender in any way, nor to compromise, by permitting the planting of Panamanian flags as symbols of a falsely claimed sovereignty or by any other concession to weaken the absolute jurisdiction of the United States over the Panama Canal Zone and our Government's ownership, control, management, maintenance, operation, and protection of the Panama Canal in accordance with existing treaty provisions.

CUBA AND THE MONROE DOCTRINE

Mr. Speaker, in an address to the House on January 13, 1960, I urged extension of the Monroe Doctrine to include subversion and quoted a concurrent resolution introduced by me to that effect.

An informative story by Ray Tucker in the Richmond (Va.) Times-Dispatch of February 21, 1960, emphasizes the urgency of the problems facing us to the south.

The story follows:

CUBA AND THE MONROE DOCTRINE

(By Ray Tucker)

WASHINGTON.—The almost forgotten and much modified Monroe Doctrine has become a document of current interest and study as a result of the Castro-Mikoyan deal, which gives Russia considerable control over Cuba's economy and development for more than a decade.

It is true that the 1823 declaration warned European powers to abstain from political and colonizing adventures in the Western Hemisphere. Nor did President Monroe conceive of the possibility that any of the Latin-American Republics would actually invite and welcome such interference, as Fidel Castro has done in accepting a 12-year, $100 million credit from Moscow for farm equipment, machinery, and possibly jet planes.

In the early 19th century, however, European nations schemed to establish colonies and their own governments in the Western Hemisphere. It is generally forgotten that the czars' claims to the northwest coast of North America—Alaska—was largely responsible for the Monroe proclamation, as well as Spain's plans to crush the independence movements in Latin America.

Today, Communist Russia seeks to achieve the same ends by economic entry and the persistent penetration of political, social, labor, educational, and business circles. The methods of conquest and control have changed, but not the basic objective. And today's crisis marks Moscow's most serious and successful effort to gain a beachhead only 100 miles—only a few minutes by air—from our shores.

But the Monroe Doctrine, with amazing foresight, provides for the 1960 kind of Communist strategy and infiltration. After warning the Holy Alliance to keep hands off the West, it says:

"But with the governments who have declared their independence and maintained it, and whose independence we have * * * acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

The pertinent language here is "controlling in any other manner their destiny." Theodore Roosevelt relied on this clause when he blocked the efforts of Britain, Germany, and Italy to collect claims against Venezuela from 1902 to 1904. The collection, he feared, might lead to "control of their destiny."

It is also true that Castro has invited the Russian economic invasion. But, as always, Russia will ship a large staff of engineers and experts along with the machinery. Other Latin-American nations have discovered that these specialists usually include Soviet spies, saboteurs and propagandists with no qualifications of a technical nature.

However, insofar as the Doctrine was designed to safeguard the then young United States as well as recently liberated Latin-American countries, international experts believe that the Cuban dictator's attitude is unimportant. The language is broad enough to affect misguided or hostile conspirators in the West.

Washington will not, of course, resort to forceful means to block the agreement. Nor can it safely appeal to the United Nations because Mikoyan terms the deal only a business transaction, and Castro considers it a domestic matter. We might even be outvoted by the growing strength of the Russian-Asian-African bloc within the United Nations.

However, it is known that the Organization of American States is as disturbed as the Eisenhower administration by Castro's latest anti-American coup. He has already caused dissention by his abortive attempts to promote revolutions in the Dominican Republic, Haiti, Nicaragua, and Venezuela.

He seems on the way to plunging Cuba into bankruptcy—or mortgaging the island to Nikita Khrushchev.

This new instrusion climaxes other Communist thrusts in this area. The submarine hidden beneath the waters of an Argentine bay gave off slick from an oil produced in a satellite country. The Reds promoted riots directed against Vice President NIXON, and the recent disturbances on the banks of the Panama Canal. They almost took over Guatemala a few years ago.

Whether or not Washington applies a modern interpretation of the Monroe Doctrine to this problem, its obvious threat to the West, including the Latin Americans, may awaken the nations of the Old and New World to Moscow's ultimate aim of universal expansion and domination. It should shock such bemused neutrals as Nehru and Nasser, and swing De Gaulle closer into line with the anti-Communist alliance.

Finally, the resolutions adopted at the Bogotá and Caracas conferences by the Organizations of American States were merely a reaffirmation of the Monroe Doctrine. They refer specifically to Communist economic and political encroachment on the Western Hemisphere so, the solution to this Caribbean difficulty seems to be for the United States or some other American Republic to haul Castro before the bar of public opinion and human rights.

THE SPACE-AGE CHALLENGE

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, when Russia puts a man into orbit around the earth, in 1961 or 1960, that news will have a tremendous impact on world opinion. And yet, with the foreknowledge of this in February 1960, responsible officials of our Government are failing to come to grips with the challenge of the space age.

The United States, with all of its skill, its productive facilities, and its potential, is running second best through lack of forward-looking and decisive leadership. One year before the Russians put Sputnik I into orbit, the U.S. Army could have launched the first satellite to usher in the space age if its program had not been vetoed.

Our country is prosperous, the money is flowing, the luxuries are multiplying, but a vital factor is missing. We had it once. In the younger days of our country, we frequently heard the call: "Come and see what I have found," and we eagerly shared in the American urge to explore and discover. We remember when our country was growing not merely in size and in wealth, but in mind and in spirit, ever daring the unknown to open up new horizons.

But now, with more means than ever before to expand the frontiers for humanity we hesitate. And take the foolish, calculated risk that the Soviet Union will not push on into the commanding lead that would mean the end of freedom.

Is it because we prefer self-indulgence, giving it priority over our responsibilities? No; it is not "we, the people" who are at fault. We did not back down before the Russians at Geneva in 1959. We did not invite Khrushchev to be the honored guest of the United. It was not we who retreated when he threatened America in an angry outburst at Los Angeles, and thus humiliated the United States before the world. And we certainly did not establish the policy that the present budget is the absolute limit of our capabilities.

Why did those who claim to speak for us, make concessions to the Russians at Geneva last year? Will they make further concessions at the forthcoming summit conference? Will they indulge in appeasement on the installment plan that would eventually surrender West Berlin to the Communists? Or will they, instead, declare that there can be no peace until Communist Russia lives up to its treaty obligations, and restores to independence the 100 million people of the captive nations? There is no sign as yet of this moral courage.

Why? Do they have unspoken reservations about our military defense during the coming missile gap? Or do they lack confidence in the American people? Emphasis on the present state of military defense, and our ability to deter aggression in 1960 is not enough. It evades the challenge of the immediate future.

This clinging to the status quo, this reluctance to lead, is the chief danger to the people of the United States and to their friends abroad.

When this defensive attitude cripples our initiative in diplomacy, in education, in economic growth, and in providing assistance to underdeveloped countries that want to make progress through freedom; we know that an essential quality of leadership is missing. And when it denies us the opportunity to be first in the exploration of space that may well determine the wave of the future we demand a change to a positive program.

Most of the world still looks to the United States for the energy, the imagination, and the accomplishments that will inspire humanity, consistent with our great heritage. But what do they see?

A government that is trying to substitute vague good will for the bold and constructive action that is required. The fog of words from on high cannot conceal the confusion, the fumbling, the absence of purpose, direction, and clearly defined goals.

When will those in power heed the voice of public opinion that is rising from every city and town throughout the United States, asking for the dynamic leadership that is worthy of the American spirit? Meanwhile, in frustration, our people are watching the countdown that leads to—

ANOTHER RED FIRST—RUSSIA SENDS MAN INTO SPACE

WORLD NEWS SERVICE.—The Soviet Union has put a man into orbit around the earth. Radio messages from the astronaut have been picked up in the United States, England, Italy, Australia and Japan. Moscow has been deluged with congratulations on its supremacy in space.

And as they watch, Americans wonder why—why the United States with all its resources—human as well as material—does not get going with the major effort that will change the course of history. So that the big story of tomorrow will proclaim:

United States Leads in Space—Puts Man Into Orbit.

Freedom pioneers again.

CHALLENGE FOR DEMOCRACY IN KOREA

Mr. UDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, freedom suffered a sharp blow several days ago when Chough Pyong-ok died unexpectedly at Walter Reed Hospital.

Mr. Chough was leader of the Korean Democratic Party. When the Korean Republic was established in 1948 he was a close associate of President Syngman Rhee. Then he became disgusted with the Rhee government's policy of controlling elections by violence, press suppression, and nonsecret balloting. At the time of his death, Mr. Chough was Dr. Rhee's strong rival for the presidency.

In order to attain the best possible health for what he knew would be an arduous and dangerous presidential campaign, Mr. Chough came to the United States early this year for a necessary intestinal operation. He had barely lost sight of the Korean shoreline when Dr. Rhee rammed through a provision declaring that the national election would be held 2 months earlier than previously scheduled—on March 15 instead of May 15. This meant that even had he lived, Mr. Chough would have had little time to recover from his operation and campaign for his country's key office.

Possibly sensing that for the third time in the last three elections sudden death was to eliminate the opposition's candidate, Dr. Rhee pushed through another regulation setting February 13 as the deadline for any further entries into the presidential race. By strange coincidence, Mr. Chough died on February 15, thus leaving Dr. Rhee with a clear road to reelection.

America and the rest of the free world have given thousands of lives and billions of dollars to foster liberty in South Korea. We blocked Communist conquest of that Republic, only to find the Koreans are now political captives of their own dictatorial president.

If he is to reestablish the faith of the American people in his government, Dr. Rhee must first permit the Korean Democratic Party to nominate another candidate. Then he must schedule the national election for the original May 15 date, and let his people choose their leader in free and secret balloting.

If Dr. Rhee refuses to take these basic steps toward democratic government, he will forfeit much of our sympathy.

UNJUST CRITICISM OF THE COMMITTEE ON RULES

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, I think the House should be called to order so that Members may get this information, because for the last 3 weeks there has been a great deal of confusion and more or less criticism, unjustified, I think, of the Committee on Rules, and we can all use accurate information as to how best to legislate. So, I will read this to you from the Akron Beacon-Journal, February 18. It is captioned "How Ayres Got Rights Bill Freed," by Robert E. Hoyt, of the Washington staff.

Here it is:

A handful of House Republicans have broken the back of southern efforts to stall civil rights legislation.

I do not know whether that knocks out that coalition or not.

The move put Minority Leader CHARLES HALLECK over a barrel and broke a deadlock in the Rules Committee that has held up civil rights since last August.

I do not know whether there are any slivers in his stomach or not; maybe they smoothed down the barrel, because we are all on friendly terms—extremely fond of each other.

The Rules Committee—which assigns a time and conditions of debate—is dominated by southern Democrats and conservatives. Together they had enough votes to prevent the civil rights bill from reaching the floor of the House.

But Wednesday the Republican Members of the Rules Committee changed their position.

Well, we all knew they were going to change it when the time came.

Here's the real story of why they did:

Several weeks ago Representative AYRES, Akron Republican, went to HALLECK—

He is our leader from Indiana—

and to Representative LEO ALLEN, Illinois Republican, the ranking Republican on the Rules Committee.

Mr. Speaker, I would like attention because this is helpful to the Members.

AYRES said he and "a number of Republicans from city districts" were concerned about the civil rights legislation. What was the GOP leadership going to do?

That is the question they put to Mr. ALLEN and to Mr. HALLECK.

AYRES said his group of "about a dozen" urban Republicans felt their party was taking a beating from liberal Democrats.

That is like the gentleman from Detroit, my good friend, LOUIS RABAUT.

Continuing the quotation:

There is one way for Members of Congress to sidestep the powerful Rules Committee.

Of course, I do not like the Rules Committee either, that is, when they are holding up something I want, but I thank the good Lord they are there when the shoe is on the other foot.

Continuing the quotation:

That is by getting a majority of the Members of the House to sign a so-called discharge petition. Liberal Democrats already had signed such a petition on civil rights and were urging Republicans to do likewise.

If the Republican leaders didn't get civil rights out of the Rules Committee, said AYRES—

I know that our leader has a great deal of influence with the gentleman from Ohio [Mr. BROWN], who is on that committee—

his group would sign the discharge petition.

Then begged our colleague from Illinois, Representative ALLEN, ranking Republican member of the Rules Committee, and I quote:

Give us 2 weeks. That's all we need.

Our colleague, the gentleman from Illinois, came here approximately 28 years ago. A few years later he was honored by an assignment to the Rules Committee, which screens our legislation. He has served without justifiable criticism on that committee for approximately 20 years, an accomplishment which the House as a whole appreciates and approves. Beyond question, he is fully aware of the needs of the House and of the time and method of sending legislation to the House.

Permit me to continue to quote from this article:

Tuesday of this week, the 2 weeks had elapsed. AYRES went to ALLEN: "Your time is up."

Still, ALLEN wasn't quite ready.

The discharge petition—lying on the desk of the Speaker of the House—had 213 signatures, 6 short of a majority.

"Look," AYRES shouted to HALLECK and ALLEN, "If you don't get a rule on that bill, we're going to march down to the Speaker's desk en masse, and sign up. It only takes six votes and I've got twice that many.

Right there, permit me to suggest that I am certain that our colleague never shouted at either HALLECK or ALLEN. He is far too courteous a gentleman to even think of being so rude.

We all know that at any time a petition of the majority of the Members of the House will bring out any pending bill. Moreover, bills can be called up under suspension.

It is also a matter of common knowledge that, when there are approximately 200 names on a petition, pressure or request from such a group will be honored by enough other Members to obtain 219 signers on the pending petition.

Continuing to quote:

The time had come. The Rules Committee met Wednesday—in an unscheduled session—and Representative ALLEN told the Democrats that three Republicans were ready to vote the bill out.

Shortly after the closed-door session, it was announced that the Rules Committee had reached "informal agreement" on the civil rights bill.

Formal approval is expected to come later this week.

Those of us who have been here for some time are well aware of how much members of the Rules Committee may disagree on political questions. But the members are all friendly and considerate of each other's views. When they disagree, they disagree reasonably and courteously, and, made aware of the House desire, never delay action on legislation merely for the sake of delay.

It is my hope that the Members of the House appreciate the suggestion of Mr. Hoyt, a member of the Washington staff of the Akron Beacon Journal, and, should they desire help, ask our colleague from Ohio [Mr. AYRES] to assist them in obtaining action by the leader and the ranking minority member on the Rules Committee. Beyond question, helpful as he always desires to be, I am sure they will find the assistance beneficial.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

AIR FORCE MANUAL AND THE NATIONAL COUNCIL OF CHURCHES

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, there has been a considerable amount of discussion during the past 10 days concerning the Air Force Training Manual which contained unfounded and malicious accusations against the integrity and loyalty of American clergymen. I share the indignation which has arisen as a result of the printing of this manual, and I must say that I do not feel the Air Force can do enough to undo the harm which was done by the incredibly bad judgment of someone in authority in that Department in clearing this manual. To be sure, the Secretary of Air has clearly and unequivocally denounced the manual as not reflecting Air Force thinking. That is all to the good. To be sure, too, the manual has been withdrawn. But, Mr. Speaker, the damage has been done.

Hitherto, these ridiculous accusations of "Communist influence" in the editing of the Revised Standard Version of the Bible—these blanket charges of widespread disloyalty among the clergy—these accusations have been found largely in the literature of the extreme right-wing. Every Member of this House has periodicals of this lunatic fringe cross his desk every day. Unsolicited they come and, for the most part, unread they go, into the wastebasket where they belong. Hitherto people like Gerald L. K. Smith and the other publishers of these unpleasant little periodicals have had to resort to quoting one another in their quest for "documentary proof" of their baseless charges.

But now they will all have a field day quoting "official Government documents" to back up their attempt to smear the National Council of Churches.

The chapter under strongest criticism gives the impression, clearly and deliberately, that the Protestant clergy is shot through with men whose loyalty and integrity are suspect. On what basis? Because members of the National Council of Churches have opinions on public issues which happen to differ with the opinions of such a person as Billy James Hargis? Since when did an obscure rightwinger, whose comments are found quoted approvingly in some of the worst racebaiting and undemocratic periodicals in the Nation, become the infallible spiritual adviser of the Air Force?

The attack on the Council of Churches, Mr. Speaker, has been going on for some time now, and for the most part, those of us who know the council and its wonderful work have become accustomed to the abuse of the obscurantists. We have ignored them—not caring to dignify their accusations by answer. But I think the real bone of contention against the National Council ought to be exposed now, while this issue is still before us. The current national drive to discredit the National Council arises from two main sources. One group which seeks to discredit the National Council of Churches is composed of those who resent the fact that the council has spoken out against the continuation of the un-Christian and undemocratic practices of segregation and discrimination. Many of the periodicals which regularly reprint vitriolic attacks on the council are diehard segregation defenders, often combining attacks on the council with the worst kind of race-baiting.

A second group has attacked the council because the World Order Study Conference at Cleveland questioned the United States all-out support of Chiang Kai-shek and our apparently unalterable opposition to ever admitting Red China to the United Nations.

As I said on the floor of the House several months ago:

> The National Council of Churches, in its Fifth World Order Study Conference in Cleveland last year recommended that we give careful study to the problems involved in Peiping participation in the U.N. and recognition of China by the United States. I had the honor to be present at that conference, and to listen to very outstanding addresses on this question by the late John Foster Dulles, then Secretary of State; Thomas K. Finletter, former Air Force Secretary, and others. I participated in the deliberations of that conference, and I came away feeling that the conference had taken a wise and thoughtful middle position, between those who would have us immediately recognize Red China, unconditionally, and those who would have us close our minds to the possibility and our eyes to the realities.
>
> On the China issue, the conference declared that Christians should urge "reconsideration by our Government of its policy. While the rights of the people of Taiwan—Formosa—should be safeguarded, steps should be taken toward the inclusion of the People's Republic of China in the United Nations." At the same time, the document stressed that such recognition does not imply approval of mainland China's Government.
>
> May I repeat—at no time did the action of the Cleveland conference call for the immediate recognition of Red China. This conference consisted of 600 churchmen who were officially appointed representatives of their churches. Many denominations of the National Council of Churches were represented.
>
> It was with deep regret and a sense of personal affront that I saw exaggerated and misleading accounts of that conference and a maligning of the many devoted churchmen who were active at the conference. There are differences of opinion in regard to the question of our relations with Red China. But I believe we have reached a dangerous position when persons can have their patriotism attacked for supporting a position which they consider to be in the best interest of the United States.

But, Mr. Speaker, these are two reasons why the National Council of Churches and some of America's Protestant leaders are now being subjected to attack. The motives of these attacking organizations and individuals are so transparent that their diatribes have not hitherto been given serious consideration by thinking American people. Not at least until somebody in the Air Force—no doubt in a moment of relaxation from the serious business of writing training pamphlets on how to wash officers' dogs and mix martinis at the officers' club—sat down to tell the Air Force trainees all about how to keep the country safe from anyone who did not agree with Billy James Hargis.

Mr. Speaker, for the sake of the Air Force, I hope to see the investigation really go into the responsibility for this affair. I believe the Congress should know just who, in the Air Force, chose to join in the chorus of those who are baying at the National Council of Churches. Just who gave his OK to the setting forth, under the guise of official Air Force doctrine, the notion that America's clergy is infested with Communists—that the right of the American people to be informed is a "foolish notion," and then, to put the final seal of orthodoxy on these preposterous conclusions by stating that people who disagree with Air Force policy are to be reported at once to the Air Police. Tell me, have people been reported to the Air Police for disagreeing with the material in this manual? Just who—and how many? Criticism—legitimate criticism of the Air Force—has been widespread.

Under unanimous consent I include a series of editorials and columns commenting on this issue at this point in the RECORD.

The Washington Post of February 19 asks:

> How was it possible for anyone of rudimentary wit in the Air Force to repeat uncritically in a Reserve training manual a palpably nonsensical statement from a prejudiced source implying that nearly one-third of the Protestant ministers who worked on a revised version of the Bible had Communist connections? How was it possible for another manual to be part of the training routine for 5 years without someone in authority and with a modicum of curiosity checking the authenticity of similar extremist assertions? How, indeed, was it possible for so much bilge to be assembled between the covers on one small pamphlet?
>
> Not even the most vindictive battleship admiral could have contrived this sort of boobytrap for the Air Force. The whole messy affair, particularly the parts of the pamphlet advising airmen to check up on PTA meetings, to keep an eye on textbooks, and to suspect griping and complaints from home, suggests that the Air Force has been minding everyone's business but its own. We prophesy a swivet of scurrying by the other services to clean up any offensive publications of their own that so far may have escaped the fan, and it will be a good thing. Perhaps what is needed is less attention to training manuals and more to manual training.

In the New York Times of February 19, there is comment about material obtained "out of thin air":

> The purpose of the Air Force, as we have always understood, is to defend the country. It has no mandate to educate us, to spread propaganda, to say things that aren't so, or to insult respectable people.
>
> Air Force officers did all these things, however, in a training manual prepared at the Lackland Air Force Base, Tex., and subsequently sent to reserve training stations. This remarkable document, among other follies, said that pastors of some churches were card-carrying Communists and that 30 out of 95 persons who revised the Bible for the National Council of Churches of Christ were affiliated with subversive organizations. The writers of the manual didn't know this to be true. It isn't true, as far as anybody has ever proved. The ingenious authors may have picked it out of thin air on some of their own training flights.
>
> Secretary of Defense Gates has apologized to the National Council of Churches of Christ, and Air Force Secretary Sharp has ordered an investigation. The House Armed Services Committee has directed a study of all military manuals. Something is wrong in our defense organization when this kind of venomous nonsense can be put out at Government expense.

The Portland Oregon Journal in my own city refers to this manual as:

> McCARTHYITE THINKING IN AIR FORCE
>
> Is the ghost of Joe McCarthy haunting the ranks of the U.S. Air Force? Or has it merely been victimized by the cumbersome processes of bureaucracy?
>
> The latter would appear to be the explanation for certain outlandish material contained in a training manual for the Air Force Reserve which charges substantial infiltration by Communists and fellow travelers in our Protestant churches and which brands as "foolish" the idea that Americans have a right to know what is going on.
>
> The revelation that such material exists has the Pentagon jumping, with Secretary of Defense Thomas S. Gates declaring himself "startled and stunned," and Air Force Secretary Dudley C. Sharp promising a sweeping investigation.
>
> The inquiry will probably find that some low-level bureaucrat with a McCarthyite complex wrote the material and that it crept into the manual without proper checking by saner minds. But an official of the National Council of Churches of Christ in the U.S.A., the target of criticism in the manuals, points out that this fits in with the pattern of the "big brother" incident at Forbes Air Force Base in Topeka, Kans., where commanding officers had urged airmen "to spy on each other's personal lives."
>
> The Air Force has acted to abolish the manual and to set up a screening process which will prevent a repetition. The great majority of the people in the Air Force, we are sure, do not condone this kind of foolishness. Certainly an Air Force manual is no place for propaganda which in essence is alien to American ideals.

The Washington Star of February 18 asks:

HOW DID IT HAPPEN?

The most amazing of many amazing things about the now-withdrawn "Air Reserve Center Training Manual" on "security threats" is how such a ridiculous instruction pamphlet ever received official approval as an Air Force publication.

It would have been bad enough if the many silly statements, charges and innuendoes, with some of the questionable documentary sources cited, had been included in a secret paper for intelligence officers. It is fantastic that such tripe should have been printed and circulated as a student text for non-commissioned officers of the Air Reserve.

When the matter came to his attention, Air Force Secretary Sharp acted promptly to repudiate the document and its doctrines, and to order an investigation of its origin. It is well that he has done so. For the individual responsible for this monumental piece of nonsense should be identified and disciplined. He and his kind pose a greater threat to the Air Force than do fancied subversives.

In the February 20 Washington Post, Roscoe Drummond writes about the "manual of shame":

The U.S. Air Force has committed an awful offense against the United States. It did so by allowing one of its training manuals for Reserves to be used to try to smear the Protestant churches with undocumented, unproved, false charges that the clergy are knee deep with Communists and fellow travelers.

It seems to me that the National Council of Churches is absolutely right in rejecting as inadequate any pro-forma Defense Department action which does not go way beyond just saying, in effect: "Oops, too bad. We'll throw them away and promise not to do it again."

This is an evil, pernicious, dangerous thing which some officers in the Air Force contrived to get into an Air Force manual. The churchmen not only have a right but a duty to insist that how it happened be investigated to the bottom and that the Pentagon demonstrate that it is taking measures equal to the offense and equal to guaranteeing that it won't be repeated.

Secretary of Defense Thomas Gates and Air Force Secretary Dudley Sharp have, of course, instantly repudiated the poisonous, pernicious accusations and innuendoes contained in the military manual. They could hardly do less. It is only fair to say that if they had been consulted, the stuff would never have appeared.

What Secretaries Gates and Sharp repudiated was:

The charge that "Communists and Communist fellow travelers have successfully infiltrated our churches."

The accusation that pastors of certain (unnamed) churches "are card-carrying Communists."

The bland observation that any idea that "Americans have a right to know what is going on" is "foolish."

The suggestion that the Air Force Reserves should "keep an eye on anybody" who disagrees seriously with "Air Force policies."

The innuendo that the National Council of Churches must be Communist ridden because some of its leaders helped to bring out the "Revised Version of the Holy Bible."

All this is sickeningly reminiscent of the notorious charges against the Protestant clergy which J. B. Matthews made in the American Mercury magazine in July 1953, when he was serving as research director for the McCarthy committee. On that occasion Mr. Matthews let go with a blast which charged that the "largest single group supporting the Communist apparatus in the United States is composed of Protestant clergymen." He tossed out 7,000 as a nice, round number. Senator McCarthy fired him.

To make blanket, meat-axe, guilt-by-association accusations against any group is a mean and evil thing. To let some people, whoever they are, infiltrate a government military manual with such charges is meaner and more evil.

The charges are false.

The House Committee on Un-American Activities, which has never been one to understate the Communist problem, issued this finding after investigation:

"A minute number of casehardened Communists and Communist sympathizers have actually infiltrated themselves into the ranks of the loyal clergy. * * * Only a very small number of clergymen in the United States have been fellow travelers. * * * The members of the clergy who have associated with Communist causes is a minute percentage of the hundreds of thousands of loyal, patriotic men of the cloth."

I think we can count on Secretaries Gates and Sharp to go the full distance to deal with this egregious misuse of an Air Force manual. The admission of an awful mistake is the beginning, not the end, of reform.

What is needed is to find out who wrote this stuff, who had anything to do with clearing it as every level, where it was distributed and assurance it won't happen again.

The National Council of Churches ought not to let go of this thing until it is thoroughly aired and cleaned up.

If the Pentagon can't do it—and fast—we can be sure that Congress will. And should.

In the Washington News of February 19 we find editorial comment about "Spirits of Martini":

Way things are going, the Air Force would be doing itself a favor if it just quit writing manuals—the silly ones, at least.

Textbooks are necessary to learners anywhere, including the Air Force. But they are useless unless written by people who know their business, and unless they stick to business.

The business of the Air Force is the national defense. This is a tremendous responsibility, requiring billions in taxpayer dollars, and the brains and energies of the ablest men available.

These frivolous manuals obviously have used up a disproportionate amount of time, energy, and money—although not brains—of too many men. Such as the newest, uncovered by Representative KOWALSKI, which offers six recipes for martinis, tells how to get dates for bachelors, and how to get children to eat their meals.

Such things may not detract from the defense program, or hamper the dedicated officers and men who carry on the program. But they suggest a rampant preoccupation with the martini life which doesn't jibe with the serious job at hand. That training manual exposed by the National Council of Churches, for instance, must have been composed by a student of the six recipes cited by Mr. KOWALSKI.

The Air Force isn't being led by a bunch of clubhouse boys, but it seems to have been at pains to make us think so.

And the Washington Post on February 21 asks:

WHAT MANUAL DO YOU READ?

Now that the Air Force officials have disposed of the ridiculous training manual which aroused churches, teachers and the free press, it is to be hoped that they will make short work of the offensive sections in AF Manual 205-5, a "Guide for Security Indoctrination." Citizens would be justified in taking alarm if they thought that this paragraph reflected Defense Establishment policy:

"Another silly remark often heard concerning security is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion."

It is too bad that the authors of this manual did not read the Field Press Censorship manual issued by the Departments of the Army, the Navy and the Air Force, in August, 1954. This manual, in use by all arms, states:

"The American public has a fundamental right to complete information regarding the sufficiency of its military forces. Moreover, the military services depend upon and exist only by virtue of the confidence and support of the American public. This confidence and support can be maintained only if the public is informed of military requirements, problems and progress."

This is the official view of the American Military Establishment. It is a view that does credit to our Armed Forces and that reflects the long traditions of military men who acknowledge the right of citizens to know instead of spurning expressions of that right as "silly." Unfortunately such a view has not been universally respected in practice, but it never has hitherto been officially repudiated in principle.

The Field Press Censorship manual also expressly states that "The Department of Defense recognizes the right of the public to complete information. Its policy is to keep our people fully informed within the limits permitted by security." This is altogether sound doctrine. We hope that Secretary Sharp will now insist that any contents of training and field manuals inconsistent with this expression of basic commonsense principle will be eliminated forthwith.

THE SEARCH FOR AMERICA

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, Prentice-Hall, Inc., has recently published a book entitled "The Search for America." Edited by Huston Smith, this book is based on the national educational television series.

One of the chapters of the book was written by William J. Simmons, editor of the Citizens' Council and president of the Citizens' Council Forum. Mr. Simmons was recently commended by a resolution adopted by the Mississippi Legislature. Under unanimous consent, I include, as a part of my remarks, the resolution of the Mississippi Legislature and the chapter written by Mr. Simmons which appears in "The Search for America."

SENATE CONCURRENT RESOLUTION 115

Concurrent resolution commending William J. Simmons for his great contribution to the South in its present struggle for a better national understanding of our position, as a result of his participation in "The Search for America" educational film series and by the writing and publishing of a chapter in the book of the same title and expressing the appreciation of the Mississippi Legislature for the great understanding evidenced by this work

Whereas the Mississippi Legislature has learned of the educational film series being

scheduled by educational television stations throughout the country, and the book entitled "The Search for America," published by Prentice-Hall, in which William J. Simmons was asked to participate by appearing on a filmed interview and by contributing a chapter entitled "Race in America: The Conservative Stand"; and

Whereas William J. Simmons, editor of the Citizens Council, published in Jackson, Miss., has won wide acclaim for one of the most convincing statements of our position ever given; and

Whereas these presentations have won respect even from those who disagree with our position; and

Whereas William J. Simmons, a native of Mississippi, by his scholarly approach to this subject, has stated the case for the South in simple direct language which can be understood by anyone who approaches the problem with anything like a reasonably open mind; and

Whereas it is believed that the showing of this film and the publication of this work is destined to make a great contribution to a better understanding in those parts of the United States so prone to condemn and criticize the South without investigating and ascertaining any of the facts involved; and

Whereas Mr. Simmons by appearing on the television program and writing a chapter in the book has furnished the country at large with these facts, giving us a real opportunity to carry our story to a highly educated mass audience who would certainly not otherwise be exposed to our viewpoint; and

Whereas it is significant that national recognition of a high order has been accorded the Citizens' Council movement by virtue of the fact that one of its officials was invited to contribute to a work considered to be authoritative in the viewpoints expressed: Now, therefore, be it

Resolved by the Mississippi State Senate (the House of Representatives concurring therein), That the Mississippi Legislature does commend William J. Simmons for his outstanding contribution to his native State and southland as a whole, by his participation in this film series and the publication of this chapter on "The Conservative Stand"; be it further

Resolved, That a copy of this resolution be forwarded to Mr. Simmons and to the press.

Approved by the senate February 2, 1960.

_____,

President of the Senate.

Approved by the house of representatives February 4, 1960.

_____,

Speaker of the House of Representatives.

RACE IN AMERICA: THE CONSERVATIVE STAND

(By William J. Simmons)

I speak for the majority. The Caucasian and the Negro have never been integrated in our land. Racial segregation is, and has been since the founding of this country, a pervading characteristic of American life. In the South this is accomplished by social separation of the races; elsewhere it is accomplished by their geographical separation and other devices which are not always acknowledged.

There is a notion abroad that we in the South, who frankly and openly believe in the inherent right to associate socially with our own kind, are outnumbered. Nothing could be further from the truth. Integrationists have tried to pose as the majority, but they are far from it. Almost everyone who reads these lines will find himself living in a neighborhood composed exclusively of members of his own race. With scarcely an exception, those who belong to social clubs know that they are limited to members of their own race. If a nationwide referendum were held, the vast majority would favor social separation. Northern parents have indicated unequivocally in public opinion polls that they have almost as little enthusiasm as Southerners for sending their children to schools with large numbers of Negro children. They equally disapprove of interracial marriages and residential integration—witness the euphemistically named "transitional" neighborhoods in every northern metropolis with a large Negro population. It is a remarkable—and encouraging—fact of contemporary American life that in spite of the absolute command of mass communications media by persons who want to coerce integration, our population as a whole has remained almost totally impervious to their proposals.

For two decades the liberal minority in our country has been launched on a high-powered campaign to put over the idea that racial separation is un-American. How this can be, when our Nation has never known any other pattern, appears to be a well-kept secret. Except for a few of the most fanatical of the abolitionist leaders during Reconstruction, the idea of mass racial integration was totally alien and unknown to our people until the last few decades when the pressure groups advocating it came to power. The "melting pot" feature of American life, of which the liberals make so much, has, in fact, never included the black people of African ancestry. It has applied only to white people of European ancestry.

Every war we engaged in, up to the police action in Korea, was fought by racially segregated armies, and fought well. In the war for southern independence, both sides fought well. Surely some quirk of semantics must be involved, to say the very least, where it is argued that armies fighting brilliantly to shape and defend their Nation's very existence have operated contrary to that Nation's ethos.

For almost 5 years the writer has been active in a leadership capacity in the citizens' council movement. This has resulted in a large personal acquaintance and a vast correspondence throughout the country. It has brought appearances before civic groups in every southern State and in several northern ones. I think this experience has enabled me to see the racial dimension of our national life more clearly than most people see it.

What do I see?

I do not see a cleavage between a South that has a race problem and a North that doesn't, for the rapid expansion of Negro slums in large northern cities, with its attendant flight of displaced whites, is generating a racial friction the like of which this country has never known. Nor is there much difference between mass attitudes in North and South: I have already cited the pollsters whose studies show these to be more alike than different. The breach is between armchair liberals who, seated in northern offices and living in white suburbias, feel somehow called upon to mastermind the way persons who must live day by day with the race problem should conduct their lives—between this highly vocal and disproportionately powerful minority and the masses of the American people. The theoreticians pride themselves on their liberality but I confess that it looks to me like the liberalism of cloudland—abstract, visionary, and shot through with wishful thinking, untrammelled by either close acquaintance with, or responsibility to, the facts. In this sense I suppose we are all liberal in some compartments of our thinking, but such liberalism necessarily stands in inverse ratio to the proximity of the issue in question.

Thus I have known professors who teach integration, preachers who preach integration, and politicians who would stand on their heads for the Negro vote, but I have yet to meet (or even hear of) a law enforcement officer or anyone else whose daily business brings him into intimate association with our most publicized minority who thinks integration is a good thing. It seems fantastic to assume that all such persons are impeded by race prejudice. They work harmoniously and effectively with our colored neighbors precisely because they are not obsessed by self-conscious, preconceived ideas about the romance of an artificially induced social equality which exists exactly nowhere that blacks and whites are present in large numbers.

The claim is often made that young people, especially little children, are without "racial prejudice," and that if we oldsters would just leave them alone they would do what comes naturally; meaning, presumably, integrate "without regard to race, creed, or color." (This slogan, repeated over and over, has become a kind of shibboleth as the faithful genuflect toward Mecca: in this case, the fountainhead of the mass communications industries, New York.) The prediction is even made that when we old folks, now in our early forties, take our leave of this best of all possible worlds, a natural wave of joyful integration will follow our unwept departure. This argument always gives me a strange feeling—as if we were not wanted. There is another strange thing about it. I was always taught that my parents knew what was right and proper better than I did. The children I grew up with had the same quaint notion. That was in the days before progressive education. Naturally, during my adolescence I had my doubts about this, but since reaching 40 I have been amazed to discover how accurate my parents' observations on life were. The sad fact—disappointing as it may be to the disciples of progressive education—is that children come into this world having little judgment about anything, be it how to make a living, how to get along with people, or race relations. If civilization is not to begin from scratch in each generation, children must learn from their elders the hard-earned knowledge of mankind. The notion that children's views are naturally superior to their elders', particularly in one of the most complex fields of human relations, approaches the ultimate detachment from reality.

Being malleable, children can be taught widely differing responses to racial differences, or to almost anything else. In the South they are taught kindliness and forbearance, but they are also taught the facts of life with respect to racial differences.

This brings us to a second claim that is being made today: that "science" has shown that there are no significant differences among the races; the attendant implication being, of course, that social patterns based on race represent an antediluvian anachronism. Some go so far as to say that science has proven that there is no such thing as race, as if the troubles that are rocking our Nation in this area have sprung from verbal imprecision—a kind of giant incapacity to spell—and can be cleared up by semantic fiat. This claim is flatly contradicted by the work of such authorities as Gates, Sorokin, Garrett, McGurk, and Shuey in the field of race differences. Be that as it may, suffice it to say here that the question of race differences and their significance is far from having been settled in the research laboratories.

Even if science were to prove the races to be absolutely equal in potential—which we must emphasize it has not—such a finding would in no way affect the practical aspects of race relations, for these are rooted in social attitudes which are totally unrelated to any kind of scientific premise whatsoever. Social attitudes arise from the everyday experiences of generations which crystallize in time into customs and folkways. It is these rather than the abstractions of the scientists that guide men's actions. Nor should this be decried, for folkways encompass the comfort of familiar usage, the wit, the emotion, the sufferings,

the hopes, the idiosyncrasies—in short, the total experience—of a racial family. The fact is that these qualities motivate people and direct their actions, even if, being "of the spirit," they cannot be measured in test tubes or by slide rules. Society is a living organism, not a formula.

Why is the conservative white Southerner opposed to racial integration?

We are opposed to it, and that should be reason enough. If our Northern friends choose to segregate their Negroes (where present in large numbers) in all-Negro neighborhoods; if most white Northerners prefer to live in all-white residential districts, we don't ask them to go into long dissertations to justify their actions. Their preference is justification in itself: in fact, it's the best reason in the world, the one we respect most. Our Northern friends apologize neither to us nor to "world opinion" for their obvious racial patterns. To do so would make them appear weak, defensive, and rather silly. I am sure a moment's reflection will reveal the obvious truth of this. In all logic, we Southerners should enjoy the same respect for our preferences. But for some reason, we are expected to explain.

You of the North may have gone to public school or college with one or two discreet Negro classmates and thought you were integrated. You weren't. You may think you know what integration is if you have eaten in an automat, ridden on a bus, or gone to a movie with a couple of well-groomed colored ladies and gentlemen seated nearby. You don't.

But if you have been in Eastern, McKinley, or Roosevelt High Schools in Washington, D.C., recently; or to certain schools in Brooklyn, or to a couple of the West Indies islands; or if you live in one of those so-called "transitional" neighborhoods, you do know what integration is. You know what it will do, and you will understand completely why we want no part of it.

To begin with, it's a question of numbers. A comparison between Minnesota and Mississippi will point up this obvious fact. Minnesota is the source of much of the pressure for civil rights legislation to force the South to integrate. Most of her political leaders are "liberal" on the race question. We Southerners wonder why the politicians of this Northern State seem so determined to integrate us. Many people from Minnesota migrate South and conduct themselves exactly like other whites in the region. Mississippi is considered the exact opposite of Minnesota in its racial stance. Its name stands as a veritable symbol of Southern resistance to integration. Her political leaders are rock conservative on the race question.

Why this absolute difference in public policy? Are the citizens of Minnesota enlightened champions of democracy and those of Mississippi its betrayers? Let's take a closer look.

According to the 1950 census, Minnesota had a population of 2,982,483. Of this total, 14,022, or one-half of 1 percent, were Negro. According to the same census, Mississippi had a population of 2,178,914. Of this total, 986,494, or 45 percent, were Negro. To put the two States on the same basis for comparison percentagewise, Minnesota's Negro population would have to be increased 1,328,082 in order to equal Mississippi's 45 percent Negro population. If Minnesota were to sustain an influx of over 1¼ million Negroes without altering her racial attitudes, she would present to the Nation a difference worthy of comment. Short of this, the apparent contrast between the two States signifies no more than that one has the problem while the other hasn't. Being exempt, Minnesota can obvious say anything she pleases on the subject without having to live up to her words.

In addition to the question of numbers, there is a matter of geographical distribution. The Negro population of the South is largely rural, as is its white population. In the rural areas generally, white and black families are interspersed, except in the hill sections where there are few, if any, Negroes. In the towns and cities, Negro neighborhoods are relatively scattered. By contrast, the North has virtually no rural Negro population, and the bulk of its rapidly expanding urban Negro population is strictly confined to a few dense metropolitan centers. In a broad sense, the South is integrated geographically, while the North is segregated. Consequently, the prospect of racial integration in social institutions has an intensely personal impact for the southerner that simply does not exist for his northern counterpart.

Racial attitudes are based on more than differences in skin color and other physical features. They arise from deep cultural differences, whether innate or produced by social selection. When the schools in our Nation's Capital were integrated, their white teachers and children had difficulty understanding even the speech of many Negro children, to say nothing of the really important differences in manners, morals, and scholastic aptitude.

In the South, especially the rural South, the schoolhouse is the social center of the community. School life blends inseparably into the total social pattern of the neighborhoods. Dances, plays, picnic suppers, flirtings, courtships, fusses, and fights all revolve around the school and school ground. To tell a proud and independent people with a strong tradition of stubbornness that in order to conform to an abstract theory, tenously grounded in a few studies still wide open to dispute, they must integrate with a race which out of generations of intimate knowledge they have come to regard as totally different from themselves, is to fly wildly in the fact of reason. It is like demanding that Jews in New York City put pressure on their brothers in Palestine to integrate with Arabs to please white southern gentiles.

The northern press seems out to create and glamorize a new species of Southerner which it has christened "the Southern moderate." We are told that if the "extremists" would only quiet down, the "voices of moderation" would speak up and show us the way out of the wilderness. Well, things have been reasonably quiet for a number of months now, and the voices of moderation have yet to arise. Virtually the only exceptions are a few newspaper editors who seem more interested in playing to the Nation at large than in serving their own communities.

Advocacy of integration appears to have become quite fashionable, even sophisticated, in certain of our larger cities. A number of socialites seem to have become bemused with the idea. One advertising agency has openly rallied an inverted kind of snob appeal to the campaign, as witnessed by a recent streetcar poster bearing the bold caption: "New Yorkers of Distinction Don't Discriminate." The glaring contradiction in this high society platform lies in the fact that its proponents haven't the slightest intention themselves of integrating, even with white folks from the other side of the tracks, let alone Negroes, except in isolated, exceptional and transitory instances. Indeed, the picture of these two groups, at opposite extremes of their social, cultural, and racial poles, really integrating carries elements of high comedy. One cannot suppress the suspicion that members of the social register are fortified in their liberal utterances by the knowledge that their wealth automatically insulates them personally from the consequences of their own dilettantism. Once again we are reduced to the basic equation in this entire area: Liberalism is a function of distance from the problem.

What is the southern pattern in race relations?

First, it is essentially conservative. I mean by this that it is firmly rooted in fact and experience. Liberal attitudes, by contrast, are ones that begin with theories to which facts are then required to conform.

Following the War Between the States, the dark days of Reconstruction lasted over a decade. The South was under military occupation. Its conservative white population was disfranchised. Negro political supremacy was virtually complete throughout the region. Gradually, the conservative white people of the South organized and recovered control of their local governments. At the same time, conservatives of the North reacted against the excesses and abuses of the "Tragic Era," and Negro-carpetbagger rule came to an end. But not before it had brought an economic devastation to the South that lasted until a couple of decades ago. Southern people know what Negro political domination is like, and they want no part of it, regardless of sonorous allusions to brotherhood, tolerance and men-of-goodwill. They see little connection between such words and the practical exigencies that confront them.

The present system, which might best be described as biracial, developed during the 80 years following Reconstruction. It is the result of natural forces, the end product of a massive accommodation of two separate and distinct racial groups to each other. It is the consequence of generations of trial and error, conflict, mediation, patience, endurance, and the demands of grim necessity.

In the South, white and colored people mingle freely and familiarly in their daily pursuit of bread. In social areas, including homes, schools, parks, swimming pools, restaurants, and hotels, the line is strictly drawn, and both races respect it. Under our biracial system, the Negro has steadily improved his lot economically and educationally as the entire South has risen from the ashes of devastation. Whites and blacks live in a physical proximity and on terms of personal cordiality that seldom fail to surprise the uninitiated northerner who may come loaded to the gills with brotherhood, but whose personal knowledge of Negroes has been confined to a few intellectuals in the literary salons of northern universities, or to faceless mass-men jamming the concrete canyons of the northern metropolis.

This biracial system obviates the fear that pervades race relations in northern cities. Southern blacks and whites live in an easy-going atmosphere which includes mutual respect and a frank recognition of differences. The well-defined code of personal decorum between the races that is so thoroughly understood in Dixie has been the object of much ridicule from social experts in the North. They are unable to see the extent to which it arises from a consideration of the feelings of the Negro himself, and a desire to spare him the cold, cutting personal humiliations he is subject to in the North.

The point is that we live by a system that works. It is based on reality. It is based on law. It is based on the human experience of generations, not on the social theories of a Scandinavian sociologist named Gunnar Myrdal. The tendency of our national publications to dismiss the folkways of a whole region as superficial prejudice is curious social science.

If the people of the North want to integrate, it's all right with us. It's their privilege. We don't believe in meddling with other folks' business. And we don't take too kindly to their meddling with ours. But we were taught to be polite, and despite extreme provocation we're trying hard.

If the people in New York want to transport children across Manhattan and the

Bronx for the privilege of being in integrated schools, it's their business. If they want to keep police stationed in integrated schools to keep order, as a grand jury demanded, it's their business. If Washington, D.C., wants to adopt an integrated school system that runs white families out of the District, it's their business. If the big cities of the North want political machines based on irresponsible, purchasable bloc votes, it's their business. If they wanted to integrate with the buffaloes on the western plains, it would still be their business. We might have our opinions, but we'd keep them to ourselves.

But if we in the South want to have a biracial social system, that's our business.

Let's put the shoe on the other foot. Suppose the South began piously demanding that the schools in the North be segregated "with all deliberate speed." Suppose we sent swarms of reporters combing over the North to magnify every incident involving individuals of different races, and had somber-faced announcer on television screens constantly denouncing northerners as biased, bigoted, prejudiced, racist, ignorant, un-Christian, reactionary, un-American hate-mongers. Would not Yankee patience and long suffering wear a bit thin?

We read about the chaos and violence in the "blackboard jungles" of Brooklyn, St. Louis, and Kansas City. Forty-one schools in New York requested police protection last year. Southerners don't understand this as progress. Such conditions are unknown south of the Mason-Dixon line. There are no organized gangs terrorizing students and teachers. As far as I know there is not a single incident on record where police have been needed to keep order in a southern segregated school. Is it surprising that conservative southern parents are reluctant to *exchange this* peace for the discord that would inevitably accompany integration?

Until the last few years, the conservative South has remained unorganized, but the militancy of liberal pressure groups has forced it to unite in self defense. We have watched unorganized majorities manipulated by tightly organized integrationist minorities. We have watched integrationist and collectivist ideologies permeate the opinion-forming professions and publications. We have seen northern politics veer radically in response to the gravitational pull of left-wing labor and Negro leaders. The northern conservative political position has eroded under the relentless grind of bloc voting until little semblance of its once great national influence remains. Our two-party political system has virtually been welded into a single "me-too" chorus of appeasement to the demands of the liberals. We have seen our Supreme Court, in the school segregation cases, issue an ukase which handed the National Association for the Advancement of Colored People a quasi-legal weapon it can use to wreck our public school system if permitted free rein. Other strictly social areas of our life have been similarly laid open to invasion by court edicts, areas which historically in our country have been absolutely free of Government control. These developments have precipitated a constitutional crisis, the end of which no man can see. Highly organized pressure groups have turned whole sections of American life upside down. The nature of our constitutional form of government is being changed before our very eyes.

The groups behind these moves have enormous power, and they know how to use it. Their leaders have mastered techniques of social revolution that are a closed book to most of our political leaders and private citizens. They have been overwhelmingly successful in the North and at the national political level because there has been no organized force in being of sufficient size and power to check their advance. Courageous individuals and small groups have been crushed and eliminated or simply ignored.

Integration of the races is not the only battle front in this wide-ranging social conflict. The rapid growth of big Government and centralization of power in Washington under an overweening bureaucracy, welfare statism, invasion of the reserved rights of the States, the replacement of a salvational by a social gospel, the collectivization of American life, confiscatory taxes, all are components of a total, all-out assault against American conservatism. Many conservatives consider other aspects of their position more important than their stand on race, but my own view is that no other issue in the galaxy of conflicts besetting us is comparable to this one in its permanent impact on the lives and fortunes of conservative white Americans.

For what do the liberals have in mind for us? Leaders of the highly organized Negro pressure groups have made their objective crystal clear. It is to alter totally the patterns of southern life and custom. Achievement of this objective would change our national politics at a stroke. The Old South with its familiar voices in Congress would be dead. The voices that replaced it would be elected in large part by colored votes and would speak in very different accents. With the rudder of Congress thus changed, our Government would indeed lurch into new, uncharted seas.

Of course there is self-interest in this issue. Our region is now beginning to come again into its own. Despite dire predictions of what would happen to our economy if we didn't integrate, the South has continued to boom. Several authoritative business publications of national standing have placed Jackson, Miss., "the segregation capital of the United States," at the top of the Nation's cities in business growth during the past year. The South is filling up with upper class white refugees from the race friction and labor troubles of strife-ridden northern cities. Simultaneously, the South is exporting Negroes by the trainload. Lured by promises of easy welfare checks and enticements of civil rights from vote-hungry politicians, these people are beelining it for northern slums in ever-increasing numbers. We don't want this trend stopped.

Under the fiscal policies enforced by the pressures of collectivist organizations, the once-powerful State of Michigan has been brought close to bankruptcy. Mississippi may be accused of everything under the sun, but we happen at the moment to be enjoying a pleasant surplus.

Perhaps we may be pardoned, then, in our reluctance to see our land reduced to the abject fate of many northern cities where the Negro-collectivist element has the upper hand. We have no desire to see our law enforcement machinery break down because Negro lawbreakers have to be coddled for the bloc vote. We want our streets to continue as places where white and black circulate freely without fear of bodily harm.

Once we, the white conservatives of the South, sized up the forces arrayed against us, we felt no inclination to roll over and play dead. Nor were we seduced into the alternative of burying our heads in the sand and pretending that everything was rosy, as were many of our northern contemporaries under the anesthesia of personal affluence.

Being down-to-earth folk, we did something else. Instead of being taken in by the cloud of "brotherhood and tolerance" talk that was drifting down from the North, we looked under this cloud. And what we saw was that the "democracy" that was beamed our way should be translated "Negro political domination"; the "tolerance" should be read as "the integration of our children." We looked further. We saw that the current commotion had been raised because those who wanted it were organized and worked hard to achieve what they wanted. So the white conservative South began to organize in return. In the 11 States of the former Confederacy, the chief organized forms of the South's resistance include the citizens' councils and similar local groups under different names, coordinated through State associations which form the citizens' councils of America. In the Northern and border States, the strongest resistance has come from property owners' protective associations. In the Deep South, this mobilization has stopped the integration drive cold. There is no integration whatever in the Deep South.

The conservative South is not made up of Ku Kluxers. We are not anti-Negro. We have always drawn a sharp distinction between the great masses of southern Negroes and the NAACP, which we regard as a pressure group and not the Negro's true spokesman. In these difficult times we continue to enjoy the same pleasant relations with our colored friends, within the framework of our biracial system, that we have always enjoyed. We have been subjected to vicious personal attacks, but that is simply a price that has had to be paid.

What will be the outcome of the present turbulence in race relations? Now that the conservative South is mobilized, with its influence deeply rooted in the power structure of hundreds of communities, we believe that the ideals under which our country has grown great will be preserved for ourselves and our children. And what are these? The conservative white southerner believes with his northern counterpart that the best government is the least government. He believes in governing himself. He believes in the fundamental right of each individual to pursue his own destiny, free from the cold social regimentation of distant authority but in compliance with the customs and mores of his own people.

Why has the conservative white southerner responded to the threat to his position while the conservative white northerner has not?

For one thing, the southerner is not physically intimidated by the Negro. He is accustomed to dealing with his Negro neighbor on the basis of a personal acquaintance that may be difficult for the nonsoutherner to understand. Moreover, the white population of the South is more homogeneous than in the rest of the country, and is united by a feeling of racial solidarity. The fact that one-fourth of its population is of African origin stands as a constant call to group identification.

I think the answer also lies in something that might be called southern patriotism. The South was once a nation, with a short and tragic history it is true, but a nation nonetheless. It has a proud, military tradition, and the memory of common suffering. These things evoke an almost mystic attachment to the region, an attachment which has provided the theme of some of the finest American literature. The South is home to its inhabitants in a way that the North or West are not to those who live there. The southerner is aware of a deep sense of kinship with the land of his fathers. He has a personal sense of history, an awareness of proud tradition.

On a crisp, frosty, autumn morning, when he steps out on his porch to see the day quicken into life and watches the lazy curl of smoke from a neighbor's chimney lift into the softness of light blue haze, it is as if still he can hear, faintly in the distance, the bugle strains of the "Bonnie Blue Flag," lingering where his grandfather once rode. He knows he's home. And he will fight for his home.

ESTONIAN INDEPENDENCE DAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman

from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in the early days of 1918, when the chains that held down freedom-loving peoples seemed to be snapping loose, Estonians regained their freedom and proclaimed their independence on February 24. Thenceforth these sturdy Estonians, numbering a bare million in their historic homeland on the northeastern shores of the Baltic, instituted their own democratic form of government, took their destiny into their own hands and became masters of their fate. For some two decades they worked hard at the task of rebuilding their devastated country, and in the course of years when that was accomplished, they lived happily in their almost recreated homeland. As one of the smallest independent and sovereign states in Europe, the people of Estonia gave a good account of themselves in all walks of life. Economically, socially, culturally, and politically their leaders showed remarkable gifts and rare tact. Wishing to remain at peace and live on friendly terms with all their neighbors, they were content to be left alone. But as we know today, they were not allowed to live in peace; nor were they allowed to enjoy their well-earned freedom. Early in the last war the Soviet Union seemed determined to crush and eliminate all these democracies on its western borders. Early in 1940 with one treacherous blow all three Baltic democracies, including the Estonian Republic, were destroyed, the country was occupied by the Red army, and in mid-1940 it was incorporated into the Soviet Union. Thus ended the Estonian Republic that was born on February 24.

It is ironic to state, but there appears, perhaps by accident, some chronological symmetry in the modern and recent Estonian history. These people were brought under the oppressive czarist regime of Russia in 1710. For exactly 208 years they suffered under it. Then they had their freedom which ran for a period not much more than one-tenth of the time they lived under the autocratic czars. Their independence was allowed to last for just a little over two decades. And today, for almost another period of two decades, they have been suffering under the unspeakable yoke of Communist totalitarian tyranny. Would that this chronological symmetry be maintained, and that soon these unfortunate souls could look forward to a period of freedom. On this 42d anniversary of their Independence Day, I can wish them nothing less than that, full liberty and freedom to live in peace in their beloved homeland.

CONFLICTS OF INTEREST IN THE EXECUTIVE BRANCH

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I have introduced in the House a bill, H.R. 10575, which is an omnibus bill relating to conflicts of interest in the executive branch of the Government of the United States. This bill is the work product of a special committee on the Federal conflict-of-interest laws of the Association of the Bar of the City of New York. The project was funded by the Ford Foundation.

I have been honored to serve as a member of this committee from its beginnings, which was prior to my election to Congress. This committee has spent over 2 years in researching and developing an approach to this difficult problem. It has met in New York City as a regular matter 2 full days and an evening every month.

The committee's report is unanimous. The committee also drafted the bill which I have introduced. There were many, many long hours of labor that went behind this report and bill, but the committee worked well together and each member contributed in his own way. Speaking personally, I have never worked with a finer group of men, and I am deeply appreciative of having been one of their colleagues. I should like to mention the other members of the committee: Roswell B. Perkins, of New York, former Assistant Secretary of Health, Education, and Welfare, chairman; Howard F. Burns, of Cleveland, Ohio, member of the Council of the American Law Institute; Charles A. Coolidge, of Boston, former Assistant Secretary of Defense for legal and legislative affairs; Paul M. Herzog, of New York, former Chairman, National Labor Relations Board; Alexander C. Hoagland, Jr., of New York; Everett L. Hollis, former General Counsel, Atomic Energy Commission; Charles A. Horsky, former assistant prosecutor at Nurnberg with the chief of counsel for war crimes; John E. Lockwood, of New York, former General Counsel, Office of Inter-American Affairs; and Samuel I. Rosenman, of New York, former special counsel to Presidents Roosevelt and Truman.

The committee staff included Prof. Bayless Manning, of the Yale Law School, staff director; Prof. Marver H. Bernstein, of the Department of Politics of Princeton University, associate staff director; and Miss Ruth D. Carter, committee secretary.

Mr. Speaker, under unanimous consent, I include in the RECORD at this point the text of the bill and, in addition, a brief explanatory statement about the bill.

The report of the committee will be published in book form in the late spring or early summer. Prepublication mimeographed copies were released by the committee in order to make available the committee's work product to the House Committee on the Judiciary which is currently holding hearings on this important subject.

H.R. 10575

A bill to supplement and revise the criminal laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I—PROHIBITED CONDUCT, ADMINISTRATION AND PROCEDURE

§ 1. Preamble; declaration of policy and purpose

(a) The proper operation of a democratic government requires that officials be independent and impartial; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The attainment of one or more of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a government employee and his duties as an official. The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to employee conduct in situations where actual or potential conflicts exist.

(b) It is also fundamental to the effectiveness of democratic government that, to the maximum extent possible, the most qualified individuals in the society serve its government. Accordingly, legal protections again conflicts of interest must be so designed as not unnecessarily or unreasonably to impede

the recruitment and retention by the government of those men and women who are most qualified to serve it. An essential principle underlying the staffing of our governmental structure is that its employees should not be denied the opportunity, available to all other citizens to acquire and retain private economic and other interests, except where actual or potential conflicts with the responsibility of such employees to the public cannot be avoided.

(c) It is the policy and purpose of this Act to promote and balance the dual objectives of protecting Government integrity and of facilitating the recruitment and retention of the personnel needed by Government by prescribing essential restrictions against conflicts of interest in the executive branch of the Government without creating unnecessary barriers to public service.

§ 2. Definitions

Unless the context of this Act otherwise clearly requires, for purposes of this Act the terms defined in this section shall have the respective meanings hereinafter set forth. The terms defined in this section include: "agency"; "agency head" and "head of an agency"; "assist"; "compensation"; "Government action"; "Government employee"; "intermittent Government employee"; "participate"; "person"; "regular Government employee"; "responsibility"; "State"; "thing of economic value"; and "transaction involving the Government".

(a) "Agency" means—

(1) the Executive Office of the President;

(2) an executive department;

(3) an independent establishment within the executive branch; and

(4) a Government corporation.

For purposes of this subsection (a)—

(i) the executive departments are the Departments of State; Defense; Treasury; Justice; Post Office; Interior; Agriculture; Commerce; Labor; and Health, Education, and Welfare; and

(ii) "independent establishment within the executive branch" means any establishment, commission, board, committee or other unincorporated instrumentality of the United States which is not—

(A) part of an executive department or Government corporation; or

(B) part of the legislative or judicial branches of the United States.

(iii) "Government corporation" means any corporation which is either defined as a "wholly owned Government corporation" in the Government Corporations Control Act of 1946 or is designated as a Government corporation for purposes of this Act by the President by regulations issued pursuant to section 10.

(b) "Agency head" and "head of an agency" mean the chief executive officer of an agency, who shall be the chairman in the case of an independent establishment which is a commission, board, or committee. The Secretary of Defense may delegate to the Secretaries of the Army, the Navy, and Air Force such of his responsibilities as an agency head as he may deem appropriate.

(c) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to, another person with knowledge that such action is of help, aid, advice, or assistance to such person and with intent so to assist such person.

(d) "Compensation" means any thing of economic value, however designated, which is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person or to the United States.

(e) "Government action" means any action on the part of the executive branch of the United States, including, but not limited to—

(1) any decision, determination, finding, ruling, or order, including the judgment or verdict of a military court or board; and

(2) any grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof, or failure to act with respect thereto.

(f) "Government employee" means any individual who is—

(1) appointed by one of the following acting in his official capacity—

(A) the President of the United States, or

(B) a person who qualifies as an employee under this definition; and

(2) engaged in the performance of a Federal function under authority of the Constitution, an Act of Congress, or an Executive act; and

(3) under the supervision or authority of one of the persons listed in (A) or (B) under (1).

Notwithstanding the foregoing, the term "Government employee" shall not include any of the following—

(i) officers and employees in the legislative and judicial branches of the United States;

(ii) employees of the District of Columbia;

(iii) employees of corporations other than Government corporations as defined in subsection (a)(iii) of this section; and

(iv) a reserve of the Armed Forces, when he is not on active duty and is not otherwise a Government employee.

An individual shall not be deemed an employee solely by reason of his receipt of a pension, disability payments, or other payments not made for current services, or by reason of his being subject to recall to active service.

Every Government employee shall be deemed either "intermittent" or "regular", as determined by the definitions contained in subsections (g) and (j), respectively, of this section.

(g) "Intermittent Government employee" means any Government employee who has performed services as such employee on not more than fifty-two working days (which shall not include Saturdays, Sundays, and holidays) out of the preceding three hundred and sixty-five calendar days: *Provided, however,* That—

(1) The President may issue an order increasing to not more than one hundred and thirty days the number of working days within a three hundred and sixty-five calendar day period on which a particular Government employee may perform services while still being classified as an intermittent Government employee for purposes of this Act: *Provided,* That the President shall make a determination that the national interest requires the retention of such employee's services during a further specified period. A statement of the pertinent facts and of the President's determination of national interest shall be published in the Federal Register;

(2) a Reserve of the Armed Forces, unless otherwise a regular Government employee, shall be classified as an intermittent Government employee for purposes of this Act while on active duty solely for training, irrespective of the number of working days of such training;

(3) irrespective of the fact he has performed services on less than fifty-two working days, a Government employee shall be deemed a regular Government employee, as defined in subsection (j) of this section, and not an intermittent Government employee, if—

(A) he was appointed to a position calling for regular and continuing full-time services, and

(B) his appointment did not evidence an intent that his services would be for a period of less than one hundred and thirty working days in the three hundred and sixty-five calendar day period following such appointment.

The termination of any particular term of employment of an intermittent Government employee shall take effect on the day when the earliest of the following events occurs:

(i) He becomes a regular Government employee, as defined in subsection (j) of this section;

(ii) He resigns, retires, or is dismissed, or the termination of his status is otherwise clearly evidenced; or

(iii) Three hundred and sixty-five calendar days shall have elapsed since the last working day on which he shall have performed services as an intermittent Government employee, unless his appointment was expressly for a longer period.

An intermittent Government employee shall be in such status on days on which he performs no services as well as days on which he performs services.

(h) "Participate," in connection with a transaction involving the Government, means to participate in Government action or a proceeding personally and substantially as a Government employee, through approval, disapproval, recommendation, decision, the rendering of advice, investigation, or otherwise.

(i) "Person" means any—

(1) individual;

(2) partnership, association, corporation, firm, institution, trust, foundation, or other entity (other than the United States or an agency), whether or not operated for profit;

(3) State or municipality of the United States or any subdivision thereof, including public districts and authorities; and

(4) foreign country or subdivision thereof.

(j) "Regular Government employee" means any Government employee other than an intermittent Government employee, as defined in subsection (g) of this section. The termination of any particular term of employment of a regular Government employee shall take effect when he resigns, retires, or is dismissed, or the termination of his status is otherwise clearly evidenced.

(k) "Responsibility," in connection with a transaction involving the Government, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, effectively to approve, disapprove, or otherwise direct Government action in respect of such transaction.

(l) "State" means any State of the United States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(m) "Thing of economic value" means any money or other thing having economic value, and includes, without limiting the generality of the foregoing—

(1) any loan, property interest, interest in a contract, or other chose in action, and any employment or other arrangement involving a right to compensation;

(2) any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option; and

(3) any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, irrespective of the conditions to its exercise, and the time the promise or undertaking is made, irrespective of the conditions to its performance.

(n) "Transaction involving the Government" means any proceeding, application, submission, request for a ruling, or other determination, contract, claim, case, or other such particular matter—

(1) which the Government employee or former Government employee in question believes, or has reason to believe, is, or will be, the subject of Government action; or

(2) in or to which the United States is a party; or

(3) in which the United States has a direct and substantial proprietary interest.

§ 3. Acts affecting a personal economic interest

(a) ECONOMIC INTERESTS OF A GOVERNMENT EMPLOYEE.—No Government employee shall participate in a transaction involving the Government in the consequences of which he has a substantial economic interest of which he may reasonably be expected to know.

(b) ECONOMIC INTERESTS OF PERSONS IN WHICH A GOVERNMENT EMPLOYEE HAS AN INTEREST.—No Government employee shall participate in a transaction involving the Government in the consequences of which, to his actual knowledge, any of the following persons has a direct and substantial economic interest:

(1) His spouse or child; or

(2) Any person in which he has a substantial economic interest of which he may reasonably be expected to know; or

(3) Any person of which he is an officer, director, trustee, partner, or employee; or

(4) Any person with whom he is negotiating or has any arrangement concerning prospective employment; or

(5) Any person who is a party to an existing contract with such Government employee or an obligee of such Government employee as to a thing of economic value and who, by reason thereof, is in a position to affect directly and substantially such employee's economic interests.

(c) DISQUALIFICATION.—Every Government employee shall disqualify himself from participating in a transaction involving the Government when a violation of subsection (a) or (b) would otherwise result. The procedures for such disqualification shall be established by regulations issued pursuant to section 10.

(d) SUBSTANTIAL ECONOMIC INTEREST.—The term "substantial economic interest" may be defined by regulations issued by the President pursuant to section 10, but the term shall not include—

(1) the interest of a Government employee in his grade, salary, or other matters arising solely from his Government employment;

(2) the interest of a Government employee, or of a person referred to in subsection (b) solely as a member of the general public, or of any significant economic or other segment of the general public.

(e) PRESIDENTIAL EXEMPTION.—The President may issue an order suspending the operation of subsections (a) and (b), in whole or in part, as to a particular employee with respect to transactions involving the Government of a particular category or in connection with a particular assignment, provided that the President shall make a determination that under all the circumstances the national interest in such employee's participation exceeds the public interest in his disqualification. A full statement of the pertinent facts and of the President's determination of national interest shall be published in the Federal Register.

§ 4. Assisting in transactions involving the Government

(a) GENERAL RULE FOR ALL EMPLOYEES.—Except in the course of his official duties or incident thereto, no Government employee shall assist another person, whether or not for compensation, in any transaction involving the Government—

(1) in which he has at any time participated; or

(2) if such transaction involving the Government is or has been under his official responsibility at any time within a period of two years preceding such assistance.

(b) ADDITIONAL GENERAL RULE FOR REGULAR EMPLOYEES.—Except in the course of his official duties or incident thereto, no regular Government employees shall—

(1) assist another person for compensation in any transaction involving the Government;

(2) assist another person by representing him as his agent or attorney, whether or not for compensation, in any transaction, involving the Government.

(c) NO SHARING IN COMPENSATION.—No Government employees shall share in any compensation received by another person for assistance which such Government employee is prohibited from rendering pursuant to subsection (a) or (b).

(d) PARTNERSHIPS.—No partnership of which a Government employee is a partner, and no partner or employee of such a partnership, shall assist another person in any transaction involving the Government if such Government employee is prohibited from doing so by subsection (a).

(e) PERMITTED EXCEPTIONS.—(1) Nothing in this section shall prevent a Government employee, subject to conditions or limitations set forth in regulations issued pursuant to section 10, from assisting, in a transaction involving the Government—

(A) his parent, spouse, or child, or any thereof for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary;

(B) a person other than his parent, spouse, or child for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary;

(C) another Government employee involved in disciplinary, loyalty, or other personnel administration proceedings; or

(D) another person in the performance of work under a contract with or for the benefit of the United States:

Provided, however, That—

(E) in the case of clauses (A) and (B), such Government employee shall not have at any time participated in such transactions, nor, in the case of clause (B), shall such transaction have been under his official responsibility; and

(F) in the case of clauses (A), (B), (C), and (D), the circumstances of the assistance shall have been disclosed to the head of the employee's agency and approved by him in advance of the assistance; and

(G) in the case of clause (D), the head of such employee's agency shall have certified in writing that in his opinion the national interest will be promoted by permitting the special knowledge or skills of such Government employee to be made available to assist such other person in connection with such performance.

(2) Nothing in this section shall prevent a Government employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

§ 5. Compensation for regular Government employees from non-Government sources

(a) UNCOMPENSATED EMPLOYEES.—For purposes of this section the term "regular Government employee" shall not include any Government employee who, in accordance with the terms of his appointment, is serving without compensation from the United States or is receiving from the United States only reimbursement of expenses incurred or a predetermined allowance for such expenses.

(b) PAYMENTS FOR SERVICES TO THE UNITED STATES.—No regular Government employee shall receive any thing of economic value, other than his compensation from the United States, for or in consideration of personal services rendered or to be rendered to or for the United States. Any thing of economic value received by a regular Government employee prior to or subsequent to his Government employment shall be presumed, in the absence of a showing to the contrary by a clear preponderance of evidence, not to be for, or in consideration of, personal services rendered or to be rendered to or for the United States.

(c) COMPENSATION FOR SERVICES TO OTHERS.—No regular Government employee shall receive any thing of economic value (other than his compensation from the United States) in consideration of personal services rendered, or to be rendered, to or for any person during the term of his Government employment unless such services meet each of the following qualifications:

(1) The services are bona fide and are actually performed by such employee;

(2) The services are not within the course of his official duties;

(3) The services are not prohibited by section 4 or by applicable laws or regulations governing non-Government employment for such employee; and

(4) The services are neither performed for nor compensated by any person from whom such employee would be prohibited by section 6(b) from receiving a gift; or, alternatively, the services and compensation are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(d) PAYMENTS FOR FUTURE SERVICES TO OTHERS.—No regular Government employee shall receive, directly or indirectly, any thing of economic value during the term of his Government employment in consideration of personal services to be rendered to or for any person subsequent to the term of such employment. Nothing contained in this subsection (d) shall be deemed to prevent a Government employee from entering into a contract for prospective employment during the term of his Government employment.

(e) COMPENSATION FROM LOCAL GOVERNMENTS.—Nothing contained in this section shall prevent a Government employee from receiving compensation contributed out of the treasury of any State, county, or municipality if—

(1) the compensation is received pursuant to arrangements entered into between such State, county, or municipality and such employee's agency; or

(2) the compensation and the services for which it is received are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(f) CONTINUATION IN CERTAIN PENSION AND OTHER PLANS.—(1) Nothing contained in this section shall prevent a Government employee's continuation in a bona fide pension, retirement, group life, health, or accident insurance, or other employee welfare or benefit plan maintained by a former employer but to which such former employer makes no contributions on behalf of such employee in respect of the period of his Government employment.

(2) Nothing contained in this section shall prevent a Government employee's continuation in a bona fide plan, maintained by a former employer and to which such former employer makes contributions on behalf of such employee, in the case of—

(A) a pension or retirement plan qualified under the provisions of the Internal Revenue Code, or

(B) a group life, health, or accident insurance plan: *Provided,* That the contributions by such employer are not made for a period longer than five consecutive years of Government employment (or an aggregate of five years out of the preceding ten).

(3) Nothing contained in this section shall require the termination of the rights of a Government employee acquired under a bona fide profit-sharing or stock bonus plan maintained by a former employer and qualified under the provisions of the Internal Revenue Code: *Provided*, That no contributions are made by such former employer on behalf of the Government employee based on profits attributable to any portion of the period of his Government employment.

(4) The provisions of this subsection (f) shall be subject to any additional conditions or limitations, including limitations on maximum amounts, set forth in regulations issued pursuant to section 10.

(g) TRAVEL AND RELATED EXPENSES.—Travel and related expenses received other than from the United States shall be deemed to be for or in consideration of personal services rendered to or for a person only to the extent provided in regulations issued pursuant to section 10.

§ 6. Gifts

(a) GENERAL RULE FOR ALL EMPLOYEES.—No Government employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person if such Government employee has reason to believe the donor would not give the gift, gratuity, or favor but for such employee's office or position within the Government.

(b) ADDITIONAL GENERAL RULE FOR REGULAR EMPLOYEES.—No regular Government employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person. or from any officer or director of such person, if such regular Government employee has reason to believe such person—

(1) has or is seeking to obtain contractual or other business or financial relationships with such employee's agency; or

(2) conducts operations or activities which are regulated by such employee's agency; or

(3) has interests which may be substantially affected by such employee's performance or nonperformance of official duty.

(c) PERMITTED EXCEPTIONS.—Exceptions to subsections (a) and (b) may be made by regulations issued pursuant to section 10 in situations where the circumstances do not lead to the inference that the official judgment or action of the Government employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby.

§ 7. Abuse of office

Except in the course of his official duties or incident thereto, no Government employee shall, in his relationships with any person specified in the succeeding sentence, use the power or authority of his office or position within the Government in a manner intended to induce or coerce such other person to provide such Government employee or any other person with any thing of economic value, directly or indirectly. This section shall apply to relationships with any person, or any officer or director of such person, from whom such Government employee, if he were a regular Government employee, would be prohibited by section 6(b) from receiving a gift.

§ 8. Postemployment

(a) GENERAL RULE.—No former Government employee shall at any time subsequent to his Government employment assist another person, whether or not for compensation, in any transaction involving the Government—

(1) in which he at any time participated during his Government employment; or

(2) if such transaction involving the Government was under his official responsibility as a Government employee at any time within a period of two years preceding such assistance.

(b) NO SHARING IN COMPENSATION.—No former Government employee shall share in any compensation received by another person for assistance which such former Government employee is prohibited from rendering by subsection (a).

(c) PARTNERSHIPS.—(1) No partnership of which a former Government employee is a partner, and no partner or employee of such a partnership, shall, for a period of two years following the termination of his Government employment, assist another person in any transaction involving the Government in which such former Government employee at any time participated during his Government employment. For purposes of this subsection (c)(1), the termination of the former Government employee's employment with the agency by which he was employed when he so participated shall be deemed to be the termination of his Government employment.

(2) Whenever subsection (c)(1) would be applicable but for the expiration of the period of two years referred to therein, the circumstances of the former Government employee's participation in the transaction during his Government employment, if the individuals acting for the partnership are aware of such participation, shall be disclosed to the agency principally involved in the transaction involving the Government, and an affidavit of such former employee to the effect that he has not assisted in such transaction involving the Government shall be furnished to such agency.

(d) SPECIAL RULE FOR COMPUTATION OF TWO-YEAR PERIOD FOR CERTAIN FORMER INTERMITTENT EMPLOYEES.—For purposes of this section, a former intermittent Government employee whose employment terminated under clause (iii) of section 2(g) shall be deemed to have terminated such employment on the last working day on which he performed services as an intermittent Government employee.

(e) PERSONS FORMERLY ON ACTIVE DUTY AS COMMISSIONED OFFICERS OF ARMED FORCES.—The President shall, in furtherance of this section 8, issue regulations of the nature herein described applicable to persons who have been commissioned officers on active duty in one of the armed forces of the United States. Such regulations shall have the effect of prohibiting such persons, for the periods therein specified, from personally dealing with personnel of the Department of Defense, or of such units thereof as may be specified in such regulations, with the purpose of assisting in the sale of anything, including services, to the United States through the Department of Defense of such units thereof as may be specified in such regulations. The retirement pay of any retired commissioned officer who violates such regulations shall be terminated pursuant to the regulations issued hereunder for the periods therein specified.

(f) PERMITTED EXCEPTIONS.—The permitted exceptions applicable to Government employees under section 4(e) shall also be applicable to former Government employees under this section 8, subject to conditions or limitations set forth in regulations issued pursuant to section 10. For purposes of this section 8, references in such section 4(e) to the Government employee providing assistance shall be deemed to be to the former Government employee, and references to his agency shall be deemed to be to his former agency.

§ 9. Illegal payments

(a) PAYMENTS AS COMPENSATION, ETC.—No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of section 4, 5, or 8.

(b) GIFTS.—No person shall give, transfer, or deliver, directly or indirectly, to a Government employee any thing of economic value as a gift, gratuity, or favor if either—

(1) such person would not give the gift, gratuity, or favor but for such employee's office or position within the Government; or

(2) such person is in a status specified in clause (1), (2), or (3) of section 6(b).

Exceptions to this subsection (b) may be made by regulations issued pursuant to section 10 in situations referred to in section 6(c).

§ 10. Administration

(a) RESPONSIBILITY OF THE PRESIDENT.—(1) The President shall be responsible for the establishment of appropriate standards to protect against actual or potential conflicts of interest on the part of Government employees and for the administration and enforcement of this Act and the regulations and orders issued hereunder.

(2) The President may, and shall do so when required by this Act, issue regulations extending, supplementing, implementing, or interpreting the provisions of this Act. Such regulations shall take precedence over any regulations issued by agency heads pursuant to subsection (c).

(3) The President shall have particular responsibility for the enforcement of this Act as applied to employees of the Executive Office of the President and to agency heads, and for this purpose the President shall have all the powers of an agency head.

(4) The President may conduct investigations of facts, condition or conditions, practices, or other matters in carrying out his responsibilities and powers under this subsection (a) and in obtaining information to serve as a basis for recommending further legislation related to the purposes of this Act. In connection with any such investigation the President shall have all the powers with respect to oaths, affirmations, subpenas, and witnesses as are provided in section 12(b)(2). The President may delegate any or all of his powers under this subsection (a)(4) to the Administrator referred to in subsection (b) or to others, either generally or in particular instances.

(b) EXECUTIVE CONFLICT OF INTEREST ACT ADMINISTRATOR.—(1) the President shall designate an official from within the Executive Office of the President or create an office within the Executive Office of the President (such official or the head of such office being hereinafter referred to as the "Administrator") to perform the following functions:

(A) To assist the President in carrying out his responsibilities under subsection (a);

(B) To receive copies of all regulations issued by agency heads pursuant to subsection (c), to analyze the same, and make recommendations to agency heads with respect thereto;

(C) To receive reports from agencies and to collect information with respect to, and conduct studies of, personal conflicts of interest of Government employees within the executive branch;

(D) To consult with the Attorney General, the Chairman of the Civil Service Commission, the Comptroller General, and other appropriate officials with respect to conflict-of-interest matters affecting more than one agency;

(E) To consult with agency heads, and with appropriate officers designated by them, as to the administration of this Act within their respective agencies and the regulations issued hereunder applicable to their respective agencies;

(F) To give advice with respect to the application of this Act and regulations issued hereunder, when so requested by the President or agency heads;

(G) To undertake and conduct, in conjunction with agency heads, a study of the extent to which any of the principles of this Act should be made applicable to persons

and to the employees of persons having contracts, subcontracts, licenses, or similar relationships with or from the United States; and

(H) To provide reports and information to the President and the Congress concerning the administration of this Act and conflict-of-interest matters generally.

(2) The Administrator is authorized to employ personnel and expend funds for the purposes of this Act, to the extent of any appropriations made for the purposes hereof.

(c) RESPONSIBILITY OF AGENCY HEADS.—(1) Each agency head shall be responsible for the establishment of appropriate standards within his agency to protect against actual or potential conflicts of interest on the part of employees of his agency, and for the administration and enforcement within his agency of this Act and the regulations and orders issued hereunder.

(2) Each agency head may, subject to the regulations issued by the President under subsection (a)(2), issue regulations extending, supplementing, implementing, or interpreting the provisions of this Act as applied to his agency. He shall file copies of all such regulations with the Administrator.

(3) Each agency head may conduct investigations of facts, conditions, practices, or other matters in carrying out his responsibilities and powers under this subsection (c). In connection with any such investigation the agency head shall have all the powers with respect to oaths, affirmations, subpenas, and witnesses as are provided in section 12(b)(2). The agency head may delegate any or all of his powers under this subsection (c)(3) to any officer designated by him, either generally or in particular instances.

§ 11. Preventive measures

The head of an agency may, and shall do so if so provided in regulations issued by the President, require—

(a) individuals entering Government employment with such agency and, periodically, the employees or particular categories of employees of such agency, to sign a statement that they have read an appropriate summary of the rules established by this Act and the regulations issued hereunder;

(b) employees of such agency, or particular categories thereof, to report periodically as to their non-Government employment or self-employment, if any;

(c) representatives of other persons before an agency to certify that, to the best of their knowledge, their representation will not violate section 4 or 8 or the regulations issued thereunder; and

(d) persons who are principals in transactions involving the Government to certify that, to the best of their knowledge, they have not received assistance under circumstances which would violate section 4 or 8 or the regulations issued thereunder.

§ 12. Remedies; civil penalties; procedure

(a) ADMINISTRATIVE ENFORCEMENT AS TO CURRENT GOVERNMENT EMPLOYEES.—

(1) Remedies and Civil Penalties: The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect of any Government employee of his agency upon finding that such employee has violated this Act or regulations promulgated hereunder. Such action may include the imposition of conditions of the nature described in subsection (b)(1).

(2) Procedure: The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally, and any such action shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of employees of the same category and grade.

(b) ADMINISTRATIVE ENFORCEMENT AS TO FORMER GOVERNMENT EMPLOYEES AND OTHERS.—

(1) Remedies and Civil Penalties: The head of an agency, upon finding that any former employee of such agency or any other person has violated any provision of this Act, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon—

(A) the appearance before such agency of such former employee or other person, and

(B) the conduct, or negotiation or competition for, business with such agency by such former employee or other person,

for such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this Act.

(2) Procedure:

(A) Hearings.—Findings of violations referred to in subsection (b)(1) shall be made on the record after notice and hearing, conducted in accordance with the provisions governing adjudication in title 5, United States Code, secs. 1005, 1006, 1007, 1008, and 1011 (Administrative Procedure Act). For the purposes of such hearing any agency head, or any officer designated by it, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the agency head finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the agency head to appear shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(B) Judicial review.—(i) Any party to a proceeding under subsection (b) aggrieved by an order issued by the agency head pursuant hereto, may obtain a review of such order in the court of appeals of the United States for any circuit wherein said party is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court within sixty days after the order of the agency upon a written petition praying that such order be modified or set aside in whole or in part.

(ii) A copy of such petition shall forthwith be transmitted by the clerk of the court to the agency head involved, and thereupon such agency head shall file with the court the record upon which the order complained of was entered. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part.

(iii) No objection to the order of the agency head shall be considered by the court unless such objection shall have been urged before the agency or there is reasonable ground for failure to do so.

(iv) The findings of the agency head as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material in that there were reasonable grounds for failure to adduce such evidence in the proceedings before the agency, the court may order such additional evidence to be taken before the agency and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper.

(v) The agency head may modify his findings as to the facts by reason of the additional evidence so taken and shall file with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, or setting aside in whole or in part, any such order of the agency head, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 346 and 347 of title 28. The commencement of proceedings for review under this subsection shall not, unless specifically ordered by the court, operate as a stay of the agency head's order.

(c) RESCISSION OF GOVERNMENT ACTION.—The President or any agency head may cancel or rescind any Government action without contractual liability to the United States where—

(1) he has found that a violation of this Act has substantially influenced such Government action; and

(2) in his judgment the interests of the United States so require under all of the circumstances, including the position of innocent third parties.

The finding referred to in clause (1) shall be made in accordance with the procedures set forth in subsection (b)(2) and shall be subject to judicial review in accordance with the provisions of subsection (b)(2)(B): *Provided*, That the President or such agency head may suspend Government action pending the determination, pursuant to this subsection, of the merits of the controversy. The exercise of judgment pursuant to clause (2) of this subsection shall not be subject to judicial review.

(d) CIVIL REMEDY FOR DAMAGES AGAINST EMPLOYEES AND FORMER EMPLOYEES.—The Attorney General of the United States may bring a civil action in any district court of the United States against any Government employee or former Government employee who shall, to his economic advantage, have acted in violation of this Act, and in such action may recover on behalf of the United States, in partial reimbursement of the United States for its expenses of administering this Act, damages in an amount equal to three times the amount of such economic advantage.

(e) CIVIL PENALTIES FOR ILLEGAL PAYMENTS.—Any person who shall violate section 9 shall pay a civil penalty of not more than $5,000, in partial reimbursement of the United States for its expenses of administering this Act. The Government employee or former Government employee involved shall not be subject to prosecution under title 18, United States Code, section 2, or title 18, United States Code, section 371, or any other provision of law dealing with criminal conspiracy, by reason of the receipt of any such payment.

(f) PUBLICATION OF CERTAIN FINDINGS AND DECISIONS.—Whenever the head of any agency, or the President, exercises the authority conferred by subsections (a), (b), or (c) of this section, copies of the findings and decision therein shall be filed with the President and shall be published at least once each year as part of a volume collecting such findings and opinions. Such volumes shall be made available for public inspection and shall also be available for distribution or sale to interested persons.

(g) INTERESTS OF NATIONAL SECURITY.—When any provision of this Act requires publication of information and the President finds that publication of part or all of such information is inconsistent with national security, he may suspend the requirement of such publication to the extent and for such period of time as he shall deem essential for reasons of national security.

(h) STATUTE OF LIMITATIONS.—No administrative or other action under subsections (b), (c), (d), or (e) of this section to enforce any provision of this Act shall be commenced after the expiration of six years following the occurrence of the alleged violation.

TITLE II—CRIMINAL PENALTIES

§ 21. Acts in violation of Executive Conflict of Interest Act

Title 18 of the United States Code is amended by adding a new chapter thereto, to be designed chapter 16 and reading as follows:

"Chapter 16—Conflicts of interest

"§ 301. Acts in violation of Executive Conflict of Interest Act

"Any person who shall purposely or knowingly violate any provision of the Executive Conflict of Interest Act shall be fined not more than $10,000, or imprisoned for not more than one year, or both. For purposes of this section, the terms 'purposely' and 'knowingly' shall have the respective means set forth in subsections (a) and (b):

"(a) 'Purposely': A person acts purposely with respect to a material element of an offense when—

"(1) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and

"(2) if the element involves the attendant circumstances, he knows of the existence of such circumstances:

"(b) 'Knowingly': A person acts knowingly with respect to a material element of an offense when—

"(1) if the element involves the nature of his conduct or the attendant circumstances, he knows that his conduct is of that nature or he knows of the existence of such circumstances; and

"(2) if the element involves a result of his conduct, he knows that his conduct will necessarily cause such a result."

TITLE III—AMENDMENT AND REPEAL OF EXISTING LAWS

§ 31. Amendment of title 18, United States Code, sections 216 and 1914

Section 216 of chapter 11 and section 1914 of chapter 93 of title 18 of the United States Code are each amended by adding the following as a new paragraph to precede the present text of each such section:

"From and after the effective date of the Executive Conflict of Interest Act, this section shall not apply to (1) any person who is a Government employee as defined in section 2(f) of that Act, and (2) any act of another person which is directed toward such a Government employee."

§ 32. Amendment of title 18, United States Code, sections 281, 283, and 434

Sections 281 and 283 of chapter 15 of title 18 of the United States Code are each amended by deleting the second paragraph thereof. Each of such sections is further amended and section 434 of chapter 23 of title 18 of the United States Code is amended by adding the following as a new paragraph to precede the present text of each such section:

"From and after the effective date of the Executive Conflict of Interest Act, this section shall not apply to any person who is a Government employee as defined in section 2(f) of that Act."

§ 33. Amendment of title 18, United States Code, section 284

Section 284 of chapter 15 of title 18 of the United States Code is amended by adding the following as a new paragraph to precede the present text of such section:

"From and after the effective date of the Executive Conflict of Interest Act, this section shall not apply to any person who has been a Government employee as defined in section 2(f) of that Act."

§ 34. Amendment of title 22, United States Code, section 1792(a)

Section 532(a) of the Mutual Security Act of 1954 (68 Stat. 859), as amended by section 10(d) of the Act of July 18, 1956 (70 Stat. 561; 22 U.S.C. 1792(a), is amended to read as follows:

"(a) Service of an individual as a member of the Board established pursuant to section 308 of this Act or as an expert or consultant under section 530(a) shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 6 of the Act of May 22, 1920 (5 U.S.C. 715), or section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities. Contracts for the employment of retired military personnel with specialized research and development experience, not to exceed 10 in number, as experts or consultants under section 530(a), may be renewed annually, notwithstanding section 15 of the Act of August 2, 1946 (5 U.S.C. 55(a))."

§ 35. Amendment of title 5, United States Code, section 30r(d)

Section 29(d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r(d), is amended to read as follows:

"(d) When he is not on active duty, or when he is on active duty for training, a reserve is not considered to be an officer or employee of the United States or a person holding an office of trust profit or discharging any official function under, or in connection with, the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity: *Provided, however,* That a reserve on active duty for training shall be deemed an employee of the United States for purposes of the Executive Conflict of Interest Act."

§ 36. Repeal of particular substantive restraints

The following sections are repealed:

(a) Section 190 of the Revised Statutes (5 U.S.C. 99) (relating to postemployment prosecution of claims by employees in departments); and

(b) Section 244 of the Revised Statutes (5 U.S.C. 254) (relating to certain business interests of clerks in the Treasury Department).

§ 37. Repeal of particular substantive restraints applicable to retired officers

The following sections are repealed:

(a) Section 1309 of the Act of August 7, 1953 (67 Stat. 437; 5 U.S.C. 59c), (relating to loss of retirement pay by retired commissioned officers engaged in certain selling activities).

(b) Section 6112 of chapter 557 of title 10 of the United States Code (relating to the loss of pay or retirement pay by certain officers who sell naval supplies to the Navy Department).

§ 38. Repeal of exemptions from particular conflict-of-interests statutes

The following sections are repealed:

(a) Section 173(c) of chapter 7 of title 10 of the United States Code (providing certain conflicts exemptions for advisers to the Secretary of Defense).

(b) Section 1583(b) of chapter 81 of title 10 of the United States Code (authorizing conflicts exemptions for persons employed by the Secretary of Defense to serve without compensation).

(c) Section 5153(d) of chapter 513 of title 10 of the United States Code (providing certain conflicts exemptions for members of the Naval Research Advisory Committee).

(d) Section 807 of the Act of August 2, 1954 (68 Stat. 645; 12 U.S.C. 1701h) (providing certain conflicts exemptions for members of advisory committees of the Housing and Home Finance Agency).

(e) Section 5 of the Act of June 4, 1956 (70 Stat. 243; 16 U.S.C. 943) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the Great Lakes Fishery Act of 1956).

(f) Section 5 of the Act of September 7, 1950 (64 Stat. 778; 16 U.S.C. 954) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the Tuna Conventions Act of 1950).

(g) Section 5 of the Act of September 27, 1950 (64 Stat. 1068; 16 U.S.C. 984) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the Northwest Atlantic Fisheries Act of 1950).

(h) Section 5 of the Act of August 12, 1954 (68 Stat. 698; 16 U.S.C. 1024) (providing certain conflicts exemptions for commissioners and members of advisory committees appointed under the North Pacific Fisheries Act of 1954).

(i) Section 1003 of the Act of September 2, 1958 (72 Stat. 1603; 20 U.S.C. 583) (providing certain conflicts exemptions for members of advisory committees and information councils appointed under the National Defense Education Act of 1958).

(j) Section 14(f) of the Act of May 10, 1950 (64 Stat. 154, 155; 42 U.S.C. 1873(f)) (providing certain conflicts exemptions for members of the National Science Board and committees and commissions appointed under the National Science Foundation Act of 1950).

(k) Section 163 of the Atomic Energy Act of 1954 (68 Stat. 951), as amended by section 2 of the Act of September 21, 1959 (73 Stat. 574; 42 U.S.C. 2203) (providing certain conflicts exemptions for members of the General Advisory Committee and Advisory boards appointed under the Atomic Energy Act of 1954).

(l) Section 1(t) of the Act of June 19. 1951 (65 Stat. 87; 50 U.S.C. App. 463(a)) (providing certain conflicts exemptions for particular Selective Service officials).

(m) Section 113 of the Renegotiation Act of 1951 (65 Stat. 22), as amended by section 13 of the Act of August 1, 1956 (70 Stat. 792; 50 U.S.C. App. 1223) (providing certain conflicts exemptions for employees of departments and agencies to which the Renegotiation Act of 1951 is applicable and of the Renegotiation Board).

(n) Section 7(b)(4) of the Act of August 9, 1955 (69 Stat. 582; 50 U.S.C. App. 2160(b)(4) (providing certain conflicts exemptions for persons serving without compensation under the Defense Production Act of 1950).

TITLE IV—MISCELLANEOUS PROVISIONS

§ 41. Short title

This Act shall be known and may be cited as the "Executive Conflict of Interest Act".

§ 42. Effective date

This Act shall take effect ninety days after the date of its enactment, except that section 37 shall not take effect until the effective date of the regulations issued by the President pursuant to section 8(e).

RECOMMENDATIONS

The committee recommends a thorough reconstruction of the entire legal and administrative machinery for dealing with the problem of conflict in interest in the executive branch of the Government. A summary of its principal recommendations appears below:

RECOMMENDATION 1

"Conflict-of-interest problems should be recognized and treated as an important complex, and independent subject of at-

tention and concern in the management of the governmental establishment."

Up until the present time, the subject of conflict in interest in the executive branch has been conceived of and dealt with only peripherally as an aspect of the general problem of ethics in Government. The fact is that its unique and complex nature and the variety of difficult problems it raises, particularly the problem of recruitment, demands that it be isolated and identified as an independent subject of governmental concern. Until it receives the consideration and attention which it deserves, the problem of conflict in interest cannot be adequately resolved.

RECOMMENDATION 2

"The present scattered and uncoordinated statutes relating to conflicts of interest should be consolidated into a single unified act, with a common set of definitions and a consistent approach. Archaic provisions should be repealed."

One of the principal shortcomings of the present law is that it is composed of many diverse elements scattered throughout the statute books and containing inconsistencies, overlapping and exemptions. The chaotic nature of the law is an impediment to understanding and a deterrent to recruitment.

The proposed act would unify the general law of conflict of interest in one comprehensive statute. Basic terms would be defined and then used consistently throughout. Examples of key terms, carefully defined at the outset and then, used consistently throughout the proposed act, include: "Government action"; "transaction involving the Government"; "assist"; "participate" and "responsibility".

The proposed act would treat the basic forms of conflict of interest in a logical progression. The first of the six substantive restraints deals with action by a Government employee in his official capacity in a matter in which he has a personal interest. The second deals with action by a Government employee in his private capacity in furtherance of an interest adverse to the Government. The third deals with receipt of pay from outside sources. The fourth deals with respect of gifts from outside sources. The fifth deals with action as a Government official designed to induce payments from outside sources. The sixth deals with postemployment activities in furtherance of an interest adverse to the Government.

As an example of the close integration of these sections, the second and sixth prohibition are almost precisely parallel in their application to the intermittent Government employee and the recent former employee, reflecting the basic similarity of the two situations from the conflict-of-interest viewpoint.

The points in the total statutory scheme where it is important to supplement the statutes by regulation are clearly identified.

A few archaic statutory restraints superseded by the new act would be repealed. Others of the existing statutes would be amended to exclude from their coverage all executive branch employees (i.e., those covered by the new act).

Fourteen special exemption provisions contained in present law for members of various advisory committees and persons holding other part-time posts would be repealed, as being unnecessary in the light of the realistic approach of the new act to the intermittent employee problem. (See recommendation 6 below.)

Such a unified act would be more enforceable and more rational in its application. It would, by its very drafting, remedy many of the fundamental shortcomings of the present law.

RECOMMENDATION 3

"The restraints contained in the present statutes should be greatly expanded in their scope by making them applicable to essentially all matters in which the public deals with the modern Federal Government."

Six of the seven conflict-of-interest statutes on the books today have their roots in the problems of a century ago; they are directed primarily against corruption in the prosecution of claims against the Government and the process of letting contracts by the Government. Claim prosecution and, to a lesser degree, procurement procedures have, however, been brought largely under control by administrative devices other than the conflict-of-interest statutes. In their places have grown up other risks that the draftsmen of the present statutes did not foresee and provide for. The proposed act strikes hard at those deficiencies.

The proposed act would extend the conflict-of-interest restraints to every kind of transaction in which today's Government engages with the private segment of the economy. The term "transaction involving the Government" is broadly defined as "any proceeding, application, submission, request for a ruling or other determination, contract, claim, case or other such particular matter" which will be the subject of Government action. The effect of this broad definition in expanding the scope of the present restraints would be very great.

In this respect recommendation 3 is consistent with one made by the Justice Department to Congress several years ago in response to a court decision holding that the present postemployment restraints apply only to assisting in the prosecution of claims against the Government for money or property. In that case an application for a premerger clearance ruling from the Antitrust Division of the Justice Department was held not to be a "claim" within the scope of the statute.

The proposed act would expand present offenses in other respects. To cite a few examples, present law forbids a governmental employee to transact business as an agent of the Government with any "business entity" in the pecuniary profits of which he is interested. The comparable rule in the proposed act would apply not only to business transactions with business organizations, but to any kind of transaction with any kind of entity in which the employee has a substantial economic interest. Furthermore, unlike the present law, the statute specifies a number of specific situations where the employee is deemed to hold an economic interest, such as where that interest is in fact owned by his wife or child, or where he has an understanding as to future employment with a private person or firm.

RECOMMENDATION 4

"Certain important restraints now covered in regulations or not at all should be included in the basic statutes, particularly restraints relating to receipt of gifts and coercive use of office."

Present law would be further strengthened by the addition of two important areas of conduct heretofore treated only in regulations or not at all.

The first would forbid an employee of the Government to receive a thing of economic value as a gift, gratuity, or favor from anyone who the employee has reason to believe would not give the gift but for the employee's office or position with the Government. Furthermore, regular Government employees are forbidden to receive gifts or favors from anyone who does business with or is regulated by his agency. Some room is left in the statute for minimal exceptions to be provided for in regulations.

The second new offense would forbid a Government employee to use his office or position with the Government in a manner intended to induce or coerce a person or company doing business with him to provide him with any thing of economic value.

RECOMMENDATION 5

"The statutes should permit the retention by Government employees of certain security-oriented economic interests, such as continued participation in private pension plans."

Hallmarks of modern American society are the pension plan, the group insurance plan, and other kinds of security-oriented arrangements. They are the basis of long-range economic planning by millions. Under present conflict-of-interest laws—passed when no such plans existed—there is some doubt whether an employee of the Government may legally continue as a member of some plans maintained by his former employer, at least if contributions to the plan by the employer are regularly made which benefit the Government employee. This overhanging doubt falls hard upon the non-career employee.

The proposed act permits Government employees to continue their participation in certain private plans under some circumstances and with adequate safeguards. For example, it would permit a Government employee to remain a member of a pension, group insurance or other welfare plan maintained by his former private employer so long as the employer makes no contribution to the plan on behalf of the man in Government service. Similarly, a Government employee could continue to belong to certain of these plans even if the former employer does make contributions on his behalf, so long as the plans are qualified under the Internal Revenue Code and so long as the payments by the former employer continue for no longer than 5 years of Govment service.

RECOMMENDATION 6

"Wherever it is safe, proper, and essential from the viewpoint of recruitment, the statutes should differentiate in treatment between regular employees and citizens who serve the Government only intermittently, for short periods, as advisers and consultants."

To an ever-increasing extent the Government is dependent for information and advice—for learning not only how to do it, but what to do—upon part-time, temporary, and intermittent personnel. These serve individually, or as members of committees, but that service is in addition to their regular private work as scientists, technicians, scholars, lawyers, businessmen and so on. Technically, they are, however brief their service, employees of the Government and at present, all of the conflict-of-interest statutes apply to them. This fact has brought about both refusals to serve and conscious or unconscious ignoring of the statutes by those who do serve. It has also resulted in a welter of special statutory exemptions.

The proposed act distinguishes, in a few key places where it is safe and proper, between rules for regular full-time Government employees and rules for what are defined as "intermittent employees." Under the proposed act, an "intermittent employee" is anyone who, as of any particular date, has not performed services for the Government on more than 52 out of the immediately preceding 365 days. For such individuals, there are certain special rules under the proposed act. For example, regular full-time employees are forbidden to assist private parties for pay in transactions involving the Government; intermittent employees, who have to earn a living in addition to their occasional Government work, are allowed to assist others for pay in such

transactions, except in cases where the particular transaction is, or within 2 years has been, under the intermittent employee's official responsibility or where he participated in the transaction personally and substantially on behalf of the Government.

Similarly, since intermittent employees, by definition, are employed by organizations in addition to the Government, they are not subject to the rule forbidding their Government pay to be supplemented from private sources in return for personal services. Finally, the rules as to receipt of gifts are different for the two classes of employees.

RECOMMENDATION 7

"Regular, continuing, and effective enforcement of the law and regulations should be assured by emphasizing administrative remedies, rather than the clumsy criminal penalties of present law."

The basic purpose of a system of conflict-of-interest restraints is to help maintain high ethical behavior in the executive branch of the Government. It is the judgment of this committee that the flexible and multiple weapons of the modern administrative process are more fitted to that task than the criminal law.

Because the present statutes rely on criminal sanctions, they are rarely enforced. They are, in many respects, too harsh for offenses they declare. Furthermore, enforcement by criminal law is difficult, expensive and time consuming. Accordingly, the proposed act relies basically on ordinary disciplinary procedures, including dismissal, for its sanctions. These procedures are supplemented by civil remedies particularly apt for former employees and nonemployees dealing with the particular agency—such as bans against appearances before the agency and civil damage actions.

The proposed act retains classical criminal penalties for the most flagrant violations: those committed "knowingly" or "purposely." The definitions of these terms are adopted from a draft Model Penal Code prepared by the American Law Institute.

RECOMMENDATION 8

"The statutes should create the framework for active and effective administration of the system of conflict-of-interest restraints, headed up with clear responsibility in the President. The President should designate, pursuant to the proposed act, an Administrator to assist him in this function."

One of the greatest deficiencies in the present statutes is their failure to recognize the importance of a continuing administrative structure to deal with the problem of conflict-of-interest. The proposed act would specifically provide for such an administrative machinery.

Clear overall responsibility would be placed upon the President "for the establishment of appropriate standards to protect against actual or potential conflicts of interest on the part of Government employees and for the administration and enforcement of this act and the regulations and orders issued hereunder."

To assist the President in carrying out this responsibility, the act calls for the designation by him, from within the Executive Office of the President, of an "Administrator." He would be answerable directly to the President. He is given a series of coordinating, consultative and advisory functions under the act. He would work closely with the Department of Justice and agency heads or their designees, but his would be a small office, and in no sense charged with centralized operation or enforcement of conflict-of-interest restraints.

RECOMMENDATION 9

"In addition to the statutes themselves, there should be a 'second tier' of restraints, consisting of Presidential regulations amplifying the statutes, and a 'third tier,' consisting of agency regulations tailored to the needs of particular agencies. The responsibility of day-to-day enforcement of the statutes and regulations should rest upon agency heads."

The proposed act contemplates the issuance by the President of a set of regulations extending, supplementing, implementing and interpreting the provisions of the act. The act also visualizes another set of regulations at the next lower level—that of the agency heads. The Presidential regulations would take precedence over any regulations issued by agency heads.

Agency regulations would tend to follow the present pattern, namely, particularized rules adapted to the special risks of the particular agency. For example, some agencies may have special rules on use of confidential information available within the agency. Others may adopt special post-employment restraints which go beyond the statutory provision. This diversity and particularization is realistic and desirable.

RECOMMENDATION 10

"At all levels of administration potential conflict-of-interest problems should be headed off by preventive action, such as, for example, orientation programs for all new employees to acquaint them with the applicable conflict-of-interest rules, and periodic reminders as to such rules."

Much can be done to fight the conflict-of-interests problem by preventive measures. Section 11 of the proposed statute makes several suggestions. New employees can be required to certify that they have read the conflict-of-interest rules and to report on their outside employment. In particular, an effective orientation program would be helpful. Agents and attorneys appearing before agencies can also be required to file an affidavit stating that they are not, by such appearance, violating any conflict-of-interest law.

RECOMMENDATION 11

"There should be more effective prohibitions and penalties applicable to persons outside Government who induce or participate in conduct by Government employees in violation of the conflict-of-interest laws."

Not infrequently a Government employee is found in a conflict-of-interest situation and penalized for it while the person responsible for placing him in the situation remains unscathed.

The proposed act contains a new and broad section making it a violation for a person to make a payment (or transfer any other thing of economic value) to a Government employee while "believing or having reason to believe that there exist circumstances making the receipt thereof a violation of" certain sections of the act. This prohibition also covers the making of gifts in the situations corresponding to the situations in which an employee may not receive a gift.

Both administrative and criminal sanctions are applicable to these violations by persons dealing with Government employees.

RECOMMENDATION 12

"Each committee of the Senate considering a presidential nominee for confirmation should be given the benefit of a full analysis, prepared by the Administrator in consultation with the Department of Justice, of any conflict-of-interest problems the nominee's particular situation may present. The confirming committee should give due consideration to this analysis and to the protections afforded by a modern and effectively administered overall scheme of conflict-of-interest restraints, if one is put into effect."

There is substantial evidence that the Government's efforts to recruit top-level executives have been impeded by the requirements of stock divestment imposed by the Armed Services Committee of the Senate.

This problem cannot be dealt with by statute. The confirmation power is a constitutional prerogative. However, this problem should be a subject of joint concern and increased cooperation between the executive branch and the Senate. There is some evidence that recently the executive departments have taken more pains to prepare their nominees for confirmation. Legal opinions have on occasion been furnished by the Justice Department; plans have been worked out in advance of hearing as to what need be sold and what could be kept, and representatives of the appointing department or agency confer in advance of hearing with appropriate authorities of the committee.

If the proposed act were passed, the "Administrator" would become the central repository for all information concerning conflict-of-interest, and he would be expected to assist the executive branch in working out regular procedures for preparing nominees for confirmation. He could, in cooperation with the Department of Justice and general counsel to the agency in question, prepare a full analysis of the conflict-of-interest problems of the particular nominee. Over a period of time, these analyses might be given substantial weight by the confirming committees.

Furthermore, if a modern and effective system of statutory restraints is adopted by Congress and implemented by active executive branch administration, the confirming committees might be willing to place greater reliance on the statutory rules and procedures. One clear example is the procedure for disqualification recognized by the proposed act where a Government official holds a particular economic interest in a private entity.

RECOMMENDATION 13

"The Congress should initiate a thorough study of the conflict-of-interest problems of Members of Congress and employees of the legislative branch of the Federal Government."

Primarily because of their representative function, Members of Congress and legislative branch employees are, in matters of conflict of interests, in a significantly different position from that of executive branch employees. As such, Congress must be considered separately.

A fresh examination of these problems by Congress, or by a study group initiated by Congress, is needed. However, such a study should in no way deter immediate action with respect to the executive branch along the lines of the proposed act.

The committee's proposed program can be best assessed against the background of the more general discussion, analysis, and findings in the report. Appendix A to this statement summarizes some of the more salient features of this background.

SUPPLEMENTAL APPROPRIATIONS, 1960, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, on February 23, when this body passed House Joint Resolution 621 appropriating $23 million in the supplemental appropriation for the fiscal year 1960 for the National Aeronautics and Space Administration, I would like the RECORD to show that I was present and voted "No" on the voice vote.

I wish to make it clear why I voted against the NASA appropriation.

My personal feeling, deepened and reinforced by my work on the House Committee on Science and Astronautics, is that education constitutes the very foundation of both national defense and our progress in the space effort. With Admiral Rickover, I believe that the whole question of the importance of education must be placed in perspective. It does little good to purchase military hardware today or put a man in space tomorrow if we do not train the brains to produce better hardware and improved technology in the future.

Therefore, I have come to the conclusion that the most important single issue facing this country today is how to train the young people who will lead and keep America strong in the future. When people stress the value of basic research, I say that to produce basic research you need trained and educated people.

Of course we are going to need people trained in the natural sciences. But we are also going to need social scientists who can point the way for mankind to reduce human poverty and suffering, to secure disarmament and better international understanding—and ultimately to maintain a lasting peace. And as automation produces more and more leisure time, we shall need more people trained in the humanities as well. Perhaps better training in the humanities would help raise the moral tone of our society too. It certainly could use some improvement.

What does all this have to do with a supplemental appropriation for the National Aeronautics and Space Administration? These funds will be used for the Mercury—man-in-space—program, and for improving tracking facilities. Both of these objectives are sound. In voting against this supplemental appropriation, I do not wish my vote to be interpreted as opposition to the value of either of these projects.

However, in this troubled world, I am concerned at the perspective with which we view and approach issues. I happen to feel that the need for education is so fundamental, and so serious, that I believe it deserves the top priority in the Nation. I believe it deserves an even higher priority than the money authorized or appropriated for either our national defense or space programs.

Therefore, I am reluctantly opposing, and will oppose in the future any authorizations or appropriations in the fields of national defense or the space program until the passage of an adequate general education bill.

PRESIDENTIAL LEADERSHIP AND NATIONAL SECURITY—II

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, on February 18, I addressed the House on the issue of presidential leadership, urging the President to exercise his full powers to arouse the Nation to the threat it faces. The people are yearning for the leadership which the President alone could supply. As the occupant of the most powerful office in the free world, the President has a rare opportunity for leadership in these most critical times when America faces a great watershed of history.

I was impressed yesterday by the testimony of two outstanding Americans who called attention to the nature of the crisis we face.

Dr. William Pickering, Director of the Jet Propulsion Laboratory, California Institute of Technology, testified February 24 before the House Committee on Science and Astronautics. Dr. Pickering repeated what President Eisenhower has declined to state, despite the unanimous opinion of the President's top administrators. In Dr. Pickering's own expression:

> In other words, we should frankly admit what the rest of the world knows—that we are indeed in a race with the U.S.S.R. in space. One can come to no other conclusion.

I would also like to call attention to an excellent statement on February 24 by Robert C. Sprague, Chairman of the Federal Reserve Bank of Boston, who was cochairman of the Gaither Committee. Mr. Sprague describes himself as a conservative Republican. He pulls no punches in calling on the President to exert the leadership to awaken the American people to the nature of the current threat.

The statement follows:

STATEMENT OF ROBERT C. SPRAGUE TO THE SENATE SUBCOMMITTEE ON NATIONAL POLICY MACHINERY, FEBRUARY 24, 1960

Mr. Chairman, I welcome this opportunity to talk to your committee. The subject you have asked me to cover is one to which I have given a great deal of prayerful thought during the past 7 years and concerns matters about which I feel very strongly.

Advancing military technology is rapidly precipitating us into an unstable security position. The problems we now face and will increasingly face in the years ahead, make it most important that some significant changes be made in our organization for security.

In my prepared statement, I wish to emphasize six major points:

First, the Nation faces a clear and imminent threat to its survival, but we have not yet fully awakened to this very unpleasant fact.

Second, the Nation can and should do much more to put its back into the job of meeting the threat. We certainly have the resources to do those things required for our survival, provided we allocate them wisely.

Third, key officials concerned with our national security frequently do not have all the facts they need to make many important decisions, or they have the wrong facts.

Fourth, I believe our key officials, particularly the Secretary of Defense, need better staff assistance for securing objective military advice.

Fifth, the Congress should, by appropriate legislation, give the President and the Secretary of Defense more flexibility in assigning roles and missions to the three Services and to the Marines.

Sixth, the Congress could and should play a more active role in stiffening our response to the Communist challenge.

On the first and second points:

I do not wish to speak at length about the challenge we face. This is a subject on which others have expressed themselves with great authority before this subcommittee.

It is said, with some justice, that generals prepare for the last war, especially if they happened to be on the winning side. Civilians may make the same mistake.

I suggest that Mr. Khrushchev does not make the same distinctions between peace and war that we do. The Communist views life as a struggle to be waged all the time until final victory has been achieved. He chooses his weapons in light of his opportunities. If it is advantageous, he will use military force. But if a means short of military force seems more advantageous, he will use that means.

One of our basic problems today stems from the failure of most Americans to realize that we have actually been at war with the Communists, in their sense of the word, since 1946. We find it comfortable to think that peace is the norm, that situations like Korea and Berlin are variations from the norm. The truth is that since 1946 war has been the norm. We are very slow to appreciate that very distasteful fact. And that is why, although we have done much, we have not done a great deal that urgently needs to be done.

World war III, in the sense of a thermonuclear holocaust, may never come. Indeed, to be prepared for it is the best means to avoid it. But if the test of war is not whether there is shooting, but whether someone is trying to defeat us, we are fighting world war III right now—and we could lose it without a shot being fired on either side.

I think that Mr. Khrushchev has a very simple view of history. It can be put into three words: Power is supreme. He plans to win by being more powerful—militarily, economically, psychologically.

This ambition is supported by:

(1) A high degree of centralized control and great power over the Soviet people achieved by the small, ruling group in Russia—probably the greatest such control over a vast population in history.

(2) The obvious ruthlessness with which the Russians hierarchy is willing to act to carry out its plans and programs. Example—Hungary.

On both these points, the subcommittee's study of "National Policy Machinery in the Soviet Union" also provides ample documentation.

(3) The rapid industrialization of Russia, and the success of her controlled economy.

(4) The high percentage of her total economy being directed into military effort.

Our figures indicate that Russia's gross national product has been growing at a rate of 6.5 percent a year—twice our rate.

Her massive military machine has been built with a gross national product less than half that of the United States. Russia could do this only because she was willing to put some 25 percent of her gross national product into the military sector, as against some 9 percent of our gross national product going for the same purpose.

We seem to have accepted a policy limitation that we are not going to put more than about $40 billion a year into our military effort. In 1957, when the Soviet gross national product was $20 billion less than it is now, their effort approximately equaled ours.

There is no solid basis to argue that the Soviet economy will not continue to grow at its present rate. We cannot assume that they won't continue to plough at least 25 percent of their gross national product into military effort as they have been doing for the past 8 or 9 years. And they will still have enough left to meet minimum domestic needs and wage economic warfare abroad.

If, for the 10 years ending 1967, Russia continues to increase her military position by 6.5 percent per year—while ours remains fixed at $40 billion per year—then we will obviously fall far behind in relative military strength.

It takes two to make peace, but only one to make a fight. We did not and do not want this contest with the Soviet Union. But Soviet policies leave us no alternative. We must either outperform them—in the cold war, which includes as an essential element adequate military preparedness—or pay the price. And the price is defeat, perhaps in war if the military balance swings too far against us, perhaps without war. I do not think Mr. Khrushchev wants war if he can avoid it. No sane man would. Rather, he wants to establish a dominant power position, so that he can have peace—on his terms.

Now let us examine our response to the Soviet challenge. We are using less than 10 percent of our gross national product for all national security purposes, and the percentage is declining. Per capita disposable income—the amount we have left after paying taxes—is at an all-time high of nearly $1,900. It probably is $1,900 this quarter. It has risen about $325 (measured in *1958 prices*) during the last decade. If we were to devote only one-tenth of this increase to national security purposes, it would permit an increase of over $5 billion per year in our programs for national security.

We can see that the idea that an increase in spending for survival will bankrupt us is, to put a plain word on it, silly. The question is whether we are willing to use a small fraction of our increased wealth for the defense of our way of life.

All of us know how the total budget has always been prepared—except in shooting wars. First, a budget ceiling is determined. This rests upon a judgment about national income, taxes, and Federal debt, and the most recent levels of Government expenditures.

Once the total budget ceiling is set, the more or less fixed costs of domestic programs are subtracted. What is left is available for national security. Only in time of shooting war do we begin by asking: "What do we need?" The rest of the time we tailor the defense program to fit the budget. The ceiling is usually an arbitrary judgment figure.

The point I am trying to make is that whatever this country really needs to do, this country can do. This may involve implementing an effective nationwide fallout shelter program to save 40 to 60 million Americans if we are attacked; or "hardening" and protecting SAC bases and planes so they won't be destroyed or rendered unusable by relatively low overpressures and fallout from near misses of nuclear weapons. It may mean maintaining an airborne alert of B–52 bombers to insure SAC's ability to retaliate massively, or acquiring greater limited-war capabilities than we now have, or some appropriate combination or extension of such measures. It's just utter nonsense to believe that we can't do the things that we need to do to survive, to win this contest. We can't be sloppy about it or careless about it; we can't do the same thing several times over, but we certainly can do all the things that need to be done to assure our survival and to assure winning.

One point recently developed by competent economists has been a surprise to my business friends—and has to do with our national debt. I've been a constructive Republican, and also responsible in a small way as chairman of the Federal Reserve Bank of Boston for maintaining a stable economy, but it is an interesting fact, not always understood, that we operate in this country not only an equity economy, but also a debt economy. There has been, since 1900, a reasonably constant ratio between total debt, including Federal, State, local, and private debt, and the gross national product. This ratio has traditionally run about 1.8. Recently this ratio between total debt and gross national product has been lower than it has been at any time since 1900, except for one 4-year period. And it is interesting to consider the elements of this debt structure. Every time the Federal Government has decided that it was a good thing to reduce national debt, the other segments of debt had to accelerate and expand more rapidly as the economy expanded. So that the Federal debt alone is not sacrosanct. There is no indication that the economy would materially suffer if it had to be increased further. I'm not recommending that it be increased, but simply pointing out that a necessary increase should not be considered a block.

Of course, no taxpaying citizen enjoys spending money for defense. But we are not competing with the Russians to have fun. This is not a game to be played over again some other day. We can only play once, and that is for keeps.

As to the third point:

Perhaps the most serious weakness of our system is that key officials often do not have available all the facts necessary for basic policy decisions. I have found in my personal experience that important and influential men, close to the President, did not have vital information. Barriers to communication within the Government are high and complicated.

Because the men at the top are busy, the practice called briefing is increasingly used to impart to them important information. Excessively and unwisely used, the briefing practice can be a serious threat to the Nation's security. Even the best briefing is not substitute for homework. The man who does not have time to do his own reading of really basic studies and policy papers and reflecting on them has not assigned proper priorities to the demands on his time.

Furthermore, a man who does want to do his own reading of important basic material often has trouble getting access to the necessary classified documents. Few, if any, persons except the President have access to all classified material. Many times, in my opinion, the "need to know" rule is given an excessively narrow interpretation. Those who should know, are not informed. The result is that advice to top officials is all too often drawn up in the half-light of inadequate, inaccurate, or incomplete information. Important facts may not be passed on to them because their relevance to an important decision is not evident without other pieces of the puzzle.

The time has long since passed when information could be neatly cataloged and pigeonholed. Literally everything affects our survival. We must search for ways to bring all information relevant to our problem of survival to the attention of those who make decisions. For a President or key officials to be uninformed or misinformed is usually far more dangerous than the risk of a possible security leak.

Now to the fifth point:

When it enacted the National Security Act in 1947, with 1949 amendments, the Congress—among other things—explicitly defined the roles and missions of the three services and the Marines. The President and the Secretary of Defense urgently need, many believe, much more flexibility than permitted by the act to modify and adapt the roles and missions of the services to the changing technology of weapons and weapon systems, and resulting changes in military strategy and tactics. This might also be accomplished by giving the Secretary of Defense greater financial flexibility between the services.

I would like to comment briefly on the serious problem of competition between the services for money, programs, and prestige.

I believe in reasonable competition between the services, but the Secretary of Defense urgently needs a command post type staff, of our most capable and best trained officers, freed from particular service allegiance.

One way to implement this suggestion might be to pick graduates of the National War College, who would be selected annually and equally from each of the three services, and permanently transfer them to a top level planning staff after they have served a year with each of the other two services. Members of this staff would serve only the Secretary of Defense without further identification as to service, with a common uniform, and a continuing promotion solely at the discretion of the Secretary of Defense. These men could also be later available for assignment to high posts in unified commands.

Finally, if you will permit me to say so, the Congress is not playing the role it could, and I think, should play.

The record of the Joint Committee on Atomic Energy illustrates on the whole what a fully informed and well-staffed congressional committee can contribute. On more than one occasion it has stimulated the executive branch to act on matters that seemed to have been neglected.

The President has, and must obviously retain, the key role in making and executing foreign and defense policies. But he might be greatly assisted if a Joint National Security Committee of the Congress, equally representative of both parties, were monitoring information relating to national security policy. Special committees of the Congress have repeatedly demonstrated their ability to safeguard sensitive material and to handle it responsibly. Congress now receives, in one way or another and in bits and pieces, highly classified information on questions of defense and foreign policy, and not infrequently makes responsible use of such knowledge to bring matters to the attention of the President and his principal advisers. In a time when the sheer volume of information is so large that no one can possibly digest all of it, the monitoring of information by an independent group, such as a responsible bipartisan committee of the Congress, would help to insure that significant items of information were brought promptly to the President's attention.

A unanimous or nearly unanimous recommendation of this committee would probably also have great weight with other Members of Congress and with the public.

As things now stand, the Congress must pass on legislation relating to most aspects of foreign and defense policies—certainly on all that involve appropriations—but it must do so with inadequate information about the relation between national strategy and force requirements, about the roles and missions of the Armed Forces, about the links between foreign policy and the political, economic, and the other means available for pursuing our goals.

The reason that the Congress might play a useful role of this sort is precisely that it is independent of the President and the executive branch of our Government. The Congressman stands in an entirely different relation to the President from that of the Secretary of State or the Secretary of Defense. It is time to take advantage of this fact by giving a carefully selected and well-staffed congressional committee an opportunity to read, study, and reflect upon problems of national security on the basis of a full exposure to a large body of information now available only to the executive branch. Because of its constitutional role in legislation, the Congress must have a right to this information. More important, however,

the Nation might greatly benefit from such an independent check on what we are doing and why—a check less in the sense of a restraint, than in the sense of a stimulus to act when action is called for in the interest of national survival.

NUCLEAR WEAPONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, in cooperation with several of my colleagues, I have today introduced a resolution asking that nuclear weapons not be transferred to other nations, and that the four nuclear powers should immediately engage in negotiations to seek an agreement among the United States, the U.S.S.R., Great Britain, and France preventing the transfer of such weapons.

A few days ago, Mr. Speaker, the President of the United States, in a press conference, said he wanted to have the authority to transfer such weapons to our friends and allies. I was deeply shocked that this proposal should be seriously advanced by the President. When we enacted the Atomic Energy Information Exchange Act, Congress was promised by the President that weapons would not be transferred. Last year, when several agreements under that act were laid before the Congress, we were again assured that we were only going to transfer information, materials, and nonnuclear parts of weapons systems. I said then that the recipient nations were not going to be satisfied with empty bomb cases and manuals on how to use the real thing.

The nuclear bomb and the thermonuclear bomb are not simply bigger and better weapons, in the direct line of descent from the bow and arrow. They do not simply kill enemy troops or enemy civilians on whom they are dropped, thus making it easier for a war to be won in conventional ways. These weapons can kill millions of people, in the areas where they are dropped, in neutral countries, and in the very nations which use them. They can kill and maim generations yet unborn. They can, without difficulty, wipe out civilization as we know it. These weapons are the most awesome engines of destruction which the mind of man—or perhaps the mind of the Devil—have ever produced. And now, in the name of peace, the President suggests we pass out weapons of destruction to others. Are these nations sufficiently responsible, sufficiently dependable, sufficiently proof against the coming to power of some insane megalomaniac, to be trusted with these weapons? Is any nation?

Certainly it is an act of the most utter folly for us, or for any nation, to give such weapons to other countries. We cannot under any circumstances have an adequate guarantee that these other countries will use these weapons wisely. In fact, has not wisdom irrevocably failed the moment they are used? What sanctions can be instituted to safeguard against the misuse of these blasphemous bombs? What safeguard is there? Will we express our disapproval in stern terms if, let us say, our friend and ally, Chiang Kai-shek, drops one of these bombs on the Chinese mainland and triggers off World War III? Mr. Speaker, if this happens, will there be enough of us left to express disapproval in any terms?

What nations does the President have in mind, Mr. Speaker? Does he propose giving H-bombs to Chiang? To West Germany? To Japan? To Cuba, perhaps? To Italy? Where does he stop? And, Mr. Speaker, if we begin giving these weapons to every ally who isn't fortunate enough to have a world-wrecker kit of his own, can we say anything when the Soviets then decide to give such weapons to their friends and allies?

The President has spoken in brave and commendable words about the need for peace. We have voluntarily suspended our own nuclear and thermonuclear tests while engaged in the process of negotiating a ban on such tests. In doing so, we have admitted that the danger from fallout, from tests alone, is already a grave one. Recent official reports have indicated that the level of radioactivity in some of our foodstuffs is already above the newly estimated permissible limits. The danger from the use of these bombs, just by the four members of the nuclear club, is already greater than we can afford. What kind of reasoning can possibly justify giving such dangerous, truly genocidal devices to still other nations?

It is incredible to me that the President should pursue his suggestions for the transfer of these weapons. We apparently found it impossible to arrive at any kind of disarmament system when only three nations possessed these bombs. The addition of a fourth country, France, to the membership of the nuclear club has increased the difficulties many times. The addition of still more nations to this list will render this absolutely essential task almost hopeless. To give nuclear weapons to other countries, over whose policies we can have no control, may be signing the death warrant of the human race. The old proverb, Mr. Speaker, tells us, "Whom the gods would destroy, they first make mad." Have we gone mad, Mr. Speaker?

FLEET ADM. CHESTER W. NIMITZ

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, February 24 marks the 75th anniversary of the birth of a great naval officer and a great American, Fleet Adm. Chester W. Nimitz. Born in Fredericksburg, Tex., in 1885, he attended Tivy High School in Kerrville, Tex. He entered the Naval Academy in 1901 as the winner of a competitive examination after failing to win political appointment to West Point.

After graduating seventh in a class of 114 in January 1905, he joined the U.S.S. *Ohio* at San Francisco, Calif., and cruised in her to the Far East where she became the flagship of the Asiatic Fleet. In September 1906, he was transferred to the U.S.S. *Baltimore*, and on January 31, 1907, after 2 years at sea, then required by law, he was commissioned ensign. Remaining on the Asiatic Station in 1907, he successively commanded the U.S.S. *Panay* and the U.S.S. *Decatur* and served on the U.S.S. *Denver*. In January 1909, he reported for instruction in the first submarine flotilla, and in May of that year he was given command of the flotilla with additional duty in command of the U.S.S. *Plunger*.

Although Nimitz commanded almost every kind of ship, most of his career has been in submarines. When he arrived in Pearl Harbor on Christmas Eve 1941, he chose a submarine for his flagship, and when he relinquished his command to become Chief of Naval Operations in November 1945, it was again a submarine from which the flag was lowered.

On March 20, 1912, shortly after assuming command of the U.S.S. *Skipjack*, he rescued W. J. Walsh, fireman, second class, USN, from drowning. A strong tide was running and Walsh, who could not swim, was being carried rapidly away from his ship. When picked up, both men were exhausted. For his heroic service, Nimitz, then a lieutenant, was awarded the Silver Lifesaving Medal.

For service during World War I he was awarded a letter of commendation which stated:

> He performed meritorious service as chief of staff to the commander, U.S. Atlantic Submarine Fleet.

His various assignments between the two World Wars were too numerous to list in detail. In August 1926, he was ordered to the University of California where he installed and taught in one of the first Naval Reserve Officers Training Corps units established in a university. In October 1933, he assumed command of the U.S.S. *Augusta* and cruised in her to the Far East, where he relieved the U.S.S. *Houston* as flagship of the Asiatic Fleet. In June 1939 he was appointed Chief of the Bureau of Navigation for a term of 4 years. Before the term was completed, however, we were at war, and on December 17, 1941, he was designated Commander in Chief, U.S. Pacific Fleet, with the rank of admiral, effective from December 31, when he assumed command.

By act of Congress, approved December 14, 1944, the grade of fleet admiral of the U.S. Navy was established, and the next day the President nominated and, with the advice and consent of the Senate, appointed Admiral Nimitz to that rank. On November 26, 1945, his

nomination as Chief of Naval Operations for a period of 2 years was confirmed by the Senate.

The numerous decorations received by Fleet Admiral Nimitz from his own and foreign governments include the Distinguished Service Medal awarded by Congress and the Distinguished Service Medal with two Gold Stars in lieu of similar awards by the Navy.

His services can be best expressed in the words of the citations accompanying these awards:

At the most critical period of the * * * war in the Pacific, Admiral Nimitz assumed command * * * and, despite the losses at Pearl Harbor and the tragic shortage of vessels, planes, and supplies, organized his forces and carried on defensive warfare which halted the Japanese advance. As rapidly as ships, personnel, and material became available, he shifted from defensive to offensive warfare and, by his brilliant leadership and outstanding skill as a strategist, enabled the units under his command to defeat the enemy in the Coral Sea, off Midway, and in the Solomon Islands * * * His conduct of the operations of the Pacific Fleet * * * was characterized by unfailing judgment and sound decision, completed with skill and vigor * * * Fleet Admiral Nimitz culminated long-range strategy by successful amphibious assault on Iwo Jima and Okinawa * * * [and] finally placed representative forces of the U.S. Navy in the harbor of Tokyo for the formal capitulation of the Japanese Empire * * * He demonstrated the highest qualities of a naval officer and rendered services of the greatest distinction to his country.

Admiral Nimitz is not only a great naval leader, but also a specialist in the art of human relations and a defender of the American tradition. No man has been more consistently an advocate of insuring the safety of the Nation and preserving the rights of the individual than Admiral Nimitz. In a speech to the Associated Press he once said:

It is not without significance that the nations without a free press were defeated. The governments that inflicted rigorous censorship of opinion were destroyed.

Repeatedly he has affirmed this faith:

The United States is no abstract authority residing in Washington. The United States is the average person * * * who is living as an individual proud of his liberties, conscious of his responsibility to his neighbor, self-disciplined by education, and inspired to further God's will on this earth.

On the 75th anniversary of his birth we salute Fleet Adm. Chester W. Nimitz, a great naval officer and a great American.

GEORGE WASHINGTON AWARD TO SENATOR JOHN L. McCLELLAN

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I am very pleased and delighted to call to the attention of the House the presentation of an outstanding award on Monday of this week, the birthday anniversary of the Father of his Country, George Washington, to our distinguished senior Senator from Arkansas, JOHN L. McCLELLAN, honored with the most outstanding award, the George Washington Award of Freedoms Foundation for distinguished service performed in public life.

I know my colleague and friends in the Congress join me in extending heartiest congratulations to Senator McCLELLAN on the deserving recognition which he received on this important and outstanding occasion at the Freedoms Foundation Annual Awards at Valley Forge on last Monday. This is the fourth such annual award and the people of Arkansas are very proud that our senior Senator was selected for this honor. It is an honor well deserved because his public service is not only as a Senator from the great State of Arkansas but on behalf of the American people and indeed the future welfare of humanity.

Mr. Speaker, on the occasion, Senator McCLELLAN made a magnificant response. His remarks are steeped with basic thoughts that have girded our freedom throughout the history of our country. I ask unanimous consent to include in these remarks the masterful and fine address of the Senator on this occasion.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The address is as follows:

ADDRESS OF SENATOR JOHN L. McCLELLAN AT FREEDOMS FOUNDATION ANNUAL AWARDS, VALLEY FORGE, PA., FEBRUARY 22, 1960.

Thank you, Dr. Wells.

Officers and trustees of Freedoms Foundation at Valley Forge, distinguished guests, and fellow Americans, the extent and depth of my appreciation for the high honor you have so graciously bestowed upon me here today cannot be expressed in language that I am able to command.

No conscientious public servant pursues his official responsibilities with the thought of personal accolades, honors, or preferred recognition; but rather in the spirit and understanding that the true and finer rewards of service exist largely in the satisfying knowledge of a challenge met, a duty performed, and a job well done.

Yet, I would be less than human, I think, if I did not experience—as I do—a feeling of elation and personal pride in being selected by your eminent awards jury to receive this enviable distinction.

This feeling is tempered, however, by the knowledge that many, many people, far too numerous to mention individually, have contributed greatly to any success that may have attended the activities and undertakings in which I have been engaged. Thus, in honoring me, you honor them.

I am proud, therefore, to accept this notable George Washington Award of your foundation, and I do so with profound humility and gratitude.

I accept it not only in my own right and for myself alone, but also on behalf of my family, Mrs. McClellan and our children, whose faith and trust have constantly inspired and sustained me.

And, too, I should like to accept this award in the name of my native State, Arkansas, and her great people whom I have the honor to represent in the U.S. Senate. Except for their support and the confidence they reposed in me, I would have never had the opportunity and high privilege of serving in the National Congress. To them, I am eternally indebted and thankful.

I am aware of the splendid program carried out by Freedoms Foundation honoring schools and classroom teachers for their exceptional efforts in teaching a deeper understanding of freedom and a keener sense of responsible, patriotic citizenship. As a contribution in furtherance of that program, I desire, and I now request, that the cash portion of the award tendered me be retained by Freedoms Foundation and used by it for the establishment of certain other permanent awards in the education field (which I have suggested) as may be determined later by the board of directors.

I can think of no other place or time that would be more appropriate to commemorate our most important historic events and to reassess and talk about freedom's worth than here and now—here at the shrine of Vallege Forge and on this day, the anniversary of the birth of George Washington.

We who are here assembled are brought together by our love of liberty and our unwavering devotion to the ideals that inspired our Founding Fathers in the War of Independence. The terrible price they paid—the blood they shed in that struggle—proved irrefutably that freedom is not free. It is never bestowed; it must be won.

Just a short distance from this auditorium, thousands of men with indomitable spirit endured indescribable suffering that this Nation might be free. These were the troops under General Washington who spent the harsh winter of 1777–78 encamped in the rolling hills of Valley Forge—untrained, ragged, hungry, sick, tired men. The flame of freedom's torch that had been kindled at Concord, Lexington, and Bunker Hill, and sparked with brilliance and promise by the signing of the Declaration of Independence, here flickered and was threatened with extinction.

But in that time of most cruel hardship and extreme adversity that tried their very souls, these gallant men with unsurpassed courage and fortitude withstood and repelled the assaulting forces of deprivation, defeatism, and despair. They were prepared to pay for freedom with their lives, their fortunes, and their sacred honor—and many did just that.

They rebelled at subservience to a king. They believed that men were born to be free and capable of creating their own destinies. The unconquerable spirit that emanated from their sufferings and sacrifices here carried them triumphantly on to decisive victory with the surrender of Cornwallis at Yorktown in October 1781.

They knew that this Nation would be great. She is now on the very pinnacle of economic power and is preeminent among the nations of the world. She has kept her date with destiny.

But the next few years may be the most fateful in human history. The greatest threat to our survival, the most imposing danger to the free world, is the swaggering power of atheistic communism. The goal of this international conspiracy is world domination.

This global threat has created a contest between the Communist powers and the free world for superiority in science, space exploration, technology, and military power. This involves an unrelenting struggle for the minds of men as well. Our American fortress—our moral, spiritual, political, economic, and military strength—is the only hope for freedom's survival. We must remain strong. If we falter and fail, then all will be lost.

No nation can be stronger than the moral fiber and stamina of its people. Crime and corruption are destructive forces that can subvert and wreck our security from within. Frightening statistics on the surging growth of crime and juvenile delinquency, reported by the Federal Bureau of Investigation, and

the startling revelations of vice and corruption made by various congressional investigations are unmistakable signs of deteriorating integrity and moral decay. If our free society under law and order is to be preserved, these insidious forces of evil must be driven from the American scene.

There is another threat to our internal security that should give us grave concern. It is fiscal irresponsibility. Habitual deficit spending, tolerating a permanently unbalanced budget, and pyramiding the national debt—all feed the flames of a consuming and disastrous inflation. This unwise practice in which we are indulging runs counter to the admonitions of President Washington. It transgresses the laws of sound economics, evades our responsibility of citizenship, and shifts to others who will follow us the obligations that it is our duty to assume and discharge.

Those who scoff at a balanced budget may well be inviting economic chaos. The strength we shall surely need in this crucial struggle for supremacy and survival will not be found in a bankrupt treasury and national insolvency.

Our precious heritage of freedom must be saved. It is an estate that was purchased at great price. We can keep it, or we can lose it. We are accountable for our trusteeship of it. If we shirk our duty, forget its cost, and fail to remember and revere the vision and wisdom of the Founding Fathers who proclaimed it, and the suffering and sacrifices of the Revolutionary fighters who obtained it, then we shall surely lose it.

Summertime soldiering and sunshine patriotism are wholly inadequate to meet the exigencies of this critical period in history. They will not suffice in the great task and mission that America must perform. The preservation of our freedom requires eternal vigilance, fidelity to its ideals, dedicated services and sacrifices commensurate with the protections, blessings, and liberties that it bestows.

Thus, when we ask or contemplate, "What price freedom?" we know that the price of freedom is high. We also know that the cost of tyranny is fatal—fatal to personal liberty and human dignity. So, for God and country, and for humanity let us here resolve that freedom shall not perish and hope and pray that the spirit of Valley Forge shall abide with us always.

A PROPOSAL FOR A WORLD DISARMAMENT AND RULE OF LAW CONFERENCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized for 30 minutes.

Mr. PORTER. Mr. Speaker, our Secretary of State last week told the National Press Club that "war by miscalculation" is growing evermore possible because of the "spiraling competition in strategic delivery systems with ever shorter reaction times," referring, of course, to nuclear missiles.

The Secretary also stressed the need for a permanent world stabilization based on international law backed by an international force.

To achieve world disarmament and rule of law before it is too late requires immediate mobilization. Are we smart enough to survive? Are we determined enough? From the extent and quality of our efforts to date one could conclude that we are neither.

We have no plan for controlled disarmament. We are not pushing ahead to amend the Charter of the United Nations to bring it up to date in a world that has changed considerably since 1945. Our nuclear test cessation negotiations at Geneva are bogged down. The 10-nation disarmament conference at Geneva March 15 has, at this point, dismal prospects.

What about the long-awaited summit meeting in Paris May 14? Will this bring more than noble words, mutual reassurances, and wide smiles for the group photographs of the conferees? It seems unlikely.

Mobilization of men's minds and spirits requires action outside as well as within government. The urgency and the magnitude of this unprecedented challenge call for an all-out effort if mankind is to survive.

An important part of this effort could well be a conference of parliamentarians in Washington, D.C., on April 29, 30, and May 1. Law Day is May 1 and the summit meeting is May 14. This First World Disarmament and Rule of Law Conference should include legislators from all continents on the earth, opinion leaders of all major parties, men and women who recognize the urgency and who are determined to act constructively to avoid nuclear disaster for the world.

This should be a working conference, not an occasion simply for making speeches to each other. Conferees would be divided into legislative committees where particular aspects of disarmament and the rule of law would be discussed. Each committee member would receive in advance of his arrival a draft of his committee's report and recommendations. This draft would be the basis for discussions within the committee. As amended during the sessions it would be offered to the whole conference for adoption as presented or as amended.

Committee chairmen could be men like Grenville Clark, Arthur Larson, and Charles Rhyne. Topics, among others could be: "Extending and Improving International Courts," "Revision of the United Nations Charter," "A Plan for Controlled Disarmament," "Parliamentary Government," "Economic Consequences of Disarmament," "Prevention of War by Miscalculation."

It is my hope that the President would open the Conference and that each of the candidates to succeed him would make a short talk to demonstrate the unanimity of our leadership, present and potential, in seeking both controlled disarmament and the settlement of international disputes by law instead of force and threat of force.

It is my conviction that among such a group there would be found a large area of agreement and many acceptable ideas about how to solve the specific problems that confront us so menacingly. The practical considerations of time, cost, and sponsorship then present themselves.

Time is short. Today is February 25. April 29, 30, and May 1 are not far off on the calendar. Suitable accommodation could probably be arranged for the meetings and for the housing of the conferees. It would be most hospitable if the visiting legislators were asked to be the personal guests in the homes of Members of Congress.

The cost would be substantial: Chartered planes, meeting rooms, housing, staff, and food for from 300 to 500 conferees would approach or exceed $200,000, almost enough to build a big missile. If fewer were invited, the cost would be less but so also would be the impact of the findings and recommendations.

Sponsorship should be by an ad hoc committee of such quality as to merit the support and cooperation of established organizations, including foundations, and governmental bodies.

Is such quality available for such a task? I don't know. I think so and I hope so. My opinion is based on discussions of this proposal with members of Parliament in the United Kingdom, Senators here and others who recognize that this sort of mobilization must be attempted.

Two groups would be of particular assistance in organizing and insuring the success of the proposed conference. One is the World Parliament Association and the other is the organization formed last year called, at the suggestion of Senator JAVITS, of New York, Members of Congress for World Peace Through the Rule of Law.

When I was in London a few weeks ago I discussed the proposal with Clement Davies, M.P., the President of the World Parliament Association; with Lord Silkin, the Chairman of the Association's Executive Council; and with Gilbert McAllister, author and former Member of Parliament, the Secretary General of the Association. They were conscious, as I am, of the obstacles but enthusiastic about the possible results and eager to use the World Parliament Association's considerable experience and distinguished membership to help in every way.

The World Parliament Association has members and chapters in about 40 nations. Its motivations and purposes are precisely those of the proposed conference.

Senator JOSEPH S. CLARK, of Pennsylvania, the prime mover and Secretary of the Members of Congress for World Peace Through the Rule of Law, has told me that he believes that such a conference could be of great value but, along with the rest of us, he wonders whether the time is too short and the cost too great.

Yesterday in Rio de Janeiro the President properly told Brazilians that the 180 million citizens in the United States share with him this fervent wish:

> That war and all forms of coercion be forever banished from the earth. That leaders of all nations harken to the prayers of their people for peace with justice—for a peace founded on mutual respect, understanding, and collaboration, a peace in which the race of armaments will give way to a constructive cooperative attack against disease, ignorance, and poverty, a peace which makes neighborliness such as that enjoyed by our two countries the reality throughout the world.

This in indeed our fervent wish, but its realization is far from automatic. We cannot leave it to our leaders. They need all the help they can get. They need the mobilization of the best minds and the strongest spirits.

Much of the world, mostly in the Southern Hemisphere, is miserable and is obsessed with its resolve to shake off age-old misery. Much of the rest of the world, mostly in the Northern Hemisphere, its conquest of poverty almost a fact, is divided by the cold war. Over and above the preoccupations of the underdeveloped nations and of the East-West rivals is a larger issue for mankind, plainly seen by only a few but dimly perceived by most. This is the issue of survival.

Thousands of atomic weapons, most of them ready for instant use, and all in the hands of error-prone human beings. There is the crisis. There is the challenge to leaders in every land, a challenge the leaders must meet together in working conferences such as the World Disarmament and Rule of Law Conference which I have proposed in these remarks.

Such a conference is not a duplication of work being done officially in the United Nations and in other official international conferences. A general does not refuse an additional armored division in a doubtful battle just because he has several other similar divisions already in his army.

Survival is too important to be left to governments.

Moreover, legislators are often closer to the peoples of their countries and in this effort we must have the ardent support of public opinion throughout the world.

Our Secretary of State testifies publicly to the growing danger of "war by miscalculation." The Secretary, his predecessor, the President, many of our other leaders and leaders throughout the world point to the immense danger of nuclear war and declare the need for controlled disarmament and the rule of law in the world.

The danger is clear. The solution is clear. What we need to go beyond the eloquence and platitudes are concrete plans acceptable to the peoples of the world. The devising and the selling of such plans is every leader's first order of business until the emergency has passed.

A conference of representative legislators of the world in Washington April 29, 30, and May 1 might well help show our leaders and the peoples of the world that mankind does in fact possess the brains and the spirit necessary for its survival and for its improvement under God.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from California.

Mr. HOLIFIELD. I wish to compliment the gentleman from Oregon for the statement he has made in the well of the House today. Too little thought is being given to the establishment of peace in the world, and too few planned actions are being taken. It seems that all of our planning is based, and all of our appropriations are going toward increasing the probability of the destruction of mankind rather than the expenditure of money to establish peace and world order under law, as the gentleman has said.

I could not help but think when the gentleman was speaking about the cost of this conference he advocates as being around $200,000. The gentleman compared it to a missile. I would state to the gentleman that it would be a very small missile indeed that would cost $200,000. From all information I have gleaned, one of these missiles such as is launched from Cape Canaveral costs in the millions, not the hundreds of thousands of dollars.

I do not mean just one million dollars, I mean multiple millions. We are spending in our total effort in the missile field well into the order of several billions, as the gentleman knows. Certainly the comparatively small expense which he indicates might be involved in this type of a project is completely insignificant when we stack it up against the billions that are being spent for weapons to destroy mankind. I just want to say it is heartening to some of us who have lived in the House of Terror, so to speak, where we know about these weapons and know about the terrible devastation that can result from the use of these weapons, to have a few voices raised advocating a more constructive and a more active program toward establishing peace. We hope the weapons that are now in the inventories of the different nations will not be used.

We have recently seen the entrance of a new nation, the nation of France, into the nuclear club. There are people who condemn France for this action, but if we look at it from the standpoint of national prestige and a national desire to compete for existence, I think little condemnation can be directed to the French nation. This also applies to other nations throughout the world. They have just as much right to strengthen their national defense as the United States or Great Britain have to strengthen their national defense.

We have to live with this fact—and this very great urgency to compete in prestige and in military power, is going to drive more and more nations into the nuclear club and increase more and more the inventories of hydrogen megaton weapons. It will mean that as the mathematical number of weapons and nations that have these weapons increase, there will be a geometric increase in the possibility of irresponsible or accidental use of these weapons, resulting in the holocaust of nuclear destruction which would come about in a world of nuclear weapons.

I compliment the gentleman on his constructive thoughts.

Mr. PORTER. I thank the gentleman. No one has done more than has the gentleman from California for the security of this Nation and, indeed, of the world. We all know of and deeply appreciate his great work as a member of the Joint Committee on Atomic Energy.

INSURANCE AGAINST MISERY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. KING] may extend his remarks at this point in the RECORD and to include an article by AIME J. FORAND.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. KING of California. Mr. Speaker, under leave to extend my remarks at this point in the RECORD, I include an article from the February issue of the Progressive by the distinguished gentleman from Rhode Island, AIME J. FORAND, entitled "Insurance Against Misery," as follows:

FOR THE AGED: INSURANCE AGAINST MISERY

(By AIME J. FORAND)

(Representative AIME FORAND, a Democratic Representative from Rhode Island, is leading the fight in the House for medical insurance for the Nation's aged.)

Today we are witnessing the greatest change in population age groups in America's history. These changing groups have created and will continue to create vast and complex social and economic problems. The most significant changes are occurring in the age group of 65 years and over. Present figures indicate that people over 65 now number fifteen and one-third million and that this figure is rising at the rate of 1 million every 3 years. One thousand persons a day are becoming 65 years old.

One of the more pressing problems confronting these people is in the field of hospital and medical care, where the basic question to be resolved is: how can medical needs be financed out of lower than average financial resources? For this particular group the socioeconomic pendulum is swinging in both directions. The upswing is in the cost of medical and hospital services; the backstroke is the diminishing or static income of the retired.

Medical and hospital care today is the costliest it has ever been. The rising cost presents a lesser degree of difficulty to a working man or woman who is able to purchase insurance against most of these costs. The aged, however, in many instances are unable to purchase this insurance because of their advanced age and lower income.

The rising cost of medical care over the past decade has been felt by persons of all ages, but older people have larger than average medical care needs. As a group they use about two and one-half times as much general hospital care as do average persons under the age of 65. They also have greater need for long-term institutional care. Their incomes generally are considerably lower than those of the rest of the population, and in many cases are either fixed or declining in amount.

In a recent report the U.S. Department of Health, Education, and Welfare said: "The success of modern medicine in preventing epidemics and in curing or controlling diseases once usually fatal has brought chronic illness, particularly the illness of old age, to the fore as a health problem. In part, because of these new developments, older persons have greater need for hospital and other medical services than younger persons. They may require more elaborate types of care than younger persons and their recovery is likely to be slower."

The most startling revelation is that more than 80 percent of these people assumed responsibility themselves for all the medical costs they incurred. I have found that persons in this age group were actually postponing and even doing without medical care solely because they did not have the necessary funds to meet the costs. Many who managed to save some money during their working years were literally wiped out by one illness.

As a result of these soaring costs of medical care and because of the inability of the aged to meet these costs, I introduced, in August of 1957, a bill, H.R. 9467, which died in committee when the 85th Congress adjourned. Early in 1959 I introduced a new bill, H.R. 4700, on which 5 days of public hearings were held by the House Committee on Ways and Means.

Basically, this bill provides insurance against the cost of hospital and surgical services for persons eligible for benefits under the old-age and survivors section of the social security program. Each eligible person would be insured against the cost of hospital care, including a semiprivate room and all the hospital services, medical care, drugs, and appliances which the hospital customarily furnishes its bed patients. The insurance system would not pay the attending doctor's bills, except for surgical services. Skilled nursing home services would be covered if the patient is transferred to the nursing home from the hospital and if the services are for the same condition or one arising from that for which he received hospital care. The care in the nursing home could be extended so that up to 120 days of combined care would be provided in a 12-month period but only 60 days could be hospital care. The cost of surgical services would be paid while in the hospital, or in case of an emergency or for minor surgery, in the outpatient department of a hospital or in a doctor's office. Any person may freely select the surgeon of his choice. These are the basic provisions of my bill, designed to alleviate the highest cost factors to the patient.

The plan would be financed by increasing contribution rates of both employers and employees by one-quarter of 1 percent each, and of the self-employed by three-eighths of 1 percent.

I do not contend that my bill will be the panacea to the whole problem, but I believe it is a step in the right direction—relieving human miseries by providing insurance against the cost of hospital, nursing home care, and surgery.

The principals in the opposition corner are the American Medical Association, the American Hospital Association, the American Dental Association, and the insurance industry. Their major objections, as listed by the American Medical Association, are:

"The bill would eventually destroy private health insurance and the Blue Shield, Blue Cross plans.

"It could bankrupt the entire social security program and jeopardize the basic retirement incomes of all the people covered.

"The legislation is socialistic and the introduction of this principle would lead to national health insurance."

Many members of the medical profession seem keenly aware of the plight of the aged and are doing what they can, as individuals, to meet the need. Unfortunately, a majority of the doctors follow the dictates of the American Medical Association rather than their own conscience and have joined in a campaign to defeat my bill. When representatives of the American Medical Association appeared before the Ways and Means Committee in 1958 they did not agree with the advocates of my bill as to the nature and extent of the problem, nor as to the means of solving it. Since the Department of Health, Education, and Welfare released a report in April 1959, underscoring the need for help in this area and stressing the needs of these older people in the field of health, the cry then shifted to socialism and quality of health care.

In the first hearings on this measure in 1958, I pointed out that almost $4 million was spent in 10 years in the AMA lobbying operation and that the approach was one of abhorrence of the provisions of my bill, rather than an approach of concern and constructive analysis. I told the AMA representatives, honorable men themselves, that I wanted—and needed—their help to meet this problem.

In July 1959 the Committee on Ways and Means again held hearings on this bill. To my utter dismay, I found that 38 State medical societies testified at the hearings without one offering a possible solution to the problem. It would have saved much committee time had they registered their disapproval of this measure and let it go at that. Instead, they all appeared with full manuscript as though they were separate and distinct entities and not part and parcel of their parent organization, the AMA. Their testimony was both apologetic and vindictive. One doctor told the committee that this legislation was not only socialistic but pure communism. These are certainly not the expressions of dedicated men sincerely searching for a solution to a knotty problem, but rather they echo desperation and vilification.

At these same hearings the AMA repeated its stand of the previous year, again without an offer of an alternate proposal or even a possible remedial suggestion. Instead, the association argued that the job should be left to the insurance companies.

It is enlightening to note that from the hearings in 1958 to the present the AMA has been busy. It launched a campaign to discredit the proposal and to minimize the need for some plan for the aged. Immediately after the 1958 hearings, the AMA hired public-relations men and also a public-relations firm to devote their entire energy to the defeat of the Forand bill. A questionnaire was sent to physicians in every congressional district. Some of the questions were: Who is the person or persons in each ward or county in the congressional district who is most influential with the Congressman?

Who are the principal contributors to his campaign?

Who is the Congressman's personal physician? At home? In Washington?

What contacts does the medical profession have or who knows the Congressman's top secretariat on his Washington staff?

There were 15 such questions, attempting to achieve through pressure and intimidation what they had not been able to accomplish at the hearings—an attempt to do indirectly what they were not able to do directly. Had they spent as much energy in looking for a solution to the problem as they did to defeat my bill, I am quite sure they would have been of greater service to the people of America.

Literature started pouring out of AMA headquarters with inaccurate cost figures and statistics. This was distributed to every member of the American Medical Association. These pamphlets and booklets have appropriate titles suitable to their propaganda purposes. One such booklet is entitled "The Pill That Could Change America." This 28-page booklet is supposedly a review of socialized medicine in the world today. This account has been written with no particular authoritative source.

Despite the pressure put on the American Hospital Association to change its prepared statement, Frank S. Groner, representing the American Hospital Association, told the Ways and Means Committee, "It is believed that every realistic effort should be made to meet the hospital needs of the retired aged promptly through mechanisms utilizing existing systems of voluntary prepayment. It is conceivable, however, that the use of social security to provide the mechanism to assist in the solution of problems of financing these needs may be necessary ultimately."

In our form of government, opposition is encouraged to bring a problem into proper perspective and to eliminate any impassioned appeal beyond reason or practicability. I cannot sincerely say the AMA was acting bona fide in its pressure, propaganda, and distortions. If the association, whose members hold the key to the health of our Nation, refuses to look the problem in the eye, without cries of socialism and other diversionary tactics, then I contend that the Federal Government should step in and assist in providing for the general health and welfare.

In view of the antagonistic attitude of the AMA, I am happy to report that many individual doctors have written to me endorsing the principle of my bill and stating that although they belong to the AMA, the AMA does not represent their views or speak for them.

The argument is made that private insurance companies have made great strides in the voluntary health contracts. It is true that many people today are able to buy better health insurance than at any previous time. However, these policies are usually offered to that segment of the population under the age of 65 or even 60. Private insurance hesitates to tackle the problem of insuring the aged today because it cannot be met economically. The basic difficulty private insurance companies face, in computing a hospital medical plan for the aged, is that this group is the high-risk, high-cost element. The cost of a reasonable plan would be higher than the average aged person can afford. Limited protection leaves the problem virtually unsolved. Because of the millions of persons now covered under the social security system, the Federal Government is in a better position to distribute the cost burden over a broader area and in a more equitable manner. The OASDI mechanism provides a ready and equitable method of spreading the cost of hospital care for the aged over the entire working population and at the same time providing them with more extensive and adequate protection than is available through private insurance. The social security vehicle is administratively set up and, in the normal course of bookkeeping procedure, can work well in this program.

Some insurance firms are now selling health and accident plans designed for the aged. One such company advertised, for a limited time, its "senior security policy." This provided for the payment of $10 per day up to 60 days of confinement (not less than 5 days), $5 per day for 55 days of confinement in a convalescent or nursing home. Surgical benefits were offered from a conservative schedule in the policy. This policy sold for $8.50 per person, per month. Another company has offered a policy with essentially the same benefits at the cost of $6 per person, per month.

These companies are to be commended for their sincere attempt to meet the problem of the aged. On the other hand, it must be borne in mind that these policies are limited and do not cover the expanded scope of the needs of the aged. Perhaps $10 would have been sufficient for a hospital room in 1940, but since the war years hospital costs have risen 400 percent. The coverage offered under these policies is in the experimental stage, and the natural conservatism of the industry is holding the benefits down to a minimum. The possibility always exists that, when it is found financially unwise to issue this type of policy, the companies will decline to renew, in one sweeping motion, the whole series of this type of insurance.

The cost of these policies, small as they may appear, are prohibitive to the vast majority of the aged who are living on social security pensions or other fixed income. What happens to those persons who are unable to meet even the insurance rates of the existing health policies is a source of immediate concern to us.

The entire insurance industry has been helpful in supplying the committee with valuable information on the utilization of insurance by the aged and with candid opinion on how the problem can be better resolved. In addressing this insurance industry, which supplies 90 percent of the voluntary health insurance in the United States and Canada, I said, "I want the help of all who are interested in this great problem of ours. I want the help of everybody to find a solution and if the insurance companies can provide it, fine."

The problem of the health of the aged is one that should command the attention and consideration of all of us. A solution must be found. I believe that my bill H.R. 4700 provides that solution; until a better one is offered, I shall continue to press for its enactment.

THE LATE JOHN W. HAGIS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, I was deeply moved by the recent death of a great American citizen, a native of Massachusetts, and a friend, Mr. John W. Hagis.

His entire life was emblematic of the qualities which we Americans hold in such high esteem: honesty, industry, and leadership. His rise to prominence is another classic example of an American success story achieved by hard application and great perseverance.

He was born in Turners Falls, Mass., on July 31, 1881. Left fatherless at the age of 9, he went to work as a clerk and when, 2 years later his mother died, he assumed the responsibilities of mature manhood by taking care of his younger brother and sister. At 18 years of age he became a partner of the store where he worked; at 21 he was elected treasurer and tax collector of the town of Montague. He served in various offices in that town's government for 6 years and, at 27, he was elected State representative serving in that capacity from 1909 to 1912 and subsequently elected to the State senate, he served in that body until 1926. In 1928 he was elected State treasurer for 2 years.

While these are the official duties and responsibilities he undertook, many other important activities of philanthropy and community service occupied his unselfish time. The Boy Scouts, the Red Cross, Agricultural Society, and a host of others received the benefits of his leadership, sage counsel, and unstinting devotion.

To each of his positions in life, whether as merchant, legislator, official, newspaper publisher, or banker, he brought his many virtues and in each he was a success. But, above all material considerations, as a man he merited the respect, friendship, and admiration accorded him by his fellow citizens.

Franklin County was fortunate, indeed, having had John Hagis as a resident; but in the more important broader aspects, the State of Massachusetts, the Nation, and those whom he served so well, are much better for his having lived.

To his family I extend my profound sympathies in their great loss and I join all who knew him in their bereavement.

THE IMMORALITY OF THE NEW YORK POLICE DEPARTMENT HEADQUARTERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. POWELL] is recognized for 30 minutes.

Mr. POWELL. Mr. Speaker, I rise to continue my attempt to bring law and order or some semblance of it back to my hometown, New York City, a series that I have been undertaking from this floor since the opening week of this session of the Congress.

The time has come to explode a new dodge now being employed against the forward progress of the Negro citizen: that appointments to high office should not be made "on a basis of race."

No less a person than Stephen P. Kennedy, the police commissioner of the city of New York, is the most recent public figure to employ this ironic technique. Recently, I urged him to appoint a qualified Negro as one of his several deputy commissioners. Posing as some kind of righteous American, he loftily refused on the basis that he did not make appointments "on the basis of race."

Since the Negro people were freed as slaves, the whole of this country has been working to correct a terrible wrong and balance the sheet of democracy. One of the means of balancing the sheet has been the appointment of qualified Negro citizens to high office. It is part of our record that whenever these precedent-making appointments occurred, all of us have been proud of the fact that we were accomplishing the American dream of full democracy for everyone.

Now, when the police commissioner of the greatest city on earth is urged to participate in the American dream, he arrogantly refuses to do so and takes a pious attitude in the bargain, he is fooling no one. An honest and sympathetic public official would never take such a counterfeit position in the face of the Negro's long struggle for status.

When I asked the commissioner to appoint a Negro, I laid emphasis on qualification and representation. To appoint a Negro on the basis of race would mean making such an appointment regardless of qualifications. I did not, as the commissioner well knows, ask for such an appointment. It is foolish on the commissioner's part to pretend in public that I did. On the contrary, I called for adequate representation of our vast Negro population in the higher councils of the police department.

I feel, as does the mayor's committee on Harlem affairs, that a qualified Negro commissioner could not only make a fine contribution to the solution of minority problems, but lift the prestige of the department in the eyes of our minority citizens and give a higher morale to minority rank-and-file members of the department. Any rational person will agree that this has been and is a valid position.

But there is a far deeper significance in the police commissioner's arrogant and counterfeit position. It is basic in our form of government that police power and military power are to be subjected at all times to civilian control under the will of the people. Something is basically wrong when a servant of the people—in this instance, the police commissioner—can publicly thumb his nose at elected officials and responsible citizens' groups seeking redress.

The Police Department of the City of New York has become a law unto itself, responsible to no one. It rolls along making its own rules and laws and treating the people as if they were the servants. Our experience has been that when a community of citizens criticizes or protests some action or inaction of our own police department the immediate answer they get is an arrogant statement in the press from the commissioner, immediately followed by the dispatching of "shock troops" to the area in an open attempt to intimidate the people. This callous contempt for the people has bred in the Police Department of the City of New York the resultant contempt for the laws of rights and crime and corruption.

For instance, in a city and State where laws against discrimination in employment are in effect, the Police Department of the City of New York is one of the chief practitioners of discrimination. Not only are there no Negroes on the commissioner level, out of 60 inspectors, only 1 is a Negro; out of 212 captains, there is not a single Negro; out of 750 lieutenants, only about 10 are Negro—the figures get worse the farther down the line we go. These figures reveal that unless there is a change of heart in both the police commissioner's office and in the manner of selection the Negro will never win adequate representation in the Police Department of the City of New York.

For some weeks now I have been outlining the flagrant discrimination in arrests in the numbers racket in New York City, and particularly Harlem. It is apparent to even the casual observer that this racket could not exist without the tacit approval of the police department. Nevertheless, I have refrained from making any charges against the police department in hopes that it would clean its own house. Obviously, viewing the attitude of the commissioner, this will never happen.

Today, therefore, I do not hesitate to say that an area of suspicion that the police department is in partnership in this racket is increasing by the hour. I believe, therefore, that the commissioner ought to resign, and that the mayor ought to appoint an interim board of responsible citizens to clean up the mess. Barring such immediate and forthright action, it is highly possible that the city of New York may be facing some such scandalous situation with its police department as now exists in the city of Chicago.

On Wednesday of this week the New York Times lambasted me for criticizing the police commissioner, accusing me of carrying on a personal vendetta with Mr. Kennedy and trying to "push him around." I have no quarrel with Mr. Kennedy, only with his injudicious handling of the office of police commissioner, a post of vital importance to my people. Let the New York Times defend the rank

discrimination existing in the department under Mr. Kennedy; let the Times defend the merciless rackets that rob the poor and exist in New York City; let the Times dare conduct an appraisal of Mr. Kennedy from among his own men in the department and it will discover that the man the Times calls "one of the best New York has had" is one of the most unpopular commissioners in the history of New York in his own department.

The Times goes on to say in its editorial that Mr. Kennedy fears no one, not even the mayor. What the Times should have said was that the commissioner is responsible to no one, not even the mayor. The people of New York did not elect Mr. Kennedy; they did elect Mayor Wagner, and it is high time that Mr. Kennedy comes down off his throne and realizes this simple fact.

Mr. Speaker, I would like to point out that the police department of New York City, in recent years, had as a deputy police commissioner at least one qualified Negro, until Mr. Kennedy became police commissioner. Since then this policy has now developed into a total lily white policy. I have asked Mr. Kennedy to appoint a qualified man from the Negro-Puerto Rican uptown community. The mayor's own commission asked Mr. Kennedy to do likewise. He refused and has just appointed within the past few hours a lawyer from New York by the name of Leonard Reisman, special assistant in the State attorney general's office. He is now deputy police commissioner in charge of licensing. Mr. Reisman, no doubt, is a qualified man, but this is a position that was held for years by Negro members of the uptown community.

Now, why is all this? I believe that it is due to the fact that there is a concerted effort on the part of the high-ranking officers of the police department to do business with the gangster element of our town insofar as it operates in the Negro and Puerto Rican communities. This they could not do with a Negro in a high command position.

I would like to place in the RECORD a complaint which was made by a citizen on August 17 of last year and again on September 9 of last year in which this citizen complained to the supervising assistant chief inspector of the police department, Mr. John Walsh, that a woman by the name of Ester James, 1744 Amsterdam Avenue, was extorting money from gamblers and those operating numbers in the uptown area for the purpose of transmitting this money to police officers. Even though this complaint was made on August 17 and renewed September 9, the police department has not stopped this practice; no investigation has been made, and Ester James continues to be the payoff woman for the police department higher-ups. I would like to place that complaint in the RECORD at this time:

NEW YORK, N.Y., *September 9, 1959.*

Mr. JOHN WALSH,
Supervising Assistant Chief Inspector,
New York, N.Y.

DEAR MR. WALSH: On or about August 17, 1959, I went to your office to make a complaint against Ester James, 1744 Amsterdam Avenue, for the crime of extortion. You were on vacation at the time, and I was referred to the office of Mr. Nielson. In his office I talked with Lieutenants Quinlan and Deegan, and gave them information to the effect that my business partner, Freddie Fredricks, was paying Mrs. James to prevent her from exposing our gambling activities. In addition to making this complaint, I gave them the names of other gamblers who were also paying Mrs. James not to expose them. When these were called, they, in turn, named others from whom this woman had extorted money under threat of exposure.

During the time that Lieutenants Quinlan and Deegan handled the investigation, they were both honest and sincere in their approach toward the complainants. They were only concerned with doing a thorough police job of investigation. I am sure that they would have completed the job, long since, if they had been allowed to continue. However, the investigation has slowed down, and it appears that justice will be defeated, due to the untimely intervention of Assistant Chief Inspector James Nidds.

Neither I nor any of the other complainants against Ester James wanted Mr. Nidds to participate in the investigation. Our reason for not wanting him to participate is that Ester James has been an informant for Mr. Nidds for more than 3 years. And, for the additional reason, that Mr. Nidds had been informed on two occasions by Carlos Duran, one of the complainants against Mrs. James, that she had extorted money from him. In each instance the information was ignored by Mr. Nidds. It is my considered opinion that his failure to check on the woman, subsequent to the complaint of Duran, is either an act of omission or commission with respect to the duties of his office.

I believe that the men working on the investigation, under the command of Mr. Nidds, are not sincere and are conducting a pseudoinvestigation. It seems that their purpose is to sabotage the investigation, and to whitewash the charges that have been made against Ester James. Some of the statements made by these investigators are seething with intimidation. Complainants have been told, "if you prosecute the woman and convict her, she can counter and have you prosecuted for income tax evasion. Another complainant was threatened with a punch in the mouth, when he refuted a statement made by an investigator. Who is shielding whom?

No police officer should be allowed to shield a felon. It is my understanding that the function of a police officer, even an assistant chief inspector, is to keep the peace. He cannot sit in judgment upon persons accused of crime and personally decide their guilt or innocence. That power has been delegated to the courts by our Constitution. Neither Mr. Nidds nor the men working under his command are above the law. They, too, are bound by its precepts. In the present case, they are under a duty to see to it that justice is not defeated.

The people who have complained against this woman, and many others who would like to complain against her, do not profess to be angels. They are gamblers and they admit it. All of them, at one time or another, have been arrested, arraigned, and convicted for the crime of policy. This, however, does not give anyone the right to extort money from them. Ester James found that gamblers were easy prey, because of their willingness to pay to avoid being exposed. Their crime, under the law, is a misdemeanor, but extorting money under threat of exposure is a felony.

All of the complainants against Ester James are willing to testify under oath, if Mr. Nidds will allow them to do so. Many of them are afraid to give him information against her, because they believe that he is trying to protect her. I know that the investigation is doomed to failure, if it continues under his direction.

Unless your office can close out this investigation, I will be forced to take my case to the press.

Respectfully yours,

HARLESTON PATTERSON.

Mr. Speaker, I would like to also say that after an intensive search we believe we have now found another bag man for the police department of New York. You will recall that I mentioned previously that the former bag man was an ex-police sergeant, Joseph Luberda. Judge Mullen, in sentencing him for 2 years, said that he was the bag man, and the assistant district attorney to District Attorney Frank Hogan charged before the grand jury that he was the bag man.

Since then we have been trying to find out who is the new bag man for the police department. I believe I now have his name and his address. The salary of a police sergeant runs about $7,000 a year. I have now the name of a police sergeant who lives luxuriously in New Jersey. He has a very impressive home, including a private swimming pool. The house is a house that bespeaks a man of substantial income. It is located on Taylor Mill Road in Englishtown, N.J. The name of this police sergeant is Steve DeRosa. He is now attached to the police academy. But even though he is attached to the police academy he is seen in my district around the first of each month visiting all the places that I have named as number drops and many others. There is no reason why an officer in the police academy should at any time visit any other precinct and especially the same precinct each month, going only to those places that have already been named by me as numbers headquarters. If this is done, then there must be some connection. The fact that he has this luxurious house with a swimming pool in the high-income bracket area in New Jersey shows that he is getting some income other than $7,000 a year.

NEW YORK STATE CRIME COMMISSION,
New York, N.Y.

DEAR SIRS: I believe that it would be of interest to the commission to know that Police Sgt. Steve DeRosa is the counterpart of former Police Sgt. Joseph Luberta. If the commission will recall Sergeant Luberta was arrested in Rockland County last spring. During his trial for contempt, in which he was convicted, Luberta was referred to by the district attorney as a "bagman."

Sergeant DeRosa is a member of the police department, and at present he is attached to the police academy. His duties at the academy, however, do not conflict with his duties as a "bagman." He attends to his graft collecting activities between the 1st and 3d of the month, visiting all of the places named by Congressman POWELL located within the boundaries of the seventh division.

The graft collected by DeRosa is carried on his person in sealed envelopes. Each envelope bears a notation which indicates the amount of money it contains, the person from whom it was received and the office to which it is to be delivered. In addition to these envelopes he carries a list, similar to Luberta's, which shows the status of the gamblers from whom money is collected. According to the list, each gambler is either paidup, late, or dropped. The principal client

and chief beneficiary of the nefarious services rendered by the sergeant is the Borough Headquarters Manhattan West.

In the refreshing atmosphere of his New Jersey mansion the sergeant has surrounded himself with all the luxuries of life. These creature comforts bespeak a man of good taste and substantial income. The house is located on Taylor Mill Road, Englishtown, and is complete with every modern convenience, including a swimming pool. It would be impossible to maintain this place on the scanty salary of a police sergeant.

Respectfully yours,

TAXPAYER.

Also I have had sent to me anonymously—it arrived today—a copy of a complaint made to the New York State Crime Commission. This complaint lists the exact amount of money paid off each month by each numbers banker to the various sections of the police force of New York. Each numbers banker has to pay from $2,500 to $3,000 a month in protection ranging from the top of the division on down to the lieutenants, sergeants, uniformed officers, two shifts of radio cars, all the detective squad including plainclothesmen, lieutenants, and sergeants. I submit this as a copy of a complaint already made to the New York State Crime Commission, for the RECORD, today.

(The matter referred to is as follows:)

To operate with protection all policy spots are required to have a contract with the various offices of the police department. Such a contract is generally referred to as a "pad." All pads are due on the 1st of the month, and must be paid not later than the 3d.

The list below is a breakdown of a policy pad. The totals that are followed by an asterisk (*) vary in proportion to the number of men assigned to the precinct. The total cost of a pad may reach as high as $3,000 a month, due to fluctuations in the number of men that are carried by a given office.

Division	$420
Borough headquarters	275
Police commissioner	275
First deputy police commissioner	275
Chief inspector	275
PRECINCT	
Captain	50
23 sergeants at $10	230*
8 lieutenants	160*
Uniformed officers on post	192*
Radio cars (2 shifts)	192
DETECTIVE SQUAD	
33 detectives	330*
Detective lieutenant	50
Detective sergeant	25
Total	2,749

Officers on post and officers in radio cars are paid daily, all others are paid, in advance, monthly.

I would like also to point out that the president of the Policemen's Benevolent Association of New York—the man elected by the 24,000 members as their president—whose name is John Cacasse, was on television with our colleague, the gentleman from New York [Mr. CELLER]. Before Mr. CELLER and the distinguished Republican State senator of New York, McNeal Mitchell, Cacasse said that Mr. Kennedy has in New York City brought the morale of the police department to a new low. He is trying to "dog the men into submission."

He said that there is a compulsory arrest quota for each policeman in New York. Senator Mitchell said:

Spell that out. You mean that the police are given a quota as to how many arrests they are to make?

And the president of the policemen's Benevolent Association, Mr. Cacasse, said:

Yes; how many arrests and what kind every month, and they are told, if you don't do this, there are 4,000 men waiting to take your job.

When I began this crusade there were people saying, "Why argue against the numbers? Everybody gambles." That may be true, but we do not want gambling to be the backbone of the narcotics. I do not believe there is any man who is in favor of that except the gangsters themselves.

Since I began this crusade I have been working hand in glove with the Narcotics Division of our Federal Government. There are special agents working in New York now on the information I have received.

There is a pattern of collaboration between the numbers bankers, the Maffia, the syndicate, the combine, and the narcotics peddlers. Certain arrests have been made which indicate that both numbers and narcotics are being operated by the same groups.

I should like to point out that one combination of thugs has just been revealed to me. It is a combination called Sam and Mannie. It operates drugs and numbers together, with headquarters at 310 St. Nicholas Avenue, 325 West 126th Street, and 303 West 106th Street.

When a James Russell came to my church two Sundays ago he was scared to death because these two men, Sam and Mannie, thought he was conveying information to me. He was not. I never heard of him. He came to me and begged me to protect him. The result is that this past Friday night James Russell was badly beaten and is in serious shape. In 1956 a man that worked with them by the name of Charles Turner was also beaten by Mannie and Sam, and later his body was found floating in the East River in the Harlem area.

Yet in the face of all this the police commissioner of New York refuses to move, refuses to do anything. All he does is attack me personally. But here are the facts; I have presented them week after week, and I will present them as long as I have strength.

I am now going to name, in addition to those I have named, 18 more places operating in the Puerto Rican area.

46 East 112th Street. Grocery store, Mr. Boyer, who is the owner and banker.

124 East 110th Street, apartment 6, Mr. Juan Soto, controller.

115 East 110th Street, a candy store, where the controller's name is Serpa.

134 East 110th Street. Grocery store. Juan Soto is the controller there and a collector.

1620 Madison Avenue, where Santiago Rodriguez operates as a collector.

123–127 East 110th Street, where Miguel Cordero operates as a collector.

25 East 105th Street, apartment 43, where Petra operates as a collector.

133 East 109th Street, where Luiz operates in a grocery store as a collector.

65 East 110th Street, apartment 2. They sell heroin and also collect numbers—narcotics and numbers.

18 East 105th Street. There is a controller operating on the ground floor front.

139 East 110th Street, a collector operating out of a restaurant.

83 East 111th Street. There is a butcher store there where a collector operates.

1861 Lexington Avenue. There is a restaurant where the father of Julia Rosa operates as a collector.

1860 Lexington Avenue. Phillip Blake operates as a banker at a bakery.

25 East 105th Street. There is a grocery store where there is a collector.

18 East 105th Street, a candy store where Serafina is the controller and the owner.

87 East 111th Street. There is a restaurant there where policeman MacDonald knows everything connected with that.

112–114 East 111th Street. At the front apartment on the right side as you go in there is a controller operating.

This does not mean all of these addresses are owned by the numbers gangsters. The owners of these stores and restaurants and apartments are terrified, in many instances, by these people and so they are operating out of their premises, even though the owners do not desire to cooperate with them.

I will continue next week with more information from the Narcotic Division, and I trust by that time from the New York State Commission Against Crime.

Again I ask, what is Mr. Kennedy going to do? When is the mayor going to put into office a commissioner who will not allow his men to do business with these narcotics and numbers racketeers When will the vast majority of our police department have their morale restored?

PROPOSED REORGANIZATION OF U.S. SUPREME COURT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana [Mr. BROOKS] is recognized for 60 minutes.

Mr. BROOKS of Louisiana. Mr. Speaker, Joint Resolution 453 proposes an amendment to the Constitution. This amendment calls for a reconstitution or a reconstruction of the Supreme Court. The reasons for and the needs for a reforming of that branch of our Government must be apparent to all, if we are to consider the persistent demands from people from throughout the country—demands that something be done to halt encroachment that is being made upon State sovereignty and even upon the constitutional functions of the Congress.

Cries of alarm are not restricted to the South. They come from every part of the United States. Curb the Supreme Court. Abolish the Supreme Court. Impeach the members of the Supreme Court. Harsh, bitter demands have come from every corner of the country.

People are particularly alarmed and indignant over the Court's disregard of State sovereignty. They are aroused over decisions that render State laws null and void—decisions such as these:

State laws that automatically discharge teachers who belong to organizations that advocate the overthrow of this Government by force and violence have been declared unconstitutional by the Supreme Court.

Teachers who invoke the fifth amendment when questioned about their Communist affiliations cannot be fired for violating State laws. Such laws, said the Court, are unconstitutional.

State laws are unconstitutional, says the Court, when they deny a Communist the privilege of practicing law.

Former decisions of the Court which held that segregating and integrating was a question to be solved by the respective States have been reversed after nearly a century of compliance with the original decisions.

These decisions have left the people confused. What is the Supreme Court trying to do, the people ask. Is the Court trying to wipe out our State boundaries? It is trying to make State governments needless, useless?

Joint Resolution 453 attempts to be responsive to the demand of the people. Reconstruction of the Supreme Court is imperative, involving a task that must be done. We have no alternative. Congress must accept the responsibility. Corrections can be initiated only by this branch of the Government.

Since it is representative of all the people, Congress is the most democratic branch of our system of government. Geography was an important factor in the minds of the founders of this Republic when they prepared the framework of the legislative branch, and I am of the opinion that the Supreme Court should be reconstructed under a similar plan. Under the present system, large areas of the country are oftentimes without a Justice on the Supreme Court to represent or safeguard their points of view.

To remedy this inequality, the proposed joint resolution provides for a division of the United States into 17 judicial districts, each of which shall consist of 3 States as nearly contiguous as may be practicable.

A brief history of the Supreme Court brings into focus the present situation with its problem that must be solved. Of the three branches of the Government, the framework of the judiciary was the least satisfactory to those great leaders who formed a government that for more than two centuries has been the envy of the civilized world.

Today many people throughout the United States are convinced that, in 1821, Thomas Jefferson possessed uncanny foresight when he predicted that the Federal judiciary would eventually become "an irresponsible body working like gravity night and day, gaining a little today and a little tomorrow until all shall be usurped from the States."

Jefferson believed that of the three branches of Government the judiciary was the only one that could be maneuvered and manipulated to the detriment of the country, and the one most likely to encroach upon the functions of the other two.

Jefferson feared that the day would come when the judiciary would render powerless the checks and balances the three branches were designed to have over each other. Should this happen, he predicted, our Government will "become as venal and oppressive as the government from which we have separated."

Throughout the greater part of our country's history relatively few students of government were apprehensive in spite of what Jefferson had said, and perhaps none of them trembled with fear that his predictions would ever come true. This was because of the high caliber of the judges who manned the U.S. Supreme Court. Eminent men, dedicated to the study of law, were selected to compose that august body. These men merited the faith and confidence of the people. Until a quarter of a century ago the U.S. Supreme Court was the most distinguished body in the world.

Well do I remember that when I was a student at law school I often neglected my textbooks on torts, evidence, and contracts so that I might find time to read the biographies of the great Supreme Court Justices. They were my idols. They were the intellectual giants of the day. I found inspiration in reading about these eminent students and exponents of jurisprudence.

The plantation home of Chief Justice Edward D. White, of Louisiana, became almost a shrine to those of us who were being called sprigs of the law.

The careers of the men who had served on the U.S. Supreme Court were inspirations to every person who chose law as a profession. John Marshall, that great jurist from Virginia; Joseph Story, from Massachusetts; Roger B. Taney, of Maryland; L. Q. C. Lamar, of Mississippi—what a galaxy of intellectual giants.

We considered the U.S. Supreme Court as the guardian of our liberties, guaranteed to us by the Constitution. And so long as that body was composed of such men as those I have mentioned, the people of this Nation had no reason to fear that the predictions of Thomas Jefferson would ever be transformed into harsh, cruel facts.

In preparing this speech I instinctively kept in mind the various decisions of the Court that have directly affected Louisiana and the Southland. The most important of these are the ones that touch upon State sovereignty which the people of the South have steadfastly upheld—yes, and fought for—since the founding of our Nation.

More than a half century ago the Supreme Court established a doctrine that placed a terrific strain upon the white taxpayers of the South—the doctrine of equal-but-separate facilities, which, in effect, declared that tangible factors in transportation, education, and so forth, must be equal to all races of people.

Although this decision brought to the white people of the South a tremendous financial burden, they, nevertheless, accepted it with resolution and determination.

Let me give you an illustration of the South's attempt to comply with that decision. I will not use for my illustration one of the opulent parishes of my district, but I will choose one that is financially poor. Let us consider present conditions in Claiborne Parish.

Fifty-two percent of the population of Claiborne Parish is composed of Negroes, and yet, white taxpayers supply 95 percent of the money that goes into the building and operation of public schools.

J. R. Oakes, chief deputy tax collector for Claiborne Parish, released a statement showing the amount of State and parish taxes, to be collected for the ensuing year, from which this tabulation is quoted:

Taxes from whites	$191,202.89
Taxes from Negroes	7,906.45

Homer, Haynesville, and Athens are the largest towns in Claiborne Parish. In these places the Negroes have as fine school buildings as can be found in any towns of comparable size in the United States. Furthermore, within 20 miles of Athens they have Grambling College, a State-supported institution that employs 144 teachers—Negroes of course—to instruct more than 2,000 satisfied and appreciative students.

At the last general session of the State legislature, $5,083,780 were appropriated to this college for its maintenance during the ensuing 2 years. And Grambling College is by no means the largest State-supported Negro college in Louisiana.

In the year 1960, we of the South are faced with a problem that is far more serious than financial sacrifice, a problem that was generated by defiance of State sovereignty, through the maneuvers and manipulations of that body of whose vulnerability Thomas Jefferson warned us in 1821.

The only flaw in Jefferson's prediction is found in the advance toward usurpation from the States. It did not proceed slowly and steadily over the field of jurisdiction, advancing its noiseless step like a thief. It came with a sudden lurch, more like the pounce of a tiger than like gravity by night and day, gaining a little today and a little tomorrow.

The propulsive charge toward usurpation from the States was exploded in Moscow in 1928 at the Sixth World Congress of the Communist International, and was given additional momentum 2 years later through a resolution that dealt with the "Negro Question in the United States," declaring that:

> If the Negroes are to be put in force it is necessary wherever possible to bring together into one governmental unit all districts of the South where the majority of the settled population consists of Negroes. * * * The Communist Party must stand up with all strength and courage for the struggle * * * for the establishment of a Negro republic in the black belt.

The Communist effort to establish a Negro republic in the black belt of the South has been a collossal failure. Why was it a failure? Because the Negroes of the South, with courageous disdain, rejected such a nefarious plan.

But this failure did not discourage the Communists; they merely shifted to another approach. They concluded that their advance toward their goal should be through the judiciary, the branch of our Government which Thomas Jefferson said was the most vulnerable toward usurpation from the States.

The Communist plan: First, some method must be found to induce the Supreme Court to ignore stare decisis; a way must be found to abolish the equal-but-separate doctrine which had been the guidepost for all the people in all of the States for the past 75 years.

Repeatedly, the Court had held that the "problem of segregating or not segregating the races was a State problem." For three-quarters of a century the Court had upheld, in at least a half-dozen cases, the doctrine of equal-but-separate facilities, declaring that separation of the races was in no way a violation of the 14th amendment. Eventually, the Court began saying in its decisions that the equal-but-separate doctrine "can no longer be considered an open one." In other words, the Court took cognizance of the fact that it and all the people of the United States had accepted and abided by decisions that had maintained for three-quarters of a century.

In 1896, in the case of Plessy against Ferguson, the plaintiff sought to have declared unconstitutional a Louisiana law that provided for the segregation of the races on railroad trains. The Court held that when a State provided equal facilities, although physically separated, it was complying with the Constitution and the interpretations the courts had made with reference to the 14th amendment. Again, in the Plessy case, the Court reiterated all former decisions to the effect that segregation of the races was a State problem.

In the Plessy case, the Court held that separation of the two races does not stamp "the colored race with the badge of inferiority." The Court said:

> The argument assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured by the Negro except by enforced commingling of the two races. We cannot accept this proposition. * * * Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation.

Faced with law and precedent, the rabid proponents of integration were compelled to find a new approach. Their only alternative was to discard the Constitution and all previous court interpretations.

Sadly and reluctantly, I must now engage in a discussion of the most brazen method of distortion and legerdemain ever performed on North American soil.

In 1954 four cases were before the Supreme Court, in all of which plaintiffs were seeking to have all segregation laws declared unconstitutional, and to nullify all previous decisions on the question.

Plaintiffs alleged in the 1954 suits that segregation is in violation of the 14th amendment because of the psychological effect upon "the hearts and minds of the children."

This new allegation excited the Supreme Court. Immediately, they abandoned the law books and turned to social science. They requested—and of course got—statements and testimony from scores and scores of sociologists, anthropologists, psychologists, and psychiatrists, one of whom was a foreigner brought over to tell us how it ought to be done. Others had been active in the attempt to abolish the Un-American Activities Committee.

This new theory was indeed a palatable dish, one that should not be hoarded. So the Attorney General was invited to partake, and so were a score of leftist and Communist-front organizations.

At the invitation of the Supreme Court, the Attorney General and 22 different organizations were invited to file amicus curiae briefs. And these friends of the court responded with alacrity.

Incidentally, 13 of these friends-of-the-court organizations subsequently appeared before House and Senate committees as favoring more drastic civil rights legislation.

In addition to testimony by scientists, the Court relied heavily upon books by Kotinsky, Deutscher, and others, and more particularly upon "Discrimination and National Welfare," by Theodore Brameld, and "An American Dilemma," by Gunnar Myrdal. Members of the House Un-American Activities Committee will remember Theodore Brameld and his testimony, particularly that he frequently invoked the fifth amendment.

In his book "An American Dilemma," Gunnar Myrdal brazenly declared that "the Constitutional Convention was nearly a plot against the common people," and that the Constitution is "in many respects impractical and ill suited for modern conditions."

So, prompted by this Swedish writer, the Supreme Court undertook to make the Constitution suitable for modern conditions.

Supported by a great array of scientists and their books, the Supreme Court decided that racially separate schools have a tendency to retard the educational and mental development of Negro children, and deprive them of some of the benefits they would receive in a racially integrated school system.

Strange as it may seem, in the hundreds of pages composing the records in the four segregation cases, no one intimates that in an integrated school there may be a tendency to retard the educational and mental development of white children.

Although the Court in its 1954 decisions violated State sovereignty, that august body nevertheless declared that local authorities are responsible for elucidating, assessing, and solving the problems concerned with implementing the new law, and said further:

> Because of their proximity to local conditions * * * the courts which originally heard these cases can best perform this judicial appraisal.

Obviously meaning that when and how integration should be performed was left to the local school authorities and to the local courts.

The Supreme Court's inconsistency is so apparent that it warrants no further discussion.

Three years later, a lamentable—but dramatic—episode took place in Little Rock which proved that Federal authorities were not at all responsive to the Court's directive. Federal troops were sent into that area to relieve local authorities of all responsibility to elucidate, assess, and solve the problem.

Encroachment upon State laws becomes alarming when we consider recent decisions pertaining to Communists and communism in which the Supreme Court lost sight of the fact that State sovereignty is our strongest protection against this foreign menace.

A hurried backward glance will freshen our memories.

We often call our economic system free competitive enterprise. Lenin called it capitalism, which he said was opposed to the Russian system, which he invariably referred to as socialism. Lenin's statements were challenges, directed specifically at the United States. He said:

> As long as capitalism and socialism exist, we cannot live in peace; in the end, one or the other must triumph. A funeral dirge will be sung over the Soviet Republic or over world capitalism.

Several years subsequent to Lenin's statement, just quoted, the U.S. Supreme Court declared communism a threat to the security of this country. In one decision the Court said:

> The aim of the Communist Party is to overthrow the Government of the United States as speedily as circumstances will permit. Their conspiracy to organize the Communist Party and to teach and advocate the overthrow of the Government of the United States by force and violence create a clear and present danger.

There is nothing ambiguous in those statements of the Court. That decision alone was sufficient to convince State legislators that laws should be passed to protect the people against subversion and sedition. Many States enacted such laws, never dreaming that the time would come when the Supreme Court of the United States would declare them null and of no effect because they "preempted" upon Federal laws. Not that they were in conflict with Federal laws, mind you, but that they were not needed, and not being needed, any person caught violating them could not be punished because such crimes are also covered by Federal law. Nor did State legislators who passed such laws ever dream that the U.S. Supreme Court would show extreme leniency toward Communists charged with sedition or other acts of subversion.

The United States has had a sedition law on the statute books since the founding of this Government. Forty-two States have had, at one time or another, laws to punish the crime of sedition, enacted for the purpose of supplementing

and supporting the Federal law, and they in no way clash or conflict with each other.

But the Supreme Court has, by its decision in the Steve Nelson case, declared that the States cannot inflict punishment for violation of State sedition laws for the reason that the Federal Government has preempted this field of legislation. In one blow, this decision destroyed the laws of 42 States and made it impossible for law enforcement officials of the States to support the National Government in this respect.

Testimony in the Nelson case, taken before a Pennsylvania trial court, was ample to get a conviction; nevertheless, the Supreme Court ruled that Nelson must go free because Federal laws preempted the field.

New York City had a law which automatically discharged any teacher who invoked the fifth amendment before a congressional investigating committee when asked about his Communist affiliations.

Harry Slochower, a teacher in Brooklyn College, hid behind the fifth amendment while testifying before a congressional committee. The board of education fired him. He brought suit to force the board to continue his employment. The State court rejected his demands.

But the U.S. Supreme Court reversed the decision of the State court, reinstated Slochower and ordered the board to pay him his accumulated back salary, amounting to $40,000.

There are many other cases that are just as flagrant in the violation of constitutional State rights. But equally important are the cases by which the Supreme Court has protected persons whose backgrounds reveal Communist affiliation.

For many years a loyalty oath has been required of men and women who seek employment with the Government. In the oath an applicant swears allegiance to the United States, swears that he does not belong to an organization that seeks to destroy this country by force and violence.

It is interesting to note that the only persons in the employ of the Government who are not required to sign a loyalty oath are the clerks who serve the members of the U.S. Supreme Court.

It is true that many Communists have signed the loyalty oath in order to secure jobs with the Government, then later, before an investigating committee, invoke the fifth amendment when asked about their Communist affiliations.

A loyalty review board investigated Dr. John P. Peters, a Government employee. This board ordered him fired from his job. He took his grievances to court, finally getting to the Supreme Court, and, as usual, with good results.

Peters was reinstated in his job by the Supreme Court on the grounds that once upon a time a routine loyalty board had pronounced him fit for Government employment. In other words, according to the Supreme Court, the loyalty review board, with ample facilities and sufficient personnel to make a thorough investigation of the man's past activities, had no right, power, or authority to review the findings of a lower board. Maybe that was another case of preemption in reverse.

May I remind you of a statement that was made by a man who was revered by the people of his State and greatly admired by his colleagues in the House of Representatives. He said "a Communist has never lost a case in the U.S. Supreme Court."

How can you account for such success, if this is true? I am sure no other group of litigants in the world can claim a batting average of 1,000 percent.

Earlier in this speech I mentioned the fact that some of the social scientists who testified in the segregation cases, or filed amicus curiae briefs, subsequently joined in the well-publicized condemnation of the House Un-American Activities Committee. They want to have that investigating committee abolished. They do not like it.

Obviously, the U.S. Supreme Court does not like it, either. They do not like a committee which exposes the wrongdoing and evils of Communists.

The current Supreme Court held that before an investigating committee can question a witness or a suspect, that witness or suspect must be fully apprised of the purpose of the investigation and must be informed of the questions to be asked him.

Perhaps I have not reviewed anything that is new to you. These matters have been well covered by speeches in the House and Senate. Many newspaper editorials have recounted them to the people. Magazine articles have discussed the unfortunate situation, some of them in harsh and bitter language. The people of the country have been informed, and judging from the number of letters I have received in praise of my proposed Joint Resolution 453, I am convinced that something must be done to rectify our plight and restore faith and confidence to the people.

An editorial in the Evening World Herald, of Omaha, Nebr., is an example of what people are thinking and saying. It calls attention to the bitter language Senator RUSSELL used on the floor of the Senate, then adds:

> Not one Senator * * * said a single word in defense of the Court.

In his castigation of the Court, Senator RUSSELL used such words and phrases as "high-handed," "power-mad," "bent on a cynical, heartless, and cruel and almost sadistic effort to impose mixed schools on the South."

That editorial also says:

> A large group of Senators is disturbed by the long series of decisions which have favored Communists and made it increasingly difficult to investigate their activities and to prosecute them for criminal offenses.

One sentence in that editorial is an excellent summation of my preface to this speech:

> There are few in Congress who still regard the Court with the traditional awe and respect.

Editorials published by the Indianapolis Star no doubt reflect the opinions of many people of that area. They are caustic but logical and factual. They were reprinted in January 1958.

Two excerpts, although taken out of context, are conclusive evidence of deep concern:

> No Federal court has any authority or right to change the Constitution by so much as one word, either by interpretation or subterfuge. To do so is as illegal as armed robbery, and deserves no more respect. * * *
>
> The easiest place to destroy the Constitution is in the U.S. Supreme Court. * * * A long rollcall of recent Supreme Court opinions threatens to drastically alter the shape of the American Government. Our vulnerability through the Court needs the understanding of every thoughtful citizen if it is to be overcome.

A single issue of the CONGRESSIONAL RECORD could be filled with quotes from eminent authorities, who, with sadness in their hearts, expressed in bitter words their condemnation of the present U.S. Supreme Court.

Excerpts from a few will suffice here.

Mr. Justice Jackson said:

> This Court has also generated an impression * * * that regard for precedent and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles.

Fordham Law Review, summer, 1959 issue, said:

> In disregarding it (stare decisis) the Court has run roughshod over precedent and thoroughly revamped our constitutional law.

American Bar Association Journal, 1948 said:

> Undiscriminating disregard of stare decisis by our Supreme Court in the interests of particular classes, groups, or philosophies has a peculiar deleterious effect.

What is the Supreme Court's justification for ignoring stare decisis? The only explanation I have been able to find is in the strange language of one of its members:

> Stare decisis in constitutional law must give way before the dynamic components of history.

Do you know what the jurist meant by "dynamic components of history"? I must confess that I have been unable to infuse any sense into the statement. No doubt it is a phrase that came from the mouths of sociologists who testified in the segregation cases. Sounds like one of Myrdal's effusions.

Bitter condemnation of the Supreme Court which burst forth in a torrent of invectives 6 years ago has by no means subsided. Perhaps it has congealed into more sober language, but the demand on Congress by the people is just as strong as ever.

In his syndicated column of January 2 of this new year, Ray Tucker said:

> In the opinion of the Nation's lawyers, as expressed in resolutions of the national and State bar associations, the Supreme Court of the United States was never in lower esteem.

Decisions I have referred to—and there are many others—strike simultaneously at States rights and domestic security. If the Supreme Court continues to take from the States their constitutional privileges, State boundaries

will become unnecessary and will become obliterated eventually.

Congress has the power to set in motion the machinery to reconstruct the Supreme Court and thereby stop this wild encroachment on other fields of government. In the past, Congress has enacted laws that dealt exclusively with the Supreme Court, but today, when we are confronted with a mandate from the people, we seem to hesitate and drag our feet. Are we, in the legislative branch, afraid of the power-grasping Supreme Court? If we are not, it is imperative that we do something.

To submit to the legislators of the various States a proposed amendment to reconstruct the Supreme Court would of itself have a salutary effect, and help restore confidence to the people. I am confident this is the proper course to pursue. This is the nearest way we have to reach the people. This is the practical way, if not the only way we have to invite the people to share in our responsibility. In fact, I am hopeful that the legislatures of the various States will take the initiative toward securing an amendment to the Constitution that will alleviate their fears and anxieties.

The proposed House Joint Resolution 453 provides for a division of the United States into 17 judicial districts, each of which shall consist of 3 States as nearly contiguous as practical. One Justice may be appointed from each of those districts, and to serve for a term of 3 years. All of the Justices shall be drawn from the highest State court in each district.

I am firm in the conviction that Justices of the U.S. Supreme Court should be men, or women, who are not only learned in the law, but who have had many years of experience on the bench. I am convinced that they should be recruited from the field of law and not from the field of social science.

Under the provisions of this resolution, every Justice would have had long experience as a State judge. Section six contains this language:

> The Justice from the State who shall serve on the Supreme Court from any judicial district shall be that Justice on the highest tribunal of the general jurisdiction of the State.

Under such a system learned and experienced Justices would be on loan from the States to the Federal Government, thus helping to establish a more coordinated system of dual government. Furthermore, in the course of time every State will have had representation on the Supreme Court.

This resolution would empower Congress to enact a law to provide "for the terms of office of the Justice first to serve."

The resolution provides "for determining which of the States in each judicial district shall be first represented on the Supreme Court; which second, and which third."

Section 7 of the proposed resolution stipulates that "the Congress shall provide by law for the method of determining which Justice of the Supreme Court shall be the Chief Justice of the United States."

Adoption of Joint Resolution 453 would forestall political trading that shuttles an incompetent man into the second most exalted position in the world. It would prevent political payoffs and thereby resurrect and reanimate the profundity and dignity that such a body was intended to possess and maintain.

INCREASED INTEREST IN BILLIONS OF DOLLARS DURING THE LAST 7 YEARS DOCUMENTED—LOW INTEREST DEMOCRATIC PARTY MUST NOT MERGE WITH REPUBLICAN HIGH INTEREST PARTY ON THIS 100-YEAR-OLD TRADITIONAL ISSUE BETWEEN THE PARTIES

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, all of us know that interest charges have been going up and up under this administration. But many of us do not know what the exact amounts are. I am inserting herewith a table prepared from information furnished by the Department of Commerce of the United States disclosing important facts about the increase in interest rates since 1952. The table is as follows:

Interest paid, total and per capita, 1952–59

Year	Interest paid (billions of dollars)				Population (millions)[1]		Interest per capita	
	Private	Government		Total	Total	14 years and over	Total population	14 years and over
		Federal	State and local					
1952	7.1	6.3	0.7	14.1	157.0	115.4	$89.81	$122.18
1953	8.2	6.6	.8	15.6	159.6	116.5	97.74	133.91
1954	9.1	6.9	.9	16.9	162.4	117.6	104.06	143.71
1955	10.4	6.9	1.1	18.4	165.3	118.9	111.31	154.75
1956	11.7	7.6	1.2	20.5	168.1	120.2	121.95	170.55
1957	13.3	8.4	1.4	23.1	171.2	122.0	134.93	189.34
1958	14.3	8.1	1.6	24.0	174.1	123.4	137.85	194.49
1959 [2]	15.6	8.6	1.7	25.9	176.6	124.9	146.66	207.37
Percent increase:								
1952–57	87.3	33.3	100.0	63.8	9.0	5.7	50.2	55.0
1952–59	119.7	36.5	142.9	83.7	12.5	8.2	63.3	69.7

[1] As of July 1 each year.
[2] Estimated.

Source: National income data, Department of Commerce.

It will be noticed in the above table that the preliminary estimate for 1959 indicates that the interest on the Federal debt was $8.6 billion. This happens to be considerably under the amount actually paid.

The total interest paid by the people in 1952 was $14.1 billion.

It will also be noticed that there has been a steady and consistent increase in the amount of interest; in 1959 it was $25.9 billion.

The population column and the interest paid per capita is particularly interesting. The per capita interest increase from 1952 to 1959 has been 63.3 percent. The interest paid per capita has increased to $56.75 per annum. For a family of five, this means an annual added burden of $283.75, as compared with 1952. It also means that a family of five has $283.75 less to spend per year on the comforts, conveniences, necessities and luxuries of life that it had preceding this high interest tight money administration. In other words, there has been a redistribution of income to this extent. The family of five that does not pay any part of this increase through installment sales contracts, or the purchase of a home on a long-time mortgage, is compelled to pay its part just the same. This $56.75 per capita is paid nevertheless in increased prices of goods and services and in taxes paid to the Federal, State, or local governments.

The Economic Indicators, published monthly by the Joint Economic Committee, which receives its information for the publication from the President's Council of Economic Advisers, discloses on page 2, of the February 1960 issue, that over 20 percent of all goods and services purchased during the year 1959 was purchased by the Federal, State and local governments. The goods and services purchased by these governments reflect increased prices because of increased interest. The producers of raw materials, the manufacturers, the distributors, the retailers, all have to pay increased interest. Each handler, including the worker, the transporter, the manufacturer, the broker and the others, has added increased interest onto the product, and all these charges are finally passed on to the consumer, or to the Federal, State and local governments. Therefore, taxes must be increased to take care of these increased interest charges.

All utilities must pay higher interest and prices because of higher interest and are compelled to raise their prices on electricity, gas, water, transportation, etc.

FARMERS HIT BOTH WAYS

The farmer has been hit both ways by increased interest rates. His products are sold in competitive markets. He cannot control his prices nor arbitrarily add on his increased interest costs. These costs come out of his pocket.

On the other hand, on what the farmer buys he pays the increased interest, accumulated and compounded from the point that the raw material leaves the earth until it reaches him in the form of a tractor, a machine, an appliance or

some consumer good. Increased interest enters into prices of the ore from the mine, the metal from the ore, the manufactured product from the metal, transportation of the ore to the barge, transportation of the ore from the barge to the blast furnace, through the blast furnace into pig iron, from pig iron into steel, then through all of the different fabricating plants, over the railroads and highways, and through the brokers, franchised dealers, distributors, retailers and finally to the farmer. Each one adds just a little bit more because of high interest. Therefore, it is understandable why the farmers have suffered the most because of increased interest; they have been hit both ways.

Economic Indicators for February, 1960, page 3, discloses that farm income in 1952 was $15.3 billion; but in 1953, it was $13.3 billion; in 1954, it was $12.7 billion; in 1955, it was $11.8 billion; in 1956, it was $11.6 billion; in 1957, it was $11.8 billion; in 1958, it was $14.2 billion, and in 1959, it was $11.8 billion.

In the fourth quarter of 1959, farm income was $11.6 billion, on an annual basis, which was $3.5 billion less than in 1952.

Now let us look at personal income from interest.

This table on page 4 discloses, under "Sources of personal income," that personal interest income, for 1952 was $12.1 billion; in 1953, $13.4 billion; 1954, $14.6 billion; 1955, $15.8 billion; 1956, $17.5 billion; 1957, $19.5 billion; 1958, $20.4 billion; 1959, $22.4 billion; and the seasonally adjusted annual rate for January, 1960, was $24.1 billion. These amounts do not include all interest paid, since in case of the Federal, State, and local governments it includes only the net interest paid.

The information furnished in this statement can be relied upon. It comes from official U.S. Government sources.

HIGH INTEREST IS INCREASING THE COSTS OF PAST WARS

In 1952, the Federal debt was made up mostly of costs of two major wars. That is still true today, though the debt has been increased by reason of having to pay higher interest charges on the debt.

It is depressing to think that we permit this debt to be used as the biggest business in America by investors and speculators who influence it to their advantage in an unregulated and unsupervised market.

In 1952 interest paid annually on the national debt was about the same as the amount paid to all veterans and their dependents for all purposes. But now, in January 1960, the interest on the money to fight the wars has doubled since 1952, while the amount paid for veteran benefits remains practically the same.

High interest is a hidden tax—and a most crushing tax—it becomes effective immediately on the prices of everything bought and sold, on all services, including rents and on everything public and private, including taxes. It is a "tax" that automatically bites into every budget in America—from the Federal Government to the lowest income family. It immediately unbalances all budgets.

High interest inflation is not only crushing the people, reducing the standard of living and shifting the wealth of the Nation from the poor and middle income groups to the very rich, it is also slowing our competition with the Russians.

High interest will make it impossible for us to meet Russian competition in countries we are trying to persuade not to enter the iron curtain. The Aswan Dam in Egypt is an example. Russia is furnishing the money to Egypt to build this dam at the rate of 2½ percent, with no interest charges to be paid until 1964. This will involve hundreds of millions of dollars. Russia is making loans to other countries at the same rate of interest. At the same time, we are forcing interest rates up—not only in this country—but all over the free world. One of the most recent loans made by the World Bank to a country was at a rate of 6¼ percent.

High interest is seriously affecting our national defense. So much money is being spent for interest—and the administration thinks the great challenge of our times is a balanced budget—there is less to spend for our survival.

High interest reduces the value of the dollar. High interest is retarding education and holding up the construction of many needed community facilities.

If interest were paid only on savings, money actually saved out of incomes, that would be one thing. But where is the justice in paying interest on money created, or manufactured, on the books of the commercial banks, and backed by the credit of the Nation?

A half-way look at what is being done to the people by our money managers who are selfishly interested—have an ax to grind—a conflict of interest—would permit a savings of $3 billion a year on the interest charges on the national debt alone.

We must not permit our great Democratic Party, the low-interest party since Jackson's time, to be merged with the Republican Party that has been the high-interest party since Hamilton's time.

STUDY OF THE NATION'S AIRLINE FACILITIES AND OPERATIONS

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Missouri [Mr. MOULDER] is recognized for 30 minutes.

Mr. MOULDER. Mr. Speaker, several weeks ago the gentleman from Arkansas [Mr. HARRIS], chairman of the Interstate and Foreign Commerce Committee, requested that the Subcommittee on Transportation and Aeronautics examine and study the Nation's airline facilities and operations. Mr. HARRIS stated:

> Among the important tasks facing the Committee on Interstate and Foreign Commerce this session is a review of operations of the Federal Aviation Agency and the Civil Aeronautics Board to determine whether Government agencies and the civil aviation industry are working together to provide adequate service to the public.
>
> To accomplish this, I would like your Subcommittee on Transportation and Aeronautics to make a review of FAA operations, with special emphasis on agency activities in connection with the transition to jets (regulations, inspections, etc.), including:
>
> 1. Certification of aircraft and components.
>
> 2. Airworthiness of piston-type aircraft. (Has emphasis on jets been at the expense of inspections to piston-type aircraft and their operations?)
>
> 3. FAA monitoring of training of personnel for the jets. (Have air carriers been allowed to cut corners in training and staffing to get the jets into revenue service?)
>
> In connection with the above, a study should be made of how transition to the jets has affected air carrier operations, especially in:
>
> 1. Scheduling. Is service to intermediate points being curtailed to emphasize long hauls?
>
> 2. Is maintenance of old equipment being slighted because of priority given the jets? Is adequate personnel available for maintenance of piston-type aircraft?
>
> 3. The effect on schedules of equipment failures and the possible connection between such failures and the emphasis on jets.
>
> 4. Disposition of piston-type aircraft. The effect on scheduling resulting from this disposition. The effect on air carriers' financing problems.

Our subcommittee under the able leadership and outstanding ability of JOHN BELL WILLIAMS, of Mississippi, has heard many witnesses on this important assignment which is one of great concern to the American people. And in connection with our work of finding out what needs to be done or what Congress can do to help in providing utmost security of safety in travel by air, we have personally inspected the training, communication, and maintenance facilities of some of the scheduled airlines.

Recently, as a member of this subcommittee, I was invited to see and observe Trans World Airlines operations and facilities at Kansas City, Mo. After seeing what they do there, I have complete confidence in the safety of travel with that airline. Believe me, no doctor gives more expert attention to his patients that TWA gives to maintenance and operation of its equipment and airplanes.

On Friday, January 22, 1960, I spent the day with Mr. K. D. MacKenzie, Chief of the Air Carrier Safety Division of the Third Region, FAA, and various officials of Trans World Airlines. We toured the TWA overhaul facility and flight training center, both of which are located in Kansas City, Mo. I was so tremendously impressed with all that I saw that I want to relate my observations for the benefit of all of you. I further want to urge every member of any congressional committee having anything to do with aviation to make a similar visit. If each of you would do this and would publicize your observations and impressions, it would immeasurably restore the public confidence and faith in commercial aviation.

My day started when we drove 17 miles north of Kansas City to the Mid-Continent International Airport. I arrived just as the maintenance officials of TWA were starting their morning briefing meeting. This is a daily session

in TWA wherein they review the complete details of every mechanical malfunctioning experienced throughout the world on their aircraft in the past 24 hours. The purpose is to assure every possible action has been taken to prevent recurrence or occurrence of similar malfunctions on the balance of their fleets. Mr. R. M. Dunn, vice president of technical services for TWA, personally presides over these daily sessions.

My visit was particularly timely in that it occurred just hours after TWA had had a jetstream aircraft make an emergency landing at Olathe Naval Air Station with a nose landing gear that would not fully extend. TWA had already ferried the aircraft involved to the overhaul base, had removed the failed part and replaced it and returned the aircraft to service. More impressively, however, they had completed a metallurgical examination of the failed piece—the first such failure ever experienced—had diagnosed it as a fatigue type failure, had completed an inspection of this part on all the rest of their fleet, had designed and fabricated parts to reinforce the affected forging on all the rest of their fleet, and had installed the reinforcement on two aircraft with it scheduled for installation—and parts already en route to their various maintenance terminals—on the remainder of their aircraft as they reach maintenance terminals. I saw only half of the failed piece because the other half was already at Lockheed Aircraft Corp. in Los Angeles having been carried there by a TWA engineer so that Lockheed, the manufacturer, could conduct its own analysis in substantiation of TWA's and could use it as a guide in what to avoid when they design and manufacture replacement parts as permanent correction for the parts which TWA had already temporarily reinforced. TWA's assistant vice president of engineering, flight test, and inspection presented this failure analysis and corrective program and its status. TWA must have had people working all night all over the country on this one problem.

I was equally impressed in this briefing session—and throughout the day—with the emphasis TWA puts on piston aircraft problems. I assure you there is no slighting of piston aircraft maintenance in favor of the more glamorous jet aircraft in TWA.

Following briefing, Mr. Dunn and several of his associates took Mr. MacKenzie and myself in tow and made everything and anything we were interested in available to us. We saw log books, records, statistical analysis equipment, engineers, purchasing people, mechanics, foremen, inspectors, flight test personnel—$35 million worth of facilities and tooling and $50 million worth of parts and over 3,200 people—all devoted just to the overhaul support of less than 200 aircraft. My questioning established that TWA has several times as much facility and 3,000 more people scattered throughout the world concerning themselves with the day-to-day servicing and minor maintenance of these same aircraft.

In our tour, we stopped first at the maintenance coordinator's office. This is a nerve center manned 24 hours a day, 7 days a week, by TWA's most experienced maintenance specialists. It is connected by direct private line phone with all of their major maintenance facilities. It is there that they keep track of all of the maintenance problems on all of their aircraft as they occur. It is there they assure the necessary specialized knowledge, the necessary parts and test equipment; and the necessary manpower is available to provide correction. TWA in this office knows to the minute what aircraft are receiving maintenance, where and when it will be completed, the status of all special inspections and modifications, all nonroutine problems and their status and that their airplanes are departing on schedule or if not, why not and what is being done about it.

From here we went to maintenance engineering and saw their engine control board. Here TWA keeps track of everything that has ever happened to or been done to every one of their 600-plus operating engines. They have this data instantly available for each engine they own and it must be of immeasurable value to the engine specialists in the prompt accurate analysis and correction of engine malfunctionings.

Next on our tour we visited the shop area where instruments, motors, generators, food ovens, brakes, landing gears, hydraulic units, radios, and so forth, are overhauled. I just could not believe the laboratory cleanliness, the infinite detail, the thorough testing that characterized each of these specialty areas. But even more important than all of this, I learned that every removable component on the airplane and then the airplane itself has a scheduled overhaul period designed to restore it to new condition before it wears to the point where it can malfunction. How different from the way we all treat our cars, taking them to a garage only after a breakdown has occurred.

From the shops, we visited the hangar where the complete airplane is overhauled. TWA had seven airplanes in for overhaul when I was there and I understand there are a different six or seven or eight in each and every week. I still find it difficult to believe what I saw. Each airplane that comes out of there has been thoroughly cleaned and polished, all of the paint has been replaced, everything that can be removed has been removed, rebuilt, and reinstalled, the interior has been removed and all of the structure inspected, all of the seats have been rebuilt and reupholstered, deicer boots have been replaced, even the floor has been taken out. After overhaul, each plane is test flown for more than 3 hours before it is returned to the line to operate in revenue service again.

From the hangar we went to the engine overhaul building. Here TWA overhauls only piston engines; they are having their jet engines overhauled by the manufacturers and plan to continue to do so until their piston fleet is reduced in size to where they can begin to convert the overhaul shops to handle the jet engines. In their present shop, over 800 people are overhauling engines on a constantly moving production line. They take the engines completely apart, inspect every piece, rebuild them to new tolerances or replace them and then test the completed engines. Their test cells can duplicate any requirement the airplane can make on the engines. The test cells were designed to TWA requirements and are now being adopted by many other airlines and by many engine manufacturers. As one unusual feature, they convert the power generated by the engines on test to steam and the steam is then used to heat and air condition their facility.

Following lunch, we visited TWA's flight training center. I could talk on it for fully as long as I have on their maintenance. Let it suffice, however, for me to say that TWA here in the classrooms and simulators prepares and tests all of its flight crews most thoroughly before they ever step into an airplane. The simulators, which cost as much as a real airplane, can simulate every maneuver, malfunctioning, emergency procedure that could be experienced in flight. What a marvelous training tool—it permits training thoroughly in all situations that could be experienced in flight yet with none of the hazard that would be associated in simulating so many of them in a real airplane. This training center is located at 1307 Baltimore Avenue in Kansas City, Mo.

Five floors of this building, consisting of approximately 50,000 square feet of space, are devoted to the training of TWA pilots, flight engineers, navigators, flight dispatchers, cabin attendants, and station personnel. The building was refurbished during 1957 for this purpose and has been fitted with the most modern and efficient facilities for the training of airline personnel.

The ground school section of the TWA transportation training department occupies three of the five floors and is responsible for all classroom training. In addition, this unit includes a publication group and a visual aid group which are responsible for printing all training literature, manuals and bulletins and also prepare visual aid material including Vu-graph slides and training movies for classroom use. The visual aid unit also is responsible for the filming and production of airport qualification movies used to qualify pilots into the various airports on the TWA system in accordance with the provisions of the Civil Air Regulations.

The ground school classrooms are all equipped with Vu-Graph projectors, screens, chalkboards, and comfortable furniture. A complete photographic darkroom for preparation of training photos and Vu-Graph transparencies and a multilith printshop provide the necessary support materials for the training classes.

One of the most outstanding features of the ground school program is the use of electrically operated animated training devices. Large panels approximately 5 by 7 feet are mounted on wheels and display by means of lights and moving parts the components and operation of the various aircraft systems. These panels are intended to train flight crews much better and in a shorter time than

old-fashioned chalkboard and lecture methods. TWA officials indicated that the considerable expense involved in procurement of these devices has been positively justified by the high level of knowledge absorbed by the trainees. The most outstanding of these animated trainers is the jet engine trainer. This device actually simulates all of the operation of a jet engine and includes a working model of the engine along with a pilots control station and a flight engineer station. The realism afforded by this trainer is on a very high level. TWA believes that the use of this trainer will have significant effect on the safe and efficient operation of jet engines in flight through the excellent training made possible by this device.

The simulated and flight training section of the TWA transportation training department is located on two floors of the training building. While the actual flying is accomplished at the airport, much of the flight crews' flying training is performed in the flight simulators located in the training building. TWA possesses four simulators at this time with a fifth to be delivered very shortly.

The flight simulators are very expensive and complex machines due to the fact that they are designed to simulate to very close tolerances most of the maneuvers that can be accomplished in an airplane. TWA officials indicated that these simulators permit flight training to be accomplished regardless of weather conditions and also enable performance of training maneuvers which would be impossible in an airplane due to factors of safety and economy. In this way the flight crews are able to achieve more familiarity with the capabilities of their aircraft and become more proficient in flight maneuvers.

TWA operates three Constellation flight simulators and one Boeing 707 simulator. A Convair 880 simulator will be delivered in February 1960. Both of these jet simulators will be capable of using the Link Visual System installed by TWA. This visual system is a closed loop television installation consisting of a TV camera mounted on a movable support and directed at a large wall mural of an airport runway. This camera is synchronized with the simulator in such a way that as the pilot manuevers the simulator the camera automatically positions itself to follow the simulator. The picture taken by the TV camera is then projected on a large screen in front of the simulator cockpit. It is actually possible for the pilot to maneuver toward and land on the model runway. TWA training officials indicated that this equipment has great potential for improved training in the highly important approach and landing maneuvers. Their experience thus far with the visual system has borne out this contention.

TWA's investment in their Transportation Training Center, and the training effort they are supporting indicate that they are fully cognizant of the necessity for high quality training of their personnel.

I commend Trans World Airlines for the efficient and careful service they are providing for the traveling public. In conclusion, I again urge each of you to avail yourselves of the opportunity to make a visit and inspection of TWA facilities. If you do, then thereafter you will have complete confidence when traveling on an airplane—especially a TWA plane.

PACIFIC NORTHWEST FISHERY IS JEOPARDIZED

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 5 minutes.

Mr. PELLY. Mr. Speaker, the Second World Conference on the Law of the Sea will be held at Geneva beginning March 17 under the auspices of the United Nations.

The representatives of 86 nations will gather and the most important item scheduled for consideration will be a proposed international agreement as to the width of territorial waters. In other words, the discussions will cover various proposals to extend the 3-mile limit beyond the present recognized zone of the coastal waters over which each nation exercises sovereignty. A plan had been advanced at the first meeting in Geneva in 1958 to settle on one limit for the territorial sea and a different zone for fishing rights to extend beyond the first zone.

My interest in these problems of international law, Mr. Speaker, and any change in fishing rights is because this fishing jurisdictional issue has a life or death verdict on the historic fishing rights of the bottom fishing industry of Seattle and Puget Sound. Any change in the way of increasing the breadth of the fishing zone over which a nation exercises complete sovereignty will wipe out by the stroke of the pens of two-thirds of certain foreign nations our Pacific Northwest bottom fish industry. In other words, 2 years ago the representatives of these nations came within seven votes of negotiating my fishermen, and this old and important industry, out of business, and with regret I add the United States vote was against our own people.

Let me add that any such change in the fishing zone off British Columbia and in the Continental Shelf adjacent to the Canadian coast also will jeopardize the American bargaining rights and protection of important salmon runs headed for Oregon and Washington streams. A wider zone would increase Canada's jurisdictional claim and interest in such salmon in any future unilateral arrangements between Canada and ourselves.

Canada is selfishly pressing for a plan to eliminate our industry and thereby she would take over the historic fishing grounds of American fishermen and then sell the fish to us.

I see where the fishing industries of nine West European countries have resolved to resist all efforts at Geneva to change existing and recognized limits. The countries of these industries are Belgium, Britian, Denmark, France, West Germany, the Netherlands, Portugal, Spain, and Sweden.

Meanwhile on the other hand U.S. Government officials have been working for 2 years in the opposite direction for a compromise.

Mr. Speaker, in this vital issue there can be no compromise. Fishing rights and the limit of a fishing zone on the Pacific Coast should be left to discussions between Canada and the United States.

I strongly hope that either no change in the size of coastal fishing zones will be agreed to at Geneva, or failing that, I would hope the Second Law of the Sea Conference fails to act on this at all. The United States should never allow the rights of our citizens to be used as a bribe in international politics to buy a peaceful settlement of the dispute over the three centuries old 3-mile limit.

The Department of State has just invited me to participate in a meeting of the American Fishing Industry to discuss international developments and issues to be discussed at Geneva. This meeting will be held March 7, 1960, in San Francisco.

Why should I go to San Francisco? Here and now I declare my position. It is to fight any change in the long established 3-mile fishing zone. That is all. I do not need to travel 3,000 miles to say more except to add that I intend to do my utmost to defeat any other agreement. If the matter cannot be settled at Geneva for a continuation of the 3-mile fishing sovereignty, then let our delegates return to America and start talks with Canada. Maybe we should discuss the international wheat agreement at the same time as we talk fish with the Canadians.

VETERANS SUPPORT GENERAL ROMULO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. CANFIELD] is recognized for 5 minutes.

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include related matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CANFIELD. Mr. Speaker, I rise today to pay tribute to my dear friend and former colleague, Gen. Carlos P. Romulo, who has just returned from the Philippines after President Garcia has renewed his confidence in him and asked him to continue as Philippine Ambassador to the United States, a post he has been occupying with great honor since 1955.

Here is a patriotic Filipino who has placed his country on the international map, an avowed enemy of communism, and a warrior in the cause of democracy and freedom both in war as well as in peace. We have known him in this House as Resident Commissioner of the Philippines and we can all recall the effective fight that he carried out here for the rehabilitation of the Philippines, for a fair and mutually beneficial trade relationship between his country and ours, and for the recognition of the rightful claims of his Philippine fellow veterans.

The Filipino people, our loyal allies in the last war, should be congratulated

that during these difficult days of transition in our relationship with them, they should have in Washington a representative who is highly respected and is held in affectionate regard by the American people, who has been the able spokesman of the Philippines all these years and has effectively championed the cause of his fellow countrymen because he has done so with firmness, dignity, and tact.

I am glad to note that the Veterans Organization of the Philippines, one of the leading reputable groups of Filipino veterans with the largest membership, who fought for democracy in the Second World War, composed of genuine recognized guerrillas, and with chapters all over the Philippines, gave General Romulo a rousing welcome at the Manila airport and have recently expressed their esteem and confidence in him by awarding him a plaque and passing a resolution commending him for his efforts in Washington in behalf of his fellow veterans. In the words of Col. Agustin Marking, their national chairman, who was decorated by Gen. Douglas MacArthur for conspicuous bravery:

Ambassador Romulo is entitled to the gratitude of all Filipino veterans for his untiring efforts to win recognition for their just and legitimate claims. We cannot have a better fighter for our rights or a more tireless, able, and effective spokesman.

During his visit to his homeland last month, the general appeared before the Philippine House Foreign Affairs Committee, and at this time, Mr. Speaker, under unanimous consent, I include a news dispatch from the New York Times of January 14, 1960, regarding his appearance, an editorial of the Manila Daily Bulletin of the same date, and an editorial of the New York Times of January 15, 1960, as follows:

[From the New York Times, Jan. 14, 1960]

ROMULO REPORTS ON TIES WITH UNITED STATES—PHILIPPINE ENVOY DISPLAYS DIPLOMATIC SKILL IN SESSION WITH MANILA LEGISLATORS

MANILA, January 13.—Brig. Gen. Carlos P. Romulo, the Philippine Ambassador to Washington, is treading a thin line of diplomacy between the nationalist sentiments of the Government here and maintenance of normal relations with the United States.

General Romulo submitted a courtesy resignation as Ambassador to President Carlos P. Garcia yesterday and presented himself before a congressional committee for a stiff 2-hour questioning on Philippine-United States affairs.

Today he watched the new United States Ambassador, John D. Hickerson, present his credentials at Malacanan Palace.

The expectation was that General Romulo's resignation would not be accepted. President Garcia has called for courtesy resignations from his entire Cabinet, along with the heads of Government corporations and ranking diplomats. Most of these have now been submitted. This is more or less standard practice when a general shuffling of key positions is in prospect.

Mr. Garcia has said he will announce a new Cabinet before Congress convenes January 25.

MANY WANT ENVOY'S POST

Foreign Ministry opinion is of the view that Ambassador Romulo's prestige and popularity in the United States cannot be dispensed with at present, although many influential Filipinos would like his job.

The congressional hearing, described in advance as a briefing by General Romulo on Philippine-American relations, took on the character of an inquisition. Members of the House Foreign Relations Committee wanted to know particularly about a campaign of vilification in the United States against the Garcia administration and what was being done about it.

General Romulo said the campaign was confined to some sections of the press and did not reflect the views of the executive or legislative branches of the U.S. Government.

The Ambassador asserted that his campaign would have no direct effect on Philippine claims against the United States or on loans or military assistance from Washington. He said the Philippine Government did not accept U.S. rejection of certain claims as final and would keep working for more payments.

The Ambassador's agility, in dealing with difficult questions appeared to have impressed the committee members.

Ambassador Hickerson, who succeeds Charles E. Bohlen here, said on his arrival that he had confidence the Philippines and the United States would be able to settle their problems "if we are patient and try to understand each other's position."

[From the Manila Bulletin, Jan. 14, 1960]

THE ROMULO PERFORMANCE

Ambassador Romulo's presentation to the House Committee on Foreign Affairs made a very good impression on the Congressmen who heard him. It was billed as a briefing on Philippine-American relations, but when the time came for questions and answers, it took on something of the character of an inquisition.

By the time it was all over, some 2 hours later, the Ambassador's nimble-footed answers to blunt questions and his persistent good nature disarmed those who seemed hostile and the Congressmen gathered around all wanting to shake hands with him.

The Ambassador came well prepared. He read off a long statement which really was a competent briefing to the congressional group on relations with Washington, and which in effect answered most of the questions the committee had in mind. Some sharp inquiries, however, centered around the omnibus claims, military assistance, and the "campaign of vilification" in the American press against the Garcia regime.

In answering, the Ambassador neither passed the buck nor resorted to evasion. He accepted the responsibilities that went with his job and explained what had been done to counteract adverse influences. He frankly warned against the possible misunderstanding abroad of the Filipino First policy and explained the attempts being made to justify it. And he sought to ease local fears that it would affect claims, loans, and assistance.

General Romulo spoke with the utmost clarity on communism, leaving no doubt where he and the foreign office and the President stood on the matter and frankly warning against complacency in regard to subversive influences.

If the committee had thought to put the Ambassador on the defensive with sharp questioning, it soon found that he had a firm grasp on the initiative and won the encounter, hands down.

[From the New York Times, Jan. 16, 1960]

AMBASSADOR ROMULO NEEDED

If Brig. Gen. Carlos P. Romulo, Philippine Ambassador to the United States, really intended to give up his post there would be great regret in this country. As a matter of fact, General Romulo has resigned his office only to permit President Carlos P. Garcia, recently reelected, to reappoint him.

Our relations with the Philippines have gone through many phases, beginning with the inaccurately named Philippine Insurrection, and continuing down to the present moment. We have quarreled, so to speak, like brothers. The Philippine Republic is closer to us in spirit than any other Asiatic nation. Its people mostly understand our language. The difficulties we have had are of two sorts: First, to achieve a smooth transition from the old dependence to the new independence; second, to fit the islands into our strategic Far Eastern concept.

The economic difficulties go deep. Within the next decade and a half, if existing plans are carried out, the Philippines will tax U.S. imports at the full rate and we will do the same with Philippine imports into this country. The Philippine Republic has wartime claims against us running to more than $900 million. Our recent Ambassador to Manila, Charles E. Bohlen, made some progress toward settling differences of opinion on American military bases in the islands. There still remain many questions for the new Ambassador, John D. Hickerson, who presented his credentials this week. The Philippines are reaching out toward closer and more friendly relationships with free Asian nations. It is natural that they should do so.

We take it for granted there will be much to discuss between our two Governments for a long time to come. It is important that the diplomats who do the discussing shall be pleasing to the host countries. Ambassador Romulo meets that requirement. He has countless friends in the United States, and these will look forward to having him back.

PHOENIX REVISITED: TEN YEARS LATER

Mr. MEADER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, the attention of the American people has been directed to long-range missiles, atomic war, and efforts through disarmament proposals to prevent the human race from utilizing atomic power for self-destruction.

The less spectacular phase of the atomic age is the manner in which we may through scientific research, both basic and applied, utilize knowledge of atomic fission and fusion for the benefit of mankind.

Mr. Speaker, I am proud that the University of Michigan, which not only is my alma mater but is also situated in my constituency, has been foremost among the educational institutions of the world in exploring and developing peaceful uses of the atom.

I have previously reported to the House how the University of Michigan, not only supported, but led, by the great body of Michigan alumni, with vigor and foresight established an atomic research project as a memorial to Michigan alumni who sacrificed their lives in World War II. This project is known as the Michigan Memorial-Phoenix project and consists of facilities on the north campus of the University of Michigan, and funds to finance research projects in various fields of endeavor

where the atom might contribute to the welfare of human beings.

Mr. Speaker, the current issue of the Michigan Alumnus of February 1960 contains an excellent article on this effort entitled "Phoenix Revisited: Ten Years Later." Because I believe a report on the progress of this project is of interest not only to my colleagues in Congress, but to people everywhere, I insert the text of this article at this point in my remarks:

PHOENIX REVISITED: TEN YEARS LATER

(By Andrew M. Doty)

In 1948, while the memory of Hiroshima remained fresh in men's minds, and as the field of atomic energy still lay wrapped in mystery and secrecy, the university announced an ambitious program to study the peaceful uses and implications of the new force.

At the time, the program's goals sounded highly idealistic. Atomic energy was under Government monopoly, and appeared to be an extremely dangerous force with which to work on a college campus. Few could debate the point, however, that if the undertaking succeeded, the program would be an unusually fitting memorial to the university's 468 dead of World War II. As a living productive effort, it would find ways over the years to employ the atom to aid mankind, rather than to destroy it.

It was against this backdrop of hope and fear that the Michigan Memorial-Phoenix project came into being. Named after the Phoenix bird of Egyptian mythology which was consumed by fire every 500 years and arose revitalized from the ashes, the project thus symbolized the growth of the benevolent atom out of the flames of war.

As nearly all university alumni know, support for the project came from private donations—30,000 individuals and 350 commercial firms contributed a total of $8 million to support the undertaking in its first 10 years.

Named director of the Phoenix project was a university physicist known for his work with the atom in the laboratory and at the Bikini atoll atomic bomb test site, Dean Ralph A. Sawyer, of the Rackham School of Graduate Studies. Recognized for his research in the field of spectroscopy, Dean Sawyer was technical director of the Bikini tests in 1946.

To him fell the task of organizing the young project, and of directing the many and varied activities it proposed to initiate.

When Dean Sawyer resigned his post last December after having been named university vice president for research a few months before, he could look back with pride upon the flourishing program which had developed under his leadership.

To begin with, the project today is without question the leading effort of its kind in the academic field. As a highly successful independent operation, it is a model for atoms-for-peace programs in nations around the world.

In its first decade, the project has sponsored 185 research investigations by faculty members in 15 of the university's 17 schools and colleges. More than 400 technical publications have resulted.

It has built the Phoenix Memorial Laboratory for studies using powerful sources of radiation, and the adjoining Ford nuclear reactor. They form a complex unique in the university field.

It has served as a strong catalyst, initiating research projects and facilities which later attracted other support. Much of the $3½ million worth of atomic research now being conducted on the campus for Government and industry can be traced to original Phoenix grants of only a few thousand dollars, Dean Sawyer reports.

It has been one of the prime factors behind the establishment of the university's graduate program in nuclear science and engineering, now the largest in the Nation, with 104 students.

It has played a key role in the development of the university's strong programs in atomic law, atomic medicine, and radiochemistry.

It has brought about a contract between the university and the International Cooperation Administration under which atomic energy experts have visited 20 underdeveloped nations to help them set up or strengthen their own atoms-for-peace programs.

As an independent program, Phoenix also has been able to reject all classified research, to gamble on long-shot proposals, to concentrate on creative studies by individuals, to investigate the powers and privileges of Government agencies, and to bring a fresh approach to the problems of the atomic age.

A key factor in the success of the project is the fact that its officers did not attempt to hire a large full-time staff of atomic energy experts to conduct research. Instead, they encouraged authorities already in every department of the university to find ways to employ atomic energy in their research, and to apply for funds to support the work. In this way the faculty members contribute their time, leadership, and ideas to the project, and the project pays the relatively minor costs of supplies and equipment. The monetary equivalent of such expert consulting service is estimated to be at least four times the total cash budget of the project.

It has been calculated by project leaders that, because of this operating philosophy, about 98 cents out of every dollar allocated for Phoenix research pays for direct, actual research effort—a low-overhead record which is hard to surpass.

These statements indicate that the Phoenix dream has been realized, that the vision and imagination of those who conceived and established the project has been amply rewarded. Yet at the same time, the summary only suggests the many dramatic developments which have taken place under the Phoenix banner.

For example, the project's ability to invest modest research funds to explore the idea of an individual faculty member has paid off handsomely in several cases. The classic example is a device called a bubble chamber, the brainchild of a young physicist named Donald Glaser. When Professor Glaser first devised the theory which underlies the bubble chamber, he was unable to obtain support from the agencies he approached. As a last resort, he asked the Phoenix project for funds with which to prove or disprove his idea. He was granted $1,500.

His theory worked. He found that charged atomic particles, speeding through a container of clear, superheated liquid, left behind trails of tiny bubbles. And if they smashed atoms in the liquid, the flying debris also left bubbles in their wake. From photographs of these trails, physicists could then deduce much about the composition of atomic nuclei and the forces holding them together.

Professor Glaser began building the first of a series of bubble chambers, and physicists around the country followed suit. Today it is estimated that $35 million is being spent annually for bubble chamber research and development, so vital are these instruments for recording the results of experiments with powerful atom smashers.

In engineering, a team of researchers obtained Government support to study the effects of radiation upon flame combustion. They ran two sets of experiments, both of which showed inconclusive results. As the third series was being readied, the support was withdrawn. The researchers asked for, and received, help from the Phoenix project for the final tests. These showed a significant increase of efficiency in combustion in the presence of atomic radiation, and produced a wealth of new data on combustion.

Entire programs of research and instruction have stemmed from Phoenix studies. The project's first grant, for example, was for the study of the use of radioactive iodine in the diagnosis and treatment of thyroid disorders. As time passed, more and more space was devoted to work of this kind. A 22-room suite in the University Medical Center now is given over to the preparation of radioisotopes and their administration to thousands of patients each year.

Elsewhere in the center, a bone bank made up of bones sterilized by radiation has replaced the old method of storing them in deep-freeze. Radioactive tracers showed how cretinism in babies could be prevented by injecting thyroid hormones in mothers who had previously given birth to cretins. Machines containing radioactive cobalt and cesium are used in the treatment of deep-seated cancer and tumor. And every doctor in training at the center receives thorough instruction in the use of atomic energy in his profession.

In the law school, the story is equally impressive. Michigan legal experts were quick to recognize the unique legal problems posed by the atomic age. They questioned the unusual legal rights, powers, and privileges of the Atomic Energy Commission. They pondered the security measures and informational controls then in force. Looking ahead, they anticipated complex questions in the insurance field, and in assessing commercial liability for radiation damage. Under the auspices of the Phoenix project, they began evaluating these problems.

Their efforts equipped them to do the spade work for the 1954 revision of the Atomic Energy Act of 1946, which opened the field of atomic energy to private enterprise. They have prepared a model State statute regulating the health and safety aspects of atomic energy, and have published a 1,700-page volume, "Atomic Energy and the Law," which is regarded as a definitive work. The law school is known as the international center for studies of atomic law, and the work has attracted substantial outside financial support.

In chemistry, university researchers stand at the forefront of the new and important field of activation analysis, thanks to Phoenix support since the early 1950's. Anticipating the arrival of the Ford nuclear reactor, Michigan chemists began studying the way atomic particles—neutrons—from radioactive materials caused elements to give off characteristic spectra. Since the reactor produces neutrons in great abundance, the researchers therefore were ready when that device was placed in operation in 1957.

From their laboratory in the Phoenix Building, they send a wide variety of samples through a pneumatic tube system to a point beside the reactor's core. When the samples are returned, they are processed and then placed in an analyzer, which records the amount of the elements present in the samples. The method is far more rapid and precise than chemical techniques, enabling researchers quickly to pinpoint 1 part of an element in 100 million parts of a sample.

Phoenix extends literally from A to Z, from archeology to zoology. A unit of the project has determined the ages of more than 600 archeological samples by the carbon-14 method, in which the tiny amount of natural radioactivity remaining in organic material is measured. Metallurgical engineers investigated the behavior of metal surfaces under Phoenix auspices, and changed the entire theory of how such surfaces interact. Medical researchers developed an instrument for localizing brain tumor which is now standard hospital equipment. The way in which plants select and absorb nutrients from the soil is being charted.

Across the university campus, Phoenix-sponsored researchers have used atomic energy to trace complex organic functions, reveal inorganic systems, and promote chemical reactions.

These are not ivory-tower activities which remain within the confines of the campus. Each research investigation is reported in the scientific literature, and thousands of visitors annually view the project's work and facilities.

Under the contract with the International Cooperation Administration, Phoenix know-how is exported to other nations. In effect, university advisers help these nations set up miniature Phoenix projects of their own, projects firmly rooted in academic soil and within the capabilities of the nations concerned.

During the nuclear reactor's first year of operation, industrial researchers made use of it during 1,817 experiment hours. They paid a fee for the opportunity to chart the effects of radiation upon electronic components, for example, or to find out if radiation improved the "cracking" of hydrocarbons.

Looking back over the years, Dean Sawyer says: "Few groups have ever done more with so little money." Most of the $8 million contributed to the project has been used to build unparalleled research facilities and to support studies designated by donors, he explains. The remainder has been used for unrestricted research.

In addition, Dean Sawyer says that valuable experience in selecting and administering research projects in the field has been gained, and a young dedicated technical staff has been assembled and trained.

It seems logical to expect that if so much has been accomplished during the project's formative years the future must hold at least the same amount.

Dr. Henry J. Gomberg, 1941, M.S.E. 1943, Ph. D. 1951, former assistant director, who succeeded Vice President Sawyer as director of the project, concurs that the stage has been set for even greater service and discovery in the years ahead.

"In the future," he says, "we will continue to maximize the opportunity for individuals to work on ideas of their own creation. We will also focus our resources in areas of unusual promise or challenge—new approaches to thermonuclear power or the basic effects of radiation upon materials, for example. And above all, we will try to remain flexible enough to take advantage of those opportunities which cannot be predicted in advance."

With most of the original $8 million having been spent for capital equipment and research, as planned by the project's founders, an additional $2 million is currently being sought to operate the program during the next 5 years. With these funds, Dr. Gomberg notes, Phoenix research can be expanded 50 percent, the laboratory and reactor can be operated at full potential, and unforeseen breakthroughs can be exploited. More than half of the total has been raised to date in a campaign directed by James C. Zeder, 1922e, vice president for engineering of Chrysler Corp.

The Phoenix project, then, stands as the Nation's—and probably the world's—outstanding university effort in its field, unique in its scope, independence, catalytic action, and varied accomplishments. With an annual operating budget one two-hundredths that of a single government laboratory, it has won international respect.

"As we step up our attack on fundamental problems in the atomic energy field," Dr. Gomberg says, "we are confident that discoveries will result which will help society gain increasing benefits from the peaceful atom."

BROTHERHOOD WEEK

Mr. HALPERN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, "Brotherhood—believe it—live it—support it" is the theme for the observance of Brotherhood Week in 1960. Timeless as it is, it yet has particular significance now when the great debate on civil rights is commencing in Congress and when the world is still meditating on the meaning of the recent wave of ugly desecrations of houses of worship. Fortunately, these wanton acts are subsiding.

But their very occurrence impels us to consider soberly and thoughtfully the nature of our world today and the problems faced by its peoples.

Justice Oliver Wendell Holmes, surveying the world around him in 1913, cryptically gave his appraisal:

> For most of the things that properly can be called evils * * * I think the main remedy is for us to grow more civilized.

The applicability of Holmes' prescription is buttressed by man's experience throughout thousands of years of history. It would have been called apt in the centuries when the barbarian hordes were leaping through breaches in the walls of Rome. It is doubly meaningful today.

Technology, which has so greatly contracted the globe and which has enabled millions upon millions to thrive in sprawling metropolitan areas, has brought every one of us into the relationship of neighbors to each other. We are touching shoulders with peoples who only yesterday were living in remote, inaccessible, and mysterious lands, known to us solely through the pages of geography books in school.

This very circumstance of contraction has, paradoxically, called for a broadening both of our knowledge and our means of communication. Most of all, it has made it imperative that we vastly expand our civilized virtues—tolerance, compassion, sympathy, consideration.

We have come to realize that answers to the problems of multiracial societies, population explosion, and economic development as well as the preservation of peace in the world, rest fundamentally upon the fullest use of human talents and the greatest understanding of the cultures, faiths, and customs of others.

The great religions of the world for centuries have expounded the simple yet essential moral truth of the need for understanding by man of his fellows. Along with this universal and profoundly meaningful ethic the world today is coming to acknowledge another persuasive reason, enlightened self-interest manifested in our realization of the necessity to cooperate for mutual economic development and solution of international problems through peaceful exchange.

There is no other answer—no other remedy. People of all races and creeds must learn to live together in peace on one planet, must exercise more copiously the attributes of civilized men; in short, must practice brotherhood. The exploitation of social, ethnic, and religious differences, reapers of a grim harvest of misery, suffering and pain, is a luxury we no longer can afford. Nor can we expect to gain the friendship and confidence or share basic values with the rising new nations of the world if we do not honor all the members of our own society.

What then do we mean when we speak of brotherhood?

Brotherhood is simply the ending of all men's inhumanity to all men.

To me, the essence of brotherhood lies in respect for the individual, in consciousness of the significance of the dignity of each man. Its basic postulate is the recognition of persons, not of classes, races, or creeds—Negroes, Chinese, Catholics, Jews—terms often rooted in suspicion, fear, or hostility. It accepts the existence of natural rights and privileges inherent in every human being.

The precepts of brotherhood are synonymous with the bases of democracy. Its brilliant tenets were eloquently set forth 180 years ago in George Mason's "Virginia Declaration of Rights" and Thomas Jefferson's Declaration of Independence. But more than their description in these golden phrases, they are rights of man endowed by God. No matter how many may try to disavow it, man's selfhood has within it a transcendent and spiritual validity—enough to raise man's duty to his brother above crass materialism or politics to the level of true and eternal social justice.

What are some of these fundaments of brotherhood, these rights of all men seen and understood as individuals?

One is the right of opportunity—to the unlimited chance to utilize one's talents to the utmost for the benefit of one's society as well as one's self. Consonant with the full exercise of this right would be the gain to the Nation of an estimated $15 billion worth of services a year, now lost through discrimination and bias.

Another is the right of choice, of self-determination—to decide how and where one's life shall proceed provided the choice can be made under rules which are applied farily to all. A third right—to work, restricted only by ability—is a further attribute.

The right to practice one's faith and beliefs; the right to equality before the law; the right to own property untrammelled by restrictive covenants; the right to travel on public conveyances, to dine in public inns, to attend public theaters; the right to a public education on the same basis as others, these and many more give meaning to brotherhood when translated into actuality.

They are, of course, rights to be exercised in the framework of the rights of others, but most significantly, the rules for exercising them must apply equally and fairly to all.

What can we do to implement the theme of Brotherhood Week, that is "Believe it—live it—support it"? Basic to such implementation is recognition of the importance of individual, self-responsibility. Such responsibility in-

voked toward the opening of doors in our hearts and minds can lead to the opening throughout our society of doors of equal opportunity, equal rights, equal facilities.

Certainly essential to our belief in brotherhood is a deeper understanding of our democratic traditions and a far greater widening of our horizons of thought. Recently, a series of articles in the New Yorker magazine illustrated in an alarming manner that many of our young Americans, even among the educated, do not fully understand and appreciate our traditional democratic institutions.

If this is the case with respect to our own heritage, how deep is the chasm of ignorance about the culture and history of others?

Belief in brotherhood has to be inculcated not only in our schools and churches, but particularly in our homes where our children are exposed to the emotional and psychological factors which will influence them throughout their entire lives.

Broadening our understanding is an effort demanded both of ourselves and of our institutions. It is fundamental to the implementation of brotherhood.

To make brotherhood "live" follows in logical sequence from an increased effort to enrich our beliefs. To "live" brotherhood is to put into practice the tenets of our beliefs—tolerance, consideration, courtesy, and communication; to oppose unceasingly the debilitating poisons of prejudice, discrimination, and hate.

Here the opportunities are endless. Deepening the lines of communication among faiths, groups, and peoples; keeping the channels of democracy open and exercising the civic and political responsibilities which are our heritage in a free society; and, informng, educating, and teaching by example, are a few of the many means we can utilize toward the effectuation of our objective.

At bottom is the need to narrow the gap between our ideals and reality, between the concept of our democratic institutions and the extent of our actual practice of beliefs.

It demands effort, perhaps on occasion even sacrifice, but the rewards are immeasurable.

We have made great progress here in America in the development of these facets of brotherhood. The American people, for the most part, are accepting the historic breakthrough, particularly of the last decade, as an ever-increasing reality of their daily lives.

But this is only the "middle watch."

We cannot rest now when the objective is becoming more and more within our reach. Support for brotherhood, like the practice of democracy, itself, is a never-ending endeavor.

Supporting brotherhood is where we can devote our efforts to "opening doors," to breathing life into our dreams and aspirations. Active support for the many groups which are rendering outstanding service in this great work is a constructive measure that all can undertake.

Another was put forth by a young American attorney from Illinois in 1838, during a time of crisis in the Nation. His name was Abraham Lincoln.

The answer—

He stated—

is simple. Let every American lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution, never to violate the laws of the country; and never to tolerate their violation by others.

Denial of equal protection of the laws can be opposed by all of us through supporting the fine organizations and the U.S. Department of Justice which, through the courts, are fighting such deprivations.

We can also encourage the passage of meaningful civil rights legislation couched in a remedial, not a punitive, spirit, both in Congress and in the State legislatures. The Senate is presently debating this vital legislation whose objective is assuring to all the full protection of the guarantees of the U.S. Constitution.

The House will commence its debate on March 10, and I sincerely hope that adequate legislation will be adopted.

In the broader area of brotherhood among the peoples of the world, I believe that the time is propitious for the promulgation by the United States of a new set of universal principles. The Declaration of Independence, President Wilson's historic "Fourteen Points," the Atlantic Charter, were all issued at momentous occasions in history as an inspiration to the peoples of the world.

Now, when the newly independent nations are yet undecided in their devotion to the great principles epitomized by brotherhood, explicit action by the United States might well provide the stimulation and encouragement necessary to their awakening aspirations.

Such a declaration combined with a firmer dedication toward brotherhood here at home could prove of inestimable significance to this cause upon which so much of the future peace of the world rests.

The scope of the job is not only national—it is worldwide. The challenge is before us. Our moral strengths combined with enlightened self-interest, individual responsibility, inspiration, and knowledge, can be welded into a program that will most fully encourage respect for each and every human being to the end that conditions can be created whereby mankind will live in dignity, in brotherhood, and in peace.

A timely and gracious summarization of the spirit and meaning of brotherhood was enunciated in 1783 in a prayer by one of our greatest citizens, Gen. George Washington, on the disbanding of the Revolutionary Army:

Almighty God—

He beseeched—

we make our earnest prayer that Thou wilt incline the hearts of the citizens * * * to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.

To this end, peoples and governments everywhere must dedicate themselves.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHEPPARD, for 5 days from date, on account of official business.

Mr. FALLON (at the request of Mr. GARMATZ), on account of illness.

Mr. MEYER (at the request of Mr. MCCORMACK), for Monday, February 29, and Tuesday, March 1, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BROOKS of Louisiana, for 1 hour, today.

Mr. PATMAN, for 30 minutes, today, and 30 minutes on Tuesday, March 1, in each instance to revise and extend his remarks and include extraneous matter.

Mr. MOULDER, for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. PELLY, for 5 minutes, today, and to revise and extend his remarks.

Mr. CANFIELD, for 5 minutes, today.

Mr. JACKSON, for 1 hour, on Thursday next.

Mr. ROOSEVELT, for 40 minutes, on Wednesday next.

Mr. POWELL, for 30 minutes, on Wednesday next.

Mr. FORRESTER (at the request of Mr. ALBERT), for 15 minutes, on Monday next.

Mr. HOFFMAN of Michigan, for 30 minutees, on Monday and Tuesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FORAND and to include extraneous matter having to do with Mr. FORAND's bill on hospital insurance.

Mr. BARR.

Mr. DERWINSKI.

Mr. BOSCH.

Mr. EVINS in three instances, in each to include extraneous matter.

Mr. VINSON, commemorating the 75th birthday anniversary of Fleet Adm. Chester W. Nimitz.

Mr. PELLY in three instances and to include extraneous matter.

Mr. BERRY and to include extraneous matter.

Mr. ROOSEVELT in two instances.

Mr. FRIEDEL.

Mr. DULSKI in two instances and to include an editorial.

To the following Members (at the request of Mr. ALBERT) and to include extraneous matter:

Mr. ABBITT.

Mr. HOLTZMAN.

At the request of Mr. CURTIN, the following Members were granted permission to extend their remarks and include extraneous matter in the CONGRESSIONAL RECORD:

Mr. BENTLEY.

Mr. DORN of New York.

ADJOURNMENT

Mr. SLACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 14 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, February 29, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1869. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 15, 1960, submitting a report, together with accompanying papers and an illustration on Great Lakes harbors study. Interim report on Fairport Harbor, Ohio, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted May 18, 1956, and June 27, 1956 (H. Doc. No. 347); to the Committee on Public Works and ordered to be printed with one illustration.

1870. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 27, 1960, submitting a report, together with accompanying papers and illustrations, on a review of reports on Snohomish River (Everett Harbor), Wash., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 19, 1956 (H. Doc. No. 348); to the Committee on Public Works and ordered to be printed with three illustrations.

1871. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to amend section 374(b) of the Agricultural Adjustment Act of 1938, as amended, by deleting the last sentence thereof"; to the Committee on Agriculture.

1872. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

1873. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "A bill to amend section 142 to title 28, United States Code, with regard to accommodations at places for holding court, and for other purposes"; to the Committee on the Judiciary.

1874. A letter from the Chairman, U.S. Civil Service Commission, transmitting additional material to a letter dated February 3, 1960, relating to an annual report on positions in grades GS–16, 17, and 18 under the Classification Act of 1949, as amended, for the calendar year 1959, and which was recorded as executive communication No. 1787; to the Committee on Post Office and Civil Service.

1875. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation entitled "A bill to amend titles 10 and 32, United States Code, to codify recent military law, and to improve the code"; to the Committee on the Judiciary.

1876. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 10th Semiannual Report of the Foreign Claims Settlement Commission of the United States for the period ending June 30, 1959, pursuant to the War Claims Act of 1948 (62 Stat. 1240; 50 U.S.C. App. 2001–2016), as amended, and the International Claims Settlement Act of 1949 (64 Stat. 12; 22 U.S.C. 1621–1627), as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 457. Resolution for consideration of H.R. 6462, a bill to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes; without amendment (Rept. No. 1290). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 458. Resolution for consideration of H.R. 2485, a bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses; without amendment (Rept. No. 1291). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 10636. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANFUSO:

H.R. 10637. A bill to establish and prescribe the functions of a U.S. Department of Aeronautics and Space, and for other purposes; to the Committee on Government Operations.

By Mr. BARING:

H.R. 10638. A bill to permit the free marketing of gold, and for other purposes; to the Committee on Banking and Currency.

By Mr. BELCHER:

H.R. 10639. A bill to amend section 3(b) of the act of May 9, 1958 (72 Stat. 105), relating to the preparation of a roll of the members of the Otoe and Missouria Tribe and to per capita distribution of judgment funds; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT of Michigan:

H.R. 10640. A bill to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 10641. A bill relating to the leasing of certain submarginal lands on Indian reservations; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

H.R. 10642. A bill to amend the River and Harbor Act of 1945; to the Committee on Public Works.

By Mr. BONNER:

H.R. 10643. A bill to change the title of the Assistant Director of the Coast and Geodetic Survey; to the Committee on Merchant Marine and Fisheries.

H.R. 10644. A bill to amend title V of the Merchant Marine Act, 1936, in order to remove certain limitations on the construction differential subsidy under such title; to the Committee on Merchant Marine and Fisheries.

H.R. 10645. A bill to amend the Merchant Marine Act, 1936, to provide that funds of the United States may be expended for construction of certain vessels only when such construction is carried out by the Secretary of Commerce; to the Committee on Merchant Marine and Fisheries.

H.R. 10646. A bill to amend the Merchant Marine Act, 1936, in order to extend the life of certain vessels under the provisions of such act from 20 to 25 years; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 10647. A bill to extend the Library Services Act for a period of 5 years; to the Committee on Education and Labor.

H.R. 10648. A bill to amend the Judicial Code, title 28, United States Code, to provide for succession in office of U.S. attorneys; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 10649. A bill to amend title II of the Social Security Act to provide that full benefits (when based upon the attainment of retirement age) will be payable to men at age 63 and to women at age 60; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 10650. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 10651. A bill to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. COHELAN:

H.R. 10652. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 10653. A bill to protect consumers and others against misbranding and false advertising of decorative hardwood or imitation hardwood products; to the Committee on Interstate and Foreign Commerce.

H.R. 10654. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications as of June 30, 1960; to the Committee on Ways and Means.

H.R. 10655. A bill to increase personal income tax exemptions of the taxpayer (including exemptions for a spouse, exemptions for a dependent, and an additional exemption for old age and blindness from $600 to $1,200 under provisions herein defined; to the Committee on Ways and Means.

By Mr. DURHAM (by request):

H.R. 10656. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. FASCELL:

H.R. 10657. A bill to establish standards of conduct for agency hearing proceedings of record; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10658. A bill to amend title II of the Social Security Act to provide that full benefits (when based upon the attainment of retirement age) will be payable to women at age 60; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 10659. A bill to amend the Civil Service Retirement Act to provide that retirement computation shall be based on the amount of the gross earned salary of an individual; to the Committee on Post Office and Civil Service.

By Mr. GEORGE:

H.R. 10660. A bill to amend the Internal Revenue Code of 1954 to terminate the tax on long-distance telephone service, effective at the same time as the termination (presently provided for) of the tax on local telephone service; to the Committee on Ways and Means.

By Mr. GOODELL:

H.R. 10661. A bill to amend the Internal Revenue Code of 1954 to extend the excise tax on general telephone service for an additional year, and to allow a taxpayer a credit against such tax for State and local taxes paid by him on general telephone service; to the Committee on Ways and Means.

H.R. 10662. A bill to amend title II of the Social Security Act to increase, from $1,200 to $3,500 in the case of an individual with one or more dependents and from $1,200 to $2,500 in the case of any other individual, the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mrs. GRANAHAN:

H.R. 10663. A bill to amend the Civil Service Retirement Act to provide for retirement on full annuity after 40 years of service; to the Committee on Post Office and Civil Service.

H.R. 10664. A bill to amend the Postal Field Service Compensation Act of 1955 to correct certain inequities with respect to supervisory and other postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10665. A bill to modify the Postal Field Service Compensation Act of 1955 with respect to certain salary levels, position descriptions, and service credit for automatic step increases of supervisory and other postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAGEN:

H.R. 10666. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture.

H.R. 10667. A bill to authorize the Secretary of Agriculture to utilize the services of prisoners for the protection, maintenance, and improvement of national forest lands and resources; to the Committee on Agriculture.

H.R. 10668. A bill to extend for 5 years the period within which World War II and Korean conflict veterans shall have a preferred right of application under the homestead or desert land laws or the Small Tract Act of June 1, 1938, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARGIS:

H.R. 10669. A bill to amend the Internal Revenue Code of 1954 to terminate the tax on long-distance telephone service simultaneously with the termination (presently provided for) of the tax on local telephone service; to the Committee on Ways and Means.

By Mr. HARMON:

H.R. 10670. A bill to amend title II of the Social Security Act to reduce from 62 to 50 the age at which widows' benefits become payable thereunder; to the Committee on Ways and Means.

By Mr. HÉBERT:

H.R. 10671. A bill to amend the River and Harbor Act of 1945; to the Committee on Public Works.

By Mr. HOEVEN:

H.R. 10672. A bill to provide for a payment-in-kind program for corn, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 10673. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans Affairs.

By Mr. KASTENMEIER:

H.R. 10674. A bill to amend section 203 of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits, and to liberalize the provisions under which such earnings are charged for purposes of such deductions; to the Committee on Ways and Means.

H.R. 10675. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. KILBURN:

H.R. 10676. A bill to amend section 404 of the National Housing Act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. KING of Utah:

H.R. 10677. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. KNOX:

H.R. 10678. A bill to provide a different basis for determining the amount of money to be made available to the State of Michigan because of the location of national-forest lands within such State, and for other purposes; to the Committee on Agriculture.

H.R. 10679. A bill to amend section 1033 of the Internal Revenue Code of 1954 to provide nonrecognition of gain to domestic corporations in certain cases where the property of their foreign subsidiaries is involuntarily converted; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 10680. A bill to amend the Railroad Retirement Act of 1937 to provide that men who have attained the age of 62 may retire on a full annuity thereunder upon completion of 30 years of service; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 10681. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 10682. A bill to amend the Packers and Stockyards Act, 1921, to strengthen independent competition by providing for competitive enterprise in the marketing of livestock, livestock products, and other food items; to the Committee on Agriculture.

By Mr. McMILLAN:

H.R. 10683. A bill to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATTHEWS (by request):

H.R. 10684. A bill to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORHEAD:

H.R. 10685. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mr. MORRIS of New Mexico:

H.R. 10686. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRISON:

H.R. 10687. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. MOULDER:

H.R. 10688. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10689. A bill to repeal the provisions of the Railroad Retirement Act which reduce the annuities of the spouses of retired employees, and the survivors of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY:

H.R. 10690. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10691. A bill to study the use of conservation programs to provide healthful outdoor training for young men and to establish a pilot Youth Conservation Corps; to the Committee on Education and Labor.

H.R. 10692. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10693. A bill to prevent the use of stopwatches, work measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

H.R. 10694. A bill to amend the Railroad Retirement Act of 1937 to provide that men who have attained the age of 62 may retire on a full annuity thereunder upon completion of 30 years of service; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY:

H.R. 10695. A bill to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROBERTS:

H.R. 10696. A bill to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. ROGERS of Massachusetts (by request):

H.R. 10697. A bill to liberalize the pension programs for disabled veterans of World War I, World War II, and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. ROOSEVELT:

H.R. 10698. A bill to prohibit agencies of the United States from imposing contractual provisions boycotting vessels trading with Israel; to the Committee on Merchant Marine and Fisheries.

By Mrs. ST. GEORGE:

H.R. 10699. A bill to promote efficiency and economy in the Postal Establishment by providing for timely revision of classification, rates of postage, zones, weight limits, and other conditions of mailability for certain mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHORT:

H.R. 10700. A bill to provide for the removal of the restriction on use with respect to certain lands in Morton County, N. Dak., conveyed to the State of North Dakota on July 20, 1955; to the Committee on Agriculture.

By Mr. SMITH of Mississippi:

H.R. 10701. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. STRATTON:

H.R. 10702. A bill making appropriations to the Secretary of the Navy for the construction of six additional Polaris ballistic missile submarines; to the Committee on Appropriations.

By Mr. TEAGUE of Texas (by request):

H.R. 10703. A bill to grant a waiver of national service life insurance premiums to

certain veterans who became totally disabled in line of duty between the date of application and the effective date of their insurance; to the Committee on Veterans' Affairs.

By Mrs. WEIS:

H.R. 10704. A bill to amend the Sugar Act of 1948 to provide for reducing Cuba's sugar quota by the amount of its exports of sugar to the Union of Soviet Socialist Republics or any nation or area dominated or controlled by the foreign government or foreign organizations controlling the world Communist movement; to the Committee on Agriculture.

By Mr. WIER:

H.R. 10705. A bill to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved October 14, 1949, as amended; to the Committee on Education and Labor.

By Mr. YOUNGER:

H.R. 10706. A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to property; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 10707. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT of Michigan:

H.R. 10708. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. DAGUE:

H.R. 10709. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. GAVIN:

H.R. 10710. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. HORAN:

H.R. 10711. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 10712. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. JONAS:

H.R. 10713. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. LANE:

H.R. 10714. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. LENNON:

H.R. 10715. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mrs. MAY:

H.R. 10716. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. MERROW:

H.R. 10717. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. METCALF:

H.R. 10718. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. OSTERTAG:

H.R. 10719. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. PIRNIE:

H.R. 10720. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. PRICE:

H.R. 10721. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. RILEY:

H.R. 10722. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. ROBERTS:

H.R. 10723. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. SIKES:

H.R. 10724. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. SILER:

H.R. 10725. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Kansas:

H.R. 10726. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. TAYLOR:

H.R. 10727. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. CARNAHAN:

H.J. Res. 626. Joint resolution providing for acceptance by the United States of America of amendments to the constitution of the World Health Organization adopted by the 12th World Health Assembly; to the Committee on Foreign Affairs.

By Mr. LIBONATI:

H.J. Res. 627. Joint resolution to authorize appropriations incident to U.S. participation in the International Bureau for the Protection of Industrial Property; to the Committee on Foreign Affairs.

By Mr. KOWALSKI:

H. Con. Res. 598. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. ROOSEVELT:

H. Con. Res. 599. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mrs. GREEN of Oregon:

H. Con. Res. 600. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. JOHNSON of Colorado:

H. Con. Res. 601. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. MEYER:

H. Con Res. 602. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. WOLF:

H. Con. Res. 603. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. KING of California (by request):

H. Con. Res. 604. Concurrent resolution expressing the sense of the Congress with respect to the need for a revision of the social security program to make more adequate provision for needy aged persons; to the Committee on Ways and Means.

By Mr. SCHERER:

H. Con. Res. 605. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

By Mr. BARR:

H. Res. 459. Resolution to amend the rules of the House to require the yeas and nays in the case of final action on appropriation bills; to the Committee on Rules.

By Mr. DAWSON:

H. Res. 460. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; to the Committee on House Administration.

By Mr. HALPERN:

H. Res. 461. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; to the Committee on the Judiciary.

By Mr. MURPHY:

H. Res. 462. Resolution authorizing the President to issue a proclamation designating February 16 of each year as Lithuanian Independence Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Virginia, memorializing the President and the Congress of the United States relative to a balanced budget, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORBETT:

H.R. 10728. A bill for the relief of Mrs. Gertrude F. Moorhead; to the Committee on the Judiciary.

By Mr. CURTIS of Missouri:

H.R. 10729. A bill to authorize the Secretary of the Army to convey a tract of land at the Jefferson Barracks National Cemetery in exchange for another tract of equal acreage; to the Committee on Interior and Insular Affairs.

By Mr. DANIELS:

H.R. 10730. A bill for the relief of Mrs. Olga Gadecki and her two minor children, Wanda and Stanislaw Gadecki; to the Committee on the Judiciary.

H.R. 10731. A bill for the relief of Carmine Spedaliere; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 10732. A bill for the relief of James G. Baldwin, Sr.; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10733. A bill for the relief of Achille Alfano; to the Committee on the Judiciary.

By Mr. HIESTAND:

H.R. 10734. A bill for the relief of Kuo-Hsien Kwong; to the Committee on the Judiciary.

By Mr. KING of Utah:

H.R. 10735. A bill for the relief of Ahmad Nikbakht; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 10736. A bill for the relief of Sister Basilisa Palao Aviles, Sister Maria del Carmen Vega, Sister Angela Garcia Cabrera, Sister Conception Lopez Bouza, and Sister Rosanna Filipponi Parronchi; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 10737. A bill for the relief of Rajko Barbir; to the Committee on the Judiciary.

By Mr. MILLIKEN:

H.R. 10738. A bill for the relief of Maria Guala; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H.R. 10739. A bill for the relief of Pasquale Capaldo (or Capaldi); to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 10740. A bill for the relief of Paula Irene Lewis; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 10741. A bill for the relief of Sachiko Isa and her minor daughter, Karen Sue; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 10742. A bill for the relief of Masaomi (Jack) Yamaguchi; to the Committee on the Judiciary.

By Mr. CAHILL:

H.J. Res. 628. Joint resolution to authorize the Speaker of the House of Representatives to confer a medal on John Edgar Hoover, Director of the Federal Bureau of Investigation; to the Committee on Banking and Currency.

By Mr. EDMONDSON:

H.J. Res. 629. Joint resolution to authorize the Speaker of the House of Representatives to confer a medal on John Edgar Hoover, Director of the Federal Bureau of Investigation; to the Committee on Banking and Currency.

By Mr. OLIVER:

H.J. Res. 630. Joint resolution to authorize the President of the United States to confer a medal on Dr. Thomas Anthony Dooley III; to the Committee on Banking and Currency.

By Mr. RIVERS of South Carolina:

H.J. Res. 631. Joint resolution tendering the thanks of Congress to General of the Army Douglas MacArthur and to Fleet Adm. Chester W. Nimitz; and providing for the striking and presentation to General MacArthur and Fleet Admiral Nimitz of appropriate gold medals in the name of the people of the United States; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

Estonian Independence Day

EXTENSION OF REMARKS

OF

HON. JAMES ROOSEVELT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. ROOSEVELT. Mr. Speaker, the year 1918 saw the end of the bloodiest and costliest war known until that time. Belligerents and neutrals alike were glad to see the human carnage stop and they all welcomed the return of peace. To some peoples 1918 ushered in a new era; it brought them a prize for which they had been fighting for generations and even for centuries. In that year they regained their national independence, and the Estonians were among them.

These people had settled in their historic land long before the beginning of modern times. There, in the northernmost outpost of Europe, they led a quiet and contented, but strenuous and hardy life. They were one of the smallest ethnic groups in Europe, and they succeeded in maintaining their national identity and freedom. Then in 1710 they were subjected to Russia's oppressive czars. For more than two centuries they endured that detested regime, but they always wanted their freedom and were prepared to fight for it. Toward the end of the First World War, when the czarist regime in Russia was overthrown, they felt free and on February 24 proclaimed their independence.

That was exactly 42 years ago, and today, unfortunately, independent Estonia is no more. After the happy and joyful two decades of interwar years, the country was one of the early casualties of the last war and the unhappy Estonians were its victims. Since then, for 20 years, these sturdy Estonians have been suffering under Communist tyrants, but they still cherish, ever fervently, their freedom and independence. Their friends in the free world observe their Independence Day, and pray for their deliverance from Communist totalitarian tyranny.

Positive Action on Arab Boycott

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. PELLY. Mr. Speaker, my bill, H.R. 10580, was one of several similar bills intended to stop our Government from canceling agreements with vessel owners in the event one of their vessels was prevented from loading or discharging cargo in any port by the local authorities because of that vessel having previously traded with Israel. Up until recently the United States in effect has been aiding and abetting in the blacklisting of American ships. Officially this involved the so-called Haifa clause inserted by our Military Sea Transportation Service in its tanker charters. The clause was an outgrowth of an incident in 1957, when port officials in Saudi Arabia refused to load a tanker called the *National Peace* when it was discovered that the same vessel had previously, under its former name of SS *Memory*, traded with Israel. As is widely known, the member nations of the United Arab Republic boycott the loading or unloading of any vessel putting into their ports having operated in trade with Israel.

Those of us who introduced legislation, such as my bill, wanted to make it clear that the United States does not directly or indirectly, overtly or tacitly, endorse or enforce the Arab boycott of ship operators who trade with Israel.

Mr. Speaker, in the light of Members of Congress having introduced proposed bills and in response to our protests and widespread public indignation the U.S. Navy has rescinded its policy of holding the operators of chartered ships which have traded with Israel responsible for any delay occasioned by an Arab boycott. However, even though the offensive clause in Navy agreements has been removed I would hope the matter is not ended there. As I see it, Congress should indicate in a positive way that we oppose the United Arab blockade restrictions against Israel in the Suez Canal as a national moral obligation since the Israeli withdrawal from the Gaza Strip 3 years ago.

Affirmative action on legislation such as H.R. 10580 would demonstrate to the world that the Congress abhors rather

than abets the Arab boycott. The sudden recanting of a Department rule is hardly the way a great nation should seek peaceful conformity with international law on nonmilitary cargo. Let us not by our inaction and silence become a partner in the Suez Canal ship transit discrimination. Each day that passes of such official neutralism detracts from our national stature and leadership among the nations of the world.

I hope a hearing on H.R. 10580 can be scheduled promptly.

History Shows Purpose of Politics Is To Rise to New Challenges

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. EVINS. Mr. Speaker, in his newsletter for March 3, our able colleague, the gentleman from Texas [Mr. PATMAN] makes some most thought-provoking comments which go to the roots of the central problem facing our Nation today. Although these comments are addressed specifically to the Democratic Party, they point so cogently and sharply to the decision which we as a Nation must make soon if we are to continue our American tradition of greatness that I commend it to the attention of all thoughtful citizens regardless of party, and under unanimous consent I include this portion of our colleague's newsletter in the RECORD.

The newsletter follows:

WRIGHT PATMAN'S 1,280TH WEEKLY LETTER, FOR RELEASE MARCH 3, 1960, FIRST CONGRESSIONAL DISTRICT OF TEXAS, "HEART OF THE GULF SOUTHWEST"

PURPOSE OF POLITICS

"Political organization is not an end in itself but merely the framework in which human purposes can be fulfilled"—so writes, this week, C. Northcote Parkinson, a political scientist best known for his Parkinson's Law.

The human purposes of political organization badly need redefining in relation to the problems of our times. The Democratic candidate who correctly perceives these purposes and states them in a clear and certain way—if there be such a candidate—will, I think, be the next President. The wide belief among politicians that the Republicans' claim to peace and prosperity is unbeatable seems to me to misread history and to misread the minds of most of us today. Peace and prosperity has been amply defined: It means that all is well, that there are no threats to our survival, and that there are no problems at home except in the realm of Federal finance.

The era has long since passed when we could entertain ourselves with the notion that the Russians' productive efforts were sure to produce only a bungling comedy of errors. The era of hysteria has passed, when, after the Russians exploded the atom bomb, we imagined that Communists and spies were overrunning our Government and perhaps our churches. More recent events—such as the Russians' demonstrated superiority in missiles, space exploration, and perhaps scientific training—have led to an uneasy suspicion that all is not well; that the foremost challenge of our times is not, as the administration thinks, preserving the value of the dollar and balancing the Federal budget. Considered appraisals such as that of Mr. Allen Dulles suggesting that the Russian economy is expanding at a rate almost three times as fast as ours, while we pursue, with an almost religious zeal, tight-money and high-interest policies that both stunt our economic growth and retard our educational system, are far from comforting.

One of the most influential ideas of our times, whether we know its source or not, was expressed several years ago by Arnold Toynbee in his efforts to advance a theory of history. This is the idea that nations have either flourished or declined by the responses they have made to new challenges. Some have responded to new challenges and risen to new heights; others have failed to respond and have declined or disappeared. Peace and prosperity as we know it, does not meet the human purpose of our times.

Whether there will be a candidate who can perceive and state the human purposes the Democratic Party is to serve, no one can say. In recent years there has been little agreement among congressional Democrats as to what our purposes are. In the two last elections increasing majorities of Democrats were sent to Congress but, except for those from the farm areas, few have seemed to know why. About half have seemed to think the people are deeply disturbed and dissatisfied with the administration's handling of our Nation's affairs; the other half have seemed to think they were elected because "we have supported Ike's programs more than the Republicans." This is not to say that the Democrats are unworthy; it is only to say that the times cry for leadership.

Agricultural Featherbedding

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. DULSKI. Mr. Speaker, where, in the great crusade for the economic justice and stability of farmers, is the interest of the consumer protected?

One of the legislative findings on the wheat surplus is that such surpluses result in disastrously low prices of wheat and destroy the purchasing power of grain producers for industrial products.

No one seems to concern himself with the poor consumer and taxpayer, who are one and the same and who pay for this whole featherbedding business.

Did it ever occur to anyone that the consumer could also use that same purchasing power to a much greater advantage? And a more reasonable use could be made than buying $10 billion worth of agricultural commodities which he does not need, and that should not have been produced in the first place, and then paying to transport and store this vast surplus now rotting in bins—while throughout the world at least one billion people are on the verge of starvation.

Everyone admits that the farm program is an economic monstrosity bordering on a virtual shambles; yet is allowed to rumble along, creaking and groaning upon the taxpayers' backs, until it will collapse from its own sheer weight.

Family-type farms are giving way to industrial type agricultural production, or factories in the fields. In spite of this inevitable trend, we still find the Government making vast sums of money available for the purchase of seeds, fertilizers, lime, trees, or any other farming material. And, in spite of the gigantic size of these farm corporations, we find the Government in the insurance business covering crops destroyed by floods, hail, wind, lightning, or tornado. Taxpayers and consumers are subjected to the same hazards from these acts of nature and would suffer just as greatly if subjected to them, as would a farmer. The only difference is that urban or city folk have to buy their insurance from private corporations with good hard-earned dollars. They are not protected by paternalistic Uncle Sam.

We have spent $22 billion on the farmers during the past quarter of a century with the net result that we have made farmers the wards of the Government under the dole system, which is an accurate description of the farm subsidy.

The time has come for a new farm program which will gradually ease the price-control featherbedding from under the farm economy. Let the farmer produce for the marketplace rather than the Government storage bin so that the economic law of supply and demand can redound to the benefit of both the producer and the consumer of our agricultural bounty.

Miss Carol Ann Heiss Wins Gold Medal for United States

EXTENSION OF REMARKS
OF
HON. ALBERT H. BOSCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. BOSCH. Mr. Speaker, I am sure all of us have followed with great interest the VIII Winter Olympic Games now in progress at Squaw Valley, Calif. Therefore, I am sure you can understand my pride in announcing that my constituent, Miss Carol Ann Heiss, Ozone Park, N.Y., has won for the United States its first gold medal. Of course, we had no doubt that Miss Heiss would win this honor as it was the only one left in the figure skating field which she had not won.

In 1956 Miss Heiss took second place in the figure skating competition at the VII Winter Olympics. She went from there to Garmisch-Partenkirchen, Germany, to win the world championship that year. In 1957 she won the women's North American figure skating championship, and in both 1958 and 1959 she won the United States and world championships. With this outstanding record to her credit, I am sure we all share in her joy at winning this coveted honor—one she says she has been working toward for 15 years.

Under leave to extend my remarks, I include the text of the telegram I have sent to Miss Carol Ann Heiss:

Miss CAROL ANN HEISS,
U.S. Olympic Team (Skating),
VIII Winter Olympics,
Squaw Valley, Calif.:

Congratulations on your splendid victory. We in Queens County, N.Y., especially Ozone Park and the Fifth Congressional District, take great pride in the honor you have brought to yourself, the United States, and to us in winning the first gold medal for this country. It is impossible for me to find words to tell you how happy I am for you, your coach, your family, and your friends. Your performance in the free skating which I witnessed on television was superb.

Congressman ALBERT H. BOSCH.

Strong, Decisive, and Realistic Foreign Policy

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. HOLTZMAN. Mr. Speaker, I have promised my constituents that as long as I am privileged to serve them I will press for a strong, decisive, and realistic foreign policy. On July 10, 1958, I spoke on the question of peace and disarmament and warned that it was necessary "to come forward with a constructive program of our own" if we were "to retain leadership in the world."

I rise now to protest two recent developments in our foreign policy. First, the administration's ill-advised decision to discontinue our moratorium on nuclear weapons testing, and more recently the President's suggestion that we provide nuclear weapons to our allies.

The entire issue of the spread of nuclear weapons is very serious. What purpose is served by making the techniques of total annihilation the common property of all? It would only increase the risk of nuclear war by accident. It would make the problems of control and inspection, already a formidable task, almost insuperable. It would be catastrophic if a nation in possession of nuclear weapons—supplied by this country—were to fall into irresponsible hands. The future of the world would hang in the balance. Our British allies are rightly agitated by this ominous prospect. Drew Middleton, London correspondent of the New York Times, reports that Foreign Secretary Selwyn Lloyd and Defense Minister Harold Watkinson "contend that West Germany must attain the goals set for it by NATO but that it must be denied access to nuclear weapons."

Our own scientific community is gravely concerned with the dangers inherent in a nuclear giveaway program. On February 4 the Federation of American Scientists called the prospect of such a move "the most dangerous type of shortsighted opportunism," and declared that "supplying atomic weapons to our allies will make inevitable the spread of nuclear technology throughout the world and virtually doom us to the ultimate calamity of nuclear war." And let me remind the Congress that our own hearings in July 1959 revealed that approximately 68,900,000 Americans would be killed or injured in even a relatively small nuclear war.

Moreover, the President's proposal, if enacted into law, would infinitely complicate the possibility of reaching an agreement on a test ban and would serve to accelerate the perilous armaments race. As Norman Cousins, cochairman of the National Committee for a Sane Nuclear Policy, has warned:

> With each additional nation coming into possession of nuclear arms, the danger of a runaway situation increases. Once a nuclear match is lit anywhere the nuclear fires will burn everywhere. The resultant terror will produce not peace, but the worst case of jitters the human race has ever known.

Three out of four adult Americans favor a ban on atomic weapons testing. In December of last year the Gallup poll asked the following question:

> The United States and Russia have made an agreement to stop testing H-bombs until the end of the year. Would you like to have this agreement continued next year or not?

The results:

> For continuation of the ban on nuclear testing 77 percent; against continuation of the ban on nuclear testing 11 percent; no opinion 12 percent.

The Congress and the administration would do well to heed the wisdom of the American people. Creative leadership demands that we successfully conclude agreements to ban nuclear weapons testing and to halt the arms race. To do less is to fail in our duty.

The new approach at Geneva gives further hope that we may have an effective ban on world testing, and that we should go forward in this extremely vital area.

Let's Get on the Record With Our Spending Votes

EXTENSION OF REMARKS
OF
HON. JOSEPH W. BARR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. BARR. Mr. Speaker, today I introduced a resolution providing that—

> *Resolved,* That rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following new paragraph:
>
> "7. No bill or joint resolution of a public character making an appropriation shall be finally passed, and no amendment of the Senate to, or report of a committee of conference on, such a bill or resolution shall be agreed to, unless the vote of the House is determined by yeas and nays."

This resolution translated into plain English as understood in Marion County, Ind., means simply that every Member of the House must stand up and be counted on the record when he votes to spend the people's tax money. Surely the people have the right to know how their Congressman votes on spending bills. Strangely enough, they usually do not get this information.

Since January we have voted to spend in excess of $6 billion on different bills. We voted to spend about $27 million for the District of Columbia, about $760 million for the Commerce Department, $543 million for Interior, $4,795 million for Treasury and Post Office, and an extra $23 million for NASA. Not one of these spending bills has been recorded by a rollcall vote. Every bill has been rammed through on a voice vote and the people have not the vaguest notion of how I or any other Member voted.

Frankly I am amazed at the sight of some Members screaming about economy knowing full well that they can vote for billions for pet subjects and never get their votes recorded. They will make a great hullabaloo about bills that amount to a fraction of 1 percent of our total spending, and then let billions pass through this Congress without a murmur. In southern Indiana, where I grew up, they have a saying, "It helps to save pennies, but not very much." It does not make much sense to save pennies and fritter away dollars.

All of us know that the income of the United States will be around $82 billion to $83 billion in this coming fiscal year. Most of us agree that we should save part of that income to cut the debt. We disagree on where and how to spend the rest.

I intend to vote for less than the total the President asked, but in some individual instances I will vote for more than he asked. Surely my voters should have the chance to decide first of all—did I vote to spend more than our income; and secondly, do they agree with the places where I voted to spend their money?

They cannot find that out from the record today. They could if this resolution were adopted and all of us were forced to stand up and vote on the record when we spend money.

Estonian Independence Day

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. DERWINSKI. Mr. Speaker, yesterday, February 24, was the anniversary of Estonian Independence Day. It is a tragic thing that this occasion receives little attention since Estonia, as much as any other nation, stands as a constant reminder of the basic treachery of Soviet dictators and their complete disregard for the rights of mankind.

Estonia, due to her brief span of independence and isolated geographical position with a relatively small population, never received the attention of the world that larger nations receive while undergoing the same brutal oppression.

However, we should maintain the moral dedication and strength of our foreign policy by continuing to emphasize to the United Nations the barbaric domination that Soviet forces exercise over Estonia and her neighboring Baltic States—Latvia and Lithuania.

With all the phony Soviet propaganda concerning the termination of the cold war, we should point to a tragic people, such as the Estonians, to remind ourselves that until they are restored to the political, social, economic, and religious freedom that they desire, we will never have true world peace. In the coming summit conferences, President Eisenhower should be forewarned of the constant deceitfulness that is the standard Soviet diplomatic procedure, when he remembers the tragic diplomatic errors of his two immediate predecessors.

Estonia and her brave people in their tragic suffering serve to constantly remind us that only through national strength and support of free nations of the world, and by efforts to constantly expose the insidious worldwide communistic agitation can we maintain for ourselves and all peoples true freedom and world peace.

Interesting Editorial Comment on the Clean Elections Bill

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Thursday, February 25, 1960

Mr. KEATING. Mr. President, provocative editorial comment in newspapers all across the country has underscored the importance of the clean elections bill which recently passed the Senate. Thoughtful views on this measure were recently set forth by a significant newspaper in Winston-Salem, N.C., the Twin City Sentinel.

In response to this editorial I wrote a letter to the editor of the Sentinel. I ask unanimous consent to have this editorial and my response printed in the RECORD.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

[From the Twin City Sentinel, Jan. 29, 1960]

STATES MUST CONTROL CAMPAIGNS OR FACE CONGRESSIONAL ACTION

The Senate's version of a bill widening and tightening controls over Federal elections—the so-called clean elections bill—includes what amounts to a self-defeating provision.

This is the amendment that applies the law to primaries involving Federal office as well as to general elections.

Indications are the House of Representatives just won't buy that provision. Speaker SAM RAYBURN, reflecting the views of many southern Congressmen, has said, "I don't think the Federal Government ought to get into the regulation of primaries." And Chairman OMAR BURLESON of the House Administration Committee, to which the Senate bill will be referred, has said that while he favors raising campaign spending limits, the amendment on primaries is "an invasion of States rights." Mr. BURLESON is a Texas Democrat.

The reasoning behind the primary amendment was stated by Senator KENNETH KEATING of New York, one of the sponsors: "It is a well-known fact that in roughly one-third of our States today success in a primary is tantamount to election." And he added that in such States primaries are the only important part of the election process, and to permit such elections to proceed without the same Federal regulations which govern elections in other States is both unjust and unfair."

The New York Senator's comments were directed chiefly at the South, where "tantamount to election" is a hackneyed but applicable phase to describe victory in Democratic primaries.

Realism compels acknowledgment that in strong one-party States a corrupt practices act applying only to the general election is of little consequence.

Unless primaries are included, the other desirable features of the bill such as those requiring more detailed reporting of campaign contributions and requiring reports from local and State committees become less meaningful.

To be sure, some States—North Carolina among them—have corrupt practices acts that regulate campaign spending and require reports on contributions. But many States in which the primary is the controlling election do not have them. And in many that do the penalties for violations are too weak to be much of a deterrent.

The States can rightfully lay claim under the Constitution to the right to control election machinery. But when the States neglect their responsibilities and allow abuses to creep in, they play into the hands of those who advocate more and more Federal control of elections. The current movement to impose Federal registrars on districts where voting rights are denied is a good example.

The provision to include State primaries may stymie a clean elections bill this year. But it is bound to come up again. And the best defense against it would be for the Southern States to be able to show that their election house is in good order rather than to stand on principle alone.

FEBRUARY 5, 1960.

Mr. ROBERT F. CAMPBELL,
Editorial Page Editor,
Twin City Sentinel,
Winston-Salem, N.C.

DEAR MR. CAMPBELL: Your editorial of February 2, concerning the inclusion of primaries, and nominating conventions and caucuses in the elections bill which recently passed the Senate, has been read with great interest. You have certainly analyzed correctly the fact that it would have been hypocritical to call this a clean elections bill if we left primaries unscrubbed.

As you point out, applying regulatory procedures to general elections in one-party States is "of little consequence," unless primaries are included. I could not agree with you more strongly that the other laudable features of the bill, such as the reporting requirements, are "less meaningful" if this vital segment of the Federal electoral process is not covered.

I hasten to add that one-party States are not limited to any particular section of the country. For example, there are many congressional districts in our great Northern urban centers or great Midwestern rural areas, where nomination almost certainly means victory when the ballots are counted. Also, I want to emphasize that this amendment was not intended in any way to impute that there actually are irregularities in those areas where victory in the primary or convention or caucus means automatic success on election day. I merely felt that if the bill were to carry out its intent, all phases of the Federal electoral process had to be covered.

While it is certainly to be hoped that efforts will be continued to prevent abuses at all stages of Federal elections, it does not seem to me that such actions completely meet the issue. The statutory and constitutional bases for Federal regulation of Federal elections, including primaries, are clear and in point. If we are to make our democratic system work at its optimum, certain restraints must be imposed—even if they are never invoked—at all levels. That was the purpose and the final effect of the clean elections bill recently approved by the Senate.

Very sincerely yours,

KENNETH B. KEATING.

New York Mirror's National Outdoor Exposition

EXTENSION OF REMARKS
OF
HON. FRANCIS E. DORN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. DORN of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I should like to call the attention of my colleagues to an event which is taking place in New York at this time.

The New York Daily Mirror should be congratulated for establishing what has now become a national institution. I refer to the National Outdoor Exposition currently on view at the Coliseum in New York City.

Without doubt this is the finest sports, travel, vacation, and outdoor show ever assembled. It has so many great attractions that it would be difficult to list them all. Not only has one of America's great newspapers taken the initiative to stage this great showcase of the pleasurable facets of the American way of life, but it has philanthropically permitted all the proceeds to go to the Mirror's Youth Welfare Fund which in itself has and will continue to provide a fine public service in an area where assistance is needed most—to guide and mold the youth of our Nation into better future adult citizens of our beloved country.

I sincerely wish that such an exhibition as the New York Mirror's National Outdoor Exposition could be sent abroad to the free countries as well as those behind the Iron Curtain. Our neighbors could then realize that what we live and work for here in the United States is worth while and that the kind of enjoyment we earn with the fruits of our labor is one of the greatest dimensions of human freedom.

I invite my colleagues in the Congress to come to New York City over the weekend, the show runs through February 28, and enjoy themselves as much as I did at the National Outdoor Exposition.

This is the perfect place to turn for a respite from the many weighty problems that concern us all.

As the Mirror points out:

Never before have we found ourselves with so much time on our hands. It's estimated

we now have 2,229 hours each year in which to do nothing but enjoy ourselves. Every third day for average family is a play day.

With incomes at alltime highs, average working hours meshed to the 5-day week and vacations extended to 3 weeks, countless more American families today can afford the leisure they like best.

I am sure each Congressman will find something of his home territory represented in the National Outdoor Exposition. The Mirror has said that the show has something for everyone. It certainly does and if I were to choose the "something" I saw there, I would say it is "Americanism at its very best."

In Support of Peacetime GI Legislation

EXTENSION OF REMARKS
OF

HON. JAMES ROOSEVELT

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. ROOSEVELT. Mr. Speaker, presently the House Committee on Veterans' Affairs is holding hearings and considering peacetime GI legislation. I believe the committee should be commended for holding hearings early in this session, and I am pleased that this opportunity has been offered to me to express my views in the matter.

On February 23, I submitted a statement in support of a program that will aid and assure, among other things, higher education and vocational training opportunities for many young men who are now serving in our Armed Forces during peacetime.

My statement follows:

STATEMENT OF HON. JAMES ROOSEVELT SUBMITTED TO COMMITTEE ON VETERANS' AFFAIRS, FEBRUARY 23, 1960

Mr. Chairman and members of the committee, it is most gratifying that you have chosen to consider early in this session an inquiry into peacetime GI legislation.

I appreciate the opportunity to go on record in favor of a program that will aid and assure, among other things, higher education and vocational training opportunities for many young men who are serving in our Armed Forces during peacetime.

I do not believe the basic issue is one of offering educational aid to wartime veterans vis-a-vis peacetime veterans. Rather, I believe it is one involving the question: Should we or should we not have a comprehensive approach and a single standard in dealing with the education of young men who serve in our Armed Forces? This question is equally valid applied to other aspects, namely, vocational rehabilitation and guarantee and direct loan assistance for the purchase of homes.

If one concludes that there should be a uniform or single standard in dealing with veterans, then it follows that support should be given to enacting legislation to cover our young men who have been drafted or have voluntarily enlisted for military service.

There is another overriding consideration. While this committee cannot concern itself with the entire area of what should be done to develop a sound, a comprehensive and a needed national blueprint to achieve optimum use of manpower through education, I believe it important to stress such a national approach. To the degree that we assure greater educational opportunities—to that degree do we assure greater national advance and security. Additionally, and of paramount importance, the opening of such opportunities assures a meaningful measure of greater self-dignity and happiness to the individual who wishes to broaden his horizon. Thus, every approach to this problem is another step forward in resolving today's need to act positively in offsetting the Soviet challenge in education and to perfect our democratic concept that an enlightened people will be a free people.

It is my firm conviction that the peacetime veteran who would participate under a peacetime GI bill, if enacted, would contribute materially to and be an active citizen of his community, State, and Nation. Such results would more than repay the investment in his education.

The facts, I believe, bear this out if one is to evaluate the results of the World War II GI bill and the Korean GI bill. There is no reason why such favorable results would not likewise be forthcoming if we offer educational opportunities to post-Korean veterans.

In this connection I would like to make reference to a press release issued on June 22, 1954, by the Veterans' Administration. Issued on the 10th anniversary of the World War II bill, this release underscored some salient facts, and I quote:

"Through the GI bill, World War II veterans have become the best educated group of people in the history of the United States.

"Because of their training, they have raised their income level to the point where they now are paying an extra billion dollars a year in income taxes to Uncle Sam.

"At this rate, GI-bill-trained veterans alone will pay off the entire $15 billion cost of the GI education and training program within the next 15 years."

During the hearings in the other body, conducted by the Subcommittee on Veterans' Affairs, a spokesman for the Veterans' Administration stressed the national values which derive from the veterans' readjustment training programs. He stated the programs, in addition to assisting Korean and World War II veterans in making satisfactory adjustment to civilian life, "also raised the educational level and technical proficiency of the Nation by imparting greater knowledge and skill to millions of veterans. Thereby, the Nation has been placed in a better position to cope with the difficult and challenging problems facing it."

The VA spokesman also testified to the excellent record of Korean veterans and noted that: "A comparison with World War II trainees discloses that a greater proportion of the Korean trainees have taken courses in the scientific fields or other fields which require the most extensive training and knowledge."

With facts and figures available on this subject—and not just from the aforementioned agency—there is no doubt in my mind that this worthy record will be continued by post-Korean veterans if the opportunity is afforded them.

In view of this, it is difficult for me to understand—both from the viewpoint of national policy and economic considerations—why the administration looks with disfavor on a peacetime GI bill. Proclamations which I have heard in recent days by Administration's spokesmen declare that we are not nor will we be "second best"—these proclamations mean very little if the Administration's position does not, in fact, reflect its lofty pronouncements.

The committee is, of course, apprised of the department reports and the reasoning and position contained therein. However, I do wish to make note of a certain observation made by the Secretary of Health, Education, and Welfare. In opposing such legislation, and in pointing out that the "Bureau of the Budget advises that enactment of these bills would not be in accord with the program of the President," Mr. Flemming makes the observation that "we believe that broad Federal programs in the field of education should be broadly conceived to serve the needs of all our young men and women and to strengthen education in the national interest."

I heartily concur in this concept. To say this is what you are for, however, and then to oppose any workable effort to progress in achieving a declared goal is merely playing with words in order to skirt the issue and to rationalize one's opposition.

Approval of a program for post-Korean veterans would be another advance in this overall objective to which Mr. Flemming has referred. No one supporting it would claim, I am sure, that it is the perfect answer to a broad national problem and challenge, but certainly it can help to minimize further the educational problems we do face.

Mr. Chairman, to the dollar-minded administration there seems to be no connection between balancing the human budget and the national budget. This disassociation cannot overtake our thinking, for if it does, then we, as a nation, and as representatives of a culture, are headed for trouble we can ill afford.

The times demand of our Nation, through its leadership, new answers based on new and provocative world challenges. How we act on the resolution of these challenges will determine whether or not we are a first-rate or second-rate power. Words alone will not determine the outcome.

Mr. Chairman, I have every confidence that you and the members of the committee will consider the pending legislation with the seriousness you have given to other measures also affecting our national stature and interests.

Anniversary of Estonian Independence

EXTENSION OF REMARKS
OF

HON. ALVIN M. BENTLEY

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. BENTLEY. Mr. Speaker, it is my privilege to call to the attention of the House that yesterday, February 24, marks the 42d anniversary of the Declaration of Independence of the Republic of Estonia.

It does indeed seem cynical that when so many new nations are recognizing independence and self-determination throughout the world that those countries of Eastern Europe which were once independent still remain in captivity. Among this number Estonia, of course, must be included and, with her Baltic neighbors of Latvia and Lithuania, she does not even have the fiction of independence as do the other captive nations. Indeed the history of these three small Baltic countries constitutes one of the most flagrant and outrageous violations of international agreement on the part of the Soviet Union that the world has ever seen. Ever since these three countries were absorbed by the Soviet Union, Communist policy has dictated the eradication of any vestiges of nationalism and is attempting to completely absorb them into the U.S.S.R.

It is, nevertheless, heartening to realize that the people of Estonia still retain their burning desire for freedom and independence in spite of the tortures and slavery which they have undergone now for nearly 20 years. This display of courage on their part, however, must continually be nurtured by evidence of interest in their behalf on the part of the free world and above all by the United States of America who is rightly regarded as the guardian of hope for their ultimate freedom. That is why expressions of interest on our part, in addition to commemorative meetings on this solemn occasion, will help to remind the captive peoples, including the Estonians, that they will never be forgotten in the hearts and minds of free men everywhere.

I trust we will all join in observing this national holiday of Estonia and in once again expressing the hope that the day will soon come when these brave people will be able to observe their own national holiday in a free land. Meanwhile, our Government rightly pursues the policy of refusing to recognize the forced annexation of Estonia and are continuing to recognize the representatives of its Government-in-exile. This is the policy to which we should all continue to give our undivided support.

Agricultural Featherbedding

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. DULSKI. Mr. Speaker, the further one plods into the jungle of agricultural featherbedding, the more perplexing and amazing the subject becomes.

For example, in looking over a list of crop price support loans, I note an amount of $1,216,699.80 based upon 7,326 bales of pledged cotton produced by Delta & Pine Land Co. The amazing part of this item on the list is that the Delta & Pine Land Co. is a British-owned corporation with farming operations in the State of Mississippi. Items such as this make one wonder as to whether we ought to reevaluate our definition of just what is a "farmer." I further wonder where the obligation of a U.S. taxpayer to a foreign corporation starts and ends, and I conclude from this that a large number of corporations are getting a free ride on the protection of investment capital by hiding behind the overalls, and using the label of "farmer" to tap the public tills for their own profit gains.

A perplexing paradox that begs for an explanation in this agricultural mess is the deep concern for the well-being of farmers and their families, and the alleged impending economic misery of this particular group. Yet, on the other hand, I find an almost complete lack of concern for the economic misery of the 3 million agricultural workers who are excluded from almost all beneficial legislation provided for other workers. These substandard conditions are fostered, protected, and promoted by the very same farmers who demand that the taxpayers provide them with the economic security that they themselves are unwilling to provide to their workers.

H.R. 10641

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. BERRY. Mr. Speaker, I have today introduced H.R. 10641, a bill intended to improve educational facilities for the Indian children on certain Indian reservations. In my judgment, this is one of the important pieces of legislation to be passed at this session of Congress.

The bill applies to Indian reservations having within their boundaries land purchased by the Federal Government during the drought years of the thirties and which have been termed submarginal lands and by Executive order have been under the jurisdiction of the Secretary of the Interior for administrative purposes during the past 20-odd years.

It provides that on such reservations where the county or local school districts have assumed the obligation of education of the Indian children, along with the obligation of education of the non-Indian children, that such county school districts or local school districts shall have the additional inducement of the rental money which is received from such submarginal lands, such rental moneys to be paid to such school districts in lieu of normal tax revenues from such real property.

The bill provides that the Secretary of the Interior shall execute a lease contract with the Commissioner of School and Public Lands of the State in which such reservation is located, and that the Commissioner in turn shall sublease the lands to Indian or non-Indian ranchers, and that the revenue therefrom shall be paid to the districts wherein such land is situated, which districts are assuming the obligation of education of the Indian children.

The purpose of this legislation is twofold: First, it compensates the school district, and the taxpayers of that school district, for their diligence in providing public educational facilities for the Indian children. There is no question in my mind, and I believe no question in the mind of anyone, but that the Indian children obtain a better education in public schools attended by Indians and non-Indian children alike than they do in the Government-maintained and Government-operated, segregated Indian schools.

Second, this bill, if passed, would serve as a great inducement for counties and school districts situated within the outer borders of an Indian reservation, having submarginal lands within its area, to do a better job of improving the school facilities and do a better job of providing educational facilities for the Indian, as well as non-Indian students.

In my judgment, Mr. Speaker, there is only one solution to the so-called Indian problem and that is education. This bill is a step toward improving those educational facilities.

There is another phase I wish to mention. In school districts such as the Todd County School District in my State, which embraces the entire unorganized county, the school system is handled under a county board. This county has gone a long way in taking over the educational facilities on the entire reservation. The only school in the county that is not completely integrated is the Government school situated at the Agency headquarters in Rosebud. The county high school, located at Mission, is completely integrated with more than 50 percent of the students coming from Indian homes. It is an example of what can be accomplished.

The Government, of course, makes payment to the Todd County School District through a Johnson-O'Malley contract or through Public Law 874, but these payments do not compensate the school district for the cost of operating the school for these Indian children. The additional revenue arising from the leases on this submarginal land would go a long way toward filling the gap of compensating the school district for the cost to the taxpayers of this additional educational burden.

When these lands were originally purchased by the Federal Government and taken off the tax rolls, it was stated at the time that this land was being purchased for the benefit of the Indian people. There is no way, Mr. Speaker, that the Indian people can be more fully and completely benefited than by the use of the revenues from these lands to help pay the cost of the education of their children.

This bill has the support of the taxpaying public in these counties, and it has the support of the thinking Indian people who believe in better education for the Indian children and who believe in improving their circumstances through the better education, and the integrated education, of their children.

Farm Policies Hinder Foreign Trade

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. PELLY. Mr. Speaker, I see where the Committee for Economic Development in its report a day or so ago called for an increase in American exports and making our products better able to compete with foreign goods by holding down

costs and prices. The CED study was issued in the interest of reducing our deficit in foreign payments.

CED is an economic research organization supported by certain large business corporations. Its trade-deficits opinions were in a 32-page report entitled "National Objectives and the Balance of Payments Problems."

The situation is that U.S. spending abroad for goods, services, investment, and aid is greater than our receipts from exports, income in investments, and so forth. The deficit was approximately an average of $1 billion per annum from 1950 through 1956. But in the last 2 years this red figure runs to a total of about $7.5 billion.

The report cited the U.S. high price support farm program as the single biggest Government obstacle to increasing our returns from overseas. It said our farm program prices domestic farm goods too high for sale abroad and forces the United States to curb trade.

To this criticism, what solution does the administration and the Congress offer? The Republican administration has long sought legislation to reduce farm price supports. This is in line with the CED study. On the other hand, Democrat agriculture congressional leaders push for higher subsidy supports.

My bill, H.R. 10350, would eliminate all acreage and price controls and cushion the abrupt action by diverting our huge Commodity Credit Corporation surplus to an expanded food-for-peace program on the basis of not disrupting world or domestic markets. Such a plan would serve to remedy our deficit in foreign payments as recommended by CED.

Many of my friends in the House who represent farm areas fear the effect of my bill. On the other hand, many others tell me their farmers favor some such legislation. Meanwhile, Secretary of Agriculture Benson warns that if we are not careful both the good and bad farm programs will be ended. He knows that public sympathy is getting worn thin and that the people will not stand for continuing surpluses and unbearable costs.

I have plenty of evidence that the public is fed up. I do not know how many people worry about the deficit in our balance of foreign payments and the economic issues raised by CED. But I do know Congress better heed such studies, and then in line with strong public opinion call a halt to the outmoded, obsolete, and ineffectual, costly farm support laws. The sparks of indignation are in the grassroots. Let the politicians fail to heed a fanning wind of dissatisfaction on the horizon and there will be some Members of Congress from both rural and urban districts who one of these days, as the saying goes, will show up missing.

Public opinion, by a large majority, favors legislation such as my bill to repeal the farm price supports. The Democrats have quite a majority of this House, but watch out, if President Eisenhower and the administration convince the voters that the Democrats are responsible for not enacting a farm bill to end this most costly domestic failure in our legislative history.

Some grassroots opinions from my congressional district follow:

I believe that price supports, especially wheat and corn, should be abolished and let these commodities find their own market level. The surpluses of those items and the cost to the Government or taxpayer is ridiculous.

I believe in our system of private free enterprise. That is for everybody. I don't think that the Government should subsidize any person or industry. The farmers that realize most out of subsidy programs do not need them. The small farmers do not get enough out of the program to do them any good.

As for price supports, however low, farmers will simply grow more of the supported article because of the assurance of securing a cash return.

Of all Government programs, this makes less sense than any other, in my humble opinion. I'll admit I'm not well versed in this area, but I don't know of any other line of endeavor where you are rewarded if you do and rewarded if you don't by the Federal Government.

It seems to me that Members of Congress have a terrible responsibility these days not only in serving the people but in protecting them for themselves. It's human nature to want everything, I suppose, but governments, like friends, have their fiscal limitations or eventually go bankrupt—an elementary fact which millions seem to disregard.

Private Power Companies Cashing in on Their Share of $15 Billion Federal Subsidies From Rapid Amortization

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EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. EVINS. Mr. Speaker, it will be recalled that during World War II the Congress passed legislation to provide accelerated amortization of defense plants. When we were faced with the great war emergency we needed tremendous expansion in manufacturing plants capable of building the arms and armaments needed for our defense. Private industry was understandably reluctant to make these very large investments in defense plants because in many cases they were highly specialized and would have little usefulness for civilian production.

The rapid amortization program provided that the cost of a defense plant could be amortized over a 5-year period instead of over its longtime useful life as then provided by income tax laws. The rapid amortization was, of course, deductible as a business expense for income tax purposes, and thus this program reduced the taxes of defense industries. In effect, the cost of the new defense plants was largely met by the Federal Government in the form of reduced taxes.

Now certainly this program was well justified in the case of aircraft, ordnance and other highly specialized defense plants of little or no use for civilian goods. A few accelerated amortization certificates had been granted to public utilities during the war and during the Korean emergency where an expansion of power was imperative to serve a critical defense industry, such as the Atomic Energy Commission. But shortly after this administration came into office, the Office of Defense Mobilization began to issue accelerated amortization certificates for ordinary expansion of power facilities and within the next few years practically every power company in the country benefited from these accelerated amortization certificates. The Office of Defense Mobilization issued some 22,000 certificates granting over $30 billion in rapid amortization to all industries. The electric power utilities received fewer than 5 percent of these certificates but they were allowed $3 billion worth of 10 percent of the total accelerated amortization.

This program of accelerated amortization has cost some $15 billion in lost taxes of which the private power companies alone have accounted for $1½ billion. As a result of this program the private power industry became possibly the greatest beneficiary of a Federal subsidy that was ever enjoyed by any nondefense industry.

It will also be recalled that many of us objected strenuously to this generous subsidy for the private utilities and one of the most constructive achievements of the 85th Congress was the repeal of that portion of the law which had permitted the granting of rapid amortization certificates to private power companies.

When we debated this matter in considering the repealing legislation we, of necessity, spoke in terms of estimates of tax losses and some spokesmen of the private utilities denied that this represented a subsidy and that the companies would benefit from it. But today we do not need to estimate or to guess—we now have on the record the facts from the books of the power companies themselves regarding the way this unprecedented subsidy has operated for the benefit of the private power companies and particularly their stockholders.

Keep in mind that the rates charged by private power companies include a portion which will be paid in taxes to the local and Federal governments. Actually private power companies are not taxpayers they are tax collectors. In substance and under the terms of the rate structures approved by State and Federal regulatory agencies, the consumers of a utility pay the taxes in their power bills and the utility in turn transmits the taxes to the local and Federal governments. Now let us see what has been happening under the accelerated amortization program. The private utilities have been collecting the same taxes from their customers that they did before or that they would collect without rapid amortization. But, they paid far less in taxes to the Federal Government than they collected from their customers. To account for this excess of taxes they have collected from their customers most private utilities have set up

what they call "accumulated income tax deferral reserves." These deferral reserves represent the actual tax savings of the power companies. As of December 31, 1958, the latest figures available from the Federal Power Commission, the private power companies have now accumulated some $700 million in these accumulated income tax deferral reserves. In other words as of January 1, 1959, they had already received some $700 million of subsidies in the form of reduced taxes. This is only the beginning. Although the accelerated amortization has been repealed the private power companies will continue to enjoy the benefits of these subsidies for some years to come and eventually the subsidy will amount to a total of $1½ billion. I insert herein a list supplied by the Federal Power Commission of the private electric utility companies with their accumulated amortization reserves as of December 31, 1958. From this list you can see how much tax reduction your power company has admitted receiving as of January 1, 1959.

Accumulated income tax deferrals arising through the accelerated amortization of emergency facilities and the use of rapid depreciation methods permitted under sections 168 and 167, respectively, of the 1954 Internal Revenue Code

ELECTRIC UTILITY COMPANIES, BALANCE AS OF DEC. 31, 1958

Alabama Power Co	$16,028,000
Appalachian Electric Power Co	21,253,000
Arkansas Power & Light Co	13,637,000
Atlantic City Electric Co	2,369,000
Bangor Hydroelectric Co	115,000
Black Hills Power & Light Co	----------
Boston Edison Co	4,947,000
Boston Gas Co	----------
Brockton Edison Co	----------
California Electric Power Co	2,262,000
California-Pacific Utilities Co	----------
California-Oregon Power Co	8,791,000
Cambridge Electric Light Co	----------
Cape & Vinyard Electric Co	----------
Carolina Power & Light	9,120,000
Central Electric & Gas Co	----------
Central Hudson Gas & Electric Corp	1,742,000
Central Illinois Electric & Gas Corp	1,120,000
Central Illinois Light Co	1,841,000
Central Illinois Public Service Co	750,000
Central Louisiana Electric Co	2,552,000
Central Kansas Power Co	572,000
Central Maine Power Co	5,970,000
Central Power & Light Co	6,110,000
Central Vermont Public Service Corp	562,000
Cincinnati Gas & Electric Co	13,105,000
Citizens Utilities Co	107,000
Cleveland Electric Illuminating Co	20,797,000
Colorado Central Power Co	101,000
Columbus & Southern Ohio Electric Co	1,373,000
Commonwealth Edison Co	1,320,000
Commonwealth Edison Co. of Indiana, Inc	55,000
Community Public Service Co	----------
Connecticut Light & Power Co	5,436,000
Consolidated Edison Co. of New York, Inc	21,044,000
Consumers Power Co	13,285,000
Dallas Power & Light Co	5,816,000
Delaware Power & Light Co	3,221,000
Detroit Edison Co. and subsidiaries	27,203,000
Duquesne Light Co	1,649,000
Eastern Shore Public Service Co. of Maryland	39,000
Eastern Shore Public Service Co. of Virginia	----------
Edison Sault Electric Co	----------
El Paso Electric Co	$1,596,000
Ellenville Electric Co	----------
Empire District Electric Co	1,058,000
Fall River Electric Light Co	----------
Fitchburg Gas & Electric Light Co	----------
Florida Power Corp	5,712,000
Florida Power & Light Co	9,752,000
Florida Public Utilities Co	----------
Georgia Power Co	18,307,000
Gulf Power Co	4,959,000
Gulf States Utilities Co	2,137,000
Holyoke Water Power Co	----------
Home Light & Power Co	----------
Houston Lighting & Power Co	8,569,000
Idaho Power Co	4,388,000
Illinois Power Co	6,749,000
Indiana & Michigan Electric Co	14,819,000
Indianapolis Power & Light Co	5,740,000
Iowa Electric Light & Power Co	1,821,000
Iowa-Illinois Gas & Electric Co	135,000
Iowa Power & Light Co	4,746,000
Iowa Public Service Co	1,449,000
Iowa Southern Utilities Co	1,007,000
Kansas City Power & Light Co	4,285,000
Kansas Power & Light Co	2,804,000
Kentucky Power Co	172,000
Kentucky Utilities Co	2,338,000
Kingsport Utilities Co	10,000
Lockhart Power Co	----------
Long Island Lighting Co	11,916,000
Louisiana Power & Light Co	6,851,000
Maine Public Service Co	237,000
Marietta Electric Co	19,000
Michigan Gas & Electric Co	6,000
Minnesota Power & Light Co	4,518,000
Mississippi Power Co	2,961,000
Mississippi Power & Light Co	8,272,000
Missouri Edison Co	----------
Missouri Power & Light Co	----------
Missouri Public Service Co	753,000
Monongahela Power Co	5,705,000
Montana-Dakota Utilities Corp	1,093,000
Montana Power Co	243,000
Montaup Electric Co	----------
Mt. Carmel Public Utility Co	54,000
Nantahala Power & Light Co	2,043,000
Nantucket Gas & Electric Corp	----------
New Bedford Gas & Edison Light Co	----------
New England Power Co	3,324,000
New Orleans Public Service Corp	----------
New York State Electric & Gas Corp	7,963,000
Niagara Mohawk Power Co	17,832,000
Northern Indiana Public Service Co	156,000
Northern States Power Co. (Minnesota)	7,877,000
Northern Virginia Power Co	20,000
Northwestern Public Service Co	----------
Ohio Edison Co	16,106,000
Ohio-Midland Light & Power Co	----------
Ohio Power Co	26,429,000
Old Dominion Power Co	----------
Oklahoma Gas & Electric Co	5,348,000
Orange & Rockland Utilities, Inc	2,769,000
Pacific Gas & Electric Co	34,449,000
Pacific Power & Light Co	11,273,000
Patchogue Electric Light Co	106,000
Pennsylvania Electric Co	9,707,000
Pennsylvania Power Co	2,040,000
Pennsylvania Power & Light Co	18,430,000
Peoples Utilities, Inc	----------
Philadelphia Electric Co	19,839,000
Plymouth County Electric Co	----------
Portland General Electric Co	2,783,000
Potomac Edison Co	2,151,000
Potomac Light & Power Co	412,000
Public Service Co. of Colorado	6,248,000
Public Service Co. of Indiana, Inc	10,961,000
Public Service Co. of New Hampshire	3,499,000
Public Service Co. of New Mexico	$2,501,000
Public Service Co. of Oklahoma	7,477,000
Public Service Electric & Gas Co	14,036,000
Rochester Gas & Electric Corp	----------
San Diego Gas & Electric Co	----------
Savannah Electric & Power Co	----------
Sierra Pacific Power Co	----------
South Carolina Electric & Gas Co	955,000
South Carolina Generating Co	3,154,000
South Penn Power Co	36,000
Southern California Edison Co	15,036,000
Southern Colorado Power Co	----------
Southern Nevada Power Co	984,000
Southern Indiana Gas & Electric Co	1,790,000
Southwestern Electric Power Co.[1]	2,774,000
Southwestern Public Service Co	10,906,000
St. Lawrence River Power Co	98,000
Tampa Electric Co	----------
Tapoco, Inc	217,000
Texas Electric Service Co	7,127,000
Texas Power & Light Co	10,858,000
Toledo Edison Co	5,137,000
Tucson Gas, Electric Light & Power Co	----------
Union Electric Co. of Missouri	13,680,000
Union Light, Heat & Power Co	77,000
United Gas Improvement Co	----------
United Illuminating Co	1,928,000
Upper Peninsula Power Co	33,000
Utah Power & Light Co	483,000
Virginia Electric & Power Co	21,840,000
West Maryland Power Co	----------
West Penn Power Co	4,926,000
West Texas Utilities Co	2,769,000
Western Light & Telephone Co., Inc	1,936,000
Western Massachusetts Electric Co	1,314,000
Wheeling Electric Co	352,000
Total	703,662,000

[1] Formerly Southwestern Gas & Electric Co.

NOTE.—Balances shown relate to electric operations of the companies only. Companies allowing the tax reduction to "flow through" without restriction or crediting it to depreciation reserves are not included in the listing.

(Source: Federal Power Commission.)

U.S. Proposal on Law of Sea Sovereignty Is Fishery Giveaway

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. PELLY. Mr. Speaker, under date of February 12, 1960, there appeared a news item in the Japan Times, I am informed, which has to do with the forthcoming Geneva International Conference on the Law of the Sea.

In a dispatch from Seoul, Korea, an American was quoted after meeting with Republic of Korea President Syngman Rhee to the effect that the Korean leader seems to agree with the U.S. proposal for a 6-mile territorial waters limit with an additional 6-mile fishery limit.

My point is, Mr. Speaker, that our State Department keeps indicating to me

that the United States has not publicly or privately jeopardized our historic fishery rights by support of compromise proposals.

Now the U.S. official quoted in the Japan Times was Arthur Dean, chief U.S. delegate to the Geneva meeting which is to be held by 86 nations starting March 12, 1960. So when Mr. Dean tells reporters, as he did, "I think Rhee seems to agree with the U.S. proposal," perhaps it is proof as I have been saying that the United States has been lining up votes for a compromise.

Anyone who knows about our Pacific Northwest fishery will recognize that the U.S. proposal sells out completely the American fishermen of the west coast who have historically fished off the 3-mile limit of British Columbia. Our bottom fish industry has no other place to fish.

Our officials seem more interested in eliminating a major cause of friction between Japan and Korea than to protect our own interests.

It appears that the United Nations-sponsored meeting may agree on new zones of sovereignty. If the fishing zone is extended, the only hope for the Puget Sound and Washington State fishermen will be the Senate and its refusal to approve the Geneva Treaty.

The U.S. proposal in fishing sovereignty is an international giveaway.

Department of HEW Admits Need for Health Care of Aged

EXTENSION OF REMARKS
OF

HON. AIME J. FORAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. FORAND. Mr. Speaker, in a report submitted to the Committee on Ways and Means, dated April 3, 1959, by the Secretary of Health, Education, and Welfare, dealing with medical care and other problems of the aged, it was admitted that there is general agreement that a problem exists.

The report states:

The rising cost of medical care and particularly of hospital care, over the past decade has been felt by persons of all ages. Older persons have larger than average medical care needs. As a group they use about 2½ times as much general hospital care as the average for persons under the age of 65, and they have special need for long-term institutional care. Their incomes are generally considerably lower than those of the rest of the population, and in many cases are either fixed or declining in amount. They have less opportunity than employed persons to spread the cost burden through health insurance. A larger proportion of the aged than of other persons must turn to public assistance for payment of their medical bills or rely on free care from hospitals and physicians. Because both the number and the proportion of older persons in the population are increasing, a satisfactory solution to the problem of paying for adequate medical care for the aged will become more rather than less important.

Excerpts from the report follows:

In our society the existence of a problem does not necessarily indicate that action by the Federal Government is desirable. Briefly, the following are some reasons why the Federal Government should act:

1. A decision against Government action at this time would merely postpone an effective solution. Since medical costs are a high-cost, high-risk group for the aged, Government is in a better position than private industry to distribute the cost burden broadly and equitably.

2. A publicly supported program of hospital benefits for the aged could provide more extensive and more adequate protection than has characterized much of the private insurance available to aged persons.

3. The OASDI mechanism provides a ready and equitable method of spreading the risk and cost of hospital care for the aged over the entire working population. A small increase in the present social security taxes would provide immediate protection for those now eligible for benefits. Persons now at work would in turn become entitled to the same protection when they reach retirement age.

SOURCES AND AMOUNT OF INCOME AND ASSETS

1. In June 1958, 1 in every 5 persons 65 and over had a paying job.

2. In both 1956 and 1957 60 percent of all people 65 and over had less than $1,000 in money income. Only 20 percent had more than $2,000.

3. In June 1958 there were 8.8 million persons who were drawing benefits under OASDI—this accounted for 58 percent of all aged persons.

BENEFICIARIES IN THE FUTURE

1. With seven-tenths of our aged population now eligible for benefits it seems reasonable to assume that beneficiaries today are fairly representative of beneficiaries in the years ahead.

2. It is estimated that over three-fourths of the aged population will be eligible for benefits in 1970, and over 80 percent in 1980.

USE OF HOSPITALS FOR HOSPITAL AND MEDICAL CARE BY AGED PERSONS

The success of modern medicine in preventing epidemics and in curing or controlling diseases once usually fatal has brought chronic illness, particularly the illness of old age, to the fore as a health problem. In part because of these new developments, older persons have greater need for hospital and other medical services than younger persons. They may require more elaborate types of care than younger persons and their recovery is likely to be slower.

1. The figures from the National Health Survey reveals that the aged spent at least twice as many days per capita in general hospitals as the population as a whole.

2. Also that acute conditions occur less frequently among the aged and chronic conditions more frequently than among younger persons.

3. Persons who have health insurance enter hospitals more frequently, but have more short durations than those who are uninsured. Older persons with more serious medical needs, and those who fear the costs postpone getting medical and hospital care until the need is overwhelming.

4. More than 80 percent of all beneficiaries incurring medical costs assumed responsibility themselves for all the medical costs they incurred during the year. (HEW page 28).

TRENDS IN COSTS OF HOSPITAL AND MEDICAL CARE

The medical care component of the Bureau of Labor Statistics' Consumer Price index reflects the rising price trends in the United States.

1. Over the longer period from 1938 to 1958 the "price" of medical care as measured by the Consumer Price Index increased only slightly more than the average for all goods and services—43 percent.

2. However, the price of hospital care rose 300 percent as compared to 105 percent for the entire index.

INSURED AGE GROUP AND ORGANIZED METHODS

1. About 121 million persons—72 percent of the total population—were covered by some form of hospitalization insurance as of the end of 1957.

2. Study by Public Health Service and other groups show that between 36 percent to 39 percent of the aged 65 and over have some type of health insurance (1957).

3. About 24 percent of the aged population or 4 million persons had surgical expense insurance in September 1956.

4. The Census PHS survey found that half of the aged population still in the labor force had hospitalization insurance while only about a third of the aged not in the labor force were insured.

5. The HIF–NORC study showed that of those persons aged 65 and over having health insurance in 1957 about 56 percent first obtained their insurance through a place of employment. (HEW p. 45).

EXISTING VOLUNTARY HEALTH INSURANCE MECHANISMS

1. General categories of medical insurance underwriters can be classified under the following headings: Blue Cross, Blue Shield Surgical Plan, group insurance companies, accident and health companies, and independent plans.

2. The differences of the health insurance coverage of the aged and that of the younger population lie mainly in the area of (1) benefits available, (2) premium costs, (3) sources of financing.

EXTENT OF COVERAGE

1. A program of hospital benefits for persons eligible for old-age survivors, and disability insurance would protect a little over 70 percent of the aged population in 1960. By 1970 it would reach an estimated 76 percent and in 1980 a little over 80 percent of the persons then aged 65 or over.

2. Cost per day of hospital care—the report decided to use as a basis for the projections a cost of $21 a day for the aged and disabled, and $23 a day for younger widows and children as of 1956.

3. The estimated costs of hospital service benefits for persons who will be eligible for OASDI in 1960 are shown in table I, these costs with a 30-day limit would be around $800 million. If the benefit covered 90 days of hospital care in a year, the cost in 1960 would be about $990 million.

4. Long-range costs, it would appear, would run 5 percent of payroll for 60 days up to 1970. The percentage of taxable payroll for the 1960 estimates was 4.2 percent.

5. There is very little experience on which to base an estimate of the cost of a nursing home service benefit, whether such a benefit were limited to skilled nursing home care as a substitute for hospital care or applied broadly to nursing home care of all types. (HEW p. 83).

METHODS OF PROVIDING HOSPITAL BENEFITS OTHER THAN THROUGH USE OF THE OASDI MECHANISM

1. Stimulation of voluntary health insurance through pooling, reinsurance, regulation, or checkoff of premiums for OASDI beneficiaries.

2. Federal subsidies to private carriers to cover above-average risks or to supplement premiums from persons of low income.

3. Federal grants to the States for medical care for the indigent and medically indigent (HEW, p. 90).

REASONS ADVANCED AS TO WHY THE FEDERAL GOVERNMENT SHOULD NOT TAKE ACTION

1. The proponents of a "wait and see" position feel that more people of the aged class are covered today through some type of health insurance than ever before. They feel that it is reasonable to expect that the proportion of the aged population covered by voluntary insurance will increase.

2. A compulsory program to provide insurance would undercut voluntary efforts to meet the particular need. A decision to initiate a compulsory insurance program would be virtually irreversible.

3. Fear that pressures would develop for extending a hospital benefits program to include other components of the medical care bill.

4. It is difficult to estimate with any accuracy the future cost of medical care.

5. Pressures would also develop for extending insurance against the cost of hospital and other medical care to the working population and their dependents. Workers who were paying social security taxes might object to waiting until they reached retirement age to get such protection.

6. Federal action would result in a diminution of responsiveness to varying individual and local situations and the fear that this type of legislation would lead to a displacement of local and private arrangements by centralized governmental programs.

A Threat to Our Democracy

EXTENSION OF REMARKS
OF
HON. SAMUEL N. FRIEDEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. FRIEDEL. Mr. Speaker, I would like to call the attention of the Members of the House to a situation which, I believe, is a real threat to our democracy.

Within the shadows of the Capitol of the United States we are being treated to a spectacle so terribly reminiscent of the rise of Adolf Hitler and the fall of the German Republic as to bring shudders to all of us who believe in what our country and Constitution stand for. On the very streets of Washington, on almost every Saturday afternoon, handbills are being distributed that call for the erection of gas ovens to exterminate the Jews. Think of this—these people are calling for the mass murder of some 6 million fellow citizens just as did the infamous Hitler. He openly, and without shame, seeks to pit white man against colored man by open attempts at stark terror. He is endeavoring to stir up bigotry and race prejudice right here in Washington.

I am referring to a man named George Rockwell and his American Nazi Party who are openly advocating the destruction of the very fabric of our national being. There can be no other purpose than that. He who calls for such action is intent upon the destruction of our country and all that it has stood for these 185 years.

Rockwell and his people have been distributing this material openly and without any hindrance on the part of the police officials of this city. The laws of the District clearly state that it is forbidden to act "with intent to provoke a breach of the peace, or under circumstances such that a breach of the peace may be occasioned thereby," to act "in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others." If this law has any meaning whatsoever, it means that such highly provocative, insulting, and fighting words uttered in crowded places are outlawed.

Very recently one of our fellow citizens of the Jewish faith, a Mr. Berman, who lives in nearby Virginia, was handed a copy of this handbill, and he responded in the only way that an American could who was being attacked—he attempted to wrest this scurrilous material from the hands of the man who was distributing it. It is ironic to note that this man, Berman, who did precisely what every American has done over the years—replied with force to a threat of force—was placed under charges. A more gruesome miscarriage of justice could not be imagined in the most fevered and deranged mind. Americans are being deprived of the right to defend themselves and their families from the threat of an awful death.

There have already been acts of violence; bombings have occurred in various parts of the country and other acts of lawlessness have been revealed. This Rockwell, the most contemptible of our civilization, is setting an example that can threaten our way of life. This we cannot, and should not, in any way, condone. If we do not put an immediate stop to these acts of terror, we are giving encouragement to the acts of a madman.

The right to free speech, which Rockwell claims, and in which the Washington police seem to concur, hardly goes so far as to protect acts of violence; it hardly goes so far as to protect an act designed to upset freedom of religion. The police power of the state is sufficient to protect itself. The self-serving protestations of Rockwell are not to the point.

It is our solemn duty to use every means at our command to remove this ugly blotch. To fail in that duty would be an act of disloyalty to the half million of our loved ones who gave their all just to stamp out this very thing. It is unthinkable that those of our beloved dead who fought to protect our freedoms have died so completely in vain.

I have indicated at least one approach to the problem in the local law which proscribes an incitement to violence but I believe that there may be others which are pertinent to this. Among the other local laws is one that requires certain formalities from those who solicit contributions. Rockwell has been soliciting such contributions.

The Charitable Contributions Act—and it is grim to think of Rockwell's requests coming under the head of charity—may be the very device which our police force here in Washington can use to suppress this menace.

Beyond a shadow of a doubt, Rockwell is disruptive to the peace and security of our Nation. He is doing violence to traditions of our country and wishes to overturn them by force. I would maintain that the actions of Rockwell may well be considered by the U.S. attorney in connection with the Smith Act.

The actions of Rockwell and perhaps other of his kind are a cancer on the body of our Nation. We here in Congress would be remiss in our duties if we did not take every step available to us to remove this ugly growth of bigotry and prejudice.

What Private Power Companies Are Doing With Their Federal Subsidies

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 1960

Mr. EVINS. Mr. Speaker, under unanimous consent I have previously inserted in the RECORD a listing of the subsidies the private power companies have received in the form of tax reductions under the accelerated amortization program.

The question occurs, what is happening to this accumulated income tax subsidy? Well, many power companies are now distributing these income tax reserves to their stockholders in the form of dividends and, believe it or not, these dividends are tax free. As a matter of fact several power companies are paying all of their dividends from this income tax reserve fund and, therefore, their dividends are 100 percent tax free. The stocks of these companies are, of course, greatly enhanced in value, especially to those in higher income tax brackets who would like to decrease their own income taxes; and brokers in utility stocks have been quick to point out this advantage to possible purchasers. For example, in the December 3, 1959, issue of Public Utilities Fortnightly the reader is advised:

It appears likely that the dividends on California-Oregon Power will remain fully tax free in 1959 and 1960, but after 1960 the percentage may decline and it is uncertain whether any part of the dividends will be free of income tax after 1960 when accelerated amortization will run out * * * and; Pacific Power & Light preferred and common dividends * * * will probably remain fully tax free for about 5 years, due to accelerated amortization in connection with the company's large hydro projects.

I insert here a list of some eight power companies whose dividends are entirely or almost entirely tax free because they are paid out of the income tax deferral reserve funds. These eight private power companies paid out $72,548,754 in tax free dividends to their stockholders in 1958 and presumably about an equal amount in 1959. It is quite likely that most of the stock was held by stockholders subject to income tax rates of 50 percent or more. Thus, having originally reduced the taxes of the power company by some $150 million in those 2 years the rapid amortization program may now provide a further reduction of anywhere from $50 to $75 million in taxes

to the fortunate stockholder of these companies. Thus, we see how subsidies proliferate other subsidies.

Company	Dividends declared 1958	Percent tax-free	Amount tax-free
California Oregon Power	$3,663,202	100	$3,663,202
Detroit Edison	25,543,546	100	25,543,546
Pacific Power & Light	8,403,585	100	8,403,585
California Electric Power	3,600,971	79	2,844,767
Hartford Electric Light	5,035,046	78	3,927,336
Niagara Mohawk Power	26,650,562	77	20,409,283
Portland General Electric	4,230,000	78	3,299,400
Washington Water Power	5,008,579	89	4,457,635
Total	82,135,491		72,548,754

The above are by no means the only private utilities who are paying out these income-tax windfalls to their stockholders. Only a few weeks ago the Federal Power Commission supplied a list of 23 power companies "whose 1959 common dividends may be fully or partially exempt from a Federal income tax," which I append below with an estimate of the percentage of their dividends that will be tax free.

Company	Percent dividends tax-free, 1959
California Electric Power	62
California Oregon Power	100
Central Louisiana Electric	56
Central Maine Power	41
Connecticut Light & Power	30 or 35
Detroit Edison	37
Gulf States Utilities	36
Hartford Electric Light	60
Idaho Power	45
Interstate Power	8
Maine Public Service	13
Niagara Mohawk Power	67
Oklahoma Gas & Electric	30
Pacific Gas & Electric	30
Pacific Power & Light	100
Portland General Electric	100
Public Service of Indiana	50
Public Service of New Hampshire	40
Southwestern Public Service	14
Union Electric	50
Utah Power & Light	19
Virginia Electric & Power	10
Washington Water Power	55

The Federal Power Commission has approved these bookkeeping reserves of income tax deferrals and their distribution to stockholders in dividends. Not all private utilities want to treat this tax subsidy in this way. The Niagara Mohawk Power Co., indeed, is presently in a little trouble with the Federal Power Commission in regard to these tax savings. Niagara Mohawk listed their tax reduction as income and credited it to unrestricted earned surplus. This, of course, was a very frank admission that these tax savings would constitute a windfall and would never have to be repaid. By doing this Niagara Mohawk increased the equity of the common stockholders and this, of course would make it possible for it to ask for higher rates in order to provide for the usual return on the total equity invested in the company. If this were allowed, the tax savings provided by this gigantic subsidy would be used to increase the power rates to the customer and thus he would in effect be paying those taxes, or a portion of them, all over again.

The Federal Power Commission was not unanimous in its ruling on the treatment of these tax savings by the private power company. Commissioner William R. Connole protested the decision of the Commission and I insert herein a report of his protest given in a speech before the Electric Consumers Information Committee on June 9, 1959, in Washington, D.C., as reported in News for Electric Consumers:

JUNE 12, 1959.

FPC COMMISSIONER SAYS UTILITIES SHOULD PASS TAX SAVINGS ON TO CONSUMERS

"I see no reason for permitting utilities to charge you and me for costs which will never be paid," said Commissioner William R. Connole, of the Federal Power Commission, recently.

Predicting that State regulatory commissions will swing away from the misuse of liberalized depreciation, Connole declared that "enlightened electric utilities have done what they should do without being told" on this issue.

Connole spoke at an ECIC luncheon meeting June 9 in Washington, D.C., on the subject of liberalized depreciation under section 167 of the Internal Revenue Code of 1954. This section permits companies to write off more of the cost of a plant in the early years of its life for tax purposes. The result is a lower tax bill for the company.

But while using liberalized depreciation for tax purposes, some utilities have used normal depreciation—and consequently normal taxes—in listing costs for ratemaking purposes before State regulatory commissions. Some 17 or 18 State commissions have permitted this double standard, with this result:

Consumers pay rates based on the utility's normal tax bill. But the utility, using liberalized depreciation, pays only part of the tax money it collects from consumers. The utility keeps the remainder of tax money for its own use, a subsidy.

Consumer groups have long urged that the tax saving which the utility enjoys under liberalized depreciation should be passed on to the consumer—the one who pays the tax bill—in the form of lower rates. About five State commissions have recently agreed with this view. The issue is pending in other States.

The private electric companies are divided on the issue. At a recent meeting of the National Conference of Electric and Gas Utility Accountants in Chicago, opinions ranged from keeping the tax savings for the company only to sharing them with consumers. In the middle, some companies espoused compromise, while others urged outright repeal of section 167.

One company agreeing with consumers and Connole on this issue is the Hartford Electric Light Co. Said John B. Madigan of this firm at the industry meeting:

"Management has an obligation to keep all operating costs as low as possible. Certainly this obligation should extend to the area of one of our largest items of expense, namely, taxes." Madigan noted that his company cut its tax bill by 14 percent in 1957 and 30 percent in 1958 by using liberalized depreciation, and then asked:

"If it were possible to effect a saving as large as this in any of the other categories of expense, would we hesitate to do so? If a regulatory commission treats us fairly in most respects, as ours happens to do, we cannot object if they believe that these tax reductions should be used for the benefit of the customer."

In endorsing this position at the ECIC meeting, Connole pointed out that "enlightened electric utilities" pass the savings on to the customers "primarily because there is nothing more embarrassing than huge amounts of reserves in the company's balance sheets. And when they follow the practice of liberalized depreciation, reserves will accumulate unless they are written off in lower rates to the customer."

Connole countered the prime argument used by commissions and utilities in favor of the double standard—namely, that at sometime in the future, at the end of the writeoff period, the company will have to pay more taxes. This just isn't so, said Connole.

"Liberalized depreciation is a tax reduction, not a tax referral."

He explained that by its very nature an electric utility is an expanding dynamic business. Even if it just replaces what it wears out, without adding a single new customer or new foot of line (which is virtually impossible), its tax liability will always be less at the end than at the beginning of its operation.

Connole concluded: "There is no need, therefore, to deduct from reserve for taxes. Although the tax liability will be forever reduced for the companies, those favoring normalization (keeping the tax savings themselves) say that they want to set up a tax reserve.

"I see no reason for permitting utilities to charge you and me for costs which will never be paid."

Furthermore, not all States are going along with the theory of the private power companies that the stockholders rather than the customers ought to benefit from this very generous Federal subsidy. The public utilities commission of several States are taking the position that these tax savings should be passed on to the consumer in the form of lower power rates.

We note in many magazines the expensive advertising by the private power companies charging that public power is subsidized. These charges are always made in the vaguest and most general terms and never substantiated in dollar and cent figures for a very simple reason—because there is no substantiation for this charge. But, as the figures in regard to these tax reductions indicate, the private power companies themselves are cashing in on one of the most generous subsidies any group has ever received from any government.

Pacific Missile Mess

EXTENSION OF REMARKS
OF
HON. FRANK CHURCH
OF IDAHO
IN THE SENATE OF THE UNITED STATES

Thursday, February 25, 1960

Mr. CHURCH. Mr. President, in the February 15 issue of the New Leader there is published a fine article by the junior Senator from Montana, MIKE MANSFIELD, entitled "Pacific Missile Mess." In it, the assistant majority leader demonstrates, through his usual cool and constructive analysis, the inadequacy of the administration's policy, or lack of policy, with respect to the use of the high seas for the testing of nuclear weapons and missile systems.

The article makes clear that the principle of freedom of the seas, which has been a cornerstone of American foreign policy for longer than the life of the Constitution itself, is involved in these tests. It calls for an urgent effort to obtain international agreement to minimize the risks and provocations incident to them.

I think such an effort should most certainly be made, Mr. President. I ask that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PACIFIC MISSILE MESS

(By MIKE MANSFIELD)

It has been said that any American criticism of the recent Soviet missile tests in the Pacific is akin to the "pot calling the kettle black." The very use of the analogy is tacit recognition that there is something amiss in the way the Pacific is being used for the testing of dangerous scientific and military devices. Black on the American pot, if such there is, hardly serves as a detergent for the black on the Soviet kettle.

The administration's position on the Soviet tests is to close its eyes to any discoloration on either vessel. It merely holds that since the tests which we have conducted are perfectly valid under our interpretation of international law, we can hardly protest the Russian experiments. In short, what we may do so may they.

This position is undoubtedly in accord with the spirit of Camp David. But can the same be said for the recent Russian tests? Consider for a moment the circumstances in which they have taken place. The Pacific is a vast ocean and the Russians have been looping missiles into its remote northwestern stretches for some time. Indeed, they have been using parts of the Arctic in the same fashion. These earlier Soviet activities, which were scarcely publicized, involved little, if any, interference with international shipping, fishing, or air transport. In short, they took place without causing any worldwide ripples. In that respect they were not too different from our present employment of the Vandenberg missile range which goes out several thousand miles into the desolate southeast Pacific from California, or the Canaveral range, which extends from Florida into the south Atlantic by arrangement and agreement with most of the nations along the line of fire.

In the recent shoot, however, the Russians chose an impact area astride a region through which pass major American lines of communications with allied nations in the Western Pacific. It is a region of considerable importance to world commerce and Pacific fishing. It is the same region in which some of our earlier nuclear tests were conducted. The Russian test actions began after a brusque 10-day advance announcement which had the effect of putting up a "no trespassing" sign on 27,000 or more square miles of ocean. The impacting of the Soviet missile in the test area was the signal for a worldwide publicity campaign on Soviet prowess in this field.

The recent Russian tests may well have had valid scientific purposes in the sense that they could be forerunners of further explorations of space. Regardless of ultimate scientific objective, however, can there be any doubt as to the immediate political and propaganda purposes of these tests? The manner, place, and timing of the undertaking were clearly a demonstration of advanced Soviet military technology to the entire world, and to Pacific nations—notably Japan—a pointed indicator of a Soviet nuclear missile capacity to cut Pacific supply lines. This, to say the least, was hardly an appropriate prelude to the first summit conference for the purpose of easing international tensions.

Perhaps this Nation would have been in a better position to deal with these disturbing implications of the recent Soviet action had we ourselves given more consideration in the past to the long-range problems involved in any one nation's use of the oceans for military and scientific tests. Some of us in Congress have long been concerned with these tests, despite the fact that every precaution has been taken to safeguard the rights of other nations and prompt consideration has been given to those who were inadvertently injured by them.

As early as 1955, I suggested a summit conference to deal with the single question of international agreement to end dangerous nuclear testing on a multilateral basis. It was not until years later, after Adlai Stevenson was pilloried for a similar advocacy during the 1956 campaign, that the administration came to the point of recognizing even the respectability of such a position. Now it embraces this position. In the same fashion, as early as 1954, the Government was urged to give full recognition to its moral responsibility to the inhabitants of the Marshall Islands who were inconvenienced by the Pacific nuclear test series of that year.

In retrospect, it would appear that fascination with our own scientific achievements has led us to overlook a grave problem to which these achievements, along with those of other nations, are giving rise. There has been building for some years a challenge to one of the oldest and most fundamental doctrines of American foreign policy. Since the beginning of the Republic we have been powerful advocates of the basic concept of free and responsible usage of the high seas by all nations on the basis of equality. We have fought for this principle and we have pressed constantly for the development of international law which would safeguard it. Just recently we signed four conventions on the law of the sea which advance this principle to a new high point of universal acceptance.

Yet these conventions are completely silent on the problem of usage of the sea for scientific and military tests. Nevertheless, when they are not an outright danger to the nationals of other countries these tests can be a source of jeopardy to their equal right to navigate and to fish the high seas. We may well ask why this country has failed to press for recognition of this growing problem and at least the beginning of international action to deal with it. When the conventions were before the Senate Foreign Relations Committee on January 20, 1960, this question was put to Arthur H. Dean, an eminent authority on the law of the sea and this country's principal negotiator at the conferences:

"Mr. Dean, do you not see in the present almost complete national license to use the seas for dangerous and sometimes destructive tests, a possibility of a grave challenge to both of our basic concepts of the law of the sea—that is, to the concept of freedom of the sea and responsible usage of the sea?"

Mr. Dean: "Yes, I do, and that is why I sincerely hope that something along these lines will be done. * * *"

Further conferences at Geneva will consider some of the questions which are posed by nuclear tests. It is not farfetched, however, to consider what will happen if something is not done soon about all forms of testing on the high seas, missile no less than nuclear. Already the Soviet Union, the United States, and the United Kingdom have staked out large areas of the Pacific at various times and labeled them Mare Nostrum for the duration of test series. Soon other nations will begin to follow suit. There have been protests raised against this practice, particularly by the Japanese, but the protests have gone unheeded.

The fact is that international law on this practice is virtually nonexistent. As we interpret the law, it would now be perfectly legal for the Russians to conduct tests on the high seas within sight of San Francisco or for us to do the equivalent off Vladivostok. To carry the absurdity a step further, suppose by pure coincidence both the United States and Soviet Russia announced at the same time that they were cordoning off the same area of the Pacific at the same time for the purpose of conducting scientific experiments. What then? Who would defer? What of the questions of national prestige which would be involved in the backing down of one side or the other? What of the possibilities of accidents or grave incidents if both decided to test in the identical area?

It is clear that if we have not already reached it, we shall very soon be at a critical point in the matter of use of the high seas for the testing of scientific and military devices. It is no answer to this problem to say, as has been said, that if we do it so can they. One would hope that regardless of the the degree of black on the pots and kettles, the accumulated experience of the postwar years would urge us to take the lead in dealing with the problem. One would hope that the recent Soviet tests might provide such a glaring revelation of the way in which the world is headed in this matter that it will prompt a strong American initiative in our own interests as well as in the interests of all nations.

What is clearly needed is an urgent effort to obtain international agreement not to stop essential scientific testing on the high seas, but to see to it that this practice by any nation is so pursued as to minimize its provocations, and the risks and inconvenience to which it may subject other nations. The challenge of the Soviet missile tests is a challenge to act in order that the Pacific and, indeed, all oceans remain mare omnium rather than a collection of national maria nostra.

Seventy-fifth Birthday of Fleet Adm. Chester W. Nimitz

EXTENSION OF REMARKS

OF

HON. CARL VINSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. VINSON. Mr. Speaker, yesterday, February 24, Fleet Adm. Chester W. Nimitz was honored throughout this country and in many overseas areas on the occasion of his 75th birthday. Fleet Admiral Nimitz began his brilliant naval career 59 years ago when he was appointed to the U.S. Naval Academy from the 12th Congressional District in Texas in 1901. His actions in the Pacific during World War II will live in history forever.

Fleet Admiral Nimitz was ordered to duty as commander in chief, Pacific Fleet, with the rank of admiral effective

December 31, 1941. He was presented the Distinguished Service Medal by the President, awarded in the name of Congress, with the following citation:

For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as commander in chief of the Pacific Fleet since December 31, 1941. At the most critical period of the present war in the Pacific he assumed command in that area and, despite the losses at Pearl Harbor and the tragic shortage of vessels, planes and supplies, organized his forces and carried on defensive warfare which halted the Japanese advance. As rapidly as ships, personnel and material became available, he shifted from defensive to offensive warfare and, by his brilliant leadership and outstanding skill as a strategist, enabled the units under his command to defeat the enemy in the Coral Sea, off Midway, and in the Solomon Islands; and to capture and occupy the Gilbert and Marshall Islands.

He was also awarded the Distinguished Service Medal by the Navy Department, for "Exceptionally meritorious service as commander in chief, U.S. Pacific Fleet." The citation states that—

His conduct of the operations of the Pacific Fleet, resulting in successful actions against the enemy in the Coral Sea and off Midway Island was characterized by unfailing judgment and sound decision, completed with skill and vigor.

On October 7, 1943 he was redesignated commander in chief, Pacific Fleet and Pacific Ocean areas. By act of Congress, approved December 14, 1944, the grade of Fleet Admiral of the U.S. Navy—the highest grade in the Navy—was established, and on the next day the President nominated and, with the advice and consent of the Senate, appointed Admiral Nimitz to that rank.

In September 1944 Fleet Admiral Nimitz was one of the signers for the United States when Japan formally signed the surrender terms aboard the battleship *Missouri* in Tokyo bay.

On October 5, 1945, which had been officially designated as Nimitz Day here in Washington, Admiral Nimitz was presented a Gold Star in lieu of the third Distinguished Service Medal by the President "for exceptionally meritorious service as commander in chief, U.S. Pacific Fleet and Pacific Ocean areas, from June 1944 to August 1945." The citation further states:

Initiating the final phase in the battle for victory in the Pacific, he attacked the Marianas, invading Saipan, inflicting a decisive defeat on the Japanese Fleet in the First Battle of the Philippines and capturing Guam and Tinian. In vital continuing operations, his fleet forces isolated the enemy-held bastions of the Central and Eastern Carolines. With reconnaissance of the main beaches on Leyte effected, approach channels cleared and opposition neutralized in joint operations to reoccupy the Philippines, the challenge by powerful task forces of the Japanese Fleet resulted in a historic victory in the three-phased battle for Leyte Gulf. Accelerating the intensity of aerial offensive by pressure exerted at every hostile strongpoint, Fleet Admiral Nimitz culminated long-range strategy by successful amphibious assault on Iwo Jima and Okinawa—finally placed representative forces of the U.S. Navy in the harbor of Tokyo for the formal capitulation of the Japanese Empire. He demonstrated the highest qualities of a naval officer and rendered services of the greatest distinction to his country.

On November 26, 1945, his nomination to be Chief of Naval Operations was confirmed by the Senate. He hauled down his flag at Pearl Harbor, where he had hoisted it in December 1941 on board the submarine *Grayling*, in a harbor littered with wreckage of American warships, and on December 15, 1945, relieved Fleet Admiral Ernest J. King as Chief of Naval Operations.

On December 15, 1947, he was detached as Chief of Naval Operations and ordered to San Francisco for duty as directed by the Secretary of the Navy. Since then he has acted as Special Assistant to the Secretary in the Western Sea Frontier, and serves in an advisory capacity, assisting in other matters pertaining to the Navy when called upon to do so.

Fleet Admiral Nimitz has truly brought honor and distinction to his country. It gives me great pleasure to add my most sincere congratulations to Admiral Nimitz on the occasion of his 75th birthday.

Soviet Power Progress

EXTENSION OF REMARKS
OF
HON. ERNEST GRUENING
OF ALASKA
IN THE SENATE OF THE UNITED STATES
Thursday, February 25, 1960

Mr. GRUENING. Mr. President, our colleague, the able junior Senator from Utah [Mr. Moss], yesterday delivered a most important address before the National Rural Electric Cooperative Association at St. Louis, Mo. He gave an account of our visit to Russia. It is an account which I commend to all of our colleagues, because it shows how rapidly the Soviets, under a system of government in which we do not believe and which is in many respects antithetical to ours, are going ahead full steam developing hydroelectric resources while we, under the policy of no new starts, are doing nothing.

Mr. President, I ask unanimous consent that the address of our able colleague [Mr. Moss] be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOVIET POWER PROGRESS

On October 9 of last year, nearly 3,000 miles east of Moscow near the border of Outer Mongolia, I stood with 10 other Americans and saw under construction what will be the largest dam and hydroelectric power station in the world. It is the gigantic Bratsk Dam on the Angara River. It is in an advanced stage of construction. Its capacity of 4,500,000 kilowatts will make it more than twice the size of America's largest hydroelectric project, Grand Coulee on the Columbia. A large sign at the site proclaimed that this project would produce more than Boulder Dam and Grand Coulee combined.

Looking down from a height of 100 feet above the Angara River, I had no doubt that we were witnessing the building of the foundation of a great industrial empire for Russia.

For I am sure that no one understands better than do we Americans that even more missiles and rockets and hydrogen bombs, the wealth and world power of a nation rest upon its resources and the state of development of those resources.

We recognize that modern industry requires large quantities of electric power, and that a close correlation exists between the amount of electricity a country develops and its gross national product.

Our inspection trip of the power projects of the Soviet Union came about in this way:

Senator ALLEN ELLENDER of Louisiana, in his capacity as chairman of the Senate Committee on Agriculture, visited Russia on three occasions. From him the Senate heard what sounded to some like fantastic reports of a very large hydroelectric power development program. These reports were corroborated by the U.S. Army Corps of Engineers and others. Reported also were plans for even greater developments in China.

So, a year and a half ago, the U.S. Senate, by unanimous resolution, authorized a study of the facts. Two Senate committees were assigned this task, the Interior and Insular Affairs Committee and the Public Works Committee. A special subcommittee was appointed, consisting of Senator ERNEST GRUENING of Alaska, Senator EDMUND S. MUSKIE of Maine, and myself as chairman.

We were accompanied by four staff members representing the two committees: Vic Reinemer, executive secretary to Chairman MURRAY of the Senate Interior Committee; Milton C. Mapes, Jr., of the committee staff; Michael W. Straus, consultant to the Interior Committee and former U.S. Commissioner of Reclamation; and Theo W. Sneed of the staff of the Public Works Committee.

Four nonpaid consultants also accompanied us—men with a broad background in the fields of engineering, power development, dam construction, and rural electrification: Hon. Clyde Ellis, your general manager and former member of Congress from Arkansas; Harry Kuljian, president of the Kuljian Corp; Harvey McPhail, chief, Hydroelectric Division, Kuljian Corp., and former Assistant Commissioner of Reclamation; and Alex Radin, general manager, American Public Power Association. George Winters, economic attaché of the U.S. Embassy in Moscow, accompanied us throughout Russia. He speaks Russian. Our task was to investigate the extent to which the U.S.S.R. is developing its water resources for the production of electric power.

Negotiating the subcommittee's itinerary required more than a year. We wished to see not only the more commonly visited areas of the Soviet Union but also eastern Siberia, where, it was reported, some of the largest dams were under construction. We finally saw most of the projects requested.

The U.S.S.R. possesses the largest water resources in the world, about 10 percent of our earth's supply, compared with about 3 percent for the United States.

Russian river development is complicated by the fact that in the Asiatic part of the U.S.S.R. about 55 percent of the water flows northward into the icebound Arctic Ocean. Russia has, however, a much greater hydropower potential than does the United States.

Let me digress to stress the fact that this large supply of water is, in itself, of great significance. I come from a State that could not have developed as it has without reclaiming thousands of acres of land from the

desert and I know my audience today recognizes fully the importance of water. It is only the last few years, however, since tremendous pressure has been placed on our resources, that water conservation has come to be recognized as the national problem which it is.

The United States is presently using about 250 billion gallons of water a day. This alone means that all our readily accessible and relatively inexpensive supplies are in use. Because of spectacular increases both in population and in requirements per person, our rate of consumption is increasing so that our expected need by 1975 will be 350 billion gallons of water a day. This is a 90-percent increase over the amount used in 1950. For the future I can think of no greater asset that any nation could ask for than a large supply of fresh water.

Tremendous effort is being exerted to develop as much electricity as possible on these great Russian river systems. Full development of the resource is the rule. Priority of use has been established, with hydropower development first. Complete surveys and development plans are made to determine size, location, and building schedules before construction work begins on any unit. We visited 10 projects on 8 rivers, and saw a variety of sizes and types of hydroelectric power stations.

We traveled more than 12,500 miles inside Russia; 10,800 by air, mostly in very modern jet planes; about a thousand miles by automobile; and 300 each by boat and train. The jets carried 100 passengers, each one flew more than 500 miles an hour. They were filled. Russia has a fairly good network of railroads upon which it depends to move most goods. Other transportation is comparatively primitive, particularly outside the Moscow area.

And now—what did we discover concerning Russia's supply of electric power for the years ahead? How fast is it being developed? Is she catching up with us?

On the Khrami River in the Republic of Georgia, we saw a project being constructed entirely within a mountain. Water from a glacial lake will fall nearly a thousand feet through a tunnel to drive underground turbines.

At Kuybyshev on the Volga River we saw what is presently the world's largest dam with a capacity of over 2 million kilowatts. Grand Coulee develops just under 2 million. Kuybyshev was built as a symbol of Soviet ability and determination to excel in the hydro field. Let's look at its construction schedule: Preliminary access road and city construction started in 1950. Work on the main dam structure began in 1952. In 1953 and 1954 some 1,900 cubic meters of concrete a day and 300,000 cubic meters of earth placements a day were poured. In those years employment on the dam reached its maximum of 16,000. In 1955 the initial turbine and generator were installed, followed by 11 more huge units in 1956. The dam was dedicated in 1958 by Premier Khrushchev with what amounted to a national celebration.

Even if we take into account the Soviet system which enables them to channel money and manpower where it is wanted, this is remarkably fast construction.

Being built lower on the Volga River is the still larger Stalingrad Dam which will have an installed capacity of over 2½ million kilowatts. This giant, alread generating electricity, is a year ahead of its 7-year plan construction schedule. Stalingrad will have 22 generators—2 more than Kuybyshev. We were impressed with the Soviet determination to produce the electricity they want when we saw three of the generators operating under temporary shelters pieced together from used lumber, tar paper, and scrap corrugated iron. The chief construction engineer, Alexander Alexandrov, told us they would get around to putting a roof on the powerhouses when the crews had time.

Stalingrad will be the world's largest dam for a very short time, however. I have already mentioned Bratsk in eastern Siberia, the capacity of which will be 4½ million kilowatts. It is being built in a remote forest. A railroad, highway, and sawmills have had to be built. A worker's city is also going up, and will be the nucleus of an industrial complex. When we were there, there were 14,000 workers on the payroll. The builders boasted that crews were working around the clock on three shifts and we saw for ourselves the floodlight towers to light the nightwork. We were told that the works in place were 2 years ahead of construction schedule.

The other Siberian dam, which we did not see, is at Krasnoyarsk on the Yenisey River. It is in the initial stage of construction and will be still larger—in excess of 5 million kilowatts. We saw an operating scale model of this Krasnoyarsk Dam, the capacity of which will be almost twice that of all 31 dams in the Tennessee Valley.

The two largest hydroelectric dams going forward outside Russia are in China and Egypt—the Ichang Gorge Dam on the Yangtze and the Aswan on the Nile. We saw test models of the Aswan Dam in one of the hydroelectric project laboratories we visited. The Russian construction engineer who built Kuybyshev Dam stated that he has been designated as the construction engineer for Aswan, and that the generators are now being designed by Electrosila in Leningrad.

The Ichang Gorge Dam was originally planned at 15 million kilowatts by John Savage of the U.S. Bureau of Reclamation. It is being redesigned by Chinese and Soviet engineers for a first-stage capacity of 25, later going to 40 million, kilowatts. This will be 12 to 20 times the size of Grand Coulee. Several of the top Soviet engineers have been serving for several years as consultants in Communist China which has embarked on a program aimed at developing 70 million kilowatts of hydropower by 1970. Flood control is also one of the principal objectives of Chinese river development.

The past few years have also seen tremendous Russian progress in transmission of electric power. We visited the substation at Noginsk which serves the Moscow area. Its electric power is transported from the Kuybyshev Dam 600 miles away at higher voltages than are presently used anywhere in the United States. Long-range transmission is, of course, one of Russia's particular problems since the sources of their power are, on the whole much further from the customers than are ours.

The current 7-year plan calls for construction of five integrated transmission systems—five great regional grids which will be pulled together into one national network. The five does not include eastern Siberia which is to be brought in later. Seventy percent of Russian cities are now part of interconnected grid systems.

Although the efficiency and economy of shifting peak powerloads over a large geographic area have been recognized for many years, the Soviet program contrasts sharply with the absence of regional grids in America.

We recently made our formal report to the two Senate committees which sent us, and these are some of our conclusions:

The Russians have been in this field only about 30 years. They have caught up with the rest of the world in hydroelectric development techniques, and are preeminent in certain specific aspects.

They have pushed their program with great vigor, and are installing new hydro capacity at a very much faster rate than is the United States.

Although they now have only about one-third of our installed capacity, they allocate some 79 percent of their electric power to industry. The United States uses only about 31 percent for industrial and commercial purposes.

Russian electric production is now being built at a rate which makes it possible for them to overtake us in about 15 years. We have no way of knowing, of course, how long this rate of increase will be sustained; but unless they slow down or we speed up, Russia will be able to produce more electric power in 1975 than will the United States.

In the U.S.S.R., as in the U.S.A., about 20 percent of the electricity is generated by hydro, and about 80 percent by thermal stations. The Soviets intend to maintain this ratio for some time to come. Also in both countries atomic development is not expected to provide significant amounts of power in the next few years.

It must be emphasized that the Russians are doing all this with their own talent. One of the greatest resources a nation can possess is what we Americans have named "know-how," the training and experience which enables us to carry out the thousands upon thousands of tasks that keep our complex civilization operating. The Russians have had to develop this know-how.

Prior to Second World War, the American engineer who went to Russia was commonplace. He is no more. All of the work we saw is being engineered by Russians, designed by Russians, built by Russians. The powerhouses of these dams are being equipped with turbines and generators made in Russian factories.

One of our stops was the Electrosila manufacturing plant in Leningrad where generating and transmission equipment is today being made for half the world. Twenty years ago most of such equipment came from us—and from Western Europe. This fact in itself represents a great change in the relative industrial status between East and West.

The Russian engineers were quite frank in giving America and the nations of Western Europe full credit for the original developments in the hydroelectric field. They admit that they are building on our technical achievements. Numerous times the engineers mentioned to us the building of their first dam on the Dneiper River by Colonel Cooper, an American engineer.

They have, of course, developed techniques of their own to meet their special conditions. Russia is approximately 1,000 miles north of the United States. Moscow is about the same latitude as Hudson Bay. So they have had to find ways of constructing concrete works in freezing weather. Using heated forms and heated mix, they pour concrete the year around.

One of their more interesting applications is the use of large precast concrete blocks. When the Russians build a dam, they first put up concrete block-casting plants. These produce five or six standardized sizes. In some areas of the dam, stacked blocks are sufficient to hold the reservoir. They are set in place by huge cranes. Reinforced concrete sections are used as forms for lockwalls, piers, and powerhouse walls. Where solid concrete is needed, it is poured between the blocks or sections. Thus, the work of putting up and taking down the wooden forms we use is eliminated. They claim that this construction method cuts both building time and building costs about a third.

It appeared to us, however, that Soviet designs do not provide as high a safety factor as do ours. In many of theirs, it was apparent that elimination of spillways and overflow sections (the costs of which are

very high) was a factor in making the savings they claimed.

The Russians are still very far behind us, not only in power production, but also in transportation, in housing, in virtually all manufacturing, in agriculture—most noticeably in agriculture.

Clyde Ellis was asked to write the section on Soviet agriculture for our report. He tells us that this is the weakest link in the Soviet economy.

After pointing out that nearly half of Russia's 210 million people are engaged in farming in comparison with 10 percent in the United States, Mr. Ellis says:

"If the efficiency of Soviet agriculture could be brought up to that of the United States, 67 million people could be released from the farms to the factories and other segments of the economy."

And we believe that this is exactly what the leaders of Russia hope to accomplish soon. Although Russian farming is almost primitive by American standards, the country has three times the area of the United States, and the features needed for development—broad expanses that are easy to work with machinery and generally favorable climatic conditions. What is needed is the machinery and rural electrification.

Little more than half of Russia's farms are electrified, in contrast with our 97 percent.

A visit with a farm family in their home in Siberia gave us a close look at housing and farm life.

In discussing the backwardness of much of the Russian economy, however, we must not forget that they are first developing those portions which they believe to be basic and are deliberately holding back other portions.

I believe it would be a mistake for us to believe that the Russian people are greatly dissatisfied with their economic lot. They appeared to be comfortably though not fashionably clothed, and well fed. They are poor by our standards, but they have no means of judging by our standards. What little they have is more than their parents and grandparents had.

Russia, I think, can be compared to a poor student, who, though living on little, is working hard toward his objective and is pleased with both his opportunity and his progress.

No outward evidence of the Russian determination to advance, and of the differences between our countries is more striking than the billboards. In place of advertising items for sale in retail stores, the Russian billboards without exception exhort the people to greater and greater effort to reach the major national goals—raise more food, weave more cloth, build more houses, generate more electricity. The emphasis is all on production, on meeting the quotas of the 7-year plan.

A striking example of progress is the great surge in housing, both multiple and single unit. They may have less than 60 square feet of space per person now, but huge apartment buildings are going up in every city we visited. In some cases whole new cities are being built. Stalingrad, which was leveled in the bitter struggle that is considered the turning point of World War II, has been completely rebuilt. At the site of Kremenchug Dam in the Ukraine we saw the entire new city of Khrushchev going up.

The Russians have a burning desire to build like the West, especially the United States. You all remember Khrushchev's many references to the fact that Russia was already, or would soon, be building things comparable to almost everything he saw in this country.

I can see no reason to believe that the regime cannot successfully continue to take the great bulk of Russian production for industrial uses so long as it allows the standard of living of the people to rise, however slowly.

The revolutionary leaders of Russia early recognized that the greatest difference between their country and the West lay in the ignorance of their people. From the beginning, education has received the highest of priorities. From a country that was 80 percent illiterate, they have produced one that is 100 percent literate. Today, everyone in Russia can read. The schools we saw were clean and well managed. From the fifth grade on, all students take at least one foreign language, in some cases, two. In Stalingrad I addressed a fifth grade class and had a 12-year-old girl translate my remarks. As you can imagine, it was most impressive.

Mathematics and the sciences are stressed, as we know only too well. Once a student begins a particular science, he is expected to follow it through. Students who are chosen to go to college are paid and are paid more if they do well. We were told that Ph. D. candidates receive almost as much as beginning instructors. The Russians say that they have 50 million people—one-fourth of their population—in school. We noted that many of those attending Moscow University were above middle age.

Everyone in Russia is reading, even the taxicab drivers as they wait for fares. Books are subsidized. Well printed and comprehensive volumes—engineering and technical publications of all kinds (not the lurid-cover novels we see everywhere here) sell for a fourth of our prices.

Taxes are almost nonexistent because the Government monopolizes enterprise and uses price fixing both to channel most of the gross national product into industrial and military production, and to push buying of some products—books for example—and to discourage others such as automobiles which are priced at near the equivalent of $6,000.

In addition to many production incentives in industry, there is also some free enterprise. Farmers who are members of a collective may be allotted 1 or 2 acres of land, and after they have worked their 8 hours in the collective's fields, may work their own tracts. The produce is then sold on the free market. Outside regular hours, doctors may treat patients. Lawyers have some private practice, particularly in divorce cases.

We were invited to a number of luncheons, usually by project engineers and construction executives. We had occasion there to exchange observations, and these all indicated that the Soviet people have little conception of what we mean by freedom, independence, or liberty. They do not understand the freedom which we have to express our views, to have newspapers that may oppose the Government, and the related rights which are so precious to Americans.

There can be no question that the Russian people long for peace. Even recognizing how the regime is pushing the peace question, we should realize that their sufferings in the war were intense. They know at firsthand the devastating effects of war, and the one thing they discuss most frequently, next to the desire to catch up with the United States, is for peace with us. We have no way of assessing finally how far the Russian leaders are prepared to go to achieve the goal of world communism. I believe we must remain strong. But I am sure that the better the people of Russia get to know us the more they will see that we desire nothing for them but to see them prosper in peace.

Russia is today producing the generation and transmission facilities to bring abundant power to that enormous area. The leaders of today have not forgotten Lenin's dictum: "Communism is Soviet political power plus electrification of the entire country."

We are far ahead of them. We have established the enviable record of bringing electricity to 97 percent of America's farm homes.

But we still have 200,000 family units without electricity, and rural power loads are doubling every 5 to 7 years. Providing abundant power for America's future will require full development of all our resources.

Education for Migratory Workers

EXTENSION OF REMARKS

OF

HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Thursday, February 25, 1960

Mr. WILLIAMS of New Jersey. Mr. President, on January 20 joined by Senators MORSE, RANDOLPH, NEUBERGER, and YARBOROUGH, I introduced two bills to help improve the educational opportunities for our Nation's migratory workers and their children. I now ask unanimous consent that Senators CLARK, MURRAY, MCCARTHY, and HUMPHREY be listed as additional cosponsors of these two measures.

Mr. President, I am very gratified that these bills have gained the support of the distinguished Senators I have mentioned, and I sincerely hope that, despite the short session anticipated, there will be time to give consideration to this vital area of concern.

I hope too, that the statement made with respect to the consequence of the hearings held so far by the Subcommittee on Migratory Labor, by Dr. Donald Thomas of the University of Wisconsin, will also hold true for these bills—that they will serve a remedial function rather than just a therapeutic one.

It is, perhaps, hard to grasp the actual human impact on the individual migrant child who is deprived of an adequate educational opportunity, or, conversely, who is treated to an educational experience not expected or hoped for.

As Secretary of Labor James P. Mitchell said just a year ago:

> Look beyond the screen of statistics at the child behind in school, in poor health, housed in a coop, whose father works for 131 days a year for 50 cents per hour. That child hasn't much of a chance to develop his talents, to be useful to himself or his country. This is the ugliest kind of human waste.

I am sure the Members of this body will be interested in a look behind the screen of statistics at the benefits achieved from the good educational systems for migrant children that have been started in a few areas across the country.

Recently I received a letter from the superintendent of schools, Mr. Brautigam, in Dowagiac, Mich., reporting on the experimental school established there for the migrant children, which included the impressions of a teacher who had participated in the program.

Here was a teacher who had come face to face with the problem of educating migrant children and who discovered that there wasn't a "nicer group of children to work with. For the most, they

were smart children, eager to learn, appreciative, and loved books. Somewhere they have either learned good work habits in school or just that eager to learn."

That the children did indeed appreciate their educational opportunity can be seen in a heartwarming letter written to the teacher by a migrant child, Mary Ann Castilleja. "You are still the goodest teacher I've had and you all ways will be," she writes.

In reading over the hearings held in the Midwest last fall, I came across another report, written by Mrs. George Cnudde, chairman of the Bay County Farm Bureau Citizenship Committee in Michigan, which describes the operation of a 5 weeks' demonstration summer school there. Mrs. Cnudde was much impressed by how anxious migrant children are to learn, and how very anxious their parents are to have them attend school to get an education that most of them did not have.

Mr. President, I ask unanimous consent that the two letters I mentioned, together with the statement by Mrs. Cnudde, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LETTER FROM TEACHER

I consider the experience and knowledge gained from teaching the migrant children who attended the Hill School, both valuable and gratifying.

It took great courage that first day to face the challenge of a mixture of children in nationality and geographical locations.

I have never found a nicer group of children to work with. For the most, they were smart children, eager to learn, appreciative, and loved books. Somewhere they have either learned good work habits in school or just that eager to learn.

They thoroughly enjoy getting together in September, away from their so-called homes and the fields—this, perhaps, their reason for being so attentive in their school work. Many were constantly reading or looking at books. The school was very well supplied with many interesting books for them. They also enjoyed more than most children the clay, games, puzzles, bats and balls, to which they had free access.

From their conversation it was very evident they were happy with the opportunity to go to such a school and also to be able to ride to and from school in the bus.

There were many problems, too. Most families were large ones, especially the Mexican families, who took great care of each other, showing a natural family tie. The Arkansas children were great fighters among themselves, with sisters and brothers, for their own rights and supremacy. The differences in the parentage was apparent. Another problem developing was the lunch and food. During the peak of the grape and apple season, all had adequate lunches. As that neared the end, some were not having enough or any lunch at all. Those who had more than they wanted shared with them. It was still not enough lunch.

From this large group, I learned from the children, only one mother was dissatisfied with the migrant school. She wished for other and different associations than migrant children for her three daughters. However, the little girls were happy. When asked, they said, "We like it but mother doesn't."

We are very fortunate the families move to warmer climates during these winter months. A huge problem of food and clothing would develop.

Somewhere these parents should learn to spend their money in the right direction. When some of the children needed a lunch, they would appear without one, wearing a new, frilly, net petticoat under a shabby dress on an empty stomach, or a pair of lovely white galoshes on a sunny, dry day knowing they were headed for warmer climates.

It was a lonesome time the last of October at the little school, when they began to leave. We had worked together, learned more about each other. I had become very fond of those children, realizing there was much to be done for them. They left suddenly without much warning, especially the Mexican families, taking quite a group at a time. They leave early to avoid cold weather problems.

I sincerely feel it was a successful 2 months for these children. I am convinced in many ways that they liked it, also from the letters I have received from them. They write they are very anxious to return to the "best little school of all."

NOVEMBER 17, 1959.

DEAR MRS. WALSH: Just a few lines to say that I am missing you all a lot. I hope you all still remember me. I hope you all are well just the same as we are thanks to God Our Lord. I have started school already but I don't like it as much as I liked that school over there. Sammy Ramirez and all the others are over here already and from Al down, they started school. Al, Adam, Zeke, and Charles said hi and of course me, Connie, Paul, and Ruban. Ruban hasn't started school over here because they don't admit him yet, until he is 7 years old. So he always asks us when are we going to Michigan so he can go to school. Demitrias family are over in Emlay City. Say hi to Mr. Clough for me if he knows who I am. I hope we get to go to the same school; of course you know which school I'm talking about Hill school. I hope you all are having fun over there because we are having lots of fun over here. We got here safe and so did the Ramirez, Sammy's parents. We have a little black dog and he is a mean one. We named him Fatso because he is real fat and sometimes we call him tub of lard. My teacher over here is Miss Price and every day she buys a can of candy from Laura a girl that I knew for $1 but you didn't buy us any but you are still the goodest teacher I've had and you always will be. Well I guess that's all for now. By-by, hope you get to come over here where it's warm. Goodby.

Your friend and yours truly,

MARY ANN CASTILLEJA.

ELOISE, FLA.

STATEMENT BY MRS. CNUDDE

What is different about this school is the fact that it teaches only the children of migrant workers who come to Bay County with their parents to help in the fields. It was the only school held in the State of Michigan this year. There were 57 children enrolled. This school was financed through the National Labor Committee plus a contribution from the Essexville PTA. They had two teachers, one of Spanish descent, plus two teenage girls who donated their time. A special bus picked up and returned the children.

The parents of these children are very anxious to have their children attend this school and get the opportunity to get an education that most of them did not have. The migrant child's education is sadly neglected for many reasons. He moves so often that he would have to go to three or four schools a year; his clothing is inadequate; his language handicaps him and puts a barrier between him, the teacher, and other children. He feels unwanted because of his color or because his home is so poor. And so he grows up with a second- or third-grade education and has little opportunity to better his lot in life.

I was privileged to attend this school on three different occasions. The morning started like any other school with a salute to the flag, a prayer and singing America, lunch, reading, writing, Spanish, arithmetic, government, health, music, and art.

Teachers, Mrs. Irene Burns and Mrs. Cristine Manker, gave me an opportunity to help with these children when I was there. I have never seen children so anxious to learn. When they needed help with their work they either raised their hands or came to me so quietly that they did not disturb the other children.

A very delicious and nutritious meal was served at noon with members of the different PTA's helping the cook.

The children were delighted to have their picture taken, so I have a good supply of colored slides that I hope members of the Farm Bureau Citizenship Committee will get a chance to show to their groups.

The children are so warm and lovable that it is very easy to get emotionally involved. The second time I visited the school they started calling me the nice lady who took pictures. One youngster came up to me and gave me a little paper bag that she had made in art class to hold her crayons, saying something to me in Spanish.

One of the other children said, "She wants the nice lady to have this as a present."

I'll cherish it always.

School lasted 5 weeks and during that time three family nights were held. The parents and older brothers and sisters were invited to come to the school and see the work of the children. They were then entertained with movies, singing, and dancing. Later a lunch was served by the members of the Farm Bureau Citizenship Committee with 44 cakes and over 400 cookies donated by farm women.

Mr. WILLIAMS of New Jersey. Mr. President, a number of schools similar to those described are just now beginning to spring up in several States across the country, and last year at least four States took encouraging official action to promote the education of the migrant children.

In Oregon, $50,000 was appropriated to set up a pilot program for the education of such children. Ohio passed permanent legislation to establish standards and regulations for educating migrant children and appropriated $175,000 to reimburse the local school boards for the cost of providing this education for the next 2 years. New York put its heretofore experimental summer school program for migrant children on a permanent basis and appropriated additional funds. And, in my own State of New Jersey $25,000 was included in the budget of the migrant labor board for the State's migrant education program.

In addition, a number of valuable studies are under way to determine the best methods for dealing with the special educational problems borne by these children as they follow the crops from State to State. Colorado has a 3-year study under way, financed in part by the U.S. Office of Education. There is also an interesting Texas-Wisconsin study project in progress to find a feasible way of determining the educational needs of each child while the child is still in his home district, and transmitting that in-

formation to another State, so that the schools in Wisconsin, for example, can have a suitable educational program ready when the child arrives.

I would also like to mention a special migrant education demonstration program that has been started in New Jersey by the National Child Labor Committee, in conjunction with the department of labor and industry.

This program was initiated in January of last year to develop methods for providing the best schooling possible for the migrant children which would also serve as a model and stimulus to other States with the same problem.

A survey is being conducted to determine vital statistics on such matters as the number of school-age migrant children who are actually enrolled, the total number of migrant children or potential enrollment, their location, the degree of educational lag and nature of their educational needs, the local schools affected, and the prevailing enrollment and attendance practices in the State.

There is an auspicious note in the fact that the advisory committee that has been established for the project, represents 18 educational, grower, labor, religious, social welfare, civic, and governmental groups.

It will be extremely helpful to have specific illustrative facts on these migrant children to complement the generalized information now available.

For example, the National Child Labor Committee has found that more than 50 percent of the estimated 100,000 school-age migrant children are from 1 to 4 years behind in school by the time they reach the age of 14.

Testimony received from the hearings held so far show how serious the problem is, both with respect to actual attendance and the degree of grade retardation.

A study of migrant workers in Oregon in 1958, for instance, found that of about 800 children under 12 who accompanied their parents, 27 percent were working rather than going to school. Among the 14- and 15-year-olds, the percentage jumped to 40.

A nine-county survey in Ohio found that 51 percent of the migrant children attending school were in grades below normal for their ages.

The National Council of Agricultural Life and Labor conducted field research in four areas in Florida, Virginia, Illinois, and Texas, and found that one-eighth of the migrant children did not enter school until after their eighth birthday. One-third more did not enter school until they were 9 years old or over. The degree of backwardness for 75 percent of the children after their ninth year in school was from 1 to 5 years.

In Michigan, Dr. John F. Thaden, professor emeritus of Michigan State University, testified that 75 percent of the migrant children in Bay County, Mich., were in grades 1 to 6 years behind normal, according to a study made in 1954 by the Michigan Department of Public Instruction.

In Wisconsin, Dr. Thomas stated that in the 1951–52 school year, it was found that nearly twice as many migrant children were not enrolled in school as were.

I think these studies demonstrate very conclusively that a serious educational problem exists for these children. And, I think it is equally, as the mid-American conference on migratory labor concluded not too long ago in recommending a program of Federal assistance, that "the influx of large numbers of children in some school districts places an unusually heavy burden on school budgets."

As Governor Meyner of New Jersey so well said, in his statement to the subcommittee:

Local school districts, which usually have overcrowding difficulties of their own, are hard put to accomodate this influx of migrant children.

"In addition, the local schools may not be able to provide the unique educational services required by children who may be slow learners or misfits because of their unfortunate economic and social backgrounds.

The cycle of the migrant's work season is such that a child may lose time from both ends of the normal school semester. Because of the interstate character of the problem, Federal assistance for educational facilities for migratory workers in various States is obviously essential.

Jefferson-Jackson Day Dinner

EXTENSION OF REMARKS

OF

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

Mr. ABBITT. Mr. Speaker, on Friday night, February 19, the Democrats of Virginia held their annual Jefferson-Jackson Day dinner. The Honorable WILLIAM JENNINGS BRYAN DORN, Member of the U.S. House of Representatives from South Carolina, was the speaker of the occasion.

Congressman DORN is one of the outstanding Members of this House and is one of the great orators of the Nation. He delivered a magnificent address, and, under leave to extend my remarks, I include it herewith:

ADDRESS OF CONGRESSMAN WILLIAM JENNINGS BRYAN DORN, DEMOCRAT, OF SOUTH CAROLINA, AT THE ANNUAL STATEWIDE VIRGINIA JEFFERSON-JACKSON DAY DINNER, RICHMOND, VA.

"Democratic institutions exist by reason of their virtue. If ever they fall, it will be when we have forgotten the past, become indifferent to the present, and utterly reckless as to the future."

These words of a great American, spoken many years ago, epitomize the spirit of this magnificent occasion.

Mr. Chairman, as Democrats, we gather tonight in this critical hour in the history of our Democratic Party. Our party is at the crossroads. We either unite and move forward to a November victory or we flounder in defeat on the plane of agitation.

Governor Almond, Senators BYRD and ROBERTSON, Congressman SMITH, my colleagues in the Congress, and my fellow Jeffersonian Democrats, it is thrilling to see this vast assembly of Virginia Democrats. You have more than 1,200 Democrats filling every space in this great hall and adjoining rooms. This is testimony of your fidelity to and faith in the Democratic Party of Jefferson and Jackson.

Congratulations, Mr. Chairman, Mr. Secretary, and all of you. You have made this occasion one of the most outstanding in the history of the great Commonwealth of Virginia, the mother of Presidents. I see here as everywhere evidence of that superb school in political leadership—that great institution, our national House of Representatives.

It was my honor to serve in the House of Representatives with your distinguished Gov. Lindsay Almond, with your great former Gov. Tom Stanley, and with your able Senator WILLIS ROBERTSON. It is now an exceptional privilege to serve under the wise counsel of your former Gov. William Tuck.

Judge SMITH, the dean of your delegation, is our leader in the great fight we are now waging to save the United States and its constitutional form of government. We honor, admire, revere, and love Judge SMITH.

Senator BYRD, patriotic Americans everywhere are grateful to you for your magnificent efforts to preserve the economy of our beloved country. I am proud that my grandmother was Betty Byrd, whose people came to historic Edgefield County, S.C., from Virginia following the Revolution. In tribute to her and to you, I have named one of my daughters "Byrd."

Mr. Chairman, I dedicate my remarks to your Democratic congressional delegation. There is not a more loyal, patriotic, capable, and devoted delegation in the Congress of the United States.

In the early history of our country, as now, there were those who believed in a powerful central government. There were those then, as now, who worshipped at the shrine of Federal power. It would have been easy for Thomas Jefferson the aristocrat, easy for Jefferson the classical scholar, to become a political conformist and drift with the Federal tide. Jefferson was a man of principle who had great ideals and faith in the people. Jefferson was humble, honest, and considerate of the opinions of others. Jefferson was a student of people. He believed in the dignity of the individual. He believed in the individual's ability to govern himself at the local and State level. Thomas Jefferson believed "The least governed are the best governed." Jefferson's philosophy was one of special privileges to none, but equal opportunity to all. Thomas Jefferson abhorred sectionalism.

Thomas Jefferson's idealogy was pitted against that of the Federalist. A heated political campaign developed for the Presidency in 1800. Jefferson became the target of hatred, vilification, and false rumor. Even the election was deadlocked and thrown into the House of Representatives. There a bitter battle raged against the philosophy of Jefferson.

When finally elected by the House and inaugurated, Jefferson, as President, did not follow a policy of vindictiveness, factionalism, or sectionalism. He used his influence and prestige to promote unity, harmony, and the general welfare. He never forgot the man on the frontier, the citizen in the log cabins nor the little shopkeeper and the small businessman. He never lost faith in the men at the grass roots. Under his quiet, unassuming leadership, the United States became a Federal Republic of sovereign, indestructible States. Under his guidance, jealousy between the former colonies disappeared and a great Nation emerged—a Nation respected throughout the world. He inaugurated a period of unprecedented prosperity, internal improvements, and trade and commerce. The Nation grew in population

and wealth. It became a vastly expanded territory with Jefferson's Louisiana Purchase.

Jefferson launched our great Democratic Party as the party of the people. He led the people to a better understanding of themselves and their role in a democratic society. Jefferson educated the people to their duties and responsibilities. He led them to realize they were a part of America. They began to look upon the Government as their agent—created and supported by themselves. They became self-reliant and independent. They had confidence in themselves and local institutions. They became accustomed under Jefferson to a minimum of Federal Government. They revolted against the very thought of Washington paternalism.

The firm foundation upon which the Democratic Party was launched and built by Jefferson carried it through the administrations of James Madison, the father of the Constitution, and James Monroe, author of the Monroe Doctrine.

After Monroe, the Democratic Party entered a period of complacency, indifference, and partisan wrangling. The first product of Jefferson's philosophy emerged upon the national scene in 1828. Andrew Jackson was living proof of Jefferson's belief in equal opportunity. Andrew Jackson was the first to prove a log cabin frontier boy could go to the Presidency of the United States without the aid of powerful political machines and monopolistic wealth. Old Hickory, a native of the Carolina hill country and son of Tennessee, breathed vitality and courage into the Democratic Party. He attacked the evils of the day with alacrity and decision. He demonstrated the people's ability to think for themselves. Jackson was the first "typical American."

The people Jefferson and Jackson loved and led were often cold, hungry, and poor. Jefferson and Jackson gave these people hope and dignity. They pointed out to them the road to success and even fame. These frontiersmen came to know and to love liberty, to cherish freedom. They became the rank and file of our Democratic Party. They struggled to preserve opportunity. They looked to tomorrow with optimism and hope for their children. They knew they were a part of America's progress and our Nation's march to a world power. They added morale to our armies in time of war. They fought for the right to go from "rags to riches."

The Democratic Party was firmly launched by Jefferson and Jackson as the party of the people. The Democratic Party became a symbol of States rights and individual freedom. Through lean dark years, it could always be revived again by a return to the principles of Jefferson and Jackson. Grover Cleveland, William Jennings Bryan, and Woodrow Wilson revived and rallied the party time and again to the old standards.

The Democratic Party has traditionally championed opportunity, sound currency, a minimum of government, a balanced budget, and the Bill of Rights. Jeffersonian Democrats became liberals because they believed in the liberties of our people. In the South today, we are the true liberals. We believe in individual liberty, States rights, and local government. Jeffersonian Democrats became a symbol against centralized bureaucracy, excessive taxation, and stark Federal power. As long as the Democratic Party upheld these basic and fundamental principles, it grew stronger and stronger through the years. It withstood the frontal assaults of other great political parties and political combinations. The Democratic Party would go down in defeat, but, on principle, it would arise again. It would meet its enemies in open conflict and go on again to victory as it did in 1932. This was because the Democratic Party adhered strongly to the sound doctrines of Jefferson and Jackson. Principles never change. They are the same yesterday, today, and forever.

In the overwhelming Democratic victories of 1932 and 1936, we adhered to the philosophy of Jefferson and Jackson. The platform was one of sound money, States rights, balanced budget, reduced Government spending, and reduction in Government bureaucracy. On this platform, the Democratic Party was victorious. We were united on principle. We rejected political expediency; but oh, my friends, in these latter years we have fallen upon evil days. There is a division in our great party. There are those who would usurp the title of liberal and under it parade the infamous idealogy of national socialism and fascism. This division in our party has been caused by those who seek special privileges—privileges of the few as against the people; by those seeking gains they have not earned—selfish interests and personal power at the expense of liberty.

The National Chairman of our great party has become the tool of these special interests, these pressure groups, these Machiavellian exponents of Federal dictatorship. Were Jefferson and Jackson alive today, they would flatly reject such a philosophy. They would oppose the powerful political machines with bloc voters, political slush funds, and ward bosses. They would be shocked to see some so-called Democrats controlled like sheep and cattle by pressure groups for the personal gain and greater glory of their leaders. This philosophy is not the philosophy of Jefferson, but of Mussolini. It is not the philosophy of Jackson, but more like the philosophy of Hitler and Lenin. This National Socialist clique is dedicated to a welfare state. They believe all planning and thinking for the American people can best be done in Washington. They are conformists who are trying to brainwash the rank and file to their conformity. They have no confidence in the people's ability to govern themselves at the local and State level. They advocate every measure which will further regiment our people and destroy the rights of the States and local governments.

These powerful sources behind the national chairman are seeking to divide and conquer. They have left the party of Jefferson and Jackson. They do not believe in Jeffersonian Democracy. They have adopted demagogy, intimidation, vindictiveness, and sectional discrimination. Their real purpose is to form a splinter party—to create a third party, a National Socialist Labor Party.

The late Congressman Vito Marcantonio outlined this plan to me many times. He said that we want all of you Jeffersonian Democrats and conservatives in one party, while us leftists and believers in Federal socialism should be in another party. Someday our party will come to power and America will be launched into complete socialism with only one political party. This is the goal and objective of those using our national chairman. They have no hope of victory this year. They hope to promote another 4 years of the present administration. Then, the time will be right for them to launch America into socialism.

Prime Minister Winston Churchill warned me about the danger of a conservative and a liberal party. After a liberal administration there is nothing a conservative administration can do to restore free enterprise. It is simply too late. The Prime Minister warned that there must be strong conservative elements in both political parties.

With a united Democratic Party we can win the Presidency this year. We can win with the platform of 1932 and a candidate pledged to that platform. We can win with a candidate pledged to the principles of Jefferson and Jackson. We can only win with a united party and united effort in a common cause.

The Jeffersonian Democrats are willing to meet in the middle of the road on the basic fundamental principles and issues. We in the South are not asking all elements of the party to join us on the right. We only ask the national chairman to meet us halfway. We will never abandon our convictions and go all the way to the left. We do believe there is room in the middle. There is a common meeting ground. There are mutual objectives.

The South is going to Los Angeles in good faith. We are not going to run out or back out before the firing starts. We are going to be there and fight openly for the principles of Jefferson and Jackson. We will seek to nominate candidates pledged to the philosophy of Jefferson and Jackson. We do not expect to be thrown out nor do we intend to throw anybody else out. The South will be heard from when the platform is written. We will oppose vindictive planks in the platform. We will oppose the platform being written by pressure groups, racketeers, or those claiming to speak for minorities. We are going to reject and oppose sectional discrimination. We will fight for harmony, unity, and a middle of the road platform. If radical and fascist elements gain control at the convention and throw certain Southern States out of the party, we will meet that tragedy when it arises with plans already formulated. We are determined to preserve the party of Jefferson and Jackson. We are determined to make every effort to preserve the freedoms of our country.

Eight of our first 12 Presidents were from the South. Since the election of Zachary Taylor in 1848, no Southern leader has even been nominated for the Presidency by either major political party. The South has been discriminated against for more than 100 years by the Democratic Party in its choice of presidential candidates. President Harry Truman in his "Memoirs" in volume 2, page 494, said, "DICK RUSSELL * * * had the ability, integrity, and honesty. He was one of the best informed men in the Senate * * * Senator RUSSELL was always able to present any problem in a clear and straightforward manner. * * * I believe that if RUSSELL had been from Indiana or Missouri or Kentucky, he may very well have been the President of the United States.

It is difficult for Jeffersonian Democrats to believe that real Democrats anywhere could vote against a Southern nominee because of a place of residence. This attitude is undemocratic and even un-American. The South has never been guilty of such rank discrimination. The South was solid in its support of Grover Cleveland, John W. Davis, and Franklin Roosevelt of New York. It was solid in its support of William Jennings Bryan, a native of Illinois and resident of Nebraska. The South has time and again supported men like Woodrow Wilson from New Jersey, Jim Cox from Ohio, and Al Smith from New York. The South and the border State of Missouri gave Adlai Stevenson, of Illinois, his only electoral votes. Those in the Democratic Party who would run out because of a Southern nominee are guilty of demagogery, discrimination, and prejudice. They do not belong in the same company with Jefferson and Jackson. The charge that a Southern Democrat could not be elected is a smokescreen to prevent one from being nominated. This year, a Southern Democrat is our only hope for victory. With a middle-of-the-road platform and the solid South behind him, such a candidate would win millions of independent voters and conservative Republicans. He could be elected. We cannot win with fancy jokes and five-syllable words. The Democratic Party cannot win with the 1952 and 1956 platforms of agitation and prejudices—platforms forced on the party by pseudo-liberals and pressure groups. If we nominate a radical or egghead liberal with the same phony platform, our nominee again will be defeated. This Socialist clique in

our party was overwhelmingly rejected by the American people in 1952 and 1956.

If the Democratic Party is to survive, it must continue to champion the rights of the people. Yes, it must oppose monopoly and exploitation. It must oppose selfish interests and privileges to the few. The selfish interests are no longer just Wall Street and business monopoly. Selfish interests today are those gangsters and despots who exploit labor—those ruthless agitators who for personal gain exploit minorities. The special interest of today is big government. The Nation is threatened by bureaucracy, inflation, Government spending, and centralized power.

The once sovereign citizen is being crushed today by burdensome taxation, confiscation, and loss of freedom by big government. Inflation has wiped out the lifetime savings of our people. Social security cannot pay the house rent. Unemployment insurance and bank savings have depreciated causing hardship among the aged and the poor. Inflation has destroyed the purchasing power of the dollar. Our people live in constant fear of Federal gestapo. They spend anxious days and sleepless nights worrying about the tax collector. They often pay the Government more than they should through fear and complicated tax forms. The Democratic Party must meet this challenge. The Democratic Party should champion the cause of sound money, a balanced budget, and economy. We must give the people of America tax relief, tax revision, and simplified tax forms. We must make it possible for our aged and crippled to face the future with confidence and serenity. The small businessman must be freed from unbearable taxes, Goverment regulation, and red tape. I might remind my fellow Democrats that liberty in Germany was lost because of inflation. In 1923, the German housewife carried a basket of paper money to buy one loaf of bread. America is on that road today. We are on the road to bankruptcy, dictatorship, and a collapse of our economy. If William Jennings Bryan were alive today, he would be saying, "Do not crucify mankind on a cross of inflation. Do not bear down upon labor this crown of unbearable taxation."

The national leaders of both parties are in a cold war with each other. They have shocked the American people with promises to spend more. They only offer more fiscal irresponsibility and inflation. While this hayride to the left continues, the international situation is deteriorating. Our national defense is inadequate. Our highly touted bipartisan foreign policy has become one of censorship, spending, empire building, and failure. The Communists continue their fantastic gains.

The Democratic platform of 1960 should be positive. It should be forthright. It should put first things first. The greatest single issue before the American people today is one of survival. The Communist menace overshadows all others. It is a threat to the United States militarily, through subversion and through economic war. The Kremlin believes the United States will destroy itself by excessive spending and inflation. The American people are alarmed by this administration's apparent confidence in Khrushchev. This administration seems to forget that Khrushchev is a murderer, a ruthless killer of innocent people and is dedicated to world conquest. The great J. Edgar Hoover testified a few days ago before a Senate committee that the Community Party in America, aided by the recent visit of Soviet Premier Nikita Khrushchev, is now "more powerful, more unified, and even more of a menace to our Republic • • • the recent visit of Khrushchev has done much to create an atmosphere favorable to communism among Americans."

Khrushchev is being permitted to establish a base in Cuba, 90 miles from our coastline. His agents have incited riots in the Panama Canal Zone, threatening this vital link with Western commerce. The Communists have infiltrated Venezuela, thus threatening the all important Caribbean from the north and the south.

The Democratic platform must offer to the American people a clear-cut and forthright foreign policy. We must reject appeasement and compromise. We must meet the Communist threat with the courage of Andrew Jackson. We cannot coexist with those sworn to bury us. We must warn our people of the utter hopelessness of summit meetings with those responsible for the crimes in Hungary, Poland, and East Germany. We must remember the pathetic Chamberlain and Daladier at Munich.

Our Democratic platform should call for the best defense in the world with a new world strategy geared to the missile age. If we are to survive, we must retain control of the skies and conquer space. Until the missile gap is closed, of course, our strategic air command should be partly airborne at all times. This is elemental and plain common sense. Had our fleet at Pearl Harbor been seaborne, this disaster would have been averted. Billions can be saved in our national defense program by a consolidation of our missile program, a consolidation of our various air forces and a common supply system.

The Democratic platform must offer hope to industry and labor from excessive unfair foreign imports. We must return to the trade concepts of Cordell Hull. The trade program of Cordell Hull has been maladministered and sabotaged. We have lost our favorable trade balance through a flood of unfair imports from low-wage countries. Many of these countries have no wage and hour legislation. Some use child and even prison labor. Free trade is impossible with nations having no social security, no unemployment insurance, and wage scales as low as ten cents per hour. These imports can undermine our wage and hour legislation passed during Democratic administrations. It can undermine social security and our child labor laws. It is creating vast unemployment and could well wreck the economy of the United States. Russian automobiles are being permitted to enter the United States. Textile mills are being built in Russia with American money, setting the stage for a flood of Communist goods made with Siberian slave labor. We must, as Democrats, meet this threat head on, establish a trade policy that is truly reciprocal and save the American worker and American farmer from slave competition.

The Democratic party platform must promise to eliminate waste and extravagance in foreign aid. We must reduce foreign aid. We owe more money than all of the rest of the world combined. Our gold reserves have poured abroad. We are in a precarious fiscal position. While creating inflation at home, high taxes and an ever increasing national debt, we are building up competition abroad with our own workers and farmers.

The Democratic platform should contain a plank to free our farm families from Government control and depressing prices caused by these stupendous surpluses. The cattle farmer is relatively prosperous only because of a minimum of Government controls. Our farmers are forced to plant less and less while surpluses grow larger and larger. The family-sized farm must be preserved. Rural people have always furnished balance and stability to representative government. The Declaration of Independence, the Constitution, and the Bill of Rights were largely products of rural philosophy.

The Democratic platform must deal with the stupendous annual interest on the national debt, the national debt itself, and a balanced budget. We must offer some encouragement to the youth of our country by reducing the national mortgage on his future.

The Democratic Party platform must offer tax revision on a fair and equitable basis. We can offer a tax revision that will encourage incentive, initiative and the willingness of businessmen to take a chance, employ more workers as well as expand and grow.

The Democratic Party can offer to every American the prospect of a raise in salary through sound money and curbed inflation.

The Democratic Party must reaffirm its faith in our capitalistic system of free enterprise. We must reaffirm our faith in the opportunity system that gave to America the highest standard of living ever known to man. We must guarantee to business less Government interference.

The Democratic Party, as always, must uphold constitutional government, States rights and individual liberty. We must protect our people from an ever more powerful Executive, and over zealous Supreme Court and now a World Court. Even minorities who constantly run to Washington cannot find in the Executive, in the Attorney General or a Federal Gestapo the fullest measure of protection or equal consideration. They cannot find in concentrated Federal power the avenue to more freedom and opportunity. This can only come through the philosophy of Thomas Jefferson and Andrew Jackson, States rights and free local government. Centralized power can and will become the machine of intimidation, persecution, and liquidation of minorities. It can never become so on a nationwide basis as long as we have sovereign States and free local government.

With a candidate pledged to Jeffersonian democracy and this platform, we can win. Only 51 percent of the American people eligible to vote cast their ballots in the presidential election of 1948; only 60 percent in 1956. With this platform, the unemployed glass workers, the chemical workers, and the coal miners of West Virginia and Pennsylvania will go to the polls. The textile workers and shopkeepers of New England will have an incentive to vote. The curtailed autoworkers of Michigan, Indiana, and Illinois will take heart. Millions of farmers and small businessmen in the West and Midwest will vote for the first time in many years. They will vote Democratic. The housewife will be out on election day to protect her family from cheap money. The Democratic Party cannot win with a me too platform. We must and can give the American people a clear-cut choice. We can win with the 45 million people who did not vote in 1956 because they had no choice.

One of the most glorious chapters in the history of our Republic was written by the magnificent Commonwealth of Virginia. The story of the Declaration of Independence, the Constitution, and the Bill of Rights is largely a Virginia story. Four of our first five Presidents were nurtured by the soil and environment of the Old Dominion. Four of the five greatest military commanders in the history of the Western World were Virginians. We cannot imagine the American Republic without Patrick Henry, George Washington, and George Mason. Your Thomas Jefferson, the founder of our great Democratic Party, is revered and loved by the whole free world. The visitors to our Nation's Capital from the remote places of this earth pause at the beautiful Jefferson Memorial to pay homage to the memory of a Virginian dedicated to freedom. Millions from throughout the world read in hushed silence, "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man."

SENATE

FRIDAY, FEBRUARY 26, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, who desirest truth in the inward parts, we would turn to Thee in that fear of the Lord which is the beginning of wisdom.

Refresh our faith, that the tensions of life may not break our spirit.

As those whose talents are dedicated to the Nation's weal, make us ever faithful to each challenging duty, and responsive to the human needs of this suffering earth.

We thank Thee for every word of truth which has been spoken the wide world through, and for all righteousness which the conscience of men has perceived and woven into the social fabric.

With Thy benediction may we face the toil of this day with honest dealing and clear thinking, with hatred of all hypocrisy, deceit, and sham, in the knowledge that all great and noble service in this world is based on gentleness and patience and truth.

In the dear Redeemer's name we ask it. Amen.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, and that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REVIEW OF THE MILITARY ASSISTANCE PROGRAM FOR KOREA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on review of the military assistance program for Korea, dated February 1960 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF SECTION 142 OF TITLE 28, UNITED STATES CODE, RELATING TO ACCOMMODATIONS FOR HOLDING COURT

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 142 of title 28, United States Code, with regard to accommodations at places for holding court, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By Mr. COOPER:

A resolution of the Senate of the Commonwealth of Kentucky; to the Committee on Post Office and Civil Service:

"RESOLUTION RELATING TO A JEFFERSON DAVIS COMMEMORATIVE STAMP

"Whereas the only President of the Confederate States of America, Jefferson Davis, was a native of the Commonwealth of Kentucky, having been born in Christian County—now Todd County—on June 3, 1808;

"Whereas the nationwide centennial observance of the War Between the States will begin in the year 1961, to last for a period of 4 years; and

"Whereas the fame of Jefferson Davis as a key figure of the War Between the States has become a cherished part of the heritage of the Commonwealth of Kentucky and of the South; and

"Whereas it has been a policy of the Post Office of the United States to issue postage stamps of a commemorative nature to recognize certain outstanding figures of American history; and

"Whereas a number of Southern States have in recent years through legislative acts, petitioned the United States Government to issue a stamp in honor of Jefferson Davis in the beginning year of the centennial observance of the War Between the States: Now, therefore, be it

"Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky—

"SECTION 1. That the Congress of the United States be memorialized to take necessary steps to achieve the issuance of a commemorative stamp during the year 1961 to recognize the stature of statesmanship attained by Jefferson Davis; and

"SEC. 2. That copies of the above resolution be forwarded to the Members of the House of Representatives and the Senate of the United States from the Commonwealth of Kentucky, and to the Postmaster General of the United States.

"Attest:

"JOHN W. WILLES,
"Clerk of Senate."

A resolution of the House of Representatives of the Commonwealth of Kentucky, relating to a Jefferson Davis commemorative stamp; to the Committee on Post Office and Civil Service.

(The last above-mentioned resolution is identical with the senate resolution, printed in full, immediately preceding this notation.)

HEALTH INSURANCE FOR THE AGED—RESOLUTION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution approved by the Jugoslav National Home of Ely, Minn., be printed in the RECORD, and appropriately referred. This resolution calls for health insurance legislation similar to the Forand bill, H.R. 4700, and to my own proposal, S. 1151.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

THE FORAND BILL RESOLUTION

Whereas the social security system now in effect does not provide adequate funds to enable retired persons to carry adequate health insurance; and

Whereas the retired people have given their productive years to building up our country to its present position; and

Whereas the cost of private health insurance is rapidly rising to a point where millions of retired people cannot afford such insurance, while the Government expends billions of dollars for domestic subsidies and foreign aid: Therefore be it

Resolved, That the 86th Congress of the United States, now in session, give serious consideration and support to the health insurance bill introduced by Representative FORAND, or similar legislation; and be it further

Resolved, That a copy of this resolution be mailed our Congressman, the Honorable JOHN A. BLATNIK, and our Senators, the Honorable HUBERT HUMPHREY and the Honorable EUGENE MCCARTHY.

JOHN MEHLE,
President.
JOSEPH KOVACH,
Secretary.
FRANK TOMSICH,
Treasurer.

PRESERVATION OF HISTORIC SITES AND BUILDINGS—ENDORSEMENT OF BILL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be printed in the RECORD and appropriately referred the endorsement of my bill (S. 1872) to preserve historic sites and buildings, by the Committee of One Hundred on the Federal City which is located here in Washington, D.C.

There being no objection, the endorsement was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

ENDORSEMENT OF S. 1872 BY AMERICAN PLANNING AND CIVIC ASSOCIATION

The Committee of One Hundred on the Federal City endorses and warmly supports the legislation proposed by S. 1872, a bill to amend the Historic Sites Act of August 21, 1935, to give to the Secretary of the Interior additional authority in the preservation of historic sites, areas, buildings, or objects of national or local historical significance.

It is considered that this bill has special value in its emphasis on protection from damage by Federal or State extension programs or from any construction program financed in part by the Federal Government, actual or proposed.

Also, that it calls particular attention to the preservation of sites, areas (including sections of cities), buildings, and objects of national, regional, or local significance. These are extended and more definitely described than in the original act.

Wise provision is made for attention to be given to any petition received from any State or subdivision thereof or from any recnized organization concerned with historic preservation, seeking the preservation of such historic elements.

Respectfully submitted,

L. M. LEISENRING
(For the Committee of One Hundred).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 2773. A bill to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska,

and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation (Rept. No. 1138).

By Mr. STENNIS, from the Committee on Appropriations, with amendments:

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes (Rept. No. 1140).

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes (Rept. No. 1141).

By Mr. STENNIS, from the Committee on Aeronautical and Space Sciences, with amendments:

H.J. Res. 567. Joint resolution to effect immediately the transfer of the Development Operations Division of the Army Ballistic Missile Agency to the National Aeronautics and Space Administration (Rept. No. 1142).

ADDITIONAL FUNDS FOR COMMITTEE ON APPROPRIATIONS

Mr. HAYDEN, from the Committee on Appropriations, reported an original resolution (S. Res. 282), which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-sixth Congress, $20,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 137, agreed to July 6, 1959.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

Philip M. Evans, of Washington, to be U.S. Commissioner for the World Science-Pan Pacific Exposition;

Capt. Henry J. Wuensch, and sundry other officers, for promotion to the permanent rank of rear admiral in the U.S. Coast Guard;

Ralph D. Dean, and sundry other persons, for appointment in the U.S. Coast Guard; and

Junius T. Jarman, and sundry other persons, for permanent appointment in the Coast and Geodetic Survey.

By Mr. SMATHERS, from the Committee on Interstate and Foreign Commerce;

Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS of Delaware:

S. 3103. A bill to amend section 461 of the Internal Revenue Code of 1954 to provide a limitation on the acceleration of the accrual of taxes; to the Committee on Finance.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH:

S. 3104. A bill to permit the States under certain conditions to utilize the proceeds from the national forests which are paid to them for public purposes in addition to the public schools and public roads; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 3105. A bill for the relief of William Y. Allen, Jr.; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3106. A bill to change the title of the Assistant Director of the Coast and Geodetic Survey; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself and Mr. PASTORE):

S. 3107. A bill to facilitate the protection of consumers of articles of merchandise composed in whole or in part of gold or silver from fraudulent misrepresentation concerning the quality thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KUCHEL (for himself, Mr. ENGLE, Mr. CLARK, and Mr. SCOTT):

S. 3108. A bill to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

ADDITIONAL COPIES OF REPORT ENTITLED "FEDERAL DISASTER RELIEF MANUAL"

Mr. HUMPHREY submitted the following resolution (S. Res. 281), which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Committee on Government Operations 8,000 additional copies of Senate Report No. 807, 86th Congress, 1st session, entitled "Federal Disaster Relief Manual."

ADDITIONAL FUNDS FOR COMMITTEE ON APPROPRIATIONS

Mr. HAYDEN, from the Committee on Appropriations, reported an original resolution (S. Res. 282) to provide additional funds for the Committee on Appropriations, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. HAYDEN, which appears under the heading "Reports of Committees.")

AMENDMENT OF INTERNAL REVENUE CODE, RELATING TO LIMITATION ON ACCELERATION OF ACCRUAL OF TAXES

Mr. WILLIAMS of Delaware. Mr. President, I call attention to a new loophole which has been discovered in our Federal tax laws and which, unless corrected, can easily cost the Federal Treasury over $600 million. Already this loophole has resulted in a loss of considerably over $100 million.

This loophole, which is frankly referred to as a "tax gimmick," results from a procedure being developed in certain States wherein the legislatures will merely change the effective date of the accrued property taxes from January 1 to the preceding December 31 and by so doing give to the taxpayers in those States who operate on an accrual basis a double deduction of such property taxes for Federal income tax purposes.

This change does not cost the taxpayer any additional property tax, and is a one-shot operation with the double deduction available only in the year in which the legislation is enacted.

Four States, by this "tax gimmick" of advancing the accrual date of property taxes from January 1 of the property tax year to December 31 of the preceding year, have arranged to give all their accrual-basis calendar-year taxpayers a double deduction of property taxes for Federal income tax purposes in one year. This is a permanent loss of revenue which results in a Federal revenue loss conservatively estimated at well over $100 million.

There are approximately 24 other States which can go through the same maneuver, and if the revenue loss runs proportionately an additional $600 million of revenue may be dissipated by this "tax gimmick."

The Congress cannot stand idly by and allow such "gimmicks" to gain momentum. The more time that elapses before corrective legislation is enacted, the more difficult it will be to close the loophole because the States which have not yet taken advantage of this "gimmick" will then cry that they should be entitled to their bite out of the Federal revenues before the law is changed.

The States involved so far in this "tax gimmick" legislation are Ohio, Michigan, West Virginia, and South Carolina. As a result of legislation in the State of Ohio in 1957, the accrual event for personal property taxes was changed from January 1 to December 31 of the preceding year. Michigan, West Virginia, and South Carolina moved the assessment and personal liability dates for both real property and personal property taxes from January 1 of the property tax year to December 31 of the preceding year.

Michigan newspapers classed the action of the Michigan legislature as a "gimmick" to aid business firms.

The benefit of the Federal income taxpayer as a result of West Virginia's action was noted in the Clarksburg Exponent, Saturday, January 31, 1959, a copy of which will be incorporated later.

The "gimmick nature" of this type of State legislation was emphasized by the South Carolina Legislature. The South Carolina statute specifically provided that the act was not intended to allow a deduction for State income tax purposes to any taxpayer for property taxes paid or accrued in excess of an amount equal to an assessment for any one year.

If the State legislation accomplishes its purpose, a permanent and significant loss of revenue will result.

The Treasury Department has recommended that corrective legislation be

enacted to combat this loophole situation and to prevent further action by the States in this field. I am today introducing a bill embodying the Treasury's recommendations in this area.

The proposed legislation, in general, would freeze the present accrual dates of property taxes for Federal income tax purposes and would have the effect of denying a deduction for more than 1 year's taxes in one Federal taxable year. In cases where the amendment would operate to deny a deduction, the deduction disallowed would be deemed to accrue in a later year. In order to prevent the deduction from being disallowed in certain cases where present law properly allows a doubling of the deductions, the amendment is limited to those cases where the accrual of taxes in one taxable year is made possible by action of the taxing authority which causes the accrual events for two different years' taxes to occur within one tax year.

In full recognition of the fact that the Senate cannot originate tax legislation, I am today introducing a bill correcting this situation. This same proposal is also being recommended in the House as a part of H.R. 9625. I am hopeful that the House will approve this section; however, should it be overlooked the legislation will be reintroduced as an amendment to a previously enacted House bill.

It is imperative that if the Congress is to plug this loophole it be done at this session of the Congress. Otherwise, a stampede may well develop wherein all States would be compelled to follow suit, with the result that the Government would lose millions of dollars.

The bill as introduced will be effective as of December 31, 1959; however, it is drafted with the proviso that its enactment will not prejudice the case of the Government should it contest the changes which have already been made by the four States mentioned.

As evidence that this loophole was recognized by the various States as a "tax gimmick" at the time their legislatures took action, I ask unanimous consent to have three newspaper articles printed at this point, the first having appeared in the State Journal, Lansing, Mich., on March 22, 1958. The second appeared in the Lansing paper of May 6, 1958, at which time Governor Williams signed the bill. The third article is one which appeared in the Clarksburg Exponent, Clarksburg, W. Va., of January 31, 1959.

Two of these articles refer to the action as a new "gimmick" in our Federal tax laws, and all frankly describe the result as that of giving to the taxpayers of their States double deductions.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Lansing (Mich.) State Journal, Mar. 22, 1958]

TAX RELIEF PLAN OK'D—SENATE GROUP FAVORS "GIMMICK" TO AID BUSINESS FIRMS

A property tax "gimmick" that could save businesses up to $100 million in 1958 Federal income tax bills was endorsed Thursday night by the senate taxation committee.

The committee approved the bill after hearing a parade of business and industrial representatives testifying for it.

The measure would move up the next property tax, or assessment day from January 1, 1959, to December 31, 1958, putting it in the present calendar year.

Businesses on the accrual business of accounting thus could charge off two annual State property tax payments to 1958 in computing Federal tax liability for the year—assuming they were operating on a calendar year basis, as most of them do.

Clarence W. Locke, deputy State revenue commissioner, has called the bill a one-shot device, a gimmick that could not be repeated in future years.

Witnesses testified that the Federal tax money saved, however, would constitute a permanent gain in working capital.

Among those supporting the measure were A. M. Cole, Chrysler Corp., tax expert; Ernest Anderson, the manager of Federal Mogul-Bower Bearings, Inc.; William Palmer, executive secretary of the Michigan Petroleum Industries Committee; Nicholas Rini, of the Greater Detroit Board of Commerce, and J. A. Couper, of the Peninsula Steel Co. of Detroit.

Ohio enacted a similar bill last year and has received a favorable ruling from the Internal Revenue Bureau.

[From the Lansing (Mich.) State Journal, May 6, 1958]

WILLIAMS SIGNS TAX "GIMMICK" BILL

A bill offering a $100 to $150 million shot in the arm for Michigan business has been approved by Governor Williams.

Whether they actually get it remains to be seen, depending on the date the 1958 legislature officially ends its regular session. It has to be prior to October 2. The Governor said he believed the legislature will quit in time.

The new law, called a "gimmick" bill, changes the new tax day for assessing property for tax purposes from January 1, 1959, to December 31, of this year.

This would allow businesses on an accrual accounting basis to claim 2 years' State property tax deductions on Federal income tax returns for 1958. The plan was adopted in Ohio last year.

Chrysler Corp. and Detroit Edison are two big prospective beneficiaries.

The hitch arises from failure of the legislature to give the necessary two-thirds favorable vote for immediate effect of the bill upon its approval by the Governor.

Without immediate effect, there is a waiting period of 90 days following sine die adjournment before the new law takes effect.

If they follow tradition, lawmakers will officially knock off their regular 1958 meeting after a return to Lansing May 15 for mop-up operations—but there has been some talk by majority Republican leaders of staying in session to prevent a later recall into special session by the Governor.

"I cannot believe that the legislature, for any political motives, would deny industry a substantial windfall at a time when Michigan business needs any legitimate help it can get," Williams said.

Legislative votes needed to give immediate effect were withheld by Democrats. Two-thirds approval was needed.

[From the Clarksburg (W. Va.) Exponent, Jan. 31, 1959.]

The house passed 87 to 7 and sent to the senate a bill to change the date for assessment of property for tax purposes from January 1 to December 31 each year. For the first year only, the measure would enable some taxpayers to take a double deduction on their Federal income tax returns.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3103) to amend section 461 of the Internal Revenue Code of 1954 to provide a limitation on the acceleration of the accrual of taxes, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Finance.

UTILIZATION BY THE STATES OF PROCEEDS FROM NATIONAL FORESTS

Mr. CHURCH. Mr. President, under the act of May 23, 1908, 25 percent of the moneys received by the United States from the sale of forest products from the national forests is paid to the States for the benefit of the public schools and roads of the counties in which such forests are located—16 U.S.C. 500.

It has come to my attention that the restriction on the uses to which this money may be put is, in some cases, too narrow. In many counties, the road funds, increasingly supplemented by State and Federal contributions, are more than adequate, while other public purposes for which the counties are responsible are inadequately served.

Accordingly, I have prepared a bill to amend this section of the code so as to make it possible for the several State legislatures to authorize the use of these funds by the counties for other public purposes if they see fit.

It is not the purpose of this bill to permit the States to reduce the proportion of the forest moneys allocated for support of the public schools, and it contains a specific prohibition against such a reduction. The sole purpose is to permit transfer of funds from public roads to other public purposes in those counties where such a transfer is warranted.

Mr. President, I introduce the bill and ask that it be appropriately referred. I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3104) to permit the States under certain conditions to utilize the proceeds from the national forests which are paid to them for public purposes in addition to the public schools and public roads, introduced by Mr. CHURCH, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth paragraph under the heading "Forest Service" of the Act of May 23, 1908, as amended (16 U.S.C. 500), is amended to read as follows:

"Twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of public schools, public roads, and other pub-

lic purposes of the county or counties in which such national forest is situated: *Provided*, That no part of the funds paid to any State hereunder shall be available in any fiscal year for expenditure in any county of such State for public purposes other than public roads and public schools, if the percentage of such funds which is prescribed to be expended in such county during such fiscal year for the benefit of the public schools is less than the percentage prescribed for that purpose in such county on the effective date of this proviso. When any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools, roads, and other public purposes by this paragraph shall be based upon the stumpage value of the timber."

CHANGE OF TITLE OF ASSISTANT DIRECTOR OF COAST AND GEODETIC SURVEY

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to change the title of the Assistant Director of the Coast and Geodetic Survey. I ask unanimous consent that a letter from the Under Secretary of Commerce requesting the proposed legislation be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3106) to change the title of the Assistant Director of the Coast and Geodetic Survey, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., February 19, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There are attached four copies of a proposed bill "To change the title of the Assistant Director of the Coast and Geodetic Survey."

There are also attached four copies of a statement of purpose and need for the proposed bill.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this proposed legislation.

Sincerely yours,

PHILIP A. RAY,
Under Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED IN SUPPORT OF THE PROPOSED LEGISLATION TO CHANGE THE TITLE OF THE ASSISTANT DIRECTOR OF THE COAST AND GEODETIC SURVEY

The proposed legislation would amend section 8 of the act of January 19, 1942 (33 U.S.C. 852(b)) so as to change the title of the second in charge of the Coast and Geodetic Survey from Assistant Director of the Coast and Geodetic Survey to Deputy Director of the Coast and Geodetic Survey.

The term "Assistant Director" to designate the title of the second in charge of a bureau of the Government is not truly definitive of the duties of this office, as the head of a bureau normally has several assistants but only one is designated to act for him in his absence.

The term "Deputy Director" more appropriately describes the duties of this office and conforms with the general practice of most bureaus in that they designate the second in charge as Deputy.

We recommend early enactment of this legislation which would provide for the change in the title of the second in charge of the Coast and Geodetic Survey.

EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

Mr. KUCHEL. Mr. President, on behalf of myself, my colleague, the junior Senator from California [Mr. ENGLE], and the Senators from Pennsylvania [Mr. CLARK and Mr. SCOTT], I introduce, for appropriate reference, a bill to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

The bill is suggested by the Department of Health, Education, and Welfare. I had the honor 7 years ago to be the author of the first air pollution control legislation which the Senate and then the House generously approved, and which the President signed into law.

Last year, similar legislation was sponsored by a number of Senators. The Department has made certain specific recommendations to strengthen his authority in that field, which is what prompts the introduction of the bill here and in the House, as well.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3108) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, introduced by Mr. KUCHEL (for himself, Mr. ENGLE, Mr. CLARK, and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. KUCHEL. Mr. President, during the decade and a half since the phenomenon called "smog" first was recognized as a vexing problem, the menace of air pollution has assumed serious proportions.

As our Nation's industrialization and motorization proceed at an amazing pace, scientists have reached the somewhat disturbing conclusion that unless a revolutionary way is found to control pollutants being poured into the atmosphere the thin layer of air essential to human existence is liable to become constantly dirtier.

The ramifications of air pollution are complex as well as extensive. Realization of this fact led the 84th Congress to adopt Public Law 159, which I had the honor of introducing, to bring the Federal Government into antipollution work for the first time. That act was based on a hope that aggressive, concerted effort in laboratories, scientific institutions, and in the most plagued areas might lead to speedy identification of the sources and causes of smog and thus to early controls reducing and ultimately eliminating this blight.

Because the problem stems from more factors than had been appreciated, no rapid breakthrough has been possible. Accordingly, this Congress at its last session, spurred by recommendations of public health officials, engineers, and scientific experts, agreed that Public Law 159 should be continued beyond its scheduled expiration next July.

In proposing extension of the act, I advocated a little less than 1 year ago that we prolong the air pollution research and technical assistance act for an indefinite period. The Congress did not see fit to agree in this course, as a 4-year continuance was authorized.

In the few months since Public Law 86–365 was signed into law, general agreement has been voiced that air pollution is not a temporary problem but one which is almost certain to require continuing attention in the interests of public health, safety, and comfort.

Upon the recommendation of the Secretary of Health, Education, and Welfare, I now have the privilege of introducing for the third time in the U.S. Senate proposed legislation to equip Federal agencies and officials with broad authority to assemble and utilize all the resources of our Government in comprehensive studies, investigation, and experimentation to devise means for controlling and, I trust, eventually wiping out the threat of polluted air from American communities.

The bill I am introducing would remove the time limit from existing law and also would remove the $5 million ceiling on annual appropriations. Further, it would enable the Federal Government better to discharge the duty of leadership by making clear the authority and duty of the Surgeon General of the U.S. Public Health Service to make investigations and hold public hearings on air pollution problems which are interstate in scope.

The only basis for sound, effective, equitable controls is the broadest possible knowledge of causes of the phenomena which give rise to smog and other insidious but undeniably dangerous forms of air pollution. To acquire this knowledge, much effort may be required following important leads already discovered. I am convinced the most reliable way of acquiring all the facts and data necessary for successful conclusion of the antipollution campaign is through removal of present limitations on the Federal agencies such as this bill would accomplish.

Only by giving responsible authorities the freedom to plan ahead can we make certain that every conceivably effective weapon and all available know-how are at the disposal of those striving to protect our people against a deeply rooted and grave menace.

I ask unanimous consent that a letter, dated February 19, 1960, from the Department of Health, Education, and Welfare to the Speaker of the House of Representatives be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
February 19, 1960.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am enclosing for your consideration a draft of a bill amending the Air Pollution Control Act (Public Law 84–159, as amended by Public Law 86–365), which now authorizes a program of research, technical assistance, and training by the Public Health Service of the Department of Health, Education, and Welfare.

The draft bill includes amendments which would:

(a) Eliminate the time limitation (June 30, 1964) and $5 million ceiling on annual appropriation included in the current act.

(b) Authorize the Surgeon General to make investigations and to hold public hearings on air pollution problems which are interstate in nature or are of broad significance.

(c) Delete the requirement for allotment of funds appropriated for grants-in-aid and contracts in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

Air pollution is now a serious problem. In the future, the potential problem will increase greatly because of further industrial growth and concentration of population in urban areas. Our Nation's technological society produces great material benefits for the people, but also creates, as byproducts, potential problems of contamination of our environment. Air pollution is not a temporary problem, but one which will require continuing attention. Continuing research and control efforts will be necessary if major adverse effects on the public health and welfare are to be prevented. We believe, therefore, that the time limit on program authorization contained in the present act is undesirable and that the act should be amended to make the authorization permanent.

Similarly, we believe that the $5 million limitation on annual appropriation should be eliminated. In the air pollution program to date, important leads have been developed in research, particularly with respect to the effects of air pollutants on health. Any important breakthrough in this field may require an expansion of activities to further its development and exploitation. Furthermore, we believe that an appropriation ceiling is not generally desirable in legislation authorizing a research and technical assistance program. Such a ceiling may serve as an undesirable restriction at times, and at other times tend to encourage requests larger than consistent with overall circumstances and fiscal policy. We believe that fiscal control can best be exercised through the usual annual appropriation process.

As specific examples of opportunities for expanded research and investigation activities which may necessitate larger appropriations in future years, we would like to cite the following:

(a) In the past year increasing evidence has accumulated of a causative relationship between air pollution and the incidence of respiratory chronic disease conditions. Further studies are urgently needed to investigate more fully these relationships and delineate practical procedures applicable in air pollution control practice.

(b) Over the past several years, research has gradually accumulated evidence that many of the effects from air pollutants come, not from the contaminants originally discharged to the air, but from transient products of physical and chemical reactions occurring among them in the open atmosphere. Air chemistry research of this kind is difficult and exacting, but it is highly important as a necessary foundation for sound and effective control procedures.

(c) Broad expansion of the assay and appraisal of State and local air pollution problems is highly desirable. During the past several years improved procedures for such assay and appraisal have been under development. In our opinion, this is primarily a responsibility of State and local governments. Such activities are so important, however, that Federal leadership and assistance should be available to accelerate them.

The proposed amendments would also provide for exercising Federal leadership in dealing with air pollution problems of broad significance or which are interstate in character. The Department of Health, Education, and Welfare could, we believe, make a significant contribution to such leadership through the development and publication of recommendations based on the evaluation of data developed by the Department or presented by others, as well as a full consideration of the points of view of all parties having a significant interest in such problems. Some of these problems, although essentially local in character, manifest themselves in many communities throughout the Nation. Others involve pollution from sources within one State which, through the movement of air masses, affect communities in other States. Both types of problems can be expected to increase in number and extent with further urbanization, and the development of solutions for them may in many cases transcend the capabilities of local agencies, and even of State control authorities. The recommendations resulting from such hearings would not be binding upon the participants in the hearings or anyone else; the purpose of the hearings would be simply to develop such recommendations as a means of focusing public attention on and developing support for the most carefully considered solutions to the problems which occasioned the hearings.

The proposed deletion of the requirement in the act for allotment of funds appropriated for grants-in-aid and contracts is a technical amendment. Such allotment procedures are appropriate to distribution of program grants-in-aid to State or local governments on a formula basis. However, for project-type grants and contracts, as authorized by the present act, the allotment procedures serve no useful purpose.

I shall appreciate it if you will be good enough to refer the enclosed draft bill to the appropriate committee for consideration.

In compliance with Public Law 801, 84th Congress, there is enclosed a statement of cost estimates and personnel requirements which would be entailed by enactment of the proposed legislation.

The Bureau of the Budget advises that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

ARTHUR S. FLEMMING,
Secretary.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS—AMENDMENT

Mr. ERVIN submitted an amendment, intended to be proposed by him, to the amendment of Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which was ordered to lie on the table and to be printed.

Mr. TALMADGE submitted an amendment, intended to be proposed by him, in the nature of a substitute for the amendment of Mr. DIRKSEN to House bill 8315, supra, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF CLIFFORD O'SULLIVAN, TO BE U.S. CIRCUIT JUDGE, SIXTH CIRCUIT

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for 10:30 a.m., Friday, March 4, 1960, in room 2228, New Senate Office Building, on the nomination of Clifford O'Sullivan, of Michigan, to be U.S. circuit judge, sixth circuit, vice Charles C. Simons, retired.

At the indicated time and place all persons interested in the above nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I ask that the aids of the Senate inform the members of the respective parties that today we shall have a late evening session, in an attempt to come to some vote in connection with section 201, the first part of the Dirksen amendment, which is composed of seven different parts.

The Dirksen amendment has now been before this body for more than 100 hours. Senators have had opportunity to discuss it at length, to read all the hearings which have been held in connection with it, to discuss it with their colleagues, and to read any articles or speeches or statements which have been made about it. The leadership is very anxious that every Senator have full and adequate opportunity to inform himself concerning the merits of that particular part of the amendment.

Mr. President, I do not question the motives of any Senator. Many Senators have told me that they want to have time to study and understand and discuss this part of the amendment; and they have had that time, and they will have that time. But, Mr. President, I think a substantial majority of the Senate not only want to have the right to register in this body their viewpoints, but also want to have the right to cast their votes, if they will be permitted to do so; and I am hopeful that, after 2 weeks of debate, we may be able to obtain a vote on the first part of the seven-part substitute. We have had very fine debate, and many learned speeches have been made on this general subject. Learned speeches have also been made on other subjects—on a variety of subjects.

A good many of the Senators who are vitally interested in this legislation have not found it possible to be on the floor all during the time it has been considered. The quorum calls will indicate that fact.

So I hope that Senators who really are earnest and genuine and believe that the Senate should vote on a right-to-vote bill will accommodate us with their pres-

ence if not their speeches, and will help us determine whether the part of the substitute, as offered by the very able minority leader, which now is before the Senate is wise, fair, and just.

I would not want to cut off any Senator, even if I could; and I rather doubt that I could, although I realize that in recent days a number of unanimous-consent requests have been made right in the middle of speeches, and have been tantamount to saying, "I ask unanimous consent that the Senator who now is speaking be permitted to sit down and rest for 30 minutes while we obtain a quorum." We did not object to those requests, because we did not want to be "snappy," and we did not think anything was to be gained thereby. We think we have to provide adequate time, so the country can realize what is happening in the greatest deliberative body in the world. We realize that we must provide adequate time and discussion, so the world, which looks upon us as its leader, can realize that we are giving great care to the general subject of human rights.

Mr. President, I am not trying to force any particular type of bill down the throat of any Member. Each Member is here in his own right as a spokesman for his State and a servant of his country. But I hope that not only shall we permit each Senator to have the right to register his viewpoint, but that also we shall permit all Members of the Senate to have the right to register their votes, because I believe that after 2 weeks or 3 weeks of debate, the Senate can come to some resolution in regard to one part of a seven-part amendment.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. JOHNSON of Texas. I yield to my friend.

Mr. DIRKSEN. Mr. President, I believe I can say that so far as the minority party is concerned, we are prepared to vote, we are willing to vote, and we are eager to vote. I am quite sure there will be few, if any, speeches by Members on this side to impede the vote; and we are ready for the vote to be taken as quickly as possible.

With that statement as a predicate, I wish to ask the majority leader whether he is advised as to how many other speeches will be made on the majority side before we can get around to a vote on the first section.

Mr. JOHNSON of Texas. Mr. President, as leader of the Senate, I never classify matters on the basis of either the majority or the minority; I try to look upon them as involving the entire Senate. I anticipate that several Senators who, I have observed, have not as yet spoken on this subject, will desire to address themselves to it. I see some of them in the Chamber at this time; and I am sure that if a vote were imminent, others would immediately appear.

The only point I make is that, without attempting to be unreasonable, we shall provide ample opportunity to any Senator who wishes to record his views on either the merits or the demerits of this legislation; and all Senators will have ample opportunity to do so.

I hope all of us will be understanding and tolerant; and I hope the Senate will be able to reach a vote on at least one part of the seven-part substitute within a reasonable time—if not this week, certainly the first part of next week.

Mr. DIRKSEN. Mr. President, if the Senator from Texas will yield further, I should like to address an inquiry to the distinguished Senator from Georgia [Mr. RUSSELL]: I wonder whether it would be possible to contrive, by unanimous consent, an appointed time when we could vote on this first section—whether we could agree on a day and an hour certain when all debate shall have been exhausted, and the vote shall be taken.

Mr. RUSSELL. Mr. President, the country has been subjected to a long and consistent campaign of misrepresentation about almost every aspect of the pending legislation. I cannot conceive of a more carefully contrived political program to mislead the country into thinking that the South is perpetrating all kinds of horrendous offenses against our colored citizens than the one which has been planned and programed in connection with this legislation.

I had planned, some time later in the day, to address myself briefly to some aspects of that campaign. I intended to point out to the Senate that in 1957 we passed what was claimed to be a Civil Rights Act. That bill contained a great many provisions that had long been urged upon the country and upon the Congress as necessary remedial steps to protect the rights of colored citizens of the Southern States. Among them was one establishing a Civil Rights Division in the Department of Justice. We were told that it was necessary to set up a separate section, giving it the dignity of having as its head an Assistant Attorney General, and employing large numbers of lawyers, clerks, stenographers, and others, to man this civil rights section.

Another provision in that act was an almost unprecedented grant of power to the Attorney General of the United States to file suits in behalf of the United States, anywhere that was desired, to enforce the voting rights of any colored citizen of the United States.

Mr. President, that law has been on the books now more than 2 years and almost 3 years. These lawyers sit down there. I think the last time I saw the list, there were 27 of them already engaged and employed, sitting at desks, supposed to be doing something about these alleged terrible conditions.

Well, Mr. President, how many suits has the Attorney General brought with these numerous lawyers, unlimited funds, and unlimited authority—though of very doubtful constitutionality—to intervene anywhere he desires? In nearly 3 years he has brought only four suits—four suits all over the United States.

It has now developed that the Attorney General wants to use a different route and different means than were given him in 1957—means which we were told in 1957 would be adequate. Now he comes before Congress and asks it to give him a new power requiring a whole mess of new officers, in order to put the Southern States in political receivership.

He had the honesty, in testifying before the committee, to say he was utterly amazed and dumfounded that the Justice Department had received so few complaints of infringement of voting rights in the Southern States. He has also testified that only four suits have been brought and that they are still pending. Yet, he comes before Congress asking for a new law and new powers.

Mr. President, I believe that this aspect of the question is not generally understood by the American people. Instead, a constant stream of propaganda has gone out to the country to convince the people that there have been innumerable injustices, and that deprivation of the right to vote is the rule rather than the exception in Southern States. We intend, with any means available to us here, to try to get the truth to the American people.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that I may have an additional 10 minutes in order to yield to my colleagues and have further discussion of this matter.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. I did not realize we were operating under a limitation today. I do not want to transgress that limitation.

Mr. JOHNSON of Texas. We have plenty of time.

Mr. RUSSELL. I shall have ample time, in my own right later to discuss this phase of the propaganda leveled against the Southern States. If I cannot do it today, I shall be able to do so tomorrow or Monday, or some other day.

I want to say as of now I am not in a position to enter into any unanimous-consent agreement under the present situation here in the Senate. I doubt very much I shall be able to do so next week. I do not believe unanimous consent agreements are going to be very prevalent in the Senate for the next several days; and I know none will be acceptable insofar as it relates to limitation of debate.

Mr. President, I have seen Senators stand on the floor of this Chamber and address themselves to the St. Lawrence Seaway bill for 8 weeks. Nobody thought that there was anything exceptional about the fact that Senators were debating the Seaway bill for that long. I remember that the Senator from Vermont [Mr. AIKEN], who is now present, was an expert in that subject. Other Senators would speak on other subjects, because that is one of the blessings of the Senate. Senators may speak on whatever subject moves them.

Mr. President, we shall carry on this discussion, after we start around the clock, in debate that will be relevant to the point at issue. I hope we shall be able to contrive some way of getting the truth about this bogus issue before the American people.

I believe the Senator asked me originally when I would be in a position to agree to a unanimous-consent vote.

Let me assure him it is not at the present time.

Mr. DIRKSEN. My question was on the first section.

Mr. RUSSELL. No; I am not prepared to enter into a unanimous-consent agreement.

Mr. DIRKSEN. The question is of relevance, I say to the distinguished Senator from Georgia, because the Senator from Georgia asked for a separate vote on the first section of the pending amendment.

Mr. RUSSELL. Yes. I intend to ask for a separate vote on each section of the seven sections and any other amendment which may be offered, and probably a division on the vote upon the question, which, under the rules, is permissible.

Mr. DIRKSEN. In the absence of any amendment that may have been submitted, that would be the pending question. If an amendment is submitted, and then withdrawn, the pending question would be the request of the Senator from Georgia for a vote on the first section of the amendment to the bill.

Mr. RUSSELL. That is the pending question at the present time. It was so announced by the Chair a couple of days ago. I do not recall just when.

Mr. DIRKSEN. I may tell the distinguished Senator as to what I had in mind. I was asking only whether he was prepared to agree to a consent request for a vote on the first section of the pending amendment.

Mr. RUSSELL. Mr. President, as a rule Senators are not given to brevity or using only a few words to express their thoughts, but in this case I can answer the Senator very briefly: No.

Mr. JOHNSON of Texas. Mr. President, I believe there are other Senators besides the Senator from Georgia who are opposed to this amendment who would object to a unanimous-consent agreement at this time, and for that reason I have not proposed any, because I thought it would not be very realistic to attempt to follow that procedure.

I do share the great concern expressed by the Senator from Georgia relating to the understanding of the American people about the merits and demerits of this legislation, and the necessity of their being informed, as well as their understanding the procedures that were employed.

It has been very disheartening to me to realize that the American people have been misled into believing that some finagling or some tricks have been employed in submitting an amendment to the Senate that had not been reported by a standing committee of the Senate. Many good people have drawn conclusions which were unjustified. Last year, on September 14, we had a Civil Rights Commission proposal before the body, and there were several amendments pending at the desk which could have been called upon. Senators felt the amendments were germane. It was hoped that votes could be obtained upon them. Some of the Members who were opposed to the amendments were out of the city. A good many of the Members were opposed to the amendments being called up at that time, even if they favored them.

After every Member of the Senate had an opportunity to hear the matter discussed fully several times, on September 14 it was agreed that we would either take up a House-passed civil rights bill or a Senate committee-reported civil rights bill, or vote to discharge a committee or take up some bill on the calendar which had passed the House, which could be amended. Every Senator was put on notice that would be done about 12 o'clock on February 15.

Mr. President, that is not an unusual procedure. There are Senators in this body who have offered major amendments, and they have taken hours of time of this body to discuss those amendments, when they have never been reported from a committee and never had a report filed on them. They have involved millions of dollars in welfare funds. They have involved such important matters as H.R. 3, the Smith bill which passed the House, which had not been reported by the Senate Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, will the Senator yield at that point?

Mr. JOHNSON of Texas. Yes; I yield to the Senator.

Mr. DIRKSEN. The bill which we had before the Senate Committee on the Judiciary, which was Senate bill 3, generally styled a preemption bill, was rather limited in character. We had had hearings on the bill, but it was never reported.

Mr. JOHNSON of Texas. Of course it was not reported. I worked out an arrangement with the proponents of that proposal, so the policy committee could clear another bill and we could make a motion to consider it, so that H.R. 3 could be offered as an amendment. That was done with full knowledge that no hearings on the bill had been printed, and that no report on the bill had been filed.

Yet the country is told that this is tyrannical, that people have been caught napping, that what is proposed is a very irregular procedure. I submit, Mr. President, that it is within the rules, that it is regular, and that it is employed frequently by those who denounce it now.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. I think it should be said very clearly and unequivocally that there are no tricks. The majority leader does not need——

Mr. JOHNSON of Texas. I will say to the Senator, I was much disappointed by the usually very reliable New York Times this morning in its editorial, when it said, because they had been reading some of these remarks in the Senate, that some finagling had to take place and that some trickery was involved in bringing the bill before the Senate.

Every Senator who reads the RECORD—and the New York Times if it would read the RECORD—knows that is not true. Every Senator was put on notice that at 12 o'clock on February 15 one of these procedures would be employed, and anybody who knows anything about the procedures of the Senate knows that three of them could not be employed. The only thing we had to resort to is what we did.

The point I wish to make is that the very same procedure employed in connection with this bill has been employed by those who now denounce this procedure.

Mr. President, one of my delightful and able friends from the South the other day stood up and made a speech about the dangers we were incurring because we were keeping the Senate in long sessions. I do not make all the quorum calls. The Senator from Georgia is perfectly within his right to object to unanimous-consent requests. I hope that he has the same feelings toward those requests which he makes himself as he does toward those other Senators make, because last evening we spent 40 minutes, during the evening hours, on a unanimous-consent request that amounted to asking that a Senator be permitted to sit down while we obtained a quorum. When the quorum call finished we did not have many more Senators present than were present when it started, and we had taken 40 minutes.

The Holland constitutional amendment was taken up by motion and was offered by the Senator from Florida to a measure providing for a constitutional amendment affecting the filling of vacancies in the other body. I say that the procedure now proposed is as legal as that procedure. I say that this procedure is as regular as the procedure we agreed on in the policy committee, to take up by motion a bill and to make it possible for H.R. 3 to be offered as an amendment, so that Senators could offer it and get a yea-and-nay vote. We agreed not only that such bill should be taken up, but that Senators could offer an amendment in the form of H.R. 3 and could get a yea-and-nay vote on it. I did not think the bill could ever be passed.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I will yield in just a minute.

I did not think the bill could ever be passed, because it was in the last few days of the session and the Senate was pretty equally divided on it. But I submit it was an amendment to another bill, I submit there was no report available from a Senate committee on it, and I submit that the leadership agreed to proceed as we proposed in order to give Senators who favored that proposed legislation an opportunity to discuss it.

We did not shout from the housetops that it was irregular, that it was lynching, that it was tyrannical.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield first to the Senator from Arkansas, and then I shall yield to the Senator from Georgia.

Mr. McCLELLAN. The Senator is making a great point——

Mr. JOHNSON of Texas. It is not a great point.

Mr. McCLELLAN. The Senator is making a great point that he did all this to accommodate H.R. 3.

Mr. JOHNSON of Texas. No.

Mr. McCLELLAN. Under the procedures the Senator is following now H.R. 3 can be offered as an amendment to any bill which is on the calendar.

Mr. JOHNSON of Texas. The Senator gives me no information I do not have. I am aware of that fact. It can be offered to any other bill.

Mr. McCLELLAN. Very well. There was no special favor with regard to H.R. 3.

Mr. JOHNSON of Texas. No. I did not say there was special favor.

Mr. McCLELLAN. That is what the Senator is arguing.

Mr. JOHNSON of Texas. What I am contending is that there was not a report on H.R. 3. Hearings on H.R. 3 were not printed and placed on the desks of Senators. The same procedure was employed with regard to H.R. 3, the Smith bill, that is being employed with regard to the pending bill. The bill was offered as an amendment, without printed hearings and without a report, to another bill which the policy committee had cleared. The policy committee has cleared this bill. The Crowder bill is the only House bill which the policy committee had cleared, to which we could offer an amendment.

I now yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I merely wish to make an observation. I do not recall all of the details, and I do not pretend that my memory is perfect, but as a matter of fact the Senator from Georgia stated, and put the policy committee on the Democratic side of the Chamber on notice, that a motion would be made to proceed to consider a bill which was on the calendar which, as I recall, was very similar to H.R. 3, except that it dealt with some time in the future, rather than applying itself to all of the laws which are now on the books. Out of that notice finally evolved an opportunity to vote on H.R. 3.

Mr. JOHNSON of Texas. The Senator is correct.

Mr. RUSSELL. That is correct.

Mr. JOHNSON of Texas. That is exactly correct, and that is what happened here.

Mr. RUSSELL. It was a germane bill.

Mr. JOHNSON of Texas. The Senators from New York put us on notice that they had amendments which were of a germane character at the desk, and that they were going to offer them to the bill unless they had some assurance, and that assurance was given. This is almost the identical procedure. There is no report. The Senator does not claim there was a report on H.R. 3, does he?

Mr. RUSSELL. There was a report on the bill which was very similar to H.R. 3.

Mr. DIRKSEN. The report came from the House.

Mr. RUSSELL. And there was a bill on the calendar which had been reported by the Senate Committee on the Judiciary, because it applied the provisions of H.R. 3 to the future, whereas the House bill applied them all across the board.

Mr. DIRKSEN. Yes. It was a very different bill.

Mr. RUSSELL. They were bills dealing with exactly the same subject matter. There were about three words different in the two bills.

Mr. DIRKSEN. One of the bills related mainly to subversion, growing out of the Pennsylvania case, and the other related across the board. It was the Nelson case.

Mr. JOHNSON of Texas. One of them was the Mallory bill, and one of them was the Bridges bill. I think Senators will find that the Smith bill had a great deal more than three words different from either the Bridges bill or the Mallory bill.

Mr. RUSSELL. The Mallory bill was not involved at all.

Mr. DIRKSEN. That is correct; it was not involved.

Mr. JOHNSON of Texas. There was not any agreement to take up the bill by motion. Senators could have made a motion to take up the Bridges bill or the Mallory bill or the habeas corpus bill. All three of them were involved in our discussion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I merely wish to say this: I have heard a great deal about H.R. 3. H.R. 3 was finally brought to the Senate after the Senator from Georgia twice served notice on the Democratic policy committee that a motion would be made on the floor of the Senate to proceed to consideration of a bill to which H.R. 3 could be offered as an amendment, if the policy committee did not clear the bill. Finally, after that notice was given to the Democratic policy committee, the committee did clear a bill which was germane.

I am not quibbling about the details of this matter. I simply say that this is highly irregular procedure, and I stand on that statement. It is highly irregular to offer an amendment of this consequence and controversy to this kind of a bill.

I said the other day that I objected to the amendment being offered to a bill which came from a committee over which I happen to have the honor to preside. I still object to that procedure.

We are not in the Senate to quarrel about any phase of that. Let Senators proceed as they will. We are not here asking for any pity. We are not here asking for any quarter. You gentlemen proceed with your legislative procedure exactly as you choose to do. Some of us will endeavor to be present at each and every stage of the proceedings.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. I am sure the Senator from Georgia has not done so, but what a passionate speech was delivered here by the distinguished senior Senator from Florida the other day in which he committed the well-being of Senators to the conscience of the minority leader and the majority leader.

Mr. RUSSELL. Who should be more concerned than the majority leader and the minority leader?

Mr. DIRKSEN. I said that I was older in age than three-fourths of the Senators in this Chamber. I would not put on them what I would not put on myself. I am willing to accept that charge to my conscience. The majority leader and the minority leader accept that responsibility. But it is made to appear to the country that we have undertaken a very henious course which is going to affect the physical well-being of the Senators, and certainly that is not in line at all.

For one thing, what we are trying to do is to get a vote. I am beginning to feel a little like some of those referred to in the Civil Rights Commission report, knowledgeable people, educated people, who could not vote. I am eager to vote, I am willing to vote, I am ready to vote.

Mr. RUSSELL. The Senator has not been sufficiently educated yet, though.

Mr. DIRKSEN. I am still willing to vote, even on one section.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. JAVITS. It is high time to put an end to this business of tricks and finagling, or whatever it has been called, no matter how responsible the source. I was one of the actors in the small drama which took place here, and I wish to say that the Senator has gained for the southern Senators who opposed this legislation 5 precious months. They would have had to face this issue on September 14 had not the Senator worked out the arrangement by which it could be brought up on February 15.

It will be recalled, and the RECORD shows, that it was desired to extend the life of the Civil Rights Commission by 2 years, but that amendment had to be acted upon under a suspension of the rules; but the minute that opened up the question of civil rights——

Mr. JOHNSON of Texas. That might be called irregular procedure, of which all of us were aware. Some of us had planned it in order to meet that particular problem.

Mr. JAVITS. The Senate voted overwhelmingly and, incidentally, agreed to confine the matter to that very narrow issue as an accommodation to those who take the position they assume in this Chamber today, as typified by the Senator from Georgia.

The majority leader needs no defender in me or anybody else. Nevertheless, he should have our testimony so he will be absolved completely. What has been intimated is completely untrue, in my view, and I think the record fully bears that out. He is not only guilty of no trick and no finagling, but he gained 5 months of time for those who wished to make complete preparation.

Secondly, Mr. President, let us understand that during this 5 months this issue has been debated in the country. We have had a chance to debate it, and so has the Senator from Georgia, and every

other Senator who takes the other viewpoint. There is great concern in the country about civil rights, and great indignation. I do not see how anyone can look at the situation in a number of southern cities today, where there is disorder, and say that this is not a burning issue for the U.S. Congress and the U.S. Senate.

I do not see, either, how we can override the considered findings, joined in by three southern members of the Federal Civil Rights Commission, as to wholesale denials of the fundamental right to vote.

Mr. President, I for one intend to proceed as I always have, giving to the Senators who are opposed complete credit for the same sincerity that I hope they give me. I shall undertake today or tomorrow, like the Senator from Georgia, whenever I can get the floor, to marshal the facts upon this issue, so that the country may understand both sides of it.

So far, we have had almost 2 weeks of discussion by those who are opposed, and the country does not seem to have been very much moved, any more than it was moved in the last 5 months. I deeply hope, Mr. President, that the sense of responsibility for public order, if nothing else, will prevail over other considerations, so that we can, as my minority leader says, get a vote.

Mr. JOHNSON of Texas. Mr. President, I hope that all Members of the Senate can be reasonable and tolerant with each other. I assert for the RECORD, and I do not think any Senator will deny it, that the procedure being employed in this instance has been employed in many other instances in connection with the operations of the Senate; that it is within the rules of the Senate; that 5 months' notice was given that this procedure might be employed; that Senators on this floor participated in the discussion, and they knew that at 12 o'clock on February 15 we would follow one of four procedures. Senators knew the Senate had not reported a bill. Senators knew the House had not passed a bill. They knew that the Senate would not discharge the committee. The only other alternative left, if we were to keep our honorable commitments, was to take up by motion the only bill which was available which had passed the House and been cleared by the policy committee. We did that.

I assert that is not irregular. I assert that is legal. I assert that Senators have passed legislation involving hundreds of millions of dollars, involving military matters, involving social security matters, involving H.R. 3, on which they never even had hearings printed, and on which they did not have a report, in matters which vitally affected this country and as to which the Senate was evenly divided.

Senators did it in connection with the Holland constitutional amendment only a few days ago, and I did not hear any protests coming from the opponents of the proposed legislation, in the form of statements that what was proposed was highly illegal or irregular.

Mr. President, so long as we have the rules of the Senate, we will operate under them, and we are operating under them, and there is nothing in the rules which prohibits any Senator from offering an amendment to a pending bill. May the day never come when a Senator may be intimidated and frightened into not offering an amendment to a bill simply because it is not germane, when there is no rule of germaneness.

Mr. President, we have before us a printed substitute. That print has been available for almost 2 weeks. It has been possible to discuss that subject for almost 100 hours. I hope that we may be able to permit the Senate to get a vote on it some time within the reasonable future, after every Senator has had an opportunity to discuss it to any extent he may desire to discuss the subject matter of the bill.

The PRESIDENT pro tempore. Is there any further morning business?

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Ervin	Monroney
Allott	Fong	Morton
Anderson	Frear	Moss
Bartlett	Goldwater	Mundt
Beall	Gore	Murray
Bennett	Gruening	Muskie
Bible	Hart	Pastore
Brunsdale	Hartke	Prouty
Bush	Hayden	Proxmire
Byrd, Va.	Hickenlooper	Randolph
Byrd, W. Va.	Hill	Robertson
Cannon	Holland	Russell
Capehart	Hruska	Saltonstall
Carlson	Humphrey	Schoeppel
Carroll	Jackson	Scott
Case, N. J.	Javits	Smathers
Case, S. Dak.	Johnson, Tex.	Smith
Chavez	Johnston, S. C.	Sparkman
Church	Jordan	Stennis
Clark	Keating	Symington
Cooper	Kefauver	Talmadge
Cotton	Kuchel	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Dodd	Long, La.	Williams, N. J.
Douglas	McClellan	Yarborough
Dworshak	McNamara	Young, N. Dak.
Eastland	Magnuson	Young, Ohio
Ellender	Mansfield	
Engle	Martin	

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS], the Senator from Wyoming [Mr. MCGEE], and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maryland [Mr. BUTLER] are necessarily absent.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). A quorum is present. Is there further morning business?

GOLDEN ANNIVERSARY OF THE POETRY SOCIETY OF AMERICA

Mr. BYRD of West Virginia. Mr. President, the Poetry Society of America, with a meeting place in New York but a membership nationwide, is celebrating in 1960 its golden year, the 50th anniversary of its founding. The event opening this celebration was the Poetry Society's anniversary dinner, held on Thursday, January 21, at the Waldorf-Astoria. Among more permanent memorials of the anniversary year is the anthology, announced for publication soon, "The Golden Year," which will display the poetic achievement of the current membership of the society.

To the material minded, there is something definitely impressive in the fact that this poetry society chooses a dining place so different from the garret-and-bistro picture of a poet's life upon which some of us grew up; and there seems something incongruous, also, in the fact that the society, at this dinner, distributed, in addition to its gold medal, 23 cash prizes, amounting to the considerable sum of $6,600. The prestige that the society had earned early in its career, and has maintained throughout its existence, is strikingly demonstrated by the general acclaim that greeted the society on the occasion of the anniversary dinner. Heading the list was President Eisenhower's tribute:

> The poet in a free society contributes greatly to the understanding and enrichment of life. In his use of the cherished rights of individual thought and expression, he defends and enlarges the same for each of us. Writing with warmth, clarity, and imagination, he plays an essential role in the shaping of our day.

But neither poets generally nor the Poetry Society of America as an organization are yet to be cataloged as safe, conservative, prosperous, and contented. The prime value of the Poetry Society of America, as a living force for poetry in our democratic society, is that it has refused from the beginning, and still refuses, to be alined wholly on one side or the other of any controversy, or to be enrolled in any school. A vivid demonstration of its inclusive taste is the placing, among guests of honor at the anniversary dinner of Robert Frost, Marianne Moore, and Robert Graves. Frost's poetic voice is in tune with the great traditions of English poetry. Marianne Moore is an innovator and experimenter in verse, and generally is accounted a leader of the modern school in poetry. Robert Graves is an individualist, a caustic critic of established reputations and flourishing literary schools, and a poet of independent and eclectic technique. The Poetry Society of America, like the American society itself, treasures the differences within its membership, thrives on controversy, and lives on the constant interplay between the conventional and the revolutionary, the solid and the spectacular, the sensible and the brilliant, the harmonious and the discordant. And in its membership it has always counted the established reputations, the interested and hard-working little people, and the

fledglings who may, in future, accomplish little things or great.

The Poetry Society of America has accomplished much, and is to be expected to accomplish still more in the future, in the achievement of its purpose as stated in article 3 of its constitution, "to secure fuller recognition for poetry as one of the important forces making for a higher civilization and to kindle a fuller and more intelligent appreciation of poetry, and especially of the work of living American poets, and to do such other acts as may be deemed necessary or appropriate to encourage and foster American poetry and aid and assist American poets."

May the society long continue to serve and to further these high ideals.

POSTPONEMENT OF TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION HEARINGS BECAUSE OF PENDENCY OF THE CIVIL RIGHTS BILL

Mr. ROBERTSON. Mr. President, it is with regret that I announce that hearings of the Senate Appropriations Subcommittee that handles the appropriation bills for the Treasury and Post Office Departments, scheduled to commence next Tuesday, March 1, will be postponed. The Treasury and Post Office Departments are two of the oldest and most important of the Federal Government. Since I have been chairman of the subcommittee that handles their appropriation bills, they have been the first to be passed by the Congress.

But, at the moment, nothing could be more vital to the great State that has honored me with membership in the U.S. Senate than the protection of the rights of the State and its citizens, guaranteed to them by the Constitution which Virginians did so much to frame, and without the ratification of which by Virginia the new Union could not have been formed. By a parliamentary maneuver, advocates of civil rights legislation have forced upon the Senate a debate on a comprehensive civil rights bill comprised of seven separate and distinct phases on which there have been no hearings, no committee report, and no opportunity for the public generally to know and to understand what is involved.

But other southern Senators and I, who have studied these proposals, know that there is no constitutional authority for the Congress to adopt any one of them. Aside from our sworn duty to support and uphold the Constitution, I can conceive of no higher duty than to fight to protect the rights of Virginia to administer in the future, as it has in the past, its election laws and the constitutional rights of each Virginia citizen when accused of a crime to demand a trial by jury of his peers. Therefore, until this civil rights debate is over, I shall devote all of my time and attention to the fight against this effort to invade the constitutional rights of the Old Dominion.

On Monday, I will be on the southern team that will serve for 24 continuous hours. During that time I plan to make at least one 3-hour speech; and I also plan to make, later in the week, two other speeches of similar length, one dealing with the unconstitutionality of the proposal of the Attorney General to control State and local elections, and the other with the unconstitutionality of one of the amendments offered by the minority leader, Senator DIRKSEN, designated as the administration bill, to authorize Federal judges in contempt proceedings to fine and imprison citizens without a jury trial.

Mr. RUSSELL. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I desire to commend the distinguished Senator from Virginia for his decision and for his explanatory statement.

All of us know that for many years—ever since the Senator from Virginia has been chairman of the Subcommittee on the Post Office Department and Treasury Department Appropriations—that appropriation bill has been the first one to clear all of the legislative processes and to reach the desk of the Chief Executive. But the Senator from Virginia is very properly putting first things first, and he is in this fight for constitutional government until it comes to a conclusion, because, Mr. President, he knows well that if we did not have a Constitution of the United States the Post Office Department would not be of any great value to us, and, of course, the Treasury would completely collapse.

Mr. ROBERTSON. And I may add that on the 100th anniversary of the birth of the great Virginian, George Washington, a speech was made by a great Senator from Massachusetts, Daniel Webster, while standing on the historic steps of the Capitol—which since have been torn down to make way for a new Senate restaurant. In the course of the speech he said that we could destroy, if we would, the Constitution which binds the States together for the preservation of American constitutional liberty; but he said that more bitter tears would be shed over the destruction of the columns of the Capitol Building than those shed over the destruction of the Colosseum or over the ruins of Rome, because, he said, once destroyed—as the able Senator from Georgia has pointed out—they could never be rebuilt.

So, Mr. President, with great regret—because I have taken pride in having the Treasury-Post Office Departments appropriation bill be the first appropriation bill to be passed by the Congress each year—I have had to postpone the hearings on that bill. After all, what could be more vital to the future of the Nation than the preservation of the Constitution as it is written?

Mr. RUSSELL. The Senator from Virginia is eminently correct. We could reorganize the Post Office Department; and, although it would be a difficult job, we might be able to replenish the Treasury. But if the Constitution of the United States were to be crushed by means of such proceedings, that would mean the end of the American dream and the death of the American way of life.

Mr. ROBERTSON. I fully agree with my friend, the Senator from Georgia.

CORRECTION OF THE RECORD—TEXAS AND WESTERN STATES

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the RECORD for Thursday, February 25, be corrected in one respect: An error appears on page 3432, in the 2d column, the 47th line. In speaking of the need for a sugar beet acreage production increase in the Panhandle-South Plains portion of my State, I stated that the area near Amarillo is more than 3,000 feet above sea level. But a typographical error appears in the RECORD; I am quoted as saying "300 feet above sea level." It is obvious that one "0" was dropped, but I want to make sure the correct figure of more than 3,000 feet above sea level is printed. So I ask unanimous consent that this figure be corrected in the RECORD.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The correction will be made.

Mr. MANSFIELD. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MANSFIELD. I wish to commend the Senator from Texas for bringing to the attention of the Senate and the country the fact that Texas is a State of fairly high altitude, and is a western State, and is one of the so-called reclamation States—all of which indicates there is a close community of interest between Texas, Oklahoma, and the Rocky Mountain States in the field of power, flood control, irrigation, sugar beets, cattle, wheat, oil, gas, and other economic commodities.

What the Senator from Texas has just now said reenforces a statement made the other day by the distinguished Senator from Ohio, in which he quoted an article written by Marshall McNeill, of the Scripps-Howard Press, which tended to prove, I think, beyond any shadow of a doubt, that so far as the State of Texas is concerned, it, along with Oklahoma, is Western. We of the Western conference are delighted to have those two great States belong to our group.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Montana for his perceptive understanding of this question and for his apt comments, and, in support of those, point out that in my home State of Texas two-thirds of the area is a land of shortage of rainfall. The reclamation problems of the West are the reclamation problems of two-thirds of the area of my home State, and a part of that area also has mineral interests, which are the interests of his State.

Mr. President, I make this statement not from a local, parochial, chauvinistic pride, but from a pride in the whole country, and particularly from a great pride in that area which is a part of the old buffalo range and the High Plains area.

I do so in perspective, reminding the Senate, as the majority whip, the distinguished Senator from Montana has, that Dr. Walter Webb, in his Pulitzer Prize winning book on the Great Plains, pointed out that nearly all of the progressive movements in American government in the past three-quarters of a century had come from the High Plains area.

The first antitrust laws came from the State of Kansas; the unicameral legislature from the State of Nebraska; the first railroad commissions were set up almost simultaneously in Wisconsin and Texas; women's suffrage came first in Wyoming.

Many other examples could be cited, but as Dr. Webb pointed out, as a result of the spirit of the High Plains, most of the forward and progressive movements in recent American government have come out of that area.

I thank the distinguished Senator from Montana for admitting that part of my State is a part of this great High Plains area that has made such a contribution to the progressive movement in government.

Mr. MANSFIELD. It is easy to admit a fact.

Mr. FREAR. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FREAR. I am wondering what the initiation fee is in order to join the union. Is it put on the basis of square miles? Just how does one get into this union? What does it cost?

Mr. MANSFIELD. It does not cost anything. There are certain conditions. For one, the State has to be west of the Mississippi. For another thing, there has to be a community of interests between the States and the region. There are two or three other conditions, but those two are important, and then, too, we hold together as the western segment of our country, but although we hold together, we recognize that we are a part of the whole, and not a part that is set apart.

Mr. FREAR. That condition precludes, of course, one of the original colonies from petitioning for admission, since the ground rules exclude it. I have enjoyed this dissertation about the greatness of Texas, but I would like the Senator from Texas to realize that if there had not been the first colonies, Texas would not be a part of the Union.

Mr. MANSFIELD. May I say that the Senator, representing one of the original 13 Colonies, has a claim to far greater distinction than we of the West have, because if it were not for the first 13 Colonies, there would have been no Union.

Mr. FREAR. I thank the Senator, who, in his remarks, wants to be a part of the West, also.

Mr. McCLELLAN. Mr. President, since it has been mentioned that the Mississippi River is a kind of dividing line between something or other, I do not know what we are driving at. Arkansas is west of the Mississippi. Well, Mr. President, Arkansas is southern, and I do not want any mistake about it. [Laughter.]

Mr. YARBOROUGH. Mr. President, I compliment the distinguished Senator from Delaware for his contribution to this discussion about the contributions of the different areas of this country to the greatness of the Nation. We in Texas freely concede that if it had not been for the Original Thirteen States there would have been no United States of America, but we further point out that without Texas there would have been really no West or Southwest, because, as a Republic, Texas passed a law annexing California to the Republic of Texas. The British chargé d'affaires in Texas at that time stated that had Texas retained its independence there was little doubt that her growing capacity would soon have conquered California and annexed it to her domain. When Sam Houston went to the Hermitage to inform President Andrew Jackson that Texas was entering the Union, he arrived at the Hermitage the morning after Andrew Jackson had died, and his body lay in state. He reported that Texas had been brought into the Union. As a result of that impetus, there were brought into the Union California, New Mexico, Arizona, a portion of Wyoming, all of Utah, Nevada, most of Colorado, and portions of other States. So I join hands with Delaware. We were glad to give up our independence. Texas was the only State, other than the original 13 and Hawaii, that voluntarily gave up its independence as a nation to join this great galaxy.

Mr. FREAR. Just one further comment before the Senator from Texas takes his seat. I think the remarks made by the Senator from Texas are quite complimentary to the first State of the Union. We accept those remarks with graciousness. It has always been the feeling of the people of Delaware that Texas was one of our great and thus far undivided States.

There is a question in my mind, and I am sure the Senator from Texas can clarify it. Is it true that if Texas wanted to divide itself into four or five States, it could?

Mr. YARBOROUGH. Yes. I appreciate the interest of the distinguished Senator from Delaware, the first State to ratify the Constitution. Yes, under the Articles of Annexation, supplemented by the Compromise of 1850, the State of Texas is given the right, without the necessity of consent by the United States, to subdivide into five States. Many times in our history there has been serious discussion in that State about a division. At one time a constitution of west Texas was actually drawn, during the Reconstruction days. In more recent times, in the 1930's, an effort was made to create a 49th State near the Rio Grande, in the southwestern part of our State. At the times subdivision has been discussed, Mr. President, one stumbling block that has prevented the subdivision of Texas has been the question of who would get the Alamo? That question has generally stopped talk of subdividing the State. No one is willing to give up the Alamo. If the State were subdivided, the lines would have to be drawn in such a way that each subdivided part of Texas would have a part of the Alamo and the University of Texas, and that is very difficult to do.

Mr. JOHNSTON of South Carolina. Mr. President, I do not know why all this talk about the West and the South and the North and the East, but I do recall that we do have a line running in the West and the South beyond which the freight rates are higher. When one comes across the Mississippi he gets into official territory. That has been true ever since the War Between the States.

I know one thing. I know nobody will ever doubt that South Carolina is in the South. We are in the South. I am glad we stood up for States rights, because we were the first State that started the War Between the States. Authority will be found to show that the United States would not have achieved its independence had it not been for South Carolina. I remember reading how famous generals would capture war material from the British. That material would be captured in the swamps and would be taken away from the British. The first battles won were fought near Kings Mountain and also at Cowpens which happens to be in the county I come from.

I think we are really a part of the United States, after all. The Senator talks about the Alamo. If he will go back to trace the history of the Alamo he will see that a great many of the main leaders at the Alamo were from South Carolina, fighting for the Texas people at that time. Therefore, I imagine if the Alamo were placed in a State it might be necessary to name it something similar to South Carolina, since South Carolinians took such an important part, if there were a State which took in the Alamo.

I do not know why there is all this talk about the East and the West, unless it is beginning to enter into the political scheme. Probably some people are running for office, and they want to say they are not from the South, that they are from the West instead of the South, in order to be nominated. It has been impossible, as you know, for almost 100 years for a person to be nominated from the South. I do not blame someone for that, if he tries to get on the borderline and then slips across [laughter in the galleries] in order to receive high honor, and things of that kind. I guess that is the reason for all this talk about South and West and all of that.

I believe if Texas were cut up into four parts we would find that some of the Senators would vote along with the South, as we have had some Senators from Texas who used to vote with us in the South, up until recently. We can readily see why there is so much talk about East and West and South at this particular time.

Regardless of that, I am still from the South, and South Carolina will remain in the South, no matter how much of the South might be chipped away from us, and we shall try to be in the South in the future as we have been in the past.

Texas is a great State. There are too many South Carolinians in Texas for me to say anything against Texas. I think

the other Senators from other Southern States will speak likewise. We have furnished a great deal of the population of the great old State of Texas. We love Texas in the South, regardless of whether she denies she is one of the Southern States. We are still going to feel close to Texas.

During the delivery of Mr. TALMADGE'S speech,

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Texas for the purpose of permitting him to make an insertion in the RECORD, and that my yielding to him may not deprive me of the floor or attribute to me a second speech, following his remarks.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. YARBOROUGH. Mr. President, I appreciate the fact that the distinguished junior Senator from Georgia has kindly yielded to me to make a brief statement. I ask unanimous consent that my statement may be printed in the RECORD immediately after the remarks of the distinguished senior Senator from South Carolina this morning. We were engaged in a colloquy at that time in the morning hour, and the time ran out before I could answer the inquiry made by him.

His inquiry, in effect, was whether we in Texas did not appreciate the contribution which South Carolina had made, including the contribution made by the sons of South Carolina who were in the Alamo.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. In answer to the distinguished senior Senator from South Carolina, South Carolinians were in the Alamo. His statement is historically accurate. We Texans are eternally grateful to the relatively high percentage of South Carolinians who took part in the Texas revolution and for their valor there.

Four heroes of the Alamo whose names stand out over all the rest are William B. Travis, commander of the Alamo; James W. Bowie, inventor of the Bowie knife; David Crockett, famed frontiersman and former Representative in Congress; and James B. Bonham, the courier of the Alamo. Two of these, William B. Travis, the brave commander, and James B. Bonham, the constant courier for aid, will long be remembered. James Bonham twice left the Alamo's walls in search of military aid while it was under siege. Twice he came back emptyhanded. The last time, he came when the doom of the fort had been sealed, slipping through the besieging army in an irrigation ditch, to die with his friends under siege, rather than to live while they were gone.

Texas will never forget the courage and the chivalry of those South Carolinians who placed their early stamp upon her history.

Of the 59 signers of the Texas Declaration of Independence, 4 were born in South Carolina, including Samuel A. Maverick, founder of the Texas branch of the Maverick family; and Thomas J. Rusk, Secretary of War of the Republic of Texas, who fought on the field of San Jacinto and became the only Texan ever to serve as President pro tempore of this Senate.

Of the 38 Governors who have served Texas since annexation, 4 were born in South Carolina, including O. M. Roberts, "the Old Alcade," one of the 5 greatest statesmen of Texas history, the Governor who opened the doors of the University of Texas and made the public school system a real statewide system.

Of the 26 Senators who have served Texas in this body, 4 were born in the Palmetto State; namely, Thomas Jefferson Rusk, James Pinckney Henderson, John Hemphill, and Louis Trezevant Wigfall.

Mr. President, I assure the distinguished senior Senator from South Carolina that we in Texas are mindful of the noble contribution made to American and to Texas independence by the valiant sons of South Carolina. We appreciate their historic greatness and are proud with them of their cornerstone position in our American heritage.

Proud we are of their devotion to liberty, though on this floor we may not always vote alike. Our southwestern empire in Texas looks back with pride to one of our ancestor States, one of the original 13 free and independent States out of which this indissolvable Union of indestructable States was formed.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from South Carolina, with the understanding that I will not lose the privilege of the floor, and that his remarks not affect the continuity of my speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. Mr. President, I thank the junior Senator from Georgia for giving me the privilege to thank the junior Senator from Texas for bringing the true facts concerning this matter to the Senate.

As the Senator from Georgia will recall, when I was speaking earlier today on this subject, I said that there is a close tie of friendship and love between South Carolina and Texas in anything which might be said on the floor at any time. I want the Senator from Texas to know that the senior Senator from South Carolina loves the Senator's State and loves his people, because we feel that the ancestors of a great many of them were from South Carolina originally.

Mr. YARBOROUGH. Mr. President, I thank the distinguished senior Senator from South Carolina for his remarks. Certainly the feelings he has expressed so eloquently are reciprocated by the people of Texas.

Mr. President, I ask unanimous consent that these remarks be printed in the RECORD immediately following the colloquy on this subject in the morning hour today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President——

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from South Carolina, without losing the privilege of the floor and without having my remarks which will follow his considered as a second speech by me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I wish to take this opportunity to express my sincere appreciation to the able and distinguished junior Senator from Texas [Mr. YARBOROUGH] for the information he has just now brought to the Senate.

The commander of the garrison at the Alamo, William Barrett Travis, was born in my own home county of Edgefield; and there is a monument to him in Saluda, formerly a part of Edgefield County.

James B. Bonham, another of those whom the Senator from Texas mentioned as having been at the Alamo, and for whom a county in Texas is named—and I believe it is the home of the Speaker of the House of Representatives, SAM RAYBURN—was also born in my home county of Edgefield, and there is also a monument to him at Saluda.

So I wish to express my appreciation to the Senator from Texas for stating these facts about those famous South Carolinians. It is easy to understand why Texas has become so progressive and so great a State, when one realizes whence so many of its distinguished leaders came. I am sure the distinguished Senator from Texas will agree.

Mr. YARBOROUGH. I thank the Senator from South Carolina, and we are most grateful for the distinguished leaders his fine State has sent to us.

Two of those whose names were mentioned by me—Hemphill and Rusk—had studied in the law office of John C. Calhoun before they came to Texas. Certainly the population of our State has benefited greatly by the many fine and distinguished citizens of other States of the Union who have come to Texas. We are most grateful and proud of the noble heritage of our State to which they have contributed so magnificently.

Mr. President, I am most grateful to the distinguished Senator for his kind remarks, and I thank him.

Mr. TALMADGE. Mr. President, I have greatly enjoyed the remarks of the distinguished junior Senator from Texas [Mr. YARBOROUGH], and also the remarks of both the distinguished senior Senator from South Carolina [Mr. JOHNSTON] and the distinguished junior Senator from South Carolina [Mr. THURMOND].

I am quite sure that the Senator from Texas also realizes that Georgia likewise made valuable contributions to the independence of the great State of Texas; and I know that the junior Senator from Texas shares with me the pride I have in the fact that the flames of liberty burn brightly still, not only in South Carolina, but also in Georgia,

and also in the great and sovereign and distinguished State of Texas.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Georgia for those remarks.

Yes; a large contingent of Georgians participated in the Texas Revolution—a number in the Alamo, still others in Fannin's command, and other companies came from Georgia and were massacred at Goliad when all that force were marched out and shot.

A number of very distinguished Texans were born in Georgia; in fact, the number of Texans who were born in Georgia and came to Texas and were there at the time of the Texas Declaration of Independence exceeded the number of our citizens who were born in South Carolina and had come to Texas at the time of our declaration of independence.

In fact, Mr. President, of the 26 Senators whom Texas has sent to the Capital of the Nation since Texas has been one of the States of the Union, a relatively large number were born in Georgia.

All that is a great tribute to the State of Georgia, which has sent to Texas ancestors of many of Texas' 9 million people. I do not begrudge that to the State of Georgia; instead, I pay tribute to Georgia and to its fine people, so many of whom have come to our great State and have helped build it to the great and proud position it occupies today.

I thank the Senator from Georgia.

Mr. President, I thank the distinguished junior Senator from Georgia for yielding to me.

Mr. TALMADGE. Mr. President, as one of the two Senators who has the honor to represent the great and sovereign State of Georgia in the Senate of the United States, I am deeply indebted to the distinguished Senator from Texas for his remarks.

Having the honor to represent a State which has contributed so greatly to the independence and freedom of our country, I am happy to return now to my speech on the floor of the Senate, this evening, in the course of which I am undertaking to make a most determined effort to preserve for all time to come the liberty and independence of our people, which we in Georgia are glad to share in common with the other States of the Union.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, has morning business been concluded?

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there further morning business?

Mr. McCLELLAN. Mr. President, I have some morning business.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. YARBOROUGH. Mr. President, since the distinguished Senator from South Carolina referred to my native State, will the Senator from Arkansas permit me to address an inquiry to the Senator from South Carolina?

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Who has the floor?

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired. The Senator from Arkansas has been recognized.

Mr. McCLELLAN. Mr. President, I am ready to file a report. Is that in order? May I inquire if we are still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

Mr. McCLELLAN. Mr. President, is the filing of a committee report in order?

The PRESIDING OFFICER. It is in order.

FINAL REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD—PART I (S. REPT. NO. 1139)

Mr. McCLELLAN. Mr. President, I submit, on behalf of the Senate Select Committee on Improper Activities in the Labor and Management Field, part I of the final report of the committee.

Mr. President, I should like to make some comments about the report.

Mr. President, this is part I of the report. I believe there will be three more parts of the final report of this committee. We are processing those other parts, and hope to have them ready for filing within the next 2 or 3 weeks, certainly within the extension of time which was given to the committee for that purpose.

Mr. President, I have issued a press release regarding the report, as follows:

Senator JOHN L. McCLELLAN, Democrat, of Arkansas, chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, today filed part I of the final report of the select committee covering hearings held on secondary boycotts; Sheet Metal Workers International Association, Chicago; Newspaper and Mail Deliverers Union of New York and Vicinity; and political contributions by labor-management.

The remaining three volumes of the final report will be released when approved by the committee. They will include reports on the UAW-Kohler, Perfect Circle, and Gosser cases, as well as the final report on the activities of James R. Hoffa, and the activities of Joseph P. Glimco of the Chicago Taxicab Union, the Criminal Syndicate cases, and the Coin Machine and Jukebox cases.

The secondary boycott hearings played a substantial role and furnished much of the factual background and the basis for the Labor-Management Reporting and Disclosure Act of 1959. These hearings covered the hot cargo cases, which are now outlawed. They also covered the Waldorf-Astoria Hotel Terminal Barber Shops case, which demonstrated that, through secondary boycotts, the hotel—which was a disinterested party to the labor dispute—was subjected to such pressure as to compel the Waldorf, when faced with the alternative of closing the hotel, to apply pressure on its tenant, the Terminal Barber Shop, to yield to the demands of the Barbers Union.

Mr. President, I invite the attention of those who read this and who are interested to page 68 of the report we are filing, dealing with this subject matter.

In the Sheet Metal Workers of Chicago case, the committee disclosed that sheet metal contractors were compelled to pay tribute to union officials for the privilege of operating union shops. It also showed that officials of the Sheet Metal Workers participated in the rigging of bids on city construction work.

It must be borne in mind that every time a racketeer exacts tribute, this becomes the concern not only of labor and management, but must and should become the concern of the consuming public and the taxpayers. Every time a rigged bid is submitted for construction—be it private housing, local or municipal construction, or Federal procurement—it raises the cost to the taxpayer. It is an evil which calls for strict local law enforcement action. The committee has referred this and many other matters to the Justice Department for its attention, with the confidence that proper action will be taken.

I refer those who are interested to the findings by the committee contained on page 95 of the report which I am filing.

The hearings on the newspaper and delivery unions showed the extent to which criminal and underworld elements have succeeded in infiltrating the labor and management phases of the newspaper and periodical distribution business in New York and other areas.

The revelations of the committee have resulted in indictments of many of the union and management officials for violation of the Hobbs Act (the antiracketeering act), and the Sherman Antitrust Act.

Irving Bitz, a notorious hoodlum, pleaded guilty and was sentenced to jail. The others are awaiting trial.

Harold Gross, a convicted extortionist, of local 320 of the Teamsters Union, and Cornelius Noonan of Los Angeles, were two other notorious hoodlums who were indicted for extortion.

The evidence before the committee is irrefutable that the New York Times and the New York Daily Mirror, in order to insure the deliveries of their papers during a strike in September 1948, paid a total of $45,750 as tribute to labor racketeers-fixers, Gross and Noonan—that similarly 2 years before, during the 1946 strike, these newspapers paid Gross and Noonan to fix it so they could effect delivery of their papers.

The American Weekly paid Gross $28,000 between 1952 and 1958 to buy labor peace and prevent newspaper delivery stoppages.

Yet those same newspapers, enjoying freedom of the press, write long editorials covering as much as two full columns in width, condemning Senators or anyone else for any little thing they may think might be wrong. Enjoying the freedom of the press, as they did, they were either under such compulsion that they yielded, or they were perfectly willing to make some arrangements with the racketeering and hoodlum element of the country to get their newspapers delivered.

It is a tragic thing in America, which we call a free land, where we try to protect human rights, that such things can occur. Very little is said or done about the situation. But if there is an op-

portunity to say something about the South, and get after it, we can take up endless time seeking some way to humiliate it, embarrass it, and try to overthrow and destroy its traditions, its customs, and its culture.

The newspapers will not say much about the things I have been describing, but they will criticize the South. They will pay tribute to criminals to perpetuate their nefarious actions, in order to get their newspapers delivered.

What are the morals involved in this issue? What are we really concerned about?

Other phases of the newspaper distribution improprieties as they relate to Theodore Cozza, president of local 211 of the Teamsters, and Joseph Prebenda, secretary-treasurer of local 372 in Detroit, will be touched upon in the other parts of the final report pertaining to the activities of James R. Hoffa.

I refer Senators who are interested in the findings in any such cases to page 128 of the report which we are filing.

It is ironic that crooked labor fixers and racketeers can successfully accomplish the abridgment of the freedom of the press which is guaranteed by the Constitution. The danger inherent in this power of racketeers can only be destroyed when the management of newspapers assumes the responsibility, in their own industry, of fighting instead of catering to such racketeers.

No one wishes to hamper or injure or destroy the freedom of the press. It must be preserved. But such freedom carries with it an obligation. It carries with it an obligation not to yield to hoodlums and racketeers and pay tribute to them.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. McCLELLAN. Has objection been made to my continuing? The time of a number of Senators has expired this morning, and there has been no objection to their continuing.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that the Senator from Arkansas may be permitted to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I shall yield back most of that time. I wish only time enough to conclude with a brief paragraph.

A short hearing was held on political campaign contributions by labor and management toward the end of the last session of the Congress. The preliminary study indicated that insufficient time remained in the approved life of the committee to permit adequate attention to this problem. It was generally agreed by the committee members that such investigation should be conducted during a presidential campaign year, but it would of necessity have to be left to the committee of the future.

Mr. President, I submit the report to which I have made reference, and ask that it be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Arkansas.

Mr. McCLELLAN subsequently said: Mr. President, earlier today I submitted part I of the final report of the Senate Select Committee to Investigate Improper Activities in the Labor-Management Field. The report is unanimous, with the exception that one member of the committee, who joined the committee after the hearings were held, has submitted a statement which I think should be treated as individual remarks. I therefore ask that the statement of the distinguished Senator from Indiana [Mr. CAPEHART], a member of the committee, but who did not serve during the time the hearings were held, be printed with the report of the committee, as individual remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTRACTED SESSIONS OF THE SENATE

Mr. HOLLAND. Mr. President, I am glad the minority leader [Mr. DIRKSEN] showed this morning by his reference in earlier colloquy which I have had an opportunity to read, that he caught the meaning of my remark the other day when I said that it is a truth that the responsibility for the lives and health of certain Members of the Senate who are of great age and in feeble health, is upon the hearts and the consciences of the two leaders of the Senate, if they invoke and insist upon round-the-clock sessions.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. Not at the moment. I will, gladly, in a moment.

The Senator from Illinois showed by his reaction to my statement that his conscience is working. I seem to have hit pay dirt, Mr. President, and I am glad that I have, because there is no earthly escape from the fact that the leadership on both sides of the aisle are assuming, deliberately, the responsibility for the health and even the lives of several Members of the Senate by the course they are pursuing which, aside from being unwise on that account, is unwise in that we can never expect good results when people are so exhausted that they cannot think clearly.

I now yield to the majority leader.

Mr. JOHNSON of Texas. Mr. President, first of all, I quite agree with the Senator that I am interested in the welfare and the health of each Member of the Senate. Certainly, I am interested in my own health, and I think that we all ought to be concerned with the health and welfare of each other.

Second, I wish to enter a hearty denial that I, and I alone, or the minority leader alone, is responsible for endangering the health of Senators. I am not the one who suggests useless quorum calls in the late evening.

I am not the one who prevents the majority of the Senate from expressing themselves. I am not the one who says that the Members of the greatest deliberative body in the world should not have a right to vote.

I am trying to provide an opportunity for every Member of the Senate to discuss this issue and to express his views on it.

But, Mr. President, as I said the other day, nothing can be done in this body except by will of the majority. If the majority of the Senate want to conclude the session at 4 o'clock this afternoon, they can do so. If the majority want to adjourn at 8 o'clock this evening, they can do so. There was a quorum call last evening in the middle of a speech when most Senators, including the leaders, were at dinner. I do not know that it served any useful purpose, except to delay matters, to give Senators an opportunity for a rest.

I was not responsible for that quorum call. I am not going to assume responsibility for it. I did enter into an agreement that, if adjournment were not forced at the time, the civil rights issues would be before this body on February 15 at 12 o'clock. I made an honorable commitment. I have kept that commitment. We have debated the pending amendment now for almost 2 weeks. At the end of 2 weeks a great number of Members of the Senate indicated they felt that if we had made no progress and if we were not ready to vote on it, and if a full discussion had been had in connection with it, and if some Senators had not exercised their right to speak on it, they would like to stay in session around the clock, if necessary, in an attempt to get a vote.

Senators have expressed a similar desire on other subjects—in the atomic energy debate of 1954, for example—and they did not charge us with endangering the health of Senators then. They thought that we ought to stay here until they had had the right to express themselves.

Mr. President, a majority of the Senate can adjourn whenever they desire to do so. However, so far as the Senator from Texas is concerned, he is going to try to give every Member of the Senate an opportunity to speak.

Rather than keep us in session all through the night, the majority leader thinks it might be possible to obtain a vote after 140 hours of session in 2 weeks. If we go around the clock, then the country will at least be able to see why we cannot vote, and why Senators are denied the right to vote.

There is a great deal contained in these printed hearings before us with which the Seantor from Texas does not agree. However, I do not believe that any American citizen ought to be deprived of the right to vote because of his religion or his race or his color. I want to take such steps as I can to see that legislation is passed that will guarantee that right, because for many years I have tried to see to it that every citizen has that right. I am convinced that all do not have it, and I want them to have it.

All I want is to get to a vote. If we are permitted to vote in the daytime, there will never be a night session. If we are permitted to vote before midnight, there will not be a session through the night. Or, if a majority decides not to face up to the condition, and lets it

run on, we will have to pursue that procedure. The majority leader will be guided by the wishes of the majority of Senators.

I have made a schedule here in conjunction with the minority leader and in accordance with what I believe to be the majority sentiment in this body.

I believe that the opponents of the Dirksen amendment have frequently said that they realize they are in a minority. The whole question is whether the majority can remain here and try to express its views by a vote, or whether a minority can say, "Thou shalt not vote."

I will not assume responsibility for anyone's health. I have been here every night until almost midnight. I have had to come in early in the morning. I do not want any sympathy. I do not have a martyr complex. But I will not permit anyone to charge me with a responsibility that is not mine.

I deny that I am not concerned with the health of every Member, because I am. I must deny the responsibility of requiring Senators to come here, because I am not the man who requires them to come here. I will let the conscience of each Senator determine who it is that requires the Senators to come here and stay here until 8 o'clock or 9 o'clock or 10 o'clock, and at all hours of the night to answer quorum calls.

Mr. DIRKSEN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Not at the moment. Mr. President, the situation that has developed makes it quite clear that the 3 minutes allowed is insufficient.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, first I wish to say that I am glad to see that my remarks have also hit pay dirt in the mind of the distinguished majority leader, who said nothing on this point in his participation in the earlier colloquy. I am glad that the two leaders do show that they have a conscience, Mr. President, and I am glad that they admit that they are calling us to round-the-clock sessions. So far as I am concerned I hope and pray there will be no collapse of anyone, but I know perfectly well that when men of the age of some Senators and of the feeble health of some Senators are put to the strain they undergo by the decision of the two leaders—and they are the ones who made it—we can expect terrible results, which I hope will not be realized.

Mr. President, I congratulate the majority leader on his courage on the question of voting. The Senator from Florida knows something about that. The Senator from Florida, as a member of the State Senate, voted to knock out the poll tax as a requisite for voting when it was unpopular for anyone in my State to take that position. He knows something about such a challenge. The Senator from Florida has sponsored in the Senate for 11 years the constitutional amendment on that subject, and it was passed by the Senate overwhelmingly the other day, because of the assistance of the majority leader and the minority leader. That has not always been popular in my State. The Senator from Florida knows something about standing up for things that he believes in, and one of the things he believes in, Mr. President, is that Senators cannot pursue the course the leadership has outlined for next week without endangering the health and the lives of Members of the Senate.

The Senator from Florida has mentioned that he has no unwillingness to go into it himself. He is just as willing as the distinguished minority leader indicated this morning he was, although the Senator from Florida is sorry that he cannot roll back the 4 years that separate him from the Senator from Illinois; he is 4 years the Senator's junior. The Senator from Florida is not at all concerned about his ability to stand up under this program, but he knows, from having seen a Senator collapse within 4 feet of him in the course of a night debate some years ago, as mentioned in the argument of the Senator from Florida just a few days ago, what is involved in these terriffic strains, and he knows that the responsibility for ordering these round-the-clock sessions rests in two places, in the minds and consciences and hearts of the majority leader and the minority leader. He is willing for them to take that responsibility, and he also wants them to realize that they have accepted it. I am glad that apparently the rather sketchy remarks of the Senator from Florida the other day have brought some fire in this matter, because the Senator from Florida thinks it will pay for the two leaders to examine the situation and reexamine it and to realize that they are assuming the responsibility for these round-the-clock sessions which they have announced for next week, the third week in the debate.

Now I yield to the minority leader.

Mr. DIRKSEN. First, Mr. President, I think that the distinguished Senator from Florida shortchanged me on that age business. I think there is a little over 3 years difference, not 4, not that I would not like to roll back the clock if I could, but that is an impossibility.

Mr. HOLLAND. The advantage, of course, is held by the Senator from Illinois in that I believe he was born in 1896. The Senator from Florida would like to have been born in 1896, 1906, or even later, but he unfortunately was born in 1892.

Mr. DIRKSEN. It is so easy for him to resolve this whole matter; it is so easy for any one of the 100 Senators to resolve it. All the distinguished Senator from Florida has to do is to rise and make a motion, which has the highest priority and is not debatable, all he has to do is to rise and say, "Mr. President, I move we adjourn." He can test out the Senate and ascertain whether the majority leader and the minority leader are wrong or whether they are right, and he can test it out by record vote. He can get a show of hands—and I am sure that he can get the necessary hands—and let the Senate determine whether or not this is cruel and unusual and barbaric and tyrannous, hell-hacking punishment. I do not know all the adjectives that have been applied.

My distinguished friend was the author of the resolution providing for a constitutional amendment to make it possible for a person to vote without the imposition and the onus of a poll tax. Perhaps we ought to have a constitutional amendment to enable Senators to vote. I want to vote. The pending measure has been before the Senate for quite some time. If the Senator from Florida feels that the present procedure is an imposition on the Senate, how easy it would be for him now—right now—without a quorum in the Senate, to stand in his place and say, "I have a deep conviction about this. Life is being jeopardized. Mr. President, I move that the Senate adjourn."

I shall be waiting.

Mr. HOLLAND. Mr. President, I appreciate the suggestions of my teacher and mentor, the distinguished and eloquent Senator from Illinois. But I remind him that 65 Senators on this side of the aisle have placed the leadership in the hands of the majority leader, the distinguished Senator from Texas; that 35 Senators on the minority side of the aisle have placed the leadership in the hands of the distinguished Senator from Illinois; and that we expect some leadership from those quarters. The leadership is the only agency which has announced the round-the-clock sessions. So far as the Senator from Florida is concerned, he has not made a motion to adjourn and has not made a motion to recess. He has always expected, and he still expects, reason and cooperation from his own distinguished leader and from the leader on the other side of the aisle. So if the Senator from Illinois wants to try out his proposal, he certainly has the privilege to make the motion which he suggests.

Mr. DIRKSEN. The Senator from Illinois is not quarreling on that point; it is the distinguished Senator from Florida who has raised the question.

Mr. HOLLAND. The Senator from Florida has not had a word to say about the proposed civil rights legislation. That brings him to the next point.

We started this debate with 54 bills having been drawn. We have no idea of the final form which the bill will take. Apparently there has been no agreement between the two leaders or in any other quarter, so far as the Senator from Florida has been able to ascertain, as to what will be the form of the proposed legislation, so as to enable Senators to speak with some degree of discrimination and concentration upon the terms of the bill.

The Senator from Florida believes we have a right to proceed with an orderly development of a bill. The Senator from Illinois offered an amendment having some seven parts. That has been looked into. He decided it was not as good as he would like it to be, so yesterday morning, as I recall, he replaced that amendment with another one. The Senate is simply waiting for the matter to so congeal that we can consider something specific.

Let me speak briefly about one more matter, which I address to the Senator from Texas. He made some comparison in his colloquy this morning between the procedure being followed on this measure—the irregular, disorderly, unconcentrated, uncongealed procedure under which no Senator can tell on what he is expected to vote, and what was done when the Senator from Florida brought up his constitutional amendment, with the help—the very great help—for which he pays them great tribute, of the Senator from Texas and the Senator from Illinois. That was an unfortunate comparison, because in the latter instance the Senate had before it a measure which had been pending for 11 years in the Senate; on which three hearings had been completed, and as to which those three hearings were printed and available; on which subcommittee recommendations had been made from time to time favoring the proposal; or which there was no difference as to the form in which it should be presented; but instead, it was presented and adopted in the precise form in which it had been pending all those years.

In the present instance, the Senate is in a state of complete confusion as to what the form of the bill will be. Many recommendations have been made. Certain provisions are included in some bills, certain amendments have been offered, and other provisions are contained in other proposals.

The Senator from Florida, with great respect for the Senator from Texas, who, he again states, was more responsible for the bringing of the constitutional amendment resolution before the Senate than the Senator from Florida could ever be, thinks there is no comparison at all between the propriety of the proceedings in that case and the complete irregularity and impropriety of the procedure in this case.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I was about to yield the floor. Did the Senator wish me to yield to him?

Mr. DIRKSEN. I will ask for the floor in my own right.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, Charles Taft, the brother of Bob Taft, made a speech in Washington some years ago in the course of which he said, "Nothing will ever be the same again." I have thought of that statement many times. So in my feeble way I have tried to devote myself to the position of simplifying two things, insofar as I could.

I have seen the time when 50, 60, yes, 100 amendments to a bill, in printed form, have been at the clerk's desk or over on the table awaiting consideration; and what Member of the Senate, if he had the wisdom of Solomon and the perspicacity of the Apostle Paul, could know what would eventually go into a bill?

I am concerned about 40 or 50 proposals. We have simplified them. There are seven proposals in this package. They have not been changed since February 5, 1959. They were available for everyone to see, except one, which was subsequently introduced, and on which hearings have been held before the Committee on Rules and Administration of the Senate and the Committee on the Judiciary of the House. The proposals have been widely discussed everywhere.

So this is a simple package. All we seek is a chance to vote. We are going to get a chance to vote. Senators can do what is necessary under those circumstances. They may say that there has been much criticism; that they do not know what is in the bills; that they do not know what is in the package, and that the proposal should be discussed. Very well. That simply means that the Senate will start earlier and stay later.

But we have started earlier, and we have sat later, and the criticism still persists. So there is nothing else to do except to start earlier and work even later. Finally that requires working around the clock. There is nothing unusual about that. There is nothing irregular about it.

With respect to the charge that there is something irregular about the action of the majority leader in moving to take up this bill, it was not irregular action at all. It was a measure of his courage and, along with it, his fidelity to commitments which were made on September 14, 1959. I applaud him for his courage, and I believe the country will applaud him, too.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask the Senator from Illinois one question. Will he point out in the history of the Senate when at this time of the year, so early in the session, the Senate has been kept in session around the clock?

Mr. DIRKSEN. It is good that such a proposal comes earlier in the session rather than later.

Mr. JOHNSTON of South Carolina. But when has it ever been done so early in the session?

Mr. DIRKSEN. The time does not make any difference. I am no slave to the clock or the calendar. If around-the-clock sessions were held late in the session, Senators would feel the exhaustion which develops as a result of their onerous burdens after they had been here for 6 months. We might then well be charged with cruel and inhuman treatment.

But this is February. This is only the second month of the session. Senators have returned after a rest. They are refreshed in mind and body. They are full of exuberance, vitality, and good spirit. This is the time to hold such sessions, rather than later.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Illinois may have additional time in order to yield to the Senator from New York.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. I yield to the Senator from New York.

Mr. KEATING. Mr. President, I believe there has been altogether too much downgrading of the abilities, the perspicacities, and the intelligence of very distinguished Senators like the Senator from Florida [Mr. HOLLAND], the Senator from Georgia [Mr. RUSSELL], and others, concerning their ability to understand and comprehend the proposals which are before the Senate. Many of us, apparently, have a very much higher regard for their abilities in that field than they themselves do, in their own modesty.

The measure before the Senate contains seven parts. As the minority leader has said, it is the same as the one which has been before the Senate for a long time. It contains nothing new. All the parts of it have been subject to hearings, some held by the Committee on the Judiciary, and some by the Committee on Rules and Administration. I have often been much more confused about other proposed legislation which has come before the Senate, as to which there have been great flocks of amendments on our desks. I can understand that amendments will be offered to this measure.

I have seen the distinguished Senator from Florida, the distinguished Senator from Georgia, and other Senators who complain about their ability to understand what is here before us, handle very much more complicated matters here, and do so with enlightenment to all of us and to the benefit of all. I think that tribute is deserved; and it would be an unhappy moment if we did not recognize that they can understand this parliamentary situation.

Mr. DIRKSEN. Mr. President, my friend from New York is a very distinguished lawyer; and he knows that when a case is pending in court, the attorneys will often make motions and requests for continuances and postponements, but finally the judge will state that the case will be set for a certain day, and that on that day it will be tried on its merits.

That is all we ask in this instance—to have the case heard on its merits, here. I do not think we have been arbitrary.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. First, I wish to express my appreciation, for both myself and the Senator from Georgia, of the kind words spoken about us by the Senator from New York. We are grateful.

Second, I wish again to call attention to the singular disparity between this proceeding and the one on the poll tax amendment. All Senators have on their desks a great pile of hearings which are supposed to relate to the pending bill—which is a bill about the granting of some rights to a school district in Missouri, to permit it to use some property of the United States for a certain period of time. The hearings which have been furnished to us here, for our edification and help, contain a statement—it is on the back of each of the four volumes—that the hearings were conducted on 17

different bills; and the 17 different bills are listed. But there is not the slightest advice as to which of the bills, or what part of them, or what conglomeration of them, are suggested.

I also desire to call attention to the fact that those who wish to examine the hearings will find that the bill finally reported by a subcommittee to the full committee bears no resemblance of any sort to the amendment now offered for the second time, and in a different form, by the distinguished minority leader.

So I believe I am completely within my rights when I say that confusion was never worse confounded than it is in this hapless and horrible approach to a vitally important matter.

I have stood for civil rights in the fields in which I have thought they existed; and I have stood for them when it has been a great deal harder for me to do so than it is for the Senator from Illinois, who so well represents his State, or for the Senator from New York, who so well represents his State, to take positions here.

Mr. DIRKSEN. I thank the Senator from Florida.

Mr. HOLLAND. I have taken positions, both here and in my home State, which were much more difficult for me to take, because I thought sound approaches to this civil rights problem were involved.

But I do not know now what approach is involved, because of the tremendous number and variety and contradiction of bills which are offered; and there is no way to escape that.

The minority leader is of course much more eloquent and much more skillful than I in the use of argument. But he cannot change the facts; nor can he, in his unfortunate allusion to court trials, get away from the fact that when a court case is tried on the merits, the pleadings have been settled and the attorneys know what they are talking about and what is going to be tried.

It happens I have been trying cases even longer than has the Senator from Illinois, by reason of the fact that I happen to be his senior both in years and in practice before the courts. But I have never heard of such a ridiculous suggestion as the one he makes—namely, to proceed to trial on the merits, without knowing what the issues are.

Mr. President, I thank the distinguished Senator from Illinois for yielding to me.

The PRESIDING OFFICER. The time available to the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President, I ask to be allowed an additional 5 minutes.

Mr. HOLLAND. I join in the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I wish the distinguished Senator from Florida could have sat with us in the Judiciary Committee when, at long last, a civil rights bill came out of the subcommittee to the committee. The subcommittee knew full well what the difficulty was going to be; and I have often said that, instead of worrying about a filibuster on the Senate floor, we should be deeply concerned about extended, and maybe overly extended, committee discussions.

Mr. President, I made a tabulation, one day, of all the motions, all the suggestions, all the amendments—and it was a long list—made in the committee in a single day; but we finally went exactly nowhere. In all the other meetings, the result was exactly the same. And I mentioned the other day, I think, that, even as of this moment—nearly 6 months after that committee terminated its work in the 1st session of the 86th Congress—my distinguished friend from South Carolina still has the floor, and the pending business in that committee is still the civil rights bill.

Mr. President, when my friend came in, I saw the substantial manuscript he had, and I was a little terrified. If I were a man of frail proportions, I might have fallen out of my seat. I said, "My distinguished friend, what have you there?"

He said, "That is the speech I am going to make to the committee."

Mr. President, I think that speech required a total of 14 hours, without any interruptions. Needless to say, a long time and many sessions of the committee will be required before a 14-hour speech can be presented. Other very distinguished members of the committee said, "Well, we have not yet had an opportunity to discuss this matter."

So it is still there and it has been there since the first part of September or the last part of August of last year; and there are still speeches to be made there.

We had a majority to vote that bill out of the committee, but we could not bring it to a vote. I wish my good friend from Florida could have been there, because we sat—not round the clock—from the time when the committee convened until some circumstance brought about a recess or an adjournment of of the committee.

My distinguished friend from New York, an able lawyer [Mr. KEATING], was always in his seat when those proceedings were going on; and I was there most of the time. And so we labored, we begged, we urged, we entreated, we supplicated, we prayed, we pled. But all of it fell on deaf ears, on sterile ground. The bill is still there, immolated in that committee, while a great interest in this problem has been developing in every section of the country.

Mr. HOLLAND. Mr. President——

Mr. DIRKSEN. Mr. President, I yield to my friend from the State of Florida.

Mr. HOLLAND. Mr. President, first, I want to state that the distinguished minority leader has well proved part of the suggestion I made awhile ago—namely that his eloquence, his unparalleled choice of words, and his elegance of expression could not be paralleled in any way by me, and I would not attempt to do so. But I like to stick to the facts. Is it not true, I ask my distinguished friend, that after the conclusion of that hearing on the 17 different bills, the subcommittee did report a bill to the full committee?

Mr. DIRKSEN. Yes; and we had the amendments all ready to offer in the committee, but we could not get them offered.

Mr. KEATING. Mr. President, will my friend yield to me?

Mr. DIRKSEN. I yield.

Mr. KEATING. And later, I may say to my friend from Florida, I moved to report even that little puny bill to the Senate, so we would have something to work on.

Mr. DIRKSEN. And then a discharge petition was filed with respect to the bill.

Mr. KEATING. That is correct.

Mr. HOLLAND. Mr. President, if the Senator from Illinois will yield again, I would like to ask an additional question: Why is it there is no similarity, not even the slightest likeness, between the reporting of that bill by the subcommittee, after those voluminous hearings, and the way my constitutional amendment was reported by the subcommittee to the same Judiciary Committee? Why is it that there is no similarity at all between that subcommittee bill and the bill which the distinguished Senator from Illinois has sought to offer, first in one form, and then in a materially changed form?

Mr. DIRKSEN. I will give the Senator the answer in his own words.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. I will give the answer to the Senator in his own language. That subcommittee reported out of that subcommittee a constitutional resolution to fill vacancies in the House of Representatives in the event of a catastrophe, like a nuclear bomb, falling from the upper strata.

Under the accepted practice in the States, they have to have special elections, and the Governor cannot fill those vacancies as he does in the case of Senate vacancies. So here was a bill to provide for filling vacancies in the event House Members were suddenly decimated and a quorum could not be obtained.

I ask the Senator what that has got to do with a poll tax. There was no report on a poll tax in the report on that resolution, and yet that amendment was hooked onto it. Will the Senator tell me what a poll tax has to do with a bill that liquidates a majority of the House of Representatives so that Governors can fill the vacancies? The Senator talks about regular procedure. If that is regular, I will eat my hat. [Laughter.]

Mr. HOLLAND. Mr. President, may I make answer to that question?

Mr. DIRKSEN. Oh, yes.

Mr. HOLLAND. The Senator generally has greater perspicacity than he has exhibited this morning. The constitutional amendment which was reported out of committee had to do with elective Federal officers. The constitutional amendment, which the Senator from Florida had offered for 11 years, and which had been given three hearings, and the hearings had been printed and

had been followed by subcommittee reports on that specific amendment to the full committee, related to the election of all Federal officials, and was germane to the subject matter.

I wonder if the distinguished Senator from Illinois, resourceful as he is, can claim, or would even claim—and I think he is too frank to claim—that there is any such relationship between the little bill coming out of the Armed Services Committee, proposing, out of the generosity of the Federal Government, to make some school rooms in Fort Crowder available to a little school district in Missouri—and the amendments he has offered, which do not comprise the suggestions made by the subcommittee of his committee as to what would be an appropriate civil rights law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. The sheer brillance and dexterity——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. The sheer dexterity and the sheer brilliance of my friend from Florida right now make me catalogue a thought: If I ever get in trouble and I need a resourceful lawyer, I am going to hire him. [Laughter.]

There was a man back in my home town who maintained that the reason for the war of rebellion, or the Civil War, in this country was that we had not adopted the metric system, and that he could prove it. My friend can prove to anyone that the decimation of half of the House Members has a direct, an immediate, and proximate, as lawyers say, bearing on the poll tax.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DIRKSEN. Yes.

Mr. HOLLAND. I think I would not want this occasion to pass without having the opportunity to thank my distinguished friend for his offer of employment in the event he gets into trouble. I think his trouble is not going to be with the courts or with the criminal authorities, but his trouble is going to be in explaining to the people of this country, in the event catastrophe is visited upon the health or life of any of the feeble Members of the Senate, why, for the first time at least in 14 years—and that is the time the Senator from Florida has been a Member of the Senate—it is announced this early in the debate there will be round-the-clock sessions for a full week of time. The Senator from Florida has never heard any such announcement, in his 14 years here, that for a full week of time we are going to have round-the-clock sessions. That is what the Senator is going to have to answer to, neither in criminal defense nor in civil defense in any of the courts, but to his own conscience.

Mr. DIRKSEN. Oh, Mr. President, the answer is very easy. The arena of public affairs is a tough arena indeed. One has to stand up to it and be able to stand up to it, and if, for any reason, the soldier falls in his tracks in serving the public, he is doing nothing more than exactly what a doughboy did who was killed, perhaps, on the slopes or valleys of Korea.

Here is a problem, and it has got to be solved. A majority of the Members of the Senate want to vote on it. There is obstruction. So we do our full duty. The majority leader is doing exactly right in doing his duty and in requiting his responsibility to the whole country as an outstanding public servant.

In my modest way, I just concur and share in that feeling and want the Senate to act, instead of having it ultimately become a target of sardonic ridicule and sarcasm in the eyes of the public because it has immobilized itself.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I thank the Senator for his personal reference to me, which is undeserved, but I would remind the Senate that I am willing to testify that I have participated with other Senators in discussions about asking the Senate to continue around the clock when a vote was pending upon matters in which it appeared there was a filibuster operating. The Senator from Florida no doubt remembers some of those. I remember that after the tidelands bill had been debated for some time——

Mr. LONG of Louisiana. If I may interrupt, how long had that debate been going on? A month?

Mr. JOHNSON of Texas. I do not know how long. It may have been a month, or 6 weeks, or 7 weeks. That is not the point I wanted to make. The point I wanted to make was that we are not as likely to endanger the health of Senators by having sessions around the clock the first week as we are after debating the question for 5 weeks.

Referring to the tidelands bill, I went to the office of Senator Taft and the Senator told us he was informed we would not be able to get a vote on the measure and it probably ought to be laid aside. All of the Senators unanimously agreed that Senator Taft should come to this Chamber and inform the Senate that he was going to ask to have all-night sessions and go around the clock until we got a vote on the matter, and that is what transpired.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. JOHNSON of Texas. I recall when we had the atomic energy bill before the Senate, and the Senate decided at the end of a day that there was going to be discussion of that measure at length. I remember some of the valuable support I received from Senators, some of whom are present on the floor now, who were willing to go around the clock, in order to bring that measure to a vote.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. GORE. I have not been in this. Do not include me.

Mr. JOHNSON of Texas. I had not thought of the Senator from Tennessee in this connection, although I am glad the Senator reminds me he was very active in the atomic energy discussion, but there are Senators on the floor who desired to bring that measure to a vote.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes.

Mr. GORE. I appreciate the opportunity to understand the allusion. I thought the Senator was looking and pointing at me.

Mr. JOHNSON of Texas. No. I may have been looking at the Senator; I was not pointing at him. [Laughter.]

Mr. LONG of Louisiana. Will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. LONG of Louisiana. Does my friend and great majority leader of the Senate have any doubt that the effect of the lengthy debate on the atomic energy bill was a great national service?

Mr. JOHNSON of Texas. No, I do not. I do not have any doubt that prolonged debate on the pending bill will be of great national service. I am not objecting to prolonged debate. As a matter of fact, I am trying to arrange a schedule under which there will be ample opportunity for debate. [Laughter.] I simply hope that Senators will come to the Chamber and, instead of talking about various other subjects, will discuss section 201, which represents two pages of the bill, which has been before the Senate 2 weeks; and sometime today, tomorrow, Monday, Tuesday, Wednesday—I am not particular—will give us the right to vote on it.

So far as I am concerned, if it suits the pleasure of the minority leader and if the Senators in the Chamber are willing, I would have not the slightest hesitation about moving now that when the Senate adjourns on Monday it adjourn at 5 o'clock, in order to let the Senate determine the matter. If I made such a motion, of course, I would oppose the motion, but it would be a test, and Senators could determine whether they wanted to adjourn at 5 o'clock or whether they wanted to discuss the matter around the clock.

Mr. President, I do so move, that when the Senate adjourns on Monday it adjourn at 5 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLAND. Mr. President, is this motion debatable?

The PRESIDING OFFICER. The motion is not debatable.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Would it be in order, after the result of the vote is announced, to submit a resolution to the effect that it is the sense of the Senate that all Senators who vote in the negative on the pending motion should hereafter attend all sessions of the Senate until the matter before the Senate is disposed of?

The PRESIDING OFFICER. The motion would not be in order.

Mr. ERVIN. It is a pity that it would not.

The rollcall was resumed and concluded.

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Missouri [Mr. HENNINGS], the Senator from Wyoming [Mr. MCGEE], and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Maryland [Mr. BUTLER] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senator from Connecticut [Mr. BUSH], the Senator from Arizona [Mr. GOLDWATER], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Pennsylvania [Mr. SCOTT] are detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senator from Connecticut [Mr. BUSH], the Senator from Arizona [Mr. GOLDWATER], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

The result was announced—yeas 10, nays 67, as follows:

YEAS—10

Ellender	Jordan	Williams, Del.
Ervin	McClellan	Young, N. Dak.
Holland	Talmadge	
Johnston, S. C.	Thurmond	

NAYS—67

Anderson	Engle	Mansfield
Bartlett	Fong	Martin
Bible	Frear	Monroney
Brunsdale	Gore	Morton
Byrd, Va.	Gruening	Mundt
Byrd, W. Va.	Hart	Murray
Cannon	Hartke	Muskie
Capehart	Hayden	Pastore
Carlson	Hickenlooper	Prouty
Carroll	Hill	Proxmire
Case, N. J.	Hruska	Randolph
Case, S. Dak.	Humphrey	Robertson
Chavez	Jackson	Russell
Church	Javits	Smith
Clark	Johnson, Tex.	Sparkman
Cooper	Keating	Stennis
Cotton	Kefauver	Symington
Curtis	Kuchel	Wiley
Dirksen	Lausche	Williams, N. J.
Dodd	Long, Hawaii	Yarborough
Douglas	Long, La.	Young, Ohio
Dworshak	McNamara	
Eastland	Magnuson	

NOT VOTING—23

Aiken	Goldwater	Moss
Allott	Green	Neuberger
Beall	Hennings	O'Mahoney
Bennett	Kennedy	Saltonstall
Bridges	Kerr	Schoeppel
Bush	McCarthy	Scott
Butler	McGee	Smathers
Fulbright	Morse	

So the motion of Mr. JOHNSON of Texas was rejected.

Mr. JOHNSON of Texas. Mr. President, I should like to explain to the membership that after conferences with a large number of Members of the Senate, the leadership on both sides of the aisle were of the opinion that a substantial majority of the Senate felt that after we had held the Senate in session for almost 150 hours over a period of 2 weeks we should ask the Senate to come here on Monday and stay here until we could reach a vote, if we could reach a vote. I talked to Senators from all sections, with all viewpoints, before that decision was reached. Of course, all of them did not agree with that decision. But it was the opinion of the minority leader and the majority leader and a goodly number of Senators—and I think the majority of the Senate feels this way—that we should start round-the-clock sessions after we have had more than 100 hours opportunity to debate the first part of this seven-part package.

It has been said that if accidents should befall someone or if sickness should occur among the membership of the Senate, the majority leader and the minority leader would be responsible. I hope all Senators will remain in good health. Senators have been overly generous with me at times when I was not in good health, and I appreciate their sympathy and understanding. However, I do not want to have on my conscience an individual decision that was not in accordance with the majority wishes of this body. Therefore I made a motion that when we adjourned on Monday next we adjourn at 5 o'clock, so that Senators who wanted to adjourn at that time, could so vote and, in effect, record themselves as saying that our assembling at 10 o'clock, as we have been doing, and working until 5, afforded sufficient time and was calculated to produce the best and most effective results.

I do not invite each Senator—of course I do not need to—to make motions to recess or adjourn. Normally that is the prerogative of the leadership. I realize, however, that others sometimes exercise it. We had such a motion the other evening, a very surprise motion—one that I just happened to walk into just head on—a motion to recess. One Senator made the motion, voted "aye," and I voted "nay," and the Chair apparently voted with me because we did not recess.

I have now attempted to ascertain by rollcall whether the Senators want to adjourn at 5 o'clock on Monday. If Senators desire to adjourn at 9 o'clock on Monday, or 12 o'clock on Monday, and will appear here and so indicate, and there are any substantial number of them, I will be very happy to make the motion so the Senate may know and the country may know what are the wishes of the majority of the Senate. I have no desire to attempt to prevent a majority from working its will or to prevent the majority from having a right to vote, and for that reason I made the motion today, and I say this in explanation, so that Senators may know what motivated me.

Mr. President, I would announce that if the speakers were available, and if there were Senators who desired to discuss the Dirksen substitute or any other subject, it would be the hope of the leadership that we remain in session until around the hour of 10 o'clock this evening. We may have to vary that somewhat if some Senators on the floor want to continue when it gets to be 10 o'clock. We cannot always control it, but I hope we can expect to come in at 10 o'clock and go out tomorrow evening, Saturday evening, at an hour sometime around 6 or 7 o'clock.

That is the plan of the leadership. If there is any substantial number of Senators who feel that that is an unwise procedure or an unfair policy, and will so indicate, I shall be glad to confer with the minority leader, and ask an expression from the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. RUSSELL. I am most grateful to the distinguished occupant of the chair for finally recognizing the Senator from Georgia. I am certain the Chair is not the only person in the Chamber who recognized that I had first addressed the Chair.

I desire to make a very brief statement with respect to the matter which was just voted upon. Of course, that was a strawman to be knocked down, and I participated in that endeavor.

Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. Is it within the right of any Member of this body at either

4 p.m. or 5 p.m. on Monday to rise to his feet and move that the Senate adjourn, if he can be recognized at that time?

The PRESIDING OFFICER. That would be in order.

Mr. RUSSELL. Mr. President, at the outset of this unusual debate, I stated that in my judgment those of us who are in the great minority here would do well to "play this matter by ear" from day to day. Therefore, I did not wish to commit myself to the proposition of having the Senate adjourn at 5 o'clock on Monday. After all, it might be desirable to have the Senate adjourn at 4 o'clock—although, I say in all sincerity, I believe that it might be desirable for the Senate to remain in session until 7 o'clock, because we have reached the time of year when the sessions could well continue until 7 p.m.

Of course, Mr. President, I realize that any Senator can move that the Senate adjourn or take a recess, if he can obtain recognition; and I may say that such a motion may be made from time to time, in the grueling hours which lie ahead.

This morning, the leadership—particularly the distinguished Senator from Illinois [Mr. DIRKSEN]—expressed great anxiety about being able to obtain a vote. I congratulate the Senator from Illinois; he has had a vote. And I hope this will content him at least a while.

Mr. SCOTT. Mr. President, I desire to make a personal statement pertaining to the vote which was taken a few minutes ago: Together with a number of other Senators, I was present at a luncheon, under the reasonable belief that if a vote were taken in the Chamber, it would be preceded by a quorum call. I am aware that we had no right to that assumption; nevertheless, as a matter of courtesy, up until now, during this session, that has been the procedure.

If a quorum call had been had prior to the vote, those Members, who were not able to reach the Chamber in time to participate in the vote, would have been able to participate in it.

If I had been present at the time when the vote was taken, I would have voted "Nay"; I wish the RECORD to show that.

I also wish to observe that, hereafter, if the regular order is to be requested, I shall regard myself as entirely free to make such a motion at any time, on any occasion.

Mr. HOLLAND. Mr. President, I wish to make a brief statement in regard to the vote which recently was taken: I am gratified that the majority saw fit to make the motion, because it was so apparent that I have been correct in the observation I have been making in regard to the grave responsibility which rests upon the majority leader and the minority leader in connection with their announcement, so many days ahead of time, that they intended to keep the Senate in session around the clock next week. So it was apparent that they assumed the responsibility for that decision, and, thereby, for the health and lives of Senators, who should not have to put up with such procedure.

I am glad that the making of the motion indicates that my remarks have "hit pay dirt," and that the leadership on both sides would like very much to have someone share with them the responsibility for the decision for round-the-clock sessions.

I wish I could say that the vote just taken does so operate, because I realize that the majority leader and the minority leader would like to have someone share with them the responsibility in this matter. But I have served in the Senate long enough to know—as do all other Senators—that such a motion, made by the majority leader, after announcement that he would vote against it, is nothing in the world but an effort to show what so obviously is the fact; namely, that the leadership is still the leadership, and still is in charge of, and is responsible for, the procedural decisions in the Senate.

Mr. President, this is a time when we need to have a few less solemn words spoken. Therefore, I say that the motion made by the distinguished majority leader, after his announcement that he would vote against the motion, reminds me of the famous knight who drew his bright and shining sword, pointed it upward, and shouted "Excalibur, Excalibur"—after having previously told his men that when the time for action came, he would turn around and would run in the opposite direction. So it was not surprising to find that his men likewise turned around and ran in the opposite direction, with him.

Therefore, Mr. President, this seems to be a matter more appropriately the subject of risibility than the subject of serious consideration. The fact is—as shown by the recent vote—that the majority leader and the minority leader, working together in connection with this matter, are still the leaders, and still will be followed by the Senate in procedural matters.

Mr. ALLOTT. Mr. President, I desire to address myself to the vote recently taken: I have deep objection—although I know I have no legal ground for it—because a quorum call was not had prior to the taking of the vote. Quorum calls prior to votes have been a longstanding custom in the Senate, and I think Senators are entitled to that courtesy.

If the Senate is going to proceed on the basis of having votes taken without having them preceded by quorum calls—with the result that a vote could be taken at any time, without a prior quorum call—then all Senators should be put on notice that that is the way the Senate will be run.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. Yes, if in yielding I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Colorado may yield to me, with the understanding that he will not thereby lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLOTT. Then, Mr. President, I am glad to yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I think all Senators should be on notice that a motion may be made at any time. As a matter of fact, I have been on notice for several days, and have been advised of this by certain Senators, that at certain stages in this debate they might make a motion that the Senate take a recess, because that would, under the rules, constitute the transaction of business, following a quorum call—or that they might make a motion to adjourn, which likewise would constitute the transaction of business.

Earlier today I said that the other evening, at a late hour, when only four of us were on the floor, I was confronted with a motion that the Senate take a recess; and we voted on that motion.

Today, we had a rollcall—a very slow rollcall; in fact, the rollcall was proceeded with as slowly as it was possible to proceed and still have the roll called. If the regular order had not been demanded, I think every Senator—regardless of where he might have been at that time—could, if he had at least been in the city, have had time to reach the Chamber and participate in the vote.

I did not request the regular order. I did not want the regular order requested, because I knew that three or four Senators would reach the Chamber within 2 or 3 minutes.

But I think all Senators should consider the last quorum call which was had last night. It took approximately 45 minutes, during the dinner hour; and a good many Members who are vitally interested in this subject—both Senators who favor the Dirksen amendment and Senators who oppose it—are shown by the RECORD as having been absent at that time—because I had no notice that that quorum call was to be had. At that time a Senator had been addressing the Senate, and consent was given that it be in order to make the point of the absence of a quorum, without causing that Senator to lose his right to the floor and, the first thing I knew, the bells for a quorum call were ringing. I am sure that a good many Senators missed that quorum call, last night, because they did not know about it.

I express the hope that until we settle the pending issue or until we vote, and pass a bill, or until we decide we will not pass a bill, Members will notify the secretaries of the majority and the minority where they will be, and will try to keep themselves within 20 minutes' travel of the Capitol, because our success in this connection will depend a great deal on our ability to have Members here within that period of time.

I am certain that some of our colleagues missed this rollcall. If there was anything in the world I could do to put them on it, I would. I did not demand the regular order. If we had had a quorum call, it would have delayed the matter further. We are in a period now in which we are moving ahead. We do not want to delay matters too much.

The PRESIDING OFFICER. The Chair will state that the Senate is still in the morning hour, and that the 3-minute rule applies.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may be given 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. Mr. President, if the Senator from Pennsylvania will permit me, I have some remarks I wish to make within the 2 minutes.

I thank the Senator from Texas, the majority leader, for his remarks. But I want to make it perfectly clear to those at home who do not see anything but the voting record, this is a very black mark. I was in attendance in the Senate last night until the very last minutes. I was in attendance this morning at 9 o'clock. I attended four committee meetings this morning. I left Capitol Hill for a 10-minute journey to have lunch and was unable to get back for the yea-and-nay vote. Had I been here, I would have voted "nay."

I think, now that we understand each other, other Senators who may be offended later because they are not present for a vote should not be heard to complain at that time, either.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. I desire to say at this time, as I said a few moments ago, that there probably will be motions made to recess and to adjourn in the days that lie ahead; but I can assure the distinguished Senator from Colorado that if I make any of those motions, and decide to move for the yeas and nays, I shall suggest the absence of a quorum before there is a yea-and-nay vote. I do think that is a desirable practice. I moved for the regular order, Mr. President, and I have no apology to make at this time. There is no secrecy about it. It will appear in the RECORD.

Mr. KEFAUVER. Mr. President, I want to say, in connection with the vote this morning, it does not appear to me that, until some bill gets out of the Rules and Administration Committee, which I understand is imminent, or until a bill from the House on the subject, which will be considered on March 10, gets here, there is likely to be very serious voting or final action on civil rights.

If the Senator's motion had been to recess at 8 o'clock or 9 o'clock on Monday, I would have voted for it. I believe that at this time, inasmuch as we have agreed to get some business done, 5 o'clock in the afternoon is too early to adjourn or recess the Senate. As matters now stand, the work of committees has been ground to a halt. A terrible log jam on legislation will result. I think a few recesses at 7 or 8 o'clock next week would enable committees to have night sessions at reasonable hours so as to get legislative proposals ready for submission to the Senate. Personally, I would like to schedule some drug hearings next week. Some recesses at 7 or 8 o'clock would permit this without having to wait until an unreasonably late hour.

Mr. SCOTT. Mr. President, in further reference to the calling for a record vote this morning without the suggestion of the absence of a quorum, the statement has since been made that some 20 minutes' notice was given to those Senators who were downtown. As a matter of fact, the trip from the downtown hotel which I made consumed 12 minutes.

None of us, to the best of my knowledge—and I have conferred with other Senators—received any such notice as 20 minutes.

The RECORD should show that the majority leader was advised by members of the minority staff of the absence of various Senators on both sides, and was asked to call for a quorum before the RECORD vote was taken.

Since there seems to be some confusion as to whether certain Senators are present or not, Mr. President, I will say I have been present every day at 9 o'clock in the morning for committee hearings and have stayed until late at night. I am here all the time, and I try to be, but lest there be any confusion as to whether I am present today, or whether other Senators are present, Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

Aiken	Ervin	Monroney
Allott	Fong	Morton
Anderson	Frear	Moss
Bartlett	Goldwater	Mundt
Beall	Gore	Murray
Bennett	Gruening	Muskie
Bible	Hart	Pastore
Brunsdale	Hartke	Prouty
Bush	Hayden	Proxmire
Byrd, Va.	Hickenlooper	Randolph
Byrd, W. Va.	Hill	Robertson
Cannon	Holland	Russell
Capehart	Hruska	Saltonstall
Carlson	Humphrey	Schoeppel
Carroll	Jackson	Scott
Case, N. J.	Javits	Smathers
Case, S. Dak.	Johnson, Tex.	Smith
Chavez	Johnston, S. C.	Sparkman
Church	Jordan	Stennis
Clark	Keating	Symington
Cooper	Kefauver	Talmadge
Cotton	Kuchel	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Dodd	Long, La.	Williams, N. J.
Douglas	McClellan	Yarbrough
Dworshak	McNamara	Young, N. Dak.
Eastland	Magnuson	Young, Ohio
Ellender	Mansfield	
Engle	Martin	

The PRESIDING OFFICER. A quorum is present.

DEATH OF FORMER SENATOR WILLIAM J. BULOW

Mr. MUNDT. Mr. President, it is my sad responsibility to announce the passing in Washington this morning, shortly after 10 o'clock, of the late and highly beloved former Senator from South Dakota, William John Bulow. Bill Bulow, as we all knew him, was well acquainted, I am sure, with a great number of the present Members of the Senate.

William John Bulow was the 12th Governor of the State of South Dakota. He was born in Moscow, Ohio, on January 13, 1869, the son of Joseph and Elizabeth Ebendorf Bulow, and the grandson of John Bulow, who emigrated from Germany to Clermont County, Ohio, in 1867. Bill Bulow celebrated his 91st birthday on January 13 in Washington, D.C.

Despite the fact that Senator Bulow was, during the last several years of his life, suffering from the infirmities attendant on old age, and was nearly blind in the concluding year of his life, he always maintained his alert interest in the activities of his friends and maintained that interest in public affairs which was so typical of his behavior throughout a very long and a very useful life.

From the public schools, Bill Bulow entered the law department of the University of Michigan, where he was graduated with the degree of LL.B. in 1893. He began the practice of his profession at Beresford, S. Dak., 1 year later and soon gained a reputation as a resourceful, dependable, and capable attorney. He was city attorney of Beresford from 1902 to 1912 and from 1913 to 1927, and was mayor of the community during 1912 and 1913. He served in the State senate of South Dakota in 1899, just 10 years after our State was admitted to the Union, and was county judge in 1918. His gift of leadership and excellent record in public office gained for him the Democratic nomination for Governor of South Dakota in 1926, and he was elected, breaking a chain of 14 successive Republican administrations in being the second Democratic Governor in the history of South Dakota up to that date.

Bill Bulow was twice married; on November 25, 1899, to Katherine, daughter of James Reedy, of Beresford, who died in 1918, and on October 15, 1922, to Mrs. Sarah Johnson Farrand, of Beresford. He has three children, Maurine, Kathleen Chloe, and William J. Bulow. His son served him very effectively and usefully as an aid when he was Governor of South Dakota and when he was Senator, and is now making for himself a most successful and respected career as an attorney in the National Capital.

Mr. President, I am sure that Bill Bulow will be remembered by his colleagues in the Senate for his homespun philosophy, his indigenous and infectious humor, and for the good commonsense which he brought into any discussion of economic and political concepts.

Senator Bill Bulow had the courage of his convictions. He had the convictions of a passionately loyal and devoted American. I suspect that in this era, when we try to classify Members not only according to party designation but to wings within a party, we would all recognize Bill Bulow as having typified what has come to be known as the Jeffersonian school of Democratic thought. He was a proud and a courageous conservative Democrat. As such, he was an eloquent and effective advocate of the type of Democratic philosophy espoused by Thomas Jefferson and his adherence to these sound guidelines made him a successful Governor and a most respected and influential Senator. His services as Governor of South Dakota brought him a host of friends. He made many contributions to our State. At a time when the State was registered overwhelmingly Republican, his victories were significant

because they proved that the people of the State who knew him best respected him the most. He was always loyal to the best interests of our State throughout his distinguished service for two terms here in the U.S. Senate. In his passing South Dakota has lost one of its most distinguished sons and our Nation one of its great advocates for those basic concepts which help keep America American. I wish to express on behalf of Mrs. Mundt and myself to the widow and to the children of Bill Bulow our most sincere sympathies.

Mr. CASE of South Dakota. Mr. President, William J. Bulow had the confidence and the affection of the people of South Dakota, as my colleague [Mr. MUNDT] has pointed out. He was elected Governor in 1926 and broke a long chain of Republican holders of the seat of the chief executive of our State. He was reelected in 1928. He was reelected in the face of an election which went largely Republican in the filling of other State positions and of national offices. Then he served in the Senate for two terms.

Senator Bulow had what is sometimes called dry humor. It was a friendly sort of humor. He would tell a story on himself as quickly as he would about anyone else. I remember with affection some of the stories he told.

Once he told a story of his being opposed by a Republican candidate for Governor whose name was Bulow Jones. Senator Bulow was visiting with a farm friend and asked him for whom he was going to vote. The farmer said he thought he would vote for Bulow Jones.

Senator Bulow said that he then realized that that man could make a speech which would be only one word too long.

On another occasion, when he was Governor, he was importuned to pardon a man from serving a term in the penitentiary. People come to him and told him all the virtues of the man: That he did not drink, he did not play cards, and he did not do this or that.

The Governor finally said to them, "Why does he want to get out?"

I tell of these incidents to show one side of his nature. On the other side, I should say that there was no one who was more conscientious in the performance of his duty as he saw it than was Bill Bulow. On one occasion, he vetoed an appropriation bill for the first time in the State's history. It had never been done before. Some persons thought that constitutionally the Governor could object only to items in the measure here and there. But he thought that if he could object to this item or that item, he could veto the whole bill; and he did so. When he was criticized for the veto and asked to give his reasons, he said, "The State did not have that much money in the bank." Because the State would not have that much in prospective revenues, he did not hesitate to veto the bill.

Senator Bulow will also be remembered for his family. His son, William J. Bulow, Jr., was one of the most effective administrative assistants a Senator ever had. It was my privilege to know both the Senator and his son before I came to Congress; but when I became a Member of the House of Representatives, Senator Bulow was a Member of the Senate, and his son was with him. Our relationships were of the very finest, even though we were of different political parties.

In the last few years, when Senator Bulow was unable to see and was bedridden, Mrs. Bulow gave her husband the devoted care which only a loving wife can give.

An incident occurred when he was a Member of the Senate which evidenced the qualities of character that endeared Senator Bulow to his people at home. That was an occasion when he felt it necessary to vote against the administration, which was of his own party. It was on a matter which was regarded as a major proposal. Senator Bulow was not a man given to long speeches. On this occasion, he gave his reasons for voting against the administration and against the President of his party.

He said, "This is one vote. But if I were to cast it the other way, I would be voting against my conscience. I have to walk with my conscience until the end of my days."

So Bill Bulow did walk with his conscience until the end of his days.

Mrs. Case and I desire that our deepest sympathies be extended to Mrs. Bulow and the other survivors of the late Senator Bulow.

Mr. RUSSELL. Mr. President, I desire to say a few words and associate myself with the remarks made by the Senator from South Dakota concerning the life and services of the late William J. Bulow.

It was my privilege to serve with Senator Bulow and to know him, and it was my proud privilege to claim him as a friend.

William J. Bulow was a man, every inch of him. I have never served with any Member of the Senate who more nearly followed his conscientious convictions on each and every issue presented to this body than did the late William J. Bulow.

Senator Bulow was a fine, noble, sweet, unaffected soul.

I had not seen as much of him in the days that have elapsed since he left these halls as I would like to have done, but I must say that if there is a heaven—and I am confident that there is—Bill Bulow is in that land.

TRIBUTE TO COL. JOSEPH F. SILER

Mr. HILL. Mr. President, I rise to pay tribute to an honored son of my native State, Col. Joseph F. Siler, who passed away at his home here recently.

Colonel Siler was a member of a distinguished south Alabama family, whose ancestral home still stands in the hillside hamlet of Orion, Ala., only a few miles from my own hometown of Montgomery.

Colonel Siler grew to manhood in a South scourged and debilitated by malaria, pellagra, hookworm, and a host of other tropical diseases. I am confident that this fact greatly influenced his decision to enter upon a medical career.

Graduated from the University of Virginia Medical School in 1898, Joseph Siler entered the Army as a contract surgeon during the Philippine Insurrection in 1900. For the next half century he played a major part in conquering the tropical diseases which ravaged the people of the South in the days of his youth. As a member of the Army Medical Service, Colonel Siler was among those instrumental in developing the highly effective typhoid vaccine which we use today. In 1912 he headed a pellagra commission which toured the southern United States and the Caribbean area and contributed greatly to the success of our battle against this disease, and against insidious hookworm as well. He was for many years president of the Gorgas Memorial Institute of Tropical and Preventive Medicine in Panama.

During World War I he commanded a base hospital in France and organized a division of laboratories and infectious diseases for the AEF. After World War I, he returned to Washington for the first of two terms as Chief of the Army's Preventive Medicine Facilities.

For 5 years before retiring from the Army Medical Service, Colonel Siler served as Commandant of the Army Medical School, now the Walter Reed Institute of Research.

During World War II, Colonel Siler was recalled to active duty as a member of a Retiring Board at Walter Reed Army Medical Center.

He was president of the Walter Reed Memorial Association at the time of his death.

Colonel Siler was world recognized as an authority in the field of tropical medicine and received decorations from this country and from Panama for his contributions in our continuing battle against disease.

As soldier, physician, and scientist, Colonel Siler throughout his lifetime displayed those attitudes and attributes which mark a select few among the ranks of men as great and true humanitarians.

Today we give our thanks for his leadership in the field of health and medical research, and we know that the example of his life, his service, and his character has written for him the immortal epitaph "* * * friend of mankind * * * servant of God."

He was my friend, and I shall miss him: "Not only right in all men's eyes, but faithful to the light within."

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the article about Colonel Siler which appeared in the Washington Post and Times Herald of February 10, 1960.

And, Mr. President, in conclusion, I should like to say to Colonel Siler's sister and to others closest to him that we share their deep sense of sorrow and loss. The memory of the many accomplishments of a truly dedicated man serves to assuage our grief at his passing.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COL. JOSEPH SILER DEAD; TROPICAL DISEASE EXPERT

Col. Joseph F. Siler, 84, a leading tropical disease authority and retired Army Medical Corps official, died Sunday at his home, 2220 20th Street NW.

His work as a researcher and administrator gave him international stature in the field of preventive medicine and public health.

He helped find the present strain of typhoid vaccine while head of what is now the Walter Reed Army Institute of Research from 1934 until retirement in 1939. Earlier in his 40-year Army career, he had investigated hookworm, pellagra, and, on his third trip to the Philippines, dengue fever.

After organizing the division of laboratories and infectious diseases for the AEF in World War I, Colonel Siler returned to Washington for the first of two terms as chief of the Army's preventive medicine facilities.

He won the Distinguished Service Medal and was Kober lecturer at Georgetown in 1939 for his typhoid work. Panama also decorated him.

A graduate of the University of Virginia Medical School, he was founder and president until 1957 of the Gorgas Memorial Institute of Tropical and Preventive Medicine. The family asks that memorial gifts be made to the institute. He had headed the Walter Reed Memorial Association for the last 10 years.

He was commander of the Order of the Carabao in 1954 and belonged to numerous professional groups.

He leaves a sister, Mrs. Thomas R. Frazer, of Rome, Ga. Services will be at 1:30 p.m. Thursday at Hines Funeral Home, with burial in Arlington.

EFFORTS OF SENATOR NEUBERGER BRING PROGRESS IN UPPER COLUMBIA DEVELOPMENT

Mr. MANSFIELD. Mr. President, representatives of the United States and Canada will meet in Washington next week on March 4 and 5 for further discussion of arrangements for joint development by the two countries of the water resources of the upper Columbia River. These talks represent the second stage of discussions for an agreement between the two countries for construction of dams and power-generating facilities in border areas to secure electric power benefits and flood control advantages through construction of a series of new dams.

The discussions are an outgrowth of the recently concluded agreement on principles for development arrived at through negotiations by the American and Canadian sections of the International Joint Commission. The progress now being made augers well for full and comprehensive development of the Columbia River Basin.

I should like to point out at this time that these beneficial results have become realities because of the untiring efforts and interest of the distinguished and very capable junior Senator from Oregon [Mr. NEUBERGER].

Shortly after he arrived in the Senate, the Oregon Senator, as chairman of a special subcommittee of the Senate Interior and Insular Affairs Committee, undertook studies of progress being made for joint United States-Canadian development of the international boundary waters.

During the fall of 1955 Senator NEUBERGER toured the upper reaches of the Columbia to investigate the possible dam sites and discuss potential development with Canadian Provincial leaders.

In subsequent months Senator NEUBERGER conducted hearings for the Senate Interior and Insular Affairs Committee to obtain testimony from American experts on the plans for development and to keep track of the negotiations being conducted by the International Joint Commission.

His constant efforts have played a major part in assuring continued interest by representatives of our Government in concluding an early agreement with our sister nation to the north.

Successful completion of the negotiations will have far-reaching, long-term economic effect on both countries. This belief was recently borne out in a report prepared by the National Planning Association in conjunction with the Private Planning Association of Canada. In a detailed report, only recently released, these private planning organizations of the two countries urged the earliest possible agreement on details for the necessary construction. The report is signed by outstanding business, labor, and political leaders of the two countries, and outlines some of the benefits which will result from such an agreement.

I ask unanimous consent to include with my remarks the material from the report released by the National Planning Association on February 8, 1960.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RELEASE BY NATIONAL PLANNING ASSOCIATION

Strong efforts should be made by both Canada and the United States to reach intergovernmental agreement for developing the potential of the Columbia River, "so that construction can get under way swiftly before both countries may be forced to turn to much more costly alternative sources of electric power," urges a statement released today.

The statement, "Cooperative Development of the Columbia River Basin," issued by the Canadian-American Committee of the National Planning Association and the Private Planning Association of Canada, points out that cooperative development of the basin would not only unleash tremendous power benefits for both countries but would also result in "considerable flood-control benefits."

"In economic terms * * * the most desirable program is one which would produce maximum benefits over costs, with the addition of the most economical projects first, and less economical projects subsequently," the Committee believes.

The statement notes that "an equitable and mutually acceptable joint program for the Columbia would help to lay an appropriate basis for subsequent development of other international rivers—not only rivers crossing the Canadian-United States border, such as the Yukon River, but also various international rivers in other parts of the world."

The Canadian-American Committee, established in mid-1957 by the National Planning Association and the Private Planning Association of Canada, totals about 60 members, representing business, labor, agricultural, and professional interests in both Canada and the United States. Its aim is to study various aspects of Canadian-American relations, not only with the intention of creating a better understanding of problems which have arisen or may arise, but also in an effort to develop solutions in the mutual interests of both countries.

COOPERATIVE DEVELOPMENT OF THE COLUMBIA RIVER BASIN

(Statement by the Canadian-American Committee, sponsored by National Planning Association and Private Planning Association of Canada)

The Canadian-American Committee believes that there will be great rewards from a cooperative Canadian-American venture to develop the Columbia River Basin, and that such rewards can be shared in a mutually satisfactory way between two countries. Agreement within the International Joint Commission on basic principles for such cooperation represents an encouraging first step. The report of this Commission issued in December 1959, has provided the two Governments with some appropriate guidelines for action. And we believe that strong efforts should now be made to reach intergovernmental agreement for developing the river's potential, so that construction can get under way swiftly before both countries may be forced to turn to much more costly alternative sources of electric power.

In this statement, we are primarily concerned with the economic advantages to be derived from cooperative development of the Columbia. But it is perhaps of even greater significance, from the broader standpoint of demonstrating healthy and harmonious economic and political relations between Canada and the United States, to show that a mutually satisfactory agreement on joint development can in fact be achieved.

At a time when both Canada and the United States are sending technical experts to many parts of the world to provide assistance with problems of economic development, we believe that it is of the utmost importance to demonstrate that we have the wisdom and intelligence for establishing sound principles of equity which will permit the cooperative development of the mighty Columbia for the mutual advantage of the citizens of both countries. We are mindful of the fact that an equitable and mutually acceptable joint program for the Columbia would help to lay an appropriate basis for subsequent development of other international rivers—not only other rivers crossing the Canada-United States border, such as the Yukon River, but also various international rivers in other parts of the world.

INTRODUCTION

Electric power production in the U.S. Pacific Northwest[1] and in British Columbia has considerably more than doubled during the past decade. Annual output is now over 10 billion kilowatt-hours in British Columbia and close to 60 billion kilowatt-hours in the U.S. Pacific Northwest. Moreover, the demand for electric power is expected to continue to grow at an average rate of close to 10 percent per year in these regions, probably more than doubling again within the next decade. This increased demand must and will be met from some source. The Canadian-American Committee believes that cooperative development of the Columbia River offers the most economic source for additional power for these two regions in the near-term future.

The Columbia River is one of the great rivers of North America. It has a combination of high flows and developable head making it ideal for the production of hydroelectric power. Virtually the whole head on the main stem of the Columbia in the United States has been, or is now being developed. On completion of U.S. plants now under construction, approximately 1,210 feet out of a

[1] The term "U.S. Pacific Northwest" is used here to include the States of Washington, Oregon, Idaho, Montana, and Wyoming; all or part of these States fall within the Columbia River drainage basin.

total head of 1,288 feet will be developed on the lower reaches of the river in the United States. But the wide seasonal variation of flows in the river, together with the existence of several very favorable water storage sites on the upper reaches of the river in Canada, provide opportunities for regulating flows in the river, together with the existence of several very favorable water storage sites on the upper reaches of the river in Canada, provide opportunities for regulating flow to permit the generation of vast additional quantities of power to meet growing demands in both British Columbia and United States markets. Such regulation of flow would also provide valuable flood protection for the people in downstream areas.

It is our belief that the rewards of such a cooperative venture can be shared in a manner which will be mutually satisfactory to the two countries, but we urge that the necessary arrangements be made quickly, before both countries have to turn to much more costly alternatives.

THE COLUMBIA RIVER BASIN

It has been said that the Columbia is to power in the United States what the Mississippi is to navigation. The international boundary, however, has made the Columbia as much a Canadian as a U.S. river. It covers a vast transborder drainage basin, rising in Columbia Lake high in the Rocky Mountain Trench in British Columbia. The river flows north for almost 200 miles and then after making the great bend around the Selkirk Mountains enters the Selkirk Trench and flows through Arrow Lakes. Behow these lakes, near the international boundary, the Columbia is joined first by the Kootenay and then by the Pend d'Oreille River both of which cross the international boundary. At the border, the Columbia flows into Roosevelt Lake, the reservoir formed by Grand Coulee Dam. Downstream from Grand Coulee, the Columbia sweeps around the north and northwesterly sides of the 100,000 square mile Columbia Plateau to be joined by the Snake River, its largest tributary. The river then forms a large segment of the border between the States of Washington and Oregon in its course to the Pacific Ocean.

In addition to the three above-mentioned tributaries, the Okanagan and Willamette Rivers are important. The Okanagan joins the Columbia at the northwesterly corner of the Columbia Plateau and the Willamette River flows into the main stream in the Puget Trough, at Portland, Oreg. The total length of the river is about 1,225 miles of which 480 miles are in Canada. The total fall of the river is approximately 2,655 feet—1,367 feet in Canada, and 1,288 feet in the United States.

Weather is perhaps no less important than geography in making the Columbia a great river. There is heavy precipitation, especially in the form of snow, in the mountains from which it springs. Thus, it is fed in the spring by torrential mountain streams formed by millions of tons of melting snow and ice. This means that there is a great difference between the lowest flow in midwinter and the highest flow in the late spring and early summer. At the Canada-U.S. border the ratio of high to low flows is about 40 to 1; in contrast, the St. Lawrence, without artificial regulation, has a high-to-low flow ratio of about 2 to 1. As a result, the highest flows in the spring and early summer do not coincide with the high demand for power in the winter months. Much more important, however, is the fact that a tremendous volume of water now goes to waste each year, spilling over existing dams in the period of highest flows, and often creating flood damage in the river's lower beaches.

The combination of "head" (its fall) with large flows makes the Columbia one of the greatest potential hydroelectric power rivers in North America. No developments exist on the main stem of the Columbia in Canada. However, most of the power sites on the U.S. portion of the river have already been developed, or are being developed. Such names as Grand Coulee, Bonneville, McNary, and Chief Joseph have become famous in North America's story of power development. But the development of storage sites in Canada would provide a vast additional potential for power production at downstream sites.

Most of the power dams on the lower Columbia are owned by the U.S. Federal Government, and the power produced at these dams is marketed through the Bonneville Power Administration which is responsible to the Secretary of the Interior. Under U.S. law, public bodies and cooperatives are given a preference in the purchase of power produced at federally owned dams. However, at the present time, private agencies are purchasing, at very low rates, both primary power and high quality secondary power (i.e., power which may be available for 90 percent of the time).

In Canada, the Federal Government has jurisdiction under the International Rivers Improvement Act, the National Energy Board Act, and by virtue of its responsibility for the conduct of external affairs. The Province, on the other hand, is the owner of the resource and has primarily responsibility for deciding what projects will be built and when.

In the United States, the Federal Government has much more direct control. Under the commerce clause of the Constitution the U.S. Federal Government has jurisdiction over navigable waters and the Columbia River has been thus defined. Under the general welfare clause, the Federal Government has power to engage in multiple-purpose development of river basins. The State governments have relatively little jurisdiction in these matters, although their views are solicited.

THE INTERNATIONAL JOINT COMMISSION

The International Joint Commission was established pursuant to the Boundary Waters Treaty signed between the two countries in 1909. The Commission has six members, three from the United States and three from Canada. The construction of dams and other works in "boundary waters" (waters forming the international boundary such as the Great Lakes, Rainy River, St. Lawrence River, etc.) was made subject to the approval of the I.J.C., except where a separate special agreement between the United States and Canada was made. The use of "boundary waters" was to be governed by the principle of "equal and similar rights" in I.J.C. deliberations.

In the case of waters crossing the boundary as distinct from boundary waters, no principle was established to apply to the cooperative use of the waters. Rather, each country was given exclusive authority over the use or diversion of such waters within its own borders. This exclusive authority was granted subject to one proviso: any obstruction or diversion in the upstream State resulting in injury to downstream interests gives rise to the same rights and legal remedies as if the resultant injury arose in the country where the obstruction or diversion occurred.

The treaty also provides that the two national governments will refer to the International Joint Commission for investigation and report, with recommendations, questions or matters of difference between them along the international boundary. The Columbia River reference is a case in point. In 1944 the U.S. Government asked the Government of Canada to join with it in requesting the International Joint Commission to study and report on the possibilities for the further development of the Columbia River. The purpose of the reference was to "determine whether a greater use than is now being made of the waters of the Columbia River system would be feasible and advantageous." The reference goes on to say, "It is desired that the Commission shall determine whether in its judgment further development of the water resources of the river basin would be practicable and in the public interest from the points of view of the two governments, having in mind (a) domestic water supply and sanitation, (b) navigation, (c) efficient development of water power, (d) the control of floods, (e) the needs of irrigation, (f) reclamation of wet lands, (g) conservation of fish and wildlife, and (h) other beneficial public purposes.

No report has yet been made by the International Joint Commission on this reference, primarily owing to the time required to undertake basic engineering surveys and investigations. With the engineering reports nearing completion (the International Columbia River Engineering Board submitted its report to the International Joint Commission on March 1, 1959), the two Governments, in January 1959, asked the International Joint Commission to "report specially to the Governments at an early date its recommendations concerning the principles to be applied determining:

"(a) The benefits which will result from the cooperative use of storage waters and electrical interconnection in the Columbia River system; and

"(b) The apportionment between the two countries of such benefits, more particularly in regard to electrical generation and flood control."

The Boundary Waters Treaty of 1909 specified clearly what authority each country has over waters crossing the boundary. However, it established no principles to govern the division of benefits which might accrue to the two countries through the cooperative use of these waters. It is therefore of fundamental importance to formulate principles which can be used as a guide to power entities or governmental entities in working out specific arrangements for joint action to develop and use waters crossing the international boundary. This is what the Joint Commission has been studying during the past year; in December 1959 it submitted a report on the Columbia project to the Canadian and United States Governments.

THE CASE FOR COOPERATIVE DEVELOPMENT OF THE COLUMBIA

The Canadian-American Committee is convinced that cooperative development of the Columbia would produce power at a much lower cost than would be possible by any other practical means available to either country in that region. But we wish to emphasize that this low-cost power can be realized only through cooperation between the two countries. As we have already noted, the United States has made large investments in generating capacity on the main stem of the Columbia. This, in turn, has created a situation where each increment of investment in additional storage yields a high return in increased firm power. The physical characteristics of the river basin are such that low-cost storage possibilities exist in Canada. These sites, if used in conjunction with existing and supplemental new U.S. generating capacity, can produce exceptionally low cost power. Moreover, unlike many other hydro developments in which low-cost power can be produced only in a very substantial new blocks, the expansion of output on the Columbia would be scheduled to meet expanding demands in the United States Pacific Northwest and British Columbia.

In addition, we believe that such a phased development of power on the Columbia could be made to dovetail with the development of certain other sources of power, for example on the Peace River or the Fraser

River in Canada and other sources of power in the U.S. Pacific Northwest. It would also provide a sound economic foundation for the construction of a transmission grid extending across the province of British Columbia which could ultimately provide interconnections between major river basins across the international boundary.

THE CENTRAL ISSUE

We believe that the central issue regarding the development of the Columbia River is whether a valuable resource will continue to be wasted or whether agreement can be reached on cooperative Canada-United States development of the river basin in the very near future. The central current issue is not whether Canada should divert surplus Columbia waters into the Fraser River; many other more economical and practicable alternatives are now available for power production in British Columbia. Nor is the central issue that of whether Canada and the United States should develop remaining potentials separately; if Canada could not derive any net benefits from downstream, power production on the upper Columbia would be a relatively expensive source of power for British Columbia. Nor is the central question that of whether the Columbia should be developed jointly now, or whether it should be developed in 2 or 3 years; if agreement cannot be reached within the next year, other more costly alternatives will have to be developed to meet power requirements, bringing in major new blocks of power, and thereby probably postponing joint development of the Columbia for many years. Moreover, in the absence of cooperation, the development of power from alternative sources over time will tend to diminish the values to be derived from joint development even if this were subsequently to be achieved. And each year that cooperative arrangements are delayed, large values will be lost to the power users and taxpayers of both countries.

There is no question that very substantial economic benefits can now be derived from cooperative action. Indeed, we think that there is now a great need to emphasize these economic potentials, and to prevent them from becoming obscured by engineering, legal and political intricacies.

THE CHIEF OBSTACLES TO AN AGREEMENT FOR COOPERATIVE DEVELOPMENT

If hydropower from the Columbia River can be produced very cheaply, and if large economic benefits can be derived from cooperative development of the river basin, why has there been no agreement before now? What have been the obstacles?

These appear to be difficult to assess in any clear-cut fashion. Obviously, many of these obstacles revolve around the issues submitted to the International Joint Commission—careful delineation of hydropotentials and costs of alternative methods of river development; and consideration of equitable methods for division of benefits between the two countries. Behind these, it is perhaps fair to say that neither Canada nor the United States has developed clear principles for defining national interests in the joint development of an international river. In this context, of course, it must be recognized that any attempt to define such national interests in either country is complicated by the variety of interests in the river's development. Thus, although there is a natural tendency to think of the problems relating to the development of the Columbia simply in terms of sharply defined national interests, the fact is that there are various interests which are conflicting or complementary both across the border and within each country.

Coordination of Federal and local interests in both countries, as well as of private and public interests, is obviously necessary. For example, under joint development, downstream benefits would accrue at both Federal and non-Federal sites. Since Canada would have to be assured that it would share the benefits produced at all downstream plants, this raises the practical question that the U.S. Federal Government will need to find a means for securing full participation in benefit sharing by non-Federal as well as Federal entities. Beyond this, there is also the fact that existing legislative provisions affecting the marketing of power in the U.S. Pacific Northwest, provide certain advantages to public agencies; thus, private entities may lack enthusiasm for cooperative development of the river which would provide large additions of low-cost power to the public agencies.

On the Canadian side of the border it has been announced that any development on the Columbia will be done by a public agency. Therefore private interests might favor large-scale alternative developments which offered the prospect of control by private groups.

Finally, perhaps the most important current obstacle to agreement revolves around the question of the choice and priority of projects on the Columbia, and related considerations of costs and benefits. The basic engineering studies prepared for the International Joint Commission looked toward the eventual fully integrated development of the Columbia River Basin across the international boundary. In this perspective, these studies are essentially predicated upon average cost concepts, under which some of the highly economic projects would produce benefits to compensate for the much lower benefits from less economic projects. This would, of course, be an over-all program contributing to maximum construction in the river basin.

Such a program, however, would not essentially be in the best economic interests of the people of either country. In economic terms, we believe that the most desirable program is one which would produce maximum benefits over costs, with the addition of the most economical projects first, and less economical projects subsequently (still assuming that in subsequent development, not only would the incremental revenues exceed incremental costs, but that it would still be more economical to develop additional power on the Columbia as opposed to alternative sources). It would appear highly doubtful if cooperative development of the Columbia can or should proceed on any other basis, if this is to be genuinely in the interests of both countries. A study by Mr. John Krutilla, a leading U.S. student of river basin development, discusses this matter in considerable detail, with specific reference to the Columbia River. His conclusion is that these basic principles suggest that the order of major new projects in the Columbia Basin should be—first, the damming of the Arrow Lakes and second, a dam at Mica Creek.[2]

POSSIBLE SOLUTIONS

We are agreed that the upstream country is entitled to a fair share of downstream benefits in return for providing regulated flow.

We also agree that, under any cooperative arrangements, both countries should be interested in making the pie of benefits to be divided as large as possible, and that the size of this pie will depend on the timing and selection of projects to be constructed. As we have already noted, the best results can be obtained if those projects yielding the greatest benefits over costs are constructed first, and we believe that this criterion is already being more broadly recognized on both sides of the border as a practical guide for the selection and timing of projects.

Regarding the equitable sharing of benefits from cooperative action, the primary principle suggested by the International Joint Commission is for the upstream country to agree to provide regulated flow at the boundary in return for an equal share of the downstream power benefits delivered at the border. That is, the gross power benefits would be divided equally, with each country bearing the costs within its own borders, and with the benefits essentially calculated as the increments of power production made possible through upstream storage.

While the power benefits are the most important, there are also considerable flood control benefits. In most cases the flood control can be provided without any loss of power. Since the flood control benefits accrue in the United States and the service is provided by Canada, it is necessary to determine what constitutes reasonable compensation for this service. Here again, it would appear appropriate to accept the principle of an equal sharing of benefits, such benefits perhaps to be calculated (on the part of U.S. authorities) as the value of flood damage prevented.

The first important step toward cooperative development of the Columbia has already been undertaken—namely, as already noted above, the development of mutually acceptable conclusions within the International Joint Commission as regards the basic principles to be employed in the calculation, maximization and division of benefits to be derived from joint action—conclusions which have now been submitted to the Canadian and U.S. Governments. The next step, following governmental review of the International Joint Commission report in both countries, will have to be the negotiation of a suitable framework for cooperative action, including the designation of appropriate entities to work out necessary arrangements under principles accepted by the two governments. There would still remain many problems of an administrative, legal, and operational nature to be solved. But these could probably be solved without undue delay, assuming a basic willingness on the part of all interested parties to get on with the job. As a result, power could flow from a joint development program to meet the growing power requirements on the Pacific coast by the mid-1960's. If this is to be successfully achieved, however, it is urgent that a basic agreement for such action be concluded as quickly as possible.

MEMBERS OF THE CANADIAN-AMERICAN COMMITTEE SIGNING THE STATEMENT

Robert M. Fowler (Cochairman), president, Canadian Pulp & Paper Association.

R. Douglas Stuart (Cochairman) chairman of the board, the Quaker Oats Co.

Arthur S. Adams, president, American Council on Education.

Ralph P. Bell, vice president, Bank of Nova Scotia.

L. J. Belnap, chairman, Consolidated Paper Corp.

Harold Boeschenstein, president, Owens-Corning Fiberglas Corp.

J. E. Brownlee, president, United Grain Growers, Ltd.

George Burt, director, Region No. 7, United Automobile, Aircraft & Agricultural Implement Workers of America, AFL–CIO–CLC.

Brooke Claxton, vice president and general manager, Metropolitan Life Insurance Co.

A. Hollis Edens, president, Duke University.

Harold S. Foley, chairman of the board, Powell River Co., Ltd.

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[2] John V. Krutilla, "A Neglected Application of Economic Principles in River Basin Planning, With Special Application to the Canadian-United States Columbia River Controversy," a paper given at a faculty seminar, University of Colorado, in conjunction with the Conference on Western Resources, July 1959.

Clinton S. Golden, Bucks County, Pa.
Donald Gordon, chairman and president, Canadian National Railways.
H. H. Hannam, president, Canadian Federation of Agriculture.
James H. Hilton, president, Iowa State College.
Stanley C. Hope, president, SoundScriber Corp.
Charles L. Huston, Jr., president, Lukens Steel Co.
Claude Jodoin, president, Canadian Labour Congress.
J. Mowbray Jones, president, Bowaters Mersey Paper Co., Ltd.
Joseph D. Keenan, international secretary, International Brotherhood of Electrical Workers, AFL–CIO.
R. A. Laidlaw, secretary and director, R. Laidlaw Lumber Co., Ltd.
Maurice Lamontagne, Ottawa, Canada.
E. H. Lane, chairman and director, the Lane Co., Inc.
Herbert H. Lank, president, Du Pont Co. of Canada, Ltd.
Donald Macdonald, secretary treasurer, Canadian Labour Congress.
W. A. Mackintosh, vice chancellor and principal, Queen's University.
William Mahoney, national director, United Steel Workers of America, Canada.
Jean Marchand, general secretary, the Canadian and Catholic Confederation of Labour.
J. Morris, president, District Council No. 1, International Woodworkers of America, AFL–CIO–CLC.
Charles A. Perlitz, Jr., executive vice president, Continental Oil Co.
R. E. Powell, senior vice president, Aluminium, Ltd.
George P. Schollie, general vice president, International Association of Machinists.
H. Christian Sonne, president, South Ridge Corp.
Allan Sproul, Kentfield, Calif.
J. E. Wallace Sterling, president, Stanford University.
James Stewart, director, the Canadian Bank of Commerce.
Harold W. Sweatt, chairman of the board, Minneapolis-Honeywell Regulator Co.
Robert C. Tait, senior vice president, General Dynamics Corp., president, Stromberg-Carlson Division.
G. F. Towers, Ottawa, Canada.
W. E. Williams, president and general manager, the Procter & Gamble Co. of Canada, Ltd.
F. G. Winspear, Winspear, Hamilton Anderson & Co.
David J. Winton, chairman of the board, Winton Lumber Co.
J. R. White, president, Imperial Oil, Ltd.

TO DEVELOP THE WESTERN RANGE

Mr. MURRAY. Mr. President, I call to the attention of all Members of Congress two excellent resolutions passed by the Advisory Council of the Bureau of Land Management, which has just concluded its meeting here in Washington. I had the pleasure of discussing range problems with the Montana delegates, Frank O'Connell, of Helena, and Gene Etchart, of Glasgow. These gentlemen understand our range needs, they are practical livestock men.

I am extremely disappointed that the long-range program for the Bureau of Land Management, promised to me by February 1, by Secretary of the Interior Fred Seaton, has not been sent to the Congress.

We on the Committee on Interior and Insular Affairs stand ready to offer full and cooperative assistance on public land development. I hope that the Secretary will avail himself of the good will of our committee.

I deplore the budget cuts in the Bureau of Land Management soil and moisture program, but I am confident that the Committee on Appropriations will carefully consider the resolutions of our western stockmen.

I ask unanimous consent that these two resolutions by the National Advisory Council of the Bureau of Land Management be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the public range, watersheds, and game habitat potential is woefully neglected for lack of appropriations to the Bureau of Land Management, custodial agency; and

Whereas the cash receipts received from natural resources exceed seven times the cost of operating expenses; and

Whereas funds expended on development of public range, watershed, and game habitat should be considered as a profitable investment in a great renewable resource essential to basic economy and recreational values; and

Whereas conclusive experimental restoration work conducted by the Bureau of Land Management on typical depleted or undeveloped areas discloses that in instances where 20 acres of land were required to support one animal unit or four game animals, said 20 acres could be restored to support four animal units or a corresponding number of big game animals and at an initial cost of approximately $5 per acre: Now, therefore, be it

Resolved, That said long-range master plan should contemplate a minimum appropriation of $4 per reclaimable acre, to be expended on a matched-fund basis with private moneys; and be it further

Resolved, That the sense of this resolution be communicated to the National Advisory Council, and to the Director of the Bureau of Land Management.

Whereas the Bureau of Land Management has available in fiscal year 1960, $3,733,900 for soil and moisture conservation to provide treatment of 1,597,000 acres in the 10 Western States; and

Whereas the budget as presented to the Congress for fiscal year 1961 provides $3,252,500 for this purpose which will reduce the acreage treated to 1,403,000; and

Whereas this reduction in funds and acreage treated will retard essential rehabilitation of grazing lands under the jurisdiction of the Bureau of Land Management and have an adverse effect on the carrying capacity of those lands: Therefore be it

Resolved, That the Senate Appropriations Committee be requested to give consideration to appropriate an additional $481,400 to bring the 1961 soil and moisture program of the Bureau of Land Management to the level of the 1960 appropriation.

ESTONIAN INDEPENDENCE DAY

Mr. HUMPHREY. Mr. President, Estonia was one of the smallest countries to regain its independence toward the end of the First World War. The country, on the northeastern shores of the Baltic with its 1 million inhabitants, had been made part of the Russian Empire since early in the 18th century, and its sturdy inhabitants grudgingly endured the oppressive czarist yoke for two centuries. In 1917 when the czarist autocracy was overthrown by the Russian Revolution, all national groups once subjected to the czarist regime believed that their chance for freedom had come at last, and they proclaimed their national independence. The Estonians did this on February 24, 1918, and founded the Estonian Republic.

This newly established democratic Republic with its stouthearted, patriotic and thrifty inhabitants, numbering a bare million, did wonders in the course of their free existence during the next two decades. Besides rebuilding their devastated country, they made tremendous advances in every phase of their national activity. And they were perfectly happy in their beloved homeland. But their happiness did not last long. When the Second World War began, Estonia's independence was threatened. In 1940 the country was overrun by the Red army, occupied, and then made part of the Soviet Union. Thus ended the freedom of the Estonian people, and since then they have been living and suffering under totalitarian dictatorship. With the reestablishment of the Communist regime there since the end of the war, unhappy Estonians have been locked up in their country, and have lost all freedoms. There they endure the yoke of their Communist taskmasters and pray for their eventual freedom.

On this 42d anniversary of their independence day we wish them fortitude and power in their struggle for their freedom and dignity as a people.

SENATOR ENGLE'S VIEWS ON NATIONAL DEFENSE

Mr. SYMINGTON. Mr. President, the junior Senator from California [Mr. ENGLE] has brought to the Senate much constructive understanding of the problems of national defense.

Since coming to this body he has participated actively in the essential process of giving the American people important facts and significant recommendations for action to turn the tide in the decline of our relative strength.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD two informative items by the junior Senator from California: A speech to the board of directors of the California Junior Chamber of Commerce, entitled "How Good Is Our National Defense?"; and an interview in the Army-Navy-Air Force Register & Defense Times, headlined "Key Lawmaker Proposes Defense Reorganization."

There being no objection, the speech and interview were ordered to be printed in the RECORD, as follows:

HOW GOOD IS OUR NATIONAL DEFENSE?

(Speech by Senator CLAIR ENGLE, Democrat, of California, before meeting of board of directors of the California Junior Chamber of Commerce, Monterey, Calif., February 13, 1960)

Since Congress reconvened in January the headlines have resounded with a great debate now taking place in the Capitol on the state of our national defense. The conflicting stories coming out of Washington in the

past weeks have caused some confusion. I can understand this confusion. There have been conflicting statements by military authorities of high repute. In recent weeks, and since the debate got under way, it has been announced that the Atlas program will be increased by one-third, that over $100 million will be added to accelerate the development of the huge rocket engines to get into space. General Power has called for an airborne alert. General Taylor has urged re-equipping our military forces to fight limited wars, and Admiral Burke has said that he will ask for an additional billion dollars to accelerate the construction of Polaris submarines.

Meanwhile, it has been stated that we are now stronger than the Russians.

Today, I want to outline some of the basic military questions which this Nation must consider:

Where do we stand at the present time as compared to the Soviet Union?

Why has General Power advocated an airborne alert?

Why is the immediate development of the B–70 as a weapons system necessary?

And why are so many Members of Congress concerned with our progress in space?

Let me begin by laying before you the basic assumptions on which everyone is more or less agreed.

The United States of America stands for world peace, not worldwide revolution on the Communist pattern. Our leaders of both parties stand for peace. Our people stand for peace. We covet no new territories. We do not feel any compulsion to force our system of government, our system of economics, our way of life upon any other nation in the world.

We stand for freedom.

If we were convinced that the Soviet Union shared our aspirations for world peace, and for freedom, then we should have no cause to fear the great progress they are making in industry, in science, in technology.

But we are not so convinced. We hope for eventual disarmament. We hope for a world in which all nations operate within the framework of law and order. We are prepared to negotiate with patience and forbearance.

But we have not forgotten that the bombs fell on Pearl Harbor at the very moment when Japanese Ambassadors were talking peace to Secretary of State Hull in Washington.

Our will to act is not paralyzed by Premier Khrushchev's dizzy alternation of smiles and threats.

We have not forgotten that he has promised to bury us.

So while we negotiate for a better world, we also prepare for the worst.

In a military sense then, we are committed to a policy of deterrence, as opposed to aggression. We will not strike the first blow. We will retaliate if we can—only after the first blow has been struck at us.

I want to emphasize this last sentence. Our military posture does not depend on what we have before the first blow is struck. Our military posture and our safety depend on what we will have left after the first blow is struck at us. Here is the essence of the argument.

Last month, in a speech to the Senate, I said this:

"The accuracy of the intercontinental ballistic missiles, both the Soviets and ours, is such as to convince me that the Soviets soon could pinpoint an attack on Vandenberg and the other missile bases we have built and are building * * * and completely obliterate them all in the first strike * * * leaving us without any retaliatory strike force in the missile category after that first blow."

A week after I spoke to the Senate, Gen. Thomas S. Power, commander in chief of our Strategic Air Command, went even further. General Power said that with a force of no more than 150 intercontinental ballistic missiles and 150 intermediate range ballistic missiles, the Soviets could wipe out in one strike both our missile bases and our SAC bomber bases.

In other words, General Power has said that it is mathematically possible for the Soviets with 300 missiles to completely destroy our retaliatory strike force. The intermediate range ballistic missiles, 150 or less, could take out our Strategic Air Command bases overseas; and their intercontinental ballistic missiles, 150 or less, could knock down all of our missile bases and the SAC bases here in this country.

General Power says that under these circumstances we should maintain a large proportion of our Strategic Air Command bombers in the air at all times where they could not possibly be destroyed.

It must be remembered that at the present time we have no warning system capable of detecting the firing of intercontinental ballistic missiles that will alert us before they hit, and we have no defense whatsoever against the intercontinental ballistic missile.

The key to the situation is this: It takes time to train the crews, to provide the spare parts, and to equip our B–47's and B–52's to carry out an airborne alert. If we start now we could maintain an airborne alert of sufficient size some time in the next 2 years. If we do not start now we will not be able to put the airborne alert into operation 2 years from now. In other words, the decisions that are made in Washington this winter and spring will determine what we are able to do during the period 1961 and 1962.

It is generally agreed that at the present time the Soviets do not have enough intercontinental ballistic missiles to make the strike that General Power warns against. But we are perfectly sure, knowing our own capability in the production of the Atlas, that the Soviets will have a sufficient number of intercontinental ballistic missiles in less than 2 years. We believe that the Soviet Union already has a large number of intermediate range ballistic missiles that can be fired accurately between 1,000 and 1,500 miles. We think at the moment that we have a sufficiently diversified strike capability of various kinds to prevent the Soviets from attacking because we would have enough forces left after the first strike to retaliate swiftly and decisively. But it is the next 2 or 3 years that concerns us and concerns General Power. He is supported in this concern by Gen. Bernard A. Schriever, head of the Air Force's Research and Development Command, and former commander of our ballistic missiles center at Vandenberg. General Schriever told the House Space Committee that the Russians would open up a missile lead in the next year and that we couldn't catch up with them. He said that we are committed to second place in the missile race for at least 2 more years because of decisions made 2 years ago. He pointed out that his requests for missile strength made in 1958 and 1959 had not been granted by the executive branch. This is what gives real point to the argument made by General Power. The administration insists that we are stronger than the Russians are now. We say that that is not what we are talking about. The vital decisions that made us as strong as we are today were made 2, 3, and 4 years ago. What we have to make now are the vital decisions that will dictate what our strength will be 2, 3, and 4 years in the future.

Until we develop and have operational a large force of intercontinental ballistic missiles which are either mobile or can be hidden, we do not have the indestructible retaliatory strike force which is the keystone of our security. We are working on such missiles now but they are not yet perfected. Until they are perfected—and I am talking about the Minuteman and the Polaris submarine—and we have them in operational quantity, we must depend upon the manned bomber for the delivery of a nuclear attack and as a major part of our deterrent force. In order for that manned bomber force to be effectual it must be in existence. General Power says the way to keep it in existence is to get it off the ground where it cannot be destroyed by a surprise attack. That is why he is arguing for an airborne alert. And that is why, in my opinion, the Congress will provide the additional funds necessary to put the airborne alert into operation when the Russians have achieved the quantity of missiles that General Schriever predicts.

Now here is where the argument develops about the B–70 bomber.

Currently we depend on the B–47 and the B–52. We may count on their capabilities being improved in the years ahead by such advances as the air-to-surface missile and improved electronic countermeasures. We are also building a handful of B–58's.

But we also know that a large portion of Soviet scientific and military effort is devoted to defense against the manned bomber. We have every reason to suspect that such will be the improvements in their defenses. Year by year effective penetration by these aircraft will become more and more difficult. At some point they will cease altogether to be an effective deterrent.

If we are going to depend on the manned bomber as part of our deterrent force, we need one that will make their defenses obsolete. We need something that will fly at around 2,000 miles an hour, at 80,000 feet, with a 7,000-mile range.

We have—or rather we had—such an airplane and its essential components under development. It is called the B–70, the Valkyrie.

The B–70 is what the engineers call a breakthrough in the state of the art.

First, it would make obsolete present Soviet defenses against manned aircraft. The very knowledge that we are developing such a weapon enormously complicates their defense problem, and acts as a powerful deterrent. A squadron of B–70's over the North Pole could deliver payloads to Soviet targets, such as Moscow, in 20 minutes.

Or suppose, for example, the problem is to intercept an invasion of Formosa launched from the Chinese mainland. The B–70 is so fast that a squadron based in San Francisco could arm, fuel, and launch after such an invasion force had left the Chinese mainland and intercept that force long before it reached Formosa.

The B–70 could be employed in low-level attacks. It can be used as a satellite interceptor. It could be used as a recoverable booster for launching high payload space vehicles. It could be used as a military transport, capable of delivering material to any point on earth in a few hours. The B–70 could be the prototype to pave the way for the 2,000-mile-an-hour commercial transport.

If the United Nations ever acquires a world police force, the force to put out the brushfire wars before they become major conflagrations, the B–70 would be the ideal global world police cruiser.

What are our chances of getting this remarkable aircraft and its essential subsystems?

We know how to build it. The major technical problems have either been solved or are well on the way to solution.

But in order to save a fraction of 1 percent of our total defense budget next year, any serious effort to develop the B–70 weapons system has been abandoned.

What is now proposed is that we build one or two barebones aircraft of this type, and fit them out with gear designed for planes one-third its speed. This will cut its capability

to the point where we might as well not have it at all. In return for a minor saving, we are trading away at least one, perhaps several years' development time on what might well be the critical factor in our deterrent force.

The Congress can, and I predict it will, restore the appropriations necessary to develop the B–70. But we have no way of preventing the Bureau of the Budget from simply impounding the money and stopping the program in its tracks.

The B–70 bomber can be available in 1963. We will need it whether or not we have been able to perfect it by the time the Minuteman missile is ready. If the Minuteman falters—and we still have problems with it—our need for it will be desperate. For the reasons that I have stated, the development of these missiles will not make obsolete the manned bomber. It will still be required for its flexibility, for reconnaissance, and for the fighting of limited wars.

But the missile gap or deterrence gap, whichever you want to call it, that will exist between 1961 and 1963 is not the only gap that we face. We have an intelligence gap. The Russians know where all our Strategic Air Command bases are. They know where Vandenberg is. And they know where we are building our other missile bases. They can mount and pre-aim their ballistic missile attack. Because of our method of doing business they know exactly what we have and where our forces are located. We do not have similar accurate intelligence on Russian installations. The question then arises: In the event the Russians attack us and we want to strike back, what will we aim at? Our targets could, of course, be their major population and industrial centers. We could inflict terrible damage—if we have anything to strike back with—but we would not be striking at their military forces or destroying their launcher sites.

One of our great needs is to redress the balance in regard to military intelligence, which now runs in favor of the Russians. Because of the essentially open nature of our system, and the essentially close nature of theirs, they possess a body of precise information about our strength and dispositions which we do not have, and cannot get, about theirs.

We can redress the balance with reconnaissance satellites.

A reconnaissance satellite equipped with the Midas infrared sensing detectors would enable us to detect missile launchings almost instantaneously, and with a greater degree of reliability than radar.

A reconnaissance satellite equipped with the light-gathering and photographic equipment would be a great stride forward. As early as 1962, we might well be able to photograph objects as small as 7 feet in diameter from 300 miles up. It has been reliably predicted that by the latter half of this decade, further dramatic improvements are in prospect. By then, we may be able to photograph, at night, objects as small as 2 feet in diameter from 300 miles up.

Surveillance and warning are by no means the only functions which satellites would serve. Space satellites, even at our present level of technology, offer tremendous possibilities for rapid and reliable communication between globally dispersed land, sea, and air forces.

So great would be the improvement over our present systems in terms of our capability that it would place us literally in another world, according to General Schriever.

Reconnaissance, warning, and communications are primarily peaceful in the purpose they serve. They offer no active threat to any nation. They need be feared only by the nation secretly planning acts of unprovoked aggression. Therefore, they represent a great advantage to us.

And all of them have tremendous commercial and scientific potentials.

Space satellites offer us additional possibilities for increasing the effectiveness of our deterrent forces. Chief among these is the possibility of a really effective means for active defense against missiles launched from any place on land or sea. It may even be possible to thwart an attack in such a manner that the harmful effects would be borne only by the aggressor. It appears now this could be accomplished only from space.

Further, we may well be able to establish a strategic force in space, remote from the earth, widely dispersed, constantly alert, and capable of striking an aggressor's targets (following early warning) with such speed and force as to eliminate a large portion of the enemy's force before launch.

The concepts I have been describing are not science fiction pipedreams. They are the sound concepts and designs of many of the Nation's best scientists and engineers. They are based on a conservative estimate of scientific progress in the immediate future.

Of one thing we may be certain. The Soviets are alert to every one of these potentialities. They have a demonstrated capability in the field. We are years behind them, but not yet so far that we cannot catch up. Our beginnings are on a broad front, our resources and our capability are extensive.

It has been insisted that our space program is principally a civilian and scientific program, with only minor military implications. Our policy has been to deny that we are in a race with the Russians in this field.

The whole world knows that there is such a race, that we're in it, that we're behind. The fact is that we're plodding along slowly several laps behind the Russians, and we are losing more ground with every day that passes.

The fact is that we have urgent need of a military space program. We cannot afford to ignore, or even soft-pedal, the military significance of satellites.

And the fact is that we only impede ourselves by insisting on an arbitrary, artificial distinction between a military and civilian space program.

Every space vehicle has four major problems: First, propulsion (how to get it up there). Second, guidance (how to get it to go where you want it to go). Third, reentry (how to get it back down without burning it up). Fourth, payload (what it carries).

On three of the four—propulsion, guidance, and reentry—the problems of military and scientific space vehicles are identical. Only the payload differs.

What I maintain now should be done—as I have been maintaining for more than a year—is to establish a Military Applications Division within the National Aeronautics and Space Administration. This would operate in similar fashion to the Military Applications Division within the Atomic Energy Commission. It would centralize our space activities in a single civilian-headed agency, but would encourage the closest cooperation between the various parts of the Government concerned with the space program.

Now, why do we need a military program so urgently?

Military satellites are the next weapons generation. Whichever side achieves them first will possess an enormous advantage over the other. Those advantages are very great indeed for a nation committed to deterrence rather than aggression. General Schriever testified that he would give our military efforts in space a priority equal to the development of our intercontinental ballistic missiles.

In summary, these are the answers to some of the questions in defense being currently debated in Congress.

We are committed to a policy of deterrence, not aggression. That means that we have to be able to sustain the first attack and have enough left to strike back. We have no present warning system that will alert us to such an attack for as much as even 15 minutes. We have no defense whatsoever against the Soviet intercontinental ballistic missile. We cannot now prevent the complete destruction of our missiles on the launching pads. For the next several years we will be wholly dependent, as we are now, upon our Strategic Air Command bombers as a retaliatory strike force. In order to be sure that the SAC retaliatory strike force is not completely destroyed on the ground, we must, when the Russians have sufficient missiles to wipe us out in the next year or two, be prepared to put substantial numbers of the Strategic Air Command bombers in the air on an airborne alert. We must provide the necessary money for training and equipment now to make an airborne alert possible within the next 2 years. In order to assure our bomber strike capability we must proceed to develop the B–70 not only as a backup for our missile strength, but for necessary reconnaissance and the fighting of limited wars.

In order to close the intelligence gap, to get us the longest possible warning of attack, and to apprise us of Soviet military preparations, we must move as rapidly as possible into the field of space satellites. The technology for the development of these satellites is already at hand. All we need are the resources to do it—and the green light to go ahead. Our decision this year will determine how safe we are 2, 3, or 4 years from now.

I predict that Congress will want to make available the money for the airborne alert when it is necessary. I believe that Congress will support placing the B–70 as a weapons system in our operational air force. And I am sure that Congress will urge the most rapid possible development of our military activities in space. These are costly programs, but they are the price we have to pay for national security—and I am convinced that the American people are willing to pay the price.

[From the Army-Navy-Air Force Register & Defense Times, Feb. 6, 1960]

THE REGISTER INTERVIEWS SENATOR CLAIR ENGLE—KEY LAWMAKER PROPOSES DEFENSE REORGANIZATION

Is reorganization of the Department of Defense in the "making"?

Merger, or revampment, of the defense structure looms as a big topic in this session of Congress. Retired Army Chief of Staff Gen. Maxwell D. Taylor proposes a single Chief of Staff and the abolishment of the JCS. Chief of Naval Operations Adm. Arleigh A. Burke, warns of schemes to deprive the JCS of their responsibilities as heads of the services. He is satisfied with the present setup as is Secretary of Defense Thomas Gates.

On the Hill there is talk of the need to reorganize now. The new budget has been submitted on a functional rather than service breakdown. Is this a forerunner of things to come? Representative FRANK KOWALSKI, (Democrat, Connecticut), a retired Army colonel, proposes one overall commander, with all in one uniform. Another congressional proposal would have a commanding general for all of the services rather than a Chairman of the Joint Chiefs of Staff.

To sound out congressional thinking on this highly controversial subject, the Register's Steve Tillman, interviewed Senator CLAIR ENGLE, of California, a member of the Senate Armed Services Committee:

"Question. Do you believe the Department of Defense is really in need of further reorganization?

"Answer. I definitely do. I believe that we should completely reorganize the defense

structure along functional lines rather than the out-moded Army, Navy, and Air Force organizational setup that we now have. Furthermore, I believe that our supremacy in space science is threatened not by lack of talent, but rather by lack of purpose, direction, and organization for the best use of our scientific manpower. This we need more than we need more money for research—and we do need more money.

"Question. What is necesary as a prelude to reorganization?

"Answer. I do not believe we can expect to reorganize in terms of functional forces until we simplify the present defense structure. Then organizational reform along functional lines should eliminate unnecesary duplication and the present struggle for control of important weapon systems.

"Question. Can you give an example of what you mean?

"Answer. Yes. The continental defense force would take over the air defense of the United States, and the question of whether the Army or the Air Force should man the Nikes, Bomarcs, and the Zeus antimissile missile would disappear. The new command would operate all weapons.

"Question. What would be the first step to be taken looking toward unification?

"Answer. The first step should be the preparation of a complete, time-phased plan which would set forth each step to be taken and the relation between one step and another. Then, too, I should think that the establishment of a single Chief of Staff at an early date would help. This could easily be done within the framework of the present JCS setup, but it would require legislation.

"Question. Please give an example of 'simplification.'

"Answer. Let's take procurement. A large percentage of supplies and material used are common to two or more of the services. While some progress has been made under the present single-manager system of procurement of common-user items—like food, fuel, and clothing—a lot more could be accomplished in this direction.

"Question. Why can't the Secretary of Defense reorganize without additional law?

"Answer. While some do hold the view that there is plenty of authority to reorganize under the 1958 Defense Act, it is perfectly obvious to me that further unification is not going to be started from inside the Pentagon. The action must come from outside the Defense Department.

"This is not said as a reflection upon the Secretary of Defense and his people at all, but is simply a statement of the facts of human nature. As long as you have human beings and human institutions, you are going to have rivalry. If in uniform, then you will have service rivalry, and the more the number of services, the more fertile the field for service rivalry. I believe that rivalry is healthy as long as it does not degenerate into selfish moves which have as a primary purpose the glorification of one service at the expense of another.

"I would be the first to acknowledge that 'pride in uniform' and in 'the outfit' does make for combat effectiveness, but I do not feel that this would be lost by merging into one service.

"There is no solution, as I see it, to our present military problems within the framework of our present organization, because the problem facing us is not that of preparing for another World War II. Yet, our military organization is still geared to that kind of conflict. What is needed is a new type organization, one which will permit groupings based upon the capabilities of modern weapon systems; this can only be established by changing the present law.

"Question. Would research and development be merged?

"Answer. The direction would be merged. Actually, research and development is carried on by a large number of agencies both within and outside the Government. I would expect that there would be a more economical use of these agencies, not only as to funds but as to better use of scientific manpower.

"With a reorganization of the Armed Forces on a functional basis, there would be less duplication of weapon systems, hence less overlap in the R. & D. field. Dr. Herbert York is supposed to be doing this now, but I am sure he is handicapped because he cannot look behind the present law which prescribes roles and missions.

"Question. Would unification reduce the budget?

"Answer. Some budgetary savings would be made. Even more important, we would get a much more effective defense for the money we spend. I believe that both Congress and the Department of Defense have an obligation to, first of all, see that our defense is adequate. And, second, that we get the maximum return for the taxpayer's dollar.

"I think it is significant that in the fiscal year 1960 budget, appropriations were requested first as to functions and then by service breakdown within these functions. This is a long step in the right direction. Now, I am for removing the service breakdowns within functions.

"Question. How long would it take to put this simplification plan into action?

"Answer. About 5 years, if supported wholeheartedly by all concerned. I have already emphasized the need of a comprehensive time-phased plan for accomplishing the turnover. In such a vast enterprise, the greatest care must be taken to avoid capsizing our present system during the turnover.

"We must always keep in mind that during the process we might have to stop and fight. If this should happen, we would not want to be handicapped by being caught in the midst of our reorganization. Therefore, we must always be prepared to live with what we have until the emergency passes and we can finish the job.

"Question. Is it true that much of the overlapping and costly duplication is due to the rivalry of industry for contracts? How would you bring improvement in this portion of your proposal?

"Answer. The trouble at the present time is that each of the services is bidding against the other in industry. Very often one company finds itself pulled and hauled between two of the services. Moreover, at the present time a producer of an item develops a vested interest in the continuation of the production of that item with the support of the particular service, because that branch of the service wants to keep in that field of weapon development or procurement.

"If we had the services reorganized on the basis of function, there would usually be only one service bidding for a particular type of weapons systems. There would, of course, continue to be competition between companies, which is not only necessary but good.

"Question. If a unified defense means all contracts would be handled in one office, what impact would this have on local communities?

"Answer. I certainly don't anticipate that all contracts would be handled through one office. The project is too vast and such a practice would not make sense. What I would expect to see would be one central policy direction here in Washington with actual contracts being let on a decentralized basis. However, I would expect to find one area office in a city in place of three, and no more uncoordinated bidding by the services against each other for materials and services.

"Question. You referred to wholehearted support. Do you anticipate opposition?

"Answer. I am sure that any effort looking to unification of the Armed Forces is going to meet with opposition—and it will be sincere opposition—from both within and outside of the armed services. Nevertheless, we must do something. The work involved in planning and executing a merger operation of this magnitude is breathtaking, but the greatly improved efficiency and effectiveness over the years to come should make it a project worth every bit of the effort.

"One idea I have to bring about this wholehearted support is to begin very early to persuade the personnel of the three services toward the advantages of the merger. I would put the major emphasis on the career enlisted men and the junior, that is, company grade career officers. Most of the diehards will be found in the senior grades, and these will normally be retired within the next 5 or 10 years.

"The success of unification under merged services will depend upon the attitude of the younger men, those with many years of service ahead of them."

POLICYMAKING FUNCTION OF GOVERNMENT OPERATIONS COMMITTEE

Mr. McCLELLAN. Mr. President, the Subcommittee on National Policy Machinery of the Government Operations Committee yesterday completed the first phase of its initial hearings. This subcommittee, under the able direction of Senator HENRY M. JACKSON, is inquiring into the adequacy of our governmental policymaking machinery in the field of national security matters and how we might best organize to meet the challenges of the cold war.

Mr. President, I have been extremely pleased by the enthusiastic and dedicated manner in which Senator JACKSON and the staff have approached this difficult undertaking. The scholarly, nonpartisan efforts of this subcommittee have won a great many plaudits in our daily press. One such article, entitled "Inquiry at Its Best," a fine example of press reaction, appeared in today's New York Times under the byline of the distinguished reporter, Mr. James Reston. I request that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INQUIRY AT ITS BEST—JACKSON'S STUDY OF POLICYMAKING IS A SCHOLARLY AND OBJECTIVE ONE

(By James Reston)

WASHINGTON, February 25.—Washington is getting at least one sample these days of legislative investigation at its very best. This is the inquiry being conducted by Senator HENRY M. JACKSON, Democrat, of Washington, into the operations of the policymaking machinery of the Government. It is 13 years since the last major revision of the national security policymaking machinery in the National Security Act of 1947. Since then, as the Jackson committee's interim report notes, the traditional distinction between peace and war has been obliterated, and our top officials have gone on dealing with the cunning new techniques of the cold war through the old procedures of the war and prewar eras.

What Senator JACKSON is doing, with the help of a competent staff, is to conduct a scholarly, objective and nonpartisan study of this whole problem so that when the new President of the United States stumbles exhausted out of the election campaign in November, he will have a careful analysis of this problem of modernizing the policymaking process.

The present situation in Washington illustrates the problem. The President is away in Brazil. The Secretary of State is with him. There is a new Secretary of Defense—the sixth in 13 years—assisted by a comparatively new Under Secretary of Defense—the eighth in 13 years—and by a Chairman of the Joint Chiefs of Staff, Gen. Nathan F. Twining, who is in the hospital for the second time within a few months.

Meanwhile, there is a crisis in Cuba, without a U.S. Ambassador on the job, and a series of separate negotiations in process on nuclear testing, disarmament, German policy, and summit policy—not to mention all the domestic problems including the presidential election, and a national debate on the adequacy of our whole national defense.

NO ROOM AT THE TOP

The truth is that there is a traffic jam at the top of the Government, with everybody complaining that he has too much to do in too little time. In dealing with Moscow's propaganda diplomacy, the late Secretary of State Dulles was his own policymaker and negotiator, and in the process downgraded the Ambassadors.

Now the heads of Government, including President Eisenhower and Mr. Khrushchev, have taken over the policymaking and propaganda jobs themselves, thereby downgrading the Foreign Secretaries to the point where most people cannot remember their names.

Fortunately, Senator JACKSON has avoided the temptation to turn his inquiry into an attack on the specific personalities and policies of this administration in his investigation.

Senator JACKSON is aware that the problem of security demands analysis not only of Government machinery but also of Government personnel, and that the cold war has created as many demands on the intellectual resources of the Nation as upon its material wealth.

This has led the investigating committee into a number of perplexing but important questions, including the following:

How can modern diplomacy continue to operate in accordance with diplomatic rules established at the Congress of Vienna at the beginning of the 19th century?

How can the President meet his present executive duties and still spend a good deal of his time traveling about the world and meeting social obligations that are more wearing than in the quieter days 100 years ago?

What is to be done about the maze of interdepartmental committees—now running into hundreds—that slow down the policymaking procedure and tend to produce merely compromise recommendations on which everybody can agree?

How can a government so large and complex come up with a unifying national purpose and a plan of action to meet the direct-action methods of the Communists?

What is to be done about the outmoded salary levels and conflict of interest regulations that impair the Government's ability to attract and keep brilliant men?

A LONGER CATALOG

These are merely illustrative of a much longer catalog of inquiries, and the Jackson committee is seeking the views of the most experienced men in and out of the Government in searching for the answers.

Because Senator JACKSON and his Republican colleagues are approaching their job in an objective way—and looking at the weaknesses of congressional machinery at the same time—they are getting the honest testimony of leaders of both parties.

Former Secretary of Defense and Under Secretary of State Robert A. Lovett was here this week. He placed before the committee an analysis of the problem that is better than anything heard in the capital in many months.

In short, some good solid critical work is afoot here and at the right time. The administration is coming into its final months. There is scarcely a major question of international policy now in negotiation that will not require the confirmation of the Senate. The chances of negotiating agreements on disarmament or nuclear testing or the security of Germany before the Congress goes home early in July are almost nil.

As a result, reflective men are putting their minds to the problems that will be facing the next administration. They are interested in the worldwide trips of the President, but not much. For they know that these trips, while useful, are largely ceremonial, and that the problems that existed when the trips started will still be there when the trips are over.

EIGHTH ANNUAL PRESIDENTIAL PRAYER BREAKFAST

Mr. CARLSON. Mr. President, on Thursday morning, February 18, 1,000 persons, including the President of the United States, members of the executive, legislative, and judicial branches of our Government, delegates to the conference, and representatives of the Council of Christian Leadership groups attended the Presidential prayer breakfast at the Mayflower Hotel in Washington, D.C.

In my opinion this prayer breakfast and program added much to the religious life of our Nation.

I ask unanimous consent to have printed as a part of these remarks—a copy of the program and transcript of the proceedings of this service.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PROGRAM FOR PRESIDENTIAL PRAYER BREAKFAST, FEBRUARY 18, 1960, MAYFLOWER HOTEL

Presiding: Senator FRANK CARLSON.

Invocation: Dr. Harold Ockenga, Park Street Church, Boston.

Message of welcome: Senator CARLSON.

Solo: Jerome Hines, Metropolitan Opera, New York.

Introduction of host, William Jones.

Old Testament Scripture, Psalm 1: Justice Charles Evans Whittaker.

New Testament Scripture, 1st John, second chapter: Hon. Fred Seaton.

Greetings from House of Representatives breakfast group: Hon. PAUL JONES.

Greetings from Senate breakfast group: Senator JOHN STENNIS.

Message from British Parliament: Hon. John H. Cordle, Member of Parliament.

Prayer: Judge Boyd Leedom.

"America" in unison.

Benediction: Dr. Abraham Vereide.

PROCEEDINGS

Senator CARLSON. This morning we will have the invocation by Dr. Harold Ockenga of the Park Street Church, Boston, Mass. Dr. Ockenga.

Invocation

Dr. OCKENGA. Our Heavenly Father, Thou has assured us access into Thy presence through the Lord Jesus Christ, having shown contrition over our sins and having turned from them. In Thy love and wisdom and righteousness through Calvary, Thou hast procured salvation for Thy people.

Let us in a saving faith enter into Thy presence and there represent ourselves, our families, our religious groups, and our Nation.

We thank Thee that under the aegis of the International Christian Leadership, we may gather here this day. With the great principles of this movement such as the faith and the deity of our Lord Jesus Christ and the authority of the Bible and in righteousness as a way of life may it be the banner over us.

Grant now that the Christian testimony which has been so effective in building the bulwarks of righteousness in this Nation, as exemplified in the life of our President, may be spread through this movement unto the grassroots of the Nation.

We thank Thee for our heritage of freedom to express our convictions and our thoughts, and we ask that Thou will lead us in the way of righteousness.

And now, our Father, in the day when the world is divided between atheism and theism, between materialism and Christian faith, we would confess our sins, great and many as they are, and ask that Thou wouldst purify us by the indwelling holy spirit and by the work of Calvary.

Give wisdom unto our executives and our legislators and our justices, and may they lead us not only in prosperity but in peace and in freedom. Now protect our President in his travels. Give unto him wisdom and guidance as he directs this Nation and grant unto him grace in his Christian testimony.

As we gather here, may it be with thanksgiving for this food, which symbolizes all the material blessings we enjoy. May we remember those who are less fortunate and who need our prayers and our humanitarian interest. This we ask through Jesus Christ our Lord who is the nourishment of our soul. Amen.

Message of welcome

Senator CARLSON. It is with some hesitation that I break into your very fine breakfast this morning, but time is a matter of essence here. I have been reminded that there are many of us folks who are working for the Government and we are supposed to get back to our details and our duties, so I want to assure these visitors of ours from out of the Nation and over the Nation that we do not mean to be discourteous, but we would like very much to get this program underway.

We are delighted that there are so many here this morning at this eighth annual prayer breakfast. We are greatly honored by the presence of the President of the United States, Dwight D. Eisenhower.

I regret I do not have time to introduce the many members of the executive branch, the judicial branch, and the legislative branch of the Government who are here with us at this breakfast.

This annual breakfast is in commemoration of the organization of the breakfast prayer group of over 25 years ago, which was organized in Seattle, Wash. Now these groups have been organized in every section of the Nation and many of them in foreign countries.

This is truly a dedicated group, with a spiritual consideration of the practical problems which we believe can be solved by groups such as this. We believe that the cornerstone of American life rests on a strong prayer foundation. We firmly believe that the greatness of America comes from the loyalty of the patriotism and the righteousness of our people. We believe it is imperative—in order to preserve and save our sacred freedom—that we have a strong and courageous God-fearing people and a total mobilization of all the spiritual forces of this Nation, and we welcome you here this morning.

We are fortunate to have a member of the Metropolitan Opera, who is going to sing a solo at this time, Mr. Jerome Hines.

Mr. HINES. Mr. President, honored guests, friends, I am not supposed to say anything, but I never sing in church that they won't allow me to give my testimony and I just want to say I am here by the grace of God. I am a born-again Christian. Christ is the greatest thing in my life.

I am going to sing for you "How Great Thou Art."

(Solo by Jerome Hines.)

Senator CARLSON. This year—as last year—we are the guests of one of our Nation's outstanding businessmen, a publisher and businessman from California. He is a member of the personal board of directors of Billy Graham's staff and organization. He has picked up the tab, if I may use that expression, for 160 similar breakfasts over this Nation during the past 3 years, paid 7 visits to Russia, 7 visits to Japan, and preparations are now underway for a breakfast, lunch, or dinner in Russia. I am glad to present Mr. William Jones, of California.

Mr. JONES. The only contribution that I can make to this is to tell you what happened to me and my own life when Jesus Christ changed it.

I was brought up in this country and received very good schooling, earned money and was determined to own a newspaper. I was successful and by the time I was 19 I owned one newspaper and at the age of 22 I owned five newspapers.

I found, after achieving everything I aimed at, there was a vacuum that was still unfilled. I looked around the city I was in and unfortunately saw people that were drinking and going a little faster than I was, so I joined them and by the time I was 28 I had come to the inevitable conclusion. I had gambled away my business, drank away my friends and the kindest thing you could say was I was a hopeless drunk.

In 1941 I started again in the business we are in and this time I tried to buy this peace of mind, this something I knew existed somewhere, and so I started giving money to the church. I started at $25 a week, then went up to $50, then $100 and by the time 1950 had come around it was $800 a week and I was still just as far away from finding this reality in my life. * * *

At business I used to think I had to drink at lunchtime to keep my customers and when I stopped drinking, I found that 90 percent were happy because then they didn't have to drink any more.

No more lying. What a thrill it is to conduct business and not work behind the scenes. We have a new conscientiousness of business commitments. When our company gives its word it keeps it and last year we spent over $100,000 just keeping our word. We will not permit our company to take a job it cannot deliver on the date we said we would deliver it. So what has happened in the last 6 years is that our business has increased over 600 percent and with this increase has come a wealth such as I have never known.

With this wealth has come a responsibility and to me the only significance of wealth is its responsibility and I, as a Christian, am responsible to God as to what is done with this wealth, so we have learned to live on around 6 percent of our income. We have the pleasure of putting the rest of it where it belongs and that is that other people, no matter where they are, might find, and at least come into contact with the reality that Jesus Christ is the answer to life, and Mr. President, even more than anything, this personal relationship for Jesus Christ permits me and my family to pray in the absolute assurance that God hears our prayers, and we can pray for you and have this wonderful assurance that you are in our prayers. We just hope that God will sustain you in everything you do. I sure thank you, so much.

Senator CARLSON. This morning we are going to have a Scripture read from the Old Testament by one of the Associate Justices of the U.S. Supreme Court, Justice Charles Evans Whittaker, and following that a Scripture from the New Testment will be read by the Secretary of the Interior, the Honorable Fred Seaton. Justice Whittaker.

(Old Testament Scripture: Psalm 1, read by Justice Charles Evans Whittaker.)

(New Testament Scripture: I John, second chapter, read by the Honorable Fred Seaton.)

Senator CARLSON. We will now have a message from the president of the House prayer breakfast group, Congressman PAUL JONES, and following that we will have a message from Senator JOHN STENNIS for the Senate prayer breakfast group.

Greetings from the House of Representatives breakfast group, Hon. Paul Jones

Mr. JONES. Mr. President, Mr. Chairman, fellow Christians, while I appreciate the great privilege of representing our House prayer group here this morning, it is in the spirit of humility and a feeling of inadequacy that I meet with you.

I know that most of you have been here on similar occasions and are familiar with our organization and I might say the group that meets in the House of Representatives each Thursday morning.

To me it is a rather unusual group and over the possible 10 years that I have been attending this, I have found it is a group without any published rules, bylaws, or constitution—existing, operating, growing, and being perpetuated on the basis of Christian understanding, mutual respect, and spiritual inspiration.

Not only are there no initiation fees or dues, but membership is open to every Member of the House of Representatives, who is reminded at the opening of each session and again prior to this annual breakfast that all who enjoy Christian fellowship, or who feel the need for spiritual stimulation are welcome to come and join with us at that time each week.

Ours is not a large group, although it does not remain small because of any desire to limit the membership. I think that all of us feel that it is not ours to judge whether or not any of our colleagues need or would enjoy the spiritual food of which we partake each week.

Certainly ours is not a denominational group, but many congregations are represented as we gather around the table each Thursday morning.

If at no other time during our service here in Washington, politics, partisan politics, is forgotten for at least an hour during the week as we strive to measure to our greater responsibility of serving the Kingdom of God.

I ran across a little story in the Reader's Digest this week which to me characterizes many of our group. I know that it impressed me and put into words the feeling that I have had since being privileged to meet with the ICL group there in the House. These words were attributed to a woman who was testifying at a prayer meeting, as some of you probably read, when she said eloquently, if ungrammatically, "Lord, I ain't what I oughta be, I ain't what I'm gonna be, but anyway, I ain't what I was."

Among the greatest inspirations that I have had have been on occasions when our House group, in conducting programs at our intimate meetings, have related personal experiences in driving home some great truth.

Some may think that we are selfish individuals, in that we do have an unwritten rule or custom which restricts attendance at our meetings to Members of the House of Representatives. There are only two exceptions, one being a charter member who has been regular and consistent in his attendance since the group was initiated some 14 years ago by our good friend and Christian brother, Abraham Vereide, who also meets with us when his busy schedule permits. It is not that outsiders wouldn't be welcome, or that we feel the abundance of talent within our ranks precludes the necessity of drawing on speakers outside of our group to bring the message of the day, it is just that we have learned that within the intimacy of the close association which has developed through the years, there is an indefinable something that encourages and enables one to open his heart and permit others to share and enjoy the experiences that come to all who seek earnestly and sincerely to dedicate their lives to insuring the preservation and security of this Republic—one Nation under God, with liberty and justice to all.

While dedicated to the principle that it is imperative that we preserve the separation of church and state, it is just as important that we never lose sight of the fact that the foundation of this Nation rests on the belief in God, who through His divine guidance has directed the destiny of this Nation.

May we never be confused in distinguishing the difference between religion and government and the separation of church and state and may we as Representatives never experience the temptation of subordinating our obligations to the Deity in carrying out our obligations to our constituents and to our Nation.

Through the spiritual power that we receive at these breakfasts, I feel that we gain confidence and courage to act as Christian soldiers as we march on to greater victories for God and Nation.

May God's richest blessing be on you all as you meet here in the Nation's Capitol in the advancement of the work of His kingdom and may you gain inspiration from this meeting which will guide you in your service throughout the year. Thank you.

Brief Remarks of Senator John Stennis at Presidential Prayer Breakfast

Senator STENNIS. President Eisenhower, Senator CARLSON, members of the International Christian Leadership Group, and other friends:

I bring special greetings of good will and good wishes from our Senate breakfast group. Without formality, we meet each Wednesday morning to exchange views, comments and experiences in an effort to apply spiritual values to home and world problems. Each counts it his most inspiring as well as his most helpful experience of Senate membership. Our responsibilities demand spiritual food.

Recently, I have heard closed-door testimony from our Secretary of Defense, the Chairman and each member of our Joint Chiefs of Staff, the Director of our Central Intelligence Agency, the Administrator of our Space Agency, and other competent witnesses including many of the Nation's foremost scientists and engineers, as well as leaders in government. We have been briefed on ground-alerts, air-alerts, airlifts and sealifts, conventional weapons and the ultimate weapons, missiles and anti-missile missiles.

At the conclusion of this awesome testimony, I walked down the Senate corridors, depressed and discouraged. A grave question pounded my mind: Is our real challenge material, or is it spiritual?

I felt encouraged to recall a recent trans-Atlantic flight when I was permitted to visit with the chief pilot of our giant Constellation as it winged its way over the trackless ocean. Finally, I asked him how he took his bearings, how he kept his course, and how he finally reached his true destination. Observing small lights from several ships far below, I asked him whether he got his signals from the ships at sea. His reply was piercing—

"Senator, how could I stay on my course if I took my bearings from strange ships at sea? I have my own instruments here on my own panel board. I understand them. I know how they operate. I know how to read them. I know how to interpret their readings. Furthermore, this giant plane has the power to climb above the clouds, where I can take my bearings from the stars."

As I left the cockpit and returned to my cabin, I knew that this young man had given me a great message.

And, I believe, it was a message also for our Nation and for the entire free world.

We have our own instruments and our own panel board. We have been trained to understand these instruments and to make them operate.

We have economic freedom.

We have the material resources and the ability to wield these resources into material strength.

We have political freedom and a system of government which permits our people to govern themselves through their chosen representatives, in a way which will preserve their personal and their economic freedom.

Furthermore, we have the priceless heritage of religious freedom.

And, thankfully, we have been trained from our youth to look beyond the stars to that Higher Power and Higher Light for our bearings and our course.

Though the future and international affairs may appear dark and gloomy, the real challenge confronting us is not in the material world but in things of the spirit. The challenge is for us to use our instruments in charting our course, and then to have the will and the courage to follow that course.

Let us take courage. For other generations also the way has been hard. At another uncertain time in history, Benjamin Franklin arose on the floor of the Constitutional Convention and addressed the Chair (George Washington was presiding) in the following words—

"I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth—that God governs in the affairs of man. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

Mr. Franklin's motion that the sessions be opened each day with prayer was carried. And within the brief span of less than two weeks, far-reaching basic agreements were reached which led directly to the final adoption of our present Constitution of the United States, a document which for more than 170 years has been the charter and protector of our freedom, and the inspiration and guide of free men everywhere. By it, we have taken our bearings and stayed on our course.

Let us look to that same Power. Let us face our future with confidence and with courage, always willing to do our part. We, too, must rise above the clouds and look to the stars. Thus, we can find God's Light. With the help of His Light, we will find our way.

Statement by the Honorable John H. Cordle

Mr. CORDLE. Senator CARLSON. Mr. President, this is indeed a signal honor for me to be the only alien, as it were, to participate in this great occasion. It is my pleasant duty as a Member of the House of Commons to bring you greetings from my fellow countrymen.

We were thrilled to see you revisiting our country recently, for we have a tremendous admiration for your wartime leadership, as well, sir, as for your many achievements in world relationships and your successful world tour.

You were greeted with warm affection and admiration, as you rightly deserve, and which we rarely show to leaders of other nations. You, sir, are held in great esteem not only by those who served under you when you were Supreme Commander, as I did, but also by many millions of Britains who admire your moral integrity and devotion to duty. And I know that these sentiments are shared by Her Majesty's Government.

You will rejoice to know the happy personal association between you, sir, and our own dedicated Prime Minister. In short, we know we have in you a friend across the sea, and we knew, too, as Britains during the war that we had all Americans as friends across the sea, when we stood together shoulder to shoulder against the common enemy in those dark days of war.

It was my pleasure, on one occasion toward the close of the war, to meet you, sir, at Wiltshire Station in Hampshire in England. Those, indeed, were dark days and you did not fail us. And as we went back again after the war and tried to reestablish ourselves, again you used the Christian principle and came to our aid through Marshall aid, providing us with our material requirements from your own natural resources and surpluses. Not only did you give us material requirements, but you gave us money too, and no Briton is unconscious of what we owe to your country. Indeed, you helped us rehabilitate ourselves. We were able to get back again into world markets, we were able to produce goods and, indeed, you came to our aid as our best and ready customer.

We exported and the cry was "Dollars, get more dollars," in order that we should balance our payments and pay our way. You failed us not again, but best of all, you sent us in a very serious time of a grave vacuum after the war, spiritual help in the form of one of the best ambassadors, if I may say so with respect, America has ever had, in Dr. Billy Graham. He came to our country in those early days following the war, almost an unknown personage. He was not accepted in certain places, and as you know, it wasn't until later that he became "Old Man Peter" and he brought the glorious gospel of Jesus Christ back again into our country, as we haven't had it for many a year.

I stand here today as a living witness to the fact that it was through Billy Graham that I was brought to know Jesus Christ as my own personal savior. I had returned from France on a winter sports holiday and was invited into the church in Worthing in Sussex where Billy was preaching. This was in 1947. I heard the message—a clear concise call—as never before. I had paid lipservice to church life. I had regularly attended services and read the Bible, but it made no difference. I realize after meeting Billy and hearing this simple, yet profound message, that Jesus Christ is a person and a personal savior and I thank God for 1947 and what it meant to me.

Billy's impact on our country has been incalculable. It would be hard to estimate, in fact, even on Winston Churchill, who tells that he said to his private secretary after Billy had been with him for an hour and 10 minutes, "that man is a sincere man of God," and you well know how he was received by our royal family and how he had that great pleasure and privilege of preaching before our beloved Queen at Windsor and lunching with the masters and now he is a regular visitor to Buckingham Palace.

Yes; we thank God for this man who came at a time when Great Britain needed it most, with that spiritual help.

He gave me this Bible and he wrote in it a text which I pass on to you this morning, which has been of constant help to me (Philippians 1: 6): "Being confident of this very thing, that he which hath begun a good work in you will perform it until the day of Jesus Christ."

Senator CARLSON. This morning we have been honored by the presence of the President of the United States as a guest. He has taken time off from I know very pressing duties. I am sure that he has enjoyed it. I want the President to know that we have appreciated his presence, every one of us, and we will be praying for him as he visits Latin America next week. Thank you so much, Mr. President.

We will now be led in prayer by Judge Boyd Leedom, Chairman of the National Labor Relations Board and president of the ICL. Judge Leedom.

Prayer by the Honorable Boyd Leedom

Judge LEEDOM. Our Father, as I lead us in prayer this morning, I seek to identify myself with all the other laymen here, Christians, some of us concerned Christians and some of us not so concerned.

And first I pray, eternal God, that we may be forgiven for saying Lord, Lord and then not following Thee. Deliver us from being play actors in our Christianity, mere inert bodies who move along with the kind of mass movement that has no vitality as far as we are concerned and on the contrary, grant that we may become vital Christians who have had an experience with Jesus Christ, knowing that he is the way, the truth, and the light and that through Him and only through Him do we find true effectiveness and the real fulfillment of our destiny.

Eternal God, grant that we may take the inspiration of this occasion, to each analyze our own brand of Christianity and to ascertain for ourselves whether or not we carry the label lightly or whether or not we truly seek to follow the Master.

We are truly thankful for what has happened here this morning. As we reflect upon it we realize that this is a most remarkable meeting, with leaders in the highest positions in Government and in business, gathered together from remote distant parts of the world in the name of Christ, and we pray that we may truly realize that to this group of leaders to whom much has been given, much shall be expected and let us realize that leadership that ignores the spiritual aspects of life is out of place here in America and that it is blind and confusing and worse than no leadership at all.

Much is expected of those of us who are here and many are discharging it. America has had cast upon her a heavy responsibility as one of the great leaders among nations of all time and that tremendous responsibility in a great degree shifts to the President of the United States. And may we now as Christians rededicate ourselves to the Christ and develop through prayer a tremendous support and a tremendous power, such as sustains the universe, to back the President as he goes forth to bring to all the peoples of the world the great values and the great advantages that we here in America enjoy, and above all, eternal God, grant that we shall not carelessly be detractors of the great heritage of America, and downgrade the great strength that we have been able to give other nations and other peoples of the earth. Let us truly, each of us, individually, this morning regenerate our lives and seek, if we profess to be Christians, to truly find Christ and to generate a vitality that in earlier history of Christianity proved its worth, and through the work of a small group of ordinary men, literally turned the world upside down. This we most earnestly pray in Christ's name. Amen.

Senator CARLSON. We will all arise and sing the first stanza of "America" and then Dr. Vereide will pronounce the benediction.

("America" in unison.)

Dr. VEREIDE. The Lord bless thee and keep thee. Amen.

ESTABLISHMENT OF A NATIONAL FUELS POLICY

Mr. COOPER. Mr. President, as a sponsor of Senate Resolution 73, relating to the establishment of a national fuels policy study, I would like to invite attention to a pertinent booklet recently

published by the National Coal Policy Conference. Entitled "The Case for a National Fuels Policy Study," this booklet contains a summary of the issues involved in the resolution, as well as the history and background leading to its introduction.

While the booklet admittedly is written in a partisan vein, it nevertheless presents a succinct compilation of the arguments, both pro and con, that have developed since the resolution was concurrently introduced by 43 Senators and 29 Members of the House of Representatives.

Tracing the history of the concept of a national energy policy, the booklet points out that for at least two decades, antedating even the development of atomic energy with its concomitant problems, our energy experts have warned against a piecemeal approach to the Nation's fuel problems.

In 1939, the Energy Resources Subcommittee of the National Resources Committee, under the chairmanship of Secretary of Interior Harold L. Ickes, recommended a sound national policy to conserve and properly utilize our energy resources.

Again, in 1951, following a fuels resources study by the Senate Interior and Insular Affairs Committee, the Senator from Wyoming [Mr. O'MAHONEY] recommended consideration of "a broad national fuels policy to meet the needs of the United States in times of peace and war."

And in 1952, the President's Materials Policy Commission, known as the Paley Commission, urged that the "hydra heads" of energy policy be reined together. Only in this manner, stated the Commission, could the President and Congress, the State and Federal agencies, and the energy industries "work from a common base of understanding of the total energy outlook."

More recently, Vice Chairman William R. Connole of the Federal Power Commission declared that the "need for a national energy policy seems so patently obvious that I am simply unable to understand how thoughtful people concerned with this business can overlook it."

When we think—

Added Mr. Connole—

that our energy resources are consumed at such an incredible rate that, for an example, all the fossil fuel consumed in the history of the world up to the year 1900 would last only 5 years at today's rate of consumption, we know how important this whole subject is to all the peoples of the world.

Having cited these authorities, the conference booklet proceeds to an analysis of future national energy potential and requirements. According to a projection made by Resources for the Future, Inc., by the year 2000 our energy industries must be prepared to supply approximately twice the amount of power currently being consumed. Energy experts state that 80 percent of the Nation's energy needs at that time will still be furnished by conventional fuels—coal, oil, and gas.

The economic challenge of this great expansion of our energy base is the chief reason cited by the conference for support of the national fuels policy resolution. Quoting the Paley Commission, the conference booklet asks four pertinent questions:

First. Are U.S. reserves equal to the energy demands of the future?

Second. Will the cost of energy rise and, if so, to what extent will this retard our economic growth?

Third. Will the United States and its allies be able to meet possible wartime fuels demands within the next 25 years?

Fourth. How can the long-term energy position of the United States and other free nations be strengthened?

The conference has no certain answers to any of these questions, of course. Its booklet does, however, provide some interesting data bearing upon the problems presented.

In the matter of United States fuels reserves, for example, the point is made that despite varying expert opinions on the extent of our oil and gas reserves, all authorities agree that these reserves are not limitless. To quote Dr. Bruce C. Netschert of Resources for the Future, Inc.:

Unless our resources are much larger than even we optimists believe, I think we are likely to see the peak of oil and natural gas production in the United States by the year 2000. Although I am an optimist for the shorter period, I am not blind to the fact that our oil and gas output cannot go on increasing indefinitely. There are resource limits.

In considering the factor of foreign oil reserves as a source of national supply, the conference points out that while advocates of unlimited oil imports argue that they help relieve the drain from our own reserves, we must also consider the serious, dislocating effects these imports have on our own fuels industries. The President's mandatory oil import order was an immediate, although controversial, answer to one phase of this problem. But what will be our answer to long-range, future import problems?

We must develop some gage to measure the safe limits of reliance on imported energy fuels—

The conference declares—

and we must also recognize the necessity of a reliable, comprehensive estimate of all U.S. fuels reserves stocks.

These are matters which would be considered in the study which has been proposed by Senate Resolution 73.

Discussing the problem of rising energy costs and their effect on the national economy, the conference booklet argues that the growing cost of certain energy fuels is a product of short-term fuels policies. It quotes the Paley Commission of 1952:

Rising cost means the diversion of more and more manpower and capital from other productive efforts to extract required materials, and the total national output of goods and services will be smaller by the amount than this diverted manpower and capital might otherwise produce. Declining or even lagging productivity in the resource industries will rob the gains made elsewhere in the economy and thereby impair the very dynamic which has given the United States its growth. This is not the sort of economic ailment that gives dramatic warning of the onset; it creeps upon its victim with insidious slowness.

Here again, in the matter of rising energy costs, we are faced with a critical national economic problem that requires serious and detailed study of the type proposed by the national fuels policy resolution.

In dealing with the energy demands of national security, the conference warns against the possible atrophy of any segment of the national energy base.

In the event of a national emergency the coal industry, for example, would be required to supply considerably more than even the 150 million ton annual increase demanded by World War II. To produce this additional coal, the industry would have to open new mines or reopen old ones. In addition, considering current coal economics, the industry would be posed with a serious manpower problem, since a coal mine shut down or a coal miner dislocated cannot be returned to the economy quickly, if at all. It takes up to 4 years to develop a modern coal mine, and almost as long to train a miner in the use of modern coal machinery.

The same basic problem exists in the domestic production of oil and gas, the conference booklet declares, pointing out that a primary objective of the proposed national fuels policy study "would be to measure the existing balance of our fuels economy in the light of national security requirements."

Finally, in taking up the question of our long-term energy position, the booklet points to the new cold war economic competition and cites recent Soviet advances in expanding their national energy base.

Having dealt with the need for a national fuels policy study in principle, the conference then takes up the matter of certain misunderstandings that have arisen concerning the resolution.

First of all, it is made clear, the language of the resolution proposes no more and no less than a study of present and future national energy needs and resources. This study would be conducted by a joint committee of the Congress, composed of eight Members from each House, to be appointed by the President of the Senate and the Speaker of the House.

Upon the conclusion of its work, the committee would recommend to the Congress proposals for a comprehensive fuels policy to meet national energy demands "for the long-range purposes of peaceful expansion and the immediate exigencies of national security."

As a sponsor of Senate Resolution 73, I can conceive of no better machinery to provide for a fair, objective analysis of the Nation's energy problems. The congressional committee proposed, selected by the presiding officer of each House, would necessarily encompass and be considerate of all of the broad interests of the national fuels economy.

Objections to the study based upon possible unfair advantage accruing to any fuels industry are therefore, to my mind, not well-founded.

Certain spokesmen for the oil and gas industries have also raised objections to

the study based on the fear that it might result in Government control and regulation in the energy fields. But as the conference booklet points out, there is already Federal and State regulation directly affecting the oil, gas, electric power, atomic energy, and coal industries.

The Department of Interior, the Department of Commerce, the Federal Power Commission, the Interstate Commerce Commission, the Atomic Energy Commission, the Tennessee Valley Authority, and the various State public utility commissions are all concerned with regulation of energy industries. Each governs to some extent a particular area of the national energy picture, but none is concerned with the interrelations among all sectors of the energy field. Indeed, this is what the Paley Commission meant when it stated that we have traditionally regarded our fuels "as a loose collection of independent pieces involving different sources and forms of energy."

The fuels policy study proposed would of necessity consider the overall effect on the economy of this disjointed approach to what is basically a single, unified problem.

Concluding its case for a national fuels policy study, the conference declares that the coal industry "is willing, even eager, to cooperate in such an investigation, believing it to be in the public interest."

Considering the study proposed by Senate Resolution 73 to be of great importance to the Nation's fuels economy, I recommend this National Coal Policy Conference summary, "The Case for a National Fuels Policy Study," to all those seeking a better understanding of what the resolution seeks to accomplish.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

The Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The question is on agreeing to section 1 of the Dirksen amendment, upon which a separate vote was demanded by the Senator from Georgia [Mr. RUSSELL].

Mr. McCLELLAN. Mr. President, is a parliamentary inquiry in order?

The PRESIDING OFFICER. A parliamentary inquiry is in order.

Mr. McCLELLAN. What is the pending business before the Senate at this moment?

The PRESIDING OFFICER. The question is on agreeing to section 1 of the Dirksen amendment.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. May I ask whether the Chair has reference to section 1 or title 1?

The PRESIDING OFFICER. It is section 1 of the Dirksen amendment as reoffered.

Mr. McCLELLAN. What is the parliamentary situation with respect to this amendment? Is it an amendment to House bill 8315, or is it an amendment in the nature of a substitute?

The PRESIDING OFFICER. It is an amendment in the nature of a substitute for the entire bill, H.R. 8315.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If the Dirksen amendment in the nature of a substitute should be adopted, what would be the status of House bill 8315, the little school bill for the benefit of Stella School District in Missouri?

The PRESIDING OFFICER. Following the customary practice, it would be sent to conference.

Mr. McCLELLAN. If there were a substitute, would it go to conference?

The PRESIDING OFFICER. Both the original text and the Dirksen substitute would be in conference.

Mr. McCLELLAN. They could not both be adopted in conference, could they?

The PRESIDING OFFICER. The conferees could adopt a substitute for the Senate amendment that could take care of the school situation along with the civil rights question.

Mr. McCLELLAN. I thank the Chair.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. DIRKSEN. I may advise my distinguished friend from Arkansas that all the schoolchildren and all the paraphernalia have been moved out of the old officers' building into the new school which was built by the school district. That was done on the 15th day of February.

The bill before us is actually moot, because, in addition to involving a claim, it was also a leasing bill. A claim could be made by the Federal Government. I have discussed the case with the Assistant General Counsel of the Army, and with representatives of the Department of Justice. There is no disposition to press any claim against the school district. The children have suffered no interruption to their education, and they are now beautifully ensconced in their own new building.

Mr. McCLELLAN. It is some consolation to know that this proceeding has finally evolved in such a way as not to hurt the little schoolchildren whom the original bill was intended to benefit. That is some comfort to all of us, I am sure.

Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. May I inquire if a response by the Chair to parliamentary inquiries such as I have been submitting constitutes the transaction of business by the Senate?

The PRESIDING OFFICER. In the opinion of the Chair, it does not.

Mr. McCLELLAN. Then I may continue to make inquiries for my guidance without involving the Senate in the transaction of any business? Is that correct?

The PRESIDING OFFICER. The Senator may make parliamentary inquiries.

Mr. McCLELLAN. I should like to submit another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If a quorum call is made, what will be the situation? I am making these inquiries because I think we are under warning. I have been slightly acquainted with the fact that there may be some elements of a contest of duration and physical strength, mental vitality, and so forth. I am asking these questions because I can well foresee that in the strain and stress of the wee morning hours some morning, some of these questions may very well arise. If I am alseep somewhere and I am awakened at 4 o'clock in the morning, I should like to know, before I go to sleep, what some of my rights may be at that time. So I propound the following parliamentary inquiry.

If a quorum call is made, and at the conclusion of the second call of the names of Senators it is announced that a quorum is not present, and thereupon a motion is made to instruct or direct the Sergeant at Arms to take certain action to insure the attendance of absent Members of the Senate, is such a motion debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. McCLELLAN. May a yea-and-nay vote be demanded on such a motion?

The PRESIDING OFFICER. One-fifth of the Senators present could demand a rollcall.

Mr. McCLELLAN. One-fifth of the Senators present? Is that correct?

The PRESIDING OFFICER. The Parliamentarian is examining the precedents.

Mr. McCLELLAN. May I wait, without losing the floor, until we get some instructions? Is there objection? Would the Chair put the question?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. In response to the Senator's question, one-fifth of the Senators present could demand a rollcall.

Mr. McCLELLAN. Well, one-fifth of those present. Then if there were only two present and one demanded a rollcall, we would get it.

The PRESIDING OFFICER. Exactly.

Mr. McCLELLAN. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. I thank the Chair. I should like to propound a further parliamentary inquiry.

Mr. JAVITS. Mr. President, will the Senator yield on that point at this time?

Mr. McCLELLAN. Just a moment.

Mr. JAVITS. Only for clarification on that particular point.

Mr. McCLELLAN. If I may do so without losing the floor.

Mr. JAVITS. I ask unanimous consent that that may be done.

Mr. McCLELLAN. I ask unanimous consent that I may yield to the Senator from New York for that purpose without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The Chair has stated "one-fifth of the Senators present." I assume the Chair means one-fifth of those present at the time the motion is made, rather than when the quorum is called.

The PRESIDING OFFICER. That is correct. At the time the motion is made.

Mr. JAVITS. I thank the Chair. I thank the Senator for yielding.

Mr. McCLELLAN. If a motion is made, and there are two Members present, and if then another Senator walks in the door before the count can be taken, would he not be entitled to vote?

The PRESIDING OFFICER. He would be entitled to vote before a decision had been made.

Mr. McCLELLAN. The motion is made. In other words, if I make the motion, and there are only two Senators present, and nothing has been said—I make the motion, and another Senator walks in the door, would he not be entitled to vote?

The PRESIDING OFFICER. Yes, he would be.

Mr. McCLELLAN. If a motion is made and a quorum is not present, can a rollcall proceed until a quorum is present?

The PRESIDING OFFICER. It can, if properly seconded, as less than a quorum can take action to secure the presence of a quorum.

Mr. McCLELLAN. If a quorum is not present, and if it constitutes one-fifth or more, they can get a vote on a motion. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. So they can also get a rollcall vote. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. Then when the rollcall vote is taken, if it is ascertained at the conclusion of the calling of the roll on the yea-and-nay vote that a quorum was not present and voting, then what happens?

The PRESIDING OFFICER. A majority vote of those present would determine the question voted upon.

Mr. McCLELLAN. If I understand correctly the ruling of the Chair, we would have the Senate proceeding to transact business without a quorum being present. Is that the situation?

The PRESIDING OFFICER. The Senate is proceeding, under the Constitution, to take steps, in the absence of a quorum, to secure the presence of a quorum.

Mr. McCLELLAN. A further parliamentary inquiry. Does a unanimous-consent request take a Senator off the floor if he has the floor at the time he makes the unanimous-consent request.

The PRESIDING OFFICER. The Parliamentarian advises that it might depend on the circumstances and the nature of the request.

Mr. McCLELLAN. Well, suppose I make a unanimous-consent request to have something inserted in the RECORD. Does that take me off the floor?

The PRESIDING OFFICER. No. It would not take the Senator off the floor.

Mr. McCLELLAN. Does the ruling on the unanimous-consent request to make an insertion in the RECORD constitute the transaction of business on the part of the Senate?

The PRESIDING OFFICER. The request would not be the transaction of business but action on it would be the transaction of business.

Mr. McCLELLAN. That would amount to the transaction of business?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. Mr. President, will the Senator yield at that point, under the same unanimous-consent request as previously?

Mr. McCLELLAN. If I do not lose the floor, I will yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. At that point, the consent having been granted, would the Chair be at liberty to recognize another Senator?

The PRESIDING OFFICER. It would permit a request for a quorum.

Mr. JAVITS. Does that mean then that the Chair should recognize another Senator in lieu of the Senator whose business had been transacted?

The PRESIDING OFFICER. The Parliamentarian advises that it would not take the Senator off the floor and that another Senator would not be recognized.

Mr. McCLELLAN. I did not understand the Chair's ruling. Do I correctly understand that if a unanimous-consent request is made and action is taken on it, another Senator then can be recognized over the objection of the Senator who had the floor?

The PRESIDING OFFICER. It would not take the Senator off the floor, but it would be the transaction of business.

Mr. McCLELLAN. It would not take the Senator off the floor, and therefore no Senator could get him off the floor by simply getting recognition by the Chair?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Will the Senator yield?

Mr. McCLELLAN. I will be very glad to yield as long as I do not lose the floor.

Mr. DIRKSEN. First of all, a unanimous-consent request does not constitute business.

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. And no affirmative action need be taken except that a Member might object. But if the Chair puts the question to the Senate, "Is there objection?" and there is no objection, business then has been concluded at that point.

The PRESIDING OFFICER. Business has then been transacted.

Mr. DIRKSEN. It seems to me that at that point a Senator might rise in his place, and if he is recognized by the Chair he is entitled to that recognition as a right.

The PRESIDING OFFICER. It would be ground for calling a quorum, but it would not take him off the floor.

Will the Senator from Arkansas yield to the Senator from South Carolina?

Mr. McCLELLAN. I do not care to lose the floor. I want the Senator to understand that. We are talking about parliamentary procedure.

Mr. President, may I yield to the distinguished Senator from South Carolina without losing my right to the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON of South Carolina. If a Senator wishes to enter something in the RECORD, he can word his motion in such a manner as to protect himself on the floor. He can say, "I will ask for unanimous consent to insert certain matters with the understanding that I do not lose the floor." Then he would not be taken off the floor; neither could any other Senator gain recognition.

The PRESIDING OFFICER. With that reservation, the Senator is exactly correct.

Mr. RUSSELL. I must protest any ruling that a Senator has to make a reservation or ask unanimous consent.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. RUSSELL. Does the Senator yield, provided it does not affect his right to the floor?

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Georgia under those conditions.

Mr. RUSSELL. When a Senator asks unanimous consent to make an insertion in the RECORD, he puts that request before the body of the Senate, and if any Senator wishes to object he may do so. If he does not, the Senate has agreed that the matter go into the RECORD without affecting his right to hold the floor. There is no way in which a Senator can possibly be taken off the floor, because the Senate gave him unanimous consent to insert something in the RECORD. That cannot impinge upon his right to the floor.

The PRESIDING OFFICER. That has been the ruling earlier; that it is the transaction of business, but does not take the Senator off the floor.

Mr. RUSSELL. Of course not, because any Senator can object to putting anything in the RECORD if he wants it. Then he can either read it or make a motion to have it read from the desk, and neither procedure will cause him to lose the floor.

The PRESIDING OFFICER. That statement is correct.

Mr. McCLELLAN. In connection with further parliamentary inquiry, is my understanding correct that an amendment to the pending bill does not have to be germane?

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. May I inquire of the Chair if the pending amendment in the nature of a substitute is germane to H.R. 8315?

The PRESIDING OFFICER. Under the practice of the Senate, the Chair's opinion is that it is not.

Mr. McCLELLAN. Then, Mr. President, I assume that any other amendment which is not germane would not violate any propriety or rule of the Senate. Am I correct?

The PRESIDING OFFICER. The bill is open to amendment whether the amendment be germane or not under the rule.

Mr. McCLELLAN. Therefore, the discussion of any other subject in the nature of legislation or anything else would not be any impropriety under such rules as we now have and under which we are operating, and under which we have applied in order to get us into the parliamentary situation in which we find ourselves at present. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield, with the understanding that he will not lose the floor?

Mr. McCLELLAN. With that understanding I yield.

Mr. JOHNSON of Texas. Since the Chair has ruled that an amendment does not have to be germane, and is therefore not improper, do I correctly assume that he would rule that it is not irregular or is not a legislative lynching?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. Mr. President, I hope the newspapers will take judicial notice of the Chair's official ruling, requested by the distinguished Senator from Arkansas, because the position which the leadership has taken for some days, since September 14, 1959, has been that no impropriety is involved; that there is nothing irregular; that there is no legislative lynching; that it does not violate the rules to offer anything which is not germane to the bill. I hope the press will take judicial notice of the ruling of the Chair on that question.

Mr. McCLELLAN. Mr. President, I am very happy to have that observation by the distinguished majority leader. I simply brought out the point that this is the parliamentary situation in which we find ourselves. If we are to participate in what has been referred to as legislative lynching, we cannot help ourselves if it is imposed on us; but we are trying to have something to say about the kind of rope with which we are to be lynched.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield, provided he does not lose the floor?

Mr. McCLELLAN. I am very happy to yield, provided I do not lose the floor. I said nothing about lynching; the distinguished majority leader brought up the subject of lynching.

Mr. JOHNSON of Texas. Mr. President, the Senator has very properly, appropriately, and, I believe, effectively brought out what the Chair has now ruled, namely, that no impropriety is involved, no irregularity is involved, and no legislative lynching is involved in following the rules of the Senate by offering an amendment to the bill, whether the amendment be germane or not.

I know the Senator has offered an amendment which may or may not have been germane. I am having a study made of nongermane amendments offered in the past. I know that many Senators have offered amendments involving huge sums of money and involving far-reaching extensions of authority throughout the country. In effect, the amendments were not germane, because the rules did not require them to be germane.

I appreciate the Senator's asking for the ruling. The only point I make is that I hope the ruling is understood by every citizen in every nook and corner of the land.

Mr. McCLELLAN. I asked for the ruling simply because I propose to talk about another bill, and I did not want it charged or said on the floor of the Senate that the debate had not been directed to the Dirksen amendment, because it is not germane to the bill pending before the Senate. Therefore, if it is not an impropriety, as it was contended it was, and as the Chair has now ruled it is not, for an amendment in the nature of a substitute to be presented, an amendment which is wholly foreign to the bill under consideration, and something which is not germane, then there is no impropriety in a Senator's speaking to some other measure or in offering other amendments which would not be germane to the bill.

I felt it was proper to speak briefly, at least, on a bill which has something to do with civil rights, a bill which is now on the calendar. I thought it might be well, since we are under the whip and lash of around-the-clock debate, to begin next week, and to continue all week long, that it might be well, when we know Senators are going to be here in their chairs, and not at home asleep, because they will be required to be here, I understand, for quorum calls, that at that time it would probably be more appropriate and possibly could be done more effectively to discuss the Dirksen amendment, which I shall propose to do some time during next week.

I may discuss that matter at some length then, but today I hope, within the next 2 or 3 hours, to discuss a bill related to civil rights, a bill which has been reported favorably by the Committee on Government Operations but which has been obstructed by extraneous amendments which have prevented the bill from being considered up to now. It is a bill which would have had beneficial results. It has been objected to on calls of the calendar by those who have made the greatest profession in the loudest terms about civil rights being denied and about the need for civil rights legislation.

Mr. President, during the next few days I shall introduce in the Senate six bills which were submitted to Congress by various governmental departments and agencies with requests that Congress enact certain legislation to implement their programs for the improvement of administrative procedures or for various other purposes. Those executive agency requests were referred to the Committee on Government Operations, of which it is my honor to be chairman. The bills were referred to that committee by the President of the Senate. The bills which, as chairman of that committee, I shall introduce, will, I am sure, under the rules of the Senate, likewise be referred to the Committee on Government Operations, for study and action.

That is the procedure that normally is followed by the administration, in presenting its program to the legislative branch of the Government. Whenever some executive agency or department of the Government believes that legislation is needed in order to correct or implement or improve procedural matters which in any way relate to that department or agency, frequently it will send drafts of such bills, either to the Vice President or to the chairman of the committee which may have jurisdiction over such proposed legislation, with the request that it be introduced and processed. The bills which I shall introduce have come from that source, and with such requests.

Mr. President, the Committee on Government Operations, since I have been its chairman, has at all times cooperated with this administration, and also with the previous administration, in giving prompt consideration to such legislative requests from the administration and its various agencies. When the facts submitted in support of such proposals have warranted favorable action, the committee has taken it. However, it has not always followed that either the Senate or individual Members have been willing to permit unbiased consideration to be given to such legislative proposals, no matter how meritorious.

So I wish to call the attention of Members of the Senate to one of the bills, which originally was introduced in the 84th Congress, at the request of the Attorney General of the United States. I refer to Senate bill 1617, which is now calendar No. 397. It was introduced by me, at the request of the Attorney General of the United States; and it is presently on the calendar. That bill provides for the adjustment of legislative jurisdiction exercised by the United States.

Mr. President, bear in mind that this is an administration bill, a bill which has come from the present administration which is strongly for civil rights, and the same administration that the minority leader is representing, in the sense of advocating and undertaking to sponsor this legislation; in fact, he is the author of the pending amendment in the nature of a substitute.

Although this bill clearly deals constructively with the restoration of civil rights to thousands of disenfranchised citizens throughout the United States, nevertheless the bill has been "lynched"

by the NAACP, without any regard whatever for the rights of those who will be benefited if the bill is enacted into law. That propaganda agency is always crying "Wolf" about any proposals regarding which it may have unfounded suspicions, and about which it usually has little or no accurate information. So, without bothering to determine the facts, it seems to me when whim or obstructionist policy dictates, these measures are arbitrarily opposed. That is particularly true if one of those of us who are in the southern minority of Senators happens to be the sponsor of the bill. In fact, Mr. President, I do not know of any minority in this country that today is laboring under greater handicaps, greater stress, and more oppressive tactics than is the group of Senators—of whom I am one—from the Southern States.

The NAACP can, apparently, without regard for the merits of such proposals, by means of its tremendous powers of misrepresentation, mislead the public; and it may influence some Senators into believing that such legislation is what that organization would have Senators believe it is, merely by representing that it is detrimental to civil rights—of course, Mr. President, according to that organization's interpretation of civil rights—and without giving consideration to the rights of others who may be affected, or, if giving any consideration to them, with absolute indifference to the rights of others and to the results which would be beneficial to others. In any event, that organization still opposes such legislation.

I propose to submit to the Senate a completely documented and factual outline of the legislative history of S. 1617 in the 86th Congress, based upon information furnished to the committee by practically every agency of the Federal Government, the Council of State Governments, and others that were interested in the proposed legislation.

On March 13, 1959, the Attorney General of the United States submitted to the President of the Senate a draft bill, based upon the coordinated action of the staff of the Committee on Government Operations and the other groups which I have already mentioned.

I introduced this bill, S. 1617, Mr. President, in the 86th Congress to accommodate the request made of the Vice President of the United States by the Justice Department and also because of my belief that there was merit in the bill and that it should be enacted into law.

So that the RECORD may be clear, Mr. President, I should like at this time to read the letter from the Attorney General setting forth the need for this legislation and the reasons why it should be enacted into law.

The letter from the Attorney General dated March 13, 1959, is addressed to the Vice President, U.S. Senate, Washington, D.C.:

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes."

This measure is the end product of 16 months of intensive study by an Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, prolonged study by the Council of State Governments' Committee on Legislative Jurisdiction over Federal Lands, suggestions invited from Governors and attorneys general of the several States, comments received from numerous Federal agencies, recommendations from various other governmental and nongovernmental groups interested in the subject, and diligent work by the Senate Committee on Government Operations and its staff.

The general purpose of the legislation is to permit Federal agencies, in appropriate cases and with the consent of the States involved, to restore to the States certain legislative jurisdiction now vested in the United States over federally owned or operated lands and to assure that in the future the United States will receive only so much legislative jurisdiction as is essential to the proper performance of Federal functions. This would mean that persons residing on such properties would no longer, by virtue of the accident of the place of their abode, suffer disabilities with respect to voting, education, public health and safety, marriage and divorce, adoption, descent and distribution of property, and numerous other matters which are ordinarily provided for by State law.

Enclosed for your assistance is the comprehensive report, in two parts, submitted to the Attorney General by the Interdepartmental Committee and transmitted to the President. The factual aspects of the problem to which the legislation is addressed and the original Committee recommendations are contained in part I; part II constitutes a textbook of the applicable law.

The Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

The purpose of S. 1617 is to permit Federal agencies to restore to the States certain jurisdictional authority now vested in the United States, which may better be administered by State authorities, and to acquire only such jurisdiction as may be necessary in connection with future land procurement.

Mr. President, I can understand why a bill such as that would provoke or elicit the opposition of an organization like the NAACP, because there are those in this country, unfortunately, who believe it would be well for the sovereign States of this Union to be legislated into a rather provincial position instead of State sovereignty. There are those who want to see and who work for a government with centralized powers, recognizing no State sovereignty and no State authority. They would like to see the Union of States destroyed, in the sense that it is a Republic and a Union of States.

I can well understand it would irk one with those beliefs for a bill to be introduced, even if recommended by the Department of Justice and the Attorney General, if it were a bill to relinquish to States certain rights and certain jurisdiction now exercised by the Federal Government. They oppose it, Mr. President, notwithstanding the fact that the relinquishment of such jurisdiction to the States would enable people living on these reservations and on the Government property to exercise the right of citizenship in those States and to have the right to vote, whereas today, with the Federal Government exercising jurisdiction as it does, they are disenfranchised. Yet when we seek to relinquish that authority to the States, which is now under the Federal Government and which is not needed by the Federal Government, because it would give to the States jurisdiction it irks those who would seek to destroy State sovereignty and who want to see the power of the Government lodge in a central source and central locality in Washington, D.C.

Once legislative jurisdiction has been vested in the United States, it cannot be revested in the States other than by operation of a limitation imposed by the State at the time the State ceded jurisdiction, or by an act of Congress.

The bill specifically declares it to be the policy of the Congress that—

First, the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may be necessary for the proper performance of Federal functions.

Mr. President, what is wrong with that? Why does the Federal Government need to usurp what is the proper authority and prerogative of the States? The Federal Government should retain only such jurisdiction as is essential and is required for Federal functions, since it would make possible the exercise by citizens and by residents of those areas rights which are exercised by citizens of the respective States in which the lands are located. What can be the objection to it? Mr. President, there can be none, except from those who want an all-powerful, all-centralized government, and who would like to destroy the sovereignty of our States.

Second, to the extent consistent with the purposes for which the land is held by the United States, the Federal Government shall avoid receiving or retaining concurrent jurisdiction or any measure of exclusive legislative jurisdiction.

Mr. President, the point I have made would certainly apply as well to No. 2.

An overall objective of the bill is to provide that, in any case, the Federal Government should not receive or retain any of the States legislative jurisdiction with respect to qualifications for voting, education, public health and safety, taxation, marriage, divorce, descent and distribution of property, and a variety of other matters, which are ordinarily the subject of State control.

S. 1617 would authorize the head or other authorized officer of any department or independent establishment or agency of the Federal Government to relinquish to the State in which any Federal lands or interests therein under his custody or control are situated, such measure of legislative jurisdiction over such lands or interests therein as he may deem desirable. The bill provides that with respect to future acquisitions of property, no more jurisdiction than is necessary for the proper performance of the functions of the acquiring agency should be obtained. Any relinquishment

of jurisdiction by the Federal Government would be subject to acceptance by the State in such manner as the law of such State might provide.

Other provisions of the bill would authorize Federal department and agency heads to issue necessary rules and regulations for the governing of public buildings and other areas under their charge and control, and to provide such reasonable penalties, within prescribed limits, as will insure their enforcement; permit such heads to utilize the facilities of existing law-enforcement agencies for the enforcement of any such regulations; authorize the General Services Administration to detail special policemen for the protection of Federal property under the charge of other departments and agencies; extend the authority of U.S. commissioners to try and sentence persons committing petty offenses in any place under the charge and control of the United States; extend the right of States and their political subdivisions to serve and execute process in areas under the legislative jurisdiction of the United States, while making it clear that such process may not be served contrary to rules and regulations issued by authorized Federal personnel for the purpose of preventing interference in carrying out Federal functions; and amend or repeal obsolete or inconsistent Federal statutes.

Mr. President, I should like at this time to give a detailed, section-by-section analysis of Senate bill 1617. This analysis was prepared by the staff of the Senate Committee on Government Operations, in consultation with and with the advice and assistance of representatives of the Department of Justice, the Council of State Governments, and other interested agencies.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question at this time?

Mr. McCLELLAN. I am glad to yield provided I may have the permission of my colleagues to yield to the Senator without losing the floor.

I ask unanimous consent that I may yield to the Senator from Louisiana for a question without losing the floor.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator may yield for a question in his own right.

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. For a question.

Mr. McCLELLAN. For a question only.

Mr. LONG of Louisiana. Does the Senator know of any other detailed section-by-section analysis that is available to Senators, other than that to which he proposes to refer?

Mr. McCLELLAN. If there is any other, I have no knowledge of it. As I have just pointed out, this analysis is not merely one man's opinion. This is the product of collaboration and considered judgment of experts, as we may term them, in the Department of Justice, the Council of State Governments, and in the Senate. It includes the judgment of the professional staff of the Committee on Government Operations. I am willing to rely upon this analysis as being about as good an analysis as we shall be able to obtain.

Mr. LONG of Louisiana. Does not the Senator from Arkansas agree that it is high time that we should have some sort of authoritative analysis of a proposal of this significance which we are asked to pass?

Mr. McCLELLAN. The analysis I propose now to give of Senate bill 1617 is, in my opinion, far more thorough with respect to that bill than anything submitted for our enlightenment or consideration with respect to the Dirksen amendment as a substitute for the bill which is now the unfinished business, House bill 8315.

Mr. LONG of Louisiana. I thank the Senator.

Mr. McCLELLAN. I have not seen an analysis of that proposal which is very informative. Judging from what I have seen of any purported analysis, in my opinion it is very deficient in analyzing what the Dirksen amendment would do and what the consequences would be if the Dirksen amendment were adopted as a substitute for the little school bill.

I thank the distinguished Senator from Louisiana for suggesting the thought which he has put forward. I think it is quite appropriate, as we go along, because the proposal before us is of earth-shaking consequences. I make no apology for that statement. If the consequences of what is proposed here, and what would ultimately flow from the enactment of such legislation as we are now asked to approve in the Senate are a fraction of what I can envision they may be, it is an abominable thing that we are asked to do. I shall have no part of it.

I shall have every part I can, to the limit of my strength, and to the full extent of my opportunities, in preventing its passage. I will do so within the rules of the Senate, as they are interpreted, and as they give us guidance from time to time by reason of expression in response to parliamentary inquiries, which rulings become the judgment of the Senate unless an appeal is taken from the ruling of the Chair and the ruling is overturned by the Senate itself.

Let me say to my distinguished friend from Louisiana that in the very beginning of my remarks today I made certain parliamentary inquiries and obtained certain rulings from the Chair which were quite enlightening. I think we may find that they will be helpful to us in the wee small hours of the morning some time next week, if the purpose of holding the Senate in session around the clock is carried out, and we are to be ground down to the point where we are defenseless and helpless. I am not quite sure that that could be done. It will probably be tried.

I am hoping that the effort will not be successful. If I must give my strength, if I must give my all for my country, I am willing to do it in this battle. That is the conviction I feel. Let there be no mistake. I am not running for President. I am not running for anything else. I can vote my convictions, and I can fight for them. I am ready to do it, because I believe that the evil now present not only warrants it, but compels it. One feels a sense of patriotism and duty to country. And if it is ordained that we must go through the fiery furnace next week and thereafter, all I shall do is to ask my Maker to give me strength to go through with it, with a fighting faith, and with every confidence that I am doing His will.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may yield to my distinguished colleague from Louisiana for a question without losing the floor.

The PRESIDING OFFICER. The Senator may yield for a question in his own right.

Mr. LONG of Louisiana. Has the Senator observed that, notwithstanding the fact that less than a handful of Senators are present in the Chamber at this moment, as has been the case during most of the past week, the majority of this body seems prepared to vote for anything that is labeled "civil rights," even though many Senators have no understanding of what a detailed analysis of such proposals would show?

Mr. McCLELLAN. I notice the absence of Senators. If the enactment of the Dirksen substitute—or whatever it may be denominated—is as important as its sponsors proclaim it to be, it would seem to me they are a little derelict in their attention to duty when they fail to be on this floor listening to debate, to ascertain whether they may be in error in their judgment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I am glad to yield, if I do not lose the floor.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator may yield for a question.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. McCLELLAN. I yield for a question.

Mr. LONG of Louisiana. Does the Senator realize that the present effect of the law apparently is not understood by a great number in this body or on the Court itself because of the fact that presently we have cases in the Court which undertake to establish what the previous so-called civil rights bill did, when that bill was passed in 1957. I ask the Senator if he knows that the first case testing how far the civil rights bill of 1957 went is presently before the Court, and the Court has not yet had an opportunity even to decide what the first case under the Civil Rights Act of 1957 mean?

Mr. McCLELLAN. That is correct. The distinguished Senator may have been on the floor, when one of our colleagues announced the other day that no matter what we passed this year—and I assume that he meant that we could pass all the bills on this subject—we would still have the civil rights issue. Where is it going to end? That was said on the floor of the Senate. We can

do what we please this year, but we will still have the civil rights issue. Some day the political advantages in this so-called civil rights issue are going to wear pretty thin, because the time is coming, Mr. President, when the chickens will come home to roost. We can see a little sign around all over the country now where they are roosting. We can also begin to realize some of the effects where they roost.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. Has the Senator seen or had called to his attention a news article emanating from New York City to the effect that the colored sellers of lottery tickets and the numbers rackets contend they cannot be arrested and incarcerated for violating the law against gambling because a similar number of white persons also violating the gambling law have not been arrested?

Mr. McCLELLAN. Yes. The truth about it is—if the Senator is talking about the racial issue—that in the Senator's State and in mine, Negroes are treated much better. There is far less discrimination than there is in many quarters from which this compelling demand now emanates. We know that.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. McCLELLAN. Yes; I am glad to yield, if I do not lose the floor.

The PRESIDING OFFICER. The Senator may yield for a question in his own right, without losing the floor.

Mr. McCLELLAN. I announce now permanently and for the duration of the time that I am on the floor that I do not yield at any time, anywhere, under any circumstances, at any point, if my yielding means that I lose the floor. I ask the Chair to protect me in that position.

The PRESIDING OFFICER. The Chair will protect the Senator as long as the present occupant of the chair is here.

Mr. McCLELLAN. I thank the present occupant of the chair.

The PRESIDING OFFICER. The Senator may yield for a question as often as he wishes.

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from Louisiana for a question.

Mr. LONG of Louisiana. Does the Senator agree with the old-fashioned concept of the law that when anyone violates the law or is in the process of violating the criminal law, he should be apprehended and stopped, and that it is not proper to say that as between two sets of law violators, one set should not be stopped unless the other set is stopped, also?

Mr. McCLELLAN. Of course, that is correct. I point out to my distinguished friend what is happening. We see the effect of it. We see what this agitation is doing. We see it down in southern cities today. We see mass marching into places of business to agitate and harass and aggravate and provoke. What inspires it? It is the civil rights advocates.

I say leave this thing alone, and let the processes of evolution, as our Maker intended, settle that problem. If His plan will not do it, the law of man will not succeed. It is just that simple. We would not have any trouble in the South.

People talk about integration. It was moving along further in some places where it would not have come around for 50 years or maybe 100 years. There are other places where it might come much faster than it will ever come now. The processes of evolution are the reliable processes for some of these things. It must not be done by force of ill-advised manmade law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. LONG of Louisiana. I am sure the Senator has noticed a great many situations reported in the press resulting from the pressure from the outside in trying to force upon the southern people the acceptance of integration which they are not presently prepared to concede. I ask the Senator whether that has not actually set back the process of advancing the colored man's acceptance rather than advancing it.

Mr. McCLELLAN. There is no question about it. What is being advanced in the South today is not the propriety to consider relative things, but an incitement to go out and demand and impose and intrude and force ourselves. That is the attitude and that is what we are stirring up in this country. If some people could just realize what they are doing they would stay their hand and let life and justice evolve.

Mr. LONG of Louisiana. May I ask the Senator a further question?

Mr. McCLELLAN. I am very glad to yield on the conditions I have expressed.

Mr. LONG of Louisiana. Can the Senator believe that anyone in good logic and in good conscience could really believe that they are benefiting the colored race or the white race when they stir up the kind of resentment, bitterness and hard feelings that many of these so-called civil rights advocates are stirring up by constantly trying to convince the colored man that he is not being treated fairly when in truth and in fact the overwhelming majority—in fact the almost unanimous majority of whites in the South—really in good conscience want to see the colored man advance and resent these forcible methods.

Mr. McCLELLAN. Well, I cannot answer about how the minds of some other people work, I am sorry to say. They do sometimes intrigue me and confound me, and bewilder me with the way they work. You ask, could anyone believe? Well, of course, there are minds who can and who do believe, but I may say that the process of reasoning from my standpoint and from my judgment is not sound and the conclusions they arrive at are very faulty. I thank my distinguished colleague for listening.

Now, Mr. President, I would like to put an analysis of this bill in the RECORD. But, first I want to stress the point that when we try to do something that is alive and that will help, because they oppose the States' sovereignty, even though it will give thousands of Americans the right to vote which is now denied them, they will oppose the legislation, because they do not want the States to do any such thing. They want the power of government to be in Washington, D.C. Whose philosophy of life is that? Whose philosophy of government is that? Let us see what direction we are going in.

Mr. President, I might say to my friend here, who suggested I take it a little easier, if I were to discuss this with all the enthusiasm and feeling I have in opposition to what is proposed, I would have the shingles rattling louder than they are now.

Mr. President, the following is an analysis of this bill that is being proposed that would grant some civil rights, and which ought to be passed:

SECTION-BY-SECTION ANALYSIS OF S. 1617

In the first section of the bill, the Congress indicates certain advantages which accrue from State, rather than Federal, exercise over Federal areas of legislative jurisdiction of the kind involved in article I, section 8, clause 17, of the Constitution of the United States, and it declares as congressional policy that Federal retention or acquisition of such jurisdiction should be avoided to the extent consistent with the purposes for which land is held by the United States. The specific advantages are set out by way of illustration only, and do not include all which will result by virtue of the enactment of S. 1617. Reference to article I, section 8, clause 17, of the Constitution, is for the purpose of making it clear that Federal powers evolving from other constitutional provisions are not involved, and to assure that the authority of the Federal Government to carry out any and all Federal functions will not be impeded by any exercise by the States of the jurisdiction referred to in this bill. However, the bill is intended to include, and does include, legislative jurisdiction of the kind involved in article I, section 8, clause 17, whether its transfer occurs by cession of a State, by a Federal reservation at the time a State is admitted into the Union, or by a consent of the State and operation of the constitutional provision.

Section 2 of the bill grants to heads of Federal agencies, with respect to Federal land in their custody, a delegable power to acquire from, or relinquish to, a State in which such land is situated, legislative jurisdiction with respect to such land. The acquisition or relinquishment is made subject to concurrence by the State in accordance with its own laws. It is required by section 2 to be in the form of a written notice, however, which notice is to be filed in accordance with State laws, or with the Governor of the State if the laws of a State do not specify another manner. The provision for filing with the Governor is included for the purpose of avoiding frustration of Federal and State intention to effect a transfer of jurisdiction where State laws, as well as this section, provide for a transfer, but where such State laws do not specify a means for its effectuation. Section 2 also states the extent of jurisdiction which a State will acquire upon a Federal relinquishment of jurisdiction; this provision merely reflects the normal legal consequences of such relinquishment. Nevertheless it is desirable that the act state it specifically in order to remove any doubt that might later arise as to the intent of the Congress.

The authority for Federal acquisition of legislative jurisdiction contained in section 2 has existed since 1841 (R.S. 355; 40 U.S.C. 255). Since 1940 it has been a discretionary authority, in substantially the same form as contained in section 2. However, there has been no similar authority for Federal relinquishment of jurisdiction, so that once the Federal Government has acquired legislative

jurisdiction over a property it has almost invariably retained it through the period of its holding of the property, notwithstanding changes in the use of the property and in other conditions affecting Federal requirement for legislative jurisdiction. Section 2 rewrites existing law so as to provide in this matter a two-way street, granting authority for Federal relinquishment, as well as Federal acquisition, of legislative jurisdiction. This authority would extend to properties held by the Federal Government under lease, or as to which the Government has any interest whatever, as well as to property over which it has a fee interest.

Authority for acquisition or relinquishment of legislative jurisdiction contained in section 2 of the bill is required by such section to be exercised in accordance with the congressional policy set forth in the first section. However, full discretion necessarily is reposed in Federal agency heads with respect to the extent of the legislative jurisdiction which should be acquired or retained by the United States in individual cases. An existing interagency committee established by the President, comprised of representatives of the Department of Justice, the General Services Administration, and the Bureau of the Budget, exercises advisory powers in the exercise of this discretion by agency heads.

Section 3 of the bill (subsec. (b)) extends to all Federal agency heads authority now possessed by only a few (the General Services Administration, and the Departments of Agriculture and Interior as to some of their properties) to make rules and regulations for the government of real properties under their control. Another provision of the section (subsec. (a)) permits the General Services Administration to invest its guards with arrest powers as policemen without reference to the jurisdictional status of the Federal property which they guard. Existing authority (act of June 1, 1948, 62 Stat. 281, which sec. 3 of the bill amends) permits such guards to exercise their arrest powers only on areas under the exclusive or concurrent jurisdiction of the United States. This present statutory limitation encourages Federal acquisition of legislative jurisdiction, which may otherwise be unnecessary and undesirable, for the sole purpose of permitting Federal properties to have the benefit of regulations and guard service of the General Services Administration. Neither such regulations nor guard service presently are authorized as to most privately owned premises leased by the Federal Government for storage of valuable commodities, a condition which obviously should be remedied.

An additional provision of section 3 (subsec. 3(c)) extends to all Federal agency heads the authority, now had only by the General Services Administration, to utilize the services of existing law-enforcement agencies, as may be economical and in the public interest, to enforce regulations promulgated under the authority of subsection (b) of the section. This extension is merely coextensive with, and complementary to, the related extension of regulation-making authority. Subsection 3(d) corrects an existing language error in the same statute which is amended by other provisions of the section.

Section 4 of the bill amends existing law (18 U.S.C. 3401) so as to permit U.S. Commissioners to try persons committing petty offenses on Federal property not under the legislative jurisdiction of the United States. The authority of such Commissioners, like the authority of guards of the General Services Administration, presently is limited to offenses committed upon property under the exclusive or concurrent jurisdiction of the United States. Like the authority of Federal guards, the authority of Commissioners is made coextensive with Federal authority to make regulations.

Section 5 of the bill repeals four obsolete statutory provisions. The first, section 103 of title 4, United States Code, gives to the President authority, which appears never to have been used in view of similar authority also vested in Federal agency heads, to acquire legislative jurisdiction over Federal properties. The second and third sections, 4661 and 4662 of the Revised Statutes of the United States, require Federal acquisition of jurisdiction over lighthouses and related properties, and permit States to serve process upon such properties. The provision relating to process is extended, by section 6 of the bill, to all properties under the legislative jurisdiction of the United States. The fourth, the last paragraph of section 355 of the Revised Statutes of the United States, contains authority for acquisition of legislative jurisdiction by Federal agency heads, and is made obsolete by section 2 of the bill.

Section 6 of the bill extends to all properties under the legislative jurisdiction of the United States the right now had by States, under Revised Statutes, section 4662, to serve process on lighthouse sites and related properties. As it is carried in section 728 of title 33, United States Code, the language of the existing provision appears to apply to all properties, but the language in the code does not accurately reflect the actual language of the law, which contains the limitations indicated. Repeal of Revised Statutes, section 4662, accomplished by section 5 of the bill, and enactment of the language contained in section 6, will eliminate this confusion. The right to serve process granted in section 6, like the right now contained in Revised Statutes, section 4662 and in numerous State statutes reserving the right to serve process, grants no jurisdiction, civil or criminal, to the States other than the right to serve process.

Section 7 of the bill is included in order to insure that none of the other provisions of the bill affect the so-called Lea Act and Buck Act (4 U.S.C. 104–110) or other laws permitting States and their political subdivisions to impose and collect certain taxes from persons, property, or transactions in areas under the legislative jurisdiction of the United States.

The bill was originally drafted by the staff of the committee, with the cooperation of the Department of Justice, in order to implement recommendations contained in a report by the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, a committee appointed by the President for the purpose of finding means of solving the problems arising out of the uncertain jurisdictional status of Federal lands situated within the several States. The committee was composed of representatives of eight executive departments and agencies of the Federal Government, including the Bureau of the Budget, which had a principal interest in the problems involved. Twenty-five other agencies of the Federal Government furnished information concerning their properties and problems relating to legislative jurisdiction to the committee. In addition, the Interdepartmental Committee had, in its conduct of the study, the assistance and cooperation of the National Association of Attorneys General.

Following introduction of Senate bill 4196 in its original form in the 84th Congress, copies were submitted to the Governors and attorneys general of the several States and to all interested Federal agencies for comments and recommendations. Reports were received from 36 States—31 State Governors and 29 State attorneys general—all of whom endorsed the objectives of the bill and recommended favorable committee consideration. Certain of the Governors and attorneys general of the States requested that the committee withhold action on S. 4196, however, until a study of its provisions could be completed by the State Committee on Legislative Jurisdiction of the Council of State Governments. That committee was appointed by the president of the council, pursuant to a resolution adopted by the States, for the purpose of considering the legislation proposed by S. 4196. The committee appointed for this purpose was directed to give consideration to certain suggested amendments to the original bill and to determine whether or not it would be feasible to extend its provisions beyond its original intent by incorporating certain suggestions made by various State officials.

Upon completion of the study made by the Committee on Legislative Jurisdiction, the staff of the Committee on Government Operations arranged conferences between the representatives of the Council of State Governments and representatives of the Department of Justice, for the purpose of perfecting the bill by incorporating appropriate amendments. Following a number of such conferences, during which consideration was given to the various recommendations of the Governors, attorneys general, and the Council of State Governments, an amendment in the nature of a substitute was incorporated in a new committee bill, S. 1835, with the unanimous approval of representatives of the States and the executive branch of the Federal Government. Consideration was given to all recommendations consistent with the objectives of the proposed legislation which were submitted to the committee by the Governors of the States, and by the National Association of Attorneys General, the National Association of Tax Administrators, and Federal agencies interested in the bill.

Some of the suggestions submitted to the Committee on Government Operations by certain of the State officials and by the National Association of Tax Administrators dealt with tax matters which were considered to be outside the scope of the recommendations of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States. Such suggestions were largely concerned with tax problems, such as payments by the Federal Government in lieu of taxes, and so forth, which the committee felt should be considered in separate legislation dealing exclusively with those problems. Specific proposals pertaining to those problems are presently pending before the Senate in Senate bill 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes. That bill is Calendar No. 893. Other proposals will be studied in detail by the Advisory Committee on Intergovernmental Relations, created in the 1st session of the

86th Congress, on recommendation of the Committee on Government Operations.

The revised bill, the one I am discussing now, S. 1617, was introduced in the 1st session of the 86th Congress.

At an executive session held by the committee on May 4, 1959, final action on S. 1617, for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, was postponed pending clarification of the provisions of the bill as they relate to civil rights.

In accordance with a directive from the committee, the staff contacted officials of the Department of Justice and representatives of the Council of State Governments, who assisted in the preparation of the proposed legislation and requested that they submit additional information to clarify these points and determine whether or not the enactment of S. 1617 would have any impact upon the administration of Federal laws in these areas.

The following communications from the Department of Justice and the Council of State Governments, in response to this request, are submitted for information of Members of the Senate.

I proceed, Mr. President, to read this letter from the Department of Justice, addressed to me, dated May 11, 1959:

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In the course of recent conversations between members of our respective staffs it was indicated that your committee desired to receive from me a statement concerning the relation of the bill S. 1617, 86th Congress ("to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes"), to civil rights. * * *

In other words, we asked the Department of Justice to give us its opinion with respect to the provisions of this bill as they would be related to civil rights. The Attorney General in his letter to me then states:

A memorandum covering these matters is forwarded herewith. I will be pleased to have you advise me if I can be of any further service with respect to this subject.

Sincerely,

PERRY W. MORTON,
Assistant Attorney General (Chairman of the Former Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States).

The memorandum enclosed and referred to in the letter, Mr. President, dated May 13, 1959, reads as follows:

Purpose of S. 1617 and its relation to civil rights, conservation, Alaska, and Indians.

I call attention to the fact that we are dealing here with civil rights—and here is a bill involving civil rights of some who are now disenfranchised by reason of jurisdiction and who do not have the right to vote. We are talking here about rights as between the States and the Federal Government. Yet we find opposition to this particular bill by those who are here insisting now that we cover the whole waterfront and everything imaginable to grant civil rights, and who shed crocodile tears about some persons who are denied the right to vote. The same question was involved in that legislation, the denial of the right to vote to some persons by reason of their location and their residence on federally owned property.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. MCCLELLAN. Mr. President, I recognize that the present occupant of the chair [Mr. YOUNG of Ohio] is the same occupant of the chair who assured me that my rights would be protected if I yielded for a question only so long as he was the occupant of the chair, and therefore, with that understanding, Mr. President, I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that in the State of New York, from which come two great Senators, who have offered nearly 50 civil rights bills, between the two of them——

Mr. MCCLELLAN. Is the Senator suggesting there is a little competition between the Senators? I would not know. The suggestion naturally creeps in, from what the Senator says.

Mr. LONG of Louisiana. Mr. President, since I have only the right to ask a question, I will say to the Senator——

Mr. MCCLELLAN. Very well. I will answer my own question.

Mr. LONG of Louisiana. I do not know whether there is competition, but is the Senator aware of the fact that in the great State from which the two great Senators hail—the two Senators, between them, having offered almost 50 civil rights bills, which we will perhaps be asked to vote upon during this debate—there are approximately 500,000 former citizens of Puerto Rico who are unable to vote in that great State because they speak Spanish rather than English? Would the Senator not feel, with respect to those who believe in letting down the bars to permit people to vote, and who believe in forcibly increasing the registration rolls in Southern States, that they should first set their own house in order and give the Puerto Ricans the right to vote in New York State, in view of their feeling that universal suffrage seems to be the wave of the future?

Mr. MCCLELLAN. There is a bit of Scripture, as I recall—

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

This whole thing reminds me of these "do gooders" who are running around and who think they are going to take the South, pick it up by the nape of the neck, give it a good shaking and stomping, if necessary, and straighten it out.

In the first place, those people are not straightening out anything in their own backyards. They talk a great deal about things happening in the South, but in their own backyards there is more murder, more gangster killing, and more brutality of humanity against humanity than they could ever find with a microscope and with great pretensions in the fair Southland in which the distinguished Senator from Louisiana and I live.

Mr. LONG of Louisiana. Does not the quotation to which the Senator referred come from the Sermon on the Mount, where the Master said, "Thou hypocrite." I am not referring to anyone in the Senate Chamber when I say "Thou hypocrite" because the rules of the Senate do not permit me to say that.

The Master said:

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

The mote, of course, meant a speck of dust.

Mr. MCCLELLAN. Without having the Holy Scriptures before me, I will concede, so far as my knowledge is concerned, that the Senator's quotation is exact. Certainly the admonition comes from the highest source which the mind of man has ever conceived. It certainly transcends any authority or power of law which man could pass or enact either in this Congress or in any other lawmaking body in the world.

Mr. LONG of Louisiana. Would it not make better sense for those Senators from the State of New York to first undertake to see to it that the hundreds of thousands of disfranchised Puerto Ricans should be offered the opportunity to vote in New York State, before they attempt to press upon the South their views that certain persons who, because of illiteracy or lack of effort to qualify, or other various causes, cannot vote, should be forcibly placed upon the rolls by Federal mandate?

Mr. MCCLELLAN. I think they could be pretty well occupied attending to their own business instead of what they are doing now.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I am happy to yield.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that some Senators, including those from New York, have been pressing for an antilynching bill, although there has not been a single lynching in the last year, and perhaps only one lynching in the last 4 or 5 years?

Mr. MCCLELLAN. As I recall, there has been one lynching in the last several years. In my State there has not been one, I am happy to say, in 30 years, I believe.

I can remember the situation when I first came to Congress. Some people wanted an antilynching bill—an antilynching bill—an antilynching bill.

The demand for legislation which existed then continues today, except with increasing frequency. Almost every day we see great headlines with regard to gangster killings and racketeers. We have never been asked to enact any Federal law to deal with them.

Mr. LONG of Louisiana. Can the Senator give us some idea as to how the

number of muggings, cuttings, murders, gang killings, and so on, in the various neighborhoods of New York City and on the docks of New York City, would compare with the number of lynchings which have occurred in the entire South during the last 4 years?

Mr. McCLELLAN. Well, if the number of the things the Senator speaks of in other areas could be resolved into a vase of pure water, the droppings of what has occurred in the South in the vase would not taint the water. That is the comparison.

Mr. President, I think statistics are sometimes misleading, but those of us who live in the Capital City read the accounts of what occurs. Sometimes they are very brief accounts. They are not overplayed. The press does not play up the problem very much. We read of things which happen in Washington, D.C., in the Nation's Capital, where we find all the enthusiasm for so-called civil rights.

We look at the criminal record of Washington, D.C. How many wives, daughters, and sisters today dare not walk on the streets of the National Capital after the sun has gone down? Why is that? We look at the statistics and we see. The statistics give the answer.

Proposals for the sort of legislation now demanded and agitation for this sort of action inspire those who are not yet prepared to undertake certain obligations, and stimulate their desire to commit such crimes, yet does the Senator think that we can do this and escape the fruits of our actions? If we sow the seed we must reap the harvest.

Mr. LONG of Louisiana. Would it not make better sense for those who seek to put the Federal Government in the business of trying to apprehend one person in the State of Mississippi, since there has been only one crime of that sort which has occurred in the last 4 years in the South, to seek first—and, if they want, to bring Federal power in and to bring the Federal Government in—to stop the crime wave of tens upon tens of thousands of murders, muggings, cuttings, and rapes which occur in their own home towns?

Mr. McCLELLAN. There would not be any votes in that. This agitation is political. Everybody knows it. If we take the politics out of it we would be going on about our business, we would be transacting business for the Government of the United States. Take the politics out of this issue and it will evaporate as quickly as one can snap his fingers.

Mr. LONG of Louisiana. If one is trying to prevent lawlessness, would it not make better sense to try to reduce the tens of thousands of crimes which are happening in his own backyard, rather than to single out an isolated instance of a crime which happened only once over a long period of years in an entire section of the Nation?

Mr. McCLELLAN. Of course. I give the same answer. It is politics. If we were to take the politics out of the issue, we would not have such a proposal before us.

Speaking of voting, I should like to say for the record, in order that there may be no mistake about it, that in my State not only does the Negro vote upon the same terms as does the white man, but his vote is solicited and campaigned for. An effort is made to get him to vote, as in the case of white voters. When he walks into the polling place, he votes his own sentiments.

So when we add it all up, this is a big fuss about very little. There are far bigger things, as we pointed out, in the backyards of the advocates of so-called civil rights legislation, to which they could give attention if they wanted to be occupied with something useful and constructive.

Let me proceed with my remarks. I mentioned a memorandum from the Attorney General with respect to the civil rights aspect of this measure.

I continue to read from the memorandum of the Department of Justice:

Purpose: The bill S. 1617, 86th Congress, principally would authorize the heads of Federal departments and agencies, with State consent given in the manner provided by State law, to adjust the legislative jurisdiction of Federal land areas which are under their supervision to whatever status best suits the Federal purposes for which the properties are being used. Present law permits only acquisition of legislative jurisdiction and makes no provision for downward revision of such jurisdiction once it has been acquired, even where Federal use or property and related Federal needs with respect to jurisdiction have drastically changed. This has resulted in the Federal Government having exclusive legislative jurisdiction over a very large number of land areas as to which it does not need such jurisdiction for any present or contemplated purpose; and in unnecessary maintenance of these areas as Federal islands within the States. The bill, which was developed through long collaboration between representatives of the Federal and State Governments, including the staff of the Senate Government Operations Committee, has the endorsement of all interested agencies in the executive branch, and of the Council of State Governments.

That is not my language. That is the language of the Department of Justice. Yet the NAACP organization has been able to block consideration of this bill, notwithstanding the fact that it is on the calendar. It would restore some civil rights of which human beings are being deprived merely because of the jurisdictional question, which needs legislative attention.

I wonder why some legislative proposal such as this was not called up. It really has in it an element of civil rights. I wonder why it was not used as the vehicle for civil rights legislation. Let me tell Senators why, in my judgment. It was because the NAACP opposed it. We talk about supergovernments. There are trends toward powers outside the Government which, if not checked, might very well become a dominating force in the affairs of state and affect the lives of the citizens of our country.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I am very glad to yield to my distinguished friend, with the understanding that I do not lose the floor.

Mr. LONG of Louisiana. Is the Senator familiar with the proposal which has been made by some southerners, to the effect that if anyone is not satisfied with the civil rights he enjoys where he lives, the Federal Government should help to pay his expenses to move to New York, Illinois, or California, the great land of civil rights advocates, to enjoy the civil rights existing there? The proposal is that the Federal Government help to pay the expenses of an individual to move and establish himself in new surroundings.

Mr. McCLELLAN. I am familiar with the proposal.

Mr. LONG of Louisiana. Would that not seem to be a fair way to approach the problem of getting civil rights to people—civil rights that the people of New York and Illinois and perhaps California would advocate? Would it not be fair to help persons to move there, settle among the civil rights advocates, and enjoy the type of civil rights that the people of New York, and Illinois, and perhaps California advocate?

Mr. McCLELLAN. One way of offering relief to the great depressed group that we hear so much about is to afford them the opportunity to live in communities and cities inhabited by people who are now so greatly distressed about their plight, who are so grieved, that they are ready to engage in crusades to try to bring about what they conceive to be a humanitarian law that will grant them rights they think they are being denied.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that a rather large number of persons of Negro descent, pureblooded Negroes, are anxious to have legislation passed to help them to return to the land of their forebears, so that they might establish themselves in some of these newly independent nations?

Mr. McCLELLAN. I have heard of that proposal. I will not say that I am too familiar with it. I do not want anyone to get any impression that I object to the Negro living in the South, in my State, or in my community. I have no objection. I find that if they are left alone, if there is not some agitation, something to prod them from without, they are mighty fine people.

We have them in our State. I can say without reservation that I have never had any altercation or serious disagreement with any of them in my life. The Senator knows that, left alone, they would make greater progress. They are making great progress. What is happening? Legislative proposals of the kind now being considered, and the agitation they bring about, are doing a great disservice to both races. There is no question in my mind about it.

Mr. LONG of Louisiana. I completely agree with what the Senator is saying, to the effect that the overwhelming majority of colored citizens are extremely good citizens. I honestly believe that, if left alone, all of them would be satisfied to live in the South, where they are welcome. The point I have in mind is this: If all the advocates who are raising this great storm about civil rights

were really sincere, should they be willing to let these people come to their States and enjoy the kind of civil rights they are advocating? We would not object to anyone who would like to live among our people coming to our States, would we?

Mr. McCLELLAN. Not only would we welcome them, but we are willing to sponsor legislation to help them get there. I would be glad to see that. That might be a solution we could all agree upon.

Mr. LONG of Louisiana. Why is it that the National Association for the Advancement of Colored People would not go along with us and support legislation to help persons of the colored race to settle in places where they find civil rights most to their liking?

Mr. McCLELLAN. I cannot answer for the processes of the mind of the NAACP. I would not undertake to do that because I know I could not do it accurately. I think it could well be that that organization is more interested in stirring up strife than in resolving problems.

I proceed with this memorandum on civil rights:

An important reason for the adjustment of legislative jurisdiction of land areas on which Federal installations are located is to permit residents of such areas to vote—

We hear a great deal about voting rights. There is no reason in the world why these voting rights cannot be given to them. The Federal Government does not want jurisdiction. The State government wants to take them. These people, through circumstances which are beyond their control, are deprived of the right to vote. We should provide legislation to do what the States want to do, what the Federal Government wants to have done. We should give them the relief to which they are entitled. No; that is opposed.

I continue to read—

to have access to courts for the administration of their estates, for the adoption of children, for divorce suits, or for securing other legal relief dependent upon residence or domicile, and to enjoy other civil rights which now may be completely denied to them solely because of the unique jurisdictional status of their place of residence.

This is not my language. This is not my argument. This is the language of the Department of Justice, which favors civil rights legislation. This is the law they would like to see passed. The bill has been reported. It is on the calendar. Why was that bill not brought up? It covers one aspect of civil rights. It would at least give what we call color of title and color of right and color of germaneness, and if that were done we would not have all this squabbling. Why was that bill not brought up?

It is supported by the State government, it is supported by the Federal Government, and the Federal Government helped develop it and get it processed. It is now on the calender.

The reason why it is not brought up is that the NAACP does not want it brought up, in my opinion. I continue to read:

There also may be denied to them at present numerous other privileges and services which normally are rendered by State and local governments to residents within their boundaries. Notwithstanding that such residents are being deprived of various civil rights and related privileges and services they are subject to most State and local taxes.

The lead sentence of an Associated Press dispatch dated April 22, 1959, succinctly indicates their plight:

"DES MOINES.—People who live on Federal property at the Iowa Ordnance Plant west of Burlington have made the belated discovery that maybe they are not residents of Iowa, are not supposed to vote in elections, but are expected to pay State income taxes."

That is taxation without representation. There is opposition, Mr. President, to giving them relief. Who is objecting? Some of the very forces that are trying to cram down the throats of us and the American people the monstrosity that is now being proposed.

That is what is going on around here.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. McCLELLAN. I am very happy to yield if I do not lose the floor.

Mr. LONG of Louisiana. The Senator knows, does he not, that there is a proposal to place the Federal Government in the business of trying to prevent any sort of hate bombing?

Mr. McCLELLAN. Prevent what?

Mr. LONG of Louisiana. Hate bombing.

Mr. McCLELLAN. What other kind of bombing is there?

Mr. LONG of Louisiana. Well, of course, the Senator knows, does he not, that the term "hate bombing" usually refers to someone who bombs a school building, a church, or synagogue, because he has a religious or racial prejudice.

Mr. McCLELLAN. Well, I think I really understand, but if I became the target and victim of bombing the hate would be implied so far as I was concerned. I would not have any doubt about it.

Mr. LONG of Louisiana. In line with the Senator's statement, does the Senator find any particular good will in the bombing that occurs when a union goon places a bomb in a plant and blows the whole plant up?

Mr. McCLELLAN. None at all. We do not hear any cry here to protect the poor devil who wants to work somewhere, to protect his children and his family from the racketeer, the goon, and the gangster. There is no cry here to protect him and give him any rights. The advocates of the so-called civil rights measures turn the other way. Life is just as sweet and the victim is just as dead whether he is lynched or whether he is bombed. What is the difference? I have heard no cry here to do something about it.

Mr. LONG of Louisiana. Can the Senator, who has investigated some of these matters, give me some idea as to how the number of bombings of churches and school buildings compares with the number of places of business bombed by members or persons associated with the labor movement?

Mr. McCLELLAN. Well, I do not know if all the bombing in these matters were done necessarily by the labor group. So far as our investigation is concerned—if the Senator is speaking about the Senate's select committee—I was convinced that in most instances where there was vandalism and bombing and other acts of violence against property and sometimes against persons, they were inspired from the controversy between labor and management, and that the element or character of people who were there by force, by mass picketing, and other means, to prevent the plant or business from operating, did at least condone, if not direct and permit and encourage, such vandalism. In most instances that was true. In some instances perhaps there was vandalism from the other side. But whatever side, whether it came from a labor union or labor leaders or members of labor unions, or if it came from strikebreakers or whatnot, hired by management, from whatever source it emanated, it is just as much a crime as what the Senator refers to as hate bombing.

What is the difference. If we are going to divert the power of the Federal Government into that field, then I say the man who drives his automobile to work, parks it outside and goes in to work ought to be protected, so that his car will be there when he comes back and he will not find it bombed. The right to work is the highest right in the pursuit of happiness. One of the highest rights a man can have is the right to work. He has apparently the right to live, and whenever we adopt the viewpoints and powers of vandalism and violence and the imposition of personal injury and sometimes death that causes men to become obedient to the will and dictates of any organization, we are departing from the principles of liberty and justice, and humanity.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am very glad to yield.

Mr. LONG of Louisiana. Speaking on the subject of bombing, does the Senator know, for example, that in the State of Louisiana some years ago there was a very heated labor dispute at Elizabeth, La.? There were a great many bombings around Elizabeth, not merely bombings that damaged property, but bombings which did serious bodily harm to the individuals involved. Does the Senator know that the number of bombings involved in that one strike would outnumber all the so-called hate bombings which have been referred to, and that nobody has yet introduced a bill to put the Federal Government in the business of preventing bombing in connection with a labor dispute?

Mr. McCLELLAN. In that area, I believe there is legal justification for such action. In view of court decisions and of laws which Congress has passed under the commerce clause of the Constitution, if we can stretch that clause wherever possible, and can protect the labor organizations where the work is concerned with interstate commerce, certainly we can protect the workers from crimes sought to be committed against them. I believe the Federal power could be extended that far. I do not say that I necessarily favor Federal intervention in

that area, but I point out that it could be provided for if the commerce clause can be so stretched that we can predicate on it laws like the Taft-Hartley law, the wage and hour laws, and other laws, such as an act which was passed at the last session of Congress with respect to the commerce clause of the Constitution. We could certainly provide for protection of people who work in interstate commerce against vandalism and against personal violence and death.

Mr. LONG of Louisiana. Well, in connection with the Senator's statement, was it not true with regard to the strike that I mentioned that his products have moved into interstate commerce? One of the bombings was of an interstate pipeline.

Mr. McCLELLAN. But the Senator has not heard of the introduction of such a bill. The reason is that it would not be very popular.

Mr. LONG of Louisiana. Does the Senator know of any bills which have come before the Congress which would put the Federal Government into the business of trying to prevent someone from damaging property or injuring someone's body or taking life in connection with such bombing?

Mr. McCLELLAN. I do not recall that there has been such a bill. There may have been. If there has been one, it has not come to my knowledge or attention.

Mr. President, I shall proceed with this amendment of the Attorney General. I am not doing this simply to take up time. This is an important subject. This proposal absolutely draws the line. It clarifies what is back of all this activity. This measure is designed to do the very thing for some people about which the proponents of this legislation are crying their hearts out.

Do Senators think it is possible to have this bill considered? It cannot be brought up, and I have told why. It is stated that out in Des Moines, Iowa, the enactment of this bill would relieve 150 families. How many voters would that be? Around 300; 150 families; or to approximately 300 citizens of the United States in that one little place this bill I am discussing, Mr. President, would give their civil rights or right of franchise, their right to vote.

One hundred fifty families are stated to be involved in the Iowa situation. Larger groups of persons are similarly involved at other installations. Uncounted thousands of such residents, principally civilian scientists, technicians, guards, and other facilities, in national parks, at Federal prisons, and on other areas over which the Federal Government has exclusive legislative jurisdiction located in all of the several States, can become entitled to privileges which are considered to be basic rights of American citizens only if the legislative jurisdiction over the areas on which they live can be adjusted under such authority as this bill would grant.

This is the only way in which they can be enfranchised, as the bill proposes, and as it is supported by the administration, by the States, and by Democrats and Republicans alike. Thousands of people who have no right to vote today could be enfranchised. But nobody is interested in them.

Except to the extent that S. 1617 would permit the granting through concurrent action by individual States and the Federal Government of voting and similar rights to residents on such Federal property as is determined to be needlessly under the exclusive legislative jurisdiction of the United States, the bill would have no effect on civil rights.

It would be cumulative, but that would not do any harm.

It would not amend or in any way affect the Civil Rights Act of 1957, or any other Federal legislation, constitutional provision, Federal agency order, or decision which is concerned with civil rights.

It would do no violence to any other civil right.

Enactment of the bill would not automatically change the legislative jurisdictional status of any land but merely would permit the status of individual areas to be adjusted on a case-by-case basis where such adjustment is agreeable to both Federal and State authorities. Relinquishment of legislative jurisdiction would not affect the title of the Federal Government to any land, nor would it affect the right of the Federal Government to carry out Federal functions on its land, Federal functions would continue to be completely and solely under Federal control:

"There is an implied constitutional immunity of the National Government from * * * State regulation of the performance, by Federal officers and agencies, of governmental functions." *Penn Dairies* v. *Milk Control Commission* (318 U.S. 261, 269 (1943)).

State laws, criminal and civil, already are in effect on areas under the exclusive legislative jurisdiction of the Federal Government to the extent that they are not inconsistent with Federal law. Under the Assimilative Crimes Act (18 U.S.C. 13), as to criminal law, and general legal principles, as to civil law (see "Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States," part II, p. 156 (GPO–1957)), these are converted into Federal laws on such areas. But with or without Federal legislative jurisdiction over an area, no State or local law could be enforced which attempted to control or interfere with conduct of Federal functions on the area. A fortiori, no unconstitutional State or local statute could be enforced on the area.

It should be noted that a great deal of experience already has been had in conducting Federal functions on lands over which the Federal Government does not have exclusive jurisdiction. For example, the Federal Government has such jurisdiction over only 6 percent of land constituting Air Force installations, 20 percent of land constituting Army installations, and 32 percent of land constituting Navy installations; overall, the Government has exclusive legislative jurisdiction over less than 2 percent of the land area belonging to it (figures do not include Alaska or Hawaii). The Federal Government for many years has been conducting its operations on these land areas free from any character of discrimination in the matter of civil rights. These operations have been so conducted on all federally owned areas, those over which the Government does not have exclusive legislative jurisdiction as well as those over which it does have such jurisdiction. It can be added that the Federal Government has so conducted its operations without any interference or attempted interference by State or local authorities.

The legal status of equal rights without regard to race has, of course, been the subject of many recent court decisions. Examples of such decisions are those prohibiting segregation in institutions wholly owned and operated by States (such as schools), and in institutions operated entirely by State or local franchise (such as intrastate bus lines). Such decisions give assurances entirely additional to the assurances already described against deprivation of civil rights from persons on Federal lands regardless of the legislative jurisdictional status of such lands.

Mr. President, I think that memorandum states clearly and beyond any prospect of successful challenge the conditions in some of these places, and what could be accomplished by means of the enactment of this proposed legislation.

On May 20, 1959, the Council of State Governments responded to a similar request. Its letter, addressed to me, reads as follows:

THE COUNCIL OF STATE GOVERNMENTS,
Washington, D.C., May 20, 1959.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

MY DEAR SENATOR: It is our understanding that your committee desired that the Council of State Governments prepare a memorandum concerning the possible effect of the enactment of the bill S. 1617 on * * * civil rights * * *. The chairman of the council's committee on legislative jurisdiction over Federal lands has approved the memorandum which is enclosed.

If we can be of further assistance, please let us know.

Sincerely yours,
CHARLES F. SCHWAN, Jr.,
Washington Representative.

Mr. President, I quote now from the memorandum which was enclosed with the letter:

MEMORANDUM RE S. 1617 SUBMITTED BY THE COUNCIL OF STATE GOVERNMENTS TO SENATE COMMITTEE ON GOVERNMENT OPERATIONS, MAY 20, 1959

The proposed legislation with respect to legislative jurisdiction over Federal areas within the States (S. 1617) would be very helpful in clarifying a presently confused situation. The Committee on Legislative Jurisdiction of the Council of State Governments filed a memorandum in support of S. 1538 in its amended form when that bill was before the 85th Congress. Since the present legislation is identical with the earlier bill, our position now is the same as it was then. This memorandum is designed to deal with specific questions which have been asked about the present proposal: What would be the effect of the bill on civil rights?

The ability of persons to avail themselves of certain civil rights such as voting does depend on the jurisdictional status of a Federal area. By providing a more orderly method of the transfer of legislative jurisdiction, the bill does make it possible for many States to extend such civil rights to persons on Federal areas who do not now have them.

Other civil rights are of the type generally considered to fall within the positive protection of the Constitution, particularly the 14th amendment. Of course, Congress cannot authorize any State to violate the 14th amendment guarantees, either on its own territory or on lands belonging to the Federal Government. Such civil rights will continue to be protected to the same extent as now in any case. The bill does nothing to affect the availability of any procedure now available for this purpose.

To the extent that the activities of persons on Federal areas relate to Federal functions, the Federal Government will control such activities and the surrounding conditions. They will do so by reason of the doctrine of intergovernmental immunities, a fundamental constitutional doctrine not

affected by the proposed legislation. In this connection, it should be pointed out that even now the Federal Government can cede legislative jurisdiction to a State in which a Federal area is located if the State accepts it. The bill would be useful in promoting orderly transfers and a clearer understanding of the consequences of transfer, but it would not change any of the consequences of transfer or make any transfers possible where they are now impossible.

The Joint Federal-State Action Committee submitted the following letter and a supporting staff statement to me, as chairman of the Committee on Government Operations, on June 23, 1959, in support of S. 1617:

JOINT FEDERAL-STATE ACTION COMMITTEE,
June 23, 1959.

The Honorable JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: At a meeting in Washington on May 19, 1959, the Joint Federal-State Action Committee reviewed the legislation embodied in S. 1617 and H.R. 5785, dealing with legislative jurisdiction over Federal lands within the States.

After full consideration of these bills, the joint committee adopted a resolution endorsing the proposed legislation and directed the cochairmen to communicate this endorsement to the appropriate committee and to the leaders of the Congress.

Sincerely,

ROBERT B. ANDERSON,
Secretary of the Treasury, Co-Chairman.
ROBERT E. SMYLIE,
Governor of Idaho, Co-Chairman.

Mr. President, I shall read at least excerpts from the memorandum which was submitted. It is rather lengthy. I do not know that I need to read all of it, but I shall read enough of it, Mr. President, so that there can be no mistake about its contents and the views that it represents. The title of it is: "Information Paper on Legislative Jurisdiction Over Federal Lands Within the States." I now read:

INFORMATION PAPER ON LEGISLATIVE JURISDICTION OVER FEDERAL LANDS WITHIN THE STATES

BACKGROUND

The Constitution of the United States (art. 1, sec. 8, cl. 17) gives the Federal Government exclusive legislative jurisdiction in the District of Columbia and like authority over all other Federal land, purchased with the consent of the States involved, for Federal works.

In the early days of the Nation, the Federal Government often purchased land without State consent and thus did not acquire legislative jurisdiction. In 1841, an act of Congress required such consent in all purchases and the States, for the most part, enacted legislation covering the terms of such consent agreements. One hundred years later the requirement of granting exclusive legislative jurisdiction to the Federal Government for any land purchased was repealed, and Federal agency heads were given discretionary authority to obtain such jurisdiction as was necessary and essential to the purposes for which the land was to be acquired.

Thus, the types of legislative jurisdiction presently available to the Federal Government over the lands within the States are:

1. Proprietorial: Property held by the Federal Government in this manner is controlled the same way as though it were in the hands of a private party, with the exception that the Federal agency in charge of the property may claim certain immunities necessary for administering the governmental purpose for which the land is held. Generally speaking, a right or title to an area within a State has been acquired by the Federal Government but not any of the State's authority over the area.

2. Concurrent jurisdiction: With regard to these properties, the Federal Government and the State involved exercise the same powers over the area and the people within it.

3. Partial jurisdiction: In these cases, the Federal Government has been granted certain State authority, but the State has reserved to itself the right to exercise, by itself or concurrently with the United States, other authority, such as the right to tax private property.[1]

4. Exclusive jurisdiction: The Federal Government's full exercise of the constitutional power to acquire lands within the States where theoretically the Federal Government displaces the State of all its sovereign authority—executive, judicial, and legislative. Actually, Federal statutes recognizing the right of States to serve criminal and civil process in an area, make exclusive jurisdiction a misnomer. In practical effect, however, where the jurisdiction of the Federal Government is exclusive, the State is virtually excluded from control over the area involved. Such services as the State or its local subdivisions may provide or such authority as they exercise are purely voluntary and not based on legal rights or duties.

THE PROBLEM

The manner in which the Federal Government has acquired lands within the States, particularly for the 100-year period beginning in 1840, has created the need for a uniform, equitable, and orderly procedure for the transfer of jurisdiction from a State to the Federal Government, and vice versa. Once legislative jurisdiction or State authority has been vested in the United States it cannot be revested in the States other than by operation of a preexisting limitation or except by an act of Congress. This has created certain areas of uncertainty in the absence of a regularized system for returning acquired rights back to the States. In many instances, Federal departments and agencies have retained unnecessary jurisdiction to the disadvantage of the States.

An objective analysis of the resulting situations indicates that the States have been deprived of many types of control in those areas where they should have continued to exercise control in the interest of fair and orderly governmental administration. It has deprived the States of tax revenues from private persons and property. By the same token, it has placed an obligation upon the Federal Government to render many services and to undertake control measures in these areas which the Federal Government is illequipped to perform and which, in many instances, it has not performed.

REMEDIAL PROPOSALS

Recognition of this problem on the part of the Federal Government led to the creation on December 15, 1954, on the recommendation of the Attorney General to the President and the Cabinet, of an Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, under the chairmanship of Assistant Attorney General Perry W. Morton. This Committee reported in April 1956, and legislation to implement its recommendations was introduced in the current session of the Congress, but the proposal failed of adoption. In the succeeding 85th Congress, S. 1538 was introduced for the same purpose, namely, to make it the policy of the Congress that (1) the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may be necessary for the proper performance of Federal functions, and (2) to the extent consistent with the purposes for which the land is held by the United States, the Federal Government shall avoid receiving or retaining concurrent jurisdiction or any measure of exclusive legislative jurisdiction.

An overall objective of the bill is to provide that, in any case, the Federal Government should not receive or retain any of the State's legislative jurisdiction with respect to qualifications for voting, education, public health and safety, taxation, marriage, divorce, descent and distribution of property, and a variety of other matters, which are ordinarily the subject of State control.

When this legislation was originally introduced in July 1956 (S. 4196), the views of all Governors and attorneys general were requested by the Senate Committee on Government Operations. Certain of these officials requested the committee to withhold action until the State committee on legislative jurisdiction of the Council of State Governments could study its provisions. Upon completion of this study, the Senate committee arranged for conferences between the Council of State Governments and the Department of Justice to perfect the bill with appropriate amendments. Following these and other discussions a substitute bill was drafted with the unanimous approval of Federal and State Government representatives.

This measure (S. 1538, as amended by substitution) was approved by the Senate on March 3, 1958, and sent to the House. On March 24, however, Senator HUMPHREY asked for reconsideration by the Senate, which reconsideration was granted and the bill was returned to the Senate where it remained until the close of the session.

The Council of State Governments supported this bill in 1958 not because it is "anything like a complete solution to the problem of legislative jurisdiction over Federal lands within the States, but rather because it is a reasonable first step toward such a solution and because it seems to be the best that is attainable at the present time."

The Senate Committee on Government Operations also stated in its report that this legislation would be ineffective without the enactment of complementary State laws, and that it had the assurances that uniform State legislation was receiving the consideration of the Council of State Governments. Following the close of the 85th Congress, the council's special committee on legislative jurisdiction reported:

"Owing to the great importance of having a comprehensive Federal statute in this field, the special committee of the Council of State Governments had originally proceeded on the assumption that the enactment of S. 1538 should precede any State legislative action. When it became apparent that the Federal statute was not likely to receive rapid enactment, the committee began to reexamine this assumption. The absence of a Federal statute may raise certain difficulties, but it certainly does not remove the basic problem from the States' point of view. Consequently we set to work in order to see whether we could not evolve a statute that would set up an orderly procedure for transfers of jurisdiction, at least on the State side. We have also considered it essential that such a State statute should contain the minimum conditions under which a State would be willing to entertain a transfer in the jurisdictional status of any of its territory. The proposed State legislation, like S. 1538, has been evolved in cooperation with the Federal officials who served on the Interdepartmental Committee. While we still believe that it would have been more desirable for the enactment of a Federal

[1] The suggested State legislation program for 1959, p. 64, declares, "Partial jurisdiction is really not a single category of jurisdictional status at all, but may be used to describe a wide variety of arrangements."

statute to precede State action, we also believe that under present circumstances it is highly desirable that the States act as rapidly as they can."

This proposal now appears in the suggested State legislation program for 1959, which declares that the "continued absence of a satisfactory Federal statute" makes it imperative that "each State improve the jurisdictional situation within its own borders."

The executive branch of the Federal Government continues to support the substituted version of S. 1538, reintroduced in the 86th Congress as S. 1617 and H.R. 5785.

CONCLUDING COMMENT

The statement of the Council of State Governments to the Senate Government Operations Committee on S. 1538 (substitute version) concludes:

"The status of Federal lands within the States is of great and obvious importance to the States and a proper solution of problems connected with such areas can be found only if the Federal Government and the States work very closely together from the very inception of any projects in this field and cooperate, not only in the assembly of the information but also in the evolution of the law and policy."

RECOMMENDATION

The joint staffs recommend that the Joint Federal-State Action Committee endorse the current bills, S. 1617 and H.R. 5785, and communicate this endorsement to the appropriate committees and the leadership of the Congress.

Mr. President, I point out that the bill thus endorsed has been processed by the Senate committee which has jurisdiction of that character of proposed legislation. The bill is on the calendar. Apparently it cannot be enacted because of the objections to which I have referred.

Mr. President, the bill constitutes a proper vehicle for civil rights legislation, if a proper vehicle really is desired. There is no excuse—there is no justification for considering a bill which has no relation on earth to civil rights, on the claim that the Senate could not get a civil rights bill before the Senate, because the bill to which I refer pertains to civil rights, to voting rights and other rights, and is on the calendar. I daresay the reason it was not taken up is as I have stated, because the NAACP opposes it.

Mr. President, I should like now to proceed with a further discussion of the legislation which should be the pending business instead of that which we are now considering.

In complete disregard of the facts which I have outlined, under date of July 1, 1959, the Washington director of the NAACP wrote the majority leader of the Senate in opposition to Senate bill 1617 and another bill which the Committee on Government Operations had reported favorably, namely, House bill 6190, which is now Public Law 86-323.

This is the letter written to our distinguished majority leader by the NAACP, dated July 1, 1959. It is on the stationery of the National Association for the Advancement of Colored People. It is addressed to Hon. LYNDON JOHNSON, Senate Office Building, Washington, D.C., and reads as follows:

DEAR SENATOR JOHNSON: We urge that you oppose H.R. 6190 and S. 1617, both of which were favorably reported by the Senate Government Operations Committee on June 18. It is quite likely that an attempt will be made to pass these bills by unanimous consent. The substance of one of them, S. 1617, was passed on the consent calendar in the 85th Congress. Later, it was returned to the calendar.

H.R. 6190 authorizes the transfer of the Army and Navy General Hospital at Hot Springs, Ark., to the State of Arkansas without payment by the State. S. 1617 authorizes the relinquishment of all Federal legislative jurisdiction over property in the States to the various States.

Both of these bills are objectionable on the same grounds—they would permit the enforcement of State laws requiring racial segregation on property now protected from such segregation by Federal law or policy.

House bill 6190 became law. There was a debate on it in the Senate, toward the close of the previous session of Congress. An amendment was offered to it—I am sure at the instance of the NAACP. The amendment was along the lines of the civil rights theory, but was wholly without any justification. The amendment was rejected. Had it not been rejected, the great facility no longer needed by the Federal Government for the purposes for which it was originally constructed, as a hospital, would have been placed in mothballs or sold under the surplus property law to some private authority, private institution, corporation, or individual at a very nominal sum as compared to its value.

There would also have been prevented the establishment of a regional rehabilitation center to serve for the rehabilitation of disabled persons in a large section of our Nation. The same forces which are actually the proponents of the proposed legislation now before us, the so-called civil rights bill, were willing to deny this benefit and this treatment to thousands of disabled persons. That organization wanted the bill defeated unless it could write some of its civil rights theories into the bill. It was not successful. The bill dealt with an agency and an operation of long standing. The agency is doing a wonderful work. No question has ever heretofore been raised against it with respect to discrimination because of race, creed, or color.

That shows that this particular organization is willing to go to any extreme, irrespective of the humanities involved, and irrespective of human suffering and disabilities which might be treated and corrected, to deny much needed facilities for the benefit of disabled persons unless it can have its pet language written into a statute. The program had been carried on for many years. No reason had ever been demonstrated to show the need for such an amendment. There was no provocation for it.

I come now to the bill which I have been discussing.

Mr. TALMADGE. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. McCLELLAN. Mr. President, I had an understanding with the previous occupant of the chair that I might yield for a question to any of my colleagues at any time during the course of my discussion, and that the occupant of the chair would protect my right to the floor, because I would refuse to yield to any Senator if it involved the loss of my right to the floor. If I can have that same agreement with the present occupant of the chair, and have unanimous consent so to do, I will be most happy to yield to my distinguished friend from Georgia.

The PRESIDING OFFICER. The Senator from Arkansas has the right to yield for a question, and the present Presiding Officer will protect the Senator's right to the floor.

Mr. McCLELLAN. I thank the Presiding Officer. I am glad to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, I congratulate the able and distinguished Senator from Arkansas on the very eloquent and fine speech that he is making today.

We hear a great deal of talk at the present time about the right to vote. Many, many speeches have been made on the floor of the Senate about it. One would think, from listening to some of the speakers, that a great segment of our people in our section of the country is disfranchised. We see cartoons about it, editorials about it, and hear a great deal of propaganda spread by many radical organizations about it. Is it not true that, at the present time, in addition to the last of the 50 States in this Union, every citizen in America is protected in his right to vote?

Mr. McCLELLAN. He is, except in certain areas—and, as I am pointing out, we have a bill to correct the situation—where they live on Federal reservations, and where they are deprived of the right to vote. The NAACP has written a letter here opposing the granting of authority of law for the adjustment of jurisdiction so that many of them would have a right to vote in the States where they live; and that applies to white and colored alike. The idea that great segments of our people are disfranchised is simply an exaggeration, in most instances.

We have a concrete situation for which the Federal Government is partly responsible; and when we try to get legislation to relieve those who ask for aid, find the agency which is agitating for civil rights, especially where race relations are involved, opposing the request, and writing a letter to the leadership asking the leadership to oppose it.

The bill is on the calendar. If the proponents of civil rights legislation wanted to use a bill that had an element of civil rights in it, that bill would be a proper vehicle to be used for civil rights legislation. It has been reported from the committee. It is on the calendar, and it is not brought up. Instead a little bill affecting a school district in Missouri is used as a vehicle, when we have on the calendar a suitable bill. But it is not brought up because NAACP says, "Mr. Leader, don't do it."

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am very happy to yield to the Senator from Georgia.

Mr. TALMADGE. The distinguished senior Senator from Arkansas is a member of the Committee on the Judiciary, and, I may say one of its most effective and able members.

Mr. McCLELLAN. I thank the Senator.

Mr. TALMADGE. Is it not true that if any citizen in any State is illegally denied the right to register and vote, he has three remedies at the present time open to him: first, he can bring an action against the registrar and obtain an injunction and sue for damages, and effectuate his remedy in that way. Is it not further true that there is a criminal penalty, and if anyone illegally deprives anyone else of the right to vote, he can be prosecuted and tried and sentenced to a Federal penitentiary and fined? Third, is it not true that there is also the remedy that is given him by the act passed in 1957, namely, the Civil Rights Act of 1957, which authorizes any citizen who believes he is being illegally denied the right to vote to be represented by the Attorney General of the United States, in the name of the United States, if he wants to file suit in that way, at the taxpayers' expense? Would the able Senator not agree with me that those three remedies are adequate or any citizen of the United States who is being illegally denied the right to vote?

Mr. McCLELLAN. It would certainly appear to be adequate. Those laws seem to be much more adequate than most remedies that are provided in various cases. If the present law will not insure the right to vote, I do not know how we are going to pass one that will leave the jurisdiction over elections to the States, where it belongs.

Mr. TALMADGE. There is already a multiplicity of such laws, is there not?

Mr. McCLELLAN. That is correct.

Mr. TALMADGE. Does the able Senator know of any citizen of the United States in any of the 50 States who contends that he has been wrongfully and illegally denied the right to vote and who has sought to assert any remedy through any State or Federal court without prevailing?

Mr. McCLELLAN. I know of no such case. I do not believe there are any such cases of record.

I think the protection today is adequate if one seeks redress under the laws which are available to him.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. McCLELLAN. I am very happy to yield, if I can do so under the same understanding that I have had with the Presiding Officer, that I may yield with unanimous consent that I will not lose the floor.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The Senator may yield for a question.

Mr. McCLELLAN. I shall be glad to yield with that understanding.

Mr. JAVITS. I ask unanimous consent that the Senator may yield, and if I should make a statement, I ask unanimous consent that he may yield, without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The Senator from Georgia asked me the same question the other day. I might tell him that I have researched the matter, and I shall produce the cases tomorrow when I speak. I hope very much that he will be here so that he may hear them himself.

Mr. TALMADGE. I shall be interested to hear what citizens, if any, have attempted to exercise their rights under State or Federal law and have been denied that right.

Mr. JAVITS. The Senator from New York will be glad to explain that to the Senator from Georgia and cite the cases, to show that there are such cases.

Mr. TALMADGE. It will be interesting to see what they are, inasmuch as I have already said that there is a multiplicity of State and Federal laws on the subject. If the present laws are inadequate, no law, as the able Senator from Arkansas has pointed out, will be adequate enough to suit this group.

Mr. McCLELLAN. These groups would abolish all State governments and let the Federal laws prevail in all States and take over the government, and make provinces out of States.

Mr. TALMADGE. I thank the able Senator from Arkansas for yielding to me, and congratulate him on his fine speech.

Mr. McCLELLAN. I thank my able colleague for his contribution to the presentation I am undertaking to make on this issue.

I proceed with the further reading of this letter to the distinguished majority leader, which I think must have had some influence on the selection of the vehicle for this proposed legislation:

Both of these bills to which I have referred are objectionable on the same ground—they would permit the enforcement of State laws requiring racial segregation on property now protected from such segregation by Federal law or policy.

We have already seen that the Department of Justice and the organization of States on intergovernmental authority have held otherwise and have stated otherwise. I am confident that the Attorney General of the administration, in view of his attitude on civil rights legislation, certainly would not be sponsoring any such bill if he thought that it would result in any further discrimination as between the races.

I read further:

H.R. 6190 provides that the hospital property transferred to Arkansas shall be used for vocational rehabilitation or other public health or educational purposes. It would make possible the enforcement of Arkansas' segregation laws and policies, including its recently enacted blood labeling law.

Mr. President, the operation of that agency with respect to vocational rehabilitation has achieved one of the highest ratings, one of the most efficient in the Nation, and that fact was brought out during the consideration of the bill then under consideration, which fortunately became law in spite of the objections of this organization.

Now, Mr. President, the letter proceeds, with respect to S. 1617:

S. 1617 could result in the complete withdrawal of Federal jurisdiction over Federal property located in the various States, and the consequent enforcement of segregation on such property under State or local law.

The letter continues:

The Senate report on S. 1617 contains opinions of various Federal and State agencies on the civil rights aspects of this legislation. Our opposition to this legislation was made known both in the 85th and the 86th Congresses, but we were not given an opportunity to present our views at a hearing.

I say now, Mr. President, they were given opportunity, as everyone else was, and could have presented their views had they desired.

Nor were any hearings conducted at which opinions could be presented by other interested parties. We urge that you oppose these bills as anti-civil-rights measures which could aid in the continuation of the denial of rights of colored citizens.

The letter was signed by Clarence Mitchell, Director, Washington Bureau, National Association for the Advancement of Colored People.

Mr. President, I have referred to the opposition as being apparently the determining influence with respect to why this legislation, which has an aspect and an element of civil rights in it, was not brought up and used as a vehicle for such proposals as the Dirksen substitute and others that are expected to be offered in the course of the consideration of this legislation.

Mr. President, if we could only be right and just and fair in these matters, progress could be made, but we have those forces and those elements who want to rule and who want to dominate, and they are willing, Mr. President, to permit what this memorandum from the Justice Department said, to let thousands, multiplied thousands, go on unfranchised, denied the right to vote by reason of a jurisdictional circumstance that could be cleared up by the enactment of this legislation.

Yet they claim they are concerned about human rights and civil rights. They are concerned about one thing, and that is gaining a power, and a force, and an influence to dominate the whole country. I hope that time will never come. I think those who hear me are convinced that it will never come with my vote or my sanction.

In justification of this ill-advised action, the same NAACP submitted the following memorandum, which is, as will be shown by qualified and competent authorities, beyond peradventure of a doubt completely without justification or merit:

MEMORANDUM ON S. 1617 TO 86TH CONGRESS

S. 1617 would authorize the Federal Government to surrender all legislative jurisdiction on all its property within the various States.

Mr. President, that is not correct.

The effect of such a surrender could be to put into full force and effect all State and local legislation on all Federal property.

Mr. President, again, that is not true.

Such a surrender of Federal authority would perhaps be fitting and perhaps even beneficial if State and local authorities could be trusted to exercise their authority

in accordance with the Federal Constitution. Unfortunately, such is not the case, particularly where rights protected by the 14th amendment are concerned.

When Senator PAUL DOUGLAS introduced S. 3257 in the 85th Congress, he cited over 100 State and local laws and administrative actions to evade the Supreme Court's desegregation decisions and to deny equal protection of the laws. In this Congress, he has entered in the CONGRESSIONAL RECORD an additional list of such statutes more recently enacted.

To adopt S. 1617 in its present form would be to authorize the enforcement of these statutes, most of them unconstitutional.

Cited below are a few situations that could arise under a grant of unlimited jurisdiction to States over Federal property.

It would be possible for local law enforcement officers in some areas—

Mr. President, the memorandum mentions the names of States. I shall not read them, because I believe that to do so would be improper.

It would be possible for local law enforcement officers in some areas to arrest spectators watching a sports event on a military base if the spectators were not segregated as required by local law.

As a matter of fact, if local officials choose to ignore the Supreme Court decision in *State Athletic Commission* vs. *Dorsey*, as they have ignored other Supreme Court decisions, military personnel engaged in racially mixed athletic contests on off-duty hours will be subject to arrest where such contests are prohibited.

In another State, the memorandum continues:

Persons attending nonsegregated church picnics in national parks could be criminally prosecuted, as was Miss Faith Bissell a few years ago. For despite the fact that a State court has ruled the law requiring segregation at public meetings to be unconstitutional, it is still being enforced by State officials.

It would also be possible for the State of Virginia to reinstitute segregation in the dining facilities at the National Airport. The case upholding the authority of the Civil Aeronautics Authority to prohibit this segregation would be in effect overruled by S. 1617.

Mr. President, that is not correct. S. 1617 would not have that effect.

Most importantly, this bill would affect litigation brought in the Federal Courts. State officials acting under their "barratry" laws would be in a position to harass lawyers and litigants who present civil rights cases in the Federal Courts.

An example of how this would be done is available in the case of Attorney Fred Gray.

Mr. Gray represented the NAACP prior to the State Court injunction prohibiting action by the Association in that State. He was one of the attorneys in the litigation growing out of the famous bus protest.

As a result of his participation as an attorney in this litigation, he was indicted by a State grand jury for illegal practice of law. Subsequently, this indictment was dismissed on the ground that the alleged offense occurred outside of the State's jurisdiction, namely, in the Federal courthouse.

S. 1617 would eliminate such a defense for a lawyer representing clients in a civil rights case and subject him to prosecution in those States determined to defy the Supreme Court's application of the 14th amendment.

The persons most affected by this surrender of Federal authority will be the members of our Armed Forces. The greater amount of our military installations are located in States with the most restrictive legislation denying equal protection of the laws.

The Federal Government should be concerned about giving to our servicemen more legal protection rather than placing them in a position where they will be subject to the locally accepted doctrine of white supremacy, even when on Federal property.

The proponents of this legislation point to the benefits that could accrue to some persons by its passage. Such benefits should not be purchased at the cost of the constitutional rights of others.

It is certainly possible that men of goodwill by discussing the issues involved could draft a bill that would extend the benefits proposed by the sponsors without surrendering other rights protected by the Constitution.

Since the interdepartmental committee which recommended this legislation did not consider the civil rights aspect—

Mr. President, I do not know why they have not. That is what this matter is about—

and since no committee of either House of Congress has ever held hearings, such discussion should take place before further action is had on the bill.

This memorandum was prepared by J. Francis Pohlaus, counsel for the Washington Bureau, NAACP, 100 Massachusetts Avenue NW., Washington, D.C.

Mr. President, in the letter to Senator JOHNSON, it will be noted that the NAACP stated that "our opposition to this legislation was made known both in the 85th and 86th Congresses, but we were not given an opportunity to present our views at a hearing." There is no record in the committee files, in either the 85th or 86th Congress, that the NAACP commented on the bill or requested to present their views. Mr. President, I never received such a letter from them, so far as I can ascertain from my files, nor has any other member of the committee or the Senate informed me or the staff of opposition to the bill, except in general terms along with a number of other questions which were raised when the bill was under consideration at an executive session held on May 4, 1959. At that time the staff was directed to procure from the Department of Justice and the Council of State Governments full information as to any possible effect the provisions of the bill might have on civil rights, and to submit a legal opinion on the points raised therein. In accordance with this request, the following letter and memorandum were furnished to the staff by the Department of Justice under date of July 15, 1959:

DEPARTMENT OF JUSTICE,
Washington, D.C., July 15, 1959.

WALTER L. REYNOLDS, Esq.,
Staff Director, Government Operations Committee, U.S. Senate, Washington, D.C.

DEAR MR. REYNOLDS: In accordance with your recent telephonic request there is herewith forwarded to you a memorandum pertinent to the July 1, 1959, communication of the NAACP to Senator JOHNSON concerning the bill S. 1617.

The memorandum is being forwarded in an effort to be helpful, and as a small return in appreciation of the splendid assistance you have rendered to this office. In view of its informal method of transmission the memorandum has not been subjected to the normal clearances and therefore has no official standing so far as the executive branch is concerned, I am sure you understand.

Please advise if I can be of further assistance.

Sincerely yours,
PERRY W. MORTON,
Assistant Attorney General,
Lands Division.

Mr. President, I have his memorandum before me. It is quite lengthy; it consists of approximately four pages. But I believe it had better be placed in the RECORD; therefore, I shall read it, as follows:

Mr. Clarence Mitchell, director of the Washington bureau, NAACP, has addressed to Senator LYNDON JOHNSON a letter dated July 1, 1959, urging opposition to H.R. 6190 and S. 1617. The instant memorandum concerns only S. 1617.

S. 1617 would provide authority for the adjustment, on a case-to-case basis, of legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes. Mr. Mitchell suggests that this bill "could result in the complete withdrawal of Federal jurisdiction over Federal property located in the various States, and the consequent enforcement of segregation on such property under State or local law." He characterizes the bill as an anticivil rights measure and attaches a two page memorandum which purports to support this position.

Mr. President, in order to be absolutely fair, I have already read into the RECORD the memorandum supplied by Mr. Mitchell; and at this time I am in the process of reading the memorandum which came from the Department of Justice. I now read further from the latter memorandum:

Mr. Mitchell is misinformed. S. 1617 would not lessen the Federal Government's control of its property or of activities on such property. It would have no effect on the Federal Government's policy of conducting operations on its property without segregation. Indeed, the bill has no relation whatever to segregation or integration. It is not in any sense an anticivil rights measure. On the contrary, since the bill would enable granting to residents of Federal areas the right to vote, to adopt children, to litigate domestic relations matters, to send their children to public schools, and to exercise numerous other rights and privileges which now are needlessly denied to them, it is distinctly a pro-civil-rights measure in the finest sense.

Mr. President, that bill is on the calendar; and the Department of Justice, which supports civil rights and the enactment of civil rights legislation, has said about that bill, "It is distinctly a pro-civil-rights measure in the finest sense."

Then, Mr. President, why is it necessary to have brought before the Senate a little school bill, and have that bill made the pending business, so the Dirksen amendment can be offered as a substitute for it?

Mr. President, I read further:

It may be pointed out that 95 percent of Federal property presently is not under the legislative jurisdiction of the Federal Government. The authority to retrocede such jurisdiction to the States contained in S. 1617 is, therefore, extremely limited. Nevertheless, Federal possession of exclusive legislative jurisdiction has given rise to countless problems and endless litigation with

respect to the less than 5 percent of Federal properties over which the Federal Government has such jurisdiction, and the authority to surrender this jurisdiction on a selective basis which would be provided by S. 1617 is extremely desirable. On the other hand, absence of exclusive legislative jurisdiction in the Federal Government over the 95 percent of Federal property as to which the Government does not have such jurisdiction has not, in even a single case, prevented full operations on such property without any segregation whatever with respect to race. What is more, it appears that in all the years during which it has been the policy of the Federal Government to prohibit segregation with respect to race on its property, there has not occurred even one incident involving an attempt by a State or local Government to enforce segregation on such property. The concerns expressed by Mr. Mitchell can have no basis, on these facts.

Yet, Mr. President, obviously the memorandum was so persuasive that we dare not call up the bill in the Senate, for the NAACP opposes it.

I continue to read:

The memorandum accompanying Mr. Mitchell's letter adverts to certain State and local statutes and administrative actions cited by Senator DOUGLAS as related to attempted evasion of the Supreme Court's desegregation decisions and attempted denial of equal protection of the laws. The memorandum adds: "To adopt S. 1617 in its present form would be to authorize the enforcement of these statutes, most of them unconstitutional."

The fact is that nothing in S. 1617 would change the Constitution or Federal laws or policies with respect to desegregation or equal protection of the laws. Further, the bill is designed to improve, not to lessen, the Federal Government's control of its property and activities on such property. The examples cited by the Senator from Illinois [Mr. DOUGLAS] demonstrate not only that there are many legislative and legal controversies concerning desegregation, a fact independently well known. These examples also demonstrate that such controversies involve installations, such as schools, owned and operated by certain States and their political subdivisions, and that they do not involve Federal installations, irrespective of the jurisdictional status of such installations. No Federal property, as a matter of fact, has been involved in these controversies.

The NAACP memorandum states: "It would be possible for local law enforcement officers in some areas to arrest spectators watching a sports event on a military base if the spectators were not segregated as required by local law. As a matter of fact, if local officials chose to ignore the Supreme Court decision in *State Athletic Commission* v. *Dorsey* as they have ignored other Supreme Court decisions, military personnel engaged in racially mixed athletic contests on off-duty hours will be subject to arrest where such contests are prohibited."

Precisely these grounds were cited several years ago in support of a suggestion that the United States acquire exclusive legislative jurisdiction over a certain military base in New Orleans. A short answer arises out of the experience had there: The United States did not and has not acquired any legislative jurisdiction over the base, which it merely leases; sporting events and athletic contests have continued there on an unsegregated basis as to both participants and spectators; no interference or attempted interference by local or State authorities has occurred. S. 1617 could have no effect on the integration-segregation status of the New Orleans base. It may be reiterated that the provisions of S. 1617 permitting retrocession of jurisdiction can have possible application only to the 5 percent of the land area owned by the United States, as to which the Federal Government already has legislative jurisdiction.

The NAACP memorandum further states: "Persons attending nonsegregated church picnics in national parks could be criminally prosecuted, as was Miss Faith Bissell a few years ago. For despite the fact that a State court has ruled the law requiring segregation at public meetings to be unconstitutional, it is still being enforced by State officials." In actual fact, Miss Bissell's arrest occurred not at a national park but at a State park. The Federal Government has exclusive legislative jurisdiction over 2 parks and over part of 2 other parks, of the total of 26 national parks located all over the United States, with lesser measures of legislative jurisdiction over various of the other 22 parks. All these national parks, regardless of their jurisdictional status, are operated on an unsegregated basis. There have been no incidents whatever of attempted imposition of segregation in these parks by State or local governments contrary to Federal policy.

The NAACP memorandum suggests that it would be possible for the State of Virginia to reinstitute segregation in the dining facilities at the National Airport, and that the case upholding the authority of the Civil Aeronautics Authority to prohibit segregation in such dining facilities would in effect be overruled by S. 1617. Enactment of the bill would have no such effect. S. 1617 would merely provide authority for adjustment of legislative jurisdiction, either upward or downward, on a selective case-to-case basis. It may be noted that with respect to National Airport more, not less, legislative jurisdiction is desired for the United States—see page 104, part I, "Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States," GPO, April 1956. Further, the memorandum surely does not intend to suggest that segregation by races in such facilities as the National Airport dining room would be constitutional; the state of the law on this subject obviously has been clarified far beyond any such point.

The NAACP memorandum also suggests that enactment of the bill would affect litigation brought in the Federal courts, citing the case of Attorney Fred Gray, who was indicted by a State grand jury for illegal practice of law in representing the NAACP in litigation growing out of a bus protest, but the indictment against whom was dismissed because the alleged offense occurred in the Federal courthouse, which was outside of the State's jurisdiction. Again it may be pointed out that S. 1617 would affect no retrocessions of legislative jurisdiction to the States automatically, but would merely provide authority for adjustment of such jurisdiction, upward or downward, on a selective case-to-case basis. All factors would be considered by the Federal Government, as well as the State government involved, in effecting each individual adjustment.

The NAACP memorandum goes on to state:

"The persons most affected by his surrender of Federal authority will be members of our Armed Forces. The greater amount of our military installations are located in States with the most restrictive legislation denying equal protection of the laws.

"The Federal Government should be concerned about giving to our servicemen more legal protection rather than placing them in a position where they will be subject to the locally accepted doctrine of white supremacy, even when on Federal property.

"The proponents of this legislation point to the benefits that could accrue to some persons by its passage. Such benefits should not be purchased at the cost of the constitutional rights of others."

Again it may be pointed out that S. 1617 surrenders no Federal authority, merely providing authority for adjustment of legislative jurisdiction upward or downward on a case-to-case basis, and permitting better control by the Federal Government of federally owned land and activities on such land. All factors would, of course, be considered in each case, and any actual adjustment of legislative jurisdiction would be made only where it was consistent with Federal interests and Federal policies.

The Armed Forces are, it cannot be disputed, integrated with respect to race, whatever the laws or policies of the States in which they may be stationed. Nothing in S. 1617 would affect Federal laws, policies, or practices in this matter in the slightest manner. And it is Federal laws, policies, and practices upon which maintenance of integration in the Armed Forces is dependent, wholly independent of the legislative jurisdiction of the installations at which the units are based.

As of June 1957, there were 2,122 military installations, comprising 22,733,495 acres, located in the then 48 States. It is not known which States are referred to in the statement that the greater amount of our military installations are located in the States with the most restrictive legislation, but the States of Arkansas, Louisiana, Mississippi, Alabama, Georgia, and South Carolina, together, contained only 185 of these installations, comprising 1,153,745 acres, which constitutes only 8.7 percent of the total number and 5 percent of the total area of military installations. As to the largest part of these it appears that the Federal Government has no legislative jurisdiction. Nationwide, the Federal Government had some measure of legislative jurisdiction over only 19.9 percent of its military installations, by area, as of June 1957. The Federal Government's experience with respect to maintaining integration of races in the Armed Forces has been no different on the approximately 80 percent of its military installations as to which it has no legislative jurisdiction as on the 19.9 percent as to which it has some measure of such jurisdiction.

Assuming that adjustments of legislative jurisdiction of military installations under S. 1617, when enacted, would be in the direction of less such jurisdiction for the Federal Government, there is no factual basis for the suggestions, contained in the memorandum, that this would involve surrender of Federal authority with respect to integration of races in the Armed Forces, that this would subject servicemen to locally accepted doctrines of white supremacy, or that the benefits which would thereby accrue would be purchased at the cost of the constitutional rights of any persons. Indeed, law and experience are to the contrary.

As Senate Report 405, 86th Congress, indicates, S. 1617 was preceded by exhaustive studies of the subject which it involves. Similar bills were introduced in the 84th and 85th Congresses. Public hearings were not held on these bills in the Senate; none were requested. However, ample opportunity was provided for submission of views on the bills. The views of the NAACP, to the same effect as those now presented in Mr. Mitchell's letter and accompanying memorandum, were made known and were the subjects of discussion with Mr. Mitchell and his local counsel. The law and the facts did not support these views. On the other hand, departments and agencies of the executive branch of the Federal Government, the Council of State Governments, the Joint Federal-State Action Committee, and others, presented facts establishing the wholly meritorious character of the bill S. 1617 and urged its enactment. Formal hearings on

the bill can, of course, be held in the House. Indeed, Mr. DAWSON, chairman of the House Government Operations Committee, indicated some time ago a plan to hold such hearings.

The staff was further advised informally, after this protest was received, that at the time the draft of the proposed legislation was under consideration in the Department of Defense, approximately 3 years ago, an inquiry was made of the Department of Justice (reportedly at the instigation of the NAACP) as to what possible impact the proposed legislation would have upon civil rights. At that time the representative of the NAACP was fully advised and expressed no opposition to the draft bill.

On July 23, 1959, the Washington representative of the Council of State Governments also advised the staff of the committee that that organization was in accord with the facts set forth in the memorandum submitted to the committee by the Department of Justice, as follows:

THE COUNCIL OF STATE GOVERNMENTS,
July 23, 1959.

Mr. WALTER L. REYNOLDS,
Chief Clerk and Staff Director,
Committee on Government Operations,
U.S.Senate,
Senate Office Building, Washington, D.C.

DEAR MR. REYNOLDS: We have reviewed the letter of July 1, 195-, and the accompanying memorandum relating to S. 1617 addressed to Senator LYNDON JOHNSON by Mr. Clarence Mitchell, director, Washington bureau, National Association for the Advancement of Colored People. We have also reviewed the Department of Justice memorandum of July 1, commenting on Mr. Mitchell's letter and memorandum.

The Justice Department memorandum explains very well the purposes of S. 1617 and its effect, if enacted, with respect to the enforcement of State laws requiring racial segregation on property owned by the Federal Government. S. 1617 would provide a uniform procedure for adjusting upward or downward Federal legislative jurisdiction over federally owned property. It is not meant to nor would it affect Federal law or policy with respect to integration on such property.

We can appreciate Mr. Mitchell's anxiety, but we do not believe it has a factual basis. We hope that the Senate will take favorable action soon on S. 1617.

Sincerely yours,
CHARLES F. SCHWAN, Jr.,
Washington Representative.

Mr. President, disregarding the facts set forth in the above outlined explanation of the purposes and objectives of S. 1617, some 14 amendments have been proposed to the bill at the instigation of the NAACP after it was reported to the Senate, all of which proposed to emasculate the bill by adding so-called civil-rights provisions. The submission of these amendments had the effect of killing this meritorious legislation, and of denying the civil rights proposed to be granted to American citizens who had no powerful lobby operating for them.

The procedure followed in connection with S. 1617 is identical to what is now being attempted in connection with H.R. 8315, to authorize the Secretary of the Army to lease a portion of Fort Crowder for school purposes.

None of the amendments proposed to S. 1617—the basic one by the Senator from Missouri [Mr. HENNINGS], eight by the senior Senator from New York [Mr. JAVITS], and four by the junior Senator from New York [Mr. KEATING]—has been considered by the Committee on Government Operations or any other committee of the Senate.

Mr. President, in November of last year the General Services Administration completed the first comprehensive inventory of the Jurisdictional Status of Federal Areas within the States as of June 30, 1957, which was filed with the Senate Committee on Government Operations in support of the legislation I have just outlined. I shall read the letter to which I referred, a letter from the General Services Administration addressed to me, dated December 2, 1959.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of the "Inventory Report on Jurisdictional Status of Federal Areas Within the States, as of June 30, 1957."

The compilation of this inventory is a step toward fulfilling the hope expressed by the President, in a letter dated April 27, 1956, to the Attorney General, that GSA establish a central source of information concerning the legislative jurisdictional status of Federal properties.

As you know, S. 1617, 86th Congress, approved by your committee, would provide for Federal agencies to adjust such status in conformity with the recommendations of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States.

This inventory report represents the first comprehensive inventory of its nature ever undertaken. It complements the "Inventory Report on Real Property Owned by the United States Throughout the World, as of June 30, 1957."

The detailed inventory listings, upon which this summary report is based, are being forwarded under separate cover to your committee, the Senate and House Committees on Appropriations, the House Committee on Government Operations, the Department of Justice, and the Bureau of the Budget.

Sincerely yours,
FRANKLIN FLOETE,
Administrator.

It was pointed out in this report that legislation was introduced in the 84th, 85th, and 86th Congresses to authorize, among other things, the administrative adjustment of legislative jurisdiction in a manner similar to that in which legislative jurisdiction has been administratively accepted on behalf of the Federal Government in the past, and that as yet such legislation has not been enacted. The purpose of this report was to present a full inventory of legislative jurisdictional status in each of the 48 States and covered all or part of 5,050 Federal installations. The report indicated that, while a majority of those installations are small, 42 of them are larger than the District of Columbia itself, and all of them embrace an aggregate area more than 200 times the size of the District of Columbia. No estimate was made as to the number of residents affected by the vesting of exclusive or partial legislative jurisdiction in the United States.

The summary contained in the report indicates that of the 8.1 million acres under the exclusive jurisdiction of the Federal Government, 4.1 million acres, or 50.6 percent, are located in the Western States. Of the remaining land under the exclusive jurisdiction of the United States, 2.6 million acres are located in the South Atlantic and South Central States, and 1.4 million acres are in the Northeastern and North Central States.

Of the 8.1 million acres of Federal land involved, the Departments of Defense and Interior have custody over 7.9 million acres, or 97.6 percent of the total acreage held under the exclusive jurisdiction of the United States. In addition to the land over which the Government has exclusive jurisdiction, there is a total of 400.4 million acres over which the Federal Government retains concurrent, partial, or proprietary jurisdiction or other interests.

I believe the sponsors of the so-called civil rights amendments to S. 1617 might be interested to know how their States would be affected through the enactment of S. 1617. In Missouri, for instance, there are 203 Federal installations over which the Federal Government has some legislative jurisdiction. There are 63,662.4 acres over which the Federal Government has exclusive legislative jurisdiction, 13,641.4 over which it has partial jurisdiction, 1,593,300.1 acres over which it has proprietary jurisdiction, and 338 acres over which the exact jurisdictional status has not been ascertained. Of the 44,304,640 total acreage of the State of Missouri, the Federal Government, therefore, has some legislative jurisdictional status over 1,670,941.9 acres.

In the State of New York the Federal Government has some legislative jurisdiction over 618 separate installations, including 33,733.3 exclusive, 29.6 concurrent, 176,709.7 proprietary jurisdictional status, and 47,435 acres over which the exact legislative jurisdiction has not been determined. Of the total acreage of 30,684,160 in the State of New York, the Federal Government retains some legislative jurisdiction over 257,907.6 acres.

Mr. President, I would also like to indicate my personal interest in this legislation, since the report shows there are 127 separate installations in the State of Arkansas over which the Federal Government holds some legislative jurisdiction. These installations include 163,458.2 acres of exclusive jurisdiction, 986.5 acres of partial, and 2,814,912 acres over which the Federal Government has proprietorial jurisdiction. Of a total of 33,172,000 acres within the State, the Federal Government, therefore, has some legislative jurisdiction over 2,979,357.7 acres, or approximately 8.95 percent of the entire State.

Mr. President, I have cited these figures briefly in order to indicate to the Senate the importance of the bill, S. 1617, reported by the Committee on Government Operations, and which has been blocked by what I consider to be procedures not in accord with good legislative practice and detrimental to the orderly procedure of the U.S. Senate.

Mr. President, I am reserving my rights and stating that at a later time I may wish to take up the proposed amendments to the bill I have been discussing, S. 1617, give the analysis of those amendments, and point out what I think their effect would be. I thought we ought to make this record with respect to this particular bill because there is disagreement, there are differences of opinion, erroneous impressions have gone out, and more inaccurate information likely will be disseminated with respect to the parliamentary proceedings that have been employed in getting the so-called civil rights issue before the Senate at this time.

Again I desire to point out that the bill I have been discussing is the one which has civil rights legislation in it, has been reported by a committee, and is on the calendar. This bill has been bypassed apparently because the NAACP wrote a letter to the majority leader and asked him to oppose the bill. So when he finds that situation, when that situation develops, when we have to bring up civil rights legislation because a promise was made to bring it up on the 15th of February, we bring up a poor little school bill that has no relation on God's earth to civil rights or anything that is involved in the civil rights controversy, and we make it a little victim. We put on its sore back this great issue that is claimed to exist where human rights are involved, where the claim is made that only Federal legislation of the most serious sort must be enacted in order to provide the relief and to restore to citizens of this country the rights it is claimed they are being denied.

Mr. President, this may be one way to legislate, but it does no credit to the U.S. Senate. A precedent has been set here, a precedent that is going to evoke complications, and will make it more difficult for all of us to live with orderly procedure in this body. There will always be the temptation now, if one cannot get his bill out of committee, if he cannot get action on it, or if he does not like some other legislation coming up, to lean on this precedent in order to pull up any piece of legislation and try to slap it on some other measure as an amendment. In extreme cases, in extraordinary circumstances, in unusual situations, perhaps that may be justified, but I suggest that if it becomes a practice in this body, orderly legislative processes will become tremendously impaired, and I should think the prestige of the Senate as the greatest lawmaking body of the world would be lessened.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am very happy to yield to my distinguished friend.

Mr. THURMOND. I take this opportunity to congratulate the able and distinguished Senator from Arkansas for the magnificent address he has made here on this occasion. The Senator from Arkansas is one of the greatest men in the Senate, and he is rendering our country an extraordinary service in many capacities. His address here today is just another example that typifies the outstanding benefit he is to his State and to our Nation.

Mr. McCLELLAN. I thank my friend for his highly complimentary references to the Senator from Arkansas. I know the Senator's devotion to right principles of government, and I am always happy when the distinguished Senator pays me a compliment for my humble efforts and labors.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am very happy to yield.

Mr. LONG of Louisiana. It is a great honor for me to pay tribute to the distinguished Senator from my neighboring State of Arkansas. I have served under his chairmanship on the Committee on Government Operations. Let me congratulate the Senator on the very fine and learned speech he has made, which is in keeping with his advocacy of those things which would preserve this Union in good times and bad.

Mr. McCLELLAN. I thank the Senator, who is my neighbor from the great State of Louisiana.

Mr. LONG of Louisiana. Mr. President, I call up my amendment which is at the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, after line 22, it is proposed to insert the following:

Nothing contained in this or any other law shall be interpreted to prevent any person from exercising his freedom of speech to advocate that separation of the races is desirable, or that forcible integration of various races at public or private functions or activities is undesirable, and that such forcible integration should be resisted by all legal means.

Mr. THURMOND. Mr. President, will the Senator from Louisiana yield, with the understanding that he will not lose the floor?

Mr. LONG of Louisiana. Mr. President, reserving my right to the floor, I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, on Wednesday of this week the majority leader expressed his opinion that there are many Senators who do not desire to have a vote of any kind taken on any civil rights bill. I commend the majority leader on his astute power of perception and assure him and the Senate that I, for one, am among those who strongly prefer to have no vote taken on any of the so-called civil rights bills which have been introduced and offered in such utter profusion and careless abandon.

It is a dreadful commentary on the state of the Nation for a Member of this body to fear so intensely for this body of noble traditions to vote on any type of proposed legislation. One would naturally suppose that this body would in every case conscientiously and studiously approach any issue presented for its consideration, for indeed, this body is often described as the most deliberative body in the world. The Senate was actually designed for the purpose of exerting a stabilizing influence on the National Government for the protection of the American people.

Insofar as the normal course of legislation is concerned, Mr. President, whether one agrees or disagrees with the ultimate conclusion reached by the Senate on any given proposal, there is valid ground for the belief that the great majority of the Senate has diligently examined the proposal for pitfalls and demerits and has acted to the best of its ability in the best interests of the country. Such a supposition would be absolutely false with respect to any of the so-called civil rights proposals.

Mr. President, insofar as so-called civil rights bills are concerned, there is apparently no effort on behalf of the majority of the Senate either to comply with the Constitution of the United States or to act in the best interest of the country. This is clearly apparent from a mere reading of the some 50-odd so-called civil rights bills and proposals which have been introduced in this body. Most of them are carelessly drafted, and they show an utter ignorance of the situations to which they are purportedly designed to apply. Neither the Constitution nor the legal precepts which underlie the operation of our federated republican form of government have been considered by their proponents.

Insofar as deliberation is concerned, Mr. President, there has been none on the part of the proponents of these measures. Unfortunately, the CONGRESSIONAL RECORD, which is the only access of the overwhelming part of the American public to our official conduct, does not indicate the presence or absence at all times of the several Senators on the floor of the Senate. The public will know, Mr. President, that many able Senators have diligently examined the proposed so-called civil rights bills and found them wanting in every respect—from a constitutional standpoint, from a draftsmanship standpoint, and from a policy and practical standpoint. These able Senators have most eloquently described on the Senate floor their findings with reference to these bills. With respect to almost any other type of legislation, Mr. President, except the so-called civil rights bills, their able efforts would have persuaded a majority of Senators that these measures were ill-conceived and would, if enacted, cause immense harm, not only to the basic structure of our federated republican form of government, but also to the people of the country themselves. I consider it a tragedy that the proponents of these measures, with few exceptions, during the past 2 weeks, have absented themselves from the Senate floor and have deprived themselves of the most pertinent information with respect to the measures of which they advocate enactment into law.

Under these circumstances, Mr. President, the conclusion is inescapable that either the proponents of these measures are already aware, deep down in their hearts, of the despicable nature of the bills which they support, or else they lack the courage to listen to the devastating and utterly realistic analyses of their proposals, which have been delivered during the course of the last 2 weeks.

Yes, Mr. President, I certainly do fear for any vote under these circumstances to be taken by the Senate on so-called civil rights bills. Every circumstance

surrounding their consideration is indicative of a closed eye, ear, and mind approach by their supporters and proponents. Oblivious to the obvious demerits of these so-called civil rights bills, they appear intent on forcing these dastardly and sadistic legislative lynchings on the people of the Nation. I shudder to think that such attitudes could be brought about even by the political potency of minority bloc votes, yet a realistic attitude leaves room for no other conclusion.

A number of Senators from outside the South have referred to the efforts of southern Senators to inform the Senate on the stupidity of the tragic step which they are contemplating as a filibuster. Mr. President, if the attempts of the southern Senators to realistically face and appraise the proposed so-called civil rights measures, in an effort to prevent the disruption of the domestic tranquillity of the country and intense damage to the status of the relations between the races, and in the further effort to protect the Constitution of the United States and the legal precepts underlying the operation of our system of government, which have promoted the greatest degree of individual liberty known on the face of the earth—if this is a filibuster—then, Mr. President, I can only say that the other Senators should pray that they be given the courage and the foresight to join the southern Senators in the filibuster; otherwise, the judgment of posterity will be harsh indeed.

Mr. LONG of Louisiana. Mr. President, the amendment which I have offered would not correct the shortcomings or defects of the measure before the Senate, but it would improve upon it. The section which I propose to amend reads as follows:

§ 1509. Obstruction of certain court orders

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

Mr. President, that is a very harsh remedy; and the language of the provisions is so general that they could very well be interpreted to mean that the mere exercise of freedom of speech, in order to express the point of view that a white man should associate with persons of his own race, and that colored men and colored women should associate with those of their own race, and that it is desirable that they should continue to do so, would—if such provisions were strictly applied and enforced—subject all who expressed such points of view—to fines of as much as $10,000 or imprisonment for 2 years, or both.

Certainly it can properly be argued that if a person were to express himself, even in forceful terms, as believing that each race should maintain its purity and that each race should avoid practices which would lead to amalgamation of the races, he should not be subject to the invoking of such criminal sanctions. However, I feel that under the language I have read just now, such sanctions could be invoked. Of course, Mr. President, that is only one of the defects of the legislation now proposed.

At this time I should like to address myself in more general terms to the proposed legislation.

Mr. President, the legislation now proposed, which generally is referred to as civil rights legislation, is overwhelmingly opposed by the majority of people of my State and of the other States of the South. Since the time of Aristotle, it has been said that a law is a good law and a sound law only if it is enforcible, in the sense that the majority of the people in the community wish to see it enforced.

Prohibition was never accepted by large numbers of our people. Because of that, the laws prohibiting the use of alcohol proved ineffective, and eventually they had to be repealed. When the majority of the people in a community thought that the moderate use of alcoholic beverages was not wrong, they disregarded laws prohibiting their use. The disregard of those laws tended to result in the disregard of other laws and in the breakdown of law enforcement generally.

Mr. President, if much of the so-called civil rights legislation were to be enacted, and if an attempt were to be made to enforce it in the South, where the majority of the citizens strongly believe in segregation, I believe there would be general disregard of the law and, to some extent, contempt for all other Federal laws along the same lines.

If the advocates of civil rights legislation believe that civil rights of certain citizens are being denied in the South, a better approach for them to take in achieving full rights for those citizens of the South would be for them to convince the majority of the citizens of the South that they were guilty of injustice and wrongdoing. Those advocates should appeal by persuasion and education, rather than by force, if they feel that the South is depriving some of its citizens of their rights. They should address themselves to the sense of justice of southerners, rather than attempt by force to impose their views on the South.

On Monday, June 17, the Senator from Oregon [Mr. MORSE] made a personal statement, in the RECORD, in which he disassociated himself from the statement by 14 northern and western Democrats that they would use any means available to them in order to place on the Senate calendar the civil rights bill, which has come over from the House. The Senator from Oregon felt that an attempt to use Senate rule XIV, by means of a partisan interpretation of that rule, which was not the intent of the framers of the rule, in order to get House Resolution 6127 on to the Senate calendar, would be procedurally unjustified. Senator MORSE stated that expediency is no synonym for liberalism. He suggested that he believes that the use by a liberal of just and reasonable procedures, in accomplishing his ends, is more important than accomplishment of the end itself. This is nothing more than the age-old prohibition that the end does not justify the means. By the same token, the imposition on the South, by force, of legislation contrary to southern morals and customs—upon a South which is implacably opposed to such legislation—does not justify the end sought to be accomplished.

If civil rights advocates believe the end sought is desirable, let them not forget that the end will be defeated if the means used violate the sense of justice of the communities and the States where these means will be employed.

The Senator from Illinois has introduced into the RECORD voluminous statistics in an attempt to prove that the South is denying to the Negro his voting rights. For the most part, these statistics constitute a comparison of the voting status of Negroes in the South with the voting status of Negroes of the North. It would have been far more meaningful for him to have compared Negro voter registration of the South of 50 years ago—or even 10 years ago—with that of today, because the Senator from Illinois knows full well that the customs and historical traditions of the two areas are vastly different.

As a result of the Reconstruction period in the South after the Civil War, when former Confederates and Confederate sympathizers were denied the right to vote, and when the electorate was composed of newly freed slaves and carpetbaggers, the southern people became very apprehensive with regard to the voting franchise. The fantastic corruption and misgovernment that resulted during that era confirmed their fear. The Southern States, as a result, used various devices to assure that the excesses of the Reconstruction period would not reappear. Military occupation and use of force produced a reaction in the South and caused irreparable damage. This damage has been and is being overcome by processes of persuasion and education.

The majority of the people in my State who are strongly for the principle of segregation, nevertheless believe that all citizens of voting age should have the right to vote, and should exercise it. Twenty years ago there were virtually no registered Negro voters in Louisiana. By 1948, 3 percent of the registered voters of Louisiana were Negroes. By 1952 this figure had increased to 10 percent of the electorate, and last year almost 15 percent of the registered voters of Louisiana were Negroes. The Negroes constitute approximately 30 percent of the population of Louisiana. Thus, it can be seen that rapid progress is being made in insuring that all Louisiana citizens of voting age who are otherwise qualified will be entitled to vote.

I am fearful that passage of this civil rights legislation will nullify the orderly progress that has been made, in the same manner that reconstruction nullified the progress made between the end of the Civil War and the advent of the Reconstruction period.

Mr. President, I should now like to trace a bit of history regarding the relationship of the Federal Government versus State and local governments during recent years.

In the criminal field, particularly, the Federal Government continued all during that period for the most part to shy away from action except in the case of crimes that were interstate in character. A notable exception was the constitutional amendment of prohibition, the violation of which was made a Federal crime. As all Senators know, this attempt on the part of the Federal Government to regulate the actions of people proved a complete failure. In the large metropolitan areas of the North in particular, prohibition proved to be ineffectual because the majority of the citizens of those areas believed that the use of alcohol in moderation was not wrong and that the Federal Government had no business regulating it. That type of law demanded the support of the people, in order to be effective. It was also the type of law which should be handled on a purely local basis, if it was to be effective at all.

State and local governments should be permitted to regulate the action of such law as it is possible for them to regulate effectively. Without the support of the majority of the people in an area, a law will prove to be ineffectual. The States can effectively regulate with regard to the private rights of its citizens and the relation of its citizens to the State governments. There is, therefore, no real need for Federal power in this field.

As I have pointed out before, this proposed civil rights legislation is opposed by the majority of the people in the very areas of the country where it intended to be most effective. The remedy or the objective to which this legislation supposedly is directed will not be accomplished by the imposition of a law which is opposed by the majority of the people in a community. I am therefore convinced that this legislation will tend only to antagonize the people and lead instead to increasingly strained relations between the races and between Federal and State governments.

Let us not deceive ourselves. We cannot change attitudes by law. If the civil rights advocates do not like the attitudes of the southern people, they should attempt to change the attitudes by persuasion and education. An attempt to impose laws on us which are foreign and alien to our concepts of right will only give ammunition and impetus to extremists within our midst.

One aspect of these civil rights bills is that among them are always proposals that would deny the right to jury trials in criminal contempt cases. The argument raised is that southern juries will not convict in civil rights cases. While I doubt that statement, I know that unless southern juries convict for what some persons consider to be crimes, then the making of this form of contempt a crime will not in and of itself make it enforcible. The very concept of a jury is that it is a check upon lawmakers. Without a jury, lawmakers could make many acts criminal which were not considered to be such by the community. Although a jury is impaneled to determine facts, and a judge instructs the jury as to the law, juries from time immemorial have disregarded law when it offends their sense of justice and fairness. This is the ultimate check upon lawmakers which should not be done away with if the Anglo-American tradition of justice is to continue.

To the advocates of civil rights, I say that until they can get southern juries to convict for alleged offenses, their attempt to impose this legislation upon the South will not be successful. I urge the advocates of civil rights legislation to use persuasion and education, rather than force, if they really and truly desire to accomplish the ends which they allegedly seek.

Mr. President, some time ago the so-called Civil Rights Commission came to the State of Louisiana investigating conditions that existed in that State. Some of us had hoped that the effect of the report of that Commission would be to help find answers to many of the perplexing problems before us.

I had joined with a number of my colleagues from the South in looking forward to this report. We felt that if the Commission endeavored to look into the areas it was charged to evaluate, in a fair, impartial, and realistic manner, it would find that many of the cries raised by various pressure groups were without merit. We were familiar with the fair approach to the problem that was being taken by the officials of our States, and we welcomed the opportunity to have the Commission demonstrate that actually the leaders of the South were doing everything possible to look after the interests of the colored man.

Unfortunately, we were doomed to disappointment. When the Commission filed its report, it was anything but unbiased. It was anything but factual. It was anything but fair. It was based upon evidence which would be excluded by any self-respecting court in the United States—State or Federal. It was loaded with weighted data, slanted statistics, and biased conclusions. Its recommendations, particularly in the field of voting rights, were ridiculous.

After reading through the report of the Civil Rights Commission, I stated that, in my opinion, the report of this Commission contained the most ridiculous and most unsound recommendations that have ever been made by any official Government agency. I said that it was the most extreme and ill-conceived report that I had ever read.

The Civil Rights Commission was supposedly designed to fulfill three purposes:

First. They were supposed to investigate deprivation of the right of citizens of the United States to vote by reason of their race, color, creed, or other similar factors.

Second. They were supposed to study and collect information relating to the legal developments which constitute a denial of equal protection of the laws under the Constitution.

What did they actually do? They sought and cited secondary sources as a means of proving preconceived notions.

One of the most ridiculous features of the report of the Civil Rights Commission refers to the constitutional right of every American to have a good home in a good neighborhood. Actually, the Constitution provides no such right. If such a right has existed, then every city, hamlet, and crossroads community has been in violation of the Constitution since the days the Founding Fathers wrote it. The Commission would force integration in housing even when neither the white nor the colored people wanted it. The white man would be denied the right to live among those of his race; and the colored man would equally be denied the right to live among those of his race.

This is not my idea of civil rights.

I was not at all surprised that the Civil Rights Commission had recommended that it be continued indefinitely. They had found a place at the public trough and they were ready to pass a law to say that their jobs must be continued forever—whether they were needed or not. That is not unusual with regard to Federal commissions or Federal bureaus.

Unfortunately, that Commission was continued in business at the close of the last session of Congress. I shall try to demonstrate why I saw that this was unfortunate.

A little over a week ago, the distinguished Senator from Connecticut [Mr. DODD] addressed the Senate on the subject of civil rights. As I have said on previous occasions, I have the greatest respect for the judgment of the Senator from Connecticut and, as far as I am concerned, his sincerity is unquestioned. In opening his remarks he referred to February 15 as a day that would be remembered since it marked the opening of a crucial deliberation which would determine whether Congress would reform through its action conditions that existed in the South.

In the course of his remarks, the good Senator said:

> One of the fruits of the Civil Rights Act was the creation of the U.S. Civil Rights Commission, which has made a serious and responsible investigation into the denial of voting rights, and issued a report which is a milestone in the struggle for civil liberties.

He said that, while the report was not exhaustive, it did spell out the general scope and pattern of the denial of voting rights. He then quoted some figures. In quoting those figures he mentioned that "in 46 out of the 64 parishes of Louisiana, the number of registered Negroes has actually declined since 1956, in some cases by dramatic proposition. In Red River County, the number has dropped from 1,360 to 16; in St. Landry County from 13,060 to 7,821; in Webster County from 1,776 to 83."

He wound up his remarks on this subject by stating:

I hope that no one will dispute these facts since they are given to us by competent authority and are easily verified.

I was sorry that I had to dispute those facts on February 15, and I am sorry to have to repeat my objections today, but I feel it necessary, since I feel that the distinguished Senator from Connecticut is one of many honorable men who have been misled and deceived by some of the statements made by the so-called Civil Rights Commission. There is a great deal to be disputed in these figures, and from what I have read and seen the figures contained in that report can certainly not be classed as facts. Let us look at the figures.

In the first place, Louisiana does not have counties, it has parishes. This is insignificant, perhaps, but it is indicative of the lack of thoroughness of this report.

Now, the able Senator from Connecticut said, and I quote from the CONGRESSIONAL RECORD of February 15, 1960:

Here are some of the facts that emerged from this partial study, based on the most recent census and State registration figures.

At that point he quoted figures from Florida, Georgia, Louisiana, Alabama, Mississippi, and Tennessee. I have not checked into the figures of the other States, but if they are as inaccurate as the Louisiana figures, they were not worthy to have been printed in the RECORD.

As I mentioned, the so-called facts uncovered that the Negro registration in 3 Louisiana parishes had declined by more than 8,000. This would indicate that by now deep inroads had been made into the Negro registration in Louisiana. This is not true, as I will bring out in a little while.

The so-called facts of the Civil Rights Commission also said that their report was not exhaustive because of the many deliberative roadblocks placed in their path. This also is not true.

If any Senator today merely picked up the telephone and called Baton Rouge, La., and asked how many colored folks were registered in the State of Louisiana today, he would find that, instead of there being less—instead of the number being reduced by some 90 percent as indicated by the so-called Civil Rights Commission—the number has actually been increased by 26,000. There are more than 26,000 more Negroes registered in Louisiana today than there were at the time that the so-called Civil Rights Commission reported as facts that the Negro registration in Louisiana was in the process of being reduced by some 90 percent.

The Commission also made a statement in their report that the number of colored registrants had actually declined since 1956. In making this statement they did not bother to say that the white registration had also declined since that time, and they did not bother to give the reason for that decline. They preferred to have well-meaning Senators believe that this decline was due to efforts to keep Negroes from exercising their rights as American citizens. This was not the case.

The reason why the number of registered voters declined in Louisiana after 1956 is that in 25 parishes all voters are required to register every 4 years, and in the other 39 parishes the registrars are required to clean up their rolls every 4 years. The law previously provided this be done every 2 years, to remove the names of those who failed to vote, but it has been changed to every 4 years.

There is nothing un-American about such a program. When this was done, the names of a lot of white people and colored people were removed from the rolls. Actually, the names of a lot more white people were removed from the rolls than names of colored people.

After the Commission filed its report, we had a gubernatorial election in Louisiana. This provided an additional incentive to vote in the election. Both white and colored registrations increased rapidly, and the total figure for registration is now close to the alltime high. The difference is obviously represented by names of those who did not belong on the rolls because of death, movement from the State, or similar reasons.

Now let us talk about the so-called roadblocks that the Commission said it encountered.

The Civil Rights Commission went down to Louisiana and did not have much success. That is true. As a matter of fact they did not achieve much of anything. They might as well have stayed home and written a letter down to Louisiana and asked the local newspaper reporters to mail them some information, because, as it turned out, they did everything wrong and, as might be expected, they screamed "foul," cried "roadblocks," and otherwise blamed other people for their mistakes.

When the Civil Rights Commission visited Louisiana, they could not get the registration books from the local registrars. The reason they did not get the books is that they never did get a court order. The Federal judge who turned them down when they finally tried to get various powers, said that in his opinion he would have been glad to give them the order, but they never asked for it.

The fact of the matter is that the Civil Rights Commission went down to Louisiana assuming they had the powers of a band of Hitlers and assuming that they did not have to obey the Constitution, any laws of the United States, or the laws of the States of the Union. That is the group that is recommending that they be given even greater power from additional so-called civil rights legislation.

The local registrars in Louisiana were as much as 250 miles away from where the Civil Rights Commission was sitting. When the Commission tried to subpena the books, the law of Louisiana would not let those registrars send them because that would be taking those books away from the office where the State laws say they will be kept at all times. The honest-election laws of the State of Louisiana require that those registration books be kept in the proper office in order that people will be able to register at any time that the office is open. The Civil Rights Commission merely wanted to flout that civil right.

There is another point. The Federal law says that if some board or agency of the Federal Government wants to investigate a man, they must tell him the crime of which he is accused, they must give him the right to have counsel, and they must give him the right to examine and ask questions of those who are testifying against him. The Civil Rights Commission ignored that law when it visited Louisiana. It drew up some rules and tried to proceed in a fashion that did not permit any of these rights to exist. When it did that it ran afoul of the Administrative Procedures Act. They are now up before the Supreme Court. In my opinion the Supreme Court would have to stultify itself in order to hold that the Civil Rights Commission had a right to put people on trial and take all sorts of adverse testimony without giving those people a right to defend themselves and a right to cross-examine those who testified against them.

We could sum up the activities of the Civil Rights Commission in Louisiana by saying that it did everything it could to deny the people of Louisiana their civil rights.

Mr. President, at a subsequent date I shall go into this issue much more thoroughly. At the present time I am prepared to yield the floor, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, who suggested the absence of a quorum?

The PRESIDING OFFICER. The Senator from Louisiana [Mr. LONG] suggested the absence of a quorum.

Mr. HOLLAND. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The rollcall was resumed and concluded, and the following Senators answered to their names:

Aiken	Douglas	Kefauver
Allott	Dworshak	Kuchel
Anderson	Eastland	Lausche
Bartlett	Ellender	Long, Hawaii
Beall	Engle	Long, La.
Bennett	Ervin	McClellan
Bible	Fong	McNamara
Brunsdale	Frear	Magnuson
Bush	Goldwater	Mansfield
Byrd, Va.	Gore	Martin
Byrd, W. Va.	Gruening	Monroney
Cannon	Hart	Morton
Capehart	Hartke	Moss
Carlson	Hayden	Mundt
Carroll	Hickenlooper	Murray
Case, N.J.	Hill	Muskie
Case, S. Dak.	Holland	Pastore
Chavez	Hruska	Prouty
Church	Humphrey	Proxmire
Clark	Jackson	Randolph
Cooper	Javits	Robertson
Cotton	Johnson, Tex.	Russell
Curtis	Johnston, S.C.	Saltonstall
Dirksen	Jordan	Schoeppel
Dodd	Keating	Scott

Smathers	Talmadge	Yarborough
Smith	Thurmond	Young, N. Dak.
Sparkman	Wiley	Young, Ohio
Stennis	Williams, Del.	
Symington	Williams, N.J.	

The PRESIDING OFFICER. A quorum is present.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

Mr. RUSSELL. Mr. President, did I understand the Chair to announce that a quorum is present?

The PRESIDING OFFICER. That is correct.

Mr. TALMADGE. Does the distinguished senior Senator from Georgia desire me to yield to him?

Mr. RUSSELL. I have a brief statement which I desire to make, but I shall not make it in the time of my distinguished colleague. I understand he has an extremely able speech to deliver which deals with several aspects of the subject that has been touched upon here, and therefore I shall, with deep appreciation to my colleague for offering to allow me some of his time, forgo that opportunity now. I shall probably seek recognition sometime tomorrow to discuss briefly what has emanated from another section of the country, to endeavor to provoke race riots in the South, which was started a week before we took up this legislation. It is a part of the whole pattern of that procedure. I shall speak on some other aspects of it briefly tomorrow.

Mr. TALMADGE. I am grateful for the generosity of my distinguished senior colleague from Georgia.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from California for an insertion in the RECORD, and that in yielding to him I do not forfeit my right to the floor; nor will it be construed as a second speech on any subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(At this point Mr. TALMADGE yielded to Mr. ENGLE for an insertion in the RECORD.)

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TALMADGE. As I understand, the distinguished junior Senator from Louisiana [Mr. LONG] has an amendment pending to the substitute offered by the distinguished Senator from Illinois. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. TALMADGE. I understand further that I am entitled to address myself to the Long amendment without my remarks counting as a speech on the principal question. Is that correct?

The PRESIDING OFFICER. The Senator is right in his assumption.

Mr. TALMADGE. Mr. President, I had intended offering an amendment myself at this time. In view of the fact that the amendment of the distinguished junior Senator from Louisiana is now pending at the desk, it will not be necessary for me to do so. However, I do desire at this time to send to the desk the amendment with the request that it be printed in the RECORD at this point and lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed and will lie on the table.

Mr. TALMADGE. Mr. President, the true significance of the term "civil rights" has become obscured by the political connotations given it in recent years.

Historically and constitutionally, the civil rights of the American people are those inalienable individual freedoms which are insured in perpetuity by the Bill of Rights of our Constitution.

They are the rights which begin with freedom of religion and extend through all other rights not prohibited to the individual by the Constitution.

They do not include fancied rights synthesized in the imaginations of political opportunists as lures for the votes of this or that pivotal minority.

Neither are they sometime things to be alternately enjoyed and denied according to the dictates of expediency or the whims of whatever majority may be in control of Congress at any given time.

Our Founding Fathers knew from the lessons of history that people lose their civil rights because of governmental action. And it was in recognition of that fact of life that they wrote into the Bill of Rights express prohibitions against any governmental interference with the enjoyment of them.

While it hardly is likely that the framers of our form of government considered any of the rights which they enumerated in the Constitution to be any more or less important than others, it is most interesting to note that only one was specified more than once.

That is the right of trial by jury which is guaranteed in four separate passages of the Constitution and the Bill of Rights.

Section 2 of article III provides that—

> The trial of all crimes, except in cases of impeachment, shall be by jury.

The fifth amendment states that—

> No person shall be held to answer for a capital, or otherwise infamous offense, unless on a presentment or indictment of a grand jury.

The sixth amendment guarantees that—

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

And the seventh amendment specifies that—

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

No other conclusion can be drawn from the sum of those four passages, Mr. President, but that the men who founded this Nation considered the right of trial by jury to be fundamental to the preservation of individual liberty and the maintenance of constitutional government.

And it is more coincidental, Mr. President, that those who have cried the loudest for legislation to force compliance with their notions of civil rights are also those who have been the most active in seeking to weaken, circumscribe and destroy the right of trial by jury.

The most recent case in point is found in the debates leading up to the unfortunate passage of the misnamed Civil Rights Act of 1957 by the 1st session of the 85th Congress.

Proponents of that legislation wanted a statute which would have permitted the summary punishment without jury trial of individuals accused by the Attorney General of the United States of violating someone's civil rights. They argued in defense of their position that Congress already had set the precedent for such action in enacting 28 regulatory acts beginning with the Interstate Commerce Commission Act of 1887.

Happily, that bill was shorn of its infamous part by the Senate; but unhappily, with regard to voting, it placed an unconstitutional qualification upon the right of trial by jury in that it authorized Federal judges to impose jail sentences up to 45 days and fines up to $300 without jury trials.

It cannot be denied, Mr. President, that Congress in conditioning the right of trial by jury and by placing a dollars-and-cents premium upon its exercise violated the constitutional prohibition against the enactment of laws respecting the enjoyment of rights enumerated in the Bill of Rights.

I wish to reiterate, Mr. President, the strong feelings about that so-called compromise which I expressed before the Senate at the time it was adopted; I said:

> If a thing is right, it is right and it must be upheld. If it is wrong, it is wrong and it must be denied.
>
> There is no middle ground when it comes to fundamental truths and basic rights. The question of right and wrong is a question of black and white. There can be no shading of gray in the definition of either.
>
> That is true of the right of Americans to trial by jury.
>
> That right either is fundamental or it is not.
>
> That right either is guaranteed by the Constitution or it is not.
>
> That right either is inalienable with the individual or it is not.
>
> If our Founding Fathers had meant that the right of trial by jury should depend upon the benign generosity of an appointed Federal judge, I believe they would have so specified in the Constitution and the Bill of Rights.
>
> If our Founding Fathers had felt that it was constitutional for appointed Federal judges to incarcerate American citizens for 45 days and fine them $300 on their own arbitrary motions, I believe they would have so provided in the Constitution and the Bill of Rights.

It was on that same occasion, Mr. President, that I sought to emphasize that the mere fact that trial by jury has been denied in 28 instances is no justification for denying it a 29th time. As I stated at that time:

> Jury trial opponents have sought to make much of the fact that there are now 28 laws under which Congress has authorized contempt proceedings without jury trials. Granted that that is true, it must be pointed out that none of them apply to individuals;

and even assuming they did, there is no logic under which justice can be built upon injustice or two wrongs added together to make a right.

One of the most lamentable developments of modern history, Mr. President, has been the ever-broadening tendency to extend the jurisdiction of courts of equity so as to invest them, in effect, with the enforcement of criminal laws.

The result has been to frustrate the administration of justice at the hand of a jury of one's peers and to substitute government by injunction for government by law.

The right of trial by jury both in criminal cases and in suits at common law was aptly described by the distinguished senior Senators from North and South Carolina [Messrs. ERVIN and JOHNSTON] in their minority report on the Senate version of the 1957 civil rights bill as "the best part of the inheritance of America from England." They emphasized that trial by jury "is the best security of the people against governmental oppression," and pointed out that "tyranny on the bench is as objectionable as tyranny on the throne."

The early history of this Nation affords a graphic example of the tyranny which results from denial of trial by jury in the attempt by King George III to enforce the Stamp Act and other oppressive measures through the Courts of Admiralty in which trial by jury was not permitted.

As we all know, our forefathers listed deprivation of "the benefits of trial by jury" as one of the "injuries and usurpations" which led them to fight for their independence.

Those who contend that trial by jury should be limited or denied because juries sometimes do not convict either forget or choose to ignore that the basis of American jurisprudence is that the accused is presumed to be innocent until proved guilty. Only in totalitarian countries is it otherwise; and, to my mind, it would be far better for 100 guilty men to go free than for 1 innocent person to be punished.

No freeman, Mr. President, should be forced by his government to place his life, freedom, or property in jeopardy, except upon the judgment of a jury of 12 of his equals.

It is true, Mr. President, that juries sometimes err. But I submit that it is far more likely that any error made will be made by one judge secure in his life tenure rather than by 12 impartial citizens cognizant of the fact that their fates, too, might someday rest in the hands of their peers.

I am in complete agreement, Mr. President, with the words of the great liberal—the late Senator George W. Norris, of Nebraska—who declared, in this Chamber, in advocating the passage of the Norris-La Guardia Act, in 1932:

> I agree that any man charged with contempt in any court of the United States, in any case, no matter what it is, ought to have a jury trial. It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials, knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts.

Mr. President, George W. Norris was one of the greatest liberals of all time ever to occupy a seat in this body; and his statement which I have just concluded reading is one of the greatest tributes to our system of jurisprudence, particularly our jury system, that I have ever heard.

Mr. President, it is out of my conviction of the enduring truth of the principle enunciated by Senator Norris that I have submitted and sent to the desk—from which it will be called up in due course—my amendment which proposes, among other things, to amend titles 18 and 28 of the United States Code, so as to guarantee that all individuals cited for contempt in Federal courts shall have "a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed."

Furthermore, Mr. President, my amendment specifies that no person can be bound by a Federal injunction unless one of three essential conditions is met. They are:

First. Unless the individual is a party to the proceeding.

Second. Unless the individual is named in the injunction and is served with a true copy of it; or

Third. Unless the injunction is read and explained by a judge in open court, in the presence of the individual named in it.

The amendment would apply, Mr. President, to all cases of contempt of court involving individuals, except in instances of contempt committed in the presence of the court.

Mr. President, I have made my amendment applicable only to individuals, for two reasons: First, because the right of trial by jury is one of the rights vested by the Constitution in the individual; and, second, because I have no desire to upset the Nation's body of regulatory law, without having a full study of all its ramifications made.

However, I wish to inform the Senate that I personally favor assuring the right of trial by jury in all cases in which facts are to be determined, with the sole exception of cases of direct contempt committed in the presence of the court. And I would be pleased to join with Senators who profess an interest in protecting the civil rights of Americans to make certain that every American, corporate or individual, is accorded that right, when before the courts.

The enactment of such a law, Mr. President, would protect all Americans from abuses arising through misuse of the judicial power of contempt, and would constitute the most significant civil-rights legislation to come out of Congress since the adoption of the Bill of Rights.

Turning to title II of my amendment, Mr. President, I view with grave concern the increasing tendency of the Supreme Court of the United States to act upon lower court decisions without hearing oral arguments on the points at issue.

Nothing in the rules of the Supreme Court authorizes the determination of cases without oral arguments, unless they are waived by the parties concerned. Yet, during the 1957–58 term that tribunal acted without the benefit of hearings in a total of 153 cases.

While I have not had an opportunity to do any further research on the matter, Mr. President, I have no doubt that a similar situation prevailed during the 1958–59 term of the Court.

Mr. President, I am as opposed to gag rule in our courts as I am to gag rule in our legislative chambers. Freedom of speech and the right to be heard are inherent in our American tradition; and when they are infringed upon, it is the duty of Congress to provide an immediate remedy, through the legislative process.

It is my conviction, Mr. President, that the ends of full justice are not being served by the present procedures of the Supreme Court; and it is out of that deep conviction that I am proposing, as part 2 of my amendment, to add to chapter 133 of title 28 of the United States Code a new paragraph which would read as follows:

> The Supreme Court shall not, upon review of any case, affirm, modify, vacate, set aside, or reverse any judgment, decree, or order of any court unless each party to such case has been accorded full opportunity for hearing thereon before the Supreme Court, including opportunity for the presentation of oral argument before such Court.

I believe it is in the best interests of all Americans, Mr. President, that such a law be enacted at the earliest possible time.

With reference to title III of my amendment, Mr. President, the Constitution of the United States sets forth specific qualifications which must be met by those who desire to serve as President or as Members of either of the two Houses of Congress. But the Constitution is completely and strangely silent on the question of the qualifications which should be possessed by by Justices of the Supreme Court of the United States.

Section 2 of article II specifies that Justices shall be appointed by the President "by and with the advice and consent of the Senate."

Section 1 of article III provides that Justices "shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office."

Those are the only references in the Constitution to the office of Justice of the Supreme Court of the United States.

And the only logical conclusion which can be drawn therefrom is that there is no legal limitation upon the President as to the background and experience of

those he nominates to serve on the bench of the Nation's highest tribunal.

He could appoint a plumber.

He could appoint a high school student.

He could appoint an alien.

Or he could appoint himself.

The failure of the framers of the Constitution to require that particular qualifications be possessed by the principal jurists of the country was a source of grave concern to the citizens to whom it was submitted for ratification. The people foresaw great danger to the Republic in a wide-open Federal judiciary composed of handpicked judges appointed for life and exercising power limited only by whatever exceptions Congress might choose to make.

Had it not been for the soothing assurances of Alexander Hamilton, that point well might have jeopardized approval of the Constitution. But Hamilton called such fears "a phantom" and maintained that there were so few men with "sufficient skill in the laws to qualify them for the station of judges" that the public could count on the selection of judges possessing "those qualifications which fit men for the stations of judges."

Until the last quarter of a century, Hamilton's assurances held true. But for the past 25 years we have seen the fears of the early citizens of this Republic realized.

We have seen appointments made on the basis of political persuasion rather than the qualifications of the appointees.

The great mischief done by the resulting revolutionary innovations in constitutional law is evidenced by the growing demand throughout the Nation for Congress to enact legislation restoring the Supreme Court to its appointed constitutional role.

To illustrate my point, Mr. President, let us look at the present composition of the Supreme Court.

Of the nine Justices, only five have had any judicial experience, and one of those received his experience as a police court judge. With the exception of Justice Brennan, none of the Justices had prior judicial experience of more than 5 years.

Only two of the nine Justices ever served as judge of a State or Federal court of general jurisdiction.

Only one of the nine Justices ever served as judge of a State appellate court.

Only three of the nine Justices ever served as a judge of a Federal appellate court inferior to the Supreme Court.

The backgrounds of the other Justices are those of Governor, Attorney General, Government official, and professor.

A majority of the members of the present Court did not even devote their major efforts to the professional practice of law before they were appointed to the bench.

It is small wonder then, Mr. President, that the Supreme Court in recent years has been totally lacking in the restraint which must be inherent in the judicial process if judges are to adjudicate the cases and issues before them in the light of the Constitution, the law, and precedent, rather than their personal prejudices or political opinions.

The importance and necessity for judges to be possessed of restraint inherent in the judicial process was magnificently stated by a Member of this body, the learned and distinguished senior Senator from North Carolina [Mr. ERVIN] who himself is a graduate of the bench, in an address before the Texas bar in 1956. I would like to read from his remarks, as follows:

> What is the restraint inherent in the judicial process? The answer to this query appears in the statements of Hamilton. The restraint inherent in the judicial process is the mental discipline which prompts a qualified occupant of a judicial office to lay aside his personal notion of what the law ought to be, and to base his decision on established legal precedents and rules.
>
> How is this mental discipline acquired? The answer to this question likewise appears in the statements of Hamilton. This mental discipline is ordinarily the product of long and laborious judicial work as a judge of an appellate court or a trial court of general jurisdiction. It is sometimes the product of long and laborious work as a teacher of law. It cannot be acquired by the occupancy of an executive or legislative office. And, unhappily, it can hardly be acquired by those who come or return to the law in late life after spending most of their mature years in other fields of endeavor.
>
> The reasons why the mental discipline required to qualify one for a judicial office is ordinarily the product of long and laborious work as a practicing lawyer, or as an appellate judge, or as a judge of a court of general jurisdiction are rather obvious. Practicing lawyers and judges of courts of general jurisdiction perform their functions in the workaday world where men and women live, move, and have their being. To them, law is destitute of social value unless it has sufficient stability to afford reliable rules to govern the conduct of people, and unless it can be found with reasonable certainty in established legal precedents. An additional consideration implants respect for established legal precedents in the minds of judges in courts of general jurisdiction and all appellate judges other than those who sit upon the Supreme Court of the United States. These judges are accustomed to have their decisions reviewed by higher courts and are certain to be reminded by reversals that they are subject to what Chief Justice Bleckley of the Supreme Court of Georgia called "the fallibility which is inherent in all courts except those of last resort" if they attempt to substitute their personal notions of what they think the law ought to be for the law as it is laid down in established legal precedents.

Mr. President, the fact that a man may possess a brilliant intellect, have fine attributes of character, and be actuated by the loftiest of motives does not necessarily qualify him to serve as a judge. Men who are excellent teachers, successful executives, and outstanding legislators do not automatically possess those characteristics which shape the temperament of a true judge.

Regardless of how one may feel about given decisions of the Supreme Court, any fairminded person will agree that its present members are gentlemen of notable attainment and outstanding accomplishments in their fields. But the fact nevertheless remains that the majority of them have not labored as practicing lawyers or as judges in State and Federal courts inferior to the Supreme Court. Consequently, events have found them either unable or unwilling to subject themselves to judicial restraint or to sublimate their own beliefs and conclusions to the provisions of the Constitution and the laws of the land.

For the past 25 years the Senate has made little use of its constitutional power to advise with and consent to the appointments of Supreme Court Justices by the President. By and large, confirmations of nominations have been made without record votes.

It is more than passingly strange to note, Mr. President, that the degree of judicial usurpation of legislative power has been in the same proportion that the Senate has failed to exercise its power and responsibilities with respect to the confirmation of Justices.

Congress has the power to restore the Court to its proper function not only through the limitation of its jurisdiction but also under paragraph 18, section 8, article I of the Constitution which states:

> The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

It is under authority of that paragraph, Mr. President, that I am proposing the addition of a new paragraph to section 1 of title 28 of the United States Code. That new paragraph would read as follows:

> No person shall be appointed after the date of enactment of this paragraph to the office of Chief Justice of the United States or to the office of Associate Justice of the Supreme Court unless, at the time of his appointment, he has had at least 5 years of judicial service. As used in this paragraph "judicial service" means service as an Associate Justice of the Supreme Court, a judge of a court of appeals or district court of the United States, or a justice or judge of the highest court of a State.

Since the Constitution is silent as to the qualifications which Justices should possess, Mr. President, I feel it is incumbent upon Congress to bind the Chief Executive by at least minimum requirements which must be met by his appointees to the Nation's Highest Bench.

Since Congress already has acted to determine the number of Justices who sit on the Court, the amount of their salaries, the conditions of their retirement and the number of their assistants, surely it is not unreasonable that it now should take steps to make certain that the Justices themselves are possessed of the tempering influence of detached consideration of legal problems which can be attained only through the highest type of judicial experience.

I do not believe anyone will dispute the fact, Mr. President, that it is in the best interests of this Nation and of the Supreme Court that Congress act to assure that Supreme Court Justices henceforth will be selected only from among the country's best available legal talent.

The preservation and maintenance of our constitutional, republican form of government, Mr. President, demands such action.

And in proceeding to title IV, Mr. President, I think it would be well to invite the attention of the Senate to the responsible criticism of the usurpations of the Supreme Court which is being heard with increasing frequency.

Throughout the Nation there is a swelling public outcry for Congress to act to restore the Court to its appointed constitutional role as the interpreter rather than the giver of the Nation's laws.

The Court's arrogations of legislative power and encroachments upon the rights of the States and individual citizens have become so flagrant as to draw the stinging rebuke of the Conference of State Chief Justices and subsequently the American Bar Association recommended specific legislation to put a halt to the Court's invasions of States rights and the powers of Congress.

The High Tribunal, according to the judges of the highest courts of the individual States, has adopted the "role of policymaker without proper judicial restraint," has "assumed primarily legislative powers" and has allowed the individual views of its members to "override a dispassionate consideration of what is or is not constitutionally warranted."

The State chief justices declared that the Supreme Court's recent decisions "raise at least considerable doubt as to the validity of that American boast that we have a government of laws and not of men."

That concern of the country about this situation prompted the significant debates which took place during the 2d session of the 85th Congress on the question of the so-called Jenner-Butler and Smith bills.

I supported both measures wholeheartedly and expect to give my support to the same or similar bills which may come before this Senate in the future.

However, it was my conviction then—and it is my conviction now—that as worthy as those or similar pieces of legislation may be, they do not go far enough to correct for all time the judicial trends which are so alarming to those of us who believe the Constitution of the United States means word for word what it says.

That is true because they do not seek to correct the decision which set the pattern for the current wave of judicial usurpation—the Supreme Court's ruling of May 17, 1954, in the case of *Brown et al.* v. *Board of Education of Topeka* (347 U.S. 483, 98 L. Ed. 873, 74 S. Ct. 686, 38 A.L.R. 2d 1180), which held that State and local governments could not operate public schools for different races on a separate, but equal, basis.

As I earlier stated, undoubtedly the reason that decision has not heretofore been included in any of the proposed corrective measures lies in the false emotional factors which have been injected into it and the hypocritical actions of others in playing power politics with it.

But, Mr. President, I wish to point out and to emphasize as vigorously as I know how that so long as that decision is allowed to stand this Nation will never be free from the threat of judicial dictatorship and the Constitution and the rights of the American people will forever be subject to the whims of the men who transiently occupy the Supreme Court bench.

The Brown decision represents a complete departure from judicial decisions based on the Constitution, the law, and established legal precedent. It substitutes in their stead bald court edicts based upon so-called modern authority and the personal opinions of the Justices.

The Brown decision raises grave constitutional questions, the disturbing and far-reaching ramifications of which cannot be obscured by a racial smokescreen.

In writing the Brown decision the Supreme Court ignored 105 years of judicial precedent, the clear meaning of the 10th amendment, and the obvious intent of the 14th amendment.

It overruled at least five of its own decisions, at least 18 Federal district and circuit court decisions, and at least 59 State and Territorial court decisions.

It cited as its only authority books and treatises on sociology and psychology written by men of questionable background and doubtful loyalty.

It was unable to point to a single law or legal precedent to support its decision. It could not because there were none—they were all on the other side.

It substituted "modern authority" for the Constitution, "intangible considerations" for legal precedent and "we cannot turn the clock back" doctrine for the intent of the framers of the Constitution and its amendments.

The Court found it necessary to jump a number of high hurdles in order to reach its desired conclusion.

Its first hurdle was the 14th amendment itself.

Briefs submitted at the request of the Court showed that the same 39th Congress which promulgated the 14th amendment established separate schools for the races in the District of Columbia. They further pointed out that of the 37 States in existence at that time only 5 abolished separate schools contemporaneously with the ratification of the 14th amendment and 3 of those later did so.

Even in the face of such preponderance of evidence that the 14th amendment was not intended to abolish separate schools, the Court pleaded ignorance. It said the record was "inconclusive" and maintained that it could "not turn the clock back to 1868."

The Court then went on to ignore the language of the 5th section of the 14th amendment which provides that Congress is to enforce it with "appropriate legislation." The fact that Congress had never seen fit to do so with respect to public schools was lost upon the Court in writing its decision in the Brown case.

In so ruling, the Court turned its back upon one of the most eloquent and convincing guiding precedents for interpretation of the 14th amendment as written by the grandfather of the present Associate Justice John M. Harlan in the case of *Mugler* v. *Kansas* (123 U.S. 623, 31 L. ed. 205) which all lawyers were taught prior to May 17, 1954, to believe in as the correct judicial concept of the American form of government.

Let me quote, Mr. President, the language of Justice Harlan the elder:

> This conclusion is unavoidable, unless the 14th amendment of the Constitution takes from the States of the Union those powers of police that were reserved, at the time the original Constitution was adopted; but this Court has declared upon full consideration in Barbier Connally (113 U.S. 31) that the 14th amendment has no such effect. * * *
>
> But neither the amendment * * * nor any other amendment was designed to interfere with the powers of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people. * * *
>
> Indeed, it is a fundamental principle in our institutions indispensable to the preservation of public liberty, that one of the separate departments of the Government shall not usurp powers committed by the Constitution to another department.

The second hurdle which the Court had to clear was the 10th amendment.

> The 10th amendment reserves to the individual States all powers not specifically granted to the Federal Government and education is one of the many functions left by virtue of constitutional silence to the States. Nowhere in the Constitution can there be found any wording which, either by direction or innuendo, deprives the States of the right to administer their school systems in accordance with local wishes.

The Court did not regard that fact even worthy of consideration. It brushed the 10th amendment aside as if it did not exist and did not even mention it in its ruling.

The Court's third hurdle was that of its own decisions upholding the "separate, but equal" doctrine laid down in *Plessy* v. *Ferguson* (163 U.S. 537) in 1896 and upheld by that tribunal as late as 1950.

It was at that point in its deliberations that the Court came up with its new theory that separate schools are "inherently unequal" and held that Plessy against Ferguson was bad sociology not supported by modern authority.

It was at that point that the Court introduced via footnote 11 of the Brown decision the nine so-called modern authorities on sociology and psychology on which it relied for its finding that separate schools are unconstitutional.

The Harvard Law Review in commenting on the ruling stated:

> In dealing with prior cases, especially *Plessy* v. *Ferguson*, the Chief Justice did not seek to demonstrate that the Court had once blundered. His point, rather, was that these prior decisions were simply outmoded in present day society (68 Harv. L. Rev. 96).

Thus was introduced a new rule for testing constitutionality—the rule of whether a law or practice is, in the opinion of the Judges, "outmoded."

In the Brown case, the Court did not hold that the facts disclosed by the briefs and arguments presented before it justified a departure from the "separate, but equal, doctrine." It held rather

that "psychological knowledge" was of greater validity than the facts and the law.

The Courts conceded that the cases before it demonstrated equality of school facilities in respect to all "tangible factors." But it maintained that its decision could not "turn on" such "tangible factors" but rather must have its basis in "intangible considerations."

On that premise it declared:

> Whatever may have been the psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy* v. *Ferguson* contrary to this finding is rejected.

It is an elemental rule of law that a court may not consider treatises in a field other than law unless the treatises are the very subject of inquiry. The Supreme Court itself has so held in a number of cases.

In *Pinkus* v. *Reilly* (338 U.S. 269), the Court held that the use of nonlegal materials in a case was illegal, illogical, and unfair.

In *National Council of American-Soviet Friendship, Inc.* v. *McGrath* (341 U.S. 292), the Court said the use of such material constituted a denial of "the rudiments of fair play" and amounted "to condemnation without trial."

In *U.S.* v. *Abilene & Southern Railway Company* (265 U.S. 347), Justice Brandeis wrote:

> Nothing can be treated as evidence which was not introduced as such.

That rule was universal until the Supreme Court found it standing in the way of the decision it was determined to render in the Brown case.

And what of the modern authority upon which the Court based its decision?

Two of the six principal authorities listed by the Court—Theodore Brameld and E. Franklin Frazier—have between them been members of or identified with 28 organizations declared to be Communist, Communist fronts, or Communist-dominated by the Attorney General of the United States or the Committee on Un-American Activities of the U.S. House of Representatives. A third of the six—K. B. Clark—was, at the time of the arguments before the Court, on the payroll of the National Association for the Advancement of Colored People as a so-called social-science expert, a highly irregular procedure, in view of the fact that the NAACP was the principal plaintiff in those cases.

The book, "An American Dilemma," written by Dr. Karl Gunnar Myrdal, a Swedish Socialist, on grant from the Carnegie Foundation was cited in its entirety by the Supreme Court as an authority of its ruling. Sixteen of the contributors to that book have lengthy records of pro-Communist activity in the files of the Un-American Activities Committee. One of them, Negro educator W. E. B. DuBois, who contributed to 82 portions of the book, has been cited no less than 72 times by the committee. He filed briefs on behalf of executed atom spies Julius and Ethel Rosenberg and sent a message of condolence upon the death of Joseph Stalin.

It was in that book that Myrdal declared on page 13 that the United States Constitution is "impractical and ill-suited for modern conditions" and characterized its adoption as "nearly a plot against the common people." Furthermore, he openly avowed that liberty must be forsaken for what he called "social equality."

By declaration of the Supreme Court Dr. Myrdal and his book have now become modern authority and what was aptly termed by one of the Nation's foremost authorities on constitutional law, Hon. R. Carter Pittman, of Dalton, Ga., as "corpus juris tertius in American pseudo-sociolaw."

The dangers inherent in substituting sociological and psychological theories for law are obvious.

U.S. Circuit Judge Jerome Frank recognized that when he wrote that such generalizations and the "inferences derived therefrom are almost certain to be importantly false. For the consequences of the operation of certain customs or group attitudes are often canceled out by the consequences of other conflicting customs and attitudes."

Even the latest book cited in footnote 11, "Personality in the Making," by Witmer and Kotinsky, states:

> Unfortunately for scientific accuracy and adequacy, thoroughly satisfactory methods of determining the effects of prejudice and discrimination on health or personality have not yet been devised, nor has a sufficient number of studies dealing with the various minority groups been made.

Writer Edmond Cohn who agrees with the result of the Brown case nevertheless criticized the use of sociological authority and stated the danger therein in these words:

> The word "danger" is used advisedly, because I would not have the constitutional rights of * * * Americans rest on such flimsy foundations as some of the scientific demonstrations in these records.

Since the behaviorial sciences are very young, imprecise and changeable, their findings have an uncertain life expectancy and today's observations very likely will be canceled by tomorrow's new theories.

I ask, therefore, Mr. President, is it right that our fundamental constitutional rights should be conditioned upon the latest psychological literature or scientific theory?

As surely as day follows night, if the Supreme Court is permitted to use psychology and sociology books instead of law books as the basis for its decisions, there is no area of American life which it cannot touch and attempt to revolutionize whenever it may take the notion.

Those who feel it is proper for Myrdal to be the authority for the school decision had best reflect, Mr. President, on how they would like for Freud or Kinsey to be the authority for rulings on their States' laws governing public conduct.

In basing the Brown decision on so-called modern authority, the Supreme Court was guilty of what it itself has frequently condemned.

For example, as late as 1952, Justice Frankfurter wrote in his decision in the case of *Beauharnais* v. *People of Illinois* (343 U.S. 250):

> Only those lacking responsible humility will have a confident solution for problems as intractable as the frictions attributable to differences of race, color, or religion. Certainly the due process clause does not require the legislature to be in the vanguard of science—especially sciences as young as human ecology and cultural anthropology. * * * It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community.

Commenting on that obvious inconsistency on the part of the Court, Mr. Pittman to whom I earlier have referred stated:

> The Court admitted it didn't know enough about sociology, human ecology, and cultural anthropology to decide racial issues in 1952. But by 1954 the Justices had become so expert in pseudo-socioscience a la Myrdal that they abandoned the Constitution, the law, reason, and commonsense to embrace a doctrine unknown to God and unknown to any other government of law in the history of civilization.

When the Justices found the 14th amendment did not mention schools and decided its legislative history was "inconclusive," the Court should have declared as it did in the case of *Ullman* v. *U.S.* (360 U.S. 427) in March 1956 that "nothing new can be put into the Constitution except through the amendatory process."

The Court has ruled time and again that it has no authority to amend the Constitution, yet the evidence that it sought to do so in the Brown case is irrefutable.

It is plain even to the layman that the Supreme Court's decision had the effect of amending the Constitution.

Article 5 clearly sets forth the fixed methods of amending the Constitution, and amendment by judicial decree is not one of them.

Everyone will agree, I believe, with the statement of Chief Justice Marshall in the famed *Marbury* v. *Madison* decision (1 Cranch 137, 174–175, 2 L. ed. 60, 72) of 1803:

> The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

The implications of that ruling were forcefully analyzed by the Honorable James F. Byrnes, of South Carolina—a former member of the Supreme Court—in an address before the Illinois Bar Association. He declared:

> If the latter be true, a written Constitution is an absurdity. It is equally clear that if the Constitution is the superior paramount law, it cannot be altered whenever the Supreme Court wishes to alter it. That would be an absurdity.
>
> If the Supreme Court can alter the Constitution by its decisions, then five men—a majority of the Court—can make the Court a Constitution maker instead of a Constitution defender.

Or, as aptly expressed in 1957 by the erudite and distinguished senior Senator from North Carolina [Mr. ERVIN]:

> If court decisions are laws, when a court makes a decision, it makes a law; when it reverses a decision, it repeals a law; when it modifies a decision, it modifies a law.

To accept a contrary view, Mr. President, would be to nullify the constitu-

tional concept of Congress as the Nation's only lawmaking body.

The legislative powers granted by the Constitution are vested exclusively in Congress. The first line of the Constitution says that and, as I have pointed out, the framers of the 14th amendment sought to make certain that only Congress should implement the new and dangerous powers which it embraced by specifying that only Congress should have the power to enforce it.

Article 6 of the Constitution defines the "law of the land" as the Constitution of the United States and the laws and treaties made under its provisions. The Founding Fathers were careful to exclude Executive orders and judicial decrees from that definition.

The framers of the Constitution knew the importance of a free, courageous, virtuous judiciary. But they also knew that a pliant, servile, and time-serving judiciary would be a deadly enemy of free society and a republican form of government. Consequently, they were careful to set the judicial branch up as a coordinate and independent department of Government but also were careful to put a check on it by vesting in Congress the authority to fix its jurisdiction.

The Supreme Court's Brown decision has done great harm to this Nation because through it the Court has shown its willingness to disregard our written constitution and its own decisions, to invalidate the laws of the individual States and substitute for them a policy of its own, supported not by legal precedents but by the writings of social scientists.

Every thinking American knows that surrender to the Supreme Court of the power to amend the Constitution at will, will vest in that tribunal power to make changes inimical to the public welfare and eventually will lead to a complete loss of control of the Government by the people.

However much some citizens may applaud the Brown decision, Mr. President, they will accept the manner in which it was handed down only at the peril of exposing themselves to some future application of the same theory of legislation by judicial decree.

Unless the application of that concept of judicial lawmaking is stopped now by the enactment of legislation such as I am today proposing, the inevitable result will be to substitute for constitutional government a judicial oligarchy under which the executive and legislative branches and the State and local governments will exercise only such powers as the Supreme Court deems fit to grant them.

Constitutional government as we heretofore have known it and the philosophy upon which the Brown decision was based are incompatible. So long as it is allowed to stand, the liberties and heritage of freedom which Americans in all regions so zealously cherish are in great jeopardy.

If the Brown decision is allowed to stand, Mr. President, then we have no Constitution and no laws—only what the Supreme Court on any given occasion may say the Constitution and the laws are.

Let me make it clear, Mr. President, that the proposal of corrective measures should not be construed as an attack on the Supreme Court as an institution.

To the contrary, it is the activities of those who have perverted the Court's original purposes and judicial functions which have prompted this and similar bills.

It is not the Supreme Court as an institution, but the mistaken attitude of a majority of its Justices as to the extent of the Court's authority, which is the basis of the growing demand that the usurped powers of the present Court be curbed.

It is the abuse, not the use, of the judicial power that is at issue.

The issue, Mr. President, can be succinctly summarized in the words of the late Franklin Delano Roosevelt when he said on March 9, 1937:

> The Court, in addition to the proper use of its judicial functions, has set itself up as a third House of Congress—a superlegislature, as one of the Justices has called it—reading into the Constitution words and implications which are not there. We have, therefore, reached the point as a nation where we must take action to save the Constitution from the Court and the Court from itself. Our difficulty with the Court today rises not from the Court as an institution, but from human beings within it.

Regardless of how one may feel about the Court reform proposals advocated by Mr. Roosevelt, one nevertheless must admit that he had a keen insight into the danger to constitutional government posed by a Supreme Court bent upon usurpation of legislative power.

It is a danger about which we have been continually warned from the first days of the Republic.

George Washington touched upon it in his Farewell Adddess in this manner:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Thomas Jefferson stated it this way:

> The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass.

And Abraham Lincoln declared in his first inaugural address:

> The candid citizen must confess that if the policy of government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal.

The Supreme Court during the past 4 years has confirmed the worst fears of those great men of our Nation.

The pattern of its decisions since May 17, 1954, has been one of calculated design to destroy the last vestige of State sovereignty in this Nation, to hamstring the enforcement of the laws by the executive branch, and to nullify the constitutional powers and prerogatives of Congress.

In patterning its rulings on the basis of the Justices' notions of what the law ought to be, rather than what the law is, the Court has deliberately ignored the Constitution of the United States, and has substituted impractical and unproved theories for established law and precedent.

In their light, Mr. President, is it any wonder that the American people are losing confidence in the Federal judiciary; that there is a great public outcry for Congress to act to restore the proper balance of power among the three branches of Government; and that there is a ground swell of sentiment for the Supreme Court to be put back to ruling on what the law is rather than what its members may, at any given time, think the law ought to be?

The fundamental issues herein involved were well stated in 1956 by the erudite and renowned journalist, Arthur Krock, of the New York Times, as follows:

> An ever-broadening concept of federalism as contrasted with that of a Republic of sovereign States; decisions on the basis of what the Court majority thinks the law ought to be as contrasted with what the law is; growing adherence to the preemption doctrine by which the Court excludes the States from any legislative area occupied by Congress without any clear proof of such congressional intent; the use of psychological and sociological research as guides to decision when the Constitution and the statutes provide no specific authority.

In voting on the amendment I have proposed the Senate will be taking a stand on three much broader issues. It will be determining—

First. Whether the Constitution is to be amended by the method provided in it or by judicial fiat.

Second. Whether the constitutional balance of powers is to be preserved or the Supreme Court allowed to function, as Justice Brandeis said, as "a superlegislature."

Third. Whether the States are to retain their sovereign identity as established under the Constitution or are to become meaningless subdivisions of an all-powerful judicial dictatorship centered in Washington.

If our Government is to continue as one of laws and not of men, those alternatives cannot be countenanced.

If our Government is to be one of constitutional checks and balances, it is time that the checking and balancing started.

So long as the judiciary confines itself to its proper sphere of action, there can be no complaint. But when the actions of the judiciary go beyond that proper sphere, checking and balancing must commence.

We must decide, therefore, whether we are to have a government under the Constitution of the United States or a government dominated by whatever nine persons happen to compose the Supreme Court of the United States at any given time.

We must decide whether it will be Congress or the Supreme Court which makes the laws of the land.

In this connection, Mr. President, I think it would be in order for us to clarify just what is "the law of the land."

The Constitution is quite explicit on this point.

Section 2 of article VI expressly provides that only "this Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby." By its very language, that section excludes court decisions and Executive orders from the category of "the supreme law of the land."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my friend and colleague, the distinguished Senator from South Carolina, for a question.

Mr. JOHNSTON of South Carolina. Nowhere in the Constitution can it be found that the rulings of the Supreme Court are to be considered the law of the land. Is that correct?

Mr. TALMADGE. Absolutely not; the Senator is correct. On the contrary, the Constitution of the United States specifically excludes Supreme Court decisions as the law of the land. I would point out to my able friend and colleague, who serves so ably on the Judiciary Committee, what he already knows so well: That if Supreme Court decisions were the law of the land, and the supreme law of the land, the Supreme Court never could have reversed the cases of Plessy against Ferguson and Gong Lum against Rice, two decisions diametrically opposed to the decision in Brown against Board of Education.

I thank my distinguished friend for his contribution.

Furthermore, the Constitution makes it crystal clear in its first line that only Congress can make the laws of the United States. It states, in section 1 of article I that "all legislative powers herein granted shall be vested in a Congress of the United States."

This fundamental facet of our Republican form of government is nailed down even tighter in section 8 of article I, in the language:

> The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The first amendment to the Constitution further reaffirms Congress' exclusive lawmaking power in shielding our most precious freedoms with the safeguard that Congress "shall make no law" respecting their exercise.

No court on any level of jurisdiction in this country has ever held that a decision or decree of a Federal court becomes one of the laws of the United States. To the contrary, the Supreme Court has ruled on more than one occasion that the making of laws is the sole prerogative of Congress—those decisions including the Steel Seizure case as well as the famed Marbury against Madison.

One of the basic tenets of American jurisprudence is that court decisions, including those of the Supreme Court of the United States, are never anything more than the law of the case and are binding only upon the parties to the case. As Charles Warren stated it on page 748 of his "History of the Supreme Court":

> However the Court may interpret the provisions of the Constitution, it is still the Constitution which is the law and not the decision of the Court.

As a matter of fact, section 2 of article III of the Constitution itself provides that the judicial power of a Federal court may not extend to any case except one arising under "this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

Thus did our Founding Fathers repeat their definition of the "supreme law of the land" to make doubly sure that the judiciary would have no excuse to mistake the limits of its authority.

Under our system of constitutional, republican government, it is the law which rules until it is changed by the prescribed constitutional procedure.

Those whose honest beliefs may favor integration in the schools of the South have lost just as much by the Court's decision as those who favor it.

The preservation of liberty through an honest and conscientious interpretation of the Constitution by the Court transcends all other considerations of personal likes or dislikes.

If the Supreme Court of the United States can interpret the Constitution according to its notion of what the law ought to be, rather than what the law is, then we no longer have a government of laws, but of men.

And those who applaud the distortion of the law in this instance had best reflect upon the cold, hard fact that if the Court can disregard the Constitution to accomplish a result of which they approve, it likewise can ignore it tomorrow to reach a result of which they wholeheartedly disapprove.

Constitutional government as we heretofore have known it and the philosophy upon which the school desegregation decision was based are incompatible. And so long as it stands, the liberties and heritage of freedom which we so zealously cherish in both the North and the South are in great jeopardy.

Mr. President, I know of no better way in which this Senate can serve the present and future welfare of this Nation than by adopting the amendment which I have submitted.

Mr. JOHNSTON of South Carolina rose.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator yield?

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I ask unanimous consent that I may suggest the absence of a quorum at this time, with the understanding that it will not be considered that the Senator is making two speeches, or that it will take him off the floor.

Mr. TALMADGE. I thank the distinguished Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. TALMADGE. Mr. President, I yield to the distinguished senior Senator from South Carolina, to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Ervin	McNamara
Bartlett	Frear	Mansfield
Brunsdale	Gore	Morton
Byrd, W. Va.	Gruening	Moss
Carlson	Hruska	Muskie
Case, N.J.	Javits	Pastore
Case, S. Dak.	Johnson, Tex.	Proxmire
Church	Johnston, S.C.	Robertson
Curtis	Jordan	Talmadge
Douglas	Keating	Thurmond
Dworshak	Kuchel	Yarborough
Engle	Long, Hawaii	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Colorado [Mr. CARROLL], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that the Senator from Missouri [Mr. HENNINGS] and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], and the Senator from Illinois [Mr. DIRKSEN] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. BENNETT, Mr. BUSH, Mr. CAPEHART, Mr. CHAVEZ, Mr. COOPER, Mr. COTTON, Mr. FONG, Mr. GOLDWATER, Mr. HART, Mr. HARTKE, Mr. HICKENLOOPER, Mr. JACKSON, Mr. KEFAUVER, Mr. MARTIN, Mr. MONRONEY, Mr. MUNDT, Mr. PROUTY, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. SCOTT, Mrs. SMITH, Mr. WILEY, Mr. WILLIAMS of Delaware, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. TALMADGE. A quorum of the Senate is now present, is it not?

The PRESIDING OFFICER. A quorum is present.

Mr. TALMADGE. Under the unanimous-consent ruling obtained when I yielded the floor to the distinguished Senator from South Carolina [Mr. JOHNSTON], it was agreed that I would retain the floor, and that when I resumed, my remarks would not be counted as a second speech. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TALMADGE. I shall continue at this point with my speech.

Mr. President, the 7-part civil rights bill proposed by the distinguished Senator from Illinois [Mr. DIRKSEN] is nothing less than a calculated blueprint for dictatorship. It is a perfect example of the weapon by which free governments are destroyed, of which the Father of our Country warned in his farewell address. In one stroke the amendment offered by the distinguished Senator from Illinois would:

First. Establish Federal control over every local, State, and Federal election.

Second. Legalize and constitutionalize the illegal and unconstitutional edicts of the Supreme Court of the United States in the area of human relations.

Third. Bestow upon Federal court decisions the unconstitutional status of the supreme law of the land.

Fourth. Subject Americans to unlimited fines, prison terms and double jeopardy without benefit of trial by jury for exercising their right of free speech.

Fifth. Nationalize education and provide for the confiscation of State and local school facilities.

Sixth. Subvert the Treasury of the United States into an instrument of bribery.

Seventh. Make it a Federal crime to bomb churches and schools but give labor racketeers a green light to blow up industrial plants.

Eighth. Subject every businessman in America doing business with the Federal Government to Federal dictation as to his employment policies and business practices.

That, in brief, is the essence of what has been presented to the Senate of the United States as a civil rights bill. Mr. President, its provisions are the very antithesis of civil rights, because it would deny rights to the people and would give to the Federal Government authority far beyond any ever granted within the entire history of our Nation.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Georgia yield to the Senator from Texas?

Mr. TALMADGE. Mr. President, for what purpose does the Senator from Texas request that I yield to him?

Mr. JOHNSON of Texas. For the purpose of propounding a unanimous-consent request, and with the understanding that in yielding for that purpose, the Senator from Georgia will not lose his right to the floor.

Mr. TALMADGE. Mr. President, under those circumstances I yield to the distinguished Senator from Texas, to permit him to propound a unanimous-consent request.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Georgia may yield to me for the purpose of permitting me to move that the Senate stand in recess until 10 o'clock tomorrow—if that will be agreeable to him.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Is there objection to the request of the Senator from Texas? The Chair hears none; and it is so ordered.

Mr. TALMADGE. How late does the distinguished Senator from Texas intend to have the session this evening continue?

Mr. JOHNSON of Texas. My intention is to have the session conclude now, if that will be agreeable to the Senator from Georgia.

Mr. TALMADGE. Does the Senator from Texas desire to have the Senate take a recess at this point until 10 a.m. tomorrow?

Mr. JOHNSON of Texas. Yes. I have previously stated that our anticipation was that the session this evening would continue until 10 o'clock or in the neighborhood of 10 o'clock.

Of course, if the Senator from Georgia desires to continue at this time, he is welcome to do so. But I have previously stated that, so far as I was concerned, it was my intention to have the session today continue until approximately 10 p.m.

Mr. TALMADGE. How late does the Senator from Texas contemplate the session tomorrow will run?

Mr. JOHNSON of Texas. Oh, until 5 or 6 o'clock.

Mr. TALMADGE. It is not contemplated, is it, that there will be a session on the following day—Sunday?

Mr. JOHNSON of Texas. Well, that has not been decided as yet. [Laughter.]

But I think I can get together with the Senator, if I have adequate time tomorrow, and am free from debate, so that we can work that out.

Mr. TALMADGE. Does the distinguished Senator from Texas intend to have the Senate hold a session on Sunday?

Mr. JOHNSON of Texas. Of course not.

Mr. TALMADGE. I thank the Senator, and I appreciate his reaching that decision.

Mr. JOHNSON of Texas. The Senator from Georgia does not need that assurance from me.

Mr. TALMADGE. I have been a Member of this body only a short period of time; but on one occasion the Senate did operate until the wee, small hours of Sunday morning. I recall that occasion, and I am sure the distinguished Senator from Texas likewise recalls it. At that time a filibuster was under way in the Senate on a certain bill in which the distinguished Senator from Illinois was vitally interested. The church bells were ringing all over the city of Washington. The sun was rising on that Sunday morning, and antifilibuster Senators were engaging in a filibuster. [Laughter.]

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. TALMADGE. I yield.

Mr. JOHNSON of Texas. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Georgia has yielded to the Senator from Texas.

Mr. JOHNSON of Texas. Very well. Then, Mr. President, I yield to the Senator from Illinois; but I do not wish to yield to him for a long period of time, because I promised that I would do what I could to have the session of the Senate conclude at or about 10 p.m., today, and I now have reached an agreement with the Senator from Georgia, and I hope soon to obtain an agreement with the Senator from Illinois.

However, in fairness, I believe the Senator from Illinois should have an opportunity to make any statement he cares to make; but I hope he will not speak long.

Mr. DOUGLAS. Mr. President, I wish to ask the Senator from Georgia a question: Is it not true that that filibuster was not conducted by the Senator from Illinois?

Mr. TALMADGE. It is quite true that that filibuster was not conducted by the Senator from Illinois—although I will not mention other filibusters. However, the filibuster to which the Senator from Illinois and I have referred was conducted on a bill in which the Senator from Illinois was much interested, because he was vitally interested in its passage. Other Senators were conducting a filibuster against the passage of that bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia yield to me, in order that I may move that the Senate take a recess—before other Senators become involved in the debate?

Mr. TALMADGE. First, I should like to make a further observation:

As the Senator from Texas well knows, it took more than an hour this evening to obtain a quorum.

Mr. JOHNSON of Texas. That is correct.

Mr. TALMADGE. That indicates very clearly to me that the Senate of the United States is not as vitally interested as many persons in the country have stated it is in beating certain Senators over the head and breaking them down physically and mentally on an issue that is wholly political in nature.

Mr. JOHNSON of Texas. Mr. President, if the Senator from Georgia will yield, let me say that I quite agree with him; I do not think anyone wants to beat any Senator over the head, either mentally or physically, at any time. Surely that is not the desire of the Senator from Texas.

Mr. TALMADGE. I am sure the Senator from Texas will agree that to have the Senate, as a legislative body, work 24 hours a day, 6 days a week, is somewhat of a beating, whether it be determined to be a beating physically or mentally.

Mr. JOHNSON of Texas. However, since I have been a Member of the Senate, the Senate has not done that.

Mr. TALMADGE. But the Senate has been threatened with it.

Mr. JOHNSON of Texas. No; we said we hoped to obtain a vote——

Mr. TALMADGE. But we were threatened with having sessions held "around the clock," beginning at 10 o'clock in the morning.

Mr. JOHNSON of Texas. But we hoped that during that period—maybe, somehow, perhaps, in some way, at some time—we could obtain a vote.

Mr. TALMADGE. Mr. President, in view of the difficulties the majority leader and other Senators had in obtaining a quorum this very evening of Friday—it required from approximately 8:30 until 10 o'clock—I think it obvious that probably it would be possible at the present time to suggest the absence of a quorum, and fail to produce a quorum. That, of course, would mean that the Senate would have to adjourn.

Mr. JOHNSON of Texas. I think that probably is true, because we assured Senators that we contemplated having the session today end at around 10 p.m.

Mr. TALMADGE. Mr. President, I shall not insist upon having a quorum call upon this occasion.

Therefore, Mr. President, I now yield the floor, in order that the Senator from Texas, the distinguished majority leader, may move that the Senate take a recess or adjourn—as his judgment may dictate.

Mr. JOHNSON of Texas. Mr. President, I appreciate the courtesy of the Senator from Georgia. I regret that it took us so long to get the Members here, this evening, and that we were deprived of an opportunity to hear more of the speeches of Senators.

I hope Senators who read the RECORD will take judicial notice of the fact that this evening we spent more than an hour in the attempt to obtain a quorum. I anticipate that the absence of a quorum will be suggested soon after the Senate convenes on tomorrow. I hope all Senators will find it convenient to be in the Chamber shortly after 10 a.m. tomorrow, when the session of the Senate commences.

RECESS UNTIL TOMORROW, AT 10 A.M.

Mr. JOHNSON of Texas. Therefore, Mr. President, I now move that the Senate stand in recess until tomorrow, at 10 a.m.

The motion was agreed to; and (at 10 o'clock and 7 minutes p.m.) the Senate took a recess until tomorrow, Saturday, February 27, 1960, at 10 o'clock a.m.

SENATE

SATURDAY, FEBRUARY 27, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal spirit, apart from whom we could know no good desire, no outreach of our thoughts beyond ourselves, no discontent which makes us ashamed of our present, grant us, we pray, to ask of Thee less, and to listen more to what Thou dost ask of us.

In our private lives and in our public duties save us from the fatal folly of treating the little as if it were great, and the great as if it belonged to the realm of littleness.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 26, 1960, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Gilbert B. Scheller, of Illinois, to be U.S. marshal for the southern district of Illinois.

The PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the calendar will be stated.

CIVIL AERONAUTICS BOARD

The Chief Clerk read the nomination of Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1962.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. COMMISSIONER FOR THE WORLD SCIENCE-PAN PACIFIC EXPOSITION

The Chief Clerk read the nomination of Philip M. Evans, of Washington, to be U.S. Commissioner for the World Science-Pan Pacific Exposition to be held in Seattle in 1961 and 1962.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Coast Guard nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

Mr. JOHNSON of Texas. Mr. President, I also ask that the Coast and Geodetic Survey nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. JOHNSON of Texas. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE ATTORNEY GENERAL ON THE BERYLLIUM INDUSTRY

A letter from the Attorney General, transmitting, pursuant to law, his report on the Beryllium Industry, dated February 9, 1960 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON SELECTION OF PROCESS FOR FIFTH SALINE WATER DEMONSTRATION PLANT

A letter from the Secretary of the Interior, reporting, pursuant to law, that a process has been selected for the fifth saline water demonstration plant; to the Committee on Interior and Insular Affairs.

REPORT ON ANTHRACITE MINE-WATER CONTROL PROGRAM

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report on the accomplishments of the anthracite mine-water control program, 1959 (with an accompanying report); to the Committee on Interior and Insular Affairs.

FINANCIAL REPORT OF BOY'S CLUBS OF AMERICA

A letter from the Chairman of the Board, President, and National Director, Boys' Clubs of America, New York, N.Y., transmitting, pursuant to law, an audited financial report of that organization, for the calendar year ended December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"HOUSE JOINT MEMORIAL 32

"To the Honorable SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE RICHARD M. NIXON, PRESIDENT OF THE SENATE; THE HONORABLE CHRISTIAN A. HERTER, SECRETARY OF STATE; THE HONORABLE FRED A. SEATON, SECRETARY OF THE INTERIOR; THE HONORABLE FREDERICK H. MUELLER, SECRETARY OF COMMERCE; THE HONORABLE MILTON E. BROODING, CHAIRMAN, U.S. SECTION, INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, REPRESENTATIVE FROM ALASKA:

"Your memorialist, the Legislature of the State of Alaska in first legislature, second session assembled respectfully submits that:

"Whereas the practice of high seas taking of salmon by foreign nationals is imposing a serious threat to the existence of American salmon stocks; and

"Whereas this depletion has reached a critical point demanding an immediate remedy; and

"Whereas expressions of congressional sentiment and legislation regarding this matter are now pending before the Congress in the form of H.R. 605, H.R. 3063, and H.R. 4293, and Senate bill 502;

"Now, therefore, your memorialist urges that the Congress and the executive branch proceed with deliberate speed to provide for immediate stoppage of all salmon fishing by nets on the high seas of the North Pacific Ocean and Bering Sea.

"Passed by the house February 5, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the senate February 11, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 15

"Joint resolution memorializing Congress concerning a balanced budget

"Resolved by the senate (the house of delegates concurring), That the general assembly hereby urges and memorializes the Congress of the United States to propose to the States an amendment to the Constitution of the United States as provided by article V of the Constitution, to read as follows, to wit:

" 'SECTION 1. On or before the 15th day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, it shall not adjourn for more than 3 days at a time until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget for periods, either successive or otherwise, not exceeding 1 year each.

" 'SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

" 'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress'; and be it further

"Resolved, That a certified copy of this resolution be furnished to the President of the Senate and the Speaker of the House of Representatives of the Congress, and to each congressional Representative from the State.

"E. GRIFFITH DODSON,
"Keeper of the Rolls of the State."

Memorials signed by Helen Domask, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

The petition of Ann C. Murray, of Fort Edward, N.Y., praying for a redress of grievances; to the Committee on the Judiciary.

RESOLUTION OF GARDEN CITY, KANS., JUNIOR CHAMBER OF COMMERCE

Mr. CARLSON. Mr. President, I have just received a copy of the resolution adopted unanimously by the Garden City Junior Chamber of Commerce at its meeting on February 17.

The resolution urges that Congress act on effective home rule legislation for the District of Columbia.

I ask unanimous consent that this resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Whereas the 850,000 residents of Washington, D.C., are loyal, law-abiding, taxpaying American citizens and as such should be entitled to rights and privileges commensurate with said citizenship, and said rights and privileges being those of self-government and self-determination provided for all American citizens under the Constitution of the United States and ordinarily referred to as "home rule" by citizens of Washington, D.C.; and

Whereas these loyal, law-abiding taxpaying American citizens have, since 1874, been unjustly deprived of these basic rights by successive Congresses of the United States to a point where they enjoy fewer rights and privileges than those individuals residing in territories now governed by the United States: Now be it therefore

Resolved by the Garden City Junior Chamber of Commerce, That all members of the Kansas congressional and senatorial delegation be requested and urged to work and vote for immediate homerule for the District of Columbia; that copies of this resolution be forwarded to said U.S. Representatives and Senators and to the board of directors and executive committee of the Kansas Junior Chamber of Commerce.

Passed unanimously this 17th day of February in the year 1960.

GARDEN CITY JUNIOR CHAMBER OF COMMERCE,
DUANE E. PRESIDENT, *President.*

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare, without amendment:

S. 2331. A bill to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes (Rept. No. 1143).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3109. A bill to amend the Civil Service Retirement Act so as to increase, in the case of children attending school, from 18 to 21,

the maximum age for receiving benefits under such act; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 3110. A bill relating to the computation of interest with respect to any unit, participating project, or separable feature thereof, of the Colorado River storage project;

S. 3111. A bill to authorize the Secretary of the Interior to issue patents in fee to certain persons to lands located in the State of Utah; and

S. 3112. A bill to provide for the establishment of a national cemetery on Fort Douglas Military Reservation in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. EASTLAND:

S. 3113. A bill for the relief of the minor child of the late Julia Rodgers Baker; and

S. 3114. A bill for the relief of Adolphe Herstein; to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 3115. A bill to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus; to the Committee on Interstate and Foreign Commerce.

By Mr. GORE:

S. 3116. A bill to encourage and stimulate the production and conservation of coal in the United States through research and development by creating a Coal Research and Development Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ELLENDER (by request):

S. 3117. A bill to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage; to the Committee on Agriculture and Forestry.

By Mr. KEATING:

S. 3118. A bill for the relief of Hadji Benlevi;

S. 3119. A bill for the relief of Giuseppa Ieraci; and

S. 3120. A bill for the relief of Naoko Kitazawa; to the Committee on the Judiciary.

ASSISTANCE WITH EDUCATION OF CHILDREN OF CIVIL SERVICE EMPLOYEES

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill which is designed to help the children of civil service employees continue their education, by raising from 18 to 21 years, in the case of a full-time student, the maximum age for receiving survivor benefits under the Civil Service Retirement Act. This amendment would apply to all children of former civil service and postal employees under 21 who are pursuing a regular course of study in a high school, trade school, junior college, college, or university.

The Civil Service Commission reports that approximately 26,800 dependents under 18 are now receiving survivor's benefits which average $31 a month. Under my proposal, it is estimated that up to an additional 7,500 children now between 18 and 21 would be eligible to receive such benefits, so long as they continued to follow a full-time course of instruction in an accredited educational institution.

Mr. President, we have a continuing responsibility to review the workings of our civil service retirement laws, which affect some 2,750,000 individuals who have helped to compile an enviable record of loyal public service. Also, the Government must constantly compete with private business and industry for personnel talent, in a day when retirement policies outside the Government are becoming increasingly attractive. Whenever inequities or obvious gaps in the existing retirement laws concerning Federal civil servants become apparent, they should be corrected promptly by the Congress.

Mr. President, I have the honor to state that in this particular instance I received the idea for this bill from a postal employee in Brooklyn, N.Y., who wrote to me last fall and expressed concern for the education of his children, in the event that he were to pass away, and thus not be able to provide for their college education, inasmuch as the survivors' benefits now end when the dependent reaches age 18. This postal employee's children are between the ages of 18 and 21. He was fearful that the sudden cessation of such payments might force his own children to leave school or college in advance of graduation. This situation is very similar to that faced by the dependents of former social security beneficiaries eligible for survivors' insurance payments until age 18, and which I dealt with last year by introducing an amendment—like the one I am introducing today—raising to 21 the age limit when a child in school may continue to receive survivors' benefits.

In the past 4 years, tuition costs of U.S. colleges and universities have risen 33 percent, and we know that between 100,000 and 200,000 high school graduates in the very top segments of their classes are not going to college, because they cannot afford to do so. With these facts at hand, we in Congress have an obligation to our civil service employees to assure them that in the event of their passing, every reasonable effort will be made to see to it that their children will not be deprived of their education.

Therefore, Mr. President, I trust that the Senate will take early action on this necessary revision of our civil service retirement laws.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3109) to amend the Civil Service Retirement Act so as to increase, in the case of children attending school, from 18 to 21, the maximum age for receiving benefits under such act, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William C. Spire, of Nebraska, to be U.S. attorney, district of Nebraska, for the term of 4 years.

Santos Buxo, Jr., of Puerto Rico, to be U.S. marshal, district of Puerto Rico, for the term of 4 years.

Robert C. McFadden, of Indiana, to be U.S. marshal for the southern district of Indiana, for a term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Saturday, March 5, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MOSS:

Address delivered by Senator AIKEN before the National Rural Electric Cooperative Association's annual meeting held at St. Louis, Mo., on February 24.

By Mr. THURMOND:

Portion of address by Representative WILLIAM JENNINGS BRYAN DORN at Virginia Jefferson-Jackson Day dinner, Hotel John Marshall, Richmond, Va., printed in the Edgefield Advertiser of February 24, 1960.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that further proceedings under the call be suspended.

The PRESIDENT pro tempore. Without objection——

Mr. RUSSELL. Mr. President, I feel constrained to object. I see Senators prepared to speak. I think they should be heard by more Senators.

The PRESIDENT pro tempore. Objection is heard.

The rollcall was resumed and concluded.

Anderson	Gruening	Murray
Bartlett	Hart	Muskie
Beall	Hayden	Pastore
Bennett	Javits	Randolph
Bible	Johnson, Tex.	Robertson
Brunsdale	Jordan	Russell
Bush	Keating	Saltonstall
Carlson	Kefauver	Schoeppel
Cotton	Kuchel	Sparkman
Douglas	Lausche	Stennis
Dworshak	Long, Hawaii	Talmadge
Ellender	Long, La.	Thurmond
Engle	McClellan	Yarborough
Fong	Monroney	Young, Ohio
Gore	Moss	

Mr. MANSFIELD. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KEN-

NEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that the Senator from Missouri [Mr. HENNINGS] and the Senator from Oregon [Mr. NEUBERGER] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Kentucky [Mr. MORTON], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The PRESIDENT pro tempore. A quorum is not present.

Mr. KUCHEL. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. ALLOTT, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CAPEHART, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. COOPER, Mr. CURTIS, Mr. EASTLAND, Mr. ERVIN, Mr. FREAR, Mr. HARTKE, Mr. HILL, Mr. HRUSKA, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MARTIN, Mr. MCGEE, Mr. MCNAMARA, Mr. MUNDT, Mr. PROUTY, Mr. SCOTT, Mrs. SMITH, Mr. WILEY, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names, when called.

The PRESIDENT pro tempore. A quorum is present. Is there any further morning business?

SUPPORT OF MARKET FOR GOVERNMENT BONDS

Mr. BUSH. Mr. President, in the Wall Street Journal of February 26, there is an article with the headline: "The Bank of England Stops Supporting Market for Government Bonds—Action Is Aimed at Restraining British Bonds From Financing Inflationary Spending."

The article then proceeds:

The Bank of England, for the first time in many years, withdrew its market support for British Government bonds, in a government move to restrain banks in the United Kingdom from financing inflationary spending.

The action which the Bank of England has taken is in line with the position which the Federal Reserve Board has taken in opposition to the demand from certain representatives of the majority party, both in the House and in the Senate, that the Federal Reserve Bank in this country buy long-term bonds.

This article sets forth very clearly the duties of the central bank in Britain, and cites examples which are very comparable to situations which develop in this country where the Federal Reserve is the central bank.

I ask unanimous consent that this article be printed following my brief remarks in the RECORD, for the information of Members of the House of Representatives and Members of the Senate and other readers of the RECORD, because it is a very enlightening article on the whole subject of the relationship of central bank actions to the control of inflation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANK OF ENGLAND STOPS SUPPORTING MARKET FOR GOVERNMENT BONDS—ACTION IS AIMED AT RESTRAINING BRITISH BONDS FROM FINANCING INFLATIONARY SPENDING

LONDON.—The Bank of England, for the first time in many years, withdrew its market support for British Government bonds, in a government move to restrain banks in the United Kingdom from financing inflationary spending.

Banks have been selling bonds in large amounts on the open market to raise money for increased loans to customers. Such sales in recent weeks have been estimated at 80 million pounds sterling, equivalent to $224 million.

Until now the Bank of England, anxious not to disturb investors' confidence in government securities, has absorbed these offerings by making purchases at prices considered necessary to maintain a favorable market.

That policy ended late Wednesday, when the Bank of England decided to call a halt to the commercial banks' unloading and discontinued its support buying.

The immediate effect was to send gilt-edged issues tumbling, and the slide continued yesterday, with losses ranging as high as $3.

One financial authority said the Bank of England's move represented "the British Government's firmest disinflationary action since the bank rate was raised to 7 percent in September 1957." Later reductions cut the bank rate to 4 percent, but last month it was moved back up to 5 percent.

The bank rate is the fee the Bank of England charges on credit extended to other lending institutions.

"With price trends uncertain in the absence of government support, it is unlikely the banks will now indulge in any heavy selling of their remaining gilt-edged securities," one market dealer noted.

The government action was viewed as a roundabout way of restricting consumer credit without resorting to a further bank rate move or imposing direct controls on installment buying.

The action of withdrawing government support for gilt-edged bonds in the market hit industrial bond prices as well as government bonds. In spite of late rallying attempts, the list finished widely lower yesterday, with losses running to the equivalent of a dollar or so.

The Bank of England normally buys and sells gilt-edged bonds in the market to smooth out violent price fluctuations. When such buying develops into inflationary support of the market against heavy selling by commercial banks, the central bank pulls out the stop—a point which apparently has now been reached.

For many months banks have been lending freely to their customers. Reasons listed for the rising credit demand include: Booming trade and increased industrial output, which mean larger inventories of goods to be carried and financed; capital expansions, frequently financed at the start by bank loans in anticipation of later permanent arrangements; increased personal spending, partly in connection with installment buying of automobiles, houses and appliances; heavy tax payments at this season by companies and individuals.

If the Government's latest action to trim back spending regarded as inflationary fails, further moves are expected. One suggestion is that the new and yet untried device of the special deposit might be introduced. This would be an order by the Bank of England to banks to deposit with it a certain proportion of their cash resources. Money so locked up could not be used for advances to customers.

Such a rule would be similar in a general way to the reserve requirements of U.S. law, under which commercial banks must keep specified portions of their deposits in cash at Federal Reserve banks.

Official quarters indicate there is no immediate intention or need to introduce the special deposit plan or to resort to direct restrictions on installment sales. However, Government sources say they are determined to nip in the bud any new inflationary tendency; one sign of that attitude was the recent hike in the bank rate to 5 percent.

CIVIL RIGHTS—SENATE PROCEDURE

Mr. STENNIS. Mr. President, so long as constitutional government is at stake, and measures to revolutionize our Government are being debated in round-the-clock Senate sessions, my duty as a Member of the Senate is clear. My duty is to defend the constitutional separation of powers between our State and Federal Governments and the constitutional rights of my State.

So long as fundamental concepts of government are threatened in this prolonged debate, I will be unable to call any meetings of Senate subcommittees of which I have the honor to be chairman: the Military Construction Subcommittees of the Armed Services Committee and Appropriations Committee, the Authorization Subcommittee of the Senate Space Committee, the Legislative Subcommittee of the Senate Appropriations Committee. Nor will I attend meetings and hearings of other committee bodies of which I am a member so long as basic American rights remain in jeopardy. My place of duty is on the Senate floor, carrying on my part in this great debate to preserve constitutional government. I shall speak again Monday and further from time to time.

These matters are of vital concern to us as Mississippians and as Americans.

Although the printed bills and amendments pending in Congress number nearly 200 and weigh over 5 pounds, we understand that more extreme measures are on their way and will be printed.

Their content varies widely, but a key issue certain to emerge is whether the election machinery for Federal, State, and local offices in every county, congressional district, and State shall be turned over to the Federal Government. Local officials who would stand up for State laws would run the risk of fine and imprisonment by a Federal court without any trial by jury.

This is the purpose and goal of this so-called referee proposal. The fact

that it flouts due process of law is the only argument made in its favor. Adequate legal remedies now exist in bona fide cases, but this proposal is a thinly disguised political power grab. It must not pass.

JUVENILE DELINQUENCY

Mr. KEFAUVER. Mr. President, civil and religious leaders throughout the country are concerned with the current increase in crime, both among adults and juveniles. Among them is Col. Claude Reeder, a leading businessman of Knoxville, Tenn.

Colonel Reeder has devoted considerable time in an effort to reduce the incidence of juvenile delinquency in Knoxville and elsewhere.

I was particularly impressed with a statement Colonel Reeder recently made which outlined the causes and the needs of the problem.

I believe that an excerpt from his remarks would be of worth to Members of the Senate. I therefore ask unanimous consent that at this point there may be printed as a part of my remarks the pertinent portion of Colonel Reeder's statement.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Juvenile delinquency is becoming the great concern of our Nation today. This problem is one requiring unification of our Government, our States, individuals, churches, and organizations in an all-out effort to give serious thought and cooperation in combating once and for all time the problems faced by our youth of today and the mothers and fathers of tomorrow.

In my humble opinion, what is needed is an expensive program of stressing the importance of proper guidance, love and companionship in the home. The lack of these factors may very well contribute to the downfall of our wayward children.

There is no denying that our parents and their forefathers based their lives on proper discipline and endeavored to rear their children with the high hopes that they in turn would do likewise in assuming responsibilities as parents. There are many broken homes where children are cast on the streets, poolrooms, and gangs which, if they were placed in camps of some system similar to the CCC—Civilian Conservation Corps—of the 1930's could be the answer. The CCC camps were born of the depression. Essentially it was to provide employment as well as vocational training for unemployed youths through performance of youthful public works devoted to the Nation's conservation program. Even though it was primarily set up to take care of the idle boy, it had a wonderful good effect on delinquency.

In the 9 or 10 year's time, there were 3 million youths enrolled in 4,000 camps. They built 100,000 miles of minor roads and trails, planted 2 billion trees, and spent several million man-days fighting forest fires. Their time was also devoted in training for trades and various other lines.

My personal view is that a committee should be set up to work out a program to create either camps or youth centers as a major step in the right direction.

CIVIL RIGHTS AND CARPETBAGGING LAWS

Mr. SPARKMAN. Mr. President, a few days ago I spoke on the business pending before the Senate, particularly with reference to the proposed appointment of voting referees. At that time I called attention to the sorry history connected with the administration of that phase of the Reconstruction Act enacted into law in 1871.

In that connection I have seen an editorial in the Alabama Journal, of Montgomery, Ala., of Wednesday, February 10, 1960, entitled "Carpetbaggers Then and Now." I want to refer to just one quotation that is taken from the press of the time, included in this editorial:

It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals, and used them to keep Democratic voters from the polls. In 1876, of 5,001 appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the three Northern States of New York, New Jersey, and Pennsylvania.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SPARKMAN. I will yield if I am within my time.

Mr. LONG of Louisiana. Has it not oftentimes occurred that any machine in power, whether it be a Federal party or a State party, has frequently yielded to the temptation to use its power to place on the registration rolls false and fraudulent registrations?

Mr. SPARKMAN. The Senator is correct, and that was the gist of my statement the other night when I used examples from history to illustrate that point, including the manner in which the terrible election of 1876 was conducted. As I said on that occasion, I believe all historians now admit that that election was actually a Democratic victory, but it was taken away and given to the Republican Party by the operation of just such mechanism as the Senator mentions.

Mr. LONG of Louisiana. Is it not also true that as long as the party in power wins the election, there is no way under the sun that it is possible to prosecute them?

Mr. SPARKMAN. Yes, because they control the machinery.

Mr. President, I ask unanimous consent that this editorial be included at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CARPETBAGGERS THEN AND NOW

Comparison of the carpetbag statutes enacted in 1871 to punish the South is very appropriately being made with the plans now under discussion in Congress for dealing with race issues in the South. The purpose in both cases is the same—to accord ignorant Negroes all the civil rights enjoyed by one of the most intelligent segments of the Nation.

The U.S. News & World Report makes a very interesting comparison between the two plans. Both put voting rights in the hands of Federal judges. Both seek to punish the South for political purposes in the North. The carpetbag laws of 1871 provided for supervisors of elections appointed by Federal judges. The present proposed laws provide for registrars appointed by the judges in one proposal and referees appointed by the Federal judges in the other.

The 1871 statutes provided for policing the voting only in the case of elections for Congress. It created a desperately corrupt and unbearable situation, for it gave Negroes voting control in many parts of the South which so disgusted leaders of the white race that thousands of them refused to vote at all.

The 1871 laws were not repealed until 1894, when the Democrats got control of Congress and had Grover Cleveland in the White House. Cleveland was the first Democrat elected President following the Civil War and the horrors of reconstruction.

But repeal of the law actually came, not because of abuses in the South, but because there were such election abuses under it in northern cities. It was used by cliques in the big cities to gain and keep control. A case is cited where one election supervisor appointed by the Federal court in New York made $145,000 for his services.

The failure of the law in the South was also evident to all thoughtful men. Thousands of men were cited for violations of the carpetbag statute, but few were convicted. In a South Carolina example there were 1,392 indictments with only 114 convictions under the law. "One-party control by the Democrats," says the U.S. News & World Report, "made enforcement extremely difficult. Moreover, as the Ku Klux Klan gained strength it severely restricted voting by Negroes and northern carpetbaggers."

As for the law's operation in the North, we read: "It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals and used them to keep Democratic voters from the polls. In 1876, of 5,001 appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the 3 Northern States of New York, New Jersey, and Pennsylvania."

A committee of Congress named in 1893 to investigate the situation in the North reported that the law was used "only as a part of the machinery to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party."

During the approaching debate in Congress, it will no doubt be pointed out that the proposed law will apply to the whole United States and that it can be used by corrupt men for corrupt purposes in the North just as the law of 1871, designed to punish the South, was repealed because it inflicted worse punishment on the North than on the South.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER (Mr. HART in the chair). Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG] to the amendment of the Senator from Illinois [Mr. DIRKSEN].

Mr. JAVITS. Mr. President, I should like to take a little of the Senate's time this morning to address myself to the pending business, and for this reason: Those of us who favor effective civil

rights legislation have always emphasized our respect for the sincerity of the opposition of our brethren from the Southern States on this issue. There is no desire on my part, and I believe there is no desire on the part of any other pro-civil rights Senator, to let other than the weight of the argument prevail.

Yet we have heard for the last few days, and indeed have the promise of hearing again today, of the oppression by the majority against the minority on the bill, and perhaps even by other sections of the country, against the South. I refer, Mr. President, to words like "legislative lynching," which have been used already in this debate. I may say, parenthetically, that I hope the Senate may look with favor upon an antilynching amendment to the pending bill, an amendment which will deal with the subject of lynching, but of a much more lethal kind.

We have also been promised a speech on an alleged endeavor to provoke race riots in the South, notwithstanding the disorders at Little Rock and the racially inspired bombing of schools, homes, and places of worship, which have already set a pattern of breaches of public order—in short, charges of oppression against one section of the country by other sections, a part of the same pattern. However, respect for the views and opinions of the minority has always been a great tradition in this Chamber, and quite properly so, for at one time or another every one of us is in the minority. Accordingly, before the Senate begins its round-the-clock debate, before we get into the possibility—and it is a possibility—of invoking cloture, I should like to deal with the merits of civil rights legislation and the need of the country for its enactment.

I should like to give, as it were, something of the affirmative side of the debate, because we have been hearing much about the negative side. I hope, too, that other Senators who feel as I do will similarly make their contributions in a summary way to the affirmative side of the debate.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. I do not wish to intrude on the Senator's time or to interrupt the train of his argument. However, I want to commend the distinguished senior Senator from New York for rising to speak affirmatively upon the proposals contained in the civil rights bill. The decision of the leadership, confirmed by the Senate, to hold around-the-clock sessions of the Senate means that Senators who oppose the bill will be required to speak, I should say, almost continuously. While it may be said that their speeches are dilatory, in fairness it must be said also that they have argued the merits of this legislation, from their viewpoint.

There is some merit also in their criticism that arguments for the civil rights bill have not been developed fully by those who propose it, and I am one of its cosponsors.

Together with other Senators, including the Senator from New York, I have sponsored the bill. But I believe, as a lawyer, that there are sections of the bill and language in the bill which need explanation. We assert that rights are denied to Negro and other citizens and due process denied. It is, therefore, very important that those who favor the bill as I do its substance, should take great pains to see that it assures due process and that it is legal and constitutional.

I have been concerned that in moving into round-the-clock debate the Senate might reach the position where little argument in favor of the bill would be made; that those who oppose it would be finally physically and mentally beaten down; and that once that occurred, then the bill might be passed without those who favor it even arguing its merits.

I am glad the Senator from New York has risen to argue the substance and the merits of the bill. It is only proper that he should do so, for the benefit of the Senate. It is proper for the information of the country. It is proper to show the intent of Congress, because any bill that is passed will be tested in the courts. But above all, it is right that the merits of this civil rights legislation should be discussed from both sides so that it can be said correctly that full consideration has been afforded this legislation so important to the country. The course of the senior Senator from New York in rising to argue the merits of the proposal, legally and constitutionally, is a proper and wise course.

Mr. JAVITS. I am very grateful to the distinguished Senator from Kentucky. I deeply agree with him that should it ever be felt that the situation described prevailed in this Chamber, it would be a very sad day for the Senate.

In this case—and I say this advisedly—I believe there is so much in favor of what is here proposed that it ought to prevail, and I have great faith that it will prevail.

I make no pretense of knowing every aspect of the proposed legislation or all the arguments for it. I hope very much that other Senators—and there are unusually distinguished lawyers in this body—will similarly address themselves to the affirmative side of the case. I did feel that this was an especially propitious time to do that, because of the fact that on Monday the Senate will be entering a rather tense phase of the debate.

Mr. SPARKMAN. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I am glad the Senator from Kentucky [Mr. COOPER] made the comment he did, because if the issue is to be joined, certainly both sides should present their arguments.

I wish to take note, briefly, of one thing the Senator from Kentucky said. First of all, as regards the possibility that the opposition might be beaten down, mentally and physically, let me say that I believe we can assure the Senator from Kentucky that that will not happen.

Mr. COOPER. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. COOPER. Responding to the Senator from Alabama, the sense of my remarks was that I would not like to see a situation in which Senators who oppose the bill would be so beaten down physically and mentally, that thereafter Senators who support the bill would not argue the merits of the bill at all and the bill be passed without placing in the record and before the people of the country the substantial arguments in favor of enactment of a civil rights bill. Also, it is necessary that the bill itself, assure legality and due process.

I have just now been reminded by the Senator from New York [Mr. KEATING] that, in the last 2 weeks, substantial arguments on the merits of the bill have been presented by the two Senators from New York and by other Senators.

My remarks were directed to the around-the-clock sessions, saying that they should not become a physical trial or test of endurance, but rather a debate by both sides upon the merits of the bill.

Mr. SPARKMAN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I certainly agree with the Senator from Kentucky that it would be too bad if legislation ever were to result simply from a physical test or from an endurance test.

The difficulty I find is in trying to determine just what bill we are eventually to debate. As has been stated repeatedly, we do not now have before us a bill recommended by a committee. As a result, this situation is somewhat comparable to that in connection with the trial of a case in court. The Senator from Kentucky, formerly a distinguished judge, knows that in the trial of a case in court, the lawyers might come in with lengthy pleas, and one could not afford to ignore any one of them until the parties had come before the judge and had narrowed down the issues, and until the point where one knew where he stood had been reached.

Some Senator has said that in connection with this issue or this debate there are 200 bills; and I believe the distinguished Senator from Mississippi said they weighed a total of 5½ pounds. We cannot ignore any of them, because no particular bill is now before us as a recommendation by the committee. Therefore, we have to assume that every one of those pleadings—as referred to by both the Senator from Mississippi and the Senator from North Carolina; and the latter is now holding all those measures in his hand—will be before us.

Mr. RUSSELL. And no doubt there will be more.

Mr. SPARKMAN. Yes, no doubt there will be more.

I have tried—and I believe that Senators who have heard or have read my remarks will agree that I have done so—to discuss the issues. But I have not even been able to complete my argument in regard to the referee proposal; and there are many, many other issues to come before us in connection with this matter.

I do not see how we shall be able to shorten the debate or handle it fairly until all 5½ pounds of the pleadings have been taken up and debated, because they have not been narrowed down to the point where the issue is joined.

Of course, the beauty of the committee procedure is that it narrows down the issue, and presents to the Senate a specific measure to be considered and to be debated; and, in connection with that debate, the Senate then has the benefit of the committee's own recommendations.

But such is not the situation in this case.

So I believe the only thing we can properly do is consider that all these measures are before us, and that we must debate them.

I thank the Senator from New York for his courtesy in yielding.

Mr. JAVITS. Mr. President, of course in this instance we do not have the benefit of the normal committee procedure, and of course it would be better if we did have the benefit of such procedure. But all Senators know that we cannot have the benefit of the normal committee procedure in connection with this particular measure, within a period of time which would be acceptable to the Senate and, I believe, to the country.

This debate has been going on for a long time; and I believe that in the course of my remarks I shall be able to demonstrate reasonably—although perhaps not to the satisfaction of the opposition—that Senators who have been engaged in the debate have been following an orderly pattern of giving fair consideration to all the proposals now before us and of endeavoring to have the Senate arrive at a fair result, and that that process has already been started by the Senator from Georgia [Mr. RUSSELL], who has called for a division of the pending question, which is the Dirksen amendment in the nature of a substitute.

As I shall soon demonstrate, it will be possible to offer to each section of the Dirksen substitute alternatives sponsored by substantial numbers of Senators, and it will be possible to vote those alternatives, either up or down, so as to enable the Senate, when it leaves the various parts or sections of the Dirksen substitute, to complete its action upon a concrete body or part of this issue. I believe that to be entirely practical and feasible; and the Senate procedure fully permits it, and I have no doubt it will be done. The Senator from Illinois [Mr. DOUGLAS] and I have already shown that it can be done, because we have submitted our amendments to each part of the Dirksen substitute. Each of our amendments is specifically directed to one or another of the parts of the Dirksen subsitute; and we hope to call up those amendments as each of the parts of the Dirksen substitute is considered.

It happens that we have not submitted an amendment to the first part or section of the Dirksen substitute, which now is being considered by the Senate; but our amendments to the other parts of the Dirksen substitute have been printed, and are specifically keyed to the parts of the Dirksen substitute to which we shall endeavor to relate them. I believe such procedure to be a very orderly one which will enable the Senate to act in a proper manner. Certainly we have no desire for disorderly procedure of any sort—no desire for "anarchy."

Mr. ERVIN. Mr. President, will the Senator from New York yield for a question?

Mr. JAVITS. I yield for a question.

Mr. ERVIN. I wish to ask a question for the purpose of simplifying our consideration of these matters: If I have counted correctly, among these more than five pounds of civil-rights bills are 41 bills which either were introduced by the Senator from New York or were cosponsored by him; and since the Dirksen substitute has been offered, the Senator from New York has either offered, himself, or has cosponsored with other Senators, eight amendments to the Dirksen substitute.

Am I to understand that the Senator from New York is no longer pressing for the enactment into law of the 41 civil-rights bills which he originaly introduced or originally cosponsored with other Senators?

Mr. JAVITS. I have narrowed down to the amendments which I have offered what I believe should be done about the Dirksen amendment at this time. I have done so in order to regularize the Senate consideration of this issue, as I have just now explained. I have only one reservation to make with respect to that point, and I shall be glad to state it now—namely, the possibility of offering an anti-poll-tax amendment, as the debate develops. But, aside from that, I have endeavored to narrow down the particular proposals or amendments which I should like to see placed before the Senate as amendments specifically keyed to the Dirksen substitute.

Mr. ERVIN. In other words, the Senator from New York has eight propositions, plus a possible ninth one, instead of the original 41?

Mr. JAVITS. I would not say that, because a good many of the propositions are tied in with the individual amendments—and more than one. So I would not wish to say there are now only eight propositions. I only wish to state that every Senator is on notice of what my colleagues and I who are offering these amendments hope to offer to each section of the Dirksen substitute. There is no question about that, for our amendments are keyed to the various parts of the Dirksen substitute, and are printed, and their text is available to all Senators. So I believe that to be ample notice.

Mr. ERVIN. I agree it is ample notice that the Senator from New York is supporting eight, or possibly nine, amendments to the Dirksen substitute.

But in order to simplify my study of this issue, and in the hope of simplifying the debate in the Senate on it, I am trying to ascertain whether the Senator from New York will insist on attempting to have enacted into law his other 41 original bills.

Mr. JAVITS. I think I have clearly answered the question—namely, that I am concentrating my efforts on those amendments to the Dirksen substitute, without at the same time erecting an estoppel against myself, because the Senator from North Carolina is not erecting an estoppel against himself, but is perfectly free to offer amendments, and probably will do so. So I do not think I should be under any such estoppel. But, as I said, as a Senator, it is my intention to concentrate my efforts, insofar as that means anything to the Senate, upon these particular amendments. In all fairness, as a lawyer, I caused them to be printed early in the debate, keying them to the various sections of the Dirksen amendment.

Mr. ERVIN. As I interpret the remarks of the Senator from New York, he is now pressing for his eight amendments to the Dirksen substitute, but he reserves the right at any time to offer any one of the 41 bills.

Mr. JAVITS. I do not wish to accept the Senator's construction, because I know where that kind of argument is going to lead. I think I stated what I will do and why. I shall rely upon the judgment of my colleagues to decide whether this is a fair intention and a fair way to do it; and it is neither necessary nor fair to adopt the language which the Senator from North Carolina wishes me to adopt.

Mr. ERVIN. I am not wishing the Senator from New York to adopt any language of mine. I wish him to tell me whether I am correct or incorrect in my interpretation of his language, and if I am incorrect to tell me exactly what he means if he does not mean he is concentrating his efforts on these 8 amendments, but reserves the right to call up any one of the other 41 bills.

Mr. JAVITS. The Senator from New York, I think, has stated very clearly that he has laid before the Senate the propositions upon which he wishes to make his effort with respect to this legislation.

Mr. ERVIN. I want to congratulate the Senator from New York. He is now minimizing his demands for legislation, which is to be commended. The Lord laid down only 10 commandments for the guidance and governance of all the people of the universe for all time. I am glad to know that the Senator from New York does not think we need 41 commandments, but only 8.

Mr. JAVITS. Well, Mr. President, this is hardly a discussion I would want to enter into on Saturday. [Laughter.] I would desire to tell the Senator that most of my 41 propositions are contained in the 8, so he should not be deluded about the number.

Mr. ERVIN. I am sorry the Senator does not wish to enter into such a discussion on Saturday, but I think the Lord's handiwork could well be discussed any day of the week.

Mr. JAVITS. I think the Senator knows the connotation of the remark I made.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RUSSELL. I wish to correct the Senator from North Carolina. He has done the Senator from New York a very

grave injustice. The box score kept by my office shows that the Senator from New York has introduced 57 measures—the same number as Heinz has pickles. His proposals include a variety of resolutions, bills, and amendments, dealing with this alleged civil rights subject. The Senator from North Carolina is far behind the times, or else his adding machine is a little out of order, and he should apologize to the Senator from New York.

Mr. ERVIN. If the distinguised and able Senator from New York will permit me to do so, I will apologize for having underestimated his zeal in this particular matter. I will accept the correction made by the Senator from Georgia. I found only 41 of his bills in these 5 pounds.

Mr. JAVITS. The Senator from New York would hope only that he could equal the zeal of the Senator from North Carolina and the Senator from Georgia. Then he would be quite content.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. The bill before us is H.R. 8315. I have been reading the committee report on it. I notice the title in the substitute proposed by the Senator from Illinois [Mr. DIRKSEN] is an amendment in the nature of a substitute. I want to ask what has become of Stella, the Stella Reorganized Schools, in the meantime. This bill was designed to give relief to a little school in Missouri, and under the substitute the Senator from New York is discussing and proposing to amend, Stella has been left out in the cold—completely left out. I think it is something for us to keep in mind. The bill that is before us——

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I do not have the floor. The Senator from New York has the floor. I should merely like to inquire what has happened to the original intent of the bill, which was to give relief to the little Stella Reorganized Schools in Missouri.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague from Illinois.

Mr. DOUGLAS. I would suggest to the Senator from New York that he proceed with his speech, and not yield to this questioning, which is obviously dilatory and harassing in nature. I ask my friends to permit the Senator from New York to develop his argument in an orderly fashion.

Mr. SPARKMAN. Well, now, Mr. President——

Mr. JAVITS. Mr. President, the Senator from New York will yield no further.

Mr. SPARKMAN. I think after that statement——

Mr. JAVITS. Mr. President, the regular order.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. JAVITS. Mr. President, we understand what is going on here.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, I refuse to yield.

Mr. ERVIN. Mr. President——

Mr. JAVITS. Mr. President, the regular order.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, I do not yield.

The PRESIDING OFFICER. A parliamentary inquiry is not in order unless the Senator from New York yields for that purpose. The Chair is advised he does not yield.

Mr. JAVITS. I had just gotten through making a statement that I respected my colleagues from the South for their sincerity, and I do not think they are going to get me off the subject with this kind of handling, but I do not like it, and I do not think it is fair. Therefore, I refuse to yield not because it is dilatory or not dilatory, but only because it is not respectful to me, when the Senator from New York believes in their sincerity. I merely ask for respect, please.

Now I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I simply wanted to comment that I was not trying to be dilatory. I was asking questions that were to the point. I was trying to bring out the point which I, as a lawyer, was trained to believe in, and that is, that we should not try all the issues, but should try the issues before us. The 5 pounds of bills involve hundreds of propositions, and we do not know what the issue is. I was simply trying to bring them down, as best I could, to that point. I am not trying to delay. As I said a few moments ago, I was glad the Senator from New York was discussing this question, because I think there ought to be full debate on the issue. I believe there ought to be debate on both sides. I am glad the Senator from New York is discussing the question. I have no desire to delay him in any way, or to harass him in any way, or to try to embarrass him. I believe in his sincerity. I certainly do not intend to be dilatory so far as the speech of the Senator from New York is concerned.

Mr. JAVITS. I thank my colleague.

Mr. ERVIN. Mr. President, will the Senator yield one more time?

Mr. JAVITS. I yield.

Mr. ERVIN. I wish to assure the able and distinguished Senator from New York that I have much affection and much admiration for him. I also wish to assure the able and distinguished Senator from Illinois that I was trying to simplify the matter by ascertaining exactly how many of these 5 pounds of bills we would have to study. I want to thank the Senator from New York for his graciousness in yielding on this occasion, as he has on all occasions when I have requested him to yield to me.

Mr. JAVITS. I may say the Senator from New York always will yield, because there is no debate except with yielding, and I hope that practice will be continued here.

Mr. President, to continue with my statement, this discussion has been going on for a long time. Certainly for the 5 months between September 14, 1959, when the debate was first promised, and February 15, 1960, when the debate opened, there was ample opportunity for discussion before the country, and indeed there was a great deal of discussion.

The real difficulty faced by the opponents of this legislation is that they have been unable, though they have tried, to convince a majority of the country. On the contrary, events have confirmed the need for new civil rights laws.

The domestic and international position of the United States can tolerate no longer segregation of American citizens in respect of their constitutional rights on grounds of race or color.

The peace of the world and domestic tranquillity are both at stake. It must be emphasized time and again that the free world, which our Nation leads, not because we will it but by force of circumstances, is composed, to the extent of two-thirds of its people, of those whose skins are yellow, brown, or black.

The leadership of freedom cannot be secured in hands which do not respect the individual human dignity of each of these people equally with that of any white person in the free world. President Eisenhower shows that in his travels daily. The rising tide of a consciousness of personal dignity, of the justice of equal opportunity, and of the right to self-determination has toppled empires, created many new nations and represents the greatest explosion of the human spirit civilized man has ever known. Inevitably this had to be communicated to our shores. Segregation of opportunity for rights granted by the Constitution cannot live in such an atmosphere. So too swift travel, enormously enhanced means of communication, economic improvement, industrialization in the South with its accompanying urbanization, have inevitably shattered the social order which perpetuated this condition.

It is our duty as trustees for the national interest to see that segregation of opportunity under the Constitution is liquidated with fairness and justice, with a minimum of discord and without violence or breaches of public order. We have learned through hard experience that the way in which to accomplish this is through the backing of law wisely administered with a heavy dependence upon civil court processes and upon the processes of mediation, education and technical assistance, but backed by law. It is in accordance with these definitions that an effective civil rights bill must be designed.

I now come to the substantive merits, Mr. President.

Notwithstanding the agreement widely expressed even in much of the South that voting rights cannot and should not be denied to any American citizen, the report of the Federal Civil Rights Commission last September opened the eyes of our people to the denial of voting rights to hundreds of thousands of Negroes with a shocking disproportion of

Negro voting, particularly in the Southern States—about 25 percent compared to 60 percent of eligible white voting, particularly. The hard core resistance to the Supreme Court's decree for desegregation of tax-supported public schools also brought out into the open what had for too long been accepted—inherent inequality of educational opportunity which doomed generations of Americans to the inadequate development of their potential as citizens in the interests of the Nation.

No amount of inveighing against unusual procedures will obliterate what the public now understands in this situation It is for these reasons that to limit the law which is required to the voting right alone is not enough. I understand perfectly that it is in this area that there is the greatest support and the greatest likelihood of enacting new law. But this does not change our duty. Our duty is to address ourselves to the areas in which law is needed in order to correct situations which are unacceptable under the Constitution.

It is, therefore, noteworthy that four of the seven sections of the administration's bill introduced by the Senator from Illinois [Mr. DIRKSEN] relate to problems of desegregation, and only two of the seven relate to problems of voting. The seventh relates most importantly to the equal opportunity for jobs to all working for contractors for the Government without regard to race or color.

A truly effective civil rights bill meeting our national needs should contain three major parts. First, provisions which will insure the right to vote; second, provisions which will give support to the law of the land as declared by the Supreme Court, that segregation of the races in tax supported public schools, as in other tax supported activities, is a specific denial of civil rights guaranteed by the Constitution; and third, that anarchy and disorder by bombings for purposes of racial coercion, lynchings and defiance of court process will not be tolerated.

Amendments to the pending substitute will be offered to give the Senate an opportunity to vote upon the necessary propositions. Together with the Senator from Illinois [Mr. DOUGLAS] and eight others of our colleagues we have laid before the Senate the text of our suggestions for such amendments. Other Members may present still other ideas, but certainly the Senate will have an opportunity to consider those amendments which we have already submitted.

One other general word. It is difficult and extremely expensive for the individual to go into court to assert his civil rights—often to meet the legal machinery of a whole State and in the face of a hostile public opinion. This difficulty has been even more compounded by legal and nonlegal barriers placed in the way of such litigants. Antibarratry statutes have been passed recently in a number of States—our research shows the number to be six—and there have been charges of boycotts, threats, and in some cases violence by individuals to prevent the assertion of civil rights. There is no begging the question that the majesty and authority of the United States should, in representative cases, be available to assert the civil rights of individuals, and that wherever possible class actions should be the rule rather than the exception. Accordingly it will be necessary to put before the Senate for its consideration a provision to give the Attorney General the authority to institute or intervene in such suits.

I now move to the specifics involved. I shall hope to include in the RECORD enough of the pertinent material so that, insofar as I can present it, a complete case will have been presented for each of the propositions which we hope to put before the Senate.

First is recognition of the Supreme Court decree in respect to lower court orders for desegregation of the public schools.

Attacks on the Court have given the one-sided impression to the people and to the world that there is no backing in the congressional end of our work, in the legislative branch of our Government, for the desegregation decree of the Supreme Court. Arguments have been made that it is not true these provisions are the law of the land. For example, it is said that it is the written words of the Constitution rather than the interpretation of the Supreme Court which is the supreme law. It seems to me that the time has come for making it very clear that the Congress of the United States supports the orderly process of government, and that according to the orderly process of government the Constitution is the supreme law of the land as interpreted by the Supreme Court.

Mr. President, this is really the fundamental end and effect of the first section of the Dirksen amendment which is before us now, which proposes in a very definite and affirmative way that it shall be a crime to interfere with orders of the courts which relate to desegregation of the public school system. Also, the Dirksen amendment proposes to implement that view by the Congress by giving the opportunity for certain technical assistance and, indeed, certain financial assistance to school districts which are seeking to desegregate. This is the effect of the provisions which are before us. Also, it will result in dealing with such a situation as was demonstrated by the Little Rock case, where there was great difficulty in reaching the leaders of a disorderly mob who were violating the court injunction due to the limitations of the law with respect to service of or notice of that injunction.

So by establishing that interference with court orders is a crime we will give the United States the capability for reaching that kind of a situation, which resulted in public anarchy, as we all know, in that part of the United States. Also, it will result in enabling the FBI to move into a situation of that character in order to exercise its influence to reduce the danger of public disorder.

For all of those reasons, Mr. President, section 1, as we are calling it for purposes of reference, of the Dirksen amendment is absolutely essential.

Mr. President, we do not have a substitute for the Dirksen amendment in that regard. It is the hope of my colleagues and I who have worked upon these amendments to stand upon that section with respect to interference with court decrees for desegregation of the schools.

Mr. President, leading logically from that we come to the aspect of technical assistance and some financial help to school districts which wish to desegregate, provision for which is contained in section 4 of the Dirksen substitute.

In that connection I should like first to state for the RECORD the degree of national concern with which the so-called education gap is affected. The findings and declaration of policy in this National Defense Education Act state—and I read section 101 of the act:

> The Congress hereby finds and declares that the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. * * * We must increase our efforts to identify and educate more of the talent of our Nation. * * * The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

I emphasize that because the impact upon our whole national posture in respect of our own security in relation to education is so vitally important.

The provisions of the Dirksen bill in respect of these matters are as follows: I have already stated that there would be recognition of the obligations undertaken in respect to the Supreme Court decision of May 17, 1954, as the supreme law of the land. The Dirksen substitute would then authorize appropriations to assist desegregation for nonteaching professional services which may be required in order to formulate desegregation plans, and would make allotments to the States on a 50–50 matching basis.

There is a provision that where an allotment to a State is not possible because the State will not be a party to the desegregation plan, arrangements may be made with the local community, in the absence of a State plan, or where the State indicates that it assumes no responsibility.

That imposes a problem, which is one of the reasons why we shall propose a substitute for this particular section, because it might imply, either in an affirmative or negative way, some degree of State participation in respect of school desegregation, which, as we all know, is impossible in a number of Southern States. Hence the alternative which is contained in the bill of the Senator from Illinois [Mr. DOUGLAS] and myself would provide for the possibility of working with individual school districts in respect of desegregation, dealing with the problems of communities like Atlanta, Ga., which might be denied any support at all from the State should it seek to desegregate; also providing that the Secretary of Health, Education, and Welfare may affirmatively cooperate with individual communities seeking to work out desegregation plans, and that the Attorney General of the United States may institute suit in the name of

the United States to obtain a court decree which would bring about the development of such a plan in a particular community.

Our effort in that regard will be to buttress, strengthen, and fortify the general intendment of the provisions of the Dirksen substitute.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. DOUGLAS. I wonder if the Senator will inform me if my understanding of section 4 of the Dirksen amendment is correct. As I read section 4, it provides that technical assistance may be granted only if a State educational authority agrees. Am I correct?

Mr. JAVITS. The Senator may be correct. Certainly enough of a question is left so that we should try to "button it up," as it were. The reason for the question is that the language of the substitute speaks of the absence of a State plan, and the State indicating that it assumes no responsibility, which seems to apply an affirmative act by a State. We know that in certain Southern States no affirmative act of any kind—even an affirmative act stating that there is no assumption of responsibility—is likely to be forthcoming.

Mr. DOUGLAS. Is not this likely to be a very real problem in the case of the city of Atlanta, Ga., where it is quite possible that the city of Atlanta may wish to comply with the desegregation order of the Court, but where the Governor of the State and the State legislature have said that they will not permit this to occur? So if the consent of the State administration of Georgia is necessary—as the Secretary of Health, Education, and Welfare testified it would be under this provision of the bill—for aid to be given by the Federal Government to the city of Atlanta, this will not be forthcoming.

Mr. JAVITS. The Senator is absolutely correct.

I should like to call the attention of Senators to a law enacted in Georgia in 1955, in a further effort to block any possible desegregation of the public schools. It has been made a felony, punishable by 2 years imprisonment, for any school official of the State, municipal, or county system to spend tax money for public schools in which the races are mixed. The reference to that law is Act 82, Georgia Laws, 1955.

So the comment made by my colleague from Illinois is absolutely pertinent, and is borne out by the provisions of law.

Before the Congress can think of a remedy it must deal with the existence of a right—and that right does exist—to attend a desegregated public school, according to the Supreme Court's decision as to what our Constitution provides in that regard.

In addition, Congress would not legislate unless it found that there was need for law in order to bring about the enjoyment of such right. I think that is absolutely unquestioned.

I have a report on this subject from the Southern Regional Council of Atlanta, Ga., of August 10, 1959, which has been brought up to date. To qualify that particular organization, one which has been cited on the floor of the Senate previously, I invite attention to the fact that it is an organization which is recognized as an organization with quite liberal views; but certainly it is an entirely respectable organization. It was referred to by the able Senator from Alabama [Mr. SPARKMAN] on page 3243 of the CONGRESSIONAL RECORD. He himself called the attention of the Senate to a report made by the very same body. He says that that organization is a biracial organization which has been working for a good many years toward bettering race relations in the South, and bettering conditions generally, and that it is not some southern conservative clique which is advocating a certain view. He is referring to the Southern Regional Council, which is quite liberal in its views.

Drawing upon the work of this organization, which, as I say, is a respectable and reputable organization, we find the present situation to be as follows:

No desegregation whatever has appeared in the public schools of five States, namely, Alabama, Georgia, Louisiana, Mississippi, and South Carolina; and in the remaining six States of the so-called Deep South, varying degrees of resistance have been manifested in the years after 1954; and by 1959 they held desegregation to minimal levels.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is it not true also that there has been virtually no desegregation in the common schools of Florida?

Mr. JAVITS. Florida is one of the States included in this list; but I should like to state for the information of my colleague that 1 out of 67 biracial school districts has been desegregated affecting, according to this information, a total of 490 Negroes in that State, which is certainly a very small number.

The district referred to is in Miami, a metropolitan city. The table shows that, in the aggregate in the 6 States referred to, 151 out of 1,459 biracial school districts have been desegregated, involving a total of 4,142 Negro pupils.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point pertinent extracts from this report, which has been updated since the time of its issuance.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

1. THE PRESENT SITUATION

At the end of the 1958–59 school year, no desegregation had occurred in the public schools of six States.[1] These were Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina.

In the remaining five States of the old Confederacy, varying degrees of resistance had been manifested in the years after 1954, and by 1959 had held desegregation to minimal levels.

In May 1954, 17 States and the District of Columbia required racial separation in their public schools. By September 1959, the schools of only five Deep South States were completely segregated.

In the District of Columbia and in the States of Delaware, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia, there are now only scattered localities where segregation is still the rule. There is no clear record of how many white and Negro children are actually at school together. But in the large cities—Baltimore, St. Louis, Washington, Louisville, Wilmington, Tulsa, and others—and through the border region generally, there must be some number between one-half and three-quarters of a million students in integrated schools; perhaps 2 million public school students of the border States live in districts which have ceased to require segregation.

Farther south, desegregation has been much more "deliberate" than it has been "with speed." It began nowhere before 1956; its pace since is best measured by a glance at figures:

State	Desegregated biracial districts [1]				Negroes in desegregated schools [2]			
	1956–57	1957–58	1958–59	1959–60	1956–57	1957–58	1958–59	1959–60
Arkansas	4 of 228	7 of 228	6 of 228	8 of 228	34	91	73	94
Florida	None	None	None	1 of 67	0	0	0	490
North Carolina	None	3 of 172	4 of 172	7 of 174	0	11	14	34
Tennessee	1 of 141 [3]	2 of 141 [3]	3 of 142	4 of 142	[3] 6	[3] 19	82	121
Texas	103 of 841	123 of 841	125 of 722	125 of 720	3,400	3,600	3,250	3,300
Virginia	None	None	3 of 128	6 of 128	0	0	30	103
Total	108 of 1,210 [3]	135 of 1,382 [3]	141 of 1,392	151 of 1,459	[3] 3,440	[3] 3,721	3,449	4,192

[1] The number given is the total number of districts with biracial populations; the full number of school districts in Arkansas is 422; in Tennessee, 153; in Texas, 1,646; in Virginia, 129. All of North Carolina's school districts are biracial. Throughout the discussion here and in the next several pages, statistics are derived, principally, from the "Statistical Summary" of the Southern Education Reporting Service, 6th printing, May 15, 1959.

[2] Plus Oak Ridge.

In Alabama, Georgia, Louisiana, Mississippi, and South Carolina there has as yet been no desegregation at all. In each State except Mississippi there is a court suit in some stage of adjudication.

This is an appropriate place to mention the extent of desegregation in higher education. Negroes are now attending formerly segregated, publicly financed colleges and universities in all but four Southern States: these are Alabama, Georgia, Mississippi, and South Carolina. Between 1935 and 1959, 124 of 195 formerly all-white tax-supported colleges and junior colleges in the southern and border States and the District of Columbia had enrolled Negroes or adopted nondiscriminatory policies; nearly 100 of these had desegregated after the 1954 decision. Since 1957, other tax-supported colleges and universities have followed.

Excepting Texas, only 206 Negro youths were, in 1958–59, in attendance with white pupils in the 11 States of the South; 45 of these were in the federally owned schools of Oak Ridge (Tennessee). An additional 21 Negroes attended the high school of Front

[1] Now, during the course of the 1959–60 school year, of course, the total is only five. Note that all figures given here have reference to 1958–59.

Royal (Virginia); as no white pupils were with them, they are not included in the Virginia count.

In the District of Columbia and in the other States where segregation was legally practiced in the schools prior to 1954, official policies, supported by decisive elements of public opinion, have assisted desegregation. Over the first 5 years, the principal, if less publicized, accomplishment of the Supreme Court's decision is the thousands of children of these areas whose education has been without racial separation.

	1958-59	
	Desegregated districts [1]	Negroes in desegregated schools [2]
Delaware	12 of 51	5,727
District of Columbia	1 of 1	67,020
Kentucky	123 of 175	11,492
Maryland	21 of 23	24,089
Missouri	211 of 243 [3]	[4]
Oklahoma	170 of 250	[3] 7,000
West Virginia	43 of 43	[3] 10,000

[1] Biracial in population. Since 1954, Missouri has not kept statistics by race. The estimate of the number of Negroes in desegrated schools in Oklahoma is from the "Statistical Summary," 5th printing, Oct. 15, 1958.
[2] More than 125,000.
[3] Estimated.
[4] Not available.

In these places, officials have given leadership to desegregation. In North Carolina, Tennessee, Texas, sometimes in Arkansas, and now in Virginia, officials and governments have dedicated themselves to as little desegregation as is legally necessary. In the six States of the Deep South, the governmental policy has been one of complete defiance. No one of the Deep South States has yet had to face the legal crisis which induced Virginia to accept some desegregation, and which has brought 2 years of turmoil to Little Rock.

These 11 States, those which have complied under duress and those which are as yet completely segregated, began in the interval between the 1954 decision of the Supreme Court and the 1955 implementing order to erect their legislative defenses. Indeed, some lawmaking had begun earlier than 1954. It has continued into 1959.

But these things have been the fuss and feathers of the resistance. By 1959, four legislative policies had been selected, or had survived, as the principal opposition to desegregation. The further or more rapid advance of educational equality will encounter these, and the decisive legal cases and political contests of the next year or more will revolve about them. They are:

1. Pupil placement laws: These are intended to prevent or minimize desegregation through assigning children to particular schools on the basis of social and psychological criteria, which do not include race. That the result may be little different is demonstrated by the record of the Virginia Pupil Placement Board, which has assigned nearly 420,000 children during 30 months, without sending even one to a school attended by the other race. Some form of pupil placement law has been enacted by Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, Tennessee, Texas, and Virginia.[3] The Supreme Court would not declare the Alabama law unconstitutional on its face, though it stated that the application of the law could make it so. North Carolina's administration of the law has so far survived two challenges in Federal courts. The Virginia law is being disregarded in Arlington, Charlottesville, and Norfolk.

[3] After Mar. 1, 1960, localities in Virginia may choose to be independent of the State Pupil Placement Board.

Georgia has no pupil placement laws, and South Carolina has enacted a placement law and might well be included with the others; however, the South Carolina law does not spell out detailed criteria.

2. School-closing laws: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia have statutes which require or authorize the closing of schools, either by State or local authorities, to prevent their desegregation; Texas (as do Florida and Virginia) has a so-called Little Rock statute providing for school closure in the event of the use of Federal force. Only Tennessee has refrained from setting up any legal machinery for an educational shutdown. The decision of the three-man Federal district court in Virginia last January made the price of school closing extremely high. In effect, the court ruled that a State could not shut the schools in one locality while leaving open other schools in the State (*James* v. *Almond*). The June decision in Little Rock (*Aaron* v. *McKinley*) is to much the same point: the laws under which the Little Rock high schools closed were ruled to be an evasion of constitutional rights.

Still to be decided is the legality of a complete, statewide abandonment of public education. Needless to say, it is a decision which all can hope will never have to be reached.

3. Private school plans: Private schools have two possible uses in the segregationists' strategy:

(a) To assume the whole function of education if the public schools are closed.

(b) To provide a segregated education for some, most, or all white children if the public schools are desegregated.

There seems to be general agreement that (a) a large-scale private school plan cannot work without State financial aid; and (b) the only form such aid might legally take would be direct tuition grants to the students.

Some sort of private school plan, with tuition grants, has been enacted in Alabama, Arkansas,[3] Georgia, Louisiana, North Carolina and Virginia.

4. Harassment of the NAACP: A mass of legislation has been passed to curb the activities of the NAACP. Old barratry laws have been reinvigorated, membership and financial statements have been required, legislative investigating committees and special commissions have been created and set to work. One important result has been that, for the first time in our history, the Supreme Court has declared and affirmed the "freedom of association" as a constitutional right (*N.A.A.C.P.* v. *Alabama*, 357 U.S. 449).

Though certainly there have been differences of degree of vigor with which the legislatures have enacted, the committees have investigated, and the executives have prosecuted, 10 of the Southern States have sought by legislative action to cripple the NAACP's ability to operate within their boundaries. The one exception is North Carolina. The aim of this legislation has been to block Negro entrance to the courts by enfeeblement of the NAACP, regardless of whether this has been achieved, much of the NAACP's energies and money have been diverted to defending itself rather than combating segregation.

These four devices—pupil placement, school closings, private schools and NAACP harassment—are the chosen last defense of segregation. One of them, school closing, is so destructive in its potential consequences as to represent an immediate threat to the national interest.

With these qualifications, it can be said that the Governors and legislators of the Southern States have, since 1954, acted with the endorsement of effective public opinion. The climate of opinion in the South between early 1955 and the fall of 1958, and the southern political spokesmen, reciprocally reinforced each other and fashioned something akin to a regional conformity of speech. Massive resistance created, and in turn was sustained by, a massive orthodoxy, first broken by the reaction of Virginians to the school closings of September 1958. Throughout the South, the spectacle of closed schools has been a catalyst to dissent and protest; as a result, open public discussion of the wisdom of resistance now exists and grows, in every State of the South with the possible exceptions of Alabama, Mississippi, and South Carolina.

[3] Declared unconstitutional by a U.S. district court on June 18, 1959. Governor Faubus has announced that the State will appeal.

Mr. JAVITS. Mr. President, first, to show what is happening in this particular situation, we have the rather interesting example in Prince Edward County, Va., where all public education has been ended, and where white pupils are attending what is euphemistically called private schools. There the tax rate has been reduced by approximately 50 percent in order to accommodate citizens who may be able to use these funds to pay for the schooling of their children in these so-called private schools.

Only as recently as this morning we read in the Washington Post that the Virginia Senate has enacted legislation which will give tax credits on contributions to private schools in areas where public schools have been desegregated. The resulting situation in Prince Edward County is that there is no public education at all, and that 1,700 Negro children in the county have no opportunity to attend public schools.

As a matter of fact, some effort is being made to give the Negro children some kind of informal training. I cite that only as evidence of the fact that law and the backing of law is essential in this situation; that it is a deteriorating situation, a situation which must be won in terms of public policy of our country, as declared by the Supreme Court.

I ask unanimous consent that the report from this morning's Washington Post may be included in my remarks at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILL ALLOWING LOCAL TAX CREDITS ON GIFTS TO SCHOOLS IS ENACTED

RICHMOND, February 26.—The Virginia Senate enacted legislation today that will give tax credits on contributions to private schools in areas where public schools have been desegregated.

The measure, which now goes to Gov. J. Lindsay Almond for his signature, permits localities to allow tax credits for contributions to private, nonsectarian schools in amounts up to 25 percent of a taxpayer's real and personal property taxes.

One of the immediate beneficiaries would be the Prince Edward School Foundation which is operating free classes for white children in Prince Edward County. The county board shut down public schools rather than obey a Court order to desegregate them. The private schools are being financed through donations. The Negro children are without schools but are setting up training centers for remedial instruction.

Senator Armistead L. Boothe, Democrat of Alexandria, urged defeat of the measure

and called it "another swipe at our public schools."

"We cannot now finance our public schools as well as we want to," Boothe said. He added that the legislation, while well intentioned, would set up a dangerous precedent that could take away local support from public schools. The burden, he said, would then be placed on the State.

An allowance of $120 in local taxes would be the equivalent to giving an exemption of the first $5,000 of income taxable under State income tax laws, Boothe declared.

The Senate approved the measure 26–12. Senator Charles R. Fenwick, Democrat, of Arlington, voted for it, while Boothe and Senator John A. Donovan, Democrat, of Fairfax, voted against it.

The house earlier approved the legislation 70–19, with Delegates William L. Winston and Harrison Mann, Democrat, of Arlington, and James Thomas, Democrat, of Alexandria, voting for it and Delegates Kathryn H. Stone, Democrat, of Arlington, Dorothy S. McDiarmid and John Webb, Democrat, of Fairfax, voting against it.

Mr. JAVITS. It is further evidence of the fact that Prince Edward County is a striking illustration of retrogression in this whole matter, rather than progression.

I call attention to State provisions which have been passed since 1954 in the States of Alabama, Georgia, Louisiana, and South Carolina. I have already referred to the Georgia statute providing for the withdrawal of State aid from integrated schools.

I ask unanimous consent that this table of State laws on that subject, like the Georgia law, which I cited a few minutes ago, may be included in the RECORD as a part of my remarks, as well as a tabulation from the hearings in civil rights legislation of the Subcommittee on Constitutional Rights of recent State and local laws in this field, together with a memorandum setting out the most recent developments in public school desegregation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPILATION OF RECENT STATE AND LOCAL LAWS, RESOLUTIONS, ORDNANCES, AND ADMINISTRATIVE POLICIES WITH COMMENTS BY MR. J. FRANCIS POLHAUS, COUNSEL, WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

ALABAMA

Alabama, in an attempt to evade the Supreme Court's school decisions, has adopted a pupil placement law.

This plan gives local boards of education "full and final authority and responsibility for the assignment, transfer, and continuance of all pupils." It provides that there shall be no reallocation of pupils "according to any rigid rule of proximity of residence." The board of education shall consider, among other factors, "the psychological qualification of the pupil"; "the psychological effect upon the pupil of attendance at a particular school"; "the possibility or threat of friction, or disorder among pupils or others"; the possibility of breaches of the peace or ill will or economic retaliation within the community" (Act No. 201, regular session, Alabama, 1955; I Race Relations Law Reporter[1] 235).

In this act the legislature is authorizing the local boards to, in effect, surrender their authority to those persons in the community who will promote mob action.

In an attempt to make school officials immune from legal action to enforce constitutional rights, Alabama has amended its constitution to allow the legislature to designate as judicial officers members of State school boards, State boards of education, county school boards, city school boards or commissions, and all superintendents of schools, school officials and employees (Act No. 82, Alabama, first special session, 1956; I R.R.L.R. 417).

In defiance of the Supreme Court, the legislature adopted an interposition resolution declaring the Court's segregation decision "null, void, and of no effect" (Southern School News,[2] vol. II, No. 8, p. 6, Act No. 42, Alabama, first special session, 1956).

Alabama reaffirmed its unconstitutional school policy of segregation by adopting an amendment to its school laws providing for school boards to conduct "separate schools for white and colored children whose parents * * * voluntarily elect that such children attend schools with members of their own race" (Act No. 117, Alabama, second special session, 1956; I R.R.L. R. 717).

In a series of amendments to its constitution, Alabama granted to the legisalture authority to close, withdraw State aid from, or even dispose of, public schools threatened with integration, and to donate funds and property to private schools (S.S.N., vol. III, No. 3, p. 3; Act No. 82, Alabama, first special session, 1956).

Also authorized is a so-called private school plan whereby a local school board, on petition of a majority of school patrons, may close a school and lease the property for "private, nonprofit, educational purposes" and use public funds to pay pupils' tuition in private schools. Teachers transferred to these private schools would continue to be eligible for State benefits (S.S.N., vol. IV, No. 3, p. 5).

In addition to the above-noted legislation of a statewide effect, both the State legislature and local governing bodies have passed legislation to thwart the enjoyment of civil rights.

The legislature passed two bills, applying to Macon and Marengo Counties, which would allow the county school boards to discharge any teacher, "at any time such action is deemed necessary to promote the best interest of the schools" (Acts Nos. 40 and 41, first special session, Alabama, 1956).

A local act applicable to Wilcox County requires any organization soliciting membership or funds in the county to pay a $200 license fee, a $50 fee for each solicitor, and $5 for each member signed up (Act No. 238, regular sess., Alabama, 1955).

This act would, of course, apply to organizations other than those advocating integration. Labor unions would, for instance, be similarly affected. It is doubtful, however, that it will be invoked against segregation organizations or other groups seeking to stifle civil rights and civil liberties.

The city of Huntsville, Ala., in an attempt to perpetuate the separate but equal doctrine, has adopted a resolution making the local golf courses available 1 day a week to Negro patrons (I R.R.L.R. 589).

The city of Montgomery has made it a misdemeanor for white and colored to engage in athletic contests together, or for any owner or operator of a public establishment to allow interracial athletic contests (Montgomery Ord. No. 15–57, Mar. 19, 1957; II R.R.L.R. 714).

On November 13, 1956, the Supreme Court in the case of *Gayle* v. *Browder* (77 Sup. Ct. 165), affirmed a district court decision that enforcement of State and city laws requiring segregation on public carriers was unconstitutional. Nevertheless, on March 12, 1957, the Birmingham City Commission reaffirmed its policy of segregation on public buses, adopted an ordinance which reaffirmed, reenacted, and continued in full force and effect its existing law requiring segregation in the transit system (Ord. No. 1342–F, II R.R.L.R. 457).

Because of the growing importance of the vote of colored citizens in the town of Tuskegee, the State legislature enacted a statute redefining the city limits of the town, removing from the municipality almost all colored voters (Act No. 140, Alabama, 1957 sess.; II R.R.L.R. 856).

Not content with this attempt to deny Negro citizens a voice in their government, the legislature went a step beyond and passed an amendment to the State constitution authorizing the legislature to abolish Macon County, the county in which Tuskegee is located. The purpose of this is to dilute the potential high percentage of colored voters (Macon County's colored population is 85 percent) by dividing these voters among neighboring counties. This amendment was approved on December 17, 1957 (Washington Post, Dec. 18, 1957, p. 1).

The background of this amazing perversion of the democratic process is set out in a press conference of officers of the Tuskegee Civil Association, participated in by Senator DOUGLAS and other Senators, on July 30, 1957. A transcript of the testimony of this conference appeared in the CONGRESSIONAL RECORD of August 8, 1957.

ARKANSAS

On November 6, 1956, the voters of Arkansas voted on and approved three measures designed to maintain segregation in the public school system. All three measures were to become effective on December 6, 1957.

The first of these measures was an amendment to the constitution of Arkansas designed to nullify the U.S. Supreme Court's decision in the school segregation cases. This amendment directed the general assembly to "take appropriate action and pass laws opposing in every constitutional manner the unconstitutional desegregation decisions of May 17, 1954, and May 31, 1955, of the U.S. Supreme Court, including interposing the sovereignty of the State of Arkansas to the end of nullification of these" (amendment No. 47, Arkansas constitution; I R.R.L.R., 1117).

An initiated petition of interposition was also approved which reads, in part:

"The people of Arkansas assert that the power to operate public schools in the State on a racially separate but substantially equal basis was granted by the people of Arkansas; any and all decisions of the Federal courts or any other department of the Federal Government to the contrary notwithstanding" (I R.R.L.R. 591).

The third of the measures adopted at this time was a school assignment plan, intended to evade the Supreme Court's decisions on school segregation. The chief means to be used in this evasion is apparently a provision that one of the factors to be considered is the "possibility or threat of friction or disorder among pupils or others" (I R.R.L.R. 579); Arkansas Stat., 80–1519 et seq.).

This provision is obviously an invitation to mob action of the Little Rock type.

State Commissioner of Education Ford said the law would help districts which want to keep their segregated schools (S.S.N., vol. III, No. 6, p. 8).

Arkansas' compulsory school attendance law has been amended so that students are relieved of the necessity of attending school if classes are racially mixed (Act No. 84, Arkansas Legislature, 1957 session, II R.R.L.R. 453).

The legislature has created a State agency to assist in preserving segregation. This State sovereignty commission has been granted the right to examine "all records,

[1] Hereinafter referred to as R.R.L.R.

[2] Hereinafter referred to as S.S.N.

books, documents, and other papers touching upon or concerning the matters and things about which the commission is authorized to conduct an investigation." Subpena power is granted to the commission with punishment for refusal to obey or a fine up to $1,000 and 6 months' imprisonment (Act No. 83, Arkansas Legislature, 1957 session, II R.R.L.R. 491).

In an attempt to intimidate those seeking to promote desegregation, Arkansas has enacted legislation requiring "persons and organizations promoting school desegregation by legislation or litigation" to register and submit reports to the State sovereignty commission (Act No. 85, Arkansas Legislature, 1957 session, II R.R.L.R. 495).

Upon the recommendation of State Attorney General Bruce Bennett, Little Rock and 11 other communities in the State have adopted local ordinances requiring any organization, upon request of local authorities, to file specified information about finances, officers, and members within a city. These ordinances are under legal attack by the NAACP (S.S.N., vol. IV, No. 6, p. 3).

In the meantime, these statutes are being used to harass the NAACP. Mrs. Daisy Bates, State president of the NAACP, and Rev. J. B. Crenshaw, president of the Little Rock branch, have been arrested and fined for failing to reveal the membership list of the Little Rock branch.

FLORIDA

Florida has also enacted a pupil-placement bill. Its author, Senator Johne, says of it: "Counties that want to keep segregated schools can do so under this bill" (S.S.N., vol. II, No. 1, p. 5).

This act sets up the county board of education as the authority to assign children to the school "as shall be determined by the board to be best adapted or qualified to serve the best interests of the child and of the public school system." The authority of the board is "full and complete and its decision as to the enrollment of any pupil in any school shall be final" (ch. 29746, Laws, Florida, 1955; I R.R.L.R. 237).

Further legislation on the assignment of pupils established vague criteria for assignment, such as the "psychological, moral, ethical, and cultural backgrounds of the pupil." The board is directed to take into account "sociological, psychological, and like intangible social scientific factors as will prevent, as nearly as practicable, any condition of socioeconomic class consciousness among pupils attending any given school." There is no provision requiring members of the boards to have any specific training in any of the social sciences (ch. 31380, Laws, Florida, 1956; I R.R.L.R. 924).

At the same time, school authorities were authorized to ignore continuing contracts and tenure in assigning teachers. Chapter 31391, Laws, Florida, 1956. "This is designed to permit the dropping of Negro teachers, regardless of their qualifications." (S.S.N., vol. III, No. 2, p. 10). It would, of course, also subject white teachers to lack of job security and make them subject to pressures from local boards.

Florida, as other States refusing to comply with the Supreme Court's decisions, has passed a resolution of nullification and interposition denouncing "the usurpation of power by the Supreme Court of the United States" (S. Con. Res. No. 17–XX, 1956 special session: I R.R.L.R. 948).

The Governor of the State has been granted what amounts to dictatorial powers under the guise of emergency authority to quell violence. The statute granted such authority reads in part:

"In all such cases when the Governor of the State of Florida shall issue his proclamation (of emergency) as herein provided he shall be and is hereby further authorized and empowered, to cope with said threats and danger, to order and direct any individual person, corporation, association or group of persons to do any act which would in his opinion prevent danger to life, limb or property, prevent a breach of peace or * * * to refrain from doing any act or thing * * * and shall have full power by appropriate means to enforce such order or proclamation" (ch. 31390, Laws Florida, 1956; I R.R. L.R. 955).

The only limitation on the Governor's use of this grant of power is that it shall be used "when, in his opinion, the facts warrant."

In an effort to harass those supporting the Federal Constitution, the legislature set up a committee to investigate the NAACP. The committee was granted a $50,000 appropriation and given broad subpena powers (S.S.N., vol. III, No. 3, p. 13).

In addition to State action, the battle against integration has been carried on on a local level.

The legislature passed a bill for Jefferson County, forbidding teachers of one race to instruct pupils of another, and forbidding pupils to engage in or attend athletic contests or use school cafeterias with children of another race (S.S.N., vol. IV, No. 3, p. 2).

Not only the school-segregation cases, but decisions of the Federal court relating to public beaches have been the objects of defiance by local authorities.

The city of Delray Beach has passed an ordinance providing: "No member of the Negro race shall go upon the Delray Beach municipal beach or the Delray Beach municipal pool" (Emergency Ordinance No. 236, 1956; I R.R.L.R. 733).

The city of Sarasota has likewise attempted by statute to deny colored citizens the right to use the public beaches. It adopted an ordinance requiring the clearing of public beaches whenever persons of different races shall enter on the beach at the same time (Ordinance No. 913, 1956; I R.R.L.R. 945).

Of recent enactment by the State legislature is a bill (H.B. 794, 1957) calling for "automatic closing and suspension of operation of any public school in this State upon the employ of Federal troops in the vicinity of said school for certain purposes." The Governor signed this into law in October 1957.

GEORGIA

Georgia has reacted strongly to the Supreme Court's decisions protecting the rights of minority citizens. The legislative reaction has taken various forms, among them a resolution of interposition and nullification, a call for impeachment of Supreme Court Justices, a memorial to declare the 14th and 15th amendments invalid, and a statute requiring State officers, under penalty of loss of pension rights, to continue enforcing unconstitutional State laws.

The nullification resolution declares:

"That said decisions and orders of the Supreme Court of the United States relating to separation of the races in the public institutions of a State as announced and promulgated by said Court on May 17, 1954, and May 31, 1955, are null, void, and of no force or effect" (H. Res. 185, 1956 sess.; I R.R.L.R. 438).

The legislature adopted a resolution on February 27, 1957, calling on the U.S. Representatives from Georgia to introduce a resolution of impeachment against Chief Justice Warren and Justices Black, Douglas, Reed, Frankfurter, and Clark because of certain decisions in which they participated (H. Res. 174, 1957 sess.; II R.R.L.R. 485).

As yet, no Georgia Congressman has introduced such a resolution.

On March 8, 1957, the legislature passed a resolution memorializing the U.S. Congress to declare the 14th and 15th amendments "null and void and of no effect" (S. Res. 39, 1957 sess.; II R.R.L.R. 483).

The statute relating to enforcement of segregation laws provides:

"Any peace officer * * * who knowingly refuses or fails to attempt to enforce any law of this State requiring segregation or separation of the white and colored races in any manner or activity * * * shall forfeit all retirement benefits, all disability benefits, and all death benefits" (Act No. 197, Georgia Laws, 1956; I R.R.L.R. 450).

Even before the Supreme Court's decision in the school cases, Georgia had begun its plan to avoid the possible consequences of such a decision.

In 1954, a constitutional amendment was ratified to allow the legislature to provide for grants of public funds to citizens for educational purposes (art. VIII, sec. XIII, Georgia constitution).

Following the Court's ruling in the segregation cases, the State adopted a battery of laws intended to evade compliance with the Constitution as applied by the Court.

A group of laws approved February 6, 1956, laid the groundwork for the closing of public schools and the operation of a State-sponsored private school system.

The first of these provides for the closing of public schools by the Governor whenever a school becomes ineligible for State funds (i.e., when integrated). The students of such a closed school become eligible for an "education grant" from public funds (Act No. 11, Georgia Laws, 1956; I R.R.L.R. 418).

Acts No. 13 and 14 of the 1956 session of the legislature authorize the State and local boards of education to lease and sublease public school property for "private school purposes" (I R.R.L.R. 420).

Supplementing the above acts is a law to bring within the State teachers' retirement system teachers who would teach in these "private" schools (Act No. 15, Georgia Laws, 1956; I R.R.L.R. 424).

The Governor has been granted authority to suspend the compulsory school laws throughout the State or in any part of the State (Act No. 130, Georgia Laws, 1957; II R.R.L.R. 453).

In order to insure conformity by the teachers of the State, the State board of education has adopted a resolution to revoke "forever" the license of any teacher who "supports, encourages, condones, or agrees to teach mixed classes" (S.S.N., vol. II, No. 2, p. 4).[3]

In a further effort to block any possible integration, the legislature has dried up any funds to support a possibly integrated school.

It has been made a felony, punishable by 2 years' imprisonment, for any school official of the State or municipal or county system to spend tax money for public schools in which the races are mixed (Act No. 82, Georgia Laws, 1955).

The Appropriations Act of 1957 contains a provision that prohibits funds to be used for any public educational facility in which white and Negro races are not separated (H. Res. 243, Georgia, 1956; I R.R.L.R. 421).

Following an attack on the segregated system of the University of Georgia, School of Law (*Ward* v. *Regents* (II R.R.L.R. 369, 599)) the State board of regents announced it would enforce admission requirements that would make it a practical impossibility for a colored person to apply, because of the social and political pressures on those sponsoring him.

These requirements would be: (1) signature of two alumni that the applicant is of good character, (2) a testimonial from the ordinary or clerk of superior court of the applicant's county that he "bears a good reputation in the community," (3) a recom-

[3] Later rescinded on the advice of the State attorney general as unnecessary. The teachers' oath to uphold the laws of the State was sufficient to prevent membership in the NAACP, he added.

mendation that he is a "fit and suitable person" for admission from the judge of the superior court in his county of residence (S.S.N., vol. III, No. 11, p. 6).

In areas other than public school segregation, Georgia has also acted to render ineffective decisions of the Federal courts.

In the field of public transportation, the State has adopted a law requiring segregation of intrastate passengers in waiting rooms of public carriers. Any carrier failing to comply is subject to penalty for a misdemeanor for each day it so fails (Act No. 413, Georgia Laws, 1956; I R.R.L.R. 428).

Also passengers who fail to use the waiting rooms designated for their race under the above-noted statute are subject to criminal prosecution; officers who enforce this law are exempted from suit for false arrest, false imprisonment, or other legal action (Act No. 405, Georgia Laws, 1956).

To avoid allowing colored citizens to exercise their constitutional right to use public parks and other places of public recreation, Georgia has authorized the State or its political subdivisions to sell, or lease, or otherwise dispose of such property (Act No. 20, Georgia Laws, 1956; I R.R.L.R. 427).

Pursuant to this authority nine State parks were leased to private operators. Average rental of these leases was $2,000 for 12 months. Most of the parks were leased to former park superintendents (S.S.N., vol. II, No. 11, p. 9).

Under the guise of emergency powers, and in a bill practically identical with Florida's on the same subject, the Governor is granted the same absolute power referred to in the above discussion of Florida's emergency statute. This includes the authority to order anyone "to do any act" or "refrain from doing any act" (Act No. 60, Georgia Laws, 1957; II R.R.L.R. 505).

Also, the State patrol and bureau of investigation has been charged with the duty of entering any county or municipality "for the purpose of making arrests and otherwise enforcing any law of this State requiring segregation or separation of the white and colored races in any manner or activity" (Act No. 384, Georgia Laws, 1956).

LOUISIANA

Shortly after the Supreme Court's decision in the school segregation cases, Louisiana amended its constitution to continue segregation under its police power. The amendment provided:

"All public elementary and secondary schools in the State of Louisiana shall be operated separately for white and colored children. This provision is made in the exercise of the State police power" (Act No. 752, Louisiana, 1954, I R.R.L.R. 239).

Supplementing this amendment, the legislature passed a law providing: (1) segregation in all elementary and secondary public schools; (2) withdrawal of State certification for any noncomplying school; (3) withdrawal of State support, including funds for free books and school lunch program from any noncomplying school; (4) criminal penalties ($500 to $1,000 fine or 90 days to 6 months' imprisonment) for any violating the provisions of the law (Act No. 555, Louisiana, 1954, I R.R.L.R. 239).

It also enacted a pupil placement plan which gave each parish superintendent of schools authority to assign students. No criteria were provided for making such assignments (Act No. 556, Louisiana, 1954).

As soon as these legislative provisions were legally attacked, they were declared unconstitutional. *Bush* v. *Orleans Parish School Board* (138 F. Supp. 336 (1956)).

In the field of higher education, Louisiana had for several years admitted colored students to its State-supported colleges. This was done pursuant to court cases predating the Supreme Court decision of May 17, 1954.

Following the decision of May 17, the State not only attempted to thwart that decision, but to reverse its policy with respect to higher education as well.

It did this by adopting a law requiring all students and applicants at tax-supported colleges to have a certificate of good character signed by their high school principals and district superintendents (Act No. 15, Louisiana, 1956).

At the same time it passed an act making it a ground for dismissal from employment for any teacher to perform "any act toward bringing about the integration of the races within the public school system or any public institution of higher learning" (Act No. 249, Louisiana, 1956; I R.R.L.R. 941).

Taken together, these laws made it impossible for colored students to obtain the required certification. It was so recognized by the Federal court and the scheme was declared unconstitutional. *Ludley* v. *Board of Supervisors of L.S.U.* (150 F. Supp. 900).

Act 249, referred to above, also provided for dismissal of teachers for advocating racial integration or for belonging to or contributing to an organization enjoined from operating in Louisiana. At the time, the NAACP was under injunction prohibiting it from doing business in that State.

Similar restrictive legislation was applied to public school bus operators, teachers and employees of the Orleans Parish public school systems (Acts 248, 250, and 252, Louisiana, 1956; I R.R.L.R. 943 et seq.).

An act affecting the city of New Orleans provides "Those public schools being utilized in the education of children of the Negro race through the 12th grade of school shall * * * be utilized solely and exclusively in the education of children of the Negro race unless otherwise classified by the legislature."

A similar provision was made with respect to "white" schools and a provision was likewise made that all new schools would be designated "white" or "Negro."

The law also requires that white and colored students will be taught only by teachers of their own race.

It further attempts to deny legal attack on the law by providing that the act may be contested only with the consent of the legislature (Act No. 319, Louisiana, 1956; I R.R.L.R. 927).

The State has suspended its compulsory school attendance laws in any school system which is ordered integrated (Act No. 28, Louisiana, 1956; I R.R.L.R. 728). This has been interpreted as applying to the parochial school system (S.S.N., vol. II, No. 12, p. 3).

In attempting to prevent lawsuits from being brought against segregation in the school and park systems, Louisiana has amended its constitution and designated the governing boards of these institutions special agencies of the State. It has withdrawn permission for suits to be brought against special agencies except with the consent of the legislature (Act No. 613, Louisiana, 1956; I R.R.L.R. 776).

Louisiana has, of course, adopted a resolution of interposition. Therein it declares the May 17, 1954, decision of the Supreme Court and any similar decision to be in violation of the U.S. Constitution "insofar as such decisions may affect or apply to the sovereign State of Louisiana" (H. Con. Res. No. 10, Louisiana, 1956; I R.R.L.R. 753).

The attack on desegregation has not been confined to the public-school system.

A particular retreat into reaction was taken when the State outlawed interracial athletic events and established forced segregated seating at all athletic events (Act No. 579; Louisiana, 1956; I R.R.L.R. 953).

Prior to the enactment of this legislation, colored athletes had been participating before unsegregated audiences for several years. Shreveport was represented in baseball in the Texas League, where colored players were active. The U.S. Naval Academy and the University of Pittsburgh had participated in the Sugar Bowl football game on an unsegregated basis. Because of this reversal of State policy, the U.S. Military Academy was forced to transfer its 1957 football game with Tulane, scheduled for New Orleans, to West Point, in order to comply with the policy of the National Government. Again in defiance of a Supreme Court ruling, Louisiana has enacted a law requiring racially segregated waiting rooms for intrastate passengers of public carriers, with criminal penalties of $100 to $300 fine and 30 days to 6 months imprisonment for any violation (Act No. 27, Louisiana, 1956; I R.R.L.R. 741).

Employers are required, under criminal penalty, to provide separate sanitary facilities, eating places and drinking facilities (Act 395, Louisiana, 1956; I R.R.L.R. 947).

This last requirement appears to contravene Executive Order No. 10479 which prohibits discrimination by employers holding Government contracts. Logically, it would bar the issuance of Government contracts to any Louisiana industry.

MISSISSPPPI

In Mississippi, the State has thrown its full power into the effort to render null and void the school segregation decisions of the Supreme Court.

In a resolution of interposition and nullification, Mississippi's Legislature has declared:

"The decisions and order of the Supreme Court of the United States of May 17, 1954, and May 31, 1955, to be a usurpation of power reserved to the several States and do declare, as a matter of right, that said decisions are in violation of the Constitutions of the United States and the State of Mississippi, and therefore, are considered unconstitutional, invalid, and of no effect within the confines of the State of Mississippi," (S. Con. Res. 125, Mississippi, 1956; I R.R.L.R. 442).

Implementing this resolution is an act which directs all officers of the executive branch of the State government to prohibit "the implementation of or the compliance with, the integration decisions of the U.S. Supreme Court," and to prohibit the "mixing or integration of the white and Negro races in public schools, public parks, public waiting rooms, public places of amusement, recreation, or assembly."

Any law officers acting in compliance with this act are granted "a full and complete defense to any suit" brought against him by "any person * * * or by the Federal Government of the United States" (ch. 254, General Laws of Mississippi, 1956; II R.R.L.R. 480).

As a further means of resisting the 14th amendment to the Constitution, the State set up a "legal educational advisory committee." This committee was granted authority to command the appearance of witnesses. The testimony of such witness "would be used in support of the State using its police power to maintain segregation for 'peace and order'" (S.S.N., vol. I, No. 6, p. 9).

At about the same time the Governor appointed 1,100 lawyers as special assistant attorneys general to act in defense of school officials against whom suits might be brought (S.S.N., vol. I, No. 6, p. 9).

Later the State created a "State sovereignty commission" with the duty "to do and perform any and all acts necessary and proper to protect the sovereignty of the State of Mississippi, and her sister States, from encroachment thereon by the Federal Government."

The commission was granted subpena power to require examination of witnesses and production of books, records, etc. Failure to respond to the subpena of the commission was made punishable by "fine or imprisonment in the discretion of the commission" (ch. 365, General Laws of Mississippi, 1956; I R.R.L.R. 592).

The legislature appropriated $250,000 to finance the activities of the sovereignty commission. Out of these funds, the commission decided to employ secret investigators and informants (S.S.N., vol. II, No. 12, p. 5).

In the field of public school education, Mississippi acted early to attempt to frustrate the Supreme Court's decisions.

In December 1954, it adopted an amendment to its constitution which would authorize the legislature to abolish public schools through the State and allow the legislature to authorize counties or separate school districts to abolish their schools (ch. 132, General Laws of Mississippi, 1955).

Also there was enacted a statute prohibiting "persons of the white or Caucasian race from attending schools of high school level and lower, wholly or partially supported with State funds, which are also attended by a member or members of the colored or Negro race." Violations of this law are made punishable by a fine up to $25 or 6 months' imprisonment (ch. 43, General Laws of Mississippi, 1955).

The State has also abolished its compulsory school attendance law in order to avoid possible integration (ch. 288, General Laws of Mississippi, 1956; I R.R.L.R. 422).

In a series of bills to preserve segregated travel, Mississippi requires public carriers to provide and designate racially separate waiting rooms and toilet facilities for intrastate travelers. Failure to use such facilities as designated is made punishable by penalties up to $1,000 in fine and 1 year imprisonment (chs. 258, 259, and 260, General Laws of Mississippi, 1956; I R.R.L.R. 430 et seq.).

As a means of insuring these and all other of its illegal and unconstitutional laws are obeyed, Mississippi has made it a criminal offense to conspire to violate the State's segregation laws by force, violence, threats, intimidation or "otherwise" (ch. 20, General Laws of Mississippi, 1954).

Realizing that the structure of enforced segregation is built on the denial of the franchise, Mississippi amended its constitution in order to further restrict the voting rights of its colored citizens. By this means, colored voters were reduced from 22,000 in 1954 to 7,000 in 1955, according to testimony given by Governor Coleman to the House Judiciary Committee. This 7,000 voters is out of a colored population in the State of 900,000 (House hearings, H.R. 140 et al., 85th Cong., 1st sess,. p. 730).

NORTH CAROLINA

North Carolina is another State which has constructed an elaborate scheme to deny colored children their right to attend public schools without racial discrimination.

One measure in this scheme is the transfer of authority from enrollment and assignment of pupils from the State board of education to local city and county boards (ch. 1372, Session Laws of North Carolina, 1955).

The purpose of this transfer, as explained by its segregationist proponents, was to require that each of the 172 school administrative units must be sued in any complete legal attack on segregation on a statewide basis (S.S.N., vol. I, No. 9, p. 10).

Another, and perhaps the principal, measure devised to block integration is a school-placement plan. This plan, as amended and in effect, grants to each local board of education "full and complete" authority to assign and reassign students to the public schools. In making assignments, the boards are "to provide for the orderly and efficient administration of the public schools, and provide for the effective instruction, health, safety, and general welfare of the pupils." Each board of education is authorized to adopt "reasonable rules and regulations as in the opinion of the board are necessary in the administration of this article" (ch. 7, extra session laws, North Carolina, 1956; I R.R.L.R. 939).

Other parts of this scheme of evasion are:

An amendment to the State constitution to authorize expenditure of public funds for tuition grants "for the private education of any child for whom no public school is available or for the private education of a child who is assigned against the wishes of his parent * * * to a public school attended by a child of another race." This amendment also authorizes the legislature to provide "local option" whereby local educational units may be allowed to close their public schools (ch. 1, extra session laws, North Carolina, 1956; I R.R.L.R. 928).

An act, adopted pursuant to the authority granted in the amendment noted above, which provides tuition grants as authorized in the amendment, for use for education in private, nonsectarian schools (ch. 3, extra session laws, North Carolina, 1956; I R.R.L.R. 930).

An act, adopted pursuant to the authority granted in the amendment note above, authorizing each local education unit "to suspend the operation of one or more or all of the public schools under its jurisdiction." It provides the machinery for such suspension and for the reopening of any closed school (ch. 4, extra session laws, North Carolina, 1956; I R.R.L.R. 934).

An act providing for the suspension of the compulsory school attendance law where public schools are integrated and it is "not practicable for such child to attend a private nonsectarian school" (ch. 5, extra session laws, North Carolina, 1956; I R.R.L.R. 938).

SOUTH CAROLINA

South Carolina began its drive to avoid the effects of the Supreme Court school decision before the decision was handed down by the Court.

It repealed that provision of its constitution requiring the State to provide a system of free public schools (Act (47) 2223, South Carolina, 1952, and Act (48) 1695, 1954). Later it provided that State funds shall cease "for any school from which, and for any school to which, any pupil may transfer pursuant to, or in consequence of, an order of any court" (Act (49) 329, South Carolina, 1955; I R.R.L.R. 241).

Another series of laws was enacted to avoid integration, if necessary by the elimination of the public school system. Among these were the repeal of the compulsory school attendance law (Act (49) 85, South Carolina, 1955); increased administrative grants of authority, including assignment of students, to local school authorities and the granting of authority to local school boards to operate or close public schools (code, title 21, sec. 230); authorization for the sale or lease of public school property (code, title 21, sec. 238).

School officials have been granted the authority to have children removed from a school and transferred to another by the sheriff or other law enforcement officer where the enrollment of such children may threaten to result in riot, civil commotion or may in any way disturb the peace of the citizens of the community (Act No. 712, South Carolina, 1956).

Higher education has likewise come under attack in South Carolina. In its general appropriations act of 1956, the State provided that all appropriations for colleges and institutions of higher learning were made on the basis of racial segregation. The colleges given State aid are to be closed upon any pupil being ordered admitted immediately to it by the order of any court. In such an event, the South Carolina State College shall be closed also (Act No. 813, South Carolina, 1956). South Carolina State College is the institution serving colored college students in the State.

A similar appropriation bill provision granted funds for racially separate schools and parks and directed school authorities to close any institution to which a student is ordered admitted by court order (Act No. 49 (329) South Carolina, 1955).

South Carolina has joined those States voicing defiance of the Supreme Court by resolutions of nullification and interposition. Its resolution reads in part:

"The State of South Carolina * * * will exercise the powers reserved to it under the Constitution to judge for itself of the infractions and to take such other legal measures as it may deem appropriate to protect its sovereignty and the rights of its people" (Act No. 914, South Carolina, 1956; I R.R.L.R. 443).

South Carolina, realizing the importance of the NAACP in the fight against its unlawful and unconstitutional legislation, has attempted to coerce the association by legislation aimed specifically at it.

It set up a special committee to investigate the activities of the NAACP at South Carolina State College to "determine what individuals at the college are members and sympathizers with" the association and to "further determine the extent of participation of the faculty and students in the activities of the association" (Act No. 920, South Carolina, 1956).

In order to further embarrass the NAACP, South Carolina enacted legislation prohibiting public employment of members of the association. It was made "unlawful for any member of the National Association for the Advancement of Colored People to be employed by the State, school district, county, or any municipality thereof."

The authorities of any school were authorized to demand an oath of "any teacher or other employee * * * who is suspected of being a member" of the association. Any person who refused to submit to such interrogation would be "summarily dismissed" (Act No. 741, South Carolina, 1956).

This act was repealed when it was attacked in the courts (*Bryan* v. *Austin* (354 U.S. 933)), in order to avoid a ruling on its constitutionality. It was replaced by a law requiring all applicants for employment with State or local governmental bodies to give "information as to active or honorary membership in or application with all membership associations and organizations" (Act No. 223, South Carolina, 1957; II R.R.L.R. 852).

South Carolina also used the "avoidance" method of having its law declared unconstitutional in connection with the operation of State recreational facilities.

While a suit was pending in Federal court involving racial exclusion at Edisto Beach State Park, the State closed the park under a legislative mandate (Act No. 917, South Carolina, 1956; I R.R.L.R. 590).

In order to continue racial segregation in other State parks, the "State commission of forestry is vested with the authority to operate and supervise only racially separate parks and to admit to the facilities of the State parks only persons having the express permission of the State to use such facilities." Permission was granted in the law to "citizens of the State to use the facilities at the parks for their own race." Persons not complying could be found guilty of trespass and sentenced to $5,000 fine or 2 years' imprisonment (Act No. 813, South Carolina, 1956; I R.R.L.R. 738).

South Carolina has enacted an "emergency" law, almost identical in language with those of Florida and Georgia. The language of these bills compels a conclusion that they had a common origin. The Governor, as he is in Florida and Georgia, is granted authority to "order and direct any person to do any act which would in his opinion prevent or minimize danger" or "to refrain from doing any act" (Act No. 349, South Carolina, 1957; I R.R.L.R. 855).

The laws noted above are those enacted since May 17, 1954. South Carolina, of

course, continues to enforce its segregation laws enacted previous to that date. Among these is section 1272 of the labor laws of South Carolina, which prohibits laborers of different races from working together in the same room in any textile shop.

This State-imposed policy of discrimination, if complied with by textile manufacturers, violates Executive Order No. 10479. Accordingly, Government agencies, if they abide by the Executive order, would not contract for textiles manufactured in South Carolina.

TENNESSEE

Tennessee's house of representatives, not content with one resolution of defiance of the Supreme Court, has passed two such resolutions, denouncing the Court's "tyrannical usurpation of power" and "illegal encroachments upon the powers reserved to the State of Tennessee" (House Resolutions 1 and 9, Tennessee, 1957; II R.R.L.R. 228 and 481).

In order to implement its defiance of the Court, Tennessee has enacted a series of laws relating to its public school system.

It has authorized boards of education to provide separate schools for white and Negro children whose parents or guardians voluntarily elect that such children attend school with children of their own race (ch. 11, Public Acts of Tennessee, 1957; II R.R.L.R. 215).

It has given local boards of education authority to assign students on the basis of a long list of intangible and unascertainable factors. Some of these are: "the effect of the enrollment on the welfare and best interests of such pupil and all other pupils"; "the psychological effect upon the pupil attendance at a particular school"; the sociological, psychological, and like intangible social scientific factors as will prevent, as nearly as possible, a condition of socioeconomic class consciousness among the pupils"; "the possibility or threat of friction or disorder among pupils or others," etc. (ch. 13, Public Acts of Tennessee, 1957; II R.R.L.R. 215).

In order to avoid the possible effects of integration, transfer of students between school systems of different counties, cities, and school districts has been authorized (ch. 9, Public Acts of Tennessee, 1957; II R.R.L.R. 220).

Also authorized is the establishment and operation of joint schools by two or more boards of education (ch. 12, Public Acts of Tennessee, 1957; II R.R.L.R. 220). The law granting this authority is to permit "two counties, neither of which has a large enough Negro student population to make it economically feasible to maintain a separate Negro school, to operate a school or schools for students of both counties" (S.S.N., vol. III, No. 10, p. 12).

In order to impede the legal attack on segregation by the NAACP and other civil rights organizations, Tennessee seeks to prohibit any person or organization from soliciting funds to "commence or prosecute further any litigation or other legal proceeding" unless the solicitor is a party or has a pecuniary right in the litigation. It also prohibits the expenditure of funds "from whatever source received" by one not a party until it (if a corporation) files a copy of its charter, bylaws, etc.; a list of members, directors, officers, etc.; a statement of its sources of membership fees, contributions, and other sources of revenue; a statement of all its financial transactions, etc. (ch. 152, Public Acts of Tennessee, 1957).

The State seeks also to coerce organizations working in the field of interracial relations. In order "to promote interracial harmony and tranquility," it demands the registration of all persons and organizations "engaged in promoting or opposing legislation in behalf of or in opposition to a race or color" or those engaging "in raising or expending funds for the employment of counsel or payment of costs in connection with litigation in behalf of any race or color." It also requires the listing of membership, financial sources, etc., as does the previously mentioned statute on litigation (ch. No. 151, Public Acts of Tennessee, 1957; II R.R.L.R. 498).

TEXAS

Texas, in adopting a pupil placement law, has, as some other States seeking to avoid integration, encouraged coercion of local school boards by providing that among the criteria the boards shall use in assigning students shall be included "the possibility or threat of friction or disorder among pupils or others; the possibility of breaches of the peace or ill-will or economic retaliation within the community."

Its placement law allows parents to withdraw students from racially integrated schools (ch. 287, Texas Session Laws, 1957; II R.R.L.R. 693).

Texas seeks to prevent further integration by requiring that no school district shall abolish its dual (segregated) school system unless the voters of the school district have voted to do so. It seeks to abolish integrated systems now existing by allowing the voters of a school district to vote to return to a segregated system (ch. 283, Texas Session Laws, 1957; II R.R.L.R. 695).

The State has provided for the closing of schools where "violence or the danger thereof cannot be prevented except by resort to military force (Senate bill 1, Texas, special session, 1957; S.S.N., vol. IV, No. 6, p. 5).

Texas has joined those States adopting statutes labeled "anti-NAACP" laws. In an act allegedly aimed at the association, it requires "any organization that seeks to hinder or interfere with the operation of a public school to make public its roster of members on order of the county judge" (New York Times, Dec. 8, 1957).

VIRGINIA

Virginia's program of massive resistance to the implementation of the 14th amendment began with the adoption of a resolution of interposition directed against the Supreme Court's decision in the school cases. It pledged the State "to resist this illegal encroachment on our sovereign powers" (S.J. Res. 3, Virginia 1956, I R.R.L.R. 445).

In special session the legislation in 1956 adopted a series of laws designed to alter the operations of Virginia public schools in such a way that the State could continue to operate under its unconstitutional segregation policy. These laws, approved on September 29, extend from chapter 56 through chapter 71 of the acts of the 1956 extra session of the General Assembly (I R.R.L.R. 1091 et seq.).

The first of these laws would make available State funds to governmental subdivisions of the State to replace the funds which will be withheld if schools are integrated. These funds will be available "for grants to pupils attending nonsectarian private schools" (ch. 56).

Another statute authorizes local governments to levy a property tax to raise money for such "private" school grants (ch. 57).

Other parts of this legislative plan authorize local school boards to make grants for "private" education out of school funds (ch. 62); provide administrative procedures for the expenditure of such funds (ch. 58); amend the budget laws to provide for such grants (ch. 67); and allow teachers in "private" schools to be included in the teacher retirement system (ch. 64).

The compulsory school attendance law was amended to provide that "no child shall be required to enroll in or attend any school wherein both white and colored children are enrolled" (ch. 59).

It is declared the public policy of the State that the efficient administration of the schools requires the segregation of white and colored students. Where such "efficient" school system cannot be maintained, local authorities are divested of control of the school and the school is closed. The Governor is given the authority and duty to take over the school and administer it in such a way as to prevent integration (ch. 68).

Where local authorities cannot operate an efficient public school system, the State is authorized to take over and administer through the Governor, such efficient system. In such case the State shall operate its system in the unused school buildings and related facilities now or hereafter owned, constructed, and maintained by the school boards of the several counties, cities, and towns (ch. 69).

The keystone of the whole plan was the pupil placement plan which vested all power of enrollment or placement of pupils in a pupil-placement board. The board was to administer the law, taking into account in assigning students various factors, including the efficiency of the operation of the school. Inasmuch as an efficient school by definition is a segregated one, the board had no authority to place any student in an integrated situation (ch. 70).

The placement law has been declared unconstitutional on its face (*Adkins* v. *School Board of Newport News* (148 F. Supp. 430)).

On September 29, 1956, the legislature also passed a series of laws which have come to be known as the anti-NAACP laws. The purpose of this legislation is to close the courts to legal attacks on the constitutionality of Virginia's segregation policy. They attempt to impede the activities of the NAACP and other civil-rights organizations in the following manner:

Prohibiting the solicitation of funds for legal proceedings except by a party to a suit and requiring the filing of membership lists, financial statements, sources of dues, and contributions, etc., by any organization contributing funds for legal proceedings (ch. 31, Virginia extra session, 1956).

Requiring the registration of any person or organization "who or which engages as one of its principal functions or activities in the promoting or opposing in any manner the passage of legislation by the general assembly in behalf of any race or color, or who or which has as one of its principal functions or activities the advocating of racial integration or segregation * * * or who or which * * * engages in raising or expanding funds for the employment of counsel * * * in behalf of any race or color." In addition to registering an organization is required to list its members, contributors, financial information, etc. Such information shall be public records (ch. 32, Virginia extra session, 1956).

By making criminal the giving, receiving, solicitation, etc., of funds for any legal action against the State, its political subdivisions, or officials thereof, except by a party to such suit or one having a direct interest therein. Also made illegal is the advising or instigating of such suit (ch. 36, extra session, Virginia, 1956).

At the same time that the above legislation was enacted, the legislature created two legislative investigating committees, the Committee on Offenses Against the Administration of Justice and a committee to investigate organizations promoting "litigation relating to racial activities" (chs. 34 and 37, extra session, Virginia, 1956).

These committees have spent most of their time in harassing litigants and attorneys in civil-rights suits and other proponents of constitutional rights.

They have, in secret sessions, inquired into the political and religious beliefs of witnesses and have conducted their investigations in the style of the secret police.

On the local level in Virginia, the County of Halifax has taken upon itself the regulation of solicitation of memberships by organizations, unions, or societies. No such

solicitation shall be allowed without a permit. In passing on the permit, the board of supervisors shall consider "the character of the applicant, the nature of the business of the organization * * * and its effect upon the general welfare of citizens of said county" (I R.R.L.R. 958).

SUPPLEMENTARY MEMORANDUM: ADDITIONAL SEGREGATION LEGISLATION

(By J. Francis Poulhaus, March 1, 1959)

Senator PAUL DOUGLAS inserted a compilation of laws passed by Southern States and local communities in the CONGRESSIONAL RECORD of February 10, 1958. These laws were designed to preserve segregation and to avoid compliance with decisions of the U.S. Supreme Court. The compilation included statutes enacted up to the end of 1957.

Additional laws have been passed in some of the States included in the compilation during 1958 and 1959. This memorandum deals with the principal features of this additional legislation, without necessarily considering all laws which may fall into this category.

ALABAMA

The Alabama Legislature, meeting in February of this year, unanimously approved an act authorizing voting boards of registrars to destroy applicant questionnaires after 30 days allowed for appeal. The purpose of this statute is to prevent civil rights investigations. Southern School News (hereafter referred to as S.S.N.), March 1959, page 15.

The legislature also set up two committees. The first is to screen all proposed segregation legislation for the regular May session of the legislature. The other is to study developments in Macon County, which the legislature is authorized to abolish. SSN, March 1959, page 15.

ARKANSAS

As a result of the political activity arising out of the Little Rock situation, Arkansas has come to the forefront of States resisting the constitutional principle of equal protection of the law. Some of its recent legislative and administrative actions are noted below.

The Governor has been granted authority to close any or all schools of any district and order an election to determine whether the schools shall reopen. He is authorized to take this action "in order to maintain the peace" or when integration has been ordered in any school in a district. Act No. 4, 1958 extraordinary session, Arkansas General Assembly; 3 Race Relations Law Reporter (hereafter referred to as RRLR) 1049.

State funds are to be withheld from any school closed by order of the Governor. The payment of withheld funds to other public or nonprofit schools attended by students from the closed schools has been authorized. Act No. 5, 1958 extraordinary sessions, Arkansas General Assembly (3 RRLR 1043).

Acting pursuant to this statute, the Arkansas State Board of Education voted to allocate $53,189 of State funds to a private segregated high school in Little Rock (J. T. Raney High School). This money would come from funds usually sent to the Little Rock School District (New York Times, Feb. 6, 1959, p. 10, col. 2). On March 7, 1959, a three judge Federal court in Little Rock enjoined the State board of education from allocating these funds (Arkansas Gazette, Mar. 8, 1959, p. 1).

Apparently in anticipation of this decision, Arkansas has modified its student aid program so that financial aid will go directly to the student rather than to the school he attends. Act 46, 1959 session, Arkansas Legislature (SSN, March 1959, p. 2).

Students in schools "where racial integration exists, or is imminent" are allowed to transfer to segregated schools in the same or other school districts (Act No. 6, 1958 extraordinary session, Arkansas General Assembly; 3 RRLR 1045).

Students are further guaranteed segregation under a law which provides, "No student shall ever be denied the right to enroll in * * * any course in any public school in the State of Arkansas by reason of his or her refusal to attend a class with a student of another or different race" (Act. No. 7, 1958 extraordinary session, Arkansas General Assembly; 3 RRLR 1051). "This was interpreted to mean that classes could be segregated within an integrated school building." (SSN, September 1958, p. 4.)

As a condition of employment, all public school officials and employees in Arkansas are required to list all organizations to which they have belonged for a period of 5 years preceding (Act No. 10, 1958 extraordinary session, Arkansas General Assembly; 3 RRLR 1049).

An act described as "aimed at the NAACP" (SSN, September 1958, p. 4) authorizes any county judge to require any organization to file information, including membership lists, if such organization is engaged in activities designed to "hinder, harass, and interfere with the powers and the duties of the State of Arkansas to control and operate its public schools" (Act No. 12, 1958 extraordinary session, Arkansas General Assembly; 3 RRLR 1054).

Another piece of legislation described as "aimed at the NAACP" (SSN, September 1958, p. 4) authorizes the attorney general to visit offices of various organizations or associations which "have interfered with the peace and proper administration of the public schools and institutions of the State of Arkansas" and inspect records for evidence of tax evasion (Act No. 13, 1958 extraordinary session, Arkansas General Assembly; 3 RRLR 1056).

On February 17, 1959, the Arkansas Legislature passed a bill prohibiting any State agency from hiring a member of the NAACP (New York Times, Feb. 19, 1959, p. 7, col 2).

Teachers in private schools have been made eligible for inclusion in the State teachers retirement system. This was done so that teachers could shift from public to private schools without loss of benefits (Act 55, 1959 session, Arkansas Legislature; SSN, Mar. 1959, pp. 2–3).

Arkansas has attempted to revive segregated seating on intercity buses by empowering drivers to assign passengers to seats (Act 81, 1959 session, Arkansas Legislature; SSN, Mar. 1959, p. 3).

GEORGIA

Georgia is another State which has moved to defend segregation by crippling its educational system. Its latest move in this direction was the amendment of the compulsory school attendance law to make it not apply "in any public school district or system * * * wherein the operation of the public schools by public officers of this State is discontinued" (Georgia Laws, 1958, vol. I, p. 231).

This State has also moved to further restrict its limited voting lists. All new applicants for registrations will be qualified under a new law which includes a literacy test providing; * * * the board shall submit to him a section of the constitution of Georgia or of the United States and the applicant shall be required to read it aloud and write it in the English language" (Georgia Laws, 1958, vol. I, p. 269, 278; 3 R.R.L.R. 345, 349).

As a part of its program of intimidation, the Georgia Legislature adopted a resolution to investigate the religiously sponsored community, Koinonia Farms, at Americus (SSN, March 1958, p. 13).

The 1959 session of the Georgia Legislature adopted six laws described as "major" pieces of segregation legislation. These will—

1. "Permit the Governor to close a single public school within a system ordered integrated."

2. "Prohibit any city or county having an independent school system from levying ad valorem taxes for the support of mixed schools."

3. "Facilitate establishment of bona fide private schools by allowing taxpayers credit upon their State income tax returns for contributions to such institutions."

4. "Authorize closing by the Governor of any unit in the university system of Georgia if necessary to preserve peace, dignity, and good order in the State."

5. "Set age limits on those in the university system except where special dispensation is allowed."

6. "Allow the Governor to designate legal counsel in school cases and to pay fees and expenses of counsel and court cost" (SSN, March 1958, p. 7).

LOUISIANA

In Louisiana the Governor has been empowered to "close any racially mixed public school or any public school which is subject to a court order requiring it to admit students of both the Negro (sic) and white races by a date certain * * *." He is further "authorized and empowered to close any other city school or schools in any parish or city school system where a school has been closed under the provisions of this section if in his opinion the operation of such school or schools might cause friction or disorder among the school children or citizens of said system or result in a breach of the peace, civil disorder, or strife" (Act No. 256, 1958 extra session, Louisiana Legislature; 3 R.R.L.R. 778).

The legislature has adopted a constitutional amendment authorizing it to provide financial assistance to students attending private nonsectarian elementary and secondary schools (house bill No. 984, 1958 session, Louisiana Legislature; 3 R.R.L.R. 780). This amendment was adopted by the voters in the election of November 1958 (SSN, December 1958, p. 8).

The legislature has also enacted a law providing for the establishment of cooperative schools (Act No. 57, 1958 sess., Louisiana Legislature; 3 R.R.L.R. 768). This bill has been described as follows: "This * * * act sets up the requirements for incorporation of educational cooperatives among parents of schoolchildren. These cooperatives would be titular owners and operators of schools which were once public" (SSN, July 1958, p. 16).

Pending action on more drastic legislation, Louisiana has adopted an interim pupil placement law. Some of the criteria for placement include: "the suitability of established curricula for particular pupils * * * the psychological qualifications of the pupil for the type of teaching and associations involved * * * the possibility or threat of friction or disorder among pupils or others * * * the possibility of breaches of the peace or ill will or economic retaliation within the community" (Act No. 259, 1958 sess., Louisiana Legislature; 3 R.R.L.R. 1059).

The State has provided tuition grants for "every child * * * for whom no public school is available, or who is assigned to a public school attended by a child of another race against the wishes of his parents or guardian." Such grants are available for education in private nonsectarian schools (Act No. 258, 1958 sess., Louisiana Legislature; 3 R.R.L.R. 1062).

In the area of voting, the State attorney general has been charged with the duty of defending any voting registrar whose acts are questioned before a Federal court or agency (Act No. 482, 1958 sess., Louisiana Legislature; 3 R.R.L.R. 1066).

Discrimination has even been injected into the doctor-patient relationship by a require-

ment that "all human blood used or proposed to be used in the State of Louisiana shall be (racially) labeled." The person receiving blood or his next of kin must be notified if blood of a person of a different race is to be used (Act No. 519, 1958 sess., Louisiana Legislature; 3 R.R.L.R. 1065).

The pattern of intimidation by legislative committee has continued in Louisiana as indicated by a legislative probe of faculty members of Louisiana State University.

Sixty-six members of the Louisiana State University faculty signed a petition sponsored by the American Civil Liberties Union, petitioning a special joint committee of the legislature to defeat proposals calling for closing of public schools. A committee of the legislature submitted a questionnaire to all 66 quizzing them concerning their signing the petition and about their membership in various organizations (3 R.R.L.R. 781).

MISSISSIPPI

The Governor of Mississippi has been given an almost absolute power to close any public school or college in the State. The legislature has vested him with authority "to close any one or more or all schools in any district * * * or any institution of higher learning in the State of Mississippi, when, in his discretion, he determines such closure to be to the best interest of a majority of the educable children of any public school district * * * or to the best interest of any institution of higher learning." This discretion may also be used when "he determines such closure will promote or preserve the public peace, order, or tranquillity in and of such institutions, or the community." (Senate bill No. 2079, 1958 sess., Mississippi Legislature; 3 R.R.L.R. 553, approved May 6, 1958.)

Similar authority has been granted to the Governor to close "any or more, or all, of the State parks when, in his discretion, such would be to the best interest of the county or counties in which same may be located, or to the State of Mississippi, or either." (House bill No. 1134, 1958 sess., Mississippi Legislature; 3 R.R.L.R. 555, approved May 7, 1958.)

Mississippi has amended its constitution to make the amending process easier in the future. This is described as designed to make it easier to adopt segregation amendments at subsequent sessions of the legislature (SSN, August 1958, p. 1).

* * * * *

VIRGINIA

Virginia has enacted additional school closing laws. One such, provides for the automatic closing of any school "whenever any military forces or personnel are employed or used upon the order or direction of any Federal authority for the purpose of policing its operation, or to prevent acts of violence or alleged acts of violence" (ch. 41, Acts of the 1958 Virginia General Assembly; 3 R.R.L.R. 341).

Another such bill grants to the Governor the authority in his discretion to close any school in the district, if one school in the district is entered by military forces acting under Federal authority (ch. 319, Acts of the 1958 Virginia General Assembly; 3 R.R.L.R. 342).

The Voting Code of Virginia has been amended to provide that those seeking to register to vote must supply all necessary information "on a sheet of paper containing no written or printed data, information, questions or words." When making application, the applicant "shall not be permitted to refer to any pamphlet, booklet, or other memorandum, printed or written, nor to discuss with any person any matter concerning the requirements necessary in order to register (ch. 576, Acts of 1958 Virginia General Assembly).

The legislature voted to establish a seven-man investigation committee to continue investigation of organizations engaging in "racial activities" (SSN, April 1958, p. 2). This would replace two previous committees, both of which are under court attacks.

After the collapse of massive resistance, Virginia moved quickly to prevent the spread of desegregation.

A special session of the legislature passed, and the Governor signed, bills abolishing the compulsory school attendance laws and establishing grants of $250 for students not desiring to attend nonsegregated schools (Washington Post, Feb. 1, 1959, p. 1).

The Governor has named a special commission of 40 members to study the Virginia school situation. Its purpose has been described "to draft a program aimed at keeping integration at its lowest possible level" (New York Times, Feb. 8, 1959, sec. 4, p. 2, col. 1).

COMMISSION ON CIVIL RIGHTS PUBLIC EDUCATION SECTION—NEW DEVELOPMENTS IN PUBLIC SCHOOL DESEGREGATION SINCE JUNE 1959

I. STATE LEGISLATION ON PUBLIC SCHOOLS

No legislation on desegregation of public schools was enacted in the year 1959 by the 17 formerly segregated States.

The pattern of continued evasive tactics can be found in certain legislation passed by those States that chose noncompliance or a token acceptance of the 1954 Supreme Court decision in the School Segregation Cases [347 U.S. 483 (1954)].

Alabama: A statute was enacted on November 20, 1959, authorizing the use of public funds to finance private schools directly. The act is patterned after an existing statute which permits the appropriation of public funds to private colleges. Tuskegee Institute, a private Negro college, receives an annual State grant under that act which segregationists intend to test for constitutionality. If the existing law is found valid by the Federal courts, then it is assumed that the newly enacted statute providing State funds for private, elementary, or high schools would be free from attack.

The next session of the legislature will be in May 1961.

Arkansas: No further legislation was enacted by the general assembly after the approval of a group of bills providing for the withholding of State funds from desegregated schools, for pupil assignment procedures, tuition grants, the administration of school funds in districts where schools were closed, and functions of school boards under order to desegregate. (Act 46 of Feb. 13, 1959, Act 55 of Feb. 17, 1959, Act 151 of Mar. 3, 1959, Acts 207–208, 225, 236, and 275 of Mar. 25, 1959, Act 461 of Mar. 30, 1959, and Act 466 of Mar. 31, 1959.)

The legislature will reconvene in January 1961.

Delaware: No legislation was enacted on the subject during 1959. The next session will be in January 1961.

Florida: After the enactment on May 22 and 26, 1959, of legislation (chs. 59–113 and 59–138) providing for the chartering of private school corporations and granting the county school boards discretion to separate the sexes in the county schools, the Florida Legislature passed, with the Governor's approval in the first instance only, two additional measures, effective on June 19, 1959.

Chapter 59–428 amends the Florida pupil assignment law by adding to the factors to be considered in the designation of the school to which the pupil may be assigned—(a) the request or consent of the parents; (b) the effect of the admission of new pupils on the academic progress of the other children already attending the school; and (c) the adequacy of academic preparation of the pupil for admission to a certain school.

Chapter 59–412 amends the compulsory attendance law to exempt therefrom, among others, students assigned, against their parents' written objection, to a school attended by both races. If a transfer is denied or is unavailable, upon their filing notice of their unwillingness to allow the pupil to remain in the assigned school with the county board of public instruction, parents and child are exempted from the operation and sanctions of the compulsory attendance statute.

The Florida Legislature will reconvene in April 1961.

Georgia: Aside from Acts Nos. 7 and 8 of February 3, 1959, empowering the Governor to close public schools and State colleges and universities "to preserve the good order," no new legislation on the subject was enacted during 1959. The legislature reconvened on January 11, 1960, and is now faced with the dilemma of reconciling the Georgia constitutional provision on separation of schools by race and the statutes on the closing of schools and on their loss of State support upon integration with the pupil-placement plan approved by the Board of Education of Atlanta after the district court ordered it to formulate a desegregated program (see below, *Calhoun* v. *Latimer*).

Kentucky: During 1959 no new legislation was enacted on desegregation in public schools and none is expected to be enacted in the 1960 session, now in progress.

Louisiana: No new legislation was enacted on the subject during the year 1959. The legislature will reconvene in May 1960. In conflict with the school closing laws, the Orleans Parish School Board is under court order to present a desegregation plan by May 16, 1960 (see below, *Bush* v. *Orleans Parish School Board*).

Maryland: Aside from approving a joint resolution ratifying the 14th amendment to the Constitution of the United States, the Maryland General Assembly enacted no new legislation on the subject in 1959 and none is expected in 1960. It will reconvene on February 3, 1960.

Mississippi: No new legislation on desegregation in public schools was enacted in 1959. The next session of the legislature will be in January 1961.

Missouri: No new legislation on desegregation in public schools was enacted in 1959. The next session of the legislature will be in January 1961.

North Carolina: No new legislation was enacted on the subject in 1959. The legislature will reconvene in February 1961.

Oklahoma: The legislature, which has enacted no pertinent statutes during 1959, will have its next session in January 1961.

South Carolina: No new legislation on the subject was enacted in 1959. The General Assembly reconvened January 12, 1960.

Tennessee: The only pertinent statute was enacted on March 28, 1959 (ch. 289), to amend the compulsory attendance laws by making local school boards solely responsible for their enforcement and by allowing parents to withdraw children from school "for any good and substantial reason" provided the child enrolls within 30 days in another public or private school with the approval of the board. The statute also withdrew from the State commissioner of education the power to withhold State funds upon failure or refusal of a local school district to enforce the compulsory attendance law.

The legislature will reconvene in January 1961.

Texas: No new legislation was enacted on desegregation of public schools during 1959. The next regular session will convene in 1961, but it is reported that the Governor may call a special session in February 1960 for the raising of additional funds in support of the public schools.

Virginia: The only new legislation in the 1959 session of the legislature in the field of education was enacted during the first 4 months. On January 31, 1959, chapters 1

and 2 of the 1959 acts (extra session) were adopted amending tuition grant laws, appropriating money therefor, and repealing the compulsory attendance statutes. On February 3, 1959, the legislature adopted chapter 4, making it unlawful to threaten to bomb any school building, and chapter 6, making it unlawful to expend educational tuition grants for any other purpose. On April 1959, as a result of the Perrow Commission Report and Recommendations, chapters 46–49, 50–53, 69, 72, 79, and 81 were approved reenacting the compulsory attendance laws but granting local option in dealing with them where schools are integrated, providing State tuition payments to parents who object to their children's attendance at integrated schools, and organizing the financial structure of local school boards on an independent basis. Of particular interest is chapter 71 enacted on April 28, 1959, to become effective March 1, 1960. This law provides for the administration of the Pupil Placement Act by local boards under rules adopted by the State board of education, for appeals of decisions by local boards to the State board and the State courts. Any county, city, or town may elect to be bound by this act in lieu of the State Pupil Placement Act.

The general assembly convened on January 13, 1960.

West Virginia: No new legislation on the subject was enacted during 1959 and none is expected in 1960. The legislature reconvened in January 1960.

II. VOLUNTARY DESEGREGATION

In isolated instances desegregation without court order took place in the fall of 1959.

Arkansas: Pulaski County School District leased the school attended by dependents of personnel at the Little Rock Air Force Base to the Air Force for a nominal sum and agreed by contract to operate the school. It opened on a desegregated basis in September 1959. The school appears to have been built with Federal funds.

Florida: Two public schools were opened to Negro students in the fall of 1959 in Dade County, Fla., the Orchard Villa Elementary School and the new county school built for dependents of military personnel near the Homestead air base in south Dade County.

North Carolina: On July 13, 1959, the Board of Education of Craven County, N.C., resolved to admit with the fall term of 1959 all children of military personnel stationed at the Marine Air Corps Station at Cherry Point, N.C., to the white elementary schools in the Havelock District which meant desegregating the schools in question. By action of the board of education, two other North Carolina cities granted Negroes admission to formerly white schools. Durham granted 8 out of a total of 225 applications and High Point granted 2 out of 12.

North Carolina: On July 13, 1959, the school district near Corpus Christi, Tex., followed the example of the Boarne School District and rejected on October 3, 1959, a proposal to desegregate their school under the 1957 Texas statute which makes it mandatory upon a school district, under penalty of loss of all State educational funds, to submit to a voters' referendum any school desegregation plan.

III. COURT DECISIONS

By and large, however, it was through court action that significant steps toward school desegregation were taken in 1959. The greatest burden of litigation rested with the Federal courts where dormant suits were revived, new actions were filed and landmark decisions were issued in pending cases.

Highlights of litigation were the challenge and invalidation of State statutes upholding school segregation (Arkansas, Tennessee, Virginia), the testing of the administration of pupil assignment laws (Arkansas, Florida, North Carolina, Texas, Virginia) and the enforcement by the courts of a "prompt and reasonable start" in the abolition of segregation. Some cases involved the extension of desegregation to the elementary level (Kentucky); others the initial start of desegregation where none had previously been achieved (Atlanta, Ga., and Dollarway, Ark.).

As it appears from the summary that follows, the most litigated jurisdiction in the field of school desegration in 1959 was Virginia.

Alabama: No litigation is pending and no decision was issued in the State or Federal courts as to school desegregation.

Complete segregation of public schools is still the rule in this State.

Arkansas: On December 14, 1959, the Supreme Court of the United States in *Faubus* v. *Aaron* (28 L.W. 3187) affirmed without opinion the decision of a three-judge district court in the case of *Aaron* v. *Cooper, sub nom. Aaron* v. *McKinley* (173 F. Supp. 944 (E.D. Ark. June 18, 1959)).

This action was instituted in September 1958 to enjoin the school officials from leasing school buildings to private schools. The restraining order was granted and defendant was ordered on January 9, 1959, to submit within 30 days a detailed plan for the reopening of Little Rock schools. Delaying motions were filed by defendants and, the issue of constitutionality of certain Arkansas statutes having been raised, the three-judge court was convened to decide that point. (*Aaron* v. *Cooper* (169 F. Supp. 325, E.D. Ark. 1959)). The court enjoined the defendants from impeding the implementation of the approved "Blossom" integration plan of Little Rock and declared invalid Act No. 4 of the 1958 statutes which authorized the Governor to close public schools upon integration and Act No. 5 which provided for the withholding of State funds from closed, integrated schools and for the payment of such funds to private schools that students transferring from desegregated schools may elect to attend.

Both these statutes had been upheld by the Arkansas Supreme Court in *Garrett* v. *Faubus* (323 S. W2d 877, April 27, 1959), and in *Fitzhugh* v. *Ford* (323 S. W2d 559, May 4, 1959), respectively. It is interesting to note that the Little Rock School Board reopened the high schools in September 1959 on a desegregated basis through the use of the pupil assignment law. Out of 60 applicants a total of 6 Negro students were admitted to formerly all-white Central High and Hall High Schools.

Two new suits were filed in 1959 and are pending before the courts.

In *Dove* v. *Parham* (176 F. Supp. 242 (E.D. Ark. 1959)) the Dollarway School District was ordered by Judge Beck, on August 4, 1959, to admit certain Negro students to its high school after upholding the validity of the 1956 and 1959 Arkansas pupil assignment laws. On appeal to the Court of Appeals for the Eighth Circuit the decision was affirmed as to the constitutionality of the pupil assignment laws and the injunction against continuing to maintain segregated schools, but reversed as to the students' admission because of plaintiffs' failure to follow the reassignment procedure of the Arkansas pupil assignment law (271, F. 2d 132 (8 Cir. Oct. 8, 1959)). Plaintiffs had 10 days to request reassignment and after being subjected to extensive placement tests were rejected on October 22, 1959, and assigned to an all-Negro school. Exceptions to the assignment were filed with the board and turned down on November 12. On November 20, the plaintiffs returned to Federal court and asked permission to file a new complaint asking for admission to the white schools which was granted. A preliminary hearing was held on December 16 and briefs were requested from both parties to be filed by January 27, 1960.

In *Aaron* v. *Tucker*, 16 Little Rock Negro students, denied admission to formerly all-white schools, filed a complaint as part of the original Little Rock case to test the legality not of the assignment laws but of their applications by the Little Rock School Board. January 26, 1960, was set for the taking of depositions from Little Rock school authorities.

Delaware: In the case of *Evans* v. *Ennis* an appeal is pending before the Court of Appeals for the Third Circuit from the decision of the district court upholding a 12-year stairstep plan for statewide desegregation of Delaware public schools which the court had approved on April 24, and July 6, 1959, sub. nom. *Evans* v. *Buchanan* (172 F. Supp. 508, 173 F. Supp. 891 (D.C. Del. 1959)). The district court, however, in approving the plan, had deleted paragraphs 4 and 5 which would have given the children a choice of attending the nearest school or the school they would have attended prior to the litigation. On petition of the State board, the district court refused to restore the paragraphs eliminated, stating that they were discriminatory and intended to perpetuate racial segregation. No cross-appeal has been noted. Briefs have been filed with the court of appeals by the seven Negro student appellants and oral arguments were set for February 15, 1960.

Pending in the U.S. District Court for the District of Delaware is the case of *Baker* v. *Dennis* which opposes the desegregation plan limited to high schools that had been adopted in 1954 in Dover, Del. Dover, however, has started this year desegregating its schools also at the elementary level by adopting the court-approved State integration plan.

Florida: On November 24, 1959, in the case of *Gibson* v. *Board of Public Instruction of Dade County* (28 L.W. 2273) the Court of Appeals for the Fifth Circuit reversed the decision of the district court, 170 F. Supp. 454 (1958), which had declared unconstitutional the Florida school segregation laws but upheld the Pupil Assignment Act. The Court of Appeals found that the Florida pupil assignment law, as implemented by resolution of the Dade County board adopting a pupil placement plan, did not afford plaintiffs an opportunity to have their choice of school considered by the school authorities and, in effect, brought no change in the racially segregated school system. Hence, the implementing resolution did not constitute a reasonable start toward full compliance with the Supreme Court's 1954 ruling. It ruled further, that the board may submit to the District Court a desegregation plan in which event that court might properly wait a reasonable time for the administrative action necessary for its implementation. If the board should fail to do so, then an injunction for plaintiffs' admission would stand. In any event, the District Court should retain jurisdiction of the dispute.

In the case of *Myers* v. *Hillsborough County School Board* (No. 17, 939 (5th Cir.)) an appeal is pending before the U.S. Court of Appeals for the Fifth Circuit from a September 1959 decision of the District Court denying the relief sought by Negro children whose applications for admission to white schools had been rejected because of their failure to exhaust the administrative remedies afforded by law. The decision of the lower court upheld the validity of the pupil assignment law.

Also pending and scheduled for argument in late January 1960 before the Palm Beach County Board of Instruction is the long-litigated case of *Holland* v. *Palm Beach County Board of Public Instruction* (258 F. 2d 730 (5th Cir. 1958)) in which the Court of Appeals on August 26, 1958 had remanded the case to the District Court, directing it to enter a declaratory judgment and relieve the plaintiff from the deprivation of his rights, placing on the board of public in-

struction the primary responsibility to make a prompt and reasonable start in desegregation.

Georgia: In the case of *Calhoun* v. *Latimer* (civil action No. 6298, N.D. Ga.) a group of Negro parents sought the opening to Negro children of the all-white Atlanta city schools. On June 16, 1959, District Judge Hooper ordered the city board of education to submit, by December 1, contingent upon the enactment of statutes permitting it to be put into action, a plan for the ending of racial segregation in the city school system. While notice of appeal to the Circuit Court was filed in August, the school board presented a gradual, grade-a-year desegregation plan beginning at the 12th grade level and using pupil assignment criteria similar to the Alabama pupil assignment law to the District Court on November 26, 1959. On December 30, 1959, Judge Hooper approved the plan with certain modifications to be inserted by January 6, 1960. The amended plan was submitted and approved by the court on January 11, 1960. It is now to be presented to the legislature which is in session.

In the meantime, on January 26, 1960, the Atlanta School Board asked for dismissal of its appeal from the original order of desegregation which had been assigned for hearing before the Court of Appeals in March 1960.

Kentucky: In the case of *Grimes* v. *Smith*, Civil Action No. 169, the District Court for the Eastern District of Kentucky on February 9, 1959, directed the Owen County Board of Education to integrate the elementary grades at the opening of the 1959–60 school year. The county high schools had been integrated in the fall of 1958 by order of the same court on February 20, 1958.

In the case of *Garnett* v. *Oakley*, Civil Action No. 721, Judge Brooks of the District Court for the Western District on August 28, 1959, ordered the School Board of Union County to admit 41 Negro pupils living in Sturgis to its white elementary schools. The high schools had been integrated by court order in 1957, but elementary school pupils were compelled to attend the segregated Dunbar School 14 miles away, at Morganfield.

Louisiana: There is no desegregation in the public schools of this State.

In the pending case of *Bush* v. *Orleans Parish School Board*, Civil Action No. 3630 (E.D. La. 1959), a school desegregation suit which has been before Federal courts for the last 5 years, and twice before the Supreme Court of the United States, on July 15, 1959, Judge Wright ordered the defendant to submit a complete desegregation plan of New Orleans public schools by March 1, 1960. The date was later postponed at a hearing on October 9, 1959, to May 16, 1960.

Two additional school desegregation suits were filed in the U.S. District Court for the East District of Louisiana in November 1959, one to revive a 1952 original suit against the St. Helena Parish School Board, *Hall* v. *St. Helena Parish School Board*. Civil Action No. 1068 (E.D. La.) the other a 1956 dormant suit against the East Baton Rouge Parish School Board, *Davis* v. *East Baton Rouge Parish School Board*, Civil Action No. 1662 (E.D. La.).

Maryland: No litigation is pending and no decision was issued in the State or Federal courts as to school desegregation in 1959.

Mississippi: The public schools of the State are completely segregated. No desegregation suit is pending nor has been decided during 1959 by any State or Federal court.

Missouri: A suit was filed on October 7, 1959, in the State circuit court for St. Louis County at Clayton for admission of two Negro children to the West Richmond School in suburban St. Louis County, *Russell* v. *Maplewood-Richmond Heights School District*. A motion to quash the complaint filed on October 30 by defendant school district was taken under advisement by the court.

On November 16, 1959, the Supreme Court of the United States (28 L.W. 3158) upheld the decisions of the district court and circuit court of appeals, by denying certiorari, in *Brooks* v. *School District of the City of Moberly, Missouri* (267 F. 2d 733 (8th Cir., June 17, 1959)). The case was brought by seven Negro teachers of Moberly, Mo., who lost their jobs, allegedly because of racial discrimination when the all-Negro Lincoln School was closed upon the integration of all the schools.

North Carolina: In *Covington* v. *Edwards* (165 F. Supp. 951 (M.D. N.C. 1958)) a class suit was brought to enjoin the operation of segregated schools in Montgomery County. The Court of Appeals for the Fourth Circuit affirmed on March 19, 1959 (264 F. 2d 780) the lower court's decision holding that administrative remedies had not been exhausted under State pupil assignment statutes. The Supreme Court of the United States denied certiorari on October 12, 1959. (28 L.W. 3105)

In *Holt* v. *Raleigh City Board of Education* (164 F. Supp. 853 (E.D. N.C. 1958)) a Negro high school student, denied transfer to white schools under the North Carolina Pupil Assignment Act, found no relief in the district court because he had not appeared in person at the school board hearing, thus failing to exhaust the available administrative remedies. On March 19, 1959, the court of appeals affirmed (265 F. 2d 95, 4th Cir. 1959), and the Supreme Court of the United States declined to review the case on October 12, 1959. (28 L.W. 3105)

The case of another rejected transfer request, *McKissick* v. *Durham Board of Education* (M.D. N.C. 1959) was dismissed in September 1959 by Judge Stanley because of plaintiff's failure to comply with the State pupil assignment law. Two weeks after this ruling, the Durham School Board voluntarily granted an application for transfer to a desegregated school filed once again by Jocelyn McKissick.

In *McCoy* v. *Greensboro City Board*, Civil Action, No. C–26–G–59 (M.D. N.C.), the suit initially filed on behalf of four Negro pupils denied admission to the Caldwell School, which in the school year 1958–59 was still a white school, was dismissed as moot on January 14, 1960 because of plaintiffs' assignment to the school of their choice after consolidation of the Caldwell (white) and Pearson Street Branch (Negro) Schools into a Negro segregated school. The court also denied plaintiffs' motion to file a supplemental complaint alleging that the school board was continuing, through that consolidation, a general pattern of racial discrimination and should be required to present a plan for an effective method of eliminating racial discrimination in the public schools of Greensboro.

The case of *Griffith et al.*, v. *Robinson, et. al.*, Civil Action No. 1881 (W.D. N.C.), was filed on November 11, 1959 by the parents of 28 Negro children in Yancey County whose applications for admission to white schools were denied in August 1959 after a hearing before the Yancey County Board of Education where it transpired that the only county Negro school had been closed in 1958, and that the Negro children had to travel 80 miles a day to attend segregated schools in Asheville. The district court allowed the complaint to be amended on December 17, 1959 to add as party defendant the Yancey County Board of Education as distinct from the individual members thereof. Motion to dismiss was filed on January 8, 1960 and the case is now pending.

There is also before the District Court for the Western District of North Carolina the case of *Morrow* v. *Mecklenburg County Board of Education*, Civil Action No. 1415, (W.D. N.C.) in which the main issue is whether or not the State's pupil placement law is being administered fairly. For the past 3 years, the county board of education has consistently rejected all applications of Negro students for transfer to white schools. The case was filed in February 1959 and revived in December 1959 by the granting of defendants' motion to dismiss as to party defendants State board of education and the advisory education committee. The court, however, denied defendants' request for postponement of trial until after July 1, 1960, when the segregated Mecklenburg County School System and the partly desegrated Charlotte School System will merge with consequent changes in attendance areas.

Another case pending in the District Court for the Middle District of North Carolina was filed against the Caswell County Board on behalf of 40 students requesting the filing of a desegregation plan for the county. The suit is now held in abeyance while the plaintiffs are awaiting administrative action by the county board on the request for assignment in view of the Supreme Court's decisions in October 1959 in the Holt and the Covington cases (see supra).

Oklahoma: In July 1959, District Judge Fogg ruled against the School Board of Arcadia in the case of *Arcadia School Board* v. *Poling*. The board sought to set aside transfers of 13 white pupils out of the integrated schools granted by the county superintendent for reasons of health. The board alleged the transfers were to escape integrated classes, thus undermining the local desegregation plan.

South Carolina: Six years after the 1954 decision of the Supreme Court of the United States in the Clarendon County case, one of the four companion cases adjudicated in *Brown* v. *Board of Education* (347 U.S. 483 (1954)), no desegregation has come either to Clarendon County schools nor to any public school in the State, in spite of the district court's order on remand to proceed with all deliberate speed. *Briggs* v. *Elliott* (132 F. Supp. 776 (EDSC 1955)).

No case was filed nor decided in any State or Federal court on the subject during 1959.

Tennessee: The Supreme Court of the United States on December 14, 1959, denied certiorari to review the June 17, 1959, decision of the Court of Appeals in *Kelley* v. *Board of Education of Nashville* (270 F. 2d 209 (6th Cir., 1959)) which (1) approved the grade-a-year desegregation plan adopted by the board of education of that city, retaining jurisdiction of the case until the process will be completed, and (2) declared "manifestedly unconstitutional on its face" the Tennessee school preference law enacted in 1957, authorizing white, Negro, and mixed schools.

In *Scott* v. *Rutherford County Board of Education*, Civil Action No. (D.C. M.D. Tenn.) Judge Miller granted, on September 15, 1959, a temporary injunction restraining the county board from excluding children because of race from the all-white John Coleman Elementary School near Smyrna, Tenn., which is located just outside Sewart Air Force Base, and serves mainly children of military personnel stationed there. After that school was desegregated, however, a new petition was filed in *Hayes* v. *County Board of Rutherford County*, Civil Action No. 2767 (M.D. Tenn.) asking that permanent injunction issue and that it pertain to the entire Rutherford County school system. In November 1959, the same judge ruled unconstitutional any practice of compulsory segregation in the county, made permanent the injunction as to the Coleman school, but refused to order countywide school desegregation. Jurisdiction of the case was retained by the court pending any further application for relief.

In *Dianne Wart et al.* v. *Board of Education*, a 2-year-old lawsuit seeking desegregation of Knoxville schools, Judge Taylor in June 1959 dismissed the case on technical grounds because of plaintiffs' failure to name as defendants three newly elected board members.

A new class action was filed on December 11, 1959, *Goss* v. *Board of Education of the City of Knoxville*, Civil Action No. 3984 (E.D. Tenn.), seeking again to desegregate the Knoxville public schools and asking that 17 Negro students denied admission or transfer to other schools in the Knoxville system be permitted to attend any school maintained by the city without regard to race. Defendants' answer is due February 8, 1960.

Texas: A number of desegregation suits are pending in the courts of this State, some in continuation of previous litigation, some initiated during 1959.

In *Borders* v. *Rippy* a motion was filed in May 1959 in the district court seeking an order requiring the Dallas School Board to comply immediately with the desegregation order issued in January 1958 by the same court under the court of appeals' ruling of December 27, 1957, 250 F. 2d, 690 (5th Cir. 1957). The latter court on August 27, 1957, on an earlier appeal, 247 F. 2d 268, had held that the Texas statute (Tex. Act 1957, ch. 287, p. 683), forbidding school districts, under penalty of loss of State funds, to eliminate segregation without a referendum in the district, was not a valid excuse for not proceeding with desegregation in Dallas in that the State legislation could not operate to relieve either a Federal or a State official of his duty to uphold the Constitution of the United States.

At a hearing on July 30, 1959, Judge Davidson denied plaintiffs' motion for an order directing immediate desegregation of Dallas public schools, but asked the Dallas School Board to report to him by April 4, 1960, on its progress toward desegregation. An appeal from this decision was taken to the Fifth Circuit Court and is pending there with oral argument set for February 18, 1960.

The Dallas School District has also been involved in a State court lawsuit in *Dallas Independent School District* v. *Edgar* to determine its rights under the cited State statute of 1957. The suit had been initiated in the Federal courts, 255 F. 2d, 455 (5th Cir. 1958) where it was dismissed for want of jurisdiction. It was then prosecuted in the State courts and finally came on writ of error before the Supreme Court of Texas which, on January 20, 1960, refused to rule on the constitutionality of the statute stating that it found no reversible error in the proceedings of the Dallas District Court and of the Eastland Court of Civil Appeals.

In the meantime the Dallas School Board has announced that it plans to take positive action in the early part of 1960 toward initiating petitions for a referendum on desegregation.

A dormant suit on the desegregation of Houston public schools was revived in May 1959 in the case of *Ross* v. *Rogers*, Civil Action No. 10,444 (S.D. Texas). On October 15, 1957, desegregation of the city schools had been ordered by the district court without, however, fixing a definite date for compliance by the Houston School Board.

A hearing was set for August 17, 1959, at which an extensive report was filed by defendant stating in substance that immediate desegregation would be disastrous. The case is still pending.

Three new suits have been filed since August 1959 in the district courts of Texas.

In *Robinson* v. *Evans*, Civil Action No. 2643 (S.D. Texas), a suit was filed in August 1959 seeking immediate desegregation of the public schools in Galveston which the local school board had had plans to initiate before the enactment of the 1957 law withdrawing State funds from any school district which abolished segregation without the approval of voters.

Both of the other suits, *Flax* v. *Potts*, Civil Action No. 4205 (M.D. Texas), and *Simmons* v. *Edwards*, Civil Action 2631 (N.D. Texas), involve children of personnel on military installations denied admission to white schools because of race.

In the Flax case the Fort Worth School Board assigned the child of an Air Force sergeant of Carswell Air Force Base to a segregated school whereupon suit was filed in October 1959 and is now pending before the court.

The Simmons suit, filed in January 1960 against the school authorities of Friendship School District, Lubbock County, involves 18 children of military personnel stationed at Reese Air Force Base excluded because of race from the white school operated by the school authorities on the base, who are required to attend a segregated school about 15 miles away in the county.

Virginia: On January 19, 1959, the Virginia Supreme Court of Appeals in *Harrison* v. *Day* (200 Va. 439, 106 S.E. 2d 636 (Va. 1959)), ruled that closing schools and cutting off State funds to prevent desegregation violated the Virginia constitution in that the U.S. Supreme Court by its ruling of 1954 in the school segregation cases had invalidated only section 140 of the Virginia constitution which provided segregated schools, not section 129 which imposes upon the general assembly the duty to establish and maintain an efficient system of free public schools throughout the State.

On the same day a three-judge Federal court in Norfolk ruled in *James* v. *Almond* (170 F. Supp. 331 (E.D. Va. 1959)) that the State law closing schools upon their desegregation, while permitting other schools to remain open, was unconstitutional and permanently enjoined the enforcement of that statute as applied to the Norfolk public schools.

In accordance to that decision, on January 27, 1959, in the case of *James* v. *Duckworth* (170 F. Supp. 342 (E.D. Va. 1959)) the Norfolk district court enjoined the City Council and city treasurer of Norfolk from enforcing recent ordinances and resolutions generally designed at withholding public school funds in case of desegregation and at bringing about the closing of schools in Norfolk. A motion to dismiss the case was denied on February 3, 1959. On appeal, the decision was affirmed on May 18, 1959, in *Duckworth* v. *James* (267 Fed. 224 (4th Cir. 1959), denied cert. Oct. 12, 1959 (28 L.W. 3105)).

Following the decisions in *Harrison* v. *Day* and *James* v. *Almond*, the Virginia General Assembly enacted remedial laws discussed above at page 3 and a number of county and city schools reopened.

Norfolk: On January 29, 1959, the Norfolk School Board reopened, on a desegregated basis six schools closed by proclamation of the Governor on September 27, 1958, after an order had been issued by the district court and affirmed by the Fourth Circuit Court of Appeals to admit 17 Negro students to the white schools, in the case of *Beckett* v. *School Board of the City of Norfolk* (260 F. 2d 18 (4th Cir. 1958)).

The application for transfer of the remaining 134 Negro students, who had been rejected prior to the school closing by the Norfolk School Board, was then brought before the court, contesting the validity of the pupil placement plan. In May 1959, Judge Hoffman upheld the constitutionality of the criteria used by the board in the placement of the students. *Beckett* v. *School Board of the City of Norfolk*, Civil Action No. 2214 (E.D. Va.).

Twenty-three applications for transfer were filed with the Norfolk board in July 1959. The board rejected 21 and recommended 2 for approval to the State pupil placement board which turned down the applications. Judge Hoffman then added the State pupil placement board as party defendant in the Beckett suit and after hearing the board testify that it had never assigned a Negro to a white school on August 28, ordered that the two Negro students and three others who had been promoted from desegregated schools be admitted to the formerly white schools on a temporary basis. The State board rejected again all the applications. At another hearing on October 22, 1959, Judge Hoffman again directed the Virginia Pupil Placement Board to assign the Negro students to white schools in Norfolk and instructed the Norfolk School Board to disregard the State board until it changed its attitude. On November 2, the State board, under threat of contempt proceedings, assigned the children to the formerly white schools they were already attending on a temporary basis, the first such assignment it ever made. On December 9, 1959, Judge Hoffman issued an order relieving the Norfolk School Board of any responsibility to deal with the Virginia Pupil Placement Board.

Warren County: Warren County High School reopened in compliance with the February 16, 1959, decision of Judge Sobeloff, rejecting the county's plea for a stay of the desegregation order issued by the district court in *Kilby* v. *Warren County School Board*, Civil Action No. 530. Only 21 Negro students, however, attended school in the second semester of the school year 1958–59 while white students remained in private classes for white students which had been organized at Front Royal in September 1958 when public schools were closed.

On September 4, 1959, at a hearing in the case, Judge Paul refused to rescind his 1958 ruling admitting the Negro students to the white high school although a new Negro high school had just been completed, on the ground that the school board had failed to present a desegregation plan as it had assured the court in February 1959 it would do by the new school year.

Thus in September 1959 the Warren County High School reopened with 20 Negro and 417 white students enrolled, while an approximately equal number of white children remained in the private segregated schools.

Arlington County: In Arlington County, the long litigated case of *Thompson* v. *County School Board of Arlington County*, dealing with the application of the Virginia Pupil Placement Act and the transfer denied by the State placement board of 30 Negro students to white schools, reached its final stage when the district court decision was affirmed, in part, by the circuit court of appeals, *Sub. nom. Hamm v. County School Board of Arlington County* (263 F. 2d 226 (4th Cir. Jan. 23, 1959)). Thus immediate admission of four of the students was ordered and motion to stay the mandate was denied by the Supreme Court of the United States. They entered Arlington's Stratford Junior High School on February 2, 1959.

As to the remaining 26 students who had been denied transfer, the court of appeals remanded the case for the issuance of an injunction ordering the county school board to reexamine the applications in that the board could not have acted freely since the granting of the applications at that time would have caused the closing of the school. The invalidation of the school closing law removed this threat. The court also found evidence that the Negro children had been subjected to tests not applied to white students (264 F. 2d 945 (4th Cir. Mar. 19, 1959)).

Of the 26 only 22 renewed their applications and were again rejected for the school year 1959–60. The district court found on review that 10 lived out of attendance area and could be rejected, but 12 should have

been admitted, and so ordered on July 25, 1959, Civil Action No. 1341 (E.D. Va.). The motion for a countywide desegregation was rejected at that time.

As a result of this decision which the school board voted on August 21, 1959, not to appeal, Washington Lee High School and Patrick Henry Elementary School also became desegregated on September 1, 1959.

In the meantime, 16 other applicants for transfer, rejected by the State pupil placement board, came before the Arlington School Board which denied 9 of the applications because of geographical reasons and academic deficiencies, and failed to pass on the remaining 7 who had applied for admission to 2 of the already desegregated schools. The district court then ordered, on September 16, 1959, admission of the seven respectively to Stratford High and Patrick Henry Elementary Schools.

Alexandria: Racial segregation was ended in three public schools of Alexandria, Hammond High, Ramsay Elementary, and Theodore Ficklin Elementary pursuant to the February 6, 1959, decision of Judge Bryan in the case of *Jones* v. *School Board of Alexandria,* Civil Action No. 1770 (E.D. Va.). Of the 14 Negro children whose applications for transfer were rejected by the school board, the court found that 5 had been properly denied because of geographical and academic criteria, but the remaining 9 it ordered immediately admitted to the schools of their choice. Judge Sobeloff refused to stay the desegregation order, *Jones* v. *School Board of Alexandria,* Civil Action No. 7897 (4th Cir. 1959).

On May 11, 1959, Judge Bryan directed the Alexandria School Board to explain denials of admission to white schools of four Negro students and on May 18, the board filed its memorandum. In August 1959 the Virginia Pupil Placement Board rejected applications for transfer of 13 Negro students who, on September 3, filed suit for immediate admission. The Alexandria School Board on October 22 rejected their applications. Judge Bryan, while refusing, in the course of the proceedings, to order the Alexandria School Board to adopt a positive desegregation plan, on December 29, 1959, ordered that eight additional Negro students be admitted on February 1, 1960, to white schools including Minnie Howard Elementary and Jefferson Schools. The judge upheld, in his opinion, the school board's use of group tests to determine academic ability and the use of academic achievement rather than IQ test criteria to determine transfers.

Newport News: In the case of *Adkinson* v. *School Board of Newport News,* Civil Action No. 642 (E.D. Va.), Negro children sued through their parents for admission to the white schools of Newport News, and for an order directing the school board to submit an overall desegregation plan. Judge Hoffman on September 7, 1958, had denied the motion because school had already started, and had set the case for hearing (164 F. Supp. 786 (E.D. Va. 1958)).

In March 1959, the city attorney moved for dismissal, citing the Pupil Placement Act as reason for dismissal of the case and alleging that local school boards had no authority to make pupil assignments, a power reserved only to the State pupil placement board. On May 12, Judge Hoffman refused to dismiss the suit as to the Newport News School Board, and on the contrary, added the State pupil placement board as party defendant. The school board was then ordered to file a report in 10 days on the qualifications of the 10 Negro applicants, and in 180 days, a pupil placement plan without regard to race.

In November 1959 the school board submitted a proposed desegregation plan which simply left all assignments of students to the State pupil placement board. At a hearing on November 30, Judge Hoffman upheld plaintiffs' objections to the plan, calling it "meaningless" and "nothing short of contemptuous" and directed the school board to submit a new plan by March 15, 1960, spelling out the procedure to be followed in applications for transfer, either without regard to the statutory powers of the State pupil placement board, or based upon the assumption that it would be constrained to act as it had in the Norfolk case. *Adkinson* v. *School Board of Newport News,* civil action No. 642 (E.D. Va. 1959).

Fairfax County: In June 1959, 26 Negro students submitted applications for transfer to 5 white elementary and 3 white high schools in Fairfax County. Upon the State pupil placement board's denial of their application, they filed suit on August 20, 1959, in the district court in the case of *Blackwell* v. *Fairfax School Board,* civil action No. 1967 (E.D. Va.). A few days before the suit was filed, the school board adopted a grade-a-year desegregation plan to begin with the first grade after March 1960. The suit is now pending.

Floyd County: Suit was filed on August 28, 1959, in *Walker* v. *School Board of Floyd County* for admission of 12 Negro students to white high schools in Floyd County, which maintains 3 high schools for whites and none for Negroes. On September 19, 1959, Judge Thompson, of the district court, ordered their admission to two of the white schools effective January 25, 1960. On November 12, 1959, the school board assigned, as of that date, the students to the requested schools, but the county board of supervisors passed a fund cut-off ordinance under which it can close schools on short notice. However, on January 25, 1960, the Negro students were admitted to high schools of Floyd County without incident.

Pulaski County: In October 1959, 18 Pulaski County Negro children who were obliged to attend Christianburg Institute in Montgomery County applied for admission to the white Pulaski High School, which is the only high school in the county. The State pupil placement board rejected the applications and a hearing on appeal was set for February 4, 1960.

Grayson County: In Grayson County where no high school for Negroes is provided, the Negro students must attend Scott Memorial High School in Wythe County. Suit was filed in August 1959 on behalf of six Negro children for their admission to the white high school of Galax, in the case of *Blair* v. *School Board of Grayson County.* In September 1959, Judge Thompson denied their application. Two of the students then petitioned the State Pupil Placement Board and a hearing on appeal was set for February 5, 1960, jointly with the Pulaski County case.

Galax: In the town of Galax, two Negro students denied admission to the only Galax high school, filed suit in August 1959 in the case of *Brooks* v. *State Board of Galax.* Judge Thompson ordered, on September 19, 1959, the students' admission to the Galax school as of January 19, 1960.

Charlottesville: Charlottesville was the only Virginia community to become desegregated in the fall of 1959. Three Negro students entered Lane High School and nine, Venable Elementary on September 8, 1959. One of the latter has retransferred to the Negro school at the request of her parents.

The history of desegregation in this town goes back to the September 13, 1958, decision of the district court in *Allen* v. *School Board of the City of Charlottesville,* Civil Action No. 15 (W.D. Va. 1958), ordering immediate admission of 12 Negroes to the white schools. Three days later the Governor of Virginia, under the laws then in effect, ordered the schools closed. On January 29, 1959, the court of appeals granted a stay of the September decree upon receiving assurance from defendant school board that it would submit a plan for compliance with the order of the court within 20 days. *Allen* v. *School Board of Charlottesville* (263 F. 2d 295 (4th Cir. 1959)).

The schools reopened February 2 on a segregated basis. The school board submitted to the court a new nonracial pupil assignment plan which Judge Paul approved in May 1959, and the board on June 12 assigned 11 of the Negro students to the 2 white schools for the fall term of 1959, rejecting the application of 1 on grounds of health.

The Virginia Pupil Placement Board immediately notified the Charlottesville board that it was violating the State law which vested in the State board the sole power for placement of pupils in public schools and thereafter assigned the students to a Negro school. Upon further application to the court, Judge Paul ordered on September 5, 1959, the Charlottesville school officials to enroll the Negro students in the white schools and branded the State Pupil Placement Board's action as unconstitutional.

Thus the schools were desegregated.

Prince Edward County: The only county in Virginia where public schools are still closed is Prince Edward which was one of the parties to the original school segregation cases. In *Allen* v. *County School Board of Prince Edward County* (164 F. Supp. 786 (E.D. Va., 1958)), the district court had ordered on August 4, 1958, that preliminary steps be taken by the school board toward a formulation of a plan of compliance, that the time of compliance be fixed, because of race relations' deterioration in the county at 10 years from the 1955 decision in the *Brown* case, and that the defendants report to the court on January 1, 1959, on progress achieved in their plans, reserving to the court the power to amend the date of compliance in the public interest or in the interest of the parties.

On appeal, the Fourth Circuit Court, on May 5, 1959, reversed the decision on the ground that plaintiff's constitutional rights should not be yielded because of deterioration in race relations and directed the lower court to order the board to consider the applications of Negro pupils for admission to white high schools in time for the September 1959 school term, and to make plans to desegregate the elementary schools at the earliest practical date, 266 F. 2d 507 (4th Cir. 1959). The Supreme Court, on June 26, 1959, denied a stay of the order (79 S. Ct. 1443).

On the same date the Prince Edward County Board of Supervisors adopted a budget that included no appropriation of funds for the public schools of the county.

In the meantime, the county school board appealed on July 20, to the Supreme Court to set aside the Fourth Circuit Court's ruling, but on October 12, 1959, the Supreme Court denied review. (28 L.W. 3105.)

Thus the county schools have remained closed this school year, and private schools have been operated for white students.

In the Richmond suit filed September 2, 1958, in *Warden* v. *School Board of Richmond,* Civil Action No. — (E.D. Va.) six Negro students sought admission to a white Richmond elementary school. On May 21, 1959, Judge Hutcheson ruled that the State pupil placement board must be made a party to the proceedings, thus accepting defendant's contention that the power to assign children to schools is delegated by the general assembly to the State pupil placement board. The case is still pending.

West Virginia: No decision was issued by any State or Federal court in the field of public school desegregation in the year 1959.

IV. HIGHER EDUCATION

All State colleges and universities remained segregated during 1959 in the States of Alabama (not withstanding the *Lucy* v. *Adams* decision of the Supreme Court (350 U.S. 1, 1955), Georgia, Mississippi, and South Carolina.

No desegregation was brought about in the public institutions of higher education of Georgia by the decision of the District Court in *Hunt* v. *Arnold* (172 F. Supp. 847 (N.D. Ga., Jan. 8, 1959)). This suit was a class action by three Negro students refused admission at the Georgia State College of Business because of failing to comply with the requirement specified in a 1953 resolution of the Board of Regents of the Georgia University System that any applicant for admission must furnish character reference certificates by at least two Georgia alumni of that institution. The court found that such requirement is in violation of the equal-protection clause, since there are no Negro alumni of any white institutions of the university system and the particular effect of the requirement is to exclude all Negro applicants which the court enjoined defendants from doing. Notice of appeal was filed.

On February 4, 1959, the legislature adopted and the Governor approved Act No. 11 of the 1959 session setting age limits for initial admission to any college or undergraduate school and any graduate or professional school of the University of Georgia or any of its branches with certain limited exceptions. By Act No. 8 of the 1959 session, adopted February 3, 1959, the Governor was given power to close State colleges and universities when necessary "to preserve the good order, peace, and dignity of the State."

This legislation is reported to have caused a severe drop in college enrollments.

In Tennessee, Memphis State College admitted eight Negroes for the first time in September 1959, after 4 years of litigation. The court of appeals in *Booker* v. *Tennessee* (240 F. 2d 89 (6th Cir. 1957), cert. denied, 353 U.S. 965 (1957)) had reversed a district court decision approving a gradual integration plan from the graduate level down, and had ordered immediate admission of Negro plaintiffs. Desegregation had been set for the fall of 1958, but the State board of education granted the college president's request for further delay.

In September 1958 a new suit was filed by four of the Negro applicants who had passed the entrance examination test, in the case of *Prater* v. *State of Tennessee Board of Education*, Civil Action No. 3550 (W.D. Tenn.) to enjoin the delay. The district court postponed the hearing and the court of appeals refused on February 17, 1859, to order an immediate hearing.

On July 10, 1959, Judge Boyd of the district court refused to issue an injunction against further segregation and dismissed the case as moot after the college president stated that the State board had ordered him to admit qualified Negroes to the university in the fall of 1959.

In Louisiana on April 23, 1959, the court of appeals upheld in a brief opinion a district court order of September 1958 enjoining officials of Louisiana State University from keeping Negroes out of the Louisiana State University branch at New Orleans in the case of *Board of Supervisors of Louisiana State University* v. *Fleming* (265 F. 2d 736 (5th Cir. 1959)).

A new suit was filed in the District Court of Texas in September 1959 in the case of *Shipp* v. *West Texas State College*, Civil Action No. 2789 (N.D. Tex.) for admission to West Texas College of a Negro applicant who is a graduate of Amarillo Junior College, a school desegregated for a number of years. Plaintiff's motion for summary judgment is now before the court and memoranda in opposition to the motion were filed by defendants on January 7, 1960, on the theory that Texas' "three-dimensional" school plan does not violate the constitutional mandate with respect to institutions of higher education.

Dr. A. Luini del Russo.

February 2, 1960.

State Provisions for the Withdrawal of State School Aid From Integrated Schools

ALABAMA

In a series of amendments to its constitution, Alabama granted to the legislature authority to close, withdraw State aid from, or even dispose of public schools threatened with integration, and to donate funds and property to private schools (S.S.N., vol. III, No. 3, p. 3; Act No. 83, Alabama, first special session, 1956).

GEORGIA

In a further effort to block any possible integration, the legislature has dried up any funds to support a possibly integrated school.

It has been made a felony, punishable by 2 years' imprisonment, for any school official of the State or municipal or county system to spend tax money for public schools in which the races are mixed (Act No. 82, Georgia laws, 1955).

LOUISIANA

The legislature passed a law providing (1) segregation in all elementary and secondary public schools; (2) withdrawal of State certification for any noncomplying school; (3) withdrawal of State support, including funds for free books and school lunch program from any noncomplying school; (4) criminal penalties ($500 to $1,000 fine or 90 days' to 6 months' imprisonment), for any violating the provisions of the law (Act No. 555, Louisiana, 1954, I R.R.L.R. 239).

SOUTH CAROLINA

It repealed that provision of its constitution requiring the State to provide a system of free public schools (Act (47) 2223, South Carolina, 1952, and Act (48) 1695, 1954). Later it provided that State funds shall cease "for any school from which, and for any school to which, any pupil may transfer pursuant to, or in consequence of, an order of any court" (Act (49) 329, South Carolina, 1955; I R.R.L.R. 241).

Mr. JAVITS. I might point out—and I hope Senators will note this carefully—that I shall endeavor to make the whole case by including pertinent printed material and reports. I do so because it might be useful to our colleagues on both sides of this question to have in one place as much of the pertinent information as is possible upon the whole subject.

To continue on the subject of desegregation plans, I believe it is very clear from what has happened in the school desegregation field, that there is absolutely urgent need for some authority in the Attorney General to institute suits in this particular situation.

I realize that the so-called part III was submitted to the Senate and was turned down in 1957. However, law is a living, organic, and dynamic thing. Therefore, if a need is shown to exist—and, in this case, to persist—the time comes when a body can accept a solution which it might have found unacceptable before.

In the provision for suits by the Attorney General, which we shall submit, there are some changes and some improvements of procedure. We also have, as a possible alternative in that regard, a provision permitting intervention, rather than the institution of original suits. However, in whatever manner the subject may be referred to, the fact still remains that there is urgent need, if the mandate of the Constitution is to be honored, for the Attorney General to be given authority in this field, which he does not possess today.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that we have found 50 Federal statutes in which the acts authorize injunctive relief in suits brought by officers of the Federal Government to carry out the purport of the laws, and that these are given in the report of the Judiciary Committee on part III, at page 1496 and following?

Mr. JAVITS. Yes. I ask unanimous consent that that table, referred to by the distinguished Senator from Illinois, may be made a part of my remarks in the Record.

There being no objection, the matter was ordered to be printed in the Record, as follows:

[Exhibit C to statement of Senator Douglas]

Text of 49 Federal Statute Provisions in Which the United States Is Authorized To Seek Injunctive Relief

(By Mollie Z. Margolin, legal analyst, American Law Division, the Library of Congress, Legislative Reference Service, February 19, 1959)

1. ANTITRUST LAWS, RESTRAINING VIOLATION (15 U.S.C. 4)

§ 4. Jurisdiction of courts; duty of district attorneys; procedure

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 1–7 of this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

2. ASSOCIATIONS ENGAGED IN CATCHING AND MARKETING AQUATIC PRODUCTS RESTRAINED FROM VIOLATING ORDER TO CEASE AND DESIST MONOPOLIZING TRADE (15 U.S.C. 522)

§ 522. Monopolies or restraints of trade; service of complaint by Secretary of the Interior; hearing; order to cease and desist; jurisdiction of district court

If the Secretary of the Interior shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of the Interior may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of the Interior shall be of the opinion that such association monopolizes or restrains trade in

interstate or foreign commerce to such an extent that the price of an aquatic product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of the Interior shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceedings, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of the Interior and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein, the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court shall, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer, or agent thereof, engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association and such service shall be binding upon such association, the officers and members thereof.

3. ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS FROM RESTRAINING TRADE (7 U.S.C. 292)

§ 292. Monopolizing or restraining trade and unduly enhancing prices prohibited; remedy and procedure

If the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceeding to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof.

4–5. ATOMIC ENERGY ACT, ENJOINING VIOLATION OF ACT OR REGULATION. (42 U.S.C.A., SEC. 2280 (SUPERSEDING FORMER 42 U.S.C. 1816))

§ 2280. Injunction proceedings

Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any regulation or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

6. BRIDGES OVER NAVIGABLE WATER, INJUNCTION TO ENFORCE REMOVAL OF BRIDGE VIOLATING ACT AS TO ALTERATION OF BRIDGES. (33 U.S.C. 519)

§ 517. Payment of share of United States

When the Secretary shall have approved the general plans and specifications for the alteration of such bridge and the guaranty with respect to the cost thereof, and shall have fixed the proportionate shares thereof as between the United States and the bridge owner, he shall furnish to the Secretary of the Treasury a certified copy of his approval of such plans and specifications and guaranty, and of his order fixing the proportionate shares of the United States and of the bridge owner, and the Secretary of the Treasury shall thereupon set aside, out of any appropriation available for such purpose, the share of the United States payable under sections 511–523 of this title on account of the project. When the Secretary finds that such project has been completed in accordance with his order, he shall cause to be paid to the bridge owner, out of the funds so set aside, the proportionate share of the total cost of the project allocated to the United States; or he may, in his discretion, from time to time, cause payments to be made on such construction costs as the work progresses. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and, if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceeds the guaranteed cost by reason of emergencies, condition beyond the control of the owner, or unforeseen or undetermined conditions, the Secretary may, after full review of all the circumstances, provide for additional payments by the United States to help defray such excess cost to the extent he deems to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments to any bridge owner herein provided for shall be made by the Secretary of the Treasury through the Fiscal Service upon certifications of the Secretary of the Army.

7. CLAYTON ACT, VIOLATION OF ENJOINED (15 U.S.C. 25)

§ 25. Restraining violations; procedure

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 12, 13, 14–21, and 22–27 of this title, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

8. ELECTRIC UTILITY COMPANIES, COMPLIANCE WITH LAW ENFORCED BY INJUNCTION (16 U.S.C. 825M)

§ 825m. Restraining violations; mandamus to compel compliance with law; employment of attorneys

(a) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this chapter, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper District Court of the United States, the district court of the United States for the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States to enjoin such acts or practices and to enforce compliance with this chapter or any rule, regulation, or order thereunder, and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who, in his discretion, may institute the necessary criminal proceedings under this chapter.

(b) Upon application of the Commission the district courts of the United States, the

district court of the United States for the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this chapter or any rule, regulation, or order of the Commission thereunder.

(c) The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the Commission's own instance or upon complaint, or to appear for or represent the Commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the Commission.

9. FALSE ADVERTISEMENTS, DISSEMINATION ENJOINED (15 U.S.C. 53)

§ 53. Same; temporary injunction—Power of Commission; jurisdiction of courts

(a) Whenever the Commission has reason to believe—

(1) that any person, partnership, or corporation is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 52 of this title, and

(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 45 of this title, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 45 of this title, would be to the interest of the public,

the commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States or in the United States court of any Territory, to enjoin the dissemination or the causing of the dissemination of such advertisement. Upon proper showing a temporary injunction or restraining order shall be granted without bond. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

Exception of periodical publications

(b) Whenever it appears to the satisfaction of the court in the case of a newspaper, magazine, periodical, or other publication, published at regular intervals—

(1) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor, and

(2) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement,

the court shall exclude such issue from the operation of the restraining order or injunction.

10. FREIGHT FORWARDERS, ENFORCEMENT OF LAWS, ORDERS, RULES, ETC., BY INJUNCTIONS (49 U.S.C. 1017(B))

§ 1017. Enforcement and procedure

* * * * *

(b) If any freight forwarder fails to comply with or operates in violation of any provision of this chapter, or any rule, regulation, requirement, or order thereunder, or of any term or condition of any permit, the Commission or the Attorney General of the United States (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States having jurisdiction of the parties for the enforcement of such provision of this chapter or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ or writs of injunction or other process, mandatory or otherwise, restraining such freight forwarder and any officer, agent, employee, or representative thereof from further violation of such provision of this chapter or of such rule, regulation, requirement, order, term, or condition, and enjoining obedience thereto.

11. FUR PRODUCTS LABELING ACT, TO ENJOIN VIOLATIONS. (15 U.S.C.A., 1958 SUPP., SEC. 69G)

§ 69g. Condemnation and injunction proceedings

(a) (1) Any fur product or fur shall be liable to be proceeded against in the district court of the United States for the district in which found, and to be seized for confiscation by process of libel for condemnation, if the Commission has reasonable cause to believe such fur product or fur is being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce, in violation of the provision of section 69–69j of this title, and if after notice from the Commission the provisions of said sections with respect to such fur product or fur are not shown to be complied with. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty, and may be brought by the Commission.

(2) If such fur products or furs are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction, by sale, by delivery to the owner or claimant thereof upon payment of legal costs and charges and upon execution of good and sufficient bond to the effect that such fur or fur products will not be disposed of until properly marked, advertised, and invoiced as required under the provisions of sections 69–69j of this title; or by such charitable disposition as the court may deem proper. If such furs or fur products are disposed of by sale, the proceeds, less legal costs and charges, shall be paid into the Treasury of the United States as miscellaneous receipts.

(b) Whenever the Commission has reason to believe that—

(1) any person is violating, or is about to violate, sections 69a, 69d, or 69h(b) of this title; and

(2) it would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court on review, or until order to cease and desist made thereon by the Commission has become final within the meaning of said Act, the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

12. INCLOSURE OF PUBLIC LANDS, ENJOINING VIOLATIONS (43 U.S.C. 1062)

§ 1062. Suits for violations of law

It shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1 of this chapter is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter, and it shall be sufficient to give the court jurisdiction if service or original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

13. INVESTMENT ADVISERS, VIOLATION OF STATUTE, RULES AND REGULATIONS GOVERNING, ENJOINED (15 U.S.C. 80B–9(E))

§ 80b–9. Enforcement of subchapter

* * * * *

(e) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this subchapter, or of any rule, regulation, or order hereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this subchapter or any rule, regulation, or order hereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this subchapter, or of any rule, regulation, or order thereunder, to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this subchapter.

14. GROSS MISCONDUCT OR GROSS ABUSE OF TRUST BY INVESTMENT COMPANIES, ENJOINED (15 U.S.C. 80A–35)

§ 80a–35. Injunctions against gross misconduct and abuse of trust

The Commission is authorized to bring an action in the proper district court of the United States or United States court of any Territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the folowing capacities has been guilty, after August 22, 1940, and within five years of the commencement of the action, of gross misconduct or gross abuse of trust in respect of any registered investment company for which such person so serves or acts—

(1) as officer, director, member of an advisory board, investment adviser, or depositor; or

(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If the Commission's allegations of such gross misconduct or gross abuse of trust are established, the court shall enjoin such person from acting in such capacity or capacities either permanently or for such period of time as it in its discretion shall deem appropriate.

15. USE OF MISLEADING NAME OR TITLE BY INVESTMENT COMPANY, ENJOINED (15 U.S.C. 80A–34)

§ 80a–34. Unlawful representations and names

(a) It shall be unlawful for any person, in issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof.

(b) It shall be unlawful for any person registered under any section of this subchapter and sections 72(a) and 107(f) of title 11 to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved, or that his abilities or qualifications have in any respect been passed upon by the United States or any agency or officer thereof.

(c) No provision of subsection (a) or (b) of this section shall be construed to prohibit a statement that a person or security is registered under his chapter, the Securities Act of 1933, or the Securities Exchange Act of 1932, if such statement is true in fact and if the effect of such registration is not misrepresented.

(d) It shall be unlawful for any registered investment company hereafter to adopt as a part of the name or title of such company, or of any security of which it is the issuer, any word or words which the Commission finds and by order declares to be deceptive or misleading. The Commission is authorized to bring an action in the proper district court of the United States or United States court of any Territory or other place subject to the jurisdiction of the United States alleging that the name or title of any registered investment company, or of any security which it has issued, is materially deceptive or misleading. If the court finds that the Commission's allegations in this respect, taking into consideration the history of the investment company and the length of time which it may have used any such name or title, are established, the court shall enjoin such investment company from continuing to use any such name or title.

16. VIOLATION OF STATUTE GOVERNING, OR RULES, REGULATIONS OR ORDERS OF THE S.E.C., BY INVESTMENT COMPANIES, ENJOINED (15 U.S.C. 80a–41)

§ 80a–41. Enforcement of subchapter

(a) The Commission may make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this subchapter and sections 72(a) and 107(f) of title 11 or of any rule, regulation, or order thereunder, or to determine whether any action in any court or any proceeding before the Commission shall be instituted under this subchapter and sections 72(a) and 107(f) of title 11 against a particular person or persons, or with respect to a particular transaction or transactions. The Commission shall permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

(b) For the purpose of any investigation or any other proceeding under this subchapter and sections 72(a) and 107(f) of title II, any member of the Commission, or any officer thereof designated by it, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which are relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any Territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

(c) In case of contumacy by, or refusal to obey a subpena issued to any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who without just cause shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpena of the Commission shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.

(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpena of the Commission or any member therof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence documentary or otherwise required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(e) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this subchapter and sections 72(a) and 107(f) of title II, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this subchapter and sections 72(a) and 107(f) of title II or any rule, regulation, or order thereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. In any proceeding under this subsection to enforce compliance with section 80a–7 of this title, the court as a court of equity may, to the extent it deems necessary or appropriate, take exclusive jurisdiction and possession of the investment company or companies involved and the books, records, and assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, who with the approval of the court shall have power to dispose of any or all of such assets, subject to such terms and conditions as the court may prescribe. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this subchapter and sections 72(a) and 107(f) of title II, or of any rule, regulation, or order thereunder, to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this subchapter and sections 72(a) and 107(f) of title II.

17. FAIR LABOR STANDARDS ACT, ENJOINING OF VIOLATIONS (29 U.S. 217)

§ 217. Injunction proceedings

The district courts, together with the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands shall have jurisdiction, for cause shown, to restrain violations of section 215 of this title: *Provided*, That no court shall have jurisdiction, in any action brought by the Secretary of Labor to restrain such violations, to order the payment to employees of unpaid minimum wages or unpaid overtime compensation or an additional equal amount as liquidated damages in such action.

18. LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT, ENFORCEMENT OF ORDER BY INJUNCTION (33 U.S.C. 921(C)

§ 921. Review of compensation orders

* * * * *

(c) If any employer or his officers or agents fails to comply with a compensation order making an award, that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district in which the injury occurred (or to the United States District Court for the District of Columbia if the injury occurred in the District). If the court determines that the order was made and served in accordance with law, and that such employer or his officers or agents have failed to comply therewith, the court shall enforce obedience to the order by writ of injunction or by other proper process, mandatory or otherwise, to enjoin upon such person and his officers and agents compliance with the order.

19. IMPORT TRADE, PREVENTION OF RESTRAINT BY INJUNCTION (15 U.S.C. 9)

§ 9. Jurisdiction of courts; duty of district attorneys; procedure

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of section 8 of this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

20. WOOL PRODUCTS, ENJOINING VIOLATION OF LABELING ACT (15 U.S.C. 68(e))

§ 68. Definitions (as used in sections 68–68j of this title)

* * * * *

(e) The term "wool product" means any product, or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

21. SECURITIES ACT, ACTIONS TO RESTRAIN VIOLATIONS (15 U.S.C. 77t)

§ 77t. Injunctions and prosecution of offenses

(a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this subchapter, or of any rule or regulation prescribed under authority thereof, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

(b) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subchapter, or of any rule or regulation prescribed under authority thereof, it may in its discretion, bring an action in any district court of the United States, United States court of any Territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this subchapter. Any such criminal proceeding may be brought either in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein such prospectus or security is received.

(c) Upon application of the Commission the districts courts of the United States, the United States courts of any Territory, and the United States District Court for the District of Columbia, shall also have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this subchapter or any order of the Commission made in pursuance thereof.

22. SECURITIES EXCHANGE ACT, RESTRAINT OF VIOLATIONS (15 U.S.C. 78u)

§ 78u. Investigations; injunctions and prosecution of offenses

(a) The Commission may, in its discretion, make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this chapter or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Commission is authorized, in its discretion, to publish information concerning any such violations, and to investigate any facts, conditions, practices, or matters which it may deem necessary or proper to aid in the enforcement of the provisions of this chapter, in the prescribing of rules and regulations thereunder, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this chapter relates.

(b) For the purpose of any such investigation, or any other proceeding under this chapter, any member of the Commission or any officer designated by it is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

(c) In case of contumacy by, or refusal to obey a subpena issued to any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer deisgnated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpena of the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both.

(d) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, or in obedience to the subpena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(e) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this chapter, or of any rule or regulation thereunder, it may in its discretion bring an action in the proper district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who may, in his discretion, institute the necessary criminal proceedings under this chapter.

(f) Upon application of the Commission the district courts of the United States, the United States District Court for the District of Columbia and the United States courts of any Territory or other place subject to the jurisdiction of the United States, shall also have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this chapter or any order of the Commission made in pursuance thereof or with any undertaking contained in a registration statement as provided in subsection (d) of section 78o of this title.

23. STOCKYARDS, INJUNCTION TO ENFORCE ORDER OF SECRETARY OF AGRICULTURE (7 U.S.C. 216)

§ 216. Proceedings to enforce orders; injunction

If any stockyard owner, market agency, or dealer fails to obey any order of the Secretary other than for the payment of money while the same is in effect, the Secretary, or any party injured thereby, or the United States by its Attorney General, may apply to the district court for the district in which such person has his principal place of business for the enforcement of such order. If after hearing the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person, his officers, agents, or representatives from further disobedience of such order or to enjoin upon him or them obedience to the same.

24. SUBMARINE CABLES, TO ENJOIN LANDING OR OPERATION (47 U.S.C. 36)

§ 36. Same; preventing landing or operating of cables

The President is empowered to prevent the landing of any cable about to be landed in violation of sections 34 to 39 of this title. When any such cable is about to be or is landed or is being operated without a license, any district court of the United States exercising jurisdiction in the district in which such cable is about to be or is landed, or any district court of the United States having jurisdiction of the parties, shall have jurisdiction, at the suit of the United States, to enjoin the landing or operation of such cable or to compel, by injunction, the removal thereof.

25. SUGAR QUOTA, TO RESTRAIN VIOLATIONS (7 U.S.C. 608A(6))

§ 608a. Sugar quotas—Establishment and regulation of quotas

* * * * *

Jurisdiction of district courts

(6) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order, regulation, or agreement, heretofore or hereafter made or issued pursuant to sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623 and 624 of this title, in any poceeding now pending or hereafter brought in said courts.

26. WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE, INJUNCTIONS FOR VIOLATIONS OF ORDERS OF I.C.C. (49 U.S.C. 916(B))

§ 916. Enforcement and procedure

* * * * *

(b) If any water carrier fails to comply with or operates in violation of any provision of this chapter (except provisions as to the reasonableness of rates, fares, or charges, and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder (except an order for the payment of money), or of any term or condition of

any certificate or permit, the Commission or the Attorney General of the United States (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States having jurisdiction of the parties for the enforcement of such provision of this chapter or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ or writs of injunction or other process, mandatory or otherwise, restraining such carrier and any officer, agent, employee, or representative thereof from further violation of such povision of this chapter or of such rule, regulation, requirement, order, term, or condition and enjoining obedience thereto.

27. FLAMMABLE FABRICS ACT, TO ENJOIN VIOLATIONS (15 U.S.C. (1958 SUPP.) 1195)

§ 1195. Injunction and condemnation proceedings—Temporary injunction; venue

(a) Whenever the Commission has reason to believe that any person is violating or is about to violate section 1192 of this title, and that it would be in the public interest to enjoin such violation until complaint under the Federal Trade Commission Act is issued and dismissed by the Commission or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act or is set aside by the court on review, the Commission may bring suit in the district court of the United States or in United States court of any Territory for the district or Territory in which such person resides or transacts business, to enjoin such violation and upon proper showing a temporary injunction or restraining order shall be granted without bond.

Process of libel for seizure and confiscation; manner of procedure; consolidation of trials

(b) Whenever the Commission has reason to believe that any article of wearing apparel has been manufactured or introduced into commerce or any fabric has been introduced in commerce in violation of section 1192 of this title, it may institute proceedings by process of libel for the seizure and confiscation of such article of wearing apparel or fabric in any district court of the United States within the jurisdiction of which such article of wearing apparel or fabric is found. Proceedings in cases instituted under the authority of this section shall conform as nearly as may be to proceedings in rem in admiralty, except that on demand of either party and in the discretion of the court, any issue of fact shall be tried by jury. Whenever such proceedings involving identical articles of wearing apparel or fabrics are pending in two or more jurisdictions, they may be consolidated for trial by order of any such court upon application seasonably made by any party in interest upon notice to all other parties in interest. Any court granting an order of consolidation shall cause prompt notification thereof to be given to other courts having jurisdiction in the cases covered thereby and the clerks of such other courts shall transmit all pertinent records and papers to the court designated for the trial of such consolidated proceedings.

Application by defendant for representative samples of seized materials

(c) In any such action the court upon application seasonably made before trial shall by order allow any party in interest, his attorney or agent, to obtain a representative sample of the article of wearing apparel or fabric seized.

Disposal of condemned materials

(d) If such articles of wearing apparel or fabrics are condemned by the court they shall be disposed of by destruction, by delivery to the owner or claimant thereof upon payment of court costs and fees and storage and other proper expenses and upon execution of good and sufficient bond to the effect that such articles of wearing apparel or fabrics will not be disposed of for wearing apparel purposes until properly and adequately treated or processed so as to render them lawful for introduction into commerce, or by sale upon execution of good and sufficient bond to the effect that such articles of wearing apparel or fabrics will not be disposed of for wearing apparel purposes until properly and adequately treated or processed so as to render them lawful for introduction into commerce. If such products are disposed of by sale the proceeds, less costs and charges, shall be paid into the Treasury of the United States.

28. NATIONAL HOUSING ACT, INJUNCTION AGAINST VIOLATION (12 U.S.C. 1731b)

§ 1731b. Prohibition against use of insured multifamily housing for transient or hotel purposes—Intent of Congress

(a) The Congress declares that it has been its intent since the enactment of the National Housing Act that housing built with the aid of mortgages insured under that Act is to be used principally for residential use; and that this intent excludes the use of such housing for transient or hotel purposes while such insurance on the mortgage remains outstanding.

Exceptions to prohibition

(b) Notwithstanding any other provisions of this Act, no new, existing, or rehabilitated multifamily housing with respect to which a mortgage is insured under this Act shall be operated for transient or hotel purposes unless (1) on or before May 28, 1954, the Commissioner has agreed in writing to the rental of all or a portion of the accommodations in the project for transient or hotel purposes (in which case no accommodations in excess of the number so agreed to by the Commissioner shall be rented on such basis), or (2) the project covered by the insured mortgage is located in an area which the Commissioner determines to be a resort area, and the Commissioner finds that prior to May 28, 1954, a portion of the accommodations in the project had been made available for rent for transient or hotel purposes (in which case no accommodations in excess of the number which had been made available for such use shall be rented on such basis.)

Certification as to use as requisite for insurance; exceptions to prohibition against insuring

(c) Notwithstanding any other provision of this Act, no mortgage with respect to multifamily housing shall be insured under this Act (except pursuant to a commitment to insure issued prior to August 2, 1954) and (except as to housing coming within the provisions of clause (1) or clause (2) of subsection (b) of this section) no mortgage with respect to multifamily housing shall be insured for an additional term, unless (1) the mortgagor certifies under oath that while such insurance remains outstanding he will not rent, or permit the rental of, such housing or any part thereof for transient or hotel purposes, and (2) the Commissioner has entered into such contract with, or purchased such stock of, the mortgagor as the Commissioner deems necessary to enable him to prevent or terminate any use of such property or project for transient or hotel purposes while the mortgage insurance remains outstanding.

Enforcement by Commissioner

(d) The Commissioner is authorized and directed to enforce the provisions of this section by all appropriate means at his disposal, as to all existing multifamily housing with respect to which a mortgage was insured under this Act prior to August 2, 1954, as well as to all multifamily housing with respect to which a mortgage is hereafter insured under this Act: *Provided*, That no criminal penalty shall, by reason of enactment of this section, be applicable to the rental or operation of any such existing multifamily housing in violation of any provision of subsection (b) of this section at any time prior to August 2, 1954.

Definitions

(e) As used in this section, (1) the term "rental for transient or hotel purposes" shall have such meaning as prescribed by the Commissioner but rental for any period less than thirty days shall in any event constitute rental for such purposes, and (2) the term "multifamily housing" shall mean (i) a property held by a mortgagor upon which there are located five or more single family dwellings, or upon which there is located a two-, three-, or four-family dwelling, or (ii) a property or project covered by mortgage insured or to be insured under section 1713 of this title, under section 1715e of this title with respect to any property or project of a corporation or trust of the character described in paragraph (1) of subsection (a) thereof under section 1715k of this title if the mortgage is within the provisions of paragraph (3)(B) of subsection (d) thereof, under section 1715 *l* of this title if the mortgage is within the provisions of paragraph (3) of subsection (d) thereof, under section 1743, 1748b, or 1750g of this title, or (iii) a project with respect to which an insurance contract pursuant to subchapter VII of this chapter is outstanding.

Investigation after notice of violation; cease order

(f) Promptly after receipt of written notice that any portion of any building is being rented or operated in violation of any provision of this section or of any rule or regulation lawfully issued thereunder, the Commissioner shall investigate the existence of the facts alleged in the written notice and shall order such violation, if found, to exist, to cease forthwith.

Prosecution by Attorney General for continued violation

(g) If such violation does not cease in accordance with such order, the Commissioner shall forward the complaint to the Attorney General of the United States for prosecution of such civil or criminal action, if any, which the Attorney General may find to be involved in such violation.

Judicial procedure for injunction or other order

(h) Whenever he finds a violation of any provision of this section has occurred or is about to occur, the Attorney General shall petition the district court of the United States or the district court of any Territory or other place subject to United States jurisdiction within whose jurisdictional limits the person doing or committing the acts or practices constituting the alleged violation of this section shall be found, for an order enjoining such acts or practices, and upon a showing by the Attorney General that such acts or practices constituting such violation have been engaged in or are about to be engaged in, a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted without bond.

Injunctive relief for hotel owners

(i) Any person owning or operating a hotel within a radius of fifty miles of a place where a violation of any provision of this section has occurred or is about to occur, or any group or association of hotel owners or operators within said fifty-mile radius at his or their sole charge or cost, may petition any district court of the United States or the district court of any Territory or other place subject to United States jurisdiction within whose jurisdictional limits the person doing or committing the acts or practices constituting the alleged violation of this section shall be found, for an order enjoining such acts or practices, and, upon a showing that such acts or practices constituting such violation have been engaged in or are about to be engaged in, a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted.

Jurisdiction of district courts

(j) The several district courts of the United States and the several district courts of the Territories of the United States or other place subject to United States jurisdiction, within whose jurisdictional limits the person doing or committing the acts or practices constituting the alleged violation shall be found, shall, wheresoever such acts or practices may have been done or committed, have full power and jurisdiction to hear, try, and determine such matters under subsections (h) and (i) of this section.

29. PACKERS VIOLATING CEASE AND DESIST ORDERS OF THE SECRETARY OF AGRICULTURE UNDER THE PACKERS AND STOCKYARDS ACT, 1921; INJUNCTION TO RESTRAIN (7 U.S.C. 194)

§ 194. Conclusiveness of order; appeal and review; temporary and final injunction

(a) An order made under section 193 of this title shall be final and conclusive unless within thirty days after service the packer appeals to the court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer will pay the costs of the proceedings if the court so directs.

(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of Title 28. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(c) At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary injunction, restraining, to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.

(e) The court may affirm, modify, or set aside the order of the Secretary.

(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

(g) If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the packer, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(h) The court of appeals shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, if such writ is duly applied for within sixty days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the court of appeals, insofar as such decree operates as an injunction unless so ordered by the Supreme Court. As amended Aug. 28, 1958, Public Law 85-791, sec. 6 (b), (c), 72 Stat. 944.

30. LIVE POULTRY DEALERS AND HANDLERS, INJUNCTION TO RESTRAIN UNFAIR, DECEPTIVE, AND FRAUDULENT PRACTICES (7 U.S.C. 218C)

§ 218 c. Applications of other provisions of chapter to this subscriber

The provisions of sections 206–217 and 221–224 of this title shall be applicable to licensees with respect to services and facilities covered by sections 218–218d of this title and the rates, charges, and rentals therefor except that the schedules of rates, charges, and rentals shall be posed in the place of business of the licensee as prescribed in regulations made by the Secretary.

31. FEDERAL TRADE COMMISSION POWERS ADOPTED FOR ENFORCEMENT OF PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 222)

§ 222. Federal Trade Commission powers for enforcement of chapter

For the efficient execution of the provisions of this chapter, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 46 and 48–50 of title 15, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this chapter and to any person subject to the provisions of this chapter, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this chapter in any part of the United States.

32. PERISHABLE COMMODITIES, INJUNCTION TO RESTRAIN UNLICENSED COMMISSION MERCHANT, DEALER, OR BROKER FROM CONTINUING BUSINESS IN (7 U.S.C. 499H(D))

§ 499h. Grounds for suspension or revocation of license—Authority of Secretary

* * * * *

Injunction

(d) In addition to being subject to the penalties provided by section 499c(a) of this title, any commission merchant, dealer, or broker who engages in or operates such business without a valid and effective license from the Secretary shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States for an injunction to restrain such defendant from further continuing so to engage in or operate such business, and, if the court shall find that the defendant is continuing to engage in such business without a valid and effective license, the court shall issue an injunction to restrain such defendant from continuing to engage in or to operate such business without such license.

33. SEEDS, ENFORCEMENT OF ORDER TO CEASE AND DESIST VIOLATION OF LABELING AND ANALYSIS PROVISIONS (7 U.S.C. 1601)

§ 1601. Enforcement of order

If any person against whom an order is issued under section 1599 of this title fails to obey the order the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the United States court of appeals, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall certify and file with its application a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, the report, and the order. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon the person against whom the order was issued. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as provided in section 1600 of this title for applications to set aside or modify orders.

The proceedings in such cases shall be made a preferred cause and shall be expedited in every way.

34. FEDERAL TRADE COMMISSION, WRIT OF MANDAMUS TO ENFORCE ORDERS OF (15 U.S.C. 49)

§ 49. Documentary evidence; depositions; witnesses

For the purposes of sections 41–46 and 47–58 of this title the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpoenas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of sections 41–46 and 47–58 of this title or any order of the commission made in pursuance thereof.

The commission may order testimony to be taken by deposition in any proceeding or investigation pending under sections 41–46 and 47–58 of this title at any stage of such

proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpoena of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpoena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

35. UNFAIR METHODS OF COMPETITION IN EXPORT TRADE (15 U.S.C. 64)

§ 64. Unfair methods of competition in export trade

The prohibition against "unfair methods of competition" and the remedies provided for enforcing said prohibition contained in the Federal Trade Commission Act shall be construed as extending to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States.

36. INTERSTATE TRANSPORTATION OF PETROLEUM PRODUCTS, RESTRAINING VIOLATIONS; CIVIL AND CRIMINAL PROCEEDINGS (15 U.S.C. 715i)

§ 715i. Restraining violations; civil and criminal proceedings; jurisdiction of District Courts; review

(a) Upon application of the President, by the Attorney General, the United States District Courts shall have jurisdiction to issue mandatory injunctions commanding any person to comply with the provisions of this chapter or any regulation issued thereunder.

(b) Whenever it shall appear to the President that any person is engaged or about to engage in any acts or practices that constitute or will constitute a violation of any provision of this chapter or of any regulation thereunder, he may in his discretion, by the Attorney General, bring an action in the proper United States District Court to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

(c) The United States District Courts shall have exclusive jurisdiction of violations of this chapter or the regulations thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this chapter or the regulations thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by this chapter or regulations thereunder, or to enjoin any violation of this chapter or any regulation thereunder, may be brought in any such district or in the district where in the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291–1294 of title 28.

37. NATURAL GAS, TRANSPORTATION AND SALE IN INTERSTATE COMMERCE; ENJOINING VIOLATIONS (15 U.S.C. 717)

§ 717 s. Enforcement of chapter; regulations and orders

(a) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this chapter, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper district court of the United States, the District Court of the United States for the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this chapter or any rule, regulation, or order thereunder, and upon a proper showing a permanent or temporary injunction or decrees or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices or concerning apparent violations of the Federal antitrust laws to the Attorney General, who, in his discretion, may institute the necessary criminal proceedings.

(b) Upon application of the Commission the districts courts of the United States, the District Court of the United States for the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this chapter or any rule, regulation, or order of the Commission thereunder.

(c) The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interest in investigations made by it, or cases or proceedings pending before it, whether at the Commission's own instance or upon complaint, or to appear for or represent the Commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the Commission.

38. REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES; PROCEEDINGS IN EQUITY TO PREVENT VIOLATIONS OF LICENSE (16 U.S.C. 820)

§ 820. Proceedings in equity for revocation of license or to prevent violation of license

The Attorney General may, on request of the commission or of the Secretary of War, institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for violation of its terms any permit for license issued hereunder, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this title or of any lawful regulation or order promulgated hereunder. The district courts shall have jurisdiction over all of the above-mentioned proceedings and shall have power to issue and execute all necessary process and to make and enforce all writs, orders, and decrees to compel compliance with the lawful orders and regulations of the commission and of the Secretary of War, and to compel the performance of any condition imposed under the provisions of this title. In the event a decree revoking a license is entered, the court is empowered to sell the whole or any part of the project or projects under license, to wind up the business of such licensee conducted in connection with such project or projects, to distribute the proceeds to the parties entitled to the same, and to make and enforce such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the licensee and shall perform the duties of such licensee and assume all outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises; and at such sale or sales the United States may become a purchaser, but it shall not be required to pay a greater amount than it would be required to pay under the provisions of section 807 of this title at the termination of the license. June 10, 1920, c. 285, sec. 26, 41 Stat. 1076.

39. TENNESSEE VALLEY AUTHORITY ACT, RESTRAINING CONSTRUCTION, ETC., WITHOUT APPROVAL (16 U.S.C. 831y–1)

§ 831y–1. Approval of plans by Board as condition precedent to construction and operation; restraining action without approval; the law unaffected

The unified development and regulation of Tennessee River system requires that no dam, appurtenant works, or other obstruction, affecting navigation, flood control, or public lands or reservations shall be constructed, and thereafter operated or maintained across, along, or in the said river or any of its tributaries until plans for such construction, operation, and maintenance shall have been submitted to and approved by the Board; and the construction, commencement of construction, operation, or maintenance of such structures without such approval is hereby prohibited. When such plans shall have been approved, deviation therefrom either before or after completion of such structures is prohibited unless the modification of such plans has previously been submitted to and approved by the Board.

In the event the Board shall, within sixty days after their formal submission to the Board, fail to approve any plans or modifications, as the case may be, for construction, operation, or maintenance of any such structures on the Little Tennessee River, the above requirements shall be deemed satisfied, if upon application to the Secretary of War, with due notice to the Corporation, and hearing thereon, such plans or modifications are approved by the said Secretary of War as reasonably adequate and effective for the unified development and regulation of the Tennessee River system.

Such construction, commencement of construction, operation, or maintenance of any structures or parts thereof in violation of the provisions of this section may be prevented, and the removal or discontinuation thereof required by the junction or order of any structures or parts thereof may be situated, and the Corporation is hereby authorized to bring appropriate proceedings to this end.

The requirements of this section shall not be construed to be a substitute for the requirements of any other law of the United States or of any State, now in effect or hereafter enacted, but shall be in addition

thereto, so that any approval, license, permit, or other sanction now or hereafter required by the provisions of any such law for the construction, operation, or maintenance of any structures whatever, except such as may be constructed, operated, or maintained by the Corporation, shall be required, notwithstanding the provisions of this section.

40. UNFAIR LABOR PRACTICES, INJUNCTION TO RESTRAIN (29 U.S.C. 160)

§ 160. Prevention of unfair labor practices—
(a) Powers of Board generally

* * * * *

Injunctions

(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) of this section charging that any person has engaged in or is engaging in an unfair labor practice, to petition any United States district court, within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

* * * * *

Boycotts and strikes to force recognition of uncertified labor organizations; injunctions; notice; service of process

(l) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (A), (B), or (C) of section 158(b) of this title, the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the Board, petition any United States district court within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein such person resides or transacts business for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further,* That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further,* That for the purposes of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate the procedure specified herein shall apply to charges with respect to section 158(b)(4)(D) of this title.

41. WIRE OR RADIO COMMUNICATION, INJUNCTION TO RESTRAIN DISOBEDIENCE OF ORDER OF FEDERAL COMMUNICATIONS COMMISSION, OR OF PROVISIONS OF COMMUNICATIONS ACT OF 1934 (47 U.S.C. (1958 SUPP.) 401)

§ 401. Enforcement of chapter and orders of commission; jurisdiction

(a) The district courts of the United States shall have jurisdiction upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this chapter by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this chapter.

(b) If any person fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person or the officers, agents, or representatives of such person, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

(c) Upon the request of the Commission it shall be the duty of any United States Attorney to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this chapter and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

(d) The provisions of sections 28 and 29 of title 15, section 345 (1) of title 28, and sections 44 and 45 of title 49, shall be held to apply to any suit in equity arising under sections 201–222 of this title, wherein the United States is complainant.

42. HOUSING AND RENT ACTS, INJUNCTION TO RESTRAIN VIOLATION OF PROVISIONS OF (50 APP. U.S.C. 1896)

§ 1896. Prohibition and enforcement

(a) (1) It shall be unlawful for any person to demand, accept, receive, or retain any rent for the use of or occupancy of any controlled housing accommodations in excess of the maximum rent prescribed under this Act [sections 1881–1884 and 1891–1902 of this appendix and sections 1738 and 1744 of title 12], or otherwise to do or omit to do any act, in violation of this Act [said sections], or of any regulation or order or requirement under this Act [said sections], or to offer, solicit, attempt, or agree to do any of the foregoing.

(2) It shall be unlawful for any person to evict, remove, or exclude, or cause to be evicted, removed, or excluded, any tenant from any controlled housing accommodations in any manner or upon any grounds except as authorized or permitted by the provisions of this Act [said sections] or any regulation, order, or requirement thereunder, and any person who lawfully gains possession from a tenant of any controlled housing accommodations, and thereafter fails fully to comply with such requirements or conditions as may have been imposed for such possession by the provisions of this Act [said sections] or any regulation, order, or requirement thereunder, shall also be deemed to have unlawfully evicted such tenant and shall be liable to such tenant, or to the United States, as provided in this Act [said sections].

(b) Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act [sections 1881–1910 of this appendix], or any regulation or order issued thereunder, the United States may make application to any Federal, State, or Territorial court of competent jurisdiction for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(c) Any proceedings brought in a Federal court under section 205 [section 1895 of this appendix] or under subsection (b) of this section may be brought in any district in which any part of any act or transaction constituting the violation occurred, or may be brought in the district in which the defendant resides or transacts business, and process in such case may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found. Any such court shall advance on the docket and expedite the disposition of any such proceeding brought before it. No costs shall be assessed against the President or the United States Government in any proceeding under this Act [sections 1181–1910 of this appendix].

(d) No person shall be liable for damages or penalties in any Federal, State, or Territorial Court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this Act [sections 1881–1910 of this appendix] or any regulation, order, or requirement thereunder notwithstanding that subsequently such provision, regulation, order or requirement may be modified, rescinded, or determined to be invalid. The United States may intervene in any such suit or action wherein a party relies for ground of relief or defense upon this Act [said sections] or any regulations, order, or requirement thereunder.

(e) Attorneys appointed by the President may, under such authority as may be granted by the Attorney General, appear for and represent the United States in any case arising under this Act [sections 1881–1910 of this appendix].

(f) (1) The President is authorized to make such studies and investigations, to conduct such hearings, and to obtain such information, as he deems necessary or proper to assist him in prescribing any regulation or order under this Act [sections 1881–1910 of this appendix], or in the administration and enforcement of this Act [said sections] and regulations and orders prescribed thereunder.

(2) For the purpose of obtaining information under this subsection, the President is further authorized, by regulation or order, to require any person who rents or offers for rent or acts as broker or agent for the rental of any controlled housing accommodations (A) to furnish information under oath or affirmation or otherwise, (B) to make and keep records and other documents and to make reports, and (C) to permit the inspection and copying of records and other documents and the inspection of controlled housing accommodations.

(3) For the purpose of obtaining information under this subsection, the President may by subpena require any person to appear and testify or to appear and produce documents, or both, at any designated place. Any person subpenaed under this subsec-

tion shall have the right to make a record of his testimony and be represented by counsel, and shall be paid the same fees and mileage as are paid witnesses in the United States district courts. For the purposes of this subsection the President, or any officer or employee under his jurisdiction designated by him, may administer oaths and affirmations.

(4) The production of a person's documents at any place other than his place of business shall not be required under this subsection in any case in which, prior to the return date specified in the subpena issued with respect thereto, such person either has furnished the President with a copy of such documents (certified by such person under oath to be a true and correct copy), or has entered into a stipulation with the President as to the information contained in such documents.

(5) in case of contumacy by, or refusal to obey a subpena served upon, any person under this subsection, the United States district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(6) No person shall be excused from attending and testifying or producing documents or from complying with any other requirement under this subsection because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 [section 46 of title 49], shall apply with respect to any individual who specifically claims such privilege.

(g) The President shall not publish or disclose any information obtained under this Act [sections 1881–1910 of this appendix] that such President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless he determines that the withholding thereof is contrary to the public interest.

(h) It shall be unlawful for any person to remove or attempt to remove from any controlled housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken or proposes to take, action authorized or required by this Act [sections 1881–1910 of this appendix] or any regulation, order, or requirement thereunder.

43. DEFENSE PRODUCTION ACT, INJUNCTION TO RESTRAIN VIOLATIONS OF (50 APP. U.S.C. 2156)

§ 2156. Jurisdiction of courts; injunctions; venue; process; effect of termination of Act

(a) Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act [sections 2061–2166 of this appendix], he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the President that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted without bond.

(b) The district courts of the United States and the United States courts of any Territories or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this act [section 2061–2166 of this appendix] or any rule, regulation, order or subpena thereunder, and of all civil actions under the Act [said sections] to enforce any liability or duty created by, or to enjoin any violation of, this Act [said sections] or any rule, regulation, order, or subpena thereunder. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; the subpena for witnesses who are required to attend a court in any district in such case may run into any other district. The termination of the authority granted in any title or section of this Act [said sections], or of any rule, regulation, or order issued thereunder, shall not operate to defeat any suit, action, or prosecution, whether theretofore or thereafter commenced, with respect to any right, liability, or offense incurred or committed prior to the termination date of such title or of such rule, regulation, or order. No costs shall be assessed against the United States in any proceeding under this Act [said sections]. All litigation arising under this Act [said sections] or the regulations promulgated thereunder shall be under the supervision and control of the Attorney General.

44. STRIKES SUBJECT TO INJUNCTION (29 U.S.C. 178)

§ 178. Strikes subject to injunction; inapplicability of sections 101–115 of this title; review

(a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof, and if the court finds that such threatened or actual strike or lockout—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of sections 101–115 of this title, shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate United States court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 346 and 347 of title 28.

45. INTERSTATE FREIGHT TARIFFS, ETC. (49 U.S.C. 43)

§ 43. Proceedings in equity to enforce tariffs, etc.; district attorneys; damages; witnesses; precedence

Whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the district court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States, whenever the Attorney General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by sections 41, 42, or 43 of this title shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by chapter 1 of this title. And in proceedings under said sections and said chapter the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence documentary or otherwise in such proceedings; *Provided*, That the provisions of sections 44 and 45 of this title shall apply to any case prosecuted under the direction of the Attorney General in the name of the Interstate Commerce Commission.

46. MOTORS CARRIERS (49 U.S.C. 322(b))

§ 322. Unlawful operation—(a) Violation of chapter or order; penalty where none otherwise provided

* * * * *

Jurisdiction of district courts to restrain violations and enforce orders

(b) If any motor carrier or broker operates in violation of any provision of this chapter (except as to the reasonableness of rates, fares, or charges and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder, or of any term or condition of any certificate or permit, the Commission or its duly authorized agent may apply to the district court of the United States for any district where such motor carrier or broker operates, for the enforcement of such provision of this chapter, or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or broker, his or its officers, agents, employees, and representatives from further violation of such provision of this chapter or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto.

47. FEDERAL AVIATION PROGRAM (49 U.S.C. 1487)

§ 1487. Judicial enforcement; jurisdiction; application; costs

(a) If any person violates any provision of this chapter, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this chapter, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 1371(a) of this title, any party in interest, may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this chapter, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this chapter or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto.

(b) Upon the request of the Board or Administrator, any district attorney of the United States to whom the Board or Administrator may apply is authorized to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this chapter or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

48. ORDERS OF MARITIME BOARD (46 U.S.C. 828)

§ 828. Enforcement of orders of Board

In case of violation of any order of the Federal Maritime Board, other than an order for the payment of money, the Board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

49. CIVIL RIGHTS ACT OF 1957

Part IV. To provide means of further securing and protecting the right to vote

SEC. 131. Section 2004 of the Revised Statutes (42 U.S.C. 1971), is amended as follows:

(a) Amend the catchline of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, four new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

Part V. To provide trial by jury for proceedings to punish criminal contempts of court growing out of civil rights cases and to amend the judicial code relating to Federal jury qualifications

SEC. 151. In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

Mr. JAVITS. Mr. President, I think that is very important, because it indicates we are not trying to blaze a trail of new law, but only invoke established law of long standing upon the statute books of the country.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. In the table to which we refer, only 49 statutes are listed; but Congress has since then enacted another such law, namely, the Labor-Management Reporting and Disclosure Act of 1959, and I ask permission to add the Government injunctive provisions from that act to the list.

Mr. JAVITS. I ask unanimous consent that that be done, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

EXTRACTS LISTING GOVERNMENT INJUNCTION SUIT AUTHORIZATIONS

Title II—Reporting by labor organizations, officers and employees of labor organizations, and employers

Civil enforcement

SEC. 210. Whenever it shall appear that any person has violated or is about to violate any of the provisions of this title, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate. Any such action may be brought in the district court of the United States where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

Title III—Trusteeships

Enforcement

SEC. 304. (a) Upon the written complaint of any member or subordinate body of a labor organization alleging that such organization has violated the provisions of this title (except section 301) the Secretary shall investigate the complaint and if the Secretary finds probable cause to believe that such violation has occurred and has not been remedied he shall, without disclosing the identity of the complainant, bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate. Any member or subordinate body of a labor organization affected by any violation of this title (except section 301) may bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate.

(b) For the purpose of actions under this section, district courts of the United States shall be deemed to have jurisdiction of a labor organization (1) in the district in which the principal office of such labor organization is located, or (2) in any district in which its duly authorized officers or agents are engaged in conducting the affairs of the trusteeship.

(c) In any proceeding pursuant to this section a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution or bylaws shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302. After the expiration of eighteen months the trusteeship shall be presumed invalid in any such proceeding and its discontinuance

shall be decreed unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under section 302. In the latter event the court may dismiss the complaint or retain jurisdiction of the cause on such conditions and for such period as it deems appropriate.

Title IV—Elections

Enforcement

SEC. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it deems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds—

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

Mr. JAVITS. Now, Mr. President, if we did give the Attorney General this authority, it would not only include the popularly discussed civil right to attend a nonsegregated public school, but also the civil right to attend other tax-supported facilities, including golf courses, parks, and other public accommodations, such as restaurants, and the opportunity to ride on buses and trolley cars and trains; to vote, to serve on juries, and to have a fair trial; as well as to enjoy the unintimidated right to institute actions in courts of justice, to name some of the basic civil rights which are referred to within that compass.

Mr. President, one of the other reasons for favoring this kind of intervention or independent suit right on the part of the Attorney General is found in what we have since learned about the course of this kind of litigation and the difficulties which beset the ordinary litigant.

A very concerted effort is being made in our Southern States to hamper and stop those who would help civil rights litigation. We all know these litigants are neither rich nor do they know their way around, particularly. We know that these are humble people, seeking very elementary rights. The effort has been made, for example, by the enactment of antibarratry statutes, in Arkansas, Georgia, Mississippi, South Carolina, and Virginia, to make it extremely difficult and to place in grave jeopardy lawyers, for example, who would help a particular litigant who might seek to institute this kind of a suit.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is it not a fact that the so-called antibarratry statutes make it a penal offense for a person other than the immediate family to contribute financially to the defense of these persons or to offer legal assistance? Is that not true?

Mr. JAVITS. That is exactly right. And I ask unanimous consent, Mr. President, that at this point I may submit today some of these antibarratry laws, including an extract from a letter from the Director of the Administrative Office of the U.S. Courts on this subject.

There being no objection, the extract and laws were ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington, D.C., February 12, 1960.

HON. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of December 22, 1959, requesting information on cost per segregation case, and legislative history of Federal antibarratry statutes.

Although we can find no record of a Federal antibarratry statute, in 1956 Virginia enlarged its antibarratry statute, making it a crime for organizations interested in the preservation of civil rights to contribute money for the prosecution of law suits instituted to promote such a cause. Suit was instituted to enjoin enforcement of the statute, *NAACP* v. *Patty* (159 F. Supp. 503). The court stated that the NAACP activity in issue was not a violation of canon 35 of the Canons of Professional Ethics of the American Bar Association which forbids exploitation of professional services by a lay agency on the grounds that an attorney's duties should not be directed or controlled by the interest of an intermediary, i.e., his responsibility is a direct, personal one with his client. The canon itself expressly excludes charitable organizations from the character of intermediary. The court stated the rule (159 F. Supp. 532):

"Indeed the exclusion of lawyers when acting for benevolent purposes and charitable societies, as distinguished from business corporations, from the restrictions imposed by the Canons of Professional Ethics has long been recognized in the approval given by the courts to services voluntarily offered by members of the bar to persons in need, even when the attorneys have been selected by a corporation organized to serve a cause in a controversial field."

The court, in condemning the Virginia statute, stated:

"Chapter 35, in failing to recognize this settled rule, violates the well established constitutional principles in its bearing upon plaintiff corporations. A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the due process or equal protection clauses of the 14th amendment, *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 238, 77 S. Ct. 752.

The holding in the Patty case was reversed by the Supreme Court in *Harrison* v. *N.A.A.C.P.* (360 U.S. 167). The Court in reversing did not rule on the constitutional issue, but stated that the State court should first construe the statutes in issue (assurance had been given that no action would be taken against appellees). The Court left the appellees to seek relief under the Virginia Declaratory Judgment statute (title 8, sec. 578, Virginia code). If, in such a suit the statute is held constitutional and applicable to the NAACP by the Virginia Supreme Court, then a serious question of constitutionality would be raised on the merits for a Federal court to review.

In answer to your inquiry concerning admission to practice before Federal courts, the following precedents have been clearly established.

The acts of both admission and removal of attorneys are judicial acts, *Randall* v. *Bingham* (74 U.S. 523, 7 Wall. 523). This does not preclude the establishment of qualifications by Congress, *Ex parte Garland* (71 U.S. 333, 4 Wall. 333). In the Garland case the court held that although Congress could prescribe the qualifications, this power could not be exercised as a means of inflicting punishment. The attorneys and counselors were not officers of the United States, but were officers of the court, admitted as such by its order upon evidence of their possessing legal training and fair private character. The order of admission is the judgment of the court that the parties possess the requisite qualifications and are entitled to appear as attorneys and counselors and conduct causes therein. From their entry the parties become officers of the court and are responsible to it for professional misconduct. They hold their offices during good behavior and can only be deprived of them for misconduct ascertained and declared by the judgment of the court after opportunity to be heard has been offered. Their admission and their exclusion are the exercise of judicial power. The right to practice can only be deprived by a judge of the court for moral or professional delinquency.

Specific qualifications prerequisite to admission of an attorney to practice before a Federal court are a matter governed by the local rules of the Federal district court. In establishing the qualifications for such admission the local court may adopt State qualifications. Such adoption is not exclusive, and the court establishes its own criteria. Thus if an attorney is disbarred in a State court proceeding, the State court's order of disbarment is not binding on the Federal court as res judicata, *In re Tinkoff* (101 F. 2d 341, cert. denied 60 S. Ct. 99).

The Federal court is free to reject the State court's finding, *In re Noell* (93 F. 2d 5), *Bartos* v. *United States District Court for the District of Nebraska* (19 F. 2d 722) reversing D.C. 1926, *In re Bartos* (13 F. 2d 138).

Sincerely yours,

WARREN OLNEY III,
Director.

MEMORANDUM FROM COMMISSION ON CIVIL RIGHTS

AUGUST 10, 1959.

To: Hon. JACOB JAVITS, Member of Congress
From: Rufus C. Kuykendall, Director—Law Plans, Research Commission on Civil Rights.

Subject: 1. Recent State laws prohibiting barratry, maintenance and champerty; 2. Pertinent "Canons of Professional Ethics."

Attached herewith are photocopies extracted from Race Relations Law Reporter of all State laws relative to the subject offenses which have been enacted within the last 4 years in the States of Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and Virginia. No other State has enacted comparable legislation through the spring of 1959.

As far as is ascertainable there are no court decisions which have arisen out of the violation of these statutes. Several cases, however, have been decided as a result of the application of statutes requiring registration of the N.A.A.C.P. Many of these cases and the statutes upon which they are predicated relate to the "fomenting of litigation and strife," which activity purports to be the abuse which the registration statutes are designed to eliminate. Although these cases and statutes bear a relationship to the subject offenses they are considered inappropriate for inclusion at this time since they fall within a separate category.

A brief examination of the pertinent "Canons of Professional Ethics" of the American Bar Association is appended hereto for your additional information inasmuch as the connection between the activities of the N.A.A.C.P. and the unavowed policy of these statutes may be demonstrated.

EXCERPTS FROM CANONS OF PROFESSIONAL ETHICS

Prescinding from legislative enactments prohibiting barratry, champerty and maintenance, the Canons of Professional Ethics of the American Bar Association recognize the disreputable nature of such conduct.

Canons 27 and 28 condemn all solicitation for business not warranted by personal relations. These canons denounce the hunting up of causes of action or the breeding of litigation by volunteering advice to initiate proceedings.

Various court decisions and administrative opinions make it clear that when an attorney, without previous professional or personal connection with a member of the public, makes a point of informing the latter of the existence or enforceability of his legal rights, the former may be guilty of unprofessional conduct even though he does not request or suggest that he be employed as counsel. (See Opinions of the committee on professional ethics [1957] Op. 9; New York County Lawyers' Association Committee on Professional Ethics [1956] Op. 310.)

Free legal services rendered pursuant to the formation of a privately organized legal aid service have been held proper where the motive was not financial aggrandizement or commercialization of the profession (Op. 148, American Bar Association Committee on Ethical Practices). It is interesting to note that this opinion concludes with an expression that issues of a political, economic or social character transcend the range of professional ethics.

Canon 10 expresses the clear admonition that the lawyer should not purchase any interest in the subject matter of the litigation which he is conducting. Canon 42, which is closely related thereto, denounces the assumption by the attorney of any portion of the expense of litigation but permits advancement subject to reimbursement.

Canons 47 and 35 concern unauthorized practice of law by corporations and associations. The former proscribes the according by a lawyer of the use of his name in the furtherance of the unauthorized practice of law by an agency. The latter forbids any lay agency from acting as intermediary between lawyer and client.

Without examining what constitutes the practice of law, it is appropriate to address an inquiry to the question of unauthorized practice. The case of *In re Cooperative Law Co.* (198 N.Y. 479, 92 N.E. 15 (1910)), enunciates the principle that since the conditions prescribed by a State as prerequisite to the practice of law cannot be performed by a corporation, it follows that the practice of law is not a lawful business for a corporation to engage in. As it cannot practice law directly, it cannot indirectly by employing lawyers to practice for it. The court in *In re Otterness* (181 Minn. 254, 232 N.W. 318) announced the meaning of canon 47 succinctly when it stated:

"Neither a corporation nor a layman not admitted to practice can practice law, nor indirectly practice by hiring a licensed attorney to practice law for others for the benefit of such hirer."

LITIGATION ON BARRATRY—ARKANSAS

(Act No. 14 (house bill No. 12) of the 1958 extraordinary session of the Arkansas General Assembly, approved September 12, 1958, defines and provides punishment for barratry.)

An act to assist in the administration of the educational program of the public schools and institutions of higher learning provided by the State of Arkansas, and in conjunction therewith to provide a definition for the crime of barratry; to provide penalties therefor; and for other purposes

Whereas it has been determined by the 61st General Assembly, extraordinary session, that certain persons as hereinafter defined have engaged in causing the institution of certain unnecessary litigation affecting the orderly administration of the public schools and institutions of higher learning; and

Whereas it is further determined that the passage of this act will tend to alleviate the breaches of the peace, discourage barratry as hereinafter defined, both of which adversely affect the orderly administration of the public schools and institutions of higher learning maintained by the taxpayers of Arkansas: Now, therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. For the purposes of this act the crime of barratry is hereby defined as any of the following:

A. Any person who shall engage in exciting and stirring suits and quarrels between individuals, or between an individual and the State, or between an individual and any legal entity, either at law or otherwise, shall be guilty of the crime of barratry.

B. Any person who commits an act tending to breach the peace, with the purpose of or intention of such act resulting in a suit or litigation, either civil or criminal, shall be guilty of the crime of barratry.

C. Any person who seeks out and proposes to another person that they present and urge a suit against another person, the State of Arkansas, the United States or any other legal entity shall be guilty of the crime of barratry.

D. Any person who counsels, proposes, encourages, aids or assists another in the commission of acts tending to breach the peace, with the purpose of, or intention of such acts resulting in litigation between individuals or an individual and the State or an individual and any legal entity shall be guilty of the crime of barratry.

E. Any person who thereby seeks to obtain employment for himself or for another to prosecute or defend such action.

F. Any person who has no direct and substantial interest in the relief thereby sought.

G. Any person who does so with intent to distress or harass any party to such action.

H. Any person who directly or indirectly pays or promises to pay any money or other thing of value to, or the obligations of, any party to such an action.

I. Any person who directly or indirectly pays or promises to pay any money or thing of value to any other person to bring about the prosecution or maintenance of such an action.

J. Any person who shall wilfully bring, prosecute or maintain an action, at law or in equity, in any court having jurisdiction within the State, and who:

(1) has no direct or substantial interest in the relief thereby sought, or

(2) thereby seeks to defraud or mislead the court, or

(3) brings such action with intent to distress or harass any party thereto, or

(4) directly or indirectly receives any money or other thing of value to induce the bringing of such action, shall be guilty of the crime of barratry.

SEC. 2. The term "person" and the term "individual" are hereby declared to include a corporation, whether profit or nonprofit, and associations.

SEC. 3. Any corporation or unincorporated association found guilty of the crime of barratry shall be forever barred from doing any business or carrying on any activity within the State, and in the case of a corporation, its charter shall be summarily revoked by the secretary of state.

SEC. 4. The crime of barratry shall be punishable by a fine of not more than $5,000, or by imprisonment of not more than 2 years, or both, and in addition thereto may be enjoined by any interested person or persons.

SEC. 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 6. The provisions of this act are cumulative and shall not be construed as repealing any existing statute or the common law of this State with respect to the subject matter of any of the provisions hereof.

SEC. 7. It has been found and is declared by the General Assembly of Arkansas that many persons are currently engaged in soliciting litigation that is interfering with and directly affects the orderly administration of the Arkansas public education system and that there is an immediate need for a method of preventing such practices. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall take effect from the date of its approval.

LITIGATION ON MAINTENANCE—ARKANSAS

(Act No. 16 (House bill No. 14) of the 1958 extraordinary session of the Arkansas General Assembly, defines, prohibits, and provides penalties for maintenance.)

An act to prohibit the fomenting and agitation and litigation that interferes with the orderly administration of public schools and institutions of higher learning; to prohibit the solicitation, receipt, or donation of funds for the purpose of filing or prosecuting lawsuits; to define maintenance; to provide a penalty for any violation hereof; and for other related purposes

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. It shall be unlawful for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated, either before or after proceedings commenced.

(1) to promise, give, or offer, or to conspire or agree to promise, give or offer,

(2) to receive or accept, or to agree to conspire to receive or accept,

(3) to solicit, request, or donate, any money, bank note, bank check, chose in action, personal services or any other personal or real property, or any other thing of value or any other assistance as an inducement to any person to commence or to prosecute further, or for the purpose of assisting such person to commence or prosecute further, any proceeding in any court or before any administrative board or other agency of the State of Arkansas, or in any U.S. court located within the said State; provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law or solicitor in chancery, for either a fixed fee or upon a contingent basis, to represent such person, firm partnership, corporation, group, organization, or association before any court or administrative agency.

SEC. 2. Any person violating any of the provisions of section 2 of this act shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for one year in the State penitentiary.

SEC. 3. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding in any court or before any administrative agency in the State of Arkansas, or who may take an appeal from any such rule, order, or judgment thereof, shall on motion made by any of the parties of such proceedings or by the court or agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name), petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that I have neither received, nor conspired to receive, any valuable consideration or assistance whatever as an inducement to the commencement or further prosecution of the proceedings in this matter.

(Signature of affiant)

Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).

(Signature of official).

(Title of official)

In the case of any firm, corporation, group, organization, or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization, or association.

SEC. 4. Every attorney representing any person, firm, partnership, corporation, group, organization, or association in any proceeding in any court or before any administrative agency in the State of Arkansas, or who may take an appeal from any rule, order, or judgment thereof, shall, on motion made by any of the parties to such proceeding, or by the court or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name), attorney representing (name of party), petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization, or association has promised, given, or offered, or solicited, received, or accepted any valuable consideration or any assistance whatever to said (name of party) as an inducement to said (name of party) to the commencement or further prosecution of the proceedings herein.

(Signature of affiant)

Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).

(Signature of official)

(Title of official).

Provided, however, That if, on motion made, such affidavits are propmtly filed, the failure in the first instance to have filed same shall not constitute grounds for a continuance of such proceedings.

SEC. 5. Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of this act, upon final conviction thereof shall also be disbarred by order of the court in which convicted. Any attorney who shall file a false affidavit, or violate any other provision of this act, and who is not a member of the Arkansas Bar shall, in addition to the other penalties provided by this act, be forever barred from practicing before any court or administrative agency of this State.

SEC. 6. No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the grand jury or court or in any cause or proceeding; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not more than 180 days, or by both such fine and imprisonment.

SEC. 7. Provided, however, that the provisions of this act shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not pay or protect the client from payment of the costs and expenses of litigation, nor shall this act apply to suits pertaining to or affecting possession of or title to real or personal property, nor shall this act apply to suits involving the legality of assessment or collection of taxes, nor shall this act apply to suits involving rates or charges by common carriers or public utilities, nor shall this act apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Arkansas State Bar.

Nothing in this act is intended to be in derogation of the constitutional right of real parties in interest to employ counsel or to prosecute any available legal remedy; the intent, as herein set out, is to prohibit and punish, more clearly and definitely, champerty, maintenance, barratry, and the solicitation or stirring up of litigation whether the same be committed by licensed attorneys or by others who are not real parties in interest to the subject matter of such litigation.

SEC. 8. If any section, subsection, clause, phrase, or requirement of this act is for any reason held to be unconstitutional, void or unenforcible, such decision shall not affect the validity of the remaining portions.

SEC. 9. It is hereby determined that the decisions of the U.S. Supreme Court in the school segregation cases require solution of a great variety of local public school problems of considerable complexity immediately and which involved the health, safety, and general welfare of the people of the State of Arkansas and that the purpose of this act is to assist in the solution of these problems, and that the passage of this act will tend to prevent interference with the orderly administration of the public schools of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from the date of its approval.

LITIGATION ON BARRATRY—GEORGIA—ACT NO. 514

(Act No. 514 (H.B. No. 475) of the 1957 regular session of the Georgia General Assembly defines and provides punishments for the crime of barratry. The bill is directed at the fomenting or inciting of litigation.)

An act to define, for the purposes of this act, the crime of barratry; to define the crime of conspiracy to commit barratry and provide a penalty therefor; to define the terms used in this act; to repeal conflicting laws; and for other purposes

Be it enacted by the General Assembly of Georgia:

SECTION 1

For the purpose of this act the crime of barratry is hereby defined as any of the following:

1. Any person who shall frequently engage in exciting and stirring suits and quarrels between individuals, or between an individual and the State or between an individual and any legal entity, either at law or otherwise shall be guilty of the crime of barratry.

2. Any person who commits an act tending to breach the peace, with the purpose of or intention of such act resulting in a suit or litigation, either civil or criminal, shall be guilty of the crime of barratry.

3. Any person who seeks out and proposes to another person that they present and urge a suit against another person, the State of Georgia, the United States or any other legal entity, shall be guilty of the crime of barratry.

4. Any person who counsels, proposes, encourages, aids or assists another in the commission of acts tending to breach the peace, with the purpose of, or intention of such acts resulting in litigation between individuals or an individual and the State or an individual and any legal entity shall be guilty of the crime of barratry.

SECTION 2

If two or more persons conspire, confederate or agree to commit the crime of barratry, and one or more of such persons do any act to effect the object of the conspiracy, each shall be guilty of a misdemeanor and on conviction thereof shall be punished as prescribed by law.

SECTION 3

The term "person" and the term "individual" are hereby declared to include a corporation, whether profit or nonprofit, and associations.

SECTION 4

In the event any section, subsection, sentence, clause or phrase of this act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this act, which shall be and remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part thereof. The legislature hereby declares that it woud have passed the remaining parts of this act if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

SECTION 5

All laws and parts of laws in conflict with this act are hereby repealed.

ATTORNEYS—CHAMPERTY AND MAINTENANCE—MISSISSIPPI—HOUSE BILL 33

(House bill No. 33 of the 1956 regular session of the Mississippi Legislature provides penalties for the fomenting or agitation of litigation. (This bill was signed by the Governor on Feb. 20, 1956.))

An act to prohibit the fomenting and agitation of litigation; to prohibit the solicitation, receipt, or donation of funds for the purpose of filing or prosecuting lawsuits; to define maintenance; to provide a penalty for any violation hereof; and for other related purposes

Be it enacted by the Legislature of the State of Mississippi:

SECTION 1. It shall be unlawful for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated, either before or after proceedings commenced;

(1) to promise, give, or offer, or to conspire or agree to promise, give, or offer,

(2) to receive or accept, or to agree or conspire to receive or accept,

(3) to solicit, request, or donate, any money, bank note, bank check, chose in action, personal services, or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further, or for the purpose of assisting such person to commence or prosecute further, any proceeding in any court or before any administrative board or other agency of the State of Mississippi, or in any United States court located within the said State; provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law or solicitor in chancery, for either a fixed fee or upon a contingent basis, to represent such person, firm, partnership, corporation, group, organization, or association before any court or administrative agency.

SEC. 2. Any person violating any of the provisions of section 1 of this act shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for 1 year in the State penitentiary.

SEC. 3. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any such rule, order, or judgment thereof, shall, on motion made by any of the parties of such proceedings or by the court or agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name), petitioner (or complainant, plaintiff, appellant, or whatever party he may be) in this matter, do hereby swear (or affirm) that I have neither received, nor conspired to receive, any valuable consideration or assistance whatever as an inducement to the commencement or further prosecution of the proceedings in this matter.

(Signature of affiant)
Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).

(Signature of official)
(Title of official)

In the case of any firm, corporation, group, organization, or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization, or association.

SEC. 4. Every attorney representing any person, firm, partnership, corporation, group, organization, or association in any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any rule, order, or judgment thereof, shall, on motion made by any of the parties to such proceeding, or by the court or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name), attorney representing (name of party), petitioner (or complainant, plaintiff, appellant, or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization, or association has promised, given, or offered, or conspired to promise, give, or offer, or solicited, received, or accepted any valuable consideration or any assistance whatever to said (name of party) as an inducement to said (name of party) to the commencement or further prosecution of the proceedings herein.

(Signature of affiant)
Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).

(Signature of official)
(Title of official)

Provided, however, That if, on motion made, such affidavits are promptly filed, the failure in the first instance to have filed same shall not constitute grounds for a continuance of such proceedings.

SEC. 5. Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of this act, upon final conviction thereof shall also be disbarred by order of the court in which convicted. Any attorney who shall file a false affidavit, or violate any other provision of this act, and who is not a member of the Mississippi bar, shall, in addition to the other penalties provided by this act, be forever barred from practicing before any court or administrative agency of this State.

SEC. 6. No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise before the grand jury or court or in any cause or proceeding: *Provided,* That no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not more than 180 days, or by both such fine and imprisonment.

SEC. 7. *Provided, however,* That the provisions of this act shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not pay or protect the client from payment of the costs and expenses of litigation, nor shall this act apply to suits pertaining to or affecting possession of or title to real or personal property, nor shall this act apply to suits involving the legality of assessment or collection of taxes, nor shall this act apply to suits involving rates or charges by common carriers or public utilities, nor shall this act apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Mississippi State Bar.

Nothing in this act is intended to be in derogation of the constitutional right of real parties in interest to employ counsel or to prosecute any available legal remedy; the intent, as herein set out, is to prohibit and punish more clearly and definitely, champerty, maintenance, barratry, and the solicitation or stirring up of litigation, whether the same be committed by licensed attorneys or by others who are not real parties in interest to the subject matter of such litigation.

SEC. 8. If any section, subsection, clause, phrase, or requirement of this act is for any reason held to be unconstitutional, void, or unenforceable, such decision shall not affect the validity of the remaining portions.

SEC. 9. This act shall take effect and be in force from and after its passage.

LITIGATION ON BARRATRY—SOUTH CAROLINA

(An act of the 1957 session of the South Carolina General Assembly, approved February 8, 1957, defines and provides penalties for the crime of barratry. The offense includes activities in connection with the solicitation or inciting of litigation.)

An act to define the crime of barratry and to provide penalties for the commission thereof

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Any person who shall willfully solicit or incite another to bring, prosecute or maintain an action, at law or in equity, in any court having jurisdiction within this State, and who:

(a) thereby seeks to obtain employment for himself or for another to prosecute or defend such action, or

(b) has no direct and substantial interest in the relief thereby sought, or

(c) does so with intent to distress or harass any party to such action, or

(d) directly or indirectly pays or promises to pay any money or other thing of value to, or the obligations of, any party to such an action, or

(e) directly or indirectly pays or promises to pay any money or other thing of

value to any other person to bring about the prosecution or maintenance of such an action, or

any person who shall willfully bring, prosecute or maintain an action, at law or in equity, in any court having jurisdiction within this State and who:

(1) has no direct or substantial interest in the relief thereby sought, or

(2) thereby seeks to defraud or mislead the court, or

(3) brings such action with intent to distress or harass any party thereto, or

(4) directly or indirectly receives any money or other thing of value to induce the bringing of such action, shall be guilty of the crime of barratry.

SEC. 2. Any person convicted of barratry shall be forever barred from practicing law in this State.

SEC. 3. As used in section 1 of this act, the term "person" shall include corporations and unincorporated associations and the statutes and laws of this State pertaining to criminal liability and enforcement thereof against corporations shall apply to any unincorporated association convicted of barratry.

SEC. 4. Any corporation or unincorporated association found guilty of the crime of barratry shall be forever barred from doing any business or carrying on any activity within this State, and in the case of a corporation, its charter or certificate of domestication, shall be summarily revoked by the secretary of state.

SEC. 5. The crime of barratry shall be punishable by a fine of not more than $5,000 or by imprisonment of not more than 2 years, or both.

SEC. 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 7. The provisions of this act are cumulative and shall not be construed as repealing any existing statute or the common law of this State with respect to the subject matter of any of the provisions hereof.

SEC. 8. This act shall take effect upon its approval by the Governor.

LITIGATION ON BARRATRY—TENNESSEE

(Chapter No. 104, Public Acts of the 1957 Tennessee General Assembly, approved March 6, 1957, defines and provides punishment for the crime of barratry. The offense created relates to activities in connection with the fomenting or inciting of litigation.)

CHAPTER NO. 104

An act to amend section 39-3212 of the Tennessee Code Annotated by striking said section in its entirety and inserting in lieu thereof a new section 39-3212; to define the crime of barratry; to define certain terms; to prohibit barratry and to provide penalties for persons found guilty thereof; to prohibit aiding and abetting barrators; to authorize certain courts of record to enjoin barratry and to prescribe the officers who may bring suits therefor; to provide that conduct prohibited by the act shall constitute unprofessional conduct and be ground for revocation of licenses to practice certain professions

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 39-3212 of Tennessee Code Annotated be and the same is hereby amended by striking said section 39-3212 in its entirety and substituting in place thereof a new section to read as follows:

"SECTION 39-3212. That the following words, terms and phrases when used in this act, shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning."

(a) "Barratry" is the offense of stirring up litigation.

(b) A "barrator" is an individual, partnership, association, or corporation who or which stirs up litigation.

(c) "Stirring up litigation" means instigating or attempting to instigate a person or persons to institute a suit at law or equity.

(d) "Instigating" means bringing it about that all or part of the expenses of the litigation are paid by the barrator or by a person or persons (other than the plaintiffs) acting in concert with the barrator, unless the instigation is justified.

(e) "Justified" means that the instigator is related by blood or marriage to the plaintiff whom he instigates, or that the instigator is entitled by law to share with the plaintiff in money or property that is the subject of the litigation or that the instigator has a direct interest in the subject matter of the litigation or occupies a position of trust in relation to the plaintiff; or that the instigator is acting on behalf of a duly constituted legal aid society established by the Bar Association of Tennessee or any local bar association of this State which offers advice or assistance in all kinds of legal matters to all members of the public who come to it for advice or assistance and are unable because of poverty to pay legal fees.

(f) "Direct interest" means a personal right or pecuniary right or liability.

SEC. 2. *Be it further enacted,* That this act shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not protect the client from payment of the costs and expense of litigation, nor shall this act apply to any matter involving annexation, zoning, bond issues, or the holding or results of any election or referendum, nor shall this act apply to suits pertaining to or affecting possession of or title to real or personal property, regardless of ownership, nor shall this act apply to suits involving the legality of assessment or collection of taxes or the rates thereof, nor shall this act apply to suits involving rates or charges or services by common carriers or public utilities, nor shall this act apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies established by the Bar Association of Tennessee or any local bar association of this State, nor to proceedings to abate nuisances. Nothing herein shall be construed to be in derogation of the constitutional rights of real parties in interest to employ counsel or to prosecute any available legal remedy under the laws of this State.

SEC. 3. *Be it further enacted,* That it shall be unlawful to engage in barratry.

SEC. 4. *Be it further enacted,* That a person found guilty of barratry, if an individual, shall be guilty of a misdemeanor, and may be punished as provided by law; and if a corporation, may be fined not more than $10,000. If the corporation be a foreign corporation, its certificate of authority to transact business in Tennessee shall be revoked by the district attorney general of the district in which the offense is committed.

SEC. 5. *Be it further enacted,* That a person who aids and abets a barrator by giving money or rendering services to or for the use or benefit of the barrator for committing barratry shall be guilty of barratry and punished as provided in section 3.

SEC. 6. *Be it further enacted,* That courts of record having equity jurisdiction shall have jurisdiction to enjoin barratry. Suits for an injunction may be brought by the district attorney general of the district in which the offense is committed.

SEC. 7. *Be it further enacted,* That conduct that is made illegal by this act on the part of an attorney at law or any person holding a license from the State to engage in a profession is unprofessional conduct. Upon hearing pursuant to the provisions of Section 29-309 of the Tennessee Code Annotated, if the defendant be found guilty of barratry, the judgment shall be permanent or temporary deprivation of the right to practice his profession, or a censure or reprimand, according to the gravity of the offense.

SEC. 8. *Be it further enacted,* That should any section or part of this act for any reason be held unconstitutional or invalid, the same shall not affect the constitutionality or validity of the remaining parts or sections of this act, as the legislature hereby declares that it would have passed the remaining sections or parts of this act if the unconstitutional or invalid sections had been omitted.

SEC. 9. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, and that this act take effect from and after its passage, the public welfare requiring it.

LITIGATION ON BARRATRY—VIRGINIA—APPROVED SEPTEMBER 29, 1956

(Ch. 35 of the 1956 Extra Session Acts of Virginia defines and provides punishment for the crime of barratry. Barratry is defined as the stirring up of litigation).

CHAPTER 35

An act to define the crime of barratry; to define certain terms; to prohibit barratry and to provide penalties for persons found guilty thereof; to prohibit aiding and abetting barrators; to authorize certain courts of record to enjoin barratry and to prescribe the officers who may bring suits therefor; to provide that conduct prohibited by the act shall constitute unprofessional conduct and be grounds for revocation of licenses to practice certain profession

Be it enacted by the General Assembly of Virginia:

1. Section 1. Definitions.

(a) "Barratry" is the offense of stirring up litigation.

(b) A "barrator" is an individual, partnership, association, or corporation who or which stirs up litigation.

(c) "Stirring up litigation" means instigating or attempting to instigate a person or persons to institute a suit at law or equity.

(d) "Instigating" means bringing it about that all or part of the expenses of the litigation are paid by the barrator or by a person or persons (other than the plaintiffs) acting in concert with the barrator, unless the instigation is justified.

(e) "Justified" means that the instigator is related by blood or marriage to the plaintiff whom he instigates, or that the instigator is entitled by law to share with the plaintiff in money or property that is the subject of the litigation or that the instigator has a direct interest in the subject matter of the litigation or occupies a position of trust in relation to the plaintiff; or that the instigator is acting on behalf of a duly constituted legal aid society approved by the Virginia State Bar which offers advice or assistance in all kinds of legal matters to all members of the public who come to it for advice or assistance and are unable because of poverty to pay legal fees.

(f) "Direct interest" means a personal right or a pecuniary right or liability.

This act shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not protect the client from payment of the costs and expense of litigation, nor shall this act apply to any matter involving annexation, zoning, bond issues, or the holding or results of any election or referendum, nor shall this act apply to suits pertaining to or affecting possession of or

title to real or personal property, regardless of ownership, nor shall this act apply to suits involving the legality of assessment or collection of taxes or the rates thereof, nor shall this act apply to suits involving rates or charges or services by common carriers or public utilities, nor shall this act apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Virginia State bar, nor to proceedings to abate nuisances. Nothing herein shall be construed to be in derogation of the constitutional rights of real parties in interest to employ counsel or to prosecute any available legal remedy under the laws of this State.

SEC. 2. It shall be unlawful to engage in barratry.

SEC. 3. A person found guilty of barratry, if an individual, shall be guilty of a misdemeanor, and may be punished as provided by law; and if a corporation, may be fined not more than $10,000. If the corporation be a foreign corporation, its certificate of authority to transact business in Virginia shall be revoked by the State corporation commission.

SEC. 4. A person who aids and abets a barrator by giving money or rendering services to or for the use or benefit of the barrator for committing barratry shall be guilty of barratry and punished as provided in section 3.

SEC. 5. Courts of record having equity jurisdiction shall have jurisdiction to enjoin barratry. Suits for an injunction may be brought by the attorney general or the attorney for the Commonwealth.

SEC. 6. Conduct that is made illegal by this act on the part of an attorney at law or any person holding a license from the State to engage in a profession is unprofessional conduct. Upon hearing pursuant to the provisions of section 54–74 of the code, or other statute applicable to the profession concerned, if the defendant be found guilty of barratry, his license to practice law or any other profession shall be revoked for such period as provided by law.

2. An emergency exists and this act is in force from its passage.

LITIGATION ON MAINTENANCE—VIRGINIA—APPROVED SEPTEMBER 29, 1956

(Ch. 36 of the 1956 Extra Session Acts of Virginia makes it unlawful for a person not having direct interest in litigation to support with money or other assistance any proceeding before a court or administrative agency against the Commonwealth of Virginia or any of its agencies. Violation is made punishable by fine and imprisonment.)

CHAPTER 36

An act to make it unlawful for any person to induce another person to commence or prosecute proceedings in any court or before any board or administrative agency under certain conditions; to provide for the filing of affidavits; and to provide penalties for violations of this act

Be it enacted by the General Assembly of Virginia:

1. SECTION 1. (a) It shall be unlawful for any person not having a direct interest in the proceedings, either before or after proceedings commenced:

To promise, give or offer, or to conspire or agree to promise, give or offer, or

To receive or accept, or to agree or conspire to receive or accept, or

To solicit, request or donate,

Any money, bank note, bank check, chose in action, personal services or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further any original proceeding in any court in this State, or before any board or administrative agency within the said State, or in any United States court located within the said State against the Commonwealth of Virginia, any department, agency, or political subdivision thereof, or any person acting as an officer or employee for either or both or any of the foregoing; Provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law, for either a fixed fee or upon a contingent basis, to represent such person, firm, partnership, corporation, group, organization or association before any court or board or administrative agency.

(b) It shall be unlawful for any person, not related by blood or marriage or who does not occupy a position of trust or a position in loco parentis to one who becomes the plaintiff in a suit or action, who has no direct interest in the subject matter of the proceeding and whose professional advice has not been sought in accordance with the Virginia canons of legal ethics, to advise, counsel or otherwise instigate the bringing of a suit or action against the Commonwealth of Virginia, any department, agency or political subdivision thereof, or any person acting as an officer or employee for either or both or any of the foregoing.

(c) As used in this act, "person" includes person, firm, partnership, corporation, organization or association; "direct interest" means a personal right or a pecuniary right or liability.

(d) Any person violating any of the provisions of section 1 of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or confined in jail for not more than 1 year, or both.

SEC. 2. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding against one of the parties set forth in paragraph (a) of section 1 in any court in this State, or before any board or administrative agency therein, or who may take an appeal from any such rule, order or judgment thereof, shall, on motion made by any of the parties to such proceedings or by the court or board or administrative agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name of individual or corporation, organization or association, firm or partnership), petitioner (or plaintiff, appellant or whatever party he may be, or an officer thereof if a corporation, organization or association, firm or partnership) in this matter, do hereby swear (or affirm) that I have (or the corporation, organization or association, firm or partnership has) neither reecived, nor conspired to receive, nor have I (nor has the corporation, organization or association, firm or partnership), been promised or tendered any valuable consideration or assistance not permitted by law as an inducement to the commencement or further prosecution of the proceedings in this matter, nor has the same been instigated in violation of law.

(Signature of Affiant).
Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).
(Signature of Official Authorized to Administer Oaths).
(Title of Official).

In the case of any firm, corporation, group, organization, partnership or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization or association and one of the principal officers thereof.

Forms for such affidavit shall be furnished by the clerk of court, and shall have printed at the bottom thereof the text of section 4 of this act, under the heading "penalty."

SEC. 3. Every attorney representing any person, firm, partnership, corporation, group, organization or association in any proceeding in any court or before any board or administrative agency in this State or who may take an appeal from any rule, order or judgment thereof, shall, on motion made by any of the parties to such proceeding or by the court or board or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I (name), attorney representing (name of party), petitioner (or plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization or association has promised, given or offered, or conspired to promise, give or offer, or solicited, received or accepted any valuable consideration or any assistance not permitted by law to said (name of party) as an inducement to said (name of party) to the commencement or further prosecution of the proceedings herein, nor has the same been instigated in violation of law.

(Signature of affiant).
Affiant.

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).
(Signature of official authorized to administer oaths).
(Title of official).

Forms for such affidavit shall be furnished by the clerk of court, and shall have printed at the bottom thereof the text of section 4 of this act, under the heading "Penalty."

SEC. 4. Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of this act, upon final conviction thereof, shall also be disbarred by order of the court in which convicted. Any attorney who shall file a false affidavit, or violate any other provision of this act, and who is not a member of the Virginia State Bar, shall, in addition to the other penalties provided by this act, be forever barred from practicing before any court or board or administrative agency of this State.

SEC. 5. No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the grand jury or court or in any cause or proceeding brought by the Commonwealth; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than one hundred eighty days, or by both such fine and imprisonment.

SEC. 6. This act shall not be applicable to attorneys who are parties to contingent fee

contracts with their clients where the attorney does not protect the client from payment of the costs and expense of litigation, nor shall this act apply to a mandamus proceeding against the State Comptroller, nor shall this act apply to any matter involving zoning, annexation, bond issues, or the holding or results of any election or referendum, nor shall this act apply to suits pertaining to or affecting possession of or title to real or personal property, regardless of ownership, nor shall this act apply to suits involving the legality of assessment or collection of taxes or the rates thereof, nor shall this act apply to suits involving rates or charges or services by common carriers or public utilities, nor shall this act apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Virginia State Bar, nor to proceedings to abate nuisances. Nothing herein shall be construed to be in derogation of the constitutional right of real parties in interest to employ counsel or to prosecute any available legal remedy under the laws of this State. The provisions hereof shall not affect the right of a lawyer in good faith to advance expenses as a matter of convenience but subject to reimbursement.

SEC. 7. Nothing in this act shall affect the provisions of Chapter 670 of the Acts of Assembly of 1956.

2. An emergency exists and this act is in force from its passage.

ATTORNEYS—"RUNNING AND CAPPING"— VIRGINIA—APPROVED SEPTEMBER 29, 1956

(Ch. 33 of the 1956 Extra Session Acts of Virginia amends the Virginia Code with respect to the licensing and suspension of attorneys. The act defines a "runner" or "capper" as one who acts as an agent for an attorney for the purpose of soliciting business and regulates such persons.)

CHAPTER 33

An act to amend and reenact sections 54–74, 54–78 and 54–79 of the Code of Virginia, relating, respectively, to procedure for suspension and revocation of licenses of attorneys at law, and to running and capping

Be it enacted by the General Assembly of Virginia:

1. That sections 54–74, 54–78 and 54–79 of the Code of Virginia be amended and reenacted as follows:

SEC. 54–74. (1) Issuance of rule.—If the supreme court of appeals, or any court of record of this State, observes, or if complaint, verified by affidavit, be made by any person to such court of any malpractice or of any unlawful or dishonest or unworthy or corrupt or unprofessional conduct on the part of any attorney, or that any person practicing law is not duly licensed to practice in this State, such court shall, if it deems the case a proper one for such action, issue a rule against such attorney or other person to show cause why his license to practice law shall not be revoked or suspended.

(2) Judges hearing case.—At the time such rule is issued the court issuing the same shall certify the fact of such issuance and the time and place of the hearing thereon, to the chief justice of the supreme court of appeals, who shall designate two judges, other than the judge of the court issuing the rule, of circuit courts or courts of record of cities of the first class to hear and decide the case in conjunction with the judge issuing the rule, which such two judges shall receive as compensation $10 per day and necessary expenses while actually engaged in the performance of their duties, to be paid out of the treasury of the county or city in which such court is held.

(3) Duty of Commonwealth's attorney.—It shall be the duty of the attorney for the Commonwealth for the county or city in which such case is pending to appear at the hearing and prosecute the case.

(4) Action of court.—Upon the hearing, if the defendant be found guilty by the court, his license to practice law in this State shall be revoked, or suspended for such time as the court may prescribe: *Provided*, That the court, in lieu of revocation or suspension, may, in its discretion, reprimand such attorney.

(5) Appeal.—The person or persons making the complaint or the defendant, may, as of right, appeal from the judgment of the court to the Supreme Court of Appeals by petition based upon a true transcript of the record, which shall be made up and certified as in actions at law.

(6) "Any malpractice, or any unlawful or dishonest or unworthy or corrupt or unprofessional conduct," as used in this section, shall be construed to include the improper solicitation of any legal or professional business or employment, either directly or indirectly, or the acceptance of employment, retainer, compensation or costs from any person, partnership, corporation, organization or association with knowledge that such person, partnership, corporation, organization or association has violated any provision of article 7 of this chapter, or the failure, without sufficient cause, within a reasonable time after demand, of any attorney at law, to pay over and deliver to the person entitled thereto, any money, security or other property, which has come into his hands as such attorney; provided, however, that nothing contained in this article shall be construed to in any way prohibit any attorney from accepting employment to defend any person, partnership, corporation, organization or association accused of violating the provisions of article 7 of this chapter.

(7) Representation by counsel.—In any proceedings to revoke or suspend the license of an attorney under this or the preceding section, the defendant shall be entitled to representation by counsel.

SEC. 54–78. As used in this article:

(1) A "runner" or "capper" is any person, corporation, partnership, or association acting in any manner or in any capacity as an agent for an attorney at law within this State or for any person, partnership, corporation, organization, or association which employs, retains, or compensates any attorney at law in connection with any judicial proceeding in which such person, partnership, corporation, organization, or association is not a party and in which it has no pecuniary right or liability, in the solicitation or procurement of business for such attorney at law or for such person, partnership, corporation, organization, or association in connection with any judicial proceeding for which such attorney or such person, partnership, corporation, organization, or association is employed, retained, or compensated.

The fact that any person, partnership, corporation, organization, or association is a party to any judicial proceeding shall not authorize any runner or capper to solicit or procure business for such person, partnership, corporation, organization, or association or any attorney at law employed, retained, or compensated by such person, partnership, corporation, organization, or association.

(2) An "agent" is one who represents another in dealing with a third person or persons.

SEC. 54–79. It shall be unlawful for any person, corporation, partnership, or association to act as a runner or capper as defined in section 54–78 to solicit any business for an attorney at law or such person, partnership, corporation, organization, or association, in and about the State prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving hospitals, county hospitals, police courts, county courts, municipal courts, courts of record, or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever.

2. An emergency exists and this act is in force from its passage.

Mr. JAVITS. Mr. President, on the subject of cost, I would like to tell the Senate how very expensive this kind of litigation can be. It is estimated that litigation which is involved in establishing the right to attend a desegregated public school has averaged in cost somewhere between $740 and $900 per child, and that the normal case which would be taken up on appeal would cost somewhere between $15,000 and $18,000.

Lest I be charged with extrapolating these figures, Mr. President, I ask unanimous consent that there may be included at this point in my remarks a letter dated January 29 from Gordon M. Tiffany, staff director of the Commission on Civil Rights, spelling out exactly these very high costs which can hardly be expected to be within the possibility of any litigant.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMISSION ON CIVIL RIGHTS,
Washington, D.C., January 29, 1960.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Your letter of December 22, 1959, is most difficult to answer satisfactorily; there are so many variables involved and past experience has a limited value since a pattern of greater resistance is to be expected in the future.

If by "local opposition" we assume you mean a case fought from the district court, through the court of appeals to the Supreme Court once, an average cost of the entire proceedings to the plaintiff, in a case brought since the Brown decision, appears to be about $15,000 to $18,000. This estimate does not include the fair value of services of the Negro lawyers who serve without compensation. It is also lower than it would otherwise be because the attorneys for the National Defense and Educational Fund of the NAACP, who appear in many cases as counsel, are employed on an annual salary basis.

Kelley v. *Board of Education of Nashville* (139 F. Supp. 578 (D.C. MD. Tenn., 1956), 159 F. Supp. 272 (D.C. Tenn., 1958), aff'd 270 F. 2d 206 (6th Cir. 1959), cert. denied Dec. 14, 1959), may be an average case. Nineteen Negro children entered the first grade in September 1957. If the entire cost of the proceeding is allocated to those children, the cost could be said to be about $900 per child.

Moore v. *Board of Education, St. Mary's County, Maryland* (152 F. Supp. 114 (D.C. MD. 1957), aff'd sub. nom. *Slade* v. *Board of Education* (4th Cir. 1958), cert. denied 357 U.S. 906 (1958)), probably cost the plaintiffs less than an average case as there were not prolonged hearings in the district court, say $10,000 as a maximum. But it led to the admission of exactly one Negro girl to the formerly white high school. The cost of the entire proceeding and the per child cost are, therefore, identical.

The consolidated Delaware cases known as *Evans* v. *Buchanan* (145 F. Supp. 873 (D.C. Del. 1956), 149 F. Supp. 376 (D.C. Del. 1957),

152 F. Supp. 886 (D.C. Del. 1957), 256 2d 688 (3d Cir. 1958), cert. denied 358 U.S. 841 (1958), 172 F. Supp. 508 (D.C. Del. 1959)), probably cost more than the average case up to the admission of the first 27 Negro children in 9 southern Delaware school districts in September 1959. (The order approving the grade-a-year plan was appealed by the plaintiffs and is now pending in the court of appeals, set for argument February 15, 1960.) If the cost to the plaintiffs was as much as $20,000, which is not a high figure since the school districts spent $34,542 in legal fees (exclusive of services of the Attorney General and staff representing the State Department of Education), the cost per child is about $740.

In both the Nashville and Delaware cases the cost per child would be less, of course, if subsequent admissions under the plan were considered.

It should be pointed out that there are many cases that have been in the courts for many years that have not yet led to the admission of a single Negro child to a white school. Two that surely cannot be said to have lacked vigorous prosecution are: *Gibson* v. *Dade County, Florida*, that has recently been reversed and remanded by the fifth circuit for the second time, and *Borders* v. *Rippy* (Dallas, Tex.) now pending in the fifth circuit for the fourth time. The costs in these cases to date must be very substantial. The New Orleans case of *Bush* v. *Orleans Parish*, is another example. It is now pending in the district court after two appeals to the U.S. Supreme Court.

This leads me to another observation: The average total cost in future cases promises to be substantially greater than in the past for two reasons. First, most cases will be in the States or parts of States showing the greatest resistance to desegregation, e.g., Florida, Louisiana, and deep east Texas, mentioned above, and second, the resistant States are also those with pupil placement laws.

There is very little basis at this time for a prediction of costs to the plaintiff under pupil placement procedures. It is clear, however, that the application of each student will be processed individually and each applicant will be compelled to exhaust administrative remedies before resorting to court action, unless, because of the manner of administration of the law, such exhaustion can be shown to be futile.

If other school districts follow the precedent set by the Dollarway School District (Arkansas), prior to the first administrative hearing, an applicant for transfer will be subjected to prolonged physical and medical examination and intelligence, scholastic achievement and psychological tests as well. Such tests, individually administered, are estimated to cost $27 per child. To meet the contentions of the school board's experts, the plaintiffs, of necessity, in such event would have to call their own experts to examine the applicant and be prepared to testify in court. The plaintiff's cost would be about the same for the tests, plus the expense of expert testimony of the examining physician and the psychologist administering the tests and reviewing those done for the school board, say not less than $100 per child.

After the first administrative hearing four States (Mississippi, South Carolina, Florida, and Virginia) provide for a second purely administrative review.

Then we come to the thorny and unadjudicated question of where the administrative remedy ends and judicial review begins. As you know, State court review of administrative decisions may or may not be judicial in character. It appears that the North Carolina and Florida laws are so drawn that the State court review provided for might well be construed to be part of the administrative process. A court decision so holding would certainly bring prompt amendment to other pupil assignment laws.

Even in the absence of a holding that State court review is part of the administrative remedy to be pursued, the doctrine of equitable abstention may be brought into play to achieve the same result.

As you can see the cost per child in the future cases before the U.S. district court is reached will be very substantial, certainly a minimum of a thousand dollars per child, if the school district uses all of its defenses with determination. To this must be added the cost of proceedings in the Federal courts, which, as stated early in this letter, now averages from $15,000 to $18,000 per case through one appeal to the court of appeals and Supreme Court. Since each case will involve one child only, the total cost per case or child in the future might be estimated to be not less than $19,000.

Let me remind you that this fantastic cost is only the cost to the plantiff. The cost to the school board is no less and, in all probability, twice as much. The average annual expenditure per pupil in average daily attendance for instruction of Negro pupils in the public schools in the eight Southern States for which such data is available was $128.85 in 1956–57. (Latest year published.) Thus, the cost in defending such a proceeding could, if applied to the cost of instruction, more than double the expenditure for the child for the entire 12 years of the elementary and secondary school.

Obviously, not very many cases will be prosecuted at such a cost. Other solutions will have to be sought.

If we can be of any further assistance to you, do not hesitate to call on us.

Sincerely,

GORDON M. TIFFANY.

Mr. JAVITS. And then, Mr. President, I also call attention to a reference to the cost question in an actual decision in a case in the district court in Virginia in *NAACP* v. *Patty* (159 F. Supp. 503, 510), which said:

> The fund also contributes the very large expenditures which are needed for the prosecution of important cases that go from the Federal courts in Virginia and other States to the Supreme Court of the United States in which the fundamental rules governing racial problems are laid down. In this class of cases the expenses amount to a sum between $50,000 and $100,000, and in the celebrated *Brown* v. *Board of Education* (347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873), the expenses amounted to a sum in excess of $200,000. The expenses of cases tried in the lower courts, including an appeal to the court of appeals of the circuit, amount to approximately $5,000.

Mr. President, it seems to me that what is sought to be sustained is the majesty and the authority of the United States of America in civil rights cases; therefore, in a representative case in which civil rights are sought to be asserted, the Attorney General should have the duty and the authority to proceed to protect those rights. We are protecting society in that respect, just as effectively as the local U.S. attorney is protecting society when he obtains an indictment or lodges an information in a criminal case.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. Yes.

Mr. DOUGLAS. I take it that what the Senator is developing is the fact that poor people, people whose jobs are dependent upon others, people belonging to a race which is looked down upon, find it almost impossible to bear the expenses and pressures of a suit on their own initiative and at their own cost.

Mr. JAVITS. That is exactly correct. Therefore, I feel that the case is now clear, we now having had experience with the effort on the part of individual States to make it more difficult for the individual litigant to sue, and the knowledge of the expense which is involved. It seems to me that we now have adequate evidence to back up further the need for the kind of provision to which the Senator from Illinois has referred.

Mr. DOUGLAS. Will the Senator further yield?

Mr. JAVITS. I yield.

Mr. HART. Will the Senator from New York yield?

Mr. JAVITS. I yield first to the Senator from Illinois; then I shall yield to the Senator from Michigan.

Mr. DOUGLAS. Of course we are all greatly impressed by the motto underneath the pediment of the Supreme Court Building, "Equal Justice Under the Law." I believe, as in the case of the British Commonwealths, that once they get into the Federal courts and through the Federal courts, people do get approximate equality; but the cost of getting there is so heavy that in practice those who do not have money or social position frequently find it almost impossible to get their equal protection, or equal justice. Is that not so?

Mr. JAVITS. That is exactly correct.

Mr. DOUGLAS. What we are trying to establish or trying to create is an approximation of equal justice under the law by having the Government furnish not merely a tribunal within which unequally matched contestants may struggle, but also furnish a "sword of justice," if I may use that phrase, rather than merely a meeting place.

Mr. JAVITS. That is exactly correct.

Mr. President, I ask unanimous consent that the elements of the amendment to be proposed upon this question may be made part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSAL A: S. 456

S. 456: Amends the Civils Rights Act of 1957 to authorize the Attorney General upon written sworn complaint, to commence civil injunctive proceedings against local officials who deprive, or those conspiring with those officials to deprive, a citizen of his constitutional rights to equal protection of the laws under the 14th amendment where the person about to be deprived is financially unable or cannot effectively bring a Federal civil suit.

Grants specific authority to the Attorney General to commence a civil action at the request of a State or municipality where it is itself seeking to assure to the citizens their right under the 14th amendment but is prevented from doing so because of a conspiracy or threat of violence.

PROPOSAL B: S. 2786—INTERVENTION

S. 2786: Adds a new section 2403 to title 28, U.S.C., to provide that when any person involved in a Federal court proceeding shall allege on oath that he is threatened with

loss of his rights or denied equal protection of law under the U.S. Constitution, such fact shall be certified to the Attorney General and the court shall allow the United States to intervene, to present evidence and arguments.

PROPOSAL C: S. 810, TITLE VI, PART III AND INTERVENTION

S. 810, Title VI: Authorizes the Attorney General on written complaint, to commence civil injunctive proceedings against local officials who deprive, or those conspiring with those officials to deprive, a citizen of his constitutional rights to equal protection of the laws under the 14th amendment where the person about to be deprived is financially unable or cannot effectively bring a Federal civil suit.

Authorizes the Attorney General to bring civil injunctive actions against any person hindering or threatening to hinder any Federal, State, or local official from according anyone the right of equal protection of the law, or interfering with the executive execution of any court order relating thereto.

Authorizes the Attorney General to intervene in any action brought for relief from deprivation of equal protection of the laws with all the rights of a party thereto.

Mr. JAVITS. Mr. President, I point out that there is nothing unusual about granting this kind of authority to the Federal Government. I refer to the Stockyards Act, the National Housing Act, and the Fair Labor Standards Act, as well as to the various transportation acts, which give exactly the same authority to the law agencies of the Federal Government.

I ask unanimous consent that there may be included as part of my remarks a study and analysis prepared by the Library of Congress, citing many instances in which that kind of authority has been conferred upon the Federal Government and exercised in the interest of the individual citizen, in the statutes previously inserted in my colloquy with the distinguished Senator from Illinois [Mr. DOUGLAS].

There being no objection, the study was ordered to be printed in the RECORD, as follows:

INTERPRETATION OF STATUTES AUTHORIZING INJUNCTIVE RELIEF TO THE U.S. GOVERNMENT

1. Does the statute authorize the Attorney General to bring suit for the sole benefit of private individuals?

2. If so, does the statute authorize the Attorney General to bring suit without the consent of such private individuals?

ANTITRUST LAWS, RESTRAINING VIOLATION

Title 15 U.S.C. 4 (sec. 4 of the Antitrust Act) provides:

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 1–7 of this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

Title 15 U.S.C. 15 (sec. 7 of the Antitrust Act) provides:

Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of the suit, including a reasonable attorney's fee.

1. This statute does not authorize the Attorney General to bring a suit for the sole benefit of one or more private individuals.

The only jurisdiction conferred on the court is a suit by the Government under section 4 of the Antitrust Act, is to issue an injunction to prevent and restrain the future or continuing violation of the act, *U.S.* v. *Reading Co.* (183 Fed. 427, 459), modified on other grounds (226 U.S. 324).

A private person cannot bring an action for injunction under section 4 nor can the Government bring an action for damages under section 7.

In interpreting the Antitrust Act, the Court stated "It seems evident that the act envisaged two classes of actions—those made available only to the Government, which are first provided in detail (15 U.S.C. 4), and, in addition, a right of action for treble damages granted to redress private injury (15 U.S.C. 15, which is sec. 7 of the Antitrust Act) *U.S.* v. *Cooper Corp.* (312 U.S. 600, 608.)

"Section 4 (75 U.S.C., sec. 4) gives jurisdiction to the Federal courts of proceedings by the Government to restrain violations of the act and imposes upon U.S. attorneys the duty to institute equity proceedings to that end. * * * There follows section 7 (15 U.S.C., sec. 15), the only other substantive section, giving a civil action for an injury to property rights." (Id., pp. 607–608.)

Furthermore, "section 7 (15 U.S.C., sec. 15) authorizes an action for damages only by private suitors and not by the Government. * * * The legislative history is persuasive that the Sherman Act was not intended to give the United States a civil action for damages." (Id., pp. 610–611 (5, 6).)

ASSOCIATIONS ENGAGED IN CATCHING AND MARKETING AQUATIC PRODUCTS RESTRAINED FROM VIOLATING ORDER TO CEASE AND DESIST MONOPOLIZING TRADE

Title 15, U.S.C. 522, provides that if, upon due and proper hearing, the Secretary of the Interior shall be of the opinion that an association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of an aquatic product is unduly enhanced thereby, he may issue an order directing such association to cease and desist from such monopolization or restraint of trade. If the association fails to obey such order, the Secretary shall file a petition in the district court, asking that the order be enforced, and shall notify the Attorney General and the association of such filing. The Department of Justice shall have charge of the enforcement of such order.

The district court shall have jurisdiction to enter a decree affirming, modifying, or setting aside said order, and pending a review of said order, may issue a temporary injunction forbidding such association to violate such order.

1. The statute does not authorize the Attorney General to bring suit for the sole benefit of a private individual. The Attorney General only seeks to enforce an order of the Secretary of the Interior which the Secretary has issued because he has determined that the practices of the defendant have "unduly enhanced" the price of an aquatic product in interstate commerce. The benefit of private individuals in such a case would be purely incidental. The suit would be instituted for the benefit of the public at large.

ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS FROM RESTRAINING TRADE

Title 7, U.S.C. 292, provides, in respect to agricultural producers' associations, exactly the same as 15 U.S.C. 522, supra, provides regarding aquatic products associations, giving the Secretary of Agriculture the same power under 7 U.S.C. 292 as the Secretary of the Interior has under 15 U.S.C. 522.

1. As in 15 U.S.C. 522, the statute does not authorize the Attorney General to bring suit for the sole benefit of an individual, but only to enforce an order of the Secretary of Agriculture which is issued in the public interest.

ATOMIC ENERGY ACT, ENJOINING VIOLATION OF ACT OR REGULATION

Title 42 U.S.C. 2280 (and former 42 U.S.C., 1816) authorizes the Attorney General on behalf of the United States; to apply to the appropriate court for an order enforcing compliance with a provision of the Atomic Energy Act or with a regulation of the Commission, or for a temporary or permanent injunction, restraining order, or other order, to enjoin or prevent violation of a provision or regulation.

1. The statute does not authorize the Attorney General to bring suit for the sole benefit of an individual, since the act expressly reads "in behalf of the United States."

BRIDGES OVER NAVIGABLE RIVERS; INJUNCTION TO ENFORCE REMOVAL OF BRIDGE VIOLATING ACT AS TO ALTERATION OF BRIDGES

Title 33 U.S.C. 519 authorizes the Attorney General, at the request of the Secretary of the Army, to institute proceedings in the district court, to remove, by injunction or other summary process, any bridge erected or maintained in violation of this act or in violation of an order of the Secretary of the Army.

1. This statute does not authorize the Attorney General to bring suit for the sole benefit of private individuals, but only for the public benefit after the Secretary of the Army has determined that such bridge "unreasonably obstructs navigation" (33 U.S.C. 513–519).

CLAYTON ACT, VIOLATION OF ENJOINED

Title 15 U.S.C. 25 authorizes the Attorney General to institute proceedings in the district court to prevent and restrain violations of the act prohibiting discrimination in price, services, and facilities, prohibiting acquisition by one corporation of the stock of another, and prohibiting interlocking directorates. The court may issue a temporary restraining order pending the final determination of the case.

1. This statute does not authorize the Attorney General to bring suit for the sole benefit of private individuals. Injunctive relief for private parties is provided in the following section (15 U.S.C. 26), but such actions cannot be instituted by the Attorney General. A petition for injunction under 15 U.S.C. 25, contemplates protection of the general public.

"The United States is the proper party to protect the interests of the general public under the antitrust laws" *Ring* v. *Spina* (84 F. Supp. 403, 306 (3, 4)).

"Taking all the sections of that act together, we think that its intention was to limit direct proceedings in equity to prevent and restrain such violations of the Antitrust Act as cause injury to the general public, or to all alike." *Union Pac. R. Co.* v. *Frank* (226 Fed. 906, 909); *Minnesota* v. *Northern Securities Co.* (194 U.S. 48); see also *D. R. Wilder Manufacturing Co.* v. *Corn Products Refining Co.* (236 U.S. 165).

ELECTRIC UTILITY COMPANIES, COMPLIANCE WITH LAW ENFORCED BY INJUNCTION

Title 16, United States Code 825n, authorizes the Federal Power Commission to bring an action in the proper district court of the United States, to enjoin acts or practices which constitute or will constitute a violation of any provision of the Federal Power Act or of any rule, regulation, or order thereunder. The court may grant a permanent or temporary injunction or decree or restraining order without bond. The Attorney General may institute the necessary criminal proceedings provided by the act.

1. This statute does not specifically authorize the Federal Power Commission to bring suit for the sole benefit of private individuals; the general powers of the Commission are only for public purposes (see 16 U.S.C. 797(a)).

FALSE ADVERTISEMENTS, DISSEMINATION ENJOINED

Title 15, United States Code 53, provides that whenever the Federal Trade Commission has reason to believe that anyone is engaged in or is about to engage in the dissemination of false advertising, and that the enjoining thereof, pending the issuance of a complaint by the Commission and until such complaint is set aside or the cease-and-desist order of the Commission based on such complaint has become final, "would be to the interest of the public," the Commission may bring suit in a district court of the United States to enjoin the dissemination of such advertising. Upon proper showing a temporary injunction or restraining order shall be granted without bond.

1. The statute does not authorize the Commission to bring suit for the sole benefit of private individuals. It expressly authorizes a suit for injunction "whenever the Commission has reason to believe * * * that the enjoining thereof * * * would be to the interest of the public."

FREIGHT FORWARDERS, ENFORCEMENT OF LAWS, ORDERS, RULES, ETC., BY INJUNCTIONS

Title 49 U.S.C. 1017 provides that if any freight forwarder fails to comply with, or operates in violation of any provision of the Interstate Commerce Act, part IV (freight forwarders), or any rule, regulation, requirement, or order thereunder, or any term or condition of any permit, the Commission or the Attorney General (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States for the enforcement of such provision, rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such freight forwarder from further violation of such provision of the act, or of such rule, regulation, requirement, order, term, or condition, and enjoining obedience thereto.

1. This statute does not authorize the Commission or the Attorney General to bring suit for the sole benefit of a private individual, although it does provide that a private party who is injured by the failure of a freight forwarder to comply with an order of the Commission, may apply to the district court for an injunction to enforce compliance with an order.

Since the Commission itself may bring suit to enjoin the enforcement of one of its orders, there seems to be nothing to prevent it from bringing suit to enforce compliance by a freight forwarder, of an order, the noncompliance with which would result in injury to a private individual. It should be pointed out that although the enforcement of the order would benefit a private party (who could institute suit in his own name), in order that the Commission's order be valid when the Commission issued it, such order would have to be for the public interest (see 49 U.S.C. 1006(d)).

FUR PRODUCTS LABELING ACT, TO ENJOIN VIOLATION

Title 15 U.S.C. 69g gives the Federal Trade Commission the same authority to enjoin violation of the Labeling of Fur Products Act, as it has under 15 U.S.C. 53, supra, with regard to enjoining the dissemination of false advertising.

1. See false advertisements, dissemination enjoined, supra.

INCLOSURE OF PUBLIC LANDS, ENJOINING VIOLATION

Title 43 U.S.C. 1062 provides that it shall be the duty of the U.S. attorney to institute a civil suit in the U.S. district court, "in the name of the United States," against any party unlawfully inclosing public lands. Jurisdiction is also conferred on the U.S. district court to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the noninclosure provisions, and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within 5 days after the order of the court.

1. This statute does not authorize a U.S. attorney to bring action for the sole benefit of private individuals.

The enforcement of a decree for the removal or destruction of an unlawful inclosure of public lands rendered under this section, is within the police power of the United States "to protect its property." *Colconda Cattle Co.* v. *U.S.* ((Nov. 1912) 201 F. 261.)

In a case of inclosure, the right of action is expressly given to the United States, and impliedly withheld from individuals, *Sacro* v. *Jones* ((S. Ct. New Mexico, 1932), 17 F. 2d 552, 553–554).

INVESTMENT ADVISERS, VIOLATIONS OF STATUTE, RULES, AND REGULATIONS GOVERNING, ENJOINED

Title 15, U.S.C. 80 b–9, provides that whenever it shall appear to the Securities and Exchange Commission that any investment adviser has engaged or is about to engage in any act or practice constituting a violation under Investment Advisers Act of 1940 (54 Stat. 847, ch. 686, title II, as amended), or a violation of any rule, regulation, or order thereunder, the Commission may bring an action in the district court of the United States, to enjoin such acts or practices and to enforce compliance with such provisions of law, rule, regulation, or order. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond.

1. This statute does not authorize the Commission to bring suit for the sole benefit of private individuals.

The practices with reference to which the Commission may seek to enforce an order which it has issued, are of such a character as to affect the national economy and are therefore in the interest of the general public (sec. 15 U.S.C. 80 b–1(3)).

GROSS MISCONDUCT OR GROSS ABUSE OF TRUST BY INVESTMENT COMPANIES, ENJOINED

Title 15 U.S.C. 40a–35, authorizes the Securities and Exchange Commission to bring an action in a district court of the United States, alleging that a person serving in one or more of the following capacities has, within 5 years of the commencement of the action, been guilty of gross misconduct or gross abuse of trust in respect to any registered investment company for which he so serves: (1) as officer, director, member of advisory board, investment adviser, or depositor; or (2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If the Commission's allegations of such gross miscomfort or gross abuse of trust are established, the court shall enjoin such person from acting in such capacity or capacities either permanently or for such period of time as the court in its discretion shall deem appropriate.

1. This statute does not authorize the Commission to bring suit for the sole benefit of private individuals. The act declares that investment companies are affected, with a national public interest and that the act seeks to eliminate conditions which adversely affect the national public interest (15 U.S.C. 80 a–1). It can therefore be implied that "gross misconduct or gross abuse of trust" refers to misconduct toward the public or abuse of public trust, and does not refer to misconduct toward private individuals which may not somehow affect the public in general. Thus, the enjoining of a person from acting in a certain capacity, while it may benefit some private individuals, cannot be deemed to have been sought solely for the benefit of such private individuals, since at the same time the public also benefits and it was primarily for the public benefit that the action was instituted.

USE OF MISLEADING NAME OR TITLE BY INVESTMENT COMPANY, ENJOINED

Title 15 U.S.C. 80 a–34 authorizes the Securities and Exchange Commission to bring an action in the district court of the United States alleging that the name or title of any registered investment company, or of any security which it has issued, is materially deceptive or misleading. If, after taking into consideration the history of the investment company and the length of time which it may have used any such name or title, the court finds that this is so, the court shall enjoin such investment company from continuing to use any such name or title.

1. This statute does not authorize the Commission to bring suit for the sole benefit of private individuals. The language of the entire section tends to imply that the deceptive or misleading words tend to give the impression that the security or company has been sponsored by the United States. The words deceptive or misleading are of course not limited to this interpretation.

VIOLATION OF STATUTE GOVERNING, OR RULES, REGULATIONS OR ORDERS OF THE SEC, BY INVESTMENT COMPANIES, ENJOINED

Title 15 U.S.C. 80 a–41 provides that whenever it shall appear to the Securities and Exchange Commission that any person has engaged, or is about to engage, in any act or practice constituting a violation of the Investment Company Act of 1940, or of any rule, regulation, or order thereunder, it may bring an action in the district court of the United States, to enjoin such acts or practices or to enforce compliance with the act or with any rule, regulation, or order thereunder. Upon reasoning that the allegations of the Commission have been established, a permanent or temporary injunction or decree or restraining order shall be granted without bond.

In any proceeding to enforce compliance of the provisions of the act covering transactions by unregistered investment companies, the court may appoint a trustee who shall have power to dispose of any or all

assets of the companies involved, subject to such terms and conditions as the court may prescribe.

1. This statute does not authorize the Commission to institute suit for the sole benefit of private individuals.

In *Securities and Exchange Commission* v. *Fiscal Fund* (48 F. Supp. 712, 715 [9–11]), the court, in ordering the liquidation of Fiscal Fund, Inc., under this section, stated "In the instant case * * * it would be a palpable injustice to the shareholders not to take immediate steps looking to a refund of their investment—particularly where such action is urged by the Commission, which Congress has designated as the general supervisor of all investment companies." We can infer, from the end of the statement, that the Commission institutes such an action not solely for the benefit of the shareholders of the violating corporation, but in its capacity as "general supervisor of all investment companies" for the protection of the public at large.

FAIR LABOR STANDARDS ACT, ENJOINING OF VIOLATIONS

Title 29, U.S.C. 216(c) authorizes the Secretary of Labor to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee under the Fair Labor Standards Act. When a written request is filed by any employee with the Secretary of Labor, claiming such unpaid minimum wages or such unpaid overtime compensation, the Secretary of Labor may bring an action in any court of competent jurisdiction to recover the amount of such claim on behalf of the employer, and such sum thus recovered shall be paid over, on order of the Secretary of Labor, directly to the employee. However, this authority to sue shall not be used by the Secretary of Labor in any case involving an issue of law which has not been settled finally by the courts.

1. This statute authorizes the Secretary of Labor to bring suit solely for the benefit of a private individual.

Though action under this section to recover overtime compensation and damages is to enforce a private or individual right, the public has a decided interest therein as one method for enforcing congressional conception of public policy. *Picurde* v. *Massachusetts Cities Realty Co.* ((D.C. Mass., 1942) (47 F. Supp. 668)).

2. The statute does not authorize the Secretary of Labor to bring suit without the consent of the private individual in whose behalf the suit is instituted. The statute expressly authorizes the institution of such suit "when a written request is filed by any employee with the Secretary of Labor claiming unpaid minimum wages or unpaid overtime compensation under section 206 or section 207 of this title."

Title 29 U.S.C. 217 gives the district courts of the United States jurisdiction, for cause shown, to restrain violations of the Fair Labor Standards Act. Such injunction proceedings shall be instituted by the Secretary of Labor. Where the action instituted is to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor, the Secretary of Labor shall bring such action subject to the direction and control of the Attorney General (29 U.S.C. 211(a), 212(b)).

In an action brought by the Secretary of Labor under § 217, to restrain violations of the Fair Labor Standards Act, the court shall not have jurisdiction to order payment of unpaid minimum wages or overtime compensation or liquidated damages.

1. This section of the statute (29 U.S.C. 217) does not authorize the Secretary of Labor or the Attorney General to bring an action solely for the benefit of private individuals; but, indirectly, where for instance, the violation involves child labor, the children involved would benefit. The language of the statute expressly forbids joining a claim in behalf of an employee (under § 216(e)) with an injunction suit or § 217.

In a proceeding instituted by the Secretary of Labor, or an injunction restraining employer from violating overtime provisions of the Fair Labor Standards Act, the District Court had no jurisdiction to grant reparation to employees in amounts due them by reason of employer's violations. *Durkin* v. *Joyce Agency, Inc.* (D.C. Ill., 1953), 110 F. Supp. 918, 924[11]. Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction.

Title 33 U.S.C. 921(e) provides that if an employer fails to comply with a compensation order making an award, that has become final, any beneficiary of such award or the deputy commissioner making the order may apply for the enforcement of the order to the proper Federal district court. If the court determines that the order was made and served in accordance with law, the court shall enforce obedience to the order by writ of injunction or by proper process, mandatory or otherwise, to enjoin upon such employer compliance with the order.

When the deputy commissioner applies for enforcement of such order, the U. S. Attorney shall represent him (33 U.S.C. 921e).

1. It would appear from the language of the section (§ 921(e)) that the deputy commissioner may institute an action to enforce an order making an award. If he did so, the U.S. Attorney representing him, would be bringing suit for the sole benefit of a private individual. It is true that where an employer did not comply with an order, under 33 U.S.C. 944(c)(1), to pay $1,000 into the Special Fund upon the determination of the deputy commissioner that there was no person entitled to compensation for the death in question, the deputy commissioner could, when the order became final, institute an action for enforcement of such order, and in such a case he would be acting on behalf of the United States. However, the language of the act does not limit his actions to such cases only.

2. The act does not require that the deputy commissioner or the U.S. attorney obtain the consent of the beneficiary before bringing such an action in his behalf, but neither does it authorize him to proceed without such consent.

Upon contacting the Department of Labor, I was informed by Mr. Einbinder, a claims adjuster under this act (Code 177, Ext. 1390) that, to the best of his knowledge, a suit has never been instituted under this section by a deputy commissioner in behalf of a beneficiary. He stated that such a suit would be possible in the case of a beneficiary who had no lawyer and had no pecuniary means to institute such an action. However, that would only occur upon the request of the beneficiary.

IMPORT TRADE, PREVENTION OF RESTRAINT BY INJUNCTION

Title 15, United States Code, section 9 provides that it shall be the duty of the U.S. attorney under the direction of the Attorney General, to institute proceedings in equity in the district court of the United States, to prevent and restrain combinations, conspiracies, trusts, agreements, or contracts in restraint of import trade. Such proceedings may be by way of petitions praying that violations shall be enjoined or otherwise prohibited. Pending such petition and before the final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

3. This statute does not authorize the U.S. attorney, under the direction of the Attorney General to bring suit for the sole benefit of a private individual. The combination, trust, contract, etc. which he would seek to prevent or restrain "is declared to be contrary to public policy" (15 U.S.C. 8), and the action to enjoin same would thus be to the benefit of the public.

WOOL PRODUCTS, ENJOINING VIOLATION OF LABELING ACT

Title 15, United States Code section 68(b) provides that whenever the Federal Trade Commission has reason to believe that any person is violating or is about to violate the provisions regarding the labeling of wool products, and that it would be to the public interest to enjoin such violation until a complaint is issued by the Federal Trade Commission and either dismissed or set aside, or until a cease-and-desist order by the Commission has become final, the Commission may bring suit in the district court of the United States to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

1. This statute does not authorize the Federal Trade Commission to bring suit for the sole benefit of private individuals.

The act expressly authorized it to bring suit "when the Commission has reason to believe that * * * (2) it would be to the public interest to enjoin such violation until * * *."

SECURITIES ACT, ACTIONS TO RESTRAIN VIOLATIONS

Title 15, United States Code 77t, provides that whenever it shall appear to the Securities and Exchange Commission that any person is engaged or is about to engage in any acts or practices which constitute a violation of the Securities Act of 1933 (15 U.S.C. 77a–77—), or of any rule or regulation prescribed under authority thereof, it may, in its discretion, bring an action in a district court of the United States to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

Upon application of the Commission, the district court shall also have jurisdiction to issue an injunction commanding any person to comply with the provisions of the act or with any order of the Commission made in pursuance thereof.

1. This statute does not specifically authorize the Securities and Exchange Commission to bring suit for the sole benefit of private individuals.

The manifest purpose of Securities Act is to protect the public against imposition or fraud in the sale of securities in interstate commerce, *Schmidt* v. *U.S.* (136 F. 2d 32, 35 (1), cert. den. 344 U.S. 896).

The court is without power to direct the Commission, at the instance of a private petitioner, to institute injunction proceedings under title 15, United States Code 77t (b). *Crocker* v. *Securities and Exchange Commission* (161 F. 2d 944, 949 [10, 11]). This decision, however, does not rule out the possibility that the Commission may, in its discretion, institute such proceedings at the instance of a private petitioner.

SECURITIES EXCHANGE ACT, RESTRAINT OF VIOLATIONS

Title 15, United States Code 78a (c) provides that the Securities and Exchange Commission, whenever it shall appear that any person is engaged or is about to engage in any acts or practices which constitute a violation of the Securities Exchange Act of 1934 (15 U.S.C. 78a–78jj), may in its discretion bring an action in the district court of the United States, to enjoin such acts or practices, and upon a proper showing a

permanent or temporary injunction or restraining order shall be issued without bond.

Upon application of the Commission, the district courts of the United States, shall also have jurisdiction to issue injunctions commanding any person to comply with the provisions of this act, or with any order of the Commission in pursuance thereof, or with any undertaking contained in a registration statement pertaining to the filing of supplementary information with the Commission (15 U.S.C. 78u (f)).

1. This statute does not authorize the Securities and Exchange Commission to bring suit for the sole benefit of private individuals.

Transactions in securities as commonly conducted upon security exchanges and over-the-counter markets are regulated by the Commission (1) because they "are affected with a national public interest", and (2) "in order to protect interstate commerce", and for other reasons affecting the general public (15 U.S.C. 78b).

STOCKYARDS, INJUNCTION TO ENFORCE ORDER OF SECRETARY OF AGRICULTURE

Title 7 U.S.C. 216 provides that if a stockyard owner, market agency, or dealer fails to obey any order of the Secretary of Agriculture (relating to the Packers and Stockyards Act), other than for the payment of money, the Secretary, or any party injured thereby, or the United States by its Attorney General, may apply to the district court for the enforcement of such order. If after hearing, the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person from further disobedience of such order or to enjoin upon him obedience to such order.

1. Although the statute gives a separate right to institute proceedings for an injunction to (1) the Secretary of Agriculture, (2) any party injured by defendant's failure to obey an order of the Secretary of Agriculture, and (3) the Attorney General in behalf of the United States, this statute would be authority for a suit by the Secretary of Agriculture for the benefit of a private association or company.

This is illustrated by the facts set out in *U.S.* v. *Brown* (4 F. 2d 270). This was a criminal action brought by the Attorney General, on the ground that defendants conspired to unjustly refuse to buy livestock from, and sell livestock to, a certain association and a certain company, who were registered as market agencies with the Secretary of Agriculture. The action was dismissed because no crime was established by the facts in this particular case. However, the court outlined again the procedure set out by the act, which, if followed, would give the court jurisdiction.

Under the authority of the statute (7 U.S.C. 213–216), a registered dealer can complain to the Secretary of Agriculture that the defendant refuses to buy from him or to sell to him, livestock. The Secretary will then hold a hearing, and if the facts are true, will issue an order that defendant cease and desist from such violation and that defendant either buy from or sell to complainant, as the case may be. If the defendant disobeys this order, the Attorney General or the Secretary of Agriculture may institute suit for injunction under § 216.

Of course, no money damages can be recovered for the complainant. However, the defendant will be forced to act (either to buy from or sell to) for the sole benefit of the complainant.

It is true that when a dealer registers with the Secretary of Agriculture under 7 U.S.C. 203, it is evident that such dealer is engaged in interstate commerce (7 U.S.C. 201(d)), and that when the Secretary enforces an order to protect such dealer, he is thereby protecting interstate commerce. However, the fact remains, that the Secretary can institute proceedings to enforce an order for the sole benefit of the complainant. Since forfeiture to the United States, of $500 for each offense, cannot be collected in this action (but only by a civil suit in the name of the United States under 7 U.S.C. 215), the immediate result of the injunction could be the sole benefit of the dealer with the ultimate result being the benefit of all "dealers" or the public at large.

2. There is no wording in the statute from which we can imply that the consent of the complainant is necessary in order that the Secretary or the Attorney General be empowered to institute suit for injunction under 7 U.S.C. 216.

SUBMARINE CABLES, TO ENJOIN LANDING OR OPERATION

Title 47 U.S.C. 36 authorizes the United States to bring suit in a district court to enjoin the landing or operation of any submarine cable connecting the United States with a foreign country when such cable is or is about to be landed or is being operated without a written license from the President of the United States, to land or operate same.

1. This statute does not authorize the institution of suit by the United States for the sole benefit of private individuals. The intent of the act, as evidenced in title 47, U.S.C. sec. 25, is to protect the interests and promote the security of the United States.

SUGAR QUOTA, TO RESTRAIN VIOLATIONS

Title 7 U.S.C. 608a(6) vests the district courts of the United States with jurisdiction to enforce, and to prevent and restrain any person from violating any order, regulation, or agreement made or issued in regard to the Agricultural Adjustment Act. This section ceased to apply to sugar on September 1, 1937 (50 Stat. 916 § 510).

Title 7 U.S.C. 608a(7) provides that upon the request of the Secretary of Agriculture, it shall be the duty of the U.S. attorney under the directions of the Attorney General, to institute proceedings to enforce the remedies and to collect the forfeitures provided for (7 U.S.C. 608a(5)).

1. This statute does not authorize the Attorney General to bring suit for the sole benefit of private individuals. An injunction issued to enforce an agreement evidently refers to a marketing agreement approved by the Secretary of Agriculture. Such an agreement embraces producers and handlers of an entire area and is never made for the benefit of one individual or one firm. The purpose of this act, in establishing a plan for regulating interstate marketing of agricultural products, is to raise farm prices and thus restore to the farmer lost purchasing power, to prevent waste from overproduction and to eliminate evils of unfair competition. *U.S.* v. *Superior Court* (120 F. 2d 26).

WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE, INJUNCTIONS FOR VIOLATIONS OF ORDER OF ICC

Title 49, United States Code, section 916 (b) provides that if any water carrier fails to comply with or operates in violation of any provision of part III of the Interstate Commerce Act (relating to water carriers) except the provisions pertaining to rates, fares, and charges, or operates in violation of any rule, regulation, requirement, or order thereunder (except an order for the payment of money), or of any term or condition of any certificate or permit, the Interstate Commerce Commission or the Attorney General, may apply to the district court of the United States for the enforcement of such provision, order, rule, etc., and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise restraining the violation and enjoining abedience to the provision, rule, regulation, requirement, order, term, or condition. A right to institute such proceedings is also given to any party injured by failure to comply with an order issued by the Commission, except an order for the payment of money.

1. It would appear that where a party is injured by the violation of, or the failure to comply with an order of the Commission, the statute authorizes either the injured party or the Commission or the Attorney General to institute proceedings to enjoin such violation or to enforce compliance. The right to sue which is given to the injured party does not, by the wording of the statute, appear to preclude the Commission or the Attorney General from bringing such action. A situation may arise where only two carriers may be certified to operate in certain waterways (see the facts in *Nextax C.C. Corp* v. *U.S.* (107 F. Supp. 388)). In such case, an injunction to enforce an order pertaining to one carrier may be for the sole benefit of the other.

2. The statute does not seem to imply that the consent of the injured party would be necessary to enable the Commission or the Attorney General to institute proceedings under title 49, United States Code, section 916.

As stated in the discussion under Stockyards, supra, the benefits derived by the injured party in such an action would be incidental to the enforcement of the act by the Commission. However, the immediate result of the injunction could be to the sole benefit of private individuals.

FLAMMABLE FABRICS ACT, TO ENJOIN VIOLATIONS

Title 15 U.S.C. 1195 provides that whenever the Federal Trade Commission has reason to believe that any person is violating or is about to violate any provision of the Flammable Fabrics Act, and that it would be in the public interest to enjoin such violation until a complaint under the Federal Trade Commission Act is issued and dismissed by the Commission or until a cease-and-desist order of the Commission made thereon has become final or its set aside by the court on review, the Commission may bring suit in the district court to enjoin such violation, and upon proper showing, a temporary injunction or restraining order shall be granted without bond.

1. This statute does not authorize the Commission to bring suit for the sole benefit of private individuals. The provision expressly provides that before instituting such proceedings the Commission must have "reason to believe * * * it would be in the public interest to enjoin such violation."

NATIONAL HOUSING ACT, INJUNCTION AGAINST

Title 12 U.S.C. 1731b declares that it is the intent of Congress that housing built with the aid of mortgages insured under the National Housing Act be used principally for residential purposes. The statute therefore prohibits the use of multifamily housing for transient or hotel purposes while such insurance on the mortgage remains outstanding.

Whenever the Attorney General finds that a violation of this provision has occurred or is about to occur, he shall petition the district court of the United States for an order enjoining such violation, and upon a proper showing by the Attorney General, a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

The statute authorizes any hotel operator or any association of hotel operators located

within a 50-mile radius of a place where a violation of this provision occurs or is about to occur, to petition the district court for an order to enjoin such violation, and directs the court, upon proper showing, to grant a permanent or temporary injunction, restraining order, or other order.

1. This statute does not authorize the Attorney General to bring suit for the sole benefit of private individuals. However, it is true that the hotel operator mentioned above may complain to the Federal Housing Commissioner, who may turn this complaint over to the Attorney General, who may institute proceedings for injunction. Such a suit, although it would not be for the sole benefit of the hotel operator (since by enjoining the operation of the multifamily house for hotel purposes such housing would become available for residential purposes), would, however, be to the immediate benefit of the complaining hotel operator.

EXAMPLES OF SITUATIONS IN WHICH THE SAME ACT BY A DEFENDANT MAY BE THE SUBJECT OF A CRIMINAL PROSECUTION AND OF A GOVERNMENT SUIT FOR AN INJUNCTION

In all of the cases listed below if the defendant violated the injunction he could be tried for criminal contempt without a jury.

I. THE ATOMIC ENERGY ACT

(1) Any person who willfully violates, attempts to violate, or conspires to violate any provision of the Atomic Energy Act is subject to criminal prosecution—in some cases with penalties of death or life imprisonment. (42 U.S.C. 2272–2277.)

(2) The act also provides that whenever in the judgment of the Commission any person "has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision" of the act, the Attorney General "on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices." (42 U.S.C. 2280.)

II. NATURAL GAS ACT

(1) Any person who willfully and knowing does any act prohibited or declared to be unlawful by the act is subject to criminal prosecution. (15 U.S.C. 717t.)

(2) Whenever it shall appear to the Federal Power Commission "that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provision" of the act, the Commission "may in its discretion" bring an action to enjoin such acts or practices. The Commission also "may transmit such evidence as may be available concerning such acts or practices * * * to the Attorney General, who, in his discretion, may institute the necessary criminal proceedings." (15 U.S.C. 717s.)

III. INTERSTATE TRANSPORTATION OF PETROLEUM PRODUCTS

The act prohibits the interstate transportation of contraband oil.

(1) Any person knowingly violating any provision of the act is subject to criminal prosecution. (15 U.S.C. 715e.)

(2) "Whenever it shall appear to the President that any person is engaged or about to engage in any acts or practices that constitute or will constitute a violation of any provision of" the act, "he may in his discretion by the Attorney General, bring an action" to enjoin such acts or practices.

IV. FEDERAL POWER ACT

(1) Any person who willfully does any act prohibited or declared to be unlawful by the act is subject to criminal prosecution (16 U.S.C. 825o).

(2) "Wherever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions" of the act, "it may in its discretion bring an action * * * to enjoin such acts or practices" (16 U.S.C. 825u).

V. LANDING SUBMARINE CABLES

(1) Any person who knowingly lands a submarine cable connecting the United States with any foreign country or connecting two parts of the United States without a written license from the President is subject to criminal prosecution (47 U.S.C. 37).

(2) The Government may also sue to enjoin the landing or operation of any such cable in violation of the act (47 U.S.C. 36).

VI. ENCLOSURES OF PUBLIC LANDS

(1) Any person who encloses public lands in violation of 43 U.S.C. 1061 is subject to criminal prosecution (43 U.S.C. 1064).

(2) Upon affidavit filed claiming a violation of 43 U.S.C. 1061, the U.S. attorney may sue to restrain the violation (43 U.S.C. 1062).

VII. CIVIL AERONAUTICS ACT

(1) Knowing violations of most of the provisions of the act constitute criminal offenses (49 U.S.C. 622).

(2) If any person violates any provision of the act, the CAB may sue to enjoin such violations (49 U.S.C. 647).

EXAMPLE OF SITUATIONS IN WHICH THE SAME ACT BY A DEFENDANT MAY BE THE SUBJECT OF A CRIMINAL PROSECUTION, A SUIT BY THE GOVERNMENT FOR AN INJUNCTION, AND A PRIVATE SUIT FOR INDIVIDUAL RELIEF

I. SHERMAN ACT AND CLAYTON ACT

Suppose, e.g., that a theater company should acquire competitors and obtain a near monopoly in a certain area.

(1) The Attorney General would be empowered to bring a criminal prosecution for this or any other violation of these acts (15 U.S.C. 1–3, 8, 13a).

(2) The Attorney General could bring a civil suit to prevent and restrain future violations of the act, seeking divestment, etc. (15 U.S.C. 4, 9, 25).

(3) Competitors who were injured by the creation of the monopoly could sue for treble damages (15 U.S.C. 15).

(4) Competitors could also seek injunctions (15 U.S.C. 26).

II. SECURITIES ACT OF 1933

Suppose that a registration statement in a securities issue contains an untrue statement of a material fact.

(1) The Attorney General could bring a criminal prosecution (15 U.S.C. 77x).

(2) The S.E.C. can bring a civil suit to restrain the violation (15 U.S.C. 77t).

(3) Any person acquiring such security may sue for damages (15 U.S.C. 77k, see also 77l and 77p).

III. TRUST INDENTURE ACT OF 1939

Precisely the same pattern as in the Securities Act (see 15 U.S.C. 77yyy, 77uuu, 77www).

IV. SECURITIES EXCHANGE ACT OF 1934

Same pattern as in Securities Act (see 15 U.S.C. 78ff, 77u(e), 78r).

V. PUBLIC UTILITY HOLDING CO. ACT OF 1935

Same pattern as in Securities Act (15 U.S.C. 79a–3, 79r(f), 79p).

VI. FAIR LABOR STANDARDS ACT

Suppose that an employer subject to the act fails to pay the prescribed minimum wages or works employees beyond the prescribed maximum hours without paying overtime.

(1) The Attorney General could bring a criminal prosecution (U.S.C. 216(a)).

(2) The Government may sue to restrain the employer from continuing to violate the act (29 U.S.C. 217).

(3) The employees affected may sue for double damages—29 United States Code 216(b).

VII. INTERSTATE COMMERCE ACT

Suppose that a railroad should give an undue preference (a special rate) to a particular shipper.

(1) The Attorney General could bring a criminal prosecution (49 U.S.C. 10).

(2) The Attorney General may sue to restrain the violation (49 U.S.C. 43).

(3) Injured competitors of the favored shipper can sue for damages (49 U.S.C. 8).

Mr. JAVITS. Mr. President, the Attorney General of the United States has said that he does not favor this kind of legislation at this time. But I think it is very important, now that we understand the basis for that position, that further consideration be given to it. The basis for that position is stated at page 199 of the hearings of the Subcommittee on Constitutional Rights of the Committee on the Judiciary, held in March, April, and May of 1959, in which the Attorney General said:

I think it would require the Government to be involved in a great deal of litigation which might very well harden the resistance already apparent in many areas to the point where it would be impossible to make any progress in the future. I realize we can make the argument that there are.

I realize the validity of the argument the other way. I think it is a question of judgment and balance, and timing, and it is my belief that a bill of that kind may curtail progress, rather than advance progress in this field.

I think there is no constitutional bar to authorizing the United States to institute suit, because Congress itself has recognized that the United States has the power to bring a suit in the voting case.

Indeed it has, in the 1957 act.

I think the Senate should have an opportunity to judge, and we hope to give the Senate the opportunity to judge, as to the judgment, balance, and timing, to use the words of the Attorney General, in respect to authority of this character "lying with the Federal Government."

Mr. President, I move now to another aspect of the Dirksen amendment in the nature of a substitute, the proposed so-called antibombing legislation. Again, I emphasize that in the course of these debates it is so easy to forget what is taking place in the world. Let us remember that there has been a series of the most trying and dangerous acts of disorder and coercion against individuals in some of the Southern States.

Indeed, my colleague the Senator from New York [Mr. KEATING] had the initiative during his campaign in 1958 to suggest that he would actually go to the Southern States where the bombings had taken place. He was gracious enough to invite me to accompany him so that we might inspect what had occurred and talk with the governmental officials who were functioning in those areas. We did that. When we returned, we were of one mind that the law now proposed was absolutely necessary. Such a bill has languished in pigeonholes ever since 1958, notwithstanding the fact that this danger still stalks the land.

Mr. KEATING. Mr. President, will my distinguished colleague yield at that point?

Mr. JAVITS. I am glad to yield.

Mr. KEATING. We also discovered that there was, among the officials with whom we discussed this problem, and among other people in those areas, a very determined feeling that Federal legislation was necessary. Indeed, one of the distinguished Members of the other body, who is from Tennessee, has introduced such proposed legislation, as perhaps have other Members.

Mr. JAVITS. One of our colleagues from the South, the distinguished senior Senator from North Carolina [Mr. ERVIN], has joined with the distinguished Senator from Massachusetts [Mr. KENNEDY] in the sponsorship of a very authoritative antibombing bill.

Again, I should like to say, because it is not often that one lauds another Senator with so much substance as in this case, that my colleague had the wit to proceed. The thing to do was to go to that region and see on the ground what had happened. At the time, it created quite a stir. But our visit was made in the interest of law and order in the United States. It was a source of deep unhappiness to me, as I know it was to him, that for all this time the proposed legislation, so urgently needed, by the agreement of almost every Senator, has languished because it is civil rights legislation.

Mr. KEATING. I appreciate the kind remarks of my distinguished colleague. I think we should add at this point that we received a very cordial and courteous reception from officials and others in the areas affected, with only one or two very minor exceptions. I was very much pleased that there seemed to be a real desire to delve into this question and a real acquiescence on the part of those concerned.

The Senator will remember that one of the mayors not only volunteered to come to Washington to testify in support of such legislation, but also to try to enlist the aid of other mayors for the same purpose.

Mr. JAVITS. I thank my colleague. He is exactly correct as to the facts at the time.

Mr. RANDOLPH. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. PROUTY in the chair). Does the Senator from New York yield to the Senator from West Virginia?

Mr. JAVITS. I yield.

Mr. RANDOLPH. The Senator from New York has very properly called our attention to the need for such legislation.

I am sure he has had opportunity to read the splendid speech on this subject which was delivered by my colleague from West Virginia [Mr. BYRD]; or, if the Senator from New York did not read it, I am sure he was then in the Chamber and heard that address.

I should like to have, for the RECORD, the recognition of the Senator—and I know he would wish to give it—to the position which has been taken by the Senator from West Virginia [Mr. BYRD]—in which I have joined—to cosponsor proposed antibombing legislation.

Mr. JAVITS. I am grateful to the Senator from West Virginia for calling that to my attention; and Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a list of the 55 Senators who are sponsors of antibombing bills. The list includes, most importantly, the names of the two Senators from West Virginia.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SPONSORS OF ANTIBOMBING BILLS

GEORGE D. AIKEN, GORDON ALLOTT, CLINTON P. ANDERSON, J. GLENN BEALL, WALLACE F. BENNETT, ALAN BIBLE, STYLES BRIDGES, PRESCOTT BUSH, NORMAN BRUNSDALE, ROBERT C. BYRD, HOWARD W. CANNON, FRANK CARLSON, JOHN A. CARROLL, CLIFFORD P. CASE, FRANCIS CASE, DENNIS CHAVEZ, FRANK CHURCH, JOSEPH S. CLARK, JOHN SHERMAN COOPER, EVERETT MCKINLEY DIRKSEN, THOMAS J. DODD, PAUL H. DOUGLAS, CLAIR ENGLE, SAM J. ERVIN, JR., HIRAM FONG, THEODORE FRANCIS GREEN, ERNEST GRUENING, PHILIP A. HART, THOMAS C. HENNINGS, JR., ROMAN L. HRUSKA, HUBERT H. HUMPHREY, HENRY M. JACKSON, JACOB K. JAVITS, LYNDON B. JOHNSON, KENNETH B. KEATING, JOHN F. KENNEDY, THOMAS H. KUCHEL, WARREN G. MAGNUSON, MIKE MANSFIELD, THOS. E. MARTIN, EUGENE J. MCCARTHY, THRUSTON B. MORTON, FRANK E. MOSS, JAMES E. MURRAY, JOHN O. PASTORE, WINSTON L. PROUTY, JENNINGS RANDOLPH, LEVERETT SALTONSTALL, HUGH SCOTT, MARGARET CHASE SMITH, STUART SYMINGTON, ALEXANDER WILEY, RALPH YARBOROUGH, MILTON R. YOUNG, STEPHEN M. YOUNG.

LEAVE OF ABSENCE

Mr. CASE of South Dakota. Mr. President——

Mr. JAVITS. Mr. President, I ask unanimous consent that at this time I may yield to the Senator from South Dakota, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may be excused from further attendance on the session of the Senate today, in order that I may attend the funeral services for the late Senator William J. Bulow, formerly a Member of this body.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JAVITS. Mr. President——

Mr. COOPER. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. COOPER. I desire to state that I shall have to leave the Chamber for a few minutes, so I may not be able to hear the complete argument of the Senator from New York on section 1074.

To be sure, I may be anticipating part of the argument he will make; however, if there is any question regarding the constitutionality or the legality of such a section, let me ask whether the preceding section of the code—section 1073, which refers to kidnaping—is not a precedent for a section such as 1074?

Mr. JAVITS. That is exactly correct.

Mr. President, I ask unanimous consent that the text of section 1073, 18 United States Code, "Flight To Avoid Prosecution or the Giving of Testimony," be made a part of my remarks, at this point in the RECORD, together with section 1201, 18 United States Code, headed "Transportation"—the so-called Lindbergh law.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM TITLE 18, UNITED STATES CODE

§ 1073. Flight to avoid prosecution or giving testimony.

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugutive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 1201. Transportation.

(a) Whoever knowingly transports in interstate or foreign commerce, any person who has been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away and held for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof, shall be punished (1) by death if the kidnaped person has not been liberated unharmed, and if the verdict of the jury shall so recommend, or (2) by imprisonment for any term of years or for life, if the death penalty is not imposed.

(b) The failure to release the victim within 24 hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished as provided in subsection (a).

Mr. JAVITS. Mr. President, in answer to the Senator from Kentucky, I point out that the bills which are before us, and which I wish to analyze briefly—and then perhaps he would like to comment on them—are approximately as follows: The administration bill provides for punishment for flight in interstate commerce, to avoid prosecution for destruction of educational or religious structures. It provides for a fine of not more than $5,000, or imprisonment for not more than 5 years, or both.

Other bills—and we shall offer another bill as an amendment to the administration proposal—would make a crime both of flight to avoid prosecution and the interstate shipment of explosives.

Again I turn to my colleague from New York, who innovated that particular concept. We believe that both should be joined in an effective antibombing bill.

Indeed, it is noteworthy that the approach taken by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from North Carolina [Mr. ERVIN]—to whom I have previously referred—and by means of the bill of the majority leader, the Senator from Texas [Mr. JOHNSON], is exactly that approach.

So the precedent to which the Senator from Kentucky has referred is exactly opposite to what we hope to offer to the Senate, by way of buttressing and strengthening the administration proposal in that field.

Mr. COOPER. I felt sure the Senator from New York would cite the precedent for section 1074 and also, certainly, that which refers to kidnaping, because I wish to say, as regards the merits and justice of such a provision, that I desire to record myself as being in accord with the Senator from New York.

Mr. JAVITS. I thank the Senator from Kentucky.

Again, Mr. President, I believe it most important, while we deal with the sweeping condemnations of civil rights bills, for Senators to refer to the CONGRESSIONAL RECORD, in order to consider the speeches which southern Senators themselves have made. Their recognition of this problem is quite understandable, in view of their concern with law and order. I refer to the speech made by the Senator from North Carolina [Mr. ERVIN], which appears at page 2604; the speech made by the Senator from Virginia [Mr. BYRD] which appears at page 3047; the speech made by the Senator from Mississippi [Mr. EASTLAND], which appears at page 3228, and the speech made by the Senator from Georgia [Mr. RUSSELL], which appears at page 2470. All those speeches are to be found in the issues of the CONGRESSIONAL RECORD for the period between February 15 and February 23.

I ask unanimous consent that an analysis of these proposals may be printed as part of my remarks at this point in the RECORD.

There being no objection, the analysis was ordered printed in the RECORD, as follows:

PROPOSALS

A. Administration, S. 956, and section 2 of Dirksen amendment.

B. KEATING, S. 73, and C. JAVITS, S. 124, intended as a package unit.

D. JOHNSON, S. 499, title IV.

E. KENNEDY-ERVIN, S. 188.

F. House Judiciary bill, H.R. 8601, title II.

DESCRIPTION

A. Provides for punishment of flight in interstate commerce to avoid prosecution for destruction of educational or religious structures. Provides for fine of not more than $5,000 or imprisonment of not more than 5 years, or both for violation of this act.

B. Penalizes by imprisonment for not more than 1 year, or a fine of not more than $1,000 or both whoever imports into the United States or introduces, delivers, or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation in commerce or otherwise, in commerce, any explosive, or possesses the same, with knowledge that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its due for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives. Increases the penalty to 10 years' imprisonment if personal injury is the result of such activity or life imprisonment if death results.

Penalties by a maximum $1,000 fine and/or up to 1 year's imprisonment the making of threats or the conveyance of false information, knowing the same to be false, concerning an attempt or alleged attempt being made to perform any act herein prohibited.

C. Makes interstate travel to avoid prosecution for willful destruction or damaging of any building unlawful.

D. Makes it a crime punishable by a fine of $1,000 and/or imprisonment for 1 year (if death results punishable by death or imprisonment for life) for importing, transporting in commerce, or possessing any explosive knowing or intending that it be used to wrongfully damage or destroy any building or other property or to intimidate any person.

Authorizes the Federal Bureau of Investigation to conduct an investigation of any violation of the above provisions whenever any building has been destroyed and there are reasonable grounds to believe there has been a violation of the above provisions. Permits the Bureau to assist the States in the investigaiton of any incident involving the destruction of a building by explosives.

Specifically provides that the enactment hereof shall not preempt the jurisdiction of a State in this field. Includes an existing fugitive felon statute flight after such crime, amending 18 U.S.C. 1073.

E. Makes it a crime punishable by a fine of $1,000 and/or imprisonment for 1 year (death or imprisonment for any term of years or for life if death results) to import, transport, etc., in interstate commerce or to possess any explosive which has been imported or transported in commerce with the knowledge or intent that it will be used to damage or destroy any property for the purpose of interfering with the use of such property. Includes in existing fugitive felon statute flight after such crime, amending 18 U.S.C. 1073.

Creates a rebuttable presumption that the explosive was transported in commerce where the possession of an emplosive is in such a manner as to evince an intent to use such explosive to destroy any property for the purpose of interfering with the use of such property.

Makes it a crime punishable by a fine of $1,000 and/or imprisonment for 1 year to willfully, knowing such information to be false, convey through any instrument of commerce false information concerning any attempt, etc., to damage or destroy any building or other property for the purpose of interfering either its use for business, educational, religious, charitable, or civic objectives.

Specifically states that this Act does not preempt State statutes in this field or deprive any local authority any jurisdiction over any offence over which they would have jurisdiction in absence hereof.

F. Provides for punishment of flight in interstate commerce to avoid prosecution for destruction of any religious, educational or dwelling structure. Provides for fine of not more than $5,000 or imprisonment of not more than 5 years or both for violation of this act. Specifically provides against preemption of State laws.

DIFFERENCES BETWEEN THE BILLS

The proposals are of three types: Those dealing with flight across State lines after committing a State crime (A., C., and F.), those dealing with the interstate transportation of explosives with a given intent (B.) and those dealing with both (D. and E.). They also vary substantially as to the types of structures covered, as follows:

TYPE OF STRUCTURE

A. (Fugitive felon type): "Building, structure, facility or vehicle * * * used primarily for religious purposes or * * * public or private primary, secondary or higher education."

B. (Transportation type): "Any building or other real or personal property used for educational, religious, charitable, residential, business or civic objectives or to intimidate any person pursuing such objectives."

C. (Fugitive type): "Any building or structure" (if a State crime).

D. (Combined type): "Any building or other real or personal property * * * to interfere with its use for business, educational, religious, charitable or civic objectives or of intimidating any person pursuing such objectives" (same definition for fugitive section).

E. (Combined type): Same as D.

F. (Fugitive type): "Any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private."

PUNISHMENT

A. $5,000 or 5 years or both (same as existing flight laws.)

B. $1,000 or 1 year or both; if personal injury, 10 years; if death, death or life imprisonment.

C. Existing fugitive felon sanctions.

D. Transportation: $1,000 or 1 year; if death, death or up to life.

Flight: Existing fugitive felon sanctions.

E. Same as D.

F. Same as A.

In addition the transportation bills and the House flight bill all have antipreemption provisions to prevent nullification of State laws; S. 499 has a specific section to bring in the FBI; [1] and S. 73 and S. 188 have "presumption" sections to do the same.

Mr. JAVITS. So again, Mr. President, we are dealing here with an elementary need, in terms of a country, which has been recognized most tragically when events, which we all deprecate so much, have occurred.

Mr. President, I turn next to this basic question of legislation as it relates to the education—and then I shall finish that part of my remarks—of children of armed services personnel—covered in section 5 of the Dirksen substitute.

Again, Mr. President, this is a very urgently needed law, because the children of 38.3 percent of the U.S. armed services personnel are living in States which have segregated schools, according to a compilation, which I have had made for me, as of 1959. I ask unanimous consent that that compilation be made part of my remarks.

[1] In any bombing.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Proportion of U.S. armed services stationed in each of the States which have segregated schools, 1959

	Percent
Alabama	1.5
Arkansas	.7
Florida	4.0
Georgia	4.5
Louisiana	1.4
Mississippi	1.4
North Carolina	4.7
South Carolina	3.1
Tennessee	1.2
Texas	10.3
Virginia	5.5
Total	[1] 38.3

[1] Percentage of the total military forces stationed in the 50 States and District of Columbia (1,563,007 personnel).

Mr. JAVITS. Mr. President, it is unthinkable that the children of our armed services personnel should be required to attend schools which are segregated and even more unthinkable to have them denied education because a school is closed to avoid compliance with the Constitution. The administration bill upon that subject permits the Commissioner of Education to provide for the education of the children of members of the armed services of the United States in communities in which the public schools have been closed as a result of official action by State or local authority.

It seems to me that we ought to go a little bit further than that in respect of these schools, and should not wait until schools are closed, and should not require the children of Armed Forces personnel to attend schools which continue to be segregated. There is some feeling that this may be controllable, even as an administrative matter, on Army bases; but certainly we should give legislative sanction to the proposition of schooling for the children of members of our armed services in areas where they may be compelled to attend segregated schools. Therefore, we may offer an opportunity to the Senate to deal with that situation.

Mr. President, having completed my observations about the matter of education, I should now like to turn to the question of voting, and to say, at the outset, in respect of voting—and I shall submit the basic and fundamental facts in that regard—that I shall reserve for later discussion two subjects: First, the subject of a possible anti-poll-tax amendment, which I am considering now with my colleagues who are similarly interested, in terms of events following the adoption of the constitutional-amendment approach in the Senate; and, second, the question of voting referees and voting registrars. The substitute which we have submitted we think seeks to combine the best features of both. It is our present intention to offer that to the Senate as an alternative to the administration's proposals for voting referees only. But I believe, Mr. President, that this particular subject will be a subject matter of such considered debate on the part of the Senate that it would be more fruitful to take it up at that particular time, especially as it may be affected by the very interesting and—considering the source from which it comes—important proposal of our colleague from Missouri [Mr. HENNINGS], who has yet another approach to the proposition of a Federal voting official in respect of Federal or State elections.

Mr. DOUGLAS. Would it not be helpful, however, if some of the main features of these proposals were outlined at the present time, so that Congress and the country may understand what the issues are?

Mr. JAVITS. I shall be very glad to do that. Again, I thank my colleague from Illinois, because I believe that it is possible in this way to spread before all of our colleagues the full story, which they should understand and comprehend, in respect of the substantive merits of these proposals.

Mr. DOUGLAS. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Was this proposal not for some form of Federal registration inaugurated last fall by the President's Commission on Civil Rights, when five of the six members recommended the appointment by the President of Federal registrars to register voters in areas where there was race discrimination?

Mr. JAVITS. Exactly right; and it was that to which I referred in saying that the amendment to the Dirksen substitute, which had been so far proposed by the Senator from Illinois and myself, sought to combine, in our judgment, the best features of the voting referee and the voting registrar proposals.

Mr. DOUGLAS. The proposal of the President's Commission, as I understand it, was for administrative officers, voting registrars, to be appointed by the President upon the recommendation of the continuing Civil Rights Commission, and that they were to register voters for Federal elections; is that correct?

Mr. JAVITS. Exactly right.

Mr. DOUGLAS. Is it not true that on the 5th of February, I think, this month, the Attorney General, in appearing before the Committee on Rules and Administration, proposed an alternative method of referees to be appointed by district courts?

Mr. JAVITS. Exactly right.

Mr. DOUGLAS. And that, in that case, they were to register voters not merely for Federal elections, but for State elections as well; is that correct?

Mr. JAVITS. That is correct.

Mr. DOUGLAS. As the Senator from New York has suggested two blendings of these different plans have been proposed, one by the Senator from Missouri in a private draft, which has been widely circulated and about which a press release was issued 2 weeks ago today, providing for Federal enrolling officers, who would be appointed by the President after there had been a judicial finding that in an area a pattern or practice of racial discrimination existed so far as registration is concerned; is that correct?

Mr. JAVITS. That is correct.

Mr. DOUGLAS. And that this was to apply both to Federal elections and to State elections, with the further proviso that the proceedings of actual registration or enrollment were to be administrative in character, with appeals to the courts to be decided after the election rather than before, and with the ballots thus challenged as regards qualifications—not as regards registration—to be isolated, and subsequently counted or not counted, according to the decisions of the court as to whether or not the voter was qualified. Is that correct?

Mr. JAVITS. That is exactly right. If my colleague from Illinois will allow me to say so, I was going to develop my argument first by demonstrating what has occurred under the Civil Rights Act of 1957 in respect of voting, to demonstrate—and I believe it does clearly demonstrate—a need for law, and then to go on to the law which is required. So, if the Senator will indulge me for just a minute, I should like to proceed in that way.

Mr. DOUGLAS. I would like to apologize.

Mr. JAVITS. It is quite all right. I would like to proceed in this way.

Mr. President, I have been challenged upon the floor in three ways, and I regret very much that my colleagues who have challenged me are not here, but I am sure they will be in due course, and I am sure they will address themselves to the merits of the facts and the points I am about to make.

The junior Senator from Georgia [Mr. TALMADGE] made a statement which I should like to read from the RECORD.

Mr. KEATING. Mr. President, will the Senator yield to me, while his assistant is seeking to find that reference?

Mr. JAVITS. I yield.

Mr. KEATING. In connection with the colloquy with the distinguished Senator from Illinois [Mr. DOUGLAS], it was my feeling, following the appearance of the Attorney General, that there might be some merit in trying to bring out the best features of both the registrar and the referee plans. I prepared a draft, which joins the two plans together and which was made a part of the record in that proceeding. It differs from the so-called Hennings proposal in that it provides an injured party with a real option as to whether to proceed down the administrative path or down the judicial path.

There are some reservations in my mind about the efforts to combine the two plans, especially with regard to having a judicial finding and then an administrative action. I think perhaps that this raises some constitutional questions, upon which, I entirely agree with the Senator from New York, there is no need of getting into the specifics at this time. I am sure that we shall have ample time, to debate the relative merits of these proposals in considerable detail. I do not believe we shall be pressed for time on this issue or any other. But I also want to express the hope that our Rules and Administration Committees will be able to meet in executive session during this debate, which apparently will be extensive. Because of this, there

will be ample time for us to meet and discuss these plans in order to come up with a proposal which will have the backing of a committee report. There may of course be differences among us and as a result there may be more than one report.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague from Illinois.

Mr. DOUGLAS. May I say that I too hope we may be able to get a recommendation from the Rules and Administration Committee.

To make the record complete, I wonder if the senior Senator from New York will correct me if I am wrong in stating the substance of the proposal which he and I introduced provides for the registrar method in Federal elections, administrative in character, and the referee method applying to both Federal and State elections.

Mr. JAVITS. That is exactly right; that is, the referee method in State and Federal elections, with the provision that the referee method shall, in the case of a question between the two, take precedence over the registrar method, our reason for submitting the matter in that form being that the normal course we expect would be the registrar method, in which the greatest number of persons can be registered most efficiently.

Only in unusual cases, where very hard resistance is expected, would we then go to the voting-referee method, which would put the court in a position of passing upon every disputed registration.

We have thought so far—as I have said, subject to our having an opportunity to debate this matter further as we go along—that that represents the most efficient outcome.

Mr. KEATING. Mr. President, may I ask my colleague one more question?

Mr. JAVITS. I yield.

Mr. KEATING. In the proposal which the Senator makes for the registrars, is there a provision for any findings prior to the appointment of the registrar?

Mr. JAVITS. The finding would be by the President. He could employ any agency, including the Civil Rights Commission, if it then existed, or the Attorney General's office, to give him the basis for his finding. His finding would be that there was a denial of the opportunity to vote to a certain class within a certain described area. We like the idea of a specified area, whether it be an election district, a county, or even a congressional district. Then the President may act, based upon his determination. He can get the basis for his determination from other agencies of Government.

Mr. KEATING. I thank my colleague.

Mr. JAVITS. Mr. President, to continue my remarks, I was challenged by the distinguished junior Senator from Georgia [Mr. TALMADGE] to bring before the Senate particular cases in which it was stated that individuals who had instituted court suits had been denied the right to vote. I refer to the time since this matter has been very much before us in terms of litigation.

I observe that the junior Senator from Georgia is not present in the Chamber. I would suggest to the attaché of the Senate on his side of the aisle that perhaps the Senator might be advised I shall address myself to the question which he has asked me; that is, Has any individual who sued in the courts been denied the right to vote? The Senator said none had. I have some cases which are quite the other way, so I shall withhold those remarks until the Senator has an opportunity to enter the Chamber.

A point was raised in the course of my colloquy with the Senator from Georgia with regard to the need for this kind of law. Mr. President, the need for this kind of law is found in the findings of the Federal Civil Rights Commission, which I have had updated, which show a most regrettable pattern of the denial of voting opportunity to American citizens in community after community in our Southern States, by various pretexts and various ways in which this is accomplished.

Mr. President, in view of the urgent importance of this particular matter I suggest it would be a signal service if the Senators from each of these States—and I shall put the specifics into the RECORD—would address themselves to the situations in their own States and explain to the Senate how they believe we can avoid legislating upon this subject in the face of the evidence of a governmental commission, half of the members of which were southerners, in respect to the denial of the right to vote, one of the most fundamental rights of any American citizen.

Mr. President, I ask unanimous consent that there may be printed as a part of my remarks the specific allegations—and they are allegations—of the Civil Rights Commission concerning denials of voting rights in Florida, in Mississippi, in Tennessee, in North Carolina, and in Georgia, all of which are specified in the report of the Civil Rights Commission.

I should like to point out, Mr. President, that the Commission was not at all loaded. The Commission listed New York, my own State, and raised a question as to the literacy tests, to which I have had the privilege of addressing myself on the floor before, when I pointed out that it is one thing to deal with a fundamental law, evenly administered for everyone, and another thing to deal with the particular situation of a particular group in the country—to wit, the Negroes—who are specifically discriminated against, when there is not equal opportunity under the existing law. That is essentially what is found by the Civil Rights Commission.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. If the Senator will permit, I should like to finish my request.

I also ask unanimous consent that the memorandum updating these particular allegations may be printed as a part of my remarks, since it makes the allegations as current as possible at this moment.

There being no objection, the allegations and memorandum were ordered to be printed in the RECORD, as follows:

FLORIDA

The first sworn complaint asserted that Negroes in Gadsden County, particularly Negro "ministers and teachers," had "deep fear" and that some of them had been "warned against voting."[1] Gadsden County, in northern Florida on the Georgia border, is 1 of only 5 out of the State's 67 counties, in which, according to official 1958 State statistics, less than 5 percent of the voting age Negroes were registered. In the State at large, approximately 40 percent of Negroes over 21 were registered, and in 19 counties more than 50 percent of such Negroes were registered. Dade and Duval Counties, where Miami and Jacksonville are located, with about 50 percent of voting age Negroes registered, together accounted for nearly 50,000 of Florida's nearly 150,000 registered Negroes. But in three other rural counties near Gadsden—Lafayette, Liberty, and Union—no Negroes were registered.

In Gadsden, according to the official figures, only 7 Negroes were registered in 1958, although 10,930 adult Negroes lived there in 1950.[2]

Official State statistics also show that a significant increase in Negro registrants occurred in Gadsden County from 1946 when the total was 32 to the years 1948 and 1950 when it rose to 137 and 140. Then in 1952 it dropped to 6, at which level it has remained with only slight fluctuations.

Field investigations revealed that the persons responsible for the registration drive in 1948–50 are no longer in Gadsden County. One of the leaders, who was fired from a good job and allegedly threatened with physical violence, left the State altogether.

The following additional information, based on staff interviews, can be reported.[3]

There are about 300 Negro teachers in the county, many of whom have expressed a desire to vote, but virtually none of whom is registered. They are unwilling to attempt to register because of the fear of losing their jobs or other economic reprisals.[4]

Affidavits and other statements from Gadsden County residents cited instances of what they believed to be economic reprisal. One Negro minister was allegedly denied a $100 loan at a bank, despite the fact that he had a highly solvent cosigner. He had previously suggested from the pulpit that Negroes should register and vote.[5]

A teacher was denied renewal of a teaching contract in the county schools. The alleged reason was the teacher's liberal attitude generally toward voting rights and other constitutional matters discussed in a course in social studies.[6]

One elderly Negro who was interviewed said that he had registered about 3 years before but had decided not to vote. When asked why he did not go to the polls, he said, "I am too old to be beaten up."[7]

A businessman refused to be interviewed because he said, "They would bomb my [business] out of existence if I even talked with you."[8]

It is significant that fears of reprisal are so widespread—even if they be groundless. Whether the reprisals would be carried out

[1] Commission Docket No. 58–22–V.

[2] Bureau of the Census, "Population Bulletin, P–B 10."

[3] Names of individuals are withheld because almost without exception they demanded the assurance of anonymity as a condition precedent to talking with the interviewer.

[4] Commission field notes.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid.

or not, if prospective registrants believe they would be, the fear is a real deterrent to registration.

MISSISSIPPI

In 1950 the Negro population of some 990,000 comprised about 45 percent of the State's population.[9] According to a survey made by Gov. James P. Coleman when he was the State's attorney general, some 22,000 Negroes were registered to vote in 1954, or about 4 percent of the 1950 voting-age Negroes. Governor Coleman added that only 8,000 of these paid their poll tax and were eligible to vote in 1955.[10]

Racial disparities in voting appear to be wider in Mississippi than in any other State. According to the county-by-county survey,[11] by a University of Mississippi graduate student referred to in the preceding chapter, there were 14 Mississippi counties with a total 1950 population of about 230,000, of whom 109,000 were Negroes, where not a single Negro was registered in 1955.[12] In six of these counties Negroes constituted a majority of the population in 1950. In exactly half of the State's 82 counties fewer than 1 percent of voting-age Negroes were registered; [13] in 63 counties fewer than 5 percent; in 73 counties fewer than 10 percent.[14]

In the survey of 13 counties conducted in the fall of 1956 by the State Times of Jackson, Miss., a leading white newspaper, four counties were found to have the same number of registered Negroes as found the year before by the university investigator; in seven the number was slightly greater; in two it was smaller.[15]

In view of these statistics, of the serious allegations made about denials of the right to vote in Mississippi in congressional hearings in recent years, and of the complaints received by this Commission from seven Mississippi counties, it is particularly unfortunate that the State's racial voting figures are fragmentary and unofficial. The Commission's firsthand investigations in eight counties demonstrated the need for the full facts on voting throughout the State.

Six [16] of the eight counties from which complaints were received had more than 50 percent Negro population in 1950.[17] Commission investigators interviewed all complainants and numerous other Mississippi citizens. The following summaries were derived from those interviews and from submitted affidavits, along with 1950 census figures and 1955 registration estimates.

Bolivar County (69 percent Negro; 21,805 voting-age Negroes; 511 registered).[18]

Negro residents stated that they were given application blanks by the registrar, and that they were directed to write a section of the constitution of Mississippi. Further, they were directed to write "a reasonable interpretation" of the section which they had written.[19] Uniformly, the applicants were refused registration because they were advised, "Your replies won't do." [20]

One Negro reported that in 1956 he received, along with other tax bills, a poll tax bill. Until 1956, he had paid poll taxes. When he presented the bills for payment at the office of the deputy sheriff, he was asked by the deputy why he wanted to pay the poll tax, and replied that he wanted to register and vote. Thereupon, he said, the deputy threw the poll tax bill into the waste basket and accepted the money for the other taxes due. The next year, he related, the same disposal of the poll tax bill was made by the same deputy, who again told him to "pay the others." In 1958 the Negro says he did not receive a poll tax bill.

Sunflower County (68 percent Negro; 18,949 voting-age Negroes; 114 registered).[21]

Negro citizens stated that, when they tried to register, they were turned away. Some were told to come back because registrations were being "held up" while the legislature was "considering something." This "something" was presumably a proposed uniform policy of registration of Negroes which the Mississippi Legislature considered in early 1958.[22]

Tallahatchie County (64 percent Negro; 9,235 voting-age Negroes; no Negro registered).[23]

Negro citizens said that the sheriff's office refused to accept poll taxes from Negroes. They expressed fear of reprisals, and were reluctant to testify at all.[24]

A public school principal in Charleston, Miss., was discharged after attempting to register and became a farmer.[25]

Leflore County (68 percent Negro; 17,893 voting-age Negroes; 297 registered).[26]

One Negro Army veteran discharged as a technical sergeant, reported that he went to the courthouse and was asked by a female clerk what he wanted. "I want to register," he said. "To register for the Army?" she asked. When he assured her he wanted to register to vote, she told him she didn't have time because the court was meeting. She did, however, have him write his name and address on a slip of paper. Less than half an hour after his return home, two white men came to his door and asked him why he had tried to register. He replied that it was his duty. They told him that he was just trying to stir up trouble and advised him not to go back. He did return a week later, and again was told by the same clerk that she was busy. Fearful of reprisals, he stopped trying.[27]

Claiborne County (74 percent Negro; 4,728 voting-age Negroes; 111 registered).[28]

Negroes in sworn affidavits stated that they had been registered voters until 1957 when their names were removed from the registration books. Their efforts to re-register have been unsuccessful.

Jefferson Davis County (55 percent Negro; 3,923 voting-age Negroes; 1,038 registered).[29]

Most of the sworn complaints were filed by Negroes who were registered voters until 1956, when their names were removed from the registration books. Their efforts to re-register have been unsuccessful.

Forrest County (29 percent Negro; 7,406 voting-age Negroes; 16 registered).[30]

Forrest County, which has produced numerous voting complaints, has a relatively low Negro concentration, conspicuously high educational level, and significantly high average income level. The registrar who served for many years until his recent death was a stanch advocate of white supremacy and steadfastly refused to register Negroes.[31]

One Negro tried 16 times to register—twice a year for 8 years. Each time the registrar simply told him that he could not register. On the last occasion the citizen asked if there was any reason for this refusal. The registrar replied that there was no reason.[32]

Another citizen, a minister with two degrees from Columbia University, and a former registered voter in Lauderdale County, Miss. (1952–57) and in New York City (1945–48), attempted twice to register in Forrest County. The second time the citizen admitted he was a member of the National Association for the Advancement of Colored People. The clerk insisted that this was a communistic organization and said that the witness was "probably one of them." "That means you are not going to register me," said the witness. "You are correct," replied the clerk.[33]

Others stated that they had repeatedly tried separately and in groups to register, but that the registrar absented himself to avoid seeing them. Evasive answers were given by the registrar's employees as to the whereabouts of the registrar. One witness was told to "register at the YMCA."

While waiting for the registrar to return to his office, one Negro observed two white women being registered without question by the clerk who just previously had denied that she had the authority to register applicants.

Another Negro when attempting to register was asked a variety of questions, including such things as "What is meant by due process of law?" "What is class assessment of land?" The registrar was not satisfied with the answers.

Several years ago a group of 15 Negro residents of Forrest County sought an injunction against the registrar on the ground that he had "misconstrued" section 244 of the Mississippi constitution. This section provides that a voter shall "be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him or give a reasonable interpretation thereof." The registrar was charged with applying this section rigidly against Negro applicants but ignoring it as to white applicants.

A lower court dismissed the action without prejudice, but the court of appeals reversed with instruction to retain jurisdiction for a reasonable time until petitioners had exhausted their administrative remedies.[34]

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[9] Bureau of the Census, "Population Bulletin, P–B 24."

[10] Testimony of Gov. James P. Coleman. Hearings before Subcommittee No. 5, House Judiciary Committee, 85th Cong., 1st sess., 1957, pp. 736–739. See also CONGRESSIONAL RECORD, vol. 103, pt. 7, pp. 8602–8603. Governor Coleman estimated that in the 1955 primary there were 7,000 Negro voters and 411,000 white.

[11] Registration figures from James F. Barnes, "Negro Voters in Mississippi," an unpublished manuscript submitted as a master's thesis at the University of Mississippi, 1955. Hereinafter cited as "Barnes."

[12] Carroll, Chickasaw, Clarke, George, Issaquena, Jefferson, Lamar, Montgomery, Noxubee, Pearl River, Tallahatchie, Tate, Walthall, Wayne; see footnote 11, supra.

[13] Amit, Attala, Calhoun, Clay, Copiah, De Soto (1 Negro registered out of 8,013 over age 21), Forrest, Grenada, Holmes, Humphreys, Jasper, Kemper, Marshall, Monroe, Neshoba, Panola, Rankin, Scott, Sharkey, Smith, Sunflower, Tunica, Webster, Wilkinson, Winston, Yalobusha, Yazoo. These are in addition to those listed in note 12, supra; see footnote 11, supra.

[14] Barnes, see footnote 11, supra.

[15] Survey by the State Times of Jackson, Miss., Oct. 29–Nov. 1, 1956.

[16] Bolivar (68.5), Claiborne (74.8), Jefferson Davis (55.5), Leflore (68.2), Sunflower (68.1), and Tallahatchie (63.7).

[17] Bureau of the Census, "Population Bulletin, P–B 24."

[18] Barnes, see footnote 11, supra.

[19] Commission field notes.

[20] Ibid.

[21] Population figures from "Bureau of Census, Population Bulletin, P–B 24." Registration figures from Barnes, see footnote 11, supra.

[22] Commission field notes.

[23] Same as footnote 21, supra.

[24] Commission field notes.

[25] Ibid.

[26] Same as footnote 21, supra.

[27] Commission field notes.

[28] Same as footnote 21, supra.

[29] Ibid.

[30] Ibid.

[31] Commission field notes.

[32] Ibid.

[33] Ibid.

[34] *Peay et al.* v. *Cox, Registrar,* 190 F. 2d 123 (5th Cir. 1951), cert. denied, 342 U.S. 896 (1951).

Clarke County (41 percent Negro; 3,849 voting-age Negroes; no Negro registered).[35]

Virtually everyone interviewed here told how the registrar had refused to register them by saying that they should "watch the papers and see how the mess in Little Rock and the mess in Washington worked out."[36]

TENNESSEE

No county-by-county racial voting statistics were available. A 1957 study by the Southern Regional Council reported that some 90,000 or about 28 percent of the Negroes were registered in 1956. This study concluded that in only three counties in west Tennessee—Haywood, Fayette, and Hardman—does intimidation pose a serious threat to Negro registration and that in most of the State Negroes can register freely.[37] A Tennessee delegate to the Commission's Conference of State Advisory Committees also reported that in three counties Negroes are not registered.

The Commission received complaints involving two of the above-named counties, as reported below.[38] These happen to be the two counties in the State with Negro majorities. It also investigated a complaint that Negroes were being denied the right to register and vote in Lauderdale County. The investigation revealed that the Lauderdale charge was without foundation. Local officials gave courteous cooperation and assistance to staff representatives who examined the Lauderdale County records and found that Negroes apparently register and vote as freely as whites.[39]

Haywood County[40] (61 percent Negro; 7,921 voting-age Negroes; no Negroes registered).

In early 1959 a resident of Haywood County filed an affidavit with the Commission stating that the county election commission had refused to register him because he is a Negro. He had a master's degree and had taught school in the county.

He stated that in June 1958 he attempted to register but was told by an employee in the registration office that the proper person to see was out and the time of her return uncertain. When the affiant returned several days later he was referred to the sheriff or county clerk. When the affiant presented a registration card from Decatur County (where he had lived the year before), the county clerk told him to go back to Decatur because "we have never registered any here." The affiant understood this to mean that no Negroes were registered in Haywood County.

The chairman of the Haywood County Election Commission made an appointment with the affiant but failed to keep it. Later, when the affiant did see him, it was too late to register and vote at the next election. The affiant was unable to discover when the registration book would be open.

When a representative of the Civil Rights Commission made inquiries, he was advised not to go to the home of the affiant because it might get him in trouble. Consequently, the representative met with the affiant and five other Negroes in Brownsville, Tenn.[41]

It appears that Negroes have not been permitted to register and vote in Haywood County for approximately 50 years. Representatives of this Commission were told that Negroes in the county own more land and pay more taxes than white persons but that their rights are sharply limited: They must observe a strict curfew. They are not permitted to dance or to drink beer. They are not allowed near the courthouse unless on business.[42]

Commission representatives interviewed several public officials in Haywood County. They discovered that of the three members of the county election commission, one had died, one had resigned, and the certificate of appointment of the member who was still serving had expired approximately 3 weeks previously. The registration clerk had resigned in October 1958 and had not been replaced. Consequently, there was no one legally authorized to register voters.[43]

Some white persons interviewed said that Negroes had never registered and were satisfied with the status quo. A few officials denied that there would be any obstacles to Negroes' registering but said the Negroes did not want to vote. Some said they were not sure what would happen if Negroes attempted to register.[44]

According to an Associated Press dispatch in the New York Times on July 29, 1959, a delegation of Negroes led by a Memphis lawyer protested to the State election commission that "No Negro has voted in Haywood County since Reconstruction." The State election commission chairman, it was reported, stated that he would look into the complaint and do something about it.

Fayette County (70 percent Negro; 8,990 voting-age Negroes; 58 registered).[45]

Unlike Haywood County, there are a few Negroes registered in next door Fayette County. But the experience of 12 Negro war veterans who registered there in the fall of 1958 further discouraged Negroes in Haywood.

Some of these Negro veterans were interviewed by Commission representatives. They stated that they had been subject to so much intimidation that only 1 of the 12 actually voted and he doubted that his ballot was counted for he thought he had handed it to someone instead of dropping it in the box. Two others who went to the polls were said to have been frightened away when two sheriff's deputies approached them. One was told by his banker that something might happen to him if he tried to vote. One of the twelve who was in the hauling business, lost all of his customers and the police threatened to arrest any of his drivers found on the highway in his trucks.[46]

According to men interviewed, when a Negro registers the sheriff is quickly informed and he, in turn, informs the Negro's landlord and employer. Those who register are soon discharged from their positions and ordered to move from their homes. The police arrest them and impose severe fines—as much as $65 on minor charges, it was alleged. They are unable to get credit. Their wages are garnisheed. Applications for GI loans to buy land are turned down by local lenders.[47]

Most of these allegations have not been verified as yet. An examination of the county voting records revealed that 58 Negroes had registered; that 20 of these had registered in 1958 and 11 in 1959. Voting records found for 46 of the 58 Negro registrants showed that only 1 of them had voted in 1958, 12 in 1956, 1 in 1953, and 3 in 1952. Of the 46, 13 had never voted and 16 had registered after the 1958 election, so had had no opportunity to vote.[48]

Under Tennessee law, any registered voter who fails to vote during 4 consecutive calendar years has his registration canceled and must reregister. If, because of fear of reprisals, most of the Negroes who have registered fail to vote, as appears to be happening, after 4 years their registration is invalid.

NORTH CAROLINA

No official county-by-county racial voting statistics were available when the Commission's State Advisory Committee undertook to collect them. Signed replies to questionnaires from the State committee were received from boards of elections in 79 of the State's 100 counties. They showed in 36 counties a substantial increase in Negro registration in 1958 over the estimate made by the Southern Regional Council in 1956; in 10 counties there was a small decline; and in a number of others the figures were the first estimates of Negro voting available.

The chairman of the North Carolina Advisory Committee, Mr. McNeill Smith, says that publication of these registration statistics "is going to do a great deal to encourage Negroes to register who may have assumed falsely from national publicity that they couldn't."

While the report of the State advisory committee stressed that in some cases the figures reported by the county registrars were rough estimates and that some counties had not "purged their registration books for 20 years so that the registration figures include a good many residents of the counties' graveyards," it noted the "considerable disparity" in white and nonwhite registration. On the basis of the first 65 counties submitting statistics, the State committee reported:

"In 34 of the reporting counties less than 30 percent of the Negroes of voting age are registered to vote. Less than 30 percent of the whites are registered in only 2 counties. In 54 * * * more than 70 percent of the whites are registered. The same relatively high degree of registration among Negroes is found in only 12 counties."

The State committee reported further that "low Negro registration corresponds to the areas of greatest Negro concentration in the State."

The problem in North Carolina appears to be largely that of varying practices in administering the State's literacy requirement. Would-be voters must be able to "read and write" any section of the constitution to the satisfaction of the registrar, who may have the applicant copy indicated sections or may dictate any section he chooses. The Southern Regional Council study reports that under this broad discretion, in which a Negro's ability to vote depends on the individual registrar's sense of justice, "Negroes may find it almost impossible to qualify in one county and comparatively easy in the next."[49]

The chairman of the North Carolina State advisory committee notes that some persons feel that the literacy test "is applied unfairly in some of the eastern counties," although the committee had no evidence of this. The State committee has since then received one voting complaint making just this allegation. The complaint was from Greene County, one of the eastern counties that did not report its registration statistics to the State committee. The committee has forwarded the complaint to the Commission, but it has just begun to be processed.

GEORGIA

County-by-county racial registration statistics, supplied by Georgia's Secretary of State, show that, as the Commission's Georgia State Advisory Committee reported, "the range of voting conditions and the degree of minority participation in elections

[35] Same as footnote 21, supra.
[36] Commission field notes.
[37] Margaret Price, "The Negro Voter in the South," Southern Regional Council, Atlanta, 1957.
[38] Haywood County, Fayette County.
[39] Commission field notes.
[40] Bureau of the Census, "Population Bulletin P-B42," and Commission field investigation.
[41] Commission field notes.
[42] Ibid.
[43] Ibid.
[44] Ibid.
[45] Note 10 supra.
[46] Commission field notes.
[47] Ibid.
[48] Ibid.
[49] Margaret Price, op. cit., supra, note 37.

varies widely." According to these official statistics, some 161,082 Negroes were registered in 1958, or about 26 percent of the State's Negroes over 18, the voting age in Georgia. The State advisory committee reports that this is an increase from some 125,000 Negroes registered in 1947, and that the increase is largely in urban areas where Negro voting is heaviest.[50]

In 27 of the State's 159 counties more than 50 percent of the voting-age Negroes were registered in 1958. But in Baker County, with some 1,800 Negroes of voting age, none was registered; in Lincoln County only 3 out of more than 1,500; in Miller, 6 out of more than 1,300; in Terrell, 48 out of 5,000. In 22 counties with sizable Negro populations, fewer than 5 percent were registered.

The Commission received no sworn complaints from Georgia, but in its Atlanta housing hearing it heard testimony about the relative success, noted above, of the drive to register Negro voters in Atlanta; about the correlation between this Negro vote and better housing conditions there; and about the contrasting voting and housing situation in rural Georgia counties. It received in evidence and published studies made of the degree of Negro voting in six such counties.[51]

The Commission's Georgia State Advisory Committee, while noting that "in few counties, the Negro votes with the same ease and freedom as the white citizens," stated that it "had access to reports on conditions in 15 or 20 counties where undoubtedly the Negro wishing to register or vote has met difficulties."[52] It listed some forms of discrimination faced by would-be Negro voters:

"In a few places there is neither separation of voting boxes nor voting lines; however, in most places the white and Negro ballot boxes are readily identifiable.

"The 1958 session of the general assembly passed a bill frankly designed to discourage Negro registrants. It poses 30 questions to the 'illiterate voter,' 20 of which must be answered correctly. Considerable discretion remains with the registrar in deciding who shall have to answer questions and whether the answers are correct. * * *

"Laws requiring purging the names of voters who have failed to vote in the past 2 years are being applied throughout the State now. Those who fail to vote must seek reinstatement or must go through the entire registration procedure afresh. Here again there is room for the practice of local discrimination."[53]

The Georgia committee gave an example of a registrar's discretion. In Terrell County the chairman of the county board of registrars gave as grounds for denying registration to four Negro schoolteachers that in their reading test they "pronounced 'equity' as 'eequity,' and all had trouble with the word 'original.'" The chairman of the registrars said that he interpreted Georgia law to mean that applicants must "read so I can understand."[54]

The Georgia advisory committee concluded that, "While continued chipping away at discrimination may be expected in urban areas, subtle and sometimes not-so-subtle campaigns to reduce or discourage Negro voting in those counties with heavy colored populations may be expected."[55]

[50] Commission's Georgia State Advisory Committee report.

[51] Commission's regional housing hearings (Atlanta section).

[52] Commission's Georgia State Advisory Committee report.

[53] Ibid.

[54] Ibid.

[55] Commission's Georgia State Advisory Committee report.

NEW YORK

Today, it is estimated some 618,000 American citizens who have migrated from the island Commonwealth of Puerto Rico live in New York City.[56] About 190,000 of these people have lived there long enough to satisfy the State's residence requirements for voting.[57] But many of them are not permitted to vote because they cannot pass the New York State literacy test which provides that "no person shall become entitled to vote * * * unless such person is also able, except for physical disability, to read and write English."[58]

Approximately 59 percent of the Puerto Rican residents of New York read and write only Spanish; they are served by three Spanish-language newspapers having a combined daily circulation of 82,000.[59] One such person, Jose Camacho, a resident of Bronx County, N.Y., filed a suit against the election officials in his home county seeking registration to vote; he also filed a formal complaint with the Commission on Civil Rights. Camacho's petition was denied by the Supreme Court of Bronx County, and at this writing was pending before the New York Court of Appeals.[60]

Camacho's contention is that denial of the right to vote because he and others similarly situated are not literate in the English language constitutes a denial of the equal protection of the laws guaranteed by the 14th amendment. Fundamentally, his case rests upon provisions of the Treaty of Paris, by which war with Spain was concluded and Puerto Rico ceded to the United States. This treaty provided that the civil rights of the native inhabitants should be fixed by the Congress, but left to the inhabitants the choice of adopting English or retaining Spanish as their official language.[61] The Congress gave all inhabitants of Puerto Rico full American citizenship in 1917. The people chose Spanish as their language. But the U.S. Supreme Court has ruled that, "The protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue."[62]

Unlike the other voting complaints, that of Mr. Camacho raises legal rather than factual issues, and Mr. Camacho has filed a counterpart case in the courts. This Commission regards the courts as the proper tribunals for determination of legal issues. However, this Commission has found that Puerto Rican-American citizens are being denied the right to vote, and that these denials exist in substantial numbers in the State of New York.

[56] Commission's regional housing hearings, pp. 147–448, 152.

[57] One year in the State, and 4 months in the county, city, or village, and 30 days in the election district, preceding the election, are required.

[58] Constitution of the State of New York, art. II, sec. 1. This provision was inserted by a constitutional amendment effective Jan. 1, 1922.

[59] From a recent survey, which also disclosed that 14 percent are literate in both Spanish and English, 14 percent in English alone, and the rest claim no reading habits even though the majority of them assert their literacy in Spanish.

[60] Only one similar case in New York appears in the law reports; it was decided before the 1922 constitutional amendments and before the Congress granted American citizenship to inhabitants of Puerto Rico. In that case, too, a native of Puerto Rico sought to vote in New York. He had served with the U.S. Army of Occupation on the island, and had moved to New York in 1899; he claimed never to have declared allegiance to Spain, but to have adopted the nationality of the United States. The opinion in this case refers to both art. VI, sec. 3, and the 14th amendment of the Constitution of the United States. In denying the claim, reliance is put upon *Elk* v. *Wilkins*, 112 U.S. 94, which delineated the individual and collective methods of naturalization of citizens. Collective naturalization is "as by the force of a treaty by which foreign territory is acquired." The Court quotes from the Treaty of Paris, Dec. 10, 1898, by which Puerto Rico was ceded to the United States (sec. 9): "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress." The Court concluded: "As the Congress had not then acted to provide collective naturalization and as there was no claim of citizenship by reason of birth or individual naturalization, the petitioner was denied registration as a voter." *People ex rel. Juarbe* v. *Board of Inspection*, 67 N.Y.S 236 (Sup. Ct. 1900).

[61] It is interesting to note the bilingual character of many of the documents pertaining to the establishment of the Commonwealth of Puerto Rico—e.g., resolutions 22 and 23, Constitutional Convention of Puerto Rico, Laws of Puerto Rico, Ann., pp. 129–131—and their approval in Public Law 447, 82d Cong., ibid., pp. 132–134.

[62] *Meyer* v. *State of Nebraska*, 262 U.S. 390, 401 (1923); compare *Farrington* v. *T. Kokushige*, 273 U.S. 284 (1927), where it is said, "The Japanese parent has the right to direct the education of his own child without unreasonable restrictions; the Constitution protects him as well as those who speak another tongue."

FEBRUARY 26, 1960.

VOTING INFORMATION

The following information is furnished as requested:

1. Narrative presentation of incidents involving denials of the right to vote in selected counties in Alabama and parishes in Louisiana.

2. Memorandum containing statistics by county relative to voting complaints received since the publication of the report of the Commission.

3. The most recent voting registration figures by race available for the Southern States.

SPECIFIC INSTANCES OF THE DENIAL OF THE RIGHT TO VOTE IN ALABAMA AND LOUISIANA

ALABAMA

In 1950 the Negro voting age population of 516,245 comprised about 30 percent of the total voting age population. According to unofficial sources some 73,000 Negroes were registered to vote in 1958, or about 14 percent of the 1950 voting-age Negroes.

Alabama has 67 counties. In 12 counties, Negroes constituted a majority of the 1950 voting-age population. In two of these counties no Negro was registered to vote in 1958. In 7 of the other 10 counties, the number of Negroes registered in 1958 was fewer than 5 percent of the county's 1950 voting-age Negro population.

At the time of the Alabama hearing, a total of 91 legally sufficient complaints had been received from 6 counties all of which, except Montgomery County (4,490), contain majority Negro populations.

The following summaries were derived from personal interviews held with each complainant, testimony of witnesses and examination of voting records in certain counties.

Macon County: 44 percent Negro; 14,539 voting-age Negroes; 1,218 Negroes registered (8.4 percent).

Macon County ranks first in the State in the proportion of its Negroes age 25 or over who have at least a high school education, and in the percentage of Negroes registered who hold college degrees. Macon County

was found to have a consistent practice among its registrars to abdicate their official responsibilities by refusing to function at all or by functioning only at sporadic intervals, thereby precluding Negroes from registering at designated times. Furthermore, the appropriate appointing authorities of the State have failed to discharge their duty of assuring uninterrupted operation of the board of registrars. It must, however, be pointed out that when appointments have been made to the board, many of them have been declined.

Even when the board of registrars was functioning, Negroes were confronted with many formidable obstacles. Chief among them was the board regulation that applicants for registration must be accompanied by a voucher who is a registered voter and who must testify to the applicant's identify and qualifications. But a voter may vouch for only two applicants per year. It was estimated that at the current rate, according to the number of Negroes presently registered, it would take 203 years to register all of the county's registered adult Negroes because it is virtually impossible for a Negro to obtain a white voucher.

From the testimony adduced at the Alabama hearing it was concluded that two of the principal tactics employed by the registration board are: its requirement that Negro applicants read and copy long articles of the U.S. Constitution, and, its failure to issue certificates of registration to Negroes immediately upon proper completion of the application form.

One witness at this hearing who had finished 2 years of college testified that he needed 2½ to 3 hours to fill out the long complicated questionnaire and otherwise complete his application. Another witness, a college graduate, told the Commission that in copying the part of the Constitution assigned to her, she filled 8½ pages.

Barbour County: 53 percent Negro; 7,158 voting age Negroes; 450 Negroes registered (6.3 percent).

Investigation of complaints emanating from this county reveal that the registrars ordinarily asked a few questions of the applicant, such as: "Who is the probate judge?" "Who is the circuit judge?" "How many representatives are there in the legislature?" If these questions are answered to the satisfaction of the registrar, the applicant is given a questionnaire to complete.

If errors are found on the questionnaire it is returned with the statement, "You made a mistake," but the error is not identified. No record is kept of the total number of applicants, and the forms are usually destroyed 30 days after filing.

Examination of the voting records revealed that one accepted white applicant had answered the question, "Will you give aid and comfort to the enemies of the U.S. Government or the government of Alabama?" with the following reply: "No, unless necessary." Another white applicant answered this question, "Give the names of the places, respectively, where you have lived during the last 5 years, and the name or names by which you have been known during this time," with: "All the people of Clayton."

Bullock County: 74 percent Negro; 5,425 voting age Negroes; 5 Negroes registered (0.09 percent).

The voucher system was found to be the principal Bullock County device for denying Negroes the right to vote. A voucher, white or Negro, is permitted to vouch for only three applicants in any 3-year period. The record of one white voucher showed that he had vouched for three white applicants, all of whom had been registered on July 1, 1957. This card bore the notation "three strikes out." The card of one of the five Negro registrants showed that he had vouched for three Negro applicants, none of whom was registered. Under this system, the rejection of three applicants supported by each of the five qualified Negro voters in the county would mean a 3-year wait before the remaining 5,420 voting age Negroes in the county could even apply for registration.

Dallas County: 65 percent Negro; 18,145 voting age Negroes; 520 Negroes registered (2.9 percent).

The board of registrars allows Negroes to complete application forms, but does not require examination. Negro applicants are not notified by the board as to the disposition of their applications.

Some Negro applicants ostensibly possessing the statutory qualifications have each filed several applications, and one individual filed 30 applications. Of that group, none have heard from the board with respect to any applications filed. Although the board accepts applications from Negroes, it has registered but 2 out of approximately 800 applicants in the past 5 years.

Lowndes County: 82 percent Negro; 6,512 voting age Negroes; no Negroes registered.

Investigation of denials of the right to vote in this county reveals that for many years no Negroes have attempted to register. Not a single Negro is in fact registered. Fear of physical harm, combined with economic pressure, including threats to call loans, failure to grant loans, and economic coercion leveled upon Negro businessmen, comprise the basic reasons why Negroes have not attempted to register. Fear of loss of employment, especially among schoolteachers and administrators, is also a serious deterrent to attempts to register. From 1954 to 1958, no white applicant seeking registration was rejected.

Wilcox County: 79 percent Negro; 8,218 voting age Negroes; no Negroes registered.

Only one Negro has attempted to register in this county in recent history and was unsuccessful in his attempt. Other Negroes attempting registration were thwarted by conflicting instructions from officials as to where and how applications should be procured and submitted. Substantial fears among the Negro population, including fear of economic reprisal and extending to fears of physical violence have deterred potential Negro applicants from attempting registration.

LOUISIANA

According to figures published by the secretary of state of Louisiana, there were 132,506 Negroes registered in 1959 and 828,686 whites. Voting-age Negroes in 1950 comprised about 30 percent of the voting-age population; in 1959 they comprised 13 percent of the registered voters. In 18 of the States 64 parishes more than half of the 1950 voting-age Negroes were registered. But in four parishes in which voting-age Negroes far outnumbered voting-age whites—East Carroll, Madison, Tensas, and West Feliciana—no Negro was registered in 1959. In nine other parishes with substantial voting-age Negro population, fewer than 5 percent of voting-age Negroes were registered. Moreover, in 46 of the 64 parishes, the number of registered Negroes had declined since 1956, in some cases by dramatic proportions such as in Red River where the number dropped from 1,360 to 16, or St. Landry, from 13,060 to 7,821, or Webster, from 1,776 to 83. In only 14 parishes had Negro registration increased; in each case the increases were relatively slight.

Testimony which complaining witnesses were prepared to offer at the Shreveport hearing, plus the Commission's own investigation indicated three major techniques employed to deny the right to vote.

First, in Madison and East Carroll parishes, both of which have majority Negro population, no Negro was registered or had ever been registered. An effective bar to Negro registration is the requirement exacted by the registrars that each prospective registrant obtain two registered voters of the parish, and since no white person (with one exception) would vouch for a prospective Negro registrant, the complainants were effectively stalled. One of the witnesses, a former Army sergeant and still an active reservist had fought on the Normandy beaches, been awarded four battle stars; was adequately educated and apparently well qualified to vote.

Second, in eight of the parishes surrounding and including Shreveport (De Soto, Caddo, Red River, Bossier, Webster, Bienville, Claiborn, and Ouachita) three have majority Negro populations and the remainder have populations running from 33 to 49 percent Negro. Among the 3 parishes having majority Negro populations, De Soto has 6,859 voting-age Negroes with 498 registered; Red River has 2,917 voting-age Negroes with 16 registered; and Claiborne has 6,277 voting-age Negroes with 15 registered. In all of these parishes Negroes have been excluded from registration by preliminary questions before even receiving an application form. These people included veterans, professional persons and educators. In some of these parishes Negroes who had been registered for some years were purged from the rolls. Upon attempting to reregister they were met with the rigid standards arbitrarily imposed as a result of a campaign initiated by the joint legislative committee of the Louisiana Legislature in December 1958 and extending to January and February 1959. The announced purpose of the chairman of this committee was to reduce Negro registration in the State from 130,000 to 13,000.

Third, in Washington parish, comprised of a 32-percent Negro population and with a Negro voting-age population of 6,105, over 1,300 of approximately 1,500 Negro registrants were stricken from the rolls on the basis of challenges filed by members of the citizen's council of that parish. Virtually all of the Negroes whose names were moved from the rolls had been challenged by four white residents of Washington parish. The most common basis for these challenges was alleged errors in spelling on the application forms. Investigations revealed that the challengers themselves misspelled words when filling out the challenging affidavits. A striking example of this occurrence is the situation in which a challenger, in disqualifying a registrant for misspelling a word, alleged the reason to be "error in spilling."

VOTING STATISTICS

ALABAMA

The tables printed in the 1959 report for Alabama are the latest available. The staff director personally visited the offices of the secretary of state of Alabama. He was permitted to see such voting registration records as are on file in that office. The registration figures are divided only according to sex and are reported only upon an annual basis—there is no cumulative collection of statistics; furthermore, not all of the counties are reported. Consequently, on the basis of the staff director's firsthand examination of the records, it can be said that there are no official statewide voting registration figures by State suitable for publication.

ARKANSAS

The tables printed in the book for Arkansas were official figures secured through the good offices of the State advisory committee. Since they were official no effort was made to bring them up to date. These figures printed in the 1959 report are the latest available.

FLORIDA

The official Florida figures are included in the 1959 report. Hon. R. A. Gray, secretary of state of Florida, was most cooperative in furnishing this office a list of registered voters of the State of Florida as of

October 3, 1959. These figures have been recompiled and submitted so as to appear in the same form of chart as that published in the Commission's 1959 report. A copy of this chart is attached.

GEORGIA

Hon. Ernest Vandiver personally secured and sent to the staff director a copy of a compilation of registered voters revised in 1958 on file in the office of the secretary of state which gives the latest figures which the State has. Governor Vandiver advised the staff director that there will be no new figures until after July of 1960.

LOUISIANA

The figures printed in the 1959 report are up to date through 1959. In our discussion with Mr. Fowler, we learned that compilations of statistics were made at the end of April and November of each year. Our figures do not indicate which month's compilation we secured but it seems probable that it was the April 1959 compilation. Since these were official figures, up to date through 1959, and in view of the litigation presently before the Supreme Court, no effort was made to secure any later official statistics.

MISSISSIPPI

The Mississippi tables with corrections noted herein represents the latest figures available. Table 10 appearing on page 50 of the report contains an error. In the third regular paragraph the statement should read the number of nonwhites registered in 1950 representing 4.42 percent, rather than 3.89 percent as stated. The number of Negroes registered in Newton should be 52 rather than 32 as stated. The percent of nonwhites registered in Rankin County should be 0.5 instead of 0.4; Stone County should be 3.4 instead of 3.3, and should be substituted for those presently appearing in the book.

The staff director personally sought to secure statewide voter registration figures by race in the State capital. He learned that, since the time of the survey conducted by former Governor Coleman in 1954, the law requiring a compilation of such statistics has been repealed. Under present circumstances, voter registration figures by race might possibly be secured only through the cooperation of the respective sheriffs of the several counties in the State. The then Governor, Hon. James P. Coleman, personally assured the staff director that he would utilize his good offices as Governor to secure these figures from his several county sheriffs, and send these figures to the staff director of the Commission on Civil Rights. He represented that this would be accomplished within a period of 2 to 3 weeks. Although a period of time substantially in excess of that mentioned by the former Governor of Mississippi has elapsed, no official voter registration figures by race for the State of Mississippi have yet been received in the office of the Commission on Civil Rights.

SOUTH CAROLINA

The figures for South Carolina which appear in the report are the latest available. According to a letter received from Harry C. Walker, legal assistant to Gov. Ernest F. Hollings, dated January 26, 1960, the accuracy of these figures is not questioned, as no effort has been made by the State to check behind the figures submitted by the various boards. It does not appear that any more recent or reliable statistics are available.

TEXAS

The figures printed in the 1959 report for Texas are the latest available. The total amount of poll taxes collected by each county is certified to the comptroller of public accounts by the respective counties. Hon. Zolley Steakley, secretary of state of the State of Texas, advised the staff director that it would be approximately 2 months before the final poll tax report would be received, after which the comptroller would compile a list of poll tax collections by counties. It should be noted that the secretary of state's reply made no reference to any statistics on poll tax exemption, which is reflected in the present statistical compilation. Apparently such figures must be secured directly from each of the 254 counties.

VIRGINIA

The statistics included in the 1959 report are official. They were secured from the secretary of state of the State of Virginia through the good offices of the Virginia Advisory Committee. They are up to date through 1958. No effort was made to secure more recent official figures; and, in all likelihood, figures for 1960 probably are not available since the time for payment of poll taxes has not yet expired.

TENNESSEE

No figures at all are available on the registration of voters by race in this State, as reported by Mr. Rosenfeld following discussion with the attorney general of the State in 1959, and no statistics at all have been prepared or published.

NORTH CAROLINA

Figures are being prepared to reflect the most recent information available through the good offices of State advisory committee, which is still checking the accuracy of figures from some 12 counties. Appropriate notation on the form will indicate these counties.

North Carolina registration statistics

County	Total population, 1950	White population over 21, 1950	Whites registered, 1958	Percent white population over 21, 1950	Nonwhite population over 21, 1950	Nonwhites registered, 1958	Percent nonwhites over 21 registered in 1958
Alamance	71,220	36,001	42,383	100.0	6,897	[1] 3,750	83.4
Alexander [2]	14,554	7,424	5,825	78.5	516	112	21.7
Alleghany	8,155	4,570	6,147	100.0	147	31	21.2
Anson	26,781	8,064	[1] 8,050	99.8	6,143	[1] 700	6.5
Ashe	21,878	11,628	13,480	100.0	154	56	36.4
Avery	13,352	6,673	7,056	100.0	151	4	31.1
Beaufort	37,134	13,703	19,740	100.0	7,066	1,624	22.9
Bertie	26,439	6,464	6,762	100.0	7,016	551	7.9
Bladen	29,703	9,132	7,826	85.7	5,496	[3] 974	17.7
Brunswick	[1] 19,238	6,742	[1] 10,000	100.0	3,322	[3] 800	24.1
Buncombe	124,403	68,718	75,621	100.0	9,950	5,804	58.3
Burke	45,518	24,231	28,500	100.0	1,824	1,500	82.2
Cabarrus	63,783	32,875	16,894	51.7	5,169	660	12.8
Caldwell	43,352	21,700	[1] 21,110	97.3	1,574	[1] 530	33.7
Camden	5,223	1,951	[1] 1,745	89.4	991	[1] 155	15.6
Carteret	23,059	12,277	14,765	100.0	1,599	483	30.2
Caswell	20,870	6,020	6,764	100.0	4,383	1,291	29.5
Catawba	61,794	32,709	[1] 33,000	100.0	2,878	[1] 2,000	69.5
Chatham	25,392	10,512	[1] 10,400	99.3	3,936	[1] 600	15.2
Cherokee	18,294	9,537	12,820	100.0	172	180	100.0
Chowan [4]	12,540	4,219	3,902	92.5	2,681	401	15.0
Clay [2]	6,006	3,185	[1] 3,000	94.2	44	[1] 30	68.2
Cleveland	64,357	28,883	26,374	91.3	6,652	2,930	44.0
Columbus [2]	50,621	17,635	14,000	79.4	7,897	2,500	31.7
Craven	48,823	18,603	10,800	58.1	8,446	1,800	21.3
Cumberland	96,006	39,762	21,182	53.3	14,275	4,034	28.3
Currituck	6,201	2,698	2,711	100.0	1,102	161	14.6
Dare [4]	5,405	3,148	3,533	100.0	241	48	20.0
Davidson	62,244	32,747	[1] 37,885	100.0	3,563	[1] 1,784	50.1
Davie [2]	15,420	7,867	7,260	92.5	1,143	[1] 780	68.2
Duplin	41,074	14,081	[1] 14,323	100.0	7,336	[1] 1,239	16.9
Durham	101,639	44,022	39,229	89.1	20,101	12,209	60.7
Edgecombe [2]	51,634	14,979	7,224	48.2	12,845	839	6.5
Forsyth	146,135	66,869	61,457	91.9	25,027	12,730	50.9
Franklin	31,341	10,167	8,500	83.6	6,643	1,500	22.6
Gaston	110,836	53,388	48,000	86.7	8,163	12,000	100.0
Gates	9,555	2,876	2,340	81.4	2,344	150	6.4
Graham [3]	6,886	3,445	3,324	96.5	113	[5] 0	0
Granville	31,793	10,681	8,501	79.6	7,179	1,411	19.7
Greene	18,024	5,133	4,742	92.4	3,690	300	8.1
Guilford	191,057	96,638	73,482	76.0	22,309	7,755	34.8
Halifax	58,377	15,763	14,231	90.3	14,350	1,537	10.7
Harnett [2]	47,605	19,388	11,400	58.8	5,924	600	10.1
Haywood	37,631	20,726	[1] 17,450	84.2	488	[1] 350	71.7
Henderson	30,921	17,624	20,614	100.0	1,319	386	29.3
Hertford	21,453	5,347	6,068	100.0	6,201	180	2.9
Hoke [4]	15,756	3,715	3,855	100.0	4,201	[6] 727	17.3

See footnotes at end of table.

North Carolina registration statistics—Continued

County	Total population, 1950	White population over 21, 1950	Whites registered, 1958	Percent white population over 21, 1950	Nonwhite population over 21, 1950	Nonwhites registered, 1958	Percent nonwhites over 21 registered in 1958
Hyde [2]	6,479	2,458	2,130	86.7	1,207	110	9.1
Iredell	56,303	27,731	27,355	98.6	5,387	2,917	54.1
Jackson	19,261	9,608	9,549	99.4	732	59	8.1
Johnston [4]	65,906	28,092	31,360	100.0	6,686	2,244	33.6
Jones	11,004	3,296	2,452	74.4	2,238	1,311	58.6
Lee [4]	23,522	10,233	6,908	67.5	3,214	693	21.6
Lenoir	49,953	15,288	11,300	73.9	10,266	2,000	19.4
Lincoln	24,459	13,599	14,817	100.0	1,593	1,105	69.4
McDowell	25,720	13,394	11,500	85.9	796	700	87.9
Macon [2]	16,174	8,577	6,500	75.8	198	50	25.3
Madison	20,522	10,748	[1] 12,000	100.0	105	[1 7] 200	100.0
Martin	27,938	7,758	8,278	100.0	6,117	847	13.8
Mecklenburg	197,052	94,618	81,985	86.6	29,472	10,013	34.0
Mitchell	15,143	8,167	8,418	100.0	35	39	100.0
Montgomery	17,260	7,855	[1] 9,500	100.0	1,960	[1] 500	25.5
Moore	38,129	14,150	15,062	100.0	4,636	1,617	34.9
Nash	59,919	20,141	20,951	100.0	11,712	2,328	19.8
New Hanover	63,272	27,693	26,125	94.3	11,675	6,330	54.2
Northampton	28,432	6,467	[1] 5,300	81.9	8,226	900	10.9
Onslow	42,047	17,679	12,407	70.2	3,316	842	25.4
Orange	34,435	16,052	13,665	88.1	4,385	1,380	72.2
Pamlico	9,993	3,856	3,673	95.3	1,549	280	18.1
Pasquotank	24,347	9,570	6,629	69.3	4,961	1,304	26.3
Pender	18,423	5,539	4,500	81.2	4,180	500	11.9
Perquimans [4]	9,602	3,130	3,514	100.0	2,290	505	22.0
Person	24,361	8,965	7,820	87.2	4,117	1,710	41.5
Pitt	63,789	19,684	20,336	100.0	14,057	1,855	13.2
Polk	11,627	5,837	9,485	100.0	799	698	87.4
Randolph	50,804	27,508	25,000	90.9	2,273	500	22.0
Richmond	39,597	15,737	14,714	93.5	6,065	1,696	28.0
Robeson	87,769	20,963	23,800	100.0	22,062	[8] 6,389	29.0
Rockingham [4]	64,816	30,970	15,000	48.4	6,966	4,600	66.0
Rowan	75,410	38,510	45,241	100.0	7,080	3,633	51.3
Rutherford	46,356	23,411	26,393	100.0	2,828	674	23.8
Sampson	49,780	17,270	22,890	100.0	8,660	[9] 5,206	60.1
Scotland	26,336	7,671	[1] 8,504	100.0	5,791	[1] 884	15.3
Stanly	37,130	19,398	23,225	100.0	2,329	1,300	55.8
Stokes	21,520	10,976	[1] 11,100	100.0	932	[1] 900	96.6
Surry	45,593	24,188	24,292	100.0	1,372	469	34.2
Swain	9,921	4,402	6,399	100.0	706	[10] 571	60.9
Transylvania	15,194	7,926	11,208	100.0	385	400	100.0
Tyrrell [4]	5,048	1,830	1,650	90.1	939	250	26.6
Union	42,034	18,372	14,844	80.8	4,666	877	18.8
Vance	32,101	10,709	10,714	100.0	7,179	1,526	21.3
Wake	136,450	62,474	46,293	74.1	21,902	5,369	24.5
Warren	23,539	4,875	5,982	100.0	6,908	784	11.4
Washington	13,180	4,363	4,500	100.0	2,730	500	18.3
Watauga [2]	18,342	9,647	8,000	82.9	129	65	50.4
Wayne	64,267	21,595	17,890	82.8	15,141	3,156	20.8
Wilkes [5]	45,243	22,597	27,823	100.0	1,482	[1] 1,250	84.3
Wilson	54,506	18,941	12,290	64.9	10,964	2,255	20.6
Yadkin	22,133	12,021	11,867	98.7	576	314	54.5
Yancey	16,306	8,471	[1] 8,800	100.0	116	[1] 85	73.3
Total	4,061,929	1,761,330	1,652,233	93.8	549,751	178,919	32.6

[1] County election boards indicated these figures were estimates.
[2] Counties from which corrected figures had not been received as of Feb. 3, 1960, but such are being sought.
[3] Total of 931 Negroes and 43 others.
[4] Corrected as of Feb. 3, 1960.
[5] No Negroes live in Graham County—chairman, county board of elections.
[6] Total of 404 Negroes and 323 Indians.
[7] Total of about 100 Negroes and about 100 others.
[8] Total of 1,739 Negroes and 4,650 Indians.
[9] Total of 4,762 Negroes and 444 Indians.
[10] Total of 90 Negroes and 481 Indians.

Florida registration statistics

County	Total population, 1950	White population over 21, 1950	Whites registered, 1959	Percent white population over 21 registered	Nonwhite population over 21, 1950	Nonwhites registered, 1959	Percent nonwhite population over 21 registered	Registrants not identified by race, 1959
Alachua	57,026	25,176	13,841	55	9,430	2,154	23	45
Baker	6,313	2,481	3,436	[1] 100	818	432	53	0
Bay	42,689	21,138	19,334	91	4,028	2,222	55	49
Bradford	11,457	4,883	4,402	90	1,408	725	51	2
Brevard	83,653	12,466	21,864	[1] 100	3,544	1,729	49	846
Broward	83,933	44,558	89,658	[1] 100	12,234	8,020	66	2,287
Calhoun	7,922	3,623	3,819	[1] 100	594	265	45	6
Charlotte	4,286	2,534	4,571	[1] 100	462	338	73	0
Citrus	6,111	2,975	3,679	[1] 100	879	450	51	42
Clay	14,323	7,326	5,389	75	1,230	755	61	13
Collier	6,488	2,688	4,623	[1] 100	1,402	340	24	21
Columbia	18,216	7,198	6,055	84	3,357	967	29	51
Dade	495,084	313,924	346,280	[1] 100	42,682	22,356	52	2,457
DeSoto	9,242	4,965	3,158	64	1,229	902	73	2
Dixie	3,928	1,814	1,851	[1] 100	387	98	25	5
Duval	304,029	145,484	109,958	76	52,832	27,513	52	923
Escambia	112,706	52,167	52,029	[1] 100	14,521	8,708	60	276
Flagler	3,367	1,267	1,511	[1] 100	872	18	2	4
Franklin	5,814	2,492	2,905	[1] 100	904	506	56	4
Gadsden	36,457	11,183	6,327	57	10,930	12	11	24
Gilchrist	3,499	1,695	1,563	92	203	36	18	0
Glades	2,199	771	747	97	584	143	24	0
Gulf	7,460	3,070	3,146	[1] 100	1,129	500	44	0
Hamilton	8,981	2,893	1,947	67	1,983	303	15	5
Hardee	10,073	5,764	4,363	76	404	292	72	24
Hendry	6,051	2,625	2,362	90	1,034	571	55	8
Hernando	6,693	3,301	3,426	[1] 100	869	485	56	7
Highlands	13,636	6,542	8,913	[1] 100	2,054	928	45	18
Hillsborough	249,894	140,750	113,562	81	24,941	11,277	45	606

See footnotes at end of table.

Florida registration statistics—Continued

County	Total population, 1950	White population over 21, 1950	Whites registered, 1959	Percent white population over 21 registered	Nonwhite population over 21, 1950	Nonwhites registered, 1959	Percent nonwhite population over 21 registered	Registrants not identified by race, 1959
Holmes	13,988	7,219	6,394	89	326	139	43	11
Indian River	11,872	5,776	7,866	[1] 100	1,764	649	37	124
Jackson	34,645	12,994	9,784	75	5,843	2,429	42	22
Jefferson	10,413	2,395	1,910	80	3,272	301	9	0
Lafayette	3,440	1,701	1,891	[1] 100	176	0	0	2
Lake	36,340	18,360	17,651	96	5,110	1,258	25	111
Lee	23,404	12,506	16,228	[1] 100	3,017	1,147	38	97
Leon	51,590	19,281	15,708	81	11,213	4,314	38	7
Levy	10,637	4,200	2,711	65	2,107	249	12	8
Liberty	3,182	1,452	1,711	[1] 100	333	0	0	0
Madison	14,197	4,480	3,651	81	3,151	945	30	0
Manatee	34,704	18,836	19,873	[1] 100	4,425	957	22	406
Marion	38,187	15,261	12,757	84	8,387	3,065	37	58
Martin	7,807	3,972	5,915	[1] 100	1,374	617	45	0
Monroe	29,957	17,117	10,598	62	2,043	1,662	81	42
Nassau	12,811	5,078	5,051	99	2,123	1,280	60	10
Okaloosa	27,533	14,396	15,522	[1] 100	1,177	651	55	99
Okeechobee	3,454	1,686	2,137	[1] 100	406	558	[1] 100	0
Orange	114,950	63,527	60,951	96	14,321	3,266	23	599
Osceola	11,406	7,214	7,436	[1] 100	958	353	37	84
Palm Beach	114,688	57,518	71,645	[1] 100	22,253	6,977	31	592
Pasco	20,529	11,528	13,684	[1] 100	1,713	668	39	126
Pinellas	159,249	108,183	148,313	[1] 100	12,118	4,955	41	3,832
Polk	123,997	62,211	57,102	92	15,492	5,661	37	390
Putnam	23,615	9,463	11,609	[1] 100	5,199	2,118	41	24
St. John	24,998	11,007	10,106	92	5,053	2,023	40	58
St. Lucie	20,180	9,073	10,936	[1] 100	3,732	1,882	50	99
Santa Rosa	18,554	9,259	9,242	99.9	928	655	71	53
Sarasota	28,827	17,520	22,373	[1] 100	2,896	774	27	385
Seminole	26,883	9,892	10,415	[1] 100	6,881	1,928	28	162
Sumter	11,330	5,044	4,335	86	1,703	600	35	14
Suwanee	16,986	6,769	5,329	79	2,606	410	16	18
Taylor	10,416	4,142	4,266	[1] 100	1,945	69	35	10
Union	8,906	3,842	2,491	65	2,453	0	0	0
Volusia	74,229	41,392	46,712	[1] 100	10,415	5,250	50	335
Wakulla	5,258	2,021	1,760	87	833	433	52	3
Walton	14,725	7,310	6,325	87	1,051	662	63	7
Washington	11,888	5,438	5,508	[1] 100	1,056	725	63	6
Total	2,771,305	1,456,716	[2] 1,512,515	[1] 100	366,797	[2] 152,675	41.6	15,519

[1] Population shifts, immigration changes in age of population, or failure to strike the names of deceased or departed registrants have resulted in percentage calculations in excess of 100 "registered" in some counties and the State as a whole. In such cases 100 percent is shown, but should not necessarily be taken to mean that all persons eligible for the suffrage are registered. For the same reasons, the percentage figures shown throughout the table, for both white and Negro registration, cannot be considered as absolutes, but are of value for comparative purposes only.

[2] Totals of both whites and Negroes registered represent only those persons registered as members of the 2 major national political parties. The report of the secretary of state does not identify the race of those persons affiliated with other political parties, or those not affiliated with either of the 2 major parties. The number of such persons in each county is indicated in the last column, and totals 15,519 for the State.

Population figures are from Bureau of Census, 1950. Registration figures are from the secretary of state of Florida, and are published regularly.

Georgia registration statistics

County	Total population, 1950	1950, whites over 18	Whites registered, 1958	Percent whites over 18 registered	1950, nonwhites over 18	1958, nonwhites registered	Percent nonwhites over 18 registered
Appling	14,003	6,296	6,612	100.0	1,361	1,140	84
Atkinson	7,362	3,139	4,164	100.0	897	797	89
Bacon	8,940	4,428	6,105	100.0	555	22	4
Baker	5,952	1,362	1,670	100.0	1,817	0	0
Baldwin	29,706	14,479	7,675	53.0	8,450	2,618	31
Banks	6,935	3,882	4,420	100.0	228	44	19
Barrow	13,115	7,205	5,858	81.0	1,303	312	24
Bartow	27,370	14,226	11,239	79.0	3,394	1,203	35
Ben Hill	14,879	6,481	3,797	61.0	2,655	930	35
Berrien	13,966	6,985	4,177	60.0	1,106	403	36
Bibb	114,079	50,674	26,124	52.0	25,993	4,913	19
Bleckley	9,218	3,865	3,346	87.0	1,588	45	3
Brantley	6,387	3,051	3,767	100.0	465	226	47
Brooks	18,169	5,755	4,321	75.0	4,675	695	15
Bryan	5,965	2,156	1,972	91.0	1,267	817	65
Bulloch	24,740	9,553	7,899	83.0	4,752	1,390	29
Burke	23,458	4,592	3,664	80.0	8,782	427	5
Butts	9,079	3,288	3,810	100.0	2,161	1,437	67
Calhoun	8,578	1,812	1,682	93.0	3,221	132	4
Camden	7,322	2,247	2,606	100.0	2,053	1,385	68
Candler	8,063	3,233	3,195	99.0	1,480	1,174	79
Carroll	34,112	17,861	13,680	77.0	3,585	925	26
Catoosa	15,146	9,008	9,938	100.0	181	70	39
Charlton	4,821	2,009	2,293	100.0	775	40	5
Chatham	151,481	63,849	36,943	58.0	38,310	9,250	24
Chattahoochee	12,149	7,594	284	4.0	1,431	8	.55
Chattooge	21,197	12,008	11,250	94.0	1,027	1,011	98
Cherokee	20,750	12,361	12,879	100.0	474	190	40
Clarke	36,550	19,618	14,255	73.0	6,210	3,136	51
Clay	5,844	1,224	1,013	83.0	2,151	94	4
Clayton	22,872	12,258	11,441	93.0	2,075	477	23
Clinch	6,007	2,305	2,429	100.0	1,216	319	26
Cobb	61,830	35,297	28,134	80.0	3,929	1,908	49
Coffee	23,961	10,517	10,058	96.0	3,137	942	30
Colquitt	33,999	15,685	13,000	83.0	4,393	965	22
Columbia	9,525	3,171	3,423	100.0	2,446	510	21
Cook	12,201	5,261	6,000	100.0	1,846	500	27
Coweta	27,786	11,517	11,597	100.0	5,776	1,647	29
Crawford	6,080	1,647	1,496	91.0	1,798	155	9
Crisp	17,663	6,368	4,785	75.0	4,383	721	16
Dade	7,364	4,087	3,678	90.0	71	40	56

Georgia registration statistics—Continued

County	Total population, 1950	1950, whites over 18	Whites registered, 1958	Percent whites over 18 registered	1950, nonwhites over 18	1958, nonwhites registered	Percent nonwhites over 18 registered
Dawson	3,712	2,152	2,172	100.0	0	0	0
Decatur	23,620	7,853	7,530	96.0	6,209	960	16
Dekalb	136,395	85,764	64,450	75.0	8,678	2,153	25
Dodge	17,865	7,657	8,728	100.0	2,855	2,028	71
Dooly	14,159	4,203	4,252	100.0	3,871	722	19
Dougherty	43,617	16,893	10,815	64.0	11,747	2,628	22
Douglas	12,173	6,289	6,946	100.0	1,040	832	80
Early	17,413	5,045	3,812	86.0	4,744	205	4
Echols	2,494	990	804	81.0	379	15	4
Effingham	9,133	3,510	2,618	75.0	1,828	188	10
Elbert	18,585	8,120	9,012	100.0	3,376	1,104	33
Emanuel	19,789	7,932	7,252	91.0	3,586	1,762	49
Evans	6,653	2,600	2,206	85.0	1,340	483	36
Fannin	15,192	8,635	8,503	99.0	47	19	40
Fayette	7,978	3,387	3,204	95.0	1,255	25	2
Floyd	62,899	35,231	19,244	55.0	6,059	1,523	25
Forsyth	11,005	6,448	4,148	64.0	25	0	0
Franklin	14,446	7,880	5,500	70.0	968	300	31
Fulton	473,572	237,042	104,877	44.0	99,307	28,414	29
Gilmer	9,963	5,746	4,454	78.0	13	6	46
Glascock	3,579	1,589	1,339	84.0	464	19	4
Glynn	29,046	12,695	7,425	59.0	6,077	2,039	34
Gordon	18,922	10,019	7,702	77.0	636	[1]	[1]
Grady	18,928	7,788	5,076	65.0	3,428	831	24
Greene	12,843	4,162	5,053	100.0	3,541	2,728	77
Gwinnett	32,320	18,333	16,498	90.0	1,745	1,002	57
Habersham	16,553	9,741	[2] 8,223	84.0	380	200	53
Hall	40,113	22,949	17,542	76.0	2,344	1,209	52
Hancock	11,052	2,056	2,064	100.0	4,076	1,730	42
Haralson	14,663	8,280	11,443	100.0	715	751	100
Harris	11,265	3,277	3,635	100.0	3,665	215	6
Hart	14,495	6,852	5,944	87.0	1,800	294	16
Heard	6,975	3,145	2,475	79.0	868	374	43
Henry	15,857	5,802	5,442	94.0	3,659	1,662	45
Houston	20,964	8,764	7,739	88.0	3,821	[3]	
Irwin	11,973	4,450	4,500	100.0	2,162	700	32
Jackson	18,997	10,040	7,209	72.0	1,565	450	29
Jasper	7,473	2,231	2,530	100.0	2,307	804	35
Jeff Davis	9,299	4,099	6,134	100.0	1,040	56	5
Jefferson	18,855	5,162	4,120	80.0	5,560	264	5
Jenkins	10,264	2,998	2,502	84.0	2,899	694	24
Johnson	9,893	4,030	3,655	91.0	1,695	268	16
Jones	7,538	2,237	2,048	92.0	2,209	611	28
Lamar	10,242	4,059	2,801	69.0	2,227	899	40
Lanier	5,151	2,102	1,892	90.0	920	452	49
Laurens	33,123	12,587	13,218	100.0	7,285	3,507	48
Lee	6,674	1,179	1,281	100.0	2,544	29	1
Liberty	8,444	1,954	2,128	100.0	2,822	2,472	88
Lincoln	6,462	2,179	2,437	100.0	1,571	3	.2
Long	3,598	1,377	[3]	100.0	1,693		
Lowndes	35,211	13,519	11,860	88.0	8,354	2,704	32
Lumpkin	6,574	3,833	3,912	100.0	81	83	100
Macon	14,213	3,126	3,024	97.0	4,815	178	4
Madison	12,338	6,213	4,588	96.0	1,161	55	5
Marion	6,521	1,599	1,330	83.0	1,866	52	3
McDuffie	11,443	4,087	4,089	100.0	2,915	379	13
McIntosh	6,008	1,460	1,396	96.0	2,045	1,219	60
Meriwether	21,055	6,749	5,457	81.0	5,715	927	16
Miller	9,023	3,728	3,357	90.0	1,371	6	.43
Mitchell	22,528	6,793	7,298	100.0	5,951	375	6
Monroe	10,523	3,442	3,333	97.0	2,874	753	26
Montgomery	7,901	2,911	3,315	100.0	1,609	1,005	63
Morgan	11,899	3,555	2,615	94.0	3,263	738	23
Murray	10,676	6,027	4,962	82.0	93	35	38
Muscogee	118,028	58,554	22,859	39.0	20,009	3,729	19
Newton	20,185	8,720	9,058	100.0	3,868	1,905	49
Oconee	7,009	3,342	3,224	97.0	925	372	40
Oglethorpe	9,958	3,540	2,958	84.0	2,176	199	9
Paulding	11,752	6,500	7,851	100	600	435	73
Peach	11,705	3,048	2,539	83.0	4,235	679	16
Pickens	8,855	5,182	4,393	85.0	255	101	40
Pierce	11,112	4,831	3,388	70.0	1,289	381	30
Pike	8,459	2,958	2,520	85.0	1,912	496	26
Polk	30,976	10,158	9,852	97.0	2,787	1,154	41
Pulaski	8,808	2,808	2,853	100.0	2,360	235	10
Putnam	7,731	2,264	2,366	100.0	2,300	570	25
Quitman	3,015	643	721	100.0	994	43	4
Rabun	7,424	4,278	4,867	100.0	70	11	16
Randolph	13,804	3,233	2,585	80.0	4,950	493	10
Richmond	108,876	50,658	23,260	46.0	23,683	5,820	25
Rockdale	8,464	3,825	3,501	91.0	1,310	563	43
Schley	4,036	1,094	1,006	92.0	1,177	158	13
Screven	18,000	4,992	3,027	61.0	5,132	535	10
Seminole	7,904	2,927	3,172	100.0	1,631	29	2
Spalding	31,045	15,060	[3]		5,077		
Stephens	16,647	9,277	8,242	89.0	1,268	627	49
Stewart	9,194	1,734	1,555	90.0	3,438	107	3
Sumter	24,208	7,430	5,164	70.0	7,403	483	7
Talbot	7,687	1,519	1,448	95.0	2,750	219	8
Taliaferro	4,515	1,087	913	84.0	1,560	756	49
Tattnall	15,939	7,465	8,224	100.0	2,383	1,680	71
Taylor	9,113	3,058	3,103	100.0	2,229	347	16
Telfair	13,221	5,554	7,389	100.0	2,374	169	7
Terrell	14,314	3,233	2,810	87.0	5,036	48	19
Thomas	33,932	13,290	8,422	63.0	8,226	1,579	.95
Tift	22,645	10,039	6,681	67.0	3,592	1,113	31
Toombs	17,382	7,615	5,543	73.0	2,636	170	6
Towns	4,803	2,818	[3]		3		0
Trautlen	6,522	2,735	2,521	92.0	1,038	31	3
Troup	49,841	21,936	13,836	63.0	9,398	2,104	22
Turner	10,479	3,112	3,893	100.0	1,996	474	24

[1] Gordon not broken down. Huston cannot be broken down.
[2] Habersham was approximated.
[3] Towns, Long, and Spalding failed to send in their figures.

Georgia registration statistics—Continued

County	Total population, 1950	1950, whites over 18	Whites registered, 1958	Percent whites over 18 registered	1950, nonwhites over 18	1958, nonwhites registered	Percent nonwhites over 18 registered
Twinggs	8,308	2,027	2,517	100.0	2,583	348	14
Union	7,318	4,245	4,944	100.0	0	0	
Upson	25,078	11,698	5,437	47.0	3,827	466	12
Walker	38,198	22,463	23,324	100.0	1,401	1,127	80
Walton	20,230	9,024	6,873	76.0	3,199	805	25
Ware	30,289	13,940	11,418	82.0	4,495	2,318	52
Warren	8,799	2,152	2,006	93.0	2,823	195	7
Washington	21,012	8,934	6,696	79.0	6,389	1,704	27
Wayne	14,248	6,659	7,931	100.0	1,649	1,439	87
Webster	4,081	949	934	98.0	1,296	0	0
Wheeler	6,712	2,808	3,157	100.0	1,084	435	40
White	5,951	3,296	3,932	100.0	193	189	98
Whitfield	34,432	20,291	15,920	79.0	865	857	99
Wilcox	10,167	4,003	3,059	76.0	1,836	230	13
Wilkes	12,388	3,634	3,364	93.0	3,734	290	8
Wilkinson	9,781	3,260	3,041	93.0	2,619	411	16
Worth	19,357	5,975	5,855	98.0	4,802	296	6
Total	3,444,578	1,554,784	1,127,939	72.5	623,458	158,082	25.3

Mr. JAVITS. Mr. President, I should like to finish my remarks, and then I will yield to my colleague from Illinois.

Mr. President, all this shows a pattern, in a number of our States, of deprivation of the right to vote. This, occurring in this day and age, is intolerable and unacceptable, in my opinion, to the American people.

I believe the outcome of this debate must be, inevitably, a law which will eliminate that kind of situation from our body politic. I deeply hope the Senators from each of the States affected will read carefully what is to be printed in the RECORD, again with a view toward telling us how they account for what has happened and what they think ought to be done about it, from their own points of view.

I now yield to my colleague from Illinois.

Mr. DOUGLAS. Would it be appropriate to put in the RECORD at this point a quotation from page 52 of the report of the President's Commission on Civil Rights, as follows:

> The figures showing 16 counties where Negroes constituted a majority of the voting-age population in 1950 but where not a single Negro was registered at last report, and showing 49 other Negro-majority counties with a few but less than 5 percent of voting-age Negroes registered, indicate something more than the lower status and level of achievement of the rural southern Negro.

Mr. JAVITS. Mr. President, I wish to invite attention to the pertinent fact that in Alabama in 1950 the Negro voting age population of 516,245 comprised about 30 percent of the total voting age population.

According to the best information we can get, some 73,000 Negroes were registered to vote in 1958, or about 14 percent. Alabama has 67 counties. In 12 counties Negroes constituted a majority of the 1950 voting age population. In two of these counties no Negroes were registered to vote in 1958. In 7 of the other 10 counties, the number of Negroes registered to vote in 1958 was fewer than 5 percent of the county's 1950 voting age population.

At the time of the Alabama hearing before the Federal Civil Rights Commission, a total of 91 legally sufficient complaints had been received from 6 counties, all of which, except Montgomery County, contained majority Negro populations.

Mr. President, I have put that information into the RECORD to provide some color and climate to the nature of our debate and to indicate the urgency, in the fundamental interests of our people, of passage of a bill in regard to what we are discussing.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Will the Senator permit me to quote some figures from page 50 of the report of the President's Commission on Civil Rights. The Commission states that of the total 1950 voting age population of 1,208,063,497,354, or 41 percent of the voting population, were nonwhite. In 1954, the total of nonwhite registered voters in Mississippi was 22,000, and this represented in that year 3.89 percent of the total 1950 population of voting age nonwhites. So approximately 4 percent of the nonwhites of voting age were registered.

Mr. JAVITS. I thank my colleague for bringing that to my attention.

Mr. KEATING and Mr. HART addressed the Chair.

Mr. JAVITS. I yield first to my colleague from New York, and then I will yield to my colleague from Michigan.

Mr. KEATING. It may well be what I mention is included in the compilation which the Senator is making a part of the RECORD, but whether it is or not, I think two of these items deserve special emphasis.

The first is the voucher system, which is in use at least in Alabama in cases even where registrars are properly functioning.

Under this system a person cannot vote unless he is accompanied by an already registered voter. So this process feeds upon itself. A registered voter can vouch for only two applicants a year; and in at least one county, Macon County, the evidence shows that in recent years not a single white elector has vouched for a Negro applicant.

That is the site of Tuskegee Institute, one of the fine educational institutions of this country, where the proportion of Negroes of age 25 and over who have at least a high school education is the highest of any in the State, and where the percentage of Negro residents holding college degrees is the highest in any of the States.

Let me touch upon one other matter, having to do with the State of Tennessee. In Tennessee, it is true that the intimidation of Negroes in voting has taken place in only three counties, which is a comparatively creditable performance. But I believe the evidence showed that in Fayette County in 1958 there existed a condition which should cause all of us, no matter what our position is on this issue, to be pretty disturbed.

When 12 Negro war veterans endeavored to register they were so intimidated when they appeared to vote that only 1 of the 12 actually voted, and he expressed doubt that his ballot was counted, because he believed that he had handed it to someone instead of dropping it in the box. Two of them were frightened away when some deputy sheriffs approached them. One was told by his banker that something might happen to him if he tried to vote. Another, who was in the hauling business, lost all his customers, and the police threatened to arrest any of his drivers found on the highway in his trucks.

These were men who had fought for their country, men who had fought side by side with their white brothers. When they sought to exercise their franchise they were deprived of that privilege.

I believe that that really distressing situation lends emphasis to the need for some Federal legislation to insure that those who fight for their country and are ready to die for their country should have the right to vote for those who are to conduct the affairs of their country.

Mr. JAVITS. I thank my colleague for his very eloquent and affirmative contribution.

Mr. HART. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Michigan.

Mr. HART. First, let me express the belief that the statement made today by the senior Senator from New York is all to the good in the development of an understanding of the basic issues.

However, with respect to the point he now proposes, and is developing in preliminary fashion, namely, the best and most effective approach to the development of an instrument which will insure

the broadest possible participation at the ballot box by all our citizens, would it not be fairer to those of us who advocate civil rights legislation to insist at this point, at the very outset, that while we seek a device which is wholly constitutional and efficient, we seek a device aimed at mass disenfranchisement. What we are looking for is a device which will permit mass enfranchisement.

I ask these questions because early in the debate I sensed the development of the thought that if we could find a very refined, precise, and procedurally lengthy system, we would have found the ideal answer.

Is it not the belief of the senior Senator from New York that what we most need is the very simplest approach, which will permit mass enfranchisement, in the face of the figures which the senior Senator from New York and the Senator from Illinois introduced only a few minutes ago?

Mr. JAVITS. I think the Senator is absolutely correct, in that we need that element as one of our elements, but I am not satisfied that we need only that. Certainly we need a technique for mass enfranchisement, in view of the fact that mass enfranchisement has not been afforded by the States. But we also must take account of the fact that we have met mass resistance and mass disenfranchisement, which implies a determination to deny the right to vote somewhere along the line. Therefore we need a piece of machinery which will give us the degree of authority which will enable us to surmount the hard core of the problem.

I believe that the only wise solution, in which the remedy meets the difficulty, is the solution which has been proposed, of some capability for doing either, dependent upon the particular situation.

Mr. HART. I did not want the senior Senator from New York to take a final, ultimate position on the question of devices, but I wished to introduce very early the point that what we face is mass resistance and mass disenfranchisement, and that in evaluating the devices we should welcome one which would permit mass enfranchisement, and not reject it because it proposes mass enfranchisement.

Mr. JAVITS. I thank my colleague.

Mr. President, I was about to call attention to the activities of the Civil Rights Division of the Department of Justice, which were brought into issue last night by the distinguished Senator from Georgia [Mr. TALMADGE]. I shall address myself to that subject in a few minutes. I hope the attachés of the Senate will notify him, so that he may be present to hear what I have to say on the subject.

We have already discussed the matter of an official registrar, a device based upon widespread denials of voting opportunity. I should like to address myself to one other question which has arisen in this respect, and that is the destruction of voting records, which apparently needed the attention of the Civil Rights Commission, and also the Civil Rights Division of the Department of Justice.

As an example of what has occurred in that connection, although there is ample reference to it in the report of the Civil Rights Commission, I am informed of an Alabama law, 17 Alabama Code, 31, providing that voting registration records are not public records, and that registrars might dispose of records pertaining to unsuccessful applicants. We all know what that means. It means that it will be impossible ever to find the evidence of denial of a voting opportunity.

The administration's bill on this subject provides for the retention and preservation of voting records by Federal officials for 3 years, and makes it a crime willfully to destroy any such records. It would also give the Attorney General the right to inspect and copy such records upon written demand. This has been a very serious obstacle even to the administration of the Civil Rights Act of 1957.

Again I point to the general feeling, even among those most opposed to civil rights legislation, that the voting right should be assured. I can hardly see how the destruction of voting records can be condoned, or how anyone could condone denying to the Attorney General, or to a proper Government agency, the right to inspect them. So I believe that the case for this particular provision of the Dirksen substitute is absolutely unquestionable.

Mr. President, I shall wait until the close of my remarks to address myself to the questions raised by the two Senators from Georgia, and shall move on now to two of my final points on the whole question of legislation, one being the Commission on Equal Job Opportunity Under Government Contracts.

This was a part of the recommendations of the President of the United States to the Congress in his message of February 5, 1959. It is a part of the administration's package, and it should be enacted into law.

It seems elementary that where employment is afforded as a result of expenditure by the United States of money of the taxpayers, employment opportunities should be afforded equally, without regard to race, creed, or color.

Unless it be thought that this is a small matter, let us note that the United States executes about 3½ million prime contracts a year, expending about $15 billion in the process. I am informed that since August 1953, when the present Committee on Equal Job Opportunity Under Government Contracts—now headed by Vice President NIXON—was created, it has received about 1,000 complaints.

It has endeavored to do its best by adjusting complaints, largely through the process of conference and mediation.

The lack of a statutory base results in the committee having no real staff of investigators or attorneys, and must rely for its compliance work almost solely upon the contracting agencies, and having a status which can always be questioned by anyone who deals with it. There are no sanctions for noncompliance insofar as the committee is concerned, except the potential risk of a noncomplying contractor being barred from any Government business.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TALMADGE. I regret that I was not on the floor throughout the Senator's address this morning. The Senator stated that he would be prepared to submit this morning in his address the names of people who were legally qualified to vote, had attempted to assert that right in either State or Federal courts, or both, and had been denied their right to do so. Is the Senator prepared to submit any names this morning?

Mr. JAVITS. I am glad the Senator from Georgia is on the floor. I should like to read his question, and then I shall answer it. I refer now to page 2870 of the CONGRESSIONAL RECORD for February 18, 1960, in which the Senator from Georgia asked:

> At this time I should like to ask, if the Senator will permit me to do so, one more question of the Senator from New York: Does the Senator from New York know the name of any qualified individual, anywhere—North, South, East, or West—who claims the right to vote, and has instituted an action in the courts, either State or Federal, and has not been protected in the exercise of that right?

I should like to refer my colleague to the following matters:

In *Sellers* v. *Wilson* (123 F. Stat. 917), decided in Alabama in 1954, four Negroes sued the county board of registrars for a judgment declaring their alleged policy, custom, and usage in refusing to register them because of race or color was unlawful, and asking for a permanent injunction and money damages.

The finding of the court is as follows:

> The supreme law of this Republic is that no tests can be required of a Negro applicant as a prerequisite to registration as a voter that is not required of a white applicant; therefore, let no board of registrars try to devise any scheme or artifice to do otherwise.
>
> The plaintiffs have proven no money damages on account of the illegal and wrongful accounts of these defendants and therefore no award of money damages is made.
>
> By virtue of their resignations as members of the Board of Registrars of Bullock County, Ala., these defendants are now beyond the vale of an injunctive directive from this court in this matter; however, the court retains jurisdiction of the case and will grant the injunctive relief prayed for in plaintiff's petitions in the event either or all of these defendants again become members of this board.

Therefore, Mr. President, I state that, as shown by the case of Sellers against Wilson in these particular pleadings, four Negroes, fully qualified to vote, were frustrated in their right to vote because the court process could not reach an election board which resigned rather than give them the right to vote.

If the Senator wishes me to stop at each case, I will be glad to stop, or I will submit the other cases for the RECORD.

Mr. TALMADGE. The Senator points out, as I understand, in that particular observation, four cases. And the reason therefor is because no registrars are

available to be sued? Is that the Senator's statement?

Mr. JAVITS. That is correct.

Mr. TALMADGE. Does the Senator have any more than these four individuals, of the 180 million Americans, who come in the same category?

Mr. JAVITS. It seems to me, if I might answer, that I have already fully complied when I named one, because the Senator from Georgia said "Does the Senator from New York know the name of any qualified individual anywhere"—"any qualified individual anywhere," and my answer was that I knew that there were such cases, and that I would dig into them. Now I have produced four qualified individuals. I will go further; but that is enough.

Mr. TALMADGE. 4 out of 180 million.

Mr. JAVITS. It does not make any difference whether it is 4 out of 2½ billion. The Senator has asked for it, and I have produced it.

Mr. TALMADGE. I am very happy the Senator has produced the four. Would the Senator take the position, because there are four rapists or four murderers or four citizens anywhere in America who have violated the law, that we ought to send the U.S. Marines up there to see that the law is enforced?

Mr. JAVITS. The Senator from New York has just put into the RECORD facts and figures, of which the Senator from Georgia is fully aware, as is also the Senator from New York, of the widespread disenfranchisement in other areas of the South of Negroes by various devices, as found by the Civil Rights Commission to be recorded in many cases.

The Senator from New York was only addressing himself to this particular point, to this one question, which he tried to answer in all honesty, where the Senator from Georgia affirmed that I could not find the answer. I do not know whether the Senator really believed I could not find a case in which qualified voters were denied the right to vote. But I have produced such a case, for whatever it means. I think what it means is that it bears upon the fact, and I think it bears upon the fact with reasonable importance, though I believe the Federal Civil Rights Commission's findings are much more important, and cover much more ground; but I think it bears upon the fact that here is an example of how the right to vote was frustrated, though it is an individual case.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I will be happy to yield in just a minute.

True, it is an individual case. True, there are four people. But I was addressing myself to the particular challenge which the Senator from Georgia made. And I respectfully submit, citing even one case, though I have a few others, I have met the issue which was posed to me by the Senator from Georgia.

Mr. TALMADGE. Mr. President, will the Senator yield at this point?

Mr. JAVITS. I yield.

Mr. TALMADGE. Would the Senator also deal in his statement this morning with the alleged hundreds or thousands of Puerto Ricans in New York State who have been disenfranchised?

Mr. JAVITS. I am very happy to state to the Senator that the Senator from New York would be willing to restate what he had discussed with the Senator from Georgia on a previous occasion about Puerto Ricans in New York, and to point out that they are not disenfranchised, but that they are enfranchised equally with whites; and that the only complaint which we can make as the basis for legislation by the Congress is the fact that the laws of the States are not being equally applied. That is what the Federal Civil Rights Commission found. So that I, as a matter of fact, took the precaution, when I introduced the parts of the Federal Civil Rights Commission's report, to introduce the material about New York at the same time.

Mr. TALMADGE. Is it the position of the distinguished Senator from New York that New York State is competent to handle its qualifications statutes?

Mr. JAVITS. I believe New York is competent to handle its qualification statutes. But I believe that New York, like any other State, should be subject to Federal law and scrutiny by the Federal Government where it denies equal opportunity under its own laws to any of its citizens, whatever may be their color. I would accept it for New York, just as I would hope that every southern Senator would accept it for his State, where a violation of basic civil rights is so clearly shown.

Mr. TALMADGE. I agree with the distinguished Senator that New York State is thoroughly competent to handle its qualification of voters. But I would like to state that the other 49 States are equally competent to do so. Is it the Senator's premise that some States are denying this right and, because of that fact, the Federal Government ought to move in and take charge of their election machinery and control it?

Mr. JAVITS. It is my contention that the Federal Government has a right to see that the 15th amendment and the 14th amendment are living and expressive bodies of law, and also that in the elections of Federal officials, like Senators and Representatives, then give every individual who has the qualifications the right to vote. I think that is a duty of the Federal Government, and I do not believe that that constitutes taking over the elective machinery or putting the United States in the place of the States. I believe it refers only to that balance between the powers of the Federal and the State governments, powers which are inherent in the whole security of our Nation.

Mr. TALMADGE. Mr. President, will the Senator yield further at that point?

Mr. JAVITS. Certainly.

Mr. TALMADGE. Would the Senator under that premise think, then, that it was appropriate and proper, if there were a pattern of crime or violence in any particular area of our country, and law and order had broken down, for the Federal Government to move in and take charge of the situation?

Mr. JAVITS. Again the Senator refers to the degree of balance between the Federal and State Governments, and I should like to point out to the Senator that the Federal Government did send troops into Little Rock to suppress a situation of disorder and anarchy. But even the great heroes of the Southern States, like some of our former Presidents, were compelled to use Federal troops in situations of this character, in the South and elsewhere, when problems had gotten beyond the control of local officials.

Again, this is one of the prices which the State pays for the Federal Union. And this involves the balance of powers we all talk about. We accordingly accept it as part of our great democracy, and that is what I am talking about in regard to this voting legislation.

Mr. TALMADGE. Would the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. TALMADGE. Would the Senator think, under that premise, if a pattern of rape or violence or suicide or murder were existing in public schools anywhere in our country, to the extent that it required armed police to protect the teachers and to protect the pupils, that the President ought to send the U.S. Marines to preserve order in such a school?

Mr. JAVITS. The Senator knows very well, being a very competent lawyer, just what are the requirements for the invocation of the Federal power with respect to public disorder or anarchy in a particular community. I think I have made my views on that subject very clear. The Senator knows, as well as I do, that we cannot make the generic decisions such as he would like to have me make upon this subject, because it depends strictly upon the extent to which public order is broken down and whether it has reached the point where the constitutional authority of the United States would be properly applicable.

Mr. TALMADGE. What I am trying to say to the Senator is that I feel that no area of our great country is completely free of crime. We do not live in a utopia. No laws are enforced 100 percent.

But if we are to start casting stones at one great region of our country, when that region has proven itself capable of self-government, I say the Senator lives in a glasshouse, and he ought to be the last man on the floor of the Senate to cast stones of aspersion at any other region of the country about the lack of law enforcement in that area of the Nation.

Mr. JAVITS. The Senator from New York will state that he has no desire to cast either stones or aspersions, but only to look at the record. The record is very clear. And, for whatever it means, I have invited individual Senators from the States which are affected, and the facts about which are set forth in the Federal Civil Rights Commission's report, to tell us what they think ought to be done about the conditions. And I point out to my colleague from Georgia that the 15th amendment, which was adopted

by the United States as a very hallowed part of our Constitution, specifies voting, speaks of it in so many words. And it does seem to me that we, as a Congress, are here to see that the promises of our Constitution are redeemed. And I certainly made a promise to the people of the United States of the most solemn kind in respect to voting rights.

Mr. TALMADGE. Would the Senator permit me at this point again to ask for unanimous consent to insert in the RECORD 10 full pages of laws, in addition to the Civil Rights Act of 1957, which afford the Federal law guaranteeing the right for any citizen of America to vote under any conditions?

Mr. JAVITS. I have no objection whatever to the introduction by the Senator of that material.

Mr. TALMADGE. There are laws in abundance on that subject. If anyone has been illegally denied his right to vote, he has a remedy in the State court, and he has a remedy in the Federal Court. Those courts are adequate and afford penal remedies, such as fines, and civil remedies, as well.

If in any area of our country any citizen has been deprived of the right to vote, all the Attorney General needs to do is to invoke criminal penalties and move into the case, and action can be obtained immediately.

The Senator from New York is an able lawyer. I believe he knows that these 10 pages of laws, plus the Civil Rights Act of 1957 afford any citizen in this great country adequate remedies to protect his right to vote.

Mr. JAVITS. Obviously the remedies are inadequate, because hundreds of thousands of Americans are denied their right to vote. The Attorney General himself has asked for additional law. The President has asked for additional law. If once we take the position that all the statutes on the books are sufficient, what are we doing here? We are passing laws every day to deal with matters which appeal to us as requiring law, notwithstanding the fact that there is other law on the statute books.

Mr. President, I should like to include three cases relating to the idea that an individual who is qualified to vote only has to sue to get his right to vote. Another case is the *United States* v. *Raines* (172 F. Supp. 552), a case in which the Civil Rights Act of 1957 itself was declared unconstitutional. In that case, four school teachers in the Georgia school system, all graduates of Georgia colleges, and one having a master of arts degree from New York University, were declared unable to pass the literacy tests of the State of Georgia. That matter is before the Supreme Court of the United States.

The third case——

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. TALMADGE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the complete decision of the Federal district judge holding that particular phase of the Civil Rights Act of 1957 unconstitutional.

Mr. JAVITS. I have no objection to that.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF GEORGIA, AMERICUS DIVISION—UNITED STATES OF AMERICA, PLAINTIFF *v.* JAMES GRIGGS RAINES, DIXON OXFORD, ROSCOE RADFORD, REGISTRARS OF TERRELL COUNTY, GA.; F. LAWSON COOK, SR., AND MRS. F. LAWSON COOK, SR., DEPUTY REGISTRARS, DEFENDANTS—CIVIL ACTION No. 442

ORDER DISMISSING COMPLAINT

In accordance with the opinion filed in the above stated case on this date, it is hereby ordered and adjudged that the complaint in said cause be and the same is hereby, dismissed. Costs are taxed against the United States.

This the 16th day of April 1959.

T. HOYT DAVIS,
U.S. District Judge.

District Judge DAVIS. This is an action instituted by the Attorney General of the United States in the name of and on behalf of the United States under the provisions of the Civil Rights Act of 1957. The complaint is one seeking preventive relief against the alleged deprivation of voting rights of certain named persons on account of their race or color. The action is brought against James Griggs Raines, Dixon Oxford, Roscoe Radford, registrars of Terrell County, Ga., F. Lawson Cook, Sr., and Mrs. F. Lawson Cook, Sr., deputy registrars of Terrell County, Ga. It is alleged that these defendants have engaged in wrongful acts and practices, which will deprive otherwise qualified persons of the right to vote because of their race or color. No attack is made upon any State law, but rather, it is alleged that the wrongful deprivation of voting rights will result from the improper and wrongful administration of the Georgia registration laws by the named defendants. It is against this allegedly wrongful administration of the registration laws that this complaint seeks relief.

The complaint was filed on September 4, 1958. On September 23, 1958, a motion to dismiss said action was filed on behalf of all named defendants. This motion was set down for hearing in Americus, Ga., on January 26, 1959. Briefs were subsequently filed by counsel for all parties. Reply briefs and supplemental briefs were likewise filed. The court has given careful consideration so the pleadings, oral arguments and extensive and exhaustive briefs filed with the court.

The motion to dismiss is based primarily upon four main grounds. The first is the unconstitutionality of the section authorizing the Attorney General to file this action. This contention is grounded on two arguments. The defendants argue that the sections involved are not appropriate legislation within the meaning of Section 2 of the 15th amendment to the Constitution of the United States. Secondly, they urge that Congress had no authority to authorize the Attorney General to file a suit of this nature, since it is neither an action in law or equity. This deals in part with the authority of Congress to authorize the grant of an injunction without regard to exhaustion of other available remedies. The second main ground of the motion to dismiss is the failure of the complaint to state a cause of action under the Civil Rights Act of 1957, even if constitutional. The third ground asserts that the cause should be dismissed by the court in the exercise of its sound discretion. Because of the court's ultimate judgment in this matter and to facilitate clarity of presentation, these grounds will be considered in reverse order.

In the third ground of their motion, the defendants argue that the court should exercise its discretion and deny the relief sought, even though it be decided that the act under which it is brought is constitutional and the complaint states a cause of action under the statute. In support of this ground, it was pointed out that no emergency existed, such as that contemplated by Congress when this act was enacted. Though a general election was held in Georgia in November 1958, this complaint did not seek a temporary restraining order, or any other remedy which might have enabled the allegedly wronged parties to vote in that election. It seeks instead to secure an injunction at a time when the next scheduled election is over a year in the future. The defendants argue that the State can afford the desired remedy prior to any election and that no such emergency exists as would justify this court's intervention.

While some of the language of the congressional hearings does indicate that this remedy was primarily designed for emergency use, the wording of the statute imposed no such limitation. This court cannot so limit the applicability of the statute. Similarly, the failure of the complaint to seek such relief as might have protected the voting rights of the allegedly wronged parties prior to the November election does not impede the operation of the statute. It may raise some question as to the motive of the litigation, but the court without hearing any of the evidence would not be disposed to dismiss the proceedings in the exercise of its discretion. It is true that equitable relief may be denied in the exercise of the court's discretion, but it should be a discretion informed by evidence. The court is of the opinion that, based on the complaint alone, it is not in possession of sufficient facts to dismiss the complaint in the exercise of its sound discretion.

The Court next comes to a consideration of the question of whether or not this complaint states a cause of action under the provisions of 42 U.S.C. 1971. The complaint alleges that the defendants, as individuals, acting in the exercise of their State given authority as registrars and deputy registrars of Terrell County, Ga., engaged in certain acts and practices, designed and intended to deny otherwise qualified persons the right to vote because of their race and color. It is alleged that they delayed handling of Negro applications for registration, arbitrarily refused to register Negroes who demonstrated their qualification to vote, and for purposes of discrimination, applied more difficult and stringent registration standards to Negro applicants than to white applicants.

It is further alleged that registration is a a legal prerequisite to voting in Georgia, and that this discrimination in administration of registration procedures was on account of the race of the applicants.

There can be no question but that these allegations are sufficient to bring the allegedly wrongful conduct of the defendants within the coverage of 42 U.S.C. 1971. Whether that statute be construed as one limited to State action, as argued by the United States, or as extending to purely individual action, as contended by the defendants, the language of the complaint would state a cause of action. It alleges that these defendants have engaged in certain acts or practices which will deprive others of their right to vote, when otherwise qualified, without distinction as to race or color. The acts and practices alleged are those of the defendants while acting (even though wrongfully) in the exercise of State given authority. Thus, under any reading of the statute, the facts alleged make out a cause of action.

So it is, that this is not a case such as *Collins* v. *Hardyman* (341 U.S. 651) where the

court can avoid the question of constitutionality. Having determined that none of the other grounds of the motion to dismiss are valid, the court now passes to the final and most important point raised by that motion; to wit, the constitutionality of the act under which this action is brought.

The first prong of the constitutional attack on the statute questions the authority of Congress to authorize the Attorney General to bring an action in this court, which is neither an action in law or equity. It is urged that this is not a legal action, seeking as it does injunctive relief. On the other hand, it is argued that it is not an equitable action, since it violates one of the oldest rules of equity, the unavailability of the injunctive process where other legal remedies are available. The defendants thus contend that this is neither a suit in law or equity, and that Congress had no right to authorize it. This court cannot accept this contention.

While a court may question the wisdom of overruling an old and well-established maxim of equity, the court knows of no limitation on the powers of Congress to legislate in this field. The fact that Congress in subsection (d) of section 1971 provided that the courts shall exercise that jurisdiction "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law," does not change the nature of this action from one in equity. It merely provides that in such an equitable proceeding a certain well-established principle shall not be applicable. The court knows of no limitation on the rights of Congress to so legislate. It is well known that the Federal courts have often refused to act because the complainants had failed to exhaust their other remedies (*Peay* v. *Cox,* 190 F. 2d, 123, 125 (5th Cir.)). This rule, however, could hardly be applied where Congress has expressly directed the courts to exercise their jurisdiction without regard to such fact.

The defendants contend that such a limitation of the court's exercise of their jurisdiction is an invasion by the legislative branch of matters properly committed to the judicial branch and thus violative of the separation-of-powers doctrine. The court is far from convinced as to the soundness of this argument, but has not explored it extensively because it does not seem necessary, in view of the ultimate disposition of this motion.

This brings us, finally, to what appears to be the most substantial contention of the defendants; that is, that 42 U.S.C. 1971 is not appropriate legislation within the meaning of section 2 of the 15th amendment and exceeds the jurisdiction of the Congress.

It should be noted at the outset that this action is one brought by the Attorney General in the name of and on behalf of the United States. It is not an action by the allegedly wronged party under the provisions of 42 U.S.C. 1983, and differs materially from those cases. In that type of case, the "self-executing ban" of the 15th amendment proscribes certain conduct and section 1983 provides a remedy therefor, without resort to 42 U.S.C. 1971. It was the availability of this "self-executing ban" which has heretofore allowed the Supreme Court to apparently bypass a clear ruling on the constitutionality of section 1971–(a) *Terry* v. *Adams,* 345 U.S. 461, 481).

In the instant case, however, the Attorney General has no standing for the bringing of this action, except the recently enacted provisions of section 1971. Any right that he has to seek preventive relief, where citizens allegedly have been or about to be denied their right to vote on account of race, is based on section 1971 (c). Prior to its enactment, such an action could not have been entertained. Thus, it is that the question of the constitutionality of that section cannot be sidestepped or bypassed. Due to the wording of subsection (c) of the statute and the way in which it is tied to subsection (a), the latter must also be given its first really critical examination.

As originally enacted and as it remained on the statute books of this country from 1870 until 1957, the present subsection (a) (formerly section 1971 in its entirety) was merely a general statement of principle or of rights, without providing any sanction or remedy for its violation (*U.S.* v. *Reese,* 92 U.S. 214; *U.S.* v. *Cruikshank,* 92 U.S. 542). For this reason, no action could ever be based upon this section alone. Many actions were filed under sections 1983 and 1971, relying also on the 15th amendment. It will be noted that in any suit filed under section 1883 there could be no question such as is here presented, since section 1983 is applicable only to persons acting "under color of any statute, ordinance or regulation, custom or usage, of any State or territory." By its unmistakably clear language, section 1983 did not authorize any action for purely private acts, even though such practice resulted in a person being deprived of the right to vote on account of his race.

This brings into focus the question which is now presented for determination by this court. Under section 1971, as passed in 1957, is the Attorney General permitted to institute proceedings for preventive relief, where the alleged wrongful deprivation is that of a private citizen, not a State officer, not acting under color of any State law, custom, or usage?

In considering this question, we must close our mind to the allegations of the complaint in the instant case. The question is not what the Attorney General has done here, but what Congress has authorized him to do. As was clearly demonstrated in the case of *United States* v. *Reese et al.* (92 U.S. 214), where a statute is enacted in general terms sufficiently broad to apply to wrongful acts, outside as well as within the constitutional jurisdiction of Congress, such a statute cannot be limited by judicial construction so as to make it operate only on that which Congress might rightfully prohibit. "To limit this statute in the manner now asked would be to make a new law, not to enforce an old one" (ibid). It is well to note that the Supreme Court was there considering one section of the act of 1870, of which section 1971(a) was a part.

Thus, it is not for this court to decide whether this particular fish is properly within the net, but whether the net is so large as to catch many fish not properly within it.

It is clear beyond question, that the 15th amendment to the Constitution relates "solely to action by the United States or by any State and does not contemplate wrongful individual acts." *James* v. *Bowman,* 190 U.S. 127. The statute which is here under consideration, as did the one in the above cited case, "on its face * * * purports to be an exercise of the power granted to Congress by the 15th amendment." The Government of the United States is one of delegated, limited, and enumerated powers. Therefore, every valid act of Congress must find in the Constitution some warrant for its passage" (*US.* v. *Harris,* 106 U.S. 629). The power of Congress to legislate at all upon the subject of voting at State elections rests upon the 15th amendment. Prior to its enactment there was no constitutional guaranty against discrimination on account of race, color, or previous condition of servitude (*U.S.* v. *Reese,* et al, 92 U.S. 214).

Thus, it will be seen that, if section 1971 (c) is constitutional, it is because of the power given Congress by the 15th amendment. As stated, that amendment relates solely to action by the United States or by any State and does not contemplate wrongful individual acts. The Court is mindful, of course, of the cases holding that a State acts through its lawfully constituted officials and that action by one exercising his State-given authority (even though wrongly exercising it) constitutes State action. Thus, for present purposes, it will be assumed that the 15th amendment authorizes Congress, by appropriate legislation, to prohibit and punish deprivation of voting privileges on account of race or color by any State or by the officers of any State while in the exercise of State-given authority. It does not, however, authorize Congress to prohibit or punish purely individual and private action depriving another of his right to vote on account of his race or color.

This brings us to the meat of the controversy here: What does section 1971(c) seek to do? Is it limited to State action, as previously defined, or is it sufficiently broad to encompass wrongful action by individuals?

In determining the scope of section 1971 (c), the court must first consider the language of that section. Is there any limitation within the section itself? The section, as enacted in 1957, reads, as follows:

"Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person" (42 U.S.C. 1971(c)).

It will be noted at the outset that the section itself includes no limitation as to the persons subject to suit under it. It includes any person engaging in or about to engage in a certain type of conduct. By its own terms the section is applicable to any person engaging in the type of action described herein. Thus, it follows that the only limitation, if any there be, must come from the act or practice described therein. In other words, any person capable of engaging in the type of act or practice described would be subject to suit by the Attorney General. If any person other than one clothed with State authority can engage in such act or practice, then the section is broad enough to allow suit against him and is not limited to State action. It will be particularly noted that the section makes no reference to color of law, a phrase with which the Congress is very familiar, having used it in other sections of this, as well as other civil rights acts. More will be said about this later.

Now, what is the proscribed act or practice which brings this section into play? It is not any act or practice which would deprive another of his rights under the 15th amendment. If that were the language, there could be no doubt about its limitation to State action, since a private citizen acting individually cannot deprive another of his rights under the 15th amendment. As argued in *James* v. *Bowman* (190 U.S. 127, 135), a statute in such general language aimed only at such acts as deprived another of whatever rights he had under the 15th amendment could not be unconstitutional. It would just be up to the courts then to determine in each case whether or not the statute applied to the conduct alleged in the complaint. The statute itself would proscribe only that which violated the amendment. Any set of facts falling short of a violation of the amendment would not state a cause of action under the statute.

Here, however, Congress did not so limit the statute. The action proscribed therein is "any act or practice which would deprive any other person of any right or privilege

secured by subsection (a) or (b) of this section." Again we come to the question: Can any person other than one clothed with the authority of the State engage in such an act or practice? To properly determine that, we must first determine what rights and privileges are secured by subsection (a) of section 1971. (All parties concede that subsection (b) is not here involved.)

Subsection (a) of 42 U.S.C. 1971 was originally passed in 1870, as a part of what was known as the Enforcement Act, consisting of 23 sections. It was enacted soon after the adoption of the 14th and 15th amendments. It was in some respects a sort of preamble to the Enforcement Act, in that it merely stated a right or privilege, while the sections that followed it sought to establish remedies for specific violations of civil rights. The section, as originally enacted, was reenacted in 1957 as subsection (a) of section 1971. Theretofore it had been the entire section.

The subsection reads as follows:

"All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding" (42 U.S.C. 1971 (a)).

Now, what is the right or privilege secured by this subsection? In this court's opinion, it is the right and privilege of all persons otherwise qualified to vote to be entitled and allowed to vote, without distinction of race or color and to effectuate this right, all State constitutional provisions, laws, customs, usages, and regulations to the contrary are expressly set aside.

But, this right to be entitled and allowed to vote, as stated, is not simply the right to be free of State interference but is the right to be free of interference from any source on account of one's race or color. It may be that the word "entitled," as used, carries with it some idea of State action only, since entitlement to vote can come from the State alone and can be denied only by the State, acting through its officials. Entitlement is a legal status, which can neither be conferred nor denied by a private citizen. But the phrase "allowed to vote" carries with it no such idea of State action or legal status. It denotes the physical action of voting and it may be interfered with or denied to another by any person—State official or private citizen. A person who is kidnaped at the polls and spirited away has been denied his right to be allowed to vote. One who is prevented from voting through threats or intimidation has been denied his right to be allowed to vote, just as completely as if the poll manager had refused to accept his ballot. It thus appears to this court that the right secured by this subsection is such a right of which a person can be deprived, by the act or practice of any other person—State official or private citizen.

This view is strengthened by a look at the other provisions of the Enforcement Act of 1870, of which this subsection, verbatim, was the first section. As previously stated, it was a sort of preamble to that act, in that it stated general principles while the following sections contained the "teeth."

The court feels that it is, therefore, proper to consider the fact that in section 5 of the Enforcement Act of 1870, Congress made it a crime for any individual to hinder, control, or intimidate others by bribery or threats from exercising their right of suffrage guaranteed by the 15th amendment. While this section was declared unconstitutional in the case of *James* v. *Bowman* (190 U.S. 127), on the same grounds here urged, and is no longer on the books, it does have some bearing, in that it reflects the thinking of the Congress which originally enacted this legislation. In this court's opinion, the imposition of a criminal sanction, for purely private and individual action, indicates that the previous general statement of principle and rights was sufficiently broad to include the right to be free from private as well as State interference.

It is of interest to note that sections 3, 4, and 5 of the act of 1870 have since been declared unconstitutional as in excess of the jurisdiction conferred upon Congress by the 15th amendment. This, to say the least, waters down considerably any presumption that Congress on this occasion was acting within the scope of its legislative authority. Any such presumption is further weakened by the principle that the Government of the United States, being a Government of limited and enumerated powers, every valid act of Congress must find in the Constitution some warrant for its passage (*U.S.* v. *Harris*, 106 U.S. 629, 636).

In carefully scrutinizing this passage, in order to determine whether the right therein declared is limited to the right to be free from State discrimination, the court is impressed with the reasoning of the dissenting opinion of Justices Burton, Black, and Douglas, in the case of *Collins* v. *Hardyman* (341 U.S. 651, 663, 664), wherein it was stated: "The language of the statute refutes the suggestion that action under color of State law is a necessary ingredient of the cause of action which it recognizes. R.S. section 1980(3) speaks of 'two or more persons in any State or territory' conspiring. That clause is not limited to State officials. Still more obviously, where the section speaks of persons going 'in disguise on the highway * * * for the purpose of depriving * * * any person or class of persons of the equal protection of the laws,' it certainly does not limit its reference to actions of that kind by State officials. When Congress, at this period, did intend to limit comparable civil rights legislation to action under color of State law, it said so in unmistakable terms."

It is the opinion of this court that this statement applies with equal force to subsections (a) and (c). In 1870, when (a) was first enacted, and in 1957 when (c) was enacted, Congress in other and similar legislation demonstrated its ability to limit such legislation to State officials by the use of clear and unequivocable language. The terms "under color of law" was employed in subsection (b) of the act of 1957. Other sections of the act of 1870 employed the phrase "whenever, by or under the authority of * * * of any State."

It is interesting to note, in this connection, that the complaint of the United States in this case defines the rights and privileges secured by subsection (a) of the statute in paragraph 1, in the following language: "The right and privilege of citizens of the United States who are otherwise qualified by law to vote at any election by the people in the State of Georgia to be entitled and allowed to vote at all such elections without distinction of race or color."

This statement of the right secured completely omits any reference to State constitutions, laws, usage, custom, or regulations. The right is similarly defined in the majority report of the House committee which recommended passage of the act (House Rept. No. 291, United States Code Cong. and Admin. News, 85th Cong., 1st sess., 1957, p. 1977).

The language of the subsection following the semicolon; to wit: "Any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding," was not intended to qualify and limit all that had gone before it in the section. To so hold would mean that even direct and positive State action of discrimination in voting rights on account of color could not be reached under this statute, unless the State action was based on some constitutional provision, law, custom, usage, or regulation. Clearly, this was not intended when the section was reenacted by Congress in 1957. This point is supported by the testimony of Attorney General Brownell during the House hearings on the Civil Rights Act of 1957, wherein he stated:

"For example, if you have a registrar of voters who arbitrarily strikes off several thousand names of Negro voters shortly before the deadline for qualification of voters and gives no hearing to them or an inadequate hearing, then I would think that would be a case that would alert the Attorney General under this bill to the need for some injunctive action, which would give those people their day in court and allow them, like any other citizen, the right of franchise" (hearings of subcommittee of House on the Civil Rights Act of 1957, Serial No. 1, p. 601).

Clearly, it could not be argued that such conduct by one registrar in contravention of State law was based on any constitutional provision, statute, usage, custom, or regulation. An isolated example could hardly be termed a State custom or usage. Congress did not intend to so limit the application of this section. If it was not an absolute limitation as written, it could hardly be reworded by the courts to limit the section to a deprivation of voting rights by State officials only.

It may be argued, and has been, that the reliance on this section over the years proves its constitutionality. In viewing this contention, it must be remembered that this section was in no wise remedial. It was relied upon only in cases brought under remedial statutes, which included the term "under color of statute, ordinance, regulation, custom, or usage, of any State or territory," and other similar language. When the two sections were construed together * * * individual action. Thus, there was no reason for any attack on subsection (a). Now, however, Congress seeks to tie together two sections, neither of which is limited to State action or action by State authority. This it cannot do. When linked with a remedial statute properly limited, subsection (a) is harmless. But, when linked, as here, with a remedial section which uses the phrase "any person," it renders the remedial section beyond the jurisdiction of Congress and unconstitutional.

Subsection (c) creates a remedy against purely private, as distinguished from State, deprivation of voting rights on account of race or color. The fact that the instant case is a suit against State officials cannot alter the scope of the statute. This illustrates the danger of this type of legislation, which danger was recognized as early as the case of *United States* v. *Reese, et al.* (92 U.S. 214). There the Court held: "We are, therefore, directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which is in general language broad enough to cover wrongful acts, without as well as within the constitutional jurisdiction, can be limited by judicial construction, so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose, we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there."

It is true that there the court was dealing with a penal statute. Here we are dealing with a statute authorizing an injunction,

violation of which may carry its own penalty. The same principle would seem applicable.[1] When a person is enjoined from violating a statute, he is entitled to know what that statute proscribes, without awaiting the finality of an authoritative court opinion.

As stated in the Reese case, supra: "It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large."

That this is exactly what this section seeks to do is demonstrated by the testimony of Attorney General Brownell in the Senate hearings before the Subcommittee on Constitutional Rights while considering the Civil Rights Act of 1957. On page 25 of those hearings, Mr. Brownell testified: "These sections 4 and 5" (subsections (c) and (d) of the law as enacted) "are added here as machinery to enforce whatever the constitutional authority of the Federal Government may be in this area, and does not add to the substantive provisions of the statute."

Again, at page 51, he testified: "Our guiding principle will be that only those statutes, parts of statutes that are constitutional, would be enforced by us, and we would not act in anyway contrary to a Supreme Court opinion which holds that a statute or any part thereof that is unconstitutional." This indicates that the statute as written is sufficiently broad to include unconstitutional matter, but that the Attorney General expressed his intention of administering it in such a way as to seek no unconstitutional relief. While this is a noteworthy sentiment, the tenure of the Attorney General being what it is, the courts can hardly rely on his intentions as to the administration of an act which in itself would support the grant of unconstitutional relief, if requested.

The court has explored this question with particularity, because it is not unmindful in the least of the seriousness of the problem. This court has never and shall never condone wrongful deprivation of the constitutional rights of any person by a State official or a private citizen. On the other hand, this court is also sensitive to the dual sovereignty system of government under which we operate and is sincerely devoted to its preservation.

It is this court's considered opinion that this statute would allow the Attorney General to seek an injunction against a private citizen for an individual act, divorced completely from State action. It is the province of the several States to protect the rights of one citizen against the wrongful practices of another person (*James* v. *Bowman*, 190 U.S. 127). Congress should not be allowed to extend the authority of the Federal Government into this field. This it has tried to do. The court is of the opinion that, if Congress intended only to authorize the Attorney General to enjoin or seek preventive relief against wrongful State action, it could easily have been accomplished, without resort to such confused legislation. Similar, if Congress wishes to leave the courts some latitude in determining what may and what may not be enjoined, this may be accomplished by tying the remedy directly to the 15th amendment, rather than to another section, the constitutionality of which is far from clear.

For the reasons set forth above, the court concludes that section 1971(c) of title 42 is beyond the jurisdiction of Congress and unconstitutional. It is not appropriate legislation within the meaning of section 2 of the 15th amendment to the Constitution of the United States. There existing no other basis for an action by the Attorney General in the name of the United States seeking the remedy here sought, the motion to dismiss should be, and the same is hereby, granted.

Mr. JAVITS. Mr. President, the next case is that of *Gomillion* v. *Lightfoot* (270 F. 2d 594).

This is a famous case in Alabama, decided in 1958. It is the result of the gerrymandering, as the curbstone saying goes, by the Alabama Legislature of the boundaries of the city of Tuskegee, the city, as my colleague from New York [Mr. KEATING] has just brought out, in which the famous Tuskegee Institute is located. This decision effectively disfranchises all but 10 of the 400 Negroes living in the city.

The reason for their disfranchisement was that they could not vote in Tuskegee in the city election because of the gerrymandering. Although they were perfectly qualified to vote, they could not vote. They were effectively barred from voting.

The minority opinion in that case, which is also before the Supreme Court, was rendered by Judge Brown, who said:

> The effect of the act is clear. The district court so found. As the boundaries are redefined by said act No. 140, the municipality of Tuskegee resembles a sea dragon. The effect of the act is to remove from the municipality of Tuskegee all but four or five of the qualified voters and none of the qualified white voters (167 F. Supp. 407) (p. 608).
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> For there can be no relief at the polls for those who cannot register and vote. Significantly the complaint in this case further alleged: "Macon County had no board of registrars to qualify applicants for voter registration for more than 18 months, from January 16, 1956, to June 3, 1957. Plaintiffs allege that the reason for no Macon County board of registrars is that almost all of the white persons possessing the qualification to vote in said county are already registered, whereas thousands of Negroes, who possess the qualifications, are not registered and cannot vote." It was this fact, incidentally, which gave rise to the necessity of the dismissal of a cause of action against the board of registrars of Macon County for discriminatory practices in registration (*United States* v. *State of Alabama* (5 Cir., 1959, 267 F. 2d 808)). In Macon County, of which Tuskegee is a geographical part, neither the Constitution nor Congress nor the courts are thus far able to assure Negro voters of this basic right (p. 611).
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> This case differs from all cases involving successful complaints of discrimination under the 14th and 15th amendments in that there is no effective remedy. An injunction will enable a citizen to vote—if he lives in a voting district where an election is held. It is an empty right when he does not live in a voting district. The best that this court could do for the plaintiffs would be to declare Act 140 of 1957 invalid. There is nothing to prevent the legislature of Alabama from adopting a new law redefining Tuskegee town limits, perhaps with small changes, or perhaps a series of laws, each of which might also be held unconstitutional, each decision of the court and each act of the legislature progressively increasing the strain on Federal-State relations (p. 615).
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> In short, the situation is unmanageable. If we intervene we shall only intensify the very dispute we are asked to settle. And Federal courts have no mission—from the constitution or from that brooding omnipresence of higher law so often as influence on constitutional decisions—to find a judicial solution for every political problem presented in a complaint that makes a strong appeal to the sympathies of the court. To repeat the words of Chief Justice John Marshall: "If courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. * * * [But] such an interposition by the court * * * savors too much of the exercise of political power to be within the proper province of the judicial department" (p. 616).

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. How would the Senator's proposal provide relief in this particular case?

Mr. JAVITS. I know the Senator has asked that question thoughtfully and not lightly. I should like to answer it in that way.

In a case which was actually pending, for example, the Tuskegee case, a voting referee could be appointed, who would then register the particular individuals, who would then be entitled to vote, because elections were being held.

Hence, they would be entitled to proceed. Election officials who denied that right would be subject to the jurisdiction of the court for contempt, and the question could be tested.

There might be some other reason for denying the right to vote, or, as an alternative, the case involved Federal voting, a registrar appointed by the President for that particular area could register the people with the same effect.

If the Macon County registrars had been in this case—which they are not—they could vote. If the voting officials denied them their right to vote, and if they had reason for it, that reason could be tested in court by a suit for declaratory judgment, or the matter could wait until the registrar had been accused of a violation of the act after it became law.

In any case, machinery would be provided by which an individual could not be frustrated—which is what happened in this instance—in his right to vote merely by the fact that there was nobody to talk to or nobody to deal with.

Mr. GORE. Would the Senator believe it necessary to differentiate between Federal elections and local elections?

Mr. JAVITS. The Federal registration proposal is confined to Federal elections. The voting referee proposal, which would come under the cognizance of a court, which then would make an adjudication under the amendments to the Federal Constitution, applies to State elections, as well. Of course the Senator will recall that the 14th and 15th amendments to the Constitution

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[1] During the subcommittee hearings on the Civil Rights Act of 1957, Senator ERVIN made the following remark: "If Congress has no power to provide any criminal penalties for those acts under the Constitution because it has no right to legislate in that particular area, it certainly would have no right to enact a civil law."

To which Mr. Brownell replied: "That is correct, and we are not asking for it." The difference between the type of remedy provided would not seem to alter the right of Congress to legislate with reference to it (hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, Feb. 14, 1957, p. 25).

assure equal protection under State law. So, Mr. President, on the basis of a proper jurisdictional finding, there is authority for qualifying a voter, through a Federal official, to vote in a State election, as well as in a Federal election.

I shall not argue the mechanics of the matter, because I am sure the Senator from Tennessee and all other Senators will have their own views on that point. But certainly the Congress could pass a constitutional law giving that right. Congress may not choose to do so; Congress may choose to confine the provisions of such law to Federal elections only—in which case Congress might have to deal separately with Jim Crow tactics in connection with ballots in State elections. But certainly equality under State law is guaranteed by those amendments to the Constitution.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. In view of the fact that the 15th amendment has been referred to—that amendment frequently has been ignored and, it seems, at times has not been recognized—will the Senator from New York permit me to read into the RECORD the text of that amendment?

Mr. JAVITS. Certainly; and I ask unanimous consent for that purpose, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. The 15th amendment to the Constitution reads as follows:

AMENDMENT XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

As I read that amendment, if any State, in either a State election or a Federal election, denies or abridges the right of a citizen to vote because of race, color, or previous condition of servitude, Congress can deal with that subject directly, by legislation. Is that not correct?

Mr. JAVITS. That is correct.

Mr. DOUGLAS. So the 15th amendment gives Congress ample legislative authority to guarantee the right to vote in State elections, as well as in Federal elections, does it not?

Mr. JAVITS. Yes; it does.

Mr. DOUGLAS. And the matter is simply one for the exercise of discretion on our part as to whether we shall extend protection to both of those types of elections or to only one of them.

Mr. JAVITS. That is entirely correct.

Mr. KEATING. Mr. President, in that connection will my colleague yield to me?

Mr. JAVITS. I yield.

Mr. KEATING. Let me say to the Senator from Illinois that the amendment, which I have prepared, is based on the ground he has stated. My Federal voting amendment would apply to both State and Federal elections, because based upon the 15th amendment there is no doubt in my mind about the constitutionality of such a provision.

Now let me ask my colleague whether he has completed his citation of cases, in answer to the distinguished Senator from Georgia?

Mr. JAVITS. Not yet; I have a few more.

Mr. KEATING. There is one which I should like to add, if I may do so.

Mr. JAVITS. I shall be very glad to have my colleague do so.

Mr. KEATING. I do not know whether this one is included in my colleague's list; but it strikes me as a very interesting one. Like one of those the Senator mentioned, this matter is involved in a case now pending before the Supreme Court. Obviously, the Court will have to decide the case; but the facts are set forth as follows:

The matter arose in Louisiana, in connection with the registration card of a Mrs. Ethel A. Smith, a Negro woman. Her ballot was challenged by two of the individual defendants, on the ground of miscomputation of her age. It was claimed that her age was incorrectly figured by 1 day; but, actually, it was incorrect only if the date on which the registration card was executed was counted; otherwise, it was correct.

Right next to it, and in the same ward, was the registration card of a Mrs. William A. Lewis, a white woman. Her registration was not challenged, although she computed her age on exactly the same basis; and, on exactly the same basis, her computation of her exact age was 1 day off. In addition, on the card of Mrs. Lewis, in spelling "'Louisiana," she spelled it "Louisiania."

And in the same litigation is shown the registration card of a James D. Cyrus, a Negro, whose registration card was challenged by two of the individual defendants, because of misspelling of the county of his birth. The challenged form is also shown. On his registration card, the name "'Pearl River" was spelled "Peral River"; and the one who was challenging him for that misspelling stated, as the reason for his challenge, the "mispelling" on his application. In other words, the challenger misspelled the word "misspelling."

Also in connection with this matter there was shown the registration card of a Herman K. Manning, Jr., in exactly the same ward. His registration was not challenged; but on his card appeared a misspelling of his own name; in spelling it, he ran his first name and his last name together, and spelling them "Hermanning"; and he also designated his sex as "female." But he was allowed to vote.

And in the same parish of Washington, in the State of Louisiana, the deputy registrar of voters—one Curtis M. Thomas—who signed the registration of disqualification because the age was not computed correctly, disqualified another individual in the same parish for an error in spelling—spelled by Mr. Thomas "spilling."

I think those facts indicate—and I say this without prejudice to the pending litigation—that the same consideration was not given in the registration of the white voters and in the registration of the Negro voters.

Mr. JAVITS. I thank my colleague; and if he will allow me to finish my presentation of the list of cases, I shall then be glad to yield to him. I am very grateful to my colleague for referring to those cases in so specific and marked a fashion.

The other class of cases to which I should like to refer is composed of cases in which Negroes won on appeal, but the courts found that class actions could not be brought; the courts held that the benefit of the victory in the case was applicable only to the party suing. So the mass problem can immediately be perceived: There would have to be tens or hundreds of thousands of suits, unless there were a more generic case—which is what we are trying to provide for, with relation to persons who had been barred from registration. The cases in that class included Raddix versus Lucky, 148 Federal Supplement 108, from Louisiana, in 1957; and Mitchell versus Wright, 62 Federal Supplement 580, from Alabama, in 1945. Those are fair samples. Those cases went up on appeal. The appeal citations are as follows:

(a) *Raddix* v. *Lucky* (148 F. Supp. 108 (La. 1957)): District court denied all relief and failed to grant summary judgment immediately only because there were open questions whether State law had been violated. Appeal, 252 F. 2d 930 (1958).

Negro plaintiff, won, but class action denied—court must decide each case on individual merits.

(b) *Mitchell* v. *Wright* (62 F. Supp. 580 (Ala.) 1945)): A Macon County case. District court found against plaintiff on the merits; also indicated that whether a person is to be registered is an individual decision and cannot be determined by class actions. Appeal, 154 F. 2d 954 (1946).

Individual plaintiff won an appeal but ruling of court as to class actions affirmed.

Finally, Mr. President, I should like to cite the case of United States against Alabama, 177 Federal Supplement 728, also involving Macon County. These cases were completely frustrated by the fact that the local registrars resigned, and the court held that although the Civil Rights Act of 1957 was constitutional, those actions would not lie, in its opinion, under that act, against the State; and that in view of the fact that the registrars had resigned, the only party defendant left was the State. Therefore, the actions failed. Again, there was no question of qualifications; there was simply frustrating complete frustration of the opportunity to vote.

That case is pending before the Supreme Court, and, indeed, I believe it was argued by the Attorney General.

I yield to my colleague from Tennessee.

Mr. GORE. I would like to return to the question about which I interrogated the Senator earlier. Like the senior Senator from Illinois, I am impressed

with the 15th amendment. I raised this question earlier with the distinguished senior Senator from North Carolina [Mr. ERVIN], who cited certain authorities holding that this distinction, to which I referred, between Federal elections and local, municipal, county, and State elections, had been clearly drawn. Due to limitations of time, I have not yet researched this question, but knowing that the distinguished senior Senator from New York has done so, I wondered if he would be willing to give to the Senate the benefit of his views with respect to this particular question, which, as I have said, was raised in colloquy between the junior Senator from Tennessee and the senior Senator from North Carolina.

Mr. JAVITS. I thank the Senator, and I shall be glad to give him my views; and I would reserve the right to expand upon those views, as occasion requires, because I am doing it pretty much without having again consulted the individual books and cases. But the authority in Federal elections rests, essentially, upon the time, place, and manner provisions of article I, section 4 of the Constitution, giving the Congress a far more direct route to acting in those cases. Congress could pass a law, without provocation, practically taking away from the States the time, place, and manner of the holding of these elections for Federal officials; that is, the House and the Senate.

When we move into the State area, which is the equal opportunity to vote under the amendments of the Constitution, which relates to the 14th and 15th amendments, there is a need for some preliminary findings of a wrong which is being done before the Congress has a right to implement those particular amendments. Therefore, there is a situation in which the Congress could—it never has and I believe it never will—move to take over the Federal election under the time, place, and manner provision of the Constitution, and is another situation in which there must be a wrong before Congress can act—an amendment is being violated; therefore, we must do something about it.

What my colleagues are saying, really—and my colleague from New York is on his feet, and I know will speak for himself—is that in this case we have a conjuncture of the two. Congress not only could, but should, take over the time, place, and manner of elections in the face of this admitted set of wrongs; and the wrongs having been proved or being easily susceptible of proof, Congress may also invoke the application to State elections which arises from the amendments.

Therefore, though there is a difference in the cases and there is a difference in the constitutional authorities, there is shown such a body of wrong as there is here. So for practical purposes, we can make our remedy applicable to both. That is the answer.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. This question of constitutionality of the Federal registrar proposal as dealing with State elections was raised in the course of our hearings before the Rules and Administrative Committee. I feel strongly that it is constitutional to apply it to State elections. It is a question of whether we want to do it. I consulted Prof. Arthur E. Sutherland, professor of constitutional law at Harvard Law School, and he fully supports my view in this respect. Later in the debate I shall put some of his statement into the RECORD.

My view is that it is constitutional and completely in order for us to apply a Federal registrar proposal to both State and Federal elections, under the 15th amendment of the Constitution.

If my colleague will allow me to intrude once more, because it is necessary for me to be off the floor for a few moments, I want, before leaving, to express my commendation to him for the very learned and scholarly presentation and the great contribution which he has made to this debate and to our thinking on these important subjects. I commend him for the orderly method which he has suggested as the way to deal with the problems before us. If we can keep our minds and hearts focused on some such orderly procedure we shall be able to allow everyone to be heard in full and still to terminate our determination of the important issues involved here, one way or the other, within a reasonable length of time.

Mr. JAVITS. I am very grateful to my colleague.

Mr. President, if my colleague will remain just one moment more, I wish to say I earnestly emphasize that there is great sobriety on this subject; that we are not being blinded by zeal or passion or anything else. We are very sober about this. We really feel that there are serious wrongs that need to be corrected, and we ought to proceed in an orderly, honorable, loyal-like way to correct them.

I thank my colleague from New York for his contribution.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. The question I should like to ask the Senator seems appropriate at this time, although I dislike to interrupt him before he has completed his enumeration of examples.

First, I should like to say I have waited to question the distinguished Senator from New York because, through the years in which I have served with him both in the House of Representatives and in the Senate, I have come to have a profound respect for his objectivity, his legal knowledge, his constitutional knowledge, and his direct fundamental honesty in approaching these matters.

The distinguished Senator from New York has just been speaking about the matter of sobriety, the necessity of proceeding without passion or prejudice in righting certain wrongs. As one who has struggled with this problem in his own mind, forgetting for the moment the constitutional right of the Congress to deal with purely State and local elections, or voting lists used in such elections, forgetting for the moment the moral urge many sincere persons may have as a result of the decisions of the Supreme Court regarding social equality of the races, it has seemed to the Senator from New Hampshire that the logical, effective way of proceeding in this civil rights field is, first, to try to accomplish what for over 90 years the Congress of the United States has failed to accomplish, namely, the bare enforcement of the 15th amendment, the guarantee of the right of all citizens of this country to vote in national elections.

The reason why the Senator from New Hampshire did not sign as a sponsor the so-called Dirksen substitute was the fact that he felt we should first insure these voting rights—the naked voting rights we have been struggling with for 90 years—before we move into a field in which we have been involved 6 years, before we move into a field of local elections.

I hope the Senator will pardon me for prolonging this but I want to give the Senator my picture of the situation. The developments in the Senate in the past week or 10 days, with the threats which have taken place—I do not say "threats" in the obnoxious sense, but refer to the declaration of intent we have heard—have strengthened the feeling of the junior Senator from New Hampshire, who wants to see the Senate have the right to vote, to work its will, and who wants to see us move ahead in this field, in which we have been frustrated for more than 90 long years. The Senator from New Hampshire wonders, if our desire is to accomplish something rather than to create a political issue, if it would not be wiser to take from some of these bills page after page of matter which has to do with segregation or integration in the schools, or perhaps in the buses or in any other public places. Should we not be a little patient for a while, on the purely local and State elections, to make the first step in this field by nailing down definitely, finally, and completely after more than 90 years at least the right of all citizens to vote in national elections, to vote without intimidation, to vote freely and fully and on a fair basis.

On that question the Senator from New Hampshire would greatly value the opinion of the distinguished Senator from New York.

Mr. JAVITS. I must say, first, that I deeply appreciate the fine things said about me by the Senator, because he and I have served for a very long time together and he is a very honest man. I know that he would not say what he did so graciously unless he meant every word of it, and I would like to answer in kind. I respect fully what the Senator has said.

I should like to state to the Senator the two points which motivated me. First, there is no such thing as a pure guarantee of the voting right. It is immediately complicated by the need for other law. For example, the whole bombing business is obviously some throw-off, disastrous in its consequences, of the strains which are here created. That is just one example. The fact that voting records should not be destroyed, where that has interfered with adminis-

tration of the very process which the Senator talks about, is another illustration.

If we exclude voting registration for State elections from the law, will we be able to identify every man's vote? A certain segment of the community will get only a Federal ballot and others will get only a State ballot, if they are entitled to it, as construed by the State officials. This will induce yet other problems.

This is quite apart from any antilynching provision or anything like that. We may argue as to whether these things have any relation to the fundamental state of mind which has perpetuated these injustices for 90 years.

So the problem is not a pure thing. We cannot do one thing alone and even guarantee that very one right the Senator is talking about.

Mr. COTTON. May the Senator from New Hampshire interpolate that in his question he agreed that the protection against violence, the protection of the law, is an inseparable part of this package. Thus far the Senator from New Hampshire agrees completely with the Senator from New York.

Mr. JAVITS. I thank the Senator. I shall now address myself specifically to his question. I understand it very well. It is, why introduce problems of desegregation in the public schools, and all the things that implies? I shall be glad to tell the Senator why.

In the first place, we could not tolerate a situation of disrespect for law. This has an epidemic effect. It communicates itself to everything else. What Senator in this Chamber does not weep with mortification over sitdowns in cafeterias, the turning of hoses on a group of Americans, or anything else of that type? Yet what Senator in this Chamber does not understand that the minute violence starts, whether it is because of a bombing or something else, there is simply no end to it. We have to be equally strict about suppressing all violence.

So we have the problem of flouting of law. The idea that the Supreme Court has no relation to the Constitution is simply impossible for me to understand, as a lawyer. How else could this Government operate? I assure the Senator, the South did not take that position in regard to the Dred Scott decision. On the contrary, the South fought tooth and nail the other way, and would do the same in regard to any decision on ratemaking or anything else which suited them.

Argument No. 1 is that we have to have respect for the law. This is the law; therefore, we have to see it is all respected.

The second argument is that we simply do not have that kind of time any more. The hot breath of the most grim challenge we have ever faced is right on the backs of our necks. What is happening in Chattanooga and Nashville and Atlanta and every other place in the United States is the "hottest" possible news where it does us the most harm. Fortunately the people in these areas—a billion strong—from what we can see in their press reports, understand if we are trying, but they do not understand if we are not trying.

As I say, I am not trying to state this should necessarily be the view of the Senator, but for me, and I think for many like me, these are the two determining points which make me feel that we have to do more than provide simply a strict voting right, with an antibombing provision and what the Senator said, which really comprises the violence package, as it were.

I yield to my colleague again.

Mr. COTTON. Mr. President, I shall not prolong this colloquy and delay the distinguished Senator from resuming his speech. I cannot refrain from saying to the Senator, however, while I am much impressed by and deeply appreciative of what he has to say, I cannot forget one day, some 3 years ago, when I stood on the shore of the pool near the Lincoln Memorial and listened to speeches by some of the leaders of the Negro race in this Nation. One after another those leaders rose and exhorted their own people, and the others who were there in a very vast audience. This happened after the Supreme Court decision. The theme of the speakers was this: "If you will give to us the right to vote, which you guarantee to us as a matter of reality and not as a matter of form, so that our people can vote without fear of reprisal, without fear of boycotts, without fear of being discriminated against, we will take care of the rest."

The Senator from New Hampshire cannot help but feel rather strongly that in this matter it is not necessary to go the whole way. Every law must be respected. The Supreme Court can interpret the law, but there have been very few times in history when the Supreme Court has made itself an enforcement agency. Usually the Court has at least left to the Congress the field of enforcing decisions which it has made.

It seems to the Senator from New Hampshire that if what we desire is a concrete accomplishment to show the world, rather than a political issue to appeal to the electorate, we would be much wiser to stick to a fundamental principle which has been ignored, defied, and frustrated for 90 years. We should accomplish what is needed in that regard before we move into these other fields.

I thank the Senator for his patience. I appreciate his views, and I appreciate his permitting me to air my views at this point.

Mr. JAVITS. I thank the Senator.

I should like to finish the section on the Commission on Equal Employment Opportunity under Government contracts. In that regard, I trust that Senators who read my remarks will relate what I am now saying to what I said in outlining the proposal.

The administration bill gives the Commission legal status, so that it may receive the authority and the appropriation to which a properly constituted agency is entitled. I point out that in 1945 an amendment called the Russell amendment, named after our colleague from Georgia, barred agencies created by executive order from existing for more than 1 year unless they received a legislative appropriation. This killed the committee which had been functioning at that time, in 1946, and has since inhibited setting up this Commission in an effective way. The Commission needs this kind of statutory backing in order to function effectively and properly in the interests of fairness so far as the American people are concerned; and it should have such authority.

The section which has been submitted by the Senator from Illinois [Mr. DIRKSEN] does not have any particular sanction. All it provides is that the Commission shall make recommendations with respect to contract clauses relating to nondiscrimination, and their enforcement. It is my hope to be able to offer as an addition a new section giving persons discriminated against in violation of those contract clauses relating to nondiscrimination a right of action against the employer, as a third party beneficiary for damages, including costs and reasonable attorneys' fees. Such action would not adversely affect the right of the United States to enforce in other ways the nondiscrimination provisions of such contract clauses.

I move from that subject very briefly to the subject of an antilynching bill. This is not in the administration's package. Such an amendment will undoubtedly be proposed. There are a number of bills pending on this subject, including the bill of the Senator from Illinois [Mr. DOUGLAS] and myself.

For the assistance of Senators, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a brief summary analysis, which, I emphasize, is made by me, and not by the authors of the various bills pending on this subject, calling special attention to the item relating to the so-called Javits-Douglas measure, which will be before us in a specific way, and which is printed.

There being no objection, the summary analysis was ordered to be printed in the RECORD, as follows:

PROPOSALS

A. HART: S. 1848.
B. HUMPHREY: S. 2041.
C. JAVITS: S. 2784.
D. JAVITS-DOUGLAS: S. 3045, title IV.
E. KEATING: S. 3039.

DESCRIPTION

A. Federal Antilynching Act: The assemblage of two or more persons which shall, without authority (1) commit violence upon the person of any citizen because of his race, creed, color, national origin, ancestry, language, or religion, or (2) exercise by physical violence any power of correction over any person in the custody of a peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment not authorized by law, shall constitute lynching. Any person who is a member of a lynch mob or who shall instigate, aid, or commit a lynching, shall be subject to $1,000 fine and/or imprisonment for 1 year. If the lynching results in death or serious physical or mental injury, the maximum penalty shall be $10,000 fine and/or 30 years' imprisonment. A State or local officer knowingly or through neglect, etc., failing to prevent a lynching, or to apprehend or

prosecute any member of a lynch mob, shall be punished by a $5,000 fine and/or 5 years' imprisonment.

Requires the Attorney General to cause an investigation to be made to determine a violation of this act upon oath that a lynching has occurred and Government officers have failed to prevent the lynching; been negligent in custodial duties of the person lynched; or failed to apprehend or prosecute any person who is a member of a lynch mob.

B. The assemblage of two or more persons which shall, without authority of law (1) commit violence upon the person of any citizen because of his race, creed, color, national origin, ancestry, language, or religion, or (2) exercise by physical violence, any power of correction over any person in the custody of a peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment not authorized by law, shall constitute lynching. Any person who is a member of a lynch mob or who shall instigate, aid, or commit a lynching, shall be subject to $1,000 fine and/or imprisonment for 1 year. If the lynching results in death or serious physical or mental injury, the maximum penalty shall be $10,000 fine and/or 20 years' imprisonment. A State or local officer knowingly or through neglect, etc., failing to prevent a lynching, or to apprehend or prosecute any member of a lynch mob, shall be punished by a $5,000 fine and/or 5 years' imprisonment. The United States or any Government subdivision failing to prevent a lynching, or a seizure and abduction followed elsewhere by a lynching, or persons instigating or participating in a lynching, shall be liable for damages. In cases of death or violent physical or mental injury, the judgment shall be not less than $2,000. The interstate transportation of persons with a view to lynching is made subject to the penalties provided in the Lindbergh kidnapping law (i.e., death or imprisonment) (amending U.S.C. 18:20, 1202).

C. Expresses a congressional finding that willful interference with or obstruction of any process or proceeding in State or territory of a person charged with crime to be a deprivation of rights, privileges, and immunities under the Constitution and that when two or more persons acting in concert willfully interfere with or obstruct any process or proceeding then that such action shall be subject to $1,000 fine and/or imprisonment for 1 year. If such action results in death, or serious physical or mental injury, the maximum penalty shall be $10,000 fine and/or 20 years' imprisonment. A State or local officer knowingly or through neglect, etc., failing to prevent a lynching, or to apprehend or prosecute any member of a lynch mob, shall be punished by a $5,000 fine and/or 5 years' imprisonment.

D. Identical to C.

E. Amends section 241 of title 18 (conspiracy against rights of citizens) to add to existing maximum punishment of not more than $5,000 fine or 10 years of imprisonment, or both, the additional penalty of any term of years to life, and death on jury recommendation, if death to any person results.

Amends section 242 of title 18 (deprivation of rights under color of law) to add to the existing maximum punishment of not more than $1,000 fine or 1 year imprisonment, or both, the additional penalty of not more than $5,000 fine or 10 years' imprisonment, or both, if personal injury results; and any term of years to life, or death on jury recommendation, if death to any person results.

Mr. JAVITS. In that connection, I point out that, as we all know, lynching is condemned by everyone, without exception, including every southern Senator, I am sure. They are as much concerned about it as any of the rest of us.

We have seen an example, in the Poplarville, Miss., situation, of the complete frustration which can come to the legal process. Those who feel as I do are of the opinion that even the FBI reports in that situation did not receive the recognition to which we would expect them to be entitled, in respect to the possible prosecution for crime.

This is an area in which the intervention of the FBI is left almost to local government request and discretion. The crime involved is certainly one of which the United States should take cognizance, within the spirit of the equal protection of the laws.

If, on the other hand, it is said that lynching is by all means a very rare occurrence, let it also be said that when it does occur it is a blot and a shame on the United States, and we ought to have every piece of legal machinery possible, including Federal legal and investigatory machinery, to deal with it. We should not be in the position in which we demonstrated our laws to be in respect to this very tragic Poplarville, Miss., lynching.

One further section of my remarks relates to a question asked by the Senator from Georgia [Mr. RUSSELL]. He is not now in the Chamber. I suggested that it might be well if he heard this presentation, but I am sure it will be before him, so I should like to place it in the RECORD at this time.

It will be remembered that the Senator from Georgia asked why only four suits had been filed under the Civil Rights Act of 1957, if this was such a hot subject.

In the first place, the four suits represent by no means the totality of the complaints encountered in respect of this subject.

First, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a list of complaints which has been compiled for me. These complaints were made to the Federal Civil Rights Commission. This compilation updates the list found in the report of the Civil Rights Commission, involving complaints from the States of Alabama, Mississippi, and North Carolina, relating to denials of the voting right.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Alabama: Since the printing of the report, 44 voting complaints were received from Montgomery County, Ala., all of which have been investigated.

Mississippi: The total voting complaints received to date from Mississippi, and investigated, are as follows: Bolivar, 3; Claiborne, 9; Clarke, 7; Forrest, 11; Jefferson Davis, 26; LeFlore, 1; Sunflower, 3; Tallahatchie, 2; Walthall, 1; Amite, 2.

North Carolina: Since the printing of the report, 20 voting complaints have been received from North Carolina, have been investigated, and are listed as follows: Greene, 2; Halifax, 12; Northampton, 6.

Mr. JAVITS. Mr. President, as to the civil rights division of the Department of Justice, the following has been reported to me: The question has been asked why only four suits have been filed under the Civil Rights Act of 1957, the implication being that no substantial problem exists as to voting discrimination against Negroes, and hence that there is no need for additional legislation.

Nothing could be further from the fact. Each of the cases which have been filed under the act involves a vital aspect of its application. As is often the case with new legislation which is resisted and attacked in the courts, resolution of the legal problems must necessarily precede broadscale application of the statute.

In that connection, I refer to the Internal Security Act of 1950, now 10 years old, which is still pending, in terms of its constitutionality, in connection with the effort to cause to be registered under it those who are believed to be Communists, or to have Communist affiliations. This shows the timelag involved in connection with a statute which is as hotly contested as the instant Civil Rights Act of 1957.

Also, I point out that it took the Senate from January 1958 to August 1958, almost a full legislative year, to confirm the nomination of the first head of the civil rights division, Mr. White. That is a point in respect to the work which this division has been able to accomplish.

Hence it can be assumed that when these pilot cases are ultimately decided by the courts, the act will have a much wider application and many additional suits can be instituted to secure voting rights for Negroes.

In addition, during the initial stages of the Department's administration of the act, various practical problems have manifested themselves which have necessitated recommendations for implementing legislation which are now before the Congress.

In order to prove racial discrimination it was found essential to have access to registration records. It has for example, become increasingly apparent that local officials are often not willing to make such records available, and in many cases are even precluded from doing so by State law. This was dramatically illustrated when the Commission on Civil Rights was denied the right to examine records in several counties of Alabama. Indeed, following the Commission's hearing in the State, Alabama hastily enacted a law providing for the destruction of the voting records at the discretion of local registrars. Incidentally, it would normally be those same local registrars who would be the defendants in action, brought under the Civil Rights Act.

Typical of another obstacle in this same area is the statement recently made before the Supreme Court by the attorney general of Louisiana that FBI agents will not be given access to voting records unless they meet the particular residence and other requirements of local law.

Experience has also shown that local registration officials engage in every possible dilatory tactic to delay enforcement of voting rights suits. It is to meet this problem that the Federal voting referee and similar bills have been proposed. Enactment of these bills will in-

sure that persons who are in sympathy with the protection of constitutional rights will fairly administer the registration procedures of State law wherever the problem of racial discrimination exists.

Beyond that, however, it must not be supposed that the four lawsuits filed thus far by the Department of Justice represent merely the complaints of but a handful of individuals, or that they would, if successfully carried through the courts, result in relief on only a limited scale. The fact is that relief in each of these suits will immediately strike down discrimination on at least on a county-wide basis and will have incidental benefits of far wider score.

For example, the Supreme Court has just recently heard arguments in a case in which the State of Louisiana is appealing an order of a lower Federal court to restore to the voting rolls of one parish 1,377 Negroes who were purged because of such deficiencies as misspellings, failure to compute age within 1 day and similar trivialities.

This was referred to by my colleague from New York [Mr. KEATING]. At the same time, only 10 white voters out of over 11,000 were challenged for the same reasons, although by the registrar's own admission at least half the registration cards of those on the rolls today have the same defects. This situation has resulted from a wholesale program in Louisiana where the self-proclaimed goal is to reduce the number of Negro voters by 90 percent. It is anticipated that if the Government's contentions with respect to this shocking inequity are upheld, similar suits on a much wider scale can be brought to rectify discriminatory purges of this kind throughout the State of Louisiana and other areas as well.

Another example of the Government's effort to establish a sound basis for dealing with the various types of evasive tactics which have been used is the suit brought in Macon County, Ala. There at the seat of the famed Tuskegee Institute the local registration board for years has engaged in the tactic of ceasing to function for months on end whenever it became apparent that Negroes were about to register in significant numbers. Following the last of a series of such resignations, the Department of Justice brought suit; and upon dismissal of the action, sought immediate appellate review. This case, too, is now pending before the Supreme Court, and it is hoped that it will provide the weapon with which to deal once and for all, and everywhere, with this device of the resignation of voting officials for the very purpose of keeping Negroes from voting.

Finally, it may be mentioned that the very first case brought under the Civil Rights Act—one which involved action by the registrars which prevented Negro schoolteachers, among others, from voting and that on the ground that they could not pass a literacy test—resulted in a holding by the lower court that the Civil Rights Act is unconstitutional. While the Attorney General did not accept this determination by the lower court as conclusive, and himself argued the constitutionality of the act before the Supreme Court, it cannot be denied that the ruling had a deterrent effect upon enforcement efforts. In this case, as in other cases where initial difficulties have been encountered in enforcing the statute, it is perfectly clear that many individuals who would otherwise come forward with regard to their own experience in not being allowed to register to vote are awaiting the outcome of the litigation before doing so.

It is to be expected that as soon as these pilot suits will have led to the registration and voting of many heretofore disfranchised Negroes, others will make application either directly to the Department of Justice or to the newly-appointed voting referees if the pending bill should be enacted and thus accelerate the momentum of the enforcement drive.

It is noteworthy, too, that the three cases presently before the Supreme Court and the case involving the constitutionality of the operation of the Commission on Civil Rights were all brought to the Supreme Court with almost unprecedented speed. The Louisiana case, for example, was heard in the Supreme Court only about 6 weeks after the decision had been handed down by the district court.

Mr. President, it will be noted that there is one subject to which I have not addressed myself, namely, the question of an amendment prohibiting the poll tax.

As I stated in colloquy some time ago, I reserve for myself, and others of my colleagues who are interested, the right to consider that question as we go along in the debate.

Other than that, in all fairness we believe we have set forth in our amendments already filed and printed, directed to the various sections of the Dirksen substitute, the matters upon which we will place our primary case in submitting them to the Senate for action in order to give us a meaningful civil rights bill.

Mr. President, I would like to conclude upon this note. We have gone to considerable pains today—and I must say for myself, into far more debate than I had anticipated—to do what my colleague, the Senator from Illinois [Mr. DOUGLAS] has always done in these debates. We have always been grateful to him. This time he was carrying so many other burdens, that he allowed me to carry this one.

I refer to presenting to the Senate at one time, in one place, the full record, as complete as we can make it. I am sure there are plenty of interstices, but we have tried, in order to bring before the Senate an outline in an orderly way, to show the wrongs which we believe need to be righted, and the techniques which we recommend for righting them.

Finally, we lay out our idea of a form of procedure which, following normal practice of the Senate, will, by the process of entertaining an amendment and voting it up or down, then going to the next one, all of them directed toward the various sections of the Dirksen substitute, will give us a completely orderly way in which the Senate can exercise its will without any confusion and without any undue expense of time.

Mr. President, the civil rights proponents, of whom I have the honor to be one, in this way are trying to demonstrate their fidelity to the proposition that what they are seeking to attain is a result, in the most expeditious time and with full respect not only for the merits of what we are proposing and its urgent need on the part of the country and our country's leadership all over the world, but also with full respect for the views of those on the other side of the question and the sincerity of their espousals.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Mr. President, first I wish to congratulate the Senator from New York for his moving, able, and effective statement. It is important that he has made the record which he has made this morning.

At various times during the period that the Senator was speaking, certain Senators came up to me and asked if we were assisting the opponents of the civil rights by taking up this time. My reply always was no; that just because we believe that we have the votes to pass some kind of civil rights bill should not mean that we should refuse to discuss the issues. We who believe that the Senate should have the right ultimately to decide, also believe that there should be full and thorough discussion of the issues.

We should not depend on immediate political power, but upon basic rights and truth.

Therefore the Senator from New York has performed a great service in indicating some of the steps which he believes should be taken. I expect to vote for every one of the amendments of this tenor which he or others may propose on these matters.

However, I believe one can narrow the objectives somewhat by saying that in my mind there are three which are primarily important.

The first is a further protection of the right to register and to vote. I think much more could and can be done under the voting rights bill of 1957, but I shall not go into that question. Certainly weaknesses have developed in that act as regards registration. I hope that in the provisions which we pass on registration and voting rights we do not get tied up in legal redtape. And this is one reason why I somewhat fear an exclusive resort to the judicial processes in connection with this matter.

If we appoint a referee and confine the activities of that referee to individual cases, and require the applicants first to try to register under a State system which is hostile to them, and then deal with these issues upon appeal to the referee, with the findings of the referee in turn appealed to the district Federal judge, and with the further possibility of appeal to the circuit court and to the U.S. Supreme Court, I think we open up illimitable possibilities for delay and, by delay, the defeat of the fundamental purpose, namely, to enable a person to vote, because the election will have passed and been over for months and perhaps for

years before the final decision is rendered. Then if a suit must be started all over again, justice is effectively denied.

So we must find a method which permits relatively speedy registration, and I think the junior Senator from Michigan put his finger on the matter when he said that since we are dealing with mass disenfranchisement, we must find a method for providing mass enfranchisement.

Of course we should retain the right of appeal and of judicial review. But in the Hennings bill and in the more recent version of the Rogers bill, namely, the so-called McCulloch bill, as modified on the 23d of February, there is a provision for review. However, in the meantime, the man whose vote is challenged has the right to vote, and the decision will come only after the election. If the right to vote is upheld, the vote will be counted. If for one reason or another it is adjudged that the man is not qualified, the vote will not be counted. In the meantime, this type of vote will be held in "limbo," so to speak.

Now I do not insist that the Hennings draft is necessarily the proper draft. But I do say that we should try to cut as much legal redtape as possible, in order to avoid the delays which the court procedure tends to get us involved in.

The second main purpose to which the Senator from New York addressed himself had to do with those issues about school desegregation and the enforcement of the 14th amendment to the Constitution, as it has been interpreted by the Supreme Court This is a vital matter which we should not allow to be obscured by an undue absorption in voting rights.

Here I would say that two measures are needed: (a) A system of technical assistance and financial aid to localities which wish to desegregate, or within which there are groups wishing to desegregate, whereby the Federal Government could aid groups to conform willingly to the 14th amendment, and to reduce the burdens which they otherwise would bear by State law or by the cutting off of State aid.

In this connection, I am not satisfied with the provisions in the present Dirksen proposal, because it seems to me that under it, before the Federal Government can assist a locality, it must obtain the approval of the State, and this approval will in most cases be almost impossible to obtain. We have only to think of Arkansas and Little Rock; Virginia and Norfolk; Georgia and Atlanta, to see how this can stymie action. Finally, there is the question of part III, which we fought over in 1957, and which, unfortunately, I believe, was rejected.

If we accept the principle that the Attorney General has the right and obligation to defend the rights of individuals who, because of poverty or other reasons, are unable adequately to defend their own rights, I see no reason why this should not apply to constitutional rights under the 14th amendment as well as to constitutional rights under the 15th amendment. So I hope that the decision of 1957 will not be regarded as final and binding, as we consider this matter 3 years later.

If the Senator from New York will permit me to make some final observations, our southern friends at times accuse us of trying "to punish the South"; of proceeding in a vindictive spirit; of being self-righteous and of not admitting or trying to remedy abuses which may exist within our own States.

This, in my judgment, is not true. If I examine my own feelings, I know it is not true. As I judge the feelings of Senators who have similar views, I am quite certain that is also not true in their case.

I have always said that the differences between the sections or between the white groups in these sections are largely a matter of history and geography. The institution of slavery was not adapted to the North, because of our climate and rocky soil. It was adapted to the South. And at a period in the world's history when ethics were on a lower stage than now, and when human personalities were not valued so greatly, it came into being and multiplied and expanded. It was an evil system—evil for the slave and evil for the master. While it was formally abolished as a result of the Civil War 95 years ago, the effects of that institution continue, and they constitute a terrible burden and a terrible cross, which both the white and the black populations of the South must bear.

We are conscious of the many faults which we have in the North. We recognize with a sense of contrition and, indeed, of shame the abuses which we allow to be perpetrated. But there is this much to be noted: That so far as the law is concerned in the North—and this is extremely important—there is substantial equality of persons before the law. People can vote, regardless of color. Colored children can attend schools with white children, with but slight exceptions. In general, and overwhelmingly, there is equality before the law.

The evils which exist are primarily evils of the human spirit. Sometimes law can even help to change the human spirit.

As one who has tried to fight this battle for many years, I hope our southern friends will not think of us as being vindictive or self-righteous. Probably if the conditions were reversed, and we were in the South, and they were in the North, we would behave much as they behave, and they would behave much as we behave. We are, in a sense—all of us—prisoners of history. Our history and our social heritage have, by accident, been more fortunate than theirs. This does not mean that our characters are innately superior. But I hope that we can think of ourselves as a Nation.

As the Senator from New York has said, this is the greatest barrier that our country has to face now in the world struggle against communism.

The so-called colored races now form probably 60 percent of the population of the world. In 15 or 20 years they will form 75 percent of the population. At the end of the century, they may form 80 percent of the world's population. Those people feel that the colonial powers have not in the past treated them with proper dignity. This is, I believe, true. There is a spirit of national pride which is developing, inevitably, and, I believe, properly. They are extremely sensitive.

If we perpetuate and indeed do not try to remove these conditions, which we know in our hearts are unjust, it will be almost impossible for us to gain the confidence and the support of the black, brown, and yellow races of the world. So on grounds of prudence alone, we should attempt to take definite action. Of course, we should not act merely from prudence. We should act with a deep feeling that this is the right course to take, as I believe it is.

I hope we will not struggle for a Democratic bill as such or a Republican bill. Let us try to get the best bill we can. I welcome the spirit which the Senator from New York has always displayed, and which he has once against shown this morning. We know as men that there is grievous discrimination against Negro children and Negroes of voting age. What we know as men we cannot pretend to be ignorant of as Senators. Let us deal constructively with the evils which we know exist.

Mr. JAVITS. I am very grateful to the distinguished Senator from Illinois. I now yield to the distinguished Senator from New Jersey.

Mr. CASE of New Jersey. Mr. President, it would be impossible to overstate the contribution which the distinguished senior Senator from New York has made to this subject. As the Senator from Illinois has just said, it is the duty of the Senate not to force a vote quickly on any matter as to which a majority may exist now or at any time when a vote is taken, but to make very clear to the world and to the people of this country the positions and the issues which are involved in a question as serious for the country and the world as is this question.

No one could have made a greater contribution, in all its rounded aspects, than that which the Senator from New York has made, and I doubt that anyone could have made an equal contribution.

On the question of social interest and moral rightness, the question of soundness and practical experience, and the question of the legal phases of the matter, the Senator from New York has performed a magnificent service. We are all greatly in his debt.

At the same time, I desire to thank the Senator from Illinois for his generous and warmhearted comment upon the statement made by the Senator from New York. It was the kind of statement to be expected from him at any time. I am grateful to him also for his own statement on the various aspects of the bill. I congratulate both of my colleagues.

Mr. JAVITS. I thank the Senator from New Jersey.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Sen-

ator from New York yield to the Senator from North Carolina?

Mr. JAVITS. I yield.

Mr. ERVIN. I am sorry that I was unable to remain in the Chamber throughout the entire speech of the able Senator from New York. I have just now been advised that during the course of his speech he stated there had been a willful deprivation of voting rights in North Carolina. I rise to ask the Senator from New York the source of the documentation for that statement.

Mr. JAVITS. I may say that I did not seek to condemn or to characterize; I simply introduced the report of the Federal Civil Rights Commission which related to—among other States—certain areas in North Carolina; and I made the general suggestion—not necessarily to the Senator from North Carolina, to whom it may or may not be applicable—that any Senator from any of those States—and I may say that this resulted from a colloquy I had with the Senator from Georgia—should, in my opinion, address himself to the allegations there made; and if willful denial of a voting right was charged, I would hope that Senator would explain to the Senate what he thought should be done about the matter.

The material in regard to North Carolina is shown on page 65 of the report of the Federal Civil Rights Commission. That is all I did.

Mr. ERVIN. The Civil Rights Commission has not made any investigation of voting-rights practices in North Carolina; but it has in that State an Advisory Commission headed by McNeill Smith, of Greensboro, N.C. Some time ago I saw in the press a statement to the effect that the Advisory Commission on Civil Rights passed a resolution declaring that it had investigated voting practices in 51 counties in North Carolina, and had found no basis for allegations of discrimination in respect to voting rights in those 51 counties. It is my understanding that since the Commission has been created, there has been no finding of any denial of voting rights in North Carolina.

It is true that during the 1957 hearings, the then Attorney General of the United States, Herbert Brownell, appeared before the committee which then was considering civil rights bills and stated—on the basis of FBI reports—that in 3 precincts out of approximately 2,300 precincts in North Carolina there had been some few cases of denial of voting rights in May 1956.

I suggested to the Attorney General that when he used FBI reports as the basis of charges of that character, he should submit those FBI reports to the scrutiny of the committee, so the committee could determine whether his inferences were correct. But he declined to do so.

Thereupon, I contacted the State Board of Elections of North Carolina; and I found that every one of those complaints was called to the attention of the State Board of Elections of North Carolina in 1956, and I was advised by the State Board of Elections of North Carolina that it, acting through administrative processes, had corrected every one of the matters in time for anyone who had applied for registration, to register and vote in that primary.

Mr. JAVITS. Mr. President, the other thing that I should like to call to the Senator's attention is a memorandum—which I did put into the RECORD—from the Civil Rights Commission on the number of complaints it had received from North Carolina. I shall be glad to read to the Senator the numbers: 2 in Greene, 12 in Halifax, 6 in Northampton—a total of 20. I should also like, if the Senator will allow me to do so, to allude to North Carolina statistics, as compiled by the Commission. With registered white voters, according to its figures, in 1958, of 1,652,233, and with a registered nonwhite voting population of 549,751, the Commission shows that the whites who registered were 93.9 percent; and that of the 549,751 nonwhites, 178,919, or 32.6 percent, registered.

I think—if the Senator will allow me to say so—that in respect of his State, the way I have proceeded was uniquely appropriate. I made no charge; I simply said, "Here are the facts. In some cases, there are charges—and very serious ones." But I merely suggested that the Senator might address himself to whatever was stated, in the hope of, first, giving us the best information possible, and, second, telling us what, if anything, he thinks ought to be done about it.

Mr. ERVIN. I think one thing that ought to be done would be for the Civil Rights Commission to stop listing the number of complaints it receives, because many of the complaints received are from people in insane asylums, and many are received from people in prison. Someone said, long ago: "No wretch e'er felt the halter draw, with good opinion of the law." The Commission ought to investigate these complaints instead of listing them.

One other point is this: These figures and these inferences have no great weight with me, because, as I stated in the civil rights debate in 1957, if one were to study the figures for my county, they would show that in my precinct, in the preceding registration period, about 150 Negroes were registered as compared with about 25 white people. From those figures, one might draw the inference just as reasonably that in my precinct the white people were denied the right to register. In speaking about inferences from figures, I am not referring in any way to the Senator from New York, for whom I entertain the highest respect. But I want to tell a story to illustrate my opinion about inferences drawn from figures.

Whenever I hear people draw inferences from figures, I am always reminded of a very old story, that is current down my way, about the South Mountaineer who had been buying his groceries on credit. Finally, he went to the grocery store with the intention of paying his grocery bill. The storekeeper told him the amount of his grocery bill, and it was far in excess of what the South Mountaineer thought it ought to be. So he started to complain. The groceryman reached under the counter, and brought out his account books, spread them out on the counter, and said to the South Mountaineer, "Here are the figures. You know, figures don't lie."

The South Mountaineer said, "I know figures don't lie, but liars sure do figure."

Not only do liars figure, but honest men figure. They take a set of figures, and draw from them inferences which, in most cases, are insupportable, so far as the true facts are concerned.

For example, it was argued, from figures cited here in 1957 that in my State certain Negroes had been denied the right to register and vote merely because they had not voted. But, Mr. President, on the same basis, one could take the figures and draw the inference that three or four times as many white people had been denied the right to vote—because they had not voted.

As a result of Reconstruction, many Southern States are one-party States. People are not going to spend much money and much effort to bring out votes for a ticket in an election when there is only one set of candidates running, and they need only one vote apiece to get elected. That is a situation in many parts of the South. In other parts of the South there are two strong political parties. In my county, where that is so, as many as 19,600 votes out of a total census population of 45,000 have been cast. I will put that voting record up against that of any area anywhere in the United States.

So I would say to the Senator from New York, some of these allegations about voting are like other misinformation which was perpetrated on the Subcommittee on Constitutional Rights in 1957. There was an organization in Washington bearing some high-sounding name like the Council for Human Rights, or something like that. Its agents came to the hearing, and produced a man who complained he had been denied the right to vote in Halifax County, N.C. It turned out that he had brought a suit alleging that he had been wrongfully denied the right to vote. An answer had been filed by the election officials denying all of the allegations of his complaint. There had been a trial in the superior court, before a jury which was composed in part of white men and in part of Negroes. This jury had returned a verdict that there was no merit to the allegations of this complaint, and the judge entered a judgment, on that verdict, adjudging that the man had not been wrongfully denied the right to vote. And yet this organization, with this high-sounding name, introduced in the record, after the hearings were closed, a copy of the complaint making false allegations against North Carolina election officials, but, inadvertently, it left out the answer denying those allegations, and it left out the verdict of the jury declaring those allegations untrue, and it left out the judgment of the court adjudging that the allegations were without merit. That is the kind of propaganda that has been used to support charges.

I thank the Senator from New York for yielding and for his patience.

Mr. JAVITS. Mr. President, I think I have taken enough of the Senate's time, and I have done my best to perform the mission I set for myself this morning. I yield the floor.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Ervin	Mansfield
Anderson	Fong	Martin
Bartlett	Frear	Monroney
Beall	Gore	Moss
Bennett	Gruening	Mundt
Bible	Hart	Murray
Brunsdale	Hartke	Muskie
Bush	Hayden	Pastore
Byrd, Va.	Hill	Prouty
Byrd, W. Va.	Hruska	Randolph
Cannon	Jackson	Robertson
Capehart	Javits	Russell
Carlson	Johnson, Tex.	Saltonstall
Carroll	Johnston, S.C.	Schoeppel
Case, N.J.	Jordan	Scott
Case, S. Dak.	Keating	Smith
Chavez	Kefauver	Sparkman
Cooper	Kuchel	Stennis
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	McNamara	Young, Ohio
Engle	Magnuson	

The PRESIDING OFFICER. A quorum is present.

Mr. RUSSELL. Mr. President, it has frequently been stated in the course of this debate that on last September 14 the entire world was put on notice that debate over the much abused term "civil rights" would commence in this body on February 15. I do not think a single person within the confines of the United States who is interested in this subject in any way could have had any doubt that February 15 was the date fixed last September for inaugurating discussion of this issue. Certainly, he could have no doubt about it if he has available to him any publication of the American press.

Mr. President, I have been in the Senate for some years and have been through a number of these periodic campaigns or forays that undertake to tell the people of the South how to run their State affairs and how to fix their social order. These campaigns undertake to dictate to the southern people the way of life they should have.

I long ago became accustomed to seeing the South made the political whipping boy of both national parties. Before this debate began. I heard and noticed the usual ruminations as to what was likely to transpire in the Senate in the consideration of this issue. Some of the reports were, from my standpoint, very ominous. There was a contention that some 70 Senators had signed on the dotted line and in blood—or the equivalent thereof—to support certain legislation bearing the euphemistic label of "civil rights." Of course, I had seen that happen before in years gone by.

I came here this session believing that I was prepared for the worst. I must say that I was not expecting such a comprehensive, far-reaching program, extending into all sections of the country, to create a political climate in which this debate would be held. This program was deliberately designed to close the eyes and ears of Senators, Representatives and the American people to the real issues involved in this discussion.

I was not prepared for such an ingenious program to stir up the country to the degree that the people would accept almost any charge leveled against the South. This program was designed to cause them to demand the passage forthwith of almost any package of legislation that might be assembled from the 5½ pounds of individual bills, consisting of more than 100 different measures, which the Senator from North Carolina [Mr. ERVIN] exhibited here today and yesterday.

We have always had a certain amount of scenery, trappings, and diversions when this type of legislation reaches the floor of the Senate. We have seen marches on Washington in which large numbers of people have participated—members of organizations in the great cities of the country. They have been brought here by buses and by train. They have thronged the Capitol in order to visit the offices of Senators. Of that I do not complain.

We all know that those organizations reach out into many States, and that they employ spokesmen who are recognized as being rather competent in the field of securing votes. These spokesmen also assemble in Washington and call upon their Senators and Representatives. From what I have heard from some of my friends, some of the implications as to what might happen politically to those who fail to heed their suggestions are about as thinly veiled as a threat could possibly be. You might say it is a nude threat in most instances.

I was not surprised to read in the press several days ago that a new organization was being launched to serve as a pressure group in this area. I was far from surprised by the newspaper account that Mrs. Eleanor Roosevelt was to head that organization. Her interests in this area have been widely known for many years.

This new group convened on the 14th or 15th of February. They styled themselves "National Organizations of Women for Equality in Education." Modern day promoters have a way of devising names in which the first letter of each word is used to form a word of some supposed significance. It is quite an art in the advertising agencies and elsewhere.

The first letters of the name of this organization form the word "Now." The purpose is, of course, to force the commingling of white and colored children in the schools all over the Nation, just as its name indicates—"now."

I shall not undertake to read all of the article I hold in my hand. But I want to read part of it.

It begins:

There will not be peace in the world until we set our own house in order and achieve real racial equality in this country, Mrs. Eleanor Roosevelt told a newly formed women's organization claiming 14 million members here yesterday.

It is quite an accomplishment to get together an organization of 14 million members from scratch in a very short period of time. That is what is claimed for this organization.

I do not doubt that there are some Senators who are sensitive to pressures from groups such as this. They will accept the statement about the membership of 14 million and will entertain grave fears that a large number of them are in their own States.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks certain excerpts from this article from the Washington Star of Thursday, February 18.

There being no objection, the excerpts were ordered to be printed in the RECORD as follows:

NO PEACE WITHOUT EQUALITY—MRS. ROOSEVELT LAUNCHES NEW GROUP

(By Isabelle Shelton)

There will not be peace in the world "until we set our own house in order" and achieve real racial equality in this country, Mrs. Eleanor Roosevelt told a newly formed women's organization claiming 14 million members here yesterday.

"You cannot have true disarmament until a great many steps take place. It's not just a question of stopping nuclear tests and cutting down on armaments," she said.

"Good will, real peace, will never come until the world problems are settled. One of the steps is achieving genuine equality."

The former First Lady addressed the opening session of the National Organization of Women for Equality in Education, of which she is honorary chairman, at the Shoreham Hotel.

The organization, called NOW for Equality for short, is comprised of 16 national women's organizations. It is dedicated to fighting segregation in the Nation's schools.

* * * * *

A statement to this effect in the historic Supreme Court decision outlawing school segregation actually was the motivating factor behind organization of the new group, explained Mrs. Richman, who also is president of the national women's division of the American Jewish Congress.

* * * * *

Mrs. Roosevelt urged the delegates, most of whom are leaders in their organizations, to make certain that the program they adopt at their 3-day conference "gets back to every one of your local community groups."

She also urged the delegates to visit their Senators and Representatives. "This is one area where you have great influence," she noted.

* * * * *

Although there was some variation, there seemed to be a clear correlation between "negative attitudes" on integration and such questions as the Bill of Rights, Dr. Hamburger said. Those who opposed integration were likely to have a fuzzy or negative attitude toward freedom of speech and religion, voting rights, etc., he said.

Mr. RUSSELL. I particularly wish to refer to a paragraph in which Mrs. Roosevelt urged the delegates to visit their Senators and Representatives, stating:

This is one area where you have great influence.

I call attention also to the paragraph which deals with the other officers of the organization, and its alleged membership

There was not a great deal new in that article. We have survived that sort of techniques before.

Then something happened which shocked me greatly and caused me a great deal of concern. Several weeks ago, the headlines of the country were emblazoned with the tragic news of violence in that strife-torn city of Little Rock, Ark. The news went out that the home of one of the widely acclaimed "Little Rock Nine"—one of the Negro students who had entered Central High School and who had been feted, dined and saluted all over the United States—had been bombed with great danger to the inhabitants of the house.

That caused me very great concern because I abhor violence in any form. People who live in areas similar to the area in which I live, where the races are almost equal in number, have real reason to abhor violence. We live side-by-side with our fellow citizens of the Negro race every day. It causes us anguish of soul and spirit to contemplate acts of violence.

The Little Rock bombing was front-page news. It was widely discussed in the press and over the air waves for several days after it occurred.

Mr. President, after an interval of about 10 days something happened with respect to that bombing. An article was published, with a headline diminished in size from 1 inch to one-tenth of an inch, which stated that two Negro citizens of Little Rock had been arrested and charged with that bombing.

Mr. President, I here and now predict that we have heard the last of the Little Rock bombing—that henceforth there will be no more news about it.

The usual charge of police brutality and connivance, which is hurled without warrant and unfairly against thousands of honest peace officers in the South, will not be made in Little Rock. Little Rock has a chief of police who, when the schools opened last September, was completely ruthless in dealing with the white persons who undertook to protest against the mixing of the races in Central High School. He called out the fire engines and dragged dripping men and women into police wagons and hauled them to the courts. He suppressed in a twinkling of an eye the protest against permitting these Negro high school students to leave the new colored Horace Mann High School and enter the white Central High School in Little Rock.

Some of those organizations which ordinarily make charges against every southern police officer nominated the Little Rock chief for Man of the Year because of the tough and efficient way he quelled the protest against the mixing of the races in the city's schools.

So, Mr. President, they cannot charge the police of Little Rock with being prejudiced against the colored people. Therefore, they will just let the matter drop.

I ask Senators in all honesty and sincerity: What would have happened if two white men had been arrested and charged with the bombing? Every newspaper in this Nation would have screamed the fact in black headlines. We would have been treated to long articles going back to the third and fourth generation, telling us about the people who had been arrested.

That incident was just another example of the continuing campaign throughout this Nation to slander and discredit the people of that great section of the United States which I am proud, in part, to represent in the Senate.

Mr. President, some other very strange things began happening about the same time as the Little Rock bombing.

There has been a great deal of construction going on in Washington, D.C., in connection with the New House Office Building, the New Senate Office Building, the new front of the Capitol Building, and a number of other projects.

The Senate Office Building has been completed. Much of the other work is nearing completion. Yet, shortly after the 15th of February, a terrific controversy breaks out all of a sudden in Washington—after this pending bill is taken up—about job bias in the District of Columbia.

I deplore job bias, particularly of this nature. We may have it in some classifications and in some work areas in my State, but not in the case of masons and stoneworkers and jobs of that kind. As a matter of fact, a large amount of the stone work that is done in my State is done by Negro masons. They have been doing it for years. But all of a sudden in the Nation's Capital a great disturbance is created, and recriminations start flying back and forth. The newspapers report that Mr. Meany asked Mr. Mitchell why something has not been done about this matter of discrimination in the District.

Mr. Mitchell then attacked Congress. He said that Congress should pass the bill that had been sent up by the administration dealing with this matter. Though no hearings have been held on this proposal, we find it offered in the sixth section of the so-called Dirksen substitute. I call that section "the Salute to NIXON section." That is what it is. It is an effort to promote the Vice President of the United States. Anyone who reads the whole section dealing with job opportunities will see that not one power is established in that section 6 that could not be covered and enforced by contract, which any good country lawyer in Georgia could draw, to control agreements between the Federal Government and contractors on public construction.

But, Mr. President, everybody had to get in on the act, and the Vice President even came back to Washington. That was a startling thing. We had not seen the Vice President here for weeks. But when they started this controversy and a so-called civil rights bill dealing with bias was pending, the Vice President came back here and received a report from his fellow members in the NAACP. I will offer that article appearing in the Washington Post of Friday, February 26, entitled, "Negroes Tell of Freeze-Out From Crafts; NAACP's Report to NIXON Charging Discrimination" and so forth.

I ask unanimous consent that that be printed, Mr. President, in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGROES TELL OF FREEZE-OUT FROM CRAFTS—NAACP REPORT TO NIXON CHARGES DISCRIMINATION IN JOB TRAINING

(By Jean White)

A report delivered to Vice President RICHARD M. NIXON yesterday charged that Negroes are being frozen out of apprenticeship training programs and thus blocked from skilled craft jobs.

The nationwide study by the National Association for the Advancement of Colored People put the blame on unions, management, and Federal and State Governments alike.

NIXON, Chairman of the President's Committee on Government Contracts, received a copy of the report yesterday from Roy Wilkins, NAACP executive secretary, and Herbert Hill, NAACP labor secretary, who made the survey of racial discrimination in apprenticeship training programs.

Because of discriminatory practices against Negroes, the report points out, Negroes were limited to 3.62 percent of skilled jobs in the Nation's labor force as shown in 1950 census figures. Even then, the study adds, the percentage of Negro apprentices was still much lower, at 1.69 percent.

BUILDING TRADES CITED

Singled out for special attention in the NAACP study was the construction industry. In the building trades, it underscored, less than 1 percent of apprentice trainees are Negroes.

"At the present rates of advance, it will take Negroes * * * until the year 2094 to secure equal participation in skilled-craft training and employment," Wilkins wrote in the introduction to the report.

In handing the report to NIXON, Hill emphasized that anti-Negro practices are not confined to the South alone. He also told the Vice President that the big barrier in the construction industry is that trade unions control access to employment through their hiring hall referrals.

Discrimination against Negroes is costing the Nation a valuable manpower pool in time of skilled-craft shortages, the report emphasizes.

MANAGEMENT'S ROLE

However craft unions may control apprenticeship training, it emphasizes, the "ultimate authority to hire" rests with management, which must share the blame for discriminatory practices.

Federal and State governments also are guilty of subsidizing apprenticeship programs that exclude Negroes, the study charges.

Among the recommendations in the report are these:

State and Federal agencies should cut off subsidies to apprenticeship programs that refuse to admit Negroes.

Public schools should be required to withdraw all support—including use of school facilities—from such programs.

Unions should not be allowed almost exclusive control over recruitment of apprentices.

At a press conference later, Labor Secretary James P. Mitchell indicated he was opposed to using a fund cutoff as a weapon in the antidiscrimination fight. The Federal Government should not interfere or try to dictate how such programs are run, he emphasized. Its role, he said, is to promote apprenticeship training, and selection is left up to labor and management.

Mitchell said he didn't know whether a sufficient number of Negroes is in apprenticeship programs, because the Labor Department has stopped keeping racial breakdowns at the request of NAACP.

Mr. RUSSELL. Mr. President, I, of course, do not want to raise a captious issue here. I realize that all rules are off when we get in this area. But, as a general proposition, a man is disqualified from dealing with problems that are raised by those with whom he is associated in an endeavor. I think the Vice President ought to be disqualified from receiving a report from the NAACP inasmuch as he is a member of that organization. Nevertheless, he did receive the report. Even before the report was received, we find that the "Nixon Group Opens a Drive To End Racial Bar on U.S. Projects." That is what the headlines proclaimed. The New Senate Office Building was completed. The New House Office Building was well along. The front of the Capitol was nearly constructed. Yet, when this so-called civil rights legislation gets before the Senate, in order to get the people excited, we are told that the "Nixon Group Opens Drive To End Racial Bar on U.S. Projects."

Well, Mr. President, the Vice President has had that committee down there for several years. It has not cost the taxpayers too much—as Government agencies go now—just $350,000 a year. And it must be said that when this bill gets before the Senate, it suddenly springs into action.

Here is a bill on which we have had no hearings at all, because this bill did not go to the Judiciary Committee. The Senator from Mississippi is not sitting on this "salute to NIXON" bill. That bill is in another committee, I believe the Committee on Labor and Public Welfare. No hearings have been held. Nothing has been said about it. But here it is presented to the Senate.

Now, Mr. President, the bill does contain one rather significant change in the way the committee is now functioning. It is contained in the last part of section 206, and it is an important one:

> There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such amounts as may be necessary to carry out the provisions of this section.

Mr. President, that provision gives room for the operation of Parkinson's law. It provides for the growth and the spreading of this bureaucracy that I believe is called the Committee on Equal Job Opportunity Under Government Contracts. But this section would create a new agency by statute and inevitably invite the application of Parkinson's law.

Mr. President, there is another matter that has caused me greatest concern of all.

Two weeks before the question of alleged civil rights was to come under discussion in the Senate, there suddenly began throughout the South a number of incidents involving young Negroes—undoubtedly directed from outside the South—who invaded various eating places and undertook to break down customs which are a century old. They sought to force their way into these establishments by strong-arm methods, not by resort to law.

Mr. President, these incidents have spread and spread, and have gone from city to city. I happened to see an article in the New York Times on Sunday, February 14—February 14—that is the day before February 15 when discussion was to begin on this matter. This article, which I now have before me, takes up the activities of the so-called Congress of Racial Equality and the goals it had set for itself. The article clearly states that the so-called Congress of Racial Equality has extended its assistance and resources to these demonstrations throughout the South. There is no question but that this group fostered, planned, and incited these incidents that could lead, Mr. President, to a great tragedy in some southern city.

The articles that deal with these incidents and demonstrations in North Carolina show that the Reverend Martin Luther King was there on the ground, inspecting the pickets, going into the places that were invaded by these people. This was taking place at the very time when this so-called civil rights issue was under debate in the Senate and at the very time when the feelings of the people in the area most affected would be most sensitive to incidents of this kind.

Mr. President, these events indicate to me that those responsible for these incidents were very anxious to start a race riot of terrible proportions. They would like to be able to say through their spokesmen that a terrible incident had happened in the South—so many people killed, so many injured, so many arrested—and thereby prejudice whatever reason is left in the minds of those Members of the Senate who have not committed themselves unequivocally to this type of legislation.

Mr. President, my people have been vilified and slandered for a great many years. I am justifiably proud of the restraint they have shown in the face of provocation after provocation of this kind. I am proud of the way the police departments of the southern cities have handled this matter and have prevented it from getting out of hand.

But the professional agitators can keep going, they can keep inciting, and keep sending skilled agents into the southern States and the southern cities in an effort to provoke race riots.

But, Mr. President, is it necessary to do that? Will it serve any useful purpose? I appeal to those newspapers—that segment of the press which is helping to stir up this matter—to come to their senses and to denounce this trend toward violence before it gets out of hand. I appeal to the spokesmen of those groups—in the Senate and elsewhere—to stop this agitation before it gets out of hand. It has already gone so far as to terrify many good Negroes in southern cities.

I have before me an article about one of the most recent incidents that occurred in Chattanooga, Tenn. I shall not read all of it, Mr. President, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, Feb. 25, 1960]

CHATTANOOGA ON RIOT ALERT—EXTRA POLICE PATROL DOWNTOWN AFTER RACE VIOLENCE ROCKS CITY

(By John Pennington)

CHATTANOOGA, TENN., February 25.—Extra policemen patrolled the streets of downtown Chattanooga Thursday with crowd-busting firehoses hooked up and ready in a redoubled effort to prevent new outbreaks of racial disorder.

Police Commissioner Herbert P. Dunlap warned, in the face of a general official feeling that Chattanooga's racial troubles are not over, that whatever force necessary will be used to put down any attempted mob formation.

This city was rocked Wednesday afternoon by its worst race disturbance in modern history.

Shouting, jeering, and sometimes violent throngs, mostly teenagers, milled around a downtown area in a frenzy of racial animosity for about 2 hours.

Officers turned firehoses on first white, then Negro crowds to disperse them. Some police clubs were used. Twenty persons, 9 whites and 11 Negroes were arrested in the course of the affray which ranged on and near Chattanooga's heart of downtown Market Street.

An estimated 2,000 to 3,000 persons milled about in the course of the disorder, many of them teenagers. Seven of those arrested were under 17.

The disorder, occurring for the second day, was a byproduct of lunch counter "sitdown" integration efforts by Negro students, a movement which has spread rapidly over the South.

It began here last Friday in one downtown department store, spread into other stores this week, and erupted into violence Tuesday when defiant white and Negro students faced each other in the street.

Nervous city and school officials were working Thursday at preventive measures. But they had no assurance that trouble would not flare again, for they also had attempted following the Tuesday incident to prevent a recurrence.

Mayor P. R. Olgiati, who witnessed firsthand the milling crowds of Wednesday, called on citizens who had no business there to keep away from the downtown area.

"We will not tolerate violence," the mayor declared.

Police Commissioner Dunlap told the Atlanta Journal in a hard-boiled, no-fooling statement about police preparation for a possible recurrence:

"We are not going to permit masses of people to congregate, loiter or parade up and down our main streets. We will use whatever force we deem advisable and if necessary we will use our fire-fighting equipment with streams of water to disperse any mass of people who might incite * * * disorder."

The number of policemen patrolling downtown Chattanooga Thursday was almost doubled in a move announced by Police Commissioner Dunlap.

He took officers off 8-hour shifts, put them on 12-hour duty and assigned 25 firemen to partol with the officers. About 40 other officers, Civil Defense volunteers, were ready to help in the event of a new demonstration.

The juggling increased each police shift from 60 to 102 officers.

Commissioner Dunlap said the new arrangement will continue as long as necessary to keep down trouble.

City and police officials were hopeful (but not overly optimistic) that the hard-core

trouble-makers from the Wednesday fracas would not return to the downtown area Thursday.

One official said there might not be any trouble if the overcast skies would turn loose a heavy rain when school lets out at 3:30 p.m.

But the weatherman offered little cooperation in that respect—he said Chattanooga might during the afternoon and early evening fall victim to a 5-inch snowfall.

What effect that would have no one was saying.

School officials, recognizing that the violence was fostered by schoolchildren gathering downtown in after-school hours, were busy in conference with city officials and with each other.

Dr. John W. Letson, superintendent of city schools, said he planned to meet Thursday with principals of high schools to discuss ways of ending the problem.

"We've got to stop this trouble," he said, "and I'm ready to do whatever is necessary, even if it means starting school later in the morning and keeping school in session until 6 o'clock at night."

Dr. Letson said students were being instructed to stay away from the downtown area unless it was absolutely necessary for them to be there.

The Wednesday fracas began during mid-afternoon after the high schools let out and white and Negro students began to form into crowds on Market Street in an area where four department stores with lunch counters are located.

The moment of greatest tension occurred when separate white and Negro youth groups began marching against one another, shouting and jeering.

Police officers moved throuh the crowds urging an end to the disorder and arresting troublemakers.

One officer faced a Negro group marching toward a white group.

"Stop and turn back," he ordered.

"We're going to town, man," a Negro replied.

Commissioner Dunlap jumped in front of the group.

"No, you're not," he said. "You're going on back up Ninth Street. We stopped the white group from coming tihs way and we're stopping you from going down there. Now get going."

Several white persons reported to police that their car windows and windshields were broken by bottles and rocks.

A Negro minister, the Reverend Robert Richards, went on the radio during the trouble to urge his people to go home and pray.

He said what was happening was terrible and "this is no way to settle our problems."

"Some of the things I have seen today," he said, "have broken my heart."

Following his radio talk, the minister joined police officers in trying to break up the Negro crowd on Ninth Street, adjacent to Market Street.

James Mapp, president of the Chattanooga branch of the NAACP, who is presently involved in a new move to integrate Chattanooga schools, deplored the downtown violence.

"This has been terrible," he said. "This is something that we don't want and must not have.

"We do not want violence. That destroys everything.

"I saw a Negro boy arrested today with a gun. I have nothing but contempt for anyone who carries a gun or a knife in a situation like this."

Mr. RUSSELL. Mr. President, I have before me an article telling about a Negro minister, the Reverend Robert Richards, who went on the radio during the time of the trouble in Chattanooga, to urge his people to go home and pray. He said that what was happening was terrible. That was the statement of a Negro preacher who has to live in Chattanooga, not the statement of a provocateur from New York. The Reverend Robert Richards lived in Chattanooga. He said:

This is no way to settle our problems. Some of the things I have seen today have broken my heart.

Mr. President, the article states that James Map, president of the Chattanooga branch of the NAACP, also spoke out on the situation in Chattanooga. He was quoted in the article as saying:

It has been terrible. This is something we don't want, we must not have. We don't want violence. That destroys everything.

I saw a Negro boy arrested today with a gun. I have nothing but contempt for anyone who carries a gun or a knife in a situation like that.

These are the statements by the head of the NAACP and by a Negro minister in Chattanooga. They indicate that the good Negroes in Chattanooga are scared to death because of the efforts to incite to violence and by the presence of switchblade knives and pistols.

Mr. President, one drunk or one irresponsible person could touch off an incident which would lead to a great tragedy. If such a tragedy occurred, some Senators would stand on the floor of the Senate pillorying the South, when actually the agitation had been imported from outside the South.

Mr. President, I have related some of the things that are happening to get Senators stirred up enough to vote for anything which is brought before them bearing the title of "Civil Rights."

Oh, Mr. President, it is a tragic commentary on our civilization that such things as this could happen—that people should organize in other sections of the country to conduct a campaign to demean and bemean the people of another section. Why cannot some of those who constantly harp on this subject for political reasons, some of those who make a vocation of it, some of those who write the editorials—approach the real reason for this campaign?

The time will never come, under our form of government, when social status in this country can be achieved by either litigation or legislation. It cannot be done. The NAACP has tried it. They have had the most phenomenal success in actual litigation that has ever been seen. In fact, it seems that all they need to do is to write a postcard to the Supreme Court of the United States in order to get almost any sort of decision they want from that Court. I grieve to think what will happen to the right to own and control private property in this country if this right is ever challenged directly in the Supreme Court of the United States by the NAACP.

The NAACP has also been most successful in getting legislation. It seems to be doing a pretty good job on this legislation right now.

But social status does not come that way. It never will. It must be earned.

Mr. President, when will some of our political leaders, who constantly address groups of Negroes seeking their support, say to them frankly: "You will have to do something to earn your status"?

Mr. President, I regret to say what I am about to say because I have great affection for individual members of the Negro race. Some of the finest people I have ever known are Negroes. But the fact cannot be ignored that the Negro, as a race, has the highest rate of crime of any sizable ethnic group in our country.

Why, then, do not the politicians say to them: "Reduce your crime record. Your ratio of criminal violence as compared with other people in the United States is as high as 11 to 1. Cut it down to about 4 or 5 to 1 and we will be better able to go to the U.S. Senate and make a fight for you."

Why do not those newspapers that constantly criticize say for a change: "We advise our Negro friends to do something to improve themselves. Let them reduce their rate of illegitimacy from 10 times that of the rest of the country to 5 times, and then we will write editorials denouncing the South again."

Mr. President, we should put a stop to this business of establishing relief programs that encourage illegitimacy. There is also need for action to clean up the incidence of venereal disease. I regret to mention these things; but in World War II the percentage of Negroes entering the service who were found to have venereal disease was 20 times greater than that for whites.

Why do the Negro preachers not do something about unfortunate conditions such as I have mentioned?

It so happens that three of the most noted Negro divines have come from my State.

One was Father Divine, who came from Savannah. He is the one who established the so-called heavens. He always did intrigue me; he was a tremendously interesting character. He convinced many well-to-do white people to give him very large sums of money in order to help him establish his so-called heavens. Then there is Elijah Poole; that is his real name. He was born in Sandersville, in my State. He now calls himself Elijah Muhammad, the organizer of the so-called Moslem groups. And finally, there is Dr. Martin Luther King, Jr., of Atlanta.

Mr. President, instead of agitating and blaming all their troubles in the South on the white people why do these divines not go to the people of their own race and say to them: "Get your crime rate down to where it is not more than 2 or 3 times as great as that of the whites, and get your illegitimacy rate down to where it is not more than 4 or 5 times as large as that of the whites, and get your venereal disease rate down to where it is not more than 10 times as large as that of the whites." They would have a little better reason for recruiting supporters and soliciting funds all over the country if they would first do all within their power to improve the situations to which I have just now referred.

Mr. President, I deplore the campaign that is being conducted all over the South. I predict that if reason does not assert itself—if those in other areas who are helping to stir up these young people do not change their tactics—the results may be most grave indeed.

These young people may have some reason to feel as they do. But it seems strange that they should wait until now, when this legislation was pending in the Senate, to begin their campaign of trying to whip up the people of the country into such a frenzy that they would support efforts to force upon the South any legislation that these organizations wanted.

The racial customs against which this campaign is directed have been developed over a period of almost a century. Such deep-seated customs and precedents cannot be torn down suddenly without creating trouble.

Mr. President, I appeal to these people—even though we do not have many friends among them—in the name of decency to call off this campaign, at least until the legislation is out of the way.

The southern white people are human. They feel that they are being baited like animals, and I share that feeling in large measure. What is more, they feel that they are being baited for political purposes, and I also share that feeling in large measure. They are sensitive; this is no time to be trying to provoke a race riot. If such a calamity should happen, I know who will be blamed for it. I know who will be denounced all over the country. It will be the white people of the South.

Mr. President, I will not abandon hope that decency and fair dealing will be restored in this country. I appeal now to those who can be heard in the councils of those who are waging this campaign I appeal to those who can influence public opinion through the press, radio, and other media to take action to stop this campaign against the South at this time.

Finally, I say to the Members of the Senate: You are playing with powder, gentleman. I hope and pray that the match will not ignite fire to the powder keg and set off a very, very tragic event.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Before I suggest the absence of a quorum, I want to say that I appreciate very much the attendance of the Senators this afternoon, and the very respectful attention which the Senators have accorded to the very fine remarks of the Senator from Georgia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Allott	Byrd, W. Va.	Curtis
Anderson	Cannon	Douglas
Bartlett	Capehart	Dworshak
Beall	Carlson	Eastland
Bennett	Carroll	Ellender
Bible	Case, N.J.	Engle
Brunsdale	Chavez	Ervin
Bush	Cooper	Fong
Byrd, Va.	Cotton	Frear
Gore	Long, Hawaii	Robertson
Gruening	Long, La.	Russell
Hart	McClellan	Saltonstall
Hartke	McGee	Schoeppel
Hayden	McNamara	Scott
Hill	Magnuson	Smith
Hruska	Mansfield	Sparkman
Jackson	Martin	Stennis
Javits	Monroney	Talmadge
Johnson, Tex.	Moss	Thurmond
Johnston, S.C.	Mundt	Wiley
Jordan	Murray	Yarborough
Keating	Muskie	Young, N. Dak.
Kefauver	Pastore	Young, Ohio
Kuchel	Prouty	
Lausche	Randolph	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the Long amendment to the Dirksen amendment.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. STENNIS. Mr. President, I yield the floor.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

(Thereupon, Mr. THURMOND asked unanimous consent to have an address by Representative WILLIAM JENNINGS BRYAN DORN, at the Virginia Jefferson-Jackson Day dinner, Hotel John Marshall, Richmond, Va., printed in the RECORD.)

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. STENNIS. Mr. President, I object.

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

Allott	Douglas	Monroney
Anderson	Dworshak	Moss
Bartlett	Engle	Muskie
Bible	Fong	Prouty
Brunsdale	Gruening	Randolph
Byrd, Va.	Hart	Robertson
Byrd, W. Va.	Hruska	Sparkman
Cannon	Johnson, Tex.	Stennis
Capehart	Keating	Thurmond
Carroll	Kefauver	Wiley
Chavez	Kuchel	Yarborough
Cooper	McGee	Young, N. Dak.
Curtis	Martin	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. BENNETT, Mr. BUSH, Mr. CARLSON, Mr. CASE of New Jersey, Mr. COTTON, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. FREAR, Mr. GORE, Mr. HARTKE, Mr. HAYDEN, Mr. HILL, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCLELLAN, Mr. MCNAMARA, Mr. MUNDT, Mr. MURRAY, Mr. PASTORE, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. SCOTT, Mrs. SMITH, and Mr. TALMADGE entered the Chamber and answered to their names when called.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is present.

The question is on agreeing to the amendment of the Senator from Louisiana to the Dirksen substitute.

Mr. THURMOND and Mr. KUCHEL addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion. [Putting the question.]

The motion was rejected.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Frear	McNamara
Anderson	Gore	Mansfield
Bartlett	Gruening	Monroney
Bible	Hart	Moss
Brunsdale	Hartke	Muskie
Byrd, W. Va.	Hruska	Prouty
Cannon	Johnson, Tex.	Randolph
Carroll	Keating	Stennis
Chavez	Kefauver	Thurmond
Curtis	Kuchel	Wiley
Dworshak	Lausche	Yarborough
Engle	Long, Hawaii	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. THURMOND. Mr. President, I could not hear the request.

Mr. JOHNSON of Texas. I moved that the Sergeant at Arms be requested to ask the absent Senators to come to the Chamber so that they can observe the parliamentary shenanigans taking place.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. [Putting the question.]

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. BENNETT, Mr. BUSH, Mr. BYRD of Virginia, Mr. CAPEHART, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. COOPER, Mr. COTTON, Mr.

DOUGLAS, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. FONG, Mr. HAYDEN, Mr. HILL, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MARTIN, Mr. MCCLELLAN, Mr. MCGEE, Mr. MUNDT, Mr. MURRAY, Mr. PASTORE, Mr. ROBERTSON, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. TALMADGE, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names when called.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is present.

Mr. KEATING. Mr. President, I shall not detain the Senate for more than 2 or 3 minutes; but I wish to say something, and get it off my chest. I hope it will not cause any offense. It is said with the utmost charity.

I am tremendously proud to be a Senator of the United States; that has been a lifelong ambition. The proudest moment of my life was when I was elected to the Senate of the United States.

I have a genuine, personal affection for every Member of the Senate. I have that feeling for all the Senators who have been calling for quorums this afternoon; and I have that feeling specifically for my friend, the Senator from South Carolina [Mr. THURMOND]. Much as we may differ on certain issues, our personal friendship has survived and I am grateful for that. I cherish it.

No Member has any right to criticize any other Member of the Senate. It is not given us to know what provocations or causations may activate Senators.

But it is my feeling, Mr. President, that this is not our proudest hour. I am very much afraid that the people of this country will say we have been indulging in a pretty silly performance here this afternoon. Three-quarters or four-fifths of the Senators, approximately, want to vote. One-fifth or one-quarter approximately, will not let them. Some persons might say that this is an illustration of our system of checks and balances. But these are serious times.

We have this great human issue here before us, upon which naturally, we take differing points of view. But this is not the only issue. There are other issues, involving perhaps the very survival of our country and its free institutions which are pressing in upon us for consideration after we pass upon this legislation.

We are performing here, not with just the people in the galleries watching us, but in the center of a national and international stage. What we do is almost instantly communicated not alone to the remotest corners of our own country but to the four corners of the world.

In my judgment, Mr. President, the people of this country will not approve of the antics in which we have been indulging today. Therefore, with the utmost respect for all my colleagues, and in no spirit of personal criticism, I most respectfully suggest that we get on with the business of the Senate.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I deeply regret that we have not had an opportunity to hear any discussion of this proposed substitute since the very able speech of the Senator from Georgia [Mr. RUSSELL]. I had hoped that the opportunity would be provided for other Senators to talk at least until 5 or 6 o'clock.

We announced earlier in the week that we would not have a session tonight, but that we would run until somewhere in the neighborhood of 5 or 6 o'clock, and Senators adjusted their schedules accordingly.

I deeply regret that many Members have missed several quorum calls, and that others have been inconvenienced.

I am willing to abide by the wishes of the majority of the Senate. I do not know how many Senators are ready to vote at this moment, but I do know that a goodly number—and, I believe, a majority—are anxious and willing to listen, and are desirous of ultimately resolving this question.

I intend to ask the Senate to recess until 10 o'clock on Monday, and then it is the purpose of the leadership to give every Senator an opportunity to be heard on the question, and then to proceed to vote on the question.

I hope that can be done, Mr. President, without the necessity of a long physical endurance contest. We have spent almost 150 hours now on the pending substitute, and we have not reached a vote on a single amendment or a single part of the seven-part package.

I am hopeful we shall be able to reach some vote on Monday. If not, I shall, in accordance with the wishes of the Members of the Senate as I believe them to be, ask the Senate to stay in session until a vote can be obtained, or until a majority determines that it is not their desire to vote, or that it is impossible to vote.

Mr. President, unless some Senator desires to address the Chair——

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes, I yield to the Senator from Idaho.

Mr. DWORSHAK. What is going to happen to the committee meetings that have been scheduled for next week? It is a violation of the rules to have committee meetings while the Senate is in session.

Mr. JOHNSON of Texas. I am informed that permission will not be given for committees to meet during the sessions of the Senate. Of course, as the distinguished Senator from Idaho knows, one of his committees, the Appropriations Committee, has that consent; but I am informed some subcommittee chairmen desire to be on the floor, and will not be able to participate in committee meetings and in floor debate at the same time. I would gather that, except for the Appropriations Committee, there will be no committee meetings. And in the case of the Appropriations Committee, in some instances subcommittees will not meet.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Judiciary Committee be permitted to meet from 10:30 to 12 o'clock on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. I assume the Senator from Mississippi has checked that request with the Senator from Georgia [Mr. RUSSELL].

Mr. EASTLAND. No; I have not checked it with anybody.

Mr. JOHNSON of Texas. I have not checked it with anyone.

Mr. STENNIS. Mr. President, reserving the right to object, until it is further determined what will be the appropriate procedure, I shall object.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. JOHNSON of Texas. Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I want to say just a word about the situation here. The Senator from South Carolina was the one who called for quorums today, but the Senator from South Carolina did not set this Saturday afternoon session. The Senator from South Carolina spoke to the majority leader and told him he thought it would be better not to have Saturday afternoon sessions, but the majority leader insisted on having this session this afternoon. And since they were insisting upon it, it was the feeling of the Senator from South Carolina that those who are so intently interested in passing civil rights bills should have the opportunity to be present and hear the debate.

Where are the civil righters? Most of the day we have not had a majority on the Republican side, and we have not had a majority on the Democratic side. Where are they? The minority leader, the author of the principal amendment, is not here and has not answered to quorum calls this afternoon. The Senator from Minnesota [Mr. HUMPHREY], who is an ardent civil righter, is not here. The Senator from New Jersey [Mr. CASE], another ardent civil righter, is not here. And the Senator who has had more to say, who has talked longer, than any other Senator on civil rights, and who claims or who seems to have taken onto himself the task of being the sponsor and the supporter of civil rights in the Senate, the senior Senator from New York—where is he? Where is the senior Senator from New York? He has had a lot to say about civil rights. Where is he now?

Mr. President, what has occurred here this afternoon has been described by the majority leader as shenanigans, and he has referred to these shenanigans that have been going on. I would respectfully say to the majority leader it has not been shenanigans. What has occurred here is a farce. It is a farce, and we want to lay it bare to the country for what it is.

We know that the people of this country are not clamoring for any civil rights bill. We know that the people in the North, as well as the people in the South, do not want a civil rights bill. We know that both parties, my party, the Democratic Party, and the Republican Party, are advocating civil rights simply to make pleas to the minority bloc votes

in certain northern States. Now, that is what this is about—it is pure and simple politics.

It is very disheartening to have this discussion in the Senate of the United States, the leader of the free world, with great problems facing us, when we ought to be working on defense matters. We ought to be working on the missile program. We ought to be providing transport for troops which will be so badly needed if we have an emergency. If we are to stop a war and nip it in the bud, we are going to have troops there in those areas. Otherwise we are going to have total war.

Mr. President, there are many facets and aspects of defense that need attention. This country owes more money than all the countries of the world put together. We need to study our budget problems. We need to try to balance the budget. These fiscal problems are a great responsibility of this Nation. There are many other problems which need to be attended to. There is work in all of the committees of the Senate which need attention.

Oh, yes, Mr. President, we have to lay all of that aside. We have to stop the workings in the Senate so that the South can have rammed down its throat an obnoxious, an irresponsible, an impractical, an unreasonable, an unnecessary, an undesirable, an unfair, and an unconstitutional piece of proposed legislation.

Mr. President, we want the people of the Nation to see exactly what is going on. We want the people to understand that the South, which has done more for the Negro than any other section of the country, is a patriotic section of this Nation. We have produced as many Congressional Medal of Honor winners, and others who have won medals in wars and have fought for their country, as any section. We do not kowtow and bow to any section. We have done our part. There is not a more patriotic section of this Nation.

Why should we be punished? I ask, why do my fellow Senators want to ram something down our throats that is not practical, that is unfair and unjust? My people do not want it. They have been fair to the Negroes.

The attorney general of my State testified here several weeks ago before the Rules Committee, and he said he had had only one voting complaint in 10 years in South Carolina. He said that came from a graduate of Howard University. They simply asked the man to read or write a part of the Constitution, which is required of everybody, and he refused to do it. He was stubborn about it. At first they told him he would have to meet that requirement. He complained to the attorney general of the State. Rather than have any more trouble about it, the attorney general said, "If he graduated from Howard University, go ahead and let him vote," and they did so.

Mr. President, no one in my State is being denied any right to vote. South Carolina, which is near the bottom of the list in per capita income, has bonded itself, and has adopted a sales tax. We have built school buildings which now rank with the best in the Nation. The Negroes in South Carolina have better school buildings than the white people. They are not complaining. The Negroes in my State behave themselves well. The trouble has been only in the last week or two, when this program to have the Negroes go into certain lunch counters and sit down arose over the Nation, which was conspired out of the South. Up until then we had not had one moment's trouble.

Mr. President, we have done our best to be fair to the Negroes. When I was Governor of South Carolina, I advocated the repeal of the poll tax as a prerequisite to voting. I advocated better educational facilities for Negroes, and hospital facilities and other things to help the Negroes. I feel kindly toward the Negroes. Some of the best friends I have are Negroes. We are not persecuting the Negroes. I want this Senate to know that. We are doing what is fair and just to the Negroes, and I challenge anyone to come up with any proof that Negroes in South Carolina are being treated unjustly.

Mr. President, we are being called upon now, so we are informed, to stay in session day and night. For what purpose? To ram a civil rights bill down the throat of one of the sections of the Nation, which loves other sections. We have no ill will toward any other section. Ours is a section that wants to cooperate with other sections. It is a section that is a part of this Nation. It is a section which has more of the original States of this Nation than any other section.

Mr. President, we think the Senate ought to be reasonable in these matters. We think the Senate should act very carefully before it passes some of the legislation that has been recommended here.

I would rather not be in the U.S. Senate than to cast a vote which would punish my conscience for the rest of my life. If I could not come here a free man obligated to no man under the sun—if I could not come here as a free man and vote my convictions from my heart I would rather be back down in South Carolina on a farm, practicing law, or doing anything else. I would not come here and do, as it appears to me some seem to want to do—just go along with the crowd, because it might appear to be a popular thing with the NAACP.

Mr. President, I believe the people of this country are going to rise up some of these days. They are going to rebel at what is taking place. It is obnoxious. It is altogether, in my opinion, uncalled for. We should discontinue such actions in the Congress.

I hope the Senate will think over these matters. I hope the Senate will realize that the South is a part of the Nation, and that we ought to work together.

I hope the Senate will realize that under the Constitution there are only certain powers delegated to the National Government, and they are written in bold print, in black and white, and all other powers not specifically enumerated and delegated are reserved in the States.

The Constitution contains several references to elections, and it is a well-known fact that the primary responsibility for the conduct of elections is vested in the States.

The field of education is reserved to the States.

Why not let the States handle these matters? I believe the State of Washington or the State of Florida or the State of Maine or some State some distance removed from my State knows much better how to handle its problems than the people in South Carolina do. In some instances the people of different States have had a problem with Indians, a problem with Mexicans, or other kinds of problems, but we have not tried to tell them how to handle those problems. We think the people who have the problem—who have dealt with it, suffered with it, worked with it, and tried to solve it—know best how to handle it. We think that is the situation with respect to the Negro problem.

In some States this is not a serious problem. In other States it is a serious problem. In some counties in my State 70 percent or more of the people are Negroes.

I ask Senators to place themselves in the shoes of the people of South Carolina so that they may appreciate the serious problems which exist. They are problems deserving of the utmost consideration. I hope the Senate, as it goes about considering the civil rights bill, will not act heedlessly or recklessly, but will certainly act carefully, studiously, and prayerfully, giving careful consideration to every particular phase of any particular bill which might be before the Senate.

Mr. President, the Senate has been in session long enough today. I simply want to say, I did not keep the Senators here. I did not bring the Senators here. I did not want the session this afternoon. It was forced upon us. When the South has its back to the wall, we have to rely on the rules to protect ourselves. I want to say further that we will expect to rely on the rules in the days to come.

I realize that hard days are ahead of us. I hope that the Senators, before they cast their votes on these matters, will put themselves in our shoes and do as the Good Book says:

> And as ye would that men should do to you, do ye also to them likewise.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. STENNIS. Mr. President, I wish to commend the Senator very highly for the substance of everything he has said. I applaud the Senator for the position which he has taken, which is, in a way, a defense of a Senator's right to stand on the floor of the Senate and represent his State.

I make no personal reference to Senators in particular, but the two Senators from New York, who are well prepared on their subject, took up most of the time of the Senate today. Later in the

afternoon, when the time came when everyone knew the Senator from South Carolina was expecting to speak, the membership of the Senate walked out of this Chamber almost to a man, and left him standing facing empty seats. He had a well prepared speech, and he represents one of the original Thirteen States. I do not blame him one bit. I commend him for resorting to the use of the rules of the Senate. Since it was determined to have this session, he forced Senators to come here and answer roll calls. I think he represents the finest traditions of this body when he does so.

A certain comment was made too quickly or thoughtlessly, I believe. I do not believe it is characteristic of the Senator from New York to try to hold the Senator from South Carolina up in any way to scorn or ridicule, or to try to give the Senate, or any Senator, a lecture because he is standing here and representing his State to the best of his ability and judgment.

Again I commend the Senator from South Carolina for his position.

Mr. KEATING. Mr. President, will the Senator yield for an explanation?

Mr. STENNIS. I do not believe the comment in question represented the real intention of the Senator from New York, but it did not come with good grace, in view of what has happened here today.

Mr. THURMOND. Mr. President, I express my gratitude to the distinguished Senator from Mississippi, who is held in as high esteem as any other Member of this body. I appreciate his kindness.

Mr. KEATING and Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield, and if so, to whom?

Mr. THURMOND. I yield first to the Senator from New York, and then I shall be glad to yield to the Senator from North Carolina.

Mr. KEATING. I am certain that my good friend the Senator from South Carolina understood, as I tried to make clear, that I was in no way making a personal reference to him.

Mr. THURMOND. I thank the Senator from New York.

I now yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I should like to ask the Senator from South Carolina if he does not think that in many instances certain segments of the press and of the radio and television are on trial in connection with this issue?

Mr. THURMOND. I think the Senator from North Carolina is eminently correct. I remember that in 1957 a civil rights bill was before the Senate. The coverage from Washington was warped, twisted, and biased, and did not present the views of the other side of the question. I sincerely hope that this time the press, the newspapers, the radio, and the television will see fit to afford equal coverage to both sides of the question.

Mr. ERVIN. I ask the Senator from South Carolina if he, like myself, has not been startled by the apparent effort of some of the newspapers and some of the magazines and some of the commentators to make it appear that the only matter involved in this controversy is the question of voting rights of Negroes in Southern States.

Mr. THURMOND. I agree wholeheartedly with the expression of the Senator from North Carolina on that point.

Mr. ERVIN. I ask the Senator from South Carolina if he does not think that fair play, as well as the performance of the duty of a free press, require that the American people be advised by those media of communications that this bill, instead of being simply a bill designed to give voting rights to Negroes in Southern States, is a bill which contains seven different provisions for seven different laws.

Mr. THURMOND. The Senator from North Carolina is absolutely correct in that statement.

Mr. ERVIN. I ask the Senator from South Carolina if, in the first place, it does not contain a first section, which is directed solely at persons obstructing desegregation decrees which undertakes to establish for the first time in American history that obstruction of a Federal court decree shall constitute a crime.

Mr. THURMOND. The Senator from South Carolina has never heard of any statute that would attempt to do what the proposed statute would do, which, in the opinion of the Senator from South Carolina, would be the denial of free speech under the first amendment to the Constitution of the United States.

Mr. ERVIN. I ask the Senator from South Carolina if the first section does not, in many cases, attempt to make acts which are already punishable as crimes under State law, and which are already punishable as contempts under Federal law, punishable a third time, by making the same acts Federal crimes.

Mr. THURMOND. The Senator is correct. We already have provision for punishment under State law and Federal law; and the proposed bill tends to heap punishment upon punishment in the case of the individual charged.

Mr. ERVIN. Does the Senator from South Carolina not think that media of communication which are interested in telling the truth ought to inform the American people that the first section of the pending substitute undertakes for the first time in American history to provide triple punishment for American citizens for the same act?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. I ask the Senator from South Carolina if the pending substitute does not contain a second section, which undertakes to make interstate flight to avoid prosecution in certain cases a Federal crime.

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. I ask if this second section does not contain a provision providing for venue in the Federal court, which is contrary to the third article of the Constitution, which requires that trial in Federal criminal cases shall be conducted in the State where the offense is committed, and also in violation of the sixth amendment to the Constitution which requires trial for Federal crimes to be held not only in the State in which they occur, but also in the Federal district in which they occur.

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. Does the Senator not believe that the media of communication, in the interest of fair play, ought to point out to the American people the contravention of those constitutional provisions?

Mr. THURMOND. The Senator from South Carolina is of that opinion.

Mr. ERVIN. I ask the Senator from South Carolina if the substitute does not contain a third provision, which would, for the first time in American history, place the Federal Government in virtual control of election records.

Mr. THURMOND. The able Senator is absolutely correct.

Mr. ERVIN. I ask the Senator if he does not think it should also be pointed out that the substitute contains a fourth section, which puts an unsound interpretation on the school desegregation cases, and attempts to put the Federal Government behind the integration of schools, regardless of the wishes of the parents of the children in the school districts affected.

Mr. THURMOND. The Senator is eminently correct. The Brown case did not call for integration in the schools, but rather, forbade segregation on the basis of race, color, or creed. There is a distinct difference.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I should just like to ask the Senator from South Carolina if this substitute does not contain a fifth section relating to the use by the Federal Government of school property the title of which is in the State rather than in the Federal Government?

Mr. THURMOND. That is true.

Mr. ERVIN. I will ask the Senator if it does not contain a sixth section which establishes an FEPC Commission for Government contracts?

Mr. THURMOND. That is the understanding and construction of the Senator from South Carolina.

Mr. ERVIN. So this substitute contains at least five provisions which have no relation whatever to voting rights, and the American people ought to be told that fact, if we still have a free press in America; does the Senator not think so?

Mr. THURMOND. The Senator is correct.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. EASTLAND. I would like to ask the distinguished Senator from South Carolina if he actually believes the American people will be told that fact?

Mr. ERVIN. All I can say in response to that question is that I hope we still have a free press in America and that the press will fully advise the American people.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield for a question?

Mr. THURMOND. I yield to the distinguished Senator from Mississippi.

Mr. EASTLAND. I commend the Senator from South Carolina [Mr. THURMOND] on one of the greatest speeches I have ever heard in this body. He has ably represented the people of his State, and he has ably represented the South. I am personally very fond of the junior Senator from New York [Mr. KEATING]. I heard the Senator's speech, and I got the idea that he was lecturing the Senator from South Carolina. I hope I am wrong. I would like to know to whom the Senator from New York had reference in his speech.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. THURMOND. I wish to thank the Senator from Mississippi. I yield to the Senator from New York.

Mr. KEATING. I made it very clear in my remarks that I, certainly of all people, am in no position to lecture anyone about his personal conduct in the Senate. I was simply expressing a respectful hope that we could get on with the business of the Senate, and I so expressed it.

Mr. EASTLAND. I am pleased at that enlightenment, because the Senator from Mississippi had the very definite idea that the Senator from South Carolina was being called down. I am glad to know that he was not.

Mr. KUCHEL. Mr. President, allusion has been made to the absence from the Chamber of the junior Senator from Illinois [Mr. DIRKSEN], the distinguished minority leader, and the distinguished Senator from New York [Mr. JAVITS]. No apologies are in order for the absence of either.

Mr. COOPER. Mr. President, I have the greatest respect for the distinguished Senator from South Carolina [Mr. THURMOND], and I, of course, know that he has a right to insist that a quorum be called. However, the Senator is wrong in his statements about the distinguished senior Senator from New York [Mr. JAVITS]. I know that the Senator from New York was in the Senate shortly after it convened, and he started speaking about 12 o'clock on the civil rights question, and spoke for over 2 hours, yielding to Senators for questions and for debate. I would say that he was in the Senate 5 hours during the day, and that he has taken a full part in the debate and proceedings today.

Mr. KEATING. Mr. President, I think I would be remiss were I not to join in the complete exoneration of the senior Senator from New York for any inability to appear at the time of the last quorum call. As has been said, he stated in a most scholarly and effective manner his views on the proposed legislation, and was present for a long time today. Many times it becomes impossible for many of us to be present at a specific hour, but certainly the senior Senator from New York needs no defense from any of us on his position and effectivenes.

Mr. JOHNSON of Texas. Mr. President, I wish to remind Senators of the schedule for next week, and I hope they will make any necessary adjustments in their schedules so that they will be able to participate in the debate, and in what I trust will be some voting on the pending substitute some time next week. The leadership is going to attempt to provide every opportunity to stay in session long enough so that any Senators who desire to address themselves to the subject may do so.

I am informed that it is the desire of some Senators that specific committee meetings may be had on Monday morning. I did not have that information communicated to me; but in order not to take any chances, and for fear that I may have forgotten some request the minority leader could have made to me in the rush of business, I am going to ask that the Senate meet at 12 o'clock, instead of at 10:30 or 11, so that necessary precautions may be taken.

RECESS UNTIL MONDAY, FEBRUARY 29, 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 12 o'clock noon on Monday, in order that any committees which wish to meet on Monday morning may do so.

The motion was agreed to; and (at 5 o'clock and 46 minutes p.m.) the Senate recessed until Monday, February 29, 1960, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27 (legislative day of February 15), 1960:

CIVILIAN AERONAUTICS BOARD

Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1962.

U.S. COMMISSIONER FOR THE WORLD SCIENCE-PAN PACIFIC EXPOSITION

Philip M. Evans, of Washington, to be U.S. Commissioner for the World Science-Pan Pacific Exposition to be held in Seattle in 1961 and 1962.

U.S. COAST GUARD

The following U.S. Coast Guard officers for promotion to the rank indicated:

Permanent rank of rear admiral in the U.S. Coast Guard

Capt. Henry J. Wuensch.
Capt. George H. Miller.
Capt. George A. Knudsen.
Capt. Christopher C. Knapp.

The following-named persons to the rank indicated in the U.S. Coast Guard:

To be captains

Ralph D. Dean	Joseph R. Scullion
William J. Conley, Jr.	Richard L. Mellen
Glenn L. Rollins	Ernest A. Cascini
Frank V. Helmer	Robert F. Shunk
Bernard E. Scalan	Guy L. Ottinger
Edward C. J. Thompson	George R. Boyce, Jr.
Gerald T. Applegate	Charles F. Perry
George R. Reynolds	Fred J. Scheiber
William B. Ellis	Christian R. Couser
Robert N. Williams	Harold L. Wood
Arthur W. Johnsen	Thomas K. Whitelaw

To be commanders

Allan V. Falkenberg	Leroy A. Cheney
James W. Moreau	Albert A. Heckman
Charles A. Greene	Donald H. Luzius
Douglas D. Vosler	Urial H. Leach, Jr.
Frank C. Schmitz	Lewis W. Tibbits, Jr.
Francis X. Riley	John W. Sutherland
Bainbridge B. Leland	Richard H. Welton
John L. Haney	Ernest H. Burt, Jr.
Billy R. Ryan	Arthur P. Minor
Robert E. Emerson	Jerry K. Rea
Sherman K. Frick	Richard L. Fuller
John E. Day	George H. Lawrence
Charles W. Scharff	Hersey C. J. Forehand
Francis D. Heyward	Marcus H. McGarity
Edward F. Cotter	Fletcher W. Brown, Jr.
Raymond J. Perry	Charles M. Shepard III
Robert P. Cunningham	Paul F. Foye
	Ephraim P. Rivard
Gerhard K. Kelz	Ernest R. Challender
Edward D. Scheiderer	Claude W. Bailey
Frederick A. Goettel	

To be lieutenant commanders

Thomas G. Condon	Winford W. Barrow
James W. Swanson	Robert E. Williams
Harry U. Potter	Joseph B. Ohara
George L. Oakley	Willis N. Seehorn
Charles R. Leisy	Martin W. Flesh
Stanley G. Putzke	David R. Rondestvedt
Leo M. Bracken	Jack D. Lyon
Albert J. Guillemette	Louis N. Donohoe
Paul McGill, Jr.	George E. Tooloose
Maurice W. Tiehen	Ralph W. Niesz
Elvin F. Yates	Robert N. Rea
Milton B. Williams, Jr.	Robert G. Schwing
James S. Cooper	Risto A. Mattila
William J. Donnay	James A. Dillian
Robert A. Lemmon	Robert I. Price
Herman S. McNatt	Robert J. Healy
Lloyd L. Kent	Gerald G. Brown
Mark F. Mitchel	Clifford F. Piestrup
Robert B. Long, Jr.	Stanley B. Russell
Alvin N. Ward	Marc Welliver II
William D. Ball, Jr.	Leslie J. Williamson
Wiliam C. Brown	Eugene E. McCrory
Frank C. Anderson	Kevin L. Moser
John P. Obarski	Walter F. Bartlett

To be lieutenants

Stanley J. Walden	John W. Duenzl
John J. Cadigan	Ronald A. Wells

To be lieutenants (junior grade)

Edward B. Holtzman	Aristedes K. Manthous
William E. Morris III	Harry R. Taplin, Jr.
William T. Rockwell	

To be chief warrant officers, W–4

Albert M. Glenn, Jr.	Joseph A. Levasseur, Jr.
Thomas J. Collins	
Roderick W. Dowell	Leonard L. A. Krenning
Darrell R. Heyting	
Harry N. Hansen	John C. Woodworth
Lyle W. Glenny	William W. Grubb
Herbert H. Ehlers	Marin M. Cornell
Floyd M. Hecox	Stacy C. Cranner
James A. Leete	Alvin L. Kooi
Charles V. Cowing	Marlin L. Needles
Don J. Call	Kenneth J. Titus
Howard M. Varness	Alvin M. Elmore
"J" "P" Ford	James C. Seidl, Jr.
Herman W. Pelletier	Adrian Salter
Matthew P. Folan	James H. Thiemeyer
Ernest E. Fuller	Melvin B. Midgette
Victor W. Sutton, Jr.	Victor Koll
Zoltan Papp	Charles E. Haley
	Claude M. Hutchins

To be chief warrant officers, W–3

Harold D. Gallery	Edison Jones
Frederick M. Rummel	Claude W. Jenkins
Sidney Cruthirds	Philip J. Crawley
Bernard Hogan	Roland J. Magee
Dayle C. Carlson	Robert P. Harmon
Arnold J. Anderson	Harry S. Hayman
Joseph A. Del Torto	Rudolph T. Lenac
Lewis H. Keeton	Hubert Craven
Ruben M. Donovan	Leo C. Horner
Curtis J. Olds	William D. Oliver
Robert L. Roberts	Robert N. Piland, Jr.
Walter H. Beeker	Earl H. McDonald
Wilbur T. Hutchinson	John W. Babcock
William R. Bentler	James B. Hunnings

U.S. COAST GUARD

Charles J. Albanese	Beverly E. Locke
Charter D. Edwards	Charles M. McHenry

Robert J. Krueger
Peter J. Monk
Kenneth A. Snow
Santiago P. Quinones, Jr.
George C. Werth
John C. Carney
Lester W. Willis
John L. Morrison
William Maki
Floyd V. McCombs
Daniel C. Giller
Frederick D. Dubrucq
Robert S. Gaddy
Harold K. Grinnell
Warren E. Riley
John C. Williams
Perry Christiansen
James E. Watson
Thomas O. Cameron, Jr.
Robert J. Klestinec
Edmond S. Cinq Mars
Glenn C. Furst
Alva W. Henderson
Herbert H. Oakes
Christopher D. Elling
Kenneth T. Outten
Leonard L. Thomas

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Coast and Geodetic Survey:

To be captains

Junius T. Jarman
William F. Deane
Edgar F. Hicks, Jr.
John C. Bull

To be commanders

Harry D. Reed, Jr.
Emerson E. Jones
Gerald L. Short
John O. Phillips

To be lieutenant commanders

Donald L. Campbell
Robert C. Munson
Gerard E. Haraden

To be lieutenants

James C. Sainsbury
Philip J. Taetz
K. William Jeffers
James K. Richards
Verle B. Miller

To be lieutenants (junior grade)

George F. Wirth, effective February 12, 1960.
Anders E. Beyer, effective February 17, 1960
Bernard R. Berson
Harold E. McCall
Wesley V. Hull
Wayne L. Mobley
J. Dunston Wingfield, Jr.
William N. Grabler
Phillip W. Ward
Glenn De Groot
David I. Wolsk
Arthur C. Korn
Edward L. Talbot
Martin T. Egan
Charles A. Burroughs
Richard E. Alderman
David Cummings
James B. Allen
Jude T. Flynn

To be ensigns

Karl W. Allgeier
Robert M. Hagan
Elwyn Holtrop
Bruce I. Williams

EXTENSIONS OF REMARKS

Address by Representative William Jennings Bryan Dorn at Virginia Jefferson-Jackson Day Dinner

EXTENSION OF REMARKS
OF
HON. STROM THURMOND
OF SOUTH CAROLINA
IN THE SENATE OF THE UNITED STATES
Saturday, February 27, 1960

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address by Representative WILLIAM JENNINGS BRYAN DORN of the Third Congressional District of South Carolina, which he delivered at the statewide Virginia Jefferson-Jackson Day dinner at the Hotel John Marshall, Richmond, Va.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONGRESSMAN DORN ADDRESSES VIRGINIA JEFFERSON-JACKSON DAY DINNER

(Portion of the address of Congressman WILLIAM JENNINGS BRYAN DORN, principal speaker at the annual statewide Virginia Jefferson-Jackson Day dinner, at Hotel John Marshall, Richmond, Va.)

Mr. Chairman, as Democrats, we gather tonight in this critical hour in the history of our Democratic Party. Our party is at the crossroads. We either unite and move forward to a November victory or we flounder in defeat on the plane of agitation. * * *

In the early history of our country, as now, there were those who believed in a powerful Central Government. There were those then, as now, who worshiped at the shrine of Federal power. It would have been easy for Thomas Jefferson the aristocrat, easy for Jefferson the classical scholar, to become a political conformist and drift with the Federal tide. Jefferson was a man of principle who had great ideals and faith in the people. Jefferson was humble, honest, and considerate of the opinions of others. * * *

Thomas Jefferson's idealogy was pitted against that of The Federalist. * * *

When finally elected by the House and inaugurated, Jefferson, as President, did not follow a policy of vindictiveness, factionalism or sectionalism. He used his influence and prestige to promote unity, harmony, and the general welfare. He never forgot the man on the frontiers, the citizen in the log cabins, nor the little shopkeeper and the small businessman. He never lost faith in the men at the grassroots. * * *

Jefferson launched our great Democratic Party as the party of the people. He led the people to a better understanding of themselves and their role in a democratic society. Jefferson educated the people to their duties and responsibilities. He led them to realize they were a part of America. They began to look upon the Government as their agent—created and supported by themselves. They became self-reliant and independent. They had confidence in themselves and local institutions. They became accustomed under Jefferson to a minimum of Federal Government. They revolted against the very thought of Washington paternalism. * * *

The Democratic Party became a symbol of States rights and individual freedom. Through lean dark years, it could always be revived again by a return to the principles of Jefferson and Jackson. Grover Cleveland, William Jennings Bryan, and Woodrow Wilson revived and rallied the party time and again to the old standards.

The Democratic Party has traditionally championed opportunity, sound currency, a minimum of government, a balanced budget, and the Bill of Rights. Jeffersonian Democrats became liberals because they believed in the liberties of our people. In the South today, we are the true liberals. We believe in individual liberty, States rights, and local government. Jeffersonian Democrats became a symbol against centralized bureaucracy, excessive taxation, and stark Federal power. * * *

The national chairman of our great party has become the tool of these special interests, these pressure groups, these Machiavellian exponents of Federal dictatorship. Were Jefferson and Jackson alive today, they would flatly reject such a philosophy. They would oppose the powerful political machines with bloc voters, political slush funds, and ward bosses. They would be shocked to see some so-called Democrats controlled like sheep and cattle by pressure groups for the personal gain and greater glory of their leaders. This philosophy is not the philosophy of Jefferson, but of Mussolini. It is not the philosophy of Jackson, but more like the philosophy of Hitler and Lenin. This National Socialist clique is dedicated to a welfare state. They believe all planning and thinking for the American people can best be done in Washington. * * *

These powerful sources behind the national chairman are seeking to divide and conquer. They have left the party of Jefferson and Jackson. They do not believe in Jeffersonian democracy. They have adopted demagogy, intimidation, vindictiveness, and sectional discrimination. Their real purpose is to form a splinter party—to create a third party, a National Socialist Labor Party.

The late Congressman Vito Marcantonio outlined this plan to me many times. He said that we want all of you Jeffersonian Democrats and conservatives in one party, while us leftists and believers in Federal socialism should be in another party. Someday our party will come to power, and America will be launched into complete socialism with only one political party. This is the goal and objective of those using our national chairman. They have no hope of victory this year. They hope to promote another 4 years of the present administration. Then the time will be right for them to launch America into socialism.

Prime Minister Winston Churchill warned me about the danger of a conservative and a liberal party. After a liberal administration there is nothing a conservative administration can do to restore free enterprise. It is simply too late. The Prime Minister warned that there must be strong conservative elements in both political parties.

With a united Democratic Party we can win the Presidency this year. * * * We can only win with a united party and united effort in a common cause.

The Jeffersonian Democrats are willing to meet in the middle of the road on the basic fundamental principles and issues. We in the South are not asking all elements of the party to join us on the right. We only ask the national chairman to meet us halfway. We will never abandon our convictions and go all the way to the left. We do believe there is room in the middle. There is a common meeting ground. There are mutual objectives.

The South is going to Los Angeles in good faith. We are not going to run out or back out before the firing starts. We are going to be there and fight openly for the principles of Jefferson and Jackson. We will seek to nominate candidates pledged to the philosophy of Jefferson and Jackson. We do not expect to be thrown out nor do we intend to throw anybody else out. The South will be heard from when the platform is written. We will oppose vindictive planks in the platform. We will oppose the platform being written by pressure groups, racketeers, or those claiming to speak for minorities. We are going to reject and oppose sectional discrimination. We will fight for harmony, unity, and a middle of the road platform. If radical and Fascist elements gain control at the convention and throw certain Southern States out of the party, we will meet that tragedy when it arises with plans already formulated. We are determined to preserve the party of Jefferson and Jackson. We are determined to make every effort to preserve the freedoms of our country. * * *

The once sovereign citizen is being crushed today by burdensome taxation, confiscation, and loss of freedom by big government. Inflation has wiped out the lifetime savings of our people. Social security cannot pay the house rent. Unemployment insurance and bank savings have depreciated, causing hardship among the aged and the poor. Inflation has destroyed the purchasing power of the dollar. Our people live in constant fear of a Federal gestapo. They spend anxious days and sleepless nights worrying about the tax collector. They often pay the Government more than they should through fear and complicated tax forms. The Democratic Party must meet this challenge. * * *

The Democratic platform of 1960 should be positive. It should be forthright. It should put first things first. The greatest single issue before the American people today is one of survival. The Communist menace overshadows all others. It is a threat to the United States militarily, through subversion and through economic war. The Kremlin believes the United States will destroy itself by excessive spending and inflation. The American people are alarmed by this administration's apparent confidence in Khrushchev. This administration seems to forget that Khrushchev is a murderer, a ruthless killer of innocent people and is dedicated to world conquest. The great J. Edgar Hoover testified a few days ago before a Senate committee that the Communist Party in America, aided by the recent visit of Soviet Premier Nikita Khrushchev, is now "more powerful, more unified, and even more of a menace to our Republic * * * the recent visit of Khrushchev has done much to create an atmosphere favorable to communism among Americans."

Khrushchev is being permitted to establish a base in Cuba, 90 miles from our coastline. His agents have incited riots in the Panama Canal Zone, threatening this vital link in Western commerce. The Communists have infiltrated Venezuela, thus threatening the all important Caribbean from the North and the South.

The Democratic platform must offer to the American people a clearcut and forthright foreign policy. We must reject appeasement and compromise. We must meet the Communist threat with the courage of Andrew Jackson. We cannot coexist with those sworn to bury us. We must warn our people of the utter hopelessness of summit meetings with those responsible for the crimes in Hungary, Poland, and East Germany. We must remember the pathetic Chamberlain and Daladier at Munich.

Our Democratic platform should call for the best defense in the world with a new world strategy geared to the missile age. If we are to survive, we must retain control of the skies and conquer space. Until the missile gap is closed, of course, our strategic air command should be partly airborne at all times. This is elemental and plain commonsense. Had our fleet at Pearl Harbor been seaborne, this disaster would have been averted. Billions can be saved in our national defense program by a consolidation of our missile program, a consolidation of our various air forces and a common supply system. * * *

Russian automobiles are being permitted to enter the United States. Textile mills are being built in Russia with American money, setting the stage for a flood of Communist goods made with Siberian slave labor. We must, as Democrats, meet this threat head-on, establish a trade policy that is truly reciprocal and save the American worker and American farmer from slave competition.

The Democratic Party platform must promise to eliminate waste and extravagance in foreign aid. We must reduce foreign aid. We owe more money than all the rest of the world combined. Our gold reserves have poured abroad. We are in a precarious fiscal position. While creating inflation at home, high taxes, and an ever increasing national debt, we are building up competiton abroad with our own workers and farmers.

The Democratic platform should contain a plank to free our farm families from Government control and depressing prices caused by these stupendous surpluses. The cattle farmer is relatively prosperous only because of a minimum of Government controls. Our farmers are forced to plant less and less while surpluses grow larger and larger. The family-sized farm must be preserved. Rural people have always furnished balance and stability to representative government. The Declaration of Independence, the Constitution, and the Bill of Rights were largely products of rural philosophy.

The Democratic platform must deal with the stupendous annual interest on the national debt, the national debt itself, and a balanced budget. We must offer some encouragement to the youth of our country by reducing the national mortgage on his future. * * *

The Democratic Party must reaffirm its faith in our capitalistic system of free enterprise. We must reaffirm our faith in the opportunity system that gave to America the highest standard of living ever known to man. We must guarantee to business less Government interference.

The Democratic Party, as always, must uphold constitutional government, State rights, and individual liberty. We must protect our people from an ever more powerful Executive, and over-zealous Supreme Court, and now a World Court. * * *

With a candidate pledged to Jeffersonian democracy and this platform, we can win. Only 51 percent of the American people eligible to vote cast their ballots in the Presidential election of 1948; only 60 percent in 1956. With this platform, the unemployed glass workers, the chemical workers, and the coal miners of West Virginia and Pennsylvania will go to the polls. The textile workers and shopkeepers of New England will have an incentive to vote. The curtailed auto workers of Michigan, Indiana, and Illinois will take heart. Millions of farmers and small businessmen in the West and Midwest will vote for the first time in many years. They will vote Democratic. The housewife will be out on election day to protect her family from cheap money. The Democratic Party cannot win with a me-too platform. We must and can give the American people a clear-cut choice. We can win with the 40 million people who did not vote in 1956 because they had no choice.

One of the most glorious chapters in the history of our Republic was written by the magnificent Commonwealth of Virginia. The story of the Declaration of Independence, the Constitution, and the Bill of Rights is largely a Virginia story. Four of our first five Presidents were nurtured by the soil and environment of the Old Dominion. Four of the five greatest military commanders in the history of the Western World were Virginians. We cannot imagine the American Republic without Patrick Henry, George Washington, and George Mason. Your Thomas Jefferson, the founder of our great Democratic Party, is revered and loved by the whole free world. The visitors to our Nation's Capital from the remote places of this earth pause at the beautiful Jefferson Memorial to pay homage to the memory of a Virginian dedicated to freedom. Millions from throughout the world read in hushed silence, "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man."

Address by Senator George D. Aiken, of Vermont, Before the National Rural Electric Cooperative Association

EXTENSION OF REMARKS

OF

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Saturday, February 27, 1960

Mr. MOSS. Mr. President, I had the privilege of attending the annual meeting of the National Rural Electric Cooperative Association, held at St. Louis on the 24th of February, and hearing the very excellent and eloquent speech delivered by the senior Senator from Vermont [Mr. AIKEN]. I ask unanimous consent that the remarks of the senior Senator from Vermont may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR GEORGE D. AIKEN, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION, ANNUAL MEETING, ST. LOUIS, MO., FEBRUARY 24, 1960

The greatest satisfaction one can get out of public life is working with people for the good of their country—people who have vision to see ahead—ability to plan—and determination to achieve their purpose.

The members of the NRECA are people of this kind. It has been a great satisfaction to me to have worked with you and your dedicated general manager, Clyde Ellis, throughout the years—to have fought with you again those who destroy the REA program and to have enjoyed with you the fruits of truly remarkable achievements.

This year of 1960 is the 25th anniversary year of the Rural Electrification Administration.

It is also the 17th anniversary of the first annual meeting of the NRECA here in St. Louis.

It was my privilege to be one of the speakers at that meeting along with Senator George Norris and others who had crusaded for the extension of electric light and power to the rural areas of America.

When I found that I was to speak at this annual meeting of the NRECA, I looked up the talk which I gave here in St. Louis at that time.

Except for the references which I made to the war, which was going on in all its fury, I might just as well make the same remarks here today that I made 17 years ago, for they are equally applicable to these times.

At that time I told you, "The hope of America lies in a better rural future."

Since then, we have made progress, great progress. Our soil and water resources have been improved. Agricultural production has increased. Markets have expanded, and we are living in better homes with more conveniences.

The 800,000 farms which were served by the REA in 1943 have now increased to about 2½ million, and the total number of rural consumers served by the REA today has passed the 4 million mark. The expansion of rural electrification is to a great degree responsible for the great increase we have had in our national economy.

Billions of dollars worth of new business have been created for our industries.

In spite of the magnificent gains made to date, however, our job is far from complete.

I doubt if it ever will be complete, for keeping abreast of changing rural conditions, and keeping pace with the progress of technology presents a continuing challenge for greater effort on our part.

The welfare of the Nation today depends on rural America to a greater degree than ever and rural America will prosper or fail according to the extent to which we continue and improve the services which the REA has initiated and thus far carried forward.

The REA has not merely brought light and power to millions of farms and rural homes, it has led the way to many other improvements in rural living including transportation, communication, better health, better education—television.

Its worth cannot be measured by dollars and cents alone, for its contributions to better living and greater security for farm and city people alike does not lend itself to such an estimate.

During all the years of its existence, the REA has fared well at the hands of Congress.

There is every indication that this fair consideration will continue for the foreseeable future.

We must not, however, take it for granted that the future will be all rosy.

REA cooperatives and regional and national organizations must be kept strong.

It is important that all local co-ops achieve and maintain financial stability as soon as possible for in spite of our present optimism the unexpected could happen.

However, if you ask me what the present session of Congress is likely to do to affect the REA, my answer is nothing—directly, other than to insure adequate funds for its operation. I look for no changes in basic legislation in this field.

REA members, like everybody else, are of course affected by war and peace—prosperity and depression—health and sickness and so on.

As individuals we feel the effects of competition from others in the same line of business.

In this day and age, however, it is not competition between individuals but group competition that may make or break us.

That is why every important industry or business or social group has of necessity organized those engaged in the same line or seeking a similar objective.

That is why the REA cooperatives 18 years ago organized the NRECA.

Except for the fact that users of REA light and power are organized, it is certain that this great program which has meant so much to rural America and American industry would never have made such a record of achievement and might even be well on its way out today.

The opponents of the REA have one of the best financed and most closely knit organizations in America. The electric light and power industry is potent politically as well as economically. Its leaders are able, astute and good organizers. They are not in business just for their health. They are in business for profit.

They not only seek to stamp out competition wherever they find it but also they support for State and Federal positions those candidates who they feel will see things their way.

The light and power industry has been so successful in the political field that in most States it has no fear whatever of the quasi-judicial bodies which are set up to regulate it. In many States the laws are quite favorable to the corporate utilities and regulatory agencies are inadequately financed.

In the Federal Government it has been so successful that the benefits it has received in the form of tax privileges and in other ways far exceeds any real or fancied subsidy which the REA has ever received or ever will receive. They do not include this fact in their full page advertising.

At this point I wish to compliment the NRECA on its new national advertising. It is constructive and shows positive rather than destructive thinking.

In spite of the great privileges and benefits which the corporate light and power industry has acquired rightfully or otherwise, it still is not satisfied.

So long as REA cooperatives and municipal electric systems operate they may expect to feel the full force of the opposition of the light and power industry.

Were it not for the examples and yardsticks set up by the co-ops, the corporations would be able to extract even greater profits from the public than they do today.

The power industry seeks a complete monopoly today just as it has been doing for decades. Public power systems and cooperatives stand between it and the attainment of this objective.

Monopolies either public or private are bad for a free people. They stifle progress. Totalitarian industry will lead to a totalitarian government.

Seventeen years ago I said:

"I have no quarrel with private industry. I believe in it. * * * But when the time comes that a comparatively small group of men virtually obtains a monopoly over a necessity of life, then it is high time that action be taken to effectively regulate or eradicate such a monopoly * * *."

And I also submitted at the same time a formula for meeting the monopolistic challenge when I said, "Cooperative methods will regulate private industry far more effectively than laws enacted in legislative halls, or regulations promulgated by boards and commissions."

During the 17 years since I made that statement I have had no reason to revise my opinion.

Cooperatives which are themselves a high type of private industry have not only regulated the rates and services of the corporate utilities in many States, but have forced them to serve areas and users which would not have been served to this day had the REA co-ops not shown the way and forced the service.

So when I say that the present session of Congress is not likely to do much to affect the operations of REA directly I do not mean that the cooperatives will not be under attack.

They will be bitterly assailed, not only in Congress but in the press and on the air as well.

Not only will rural electric co-ops be under attack but the war will be carried on against other farm cooperatives as well.

It would be well for members of all farm cooperatives—whether purchasing, marketing, or servicing—to remember that their opposition has been financed in large part by the utility interests.

The opposition which organized farmers face will be rough and tough.

It cannot get support enough in Congress this year to do any real damage but—look out. The boys you are playing against don't play for marbles and they do play for keeps.

In the fall of 1958, a ruling of the Comptroller General threatened to raise cain with existing and future loans of the REA co-ops. That bogey has been laid to rest but there are other gimmicks which can be thrown into the game and don't think they won't be.

One of the most plausible of these gimmicks and one which registers best with the uninformed public concerns interest rates.

REA borrows money for 2 percent. Whether this rate has amounted to a subsidy or not over the life of the program is a disputed question.

Let us assume, however, that 2 percent interest does constitute a subsidy at least temporarily. The next question then is whether a subsidy for the purpose of extending light and power facilities into rural America is warranted.

We might just as well ask whether the economic and social development of our farms and rural homes is warranted at all.

Farm life must be made more attractive not only in terms of income but in terms of living as well.

Already it is getting more and more difficult to secure help for dairy farms. No longer will the hired man take a job that ties him down 7 days a week.

Farmworkers expect vacations and days off like other people and why not?

With the exception of certain specialty farms, the farm unit of today must be economic enough and mechanized enough and efficient enough so that work can be staggered among members of the family or hired employees.

The farm unit of the future must be even more efficient.

How little some people realize the great task confronting the American farmer. And how little they appreciate the extent to which their happiness, their welfare, and their very existence depends on him.

The so-called farm surpluses of today are only a thin cushion of security which separates the American people from want.

A lot of you folks here today will see the time when the soil of the United States will be called upon to produce for 100 million more people than it does now.

At present we are indeed the best fed and best clothed people in the world. Yet that fortunate situation could change in a hurry if the carping critics of our farm programs had their way.

These people magnify the mistakes of a few and condemn as a whole those upon whom they are most dependent.

There are those who say that the REA should no longer be permitted to borrow money from the Government at a low rate of interest. Some say we should not borrow from Government at all because 50 percent of our new members are not engaged in farming.

Certainly many persons now living on the farm or in the country do not depend on the land for their living, or at least all of it.

We know that a lot of people have moved out of the city into rural areas where they have gone into business, manufacturing, or commerce or simply to make their homes and raise their families in a congenial and natural setting.

I am delighted that this is so. I only wish it could prevail in all parts of America to the extent that it does in my own State of Vermont.

I am glad that industry can now locate out in the country and make full- or part-time jobs for thousands who might otherwise succumb to the age of technology and have to give up their farms.

Except for the REA program, however, this adjustment to a better rural living for millions could never have taken place.

Why should the people of a community who had the courage and foresight to organize a cooperative and bring light and power and prosperity to a hitherto handicapped area now be penalized for so doing?

They won't be as long as I can help.

They should instead be thanked and applauded. I unhesitatingly predict that any efforts made to increase interest rates to REA cooperatives will get nowhere at all in this session of Congress.

Interest rates, however, should be a matter of great concern to all of us and particularly to those responsible for the financial stability of our Government and our economy.

Not only do excessive rates contribute to a general inflation, but the interest paid on borrowed money now constitutes the second highest expense of Government.

President Eisenhower has said that our interest bill will amount to about $9,500 million this year. This is about three times the real cost of all our farm programs put together.

The trend to higher interest rates is not confined to the United States alone. It is a worldwide condition and I do not envy those officials of Government charged with its control. Yet we do know that unless the cost of borrowed money can be held down to a reasonable level that we are headed for trouble. It is a historic fact that virtually every recession or depression which we have sustained has been preceded by sharply increased interest rates such as we are now undergoing.

I urge that instead of seeking to double or treble the cost of money to REA cooperatives which generate income and revenue that our Government attack with equal energy the important task of holding interest rates for all people at a reasonable level.

The cost of capital is one of the most important factors in the expansion of our national economy.

Rural electrification has plowed the ground necessary to the redevelopment of America and the expansion of this economy.

While country areas were without power and light and telephones there was little inducement for industry to move out of congested areas or for parents to think of raising their families away from good schools, hospitals, and recreational facilities.

Those conditions are now changed. Light and power has made it possible to live in the country and enjoy the advantages of both rural and urban living.

Although we are still badly lacking in transportation facilities we are hardly at any greater disadvantage in this respect than are the people of our great cities.

The Committee on Interstate and Foreign Commerce of the U.S. Senate is now making a detailed study of transportation with especial emphasis being given to rural areas.

It is possible that we may find it necessary to subsidize certain types of transportation in certain areas, but before talking about subsidies for airlines and railways we have every right to demand and receive adequate service from these carriers.

In other words—no service—no subsidy.

Once a community gets adequate transportation, we can live on the farm and enjoy the benefits of both city and country living. Twenty miles to the high school, hospital, church, or theater on a modern country highway takes no more time, nor gas than it does to travel through 20 blocks of today's city traffic.

We will be shortsighted indeed if we try to crowd our increasing population into already overcrowded cities and industrial areas.

Our economic, social, and military security depends upon decentralizing our population and giving people a fair chance to live and work and breathe fresh air.

Because of the vision and courage and steadfastness of pioneers in the REA field, millions of Americans are already living more complete and productive lives.

As I stated at the beginning of this talk, the work of the REA is not nearly done. I can foresee the time when twice as many families will be members of our cooperative organizations.

It is in the interest of all Americans that rural electrification programs go full speed ahead, preparing the ground for an ever greater nation and a happier and more secure people.

SENATE

MONDAY, FEBRUARY 29, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, in all our approach to Thee, and in our relationship to our fellow man, save us from a conventional creed which has to do more with our own welfare than with the need of others.

Give us to realize that when we flee from life with all its turmoil and baffle-ments and poignant cries for help, we flee from Thee.

We need Thee every hour in Thy tenderness and loving kindness, in Thy compassion and Thy forgiveness which pardons our offenses 70 times 7. But we need Thee also as Thou dost send the hound of heaven to track down our cowardice, our evasions, and our love of ease.

Fix our wills upon a world of human wretchedness with wrongs to be set right, and with mercy and justice calling us to serve. Give us to see the truth; and then, wherever it leads, fearlessly to follow the gleam.

We ask it in the dear Redeemer's name. Amen.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour for the transaction of routine business and the making of insertions in the RECORD, and that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

Mr. RUSSELL. Mr. President, reserving the right to object—and I shall object, because I stated the other day that I would—I am well aware that when the Senate is in recess, the reading of the Journal is not an essential condition to the Senate's proceeding with its sessions. But I believe it might be well to get all of the Journal of this proceeding in one place, before this endurance contest is ended. Therefore, I object to dispensing with the reading of the Journal at this time.

Mr. JOHNSON of Texas. Mr. President, I am informed that the objection will only delay and prolong the work, and that it will be necessary for two or three men who are assigned to handling the subdivisions of the Journal to be delayed in their work until the Journal is approved. And I know of no good purpose this serves. However, it is not necessary for the Journal to be approved when the Senate recesses from time to time, and the only reason I made the request was to enable those employees to proceed to discharge their normal functions.

Mr. President, I move that the Senate now proceed to the consideration of executive business, to consider the Executive Calendar.

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas withhold his motion?

Mr. JOHNSON of Texas. Yes.

Mr. RUSSELL. Mr. President, a motion to proceed to the consideration of executive business is debatable; and I have a right to be recognized.

The VICE PRESIDENT. A motion to have the Senate go into executive session is not debatable.

Mr. RUSSELL. It is not?

The VICE PRESIDENT. No.

Mr. RUSSELL. Very well; I shall withold my remarks.

Mr. JOHNSON of Texas. Mr. President, I shall yield to the Senator from Georgia, if he wishes to say something at this time.

Mr. RUSSELL. No, Mr. President; I shall wait until the Senate goes into executive session.

EXCUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I renew my motion that the Senate proceed to consider executive business, to consider the nominations on the Executive Calendar.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

ORDER OF BUSINESS

Mr. RUSSELL. Mr. President, I fail to be impressed by the statement that three extra men will be required to handle the Journal because it cannot be read. Three extra men may be required to read the Journal when we finally have an adjournment, and then proceed with the reading of the Journal; but I cannot possibly see how three extra persons could be required to keep the Journal, since it is supposedly all ready to be recorded up to date.

The only difference is that we would start now taking up the Journal again, for the legislative day in which we are now engaged.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. JOHNSON of Texas. I am no authority on what these two men do; but I was informed by the Parliamentarian that the only reason we should request that the reading of the Journal be dis-

pensed with is to enable the two men who are assigned to the Journal to perform their normal functions. Unless such consent is given, those two men must wait until the reading of the Journal is approved, at which time they will have a heavy backlog of work, and they will sit idly here, on the payroll of the Senate, until consent is given for the reading of the Journal.

Mr. RUSSELL. Does that mean that the two men who have prepared the Journal for Saturday are now to be completely immobilized, and will sit by and do nothing, until a new crew comes in to take up the Journal for the day?

Mr. JOHNSON of Texas. They will not be able to perform the functions they ordinarily perform in connection with the Journal, because consent will not have been given——

Mr. RUSSELL. What will prevent them?

Mr. JOHNSON of Texas. May I continue my statement?

Mr. RUSSELL. Certainly.

Mr. JOHNSON of Texas. And the Journal will not be available in its abbreviated form to those who need it.

Mr. RUSSELL. That may be true.

Mr. JOHNSON of Texas. Both those statements are true, Mr. President.

Mr. RUSSELL. Well, I challenge the other one.

Mr. JOHNSON of Texas. Mr. President, I ask the Chair to inquire of the Parliamentarian if that is not a fact.

Mr. RUSSELL. Mr. President, if we are going into the matter in this way, I think a subcommittee should be appointed to look into it. If it is desired that a subcommittee be appointed to examine into this matter and ascertain just what two men are immobilized because the Journal cannot be read, I am perfectly willing to agree to a request to have such a subcommittee appointed. But I shall object to the procedure indicated by the Senator from Texas. If he wishes to move for the appointment of such a subcommittee to go into that matter, I shall not object.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. JOHNSON of Texas. If the Senator does not care to have the opinion of the Parliamentarian, as I attempted to quote it, namely that the two men who abbreviate the Journal could not proceed to their work until consent has been given, very well. If the Senator does not want the Parliamentarian to give the Senate that opinion by inquiry from the Chair, and if the Senator desires to have a subcommittee inquire of the Parliamentarian instead of having the Chair inquire of the Parliamentarian, I would have no objection to that.

Mr. RUSSELL. If it affects the rules of the Senate, of course, the Parliamentarian is the highest authority we have here. I have always stood on that; all of those who preside over the Senate have not done so at times; they have seen fit to reach their own conclusions, contrary to what the Parliamentarian has decided.

But it is inexplicable to me that two men could do nothing——

Mr. JOHNSON of Texas. I did not say that. I stated, or intended to state, and I now reiterate, if the Senator from Georgia will permit me to do so, that the Parliamentarian has informed me that the approval of the Journal will serve only two purposes: First, it will permit two men who normally abbreviate the Journal and take notes on the actual business that is transacted, but do not include in their notes the speeches that are made, to compile their work. However, they cannot do so until the Journal is approved.

Mr. RUSSELL. Oh, Mr. President——

Mr. JOHNSON of Texas. That is first.

Second: It will not make available to many persons who use the abbreviated Journal, the Journal in its abbreviated, official form.

Mr. RUSSELL. It may not be official or have the imprimatur of the Senate upon it, but there would be nothing to prevent those who brief the Journal from briefing it now. Then, when the Journal is finally approved—if it is ever approved—what they do today would stand and would be the Journal of the Senate.

Mr. President, for the time being, I object.

I think I see a possible slight advantage to the group that is being so badly misrepresented and that is so badly outnumbered here on the floor of the Senate; and in these circumstances I do not propose to waive any potential advantage, however minute it may be, that might flow somewhere down the road, after several days of the round-the-clock sessions.

Mr. DIRKSEN obtained the floor.

Mr. DOUGLAS. Mr. President, I should like to address an inquiry to the Senator from Georgia.

Mr. DIRKSEN. Mr. President, in order to make sure that the RECORD is straight, since I have been recognized, I now yield, without losing the floor, to permit my colleague to make an inquiry of the Senator from Georgia.

Mr. RUSSELL. I assure the Senator that I would not try to take him off the floor.

Mr. DIRKSEN. I know the Senator from Georgia would not.

Mr. RUSSELL. I would protect the Senator's right to speak as fully as he may wish to speak.

Mr. DOUGLAS. Mr. President, let me inquire of the Senator from Georgia whether his objection to the approval of the Journal without its being read is preparatory or preliminary to a motion to have the Journal read.

Mr. RUSSELL. Not at this time.

Mr. DOUGLAS. The Senator from Georgia is aware, is he not, of the rule that the Journal does not have to be read until the coming of a new legislative day?

Mr. RUSSELL. Of course I am aware of that. I am not a profound parliamentarian, but I am well aware of the fact that the rule only requires that the Journal be read following an adjournment. I so stated when the Senator from Texas brought up this matter a few minutes ago.

Mr. DOUGLAS. I was not present when that statement was made.

Mr. RUSSELL. Yes, I am well aware of the rule.

PRAYER BY SENATE CHAPLAIN AT NOON EACH DAY DURING CONTINUOUS SESSIONS

Mr. DIRKSEN. Mr. President, I ask unanimous consent for the reading and immediate consideration of a very brief resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read as follows:

Resolved, That during the sessions of the Senate when that body is in continuous session, the Presiding Officer shall temporarily suspend the business of the Senate at noon each day for the purpose of having the customary daily prayer by the Chaplain of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. RUSSELL. Mr. President, I reserve the right to object in order that I may observe that I heartily endorse this resolution. If there is any body on earth that needs prayer at the present time, it is the Senate of the United States.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution S. Res. 283 was considered and agreed to.

EXECUTIVE SESSION

The Senate resumed the consideration of executive business.

Mr. BUSH. Mr. President, is morning business in order?

The VICE PRESIDENT. No; the Senate is now in executive session.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Robert Kramer, of North Carolina, to be an Assistant Attorney General;

Charles F. Paul, of West Virginia, to be U.S. district judge for the northern district of West Virginia; and

Howard K. Hazard, of Rhode Island, to be district attorney for the Canal Zone.

By Mr. WILEY, from the Committee on the Judiciary:

James R. Durfee, of Wisconsin, to be associate judge of the U.S. Court of Claims.

By Mr. CARROLL, from the Committee on the Judiciary:

Olin Hatfield Chilson, of Colorado, to be U.S. district judge for the district of Colorado.

By Mr. KEFAUVER, from the Committee on the Judiciary:

Warner Hodges, of Tennessee, to be U.S. attorney for the western district of Tennessee; and

George C. Harrison, of Tennessee, to be U.S. marshal for the western district of Tennessee.

The VICE PRESIDENT. If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

U.S. MARSHAL

The Chief Clerk read the nomination of Gilbert B. Scheller, of Illinois, to be U.S. marshal for the southern district of Illinois for a term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

That completes the Executive Calendar.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SESSION OF THE SENATE

Mr. MANSFIELD. Mr. President, I should like to ask of the leadership whether it will be possible to hold regular committee meetings from now on during the sessions of the Senate.

Mr. JOHNSON of Texas. Mr. President, the only committee that has authority to meet during the sessions of the Senate is the Appropriations Committee. I think it could meet during the sessions of the Senate if the membership of the committee desired to do so. I have heard various subcommittee chairmen say that since their presence was required on the floor, they did not propose to have any meetings of their respective subcommittees; but I do not know whether that applies to all committees. But the Appropriations Committee does have permission to meet during the sessions of the Senate if it desires to do so.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. I have already served notice that, so far as I am concerned, there will be no committee meeting from now on so long as the Senate has round-the-clock sessions.

So far as the Appropriations Committee is concerned, it is true that it has unanimous consent to meet; but I understand from the Parliamentarian that in order to be able to meet, the subcommittees will have to have a quorum present at each session; and I am going to insist that they do have quorums present at each session.

Mr. MANSFIELD. Mr. President, if the Senator will yield further——

Mr. ELLENDER. I do not have the floor.

Mr. MANSFIELD. I should like to ask a question: Am I to understand, on the basis of the statement the Senator has just made, that he will be on the floor to automatically object to any request for a committee meeting during the session of the Senate?

Mr. ELLENDER. If I am not here, I will have some other Senator do it for me—as has been customary in the past.

Mr. DIRKSEN. Mr. President, I rise to a parliamentary inquiry with reference to what the Senator from Louisiana said just now. In open session he indicated that he would object to any committee meetings during the sessions of the Senate. My question is, Will that request be respected, since it has been a matter of record; or does it have to be renewed from day to day, or does it have to be renewed with respect to every request for any committee which wishes to sit?

The VICE PRESIDENT. The objection must be made on each occasion on which the request may be made.

Mr. DIRKSEN. Does "each occasion" mean with reference to each request that is made, or for the entire day, if any request is made?

The VICE PRESIDENT. Each time a request is made for a meeting of a committee or a subcommittee, the objection must be made at that point.

Mr. DIRKSEN. It will lie, then, only with respect to any specific request that is made; is that correct?

The VICE PRESIDENT. That is correct.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I do not pretend to be experienced and knowledgeable in parliamentary procedure with respect to the manuscript Journal. Therefore I inquired at great length this morning from the Parliamentarian, who has served so effectively and so well for 54 years. He gave me a statement in writing which I should like to read to the Senate in order that the RECORD may be clear:

> The manuscript Journal of each day's proceedings cannot be sent to the Government Printing Office to be printed until it has been approved. The index clerk and the clerk who prepares the history of the bills for this Journal cannot proceed with their work until the printed numbered pages have been received from the Government Printing Office.

I do not care to debate the matter or to make any point of it other than to say I am informed that this is the only purpose that can be served by having the Journal approved when the Senate is in recess. If some group of Senators feel they have some small advantage to be gained by withholding approval, that is a matter for their judgment. But that is the only reason I made the request, and I justify the request on the basis of the statement I just read.

Mr. RUSSELL. The distinguished Senator does not have to justify the request made. It is the common practice, or has been for as long as I have been in the Senate, that a request that the reading of the Journal be dispensed with is a matter that is submitted every time the Senate comes into session.

Mr. JOHNSON of Texas. If the Senator will yield, many times we do not do that, and we have not asked, on many occasions, for its approval, if we were in recess, because its approval is not required.

Mr. RUSSELL. Why do it and cause all this confusion?

Mr. JOHNSON of Texas. Because we have the able Senator from Georgia raising the question.

Mr. RUSSELL. The Senator has said we have waived the reading of the Journal at times in the past and it caused no confusion, but here when we get in this situation and waive the reading of the Journal it is said it is going to destroy the whole plan of universal salvation.

Mr. JOHNSON of Texas. The Senator from Texas did not refer to the whole plan of universal salvation or contend that there would be confusion. The Senator from Texas has been misquoted. The Senator from Texas attempted to explain that his reason for making his request that the Journal be approved when we were in recess was to permit two faithful employees of the Government to proceed with their work. That request has been denied, and I do not desire to press it further.

Mr. RUSSELL. Inasmuch as these two faithful employees have been mistreated on other occasions, according to the Senator from Texas, when he did not ask that the reading of the Journal be dispensed with, I will assume responsibility on this occasion for the inconvenience.

Mr. JOHNSON of Texas. Mr. President, is morning business in order?

The VICE PRESIDENT. Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSFER FUNDS FOR AIR DEFENSE MISSILE INSTALLATIONS

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that no transfer of funds for air defense missile installations has been necessitated during the last 6 months; to the Committee on Armed Services.

REPORT ON ARMY, NAVY, AND AIR FORCE PRIME CONTRACTS TO SMALL AND OTHER BUSINESS FIRMS

A letter from the Deputy Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on Army, Navy, and Air Force prime contracts to small and other business firms, for the month of December 1959 (with accompanying papers); to the Committee on Banking and Currency.

REPORT ON MUTUAL SECURITY PROGRAM

A letter from the Acting Secretary of State, transmitting, pursaunt to law, a confidential report on the mutual security pro-

gram, dated February 29, 1960 (with an accompanying report); to the Committee on Foreign Relations.

AUDIT REPORT ON GOVERNMENT PRINTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Government Printing Office, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF PRICE NEGOTIATED FOR DEPARTMENT OF THE ARMY CONTRACT WITH NORTHWESTERN AERONAUTICAL CO.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of the price negotiated for Department of the Army Contract Da-23-204-TC-230, with the Northwestern Aeronautical Co., St. Paul, Minn. (with an accompanying report); to the Committee on Government Operations.

DISPOSITION OF CERTAIN PUBLIC LANDS IN ALASKA

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of October 17, 1940, relating to the disposition of certain public lands in Alaska (with an accompanying paper); to the Committee on Interior and Insular Affairs.

BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The VICE PRESIDENT. Pursuant to the provisions of Section 4355 of title 10, United States Code, in addition to the chairman of the Armed Services Committee, Senator RICHARD B. RUSSELL, who is an ex officio member, the Chair appoints Senator COTTON, of New Hampshire, Senator HRUSKA, of Nebraska, and Senator BYRD, of West Virginia, as members of the Board of Visitors to the U.S. Military Academy, on the part of the Senate.

BOARDS OF VISITORS TO U.S. NAVAL ACADEMY

The VICE PRESIDENT. Pursuant to the provisions of Section 6968 of title 10, United States Code, in addition to the chairman of the Armed Services Committee, Senator RICHARD B. RUSSELL, who is an ex officio member, the Chair appoints Senator SALTONSTALL, of Massachusetts, Senator BEALL, of Maryland, and Senator DODD, of Connecticut, as members of the Board of Visitors to the U.S. Naval Academy, on the part of the Senate.

BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The VICE PRESIDENT. Pursuant to the provisions of Section 9355 of title 10, United States Code, in addition to the chairman of the Committee on Armed Services, Senator RICHARD B. RUSSELL, who is an ex officio member, the Chair appoints Senator DWORSHAK, of Idaho, Senator MONRONEY, of Oklahoma, and Senator ALLOTT, of Colorado, as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2538. A bill for the relief of Kim Yong Cha, fiancee of Cpl. LeMaine Ellingson, RA 55280245 (Rept. No. 1144);

S. 2541. A bill for the relief of Maria Vittone and Rosa Fostina (Rept. No. 1145);

H.R. 1540. An act for the relief of the estate of John Steve (Rept. No. 1147); and

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims (Rept. No. 1148).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others (Rept. No. 1149); and

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li) (Rept. No. 1150).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2552. A bill for the relief of Pietro Capici Conti (Rept. No. 1146); and

H.R. 4826. An act for the relief of Arthur E. Collins (Rept. No. 1151).

REPORT ENTITLED "1960 JOINT ECONOMIC REPORT"—MAJORITY, MINORITY, AND INDIVIDUAL VIEWS (S. REPT. NO. 1152)

Mr. DOUGLAS. Mr. President, on behalf of the Joint Economic Committee, I submit a report of that committee dated January 1960. In view of the fact that the Senator from Connecticut [Mr. BUSH], the present occupant of the chair, has received unanimous consent to have printed in the RECORD both the minority views and his own views, I now ask unanimous consent that the report of the majority of the committee be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator wish to include the individual views, as well, other than the views already approved?

Mr. DOUGLAS. That will have to come on a later motion by the individuals involved. I am merely asking unanimous consent that the report of the majority of the committee be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, it is customary to have the report of the majority printed before the views of the minority. The Senator from Connecticut [Mr. BUSH], with characteristic alertness, was recognized first, so textually, at present, his views and the minority views of his colleagues will take precedence over the report of the committee itself.

Mr. President, I ask unanimous consent that the report of the committee may precede the minority views and the views of the Senator from Connecticut.

There being no objection, the majority views were ordered to be printed in the RECORD, as follows:

JOINT ECONOMIC COMMITTEE REPORT ON THE JANUARY 1960 ECONOMIC REPORT OF THE PRESIDENT

INTRODUCTION

This committee believes that the existing and potential skills of the American people and the Nation's natural resources, productive facilities, and technological development can provide both for the military defense which is necessary to national security and for the growing needs of the economy. The needs for growth in the private sector of the economy and the public responsibility for defense, schools, health, resource development, slum clearance, and other public services can be met.

They can be met within the existing framework of our free political and economic system and call for no fundamental changes in our system. They do call, however, for greater effort and dedication to these goals if they are to be achieved.

We believe that the economy can grow at a faster rate than in the past, that relatively full employment can be brought about and maintained, and that this can be done with a stable price level. These ends cannot be met without effort. We must follow correct policies and be willing to do the right things to gain them.

The committee's extensive studies of employment, growth, and price levels, which were recently completed, indicate in specific terms where public and private efforts have fallen short, what our potential is, and the things that need to be done to close the gap between our performance and the economy's potential. It is not our purpose here to repeat the specific details of the studies. An important conclusion of those studies is: With the necessary will and resolution this Nation need not fear either for its military security or for its economic well-being due to any fundamental deficiency in its present or potential productive capacity.

It is not a question of whether these things can be done. It is a question of whether we will organize our people, resources, and institutions to do them.

The President's budget and Economic Report

The programs outlined in the President's budget and Economic Report will not achieve the objectives of the Employment Act of 1960. Moreover, they do not call for the actions which, as a result of its studies, this committee believes are necessary to raise the rate of economic growth while achieving a high and steady rate of employment and a stable price level. The public responsibilities for schools, slum clearance, resource development, the elimination of depressed areas, and other functions which are among the major keys to economic growth are either starved for funds or their programs are limited in scope.

Furthermore, while this committee cannot pass on whether the specific parts of the defense budget are adequate for our military needs, there is a considerable body of expert and nonpartisan opinion which believes that much more must be done in the fields of missiles, space, and combat strength if we are not to jeopardize our security and our defense. If more needs to be done, we are confident that it can be done without endangering our economy, if the proper policies are followed.

Summary of needed programs for growth, maximum employment, and stable prices

The conclusions arrived at as a result of the committee's recent investigation of the economy were:

(1) The slow rate of growth in the economy in the recent past has been caused in large part by public policies which created instability in the economy and brought too frequent recessions.

To meet this problem there must be both fiscal and monetary reforms. The Government must act more quickly and more promptly to offset declines, especially through tax policy. The automatic fiscal stabilizers must be improved, especially unemployment compensation.

(2) In the interests of a higher rate of economic growth, we must place greater reliance on fiscal policy. This includes larger budget surpluses in prosperous periods than we have had, a tax structure which is both more equitable and which will promote a faster degree of growth, and a reordering of the priorities in Federal expenditure programs to promote those programs which stimulate growth and to cut back or eliminate those programs or subsidies which support inefficiency in the economy.

(3) We need a less restrictive monetary policy within the framework of a more effective fiscal policy. Specifically, the money supply should grow in line with the growth in output. Interest rates could then be lower and would support a more adequate rate of growth and investment without inflation. With a more effective fiscal policy, monetary policy would be more effective in stabilizing the economy than it has been in recent periods.

In recent times the administration has relied heavily upon the monetary authorities to carry out stabilization policy which should properly be the concern not only of the monetary authorities but of the Government as a whole. In turn, the monetary authorities have limited their actions almost exclusively to only one aspect of the problem, i.e., stabilizing the price levels, while they have largely ignored the problems of economic growth and excessive unemployment.

(4) The problem of market power must be attacked. This is the ability of some to set prices without relationship to the demand for their goods or services because of their monopoly or semimonopoly position. Various private and Government devices which protect the ability of these groups to exercise market power should be reduced or eliminated. Basically, there must be a more effective antitrust policy. In addition, tariffs should continue to be lowered in order to provide more competition; the continued lowering of tariffs should be accompanied by vigorous bargaining on specific items to achieve in greater degree the objective of reciprocity. This would improve the structure of the economy.

(5) Both private and Government groups must emphasize growth-producing policies and programs. This means especially improving the skills and education of our people through Federal aid to education without Federal control; the creation of greater economic opportunity for all of our people, especially the unskilled, women, the aged, and minority groups whose talents are not now used to the full and whose potential abilities and productivity are wasted; improving the health of our people through both private and public programs; placing major emphasis on research, including basic research; and better programs of unemployment compensation, retaining, and the reduction of frictional and technological unemployment through appropriate means.

The President's budget and Economic Report and the Nation's needs

We do not see in the budget for fiscal 1961 and the President's Economic Report for 1960 any fundamental changes in the directions which we think are necessary. By and large they are a status quo budget and report. Comprehensive programs to promote improvements in the skills of our people—schools, health, and retraining—are not adequately emphasized.

The Economic Report does not recognize the basic changes which must be made in our antitrust program if the sources of market power are to be dealt with. We say this even though the specific recommendations for the antitrust program are good in general.

Monetary policy for the current and coming years is not discussed in any constructive way.

There is no reordering of the priorities in this budget over past ones, either for new programs which are needed or for old programs which are wasteful.

The major tax loopholes are not mentioned and there are recommendations concerning them, although some relatively minor changes are proposed.

The public policies required for economic stability in 1960 are not adequately dealt with.

The Economic Report does contain a large number of proposals which, while appropriate subjects for consideration by the legislative committees of the Congress, are not of sufficient importance in the context of the broad purposes of the Employment Act to warrant filling the pages of the Economic Report year in and year out with their detailed enumeration.

The President's Economic Report endorses in general terms programs such as school aid or aid to depressed areas which are important for the Nation's long-run growth. But the specific legislation proposed by the President to carry out these objectives would build almost no schools or give little aid to those who need it. Each problem is broken down into a series of minute recommendations which give the appearance of support and action but which when added together provide no effective program.

ECONOMIC OUTLOOK FOR 1960

General outlook

As in the past several years, the President's Economic Report avoids any clear-cut statements in quantitative terms of the levels of employment, production, and of prices in general which are likely to prevail in 1960. In the budget message, however, the President explicitly assumes a gross national product of $510 billion for calendar 1960. Corporate profits of $51 billion and personal income of $402 billion in 1960 were estimated by the Secretary of the Treasury in his press conference when the budget was released. These estimates are in terms of the level of prices which prevailed in the middle of the last quarter of 1959 and assume little, if any, general price increases beyond those already realized by the end of 1959.

On the basis of the information provided in the budget and in the Secretary of the Treasury's press conference, and by the expert witnesses appearing before the committee during its hearings on the President's report, the highlights of the economic outlook are—

A. The gross national product in current prices is likely to be at least equal to the $510 billion which is estimated by the President in the budget and may be slightly higher.

B. Corporate profits of $51 billion and personal income of $402 billion, as estimated by the Secretary of the Treasury, are in line with this estimate of the gross national product.

C. Price increases, as measured by the implicit deflators for the gross national product, will be limited and will probably account for not more than roughly 1 percent of the increase in gross national product from 1959 to 1960.

D. An expected $510 billion gross national product for 1960 would be $20 billion to $30 billion below the economy's potential output, based upon a 4 percent rate of unemployment.

E. A gross national product less than the economy's potential implies either that—

1. The increase in the labor force will be less than usual, or hours of work may be shorter; or

2. Productivity increases will be less than those which might be achieved if the economy were operating at a higher level; or

3. Unemployment will average close to 5 percent for the year 1960 as a whole and might average as much as 4½ percent or more, seasonally adjusted, even during the fourth quarter of 1960.

F. Since the economy at the beginning of 1960 was so far from full employment, achieving the potential output for the year 1960 as a whole would require a more rapid increase in production and employment than would be consistent with stability in the general level of prices. Nevertheless, it is possible to accelerate the expansion of economic activity, without inflationary consequences, in order to approach maximum employment and output more nearly by the end of the year.

Employment and output

The outstanding fact which emerges from this analysis of the Nation's economic prospects in 1960 is that unemployment is generally expected to continue at a high rate compared to prosperous years in the past.

Unemployment has averaged 4.9 percent or more of the labor force in each month since November 1957. For 1958 as a whole, unemployment averaged 6.8 percent. In 1959, a year characterized by the President as one of rapid economic advance, unemployment averaged 5.5 percent. This is virtually the same unemployment rate as that experienced during the recession year 1954 when unemployment averaged 5.6 percent. It appears, therefore, that under the policies now being pursued, the rate of unemployment is higher both in good periods and in recession periods than it had been previously in comparable postwar years.

To the extent that the programs proposed by the President are consistent with the estimate of a $510 billion gross national product for the year, they will not meet the objective of providing the conditions in which full recovery in employment and output can be attained.

The persistent failure to achieve maximum employment and production deprives the private sectors of the economy of a major impetus for investment in expanding and improving our production facilities.

Moreover, by failing to use the labor force and production facilities as fully as is possible without promoting inflationary price developments the Nation will be sacrificing output which could contribute in important ways to discharging the public responsibilities we face.

When unemployment is as high as it has been for a period of 27 months and when production facilities are used at rates which are significantly below their maximum efficiency, there is simply no merit in the contention that we cannot afford the programs needed to make the United States militarily supreme and to provide the education, research and development activities, improvements in health standards, elimination of poverty and low productivity in depressed areas, elimination of city blight, and the many other advances upon which rising living standards in the United States depend.

Price stability

Another important conclusion which emerges from a review of the economic outlook for 1960 is that the stability in the general level of prices which prevailed during 1958 and in 1959 will continue in 1960. All of us welcome this prospect of a continuation of a stable price level. We must, however, be concerned about the undue emphasis on fighting inflation which continues to dom-

inate the administration's policies and those of the monetary authorities.

We do not suggest that public policy should disregard the possibility that inflationary pressures will arise. But the primary emphasis in public policy at this time should be on promptly achieving the full use of the labor force and of our production facilities and on laying the basis for a higher rate of economic growth over the long run. This emphasis is not found in the policies of the administration and of the Federal Reserve, who appear to be focusing primarily on the fight against inflation despite the fact that the price level has been remarkably stable for many months past. The Wholesale Price Index, for example, in December 1959 was at exactly the same level as in January 1958; in the same 2 years, the Consumer Price Index increased by only 1.3 percent annually. Either the built-in upward bias of the index, because of its failure to account for improvements in quality, or the normal statistical margin or error, could account for this modest increase.

The administration's fight on inflation resumed in November of 1958 after a year of stable prices and continued during a period of stable prices. The result is an unemployment rate higher than it need have been or should have been under the terms of the Employment Act.

This stability in the price level and the absence of any noticeable inflationary thrust in the economy today has been noted repeatedly. The prospect for continuing price level stability was affirmed by the consensus of the expert witnesses testifying before the committee during its hearings on the President's Economic Report.

POLICIES TO ACHIEVE THE EMPLOYMENT ACT OBJECTIVES IN 1960

If the demands which arise from our defense needs and other public responsibilities to promote progress in the American economy are to be met adequately, more vigorous programs than those set forth by the President will be required in 1960. Important changes are needed in the areas of fiscal policy, monetary policy, and debt management, and the policies affecting the structure of the American economy.

In summary, to achieve our shortrun stabilization objectives of maximum employment and production, and stability in the general price level, we need Federal policies which will encourage a somewhat more rapid expansion of total demand than now seems likely. In the interest of promoting economic growth, easier monetary and credit conditions are needed than those that appear to be in prospect at this time. In addition, we should being now to make major advances in increasing the productivity and improving the mobility of the labor force and in improving the structure of the economy.

Fiscal policy: The 1961 budget

The President's budget for fiscal 1961 envisages a surplus of $4.2 billion, based in part on a $554 million increase in postal revenues from increasing, in the main, first-class postal rates. The surplus also assumes that outlays for agriculture under the present programs will be $5.6 billion, about $500 million more than is currently estimated for fiscal 1960, but $900 million less than in fiscal 1959. (It is also proposed to increase the excise on gasoline by ½ cent and to put back into the general fund certain excise receipts diverted to the highway trust fund. These actions would not affect the conventional budget results for fiscal 1961.) If a more realistic estimate of the cost of the present farm program is used and if the proposed postal rate increase does not pass, the surplus at the estimated levels of income will amount to about $3 billion instead of $4.2 billion.

The $4.2 billion surplus which the President gave as his estimate would result from an automatic $5.4 billion increase in revenues accompanying the rising levels of income, while he expected that Federal expenditures would be about $1.4 billion above those for the present fiscal year. The revenue estimates are based on an extension of the present corporation income tax and excise tax rates. We recommend that these rate extensions be enacted, though possibly with some revisions.

The proposed surplus, when translated into terms of Federal Government payments to and receipts from the public, amounts to a little more than $2 billion in calendar 1960, or about one-half of 1 percent of expected gross national product. For fiscal 1961, the estimated cash surplus is $5.9 billion, slightly more than 1 percent of the likely gross national product for the fiscal year. These are low ratios of surplus to the gross national product by postwar standards.

Since the levels of income upon which these budget estimates are based are less than full employment levels, it is perhaps just as well, assuming the President's programs were to be accepted, that no larger surplus be achieved, unless there were assurance that materially easier monetary and credit conditions would be provided by action of the Federal Reserve System.

We could, however, more fully discharge the responsibilities facing the Federal Government, and at the same time realize a larger budget surplus which would facilitate the easing of credit conditions, by (1) reordering the priorities in the Federal expenditure programs, and (2) undertaking urgent reforms in the Federal revenue system.

1. Reordering Priorities

In general, Federal expenditure programs should be revised to place greater emphasis on providing a more effective national defense and on programs which will make important contributions, over the long run, to the Nation's economic growth.

(a) Defense: Military expenditures by the Department of Defense in fiscal 1961 are estimated in the budget at $42,745 million, the same as in fiscal 1960. This amount is $828 million less than the actual expenditures in fiscal 1959. Moreover, the proposed fiscal 1961 outlays for military hard goods show a reduction in every major category—aircraft, missiles, and ships.

We recognize that the mere dollar volume of purchases for the military does not necessarily measure the adequacy of our defense effort. The costs of military hardware, however, are rising, not falling. A reduction in total purchases for these hardware items, therefore, necessarily means that a smaller addition to our arsenal will be made in the current fiscal year than in past years. There is no objective evidence that the Soviets are reducing the rate of their military buildup. Cutbacks in the real volume of our outlays, while the Soviets continue to increase the volume of theirs, requires a more convincing explanation than has yet beeen offered to assure the American public that the proposed defense program for fiscal 1961 is not to be unnecessarily limited on the basis of budget-balancing considerations.

The joint committee has observed repeatedly in the past, and we repeat the assertion again, that decisions about the volume and character of defense procurement should be made on the basis of judgments about the Nation's long-term military needs. They should be separated from short-run budgetary considerations.

A greater volume of outlays for major procurement programs of the Defense Department and for an increase in combat strength and efficiency does not necessarily require at this time any significant increase in the overall defense budget. The recent hearings by this committee's Subcommittee on Defense Procurement brought out the fact that very substantial savings—as much as $2 to $3 billion—can be realized by eliminating the current wasteful procurement practices and by more effective control over surplus stocks and stockpiles of obsolete material. This conclusion is confirmed by the findings of the Hoover Commission.[1]

These savings could be applied to the missile and space programs, and for combat troops, and would be a major step toward improving our defense position relative to that of the Soviet Union. If, on the basis of expert and dispassionate evidence, it is determined that further efforts are required we should not be deterred from undertaking them by considerations of budgetary prospects.

A responsible budget policy proceeds first from the determination of needs. If, despite savings from better procurement procedures, needs exceed the budget totals which are estimated by the President, we are certain that the American people will respond unhesitatingly and ungrudgingly to provide the additional revenues required in the interest of military security.

(b) Foreign aid: Since the end of World War II, the United States has assumed the major burden of the leadership in the free world for aiding nations in their recovery from the war, in building up their defense capabilities against future aggression, and in providing for economic progress in less developed nations. The discharge of these functions continues to be a major responsibility which faces the United States. However, economic progress of our NATO partners should be given careful consideration in reviewing our foreign-aid program.

With respect to defense, the NATO countries, particularly those whose balance-of-payments situations have shown significant improvement, should be called upon to assume a larger portion of the burden for their own and for the NATO defense effort. While the United States will and should continue to remain the mainstay of the NATO defense program, our contribution should be reexamined and adjusted in the light of the expanding resources and capabilities of our NATO partners. The patterns set in 1951, when many of our European allies suffered from serious balance-of-payments problems, are no longer appropriate in 1960. It is proper that they devote more funds to their own defense.

The second major aspect of our foreign-aid program is to assist the economic progress of the less developed nations. The efforts of the United States in this respect should be maintained. Additional efforts by our allies are now possible and we believe that they should make a greater effort. Nevertheless, the demands for real resources in the world's underdeveloped areas are so great and the returns are so promising in terms of improvement in the living conditions and in the political and economic stability and freedom in these areas that we

[1] Senator O'MAHONEY wishes to emphasize this point: Military hard goods expenditures, particularly for new items, have a highly expansionary impact on the economy. Much of this impact is likely to be concentrated in those sectors of the economy in which increased demands will result promptly in rising prices which will in turn raise costs and push prices up elsewhere in the economy. For this reason, it is essential that the utmost care be taken to prevent waste in our military assistance programs abroad and the type of waste in defense procurement practices as revealed in our recent hearings.

should not consider reducing our own economic contributions for these purposes even if those of our friends in other parts of the world increase.

(c) Education: Despite the recognition of the fact that the Nation's economic growth over the long run depends upon improving our education achievements, the President offers an inadequate program to assure that progress toward this goal can be made. The committee's study of employment, growth, and price levels brought out very clearly that the rising standards of education in the past have made a major contribution to the Nation's economic progress. At the present, it is clear that a rapid pace of technological advance will demand a more highly educated and skilled labor force.

A vigorous program of Federal aid to education should be adopted during the current session of this Congress. This program should include no Federal control over the content of what is taught, the salaries or promotion of teachers, tenure, discipline, or any other feature of educational programs which historically have been controlled by local authorities. The Federal Government should also provide a national scholarship program, in addition to the present loan program, to provide the incentives and the necessary financial resources so that the more promising high school graduates may enroll in advanced educational institutions. Far too high a proportion of students of the top quality and ability in high school do not go to college because of the lack of motivation, financial limitations, religion, race, sex, and other factors which should not be allowed to bear on developing our most valuable resources.

(d) Research and development: The research and development activities which have been supported and promoted by the Federal Government in the postwar period have been one of the most important sources of dynamic economic growth in the United States. Although most of these activities have been associated with the defense effort, they have yielded huge returns in civilian byproducts and in medical advances.

The National Science Foundation estimates that in 1959–60, the Federal Government will, directly and indirectly, supply well over half of the total funds going into research and development activities. It is essential for economic growth that the Federal Government continue and expand its support of research and development activities, even if the Nation's defense needs were to be reduced by an easing of world tensions.

Federal funds for research and development should be distributed more broadly, particularly to smaller firms, instead of being so heavily concentrated among industrial giants.

(e) Farm expenditures: One of the most expensive aspects of the present farm program is that price supports are paid on corn and feed grains without any requirements by the Secretary of Agriculture for production controls of any kind. In his farm message, the President proposed the same program for wheat. Under the law, when the Secretary of Agriculture pays out funds in price supports for any crop he also has the authority to establish production controls. This has not been done and under the program of open-end payments the production and surpluses of corn and feed grains has increased at a fantastic rate. In addition, a large proportion of these payments go to a very small number of farmers.

By applying some form of production controls—either bushels, acres, or dollar limits—this vast expenditure for these crops could be limited. While this action would not solve the basic farm problem, it is certainly essential in the short run to avoid unnecessary expenditures and to see that the payments which are made go to those who need them most of all. Such production limitations could be imposed without any legislative changes. It should be done with the emphasis on promoting a rise in the income of the family-sized farm and in the interests of Government economy.

(f) Business subsidies: In the present budget there is no provision for aids and special services to business of some $864 million. To this should be added the postal deficit of $554 million. Thus, business groups receive direct subsidies of at least $1.4 billion per year exclusive of numerous programs which guarantee many business operations against loss.

While the President has asked that rates be increased in the main on first class and air mail, the postal deficit is found in the second, third, and other classes of mail. For fiscal 1959, the total Post Office deficit, adjusted to show the full year effect of the postal rate changes in 1959, was $334.8 million. First-class and domestic-air mail each showed a surplus totaling $164.2 million, while other classes of mail showed a deficit totaling $499 million. The actual results for fiscal 1959 were a surplus of $156.8 million for first class and air mail and a deficit of $726.6 million for second, third, fourth, and other classes of mail. If the Post Office deficit is to be eliminated, it is evident that rate increases should be confined to second-, third-, and fourth-class mail and controlled circulation publications, for they are those which now receive the subsidies. Further cuts could and should be made in other business subsidies.

2. Tax Reform

Putting greater emphasis on Government programs to promote economic growth is not a plea for big spending or deficit spending. On the contrary, these programs can and should occur in the framework of a much tighter fiscal policy than there has been during the past several years.

It is quite possible that these expenditure programs, even with the elimination of wasteful subsidies, would involve a somewhat greater total outlay than is contemplated by the President in his budget for fiscal 1961. In terms of the national income accounts, the expected level of Federal outlays for 1960 represents no larger a fraction of total output than has prevailed on the average in the post-Korean period. The revisions in Federal expenditure programs which we suggest would not significantly affect this relationship.

We recognize, nevertheless, that if a major start were to be made on these programs in 1960, their effect in promoting a more rapid expansion of gross national product in 1960 and 1961 might demand a larger budgetary surplus than that proposed by the President and certainly more than will probably be achieved under his specific proposals. If these urgently needed changes in Federal expenditures are provided, and if gross national product in real terms tends to rise to a level of $530 billion to $540 billion, which would be a full employment level of total demand for 1960, a larger surplus would be called for. A larger budget surplus devoted to debt retirement would make possible easier monetary conditions, which would also promote a higher rate of growth.

These larger budgetary surpluses are well within our reach without harm to the economy. Just a few of the major steps in a constructive reform of the Federal income, estate, and gift taxes could add $4 to $5 billion to Federal budget receipts. Such reforms should aim at broadening the tax base by eliminating the most flagrant and inequitable loopholes. These reforms include repeal of the dividends-received credit and exclusion, provision for the withholding on interest and dividends payments, rigorous limitations on employee expense accounts, limiting the types of income to which capital gains treatment is given to true capital gains, progressively reducing the percentage depletion rates allowed on oil and gas, improving the enforcement of the income tax laws, and elimination of the numerous preferential provisions in the estate and gift taxes. Even a modest beginning on this tax reform program could produce $2 billion to $3 billion in additional revenues.[2]

These loopholes should be closed in any event simply in the interests of having a fair tax system which interferes as little as possible with taxpayers' decisions about how to obtain and to dispose of their incomes. Those with equal incomes should pay equal taxes. Tax reform is all the more urgently needed when the public responsibilities facing the Nation are so pressing.

Further evidence of the lack of concern by the administration with the needs of sound fiscal policy is found in the very limited recommendations for tax reform offered in the budget and Economic Report. While the President's Economic Report states explicitly on page 6 that we should continue to review our tax system from the standpoint of equity, of encouraging productive effort, and of facilitating mobility and efficient use of capital, the only reform proposals made are—"* * * to preclude unintended and excessive percentage depletion allowances for mineral products * * * to make certain corrective amendments in the tax laws applicable to cooperatives * * * and to tax as ordinary income any gain realized by the sale of depreciable personal property used in business."

We are told that tax reform is still being considered. Such reforms are the concern of all Americans. The administration should make a complete public statement of its proposals in this area and exert full leadership in pressing needed reforms through the legislative process.

By revising our expenditure programs and by providing tax reform, Federal fiscal policy in 1960 can contribute materially toward a more rapid recovery in employment and production and toward laying the groundwork for a higher rate of economic growth in the long run. Moreover, this can be done in ways which will produce a budget surplus as large or larger than that proposed by the President.

3. Gains From Fiscal Reforms

If the budget priorities were reordered in a manner such as we have pointed out and if a start were made on tax reform, we could increase expenditures for missiles, space, and combat troops by $2 billion; add $2 billion for schools, health, depressed areas, and other pressing social needs; commit $1 billion to reducing excises and income tax rates (including those in the upper brackets if loopholes which are primarily for the benefit of upper bracket taxpayers are closed), and yet have a surplus larger than the President has anticipated. This would also mean a larger increase in total output, an easier

[2] Mr. BOGGS. I agree that the rate of growth of the American economy is lagging and that the policies recommended in the budget and President's Economic Report are not adequate. However, I want to withhold judgment on some of the recommendations contained in the majority report, particularly with respect to tax reforms, debt management, and the shipbuilding program. The tax matters have been the subject of intensive studies before the Ways and Means Committee, and I would not want to prejudge these studies until that committee has had time to make its own recommendations.

monetary policy, and less unemployment. The general details of how this could be achieved are set out in the table below:

The effects of a recording of the priorities in the budget

[In billions]

Proposed savings:	Amount
Realistic budget surplus under present program	$3.0
Postal increase for 2d- and 3d-class mail	.6
Reduction in business and agricultural subsidies	1.0
Closing of most urgent tax loopholes	2.5
Savings on military surplus and procurement programs	2.0
Cuts in military aid	.9
Total	10.0
Proposed expenditures:	
Increase for missiles, space, and combat troops	2.0
Increase for schools, depressed areas, and social programs	2.0
Revenue loss from tax revision accompanying loophole closing	1.0
Subtotal	5.0
Payment on debt	5.0
Total	10.0

As can be seen, we could achieve a greater surplus while we met our military and domestic needs if this kind of program were to be supported actively by the administration and the Congress. This greater surplus would be achieved at higher levels of economic activity. Such a program is a constructive alternative to the position that we cannot afford additional expenditures for defense, schools, elimination of depressed areas, and slum clearance.

Monetary policy and debt management

This year's Economic Report by the President, like those of the past several years, offers no guides for monetary policy in 1960. Fiscal developments, it is generally agreed, necessarily affect monetary and credit conditions. This relationship makes it essential to consider fiscal and monetary policies together in the interest of achieving the Employment Act's objectives. The silence of the President's Economic Report on this subject cannot be justified on the basis of preserving the independence of the monetary authorities. It represents, instead, a major deficiency in the administration's economic policy formulation.

In the area of monetary policy, we offer as a general prescription that the supply of money—i.e., currency held outside the banks and adjusted demand deposits—should increase over time at about the same rate as gross national product, allowing for normal velocity. This does not mean that the money supply should be adjusted to every short-term fluctuation in the level of total demand, but rather that over a period of years the rates of increase in both should be about the same. Much more reliance should be placed on fiscal policy—i.e., on adjusting Government receipts to expenditures—as a means of stabilizing the level of total demand in the interests of a high, steady rate of employment and of a stable price level.

Whenever this prescription is offered, the usual rejoinder from the Federal Reserve is that it ignores the increase in the velocity of money—that is, the frequency with which the money supply is turned over. But repeated expert testimony has shown that, at least up to some upper limit, an increase in velocity results from an inadequate growth in the supply of money and consequent rising interest rates. A more liberal monetary policy, therefore, would result in a somewhat lower velocity of the money supply.

Achievement of the Employment Act's objectives in 1960 calls for easier monetary and credit conditions.

If a budgetary surplus of the level estimated by the President is to be achieved with the present degree of monetary restraint or that likely to prevail under present Federal Reserve policies in 1960, it is improbable that a level of gross national product can be realized which would bring maximum employment.

The fiscal policy proposals offered above would make possible a larger budgetary surplus than that proposed in the President's budget for fiscal 1961, and larger than that which we believe will actually occur under his specific proposals. The use of the budget surplus for debt retirement would contribute to the easing of monetary and credit conditions. It is important that such an impetus toward monetary and credit expansion not be offset by restrictive action by the Federal Reserve.

Easier monetary and credit conditions are essential to a sound public economic policy for promoting long-term economic growth. A tight-money policy impedes economic growth by slowing the rate of State and local government outlays for schools and other public facilities which are necessary for an expanding population, and the rate of private investment, particularly by small and new businesses. At the same time, tight money and high interest rates have little if any effect on the rate of saving. A more effective way to assure an adequate volume of total saving in the economy is to run a large budget surplus. An easier money-tighter fiscal policy, therefore, is the proper mix of public policies in the interests of economic growth.

Preventing inflation does not depend on tight money. In fact, we will do a much better job of preventing inflation with an easier monetary policy and a vigorous and alert fiscal policy. At the same time, such a policy combination will do a much better job of promoting economic growth.

Needed reforms in Treasury, debt management, and monetary policy

With appropriate changes in fiscal, monetary, and debt management policies, easier credit and monetary conditions can and should be provided in 1960.

In summary, our major recommendations are—

The Federal Reserve should—

(a) abandon its discredited "bills only" policy,

(b) agree to build up its portfolio of long-terms bonds, and

(c) use open-market operations rather than lowering reserve requirements as the means of bringing about the secular expansion of credit which the Federal Reserve and the banks desire.

The Treasury should—

(a) avoid seeking advice on new issues from organized groups of their customers who are interested parties,

(b) institute a system of callable bonds so that the public is not saddled interminably with high interest rates,

(c) extend the auction method to other than short-term bills, and

(d) agree to sell long-term bonds in the main when interest rates are low.

In addition, the Federal Reserve should immediately take the steps necessary to regulate the presently unregulated New York bond market and to apply margins to its customers.

These reforms could begin now. They would bring down interest rates, make the market more competitive, and could do this without recourse either to "pegging" or to inflationary devices.

We do not seek a policy of pegging Government bond prices at artificially high prices and low yields. We do seek abandonment of policies aimed at pegging Government bonds at artificially low prices and high yields.

It is for these reasons that, pending reforms in fiscal, monetary, and debt management policies, we have opposed the elimination of the present 4¼-percent statutory ceiling on the rate which may be offered on Federal Government debt instruments with a maturity of more than 5 years.[2] Since December 1952, the average maturity of the Federal debt has fallen by a full year (as of January 30, 1960). Much of this decline occurred when long-term rates were below the statutory 4¼-percent ceiling and before the administration requested the elimination of the ceiling. Moreover, little has been done since 1952 to lengthen the debt, even when long-term rates were low.

The Federal debt can be efficiently managed well within this 4¼-percent rate ceiling, if appropriate reforms are undertaken. Moreover, these reforms, which can be made effective very quickly, should be undertaken quite apart from the question of the interest rate ceiling. Indeed, if progress is made in this direction, the interest ceiling will again become an academic issue.

In this area, too, we are familiar with the reply of the administration's supporters. It is that even if the proposed reforms are undertaken, they could not be achieved overnight and in the meanwhile the enforced reliance on short-term financing is inflationary.

With respect to the first point, these reforms would begin quickly. The second argument that is made is that short-term issues are near money while long-term issues are not.

In fact, this is not a pertinent argument. If the total volume of credit is fixed by the monetary authorities, then any new debt issue—whether it is long or short term—reduces the amount of credit which may be extended for other purposes. Whether the debt issue is a long-term or short-term instrument, therefore, is not a relevant question in this respect. It is relevant, however, in determining whether high interest rates are to be paid on debt issues with a short life or on those with long maturities. Clearly, even if high interest rates cannot be avoided for the relatively short period of time in which the proposed reforms in debt management are undertaken, they should not be fixed on the economy for 10, 20, or 30 years through the issuance of long-term debt by the Treasury.

MARKET STRUCTURE

To achieve the objectives of the Employment Act, the third major concern of public economic policy should be with the market structure of the economy. In its study of employment, growth, and price levels, the committee noted that serious deficiencies of market structure frequently impede the prompt change in resource use essential in a dynamic economy and that these impediments contribute to persistent upward price pressures. Inflationary tendencies and inefficient resource use are the price paid for not mounting a much more vigorous attack on these structural weaknesses.

[2] Mr. BOLLING and Mr. COFFIN: "As we have indicated in the Committee Report on Employment, Growth, and Price Levels (S. Rept. 1043, 86th Cong., 2d sess., p. 36, footnote 56), we do not object to removing the 4¼ percent ceiling, if accompanied by the initiation of other basic reforms."

The sources of these weaknesses are varied. Government programs which subsidize uneconomic production activities include those in shipbuilding, agriculture, and, through the use of tariffs, in a wide array of manufacturing. A more efficient economy and one substantially less subject to inflationary pressure calls for progressive reduction in tariffs, elimination of some business subsidies, and a thoroughgoing revamping of the Federal Government's agricultural program to provide such support for farm income as may be necessary for prosperity and progress in this sector of the economy.

In addition, the Federal Government must substantially increase its efforts to reduce the extent of market power in the business community and to prevent the exercise of this power against the well-being of the economy as a whole. The specific proposals of the President in the antitrust area, while steps in the right direction, are far too limited to be of major consequence in improving effective competition.

The basic problem which limits the curbing of market power is that under the present statutes the courts have insisted upon some direct evidence of collusion or concerted action to support a finding of antitrust violation. Modern pricing and other practices, however, even when clearly monopolistic, do not require and do not usually involve such direct or contractual collusion. In addition, legal delays have been long, and the resources of the Antitrust Division and of other agencies responsible for enforcement have been inadequate to deal with their responsibilities and the importance of the tasks they must perform.

Within the past few years, the courts appear to be more aware of the broader economic meaning of size as a factor in market power, even when this is independent of concerted action. The courts have also become more critical of the role of mergers on the effectiveness of competition. It is to be hoped that these trends will continue.

In addition, however, the Government should take more specific steps to strengthen our present antitrust policy. Specifically we need more effective application of antitrust legislation to industries in which a high degree of market power is possessed and exercised by large producers, even where no evidence of direct or overt collusion or conspiracy can be shown.

The Antitrust Division should be substantially strengthened. Even after recent increases, the funds provided to the Antitrust Division are less than $4.5 million, much too meager an amount for the functions it is expected to perfom. The professional staff of the Division should be expanded, and salary levels should be set high enough to prevent the drain of experienced personnel into private industry.

The Congress should review the policies of the regulatory agencies in those industries which are granted exemptions from the antitrust laws. More knowledge of the effects of regulatory practices on competition in these particular industries is needed.

In particular the 1950 amendment to section 7 of the Clayton Act, closing the loophole as to mergers through acquisition of assets, should be extended to apply to bank mergers, and the Antitrust Division of the Department of Justice should continue to have jurisdiction over enforcement of the act as to bank mergers.

Further, the Bank Holding Company Act of 1956 should be strengthened to encourage the continuation and growth of our historic system of independent locally owned banks. Before they approve a bank holding company's acquisition of stock in a bank, the Board of Governors of the Federal Reserve System should be required to determine whether the laws of the State affirmatively permit such an acquisition.

The more serious market power as a source of inflationary strain and economic inefficiency becomes, the greater is the urgency for devising new techniques and methods for dealing with it. The Federal Government should take the lead in trying to make large industries and unions exercise this power with restraints. The Federal Government could, for example, bring together in an annual labor-management conference the leaders of both of these groups so that they could be given the general economic outlook and informed of the relation of their actions to the national economic welfare. Such a conference could result in a useful exchange of views between business, labor, and Government officials. Over the long run, it might have a good effect on prices and wages in important industries. Because of this, we recommend that such an annual conference be started.

Moreover, as we noted in Senate Report No. 1043, while we recognize the difficulties and dangers of, and share the presumption against, Government participation in the price-wage setting process, there is a need, at least on a standby basis, for a factfinding procedure covering key price and associated wage increases which seriously threaten economic stability, to be invoked at the discretion of the President, and to result in the issuance of a report and recommendations regarding the justification and desirability of such proposed increases.

The problem of national emergency disputes between labor and management also needs further attention. Whatever emergency legislation is adopted, it must be clearly specified that the stability of the price level is one criterion to be applied.

In addition, there are numerous actions which the Federal Government should take to increase productivity and improve the structure of the economy. The major steps are—

1. A program of assistance to chronically depressed areas should be started. Both technical and long-term financial aid will be required to help these areas to become self-sustaining and to help themselves. Where necessary, retraining of workers should be undertaken.

2. The activities of the various State employment agencies should be coordinated into an effective national system in which information about job opportunities and available workers will be provided to both employers and workers throughout the country. In addition, the financial burden of unemployment should be reduced by encouraging a more liberal system of unemployment insurance, particularly for workers in chronic labor surplus areas.

3. Besides general policies designed to strengthen the forces of competition, special programs to promote small business must be continued and improved. Small business has brought many innovations to the American economy. The Federal Government must see that capital is available to small business, and should help to protect it against predatory practices.

NOTE.—Senator FULBRIGHT was unable to participate in the hearings or committee meetings on this report. For that reason, the findings and conclusions herein set forth are neither approved nor disapproved by him.

The PRESIDING OFFICER. The Chair will say to the Senator from Illinois that there was no race in mind between the Senator from Connecticut and the Senator from Illinois. The Senator from Connecticut will be delighted to have his remarks and the insertions which were approved appear following those of the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator from Connecticut.

Mr. President, I ask unanimous consent that a further statement which I have personally prepared, dealing with the minority views and the remarks of the Senator from Connecticut, be printed in the RECORD following the insertion by the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUSH. Mr. President. The Joint Economic Committee is filing today its report on the January 1960 Economic Report of the President, together with minority views and other views expressed by individual members of the committee.

Mr. President. In my view, the majority of the committee have all but destroyed the committee's usefulness by their extreme partisanship, not only in this report but in their previous reports on the recent study of employment, growth, and price levels and on the President's 1959 Economic Report.

I have expressed this opinion briefly in my individual views filed with the committee's report, and ask unanimous consent, Mr. President, that they may be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The individual views of Mr. BUSH are as follows:

ADDITIONAL VIEWS OF SENATOR PRESCOTT BUSH

I share the minority views expressed elsewhere by my colleagues, but wish to state more bluntly and emphatically my objections to the majority report.

The majority have all but destroyed the Joint Economic Committee's usefulness by the extreme partisanship of their reports on the recent study of "Employment, Growth, and Price Levels" and on the President's 1959 and 1960 Economic Reports. At one time reports of this committee were entitled to serious consideration by the legislative committees of the Congress, by the Executive, and by professional economists.

That time has passed. The majority has, during the time of my service on this committee, followed the "party line" laid down by the radical wing of the Democratic Party. Their specific recommendations in this report, particularly in the fields of taxation and appropriations, will most likely be ignored by the legislative committees which their own party controls in this Congress—and has controlled since 1954. Instead of a useful guide to public policies, they have written a campaign document for the 1960 elections.

Were it not for the fact that valuable additions to economic knowledge are often made in papers prepared by contributing economists, by Government witnesses, and by the committee's able staff, I would recommend that the committee be abolished. It fails to discharge its responsibilities under the Employment Act of 1946.

Mr. BUSH. I also ask unanimous consent that the views of the minority may be printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

The minority views are as follows:

MINORITY VIEWS ON PRESIDENT'S ECONOMIC REPORT

We regret that again the majority in its choice of language in setting forth its views on the President's Economic Report for 1960 has made it impossible for the minority to join in the areas where there is agreement

and to point up clearly where there are fundamental disagreements. We believe that one of the purposes of a committee report should be to bring out fairly where there are honest areas of disagreement and as clearly as possible pinpoint the different assumptions of fact or argument that bring about this disagreement.

We believe that the programs outlined in the President's Economic Report, set forth in the appendix to these minority views, will achieve reasonably the objectives of the Employment Act in 1960. On this point we are in basic disagreement with the majority's views.

THE DEFENSE BUDGET

We believe that decisions about the volume and character of defense procurement should be made on the basis of judgments about the Nation's long-term military needs. They should be separated from shortrun budgetary considerations. On this point we and the majority are in agreement with the President's view.

We decry the insidious manner in which the majority throughout its report tries to create the impression that the President has at any time, and particularly in the 1960 Economic Report, held to a different viewpoint.

Let the majority, inexpert in this field by their own admission, disagree with the President on whether his judgment is correct about the adequate provision for the Nation's long-term military needs if they wish, but there lies the issue, if any, not in the objectives. We believe that if more needs to be done in defense it can be done without endangering our economy, if proper policies are followed. On this point we and the majority are in agreement with the President, although we believe there is considerable disagreement between the majority and the minority over what qualify as "proper policies."

ECONOMIC GROWTH

We disagree with the majority's conclusion—which they reached, it is alleged, as a result of the committee's recent comprehensive investigation of employment, growth, and price levels—that there was a "slow rate" of growth in the economy in "the recent past." We again call attention to the inexcusable juggling of economic figures on the part of the majority in its recent report to try to picture a slow rate of economic growth as measured in gross national product during the Eisenhower administration. Taking the period 1954 projected through 1960, using the figure of $510 billion gross national product for 1960, the growth rate was 3.6 percent per year, substantially above the historic annual average of 3 percent. This period is at least a little more comparable to the period 1947–53 which the majority selected arbitrarily to demonstrate the growth under part of President Truman's years of part-time peacetime economy. If the majority insists on continuing its now-discredited "numbers game," they should be reminded that from 1945 to 1946, the economy showed a loss in growth of minus 10 percent, and losses in growth for the succeeding 3 years, measured from 1945. Actually, in comparing periods in which the Nation is at peace, years of war, such as 1945, should be excluded. Similarly, the years 1950–53 should be excluded from any attempts to judge economic growth, maximum employment, or price stability in a peacetime economy inasmuch as these are Korean war years.

The majority by its constant disregard of the differences between a wartime and peacetime economy is certainly courting the charge that it cannot distinguish between war and peace.

It is well to remind the majority that the great depression of the 1930's was overcome by the United States becoming the arsenal of democracy and moving into World War II rather than through any peacetime economic policies of the New Deal. This should make them more cautious in trying to apply their depression economics to the problems of the 1960's.

We agree with the majority that we should strive to better our rate of growth, but we would warn them and all our citizens to beware of engaging in a numbers game based upon GNP as an accurate measure of economic growth. Indeed, as our committee studies forcefully revealed, GNP is a very limited measuring device of sound economic growth, particularly short-range GNP figures. Such items as research and development, education, increased consumer choice, and leisure time from which spring future sound economic growth, do not show up very strongly in GNP figures while underdeveloped nations concentrating upon increasing their physical capital plant from moderate beginnings show startling GNP percentage increases during their maturing period.

COSTS OF GROWTH

Furthermore, we point out that rapid technological advancement (real economic growth) brings in its wake increased frictional unemployment. It also brings in its wake increased real costs resulting from obsolescence of human skills and machinery and from the recoupment of the funds invested in the research and development which has enabled the growth to come about.[1] We have an example in the increased frictional unemployment in our rural areas today which resulted from the extraordinary technological advancement and economic growth in American agriculture. Do we indeed want to increase the already rapid rate of economic growth in agriculture until we have been able to cope with the frictional unemployment which has been created? Do we want to increase the already rapid rate of technological growth rate in the field of drugs and hospitalization until we have been able to cope with the cost problems which already confront our citizens because of rapid growth?

Furthermore, as we advance further in technological economic growth the capital investment required to provide jobs for our people increases rapidly (this is aside from the training costs involved in preparing the worker for the new job). Testimony before our committee reveals that today $16,000 of capital investment is required per new job. One of the basic factors of our recent and present unemployment is the high incidence of unemployment in the unskilled and semiskilled sector of our work force and the strangely concomitant labor shortage in many of the skilled areas. Also to be noted is the increasing switch from blue collar to white collar worker in the manufacturing sector of employment, indicating a demand for new skills as we move ahead technologically.

MORE RELIANCE ON FISCAL POLICY

We believe that in the interests of a higher rate of growth we must place greater reliance on fiscal policy. This includes larger budget surpluses in prosperous periods than we have had and a tax structure which is more equitable and less a deterrent to growth. We also believe there is continually room for reordering some of the priorities in Federal expenditures programs to provide the progress which stimulate growth and to cut back and eliminate those programs or subsidies which support inefficiency in the economy. On these points we and the majority agree substantially with the President's report. However, there are obviously substantial disagreements between the majority and the minority about what constitutes "equity" in taxation and in evaluating Federal expenditure programs.

We believe that if we had a more effective fiscal policy along the lines outlined in the preceding paragraph we could have and should have a less restrictive monetary policy. We agree that the money supply should grow in line with real economic growth. On these points we and the majority are in agreement with the President's report.

We believe that within this framework interest rates should be expected to fluctuate in response to various influences, including the evenness of growth in total demand, changes in financial institutions and techniques of business and personal financing, and changes in the composition of demand for both present and future goods and services. Attempts to use public policies to prevent or offset these fluctuations in interest rates will prevent necessary and desirable adjustments in the economy.

Moreover, while we agree that the money supply should grow in line with real economic expansion, we do not agree that an easy money policy, of itself, will provide the impetus or the means for economic growth. Economic growth depends on increasing our productive capacity; that is, using some of today's resources for the purpose of increasing the amount and productivity of resources which will be available tomorrow. The necessary corollary of increasing the rate of economic growth without inflation in a high employment economy is increasing the rate of real saving. Accelerating the growth of the money supply cannot substitute for this increase in the Nation's saving rate.

Certainly the record in the respect of attaining growth without inflation through proper management of monetary policy made by the proponents of the majority's theory of growth and inflation when they had the power to implement their theories from 1930 to 1940 and from 1946 to 1952 is a poor one and should make them question their own wisdom.

PRICE STABILITY FOR ECONOMIC GROWTH

In the majority report we find the same blind approach to price stability that led them to disaster after World War II. The majority argues that, because there has been no recent substantial price increase and there is now reasonable price stability, no need to worry about inflation exists. But wisdom requires foresight. Isn't it time the majority gave credit where credit is due for this administration's correctly anticipating and guarding against inflationary forces? The majority should support the wisdom of the President's 1960 Economic Report in continuing to analyze and anticipate inflationary pressures and to take action to neutralize them.

We believe that it is always proper to reevaluate the philosophy upon which the U.S. central bank system is based, as interpreted by the incumbent Federal Reserve Board. The Chairman of the Federal Reserve Board has clearly and consistently stated his understanding of this philosophy to be to preserve the integrity of the dollar as constituting the greatest contribution the central bank system could make to promote economic growth

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[1] Senator JAVITS notes as follows: "I do not believe, nor do I think the minority intends to imply, that any substantial amount of unemployment—frictional or otherwise—is an inevitable concomitant of our economic system. That amount of unemployment which will exist under full employment conditions due to technological advances must be covered by such provision that the workers concerned will be protected against being disadvantaged by unemployment over which they have no control. If such unemployment is a necessary characteristic of our private economy, it must not be at the expense of the worker."

and maximum employment.[2] The issue is clear if the majority wish to dispute it. However, the majority refuses to draw the issue squarely and by innuendo and misquotation distorts what it is. Does the majority believe the Federal Reserve Board should have other basic objectives than to preserve the integrity of the dollar? If they do, then they should recommend amending the Federal Reserve Act to make it clear that there should be a different underlying philosophy of the central bank. This the majority which controls the Congress has failed to do. Failing honestly to face the issue, the majority should desist from clouding the issue by the use of innuendo and misrepresentation. The majority members confuse themselves in the process and to the extent that they have power to deny the executive department the flexibility it needs to manage the Federal debt, they damage economic growth, price stability, and maximum employment.

The keystone to the President's Economic Report for 1960 as far as fiscal policy is concerned is the prospective budget surplus. We are pleased that the majority recognizes this, approves it, and believes that a substantial surplus should be achieved. We are pleased that the majority agrees with the basic assumption upon which the surplus is predicated; i.e., a prosperous 1960 with a GNP of about $510 billion.

We do not know the model the majority uses in stating that an expectant $510 billion GNP for 1960 would be $20 to $30 billion below the economy's potential output based upon a 4 percent rate of unemployment. The majority certainly is not contemplating in this model an increased amount of time devoted to education, to training. Further, the majority seems to be mesmerized by a peculiar belief that if the Federal Government does not spend the sums they consider desirable in a particular area—health, education, research, and development, or whatever—there will be no progress or growth in those areas.[3] It almost seems that the majority ignores the fact that our society is based upon the private enterprise system. They fail to appreciate the constant reference in the President's Economic Report to what the private, State, and local government sectors of the economy are doing and are being encouraged to do in these areas in addition to Federal expenditures. It is one thing to disagree with the President's recommendations as to Federal expenditures and his appraisal of what the private, State, and local governmental sectors of the economy will do in these areas, but it is blindness or dishonest to say that nothing is planned and nothing will be forthcoming, in the fields of health, housing, education, welfare, and research and development.

UNEMPLOYMENT

We agree with the majority in calling attention to the increasing rate of unemployment which has occurred after each of the two recent recessions. This is a serious matter and we regret that the President's report did not give more emphasis to an analysis of it. However, the majority method of dealing with it is certainly not analytical or objective. If we are to cope with the problem of unemployment we had best eschew political partisanship until we know what we are talking about. In our discussion of growth we have suggested that some part of present-day unemployment is the result of rapid technological growth. However, this is not a conclusive observation. Nor is frictional unemployment the total of our unemployment. The matter needs as thorough a study as possible.[4] We are convinced that unemployment in a rapidly growing economy is not solved by mere increases in yearly GNP. In other words, technological growth does create jobs but not necessarily in the geographical areas or for the skills where the same growth has created the unemployment. Furthermore, mobility of labor is an important factor in any dynamic economy and many of the programs advocated by the majority seem to have a disregard for this factor. It must also be recognized that any legislation to assist depressed areas must be designed to help create jobs within such areas and not merely to transfer jobs from one area to another.

The majority states that with "high unemployment" when production facilities are used at rates which are significantly below their maximum efficiency (if this were true), there is no "merit in the contention that we cannot afford the progress needed to make the United States militarily supreme and to provide the education, research and development activities, health standards, elimination of poverty and low productivity in depressed areas, elimination of city blight, and the many other advances upon which rising living standards in the United States depend."

Let's be quite clear no one contends that we can't afford the progress. This kind of childish arrogance of suggesting that anyone feels we can't afford progress is dangerous to the solution of the problems that must be solved if we are to make orderly progress.

THE BUDGET SURPLUS

We believe that the proposed surplus of $4.2 billion is a low ratio of surplus to gross national product in 1960. We wish it could be larger. We question whether the majority are sincere about their criticism, however. There are two ways to make the surplus larger, as the majority states: (1) Reordering the priorities in the Federal expenditure program and (2) undertaking urgent reforms in the Federal revenue system.

With respect to (1) the expenditure side, the majority throughout their report advocate more, not less, spending. To pay for these increases the majority suggest cutting expenditures. But their proposed cuts are in such general terms as to be completely meaningless and unrealistic. For example, the majority refer to the $2 billion to $3 billion savings that could come from implementing the Hoover Commission recommendations in military procurement and supply. Yet powerful leaders of the Democratic Party encourage the parochial aspirations of the three military services, resisting unification and acceptance of the Hoover Commission reforms. A few years ago the Democratic Congress cut the heart out of the administration program to implement the Hoover Commission recommendations for getting the Military Establishment out of civilian business-type operations. This was done by requiring approval of the Armed Services Committee of each House before business-type installations could be abandoned.

The savings suggested by reduction in business and agricultural subsidies of $1 billion is unrealistic. The failure to itemize the specific areas of reduction demonstrates its insincerity.

What is included in the figure of $865 million, labeled "subsidies to business"? Are the majority afraid to itemize this figure for fear they will have their own party colleagues jumping on them for suggesting an elimination of what they regard as worthy projects? Why do they avoid serious discussion of the biggest of all business subsidies—the subsidies to commercial farms? Are the subsidies to small business included in this figure? Undoubtedly so and yet the concluding recommendation of the majority report is this—special programs to private small business must be continued and improved. With one hand the majority takes it away, with the other they give it back.

Closing of most urgent tax loopholes to gain $2.5 billion is unrealistic in the face of the fact that the Democratic-controlled Congresses for 6 years now haven't adopted even the modest tax reforms concerning co-ops, savings and loan associations, and mutuals, and depletion cutoff points suggested by the administration. Furthermore, is it realistic of the majority to suggest that under the present Senate and House leadership the percentage depletion allowance for oil is going to be changed?

The Ways and Means Committee, after holding extensive hearings this fall with the cooperation of the Treasury Department into broad internal revenue reform, announced through the chairman that nothing would be done in 1960. What indeed is the majority referring to when it says "elimination of the numerous preferential provisions in the estate and gift taxes"? To be realistic there needs to be some itemization.

THE INTEREST RATE CEILING

The majority states that they oppose the elimination of the 4¼ percent statutory ceiling on the rate which may be offered on Federal Government debt instruments with a maturity of more than 5 years until certain reforms are effective in fiscal, monetary, and debt management policies.

Strangely enough the majority has done nothing as a controlling political party to implement these so-called reforms, except to talk. Their political party has controlled the last three Congresses and their political party has made no move to adopt any one of the proposed reforms. Yet the majority state that pending these reforms they will not do that which every economist without exception told our committee should be done; i.e., remove the interest ceiling of 4¼ percent.[5] With respect to

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[2] Senator JAVITS notes as follows: "I am deeply disquieted about the apparent inability of our credit supply to keep up with our productivity requirements when the United States is operating in such economic high gear. There is not such wastefulness in productive practices or undue diversion of production to luxuries as to cause tight credit conditions, or to justify them. Certainly, for productive purposes like home building, transportation, communications, education, etc., and for State and municipal government needs, credit should be available on a reasonable basis. I do not agree with the majority that there is some willful purpose chargeable to the Federal Reserve Board in keeping interest rates high, but I do believe that we must find the reasons why our system cannot, consistently with the economic and productive strength of the American economy, reflect it in more reasonable interest rates."

[3] Senator JAVITS notes as follows: "I believe that health care, especially for the aged, the unemployed, and the indigent, is urgently in need of support from the Federal Government to make a standard of health care suitable to our standard of living and our national goals available to these groups. This cannot be done without such help. I do not believe that this inevitably leads to socialized medicine or Government domination of the doctor-patient relationship. On the contrary, it can be accomplished through existing voluntary cooperative health plans, group practice units and health insurance plans, with full accommodation to the private doctor-patient relation."

[4] Senator JAVITS notes his comments on this problem in footnote 1, p. 40.

[5] Senator JAVITS notes that he cannot accept the minority's views with respect to this issue, and calls attention to the discussion of this problem of interest rates on long-term Government bonds in his "Additional Views."

these reforms relating to the Federal Reserve it must be emphasized that the Federal Reserve is essentially a creature of the Congress and not of the executive branch of the Government. Congress should act if the majority in Congress believes the policies should be changed.

We will now mention the reforms recommended to the Treasury Department. The Treasury has on its own initiative been extending the auction method to test out its feasibility in other than short-term bills. The Secretary of the Treasury gave a very detailed account of the progress of this reform to our committee.

A second proposed reform is ironic: "Agree to sell long-term bonds in the main when interest rates are low." It is ironic because this is hardly a pending reform. Furthermore, the Treasury has pursued such a policy when it has been possible.

On the reform to institute a system of callable bonds, the majority blithely ignores the history of the use of callable bonds and the problems involved in their use. The Treasury now has the authority to issue callable bonds and certainly would use this method if the climate were such that it was feasible. It is interesting to note that the majority makes no attempt to demonstrate that the climate is suited for issuing callables at this time.

The other "reform," that is, "avoid seeking advice on new issues from organized groups of their customers who are interested parties," shows such ignorance of marketplace buying and selling as to warrant raising the question whether the majority really believe in the private enterprise (free market) system of economics.

Any prudent person offering new issues of securities, like any producer of merchandise seeking to sell a new product, would be extremely negligent if he did not sound out his market and appraise it by discussions with those engaged in it. Under this and previous administrations, the Treasury has wisely sought the most competent and responsible advice in connection with its debt management, and we urge that it continue to do so. Moreover, it is a distortion of fact to imply that the Treasury seeks advice only from its "customers," when it consults many sources in the financial community in seeking to gage its market.

THE INTEREST RATE CEILING

It would be well if the majority presented their arguments for what they are worth honestly instead of trying to win a point through slanted verbiage. Just what the majority is trying to advise, if anything, is hard to understand.

Now to the real issues involved in the failure to remove the interest ceiling on long-term securities.

1. The Federal Government has had to pay unnecessary interest inasmuch as there is no ceiling on securities under 5 years' maturity and the Federal Government, unable to sell long-term bonds for less than 4½ percent coupons, has had to pay higher than 5 percent in the short-term market.

2. Far from lengthening the maturities of the Federal debt, as all experts advocate, the debt maturity has been further shortened for the obvious reason that the long-term debt which matures constantly is refinanced through the sale of short-term securities.

3. Interest rates which the general public pays have been forced up beyond what they should have been. The general public, concerned as it is with consumer credit, farmer and small business borrowing, money to meet payrolls, etc., goes into the short-term market to meet these needs. This is the very market into which the majority's stiff-necked policy has forced the Federal Government. As Secretary Anderson testified before our committee, the Treasury has been forced to compete "primarily in the field where millions of little people borrow their money." Moreover, as Mr. Anderson further testified, "homebuilding is hurt badly by the ceiling and will be hurt worse—because the builders will find it increasingly difficult to obtain construction loans, which are short term," and the supply of mortgage money available to home buyers is being depleted because lenders are finding short-term investments more attractive.

4. Not only have interest rates in the short-term money market been forced up, even more serious, money in the short-term market has become tighter because there is not enough money to meet the excessive demand caused by Federal Government borrowings. Some people are just going without. Nor will printing press money really solve money tightness. It will devalue the money already in circulation and not give it to those who need it.

5. Long-term Government bonds are presently yielding over 4.25 percent though their coupons may bear only 2½-percent interest. This is because they are being bought and sold on the market at a discount. The Government collects taxes only on the interest derived from discount at capital gain rates. If the discounted 2½-percent bonds, purchased for $96.25, are exchanged for bonds with coupons bearing 4.76-percent coupons, for example (the same security as far as the holder of the discounted bond is concerned), the Federal Government would collect taxes on the interest at the full tax rate, not the capital gains tax rate.

6. Bonds bought at discount even an hour before the death of a wealthy person can be turned in for face value to pay Federal estate taxes.

These two tax features are pointed out simply to demonstrate, if it needs further demonstration, how the rich get richer and the poor get poorer when Congress forces the Treasury to be fiscally unsound in the management of its affairs. When the majority profess to be holding to their policy of denying the Treasury adequate measures to manage the public debt in the name of low interest rates and plentiful money and in the name of the little man they are indeed being profane.

THE UNITED STATES IN THE WORLD ECONOMY

There should be some reference to the effect of world economics upon the U.S. economy. There is no realism in trying to maintain a position of economic isolationism. Yet the majority's monetary and fiscal policy seems to be based upon just such an unreal concept. Today the United States is to a large degree the world's banker and how we run our monetary and fiscal affairs both affects and is affected by the economies of other nations. Interest rates and the value of the dollar follow economic laws operating worldwide. The impact of these economic laws upon our domestic economy can no longer be disregarded, if it ever could be.

We are convinced that our economic health becomes more closely related to the economic health of other nations each year. We believe equitable international trade, utilizing the free marketplace as much as possible, is the best institution for promoting our own and other nations' economic welfare. Our foreign economic policy should follow the philosophy of trade, not aid, wherever possible, and when aid is resorted to, loans not grants, wherever possible.[6] In tariff negotiations, our representatives must place increasing emphasis upon the principle of reciprocity and the removal of unwarranted discriminations against American goods. We believe the President has followed this philosophy in a reasonable manner in his programs.

THE ROAD TO ECONOMIC GROWTH

One final point needs to be made. Our private enterprise system needs to encourage more initiative and more thrift in our citizenry if we are to have increased economic growth.

The greatest expression of thrift and initiative is gathering together risk capital and putting it to work. For years now, instead of encouraging risk capital through a differential in our tax system we have been discouraging it and encouraging other types of financing. The earnings from risk capital are taxed twice—once when the corporation earns it; then when the corporation pays it to the stockholders, as the stockholder pays a Federal income tax on the same earning. Earnings from bonds and borrowed money escape the 52-percent corporate tax because interest paid is a deductible item. Retained corporate earnings, on the other hand, escape the full impact of the ordinary personal income tax and at most are taxed at capital gains rates.

The corporate form of doing business if it finances through real risk capital—that is, new stock issues—has to compete with another form of doing business—the big cooperative—which pays, if at all, only one tax. The big co-op is not an example of the use of real risk capital.

The stock dividend credit which the majority report singles out as an example of a loophole is just the reverse. The real loophole is the favored treatment given the other forms of investment. The stock dividend credit is a very incomplete and modest attempt to equalize the incidence of taxation on risk capital. Far from being a break to the investing public, it would cost the investing public more if their investments were in new capital stocks rather than in bonds, loans, or capital stock which splits through retained earnings. Far from helping the wealthy citizen, the stock dividend credit is the one small thing in our tax laws that encourages the new small growth companies to expand.

If the majority means business about encouraging economic growth they should support policies that encourage thrift and initiative. The President's report is replete with recommendations which would further both thrift and initiative. The majority report, on the other hand, is replete with proposals that would put further dampers on these two important human motives.

Senate:

PRESCOTT BUSH.
JOHN MARSHALL BUTLER.
JACOB K. JAVITS,

House of Representatives:

THOMAS B. CURTIS.
CLARENCE E. KILBURN.
WILLIAM B. WIDNALL.

APPENDIX TO MINORITY VIEWS—LEGISLATIVE RECOMMENDATIONS IN THE JANUARY 1960 ECONOMIC REPORT OF THE PRESIDENT

I. FEDERAL FINANCES

(a) Revenues (p. 55):

1. Extend the corporate income tax at the present rate for another year.

2. Postpone for an additional year the reduction of excise taxes on alcohol, tobacco, automobiles, automobile parts, and accessories now scheduled for June 30, 1960.

3. Postpone for a year the repeal of the tax on local telephone service and the reduction of the tax on transportation of persons, scheduled for June 30, 1960.

4. Amend tax laws applicable to cooperatives.

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[6] Senator JAVITS notes as follows: "I do not see any reason for reluctance, or 'last resort,' in using aid as an instrument of foreign economic policy, but consider it rather a basis in many cases for healthy economic development where a foundation for private economic growth can only be laid by foreign aid."

5. Preclude unintended and excessive depletion allowances for mineral products.

6. Tax as ordinary income any gain realized by the sale of depreciable personal property used in business to the extent of the depreciation deductions previously taken on the property.

7. Defer the taxation of income earned in less developed countries of the world.

8. Increase the aviation fuel tax to 4½ cents per gallon and impose a tax of 4½ cents per gallon on jet fuel.

9. Increase the highway fuel tax by one-half cent per gallon and continue the tax at 4½ cents per gallon until June 30, 1964.

10. Provide for an adjustment of postal rates as previously recommended to reduce the deficit on postal operations by about $550 million.

(b) Debt management (p. 55):

1. Remove the 4¼ percent ceiling on the interest rate which can be paid on U.S. Government securities with a maturity of more than 5 years.

2. Enact a temporary debt limit somewhat higher than the present permanent limit of $285 billion.

II. COMPETITION (P. 56)

(a) Require that antitrust agencies be notified when firms of significant size engaged in interstate commerce propose to merge.

(b) Authorize the Federal Trade Commission to seek preliminary injunctions in merger cases where a violation law is likely.

(c) Strengthen Federal law governing bank mergers accomplished through the acquisition of assets.

(d) Grant the Attorney General power to issue civil investigative demands.

III. SMALL BUSINESS (P. 56)

(a) Amend Small Business Investment Act to provide for needed flexibility as to the type of securities that may be purchased.

(b) Amend the Securities Act of 1933 to increase from $300,000 to $500,000 the maximum amount of corporate security issue for which the privilege of simplified regulation A filings may be accorded.

IV. AGRICULTURE (P. 59)

(a) Extend through the 1963 crop year authority, which expires after the 1960 crop year, to bring additional land into the conservation reserve.

(b) Expand the program by increasing the basic limitation on the total payments in any calendar year from $450 million to $600 million.

(c) Authorize the Secretary of Agriculture to give special attention in allocating conservation reserve funds to those States and regions in which curtailment of production of wheat and other surplus commodities is consistent with long-range conservation and production-adjustment goals.

(d) Provide new obligational authority of $10 million for the Great Plains conservation program.

(e) The Sugar Act, which expires on December 31, 1960, should be extended early in the present session.

(f) Extend limitation on price support for certain crops grown on newly irrigated or drained land.

(g) Amend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 48) to make more effective the program of surplus disposal abroad.

(h) Place the loan program of the Farmers Home Administration on a revolving-fund basis and make other improvements in the laws affecting this activity.

(i) Provide that the Rural Electrification Administration borrowings from the Treasury would be at an interest rate not in excess of the available rate paid by the Treasury on recently issued long-term marketable obligations and the REA would charge that rate plus one-fifth of 1 percent on future electric and telephone loans.

(j) Place the Rural Electrification Administration operations on a revolving-fund basis.

V. NATURAL RESOURCES (P. 60)

(a) Enact legislation establishing a consistent basis on which non-Federal beneficiaries will share the cost of protection against floods.

(b) Strengthen the enforcement provisions of Federal legislation for control of water pollution.

(c) Enact a pending proposal for the preservation of certain undeveloped shoreline areas for public use.

(d) Enact a long-range program to conserve helium gas.

(e) Authorize contract authority on coal research.

(f) Enact legislation permitting revision of the fee schedule for noncompetitive oil and gas leases on public lands.

VI. EDUCATION AND HEALTH (P. 63)

(a) Provide a program of vocational rehabilitation for exservicemen having service-connected disabilities.

VII. PERSONAL SECURITY (P. 64)

(a) Extend Federal-State unemployment insurance system to employers of one or more persons, to nonprofit institutions, and to Federal instrumentalities that are not now covered.

(b) Extend Federal-State system to Puerto Rico.

(c) Bring the provisions of the District of Columbia unemployment insurance system up to the standard recommended for all States.

(d) Take steps to provide additional funds for administration of the Federal-State employment security system and rebuild the Federal Unemployment Act.

(e) Allow the Secretary of Labor to make necessary interpretations of law and enforce compliance to remedy serious defects in the legislation enacted in 1958 to protect private pension and welfare plans.

(f) Extend the coverage of the Fair Labor Standards Act to several million workers not now receiving its protection.

(g) Revise the outmoded provisions of the 8-hour law applying to Federal and certain federally assisted construction projects and to carry out the principle of equal pay for equal work without discrimination because of sex.

(h) Establish a statutory commission on equal job opportunities under Government contracts.

VIII. AREA ASSISTANCE (P. 66)

(a) Submit and strengthen aid to areas of persistent unemployment by providing Federal participation and loans to business concerns, financial assistance to State and local development groups, and for technical assistance to local groups seeking to strengthen their regional economies.

IX. HOUSING AND HOME FINANCING (P. 67)

(a) Make permanent the Federal Housing Administration's program for insurance of home improvement and modernization loans which expires October 1, 1960, unless extended.

(b) Place Veterans' Administration home purchase financing on the same basis with respect to maximum interest requirements as FHA programs.

(c) Adjust maximum permissible interest rates on armed service housing loans insured by FHA to permit such loans at rates above the present 4½ percent ceiling.

X. PROMOTING ECONOMIC GROWTH WITH PRICE STABILITY (P. 71)

(a) Amend the Employment Act of 1946 to make reasonable price stability an explicit goal of national economic policy.

The statement presented by Mr. DOUGLAS is as follows:

STATEMENT BY CHAIRMAN DOUGLAS ON THE RELEASE OF THE COMMITTEE'S REPORT

The minority of our committee have engaged, in their views on this report and previously in their views on the special study of the Committee on Employment, Growth, and Price Levels, in charges of extreme partisanship and have used some very intemperate language with respect to our committee report. We have been accused of political blackmail, of disregarding freedom, and of using phony figures. We shall leave it to the public to decide who has engaged in extreme partisanship and who has used intemperate language.

There are in fact very serious differences of opinion between and among us. It is my view that in a political democracy we should express differences of opinion about economic matters which actually exist. Otherwise the public remains uninformed about the issues before the country, party lines and party responsibility are obscured, and the political environment suffers from the absence of criticism which is necessary in a functioning and vital democracy.

What the minority wants us to do is to put our stamp of approval on the President's Budget, Economic Report, and economic policies. Since we disagree with these policies it is better that we express that disagreement and the reasons for it so that the people and the country may decide these issues for themselves.

At the same time we have observed those limits on criticism which are necessary; namely, that they are in good temper, sincere, and that they avoid personal abuse of individuals. We believe we have done this better than the minority.

But we cannot agree with the President's economic policies.

Unemployment for 1959, a so-called prosperous year, averaged 5.5 percent. This is almost the same figure as in the recession year of 1954 when it averaged 5.6 percent. This is a serious problem and we do not intend to sweep it under the rug.

The economy has grown at a rate of only 2.3 percent between 1953 and 1959. We have had two recessions. This rate is below the historical average. It is about half the potential of our economy, and it is considerably below that achieved by Western European nations and especially the Russians. This rate of growth is inadequate and may mean the difference between doing those things which are vital to our defense abroad and our welfare at home or not doing them.

In the last 2 years our price levels have been as stable as at any time in our history. Yet this is the time when the administration renewed its fight on "inflation." The consequences have been a slow rate of growth, a high level of unemployment, and the highest interest rates in some 35 years.

The President's budget and Economic Report fall well below those levels of maximum employment and production called for in the Employment Act. Employment for 1960 will probably average close to 5 percent for the year.

These facts could be swept under the rug. This is primarily what our minority colleagues wish us to do. When we point them out in temperate language we are accused of "extreme partisanship."

In this day of moderation and competition for the middle of the road, responsible

comment, unfortunately, is too often confused with irresponsible or destructive criticism.

We believe in a vigorous debate of the issues. This is healthy and constructive. Platitudes to put people to sleep will not help either our country or its people.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that coupled with the printing in the RECORD of the majority and minority views of the Joint Economic Committee on the President's report, my individual views may be printed at the same time and place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The individual views of Mr. JAVITS are as follows:

ADDITIONAL VIEWS OF SENATOR JACOB K. JAVITS

Government is the servant of the people, not their master. It exists to serve their requirements, to create the climate and the security within which they can pursue the means to achieve a high standard of living and a creditable national destiny. Hence Government spending—additions to the gross national product by Government itself—is not the optimum way in which to achieve the highest aggregate well-being or to increase most effectively the Nation's resources or its productivity.

It is vital to recognize two factors:

First, our efforts in respect of slum clearance and urban renewal, resources development, schools, aid to depressed areas in the United States, health and medical research, and similar programs must be directed toward facilitating and improving the people's opportunity and capability to produce and to enjoy, rather than being considered to constitute production in and of themselves. Second, increase of production and growth of productivity is not in itself an absolute objective in a private economy; such growth must be selective in order to have the greatest and most meaningful impact on the welfare of the people and the interests of the Nation. For example, increases in housing modernization of our railroads, and slum clearance and urban renewal are far more important for meaningful growth in the economic system than is the production of ever more expensive, complex, and extravagant luxuries. While luxuries may make our lives more enjoyable—and we certainly value them as an essential part of the American way of life—there must be a certain balance between the extent of such production and other uses of our productive resources within the totality of the national balance sheet.

It is these two major points which are basic to my disagreement with the majority, which it seems to me does not give them the weight they deserve, in their discussion of growth and the utilization of our national resources. It is for that reason that I feel impelled to state my views separately. I also wish to note that I feel it is the duty of the Joint Economic Committee, in reviewing and reporting on economic conditions to the Congress and the Nation, to narrow and point up the divergence in our different points of view, while indicating the wide areas where agreement exists, rather than to widen divergencies of view, which has been, I regret to state, the effect of recent reports.

Whatever else might have developed since the time of the President's 1959 Economic Report, one thing is now clear: There appears to be general agreement that while the danger of a hot war in the struggle between freedom and communism has diminished lately, the reality of the economic and social struggle has grown more real and urgent. It has also become clear that in this economic and social struggle the final decision is going to be won "at home," considering the whole free world as home. For the battleground of decision is seen with constantly greater clarity to be the less developed and relatively uncommitted nations and areas of the free world in south and southeast Asia, Asia Minor, Africa, and Central and South America.

In this struggle two questions will decide: First, can the free world help the people of the less developed areas attain an adequate rate of development, leading them as quickly as they have a reasonable right to expect toward more tolerable living conditions, and second, will the Communists be able to persuade the peoples of these less developed areas that the way to attain their social and economic objectives is by accepting at one and the same time the tyranny, suppression of human dignity, and iron discipline of communism? Upon these two questions hinges the fate of the free world, and therefore of mankind.

In the Economic Report of the President, taken together with the President's message on foreign economic assistance which was sent to the Congress on February 16, 1960, we are beginning to spell out these issues and questions, and the ways to answer them.

The challenge of the free world is its own economic and social integration. It is now clear that whatever the Communists may do, the effective combination of free men can frustrate and defeat them and win the epic struggle of our times for freedom.

Basic to the economy of the free world, especially of the newly developing areas to which an active foreign trade in the primary commodities is indispensable, is a liberal U.S. trade policy. Such a trade policy is required in fairness to consumers in the United States and calls, also, for the increased competitive sharpness of our domestic production system. It calls for increased exports, particularly in the face of our substantial balance of payments deficit, exports which are in themselves a test of our productive capacity and competitiveness in the struggle between free institutions and communism. It requires that the other industrialized nations of the free world must join in the work of economic development of the less developed areas. The potential for this cooperation exists, the will is there, and a start has been made at the recent Paris conference of January 1960, with the proposals of Under Secretary of State Douglas Dillon, aimed at the establishment of a 20-nation organization of Atlantic economic cooperation which can pursue coordinated economic policies.

In these endeavors we must also keep very much in the mind the possibility of economic dislocation in certain segments of the economy, which can result from increased imports—while we recognize that exports employ eight or more times as many Americans as are adversely affected by such imports. We know we cannot sell (export) if we do not buy (import), but we must establish machinery to assist those economic areas which are adversely affected by the overall U.S. foreign trade policy by making available to such industries and employees low interest loans, reconversion and retraining assistance, and, where necessary, aid in relocation. We must never forget the impact at home of our national policies, nor must we place ourselves in the situation where our failure to meet these domestic needs will adversely affect our long-range national economic policy requirements, which have their impact on the economy as a whole.

Of great importance to the outcome of the economic struggle will be the degree to which U.S. civilians enlist directly in the effort to promote peace and prosperity in the free world by working overseas for businesses and voluntary organizations, as well as for the Government. A national drive should be launched to usher in a new era in 1960, an era of thousands of well-trained, dedicated, versatile young Americans abroad, as businessmen, students, workers, teachers, missionaries, technicians, and doctors, together with their families, ready and willing to teach or to train as well as to listen and learn.

Person-to-person diplomacy by 500,000 American civilians working overseas compared to the 100,000 working overseas now is a realistic short-range goal, if U.S. public and private overseas assistance continues to expand and grow as it should in less developed areas and as U.S. colleges and universities equip themselves to train thousands for oversea assignments. The great majority of these Americans working abroad are destined to be stationed in the front lines of the new economic struggle, for the less developed areas are the favorite target for the Communist bloc's economic penetration.

It seems clear that an increase in productivity is essential not only to enable us to meet the needs of our growing population, but to improve as well our oversea position in terms of our balance of payments and to enable us to carry the leadership of the free world for peace.

A conscious effort to increase our productivity may well be made with help from our wartime experience, during which 5,000 labor-management productivity councils were registered with the Federal Government. The Department of Labor in cooperation with the Department of Commerce and other appropriate agencies should begin to lay plans for the development of local and regional labor-management productivity councils. Such councils should have representatives of the trade unions, management, and possibly local government. They could at this time plan for improving labor-management relations, the transition to automation, improving plant efficiency and safety, improving job training and apprenticeship programs, reducing avoidable absenteeism, and establishing better mutual understanding between industry and the community. I am planning to introduce legislation in the near future which would promote the establishment of such councils.

I fully recognize the validity of the President's position with respect to the Federal Government's fiscal policy, requesting favorable action by the Congress on his recommendation for appropriations and revenue measures contained in the 1961 budget; the use of an expected $4.2 billion surplus for debt retirement; and action by the Congress with respect to the interest ceiling on issues of long-term Federal bonds. But, I must point out that none of these points are immutable or inflexible in their specific implementation.

The financial viability of this Nation is a major element in national security, growth and high production, employment and income, and therefore we cannot lay aside budgetary considerations; at the same time, it would be folly to permit them to become the primary determinants of our national policy. We must achieve the ability to meet the domestic and international economic challenges which confront us, without making a budget surplus our sole aim—yet with the intent to balance the budget and to achieve a meaningful surplus for the reduction of the national debt wherever possible, by a careful, hardheaded regard for budget and fiscal necessities. The budget may well have to yield to such exigencies as adequate aid to education and still could show a substantial surplus—while in return, the results

of sufficient Federal assistance in this area today will result in substantially greater benefits to the national strength, income, and revenues.

A little loosening of the budget could be joined with tax revision and tax reform. I recognize the obligation to support an adequate tax structure, both in terms of continuing for the present the existing scale of most excise taxes and in terms of closing tax loopholes which presently permit large segments of the economy to escape their responsible share of the burden of Government. That is why I favor a reasonable reduction in the 27½-percent oil depletion allowance, in excessive mineral depletion allowances, and in other special tax privileges. Also consideration needs to be given to the encouragement of foreign private investment, the retirement needs of middle-income earners, and small business.

The current red-hot debate over the existence of a U.S. "missile gap" and the adequacy of our defenses, and the implications of these factors for the destiny of the United States as the leading free world power, have projected into even greater prominence the status of our higher education system and our dependence on its capability in the years ahead to train and develop the talent essential to free world leadership in the space age—scientifically, technologically, and culturally.

With respect to the importance of debt management policy to price stability, budgetary control and the strength of the economy, there can be little doubt. But even here there can be flexibility in meeting the requirements of the Economic Report. For example, the President's recommendation with respect to interest rates on long-term bonds—those with maturities over 5 years—could be met by granting this request with respect to bonds issued during a term of years—perhaps the next three—thus retaining residual congressional control, with provision for a review of the operations of the Treasury while freed from the ceiling during the intervening years. In addition, I continue to urge that the Treasury meet at least part of its need for long-term funds through fuller utilization of the special role of savings bonds. The particular anti-inflationary character of these issues, their substantially lower interest costs to the Government, and the leeway which now exists with respect to their interest rates, set at 3.75 percent by the Treasury, but subject to a ceiling of 4.25 percent, calls for a vast increase in their sales. Right now they are at a new low ebb as a means of Federal Government finance with redemptions rising and sales falling.

Irrespective of congressional action on long-term marketable bond interest rates, I urge that there be a drive to sell to the public what we now call savings bonds, but what should be renamed "peace bonds"—this drive to feature a special $25 billion issue which would seek to attract millions of new investors in a significant shift of the national debt into these securities. These should carry an interest rate higher than the present 3.75 percent if that is necessary to achieve the desired amount of sales. My colleague, Senator WILLIAMS of Delaware, has suggested a most commendable plan for such savings bonds which would call for an immediate rise in their interest rates to 4.25 percent.

It should be clear that to meet our economic and production needs, reliance cannot be on monetary and fiscal policy primarily. These are tools and catalysts; they do not create and produce goods in themselves. It is the potentials of labor and capital, of inventiveness and managerial skills which produce and which increase productivity. The potentials of the United States with respect to such real productivity increases are great and they must be achieved to make our economic position secure. The real problems here require us to come abreast of such specific national needs as an adequate transportation system, as reflected in the problems of the railroads in terms of modernization, research and development of new techniques. In this specific area, I have just introduced legislation to establish a National Advisory Committee on Rail Transportation, with the specific duty of undertaking and guiding research and development programs to enable this vital industry to modernize its facilities and upgrade its operational efficiency and services in the discharge of its present and future responsibilities. This committee would function along the lines of the National Advisory Committee on Aeronautics, which led in the technological development breakthrough of the aviation industry to the healthy giant it is today.

We must not ignore the ancient maxim that man does not live by bread alone, nor forget that a healthy and strong economy must find a proper place for the democratic aspirations and the cultural needs of its citizens. Purely in terms of economic welfare and strength, these factors are vital, for the human resources of all our peoples, regardless of race, color, religion or national origin must be equally available to strengthen and contribute to the economic requirements of the country. When prejudice and discrimination deprive us of the services of one person, or deprive one person of the opportunity to achieve, through adequate education, the ability to serve to the best of his potential, every American suffers the consequences. Discrimination is a luxury we cannot afford; in addition, it is a drain on the body politic which weakens it far beyond the loss to any individual worker. A free economy depends on a free society—one in which the opportunity of economic choice and the opportunity of political and social choice go hand in hand.

Similarly, the morality of the Nation, as reflected in its attitude toward minorities and in its support of cultural activities, goes not only toward strengthening it in its productive powers, but also continues to assure that what we are fighting for in the struggle of economic and social systems between freedom and communism will be attained at home.

In all these considerations, I think that the greatest importance should be placed on finding the methods which will maximize the use of the private sector of the economy to meet the needs of our people and our Nation, both at home and abroad. We must find the areas in which, without sacrifice of the basic economic precepts of free enterprise and individual choice, we can expand our wealth, production, and employment while, at the same time, protecting our standard of living, our fiscal stability, and the value of the dollar. Our task is to balance our needs, not with the thought that one goal must be sacrificed to achieve another, but with the full realization that we may be able to achieve most or all of them through a judicious use of our resources.

Survival is not a noble end in itself. It is meaningful only if what survives in our Nation is our freedom, our cultural heritage, and our standards of values and morality for which our peoples have striven so heroically in the past, and will always strive.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of January 1960. In accordance with the practice of several years' standing I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JANUARY 1960 AND DECEMBER 1959, AND PAY, DECEMBER 1959 AND NOVEMBER 1959

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for January 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In January numbered—	In December numbered—	Increase (+) or decrease (−)	In December was—	In November was—	Increase (+) or decrease (−)
Total [1]	2,329,261	2,364,342	−35,081	$1,148,611	$1,006,487	+$142,124
Agencies exclusive of Department of Defense	1,281,142	1,312,007	−30,865	648,483	546,462	+102,021
Department of Defense	1,048,119	1,052,335	−4,216	500,128	460,025	+40,103
Inside the United States	2,170,430	2,204,629	−34,199			
Outside the United States	158,831	159,713	−882			
Industrial employment	557,612	559,641	−2,029			
Foreign nationals	179,227	180,734	−1,507	23,494	23,103	+391

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figure to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during January 1960, and comparison with December 1959, and pay for December 1959, and comparison with November 1959*

Department or agency	Personnel				Pay (in thousands)			
	January	December	Increase	Decrease	December	November	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	84,321	86,518		2,197	$39,141	$36,838	$2,303	
Commerce [1] [2]	35,464	62,744		27,280	19,318	20,025		$707
Health, Education, and Welfare	59,930	59,898	32		28,660	26,503	2,157	
Interior	49,608	50,004		396	26,554	23,921	2,633	
Justice	30,106	29,996	110		18,014	16,438	1,576	
Labor	6,304	6,192	112		3,430	3,249	181	
Post Office	556,347	559,193		2,846	[3] 294,341	218,137	76,204	
State [4]	36,280	36,256	24		17,287	16,177	1,110	
Treasury	75,421	74,206	1,215		39,629	36,446	3,183	
Executive Office of the President:								
White House Office	412	408	4		263	240	23	
Bureau of the Budget	429	432		3	346	324	22	
Council of Economic Advisers	33	33			29	25	4	
Executive Mansion and Grounds	72	72			31	30	1	
National Security Council	64	64			47	42	5	
Office of Civil and Defense Mobilization	1,776	1,761	15		1,186	1,079	107	
President's Advisory Committee on Government Organization	3	4		1	3	2	1	
President's Committee on Fund Raising Within the Federal Service	4	4			3	4		1
Independent agencies:								
Alaska International Rail and Highway Commission	2	2			2	2		
American Battle Monuments Commission	484	488		4	85	83	2	
Atomic Energy Commission	6,723	6,695	28		4,425	4,072	353	
Board of Governors of the Federal Reserve System	584	598		14	364	332	32	
Boston National Historic Sites Commission	2	2			1	1		
Civil Aeronautics Board	730	731		1	493	446	47	
Civil Service Commission	3,573	3,595		22	1,989	1,825	164	
Civil War Centennial Commission	6	6			4	5		1
Commission of Fine Arts	4	4			3	2	1	
Commission on Civil Rights	73	76		3	40	35	5	
Commission on International Rules of Judicial Procedure		3		3	4	2	2	
Development Loan Fund	98	93	5		70	64	6	
Export-Import Bank of Washington	226	226			153	139	14	
Farm Credit Administration	[5] 251	624		373	338	460		122
Federal Aviation Agency	34,593	34,113	480		20,570	18,901	1,669	
Federal Coal Mine Safety Board of Review	7	7			4	3	1	
Federal Communications Commission	1,268	1,277		9	805	740	65	
Federal Deposit Insurance Corporation	1,238	1,238			736	685	51	
Federal Home Loan Bank Board	967	961	6		573	528	45	
Federal Mediation and Conciliation Service	335	344		9	273	258	15	
Federal Power Commission	827	840		13	531	486	45	
Federal Trade Commission	743	736	7		510	471	39	
Foreign Claims Settlement Commission	48	47	1		34	32	2	
General Accounting Office	5,001	5,029		28	2,865	2,631	234	
General Services Administration [6]	27,516	27,331	185		12,322	11,295	1,027	
Government Contract Committee	34	32	2		18	16	2	
Government Printing Office	6,518	6,499	19		3,439	3,161	278	
Housing and Home Finance Agency	10,946	10,998		52	6,256	5,690	566	
Hudson-Champlain Celebration Commission	3	3			2	2		
Indian Claims Commission	16	16			11	14		3
Interstate Commerce Commission	2,306	2,307		1	1,407	1,277	130	
Lincoln Sesquicentennial Commission	6	6			4	4		
National Aeronautics and Space Administration	9,604	9,567	37		6,103	5,487	616	
National Capital Housing Authority	324	327		3	143	131	12	
National Capital Planning Commission	43	43			29	26	3	
National Gallery of Art	316	314	2		127	117	10	
National Labor Relations Board	1,663	1,624	39		1,001	892	109	
National Mediation Board	117	116	1		84	81	3	
National Science Foundation	555	549	6		326	293	33	
Outdoor Recreation Resources Review Commission	38	35	3		21	21		
Panama Canal	13,786	13,856		70	4,210	4,245		35
Railroad Retirement Board	2,257	2,291		34	1,130	1,059	71	
Renegotiation Board	287	290		3	219	202	17	
St. Lawrence Seaway Development Corporation	164	155	9		92	95		3
Securities and Exchange Commission	959	946	13		598	543	55	
Selective Service System	6,251	6,255		4	1,826	1,672	154	
Small Business Administration	2,137	2,122	15		1,242	1,141	101	
Smithsonian Institution	1,103	1,100	3		515	449	66	
Soldiers' Home	1,022	1,018	4		326	304	22	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	40	37	3		24	23	1	
Subversive Activities Control Board	28	28			22	21	1	
Tariff Commission	237	237			175	148	27	
Tax Court of the United States	149	148	1		107	100	7	
Tennessee Valley Authority	13,980	13,916	64		7,718	7,139	579	
Texas Water Study Commission	35	34	1		22	20	2	
U.S. Information Agency	10,820	10,811	9		3,953	3,643	310	
Veterans' Administration	173,025	172,954	71		71,767	65,384	6,383	
Virgin Islands Corporation	500	522		22	90	84	6	
Total, excluding Department of Defense	1,281,142	1,312,007	2,526	33,391	648,483	546,462	102,893	872
Net change, excluding Department of Defense			30,865				102,021	
Department of Defense:								
Office of the Secretary of Defense	1,806	1,813		7	1,292	1,179	113	
Department of the Army	385,046	385,915		869	176,222	163,376	12,846	
Department of the Navy	346,123	[7] 348,309		2,186	174,051	159,922	14,129	
Department of the Air Force	315,144	316,298		1,154	148,563	135,548	13,015	
Total, Department of Defense	1,048,119	1,052,335		4,216	500,128	460,025	40,103	
Net change, Department of Defense			4,216				40,103	
Grand total, including Department of Defense [8]	2,329,261	2,364,342	2,526	37,607	1,148,611	1,006,487	142,996	872
Net change, including Department of Defense			35,081				142,124	

[1] January figure includes 186 seamen on the rolls of the Maritime Administration and their pay.

[2] January figure includes 2,232 enumerators for the census of Agriculture as compared with 29,374 in December, and their pay.

[3] Includes pay for temporary Christmas employees.

[4] January figure includes 13,287 employees of the International Cooperation Administration as compared with 13,321 in December, and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The January figure includes 3,135 of these trust fund employees and the December figure includes 3,197.

[5] Excludes employment of the Federal intermediate credit banks and the Central Bank for Cooperatives pursuant to Public Law 86-168.

[6] Includes 3 employees of the Federal Facilities Corporation.

[7] Revised on basis of later information.

[8] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during January 1960, and comparison with December 1959*

Department or agency	January	December	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	83,295	85,503		2,208
Commerce [1]	34,963	62,202		27,239
Health, Education, and Welfare	59,484	59,449	35	
Interior	49,162	49,556		394
Justice	29,813	29,710	103	
Labor	6,235	6,125	110	
Post Office	555,192	558,003		2,811
State [2]	8,834	8,765	69	
Treasury	74,877	73,667	1,210	
Executive Office of the President:				
White House Office	412	408	4	
Bureau of the Budget	429	432		3
Council of Economic Advisers	33	33		
Executive Mansion and Grounds	72	72		
National Security Council	64	64		
Office of Civil and Defense Mobilization	1,776	1,761	15	
President's Advisory Committee on Government Organization	3	4		1
President's Committee on Fund Raising Within the Federal Service	4	4		
Independent agencies:				
Alaska International Rail and Highway Commission	2	2		
American Battle Monuments Commission	13	14		1
Atomic Energy Commission	6,681	6,655	26	
Board of Governors of the Federal Reserve System	584	598		14
Boston National Historic Sites Commission	2	2		
Civil Aeronautics Board	730	731		1
Civil Service Commission	3,570	3,592		22
Civil War Centennial Commission	6	6		
Commission of Fine Arts	4	4		
Commission on Civil Rights	73	76		3
Commission on International Rules of Judicial Procedure		3		3
Development Loan Fund	98	93	5	
Export-Import Bank of Washington	226	226		
Farm Credit Administration	[3] 251	617		366
Federal Aviation Agency	33,740	33,260	480	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,266	1,275		9
Federal Deposit Insurance Corporation	1,236	1,236		
Federal Home Loan Bank Board	967	961	6	
Federal Mediation and Conciliation Service	335	344		9
Federal Power Commission	827	840		13
Federal Trade Commission	743	736	7	
Foreign Claims Settlement Commission	48	47	1	
General Accounting Office	4,929	4,955		26
General Services Administration [4]	27,511	27,327	184	
Government Contract Committee	34	32	2	
Government Printing Office	6,518	6,499	19	
Housing and Home Finance Agency	10,807	10,856		49
Hudson-Champlain Celebration Commission	3	3		
Indian Claims Commission	16	16		
Interstate Commerce Commission	2,306	2,307		1
Lincoln Sesquicentennial Commission	6	6		
National Aeronautics and Space Administration	9,602	9,565	37	
National Capital Housing Authority	324	327		3
National Capital Planning Commission	43	43		
National Gallery of Art	316	314	2	
National Labor Relations Board	1,639	1,600	39	
National Mediation Board	117	116	1	
National Science Foundation	555	549	6	
Outdoor Recreation Resources Review Commission	38	35	3	
Panama Canal	387	394		7
Railroad Retirement Board	2,257	2,291		34
Renegotiation Board	287	290		3
St. Lawrence Seaway Development Corporation	164	155	9	
Securities and Exchange Commission	959	946	13	
Selective Service System	6,096	6,099		3
Small Business Administration	2,118	2,103	15	
Smithsonian Institution	1,092	1,089	3	
Soldiers' Home	1,022	1,018	4	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	40	37	3	
Subversive Activities Control Board	28	28		
Tariff Commission	237	237		
Tax Court of the United States	149	148	1	
Tennessee Valley Authority	13,978	13,914	64	
Texas Water Study Commission	35	34	1	
U.S. Information Agency	2,739	2,693	46	
Veterans' Administration	171,944	171,870	74	
Total, excluding Department of Defense	1,224,353	1,254,979	2,597	33,223
Net decrease, excluding Department of Defense			30,626	
Department of Defense:				
Office of the Secretary of Defense	1,762	1,771		9
Department of the Army	3350048	335,491		443
Department of the Navy	324,086	[5] 326,254		2,168
Department of the Air Force	285,181	286,134		953
Total, Department of Defense	946,077	949,650		3,573
Net decrease, Department of Defense			3,573	
Grand total, including Department of Defense	2,170,430	2,204,629	2,597	36,796
Net decrease, including Department of Defense			34,199	

[1] January figure includes 186 seamen on the rolls of the Maritime Administration.
[2] January figure includes 1,889 employees of the International Cooperation Administration as compared with 1,881 in December.
[3] Excludes employment of the Federal intermediate credit banks and the Central Bank for Cooperatives pursuant to Public Law 86-168.
[4] Includes 3 employees of the Federal Facilities Corporation.
[5] Revised on basis of later information.

TABLE III.—*Federal personnel inside the United States employed by the executive agencies during January 1960, and comparison with December 1959*

Department or agency	January	December	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,026	1,015	11	
Commerce	501	542		41
Health, Education, and Welfare	446	449		3
Interior	446	448		2
Justice	293	286	7	
Labor	69	67	2	
Post Office	1,155	1,190		35
State [1]	27,446	27,491		45
Treasury	544	539	5	
Independent agencies:				
American Battle Monuments Commission	471	474		3
Atomic Energy Commission	42	40	2	
Civil Service Commission	3	3		
Farm Credit Administration		7		7
Federal Aviation Agency	853	853		
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	72	74		2
General Services Administration	5	4	1	
Housing and Home Finance Agency	139	142		3
National Aeronautics and Space Administration	2	2		
National Labor Relations Board	24	24		
Panama Canal	13,399	13,462		63
Selective Service System	155	156		1
Small Business Administration	19	19		
Smithsonian Institution	11	11		
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,081	8,118		37
Veterans' Administration	1,081	1,084		3
Virgin Islands Corporation	500	522		22
Total, excluding Department of Defense	56,789	57,028	28	267
Net decrease, excluding Department of Defense			239	
Department of Defense:				
Office of the Secretary of Defense	44	42	2	
Department of the Army	49,998	50,424		426
Department of the Navy	22,037	22,055		18
Department of the Air Force	29,963	30,164		201
Total, Department of Defense	102,042	102,685	2	645
Net decrease, Department of Defense			643	
Grand total, including Department of Defense	158,831	159,713	30	912
Net decrease, including Department of Defense			882	

[1] January figure includes 11,398 employees of the International Cooperation Administration as compared with 11,440 in December. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The January figure includes 3,135 of these trust fund employees and the December includes 3,197.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during January 1960, and comparison with December 1959*

Department or agency	January	December	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,306	3,296	10	
Commerce	2,299	1,694	605	
Interior	6,616	6,883		267
Treasury	5,159	5,040	119	
Independent agencies:				
Atomic Energy Commission	154	152	2	
Federal Aviation Agency	750	734	16	
Federal Communications Commission	13	13		
General Services Administration	1,207	1,209		2
Government Printing Office	6,518	6,499	19	
National Aeronautics and Space Administration	9,604	9,567	37	
Panama Canal	6,924	6,919	5	
Tennessee Valley Authority	11,220	11,153	67	
Virgin Islands Corporation	500	522		22
Total, excluding Department of Defense	54,270	53,681	880	291
Net increase, excluding Department of Defense			589	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 135,200	[2] 135,378		178
Outside the United States	[1] 8,550	[2] 8,616		66
Department of the Navy:				
Inside the United States	199,073	200,917		1,844
Outside the United States	519	516	3	
Department of the Air Force:				
Inside the United States	158,539	158,886		347
Outside the United States	1,461	1,647		186
Total, Department of Defense	503,342	505,960	3	2,621
Net decrease, Department of Defense			2,618	
Grand total, including Department of Defense	557,612	559,641	883	2,912
Net decrease, including Department of Defense			2,029	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of January 1960, and comparison with December 1959*

Country	Total		Army		Navy		Air Force	
	January	December	January	December	January	December	January	December
Belgium	12	11					12	11
England	3,393	3,513					3,393	3,513
France	21,725	21,693	17,326	17,142	3	[1] 3	4,396	4,548
Germany	81,527	81,542	69,213	69,175	57	57	12,257	12,310
Japan	62,141	63,398	20,371	[1] 20,713	16,072	[1] 16,495	25,698	26,190
Korea	6,011	6,152	6,011	6,152				
Morocco	3,806	3,816	2	2	845	844	2,959	2,970
Netherlands	43	43					43	43
Norway	23	23					23	23
Saudi Arabia	2	1					2	1
Trinidad	544	542			544	542		
Total	179,227	180,734	112,923	113,184	17,521	17,941	48,783	49,609

[1] Revised on basis of later information.

STATEMENT OF SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of January totaling 2,329,261. This was a net decrease of 35,081 as compared with employment reported in the preceding month of December.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959—July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960—January	2,329,261		35,081

Total Federal employment in civilian agencies for the month of January was 1,281,142, a decrease of 30,865 as compared with the December total of 1,312,007. Total civilian employment in the military agencies in January was 1,048,119, a decrease of 4,216 as compared with 1,052,335 in December.

Civilian agencies reporting the larger decreases were Commerce Department with 27,280, Post Office Department with 2,846, and Agriculture Department with 2,197. The decrease reported by the Commerce Department was due largely to special census activities. The Treasury Department reported the largest increase with 1,215.

In the Department of Defense, decreases in civilian employment were reported by the Department of the Navy with 2,186, the Department of the Air Force with 1,154, and the Department of the Army with 869.

Inside the U.S. civilian employment decreased 34,199, and outside the U.S. civilian employment decreased 882. Industrial employment by Federal agencies in January totaled 557,612, a decrease of 2,029.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,329,261 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 179,227 foreign nationals working for U.S. military agencies during January who were not counted in the usual personnel reports. The number in December was 180,734. A breakdown of this employment for January follows:

Country	Total	Army	Navy	Air Force
Belgium	12			12
England	3,393			3,393
France	21,725	17,326	3	4,396
Germany	81,527	69,213	57	12,257
Japan	62,141	20,371	16,072	25,698
Korea	6,011	6,011		
Morocco	3,806	2	845	2,959
Netherlands	43			43
Norway	23			23
Saudi Arabia	2			2
Trinidad	544		544	
Total	179,227	112,923	17,521	48,783

FEDERAL PAYROLL

(There is a lag of a month between Federal employment figures and Federal expenditure figures for personal service in order that actual expenditures may be reported. Payroll expenditure figures in the committee report this month are for December.)

Payroll expenditure figures in the executive branch during the first 6 months of the current fiscal year 1960 totaled $6.3 billion. These payroll expenditures for the first half of the fiscal year, July–December 1959 exclusive of pay for foreign nationals not on the regular rolls, follow:

Month:	*Payroll (in millions)*
July	$1,079
August	1,002
September	1,040
October	1,050
November	1,006
December	1,149
Total	6,326

U.S. pay for foreign nationals not on the regular rolls during the first 6 months of the fiscal year totaled $137 million.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services Administration

that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3121. A bill to promote increased productivity in the national interest, foster peaceful labor-management relations, etc., through the establishment in the executive branch of a Bureau of Productivity Councils, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT (for himself, Mr. GRUENING, Mr. YARBOROUGH, Mr. FONG, Mr. CAPEHART, Mr. COOPER, Mr. YOUNG of North Dakota, Mr. CHURCH, Mr. MOSS, Mr. HARTKE, Mr. RANDOLPH, Mr. KENNEDY, Mr. HUMPHREY, Mr. BYRD of West Virginia, and Mr. PASTORE):

S. 3122. A bill to amend title 10 of the United States Code in order to establish an Air Rescue Service in the U.S. Air Force; to the Committee on Armed Services.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of Ohio:

S. 3123. A bill to increase the benefits under the Federal old-age, survivors, and disability insurance system, and to increase from $4,800 to $6,000 the maximum amount of annual earnings with respect to which benefits under such system may be based; to the Committee on Finance.

By Mr. KENNEDY:

S. 3124. A bill for the relief of Daniel Walter Miles; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 3125. A bill for the relief of Robert William Neal, Robert J. Naumann, Charles LeRoy Van Slyke, and Franklin Jordan; to the Committee on the Judiciary.

RESOLUTION

DAILY PRAYERS BY CHAPLAIN DURING CONTINUOUS SESSION OF SENATE

Mr. DIRKSEN submitted a resolution (S. Res. 283) providing for daily prayers by the Chaplain during continuous session of the Senate, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

LABOR-MANAGEMENT PRODUCTIVITY COUNCILS ACT OF 1960

Mr. JAVITS. Mr. President, while we are arguing civil rights, we must not forget that the world is in a great crisis. Accordingly, I introduce for appropriate reference, a bill to authorize the establishment of labor-management productivity councils in individual plants and communities throughout the United States under the direction of a Bureau of Productivity Councils, to be created in the executive branch and jointly administered by the Secretaries of Commerce and Labor.

A lengthening productivity lag between the United States and the U.S.S.R. is potentially just as dangerous as a missile lag in the next few years, and the consequences to our national security can be equally severe. Our enormous resources of manpower, material, and technology realized under the U.S. private enterprise system should be harnessed voluntarily by management, labor, and the community through local productivity councils to boost our national productivity rate in order to first, keep U.S. exports competitive in world markets as we seek to expand world trade; second, continue the improvement of the average standard of living in the United States; third, curtail serious work stoppages due to failures in labor-management relations; and fourth, counter inflationary pressures in the economy. During World War II, some 5,000 labor-management councils contributed to the war effort and that experience can form the basis for a tremendous new effort now.

These productivity councils, to be made up of representatives of labor and management and appropriate representatives of local government, would have as their primary goals increasing U.S. productivity, fostering better labor-management relations, preparing for the introduction of necessary automation, and dealing with the problems of workers affected by it, promoting greater diversification of skills through the development of apprenticeship and other training programs, and reviewing and helping to revise local ordinances such as building codes to keep them responsive to technological advancement and modern conditions. Additional duties of these councils would be to improve worker morale, promote employee health and safety, help to meet community needs resulting from economic influences by providing joint organization, planning and action, and to help to provide adequate transportation for the labor force.

In the past decade U.S. work stoppages due mainly to labor-management disputes totaled up to some 340 million man-days lost—a figure which is equal to some $15.6 billion worth of U.S. production. That staggering figure is almost as much as we spent on economic aid to underdeveloped nations during the 1950's, and excluding research expenditures, it is equivalent to the entire production cost of our missile program for the last decade. It is five times what we spent on Federal aid to higher education to help develop the kind of scientific and technological talents in such heavy demand in a space age, and it is 10 times what the Federal Government has invested in its program to stem urban decay through slum clearance and rehabilitation in U.S. urban areas.

If much of this productivity loss is to be averted in the 1960's, labor-management relations will have to be improved, and what better way to start than at the local productivity council grassroots level? Often injurious to this relationship has been the rapid development and sometimes hasty introduction of automation in U.S. industry, and yet automation remains a prerequisite to the growth of real output per man-hour and to the U.S. competitive position. In this context, the productivity councils would explore means to eliminate the displacement or other adverse effects on employees through retraining, job shifting, and relocation, as well as by setting up incentives to enlist the employees' experience and cooperation proper conditions in developing production.

This bill would permit the newly created Bureau of Productivity Councils to establish not more than 10 field offices, to utilize the services and facilities of the Departments of Commerce and Labor and other Government agencies and of outside groups and experts, and to supply technical and administrative assistance to industries, labor groups, and communities desirous of establishing productivity councils. An executive director would head up the bureau specifically charged with implementation of the Employment Act of 1946 and its national policy declaration that it is the responsibility of the Federal Government to help marshal U.S. resources "to promote maximum employment, production, and purchasing power."

The Joint Economic Committee's thorough and far-reaching study, "Comparisons of the United States and Soviet Economies," states that in the U.S.S.R. the per capita share of the gross national product has grown at an annual rate two and a half times faster than ours in the United States for the years 1950 through 1957; then the 1958 recession coupled with last year's steel strike further depressed our annual growth rate for the entire decade. Reasonable estimates give the Russians a growth rate about twice our own in the 1960 decade. Our gross national product is, however, well over twice theirs, now.

There is much boasting by the Russian leaders about how fast they will overtake us in the real output of many products. Despite their claims that will not happen very soon. But we ignore the sharp differential in the two economies growth rates at our own peril. The Communist regime in the U.S.S.R. has repeatedly made clear that it is engaged in a ruthless economic war against the United States and the free world industrialized nations, and now Communist China is plowing back everything not required barely to keep its population alive and working into massive industrialization.

If we continue to accept our going productivity rate with complacency, it will still take some decades for the U.S.S.R. to equal our present standards of living. But by that time, the frontiers of freedom may have shrunk too dangerously. For the impressive industrial drive forward of Soviet Russia in the last 30 years, and now Communist China, is contrived to win, first, the admiration and, second, the emulation of hundreds of millions in Asia, the Mideast, and Africa to the ruthless economies that accomplished it notwithstanding the deathknell the Communist system sounds for human dignity and freedom. Uneducated, unskilled, and hungry peoples by the mil-

lions may be lured by the Communists should the world's industrialized democracies fail to meet the productivity challenge of such consequence to less developed nations.

The labor-management councils enlisted some 7 million labor members during World War II. In contrast to the variation of assignments handled by those groups, the productivity councils provided for in my legislation would have as their No. 1 responsibility devising ways and means in cooperation with employer, employee, and community representatives to increase individual plant output and overall productivity in a community.

This concept has been adopted by several of the Western nations like England, West Germany, France, Italy, Finland, and Austria. Particularly good results have been noted in Norway, Denmark, and Sweden. In Sweden, an atmosphere of trust between business and labor is a national goal greatly helped by the labor-management committees which are voluntary in nature, but almost universal in application with schools set up to promote labor-management relations and to tackle mutual production problems.

Our production must be adequate for our own living standards, for the necessary massive defense, for the competitive race in science, and technology and for giving enough help to the less developed areas to achieve a rate of development reasonably acceptable to their peoples.

We are entering a period in our national history when self-discipline by the component parts of our economy, including the consumers, must be practiced in the interests of spurring national productivity rates over the present plateau to new heights which can bring increased prosperity without spiraling inflation at home and a more stable peace abroad. In this effort the local productivity council can presage a new era in labor-management relations imperative to the achievement of that objective.

I ask unanimous consent that the bill may be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately filed; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3121) to promote increased productivity in the national interest, foster peaceful labor-management relations, and so forth, through the establishment in the executive branch of a Bureau of Productivity Councils, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Labor-Management Productivity Council Act of 1960."

SEC. 2. There is created in the executive branch a Bureau of Productivity Councils (hereinafter called the "Bureau"), jointly administered by the Secretary of Commerce and the Secretary of Labor (hereinafter called "the Secretaries"). The Secretaries are authorized to employ, and fix the compensation of, an Executive Director and such specialists and other experts as may be necessary for the carrying out of the Bureau's functions under this Act, without regard to the civil service laws and the Classification Act of 1949, as amended, and are authorized, subject to the civil service laws, to employ such other officers and employees as may be necessary for carrying out the Bureau's functions under this Act, and to fix their compensation in accordance with the Classification Act of 1949, as amended.

SEC. 3. It shall be the duty and function of the Bureau to assist in the inplementation of the national policy declared in the Employment Act of 1946, to wit, "that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing and seeking to work, and to promote maximum employment, production, and purchasing power", by promoting and assisting with the establishment of local labor-management productivity councils (hereinafter called "productivity councils"), consisting of representatives of labor and management in individual plants, localities or combinations of them, together with such representatives of government as may be appropriated to best secure the cooperation on the local level of labor, management and the community, in achieving the goals established by such national policy by:

(a) increasing productivity in the interest of the national health, safety, and welfare;

(b) fostering peaceful labor-management relations;

(c) creating a climate of cooperation and understanding between labor and management and the community;

(d) improving worker morale and community interest in increasing productivity;

(e) promoting means by which necessary automation may be effected while the human and economic situation of affected workers is properly cared for;

(f) assisting in the development of apprenticeship and training programs and other programs for employee education, for the development of greater and diversified skills;

(g) assisting in the revision of building codes, zoning regulations and other local ordinances and laws, to continuously keep them responsive to current technological advances;

(h) providing joint organization, planning and action to meet community needs resulting from economic or other influences;

(i) assisting in the provision of adequate transportation for the labor force;

(j) promoting employee safety and health; and

(k) undertaking such other functions as may be appropriate and consistent with the foregoing.

SEC. 4. In exercising its power, functions, and duties under this Act—

(1) the Bureau may constitute national and regional advisory committees as it deems advisable;

(2) the Bureau shall, to the fullest extent possible, utilize the services, facilities and information of the Departments of Commerce and Labor, and of such other governmental agencies, private groups and professional experts as may be able to assist the Bureau in carrying out its functions, in order that duplication of efforts and expense may be avoided;

(3) the Bureau may publish such bulletins and other material and otherwise publicize the need for increased productivity and the potential role of productivity councils in achieving such goals;

(4) the Bureau may assist in the establishment of pilot productivity councils by assuming not more than 75 per centum of the cost of establishing them;

(5) the Bureau may establish such field offices, not in excess of ten, as it may deem necessary;

(6) the Bureau shall supply technical and administrative assistance to industries, labor groups and communities seeking to establish productivity councils.

SEC. 5. The Bureau shall make an annual report to the President and the Congress, setting forth a summary of its operations and its recommendations with respect to further legislative and executive action for the increase of productivity in the United States.

SEC. 6. To enable the Bureau to exercise the power, functions and duties under this Act, there are authorized to be appropriated such sums as may be necessary.

AIR RESCUE SERVICE IN U.S. AIR FORCE

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to establish an Air Rescue Service in the U.S. Air Force.

The role of the national Government in assisting persons lost or otherwise in mortal danger is one well established and recognized. Our Government has a proud tradition in this realm of humanitarian activity; a tradition which causes us to reach out instinctively to assist the distressed.

The bill I introduce today is not one which establishes precedent. It is not a departure from policy. This legislation merely gives congressional notice to a long-standing function of the Department of the Air Force. The Air Force has, since its birth, performed missions of mercy. The very nature of its primary defense mission requires that the organization maintain air rescue capability which exceeds that of any other Government or private agency. Just as the U.S. Coast Guard operates to protect the distressed on territorial waters and coastal land areas, the Air Force is our ready arm of inland search and rescue.

Our Government has given recognition to this as a legitimate function of the Air Force at virtually every operational level. As a member nation in the International Civil Aviation Organization, the United States commits the Air Force to fulfill national search and rescue obligations equally with the U.S. Coast Guard. Indeed, if a distinction can be made between the two organizations at the operational level, it is a distinction of geography alone.

The Coast Guard has been charged with search and rescue responsibility by statute. It is the purpose of the bill I introduce today to equally charge the Department of the Air Force. It would, in no way, impair the defense effort. It would, in fact, assist the Air Force in maintaining wartime rescue strength. Therefore, the question is not whether we can afford to sacrifice military

strength to accomplish general air rescue services. The question is: Cannot the Air Force, with its vast resources, especially adaptable to search and rescue, perform this humanitarian responsibility far more effectively than any other branch of Government?

In the light of what I have said, it might fairly be asked, Why must we enact legislation to create that which already exists?

The need for this legislation was suggested to me when I learned that the principles I have expressed have ceased to guide the policy of the Department of the Air Force. On February 2, I addressed the Senate on the ramifications of this departure from that which one would think to be settled policy. It was called to my attention in a letter from an Air Force spokesman who wrote me that four of six air rescue squadrons operating within the United States would be inactivated before the end of the fiscal year. The justification for a reduction of rescue squadron strength by two-thirds, was that the Air Force, for fiscal reasons is compelled, and I quote, "to eliminate items which no longer appear essential, even though some may be desirable."

Mr. President, by what formula does one measure the desirability of saving human life? What equation is available to our national conscience which allows such a computation?

Hoping that the Department of the Air Force might be dissuaded from its intention to reduce air rescue capability, I sent a series of pertinent inquiries to Air Force Secretary Sharpe. Answering our queries, the Secretary, and again I quote, informed me that:

> The so-called bonus effect of providing search and rescue (SAR) for the various States and foreign governments, for which the air rescue service is widely known, is a byproduct of the primary (Air Force) mission.

This official comment suggests to me two propositions which tend to reinforce my belief that the inactivation of these units is an action born of budgetary nicety rather than calculated policy.

The first proposition is that more will be lost than the rescue of civilian crash victims if rescue capability is to be sacrificed to the budget. I cannot imagine how we can escape the conclusion that the hazard of military flight will be increased in direct proportion to the hazard of civilian flight. Rescue capability is not altered by the insignia which might appear on the wing of a disabled aircraft.

The second proposition I would advance is that air search and rescue is not a gratuitous service to various states and foreign governments as Secretary Sharpe suggests. Air search and rescue is a service to individuals in distress. The nationality or state residence of air-crash victims has nothing to do with their circumstances. If humanitarian motivation is not sufficient to justify the national character of this service, it may surely be held a national problem because of its identification with interstate commerce.

The American public pays a staggering price for air defense. They witness with resignation the frightening cycle of obsolescence and discovery. They carry their load willingly because they realize that national weakness in these times might be fatal. Is it, then, too much for the public to expect that a minute facet of the tremendous air power they maintain be adapted to serve a humanitarian purpose? Can we equip our Air Force with all the tools necessary to air search and rescue only to then allow so invaluable a byproduct to be discarded administratively in the interest of supposed economy?

I think not.

This loss cannot be allowed. Not when the record so clearly reflects the great accomplishments of the various air rescue squadrons. Not when one rescue mission alone saved the lives of 32 civilian passengers from the wreckage of a stratocruiser downed in Puget Sound near McCord Field, Wash. This 1957 incident is but one example in a long history of service.

The traditional regard we pay to the preservation and protection of human life cannot fall victim to imagined economy. When I recall that Air Force Search and Rescue Service, trained, equipped, and active in peacetime, removed more than 900 United Nations troops from behind enemy lines and performed more than 8,000 other missions during the Korean conflict, I cannot accept this proposed major reduction in personnel, equipment, and facilities.

The bill I have introduced today would assure that the motto of the Air Rescue Service will remain in the vocabulary of flight: "That Others May Live."

In order to give other Senators an opportunity to cosponsor the bill, I ask unanimous consent that the bill lie on the desk for 5 days.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Alaska.

The bill (S. 3122) to amend title 10 of the United States Code in order to establish an Air Rescue Service in the U.S. Air Force, introduced by Mr. BARTLETT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Armed Services.

SOCIAL SECURITY PROGRAM SHOULD BE CARRIED FORWARD

Mr. YOUNG of Ohio. Mr. President, Americans who retire in their later years have earned the right to live comfortably, with dignity, and free from the haunting insecurity of penniless old age.

The Social Security Act, one of the greatest and most humane legislative achievements of all time, was passed 25 years ago to help make this possible.

Of the many imprints that Franklin D. Roosevelt left upon the pages of history, this will undoubtedly be one of the most lasting. It is my view that the social security system of our country is the greatest monument to his memory.

We should not be content to just accept the monuments of the past. We must always strive to build upon them, to improve them for the future grandeur of America.

Unfortunately, our social security program has not kept pace with our rapidly growing and constantly changing society It is badly in need of revision and expansion.

To help accomplish this end, I recently introduced legislation, S. 2994. This legislative proposal is designed to remedy three glaring deficiencies in the present act. It will, if passed, abolish the arbitrary age limit of 50 years before one who is totally and permanently disabled and unable to work may receive retirement payments. It will allow those already receiving benefits to earn up to $2,400 a year instead of the present unrealistic and restrictive $1,200 limitation. This will enable many of our older people to maintain better living standards at no extra cost to taxpayers. In keeping with our spirit of individual initiative this liberalization will be in the best interests of the Nation.

Finally, it will provide another step toward making the program truly universal in coverage by bringing all physicians and surgeons under its beneficient coverage.

In this connection, I recently learned that in Cleveland, Ohio, my home city, some physicians and surgeons are resorting to a most unusual procedure. This may be considered clever as far as the individual physician is concerned, but is a disservice to our Government and to millions of working men and women who during years of employment or self-employment pay premiums into the social security fund and then look forward to modest retirement payments. I am sure that many physicians and surgeons throughout the country are doing likewise. There are many medical clinics or partnerships throughout our country.

These doctors form a partnership, or a clinic as medical men call it. Then in some of these clinics or partnerships when a partner reaches the age of 62 or 63, this older physician ostensibly withdraws from the partnership or clinic and is immediately put on the payroll as an employee at about the same income as he received as a partner.

As an employee he then pays into the social security fund. Following payment for only six quarters—a year and a half—the doctor is eligible when he retires to receive social security retirement payments for the remainder of his life. Other Americans pay premiums throughout their working lifetime for similar benefits.

Mr. President, some of my colleagues who feel that social security coverage should be denied to physicians and surgeons by reason of the reactionary policies of the ruling clique of the American Medical Association really have some jurisdiction when they argue that coverage should continue to be denied to those in the medical profession.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senator may be allowed 3 more minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. I thank the Chair and the Senator from Georgia, who has done so much to advance many of our Nation's great social welfare programs.

Personally, I feel that the rank and file of doctors in the United States should not be denied participation in this social security program.

I believe that self-employed physicians and surgeons should be covered by the beneficent provisions of our social security law the same as self-employed attorneys and persons in other professions. They should not be punished simply because the officers of the American Medical Association seem so well entrenched in their positions that they cannot be dislodged even though their reactionary attitudes do not truly reflect the views of many physicians and surgeons.

The facts are that these officers are without social conscience and indulge in the thinking of the era of William McKinley. They continue to denounce social security as "state socialism."

Doctors should not be forced nor allowed to resort to tax dodges of this sort. I assert that the Congress should plug this tax loophole and prevent physicians and surgeons from enjoying the benefits of social security by subterfuge and chicanery such as I know some have resorted to in Cleveland and other cities.

Mr. President, in addition to these three amendments, I feel that there are two more that are vitally needed if our social security legislation is to keep pace with the times.

Retirement benefits should be increased by at least 10 percent to be in line with our present cost of living.

There was no more pitiful tragedy than the lot of the worker who had struggled all his life to gain a competence and who, at 65, was poverty stricken and dependent on charity. The black slave knew no such tragedy as this. It was a tragedy reserved for the free worker in the greatest nation on earth. All Americans are entitled to an old age free from care and want.

Through an ever improving social security program, all Americans may someday know full security in their old age.

Therefore, Mr. President, I introduce, for appropriate reference, a bill to amend certain provisions of the Social Security Act. These amendments will provide an approximate increase of 10 percent in social security retirement benefits.

In order to keep the program actuarially sound, this amendment will raise the maximum amount of annual earnings on which benefits are based and premiums are paid from the present $4,800 to $6,000. This provisions will easily provide the additional premiums from which the increased benefits will be paid.

Mr. President, these two amendments coupled with those in S. 2994 will provide a realistic, sound, modernized social security program for all Americans. Their passage will mean that America is keeping faith with the future. They stand for an America marching forward.

We seek to create an America where no one is forgotten, where the young have faith and the aged have hope. If we accomplish this, then eye hath not witnessed nor finite mind conceived the future grandeur and glory of our country.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3123) to increase the benefits under the Federal old-age, survivors, and disability insurance system, and to increase from $4,800 to $6,000 the maximum amount of annual earnings with respect to which benefits under such system may be based, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on Finance.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

Mr. Mr. BYRD of West Virginia:

Editorial entitled "Senator BYRD Favors South Version of Democracy," published in the Charleston (W. Va.) Gazette, and a letter written by him relating thereto.

NATURAL RESOURCES PLATFORM ADOPTED BY WESTERN STATES DEMOCRATIC CONFERENCE

Mr. ANDERSON. Mr. President, the Western States Democratic Conference was held in Albuquerque, N. Mex., on February 6, 1960. It adopted a natural resources platform which dealt with the subject of water resources, minerals, conservation and recreation, Federal lands and forests, and matters of that nature.

Accompanying it is a statement by C. Girard Davidson, chairman of the Natural Resources Committee.

In view of the fact that all of these matters are items with which the Senate will be dealing, I ask unanimous consent that the natural resources platform adopted by the Western States Democratic Conference, together with the statement of C. Girard Davidson, chairman of the Natural Resources Committee, be printed in the body of the RECORD at this point.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, and I shall not object, I want to congratulate the Senator for the leadership he has taken in connection with this very fine meeting. I commend him for his request to insert the resolution in the RECORD.

Mr. MANSFIELD. Mr. President, reserving the right to object, I should like to join with the distinguished majority leader in complimenting the distinguished Senator from New Mexico for putting in the RECORD the natural resources platform adopted by the Western States Democratic Conference in Albuquerque, N. Mex., on February 6, 1960.

I think there is a good deal of meat in this report which the Senate could consider. Most of the factors contained in the resolution have to do with water, pollution control, minerals, conservation and recreation, Federal lands and forests, and energy of various kinds.

I want to commend the Senator from New Mexico, and I withdraw my objection.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the natural resources platform adopted by the Western States Democratic Conference and the statement of Mr. C. Girard Davidson be printed in the RECORD at this point.

There being no objection, the platform and statement were ordered to be printed in the RECORD, as follows:

NATURAL RESOURCES PLATFORM ADOPTED BY WESTERN STATES DEMOCRATIC CONFERENCE, ALBUQUERQUE, N. MEX., FEBRUARY 6, 1960

Natural resources are the heritage of the people. A thin layer of earth makes human life possible on our planet. The wise use of this earth for the good of man is the test of sound public policy and good legislation.

Conservation is the wise use of our natural resources for the greatest good of the largest number of people for the longest time.

Ours is the duty to be good stewards of the public domain and to insure that the benefits flow undiminished to each citizen and his children.

As owner, the public has first rights and preferences to the use of these resources for the creation of new job opportunities, industrial development, increased productivity, and a higher standard of living.

We favor the best use of our natural resources. Generally this means adoption of the multiple-purpose principle to achieve full development. Best use in some cases may be a single use.

We propose to move forward to build a better bridge of conservation laws between the people and their resources. Three strong girders in the conservation bridge are necessary to improve the planning, financing, and administration of natural resources.

Planning is essential. We support the resources and conservation planning bill to create a Council of Resources and Conservation Advisers in the Office of the President and a Congressional Joint Committee on Resources and Conservation.

Orderly resource development is a sound investment. We favor a businesslike Federal budget to distinguish between operating expense and capital investment to facilitate systematic investment in self-liquidating projects.

Success in resource management requires good laws administered by dedicated and competent public servants. We pledge that a Democratic administration will keep faith with the American people in its stewardship of the people's natural resources.

WATER

Without pure water life ceases, the economy falters.

The water needs of the Nation for all uses of water for our increasing population are expanding at an explosive rate.

The Nation urgently needs a dynamic Federal water policy to be carried out on a

long range, coordinated multiple-purpose basis for the betterment of the people of every State.

Comprehensive, balanced multiple-purpose plans are needed for each major river basin within periodic revision in the light of changing needs. These needs include domestic and industrial use, for irrigation, navigation, flood control, silt control, salinity control, pollution control, fish and wildlife, recreation and ground water management.

We need more water and better and fuller use of water at the point of need. We urge upstream storage, both underground and in reservoirs to reduce floods and level the erratic flows of our rivers and store water from wet years to dry years. Specifically we should increase water storage capacity at least 10 million acre-feet per year.

We must achieve fuller use of water by reducing seepage, evaporation, and other waste and by increasing the reuse of water.

More facts are needed. We urge research in all aspects of water supply management.

We must know much more about the giant river of weather that surrounds the earth. We urge the establishment of a National Institute of Atmospheric Research.

We urge continued and expanded research in the economical conversion of saline and brackish water.

Much water is lost to water wasting plants. We urge research into the control of such nonproductive use.

Fisheries are an important resource and an essential element in multiple water use. We urge research to protect, and indeed increase, our sports and commercial fisheries.

Reclamation provides great national benefits, both direct and indirect. We support a positive, nationwide reclamation program including irrigation and drainage as required by the demands of an expanding population. As a coequal purpose of multiple-purpose projects, reclamation investment which is beyond the ability of the water user to repay should be accorded more equitable financial treatment.

The Federal Government must exercise positive national leadership in water development with particular responsibility for research, planning, financing, and coordination.

The negative attitude of the Eisenhower-Nixon administration cannot be tolerated.

POLLUTION CONTROL

Pollution of both air and water have become serious threats to the health and welfare of our citizens, to essential resources, and to economic growth. Both elements freely cross State lines and are physically problems of Federal concern.

Typical of the Eisenhower-Nixon administration were efforts to block an appropriation for incentive grants to State and local governments for water pollution control works.

Lag in the control of water pollution by cities and towns is now estimated to require $5.3 billion of disposal and treatment works to offset. A comparable amount will be required to catch up on industrial wastes.

A lag of unknown seriousness and extent is developing in relation to air pollution in the absence of adequate research into the nature and remedial measures for control.

A similar lag, which might be disastrous for millions of citizens, is threatened in the field of pollution of land, water, and air by radioactive materials.

We propose that a vigorous national program in these areas of pollution control include:

In regard to water pollution

Expanded research through Federal and cooperative programs on water purification.

Extension of Federal jurisdiction from pollution of interstate streams to all navigable waters.

Tightening of enforcement of antipollution regulations.

Expansion of incentive programs to stimulate modernization and construction of water pollution control works.

Establishment of a water pollution control agency with adequate power to deal with all phases of the problem.

In regard to air pollution

Provide intensified national leadership on air pollution abatement through research collection and dissemination of information, special investigation into specific problems of any State or local agency, and a program of grants to encourage research, demonstration projects, and development of specialists in air pollution work.

In regard to radioactive contamination

Contamination of air, land, and water, including deep ground waters, by radioactive wastes can persist for generations. Any lag in preventing radioactive pollution of the elements could have disastrous, long-term effects. The Democratic Party insists that plants processing radioactive materials, the new reactor industry, research laboratories, hospitals, and others handling such matter at all times adhere to strict controls. We support research and other cooperative programs to aid in the safe development of this new field, and in meeting antipollution requirements. We insist that assurance of pollution control precede development.

Democrats were subjected to irresponsible ridicule when they first raised the question of the dangers of radioactive pollution resulting from nuclear weapons tests. The dangers have subsequently startled the world and led to temporary cessation of testing. Our international policies should be aimed at permanent elimination of testing which will contaminate the human environment.

MINERALS

Minerals are vital to America's defense and to our high standard of living. Today, we are far from being self-sufficient in certain minerals and our continued growth hinges upon an adequate foreign and domestic policy regarding mining. Discriminatory actions by the Eisenhower-Nixon administration is increasingly difficult and impossible. Employment in mining, oil, and gas industries has declined more than 20 percent since 1952. We Western Democrats favor:

1. An immediate crash program in surveying, and mapping by topographic, geologic, and geophysical procedures to ascertain the extent of our mineral resources.

2. Immediate implementation of the recommendations of the National Science Advisory Committee on Minerals Research to establish a maximum program of intensive research on new methods of discovering mineral deposits, aimed at making it possible for the American mining industry to locate ore deposits which are economic in world competition.

3. Strong Federal leadership in research into utilization of minerals and byproducts for energy, industry, and agriculture.

4. Expanded Federally sponsored pilot programs to convert oil shale, western coals, and lignites and other fossil fuels and radioactive minerals in order to fully develop our energy potentials.

5. Inclusion of America's mineral needs for the present and for the long range in the responsibilities in the proposed Council of Resources and Conservation Advisors.

6. Immediate termination of the arbitrary discriminations and unreasonable restrictions by the U.S. Government against the domestic production, ownership, and sale of metals.

7. The initiation of a joint and cooperative examination of the mineral resources of the free world with other nations of the free world to the end that an inventory of those resources are made.

CONSERVATION AND RECREATION

We are beginning to feel crowded with 175 million people touching elbows. As population grows, the workweek shortens and transportation becomes easier and speedier, the demand for recreation facilities will skyrocket but reservation and establishment of outdoor recreation areas will become increasingly difficult if not impossible. Foundations must be laid now.

The Democratic Party takes pride in its traditional position in protecting and developing our natural resources for the maximum use and benefit of their rightful owners—the people of the United States.

The present Republican administration's failure to provide adequate programs for development and their shameful actions in allowing exploitation of public resources by private interests demand bold programs on a crash basis to reestablish progress in conservation and recreation to meet the needs of our exploding population.

The Democratic Party pledges:

1. Planning and budgeting for recreation in all projects developed by the Bureau of Reclamation and Corps of Engineers.

2. Provision of adequate camping and recreation areas, with particular emphasis on public access to the oceans, gulfs, rivers, streams, lakes, and reservoirs, with facilities for boating, fishing, swimming, camping, and picnicking.

3. Provision for a national wilderness system including all areas now set aside as "primitive," "wild," or "wilderness" areas with extensions of the system to be made only after careful consideration by the Congress of the value of areas for multiple use balanced against the needs for protection of further areas for posterity.

4. Full cooperation of the Federal Government with States and local units of government in the development and protection of fish and wildlife habitat and other aspects of recreation and conservation.

5. Extension of protection of our forests from fires and serious insect infestations and immediate programs to reforest burned over areas.

6. Provision of a program for conservation camps for young people in the national forests and parks.

7. Requirement that Defense Department lands be administered insofar as possible in accord with the requirements for other public lands, and in compliance with State fishing, hunting, and conservation laws.

8. Prevention of undue commercialization of publicly owned recreation areas with strict control of permits under regulations designed to establish attractive and low-cost recreation facilities for all the people.

FEDERAL LANDS AND FORESTS

Federal lands

One-third of the entire area of the 50 United States is owned by the Federal Government. Most of this land lies in the West. It is a tremendous responsibility.

This land must be developed for the benefit of all of the people of the Nation—not for a few special interest groups.

The public lands are basic to the stability and growth of much of our industry and are a major complete lethargy of the Eisenhower-Nixon administration in the public land matters and its record of giveaways. We condemn its record, symbolized by the Al Sarena "timber mining" episode and the secret leasing of game refuge lands to favored oil interests. We condemn its failure to provide adequate access into Federal lands for the use and benefit for lumbermen, ranchers, miners, recreationists, and sportsmen. We condemn its failure to undertake

more adequate soil and water conservation, range seeding, and reforestation programs and for its failure to provide adequate recreational facilities through implementation of "Operation Outdoor," "Mission 66," and the program for the national forests which were stimulated by the Democratic Congress, and for its failure to institute more businesslike and intensive practices.

We Democrats favor:

1. Wise investment in access roads, forest crop improvement, mapping, public use facilities, and other developments which greatly increase both Federal and local revenues and public benefits.

2. Payments for commercial uses of the public land should be related to benefits derived. Federal payments to local and State governments in lieu of taxes should recognize the burden placed on local government by public land holdings.

3. A systematic program of classification, consolidation, and regularizing of boundaries and scattered tracts of public lands undertaken to obtain the highest and best use of these lands in the public interest.

4. That a program on public and private watersheds lands arresting erosion and reducing sedimentation of streams and reservoirs be expedited.

Forests

The Democratic Party pledges itself to a forestry program geared to future needs of our growing Nation. In Federal, State, and local ownership there are currently about 1,000 billion board feet of timber accounting for approximately half of all time resources of this Nation. Publicly owned timber valued at approximately $20 billion imposes upon Government the utmost responsibility for its wise management in the public interest.

To meet this responsibility the Democratic Party pledges to implement boldly a program of intensive sustained yield management.

We urge that the forestry aspects of multiple-purpose development include:

1. Reforestation of the 4½ million acres of idle unproductive burnt-over land to provide trees for tomorrow's needs.

2. Adequate financing of intensive forest management to make Government forest a model.

3. Protection for the small timber operations.

4. Research in forestry management, conservation and uses.

5. Watershed management of high mountain areas to conserve and improve water quality and quantity to meet growing needs for agricultural, domestic, industrial, and recreational water supplies including fish and game uses.

ENERGY

An abundant supply of low-cost energy is the keystone of national defense and development. Power consumption is expected to triple by 1975. Sound planning for the efficient use of our coal, water, oil, gas, and atomic energy resurces can provide both the basic fuels and the low-cost electric energy essential to meet our growth requirements.

The Eisenhower-Nixon administration has obstructed progress in energy resource development in every possible way. It has slowed down Federal power projects and opposed new starts. It has stalled atomic energy development. It has repeatedly attempted to cripple rural electrification. It has halted pilot plant work on recovery of fuel from oil shale.

The President himself has called TVA "creeping socialism," and attempted to strangle that Agency with the scandalous Dixon-Yates deal, designed by a utility investment banker working within the Bureau of the Budget, a circumstance which even Eisenhower's Attorney General stated in court was a conflict of interest.

The great Hells Canyon Damsite has been given away for tragic underdevelopment.

The Democratic Party, consistent with its historic role in creating the REA, TVA, and the Federal program of low-cost power, will move forward aggressively with the comprehensive development of our water and energy resources to assure national growth consistent with our domestic needs and national security.

We will adopt policies on utility financing and regulation which will enable the country to take full advantage of giant power technology, and assure the American consumer the benefits of modern and efficient low-cost electric power supply. We will retain within the utility industry public yardstick competition and regulation to prevent oppressive monopoly of this essential service.

Regional wholesale power supply systems, operated under democratic principles and through the cooperation of private, Federal, local public, and cooperative electric utilities should be fostered, to provide low-cost power to all retail electric systems and to bring to the homes, farms, and industry of every region the great benefits of low-cost electricity.

As important elements in these efficient power supply systems, the Democratic Party would resume the vigorous comprehensive development of our invaluable hydro resources, now three-fourths undeveloped, and establish a purposeful program for the early achievement of low-cost atomic power.

Specifically, the Democratic Party would:

1. Foster development of efficient regional giant power systems from all sources, hydro, thermal, and nuclear, with utility responsibility to supply low-cost electricity at wholesale to all retail electric systems—public, private, and cooperative.

2. Develop our hydroelectric resources in accordance with comprehensive river basin programs to assure maximum, multipurpose use of our water resources to meet the rapidly expanding needs of the American people.

3. Provide full support for yardstick competition in the otherwise monopolistic power industry, through continuation of low-interest rate loans to rural electric cooperatives for distribution, transmission, and generating facilities, enforcement of the anti-monopoly preference clause in marketing Federal power, and cooperation with local public and cooperative systems in utilizing Federal transmission facilities to provide efficient power supply.

4. Establish in the Pacific Northwest a regional agency to enable full, comprehensive development of the Columbia River and to provide the region's utilities with low-cost wholesale power.

5. Support continued research and development in the field of conventional fuels, including oil-shale deposits. We also advocate research in the new fields of wind and solar energy.

6. Support the highly successful conservation and electric power programs of the TVA.

We pledge vigorous efforts to achieve peacetime harnessing of the atom for the benefit of the people. As a nation, we have poured our genius and $15 billion into nuclear research. At one time, we enjoyed international prestige for our nuclear leadership. We pledge protection of this atomic investment as part of the public domain. We oppose patent monopoly in this field. We support Federal construction of atomic powerplants. One of the brightest pages in the future history of the entire world will be written with the peaceful use of atomic energy.

ALASKA

Alaska is a strategic storehouse of undeveloped natural resources waiting to be unlocked. Alaska is a paradox of high costs and scarcity in the midst of potential plenty.

We favor a vigorous program of hydroelectric power, fisheries, forestry, and minerals development including mapping and exploration. Particularly we urge earliest action to rehabilitate the salmon fisheries and begin construction of hydroelectric projects. Alaska has no Federal hydro projects either authorized or under construction.

WESTERN STATES DEMOCRATIC CONFERENCE, FEBRUARY 5, 6, 7, 1960, ALBUQUERQUE, N. MEX.

(Statement of C. Girard Davidson, chairman, natural resources committee; Assistant Secretary of Interior, 1946–50; Democratic national committeman of Oregon; preliminary of presentation of the natural resources platform)

Our meeting in Albuquerque has been and is a working conference, because the Democratic Party is concerned with preparing a sound program to present to the American people in 1960.

The genius of American democracy with its two-party system is that the people may choose their leaders, and the general direction in which they want public policy to go. The parties have the responsibility to indicate as clearly as possible what they have to offer the people. The Western States Democratic Conference has accepted its share of that responsibility, and this occasion probably marks the first time that a large division of a major political party has so thoroughly studied the background of the issues.

BACKGROUND OF THE RESOURCE PROGRAM

The program to be presented today had its start in Los Angeles in May of 1958 when the Western States Democratic Conference embarked upon a study of issues crucial to the growing West. At a meeting the executive committee in November 1958, the various areas of study were delineated, and committee chairmen appointed. In Denver in May 1959, an outline for research was developed and a conference resolution there directed the natural resources committee to develop a program to be presented today to this conference.

The vast effort of the past 2 years is heartening testimony to the democratic process (both a small "d" and a capital "D"). America is challenged by a totalitarian Soviet bloc which dictates and decrees its 7-year plans and great leaps forward. We must respond with positive programs, but developed by the people themselves in a free society. This we have done.

The work of the natural resources committee has been carried on through seven subcommittees, each headed by a member of the Western States Democratic Conference, that is, a national committeeman or woman or a State chairman or vice chairman. These chairmen were aided by consultants, specialists, other interested and dedicated citizens from all over the West. These experts were suggested for our committees by leading western Democrats such as Gov. Pat Brown, of California; Gov. Albert Rosellini, of Washington; Gov. Steve McNichols, of Colorado; Gov. Grant Sawyer, of Nevada; Gov. Joe Hickey, of Wyoming; Gov. John Burroughs, of New Mexico; and Gov. William Egan, of Alaska.

The pattern of operations of our subcommittees began with the preparation of a basic paper by one of the experts, which outlined the resource problems in that area and possible solutions. These first drafts were then circulated to the more than 100 persons serving on the various subcommittees, who commented on and criticized them. Some subcommittees, those concerned with conservation and recreation, and forestry, invited comment in public hearings.

Now we are ready to report on the resource program that, we believe, can lead western

development back to the paths of progress. Care has been taken to integrate special programs into an overall policy that will protect the public interest today and for future generations.

It is anticipated that the proposals adopted today will be presented to the Platform Committee of the National Democratic Convention meeting in Los Angeles in July as the views of the Western States Democratic Conference. The background papers that have been prepared in the different areas of study will be rewritten and edited to conform to the discussions and findings of this conference, and will then serve as a handbook for Democratic candidates in 1960 in the West, for State legislatures, for governorships, and for the Congress. These studies will undoubtedly also be drawn upon by our candidates for President and Vice President and will be a guide for the new Democratic administration that will take office in 1961.

CONCLUSION

Our conclusions, in brief, are these:

1. That the present administration has a calculated apathy as well as basic antagonism to the public interest in the field of natural resources, which will, if not checked, do tragic and irrevocable damage to the Nation's natural wealth;

2. That it is the moral duty and constitutional responsibility of good government to be a dedicated steward of the land and water resources of the public domain for all citizens of present and future generations, and that this duty and responsibility can be achieved by the Democratic administration taking office in 1961 through a creative and sound program comprised of three main girders: (a) long-range planning, (b) competent administration, (c) business financing.

With your indulgence, I will amplify these points a little, and then call on the hard-working chairmen of the subcommittees to present for your approval the specific natural resource committee recommendations.

THE GOP RECORD

In the face of skyrocketing needs of our rapidly expanding population in the 1950's, the Eisenhower-Nixon record in the resources field has been a pitiable tale of delay, indifference, administrative sabotage, and "give-away" bordering on corruption.

The Republicans must assume responsibility:

1. For the Hells Canyon fiasco which resulted in the loss of one-half of the power potential, 70 percent of the water storage potential of the Snake River, and which has saddled that area with high cost and insufficient power;

2. For cutting in half Federal expenditures for desperately needed electric power and transmission facilities;

3. For the Al Sarena giveaway of millions of board feet of timber under the thin disguise of a mining claim;

4. For the corrupt Dixon-Yates scheme to attack the TVA;

5. For wholesale granting of oil leases in wildlife and game refuges;

6. For false economy in financing timber access needs which resulted in millions of dollars lost to local governments in tax revenues not to mention the waste and loss of many timber crops;

7. For failure to take the lead in pollution abatement programs;

8. For pigeonholing their own recreation programs;

9. For pennypinching in research on all resource problems.

Currently the Eisenhower-Nixon administration is conducting a fraudulent anti-inflation campaign the effect of which is to forestall programs which will expand the Nation's productive capacity to meet our growing needs.

The resulting scandalous shortage of schools, hospitals, and health facilities has been dramatized publicly. This kind of false economy, and the failure to develop resources is as injurious to the Nation as miserliness in any other field.

PROPOSED DEMOCRATIC PROGRAM

We advocate a responsible and dynamic resources program, to be achieved by:

1. Long-range planning at the very highest national levels. There should be created a Council of Natural Resources Advisers to be appointed by the President to aid him in preparing an annual report on natural resources. This report should be reviewed by a Special Joint Congressional Committee on the Natural Resources Report. This proposal, which follows the pattern of the Council of Economic Advisers in the Executive Office of the President, is now before Congress.

2. Improved and more orderly administration of Federal resources programs to eliminate wasteful duplication.

3. Adequate financing through the use of a capital budget and other recognized business methods for self-supporting resource programs, through making a clear distinction between annual operating expenditures and resource activities, such as national forests, which produce revenues and are of continuing value to the Nation.

As it is now, projects such as dams must be paid for by congressional appropriations made during the years the project is under construction—although these projects will serve the people and produce revenue for at least 100 years. This unrealistically and unfairly classifies capital expenditures for revenue producing projects in the same category as items in the Federal budget, such as fresh paint for mail boxes, that are required each year. The result is that budget balancing drives often stall half-completed projects or preclude essential scheduled starts.

As the Natural Resources Committee of the Western Democratic Conference, as Democrats and as Americans, we now reaffirm our deep conviction that the natural resources of the public domain belong to all the citizens of the Nation and we continue to dedicate ourselves to the wise use and protection of this precious heritage.

Mr. MOSS subsequently said: Mr. President, earlier today the junior Senator from New Mexico [Mr. ANDERSON], made remarks concerning the platform adopted by the Western States Democratic Conference in Albuquerque, N. Mex., on February 6. I had the privilege of being present at that meeting, and I wish to associate myself with the remarks made by the Senator from New Mexico and point out that this program set forth is one that is needed in this Nation of ours if we are to continue and develop as the greatest nation in the world.

The junior Senator from Wyoming [Mr. MCGEE] had prepared some remarks concerning this same platform, and I ask unanimous consent that his remarks may appear at this point in the RECORD following my remarks about the action of the junior Senator from New Mexico.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GALE W. MCGEE, DEMOCRAT, OF WYOMING, FEBRUARY 29, 1960

The majority in the Senate, indeed the majority in Congress and the majority of the American people, are dedicated to the achievement of our national goals. The programs enumerated by the Western Democratic Conference in Albuquerque represent both the fruits of their labors and the seeds from which must soon spring our answers to the challenges being put to us by the peoples of the world.

We can never afford again to have an administration which is so reckless as to put economy before resource development. The American people need to become better informed about the future which resource development can make available. The forward-looking programs which have resulted from the Albuquerque conference will not only help to provide this information but will help to keep the attention of the Nation fastened upon the relationship between the conservation and development of all our national resources and the achievement of the national goals to which I have already alluded.

The period when this Nation can afford to be complacent about the development of her natural resources is rapidly receding into history. In the past we have had administrations and Congresses which were vitally concerned about the conservation and wise use of our resources and we have had administrations and Congresses which neglected and stultified these objectives. If we take into account the inflation which has occurred since 1952, the present administration's record falls in the latter category. We are not only spending less today for conservation and resource development, but we are getting less for each conservation and resource dollar we spend.

It might be urged that a representative of the western section of our Nation is expected to fight for the adequate development of those resources which form the basis of the western economy and I certainly want to put myself on record as having done so. But the conservation and development of our resources is necessary not only to the West, but to the economic well-being of the people in all the other sections of our country. Our great industrial complexes depend not only on sources of raw materials for the manufacture of the many material goods which they pour into the stream of commerce, but also upon the high and stable consuming power of the people who extract and process these materials.

We can all remember the time when, during the war, we set for ourselves the grim task of making our economy both as productive and as self-sufficient as possible. We achieved a tremendous increase in productiveness and easily met goals which, when they were first set by President Roosevelt, staggered the imagination. Through a combination of research and resourcefulness we made ourselves very nearly self-sufficient.

We are all proud of the Nation's achievements during those difficult war years, but we are now engaged in a conflict which is broader and which threatens our way of life in a more basic fashion. The worldwide economic competition we now face cannot be successfully waged simply by producing more missiles and learning to get along without some of the materials we need to produce them. In meeting this challenge we have to learn to exist year in and year out with threats to our economy, our educational system, our philosophical understanding and, above all, our system of values. It is inconceivable that we should prove unequal to this challenge, but if we do it will be because of timid, shortsighted, purposeless leadership on the part of the administrative and legislative branches of our Government.

We don't want to create another wartime economy and if our relations with those nations with whom we have formed mutually beneficial commerce in goods, raw materials, and ideas are to be preserved and strengthened, we must not again withdraw economically into ourselves. The popula-

tions of those areas of the world which we now call underdeveloped are awakening to the opportunities which all free men share. Either we shall help them to take advantage of these opportunities or we shall have been proven to be a second-rate nation not only in missiles, but in the boldness and broadness of our imagination and in the adequacy of our value system.

The platform adopted in Albuquerque shows that the Western Democrats, and members of the Democratic Party everywhere, are responding to the challenges of our times and providing the plans America needs to build a better future through resource development.

AROUND-THE-CLOCK SESSIONS

Mr. JAVITS. Mr. President, I should like to say a word about the around-the-clock sessions that the Senate is now entering into. There is much speculation that the around-the-clock Senate sessions will frustrate the civil rights proponents and will either wear down or wear out the opponents.

I do not consider this a parliamentary game, nor do I believe any Member of the Senate wants to impose any undue physical strain on any other Member. Those who make these points miss the main reason for these around-the-clock sessions. They are really to give the opponents and proponents of civil rights legislation an opportunity to make all their arguments on the bills consistent with the Senate's July adjournment timetable. If it turns out that the debate becomes dilatory, then the Senate has the cloture remedy, and this will be a real test of the effectiveness of the amended rule adopted last year under the inspiration of the majority leader.

Those of us who are for effective civil rights legislation must be confident that the affirmative benefits of the around-the-clock debate will be to fix the attention of the country on civil rights legislation as never before, and therefore, because we have confidence in our case, to assure a better bill, and, second, if it is needed as the necessary precedent, to an effort at culture, to make that effort.

I think, Mr. President, it is very important that it is made clear by those who have views in this matter that this is not a contest of wills and that we who remain in around-the-clock sessions are servants of the interests of the United States, serving them as best we can.

FALLOUT SHELTERS

Mr. JAVITS. Mr. President, Governor Rockefeller of my State has been waging a massive struggle to get the country and his State interested in the matter of fallout shelters. I am much heartened, and I hope our Government will be helped in his fight, by an editorial which appeared in the New York Times with regard to fallout shelters, which our Governor has proposed to the legislature. This is certainly a case of "none so deaf as those who will not hear, and none so blind as those who will not see."

The absence of these shelters jeopardizes our country and makes us more subject to nuclear blackmail, which has been utilized by the Soviet Union and has placed us in a condition of vulnerability which should not be acceptable to the American people.

I back our Governor. I believe the Congress ought to back the idea of fallout shelters. I think the country should be alerted to the need for them. I am delighted the Governor of our State is keeping up this fight. I would like to help him.

Mr. President, I ask unanimous consent to include in the RECORD the editorial and also the report of the Governor to our State defense council upon this subject as a part of my remarks.

There being no objection, the editorial and report were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 29, 1960]

THE SHELTER PLAN

The massive inertia in legislative circles at Albany that has greeted Governor Rockefeller's appeal for compulsory construction of radioactive fall-out shelters should not be permitted to stand as the last word. This is certainly a case of none so deaf as those that will not hear, none so blind as those that will not see.

Let us consider the alternative. No one, in the event of an atomic attack, is going to survive a direct bomb hit. But millions a few miles distant can be saved if shielded from the effect of fallout. Such fallout can be eventually fatal hundreds of miles away, so that three bombs dropped in the State could endanger all New Yorkers to some degree. Yet it is estimated that those even as close as 5 miles from a bomb hit might have an hour to seek shelter before fallout came down from the great height to which the dust had risen.

In a shelter shielded by concrete and earth men, women, and children could survive, with the supply of water and food for a 2-week stay. Inexpensive instruments would determine when they could safely leave shelter. The question is often asked, what about uncontaminated water and food after they emerged? The answer, as to water, is that supply from completely subterranean sources, such as wells, would probably remain safe. Water remaining in the pipes of a residence after the public supply had been cut off would be relatively safe for drinking. By the end of a 2-week period in which, under our civil defense plan, the individual or the State has the basic responsibility for survival, it can be assumed that airplane, rail, and truck delivery of food from outside the contaminated area would be under way to sustain survivors.

So, horrible as the prospects are in a nuclear attack, the question we face is, should we try to survive or should we, in advance, abandon all hope, deliberately choose to make no preparation to live? Our legislators in Albany and those in other States must think the alternative through. We cannot believe they will be content to say to those who are their responsibility that certain death in case of attack, rather than preparation for the worst with a chance to live, is the choice their government has made for them.

FEBRUARY 17, 1960.

To the Members of the State Defense Council:

As Americans we share a profound belief in the worth, the value, and the dignity of each and every human being. This belief is at the heart of our religious teachings and our political philosophy. In the thrust of this belief lies the basic source of the morality and vitality of the Western World.

The words "life, liberty, and the pursuit of happiness" are more than words to us—they are an essential part of the fabric of American life. Without life there can be no liberty. Without liberty there can be no dignity. Without dignity there can be no happiness.

The preservation of these values and the protection of the life and well-being of each individual citizen of our State is a special responsibility which I bear as Governor.

The century in which we live poses many sharp challenges to these human values which we deeply cherish. And no challenge is more formidable than that raised by man's discovery of nuclear weapons.

The maintenance of peace, with freedom, must at all times be our absorbing concern. At the same time, we, as a society, have a moral obligation to protect human life against any eventuality. In discharging this obligation we cannot ignore the grim new threat to the lives of our people posed by the possibility of nuclear attack against us.

As Governor I wish to put before you today my considered conclusions as to how we should discharge this moral obligation, which we share as Americans, to safeguard the life of every adult and child in our State in the event of a nuclear attack.

THE CHALLENGE

In facing up to our responsibilities four facts are both pertinent and plain:

First, the Soviet Union has the potential capacity, frequently boasted and adequately substantiated, to devastate the lives of our people in every corner of our State.

Second, the entire population of our State is now exposed, and vulnerable, to death and disability from any nuclear attack that might be launched against us.

Third, the means for protecting our population from the greatest danger—radioactive fallout—are known, are feasible, and are well within the financial reach of our State and our people.

Fourth, without fallout protection, the strength, the vitality, and the power of America and its free institutions could quickly become illusory.

As Governer, I have been gravely concerned with these realities of the century in which we live.

In January I advised the legislature that my paramount responsibility for the safety of the men, women, and children of this State cannot be discharged either by devout hopes, or by unprovable assumptions, that nuclear war will never be visited upon us. Indeed, our national strategy and our $41 billion Federal defense budget are based on the premise that nuclear war can happen.

Only purposeful and constructive action, designed to protect the lives of each and every individual citizen, can discharge the fateful responsibility which elected officials have in the face of the dread possibilities.

As you know, shortly after I took office, I initiated a survey of the nature of the danger from radioactive fallout in the event of war and the possible measures to protect against it. This resulted, last July, in the Ruebhausen report, which concluded that fallout protection was feasible and urged legislation making such protection mandatory for both existing and new structures.

In accordance with your action on this report, I undertook both an intensive program designed to inform the public about fallout and a further more detailed study of the methods and costs of providing protection against it. Mr. Keith McHugh, commissioner of commerce, is chairman of the State interdepartmental committee responsible for this second study.

The McHugh report is now in your hands. It reaches what it calls "the overriding conclusion—that everyone in our State should have minimum protection against fallout." This report also contains a comprehensive

plan to achieve such protection, including recommended legislation making such protection mandatory in both new and existing structures.

The conclusion and the recommendations of this searching report cannot be lightly considered. We disregard them at our peril.

I have reviewed these matters with my fellow Governors on the Governors conference special committee on civil defense; together we have investigated the nature of the hazard and the necessity for fallout protection with the President of the United States and the leading civilian military members of his administration; I have also received the advice of experts both within and without our State.

Much as we recoil before the prospects of nuclear war, I am thoroughly convinced that:

Radioactive fallout, in the event of war, threatens death or disability to every one of the 17 million people in our State;

The people of our State do not have the facilities necessary to protect themselves against such fallout;

Fallout shelters offer the best single civilian defense measure for the protection of the greatest number of individual lives—lives for which the State has responsibility;

State initiative in assuring fallout protection is imperative if our people are to survive the first weeks after any possible nuclear attack upon us;

Fallout protection can be secured by steps that are relative simple and at a cost per person which is modest under codes and regulations by existing State and local agencies; and

Fallout protection, to be effective, must be afforded to the entire population of the State: We could not long expect to endure either the threat or the actuality of a nuclear attack against us if our citizens were half protected and half defenseless.

The conclusions I draw from these considerations affecting the safety and well-being, in fact the very survival, of every person in the State are decisively reinforced by the fact that a system of fallout protection for all our people would fortify our Nation's pursuit of peace and its efforts to deter war.

Let me be more precise.

Fallout protection is essential to our military defense. In President Eisenhower's words to the Senate last August "our total defense is incomplete and meaningless without reliable and responsible home defense." And, less than a month ago, the Chairman of the Joint Chiefs of Staff assured the White House Conference on Fallout Protection that a fallout shelter program was essential both to our military defense and to our policy of seeking peace through deterrence of nuclear attack.

Fallout protection is essential to our negotiating strength. At the same recent White House conference, convened by President Eisenhower, the Secretary of State made it emphatically clear that there was a direct relation between a fallout shelter program and the successful conduct of foreign policy. He concluded with these urgent words:

"Measures which we can take to minimize the fallout danger will reinforce our country's defense posture, and thereby, its political and negotiating strength. It is my earnest hope that we can make prompt and substantial progress in this direction."

Fallout protection is essential to the deterrence of war. Without fallout protection for all our people other nations, both friendly and hostile, will have reason to doubt both our will and ability to resist aggression. If our population is exposed to annihilation, an aggressor might well be tempted to strike with nuclear weapons. An attack would be particularly tempting to a nation possessing, as does the Soviet Union, increasing nuclear protection for its own citizens. We must recognize that if, as now, our most priceless resource, our people, are exposed to destruction, then our nuclear retaliatory power, no matter how effective, would be little more than a hollow instrument of grim revenge. It is plain that, if, in the absence of fallout protection, the annihilation of our people is the price we must pay to use our retaliatory power, the existence of that power is not likely to deter aggression, conquest, or tyranny in any part of the world.

Fallout protection is essential to withstand nuclear blackmail. We must heed the public warning of Allen Dulles, the Director of our Central Intelligence Agency, that:

"The evidence is that the Soviets intend to use nuclear blackmail as a major weapon to promote their objectives—namely to spread communism throughout the world.

"They showed this intent at the time of the Suez crisis when they threatened England and France with ballistic attacks. They used these tactics again, chiefly against Turkey, at the time of the Middle East crisis about a year ago.

"They will use the same threat against this country."

Without fallout protection for our people, it will take courage of heroic size to resist either nuclear blackmail or nibbling aggression.

THE STATE'S RESPONSIBILITY

The health and safety of the individual citizen has always been a vital area of State concern and State action. The need for State initiative is assuredly no less when the threat to life arises from the radioactive fallout of nuclear weapons than it is when the threat lies in the more familiar hazards of disease or fire or disorder—all of which are the subject of State and local regulation, inspection, and enforcement.

The hazards to life involved in nuclear war differ only in their magnitude from those we have successfully dealt with in the past. Building requirements, fire codes, police protection, the transportation of schoolchildren, housing standards—all these and many other matters related to health and safety have been effectively handled for the public benefit by State and local regulation. The adaptations of these regulatory systems which may be needed to meet the new hazards of radioactive fallout must now, if we are to avoid multiplicity of regulation and administrative confusion, necessarily be handled by State and local initiative.

The national plan, promulgated by the President, makes thoroughly clear the exceedingly local and personal nature of the fallout protection problem. It expressly states that each individual must be prepared to survive without any outside help for 2 weeks after a nuclear attack, that State and local governments should provide assistance in the third and fourth weeks, and that the Federal Government cannot be expected to help before the fifth week.

It is abundantly clear, therefore, that fallout protection is a State and local responsibility. Indeed it is exclusively so for the first 4 weeks after any nuclear attack that might be made against us.

A PROGRAM

The evidence and the responsibility are clear. It is time for action.

As chairman of the council I recommend at this time for your approval that:

1. The legislature make fallout shelter construction mandatory in all places of residence and all business structures, subject to appropriate adjustments for hardship cases.

2. Such a mandatory requirement becomes effective for (a) new structures started after January 1, 1962, and (b) existing structures on and after July 1, 1963.

3. The legislature require minimum survival supplies and equipment to be maintained and available for the expected occupants of a shelter on and after the date on which the shelter itself becomes mandatory.

4. The minimum standards of shelter construction be so fixed that (a) the home, and places of residence, will be the focal point for shelters and fallout protection; (b) shelters in structures other than residences will accommodate those regular employees, students and others who cannot reasonably be expected to reach their homes within 1 hour after a nuclear attack; and (c) an occupant of a shelter will receive no more than one one-hundredth of the radiation intensity prevailing in the exposed area surrounding it.

5. City, town, and village authorities under general standards established by State civil defense authorities be made primarily responsible for the administration and enforcement of this fallout protection program.

6. The legislature, as an incentive to shelter construction, (a) authorize deduction (over a 5-year period) of shelter construction costs from taxable income for New York State income tax purposes up to a maximum of $100 per planned shelter occupant; and (b) exclude for tax purposes shelter construction costs, up to such a maximum, from local property assessments and from any applicable State taxes based on property values.

7. The preparation of a State program of low-interest rate loans to assist those who cannot otherwise bear the financial burden of shelter construction.

These are the basic elements of a program which I am convinced is imperative if we are not to abandon our responsibility for the worth and the dignity of each human life. By such a program, moreover, we will enable each individual to make a personal and constructive contribution to the preservation of peace, the deterrence of war, and the survival of our nation in the terrible event an aggressor should unleash nuclear weapons against us.

Elected officials are entrusted with the responsibility of protecting the lives of all of their people. To fail to meet this responsibility with constructive action would break faith with the most solemn covenant of our democratic society.

In the face of lesser perils, we, as a people, have not hesitated to legislate requirements for vaccination against disease, insurance for motorists and workmen, sanitation facilities, decent working conditions for employees, construction to minimize the dangers from fire, protection against pollution of air and water, and so on. Surely, the greater nuclear danger must not find us wanting in either the necessary wisdom or courage to meet it.

The need for fallout protection is clear and urgent.

Such protection is both feasible and obtainable.

I urge a mandatory State program to secure it.

NELSON A. ROCKEFELLER.

STATE OF NEW YORK—REPORT OF COMMITTEE ON FALLOUT PROTECTION—TO GOV. NELSON A. ROCKEFELLER, FEBRUARY 15, 1960

HIGHLIGHTS AND RECOMMENDATIONS

All in America want peace, but the world continues in a state of tension and turmoil. World domination is the goal of our enemies and ruthless aggression may well be their policy to attain it. An enormous and growing, hostile nuclear force is poised and ready to crush us.

As recently as December 1, 1959, in Budapest, Nikita Khrushchev repeated his boast that the Soviet Union has stockpiled enough rockets and hydrogen warheads "to raze to the ground all our potential enemies."

This ominous threat was accompanied by the Soviet Premier's promise to destroy his

deadily stockpiles if universal disarmament can be achieved—obviously, as in the past, on his terms.

But, what happens to us if Khrushchev's stockpiles should be used?

It is unthinkable in the face of this unprecedented danger that we should continue in our present state of almost complete civilian unpreparedness against nuclear attack. It is unthinkable because we do not need to remain unprepared. We can construct a shield that will save many millions of our people, assure our survival as a nation and preserve our American institutions and way of life.

We can do this by protecting ourselves from the radioactive fallout that would blanket our land following a full-scale nuclear attack.

The essential fact is that from 8 to 15 million people in our State, depending upon the attack pattern and force, could survive the heat and blast effects. Reasonable preparedness, as recommended in this report, would assure the survival of all these millions of people.

Methods of protection against fallout are known and proved, the undertaking is practical, and the cost is well within our means as individuals. It presents no important strain on our economy.

Further, if we remain completely vulnerable we are more likely to be attacked. You, as Governor, expressed this forcibly in your message to the legislature on January 6:

"The overriding necessity for an effective program in this field from the point of view of the security of the individual, as a deterrent to nuclear attack and as a force for the preservation of peace, is far too serious a matter to be left to chance or to be ignored as too difficult. As time passes, we are becoming increasingly vulnerable to nuclear blackmail. The cloud is unmistakably there on the horizon. We pray that it may never move in to engulf us. And we must remember that our Nation's ability to survive a first blow and strike back might well be the most effective guarantee that we would never be hit."

The report to you, the Governor, on July 6, 1959, by the Ruebhausen Task Force on Protection from Radioactive Fallout showed the way for New York State.

This followup report by the committee on fallout protection makes more specific recommendations for a program of fallout protection.

If such a program is carried out and extended throughout our country, it should provide a powerful deterrent to the unleashing of an attack. If all reason fails and an aggressor releases the nuclear horror upon us, it would protect the lives and health of millions of our people.

This conclusion was well expressed by Mr. Christian A. Herter, Secretary of State, at a White House Conference on January 25, 1960:

"If, despite our earnest efforts at the negotiating table and our defense preparations, we should, nevertheless, be subjected to nuclear attack, civil defense and measures for fallout protection offer the most practicable and feasible means of saving the greatest number of lives."

At this same conference Gen. Nathan Twining, Chairman, Joint Chiefs of Staff, said that he considered fallout protection for our citizens to be essential to the defense of our country.

SUMMARY OF PRINCIPAL RECOMMENDATIONS

The overriding conclusion of the committee is that everyone in our State should have minimum protection against fallout. The principal features of a comprehensive plan for this purpose follow:

1. Center the protection program against radioactive fallout on the home and family. The family is the natural unit and people generally spend more time in or near their homes than elsewhere. The objective is to safeguard the whole population at or close to their places of residence. The committee recommends that all places where people live and sleep be considered places of residence. Since hotels, rooming houses, clubs, dormitories, etc., are temporary residences, these places should be considered places of residence for purposes of this report.

2. Rely on a go-home plan to the maximum possible extent in the event of an attack. This includes all away from home—workers, housewives, schoolchildren. For planning purposes, the go-home opportunity is expected to last 1 hour after the blast—it may well last several hours in many places before fallout arrives.

3. Supplement home protection with reasonable protection at places of business and industry, schools and other publicly owned buildings and other occupied nonresidential structures. Such protection generally would be for those employees, children, etc., unable to reach their home protection within 1 hour after attack.

4. Set the minimum standard of shelter construction to insure that occupants will receive not more than one one-hundredth of the radiation intensity of the exposed surroundings.

(a) The committee recognizes the advantage of a greater margin of protection. It urges all who can to provide shelters with greater protection factors and, if practical, also to provide protection against blast and thermal effects.

(b) In selecting a shelter area, every advantage of natural shielding should be taken. Since masses of earth provide fine natural shielding, basements below grade level are excellent places for shelter construction. Some basements have protection factors ranging from 10 to more than 100. Shelters below grade level can be built at least cost. Above grade level, more material is required and costs would be higher. Protected interior areas of some buildings also provide some shielding.

(c) Shelters may be spacious or compact. The latter can be built at small cost and give the same protection during the critical period as the more spacious shelters.

(d) A comprehensive study detailing plans for a variety of shelters is annexed to this report. It is expected that individuals and organizations will exercise wide latitude and ingenuity in designing shelters and selecting locations. It is vital, however, that all shelters provide a minimum protection factor of 100.

5. Maintain within or close by the shelter area, a minimum inventory of emergency supplies and equipment necessary for 2 weeks' survival without outside help. This should include water, food, sanitation facilities, radio receiver, emergency lighting, and simple radiological measuring instruments.

6. Put the overall program into effect as soon as possible—we may have less time than we think.

OUTLINE OF LEGISLATION REQUIRED FOR EARLY ACTION

To assure protection from radioactive fallout for all the people of our State within a reasonable time, the committee recommends that you propose legislation which would include the following general provisions:

1. Require that all existing places of residence, as defined earlier, have by July 1, 1963, a place providing minimum fallout protection for all regular occupants. Minimum protection is defined as follows:

(a) A room-type space affording a 100-to-1 reduction in radiation, within which people may reasonably live for a period up to 2 weeks, or

(b) Where the shelter may be so located as to have direct access to or lie within a larger area of moderate protection, such as a basement, minimum protection may be a compact space affording 100-to-1 radiation reduction. In this compact space, people may reasonably sit or lie for a period of 2 or 3 days, and then make short visits into the outer protected area.

The more secure compact space and the less secure outer space would then be occupied, intermittently, depending on the remaining intensity of radiation, for a period up to perhaps 2 weeks.

(c) If such minimum shelter protection cannot reasonably be provided without undue hardship (one test could be a cost per planned occupant in excess of, say, $100) an appeal should be made to the local enforcement authority.

2. Require that new places of residence of all types started after January 1, 1962, include minimum protection, as described above, for all regular occupants.

3. Require that existing business, commercial, and industrial premises, regularly occupied by employees, meet the following objectives by July 1, 1963:

(a) Available protection should be surveyed and all reasonable measures taken to make available in each instance minimum protection, as described above, for at least all those employees who cannot be expected to reach their homes within 1 hour after attack.

(b) If such minimum shelter protection cannot reasonably be provided without undue hardship (one test could be a cost per planned occupant in excess of, say, $100), the best alternate protection plan that is feasible should be submitted to the local enforcement authority. This authority may approve the plan, prescribe modifications or supplement it with other available protection under its jurisdiction and control.

4. Require that new business, commercial, and industrial structures started after January 1, 1962, include minimum shelter protection for all regular employees who cannot get home in 1 hour. The civil defense commission should set general standards for determining the capacity in numbers to be sheltered for the several types of new business structures by localities or regions.

5. Require that minimum survival supplies for planned occupants be maintained within or close by all shelter locations after the required dates of shelter construction. Survival items are discussed more fully in chapter VI of this report. They consist mainly of food and water, sanitation facilities, radio receiver, emergency lighting, and simple radiation measuring instruments, i.e., the things needed for 2 weeks' survival. Help from the outside might be received before that but it cannot be expected.

Survival supplies should be provided by owners who occupy their own residences and by tenants in rented residences. In hotels, clubs, dormitories, rooming houses, etc., the owner should be responsible. Business and government should be responsible for those employees for whom they provide shelter.

6. Require civil defense to make plans for protecting the general public, i.e., transients, shoppers, those in transit, etc., who cannot reach home in 1 hour.

7. Make city, town, and village authorities primarily responsible for the administration and enforcement of the fallout protection program in a manner comparable to present enforcement of building and fire protection requirements. The process of filing plans and securing approvals should be as simple as possible.

Make the State civil defense commission responsible for technical standards of protection or variations from prescribed procedures, with local civil defense people having the power to authorize local variations within the statewide standards.

All required to provide shelters should have the right to appeal for relief where full

compliance would be an undue hardship for financial or other reasons. Appeals procedures should be simple and be handled expeditiously by the local authority. Cities, towns, and villages could arrange a county appeal board, if desired.

Appeals regarding residence shelters and from business regarding shelters for its employees, whether for hardship or other reasons, should go to the local city, town, or village building department.

8. Supplement, if later experience proves it desirable, present sources of loans to finance shelter construction by private lending agencies, FHA-guaranteed mortgages and home improvement loans with a State fallout protection financing agency. This agency could assist in financing the construction of shelters, particularly in cases where individuals may not be able to obtain credit or in other cases of hardship or unusual circumstances.

9. Encourage early compliance and help relieve the financial burden of the fallout protection program on all citizens by enacting the following tax relief measures:

A–1. Exclude the cost of shelter construction from local assessment for tax purposes.

2. Exclude the cost of shelter construction from any applicable State tax based on the cost of real property.

3. The maximum exclusion for either local or State tax computation purposes under 1 and 2 would be $100 per planned shelter occupant.

B. Permit deduction of shelter construction costs, both residential and nonresidential, from taxable income for New York State income tax purposes, up to a maximum of $100 per planned occupant, the deductions to be taken over a period of 5 years.

NOTE.—The committee recommends that if this program becomes law, the Federal Government be urged to permit similar deductions from taxable income for Federal income tax purposes.

RECOMMENDATIONS FOR FURTHER ACTION BY THE STATE

The committee recommends that you initiate other State action which it believes especially important if a law requiring shelters is enacted:

1. State civil defense or other appropriate authority should carry on, with increased vigor, a continuing campaign of public information and education.

(a) It is of vital importance that the public be made fully aware of the fallout hazard and the need for and practicability of protection.

(b) Architects, construction engineers and the building industry generally, need to become fully informed as to the basic principles of protection and shelter construction in existing and new structures.

(c) Business and industry should be encouraged to protect themselves and their employees from nuclear attack and should have available the necessary information.

(d) Manufacturers and suppliers of shelter materials and equipment should have full information.

(e) Local authorities need to be instructed in the administration of protection requirements and the handling of appeals.

2. The State civil defense organization should be strengthened to enable it to assist in the interpretation and administration of the fallout protection program, to continue to study the problems of protection and to organize and carry out the many collateral survival and recovery measures essential to the program. A shelter program without fully operative collateral plans of warning, communication during shelter confinement, measurement of radioactive intensities and survival and reconstruction of society after shelter, would have little worth. Civil defense must meet these requirements. To do so it will need Federal cooperation.

3. A special study of farm problems, i.e., the protection of crops and farm animal life, before, during and after attack, should be undertaken by appropriate State agencies, with Federal cooperation.

4. The State and local governments should lead the way in the fallout protection program by undertaking the following:

(a) Establish immediately a program for inclusion of fallout shelters in all new public buildings and make appropriate shelter plans for existing public buildings. Special construction required should be completed by, or preferably before, the dates required for business and industrial shelters.

(b) Provide sheltered emergency centers from which governmental functions may be carried on in case of attack.

(c) Equip selected State buildings and institutions with appropriate survival supplies and test them to gain experience in this field. These trials should also stimulate commercial production of suitable survival items and provide a wider choice and lower prices for public purchases.

COST OF THE PROGRAM

1. Cost to the public

The costs of providing minimum protection will vary. Many can achieve minimum shelter protection at little or no cost. Thus, many multi-family dwellings and commercial buildings with basements below grade level and with fireproof floor slabs above, now have protection factors of 100, sometimes more. Other situations will generally require construction. The costs will be higher for above-grade or buried shelters.

As an illustration of some of the costs involved, a very satisfactory compact shelter for two people can be built in an existing basement on a do-it-yourself basis for as little as $60 to $70 material cost. The complete cost by a contractor would be $125 to $135. In a larger size for five or six people, the material cost for a compact shelter would be $95 to $110, and the complete job cost, $215 to $235.

A shelter with full headroom for two people can be built in an existing basement for $90 to $100 material cost and $185 to $200 for a completed job. A larger size shelter room, suitable for five or six people, is estimated at $135 to $160 for material and $315 to $350 for a contracted job.

Other type shelters, such as underground shelters, shelters built in above-ground exposed locations and larger group shelters, cost more money. In the larger group shelters, a typical minimum cost is $100 to $125 per person for a 100-person-capacity underground shelter.

Overall costs of home shelters for all the people in New York State ought not to exceed an average of $50 to $75 per person. To this should be added an estimated cost of minimum survival supplies and equipment for 2 weeks of from $15 to $25 per person, assuming a radio is already available.

The committee has made no estimate of total costs to business, commercial, and industrial units to provide shelters for their employees who cannot get home in 1 hour. Reasonable unit costs for such shelters could vary from little or nothing where protected basements are available to $100 to $125 per employee sheltered if new group shelters are required. Survival supplies and essential equipment would cost an additional $15 to $25 per employee.

2. Cost to the State and local governments

The principal increased costs to the State and to local government would be:

(a) The cost of strengthening civil-defense administration and carrying on a continuing public information campaign.

(b) The cost of providing shelters for public employees and charges in existing and new publicly owned buildings of all types, including schools.

(c) Some small net loss in income tax revenues. The negative effect of amortization of shelter costs would be partially offset by tax revenues from increased construction.

(d) The cost of emergency headquarters for executive and legislative branches.

(e) The cost of survival supplies and equipment for public employees who cannot go home in 1 hour, patients in publicly owned hospitals, occupants of correctional institutions, etc.

(f) Possibly a later cost to support a State financing agency, if one is found necessary, to help in providing shelters for hardship cases, etc.

(g) The report recommends that civil defense make shelter and survival item plans for transients, shoppers, those in transit, etc., who cannot reach their homes within 1 hour. Cities, towns, and villages should be responsible for execution of such plans.

(h) Increased cost of local administration to supervise the fallout shelter program.

These costs to governments are obviously difficult to estimate with accuracy. Most of them would be spread over several years, and some, such as shelter costs in publicly owned buildings, would be made once and should not recur. The committee, nevertheless, offers the following approximations of these costs:

APPROXIMATE STATE COSTS

(Items in parentheses refer to and are explained under paragraph 2 immediately preceding.)

[In millions of dollars]

Nonrecurring costs:	
Present buildings, excluding schools (item B)	18
Emergency headquarters (item D)	5
Initial survival items (item E)	4
Total, spread over 3 years	27
Per year, 1st 3 years	9
Recurring costs, annually:	
Civil defense and public information program (item A)	2
Shelters in new buildings (item B)	1
Maintenance costs, shelters and survival supplies (items B and E)	1
Income tax effects, for 7 years (item C)	2
Total per year, 1st 7 years	6
Total per year, thereafter	4

APPROXIMATE SCHOOL SHELTER AND SURVIVAL SUPPLIES COST

Nonrecurring costs:	
Present school buildings (item B)	110
Survival supplies and equipment (item E)	22
Total, spread over 3 years	132
Per year, 1st 3 years	44
Recurring costs, annually:	
Shelters in new school buildings (item B)	15
Supplies, new schools and maintenance of all supplies (item E)	5
Total per year	20

STATE FINANCING AGENCY

It may prove necessary to establish a State financing agency to assist in financing shelters for hardship and, perhaps, other cases. It is impractical to estimate the cost of such an agency until its scope is fully defined. Some experience with the whole program is needed first. The need for such an agency should be studied further and, if desirable, it could be authorized by the legislature in 1961—still many months before the recommended January 1, 1962, date for shelters in new structures.

LOCAL GOVERNMENT COSTS

The committee does not have sufficient data to estimate the costs of the program to

local governmental units. These costs can be more soundly estimated by the individual units.

The principal elements of increased costs to local governments would be those associated with items (a), (b), (d), (e), (g) and (h).

The largest cost item here probably is (b), i.e., the cost of providing shelters in publicly owned buildings for those who cannot go home. These expenditures should be nonrecurring and be made during 3 years. If local units choose to finance these costs through the sale of bonds, the costs could be spread over the useful life. The costs should not exceed an average of from $50 to $75 per person sheltered in most public buildings and $10 per person sheltered in school buildings.

New building costs for shelters should be minimized by suitable design.

FURTHER DETAILS IN THIS REPORT

Further details relating to fallout shelter protection problems elaborating this chapter of highlights and recommendations are contained in succeeding chapters of this report.

Details of specific designs for shelter rooms, compact shelters, underground shelters, group and other shelters are contained in the annexed report of Voorhees, Walker, Smith, Smith and Haines, architects, New York City.

NATIONAL DEFENSE EDUCATION ACT AFFIDAVIT REQUIREMENT

Mr. JAVITS. Mr. President, I am very pleased to see the Vice President feels, too, that orderly processes and the full utilization of the National Defense Education Act require repeal of the part of the provisions of the act which deals with the requirement of a disclaimer affidavit from college students applying for Federal loans. The Vice President feels that way, and I do, too. I think it is necessary to repeal it in the interest of America.

Mr. President, I ask unanimous consent that an editorial from the New York Herald Tribune of today on this subject be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. NIXON HITS THE AFFIDAVIT

Vice President NIXON, in response to a query from the heads of three midwestern universities, has declared himself in favor of repealing the controversial disclaimer affidavit required of applicants for federally aided student loans. This is the negative affidavit, in which each student applicant must specifically swear his innocence of any subversive thoughts or associations.

As a Nation we should have more faith in our college students than to single them out for any such disclaimer, as if the exposure to learning made them especially suspect. And we should have more faith in the strength of free institutions than to act as if an ordinary citizen's loyalty has to be, or can be, coerced.

The President has already urged repeal of the offensive requirement; Senator KENNEDY has introduced a bill that would effect repeal. The Vice President's support, hopefully, will help end this affront both to our colleges and to their students.

DIRKSEN OMNIBUS CIVIL RIGHTS AMENDMENT

Mr. TALMADGE. Mr. President, sponsors of the pending Dirksen omnibus civil rights amendment have attempted to convey the impression to the Nation that it is a bill designed solely to protect the right to vote.

Nothing could be further from the truth, Mr. President, and I feel that the news media of the Nation will be derelict in their duty if they fail to point out and make absolutely clear that only two of the seven parts of the Dirksen proposal even remotely purport to deal with voting rights.

Here is what the other five parts would do:

First, in clear contravention of the first amendment, it would single out and make a Federal crime punishable by fine and imprisonment the criticism of or disagreement with school desegregation orders issued by Federal judges while leaving untouched all other Federal court decrees.

Second, it would single out and make a Federal crime punishable by fine and imprisonment flight to avoid prosecution after bombing a school or a church while leaving untouched flight to avoid prosecution for even more heinous crimes like murder, arson, and rape. Furthermore, it would authorize, in clear contravention of the sixth amendment, the trial of persons so accused outside the State and district of the alleged offense.

Third, it would declare the school desegregation decision of the U.S. Supreme Court to be the supreme law of the land, contrary to the clear provision of the U.S. Constitution, and would authorize the U.S. Commissioner of Education to use funds from the Federal Treasury to bribe State and local school officials to comply with that decision.

Fourth, it would empower the U.S. Commissioner of Education to confiscate school facilities constructed with any degree of Federal assistance for the purpose of establishing and operating integrated schools for the children of members of the armed services and Federal employees.

And fifth, it would establish a FEPC-type Federal commission with authority to dictate to all industries and firms doing business with the Federal Government whom they may hire or fire.

Mr. President, I submit that it will be a gross abuse of our cherished constitutional freedoms of speech and press if the editors, newsmen, and commentators of the United States allow their personal feelings on the subject to influence their clear responsibility to see that the American people are fully informed on these points.

RESOLUTION

Mr. MUNDT. Mr. President, I hold in my hand a resolution adopted on February 26 and signed by the mayor of the city of Huron, S. Dak., a member of the South Dakota Water Resources Commission, vice chairman of the South Dakota Industrial Development Expansion Agency, president of the James River Valley Flood Control Association, and president of the chamber of commerce of Huron, S. Dak.

This resolution calls to the attention of Congress the need for action in connection with the completion of the Oahe unit of the Missouri River Basin project, with special reference to the Lake Byron Reservoir, and the developing plans which should make that reservoir a multiple purpose structure providing a variety of benefits for the people of the valley, and an adequate source of water supply for cities and communities of the area.

This resolution, Mr. President, is directed to the attention of the chairmen of the appropriate committees of the Senate and of the House, but so that all the members of the committees, as well as the chairmen, may be fully advised of these needs, I ask unanimous consent at this point in the record to have the resolution printed, together with the letter of transmittal to me, submitted by Mr. Robert D. Lusk, editor and publisher of the Daily Plainsman of South Dakota.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

THE DAILY PLAINSMAN,
Huron, S. Dak., February 27, 1960.

Senator KARL MUNDT,
Senate Office Building,
Washington, D.C.

DEAR KARL: I am enclosing herewith a copy of the resolution passed last night at a meeting which was held here to honor Mr. Bruce Johnson, newly appointed director of region 6 of the Bureau of Reclamation, and to further promote the Lake Byron Reservoir program as well as other features of the Missouri River development program in North and South Dakota.

There is mounting enthusiasm throughout the James River Valley for early action on this huge program and particularly for quick action on the Lake Byron first phase of the program.

We greatly appreciate all that you have done in this behalf and hope that more real progress can be made in the near future.

Let us know whatever you feel we can do to help you in furthering this worthy plan.

With best regards.

Sincerely,

ROBERT D. LUSK.

Whereas the Bureau of Reclamation is completing a feasibility report on the Oahe unit of the Missouri River Basin project; and

Whereas the Corps of Engineers is engaged in an investigation of flood control needs and possibilities of the James River and its tributaries, and the Corps of Engineers has been specifically requested to study the Lake Byron project; and

Whereas the Soil Conservation Service is engaged in the planning of watershed projects on some tributaries of the James River; and

Whereas the city of Huron and other cities are in dire need of municipal water supplies in the James River Valley; and

Whereas the urban and rural people in the James River Valley need flood protection for urban and rural properties; and

Whereas irrigation, domestic and stock water supplies are vitally needed in the James River Valley; and

Whereas low flow season pollution is a serious health and nuisance problem; and

Whereas the above programs of the Federal agencies offer opportunities for alleviation of the water supply and flood problems in the James River Valley and also may provide recreational, fish and wildlife, recharge of ground waters, maintenance of

lake levels and other vital benefits throughout the James River Valley; and

Whereas the Bureau of Reclamation has completed the feasibility report for the Garrison diversion unit, Missouri River Basin project, such report has been submitted to the Congress and this project is a vitally needed part of the multiple purpose Missouri River Basin development: Now, therefore, be it

Resolved by representatives of the city of Huron, the Huron Chamber of Commerce, the city of Mitchell, the Mitchell Chamber of Commerce, the James River Valley Flood Control Association, the South Dakota Water Resources Commission, meeting in Huron on Friday, February 26, 1960, That the following developments be expedited in every way possible:

1. That the three Federal construction agencies develop their phases of work in the James River Valley to the end that one multiple purpose project will be forthcoming with all dispatch; for the entire James River Valley;

2. That the Lake Byron stage of the Oahe unit, Missouri River Basin project be planned immediately on a full multiple purpose project basis by all agencies concerned, that the Lake Byron project be submitted for authorization to Congress at the earliest opportunity and that appropriations for construction of the Lake Byron project as an initial stage of the Oahe unit be provided as soon as possible;

3. That authorization of the Garrison diversion unit of the Missouri River Basin project be expedited by Congress in every way possible; and be it further

Resolved, That this resolution be forwarded to the chairmen of the Public Works, the Interior and Insular Affairs, Agriculture and Appropriations Committees of the Senate, the chairmen of the Public Works, Agriculture, Interior and Insular Affairs, and Appropriations Committees of the House of Representatives, and that those signing this resolution forward copies to Members of Congress, Federal agencies concerned, to South Dakota organizations and others solicitating the support of all toward the objectives of this resolution.

R. B. MATSON,
Mayor, City of Huron, S. Dak.
E. M. BRADY,
Member, South Dakota Water Resources Commission.
CARL J. ODEGARD,
Vice Chairman, South Dakota Industrial Development Expansion Agency.
ROBERT D. LUSK,
President, James River Valley Flood Control Association.
JAMES H. RUDDY,
President, Chamber of Commerce, Huron, S. Dak.

CORRECTIONS OF THE RECORD

Mr. McCLELLAN. Mr. President——

The PRESIDING OFFICER (Mr. COTTON in the chair). The Senator from Arkansas.

Mr. McCLELLAN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. McCLELLAN. Are we still in the morning hour?

The PRESIDING OFFICER. We are still in the morning hour.

Mr. McCLELLAN. Is it appropriate to ask unanimous consent that the permanent RECORD may be corrected?

The PRESIDING OFFICER. Such a request is in order.

Mr. McCLELLAN. And if the unanimous-consent request is denied, would it be in order to move that the permanent RECORD be corrected?

The PRESIDING OFFICER. The Chair is informed that if the request for unanimous consent is denied, it is in order to do it by motion, provided it is done during the morning hour.

Mr. McCLELLAN. Provided it is done during the morning hour?

The PRESIDING OFFICER. During the morning business, the Chair is informed.

Mr. McCLELLAN. May I inquire further, Mr. President, that if such a motion is made, would such a motion be debatable?

The PRESIDING OFFICER. The Chair is informed that there is nothing in the rules providing that it would not be debatable; therefore, the answer to the Senator's question would be yes, it would be debatable.

Mr. McCLELLAN. It would be debatable. For how long a time, Mr. President?

The PRESIDING OFFICER. The Chair is informed that unless there is adjournment by the Senate, the morning business continues and that there is no limit on the time for debate or on such a motion unless the Senate adjourns.

Mr. McCLELLAN. In other words, if I understand the Chair correctly, if such a procedure should become necessary and be followed, then debate would be in order on such a motion until such time as the Senate either recessed or adjourned; am I correct?

The PRESIDING OFFICER. That is correct, unless some other disposition is made of the motion, such as to lay on the table or some other disposition.

Mr. McCLELLAN. Mr. President, I hope there will be no objection to the request which I now submit for correction of the permanent RECORD, on Friday, February 26, I addressed the Senate in regard to a bill, S. 1617, Calendar No. 397, which is a bill that does relate in one instance, at least in one element of it, to civil rights, the right of certain people to vote, a bill to provide for the adjustment of the legislative jurisdiction exercised by the United States over lands in the several States used for Federal purposes.

In my remarks, Mr. President, I quoted extensively from a memorandum submitted to the committee by the Department of Justice. Inadvertently, however, the RECORD as printed carried a large part of the Department of Justice's memorandum as original text of my speech, and that is incorrect.

I therefore ask unanimous consent that the permanent RECORD be corrected on pages 3610 and 3611 so that the quoted material may be properly shown, not as a part of my remarks, but as a part of a memorandum prepared by the Department of Justice, and that the corrections be made in accordance with the corrected copy.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the correction will be made.

"FOLKWAYS OF THE UNITED STATES SENATE"

Mr. PROXMIRE. Mr. President, I am sure many persons may disagree with me; but I feel that the Senate of the United States, like any other human institution, must be willing to take a frank, clear-eyed look at itself if it is to grow and develop to meet the enormous demands of a government, a nation, and a world which are growing in complexity and size daily.

I believe all Senators can gain from healthy and cold-eyed introspection concerning the quality of the job we are doing.

With this in mind, I offer for the perusal of Senators an article published in the December issue of the American Political Science Review, studying what the author calls "The Folkways of the United States Senate."

There is much in this article with which I profoundly disagree. I particularly oppose the fundamental stress on organization, going-along, and accommodating, without any real evaluation of the moral force or direction which should be the driving genius of any legislative body in a democratic republic. This article constitutes far too much of the kind of analysis which might be given a factory organization or an army regiment. The real juice and force, the zest and zeal are not there.

As one example, some of the greatest Senators who have served here would probably rate, generally, low on the standards developed in this article.

With all these weaknesses, however, there is more healthy and honest examination of the Senate in this article than in any other I have read recently. I found it extremely useful, and I believe many other Senators may also. Therefore, Mr. President, I ask unanimous consent that the article, written by Donald Matthews, of the University of North Carolina, entitled "The Folkways of the United States Senate," published in the December 1959 American Political Science Review, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FOLKWAYS OF THE U.S. SENATE: CONFORMITY TO GROUP NORMS AND LEGISLATIVE EFFECTIVENESS [1]

(By Donald R. Matthews, University of North Carolina)

The Senate of the United States, we are told, is a club. The image, while hope-

[1] This article draws upon a larger work entitled "United States Senators and Their World," presently nearing completion. The entire study has been made possible by a fellowship and a grant-in-aid from the Social Science Research Council. This paper was presented at the 1958 Annual Meeting of the Southern Political Science Association, held at Gatlinburg, Tenn., November 6–8, 1958. I wish to thank the members of

lessly imprecise and occasionally quite misleading, does have at least one advantage: it underscores the fact that there are unwritten but generally accepted and informally enforced norms of conduct in the Chamber. These folkways influence the behavior of Senators to a degree and in directions not yet fully understood. "There is great pressure for conformity in the Senate," one Member (mercifully varying the simile) has recently said. "It's just like living in a small town." And, as in small-town life, so too in the Senate there are occasional careers to be made out of deliberate nonconformity, sometimes only skindeep, but sometimes quite thoroughgoing.

Political scientists know this in a general way. But, judging from the dearth of literature on the subject, they have deemed legislative folkways either unworthy of their attention or beyond their analytic powers.[2] Journalists and legislators—close observers and participants—are acutely aware of their importance, and have written about the Senate's folkways. While some of their efforts have shown real insight,[3] most such writings merely reaffirm the existence of the norms without telling us what they are about. Thus, most of the basic questions about the folkways of the Senate, and other legislative bodies, remain unanswered. What, specifically, do the unwritten rules say? Why do they exist? In what ways do they influence the behavior of Senators? How, concretely, are they enforced? What kinds of Senators obey the folkways? Which ones do not, and why? What are the political consequences of the folkways?

These are difficult questions for an outsider to analyze. Only those who have served in the Senate—and perhaps not even all of them—are likely to grasp the folkways in all their complexity. Yet, if we are ever to understand the behavior of legislators, a beginning must be made in the systematic analysis of the subject. This article, based on several months of close personal observation and interviewing of Senators, congressional staff members, lobbyists, and Capitol Hill journalists, is such an attempt.[4]

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the panel Frederic N. Cleaveland, William Havard, Abraham Holtzman, Avery Leiserson, and Walter B. Stults for their comments and suggestions, several of which have been incorporated in the present version.

[2] The most significant recent exceptions are R. K. Huitt, "The Morse Committee Assignment Controversy: A Study in Senate Norms," this review, vol. 51 (June 1957), pp. 313–329; C. Melnik and N. Leites, "The House Without Windows (Evanston: Row, Peterson, 1958); C. E. Gilbert, "Problems of a Senator: A Study of Legislative Behavior," unpublished Ph. D. thesis, Northwestern University, 1955.

[3] The best of these is W. S. White, "Citadel: The Story of the U.S. Senate" (New York, 1957) but see also the same author's "The Taft Story" (New York, 1954); Jerry Voorhis, "Confessions of a Congressman" (Garden City, 1947); JOHN F. KENNEDY, "Profiles in Courage" (New York, 1956), ch. 1; G. W. Pepper, "In the Senate" (Philadelphia: University of Pennsylvania Press, 1930).

[4] Most of the interviews were conducted in Washington between January and September 1956. A few followup interviews were held during 1958. While the Senators, staff members, lobbyists, and journalists interviewed were in no sense "samples" of these groups, a strenuous and generally successful effort was made to interview rough cross sections of each. On the whole, however, high rapport was deemed more desirable, given the exploratory nature of the study, than a highly "representative" but uncommunicative group of respondents.

The interviews were of the "focused" type. No formal interview schedule was used, but standardized topics were raised in each interview as time allowed. The interviews varied in length from about 15 minutes to several hours. Notes were not taken during the course of the interview but were written up immediately thereafter as nearly verbatim as possible. All quotations not otherwise cited are from these interviews; when not otherwise indicated in the text the quotations are from an interview with a past or present Member of the Senate. All respondents were assured that their remarks would not be attributed to them.

Readers of this Review need not be told that these interviewing procedures are far from ideal. But even if feasible on Capitol Hill, systematic surveys, using highly structured interviews and a representative sample of respondents, are most fruitful when variables are well identified and when all types of respondents are likely to be equally cooperative. Neither condition held in this case. This suggested that greater payoffs might be achieved by the less rigorous interviewing methods used.

I. APPRENTICESHIP

The first rule of Senate behavior—and the one most widely recognized off the Hill—is that new Members are expected to serve an unobtrusive apprenticeship.

The freshman Senator's subordinate status is impresesd upon him in many ways. He receives the committee assignments the other Senators do not want. The same is true of his office suite and his seat in the Chamber. In committee rooms he is assigned to the end of the table. He is expected to do more than his share of the thankless and boring tasks of the Senate, such as presiding over the floor debate or serving on his party's Calendar Committee. According to the folkways of the Senate, the freshman is to accept such treatment as a matter of course.

Moreover, the new Senator is expected to keep his mouth shut, not to take the lead in floor fights, to listen and to learn. "Like children," one freshman said in the Capitol Hill cliche, "we should be seen and not heard." Just how long this often painful silence must be maintained is not clear, but it is certainly wiser for a freshman to postpone his maiden efforts on the floor too long than to appear overly aggressive. Ideally perhaps, he should wait until pushed reluctantly to the fore.

"I attended the floor debates and voted for a year without giving a single speech," a senior Senator said with pride. "Finally, one day, a matter came up with which I had had considerable experience in the House. My part in it had gotten some publicity. —— leaned over to me and said, '——, are you going to speak on this?' I said, 'No.' 'You know a great deal about this,' he replied, 'I think you should speak.' I answered that I had not prepared a speech and that I would rather not speak on the bill. 'Look,' he said, 'I'm going to get the floor and ask you a question about this bill. Then you will have to speak.' And that's how I made my first speech in the Senate."

Freshmen are also expected to show respect for their elders ("You may think you are smarter than the older fellows, but after a time you find that this is not true") and to seek their advice ("Keep on asking for advice, boy," the committee chairman told me. "That's the way to get ahead around here"). And they are encouraged to concentrate on developing an acquaintanceship in the Senate." ("Young Senators should make a point of getting to know the other Senators. This isn't very hard: there are only 95 of them. And if the other Senators know and like you, it increases your effectiveness.")

The freshman who does not accept his lot as a temporary but very real second-class Senator is met with thinly veiled hostility. For instance, one oldtimer tells this story:

"When I came to the Senate, I sat next to Senator Borah. A few months later, he had a birthday. A number of the older men got up and made brief, laudatory speeches about it. Borah was pleased. Then a freshman Senator—one who had only been in the Chamber 3 or 4 months—got to his feet and started on a similar eulogy. He was an excellent speaker. But between each of his laudatory references to Borah, Borah loudly whispered, 'That s———, that s———.' He didn't dislike the speaker, personally. He just didn't feel that he should speak so soon."

Even so, the veterans in the Senate remark, rather wistfully, that the practice of serving an apprenticeship is on the way out. And, to some extent, they are undoubtedly correct. The practice seems to have begun before the popular election of Senators and the exigencies of the popularly elected official have placed it under considerable strain. As one very senior Senator (whose service extends back almost to the days before popular election) ruefully explained: "A new Senator today represents millions of people. He feels that he has to do something to make a record from the start."

But this judgment is also colored by the tendency in any group for the oldtimers to feel that the younger generation is going to hell in a handbasket. To the present-day freshman in the Senate, the period of apprenticeship is very real and very confining. "It reminds me a little of Hell Week in college," one of them remarked. Indeed, the nostalgic talk of the older Senators about the unhappy lot of the freshman in the good old days is one way the senior Senators keep the younger men in their place. One freshman Democrat, for example, after completing a floor speech found himself sitting next to Senator George, then dean of the Senate. Thinking that he should make polite conversation, the freshman asked the Georgia patriarch what major changes had taken place in the Senate during his long service. Senator George replied, "Freshmen didn't use to talk so much."

II. LEGISLATIVE WORK

"There are two kinds of Congressmen—show horses and workhorses. If you want to get your name in the paper, be a show horse. If you want to gain the respect of your colleagues, keep quiet and be a workhorse." [5]

Senator CARL HAYDEN, of Arizona, remembers being told this when he first came to the Congress many years ago. It is still true.

The great bulk of the Senate's work is highly detailed, dull, and politically unrewarding. According to the folkways of the Senate, it is to these tasks that a Senator ought to devote a major share of his time, energy, and thought. Those who follow this rule are the Senators most respected by their colleagues. Those who do not carry their share of the legislative burden or who appear to subordinate this responsibility to a quest for publicity and personal advancement are held in disdain.

This results in an, at first, puzzling disparity between the prestige of Senators inside and outside the Senate. Some of the men most highly respected by their peers are quite unknown except on the Hill and in

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[5] Washington Post and Times Herald, Feb. 19, 1956.

their own States; others whose names are household words are thought to be second-raters and slackers.[6] The words used to describe those Senators who seem to slight their legislative duties are harsh —"grandstanders," "demagogues," "headline hunters," "publicity seekers," "messiahs." They are said to do nothing but "play to the galleries," to suffer from "laziness" and "verbal diarrhea" and "not to be team players." It is even occasionally hinted that they are mentally or emotionally deranged.

But this does not mean that all publicity is undesirable. It takes publicity to get, and stay, elected. And this publicity, so long as it does not interfere with the performance of legislative duties, is considered necessary and desirable. Nor is there any objection to publicity calculated to further the cause of a program or policy; or to publicity which flows from a Senator's position or performance. But the Senate folkways do prescribe that a Senator place first priority upon being a legislator. Everything else, including his understandable desire for personal and political publicity, must be secondary to this aspect of his job.

III. SPECIALIZATION

According to the folkways of the Senate, a Senator should not try to know something about every bill that comes before the Chamber or try to be active on a wide variety of measures. Rather, he ought to specialize, to focus his energies and attention on the relatively few matters that come before his committees or that directly and immediately affect his State. "When you come to the Senate," one administrative assistant said, "you have to decide which street corner you are going to fight on."

In part, at least, Senators ought to specialize because they must: "Thousands of bills come before the Senate each Congress. If some Senator knows the fine details of more than half a dozen of them, I've never heard of him." Even Robert A. Taft, who won much of his legislative reputation by his phenomenal mastery of the details of bills on the floor could not escape the rule, and generally let foreign affairs alone. And even when a Senator restricts his attention to his committee work, the job is more than one man can do.

"I belong to 12 or 13 committees and subcommittees," one vigorous, young Senator says. "It's physically impossible to give them all the attention I should. So I have picked out two or three subcommittees in which I am especially interested and have concentrated on them. I believe that this is the usual practice around here."

The relatively few Senators who have refused to specialize agree. One of these, a relatively young man of awesome energy, says: "I'll be perfectly frank with you. Being active on as wide a range of issues as I have been is a man-killing job. In a few years, I suspect that I will be active on many fewer issues. I came down here a young man and I'm gradually petering out."

But the limits of human endurance are not the only reason why a Senator should specialize. By restricting his attention to matters concerning his committee work and his home State, the Senator is concentrating on the two things he should know best: "a Senator should not make a speech unless he has something to say." Only through specialization can he know more about a subject than his colleagues and thus make a positive contribution to the operation of the chamber.

Moreover, speaking too much tends to decrease a Senator's legislative impact. "Look at——," one of them said. "He came in here with his mouth open and hasn't closed it yet. After a while, people stop listening." Furthermore, a Senator who is too active outside of his specialty may destroy his influence within his area of special competence.

"When ———, one of my best friends in the Senate, came here he was known as an expert on ———, and they used to listen to him as such. But then he began talking on many other different issues as well. He was somehow driven to express himself on many different issues. As a result, he lost some of his effectiveness on ——— matters as well as on the other issues to which he addressed himself."

Thus, almost all the Senators are agreed that the really effective Senators are those who speak only on the subjects they have been dealing with at close quarters, not those who are on their feet on almost every subject all the time.[7]

Why this pressure for specialization? Why does this folkway exist? Two chief reasons may be suggested. The formal rules of the Senate provide for what amounts to unlimited debate. Even with the folkways limiting the activity of freshmen, discouraging "playing the galleries," and encouraging specialization, the Senate moves with glacial speed. If many more Senators took full advantage of their opportunities for debate and discussion, the tempo of action would be further slowed. The specialization folkway helps make it possible for the Senate to stop talking and act.

Moreover, modern legislation is complex and technical. It comes before the Senate in crushing quantity. The committee system and specialization—in a word, a division of labor within the chamber—increase expertise and decrease the average Senator's workload to something approaching manageable proportions. When a Senator refuses to "go along" with specialization, he not only challenges the existing power structure, but also decreases the expert attention which legislative measures receive.

IV. COURTESY

The Senate exists to solve problems, to grapple with conflicts. Sooner or later, the hot, emotion-laden issues of our time come before it. Moreover, Senators as a group are ambitious and egocentric men, chosen through an electoral battle in which a talent for invective, righteous indignation, "mud-slinging" and "engaging in personalities" are often assets. Under these circumstances, one might reasonably expect a great deal of manifest personal conflict and competition in the Senate. Such conflict does exist, but its sharp edges are blunted by the felt need—expressed in the Senate folkways—for courtesy.

A cardinal rule of Senate behavior is that political disagreements should not influence personal feelings. This is not an easy task; for as one Senator said, "It's hard not to call a man a liar when you know that he is one."

Fortunately, a number of the Chamber's formal rules and conventions make it possible for the Senator to approximate this ideal—at least so far as overt behavior is concerned. The selection of committee members and chairmen on the basis of their seniority neatly bypasses a potential cause of grave dissension in the Senate.[8] The rules prohibit the questioning of a colleague's motives or the criticism of another State. All remarks made on the floor are, technically, addressed to the Presiding Officer: "Mr. President * * *" serves as a psychological barrier between antagonists. Senators are expected to address each other not by name but by title—Earle C. Clements does not disagree with Irving M. Ives but rather the senior Senator from Kentucky disagrees with the senior Senator from New York.

Sometimes the Senators' efforts to achieve verbal impersonality become ludicrous in their stilted formality:

"Mr. JOHNSON of Texas. The Senator from Texas does not have any objection, and the Senator from Texas wishes the Senator from California to know that the Senator from Texas knew the Senator from California did not criticize him."[9]

Few opportunities to praise a colleague publicly are missed in the Senate. Senators habitually refer to each other as "The distinguished Senator from ———" or "The able Senator from ———." Birthdays, anniversaries, reelection, or retirement from the Senate, and the approach of adjournment are seized as opportunities for swapping praises. Sometimes, on these occasions, the sentiment is as thick as Senate bean soup. The following recent example was uttered on the Senate floor and duly printed in the RECORD:

"Mr. JOHNSON of Texas. Mr. President, if the Senate will indulge me, I should like the attention of Members of both sides of the aisle for a bipartisan announcement of considerable importance. It involves the minority leader, the distinguished Senator from California [Mr. Knowland].

"For many years, I have been closely associated with the Senator from California. Like every Member of this Chamber—on either side of the aisle—I have found him to be able, patriotic, courteous, and thoughtful.

"But I wonder how many of my colleagues know that he is also a five-time winner in the contest for the proudest granddaddy in the Senate?

"His fifth victory was chalked up last Monday when Harold W. Jewett II discovered America. Anybody who has found buttons lying on the floor in front of the minority leader's desk in the past few days can know now that they popped right off Bill Knowland's shirt."[10]

This kind of behavior—avoiding personal attacks on colleagues, striving for impersonality by divorcing the self from the office, butteringup the opposition by extending unsolicited compliments—is thought by the Senators to pay off in legislative results.[11] Personal attacks, unnecessary unpleasantness, pursuing a line of thought or action that might embarrass a colleague needlessly, are all thought to be self-defeating—"after all, your enemies on one issue may be your friends on the next." Similar considerations also suggest the undesirability of excessive partisanship.

"I want to be able to pick up votes from the other side of the aisle [one Republican said]. I hope that a majority of the Republicans will vote for anything I sponsor. But always some of them are going to have special problems that impel them to vote against the party."

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[6] Cf. Harry S. Truman's comments: "I learned [upon entering the Senate] * * * that the estimates of the various Members which I formed in advance were not always accurate. I soon found that, among my 95 colleagues, the real business of the Senate was carried on by unassuming and conscientious men, not by those who managed to get the most publicity" (New York Times, Oct. 3, 1955).

[7] Providence (R.I.) Evening Journal, Feb. 8, 1956.

[8] See George Goodwin, Jr., "The Seniority System in Congress," this Review, vol. 53 (June 1959), pp. 412–436.

[9] CONGRESSIONAL RECORD, Apr. 24, 1956, vol. 102, pt. 5, p. 6871. References here and herein are to the daily edition.

[10] Ibid., June 13, 1956, pp. 9147—9148.

[11] Cf. ibid., June 11, 1956, p. 8990:

"Mr. HILL. Mr. President, although I greatly love the Senator from Illinois, and although he has been very generous toward me in his remarks on the bill——

"Mr. DOUGLAS. I had hoped I would soften up the Senator from Alabama. [Laughter]."

They also suggest, despite partisan differences, that one Senator should hesitate to campaign against another.

"The fellows who go around the country demagoguing and calling their fellow Senators names are likely to be ineffective Senators. It's just human nature that the other Senators will not cooperate with them unless they have to."

In private, Senators are frequently cynical about this courtesy. They say that "it doesn't mean a thing," that it is "every man for himself in the Senate," that some of their colleagues "no more should be Senators than I should be Pope," that it is "just custom." Senator Barkley's advice to the freshman Senator—if you think a colleague stupid, refer to him as "the able, learned and distinguished Senator," but if you know he is stupid, refer to him as "the very able, learned, and distinguished Senator"—is often quoted.[12] But despite its blatant hypocrisy, the practice persists. And after serving in the Senate for a period of years most Senators grow to appreciate it.

"I well remember [one Republican says] that early in my service I gave a burlesque touch to this formal courtesy. A little later Senator Alben Barkley, then Democratic floor leader, came over and gently suggested that the longer I stayed in the Senate, the more I would appreciate senatorial courtesy. Senator Barkley was correct in his prediction."[13]

Another Senator explained: "You quickly discover that political self-preservation dictates at least a semblance of friendship. And then before you know it, you really are friends. It is rather like the friendships that might develop within a band of outlaws. You all hang together or you all hang separately."

Courtesy, far from being a meaningless custom as some Senators seem to think it is, permits competitors to cooperate. The chaos which ensues when the folkway is ignored testifies to its vital function.

V. RECIPROCITY

Every Senator, at one time or another, is in a position to help out a colleague. The folkways of the Senate hold that a Senator ought to provide this assistance—and that he be repaid in kind.

"A man gets elected to the Senate on some kind of platform. He has made some promises or pledges that he will get this or that thing done. Then he gets down here and finds that nobody else gives a damn about his projects. What can he do? He either must back down on his promises or begin logrolling. At first, I was pretty cynical when I found this was necessary. But then I realized that this was the kind of compromise necessary to govern a Nation like this."

The most important aspect of this pattern of reciprocity is, no doubt, the trading of votes. Occasionally, this is exhibited for all to see. The following exchange, for example, took place during a 1956 debate on acreage allotments for burley tobacco:

"Mr. LANGER. We do not raise any tobacco in North Dakota, but we are interested in the tobacco situation in Kentucky, and I hope the Senator will support us in securing assistance for the wheat growers in our State.

"Mr. CLEMENTS. I think the Senator will find that my support will be 100 percent.

"Mr. BARKLEY. Mr. President, will my colleague from Kentucky yield?

"Mr. CLEMENTS. I yield.

"Mr. BARKLEY. The colloquy just had confirms and justifies the Woodrow Wilsonian doctrine of open covenants openly arrived at. [Laughter.]"[14]

Usually, however, this kind of bargain is either made by implication or in private. Senator DOUGLAS, of Illinois, who tried unsuccessfully to combat the system, has analyzed the way in which a public works appropriations bill is passed:

"This bill is built up out of a whole system of mutual accommodations in which the favors are widely distributed, with the implicit promise that no one will kick over the applecart; that if Senators do not object to the bill as a whole, they will 'get theirs.' It is a process, if I may use an inelegant expression, of mutual backscratching and mutual logrolling.

"Any Member who tries to buck the system is only confronted with an impossible amount of work in trying to ascertain the relative merits of a given project; and any Member who does ascertain them, and who feels convinced that he is correct, is unable to get an individual project turned down because the Senators from the State in which the project is located, and thus is benefiting, naturally will oppose any objection to the project; and the other Members of the Senate will feel that they must support the Senators in question, because if they do not do so, similar appropriations for their own States at some time likely will be called into question."[15]

Of course, all bills are not passed as the result of such implicit or explicit "deals."

On the other hand, this kind of bargaining (or "logrolling" or "backscratching" or "trading off"—phrases with pejorative connotations indicating the public's attitude toward these practices) is not confined to the trading of votes. Indeed, it is no exaggeration to say that reciprocity is a way of life in the Senate.

"My boss [one highly experienced assistant says] will—if it doesn't mean anything to him—do a favor for any other Senator. It doesn't matter who he is. It's not a matter of friendship, it's just a matter of I won't be an S.O.B. if you won't be one."

This implicit bargain explains much of the behavior of Senators. Each of them has vast power under the Chamber's rules. A single Senator, for example, can slow the Senate almost to a halt by systematically objecting to all unanimous consent requests. A few, by exercising their right to filibuster, can block the passage of all bills. Or a single Senator could sneak almost any piece of legislation through the Chamber by acting when floor attendance is sparse and by taking advantage of the looseness of the Chamber rules. But while these and other similar powers always exist as a potential threat, the amazing thing to the outside observer is that they are rarely utilized. The spirit of reciprocity results in much, if not most, of the Senators' actual power not being exercised. For if a Senator does push his formal powers to the limit, he has broken the implicit bargain and can expect, not cooperation from his colleagues, but only retaliation in kind.

"A man in the Senate has just as much power as he has the sense to use. For this very reason he has to be careful to use it properly or else he will incur the wrath of his colleagues."

To play this game properly and effectively requires tolerance and an understanding of the often unique problems and divergent views of other Senators.

"No man (one highly placed staff assistant says) can really be successful in the Senate until he has adopted a national point of view. Learning what the other Senators' problems are and working within this framework to pass legislation gives him this outlook. If he assumes that everyone thinks and feels the same way he and his constituents do, he will be an ineffective legislator."

It demands, too, an ability to calculate how much credit a Senator builds up with a colleague by doing him a favor or going along. For if a Senator expects too little in return, he has sold himself and his constituents short. If he expects too much, he will soon find that to ask the impossible is fruitless and that there are some things a Senator just can't do in return for help from you. Finally, this mode of procedure requires that a Senator live up to his end of the bargain—no matter how implicit the bargain may have been. "You don't have to make these commitments," one Senator said, "and if you keep your mouth shut you are often better off; but if you do make them, you had better live up to them."

These are subtle skills. Some men do not have them in sufficient quantity to be successful at this sort of bargaining. A few take the view that these practices are immoral and refuse, with some display of righteous indignation, to play the game that way. But this, according to the Senate folkways, is the way a Senator ought to behave.

VI. INSTITUTIONAL PATRIOTISM

Most institutions demand an emotional investment from their members. The Senate is no exception. Senators are expected to believe that they belong to the greatest legislative and deliberative body in the world. They are expected to be a bit suspicious of the President and the bureaucrats and just a little disdainful of the House. They are expected to revere the Senate's personnel, organization and folkways and to champion them to the outside world.

And most of them do, whether out of conviction or for the good of the order. "The most remarkable group that I have ever met anywhere," "the most able and intelligent body of men that it * * * has * * * been my fortune to meet," "the best men in political life today"; thus do Senators typically describe their colleagues.[16] The Senate as an institution is usually described in similar superlatives.[17]

A Senator whose emotional commitment to Senate ways appears to be less than total is suspect. One who brings the Senate as an institution or Senators as a class into public disrepute invites his own destruction as an effective legislator. One who seems to be using the Senate for the purposes of self-advertisement and advancement obviously does not belong. Senators are, as a group, fiercely protective of and highly patriotic about the Senate.

This, after all, is not a great deal different from the school spirit of P.S. 34, or the

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[12] Alben W. Barkley, "That Reminds Me" (Garden City, 195), p. 255.

[13] Ralph E. Flanders, "What Ails the Senate?" the New York Times magazine, May 9, 1954, p. 62.

[14] CONGRESSIONAL RECORD, Feb. 16, 1956, vol. 102, pt. 2, p. 2645.

[15] Ibid., June 13, 1956, p. 9153.

[16] William Benton "For Distinguished Service in Congress," the New York Times magazine, July 24, 1955, p. 38; Ralph E. Flanders, op. cit., p. 13.

[17] This "institutional patriotism" extends down to the staff level. For example, one staff member said in the course of an interview: "I'm an apologist for the Senate and Senators. When I came here I thought just like the normal academic "liberal" that the Senate was bumbling and incompetent, that Senators were strictly from Kokomo and that if you wanted something done you had to go to the executive branch. Well, all that is a lot of stuff. It's just not true."

morale of a military outfit, or the fight of a football team. But, as we shall see, its political consequences are substantial. For some Senators are in a better position than others to develop this emotional attachment.

VII. INFLUENCES ON CONFORMITY

We have seen that normative rules of conduct—called here folkways—exist in the Senate. Moreover, we have seen that they perform important functions.[18] They provide motivation for the performance of legislative duties that, perhaps, would not otherwise be performed. They discourage long-windedness in a Chamber of 100 highly verbal men, dependent upon publicity, and unrestrained by any formal limitations on debate. They encourage the development of expertise and division of labor and discourage those who would challenge it. They soften the inevitable personal conflict of a legislative body so that adversaries and competitors can meet (at the very least) in an atmosphere of antagonistic cooperation or (at best) in an atmosphere of friendship and mutual respect. They encourage Senators to become "compromisers" and "bargainers" and to use their substantial powers with caution and restraint. Without these folkways the Senate could hardly operate in anything like its present form.

Yet they are not universally accepted or adhered to: indeed, there is some covert hostility toward them. If most Senators do observe them, why don't all? This we shall try to explain in the following pages.

Previous training and experience: Senators often express pride in the fact that their chamber is "democratic."

"No matter," one senior Senator says, "what you were before—a rich man or a poor man, a man with a good reputation or an unknown—you've got to prove yourself in the Senate. It's what you do when you arrive and not what you've done before that determines the amount of respect you get from your colleagues."

Or as another has expressed it, everyone "must begin at the foot of the class and spell up."[19] But it is a great deal harder for some men than others to start at the foot of the class.

A former Governor who becomes a Senator is often accustomed to a higher salary, more power and perquisites, a grander office, a larger staff, and more publicity than the freshman Senator enjoys. He is likely to find the pace of legislative life slow and be frustrated by the necessity of cooperating with 99 equals (most of them at first far more equal than he). To move from the governorship of one of the larger States to the role of apprentice Senator is, in the short run, a demotion. The result for the one-time Governors is a frequent feeling of disillusionment, depression, and discouragement.

"I moved from one world to another [a former Governor now in the Senate says]. Back home everything revolved, or seemed to revolve, around the Governor. I had a part in practically everything that happened. There was administration. There was policymaking. But down here there was just a seat at the end of the table."[20]

At the same time, the other Senators complain that the former Governors "are the hardest group to handle; they come down here expecting to be big shots," and that they often are unwilling to realize that "they are just one of the boys." Some Governors, they feel, never make the adjustment; a larger number make it slowly and painfully.

It is possible to subject this hypothesis to a rough empirical test. Crude indices of conformity can be obtained by counting the number of speeches Senators make and by determining the extent to which the bills they introduce are on similar or disparate subjects.[21] These measures of the ex-Governors' floor activity and legislative specialization were calculated and are compared to those of men elected from other offices in tables I and II.[22]

[18] That is, the folkways contribute to the survival of the system without change. For a brilliant analysis of the promise and pitfalls of functional analysis see R. K. Merton, Social Theory and Social Structure (Glencoe: The Free Press, 1949), ch. 1.

[19] Tom Connally [as told to Alfred Steinberg], My Name Is Tom Connally (New York, 1954), p. 88.

[20] Providence Evening Journal, February 8, 1956.

[21] The number of speeches made by each Senator was determined by referring to the Index of the CONGRESSIONAL RECORD for the 83d and 84th Congresses. The number of speeches given by Senators serving during the entire 4-year period ranged from 28 to 1,953. All Senators who gave more than 500 speeches were ranked as high in floor speaking; those who gave from 250 to 499 speeches were ranked as medium; those who gave less than 250 speeches were ranked as low. (Cutting points of 200 and 400 were used to distinguish between the low, medium, and high floor speakers in individual Congresses.)

The index of specialization was computed from data in the Congressional Quarterly Almanac by determining the proportion of all public bills and resolutions introduced by each Senator during the 83d and 84th Congresses that were referred to the two committees receiving the largest number of his bills and resolutions. (The "two highest" rule was adopted after experimenting with an index based on the proportion of public bills and resolutions referred to committees on which the Senator served. This measure had the unfortunate characteristic of discriminating against members of the Appropriations Committee and was therefore abandoned.) Cosponsors were ignored, except in the case of bills and resolutions introduced by two Senators. The index numbers so obtained ranged from 0.295 to 0.95 for the Members of the Senate serving during the entire 83d and 84th Congresses. Senators with scores below 0.50 were considered to have low indices of specialization; those from 0.50 to 0.69, medium; and those above 0.70, high.

Both measures have distinct limitations. The first entirely ignores the length of Senate speeches, while the second is based on the arguable assumption that the bills and resolutions introduced by a Senator adequately reflect the breadth of his legislative interests. Moreover, the jurisdiction of Senate committees are sufficiently broad and overlapping so that two bills on different subjects may be referred to the same committee while two bills with similar subjects may be referred to different committees. By assigning equal weights to all speeches and bills, both indices also disregard the fact that some speeches and some bills are more important than others. Despite these crudities, both measures seem to be as adequate as can be constructed from published data without a prohibitively high expenditure of time and effort.

[22] The larger study upon which this article draws includes a full-scale analysis of the social backgrounds and career lines of post-World War II Senators. For a preliminary report on this analysis and a brief discussion of sources utilized see my "United States Senators and the Class Structure," in H. Eulau, S. J. Eldersveld, and M. Janowitz (eds.), "Political Behavior: A Reader in Theory and Research" (Glencoe: The Free Press, 1956), pp. 184–193.

TABLE I.—*Senator's last public office and frequency of floor speaking (83d and 84th Congs.)*

Last public office	Frequency of floor speaking			Total	
	High (percent)	Medium (percent)	Low (percent)	Percent	Number
Governor	10	35	55	100	20
U.S. Representative	0	52	48	100	23
State legislator	0	33	67	100	6
State executive	17	17	67	100	6
Local official	50	50	0	100	6
Judge	0	60	40	100	5
Federal executive	33	22	45	100	9
None	0	50	50	100	4

NOTE.—The 2 floor leaders, JOHNSON (Democrat, Texas) and Knowland (Republican, California), have been omitted from this and all subsequent tables on frequency of floor speaking. A high level of floor activity is an inevitable consequence of their positions and is not considered a breach of the folkways.

TABLE II.—*Senator's last public office and index of specialization (83d and 84th Congs.)*

Last public office	Index of specialization			Total	
	High (percent)	Medium (percent)	Low (percent)	Percent	Number
Governor	35	15	50	100	20
U.S. Representative	8	46	46	100	24
State legislator	28	43	28	100	7
State executive	0	33	67	100	6
Local executive	0	50	50	100	6
Judge	40	40	20	100	5
Federal executive	0	44	56	100	9
None	0	25	75	100	4

In giving floor speeches during the 83d and 84th Congresses, the ex-Governors were more vocal than the former Congressmen, State legislators, ex-judges and men with no officeholding experience. The former local government officials and Federal executives, on the other hand, gave even more floor speeches than the erstwhile Governors. In legislative specialization, only the ex-judges appear to have had a narrower range of legislative interests than the Governors. Indeed, of the other Senators, only the former Congressmen and State legislators came even close to matching them in this respect. Thus, if our indices of conformity are reliable, the Governors as a group seem to "go along" with the Senate folkways fairly well.

But it is the Governors from the larger States, coming to the Senate with national reputations, who seem to find their initial experiences in the Chamber especially trying. Moreover, their record for conformity to the folkways is bad. While they do tend to specialize quite highly, they are extremely active on the floor—even when compared to other Senators from similar States (table III).

TABLE III.—*Frequency of floor speaking of big-State Senators, by last public office (83d and 84th Congs.)*

Last public office	Frequency of floor speaking		Total	
	High+medium (percent)	Low (Percent)	Percent	Number
Governor	50	50	100	6
U.S. Representative	20	80	100	6
All other	38	62	100	8

NOTE: "Big State" is defined as one with more than 4,000,000 population in 1950. See note to table I.

There is another peculiar feature about the former Governors in the Senate: those with low seniority conform to the folkways more closely than those with high seniority. In table IV, we can see that the higher the seniority of the ex-Governors the more active they were in floor debate while just the opposite is true among the former Representatives. Both the ex-Governors and ex-Representatives become more specialized as seniority increases, yet the former Congressmen with high seniority specialize considerably more than the high seniority Governors. While the numbers involved are too small to warrant generalization, the same pattern is suggested for the former local officials and Federal executives; those with high seniority conform less than the junior men. The one-time judges and State legislators, on the other hand, seem to follow the pattern of Congressmen: The senior men conform more than the youngsters.

Among the present crop of Senators at any rate, prolonged exposure to the folkways seems to have resulted in a high degree of conformity among the former Congressmen, State legislators and judges but not among former Governors, Federal executives, and local government officials.[23]

TABLE IV.—*Last public office, frequency of floor speaking and index of specialization of Senators, by seniority level (84th Cong.)*

Last public office and seniority	Percent low, floor speaking	Percent high, index of specialization	Number
Governor:			
High	78	45	9
Medium	88	25	8
Low	100	20	5
U.S. Representative:			
High	100	67	6
Medium	88	22	9
Low	94	0	17
State legislator:			
High	66	100	3
Medium	50	0	2
Low	50	0	2
State executive:			
High	100	0	1
Medium	50	0	2
Low	100	0	4
Local official:			
High	0	0	1
Medium	0	0	2
Low	25	0	4
Judge:			
High	100	50	2
Medium	0	33	3
Low	100	0	1
Federal executive:			
High	25	0	4
Medium	0	0	2
Low	100	33	3
None:			
High	0	0	1
Medium	0	0	1
Low	100	0	2

NOTE.—See note to table I.

The amateur politicians—distinguished business and professional men who entered politics relatively late in life and became Senators with little political experience—face many of the same problems as the former Governors, compounded by their relative ignorance of political ways. One must learn to be a Senator and the amateurs have a great deal to learn. As can be seen in table V, they are more likely to ignore the folkways regarding floor activity and legislative specialization than are the professionals. Moreover, the amateurs usually must learn how to be legislators in less time than those who follow other career lines to the Senate: They are the oldest group of freshmen in age.

TABLE V.—*Percentage of Senator's pre-Senate adult life in public office, frequency of floor speaking and index of specialization (83d and 84th Congs.)*

Percent of pre-Senate adult years in public office	Frequency of floor speaking: High (Percent)	Medium (Percent)	Low (Percent)	Total (Percent)	Total Number
Under 40 percent	21	37	42	100	38
40 to 60 percent	0	48	52	100	21
Over 60 percent	5	35	60	100	20
	Index of specialization				
Under 40 percent	10	31	59	100	39
40 to 60 percent	10	43	48	100	21
Over 60 percent	33	38	29	100	21

NOTE.—See note to table I.

A relatively young man can afford to be patient, to devote 2 or 4 or 6 years to learning the ropes and climbing the seniority ladder. A 60-year-old man, with sufficient vigor to win election to the Senate and a distinguished career back of him, is not so likely to take the long view. At any rate, a larger proportion of the men elected to the Senate relatively late in life tend to "talk too much" than is the case for the others (table VI). Thus we find a curious situation in the Senate. The greater a man's pre-Senate accomplishments (either in or out of politics) and the greater his age at election, the less likely he is to conform. For these reasons, a sort of reverse snobbism is quite widespread in the Senate. As one oldtimer said, "We are skeptical of men who come to the Senate with big reputations." From the standpoint of protecting the Senate folkways, this skepticism is justified.

TABLE VI.—*Age at first election, appointment to the Senate, and frequency of floor speaking (83d and 84th Congs.)*

Age at first election/appointment	Frequency of floor speaking: High (percent)	Medium (percent)	Low (percent)	Total Percent	Total Number
30 to 39	8	54	38	100	13
40 to 49	4	46	50	100	28
50 to 59	17	33	50	100	30
Over 60	25	25	50	100	8

NOTE.—See note to table I.

Political ambitions: Higher political ambitions—and for Senators this means a desire to become either President or Vice President—can also lead to nonconformity.

First of all, strong and exalted ambitions are likely to lead to restiveness during the period of apprenticeship. A national following is seldom made by "being seen and not heard" or through faithful service on the District of Columbia Committee. In order to overcome, the highly ambitious freshman may resort to extreme and unsettling tactics as, for example, Senator KEFAUVER is thought by his colleagues to have done in his crime investigations, and Senator McCarthy certainly did in his crusade against communism. His legislative duties are likely to be neglected in the ceaseless quest for publicity and personal advancement. His ears are likely to be "* * * attuned to noises outside the workaday drone of the Senate Chamber."[24] And since the Senator with higher ambitions is almost invariably shooting for the Presidency, he is likely to be attuned to the voices of somewhat different groups than are most Senators. Close presidential elections are won and lost in the doubtful States containing large metropolitan populations. Popularity in these areas is generally a prerequisite for nomination and election to the Presidency. Yet these very groups are the ones under-represented in the Senate, the ones most often at odds with its present power structure. Thus, to the extent that ambitious Senators anticipate the wants of possible future constituents, they find themselves challenging the Senate status quo.

In table VII we see that of the most obvious presidential aspirants during the 83d and 84th Congresses all save SYMINGTON gave more floor speeches than the average Senator and all pursued a wider range of legislative interests.

It should be immediately admitted, however, that the list of presidential aspirants used here is based entirely upon common report—latent presidential ambitions smolder in the breasts of Senators not included. Moreover, the list includes both floor leaders, and the folkways regarding floor speaking and specialization are necessarily and greatly relaxed for the incumbents of these specialized positions. Finally, an occasional Senator is able to be both a serious presidential candidate and a highly regarded and effective Senator—Senators Taft, Johnson, and Knowland are the most conspicuous examples within recent years. Yet Taft was never nominated, at least in part because he was a "Senate man." Knowland seems to have found the conflict between the expectations of his Senate colleagues and his presidential amibtions too much to bear. Senator JOHNSON'S presidential chances appear to be low for somewhat the same reasons as Taft's. As a general rule, it seems that a man who entirely adheres to the Senate folkways has little chance of becoming President of the United States.

TABLE VII.—*Frequency of speechmaking and index of specialization of active presidential aspirants in the Senate (83d and 84th Congs.)*

Active presidential aspirants	Number of speeches	Index of specialization
Humphrey (Democrat, Minnesota)	1,528	0.32
Johnson (Democrat, Texas)	1,203	.41
Kefauver (Democrat, Tennessee)	446	.49
Kennedy (Democrat, Massachusetts)	359	.47
Knowland (Republican, California)	1,317	.37
Symington (Democrat, Missouri)	248	.43
Median for all Senators	272	.52

Constituency problems: A third factor which encourages nonconformity to Senate folkways is a competitive two-party, or a large and complex, constituency.

The political insecurity of a Senator from this kind of State is likely to result in a shortened time perspective, an eagerness to build a record quickly, an impatience with the slowness of the seniority system. The approved attitude for the new Senator was voiced by a freshman:

"I want to be a Senator. I want to gain the respect of my colleagues so that I can represent my State better. I want to establish a reputation as a hardworking committee member who does his homework, who has integrity and good judgment rather than to get my name in the paper every morning. This is taking the long view. It

[23] This conclusion must be treated with more than the usual scholarly caution. Only a longitudinal study or one using far more elaborate cross tabluation than is possible here can adequately isolate the effects of seniority on conformity to the folkways.

[24] Douglass Cater, "ESTES KEFAUVER, Most Willing of the Willing," The Reporter, November 3, 1955. p. 16.

takes time to establish this kind of a reputation in the Senate. It's rather like starting a law practice in a new and small town, as I did in ———, ———. You can't rush it."

A Senator whose seat is in grave danger is much more likely to try to "rush it" than one who can count on reelection unless he makes a major blunder.

Table VIII seems to support this line of reasoning. The Senators from two-party States are a little more likely to be frequent floor speakers than those from modified one-party constituencies. Both are considerably more vocal than those from pure one-party States.[25] The picture of legislative specialization is a little different. One-party State Senators seem to be the most specialized; those from modified one-party States, least specialized; while the Senators from two-party areas fall in between.

The size and complexity of a Senator's State also influence the likelihood of his conforming to Senate norms. A Senator from a large State has a far greater burden of "case work" to process, errands to run, mail to answer, and speeches to give back home than the man from a small State; and has to do this without a proportionately larger staff. He is not likely to have as much time for legislating as a Senator from Nevada, Wyoming, or Delaware. The large States also tend to be the politically complex States—shot through with sectional, religious, economic, and ethnic conflicts. As a result, a Senator from one of these States is subject to greater cross-pressures than a man representing a homogeneous State with only one or two real issues, as, for example, has been the case for the Southern States. His constituents also expect him to be active on more issues than the man from the smaller and simpler State, and so he will be oftener tempted to challenge the specialization folkway. And generally he is forced to grapple with these problems without the benefit of substantial seniority, which men from closely contested, large and complex States seldom achieve.

TABLE VIII.—*Type of party system in Senator's State and his frequency of floor speaking and index of specialization*

Type of party system	Frequency of floor speaking				
	High (percent)	Medium (percent)	Low (percent)	Total	
				Percent	Number
2-party	16	35	49	100	43
Modified 1-party	11	39	50	100	18
1-party	0	50	50	100	18
	Index of specialization				
2-party	16	41	43	100	44
Modified 1-party	6	33	61	100	18
1-party	26	26	47	100	19

NOTE.—See note to table I and footnote 24.

Table IX appears to reinforce this speculation: the larger in size and the more urban a Senator's State, the more likely he is to be hyperactive on the Senate floor. Table X presents the relationships between the same two variables and legislative specialization. Urban State Senators seem to specialize less than those from rural States. The size of a Senator's State, however, does not seem to have any effect on the range of his legislative interests.

[25] The typology of State party systems is from A. Ramney and W. Kendall, "The American Party System," this Review, vol. 48 (June 1954), pp. 477–485.

TABLE IX.—*Size and complexity of Senator's constituency and frequency of floor speaking (83d and 84th Congs.)*

	Frequency of floor speaking				
	High (percent)	Medium (percent)	Low (percent)	Total	
				Percent	Number
Percent urban, State population (1950):					
Over 80	38	12	50	100	8
60 to 79	13	33	54	100	24
40 to 59	6	48	46	100	33
Under 40	7	43	50	100	14
Size of State population (1950):					
Over 4,000,000	40	13	47	100	15
2,000,000 to 4,000,000	6	54	40	100	35
Less than 2,000,000	10	35	55	100	31

NOTE.—See note to table I.

TABLE X.—*Size and complexity of Senator's constituency and index of specialization (83d and 84th Congs.)*

	Index of specialization				
	High (percent)	Medium (percent)	Low (percent)	Percent	Number
Percent urban, State population (1950):					
Over 80	11	33	55	100	9
60 to 79	8	32	60	100	25
40 to 59	15	42	42	100	33
Under 40	36	29	36	100	14
Size of State population (1950):					
Over 4,000,000	13	33	53	100	15
2,000,000 to 4,000,000	17	40	43	100	35
Less than 2,000,000	16	32	52	100	31

Political ideology: Senators are, of necessity, tolerant of differences of opinion. A Senator's political views make less difference to his acceptance or lack of it by his colleagues than is generally realized. Yet a Senator's stance, on political issues does make it easier (or harder) for him to conform to the folkways and thus, indirectly, influences his prestige and effectiveness in the Chamber.

The folkways of the Senate, as we have already seen, buttress the status quo in the Chamber. And the distribution of power within the Chamber results in generally conservative policies. Thus the liberals are more likely to challenge Senate norms than the conservatives. "A reformer's life is perhaps not easy anywhere," one close observer of the Senate has remarked. "In the Senate it can be both bitter and fruitless * * *"[26]

A man elected to the Senate as a liberal or progressive or reformer is under considerable pressure to produce legislative results in a hurry. The people who voted for him are not likely to be happy with small favors—dams built, rivers dredged, roads financed—but want major national legislative policy changed. Yet as a freshman or a junior Senator, and many never become anything else, the liberal is in no position to do this alone. If he gives in to the pressure for conformity coming from the folkways, he must postpone the achievement of his liberal objectives. If he presses for these objectives regardless of his junior position, he will become tabbed as a non-conformist, lose popularity with his colleagues and, in most cases, his legislative effectiveness as well.

[26] William S. White, "Realistic Reformer From Tennessee," The New York Times magazine, Mar. 4, 1956, p. 32. On the same point, cf. Jerry Voorhis, op. cit., especially at p. 62.

The conservative does not face this problem. He has committed himself to fewer changes in basic policies: He finds the strategic positions in the Senate occupied by like-minded Senators regardless of which party organizes it. He is able to identify more strongly with the folkways of the Chamber and side more easily with the Congress in its running feud with a generally more liberal President. Nor is he, as is the liberal, so dependent on the support of broad, often unorganized groups which can be reached only through the mass media. At any rate, the liberal seems to talk considerably more and to specialize less than Senators of different political persuasion (table XI).[27] Conservatives can afford to be quiet and patient. Reformers—by definition—find it difficult to be either.

TABLE XI.—*Senators' political ideology and conformity to Senate folkways (84th Cong.)*

Political ideology on (domestic issues)	Frequency of floor speaking				
	High (percent)	Medium (percent)	Low (percent)	Total	
				Percent	Number
Liberal	12	23	65	100	34
Moderate	0	0	100	100	19
Conservative	0	8	92	100	37
	Index of specialization				
Liberal	20	31	49	100	35
Moderate	21	37	42	100	19
Conservative	24	42	34	100	38

NOTE.—See note to table I and footnote 26.

VIII. CONFORMITY AND EFFECTIVENESS

All this would be very interesting but not particularly important to serious students of politics if the Senate folkways did not influence the distribution of power within the Chamber.

But the Senators believe, rightly or wrongly, that without the respect and confidence of their colleagues they can have little influence in the Senate. "You can't be effective," they said over and over again, "unless you are respected—on both sides of the aisle." And the safest way to obtain this respect is to conform to the folkways, to become a "real Senate man." Those who

[27] An index of conservatism-liberalism was constructed in the following manner. The rollcall voting ratings of the New Republic, Oct. 15, 1956, were obtained and the total number of liberal votes cast by each Senator on domestic policy issues was divided by the total number of votes on the eight domestic issues listed. (Senators who cast less than six votes were omitted.) This operation yields a conservatism-liberalism score which can, and did, vary from 0 to 1. All Senators with scores above 0.67 were classified as liberals; those with scores ranging from 0.34 to 0.66, moderates; and those with scores below 0.38, conservatives.

An index of this sort generally tends to be multidimensional, cf. D. McRae, Jr., "Some Underlying Variables in Legislative Rollcall Votes," Public Opinion Quarterly, vol. 18 (summer, 1954), pp. 191–196, although the omission of foreign policy votes may have mitigated this common failing to some degree. The labor involved in constructing a more adequate measure of rollcall voting through Guttman scaling seemed excessive for the purpose of this analysis.

do not, run a serious risk. "In the Senate, if you don't conform, you don't get many favors for your State. You are never told that, but you soon learn."

In order to test this hypothesis, a crude index of "legislative effectiveness" was constructed for the 83d and 84th Congresses by calculating the proportion of all public bills and resolutions introduced by each Senator that were passed by the Senate.[28] While such an index does not pretend to measure the overall power or influence of a Senator, it does seem to reflect his efficiency as a legislator, narrowly defined. And, to the extent that the concept as used on Capitol Hill has any distinct meaning, effectiveness seems to mean the ability to get one's bills passed.

The effectiveness of the conforming and nonconforming Senators is presented in table XII. The less a Senator talks on the Senate floor, and the narrower a Senator's area of legislative interest and activity, the greater is his effectiveness. Moreover, the types of Senators who, as we have already seen, tend not to conform have considerably less impact on the Chamber's legislative output than the conformists (table XIII). Conformity to the Senate folkways does, therefore, seem to "pay off" in concrete legislative results.

[28] As was the case for the index of specialization, the data for this index were obtained from the "Congressional Quarterly Almanac." Private bills were ignored, as were cosponsorships (except in cases in which bills and resolutions were introduced jointly by two Senators). The index numbers obtained by dividing the number of bills and resolutions passed by the number introduced ranged from .00 to .49 for the Senators who served during the entire period of the 83d and 84th Congresses. All Senators with scores below .15 were considered low in effectiveness; those with scores from .15 to .34, medium; and those with scores of .35 and above were rated as high.

This measure is, of course, based on the assumption that a Senator's bill-sponsoring "batting average" is a fair index of his overall "effectiveness" in the Senate. This assumption might be disputed on a number of grounds. First, a Senator might be highly "effective" in, say, his committee work but still unsuccessful in shepherding his own bills through the legislative machinery. It is the author's impression that this is a fairly rare occurrence. Second, by weighing all bills and resolutions equally, the measure gives disproportionate importance to minor legislation. It is precisely on minor matters, however, that a sponsor's standing with his colleagues is important in getting legislative results. Third, the measure ignores the fact that many bills and resolutions are not intended to pass by their sponsors. But Senators who habitually introduce bills with no intention of their passing are very different kinds of Senators than those who introduce bills only when they intend to see them through. The first type is concerned with the propaganda consequences of his actions outside the Senate, while the latter is concerned with direct legislative payoffs. This narrowly legislative conception of the Senator's role is exactly the role definition the folkways demand.

At my suggestion Warren H. Hollinshead, "A Study of Influence Within the United States Senate" (unpublished A.B. thesis, Amherst College, 1957), checked this index of legislative effectiveness against "influence" rankings obtained through interviews with a panel of Senate legislative assistants. The correlation between the two measures was very high.

TABLE XII.—*Senator's level of floor speaking activity, index of specialization, and legislative effectiveness (83d and 84th Congs.)*

	Index of legislative effectiveness				
	High (percent)	Medium (percent)	Low (percent)	Total	
				Percent	Number
Level of floor speaking:					
High	0	33	67	100	9
Medium	3	68	29	100	31
Low	15	59	26	100	39
Index of specialization:					
High	23	69	8	100	13
Medium	10	62	28	100	29
Low	8	51	41	100	39

NOTE.—See note to table I.

TABLE XIII.—*Some factors associated with the "legislative effectiveness" of Senators (83d and 84th Congs.)*

	Index of legislative effectiveness				
	High (percent)	Medium (percent)	Low (percent)	Total	
				Percent	Number
Last public office:					
Governor	10	70	20	100	20
U.S. Representative	13	62	25	100	24
State legislator	29	43	29	100	7
State executive	0	67	33	100	6
Local official	0	67	33	100	6
Judge	20	20	60	100	5
Federal executive	11	44	44	100	9
None	0	50	50	100	4
Pre-Senate adult years in public office:					
Under 40 percent	8	51	41	100	39
40 to 60 percent	5	67	29	100	21
Over 60 percent	24	62	14	100	21
Age at 1st entrance to Senate:					
30 to 39	14	64	21	100	14
40 to 49	17	48	35	100	29
50 to 59	7	63	30	100	30
Over 60	0	63	37	100	8
Political ambitions: [1]					
Presidential aspirants	0	33	67	100	6
Others	10	62	28	100	73
Party system in Senator's State:					
2-party	7	59	34	100	44
Modified 1-party	6	67	28	100	18
1-party	26	47	26	100	19
Percent urban, Senator's State population (1950):					
Over 80 percent	11	67	22	100	9
60 to 79 percent	8	44	48	100	25
40 to 59 percent	12	67	21	100	33
Less than 40 percent	14	57	29	100	14
Size of Senator's State population (1950):					
4,000,000 plus	13	64	33	100	15
2,000,000 to 4,000,000	6	60	34	100	35
Less than 2,000,000	16	58	26	100	31
Ideology:					
Liberals	3	32	65	100	31
Moderates	60	0	40	100	10
Conservatives	31	40	29	100	45

[1] Senators JOHNSON and Knowland omitted.

IX. SUMMARY AND CONCLUSION

There are unwritten rules of behavior, which we have called folkways, in the Senate. These rules are normative, that is, they define how a Senator ought to behave. Nonconformity is met with moral condemnation, while Senators who conform to the folkways are rewarded with high esteem by their colleagues. And partly because of this fact, the conformists tend to be the most influential and effective Members of the Senate.

These folkways, we have suggested, are highly functional to the Senate social system since they provide motivation for the performance of vital duties and essential modes of behavior which, otherwise, would go unrewarded. They discourage frequent and lengthy speechmaking in a Chamber without any other effective limitation on debate, encourage the development of expertise and a division of labor in a group of overworked laymen facing unbelievably complex problems, soften the inevitable personal conflicts of a problem-solving body, encourage bargaining and the cautious use of awesome formal powers. Without these folkways, the Senate could hardly operate with its present organization and rules.

Nonetheless, the folkways are no more perfectly obeyed than the traffic laws. Abstractly stated, the reasons for nonconformity seem to be three:

1. Men become Senators at different stages in life after varying kinds of careers. The ease and frequency with which they conform is affected by these differences in their recruitment. Senators elected relatively early in life with considerable political experience seem to conform most readily and often. Not all professional politicians find the adjustment equally easy, however. Former legislators and judges seem to adjust most easily while Governors from the larger States and Federal executives often find the Senate a psychological demotion, their administrative skills irrelevant, their perceptions of the political process at odds with Senate realities. Amateur politicians, men who have entered politics relatively late in life after distinguished business and professional careers, have the hardest time of all.

2. The Senators differ, too, in the level of their political aspirations. Most of them think of Senate service as the climax to their political lives. A minority, however, have their eyes firmly focused on an even bigger prize, the Presidency. Not only does this weaken their identification with the Chamber and its ways: it also causes them to identify with a national constituency demanding modes of behavior which are sometimes subversive to the folkways.

3. All Senators belong to, or identify with, many other groups in addition to the Senate and the expectations and demands of these other groups sometimes conflict with the folkways. The most powerful of these groups is undoubtedly the Senator's constituents—both present and potential. But the ability of a Senator's constituents to employ their ultimate sanction varies considerably. For example, incumbent Senators are rarely defeated in one-party States. Men from this kind of State need be less responsive to their constituents and thus are able to conform to the folkways more often and thoroughly than men from competitive two-party areas. Moreover, some Senators are far less likely than others to be caught in the middle of cross pressures from constituency and legislative peers. The Senate is organized in a way that greatly exaggerates the power of rural, conservative interests. The folkways justify and buttress the status quo in the Chamber. Thus rural conservatives are less often caught in the squeeze of conflicting constituency-folkway demands than are the liberal Senators from urban States. When confronted with such a conflict situation, a Senator must choose between conforming to the folkways and thus appearing to "sell out," or gaining popularity back home at the expense of good will, esteem, and effectiveness in the Senate—a course which diminishes his longrun ability to achieve what his constituents demand. For this reason, conflicts between the immediate demands of constituents and peers are by no means automatically resolved in favor of constituents.

It would be a mistake to assume that the folkways of the Senate are unchangeable. Their origins are obscure, but sparse evidence scattered throughout senatorial memoirs suggest that they have changed little

since the late 18th or early 19th century.[29] Certainly the Chamber's small membership and gradual turnover is conducive to the transmission of such rules virtually unchanged from one generation to the next. Yet the trend in American politics seems to be toward more competitive two-party politics; a greater political role for the mass media of communications and those skilled in their use; larger, more urban constituencies. All these are factors which presently encourage departure from the norms of Senate behavior. Thus nonconformity to the folkways may increase in the future, if the folkways remain unchanged. Moreover, the major forces which presently push Senators toward nonconformity tend to converge upon a relatively small group of Senators. This is a far more unstable situation than the random distribution of such influences—and hence of nonconforming behavior—among the entire membership of the Senate.

THE ADMINISTRATION'S DEFENSE POLICY

Mr. SPARKMAN. Mr. President, in the issue of the Washington Post for February 25, there appeared an editorial entitled "Voice of Experience." I desire to read the first paragraph of that editorial, because so many times we hear it charged that any questioning or any criticism of our present defense posture is purely political, and I think the first paragraph of this editorial is quite pertinent to that question. It reads as follows:

No one can accuse Robert A. Lovett of playing partisan politics in his comments on defense and national policy. As a Republican and former Secretary of Defense and Under Secretary of State, Mr. Lovett has no reason to engage in narrow criticism geared to the elections. Yet his remarks to the Senate Subcommittee on National Policy Machinery paralleled many of the complaints which the President and his colleagues tend to shrug off as politically inspired.

Mr. President, I ask that that entire editorial be made a part of my remarks and that also there be included at the conclusion of my remarks an article in the same issue of the Washington Post by Walter Lippmann, in which he discusses some of our present policies relating to the Government, and particularly in the field of international relations.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 25, 1960]

VOICE OF EXPERIENCE

No one can accuse Robert A. Lovett of playing partisan politics in his comments on defense and national policy. As a Republican and former Secretary of Defense and Under Secretary of State, Mr. Lovett has no reason to engage in narrow criticism geared to the elections. Yet his remarks to the Senate Subcommittee on National Policy Machinery paralleled many of the complaints which the President and his colleagues tend to shrug off as politically inspired.

Mr. Lovett deplored, for example, the extraordinary role of the Bureau of the Budget in the determination of military policy and viewed with misgivings the growth of budgetary influence. He expressed his belief that the United States can afford to compete more vigorously with the Soviet Union in military, economic, scientific, and psychological areas; and he asserted, contrary to Mr. Eisenhower's view, that American prestige has been injured by the failure to do so. He stated, again contrary to the President, that top Defense and State Department officials ought not to make political speeches. And he questioned, in company with other thoughtful critics, the standard of values that places so much emphasis on useless gadgetry.

All of this is less exciting than the controversy over how many missiles constitute an adequate deterrent, but it has a great deal of basic philosophical importance. Senator JACKSON'S subcommittee, before which Mr. Lovett testified, has been doing an extremely thoughtful and nonpartisan job of examining the national policymaking process. Mr. Lovett added to his discussion of structural inadequacies recommendations that longer tenure be sought for top civilian Defense appointees and that the Secretary of State be relieved of some of the burden of foreign travel and negotiation through appointment of a subordinate Minister of Foreign Affairs.

But the most provocative criticism had to do with the role of dissent in the Joint Chiefs of Staff and the relations of the military services to their civilian superiors. Mr. Lovett's remarks are sure to delight such parochial officers as Generals Taylor, Ridgeway, Gavin, and Medaris and Admiral Carney, and—who knows?—they might yet penetrate the insulation at the White House. "The only thing more dangerous than an external enemy," he said, "is a group of homegrown military sycophants."

[From the Washington Post, Feb. 25, 1960]

THE TRAVEL HABIT

(By Walter Lippmann)

Mr. Robert Lovett, who has been Secretary of Defense and Under Secretary of State, is one of the very ablest public officials of our time. It is a reflection on the way we run the Government that he was allowed to escape from Washington and take refuge in a banking house in Wall Street.

But on Tuesday he came back to testify before Senator JACKSON'S subcommittee on the policymaking machinery of the Government. It is plain even from the incomplete reports which are available that, watching Washington from a distance, he has had a hard time holding on to himself. On Tuesday he let himself go.

The result was an explosion of pungent criticism which had none of the tired monotony of a ghost-written statement. Mr. Lovett dealt with the general complacency with the role of the Budget Bureau, with the making of political speeches by Defense officials and with the travels of the Secretary of State.

The Secretary of State, said Mr. Lovett, should stay at home and run his Department. To handle international negotiations and meetings there should be created, he suggested, a new Cabinet officer to be called the Minister of Foreign Affairs.

This new official would be, presumably, subject to the orders of the Secretary of State or to orders of the President acting with the advice of the Secretary of State. If the Minister of Foreign Affairs were not under orders he and not the Secretary would be running the Department of State.

But if the Minister of Foreign Affairs is No. 2 and the Secretary remains No. 1, then the Minister is in substance no more than a roving Ambassador. He will not, in fact, be the equal of the other Foreign Ministers at the international meetings, no matter what his title and where he sits at official dinners.

Thus, while I believe Mr. Lovett's diagnosis is correct and long overdue, we shall have to look further for the remedy.

There is a good deal to be said for having a roving Ambassador, perhaps several roving Ambassadors to deal with regional questions. But I do not believe we can expect a roving Ambassador, even if he is called Minister of Foreign Affairs, to be a substitute for the Secretary of State at international meetings. On serious questions foreign governments will insist upon talking directly with the makers of policy. If the American makers of policy will not go abroad to see their peers, the Foreign Ministers will probably come to Washington to see them.

Much of modern diplomacy is conducted at the summit by the heads of governments or near the summit by Ministers of Foreign Affairs, and the habit, once it is formed, is hard to break. If foreign governments, or for that matter Congress, get used to talking to five-star generals, they do not want to talk to two-star generals.

This habit of negotiating at the highest possible level was formed during the Second World War. Roosevelt and Churchill ran the Western Alliance by direct contact and through special intermediaries like Harry Hopkins. They dealt with the global war by direct contact with Stalin, who was the absolute master of the Soviet Union.

This habit became an addiction under John Foster Dulles, who was recognized in the world as being not merely the Secretary of State, but in fact the custodian of the President's powers in foreign affairs. Ever since his time, an international meeting is not an international meeting unless it is attended by the President or the Secretary of State.

If there is a remedy for this inefficient system, it will have to come, I think, through a breaking of the habit and from a reeducation in the way international affairs are conducted. As we realize that the President cannot go everywhere and still be in fact the Chief Executive, that the Secretary of State cannot go to every meeting and still run his Department, we shall have to carry on much of our international business at lower levels. We are now suffering from a congestion at the top, accompanied by the downgrading of the Ambassadors and a neglect of the normal channels of diplomacy.

My own view is that a President and a Secretary could break the habit if they were resolute about it. They should make attendance at international meetings rare, not a commonplace, occurrence. They should swear off on this continual round of travels.

Even in the most difficult case, which is that of the Soviet Union, it might not be impossible to open up better channels of communication than those which are now used. Did we make full use of the opportunity afforded by the visits to this country of Mikoyan and Kozlov, or for that matter of the visit of NIXON to Moscow?

It may be that we have done as well as it is possible to do in dealing with the Soviet Union. But surely we can help ourselves in dealing with our allies. Surely we can induce them to believe that they must not measure our interest, our loyalty, our friendship, by the amount of traveling which our highest officials are able to do.

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[29] "Should the new legislator wish to be heard," George Washington advised his favorite nephew upon his election to the Virginia House of Delegates in 1787, "the way to command attention of the house is to speak seldom, but to important subjects, except such as relate to your constituents and, in the former case, make yourself perfectly master of the subject. Never exceed a decent warmth, and submit your sentiments with diffidence. A dictatorial style, though it may carry conviction, is always accompanied with disgust." J. A. Carroll and M. W. Ashworth [continuing D. S. Freeman's biography], "George Washington" (New York, 1957), vol. VII, p. 591.

CIVIL RIGHTS LEGISLATION

Mr. KEATING. Mr. President, I applaud the decision of the distinguished majority and minority leaders to meet in continual session in an attempt to conclude the debate on civil rights. This will assure everyone a full opportunity to discuss his views on this subject, and will certainly preclude any argument that the debate has been unfairly limited.

At the same time, we must face up to the possibility that even this effort for extended debate will not result in bringing the debate to a close. If such a situation should become evident, there should be no hesitation to invoking the rule of the Senate with regard to cloture. This rule is just as much a part of the machinery of the Senate's functioning as any other rule.

There may be some difference of opinion as to the appropriate time for invoking cloture, but there should be no doubt as to the right of the Senate to utilize this procedure if necessary to give a majority of the Senate an opportunity to express its will.

In this connection, Mr. President, I should like to quote from a statement made by Senator Taft when he was minority leader of the Senate. In announcing during Senate debate on the Federal Fair Employment Practices Act in 1950 that he would support a motion for cloture, he said this:

> I intend to join in a cloture petition this week and to vote for cloture to limit debate on the motion to take up the FEPC bill, which motion has been pending before the Senate already for 10 days.
>
> I have always felt that a majority of the Senate should have the right to take up any measure it desires to debate and, after adequate debate, to vote on such measure regardless of the merits of the measure itself.

Mr. President, I completely support the position expressed by Senator Taft on that occasion. No one who has served in this body had a greater respect for orderly procedure and full debate than Senator Taft. However, he recognized, and all of us should, that decisions of the Senate should be based on the will of the majority and not on their ability to pass a physical endurance test.

At the appropriate time, I stand ready to join with others in such a motion as was discussed by Senator Taft.

In an effort, Mr. President, to clarify some of the procedures, I would like to address several parliamentary inquiries to the Chair.

First. Am I correct that provision for bringing debate to a close in the Senate is provided for under the rules of the Senate, specifically, rule XXII?

The PRESIDING OFFICER (Mr. BUSH in the chair). Will the Senator restate his inquiry?

Mr. KEATING. Am I correct in believing that provision for bringing debate to a close in the Senate is provided for under the rules of the Senate, specifically, rule XXII?

The PRESIDING OFFICER. The Senator is correct.

Mr. KEATING. Under this provision, is it correct that the motion to bring debate to a close may be filed at any time?

The PRESIDING OFFICER. In the event that a minimum of 16 Senators sign a petition, that is correct.

Mr. KEATING. Does the phrase "at any time" mean that a Senator who has the floor can be interrupted for purposes of presenting such a motion to the Senate?

The PRESIDING OFFICER. That has been the practice of the Senate in the past.

Mr. KEATING. In the situation in which there are a number of amendments pending to a bill before the Senate, can the motion to close debate apply to the bill and all pending amendments, or must the motion be made separately as to each amendment which may be pending?

The PRESIDING OFFICER. Amendments to the bill would have to be offered separately, but the 1 hour of debate limitation applies to the main question, and all amendments pertaining thereto, for each Senator.

Mr. KEATING. I thank the Chair.

Once cloture is voted by the Senate, are any further amendments to the pending business in order?

The PRESIDING OFFICER. Such amendments would only be in order had they been offered and put in the RECORD before the cloture amendment was adopted.

Mr. KEATING. I thank the Chair.

The PRESIDING OFFICER. And they must be germane.

Mr. KEATING. I thank the Chair.

Rule XXII provides in part that, after the vote to bring the debate to a close, no amendment shall be in order "unless the same has been presented and read prior to that time."

Does the presentation of an amendment and its printing in the RECORD, those two things, satisfy this requirement?

The PRESIDING OFFICER. They must be germane. That provision it does satisfy.

Mr. KEATING. Does the reading of the amendment by its author at the time of its presentation satisfy this requirement?

The PRESIDING OFFICER. Will the Senator restate that inquiry?

Mr. KEATING. Does the reading of an amendment by its author at the time of its presentation satisfy this requirement?

The PRESIDING OFFICER. In the event a cloture motion is adopted, such an amendment must be read prior to the adoption of the cloture motion.

Mr. KEATING. So that the reading of an amendment by the author of the amendment after cloture had been adopted would not satisfy the rule?

The PRESIDING OFFICER. That is correct.

Mr. KEATING. Finally, Mr. President, under rule 22, the motion to close debate must be brought before the Senate for a vote on "the following calendar day" but one "after its presentation."

During the intervening calendar day, may amendments to the bill be offered without restriction?

The PRESIDING OFFICER. Such amendments could be offered any time up to the time of the adoption of the cloture motion.

Mr. KEATING. Up to the time of the adoption of the cloture motion, or any time before the actual vote on the cloture motion, can such an amendment be offered?

The PRESIDING OFFICER. That is correct, if read.

Mr. KEATING. I thank the Chair for these rulings which I feel will help to clarify the matter.

Mr. RUSSELL. Mr. President, I was interested in what I understood to be the ruling of the Chair in response to the parliamentary inquiry proposed by the Senator from New York [Mr. KEATING]. Do I correctly understand that the Chair has ruled that the provision "Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time," is satisfied by an amendment's having been offered, sent to the desk, printed, and printed in the CONGRESSIONAL RECORD?

The PRESIDING OFFICER. There have been instances when the reading has been dispensed with by unanimous consent.

Mr. RUSSELL. I am not speaking about dispensation by unanimous consent. I asked about where an amendment is sent to the desk, and it is asked to have it lie on the table and be printed, and then to be printed in the RECORD; whether that made that amendment eligible for a vote in the Senate under the provisions of rule XXII.

The PRESIDING OFFICER. A strict compliance with the rule would require a reading of the amendment, but there have been occasions when such reading has been waived by unanimous consent.

Mr. RUSSELL. I understand that the Senate can do almost anything by unanimous consent, except to amend the Constitution of the United States. I had asked if the Chair had ruled a few minutes ago—as I understood he had—that if an amendment had been offered from the floor and had been printed and was lying on the table, and was printed in the RECORD, that amendment was thereby eligible for a vote, following a vote to suspend debate under rule XXII.

The PRESIDING OFFICER. As the Chair stated before, the amendment would have to be read, in order to comply literally with the rule which the Senator has read.

Mr. RUSSELL. In other words, the Chair rules that if a point of order were raised that an amendment had not been read, it would not be in order after a cloture motion was approved.

The PRESIDING OFFICER. That is the opinion of the Chair. That is the way the Chair rules.

Mr. RUSSELL. I believe that ruling is at considerable variance with what the Chair stated to the Senator from New York [Mr. KEATING]. I had understood that an amendment had to be read to the Senate by one of the reading clerks of the Senate before it would be in order, if a point of order were raised after a cloture petition had been filed.

The VICE PRESIDENT. If the rule is followed literally, the Senator's statement is correct.

Mr. RUSSELL. I want to know how we propose to follow the rules. We are told that in entering into this great contest we will follow the rules literally, where a point of order is raised, and then we learn that there may be some special dispensation in certain cases for certain Senators.

The VICE PRESIDENT. The rule will be followed literally unless unanimous consent is granted for other purposes.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Florida.

Mr. HOLLAND. I call attention to the fact that not only is reading required, but also presentation to the Senate. I judged by the question asked by the distinguished junior Senator from New York [Mr. KEATING] that he has the impression that mere reading of an amendment which he may contemplate offering or not offering during the course of a speech would meet the requirements of the rule. That is not the understanding of the Senator from Florida at all, because he does not believe that constitutes presentation.

The Senator from Florida believes that presentation, lying on the table, requesting that the amendment be printed in the RECORD, and the fact that it has been printed in the RECORD, satisfies the rule completely, because he believes that that constitutes both presentation and reading. But he does not believe that the mere reading of an amendment which is in the mind of the Senator from New York, or any other Senator, to present, but which he might decide not to present, without its being sent to the desk and without its being presented in the RECORD, would constitute presentation.

I hope the distinguished Senator from Georgia will request a parliamentary ruling upon that point.

Mr. RUSSELL. Mr. President, it would, in my opinion, be absolutely fantastic if a Senator could merely rise and read an amendment from the floor, and that should be ruled to conform to the rule that it had been presented and read. That suggestion was with the idea that a Senator would just rise and make his statement by reading something on the alleged civil rights bill, and offer the amendment and have it adopted, as was indicated on the day we opened this discussion.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I am delighted to yield for I enjoy this discussion.

Mr. DIRKSEN. Mr. President, first it must be quite obvious that there has to be a presentation of an amendment. I think there is no disagreement as to that.

Secondly, we have the reading requirement. There was a ruling in 1919, according to the Manual on Procedure that the rule had been complied with if the amendment is read by the Secretary or the Senator presenting it. That goes back to the question raised by the Senator from Florida. The Senator could have read the amendment himself and then presented it.

Mr. RUSSELL. I am delighted that the Vice President is here from whom we can get a final ruling on this matter.

A parliamentary inquiry, Mr. President: Does the fact that a Senator on the floor reads an amendment constitute compliance, under the provisions of rule XXII? Is it in order after the vote to bring the debate to a close, unless something further has been presented prior to that time?

The VICE PRESIDENT. The Chair would hold that, while, by custom, either machinery has been followed, if the rules are to be literally interpreted, the amendment would be read by the clerk at the desk. That is the ruling of the Chair.

Mr. RUSSELL. Does the Chair hold that after a Senator read an amendment, and then undertook to press it after cloture had been in effect, a point of order against that amendment would be sustained by the Vice President?

The VICE PRESIDENT. Under that interpretation, yes.

Mr. RUSSELL. Is that not the proper interpretation? I want an official interpretation by the Vice President.

The VICE PRESIDENT. Unless the amendment is before the Senate. The Senator is correct. The amendment may be subsequently read, prior to the time the cloture motion has been acted upon.

Mr. RUSSELL. It may be subsequently read from the desk?

The VICE PRESIDENT. That is right.

Mr. RUSSELL. But, Mr. President, if I understand the ruling, it means that the amendment would be read from the desk?

The VICE PRESIDENT. The Senator is correct. The Chair so holds.

Mr. DIRKSEN. Mr. President, I had hoped that the Chair might reserve the ruling for a little further consideration. I read from page 130 of the Senate Procedure Manual:

> It is not in order, in considering a measure under cloture, to offer to an amendment which has been previously presented and read an amendment not so presented and read.
>
> The reading requirement of the rule will have been met if the amendment is read by the Secretary or by the Senator proposing it.

Evidently that was a ruling in November of 1919, and it then continues:

> An amendment which has been previously read is not required to be again read.

I hope that the ruling will take into account those statements gathered by the Parliamentarian. Where a Senator may have read the amendment himself, it says in the alternative that the Secretary could have read the amendment; that, if it has been formally presented, it meets the first requirement of the rule, and if it has been read either by a Senator or the Secretary, or if it has been previously read, it is not required that it be read again. Those are precedents, and I hope they will not be put aside, unless we are sure of our grounds here.

Mr. RUSSELL. Mr. President, we are willing to play this game either way. We merely desire to know in advance what the rulings are. We want a ruling from the Chair, and we will persist in complying with that ruling until the end. A geography teacher was once asked if he taught that the world was square or round, and he replied that he could teach it either way. We are in somewhat the same position; we are willing to play it either way.

Mr. DIRKSEN. Mr. President, if the Senator will yield. I add one more statement from the Senate Procedure Manual:

> In 1921, an amendment which was read by caption only, by unanimous consent, was held to be in compliance.

The VICE PRESIDENT. It says "by unanimous consent."

Mr. DIRKSEN. I appreciate there is that distinction.

Mr. RUSSELL. That is a slight distinction, Mr. President, which I do not think we will be bothered with over the next few days.

Mr. DIRKSEN. I did not say it was slight. It is not slight.

The VICE PRESIDENT. The Chair is still of the opinion, after consultation with the Parliamentarian as to precedent, that, where the rules are being followed without deviation, the reading without unanimous consent is met only by reading at the desk.

Mr. KEATING. Would the Senator yield for a further parliamentary inquiry on that point?

Mr. RUSSELL. Yes, I am glad to yield.

Mr. KEATING. Mr. President——

The VICE PRESIDENT. The chair raises merely one exception, of course, that the reading need not occur at the time of the presentation. The reading may take place at any time before the motion is voted upon.

Mr. DIRKSEN. That means any day, Mr. President, I take it.

The VICE PRESIDENT. That is correct. As the Chair pointed out in the colloquy with the Senator from Georgia earlier, the amendment may be read at any time prior to the vote on the motion.

Mr. KEATING. Mr. President, if the Senator would yield on that very point, would it be in order, then, for any Senator offering an amendment in the interval between the motion and before cloture is voted, to insist that, before the vote came, the amendment should be read?

The difficulty which might be faced is that, normally, we do not read an amendment until it is called up for action, and there might be one or more or several amendments on which a vote would be sought. Under the ruling, the reading would be at the desk by the clerk prior to action. Would it be in order for a Senator offering an amendment to ask that the amendment be read, even though that was not then the business before the Senate?

The VICE PRESIDENT. If the Senator can obtain the floor and can request that it be read, it would be in order.

Mr. RUSSELL. Mr. President, I did not understand the response.

The VICE PRESIDENT. The Chair's response was that if the Senator can obtain the floor and can request that the amendment be read, it can be read at any time before the vote is taken. The problem would arise in respect to obtaining the floor.

Mr. RUSSELL. Yes, if the Senator obtained the floor, as I have the floor now.

For instance, Mr. President, if I were to send to the desk, and if I were to offer, an amendment to House bill 8315, and if I were to ask that it be read and lie on the table and be printed, would that amendment be eligible to be voted on after a quorum call, even though it was not in order at the time when it was offered?

The VICE PRESIDENT. Is the Senator raising this question on the basis of an assumption that a cloture motion would be before the Senate when the offer was made?

Mr. RUSSELL. No, Mr. President. If at the present time I were offering an amendment to the Stella School District bill, and if I said, "I send to the desk an amendment, and ask that it be printed and lie on the table," could the amendment be called up for a vote after a cloture petition had been adopted, even though it were not the pending business at the time when the cloture motion was adopted?

The VICE PRESIDENT. If the amendment were read at the desk and if the reading requirement therefor had been complied with, the amendment could be called up at a later point.

Mr. RUSSELL. I thank the Chair for that ruling.

For many years we had a practice of stating, when we offered amendments, "I submit an amendment to the bill, and ask that the amendment be read, be printed, and lie on the table." Of late, the request for reading has not been made in all cases; and I think it time to start reading some of these measures, for, to judge from some of the things I have been reading in the newspapers about the impressions that prevail about the Dirksen substitute, I believe it would be a good idea to have these measures read.

Mr. STENNIS. Mr. President, a parliamentary inquiry: Is the Senate still proceeding in the morning hour?

The VICE PRESIDENT. That is correct.

Mr. STENNIS. Mr. President——

Mr. JAVITS. Mr. President——

Mr. STENNIS. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I rise to a parliamentary inquiry: Does the Dirksen substitute, the pending business, although divided, fully meet the provisions of rule XXII—in regard to having been read and presented to the Senate?

The VICE PRESIDENT. The amendment has not been read in full.

Mr. JAVITS. I thank the Chair.

Mr. STENNIS. Mr. President, for the benefit of Members of the Senate who are not present or who could not be present last Saturday, I wish to observe that I thought we had a very fine and very fruitful session.

However, despite that, complaint was made, near the end of the session, that it had been a rather silly performance, and that approximately three-fourths or four-fifths of the Senators wanted to vote, but that approximatley one-fifth or one-fourth of the Senators would not let the other Senators vote.

I wish to point out that it was not until Saturday that any proponent of the Dirksen amendment—so far as I can ascertain—really came to the floor of the Senate and set forth, for the benefit of the Senate an argument in favor of the bill or any other major argument in favor of any of the so-called civil rights bills. So I wish to commend the senior Senator from New York [Mr. JAVITS], who then came to the floor of the Senate and made an address—with which I do not agree, in substance; but in the course of his address he stated to the Senate his interpretation of the provisions, and stated how he thought they would operate and work, and made the first affirmative presentation to this body that has yet been made by any of the proponents of these measures.

Mr. President, would not it be silly for the Senate to vote on such far-reaching measures without having had any other affirmative discussion or presentation by the proponents? I submit that it would be folly and a desertion of the constitutional duties of Senators.

I wish to state now that any attempt to portray the proposal submitted by the minority leader as mild and moderate, and solely for the purpose of enforcing voting rights, is certainly calculated to mislead the American people. The Senator from Illinois has not made any such representations; I am not speaking of him individually. But the general trend of the discussions and the press reports has revolved largely around that claim.

I shall not attempt at this time to state the many other features of the Dirksen proposals; but they pertain to State and local activities, State elections, and local elections; and they go further in many respects than did the so-called act of 1871; and the Dirksen proposals also go into the field of defining crimes, for example, flight to avoid prosecution in bombing cases—with a rather limited application; since the Dirksen proposals leave out labor disputes, gangsterism, and similar activities.

Section 3 of the Dirksen amendments, which pertains to State and local election officials, would override all State laws and would end all local control over voting records. I have no complaint as to the voting records; so far as my State is concerned, they are open books, and are preserved.

The Dirksen proposal also goes into the field of education, and actually would confiscate school buildings, if the Federal Government has put up part of the construction funds——

The VICE PRESIDENT. The time available to the Senator from Mississippi, in the morning hour, has expired.

Mr. STENNIS. I thank the Chair.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Mississippi may proceed for 3 additional minutes.

The VICE PRESIDENT. Without objection, the Senator from Mississippi may proceed as requested.

Mr. STENNIS. I thank the Senator from Illinois.

Mr. President, I do not wish to impose upon the time of the Senate; but the representations that the Dirksen proposals are merely mild voting proposals is most misleading. These proposals constitute some of the broadest major provisions in many fields that have ever been presented to the Senate.

Later I shall speak further in regard to the matter of voting referees.

But at this time I wish to join the Senator from Georgia in appealing to the press under its high responsibility—it has a privileged place in American life; and, without the press, our form of government could not continue to exist—to make a full presentation, repeatedly, over and over, so the people may be informed of these many major far-reaching matters.

We hear, today, statements to the effect that perhaps a so-called Hennings bill, for instance, will come in. As I understand, it has not yet been presented in amendment form. That is another illustration—talking about the Senate's being silly not to vote—of how these bills have not even gotten here on the floor, as yet.

Mr. DIRKSEN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield.

Mr. DIRKSEN. I am glad to note the Senator's interest in the voting rights provision and in the referee provision. I wonder whether he can help fix a time for voting on it, with the understanding that all speeches shall be germane and shall be devoted to a discussion of that particular item. Then we could vote, and could dispose of that much.

Mr. STENNIS. Mr. President, these bills come in backwards; they back their way into the Senate; they do not come in in the regular, formal way. There are no guidelines; we could not find out what they were.

How could it possibly be proper to ask any Senator to agree to all this mass of proposals which have not yet even been presented on the floor of the Senate? In such a state of affairs, I could not agree to such a proposal. Certainly the Senate should take sufficient time to have all these proposals discussed and debated, after they are adequately presented.

Mr. ERVIN. Mr. President, when a court of justice seeks to establish the truth, it requires the witnesses to tell the truth, the whole truth, and nothing but the truth.

If we have a free press in America and if the free press in America is anxious to tell the truth to the people of the United States, it ought to tell the truth, the whole truth, and nothing but the truth, in its news columns.

I would not put any burden on an editor to tell the truth or any part of the truth in an editorial. I would leave him perfectly free to do as he pleases. But I want to say this, Mr. President: If the press in America is anxious to convey

the truth to the people of America, it will point out in its news columns that there have been 5 pounds of civil rights bills introduced in this Congress and that only 1 ounce or less of that 5 pounds has anything to do with voting rights. All of the other 5 pounds deal with other matters, which are far more drastic. I sincerely trust that the press of America will tell that to the people of America. It might not be too much to ask them to tell some editors that there have been 5 pounds of civil rights bills introduced in Congress and that not more than 1 ounce of those 5 pounds of civil rights bills has anything whatever to do with the voting rights of Negroes in Southern States.

It would certainly be a fine thing if somebody would tell the facts to the American people and perhaps convey some of the information to a few editors who seem to be ignorant of the facts.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to take about 5 or 6 minutes of the Senate's time to discuss an amendment and inclusion in the RECORD.

The PRESIDING OFFICER. Is there objection to the request that the Senator be allowed 5 minutes? The Chair hears no objection, and the Senator from South Carolina is recognized for 5 minutes.

Mr. JOHNSTON of South Carolina. Mr. President, Saturday we met here in the Senate in a session called by the majority leader in his present followship of the minority leader. Therefore, I assume the minority leader was agreeable to the Saturday session.

I was on the floor of the Senate on Saturday. I felt I would be derelict in my duties as a U.S. Senator if I were not here at this time to help guard basic American rights. The present matters, which have been forced upon us, are of vital concern not only to the people of South Carolina, but to Americans everywhere.

Noticeably absent from the Saturday session were the minority leader, the Senator from Illinois [Mr. DIRKSEN], and the Republican national chairman, the Senator from Kentucky [Mr. MORTON]. Apparently both were off on propaganda missions, as evidenced by a clipping I hold from the New York Times of yesterday.

The minority leader, from the reports I read, was making a speech at Cooper Union in which he was attempting to fit words of Abraham Lincoln to the present civil rights holocaust, and having Mr. Lincoln join hands with those who would force a new reconstruction on the South.

The minority leader quoted Mr. Lincoln thus:

> I hold there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence. The right to life, liberty, and the pursuit of happiness * * * and the right to eat bread without the leave of anybody else which his own hand earns. He is my equal and the equal of Judge Douglas and the equal of every living man.

I hold in my hand a clipping from the speech. He quoted the first part and left out the last. I wish to read a quotation from a speech Abraham Lincoln made in Charleston, Ill.:

> I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say, in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.

Mr. President, getting back to the quotation which the minority leader reportedly used, I would like to fill in the part of the quotation which was omitted in the report I read. The minority leader quoted Mr. Lincoln as having said:

> I hold there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence. The right to life, liberty and the pursuit of happiness. * * *

And there the minority leader apparently left out these words:

> I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.

Mr. President, since Abraham Lincoln is now being quoted as in favor of the present day version of civil rights, I ask unanimous consent to have printed in the RECORD at this point the entire paragraph from the speech of Mr. Lincoln from which the minority leader quoted certain sentences and phrases.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> Now, gentlemen, I don't want to read at any greater length; but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it; and anything that argues me into his idea of perfect social and political equality with the Negro, is but a specious and fantastic arrangement of words, by which a man can prove a horse-chestnut to be a chestnut horse. I will say here, while upon this subject, that I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between two which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality; and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. I have never said anything to the contrary, but I hold that, notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence—the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and the equal of every living man.

Mr. JOHNSTON of South Carolina. Mr. President, I wonder why the minority leader failed to heed the warning which Mr. Lincoln gave in the first part of the very same speech. Mr. Lincoln said, speaking perhaps to future historians, scholars, and Senators:

> Anything that argues me into his idea of perfect social and political equality with the Negro is but a specious and fantastic arrangement of words, by which a man can prove a horse-chestnut to be a chestnut horse.

Mr. President, I also ask that an article which appeared in the New York Times on yesterday, February 28, be printed at this place in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1960]

DIRKSEN INVOKES LINCOLN'S WORDS—RECALLS HIS STAND ON CIVIL RIGHTS AT CELEBRATION OF COOPER UNION SPEECH

(By Greg MacGregor)

Senator EVERETT MCKINLEY DIRKSEN fitted Abraham Lincoln's words and principles last night to the present struggle for Negro equality in the South. He said Lincoln's spirit still guides champions of civil rights and personal freedoms.

Senator DIRKSEN spoke at Cooper Union at the celebration of the 100th anniversary of Lincoln's speech there, which historians said was a major factor in his winning the Presidency in 1861.

DEBATE WITH DOUGLAS

Senator DIRKSEN recalled Lincoln's words from which the "right makes might" speech was titled: "Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it."

The Illinois Republican said he was confident that Congress would pass a reasonably good civil rights bill even though it meant around-the-clock sessions.

Once again fitting Lincoln's words to the civil rights struggle, Senator DIRKSEN noted that during the first debate with Stephen Douglas at Ottawa, Ill., young Senator Lincoln had said:

"I hold there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence. The right to life, liberty, and the pursuit of happiness * * * and the right to eat bread without the leave of anybody else which his own hand earns. He is my equal and the equal of Judge Douglas and the equal of every living man."

FOR A VAST FUTURE

Senator DIRKSEN urged a steady course in the battle for Negro equality and cautioned against haste that might ultimately damage the struggle championed by Lincoln.

He said that Lincoln also had warned in 1863 that "I hope to stand firm enough not to go backward and yet not go forward fast enough to wreck the country's cause."

Senator DIRKSEN said that it was inevitable that all civil rights be extended to include

all people in the United States in fact as well as in word. Quoting from Lincoln's 1861 message to Congress he said "the struggle for today is not altogether for today, it's for a vast future also."

President Eisenhower addressed a statement commemorating the anniversary to Irving S. Olds, chairman of the Cooper Union trustees.

"Human slavery no longer exists in our land, but Lincoln's courage and his painstaking search for truth could be used on the problems of our time," General Eisenhower said.

"Some of the dangers he pointed out in 1860 continue to persist in 1960. There is still a woeful tendency to substitute falsehood and deception for truthful evidence and fair argument."

MORTON SEES DELAY IN VOTE ON RIGHTS

RALEIGH, N.C., February 27.—Senator THRUSTON B. MORTON predicted today that sitdown protests against segregated eating facilities would delay action on civil rights legislation before the Senate.

The Republican national chairman told newsmen he thought the vote would come by March 7. But the Negro demonstrations sweeping the South will probably slow action, he said. The Kentucky Republican said he felt the legislation would survive heavy attack by southern Senators without major changes.

"It was certainly unfortunate that the sitdown strikes came at this particular time," said Mr. MORTON, here to address the State Republican convention. "The effect will probably be a further thinning of the timbers in Congress."

He said he expected Congress to pass a bill that would insure Negroes' voting rights and make provisions against bombings of churches and schools.

In a keynote to the State convention, Mr. MORTON, countering what he called the Democrats' America-is-second-best theme, said the United States possessed the most powerful total military striking force in the world.

Mr. DIRKSEN. Mr. President, sometimes a speech can be only incidental to one's absence from the Senate, and in this case I think it was. Far be it from me to parade my difficulties before the Senate. The majority leader was advised well in advance before I left Saturday that I was going to get some medical attention, which occupied a good share of the time, and the minority leader will not have to apologize for that.

As for the Lincoln quotations, I think the greatest I know of at the moment is that which Lincoln set down in a letter to a friend. In it he said:

> The cause of civil liberty must not be surrendered after one defeat, or even a hundred defeats.

Mr. President, that is the only comment I have to make.

Mr. JAVITS. Mr. President, I should like to address a parliamentary inquiry to the Chair. I should like to have the attention of the Parliamentarian to this question.

The PRESIDING OFFICER. The Senator may address his parliamentary inquiry.

Mr. JAVITS. Is it a matter of right for any Senator, Mr. President, if he has recognition from the Chair, to ask to have read an amendment which he has to the pending civil rights substitute offered by the Senator from Illinois [Mr. DIRKSEN], and to have that lie upon the table at the desk?

The PRESIDING OFFICER. The Chair is informed that under the present situation, no cloture motion having been made or presented, it would not be in order for a Senator to present and have read an amendment to the so-called substitute of the Senator from Illinois [Mr. DIRKSEN].

It could be, according to practice, offered and laid on the table to be printed for information of the Senate. That would only be by unanimous consent.

The Chair is further informed, however, that after a cloture motion has been made, but before it has been adopted, a Senator would then have, as a matter of right, the privilege, if he obtained the floor, of presenting and having read by the clerk an amendment to the so-called substitute pending before the Senate.

Mr. JAVITS. I thank the Chair for that information, which I think is extremely important and helpful.

May I say finally, Mr. President, that I am glad to announce to the Senate that the Supreme Court has just rendered a unanimous decision, holding the Civil Rights Act of 1957 constitutional, in the Raines case, which was recently argued before the Court.

NUCLEAR WEAPONS TESTING

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD three newspaper articles dealing with the efforts by the nuclear powers to negotiate a treaty for the cessation of nuclear weapons tests. One of the articles is a news story; the other two are interpretative statements by two of the leading columnists in the country, Mr. Walter Lippmann and Mr. Joseph C. Harsch.

It is significant that these men present similar analyses of the issues facing the United States in the test ban negotiations. They are saying that the alternative to the United States is not what some people think—a resumption of nuclear weapons testing by the United States or a perfect treaty for the controlled cessation of these tests. They are saying that the choices are first, a treaty based on a control system as good as can be devised and negotiated under the existing state of scientific knowledge; or second, a resumption of tests under the awful condemnation of world opinion; or third, a withholding of further weapons tests with no control or agreement whatsoever, which would be a continuation of our present predicament. I commend these articles to my colleagues.

The news story I am about to insert indicates that the Soviet Union has moved another notch closer to accepting control and inspection in a test ban treaty. The Soviets have now agreed to use our criteria on inspection for nuclear tests provided that we are able to agree on a quota for inspections for an interim period. During this period of about 2 or 3 years a joint research program would be instituted in an effort to make further progress on the detection of underground nuclear tests, and to perfect and extend our knowledge of the identification of earthquakes so that they may be distinguished from nuclear explosions, and thus reduce the number of unidentified events subject to onsite inspection.

The combination of this news story and the news analyses by Mr. Lippmann and Mr. Harsch indicates that the new Soviet proposal should be studied very carefully to see whether it provides some basis for working out the remaining issues that have up to now prevented an agreement from being reached.

I have been interested in the recent moves by the nuclear powers at Geneva. The fact that movement is occurring is heartening because it means there is still a good chance that the talks are not stalemated. I am especially interested that the Soviet Union and the United States now appear to agree on one important matter. That is the urgency of starting a research program so that improvements in the control system can be instituted as soon as possible. This is a course of action I have been suggesting for several months. I become more and more convinced that such a research program has merit and should be commenced in the very near future.

Mr. President, I now ask unanimous consent that the three articles to which I have referred be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 16, 1960]

NUCLEAR TESTING

(By Walter Lippmann)

The explosion in the Sahara Desert, which showed that French science and technology are as good as anyone else's, is notice to all of us that there is no monopoly and not much mystery about nuclear weapons. What France can do today, China will be able to do tomorrow, not to speak of Germany and Japan. This would not necessarily mean the end of the world. But it will certainly mean that as the test explosions are multiplied, the air will become polluted, and the consequences to future generations are horrible to contemplate.

For 14 months the U.S.S.R., the United Kingdom, and the United States have been negotiating a treaty designed to put an end to test explosions. These negotiations have progressed marvelously, and they represent something quite new and unexpected in the relations between the Soviet Union and the Western World.

To be sure the three of us, who now have nuclear weapons, cannot impose our treaty, even if we reach final agreement, on the rest of the world. But if we are agreed on a treaty, we shall set an example, we shall create the machinery, around which world opinion will surely rally. There is little reason to doubt that France, for example, if her rights are respected, would join in and contribute valuable help in making the test ban workable.

Yet for the time being the negotiations are stalled. The issue arises out of experiments conducted by the Atomic Energy Commission in a salt mine in Louisiana. These experiments showed our experts that relatively small underground explosions cannot be detected by the existing instruments. They cannot surely be distinguished from earthquakes. Our difference with the Soviet

Union is over the size of the underground explosions which can be detected. Our experts say that the underground explosion can be nine times as big, and still go undetected, as the Soviet experts say it can be.

The administration has taken the position that we will not agree to abandon underground explosions if our experts say they are too small to be detected. We propose, therefore, to authorize such small nuclear testing. As it happens, these authorized explosions would be just the ones which the Atomic Energy Commission and the Pentagon regard as desirable in order to perfect a number of weapons they are working on. The Soviet position, on the other hand, is that all tests must be banned, even those which cannot be detected.

The abstract logic of our position—ban only what can surely be detected—is perfect in itself. But there is very good reason to think that it is unrealistic and that if we hold to it inflexibly, refusing to work out any one of the many compromises which are quite conceivable, it will prove to be quite an unwise position. For it is based on the assumption that no treaty is better than an imperfect treaty.

I think this assumption is miscalculated. The miscalculation is a failure to realize the significance of the concessions which have been made by the Soviet Union in agreeing to an elaborate worldwide inspection system, of which a large number of stations, manned by foreigners, would be on Soviet territory. In the perspective of Russia, not to speak of Communist, suspicion and dislike of foreigners, the Soviet concessions promise a political breakthrough of historic significance.

Our policymakers have not, it seems to me, taken into account the full consequence of the Soviet concessions. It is that the Soviet Union is by way of convincing most of the world outside this country that it is sincere about ending nuclear testing. We have been told by the experts of the Atomic Energy Commission not to worry about fallout. But mankind is terrified by it, and the Soviet Union is buying world support by agreeing to be inspected by foreigners in order to end the testing.

The President and his advisers should bear this in mind when they talk about resuming our own testing. The President has said that, "We consider ourselves free to resume nuclear testing" but that we shall not resume it without announcing our intention to do so.

What does the President think would happen if he did announce such an intention? There would be an uproar around the world. Quite competent and cool observers believe that the uproar would bring about a special meeting of the General Assembly of the United Nations to protest against our action, and that if the question were put to a vote, we should be lucky to get 10 votes out of 80.

In any event the damage to our influence and our prestige would be enormous.

Moreover, and this is the point that the administration should not overlook, if the treaty fails because it is not totally perfect, the Soviet Union will have won a sweeping diplomatic victory. The Soviet Union will not have to admit foreigners to carry out inspection on her territory. At the same time the United States will not really be free to continue testing. For the more we test, the more we shall be denounced and opposed as having failed to show a decent respect for the opinion of mankind.

When these negotiations started, the Russians wanted to ban testing without any inspection. If we hold inflexibly to our present position, there is likely to be no treaty, and the Russians will get for nothing most of what they wanted in the first place. They will have no inspection and they will have made it almost impossible for us to do much testing.

[From the Christian Science Monitor, Feb. 19, 1960]

STATE OF THE NATIONS—THE WEAPONS-TESTING PROBLEM

(By Joseph C. Harsch)

Washington has an impressive reason for insisting that it will not join in a continuing agreement to ban nuclear testing unless the Soviets will accept a foolproof system of inspections and controls. The argument is that if it binds itself to a less than foolproof system, the Soviets will almost certainly continue clandestine testing and thus will gain another weapons advantage over the United States because Americans will not be able to carry out clandestine tests.

The argument is impressive because the Soviet Government has absolute control over its journalists, whereas Western governments do not. The chances are indeed high that a clandestine test in any Western country would be discovered and reported by journalists. Nothing of this nature is ever reported in a Communist country.

Although impressive, there is one serious flaw in the thinking which underlies the U.S. position in the nuclear test ban talks in Geneva on the above considerations. It assumes that if there is failure to reach an agreement at Geneva, the United States will become free to resume testing, particularly of the small weapons which can be tested underground free of fall out dangers and which the Pentagon is extremely anxious to test.

Freedom to resume testing in the absence of a satisfactory agreement is actually nowhere near so assured as the U.S. position seems to assume. Obviously if the Soviets resumed testing first, then the freedom for Washington would come into operation. But in the absence of a clearly proved Soviet test, Washington would be seriously embarrassed were it to initiate a resumption of testing. The price would be very high.

One reason it would be high is because the British Government, much as it would prefer to keep in step with Washington in all important matters, would almost certainly be forced to stand aside and by its silence and inaction disassociate itself from the Washington action. The British Government might not join in any general condemnation of that action, but public opinion in Britain would certainly swell the chorus of protest which would go up around the world.

Whether plain people are correct or mistaken in their assumption that testing nuclear weapons is a dangerous thing is irrelevant. The fact of the matter is that all round the world a massive aversion to such tests has developed. If Washington should initiate a resumption of testing, it alone would do so.

Not even the Government of its closest ally, Britain, would dare to stand shoulder to shoulder with it. It is more than probable that a resumption of testing by the United States would restore overnight the losses the Communist countries have sustained in the uncommitted parts of the world from Chinese Communist misbehavior in Tibet and other places, would damp out the still-glowing embers of distrust in the West over the Hungarian repression, would make Washington the pariah of the world in the eyes of most people of the world. The damage to U.S. prestige, influence, and authority would be staggering; and the reverse would be a bigger gain for Moscow than ever the first sputnik was.

Further, a test resumption by the United States would leave Moscow in the happy position of being able at will to choose either the superior moral position of refusing to follow suit or to resume testing in relative immunity from criticism. It is difficult to think of anything which would please Moscow and Peiping more than to have Washington resume testing.

So heavy and damaging would be the price for a unilateral test resumption that it is almost inconceivable to think that Washington could afford to pay it. Its affordable range of action is narrow. In practical terms it really has no choice except either to agree to an imperfect system of inspections and controls or stand on its position at Geneva, which would almost surely mean a continuation of the present tacit and unsupervised truce.

In theory, the choice is between resumption of testing and a perfectly policed test ban. In practice, the choice is between an imperfectly policed ban and an entirely unpoliced ban. If there is no agreement, then popular opinion will almost surely enforce a continuation of the suspension, but the West will have lost the chance to have some inspection stations and some inspectors inside the Communist countries and some check on what the Soviets are doing.

The United States now is giving up without a Soviet quo air bases which would have been used 4 or 5 years ago as bargaining counters. It would seem wasteful for the United States to let itself be boxed similarly into a permanent test suspension without getting anything in return.

[From the Washington Post, Feb. 17, 1960]

REDS OFFER TO ALLOW WEST TO PROBE EARTH SHOCKS

GENEVA, February 16.—The Soviet Union offered a major technical concession today in rejecting President Eisenhower's plan for a partial treaty to ban nuclear tests.

Soviet delegate Semyon K. Tsarapkin told the three-nation talks here that the Soviet Union will accept no treaty unless all tests, whatever their size and location, are outlawed simultaneously.

Then he offered to allow a limited number of mobile Western inspection teams to roam freely to the site of virtually any earth tremor in the Soviet Union to check for possible test violations. This was a complete reversal of the previous Russian position.

(Under the new Soviet plan, the decision to investigate a suspicious earth tremor in the Soviet Union would be left solely with the West, a U.S. official said in Washington. This means the West would be able to take advantage of any intelligence data or other information that would tend to indicate an investigation was in order. It would make it more difficult for a nation to cheat, he pointed out.

(The Soviet Union would be given the same privilege in the Western countries, the official added.)

Tsarapkin proposed a provisional system of policing a total ban for 2 or 3 years. Meantime, the United States, Russia, and Britain would work jointly on improving instruments until the control system is perfected.

Tsarapkin told today's 1-hour session his plan is based on Britain's suggestion January 15 that temporary criteria might be established for determining which suspicious underground events could be eligible for on-site inspection.

A U.S. spokesman said the new Soviet proposal was unacceptable in its present form but represented a slight move forward.

Tsarapkin refused to state a quota yesterday, however, despite pleas from U.S. Ambassador James J. Wadsworth and Britain's Sir Michael Wright.

The Western delegates said no realistic estimate of the proposal could be made without agreement on the quota. But Tsarapkin insisted that the West should first accept the principle of his plan and then discuss the quota figure.

If the Western Powers accept the plan, he said, "we would be more flexible in our approach toward the number of on-site inspections.

"We would be ready to reconsider the quota on an annual basis and not fix it once and for all time."

The plan put forward yesterday was the Soviet Union's answer to the U.S. proposal announced by President Eisenhower last Thursday.

The U.S. proposal called for the banning of all nuclear tests except those that could not be reliably detected with existing instruments and techniques. It did not include underground tests which correspond to earthquakes below a certain size. It was somewhat vague on tests in outer space, but the scientists at an East-West conference on the question last year concluded they could detect tests out to distances of many millions of miles.

(An annual quota of 20 onsite inspections in the Soviet Union would be required by this plan, a U.S. official revealed yesterday.

(Although this figure has not been made public heretofore, it was included in the plan when it was presented at the Geneva talks February 11, he said.)

The Russians rejected the U.S. proposal and made it known they opposed any plan which would permit the testing of nuclear weapons anywhere. Their counterproposal was apparently an attempt to find a compromise that would make it more difficult for a nation to cheat and yet keep the number of onsite inspections to a minimum.

CIVIL RIGHTS LEGISLATION

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. I should like to follow up the Chair's ruling with respect to the inquiry made by the distinguished Senator from New York, in order to get some clarification of the ruling.

I have in my hand an amendment which I propose to offer. The amendment is to the bill and would still be to the bill irrespective of the disposition which may be made of the Dirksen amendment in the nature of a substitute.

If I obtained the floor to address myself to the pending business, would I be in order to offer this amendment and request that it be read by the clerk and be printed and lie on the desk?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that at this time, or after the regular business is laid before the Senate, if the Senator from Arkansas made a request that his amendment to the bill be read, his request could be complied with only by unanimous consent. If there were objection, then it would not be in order to have the amendment read at that time.

But, as was stated earlier by the Chair in response to a parliamentary inquiry by the Senator from New York, if at a subsequent time a motion for cloture were entered, and before it was debated, the Senator from Arkansas, as a matter of right, not by unanimous consent, could request that his amendment be read by the clerk.

The Chair is further advised by the Parliamentarian that if no amendment were pending at any time during the debate on the bill before the Senate, the Senator could, as a matter of right, have his amendment read by the clerk at the desk, if it were submitted for consideration at the time the Senator offered it.

Mr. McCLELLAN. I can appreciate that if I submit the amendment for immediate consideration, and no other amendment is pending, my amendment would become the pending business, and I would have a right to have it read. But I am trying to ascertain how to offer an amendment and have it voted upon after cloture has been invoked, since the rule requires that the amendment must have been read at the desk. I desire to have the amendment presented and read at the desk, so that it will be eligible to be voted upon if cloture is invoked.

The PRESIDING OFFICER. According to the advice of the Parliamentarian, as transmitted to the present occupant of the chair, there is no way, except by unanimous consent, for a Senator to have a proposed amendment read at the desk while an amendment is pending prior to a motion for cloture. He can only have it read in the interim, in the time which elapses between the petition for cloture and the adoption of a rule for cloture, provided the Senator can secure the floor during that interim.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Assume that I have the floor, that I am speaking on the pending business, that I offer an amendment, and that I ask unanimous consent that the amendment be read and lie on the desk, but that objection is raised. Would it then be in order, if I desire to do so, to move the question?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that such a motion would not be in order at that time.

Mr. McCLELLAN. Then we are told that, according to the rules of the Senate, one objection can prevent the presentation of an amendment and having it read and lie on the desk, so that the amendment may be eligible to be voted upon if and when cloture is invoked. Is that the ruling of the Chair?

The PRESIDING OFFICER. That is the ruling of the Chair, as he has been advised by the Parliamentarian, and it applies up to the point where cloture is moved.

Mr. McCLELLAN. Assume that a cloture petition has been filed, and that an amendment is offered after the filing of the petition. The Chair has stated that the amendment can be read. But suppose the reading of the amendment extends to the deadline of the time for voting. Then what is our predicament, and what is the relief?

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from Arkansas to make certain that the Chair comprehends exactly the nature of the Senator's parliamentary inquiry. The Chair understands the Senator's inquiry to be that if at some time during the interim which occurs between a petition for the termination of debate and the adoption of that petition, a Senator obtains the floor, offers an amendment, and sends it to the desk, but the amendment itself is so long that the clerk is not able to complete the mechanical performance of reading the amendment to the Senate when the time expires, and the vote on cloture comes, what would be the parliamentary situation in that case?

Mr. McCLELLAN. Yes. Would I be denied the right to have my amendment read in full?

Mr. DIRKSEN. Is the Chair ready to rule?

The PRESIDING OFFICER (Mr. CORTON in the chair). The Chair is not ready to rule. The present occupant of the chair does not feel that the suggestions of the Parliamentarian are yet crystallized to the point where the answer to the parliamentary inquiry can be made, and the present occupant of the chair desires to withhold ruling on this particular question until the Parliamentarian can give it further consideration, or the Vice President resumes the chair and his duties in this respect.

Mr. McCLELLAN. Do I understand that the Chair, after consultation with the Parliamentarian, feels he is not in a position to make a ruling at this time?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that, as far as the Parliamentarian is aware, there are no precedents in the history of the Senate for a situation that would arise if cloture were adopted in the midst of the actual physical reading of a proposed amendment by the clerk; and the Parliamentarian indicates that that decision, in the event of such a contingency, would have to be made at that time.

The Chair does not consider that an answer to the parliamentary inquiry from the Senator from Arkansas, and, therefore, the present occupant of the Chair desires that it be taken under advisement at the present moment without an answer.

Mr. McCLELLAN. That is what I was trying to clarify. The Chair feels he is not in a position, in the present situation, to make a ruling at this time?

The PRESIDING OFFICER. That is exactly right.

Mr. McCLELLAN. Then I ask, would it be in order, Mr. President, if I asked unanimous consent that the Senate recess until such time as the Parliamentarian and the Chair have consulted about it and are able to give us an answer?

Mr. DIRKSEN. To that, Mr. President, I would have to object.

Mr. McCLELLAN. Did I hear objection?

Mr. DIRKSEN. Yes.

Mr. SPARKMAN. Mr. President——

The PRESIDING OFFICER. Objection is heard. The Chair recognizes the Senator from Illinois first.

Mr. SPARKMAN. Mr. President, I was on my feet when the Senator from Illinois was not in the Chamber.

Mr. McCLELLAN. May I inquire that the Chair inform us, after his consultation with the Parliamentarian, as to the possible time, or a potential time, when I may get a ruling? Can we get some indication, if we cannot recess, as to the length of the deliberation?

The PRESIDING OFFICER. The Chair will state, for the information of the distinguished Senator from Arkansas, that the present occupant of the Chair was called to the Chair by the Vice President, who said he had a very brief appointment, and would return, and he desired to be notified if some difficult parliamentary inquiry were propounded. The inquiry is here, and so is the Vice President. [Laughter.]

The VICE PRESIDENT. Did the Senator from Arkansas propound a parliamentary inquiry?

Mr. McCLELLAN. I did.

Mr. DIRKSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois desire to comment upon the question?

Mr. DIRKSEN. Yes, I do.

The VICE PRESIDENT. The Senator is recognized.

Mr. DIRKSEN. I think it is necessary to make some legislative history on this matter. As I examine the cloture rule, it is mandatory in every respect, when the required signatures and the petition have been presented. It says that it shall be presented. There is no exception as to time.

The other mandatory or imperative provision in it is that, when cloture has been voted by the required number of Senators, the business before the Senate shall become unfinished business. There is no leeway. There is no discretion, and, in my judgment, if there were a conflict between the period when this must be done under the cloture rule, and the reading of an extended amendment in the interim period, I think the portion that did not come within the rule would have necessarily to fall.

The VICE PRESIDENT. The Chair——

Mr. JAVITS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York desire to comment on the parliamentary inquiry?

Mr. JAVITS. Yes; I would like to comment upon the question before the Senate. Mr. President, the Senate rules, it seems to me, are completely silent upon the fundamental question which is before us, and the Chair, therefore, has an alternative of submitting a question de novo for the consideration of the Senate, rather than putting the Senate in the position were it must act to either sustain or reverse the Chair.

The situation here, Mr. President, as I understand it, is that a ruling has been made that an amendment, to be considered after cloture, must have been presented and read.

The next logical inquiry is: At what point can a Senator, as of right, have his amendment presented and read?

The Parliamentarian advises that, as of right, he can only have that done in the period intervening between the time the petition is filed and the time it is voted on.

Along comes another parliamentary inquiry, which implies that a Senator can present the Old and New Testaments, including the commentaries, as an amendment, which could take not 48 hours, but perhaps 96 days to read. This would completely frustrate every other Senator who might have an amendment.

Mr. President, obviously, this is not within the context either of the Senate or of justice. Therefore, as the rules are silent, it may very well be that an interpretation might be proper, which would say that, at any time a Senator presented an amendment, having gotten the floor, he had the absolute right to have it read and lie upon the table. In that case, a Senator would not in any way be frustrated in having his amendment considered after cloture.

I respectfully submit that it was hardly the purpose of the cloture rule to shut off the possibility of amendment. On the contrary, the rule is quite the other way. It contemplates that amendments which are before the Senate in the procedural way specified shall be considered by the Senate. I therefore respectfully submit to the Chair that the suggestions made from the Parliamentarian are not necessarily conclusive on the Senate under these circumstances, and that the Senate may very well decide upon a far more practical version which will work justice to Senators individually, those who have amendments which they have a right to have considered.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DIRKSEN. However, the cloture rule is frustrated in a hypothetical case in which it takes a very long time to read an amendment. For all practical purposes, that would be equivalent to continuing the debate. The whole purpose of a cloture petition is to determine whether it is the sense of the Senate that debate shall be limited following the approval of the cloture petition. So I can envision that the cloture rule would be frustrated if an open-end ruling on that point were made.

Mr. CASE of South Dakota. Mr. President, I merely wish to observe, in connection with the cloture rule, that it states that no dilatory motion or dilatory amendment or amendments not germane shall be in order. Although it is true that that sentence appears in the part of the rule which pertains to the situation after cloture is adopted or invoked, it seems to me that the spirit of the rule, as there indicated, would warrant the Chair, following the presentation of an amendment which seemed to be dilatory in character or of a character to frustrate the meaning of the 1-hour requirement, to rule that the amendment was of such a nature.

Mr. JAVITS. Mr. President, I should like to observe to the Chair that, as a lawyer, I could undertake to draft to the bill a perfectly germane amendment which conceivably could take 48 hours to read, and yet not be dilatory. I deeply believe that from the body of proposed law, as it exists today, one could perfectly well draft an amendment which would be so long, and would comprise so many volumes, that an extremely long length of time would be required to read the amendment. If the Senate is to jump over such a barrier, I think Senators could, if they wished to do so, frustrate the rule.

My point is that apparently the rule is silent on this subject; and therefore I believe the Senate has a right to make a rule which is practical, rather than to give a prize to Senators who might think up the most reasons for delaying the business of the Senate.

Mr. CASE of South Dakota. Mr. President, the Senator from New York has described an amendment which, as he has described it, would be dilatory and would delay the business of the Senate.

If an amendment were not dilatory and were germane, I would not suppose it would violate the rule. But if an amendment were dilatory, it seems to me the Chair could proceed to dispose of that obvious situation, if there were now nothing about such a situation in the rule.

Mr. JAVITS. Mr. President, the Senator from South Dakota is always helpful in connection with the consideration of the meaning and application of the rules.

Let me say that another point would be that a Member would have to obtain recognition within the 48-hour period of time; and that situation could easily result in shutting off a Senator who equally had a right to have his amendment presented and considered.

Yet it is the pride of the Senate that any Senator can present an amendment to any measure. That is one of the hallowed rules of this body.

Mr. HOLLAND. Mr. President, let it be distinctly understood that I am not interested in having cloture invoked on this issue or on any other issue. Let it also be distinctly understood that I do not favor adoption of the amendments heretofore offered, printed, and lying on the desk, as offered by the distinguished Senator from New York. But, Mr. President, I think we must preserve the semblance of fair dealing in the Senate, and I believe some door should be open—and I believe it is open under the rules—so that amendments which are seasonably presented here and are printed and lie at the desk, can, in the event of the invoking of cloture, be considered and discussed.

Even if we are not in accord on the pending issue—and certainly that is an understatement of the situation—I believe we must preserve fair procedure.

So far as I am concerned, although I do not favor the amendments of the Senator from New York, I certainly would not want the Senate to adopt a procedure which would preclude the consideration of his amendments.

When amendments are diligently prepared and offered—and I believe it took a good deal of diligence to write out those eight long amendments—and when the Senator has presented them, and when they are lying at the desk, somewhere there must be in the rules of Senate procedure a provision which will permit amendments thus seasonably presented to be considered and discussed, in the event of the invoking of cloture—

although, as I have previously said, I do not favor the invoking of cloture.

I hope the President of the Senate will find in the rules a procedure which will be fair enough to permit seasonably tendered amendments—I mean amendments which have been sent to the desk and printed—to be considered, because I do not know any other way Senators have to proceed in connection with such situations. I have no amendments to offer; but if a Senator who has an amendment to offer, does offer it seasonably, at a time when other Senators can also offer amendments, I think such Senator should have his day in court.

So, Mr. President, on this one issue in the entire debate I find myself in accord with the Senator from New York; in other words, I believe there should be such fair procedure as to allow his amendment to be considered.

He has not mentioned his eight amendments; but I recall that he offered them and spoke about them briefly, and they were ordered to be printed, and I suppose they are lying on the desk.

Mr. President, my distinguished colleague, the Senator from Georgia, has just now pointed out that I greatly understated the case when I said the Senator from New York spoke briefly about his amendments. [Laughter.] But, as I recall, the speech he made at that time was not one of the lengthy speeches he sometimes makes, about which, someday, he probably will be charged with filibustering.

But neither the Senator from Georgia [Mr. RUSSELL] nor I would preclude him from using as much time as he wishes to use. We cherish the idea that Senators have that right.

My point is—and I do not refer to amendments offered for the first time after cloture was invoked, which would be new matter, and Senators would not have had any chance at all to study them or debate them or express their views regarding them—but that I believe we should have procedure under which amendments seasonably offered and printed and lying on the table could be considered. I hope the Chair will allow such procedure.

Mr. McCLELLAN. I hope the Chair will indulge me for just a minute or two in response to some of the things that have been said. Maybe it is a privilege to assume that I am going to resort to what they may term dilatory tactics. Mr. President, what I hold up here—and the inquiry is based upon this amendment—contains less than seven pages. That is what I am inquiring about. I proposed, when I get the floor to speak on the issue, on the pending business, in the course of my remarks to discuss further this proposed amendment and at the proper time, or at some time during the course of my remarks—if not during the course, at the conclusion of them—I propose to send this amendment to the desk and ask unanimous consent that it be read, that it lie on the table, and be printed, and thus make it eligible to be called up after cloture is invoked, if it is. I do not want to be denied the right to have my amendment voted on at the right time.

You speak about the length of the amendment, about being dilatory. You can very well introduce large numbers—it does not have to be one amendment—and this is the first one I propose to offer. I think I have the right, in the course of the time that I shall consume in discussing it in other aspects of this pending business, to present my amendment, and either get unanimous consent to get the right by motion to have this amendment read, have it be printed and laid on the desk, so as to make it eligible for consideration and a vote after cloture may have been invoked, Mr. President, and that is all I am asking, but if we do not have such rights under the rules of the Senate, let it be known now. Let other Senators take warning. I do not know whether it will be my amendment, if you get two or three hundred amendments up there, and that is not unreasonable, not at all in legislation like this.

Look at the book you already have. Some Senators have already introduced, I understand, as many as 50 bills on this issue. I do not know whether they will offer them as amendments. They may get started reading their amendments, Mr. President, and get down to the time to vote, and my amendment was read.

I want to preserve the right, as a representative of a sovereign State in this body, to represent them. I think they would favor the amendment that I propose. I do not want to be ruled out here by some technicality or a parliamentary switch and denied the right as my State representative on the floor of this body, whether it is by dilatory tactics from some other source or whether it is from a deep conviction that the bill ought to be amended a hundred times by some other Senator who has half that many bills pending now on this subject.

I do not want to be denied that right, Mr. President, and I ask for a ruling now that will permit me, in the course of my remarks, when I offer this amendment, and if I ask unanimous consent, to have the matter read, printed, and laid on the desk so it will be eligible to be called up after cloture is invoked.

If I am denied that, if any Senator objects, then I propose to move, Mr. President, and if the Chair overrules me I will have no recourse other than to completely capitulate or to appeal from that ruling and ask the Members of this Senate to interpret the rules of the Senate by their vote so that it will not deny to any Senator—to you, to me, or to the Senator of any sovereign State—the right to present an amendment here on this great issue that has evoked so many bills; and so many amendments that are going to be presented here will not be denied the right to contribute something to the legislation or to detract from it where the legislation violates some principle or is not in the interest of the public welfare.

I ask for a ruling, Mr. President, or for advice—that is what I am asking now—that when the time comes, I propose to present it just as I have stated.

The VICE PRESIDENT. The Chair has consulted with the Parliamentarian with regard to the precedents that are available covering the two parliamentary inquiries, because the Senator from Arkansas has propounded two, in effect, and he finds that in neither case does the Parliamentarian have at this point precedents that he thinks will be applicable. Under the circumstances, since this is an important ruling, as the Senator has well pointed out in his remarks, the Chair believes that in the interests of orderly procedure and of establishing a precedent which the Senate would feel justified in following, the Chair would need some time for further study with the Parliamentarian of the precedents before making a ruling. The Chair will undertake that study and will make the ruling on the parliamentary inquiry just as soon as we have completed our study of the precedents.

Mr. McCLELLAN. I thank the Chair very much. I think it would be very appropriate if the Senate recessed during that period so that we might all study it [laughter], because I think we should not proceed any further blindly, and I therefore ask unanimous consent that we recess temporarily.

Mr. DIRKSEN. I object, Mr. President.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Engle	Mansfield
Anderson	Fong	Martin
Bartlett	Frear	Monroney
Beall	Goldwater	Morton
Bennett	Gore	Moss
Bible	Gruening	Mundt
Brunsdale	Hartke	Murray
Bush	Hayden	Muskie
Byrd, Va.	Hickenlooper	Pastore
Byrd, W. Va.	Hill	Prouty
Cannon	Holland	Proxmire
Capehart	Hruska	Randolph
Carlson	Jackson	Robertson
Case, N.J.	Javits	Russell
Case, S. Dak.	Johnson, Tex.	Saltonstall
Chavez	Jordan	Scott
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kennedy	Wiley
Cotton	Kuchel	Williams, Del.
Curtis	Lausche	Williams, N.J.
Dirksen	Long, Hawaii	Yarborough
Douglas	McCarthy	Young, Ohio
Dworshak	McClellan	
Ellender	Magnuson	

Mr. MANSFIELD. I announce that the Senator from Colorado [Mr. CARROLL], the Senator from Rhode Island [Mr. GREEN], the Senator from Michigan [Mr. HART], the Senator from Oklahoma [Mr. KERR], the Senator from Wyoming [Mr. McGEE], the Senator from Michigan [Mr. McNAMARA], and the Senator from Oregon [Mr. MORSE] are absent on official business.

The Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Louisiana [Mr. LONG], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the

Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Maryland [Mr. BUTLER] are necessarily absent.

The Senator from Kansas [Mr. SCHOEPPEL] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

The VICE PRESIDENT. A quorum is present.

Mr. RUSSELL. Mr. President, I rise to a point of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. I refer to an editorial appearing in the Washington Post of today, Monday, February 29, 1960, entitled "What a Cause Celebre."

I wish to read a portion of this editorial. I am not accustomed, Mr. President, to answering erroneous charges in the press. I have been in public life for a long time, and my political epidermis is as thick as that of a hippopotamus. The Washington Post would be about the last paper that could cause me any real anguish, because I know how slanted it is. But I intend to address myself to this editorial because it so well typifies the effort that is being made in this country to deceive the people as to the real purposes of the pending, misnamed civil rights legislation.

This is a part of the program to send up a smoke screen of printers' ink that will darken the skies and blind the people to the real purposes that are back of the substitute that is proposed by the Senator from Illinois.

Mr. President, I now read from this editorial, which I say is typical of this designed campaign of deceit and falsehood that is being waged in this country.

Let no one call this niggling controversy in the Senate a great debate. It is true that passions have been aroused, and tempers are already becoming frayed. Southern orators are crying "tyranny," "torture," and "inhumane treatment." Senator HILL conjured up the bogey of another Reconstruction Era. Senator RUSSELL pretended that incendiary organizations are playing with matches—thus creating a danger of setting off "some very tragic situation." Senator THURMOND insisted that he and his colleagues will "fight to the finish" for some great principle.

But what is the cause for which these men are risking their lives and their standing before the bar of world opinion?

Boiled down to fundamentals, their demand is for a free hand in denying citizens of the United States the right to vote. No amount of shouting, eloquence or windbaggery can obscure this basic fact.

Mr. President, I move to another paragraph in this editorial. I will not read it all.

Their onslaught against the right to vote by means of filibuster, which even prevents the Senate from voting on a reasonable remedy, is a shoddy performance indeed; "States rights" are being invoked to camouflage the denial of other rights.

It goes on, Mr. President, to discuss voting rights, and to state that the sole purpose of the opposition to this legislation is to deny the right to vote.

Mr. President, the late Adolf Hitler taught us much about the techniques of propaganda. He told us that a big lie, repeated often enough and seriously enough, would persuade the people to adopt any viewpoint—however erroneous it might be. That lesson has not been lost, apparently, on the Washington Post and those associated with it in their campaign of deception. I must say that this also includes some persons in official position who keep saying that this is merely a voting rights bill. They are undertaking to build up a wave of sentiment in the country to sweep this 7-part bill through the Senate, and who then will have the self-righteousness to say that it does nothing but protect the sacred right to vote.

Mr. President, I shall go through the bill section by section, and have it printed in the RECORD, section by section, so that anyone who makes any pretense to honesty and who can read, and who gets the RECORD, will be able to read it, and can see that the contention that the bill is solely a voting right bill is a contention cut out of whole cloth.

The first section of the alleged Civil Rights Act of 1960 reads:

SECTION 1. That (a) chapter 72 of title 18, United States Code, is amended by adding at the end thereof a new section, as follows:

"1509. Obstruction of certain court orders."

Mr. President, that is the issue which is pending before the Senate at present. If there was any part of the truth in the editorial I have read, this section would relate to voting rights. I now proceed to read:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

Mr. President, I ask unanimous consent that the remainder of this section, which in effect undertakes to provide for duplicity and for the prosecution in two instances for the same offense, may be printed at this point in the RECORD as a part of my remarks.

There being no objection, the remainder of the section was ordered to be printed in the RECORD, as follows:

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. ERVIN. Does not this section of the Dirksen amendment in the nature of a substitute seek to establish for the first time in American history the doctrine that the obstruction of a civil decree of a Federal court shall constitute a crime?

Mr. RUSSELL. So far as I am concerned, it does. I am quite certain that is the case. What is most reprehensible about this proposal is that it undertakes to do this in only one class of cases. That is what we resent and that is what we are fighting. The section singles out one class of cases. In effect, it provides that one can threaten to prevent, obstruct, coerce, or impede any order of a Federal court except those that happen to grow out of school decisions.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I yield.

Mr. ERVIN. As a matter of fact, is not this proposal, in the Senator's judgment, reprehensible because, as the Senator has just stated, it selects one group of people and attempts to make them criminals for doing certain things, and provides that, in effect, by silence and failure to apply it to other activities, all other persons can do anything in their power to obstruct any other kind of decree of a Federal court, without being guilty of any crime whatsoever?

Mr. RUSSELL. Absolutely. If we could turn the situation around—and a group interested in preventing integration were to obtain an injunction in that case, people who disagreed with the injunction could interfere with it all they pleased without violating this proposed statute.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I yield one more time.

Mr. ERVIN. Does not the history of the United States show that there has been far more violence in the obstruction of Federal court decrees concerned with labor controversies and other matters than there has been in school integration cases?

Mr. RUSSELL. Certainly; but nobody is interested in those cases. This measure is a part of the campaign to single out the section of the Nation from which I come and from which the distinguished senior Senator from North Carolina hails and to make it a special object of obloquy and attack through legislative channels.

I invite Senators to read the bill and see, as they go along, how much false information is being disseminated in the constant claim that the only thing the Senate is considering is a voting rights bill.

The second section reads:

SEC. 2. (a) Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section, as follows:

Mr. President, this is the section which makes bombing a criminal offense. It reads:

"§ 1074. Flight to avoid prosecution for destruction of educational or religious structures

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended."

(b) The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for destruction of educational or religious structures."

Mr. ERVIN. Mr. President, will the Senator yield for a question on this point?

Mr. RUSSELL. I yield.

Mr. ERVIN. First, I invite the attention of the Senator from Georgia to lines 18 to 22.

Mr. RUSSELL. I intended to comment on that part, but I appreciate the Senator's bringing it up now.

Mr. ERVIN. This section provides, in effect, that a person can be tried in any one of three places: First, where the crime is committed; second, where he is apprehended; and, third, where he is in custody. I ask the Senator from Georgia if this provision does not violate both the third article of the Constitution and the sixth amendment. Article III provides:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the State where the said crimes shall have been committed.

The sixth amendment provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Mr. RUSSELL. Under the section to which the Senator from North Carolina refers, a person could be tried in the Federal judicial district where he is apprehended. That is in the teeth of the Federal Constitution. However, it has become very popular for the Supreme Court to amend the Constitution, and the Court would not hesitate to amend it in this case if an action arose out of alleged racial disturbance.

If this section were drawn fairly, I would be glad to support it if it were proposed as an independent criminal proposition. I abhor bombings as much as any other person. But I will not stand by and be duped by a provision like this. It is drawn to exclude labor controversy bombings and to eliminate all the other instances which were contained in the original bill introduced by the Senator from North Carolina and the Senator from Massachusetts. Their bill related to all bombings of residences, business places, houses of worship, or educational institutions. I could give my support to such a proposal as that. It ought to be enacted. We should take every step we can to stop such bombings.

But, Mr. President, this editorial says there is nothing in this bill except voting rights. Here before us is this clause that relates to bombings—not to voting. Of course it is drawn to reflect on the South. It would not apply to bombings such as occurred only recently out on the west coast, where some newspaper was struck, or to other acts that occur from day to day in various controversies of one kind or another all over the Nation. But this bill is drawn to reflect on the southern area, and exclude any prosecutions anywhere else for bombings.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes, I yield.

Mr. HOLLAND. Mr. President, I recall that recently there have been three very unfortunate bombings in my own State in connection with labor disputes; one, the bombing of a very large telephone exchange at Belle Glade, Fla., which cut off services in a great area of our State; second, in the phosphate belt; third, out where the Gulf Power Co. employees, or a portion of them, serving west Florida, had struck. In that case, if the bombing had been successful, incidentally, it would have cut the service for some important Federal installations.

Does the Senator know of any reason why a person perpetrating such a crime as that, who attempts to cross over into another State and lose himself, should not be subjected to the conditions of criminal penalties in this bill, just as is one who has bombed a schoolhouse, or a church, or a synagogue?

Mr. RUSSELL. No. The reason the provision was drawn this way was to avoid breaking the solid front of the extreme left-wing groups.

Some of those groups are supported with funds from labor organizations, such as the New York group that I referred to Saturday which is promoting racial strife in the South. But the labor organizations would not stand for this proposal applying to bombings growing out of labor disputes. They do not want anything in this bill that could possibly interfere with the activities—legal or illegal—of any one of the extreme groups that press for this so-called legislation.

Mr. LAUSCHE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. Certainly there are no voting rights involved in this prospective bill.

Yes, I yield to the Senator from Ohio.

Mr. LAUSCHE. I would like to pursue further the question that was asked. A statement was made a moment ago that, in connection with the bill pending before this Senate, there was offered an amendment by the Senators from South Carolina and Massachusetts——

Mr. RUSSELL. North Carolina.

Mr. LAUSCHE. Or North Carolina.

Mr. McCLELLAN. That is a separate bill.

Mr. LAUSCHE. That is a separate bill?

Mr. McCLELLAN. Yes.

Mr. LAUSCHE. Well, if there was a separate bill in which all bombings were covered, whether they were the bombings of a church or school or any other type of building——

Mr. RUSSELL. Yes, that was the substance of it.

Mr. LAUSCHE. May I ask the Senator from North Carolina what bill that was, and when it was presented, and to describe the circumstances under which it was presented?

Mr. ERVIN. Will the Senator yield for this purpose, without losing the floor?

Mr. LAUSCHE. Does the Senator yield?

Mr. RUSSELL. I yield without impairing my rights to the floor.

Mr. ERVIN. That bill was introduced some months ago.

I do not remember the exact time. It did not cover residences, but it covered everything else. Personally, I think this bill ought to be amended to cover residences, because it should be made unlawful to blow up a schoolhouse and to flee by interstate commerce to avoid prosecution, and not to leave it lawful to blow up a building, house, or school, or church, and allow the bomber to flee with impunity across State lines.

Mr. RUSSELL. One could get mixed up with the goon squads in that case, and this solid front must be maintained.

Now, Mr. President, I come to section 3, which does have to do with elections, but it does not affect voting rights. Let me say this, Mr. President: I ask unanimous consent that section 3, which is rather lengthy, and which provides for the retention and preservation for a period of 3 years of all voting records and papers connected with a Federal election, may be printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEC. 3 (a) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or

paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than on year, or both.

(b) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by subsection (a) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) Any record or paper required by subsection (a) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

(d) Any record or paper demanded pursuant to subsection (c) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

(e) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this section, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

(f) The United States district court for the district in which a demand is made pursuant to subsection (c), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

(g) As used in this section, the term "officer of election" means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for.

Mr. RUSSELL. Mr. President, to my mind, that is at least objectionable to all the provisions of the bill. As a matter of fact, with the exception of giving a little unnecessary power to the Attorney General, who is the attorney for a litigant in some of these cases, I see no objection to section 3. It relates to the holding of elections and to retaining the evidence thereof. It does not relate to voting rights.

I say here and now without the slightest fear of contradiction—and I will leave it to the future as one of the few prophecies that I have made—that this section, if enacted into law and fairly applied, will be used more frequently outside of the Southern States than it is in the Southern States. That will be the case if the Attorney General has any interest whatever in prosecuting for fraudulent elections, for the miscounting of votes, and for things of that character that are prevalent in other areas.

Mr. President, I come to section 4 on page 6, which, to me, is the most obnoxious and objectionable of all the provisions of this bill. It is not, directly or indirectly, related to voting. It has nothing whatever to do with voting or voting right. It is an effort to put the approval of Congress on an unconstitutional decision of the Supreme Court and give a mandate to local school trustees of every school district to get out and mix races in the public schools of this country. I will read certain extracts from this provision:

SEC. 4(a)(1). The Congress recognizes—

I want to say before I start, Mr. President, that we have heard a great deal about part III here and how objectionable it was. The civil rights bill of 1957 as originally proposed, gave unlimited power to the Attorney General of the United States to bring suits for plaintiffs, whether they desired the suits brought or not, and gave him unlimited Federal funds to pursue any litigation he pleased, whenever it met his fancy. I was opposed to part III, as were a majority of the Members of the Senate; it was stricken out. But, to my mind, section 4 of the pending bill is more objectionable than part III was in the proposed act of 1957.

This is getting down to what is squeezing the Washington Post, Mr. President, as I shall later point out when discussing the District of Columbia with respect to schools.

SEC. 4(a)(1). The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal education opportunities.

Mr. President, that is a declaration of what the Constitution of the United States provided. It had been held repeatedly by the Supreme Court, prior to May 17, 1954. That part of it is an honest statement. That says what the Constitution means. It says how the courts had uniformly construed the Constitution. Then—

(B) On May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal.

There is no footnote in the bill, as there was in the decision of the Supreme Court, that refers to this being the doctrine of, Gunnar Myrdal; but that is what could have been said.

Then subdivision (c) contains a remarkable statement—

The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land.

Mr. President, that is a rather amazing statement when the same section has previously set forth, in subsection (A) that—

Prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds.

Why was not that the supreme law of the land? It was; and every honest man knows that the Supreme Court of the United States undertook to change the Constitution, when it handed down its infamous decision of May 17, 1954.

Mr. McCLELLAN. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. CARLSON in the chair). Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. RUSSELL. I yield for a question.

Mr. McCLELLAN. Does not it appear from the ruling and the precedents that the Court overruled, that only the Supreme Court of the United States has a right to violate the Constitution and change the law?

Mr. RUSSELL. That is correct.

Mr. McCLELLAN. In other words, the Court was the greatest offender of all, when it overruled the Constitution, itself?

Mr. RUSSELL. Yes. Evidently the Court believes it can amend the Constitution, without consulting the provisions of that document itself. That is what George Washington warned us against—undertaking to take short cuts in providing for a supreme law—apart from the Constitution itself.

I read further from this part of section 4:

(D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools;

Mr. President, do all Senators understand the significance of that? There every school trustee in every little district in the Southern States is being told: "It is your duty and your obligation to bring the races together and mix them together in the public schools, without regard to what your State law provides, without regard to your customs, without regard to what the people of your community and the students of your community favor or prefer."

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. ERVIN. Is not that putting an absolutely incorrect interpretation even upon the May 17, 1954, decision of the Supreme Court?

Mr. RUSSELL. Of course, according to my mind—although I do not think it could be made much worse than it was—under Judge Parker's ruling, that is an incorrect interpretation of that decision.

Mr. ERVIN. I ask the Senator whether Judge Parker, who had had at least three times as much judicial training as the nine judges who handed down that opinion combined——

Mr. RUSSELL. I would not limit it to judicial experience, and I hope the Senator does not persuade me to discuss the matters of ability, conviction, and principle, either, or that might produce some invidious statements.

Mr. ERVIN. But did not Judge Parker say, in express words, that the Supreme Court did not decide in that case that the schools should be desegregated, but only that a State could not exclude a particular child from a particular school solely on the basis of race. Judge Parker declared that, on the contrary, children and the parents of children have a right to freedom of choice as to the schools the children would attend?

Mr. RUSSELL. That is what Judge Parker held. I do not know whether the Supreme Court would ever hold that.

Mr. ERVIN. Under this section, would not agents of the Federal Government be sent in to the South to compel desegregation in all school districts, even though the parents of the children residing in the school districts desired to have segregated, rather than integrated, schools?

Mr. RUSSELL. Of course they would. Under this construction, they would have to do it, even though everybody of both races in the community were content with segregated schools and preferred them. That is what is pinching the Washington Post; and a little later I shall discuss that.

I read further from section 4.

(E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

Mr. President, the remainder of this rather remarkable section is an invitation to the school officials who have not integrated their schools to submit to a little Federal bribery—I say "little"; it may get to be tremendous, because this part of the amendment authorizes the appropriation of an unlimited amount of money, to enable the Commissioner of Education to tell the school districts and their officials how to mix the races in the schools.

Mr. President, I ask unanimous consent that the remainder of section 4 be printed at this point in the RECORD. I hope Senators will read it and will see how much of a voting matter or voting right denial is involved in this remarkable legislative provision.

The PRESIDING OFFICER. Without objection——

Mr. CASE of South Dakota. Mr. President, reserving the right to object—although I shall not object—let me say I did not hear the first part of the Senator's remarks; but I have been listening, in order to find the particular point on which the Senator felt he was invoking privilege.

Mr. RUSSELL. I am undertaking to show that the charge that I am prompted only by a desire to deny voting rights is completely false and out of the whole cloth. I think it is clear that in the bill from which I have been reading, the provision dealing with voting rights is only a minor feature.

Mr. CASE of South Dakota. Mr. President, I have read the editorial to which the Senator has alluded. I thought he was taking exception to the sentence:

Senator RUSSELL pretended that incendiary organizations are playing with matches—thus creating a danger of setting off "some very tragic situations."

Mr. RUSSELL. If the Senator is opposed to anything I have said, what is the point of order?

Mr. CASE of South Dakota. I am not making a point of order. I would be the first to say it was a question of privilege, if the Senator were charged with pretending, because I think that would impute to the Senator's character something that is foreign to his nature.

Mr. RUSSELL. The editorial also says that:

Their demand is for a free hand in denying citizens of the United States the right to vote. And no amount of shouting, eloquence, or windbaggery can obscure this basic fact.

I say that is false and out of the whole cloth. The most minor part of this whole proposition is the voting provision.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 4. (a)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

(b)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

(2) Appropriations under this subsection shall be available for grants to help finance—

(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

(c)(1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carryng out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

(d)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

(e) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1)

that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

(f) For purposes of this section—

(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

(g)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield further on this point?

Mr. RUSSELL. I yield.

Mr. ERVIN. In addition to the seven sections of the Dirksen substitute, I ask if the senior Senator from New York has not offered, as additional matters to be added as amendments to the Dirksen substitute, some eight amendments.

Mr. RUSSELL. I have not kept up with all of them; but a great number of amendments have been read, and very few of them have anything to do even with voting or voting rights.

Mr. ERVIN. But does not one of the amendments of the Senator from New York undertake to revive old part III, and provide in addition for the Department of Health, Education, and Welfare to go into the Southern States and plan the integration of all schools; and does not another one of the amendments of the Senator from New York, provide, in effect, that the Federal Government may even regulate the ballots the States use in the election of State and local officials; and does not another one of his amendments provide for what may be designated an antilynching bill, and does not another one of his amendments undertake to give a new right of action to any person to sue a person holding a Government contract for damages if he is willing to make an allegation that he has been either denied employment or denied promotion or has been discharged on account of his race, color, national origin, or creed?

Mr. RUSSELL. I regretfully must advise the Senator from North Carolina that perhaps I have been derelict in the performance of my duty, but I have not read those proposed amendments. However, I am perfectly willing to accept the analysis the Senator from North Carolina has presented, for I have an exceedingly high regard for his legal ability.

Mr. ERVIN. I will say to the Senator from Georgia that these eight amendments contain some proposals so monstrous that they would make Thaddeus Stevens turn over in his grave for envy, out of not having thought of them himself. [Laughter.]

Mr. RUSSELL. I am sure the Senator from North Carolina is correct.

Mr. President, I come now to section 5 of this amendment, which the Washington Post says is being resisted merely because opponents of the legislation desire to deny the right to vote to our colored citizens. I shall read a portion of this section:

SEC. 5. (a)(1) Subsection (a) of section 6 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

Mr. President, I ask unanimous consent that the remainder of section 5, which deals solely with educational matters, and does not even remotely touch on voting rights, and provides for the seizure of property belonging to the States, if it deals in part with Federal funds, be printed at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 5. (a) (1) Subsection (a) of section 6 of the Act of Sepember 30, 1950, Public Law 874, Eighty-first Congress, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(2)(A) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(B) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

(b)(1) Section 6(b)(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to applications for school construction projects with respect to which Federal aid is requested, is amended by striking out "and" at the end of clause (F), by striking out the period at the end of clause (G) and inserting in lieu thereof "; and", by adding after clause (G) the following new clause:

"(H) assurance that such agency will make the school facilities included in any such project, the application for which is approved after enactment of this clause, available to the Commissioner pursuant to sections 10(b)."

(2) Section 10 of such Act, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(3) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determination by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

Mr. HOLLAND. Mr. President, I appreciate very much the Senator's action in bringing up this point, inasmuch as ten or twelve counties in my State are the hosts for very large and important defense bases—such as the Naval Air Station at Pensacola; Eglin Field, in Okaloosa County; the guided missile base at Canaveral; the great Jacksonville Naval Air Station and its ancillaries; the very important station at Key West, and others—and, because of the very large number of children who have gone there in connection with the service personnel, all these counties have been assisted by the Federal Government—and justly so—in the effort in part to offset for the fact that the children of servicemen and service employees were in the public schools there.

Do I correctly understand the Senator from Georgia to mean that this section would require that if that practice continues, and if the Commissioner of Education and the Secretary of Health, Education, and Welfare felt that the colored children were not being fairly treated, they could move in there and could take over the schools that have been built and will be built through this cooperative endeavor that is so necessary and so just?

Mr. RUSSELL. I think so, in certain instances, but not in all cases.

Mr. HOLLAND. But it is true, is it not, that in cases where advancements have been made for the construction of schools, that could be done?

Mr. RUSSELL. I think that is true.

Mr. HOLLAND. Then I cannot too strongly condemn that section of the proposed act.

Mr. RUSSELL. Mr. President, I read it to show that the Post editorial which alleges that my opposition and that of other Senators to the bill is merely an effort to suppress the voting of our Negro citizens is of the whole cloth. That section is not even remotely connected with any voting privilege.

Now, Mr. President, I come to section 6, which is the section that deals with the Commission presided over by the distinguished Vice President of the United States, whom I was very happy to see return to the Chamber here today. This section 6 undertakes to make the Vice President's Commission a statutory organization. The Commission is now functioning, and has been functioning with a $400,000 a year budget for several years already, but this would make it a statutory agency. The bill also provides for unlimited appropriations to support it. As I stated here Saturday, under the natural consequences of the operation of Parkinson's law, this Commission will undoubtedly increase and multiply with great rapidity should it obtain statutory standing. We may be assured the appropriation for it will increase.

This is the Commission, Mr. President, to provide for equal job opportunity under Government contracts; it has to do with contracts entered into by the Government of the United States. There is no question about the Federal Government having all the authority that is necessary to operate in this field. The question is how the Government should approach it. I have stated that a contract properly drawn, with four or five lawyers to police it, is all that is necessary to see that the object is accomplished. Nevertheless, it is proposed here to make the Commission a statutory and permanent agency. I doubt not that it will continue to increase and grow in size, even under the able directorship of the Vice President of the United States.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr RUSSELL. Yes.

Mr. HOLLAND. To use very short words, is it not true that this action, if passed, would create a limited but permanent FEPC?

Mr. RUSSELL. Yes, but it would relate only to Government contracts. My objection to the FEPC was that it was unconstitutional for the Federal Government to take over employment from private hands; but there is no question, in my opinion, that the Government has a right to put such terms in its own contracts.

Mr. President, this brings us down to section 7 of the pending legislation—the so-called voter referee provision. It is the last part of the bill; and it, finally, gets down to the question of voting rights.

To my mind, the referee provision ranks well down the list in the order of obnoxious proposals in this legislation. I am sure it is so regarded by most of those associated with me in this endeavor.

Mr. President, the reason that I am ready to fight this bill to the death—whatever this may entail—is because it is a raw attempt to force the integration of the schools of my State under the guise of being just a voting rights measure. That, of course, is exactly what the Washington Post and others who are undertaking to disguise this legislation as a voting bill are attempting to accomplish.

Mr. President, I can understand the motive of the Washington Post in making false statements about this bill and in seeking to discredit those of us who oppose it. The Post succeeded a few years ago in helping to bring about the complete integration of the schools of the District of Columbia.

As a result of the terrible conditions that have grown out of the mixing of the races in the Washington schools, white people by the thousands have literally been driven out of the District to nearby surrounding areas. I am informed that the District schools now have an enrollment that is about 71 percent colored and 29 percent white. Before integration of the schools, the ratio in the District school system was about 50–50 colored to white.

Naturally, the Post would like to enforce the integration of schools in all areas of the country, particularly those near Washington. They would like to see conditions in schools of the surrounding areas become as deplorable as those in the District schools. In this way, they think they might stop the flight from the city of those who are endeavoring to escape from the mixed schools of the District. Perhaps then some of those who have left might move back to the District for the sake of convenience.

Mr. President, the Washington Post and others who are responsible for the smoke screen of false statements about this bill and about the Senators who oppose it may be deceiving some of the people of the country. But they are not deceiving the Negro leaders; neither are they deceiving those who head such organizations as the so-called Congress of Social Equality in New York, nor the ADA, nor the NAACP.

These people know the true object of this legislation. They know that its hidden motive is the mixing of the races in the schools of the South.

This has been well demonstrated by those who are participating in the lunch-counter incidents in the South. The pickets are carrying signs that read, "Down With Segregation."

I heard a radio interview only yesterday with one of the young colored people who is participating in the sitdown incidents. She referred to present efforts to force integration in the schools and said, "Well, they are just doing it too slow."

Mr. President, that is the basis of the fight here. That is the real issue at stake. Let us be men enough to face up to the real question here and not indulge in the hypocrisy of pretending that this is a fight about voting rights. That is one of the lesser elements involved in this debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair inquires whether there is further morning business. If there is no further morning business, morning business is closed.

The Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the Long amendment to the Dirksen substitute.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. Has the Dirksen substitute been read?

The PRESIDING OFFICER. The Chair is advised that the Dirksen substitute has not been read in full.

Mr. CASE of South Dakota. I ask that it be read, and that following the reading of it the Long amendment be read.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Does the reading require unanimous consent?

The PRESIDING OFFICER. It requires unanimous consent.

Mr. CASE of South Dakota. Mr. President, as a matter of right, I think it ought to be read.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. I want to know whether it requires unanimous consent.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that it is the matter pending before the Senate and can be read without unanimous consent.

Mr. McCLELLAN. Mr. President, I have a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. How did it get into the status where it can be read, but another one cannot be read without unanimous consent?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the Dirksen amendment is the pending business before the Senate, that it has been offered, and therefore it can be read.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Can it become the pending business before the Senate without having been reported to the Senate?

The PRESIDING OFFICER. The amendment has been formally offered. At the time it was offered there was no request made for its reading, but it has been formally offered and is before the Senate.

Mr. McCLELLAN. Well, how can it be read without unanimous consent if its sponsors neglected to have it read at the time? I want to get this straight, because I intend to propose an amendment, and if it is objected to I am going to pursue it.

The PRESIDING OFFICER. It is the pending amendment, and it would seem that, under the circumstances, it could be read.

Mr. McCLELLAN. Mr. President, it might seem that way, and I do not want to be contentious about it, but there is more involved than what the Chair calls the pending business. There is going to be some other business before the Senate. I want to know that I can have the right to send an amendment to the desk and have it read, whether anybody objects or not. If the Senator from Illinois can have his amendment read, I want the same right.

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that if he submits an amendment and the Dirksen amendment is pending, the Senator will have the right to have his amendment read.

Mr. McCLELLAN. With the Dirksen amendment pending, if I submit an amendment I will have the right to have it read, notwithstanding there might be objection. Is that correct?

Mr. CASE of South Dakota. If it is an amendment to the pending amendment.

Mr. McCLELLAN. I am not talking about an amendment to the pending amendment. I am talking about an amendment to the bill, just as the Dirksen amendment is an amendment to the bill.

The PRESIDING OFFICER. An amendment offered at any time to the bill, the Dirksen amendment or otherwise, can be read when it is in order.

Mr. McCLELLAN. Is that the ruling of the Chair?

The PRESIDING OFFICER. That is the ruling.

Mr. McCLELLAN. We do not have to have unanimous consent; it can be done at the request of the one who offers the amendment. Is that correct?

The PRESIDING OFFICER. That is the way the Chair understands the situation.

Mr. McCLELLAN. If the Chair understands it that way, I am glad to accept it, and I will understand it that way and be governed accordingly. I thank the Chair.

Mr. CASE of South Dakota. Mr. President, I ask that the Dirksen amendment and the Long amendment to it be read.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

It is proposed to strike out all after the enacting clause and in lieu thereof insert the following:

"CIVIL RIGHTS ACT OF 1960

"SECTION 1. That (a) chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"'Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

"'No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

"'This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.'

"(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"'1509. Obstruction of certain court orders.'

"SEC. 2. (a) Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"'§ 1074. Flight to avoid prosecution for destruction of educational or religious structures

"'Whoever moves or travels in interstate foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"'Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.'

"(b) The analysis of chapter 49 of such title is amended by adding thereto the following:

"'1074 Flight to avoid prosecution for destruction of educational or religious structures.'

"SEC. 3. (a) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with

this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by subsection (a) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(c) Any record or paper required by subsection (a) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

(d) Any record or paper demanded pursuant to subsection (c) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(e) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this section, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(f) The United States district court for the district in which a demand is made pursuant to subsection (c), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(g) As used in this section, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for.

"SEC. 4. (a) (1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

"(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

"(b) (1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"(2) Appropriations under this subsection shall be available for grants to help finance—

"(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"(c) (1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b) (2) (A) under applications approved by the State agency (designated as provided in subsection (d) (1) (A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b) (2) (B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

"(d) (1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

"(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

"(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

"(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

"(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

"(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"(e) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c) (1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c) (2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies, during such year in carrying out the purposes of subsection (b) (2) (A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

"(f) For purposes of this section—

"(1) The term 'public school' means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"(2) The term 'segregated public school' means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"(3) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(4) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"(g) (1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools,

and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

"(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

"(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.

"SEC. 5. (a)(1) Subsection (a) of section 6 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: 'Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.'

"(2)(A) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: 'or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children.'

"(B) The second sentence of such subsection (d) is amended by striking out 'Arrangements' and inserting in lieu thereof 'Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements.'

"(b)(1) Section 6(b)(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to applications for school construction projects with respect to which Federal aid is requested, is amended by striking out 'and' at the end of clause (F), by striking out the period at the end of clause (G) and inserting in lieu thereof '; and,' by adding after clause (G) the following new clause:

"'(H) assurance that such agency will make the school facilities included in any such project, the application for which is approved after enactment of this clause, available to the Commissioner pursuant to sections 10(b).'"

"(2) Section 10 of such Act, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: 'Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.'

"(3) Section 10 of such Act is further amended by inserting '(a)' after 'SEC. 10', and by adding at the end thereof the following new subsection:

"'(b) Whenever the Commissioner determines that—

"'(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"'(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determination by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner.'

"SEC. 6. (a) There is created a Commission to be known as the 'Commission on Equal Job Opportunity Under Government Contracts,' hereinafter referred to as the Commission.

"(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

"(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

"(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

"(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

"(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

"(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

"(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

"(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

"(e) The Commission shall render to the President annual reports for transmission to the Congress.

"(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

"SEC. 7. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection '(f)':

"'(e) In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

"'Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. The court shall issue a supplementary decree which shall specify which person or persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law. The Attorney General shall cause to be transmitted certified copies of the original decree and any supplementary decree to the appropriate election officials of the State, and any such official who, with notice of such original or supplementary decree, refuses to

permit any person, named as qualified to vote in such original or supplementary decree, to vote at any election covered thereby, or to have the vote of any such person counted, may be proceeded against for contempt.

" 'The court may authorize such person or persons appointed pursuant to this subsection to issue to each person named in the original decree or any supplementary decree as qualified and entitled to vote at an election, a certificate identifying the holder thereof as a person qualified and entitled, pursuant to the court's original decree or supplementary decree, to vote at any such election.

" 'The court may authorize such person or persons appointed pursuant to this subsection (or may appoint any other person or persons) (1) to attend at any time and place for holding any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any such person has been denied the right to vote, and (2) to attend at any time and place for counting the votes cast at any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any vote cast by any such person has not been properly counted.

" 'Any person or persons appointed by the court pursuant to this subsection shall have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any person or persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

" 'The court shall have authority to take any other actions, consistent with the provisions of this subsection, reasonably appropriate or necessary to enforce its decrees.'

"(b) Add the following sentence at the end of subsection (c): 'When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant.' "

The PRESIDING OFFICER. The question before the Senate is the Long amendment to the Dirksen substitute, and the clerk will read the Long amendment.

Mr. McNAMARA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 2 of the Dirksen amendment, after line 22, it is proposed to insert the following:

Nothing contained in this or any other law shall be interpreted to prevent any person from exercising his freedom of speech to advocate that separation of the races is desirable or that forcible integration of various races at public or private functions or activities is undesirable and that such forcible integration should be resisted by all legal means.

Mr. McNAMARA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bartlett	Bush	Case, N.J.
Beall	Byrd, W. Va.	Case, S. Dak.
Bennett	Cannon	Chavez
Bible	Carlson	Church
Brunsdale	Carroll	Clark
Cotton	Johnson, Tex.	Muskie
Curtis	Johnston, S.C.	Pastore
Dirksen	Keating	Prouty
Douglas	Kennedy	Proxmire
Ellender	Kerr	Randolph
Engle	Kuchel	Robertson
Fong	Lausche	Saltonstall
Frear	Long, Hawaii	Schoeppel
Gore	McCarthy	Scott
Gruening	McClellan	Smathers
Hart	McNamara	Smith
Hartke	Magnuson	Sparkman
Hayden	Mansfield	Wiley
Hickenlooper	Martin	Williams, Del.
Hill	Monroney	Williams, N.J.
Holland	Morton	Yarborough
Hruska	Moss	Young, N. Dak.
Javits	Murray	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. ROBERTSON. Mr. President, I desire to associate myself——

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. ROBERTSON. For what purpose, Mr. President?

The PRESIDING OFFICER. For what purpose does the Senator from Nebraska seek recognition?

Mr. CURTIS. I wish to propound a parliamentary inquiry—namely, whether my name was recorded on the quorum call just now had.

The PRESIDING OFFICER. The name of the Senator from Nebraska has been recorded on the quorum call.

Mr. ROBERTSON. Mr. President, I do not object to that inquiry.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia has been recognized.

Mr. ROBERTSON. Mr. President, I desire to associate myself with the statement made by the senior Senator from Georgia [Mr. RUSSELL] concerning a most surprising editorial which was published today in a great metropolitan newspaper, a newspaper which could—since I assume it is read by all Members of Congress and also has circulation outside the District of Columbia—exert great influence for good in behalf of orderly processes and in support of American constitutional liberties.

Mr. President, this morning I was shocked when I read in the Washington Post a statement which cast a slur upon all southerners who objected to this overall civil rights program. As the Senator from Georgia has said, the editorial attempted to make it appear that nothing except voting is at stake, whereas every newspaper editor knows—as the senior Senator from North Carolina [Mr. ERVIN] stated earlier today—that we have before us 5 pounds of civil rights bills, and that only 1 ounce of them deals with voting rights.

Mr. President, this editorial starts this way, "Let no one call this a niggling controversy."

The junior Senator from Virginia was not too sure what "niggling" meant. He went to the dictionary. He found three separate and distinct definitions, one of which the rules of the Senate would not permit him to mention on the floor of the Senate, but with all due deference, and as Voltaire said, "The adjective is the enemy of the noun."

Let us assume that the editor by "niggling" meant trivial. The next word was "controversy." Well, he said, "Let no one call this niggling controversy in the Senate a great debate."

Again, what does "controversy" mean? Again the Senator from Virginia went to the dictionary just to see what this learned editor was going to discuss. He found that the definition usually assumed for "controversy" is a written statement where one scholar takes issue with another scholar over some fundamental issue, like evolution, for instance. If Darwin claimed that we descended from a monkey or ape or something like that, and then somebody writes an essay and says he believes the story as told in Genesis, that would be called a controversy. So here we have the opening statement in this editorial, "Let no one call this niggling controversy in the Senate a great debate."

It will be for future historians to say whether any of the debates over these civil rights proposals reach the stature of greatness. Far be it from the junior Senator from Virginia to make that assertion for himself or to claim that the debate over the civil rights bills anywhere approaches the constitutional debates engaged in by that great array of Senators, Webster, Clay, and Calhoun. Future historians can pass on that, but, Mr. President, this editorial sought to belittle every Member of the South who has now to stand in defense of constitutional principles and the rights of his home State, knowing full well, as the Senator from Georgia has pointed out, that every Senator who has been in opposition to these measures has pointed out that they were either clearly or by implication unconstitutional and that the burden of our opposition was that it was an unnecessary and uncalled for and an unconstitutional invasion of the rights of sovereign States.

The Senator from Georgia has pointed out that the seven-part Dirksen-so-called administration bill has only one section, the last section, that deals with voting rights. It is very broad and comprehensive.

Later in his discussion, the junior Senator from Virginia will discuss at length and point out five different constitutional objections to the so-called Rogers-referee voting bill, that is, section 7, or more technically correct, section 207, I believe it is, of the Dirksen substitute.

But listen to this language, Mr. President, in an effort by a great metropolitan newspaper to belittle three outstanding Members of the Senate. It said of our distinguished colleague from Alabama [Mr. HILL] that the Senator was conjuring up a bogey. Certainly he was not talking about his golf score. A bogey. What is a bogey? Well, the dictionary says a bogey is a hobgoblin. It may be a devil, but it is something designed to scare somebody. So that is the way the metropolitan paper characterized one of the senior and distinguished Members of this body. There was no sincerity about what he has done. Oh, no. There was no statesmanship in what he was doing. Oh, no. It was a bogey. He raised a false issue to scare somebody.

The Senator from Georgia [Mr. RUSSELL] is one of the most distinguished Members of this body. He was speaker of the House of Delegates of the State of Georgia when he was 21 years of age. He was one of the youngest Governors who has ever served in that great State. He is outranked in seniority in this body only by the distinguished Senator from Arizona [Mr. HAYDEN]. What do they say about the Senator from Georgia?

The Senator from Georgia was too modest to mention this, but I am going to mention it, because I resent it. The editorial says that Senator RUSSELL pretends that incendiary organizations are playing with matches. What does "pretend" mean? I think it is a rather simple word. One does not have to go to the dictionary. Everyone knows what that word means. When a man pretends, he is putting on a false front. When a man pretends, he is putting forward something he does not believe in. When a man pretends, it is equivalent to lying about what is going on. Yet that was the line of this editorial: Senator RUSSELL pretends that there is an organization stirring up trouble.

Mr. President, everybody knows it is a fact that there are a number of organizations stirring up trouble, but Senator RUSSELL, according to this editorial, merely "pretends" that that is true.

Then they brush off the distinguished Senator from South Carolina, who said that he insists he and his colleagues will fight for some great principle. The editorial does not mention that they will fight for constitutional rights. It does not mention that they fight for States rights. It uses this belittling term "for some principle" as though the Senator did not make it clear what he was fighting for. Perhaps the writer did not know what he was fighting for. Perhaps nobody knew what he was fighting for. But he claimed that he would be fighting for some principle.

What else did the editorial say about those men who were going to fight for constitutional liberty? It said they would risk their standing before the bar of world opinion. I repeat, "their standing before the bar of world opinion."

Mr. President, who is it except the Communists who have for years been trying to stir up racial strife in this country? Who is it who goes before not only the colored man of Africa, but the yellow man and the brown man of the world, and says, "America is against you," to stir them up?

This editorial would make it appear that we are being condemned before the bar of public opinion, let us say among our allies in Western Europe, when everybody knows that this business of stirring up strife was started by those who wrote the book attacking our Constitution, which was cited by the Supreme Court in 1954 in the school cases. It was suggested that our Constitution should be thrown in the ash can, that all segregation in schools was wrong and should be done away with.

Mr. President, I deplore the fact that a great metropolitan paper, which should be a leader in this Nation, because it comes to us at our breakfast tables every morning—I assume all of us read it; I do; it is the only morning paper we can get to read early in the morning—should have made this kind of attack upon those who are opposing this legislation, to represent that there was nothing involved but voting, and say that all the Senators were trying to do was to deny citizens of the United States the right to vote.

Mr President, not even the NAACP has made the claim that any colored man has been denied the right to vote in Virginia. Statistics show that, in proportion to the population, just about as many colored voters as white voters are entitled to vote in the State of Virginia.

The Attorney General testified that he had found only four cases in the country that he thought advisable to take into court. Mr. President, even the voting matter has been blown up out of all relation to the facts, and in most cases could easily have been taken care of partly under Federal law and partly under State law. Later, as I have said, I shall discuss at length the Attorney General's proposal about voting and cite cases to my colleagues that cannot be answered and which clearly show that the Federal Government has no power whatever to proceed along the lines the Attorney General has proposed.

But, Mr. President, what I wish to emphasize at this point is that the editorial of the Washington Post conveniently and clearly ignores the fact that a very vital constitutional right is at issue before the Senate in these so-called civil rights bills.

Mr. President, I am very proud of the part Virginia played in the birth of a new nation and in the creation and development of those precious principles of political and economic freedom that were born of the brains and with the purchase of the blood of our Founding Fathers.

I like to think of the close ties that existed in colonial days between the two Commonwealths. Not many States are called Commonwealths, but Virginia is called a Commonwealth and Massachusetts is called a Commonwealth.

I like to think of the fact that the shot that was fired at Concord and heard around the world was heard in Williamsburg. The House of Burgesses met on Sunday for prayers as to what they should do, and the next day it went into assembly and sent a resolution to Boston saying, "We are going to stand by you. We are not going to stand idly by while you are being oppressed and your rights as citizens of Great Britain are being denied to you."

I like to think of the part that Washington played. After a Virginian had framed the immortal Declaration of Independence which was adopted in Philadelphia, a Virginian named George Washington led the ill-fed, ill-clothed, ill-equipped colonists, only 3 million of them against the 35 million of the mother country, in what appeared to be a most unequal struggle.

All historians, Mr. President, recall Yorktown as one of the major battles of the world, not because so many men were involved, and not because of the great strategy that was involved, but because it changed history. It meant that the Thirteen Colonies were free from the yoke of the mother country and could organize their own form of government.

I referred, Mr. President, to the close ties in the early days of our history between the Commonwealth of Virginia and the Commonwealth of Massachusetts. I like to look back to the friendship that existed between Thomas Jefferson and John Adams and the fact that when Jefferson lay dying, he said, "Thank God, Adams still lives." Adams was dying, too.

I like to think of the recognition of Virginia by the great statesman from Massachusetts, Daniel Webster, when he was dedicating and laying the cornerstone of the Bunker Hill Monument, when he said:

> As long as the James flows by Jamestown Island, as long as the Atlantic washes Plymouth Rock, no maturity of manhood will cause our Nation to forget those first spots that cradled and defended the infancy of our Republic.

Yes, Mr. President, settlers came to Virginia in 1607 to find a new way of life—the first legislative body was held at Jamestown in 1619—with those who settled in Massachusetts coming also for political, but more primarily for religious freedom. They wanted a new manner of life, and a greater freedom than they had had in the old country.

So, Mr. President, there were close ties between the Commonwealth of Virginia and the Commonwealth of Massachusetts in forming that new government.

We find on the 100th anniversary of the birth of Virginia's most distinguished son, George Washington, this great orator from Massachusetts, Daniel Webster, saying of Washington, standing on the steps of this Capitol, mind you:

> Gentlemen, we are at the point of a century from the birth of Washington; and what a century it has been. During its course, the human mind has seemed to proceed with a sort of geometric velocity, accomplishing, for human intelligence and human freedom, more than had been done in fives or tens of centuries preceding. Washington stands at the commencement of a new era, as well as at the head of the New World. A century from the birth of Washington has changed the world. The country of Washington has been the theater on which a great part of that change has been wrought; and Washington himself a principal agent by which it has been accomplished. His age and his country are equally full of wonders; and of both he is the chief.
>
> If the poetical prediction, uttered a few years before his birth, be true; if indeed it be designed by Providence that the grandest exhibition of human character and human affairs shall be made on this theater of the Western World; if it be true that—
>
> "The four first acts already past,
> A fifth shall close the drama of the day;
> Time's noblest offspring is the last"—
>
> how could this imposing, swelling, final scene be appropriately opened, how could its intense interest be adequately sustained, but by the introduction of just such a character as our Washington?
>
> Washington had attained his manhood when that spark of liberty was struck out in his own country, which has since kindled into a flame, and shot its beams over the earth. In the flow of a century from his birth, the world has changed in science, in arts, in the extent of commerce, in the im-

provement of navigation, and in all that relates to the civilization of man. But it is the spirit of human freedom, the new elevation of individual man, in his moral, social, and political character, leading the whole long train of other improvements, which has most remarkably distinguished the era. Society, in this century, has not made its progress, like Chinese skill, by a greater acuteness of ingenuity in trifles; it has not merely lashed itself to an increased speed round the old circles of thought and action; but it has assumed a new character; it has raised itelf from beneath governments to a participation in governments; it has mixed moral and political objects with the daily pursuits of individual men; and, with a freedom and strength before altogether unknown, it has applied to these objects the whole power of the human understanding. It has been the era, in short, when the social principle has triumphed over the feudal principle; when society has maintained its rights against military power, and established, on foundations never hereafter to be shaken, its competency to govern itself.

It was the extraordinary fortune of Washington, that, having been entrusted, in Revolutionary times, with the supreme military command, and having fulfilled that trust with equal renown for wisdom and for valor, he should be placed at the head of the first Government in which an attempt was to be made on a large scale to rear the fabric of social order on the basis of a written constitution and of a pure representative principle. A government was to be established, without a throne, without an aristocracy, without castes, orders, or privileges; and this government, instead of being a democracy, existing and acting within the walls of a single city, was to be extended over a vast country, of different climates, interests, and habits, and of various communions of our common Christian faith. The experiment certainly was entirely new. A popular government of this extent, it was evident, could be framed only by carrying into full effect the principle of representation or of delegated power; and the world was to see whether society could, by the strength of this principle, maintain its own peace and good government, carry forward its own great interests, and conduct itself to political renown and glory. By the benignity of Providence, this experiment, so full of interest to us and to our posterity forever, so full of interest, indeed, to the world in its present generation and in all its generations to come, was suffered to commence under the guidance of Washington. Destined for this high career, he was fitted for it by wisdom, by virtue, by patriotism, by discretion, by whatever can inspire confidence in man toward man. In entering on the untried scenes, early disappointment and the premature extinction of all hope of success would have been certain, had it not been that there did exist throughout the country, in a most extraordinary degree, an unwavering trust in him who stood at the helm.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield for a question.

Mr. McCLELLAN. Does the distinguished Senator from Virginia agree with me that at the time those sentiments were expressed and spoken on the steps of the Capitol, America—our Nation—was in her ascendancy?

Mr. ROBERTSON. There can be no doubt about that.

Mr. McCLELLAN. Are the same sentiments being expressed or are they implied in the type of legislation which is now before the Senate?

Mr. ROBERTSON. Daniel Webster, as I shall point out later, in the same address made a prediction, after saying how Washington had contributed to winning our freedom and to framing the Constitution; and everyone who knows the history of the Constitution knows that a group of men met, first, in Annapolis, in 1786, to ponder over the formation of a government. They did not make progress. Then Benjamin Franklin appealed to George Washington to get representatives of all the States to come to Philadelphia.

Washington said he was too old to be in that assembly, but Franklin prevailed upon Washington to preside. Franklin told Washington that it would take his leadership and influence to get the far-separated Colonies, some large, like Virginia, and New York, some small, like Delaware and Rhode Island, together and to form a more perfect union.

Historians tell us that not only did it take the great prestige of Washington, but it also took the brains of a Virginian like James Madison, to frame what Gladstone later called the greatest instrument ever struck off by the hand and purpose of man.

It also took the religious faith of a Benjamin Franklin to contribute to the success of the Convention. When the Constitutional Convention appeared to be wrecked on the rocks of the question of representation in the U.S. Senate, when the small States were unwilling to let the big States have proportional representation in the Senate, which they had already agreed upon to have in the House, Benjamin Franklin rose and said, in effect:

In this emergency, when we are groping in the dark, as it were, to discover political truth, and are scarce able to perceive it when it is presented to us, why has it not once occurred to us to ask the Father of Lights to illumine our understanding.

Mr. McCLELLAN. Mr. President, will the Senator from Virginia yield for a question?

Mr. ROBERTSON. I yield for a question.

Mr. McCLELLAN. Does the Senator agree with me that the type of legislation which is now before the Senate would, if enacted, tend in some respects and to some degree to impair State sovereignty, to the extent that we are in danger of undermining the Republic as a Union of Sovereign States, and thus are transferring the sovereign power from the States and the rights reserved to the States to a Central Government in Washington?

Mr. ROBERTSON. That is the very central issue for which we are now fighting. It is the issue that the editorial in the Washington Post, which I have mentioned, has completely ignored.

I was coming to the point of how Benjamin Franklin exerted a religious influence over the Constitutional Convention. After telling how Washington had knelt and prayed in the snows at Valley Forge, and how all had prayed for help during the 7 years of bitter struggle, Franklin concluded by saying:

Sir, I have lived a long time. The more I live, the more evidence and proof I see of the fact that God governs in the affairs of men. If it be true that no sparrow can fall to the ground without His notice, how can we hope, sir, to see a new empire rise without His aid?

Mr. President, I wish to quote from the message of Daniel Webster on the steps of the Capitol on the 100th anniversary of the birth of George Washington, when Webster predicted that we could destroy the Constitution, but that if we did, we could never rebuild it. Then I shall quote from a lecture given at Harvard University by a great Republican lawyer, John Lord O'Brian, in which Mr. O'Brian said:

The protection of our Constitution is the greatest issue that faces us today.

As the Senator from Arkansas [Mr. McCLELLAN] has pointed out, a determined assault is being made upon the Constitution and upon the rights of the States, the sovereignty of which constitutes our greatest bulwark for the preservation of our republican form of government and our protection against dictatorship.

I shall not read in further detail what Daniel Webster said about how Washington had contributed to our fight for freedom and how he had contributed to the framing of the Constitution, and how his faith and the faith of the people in him had kept the country going through its formative years, but Webster concluded by saying:

The political prosperity which this country has attained, and which it now enjoys, has been acquired mainly through the instrumentality of the present Government. While this agent continues, the capacity of attaining to still higher degrees of prosperity exists also. We have, while this lasts, a political life capable of beneficial exertion, with power to resist or overcome misfortunes, to sustain us against the ordinary accidents of human affairs, and to promote, by active efforts, every public interest. But dismemberment strikes at the very being which preserves these faculties.

Mind you, Mr. President, the attempt to divide the North and the Northwest from the South continues today.

Webster continued:

It would lay its rude and ruthless hand on this great agent itself. It would sweep away, not only what we possess, but all power of regaining lost, or acquiring new possessions. It would leave the country, not only bereft of its prosperity and happiness, but without limbs, or organs, or faculties, by which to exert itself hereafter in the pursuit of that prosperity and happiness.

Other misfortunes may be borne, or their effects overcome. If disastrous war should sweep our commerce from the ocean, another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity? No, if these columns fall,

they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful, a melancholy immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art, for they will be the remnants of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield for a question.

Mr. McCLELLAN. Does not the Senator believe that the type of proposed legislation which is now being considered, and the Supreme Court decision upon which a part of the pending amendment in the nature of a substitute is predicated, are striking at the very foundations of the Republic?

Mr. ROBERTSON. Absolutely.

Mr. McCLELLAN. I ask the question: When these actions are nibbling at the Constitution and weakening it—actions that we are fighting against, trying to protect the Constitution, and trying to protect the Constitution from being destroyed—the question is raised, Who can restore this Constitution once it is destroyed?

Mr. ROBERTSON. Daniel Webster was one of the truly great statesmen we have named here as one of the alltime greats, and he said, "If we destroy this Constitution, we cannot rebuild it."

We are in the process of doing it by degrees. Let there be no doubt about it. The Supreme Court pulled down one pillar. As the Senator from Georgia said, for years and years, the courts have held that, if the facilities in the schools were equal, the students could be segregated, and there was nothing in the Constitution to the contrary; nothing in the Constitution that ever contemplated the Federal Government's having any control over schools.

Yet, in effect, in Brown against Board of Education, the Supreme Court amended the Constitution, wrote a new law, which one of the Dirksen amendments is now attempting to require us to accept as the supreme law of the land, when the Constitution says that the laws of Congress and the treaties which Congress approves shall be the supreme law of the land. We are being asked to say that the law, which all previous courts, the Supreme Court, those of the States, the circuit court of appeals and the Supreme Court in its decisions, over a long period of time, have said is the supreme law of the land, can be reversed overnight, and that this Supreme Court now can say that something else is the supreme law of the land.

Then we have this series of bills. I believe, as has been said, that there are 61 bills which have been introduced by one Senator here, which add up, as the Senator from North Carolina said earlier today, to 5 pounds, proposed legislation, and every bill is without any constitutional validity; it is either openly in violation of the Constitution, or in violation of the 9th and 10th amendments.

Incidentally, the 9th and 10th amendments were put into the Constitution on the insistence of Virginia. When the Constitution came back from Philadelphia to Richmond, Patrick Henry led the fight against it, and George Mason joined with him. There never was such a distinguished group of statesmen as were there gathered. Four future Presidents of the United States participated in that Convention. The great Chief Justice John Marshall participated in it. All the best lawyers and the statesmen of Virginia were in it; and it was only as a result of the influence of George Washington and the wonderful logic of James Madison, plus the promise of amendments, that the Virginia ratifying convention appointed two committees. One was to draw an amendment along the line of Virginia's Bill of Rights, framed by George Mason, to be offered as amendments. He drew 12 of them, and Madison offered all 12. Ten of them were adopted.

In addition to that, they appointed a committee to frame reservations, and New York adopted the same reservations. The main reservation was that if, at any time, notwithstanding the clear intent of the Constitution, the Federal Government should never have any power beyond what was delegated to it and that all other powers were reserved to the States and the people thereof—if they ever overstepped these bounds and rights and imposed on the States, Virginia reserved the right to get out of the Union; and that was the basis on which Virginia ratified this Constitution. There would not have been any Union formed if Virginia had not ratified. It was the biggest, wealthiest, most influential State at the time, and New York, which was probably the next largest at the time, certainly the next wealthiest, adopted the same reservations.

They were fearful of going into a new scheme of things that might crush the rights of sovereign States, and although they adopted all the reservations they thought were necessary, both specifically in the Constitution and in the 10 amendments that were written in and virtually became a part of the original instrument, they thought this additional reservation would be profitable.

So I say, Mr. President, there was nothing in the minds and hearts of the framers of our Constitution which was closer and dearer to them than the concept of a Federal Union. If anyone does not know what Federal Union means, I ask him to look at the dictionary, and there he will find the definition of what the Federal Union is. It is a union of sovereign States. That was the concept. That was to be the keystone of the arch of American constitutional liberty—a union of sovereign States.

As the Senator from Arkansas has pointed out this afternoon, those rights, so cherished by the Virginians and others who framed this new union, are being impinged today by a series of so-called civil rights bills. We are attempting to defend the rights of the States, and to let the American people know—and apparently some of them do not know—that far more is involved in these bills than the question of who is going to vote this November in Alabama. As I have said, there has not been any real problem in Virginia. Nobody has charged that Virginia has denied the right to vote to anybody on account of race, color, or previous condition of servitude, and that is provided for by the 15th amendment.

As I shall point out later when I shall get to the detailed discussion of the voting bill, it goes beyond the 15th amendment, and it goes far beyond any Federal right to take charge of any State or local elections. It just invades the election machinery in every State—unconstitutional provisions, any way you look at it.

I have quoted from Daniel Webster about the importance of the preservation of our Constitution. Daniel Webster was a Whig. He had a great deal of support in Virginia, because the Whig Party was the descendant of the old Federalist Party when the country was first organized, and they were called the conservatives.

I shall now quote from a distinguished Republican lawyer, who is a descendant of the Whig Party. The Republican Party was formed when the northern Whigs and Abolitionists went together over the issue of States' rights and the right to secede. Southern Whigs went into the Democratic Party. In fact, they went into the Democratic Party largely in 1828, and that was the first time Virginians ever went Democratic. That was the election in 1828 of Andrew Jackson to the Presidency.

This is what Mr. John Lord O'Brian, of New York, said at Harvard:

The timeliness of our topic—the value of constitutionalism today—is undeniable. As our own Professor McIlwain has expressed it:

"Never in its long history, has the principle of constitutionalism been so questioned as it is questioned today, never has the attack upon it been so determined or so threatening as it is just now. The world is trembling in the balance between the orderly procedure of law and the processes of force which seem so much more quick and effective. Never in recorded history, I believe, has the individual been in greater danger from government than now."

If Professor McIlwain had been describing these so-called civil rights bills, he could not have had a better chance of summarizing what we are up against. John Lord O'Brian continued:

Although this comment was written in 1940, it is equally impressive as of today.

Just what do we mean by this "principle of constitutionalism"? It is not an area which lends itself to dictionary analysis. Yet I feel that to all of us constitutionalism has one essential quality: It is a legal limitation on government, the antithesis of arbitrary rule, and of a government of will instead of law.

The antithesis of arbitrary rules and a government of will instead of law.

Perhaps no one has given a better summary of the tradititon of constitutionalism than Cardozo—

Mr. Justice Cardozo, of the Supreme Court, the constitutionalist he is discussing. He quotes Cardozo:

"The great ideals of liberty and equality are preserved against the assaults of opportunism, the expediency of the passing hour,

the erosion of small encroachments, the scorn and derision of those who have no patience with general principles, by enshrining them in constitutions, and consecrating to the task of their protection a body of defenders. By conscious or subconscious influence, the presence of this restraining power, aloof in the background, but nonetheless always in reserve, tends to stabilize and rationalize the legislative judgment, to infuse it with the glow of principle, to hold the standard aloft and visible for those who must run the race and keep the faith."

Now I return to the quotation from Mr. O'Brian:

The power implicit in this rich tradition has not been so much weakened as it has beeen redirected. Nevertheless, all constitutionalism retains its essential quality. Despite changes wrought by interpretation, it still remains the one answer to Acton's apothegm that "passion for power over others will never cease to threaten mankind." It is certainly unnecessary to remind this audience that the Constitution itself was the result of conflicting influences arising from differing convictions as to social and economic values, or that it represented a fixed attitude on certain values like that of property as well as that of individual freedom. This same conflict in the realm of values is the underlying reason why changing conditions and pressures in these same areas compel both the Congress and the courts to give more and more weight to sociological considerations. It was the fundamental moral aspect implicit in some of these social problems which originally brought about their close interrelationship with the morality sanctioned by the common law. This was particularly true of the ideals of the essential dignity of the individual and of his so-called inalienable rights. Democracy was invisaged in religious or moral terms long before it assumed a political terminology. Furthermore, it seems to be generally agreed that it was the tradition of civil liberties firmly rooted in and defended by the common law which inspired both the revolution of 1640 and the revolution of 1688.

In other words, Mr. President, I have quoted from Daniel Webster about the importance of preserving the Constitution, and sounding the warning, back there on the 100th anniversary of Washington's Birthday, that our Constitution could be destroyed, and that if it were destroyed, it could never be resurrected; and then I have read from the recent address, at Harvard University, by a great Republican New York lawyer, in the course of which he quoted a Harvard professor as saying that great assaults are today being made upon the Constitution, and that great responsibility rests upon the citizens of this Nation to defend it and to protect the sovereignty of the States.

Mr. President, after making that general observation about the fact that we have a multiplicity of so-called civil rights bills before us—although only 7 of them are specifically before us by means of the Dirksen amendment; and 8 more are at the desk, as they have been proposed by the Senator from New York [Mr. JAVITS], although I believe it has been said that he has introduced a total of over 60—I wish to take up and discuss in detail the voting section of the Dirksen amendment. It is the last section of that amendment.

The administration's proposal for voting referees was released to the press on January 26, 1960; it was discussed by the Attorney General before the Committee on Rules and Administration on February 5, 1960, the last day of that committee's hearings on a number of bills making other and different proposals relating to voting; and it was introduced in the Senate as section 7 of S. 3001 on February 8, 1960, which was referred to the Judiciary Committee, and is pending before that committee. The proposal is also included as section 7 of the amendment in the nature of a substitute to H.R. 8315, dated February 24, 1960.

The proposal would authorize U.S. district courts in the course of injunction proceedings under the Civil Rights Act of 1957 to appoint voting referees to register voters and to compel State election officials to let such voters vote.

This is a truly radical proposal. It would put the Federal Government, through the judicial branch, directly into the business of running elections, including State elections. This goes far beyond any precedent in statute or in court decision. It violates fundamental principles of due process and procedure far older than the U.S. Constitution.

This proposal is unconstitutional, unwise, unworkable, and untimely.

Consideration of this proposal as an amendment to an unrelated bill, in the absence of meaningful hearings and a committee report, also violates all proper legislative procedures. No Senate committee has held hearings on the bill itself. While the proposal was unveiled during the course of the Rules Committee's hearings on other proposals, and while the Attorney General made a brief explanation of the proposal on the last day of the Rules Committee's hearings on other bills, the Rules Committee cannot be said to have had hearings on this proposal. Certainly, no hearings have been held commensurate with the radical and far-reaching nature of the voting referee proposal and the constitutional, legal, and practical problems involved.

I should like to summarize briefly the points I intend to make, before entering into a more thorough discussion of each one.

First. I consider that the proposal is unconstitutional, because it would put the Federal Government into the business of conducting elections. I do not consider that the Federal Government has authority to conduct Federal elections itself under the present circumstances; and I do not think that the Federal Government has any authority to conduct State elections under any circumstances.

Second. I consider that the proposal is unconstitutional because it would authorize the issuance of a registration certificate to a voter for use in an election without requiring a finding that the 15th amendment had been violated with respect to that voter.

Third. I consider that the proposal is unconstitutional because it gives to the judicial branch of the Federal Government functions which are clearly not judicial, either in substance or in the manner of execution prescribed.

Fourth. I consider that the proposal is unconstitutional because it would delegate to Federal officials the function of determining the qualifications of voters, a function vested in the States by article I, section 2, and the 17th amendment.

Fifth. I consider that the proposal is unconstitutional because it would violate all principles of due process and sound procedure. The ex parte proceedings for the appointment of voting referees and issuance of registration certificates, all without notice to the election officials charged with violation of the 15th amendment, without notice to other voters in the same district, and without notice to the candidates involved, violate the most basic standards of fair play and due process.

Sixth. I consider that the proposal is premature. The Supreme Court is now considering three cases involving the constitutionality and effect of the section of the Civil Rights Act of 1957 which this proposal would amend and on which it relies. We should find out whether this provision in the Civil Rights Act of 1957 is constitutional and, if so, what it means, before trying to amend it.

Seventh. I consider that the proposal is premature because it seeks to amend the Civil Rights Act of 1957 before there has been enough experience under that act to find out whether additional legislation is needed. Not only is it necessary to know whether the 1957 act is constitutional and what it means; it is also necessary to know whether and how it works.

The Federal Government has no authority to conduct Federal elections itself under the present circumstances. The Federal Government has no authority to conduct State elections itself, under any circumstances.

The administration's proposal provides for the issuance of certificates to prospective voters which entitle them to vote as though they had registered under the usual procedures. In fact and in law the issuance of the registration decree and the registration certificate constitute the registration of the voter. The voting referee appointed by the Federal court and the Federal court itself when it approves the finding of the voting referee would be acting as part of the State election process carried on in all other respects by State officials under State law.

I want to emphasize the direct participation of the Federal court in the election process under the administration proposal. The voting referee, and the court to the extent it rubberstamps the voting referee's decisions, would not be merely supervising the State elections officials in order to make sure that the State elections officials did not violate Federal laws or the Federal Constitution. The voting referee and the court would be registering a certain group of the voters in the coming election just as effectively as the State registration officials would be registering those voters

who came through the normal procedures. In fact, because of the contempt procedure provided under the administration proposal the registration by the voting referee and the court would be more conclusive than the State registration.

It is because the administration proposal would place in the judicial branch of the Federal Government this important part of the election process, that this proposal goes far beyond the present statutes authorizing injunctions against, or providing criminal penalties for, acts which would violate the 15th amendment. It is because the administration proposal would place in the judicial branch of the Federal Government this important part of the election process that the administration proposal goes far beyond even the election supervisors appointed under the Force Act of 1870. With all their faults, with all their power, these 1870 election supervisors merely supervised the State election officials; they did not themselves perform any part of the actual process of carrying on the election.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Mr. President, the Senator in referring to the Force Act of 1870 is referring, is he not, to the Restruction Act under which the occupation forces of the Federal Government kept supervision over election procedures in the country provinces?

Mr. ROBERTSON. Oh, that is true. The Congress adopted a resolution—I have said how Virginia led the fight to win freedom and affirm the Constitution and set up a new government—and the Congress said Virginia was not capable of self-government, so Virginia was named Military District No. 1, and they sent the Federal Army down there, and they passed these election and other force bills. They disqualified everybody who had been in the Confederate Army—that meant everybody who was able-bodied and of military age—and ratified these amendments to the Constitution at the point of a bayonet, and they were the Force Acts to which the Senator was referring. That is right. This goes beyond that.

Mr. HOLLAND. Mr. President, my father was born in 1846. He fought in the last 2 years of the War Between the States as a boy of 17 and 18, and then first voted, as I recall, in 1868. As I recall, he told me frequently, and always in good humor, about the fact that several of the first elections that he voted in, extending up until about 1876, he voted with the polls being guarded by Federal occupation troops, generally colored Federal occupation troops. Is the Senator talking about that procedure when he says that this act goes further than the procedure then, because then they simply supervised the acts of the registration officers and other election officials of the several States, whereas now they would propose to themselves determine, through the supervisors appointed, who should be registered and who not?

Mr. ROBERTSON. That is correct.

Mr. HOLLAND. And who should vote and who not?

Mr. ROBERTSON. Of course, they will deny they are going to do anything like that, but, remember, Jefferson said:

> Trust no man with power. Bind him down by the chains of the Constitution.

Now they want to violate the Constitution. They want to take off all the chains. They want to go back.

Did not Chief Justice Warren say something in 1954 about you cannot turn back the hands of the clock?

Now they are going to turn them back to 1870, the Force Acts, and go beyond that period. It is more than supervising. It will give them control of it. It is more than Federal elections. It takes in State and local elections. It is all in this.

Mr. HOLLAND. Mr. President, may I ask the distinguished Senator to state for the RECORD the conditions to be required to be fulfilled before the Federal Government is authorized through its courts to appoint the registration officers and to control and conduct the elections as to those participating in the election of Federal officers and who have been registered by the Federal supervisor?

Mr. ROBERTSON. Well, only one man has to make a complaint that his rights have been denied, and the Federal Government then can step in, and there is no limit to how many this Federal official can register. He might change the whole course of an election by the number that he puts on the voting list, and he is sole judge. It says, if they are qualified to vote in any election. It does not say even in the State, but any election. It could be anywhere, and he could ignore all the State restrictions about residence and age and whether one is a lunatic or not or whether one is a felon or not. He is not bound by any of those things. It goes beyond anything we have ever had before, and I say on at least five different counts it is unconstitutional.

Mr. HOLLAND. If I may ask one more question, the Senator takes the position, with which I agree, that this is a further reaching proposal, taking over more fully and more completely the functioning of the State elections, and setting aside more fully the provisions of section 2 of article I of the Constitution, which provides that the State is itself the one to impose qualifications for electors in Federal elections. Is that correct?

Mr. ROBERTSON. The Senator from Virginia would put only one restriction on the observation of the Senator from North Carolina about Thad Stevens turning over in his grave over the fact that he had not thought of that in 1870, assuming Thad Stevens had gone to paradise instead of somewhere else when he heard about this.

Mr. HOLLAND. I thank the Senator. I commend him for the way he is clarifying the issues presented in the seventh proposal of the Dirksen substitute.

Mr. ROBERTSON. Mr. President, it astounds me beyond question that the distinguished editor of the Washington Post should have lambasted us, ignoring the serious question involved in this issue, and have merely said there is nothing involved except that we want to keep certain citizens from voting. Think of that.

The procedure proposed is one that goes far beyond the provisions of the Force Act of 1870, which was repealed in 1894, after most serious abuses had occurred, not in the South, but primarily in the city of New York, where hundreds of Democrats, by force and chicanery, were prevented from voting, and where millions of dollars were spent.

Think of what a bureaucracy could be built up by a politically minded administration that really wanted to go to town under the provisions of this proposal. There would be not limit to what they could spend. As someone has pointed out, under one of these bills $1 billion could be authorized, if Congress wanted to appropriate that much. It is an open-end authorization to finance this organization whenever Congress, under political pressure, saw fit to appropriate whatever it might wish to do under these bills—unlimited authorization for power far beyond the obnoxious Force Act of 1870.

In 1954, in the school case, it was suggested that Chief Justice Taft in that Great Court of his did not know what the Court was doing in the case of the Chinese girl, when it held that if she did not get into a white school, but got into one that was equal to white schools, her constitutional rights were not infringed. It was stated in 1954 that "we cannot turn the clock back to that time, or back to Plessy against Ferguson, in 1896." It was stated we cannot turn the clock back to that time. Here we are asked to go back to 1870, and there is a worse bill before the Senate than was enacted at that time, a stronger bill, and one which could lead to more abuse. That other bill was so bad that Congress was forced, in decency, to repeal it in 1894.

I find no basis in the Constitution for this radical, novel proposal.

Article I, section 4, of the Constitution provides no authority for the administration voting referee proposal. On the contrary, the history of this section shows that the Federal Government was not intended to control or carry on State elections.

Article I, section 4, of the Constitution provides as follows:

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The first and most obvious fact which can be seen from this provision at the first glance is that it gives no authority whatever to the Federal Government with respect to elections for President and Vice President, or for presidential electors, and no authority whatever with respect to State elections.

I am talking now about constitutional limitations. This proposal takes in all of those elements. The Constitution does not give the Federal Government any power at all even about the time,

manner, and place of elections. This is just part of what they want to have under the Attorney General—administration bill.

It is just a mild bill, it is said, and all we are trying to do, according to the Washington Post, is to keep citizens from voting.

The administration proposal authorizes the voting referee and the Federal courts to register voters to vote in presidential elections and State elections, in addition to voting in elections for Senators and Representatives. The Attorney General during his testimony before the Rules Committee made a particular point of the fact that his proposal would not fragmentize the election process, and that voters could not practicably be registered to vote in Federal elections but not in State elections.

Even with respect to elections for Senators and Representatives, article I, section 4, of the Constitution does not authorize the Federal Government to conduct elections itself, as distinguished from altering or controlling the manner in which State officials conduct the elections, except when this is necessary to the preservation of the Government. It will be recalled that at the time this article of the Constitution was adopted, Senators were chosen by the State legislatures. It was to prevent the Congress from being able to order State legislatures to meet at places of the Congress's selection that the exception was put in article I, section 4, with respect to the places of choosing Senators.

This provision was explained and supported in the Constitutional Convention, the Federalist, and the ratifying conventions primarily on the ground that it was necessary for the preservation of the Government, and that it would have given to the State governments too easy an opportunity to destroy the Federal Government if the Federal Government did not have final authority in this respect. Hamilton recognized, in No. 59 of the Federalist, that this argument was inconsistent with the delegation of the power to appoint Senators to State legislatures which "by forbearing the appointment of Senators, may destroy the National Government." However, he took the position that the power to appoint Senators was a necessary consequence of the Federal principle and could not have been avoided without excluding the States in their political capacities from a place in the organization of the National Government.

There was a widespread feeling that the Federal Government should not be authorized to control the times, places, or manner of holding elections for Senators and Representatives, except when the legislature of a State should neglect to refuse or be disabled by invasion or rebellion to do so—2 Farrand, Records of the Federal Convention, 241. A number of State ratifying conventions recommended amendments to this effect—Elliot's Debates on the Federal Constitution, 1836, volume 2, pages 177, Massachusetts, pages 325–329, New York, page 545, Pennsylvania; volume 3, pages 366–367, 661, Virginia; Senate Report No. 113, 53d Congress, 2d session, page 5, New Hampshire, Rhode Island, North Carolina. An amendment to this effect was considered by the First Congress and rejected—annals of Congress, pages 767–774, August 21, 1789.

In all of this discussion, it was made clear that the primary power was given by the provision to the States and the reserve power was only left with the Federal Government, as a reserve power for use only to the minimum extent needed. Madison made this clear during the Virginia ratifying convention:

> It was found impossible to fix the time, place, and manner, of the election of representatives, in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the general government, in order to enable it to produce uniformity, and prevent its own dissolution. And, considering the State governments and general government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former, and the general regulations to the latter. Were they exclusively under the control of the State governments, the general government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised. The power appears to me satisfactory, and as unlikely to be abused as any part of the Constitution. (Elliot's Debates, vol. 3, p. 367.)

Madison, in the constitutional convention, and Hamilton, in the Federalist, made abundantly clear their understanding that neither article I, section 4, nor any other provision in the Constitution gave the Federal Government any control whatever over State elections.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Has it not been held, up until at least the present Supreme Court ruled, under Chief Justice Warren, that the Federal Government had no power whatever to say who was qualified to vote and who was not qualified to vote?

Mr. ROBERTSON. Without any equivocation; without any question. I shall later quote from a case in which Chief Justice Taney said that the Court could construe the law but the Court could not make law; that the Constitution clearly left to the States the control of their elections, and the Court could not get into politics and take charge of that. That has been the clear holding of the Court all the way through, as I will show.

There is not any question about the unconstitutionality of the Rogers administration proposal to move in and take control over State and local elections. There can be no doubt about it. All the courts have held all the way though they did not have that power.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Has the Senator heard that the Supreme Court only today handed down certain decisions involving the Civil Rights Act of 1957?

Mr. ROBERTSON. The Senator did not, but he has remarked in this statement that where the section of the 1957 act was amended by section 7 of the Dirksen amendment, if they held the original act unconstitutional, this would fall with it. If they held it constitutional, this would not be necessary. What was the decision?

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. ROBERTSON. Yes.

Mr. LONG of Louisiana. The Senator is familiar with the fact that one of the cases handed down today was from Louisiana?

Mr. ROBERTSON. Yes.

Mr. LONG of Louisiana. Does the Senator know that in the Louisiana case, a Federal district judge, undertaking to follow what I assume he thought the Supreme Court would want him to decide, proceeded to hold that an unqualified voter, one not qualified by law, could not be taken off the roll in pursuance of State law unless the person who challenged the qualifications of the voter challenged somebody of the opposite race at the same time?

Mr. ROBERTSON. Yes. Mention is made of that later in this speech. It is a most unusual thing. But the court went on and said something else.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does it make any sense to the Senator for a court to say that if a person's name happens to be on the rolls, and the person does not live in the State, before his name can be removed from the rolls one must undertake also to remove from the rolls the name of a person of the other race?

Mr. ROBERTSON. That would not make any sense to the junior Senator from Virginia, but the burning issue is: Did it make any sense to the Supreme Court?

Mr. LONG of Louisiana. Does the Senator know that the Supreme Court undertook to uphold that decision, notwithstanding the fact that the basis of it was the assertion that a person cannot be challenged, even though he was not qualified to vote, unless there is a challenge of somebody of the other race as well?

Mr. ROBERTSON. That is not too surprising, but it is very depressing. That was the decision. The Supreme Court upheld the decision in the Louisiana case. What did it do about the Georgia case—or has the Georgia case been argued yet?

Mr. LONG of Louisiana. In the Georgia case it was decided also the way the national colored people's association would like to have it decided. Not knowing precisely what the effect of it was, I state the meaning was the same.

Mr. ROBERTSON. In the Georgia case, both the district court and the circuit court of appeals, or whichever court passed on the question, held that the act was unconstitutional. Then I assume they were reversed.

Mr. LONG of Louisiana. The act was held to be constitutional, it being the impression of this Senator that just about whatever the NAACP wanted held was held, as is usually the case in that court.

Might I ask the Senator if he has heard of this news report emanating from New York City, indicating that there were some complaints among the colored operators of the numbers rackets that some of their members had been arrested, with the contention that they were subject to discrimination because there were some white gamblers who had not also been arrested?

Mr. ROBERTSON. The Senator from Virginia did not know about that one.

Mr. LONG of Louisiana. Has the Senator previously come across this theory of the national colored people's association that as between two groups of law violators, one cannot be apprehended unless the other is simultaneously apprehended?

Mr. ROBERTSON. The Senator was not familiar with that principle of law either.

Mr. LONG of Louisiana. Might I suggest to the Senator that he is to become familiar with it, because about all it is going to take is for the Civil Rights Commission or for the NAACP to send a petition to the Supreme Court. If that is what they want held, that is about what the Court is likely to hold.

Mr. ROBERTSON. The junior Senator from Virginia later in his speech was going to cite what Mr. Justice Bradley said in the civil rights cases in 1883. He has not gotten to that yet, but this might be a good time to mention what the Justice said.

This is a quotation from his opinion:

> When a man has emerged from slavery and by the aid of beneficent legislation has shaken off inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen and ceases to be the special favorite of the laws; and when his rights as a citizen or a man are to be protected in the ordinary modes by which other men's rights are protected.

Mr. LONG of Louisiana. Can the Senator from Virginia suggest to us when that time might ever be reached, for those of us who are hoping that some day the time might come when all citizens will stand on the same basis?

Mr. ROBERTSON. I believe that these so-called civil rights bills are predicated on the assumption that that time has not come, although that decision was handed down in 1883, nearly 80 years ago.

There ought to be approaching a time when everybody would stand on his own feet, so to speak, and we would not have one law for a white man and another law for a colored man, but they would all be treated as citizens, all be treated alike. These civil rights laws all seem to be predicated on the theory that if you are not a white man you have certain rights that the white man does not have.

Mr. LONG of Louisiana. Is the Senator familiar with the old, ancient concept which I suppose is passing from vogue today, that prior to a person being privileged to vote, that person must go through the necessary process and meet the requirements provided by law in order to qualify himself to vote?

Mr. ROBERTSON. The junior Senator from Virginia, when he appeared before the Rules Committee, said about these various voting bills:

> All these proposals are in conflict with the Constitution. All of them would put the Federal Government directly into the business of conducting elections. The Constitution does not authorize this. The Constitution does not provide this. The Constitution does not permit this.

Will the Senator repeat again one phase of his question?

Mr. LONG of Louisiana. My question is: Does the Senator subscribe to the ancient doctrine that prior to a person's being authorized to vote, he must go through the necessary procedure to enable him to become a voter?

Mr. ROBERTSON. It has been assumed ever since we have had States that one must meet his State's requirements and must qualify under State law by going to the State officials who have control of the qualifications for voting. That is the way we have always operated. Now it is proposed to change that method. It is proposed to place the Federal Government in control. The courts have held that there was no authority to do that; and on a complaint, not verified, the so-called masters will take testimony. Then they can register a man and can let him vote. There is to be no appeal from the actions of the masters. They will be permitted to supervise the voting and count the ballots and returns. They will really be able to take charge of the elections in the States.

Mr. LONG of Louisiana. Does the Senator from Virginia really believe that all the agitation, all the Supreme Court decisions, and all the publicity which seek to make the colored man believe he is being discriminated against is actually doing the colored man any good?

Mr. ROBERTSON. As I said earlier in the afternoon, I have never known of any colored person in Virginia being denied the privilege of being registered, of being intimidated at the polls, or being prevented from voting. I am satisfied, so far as my observation of conditions in Virginia is concerned, that we have always had very friendly relations with those of the colored race. Some of the best friends I have ever had were colored people.

I remember that during my boyhood, the foreman on my grandfather's farm was like a father to me. He looked after me as a special charge. The relations were fine. But those relations today have been hurt; there is no doubt about it. I am satisfied that the same situation applies, perhaps even more so, in the Deep South, where the problem is more acute than it is in many sections of Virginia.

Mr. LONG of Louisiana. Would the Senator from Virginia agree with me that the great majority—the almost overwhelming majority—of white people in the South are genuinely interested in having the colored man advance, prosper, do well, earn more income; and that given a chance to cooperate toward that end, he would like to see just that condition brought about?

Mr. ROBERTSON. Absolutely. I have noticed on several occasions, when visiting the tobacco-growing area of Virginia, where flue cured cigarette tobacco is produced, that the same information which the county agent gives to the white man is given to the colored man. Whenever meetings of farmers are held, and they come together in a big warehouse, the colored tobacco growers and the white tobacco growers attend the meetings, and they all cooperate to learn how they can improve the production of tobacco, how they can protect their prices, and what not. They all work together. That is true in all sections of the State.

We want to see the colored people educated; we want to see them become qualified to vote; and we want to see them improve their economic conditions. There is no question about that.

Mr. LONG of Louisiana. Is it not generally true that most persons, if they are told that they are being discriminated against, that they are being victimized; if they are told that someone is not treating them right, will, over a period of time, have the feeling that someone is doing him an injustice, and that he will develop a sort of warped attitude toward life?

Mr. ROBERTSON. Yes, I think that is true. I think much friction is being developed by agitators where friction did not exist before. Under the guise of promoting the interests of the colored people, they simply churn up trouble for them.

Mr. LONG of Louisiana. Is it not also true that most good psychiatrists and most good clergymen make it a point to help such persons to realize that people are trying to do the right thing by their fellow man; and that many times when a person feels injured, hurt, or victimized, the person who it is felt was responsible for such injury really meant no harm, but actually believed he was contributing good will rather than evil toward the person?

Mr. ROBERTSON. It has become well recognized that there is in human nature what is called a chip on one's shoulder; to feel that a slight or an insult was intended when none was really intended; that one is supersensitive and suspicious, and not in tune with his fellow man, who really intended to be friendly and wanted to get along well with him. But the injured person feels that perhaps the other person is not his friend, but is his enemy.

Mr. LONG of Louisiana. I ask the Senator whether in his judgment the basic answer to the entire civil rights question might not be found in the teaching of the Master, and most of it, perhaps, even in the simple Golden Rule itself:

> All things, whatsoever ye would that men should do to you, do ye even so to them.

Mr. ROBERTSON. Undoubtedly that would do more to solve the present problem than anything else. I do not believe it can be solved by law. Certainly a man's heart and his feelings cannot be changed by force. I believe we were getting along mighty well in working out friendly relations between the races in the South on the basis of good religious conduct. I regret the injection of Federal force into the situation. I think it will do much more harm than good.

Mr. LONG of Louisiana. Does the Senator from Virginia recall the passage from the Sermon on the Mount in which the Master said:

Why beholdest thou the mote—

Which refers to a mere tiny speck of dust—

that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Mr. ROBERTSON. That admonition has often been quoted, and it can be very effective. Oftentimes the person who has the biggest record of delinquency is the one who first calls attention to some minor delinquency in someone else.

Mr. LONG of Louisiana. Does the Senator recall that passage from the Sermon on the Mount that ends with Jesus saying to us:

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye?

Mr. ROBERTSON. That could be said in a religious organization, but the rules do not permit us to say it on the floor of the Senate, because it might be said that we have questioned the motives of our colleagues.

Mr. LONG of Louisiana. Agreeing completely with the Senator, does the Senator not believe that that concept would apply to a great State like New York; that when the Civil Rights Commission goes to the State of New York and finds hundreds of thousands of Puerto Ricans who are effectively disfranchised, the Senators from that great State should first seek to set the State of New York in order, and to remove discrimination against the Puerto Ricans in their State before they go down to the South and try to reorganize the South by introducing 50 bills to try to change everything which exists in some other section of the Nation?

Mr. ROBERTSON. With all due deference to the Senator from Louisiana, the junior Senator from Virginia has quite a bit of argument yet to make concerning the legal and constitutional objections to the pending bill. I would rather not attempt to draw any invidious comparisons between States, because one of the Senators from New York might ask that I take my seat, when I have not nearly finished my legal argument.

Mr. LONG of Louisiana. Would the Senator from Virginia agree, however, that the Nation might very well be much better off if all of us acted in accordance with the concept that we should first remove the beam from our own eye before we begin to do something about the mote in our brother's eye?

Mr. ROBERTSON. The Senator will say that there was never any greater sermon delivered than the Sermon on the Mount, and that if everybody would live up to that Sermon on the Mount, it would be a much better and happier world, and he endorses everything in it, even though he does not live up to all that he is told to do by the Sermon on the Mount.

Mr. LONG of Louisiana. Would the Senator agree with me that the finest way to settle this whole civil rights controversy would be to offer the Sermon on the Mount as a substitute for this bill pending here, which would do nothing more than stir up dissension, and, instead, provide a good Christian concept of the Sermon on the Mount?

Mr. ROBERTSON. Again we have the problem that the Sermon on the Mount is something which, because it involves a man's heart, is to be voluntarily adopted. Therefore, we go back to that earlier statement.

Render unto Caesar the things that are Caesar's, and unto God the things that are God's.

The Sermon on the Mount deals with a man's faith, with his humility and with his desire, as the Senator said:

To do unto others as he would have them do unto him.

And it cannot be made a part of law, and be enforced.

Mr. LONG of Louisiana. Would the Senator agree that this idea of eliminating discrimination, and trying to give the other man every break that can be given to him, should start at home before an attempt is made to try to reform somebody else?

Mr. ROBERTSON. The theme of the Senator's discussion this evening is that this voting bill is both unnecessary and it is unconstitutional; and we ask that it not be enacted into law. We ask to be left alone. We in Virginia are not trying to keep anybody from voting.

Mr. President, I continue to read:

It seemed as improper in principle—though it might be less inconvenient in practice, to give to the State legislatures this great authority over the election of the representatives of the people in the General Legislature, as it would be to give to the latter a like power over the election of their representatives in the State legislatures. (Madison; 2 Farrand 241.)

Suppose an article had been introduced into the Constitution, empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle, in this case, would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction, that each, as far as possible, ought to depend on itself for its own preservation. (Hamilton; The Federalist, No. 59.)

Mr. President, I say, the 15th amendment does not support the administration's proposal, first, because the 15th amendment does not authorize the Congress to conduct elections, and, second, because the administration's proposal does not require compliance with the 15th amendment. Section 1 of the 15th amendment reads:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Mr. LONG of Louisiana. Will the Senator yield at that point for a question?

Mr. ROBERTSON. Let me finish with the 15th amendment, and then I will yield.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

I yield.

Mr. LONG of Louisiana. Did the Senator quote Alexander Hamilton to the effect that transferring to the U.S. Government of the power to regulate elections in particular States could be a premeditated engine for the destruction of State governments?

Mr. ROBERTSON. Absolutely. That is correct. And James Madison agreed. There was not any better mind in the Constitutional Convention than James Madison. There was no one who exerted greater influence on the way the Constitution was finally drafted, no one who did a better job in explaining it, no one who did more to get it ratified.

Mr. LONG of Louisiana. Will the Senator agree with me that, if the Federal Government undertakes to take charge, first, of the election machinery by these Federal registrars, and then proceeds to take charge of the school system, but a few more steps of that sort will result in there being nothing left of State government?

Mr. ROBERTSON. That is true. We are just moving to do what Madison said should not be done and which the Constitution, he said, did not authorize, and then I quoted Hamilton to the effect that nobody would think of doing it.

Mr. LONG of Louisiana. Would not this type of practice amount to government without the consent of the governed?

Mr. ROBERTSON. It certainly would, so far as we in the South are concerned, because we know that such a law would be a violation of our rights, and we will never consent to it. It may be forced upon us either at this session of some other session. It may be upheld by some court. The Senator from Virginia cannot guarantee what the court is going to do about legislation of this kind. All we can say is that, based on all previous decisions, and by analogy of facts now prevailing with the cases that have previously been decided, these proposals are unconstitutional. The Senator from Virginia did not anticipate that the Court today would say what it has stated in those two decisions, one case from Louisiana and one from Georgia, involving voting registrars, as the Senator from Louisiana has informed us of the Court's decisions.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. May I ask the Senator if, in his opinion, the continuation of this type of practice, whereby the Court reverses previous law and reverses previous decisions, disregards the law as it has been given to us, and writes the law the way that certain pressure groups would like to see it, writing decisions in such a fashion, will lead to tremendous contempt for law and order in this country?

Mr. ROBERTSON. Certainly. The junior Senator from Virginia, who has practiced law for a number of years, is well aware of the fact that the average lawyer does not have the same admiration, amounting almost to awe, as the junior Senator had, as a young lawyer, for the Supreme Court of that day and time. He does not have that same feeling for the present Supreme Court, because he feels that in ignoring precedents, in citing sociological works instead of constitutional treatises and previous decisions and legal arguments, the Court has made a great departure from a grand position of interpreting law and not making law.

Mr. LONG of Louisiana. May I ask the Senator if he is familiar with the canon of legal ethics, which in effect requires that the lawyer must uphold the Court, and speak respectfully of the Court, and refrain from speaking disrespectfully of the Court?

Mr. ROBERTSON. That is correct.

Mr. LONG of Louisiana. May I ask the Senator if that is not a two-way street, in that the Court should and must conduct itself in such a way that a lawyer can conscientiously do that?

Mr. ROBERTSON. It certainly should be. I think that is a mutual responsibility, for the lawyers to show great respect for the Court, and for the Court to conduct itself so that it would not be unjustly open to criticism.

Mr. LONG of Louisiana. Is there not a mandate upon the Court, in effect, that the Court should conduct itself in such a way that any self-respecting lawyers would feel dutybound, without any code of ethics, just as a matter of good conscience, to support the Court and not to speak disrespectfully of it, but to hold it in high esteem?

Mr. ROBERTSON. Of course, it has been a tradition and a manner of judicial procedure through the years, which should be equivalent to a mandate. The Senator from Virginia does not know of any legal mandate on the subject, but it certainly is a well-established tradition, that those who wear them should be as pure in their hearts as the emblems of their high office.

Mr. LONG of Louisiana. Is the Senator from Virginia familiar with the fact that at a recent convention of the justices of the supreme courts of all the States of the Union, which at that time numbered 48, I believe—perhaps 49 at that time—a resolution was agreed to by an overwhelming majority, almost a unanimous vote, of the justices of the supreme courts of the States, which, in effect, censured the Supreme Court of the United States for the way it had been conducting itself?

Mr. ROBERTSON. Yes. The Senator from Virginia saw an account of that. It was the first time a thing of that kind had happened in history, in the memory of the Senator from Virginia. But that was true. These State justices, who had been overruled and upset and overturned, as they thought in an improper way, adopted a resolution that criticized the actions of the Court in some of its decisions.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield further?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from Virginia yield to the Senator from Louisiana?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Would the Senator not feel that that should have been sufficient notice to the present members of the Supreme Court of the United States that they are destroying and undermining the respect which the people of the country are entitled to have in the Supreme Court of the United States, by issuing decision after decision, twisting, reversing, and misconstruing—deliberately—the laws and the Constitution, in order to please certain minority and political elements in the country?

Mr. ROBERTSON. Well, if I had been a member of the Court, I would have been very much embarrassed by the adoption of such a resolution.

Mr. LONG of Louisiana. Would the Senator not feel, if he were a member of the Court, that he should take another look at the conduct of his affairs, and should seriously consider reversing any conduct of that sort, so that people would again hold him and the Court in high respect and esteem?

Mr. ROBERTSON. Well, that is true. In some circles there has been a feeling that the Court has changed to some extent—to what extent I cannot say, but that there has been some change in the manner in which the Supreme Court is approaching some of its problems.

Mr. LONG of Louisiana. I thank the Senator from Virginia.

Mr. ROBERTSON. I thank my colleague.

Mr. President, I was saying that the 15th amendment has been said to give a constitutional right of exemption from certain prohibited discriminations. But the 15th amendment does not prohibit all discrimination.

The 15th amendment does not support the administration proposal, first, because the 15th amendment does not authorize the Congress to conduct elections, and second, because the administration proposal does not require compliance with the 15th amendment.

AMENDMENT XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The 15th amendment has been said to give a constitutional right to exemption from certain prohibited discrimination—*United States* v. *Reese* (92 U.S. 214 (1876)); *United States* v. *Cruikshank* (92 U.S. 542 (1876)). But the 15th amendment does not prohibit all discrimination; discrimination is not prohibited by that amendment unless first, it is discrimination by the United States or by a State; and second, it is discrimination on account of race, color, or previous condition of servitude. Where a statute was so broad as to prohibit discrimination for reasons other than race, color, or previous condition of servitude, in addition to those reasons, the statute was held uncontitutional—*United States* v. *Reese* (92 U.S. 214 (1876)). Where a statute prohibited bribery of voters by individuals, the statute was held unconstitutional—*James* v. *Bowman* (190 U.S. 127 (1903)). In James against Bowman the Court distinguished clearly between the authority given by the 15th amendment to invalidate State law and State action adverse to the rights of citizens under the 15th amendment, which could be done under the 15th amendment, and legislation designed to control and regulate elections with respect to individual activities. In explaining this distinction, the Court quoted the following from the opinion in the Civil Rights cases (109 U.S. 3, 13 (1883)).

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such

as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield for another question?

Mr. ROBERTSON. I yield to my distinguished friend.

Mr. LONG of Louisiana. Recognizing that the statement the Senator read was a pronouncement by the Court, back in the days when the Court used to follow its precedents, I suggest that when the Senator refers to what the Court decides today, I fear that that previous judgment of the Court will be a part of the law which the Court again, today, has stricken from the books.

Mr. ROBERTSON. Well, as I have said, I learned with genuine regret how the Court decided those cases as it did, because apparently its decisions are not in keeping with the law as I have always known it and read it heretofore.

Mr. LONG of Louisiana. Has the Senator from Virginia heard the statement made by some lawyers, in discussing constitutional law, that it was a waste of time to provide shelf space in one's law library for the Supreme Court decisions for the first 100 years of its existence?

Mr. ROBERTSON. No, I have not heard that statement; but I know several lawyers who could have made it, because of their expressions to the effect that today it does not do a lawyer any good to know how the Court used to decide constitutional questions. That seems to be a rather prevalent opinion among many active members of the bar.

Mr. LONG of Louisiana. Is the Senator from Virginia familiar with the point of view of a great number of persons, including many distinguished lawyers, that if someone is going to scream "racial discrimination," there is no need to go back to see what the Court has been holding and what it has interpreted the Constitution to mean, or to study decisions in this field by the predecessors of the present Supreme Court, during the first 150 years of the life of the Court?

Mr. ROBERTSON. Well, a good deal of that seems to be involved in the urge to push through, at this session, a program of so-called civil rights, some program, but we do not know from day to day just what is in this program, to establish a lot of new rights which did not exist before, and rights which we in the South challenge as to constitutionality.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield further to me?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Can the Senator see any particular thing to be achieved by appointing these Justices for a lifetime on the Federal Bench, if they insist on conducting themselves as though they were running for office, anyway?

Mr. ROBERTSON. Well, that raises a political question that I have not thoroughly considered.

They have always been appointed for life; and that was supposed to have removed them from political pressure. And when they retire, there is no diminution of their income; and at one time they did not even pay any Federal income taxes. All those provisions were supposed to put them on a pedestal, so to speak; they were a separate and distinct branch of the Government, and they were to be free from pressure by the executive branch, and they were to be free from questions of political expediency which sometimes are said to have entered into the deliberations and activities of the legislative branch.

Mr. LONG of Louisiana. I thank the Senator from Virginia.

Mr. ROBERTSON. I thank my colleague.

The distinction, which I have been discussing, between first, the self-enforcing provisions of the 14th and 15th amendments and the congressional authority to pass legislation under the 14th and 15th amendments, limited to legislation affecting State laws or State action adverse to the rights of the citizens secured by these amendments; and second, general legislation establishing codes of municipal law regulating and controlling private conduct, which would be to make Congress take the place of the State legislatures and to supersede them, has been maintained since the times of *United States* v. *Reese* (92 U.S. 214 (1876)), and *James* v. *Bowman* (190 U.S. 127 (1903)). In *Shelley* v. *Kraemer* (334 U.S. 1, 13 (1948)), the Court stated this flatly:

> Since the decision of this Court in the civil rights cases (109 U.S. 3 (1883)), the principle has become firmly imbedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

I will say to my distinguished friend from Louisiana that there was a very clear-cut and emphatic decision rendered only a little more than 10 years ago, 1948, and one would think that to that extent the present Court would feel bound by it. But we have no definite assurance as to whether or not that is true, because these voting bills clearly go beyond action by any State, State law, or State agency and relate to individual conduct that would deny some right under the 14th amendment or some right under the 15th amendment, when all the Courts, all the way through down to 1948, have said that that was not contemplated at all by either one of those amendments and that the Federal Government could not and should not get into the business of handling all conflicts between individuals.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Might I suggest to the Senator that the import of that language has today been reversed by the Supreme Court, although some of the judges voting to do that are some of the same judges who were on that Court in 1948, and might I ask the Senator if he does not find it passing strange that a Court finds itself in the position that not only can it not follow its predecessors, but cannot even follow itself?

Mr. ROBERTSON. The Senator from Virginia is going to be very much interested in reading the decisions handed down in the Louisiana and Georgia cases involving voting rights, to see who concurred, if anybody disagreed, and who was on the Court back in 1948 when the decision was handed down in the case of Shelley against Kraemer.

The Supreme Court has gone far afield to find State action in unlikely situations, in registration proceedings, *Guinn* v. *United States* (238 U.S. 347 (1915)); *Lane* v. *Wilson* (307 U.S. 268 (1939)); party primaries, *Smith* v. *Allwright* (321 U.S. 649 (1944)); and even some activities of private organizations which undertake political activities, *Terry* v. *Adams* (345 U.S. 461 (1953)).

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Can the Senator suggest to me by what conceivable stretch of the imagination any person could reasonably conclude that a private organization that might be engaged in political activity was, in effect, a "State" in doing it, or it was a State action? That organization was not chartered by the State, was not a creature of the State, did not exist as a result of any State law.

Mr. ROBERTSON. Well, the Senator from Virginia was being charitable and he probably was indulging in an understatement when he said the Court had gone far afield. To be truthful, I agree with the Senator from Louisiana. It is just hard to explain it on any rightful hypothesis, but that is what the Court did in one case. They went far afield, and found that this private organization had in some way acted in an official cacapity and violated one of these amendments.

It is hard to understand, but the Senator from Virginia will say that, however far the Court may have gone to find that State action was involved in a case, it has never, under the 15th amendment, approved a Federal statute which did not relate to and regulate or prohibit State action which would violate the 15th amendment.

The administration proposal is not limited to the prohibition of, and the imposition of penal sanctions on, conduct which violates the 15th amendment. The administration proposal is not limited to injunctive proceedings enjoining State officials from violating the 15th amendment. The administration proposal is not limited to mandatory injunctions requiring State officials to act in conformity with the 15th amendment.

Instead, the administration proposal seeks to authorize Federal voting referees to issue orders rubberstamped by Federal courts which will, to all intents and

purposes, register voters just as though they had been registered by the State election officials under the ordinary procedures.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. May I ask the Senator if there is not every prospect on earth that such a proposal as this could lead to stealing elections, particularly in presidential years?

Mr. ROBERTSON. Well, the Senator from Virginia would not like to say that somebody is going to steal an election, but he will have to admit that it opens the door. If anybody would want to be as crooked as that, he could be, under this bill, and it goes far beyond any power the Federal Government has under the Constitution and far beyond any power that is permissible under the 15th amendment. It would, in fact, do precisely what Mr. Justice Bradley had in mind when he said, in the Civil Rights cases, back in 1883:

> Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them (109 U.S., 13).

Now, as the Senator from Louisiana pointed out, the proposal is just wide open to move in, and who could put any check on one of these referees who wanted to do a crooked job on a local question?

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does the Senator not recognize that this proposal from its beginning is aimed at placing on the registration rolls for voting the names of persons who are not otherwise qualified to vote under State laws?

Mr. ROBERTSON. Apparently so. Of couse, its advocates say they are going to register only those who are entitled to be registered under State law and who are denied that privilege; but they do not limit themselves to that in the bill and they do not limit themselves to discrimination under the 15th amendment on account of race, color, or previous condition of servitude.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Assuming that tens of thousands of names are placed on the rolls in a single State where the names of those voters have no place being on those rolls because those persons either are not qualified or have already been registered once, what procedure is spelled out in this proposal to give citizens the right to have those fraudulent names canceled?

Mr. ROBERTSON. That is a point to which the Senator from Virginia is coming. This bill violates due process of law. Citizens who have a right to know who is going to participate in an election cannot find out. Candidates who are running for office cannot find out who is going to vote. They have no opportunity of expressing their views because they do not know who is going to vote. Those who would say, "You have no right to register these extra 100 persons" have no opportunity to be heard. It is an ex parte proceeding straight through. Therefore, this procedure is utterly lacking in due process of law and, consequently, from that standpoint, it is unconstitutional.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Has the Senator heard of some of the situations that have existed in the not too distant past, where a large city machine would have as many as 25,000 or 30,000 fraudulent registrations on the rolls and undertake to vote those fraudulent registrations on an election day?

Mr. ROBERTSON. Well, the Senator from Virginia has heard of fraudulent practices in voting on the part of persons who were not actually registered, or who had voted twice, or of putting someone on the rolls who was not qualified. There may be frauds, but we have always had both Federal and State laws against those frauds, if they were properly enforced. Those frauds could be prevented by being properly enforced. We do not need a new law to prevent those practices.

Mr. LONG of Louisiana. May I ask the Senator if it is not correct that a side in power benefiting from such practices will never prosecute members of its own machine who engage in such corruption?

Mr. ROBERTSON. It seems to be a more or less political truism that we do not get relief from political abuses by the party that is benefiting from them.

Mr. LONG of Louisiana. Assuming that a man is President and wants to continue himself in office, does not this proposal offer to give a President power to appoint registrars throughout the entire country, or throughout the entire South, at least, and to place literally millions of names on the registration lists of persons who may not be qualified at all, many of whom may not even live in those States? Does such a proposal not give wide opportunity for corrupt elements to take complete control of the election machinery of this country?

Mr. ROBERTSON. That observation would come under the general maxim that this proposal gives more power than a bad man should have and more power than a good man would want. There is not any urgent need for it. As the Senator from Louisiana has said, it is open to the possibility of flagrant abuse, aside from being, in numerous ways, unconstitutional; and the Senator from Virginia is going to mention one or two additional ways. But right now we are talking about a new process. One might object to what is going on, but he would not have an opportunity to be heard, under this proposal, and yet it might be a State or local election. A person would not get an opportunity to do anything about it. That is the question involved.

Mr. LONG of Louisiana. Has the Senator heard the story of the presidential election in which a famous Louisianian by the name of John Slidell took a boatload of people, sailed down the Mississippi River, and had those people vote in every polling booth all the way down the river?

Mr. ROBERTSON. The Senator from Virginia has heard that name, but the details of that incident escape his recollection for the moment. That happened, did it?

Mr. LONG of Louisiana. May I say it did happen, and, furthermore, that is the kind of corrupt thing that forces working with political bosses like Jimmy Hoffa could do in this country? They could use their trucking facilities and register people everywhere, having them vote 5 or 10 times on election day.

Mr. ROBERTSON. It certainly should be apparent to all thoughtful Members of this body that we should not grant powers of this kind to anyone in temporary control of the Government, and permit the Attorney General or any other person in the administration to appoint politically minded referees who could control State and local elections.

Mr. LONG of Louisiana. Is it not also true that the referees who would be appointed probably would be political favorites of the party in power, and that these particular persons would be very eager to see that all minority elements registered as many times as they could, which could very well lead to the kind of corruption that was experienced in Reconstruction days?

Mr. ROBERTSON. Under the old force act of 1870, the registration jobs were very fine jobs, and the top personnel in them received big money. In one election the cost ran into several million dollars. I do not remember at the moment, but those figures were put into the hearings, and there was also placed in the record how many so-called inspectors or watchers were employed. It ran into the thousands in New York City alone. The situation reached the point that they would not even let Democrats get to the polls. Those persons were paid to enforce the law, and it was alleged that they were inspectors to protect the purity of elections.

Mr. LONG or Louisiana. Is the Senator familiar with the way the Federal registrars went about determining whether a colored person was old enough to vote, back in the Reconstruction days?

Mr. ROBERTSON. The Senator from Virginia will be glad to hear information on that point.

Mr. LONG of Louisiana. Does the Senator know that the colored people having been liberated from slavery, in most instances did not know their own age, that all that a colored man would be asked was whether he was 21? If he said that he thought he was, then that was all there was to it. He was placed on the rolls, even if he might be just a child.

Further, that the placing of all these ineligible voters on the registration rolls, of course, achieved the purpose of the Republican organization that had the South under its heel at that time, by simply placing all those people upon the rolls and then voting them without those poor little colored children even knowing what they were voting for, because they could not read and could not write.

Mr. ROBERTSON. That is correct.

The administration voting-referee proposal would authorize the issuance of a registration certificate to a voter without requiring a finding that the 15th amendment has been violated with respect to that voter.

The administration proposal would start with a proceeding instituted under 42 U.S.C. 1971(c). In such a proceeding a voting referee might be appointed if the court should find, first, that one or more persons have been deprived of their right to vote on account of race or color, "under color of law or by State action," and second, that "such deprivation was or is pursuant to a pattern or practice."

The reference in the first clause to color of law or State action is apparently intended to limit the appointment of voting referees to situations where there has been at least one violation of the 15th amendment, and the reference to a pattern or practice may call for a finding that there have been several such cases, though, if this is intended, there would seem to be no reason to authorize the appointment if one person had been deprived.

When the voting referee has been appointed, he may receive applications from any person "claiming such deprivation." But the voting referee need not investigate this claim or take evidence with respect to it or make any finding as to its correctness.

All the referee has to do with respect to these additional voters is to take evidence and report to the court, findings as to whether the applicants—

1. Are qualified to vote at any election; and

2. Have been—

(a) Deprived of the opportunity to register to vote or otherwise to qualify to vote at any election; or

(b) Found by State election officials not qualified to register to vote or to vote at any election.

The court must accept the findings made by the voting referee, "unless clearly erroneous."

Nowhere in the standards which are to guide the voting referee and the court is there any requirement that consideration should be given to the question of a violation of the 15th amendment.

Clause 1 clearly does not require any finding with respect to violations of the 15th amendment.

Clause 2 contains two subclauses, and if the voting referee finds that the situation described in either one of these subclauses occurred, along with the qualifications set forth in clause 1, the voter will be registered.

Subclause (a) does not call for a finding that the would-be voter has been deprived of his opportunity to register "under color of law or by State action," nor does it require a finding that the would-be voter has been deprived on account of race or color. It would have been easy for the draftsman of the bill to have imposed these conditions in subclause (a), either by cross-reference to the previous phrases or by repeating those phrases. But this was not done. There is no question in my mind that a voting referee could make the finding called for under subclause (a) if the voter had been deprived of his opportunity to register by the acts of private individuals, and possibly he could make such a finding if the voter was deprived of his opportunity to register by illness or bad weather.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Can the Senator inform me what sort of procedure is available under this voting referee or voting registrar proposal to assure the right for somebody to examine the application for the appointment of a voting referee to see whether there is actually any pattern of discrimination? Can the Senator tell me whether there is a procedure provided that one can go to court and cross-examine the people who allege they have been discriminated against?

Mr. ROBERTSON. There is no provision for that whatever. The referee's proceedings may be, and probably will be, ex parte, and then the referee's findings must be approved by the court, unless clearly erroneous. That is the reason we have referred several times to the findings of the referee being rubberstamped by the court. They have adopted a part but not all of rule 53 of the Rules of Civil Procedure, and said the court has to accept the referee's findings unless they are clearly erroneous.

On the face of it, the findings would not appear to be clearly erroneous. So that means a rubberstamp approval of those who have been thus registered by the referees without anybody having any chance to question anything that has been done.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ROBERTSON. The Senator will yield.

Mr. LONG of Louisiana. Before a local official, either elected or appointed by the elected officials of the community, is superseded and overridden, would it not seem fair that that official should at least have the right to defend his conduct and cross-examine those people who claim that they have been subjected to discrimination with a view to seeing whether the man has actually violated the law and discriminated, or whether he has performed his duties and his functions in good faith?

Mr. ROBERTSON. The Senator is clearly right. That is one of the outstanding weaknesses of the pending proposal.

Suppose the local registrar has refused to register somebody. He goes and makes a complaint to the referee and the referee registers him and the registrar is not even notified, much less given an opportunity to explain that the fellow either had a criminal record or there is some reason why, under the State law, he was not entitled to be registered. But he goes to the referee and the local registrar is eliminated completely from the picture. Then the man gets registered and he votes. If you do that enough times, you can take charge of a local election.

Mr. LONG of Louisiana. Would it not be entirely possible that a person might have been denied the right to register because the person appeared after office hours, or because the person appeared to be completely insane and under the State law the registrar would have had to go to jail if he had registered him, as it would have been a violation of law? Is it not possible that that person who was deprived of the right to register might sign an affidavit and without the registrar having a right to defend himself and show why he declined to register this individual and to cross-examine and bring out the facts, the registrar might, in effect, be relieved of his duties and have somebody superimposed over him, when in truth there might not be any basis whatever for relieving him of his responsibilities?

Mr. ROBERTSON. All of those things mentioned by the distinguished Senator from Louisiana are possible under the loose way in which this bill is framed. These referees are not tied down to the enforcement of State laws. They do not give any notice to those who could develop the facts. It is an ex parte proceeding from start to finish.

Mr. LONG of Louisiana. Is it not entirely likely under this type of proposal that registrars by the hundreds could be relieved of their duties and responsibilities, in violation of all good conscience and all good democratic procedures, just because some of them might have made an honest mistake which they would be pleased to rectify if it were called to their attention?

Mr. ROBERTSON. Later the Senator from Virginia is going to point out that if one of these registrars challenges a man who comes up to vote, knowing that he had no right to be registered, the registrar can be taken before a Federal judge as interfering with the election. And if the judge did not fine him more than $300 or put him in jail for more than 45 days or both, he could not even have a jury trial. He would be slapped in jail for 45 days and fined $300 if he opened his mouth about some persons voting when he thought they did not have a right to vote, that they were improperly registered.

Of course, if he challenged about 50 of them, he would be in jail on each case for a long time without any jury trial. That is all in this bill.

Mr. LONG of Louisiana. Would not the voting referee plan establish a situation where the Federal judge would appoint the referee as his assistant, in effect?

Mr. ROBERTSON. Well, he names him as a master, the master of the court.

Mr. LONG of Louisiana. Would not the voting referee plan create a situation where the judge would name the referee as a master and an agent of his court, and then be in a position to place anybody in jail for contempt without a jury trial because he did not do precisely what his agent told them?

Mr. ROBERTSON. That is correct. He first starts off in a judicial capacity. Then he switches over to the executive branch to run an election. And then he claims that in running the election, somebody has violated the law and he comes back again in his judicial capacity.

The referee, appointed, as you say, by the court, comes back to the court and says, "This fellow has tried to keep from voting somebody that I registered," and testifies against him. Then the judge can hold him in contempt of court.

As I have said, if he does not fine him more than $300 or sentence him to more than 45 days in jail, he can do that and deny his constitutional right of trial by jury.

Mr. LONG of Louisiana. Does not that procedure to a considerable degree create a situation in which, to a certain extent, a judge can be regarded as trying a case to which he is himself a party?

Mr. ROBERTSON. That is one of the vital defects of the bill. It takes the judiciary out of its judicial status and gets it into the executive function of registration and practically holding an election. The Senator from Virginia hopes to point out shortly that time after time courts have said they have clear jurisdiction as the judiciary, but they cannot move into another field. The bill before the Senate would place the judiciary in both fields.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does the Senator believe it would be fair to permit me, as a lawyer, to sue someone or to file criminal charges against someone, and then to try the case myself, a case in which I had preferred the charges against the person, and could put him in jail without the right of trial by jury, and as to which he would have no right of appeal to anyone?

Mr. ROBERTSON. Of course not. That is one of the serious defects of the bill. It permits the judge, who has in effect moved over to supervise an election, to appoint someone of his court to act, first, in a judicial capacity, and then to supervise an election in an administrative capacity, and then to bring before the judge a defendant charged with interfering with the election, and then the judge can slap the person into jail without a jury trial.

Mr. LONG of Louisiana. Does not the proposal achieve the same effect as if the judge were told that he was policeman, judge, jury, and prosecutor combined?

Mr. ROBERTSON. In effect, the judge becomes all of those persons. Under the Constitution that distinction between the executive and the legislative branches cannot be wiped out. But under this proposal, there is no distinction between the court and the executive branches of the Government, and the distinction between passing impartially on the evidence and prosecuting a man and imposing sentence on him, without having a jury to pass upon the facts.

Mr. LONG of Louisiana. Does not that mean that one long stride is being taken toward attempting to rule this country, instead of by the democratic principles of the people themselves, by the contempt powers of the Federal courts?

Mr. ROBERTSON. The Senator from Virginia has pointed out that this is a far more extreme measure than the force act of 1870. This proposal contains more powers than were provided under that act. Under that act the officials could only supervise. Under this proposal, the officials could be qualified to register voters, and then supervise the election too.

Under the 1870 act, the officials could act only with respect to Federal elections. Under this proposal they could act in local and State elections as well as in Federal elections.

Mr. LONG of Louisiana. Would it not be better procedure simply to provide that if any person believed he had been discriminated against, he would have the right to file a petition in court explaining why he felt he had been discriminated against, and to provide that the judge shall hear the matter expeditiously; and if the judge found that the person had been the victim of discrimination, the person would be placed on the rolls?

Mr. ROBERTSON. I see in the Chamber the distinguished Senator from North Carolina [Mr. ERVIN]. I am sure he will tell us that if anyone can show that he has been discriminated against under the 15th amendment, by reason of race, color, or previous condition of servitude, such a person has a remedy both under existing Federal law and under existing State law.

Mr. LONG of Louisiana. Does the Senator from Virginia know that in Louisiana, as one example, the law provides that if a person's qualifications are challenged, the person has every right, at the expense of the State, and at no cost to himself, simply to sign a little form which alleges that he has been improperly challenged, and that the judge is required to hear the case and decide it within 48 hours. The person does not even have to hire a lawyer to present his case to the judge.

Mr. ROBERTSON. I did not know the exact law in Louisiana, but I know that there is no State which does not have a law to protect a person who has been improperly denied his privilege to vote under the 15th amendment. I feel certain that this statement will be confirmed by the Senator from North Carolina, a distinguished former judge of that State, who serves on the Committee on the Judiciary and has given considerable time and attention to the testimony which has been presented to that committee in this field.

I yield to the Senator from North Carolina.

Mr. ERVIN. Would the Senator from Virginia agree with me in the following opinion: First, that under a law which has been upon the books for many years it is a criminal offense—that is, a Federal crime—for any State election official willfully to deny any qualified voter of any race his right to register and to vote, on account of his race?

Mr. ROBERTSON. That statement is correct.

Mr. ERVIN. Second, would the Senator from Virginia agree with me in the proposition that there are at least two statutes embodied in title 42 of the United States which give to any person who is qualified to vote the right to sue either at law or in equity any State election official who denies or threatens to deny him his right to vote, on account of his race?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Would the Senator from Virginia agree with me that if any person who is qualified to vote is wrongfully denied his right to register and to vote, he may sue for damages, the election official who practices that wrong upon him?

Mr. ROBERTSON. That is correct.

Mr. ERVIN. I will ask the Senator from Virginia if any person, who is qualified to vote is threatened with a denial of his right to register and to vote, can sue the State election official concerned and can procure an injunction to prevent the denial of his right to register and to vote?

Mr. ROBERTSON. That is the recollection of the Senator from Virginia

Mr. ERVIN. Is there not a third law, namely, the Civil Rights Act of 1957, which has today been upheld by the Supreme Court of the United States so far as it relates to suits brought by the Attorney General against State election officials, which gives the Attorney General the power to sue, at the expense of the taxpayers of the United States, any State election officials who undertake to deny any qualified person his right to register and to vote on account of his race, color, creed, or national origin?

Mr. ROBERTSON. That is correct. That is why I said that if the question involves the fifteenth amendment or involves an action by someone which can be attributed as State action, there is ample remedy under the State laws. But the fifteenth amendment and State action must be involved.

Mr. ERVIN. Since the Attorney General already has the right to bring criminal actions against any State officials who undertake to deny any qualified person the right to register and vote, and since he has a right under the Civil Rights Act of 1957 to bring a civil suit in equity, triable before a judge without a jury, to enforce the right to vote, I

will ask the Senator from Virginia if he does not think that the Attorney General of the United States, in asking for a third law, namely, this Federal voting referees provision or section, is not like John who was courting Mary. John said to Mary, "Mary, if you wasn't what you is, what would you like rather to be?" Mary said, "Well, John, if I wasn't what I is, I would rather be an American beauty rose than anything else." And she said, "And, John, if you wasn't what you is, what would you rather be?" And John said, "I would rather be an octopus." And she said, "Why, John, what is an octopus?" He said, "Why, Mary, an octopus is a fish that has got a thousand arms" And Mary said, "John, if you was an octopus, what would you do with those thousand arms?" And John said, "Mary, I would put every one of those arms around you." And Mary said, "Go on, John; you ain't using the two arms you've already got." [Laughter.]

That is exactly the situation. Does not the Senator from Virginia agree with me that that is exactly the situation which the Attorney General of the United States is in, in that he has two laws, one criminal, one civil, which he can use to enforce the voting rights of anybody in the United States who is wrongly denied the right to vote on account of his race, religion, national origin or creed; but he is not using the laws he has, which are already sufficient to accomplish the purpose?

Mr. ROBERTSON. We are supposed to be facing a great national menace, a great injustice being done to a minority race, who are being deprived of the right of citizenship and the right to vote. The Attorney General recently testified that he could find only four cases which he thought would justify being taken into court.

Mr. ERVIN. And did he not also issue a further proclamation to the effect that he was very sorry that there had not been more voting rights complaints made to the Civil Rights Division of the Department of Justice?

Mr. ROBERTSON. The Senator from Virginia does not definitely recall that, but he would be glad to take the assurance of the Senator from North Carolina who makes that statement.

Mr. ERVIN. In any event, does not the Senator from Virginia agree with me that it is regrettable for the man who enjoys a position in which he is in a sense a prosecuting attorney, to express regret that there were not more complaints being made to him that the law was being violated?

Mr. ROBERTSON. That is a little unusual, it cannot be denied.

Mr. ERVIN. I was very much interested in the very magnificent presentation which the Senator from Virginia has made against this seventh section of the substitute amendment. I will ask the Senator from Virginia if there is any limitation whatever upon the number of persons who can be appointed voting referees in any particular election district.

Mr. ROBERTSON. That could be a well-paying job for an unlimited number. That could be used by the administration to affect, in a major way, not only a national election, but some State elections. And, as the Senator from Virginia pointed out earlier in the day, one of these bills authorizes an unlimited appropriation to carry this proposal into effect, whatever Congress sees fit to appropriate.

Mr. ERVIN. I will ask the Senator from Virginia if the records of the Congress do not show that when a similar bill was made law, one Davenport presented bills for $145,000 for serving, not as a voting referee, but as a supervisor, which is the same thing.

Mr. ROBERTSON. That was in a New York election, while the 1870 force act was in existence. That was covered in an extensive House report. It is in the testimony before the Judiciary Committee, and also has been put into the CONGRESSIONAL RECORD by the distinguished junior Senator from Georgia [Mr. TALMADGE].

Mr. ERVIN. Does not the Senator from Virginia agree with the proposition that this proposal, in a sense, would give these voting referees more power than the district judge, because it would require the Federal district judge to follow their recommendations, unless the evidence alleged to support them was clearly erroneous?

Mr. ROBERTSON. That is the reason why several times the Senator from Virginia said today that the judge must rubberstamp them, unless there was clear evidence of fraud or some other clear error in their recommendations to register a man.

Mr. ERVIN. And does not the section provide for a source of unlimited confusion, in that it would allow the State election officials, or the State registrars of voters, to continue to function in respect to voters who are not allegedly being deprived of their right to vote, and would not that allow the Federal voting referees to register other persons?

Mr. ROBERTSON. That is true, but the Attorney General seems to think that he makes a great case for the proposal by providing for registering people to vote in the State and local elections, because he said it was not very practical to register a man to vote in a Federal election and not let him vote in a State election. Of course, we must have in mind that that is the way they did it in New York. In Virginia we have a Federal election one year and State and local elections the next year. But in New York all elections are held in one year. The voters can go into the booths and pull the levers. I suppose the Senator from North Carolina is right. It would be a little confusing when a voter entered the booth. He could vote for Federal officers, Members of Congress, or, maybe, a Senator at every election, but he could not vote for the Governor or members of the legislature.

Mr. ERVIN. Did the Attorney General cite any authority which he claimed deprived the Congress of the right to provide for the Federal Government to take over the power of determining whether persons are entitled to vote in State elections?

Mr. ROBERTSON. None in the world. He merely said that he would do this because it would be a little better and more convenient if he would let them all vote and let him register them all to vote in all elections. He did not give any explanation to show that he had the power to do it.

Mr. ERVIN. I will ask the Senator from Virginia if he agrees with me in my observation that, as a matter of fact, the only power the Federal Government could possibly have to do anything of this kind would be found in article I of section 4 of the Constitution. And that would be confined to a congressional election.

Mr. ROBERTSON. That is correct.

Mr. ERVIN. And only "time, place, and manner."

Mr. ROBERTSON. Time, place, and manner of elections; that is right.

Mr. ERVIN. Does the Senator from Virginia agree with me in the proposition that the 15th amendment confers no power whatever upon the Federal Government to take charge of State or local elections, but, on the contrary, merely operates as a prohibition against actions by the State.

Mr. ROBERTSON. That is right, and it limits that to cases involving deprivation of voting rights on account of race, color, creed, and previous condition of servitude.

Mr. ERVIN. I will ask the Senator from Virginia if he was present when I asked Dean Storey, one of the members of the Civil Right Commission, if he had ever heard of any man being denied the right to vote on account of his religion? And did not Dean Storey respond in the negative?

Mr. ROBERTSON. The Senator from Virginia was not present, but he can well understand that that is the way he would have to answer that question. The Senator from Virginia has never heard of anybody being denied the right to vote for that reason. That used to be the case in several States out in the Northwest; they would not allow Mormons to vote, unless they forsook polygamy, or something of that kind.

Mr. ERVIN. Of course, that point is not involved in this particular section, but there are other bills that are pending here among the 5 pounds, to which I have directed the attention of Congress, of civil rights bills. Are there not a number of bills which undertake to extend this protection of the 15th amendment to persons that are not even protected by the 15th amendment?

Mr. ROBERTSON. Absolutely; that is true. That is the reason the Senator expressed such surprise. The Washington Post had an editorial in which they said this is just a matter of voting, and that all the Southern States are trying to keep citizens from voting.

Mr. ERVIN. Does the Senator from Virginia agree with me in the observation that, out of the 5 pounds of civil rights bills which are now pending before the Congress, no more than 1 ounce has any relation to voting rights?

Mr. ROBERTSON. The Senator from Virginia has not read them, but he is satisfied that that is a pretty fair appraisal of the weight of the voting part of the 5 pounds of bills.

Mr. ERVIN. Will the Senator accept my statement that I have had them weighed? That was what they weighed before the most recent amendments were introduced.

Mr. ROBERTSON. The Senator from Virginia will accept that statement. He feels that it is fully justified even from the surface impression gained by looking at them.

Mr. LONG of Louisiana. Will the Senator yield at that point for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Has not the Senator from Virginia found that the statement of the Senator from North Carolina is always worthy of being accepted? That whenever he vouches something is the case, it invariably is?

Mr. ROBERTSON. He is always outstanding. He is always very accurate, and in matters pertaining to the Constitution he is very valuable, both when he speaks on his own behalf, and when he asks questions of colleagues.

Mr. ERVIN. Mr. President, I want to thank both of the Senators for those gracious remarks, if I can do so without the Senator from Virginia losing the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I will ask the Senator from Virginia if it is not customary in most of the States of the Union to secure to every voter the legal right to cast his vote by secret ballot?

Mr. ROBERTSON. Absolutely.

Mr. ERVIN. I will ask the Senator from Virginia if it is not usual that those substitutes giving a voter the right to vote in secret make it a criminal offense for the election officials to look at his ballot and examine it?

Mr. ROBERTSON. That is right.

Mr. ERVIN. I direct the Senator's attention to the provisions of the bill beginning at the bottom of page 21 and continuing through line 7 on page 22, where the bill undertakes to give these so-called voting referees many rights and powers in connection with elections, after they have fulfilled their judicial functions, as the Senator from Virginia has so well put the matter.

Among these powers, they are authorized—

(1) To attend at any time and place for holding any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any such person has been denied the right to vote, and (2) to attend at any time and place for counting the votes cast at any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any vote cast by any such person has not been properly counted.

Will the Senator state how it would be possible for one of the voting referees to determine whether the vote of such a person was counted as it was cast, unless the referee examined the ballot cast by that person?

Mr. ROBERTSON. It would be hard to explain it on the basis of any other hypothesis.

Mr. ERVIN. As a matter of fact, does not that section in effect deny such persons their right to cast a secret ballot in accordance with the laws of the States in which they vote?

Mr. ROBERTSON. It certainly would appear to be so. How could the referee tell whether they had been properly counted unless he examined the ballots or put his thumbmark on them, or something of the sort, as they went through; and that would be in violation of the law.

Mr. ERVIN. Will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. ERVIN. Is there any necessity whatever, in the opinion of the Senator from Virginia, for the Congress to enact this voting-referee provision, in view of the fact that the Attorney General already has the right and power to set in motion a proceeding under criminal law and to institute actions under the Civil Rights Act of 1957?

Mr. ROBERTSON. None whatever. There are at least four grounds, and perhaps five, on which he could proceed. There is a fifth ground, but thus far he has found only four cases for prosecution. He has at his disposal Federal statutes and State statutes; but we have not had enough experience under present law to see just what it means and how it should be administered. So there is no occasion, from any standpoint, except from a political standpoint, for the newly proposed legislation.

Mr. ERVIN. Does not the Senator think the Attorney General should use the two arms he already has, instead of asking Congress to make him into an octopus?

Mr. ROBERTSON. Of course, for he has had only the four cases in a year's time.

Mr. ERVIN. Does the Senator from Virginia agree with me that the demand or request or recommendation for legislation authorizing the appointment of voting referees is just political window dressing in a political year in which the Presidency of the United States and many seats in the Senate and in the House of Representatives are at stake?

Mr. ROBERTSON. It has every earmark of that characterization.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does the Senator from Virginia know that the Louisiana decision which was upheld today by the Supreme Court actually went to the extent of holding that if a colored man is in a position to urge that he has been discriminated against, his name must be placed on the rolls, even though he is not qualified to vote?

Mr. ROBERTSON. I did not know the Court had gone that far. Frankly, I am surprised to hear it. But it is hard to know, these days, just what answer the Supreme Court is going to make when these particular issues are before it. But that is a very surprising holding.

Mr. LONG of Louisiana. Does the Senator from Virginia know that the effect of today's decision by the Supreme Court is that if a colored man does not even live in a State, and is improperly registered, but contends he has been discriminated against, upon the showing that there appears to have been some discrimination, and that more colored people than whites have been challenged, the name of that colored man must be placed on the rolls, even though he does not live in that State?

Mr. ROBERTSON. I have pointed out that under this proposed law the referees would have the right to register a man if he is qualified to vote in any election, but that does not tie him down to residence in the State in which he is applying to vote; the provision is that wide open.

But under section 7 of the Dirksen amendment, the provisions are so wide open that the referee could register such a person without inquiring whether he had maintained the legally required residence in the State in which he asked to vote.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. In view of today's decision by the Supreme Court—upholding the decision that the name of that particular person must be placed on the rolls, and that he must be permitted to vote, even if he is not qualified under the law to vote—can the Senator from Virginia think of the need for any more laws on the subject?

Mr. ROBERTSON. I just stated to my friend, the Senator from North Carolina [Mr. ERVIN], that we do not need any more law; we have all the law we need. This is what he called political windowdressing—to have effect, presumably, in the forthcoming political election. So we do not need any new law. In any event, such a law is unconstitutional.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Did the thought every occur to the Senator from Virginia that the type of decision which was handed down today by the Supreme Court could have been reached by the Court even without the benefit of the Civil Rights Act of 1957? If the Court wished to stretch its imagination that far, it could have decided to reach such a decision under the 15th amendment—in other words, to decide that black is white—since that is what the Court did, anyway.

Mr. ROBERTSON. Well, in one decision I think the Court said that the meaning of due process of law could be stretched about as far as might be wished. So, under that elastic holding, no doubt that decision could be reached.

However, I was under the impression that those two cases were decided under

the Civil Rights Act of 1957, which is now proposed to be amended by means of the Attorney General's referee proposal. I thought those two cases were actually decided under that act.

Mr. LONG of Louisiana. But if a person alleges he has been discriminated against under the 14th amendment, and if he seeks redress, the Court could just as easily rule that his name has to be placed on the rolls, without relying on the Civil Rights Act of 1957, as it could by relying on the Civil Rights Act of 1957; and that is what the Court did do; is it not?

Mr. ROBERTSON. Perhaps that is so; but I cannot give a categorical answer.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. ERVIN. Would not the only difference be that in the case of suits brought under the Civil Rights Act of 1957, the taxpayers have to foot the bill, whereas, if a suit were brought under the other statute, the one who brought the suit would have to do as the rest of us have to do—in other words, pay out of his own pocket for the cost of the litigation? Is not that true?

Mr. ROBERTSON. That appears to be the major distinction.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does not it occur to the Senator from Virginia that it is somewhat of an imposition upon the general taxpayers to be asked to pay the expense of a lawsuit to place on the rolls the name of a person who is not qualified to vote under the law?

Mr. ROBERTSON. That would seem to be a very extreme situation in which to place the taxpayers; yet that is what is involved in this proposed legislation. It certainly is very extreme.

Mr. President, I was discussing the actions under the 13th, 14th, and 15th amendments, and I was saying that State action would be required since it is limited to cases where a voter was found not qualified to register by State election officials, but it does not call for a finding that the State election officials are acting on the basis of race or color.

It is one thing for a Federal court to order a State registrar to register a would-be voter who has been deprived by State action of his right to vote solely by reason of his race, or to order the election officials to let such a person vote. In such a case reliance can be placed upon the 15th amendment.

It is an entirely different thing, however, for a Federal court to order a State registrar to register a voter when there has been no finding of violation of the 15th amendment with respect to that voter, or to order the election officials to permit such a voter to vote, merely because there has been a violation of the 15th amendment with respect to an entirely different voter. In United States against Thomas, the Louisiana case now pending in the Supreme Court, the district court, with whose conclusions I disagree, stated this principle clearly.

> To be appropriate under the 15th amendment, legislation must be directed against persons acting under color of law, State or Federal, and it must relate to the denial, by such persons, of citizens' right to vote because of race. Any congressional action which does not contain these two elements cannot be supported by the 15th amendment (citing *Terry* v. *Adams* (345 U.S. 461); *Smith* v. *Allwright* (321 U.S. 649); *James* v. *Bowman* (190 U.S. 127), *United States* v. *McElveen* (177 F. Supp. 355, 358 (1959)).

As the junior Senator from Louisiana has pointed out today, the Supreme Court upheld the decision of the District Court in that case.

Under the administration proposal the voting referee will not have to hear evidence with respect to a violation of the 15th amendment; he will not have to make findings with respect to violation of the 15th amendment; the courts will not have to review findings relating to the 15th amendment; and the would-be voters will be approved and certified as voters and the election officials would be ordered subject to contempt proceedings to accept these voters, all without any evidence or findings as to a violation of the 15th amendment with respect to those voters.

A statute under which this can be done is not authorized by the 15th amendment.

The judicial branch of the Federal Government is limited, under article III of the Constitution, to the exercise of judicial powers. The nonjudicial function of registering voters cannot be imposed upon the judicial branch.

The judicial branch is one of the three great independent departments of the Government. It is established by the Constitution, and its powers and duties are set forth in the Constitution.

> ARTICLE III
>
> SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.
>
> SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

Mr. President, the judicial branch is limited to the determination of cases and controversies involving judicial issues. The Supreme Court, from the time of its creation to the present, has limited itself to the exercise of the judicial power in cases and controversies. This policy was first spelled out in *Hayburn's* case (2 Dall. 408, 409 (1792)). The reporter has a footnote to the report on Hayburn's case, quoting Chief Justice Jay speaking for the Circuit Court for the District of New York as follows:

> That, by the Constitution of the United States, the Government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from, and to oppose, encroachments on either. That neither the legislative nor the executive branch can constitutionally assign to the judicial any duties but such as properly judicial, and to be performed in a judicial manner.

Chief Justice Taney expressed this policy in equally vivid and precise language in his posthumous opinion in *Gordon* v. *United States* (117 U.S. 697, 699):

> The Supreme Court does not owe its existence or its powers to the legislative department of the Government. It is created by the Constitution, and represents one of the three great divisions of power in the Government of the United States, to each of which the Constitution has assigned its appropriate duties and powers, and made each independent of the other in performing its appropriate functions. The power conferred on this court is exclusively judicial, and it cannot be required or authorized to exercise any other.

While the detailed application of this principle has changed from time to time, the principle itself has remained clear and unchallenged up to the present time. See, for example, *C. & S. Airlines* v. *Waterman Corp.* (333 U.S. 95, 114 (1948)).

One of the most significant areas where the court has limited itself to the exercise of the judicial power is the line of cases where the Federal courts have refused to entertain political questions. As far back as 1803, in *Marbury* v. *Madison* (1 Cr. 137, 170), Chief Justice Marshall stated that "questions in their nature political, or which are, by the constitution and laws, submitted to the executive, can never be made in this court." In *Luther* v. *Borden* (7 How. 1, 41 (1849)), Chief Justice Taney stated that:

> It is the province of a court to expound the law, not to make it.

I pause here to say that evidently Chief Justice Warren did not agree with that.

> And certainly it is no part of the judicial functions of any court of the United States to prescribe the qualification of voters in a State, giving the right to those to whom it is denied by the written and established constitution and laws of the State, or taking it away from those to whom it is given.

Now, that is the fundamental law of the land back there by a great Chief Justice. That is to be violated and overturned 100 percent if we adopt this voting bill as proposed by Attorney General Rogers.

Mr. LONG of Louisiana. May I ask another question?

Mr. ROBERTSON. Let me show how that finding had gone down for quite a few years and then I will yield.

I just want to bring that all down to date.

This policy was applied under slightly different circumstances in *Colegrove* v. *Green* (328 U.S. 549 (1946)). That case involved a dispute arising out of the

failure of the State of Illinois to effectuate any redistricting of congressional districts for 40 years. The result was that the population of election districts in Illinois varied from as small as 112,116 to as large as 914,053. Three qualified voters challenged this districting on various constitutional grounds. The Court held that this was a political controversy which it could not solve:

To sustain this action would cut very deep into the very being of Congress. Courts ought not to enter this political thicket. The remedy for unfairness in districting is to secure State legislatures that will apportion properly, or to invoke the ample powers of Congress. The Constitution has many commands that are not enforceable by courts because they clearly fall outside the conditions and purposes that circumscribe judicial action. Thus, on demand of the executive authority, article IV, section 2 of a State it is the duty of a sister State to deliver up a fugitive from justice. But the fulfillment of this duty cannot be judicially enforced (*Kentucky* v. *Dennison*, 24 How. 66). The duty to see to it that the laws are faithfully executed cannot be brought under legal compulsion (*Mississippi* v. *Johnson*, 4 Wall. 475). Violation of the great guaranty of a republican form of government in States cannot be challenged in the courts (*Pacific Telephone Co.* v. *Oregon*, 223 U.S. 118). The Constitution has left the performance of many duties in our governmental scheme to depend on the fidelity of the executive and legislative action and, ultimately, on the vigilance of the people in exercising their political rights.

The point I am trying to make is this. It has been held from time immemorial that the courts cannot get out of their judicial function and authority and into the function of the executive branch of the Government, as is being proposed in this bill, in which referees, as masters of the court, would start out as officials of a Federal court and wind up by controlling a State or local election.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I should like to ask the Senator if he knew that the Civil Rights Act of 1957 provided:

All citizens of the United States who are otherwise qualified by law to vote—

Let me stress those words—

who are otherwise qualified by law to vote, shall be entitled to vote at all such elections without distinction of race, color, or previous condition of servitude—

And so forth? May I ask the Senator if he knows that the effect of the court ruling is that even if a person is not qualified by law to vote, nevertheless he must be placed on the rolls so that he may not be discriminated against because of color, race, or creed?

Mr. ROBERTSON. That is surprising to me. I assume the Senator from Louisiana is sure that the court has made that finding. It is very unusual and is surprising to me if the court so held.

Mr. LONG of Louisiana. May I ask the Senator if people should not be dissatisfied with a situation where, under law, they are permitted to vote even though they are not qualified by law and even though the statute clearly provides that persons who are not qualified should not vote.

Mr. ROBERTSON. I could not believe that Congress would enact a law to permit persons to vote who are not qualified under the applicable State law.

Mr. LONG of Louisiana. Does the Senator recall that many advocates of this proposal have been saying they would not want to see a person who was insane, or not otherwise qualified, able to vote?

Mr. ROBERTSON. Under this bill the referee apparently has no restraints put on him. In most States, persons convicted of a felony, who had not had their citizenships restored to them, cannot vote. But such restrictions are not imposed on referees. They do not even have to limit a man's residence to the State in which he votes. They can apply other tests. It is the most astounding thing the Senator from Virginia has heard.

The Senator from Virginia has other decisions in line with the two cases he has cited on the point that Federal courts cannot, in good conscience, or under the law, move into another or separate field, that is the administrative-executive branch.

The principle was applied by the Supreme Court in *Giles* v. *Harris* (189 U.S. 475 (1903)), which was cited and relied on by the Court in Colegrove against Green.

I cited the Colegrove case previously. The Giles case involved:

A bill in equity brought by a colored man, on behalf of himself "and on behalf of more than 5,000 Negroes, citizens of the county of Montgomery, Ala., similarly situated and circumstanced as himself," against the board of registrars * * * to enroll upon the voting list the name of the plaintiff and of all other qualified members of his race who applied for registration before August 1, 1902, and were refused, and that certain sections of the constitution of Alabama * * * may be declared contrary to the 14th and 15th amendments of the Constitution of the United States, and void.

The dismissal of the bill in equity was affirmed on the ground that:

Equity cannot undertake now, any more than it has in the past, to enforce political rights. * * * In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. This is alleged to be the conspiracy of a State, although the State is not and could not be made a party to the bill. *Hans* v. *Louisiana* (134 U.S. 1). The circuit court has no constitutional power to control its action by any direct means. And if we leave the State out of consideration, the court has as little practical power to deal with the people of the State in a body. The bill imports that the great mass of the white population intends to keep the blacks from voting. To meet such an intent something more than ordering the plaintiff's name to be inscribed upon the lists of 1902 will be needed. If the conspiracy and the intent exists, a name on a piece of paper will not defeat them. Unless we are prepared to supervise the voting in that State by officers of the court, it seems to us that all that the plaintiff could get from equity would be an empty form. Apart from damages to the individual, relief from a great political wrong, if done, as alleged, by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States (189 U.S. 475, 487–488).

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. A person already has three remedies under the Federal statute, has he not?

Mr. ROBERTSON. He has two. He can sue, and then there is a criminal penalty under the Federal statute.

Mr. HILL. He can sue for damages and he can also request injunctive relief, which really means there are three remedies, in addition to all the remedies the States have.

Mr. ROBERTSON. In addition to the remedies the States provide.

Mr. HILL. Is that not true?

Mr. ROBERTSON. That is true. The bill is not needed at all.

Mr. HILL. Is it not true that Congress in 1871 enacted legislation to set up what was called at that time Federal supervisors, and there was so much corruption——

Mr. ROBERTSON. That was in 1870. It was the Force Act.

Mr. HILL. There were two acts. The one to which I refer was enacted in 1871. One was enacted in 1870 and one in 1871.

There was so much corruption, so much fraud, so much rottenness in the Northern States, in New York, in Illinois, in Missouri, in New Jersey, in many of the other Northern States, that Congress, in 1894, repealed that statute.

But is it not true that the proposal of the Attorney General at this time is simply a greatly enlarged, extended, and enhanced statute over that of 1871?

Mr. ROBERTSON. It certainly is. It is proposed to give the Government more power than was granted in 1871. At that time the statute related only to the 15th amendment. The present bill goes beyond the 15th amendment. The early act related only to Federal elections. The present bill relates to State as well as Federal elections. The present bill is far more comprehensive than the act which brought about such abuses that Congress was forced to repeal it in 1894.

I should like to comment particularly on the hypothetical possibility suggested by Mr. Justice Holmes in this opinion that the Court might be prepared to supervise the voting by officers of the Court. Mr. Justice Holmes' reply to this hypothetical suggestion that political measures should be used to remedy political wrongs is reminiscent of the suggestion by Mr. Justice Bradley in the *Civil Rights* cases (109 U.S. 3, 25 (1883)).

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that State, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected.

Justice Holmes was, of course, undoubtedly aware of the earlier decisions in which the courts had been asked to take certain action relating to State supervision of elections. Under the

force act of May 31, 1870, Revised Statutes (1878), sections 2004–2031, supervisors of elections were provided for. Their function was to supervise elections for Representatives and Delegates in the Congress of the United States. These supervisors were to be appointed, under Revised Statutes (1878), section 2011, by the circuit courts of the United States. A motion was made in the circuit court in Cincinnati to have supervisors appointed, *In re Supervisors of Election* (23 Fed. Cas., p. 430, case No. 13628 (1878)). This motion was contested on the ground that the statute imposed nonjudicial duties upon the courts. The argument on behalf of the opponents of the motion referred to Hayburn's case and others. Circuit Judge Baxter relied on article II, section 2, of the Constitution, which provides that—

> The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Circuit Judge Baxter, however, explicitly stated that his approval of the statute was based upon the fact that it only required the court to appoint the supervisors; it did not require the court to supervise the election.

Mr. HILL. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. In other words, this did not put the State statute into receivership, such as now proposed by the Attorney General under the Rogers-Dirksen bill; is that correct? It did not create this receivership?

Mr. ROBERTSON. This goes far beyond the Force Act of 1870. In this Supervisors of Election case, out of Cincinnati, the court said:

> There is a very obvious distinction between the invalid Pension Act and that under consideration. In the former, the judges were designated and required to act as commissioners. That duty they very properly declined to perform. And if the act under consideration commanded this court to supervise the elections, I should refuse to obey it (23 Fed. Cas. 435).

But here he is going to supervise it.

Mr. HILL. Will the Senator yield for a question?

Mr. ROBERTSON. Yes.

Mr. HILL. In other words, in this case the court said it would refuse to have the machinery of the election put into receivership in the court; is that correct?

Mr. ROBERTSON. That is correct.

Mr. HILL. Such is now proposed to be done by the Rogers-Dirksen amendment?

Mr. ROBERTSON. That is right.

Criminal cases involving interference with the acts of supervisors appointed under section 2011 of the Revised Statutes were considered by the Supreme Court in 1880, *Ex parte Siebold* (100 U.S. 371), and *Ex parte Clark* (100 U.S. 399).

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Would it not be correct that if a corrupt President wanted to steal the election, this Federal registrar proposal is all he would need in order to achieve that objective?

Mr. ROBERTSON. It certainly would be a great aid for sombody who wanted to abuse his power.

Mr. HILL. Will the Senator yield for a question?

Mr. ROBERTSON. I will yield.

Mr. HILL. Is that not exactly what happened, really, in effect, under this old reconstruction statute of 1871, under the appointment of these Federal supervisors? It amounted to a stealing of the election. That was what brought about the repeal of the statute, all this stealing, all this fraud, all this corruption in these Northern States.

Mr. ROBERTSON. That is what our Tammany Hall friends charged back in the election in 1894, that they had the votes but they could neither get them counted or actually voted. So they held these hearings and in 1894 the act was repealed because they could not deny the charges, to say nothing of all the patronage, as the Senator from North Carolina brought out earlier in the evening.

One top supervisor received 140-some thousand dollars in 1 year for his services, and the thousands of supervisors, I do not know what they paid them then, they would get pretty good pay today if they would be appointed.

Mr. HILL. Will the Senator yield?

Mr. ROBERTSON. I will yield.

Mr. HILL. Was that not a man named—I will not call him a gentleman because he was a thief—John Davenport, who was really the progenitor and the father of this act?

Mr. ROBERTSON. That was his name.

Mr. HILL. He collected all of these thousands and thousands of dollars.

Mr. ROBERTSON. That is right. He was fully discussed on this floor by the junior Senator from Georgia [Mr. TALMADGE]. The report of the committee that investigated the Davenport procedures was set out in extenso in the CONGRESSIONAL RECORD.

Those who do not want to know that we are being headed into something worse than that just close their eyes and refuse to read it.

Mr. HILL. Will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true if they will go back and read the remarks of the distinguished junior Senator from Georgia [Mr. TALMADGE] delivered on the floor of the U.S. Senate on Tuesday, February 16, they will get the story there of what happened, all the rottenness, the corruption, the fraud that took place under that act?

Mr. ROBERTSON. And if they will read the debate that has occurred here this evening, they will get the story that this is far worse that we are asked to adopt.

Mr. HILL. Of course, this goes so much further than did the Davenport Act.

Mr. ROBERTSON. That is correct.

I will yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Would it not be correct to say succinctly about the Davenport situation that Davenport was the author of the Federal supervisors proposal? He then had himself appointed supervisor and proceeded to steal the elections in New York State. He made fantastic amounts of money doing it, while putting innocent people in jail for alleged offenses that they had not committed.

Mr. ROBERTSON. That seems to be the record. He was the author of the plan. He got himself elected to a good paying job and tried to steal elections to keep himself in office.

Mr. LONG of Louisiana. Mr. President, I will ask the Senator if it is not true that under Davenport's operation he would arrange that on election day he would arrest by the thousands people who were innocent, whom he would allege had violated someone's voting rights in order that those people would not have the privilege of voting against a corrupt machine in New York State.

Mr. ROBERTSON. As I recall the report, he had—I do not know how many he arrested—more than 1,000 employees working at the polls in New York City alone. They were all paid, of course, and they all had the duty to keep Democrats from voting.

Mr. LONG of Louisiana. Might I ask the Senator this question and see if he recalls: Did not the report indicate that those thousands of Davenport employees could be depended upon to arrest and incarcerate at least 5,000 honest voters on election day to keep them from voting against Davenport's crowd?

Mr. ROBERTSON. And as I recall, not a one was convicted. They were turned out of jail the next day. After the election was over, they were all released. Not a single one of them that were arrested on alleged interference with the election was ever convicted. They did not have evidence against them.

Mr. HILL. Will the Senator yield?

Mr. ROBERTSON. I will yield.

Mr. HILL. They were not only arrested, but incarcerated, physically held, where they could not get to the polls.

Is this not true, that he had not only gotten himself appointed supervisor, but also had himself appointed U.S. Commissioner, so he would have them coming and going, so to speak? There was not any way for them to get out from under or out of that jail until after election day.

Mr. ROBERTSON. As I understand it, he tried those that had been brought before him, and as a U.S. Commissioner he incarcerated them.

Mr. HILL. That is right.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

Mr. ROBERTSON. There is a little difference in this bill in that first the referee passes on a qualification and then he reports to the judge and the judge approves his registration. Then the referee supervises the election. Then if anybody interferes, the referee goes back to the judge and becomes the prosecutor.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Is not this registrar plan and Federal referee plan

susceptible to just that kind of abuse, of arresting innocent people on the fake charge that they interfered with somebody's voting rights so that they could not cast a ballot?

Mr. ROBERTSON. It is all open to the worst abuse that you could imagine. It could be worse than what happened back there under the old Force Act of 1870.

The propriety of the participation by the judicial branch in the Force Act procedures by the appointment of supervisors was questioned and was considered by the court at 100 U.S., pages 397–398. The court held that the appointment of these supervisors by the circuit court was valid. Mr. Justice Bradley explicitly based his conclusion on article III, section 2, of the Constitution and stated that the cases in which the courts have declined to exercise duties imposed by Congress "stand upon a different consideration from that which applies in the present case."

The administration voting referee proposal provides that the voting referee should supervise elections, State and Federal, in order to make sure that the election officials count the votes of the holders of the registration certificates issued by the voting referees. This is the same kind of supervision which Circuit Judge Baxter and Mr. Justice Bradley had under consideration in ex parte Siebold and in re Supervisors of Election and which Judge Baxter said he would refuse to do.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not extraordinary or unusual or unprecedented that a statute should provide that the finding of a referee shall be absolutely binding on the judge, unless clearly erroneous? Does the Senator know of any other case in which a judge is bound by the finding of a referee?

Mr. ROBERTSON. That is the reason why I have repeatedly stated that the judge would be a rubberstamp; that he could not get evidence that it was clearly erroneous that the person should not have been registered.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. HILL. So far as the statute is written, so far as it provides, the proceeding would certainly be an ex parte proceeding. Whatever the referee decided, would be the whole thing.

Mr. ROBERTSON. The local registrar is bypassed. He is turned down. He is not given a chance to explain the situation. Other citizens, whose rights would be affected by diluting the evidence, are not given the opportunity to testify. The purported offender is not permitted to know who the candidates are. Nothing would be explained. The proceeding would all be ex parte, without due process of law. That is one of the five reasons why I maintain the bill is clearly unconstitutional.

Mr. HILL. Is it not correct to say that the referee would be, in fact, what we know as a commissar?

Mr. ROBERTSON. He would not be anyone whom I would want under a representative democracy. The referees would say just what the other judges said. But the administration's voting referee proposal goes far beyond this supervision. The finding by the voting referee, rubberstamped by the district court, and the issuance of the registration certificate by the voting referee are, to all intents and purposes, the same as registering the voter. In fact, as I have indicated, it goes beyond registration since it apparently cannot be appealed and must be accepted, subject to contempt proceedings.

The fact that the voting referee is appointed in the course of a proceeding instituted under title 42, United States Code, section 1971(c) does not change the nature of the voting referee's activities from executive functions to judicial functions. Registering voters is an executive, not a judicial function.

Judicial functions are ordinarily those involving litigation between parties. U.S. courts are, of course, limited under the Constitution to cases and controversies, and this even more clearly limits the functions of the court to litigation between parties.

The original injunction proceeding under section 1971(c) can fairly be described as a case or controversy between the Attorney General and the election officials or other defendants, though there is some question whether the Attorney General or voters whose rights under the 15th amendment or article I, section 4, of the Constitution have been infringed are the real parties in interest. In either event there is a judicial question involved in the sense of a claim by one side that certain rights vested in the plaintiff either individually or as representative have been infringed by the defendant, and the court is asked to pass upon the legal question involved and take the appropriate action.

In the case of the registration of would-be voters by the voting referee, however, the original injunction proceeding it left far behind. New applicants are involved who, as I have already shown, do not have to demonstrate that there has been any infringement of their rights under the 15th amendment or article I, section 4, of the Constitution. The original defendants, ordinarily the election officials, do not, as I shall show later, have to be notified of the registration proceeding or given a chance to express their views on the subject. While the bill provides for a supplementary decree specifying the person or persons who have been qualified and entitled to vote, both the original decree appointing the voting referee and the supplementary decree are transmitted through the Attorney General, presumably as an administrative operation rather than through the ordinary process by which judicial judgments, decisions, and decrees are served upon parties.

The administration proposal, in short, bears no relation to the masters and referees appointed under rule 53 of the Rules of Civil Procedure. Those masters and referees are appointed in an action, or matters are referred to them in an action. And in actions to be tried without a jury, the reference may be made "only upon a showing that some exceptional condition requires it."

In all these cases, there must be an existing action, in which the rights of the parties to the action have been or are to be decided, and the master or referee considers and reports on some aspect of that action, usually a complicated but subordinate aspect of the matter.

The administration proposal, however, would call for the appointment of a referee in one action, involving one set of individuals who had presumably been found to have been deprived of their rights under the 15th amendment; this referee would then proceed to find facts and to file his report on a completely different set of facts, involving completely different individuals. As I have shown, he will not have to consider whether any violation of the 15th amendment occurred as to these newcomers.

In other words, the administration proposal calls for the appointment of a referee in one action, in order to try what is really a completely different action. The effect of this, and I think the purpose, is to avoid any of the procedural safeguards or any of the requirements of due process which would be necessary if a new action were instituted.

All these departures from the requirements of due process and legal procedures, all these shortcuts and devices to expedite action, show clearly that the administration proposal is not a judicial proceeding, but is no more and no less than the carrying out of the executive function of registration. The occasional, and strictly limited, functions of the court in the proceeding do not change these registration proceedings from executive functions to judicial ones.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that on page 22 of the Dirksen-Rogers amendment in the nature of a substitute, on line 8, we find this language:

> Any person or persons appointed by the court pursuant to this subsection shall have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure.

Mr. ROBERTSON. That is true. The powers are given to the master of the court, and the attempt is made to qualify him as a judicial officer. Then, as I have pointed out, he must move from the judicial function over to the executive function and start supervising elections, which it is unconstitutional for him to do.

Mr. HILL. Is it not true that his findings as the judicial master, unless they are clearly wrong, are absolutely binding?

Mr. ROBERTSON. That is true.

Mr. HILL. Is it not also true that the master can adopt any form of proceeding, so far as the taking of testimony and things of that kind are concerned? The proceeding can be very, very informal. He can act according to his own wish and his own will to get whatever results he seeks to get.

Mr. ROBERTSON. That is correct. Therefore it can be properly said that the occasional and strictly limited functions of the court in the proceeding do not change these registration proceedings from executive functions to judicial functions.

As one test of whether these registration proceedings are to be considered judicial proceedings, the Attorney General might be asked whether canon 28 of the "Canons of Ethics of the American Bar Association" will apply to any lawyer who seeks out prospective voters or induces them to file applications under the proposal. This canon 28 reads in part:

> Stirring up strife and litigation is not only unprofessional, but it is indictable at common law.

The Federal Government has no authority to determine the qualifications of voters.

The qualifications of voters for Representatives and for Senators are a matter for State determination under article I, section 2, of the Constitution and the 17th amendment.

> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

> AMENDMENT [XVII]

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The choice of presidential electors is left exclusively within the jurisdiction of the State legislatures by the second paragraph of article II of the Constitution:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The exclusive authority of the States to establish qualifications for electors for Representatives and Senators is clear beyond all question. I shall not repeat the comments I made on this point in the Senate on January 28, 1960. It is enough to refer to *Lassister* v. *Northampton County Board of Elections* (360 U.S. 45 (1959)), as the most recent case on the subject. So long as the qualifications established by the State do not, either expressly or through their administration, violate the 15th or 19th amendments, the States may establish such qualifications as they see fit.

The States have adopted many different qualifications. I have here tables prepared by the Library of Congress showing the various requirements and disqualifications for the States, and I ask unanimous consent that these may be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TABLE I.—*Residence requirements*

State	Time in State	Time in county	Time in precinct or ward
Alabama	2 years	1 year	3 months.
Alaska	1 year		30 days.
Arizona	do	30 days	Do.
Arkansas	12 months.	6 months	1 month.
California	1 year	90 days	54 days.
Colorado	do	90 days (30 days in city or town).	15 days.
Connecticut	do	6 months	
Delaware	do	3 months	30 days.
Florida	do	6 months	
Georgia	do	do	
Idaho	6 months	30 days	
Illinois	1 year	90 days	Do.
Indiana	6 months	60 days in township	Do.
Iowa	do	60 days	
Kansas	do		Do.
Kentucky	1 year	6 months	60 days.
Louisiana	do	1 year in parish	3 months.
Maine	6 months	3 months in city, town, etc.	
Maryland	1 year	6 months	6 months.
Massachusetts	do	6 months in city or town	
Michigan	6 months	30 days in city or township.	
Minnesota	do		30 days.
Mississippi	2 years	1 year in city or town	1 year.
Missouri	1 year	60 days	
Montana	do	30 days	
Nebraska	6 months	40 days	10 days.
Nevada	6 months	30 days	10 days.
New Hampshire	do	6 months in town	
New Jersey	do	60 days	15 days (in city of 4th class.)
New Mexico	12 months.	90 days	30 days.
New York	1 year	4 months	Do.
North Carolina	do		Do.
North Dakota	do	90 days	Do.
Ohio	do	40 days	40 days.
Oklahoma	do	6 months	30 days.
Oregon	6 months		
Pennsylvania	1 year		2 months.
Rhode Island	do	6 months in town or city	
South Carolina	2 years	1 year	4 months.
South Dakota	1 year	90 days	30 days.
Tennessee	12 months.	3 months	
Texas	1 year	6 months	
Utah	do	4 months	60 days.
Vermont	do	3 months in town (to vote for representative to general assembly or justices).	
Virginia	do	6 months	
Washington	do	90 days	30 days.
West Virginia	do	60 days	
Wisconsin	do		10 days.
Wyoming	do	60 days	Do.

TABLE II.—*Other requirements*

State	U.S. citizenship required	Age	Literacy required	Poll tax prerequisite for voting	Loyalty oath
Alabama	X	21	X	X	X.
Alaska	X	19	X		
Arizona	X	21	X		
Arkansas	X	21		X	
California	X [1]	21	X		
Colorado	X	21			
Connecticut	X	21	X		X.
Delaware	X	21	X		
Florida	X	21			X.
Georgia	X	18	X [2]		
Idaho	X	21			X.
Illinois	X	21			
Indiana	X	21			
Iowa	X	21			
Kansas	X	21			
Kentucky	X	18			
Louisiana	X	21	X [2]		
Maine	X	21	X		
Maryland	X	21			
Massachusetts	X	21	X		
Michigan	X	21			
Minnesota	X [3]	21			
Mississippi	X	21	X	X	X.
Missouri	X	21			
Montana	X [4]	21			
Nebraska	X	21	(2)		
Nevada	X	21	(2)		
New Hampshire	X	21	X [2]		
New Jersey	X	21			
New Mexico	X	21			
New York	X [1]	21	X		
North Carolina	X	21	(2)		X.
North Dakota	X	21			
Ohio	X	21			
Oklahoma	X	21	(2)		
Oregon	X	21	X		
Pennsylvania	X [5]	21			
Rhode Island	X	21	(2)		
South Carolina	X	21	X [2]		
South Dakota	X [6]	21			
Tennessee	X	21			
Texas	X	21		X	
Utah	X [7]	21			
Vermont	X	21			X.
Virginia	X	21	(2)	X	
Washington	X	21	X [2]		
West Virginia	X	21			
Wisconsin	X	21			
Wyoming	X	21	X		

[1] At least 90 days before election.
[2] See body of report for details.
[3] At least 3 months before election.
[4] By election.
[5] At least 1 month.
[6] Must have resided in United States 5 years.
[7] For 90 days.

TABLE III.—*Persons disqualified from voting*

State	Idiots, insane, under guardianship	Commission of felony or infamous crime	Paupers	Others
Alabama	X	X		Vagrants and others.
Alaska	X	X [1]		
Arizona	X	X [1]		
Arkansas	X	X		
California	X	X		Aliens ineligible to citizenship.
Colorado	X			While in prison.
Connecticut	X	X [1]		
Delaware	X	X	X	Convicted of election offenses; disfranchised 10 years.
Florida	X	X [1]		Interested in election wager.
Georgia	X	X [1]		
Idaho	X	X [1]		Chinese or Mongolian descendants not born in United States.
Illinois	X	X [1]		
Indiana	X	X [1]		While imprisoned.
Iowa	X	X		
Kansas	X	X [1]		Dishonorably discharged soldier, bribery.
Kentucky	X	X [1]		In prison for penal offense.
Louisiana	X	X [1]		Inmates of prison or charitable institution, deserters and those dishonorably discharged from armed services unless reinstated.
Maine	X		X	
Maryland	X	X [1]		
Massachusetts	X		X	Corrupt election practices, disfranchised for 3 years.
Michigan				
Minnesota	X	X [1]		See body of report under "Qualifications for Voting" regarding Indians.
Mississippi	X	X		Indians not taxed.
Missouri	X	X [2]		While in prison or poorhouse.
Montana	X	X [1]		

State	Idiots, insane, under guardianship	Commission of felony or infamous crime	Paupers	Others
Nebraska	X	X [1]		
Nevada	X	X [1]		Duel.
New Hampshire	X	X [1]	X (1)	Violation of election law.[1]
New Jersey	X	X		Do.
New Mexico	X	X [1]		
New York	X	X [1]		Election offenses, shall not vote at such election.
North Carolina	X	X [1]		
North Dakota	X	X [1]		
Ohio	X	X [1]		2d offense under election laws.
Oklahoma	X	X [1]		While in poorhouse or prison.
Oregon	X	X [1]		
Pennsylvania				Election offense, disfranchised 4 years. Bribery at election * * * for such election.
Rhode Island	X	X [1]	X	Residing on lands ceded by Rhode Island to United States.
South Carolina	X	X [1]	X	While in prison.
South Dakota	X	X [1]		
Tennessee		X [1]		
Texas	X	X [1]	X	Soldiers, sailors, and seamen while in Regular service of United States.
Utah	X	X [1 3]		
Vermont				Bribery for vote, disfranchised for such election.
Virginia	X	X	X	Duel.
Washington	X	X [1]		Indians not taxed; subversive activities.
West Virginia	X	X [4]	X	Bribery in election (while under conviction).
Wisconsin	X	X [1]		Bribery,[1] duel, election wager, disfranchised for such election.
Wyoming	X	X [1]		

[1] Unless civil rights have been restored.
[2] Connected with election.
[3] Treason or election offense.
[4] While under conviction.

Mr. ROBERTSON. All States have residence requirements, ranging from 6 months up to 2 years in the State, with lesser periods of time for residence in the county and the precinct or ward. Questions of residence, like questions of domicile, are not always easy to answer. Lawyers in the Senate who are familiar with the problems which confronted the estates of Colonel Green and Dr. Dorrance can bear me out as to the complexities of residence and domicile.

The second table shows requirements other than residence. Many States require literacy tests. A determination of literacy and standards of literacy are not always easy to lay down. Even without going into the scientific jargon of the educational testing systems, I can at least refer to the book "Why Johnny Can't Read" as an illustration of the wide differences of opinion in this field.

This table also shows that Alabama, Connecticut, Florida, Idaho, Mississippi, North Carolina, and Vermont require loyalty oaths. I do not quarrel with these States if they think these oaths necessary. I will confess to some curiosity as the nature of them, and whether they resemble the loyalty oaths in the National Defense Education Act which are now the subject of such sharp criticism. But in any event, I do not think the Federal Government has any business to prohibit them.

The third table lists persons disqualified from voting. Most States, in fact all but Michigan, Pennsylvania, and Vermont, have provisions disqualifying idiots and insane persons under guardianship. Most States also disqualify those who have committed felonies or infamous crimes. These no doubt are relatively simple tests. However, there may be more disagreement as to what persons are ruled out as paupers in a number of States. A number of States have special disqualifications which undoubtedly involve the exercise of considerable discretion.

With this wide variety of qualifications and the manifest problems of interpretations of these qualifications, it becomes especially significant to note the provisions of the administration proposal with respect to qualifications. The voting referees are authorized under the administration proposal to register voters and issue them a registration certificate if they find the applicants—

1. Are qualified to vote at any election, and

2. Have been—

(a) Deprived of the opportunity to register to vote or otherwise to qualify to vote at any election; or

(b) Found by State election officials not qualified to register to vote or to vote at any election.

Under clause 1 the voting referee must find the voter qualified to vote "at any election." This bill, as I have said, was drafted by the Attorney General and his staff, and we may assume they wrote the bill so as to carry out what they had in mind. Accordingly, when the Attorney General and his staff use the words "at any election," we may assume this means that the voting referee will only have to find a would-be voter qualified to vote "at any election." This might mean, qualified to vote in an election at some other time, or in some other State. In other words, nothing in the administration bill would prevent a Federal referee from holding a voter qualified to vote in a State, under wholly different criteria adopted by another State.

Mr. HILL. Would the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not a fact that we find in the testimony of the Attorney General of the United States before the House Judiciary Subcommittee on March 11, 1959—that was just about a year ago; not quite a year ago—on page 227 of the printed hearings, that the Attorney General answered, in reply to a question as to how far the Federal Government can go in connection with voting as follows—the same Attorney General who now has written this Rogers-Dirksen bill which is before us:

I think we can go just as far as we have asked to go in this legislation.

That was what he asked for—to carry forward this Rogers-Dirksen referee proposal—the farthest he had gone. However, now, he goes a little further; is not that correct?

Mr. ROBERTSON. There is not any question about that. It is hard to find any consistency among these Federal officials that are sponsoring legislation. It was assumed that these registrar bills—a number of them are pending before the Rules Committee—were all right. But Attorney General Rogers said they were all unconstitutional, and he would present a good one. I have already mentioned five grounds on which his is unconstitutional.

From time to time there have been antilynching bills, and the distinguished Senator from New York has another one pending at the desk. Several years ago Attorney General Brownell testified, on a similar bill, quoting from a constitutional amendment, that, in his opinion the bill was unconstitutional.

It was Attorney General Brownell who told the President that he had the power to send troops into Little Rock to enforce the order of the district court, when we had specifically repealed in the act of 1957 the power to do so.

So I say it is a little difficult to find any consistency whatever among this

administrative group, when we are dealing with a highly controversial issue such as civil rights.

Mr. HILL. Mr. President, at this point will the Senator from Virginia yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not a fact that on January 7, 1938, the leonine Senator from Idaho, the late Senator William E. Borah, spoke the following words on the floor of the Senate, in opposing an antilynching bill—and I ask the Senator from Virginia if it is not correct to state that Senator Borah closed that speech with these words:

> And, Mr. President, in conclusion, the progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

Mr. ROBERTSON. I am quite familiar with that statement, because if these necessary and unconstitutional measures are not laid aside by Wednesday night, I will be speaking again, on Thursday; and at that time the subject will be the antilynching laws; and in connection with that subject I shall quote at length from Senator Borah's remarks. He said such laws not only are unconstitutional, but they are also very unwise, and that, if enacted into law, the time will come when they will be a great burden on sections of the country besides the South, at which they are aimed. I shall quote the remarks of Senator Borah on that subject, if by Thursday we are so unfortunate as still to be engaged in this debate.

Mr. President, subclause (2)(b) authorizes the voting referee to register a would-be voter if the would-be voter was deprived of the opportunity to vote "at any election."

Mr. President, mark the words "at any election." Again, this general phrase is used and it may be interpreted to mean that the voter was deprived of his opportunity to register at some previous election or in some other State.

Subclause (2)(b) calls for a finding that the would-be voter was found not qualified to register or vote "at any election." Again, there is nothing to prevent the referee from making a finding that the would-be voter was disqualified at some long past election or in some other State.

It would have been easy for the Attorney General to have used the expression "such election" or "Federal election" or some other qualifying phrases to tie down the voting referee and the court to the State and the time and the election officials involved in the injunction proceeding under 42 U.S.C. 1971(c). But these restrictive qualifying phrases were not used. Instead, broad and general statements were used.

Even if the voting referees should apply the constitutional and statutory provisions relating to qualifications of the State in which the election in question is being held, it is clear that under the administration proposal the voting referee, an officer of the Federal court, will be determining the qualifications of the voters. He will do this subject to all the discretion which is necessarily involved in questions of residence, literacy, and other standards which I have discussed earlier. This goes far beyond anything which can be said to be authorized by the 15th amendment, which is limited to the deprivation of voting rights by State action on account of race or color. It is directly contrary to the long line of cases including *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45 (1959)).

The administration proposal would violate all principles of due process and sound procedure.

The administration proposal, as prepared by the Attorney General and introduced as section 7 of S. 3001, provides for the appointment of voting referees by district courts. These referees will hear evidence and prepare proposed findings that applicants are qualified to vote which will be submitted to the court. The court will approve these findings "unless clearly erroneous." These findings will then be transmitted to the State election officials and the voter will also be given a registration certificate authorizing the holder to vote.

As spelled out in S. 3001, the administration proposal authorizes all of these steps to be taken ex parte. The first notice the State election officials may expect to receive is a court decree compelling them to let certain named persons vote, and they will be subject to contempt procedings if they do not do so. Or if this decree is not delivered on time, the State election officials may know nothing of the proceedings until a registration certificate entitling "the holder thereof" to vote is exhibited to him on election day.

The bill adopts some provisions from rule 53 of the Rules of Civil Procedure. The provision that the voting referee's findings are to be accepted by the court "unless clearly erroneous" comes from paragraph (e)(II) of that rule. And the voting referee is specifically given the powers of a master under paragraph (c) of the rule, for example, to require the production of evidence and to put witnesses on oath and to examine them.

However, the bill carefully omits the parts of rule 53 which provide the essentials of due process. For example, paragraph (d)(I) requires in most cases that the master must give notice to the parties of the meetings he holds; paragraph (d)(II) provides that parties may have subpenas to cause their witnesses to attend; paragraph (e)(II) provides that parties have 10 days to file objections to the master's proposed report; and paragraph (e)(V) provides that the master must submit a draft of his proposed report to the parties before filing it. These provisions are not made a part of the bill.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. In other words, all of those provisions or rights—which are part of what we usually think of, and which we prize, as due process—are not given under this proposed legislation; is that correct?

Mr. ROBERTSON. That is correct. This bill would give the masters the power to subpena and to put those persons under oath and under pressure; and then the referees would be free from all that we call due process, when there is litigation between parties and when their rights are at stake.

As I have said, those due process provisions are not made a part of this bill. I assume this omission was intentional, and that it is intended that these steps need not be taken.

This procedure violates all principles of due process and sound procedure. The election officials who are being charged with violations of the 15th amendment, or at least with having refused to register a qualified voter, would be given no opportunity to explain their side of the story. The other voters in the same district, whose votes would be watered down or nullified by these federally registered voters would have no opportunity to present the facts to the court or the voting referee. The candidates running in the district, who might wish to explain their platforms and their qualifications to these federally registered voters, would have no opportunity to give such information as they might have to the court or to the voting referee.

As a final step in this outrageous procedure, if an election official or a party watcher should question one of these federally registered voters, he might be haled before the court and summarily punished for contempt of court. Under the 1957 act in such a contempt proceeding, no jury trial is required if the fine is not more than $300 and the jail sentence not more than 45 days. I intend to discuss in more detail later the problems involved in these contempt proceedings and their relation to jury trials. For the present purpose it is enough to say that if a judge should limit the fines to $300, and the jail sentence to 45 days, for each voter questioned by an election official or a party watcher, and if as the Attorney General suggested at page 352 of the hearings before the Rules Committee the voting referee certified 100 or 150 voters, the challenging election official or party watcher could suffer very heavily indeed.

It may be argued that I am reflecting on the district judges who will be administering this bill. It is possible, of course, that every single district judge will exercise this power in the most exemplary fashion. It is possible that in every case the most complete respect for due process will be observed. If this provision should be adopted, I hope this will be true.

I should like, however, to recall to you the words of James Madison in No. 51 of the Federalist, when he discussed the reasons for the division of the Federal Government into three departments.

Mr. HILL. Mr. President, will the Senator yield now?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the proposed amendment provides that the findings of the referee shall be binding on the judge unless clearly erroneous, and then goes further. It gives to the referee the power and authority of a register in chancery, which means that any findings by the referee, unless they are clearly wrong, are binding. Is that not true?

Mr. ROBERTSON. That is true. It is the most extreme proposal for a grant of a double-barreled power, partly judiciary and partly executive, that has ever been before the Senate for action. It goes far beyond the force bill of 1870. We can hope, if this bill goes through, that the judges will be high minded and fine, and that the referees will be high minded and true, loyal and fair, but let me tell Senators what James Madison said:

> It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

There is no such control provided in this bill either over the judges, who can send a man to jail and fine him without a jury trial, or over the referee, who can, as a master, take testimony and then, as a civilian officer supervise the election and make sure that everybody whom he has registered has his vote counted. As the Senator from North Carolina pointed out earlier in the day, nearly all States—all States, so far as I know—that have a secret ballot make it a crime for anybody to examine that ballot and identify it, yet the proposed law would give the registrar the right to make sure that everybody that he has registered has been counted. That is a violation of all State laws relating to the secrecy of the ballot.

The basic requirements of due process stem from the considerations mentioned by Madison: The right of the accused to hear the charges against him; the right of the accused to tell his side of the story; and his right to an impartial trial. These concepts stem back to Magna Carta in 1215, or even earlier. The free man's right to protection from injury "except by the legal judgment of his peers or by the law of the land" in Magna Carta was repeated in a 1354 statute which protected men of every estate or condition against imprisonment, and so forth, "without being brought in answer by due process of the law" (28 Edw. 3, C. 3). These rights have had to be restated again and again. Magna Carta itself was reissued time and again by succeeding kings. And the first Charter of Virginia, as early as 1606, made it clear that Virginians would have and enjoy "all liberties, franchises, and immunities" as though they had been born in England.

These principles were written into the Constitution and into the Bill of Rights, and also into most of the State constitutions.

This conception of due process, of hearing both sides of the question, of orderly and reasoned proceedings, applies also to legislative proceedings. An individual should not be deprived of his rights and interests without a chance to be heard. So also, States, sections of the country, and social, business, or economic interests should not be injured without due consideration of all factors involved.

The results of a less sweeping statute, the Force Act of 1870, as it was applied in the State of New York, were described in the report of a select committee of the House of Representatives in 1893, House Report No. 2365, 52d Congress, 2d session. This recently has been discussed in the CONGRESSIONAL RECORD at length, and I shall not elaborate on it.

I recognize that the administration proposal would provide speedy and effective measures for carrying out the wishes of the voting referees. The Attorney General has succeeded in this endeavor, but in my opinion he has done so at the cost of disregarding fundamental constitutional principles.

The administration proposal for voting referees is premature. It would provide supplemental remedies in the course of injunction proceedings brought by the Attorney General under subsection 1971 (c) of title 42 of the United States Code. Three cases involving the constitutionality and meaning of this subsection of the code are now pending before the Supreme Court.

In one of these cases, *United States* v. *Raines* (October term, 1959, No. 64), the U.S. District Court for the Middle District of Georgia (172 F. Supp. 552 (1959)) has held this subsection unconstitutional on the ground that it applies, through cross-reference to subsection 1971(a), to private actions beyond the scope of the 15th amendment, and therefore violates the principles laid down in *United States* v. *Reese* (92 U.S. 214). This case has already been argued in the Supreme Court. This is one of the cases which the Senator from Louisiana has just reported the Court decided today in favor of the Justice Department.

The same question is involved in *United States* v. *Thomas* (October 10, 1959, No. 667). In the Thomas case, private citizens challenged a large number of Negro voters, and a very few white voters, on the basis of alleged defects in the registration forms filled out by the voters. Acting under the applicable law, the registrar sent notices of these challenges to the voters. Only one challenged voter took advantage of the opportunity provided by State law to traverse the challenge. He was reinstated. The other voters failed to respond to the notices of challenge, and in accordance with the applicable State laws, their names were thereupon struck off the registration list. There was evidence that about half of the white voters' registration forms had errors comparable to those for which the Negro voters were challenged. But as the white voters were not challenged, with a very few exceptions, the registrar was not required by State law to take any action with respect to them and he did not do so.

The district court denied a motion to dismiss the complaint upholding the validity of the statute. He issued a preliminary injunction which ordered the registrar to reinstate the challenged names on the registration list. He also ordered the registrar to keep a list of challenged voters by race and to report to court if more than 5 percent of the registrants of one race should be challenged within any 3-month period. He ordered the private citizens involved to refrain from making any further challenges having as their purpose or effect discrimination against registrants based on race or color.

The registrar appealed to the court of appeals, and the Justice Department took the case directly to the Supreme Court in order that it might be considered along with the Raines case and in order to enable the challenged voters to vote in a State election to be held in April 1960.

This is a clear case of discrimination by private citizens in their selection of the unqualified voters they choose to challenge, not a case of discriminatory State action, and it is therefore beyond the scope of the 15th amendment. The registrar merely complied with the mandatory provisions of the applicable State law, when he sent out the notices of challenge and when he struck from the list challenged voters who had not traversed the challenges. The only action taken by the registrar was on the basis of statutory standards entirely unrelated to any question of race or color. The persons who discriminated on the basis of race or color were the private citizens, who filed challenges with respect to Negro voters but did not do so with persons who discriminated on the basis action was nondiscriminatory. The only discrimination was private action. The registrar was under no duty under State law to file challenges himself against other voters, nor was he under a duty to strike voters from the list in the absence of challenges by other voters.

The effect of the injunction is to require the registrar to place on his registration list the names of voters who have been challenged as unqualified voters and who have not traversed the challenge. The court specifically stated in its findings of law that it was immaterial that the voters whose names he ordered added to the registration list were unqualified. In other words, here we have a case where a Federal court has ordered a State registrar to place on his registration list the names of persons, whether or not they are qualified under State law, in order to enable them to vote in a State election.

This case, too, the Senator from Louisiana has reported. The Court decided in favor of the Justice Department. I have not seen the opinion, and I do not know how they explained this away.

In the third case, which is still pending, *United States* v. *Alabama* (October term, 1959, No. 398), an injunction was

sought against the Board of Registrars of Macon County, Ala., and its members individually. The State of Alabama was later made a party. On the basis of allegations that the members of the board had engaged in discriminatory actions, an injunction was sought under subsection 1971(c). A motion to dismiss the complaint was granted, on the ground that the statute did not permit suits against States, the individual members of the board had resigned, and the board as such was neither a suable entity under Alabama law nor a "person" within the meaning of the act (171 F. Supp. 720 (1959)). The court of appeals unanimously affirmed the decision of the district court (267 F. 2d 808 (1959)). A writ of certiorari has been granted by the Supreme Court. The case has been scheduled for argument in the session beginning March 21, 1960.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. The Senator will recall that so far as the Alabama case is concerned, there were three members of the board, as is provided under the Alabama statute. One of the members of the board died. Certainly he could not help that. I take it he would not have died if he could have helped it.

Mr. ROBERTSON. I would not think so.

Mr. HILL. The other member of the board was elected a member of the Legislature of the State of Alabama a year before, and under the constitution of Alabama one cannot be a member of the State legislature and also a member of the board of registrars; so a majority of the Board was removed, one by death, and the other by election the year before to the legislature. The third member of the board was appointed a member of what we call the equalization board, which would make him ineligible to serve as a member of the board of registrars. So there was not a single one of those three members who, under the Alabama constitution, was eligible to serve as registrars.

Mr. ROBERTSON. As I recall, the State court made a finding, and the Supreme Court granted a writ, so the Supreme Court thinks there is something wrong down there. There is no telling what the Court is going to do, based on what the Court has done, even though one member died.

Mr. HILL. And one became a member of the legislature.

Mr. ROBERTSON. The Supreme Court granted a writ.

Mr. HILL. That is my understanding.

Mr. ROBERTSON. Does that mean it thinks there may be some error?

Mr. HILL. An argument was held. I wanted the RECORD to contain the facts to show what happened to three members of the board. One died, another became a member of the legislature, and another became a member of the board of equalization—none of them eligible to be on the board of registrars.

Mr. ROBERTSON. To continue with my statement, in the Alabama case the opinions of the district court and the court of appeals did not reach the constitutional issues involved. Both courts came to the conclusion that the 1957 act did not authorize suits against a State. Whether the Supreme Court will reach and consider the constitutional issues cannot be predicted at this time.

If the Supreme Court holds that subsection 1971(c) is unconstitutional, in which event no injunction proceedings could be brought under it, enactment of the administration proposal would be meaningless. If, on the other hand, the Supreme Court should adopt the extreme positions pressed on it by the Department of Justice in United States against Thomas and United States against Alabama, it may be that the administration proposal will be unnecessary.

It seems to me the height of folly to rush madly to enact this proposal, not knowing whether the statute on which it is based will be found unconstitutional before this bill is even enacted, and not knowing whether the existing statute will be so extended by the Supreme Court as to make the bill unnecessary. Even in an election year the Senate should follow some semblance of orderly procedure.

Inasmuch as a great part of the impetus of this debate derives from the report of the U.S. Commission on Civil Rights, I think it is well to discuss some of the aspects of that report.

It is interesting to me that the press and the public seem to have the impression that the Commission, with the exception of former Governor Battle of Virginia, was unanimous in its report. This is not correct, or it is correct in a very limited degree and requires considerable explanation.

Before discussing the lack of unanimity of the Commission in its recommendation for legislation in the field of voting rights, let me first point out that there was a basic disagreement, beginning on page 1 of the Commission's report, as to the very nature of the origins of civil rights in the United States. Commissioners Hannah, Hesburgh, and Johnson, by some means constituting a majority of the six-man Commission, set forth their views on this question. Exception to the statement of the constitutional background of civil rights was filed by an equal number of Commissioners, Storey, Battle, and Carlton.

The basic disagreement was defined by Commissioners Storey, Battle, and Carlton, as follows:

> We take exception to this and all succeeding passages to the effect that a provision on the equal protection of the laws properly may be implied in the original Constitution itself. Such assertions ignore historical fact and disregard the development of constitutional law pertinent to recognition of the human dignity of the individual in our democratic society.

It seems extraordinary to me that the Commission would undertake to recommend such a far-reaching and revolutionary proposal as the Federal registrars bill when it is split down the middle on the very question of the origin of the rights which it seeks to secure.

When one examines the detailed findings and recommendations on the question of the right to vote, the division of the Commission is even more striking.

It is correct, of course, that five of the six members of the Commission recommended the enactment of the Federal registrar proposal, Commissioner Battle dissenting with the following statement, quoting from page 142:

> I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.

However, it is not generally known that three of the Commissioners, Hannah, Hesburgh, and Johnson, characterized the Federal registrar proposal in the following language:

> The proposed measure is clearly a stopgap.

These Commissioners went on to propose a constitutional amendment "to establish a free and universal franchise throughout the United States." The proposed constitutional amendment would give the right to vote to every citizen who meets his State's age and residence requirement and who is not legally confined at the time of registration or election.

These Commissioners stated that the "recommendation for temporary Federal registration should, if enacted by Congress, secure the right to vote in the forthcoming national elections for many qualified citizens who would otherwise, because of their race or color, be denied this most fundamental of American civil rights."

Thus, the Federal registrar proposal was not advocated by a majority of the Commission as permanent legislation. One of the six Commissioners did not concur in it even as a temporary measure, and three others regarded it as a stopgap measure and only for use in the forthcoming national elections.

Commissioners Storey, Carlton, and Battle, in another separate statement regarding the proposed constitutional amendment, expressed their disagreement with that proposal.

On February 5 the Attorney General of the United States, in testimony before the Rules Committee, repudiated the Federal registrar proposal in a manner which indicated clearly to me that he regarded it as unconstitutional, and he repudiated the merger of the two proposals, stating that he would consider such a merger as "a shotgun wedding so far as I am concerned." Thus, none of the proposals which are before us, whether they parade under the name of Federal registrars, Federal referees, or what, bear the firm and unequivocal endorsement which their proponents would have the country believe.

Mr. President, in my judgment the administration proposal is premature, even aside from the uncertainties resulting from the cases pending in the Supreme Court. It seems to me clear that good legislative procedures call for us to find out how the existing statute

operates. The so-called Civil Rights Act of 1957 was passed with great acclaim. Not only have we not yet found out whether major parts of it are constitutional, and what they mean, but we have had no operating experience under it. No one can say that it will or will not do what its proponents claimed for it at the time of its enactment, and no one can say whether it will accomplish all the assumed and alleged benefits which the proponents of the administration bill claim for it, because there has been no meaningful experience under the existing law. The Attorney General testified before the Rules Committee that only five or six cases have been started under this provision of the 1957 act, because he wanted to make sure that he picked the right test cases. He also said that he has been surprised how few complaints he has had. It seems to me under these circumstances sound legislative procedures call for some effort to find out where we are already, before hastily adopting this proposal or any other of the many ill-considered proposals which are being presented to the Senate each day.

Mr. President, if this debate should extend long enough, I and other Members of the Senate from the South will analyze and discuss as fully as I have done today the other six proposals of the Dirksen substitute. I have discussed the seventh one. We will analyze all of them, and then we will take up the 10 proposals of the Senator from New York, and we will stay on that subject, regardless of how many people appear before the Johnson subcommittee and say that this Nation is in imminent danger of being destroyed by forces from without. We will stay on it whether or not we act on any of the appropriation bills or any of the other bills that the Congress usually calls "must" bills.

Mr. President, so long as we have any power and force left in us, we are going to make a fight for the preservation of American constitutional liberty and the rights guaranteed to the States by the Constitution itself, and specifically reserved to them by the 9th and 10th amendments.

We challenge the proponents of this legislation to show any constitutional authority for any one of them, outside the fact that we deny that there is any existing need for legislation of this kind.

We say it is honeycombed as a program of expediency. Therefore, the junior Senator from Virginia hopes that the Senate will find that we have embarked on the wrong program, and that we will drop these measures for consideration of things far more essential to this Nation, including a consideration of our defense situation and a consideration of the balanced budget, with the appropriations necessary for our Nation to go forward in both peace and prosperity.

Mr. HILL. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield first to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I wish to express my deep gratitude to the distinguished Senator from Virginia for the magnificent address he has delivered today.

Mr. President, it is too bad that, in all the talk that accompanies a situation in the Senate when any newspaper says it is a filibuster, a great effort like this, that has entailed hours of work by one of the finest legal minds in the Senate, should just be glossed over and pushed aside. It is worthy of the most careful consideration and reading by every Member of the body, and indeed, by the members of the faculty of the various law schools of this Nation.

I congratulate the Senator on a great effort, and express my profound regret that such a speech as this should be lost in the miasma of all the talk about a filibuster.

Mr. ROBERTSON. The Senator thanks his colleague for that complimentary statement. I yield to the Senator from Alabama.

Mr. HILL. Is it not true that the State of Virginia, which the Senator has the honor to represent today, and represents so ably and brilliantly, contributed more to the winning of the Revolution and the founding of our Nation than any other State?

The Senator may be modest and may not want to answer that question, but I will make that statement.

Is it not true that the father of our country was George Washington of Virginia?

Mr. ROBERTSON. That is undoubtedly true.

Mr. HILL. Is it not true that the author of the Declaration of Independence was Thomas Jefferson of Virginia?

Mr. ROBERTSON. I will not deny that.

Mr. HILL. Is it not true that the father of the Constitution was James Madison of Virginia?

Mr. ROBERTSON. By many he is so considered.

Mr. HILL. Is it not true that the Bill of Rights was written by George Mason, of Virginia; that Woodrow Wilson said he would have rather written that document than any document penned by the hand of man?

Mr. ROBERTSON. That is true.

Mr. HILL. And is it not true that the great orator who lit the fires of the Revolution was Patrick Henry of Virginia?

Mr. ROBERTSON. He was one of our great orators. I will agree to that.

Mr. HILL. I join my friend the senior Senator from Georgia in congratulating the Senator from Virginia on his magnificent speech. May I say that that speech was worthy of these great Founding Fathers of Virginia to whom I have just referred.

May I also say that I not only rejoice that the Senator from Virginia so clearly analyzed all of the evil and all of the iniquity that lies within this proposal with reference to the appointment of these referees, but that in the first part of his speech he brought out the fact that this bill contains many provisions in addition to the provisions with reference to voting. Is that not correct?

Mr. ROBERTSON. That is very correct

Mr. HILL. There are many provisions. It runs into the teeth of the Federal Constitution.

Is it not true that amendment 6, part of this immortal Bill of Rights of the Constitution, provides:

> In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed.

Mr. ROBERTSON. The Senator from Virginia has an extended speech on that issue, if we have to use it, on the right of trial by jury.

Mr. HILL. Not only trial by jury, but equally as important is the right of being tried in the district and State where the alleged crime is committed.

Mr. ROBERTSON. That is correct.

Mr. HILL. Yet under this bill, as I said yesterday, a person might be alleged to have committed a crime down in the southern Keys of Florida, and be tried out in Hawaii, which is in absolute contravention of the sixth amendment to the Constitution of the United States.

Is it not also true that the original Constitution would never have been ratified but for the fact that there was an agreement—we may call it a gentlemen's agreement, but certainly it was a binding agreement—that with the ratification of the Constitution would also come the adoption of the amendments which constitute the Bill of Rights to the Constitution?

Mr. ROBERTSON. The Senator from Virginia enumerated five grounds on which this voting proposal was unconstitutional. In thanking his distinguished colleague from Alabama for the high tribute he has paid him, we will also accept his additional reason, making six, why this bill is unconstitutional.

The Senator from Virginia in acknowledging the fine tribute paid him by the Senator from Georgia, was greatly encouraged yesterday by a sermon he heard yesterday morning. The Senator from Virginia had in mind the possibility that he would speak at length today, and that there would not be many here to hear him. In fact, there are more here than he expected. Generally we have about one Democrat and a watchdog for the opposition.

But the preacher yesterday preached from the third chapter of John, and he said Christ announced one of the most fundamental truths of all time. He said He did not have a big ampitheater in which to do it, he did not have a big audience. He said He announced it at night to only one man. His name was Nicodemus. Nicodemus was a Pharisee and a ruler. He came to Jesus—we do not know exactly why—and said to Him, "You must come from God or you could not perform all these miracles."

Jesus said that no can can enter the Kingdom of Heaven unless he is born again. Nicodemus said, "How can that be?" Then Jesus told him about His meaning of the regeneration of his heart.

The Senator from Louisiana asked the junior Senator today if we should not adopt these bills and reenact the Sermon on the Mount. The reply of the Senator from Virginia was that we cannot legis-

late that kind of feeling—"do unto others,"—nor can we put it into effect by force.

But if we had more of that feeling in our hearts, we would not have to have big audiences, television and radio, in order to announce some great truths.

We can go back to that passage of John, not John 3: 16, but the first 17 verses of John 3, where there was announced a principle that is not found in any other religion throughout the world, the principle of regeneration. It is not the reformation of a man, which is of his own doing and generally does not last long. There is the old saying that "I know I can quit smoking; I have done it any number of times." There are other resolutions that we can make that do not last long.

But I am speaking of the regeneration that occurs within the heart. The thing that is encouraging to the Senator from Virginia, knowing he had to make this speech, and thinking he had to do it to empty benches, was the truth which Christ expounded that night to only one man, that man being Nicodemus.

Perhaps before this debate is over somebody will hear the principles we are trying to enunciate on the subject of preserving our constitutional rights.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to my friend from Tennessee.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. GORE. I have been thrilled by the eloquence with which the senior Senator from Alabama [Mr. HILL] has recalled the historic figures of the great State of Virginia. I wondered why he omitted the names of John Rolfe, John Smith, and Pocahontas. [Laughter.]

Mr. HILL. There are so many famous and distinguished names in Virginia history that I would be accused of filibustering were I to mention all of them. [Laughter.]

I might mention the name of Virginia Dare, who was the first white child born on American soil. I might mention the name of George Wythe, a great lawyer and a great educator, who did so much for Virginia and for Thomas Jefferson. But if I were to go down the list, I would immediately be accused of filibustering.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I hope that before the Senator from Virginia yields the floor he will have an opportunity to add to the names of the distinguished Virginians who contributed so much to this country the name of John Marshall, the greatest of our Chief Justices, and who, I happen to know, is a remote ancestor of the distinguished junior Senator from Virginia. I wish there were more men like John Marshall at this time to pass upon the vital problems which confront our Nation. John Marshall was, of course, a Virginian, was he not?

Mr. ROBERTSON. That is correct; John Marshall was from Virginia.

The Senator from Virginia received a letter today from a man in Florida, who said, "I have become so disgusted with civil rights bills that I am not going to call myself an American any more; I am going to call myself a Virginian."

I am reminded that at the first session of the Continental Congress, when Virginia was, with all due deference, the largest and richest State in the Union—I shall not narrate what she did during the Revolutionary War, but she had quite a status—Patrick Henry said, "Now and henceforth, I shall not call myself a Virginian. Now and henceforth I shall call myself an American."

That was one of the big concessions made by Patrick Henry.

The man from the State of the distinguished Senator from Florida wrote me that because of the civil rights bills before Congress, he will call himself a Virginian from now on.

Mr. HOLLAND. I thank the distinguished Senator from Virginia for the excellent speech he has made.

Before I take my seat, I should say that the Senator from Alabama [Mr. HILL] pointed up perhaps one of the cruelest things which could happen under the pending bill, when he suggested that a person could commit a certain act in the State of Florida and then be taken to some other less beautiful and glorious State to be tried. I think that is an example of the extreme cruelty which is mentioned in the Constitution. I am glad the distinguished Senator from Alabama mentioned it.

Mr. HILL. Does not the Constitution itself provide that there shall not be unusual cruelty?

Mr. HOLLAND. Of course, the Senator from Alabama is correct. The Constitution also provides that a person has the right to be tried either in his own State, the State where he resides, or in the State where he is alleged to have committed the crime.

Mr. HILL. The Senator is correct.

Mr. HOLLAND. So in many respects the proposed legislation offends both the Constitution and, in the matter I mention, against ordinary decency and humane treatment.

During the delivery of Mr. ROBERTSON's speech,

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ROBERTSON. Mr. President, may I yield to my distinguished colleague from North Carolina [Mr. ERVIN] for an insertion in the RECORD, without losing the floor?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERTSON. I yield.

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed, immediately after the remarks of the able and distinguished Senator from Virginia, an article from the Charlotte Observer for February 29, 1960, written by John Chadwick, of the Associated Press.

I ask unanimous consent that it be inserted in the RECORD at this point so that it may appear that the Associated Press and this particular reporter have been fair enough to analyze the Dirksen amendment in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERE'S SOUTH'S STAND IN CIVIL RIGHTS RUCKUS

(By John Chadwick)

WASHINGTON.—What is this bill that has kicked up such a ruckus in the Senate? A civil rights bill, yes, but what's in it? What would it do?

Southern Senators are putting up an all-out fight against it. In an effort to break their resistance, around-the-clock sessions of the Senate are to start Monday.

Part of the bill is designed to guarantee the voting rights of Negroes.

The southerners say this section has been unduly stressed. Other provisions deal with racial integrations in the public schools, with "hate bombings" of schools and churches, and racial discrimination in employment.

The bill now before the Senate embodies the Eisenhower administration's civil rights program.

As the southerners are well aware, attempts will be made to get votes on other measures. Here are highlights of the seven sections of the administration bill, together with the principal objections raised by the southerners:

I

This would make it a Federal crime, punishable by a $10,000 fine or 2 years in prison, to obstruct or interfere willfully by threats or force with Federal court orders in school desegregation cases.

It would apply to anyone who "corruptly, or by threats or force, or by any threatening letter or communication" obstructed or attempted to obstruct such a court order.

It is aimed at disorders like that which erupted in 1957 after a court order for admission of Negroes to Central High School in Little Rock, Ark.

Southerners argue it is unnecessary—that Federal judges can punish for contempt any interference with their decrees and the States have laws against assaults.

They also contend it is so sweeping that a letter to an editor or a newspaper editorial criticizing a school desegregation decree might be interpreted as a Federal crime.

Furthermore, the southerners say that if such legislation is to be enacted, it should apply to court orders in all kinds of cases.

II

This section also would create a new Federal crime—fleeing across a State line to escape prosecution for the bombing of buildings or other property used primarily for religious or educational purposes. This would enable the FBI to move in quickly. The penalty provided is a $5,000 fine or 5 years in prison.

The southerners object to this part of the bill less than any other, although they say it is unnecessary. Some of them say it should apply also to dynamitings in labor disputes and other cases.

III

This would require State and local election officials to preserve voting records for 3 years and to make them available to the Justice Department for inspection upon demand. Criminal penalties are provided for willful destruction of such records.

The purpose is to assist the Attorney General in enforcing voting rights under the 1957 Civil Rights Act; southerners object that it constitutes an unwarranted encroachment on State affairs.

IV

This section would put Congress on record in support of the Supreme Court's 1954 school desegregation decision. It says Congress recognizes that the Constitution as interpreted by the Court is the supreme law

of the land and that State and local governments "are now obligated to take steps toward the elimination of segregation in their public schools."

It goes on to authorize Federal grants and technical assistance to States or local communities that attempt to carry out desegregation of their schools.

Southern Senators bitterly protest against giving congressional sanction to the Court's decision and also contend the language used in the bill misinterprets the decision.

They call the Federal financial grants an attempt to bribe southerners into accepting the Court's ruling.

V

This section would permit the Federal Government to provide schooling for children of armed services members in areas where the public schools are closed to avoid racial integration.

Southern opponents say the Federal Government could take over for this purpose local schools built with Federal aid.

VI

This section would set up a 15-member Presidential commission to seek to eliminate racial discrimination in the hiring of workers by Government contractors and to encourage elimination of discrimination in employment generally.

Southerners call this an attempt at Federal interference with the hiring and firing of workers by private industry.

VII

The final section contains the administration's recent proposal for court-appointed referees to oversee registration, voting, and vote counting in areas where systematic discrimination against Negroes is found. It would apply to State and local as well as Federal elections.

Southerners assail this as an unconstitutional invasion of States rights. They also say it is modeled on an old Reconstruction era statute that led to widespread frauds.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Fong	Magnuson
Anderson	Frear	Mansfield
Bartlett	Gore	Martin
Beall	Gruening	Monroney
Bennett	Hart	Morton
Brunsdale	Hayden	Moss
Byrd, W. Va.	Hill	Mundt
Cannon	Holland	Muskie
Capehart	Hruska	Pastore
Carlson	Jackson	Proxmire
Carroll	Javits	Robertson
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Keating	Scott
Church	Kefauver	Smith
Clark	Kerr	Sparkman
Cooper	Kuchel	Wiley
Cotton	Lausche	Williams, Del.
Curtis	Long, Hawaii	Williams, N.J.
Dirksen	Long, La.	Young, N. Dak.
Douglas	McCarthy	Young, Ohio
Dworshak	McClellan	
Engle	McNamara	

The PRESIDING OFFICER. A quorum is present.

Mr. DIRKSEN. Mr. President, this afternoon the Senate was engaged in colloquy and controversy with respect to a parliamentary inquiry made by the Senator from Arkansas [Mr. McCLELLAN]. The essential question was when could an amendment be presented, assuming that a cloture petition had been filed; and could, in fact, the action on the amendment be completed if the reading of the amendment had not been consummated before the arrival of the time when the Senate might be confronted with an actual vote on the cloture petition.

The matter has been discussed rather generously, as all Senators know. There have been a good many conferences this afternoon, and some alternative propositions were examined.

For myself, I had in mind that perhaps a unanimous-consent request could be propounded, and that under it amendments could be read and filed and presented, so as to come within the rule, before there was a vote on the cloture petition.

There was an alternative suggestion—namely, that the majority leader or myself might respectfully request the Senate to agree that all the amendments which might be filed and be on the desk might be read, so as also to qualify under the rule.

However, after consultation with the majority leader and with the distinguished Senator from Georgia [Mr. RUSSELL], I think that perhaps still another alternative suggestion might be available to us—namely, that during tthe morning hour and, if necessary, even after the morning hour—but preferably, I think, during the morning hour, in order to channelize the amendment and put all Members on notice—any Senator who had an amendment might ask whatever Senator might then have the floor to yield, so that, first, the amendment could be presented and, second, it could be read, and thereby qualify under the rule.

Of course, all that would have to be done before the actual vote on a cloture petition was had.

I see nothing objectionable in that suggested procedure. Certainly I have no objection to it. In addition, I think it generally conforms to the spirit of the Senate that every Senator should be entitled to be heard. If a Senator has an amendment which is serious, not frivolous, not ungermane to the business at hand, there would be no disposition on my part—and I feel sure there would be none on the part of any other Senator, and I am confident there would be none on the part of the majority leader—to see injustice done or to have any Senator prevented from exercising his right to get his ideas in the form of an amendment before the Senate, for consideration.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I understand that the Senator from Illinois is attempting to inform the Senate that we will provide the usual morning hour, for the purpose of the submission of resolutions and the making of requests for insertions in the Record, and that during that time any Senator who may desire to offer an amendment to the amendment in the nature of a substitute or to the bill may send his amendment to the desk, and qualify it under the rule, to the extent of having the amendment presented and read at that time and printed in the RECORD, and also printed, so that every Member of the Senate may be on notice in regard to what amendments will be offered and what their subject matter will be.

I further understand that that procedure is the one desired by the Senator from Georgia [Mr. RUSSELL], so that no Senator will be taken by surprise by having an amendment offered at the last moment, and not know what the Senate will be voting on if cloture should be invoked.

I also understand that procedure is agreeable to the distinguished minority leader; and certainly it is agreeable to me. I think it will provide every Senator with due notice that all of us will cooperate in seeing to it that Senators have opportunity to send their amendments to the desk, have them read, have them printed in the RECORD, and have them printed, so that each Senator may know what amendment he is called upon to vote on.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I ask the Senator from New York to wait just a moment, please.

Mr. JAVITS. Certainly.

Mr. DIRKSEN. Mr. President, the majority leader has made a valid point. There is no disposition to take the Senate by surprise; whereas I can readily envision, under some of the proposals which were made, that an amendment might be submitted only a few minutes before the deadline, and its contents might not be known to the Senate, and there would be no chance to examine the amendment, and there would not be an opportunity to have the amendment printed and printed in the RECORD.

So, first, in order to subserve that interest and to make sure that every Senator may know—if he wishes to inform himself upon this subject—about the amendments, he will be able to examine the RECORD and in it find every amendment which qualifies under the rule, and thus he may examine the contents of the amendments. In my judgment, that is highly important.

Second, I wish to say that I did have a session with the distinguished Senator from Arkansas [Mr. McCLELLAN]. Certainly there is no disposition to foreclose him from any proper opportunity to present what he has in mind. I think he could present his amendment either to the original bill, under the title which still prevails, with a number, or I believe he could present his amendment and still be in order if he presented it as an amendment to the amendment in the nature of a substitute which I offered, which presently is pending and at the desk. But the point is that he wishes to be sure that his amendment can be presented, and that there can be an opportunity to debate it, and that the full contents of the amendment will be disclosed, for the information of the Senate.

Mr. McCLELLAN. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Yes, if the Senator from New York will pardon me for a minute or two.

Mr. JAVITS. Certainly.

Mr. McCLELLAN. This afternoon, I advised the distinguished majority leader that the amendment I held in my hand

at the time when I propounded the parliamentary inquiry would apply in either case—in other words, that it would make no difference what would be the disposition of the pending amendment in the nature of a substitute, which the Senator from Illinois has offered.

Mr. DIRKSEN. Correct.

Mr. McCLELLAN. It would make no difference.

That was not the only point involved in connection with the amendment I held up today. There will be other amendments.

I have no objection to the proposed unanimous-consent agreement; it will be satisfactory to me, except that I propose to reserve any rights I have under the Senate rules. So if such an agreement does not work out in such a way as to permit me to offer my amendment, I expect to rely on my rights under the Senate rules.

So long as whenever I offer an amendment I can have it read, by unanimous consent, that will settle the matter. But if I encounter a problem, I shall rely on the rules of the Senate to protect my rights, as I conceive them to be.

Mr. DIRKSEN. Mr. President, to amplify the matter, let me say it is not my intention to propose a unanimous-consent agreement to the Senate. I think this matter can be handled by the understanding, and under an appropriate ruling by the Chair, if that is necessary; and I believe there are some precedents for it.

It so happens, of course, that quite a number of precedents are available with respect to the presentation of an amendment and whether it would be properly read before the Senate—whether by the Secretary, from the desk, or by the Senator who was the author of the amendment, and whether in the morning hour or whether after the morning hour. I am quite sure that notwithstanding those conflicting rulings—going back, I believe, to 1919—it can be fully understood that all of these amendments which any Member wishes to file will be properly presented and properly read and so considered under the rule.

Mr. McCLELLAN. Mr. President, will the Senator from Illinois yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Arkansas?

Mr. DIRKSEN. I yield.

Mr. McCLELLAN. Where is there any rule that requires that an amendment be submitted in the morning hour, only?

Mr. DIRKSEN. There is no such rule.

Mr. McCLELLAN. Again, I wish to point out that if I find it necessary to operate under the Senate rules, instead of under whatever agreement may be made here, then I shall reserve the right to operate under the Senate rules, if I find it necessary to do so in order to protect my rights.

Mr. DIRKSEN. Mr. President, it is not my intention to convey the impression that this procedure must be limited to the morning hour. I suggested that perhaps it would be advisable to have that done in the morning hour, because I believe it would be convenient, and would indicate to all Senators where in the RECORD they could find the amendments which are likely to be offered; and, second, if they desire to be here when they are offered, they will be on notice that the amendments will come up during the morning hour. But that does not foreclose any Senator from having the right to offer such an amendment even after the morning hour.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. First, I am under obligation to yield to the distinguished Senator from New York.

Mr. HILL. Very well.

Mr. DIRKSEN. Therefore, Mr. President, at this time I yield to the Senator from New York.

Mr. JAVITS. I thank the Senator from Illinois.

First, Mr. President, let me say that I think the majority leader and the minority leader are entitled to the gratitude of the entire Senate for finding a way to accommodate this situation with justice to the amendments which will be offered.

Second, in view of the fact that the morning hour itself will be a matter of unanimous-consent procedure, under the procedure we are following, I believe it important to emphasize that this will not only be true—if this is in the mind of my distinguished leader, the Senator from Illinois—and that this will not only apply if there is a morning hour, and if there is a morning hour, it certainly will apply; but if there is not a morning hour, then, whenever a Member obtains the floor, by having another Member yield, or otherwise, he may do precisely the same thing.

Mr. DIRKSEN. That is precisely correct; and, as I have suggested, it would be convenient to have it come in the morning hour, if we have a morning hour, but obviously it is contingent on unanimous consent, and if for any reason there should be objection, no Senator should be foreclosed from offering an amendment and having it read at some later period in the day.

Mr. McCLELLAN. Do I correctly understand now that if perchance a Senator is unable to offer an amendment in the morning hour, or for some reason does not do so, he will not be precluded from offering it in the course of debate when he is addressing the Senate on the issue; is that correct?

Mr. DIRKSEN. Exactly so.

Mr. McCLELLAN. Very good.

Mr. DIRKSEN. That is the understanding I had with the majority leader. It is the understanding that both of us had with the distinguished Senator from Georgia, and while that seems to be a little on the liberal side when we consider a strict construction of the Senate rules, yet I think under the circumstances the gravity of the discussion that is before us at the present time is such that we must make that clear.

I yield to the Senator from Alabama.

Mr. HILL. My friend the distinguished Senator from Arkansas talked about a unanimous consent agreement, but he would reserve to himself all of his rights under the rules of the Senate. Often a unanimous consent agreement invalidates, or in effect, suspends the rules. I emphasize the fact that so far as the proposed legislation is concerned any unanimous consent agreement might invalidate or nullify the rules of the Senate.

Mr. DIRKSEN. Mr. President, I thought I made it abundantly clear that I had no intention of submitting a unanimous consent request. We considered the question earlier in the day. A proposed unanimous consent request was drawn. It was submitted to various Members of the Senate, but there seemed to be some disagreement, and as a result, I concluded that even if I did submit a unanimous consent request, there would be objection, and hence I have no intention of doing so.

Mr. CARROLL. Will the Senator yield?

Mr. DIRKSEN. I yield to the distinguished Senator from Colorado.

Mr. CARROLL. For the purpose of the record let us assume that there is important legislation now pending before the Committee on Rules and Administration which is germane to the issue under debate. I think the record is clear that the chairman of that committee is not able to conduct hearings at this point. It is my understanding he has a virus infection. The committee has under consideration very important proposed legislation which may be reported to this body soon. What would be the position of that legislation under the discussion now taking place?

Mr. DIRKSEN. Mr. President, I respond to my distinguished friend from Colorado by saying, first, that I have no notion as to when a petition for cloture might be submitted. I do not know whether it is imminent. I do not know whether it would come in 3 days, 5 days, 10 days, 2 weeks, or 3 weeks, but whatever the time factor may be, unless any proposal now under consideration by the Rules Committee qualifies, under the understanding we have had, that it shall be presented and read, obviously it would not qualify, because it must be presented before there is a vote on the cloture petition, and I emphasize that we are not dealing with the question of the time when the petition for cloture is filed. We are dealing with the time when the vote comes on a cloture petition, if it does come; and in consequence, if the suggestions or proposals pending in the Rules Committee were not before the Senate, if they were not presented in full text, if they were not filed, if they were not read under the rule, obviously they would not qualify.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. CARROLL. Let us assume that there were legislative proposals before the Committee on Rules and Administration and that the junior Senator from Colorado might seek to obtain recognition and have them read into the RECORD, would he be permitted to do so under the proposed agreement?

Mr. DIRKSEN. I am sorry, but I missed the last part of the Senator's question.

Mr. CARROLL. If there were legislative proposals before the Committee on Rules and Administration, and the junior Senator from Colorado sought to

have them read into the RECORD prior to cloture, would that request be given the proper consideration?

Mr. DIRKSEN. No; it would not. First, the proposal is not formally presented to the Senate; and secondly, I understand that that procedure would not constitute reading under the rule.

Mr. CARROLL. Does the Senator from Illinois say that the junior Senator from Colorado could not present a proposal as an amendment of his own?

Mr. DIRKSEN. The Senator could present it as an amendment of his own, but, of course, it must qualify under the rule, first, for presentation and, secondly, for reading.

Mr. CARROLL. Assuming that I think the proposal would qualify under the rule for presentation, that is a good question. Will the junior Senator from Illinois [Mr. DIRKSEN] state how it could qualify for presentation?

Mr. DIRKSEN. If it is only a question of obtaining recognition and taking the floor to send the amendment to the desk and ask that it be read, that is presentation. That is qualification under the rules, and so long as it happens before there is a vote on the cloture petition, the amendment will qualify.

Mr. CARROLL. So the junior Senator from Illinois is saying that if there is a presentation and a qualification, the proposal may be considered as an amendment.

Mr. DIRKSEN. Yes. The majority leader, the distinguished Senator from Georgia [Mr. RUSSELL], and I have discussed this question. There is no disposition to foreclose any Senator. There is no disposition to put any impediment in the way of any Senator who wishes to send his amendment to the desk, and I am confident, under that kind of an understanding, that every Senator would have an opportunity to present any amendment, so long as presentation and reading were properly taken care of under the rules.

Mr. CARROLL. That would be true in the morning hour or during any hour in which he could get recognition?

Mr. DIRKSEN. Yes.

Mr. CARROLL. I thank the Senator.

Mr. DIRKSEN. It is my hope, of course, that it can be done in the morning hour so that the rest of the time can be saved for discussion. Members will be alerted as to where to find any amendment in the RECORD.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the majority leader.

REQUEST TO HAVE MORNING HOUR STARTING AT 12 O'CLOCK MERIDIAN TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at 12 o'clock noon tomorrow there be the usual morning hour for the introduction of bills and the transaction of routine business, and I ask unanimous consent that statements in connection therewith be limited to 3 minutes; and I would remind the Chair that the usual morning hour would be not to exceed 2 hours for the transaction of routine business, including the introduction of bills, petitions, memorials, and insertions in the RECORD.

Mr. GORE. Mr. President, reserving the right to object——

The VICE PRESIDENT. The Senator from Tennessee.

Mr. GORE. The junior Senator from Tennessee appreciates the instructive colloquy between the distinguished minority and distinguished majority leaders, but he does not understand that such a colloquy can amend or fix or change or operate as an effective ruling on the Senate rules. The junior Senator from Tennessee is willing to support some proposals before the Senate, and will oppose others.

The distinguished minority leader has said that, as a result of conferences between himself and the majority leader, there will be no disposition to do thus and so. That does not affect the other 98 Members of this body.

The junior Senator from Tennessee understood from the Vice President earlier today that a ruling would be rendered to the Senate upon this question. The junior Senator from Tennessee hardly understands the necessity for this instructive colloquy before the ruling, and respectfully reserves his own right to use the rules of the Senate either in opposition to or in support of any measure, as may to him seem in the interest of the public.

Mr. JOHNSON of Texas. Mr. President, if I may reply——

Mr. DIRKSEN. Mr. President, I yield to the majority leader.

Mr. JOHNSON of Texas. It was not the purpose of the colloquy that has taken place to foreclose any Member from exercising his right. It was the purpose of the colloquy to inform each Member that a morning hour would be available, provided unanimous consent was given for that purpose, and, second, that unanimous consent would not be given by the Senator from Georgia for the submission of all the amendments to which reference has been made to be considered as having been read when they were submitted. He refused to give consent to that request, but suggested, as an alternative, the procedure we have outlined; namely, to inform each Member that we would have a morning hour, so that if Senators had amendments to present, they could present them during that period. If they could not get them in during that period, of course, it would be proper to submit them later. The request was made in the hope that each Member would have as much notice as possible that an amendment would be offered and that a morning hour would be provided.

There is no attempt to bind any Senator or take rights away from any Member, but there is an attempt to inform, and inform, and inform, again, so that all Senators who may have amendments—and the Senator from Arkansas has one—will know that a morning hour will be provided which will permit Senators to have amendments submitted, read, and printed, and permit other Senators to be on notice that amendments have been submitted, and what they contain.

Mr. HOLLAND. Mr. President, will the majority leader yield?

Mr. GORE. Further reserving the right to object, Mr. President, the junior Senator from Tennessee——

The VICE PRESIDENT. The Senator from Tennessee.

Mr. GORE. The junior Senator from Tennessee does not yet understand what has been accomplished by the colloquy. The usual time to submit a unanimous consent request for a morning hour and the limitation for debate therein is at the time of meeting at 12 noon, or such time as the Senate may meet.

The junior Senator from Tennessee is willing to consider this question between now and that time, but since there has been no general discussion of the rules of the Senate, and no understanding of the membership in general as to the so-called gentlemen's agreement, I must respectfully object.

Mr. CARROLL. Mr. President, will the Senator yield to me so I may ask the Senator from Tennessee a question?

Mr. DIRKSEN. Mr. President, I yield to the Senator from Colorado.

Mr. CARROLL. Let me say to the Senator from Tennessee that there is a very important piece of proposed legislation before the Committee on Rules and Administration. What I sought to achieve in my questioning of the distinguished Senator from Illinois was that we have an opportunity to have proposals submitted and read, so that they may be debated. I think that it is a reasonable suggestion. I say it is reasonable to get amendments on the record, and let them be read, so we may know what we are confronted with.

Later we shall have ample opportunity to debate. We should not shut any Senator out. That is what I am opposed to.

I have been seriously concerned about the illness of my friend from Missouri [Mr. HENNINGS], who is chairman of the Committee on Rules and Administration. That committee has a very important bill before it. I want to hear more testimony. I think there ought to be more witnesses called in this great historic debate. I am concerned that we do not shut any Senator out.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield, if I may have permission to do so.

Mr. GORE. I understood the Senator from Illinois had yielded to me.

Mr. DIRKSEN. Mr. President, I have the floor.

I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I undertook to make it plain that my objection may be temporary. The usual time, let me repeat, to submit such a request is at the noon hour, or upon the convening of the session.

Meanwhile, I hope that the President of the Senate will have an opportunity to give to the Senate a parliamentary ruling, after which I shall be better able to determine my own attitude toward the request.

Mr. CARROLL. Mr. President, if the Senator from Illinois will indulge me——

Mr. DIRKSEN. Mr. President, first I should like to respond to the distin-

guished Senator from Tennessee. The problem that confronted the Senate this afternoon was that there were some conflicting rulings on the point as to what constitutes reading before the Senate moves to a vote on cloture. There are precedents to show that a Senator, himself, reading an amendment qualified under the rules, or it could have been sent to the desk and one of the clerks could have read it. There are other rulings going back quite some time. In view of the question raised by the Senator from Arkansas, the question arose as to exactly what could be contrived that was fair to the Senate, particularly in the interim between the filing of a cloture petition and the ultimate action in 48 hours, or later, when it would be submitted, under a mandatory cloture rule, to the Senate for a vote.

One interesting question was raised as to what would happen when we reached the point where the Senate was called upon to vote and the clerk might be in the middle of the reading of a very long amendment. The question arose, What should we do about it? There are no precedents on the point. There is no ruling on the point. So what we are trying to do is develop a commonsense approach to the problem, so that every Senator will have a full and unforeclosed opportunity to present any amendment that he may have before the time comes, if and when it comes.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I trust the Senator from Tennessee will not press his objection, because I think it is very important that we all understand each other at this point.

Mr. CARROLL. Mr. President, will the Senator yield on this point?

Mr. DIRKSEN. I yield.

Mr. CARROLL. As I understood the unanimous-consent request, it is desired to limit debate to 3 minutes in the case of Senators who present amendments in the morning hour. Is there a limitation on those who present amendments after the morning hour?

Mr. DIRKSEN. No limitation; and I am glad the Senator from Colorado raised the question, because there is one ruling that was approved many years ago that merely reading the caption of an amendment was sufficient. So we are dealing here with quite a number of conflicting rulings, and this proposal seems to be a very sensible approach which would permit every Senator to have full and unrestricted opportunity to get his amendments and his views before the Senate.

Mr. CARROLL. Does the Senator from Illinois agree that this is a parliamentary question of first impression, and therefore we do not really know how to resolve it except by this technique?

Mr. DIRKSEN. I think it is a good technique.

Mr. CARROLL. The Senator from Tennessee raises a good point, as to whether we wish to accept the wisdom of the Chair at this time, such as it may be, there being no precedent, or whether we wish to resolve the question among ourselves.

Mr. DIRKSEN. May I add that much wisdom resides in the Chair.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEATING. Will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from New York.

Mr. HOLLAND. I have been asking for recognition for 10 minutes. I wish the Senator would look in this direction.

Mr. DIRKSEN. I am trying to alternate between the two sides, so neither part of the congregation will be offended.

Mr. HOLLAND. I am not objecting to the fine balancing act that the Senator has put on. I hope he will recognize me next.

Mr. DIRKSEN. I will. [Laughter.]

Mr. KEATING. I have been on my feet 11 minutes.

Mr. President, I think the majority and minority leaders are entitled to commendation, along with the Senator from Georgia, for having devised this plan for us. I wish to make sure of one point.

As I understand—I believe I know the answer, but I think it should be made a matter of record—if a Member obtains recognition either in the morning hour or during the debate, to offer an amendment to the Dirksen amendment at the desk, and presents it and it is read by the clerk at the desk, at any time, starting from this minute forward, up to the time of the vote on cloture, I understand that no point of order may be raised to that amendment when it comes to a vote for the reason that it was not read during the period between the filing of the petition and the vote on cloture?

Mr. DIRKSEN. Mr. President, the minority leader can certainly not say whether a point of order will be made. We are trying to make the situation abundantly clear so that a point of order will not be made. What we are trying to do is to make sure that every Senator will have an opportunity to qualify under the rule, as we understand it, with respect to presentation and to reading. That is the reason why this suggestion is made.

My distinguished friend from New York raises the question of recognition. It was one of the vital aspects of the matter. A Senator might occupy the floor for 8, 10, or 12 hours or more, and a good many Senators, up to the time of the vote on cloture, might not be able to obtain recognition, and, therefore, might not even be able to present their amendments, much less have them read, so this proposal seems to be a very commonsense approach to the problem.

Mr. KEATING. I agree.

Mr. DIRKSEN. But recognition is a part of the problem.

Mr. KEATING. I agree, and I think that the proposed arrangement would obviate the possibility of many Members being shut off. However, the presentation and the reading of the amendment will go for naught if, when the vote comes on the amendment, a point of order is raised against it.

Mr. DIRKSEN. Of course, a Member could raise a point of order, but we believe—perhaps this Senator should not say we believe; we trust—that the Chair will see the situation as we see it, and that his ruling will be in conformity with this understanding, and at the same time be in conformity with the spirit of the rule.

Mr. KEATING. I believe it is in conformity.

Mr. McCLELLAN. Any Senator can appeal if it is not.

Mr. DIRKSEN. Yes.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to my friend from Florida.

Mr. HOLLAND. This Senator thanks his friend from Illinois, and is glad he is teetering in this direction at the moment.

Mr. DIRKSEN. The junior Senator from Illinois loves to look over, in the hope of Congress, always.

Mr. HOLLAND. The Senator from Florida is sorry that the distinguished Senator has had such poor luck the last several elections.

Mr. DIRKSEN. We have done pretty well. [Laughter.]

Mr. HOLLAND. Mr. President, first this Senator wants to compliment the distinguished minority leader and, of course, the distinguished majority leader on having approached this question in a reasonable way. This afternoon, the Senator from Florida and other Senators took the position that some way should be devised to afford assurance that any amendment offered in good faith by any Senator should have a chance to be preserved by some proceeding before the cloture vote so that it would be in order to be called and voted up or down. It seems to the Senator from Florida Senators have approached the matter in a reasonable way. There are only two questions to ask, to make positive the matter is understood correctly.

Is it understood by the distinguished majority leader that the Senate can rely upon having a morning hour each day?

Mr. JOHNSON of Texas. No. It had been hoped that we could have a morning hour at 12 o'clock noon tomorrow, but it is necessary to obtain unanimous consent to do that. This Senator had intended to ask for that morning hour around 12 o'clock.

The junior Senator from Alabama said that he thought it would be better procedure if that request were made tonight so that each Member of the Senate could be on notice that there would be a morning hour, as is usually the case, and could be prepared to submit any amendments that he might have during that morning hour.

This Senator gave him his assurance that he would make the request tomorrow, but he still felt it would be the better policy to make the request tonight. So in an attempt to be agreeable, we submitted to the request. It is found that it is objectionable to the Senator from Tennessee.

The only way we can then have a morning hour is to renew the request tomorrow. If it is not objected to then, there will be a morning hour. If it is, there will not be one.

Mr. HOLLAND. Mr. President, there is a further question.

It is understood that the distinguished majority leader wants to afford morning hour time in the morning and, if it becomes necessary, later to attempt to do so, so that bona fide amendments may be offered under this procedure.

Secondly, while the Senator from Illinois was describing this procedure, he said something to the effect—at least as this Senator understood—that unanimous consent would be required.

Mr. DIRKSEN. No.

Mr. HOLLAND. Are we to understand that during the morning hour no unanimous consent would be required, either for the submission of an amendment or having it read and ordered to be printed and lie on the table?

Mr. DIRKSEN. Precisely so.

Mr. HOLLAND. Are we to understand that, assuming a Senator could get recognition, exactly that same protection would be available to him in other than the morning hour, without any unanimous consent proceeding?

Mr. DIRKSEN. The distinguished Senator's impression is correct.

Mr. HOLLAND. This Senator thinks this is an exceedingly fair solution of a difficult problem and congratulates all Senators who have had a part in arriving at it.

Mr. JOHNSON of Texas. If the Senator from Illinois will indulge me further, we had drafted a unanimous consent request that provided that whenever any Senator submitted an amendment for printing and for printing in the RECORD, it would be considered as having met the rule. Then we were informed by the Chair that either the majority leader or the minority leader, or any other Senator, could get recognition and call up all the amendments at the desk in his own right as his own and have them read.

Either of those procedures would have given protection to each Member of the Senate. When we met with the Senator from Georgia, the Senator expressed the hope that we would follow the procedure that has been outlined, for the reason that he would like to have as much advance notice of amendments as possible. He would like each Member of the Senate to have as much advance notice as possible, so that Senators could read the amendments, study them, and be prepared to debate them. Therefore, he thought that if we could encourage Members to offer amendments in the morning hour and try to channelize them during that period, all Members would be put on better notice.

For that reason, we asked for the morning hour tomorrow. If we are permitted to have a morning hour, Senators can submit amendments during that time. That will not require any Member to forego offering them later.

Mr. HOLLAND. Will the Senator yield further?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. I invite attention to the fact that while all Senators who have amendments in mind at this time could be protected through the procedure in tomorrow's morning hour, which the Senator has mentioned, no one knows as yet what the final form of the proposed legislation will be, and the desire to offer amendments may well depend on what that final form is to be. So I believe the assurance of the majority leader that in the event such a situation should arise, he will attempt to have a morning hour at an appropriate time later, so that the same right will apply throughout the debate in other than the morning hour ought to be adequate protection for the offering of any amendment, whether it be now within the mind of a Senator or should later come into his mind, after he sees what the final form of the legislation as proposed is to be. I thank the majority leader and the minority leader.

Mr. DIRKSEN. I believe that in this colloquy I should respectfully solicit the views of the distinguished occupant of the chair on this question.

The VICE PRESIDENT. The Chair would hold that an amendment offered according to this understanding would be in order. The Chair would also hold, with regard to the parliamentary inquiries which were posed earlier by the Senator from Arkansas [Mr. MCCLELLAN], as the Chair had previously informed the majority leader and the minority leader, that if such inquiries were to be posed, the Chair would make these rulings.

One inquiry was as to whether, if unanimous consent had been asked during the morning hour that an amendment to the bill before the Senate be printed and lie on the table and be read, and unanimous consent were objected to, a motion that the amendment be read would be in order. If that situation would arise, the Chair would rule that such a motion would not be in order, based on Senate precedents.

The other parliamentary inquiry which the Senator from Arkansas [Mr. MCCLELLAN] raised was, with regard to an amendment which had been presented and which was in process of being read, the time having expired during the course of the reading of the amendment, what effect would the expiration of the time have on the question whether the amendment thereby qualified as having been read under the rule? If that situation should arise, the Chair would rule—and this would be a de novo ruling, since there are no precedents before the Senate—that the amendment would be presumed to have been read in full, and would therefore qualify as having been read.

Mr. DIRKSEN. Mr. President, I yield to the Senator from South Dakota, who asked me to yield some time ago.

Mr. CASE of South Dakota. Mr. President, the ruling of the Chair appeals to the Senator from South Dakota, both on general principles and on such limited precedents as we may have in cloture proceedings.

First, as to general principles:

As everyone knows, in football or basketball if time expires and the ball be in the air or a player be in motion when the gun goes off, the play may be completed. If the basketball player has released the ball and it goes through the basket the score is counted. If the football play is in motion, it is permitted to go to its completion until either the ball is downed or the player gets behind the goal lines, and the score is counted. That well-recognized rule of fair play in the international field of sports is akin to the ruling of the distinguished Vice President on the reading of an amendment during which time expires. Then, as to precedents in the Senate itself.

In the book "Senate Procedure," on page 17, we read:

> Interruptions of the reading of an amendment that has been proposed are not in order.

That statement is based upon an incident which occurred on July 1, 1952, when the distinguished former Senator from Kentucky, Mr. Barkley, was Vice President. He took over his chair as the Presiding Officer at a time when there had been a temporary occupant of the chair and the reading of an amendment had been interrupted for some debate. The Vice President of that day, Mr. Barkley, said:

> The Chair would like to suggest that in his temporary absence, and in the middle of the reading of an amendment in the nature of a substitute offered by the Senator from Illinois, the reading was interrupted so that the Senate could indulge in this proceeding, which is entirely out of order.

The Senator from South Dakota invites attention to Vice President Barkley's words. The interruption of the reading of an amendment was—"entirely out of order."

So, the Vice President of that day proceeded to instruct the clerk to complete the reading of the amendment. While that is not a complete precedent, as the Vice President has indicated—and, so far as I know, there is no exact precedent—yet the incident I have just narrated suggests that an amendment once begun should be permitted to be read in full or to be considered as read in full. I think that supports the logic of what the distinguished Vice President has ruled.

There is another aspect of this matter, Mr. President, which is involved in both what transpired this afternoon and in the contemplated procedure, to which I think attention should be invited. During the proceedings this afternoon, I learned that the amendment offered by the Senator from Illinois [Mr. DIRKSEN], the amendment in the nature of a substitute, had not been read. I asked that it be read as a matter of right since it was the pending business, together with the amendment to it, the Long amendment. And, under the ruling of the Chair this afternoon, the substitute amendment offered by the Senator from Illinois was read in full. The purpose of asking that it be read in full was to protect it against a possible point of order if a cloture petition should be filed and voted without its having been read.

The reading this afternoon, I assumed, would constitute a reading which would permit the substitute amendment to be in order for consideration if and when cloture should be adopted even though the reading came before the filing of any cloture petition.

The procedure which has now been suggested, of having a morning hour, during which other amendments might be presented and read, would likewise rest upon the assumption that amendments read prior to the filing of a petition for cloture would have been read within the rule that they be read, and therefore be eligible for consideration after cloture had been adopted.

I think it should be understood that the ruling of the Chair embraces that understanding, namely, that an amendment, even though it be read prior to the lapse of time between the filing of the petition for cloture and the voting on the petition for cloture, would be considered as having been read, even though it were presented this afternoon and read, or even if it be presented tomorrow in the morning hour and read, or any other time prior to the actual voting on the cloture petition.

Mr. DIRKSEN. That is definitely our understanding.

The VICE PRESIDENT. The Chair has in effect ruled that an amendment which had been read at any time prior to the voting on cloture would have met the reading requirement of the rule, whether the reading should occur after the filing of the petition or before.

Mr. McCLELLAN. Mr. President——

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. I thank the distinguished minority leader.

Mr. President, I think the ruling of the Chair on the second part of the parliamentary inquiry is proper. I think that meets the situation, because, in my judgment, no amendment, although the reading of it had not been concluded, then should be excluded from eligibility for a vote. I think that part of the Chair's ruling is quite proper and sound, and I would not disagree with it.

With respect to the first ruling, that if an amendment were presented and a request made that it be read and permitted to lie on the table, and one Senator objected, that amendment could not be received and read and would not become eligible for a vote after a cloture petition had been filed, I cannot agree, in all deference to the Chair.

However, if the suggested arrangement is carried out in good faith, if it is permitted to work, there will be no occasion for an issue to be made, because, as I take it—and I will ask this as a parliamentary inquiry—the Chair has not made an official ruling, but merely announced, as a matter of advice to the Senate, what his ruling would be under such circumstances and conditions, if they arose, and the question were presented to the Chair.

The VICE PRESIDENT. The Senator is correct. The Senator from Arkansas is presenting hypothetical situations.

Mr. McCLELLAN. That is correct. Then the only time it would be necessary to test the ruling of the Chair, and the only proper time for a test of the Chair's ruling with respect to that question, would be at the time such an amendment was presented, if it were objected to, and the Chair ruled that a certain amendment was not in order. Then the opportunity for appeal, if so desired, would be present.

The VICE PRESIDENT. The Senator is correct. The Senator does not waive any opportunity to appeal at the proper time because of an advisory opinion such as the Chair has made.

Mr. McCLELLAN. I do not know that one could appeal from an advisory ruling. I make the parliamentary inquiry: Could an appeal be taken from an advisory ruling?

The VICE PRESIDENT. It could not.

Mr. McCLELLAN. I think that is correct. That is my understanding. Therefore, there could be no appeal from such a ruling. At this time it could only be made at a time when the situation developed in actuality rather than in theory; am I correct?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I wish to say to the distinguished leaders on both sides and the leader of the oppressed and distressed group that is fighting to save the country, that I hope the proposed agreement will work out, so that every Senator's rights will be protected, and no occasion will arise for test of the Chair's ruling.

That is all I desired. I sought this ruling. I raised this question so that we might make certain what the situation would be with respect to the amendment concerning which I made the parliamentary inquiry, and that every Senator's rights were protected, and that no parliamentary maneuver or technicality would prevent any Senator from having any amendment which he thought proper presented and made eligible for a vote after cloture had been in effect.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Will the Senator from Arkansas allow the Chair to make one observation? The Senator suggested that, if objection were made to a Senator's request during the morning hour for the reading of an amendment, the Senator would be foreclosed from submitting an amendment prior to the filing of a cloture petition. The Senator should point out that that would be the course only if the Senator were unable to get his amendment submitted and read after the petition had been filed, because, of course, at any time a Senator, after the petition had been filed, could offer amendments from the floor and have them read prior to a vote to invoke cloture, if he could get recognition.

Mr. McCLELLAN. I appreciate that but the purpose of the inquiry was to try to find a way to make certain that neither I nor any other Senator in the same circumstances would not be foreclosed by some Senator taking the floor and keeping it for 14 hours. I wanted to make certain that an amendment could be presented and read and made eligible.

Mr. DIRKSEN. Mr. President, I assure my genial friend from Arkansas that I will summon up all the passion in my soul to assist the suppressed, depressed, and oppressed minority, except insofar as to agree with him.

Mr. McCLELLAN. Of course, I never expected the Senator to agree. I expected him to continue to persist in oppressing and depressing Senators.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to say a word or two on this subject. It seems to me that the agreement which has been proposed is fair in most respects. I particularly would like to call the attention of the Senator from Arkansas to the remarks I am about to make. We find ourselves in a parliamentary situation such as we have found ourselves in on two or three occasions in the past few years, when the situation was anything but desirable.

I am sure that, if possible, most of us would rather have had a bill from a committee than to legislate, in effect, as the Committee of the Whole on the Senate floor. In connection with this question there is a common assumption—I am assured of this by members of the so-called minority——

Mr. McCLELLAN. Which minority? Is the Senator talking about the Senate minority or the minority on this question?

Mr. ALLOTT. The minority on the question which the Senator has just raised. There is an assumption that the only rights that are being protected are the rights of specific Senators from the South. Let me assure the distinguished Senator from Arkansas that there are others of us who are very much concerned about being protected. This raises a question which I may find necessary to raise at a later point in this discussion, despite the very eminent and intellectual ruling of the Chair.

I do not believe that rule XXII absolutely forecloses amendments after the vote on cloture. This may be shocking to some who have studied this question, but I would like to call their attention to the last two paragraphs of rule XXII:

> * * * if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all of the business until disposed of.

The rule further provides:

> Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote has been presented and read prior to that time.

Now comes the catch: In accordance with a longstanding rule of interpretation, namely, that anything that comes after is specific and modifies whatever comes before, the rule provides:

> No dilatory motion, or dilatory amendment, or amendment not germane shall be in order.

It is very clear that no dilatory motion or amendment shall be in order. The language "or amendment not germane shall be in order," definitely leaves the door open for germane amendments, provided the Senator can get the floor and offer them.

I see some of my eminent colleagues shaking their heads. I respect their gray hairs and I respect their legal ability, but I do not believe that this provision was put in the rules for nothing.

The time may come when I feel that the parliamentary situation with respect to the bill has reached the point where I cannot tolerate it as a piece of legislation—and this is easily possible under the existing situation. My position concerning civil rights is well known; it is not in accord with that of the Senator from Arkansas, of course. It might be said that I am on the other side of the fence.

But this does not mean that I will vote for anything and everything that is put before the Senate. If there should be a vote for cloture, and if the situation were such then that I felt the bill then before us with the present amendments was untenable, I would then offer amendments, even though a thousand Senators shook their heads, I would offer amendments, and attempt to have them adopted. I would offer them under the condition I have just described.

Mr. McCLELLAN. Mr. President, will the Senator yield, since he referred to me?

The VICE PRESIDENT. The Senator from Illinois [Mr. DIRKSEN] has the floor.

Mr. McCLELLAN. Will the Senator from Illinois yield to me, since he referred to me?

Mr. DIRKSEN. Yes. Then I want to yield to the Senator from Colorado.

I yield to the Senator from Arkansas.

Mr. McCLELLAN. The distinguished Senator is undertaking to protect the rights of the majority. He has sought this ruling. He has more problems than I have according to his statements, and if my distinguished friend would take a suggestion from me, I would urge him now, in order to protect the great rights he speaks of, to present a parliamentary inquiry in theory to the distinguished occupant of the chair, the Vice President, to make a speech on it, and give us his reasons and logic now, so that we may consider the question at this time.

Mr. ALLOTT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. ALLOTT. Let me say to the Senator from Arkansas that I do not think any pronouncement of the Chair at this time would determine the future course of action of the Senate. I do not think this is the time for a ruling. I think the inquiry made this afternoon was premature.

Although I am willing to go along with the majority leader and the minority leader in this connection, I also, as a member of the group of Senators which presumably is on the majority side on this particular question, wish to put the Senate on notice that neither do I concede any rights I have under the rules; and I intend to utilize them, if I have to, in order to get what I believe is a good bill.

Mr. CASE of South Dakota. Mr. President——

Mr. DIRKSEN. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, we seem to be indulging in some hypothetical situations but since the Senator from Colorado has raised a point which might be thought to have some more validity than I believe it to have, I should like to put in the RECORD at this time an observation relative thereto.

The distinguished Senator from Colorado suggests that because the sentence "No dilatory motion, or dilatory amendment, or amendment not germane shall be in order" is included in the paragraph of the rule, that therefore, if he offered a nondilatory, germane amendment, it might be in order. I should like to make the observation that if the Senator from Colorado were to offer a germane amendment which had not been read within the required time, he would be confronted immediately by a point of order that it had not been read prior to that time. The sentence just ahead of what the Senator from Colorado has read, reads: "Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time."

The words "no amendment" cover both germane amendments and nongermane amendments. Therefore, even if the Senator from Colorado were to present an amendment which was germane, but which had not been read, certainly it would fall under the point of order that it had not been read prior to that time.

Mr. ALLOTT. What purpose is served, then, by the additional matter in the whole sum and substance of "except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time"? What purpose is served by the subsequent sentence except the one I suggested?

Mr. CASE of South Dakota. A very valid purpose. The purpose is to preserve the cloture rule itself. If it were possible to offer dilatory motions or amendments, or amendments not germane, it would be possible to offer amendments and debate them ad infinitum. That would defeat the cloture rule. The purpose of that sentence is to prevent the debating of delaying amendments after cloture has been voted even if they had been read.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Colorado.

Mr. CARROLL. I would like to ask the distinguished Senator to yield so that I may propound a parliamentary inquiry. I should like to ask if it is possible to offer perfecting amendments after the filing of the cloture petition.

The VICE PRESIDENT. Perfecting amendments can be offered after filing of the petition and prior to the time a vote is taken to invoke cloture.

Mr. CARROLL. May we have order, please?

The VICE PRESIDENT. The Senate will be in order. Perfecting amendments can be offered any time prior to the time the vote is taken on the petition.

Mr. CARROLL. May perfecting amendments be offered which have not been previously read prior to the filing of the petition? I am referring to page 28 of the Senate Procedures.

I refer, on page 28, where a substitute amendment is offered. I will call it the Dirksen amendment.

Suppose the junior Senator from Colorado seeks to offer an amendment to the substitute in the first degree. That substitute, I hope, will be read and introduced in the RECORD to meet the requirements. But supposing that during the debate we desire, based on our experience and in working our legislative will upon the bill, to have a perfecting amendment offered which has not been previously read. Is it in time or does it come too late?

The VICE PRESIDENT. A perfecting amendment can be offered after the petition is filed and before the vote to invoke cloture, and can be read at that time.

Mr. CARROLL. After the petition is filed?

The VICE PRESIDENT. After the petition is filed.

Mr. CARROLL. I thank the Chair.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The Senator from Tennessee.

Mr. GORE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Tennessee will state it.

Mr. GORE. Is there legislative business pending before the Senate during the morning hour?

The VICE PRESIDENT. No legislative business except according to rule VII; namely, the introduction of bills and the presentation of petitions and reports, and so forth, by Members of the Senate.

Mr. GORE. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GORE. Is it not true that under the rule the unfinished business is laid before the Senate after, and only after, the conclusion of the morning hour?

The VICE PRESIDENT. The Senator is correct, unless brought before the Senate on motion or by unanimous consent.

Mr. GORE. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GORE. How would it be possible to offer, in a parliamentary way, an amendment to a bill which is not at the time before the Senate, except by unanimous consent?

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

The VICE PRESIDENT. The purpose of the understanding reached by the majority leader, the minority leader,

and the Senator from Georgia is to deal with this situation. Under a rigid and strict interpretation of the rules, the Senator is correct. Only by unanimous consent could an amendment be submitted during the morning hour.

Mr. GORE. The junior Senator from Tennessee was not inquiring about the contents of the gentlemen's agreement between the majority leader and the minority leader. The junior Senator from Tennessee was inquiring about the rules. Is it not true that an amendment cannot, in fact, be offered and be read or considered during the morning hour?

The VICE PRESIDENT. The Senator is correct.

Mr. GORE. A further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GORE. I am falling into the same trap by submitting a hypothetical question to obtain a hypothetical answer. However, how would it be possible under this gentleman's agreement, if consummated through unanimous consent, to offer a motion to substitute the Senate bill for a House bill, or a House bill for a Senate bill? Would it be by motion to recommit with instructions?

The VICE PRESIDENT. During the morning hour before the unfinished business is laid down unanimous consent would be required for such action.

Mr. GORE. If I correctly understand the holding of the Chair, the agreement would amount to nothing except that unanimous consent was achieved in the offering of each and every amendment. Is that correct?

The VICE PRESIDENT. If Senators should object to such procedure, the Chair would be required to sustain the objection.

Mr. GORE. Mr. President, with this understanding of the parliamentary rule, I am now prepared to withdraw the objection which I had made for a morning hour tomorrow. But I respectfully suggest to the majority and minority leaders that, in order to accommodate situations which are sure to arise, we consider the advisability of obtaining unanimous consent to having a morning hour each day.

I withdraw my objection.

Mr. JOHNSON of Texas. Obviously, the proposal made by the minority leader and concurred in by me was not understood by some Senators.

I renew my request that, at 12 o'clock noon tomorrow, there be the usual morning hour for the purpose of introduction of bills or petitions and memorials or amendments and the transaction of other business, including any unanimous-consent requests that may be made; and that statements in connection therewith be limited to 3 minutes.

Mr. CARROLL. Mr. President, reserving the right to object, I should like to propound one further parliamentary inquiry.

Mr. President, a short time ago I asked a question about perfecting an amendment. To make the record clear, I agreed with the previous decision of the Chair, but, to make the record very clear, I am reading from page 129 of the book entitled "Senate Procedure," under the head of rule XXII.

> Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close unless the same has been presented and read prior to that time.

I do not want to run afoul of that sentence when I may be obliged to offer a perfecting amendment, and I should like some clarification.

The VICE PRESIDENT. The Senator is now running afoul of that rule.

As the Chair pointed out, a perfecting amendment may be offered any time after the petition is filed, before the vote to invoke cloture is taken.

Mr. CARLSON. It does not have to be read.

The VICE PRESIDENT. It does.

Without objection, the unanimous-consent request of the Senator of Texas is agreed to.

Mr. JOHNSON of Texas. I should like to inform all Members of the Senate that tomorrow at 12 o'clock noon there will be the usual morning hour. However, that may continue as late as 2 o'clock. During that 2-hour period any Senator who desires to present an amendment and have it read should have an opportunity to do so, and I trust that he will be in the Chamber and present any amendment he may choose to present in order that it may be printed and appear in the RECORD, and, if objection is not made, be read.

I think we are giving due notice to each Member. Each amendment can then be examined on its merits.

Mr. LAUSCHE. Pursuing the thoughts expressed by the Senator from Colorado and the Senator from South Dakota, I present to the Chair, first, this question:

Is the Senator from Ohio correct in understanding that, under the rules of the Senate, germaneness is not necessary when an amendment is offered?

The VICE PRESIDENT. That is the rule except in the case of an appropriation bill.

Mr. LAUSCHE. Directing the Vice President's attention to the language in rule XXII, it read as follows:

> No dilatory motion, or dilatory amendment, or amendment not germane shall be in order.

Does this language mean that when the debate is closed by a two-thirds vote the rule of germaneness becomes applicable?

The VICE PRESIDENT. The Senator is correct.

Mr. LAUSCHE. Therefore, any nongermane amendments offered and read prior to the closing of the debate would not be eligible for disposition by the Senate after the debate was voted closed.

The VICE PRESIDENT. The point of order could be raised against any such amendment when it was called up.

Mr. LAUSCHE. That is, if the Senator from Ohio concluded to offer an amendment dealing with the section of the bill that requires nondiscrimination in the choice of workers on Federal projects, and the amendment of the Senator from Ohio contemplated that there should be no discrimination on any grounds; that is, affiliation with the religious organization, fraternal organization, or union. Let us assume that that amendment is not germane but proper because it is offered before the debate is closed. That amendment could be challenged on the basis of order because the rule of germaneness becomes different after the debate is closed. Is that correct?

The VICE PRESIDENT. In effect, the rule of germaneness comes into effect when a point of order is raised against an amendment which has been called up, and the rule of germaneness would apply to all amendments to the Dirksen substitute, when called up.

Mr. LAUSCHE. After the debate is closed?

The VICE PRESIDENT. That is correct. Each amendment, of course, would have to be examined individually to see whether or not it was germane.

Mr. LAUSCHE. Let me summarize in this way:

The rule of germaneness does not apply until the cloture rule is invoked and then amendments must be germane even though offered before the debate is closed.

The VICE PRESIDENT. The Senator has stated the rule correctly.

Mr. DIRKSEN. Of course the whole purpose of the cloture rule is to put an accent on time. It is mandatory in every paragraph. The word "shall" is used. The question "shall" be presented to the Senate. If the Senate so votes, the debate "shall" be limited. And then there is a severe limitation. So, everywhere the emphasis is on time.

If the Senate permitted nongermane, dilatory, or frivolous amendments, obviously the whole purpose and spirit of the cloture rule would be shattered; and that is the reason for it.

Mr. LAUSCHE. The argument is repeatedly made, when a substitute amendment is offered, that there is no rule of germaneness in the Senate.

Mr. DIRKSEN. That is correct.

Mr. LAUSCHE. However, if the debate is closed by a two-thirds vote, then the rule of germaneness does become applicable even though the amendments were filed before there was any contemplation of a closed debate.

I submit that logic would dictate that if the rule of germaneness did not apply before closure of debate it ought to follow that it should not apply after the debate is closed. I agree with the ruling of the Presiding Officer completely, but I point out that other Senators may have offered amendments not germane in the belief that the amendments would be legitimately considered. Under rule XXII the Senators will find, when the debate is closed, that nonpertinent, irrelevant and nongermane amendments will become invalid on the floor of the Senate.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas will state it.

Mr. McCLELLAN. As I understand the rulings or suggested rulings of the Presiding Officer with regard to the questions raised by the distinguished Senator from Ohio, if the Dirksen amendment, now pending as a substitute, had not been voted on and agreed to at the time cloture is invoked, then it would not be germane and a point of order could be raised against it. Am I correct

in that understanding? The substitute is not germane to the school bill, of course.

First I propound a parliamentary question: Is the Dirksen amendment as a substitute germane to H.R. 8315?

The VICE PRESIDENT. Cloture could be directed to the Dirksen amendment itself.

Mr. McCLELLAN. I do not know when a cloture petition will be filed or on what. The question I am raising, or the point I am making, is that the present substitute amendment is not germane to the bill, H.R. 8315, and therefore if the pending amendment were still pending at the time cloture is invoked, a point of order could be raised to the Dirksen amendment for lack of germaneness.

Mr. DIRKSEN. Mr. President——

Mr. McCLELLAN. Am I correct?

Mr. DIRKSEN. May I comment?

Mr. McCLELLAN. Yes; but I want a ruling.

The VICE PRESIDENT. The Senator will get a ruling.

Mr. McCLELLAN. I thank the Presiding Officer.

Mr. DIRKSEN. The distinguished Senator from Arkansas probably would be correct, except for one thing. The so-called package of amendments, known as the amendment in the form of a substitute, was offered in a different form, but with the text entirely intact. In its second form, everything is to be stricken from the bill except the enacting clause, so that all we shall have will be a number and a title. We shall have nothing other than civil rights proposals before the Senate in the form of amendments.

Mr. McCLELLAN. Just a moment. Has the substitute amendment been agreed to?

Mr. DIRKSEN. No, it has not been agreed to.

Mr. McCLELLAN. There is a pending motion to substitute the amendment. If that motion is not voted on and if the amendment is not substituted for the bill at the time cloture is invoked, then the proposed substitute is not germane to the original bill and a point of order could be raised against it.

The VICE PRESIDENT. The Senator from Arkansas has again raised a hypothetical question, which the Chair will comment upon.

Mr. McCLELLAN. It is only half hypothetical, because the amendment is pending.

The VICE PRESIDENT. If the cloture motion were made with regard to the bill, the Dirksen substitute would be subject to a point of order as not being germane. However, if the cloture motion were made with respect to the substitute, the question would not arise.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. After the vote was taken in regard to cloture on the substitute for the bill, the bill would still be open to amendment, would it not? Cloture would not be applied to the bill, if the motion were filed only with respect to the substitute. The bill would still be pending and would be subject to further amendment.

The VICE PRESIDENT. The Senator is correct. The substitute, under those circumstances, if and when agreed to, would take the place of the bill, and then would not be open to amendment.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CASE of South Dakota. If, after cloture had been voted on the Dirksen substitute amendment, the Dirksen substitute amendment were agreed to as a complete substitute for the bill, then no further amendment of the original bill would be in order?

The VICE PRESIDENT. That is what the Chair has, in effect, ruled.

Mr. McCLELLAN. Mr. President, would the fact that the substitute was agreed to preclude adding amendments to the bill which did not relate to the substitute itself, such as adding another section to the bill?

The VICE PRESIDENT. Once the substitute had been agreed to, then the substitute rather than the present contents of the bill would be before the Senate.

Mr. McCLELLAN. Mr. President, I do not know who has the floor, but if I may comment, we are on pretty thin ice with a substitute which is not germane, when the Presiding Officer tells us we cannot consider anything which is not germane afterwards.

Mr. CASE of South Dakota. Mr. President, may I be recognized?

Mr. HOLLAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, the Senator from South Dakota does not think we are on thin ice. Prior to action upon the Dirksen substitute, amendments could be offered to the original bill and agreed to. The original bill could be perfected by perfecting amendments before the substitute was voted upon, and the substitute itself would be open to amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. McCLELLAN. We might not have time. Forty-eight hours might not be adequate time to perfect the bill. It might take much longer.

Mr. HOLLAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Florida?

Mr. DIRKSEN. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HOLLAND. In the event cloture should be ordered on a petition addressed to the Dirksen substitute and the Dirksen substitute should be agreed to, that substitute, becoming the bill, would be subject to debate, would it not?

The VICE PRESIDENT. It would be open to unlimited debate unless cloture was invoked on the bill.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. DIRKSEN. Mr. President, I yield the floor.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. GORE and Mr. HOLLAND addressed the Chair.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, the junior Senator from Tennessee understands that the Vice President has, by an opinion, advised the Senate that if the Clerk had started the reading of an amendment but had not concluded reading the amendment at the time for a vote under the cloture procedures, the Chair would, if that occasion should arise, rule that the amendment had been read.

The VICE PRESIDENT. The Chair would so rule.

Mr. GORE. The junior Senator from Tennessee would like to submit one further hypothetical situation and respectfully solicit an advisory opinion.

The VICE PRESIDENT. The Senator will state it.

Mr. GORE. Mr. President, assuming that a long amendment or a series of long amendments consumed most of the time, except for the partial reading of one amendment, which the Chair has said he would rule as having been read, and assuming there were other amendments at the desk which had been presented in order and in good faith, without dilatory tactics or intent, when the hour of voting arrived, and only 3 amendments had been read, though there were 30 more at the desk, would those amendments fall?

The VICE PRESIDENT. They would fall if they had not been read.

Mr. HOLLAND. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. HOLLAND. Mr. President, while I am ready to speak, I wish the Senate to know I had agreed to allow the distinguished Senator from California [Mr. ENGLE] and the distinguished Senator from Massachusetts [Mr. KENNEDY], both of whom are obliged to be absent, to speak briefly before me. I hope the Senate will give them a moment to get to the Chamber.

Mr. President, I suggest the absence of a quorum for that reason.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Allott	Dworshak	McNamara
Anderson	Fong	Magnuson
Bartlett	Frear	Mansfield
Beall	Gore	Martin
Bennett	Hart	Monroney
Brunsdale	Hartke	Morton
Byrd, W. Va.	Holland	Moss
Cannon	Hruska	Mundt
Carlson	Jackson	Muskie
Carroll	Javits	Pastore
Case, N.J.	Johnson, Tex.	Randolph
Case, S. Dak.	Keating	Schoeppel
Chavez	Kefauver	Scott
Church	Kerr	Smith
Clark	Kuchel	Wiley
Cooper	Lausche	Williams, Del.
Cotton	Long, Hawaii	Williams, N.J.
Curtis	McCarthy	Young, N. Dak.
Dirksen	McClellan	Young, Ohio
Douglas	McGee	

The PRESIDING OFFICER. A quorum is present.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly do not want to overlook my obligations as I understood them to the Senator from California [Mr. ENGLE] and the Senator from Massachusetts [Mr. KENNEDY]. I was also advised a moment ago that the Senator from Kansas [Mr. SCHOEPPEL] has a brief speech he wishes to make. I have no desire to foreclose any Senator who has a short speech to make from making it before I start, because frankly I have a speech of some length. I want to be courteous to my colleagues on both sides of the aisle, and I wish to ask again if any of the three Senators whom I have mentioned wishes to be heard at this time.

Mr. President, I am advised by the secretary for the majority that the Senator from California is now on his way to the Chamber. I do not care to start speaking now on the bill so that it would count as a speech if I yield. I would hope that the Senate would permit me to ask for a 2-minute recess until the Senator from California could get here.

I am simply trying to be courteous and to fulfill my obligations.

Mr. GRUENING. Mr. President——

Mr. HOLLAND. May I yield to the distinguished Senator from Alaska without yielding my right to the floor?

The PRESIDING OFFICER. Is there objection?

The Chair hears none and it is so ordered.

Mr. GRUENING. I merely wish to announce that I was in my office when the bell rang. I came immediately. The elevator stuck, and that is why I was delayed. I ask unanimous consent that I be recorded as being present on this roll call.

Mr. ALLOTT. Mr. President, I object.

Mr. GRUENING. I thank the Senator from Colorado for his courtesy.

Mr. ALLOTT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to my friend from Colorado. May I say at this time that my friend from Colorado was under one misapprehension a few minutes ago. I realize that a Senator cannot remain on the floor of the Senate all the time, but if he had been here this afternoon he would have understood that the request for a ruling was made for the protection of my friend, the senior Senator from New York [Mr. JAVITS], as the RECORD will show. We were not merely trying to protect one side of the aisle. We were trying to establish a rule of fair play which would be equally available and advantageous to every Senator.

Mr. ALLOTT. Will the Senator yield to me for the purpose of replying to the Senator from Alaska?

Mr. HOLLAND. I yield to the Senator from Colorado for that purpose.

Mr. ALLOTT. I felt I had to object. I am sure the majority leader would have done so if I had not. Many of us find ourselves in these positions. I regret it very, very much. I have found myself also in a position when I could not respond to a roll call because of delays that were absolutely beyond my fault. I feel, however, that to establish such a precedent would be to establish one that could not be stopped within any reasonable length at a future time. I regret it very much.

I ask the Chair if it is possible to secure unanimous consent for a Senator to be recorded on a vote when he is not present.

The PRESIDING OFFICER. The Chair is advised that such a request would not be in order.

Mr. GRUENING. I thank the Senator.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Mr. President, I have been advised again——

Mr. LAUSCHE. Will the Senator from Florida yield?

Mr. HOLLAND. Mr. President, provided I do not lose my right to the floor, I shall be glad to yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Ohio notes that the Senator from Alaska is very disconsolate about what has happened. I merely wish to point out that several months ago I rose on this Senate floor while the Senator from Alaska's colleague was in the chair, and I told the Senator from Alaska that the buzzer in the area I was in at the time had not rung, and he told me that I should address my remarks to the electrician and not to the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, I wish to make it clear that if any of the three Senators who have indicated a desire to speak should come in while I am speaking, I may impose on the Chair and the Senate by asking that I be allowed to yield to them without losing my right to the floor. The Senator from Massachusetts is here. We all understand what his situation is. [Laughter.] I ask for unanimous consent that without losing my right to the floor I may yield to the Senator from Massachusetts for a brief speech. And, frankly, I do not care if it is a little longer than a brief speech, Mr. President.

The PRESIDING OFFICER. Is there objection?

The Chair hears none. The Senator from Florida yields to the Senator from Massachusetts without losing his right to the floor and without it being counted as a second speech.

Mr. HOLLAND. I thank the Presiding Officer.

NATIONAL DEFENSE

Mr. KENNEDY. I thank the Senator from Florida for his courtesy and understanding.

Mr. President, Winston Churchill said: "We arm—to parley." We prepare for war—in order to deter war. We depend on the strength of armaments, to enable us to bargain for disarmament. It is my intention, later this week, to make a second address on what positive preparations for disarmament we can make now. We compare our military strength with the Soviets, not to determine whether we should use it, but to determine whether we can persuade them that to use theirs would be futile and disastrous, and to determine whether we can back up our own pledges in Berlin, Formosa, and around the world.

In short, peace, not politics, is at the heart of the current debate—peace, not war, is the objective of our military policy. But peace would have no meaning if the time ever came when the deterrent ratio shifted so heavily in favor of the Soviet Union that they could destroy most of our retaliatory capacity in a single blow. It would then be irrelevant as to whether the Soviets achieved our demise through massive attack, through the threat of such attack, or through nibbling away gradually at our security.

Will such a time come?

The current debate has too often centered on how our retaliatory capacity compares today with that of the Soviets. Our striking force, the President said 1 week ago Sunday night, is "ample for today—far superior to any other" and large enough to deter any aggressor. But the real issue is not how we stand today but tomorrow—not in 1960 but in 1961, 1962 and particularly 1963 and thereafter. Nineteen hundred and sixty is critical because this is the year that the money must be appropriated—by this session of this Congress—if we are obtain even initial results in subsequent years.

This year, our "mix" of forces undoubtedly is "far superior." But it is indisputable that we are today deficient in several areas—and that in one of those areas, ballistic missiles, our deficiency is likely to take on critical dimensions in the near future.

Those who uphold the administration defense budget are right on one count: We cannot be certain that the Soviets will have, during the term of the next administration, the tremendous lead in missile striking power which they give every evidence of building—and we cannot be certain that they will use that lead to threaten or launch an attack upon the United States. Consequently those of us who call for a higher defense budget are taking a chance on spending money unnecessarily. But those who oppose these expenditures are taking a chance on our very survival as a nation.

The ironic fact of the matter is that, despite all the debates, predictions, claims and counterclaims, the electorate will never be able to credit properly whichever side is right. For if we are successful in boosting our defenses, and no Soviet attack is ever launched or threatened, we shall never know with certainty whether our improved forces deterred that attack, or whether the Soviets would never have attacked us anyway. But, on the other hand, if the deterrent gap continues to go against us and invites a Soviet strike sometime after the maximum danger period begins, a large part of our population will have less than 24 hours of life in which to reflect that the critics of this administration were right all along.

The only real question is, Which chance, which gamble, do we take—our money or our survival? The money

must be appropriated now—the survival will not, we hope, be at stake for a few more years.

It is easier therefore to gamble with our survival: it saves money now. It balances the budget now. It reassures the voters now. And now, 1960, is an election year. If a future administration or Congress is confronted with peril—if they lack the means in early 1963, for example, to back up our commitments around the world—that will be their problem. Let them worry about how to get by then; as we are getting by now. We can honestly say our striking force is second to none now—what happens then is their responsibility.

That is the easier alternative—to gamble with our survival. But I would prefer that we gamble with our money—that we increase our defense budget this year—even though we have no absolute knowledge that we shall ever need it—and even though we would prefer to spend the money on other critical needs in more constructive ways.

That is the harder alternative. It is less convenient in an election year. It makes us pay now, with our cash—instead of putting it off, in the hope that we will not have to pay later, with our lives. It exposes us to voter retaliation at the polls now, while the alternative course—if proven wrong—might well leave no voters able to retaliate.

But I am convinced that every American who can be fully informed as to the facts today would agree to an additional investment in our national security now rather than risk his survival, and his children's survival, in the years ahead—in particular, an investment effort designed, first, to make possible an emergency stopgap air alert program, to deter an attack before the missile gap is closed; second, to step up our ultimate missile program that will close the gap when completed: Polaris, Minuteman and long-range air-to-ground missiles—meanwhile stepping up our production of Atlas missiles to cover the current gap as best we can; and third, to rebuild and modernize our Army and Marine Corps conventional forces, to prevent the brush-fire wars that our capacity for nuclear retaliation is unable to deter.

These additional efforts do not involve a small sum, to be spent carelessly. There are other uses—schools, hospitals, parks and dams—to which we would rather devote it. But the total amount, I am convinced, would be less than 1 percent of our gross national product. It would be less than the estimated budget surplus.

It is, I am convinced, an investment in peace that we can afford—and cannot avoid.

I should think that anyone who heard tonight's news to the effect that Mr. Khrushchev said if he could not get an agreement on Berlin, he would sign a peace treaty with East Germany, in which event West Berlin would be a part of East Germany, will consider that to be a crisis which the Soviet Union might not postpone so long.

We cannot avoid taking these measures any more than the average American can avoid taking out fire insurance on his home. We cannot be absolutely certain of the danger. But neither can we risk our future on our estimates of a hostile power's strength and intentions, particularly when secrecy is that power's dominant characteristic—and particularly in the light of our consistent history of underestimating Soviet strength and scientific progress. The chance that our military improvidence will invite a national catastrophe is substantially greater—many, many times greater if you work out the odds on an actuarial basis—than the chance that your house or my house will burn down this year or next. But as individuals we are willing to pay for fire insurance—and, although we hope we never need it, we are surely equally prepared as a nation to pay every dollar necessary to take out this kind of additional insurance against a national catastrophe.

I am calling, in short, for an investment in peace. And my purpose today is to set forth the facts that every American should have to back up this investment.

To the extent possible, I want to avoid the conflicting claims and confusion over dates and numbers. These largely involve differences of degree. I say only that the evidence is strong enough to indicate that we cannot be certain of our security in the future, any more than we can be certain of disaster—and if we are to err in an age of uncertainty, I want us to err on the side of security.

Whether the missile gap—that everyone agrees now exists—will become critical in 1961, 1962, or 1963—whether during the critical years of the gap the Russian lead will be 2 to 1, 3 to 1, or 5 to 1—whether the gap can be brought to a close—by the availability in quantity of Polaris and Minuteman missiles—in 1964 or in 1965 or ever—on all these questions experts may sincerely differ. I do not challenge the accuracy of our intelligence reports—I do not charge anyone with intentionally misleading the public for purposes of deception. For whichever figures are accurate, the point is that we are facing a gap on which we are gambling with our survival—and this year's defense budget is our last real chance to do something about it.

I do not want to be told either that we cannot afford to do what is required, or that our people are unwilling to do it. In terms of this budget's proportion of our gross national product, we are not making nearly the defense effort today we were in 1953—or one-fifth the effort we made during World War II when we knew it had to be done. The Russians, with a far poorer standard of living, and desperate shortages in some consumer goods and housing, are commanding a much greater proportional effort.

It is clear that our defense budget is capable of supporting new efforts by cutting waste and duplication—that our overall budget is capable of including further defense expenditures without causing a serious deficit—that our economy is capable of sustaining a much greater defense effort—and that, if necessary, our citizens are willing to pay more, in taxes and sacrifices, for our national security, just as they have before.

Where, then, do we need the money—and why? To answer those questions requires a review of the record: 1953 was the critical turning point—it was a year of three critical turning points. In that year the military situation was transformed by the creation of an H-bomb small enough to put in the nose of a rocket, enabling it to destroy a wide enough area to compensate for what was then the inaccuracy of rockets. In that same year—if not earlier—the Soviet Union made a clear-cut decision to plunge their resources into ballistic missiles—reorganizing a new Ministry of Defense Production to unify research, development and production of missiles—and reorganizing Soviet science, technology and engineering. And finally, in that same year, the United States of America embarked on a policy of emphasizing budgetary considerations in the formulation of defense goals.

By 1954, we had good evidence of the rapid progress of Soviet technicians in these radical new weapons. By 1955, the Killian Committee—an official administration body—was ready to report that our rate of missile development must be stepped up if the Russian lead was not to endanger our existence in the sixties. By 1956, on his trip to England, Khrushchev was able to introduce into European diplomacy the threat of attack by intermediate range ballistic missiles. By 1957, the Russians were able to announce the successful testing of an intercontinental ballistic missile. Also by 1957, another administration committee—the Gaither Committee—produced another secret report with another urgent plea for more unity, more priority and more funds for our missile effort.

But throughout this period we continued our emphasis on budgetary limitations. An Operation Candor was considered, to lay bare to the public the facts of Soviet missile development—but it was rejected when "wiser counsels" prevailed, to use Robert Cutler's term—fearing that it might spur demands for military spending that would unbalance the budget. We assigned a "national priority" to the Atlas missile, finally, in 1955; but basically our second-strike capacity was concentrated on bombers carrying nuclear weapons. An air defense scheme was, finally, accepted; but by the time it was well underway, it had become evident that the U.S.S.R. had chosen to concentrate upon the missiles against which our system would prove unavailing.

Then, in the autumn of 1957, the Soviets launched the Sputniks, demonstrating for all the world to see their capabilities in the field of missiles. For the first time since the War of 1812, foreign enemy forces potentially had become a direct and unmistakable threat to the continental United States, to our homes and to our people.

The Soviet sputniks aroused the country. But the then Secretary of Defense shrugged aside the satellites, saying that this was merely "a neat scientific trick."

One of the President's advisers referred to sputnik as a "silly bauble." The President himself said that his apprehensions were not raised "one iota."

There was, to be sure, a second new reorganization of the Pentagon. There were new scientific committees appointed. But only belatedly were sufficient time and attention given to our missile program. And even then sufficient funds were not forthcoming—not even all of the funds appropriated by the Congress.

I have briefly reviewed this period of time, because today time is what really matters. The coming missile gap is forecast not so much as the result of any technical lag as of a time lag. The President, I am sure, is right in saying our striking force is "constantly developing to meet the needs of tomorrow"—that "new generations of long-range missiles are under urgent development"—and that our "first Polaris missile submarine will soon be at sea." But he is talking about what we hope to have in the future—all of which takes time—and the timelag which threatens a critical missile gap is roughly equal to the timelag between the Killian report and the postsputnik era.

The history of our current defense posture is not complete, however, without chronicling developments in United States and Soviet conventional forces over this same period.

In 1953, both the Russians and the United States adopted a "new look" policy deemphasizing ground forces. Generals Zhukov and Ridgway both opposed these cuts in their respective countries; and in 1955, Zhukov, with Khrushchev's help, won the battle which Ridgway lost. Khrushchev expanded, reorganized and, more importantly, modernized and made more mobile Soviet ground forces and conventional weapons. New tactical nuclear weapons and tanks were added to the arsenal. A whole new naval fleet was developed, including the world's largest submarine fleet—much of it equipped with missiles.

In the United States, the new look prevailed. We consistently cut the numbers and strength of our ground forces—our Army and Marines. We consistently failed to provide those forces with modern conventional weapons, with effective, versatile firepower. And we particularly failed to provide the airlift and sealift capacity necessary to give those forces the swift mobility they need to protect our commitments around the world—and to give us the time we need to decide on the use of our nuclear retaliatory power.

But both before and after 1953 events have demonstrated that our nuclear retaliatory power is not enough. It cannot deter Communist aggression which is too limited to justify atomic war. It cannot protect uncommitted nations against a Communist takeover using local or guerrilla forces. It cannot be used in so-called brush-fire peripheral wars. In short, it cannot prevent the Communists from gradually nibbling at the fringe of the free world's territory and strength, until our security has been steadily eroded in piecemeal fashion—each Red advance being too small to justify massive retaliation, with all its risks.

Small atomic weapons are not the answer, for they suffer from much the same handicaps as large atomic weapons. If we use them, the Russians use them. Even the smallest atomic weapon would unleash 100 times the destructive power of World War II's largest conventional bombs. And even the smallest atomic weapon today produces fission—and thus fallout—and thus can reduce to a complete shambles the area in which it is used—a friendly area presumably, in these limited wars. But the people would not regard our use of atomic weapons as a very friendly act or the resulting holocaust a very limited war. And as the enemy's losses increase, so will its temptation to raise the ante to allout nuclear warfare first.

In short, we need forces of an entirely different kind to keep the peace against limited aggression, and to fight it, if deterrence fails, without raising the conflict to a disastrous pitch.

So much for the record. The facts are not pleasant to record. But they are facts nevertheless. The President spoke a week ago Sunday night of our strength commanding the "respect of knowledgeable and unbiased observers." But every objective committee of knowledgeable and unbiased observers which he has appointed, such as the Killian and Gaither Committees; or which have functioned independently, such as the Rockefeller committee; every private or public study; every objective inquiry by independent military analysts; every statement by Generals Gavin, Ridgway, Taylor, Power, Medaris and others; every book and article by scholars in the field—all, regardless of party, have stated candidly and bluntly that our defense budget is not adequate to give us the protection for our security or the support for our diplomatic objectives which we may well need in the near future. The conclusions of every such study agreed with this conclusion of the Rockefeller Bros. report on military policy, published early in 1958:

> It is the judgment of the panel that prepared this report that all is not well with present U.S. security policies and operations.
>
> We are convinced that corrective steps must be taken now. We believe that the security of the United States transcends normal budgetary considerations and that the national economy can afford the necessary measures.

Let me summarize our situation before we turn to the solutions.

Unless immediate steps are taken, failure to maintain our relative power of retaliation may in the near future expose the United States to a nuclear missile attack. Until our own mobile solid-fuel missiles are available in sufficient quantities to make it unwise for any enemy to consider an attack, we must scrape through with what we can most quickly make available. At the present time there are no Polaris submarines on station ready for an emergency. There are no hardened missile bases. There is no adequate air defense. There is no capacity for an airborne alert in anything like the numbers admittedly needed. Our missile early warning system—BMEWS—is not yet completed. Our IRBM bases—"soft," immobile, and undispersed—invite surprise attack. And our capability for conventional war is insufficient to avoid the hopeless dilemma of choosing between launching a nuclear attack and watching aggressors make piecemeal conquests.

Time is short. This situation should never have been permitted to arise. But if we move now, if we are willing to gamble with our money instead of our survival, we have, I am sure, the wit and resource to maintain the minimum conditions for our survival, for our alliances, and for the active pursuit of peace.

This is not a call of despair. It is a call for action—a call based upon the belief that at this moment in history our security transcends normal budgetary considerations.

But merely calling for more funds is not enough. Money spent on the wrong systems would not only be wasteful, it could slow us down. Merely to criticize is not enough, without stating clearly and candidly that to correct the situation will cost money. That money is not either mysteriously or easily made available. But I have indicated that I think the money must and can be made available, from elsewhere in the Pentagon, elsewhere in the budget, and elsewhere in the economy—including, if necessary, from additional tax revenues.

I am suggesting, therefore, three major changes in the pending defense budget:

First. We must provide funds to protect our investment in SAC, as long as it is our chief deterrent, primarily by making possible an airborne alert, keeping 25 percent of our nuclear striking force in the air at all times, to prevent them from being destroyed along with their bases in the event of a sudden attack. The Congress cannot and should not order such an alert now—only the President has the information and responsibility necessary to make that decision. But no President will feel free to do so, in view of the enormous cost and the wear and tear involved, unless funds are provided for more flight and maintenance crews, more planes and parts, more tankers, and more fuel. Any portion of the money appropriated for this purpose not actually used for this purpose should be used to speed up construction of our new ballistic early warning system—so that our planes will be off the ground before the missiles arrive—and further to disperse our bases, to reduce the chances of one paralyzing blow.

Second. We must provide funds to step up our Polaris, Minuteman and air-to-ground missile development program, in order to hasten the day when a full, mobile missile force becomes our chief deterrent and closes any gap between ourselves and the Russians. In the meantime, we must step up our production of Atlas missiles to cover the current gap as best we can. As a power which will never strike first, our hopes for anything close to an absolute deterrent must rest on missiles which come from hidden, moving, or invulnerable bases which will not be wiped out by a

surprise attack: Polaris missiles on atomic submarines, Minuteman missiles on moving flatcars or in underground complexes, or long-range air-to-ground missiles on slow-flying planes or launching platforms. A retaliatory capacity based on adequate numbers of these weapons would deter any aggressor from launching or even threatening an attack—an attack he knew could not find or destroy enough of our force to prevent his own destruction.

But long-range air-to-ground missiles and launching platforms are still in an early stage of development. Polaris submarine goals have been consistently pushed back, with the proposed budget providing funds for starting only three. The Minuteman program likewise is suffering from delay, with no real start on either the moving railway car concept or the elaborate underground launching facilities required. If we hope to close whatever missile gap exists in 1963 or thereafter, these funds must be provided in 1960.

Third. We must provide funds to augment, modernize and provide increased mobility and versatility for the conventional forces and weapons of the Army and Marine Corps. The more difficult a decisive nuclear war becomes the more important will be the forces designed to oppose nonnuclear aggression.

There are other essential needs requiring additional funds in this budget as well: to complete and improve our continental defense and warning systems and to disperse our bases, as already mentioned; to equip us for antisubmarine warfare; to restore our merchant marine; to expand our space and military research; and to initiate a realistic fallout shelter program.

But the three stated above are the most critical. Our hopes for peace—for disarmament—for the time when the money required for this effort can be used for more constructive and enlightened uses all over the world—depend upon our obtaining the deterrent strength to which these three categories are vital. That is our real goal—an end to war, an end to the arms race, an end to these vast military departments and expenditures. We want to show our greatness in peace, not in war. We want to demonstrate the strength of our ideas, not our arms. That is why, at the same time we prepare our deterrent, we must also prepare for disarmament, with specific, concrete plans and policies that will strengthen our position at the bargaining table. I shall propose some positive steps for peace in my second address this week. But to secure that peace, to make certain that we never invite war, to make it possible for us to negotiate on a basis of equality with the Soviet Union, we must act now to build our security.

I repeat: We shall never be able to prove beyond all doubts that the efforts I have outlined are necessary for our security. We are taking a gamble with our money. But the alternative is to gamble with our lives.

Some say that it is deplorable that these facts are discussed on the Senate floor. I agree. It is not the discussion that is deplorable, however, but the facts. The Russians already know these facts. The American people may not. The debate itself is not deplorable—it is deplorable that the situation deteriorated to this point, where it became a matter for debate. In matters of this kind, the only wise and safe course is to leave a margin so large as to preclude any doubt or debate.

For when we are in doubt, our allies are in doubt, and our enemy is in doubt, and such doubts are tempting to him. While those doubts persist, he will want to push, to probe, and possibly to attack. He will not want to talk disarmament. He will not want to talk peace at the summit. He will threaten as he did today.

I urge that this Congress, before the President departs for the summit, demonstrate conclusively that we are removing those doubts, and that we are prepared to pay the full costs necessary to insure peace. Let us remember what Gibbon said of the Romans:

> They kept the peace—by a constant preparation for war; and by making clear to their neighbors that they were as little disposed to offer as to endure injury.

Mr. HOLLAND. Mr. President, as an appropriate conclusion to the fine address of the Senator from Massachusetts, I ask unanimous consent that he may be allowed to yield and to respond to questions by his colleagues, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. President, I compliment the Senator from Massachusetts for his able presentation of the problem. I think he has demonstrated in his remarks an understanding of the exact situation in which we find ourselves. The problem we are faced with is an unprecedented one. We are not dealing with an ordinary weapons situation. We are dealing with a situation in which, if we err, we shall never have the opportunity to correct our error.

In two wars, World War I and World War II, this Nation had two great allies, time to mobilize, and space to protect us in that mobilization. The Senator from Massachusetts has put his finger exactly on the problem. The problem is, do we want to take this unnecessary risk? It makes little sense to argue on indefinitely about numbers, as the Senator has so ably pointed out. We cannot afford to take the gamble, because there is no alternative left for us if we do make a fatal mistake.

I commend the distinguished junior Senator for his able presentation of the problem of general war, limited war, and the need for a very strong defense posture in order to insure peace. This is the only real condition precedent that we can have to an effective disarmament agreement.

Mr. KENNEDY. I recall when the Senator from Washington, who is Chairman of the Subcommittee on Military Application of the Joint Committee on Atomic Energy, and the Senator from New Mexico [Mr. ANDERSON] in June of 1955 wrote a letter to the President of the United States informing him that we were most concerned about the rising military strength of the Soviet Union, especially in the field of missiles. I also recall the speech which the Senator made on the floor of the Senate 3 or 4 years ago warning the United States of the dangers from growing military power in the Soviet Union. These warnings have been given year after year, and I have some recollection of the experience of Great Britain in the 1930's when, despite a clear warning given by Mr. Churchill and others, the British Government made a calculation of what the Germans were producing, especially in the air, and made a calculation of what the British and the French had to oppose them. As we know, they guessed completely wrong. Now it is impossible to predict with any certainty what progress the possible enemy is making.

It was impossible for us to know what the Japanese were doing before Pearl Harbor. I was preparing, in December of 1941, information for the Chief of Naval Operations, and I recall all the intelligence reports which came in warning us of impending attacks by the Japanese in French Indochina. What was true of the British was true of the Japanese. The Senator knows the situation far better than I do.

We never calculated that the Soviet Union would develop the atomic bomb as quickly as they did, or would develop the hydrogen bomb as quickly as they did, or that they would move ahead in missiles as quickly as they did, or that they would move into space as quickly as they did. We have underestimated them on all of those occasions, and it is quite possible that the administration miscalculates today. The chances are that the administration does not see how anyone can presume that it has not calculated correctly. As the Senator quite appropriately suggests, a miscalculation in this connection might be disastrous, particularly in view of the fact that we are now on the collision course in Berlin.

Today Mr. K. made threats as to what he was about to do with respect to Berlin. He threatened to sign a peace treaty with East Germany by means of which he would exercise military control over West Berlin.

Therefore, I would say that the Senator has been right for many years and the point is now it seems to be our last chance to redress the wrong.

Mr. JACKSON. I think the Senator from Massachusetts is to be particularly commended for pointing out the relationship of our military power to diplomacy. The Senator has made it quite clear that Mr. Khrushchev becomes more venturesome diplomatically as his military power increases. This is happening, as the Senator so effectively pointed out once again today in connection with Berlin, at a time when we are permitting our military posture to be placed in the light of a declining power before the world.

We should not invite diplomatic situations that can lead to conflict.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, do I understand correctly that when I asked for leave to yield for general comment of

colleagues of the Senate that consent was granted without my losing my place to the floor?

The PRESIDING OFFICER. That is correct.

Mr. ALLOTT. Mr. President, just to correct the record if I may, the unanimous consent was that the Senator was to yield for questions.

Mr. HOLLAND. I meant that my request should go further than that, and I think it did.

I think that it was to the effect that the Senator from Massachusetts should be able to yield for appropriate comments and questions by his colleagues. If I did not make that clear, then I certainly do not want to have any misunderstanding about it now. I make the request again on condition that I do not lose my place on the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Reserving the right to object, I have no occasion to object to the request. I simply wanted to find out what the situation is so that the Senator can be protected. The Senator's request was that the Senator from Massachusetts be permitted to yield for questions. I have not raised any question and I do not intend to, so I will not object.

Mr. HOLLAND. I thank the Senator from Colorado.

Mr. CHURCH. I want to join with my colleague from Massachusetts.

I think he has tonight made a statement that could well be the Democratic platform for national defense. Since he has intimated that he plans to speak later this week on a program for peace, I can only say that I shall look forward to it with profound interest, for all America and all the world waits to hear of a program for peace, and if the Senator from Massachusetts can give us a program for peace which matches the program for the national defense that he has outlined on the floor this evening, he will have rendered a singular service to America. I wish to commend him highly for the great work he has done on the floor of the Senate tonight.

Mr. KENNEDY. I thank the Senator from Idaho.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I feel that the distinguished Senator from Massachusetts has made the best balanced speech on the imbalance of our defense forces that I have been privileged to hear. I particularly have reference not only to the dispassionate way in which he discussed the supremacy that is rapidly falling away from us in spite of our perhaps preeminence as of today, but also to the certainty that tomorrow, the next year and the next year after we will be a second-class power militarily. I think it is quite important that the distinguished junior Senator from Massachusetts did not dwell specifically and only on the gap in the missile race, but also pointed out the imbalance in conventional warfare, our lack of mobility which has caused two Chiefs of Staff of the Army to resign years ahead of their ordinary retirement because they felt the equipment and the transport by air and other facilities was not sufficient for them to carry out the mission assigned to them and their responsibilities.

Certainly what the Senator has mentioned with respect to the impending crisis of Berlin points up what many of us have long been concerned with in respect to the deterioration of our supply of conventional weapons to win a brush war or a local conflict, which these great generals have said is likely to be 80 percent of our exposure to actual conflict. The Senator knows we have less than 30 planes in the 480 MATS fleet that can fly over an ocean nonstop. If we lose our island bases we are land bound, and in the event of an attack we would lose these island landing fields and refueling bases through submarine attack or other cause, even sabotage.

So I compliment the distinguished Senator on the excellent warning he has given us. The Senator will remember, because he was in the House of Representatives as I was, that in 1949 our administration—and this is not politics—under the misguided policy of a misguided Secretary of Defense, destroyed our air force, cut back on our air power, and reduced our military forces, and when Korea hit, we were stripped of everything except occupational troops and very few other troops. We had no Air Force left whatsoever to thrust our power in the stopping of the invasion of South Korea. This is not politics. This is the duty of the United States; and had the parties in the Senate in 1949 supported the position which certain members of the House of Representatives took, which the Senator from Massachusetts took, and which I as a member of the House took, voting more money for air power, we would have had a different position in Korea. When the warning is given in the greatest deliberative body in the world, as the Senator has given it to us tonight, it is time to pay more attention to it than to say, "This is politics in an election year." This is a clarion warning which had better be heard if we are to remain a first-class power.

Mr. KENNEDY. I am glad the Senator from Oklahoma has commented on conventional forces, because it is likely that, with the increasing terror of weapons, the question will be asked, "What is the use of our creating additional new weapons which the Defense Department would dislike initiating in order to protect a given area?" What is the use of having a weapon which is like poison gas if we are able to achieve a balance? In other words, if the administration is correct, and our balance is satisfactory, we have possibly the same kind of situation that we had during the Second World War in regard to poison gas on both sides. We would then use less dangerous weapons; and it is with respect to those particular weapons that we have had the most severe attrition. I believe the point the Senator has made is extremely important.

Mr. MONRONEY. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Oklahoma.

Mr. MONRONEY. We lack the capacity to move a contemporarily equipped army by airlift into a troubled area such as Berlin or a backward area to stabilize conditions before war breaks out. We have seen our ground forces cut so greatly and our airlift allowed to fall into obsolescence to the point that the only response we have to a situation like that is to drop the big bomb or to fire the big missile and start the very war we hope, by proper preparation and proper strength in all sectors and all sections of our defense, could be avoided. We lack nothing except the capacity to have the type of weapon that we might need, and that type of weapon should be something to deal with the crisis short of nuclear war.

Mr. CLARK. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield to the Senator from Pennsylvania.

Mr. CLARK. I should like to join my colleagues in their commendation of the excellent address which my good friend from Massachusetts has just made. This is the second time in 3 weeks that a debate has taken place on the floor of the Senate on the subject of defense, during which Senator after Senator has pointed out his agreement with the thesis laid down tonight by the junior Senator from Massachusetts. It is true, as he says, that we cannot afford to take a chance. It is true, as he says, that we are weak in many of the aspects of defense where we need to be strong. This issue will not die. It cannot be swept under the rug. It must not be swept under the rug. I note the heartening response of conservative businessmen like Mr. Thomas Watson and Mr. Sprague, who are joining in the cries of alarm at the apathy with which the administration confronts this important issue. I think the Senator from Massachusetts has rendered a distinguished and very important public service in again calling this matter to the attention of his colleagues in the able, brilliant, concisely analytical way in which he has stated the case.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am very sorry that I missed most of my friend's debate on this subject. As he knows, it is a subject which is very close to my heart. I am sorry I did not know he had the floor or I would have been present to hear the entire presentation. As I understand, the Senator from Massachusetts touched on the general subject of defense. Am I correct?

Mr. KENNEDY. The Senator is correct.

Mr. GOLDWATER. Did the Senator touch in any way on the aspects of the cold war?

Mr. KENNEDY. Yes, only as defense relates to the cold war and the general thesis that military power is an ingredient of successful negotiation.

Mr. GOLDWATER. I was coming to that, because I did hear the Senator quote Gibbon, which is almost precisely the Mahan theory, with which he is very well acquainted. Would not the Senator agree that one of the necessary ingredients in a victory over our enemy would be a national decision to win the cold war? And when I say "national," I do not mean "administration." I mean a decision by both parties, subscribed to by the American people, that we will quit compromising in order to avoid possible war; that we will admit that in order to win this we might some day have to run the risk of war.

Would the Senator agree with that thesis?

Mr. KENNEDY. I am not sure, unless the Senator would spell it out a little more. I might agree with it, but I do not know what he means by "end the cold war" in that phrase.

Mr. GOLDWATER. I said "win," not "end"; that we would "win the cold war."

But what I am getting at, in my opinion—and it is only the opinion of one—is that immediately after World War II we in this country started a period of compromise with other countries, in the course of which it has grown increasingly obvious to me that we would rather compromise, we woulld rather try to reach decisions at summits that would never mean victories for us or for peace; that we would rather do that than run the risk of eventually deciding this on the field of battle, if that be necessary. I am not advocating war, but I am suggesting to the Senator that in any decisions we make relative to conclusion of the cold war, or a hot war, that we must recognize that there is the danger of war.

Mr. KENNEDY. Yes; but I think that as the Senator explains his position, I become less and less in agreement with it. Perhaps he would explain it some more. I think the thesis the Senator suggests is that the United States should win the cold war, and in order to win the cold war you have to impose your will and your judgment upon your adversary, rather than attempt to exist with him. I am not prepared to say that we should take those steps that would be necessary to impose our will upon the Soviet Union and the Chinese, because quite obviously that is thinking war would be inevitable. And it may come finally to that, as the Senator says. But I am more ready to see if it is possible for us to coexist than I am to attempt to enforce our will upon them.

Mr. GOLDWATER. I think the Senator misunderstands, and if he does, I am sure it is my fault, with my inability to explain. What I was trying to get from the Sentor is, does he believe that a continuance of weakness on the part of the United States, as we try to reach these decisions of peace by giving in, is preferable to a decision that we will face up to a matter of strength if we have to do so.

In other words, if we are going to lose our freedoms by giving them away, in, for instance, the discussions on disarmament and the discussions on nuclear testing—which would work, in my opinion, only to the advantage of the Soviet—if we would eventually lose our freedoms, would the Senator say that his thesis of foreign policy would contain a little stronger indication of strength if we face up to our problems around the world?

Mr. KENNEDY. The difficulty in carrying on this discussion with my friend the Senator from Arizona is in these phrases he uses, "A little more strength," and so on. I cannot say that the Senator and I agree. It is hard to carry on a discussion until all these terms are defined. I do not know what is meant by "a little more strength," or "a little weakness." I think my friend assumes more than I can. What I say is that we should be militarily strong.

Mr. GOLDWATER. I think the Senator answers my question, and I will go to the next one, because I do not want to delay him. I know he has been on his feet a long time. He mentioned at the close of his address a statement of Gibbon. I cannot quote it exactly, but I believe it related to maintaining strength of arms.

Mr. KENNEDY. I said they kept peace by constant preparation for war.

Mr. GOLDWATER. That, of course, is the Mahan theory, developed by Captain Mahan, the theory which enabled Great Britain for a period of nearly 200 years to maintain a fairly good semblance of peace around the world. And it has enabled the United States, ever since World War II, to maintain peace in this world by its mastery of the air.

Gibbon mentioned another thing in his wonderful work that I wanted to touch on. He mentioned, as I recall, some five or six reasons for the decline and fall of the Roman Empire. If I recall correctly, the first one was the lowering morals of the people; and, he went on to describe, among others, the breaking up of the family and the home.

I know that the Senator might find it difficult to relate this to what I was talking about. But I recall a speech he made in Los Angeles in which he said the American people are becoming soft. Does not the Senator feel that this is a very important problem that we have, and that it is related to our whole defense picture?

Mr. KENNEDY. Yes, I did mention that in my Los Angeles speech.

Mr. GOLDWATER. The reason I asked that question is that I am in agreement with the Senator's insistence on a strong military, and I will do everything in my power to see that it is maintained at the proper level. But I want to go a step further. I do not think it does us much good to have a strong military if, at the same time, we are contributing to the lowering of the strength of the American people by advocating domestic policies that interfere more and more with the daily lives of the people, in taking away the powers of the States and transplanting them here to Washington.

So I am hopeful that the Senator, in the application of his brilliant mind and in his overall study, will recognize not only the matter of the muscle of military hardware but the factor of the morals of the American people; that while it is necessary to maintain the military muscle, it is also necessary to recognize that the morals of the people must be maintained. And I might suggest to the Senator that as he applies his thoughts to this subject, he might think of the wisdom of the Founding Fathers who applied it throughout the States and not alone to the Federal Government.

Mr. KENNEDY. I thank the Senator for his comments very much. I think he led us into an interesting journey.

Mr. SCOTT. Mr. President, will the Senator from Massachusetts yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. KENNEDY. I yield.

Mr. SCOTT. Let me say first that the Senator has made a brilliant address, which indicates great familiarity with this very difficult problem. There have been a number of such addresses touching upon the position of the United States in meeting situations less than nuclear or total warfare. And these suggestions have been made, including that of the Senator from Massachusetts, turning in part upon the necessity for having such additional weapons as may be needed to keep the United States strong. All of us are for that.

May I ask the Senator, then, whether or not he would think well of the suggestion that he and other members of the majority party who have ideas regarding the position of the United States, other than those espoused by the administration, meet together and make a series of specific proposals to the Armed Services Committee, specifying precisely what it is they wish in the form of additions to our national defense and, with their two-thirds majority in both Houses, thus enable us to get this issue on the floor of both Houses, in a great debate—if we want to call it that—and then determine precisely what state of defense the American people need?

Would the Senator embrace the suggestion that, in addition to enlightening and able speeches, specific proposals be presented to the Armed Services Committee, discussed by them, and reported to the Senate so that such proposals may be acted upon in this year 1960?

Mr. KENNEDY. I should like to say that the Senator——

Mr. ENGLE. Mr. President, before the Senator replies, may I make a further inquiry?

Mr. KENNEDY. Yes.

Mr. ENGLE. I am very much interested to observe that our Republican friends seem very much perturbed about the speech the Senator from Massachusetts has made, as they were about the preceding speech made by the Senator from Missouri [Mr. SYMINGTON], which they undertook to answer through the minority leader.

I suggest to my friend from Massachusetts, who has made a very able presentation, that in part the question asked by the Senator from Pennsylvania [Mr. SCOTT], has already been answered by the Senator from Missouri, who in a speech on the floor of the

Senate, gave ten specific points that he recommended the administration undertake as a means of improving the defense posture of this country.

Now that our friend from Pennsylvania would like to have more suggestions, I suppose we can come along with those, too. However, I should like to observe, in complimenting my friend the able and distinguished Senator from Massachusetts on his very fine speech, that we on this side of the aisle seem to be very much in agreement indeed with respect to some of the specific things he mentioned in his speech and which have been mentioned time and time again.

Mr. SCOTT. Mr. President, will the Senator from Massachusetts permit me to make a mild correction in the statement of my friend from California?

Mr. KENNEDY. I yield.

Mr. SCOTT. It is my understanding that the 10 statements made by the Senator from Missouri were offered by him, in his words, as statements of fact, and that the actual recommendations were somewhat less in number, namely, two or three. I am not proposing that we make more recommendations. I am proposing that if legislation is needed, the majority party has the votes to pass it. I suggest, without a political undertone, that, as a result of that presentation, I may well be convinced, as other Senators on this side of the aisle may also be convinced, that we do need, in fact, additional weaponry. If we were to discuss the Polaris submarine, I would say that we would be in an area where I could go along. However, I would suggest that we do it in the realm of legislation and in the realm of action. I propose that to the Senator from Massachusetts, not as a Republican Senator—as the Democratic Senator from California has stated—but to bring to a point the need for a decision by the legislature if Senators feel that such a decision is desirable in the interest of the security of the Republic.

Does the Senator agree with me?

Mr. KENNEDY. I understand what the Senator has in mind. I should like to ask him whether he shares the concern that the present military posture of the United States vis-a-vis the Soviet Union's position is such that more should be done in the field of missiles, submarines, ballistic warning systems, and strengthening of our conventional forces? Does he feel that more should be done than the budget has recommended?

Mr. SCOTT. I feel that the question of our defense is always a matter of alertness, and that there is always the question whether perhaps more could be done than the Executive has suggested, but after debate the legislature should determine whether we need additional weaponry. As an illustration I pointed to the Polaris submarine. I am not disagreeing with the Senator from Massachusetts. What we need is more than these able and intelligent and informative speeches that we have been hearing.

Mr. KENNEDY. I know that the Senator from Missouri [Mr. SYMINGTON] has made good suggestions. In my speech I made three suggestions. I am sure that other things could be done also. However, I attempted to put priority on three suggestions. Perhaps the Senator does not agree with the form in which I made them. Let me try to summarize what I said by stating that I do not believe that the United States is building up its missiles fast enough. I believe we should have more Polaris submarines. I believe that we should provide at least a standby for an air alert. I believe we should develop a missile warning system. I cannot find any stronger words than I have used to say how vitally important I feel it is to do these things

Of course, every Senator must reach his own judgment in these matters. The Armed Services Committee must reach its judgment. If I do not believe that the amount they recommended is sufficient, I will vote for a larger amount. If I feel that the amount they report in five or six categories is not enough, I may not vote for it. Every Senator can make up his own mind, of course.

Mr. SCOTT. Does the Senator agree that there is need for action in the legislative field, and that, by debate, there is a need to determine the degree of action which may be needed?

Mr. KENNEDY. I hope we are stimulating——

Mr. SCOTT. With respect to any situation pertaining to the defense of the United States, that is.

Mr. KENNEDY I hope that we are stimulating some action by this discussion.

Mr. SCOTT. I thank the Senator for yielding to me.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. The Senator from Massachusetts has clarified the subject of national defense in a courageous manner which I believe challenges his colleagues to think in terms of an approach which is not partisan in the appraisal of our national security.

I would add no tinge of partisanship; I ask the Senator from Massachusetts, however, if there is an element of agreement in his mind with the remarks made recently by the Hon. CARL VINSON, chairman of the Armed Services Committee of the House of Representatives, that moneys appropriated by the Congress for specific purposes had for all intents and purposes been overruled by item or specific veto power of the President of the United States? And would not my friend agree that Congress has found in some instances that funds have been withheld from definite defense programs for which they were to be expended?

Mr. KENNEDY. That is correct.

Mr. RANDOLPH. Would you not further agree that there is truth in the rather apt language used by the veteran Representative [Mr. VINSON] when the Georgian paraphrased the marriage vows, "What Congress has put together, let no executive department put asunder."

Mr. KENNEDY. I think it is.

Mr. RANDOLPH. Again I compliment the Senator from Massachusetts. He has performed a real service by his factual and forthright address.

Mr. KENNEDY. I thank my colleague from West Virginia and I am delighted that the Senator from Oklahoma in his suggestion reminded us of 1949. It is certain that this is a subject on which there should be no partisanship. We can point to clear failures in our own Democratic action in 1949, when money was impounded. Therefore, we are not in a position to attempt to exploit this matter in a partisan way. However, after 3 or 4 years of steady demonstration of how alarming the situation is, it is about time that the administration and Congress should move in this area. I do not see how we can have any clearer warning that we are moving into the position of a secondary power than when we consider the area of Berlin.

Mr. COOPER. Mr. President, I should like to say that I have listened with great interest to the speech of the distinguished Senator from Massachusetts. He knows I believe in his patriotism and objectivity. He has tried to narrow the issues in the field of defense and to make specific recommendations.

Speaking for myself, I cannot find great fault in the recommendations he has made.

If the facts demand, I would rather vote on the side of security, even if it means spending more money, than to take a risk.

However, if we are to spend more money, we must first get the money. I must say with all due respect to my colleagues on the majority side of the aisle, they will not give up anything to spend money on defense. If you insist on spending larger sums on every Federal program, we must vote more taxes for defense. I wonder if my friend would be willing to vote more taxes for defense.

Mr. KENNEDY. I tried to say in my speech that I voted against the tax cut in 1947–48 for a comparable reason. I am delighted to vote for increased taxes if whatever surplus we have now is not sufficient to pay for what I think should be done.

I do not know where it will all end. I cannot give a precise answer with respect to a definite amount which should be made available to do these things. I will vote whatever increase in taxes is necessary to do these things.

Mr. COOPER. I find that my colleagues on the majority side of the aisle want all things. They want to spend more money for every program as well as defense. I say again that if we are to spend more for defense, we should cut back some of the other expenditures, or else increase taxes.

I wish to make a further comment. I am a Republican and I sit on the other side of the aisle. Yet I do not feel content about our defenses. I am willing to vote for larger appropriation for dedefense, and for whatever measures are necessary to provide the funds, even higher taxes, but my confidence in the defense speeches made on the majority side is lessened by their obvious political tone. I know, as the Senator knows that in an election year you cannot keep a complex issue such as defense out of politics because it is a political issue, as well as basic to security and peace.

I do not object to this. What I object to is the statement that defense is above politics, followed always by the implication that this administration is responsible for any lag in defense.

To be fair about the situation and to give it proper balance, I think the Senator would admit that prior to this administration there was no missile program; prior to this administration there was no Polaris; prior to this administration there were no intercontinental ballistic missiles or intermediate-range ballistic missiles; prior to this administration we had little strength and fire power in our conventional forces. The total may not be all we need for the future but to be just, fair, and honorable, we should place these facts in the RECORD for the American people to read.

Mr. KENNEDY. The Senator included seven or eight so-called facts in the RECORD, some of which are facts and some of which are opinions.

Mr. COOPER. Can the Senator tell me which one is not a fact?

Mr. KENNEDY. The Senator said there were little or no conventional forces.

Mr. COOPER. I said we had little strength in conventional forces prior to this administration.

Mr. KENNEDY. I agree with the Senator that we may have had a rather limited missile program before this administration. The question now really does not revolve upon whatever mistakes the Democrats may have made. The question really is whether we want to put this issue on a political basis. Since the end of the Korean war, have we really made as great an effort as the situation demanded?

I am sure there were many shortcomings. I myself have disagreed with the Senator from Oklahoma and his disagreement with the policy of 1949. I think we all agree that that was a great mistake. If it did not bring on the Korean war, it made it more difficult to win, and we have all said that.

However, the question is really whether, in the last 7 or 8 years or since the end of the Korean war, we have done what was needed to be done during this administration's period of responsibility to meet its responsibilities instead of merely saying what we did wrong when we were in office.

The problem must be solved correctly. The question is whether we have done what reasonable people say needs to be done.

I do not think we can follow the succession of reports from the Gaither report and the Killian report and say that we have done what should have been done and needed to be done.

I recall the fight in 1953 when the Senator from Texas [Mr. JOHNSON] and the Senator from Missouri [Mr. SYMINGTON] fought to add $5 million to the Air Force appropriations. I conducted the fight to add additional forces. The former Senator from Michigan, Mr. Ferguson, was controlling the discussion that year.

What I am now saying is that 1960 is the year for us to do something about these mistakes. What good is it now to say what mistakes we made or what mistakes were made by the Republicans? The question now is, Are we prepared, as I think most members of the Democratic Party are, to do more this year? That is really the question.

Mr. COOPER. My remarks were not directed to the Senator, because I think the Senator has been objective, and has made specific recommendations. I made the point that when it is said that defense speeches are not political, they end up usually as an attack upon the policies of the Eisenhower administration. If there is a lag in our defense, it grows from previous administrations. But, I say to the Senator that as far as his recommendations are concerned, I find myself much in accord with them. I will support them in the main.

Mr. KENNEDY. The Senator is highly regarded on both sides of the aisle. Even though it is difficult to do, I was attempting to keep these issues in perspective, as the Senator suggested. The question is what action we can take in the next 2 or 3 months on both sides to make up for the mistakes that both sides have made since 1945.

(At this point, at 12 o'clock midnight on Monday, February 29, 1960, with the Senate still in session, the printing of its proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)

CONFIRMATION

Executive nomination confirmed by the Senate February 29 (legislative day of February 15), 1960:

U.S. MARSHAL

Gilbert B. Scheller, of Illinois, to be U.S. marshal for the southern district of Illinois for a term of 4 years.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 29, 1960

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 34: 14: *Depart from evil, and do good; seek peace, and pursue it.*

O Thou who art man's greatest friend, we earnestly beseech Thee to instill within our hearts a deeper longing for peace and good will among all the divided classes and embittered members of the human family.

We penitently confess that again and again we have allowed the ties of fraternity to be broken and those whom we might have helped have been compelled to carry on in the loneliness of their own souls with none to comfort and sustain them.

Grant that we may be more appreciative and grateful for our friends who mean so much to us and upon whom we can always count for encouragement and guidance when we are downcast and bewildered and tempted to give up.

Show us how we may strengthen the bonds of brotherhood and help men everywhere to reach those heights of happiness and hope which otherwise would be impossible.

In Christ's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 25, 1960, was read and approved.

MRS. CHARLOTTE LOWN

Mr. WALTER. Mr. Speaker, I offer a privileged resolution, and ask for its immediate consideration.

The Clerk read the resolution (H. Res. 463), as follows:

Resolved, That there shall be paid out of the contingent fund of the House of Representatives to Mrs. Charlotte Lown, widow of Officer Keith Lown, late an employee of the Capitol Police Force, an amount equal to six months' salary at the rate he was receiving at the time of his death and an additional amount not to exceed $350 toward defraying the funeral expenses of said Keith Lown.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARINGS ON CIVIL RIGHTS HELD BY COMMITTEE ON THE JUDICIARY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 586.

The Clerk read the House concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearing on civil rights held by that committee during the first session of the Eighty-sixth Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE LATE HONORABLE WILLIAM JOHN BULOW

Mr. BERRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentle- from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, it is my sad duty to advise the House of the passing of one of South Dakota's most distinguished citizens, Senator William

John Bulow, on Friday, February 26, at his home here in Washington.

Bill Bulow, as he was known by his countless friends, was elected Governor of South Dakota in 1926, the second Democrat Governor in the history of the State to that date, after 14 successive Republican administrations. He won the loyalty and respect of South Dakotans for his conservative philosophy of government, and was reelected Governor in 1928. Following his two successful terms in the State House, he was sent to Washington to serve in the United States Senate from 1931 to 1943.

As the other body opens its round-the-clock talkathon today, it might be well to remember one of the stories told about Bill Bulow. He often remarked that legislation was decided in committee, and not on the Senate floor. When asked why he had not made a single speech on the floor during his first 2 years in the Senate, he replied:

When I was a boy, I had a hound dog that spent the best hours of his night life howling at the moon. The moon didn't seem to pay much attention to him, but he probably thought he was doing a great service. Most speeches in Congress accomplish about as much as that hound dog's barking.

I know my colleagues in the House join in extending our heartfelt sympathy to Mrs. Bulow and his children.

WALTER REUTHER

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, last week the gentleman now in the chair, our majority leader, asked me if I did not think that Walter Reuther was a good American.

Maybe somebody had doubts as to the opinion I expressed. So I read the book of Robert Kennedy, "The Enemy Within," and from it I shall attempt to show later today that even Mr. Kennedy, whom I greatly admire and respect, from what he said, does not think that Walter Reuther is a good American.

HELPING CASTRO

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, among other things the foreign aid bill requires the Secretary of State to be responsible for those who will receive foreign military aid. In this connection, one Fidel Castro received last year $543,000 of military aid and this year is scheduled to receive another quarter of a million dollars. His business is revolution. He does not have sense enough to run a government. His stock in trade is making tirades against the American people, voting with the Communists in the United Nations, and other things against America. How long will it take the State Department to wise up against one Fidel "I Hate America" Castro? He hates us like the Devil hates holy water.

Mr. Speaker, I include the following editorial on this subject:

HELPING CASTRO

While Fidel Castro has been seizing U.S. property, imprisoning American citizens and voting with the Red bloc in the United Nations, he has been receiving military aid from the United States.

Hard as it is to believe, this is a fact. Senator GEORGE AIKEN (Republican of Vermont) made the amazing discovery last week that Cuba received $543,000 in military assistance in 1959. Furthermore, Cuba is scheduled to receive another quarter of a million dollars by June 30 of this year. The money is for training of Cubans at U.S. military centers, and for military equipment.

The New York Times reports that the view on Capitol Hill is that "the State Department has only itself to blame for this situation." Congress stipulated in last year's mutual security bill that the Secretary of State "shall be responsible" for determining whether a country should get military aid.

For the State Department to continue military aid to the pro-Communist Government of Cuba is outrageous. Why, we wonder, is it that time and again the State Department acts in ways hurtful to U.S. interests? Only a few days ago it committed another outrage by intervening in the Caryl Chessman case. Has the Department more than its fair share of stupid people? Or have some officials of the State Department secret sympathies for leftist regimes?

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960

Mr. THOMAS. Mr. Speaker I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, to be equally divided and controlled by the gentleman from Iowa [Mr. JENSEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10743, with Mr. TRIMBLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. THOMAS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there are some 60 or 65 items in this bill which covers practically all the departments and a good many of the independent agencies. The total budget estimate in round figures was $1,008 million. If you will turn to the committee report, and I may say I think our able clerks did a good job on the report because it is quite full and understandable, it shows that about $779 million was deleted from the budget. There are two big items here and those two items compose about 90 percent of the cuts. Bear in mind that this is a supplemental bill covering about 4 or 4½ months of the remaining time in the fiscal year which ends, as you well know, on June 30 of this year. So keep in mind that this is a supplemental appropriation bill, and a good many items have heretofore been passed upon by the Congress in the regular appropriation bills for the fiscal year 1960, most of which you passed some time last July and August. I might say there is a request here, and in round figures again, for 3,800 new employees, 2,300 of them being mostly for one agency, namely, the Post Office Department. They were reduced about 20 percent. The overall reduction in new employment will average, perhaps, 30 percent to 32 percent. The committee has given this bill a great deal of study and a great deal of consideration. I do not think there is one grain of partisanship in the bill on either side of the aisle. The committee worked together harmoniously and not at any time was any partisanship injected into our deliberations.

Mr. Chairman, I think that covers the big points in the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. This is a supplemental or deficiency appropriation bill, and I notice $750,000 for administration of the public debt. Will the gentleman briefly explain why there should be $750,000 increase in administering the public debt?

Mr. THOMAS. To be exact about it, there is not one penny there for administrative costs, in other words, for jobs and salaries. What it amounts to is an increase in fees. Most of it goes to the banks for paying off this type of bond, or transferring another type of bond for this particular bond and so on, and the general cost is about 12½ or 13½ cents per transaction.

Mr. GROSS. So there is no increase in the personnel in the Bureau of Public Debt?

Mr. THOMAS. That is correct, there is no increase whatsoever.

Mr. GROSS. If the gentleman will yield further, can the gentleman tell us where we will find the item in the appropriation bill under the heading of State Department, which provides for the Ambassador in the new post at Katmandu, Nepal?

Mr. THOMAS. That was cut rather severely, I will say to the gentleman. Does the gentleman want to know the page number?

Mr. GROSS. I wanted to know out of which one of these funds in the Department of State that could be paid.

Mr. THOMAS. Turn to page 15 of the bill, "Administration of foreign affairs, salaries and expenses."

The amount is on page 15, line 5.

Mr. GROSS. That is contained in the $210,000.

Now, is it not a fact, according to your hearings, that the State Department went ahead and established this agency without any appropriation from Congress or any authorization to do so on the part of Congress?

Mr. THOMAS. I think the gentleman from New York [Mr. ROONEY] brought that out very clearly.

Mr. GROSS. My question is, Why did you appropriate anything? When are we going to say to the State Department that it ought to have some respect for the Appropriations Committee of the House and the Congress of the country?

Mr. THOMAS. I think the question is very timely, but if you had heard the examination given by the gentleman from New York [Mr. ROONEY] and the gentleman from Ohio [Mr. BOW] of those witnesses, it was very firm, although very courteous.

Mr. GROSS. I have read the hearings, but I have found no answer to the question, "Where did the State Department get the money to set up this Ambassador?"

Mr. THOMAS. I think they had a lot of money for that purpose in a bill.

Mr. GROSS. But they did not answer it in the record of your hearings.

Mr. THOMAS. No. That is right.

The CHAIRMAN. The time of the gentleman from Texas [Mr. THOMAS] has expired.

Mr. JENSEN. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, the Committee has before it, as has already been explained by the distinguished gentleman from Texas [Mr. THOMAS], the second supplemental appropriations bill for 1960.

The funds appropriated in this bill are funds requested by the various departments, agencies, and independent offices of the Government to provide for the continued operation of those departments, agencies, and offices during the remaining months of the current fiscal year. Many of the items included in this bill are mandatory, representing wage board increases for employees, funds for forest fire fighting, and so forth.

Other items are intended to implement legislation enacted by the Congress during the last year and which were not provided for in the regular bills. All of the items in this bill are therefore of an emergency nature.

As the distinguished chairman of our subcommittee pointed out in his remarks, the total funds requested by the different agencies of the Government amounted to more than $1 billion—to be exact, $1,082,000,364. The subcommittee reduced those estimates and cut out approximately 80 percent of the total requested.

The bill before you for consideration today carries only $249,195,864.

A substantial part of the total cut came out of one item and resulted from the decision of the committee to deny the request of the Commodity Credit Corporation for $675 million to restore impaired capital. I think the Committee today is entitled to know why our subcommittee knocked out an entire request amounting to $675 million, and there is a very simple answer and explanation.

The officials of the corporation testified that they had on hand funds at the conclusion of the last calendar year, December 31, 1959, amounting to $2.3 billion; and that, according to their best estimates at the time, they would wind up the current fiscal year with available funds unused amounting to $441 million. They did not testify that they expected to spend this $675 million that they were asking be appropriated, but they said they would like to have it as an additional cushion to take care of unforeseeable obligations that might have to be taken care of before the end of the year. Considering the fact that we were a deficiency subcommittee handling emergency programs, and considering the fact that the regular subcommittee that handles funds for the Department of Agriculture is now sitting and certainly should be able to take care of any circumstances that would arise which would eliminate or reduce the $441 million of unused capital which they expect to carry over into fiscal year 1961, our subcommittee felt that we properly might deny these funds and let the matter be handled by the regular committee in the bill which will be on the floor certainly before the expiration of this current fiscal year. This, in brief, is our explanation for the substantial cut which appears in this one item of the bill.

There are other cuts scattered throughout the bill which will be apparent from a reading of the report which accompanies the bill before you for consideration today.

There is one subject I would like to discuss briefly, and that is the request for funds by the Office of Education. If my mail is typical, there is considerable interest in the operation of the National Defense Education Act throughout the country. I receive letters from high school students who have learned from the press and otherwise that the Federal Government is now providing money for college scholarships. Public school teachers are also interested in taking advantage of the opportunities provided by this bill to attend institutes and otherwise improve their teaching qualifications by participating in programs financed under this act. Parents, of course, are interested in it because they have their children to educate; and people throughout the country who are interested in the status and the condition of our public school system are interested in how this fund has been administered and how the program is being operated.

Because of all this interest I think I shall put in the RECORD as a part of my remarks several tables furnished the subcommittee by the Office of Education and read into the RECORD a few of the comments made by the Commissioner of Education and his associates who appeared before the subcommittee in support of their request for $9,700,000 in additional funds for the remaining months of this current fiscal year. As a beginning point I shall insert a table which outlines the entire program by objects and financing, as follows:

DEFENSE EDUCATIONAL ACTIVITIES

Program and financing

	1960, presently available	1960, revised estimate	Difference, increase (+) or decrease (−)
Program by activities:			
1. Student loans:			
(a) Contributions to loan funds	$30,000,000	$40,350,000	+$10,350,000
(b) Loans to educational institutions	1,000,000	350,000	−650,000
2. Science, mathematics, and foreign language instruction:			
(a) Acquisition of equipment and minor remodeling:			
(1) Grants to States	58,988,208	58,988,208	
(2) Loans to nonprofit private schools	2,000,000	2,000,000	
(b) Grants to States for supervision and administration	2,575,000	2,575,000	
3. National defense fellowships	12,800,000	12,800,000	
4. Guidance, counseling, and testing:			
(a) Grants to States	15,000,000	15,000,000	
(b) Institutes for counseling personnel	5,480,000	5,480,000	
5. Advanced training in foreign areas and languages:			
(a) Training centers	3,050,000	3,050,000	
(b) Institutes for language teachers	3,170,000	3,1700,00	
(c) Research	4,000,000	4,000,000	
6. Educational media research	3,000,000	3,000,000	
7. Grants to States for area vocational programs	7,000,000	7,000,000	
8. Grants to States for statistical services	1,500,000	1,500,000	
Total program (costs, obligations)	149,563,208	159,263,208	+9,700,000

As all of the Members of Congress know, but unfortunately many of our constituents do not know, the National Defense Education Act provides for Federal contributions to the capital of student loan funds established by institutions of higher education. The act does not provide, as apparently many people believe, for direct loans from the Federal Government. Students seeking loans should, therefore, apply to the institutions they wish to attend. The Federal funds merely supplement student loan funds maintained by the participating institutions. The Federal contribution to any single institution for any fiscal year cannot exceed $250,000, but under certain circumstances an institution may

borrow Federal funds to finance its share, which is 10 percent, of the capital contribution to its own student loan fund.

A student borrower is limited to $1,000 for any fiscal year with a maximum total of $5,000 over the duration of the program. The student pays interest on the unpaid balance of his loan at the rate of 3 percent a year with a repayment period of 10 years. Liability for repayment will be canceled upon the death or total and permanent disability of the borrower. A maximum of 50 percent of the loan may be canceled for service as a full-time teacher in a public elementary or secondary school, at the rate of 10 percent for each year of such service.

In fiscal 1959, the first year of the national defense student loan program, a total of $30.5 million in Federal funds was distributed to 1,197 institutions. To this the institutions added approximately $3.4 million of their own funds to meet their 10 percent participation requirement.

Because $24.5 million of the 1959 appropriation was not made available until almost the close of the college year, the participating institutions granted only 27,683 loans in 1959.

In fiscal 1960, an additional $30 million has previously been appropriated, to which the participating institutions have added approximately $3.5 million of their own. The number of participating institutions has increased to 1,365.

An analysis of the reports received this year shows that an additional 68,000 loans totaling $34.5 million have been made or had been committed by October 31, 1959. Thirty percent of the loans were to freshmen, 19 percent to sophomores, 20 percent to juniors, 21 percent to seniors, and 10 percent to graduate students.

Applications for loans have been increasing and many institutions have reported that they will be seriously short of funds to meet their requirements for the remainder of the school year and for the summer session unless additional money is made available.

It was testified before the subcommittee by the Commissioner of Education that unless additional funds are made available in this supplemental bill, a number of needy and worthy student applicants will not be able to obtain the financial assistance they had been counting upon to complete the current school year or to attend summer school. The subcommittee was persuaded by the testimony given it by the Commissioner of Education and his associates that this money is really needed and that it has the standing of an emergency situation. We have provided in this bill all of the additional funds requested by the Commissioner of Education.

I will also include a table furnished the subcommittee by the Commissioner of Education showing the allotments of funds by States for loans to students for the fiscal year ending June 30, 1960, and the additional allotments that will be made when the $9.7 million contained in this supplemental bill is made available.

State and territories	Allotment under initial appropriation	Funds required to pay all States 100 percent of approved requests	Funds required for additional 1960 needs	Total allotment requested for fiscal year 1960
Total	$30,000,000	$4,493,500	$6,000,000	$40,493,500
Alabama	429,412	384,336	85,882	899,630
Alaska	3,433	2,968	687	7,088
Arizona	240,687	135,997	48,137	424,821
Arkansas	252,747	33,020	50,549	336,316
California	2,871,350	----------	574,270	3,445,620
Colorado	406,661	44,708	81,332	532,701
Connecticut	404,077	----------	80,815	484,892
Delaware	51,988	----------	10,398	62,386
District of Columbia	322,264	16,179	64,453	402,896
Florida	540,475	289,937	108,095	938,507
Georgia	456,743	2,081	91,348	550,172
Hawaii	77,949	----------	15,590	93,539
Idaho	117,876	----------	23,576	141,452
Illinois	1,501,629	----------	300,326	1,801,955
Indiana	842,286	160,834	168,457	1,171,577
Iowa	575,064	91,067	115,013	781,144
Kansas	501,474	270,707	100,295	872,476
Kentucky	403,894	164,427	80,779	649,100
Louisiana	538,582	144,804	107,716	791,102
Maine	123,763	43,611	24,752	192,126
Maryland	392,747	14,388	78,550	485,685
Massachusetts	1,223,665	----------	244,733	1,468,398
Michigan	1,332,783	----------	266,557	1,599,340
Minnesota	678,452	134,638	135,690	948,780
Mississippi	329,300	152,558	65,860	547,718
Missouri	725,715	360,846	145,143	1,231,704
Montana	123,215	15,971	24,643	163,829
Nebraska	284,856	29,781	56,971	371,608
Nevada	25,269	----------	5,054	30,323
New Hampshire	115,631	73,086	23,126	211,843
New Jersey	564,178	----------	112,836	677,014
New Mexico	138,617	96,825	27,723	263,165
New York	2,954,351	----------	590,870	3,545,221
North Carolina	701,646	298,359	140,329	1,140,334
North Dakota	138,199	51,472	27,640	217,311
Ohio	1,404,049	158,454	280,810	1,843,313
Oklahoma	558,317	326,021	111,663	996,001
Oregon	362,596	8,917	72,519	444,032
Pennsylvania	1,757,848	285,198	351,570	2,394,616
Rhode Island	156,335	75,504	31,267	263,106
South Carolina	330,435	----------	66,087	396,522
South Dakota	159,670	90,552	31,934	282,156
Tennessee	580,598	245,961	116,120	942,679
Texas	1,677,719	----------	335,544	2,013,263
Utah	315,516	----------	63,103	378,619
Vermont	96,523	42,579	19,304	158,406
Virginia	472,968	----------	94,594	567,562
Washington	544,351	----------	108,870	653,221
West Virginia	267,783	94,692	53,557	416,032
Wisconsin	685,886	----------	137,177	823,063
Wyoming	55,368	31,659	11,074	98,101
Puerto Rico	180,045	121,363	36,009	337,417
Guam and Canal Zone	3,015	----------	603	3,618

Mr. THOMAS. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. BOLAND.]

Mr. BOLAND. Mr. Chairman, I take this time to announce to the committee that at the proper place and at the proper time I will offer an amendment which will insert a new paragraph to this bill for payments to school districts totaling $8,330,000. The hearings on pages 220, 221, and 222 indicate the necessity for this amendment. There is a deficiency of $8,300,000 to implement, to the fullest, Public Law 874 with which everyone in this Chamber, I am sure, is familiar. That is the public law that provides grants to States, payments to school districts for maintenance and operation in federally impacted areas. In last year's deficiency bill we reported a supplemental of $20 million for the same purpose, though at that time the Office of Education did not ask for it. They did not ask for a deficiency again this year.

If we are to implement Public Law 874 to its fullest, it will be necessary to insert this amount.

Mr. Chairman, fiscal year 1960 marked the 9th consecutive year of operation of Public Law 874 which authorizes Federal financial assistance for current operating expenses to school districts in areas affected by Federal activities. The act declares it to be the policy of the United States Government to bear a portion of the cost of maintenance and operation of free public elementary and secondary schools in those local educational agencies upon which the United States has placed financial burdens by reason of the fact that, first, local revenues of such agencies have been reduced as a result of acquisition of real property by the United States; or, second, such agencies provide education for children residing on Federal property; or, third, such agencies provide education for children who reside with parents employed on Federal property; or, fourth, there has been a sudden and substantial increase in school attendance as a result of Federal activities.

Mr. Chairman, I will ask permission when we go back into the House to insert a table indicating the entitlements by State. The table shows that all the States are now facing a deficiency in the amounts they are entitled to under the formula of Public Law 874. If my amendment is carried, the full entitlement will be available for fiscal year 1960.

Summary of Public Law 874 entitlements by State, actual and estimated, fiscal years 1959 and 1960

[Nearest thousands of dollars]

State or territory	Actual, 1959 [1]	Fiscal year 1960		
		Full requirements estimates	Amount appropriated [2]	Difference
Total	157,391	172,286	163,957	8,329
Alabama	3,545	3,844	3,647	197
Alaska	4,880	5,292	5,021	271
Arizona	3,530	3,827	3,632	195
Arkansas	894	970	920	50
California	26,716	28,977	27,490	1,487
Colorado	4,255	4,614	4,378	236
Connecticut	1,519	1,646	1,562	84
Delaware	182	197	187	10
Florida	4,165	4,515	4,285	230
Georgia	4,003	4,341	4,119	222
Hawaii	2,915	3,162	3,000	162
Idaho	1,175	1,274	1,209	65
Illinois	2,512	2,724	2,585	139
Indiana	740	802	761	41
Iowa	405	440	417	23
Kansas	3,991	4,327	4,106	221
Kentucky	1,028	1,115	1,058	57
Louisiana	904	980	930	50
Maine	1,238	1,344	1,274	70
Maryland	5,864	6,358	6,033	325
Massachusetts	4,111	4,458	4,230	228
Michigan	762	826	784	42
Minnesota	380	411	390	21
Mississippi	1,169	1,268	1,203	65
Missouri	1,872	2,030	1,926	104
Montana	1,067	1,157	1,098	59
Nebraska	1,414	1,533	1,455	78
Nevada	1,053	1,141	1,083	58
New Hampshire	816	885	840	45
New Jersey	2,427	2,632	2,497	135
New Mexico	3,664	3,973	3,770	203
New York	3,640	3,947	3,745	202
North Carolina	1,681	1,823	1,730	93
North Dakota	270	293	278	15
Ohio	3,849	4,173	3,960	213
Oklahoma	5,609	6,082	5,771	311
Oregon	806	874	829	45
Pennsylvania	3,805	4,126	3,915	211
Rhode Island	1,389	1,506	1,429	77
South Carolina	2,451	2,658	2,522	136
South Dakota	1,627	1,764	1,674	90
Tennessee	1,639	1,776	1,686	90
Texas	9,560	10,366	9,836	530
Utah	1,383	1,500	1,423	77
Vermont	78	84	80	4
Virginia	10,851	11,767	11,165	602
Washington	6,546	7,098	6,735	363
West Virginia	119	129	122	7
Wisconsin	520	564	535	29
Wyoming	454	492	467	25
Guam	601	651	618	33
Virgin Islands	45	50	47	3
Federal agencies	7,272	9,500	9,500	

[1] Appropriation for fiscal year 1959—$150,000,000; proration necessary at approximately 95 percent, except funds for Federal agencies.

[2] Appropriations are estimated to be sufficient to allow for payments at approximately 95 percent.

Mr. WILSON. Mr. Chairman, I join with my colleagues in urging that supplemental funds in the amount of $8,330,000 be appropriated to meet deficiencies in the Public Law 874 program during this current year. School districts now operating under Public Law 874 have counted on receiving all of the entitlements accorded them under existing law. The Federal Government in this instance has not met its obligation in that to date only 95 percent of the entitlements have been received by the schools.

Our action at this time, therefore, will be to bring this figure to 100 percent of the entitlements so that the school districts involved may provide full services to their pupils which include many federally connected children.

I represent the city of San Diego and most of San Diego County. Records show that our county has had the most federally connected children of any county in the United States. It is the center of much of our defense effort, including the production of the Atlas intercontinental ballistic missile. In addition, it is one of the major naval bases of the country with over a dozen naval installations and commands, including headquarters for elements of the Pacific Fleet.

The Federal Government and this Congress have assumed an obligation to provide assistance to our school districts who are burdened by this heavy concentration of Federal activity.

I urge favorable action today in appropriating the supplemental funds required to get the job done.

Mr. McINTIRE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maine.

Mr. McINTIRE. I would like to say that I appreciate the comments made by the gentleman from Massachusetts. I have many of these school districts in the district that I have the honor to represent, and I am concerned about this deficit in the funds for fiscal 1960. I will be happy to support the gentleman's amendment.

Mr. LANKFORD. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maryland.

Mr. LANKFORD. Mr. Chairman, I rise in support of the amendment of the distinguished gentleman from Massachusetts on the Department of Health, Education, and Welfare. There is no matter of more importance to the Fifth Congressional District of Maryland than the continued full operation of Public Laws 874 and 815.

Each year since I have been privileged to be a Member of Congress, it has been necessary for me to insist that the Federal Government honor its responsibilities to those communities that are impacted by Federal activities. The deficiency that will be provided for by Mr. Boland's amendment arose as a result of an incorrect estimate at the time the fiscal 1960 budget was submitted to the Congress by the Department of Health, Education, and Welfare.

The public school educators in my district have expressed concern and disquiet over the operation of this program for some time. In the 85th Congress and in the 1st session of this Congress, the administration submitted proposals to the House Education and Labor Committee which, if enacted, would have proved disastrous to public education in my district. Fortunately the Congress rejected these legislative proposals. As a matter of fact, H.R. 7140, the most recent proposal, was rejected unanimously in the first session by the Subcommittee on General Education after extensive hearings. Notwithstanding this, the Secretary of Health, Education, and Welfare in his letter of explanation to Congressman FOGARTY dated February 8, 1960, makes the following statement:

> In view of the President's proposals to limit the payments under this program to amounts more consistent with the Federal responsibility, there has been no supplemental appropriation request included in the President's budget for this purpose for fiscal year 1960.

Further, the administration in its request for fiscal year 1961 has requested funds as if H.R. 7140 had been enacted. The issue is quite simple: Does Congress legislate, or do we sit back and allow our legislative responsibilities to be assumed by the Bureau of the Budget?

Our school administrators, relying upon Congress as they had every right to do, made their plans 1 year in advance for the succeeding school year. Traditionally schoolteachers are evaluated on their teaching performance and new contracts are offered in the spring for the coming fall term. School budgets are made up at this time and uncertainties about Federal contributions continue to add greatly to the problems of our already burdened teachers and administrators.

I have every confidence that we, today, will live up to our responsibilities by approving Congressman BOLAND'S amendment.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. BALDWIN. Mr. Chairman, I want to congratulate the gentleman from Massachusetts for saying he will offer this amendment. I think the Federal Government should live up to its obligation to provide funds for the edu-

cation of these needy students. I have one district where 96 percent of the students on a Federal installation will be affected. I shall support your amendment.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I am very pleased to hear the gentleman is going to offer this amendment. I understand that in Oklahoma more than 350 schools are affected by the failure to provide grants which Congress intended they should be provided with, under Public Law 874. As I understand, if we do not adopt this amendment, what we are doing in effect is discounting Uncle Sam's bills by 5 percent under this program. I hope the gentleman's amendment will be carried overwhelmingly, in order that our Government's actual planned obligations to our schools may be met in an honorable manner.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I will be happy to yield to the author of the original bill.

Mr. BAILEY. Mr. Chairman, speaking as the sponsor of this bill, originally when it was passed in 1950, I think it has been a wholesome piece of legislation that has accomplished a great deal of good. I want to commend the gentleman from Massachusetts for his announced intention of offering an amendment to place $8,333,000 in the supplemental appropriation bill. Let me say to you that it is a question of the Government carrying out its commitments. The boards of education were advised last August that a certain amount of Federal money would be available, and they made their budget up on that basis, and now they are advised at the last minute that it will be cut 5 percent. I think one of the things this Congress should do should be to insist on a full allotment of the commitments made.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. THOMPSON], a distinguished member of the Committee on Education.

Mr. THOMPSON of New Jersey. I thank the gentleman from Massachusetts and join in commending him on his proposal. The most recent modifications of Public Laws 815 and 874 were introduced and passed in my name. I might point out that this is a particularly touchy subject in view of the fact that the budget recommendation constitutes an effort by the executive branch to legislate by their budget recommendations.

The administration put before our subcommittee last year a proposal to reduce Public Laws 815 and 874 on a graduated basis; to have them completely off the books by the fiscal year 1962. Not only did the subcommittee, after hearings, turn this down, but the fact of the matter is that the administration had great difficulty in getting anyone to introduce the legislation in even a quarter-hearted way.

Mr. Chairman, I shall support the gentleman, and I thank him for his effort.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. BERRY].

Mr. BERRY. Mr. Chairman, I commend the gentleman from Massachusetts for the effort he is making in behalf of the school districts in federally impacted areas. I join him in his fight to restore the 5 percent necessary to meet the Federal commitment for the 1959–60 fiscal year.

This, Mr. Chairman, is a serious situation for school districts that have little or no tax base, but let me point out that it is exactly what every school district in the United States will be up against if general Federal aid to education is ever passed with Congress appropriating the funds to operate, or supplement the cost of operation, of our schools.

A year ago Congress decided to make a showing of economy. They cut Public Law 874 funds by 5 percent; last year they did the same thing, and I understand that for the 1960–61 fiscal year the budget recommendation includes a similar cut for the period.

Mr. Chairman, most school districts can live through a 5-percent cut. It is true it does disrupt their financial status, but they can live through it some way. If we had general Federal aid to education and the school districts of the Nation set up their budgets expecting to receive a certain amount of money and Congress wanted to make a great economy showing and decided to do it at the expense of the schools, every district in the Nation would have a budget out of balance. The present unreliable action on the part of Congress demonstrates again that the only way we could have general Federal aid to education would be to have specific taxes earmarked for educational purposes. If the schoolteacher in Podunk must depend upon an unreliable Congress for her salary, both she and her school district will find themselves in sad financial straits a good many times.

Mr. Chairman, I have a school district in my district that has lost $15,000 to $20,000 in this 5 percent cut. This amounts to more than all of their tax receipts. It is a district adjoining Ellsworth Air Force Base where the parents are housed in base housing exempt from taxation and where they have only a few thousand dollars that is subject to taxes. A year ago they operated on the expectation of receiving these committed funds from the Federal Treasury. They were forced to issue registered warrants in their district upon the assumption that the Federal Government would pay its defined responsibility at 100 percent. The Federal Government did not because Congress did not appropriate the money. How this district is ever going to pay off these warrants with their small tax revenue is a problem they now must work out. However, this Congress must not force that district to issue warrants again this year to make up the deficit from the Federal Treasury.

I talked with the superintendent of this school district on the phone last Friday. He told me that they are today hiring their teachers for the coming school year and they do not know whether they are going to be able to fill their needs or not because of the possibility of Congress refusing to restore, or even slicing further, this appropriation for next year.

Mr. Chairman, I submit to you that this Congress owes a definite obligation to meet its commitments to the impacted area schools. I submit to you that it is our obligation to keep that commitment. Let us restore these funds so that the districts can provide the education we are obligated to provide for them.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I want to commend the gentleman from Massachusetts on his proposed amendment and say simply that regardless what your theories may be about Federal aid to education as contained in any other bills, they are not involved in this issue. This is a situation and a problem which the Federal Government has itself created and which it should take care of.

I point to a school district in the Fourth Congressional District of Missouri near an airbase where there is row after row of trailers on all sides of the base. The budget for that school district will be upset, and in other language it will be partly out of business. You may say that it is not a large amount that is involved, but for every $100,000 that a district would receive, 5 percent would amount to $5,000 which would pay for one teacher for a year. It is fine to see that this is a bipartisan effort, here today supported on both sides of the aisle. I certainly hope the gentleman from Massachusetts' amendment will be supported by everyone here on the floor today.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I appreciate the distinguished gentleman from Massachusetts [Mr. BOLAND] yielding to me. I want to assure the gentleman that I will support the amendment he has indicated that he will put in at the proper time for funds for Public Law 874.

I have always supported this program of helping school districts which are federally impacted and it seems to me that we should either wipe out the program entirely, which I would strongly oppose, or we should provide the full amount necessary to fulfill the obligation of the Federal Government.

I have received a number of communications from school officials in my congressional district indicating the need for supplementary funds. Among these are the following, which speak for themselves:

SEATTLE, WASH., *February 25, 1960.*

Hon. THOMAS PELLY,
First Congressional District,
House of Representatives, Washington, D.C.

Urge your support on deficiency appropriations for Public Law 874 as amended for $8 million for 1958–59, $9 million for 1959–60.

KENNETH A. ANGELL,
Business Manager,
Shoreline School District 412.

BELLEVUE PUBLIC SCHOOLS,
Bellevue, Wash., February 24, 1960.
Hon. THOMAS M. PELLY,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. PELLY: It is our understanding that the House Appropriations Committee is now considering a deficiency appropriation for Public Law 874 for $8 million for the year 1958–59 and $9 million for 1959–60.

For growing school districts such as Bellevue community facing an estimated increase in school population of 17 percent for next year, this deficiency appropriation is extremely important in order to make adequate provision for funds previously budgeted which have not yet been received. We would greatly appreciate any influence you may have with members of the House Appropriations Committee in seeing that these deficiency appropriations are moved out of committee for general action.

We appreciate your understanding and assistance which you have given in the past in recognizing the need of growing school districts who have felt the impact of the activity of the Federal Government on the educational program. Your help will again be appreciated by the Bellevue Board of Directors in this rapidly growing community of 45,000 people.

Very truly yours,

MYRON ERNST,
Superintendent.

Mr. BOLAND. I thank the gentleman, and I yield to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, I commend the gentleman from Massachusetts for his forthrightness in pointing out a deficiency that exists and will exist unless the amendment he is going to offer is adopted. In my own area we have depended upon these Federal impactment funds, and unless sufficient funds are made available, the budgets of these school districts will be out of balance.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I am in support of this amendment, which not only affects my own great 23d District in Los Angeles County vitally; some of my school districts still need it; but I have also received a telegram from the Superintendent of Public Education of the State of California urging support for this legislation. I compliment the gentleman on the amendment he proposes to offer. I shall support it for it is a reasonable continuance of a sound program in these impacted school districts

Mr. BOLAND. I thank the gentleman.

Mr. Chairman, I yield to the gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, I wholeheartedly support this proposed amendment. Everyone knows that the school districts involved have budgeted for the year and are planning on full entitlement. It makes for very grave difficulties unless they get it. I certainly hope this Committee and the House will adopt this amendment.

It must be remembered the Government, under Public Law 874, is committed to assist the school districts in federally impacted areas. The amount requested in the amendment will give the affected districts 100-percent entitlement under the program. They are now receiving only 95 percent.

The main reason for the deficit is that the Office of Education when presenting its request to the Appropriations Committee last year underestimated the amount that would be required for the 1960 program.

In the State of Washington, alone, an estimated $363,000 is required to carry out the commitments of the 1960 program, and if these eligible districts do not receive their grants in the full amount they will face serious hardship.

Mr. JENSEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, with regard to the amendment my colleague proposes to offer, I wish to say that while I have vigorously opposed most Federal aid-to-education bills I have supported legislation and appropriations for such as the gentleman proposes to supplement by his amendment and I shall do so today.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Kentucky.

Mr. CHELF. I thank the gentleman for his attitude toward this legislation that affects the federally impacted areas. Fort Knox is located in my district. We have a horrible situation there because there are thousands of additional children that my counties simply cannot support. We do need help. I appreciate the gentleman's sympathy and understanding toward those of us who have these very serious population problems.

Mr. JENSEN. May I say that of course there are school districts where Federal installations have moved in and have created such a burdensome school problem that the local school districts cannot possibly stand the expense that is incurred by the many additional children that must go to school in those areas. We want the best education we can afford, but let us place the responsibility where it rightly belongs.

Mr. Chairman, I have as you know, long taken the position that the first responsibility for the education of our child rests with the parents, next with the school district, next with the county, and next with the State, and that only in impacted areas such as the pending amendment applies to, should we appropriate money from all the people's U.S. Treasury.

Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take this time to ask a few questions and make a few comments concerning certain phases of this bill. I should like to start out with an item which is very dear to my heart, that is, the appropriation in this bill for $2,660,000 as the first downpayment on the part of all the taxpayers of this country toward an athletic stadium in the District of Columbia. I understand from reading the hearings that the $2,660,000 is in supplemental or deficiency appropriation bill for the reason that the stadium is supposed to be completed for the opening of the baseball season in 1961. I wonder if someone can tell me whether the owner of the Washington Baseball Club has signed a contract to use and thus help pay for the stadium?

Mr. KIRWAN. I do not think they have signed any contract. We have stated in the report that the Park Department is not to start in on this work until the Armory Board starts on the stadium. If the gentleman remembers, last year, and rightfully so, when they first came in they wanted $8 to $10 million, and I will say that due to your prodding, they took it down to $6 million. Then we turned that down. Then, they finally came in on the third try and we all agreed that they would get $2,660,000 and specified exactly what it was to cover. That is in here—the $2,660,000. You agreed on that and everybody agreed on that last year.

Mr. GROSS. No, no, the gentleman from Ohio is wrong when he says that I agreed. I do not agree that there should be a single dime spent on this proposition from the Federal Treasury.

Mr. KIRWAN. Well, the majority agreed to it, but you were satisfied not to object to it, and went along on it. Maybe down in your heart, you did not agree, but last year we sat here chatting about it, and the majority agreed and you said that is a pretty good cut, getting it down to $2,660,000. That is what we are appropriating in this bill—the $2,660,000 that the majority agreed on. The Park Service is not to start construction on their part until the District of Columbia Armory Board actually begins construction on the stadium itself.

Mr. GROSS. In the first place, let us clear up this business about agreeing to this money being spent for this purpose. I have never been for the expenditure of one dime of the Federal taxpayer's money on this project. The distinguished gentleman from Arkansas [Mr. HARRIS] stated on the floor of the House that there would never be a dime come out of the Treasury of the United States for the building of this stadium.

Mr. KIRWAN. It was said at first that it would not cost the U.S. taxpayers one dime, but when they came in with the bill, you remember, it was going to cost the Federal Government $8–$10 million. We would not go for that. Then they came with an estimate for about $6 million. We finally cut it down to $2,660,000 and the majority went for it last year, and you seemed pretty well pleased.

Mr. GROSS. That was just a matter of the situation becoming a little less worse—that is all that that means.

Mr. KIRWAN. Well, maybe, but you seemed pleased.

Mr. GROSS. No; I was not at all pleased, I will tell the gentleman—I was not at all pleased. Now then have the bonds been sold for the financing of the stadium—the $10 million worth of bonds to build it?

Mr. KIRWAN. No matter what the situation calls for, we agreed to do our part to the extent of the $2,660,000 that

we have in this bill. The Park Service is not to undertake any construction until the Armory Board starts on the stadium.

Mr. GROSS. But, that is in your report and it is not in the bill.

Mr. KIRWAN. That is right. It is not in the bill, but it is in the report and I can guarantee you that the Park Department will not do it until these conditions are met because they will be in again next year.

Mr. GROSS. Let me call the gentleman's attention to how much the language in a report means. Let us digress for a moment. Let us go back to a bill on the Consent Calendar last year. I did not object to the bill which provided additional law clerks for Federal judges. I did not object to it because the report specifically said that there would be no additional cost to the Federal treasury. Yet, the gentleman's Appropriations Committee was presented with a bill for $100,000 this year to provide for the extra clerks for the Federal judges. I do not know how much they will get in this bill.

Mr. KIRWAN. That matter will be taken care of in the bill being handled by the gentleman from New York [Mr. ROONEY].

Mr. GROSS. I am not talking about that, but I am talking about how much we can depend on some of these reports that come before the Congress.

Mr. KIRWAN. I will guarantee you that you can depend on this report because, if I am here next year and if the gentleman is here next year, we will see that they will live up to this.

Mr. GROSS. I hope that the gentleman is here for a long, long time. But, if the gentleman should leave the Congress, I wonder who is going to hold their feet in the fire on this $2,660,000 that ought never to have been appropriated for the building of this stadium.

Mr. KIRWAN. I can tell the gentleman from Iowa this much. I have been chairman of the Interior Department subcommittee for 10 years, and when I have an agency which tells me they are going to do something and they do not do it, they wish that they had done it. That has been true all during the 10 years that I have been chairman of that subcommittee, and you can put that down. I mean it sincerely. I can tell you now if they start this work before everything is in order, then they will wish that they had never started.

Mr. GROSS. I am going to try to help the gentleman from Ohio by offering an amendment later on to provide that none of these funds can be expended until that is accomplished.

Mr. KIRWAN. We have asked them not to do that.

Mr. GROSS. I want it in the bill.

Mr. KIRWAN. It is here in the report.

Mr. GROSS. I would like to see it in the bill and not in the report because I have found out that these reports do not mean what they say, as I stated previously. Now I would like to go to the item of $6,497,064.

First of all, I would like to ask why that figure of $6,497,064 for the U.N. Emergency Police Force. I would like to ask why that $64 at the end of it, and how the State Department arrived at this figure for U.S. support of the so-called U.N. police force.

Mr. ROONEY. The State Department is always improving its fiscal procedures without saving any money for the taxpayer. They very often have figures which are as odd or as even as the one to which the distinguished gentleman from Iowa refers. The problem with which the committee was confronted in connection with this request; that is, the $6,497,064 request is as simple as this: Either we are going to have that U.N. Emergency Force to help keep peace in the Middle East or we are not. The committee was informed that we have already been committed to paying a large share of the cost by the State Department. We have no alternative if we are to have this police force but to pay the bill. To fail to sign the check would mean immediate dispersal of the force and probably a good deal of trouble in that important part of the world.

Mr. GROSS. I do not know what that emergency force is doing. I read in the papers almost every day of some Israelis, Syrians, or Arabs being shot; where they are fighting back and forth across the borders. What is this police force doing?

Mr. ROONEY. Well, it is an international force made up of about 5,000 soldiers and personnel from seven member states of the United Nations. There are no American soldiers in it. It patrols about 140 miles of Israeli-Egyptian border. The Gaza Strip and at the mouth of the Gulf of Aqaba.

Mr. GROSS. I understand that, but what are they doing?

Mr. ROONEY. They have been keeping peace there.

Mr. GROSS. Getting back to this money, can the gentleman tell me how much American taxpayers have put into this force by way of assessment through the United Nations?

Mr. ROONEY. I am sure the gentleman will find that figure in the printed hearings. I do not have it in my mind at the present moment. Having just arrived on the floor from a hearing of my subcommittee here in the Capitol in which the administration is demanding unprecedented increases of many, many million of dollars over the present year's budget I do hope the gentleman will forgive me if the figure he asks for has escaped me for the moment.

Mr. GROSS. The gentleman expressed himself in the hearings, but there is no total amount that the United States has contributed to the support of this outfit. There is no total amount that I can find in the hearings.

Mr. ROONEY. I think the gentleman will find the figure $17,966,709 at page 318 of the printed hearings.

Mr. GROSS. Let me ask the gentleman this: Are the voluntary contributions we have made in addition to the assessments?

Mr. ROONEY. That is correct.

Mr. GROSS. Since the inception of the U.N. Police Force, the United States has made voluntary contributions—over and above assessments by the United Nations—to a total of $19,620,000, or close to 100 percent of the total voluntary contributions of $22,241,000.

Mr. ROONEY. I think those figures are approximately correct.

Mr. GROSS. That is right. Those are the figures taken from your hearings. You had those figures put in the record. I would like to know now how much we have in under the assessment procedure.

Mr. ROONEY. The assessment figure is $17,966,709 and the voluntary figure is $19,620,850.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. JENSEN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GROSS. I thank my colleague from Iowa. There is no total figure, then?

Mr. ROONEY. I might say with regard to the voluntary contribution figures the gentleman referred to a while ago, that in the course of the hearings at page 314 I asked this question:

> Mr. ROONEY. So, through the calendar year 1959, from the very beginning, the United States has paid $19,620,850 out of the total of $22,241,012?
>
> Mr. HENDERSON. That is correct.

Mr. GROSS. Those voluntary contributions were taken from the Mutual Assistance Act, so-called?

Mr. ROONEY. That is correct.

Mr. GROSS. You will find on page 312 of the hearings a list of the uncollected assessments that other members of the United Nations owe this fund for the support of the United Nations police force $18,736,735. That was as of December 31, 1959.

My question to the gentleman is this: Does not the gentleman think it is about time we said to these other members of the United Nations who are so fast and free to meet over at New Delhi, India, or some other place, and increase the assessment on the taxpayers of this country—meanwhile laughing behind our backs because they know what they are doing is fraudulent insofar as they are concerned, because they are not going to pay their assessments; does not the gentleman think it is about time we stopped this appropriation?

Mr. ROONEY. The Soviet Union and the countries of the Soviet bloc have stated they have no intention of paying any part of their assessments for UNEF. They would rather have chaos and trouble in the Middle East.

Mr. GROSS. Then why go through with the farce of billing them, knowing that we will have to meet more than our fair share?

Mr. ROONEY. This is the procedure followed in the United Nations.

I should compliment the gentleman on his approach to this matter here today on the floor; it is the approach I used during the course of the printed hearings.

Mr. GROSS. Yes, and I commend the gentleman for that.

Mr. ROONEY. And the gentleman is reiterating and stressing the points I made in my questions and the answers

given thereto and using the very information brought to his attention by the subcommittee.

Mr. GROSS. Yes; but can the gentleman tell me how much longer the taxpayers of the United States should be expected to go along with this kind of program which is taking millions of dollars a year?

Mr. ROONEY. No. But I would not be so irresponsible as to discontinue the emergency force at this immediate time.

Mr. GROSS. That is not irresponsibility.

Mr. ROONEY. I will not take it upon my shoulders to come in here on the floor at this time and recommend that we just step out and immediately disband the United Nations Emergency Force; I fear too much the consequences of such action. I do hope and pray the necessity for it will soon be ended.

We belong to the United Nations; we subscribe to its purposes. If we are going to get out of it there is a proper way to do this. That way is not by defaulting in our payments of our dues to the United Nations or by failing to pay the legal commitments that our representatives have made in our behalf.

Mr. GROSS. I am sure the gentleman recognizes there would be no irresponsibility in any action at this time to oppose this appropriation or irresponsibility in taking the attitude: You pay your share of these costs and we will pay ours.

Mr. ROONEY. I should say to the gentleman that when I used the word "irresponsibility" I did not have the distinguished and capable gentleman from Iowa in mind. I would rather the conclusion that irresponsibility would attach itself only to me in the event we were to come in here and recommend to the House that we no longer pay our share of the United Nations Emergency Force and cause it to immediately disband.

Mr. GROSS. The thing I would like to point out to the gentleman and also to the membership of this House is that the other members of the United Nations owe this fund $18,736,000-plus, to support the United Nations police force, so-called. Do not tell me that oil-rich Saudi-Arabia, the rulers of which operate gold-plated Cadillacs, cannot contribute $36,000 over a 3-year period. Do not tell me that during 3 years Spain cannot contribute $85,000, or that Venezuela cannot contribute $200,000 over a 3-year period.

Why saddle all this burden on the taxpayers of the United States?

Mr. THOMAS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, the Subcommittee on Supplemental Appropriations deleted the sum of $675 million recommended by the President to restore the capital impairment of the Commodity Credit Corporation. This Corporation must have borrowing authority if price supports are to be made available to farmers.

Because of the many faults of the farm program and the many wastes which exist, many of which are unnecessary, that subcommittee took this action which I think unwise. The committee action does not reach the problem.

I am sure the members took such action because they were unaware of just what it meant, since they have not worked with the problem in the past. In my judgment, and according to the record, they have not been aware of what is involved here. Certainly that is my opinion. I do not believe my friend from Iowa, who is familiar with the farm program, went along with this deletion.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. JENSEN. I may say to the gentleman that I did not go along. We had this matter under a lot of discussion in committee. As the gentleman knows, without divulging any secrets of an executive session, the position I took when this amendment was offered in the full committee.

Mr. WHITTEN. I know the gentleman voted to restore the funds.

Mr. JENSEN. I may say to the gentleman that this is quite a questionable item in that the Department of Agriculture has without doubt guaranteed the farmers who participate in this program that they would be paid according to law. I held to that principle. But I may say my ideas did not prevail.

Mr. WHITTEN. I am glad to hear the gentleman's statement, and I want to say further there is no better friend of agriculture than is the gentleman from Iowa.

But let me point out here what is involved. The committee in its report calls on the Commodity Credit Corporation to sell commodities and thereby get funds to meet this problem. That follows the statement in our report last year having to do with sales in foreign trade, where they have that authority to sell competitively. On the domestic market it is against the law to sell competitively. I concur in the statement by the subcommittee to the effect that more than half of the losses by the Corporation in a given year involves storage, warehousing, and handling charges. None of that goes to the farmer.

But I would respectfully say that what has been done here does not reach that problem. Briefly, the support price program is required by law, some of it by statute, some of it because of the statute authorizing the Secretary of Agriculture to set price supports, and if that law means anything to the farmers of the United States, the Commodity Credit Corporation must have sufficient funds with which to carry out the law. What the committee has done here is contrary to that, and I say they were unaware of the situation, because there are no more able or conscientious Members of Congress than are the members of this subcommittee, but this is out of their field of experience. But they in effect say that the funds necessary to support farm prices will not be made available to the Commodity Credit Corporation. Thus we will have a bank with no money to carry out price supports unless our subcommittee in the regular bill restores funds to the Commodity Credit Corporation. The action here is a repeal of price supports without any substitute.

I may say further if this is not restored here, the Subcommittee on Agricultural Appropriations of which I am chairman will have the opportunity to try to protect the funds in the bank to carry out the law in our regular bill; but you are forcing us to come out in the name of agriculture asking for $675 million above the budget in the regular bill. If there is anything I know that would do more damage to the American farmer than what has happened it is to force us into the ridiculous position of exceeding the budget because of the action taken here today.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. JENSEN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WHITTEN. Mr. Chairman, nobody is more disturbed about the overall farm situation than I am. I think it is ridiculous. I think the increases that the Department of Agriculture has made in storage rates and in turnover cost or service charges is ridiculous, and so it is with regard to everything else which has been built up in the name of the farmer, which the farmer does not get and which, in turn, is used in attacks on all agricultural programs.

I think now after the experience of the last few years, this idea of trying to get rid of these commodities through Public Law 480 is ridiculous, too, so far as solving the overproduction problem, and I think that everything we have been doing has been going the wrong way. The idea of a department recommending and the Congress passing a corn law where you give price supports without any control at all. We tried to tell the Department, "You will have corn running out of your ears." And, we have it, with an increased production of 500 million bushels, price supports with no control at all.

I say to you if we are to save the Government and the farmers we have got to tangle with the production and the overproduction. We need a farm law, not one that the President will veto so that there can be some Democratic politics in it. No, we need one that is sound, that will do the job of tying price supports down to production of what we need.

I have done my part; at least, I have tried to. I have legislation before the appropriate committee. I am sure they feel they have had sound legislation, even though bills have been vetoed. I am sure the department feels this way, that, and the other. But, the end result is that we have a program which leads to increased production.

As long as you try to control production by acreage you invite the farmer to increase production as greatly as he can. When you reduce price supports as much as 20 percent under laws reluctantly passed by the Congress, you invite the farmer to increase his production, trying to make up in units what he has lost in price. For 7 years the farmer,

of necessity, has done that. But, listen. Those farmers have been out hundreds of millions of dollars producing that surplus which they had to produce to live. We need a bill that will tie fair price supports back to the farmer holding his actual production in line.

But, my friends, however I may believe or however you may believe, in this bill repealing the authority of the Commodity Credit Corporation to support prices is to destroy what we have without a substitute. And, I say that the committee acted ill advisedly in this case; they acted without a realization of what it means. We have to correct these things I have mentioned, and I hope the legislative committee will give us a bill to accomplish that purpose. But, as long as we have no such law for you to take away the power of the Commodity Credit Corporation to support prices, may I say to each one of you it means we have voted to repeal the law we have without having any substitute. It would result in economic chaos. I say to my chairman and to the other members of this committee that if this does not get restored by this committee or by the Senate, we are faced with bringing out a bill from my subcommittee $675 million above the budget. Of course, I hate to be put in that position, and I serve notice that if my subcommittee follows my recommendation we will not bring up the agricultural appropriation bill until August, if it takes that long to get this matter straightened out, because I think it is unfair to ask us or to ask the Congress or to ask the American farmer to go out to the country in the attitude of being that much above the budget. I assure you I will do the best I know how to bring order out of chaos in these storage, warehousing, and carrying charges. But, there is no need of burning down the barn to get rid of the rats. What this bill has done is burn down the barn and expect us to build it back after the economic destruction of farmers, labor, and industry.

Mr. ANDERSEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Minnesota.

Mr. ANDERSEN of Minnesota. I want to back up my good chairman, the gentleman from Mississippi [Mr. WHITTEN] in what he has to say on this matter. I think the deficiency subcommittee has unwittingly put the entire farm price support program in jeopardy if we permit this particular bill to go through today as it is. I say that in all charity. I say that it is unfortunate that this particular item was not placed before the regular Appropriations Subcommittee on Agriculture for at least a hearing on the subject and recommendations to the deficiency subcommittee. I want to back up the gentleman. I hope the gentleman will offer an amendment to restore this amount to the bill.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. JENSEN. Mr. Chairman, I yield the gentleman from Mississippi [Mr. WHITTEN] 2 additional minutes.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Washington.

Mr. HORAN. As a member of the Subcommittee on Appropriations for the Department of Agriculture I want to back up the gentleman in the well. He is one of the most able men who has ever been chairman of the Subcommittee on Agriculture Appropriations.

I think we are in a serious position here. We are practically denying funds on an assumption, an assumption that the legislative Committee on Agriculture will act. I know that a great deal of effort was put forth last year.

Mr. WHITTEN. Mr. Chairman, if the gentleman will permit me to interrupt, I should like to say that any bill that comes out of the legislative committee will have to be financed and it is necessary to maintain the financial capacity of the Commodity Credit Corporation.

Mr. HORAN. That is right.

Mr. WHITTEN. What this does is, it goes to the financial structure. It is not just a question of eliminating these overly costly operations; it is a question of giving the bank the ability to carry out the existing law.

Mr. HORAN. I know how much effort was made last year to bring out a wheat bill. It was a very serious effort. The gentleman from Oklahoma [Mr. ALBERT], chairman of a subcommittee of the Committee on Agriculture, worked long and hard to bring out a bill. But they could not reach an agreement. Here we are faced with a financial situation. We cannot appropriate on assumptions. I think the chairman of the Subcommittee on Agriculture Appropriations is certainly on sound ground.

Mr. WHITTEN. I thank the gentleman. May I say this, Mr. Chairman: Mention was made about offering an amendment. The chairman of my committee has urged me not to offer an amendment since under present circumstances it appears we do not have the votes. I have had assurances that this matter would be straightened out prior to the bill coming from the regular committee. I am forced to rely upon that at the moment. I do not want to offer this amendment and have it defeated because of lack of understanding on the part of the membership. For that reason I should like to urge this subcommittee, some of whom I know are aware of the farm problem, to offer on behalf of the subcommittee an amendment to straighten this out. I think, on consideration, that they should.

Mr. BREEDING. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. BREEDING. Mr. Chairman, I want to join my distinguished colleague from Mississippi and tell him that I concur in the remarks he made. I hope there will be some plan worked out to take care of this situation.

Mr. WHITTEN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. JENSEN. Mr. Chairman, I yield the gentleman from Mississippi [Mr. WHITTEN] 5 additional minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the distinguished gentleman from New York.

Mr. TABER. Mr. Chairman, the gentleman from Mississippi has introduced a bill in the House to clean up the agricultural situation. Frankly, I believe it is the most intelligent approach that has been made to cleaning it up. If the Committee on Agriculture would proceed with the consideration of that bill and bring it out to the floor and have it adopted, it would be the best solution to this situation. If the amendment were adopted putting this $675 million back into the bill, the only thing that would happen would be that they would feel they did not have to do anything and there would not be any action from that committee. We need to have it and we need to have it very much.

Mr. WHITTEN. Mr. Chairman, I thank the gentleman for his statement. May I briefly explain the provision of that bill?

Mr. Chairman, if the Congress would make changes in the law so that the farmer would get his income for producing what is really needed, instead of reducing price so that he has to grow more units trying to meet his financial obligations, and if the Congress would provide that these surpluses which we have heretofore produced were given to the farmer on his agreement to cut his production, this would enable the farmer to hold his income up during the period of adjustment. We could reduce storage costs to the Government. Such commodities would cost the Government nothing, for the commodities given to the farmer in consideration of his reducing production would otherwise be given to foreign countries under Public Law 480.

Now if through this means we brought supply and demand in balance, we could then write a proper farm law which would secure for the farmer a fair income from producing and selling what is needed and he could get it at the marketplace with savings to everyone.

Now it is my idea that if we are going to make it possible for farmers to regain a fair income, by far the most effective means to provide conservation, we will never do it by just getting rid of so-called surpluses. We have spent billions through Public Law 480. The situation gets worse. If we are to correct the situation, I truly believe we must go back to the cause of producing surpluses, which are as expensive to the farmer to produce as to the Government to handle. We must eliminate efforts to control by acreage, which is itself an incentive to increased production. But, first we must bring supply and demand closer together and we must protect farm income from further decline while we do that.

Congressman FRED MARSHALL, of my subcommittee, and I have worked out a

plan to do this for wheat and feed grains, the area of our greatest problem. We have prepared companion bills which we believe will work. These bills are numbered H.R. 9946 and H.R. 9947.

This measure would provide for reducing production immediately, would reduce Government investment and storage costs, would protect farm income and within 3 years should bring production and supply in balance.

By creating a commission in advance, firm plans for a permanent program for the years following 1962, when production, supply, and demand should be in balance, would be ready for the Congress by January 1, 1962, giving the Congress a year in which to provide a permanent farm program for the year 1963 and thereafter.

Our proposal would direct the Secretary of Agriculture to work out a proper relationship in feed units between wheat, corn, grain sorghum, and other feed grains.

It would direct the Secretary of Agriculture to transfer to any producer of such commodities feed units from Government stocks equivalent to the reduction that such producer might make in his average production for the preceding 5 years, not to exceed 33⅓ percent in any 1 year. The bill would be effective for the calendar years 1960, 1961, and 1962.

It would cost nothing. The commodities we would pay the farmer to reduce his production would otherwise be given to foreign countries and, too, the Government would save storage costs.

The bill further provides for the creation of a commission, three-fifths of which must be bona fide producers of such commodities, with the Secretary of Agriculture as an ex-officio member. Such commission would be directed to formulate and recommend to the Congress permanent legislation on or before January 1, 1962, which would provide, first, a fair and reasonable price for such commodities at the marketplace; second, set up production goals which would keep annual production in line with needs of domestic and foreign markets plus reasonable reserves, and after 1962, make price protection dependent upon producers holding actual production in line with production goals; third, prices would be based on feed units so as to maintain a proper relationship between wheat, corn, grain sorghum, and other feed grains.

I repeat:

Those commodities which the Government would give them would cost us nothing because otherwise they would be given away under Public Law 480. It would protect the farm income during the period of adjustment when they start out with all this supply on hand. If you have not checked these bills I wish you would do so. But it does tie back to overproduction, and you are not going to do anything unless you get it tied back. I appreciate the statement of my friend from New York.

Mr. TABER. If we do not get down to work and do something to clean up that situation, and everybody will admit it is a mess, it is going to be very bad. We are just going to aggravate the situation a little more.

Mr. WHITTEN. I agree with the gentleman. It is far too serious for Republican and Democratic politics. What we need is an answer. It is doing the farmer as much damage as it is the Government.

Mr. TABER. The gentleman is on that side of the aisle and I am on this side, but I believe he has made a constructive approach.

Mr. WHITTEN. I thank my friend from New York.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from North Carolina.

Mr. JONAS. As a member of the subcommittee, I should like to express my appreciation for the remarks of the gentleman from Mississippi when he credited us with acting in good faith.

Mr. WHITTEN. I meant every word of that, too. There is no group for whom I have a higher regard.

Mr. JONAS. We were not making any casual approach to the situation. I will tell the gentleman frankly in just a word or two why some of us wanted to eliminate this money. It was because the testimony disclosed that the corporation had on hand unused funds on December 31, 1959, of $2.3 billions. They also testified that their best judgment was that they would still have unused $441 million at the end of this fiscal year. We could not see any reason to give them another $675 million when the record did not show they would need it.

Mr. WHITTEN. I can appreciate your reasoning, but the gentleman can understand me. There is a request from the President's Bureau of the Budget in this instance. My subcommittee will have the opportunity to consider this in the regular bill. We will have an opportunity to include funds to carry this out, but we would be in the position of having brought it in over the budget. We believe that course will lead to a further wave of publicity against agriculture generally. I think that course will be bad for all concerned.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. THOMSON of Wyoming. One thing that has interested me in the short time I have had the opportunity of serving with the gentleman and the other fine Members of this House on the Committee on Appropriations is the confusion in the minds of the public as to how much something costs. We have appropriations, we have funding bases, and so forth, and no one can tell what everything costs at a given time. It is a well accepted accounting principle, as I remember by basic accounting, that you should, to give a true picture, match income with expense. Would not the effect of putting this into the 1961 appropriation give a truer picture of the 1961 agricultural program, recalling what the gentleman from North Carolina just said, than to appropriate it in 1960 and spend it in 1961

Mr. WHITTEN. I think it would, except that the Commodity Credit Corporation started off with a borrowing authority. It is a bank. While, as the gentleman from North Carolina said, they thought they would have plenty, there is a world of corn in this country. Again, it was produced without any controls at all. It has been too wet to qualify for a loan. If that corn should dry out so as to be eligible for loan it could create a real bad situation. Price supports required by law and no money. It might be that the Budget Bureau should have sent this down in connection with the 1961 appropriation, but we unfortunately have this situation in this year where the budget has approved. If appropriated here, there is a budget request to match it. If appropriated in the regular bill it is over the budget and remember the borrowing authority of the Commodity Credit Corporation is necessary under existing law or under any new law we may get passed. This appropriation will have to be made either way. It should be done here where it is within the budget.

Mr. THOMAS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, when the bill is read, I intend to offer an amendment to restore $50 million in urban renewal funds, which were not approved by the Committee on Appropriations. The urban renewal funds which were stricken are actually a debt of the United States. The amount has been authorized. A budget request has been sent down by the administration. Acting upon the authority of the 1960 Housing Act, the Urban Renewal Administration and a number of the municipalities throughout the country entered into contracts under which cities proposed to clear the slums and to engage in urban renewal projects. They committed themselves to expend a certain amount of money. The Federal Government agreed that it would pay the difference in accordance with the formula of the law. The $50 million which has been requested by the administration is for the purpose of liquidating those obligations. The full faith and credit of the United States is involved in this appropriation. There is no dispute that this sum must be paid. The report of the committee itself on page 5, says this:

> The committee is in favor of the urban renewal program but it is against the back door approach to the Treasury whereby the Congress loses all control over the obligation of Federal financial resources.

So that, in effect, what we have here is the continuation of the dispute which took place last year at the time when the housing bill was on the floor as to what the procedure should be for the approval of projects of this type. The gentleman from Texas [Mr. THOMAS] at that time offered an amendment under the terms of which it would have been necessary for the administration to come to the Committee on Appropriations for approval before it could expend funds or commit itself to the expenditure of any funds for urban renewal projects.

The Congress voted that amendment down. The Congress authorized the administration to undertake these commitments. What is sought to be done by the action of the Committee on Appropriations in this bill is to renew that fight and to declare that we will not make payments of commitments of the Government of the United States even though we know they are actually a debt because we do not approve of that procedure.

Mr. Chairman, I think no argument need to be made at any length for the necessity of having funds of this type. If any argument had to be made, one would need only to call attention to the arguments that were suggested in a roundtable of housing conducted some years ago by the Home Builders Association and by the Mortgage Bankers Association and by others in the housing and construction industries. They said:

The cost of our failure to conserve our housing is too heavy to endure.

Because of that failure, blight is marching from block to block across our cities, spreading decay far faster than any present program can cure it.

Because of that failure, the biggest single asset in our country's wealth—the $220 billion housing investment, which is more than a quarter of our $830 billion national assets—is wasting away faster than we are building new homes.

Because of that failure, almost every city is drifting toward bankruptcy.

We have a good, progressive program on the books, a program that is operating now at a good pace after many years of trying to get the program off the ground and working. The effect of the action of the Committee on Appropriations will be to slow down that program at this critical time—at a time when the cities require this assistance desperately.

The hearings on pages 192 and 193 show the proposed distribution of the funds that are requested. My own city of Chicago has approximately $800 million set aside in this program. We have an excellent program of urban renewal in the city of Chicago. It is proceeding very nicely. Why slow it down? Why delay the urban renewal construction of any other community that is listed in that table? This action by the committee serves no useful purpose. It increases the interest debt and confuses the picture. I propose to offer language at the proper time to remedy the situation.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

Mr. JENSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I note the concern over the cost to the Department of Agriculture of storing our huge surpluses. It has been suggested that the legislative committee report legislation of benefit to the farmer but at less cost to the taxpayer—relieving the necessity for any increase beyond the amount provided in this supplemental appropriation bill.

I have introduced a bill today which, I believe, would be of great benefit, not only to farmers but to all taxpayers as well. The cost of the present farm program has been played up in the press to such an extent that a farmer feels as he walks down the street that everybody is accusing him of gouging the Federal Treasury. But this is not the case. The great cost of programs such as surplus storage and oversea disposal should not be charged to the farmer.

The huge surpluses hanging over our heads also prevent the market price from ever reaching a higher level than the one at present because of the fact that the surplus can go back into circulation at 5 percent over the present support level.

My bill would provide payment in kind, with which we could use the presently accrued surpluses to cut back on production.

This legislation is designed to increase farm income from eight important crops—wheat, corn, oats, rye, barley, grain sorghum, soybeans, and flaxseed—by establishing a payment-in-kind program to provide at least full parity on these crops. At the same time, if this bill is enacted, it would drastically reduce the current stockpile of these crops and would slash the storage and handling costs on the commodities.

I would like to list the main provisions of this legislation—which show how it would affect the farmer who would participate in this program.

First. All acreage allotment and marketing quotas on wheat would be repealed effective with the 1961 crop.

Second. Beginning in 1961, price support would be made available to farmers who participate in the payment-in-kind program as follows: on wheat, 75 to 90 percent of the previous 3-year average market price; on corn, oats, rye, barley, grain sorghum, soybeans, and flaxseed, 90 percent of the previous 3-year average market price.

Third. Producers of these crops who would not participate in the payment-in-kind program would not be eligible for price supports.

Fourth. A base acreage would be established for each farm. The base would be the average cropland planted to wheat, corn, oats, rye, barley, grain sorghum, soybeans, and flaxseed during the previous 3 years. As the program developed, farmers would receive credit for acreage diverted under the payment-in-kind program.

Fifth. A payment in kind in any of the crops covered by the bill would be made to farmers who would participate in the program. The bill sets a minimum of 10 percent and a maximum of 50 percent as to the amount of participation. The farmer himself would decide which crops he would raise and which crops he would idle in order to receive payments in kind. The payment in kind would be based on the number of crop acres idled and the farm yield per acre on that crop and the support price for that crop.

Sixth. If a farmer wished to receive a guaranteed 100 percent of parity on all of his production of the crops covered by the bill, he would be required to idle sufficient cropland so the payment-in-kind added to the support price on the eligible crops raised would equal at least the full parity price.

Seventh. The land which would be removed from production must be designated completely idled and devoted to a soil conserving use. No harvesting or grazing would be permitted, but this land would be eligible for agricultural conservation program payments.

Eighth. Participating farmers would receive negotiable certificates to represent their payments-in-kind. The certificate would be expressed in dollars but would be redeemed in any of the crops covered by the bill which were in surplus. A farmer could either redeem the certificate himself or sell it to some other person.

Ninth. Under the bill, the Commodity Credit Corporation would not be allowed to release any of its surplus of the crops covered by the bill at less than 105 percent of the full parity price.

Mr. Chairman, it is a fact that these grain crops are so interrelated and that the entire livestock industry is so dependent on them that in order to increase the farmer's income the supply of these grain crops must be brought in line with demand, and the price-depressing effect of the surplus eliminated. At the same time, we must leave the management decisions in the hands of the farmers. They are much more able to devise the best means of earning their living and providing the necessary food and fiber than anybody here in Washington planning their business.

So, Mr. Chairman, let us take a brief look at American agriculture affected by grain production. To give you an idea of the amount of grain presently in supply—as well as other vital facts concerning the eight crops—I have prepared the following table which I now present to my fellow Members:

	Unit of quantity	Dec. 31, 1959, in CCC inventory	Dec. 31, 1959, under CCC loan	Annual production, 1959	Total Government commitment as percent of annual production	Acreage planted in 1959
Wheat	Bushel	1,109,174,562	305,288,941	1,128,000,000	128	58,043,000
Corn	do	1,235,090,402	265,279,685	4,361,000,000	34	85,530,000
Oats	do	17,484,089	[1] 48,466,149	1,074,000,000	6	36,141,000
Rye	do	3,176,000	[1] 3,219,000	21,495,000	30	4,054,000
Barley	do	64,647,891	73,206,000	420,000,000	32	16,990,000
Grain sorghum	Hundredweight	269,301,727	49,411,303	324,339,000	98	15,575,000
Soybeans	Bushel	17,650,799	45,956,695	537,895,000	12	22,428,000
Flaxseed	do	438,000	[1] 1,760,000	22,709,000	10	3,132,000
Total						241,893,000

[1] Jan. 31, 1960.

The table shows the situation confronting American grains at the beginning of 1960.

During the past 20 years, American agriculture has made tremendous technological advances so that production has increased at a rate unequaled either by American industry or industry in any other part of the world. As we look at American agriculture today, we can state that farmers can produce more than the American people can consume, more than we can sell overseas—even at present subsidized prices—and more than we can give away under our present disposal programs. We should not hold back our efforts to enable Americans to enjoy an even greater high-protein diet, our efforts to find new markets for our agricultural abundance, and to further increase and expand the food-for-peace program.

But even so, unless some means is found to effectively reduce production, farmers' prices and net income will continue to decrease while costs keep increasing. Experience has shown that lower prices have not resulted in decreased total production. Since the farmer is in the business of producing from fence row to fence row, no matter what the price we cannot expect supply and demand to ever be balanced even if prices reach what appears to be disastrously low levels.

The price support and even the control programs of the past have not been effective. Guaranteeing a support for the price of one commodity over another has only caused farmers to shift from one crop to aonther. The control of the acreage of one crop has not reduced total production, but only caused farmers of the control crop to shift production of the noncontrolled crop.

At present the only effective and efficient control program is the conservation reserve and it is estimated that at least 60 million acres must be diverted from soil-depleting crops to soil-conserving crops which are neither harvested nor grazed to bring about the needed balance between supply and demand.

It would be impossible to remove enough additional acres over and above the present 28 million acres in the conservation reserve all in 1 year without completely disrupting agricultural communities. The conservation reserve program should be extended but handled in such a way that over a period of years this program would be available for older, retiring farmers, allowing communities to adjust.

In the meantime, additional effort must be made beyond the programs such as increased agricultural utilization and marketing research, Public Law 480 in an expanded form as a food-for-peace program, the school lunch program, rural development program, ACP, and the conservation reserve in an effort to adjust supply to demand as soon as possible to prevent the surplus acting as a cloud or price depressant over the market. This effort must result in storage of fertility in the soil instead of storage of unneeded grain in Government bins, must prevent the artificial shifting of one crop to another, must lower the cost to the taxpayer, and still boost farm income.

This is a big order, but I believe my bill will do it, and still remain true to the criteria set by the President in his recent message to Congress which must be regarded if a bill is to be signed into law.

Mr. JENSEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, like most of the deficiency budget requests, this budget request which runs into hundreds of millions of dollars is of course quite controversial. There was much discussion in the committee when the bill was marked up, after quite lengthy hearings. I found it necessary to operate between the Deficiency Subcommittee hearings and the Public Works Subcommittee hearings all during these hearings, as committees were holding hearings simultaneously. Both committees, of course, are important to the operation of our Government. May I say that I was not in complete harmony with final action of the committee on several of the items in this bill, but as a whole I would say to my colleagues that this committee under the able chairmanship of the gentleman from Texas [Mr. THOMAS] has done a good job generally speaking with a very difficult bill as you already noted, I am sure, by the discussion which has gone on so far in the consideration of the bill.

Relative to the $675 million that was cut out of the supplemental request of the Commodity Credit Corporation, I shall insert with my remarks a letter from the Deputy Administrator of Operations, Andrew J. Mair, which explains the Department's position relative to their request, and which I asked Hyde Murray to return for me:

Mr. HYDE H. MURRAY,
Assistant Clerk,
House Committee on Agriculture,
House of Representatives.

DEAR MR. MURRAY: Pursuant to your request, the following is an explanation of the need for the requested $675 million supplemental appropriation for restoration of the capital impairment of the Commodity Credit Corporation.

The act of March 8, 1938, as amended, authorizes appropriations to restore the capital impairment of the Corporation, as determined by the appraisal by the Secretary of the Treasury, based on realized losses incurred by the Corporation. Such losses for the fiscal year 1959 amounted to $1.3 billion. Normally, this amount would have been included in the 1961 budget estimates. However, on the basis of indicated yields and production on the 1959 crops and estimates of the proportion of these crops to be placed under price support, projections of the Corporation's $14.5 billion borrowing power in use indicate that by next June there will remain available only $441 million. Because of the large size of the Corporation's operations and the many unpredictable factors which affect its financial commitments, it is necessary to maintain a safe operating margin which would provide assurance of the Corporation's ability to continue its regular mandatory price-support activities.

Therefore, measures should be taken to preclude CCC from exceeding its borrowing before the end of this fiscal year. The most practical method of accomplishing this is by providing for an earlier restoration of capital impairment than has been customary in the past. The supplemental estimate of $675 million represents the minimum amount that may be required to cover the estimated statutory and other obligations and still give the necessary flexibility required for programs of the size and nature of those contracted by the Corporation.

Estimates of program levels and obligations for the Corporation for the fiscal year ending June 30, 1960, are necessarily highly tentative since they are dependent upon forecasts of weather conditions, agricultural production in this country and abroad, economic conditions generally, demands for agricultural products, and other complex factors exceedingly difficult to predict many months in advance.

Because it is impossible to accurately estimate demands on corporate funds, this estimate for partial restoration is highly tentative. Changes in economic factors affecting CCC estimates in the next few months may not actually require the use of all or part of this restoration this fiscal year. On the other hand, if demands on the Corporation's borrowing authority materialize at a higher level than is now estimated, it may require action beyond that contemplated in this estimate.

The enclosed table shows by months the status of the Corporation's borrowing authority with and without the proposed appropriation in the fiscal year 1960.

We will be glad to furnish any additional information you may desire.

Sincerely,

ANDREW J. MAIR,
Deputy Administrator of Operations.

I believe, Mr. Chairman, as I am sure every Member of Congress does, and as do most of the American people, that everybody is entitled to have his side of the story explained. That is the American way of doing things.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield.

Mr. AVERY. Mr. Chairman, I note that the committee report in reference to the appropriation for the Department of the Interior states that the committee recommended a transfer of $195,000 from construction funds to what I would interpret to be operating costs of the Bonneville Power Administration. I wonder if the gentleman can explain to the Committee why that increase in cost and whether that increase should not be carried by the users of the power rather than by the construction funds appropriated by the Congress. I cannot in any way understand how the committee could justify that position.

Mr. JENSEN. In reply to the gentleman's inquiry I can say only that the committee gave consideration to the question which the gentleman raises. We felt it was proper and justified that the request should be honored. In a matter of that nature there are many ramifications, and when you start dealing with construction, personnel, power rates, reimbursable items and nonreimbursable items you get into quite a maze of problems. After we had heard the justifications for this item the committee felt it was justified and has allowed it.

Mr. AVERY. Mr. Chairman, will the gentleman yield further?

Mr. JENSEN. I yield.

Mr. AVERY. The Committee is certainly not to be left with the impression that increasing administrative costs by the Bonneville Power Administration are going to be transferred to the taxpayers

in such manner as this in perpetuity, is it? Are not power costs reimbursable as part of the costs of the project? And in turn should they not be assessed against the users of that power?

Mr. JENSEN. Operating costs are almost 100 percent reimbursable, I would say to the gentleman.

Mr. AVERY. The Wage Board increases would be operating costs, would they not?

Mr. JENSEN. Yes.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. JENSEN. Mr. Chairman, I yield myself 4 additional minutes.

Mr. Chairman, I am sure every Member of this House is by now well aware of the fact that an overwhelming majority of the Members of this House have by now been pretty well sold on the proposition that we should pay in kind for taking land out of production. I believe I can say that without fear of contradiction.

The CCC has about 1½ billion bushels of corn in storage now and about the same amount of wheat. It is valuable if it is used as money and there is no reason in the world why it cannot be. We can pay liberally in kind for taking land out of production and thus reduce this costly price-depressing surplus that we have on hand which is hanging so dangerously over the heads of the American farmer and of our entire economy.

On the 25th of this month the gentleman from Iowa [Mr. HOEVEN], the ranking minority member of the Committee on Agriculture, introduced such a bill providing for payment in kind for corn. Today I have introduced a similar bill to the Hoeven bill. The gentleman from Mississippi [Mr. WHITTEN], and the gentleman from Minnesota [Mr. MARSHALL], have introduced a bill to pay in kind for the reduction of surplus commodities. The gentleman from Minnesota [Mr. QUIE], also has today introduced a bill which will reduce the eight major feed crops by the same method—payment in kind.

Mr. Chairman, may I say I am satisfied that a great majority of the farmers of America, especially those of the Middle West, favor the payment-in-kind program. Along with many Members of Congress who represent the grain and livestock area of America, I have advocated this program for some time past. I have heard from many farmers during the past months. We have had no opposition to the payment-in-kind program from farmers, and very little from other sources.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Iowa, who is the top minority member of the Agriculture Legislative Committee and who knows well the farmers' problems.

Mr. HOEVEN. The gentleman from Iowa, my able colleague, has made reference to a bill which I introduced relating to payment in kind as it relates to corn, H.R. 10672. The gentleman now addressing the Committee introduced a similar bill, and other Members did likewise.

I should like to call the attention of those who are interested to the fact that on Thursday morning of this week at 10 o'clock, David W. Livingston, of Washington, Iowa, will appear before the Committee on Agriculture to fully discuss the payment-in-kind program or his proposal as it relates to corn. I think it might be of interest to all the Members from the cornbelt to be present so that they may be enlightened and feel free to ask any questions they have regarding the proposed program.

Mr. JENSEN. I thank the gentleman. I will be there.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Chairman, I appreciate the time given me. My understanding is that there was no inclusion in this bill for the balance of the fund under Public Law 874, and it is my understanding that an amendment is going to be offered to insert it. I have always supported funds for school districts in this country that have been vitally affected by military bases or other installations and that the school districts should be reimbursed for those schoolchildren. I have school districts in my congressional district that are vitally affected by Mitchell Field and other installations. I certainly hope that this amendment will be offered. I will support it. May I add that it should pass in the interest of justice to those school districts who are vitally affected by Federal installations.

Mr. JENSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Chairman, in the 4 minutes I cannot cover the two subjects that I have in mind. Under the 5-minute rule I propose to obtain time to discuss the appropriation in the bill concerning Yellowstone Park earthquake damage. I particularly wish to commend the committee for the way they handled that problem.

However, in this time, apropos of my remarks to the gentleman from Mississippi [Mr. WHITTEN], when he so kindly yielded to me, I would like to discuss briefly the $675 million cut in the appropriation. As I understood the presentation made in the record, from looking at the record and the presentation made before our full Appropriations Committee, the Department has on hand sufficient funds that on the basis of their best estimates they will have $441 million more than they need to take care of the demands upon the Commodity Credit Corporation. Then they come along and say "We may be a bit off in our estimate on this, so give us another $600 million for further contingencies until June 30, 1960." Well, now, we are appropriating in fiscal year 1961 budget almost $80 billion, and we do have to leave some leeway but this is going entirely too far in being loose—$441 million plus $675 million after all is 1 billion 110 million dollars. That is simply too much to treat as small change for contingencies even in this day and age of big budgets. It just seems to me that people have to come within more than a billion dollars of what they are going to need in their estimate, even under that kind of an appropriation, if this country is going to have any semblance of solvency. To me, if they cannot realistically come close, even within $400 million, to their expenditures over a short 4-month period, we better find somebody that can. Now, the effect over and above that is simply this and for this I do not blame the farmers. I come from just about as rural an area as anybody can come in this country, with a district comprising an entire State of some 96,000 square miles and only one Congressman. The people in that State and in the whole country are concerned about whither we go as far as a Government agricultural program is concerned. Reasonable people may differ as to what is best but all reasonable people agree we must do something different. Where are we going with this agricultural problem? The people are entitled to at least know the extent of the problem under the present law. Taking these funds out of fiscal year 1960 appropriations is a must if this is to be accomplished. Let me mention an accepted accounting principle. I am no accountant, but I did take some fundamental courses, and if you want to know the condition of a business, how it is operating, how it is running, if you want to know how things are going along; in other words if you want a set of books that tells the real story then both income and expense items must be accurately reflected in the period to which they are really applicable.

That is the fundamental proposition. Under any stretch of the imagination, this $600 million will not be spent in 1960. But if we include it in this supplemental appropriation bill, we will be making the money available in 1960, and as a fiscal year 1960 appropriation or cost when it really should be reflected in the expenses of the next year or the fiscal year commencing July 1, 1960. So you have a program that we are financing now for next year and that will make it look as though it is costing $600 million less in fiscal year 1961 than it really costs. To my mind, unintentionally I am sure, it would be misleading the American public as to the true cost of our agricultural program if we make available $600 million, more than half a billion dollars, in the 1961 appropriations less than we are really going to spend. It is going to be truly a cost of the program, if it is spent at all, in 1961.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield.

Mr. JENSEN. If a bill is passed providing for payment in kind, which would cover almost all of the feed grain crops, then the $675 million will not be needed and many more hundreds of million dollars that we have been spending annually will not be needed in the future.

Mr. THOMSON of Wyoming. May I say to the gentleman that it is a happenstance that I introduced an agriculture bill, too. I do not know about the payment in kind proposal but if for no other reason because of my deep respect

for the gentleman from Iowa, I will give it my careful consideration. I do know that the corn people stepped off this high rigid price support business some time back. I know there are many Members in this House who genuinely believe in high rigid price supports. But they realistically say that you have got to have controls to make them work. Wheat is the only basic commodity produced in the area that I represent. It is important to the farmers and to the economy of that entire area.

Because of this and because of the fact that wheat is one of the most costly to the taxpayers of our present agricultural programs, I have given a great deal of thought and attention to this particular commodity. The bill which I have introduced deals solely with wheat. I am satisfied that its provisions are best for the wheat farmer and best for the Nation as a whole. Time does not permit a full discussion of the bill at this moment. I would simply say, though, that it would do these things:

In the first place, it would remove all controls on the production of wheat. In doing so, it would leave the farmer free to manage his own business, rather than to be dictated to by bureaucrats from Washington. It would restore the wheat farmer to a position in the free enterprise system. It would recognize the law of supply and demand which so far, in spite of repeated attempts, and I venture to predict that will continue to be the case, no Congress has been able to repeal.

Secondly, it would provide a realistic price support which would be a floor instead of a ceiling. The price support would approach, at least, the cost of production in the high-cost, or less economic areas, and thereby take the poetry out of raising surplus wheat for storage at Government expense. At the same time, it would restore the right to produce wheat to those areas which can most economically produce it. Under the present law, which has been operative since 1938, these people have been the goats, in that they have suffered the acreage cuts, or cuts in their right to produce the crop on which they must depend for a living for themselves and their families.

Unrealistic prices have stimulated the production of surplus wheat. This has to be stored. The storage costs constitute a major share of the expense of the present program. The cost now is running $1¼ million per day. The farmer gets blamed for this cost, but does not get the benefit. It has been a real bonanza, though, for the special interests that do benefit, some of which have even gained control of farmers' organizations. They have spent and will spend freely, and have distorted and will continue to distort freely, in order to maintain their favored position at taxpayers' expense, with the farmer getting the blame.

Passage of this legislation would develop markets for our wheat. It will, in my opinion, contribute to a healthy condition for the wheat farmer and for agriculture in general. It will help everybody in reducing the drain upon the taxpayer.

This realistic support price for wheat would be arrived at by tying it into the support level for corn, with adjustments for difference in feed value. With these adjustments, it would eliminate the objections to the two-price plan of subsidized competition, which the corn growers have always made.

As a third proposition, the bill would prevent unfair competition with the wheat grower from Government-held surplus wheat. At the same time, it provides for an orderly disposal of that wheat.

Finally, to assist in the transition for some farmers who cannot meet the competition, the bill would provide for an enlargement of the conservation reserve for a limited period of time. At the same time, it would absolutely prohibit the grazing of lands placed in the conservation reserve in the future and, insofar as possible, prohibit it as to that land which has already gone into the conservation reserve. The livestock industry has withstood the pressures for Government price support and regulation. For this, everyone praises them. At the same time, this segment of the agricultural economy is in the best condition of any. They should not be punished for their adherence to and confidence in the free enterprise system, by thrusting Government-subsidized competition upon them. Such is the effect of allowing grazing of lands which are taken out of production under the conservation reserve program. Unless there is an absolute prohibition upon grazing, I, myself, will do all I can to see that this section of the bill is stricken.

Being a political realist, I appreciate that the chances of enactment of this bill in this session of the Congress cannot be looked upon as favorable, to put it mildly. I am convinced, though, that it is right, right for the wheat farmer and right in the public interest. I will always be hopeful that right will prevail over might. I also believe that the best politics is doing what is right.

Something must be done, however, with regard to our agricultural program, and both the Nation and the farmer know that a dressed-up version of the repudiated Brennan plan is not the answer. Everyone also admits, privately or otherwise, that if we are going to have high, rigid price supports which stimulate production, then there must be adequate controls to keep production in line if we are to eliminate the surpluses.

Under today's referendum, the farmer gets no choice. He votes either for higher prices and controls, or lower prices and controls. Anyone can figure out the answer to that one.

I think we should have the courage to legislate a farm program, but if we do not, the very least we can do is to let the farmer vote on the issue himself and to give him a real choice. Failure to do this would be further proof of what we are doing to the farmer in the name of doing for him.

As the Agriculture Committee considers the wheat legislation, if they cannot see fit, in an election year, to report the legislation which I am introducing or some other realistic approach, then as a very minimum, I would like to suggest that they consider giving the farmer at least the right to vote and a real choice, with the alternative of the proposal that I am making, or high price supports and adequate controls to prevent surpluses. Adequate controls would mean elimination of the 55-million-acre minimum on wheat acreage, strict cross compliance, and so on, on down the line. Making this $675 million cut in the supplemental appropriation bill should be done to properly reflect the cost of the present program. This action, meritorious as as it may be, though, will not save the taxpayers money and will not improve the plight of the farmer. To accomplish this purpose, we must get to the root of the evil and make necessary changes in the basic legislation. That, I sincerely hope we will do.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. THOMSON] has expired.

Mr. THOMAS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, I ask unanimous consent to revise and extend the remarks which I made in general debate.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. VANIK. Mr. Chairman, I want to take this opportunity to support the amendment submitted by my distinguished colleague, the Honorable SIDNEY R. YATES, of Chicago, Ill., to provide the Urban Renewal Administration with a supplemental appropriation of $50 million to execute its commitments and program through to June 30, 1960.

Along with other cities, the urban renewal program of the city of Cleveland will be adversely affected if the Federal Government is unable to pay grant funds as they become due. The cities will be forced to go into the private money markets and finance their urban renewal programs at increased interest costs. These unnecessary interest charges will be paid two-thirds by the Government and one-third by the cities and constitute an additional burden on the urban renewal program.

The adoption of the Yates amendment is vital to the urban renewal program in almost every large city of America.

Mr. ELLIOTT. Mr. Chairman, I want to compliment the chairman of the Subcommittee on Deficiency Appropriations, the gentleman from Texas [Mr. THOMAS], his subcommittee, and the Committee on Appropriations, for recommending to the House a $9.7 million supplemental appropriation for the student loan program of the National Defense Education Act.

It was my privilege to sponsor the National Defense Education Act in the House of Representatives. It has been very gratifying indeed to see the wonderful acceptance of and use of the student loan program since its establishment in 1958.

Out of approximately 1,900 colleges and universities eligible to participate, 1,365 institutions are currently in the program. The Commissioner of Education stated recently that the extent of

student participation has gone beyond the expectations of the Office of Education and the colleges and universities themselves. There is every indication that by the end of the present fiscal year well over 100,000 students will be using these loans to get a college education.

I had the privilege, Mr. Chairman, of visiting some of the colleges and universities of my own State of Alabama last fall. I talked with college officials who administer the loans, and with students who received the loans. I was greatly impressed with the good that is being accomplished by the program; at the same time I am impressed with what still needs to be done. I am, therefore, very happy that the U.S. House of Representatives now has an opportunity to vote supplementary funds for the program this year.

The success of the loan program is exceeding the expectations of all of us. The students are taking advantage of it, and the colleges and universities are taking advantage of the opportunity to provide assistance for their students.

Again, I compliment the Appropriations Committee for giving support to this worthy program.

Also, Mr. Chairman, permit me to say that I support the amendment by the gentleman from Massachusetts [Mr. BOLAND], which would add to this bill the sum of $8.3 million to cover commitments for maintenance and operation of schools under Public Law 874.

I think the gentleman from Massachusetts takes the right position about this and that there is a moral and equitable responsibility on the Department of Health, Education, and Welfare to fund what I consider to be commitments under the law.

I do not know of a more clear cut Federal responsibility in the field of education than is provided for in Public Law 874. I do not understand how this administration can justify its attitude of reducing and eventually eliminating aid to local school districts which have had to provide facilities and education for children brought into an area because of Federal activity.

The mere existence of Federal property narrows the tax base upon which communities depend for revenues to operate their schools. On the one hand we have less taxes because of Federal activity, and on the other hand we have greater expenses because of the influx of servicemen and Federal employees whose school-age children the communities must provide for. This is simple logic, and I cannot see how in the face of it anyone can refuse to support a 100 percent appropriation for the need caused by Federal impact.

The $8.3 million provided for in the amendment of the gentleman from Massachusetts will mean that our schools can continue to function efficiently and that they can do the job envisioned when we enacted Public Law 874.

I hope the committee will approve the gentleman's amendment and that the House will pass the bill.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Defense Educational Activities

For an additional amount for "Defense educational activities", for capital contributions to student loan funds, $9,700,000, of which not to exceed $4,500,000 shall, without allotment under section 202(a), or apportionment under section 203(a), of the National Defense Education Act of 1958 (72 Stat. 1583), be available for paying to institutions, which have filed applications for contributions between January 7 and June 30, 1959, both inclusive, the amounts necessary to meet in full the approved requests included in such applications: *Provided*, That, in addition, so much of the amount appropriated under this head in the Department of Health, Education, and Welfare Appropriation Act, 1960, for loans for non-Federal capital contributions to student loan funds as the Commissioner may determine will not be necessary for that purpose shall be available for Federal capital contributions to such funds.

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 6, line 7, insert a new paragraph as follows:

"PAYMENTS FOR SCHOOL DISTRICTS

"For an additional amount of payments to school districts, $8,330,000."

Mr. BOLAND. Mr. Chairman, I will not belabor the House for any length of time on this amendment. I think all of the Members of the Committee are entirely familiar with the purport of the amendment. It simply will put into the bill a deficiency of $8,330,000 for the fiscal year 1960. This deficiency was not requested by the Office of Education. It would seem to me that, based on the action of the Congress in the last session, this request is justified. In the last session of the Congress on the fiscal year 1959 budget there was no request made by the Department of Health, Education, and Welfare or the Office of Education for a deficiency of $20 million. The Congress worked its will, put it in, and it was passed by both branches.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. THOMAS. In order to save the time of the House, everyone has heard at least 25 or 30 observations made from the floor on this amendment. It is obvious to me that everybody wants it. So if there is no objection on the part of anyone, the committee will accept it.

Mr. BOLAND. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read, as follows:

GRANTS FOR LIBRARY SERVICES

For an additional amount for "Grants for library services", $100,000.

Mr. HECHLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Chairman, the provision of supplemental funds for administration of the Library Services Act in the bill before us today impels me to point out once again the incalculable benefits derived from this program by the people of the United States. I am only sorry that the committee did not vote the full $131,000.

The act has produced tangible upgrading of library services in almost half of the counties in my home State of West Virginia, particularly in the rural areas.

The Federal-State partnership provided for under this act has meant that an additional 6.5 percent of West Virginia's population, which previously had no library service whatever, now can enjoy the benefits of books.

A library is like a teacher, it affects eternity; and one can never tell where its influence stops.

At this time, when we are engaged in grand and sweeping debate over the American educational system, and its adequacy to meet the practical and ideological needs of the space-atomic age, here prospers and flourishes this quiet program. Without great controversy, it goes on doing the work of enlightening and inspiring thousands who might otherwise not be reached.

We cannot tell, indeed, where its influence may stop, for who can ever be able to assess the number of children who have found a whole new world of scholarship and knowledge opening before them when library service is extended to a hitherto barren area.

I am proud to say that I am a cosponsor of legislation to continue this program for another 5 years. I believe its performance over its first 3 years are the best possible argument for its continuance.

In West Virginia alone, more than 184,000 books have been purchased, and per capita expenditures have risen from 26 cents in 1956 to 45 cents in 1959. Three new bookmobiles have been added to serve 8 of our 55 counties.

These benefits are doubly important in a State such as West Virginia, where economic conditions in many counties remain very bad, and money often is not available to pay for the necessities of life. A book is a treasured prize in these areas, and the Library Service Act provides a means for getting books to those often unable to pay for them.

The Clerk read as follows:

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

Urban planning grants

For an additional amount for "Urban planning grants," $1,500,000.

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 7, after line 23, insert:

"CAPITAL GRANTS FOR SLUM CLEARANCE AND URBAN RENEWAL

"For an additional amount 'Capital grants for slum clearance and urban renewal,' including grants for the preparation or completion of community renewal programs, $50,000,000."

Mr. YATES. Mr. Chairman, this is a necessary amendment, if the urban renewal program is to move along without unnecessary delay. This is not unbudgeted money. The administration asked for these funds because they are necessary to discharge the Federal Government's financial obligation. The cities have committed themselves to projects under this program and have produced the money they said they would for their share. These funds represent the Federal Government's share.

The committee report itself indicates that this committee is not opposed to the slum clearance program. I know my good friend from Texas, the chairman of the subcommittee, is not opposed to this program, and there is not a more able Representative in this House, than the gentleman from Texas [Mr. THOMAS]. I have heard him time and again before the Appropriations Subcommittee of which I am a member urge the administration to speed up the urban renewal programs to help the cities. The subcommittee admits that it must be paid, but it doesn't like the procedure set forth in the legislation. It proposes not to follow it. It chooses to disregard the commitments made by the municipalities on the basis of the existing legislation. The question is now whether or not the Federal Government will keep its commitment, or whether it will run out on its contracts.

The cities will be hurt by this delay. Interest costs will mount, the programs will be upset.

This program provides the life's blood to breathe new life into our urban communities. This appropriation is like a blood transfusion for a patient who needs it to survive. The plasma is available and it should be used for the health of the patient. Yet this committee says, "No, we will not use it now. We will delay for 6 months or 9 months before we make these funds available. Why let the patient become worse before you provide the means to regain its health?"

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from North Carolina.

Mr. JONAS. The record will show that we appropriated $90 million for this purpose last year.

Mr. YATES. That is correct.

Mr. JONAS. This would increase it to $140 million. The record also shows that those in charge of the program stated it would be possible to continue to finance existing programs. It would require some borrowing which the Federal Government participates in. They do not know that they will need this $50 million between now and June 30.

Mr. YATES. The record indicates they do need the money. If I may finish my statement. The witnesses stated they had expended all but $33 million of the $90 million. They anticipate they need an additional $112 million to take care of commitments already made. This $50 million plus the amount which is on hand, namely the $33 million will be necessary to liquidate obligations already incurred. And the gentleman knows this money will have to be appropriated.

Mr. JONAS. Of course, some of the money is for progress payments. Projects are not completed and the witnesses testified that in practice they had taken care of those things with interim borrowing.

Mr. YATES. But, does not the gentleman concede that $50 million will have to be paid and, if it is not paid in this bill, it will have to be approved in the next appropriation bill?

Mr. JONAS. That is correct, and my position is that it should be handled by the regular committee instead of by our special committee.

Mr. YATES. Yes, but no good purpose is served by the delay. The gentleman himself pointed out the Urban Renewal Administration has commitments totaling $140 million. The administrator told your committee he thinks there may be a discrepancy of perhaps, $20 million in this amount, but even the $140 million be reduced $20 million, the fact is that this $50 million appropriation will be needed. All that is being done by the action of the committee is to compel the Administrator to borrow more money from the treasury. The costs of the program will necessarily be decreased. Why? For no apparent good reason?

This amendment should be approved.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes, the last 5 minutes to be reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, in the absence of any requests for time, I will close the debate.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I think the gentleman from Illinois [Mr. YATES] is to be congratulated for trying to restore these funds. In the committee's report, I should like to call the attention of the Members to the statement prepared by the Commissioner of Urban Renewal, Mr. Walker, in regard to the question that was raised here a moment ago, in which statement the Commissioner said:

> With hundreds of projects involved, the most careful forecast of financing for a year or 18 months ahead can turn out to be off by a very substantial margin. All sorts of problems can come up to create delays; on the other hand, obstacles which seemed likely to delay a project for months sometimes get resolved almost overnight, and things move faster than was expected.

Mr. Chairman, I think that statement, perhaps, more than any other statement demonstrates the wisdom of this amendment to restore these funds at this time.

Mr. THOMAS. I thank the gentleman from Illinois for his contribution.

Mr. Chairman, if I may take but a few minutes of the committee's time to make this statement. The committee attacked this problem on two fronts. The first front is this—bear this in mind—this is a supplemental appropriation bill. It does not go beyond June 30 of this year. They want $50 million more and they have $33 million in cash now—$33 million.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. ROGERS of Colorado. Do I understand that the gentleman from Texas is now contending that the urban renewal administration has sufficient funds to carry them on until the first of June?

Mr. THOMAS. That is my guess, and my guess is just about as good as theirs is. They have $33 million. They could use more and the probabilities are that they will not use the $33 million.

That is one objection, but the other objection is to granting this money—this is a familiar item to this House. This is a back-door approach to the Treasury. Not a single Member of this body, if you grant this $50 million, will have one word to say or one word of control over the expenditure of one penny of that money. Not one penny will you control. Some folks downtown will spend it for you. You go home, and what are you going to tell your people? Your people will say, "I don't know who those 14 or 15 or 16 people are. I voted for you to spend my money. Here you are divesting yourself of all authority."

Do you know what that total authorization is? Come June 30 they will have authority to go over there and sign a blank check with your name attached to it, because, after all, your folks sent you here to spend their money, not those 13 or 14 or 15 or 16 people—for $2 billion. Think about it. All the cash that has been appropriated on that $2 billion is $297 million. So let us correct that mistake on the payment of $1,700 million, and respectfully say, "Let Congress approve your expenditures." That is all you are doing in turning down this amendment.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. JENSEN. I simply want to say that I certainly support the position of the gentleman from Texas completely. The gentleman has listened, as did the other Members of the committee, to the requests of these different departments asking for these great sums of money. Certainly this amendment would do exactly what the gentleman says it would do. It is a backdoor approach. You are elected to spend the people's money, but by this method you would be saying, "Oh, I will let these big boys in the upper echelons of the departments spend it for us."

Mr. THOMAS. Mr. Chairman, I respectfully request that this amendment be voted down. The program will not be affected.

I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 66, noes 65.

Mr. THOMAS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. THOMAS and Mr. YATES.

The Committee again divided; and the tellers reported that there were—ayes 92, noes 89.

So the amendment was agreed to.

The Clerk read as follows:

NATIONAL PARK SERVICE

Maintenance and rehabilitation of physical facilities

For an additional amount for "Maintenance and rehabilitation of physical facilities", $435,000.

Mr. THOMSON of Wyoming. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as I previously indicated, I wish to take this short time to support the subcommittee on the way it handled the supplemental request for facilities at Yellowstone Park, due to so-called earthquake damage. I am not a member of the subcommittee that considers the supplemental requests. I am a member of the Appropriations subcommittee that considers the Department of Interior appropriations bill, which includes the Park Service. As such, and coming from the area, at the request of the committee I made a trip through Yellowstone Park last October to inspect the earthquake damage so that we might properly evaluate the emergency construction necessary as a result thereof.

The earthquake in this area occurred in mid-August of 1959. The center of the quake was west of the park, and the damage there was severe. Only the extreme western edge of Yellowstone Park was affected at all, however, and there, the shock was not great.

By this I do not mean that there was no real damage from the quake. There was, but it was largely confined to rock slides, and so forth, and when compared to those outside the park, the damage was of a minor nature. The tremors and after-tremors did stimulate a great deal of new thermal activity in the park. As a matter of fact, if it holds up, one geyser—Sapphire, threatens to challenge Old Faithful itself. Sapphire Geyser, as of last fall, was spraying water 175 to 200 feet in the air when it erupted.

I was accompanied on my trip through the park by Mr. Bob McIntire, the head ranger and naturalist, and Mr. Gary Rowe, the park engineer. We were later joined by the park superintendent, who had just returned from a trip to Washington. Mr. McIntire's enthusiasm for the new thermal activity was such that it was difficult to keep to my assignment, which was the inspection of physical facilities and the amount of emergency repair and rebuilding required.

As a result of this trip, it was evident to me that that portion of the request for construction funds pertaining to abandonment of existing facilities and construction of new buildings could not properly be classified as emergency, or properly assigned to earthquake damage. I can understand the people within the park service using this as a means of getting new construction that would otherwise not be obtainable. They have been long schooled in tying requests for such funds into an emergency. I do not dispute that the buildings mentioned are in need of replacement. The fact is, however, that they have deteriorated because of age and obsolescence. Damage from the earthquake was a minor factor, and except for the hospital, they are still in a useable condition. Most of these buildings were built between 1903 and 1909. The hospital was constructed in 1913, and the foundations were not adequately reinforced. There is no doubt that all of these buildings should be replaced, in an orderly fashion and with proper priority.

I cannot, however, urge their construction on an emergency basis. They should properly come before the regular subcommittee and be fitted into the overall program in their proper priority. The supplemental subcommittee cannot possibly give them the attention which they deserve. If we are to permit this type of thing to happen, it could very well detract from things that should have a higher priority.

In this respect, I am very much concerned, and I think this concern is shared by other members of the Interior Appropriations subcommittee, with the emphasis that seems to have been placed by the Department upon providing for the comfort and convenience of employees, as far as the Mission 66 program is concerned. I, just as I am sure is true with every Member of this Congress, desire to see all Government employees that live in Government housing, including Park Service employees, housed just as modernly and as comfortably as we can provide, within the realm of our responsibility to the taxpayers. This must, however, be kept in balance.

I worked very hard to get the Mission 66 program moving. I felt that it was essential if we were to adequately provide for the visitors to our national parks and the increased pressure due to increased visitations. Although a part of that is improving housing facilities for employees, it must not be permitted to become the tail that wags the dog. To see that it is kept in proper perspective, employee housing and office facilities must go the full gauntlet of House appropriations procedures and not be treated in a preferred class, on a trumped-up emergency.

In this respect, may I point out that my concern, and I think it is shared by many on our committee, is that I think the Department has, if anything, been overemphasizing the providing of employee facilities. Let us simply examine Yellowstone Park with reference to this. Since July 1, 1956, when the Mission 66 program was inaugurated, through and including the appropriations bill recently passed by the House, the following provisions have been made for employee housing at Mammoth.

Ten employee residences, one 8-unit building for seasonal employee housing, four new 6-sleeper trailer houses, and a washhouse for the employee trailer court, have been provided. This compares with a campfire circle provided during the same period for the public enjoyment.

Now, I call your attention to the fact that as to each one of these employee facilities provided, the Park Service itself has set priority and determined that the need for the new facilities requested in this supplemental bill did not measure up. If you want to see a full list of the construction that has gone on in Yellowstone Park since Mission 66 was initiated on July 1, 1950, I respectfully refer you to pages 983–986 inclusive of the Department of the Interior and related agencies appropriations hearings for 1961, released on February 12 of this year. If you look at these lists, you will further note that employee residences, apartments and dormitories have been built all over the park; but at the same time, you will note that the mileage of road construction has been disproportionately small. Adequate roads were one of the principal arguments used to support the Mission 66 program in 1955 and 1956. As of July 1, 1959, only in the neighborhood of 15 miles of the park's 200-mile road network had been reconstructed, and five bridges replaced. Funds for this must indirectly compete with funds requested for housing and other purposes. These roads, too, are not of modern design. As a matter of fact, they were constructed for the horse-and-buggy and stagecoach trade. In most instances, they have only been modernized to the extent of putting oil on top of the old roadbed. Obviously, the expense of repair and maintenance to the taxpayers is excessive.

The bridges are narrow and inadequate. The traffic problems, the dangers and the inconveniences to the traveling public must also be considered if we are to discharge our responsibilities. These can only be weighed before the regular appropriations subcommittee, and this is impossible if we were to consider the request for housing in a preferred status of the supplemental.

There is another very good reason for going slow in the construction of the administration building, employees' housing and office space requested in this supplemental. Mammoth is located in the extreme northern edge of the park. As far as thermal activity is concerned, this is a receding area and is of less and less visitor interest. The visitor concentration is in the Old Faithful, Canyon and Lake areas, which are over 50 miles from Mammoth. This means that the administration personnel housed at Mammoth must run up and down the roads, compounding the traffic problem and increasing the expense to the taxpayer, in order to perform their functions. The Park Service has indicated by its own reports that it is only a matter of time until the principal roads through Yellowstone Park will be kept open on a year-around basis. Pressures from the public that wants to see its wonders in their winter cloak will demand that such be done within a reasonably short time. Under these circumstances, a complete rebuilding of the administration area so far removed from the center of park activity should receive careful consideration, which it can only receive through the regular subcommittee.

Taking all of these things into consideration, I can certainly not, in good conscience, recommend that the Congress make available these funds on an emergency basis without adequate consideration of all factors.

With respect to the hospital, however, I think that is a different situation, and I can in good conscience recommend your support of the committee's recommendation of $476,200 to provide for new hospital facilities to be constructed at Lake, which is in the center of activity in the park. As I mentioned, this hospital building was constructed in 1913. It does not provide the modern facilities which people from all over the United States who are traveling in Yellowstone Park have a right to expect for themselves and their families. Even though this is again a case of obsolescence and deterioration rather than earthquake damage, I think that we are justified and I have urged the committee to approve this appropriation, as a supplemental and on an emergency basis. Had I been establishing the priorities, it would have been replaced before this. It is not even fireproof.

Furthermore, the present hospital is again located in the extreme northern part of the park, in a place where it is not available to the 1½ million visitors who might require attention.

The facilities for administration and employee housing should be replaced in an orderly fashion, within the framework of regular appropriations, but I submit to you that the same factors which caused the Public Health Service to recommend that the new hospital be located at Lake should also prompt the committee to fully investigate the advantages and savings to the taxpayers of centrally locating the new administration facilities. This expenditure of almost $2 million should not be made without full consideration of all of the problems involved. It should come before the regular subcommittee and be considered by them, in view of the other demands upon the Treasury and the taxpayers, and in light of the other requirements of the Park Service in particular.

These requests will be treated fairly by the regular subcommittee. It was that subcommittee that got this Mission 66 program moving. It has been a problem to keep it moving and to correct the deficiencies. Constant pressure must be brought to bear to improve visitors' facilities and improve roads, and I think the administration frankly must give increased attention to this, because naturally with the employees, there is a tendency to take care of each other when submitting budget requests.

If the requests made in this supplemental had a sufficiently high priority, they could very well have been worked into the normal budget, which has already been acted upon in the House. The total appropriations for Park Services made for 1961 were almost $83 million, an increase of more than $7¼ million over last year's appropriations. Construction of facilities amounted to $18 million, an increase of $4,400,000 over last year's appropriation.

Mr. Chairman, I repeat that I think we must support the committee's recommendation with reference to handling of these constructive requests for the Park Service.

The clerk read as follows:

CONSTRUCTION

For an additional amount for "Construction", $3,135,000, to remain available until expended.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. GROSS: On page 10, lines 18 and 19, strike out the figure "$3,135,000" and insert in lieu thereof the figure "$475,000."

Mr. GROSS. Mr. Chairman, this amendment would reduce the figure of $3,135,000 for construction to $475,000, taking out the $2,660,000 which this bill appropriates for the construction of parking areas, ingress and egress roads, and last, but not least, landscaping for the stadium that is proposed to be built in the District of Columbia. As I have often said, I do not care how many stadiums are built in the District of Columbia, as long as the people of the District build them.

There is no contract, so far as I know, signed with the Washington Senators baseball club, and it has been held repeatedly that without both the professional baseball team and the professional football team under contract to use this stadium it cannot be a paying proposition. So I fear, and I am sure many other Members must fear, that if this $2,660,000 stays in the bill, you will be picking the pockets of your own taxpayers to construct parking lots and roads and putting in landscaping when there may never be a stadium built. The bonds have not been sold, so why the rush to appropriate this money when the people of the District of Columbia have not taken care of their obligation toward the building of this stadium?

All my amendment does is to take out the $2,660,000. If, in the judgment of the House of Representatives it is decided that money should be appropriated later on—and there will probably be two or three more deficiency appropriation bills—after the use contracts have been signed, after the bonds have been sold, after the contract for construction has been let, then and then only, if you still think you want to put up a stadium, appropriate the money that has been picked out of the pockets of all the taxpayers of the country.

Mr. Chairman, I hope the amendment will be adopted.

Mr. KIRWAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when the stadium bill first came to this Congress about 2 years ago they said that it would not cost the American taxpayer a dime. So the bill passed. Then after it was passed the Park Service tried a back-door approach; they were going through the back door under the Federal-Aid Highway Act and spend up to $10 million. I stopped that. At a meeting with the stadium people and the man who introduced the legislation, I said, "When you come in with a fair proposition, I think the Congress will consider it." So they came back for about $6 million. We eliminated items and got the figure down to $2,660,000 last year and Congress in its wisdom authorized us to accept it. Now they have come in in the proper way, having appeared before the Committee on Appropriations, to give an accounting of their stewardship. They appeared before the Committee on Appropriations and asked for what the Congress authorized last year. So the only thing the committee could do was to give them the money. When we asked if they could not wait until the regular bill came in, they said no, that the sports activities have to open up on a certain day and that they would be kept working every day in order to complete what the Congress authorized them to do. They had to have the money in order to have the parking area ready, with sidewalks, and so forth.

The committee in its report has stipulated that no contracts for construction shall be let for these facilities until the D.C. Armory Board lets the contract for the stadium. The committee has provided all the protections they thought necessary, and has approved the $2,660,000 that the Congress authorized last year. They appeared before the regular authorizing committee and before the Committee on Appropriations. There was no back-door approach. Everything about this is on the up and up.

I hope this amendment is voted down.

Mr. THOMAS. Mr. Chairman, I ask for a vote.

The CHAIRMAN The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 10, line 19, strike out the period, insert a colon, and add the following: *"Provided, however,* That none of the funds made available in this paragraph in connection with the District of Columbia Stadium shall be expended until the bonds have been sold and the contract awarded for the construction of said stadium."

Mr. GROSS. Mr. Chairman, I think this is the least the House can do in protecting the money that I again say should never be taken from the Federal Treasury for such purpose.

Mr. KIRWAN. We have no objection to that.

Mr. GROSS. I thank the gentlemen and yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore [Mr. McCOR-

MACK] having resumed the chair, Mr. TRIMBLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill, and all amendments thereto, to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. THOMAS. Mr. Speaker, I demand a separate vote on the Yates amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

On page 7, after line 23, insert:

"CAPITAL GRANTS FOR SLUM CLEARANCE AND URBAN RENEWAL

"For an additional amount of 'Capital grants for slum clearance and urban renewal,' including grants for the preparation or completion of community renewal programs, $50,000,000."

The SPEAKER pro tempore. The question is on the amendment.

Mr. THOMAS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 187, not voting 85, as follows:

[Roll No. 7]

YEAS—158

Adair	Dawson	Johnson, Colo.
Addonizio	Denton	Johnson, Md.
Albert	Dingell	Johnson, Wis.
Anderson, Mont.	Doyle	Jones, Ala.
Andrews	Dwyer	Karsten
Aspinall	Edmondson	Karth
Bailey	Elliott	Kastenmeier
Baldwin	Fascell	Kearns
Baring	Feighan	Kee
Barrett	Fenton	Kilgore
Bass, Tenn.	Flood	King, Calif.
Blatnik	Fogarty	Kowalski
Blitch	Foley	Lane
Boggs	Ford	Lankford
Bolling	Forrester	Libonati
Bowles	Frazier	Lindsay
Boykin	Fulton	Loser
Brademas	George	McCormack
Breeding	Giaimo	McFall
Brewster	Granahan	McGovern
Brooks, Tex.	Gray	Machrowicz
Broomfield	Green, Oreg.	Mack, Ill.
Brown, Ga.	Green, Pa.	Madden
Brown, Mo.	Griffin	Magnuson
Burdick	Gubser	Mailliard
Burke, Ky.	Hagen	Marshall
Burke, Mass.	Halpern	Merrow
Byrne, Pa.	Hargis	Metcalf
Chamberlain	Harmon	Miller, Clem
Chelf	Hays	Mitchell
Clark	Hechler	Montoya
Coffin	Hogan	Moorhead
Cohelan	Holifield	Morris, Okla.
Corbett	Holland	Moss
Daddario	Huddleston	Murphy
Daniels	Inouye	Nix
	Johnson, Calif.	O'Brien, Ill.
O'Hara, Ill.	Roberts	Sullivan
O'Hara, Mich.	Rogers, Colo.	Thompson, N. J.
Oliver	Rogers, Mass.	Toll
Patman	Rooney	Udall
Perkins	Roush	Ullman
Pfost	Saund	Vanik
Poage	Selden	Van Zandt
Porter	Shelley	Vinson
Price	Sheppard	Wallhauser
Prokop	Shipley	Wampler
Pucinski	Sisk	Watts
Rabaut	Slack	Whitten
Rains	Smith, Iowa	Wier
Randall	Smith, Miss.	Wolf
Rhodes, Pa.	Staggers	Yates
Rivers, Alaska	Stubblefield	Zablocki

NAYS—187

Abbitt	Haley	Norrell
Abernethy	Halleck	O'Brien, N.Y.
Alexander	Harrison	O'Konski
Alford	Hébert	Osmer
Algers	Hemphill	Ostertag
Allen	Herlong	Pelly
Andersen, Minn.	Hess	Pillion
Arends	Hiestand	Pirnie
Ashmore	Hoeven	Poff
Auchincloss	Hoffman, Ill.	Preston
Avery	Hoffman, Mich.	Quie
Baker	Holt	Ray
Barden	Horan	Rees, Kans.
Barr	Hosmer	Rhodes, Ariz.
Barry	Hull	Riehlman
Bass, N.H.	Ikard	Riley
Bates	Jackson	Rivers, S.C.
Becker	Jarman	Robison
Beckworth	Jennings	Rogers, Fla.
Bennett, Fla.	Jensen	Rogers, Tex.
Bennett, Mich.	Johansen	Rutherford
Berry	Jonas	St. George
Betts	Jones, Mo.	Schenck
Boland	Keith	Scherer
Bolton	Kilburn	Schwengel
Bonner	Kilday	Scott
Brock	King, Utah	Short
Brooks, La.	Kirwan	Sikes
Brown, Ohio	Kitchin	Siler
Broyhill	Knox	Simpson, Ill.
Cannon	Kyl	Smith, Calif.
Casey	Lafore	Smith, Kans.
Cederberg	Laird	Smith, Va.
Chenoweth	Langen	Spence
Church	Latta	Springer
Collier	Lennon	Steed
Colmer	Levering	Stratton
Conte	Lipscomb	Taber
Cramer	McCulloch	Teague, Calif.
Cunningham	McDonough	Thomas
Curtin	McIntire	Thompson, Tex.
Curtis, Mass.	McMillan	Thomson, Wyo.
Curtis, Mo.	McSween	Thornberry
Dague	Mack, Wash.	Tollefson
Derounian	Mahon	Trimble
Derwinski	Martin	Tuck
Dixon	Mason	Utt
Dooley	Matthews	Van Pelt
Dorn, S. C.	May	Wainwright
Dowdy	Meader	Weaver
Downing	Michel	Weis
Durham	Miller, N. Y.	Westland
Everett	Milliken	Wharton
Evins	Mills	Whitener
Fisher	Minshall	Widnall
Flynt	Moeller	Williams
Fountain	Moore	Willis
Gary	Moulder	Winstead
Gathings	Mumma	Withrow
Glenn	Murray	Wright
Goodell	Natcher	Young
Gross	Nelsen	Younger
	Norblad	

NOT VOTING—85

Anfuso	Delaney	Holtzman
Ashley	Dent	Irwin
Ayres	Devine	Judd
Baumhart	Diggs	Kasem
Belcher	Donohue	Kelly
Bentley	Dorn, N. Y.	Keogh
Bosch	Dulski	Kluczynski
Bow	Fallon	Landrum
Bray	Farbstein	Lesinski
Buckley	Fino	McDowell
Budge	Flynn	McGinley
Burleson	Forand	Macdonald
Byrnes, Wis.	Frelinghuysen	Meyer
Cahill	Friedel	Miller, George P.
Canfield	Gallagher	Monagan
Carnahan	Garmatz	Morgan
Celler	Gavin	Morris, N. Mex.
Chiperfield	Grant	Morrison
Coad	Griffiths	Multer
Cook	Hardy	O'Neill
Cooley	Harris	Passman
Davis, Ga.	Healey	Philbin
Davis, Tenn.	Henderson	Pilcher
		Powell
		Quigley
		Reece, Tenn.
		Reuss
		Rodino
		Roosevelt
		Rostenkowski
		Santangelo
		Saylor
		Taylor
		Teague, Tex.
		Teller
		Thompson, La.
		Walter
		Wilson
		Zelenko

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. McGinley with Mr. Bow.
Mr. Rostenkowski with Mr. Devine.
Mr. Dent with Mr. Baumhart.
Mr. Buckley with Mr. Henderson.
Mr. Rodino with Mr. Dorn of New York.
Mr. Keogh with Mr. Fino.
Mr. Morris of New Mexico with Mr. Bosch.
Mr. Anfuso with Mr. Bentley.
Mr. Fallon with Mr. Taylor.
Mr. Multer with Mr. Wilson.
Mr. Garmatz with Mr. Budge.
Mr. Celler with Mr. Chiperfield.
Mr. Friedel with Mr. Byrnes of Wisconsin.
Mr. Holtzman with Mr. Reece of Tennessee.
Mr. McDowell with Mr. Frelinghuysen.
Mr. Delaney with Mr. Gavin.
Mr. Santangelo with Mr. Ayres.
Mr. Healey with Mr. Belcher.
Mr. Farbstein with Mr. Cahill.
Mr. Teller with Mr. Judd.
Mr. Zelenko with Mr. Bray.
Mr. Walter with Mr. Canfield.

Mr. O'BRIEN of New York changed his vote from "yea" to "nay."

Mr. BROOMFIELD changed his vote from "nay" to "yea."

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GROSS. Unqualifiedly.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk read as follows:

Mr. GROSS moves that the bill, H.R. 10743, be recommitted to the House Committee on Appropriations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. GROSS].

The motion was rejected.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CHAPLAINS IN THE ARMED FORCES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, under leave to extend my remarks, I wish to include the following address of Col. (Chaplain) John K. Connelly:

ADDRESS BY COL. (CHAPLAIN) JOHN K. CONNELLY DELIVERED BEFORE THE NATIONAL COUNCIL OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

Mr. President, Hon. Mr. Harlow, Hon. Mr. Vinson, distinguished guests, ladies and gentlemen, I bring you greetings from the European Chapter of the Reserve Officers Association.

In the duty uniform of an officer of the U.S. Army, standing before a group of officers or soldiers with whom I work daily, it is a relatively easy thing to elocute. In such a situation, I am at ease; I am at home.

It is quite another thing, however, to stand here before this august group, the Reserve officers of the United States and their many distinguished guests (I, too, am a Reserve officer), to accept an award for which I feel unworthy. This is an occasion for which few people are prepared. No one is really equal to such an occasion, least of all myself.

Please bear with me while I try to express my deepest feelings of appreciation to the Reserve Officers Association for honoring me this evening, and to give due praise to my fellow chaplains, wherever they may be, it is really through their efforts that I am here tonight.

This is an occasion which comes to an individual once in a lifetime and to me completely unexpected.

Does anyone merit such an expression of honor? Never have I felt more humble, more inadequate. When I think of the chaplains of all services, who have in the past and are now contributing to the spiritual and moral welfare of their charges and who have labored under more trying circumstances by far than I, I am inclined to feel that I have received this honor in their name and in their behalf.

It has always been my pleasure to be a chaplain, a soldier in the U.S. Army. With it I have been given the rare opportunity to be of service to all men regardless of race, color or creed. I have been privileged to belong to an organization that has been in the forefront in the problem of integration which makes no distinction between what a man believes and the color of his skin. In combat I have lived in the most intimate situations with Protestant and Jew, with white and Negro, where beliefs are personal and color is of no consequence; all are Americans striving for the cause of democracy and a better way of life for all freedom-loving people. And in all these 25 years I have been able to retain my own religious convictions without compromise and have defended the right of others to do the same. If there is a place on earth where man has finally acquired a common ground of brotherhood and understanding, to my mind, it is the military service of the U.S. Government.

I think the following example will express the thought I am trying to bring out, and in a somewhat humorous vein.

A Jewish chaplain, Chaplain (Major) George Vida, stationed in Heidelberg, Germany, stated that he fell in love with the Chaplains Corps when as a young chaplain he reported to the Chaplains School and there found a Catholic priest teaching Protestant ministers how to conduct Jewish services.

The great Cardinal Newman once stated that military life had a great attraction for him because it was essentially a life of service to an ideal, to the protection of others. This same ideal has motivated all truly great soldiers, as it does you of the Reserve Officers Association who give unstintingly of your time and energy to be ever prepared to defend your country in a national emergency, and often at great sacrifice.

Today, possibly more than ever, a soldier's devotion is needed to protect and to inspire our country. In a materialistic society, where progress and success are measured largely in dollars, we need a soldier's devotion to an ideal to remind us that the basis of our national life is its devotion to principle, not wealth.

The Armed Forces are one of the few institutions in our country devoted entirely to the ideal of service to others. This Nation, founded on the defense of our mutual rights, cannot survive without devotion to those principles and rights, and, obviously, religious motivation and devotion cannot be maintained without the services of the chaplain. Virtue sustained and nurtured through the practice of religion, demands the devoted service of chaplains of all faiths.

Nowhere is the bond between man and his clergyman closer and more tightly knit than in the military. The morale and feelings of kinship among the military family spring from the sharing of common risks and dangers. Those who wear the uniform of the U.S. Army belong to a group whose very survival depends on the unwavering courage of each man. The life of each is in the hands of his neighbor. Top performance must be accepted as commonplace, each man must be superior because courage is the price of admission.

In such an organization, always in high gear, the chaplain is indispensable. Only to control and direct the spirit of the soldier, is a might challenge, "to be all things to all men" is the necessary approach, and the chaplains have proven their dedication.

The amazing success of the chaplains of all services down through the years is in no small measure their ability to identify themselves completely with the serviceman. When we look at the record it speaks for itself.

Is it any wonder, then, that I am pleased to identify myself with this group of dedicated men?

So, I say again, "I humbly and yet proudly accept this great honor bestowed upon me tonight by another group of dedicated men, the Reserve Officers of the United States, in the name of, and as a representative of all chaplains of all the faiths in all branches of the service of our great country."

May I close by saying that we chaplains realize more and more the importance of the work with servicemen in which we are engaged. In this time of testing for our country and its free institutions we can gage more easily the true dimension of our task: That task being the moral and spiritual strengthening of our military forces, on which depends to a large degree, the preservation of those finest of human values which we Americans hold so dear.

DAVID JENKINS WINS OLYMPIC SKATING TITLE

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. CHENOWETH. Mr. Speaker, we were all thrilled when David Jenkins, of Colorado Springs, won the Olympic figure skating title at Squaw Valley last week. He got away to a bad start and up until the last performance was trailing both Karol Divin, of Czechoslovakia, and Alain Giletti, of France. However, his final exhibition was so brilliant and executed so flawlessly there could be no doubt about the winner.

I congratulate David on winning the coveted gold medal for the United States. He comes from a family of outstanding skaters in Colorado Springs. His brother Hayes won the figure skating contest at the Cortina Olympic Winter Games in Italy in 1956. At that time David placed third. He made up his mind to win the title in 1960, and realized his ambition in Squaw Valley last week.

I am proud to represent David Jenkins, who is a premedical student at Western State University. I wish him the same success in medicine that he has enjoyed in skating.

A REPORT ON VOTERS' ATTITUDES TOWARD THE MUTUAL SECURITY PROGRAM

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. AVERY] may address the House for 1 minute and revise and extend his remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. AVERY. Mr. Speaker, this office conducts a special, nonpartisan educational project for college juniors entitled "A Week in Washington." The students are selected by four colleges and universities in Kansas. The students come to Washington for a week to see Government in action firsthand. The major portion of their expenses are defrayed by funds received from this office in consideration for projects done for this office in the public interest.

One of the students, Mary Jane Willett, Beloit, Kans., student at Mount St. Scholastica College, Atchison, Kans., conducted a survey in the State on the mutual security program. The following is the report verbatim as Miss Willett prepared such:

REPORT ON VOTERS' ATTITUDE TOWARD THE MUTUAL SECURITY PROGRAM

(The following report is taken from the data compiled from 100 personal interviews concerning the Mutual Security Program of the U.S. Government. The area surveyed is in and around Beloit, Kans., going out to Salina and Manhattan areas; this, I believe is a rather typical rural area of western Kansas.)

1. What is your position on the mutual security program of the U.S. Government?

Favorable: 16 percent.

Unfavorable: 11 percent.

Favorable with limitations:[1] 53 percent.

No opinion; not interested: 20 percent.

In a breakdown according to occupation, the following results were tallied: 50 percent of those favorable to mutual security program were housewives, 31 percent of them were businessmen, and 19 percent of them were teachers; 18 percent of those unfavorable to the mutual security program were housewives; 55 percent were businessmen, 18

[1] Meaning that they were for the concept of foreign aid, but disagreed with the administration of it as it is now, and/or felt it had "gone too far."

percent were farmers, and 9 percent were teachers. The distribution of those favorable with limitations is: 32 percent were housewives, 30 percent were businessmen, 17 percent were farmers, 11 percent were bankers, and 10 percent were teachers. Of those not interested, 50 percent were housewives and 25 percent were businessmen, the remainder not being tallied.

2. What do you understand as the intent of this program?

From the answers given, opinion was distributed as follows:

To help underprivileged countries: 31 percent.

To combat communism: 23 percent.

To create better relationships between the United States and other countries: 17 percent.

Others (small percentages each).

To buy friendship.

To create trade between United States and other countries.

To sell Western ideals.

To boost prices of U.S. goods.

To get rid of surplus commodities.

To rebuild countries after the war.

3. Do you believe the foreign aid program and the mutual security program to be one and the same?

A great percentage did not identify the mutual security program with the foreign aid program; when first asked their opinion, most inquired what the mutual security program was, and the interview continued after an explanation that it meant foreign aid.

Comment: Since the vast majority of people questioned the term "foreign aid," but not mutual security, I wonder how it is publicized in the papers, on radio, TV, etc.; if these are two names for one and the same program, and if Government has entitled it the "Mutual Security Program," then I would suggest that foreign aid data be identified with this title in the papers and other media for publication.

4. How did you arrive at your conclusions and opinions regarding this program?

The vast majority replied that they had reached their conclusions by reading daily newspapers, although along with this they often admitted an inadequacy of keeping up on all the news. Specific sources of reading material referred to by minorities were "The Ugly American," Senator ANDREW SCHOEPPEL'S letter, and an editorial by WINT SMITH in the local paper. A minority mentioned TV programs in general as a source of information, and a few also gave informal meetings and discussions as formative material for their opinion. Comment: I believe that, although not mentioned, much public opinion on any subject is formed through discussions in small unorganized groups; e.g., businessmen during coffee break; groups in Elks clubs, and gatherings in local taverns. In this way, ideas take form and spread. Also, it is my firm belief that people react to a program in accord with how it affects them individually; taken on this basis, I think the survey shows relatively good support from the farming area. However, I think most people in the area feel that the foreign aid program is rather remote in their lives, and this must be taken into consideration.

5. Have you ever heard of examples of any benefit or good the United States has received from this program?

Of the people that answered this question, 38.5 percent felt no, and 61.5 percent felt yes.

6. Do you consider any economic benefits have come to your area as a result of this program?

This question was answered for the most part with the feeling of indirect benefit to the area in question—58.8 percent felt that the mutual security program benefited the area indirectly insofar as it promoted good relations between countries and helped use up surplus crops, 38.2 percent felt that it did not benefit the area, leaving 3 percent who felt that the area received direct benefit from the effects of the mutual security program.

7. Do you think our farmers benefit in any way under the program?

This opinion was divided as follows: 40 percent felt that it did benefit the farmer, 50 percent answered negatively to this inquiry, and 10 percent said that they did not know.

In connection with this question of benefit to farmers, it was asked (if they thought the mutual security program does benefit this group), how it did so.

The reason given was strong and unanimous that the mutual security program aided farmers "by getting rid of surplus commodities."

8. Do you think the average person understands the program and its intent?

When asked this question, of those who answered 11 percent said "Yes," 83 percent said "No," and 6 percent did not know.

The followup question to the 83 percent who answered in the negative was how they thought it could be better explained to the people. Sixty-one percent called for more adequate publicity and suggested that this be carried out by means of TV programs, local informative meetings, and pamphlets, and stressed that an unbiased approach be used in each of these media of communication. Twenty-nine percent felt that it was lack of interest on the part of the public that they were not better informed, and 10 percent offered no suggestion or remedy.

9. Do you think the majority of the people in your area agree with your general thinking?

Of those who answered this question, 59 percent said "Yes," 18 percent said "No," and 23 percent did not know.

Comment: Each of these groups was made up of some who were for the mutual security program and those against, so that actually the figures show that most people were confident that their opinion was shared by those around them.

10. Do you suggest any improvements in the present program?

The following improvements were suggested, carrying the indicated weight of those asked:

Send goods instead of money: 48.5 percent (31 percent of these were farmers).

Cut out aid to Communist satellite countries: 15 percent.

No suggestions: 45.5 percent.

Other:

Give in spirit of love rather than personal gain.

Win friends by means of education rather than gifts.

Help others to help themselves rather than have a complete giveaway.

Set up precise rules to be followed in dealing with other nations and publicize these.

Give other countries confidence by longer term aid programs.

Stress economic development rather than military aid.

Be more concerned about the people of foreign countries rather than the governments.

Place a big tariff on imports.

Send more technical assistance.

11. No doubt you have heard comments regarding waste and inefficiency in the program. Do you think this is the general pattern of the program or are they unusual exceptions?

General pattern: 64.3 percent.

Exceptions: 14.3 percent.

Inevitable: 21.4 percent.

12. What do you think could be done to eliminate the examples of waste that have come to your attention?

A minority gave suggestions here; predominant among these was the feeling that a closer check should be made on how the money is spent, giving advice to countries, and threatening to restrict aid if it (the aid) is not used properly. Here it was suggested that a committee be appointed to investigate the foreign aid money spent in each country and advise Congress on how to act accordingly.

13. What importance do you give this program in comparing it with our national defense programs?

Fifty-two and two-tenths percent of those asked felt that the two programs went together, 6.8 percent placed more value on the mutual security program, 34.2 percent felt that national defense programs are more important, and 6.8 percent did not know.

14. Do you think this Nation can promote peace and freedom without the necessity of having this program?

Yes: 13.2 percent.

No: 84.2 percent.

Did not know: 2.6 percent.

15. Is anything of this nature at all necessary?

Yes: 95.5 percent.

No: 4.5 percent.

COMMENTS ON THE MUTUAL SECURITY PROGRAM

By housewives

A woman who lived in England and is now a U.S. citizen commented that she lived in a foreign country all her life and didn't see any of our aid.

There is damage to our textile industry because of sharing our technical knowledge with others. (SCHOEPPEL'S letter.)

We should not have surplus here when others are going hungry.

We are prosperous and owe it to the rest of the world to share with them, even to the point of undergoing hardships ourselves.

Businessmen are interested in profit rather than protecting our interests.

The mutual security program has hurt the common man: the foundation of our country, and there are still hungry people all over the world after years of foreign aid.

People feel far away from the mutual security program; they do not see its effects directly, so don't pay any attention to it.

Expression of lack of understanding of the mutual security program; husband always takes care of these things.

It's a wonderful thing to help others; there are so many crowded areas where people do not have a normal life.

It was a good program to begin with, but has not fulfilled its purpose, especially in fighting communism.

Not very concerned about the mutual security program; can't do anything about it, anyway.

People of Europe will have a spirit of jealousy since they see us as a more prosperous country.

By businessmen

Bigness of government and of the mutual security program hinders it.

Mutual security program alone will never win any nation to our side; we can't buy allies, we must convince them of our way of life.

Helping these countries now would make them more inclined to go along with us in time of conflict. (Most comments on this point expressed the opinion that receivers of aid "bite the hand that feeds them.")

About 90 percent of these countries getting aid will take all they can get and will turn to the strongest country in time of conflict.

This is a rural area, and people feel far away from the mutual security program and its effects.

People whom one has helped will always come back for more, but will not be grateful.

If money must be spent, spend it in the United States on capital works, or on the development of Canada and South America.

Spreading God's word would be the best means of promoting peace and freedom.

Need a better understanding of others' cultures, especially their languages; must reach the individual and we are not doing it.

All the trouble with the mutual security program lies in its inefficient administration.

Cost to Government is a lot more than we get in return, in the way of security and allies.

By farmers

Through the mutual security program all the people are being taxed to create a subsidy for big business.

No effort is being made to keep the public informed; they (Government) want to keep the people in the dark.

It is hard to help anyone if they don't try to help themselves.

People in Washington know about the mutual security program and should take care of it; people over there need it, and they've got the United States over a barrel; if we don't help them someone else will.

By bankers

"I would like to see this terrific foreign-aid appropriation cut."

Congressmen have been elected to take care of this; is willing to leave it in their hands.

Exchange of foreign students is the best way to promote good relations.

By teachers

Money is given to the government of a foreign country, and many times it is a dictatorship and does not benefit the people.

Trade organizations and agreements between the foreign countries themselves should be encouraged; this is a way they can help themselves.

By helping underdeveloped countries, we can create new markets for our goods.

COMMENTS ON OTHER PROGRAMS

By housewives

Farm program: Farmers should be allowed to raise more wheat in this area, because that is all they can grow; take acreage away from those who can raise other things.

Should be able to find more uses for our surplus commodities.

The farmer is the forgotten man; industry attracts young people, and at the same time, the small farmer is being killed.

Civil defense: Are we here in the Middle West adequately prepared for nuclear warfare? She feels that things are being kept from us, but realizes the necessary secrecy of some things; suggested that an article be written to let us know where we stand on this subject.

Education: Should be equal opportunity for all, whether they can afford it or not.

There is a tendency for anyone who works for Government to be less conscientious, although this depends on who is in charge of the office.

By businessmen

More American people are going to have to taken an interest in politics; they should be interested and let their Congressman know how they feel.

Education: Opposed to Federal school aid except when it is needed in rapidly growing cities. People expect too much money from the Federal Government.

Labor bill: Inclined to believe in a stronger reform bill, even though labor has its rights.

Civil defense: Lack of knowledge of MSP could be remedied same way the defense program could be remedied: by letting the people know; more needed than newspaper writing.

National defense: If we have a strong national defense, we will not go to war, but we will win if we do.

By farmers

Farm program: Have bushel allotment instead of acreage allotment; do away with the surplus in 1 year in this way; give each farmer a county average.

By banker

Labor bill: Wants laws to take hoodlums out of unions; strong labor reform.

CIVIL RIGHTS

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I wish to announce that the Supreme Court today sustained the constitutionality of the Civil Rights Act of 1957 in the case of United States against Raines, which was taken from the District Court of Georgia to the Supreme Court of the United States.

You will remember that a little over 2 years ago this legislation was under attack, in the House, from the right, from the left, and from the center. It was the duty of some of us to defend the constitutionality of the bill as it came from the Committee on the Judiciary. In view of the fact that civil rights is under debate in the Senate at this time and is apt to be under debate in the House in the very near future, I suggest to all Members of Congress who are interested in civil rights legislation that they carefully read the decision in the case of United States, appellant, against James Griggs Raines, and others, by the Supreme Court, today.

LEGISLATIVE PROSELYTING

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, the Committee on the Judiciary has recently taken adverse action on five private bills designed to grant U.S. citizenship to five refugees, one Pole and four Hungarians, who entered this country lawfully and desired to become U.S. citizens sooner than the law would permit, in order to be able to compete in the Olympic games on the U.S. team.

We did not recommend to the House that it approve those bills because we believe it would be highly improper and totally out of line, both with the American tradition in sports and with the true spirit of the Olympic games, to expedite naturalization processes by legislative action in order to allow these young people to compete as Americans although they are not Americans yet. I am glad to see that the leading publication of the world of sports, Sports Illustrated, on February 15, 1960, commented on our action in a very fine statement entitled "How To Try Too Hard." The article reads as follows:

HOW TO TRY TOO HARD

Polish-born Jan Miecznikowski, better known as John Macy, is one of this country's fastest distance runners. Since his emigration via West Germany in 1956 he has won six U.S. titles at distances from 3,000 meters to 6 miles. Now enrolled at the University of Houston, Macy would be proud to run for the United States in the Rome Olympics, and the United States, faced with its traditional shortage of good distance runners, would be equally proud to have him run. Unfortunately, there is a hitch. To be eligible for the U.S. Olympic team, Macy must be a U.S. citizen, and he will not fulfill the 5-year residency requirement of the naturalization law until a few months after the 1960 Olympics come to an end.

That, ordinarily, would be that. But last year Senate Majority Leader LYNDON JOHNSON, a pretty fair expediter, submitted a bill to speed Macy's citizenship. The Texas Senator reasoned that Macy, his constituent-to-be, had a special argument for getting his final papers earlier than usual, i.e., the Olympics. The Senate easily agreed and passed the bill last May. Next it went to the House Judiciary Committee, which slid the bill along to its Subcommittee on Immigration where it stumbled for the first time.

"We just can't do this," said the subcommittee chairman, Congressman FRANCIS WALTER, of Pennsylvania, who argued that if Congress makes exceptions of this sort the United States is open to Communist charges of decadence and of bootlegging its athletes from behind the Iron Curtain. "I will use every effort to block its approval."

Last week WALTER's group sent the bill back to the main committee with a recommendation that John Macy be required to wait out his naturalization period like anybody else.

Similar bills have been offered in behalf of other foreign-born athletes. Senator BARRY M. GOLDWATER, of Arizona, wants Congress to waive the rule for two Hungarian-born gymnasts. Congressman CHARLES GUBSER, of California, has appealed for two Hungarian-born fencers, Congressman SEYMOUR HALPERN, of New York, for a third. Like the bill for John Macy, they all involve questions of individual merits, hopes and aspirations. Some of these athletes, because of age, may never again have a chance for Olympic competition after the games of 1960. If these athletes were made eligible through speedy naturalization American chances of winning the Olympics would be improved. But the bills raise other questions for Americans.

Russian jibes about the bootlegging of athletes? Those would hardly cut very deep. But the tradition that the Olympic games are to be conducted without political considerations—and that no nation should seek to win the games as a nation? That idea is more pertinent. In the field of sport, it is possible for the United States to try too hard.

PANCAKE DAY

Mr. BREEDING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BREEDING. Mr. Speaker, I wish to call the attention of the House to the fact that tomorrow is Pancake Day at the Capitol.

Recently, I sent to each Member a letter inviting them and members of their staffs to enjoy delicious pancakes made of Kansas wheat flour at either the House Restaurant or the House Office Building Cafeteria from 8 a.m. until 11 a.m. I hope all of you will take advantage of this opportunity.

The Liberal, Kans., Junior Chamber of Commerce has made this treat possible.

The serving of pancakes was arranged to dramatize the 11th running of the international pancake race tomorrow—Shrove Tuesday—between housewives of Liberal, Kans., and Olney, England.

This unusual race has developed into an outstanding international event, strengthening the bonds of historic friendship between the people of the United States and England.

The race had its beginning in England more than 500 years ago. Then, the thrifty housewives used up accumulated cooking fat by cooking pancakes on Shrove Tuesday, the day before the beginning of Lent.

One Olney housewife, busily engaged in cooking pancakes, lost track of time. Suddenly she was roused by the ringing of church bells calling her to shriving services at the church.

In her haste she ran to the church, a distance of 415 yards, still clad in her apron and with the skillet in her hand.

The following year more housewives answered the call to church in this manner and so the Olney pancake race started. The winner was awarded with the kiss of peace by the church rector.

Liberal got into the act in 1950 after a story about the unusual Olney race appeared in a national magazine. A group of housewives in Liberal issued a challenge to a timed race over a 415-yard course—a challenge immediately accepted by Olney.

Since then the race has been run on the morning of Shrove Tuesday, over the prescribed course, while flipping pancakes, with the time compared afterward by transatlantic telephone. If the winner is in Olney, she receives the traditional kiss of peace from her rector. The Liberal winner receives the kiss from the British consul.

Of the 10 races run, Liberal women have won 5 and Olney housewives 5.

Also to dramatize this event, Mary Collingwood, of Liberal, the 1959 international winner, is in Washington and will help prepare and serve the first pancakes in the cafeteria tomorrow evening.

The race is run all in good fun. It has drawn the people of Liberal, Kans., and Olney, England, together in a spirit of friendship and harmony. It has done much to cement good relations between the two nations.

I am proud of the Liberal Junior Chamber of Commerce for sponsoring this international good-will gesture.

As the representative of one of the great wheat-producing areas of the world, I am happy to have the opportunity to acquaint all of you with the fine quality of flour milled from Kansas wheat.

I would like to add, Mr. Speaker, that if every man, woman, and child over 7 years of age would also eat a stack of pancakes tomorrow morning we would consume 1½ to 2 million bushels of our wheat surplus.

And if we could prevail upon them to eat pancakes every morning for a year, we would come close to wiping out the entire wheat surplus.

So, Mr. Speaker, let me once more repeat my invitation for Members of the House and their staffs to enjoy pancakes made from the world's finest wheat—Kansas wheat, of course.

A LITTLE CHILD AND A GOVERNOR'S POLITICAL AMBITIONS

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a magazine article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, Jesus said, "suffer little children to come unto me," but the Governor of West Virginia, Cecil Underwood, was irritated by all of this newspaper publicity and either he or his director of public assistance, Thomas R. Egbert, ordered the social workers to snatch little Rosemary Johnston out of bed in the middle of the night, wrap her in a blanket and take her away. This is the same Governor to whom I wrote a letter on November 12, 1958, about a 16-year-old Ohio boy who was incarcerated in the West Virginia Penitentiary and who wrote me a form letter in reply, among other things stating that this lad had spent 1 day in the guardhouse for a violation of a prison regulation. Here is a Governor who is so interested in his political future that human values are something that irritate him. In case my colleagues are not familiar with the Rosemary Johnston case, I will quote later from a story which appeared in the Parade Sunday supplement to many national newspapers on February 21. Before quoting from the article in the Parade magazine, I think it is only fair to point out that the director of public assistance in West Virginia is an appointee of the Governor and the job can be, and apparently has been, used to pay off a political obligation. The present director has served by appointment by the Governor since 1957. What manner of men are this Governor and this director who will order their lackeys, according to an Associated Press story, to snatch an innocent child out of her bed at midnight and to cart her off in the snow from the only home she has known since she was a week old. Who gave this political accident of a heartless Governor the right to play God. I think the people of West Virginia, a State very near to my heart because it was my mother's birthplace, will answer this question come next November, when this politician asks them to make him a U.S. Senator. Does anyone think that this beautiful little 3-year-old girl will ever recover from the terrible emotional shock of being torn from her bed on a snowy night and carted away? If anyone does think so, please read the first two paragraphs of the story of Rosemary Johnston as told by Sid Ross and Ed Kiester in Parade magazine for Sunday, February 21, which follows:

PARSONS, W. Va.—One recent evening, Mrs. Edith Isner, 48, settled down on the living-room sofa with 3½-year-old Rosemary to read bedtime stories. As the sunny, blue-eyed little girl snuggled up to her, Mrs. Isner began the children's poem by Eugene Field:

"Wynken, Blynken, and Nod one night
"Sailed off in a wooden shoe,—
"Sailed on a river of crystal light
"Into a sea of dew."

At the words, "sailed off," a look of sudden horror swept across Rosemary's ruddy face. A chubby hand darted out and slapped the book shut. "Oh, no, mommy," she cried out, tears in her eyes. "I don't want to read about little children going away."

Mrs. Isner wrapped her arms around Rosemary and soothed her. But when the child had stopped crying, Mrs. Isner could not comfort herself. Each day she and her husband, Forest, a $65-a-week night watchman, wake up in fear: today may be the day they are told to give up Rosemary, finally and completely, to the State of West Virginia. Each night they thank God for a day's reprieve and deepen their resolve to fight on for the daughter who has been theirs since she was 7 days old.

Legally, there is little more they can do. Three years ago, when the Isners took Rosemary into their home, they signed an agreement not to try to adopt her. Then they changed their minds, and the State department of public assistance, which handles such cases in West Virginia, tried to enforce the contract. After a drawnout, heartbreaking wrangle through the courts, the agency won.

THE $1,000 BATTLE

Rosemary is a bubbly, intelligent child—the kind any parent would be proud of. She never has known any other home, nor any other parents. Her plight has stirred sympathy all over the State. In this town of 2,000, perched in the Alleghenies 120 miles east of Charleston, there is even talk of organized resistance if anyone tries to take Rosemary away, and adoption agencies across the United States are watching the case.

The national implications mean little to the Isners. All they want is Rosemary. The fight to keep her has cost them over $1,000 in legal fees and court costs. "I don't think anything worse could happen to a child than to be torn forever from the only mother and father she knows," says Mrs. Isner, a motherly woman whose eyes reflect sleepless nights and worried days. "And why? We've given Rosemary a good home."

In fact Rosemary was placed with the Isners because theirs was considered a good home. In midsummer 1956, Edith Isner, a faithful Baptist, decided it was her Christian duty to "help poor little babies from broken homes." Two of her own three daughters had married and left home; the third, Linda, 10, was in school all day. Mrs. Isner, with time to spare, volunteered as a foster parent.

Under the foster-home system, used in many States, babies up for adoption are boarded temporarily until tests have been completed, adoptive parents picked, and red-tape complied with. The State pays a fee for the child's expense (up to $40 a month in West Virginia) and furnishes some minimum equipment.

LOVE AT FIRST SIGHT

Money, however, was not a consideration with the Isners. They were so swept away with the idea that they bought more gear

from their own pockets—a bathinette, chair, stroller, playpen, and clothes. When they were given Rosemary, born out of wedlock, they were delighted. "It was just like coming home with a new baby," Mrs. Isner recalls. "We fell in love with her right from the start."

They provided the required care, and more. On his nights off, Isner cheerfully got up to feed Rosemary; during the day, he wheeled her to town as he shopped. When Rosemary was hospitalized in nearby Elkins, Mrs. Isner drove the 22 miles each day to visit her.

"As much as we'd fallen in love with Rosemary," Mrs. Isner says now, "we were ready to give her up as soon as the DPA picked parents for her. We were miserable about it, but we were resigned." When Rosemary was 6 months old, the DPA settled on the right couple. Then, at the last moment, the would-be parents backed out. They decided they wanted a boy.

"It was like a miracle," says Mrs. Isner. A month went by, and the Isners began to talk about a previously unspoken dream: the possibility of keeping Rosemary for their own. When Rosemary was 8 months old, they hired an attorney and filed for adoption.

The Isners were somewhat shocked when the DPA entered objections. The agency listed five reasons why the Isners should not be permitted to adopt Rosemary: (1) the signed agreement with the agency; (2) they were too old for a young baby; (3) their own children and grandchildren would resent Rosemary; (4) everyone in Parsons would know Rosemary was illegitimate; and (5) the Isners were "financially unable" to provide the college education Rosemary deserved.

The Isners conceded the first point. But on the second, they pointed out that many women had babies in their midforties. As for family jealousies, their own children loved Rosemary—Linda, for instance, had given the baby many of her toys. They promised to provide an education through endowment policies. And while everyone in Parsons would know Rosemary's past, they felt no one in the friendly town would care.

Tucker County Judge Ernest See, after a stormy hearing, granted the Isners temporary custody. A year later he made it permanent. The Isners were told—incorrectly—that the DPA had 6 months to appeal. When the time was up, they celebrated by buying Rosemary a new hobby horse and a merry-go-round for the yard. "Forest was so happy," his wife recalls. "He'd pick up Rosemary and dance all around with her."

Two months later the agency, on a technicality, appealed to the State supreme court, and this time the Isners lost. Forest and Rosemary were in Parsons shopping when they heard the news. "I was stunned," Isner says. "All I could think of was 'How can I tell Edith?'"

In Parsons, everyone knows everyone else, and the town immediately rallied to the Isners' side. "The place was buzzing like a beehive," says Isner. One of the first callers was their minister, the Rev. Rankin Roach. "I figured it was just like having a death in the family and I should be there," the minister says. A troop of housewives began collecting signatures on a petition to Governor Underwood. Resolutions were adopted by the Eastern Star chapter, the Lions Club, the Women's Club, the Garden Club, and even the local DPA advisory board. On November 1, "Rosemary Sunday," prayers were offered in all six Parsons churches.

Through a local banker and a Young Republicans official, the Isners arranged a meeting with the Governor. On the appointed day, November 4, all stores in Parsons closed and residents prayed. But in the capital things did not go well. The Governor was irritated by "all this newspaper publicity." In the end he made no promises. But Isner felt "as if the clock was ticking off the minutes to an execution."

"Without the faith in Him who only can give us strength and fortitude," Mrs. Isner says, "we wouldn't have been able to stand up under the anxiety and ordeal since." Isner says he goes about his work like the walking dead. When his wife finally gets to sleep, it takes all her willpower to face the day again.

Although the Isners try to shield her, Rosemary senses something is wrong. Vaguely aware she may be going away, she shies from strangers. Above all, the Isners fear that, whether or not she must be given up, she will be left an emotional wreck.

UPSETTING THE APPLECART

But DPA officials maintain they, too, are interested in Rosemary's welfare. And they point out that, with few children available for adoption, childless couples who have been waiting a long time should be given priority. (Only in a few rare cases, the DPA says, have foster parents been allowed to adopt a child.) Finally, like adoption officials elsewhere, the DPA says its procedures have been painfully worked out and hard fought for over many years. To rule for the Isners would knock all this work to pieces.

In the State legislature, however, there has been talk of scrapping the whole system to prevent future heartbreak cases. Several other States have pioneered in placing children with adoptive parents within weeks after birth. The theory is that adoptive parents should take their chances just as natural parents do.

To the Isner family of Parsons, W. Va., however, the problem boils down to one sweet-tempered, blonde little girl. "We'll always regard her as our little girl," says Mrs. Isner. "We'll feel that once we had a daughter, and then she was kidnaped from us."

THE FEDERAL POWER COMMISSION: A REGULATORY BODY THAT FAILS TO REGULATE

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, on December 15, 1959, I appeared before the Federal Power Commission during its hearing of petitions for natural gas rate increases involving the Tennessee Gas Transmission Co.

At that time, I stated: "I believe that the Federal Power Commission has failed to achieve its objective of protecting the public interest, and the consumers of the Nation are entitled to find out why. It seems to me that rapidly rising gas rates, the absence of a constructive regulatory policy, and the chaos of uncertainty indicate that the Federal Power Commission is not doing its job."

I further advised them that if sweeping changes in the structure of FPC handling of rate increase petitions were not effected, and unless a clear policy for defending the interests of the American people was adopted, I would ask for a sweeping investigation of the Federal Power Commission by the appropriate committee of Congress.

More than 2 months have passed since I made this appearance. I have heard not one word from the Commission regarding any change in its policies or administration.

The business of a Federal regulatory body is to protect and defend the public interest first. This is its primary responsibility, and it owes its existence to this purpose.

We have seen, over the past 5 years, a growing tendency by the Federal Power Commission to ignore the public interest and to evade the central issue. The Federal Power Commission must inaugurate a firm, effective policy of rate regulation for natural gas.

There has been hopeless confusion in which the public interest which the FPC was created to uphold is cast into a corner and forgotten, or buried somewhere amid the tremendous backlog of cases which the Commission has allowed to pile up.

I have today introduced a bill to control and limit the practice of instituting temporary interim rate increases while the FPC ponderously and timidly mulls for uncounted weeks over the petitions for such increases. This bill is similar to a bill introduced by my friend and colleague from Nebraska [Mr. BROCK].

This intolerable and chaotic situation simply cannot go on. I believe a congressional investigation is needed, and in a few days I plan to introduce a resolution authorizing such an investigation.

This scandalous state of affairs is ably analyzed in a series of editorials written by Mr. Wendell S. Reynolds, of the Huntington Advertiser, published in my home town, and in a fine article in the September 1959 issue of Fortune magazine, written by Mr. Richard Austin Smith.

Under unanimous consent, I place these articles in the RECORD at this point:

LAWMAKERS FROM WEST VIRGINIA SHOW INTEREST IN HIGH GAS RATES

(First of a series)

The three applications of the Tennessee Gas Transmission Co. for higher wholesale rates to distributors in several States, including West Virginia, illustrate what is happening in many sections of the country.

Higher prices sought by the transmission lines are a result partly of the inflationary trend that raises costs of materials and of operations.

More important than that are the developments in the gas industry itself during the last decade that have created a seller's market and a consequently steadily rising price in the Southwest producing fields.

According to an extensive article in the September issue of Fortune magazine by Richard Austin Smith, prices of gas in Louisiana have risen from a 1954 average of 11.5 cents a thousand cubic feet to a 1958 level of 21.5 cents.

Another 1.5 cents would have made an increase of 100 percent in only 4 years.

This was in spite of the fact that since 1955 the Federal Power Commission has been charged with the responsibility of fixing prices of gas sold by independent producers to pipelines for interstate transmission and resale.

In that year the U.S. Supreme Court ruled in the Phillips case that such sales came within the regulatory jurisdiction of the Commission.

The soaring prices are attributable to at least two major causes:

1. Continuing expansion of transmission lines has enormously increased the market and the demand for gas.

2. The Federal Power Commission has failed dismally to face up to its responsibility of regulating prices.

The operation of this second factor was illustrated in the so-called Catco case involving an initial price of 22.4 cents offered by Tennessee Gas for a large reserve from the new fields in the Gulf of Mexico off Louisiana.

After the price was approved by the Federal Power Commission, it was appealed and carried to the Supreme Court by the New York Public Service Commission because New York consumers would be affected by the high price.

In a unanimous decision written by Justice Tom Clark, of Texas, the Court sent the case back to the Commission for a proper study of evidence on which to determine a fair price.

The Smith article in Fortune magazine also pointed out that every year since the Phillips case the Commission has asked Congress for legislative relief from the responsibility of fixing gas prices.

It has worked out no formula for guiding its staff in the study of evidence, and apparently is delaying decisions on its big backlog of cases in the hope that it will not have to deal with them.

This and other aspects of the problem of soaring prices and the operations of producers in the big southwest fields are crying out for a thoroughgoing congressional investigation and legislation for protection of the public interest.

Since the appearance of such an editorial suggestion here a few days ago, we have had letters from almost all the West Virginia congressional delegation, including Senator ROBERT C. BYRD and Representatives KEN HECHLER, JOHN M. SLACK, JR., HARLEY O. STAGGERS, Mrs. ELIZABETH KEE, and CLEVELAND M. BAILEY.

They all evidenced interest in the problem, and Congressman BAILEY wrote at length on the background of the State's high gas problem.

Present practices are forcing continuously higher prices upon household consumers and in cold weather are causing hardship to many families of small means.

But there are even more far-reaching consequences in the effects upon coal markets and mine employment from the dumping of gas for industrial use, in the possible adverse effects upon industrial expansion in such areas as Huntington and in the possible consequences to gas producers in the West Virginia fields.

In some sections, such as New England, gas is already close to pricing itself out of competition with other fuels. As the rise continues, more and more householders, especially those building new homes, will turn to electricity. This would tend to reduce the market for West Virginia gas.

And if conditions are allowed to continue, they may produce a public clamor that will force the Federal Government to put the entire gas industry and possibly, the petroleum industry under regulation.

Before they get worse, individuals, city and State officials and organizations should urge upon Congress the need of prompt investigation to expose abuses and of effective action to control them.

Later discussion here will list some specific actions Congress might take to remedy conditions.

CLAUSES IN CONTRACTS FORCE NEW HIKES IN PRICES OF GAS

(Second of a series)

Several devices are used by southwest gas producers in hiking prices to the interstate transmission lines even after initial high prices get approval of the Federal Power Commission.

A clause in some of the contracts provides that if the transmission line buys gas from another producer in the area at a higher price, it must also raise the rate accordingly in the original contract.

Another clause requires a transmission line to meet any higher price paid by another line that contracts for gas in the area.

In addition, big producers can turn a cold shoulder to any transmission line that buys up a reserve from a small operator at a price lower than the big company thinks justified.

This is an important factor in keeping down competition because it has been estimated that about eight large producers control much more than half of the available gas.

As explained by Richard Austin Smith in an extensive article on the gas industry in the September issue of Fortune magazine, the heavy demand for gas has created a seller's market and gives producers a big advantage in negotiating contracts.

If the transmission lines do not meet their terms, they can threaten to divert their supply to the intrastate market not regulated by the Federal Power Commission.

Since the demand for gas is growing, large producers can also threaten and sometimes they do hold their reserves and refuse to sell them at all.

Such practices raise the cost of gas to distributors and ultimate consumers in all parts of the country dependent upon the fields of the Southwest.

They are definitely not in the public interest and should be made the subject of a searching inquiry at the coming session of Congress. Any move for an investigation should be assured of strong support by Senators and Representatives from many sections in addition to those in the areas affected by the Tennessee Gas Transmission Co. cases now before the Federal Power Commission.

As we explained here yesterday, the New York Public Service Commission carried the Catco case involving gas from the Gulf of Mexico to the U.S. Supreme Court and won a favorable decision.

That commission is also interested in the three Tennessee cases now pending, as are the commissions of West Virginia, Ohio, Kentucky, Virginia, Maryland, Pennsylvania, and Tennessee.

Members of Congress from the Middle West and even the west coast should also be interested in protecting their constituents against constantly climbing prices of gas.

An investigation should also be of interest to the National Coal Association and the United Mine Workers because expansion of transmission lines has resulted in the dumping of gas for industrial purposes and reducing coal markets and mine employment.

Keeping gas prices within reasonable limits is also important to the industrial development of such cities as Huntington and Charleston which have attracted many new plants before through the offer of natural gas at reasonable rates.

The rugged tactics of southwest gas producers could be softened by legislation or at least by the threat of general Federal regulation of the industry.

The big producers who withhold their reserves from market as a means of hiking prices could be deprived by legislation of their tax-depletion allowance.

But possibly the most effective means of all of keeping prices within reasonable limits would be an investigation exposing the failure of the Federal Power Commission to do its job of regulating prices from producers to the interstate transmission lines.

Their failure is in direct conflict with the administration's professed efforts to curb inflation, and it should be brought to the attention of the executive department itself as well as to the public.

RISING GAS PRICES CAUSE SHIFT TO USE OF ELECTRICITY

(Third of a series)

The public will take just so much punishment, and then it strikes back.

After the runaway bull market of the 1920's ended in the collapse that helped precipitate the depression of the 1930's, stern governmental restrictions were imposed upon speculation in securities.

More recently the conduct of some labor unions and their officers brought about congressional enactment of restrictive legislation.

Similar action can eventually result from spiraling prices of gas brought from the Southwest by the big transmission lines.

This not only would curb the drive of producers down there for continuously higher rates from the pipelines but would doubtless handicap smaller producers in such areas as West Virginia and Kentucky.

Rising prices also hold a threat to producers in this area because they tend to encourage a switch from gas to electricity for home heating.

This trend is already noticeable in the Huntington area of natural gas production, and in other sections is even much stronger. It was pointed up recently by the announcement of Carrier Corp. of Syracuse, N.Y., that the rising demand was responsible for its adding electric resistance heating equipment to its line of products.

The announcement said that during the present year the number of homes using electric heat increased in the East by 124 percent, in the Middle West by 80 percent, in the Far West by 41 percent and even in the South by 18 percent.

It predicted that by the end of the year 650,000 homes throughout the country would be heated by electricity.

In West Virginia and other States served by the American Electric Power Co., the increase in the number of homes using electric heat rose in the 4 years between 1954 and 1958 by 933 percent. Other States in the area are Ohio, Kentucky, Virginia, Indiana, and Michigan.

During the last 2 years the increase in areas served by Commonwealth Edison Co. amounted to 2,200 percent.

These figures should serve as a warning to Southwest gas producers, to the expanding transmission lines and even to the Federal Power Commission, which is charged with the responsibility of regulating rates of gas moved across State lines for resale.

The big producers are riding high on a seller's market now, but the picture can change quickly.

Electricity for home heating is at present higher than gas, but while gas is going up, more efficient electric heating devices are constantly coming into use, and more efficient generating processes can bring the cost of power down.

Consequently a congressional investigation to bring order out of the chaos and inequities of the gas industry and hold prices within reason would in the long run benefit the industry itself as well as gas consumers and the country.

Not the least of the possible benefits would be regulations to conserve gas by stopping transmission lines from dumping it at cutthroat prices in big cities for industrial use.

Stopping big corporations from holding back their reserves of gas for higher prices would also benefit many smaller landowners in the Southwest by giving them the royalties from the sale.

Ending the uncertainty resulting from the failure of the Federal Power Commission to handle rate cases even with fair dispatch would also benefit the industry by enabling companies to plan ahead with some assurance of future conditions.

The potential future benefits as well as the current confusion and injustices in the gas industry certainly justify a prompt and thorough investigation by Congress.

House Speaker SAM RAYBURN and Senate Majority Leader LYNDON JOHNSON, who come from Texas, the leading gas producing State, can prove themselves farsighted friends of the gas industry as well as statesmen by supporting a resolution for the inquiry.

GAS DUMPING FOR INDUSTRIES HURTS COAL MINES AND RAILS

(Fourth of a series)

Dumping of natural gas by the big transmission lines from the Southwest is an important factor in the declining market for coal and in shrinking employment in the mines and on the coal-carrying railroads.

Bidding for industrial business at cut-throat prices takes place because the pipelines must operate continuously at near capacity to make an adequate return on their heavy investment.

During the warm months when household heating requirements are low, gas must be stored for the cold season or disposed of to industrial users.

The effect of this was cited by Richard Austin Smith in an extensive article on the gas industry in the September issue of Fortune magazine.

Midwestern Gas Transmission, the article said, pays its parent company 22.16 cents a thousand cubic feet for gas 350 miles from Chicago, carries it to the city and distributes it for industrial use at 22 cents.

This not only takes business away from coal, but puts upon domestic gas consumers the burden of rates high enough to pay all the operating costs and the profits of the transmission line.

Such practices have been repeatedly called to the attention of the Federal Government by spokesmen for the National Coal Association. Unless checked by effective regulation, they will become much worse as new gas supplies from rich Canadian fields reach industrial centers in this country.

They are particularly injurious to coal-producing States such as West Virginia and to cities like Huntington that look to the mines and the coal-carrying railroads for major payrolls.

But they are potentially much more serious in weakening the ability of the country to meet the requirements of a major wartime emergency.

By depriving the coal industry of markets the practices reduce the ability of mining companies to maintain sufficient reserve capacity to supply the heavily increasing needs of industry geared for wartime production.

Similarly they take business away from the railroads and tend to deprive them of revenue sufficient to maintain operating efficiency capable of carrying the load of men and materials required for successful conduct of a major war.

These are among the vital problems that should be made clear to the Government and the public in a thoroughgoing congressional investigation of rising gas prices in the Southwest and the operating policies of the big transmission lines.

The investigation should be urged upon Congress at the coming session not merely as a means of curbing the soaring price of gas for heating homes but as an action for strengthening the national economy and the public defense.

Continuing expansion of the transmission lines, creating a growing demand for gas, with consequent jumps in prices in the Southwest, has also placed the distributing companies under severe pressure.

The more the distributors pay for their gas, the more they have to charge, and in some sections such as New England, they are already near the point of pricing their fuel out of the market.

That is doubtless the reason why the formula for price distribution proposed by the Tennesse Gas Transmission Co., in its first of three cases now before the Federal Power Commission, would place a steeper increase upon this area than upon the Northeast.

The distributors are also put under a heavy expense in contesting repeated wholesale rate increases before the Federal Power Commission. This expense becomes part of the company's operating cost and eventually part of the base for still higher prices of gas to consumers.

Unless the confusion and inequities are corrected through a congressional investigation, they may eventually result in irresistible public demand for all-out Federal control of the entire gas and petroleum industry.

RISING SOUTHWEST GAS RATES PERIL INDUSTRY GROWTH HERE

(Fifth of a series)

Some big Southwest gas producers contend that mounting opposition to climbing prices to the interstate transmission lines will result in the diversion of more gas to intrastate markets.

This in turn, they argue, will attract more industries to the Southwest from areas in the North and East supplied by the transmission lines.

The argument does not stand up under close examination.

Many producers prefer to sell their gas in the State where it originates because they can thus avoid Federal regulation of prices. They will gladly supply all that industrial and household consumers need.

This is known, no doubt, by all companies interested in locating an industry in the gas-producing States. Those companies that are not interested would hardly be influenced to erect a new plant just because the producers had created a surplus of gas by withholding their fuel from the transmission lines.

As a matter of fact, it is high prices to transmission lines that might influence industries they supply in the North and East to move to the Southwest where cheap gas is available.

This is of particular concern to Huntington, Charleston, and other cities that have attracted industries in the past partly through the availability of natural gas at reasonable rates.

Almost all of Huntington's largest industries use heavy quantities of gas, particularly the International Nickel Co. and Owens-Illinois.

Other important industries that have more recently come to the Ohio Valley also require gas. Among them are the big Kaiser aluminum works at Ravenswood and the Celanese and Goodyear plants in Mason County.

The existence of gas in this area and its availability to such plants is an important factor also in the economic manufacture and distribution of merchandise to the big markets of the East, North, and Middle West.

Proximity to these markets was one of the decisive factors in Kaiser's choice of Ravenswood for its new operations. Taking the works to Texas would add millions of dollars a year to the cost of delivering products to customers.

But the continuing rise in the price of gas in this section might force other industries requiring larger quantities of fuel to move South for the benefit of cheaper rates.

This might apply to the big Du Pont plant at Belle, near Charleston. As we have pointed out here before, the plant was about to move to Texas sometime ago to convert its manufacturing process from coal to gas as a means of improving its competitive position.

It was saved for the State only because the United Fuel Gas Co. arranged to supply it with sufficient gas. But if repeated increases in the price of southwest gas supplied to United Fuel force sufficient advances in costs to the Du Pont plant, it may still have to move to be able to meet competition.

The threat to that industry and others is heightened by the fact that further industrial expansion of this area will require an increasingly large proportion of gas from the Southwest to supplement the supply available from wells of West Virginia and Kentucky.

Since Southwest gas delivered here costs about double that from this area, the use of more from the transmission lines would force distributors to charge more.

This could become a serious brake on the area's future industrial development.

It should be given full consideration by the State's congressional delegation in weighing the possibility of launching a a movement for a full-scale investigation of spiraling gas rates and the failure of the Federal Power Commission to exert due diligence in holding them at fair levels.

A number of actions for checking the inflationary drive of the Southwest producers are available to Congress. Some of them will be discussed here tomorrow in the final editorial of this series.

EFFECTIVE MEASURES POSSIBLE FOR CURBING GAS PRICE HIKES

(Last of a series)

Several effective means are available for attacking the continuous advance in price of Southwest gas carried in the big transmission lines to many sections of the country.

The first approach through a congressional investigation should be to expose the failure of the present Federal Power Commission to do its job of holding prices within equitable limits.

The Commission's performance indicates the majority of its members either are not in favor of regulating prices from producers to the pipelines or are entirely too dilatory in dealing with applications.

There is considerable evidence that many of its decisions, even when they come, are not what they should be.

In a lengthy article on the chaos of the natural gas industry in the September issue of Fortune magazine, Richard Austin Smith reported that over half the Commission's orders appealed to courts last year were reversed.

Exposing the failure and the fumbling of the regulatory agency should bring about a new attitude of present members or a replacement of them.

Another major problem for congressional consideration is the advisability of imposing curbs upon the continuous expansion of the transmission lines themselves.

A vital question in this connection is whether, in view of the rising cost of gas at the well, it is not bad business to run a line as far as New England and attempt to compete with other fuels.

If the cost of carrying gas to such a distance tends to price it out of the market there, the pipeline will naturally try to collect a higher price from other consumers along the way to ease the load at farther points.

That seems to be what is happening in the three Tennessee Gas Transmission Co. cases now pending before the Federal Power

Commission for higher rates in several States, including West Virginia.

Direct attacks upon soaring prices should begin perhaps with a crackdown on big Southwest producers who hold back their gas for more favorable offers from the pipelines.

An effective legislative device for this purpose would be withdrawal of the depletion allowance for tax purposes when gas is held off the market.

Another phase of the pricing problem is the percent of return allowed transmission lines on their investment. The rate is now determined by the Federal Power Commission.

It should be fair, of course, and possibly should vary according to varying conditions, but a flexible rate fixed by law might be advisable.

Congress should also look into the various devices inserted into producer-pipeline contracts for hiking prices to match those provided in subsequent purchases of gas from producers.

Once such regulations begin, the Government and consumers might face the prospect of a sitdown strike by the most obstreperous producers. This could be anticipated by the authorization of a joint Senate-House committee to observe the conduct of the rebels and report back with recommendations, if justified, for full regulation of the entire oil and gas industry.

Another potent influence in curbing the intransigents would be at least temporary lightening of import regulations on Canadian gas.

Some of these are stern measures and should not have to be used, but they should be available for application to those who refuse to recognize the public interest.

Ideally the free enterprise system should operate without governmental interference, but sometimes the lure of profit becomes too strong and leads people and corporations to injustice.

That condition appears to have been reached in the Southwest gas industry. It calls for the application of legal remedies to restore the justice for which governments are formed.

[From Fortune magazine, September 1959]

THE UNNATURAL PROBLEMS OF NATURAL GAS

(By Richard Austin Smith)

This spring the American Gas Association made a confident prediction: The performance of the natural-gas industry, phenomenal enough during the past decade, will continue to astonish the world for the next dozen years. By 1970 the gas industry's $18 billion worth of gross plant will have grown to almost $50 billion. Instead of the 32 million customers now being served by 100-odd interstate pipelines and some 1,300 distributing companies, there will be almost 44 million using the immaculate fuel, and their increasing use of it for air conditioning, refrigeration, house heating will push industry revenues to $10.7 billion, more than twice the $4.6 billion of 1958.

The unhappy fact, however, is that natural gas today is in a mess. Seldom has any industry been so fouled up by bureaucratic lassitude, so burdened with internal confusions and uncertainties. None of the 1,300 distributors who are dependent on interstate gas can confidently make the business decisions upon which systematic growth depends, so long as the Federal Power Commission shirks its statutory responsibility of regulating the price of gas in the interests of the consumer. None of the 100-odd interstate pipelines can know with reasonable certainty what its past or future earnings may be until the FPC sets up a new yardstick for profits and gets cracking on a backlog of well over 2,000 unsettled pipeline-producer rate cases (the bulk of which have been gathering dust for 2 or 3 years). None of the 150 major producers can be sure how well they will do on their interstate sales, which represent over half of all the gas put on the market; after 5 years the Commission has still to come up with a formula for regulating producer prices. On those few occasions when the usually lethargic FPC has stirred its stumps, nobody has had any assurance that its stirrings were in the right direction. Last year courts of appeal reversed more than half of the Commission's contested orders. And this year the Supreme Court, in a unanimous opinion, upbraided the agency for having approved a new high price for gas producers on insufficient evidence.

The FPC can plead that its task is difficult. And so it is: regulation of the natural-gas industry is by common consent probably the toughest job ever handed a regulatory agency. The Natural Gas Act of 1938 was framed at a time when the industry was pretty small potatoes (gross plant investment was not even a fourth of today's figure) and the law itself was inadequate, being designed mostly to regulate the pipelines. Then on June 7, 1954, the FPC's difficulties were enormously compounded by the Supreme Court's historic Phillips decision; this put independent producers under the Natural Gas Act and under the Commission. "Regulation of the sales in interstate commerce for resale made by a so-called independent natural-gas producer," declared the Court, "is not essentially different from regulation of such sales when made by an affiliate of an interstate pipeline company."

But, however much one might sympathize with the burdened FPC, this cannot excuse its manifest, protracted unwillingness to come to grips with the job of regulation. Every year since the Phillips decision, FPC annual reports have contained a plea to the Congress for relief from this responsibility and every year the FPC's pace of regulatory activity has been paralyzed by the Commissioners' hope that the gas bloc will somehow force through exemptive legislation. A formula for regulation of the producers, indispensable to the Commission's operations, could have been put together by the FPC in 2 years of diligent work, but that job must still be done—after more than 5 years of procrastination. Case precedents, so necessary for guidance of the Commission staff, have yet to be established.

Quite naturally, when a regulatory vacuum occurs in a regulated industry like natural gas, all sorts of abuses and inequities arise. The companies, understandably, have tried to make the most of the situation. Pipeline companies have built their lines such great distances at such great cost that in some areas, like New England, natural gas is close to pricing itself out of the market. Other pipelines have cheerfully bid field prices up to new peaks in an effort to destroy competition. And at least two pipelines have tried to preserve their home territories by methods that landed them in court on antitrust charges.

Producers have found themselves free to put the screws to any pipeline buyer with the hardihood to buy up a small, unfavorably located piece of gas for a lower price than the going rate for a large, well-sited block. A chiseler of this sort is made to understand that in a sellers' market he will be penalized for his temerity the next time he comes around.

Some distributors, for their part, have stepped up their drives for new customers for gas heating, well aware that by rolling in the high costs of today's gas with the cheaper gas purchased in the forties, it will be several years before consumers begin to hurt. By then, of course, the new householders will be as captive as those who converted to cheap gas in the early fifties; they will be locked in unless they want to add to their $500-to-$1,000 investment in heating equipment and convert to oil.

Nobody is happy with this state of affairs, neither the producers, the pipeliners, the distributors, nor those watchdogs of local prices, the State utility commissions. Natural gas is neither effectually regulated, nor free to pursue the economics of laissez faire. Instead, the industry is going through a period of intramural warfare that's wasteful of both time and money. Though the dynamism of the past decade has carried natural gas into every major market, this growth has not made things easier for anyone in the industry; each move for advantage by one segment of the business brings countermoves that compound the difficulties under which all segments must work. The point is not that the expansion of the last 10 years saw almost $14 billion going into gas utility and pipeline construction. The point is how much sounder might the industry be 10 years from now—to say nothing of how much more efficient—were it to end the internecine warfare in which everyone is currently involved.

The purpose of this article is to explore the extent of these hostilities, to set forth some of the viewpoints and strategies of the parties so hotly engaged, and suggest the terms of an armistice, if not a peace. The place to begin, of course, is with those rugged individualists, the independent producers.

Producer strategy is founded on two considerations of almost elemental simplicity. One is an article of faith: To hope that Federal regulation of prices will work out is as idiotic as expecting water to run uphill. The other is a conviction that the price of natural gas is unconscionably low and should be raised. A small increase, say only 1 cent per thousand cubic feet (M c.f.), on the gas under contract to interstate pipelines would pour some $70 million a year into the producer's pockets.

The means employed by the producers to lift prices, however, are anything but simple. Producers naturally have taken maximum advantage of the shift in bargaining power from the buying side of the market to the selling side. Once pipelines had this leverage and made full use of it to buy up quantities of gas at very low figures in the days when the fuel had no value save that which a pipeline—the creator of the market—would set. Now, in today's sellers' market, it is the producers who are in a position to set the price levels throughout the country. How formidable their power has become was revealed in the recently heard Champlain et al. rate case. Expert testimony by Prof. Alfred E. Kahn, chairman of Cornell's economics department, who appeared in behalf of the distributors, disclosed that at the end of 1955 about 50 percent of the U.S. uncommitted gas reserves were controlled by the four biggest oil and gas companies, almost 68 percent by the eight biggest. In consequence, as Professor Kahn pointed out: "A few powerful sellers, controlling strategic blocks of uncommitted reserves, at appropriate times and places, are in a position to extort a significant monopoly profit."

The most successful mechanism the producers have used for realizing significant profits, if not monopoly profits, is the "initial sale." Initial sales are those made to new pipelines or to pipelines increasing their capacity or wishing to provide a service not rendered before. It was formerly the practice of the commissioners to "condition" the initial price charged a pipeline by a producer, that is, grant only a fraction of the price requested; subsequent investigation would then approve, or deny, the remainder according to its "reasonableness." More recently, however, a majority of the commissioners have taken the position that if other requirements of a certification of service are

met, that's enough; it's then permissible to approve the proposed price automatically.

Last year this disinclination to "condition" initial prices aroused the vigorous objections of William R. Connole, a Commissioner who has often disagreed with his colleagues' solutions of industry problems: "The prime cause for the abrupt and continuing increase in the price at which gas is being brought under contract * * * is the lack of a meaningful administrative regulation of the prices themselves. In the absence of a willingness or ability on the part of the industry to demonstrate where the range of reasonableness is, and lacking the deterrent of a refusal by us to accept high prices in initial contracts, buyers of gas have little choice [but to pay them] if the gas * * * is to be obtained."

In southern Louisiana, initial prices have jumped as much as 25 percent in 6 months. Over the past 4 years, initial prices almost doubled rising from an average of 11.5 cents per thousand cubic feet in 1954 to 21.5 cents in 1958. In the process, they provided the fulcrum that has enabled producers to pry up the level of gas prices generally.

But the producers do not have to rely only on initial price, they have some very effective mechanisms for boosting prices in contracts already signed. Insertion of "most-favored-nation" clauses and similar price-redetermination terms in a pipeline's contract makes it possible for the producer to market his gas today and profit by every increase in prices tomorrow. Under two-party, most-favored-nation clauses, the pipeline is obliged to raise the prices it is paying in its already negotiated contracts whenever it signs up with any producer in the same area for additional gas at a higher price.

Third-party, most-favored-nation clauses load the dice even more decisively in the producer's favor. These clauses require a pipeline to increase the prices agreed to in an already negotiated contract if any other buyer pays more for gas in the same area. If Tennessee Gas Transmission, for example, were to come into the Permian Basin area and pay some company like Continental Oil more than the going field price, then any other pipeline unfortunate enough to have a third-party clause in one of its contracts with a producer in the same area would be immediately saddled with the Tennessee-Continental deal; its gas costs would be raised to the new level set by Tennessee's contract with Continental.

Of course, the producer's resourcefulness naturally doesn't end with his trying to get the most out of regulation. He is always at work on a companion objective: getting around the FPC. That, in essence, means selling to the intrastate market. "There's little regulation of the producers by the FPC, mostly denial," Paul Endacott, president of Phillips Petroleum, says frankly. "Today it's worth accepting at least a couple of cents a thousand cubic feet less to sell gas intrastate in preference to putting it into the federally regulated interstate market. That's little to pay for the assurance that your selling prices will remain firm over the contract period of perhaps a quarter of a century."

At the same time Endacott voices great concern about the final effects of this situation, which he blames on Federal regulation. "People just aren't aware that tremendous local needs are gobbling up a lot of gas in the producing States. Texas, which produces nearly half of this country's gas, consumes about as much as it exports. Each of several chemical plants in Texas keeps off the interstate market enough gas to supply all the householders in a city like Milwaukee. People who've been fighting about high gas prices to producers are simply precipitating further relocation of industry. This is absolutely the reverse of their intention. In the course of a few years—perhaps 5 or 10—the customers will be clamoring for just the opposite gas policy, one founded on a price high enough, and free enough of FPC interference, to bring gas back to interstate markets. By then gas reserves for interstate markets probably will be mighty hard to find."

Lately, some producers have shown increased interest in selling off an entire gasfield to some pipeline. This procedure puts them a full step away from regulation, plus affording more favorable tax treatment (through capital gains). It goes against the grain, for producers are never sure how much gas is there until they themselves have developed it. Nevertheless, the tactic is likely to be tried again and again in areas where gas fields are close to pipeline systems, with the Rayne field deal setting the pattern.

Texas Eastern Transmission bought a majority interest in that 1-trillion-cubic-foot field from four producers last year. One reason for producer interest in Rayne is that in addition to providing a profitable escape from regulation, the terms of the deal could have a decided impact on the price of regulated gas. Texas Eastern has since bought the minority interest in Rayne for a price that works out to 22.6 cents per thousand cubic feet (3.15 cents above the price it paid for the majority interest). Even though the FPC did not pass on the price involved in the deal, some producers believe the agency cannot escape its implications. Declares Paul Endacott, "Logic says the FPC should permit a producer to charge 22.6 cents for the gas he sells under regulation."

The simplest way for a producer to circumvent the FPC, of course, is one widely practiced by large producers. This is just to sit on the gas against the day when the interstate market might take more than the 43 percent of the total supply it is taking now. Humble Oil, for example, is holding back on an immense block on the King Ranch, ostensibly for local use. Certainly the logic of the waiting game has much to recommend it from a producer's point of view. Gas prices, unlike those of oil, which both rise and fall, have never shown a disposition to go anywhere but up. This characteristic carries weight with oil and gas investors, who habitually think of such securities in terms of capital gains rather than dividends. The policy may not be so appealing to royalty owners, who want quick returns. But the companies are strong enough to ignore what royalty owners want.

THE PRODUCERS HAVE A HARDER TIME IN COURT

Despite their tremendous advantages, however, the producers don't always have things their way. They suffered a disastrous setback recently—not at the hands of the FPC, to be sure, but in court. This occasion was the Catco case, so named for the consortium of producers (Cities Service, Atlantic Refining, Tidewater, and Continental Oil) owning the reserves. The Catco case involved the largest gas reserve (almost 2 trillion feet) ever committed to the interstate market in a single sale. It also involved the first major sale from the great new fields off Louisiana in the Gulf of Mexico. The initial price (22.4 cents), which the successful bidder, Tennessee Gas, agreed to pay the consortium, was the highest its ebullient president, Gardiner Symonds, had ever offered, and the highest ever proposed in the entire Southwest.

When the deal came before the FPC, the Commission at first decided that the record as presented was inadequate to support unconditional certification; it ordered a temporary certificate until the presentation of additional facts showed that the high initial price was in the public interest. Then, after Tennessee and the Catco producers filed on a rehearing, the Commission had a change of heart and certified the transaction at an initial price of 18 cents, with a promise of as much of the balance (4.4 cents) as an immediate rate investigation showed to be just and reasonable. Moreover, the producers were told they could begin collecting the suspended 4.4 cents, subject to refund, of course, after a wait of only 24 hours. (Usually, in the case of a suspension, producers have had to wait out a period of 5 months, which means that even if the Commission eventually approves the suspended price, the revenues for those 5 months are gone irretrievably.)

The decision made no friends for the FPC. Symonds took it upon himself to tell the Commissioners the producers would not accept a conditioned initial price. They'd tear up their contract with him, Symonds said, and pull all of that gas out of the interstate market. At this, a majority of the Commissioners simply capitulated. No new evidence had been supplied to induce the Commissioners to think any better of the 22.4-cent price, but all of them (save Commissioner Connole) decided that never mind the price, it was in the public interest to bring this gas to market.

Two years later (1959) Tennessee Gas and the Catco group found themselves fighting it out before the U.S. Supreme Court with Kent Brown of the New York Public Service Commission (New York consumers would be buying some of the Catco gas.) A unanimous opinion voiced by Justice Tom Clark found (1) that initial price should be made a consideration of prime importance because "The price certificated will in effect become the floor for future contracts in the area. * * * New price plateaus will thus be created as new contracts are made and unless controlled will result in exploitation at the expense of the consumer"; (2) there was no "evidence supporting the finding that the producers would seek to dispose of their gas elsewhere than to Tennessee Gas and the interstate market." Certainly this was a stinging rebuke for the FPC, which the Court characterized as marching "up the hill only to march down again." But it was not lost on the producers themselves that the Catco decision was delivered by a Texan, and a conservative (Tom Clark), that it was not only a unanimous decision but one in a major case.

As for the Catco producers, their defeat has simply imprisoned them in a box of their own construction. The FPC has taken the position that because service had already begun under their contract, the Catco producers cannot now carry out their previous threat of selling the gas intrastate if the Commission decides to condition the 22.4-cent price. Once begun, interstate service cannot be suspended or abandoned without PFC permission, and the FPC is hardly likely to accede to suspension or abandonment after the gas has been going through the pipes for over a year. As one pipeline president put it recently, the Catco producers "will just have to roll over and put their paws up in the air like a cocker spaniel."

THE FAR END OF THE PIPE

At the other end of the pipelines from the producers, the utilities that distribute natural gas have quite a different perspective. Operating as they do in a great variety of situations, solidarity is relatively uncommon. All of them, however, are concerned with price, volume, and political pressures, if in widely varying degrees. Distributing companies that are close to gas fields don't worry about the upsurge in the prices exacted by producers, because the short pipeline hauls make for relatively low costs at the city gates. Even those farther away have adopted something of a "don't care" attitude so long as gas is priced under competing fuels like oil; the cost of gas for house heating in Chicago, for example, is well below that of oil (though the St. Lawrence Seaway may alter this relationship in the future). Other distributing companies simply dislike Govern-

ment regulation. Or they are convinced the producers mean what they say when they talk of going on a sit-down strike.

To this last group, lack of gas for expansion appears far more calamitous than giving the producer his innings on price. "To an extent, we are a captive customer," said a vice president of Consolidated Edison of New York. "We need to get the gas. We're not in a position to beat producer prices to rock bottom."

Another Con Edison vice president says, "The most effective way to regulate gas prices in the long run is to let competitive fuels do it. If you let gas price itself out of the market, it will settle down. * * * As long as there's a runaway sellers' market, the producer ain't going to get religion, but once we're past that point, the oil industry can get very cutthroat. * * * Competition will then hold the price. This will come about in 2 to 5 years, a lot sooner than most people think."

Some distributors, unfortunately, cannot wait that long; they are driven into battling over price now whether they want to or not. Pacific Lighting Corp. is one. This California holding company serves more customers than any other gas utility, and Robert A. Hornby, its redoubtable president, has a natural-gas headache of commensurate proportions. "Every time I fly into Los Angeles," he said recently, "I am aware of 2,300,000 customers and under them our gas lines, spread out over hundreds of square miles like so much macaroni. The problem is that every person in that area who wants service from us is entitled to get it. That means a lot of money—this year's construction budget runs to about $65 million—and it means a lot of additional gas."

What makes it difficult for Pacific Lighting and its affiliated companies to buy the gas needed for the future is a California Public Utilities Commission effectively doing what it believes it ought to do. Two years ago the California commission informed all major gas utilities in the State that "In light of the number of rate increase proceedings filed by El Paso [pipeline company] in the past, and the probability of such proceedings being filed in the future, we stress the necessity for you to vigorously oppose these rate increase requests with a view to defeating any unreasonable rate increase demand made by El Paso. Hereafter, we shall require a convincing showing from you that you have done all that was reasonably within your power to resist any rate increase sought to be imposed upon you by El Paso, as a condition to this commission permitting you to pass on to your customers such increased charges or any part thereof."

This year, to prove it meant what it said, the PUC let Pacific Lighting languish 6 months on a $2,500,000 offset rate. Thus, Robert Hornby may have to pay for part of the gas that California uses out of his own corporate pocket. That is, unless he can convince the California commission he has vigorously opposed unreasonable pipeline rate increases before the FPC.

THE UNINTIMIDATED

On the other hand, there is a powerful group of distributors, most of them located in the East, who need no urging from a State commission to battle over prices. These utilities refuse to be intimidated either by talk of a producers' sit-down strike or the possibility of an authentic shortage of gas. They argue that given the apparent unresponsiveness of the supply of natural gas to price, it is unwarranted to saddle the consumer with big price increases when these will produce only small additions to supply. "Oil and gas companies," declared an east coast utility executive, "aren't only suppliers of ours, but competitors as well. If they can force the price of gas up, they increase their own profits from that, but at the same time, they open the way for a companion increase in the price of oil or for bigger sales of that fuel. There's a semiholdback on gas supplies now, but the intrastate market can absorb only so much gas, the rest will have to be sold interstate."

THE TARGET: HIGH INITIAL PRICES

The strategy of these muscular companies—among them Philadelphia Gas Works, Philadelphia Electric, Long Island Lighting, New Jersey's Public Service Electric & Gas, Consolidated Natural Gas, Minneapolis Gas Co.—is to intervene vigorously in significant FPC rate cases, and seek redress before the courts when this is unproductive. Their energies are particularly directed against high initial prices, the ones that slip so easily through the FPC and have such an inflationary effect on the whole level of gas prices. It was Long Island Lighting and Public Service Electric & Gas that made common cause with the New York Public Service Commission in fighting the Catco certification right up through the Supreme Court. Pacific Gas & Electric, another strong-minded utility, this year took up the cudgels against El Paso Natural Gas, currently the sole supplier of its annual take of $80 million worth of gas.

First, P.G. & E. attacked El Paso's practice of collecting rate increases on the basis of "phantom taxes," i.e., considering their sizable depletion allowances as a deferred cost, not a current tax saving. "The issue here," said P.G. & E., "is whether natural gas companies * * * should be presented with windfalls totaling millions of dollars per year by charging ratepayers for taxes which never, on any theory, can materialize." Then noting that an FPC examiner had previously declared against such phantom taxes, P.G. & E. came down hard on the pipeline's argument that disallowance of phantom taxes would be ruinous. * * * It is astonishing indeed to find El Paso arguing * * * that because disallowance of phantom taxes would reduce its earnings by a substantial amount, the Commission should not consider taking such a step, El Paso's earnings are as high as they are solely because El Paso has been allowed to place in effect rate increases pending Commission determination of their reasonableness [i.e., the rates are subject to refund]. * * * To now say that the Commission should not disallow a portion of the increase because El Paso has been reporting the increase in its earnings simply means that every increase justifies itself. The Commission cannot accept this bootstrap reasoning without completely abdicating its regulatory function."

More serious for El Paso, and certainly more chilling to any pipeline's intent of expansion regardless of the cost to its customers, has been P.G. & E. intervention in the proceedings of El Paso's merger with the recently built Pacific Northwest Pipeline. Much of Pacific's length, beginning in New Mexico's San Juan Basin and winding northwest into Oregon and Washington, was through relatively marketless country; moreover, the heavy use of gas for house heating, so important to Pacific's scheme of things, never materialized.

THE STRATEGY OF DEPRIVATION

Why El Paso's Paul Kayser wanted the new pipeline, however, was obvious: (1) He had always dominated the supply of gas to California, which Pacific could serve. (2) Pacific would give him access to the strategic reserves of Canada. Initially, Kayser tried to block P.N.W.'s certification by wooing away its potential customers and bidding gas reserves out of its reach. When this strategy failed, his next move was to buy out his potential competitor. According to the FPC's arithmetic, Kayser traded El Paso common, with a market value of $151,800,000, for $93,400,000 worth of P.N.W. common; this worked out to $58,400,000 over the market value. One effect of the acquisition, cited by the FPC's counsel, was to dilute the amount of El Paso's earnings available to its common stockholders. Another was to put El Paso under pressure to restore its earnings to previous levels by seeking an increase in the rate of return—for Kayser's new property was not a money-maker.

When P.G. & E. saw that the merger could mean the rolling of Pacific Northwest's costs into the rate structure of El Paso as a whole, it moved vigorously to forestall such a development. The matter is now immured in the Commission.

Should El Paso's merger win approval from the FPC, however, it will still have to survive an antitrust suit brought by the Justice Department in 1957. The main charge: Common ownership and control of the only two major pipelines supplying natural gas west of the Rockies.

FORMIDABLE BUT MANAGEABLE

Happily, the facts of life for a typical transmission company are not so tangled as the affairs of Pacific Northwest. The problems facing transmission companies bent on growth and prosperity, while imposing, are manageable. As the map on page 124 shows, the great era of pipeline expansion ended in the decade just passed. From here on out, pipeline expansion will be mainly a matter of keeping pace with population growth in sections already served. One result of this state of affairs has been to accelerate the rate of diversification for pipeliens like Tennessee Gas. Gardiner Symonds, of Tennessee Gas, has a deep distaste for anything smacking of a utility operation; he expects to find a more satisfactory rate of growth by expanding into new fields. Last year 60 percent of Tennessee's gross came from the pipeline side, 40 percent from producing, refining, petrochemicals, and other activities. Symonds goal: 50–50.

On the other hand, the leveling off of pipeline expansion hasn't changed the conviction of a well-run company like Transcontinental Gas Pipe Line to be precisely what Symonds abhors: a straight utility. Transcontinental does not hold with diversification. It owns no filling stations or parking lots or insurance companies like Tennessee, but it is profitably concentrating all its manpower on the job of buying gas and delivering it to the distributors. Yet whether they are straight utilities or the more dynamic diversified companies, the pipelines' strategy will be dictated by these three factors:

First, it is impossible to move pipelines around, in someone's apt phrase, "like a garden hose"; they must hook up to a large supply of gas at one end and a large group of customers at the other.

Second, to make money on their very heavy capital investment, they must operate at close to capacity. This means the lucrative winter heating loads must be balanced off by industrial or other use during the summer, or by adequate storage capacity. The valley-filling or offpeak sales are crucial for a pipeline, since without them it would stand practically empty during the hot summer months. Yet these same sales are the most vulnerable of all, for an increase in field prices of only 1 cent is sufficient to kill a sale. Some experts hold that until the gas industry learns to use natural gas during offpeak times for purposes other than dump underfiring of boilers at prices that must compete with coal native to the region (or with imported residual crude), expansion and, indeed, existence is at stake.

Third, pipelines must expand or die, for with a depreciating rate base, earnings can be maintained only by the incessant addition of new assets. Tennessee Gas, for example, must spend $35 million a year just to keep even with the game. This elemental drive for expansion has sometimes led to overbuilding.

EXPANSION FEVER

New England is one area where pipelines have overbuilt. Competition there has fragmented the market while the long haul imposes prices too high to persuade the consumer to convert from other fuels—except on a luxury basis. More recently, Gardiner Symonds' subsidiary, Midwestern Gas Transmission, provided a further insight into some of the consequences of expansionism. "If that pipeline had charged for the cost of gas and a fair share of the fixed charges," Commissioner Kline declared this spring, "it just wouldn't have been able to compete in Chicago. * * * The testimony in the Midwestern case showed that the cost of coal is going down, while the price of gas is rising, and that's going to make a big difference in the market for industrial sales."

A fourth factor gives the pipelines some room to move around: pipelines are able to pass on to their customers, once signed up, whatever price the FPC holds the producers should be paid for gas.

Given the foregoing set of ground rules, it is not surprising that pipeline resistance to high field prices sometimes withers away under the heat of competition for the quintessential reserves. Two years ago El Paso, for example, bid up the price of gas in one Rocky Mountain area to a new high in taking off the market reserves that Tennessee wanted. And Tennessee, for its part, thwarted El Paso's 1956 plan to serve California with Louisiana's offshore gas, outbidding it on the Catco reserves. Unfortunately, these contests have a way of affecting other pipelines, not just those concerned with a particular deal, for, as we have seen, the highest price paid by any pipeline in an area becomes the price others must meet if they want to buy gas. Moreover, the crucial impact of today's prices may not be felt for some 5 years. "High producer prices, especially in new contracts," Commissioner Connole argues, "are a kind of time bomb that doesn't go off until a long time after the contracts with the pipelines were made. That's because it takes a while for these new high prices to raise the average cost of gas to the pipeline. By that time, the pipelines find themselves committed to take gas at prices that have raised their average cost of buying gas so high it can't be resold."

In their drive for expansion, however, pipeliners pay little heed to Commissioner Connole's "time bomb." Gardiner Symonds, for one, says frankly: "We want to create better markets at economic prices, not at lower prices." By the same token, expansion fever apparently dulls pipeline sensibilities over how the burden of gas cost will be divided in the distant markets. It is the householder, who can't readily switch from oil to gas and back to oil again, who must foot the bill for higher gas prices. The reason: industrial users can shift to coal or oil if the price were set too high. Midwestern is selling its gas for a commodity charge of 22 cents in the Chicago area, a reflection of the fact that to be competitive with other fuels there, industrial gas must be priced under 25 or 26 cents per M c.f. (including local taxes and local distribution costs). This 22-cent rate is actually less than the price (22.16) Midwestern is paying its parent company for the supply at a point 350 miles from Chicago.

COSTS OF A LOSS LEADER

The significance of such a loss leader, as Commissioner Kline pointed out in a well-reasoned dissent to the FPC's May certification of Midwestern, means "not only that the domestic customer and householder * * * must pay for the entire cost of building the pipeline into Chicago, but must also pay all operating expenses not only for his gas but for the gas used by the industrial consumers, must bear all line losses of gas, and must also pay 16 cents [for every] M c.f. of gas used by the industrial consumers."

A proposed pipeline (Transwestern) holds particular interest in the topsy-turvy world of natural gas as an example of how competition can send prices up rather than down. One of the attractions that Transwestern held for the southern California companies was providing an alternative source of supply to El Paso, then as now the only major pipeline to the State. But to win certification, Transwestern had to have gas, and so fell squarely between El Paso and the producers, to whom the appearance of a new pipeline is always a happy signal that a higher level of prices can shortly be set.

Transwestern wound up paying some record prices for its reserves. The result, according to the FPC staff counsel, is that Transwestern won't be able to deliver fuel for less than 45 cents; El Paso's weighted average price at the State border: 29 cents.

THE JOB FOR THE FPC

What needs to be done to straighten out the mess in natural gas must of necessity begin with the FPC, for nonfeasance by this agency lies at the heart of it. As a starter, a majority of the Commissioners must stop acting as if they thought the Supreme Court was mistaken in putting the independent producers under regulation. There are no indications that the congressional gas bloc has the power to force through a bill that would exempt these producers—and 1960 is an election year, when few affronts to the consumer will be risked. It is now time that the Commissioners faced up to the job of regulation. If, as one high Government official recently declared in the privacy of his office, four out of five Commissioners do not believe the producers should be regulated under the Natural Gas Act, those four should resign. Few speeders have ever been caught by cops who thought the speed limit was a lot of malarkey.

At the moment, the Commission's staff is demoralized by its ineffectuality with the Commissioners and hamstrung by the lack of dependable precedents for regulation. Much could be accomplished if the Commissioners would only sit down with their top department heads and work out a program.

The FPC must mount an orderly attack on the backlog of cases with the objective of getting things current. This presupposes coming up with a regulatory formula—not in 5 more years, but in 1. In addition, the whole process could be speeded up considerably if all but the 200 or so biggest producers were in effect exempted from regulation. The more than 6,000 small fry, who contribute less than 10 percent of the gas supply, exert no significant influence on price; nevertheless, the flood of their two-bit cases has been swamping the FPC in paperwork.

High initial prices in new contracts should be "conditioned." The idea is not to freeze initial prices, but simply to provide for an investigation of their reasonableness. As Judge David Bazelon, of the District of Columbia Court of Appeals, pointed out in 1958, for 6 years the Commission had considered it mandatory to examine rate proposals in certification proceedings; but after the Phillips decision it underwent a progressive change of heart, first replacing "must review" with "giving consideration" to initial rates and then baldly contending that certification proceedings should not be turned into rate proceedings. Now the Supreme Court (Catco) has underscored the essentiality of the FPC's once again determining that initial prices are in the public interest. The Commission's conditioning of Transwestern's high initial prices in its August 10 approval of a certificate for that pipeline is a step in the right direction.

NO JOB FOR THE COURTS

Any tendency of the FPC to lean on the courts, in the hope that these will bring order out of chaos, should be discontinued. The limitations of what some courts can do were suggested only last month by the Philadelphia Third Circuit Court of Appeals. In sustaining FPC approval of a whopping 22.4- to 23.3-cent price for gas told to Transcontinental, two of the three judges held that the court's function was to see that FPC decisions were based on "the necessary elements," regardless of whether the conclusion was "one we should have reached or not." It is quite possible that the Supreme Court may overturn this rather legalistic circumscription, but no court, no matter how perturbed, can take over the job of an administrative agency. The Federal Power Commission must do its own regulating.

Finally, favored-nation clauses, spiral escalation, better-market clauses, and the other apparatus of price redetermination should be prohibited—by legislation if necessary. The time has long passed when it can be fairly contended that the producer isn't getting a reasonable price for gas, and this was the original justification. True, it is difficult for any producer to set a price today that will guarantee him an equitable rate of return 20 years from now, at the end of the contract. But expert opinion holds that it can be done and it should be done by means that do not make for unconscionable price increases, often imposed on innocent parties.

The producers might just as well get used to the idea of being regulated. The aim of the Natural Gas Act is not to promote the sale of the fuel at any price, but to protect the consumer, which in the long run is the way to strengthen the industry.

EQUITY AND SELF-INTEREST

Certainly nobody blames the producers for trying to get a good price for their gas, or the pipelines for paying the prices necessary to assure gas reserves for expansion, or the utilities for the fervent salesmanship that has helped create the booming demand for natural gas. But simple self-interest should impose on producer, pipeline, and distributor a disposition to look ahead. The recalcitrance of the producers over submitting cost data, essential to Federal price regulation, lost them the golden opportunity of getting a price for Louisiana's offshore gas that was consistent with its fantastic initial expense. Withholding gas now for higher prices could bring on the very thing producers fear most: Federal regulation of the whole oil industry.

Prudence should suggest to the pipelines and the distributors that tossing the time bomb of high gas prices back and forth is bound to hurt someone eventually.

Time is on no one's side in natural gas. Filings are already coming in on Canadian gas. The Commission has only a few short months to clear its decks before the import problem, with its touchy matters of national interest, comes roaring down from the North.

WATER POLLUTION CONTROL VETO UNJUSTIFIABLE

Mr. WAMPLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WAMPLER. Mr. Speaker, although I believe that no further evidence is necessary to support my conviction that the President's recent veto of the bill (H.R. 3610) to increase grants for the construction of sewage treatment works was totally unjustifiable, I should like to call the attention of the House to

the following letter from the 11th District Indiana State Conservation Advisory Committee, dated February 24, 1960:

Hon. FRED WAMPLER,
Washington, D. C.

DEAR SIR: We conservation members, sportsmen, and citizens of this district urge you to vote to override the veto of bill H.R. 3610.

The existing Water Pollution Control Act to stimulate the construction of Sewage Treatment Works has worked fine. But as public health experts and water pollution authorities say, this volume of Federal grants is only about half enough to catch up with the ever increasing load of sewage outflow and to clean up the Nation's polluted streams and beaches.

There are 22,000 sources of pollution in the United States, 11,800 municipal sewer systems and 10,400 factory waste outlets. Despite the reduction of waste by treatment plants, the waste still discharged into our waters equals that from over 150 million people.

In the Ohio River drainage basin we still need 984 municipal plants and 652 industrail, 135 municipals and 96 industrials need additions or enlargements and 722 municipals and 270 industrials are undetermined.

Our own Indiana's Wabash River, that under the scourge of civilization has been referred to as a "600-mile long sewer," is at last approaching respectability, but many more sewage disposal plants need to be built.

Water pollution has become a matter of grave concern and its damaging effects on the public health and natural resources are a matter of definite concern as a menace to national capital welfare.

Abatement must be undertaken in order to control it.

Yours sincerely,

STANLEY C. TAYLOR,
Eleventh District Representative.

GEORGETOWN, IND.

CELLER, SOVIET OFFICIAL CLASH ON CIVIL RIGHTS

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the words of George Washington, "to bigotry no sanction, to persecution no assistance," were echoed in the statements expressed by that erudite champion of civil liberties, our esteemed and venerable colleague, the chairman of our Judiciary Committee, the distinguished gentleman, EMANUEL CELLER, on whose committee I am proud and happy to serve. The remarks were made in repartee during a recent visit to Congress by members of the Russian Council of Ministers.

Our colleague cogently emphasized the failure of the U.S.S.R.'s vaunted democracy as reflected in their election methods and in their concept of representative government.

Of equal significance and importance is Mr. CELLER's observation that democracy in the United States, mindful of imperfections, is a constantly evolving process ever seeking and striving for improvement. All this in marked contrast to Russia's fear of criticism and fear of freedom and pointing up too the great importance of enacting meaningful, enforceable and effective civil rights legislation.

So concise and so accurate were Mr. CELLER's observations that they epitomize the hundreds and thousands of books and articles written on the subjects to which he referred.

Mr. Speaker, the exchange of remarks to which I refer are contained in an article that appeared in the February 18, 1960, issue of the Washington Post, and I insert the text of the article at this point in my remarks:

CELLER, SOVIET OFFICIAL, CLASH ON CIVIL RIGHTS

(By Stephens S. Rosenfeld)

A top-rank Soviet visitor and Chairman EMANUEL CELLER, Democrat, of New York, of the House Judiciary Committee, traded attacks on each other's ideologies yesterday.

Dmitri S. Polyansky, chairman of the Council of Ministers of the Russian Republic, brought up America's race problem; CELLER, a leader in the fight for civil rights legislation, flung back Russia's one-party rule.

The flareup, the most freewheeling thus far in the 3-week visit of the 31-man governors' delegation, came during a tour of Capitol Hill when the Russian asked a committee aide how many Negroes are in Congress. There are four.

"I suppose you're getting at the race problem," the aide, Murray Drabkin, declared.

"No; we know about that. Simply, how many Negroes?" Polyansky, a member of Communist Party's elite, repeated.

CELLER had retired to the rear of the committee chamber after introductory remarks. He now came forward: "There are a goodly number. Negroes are well represented. You don't have to have dark skin to represent Negroes. I represent Negroes."

"How many Negroes?"

"We don't base our representation on racial lines."

Grinning broadly, Polyansky cited signs he had seen in Florida saying "For White Only" and "For Negroes Only." "How do you reconcile them with equal rights?"

CELLER snapped: "Who are you?"

Polyansky told him and CELLER asked if Polyansky's post was elective. Hearing that 300,000 citizens had elected him, CELLER retorted that 450,000 had elected him and he had had opposition.

"Here voters have a free and open choice," CELLER said. "But in your country, you have only one party. Right? Answer that."

The person CELLER asked to "answer that" was Polyansky's interpreter. He protested that he was only an interpreter.

Emerging from the hubbub Polyansky said that as a guest it was his turn, not CELLER's to ask questions.

CELLER, calmer, agreed. "A diamond has flaws," he said "and a sun has spots. We're not perfect, but we're gradually eliminating our flaws and Negroes are achieving more and more of their rights."

At the start of the Judiciary Committee session, Polyansky had broken into Drabkin's background statement: "My apologies but we know about that from 'junior high school.'" He asked how many "common people—farmers, workers, doctors, intelligentsia" are in Congress.

Drabkin said Americans don't count that way, adding that membership in Congress was a full-time job.

"That means you can't have common people in Congress," Polyansky replied gleefully. "Millionaires but no workers."

Last night, Assistant Secretary of State William Lacy and his wife entertained the visitors at Blair House. Givi Dmitrievich Javakhishvili, Chairman of the Council of Ministers of the Georgian Soviet Socialist Republic of Tbilisi (Tiflis), said that what impressed him most was the warm and friendly attitude of Americans from all walks of life.

AMERICA BENEFITS FROM 4–H CLUB WORK

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, it gives me pleasure to once again call attention to National 4–H Club Week which will be observed this year from March 5 through 12. The thousands of members of 4–H Clubs throughout the Nation are indeed worthy of our recognition and encouragement.

From an inauspicious beginning around the turn of the century, when rural young people began uniting their efforts in learn-to-do-by-doing activities, has grown the extensive system of 4–H Clubs; now numbering 92,932 clubs in 50 States and claiming a total membership of 2,254,000. It was soon discovered by agricultural leaders that the best way to get scientific methods used on farms and in homes was to start with youth. In 1941 Congress passed the Smith-Lever Act which provided for cooperative extension work in agriculture and home economics, including what was then known as boys' and girls' club work. The 4–H Club idea now circles the globe and more than 40 countries have adopted all or part of the plan.

This year the theme for National 4–H Club Week is "Learn, Live, Serve Through 4–H," and I believe it clearly expresses the high ideals of this organization. These young people, through guidance from county extension agents, vocational agriculture teachers, local 4–H leaders and other 4–H Club members, are learning the value of research and a scientific attitude toward the problems of the farm and home. They are learning improved practices in agriculture and homemaking, to the end that farm incomes may be increased, standards of living raised, and the satisfactions of farm life enhanced.

4–H Club members are encouraged to live each day in a manner that will reflect the high principles of the 4–H program. They strive for individual perfection and for social betterment, intellectual honesty and a sense of public duty in the conduct of their daily lives.

The third word of this year's theme, "Serve," is perhaps the most important, because it is through service to family, community and Nation, that the valuable training and character development acquired in 4–H Club work is brought to fruition, and the young man or woman fully realizes the satisfaction and joy resulting from beneficial service to one's fellow man.

Every home that boasts a 4–H member and every community fortunate enough to have a 4–H Club is cognizant of the countless ways in which 4–H members

devote their talents to improving family standards both economically and spiritually, and to serving their communities in their recreational, social and civic needs.

These young people are thoroughly and carefully preparing themselves, through participation in 4–H Club projects, to meet the moral, economic, and scientific challenges of tomorrow. Certainly the ability and integrity of our youth is vital to the future strength of America and the free world generally, and the 4–H Club program is one of the finest methods I know of for achieving an informed, courageous and public-spirited citizenry.

Mr. Speaker, we have many fine 4–H Clubs in Kentucky and especially in the Second Congressional District which I have the honor to represent. The success of these clubs is evidenced by the numerous area and State awards which are won every year by boys and girls from my section of Kentucky. I want to take this opportunity to express my sincere appreciation to the many local leaders, including county extension agents, home demonstration agents, vocational agriculture teachers, clergymen, professional men and women, farmers, homemakers, parents, and older boys and girls, for their inspiring and enthusiastic leadership and assistance, which have made 4–H Club work so successful.

DESIGNATING MAY EACH YEAR AS SENIOR CITIZENS MONTH

Mrs. PFOST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. PFOST. Mr. Speaker, today I introduced in the House of Representatives a joint resolution asking the President to formally proclaim the month of May as Senior Citizens Month. A similar resolution has been introduced in the Senate by the distinguished Senator, JACOB JAVITS, Republican, of New York, and it is now under study by the Senate Judiciary Committee.

The purpose of the joint resolution is to focus the attention of the Nation on our growing number of senior citizens and to stimulate programs designed to help them.

Senior citizens today make up 13 percent of the population of the United States. They represent a rich resource of skills, experience, and talent which, unfortunately, are too little utilized under present social and economic conditions. Too often these fine citizens are forced to count out their days in a barren room, alone and forgotten and unwanted. This is not right.

For it was these same people who were yesterday's pioneers in building the sinews and strength that are the America we know today. We must show them that we recognize their contributions and that we need to have them now just as much as when they were younger.

Science and medicine have lengthened the lifespan of man beyond the Biblical count of three score and ten. Some experts on aging now tell us that the lifespan may well be increased to 125 years by the end of the century. This means the Nation will see an ever-growing number of senior citizens in the years ahead.

In 1900, for example, there were only 3 million American who were 65 years or older. Today that total has swelled to more than 16 million, and 5 million of these citizens are over 75 years of age. Within the next decade the total of senior citizens is expected to swell above the 20 million mark.

The joint resolution I introduced makes the observation that:

> There is a growing recognition of the needs and capabilities of the Nation's senior citizens as evidenced by campaigns and legislation against age discrimination in employment, special housing programs for retirees and older persons, broadened social security coverage and other pension programs, expanded educational opportunities for participation by the mature student, and establishment in 1957 of the Center for Aging Research in the National Institutes of Health.

While we have made some progress as a nation on this basic problem, we are still a long, long way from a solution. Much remains to be done. I am reminded of this every day in letters from senior citizens in my own district in Idaho who write about their plight in trying to eke out a living on the bare subsistence income offered through social security or other meager pension measures. In fact, three-fifths of those 65 and over, according to the recent Senate study on the aging, receive less than $1,000 a year in income. These are shocking facts to be reminded of in a nation which takes pride in being the richest country on earth.

I am proud to introduce this joint resolution in the House of Representatives and I hope it will serve as a springboard in setting both short-range and long-range programs in motion to tackle this most serious problem.

THE TEXTILE INDUSTRY

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, one of the most depressed segments of American industry is textiles. This is partially caused by technological improvements in the industry requiring fewer employees than were necessary years ago, partially caused by invention and substitution of synthetic fabrics for the old-line cotton, worsted, and woolen materials; but, very importantly, caused by textile imports from countries throughout the world capable of low-cost manufacturing.

TEXTILE INDUSTRY ESSENTIAL TO NATIONAL SECURITY

I am sure my colleagues will agree with me that the textile industry is not only essential to American prosperity, but is vital to our national security. Yet it is an industry that has been hard hit since the end of World War II. There are areas in which I am sure it can receive Federal economic assistance, such as: Elimination of two-price cotton, imposition of mutually agreeable quotas, favorable depreciation rates, a strong Defense Department policy with respect to textiles, and the curbing of U.S. purchases of textile machinery for foreign countries.

SPONSORED RESOLUTION TO ESTABLISH HOUSE SUBCOMMITTEE

Mr. Speaker, the textile industry also needs a psychological boost. I have sponsored and long supported a resolution creating a special textile subcommittee of the Interstate and Foreign Commerce Committee dealing with the problems of the textile industry and contributing toward the stabilization of this basic American industry.

The subcommittee would be authorized and directed to conduct a full and complete investigation and study of the factors affecting commerce and production in the American textile industry. In conducting such investigation and study, the subcommittee would give particular attention to, first, the extent, nature, and causes of the decline in interstate and foreign commerce in textile mill products; second, the decline in employment in the textile industry and the plight of unemployed textile workers; third, the effects and policies and programs of the Federal Government, specifically including the policies of the Department of Defense and Civil Defense Administration, on the textile industry; and, fourth, the impact of commercial policies of other nations and imports on the textile industry in the United States.

TEXTILE INDUSTRY LOST 325,000 JOBS IN LAST 10 YEARS

Mr. Speaker, the American textile industry lost 325,000 jobs during a 10-year period. There were 1,325,000 workers employed in the textile industry in 1947 but by 1957 the number of workers had been reduced to only 1 million. During that same period 717 textile mills were closed in the United States. These facts and figures were developed and documented by the Senate subcommittee studying problems in the textile industry and chairmanned by the able and distinguished Senator from Rhode Island, the Honorable JOHN O. PASTORE.

NEW ENGLAND TEXTILES CAUGHT IN TWO-WAY SQUEEZE

Mr. Speaker, we in New England have suffered the greatest because of the decline of the American textile industry. The New England case could not have been stated more lucidly or succinctly than it was on the floor of the Senate last week by the distinguished Senator, OLIN D. JOHNSTON, from South Carolina, also a textile manufacturing State. Senator JOHNSTON said:

> The New England States were caught, so far as manufacturing is concerned, in a squeeze play, so to speak. We in the South have good weather conditions. We have cheap power. We have a good supply of labor. All of those things have helped our industry. However, the New England States have not only had to compete against those

factors, but, like South Carolina and other States, have had to compete against cheap foreign wages which are but 10 percent of what our manufacturers must pay.

ADMINISTRATIVE AND CONGRESSIONAL TEXTILES STUDIES URGED

It is most gratifying to know that President Eisenhower has created an Interagency Committee to gather information on the textile industry and bring this data and statistics to the attention of administrative agencies of the Government involved in problems of the textile industry.

However, I am firmly convinced that House and Senate Subcommittees of the Interstate and Foreign Commerce Committees should be established to conduct investigations and studies of the American textile industry.

H.R. 10764, SCHOOL-AID BILL

Mr. METCALF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. METCALF. Mr. Speaker, today I have introduced, as H.R. 10764, the school-aid bill passed by the Senate as S. 8 on February 4, 1960. H.R. 10764 is very similar to my H.R. 22, the School Support Act as reported by the Committee on Education and Labor on June 8, 1959.

It differs from H.R. 22 in these respects:

First, it would provide funds for 2 years instead of 4 years.

Second, the amount of funds authorized would be $20 per child of school age rather than $25.

Third, funds would be distributed to the States on the basis of an equalization formula rather than on a flat-grant basis.

Fourth, the modified bill contains a provision for the variable matching of Federal funds by increases in State-local funds for schools, whereas H.R. 22 contains no matching provision.

Mr. Speaker, I wish to assure the Members of this body and the citizens of our Nation that H.R. 10764 is designed to have the same type of stimulating and beneficial effects on our public schools as would H.R. 22.

I remain steadfast in my conviction that if this Congress is to face up to the crisis in our Nation's schools, we must enact legislation that would provide funds for both teachers' salaries and school construction. H.R. 10764 would do this.

I also remain steadfast in my conviction that it is of utmost importance that the Congress provide funds for school support in a manner that will strengthen State and local control of schools. Mr. Speaker, both my original bill and H.R. 10764 would do just that—strengthen State and local control of the public schools of our Nation. Any sincere and objective person who carefully examines either of these two bills will find this to be true.

As I pointed out in the text of H.R. 22, as I originally introduced it:

Without sufficient financial resources at their disposal to provide necessary educational facilities and to employ competent teaching personnel, the control of our Nation's schools is not directed by State and local school boards but is dictated by the harsh demands of privation. Without the means to pay for alternatives, school boards have no freedom of choice.

Mr. Speaker, in order to provide State and local boards of education with actual as well as nominal control of schools, the Congress has the duty to appropriately share in their financial support. Like H.R. 22, the purpose of H.R. 10764 is to provide Federal financial support to help meet both the immediate and continuing problems of financing adequate school facilities and teachers' salaries and thereby to strengthen the schools of the Nation.

At this point I would like to insert in the RECORD a brief analysis of the major likenesses and differences between H.R. 22 as reported by the Committee on Education and Labor on June 8, 1959, and H.R. 10764:

H.R. 22, AS REPORTED	H.R. 10764 (S. 8 AS PASSED BY THE SENATE)
Duration: Four years.	Duration: Two years.
Amount authorized: $25 per child of school age (5–17) in United States annually. This would total approximately $1.1 billion annually or $4.4 billion over 4 years.	Amount authorized: $20 per child of school age (5–17) in United States annually. This would total approximately $917 million the first year and $939 million the second year, or $1.9 billion for the 2 years.
Purpose: To provide funds for either or both school construction and teachers' salaries, according to the particular needs of the States and with freedom for the States to decide priority.	Purpose: Same as for H.R. 22.
Distribution: Funds to be distributed to the States on a flat-grant basis of $25 per school-age child (5–17 years).	Distribution: Funds to be distributed to the States according to an equalization formula that would grant the least wealthy State about three times as much per child as would be granted the most wealthy State.
Matching: No matching of Federal funds by State-local funds required.	Matching: Federal funds required to be matched by increases in either or both State or local funds. In order for a State to receive its full allotment of Federal funds in 1961–62, the State would have to have increased its total expenditures for schools (additional funds could come from either or both State and local sources) above the amount spent for schools in the base year of 1959–60. The amount of increase specified would vary from 1⅔ percent in the least wealthy State to 3⅓ percent in the most wealthy. Experience indicates that practically all States will be making at least this amount of increase just to keep pace with increases in enrollment and school costs. If a State fails to match Federal funds by increasing its State-local expenditures for schools by its specified percentage in 1960–61, the State's Federal allocation in 1961–62 will be reduced by the amount that the State fails to match. If the school-age population of a State decreases, that State would be exempt from the matching provision.
Application: A State desiring to receive funds shall specify annually to the U.S. Commissioner of Education the portion of its funds it will allocate for teachers' salaries and the portion it will allocate for school construction.	Application: A State desiring to receive funds shall submit an application to the U.S. Commissioner of Education specifying the portion of its funds it will allocate for teachers' salaries and the portion it will allocate for school construction.
The State would agree to the following:	The State would agree to the following:
1. Teacher-salary funds would be distributed among school districts to be used solely for teachers' salaries.	1. The same as for H.R. 22.
H.R. 22, AS REPORTED	**H.R. 10764 (S. 8 AS PASSED BY THE SENATE)**
2. Half of all funds designated for teachers' salaries would be distributed to districts on a per-teacher basis and the other half distributed so that priority would be given to districts least able to finance increased expenditures for teachers' salaries.	2. No stipulations regarding distribution of teacher-salary funds to districts.
3. Construction funds would be expended solely for constructing school facilities.	3. Assurance that State education agency will administer funds under act.
4. Construction funds would be distributed so that priority would be given to districts with greatest need for additional facilities and least able to finance them.	4. Sets forth procedures for funds to be distributed to districts with priority given to districts with greatest need for additional facilities and least able to finance them.
5. None.	5. Assurance that every applicant for school construction funds that is denied funds will be given opportunity for a hearing before the State education agency.

6. None.	6. Sets forth procedures for fiscal control to assure proper disbursement of funds paid to State.	
7. None.	7. Allows U.S. Commissioner of Education to modify school construction provisions of act in States which have school building authorities.	
Maintenance of effort: Contains a maintenance-of-effort provision to prevent Federal funds from replacing State and local funds for schools. If a State's effort for the support of schools falls below the national average effort, its funds would be proportionately reduced. This provision would become operative in the third year that funds were distributed under the act.	Maintenance of effort: Contains similar maintenance-of-effort provision that would become operative in the second year that funds were distributed under the act.	
Certification: Upon receipt by the State, funds paid under this act would thereafter be deemed to be State funds. A State would certify annually to the U.S. Commissioner of Education that it had spent its funds in accordance with the act.	Certification: Virtually the same procedure as in H.R. 22.	
Labor standards: The State education agency would give assurance that workers on school construction projects financed in whole or in part by this act would be paid according to the provisions of the Davis-Bacon Act.	Labor standards: Same as H.R. 22.	
Assurance against Federal interference in schools: "In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over policy determination, personnel, curriculum, program of instruction, or the administration and operation of any school or school system."	Assurance against Federal interference in schools: Same as in H.R. 22.	

MINORITY VIEWS ON REPORT OF THE JOINT ECONOMIC COMMITTEE ON THE JANUARY 1960 ECONOMIC REPORT OF THE PRESIDENT

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, the majority in its choice of language in setting forth its views on the President's Economic Report for 1960 has made it impossible for the minority to join in the areas where there is agreement and to point up clearly where there are fundamental disagreements. I believe that one of the purposes of a committee report should be to bring out fairly where there are honest areas of disagreement and as clearly as possible pinpoint the different assumptions of fact or argument that bring about this disagreement. I wish to take this opportunity to set out the minority views:

MINORITY VIEWS

We regret that again the majority in its choice of language in setting forth its views on the President's Economic Report for 1960 has made it impossible for the minority to join in the areas where there is agreement and to point up clearly where there are fundamental disagreements. We believe that one of the purposes of a committee report should be to bring out fairly where there are honest areas of disagreement and as clearly as possible poinpoint the different assumptions of fact or argument that bring about this disagreement.

We believe that the programs outlined in the President's Economic Report, set forth in the appendix to these minority views, will achieve reasonably the objectives of the Employment Act in 1960. On this point we are in basic disagreement with the majority's views.

THE DEFENSE BUDGET

We believe that decisions about the volume and character of defense procurement should be made on the basis of judgments about the Nation's long-term military needs. They should be separated from shortrun budgetary considerations. On this point we and the majority are in agreement with the President's view.

We decry the insidious manner in which the majority throughout its report tries to create the impression that the President has at any time, and particularly in the 1960 Economic Report, held to a different viewpoint.

Let the majority, inexpert in this field by their own admission, disagree with the President on whether his judgment is correct about the adequate provision for the Nation's long-term military needs if they wish, but there lies the issue, if any, not in the objectives. We believe that if more needs to be done in defense it can be done without endangering our economy, if proper policies are followed. On this point we and the majority are in agreement with the President, although we believe there is considerable disagreement between the majority and the minority over what qualify as "proper policies."

ECONOMIC GROWTH

We disagree with the majority's conclusion—which they reached, it is alleged, as a result of the committee's recent comprehensive investigation of employment, growth, and price levels—that there was a "slow rate" of growth in the economy in "the recent past." We again call attention to the inexcusable juggling of economic figures on the part of the majority in its recent report to try to picture a slow rate of economic growth as measured in GNP during the Eisenhower administration. Taking the period 1954 projected through 1960, using the figure of $510 billion GNP for 1960, the growth rate was 3.6 percent per year, substantially above the historic annual average of 3 percent. This period is at least a little more comparable to the period 1947–53 which the majority selected arbitrarily to demonstrate the growth under part of President Truman's years of part-time peacetime economy. If the majority insists on continuing its now-discredited "numbers game," they should be reminded that from 1945 to 1946, the economy showed a loss in growth of minus 10 percent, and losses in growth for the succeeding 3 years measured from 1945. Actually, in comparing periods in which the Nation is at peace, years of war, such as 1945, should be excluded. Similarly, the years 1950–53 should be excluded from any attempts to judge economic growth, miximum employment, or price stability in a peacetime economy inasmuch as these are Korean war years.

The majority by its constant disregard of the differences between a wartime and peacetime economy is certainly courting the charge that it cannot distinguish between war and peace.

It is well to remind the majority that the great depression of the 1930's was overcome by the United States becoming the "arsenal of democracy" and moving into World War II rather than through any peacetime economic policies of the New Deal. This should make them more cautious in trying to apply their depression economics to the problems of the 1960's.

We agree with the majority that we should strive to better our rate of growth, but we would warn them and all our citizens to beware of engaging in a numbers game based upon GNP as an accurate measure of economic growth. Indeed as our committee studies forcefully revealed, GNP is a very limited measuring device of sound economic growth, particularly short-range GNP figures. Such items as research and development, education, increased consumer choice, and leisure time from which spring future sound economic growth, do not show up very strongly in GNP figures while underdeveloped nations concentrating upon increasing their physical capital plant from moderate beginnings show startling GNP percentage increases during their maturing period.

COSTS OF GROWTH

Furthermore, we point out that rapid technological advancement (real economic growth) brings in its wake increased frictional unemployment. It also brings in its wake increased real costs resulting from obsolescence of human skills and machinery and from the recoupment of the funds invested in the research and development which has enabled the growth to come about.[1] We have an example in the increased frictional unemployment in our rural areas today which resulted from the extraordinary technological advancement and economic growth in American agriculture. Do we indeed want to increase the already rapid rate of economic growth in agriculture until we have been able to cope with the frictional unemployment which has been created? Do we want to increase the already rapid rate of technological growth rate in the field of drugs and hospitalization until we have been able to cope with

[1] Senator JAVITS notes as follows: "I do not believe, nor do I think the minority intends to imply, that any substantial amount of unemployment—frictional or otherwise—is an inevitable concomitant of our economic system. That amount of unemployment which will exist under full employment conditions due to technological advances must be covered by such provision that the workers concerned will be protected against being disadvantaged by unemployment over which they have no control. If such unemployment is a necessary characteristic of our private economy, it must not be at the expense of the worker.

the cost problems which already confront our citizens because of the rapid growth?

Furthermore, as we advance further in technological economic growth the capital investment required to provide jobs for our people increases rapidly (this is aside from the training costs involved in preparing the worker for the new job). Testimony before our committee reveals that today $16,000 of capital investment is required per new job. One of the basic factors of our recent and present unemployment is the high incidence of unemployment in the unskilled and semiskilled sector of our work force and the strangely concomitant labor shortage in many of the skilled areas. Also to be noted is the increasing switch from blue-collar to white-collar worker in the manufacturing sector of employment, indicating a demand for new skills as we move ahead technologically.

MORE RELIANCE ON FISCAL POLICY

We believe that in the interests of a higher rate of growth we must place greater reliance on fiscal policy. This includes larger budget surpluses in prosperous periods than we have had and a tax structure which is more equitable and less a deterrent to growth. We also believe there is continually room for reordering some of the priorities in Federal expenditures programs to provide the progress which stimulate growth and to cut back and eliminate those programs or subsidies which support inefficiency in the economy. On these points we and the majority agree substantially with the President's report. However, there are obviously substantial disagreements between the majority and the minority about what constitutes equity in taxation and in evaluating Federal expenditure programs.

We believe that if we had a more effective fiscal policy along the lines outlined in the preceding paragraph we could have and should have a less restrictive monetary policy. We agree that the money supply should grow in line with real economic growth. On these points we and the majority are in agreement with the President's report.

We believe that within this framework interest rates should be expected to fluctuate in response to various influences, including the evenness of growth in total demand, changes in financial institutions and techniques of business and personal financing, and changes in the composition of demand for both present and future goods and services. Attempts to use public policies to prevent or offset these fluctuations in interest rates will prevent necessary and desirable adjustments in the economy.

Moreover, while we agree that the money supply should grow in line with real economic expansion, we do not agree that an easy money policy, of itself, will provide the impetus or the means for economic growth. Economic growth depends on increasing our productive capacity; that is, using some of today's resources for the purpose of increasing the amount and productivity of resources which will be available tomorrow. The necessary corollary of increasing the rate of economic growth without inflation in a high employment economy is increasing the rate of real saving. Accelerating the growth of the money supply cannot substitute for this increase in the Nation's saving rate.

Certainly the record in the respect of attaining growth without inflation through proper management of monetary policy made by the proponents of the majority's theory of growth and inflation when they had the power to implement their theories from 1930 to 1940 and from 1946 to 1952 is a poor one and should make them question their own wisdom.

PRICE STABILITY FOR ECONOMIC GROWTH

In the majority report we find the same blind approach to price stability that led them to disaster after World War II. The majority argues that, because there has been no recent substantial price increase and there is now reasonable price stability, no need to worry about inflation exists. But wisdom requires foresight. Isn't it time the majority gave credit where credit is due for this administration's correctly anticipating and guarding against inflationary forces? The majority should support the wisdom of the President's 1960 Economic Report in continuing to analyze and anticipate inflationary pressures and to take action to neutralize them.

We believe that it is always proper to reevaluate the philosophy upon which the U.S. central bank system is based, as interpreted by the incumbent Federal Reserve Board. The Chairman of the Federal Reserve Board has clearly and consistently stated his understanding of this philosophy to be to preserve the integrity of the dollar as constituting the greatest contribution the central bank system could make to promote economic growth and maximum employment.[3] The issue is clear, if the majority wish to dispute it. However, the majority refuses to draw the issue squarely and by innuendo and misquotation distorts what it is. Does the majority believe the Federal Reserve Board should have other basic objectives than to preserve the integrity of the dollar? If they do, then they should recommend amending the Federal Reserve Act to make it clear that there should be a different underlying philosophy of the central bank. This the majority which controls the Congress has failed to do. Failing honestly to face the issue, the majority should desist from clouding the issue by the use of innuendo and misrepresentation. The majority members confuse themselves in the process and, to the extent that they have power to deny the executive department the flexibility it needs to manage the Federal debt, they damage economic growth, price stability, and maximum employment.

The keystone to the President's Economic Report for 1960 as far as fiscal policy is concerned is the prospective budget surplus. We are pleased that the majority recognizes this, approves it, and believes that a substantial surplus should be achieved. We are pleased that the majority agrees with the basic assumption upon which the surplus is predicated; i.e., a prosperous 1960 with a GNP of about $510 billion.

We do not know the model which the majority uses in stating that an expectant $510 billion GNP for 1960 would be $20 to $30 billion below the economy's potential output based upon a 4-percent rate of unemployment. The majority certainly is not contemplating in this model an increased amount of time devoted to education, to training, and to research and development which the President's report does. Further, the majority seems to be mesmerized by a peculiar belief that if the Federal Government does not spend the sums they consider desirable in a particular area—health, education, research, and development, or whatever—there will be no progress or growth in those areas.[3] It almost seems that the majority ignores the fact that our society is based upon the private enterprise system. They fail to appreciate the constant reference in the President's Economic Report to what the private, State, and local government sectors of the economy are doing and are being encouraged to do in these areas in addition to Federal expenditures. It is one thing to disagree with the President's recommendations as to Federal expenditures and his appraisal of what the private, State, and local governmental sectors of the economy will do in these areas, but it is blindness or dishonest to say that nothing is planned and nothing will be forthcoming, in the fields of health, housing, education, welfare, and research and development.

UNEMPLOYMENT

We agree with the majority in calling attention to the increasing rate of unemployment which has occurred after each of the two recent recessions. This is a serious matter and we regret that the President's report did not give more emphasis to an analysis of it. However, the majority method of dealing with it is certainly not analytical or objective. If we are to cope with the problem of unemployment we had best eschew political partisanship until we know what we are talking about. In our discussion of growth we have suggested that some part of present-day unemployment is the result of rapid technological growth. However, this is not a conclusive observation. Nor is frictional unemployment the total of our unemployment. The matter needs as thorough a study as possible.[4] We are convinced that unemployment in a rapidly growing economy is not solved by mere increases in yearly GNP. In other words, technological growth does create jobs but not necessarily in the geographical areas or for the skills where the same growth has created the unemployment. Furthermore, mobility of labor is an important factor in any dynamic economy and many of the programs advocated by the majority seem to have a disregard for this factor. It must also be recognized that any legislation to assist depressed areas must be designed to help create jobs within such areas and not merely to transfer jobs from one area to another.

The majority states that with "high unemployment" when production facilities are used at rates which are significantly below their maximum efficiency (if this were true), there is no "merit in the contention that we cannot afford the progress needed to make the United States military surpreme and to provide the education, research and development activities, health standards, elimination of poverty and low productivity in depressed areas, elimination of city blight, and the many other advances upon which rising living standards in the United States depend."

Let's be quite clear no one contends "that we can't afford the progress." This kind of

[3] Senator JAVITS notes as follows: "I am deeply disquieted about the apparent inability of our credit supply to keep up with our productivity requirements when the United States is operating in such economic high gear. There is not such wastefulness in productive practice or undue diversion of production to luxuries as to cause tight credit conditions, or to justify them. Certainly, for productive purposes like home building, transportation, communications, education, etc., and for State and municipal government needs, credit should be available on a reasonable basis. I do not agree with the majority that there is some willful purpose chargeable to the Federal Reserve Board in keeping interest rates high, but I do believe that we must find the reasons why our system cannot, consistently with the economic and productive strength of the American economy, reflect it in more reasonable interest rates."

[3] Senator JAVITS notes as follows: "I believe that health care, especially for the aged, the unemployed, and the indigent, is urgently in need of support from the Federal Government to make a standard of health care suitable to our standard of living and our national goals available to these groups. This cannot be done without such help. I do not believe that this inevitably leads to 'socialized medicine' or Government domination of the doctor-patient relationship. On the contrary, it can be accomplished through existing voluntary coperative health plans, group practice units and health insurance plans, with full accommodation to the private doctor-patient relation."

[4] Senator JAVITS notes his comments on this problem in footnote 1.

childish arrogance of suggesting that anyone feels we can't afford progress is dangerous to the solution of the problems that must be solved if we are to make orderly progress.

THE BUDGET SURPLUS

We believe that the proposed surplus of $4.2 billion is a low ratio of surplus to gross national product in 1960. We wish it could be larger. We question whether the majority are sincere about their criticism, however. There are two ways to make the surplus larger, as the majority states: (1) Reordering the priorities in the Federal expenditure program and (2) undertaking urgent reforms in the Federal revenue system.

With respect to (1) the expenditure side, the majority throughout their report advocate more, not less, spending. To pay for these increases the majority suggest cutting expenditures. But their proposed cuts are in such general terms as to be completely meaningless and unrealistic. For example, the majority refer to the $2 billion to $3 billion savings that could come from implementing the Hoover Commission recommendations in military procurement and supply. Yet powerful leaders of the Democratic Party encourage the parochial aspirations of the three military services, resisting unification and acceptance of the Hoover Commission reforms. A few years ago the Democratic Congress cut the heart out of the administration program to implement the Hoover Commission recommendations for getting the Military Establishment out of civilian business-type operations. This was done by requiring approval of the Armed Services Committee of each House before business-type installations could be abandoned.

The savings suggested by reduction in business and agricultural subsidies of $1 billion is unrealistic. The failure to itemize the specific areas of reduction demonstrates its insincerity.

What *is* included in the figure of $865 million, labeled "subsidies to business"? Are the majority afraid to itemize this figure for fear they will have their own party colleagues jumping on them for suggesting an elimination of what they regard as worthy projects? Why do they avoid serious discussion of the biggest of all business subsidies—the subsidies to commercial farms? Are the subsidies to small business included in this figure? Undoubtedly so, and yet the concluding recommendation of the majority report is this—"special programs to private small business must be continued and improved." With one hand the majority takes it away, with the other they give it back.

Closing of most "urgent tax loopholes" to gain $2.5 billion is unrealistic in the face of the fact that the Democratic-controlled Congresses for 6 years now haven't adopted even the modest tax reforms concerning co-ops, savings and loan associations, and mutuals, and depletion cutoff points suggested by the administration. Furthermore, is it realistic of the majority to suggest that under the present Senate and House leadership the percentage depletion allowance for oil is going to be changed?

The Ways and Means Committee, after holding extensive hearings this fall with the cooperation of the Treasury Department into broad internal revenue reform, announced through the chairman that nothing would be done in 1960. What indeed is the majority referring to when it says "elimination of the numerous preferential provisions in the estate and gift taxes"? To be realistic there needs to be some itemization.

THE INTEREST RATE CEILING

The majority state that they oppose the elimination of the 4¼-percent statutory ceiling on the rate which may be offered on Federal Government debt instruments with a maturity of more than 5 years until certain "reforms" are effective in fiscal, monetary, and debt management policies.

Strangely enough the majority have done nothing as a controlling political party to implement these so-called reforms, except to talk. Their political party has controlled the last three Congresses and their political party has made no move to adopt any one of the proposed reforms. Yet the majority state that "pending" these reforms they will not do that which every economist without exception told our committee should be done; that is, remove the interest ceiling of 4¼ percent.[5] With respect to these "reforms" relating to the Federal Reserve it must be emphasized that the Federal Reserve is essentially a creature of the Congress and not of the executive branch of the Government. Congress should act if the majority in Congress believe the policies should be changed.

We will now mention the "reforms" recommended to the Treasury Department. The Treasury has on its own initiative been extending the auction method to test out its feasibility in other than short-term bills. The Secretary of the Treasury gave a very detailed account of the progress of this "reform" to our committee.

A second proposed reform is ironic: "Agree to sell long-term bonds in the main when interest rates are low. It is ironic because this is hardly a "pending reform." Furthermore, the Treasury has pursued such a policy when it has been possible.

On the "reform" to institute a system of callable bonds, the majority blithely ignores the history of the use of callable bonds and the problems involved in their use. The Treasury now has the authority to issue callable bonds and certainly would use this method if the climate were such that it was feasible. It is interesting to note that the majority makes no attempt to demonstrate that the climate is suited for issuing callables at this time.

The other "reform," that is, "avoid seeking advice on new issues from organized groups of their customers who are interested parties," shows such ignorance of marketplace buying and selling as to warrant raising the question whether the majority really believe in the private enterprise (free market) system of economics.

Any prudent person offering new issues of securities, like any producer of merchandise seeking to sell a new product, would be extremely negligent if he did not sound out his market and appraise it by discussions with those engaged in it. Under this and previous administrations, the Treasury has wisely sought the most competent and responsible advice in connection with its debt management, and we urge that it continue to do so. Moreover, it is a distortion of fact to imply that the Treasury seeks advice only from its "customers," when it consults many sources in the financial community in seeking to gage its market.

THE INTEREST RATE CEILING

It would be well if the majority presented their arguments for what they are worth honestly instead of trying to win a point through slanted verbiage. Just what the majority is trying to advise, if anything, is hard to understand.

Now to the real issues involved in the failure to remove the interest ceiling on long-term securities.

1. The Federal Government has had to pay unnecessary interest inasmuch as there is no ceiling on securities under 5 years' maturity and the Federal Government, unable to sell long-term bonds for less than 4½ percent coupons, has had to pay higher than 5 percent in the short-term market.

2. Far from lengthening the maturities of the Federal debt, as all experts advocate, the debt maturity has been further shortened for the obvious reason that the long-term debt which matures constantly is refinanced through the sale of short-term securities.

3. Interest rates which the general public pays have been forced up beyond what they should have been. The general public, concerned as it is with consumer credit, farmer and small business borrowing, money to meet payrolls, etc., goes into the short-term market to meet these needs. This is the very market into which the majority's stiff-necked policy has forced the Federal Government. As Secretary Anderson testified before our committee, the Treasury has been forced to compete "primarily in the field where millions of little people borrow their money." Moreover, as Mr. Anderson further testified, "homebuilding is hurt badly by the ceiling and will be hurt worse—because the builders will find it increasingly difficult to obtain construction loans, which are short-term," and the supply of mortgage money available to home buyers is being depleted because lenders are finding short-term investments more attractive.

4. Not only have interest rates in the short-term money market been forced up, even more serious, money in the short-term market has become "tighter" because there is not enough money to meet the excessive demand caused by Federal Government borrowings. Some people are just going without. Nor will printing press money really solve money "tightness." It will devalue the money already in circulation and not give it to those who need it.

5. Long-term Government bonds are presently yielding over 4.25 percent though their coupons may bear only 2½ percent interest. This is because they are being bought and sold on the market at a discount. The Government collects taxes only on the interest derived from discount at capital gains rates. If the discounted 2½ percent bonds, purchased for $96.25, are exchanged for bonds with coupons bearing 4.76 percent coupons, for example (the same security as far as the holder of the discounted bond is concerned), the Federal Government would collect taxes on the interest at the full tax rate, not the capital gains tax rate.

6. Bonds bought at discount even an hour before the death of a wealthy person can be turned in for face value to pay Federal estate taxes.

These two tax features are pointed out simply to demonstrate, if it needs further demonstration, how the rich get richer and the poor get poorer when Congress forces the Treasury to be fiscally unsound in the management of its affairs. When the majority profess to be holding to their policy of denying the Treasury adequate measures to manage the public debt in the name of low interest rates and plentiful money and in the name of the little man they are indeed being profane.

THE UNITED STATES IN THE WORLD ECONOMY

There should be some reference to the effect of world economics upon the U.S. economy. There is no realism in trying to maintain a position of economic isolationism. Yet the majority's monetary and fiscal policy seems to be based upon just such an unreal concept. Today the United States is to a large degree the world's banker and how we run our monetary and fiscal affairs both affects and is affected by the economies of other nations. Interest rates and the value of the dollar follow economic laws operating worldwide. The impact of these economic laws upon our domestic economy can no longer be disregarded, if it ever could be.

We are convinced that our economic health becomes more closely related to the

[5] Senator JAVITS notes that he cannot accept the minority's views with respect to this issue, and calls attention to the discussion of this problem of interest rates on long-term Government bonds in his "Additional Views."

economic health of other nations each year. We believe equitable international trade, utilizing the free marketplace as much as possible, is the best institution for promoting our own and other nations' economic welfare. Our foreign economic policy should follow the philosophy of trade, not aid, wherever possible, and when aid is resorted to, loans not grants, wherever possible.[6] In tariff negotiations, our representatives must place increasing emphasis upon the principle of reciprocity and the removal of unwarranted discriminations against American goods. We believe the President has followed this philosophy in a reasonable manner in his programs.

THE ROAD TO ECONOMIC GROWTH

One final point needs to be made. Our private enterprise system needs to encourage more initiative and more thrift in our citizenry if we are to have increased economic growth.

The greatest expression of thrift and initiative is gathering together risk capital and putting it to work. For years now, instead of encouraging risk capital through a differential in our tax system we have been discouraging it and encouraging other types of financing. The earnings from risk capital are taxed twice—once when the corporation earns it; then when the corporation pays it to the stockholders, as the stockholder pays a Federal income tax on the same earning. Earnings from bonds and borrowed money escape the 52-percent corporate tax because interest paid is a deductible item. Retained corporate earnings, on the other hand, escape the full impact of the ordinary personal income tax and at most are taxed at capital gains rates.

The corporate form of doing business if it finances through real risk capital—that is, new stock issues—has to compete with another form of doing business, the big cooperative, which pays, if at all, only one tax. The big co-op is not an example of the use of real risk capital.

The stock dividend credit which the majority report singles out as an example of a loophole is just the reverse. The real loophole is the favored treatment given the other forms of investment. The stock dividend credit is a very incomplete and modest attempt to equalize the incidence of taxation on risk capital. Far from being a break to the investing public, it would cost the investing public more if their investments were in new capital stocks rather than in bonds, loans, or capital stock which splits through retained earnings. Far from helping the wealthy citizen, the stock dividend credit is the one small thing in our tax laws that encourages the new small growth companies to expand.

If the majority mean business about encouraging economic growth they should support policies that encourage thrift and initiative. The President's report is replete with recommendations which would further both thrift and initiative. The majority report, on the other hand, is replete with proposals that would put further dampers on these two important human motives.

THOMAS B. CURTIS,
CLARENCE E. KILBURN,
WILLIAM B. WIDNALL,
House of Representatives.
PRESCOTT BUSH,
JOHN MARSHALL BUTLER,
JACOB K. JAVITS,
Senate.

[6] Senator JAVITS notes as follows: "I do not see any reason for a reluctance, or 'last resort,' in using aid as an instrument of foreign economic policy, but consider it rather a basis in many cases for healthy economic development where a foundation for private economic growth can only be laid by foreign aid."

APPENDIX TO MINORITY VIEWS

LEGISLATIVE RECOMMENDATIONS IN THE JANUARY 1960 ECONOMIC REPORT OF THE PRESIDENT

I. Federal finances:

(a) Revenues (p. 55):

1. Extend the corporate income tax at the present rate for another year.

2. Postpone for an additional year the reduction of excise taxes on alcohol, tobacco, automobiles, automobile parts, and accessories now scheduled for June 30, 1960.

3. Postpone for a year the repeal of the tax on local telephone service and the reduction of the tax on transportation of persons, scheduled for June 30, 1960.

4. Amend tax laws applicable to cooperatives.

5. Preclude unintended and excessive depletion allowances for mineral products.

6. Tax as ordinary income any gain realized by the sale of depreciable personal property used in business to the extent of the depreciation deductions previously taken on the property.

7. Defer the taxation of income earned in less developed countries of the world.

8. Increase the aviation fuel tax to 4½ cents per gallon and impose a tax of 4½ cents per gallon on jet fuel.

9. Increase the highway fuel tax by ½ cent per gallon and continue the tax at 4½ cents per gallon until June 30, 1964.

10. Provide for an adjustment of postal rates as previously recommended to reduce the deficit on postal operations by about $550 million.

(b) Debt management (p. 55):

1. Remove the 4¼-percent ceiling on the interest rate which can be paid on U.S. Government securities with a maturity of more than 5 years.

2. Enact a temporary debt limit somewhat higher than the present permanent limit of $285 billion.

II. Competition (p. 56):

(a) Require that antitrust agencies be notified when firms of significant size engaged in interstate commerce propose to merge.

(b) Authorize the Federal Trade Commission to seek preliminary injunctions in merger cases where a violation of law is likely.

(c) Strengthen Federal law governing bank mergers accomplished through the acquisition of assets.

(d) Grant the Attorney General power to issue civil investigative demands.

III. Small business (p. 56):

(a) Amend Small Business Investment Act to provide for needed flexibility as to the type of securities that may be purchased.

(b) Amend the Securities Act of 1933 to increase from $300,000 to $500,000 the maximum amount of corporate security issue for which the privilege of simplified regulation A filings may be accorded.

IV. Agriculture (p. 59):

(a) Extend through the 1963 crop year authority, which expires after the 1960 crop year, to bring additional land into the conservation reserve.

(b) Expand the program by increasing the basic limitation on the total payments in any calendar year from $450 million to $600 million.

(c) Authorize the Secretary of Agriculture to give special attention in allocating conservation reserve funds to those States and regions in which curtailment of production of wheat and other surplus commodities is consistent with long-range conservation and production-adjustment goals.

(d) Provide new obligational authority of $10 million for the Great Plains conservation program.

(e) The Sugar Act, which expires on December 31, 1960, should be extended early in the present session.

(f) Extend limitation on price support for certain crops grown on newly irrigated or drained land.

(g) Amend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 48) to make more effective the program of surplus disposal abroad.

(h) Place the loan program of the Farmers Home Administration on a revolving-fund basis and make other improvements in the laws affecting this activity.

(i) Provide that the Rural Electrification Administration borrowings from the Treasury would be at an interest rate not in excess of the available rate paid by the Treasury on recently issued long-term marketable obligations and the REA would charge that rate plus one-fifth of 1 percent on future electric and telephone loans.

(j) Place the Rural Electrification Administration operations on a revolving-fund basis.

V. Natural resources (p. 60):

(a) Enact legislation establishing a consistent basis on which non-Federal beneficiaries will share the cost of protection against floods.

(b) Strengthen the enforcement provisions of Federal legislation for control of water pollution.

(c) Enact a pending proposal for the preservation of certain undeveloped shoreline areas for public use.

(d) Enact a long-range program to conserve helium gas.

(e) Authorize contract authority on coal research.

(f) Enact legislation permitting revision of the fee schedule for noncompetitive oil and gas leases on public lands.

VI. Education and health (p. 63):

(a) Provide a program of vocational rehabilitation for ex-servicemen having service-connected disabilities.

VII. Personal security (p. 64):

(a) Extend Federal-State unemployment insurance system to employers of one or more persons, to nonprofit institutions, and to Federal instrumentalities that are not now covered.

(b) Extend Federal-State system to Puerto Rico.

(c) Bring the provisions of the District of Columbia unemployment insurance system up to the standard recommended for all States.

(d) Take steps to provide additional funds for administration of the Federal-State employment security system and rebuild the Federal Unemployment Act.

(e) Allow the Secretary of Labor to make necessary interpretations of law and enforce compliance to remedy serious defects in the legislation enacted in 1958 to protect private pension and welfare plans.

(f) Extend the coverage of the Fair Labor Standards Act to several million workers not now receiving its protection.

(g) Revise the outmoded provisions of the 8-hour law applying to Federal and certain federally assisted construction projects and to carry out the principle of equal pay for equal work without discrimination because of sex.

(h) Establish a statutory commission on equal job opportunities under Government contracts.

VIII. Area assistance (p. 66):

(a) Submit and strengthen aid to areas of persistent unemployment by providing Federal participation and loans to business concerns, financial assistance to State and local development groups, and for technical assistance to local groups seeking to strengthen their regional economies.

IX. Housing and home financing (p. 67):

(a) Make permanent the Federal Housing Administration's program for insurance of home improvement and modernization loans which expires October 1, 1960, unless extended.

(b) Place Veterans' Administration home purchasing financing on the same basis with respect to maximum interest requirements as FHA programs.

(c) Adjust maximum permissible interest rates on armed services housing loans insured by FHA to permit such loans at rates above the present 4¼ percent ceiling.

X. Promoting economic growth with price stability (p. 71):

(a) Amend the Employment Act of 1946 to make reasonable price stability an explicit goal of national economic policy.

LABOR RACKETEERING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 30 minutes.

THE ENEMY WITHIN

Mr. HOFFMAN of Michigan. Mr. Speaker, put on sale on February 24 is a book by Robert F. Kennedy, general counsel for the McClellan committee, which is a comparatively accurate and very interesting story of just a part of the hearings of the McClellan committee. Obviously, one purpose is the increasing of Brother JACK's vote, especially in the Wisconsin April 5 primary.

The investigations and hearings continued for more than 2½ years.

The incidents disclosed were so shocking that an aroused public last year forced the passage of what is commonly known as the Landrum-Griffin Act.

That act promises some relief to oppressed union members. It does not, as frequent strikes have demonstrated, destroy the power of labor to take from the average citizen the personal or property rights guaranteed by the 5th and 14th amendments to the Constitution. But more on that on some other occasion.

The purpose today is to bring to your attention the fact—and it is a fact—that the book, and the hearings, while it exposes as our enemies the Becks, the Hoffas, the Pressers, and a host of professional criminals who have long preyed upon the public, does not adequately call attention to the activities of a Reuther, a Mazey, other UAW-CIO union officials who for years have hired professional, brutal, bruisers and sluggers—like Gunaca, Vinson, Ferrazza, and hundreds of others—to beat up those applying for jobs, destroy the property, not only of employers but of employees.

Please, at the outset, let me make it clear that in no way is the McClellan committee charged with a cover-up for Reuther—the slightest criticism of Senator JOHN FITZGERALD KENNEDY, a Democratic candidate for the nomination for the Presidency; nor is there any charge that the committee's counsel, Robert Kennedy, realizes the implications suggested by some of the statements in his book.

Judged by what is known, Robert Kennedy is a very able, ambitious attorney with considerable experience in congressional hearings. Unfortunately, he seems to be thoroughly convinced that his conclusions are accurate, his views of others and their actions unassailable.

Ten years from today, he will undoubtedly—if he rereads what he has written—be amazed, find it impossible to understand why he made the unfair and projudiced statements in "The Enemy Within." How he could have been so uninformed as to attempt to characterize Reuther as one who believes in our form of government, desires its security. Robert Kennedy knows about the bees and the birds but, after all his years of participation in investigations and hearings, the objectives of Reuther seem not even suspected.

No; neither the McClellan committee nor Bob covered up for Reuther and his outfit. Both, though some investigations were made, some hearings held, just refused to lift the lid on Reuther's activities, so expose all the slimy, crawling things below, and so permit him and his co-law violators to remain free from the exposure given Beck, Hoffa, and others.

Permit me to add: If there is a man who has been in the Congress since it was my privilege to come here in 1935, for whose ability I have had respect, whose integrity I have never, and do not now question, that man is the chairman of the committee, Senator MCCLELLAN.

Beyond question, the McClellan committee, under the direction of its chairman, the expert help given by its counsel and its staff, did a long overdue job in a most effective manner, arousing the public to the danger threatened by Beck, Hoffa, and their crew.

A number have been convicted and sentenced to prison. Undoubtedly, before the books are closed, many others exposed by the committee hearings, if effectively prosecuted, will land in prison

It is extremely unfortunate that, with the skilled, loyal, well organized staff it had, the committee did not do a similar job on Reuther.

Practically the only criticism of the committee which is now heard is that it arbitrarily refused to give to Reuther, Mazey, and his outfit, the same kind of treatment it gave to the Teamsters. The people never will believe that the UAW-CIO has not, for years, defied the law, caused the beating of many an innocent citizen, and by force or fear of force, obtained for its own use and benefit hundreds of thousands of dollars.

The fact that Reuther has been more adroit, has a pleasing personality, to some who cannot see below the surface, is no reason why the committee should have discriminated as it did, caught and exposed just one wing of the corrupt movement which threatens the continued existence of our Government.

Perhaps the most charitable view, as will be indicated later herein, is that we are all human, we all have friends.

By some quirk of fate, for some unknown reason, the McClellan committee investigations and hearings just failed to adequately go into the thinking and the doings—the unlawful actions and practices—of Reuther, those under his control, and of the UAW-CIO.

But, back to the attempt of young Kennedy to capitalize politically on the committee hearings by the publication of "The Enemy Within."

At this point, permit me to express the opinion that, having served for 6 years on the House Committee on Education and Labor with Senator KENNEDY, having read his "Profiles in Courage," many of his speeches, and some of his remarks in the Senate, I am one of his sincere admirers.

There is no question as to his ability, his patriotism, and none should forget his personal combat service in World War II—his intense desire to promote the welfare of our people, insure the security of the Republic. He is an ideal American—may his kind ever increase.

If anything here said seems critical of members of the McClellan committee, permit the observation that it is not so intended.

Thinking over the investigations, the hearings, and the conclusions sometimes given publicity, these words came to me:

> Again, the Devil taketh him up into an exceeding high mountain, and sheweth him all the kingdoms of the world, and the glory of them;
>
> And saith unto him, All these things will I give thee, if thou wilt fall down and worship me.
>
> Then saith Jesus unto him, Get thee hence, Satan: for it is written, Thou shalt worship the Lord thy God, and Him only shalt thou serve. (Matthew 4: 8–10.)

Since those words were written, no individual has been able to withstand all temptation.

It is here in America that the Presidency is the highest gift within the power of any people to bestow—and, at least some inconsistency is a part of each and all of us. With the Presidency as the prize, no one should demand or expect perfection.

The McClellan hearings, with the chief counsel's exceptionally fine efforts, gave Justice the facts which should enable the Department to take care of the Becks, the Hoffas, and many others who have betrayed labor organizations.

Right now, in Robert Kennedy's political effort in behalf of his brother, "The Enemy Within," he failed to give us the record—the true record of Walter Reuther's equally, if not more, dangerous efforts which would take from us our personal freedom, endanger our future security.

"The Enemy Within" is what Tom Sawyer would be without Huckleberry Finn. But to name either with Hoffa or Reuther would be libelous and vile slander.

Picking his champion golfers on the corruption links, counsel advisedly selects Beck and Hoffa—but forgets Reuther and Mazey. With those four he would have a fearsome foursome.

But Reuther will back, with money and political power, the Democratic presidential nominee. Reuther, hiding HUMPHREY in his hand, instead of under one of the three little walnut shells, has taken Bob to the mountain top. But young Bob may be overlooking the political effect of his book in Wisconsin's primary—he may be diverting votes from Brother JACK to another Democratic candidate. I hope not.

Beginning in the third paragraph and as early as the 45th page of his book, young Kennedy, without reason, charges a Member of the House with covering up for Hoffa. The man to whom he refers so disparagingly, so inaccurately,

and without reference to the facts, bears the scars of three wounds received in two world wars. He was a combat soldier in both.

As a member of the National Guard, he served on the Mexican border in 1916.

The day after war was declared against the Germans in 1917, he entered an officer training school. Later, he was commissioned a first lieutenant in the cavalry. In August of 1917, he was sent to France, and, in April of 1918, twice wounded, once in hand-to-hand struggle with a German.

He remained in the service until March 1946. Later, came to Congress. His integrity has, before Kennedy's activities, never been questioned.

Bob Kennedy knew—because the information was given to him personally—that the individual to whom he now makes reference but conveyed the orders of his superior, a chairman of a House regular committee; that he was not responsible for the ending of the House hearings to which reference is made.

He was a Republican—hence, we find young Bob jumping into the campaign with a political charge which just conceivably he thought might help his brother in the Wisconsin primary which comes on April 5 next.

More recently, and before his book was put on sale on February 24, young Kennedy charged Republican members of the McClellan committee with partisanship.

In view of the acknowledged fact that Walter Reuther—able, adroit, and unscrupulous—has openly indicated that he and his organization would actively support the Democratic nominee, and remembering the failure of the committee to adequately investigate Reuther's lawlessness in connection with labor disputes, and that, as is demonstrated by the book itself, young Bob apparently accepts some of Reuther's most dangerous political philosophy, it is not at all strange that the Republican members of the committee and many others just cannot go along with Bob's apparent political philosophy.

His own political use of the committee's investigations—of its hearings—to further the political ambitions of his worthy, capable brother, should not leave him so naive as to assume his charges would go unanswered.

One thing might have, with advantage, occurred to Robert—and that is, that another Democratic candidate for the nomination, or even the Republican candidate for the nomination, might find support from those thinking Wisconsin citizens who resent his unfair charges against the Kohler Co., its employees, its attorney—the UAW–CIO's unlawful closing of a Wisconsin lake port, one result of which was a substantial judgment against the port authorities for the denial of the lawful use of a harbor.

They might, just might, think his failure to expose Reuther and his doings, his apparent desire to find excuses for Reuther's goons, to justify the use of union dues in their defense; his failure to condemn Reuther's policy of denying the rights of citizens when in conflict with union demands, were endorsed by his brother who is a candidate for the presidential nomination in Wisconsin April 5 next.

That I just do not believe nor have I ever heard or read anything to cause me to think the Senator accepts all his brother's statements and conclusions at face value.

The Kennedy candidate is not, he cannot be, as blind to Reuther's conclusions, his purpose, as is young Robert.

ROBERT F. KENNEDY'S ATTEMPT TO CROWN REUTHER WITH A HALO

After the McClellan committee's able, experienced, and numerous investigators had furnished Kennedy with more than ample ammunition, he, as committee counsel, under the chairman's skillful control and direction, made a record which more than amply disclosed to the public the collaboration of Beck, Hoffa, and many others with criminals and underworld organizations which had, all too long, beaten and intimidated citizens, deprived them of their freedom and their property, without a shadow of justification, been many times guilty of robbery and extortion, truly "the enemy within."

But when Republicans on the committee suggested an equally efficient and equally determined investigation of Reuther, his subordinates and organizations, a sudden lack of interest, to use a mild expression, possessed Mr. Kennedy. Assuming the request of the Republicans for a complete investigation of Reuther's activities was wholly political in its nature, Kennedy ducked, tells us in "The Enemy Within" that the investigation of Reuther was then turned over to the Republican members of the committee and the counsel suggested by them. That might seem to be fair enough. But their facilities for an investigation were wholly insufficient, as Kennedy well knew.

Partisan or not, there was no reason whatever why, as long as the committee was created to, and supposedly was, engaged in a nonpartisan effort, it should not publicize facts which would show the necessity or lack of necessity for, and the kind of, legislation needed to protect the citizen's rights. It was obviously the committee's duty to proceed with the same vigor in lifting the lid off Reuther's lawlessness, exposing his method of conducting and solving labor disputes, as it was to disclose Hoffa's criminality.

Permit me to quote—and all quotations are from Robert Kennedy's "The Enemy Within." The figures are the page numbers:

REUTHER INVESTIGATIONS AND HEARINGS

Our hearings on the long, incredibly bitter UAW-Kohler strike in Sheboygan, Wis., opened in March of 1958. Behind them lay a 10-month struggle within the staff and committee that almost caused its complete breakup.

I had gone into the investigation with an open mind. I knew about the strike in a general way, of course; I was aware that another congressional committee had already looked into it and tried unsuccessfully to settle it; and that the National Labor Relations Board had held extensive hearings. But of the illuminating details I knew little, and of firsthand knowledge I had none. Certainly I had no strong convictions about it one way or another. Although I did not see how a third investigation could turn up anything new, there was so much public interest in the matter that early in the life of the committee we decided to launch our own probe of this much publicized strike.

I first realized that committee trouble was brewing shortly after the Dave Beck hearings ended, when stories began to appear in the press quoting "unnamed Republican Senators" and "Republican sources" as calling for an investigation of the UAW. (Many of them, I later learned, originated with Senator MUNDT.)

Invariably these "sources" commented that they doubted that the committee would go into the Kohler strike because Walter Reuther was involved, and the Democrats—"especially the Kennedy brothers"—were close to Reuther (pp. 266–267).

COUNSEL KENNEDY SAYS REUTHER AND UAW HONEST

Asked to give his reason for not investigating Reuther, as he did Beck and Hoffa, Kennedy writes:

Why didn't you do to Reuther what you did to Beck and Hoffa? I have been asked. The reason is very simple and is the answer to this whole question. Reuther and the UAW have made mistakes, as I have pointed out, but as a general proposition the UAW is an honest union and Walter Reuther is an honest union official who attempts to run an honest union. For some people that is unfortunate but nevertheless it is true. Any attempt to equate the UAW with the Teamsters, or Reuther with Hoffa will fail—and in fact, did fail. The sooner this fact of life is accepted in the country, the better off we shall all be (p. 298).

Why did not counsel follow the same procedure he used in the Beck-Hoffa investigations?

Reading his book for the second time, it is not difficult to draw the conclusion that the young man was not as familiar with the record of Reuther and his subordinates as he was with that of Hoffa.

And it is just possible that, with the possibility of winning the presidential nomination and perhaps the election as President for his brother, Reuther's support and that of the union was an item that was of some political importance. Sometimes, one's interest obscures his view of actions, which, to others, are perfectly clear.

When, finally, some investigation of Reuther was unavoidable, read counsel's own statement of what he did and the conclusions he formed on his first visit to the Kohler plant:

I went to visit the Kohler Co. first. The plant looked even drabber than the town.

Lyman Conger is the company attorney. He also is the force, the brains and the drive behind the dispute with UAW. His has been an extended relationship with the company. He took us on a tour of this plant where they make bathtubs and other plumbing fixtures.

We went with him through the enamel shop where the temperatures ordinarily range from 100 to 200 degrees, although it was not in operation that day. The UAW was attempting to get a 20-minute lunch period for the employees who work there on an 8-hour shift. This was to be a matter of discussion in our hearings and I later was to remember this tour. Conger had worked in the enamel shop 26 years before. He seemed to feel that there was no reason for the plant or the employees to have changed in that time (p. 275).

The temperature, except close to the enamel room, was close to normal.

Note especially his description of Lyman Conger, Kohler's attorney:

Then we went to one of the main offices where we talked for several hours with Conger and Herbert Kohler. They were a strange pair, these two. Kohler, about 60, looking plump and jolly, sat in the background, leaving the discussion to Conger. He was the owner, and the plant and the village bore his name. But Conger ran the show.

Conger, thin-faced with a hawk nose, has a high-pitched voice and a deep cleft in his chin, which he kept pulling throughout our interview. His face, his manner, and his whole body seemed to tighten up at the mention of the UAW. He made no secret of his deep and abiding hate for the union. It was an all-consuming hate—a thing unpleasant to see (p. 275).

Commenting on the strikers' feelings, Counsel Kennedy wrote:

These men felt hatred, too, but it was hatred born of anger and frustration—not the insatiable hatred that Conger seemed to feel (p. 279).

Kennedy does not censure the hate of the union men.

Evidently before hearing a word of testimony, Counsel Kennedy passed judgment on Conger, who had been in the plant for 36 years and was personally familiar with what happened in the 1934 strike. Note Kennedy's statement that Conger "had a deep and abiding hate for the union. It was an all-consuming hate—a thing unpleasant to see."

Permit me to ask, Was it a deeper, a more consuming hate than Counsel Kennedy felt toward Conger? "The Enemy Within" seems to show counsel holds resentment toward Conger and Kohler because they were insisting that, under the 5th and 14th amendments, they were protected in person and property from union violence.

Note carefully Kennedy's language in "The Enemy Within," pages 275–276, where he characterizes and criticizes Kohler's and Conger's thinking:

Conger made no bones about the setup: He was in charge and he was running the company as the company had been run when he was a boy. He would permit no interference by anyone from the outside. Particularly he would countenance no interference by a "leftwing" labor union. It was Mr. Kohler's company and Mr. Kohler or his delegate was going to run it—not Walter Reuther or the UAW. Before giving in on his principle, Conger made it clear, the company would close down.

Just where in our laws do Reuther and Bob Kennedy find justification for the demand that Reuther had the right to run the plant?

Obviously, Reuther is following Rexford Guy Tugwell, who was Assistant Secretary of Agriculture in 1933, Under Secretary of Agriculture, 1934–37. Tugwell said:

Business will logically be required to disappear.

The future is becoming visible in Russia. * * * Perhaps our statesmen will give way or be more or less gently removed from duty.

Perhaps our vested interests will submit to control without violent resistance. * * *

We have no reason to believe that the disestablishment of our plutocracy would be pleasant. These historical changes never are. We have, however, the duty of avoiding violence as the process goes on.

And only a few days ago, business—at least in 257 supermarkets—did, for a week at least, "submit to control without violent resistance," as recently did many plants in the powerful steel industry.

Earl Browder, one-time head of the Communist outfit in the United States, expressed the Reuther-Mazey philosophy when he said:

We industrial unionists are going to take over the industries some day for three very good reasons:

1. Because we need them.
2. Because we want them.
3. Because we have the power to get them.

Note Counsel Kennedy's philosophy as just stated in "the Enemy Within." He hates the Kohler Co. and, with a deeper personal feeling, hates Conger. Why? Because both believe the 5th and the 14th amendments guaranteed freedom of person and security of property. Neither agrees with Browder, Tugwell, or Reuther—all three had a common objective.

But Counsel Kennedy bitterly criticizes Kohler and Conger when they resist Reuther's attempt to take over the Kohler industry. If he does not watch his talking, he will be four square with Communist chief, Earl Browder.

Permit me to give you the words of the fifth amendment:

No person shall be * * * deprived of * * * property, without due process of law.

Is counsel so gullible that he believes Reuther was seeking good will or a strike settlement when he, for the union, sent and paid sluggers like Gunaca, Vinson, and others from Detroit to Sheboygan to brutally beat defenseless employees?

Tell us, young man, does an "honest man," an "honest union," use professional, experienced, brutal sluggers to steal away a man's opportunity to earn a livelihood, to destroy a company's property? Come, Mr. Robert Kennedy, is the man—or union—who, by force or fear, deprives me of my work opportunity, honest?

Not even the Federal Government had authority to seize Kohler's property or to deprive it of its use—much less, as described by Kennedy, "a leftwing labor union."

The 14th amendment repeats the thought in the words:

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

Read the above last quote again. A fair conclusion is that Kennedy sincerely feels that both Kohler and Conger had no right to rely on the 5th and the 14th amendments, when, in so doing, they were in conflict with Reuther's UAW–CIO, which insisted that Kohler had no right to operate unless the union was given a part in management.

Is not Kennedy here giving approval to the program of Reuther, who insists that the union shall have a part in management?

Counsel Kennedy's intense and consuming hatred, as shown by "The Enemy Within," apparently grows out of his acceptance of the Reuther and the UAW–CIO contention that personal and property rights are nonexistent when in conflict with union policy.

Permit a quote from testimony given the McClellan committee and found on pages 9366–9367 of the hearings:

On the question of the policy of the UAW–CIO, permit me to quote from the testimony of Nathan Cowan who appeared on October 16, 1944, before a House committee. His testimony will be found on page 373 on this question of violence. Perhaps it would be better to read from the official report.

"Mr. COWAN. Mr. Chairman, before starting, Mr. Murray"—that is Phillip Murray, president of the CIO at that time—"asked me to express his regrets to the committee that he was unable to appear in person this morning. He is tied up with another governmental agency. He has certain testimony here and he asked me to appear before your committee and present it to your committee."

During the course of his testimony, he was asked, among other things, and at that time the bill before the committee was one on unemployment, and the committee was being asked to create 8 million jobs, this question:

"Assume your picket line has been formed and that I am on my way to go to work in the factory, and there was a job there for me and they want me to work there, and I want to work there. Should I be allowed to work there or should I go on this unemployment fund."

And the answer:

"No; I would not. I still say that we have a right to picket in this country.

"Question. Yes; I think so, too. The Supreme Court has said you have. Do you feel that you are in favor of the mass picket line, which, by closed ranks, and by threats of violence and by intimidation, keeps away other men who want to go to work in that factory?

"Mr. COWAN. I certainly do, if I was working in that plant, I certainly do.

"Question. Just what right, legal or moral, have you for keeping me from a job in a factory? Keeping me from a job by force when you want to picket and I want to work?

"Mr. COWAN. Well, I feel that when there is a group of people working in a factory, and a certain majority group is functioning in there as a collective bargaining agent unit, that the minority should go along with the majority in that plant.

"Question. If they do not want to do that, you are not going to let them do it.

"Mr. COWAN. That is the custom in this country. I believe it is the rule of the majority. I think that has been set up in this country for a long time.

"Question. Did you ever know of any instance in this country where the majority had the right to beat up the minority?

"Answer. No; I do not believe in that. I do not believe in that.

"Question. You do not, but you do believe that that is the right thing to do, do you?

"Mr. COWAN. That is right. I believe in persuasion every time. I believe it will do the most good.

"Question. Do you believe in mass strikers, shoulder to shoulder, trying by force to prevent others from entering a factory where they want to go to work, and these people want to keep them out?

"Mr. COWAN. Yes, indeed. I have been in picket lines like that, as a matter of fact, and if you were in a picket line, you would feel a little differently about it.

"You would know what you are up against.

"Question. Block the gates so that man cannot go into the plant and go to work when they want to work?

"Mr. COWAN. That is true. Labor has to do something to gain its proper place."

That was the testimony of Mr. Nathan Cowan, who, at the time, was legislative director of the CIO and who appeared and spoke for CIO President Philip Murray.

That apparently, notwithstanding his denials, has been and is the policy of Walter Reuther. Strange and improbable as it may seem, "The Enemy Within" justifies the assumption that Robert Kennedy has adopted it, that all good "honest" citizens should acquiesce when the union demands.

My own thought is that he knows better; that he does not believe in any such policy; has deceived himself; has thrown the switch on his thinking facilities but neglected to turn off the windmill which operates the sound truck.

Emil Mazey, Reuther's lieutenant, has time and again, after being sworn as a witness, expressed his adherence to the policy that, regardless of statutory enactment, the law must yield, the union be permitted to engage in violence and coercion until the union's demands are met.

His testimony to that effect has been printed in the CONGRESSIONAL RECORD more than once, and will not be here repeated. See CONGRESSIONAL RECORD, volume 101, part 10, pages 13013–13014; volume 103, part 11, pages 14797–14798.

Mazey testified, McClellan committee hearings, pages 8912–17, that he issued a press release, made a tape recording which was played back to an audience of 2,000 people, and broadcast over a radio station, which criticized a local judge who sent Vinson to prison for beating up a nonstriker.

Of the judge, he said:

I further said that the conduct of Judge Schlichting, in the Vinson case, raised a serious question in my mind as to whether he is qualified to serve as a judge in this community and I repeat this charge (p. 8912).

The criticism of the judge brought a protest from the bar association, the medical association, and a number of clergymen.

Mazey then said that the clergymen were "controlled" by Kohler.

Under oath, when pressed for details of any evidence which would show those men were controlled, he tried to wiggle out with the statement that they were influenced—but, several times, dropped back to the word "controlled."

He was then forced to read the names of those whose character he had assailed. Those names were John G. Carroll, pastor of St. Clement Parish; Robert M. Hoeller, pastor, St. Peter Cleaver Parish; Anthony J. Knackert, pastor, Holy Name Parish; Louis Koren, pastor, Saints Cyril and Methodius Parish; Charles J. New, pastor, St. Mary's Parish, Sheboygan Falls; John A. Risch, paster, St. John Evangelist Parish, Kohler; James J. Shlikas, pastor, Immaculate Conception Parish; William Weishaupel, pastor, St. Dominic Parish.

And again, he softened his charge by insisting that he meant "influenced."

He added the broad, general charge that Kohler controlled the town. It is difficult to know whether, when he says "Kohler," he means the Kohler plant or the individual.

Robert Kennedy appears to minimize or accept the evil of violence in connection with labor disputes. Writes Kennedy:

They admitted the mass picketing but said it was an effort by union members to protect their jobs against scabs; 98 percent of those who walked the picket line, they said, were strikers, not outsiders. They emphasized that it had been a long, agonizing strike, involving thousands of men, many of whom lost their jobs to nonstrikers, and saw their families go hungry as a result. It was a miracle no one had been killed (p. 279).

And again:

And in the course of my studies it became plain to me that mistakes had indeed been made. For instance, in the early days of the strike, the union had formed mass pickets at the plant and with a human blockade had kept workers out. And it had erred in other ways: The record showed some 800 instances of violence, threats, telephone calls, 75 percent of which had been directed against the nonstrikers (pp. 277–278).

Another quote:

However, two or three of these were big hulking men, and the testimony revealed they were under no direct instructions and were permitted by the UAW to do exactly what they wished. The result was that two of them caused considerable trouble and got into serious difficulty.

One of them, a 240-pounder named Albert Vinson, attacked a much smaller man in a bar, knocking him onto the floor and beating him unmercifully. Vinson was ultimately convicted and sent to jail.

Another UAW representative, John Gunaca, together with two other men, beat up an older man and his son after they got into an altercation in a filling station. The older man died some 18 months later. The doctor's report stated that there was no connection between the beating and his death, but there seems to be no question that he never completely recovered from the brutal and callous beating he received.

During the early part of the strike there were so-called house parties or rallies. A group of strikers would gather in front of the house of a nonstriker, chanting and yelling catcalls. These demonstrations were, of course, frightening, particularly to the man's family, and caused extreme bitterness in the community. Often UAW officials were present, proof that the union was not discouraging these activities (p. 278).

Counsel seems to feel, as did Mr. Justice Frankfurter, who, deciding a case growing out of a labor dispute, wrote (9366) (312 U.S. 293):

And so the right of free speech cannot be denied by drawing from a trivial, rough incident or a moment of animal exuberance, the conclusion that otherwise peaceful picketing has a taint of force.

Can 800 violations of law, beatings which resulted in hospitalization—one later followed by death—be characterized as a "moment of animal exuberance"?

It may be helpful to read Counsel Kennedy's comment on Reuther's right-hand man, Mazey—Reuther's enforcer—who, as previously stated, under oath indicated he would disregard the law when it conflicted with union policy—CONGRESSIONAL RECORD, volume 101, part 10, pages 13013–13014; volume 103, part 11, pages 14797–14798.

Wrote Kennedy:

UAW Vice President Emil Mazey was a belligerent man who had grown up in the labor wars, a man who shouted first and thought later. At times, though, his unrestrained conduct was understandable, and once at least I found myself strongly in sympathy with him. Our hearings that day brought out the fact that Conger's company spies had made notes on such things as where strikers bought their food and who visited and worked in the UAW soup kitchen. They noted that children of strikers and nonstrikers were playing together; that the son of a striker flicked his finger in the eye of a nonstriker's child; that a little boy who was the son of a striker retrieved a ball several times from Kohler property where it had been batted; and that one striker once dressed in a costume of Abraham Lincoln.

At the end of the day, after the activities of the company spies had been thoroughly exposed, Mazey walked up to Conger and glowered: "You are a despicable ———."

The following day Conger protested Mazey's action, and at once the committee was in a state of uproar and outrage, with the committee members taking sides and yelling at each other about who was right and who was wrong (pp. 293–294).

Counsel Kennedy is fair enough to admit that UAW was responsible for at least some lawlessness. Of union violence, he writes—page 278:

For this the UAW as a union must accept the major share of the responsibility, even though it was not possible then or during the hearing to show that the union had ordered or condoned it. In my estimation, though union officials protested to the contrary, there was no great evidence that they took major steps to try to stop it. In addition, the union, though it did not import gangs of goons as the company charged, did permit some 10 or 12 organizers to come in and lend a hand. Of itself, there was nothing wrong with this.

It is absurd to write "it was not possible then or during the hearing to show that the union had ordered or condoned it."

The union not only "condoned" violence—it ordered it, paid for it and, when its enforcers were caught and convicted, it paid for their legal defense.

The record shows and the evidence proves that the UAW–CIO paid men like Ferrazza, Gunaca, Vinson, Burkart, and others for their time and expenses in their efforts to close the Kohler plant. At least two were sentenced to prison.

Some of the officers of the union requested union members to write to one of their bruisers who was serving time after conviction.

Why should Robert Kennedy stultify himself by even hinting that union activities at Kohler were not authorized, directed, and carried out in pursuance of Reuther's orders and policy?

When Kennedy writes that the union did not import gangs of goons, will he advise how many men are required to make a gang of goons? Just how many union men were engaged in the beatings, the lawlessness, in connection with the strike at Kohler? And just how much

was paid them? How many men are needed to create the admitted 800 violations of law?

Reuther, forced to admit the illegality of his agent's actions, is equivocal—pages 294–295:

Reuther said, looking back over the violence in this strike: "On the question of whether they [the strikers] should have kept people [nonstrikers] out, we have no argument. I think that was an improper activity. The question is, picket lines are not formed in vacuums. * * * I think if I was sitting here today and you said to me would you do that again, I would have made a trip to Wisconsin to see that it did not happen."

"Honest"? Since the early thirties and the fight on the overpass, where he took a beating, Reuther has been using violence to accomplish his purpose.

He still is not wholly converted. He only "thinks" that, if he was asked, "Would you do that again?"—so he did it—violence—did he? "I would have made a trip to Wisconsin to see that it did not happen."

Yes; as Robert Kennedy contends, Reuther is a slick witness, but often his foot slips and jolts the truth out of him.

In the six lines quoted, he admits his pickets have kept men from their work; that it was wrong; that he was in control, but that he only "thinks" he would—not that he would—have stopped it.

Shame, Walter, with your ability, slipperiness, and experience, you did not duck that one. Your own answer convicts you, your doubletalk tripped you. You sure let Kennedy down on that one.

Note Counsel Kennedy's praise of Reuther's ability to deceive:

However, he was a smart, confident, articulate witness, and the Republican Senators were no match for him. The reason was he was talking about something he knew far better than any of us—unionism. Once he had admitted the union's mistakes, the general philosophical questions asked of him gave him no concern (p. 295).

Mr. Robert Kennedy apparently overrates Reuther's ability to deceive. Note, too, his statements that Reuther "dramatically" made his point. He quotes Reuther:

The Kohler strike was about people * * * the men and women of Local 833 have served notice on the Kohler Co. that it is not living in some remote corner of the world far from the main stream of living.

Reuther and the UAW and local 833, following in the footsteps of Tugwell, Browder, Cowan, and Mazey, did serve notice; more than that, it brought home to the people of Sheboygan that jungle law, the law of the "tooth and fang" had returned to a supposedly civilized community. After the 800 violations of law which occurred during this strike and which are not denied, there can be no doubt but that Sheboygan's people were not living in a community where law and order prevailed.

Not content with his apparent defense of Reuther and his policies, Counsel Kennedy assails Conger, Kohler's attorney, by charging that Conger was insisting that, in the enameling room at the Kohler plant, employees should have but a 2- to 5-minute lunch period—page 292:

We heard testimony concerning the men in the enamel plant for whom the union was trying to get a 20-minute lunch period. I had this exchange with Mr. Conger:

"Mr. KENNEDY. You say the men put the equipment in the oven, then they can step back and eat their lunch during that period of time. How much time is there before they have to do some more work?

"Mr. CONGER. Two to five minutes depending on the piece.

"Mr. KENNEDY. So you feel they can step back from the oven, take off their masks and have their lunch in 2 to 5 minutes?

"Mr. CONGER. Mr. Kennedy, they have been doing it for 36 years to my knowledge and I am sure they can do it."

I could not possibly understand the company's attitude. It made me furious, madder really than when witnesses took the fifth amendment. We knew what those people were; we expected nothing more from them. But to hear a reputable American businessman, in 1958, matter-of-factly advocate a two- to five-minute luncheon period—well, until then I had believed that that kind of thinking had long since disappeared from the American scene.

Counsel Kennedy's ability, his intelligence, will not permit the conclusion that he, Kennedy, does not know better.

The pages of the printed record of the hearings—pages 9522–9530—Kennedy's statement at the bottom of page 9527, Kohler's testimony, page 9948, show that the company did offer two 10-minute lunch periods.

The issue was not over lunchtime. The issue was whether the employees should be paid for lunchtime.

Even the NLRB trial examiner, who by no stretch of the imagination could be accused of bias in favor of the Kohler company, stated, and I quote:

To an outsider, the company might reasonably yield on some one or more of them (proposals). Yet, during the lunchtime allowance for the enameling shop, as an example, respondent (Kohler Company) advanced reasonable argument for refusing to yield, particularly since the evidence established that the union's demand actually amounted to a 4 percent increase incentive rates for that department. (Examiner's Intermediate Report, p. 14, line 29.)

The examiner also found that the Kohler Company did offer two 10-minute rest—or lunch—periods per shift.

Apparently Counsel Kennedy was attempting to draw the unreasonable and undesirable inference that the enamelers were allowed only two to five minutes to eat.

The testimony shows that what the enamelers were asking for was a 4 percent wage increase and not a 20-minute lunch period. The enamelers finished their work for a normal 8-hour shift in approximately 7½ hours. They finished work 25 minutes before the end of their shift, and what they were asking for was an additional 4 percent in their rate of pay, in lieu of a paid lunch period.

Counsel Kennedy understood the situation as it was—page 9948 of the McClellan hearings—where you will find the following:

Senator KENNEDY. I am going to be through in just a moment. I noticed in your paid lunchtime in the enamel shop in the report of unsolved issues, the union demanded a 4 percent increase in the piece rates of the enamel shop to provide pay for eating lunch. The company's position was that the demand was a thinly disguised demand for a 10-cent increase. The company offered two 10-minute lunch periods without pay. Is that the proposal for the enamel shop?

Mr. KOHLER. Yes, sir.

The fact that the enamelers do not stop for 20 minutes to eat, and that they finished their work for a normal 8-hour shift in approximately 7½ hours shows that they have adequate time to eat while the ware is heating, and there is no work for them to do in the work cycle.

Counsel Kennedy went to Reuther's defense in connection with the "Dear Mel and Glad" letter, written by Walter's brother, Victor, January 21, 1934, when they were working in a factory in Russia, addressed to "Dear Mel (Bishop) and Glad" and signed "Vic and Wal"—pages 295–296:

We located Mel Bishop. He had left the UAW in the late 1940's after becoming closely associated with some of the gangster element in Detroit, and had gone to work for Jimmy Hoffa's Teamsters. Hoffa made him a union official and when we found him, he was with Local No. 612 in Birmingham, Ala.

In our interview he said the letter had been written by Victor Reuther, not Walter, and that around 1935 he had given it to his then schoolteacher for safekeeping. He said, and later testified under oath, that he had never seen the letter since then. We located the schoolteacher, who was then living in Pennsylvania. She said she had never seen such a letter.

There were approximately five so-called "authentic" copies of the letter in existence, each worded differently. A number of them had been placed in the CONGRESSIONAL RECORD as "the genuine letter." Because of Bishop's unreliability no one ever raised the question of the letter at the hearing. So even this maneuver was unsuccessful.

Counsel argues, by inference at least, that there never was such a letter. He writes that there were five so-called "authentic" copies of the letter, each worded differently.

However, so far as can be learned, neither of the Reuthers has ever, under oath, denied the letter was written.

Jack Alexander, a Post writer, quizzed the Reuthers, and their answer was printed in the August 14, 1948, issue of the Saturday Evening Post. It reads:

Both of the Reuthers concede that Victor wrote a personal letter to the Bishops at about the date noted, describing with approval the strivings of the Russian workers for economic improvement. Walter says it was a "burst of adolescent enthusiasm" and adds that whoever gave currency to the circulated version distorted the original and made additions to it, including the closing phrase.

Victor agrees with this. Recently he wrote, in part, to a request for clarification: "I confess I was somewhat surprised to learn that significance is still being placed on 'that letter,' despite the public record which Walter has built on this subject during the past 15 years. I appreciate the fact, however, that the readers of the Post are entitled to know the facts. . . . No one who

is at all familiar with my style of writing would recognize any similarity between the text of this letter, a copy of which you forwarded to me, and the way in which I wrote then or write now." He did not, as requested, indicate on the forwarded copy where distortions or additions were allegedly made.

The original of the letter to the Bishops is not available. Bishop, who has been in and out of favor with the Reuthers during the past 10 years, refuses to discuss the letter or its whereabouts, or to state whether or not it still exists.

The Labor Digest of March 1937 published and circulated a copy.

Either the letter was written, or it was not. The letter, in the opinion of many, advocates communism. Did it express the political philosophy of the Reuthers? If not, why have they not denied its authorship or say that their views expressed therein have changed?

You will find several copies of the letter in the CONGRESSIONAL RECORD. I do know that hearings disclosed the letter was read years ago when there was a fight on for control of the unions; that the rival caucuses were held in the same building in Buffalo, and that the letter was there used and its existence or contents were unchallenged by Reuther, its receipt acknowledged by Bishop—page 9393.

So far as I have ever been able to learn, the substance of the letter was never denied.

It gave information about the operation of industrial plants in which Vic and Walter were then working. It concluded with an appeal to their Detroit comrades to "Fight for a Soviet America."

The charge that Vic wrote the letter, that Walter signed it, if false, was libelous, because it certainly reflected upon the character, the integrity, of the Reuther brothers.

If it was never written, why is it that Walter Reuther, ever a fighter, ever aggressive, never sued, let us say, the Saturday Evening Post, which, in two issues—August 14 and August 21, 1948—printed the letter or parts of it?—CONGRESSIONAL RECORD, volume 101, part 10, page 13006. Something more about Commies in the labor movement can be learned from a piece by Stolberg in the Post of September 2, 1939.

AN HONEST AMERICAN

Inasmuch as the author of "The Enemy Within" would have us draw so many inferences that Walter Reuther is a fine, honest young American, permit me to call attention to the fact that, when the war came on, Walter was subject to draft; that two superior officers in the union, Phil Murray and R. J. Thomas, requested deferment for him on the ground that, if deferred, he would promote labor peace during the war. He was finally deferred on the ground of dependency.

His draft papers show that the first large joint on his right foot had been amputated; that he was married, lived with his wife; claimed a sister, then 17, as a dependent—page 9302:

Representative HOFFMAN. He finally was deferred.

The CHAIRMAN. On the defective toe?

Representative HOFFMAN. Dependency.

The CHAIRMAN. Dependency or that he would keep peace in the labor movement?

He was deferred on the ground of dependency because that was the higher grade and it was the policy, where draftees were deferred, to use the highest grade—9392; CONGRESSIONAL RECORD, volume 101, part 10, pages 13011–13012.

HONEST REUTHER

The testimony at the hearings—page 9392—and other records show that, among those who applied for and received relief because they were unable to pay for medical examinations, were Walter Reuther, his wife, his brother, Victor, and Victor's wife—CONGRESSIONAL RECORD, volume 101, part 10, page 13010.

Not having personal knowledge of this charge and not having the hearings before me at the moment, I can only say that the testimony of John D. Gillis, secretary, Detroit Council 305, Knights of Columbus, and of Sgt. Harry Mikulic of the Detroit Police Department—volume 2, page 1286, and volume 3, page 1248 of previous hearings—give the following quotes, but which uttered which paragraph I cannot at the moment identify—also see pages 9392–9393 of MCCLELLAN committee hearings:

Walter Reuther was president of West Side Local 174, Automobile Workers in Detroit, at the time he signed a statement that he could not afford to pay for medical examination and treatment for himself and wife, and got such examination and treatment at the expense of the city of Detroit. At that time the West Side local, of which Reuther was president, claimed a membership of 30,000.

Both Walter Reuther and his wife got these treatments, and in one case, one voucher or charge amounted to $122 paid by the City of Detroit to Dr. M. N. Shafarman.

REUTHER'S LAWLESSNESS

Reuther has long been a resident of Michigan. He is subject to its laws. Those laws in no way condone violence.

There has long been a statute in Michigan, in Wisconsin, and in many other States, forbidding interference with workers going to or from their places of employment. And of course there are statutory prohibitions against violence. The destruction of property, when the damage is to real estate, is a felony.

In the sitdown strikes in which Walter Reuther and his two brothers were participants, personal property, real property, of the value of hundreds of thousands of dollars, if not millions, was damaged or destroyed.

Beyond question, Reuther was an active participant in some of these violations. Legally, he was a participant in many others.

In Michigan, it is the law, as established by our Supreme Court—*People* v. *Washburn* (285 Mich. 119; 280 N.W. 132)—that those who counsel and advise illegal, unlawful actions, are not accessories before or after the fact, but principals. Reuther cannot escape responsibility, even though not personally present.[1] Under the Hobbs Act,[2] it is robbery for one, through the use of force or fear, to deprive another of personal property without his consent.

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[1] *People* v. *Washburn* (285 Mich. 119; 280 N.W. 132)—Chandler, justice.

Respondent was charged and found guilty of having violated the act which provides that:

"Any person or persons who shall by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any mechanic or other laborer, in the quiet and peaceable pursuit of his lawful avocation, shall be guilty of a misdemeanor."

He was convicted and sentenced, though he did not take part in the strike—was not present.

On appeal, affirming the conviction, among other things, the court said:

"This problem arose in *Fischer* v. *State* (101 Wis. 23, 76 N.W. 594), where defendant was convicted under a statute (Rev. St. 1898, sec. 4466c) declaring, 'any person who by threats, intimidation, force or coercion of any kind shall hinder or prevent any other person from engaging in or continuing in any lawful work or employment, either for himself or as a wageworker, or who shall attempt to so hinder or prevent shall be punished. * * *' Defendant, who was the agent of a building union which was attempting to oust nonunion men from their work, said to the complaining witnesses: 'You cannot build this building. I will fight it if it takes all summer; and if your city will not protect us we will get the militia.' In affirming the conviction the appellate court said (p. 595): 'This language seems to be sufficient to authorize a finding that the accused did, "by threats, intimidation, force, or coercion," attempt to hinder or prevent the persons named and others from engaging or continuing in the lawful work or employment mentioned.'

"Our statute makes no distinction between the representative of the labor union and an individual. The right of labor to strike is, of course, not affected by the statute under consideration, yet its terms, providing that any person or persons who shall without authority of law interfere with any mechanic or other laborer in the pursuit of his lawful avocation is sufficiently broad to prevent individual interference with the right to work as well as organized effort. The statute is a lawful enactment of the legislature and a proper exercise of the police power of the State."

The conviction was affirmed.

[2] The following is the text of the Hobbs Act (60 Stat. 420; 18 U.S.C., sec. 195):

"AN ACT TO AMEND THE ACT ENTITLED 'AN ACT TO PROTECT TRADE AND COMMERCE AGAINST INTERFERENCE BY VIOLENCE, THREATS, COERCION, OR INTIMIDATION', APPROVED JUNE 18, 1934

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled 'An Act to protect trade and commerce against interference by violence, threats, coercion, or intimidation', approved June 18, 1934 (48 Stat. 979; U.S.C., 1940 edition, title 18, secs. 420a–420e), be, and it is hereby, amended to read as follows:

" 'TITLE I

" 'SECTION 1. As used in this title—

" '(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the Dis-

Under the same act, it is extortion to, by the same means, deprive another of property, with his consent.

Organizations in which Reuther is an officer or has influence and whose activities and practices, through his subordinates, like Mazey, and paid goons like Vinson and Gunaca, the Ferraza brothers, Burkart, and many, many others, have, through violence, destruction of property, physical brutal beatings, or justifiable fear, repeatedly forced many a business organization to give special advantages—"property."

Can anyone successfully contend, convince the average individual, that activities of that kind do not fall within the provisions of the Antiracketeering Act as amended by the Hobbs Act?

It is my understanding that the Justice Department contends that successful prosecution under that act often cannot be had, because it cannot be shown that the intent and purpose was to secure something of value.

What, may I ask, is the purpose of a walkout, of a strike, if it is not to gain some worthwhile financial advantage? What is the purpose of the mass picket line, of the boycott, if it is not to force the employer or the employee to part with something of value to the union? The answer is obvious.

Counsel Kennedy wrote—page 298:

In summary, I am not saying that Walter Reuther's political philosophy or economic philosophy is correct or should be followed or accepted or that I accept it. What I am saying, however, is the fact that one does not like Reuther or his philosophy does not make his dishonest.

Of a certainty, it does not. But when he adopts and follows a course of obtaining—by force—the property of another, depriving others of their lawful rights, he is no longer "honest."

Counsel Kennedy, criticizing Republican members of the McClellan committee, wrote—page 298:

Senators GOLDWATER, MUNDT, and CURTIS and others in the United States, because they disagreed with Reuther politically and economically, wanted him and the union investigated. It would follow automatically, they believed, that Reuther would be portrayed just like Beck and Hoffa.

If the Republican members of the McClellan committee dislike Reuther, it might be fair to assume—I have not consulted them—that it was not for any personal reason, not because they would deny him freedom of thought or speech, but because the record shows that he was an advocate of violence, that he refused to comply with the law which is applicable to all of us, and that, in effect, his actions, if followed and if successful, would overthrow our form of government.

Counsel Kennedy asserts that Kohler and Conger were wrong when they insisted upon the right of the individual, under the 5th and 14th amendments, to own and manage private property. Reuther, the UAW–CIO, insist that, when the demand of the union and the individual conflict, the individual must give way.

That was the philosophy of Philip Murray, head of the CIO; of Tugwell; of Browder, and of Mazey—in a few words—they either comply with our demands or we knock them cold—why should any Senator or any honest citizen who believes in our form of government go along—not dislike that philosophy?

Certainly, Counsel Kennedy does not wish to appear as the Pharisee who, with a publican, went up into the temple and whose prayer was:

God, I thank thee, that I am not as other men.

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Or has he double vision?

We were all young once and even those who may live to be 100 learn something new each day. I really admire and respect the young man, not only for his loyalty to his brother, who is a candidate for the Presidency, but for his own ability, tenacity, aggressiveness, his loyalty to brother and country. Perhaps experience, ability to observe, weigh, and evaluate may change some of his views. Wish I could add, for his accuracy, his charitable consideration of others' views.

Counsel Kennedy adds:

Why didn't you do to Reuther what you did to Beck and Hoffa, I have been asked. The reason is very simple and is the answer to this whole question. Reuther and the UAW have made mistakes, as I have pointed out, but as a general proposition the UAW is an honest union and Walter Reuther is an honest union official who attempts to run an honest union. For some people that is unfortunate but nevertheless it is true. Any attempt to equate the UAW with the Teamsters, or Reuther with Hoffa will fail—and in fact, did fail. The sooner this fact of life is accepted in the country, the better off we shall all be.

Thus again apparently charging them with injecting politics into the hearings.

The record—and there are hundreds of other instances—proves beyond any doubt whatsoever that, for at least 20 years, Walter Reuther has knowingly, has deliberately, through his agents and goons, advocated violence, the destruction of real and personal property, violation of our statutory law.

Counsel Kennedy's assertion that "the UAW is an honest union and Walter Reuther is an honest union official who attempts to run an honest union" just is not justified by the record.

No man is honest who habitually violates the law to enforce his own demands, which include the obtaining of the property of others for his own financial benefit, whether the procedure be direct or indirect. Nor is a union which follows the same line honest.

Years ago, Judge Raymond W. Starr, now Federal judge, western district of Michigan, southern division, then judge on Michigan's State Supreme Court, in an opinion concurred in by the other judges, where the union made an attempt to force an employer to pay the dues of his employees who did not desire to become members, held that they "could not use the lawful means of peaceful picketing to accomplish such unlawful purpose."

Permit me to add the purpose was to get $37.50 from the employer for each employee by tying up his place of business. Such a procedure obviously is dishonest, just as is doubletalk, disapproving of illegal acts, then saying, as did Reuther in connection with the Kohler strike, that he might "think" about trying to stop them.

Individuals, business groups, corporations, abandon their civil and legal rights when union officers give an order. Proof? The recent steel strike, the strike which closed 257 supermarkets which supplied 70 percent of Washington's food, without the striking of a blow or the destruction of a store fixture.

Fine, do I hear you comment? But it was fear—fear justified by past experience which caused submission to the demand. And the cost of the yielding is today being paid by all of us.

Shame, oh shame, on those who, in the Halls of Congress, prate of "free na-

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trict of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

"'(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or anyone in his company at the time of the taking or obtaining.

"'(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"'SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"'SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"'SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"'SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"'SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than twenty years or by a fine of not more than $10,000, or both.

"'TITLE II

"'Nothing in this Act shall be construed to repeal, modify, or affect either section 6 or section 20 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, or an Act entitled "An Act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes", approved March 23, 1932, or an Act entitled "An Act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes", approved May 20, 1926, as amended, or an Act entitled "An Act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes", approved July 5, 1935.'

"Approved July 3, 1946."

tions," "a free people." Where, oh where has our right to live without a beating—our right to own and use our property as we wish when we violate no law—to purchase the food we, our families and even the babies must have—where have our rights gone? Into the junk-yard of the crooked labor leader and his professional criminal conspirators.

Will Counsel Kennedy go along with the contention of Reuther, Mazey, and others seeking power and the property of others. Will Reuther and the others jog along just one step further—demand, cause to be enacted and enforced, legislation requiring the property owner to create a job, carry on an industry, a business, under conditions prescribed by a union, and without profit until the owner is bankrupt? That seems to be the net result of their reasoning.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

WHO PAYS FOR OUR SCHOOLS?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Colorado [Mr. JOHNSON] is recognized for 60 minutes.

Mr. JOHNSON of Colorado. Mr. Speaker, this afternoon I propose to answer the question asked me by the Department of Rural Education of the National Education Association: "Who pays for our schools?" I shall share with the House the answer I gave them at Atlantic City on February 15, 1960.

There never is a year, and there will never be a year, in civilized communities, when we will not have occasion to answer this question: "Who pays for our schools?"

But this question really conceals several additional questions, including: "Who should pay for our schools? How much should we be spending? How should we be using the money?" Before we answer the latter question, let us take a quick look at where we are, and then let us examine where we might be going.

YOU ARE NOW PAYING

According to the Bureau of the Census, State and local levels spent in the fiscal year 1957 a total of $14 billion, including $2 billion for higher education. Current expenditures for elementary and secondary schools are estimated by the National Education Association for the fiscal year 1960 at almost $12 billion, and capital outlays are estimated at $3¼ billion. Interest is estimated at $377 million. So governments are spending more than $15 billion this current year for elementary and secondary education. Public institutions of higher education are taking at least $2 billion more of public funds. Education, therefore, is one of the most significant and expensive functions of Government.

Elementary and secondary education has long been a primary responsibility of local governments. Local sources still provide over 56 percent of the revenues, State government provides 40 percent, and the Federal Government provides less than 4 percent.

In the fiscal year 1959, the Treasury Department reports that the Department of Health, Education, and Welfare expended a little over $10 million for two colleges in Washington, D.C., and less than $400 million for all the activities and grants of the Office of Education and the Office of Vocational Rehabilitation. In other words, there is a very simple answer to "Who pays for our public schools?" Very simply, the taxpayers do, especially local taxpayers.

People demand education for their children. This country has always believed in educating its children. If the Federal Government or the State governments refuse to increase the share of the cost they are now providing, people will demand that their local units, to the very best of their ability, shoulder the burden. It is relatively easy, therefore, for an official at the State or Federal level to say this is a local matter, and look the other way, because he knows local units will do all they can to meet the needs.

It has become very popular in recent years and recent Presidential messages to stress the responsibility of State and local governments. In the President's 1955 school construction message, he said:

> Federal aid in a form that tends to lead to Federal control of our schools could cripple education and freedom.

And he said:

> We believe that to take away the responsibility of community and State in educating our children is to undermine not only a basic element of our freedom, but a basic right of our citizens.

A BIT OF HISTORY

But let us back away and take a look at where we have really been in the long sweep of our national history. The early Colonies organized free public schools in order to assure that their children would be literate, educated, and capable of exercising the responsibilities of freedom. And it was the Continental Congress, operating under the Articles of Confederation, that provided in the Northwest Ordinances of 1785 and 1787 that section 16 in every public land township should be set aside for the endowment of free public education. In 1848 the act for organization of the Oregon Territory increased this to two sections in every township. In the Acts of Admission for various States whole townships were given to endow land grant colleges.

A few weeks ago I was on the campus of Ohio University at Athens, which grew out of a land grant of 1804. An act of July 2, 1862, the First Morrill Act, established agricultural and mechanical colleges throughout the land by granting each State 30,000 acres for each Senator and Representative in Congress to which the State was entitled under the 1860 census.

The Second Morrill Act of August 30, 1890, provided for more complete endowment of agricultural and mechanical schools by giving $25,000 annually to each State and Territory. Out of these beginnings there has grown a much larger program of Federal aid to such education.

Indeed, it is probable that universal free public education at elementary, secondary, and college levels in each of our States arises quite as much out of these early congressional actions as it does out of voluntary State action.

Nonetheless, it has been popular in recent Presidential messages to make quite the reverse case. In his 1960 state of the Union message the President said:

> Nothing is really solved; indeed ruinous tendencies are set in motion by yielding to the deceptive bait of the easy Federal tax dollar.
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> Our educational system provides a ready example. All recognize the vital necessity of having modern school plants, well-qualified and adequately compensated teachers, and of using the best possible teaching techniques and curriculums. We cannot be complacent about educating our youth. But the route to better trained minds is not through the swift administration of a Federal hypodermic or sustained financial transfusion. The educational process, essentially a local and personal responsibility, cannot be made to leap ahead by crash, centralized governmental action.
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> The administration has proposed a carefully reasoned program for helping eliminate current deficiencies. It is designed to stimulate classroom construction, not by substitution of Federal dollars for State and local funds, but by incentives to extend and encourage State and local efforts. This approach rejects the notion of Federal domination or control. It is workable, and should appeal to every American interested in advancement of our educational system in the traditional American way. I urge the Congress to take action upon it.

Before I comment on this message or the larger issue of how we should pay for our schools, let us take a quick look at school populations.

A LOOK AHEAD

Our school-age population has climbed rapidly in the past 10 years, from 30 million to 43 million. It now includes classes born during the war and postwar years. The full impact of this population increase is now being felt in our colleges and universities, which must expect to double their enrollments in the next dozen years. Public school enrollment increased 50 percent between 1948 and 1960, or from 24 million to 36 million. This simple fact is primarily responsible for the universal recognition of classroom shortages. Indeed, the Presidential message of 1954 called attention to the fact, as did the message of 1955, the message of 1956, and so on down to date.

But suppose we look a few years into the future. Let us assume that some kind of Federal school construction program over the next 2, 3, or 4 years could eliminate the present classroom deficit. Would we then be in the clear? Could the Federal Government retreat from the field confident that State and local governments could carry on from there?

My answer must be "No." The babies born during the last decade were born to the children of the 1930's. In other words, the bumper crop of youngsters in the fifties were largely the offspring of the small number of children born in the thirties. But family formation from this date forward will be primarily from

children of the war years, and their offspring will, within 6 or 8 years, be knocking on kindergarten doors. Unless there is a sharp drop in birth rates in the future, we can anticipate a new tidal wave of public school enrollment that will make the experience of the past dozen years seem modest indeed.

To put it bluntly, if you think you have had growth problems up to now, "you ain't seen nothing yet." We may have a temporary lull in the rate of growth of public school enrollment, but this will at best be a brief calm before the new storm breaks. Under these circumstances it is shortsighted to consider a temporary Federal aid to school construction program as the answer.

I suppose many Congressmen and Senators may vote for such programs in full recognition that successful experience with a temporary program may lead us later to adopt a better continuing program. If we are discussing strategy and tactics rather than needs and purposes, we might accept some temporary or emergency program. But if we are honestly facing the next generation's needs, then we must examine the necessities of public school finance much more thoroughly.

WHY FEDERAL AID?

No person who has served in State or local government, as I have, wants the Federal Government to take over and administer education, any more than we would have the Federal Government administer the public health or public welfare functions. These services must necessarily be local in their administration; they must be kept close to the people in order that they may best serve the communities for which they are conducted.

And yet everyone knows the Federal Government has played a very significant role in strengthening and improving each of these functions through the technique of Federal grants-in-aid. It used to be popular to say the Federal Government did not have any resources that State and local governments did not also have. But any person familiar with the realities of public finance knows this argument cannot stand examination. The Federal Government has far greater freedom in raising its revenue than any State, and infinitely more freedom than local governments. The Federal Government can draw revenues equitably from the entire Nation and the entire national economy without worry about questions of interstate or intercounty tax comparisons and tax competition. Moreover, there are great differences in fiscal resources as between States. The richest State has a per capita income which is more than 2½ times the per capita income of the lowest income State. But if you move to the level of property assessments per child of school age, the differences between the richest school district and the poorest school district within the same State may reflect differences in fiscal ability as high as 100 to 1.

Every thoughtful student of school finances knows these facts and, therefore, supports within his own State some kind of basic school foundation finance act to provide a significant degree of equalization between rich and poor districts. The richest district has a very real interest in the level of education in the poorest district, because it may very well be drawing its labor supply from these districts, and we want a literate, educated, productive labor force. Similarly, our richest States have an interest in the quality of education in our poorest States, because migration from low income and depressed areas provides the new citizens and workers in the expanding metropolitan centers, where job opportunities are greater.

Our cities, whether New York or Cleveland, Milwaukee or Denver, Salt Lake City or San Francisco—wherever they may be—are interested in the educational level throughout the country, because cities are drawing new citizens through the process of migration from areas throughout the land. The only way their interest can be made effective is through Federal support for a portion of the burden of the cost of public education.

I submit that equalization of the level of education and equalization of the burden of education across this land cannot be adequately achieved when Federal aid is only 3.6 percent of the whole cost. The Federal share must increase. Indeed, in face of the rapid growth in the amount of spending, Federal appropriations must increase if we are merely to reflect the same proportionate share. In face of a $15 billion annual outlay, anything less than $1 billion a year from the Federal Treasury is inadequate.

There will be those who say we cannot afford it; that a billion dollars a year is an awful lot of money to put into a new program.

I would insist that we can easily afford it, and I would just like to mention one easy way to find a billion dollars. The cost of paying the annual interest on the public debt has increased during the past 7 years from around $5½ billion to roughly $9½ billion. In the past 13 months the cost has increased roughly $1½ billion. In other words, the increased cost of interest on the public debt during the past year alone exceeds by 50 percent the amount of Federal aid I am here recommending.

For this additional interest outlay the taxpayers get not one dime in service; indeed, high interest rates make more costly the building of new schools and the purchase of new homes. If we were to adopt the monetary, credit, and fiscal policies that would be needed to reduce long-term interest rates—and this could be done without feeding inflation—then we could vote for a billion dollars of Federal aid to education, vote for a tax cut, and still be fiscally responsible.

We should note here what has happened to State and local finance as against what has happened to Federal finance since the end of World War II in order to have a better perspective as to the relative burdens on the various levels of government.

We are accustomed to comparing budgets, both expenditures and revenues, merely from one year to the next. The June 1959 issue of Fortune magazine in an article on the "Taxes Closest to Home" gives us a little different perspective on State and local budgets. Fortune points out that the total of State and local expenditures and revenue in 1946 were a mere $12 billion. Today their outlays approach $50 billion, or practically a fourfold increase in that time. Total State and local debt has similarly increased, from $13 billion to $55 billion between 1946 and 1959.

Looking ahead, State and local expenditures in 1970 are expected to surpass $85 billion. Against this phenomenal growth of State and local expenditures, it is worth noting that the Federal budget has shown a much more modest growth over the past decade and indeed is even today less than the Federal budget outlays of 1945 or 1946. The Federal Government has been able, during the same period, to indulge itself in two major and several minor tax cuts and we look forward to a further reduction next year.

Meanwhile, State and local governments are straining at the revenue leash in trying to meet the immense demands for public capital and public services that arise out of the twin forces of rapid population growth and rising standard of living. We can look forward to the possibility of State and local budgets exceeding in size the entire Federal budget, within another 10 years. And in another 10 years, the Committee for Economic Development estimates public school costs will rise from $15 billion to $21 billion.

In face of the fact that the Federal Government has far greater flexibility in revenue opportunities open to it—in face of the fact that it has a far greater interest in a high level of educational attainment throughout the Nation—not simply because of national defense demands but because of the obligation to promote the general welfare—it seems to me the Federal Government can no longer escape its obligation to carry a larger share of the growing load of financing an adequate educational program throughout the Nation. There is no more significant public outlay than the investment we make in educating our children. To hide behind an ill-placed concern about inflation, as the President did last year in his news conference, as an excuse for refusing to encourage Federal aid to education—is to have the values turned upside down—to make dollars more precious than human life itself.

It seems to me an inescapable conclusion that this 86th Congress must act affirmatively in support of a larger share of the cost of public education. I recognize full well that increasing Federal outlays will not necessarily reduce State and local outlays, because total outlays are going to increase as we meet existing deficits in our educational system, as we adapt to a growing population, and as we gradually improve the quality of our educational program throughout the Nation.

WHAT KIND OF AID

Many systems are now doing an excellent job of public education, albeit at a very high level of local taxation. But

these are usually the more prosperous districts. Our poorest districts may be making an even greater effort, but because of inadequate resources are unable to provide even a decent minimum of educational opportunity for their children.

As I look ahead to the demands of the next decade and the next generation, it seems to me our obligation is not to be met by a temporary or emergency program, but rather our obligation is to provide a formula which underwrites continuing Federal support for education. Remember that the taxpayer is going to pay for some kind of education one way or the other. In face of the great demands upon our local property taxes to provide water-supply systems, secondary streets and roads and other necessary public facilities of primarily local concern, we must recognize the limits to the capacity of local governments to bond themselves, which affect schools as well. These limits may help explain the failure of many recent local bond-issue elections.

The administration has frequently spoken of the need for fiscal integrity. I am for fiscal integrity. I am for taking some of the pressure off the long-term bond market because I would like to see lower interest rates. I would like to see interest rates reduced because this would help cut the burden of Federal taxes, the burden of State and local taxes, and the burden on the home buyer, the purchaser of appliances, the businessman, and the farmer. In face of the administration's position, it is slightly incredible to discover that the same administration proposes at the same time that the Federal Government should encourage State and local governments to meet the immediate classroom deficit by long-term borrowing. If there was ever a time to pay for necessary social capital, such as schools, out of taxes, that time is now.

In the face of the new demands which can be seen rising less than a decade in the future, it seems to me especially desirable to reduce the burden of debt upon State and local governments by outright grants that may be used for school construction at this time. We only kid ourselves when we think that Federal grants to help pay off loans are cheaper. They are actually far more expensive because we must not only pay off the debt; we must pay interest at the highest rates in more than 30 years during the period of such loans.

The course of fiscal responsibility, the course of fiscal integrity, would be a clarion call for direct and immediate Federal grants which can be used for capital outlays. The course of fiscal responsibility, in a time when inflation remains an ever-present concern, is a pay-as-you-go course. I am happy to note that the U.S. Senate overwhelmingly rejected the administration's fiscally irresponsible program designed to encourage State and local government borrowing. I trust the House will take action similar to the Senate's.

HOW TO GIVE AID

Let me turn to another question hidden in this topic, namely, how should we give these Federal grants-in-aid? It has been popular, especially in Presidential messages, to talk about confining Federal aid to classroom construction to overcome the classroom deficit. I have served on the education committee of the Colorado Legislature, and I served on the legislative council's interim committee on education, and I want to tell you that this principle is much easier to state in a hearing than it is to convert into legal formulas.

Much the same point could be made about the other favorite for Federal aid, namely, teachers' salaries. I cannot recall a year in which the proposal for Federal aid to education was not couched in terms of teachers' salaries. Indeed, even in our State legislature it is popular to talk about State aid being for teachers' salaries.

But, realistically do we not want the classrooms to be heated and lighted? Do we not want them furnished? Do we not want textbooks? Visual aids? Related services? Do we not need some money for overhead administration? Is not a bus fleet part of the school system in many communities? All these things cost money. A local school board has to finance its entire program, both its operating and capital program, and they only have one local source of funds—a property tax mill levy.

When we say we will give them aid for one kind of outlay and not for another, are we not merely playing games? Do we not merely say "Let's pretend"? Would it not be much simpler and much more sensible to admit that education costs money—that education requires a capital plant that must be operated and maintained? It requires both teaching and nonteaching personnel. It requires goods and services. Do we not want to see to it that there are adequate funds available to provide a balanced educational program? Would we not make the job of the school board member, the school superintendent, the budget analyst and the treasurer much simpler and more sensible if we simply said at the State level we are going to give money to local schools based on a formula which relates the grant directly to need and inversely to financial ability? You who have school experience know that the answer is, of course, a simple "Yes."

Would we not simplify the problem of the State legislator and the State department of education in passing a Federal grant-in-aid forward to the schools if we took the same approach? Why do we not just recognize that schools cost money? We know local units are doing the best they can. We want to help. Let us give Federal aid to the States on a basis directly proportional to our estimate of need and inversely proportional to fiscal ability, and then ask the States to do the same in passing this aid forward to local districts.

I have spent a good many years laboring in the vineyard of Federal-State-local fiscal relations. I have worked at and with every level of government. I am especially conscious of the operating problem of the poor fellow at the bottom of the heap—the school board member and school superintendent who has to meet the bills and keep school open. Too frequently we say to him, "Here's specific money for this purpose, and here is money for that purpose, but for the remaining educational purposes you're on your own." He has got to pay all the bills when they come due regardless of the amount he holds in any given fiscal aid envelope. Why do not we seek to avoid further proliferation of special accounts and special purposes?

We are very fond of saying we do not intend Federal grants to involve Federal control. Indeed, we are equally fond of saying we do not want State grants to involve State control. Yet every effort to earmark a grant-in-aid says it is for one class of outlay only, and not for the whole program.

Every such effort is a subtle, indirect, unwanted and usually unwarranted Federal or State intrusion into local freedom of operations. If we really trust our local citizens to operate their own school programs effectively, why do we not simply talk about a grant-in-aid-to-education program? I know it is politically more popular to want to earmark aid for some special, appealing purpose or special outlay believed to have great vote-winning value. But in the long run, are we not merely making work for ourselves and burdening the administrator, who has a whole job to do, by taking this limited view of our obligations?

BUDGETING FOR CAPITAL PLANT

I think it would be very helpful if we could do the financial accounting for school capital plants on a historic basis. We have tended also to think that once we have built a capital plant, then all we would have to meet are operating expenses. In a static society with no population growth, no obsolescence, no depreciation, no decay, this would be a reasonable assumption. But you know full well that school buildings wear out and lose their utility, and population shifts and grows.

Why, then do we not provide for a capital consumption allowance in our public budgets, just as every businessman does in his own business budgets? He sets aside out of his annual receipts a depreciation fund which can be used to pay off his debt on existing structures, or used to provide funds for the expansion of the plant, or for replacement of existing plant. In face of our growing population, it seems to me perfectly reasonable to suggest that even those school districts which may have adequate school plant built and paid for are entitled to budget for capital consumption allowance because their buildings will also need to be replaced one day. Now if we take this attitude in our financial planning, then the task of the States in passing forward any Federal aid becomes much simpler and much more equitable.

I foresee great difficulty in securing equitable allocation of funds which are earmarked by Federal law to meet classroom deficits only. Let us take two districts. One has a stable population; its buildings are 50 years old; and it is a poor district. Has it a classroom deficit? It has space to spare. Or take a rapidly growing, rich suburban district; it has

rapid population growth; it needs new classrooms; with its rich resources it probably can pay for them fairly easily.

If you were the administrator, how would you think the funds should be allocated? If you were the administrator, would you want this as discretionary power? Would you want to have to face across the table these rival claimants for replacement versus supplementary facilities? If you were the legislator, what formula could you write into law which could give guidance to the administrator?

CONCLUSION

It seems to me that grants given for the broad purpose of education itself, on an equalization basis, recognizing capital costs as part of annual operating expense, provide a far simpler, more feasible, and more equitable basis for proceeding. I urge you who listen, and you who read this, to give sober thought to these concerns. It is easy to support Federal aid to education. It is more difficult to say what kind of a program should be designed. The need is so great, is growing so fast, that any program starting anywhere for any part of the cost will be a significant contribution. But we especially need at the inception of a new program to give sober thought to the longrun consequences of our choice, because the course we accept now will influence our action for years to come. I invite sober reflection on these observations. I invite your wholehearted cooperation in the achievement of these goals.

I have addressed myself primarily to the mechanics of the financing of aid. But I cannot leave this topic without reminding you of the tremendous importance it has in our society. Let me quote from the remarks of two distinguished Americans who have already said what I want to say—Palmer Hoyt, the publisher of the Denver Post, said in an address to the California school administrators last December:

The positive case for Federal aid rests on two very simple facts:

The first is that only the Federal Government has the taxing power to give the big boost that our national educational drive needs.

The second is that unless our national leadership gives us a bold program, it is not likely that enough boldness will arise spontaneously from the States, school districts, and individual citizens.

But instead of a bold package to meet the crisis, we have had from Washington only a bundle of timidity in gaudy, deceptive wrappings.

And more recently, Mrs. Agnes E. Meyer, that great lady who is the widow of the publisher of the Washington Post, had this to say just a month ago:

For quite apart from the great need to give all our children an equal chance to develop their talents, we must ask ourselves this question: What kind of image of democracy do we project for the impoverished nationalities who yearn to raise their educational status, if the richest democratic nation in the world says that it is too poor to give all its children a proper education? Surely these nationalities must ask themselves, If Communist Russia can do it, why not the United States? For Russia, whose productivity by no means equals ours, is spending a higher percentage of its resources on education than we are. In addition, Russia is inviting thousands of Africans, Indians, and other Eastern peoples to come to Moscow free of charge to receive an education with a considerable dose of indoctrination in Marxist ideology and in knowledge of the Russian language. Yet in the face of these ominous and eminently sensible preparations for world conquest, we, who haven't even enough schoolrooms or teachers for our own children, and claim we cannot afford them, sit back and prate about peace and prosperity. The greatest bulwark of freedom we have is a highly trained body of citizens. What happens to American education will determine what happens to America. And what happens to America will determine the course of history for generations to come.

INTEREST RATES

Mr. Speaker, I now wish to turn my attention to a question which will face this House perhaps within a very few days, namely, should we increase the rate of interest on long-term Government securities. For many years, as long as I can remember, the Congress has placed a ceiling upon the long-term issues of Government bonds. We have operated for some 42 or 43 years within the framework of a ceiling rate of 4¼ percent on long-term debt. The Treasury has strongly requested and the Ways and Means Committee has reported out a bill which partially meets that request—in substance if not form, it meets the request in full—to permit the Treasury to go beyond that ceiling.

The Treasury is continuously engaged in financing and refinancing its debt in both short- and long-term securities.

The Treasury has requested this power in order to lengthen out the debt because the average length of the debt, as it seems to the Treasury, has been too short. As a matter of fact, before the ceiling rate of interest became a significant issue, during the 6 or 6½ years in which the Treasury operated with no difficulty within the ceiling—the Treasury has failed to lengthen out the debt. Indeed, they themselves have shortened it. There have been occasions when they might have successfully floated additional amounts of long-term bonds. This they failed to do. Now that they are faced with the highest interest rates in 30 years, they come to us and say, "We would like permission to look into future generations of taxpayers, long-term securities at these high rates."

As a matter of practical fact, the Treasury only has $5.3 billion worth of long-term securities due during this fiscal year. Most of this is due in November and December of 1960, some $3.8 billion is due in November and about $1.5 billion in December of this year. If we took no action this year, no great damage would be done, even if the Federal Reserve does not revise its policies.

Between 1952 and June of 1959, the average maturity of the debt fell by 1 year and 1 month. Little had been done to lengthen the debt in the 6½ years when the administration operated below the ceiling on long-term interest rates. Now the Treasury argues that to sell short terms at this time would be inflationary. There are several answers to this. First, we are not now in an inflationary situation of any great consequence. The average unemployment during the past calendar year was 5½ percent. This is almost as high in a supposedly prosperous year as the 5.6 percent rate in the recession year of 1954.

Secondly, under the present budget and the outlook, the unemployment is expected to remain close to 5 percent all during this calendar year. Price levels have been relatively stable for 2 years and the outlook for the present calendar year is for continued stable prices. The administration can pride itself that this past month for the first time in a long time, the consumer price index, that is, the so-called cost-of-living index, actually declined slightly.

The present fight on inflation, therefore, is largely a phony fight. It has brought excessive unemployment, and it has slowed down our rate of growth. The scare about inflation has in past years caused investors to move to stocks as a hedge against inflation. This brought down the price of bonds, thereby increasing their yield of interest. It, at the same time, has raised the price of stocks and brought down their yield. It has only been in the last 6 or 7 weeks that the stock market has begun to show a movement toward a more constructive relationship between yields and prices—moving toward a more realistic relationship between yields and prices of stocks as against bonds. Further movement can be expected in the same direction—of a fall in the stock market and a rise in yields on stock investments; and a rise in bond prices, and a fall in the yield on bonds.

But having created the phony scare, the administration is now asking the Congress to bail it out of the consequences of this scare and asking us, at a time when the money market itself is showing a significant reexamination of its position. So the timing of this request seems most inopportune and unlikely.

The selling of short terms by the Treasury at the present time would not bring inflation because there are few inflationary pressures left in the economy.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Texas.

Mr. PATMAN. On these short-term 91-day bills, are they not really disturbing the economy, at least to this extent, that people are drawing their money out of savings and loans and similar savings accounts and investing in these 91-day bills, which has upset the economy in many different areas of the country? During the war I know that most of these bills were carried by the Federal Reserve System. It is because they are almost interest-bearing money. They are the nearest approach to interest-bearing money that any security could be. Do you not think it would be worthy of consideration now for the Federal Reserve to carry that short-term paper and thereby prevent this disturbing effect?

Mr. JOHNSON of Colorado. I would say now that the Federal Reserve open market policy is open to sharp criticism

on this score. I think the Federal Reserve policies are the real root of the trouble that we now face. I am going to go into that at greater length later.

Mr. PATMAN. Is it not a fact that the Ways and Means Committee has not presented to the House in connection with this bill the testimony of the Federal Reserve System at all? In other words, the Federal Reserve System is reorganized as a sort of sacred cow and not interrogated by this important, very fine congressional committee; that the Federal Reserve is the one that ought to do with this and that the Congress is spinning its wheels. The executive branch and the Treasury are spinning their wheels while we have a very fine committee who bring us a bill without interrogating the only agency that has to do with the subject matter with which they are now dealing.

Mr. JOHNSON of Colorado. It is my understanding that the Ways and Means Committee did not interrogate the Federal Reserve, but I yield to the gentleman from Montana [Mr. METCALF].

Mr. METCALF. I thank the gentleman for yielding.

I am filing a minority report on that bill that was reported from the Ways and Means Committee today. I will present my minority views to the gentleman from Texas [Mr. PATMAN]. In all justice to the committee, however, I should say that in preparing that minority report I had the feeling that I was hitting the wrong man, because the criticism that was being made of the Secretary of the Treasury should be directed to the Federal Reserve Board, and to Governor Martin especially. However, the Committee on Ways and Means has not jurisdiction over the monetary matters that the very able Committee on Banking and Currency has. So we are rather debating this question of raised interest rates in a vacuum. We are working around one small subject when the Committee on Banking and Currency, which has control over the Federal Reserve System, should do the debating.

Mr. JOHNSON of Colorado. I think it is clear that the issue facing the Congress and the country is not whether we should permit the Treasury to have higher rates of interest on long-term Government bonds. It is a much larger question of our whole monetary, credit, and fiscal policy. This clearly brings the Federal Reserve as well as the Treasury into the debate.

Mr. METCALF. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of Colorado. I yield to the gentleman from Montana.

Mr. METCALF. It would seem that while the committee does not have jurisdiction in the course of the debate on the interest rates, this whole question should be explored, and the blame placed where it belongs, and proper suggestions made to exercise control, through all congressional committees, whether the Committee of the Whole or the standing committees of the House, over various agencies that have supervision of our monetary management.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. PATMAN. I respectfully stated that the Ways and Means Committee is taking a view that is entirely too narrow about the restrictions. The Ways and Means Committee has jurisdiction over interest rates, which agency controls interest rates. Therefore, for anyone to say that the committee that is dealing with something that is dealt with exclusively by the Federal Reserve System and they therefore do not have any power over the Federal Reserve, I think is going too far.

If the Ways and Means Committee should say that they have no power over personnel, and the Federal Reserve Act, and things like that, it would be correct; but this involves interest rates, and the Federal Reserve deals with interest rates. The Government Operations Committee has the Federal Reserve officials before it, because they are dealing with things that the Federal Reserve is dealing with. Other committees have the Federal Reserve before them because they are dealing with things the Federal Reserve has to do with. For the Ways and Means Committee to say that they do not have any jurisdiction over calling the members of the Federal Reserve Board, I just cannot see that at all. I do not claim that they are trying to get out of it or failing to perform a duty, but surely they have the power to call before them the only agency that has to do with the very thing they are studying.

Mr. JOHNSON of Colorado. May I ask the gentleman from Montana a question? Did not the Ways and Means Committee last year receive testimony from Federal Reserve officials?

Mr. METCALF. That is correct, and based on their testimony of last year as well as the testimony of the Treasury official in executive session, this bill was drafted.

I would like to correct the gentleman from Texas, and I know he will agree with me, that the Federal Reserve System does not fix interest rates. Until this Congress passed this so-called compromise bill, the power to fix interest rates was reposed in Congress. Now we are going to abdicate that power one of these days, if we bring the great, so-called compromise Ways and Means bill to the floor and pass it; but until we abdicate we have the power of fixing rates here in the Congress of the United States, and it is only the monetary and fiscal management of this thing in the Federal Reserve System that indirectly adjusts interest rates up or down.

Mr. JOHNSON of Colorado. I would agree, in reply to the gentleman, that his statement technically is correct, that the Congress has the power to fix the rate. But in the matter of selling long-term bonds, if the market will not accept long-term bonds at the existing rates then we are not actually fixing the overall market for long-term bonds. This is true, and I am not prepared to lock the taxpayers of this country into long-term bonds without knowing the interest rate to which they are committed. I would rather meet the situation by trading in the short-term market until we can create a more reasonable market structure for the marketing of long-term bonds.

Mr. PATMAN. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. PATMAN. The Federal Reserve is the only agency that can protect the Congress, and the people, and the administration on interest rates. We should have some assurance from our great Committee on Ways and Means when they bring in a bill like this one which in effect takes the limit off the interest rate and makes it sky high—for all practical purposes that is what it is—we ought to have some assurance and further testimony from the Chairman of the Federal Reserve Board and the members of that Board that if we did that they would not let interest rates go to more than a certain percent, that they will protect the people. But they refuse to do that. I asked them: Suppose it goes to 5 percent, will you go in the market and promise 6 percent or promise 10 percent? In this matter of the change of interest rates there are certain things that should not be permitted under this bill. I say we have no protection.

Mr. METCALF. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. METCALF. Last year I had the same experience with Governor Martin. I asked: "Where will the interest rate go if we take the ceiling off?" He said: "We have no way of knowing." Under the agreement on open market operations by the Federal Reserve System, of course, we have no power to do anything about it if the Congress abdicates. The Federal Reserve System has already abdicated. I do not know where it will go.

Mr. JOHNSON of Colorado. I am sure I should not state on my experience, limited when compared to that of the gentleman from Texas and the gentleman from Montana, as to which committee of Congress should exercise jurisdiction. But I am crystal clear that Congress has adequate jurisdiction and control over the Federal Reserve Board to bring it to look on this. This body should meet its responsibility. I will have something more specific to say on this in just a few minutes.

I was about to speak of the inflationary situation. No one can properly claim that there is now too little money in circulation when we have 5 percent unemployment.

The Treasury has made the further argument that selling short term bonds is inflationary. This argument has little merit in any case. The total volume of credit is, in fact, fixed by the policies of the monetary authorities, the Federal Reserve System. Any debt issue, long term or short term, uses up that amount of credit so that it cannot be extended for other purposes. Incidentally, the turnover of the existing Federal debt is not really a new debt. It is merely transferring from one holder to another, or giving a new piece of paper to the present holder of a bond coming due, so he has a bond coming due at a later time. Much of our fi-

nancing is changing pieces of paper with the existing holders of the debt.

If the potential inflationary pressure came from building up of inventories, which is one of the high potential threats now, then the issue of short term bills would sop up funds used for these purposes, and makes it deflationary instead of inflationary. But the general position is that the inflationary threat depends upon who holds the bonds, and not the length of their term. For example, if the bonds are held by banks and can be cashed in at the Federal Reserve to increase the reserves of the bank at the Federal Reserve, then, presumably, this increases the capacity of the banks to expand the volume of credit. If the Federal Reserve does nothing, the banks would be free to go ahead and expand credit and this might be inflationary if it were done too rapidly. But the Federal Reserve has ample power to deal with that situation now by raising reserve requirements.

I get very tired of hearing about the accord in 1951 at a time when the Federal Reserve had exhausted its power to raise the reserve requirements. The pegging of the bond market did, in fact, have the effect of expanding money beyond the Federal Reserve's control. Congress should have given them further power or Congress could have, as it did, agree informally to the accord. An informal agreement is not an act of Congress de facto; but the accord had congressional support.

The situation today is that reserve requirements are substantially below the maximum potential reserve ratios. Therefore, if the banks attempted to increase their reserves to expand the money supply more rapidly than the Federal Reserve is willing to permit the money supply to be expanded, the Federal Reserve has the simple alternative of raising the reserve requirements. This will sop up the excess reserves created by bank sales of Government securities to the Federal Reserve.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Texas.

Mr. PATMAN. There is one additional weapon they have. Perhaps "weapon" is not the right word, "remedy" or "power." That is to immobilze the reserves. Back in March of 1951 it was claimed that if the bank would sell these Government bonds and the Open Market Committee should buy them, it would be inflationary, and it would be. But there are ways to stop it. They could immobilize the reserves.

Mr. LEVERING. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Ohio.

Mr. LEVERING. I wonder if the gentleman will agree that borrowing money on long terms during a period of high interest is contrary to the policies adopted and that have been established for a long time in the business world? Is it not true that business corporations, when interest charges are high, borrow on short term rather than on long term?

Mr. JOHNSON of Colorado. I raised the same question with the high official of an organization in my own area. He said he might float long term bonds, but he would have them callable. That is the issue. The Treasury will not discuss as a matter of continuing policy making them callable. We have no assurance they will not lock us in. In testimony before the Committee on Ways and Means, the Secretary admitted he did not want to float many bonds at high interest rates because he would not want to lock in the taxpayers over a long period of time.

I may say to the gentleman that basically a corporation would either use short terms until they could finance more favorably on long-term rates, or if they used long terms, they would put the call feature in, perhaps at a little higher rate of interest. They would put that in to protect themselves against being locked into a 5 or 6 percent bond over a continuing period of time.

Consequently any financial adviser would not recommend what is being proposed in this legislation. They would act within the framework of short-term loans or short-term plus callables.

Mr. LEVERING. We hear a great deal about 90-day bills. I wonder if the gentleman would comment on terms of, say, 4 years and 9 months as an alternative to the 90-day bills.

Mr. JOHNSON of Colorado. The gentleman's question is a good one, because the Treasury has, in fact, used 4-year-and-9-month issues, and they could go to 4 years, 11 months, and 15 days if they wanted to and at any interest rate they wanted to, but we would still have the assurance at the end of that time that we could refinance on an interest schedule then prevailing, which would be significantly lower.

This brings me back to the fundamental difficulty I have with the Treasury. The Treasury seems to say this year that the interest rate is not expected to fall in the years ahead. Now, if this position is true, and if I shared it with them, I would not be here opposing the measure. But now I find the Secretary saying "I do not want to float many long-term issues," which sounds, in that part of his testimony, as if he is repealing his previous statement. If he does not expect to sell many long terms, why should he care about this bill, if he really thinks high rates are not going to continue? Now I don't know whether the Treasury believes that the rates will stay high, or that they will come down. If they feel that the rates are going to come down in a few years, then they should not be asking for this at all. They should get along on the 4-year-9-month issues until we can get the interest structure back in line.

Does selling short-term bills act as an inflationary measure? It is the use made of the money that has something to do with whether the money is inflationary. I would note that most of the uses to which long-term loans are made is basically productive; when you are building factories, public utilities, shopping centers, housing, apartment buildings, you are contributing to the productivity of the economy. Therefore, a long-term loan is deflationary in the sense that it increases productivity or the capacity to produce goods and services. Most short-term credit is for immediate consumption, and therefore it is inflationary. There has been a $6 billion increase in consumer debt during 1959. This $6 billion increase does not increase our capacity to produce; it is merely to borrow next year's income for this year's consumption and is an inflationary use of credit.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Oregon.

Mr. ULLMAN. Is it not also true that at the same time interest rates were being raised the actual credit terms were being expanded? For instance, if you were buying a house with the same monthly payment, you could buy the house with the same income requirement to back up the loan and yet you would be paying a higher interest rate extending it out over a period of years. So, actually, this adds to inflation rather than detracting from it.

Mr. JOHNSON of Colorado. The gentleman is absolutely correct. I made a check recently on what happens to housing loans, because I was talking to a group interested in mortgage credit. I discovered that if a man bought a house in 1950 or 1951, when he could have gotten a 4-percent loan on a $10,000 mortgage, he could have paid the thing off in 25 years at about $55.80 a month. Now I find that he is going to need 6 percent to finance that same $10,000 mortgage. Let us say there is a $10,000 mortgage on the house. If the new buyer wants to pay at the same monthly rate of $55.80, it will take him 50 years to pay off that loan at 6 percent; just twice as much; twice as much money because of the 2-percent increase in interest rate, if we simply lengthen out the term as we have been doing.

The tragedy is that we have failed to come to grips with the facts of life about credit. Credit turns not merely on the interest rate. It turns on the eligibility of the borrower; that is, his income, and on his character or collateral, and on the length of the loan. It is just as simple to ration by a change in the length of the loan as it is to change the interest rate, and it is a whole lot more effective. It does accelerate savings to shorten amortization periods. And I, for one, would like to see the Treasury and the Federal Reserve discuss the allocation of credit on terms other than simply changing interest rates; because it is within their power, within the power of the administration as a whole, and of the Congress, to act over all as to the terms of credit. Interest is not the only variable. The amortization period is also variable. And the gentleman from Oregon [Mr. ULLMAN] is quite correct in saying that Congress has the right to get around the impact of the Federal Reserve policy in raising interest rates by lengthening amortization periods even

though this will make the cost of housing far greater than it otherwise needed to have been.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. ULLMAN. And in the process we are also lowering the standard of living in effect, because this same house the gentleman was talking about, this $10,000 house that in 1952 on a 25-year loan had an interest charge of $5,840, the same loan today would carry an interest charge of $8,840 or $3,000 more than in 1952, that this home purchaser has to pay in interest, and that he does not get a dime more for in the house. This does not create anything in the way of new capital. This is merely something that the consumer has to pay; it comes out of his pocket and it lowers his standard of living.

Mr. JOHNSON of Colorado. I heard the argument that the gentleman has made put this way; that the increased interest rate resulting from the activities of the Federal Reserve under this administration has added the cost of one room to the cost of a house that you pay for but do not get. It has added the cost of a couple of new sets of tires to your car; you pay for them, but do not get them. It has raised the cost of your refrigerator and your automobile. With respect to a 20-room school, it has added 6 rooms to the cost of the school that you pay for but do not get. In every case the policies of the administration increased the burden on the householder, the businessman, the farmer, the taxpayer, without any increase in services provided at all.

Mr. LEVERING. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Ohio.

Mr. LEVERING. Am I right, then, in assuming that the Government rate of interest sets the rate in the economy with reference to interest charges?

Mr. JOHNSON of Colorado. I would put it this way, that the rate of interest on Government securities is the benchmark rate against which all other interest rates are fixed; because the Federal bonds are risk free. As long as the Government is in business, those bonds are good. We expect to be here for some little time. The United States has been here this long and we feel pretty good about our prospects for the future. Consequently, the rate that the U.S. Treasury pays is the base and every other rate will bear its relationship based on the risk, cost of servicing, and so on. Every time we raise the Government rate of interest, therefore, we in fact push up the structure of all other interest rates. The gentleman is quite correct.

Mr. LEVERING. Mr. Speaker, if the gentleman will yield further, this raise in the interest rate would affect every business, every person, every governmental agency, and all who are forced to borrow money in the days to come; is that correct?

Mr. JOHNSON of Colorado. The gentleman is quite correct.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. ULLMAN. I think a great many Members do not realize the full implication of this move forward. Certainly if long-term Federal risk-free bonds go to 5 percent, what is going to happen to the housing market? What is going to happen to municipals? What is going to happen to your school program? We can extend it even further—what is going to happen to your REA loans, for instance, and to the financing of your public dams?

Any expenditure and investment that carries interest is going to be vitally affected in this action that is pending before the House.

Mr. JOHNSON of Colorado. Let me put the gentleman's point in other words. U.S. Government debt is roughly one-third of all debt, public and private, corporate and personal. Therefore, if we have increased the cost of carrying the Federal debt between 1952 and 1961 by roughly $4 billion, we can reasonably assume that we have increased the cost of carrying all debt between $10 and $12 billion per year. For this we should get no extra service. We merely make it more difficult to build new schools, we make it more difficult for a farmer to finance his operations, we make it more difficult for the homebuilder to find a market for his house, or we make it more difficult for a young married couple to be able to afford a house. We have, as the gentleman previously said, lowered the standard of living of the American people to no good purpose.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from California.

Mr. COHELAN. I noticed in the Post this morning an interesting editorial on this particular question. I was particularly fascinated with this remark:

> The bill would allow advance refunding at a discount and permit ignoring of the yield attributable to the discount. This is really all that Secretary Anderson requires in order to arrest and reverse the shrinkage of the average debt maturity and ease pressures on short-term rates. But it also would permit issuance of new bonds in amounts up to 2 percent of the total debt each year without regard to the ceiling, in addition to other similar concessions.

I wonder if the gentleman would be good enough to comment on why they need this new 2-percent bond issuance if they are already going to solve their problems by that portion of the bill which provides for the ignoring of the yield attributed to the discount.

Mr. JOHNSON of Colorado. I may say to the gentleman the legislation we passed last summer presumably gave them the power to engage in advance refunding, but there was a question in the minds of the administration as to whether Congress intended to ignore the 4¼ percent with respect to the yield, or merely intended to give them power to lengthen the debt within the 4¼-percent yield with that calculation. The bill which has been reported contains language which it is understood means that they can issue such advance refunding by reference to the face amount of the bond "and without regard to any increment in value. This is apparently to say that if you hold a $1,000 face value bond currently selling in the market at $850, it is conceivable under the first paragraph of the bill being reported that the Treasury may replace that with another $1,000 face value bond carrying a 4¼-percent coupon, and the $150 increment of value which you receive in that transfer means that the true yield to you on the original $850, that was the current market value of what you were holding, was above 4¼ percent. So the Government is quite correct, and the Washington Post is, that if we only passed the first paragraph of the bill here pending, we would have in fact broken the 4¼ ceiling in substance, but not in form, because the bond was carrying a coupon of 4¼ percent even though the increment of value, as the committee reported the bill, would be a capital gain making the yield substantially above 4¼ percent. The final cost to the taxpayer would be higher, but we would do it within the apparent principle of the 4¼ percent.

Mr. COHELAN. How about the principle of the 2 percent?

Mr. JOHNSON of Colorado. That is from the second paragraph of the bill, but the second paragraph goes even further. Bear in mind that the first paragraph only operates with respect to existing holders of debt.

Mr. PATMAN. Mr. Speaker, will the gentleman yield at this point on a question of the administration getting what it wants?

Mr. JOHNSON of Colorado. Will the gentleman be good enough to wait until I complete this explanation, and then I will be glad to yield to him.

Mr. PATMAN. Yes.

Mr. JOHNSON of Colorado. You would have to be a holder of a security to trade in. This is not hard to do because you can buy on the open market. But, the second paragraph would permit bonds to be sold to anybody whether or not he held them, in the amount of almost $5.8 billion a year. And this power is cumulative for three years at any interest ceiling that the President may choose to fix. The second paragraph does not even preserve a firm 4¼-percent rate and throws the entire ceiling away with respect to more than the amount of borrowing that the Treasury says it intends to indulge in in any given year.

Mr. COHELAN. Does the gentleman happen to know what that borrowing power would mean in absolute terms?

Mr. JOHNSON of Colorado. It would mean $5.8 billion a year. But as to the interest rate, as previously testified to by the gentleman from the Committee on Ways and Means, there is no ceiling. We have abandoned all ceilings altogether. There is no time limit on this bill. There is no ceiling on this and we might just as well repeal the act of 1917 as to pass this bill.

Mr. COHELAN. But what is the requirement of the Treasury in relation to refunding?

Mr. JOHNSON of Colorado. With respect to refunding there is no limit.

Mr. COHELAN. What is it that the Secretary wants, in other words?

Mr. JOHNSON of Colorado. He would like the full repeal of the original act of 1917. In paragraph 2 we have, in effect, given it to him—because on a finding by the President "with respect to each said offering that the national interest requires such an amount," we can issue up to $5.8 billion a year without a ceiling limit.

Mr. COHELAN. And does the gentleman know what the Secretary intends to do in relation to the amount that he wants to refund?

Mr. JOHNSON of Colorado. On advance refunding, his argument is that he wants to have a little greater spreading of debts due. For example, there is a very heavy sum due and payable in 1961—some $11 billion comes due in November of 1961 of long terms, and he would like the power to stage these things out so that you would not have that big sock in 1 week's or 1 month's market. That is not an unreasonable request in terms of debt management. But, why has the Treasury not done all the things that they now ask us to give them the power to do when they had the power without regard to this law? In other words, having failed to accomplish their stated purposes during the time when they had complete freedom to do it, they now come in and say that they are going to accomplish all the things that they previously said they would accomplish if we would just let them pay higher interest rates. I say this is no time to be tying up the taxpayers' obligations to pay interest for 20 years. Even at 5 percent, a billion dollars' worth of 20-year bonds will carry a full billion dollars of interest. Within a few years those rates might go back to 2½ percent. A half billion dollars of that interest, therefore, will become a capital gain to the persons who hold this billion dollars worth of bonds, and that capital gain will only be taxed at half of the prevailing rates on incomes and the Treasury, therefore, will not even get back a fair tax on the interest which it pays out. I think the Treasury's request comes at the worst possible time in our economic history. The Congress has only this one direct hold on them. We should not administer the Federal Reserve. But, we have a check written into the law and if we abandon this check, they will have the absolute freedom to act without let or hindrance from this day forward. If we pass this act, we become accomplices to the fact and to the act of their mismanagement of our public credit.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. PATMAN. On the question of what the Secretary of the Treasury proposed and what he actually received, I have here a statement from one of the most popular financial reports that goes out of Washington each week. I shall put the whole report or at least all of it that is opportune and timely in my statement following the gentleman, but I want to read this first paragraph only. It says:

Secretary Robert B. Anderson does not want to come right out and say so, but the Treasury won a smashing victory this week when the House Ways and Means Committee approved a compromise 4¼ percent interest rate ceiling bill. The Secretary has some genuine reservations—some technical and some philosophical—but his main problem is political. The one sure way to lose most of what he has won is to tell the world that the Ways and Means Committee has approved a jim-dandy bill that solves the Treasury's debt management problems. This is all the encouragement the bill's opponents need to begin a vigorous attempt to wreck the Ways and Means bill.

In other words, not only does this reporting service report that Secretary Anderson received from the Ways and Means Committee everything that he wants, but other reporting services make the same kind of report. I think they are justified in it after reading the provisions of this bill. One part of it reminds me of the loanshark method of doing business, where you sign up for a thousand dollars and get back $900, payable in a short length of time. This is not that way, but you put in $900 and get $1,000 in Government securities back. This is the loanshark method in reverse.

Mr. DOOLEY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from New York.

Mr. DOOLEY. I am wondering how in face of the gentleman's statement the distinguished gentleman can explain the fact that we are enjoying the greatest prosperity in our history and also the highest employment level in our history.

Mr. JOHNSON of Colorado. When you take the last comment first, the total number of employed may be greater than in bygone periods, but the rate of unemployment is that normally associated with depression. Because we have a normal increase in population, and new efficiencies, we naturally expect a growth in the economy of almost 4 percent per year. We have not had 4 percent growth per year. While I could agree with the gentleman that we are enjoying a higher growth than in any prior year, the nub of my argument is that had the management of the policies been better—and this has been documented by the Joint Economic Committee—we would be enjoying a far higher gross national income. The difference in where we are today and where we would have been had we maintained a healthy growth during the past 6 or 8 years, would be enough difference to equal our entire military budget. This is the question: Have we been making the kind of progress that a healthy economy could have made in face of the situation that faced America? We are in competition with many economies which are showing a greater growth. We ought to be doing better than we are, and we will be judged not by whether we are better than we were a year ago but do we show the capacity to achieve the goals which we would like with freedom. If we fail, freedom fails.

Mr. DOOLEY. You mentioned our economic growth. I would like to read from an article bearing on that question:

1. TO MAINTAIN ADEQUATE ECONOMIC GROWTH

The adequacy of our economic growth in comparison with that of other nations, especially Communist nations, has become a matter of growing discussion and concern. Economic growth has become almost as important during the last 5 years as military security, for it appears probable that the contest between the Communist and capitalist nations is to be an economic and not a military contest. It would also be a vital factor for success in a military contest.

Since the great American experiment in economic freedom began 15 generations ago, the United States has had unmatched economic growth. This unprecedented experiment gave us the highest standard of living ever achieved.

At the end of World War II the United States was the most powerful and prosperous nation in the world. We were leading a group of nations whose productive capacity and economic and financial resources had been seriously damaged. They were dependent upon us for financial aid—which we gave to them to the extent of more than $60 billion.

Since then, our economic growth has continued, but many nations which we aided have grown economically faster than we have. Industrial production in Western Europe has about tripled, and has increased even more in Japan, West Germany, and in the Soviet Union, while in the United States it has not quite doubled.

Since 1952, according to data of the United Nations and the U.S. Government, published by Prentice-Hall, the average annual gain in production of the Soviet Union was 15 percent, of Red China was 27 percent, of the free world nations as a group was 7.3 percent, while that of the United States was under 5 percent.

These percentage figures do not indicate comparable volume of output for the various countries. The percentage increases for all of the nations mentioned except the United States were from abnormally low bases, largely the result of a war which had destroyed much of their productive equipment.

We have been told by Allen Dulles, Chief of our Intelligence Service, that "the Soviet Union is now increasing its production at a rate about twice that of ours."

Eleven economists at a conference board conference last fall agreed that our "rate of econonomic growth has slowed to the point where it trails that of most major nations, and that * * * its per capita output had risen little in the last 5 years."

U.S. News & World Report quoted "an important U.S. official" as having said: "Something must be wrong somewhere when a nation of peasants * * * can emerge from a highly destructive war and within 15 years gain the strength to challenge the great modern powers of the world. It shows what a nation can do when willing to work, to accept discipline and the lack of creature comforts. What will happen within another 15 years if the present trend continues is something to worry about."

These comments suggest the fundamental requirement for correcting this situation. We must take off the brakes which are retarding our productivity. We must work cooperatively to increase our industrial efficiency. Individuals and economic groups must accept and share personal responsibility for national welfare and for the stability of our dollar. We must demonstrate to the world that no economic system can surpass in its accomplishments the free enterprise economic system of the free world, of which we are a part.

The 1960's can be a period of great economic expansion and prosperity for the

United States. We have the necessary productive potential and the material, financial and human resources. We must use them effectively. Rapid economic growth can be accomplished only through an expansion and modernization of our capital goods, and their efficient use.

One essential will be maintenance of sound international financial conditions by which we avoid a serious balance-of-payments problem.

2. THE BALANCE OF INTERNATIONAL PAYMENTS

The United States had trade deficits every year, except 1957, for the past 10 years. They totaled $17 billion. We spent that much more abroad than other countries spent in the United States. Until 1958, the deficits averaged about $1.3 billion yearly. This was a healthy situation for the free world and for us, as it enabled the rest of the world, and especially Western Europe, to rebuild its foreign exchange reserves of gold and dollars. Our dollar, exchangeable for gold under certain conditions, became the keystone of international stability.

In 1958, our trade deficit increased to $3.42 billion. The major trouble that year and in 1959 was that our balance of foreign trade shrunk while our foreign financial commitments remained almost as high as before. Our export surplus declined from $6 billion in 1957 to $3.5 billion in 1958. This surplus was more than offset by the $7.5 billion which we sent abroad in Government grants and loans and military assistance and in private investment. To cover the 1958 trade deficit, we paid $2.29 billion in gold and $1.13 billion in dollars. This loss of gold was the largest we ever had in 1 year. There was a further decline of $1.075 billion in 1959. The 10-year decline was $5.05 billion, or 20 percent. Yet, our present gold supply ($19.51 billion) is about half the total gold stock of the free world.

We lost gold to other countries because our payments to them exceeded their payments to us. Since our dollars are convertible into gold under certain conditions, they are freely accepted in international settlements. A portion of such payments is then used to buy gold from the U.S. Treasury. The important reason for the size of the outflow of our gold was distrust of the future buying power of our money, created by our inflationary policies. The particular cause of the outflow over the past 8 years was the rapid increase in the U.S. Government's transfers and payments abroad—up from $4.7 billion in 1950 to $8.4 billion in 1958.

We could reduce such transfers to the important nations of Western Europe without adverse effects, Mr. Bernstein, a recognized authority in international trade and finance, has said.

That portion of our payments not used to buy gold from us represents a potential claim against our gold supply. Frank A. Southard, Jr., U.S. Executive Director, International Monetary Fund, said at a recent conference board meeting: "Foreigners (excluding international institutions) have large holdings of U.S. dollars (in deposits, short-term securities and U.S. Government bonds and notes) currently amounting to about $18 billion, of which something more than one-half are officially held. Willingness of foreigners to hold dollars, as against gold, must depend in a large part on their confidence in the dollar." Under Secretary of the Treasury Julian Baird has said: "Any loss of confidence in our fidelity to sound monetary principles can cause our foreign short-term creditors to shift their balances, with resulting strain on our gold reserves. This need not happen, and we do not expect that it will." It appears to many outstanding authorities that it is happening.

Our Government is required by law to hold about $12 billion in gold as cover for present Federal Reserve notes and deposits. Probably the amount of the reserve could be moderately reduced without serious results.

The sum of potential claims exceeds our present gold stock, but this is not necessarily a dangerous situation. Danger would arise if distrust abroad of our financial policies should continue to increase.

Many proposals for safeguarding our gold supply have been made, such as:

1. To raise the price we will pay for gold, thus devaluing our money;
2. To reduce our foreign aid programs and/or our defense expenditures abroad;
3. To raise our tariff rates and to tighten and expand our quota restrictions;
4. To restrict private investment abroad;
5. To limit payment of gold against foreign dollar demands.

Ultimately, we might be forced to adopt some of these policies.

A fundamental requirement for maintaining a sound balance in our international payments is to keep our dollar as good as gold by checking inflation. This will require balancing and producing surpluses in our Federal budgets, checking the cost-price spiral, and avoiding other inflationary influences.

Another requirement is to expand our exports relative to imports. We must avoid becoming, as Lord Keynes predicted, a "high-cost, high-living country," which would allow other nations to get competitive advantages over us in the production and sale of our products.

We will suggest the essentials for accomplishing this objective later.

We should persuade Western Europe to shoulder a larger share of the burden of economic and military aid, and to remove quota restrictions and unjustified tariff rates on our exports.

Some of the restrictions were justified by conditions created by World War II, but few are now justified.

John J. McCloy, chairman of the board, Chase-Manhattan Bank, said in a recent speech: "It would not be too much to ask in these circumstances, that Western Europe take over the financing of part of the local expenditures the United States incurs in maintaining Military Establishments within the European area."

If such requests for correction of unjustified conditions are not complied with, we may have to do some of the things that other nations have been forced to do in the postwar years, such as limiting investments of our capital abroad; imposing additional import quotas; limiting tourist expenditures; forcing "buy-American goods" upon recipients of our foreign aid grants, as has been suggested by Prof. O. Glenn Saxon, of Yale University.

Professor Saxon has also suggested "a return by the United States to full domestic convertibility of our dollar into gold on demand of any holder," which he said "would be an assurance to all foreign dollar holders of the intention of the U.S. Government to maintain the integrity of its money * * * and put an end to the inflation that has plagued the Nation since 1939." (U.S. News & World Report, Jan. 4, 1960.)

Desirable as such a course would be, present conditions make it impossible.

3. TO MAINTAIN OUR COMPETITIVE ABILITY

This is a fundamental requirement for balancing our international payments and safeguarding our economic progress. To accomplish it, it is essential that our prices, our services and our credit terms be competitive.

We must give every possible incentive to our manufacturers to modernize their plants and equipment in the United States.

We must maintain flexibility in our wages, and increase the efficiency of our efforts and methods, and eliminate avoidable wastes.

Per Jacobsson, an outstanding monetary authority, in a recent lecture called attention to the fact that in the 1957–58 recession there was no decline in U.S. costs and prices and said: "In the future, greater attention must be paid to cost and price adjustments so that there would be less need to rely on massive credit expansion as a means of mitigating a business recession; for only in that way can a lasting remedy be found."

Mr. McCloy said in his speech previously mentioned: "The adverse position in our balance of payments has flashed a warning signal; it has told us that a nation which lacks discipline, which shuns hard honest work, which looks for the easy way out through government largesse—is a nation that is heading for trouble, no matter how great its initial power. Certainly the United States is no exception. It is more essential than ever that we avoid the easy path of inflation; that we hold our costs, our Government budgets, and our prices under effective control."

We will make some comments on these essentials in next month's issue. Also, on the problem for us that is involved in the developing common markets of Western Europe.

Mr. JOHNSON of Colorado. My concern is like the gentleman's—that we demonstrate that a free economy can enjoy a satisfactory rate of economic growth. The whole debate between us is whether our rate has been satisfactory in terms of the rate of the unemployment that we now have.

This is an issue which is worthy of more time than I have left.

What can be done? What should be done?

The Federal Reserve must abandon its policy of dealing in the short-term market and deal with the whole range of Treasury securities. First, as it stands now, it has been reducing its portfolio of long-terms and actually also reducing its portfolio of short terms. The Federal Reserve shows more concern for increasing the profits and earnings and assets of the banks than it does concern for the taxpayer or the Treasury. Secondly, the Federal Reserve should build up its long-term portfolio.

Thirdly, it should provide for the annual expansion of the money supply that a growing economy needs based upon open market operations rather than on lowering reserve requirements. If it were to do so it would be providing a portion of the market needed to help bring the interest rates back down to a more realistic rate level. This would have the effect of lowering interest rates over a period of time.

Let them use open market operations to buy Government securities instead of lowering bank reserve requirements. The interest earnings which the Federal Reserve receives on its holdings of Government bonds come back into the Treasury, at least to the extent of 90 percent of this amount, and, therefore, the taxpayer would get a break to at least a portion of the interest on the money which he has allowed the banks to create; and this becomes a substantial amount over the years at an interest rate of even 3 percent a year on a 145-billion money supply base.

Now, the Federal Reserve, it seems to me, together with other monetary authorities, should regulate the tremendous inflationary consumer credit. If they would use shorter terms on such credit, they could hold the volume of

such credit within reasonable limits. I sincerely fear the consequences of the easy credit policies now being pursued by the business world. We are in a fly now, pay later; drink now, pay later; sleep now, pay later, credit boom. We are using credit not to buy assets but for immediate consumption. There is no security behind the loan except the income of the borrower, and, as I say, we have increased the amount at a phenomenal rate in the past year. This is very reminiscent of what we did in 1955. I fear we will be bringing on a new recession as the borrowers finally realize they have to pay, resulting in much unemployment again. The tragedy is, because we have already given him easy credit terms, we will not have consumer credit as a device to fight the next recession.

It seems to me a more prudent course now would be in order, and I would think the Federal Reserve, under this administration, would be more prudent, not less prudent.

Finally, it seems to me that the Federal Reserve might very well discuss these questions of policy. The word "policy" used to have a real meaning. If the Federal Reserve would let it be known that it would look with a jaundiced eye on the careless use of credit, you would find the banks and the business world taking a second look at the ease with which credit is being extended. This is a wanton waste, it seems to me, and we are buying trouble for the future.

Now, turning to Treasury policy. The Treasury could end the practice of getting its advice from organized buyers of its bonds, because the organized buyers of its bonds are going to give advice which even if they have the best of intentions is likely to be a self-interest advice. I would not consult with the attorney for my adversary in a lawsuit with respect to what policy I should follow. I would get independent counsel on my side rather than go to the fellow who is on the other side of the table. That applies not only in a lawsuit but in a business transaction. I would negotiate with him as though he was on the other side of the table rather than on my side of the table. The Treasury ought to encourage greater use of the long powers it now has with respect to series E and H bonds. We gave them the power to go to 4¼ percent. They have only gone to 3¾. They have not raised the interest in the early years by endeavoring to make this package palatable or attractive to would-be investors. I think a good many more hundreds of millions, if not billions, of savings bonds might be sold within the powers Congress has already granted, and the Treasury would be getting its job done.

I strongly believe the Treasury should use callable-after-5-year bonds. After the Civil War we made the mistake of locking in a substantial portion of the public debt at high interest in the belief the interest rates would not come down. When they came down we found ourselves unable to refinance satisfactorily. We ought not to repeat that experience.

We ought to have a more effective fiscal policy. We ought to raise more in taxes, we ought to close the loopholes, we ought to use a larger portion of taxes to pay for public improvements. I have, heretofore, recommended this afternoon that we use tax moneys to build schools. This is no time to borrow money for schools when we can raise it by taxes through the Federal purse. I think a matching and pay-as-you-go program would be to the taxpayers' advantage. More money would be used to buy schools and we would take the heat off the long-term money market.

I would say with respect to the mortgage market that as we push the interest rates down we may expect the administration, in order to hold the total volume of demand for housing within reasonable limits, to shorten the amortization periods, especially on high priced houses. There is no reason to believe that we could not serve the country better by having our debts paid more rapidly. As debts are paid more quickly we are accelerating savings, we are increasing the amount of money which would be available to reloan by the lender if we have the loans paid off quickly.

At lower interest rates this could be done without any impairment of the capacity of the buyer to pay for the house. He could make the same monthly payment at the same interest rate and pay for the house that much more quickly and save himself that money. The power we have over the long-term interest rates is the last power we have. We certainly ought not to give it up.

I would note that the Secretary is inconsistent in the case which he has made. At one time he argues that the Treasury action in the short-term market is responsible for the high interest rates and with the small shift out—he expects to use $5 billion—he says we would reduce the short-term interest rates. At other times he says that the Treasury is only a modest borrower and a few billion dollars is of little significance. It seems to me you cannot have it both ways. Either the Treasury is a factor or is not a factor. But the real impact is the monetary policy of the Federal Reserve, and we ought not to ask the Secretary to act in place of the Federal Reserve in management of the country's money supply. The administration has argued that they need to shift out of the short-term market because this competes with the small businessman, the merchant and the farmer, but at the same time the Secretary, arguing for the administration, says he would not want a heavy shift to long-terms, because this would take up savings needed to keep our economy going forward. Now, again, you cannot have it both ways. It seems to me that the Treasury has to take one position and stick with it and not take both positions and leave us in the position that we cannot answer, because either way we want to go they appear to go the other way.

I wish we had time today to go into the balance of payments question. I think the foreign holders are still interested in returns. They will invest their holdings where they can get the highest return. But, it is not incumbent upon us to pay fabulously high interest rates because we are afraid that otherwise they might try to redeem their holdings in dollars.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

MONETARY POLICY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. ULLMAN] is recognized for 1 hour.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Speaker, I would like to add just a few words to what I have already said. The present bill distresses me not only because it abandons the 4¼-percent ceiling; it disturbs me even more because it has no new ceiling, 5 percent, 6 percent, 7 percent, or any other percent. The fact of its abandonment almost guarantees, if the Congress approves, that the holders of existing securities will have the value of those securities fall sharply, even as the past increases in interest rates have caused the value of those securities to fall sharply. Now, a point little understood by the public is that the banks get a special tax break so that this loss is not as great as it appears. They sell the long-terms then at the loss. They treat the loss as an operating loss and pay no income tax because they can offset these losses. They turn around and invest in some other long-term securities, also bought below par, and the appreciation of those bonds when they are redeemed at par then becomes a capital gain and the banks, in place of paying regular taxes on the interest earned, in fact end up by only paying a capital gains tax. So, we are, without realizing it, giving the banks a separate little "out" from part of the impact. Other holders may not have the same "out." There is no time limit on the authority conveyed in this bill. We have given the power to control the maximum rate of interest away from this day forward without further let or hindrance. No other Secretary will ever have to come back in again to deal with the Congress. We might just as well have repealed the basic statute as to pass the bill which is being reported today.

And may I say in closing that never in the history of the United States of America has any Secretary of the Treasury or any President had so blanket a grant of authority as this bill provides. I do not see how I in good conscience can vote for this bill or any part of this bill now or any day in the future.

Mr. ULLMAN. Mr. Speaker, I want to commend the gentleman from Colorado [Mr. JOHNSON] who in my opinion is one of the most learned economists in the House; who has a long record of accomplishment in teaching in the field of economics. And certainly I wish that all Members could be here to hear his views.

I want to commend, too, the gentleman from Texas [Mr. PATMAN] who has through the years fought this battle to try and keep the money powers and the money benefits of this Nation in the hands of the people.

We have had from the gentleman from Colorado a very learned discussion. This argument, of necessity, is technical in nature. I will attempt to rephrase the issues involved from the viewpoint of one who is not a professional economist.

First, does this bill repeal the current ceiling? I think the gentleman from Colorado has disposed of that issue very clearly and very plainly. Of course, it does. The Secretary of the Treasury, as a matter of fact, has agreed that they can do just about what they want under this bill. The press has already proclaimed the fact that this bill in effect lifts the interest ceiling. My contention is that the bill repeals the ceiling not once but twice; first, by allowing unlimited use of the discount approach on refinancing, to pay any interest rate, and once again by openly authorizing the President to ignore the ceiling on almost $6 billion of new bonds every year. This, in my opinion, is more than the long-term bond market is likely to absorb in any one year in a normal situation.

Secondly, why should the ceiling be retained? Since World War II Congress has retained only this part of its traditional and constitutional authority over the management of the debt; that is, the interest ceiling. To repeal it would be an abnegation of our last instrument of control in this regard. It would be a complete and final capitulation to the executive branch in a field that is vital to national policy and a field in which Congress must retain its voice. It would be, as the Joint Economic Committee has said, in effect to "disarm ourselves unilaterally in a field over which we have both a constitutional and a legislative prerogative."

The whole purpose of the ceiling is to require the executive branch to manage the debt in a sound manner, particularly to require that long-term financing be carried out in periods of low interest rates and not in periods when the interest rates temporarily rise above the ceiling level. In other words, the interest rate ceiling was designed to meet just such a situation as now exists. And it is interesting to note that all during the past 7 years this administration has adoped policies that were designed to tighten money, to increase interest rates and to approach that ceiling.

During the same time that they were adopting these policies they had an opportunity to shift the national debt over into long-term bonds, and all of this time they have adopted the reverse policy. They have been shifting the national debt from long-term holdings to short-term holdings.

During these years the market yield of the taxable U.S. bond has gone from 2.68 in 1952 up to 4.08 in 1959. In all of these years bonds were selling below the ceiling. In all of these years the Government could have and should have shifted its holdings into long terms if this argument is valid, the argument it is using today in an effort to lift the ceiling, but instead this is what actually happened: In 1953 the percentage of long-term U.S. bonds outstanding of 10 years or more maturity was 19.1 percent. This dropped by 1955 to 9.6 percent, by 1957 to 7 percent, and by 1959 to 5.6 percent. In other words, they shifted the long-terms from a position of 19.1 percent of the debt when this administration assumed office to a position of 5.6 percent of the total outstanding today.

In other words, during a period when they could have done what they are supposed to do, to fulfill the purpose of the ceiling, they have done the opposite. And now they ask us to endorse this failure by removing the ceiling at the very time when it is most needed. And they tell us that nothing else can be done. I will return to this point in a moment but I want to say now that an indication of a firm intention by the Treasury Department to operate within the limits of the ceiling, coupled with appropriate action by the Federal Reserve System to strengthen the market in long-term Government bonds, would, in my opinion, do more to lower the current high rates on these bonds than lifting the ceiling and allowing the rates to continue their upward spiral unhindered.

Is it true we cannot secure proper action by the Federal Reserve System? We have heard this argument used over and over again. It is supposed to be some kind of body that is beyond reach of both the executive and the legislative branches of the Government. Those who assume that the Congress has no authority to direct the policies of the Federal Reserve System obviously are asking us to throw up our hands and abdicate our constitutional and legislative duties in the field of monetary power.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. PATMAN. The Constitution states that the President shall take care that the laws be faithfully executed. Does the gentleman not believe that responsibility applies to the President of the United States in the case of the Federal Reserve Act and in the administration of the Federal Reserve Act just the same as any other laws passed by the U.S. Congress?

Mr. ULLMAN. It certainly should, I will say to the gentleman.

Mr. PATMAN. According to that, can the gentleman understand—at least, I cannot understand—why the President would say that he considers the Federal Reserve independent, in other words, a sort of fourth branch of the Government? In saying that, I do not see how he can escape the criticism for not carrying out a constitutional mandate.

Mr. ULLMAN. I certainly agree with the gentleman. The fact is that the Federal Reserve Board is a creature of this Congress. We created the Federal Reserve System. We established the organization of the Federal Reserve Board. We can and should require it to operate in the best interest of the Nation as a whole and not just in the best interest of the commercial banks of this country.

Unfortunately, over the years the membership has evolved to the present situation where the Federal Reserve Board is composed entirely of bankers. In any given instance, I am sure these bankers feel they are acting in the public interest, but unfortunately having been raised in the banking system, they have for years been working toward greater and greater profits and greater and greater power for the banking system. How, I ask, can they shield those feelings and shield those years of habit, practice and thought in their daily actions on the Federal Reserve Board?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield.

Mr. PATMAN. In 1913, before the act was actually passed, Mr. Glass, at that time chairman of the Committee on Banking and Currency of the House of Representatives went to see President Woodrow Wilson with a number of very prominent and very important bankers from New York. They posed the question about permitting bankers to be on the policymaking board. They objected to the proposed act because bankers would not be permitted to be on the policymaking board. Mr. Wilson turned to those gentlemen and asked them, "Which one of you gentlemen would ask me to place presidents of railroads on an Interstate Commerce Commission to fix railroad freight and passenger rates? Mr. Glass, in his book, said that that was the longest minute he ever experienced in his life. These gentlemen looked at one another and finally left. They could not answer that question. The Federal Reserve Act, as finally passed, did not permit bankers to be on this important Board to fix interest rates and to determine the supply of money. It was only in the depths of the worst depression that this country ever suffered, in 1933 and 1935, when the Congress was not looking and when the Congress was willing to vote for anything that would help to bring us out of that awful depression that—and I would not say this slipped into the Federal Reserve Act because it was done in broad daylight and the Members of the Congress should have seen it and should have warned the country—but nevertheless it was put in there, that a new superbody was created of 12 members, the Open Market Committee. They have more power than this Congress over monetary matters on bonds and interest rates and things like that. Of those 12, 5 are selected by representatives of the private commercial banks and 7 are the public members. With that mixed Board, naturally, you are going to find the interest of the commercial bankers mighty well served. In fact, I cannot think of a time in the last several years when a question has been before the Open Market Committee which could have been resolved either way—either in the peoples' interest or in favor of high interest for the commercial banks—that they did not in every instance take the side of high interest rates and the commercial banks

when they had plenty of reasons to take the other side.

Mr. ULLMAN. I would point out in this connection that back in 1951 long-term bonds constituted 21.5 percent of the Federal Reserve holdings. By late last year, this had been reduced to 5.7 percent. The Federal Reserve Board, starting in 1953, has put into effect its "bills only" policy which meant, it says—to discontinue the purchase of long terms and to purchase short-term bills only.

This is only one of the many moves on the part of the Federal Reserve Board since 1953, and on the part of this administration through the Secretary of the Treasury, to tighten money and to raise interest rates.

It is necessary to lift the ceiling to bring down interest rates? On the one hand, we are told that long terms cannot be sold at the ceiling rate because it is too low. Then, we are told almost in the same breath if we offer to sell these bonds at a cheaper price—that is, with higher interest rates, the buyers will volunteer to buy them at higher prices—that is, with lower interest rates—an assumption which seems to me to be preposterous.

The drive to repeal the ceiling is the logical and inevitable result of the whole tight money policy, and passage of this bill, in my opinion, would further it along.

The best way to get these things changed is very simple and has been repeatedly recommended by the Joint Economic Committee: Have the Federal Reserve System reenter the long-term market which they have abandoned, and purchase long-term Government securities. This would firm the market and bring about a lowering of the long-term interest rate, and it would be carried out within the proper framework of Government action through its own central bank mechanism.

There are also many other alternatives. I would just point out to you the finding of the Joint Economic Committee's new report. On page 16 and thereafter are laid out very clearly and succinctly numerous policies that could and should be followed; and I would also refer to the remarks of the gentleman from Colorado [Mr. JOHNSON] who so ably laid out a constructive policy of action that should be followed by this administration.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield.

Mr. JOHNSON of Colorado. The gentleman means the report of the Joint Economic Committee.

Mr. ULLMAN. Yes; the report of the Joint Economic Committee, on the January 1960, Economic Report of the President.

What will happen to school financing? I think this is a vital question. We touched on it a few moments ago in colloquy with the gentleman from Colorado. What will happen to school financing, municipal financing, and other fields of public development if this bill pending now before the Rules Committee becomes law? It is obvious that lifting the ceiling and allowing Government interest rates to continue their upward spiral will hurt and hurt badly all other areas of financing, public, and private. Look at the interest rate on high-grade municipal bonds. They are tax-exempt securities as well as having the full faith and credit of the local government behind them. Their interest rates have more than doubled since 1951.

Look at the increase on the cost of school financing. The interest cost of financing a $1 million school built in 1952 was around $328,000. The interest cost of that same school being built now would amount to $628,000, nearly twice as much. To generalize, in the country as a whole, it has been estimated, on the basis of our rising costs for school construction, coupled with the amount of school construction that has taken place since 1952, that the cost of this hard money policy to American schools has been $675 million; and we may be sure that if this bill is passed that figure will continue to grow.

I think this is something that all of us who are facing the problem of action on this bill pending before us should bear in mind. How can we face the people of this Nation if we take action here that is going to surely and effectively raise the interest rates on long-term Federal bonds and will have the inevitable result of raising just as surely and just as effectively the interest rates on all of our other public expenditures, on our schools, in connection with our municipal financing? That will have the same effect on our housing program? And then, carrying the issue even further, will have a similar effect on all the various methods of private financing in this country.

If we take the action here of passing this bill we are going to have to face up to the consequences of going out and telling the people of this Nation that we share part of that responsibility for the result of these years of high interest rates and tight money policy, that we have had since 1952.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield.

Mr. PATMAN. I desire to invite the gentleman's attention also to the fact that this is certainly a great burden on one of the finest institutions that we have in America today, the savings and loan companies. They can only make loans in actual money; they cannot create any money. They are in competition with the commercial banks that create under the old gold certificate theory, about $8 for every $1 of reserves that they have—actual creation of the money just on the books of the banks and then that $1 reserve is not their money.

It has been made available through the Federal Reserve System to the member banks, which constitute 85 percent of the banking business, without charge or cost of any kind whatsoever. So that is an unfair situation between the savings and loan associations and the commercial banks. The commercial banks, I am sure, look with favor upon these high interest rates on 91-day debits, because that causes people who are customers of their competitors, the savings and loan associations, to take their money out of the savings and loan associations and invest in the Government bills, in the Treasury bills in other words. The commercial banks, I am sure, do not look with disfavor on that because it is hurting a competitor. But it is also hurting the country.

I wish the gentleman would give consideration to advocating that the Federal Reserve carry these short-term bills; in other words, 91 days or less ought to be carried with the Federal Reserve System as they have done in the past. This would eliminate that competition I was talking about.

May I say further that I congratulate the gentleman on the very fine statement he has made. I commend him on his knowledge of the subject, as he has often displayed on the floor of the House and in statements he has put in the CONGRESSIONAL RECORD. I thought so much of the fine statements the gentleman has made that I sent some to all the Members this morning and earlier in the day I asked that they be made a part of the CONGRESSIONAL RECORD of today. It will appear in the RECORD tomorrow morning.

Mr. ULLMAN. I thank the gentleman for his kind words.

My concern is for the people of this Nation. My concern is for the man who wants to build a home or legitimately wants to go out and buy some consumer goods or expand his business establishment or use any of the channels of credit available in this country in order to make this a better America. My concern is for the school systems of this country, because we are desperately behind in the fight to build schools.

I ask you, How can we build schools when already we have reached the point where it is virtually beyond the capacity of the localities to carry the cost of their schools because of these rising interest rates? And, by the same token, how can the municipalities do the great amount of expansion that must be done? How can we go forward with public works? I would point to the other channels of public credit, the REA, and the construction of public dams. If this interest rate goes up, immediately it creates a problem in all of these fields of financing. If we persist in going forward with this program, we are going to have to face one by one by one a challenge and a request and a project from all of these different segments in our economy. I say now is the time to draw a halt, now is the time to reverse these disastrous economic policies in the field of money.

Mr. DOOLEY. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. DOOLEY. The gentleman from Oregon mentioned the dilatory effect of high interest rates on school construction. Classroom construction is up all over the country, and within 3 years the optimum level might be reached.

Speaking of aid to education, I know of no State which is asking for aid to education or for school construction purposes.

Mr. ULLMAN. I get appeals all the time from educators all over the country with respect to this problem of school classrooms and with respect to

the problem of the mushrooming of the population. I know from personal experience within my own district that school bonds have been turned down time and time again. This is largely due to the fact that the taxpayers are presented with the increased burden of interest rates in the cost of the schools.

Take the item that I mentioned, the $1 million school. Well, now, what has happened between 1952 and 1960 is that that million dollar school is paying an additional $300,000 in interest rates alone. I ask you how far down that road can you go until you completely bring to a standstill the construction of schools in this country? I have seen no statistics, and I have had no evidence that we are anywhere near caught up on the program of school construction that we need if we are to keep apace with the desperate needs for education in this country. Quite the contrary.

Mr. DOOLEY. Mr. Speaker, if the gentleman will yield further, we have not been reading the same literature, I may say. I am trying to read both sides of the picture, the NEA and the other side that contradicts some of that testimony. The interest rate, for example, is only one of many factors. The level of income in most areas is up above what it was several years ago, and that factor cannot be isolated, as you have done.

Mr. ULLMAN. You can take these economic statistics and read into them what you want to read into them. I am concerned, when we are talking about prosperity, with the shift in the credit structure of this Nation, and I think this is a very vital part of any economic picture. I note that total consumer debt has risen from $27.5 billion in 1952 to a level of $52.2 billion in 1959. This means that rising interest rates are affecting an increasing segment of our economy. I think the gentleman would agree that this is a very important and vital aspect of our economy that we too often ignore but that is fundamental to the future prosperity of our Nation.

Mr. DOOLEY. I do agree that it is a very vital and important aspect of our economy. Speaking to William McChesney Martin some time ago I mentioned some of the points you delineated, and he pointed out that if we keep a high level of income and a prosperous level of income, having in mind a man paying off his home, his farm, or his car, so long as he has the income to meet the obligation he has over his head, he is all right. If the loan is demanded all at once, he is bankrupt. So it is necessary to maintain a high level of prosperity so that these obligations can be met.

Mr. ULLMAN. I cannot agree more. My criticism has largely been that we have not maintained an adequate economic growth. It has been a spotty economic growth, and we all must admit that the great expenditures that we make annually in the field of defense and in other fields of our public economy have contributed greatly to the expansion of that prosperity.

Mr. DOOLEY. I agree with the gentleman.

Mr. ULLMAN. And they are necessary. It is necessary that we continue to go forward with those programs, but I cannot see that the economy is as rosy as a lot of people would like to have us believe. I think we have to go forward particularly in this field of money management and get on a sound basis or we will be carried off in a direction that will have repercussions that in my opinion are going to be most dangerous to the future prosperity of this Nation.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Speaker, I wish to commend the gentleman from Oregon for the fine statement he has made this afternoon. I commend it to the attention of the Members.

A LEADING FINANCIAL ANALYST ANALYZES H.R. 10590 SAYING THAT SECRETARY ANDERSON WON A "SMASHING VICTORY" OVER THE HOUSE WAYS AND MEANS COMMITTEE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I know the gentleman would be reluctant to read portions of a private, copyrighted report into the CONGRESSIONAL RECORD, as I am.

However, the CONGRESSIONAL RECORD is not subject to the restrictions of the copyright laws, on the theory that Congress should have any and all information available on a subject which it is considering. And there are times, I know the gentleman will agree, when Congress should have all available information. This is such a time.

The gentleman, I know, is familiar with the weekly report titled "Reporting on Government," published by G. Sumner Collins and edited by S. F. Porter. This weekly report is very highly regarded among Wall Street bankers, investors, and others who are willing to pay for the best and most reliable information and analyses on the trends and forecasts in Government securities, monetary policies, and interest rates.

I am inserting this entire report in the RECORD. It is as follows:

REPORTING ON GOVERNMENTS—WEEKLY ANALYSIS AND FORECAST ON U.S. GOVERNMENT SECURITIES, WASHINGTON MONETARY POLICIES, AND TRENDS IN INTEREST RATES

WASHINGTON, *February 26, 1960.*

DEAR SIR: Secretary Robert B. Anderson doesn't want to come right out and say so but the Treasury won a smashing victory this week when the House Ways and Means Committee approved the compromise 4¼-percent interest rate ceiling bill. The Secretary has some genuine reservations—some technical and some philosophical—but his main problem is political. The one sure way to lose most of what he has won is to tell the world that the Ways and Means Committee has approved a jim-dandy bill that solves the Treasury's debt management problems. This is all the encouragement the bill's opponents would need to begin a vigorous attempt to wreck the Ways and Means bill.

None of this is to suggest that showing some dissatisfaction with the bill assures its passage; for it doesn't. It's just that sounding jubilant would probably guarantee its defeat. As it is, the fate of the measure still remains in doubt. The opponents are strong and capable.

Present indications are that the measure will be approved by the House. Many Democrats are opposed but it is supported by the Democratic leadership in the person of Speaker SAM RAYBURN and he is expected to carry enough Democrats into the "aye" column on voting day to provide the needed margin of victory. The bill will be backed by an overwhelming majority of the Republican Members of the lower Chamber.

The House is an unpredictable body and it often has amended bills beyond recognition but the 4¼-percent compromise is expected to escape unscathed. Ways and Means Committee Chairman WILBUR D. MILLS, Democrat of Arkansas, will ask the Rules Committee to send the bill to the floor under a procedure that bars amendment. The Rules Committee will act next week and it is considered certain that it will grant Representative MILLS' request. The closed rule procedure that he will seek is the technique that customarily is used to keep the House from amending tax and tariff bills during floor action. Final House action on the bill may come before the weekend. The leadership plans to call up the bill as soon as it clears the Rules Committee.

The measure's prospects in the Senate still are very much in doubt. The strongest hostility to the administration request for repeal of the 4¼-percent ceiling has been in the Senate from the beginning and, if anything, there is greater antagonism now than there was when the administration first put forward its proposal last spring. Senate Finance Committee Chairman HARRY F. BYRD, Democrat, Virginia, believes, however, that corrective action is necessary and he has promised to begin hearings promptly when the House completes action on the compromise bill. But the speed with which the Finance Committee can act will be influenced by the civil rights debate.

Four of the most outspoken critics of the administration proposal are among the Finance Committee members. They are Senators PAUL H. DOUGLAS, Democrat, Illinois; CLINTON P. ANDERSON, Democrat, New Mexico; ALBERT GORE, Democrat, Tennessee; and RUSSELL B. LONG, Democrat, Louisiana. Barring an unexpected change in attitude, they will wage a bitter battle within the committee to kill the compromise bill, and, failing that, to amend it so that it will be of little use to the Treasury.

If the measure clears the Finance Committee hurdles, it will face its next test on the Senate floor where the opponents will have a fresh opportunity to amend or kill the bill. Unlike the House, the bill will be open to amendments in the Senate and the opponents can use the device to rollcall votes to record the positions of the Members of the upper House.

The current guess is that the Senate will approve a far more restrictive bill than the House—but the guess is that it will approve a bill. One likely compromise, in the view of some observers, is a bill that will give Mr. Anderson authority to conduct advance refunding operations—merely that and nothing more. The final version of the bill, if a measure clears the Senate, then will have to be worked out by a conference committee representing the Ways and Means Committee and the Finance Committee. The conference group will be charged with reconciling the differing Senate and House versions and the

group's compromise will have to be approved by the House and the Senate before it can go to the White House for President Eisenhower's signature. Prospects for some sort of favorable congressional action look better this week than they have at any time since the President first advanced his proposal. But it is far from certain that a bill will be enacted—and that it will be an effective bill if it does become law.

But at the moment, the Treasury is triumphant. And much of the hope for a workable compromise stems from the thoroughness of the Treasury's victory in the Ways and Means Committee. If the committee and the House were to approve a highly restrictive measure, there would be little chance of getting the more hostile Senate to endorse a workable measure. But a restrictive Senate measure, it now appears, will be subject to compromise with a generous House bill and the ultimate legislation could be satisfactory.

The Ways and Means Committee bill contains four main provisions. One removes the 4¼-percent ceiling on special issues that are sold to the Government's trust funds such as the social security and veterans' life insurance funds. Another would repeal the interest rate ceiling on savings bonds. This is a move that the President unsuccessfully urged in his original proposal and the committee action should not be interpreted as an indication that consideration currently is being given to an increase in the savings bond rate above the current 3¾-percent return.

The final two provisions are the two that are the most important to you. The bill clears the way for the advance refunding operations that the Treasury is eager to begin by authorizing unlimited advance refunding offerings of new bonds. The 4¼-percent ceiling would be retained for advance refunding but the Treasury is to be explicitly authorized to pay a higher yield by issuing new bonds at a discount. And the bill would allow the Treasury to sell new bonds at any interest coupon that it chooses to pay. The President would have to find that the action was in the national interest and the amount of bonds sold in any one year would be limited to a maximum of 2 percent of the national debt.

The committee plan is flexible and its flexibility is increased by a provision that allows the administration to carry over unused portions of its 2-percent bond authority for 2 fiscal years. Authority that was unused at the end of that time would lapse.

The only technical objection to the advance refunding authority is the possibility that rates will climb so high in the future that authority to issue 4¼s at a discount will be inadequate and a higher coupon will become necessary.

The 2-percent limitation on the sale of long bonds is distasteful to the Treasury on principle but, as a practical matter, almost certainly will allow it to sell all the bonds that it wants to sell—and more besides. The heaviest Treasury sales of bonds have been during recession and presumably rates will fall below 4¼ percent in a recession, a change that automatically would remove the 2-percent limitation. The 2-percent ceiling would allow the Treasury to sell $5.7 billion of bonds with a $285 billion public debt. There have been only 3 years since the end of World War II when the Treasury has sold more than $5.7 billion of bonds in a single 12-month span and all 3 were recession years.

The Treasury sold $6.2 billion of bonds in calendar 1953. The total included $4.6 billion of 5-to-10-year intermediates and $1.6 billion of longs maturing in more than 10 years. It followed through in 1954 with its biggest postwar year when it placed $21.7 billion of intermediates. In 1958, it posted its second-best record when it issued $15.6 billion of bonds including $12.8 billion of intermediates and $2.8 billion of longs. It sold no intermediates and no longs from 1946 to 1951 inclusive and it sold none in 1956. It placed $5.1 billion of intermediates in 1952, $2.7 billion of longs in 1955, $1.3 billion of longs in 1957, and $1.5 billion of longs in 1959—before the 4¼-percent ceiling made further offerings impossible.

If the debt stays at $285 billion, the 2-percent limit would allow the Treasury to sell $5.7 billion of bonds in fiscal 1961. If the authority were not used, and the debt remained the same, it would be permitted to sell an additional $5.7 billion in fiscal 1962 or a total of $11.4 billion. Again, if the authority were unused, the 2-year carryover power would allow it to sell the $11.4 billion in fiscal 1963 along with $5.7 billion chargeable to fiscal 1963—for a grand total in 1 year of $17.1 billion.

What the Ways and Means Committee did not do is as significant as what it did do in gaging the dimensions of the Treasury's victory. You need but recall some of the so-called compromises that have been under discussion at various times in recent months—but that were not adopted by the Ways and Means Committee.

The committee did not accept suggestions that it replace the 4¼-percent ceiling with a new but higher limit of 4¾ percent, or 5 percent, or 5¼ percent.

It did not grant the advance refunding and long bond sale authority for a limited time of 18 months, or 2 years, or 3 years.

The committee did not content itself with modifying the 4¼-percent ceiling by replacing the exemption of under-5-year obligations with a new exemption of under-10, or under-12, or under-15-year securities.

The committee did not adopt a Reuss amendment that would have put the Federal Reserve under obligation to purchase long-term securities.

It did not attempt to retain the 4¼-percent ceiling by directing the Treasury to sell tax-exempt securities.

It did not adopt any of the three debt management proposals that have been advocated by the Democratic majority of the Joint Economic Committee under the chairmanship of Senator DOUGLAS. Specifically, it did not direct the Treasury to adopt the auction procedure for the sale of obligations longer than 1 year. It did not order the Treasury to make new issues of bonds callable. And it did not tell the Treasury that it is to sell longer securities only during a recession. The Democratic majority of the Joint Economic Committee said in its recent report that approval of the administration request for removal of the 4¼-percent ceiling should be made contingent upon Treasury acceptance of these debt management changes. And a number of Democratic Senators have accepted the Joint Economic Committee view. Whether they will hold fast to their position when the compromise bill reaches the Senate, remains to be seen. But the Ways and Means Committee decided to have none of it. And the committee acted only after closely questioning Mr. Anderson about the Joint Economic Committee proposals behind closed doors.

The Secretary made clear his distaste for extending the use of auctions and for selling callable bonds in lengthy letters to Representative THOMAS B. CURTIS, Republican, of Missouri, and Senator PRESCOTT BUSH, Republican, of Connecticut. Suggestions that Mr. Anderson's reluctance to auction longer securities—and his dissatisfaction with the price that 1-year obligations have been auctioned for—means that the Secretary is considering an about-face in his 1-year auction policy are without foundation. He still considers the use of auctions for 1-year obligations a desirable innovation and intends to press ahead with it. Similarly, press reports that the Treasury may begin to use a callable provision in its bond sales are equally unfounded. True, Mr. Anderson started the reports himself by writing Senator BUSH that the Treasury is "seriously considering the desirability of incorporating optional call features in new long-term bond issues (over 10-year maturities)." But he repeated the objections to callable bonds that he has declared before. And Mr. Anderson and his debt management experts still believe that the objections are far more formidable than the advantages.

The U.S. Government securities market is continuing to move within the trading range that it established this winter and is giving no sign of a breakout in either direction. We now are moving into the period of seasonal tightness that customarily develops over the tax and dividend date. The Federal Reserve can be expected to offset some of the seasonal pressure but the pattern of recent developments indicates that yields will advance over the tax date and then will lose at least part of the gain in the following weeks. The development of a powerful boom would, of course, prevent the post-tax-date decline.

Yours very truly,

S. F. PORTER,
Washington Bureau.

S. F. Porter, incidentally, who is the highly regarded financial analyst, writes a newspaper column under the name, Miss Sylvia Porter.

CONGRESS TIGHT-MONEY AND HIGH-INTEREST POLICY REQUIRES WHOLE YEAR INCOME OF CALIFORNIA FAMILY TO PAY INCREASED INTEREST COST ON HOME

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Gov. Edmund G. Brown, of California, has made one of the best statements I have heard concerning the effects of the tight-money and high-interest policy on the homebuilding industry and on the families who are trying to buy homes.

Speaking of what a rise of just 1 percent on a $15,000 FHA mortgage has meant to the average homeowner of California, Governor Brown put it this way: The average California family's income for an entire year will go to pay the added interest cost. To use his own words, Governor Brown stated:

> In the past year the interest rate on a typical conventional home loan in California has risen by 1 percent, and is generally at 7.2 percent. That doesn't seem very much when expressed that way, but to the average California family it means more than a year's pay added to the cost of a $15,000 30-year loan.

This statement was made in the course of the Governor's testimony recently before the Raines subcommittee—the Subcommittee on Housing—of the House Committee on Banking and Currency. Specifically, the testimony was given on January 26, 1960, and appears commencing on page 118 of the printed hearings on the proposed Emergency Home Ownership Act.

The Governor's statement contains much other pertinent and timely information on the subject of high interest. Certainly he has given an alarming analysis of the subject of how the high inter-

est rates cut down on economic activity, particularly in the business of building homes and in the businesses which rise or decline along with changes in the volume of homebuilding. I might quote a few excerpts from pages 119 and 120 of the hearings as follows:

The tight money, high interest policies of the Federal Government have had serious economic effects not only on home buyers but on the homebuilding industry, and this is an industry which has a major impact on our entire economy.

Under conditions prevailing now, it is predicted by authorities in the industry that housing starts will drop 200,000 from 1959, and I think it might be well to point out that this doesn't mean merely 200,000 fewer jobs for our people; it means as many as 500,000 loss of jobs in the State of California.

I submit to you that these serious fluctuations are imposing tremendously burdensome high costs on the home buyer, and on the homebuilding industry.

* * * * *

Let me give you another example of the effects of these high interest rates in our own State.

Applications filed for new home construction with the San Francisco Federal Housing Administration office in December of 1959 were 25 percent below the number filed in December of 1958, and this despite an increase in the population of 400,000.

The true effects of that decline will not be felt until probably March or April, but at the same time there will be 5,500 fewer homes being prepared for occupancy by our people in that northern California area, than there were at the same time in 1958, and the same situation is comparable in southern California, and in the great Central Valley.

Finally, I believe that it would be well to call attention to one other observation which the Governor made. It is this:

In my opinion, our people have the right to expect positive action by their Government to assure the economic health of the Nation. They most certainly have a right to expect that Government, by its action, will not impede progress.

How can anyone disagree with that proposition? The people have a right to expect the Government to take actions which bolster the economic health of the Nation; they most certainly have a right to expect that the Government will not take actions which impede progress. Well, despite the everyday common sense of the observation, I must concede that quite a few of us disagree with it. Certainly by our actions a great many Members of Congress have supported and are supporting the tight-money and high-interest policy, and there is no doubt that this policy impedes economic progress.

There is no doubt that this policy is the main reason why we are "running tired" in the economic race with Russia. Even so, a great many Members of the House seem unwilling to change the tight-money and high-interest policy, and, in fact, support even higher interest each time there is an opportunity to do so.

Many of the Members—the Democratic Members particularly—have spoken frequently about the administration's tight-money and high-interest policy. Why do we call it the administration's policy? Why not call it the Democratic Congress' tight-money and high-interest policy? Certainly the Democratic Congress has supported this policy. It has raised interest rates almost beyond count during these past 7 years. In fact, almost no request for an interest rate increase requiring congressional action has been refused.

Why are interest rates so high? Simply because it is a policy of the Treasury and the Federal Reserve people, especially the latter, to have interest rates high. Interest rates are not made in heaven; they are man made. Our monetary system is a social system, as it is in all countries. It is not under divine guidance. It is under the guidance and control of the Government. If setting up a monetary system is not the first and primary reason why governments are formed, it is at least one of the first and principal reasons, along with the desire to provide for the defense. But I need not labor the point. I believe that all the Members of Congress are aware, and certainly most of the American people are aware, that the level of interest rates prevailing in the so-called free markets at any particular moment is a decision of Government. There is no other way that interest rates can be made. They cannot just happen; they have to be decided. And they have to be decided in our country by the Federal Reserve authorities, though to a certain extent the Treasury can influence interest rates either directly or influence the decisions of the Federal Reserve people.

Now the question is, what happens to the year's income of the average California family which goes to pay increased charges on a home? Is the money saved or diverted to some purpose more important to the average family than owning a home? No, the money is merely taken out of the income of the average family, put into bank profits and into increased incomes going to the families of great wealth. It is merely a diversion of income. It is, in short, a tax on the many to enrich the few.

This is the question to keep in mind when we vote on H.R. 10590—a bill which in effect repeals the interest rate ceiling on long-term Government bonds. Do the people really have a right to expect the Federal Government not to take any action which impedes economic progress and takes income from the many to enrich the few? The administration and the Federal Reserve are not the whole of the Federal Government. The Congress of the United States is also a part of the Federal Government, coequal, in theory—at least with the executive branch of the Government.

When the Congress sits idly by, watching the Federal Reserve do things which take money from the great majority of the people for the special benefit of the few and does nothing to stop these actions, then I wonder if Congress is performing its duty in the way the people have a right to expect.

Finally, after interest rates have been pushed to the full limit allowed by the law enacted to protect the people against the possibility of an overly greedy banker-controlled Government, and the Congress then legislates a clear and inviting loophole in ceiling, I wonder if Congress is performing its duty in the way the people have a right to expect?

VERY SUCCESSFUL STAGING OF THE VIII WINTER OLYMPIC GAMES, SQUAW VALLEY, CALIF.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. JOHNSON] is recognized for 5 minutes.

Mr. JOHNSON of California. Mr. Speaker, after 11 successful days, the International Winter Olympic Games held in Squaw Valley, Calif., which is within the Second Congressional District I represent, came to a most successful conclusion.

The Congress of the United States played a key role in asking that the games come to the United States and to Squaw Valley. The United States spent $3,500,000 in construction of an ice arena and additional money for assignment of military equipment and personnel to the games. May I assure the Congress that this money was well spent.

Not only did the United States receive worldwide attention for this, the greatest of winter sporting events, but also as 2,000 people representing 32 nations gathered for a week and a half in an international community dedicated to sportsmanship the cause of world peace and understanding could not help but be furthered.

The millions of people who witnessed the games either in person or through the media of television could not help but be moved by the spontaneous sportsmanship and good feeling among the people of all nations. I note, for instance, in today's Washington Post that Jack Riley, the West Point hockey coach who did such a wonderful job at the games, gave credit to the Russian team captain for an idea which helped the great American hockey team capture its first winter Olympic gold medal. This after the hard fought hockey game between the United States and Russia. Even during the contest, which was one of the most vigorous of the games, the atmosphere of sportsmanship prevailed. The feeling of mutual admiration for excellence in every field was witnessed as competitors congratulated their opponents on their successes.

Conditions were perfect throughout the entire competition period making this one of the greatest, if not the greatest, of winter Olympics. The setting was a natural amphitheater which displayed the natural beauty of the Sierra Nevada Mountains. This was perfected through the development of the excellent facilities, praised by participants and spectators alike.

These facilities will not go to waste now the games are over. In the future they will be maintained by the State of California as a State park, an ideal training site for future Olympic games and international competitions.

Mr. Speaker may I also commend the valiant efforts of the United States participants in the winter Olympics. I have mentioned the hockey team under the able direction of Mr. Jack Riley, but I also would like to mention the other outstanding individuals.

May I also acknowledge the wonderful contributions of the States of California and Nevada which provided

financial and moral support to this great venture. California contributed $9 million to this effort which will make its mark on world peace and the State of Nevada contributed from its resources a lesser, but important amount.

Praise also should go to the military forces who prepared the excellent ski runs and other facilities, the Boy Scouts who served as messengers, the city and county officials and chamber of commerce who contributed so much, the press, television and radio coverage of the games and all others who worked so diligently to achieve this notable success.

Mr. Speaker, the success of the Eighth International Winter Olympic Games was spelled out skillfully by Mr. Bill Cassidy, publisher of the Auburn (Calif.) Journal. I make it a part of the RECORD:

Words cannot describe the sheer magic, or perhaps it has been divine providence, which has been wrought at Squaw Valley. The 1960 Olympic winter games, born in controversy and opened in a snow flurry, have far exceeded the expectations of the proponents, the organizers and the athletes from 30 nations.

Perhaps divine providence stepped in when magic was unable to produce its miracle and opened the snow clouds for the brilliant sun at the exact moment of the opening of the games. Perhaps He has lent His brilliance to an otherwise brilliant spectacle in answer to the prayers of the people of Placer County.

The magic has materialized in the short interval of 5 years, in the transformation of Squaw Valley from an idyllic pastoral scene in a remote mountain area to a sports area capable of providing for more than 50,000 spectators.

And, of course, additional magic has been added to the spectacle by that old master of pageantry, Walt Disney.

But the magic started when Alec Cushing performed the feat which astounded the sports world by bringing the games to Squaw Valley in the first place. In accomplishing this feat he was assisted by the late Jim Dobbas of the Placer County Chamber of Commerce and by Congressman HAROLD T. "BIZZ" JOHNSON, who, very appropriately, accepted the Olympic flag for the State of California during the opening ceremony.

Following the appropriation of State funds for the games the California Olympic Commission was appointed to act for the State in all Olympic matters.

In turn the International Olympic Commission and the U.S. Olympic Commission appointed the organizing committee to do the planning, build the facilities and stage the games. Nothing was left to magic as the hard work of planning, building, organizing and staging took over with its endless detail.

The details of building, planning for athlete transportation, housing and feeding; law enforcement; security; traffic control; spectator facilities; course planning, layout and construction; ice rinks; endless schedules; pageantry; parking and myriads of others have been concluded with a degree of success that marks this 1960 Olympic winter games as truly outstanding.

They have been outstanding for the enormous crowds which have been present in that they have been able to view each event merely by turning around. In other winter games spectators have traveled many miles to see a single event. In Squaw Valley by standing in a single spot you are afforded the amazing experience of watching slalom and downhill skiing, ski jumping and skating and by walking a few steps you can see the hockey players in action.

The games have been outstanding from many aspects not the least of which has been the work of the U.S. Navy Seabees in compacting the snow of the valley floor for use in parking more than 9,000 automobiles.

They have been outstanding for the slalom and downhill courses, the quality of the ice in the rinks and the curving grace of the jumping hill.

All of this has not been achieved without the usual amount of controversy and critical comment. At this point, the end of 6 days of competition, criticism of those who have criticized would not be in keeping with the spirit of the Olympic symbol. The rings which form the symbol represent the five continents of the earth and are linked together to denote the sporting friendship of the peoples of the world, whatever their creed or country. The colors of the symbol were chosen because at least one of them appears in the flag of every nation.

The people of Placer County, Calif., and the Nation owe a sincere vote of thanks to those responsible for the games and the tremendous success that they have been.

Those who have not yet attended are urged to do so before they end Sunday.

REEVALUATION OF NATO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, I have supported legislation on behalf of the North Atlantic Treaty Organization since it was first established in 1949.

I believed in its original concept of uniting the military strength of the free nations of Europe. As the years passed by—11 of them now—I continued to support the original concept, but of late years I have done so with increasing concern. My concern was based primarily on the failure of the NATO nations to fulfill their solemn commitments to the group organization. At first the excuse was that the economic condition of the European nations was too poor to enable fulfillment of solemn pledges. This excuse many of us accepted as reasonable in the austere period of World War II. However, as we saw the rapid and remarkable recovery of Europe in the postwar period we began to wonder why the NATO commitments still remained unfilled. They are still unfulfilled in this year of 1960.

The next cause of concern was independent of the political concept of NATO. It was the rapidly changing military technology. The explosion of the first hydrogen bomb in 1952 and the rapid reduction in size and weight of the nuclear weapon during the next 8 years prepared the way for its mating to the intermediate range and the intercontinental range ballistic missile systems of delivery. Many of us began to look at the original concept of military strength in NATO with a sincere attempt to evaluate the old concept with the new mass destruction weapons, which our scientific and mechanical ingenuity had devised.

We asked ourselves questions.

We remembered the fate of nations who depended upon obsolete defensive and offensive systems.

We remembered the Maginot concrete underground trench system of France, which the German wermacht flew over while the German mechanized panzer divisions made their end run through Belgium, north of the north end of the Maginot line.

Could it be possible that the free nations were clinging stubbornly and perhaps blindly to an ideological Maginot line in their struggles to create an effective military alliance on the East-West line in Europe?

Did the failure to fulfill NATO commitments rest on lack of capacity or apathy? Was it perhaps based on a spreading fear of nuclear destruction through becoming the battlefield between the great nuclear powers of the East and West?

Was the opposition to the establishment of nuclear missile launching bases on their soil caused by the logical fear that those same missile bases would provide the magnet target for the assault or the retaliation of enemy missiles?

Was the spreading doubt of the man in the street and the representative in their respective parliaments cowardice, or was it based on the instinctive feeling and conviction that the thickly populated areas of Europe could not survive under the blast, heat, and radiation of megaton nuclear weapons?

These are only a few of the questions which burden some of us, who have supported NATO.

We may have different answers in our own minds, based on our best judgment, but whatever our answers may be—we are left with the basic fact that NATO is not the military shield we planned in 1949.

NATO stands today as a monument of failure. It is not now nor will it be an effective military shield.

NATO may still have psychological values. It may have certain values of morale for the free NATO nations. It may be necessary for us to perpetuate it for the purpose of maintaining free world unity. But, if this be so, let us look at the Organization with clear eyes. Let us not look with the eyes of a lover who can see no reality in that which he beholds.

We should not lean upon a broken crutch which would fail us in our hour of peril. It would be better for us to examine with clear and critical eyes the concepts of the past and the realities of the present.

Mr. Speaker, under permission hitherto granted I include as part of my remarks a detailed study of NATO which appears in the March 1960 issue of Harper's magazine, by the distinguished author, John Fischer.

This article deserves the attention of every American citizen and particularly does it deserve the consideration of my colleagues in Congress, who have appropriated more than $31 billion for the support of NATO in the last 11 years.

THE CORPSE ON HORSEBACK

(By John Fischer)

Eight hundred years ago a Moorish army besieged Valencia. For months the smaller Spanish garrison managed to beat off all assaults, because it was led by a knight of awesome reputation—Ruy Diaz de Bivar, known in legend as The Cid.

At last he died of old age and battle fatigue. His appalled lieutenants could think of only one thing to do. They dressed his

body in armor, tied his sword in his right hand, and propped the corpse (by means of a cleverly concealed wicker framework) on the back of his warhorse. Leading this mounted cadaver at the head of their column, they charged out of the city gate in a last desperate counterattack.

At first the Moors flinched back at the sight of the old champion. But soon both armies noticed that The Cid's terrible sword hung in lifeless fingers. The Moors then turned with new boldness on the disheartened Spaniards, and Valencia fell.

We are in much the same fix as the Valencians. For 10 years the West has withstood a siege, thinks largely to the ability of our military champion, the North Atlantic Treaty Organization, to impose on our enemy a fearful respect. Now NATO is dead. Many people have not yet noticed this fact, because its armored figure still looks almost lifelike, and because the governments of the Western Alliance are trying hard to pretend that the corpse is as vigorous as ever.

Yet anyone who looks sharply can see that NATO's sword rests in a hand which can no longer wield it. As a result, the Russians are maneuvering with a new confidence, and panicky whispers are beginning to run through our own ranks.

But the battle is not yet lost. We still have time, a little time, to face up to the fact that our old defender is gone, and to devise something to take the place of NATO's propped-up shell.

Some of the most thoughtful military men in this country and in Western Europe are reasonably hopeful that this can be done. Because their private views differ at many points from the official positions of their governments, they cannot be quoted. Without violating any confidences, however, I can say that what follows is based on many hours of conversation with men whom I believe to be well informed and in whose judgment I have confidence. If the conclusions are sober ones, they are not (to me, at least) altogether discouraging.

Like the aging Ruy Diaz during the siege of Valencia, the military paladin of the West has always been more awe-inspiring in reputation than in fact. NATO was originally conceived as a tightly integrated force of 60 divisions—7 of them American, the rest to be contributed by our allies from Turkey to Scandinavia. With its accompanying air and naval units, this was deemed to be the minimum needed to offset the 175 Soviet divisions drawn up beyond the Iron Curtain, plus the 60 divisions of the Eastern European satellites.

Actually NATO never reached anything like its planned strength. On paper it musters 45 divisions—but only 21 of these are on the crucial front from the North Sea to the Mediterranean, many of them are unready for combat, and a truly unified command has never been achieved. The explanation is simple: most of the European nations did not deliver the troops they had promised.

France alone had a plausible excuse; her armies were busy fighting colonial wars in Indochina and later in North Africa. The others had no excuse they could mention publicly. But for most of the last decade the private reasoning—in Bonn, Brussels, Copenhagen, Rome, and many another capital—ran like this:

"NATO's real strength lies not in its land divisions, but in the American Strategic Air Command. What actually holds the Russians back is their fear that if they invade us, America will blot out their cities with nuclear bombs.

"So why should we go to the trouble and expense of raising the armies we promised? We can safely let the United States carry the main burden of defending Europe. All we need to do is to make sure that she keeps a few divisions on European soil—primarily as hostages. If these American soldiers are lost in the first Soviet attack, then we can be certain that U.S. bombers will strike back. Meanwhile, we can drag our feet—making a token contribution of men and money just big enough to keep the Americans from quitting in disgust."

To us this may sound cynical; most European politicians would have called it realism. After all they understood, better than American taxpayers possibly could, just how war weary their people were, how shaky their economies, how weak their governments. The strain of building new armies in the early years of the cold war might well have ripped apart the damaged fabric of their societies. And if they were less than frank with us—if they promised more than they could deliver, or had any intention of delivering [1]—that should not have surprised us. Weak nations habitually try to make guile serve in place of power, in their dealings with both friends and enemies. Moreover, at the time, their calculations (however cynical) were accurate; their strategy worked—so long as the United States had a clear lead over the Soviets in both nuclear weapons and the means of delivering them on target.

As the last decade drew to its close, however, that lead dwindled—and then shifted, abruptly and dramatically, to the other side. For the Russians proved, by a whole series of demonstration shots into outer space, that they could destroy our cities just as easily as we could destroy theirs. Indeed, easier—since their missiles soar on engines twice as powerful as anything we have, and a lot more of them stand ready on combat launching pads. If they can hit the moon (as we, at this writing, cannot) who doubts that they could hit Chicago? [2]

So the line of argument in the privacy of European government officers began to shift, in accordance with the new situation, to something like this:

"No matter what the State Department says, can we really count on the Americans any longer? Will they actually go to war with nuclear weapons in order to save Berlin—or, for that matter, Paris or Athens? That just doesn't sound rational. No nation governed by sane men is likely to commit suicide for the sake of a distant ally. And suicide is precisely what it would be, since the Americans themselves calculate that they would lose 40 percent of their population and 60 percent of their industry in the first hours of such a war.

"We can't, therefore, expect the old deterrent to keep the Russians out of Western Europe any longer—simply because the men in the Kremlin cannot believe (any more than we do) that it would be brought into action by anything less than a direct, unmistakable threat to the United States itself."

The terrible sword is still poised—but the hand which grasps it is now paralyzed. Or seems so, to the Europeans, so far as their own defense is concerned.

During the last months of 1959 another set of facts sprang into view, inflaming still further the European doubts about the dependability of their American ally.

Throughout the NATO decade the United States has depended heavily on oversea bases. Even today the bulk of our nuclear striking force is made up of medium-range bombers, operating from fields in Europe and North Africa, and of intermediate-range ballistic missiles (Thors and Jupiters) based on seven sites in England, Italy, and Turkey. Because these bases were indispensable for our own safety, we had to be very patient indeed with the countries where they were located. That is one reason why we could never insist too hard that the Europeans make good on their commitments to NATO, and why we poured such fantastic sums into the pockets of Spain's corrupt Fascist dictatorship. We had no choice.

But we soon will have. Toward the close of 1959, two technological developments indicated that we might not need those oversea bases much longer. (1) After many failures, our missileers finally worked the bugs out of the Atlas, an intercontinental weapon which now looks as if it will operate dependably from launchers on our own soil. (2) Enough progress was made on the Polaris weapons system to give some confidence that it may be ready for service within 2 years. By 1963, therefore, America's retaliatory striking power should be based partly on our home grounds, and partly on submarines capable of firing nuclear-tipped missiles while under water (and thus almost invulnerable to surprise attack).

When that day comes, many Europeans suspect that we may become reluctant to put up with the vexations and expense of an alliance which is no longer militarily essential to us.

These misgivings are reasonable enough. For the truth is that from a strictly military viewpoint NATO is becoming more of a liability than an asset to Europe and America alike. For the Europeans, it no longer provides a sure, automatic defense, though it does threaten to embroil them in any quarrel that might arise between Russia and the United States. For America it offers little besides oversea bases, of rapidly diminishing value; while it costs us heavily in money and manpower, and keeps us constantly involved in dangerous arguments over such sore spots as Berlin.

Like a slowly accumulating poison, these unspoken doubts on both sides have been weakening NATO ever since the first sputnik went into orbit. It would be impossible to pinpoint the date on which it died, but the first public admission of its death by a responsible European official came on November 23, 1959. On that day Gen. Jean-Etienne Valluy, the NATO commander for Central Europe, chided the European members for not fulfilling their commitments, and for what he called their moral disengagement.

"If this continues," he said, "General Norstad and I will be able to no longer hide the fact that we cannot fulfill our mission."

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[1] Exceptions were the Turks and the Greeks. The latter assigned 5 divisions to NATO—as many as England—and the 12-division Turkish contingent is actually the largest of any country's. But they have been under more direct Soviet pressure than any other NATO members, and also have received relatively more U.S. military aid.

[2] Alarming as it is, the Russian lead in nuclear missiles is not quite catastrophic. The best estimates I can get indicate that until about 1963 they will be able to hit us harder than we can hit them—but still not hard enough to tempt them into starting a war. Unless they can count on knocking out virtually all of our strategic bombers and missiles in their first attack, we could still strike back hard enough to make the gamble unattractive.

The number of missiles required for such a knockout blow varies from day to day—depending on the number of weapons we have ready to go, how widely they are dispersed, and how well they are protected. Today, for example, they might need 3 missiles to be sure of killing 1 of ours on the ground; a little later, when we complete hardened underground launching sites, they might need 10. These figures are merely illustrative. The actual calculations are extremely complex, and are necessarily secret. An informed guess, however, is that at no time between 1960 and 1963—the period of the so-called missile gap—will the Russians have a big enough lead to be entirely certain they could wipe out our retaliatory force. But our margin of safety is a narrow one.

It has continued, at a faster pace. Indeed, General de Gaulle—the strongest and most realistic, if also the most difficult, of European statesmen—has been acting for some time as if NATO were already buried. He has pulled most of the French Navy out of the NATO command, forced NATO bombers out of their French bases, and rebuffed all pleas to set up unified NATO controls, even for an air-raid warning system. At the same time De Gaulle has put France's resources under great strain in order to build, at the earliest possible moment, his own nuclear weapons.

This behavior has been dismissed by some commentators, as a sort of folie de grandeur; but it may be nothing of the sort. It can be interpreted with equal logic as the behavior of a man who believes NATO would be useless in a pinch, and who therefore is determined to control his own forces and his own nuclear deterrent.

Another sign of rigor mortis is the growing popular revulsion in Europe against a strategy which relies solely on nuclear weapons. This reaction is often emotional rather than carefully reasoned but that makes it all the harder to answer. How do you argue with a woman who feels in her marrow that a defense which means mutual suicide is worse than no defense at all?

A left wing English Labor Party politician recently put the case to me in these terms:

"In a crisis, one of two things can happen. Either you Americans will cave in, because you are afraid to touch off an atomic war; in that case the Russians win without a struggle. Or you will decide to fight; in that case, all of Western Europe will be destroyed along with most of the United States.

"So maybe it would be wiser for the European countries—and perhaps even England as well—to pull out of the alliance and turn neutralist. Then we would at least have a chance of avoiding destruction in a fight between Russia and America. Yes, I realize that no single country could hold off the Russians by itself. The neutralist course might well result in our being occupied by the Russians for a century—or two, or three.

"But dreadful as that might be, you have to admit, old boy, that it isn't quite as bad as extermination."

So far as I can judge, this view is not yet held by anything like a majority in any European country. But it may be held tacitly by many people who are reluctant to express such unheroic sentiments out loud—and it does seem to be spreading. One variety is the "ohne mich"—"without me"—attitude which is so widespread in Germany. (Its counterpart is the kind of "moral disengagement"—the shrugging lack of interest in public affairs—which is distressingly common among American young people.) You can hear the same state of mind proclaimed in even more extreme terms at any of the antibomb meetings which are being held almost weekly in London.

The main reasons for thinking so can be summarized very briefly:

(1) Khrushchev has been talking to his own people about peace, disarmament, and rising living standards in a way which would make it extremely difficult for him to lead them abruptly into war. Even in a Communist country, public opinion has to be carefully prepared for such an adventure, and it can't be whipped into a 180-degree turn overnight.

(2) The cut in Soviet armed forces which he announced in January seems to be real. While we can't be sure, in the absence of a system of international inspection, there are some clues which point that way.

(3) After years of stalling, the Russians are at last giving some indications that they want to negotiate seriously about disarmament.

None of this, of course, means that the Soviet leaders have abandoned their hopes of bringing the whole world eventually into the Communist system. It simply means that they have shifted to a new tactic which they deem safer and surer, if perhaps a little slower; that they plan to move, not by direct military conquest, but by economic penetration, subversion, and diplomatic pressure. Apparently they really believe that they will win, eventually, in that "peaceful competition" with the West which they talk so much about—and with some reason, in view of the rapid growth of their economy. Military intervention might still be used on occasion, against a weak neighbor, but at least for the immediate future it seems likely to be a subordinate tool in the kit-bag of Soviet policy.

If this estimate proves accurate, what Western Europe will need is no longer a massive defense to beat off a massive invasion, but instead a new type of defense establishment designed to cope with the new Communist tactics. It would be essentially a constabulary—highly mobile and especially trained to handle subversion, local uprisings, border incidents, and the kind of probing attacks with which Communists habitually test the nerve and strength of their opponents.

Such a force could be armed only with conventional weapons, since nuclear weapons (even of the small tactical variety) would be unnecessary for its mission.

Recent changes within Western Europe—its astonishing economic recovery, the newfound stability of its governments, and the shrinking influence of local Communist parties—would seem to make this sort of defense force entirely practicable. If they make a serious try, the Europeans should have no great trouble in finding both the men and the money to keep it going indefinitely.[3]

A small American contingent—perhaps a division—might be assigned to the European constabulary as a token of our continuing sympathy and interest. But it should be fundamentally a European force, manned, financed, equipped, and led by the Europeans themselves. Nothing else would do so much to give our friends a sense of independence, self-respect, and responsibility for their own safety. And nothing less will eliminate the frictions and misunderstandings which are inevitable so long as the United States carries the main burden of patrolling the European frontier.[4]

But the United States will still have to carry the main burden of counterbalancing the Soviet nuclear weapons. This entails a costly, constantly evolving system of Polaris submarines, antimissile warning networks, and intercontinental missiles in dispersed, "hardened," and eventually mobile sites. (For instance, the solid-fueled Minuteman, when it is ready 3 or 4 years from now, might be mounted on railway flatcars or river barges; shifting each missile a few miles every few days would make it infinitely harder for an enemy to zero-in on such targets, thus making a surprise attack far more risky.) The development of such a system should be our first military priority; for until the missile gap is closed we can never feel entirely secure against a Soviet assault, improbable though it may seem at the moment.

Equally important, until we pull even with the Russians, they are never likely to agree to a disarmament plan with foolproof inspection. Only when we can sit down at the bargaining table with a hand as strong as theirs will we have much chance of getting a deal which we can accept.

Consequently the plan outlined so sketchily in the foregoing paragraphs would not promise any relaxation for anyone within the immediate future. On the contrary, it would demand greater efforts—a greater effort by the Europeans to build up a truly effective local defense of their own; a greater effort by America to regain our lost ground in the missile competition. (At the same time we should be strengthening our ground forces and providing them with an adequate airlift, to guard against brush-fire wars in the non-European sectors of the globe; but that is too complex a matter to touch on here.)

What it would promise—in the long run—is a realistic hope of disarmament; an awakening, eventually, from the atomic nightmare which haunts the world.

The main reason for such a hope is that an indefinite nuclear stalemate between us and the Russians just doesn't make sense for either side. Why should we both go to enormous expense and strain to keep up a stable of monstrous weapons which neither dares to use? If we can agree to scrap missiles and warheads—at the same time, and under conditions guaranteeing no deception—we would end up in exactly the same relative positions, militarily speaking. Both countries could then turn a vast treasure of material and brain power to more constructive uses. Even more welcome would be the removal of the constant fear that an atomic war might somehow get started by mistake. For so long as the missiles stand poised for instant takeoff, there is always a danger that some colonel in Omsk (or Wyoming) might push the wrong button, or misread a blip on a radar screen.

Finally, both we and the Russians have an obvious interest in bringing such weapons under control before they spread to too many other nations. What kind of world will it be when every Nasser, Castro, and Trujillo has an atomic arsenal of his own? And with

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[3] One of the most durable legends of the past decade is that the West could never hope to match the Communist hordes; and this supposed inferiority in manpower was a main justification for relying primarily on nuclear weapons.

As General Maxwell Taylor pointed out in his recent book, "The Uncertain Trumpet," this myth simply is not true. The tabulation cited on page 138 of that book shows that Western Europe alone now has more than 54 million fit males of military age—while the Soviet Union has only 41 million. (If you add in 17 million men from the European satellites—of doubtful loyalty—the Soviet total would be 58 million.)

But what about the Chinese? In fact, they have only about 84 million fit males of military age, and it is most unlikely that any substantial number of them would ever be employed on a European front—partly because it would be logistically difficult to move and supply them, partly because the last thing the Russians would want is a big Chinese army on their own soil.

In any case, the whole Communist bloc—including Russia, China, and all their European and Asian satellites—could muster only 145 million men, as against a total of 156 for all the Western Powers and their Asian allies. So the disparity in forces actually under arms has not been due to any lack of manpower on our side, but merely to an unwillingness to use what we've got.

[4] A unified command, plus a considerable degree of integration of national units into a single European army, would seem to offer many advantages. Among them are economy and greater efficiency in both planning and operations. But the great attraction of a unified force would be that no single nation—for example, Germany—could then embark on a private military adventure which might endanger the rest of Europe. Whether European nationalism would, however, allow such unification is still an open question.

the latent rivalry between Russia and China on his mind, Mr. Khrushchev must spend an occasional sleepless night wondering what will happen when Mao Tse-tung can arm his fast-multiplying millions with such weapons.

For all these reasons thoughtful military men—including Gen. Maxwell Taylor, one of the finest intellectuals our Army has yet produced—believe that nuclear disarmament ought to be the No. 1 goal of American policy. Perhaps it is not too much to hope that somewhere in Moscow their counterparts are thinking along the same lines.

If and when that goal can be reached, we can then turn our full attention to what probably will prove the decisive struggle with the Russians: the struggle to see which nation can first build the good society, capable of winning the allegiance of the rest of the world.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I have already secured permission to extend my remarks in the body of the RECORD today. I ask unanimous consent that my extensions be inserted immediately following the speeches delivered by the gentleman from Colorado [Mr. JOHNSON] and the gentleman from Oregon [Mr. ULLMAN].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENT (at the request of Mr. NIX), for Monday, February 29, 1960, on account of illness.

Mr. MCGINLEY for February 29 and March 1, 1960, on account of business in his congressional district which requires his personal attention.

Mr. SAYLOR (at the request of Mr. ARENDS), for today, on account of accident en route to Washington from his congressional district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. JOHNSON of Colorado, for 1 hour, today.

Mr. ULLMAN, for 1 hour, today.

Mr. PRICE, for 30 minutes, on Wednesday next.

Mr. HOLIFIELD, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. JOHNSON of California (at the request of Mr. ALBERT), for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KING of Utah and to include extraneous matter.

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to revise and extend my remark in the CONGRESSIONAL RECORD and to insert extraneous matter, and I make the same request on behalf of the following Members. I ask unanimous consent that their remarks immediately follow mine and in the order in which I have listed their names: Mr. BRAY, Mr. ROUSH, Mr. O'HARA of Illinois, Mr. DINGELL, Mr. DIGGS, Mrs. GREEN of Oregon, Mr. YATES, Mr. MOELLER, Mr. THOMPSON of New Jersey, Mr. MACHROWICZ, Mr. LINDSAY, Mr. UDALL, Mr. O'HARA of Michigan, Mr. ADAIR, Mr. METCALF, Mr. KASTENMEIER, Mr. BARR, and Mr. DENTON.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PORTER and to include extraneous matter.

Mr. KNOX on the subject of tariff and trade.

Mr. LANGEN in two instances and to include a speech.

Mr. JONAS, his remarks made in Committee of the Whole and to include certain tables furnished the Committee.

Mr. JENSEN, his remarks made in Committee of the Whole and to include a letter.

Mr. BOLAND, his remarks made in Committee of the Whole and to include extraneous matter.

Mr. PELLY, his remarks made in Committee of the Whole and to include a telegram and a letter.

Mr. PATMAN, and also to include a letter prepared by Mr. ULLMAN on the bill proposing an increase in the long-term interest rates.

Mr. RHODES of Pennsylvania and to include extraneous matter.

Mr. FULTON and to include extraneous matter.

Mr. ALGER.

(At the request of Mr. ALBERT, the following Members to extend their remarks in the RECORD and to include extraneous matter:)

Mr. MULTER.

Mr. RODINO.

Mr. DADDARIO.

ADJOURNMENT

Mr. JOHNSON of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 1, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1877. A letter from the Attorney General, transmitting a report which presents a study of the competitive effects of Defense Production Act programs on the beryllium industry, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1878. A letter from the President, Board of Commissioners, District of Columbia, transmitting this year's report on the state of the Nation's Capital; to the Committee on the District of Columbia.

1879. A letter from the Comptroller General of the United States, transmitting a report on examination of the price negotiated for materials and parts to be used in the overhaul of aircraft engines by Northwestern Aeronautical Co., St. Paul, Minn., under Department of Army contract DA-23-204-TC-230; to the Committee on Government Operations.

1880. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Government Printing Office for the fiscal year ended June 30, 1959; to the Committee on Government Operations.

1881. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program for Japan, as administered by the Military Assistance Advisory Group in Japan; to the Committee on Government Operations.

1882. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program for Korea; to the Committee on Government Operations.

1883. A letter from the Secretary of the Interior, transmitting a report pertaining to providing for the construction and operation of saline water demonstration plants, and to advise that a process has been selected for the fifth demonstration plant, pursuant to Public Law 85-883; to the Committee on Interior and Insular Affairs.

1884. A letter from the Under Secretary of the Interior, transmitting the Fourth Annual Report on the Accomplishments of the Anthracite Mine-Water Control Program, pursuant to the act of July 15, 1955 (69 Stat. 352; 30 U.S.C. supp. V, secs. 571-576); to the Committee on Interior and Insular Affairs.

1885. A letter from the chairman of the board, Boys' Clubs of America, transmitting the audited financial report of Boys' Clubs of America for the year 1959, pursuant to section 14 of Public Law 988, entitled "An act to incorporate the Boys' Clubs of America"; to the Committee on the Judiciary.

1886. A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting the 35th report on property acquisitions by the Office of Civil and Defense Mobilization for the quarter ending December 31, 1959, pursuant to the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

1887. A letter from the Deputy Assistant Secretary of Defense (Supply and Logistics), transmitting reports on Army, Navy, and Air Force prime contracts to small and other business firms during the month of December 1959, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1888. A letter from the Administrator, Small Business Administration, transmitting a report reflecting estimated obligations by principal activities of the Small Business Administration for the period July 1 through December 31, 1959, pursuant to section 10 (b) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1889. A letter from the Acting Secretary of State, transmitting a report on grant economic assistance relating to defense support and special assistance programs, pursuant to section 503(c) of the Mutual Security Act of 1954, as amended; to the Committee on Foreign Affairs.

1890. A letter from the Deputy Secretary of Defense, transmitting a semiannual report relative to authority granted to transfer funds authorized for air defense missile installations, pursuant to section 403 of Public Law 85-685; to the Committee on Armed Services.

1891. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to amend the act of October 17, 1940, relating to the disposition of certain public lands in Alaska"; to the Committee on Interior and Insular Affairs.

1892. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the Commission's investigation with respect to fluorospar, pursuant to Senate Resolution 163, 86th Congress, adopted August 21, 1959; to the Committee on Ways and Means.

1893. A letter from the Chief Commissioner, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to the following claim: *The Omaha Tribe of Nebraska, and Amos Lamson, Charles J. Springer, John F. Turner, and Henry E. Freemont, ex rel. Omaha Tribe of Nebraska, Omaha Tribe and Nation Including all Groups, Bands, and Members of said Omaha Tribe and Nation* v. *The United States of America, defendant* (docket No. 225–A, 225–B, 225–C, and 225–D, finally consolidated into 225 consolidated, pursuant to the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1055; 25 U.S.C. 70t)); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House on February 25, 1960 the following bill was reported on February 26, 1960:

Mr. THOMAS: Committee on Appropriations. H.R. 10743. A bill making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted February 29, 1960*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1293. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9449. A bill to amend certain sections of title 14, United States Code, relating to personnel matters in the U.S. Coast Guard, and for other purposes; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. H.R. 10045. A bill to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended; without amendment (Rept. No. 1295). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. S. 2440. An act to designate the Green Peter Dam and Reservoir on middle Santiam River, Oreg., as the Douglas McKay Dam and Reservoir; with amendment (Rept. No. 1296). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 10590. A bill relating to interest rate restrictions on bonds of the United States; without amendment (Rept. No. 1297). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 or rule XXII, pursuant to the order of the House of February 25, 1960, the following bill was introduced on February 26, 1960:

By Mr. THOMAS:

H.R. 10743. A bill making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

[*Introduced and referred February 29, 1960*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H.R. 10744. A bill to amend title II of the Social Security Act to eliminate the requirement that an individual must have attained the age of 50 in order to become entitled to disability insurance benefits; to the Committee on Ways and Means.

By Mr. BOSCH:

H.R. 10745. A bill to amend the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. BROOKS of Louisiana:

H.R. 10746. A bill to amend section 307 of the National Aeronautics and Space Act of 1958, as amended, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BURDICK:

H.R. 10747. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. CELLER:

H.R. 10748. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. COHELAN:

H.R. 10749. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. ELLIOTT:

H.R. 10750. A bill to amend title II of the Vocational Education Act of 1946, relating to practical nurse training, and for other purposes; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 10751. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. GREEN of Pennsylvania:

H.R. 10752. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HECHLER:

H.R. 10753. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

H.R. 10754. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. HOSMER:

H.R. 10755. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Bridge Canyon project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JARMAN:

H.R. 10756. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. JENSEN:

H.R. 10757. A bill to provide for a payment-in-kind program for corn, and for other purposes; to the Committee on Agriculture.

By Mr. JONAS:

H.R. 10758. A bill to provide direct aid to States for educational purposes only; to the Committee on Education and Labor.

By Mr. KEARNS:

H.R. 10759. A bill to provide for the designation, under the provisions of section 1109 (b) of the Federal Aviation Act of 1958, of the Port Erie Airport, Erie, Pa., as a port of entry for civil aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. LANE:

H.R. 10760. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. McMILLAN:

H.R. 10761. A bill to provide for the representation of indigents in judicial proceedings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MACDONALD:

H.R. 10762. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MACK of Washington:

H.R. 10763. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. METCALF:

H.R. 10764. A bill to authorize Federal financial assistance for school construction and teachers' salaries; to the Committee on Education and Labor.

By Mr. CLEM MILLER:

H.R. 10765. A bill authorizing the Secretary of the Army to survey streams in Marin County, Calif., flowing into Richardson Bay, including Coyote Creek and Aroyo Corte Madera del Presidio Creek, in the interest of flood control and allied purposes; to the Committee on Public Works.

H.R. 10766. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. MONTOYA:

H.R. 10767. A bill to provide for the payment of pensions to veterans of World War I and their widows and children at the same rates as apply in the case of veterans of the Spanish-American War, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MURRAY:

H.R. 10768. A bill to make permanent the temporary increases in rates of basic salary provided for employees in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLIVER:

H.R. 10769. A bill to extend World War I veterans' benefits to persons in active military or naval service in Haiti between July 25, 1915, and April 6, 1917; to the Committee on Veterans' Affairs.

By Mr. QUIE:

H.R. 10770. A bill to provide for a payment-in-kind program for producers of wheat, corn, oats, rye, barley, grain sorghums, soybeans, and flaxseed; to the Committee on Agriculture.

By Mr. RODINO:

H.R. 10771. A bill to incorporate the Legion of Guardsmen; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 10772. A bill to amend the Federal Trade Commission Act to strengthen inde-

pendent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10773. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. THOMSON of Wyoming:

H.R. 10774. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture.

H.R. 10775. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. VAN PELT:

H.R. 10776. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. VINSON:

H.R. 10777. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. WESTLAND:

H.R. 10778. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. WHITTEN:

H.R. 10779. A bill to provide for a survey to be conducted by the Secretary of the Army with respect to certain possible projects for recreation on the Tallahatchie River, Coldwater River, Yocana River, and the Yalobusha River in the State of Mississippi; to the Committee on Public Works.

By Mr. DIXON:

H.R. 10780. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. HÉBERT:

H.R. 10781. A bill to provide for the conveyance of certain real property of the United States to the parish of Plaquemines, La.; to the Committee on Armed Services.

By Mr. MACK of Illinois:

H.R. 10782. A bill to facilitate the protection of consumers of articles of merchandise composed in whole or in part of gold or silver from fraudulent misrepresentation concerning the quality thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of Alaska:

H.R. 10783. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.R. 10784. A bill to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis; to the Committee on Agriculture.

By Mr. IRWIN:

H.R. 10785. A bill to amend section 202(a) of the Federal Employees Pay Act of 1945 to permit employees whose rates of basic compensation are not more than the maximum scheduled rate of grade GS–15 of the Classification Act of 1949 to request overtime pay or compensatory time off for irregular or occasional overtime work; to the Committee on Post Office and Civil Service.

By Mr. RANDALL:

H.R. 10786. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. RIVERS of Alaska:

H.R. 10787. A bill to authorize the construction, operation, and maintenance of the Crater-Long Lakes division of the Snettisham project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KING of California:

H.J. Res. 632. Joint resolution to provide for the designation of the month of May of each year as Senior Citizens Month; to the Committee on the Judiciary.

By Mr. MONTOYA:

H.J. Res. 633. Joint resolution to help make available to those children in our country who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to help make available to individuals suffering speech and hearing impairments those specially trained speech pathologists and audiologists needed to help them overcome their handicaps; to the Committee on Education and Labor.

By Mr. MOSS:

H.J. Res. 634. Joint resolution authorizing the President of the United States to designate the year 1960 as Pony Express Year; to the Committee on the Judiciary.

By Mrs. PFOST:

H.J. Res. 635. Joint resolution to provide for the designation of the month of May of each year as Senior Citizens Month; to the Committee on the Judiciary.

By Mr. GIAIMO:

H. Con. Res. 606. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. PATMAN:

H. Con. Res. 607. Concurrent resolution authorizing the printing as a House document of the pamphlet entitled "Our American Government. What is it? How Does It Function?"; to the Committee on House Administration.

By Mr. PORTER:

H. Con. Res. 608. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. RIVERS of Alaska:

H. Con. Res. 609. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. BOLAND:

H. Res. 464. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the textile industry of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly, memorializing the President of the United States, to Senators and Representatives in Congress from Rhode Island, the Secretary of the Interior, and the Governor of the State of Rhode Island to make every effort to have built on Federal unused land, on the island of Aquidneck in Newport County a saline-water-conversion plant; to the Committee on Interior and Insular Affairs.

Also, memorial of the Rhode Island General Assembly memorializing Congress and praying for the passage of H.R. 4700, introduced by Representative AIME J. FORAND, the purport of which is to help the American people find a low-cost method of paying for the high cost of hospital and surgical care in their old age; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to urging passage of Senate bills 1956 and 2661, thereby making available a method of financing the ferry system for southeastern Alaska; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States, relating to Federal action on unemployment insurance; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Georgia, memorializing the President and the Congress of the United States, relative to going on record as favoring the solution of the health problems of the aged population through voluntary methods on the community and State level; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 10788. A bill for the relief of Mrs. Ina L. Willis; to the Committee on the Judiciary.

H.R. 10789. A bill for the relief of James S. Cornett; to the Committee on the Judiciary.

H.R. 10790. A bill for the relief of James K. Green; to the Committee on the Judiciary.

By Mrs. CHURCH:

H.R. 10791. A bill for the relief of Iren Enevold; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 10792. A bill for the relief of Maria M. Diakolios; to the Committee on the Judiciary.

By Mr. DURHAM:

H.R. 10793. A bill for the relief of Ray C. Thompson; to the Committee on the Judiciary.

By Mr. HEALEY:

H.R. 10794. A bill for the relief of Amy Duggan; to the Committee on the Judiciary.

By Mr. IKARD:

H.R. 10795. A bill for the relief of Myra Knowles; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 10796. A bill to confer jurisdiction upon the U.S. District Court for the District of Hawaii to hear, determine, and render judgment upon a certain claim of the Waimea Ranch Hotel, Ltd.; to the Committee on the Judiciary.

H.R. 10797. A bill for the relief of Soon Tai Lim; to the Committee on the Judiciary.

H.R. 10798. A bill for the relief of Mrs. Toshiko Ikeda; to the Committee on the Judiciary.

H.R. 10799. A bill for the relief of Juanito Segismundo; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 10800. A bill for the relief of Dr. Ali A. Kawi; to the Committee on the Judiciary.

By Mr. LANKFORD:

H.R. 10801. A bill for the relief of Clark L. Simpson; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 10802. A bill for the relief of Raymond E. Greenhalgh: to the Committee on the Judiciary.

H.R. 10803. A bill for the relief of William K. Cassell; to the Committee on the Judiciary.

By Mr. OLIVER:

H.R. 10804. A bill for the relief of Guregh and Sumpad Tavitian; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 10805. A bill for the relief of Mrs. Zofia Polinski; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of the rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

343. By Mr. BREEDING: Resolution adopted by the Kansas Engineering Society at its 52d annual meeting on February 20, 1960, in Wichita, Kans., urging enactment of legislation to establish a future criteria to be followed in order to properly utilize the great water resources of our Nation; to the Committee on Interior and Insular Affairs.

344. By Mr. IRWIN: Resolution adopted by the Department of Connecticut, the American Legion, at an executive committee meeting held on February 3, 1960, going on record as favoring the retention of all funds marked in the proposed national budget for the U.S. Coast Guard Academy for building and survey program of the Academy amounting to $592,000; to the Committee on Merchant Marine and Fisheries.

345. By the SPEAKER: Petition of the county clerk, Wailuku, Maui, Hawaii, requesting favorable consideration to continue the 20 percent cost-of-living wage to all Federal employees in the State of Hawaii to be in parity with all other Federal employees of the continental United States; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

Criticism of Senator Byrd of West Virginia on Poll Tax Amendment

EXTENSION OF REMARKS
OF
HON. ROBERT C. BYRD
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Monday, February 29, 1960

Mr. BYRD of West Virginia. Mr. President, on February 8, 1960, the Charleston (W. Va.) Gazette, ran an editorial criticizing me for my vote against the Javits poll tax amendment. I wish to have printed in the Appendix of the RECORD the editorial, together with a letter which I wrote to the editor of the Gazette in explanation of my position. The editor printed a portion of my reply in a later issue, but my entire response did not appear, undoubtedly because it was too lengthy.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

SENATOR BYRD FAVORS SOUTH VERSION OF DEMOCRACY

"Southerners * * * won the only real fight of the day."

That's the way the New York Times, a responsible newspaper, described the defeat of the Javits bill, which would outlaw the poll tax by a simple statute.

The bill, offered by JACOB K. JAVITS, Republican, of New York, was beaten with the help of a West Virginia Senator, ROBERT C. BYRD.

BYRD, who votes with the southern bloc more or less regularly, joined Senator LYNDON JOHNSON, Democrat, of Texas, and Senator EVERETT MCKINLEY DIRKSEN, Republican, of Illinois, in supporting another poll tax measure which would require a constitutional amendment and which, therefore, isn't likely to stir up any trouble. The Javits bill was the key vote on the important civil rights issue.

JENNINGS RANDOLPH, the other West Virginia Senator, declined to join BYRD and the Dixiecrats on the touchy issue and cast his vote for the Javits bill. RANDOLPH is a liberal. During his campaign for office, he was accused of being a New Dealer. He gladly admitted the charge.

RANDOLPH'S consistent position on civil rights is creditable, we think, and we trust it has been watched by all West Virginians who believe in democracy as traditionally defined, but not always practiced, in America.

BYRD, on the other hand, seems at times to be infected with the primitive conservatism of the wool hat. His campaign devices—the fiddle, the Sunday school forum, and the Edgar Guest poetry—are embarrassingly similar to the techniques of the Bayou gallus-snapper.

Further, he has taken to frequent voting with the southerners, and it wouldn't be unfair to deduce from the record that he favors the tortured version of democracy practiced in the South.

We don't like to think that ROBERT C. BYRD accurately represents the position of the people of West Virginia. If he does, it may be to the discredit of the people.

He by no means represents the position of the Charleston Gazette.

FEBRUARY 22, 1960.

The EDITOR,
The Charleston Gazette,
Charleston, W. Va.

DEAR SIR: In the February 8 issue of the Charleston Gazette, an editorial was printed under the headline, "Senator BYRD Favors South Version of Democracy." The editorial attacked me for voting against the Javits amendment, which was erroneously referred to as the "key vote on the important civil rights issue." I was mentioned by the anonymous writer of the editorial as being "infected with the primitive conservatism of the wool hat," and I was criticized for "frequent voting with the southerners." The writer stated that he did not "like to think that ROBERT C. BYRD accurately represents the position of the people of West Virginia," and that, if I did so represent the people, "it may be to the discredit of the people." He closed his editorial with a sentence stating that I, by no means, represent "the position of the Charleston Gazette."

It is certainly not my intention or desire to attempt to answer every critical editorial concerning me. "What I must do is all that concerns me." This is a rule which is, in the words of Emerson, "equally arduous in actual and intellectual life, and it may serve the whole distinction between greatness and meanness." "It is the harder," said Emerson, "because you will always find those who think they know what is your duty better than you know it."

I feel it incumbent upon me, however, to reply to the editorial because it presents a distorted picture of my position in voting against the Javits amendment. Senator JAVITS' amendment proposed to prohibit, by statute, the poll tax, and it was offered as a substitute for the proposal by Senator HOLLAND, of Florida, to prohibit the poll tax by a constitutional amendment. The defeat of the Javits amendment by a vote of 50 to 37 followed a vote by which the Holland amendment was agreed to 72 to 16.

As a Member of the U.S. Senate, I took an oath to uphold the Constitution. On the basis of my limited understanding of the Constitution and certain court decisions pertinent to the subject matter of this correspondence, I feel that the States have the power to establish voting qualifications. The Javits proposal would have had the Congress say that a certain requirement, to wit, payment of a poll tax, should not be a qualification for voting. The Javits proposal, then, sought to amend the Constitution by statute. The Constitution clearly provides procedures for its own amendment, and amendment by statute is not among them (art. V, U.S. Constitution).

Authority for the statement that the Constitution specificially vests in the States the power to establish voting qualifications can be found in article I, section 2, and in article II, section 1, of the U.S. Constitution, the former provision dealing with the election of Members to the U.S. House of Representatives, and the latter provision dealing with the election of the President and the Vice President. The 17th amendment to the U.S. Constitution provides that the qualifications of voters in senatorial elections shall be fixed by the States in precisely the same manner as is provided in article I, section 2, for the election of House Members. Additional authority for the contention that this power rests with the States may be found in a reading of the lower court's decision in *Butler* v. *Thompson* (341 U.S. 937), later upheld by the U.S. Supreme Court where the following language was used:

"To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privileges of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate."

A further court decision buttressing this point may be found in *Breedlove* v. *Suttles* (302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252), which held that a poll tax prescribed by the Constitution and statutes of the State of Georgia did not offend the Federal Constitution.

I voted to prohibit, by constitutional amendment, the poll tax as a voting requirement. I know of no person who questions the propriety or legality of that approach, whereas there are many constitutional lawyers of eminent reputation who have questioned the statutory procedure. The former Senator from Idaho, Mr. Borah, was one, and I could name others who have taken the same position throughout the many years in which Congress has been debating a repeal of the poll tax by a statutory route.

References in the Constitution to voting qualifications are not there by chance; they are there as a result of careful and deliberate thought upon the part of our illustrious Founding Fathers, who were wise and patriotic men—men who were guided in their decisions by a profound and unselfish interest in the future of their country, not by the emotions borne upon passing political winds. These provisions were later ratified by the States and have been upheld by the courts over the decades.

The foregoing constitutes an accurate presentation of the reasons why I voted as I did, and in my judgment they are unassailable reasons. I am confident that my position was constitutionally sound, and I am content to rest my case on that basis.

I welcome and expect criticism, but I think that it should be constructively intended and constructively offered. As Burke said, "No man has ever a point of pride that was not injurious to him," so no man has ever a defect that was not somewhere made useful to him. The stag in the fable admired his horns and blamed his feet, but, when the hunter came, his feet saved him, and afterward, caught in the thicket, his horns destroyed him. So, every man in his lifetime needs to thank his faults. Our strength grows out of our weakness. The indignation that becomes aroused with hidden force does not prick itself, but is put in motion when one is stung and unfairly assailed. Being pushed, tormented, and defeated, one is put upon his manhood and learns his ignorance, is cured of his conceit, and is kept humble. "The wound cicatrizes and falls from him like a dead skin and when others would triumph, lo! he has passed on invulnerable."

Undoubtedly, there are many fine people who work for the Gazette, and I think that I have some friends among them. I am constrained to think, however, that even they would be the first to disagree with the implication in the last sentence of the editorial—that a Senator, or any public official for that matter, is elected to represent "the position of the Charleston Gazette" or any other newspaper, individual, or group.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

The Civil Rights Conference at the Notre Dame Law School, February 14, 1960

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. BRADEMAS. Mr. Speaker, the University of Notre Dame Law School was sponsor on February 14, 1960, of a conference on civil rights. Members of Congress, officials of the Department of Justice, State and local government officials, professors of law and representatives of voluntary associations gathered on the campus of the University of Notre Dame to discuss legislative proposals now before Congress in the field of civil rights.

The discussions by these distinguished citizens were so valuable that I am pleased to be able to call them to the attention of Members of Congress by joining with several of my colleagues to include the proceedings of the conference in the CONGRESSIONAL RECORD.

PARTICIPANTS IN CIVIL RIGHTS CONFERENCE, FEBRUARY 14, 1960

Mr. Douglas Anderson, assistant to Senator PAUL H. DOUGLAS.

Mr. Berl Bernhard, Deputy Director Commission on Civil Rights.

Representative JOHN BRADEMAS, of Indiana.

Representative WILLIAM G. BRAY, of Indiana.

Prof. Thomas Broden, Jr., Notre Dame Law School.

Mr. John D. Calhoun, Assistant Deputy Attorney General.

Prof. Roger Cramton, the University of Chicago Law School.

Prof. Wylie H. Davis, University of Illinois College of Law.

Mr. Russell De Bow, assistant to Representative BARRATT O'HARA of Illinois.

Senator JESSE L. DICKINSON, Indiana State Senate, executive director, South Bend Housing Authority.

Representative JOHN D. DINGELL, of Michigan.

Senator PAUL H. DOUGLAS, of Illinois.

Prof. Jesse J. Dukeminier, Jr., University of Kentucky College of Law.

Mr. Vernon Eagle, executive director, the New World Foundation.

Prof. Samuel D. Estep, University of Michigan Law School.

Mr. Herman Edelsberg, chairman, National Civil Liberties Clearing House.

Mr. John Feild, legislative assistant to Senator PHILIP A. HART, of Michigan.

Mr. Robert J. Fink, administrative assistant to Governor Harold Handley of Indiana.

Mr. Harold C. Fleming, executive director, Southern Regional Council.

Mr. William R. Foley, general counsel, Committee on the Judiciary, House of Representatives.

Prof. George W. Foster, Jr., University of Wisconsin Law School.

Prof. Robert J. Harris, University of Michigan Law School.

Mr. James Harrison, administrative assistant to Congresswoman EDITH GREEN of Oregon.

Rev. Theodore M. Hesburgh, C.S.C., president, University of Notre Dame; member, Commission on Civil Rights.

Representative Jeanne Hurley, Illinois General Assembly.

Commissioner George M. Johnson, member, Commission on Civil Rights; professor, Howard University Law School.

Senator Marshall F. Kizer, Indiana State Senate.

Prof. Conrad Kellenberg, Notre Dame Law School.

Rev. William J. Kenealy, S.J., professor, Loyola University School of Law.

Representative THADDEUS MACHROWICZ, of Michigan.

Mr. Clifford E. Minton, executive director, Urban League of Gary, Ind., representing the National Urban League.

Representative WALTER H. MOELLER, of Ohio.

Dr. John A. Morsell, assistant to the executive secretary, National Association for the Advancement of Colored People.

Mrs. Nancy Murry, executive secretary to Senator WILLIAM PROXMIRE, of Wisconsin.

Prof. Nathaniel L. Nathanson, Northwestern University Law School.

Mr. Robert Nelson, legislative assistant, Commission on Civil Rights.

Dean Joseph O'Meara, Notre Dame Law School.

Prof. Roger Peters, Notre Dame Law School.

Prof. Robert Rodes, Jr., Notre Dame Law School.

Mr. Fred Routh, president, National Association of Intergroup Relations Officials; executive secretary, Michigan Fair Employment Practices Commission.

Mr. Joseph Russo, legislative assistant to Senator VANCE HARTKE, of Indiana.

Prof. Ivan C. Rutledge, Indiana University School of Law.

Mr. John A. Scott, chairman, Indiana Advisory Committee, Commission on Civil Rights.

Mr. John Silard, Washington attorney.

Representative Paul Simon, Illinois General Assembly.

Prof. Theodore Smedley, director, Race Relations Law Reporter, Vanderbilt University School of Law.

Mr. Hal Thurmond, chairman, Kentucky State Advisory Committee, Commission on Civil Rights.

Prof. William W. Van Alstyne, assistant dean, Ohio State University College of Law.

Mayor Edward F. Voorde, South Bend, Ind.

Prof. Bernard J. Ward, Notre Dame Law School.

Gov. G. Mennen Williams, Michigan.

Prof. Harris Wofford, Jr., Notre Dame Law School; legal adviser to Commissioner Hesburgh, Commission on Civil Rights.

Mr. Adam Yarmolinsky, Washington attorney.

CIVIL RIGHTS CONFERENCE, FEBRUARY 14, 1960, NOTRE DAME LAW SCHOOL, NOTRE DAME, IND.

Dean O'MEARA. The Civil Rights Conference will come to order. We want this to be informal, so I'm going to sit down for the few remarks I have to make to begin with.

America is equal opportunity or it is nothing: not equal opportunity as regards this or that, but equal opportunity in every area of American life. In all frankness, I do not see how an American could seriously challenge this proposition. We have our differences as to method and timing, but the central idea, the affirmation of equal opportunity for all, is not only part of the American dream but a built-in and essential feature of the fundamental law of the land. That is a postulate of this conference. We are met to consider how best to bring the promise of the Constitution to fulfillment.

On this day, Sunday, a day on which many of us are expected to concern ourselves in a special way with spiritual values, and in these academic surroundings I hope we will be able to lay aside prejudices and partisan considerations and approach this important subject with as much objectivity as humans are capable of.

As you know, each of the three areas of discussion is to be introduced by a short statement by a member of the Notre Dame law faculty. Then will come the discussion, in which I hope everyone will feel free to participate, both by question and by comment. This is the heart of the conference, and it will be fruitful in proportion as the discussion is frank and perceptive and stimulating.

Before we get to that, however, I have the very real privilege of presenting to you to say a word of welcome the president of the University of Notre Dame, Father Theodore M. Hesburgh.

Father HESBURGH. Thank you, Dean O'Meara. Governor Williams, Senator DOUGLAS, distinguished guests, dear friends.

I trust that the brevity of my remarks this morning will not detract from the very real fact that we are simply delighted to have all of you with us for this most important occasion. I think it just another experiment that has been inaugurated by our Dean O'Meara in seeing how somehow the

mechanism might be arrived at to bring together those who have the deep responsibility of formulating the laws of this land and those whose lives are somewhat surrounded in the academic halls where they try to prepare young men for the great responsibilities of public life and of service to justice under the law.

I think it a wonderful thing that legislators and those who concern themselves with the common good of this country can foregather in a university environment so that hopefully by mingling for a day with the professors of the law and the students of justice and charity in our land somehow we might bring to bear the greatest measure of wisdom in this area that is so troublesome in our day. Certainly in every area of our national life today there is need for greater and greater wisdom: in our programs of science and technology, in our discussions of foreign policy, and most particularly for our meeting here this morning in the area of civil rights.

We are delighted, as I said, to have you with us, and we are glad to have the opportunity to make this small contribution to the great debate which will begin in the Halls of Congress tomorrow morning. I trust that our discussions here, as the Dean has said, may be substantial and substantive, that we may be all of us trying to see what we can do in the way of means while we stand undivided in the matter of ends. Because as the Civil Rights Commission has said so often through its individual members and in its report, our great concern is for the human dignity and the equal opportunity and the real constitutional rights of every American citizen.

We made certain suggestions to the end that these rights might be maintained and preserved. We feel no compulsion to say that our suggestions are the only ones that would actually effect this end. We are interested in the achievement of civil rights throughout the length and breadth of the United States, and I think we would all of us agree that meetings like this morning where responsible citizens, legislators, students of the law, professors of the law, look to this end with a view to the best means of achieving it—this is indeed our main concern and I trust yours also.

So let me just say we're delighted to have you. We know this is going to be a busy day, and as the dean said, the discussion is the substance of this day, so I shall sit down and let us move on toward the presentations and the discussions for which you have come.

Dean O'MEARA. Ladies and gentlemen, we're to have a double welcome. You've been welcomed on behalf of the university, but the university provides only one segment of this discussion. It seems fitting that you should be welcomed by someone representing the public-official segment of the conference. We asked Congressman BRADEMAS to do this. It's my pleasure to present him at this time.

Congressman BRADEMAS. Father Hesburgh, Dean O'Meara, Dean Johnson, Senator Douglas, Governor Williams, my distinguished colleagues in the Congress, ladies and gentlemen.

I count it a high privilege to be able to welcome so distinguished a group of Americans to the district I have the honor to represent in Congress. More especially do I feel privileged to welcome you to the campus of this great university for the purpose of discussing, on the eve of its consideration by Congress, an issue of profound importance to the people of the United States.

They are bold words, indeed, with which the Declaration of Independence sets forth the beliefs on which our country was founded, beliefs that we have not yet completely translated into reality.

"We hold these truths to be self evident," says the Declaration, "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men * * *."

It is to consider the ways in which the Federal Government can help secure to millions of American citizens now denied certain of these unalienable rights that we are meeting today.

Permit me, Father Hesburgh and Dean O'Meara, to express to you and the University of Notre Dame the genuine appreciation of my colleagues in Congress and of the other distinguished persons, officials of government, teachers of law and representatives of voluntary associations, for the hospitality you are extending to us today.

To his many other accomplishments in the service of our country, Father Hesburgh must now add his contributions as a member of the Commission on Civil Rights. I believe most of you would agree that the Commission's report represents an extraordinary landmark in the development of equality of opportunity in this country, and one of the reasons for the high quality of the report is Father Hesburgh.

This conference on civil rights at Notre Dame is one in a line of achievements of the dean of the law school, Joseph O'Meara. Dean O'Meara's vigorous and dedicated intelligence has been chiefly responsible for a series of symposia at Notre Dame, each of which has resulted in a special issue of the Notre Dame Lawyer which has been widely distributed and read.

In December 1953, the law school held a symposium on "Legislative Investigations," concentrating on safeguards for witnesses; in April 1958, a conference on "The Role of the Supreme Court in the American Constitutional System," at which time the Court was under heavy attack and constructive thinking was much needed; and in May 1959, on "The Problems and Responsibilities of Desegregation." In April of this year I understand there is to be another symposium, on "Labor Union Power and the Public Interest."

Our discussions at Notre Dame today on the issue of civil rights represent a pioneering effort in the method of developing public law, a method whereby national legislators, law school teachers, and key legislative draftsmen from both Congress and the executive can collaborate effectively.

Let us hope that this cooperative experiment proves so fruitful that it can be usefully extended to other legislative issues. It is, of course, to be understood that the law school is not concerned to press any particular viewpoint but rather to offer a means for bringing together informed, intelligent views.

You may be interested to know that it is the intention of several Members of Congress to include the transcript of this conference on civil rights in the CONGRESSIONAL RECORD in order to bring the work of the conferees to the attention of a wider audience.

Abraham Lincoln said, "If we could first know where we are and whither we are tending, we could better judge what to do and how to do it."

By its monumental work, the Civil Rights Commission has shown us where we are in the field of civil rights. Our task today is to discuss what to do and how to do it.

In our brief time, we can perhaps seek to answer two questions.

First, what new action in the field of civil rights is within the constitutional power of Congress?

Second, what is the most appropriate way for Congress to exercise its constitutional power?

Notre Dame Civil Rights Conference—Part 2

EXTENSION OF REMARKS
OF
HON. WILLIAM G. BRAY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. BRAY. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

PART 1—THE RIGHT TO VOTE

Dean O'MEARA. Thank you, Congressman.

Now, ladies and gentlemen, there have been some important developments which, as far as I know, have not yet been reported in the press. It is our great good fortune to have with us two gentlemen who have had a great deal to do with them and who are apprised of what's been going on and who can give us these late developments. It will assist us in our discussion, I think, if before the discussion proper gets underway we have a brief, factual statement by them of what has recently, very recently, taken place. Professor Wofford suggests that perhaps this should be put off until after his opening remarks and, as a matter of fact, that's what I agreed to do last night. And perhaps I'd better abide by that undertaking and call on Mr. Calhoun and Mr. Silard to fill you in on these recent factual developments after Professor Wofford has given you the benefit of a background summary which he has prepared.

If anyone is entitled to the credit for this conference, it's Harris Wofford. I freely acknowledge that and express my indebtedness to him, and ask him now to get the conference proper underway by means of this background statement that he has ready. Professor Wofford.

Professor WOFFORD. Thank you, Dean. I think Mr. Calhoun and Mr. Silard would have been surprised, too, because I was supposed to be their build-up, and I'm afraid if turned around the other way I would have been their roadblock, because I think the developments they have to report start off the discussion at a fast and important pace, and at that point I think what I have to say might slow it down.

In the middle of the Civil War Lincoln wrote, "I have been controlled by events." We can say now that events are in control of the civil rights bill which will emerge from this session of Congress.

The Commission on Civil Rights has had its say and the Attorney General has had his. The Senate Rules Committee, LYNDON JOHNSON, and the leadership of the House are yet to be heard. And behind all these present and counted factors are the brooding omnipresences—millions of American Negroes who have been denied the right to vote or who have not dared to try to exercise that right or, even worse, who do not know or care about that right; millions of white southern Americans who still do not accept the command of the 14th and 15th amendments; the whole American body politic with its troubled conscience and yet its relative complacency about this failure to make good the guarantees of the Constitution; and beyond our borders the colored majority of the human race waiting to see what we do; and also that distant shadow or illumination: the law of nature and of nature's God which led a great southerner once to declare that all men are created equal.

Idea and fate are either going to meet in a creative hour for civil rights in this session of Congress or there will be a great fiasco—perhaps a great enough one to insure a later creative hour. The heat already being generated over the central matter of legislation to establish some kind of Federal registration machinery is a good sign. All we can do here is to try to turn some of that heat into light.

SIGNIFICANCE OF ATTORNEY GENERAL'S PLAN

Since there have been a few sparks flying between the Attorney General and the Civil Rights Commission, let me first try to practice what I am preaching. In the background memorandum you have before you I have rolled my thoughts on the relative merits of the Attorney General's referee plan and the Commission's registrar plan into one ball. Some of my criticism of the court-referee plan is stated sharply. I hope that this will all be read as my way of raising some of the important questions.

Let me say clearly that despite the drawbacks I see in the Attorney General's plan, despite my preference for an administrative rather than a judicial approach, I believe it would be a significant step forward for Congress to enact this plan—even if none of the strengthening amendments to the plan that seem to me so vital are adopted. I say this in large part out of faith in the symbolic role of law as educator.

The United States Government is propelled by three great engines but so far in civil rights it has been flying on only one engine—the Federal judiciary. The Civil Rights Act of 1957, the first real exercise of congressional responsibility in this area in 82 years, saw the legislative branch begin to apply its power. A Civil Rights Act of 1960, establishing further machinery to protect the right to vote, will demonstrate that the full power of the Federal Government is coming into this picture—unless States rights are everywhere transformed into State responsibility. I am sure that the adoption of the Attorney General's plan would lead to many more voting rights suits. Such suits and the existence of voting referees would be powerful new signs both to Negroes and to southern whites that the Government at last means to make good the guarantee of the 15th amendment. The result, I think, would be greater Negro effort to register and vote and, on balance, less white resistance.

STATE ELECTIONS SHOULD BE COVERED

Moreover, let me emphasize the contributions the Attorney General has in my opinion made to the debate. His insistence that any registration plan include both State and Federal elections is one of these. As Commissioner Johnson told the Rules Committee, the Commission did not doubt the constitutionality of extending its registrar plan to all elections, but limited it to Federal elections as a matter of prudence. Either the Attorney General's plan or the Commission's plan could be applied to either Federal elections only or to all elections, for the 15th amendment on which both plans are based unquestionably covers all elections on all levels of government.

Another contribution is the method of equitable enforcement spelled out in the Attorney General's bill. A court order directed to local election officials requiring them to honor the Federal registration, permitting prosecution for contempt of court in cases of refusal to honor such registration, and a court-appointed agent to attend at the actual balloting and to report any violations to the court—this seems to me the best way to enforce any Federal registration machinery, whether that machinery is set up through the court, as the Attorney General insists, or administratively in the executive branch as the Commission proposed. Some of the registrar bills provided for equitable enforcement but some of the details of the Attorney General's bill should certainly be incorporated in any Federal registration act.

CRITERION FOR LEGISLATION

We can agree, I hope, and perhaps we should begin by trying to agree on the chief objective of further legislation to protect the right to vote. On pages 7 and 8 of the background memorandum I have adopted the objective stated in Commissioner Johnson's testimony that "the method of registering persons denied their constitutional right to register to vote be no more complicated or cumbersome than the method available to other citizens in the State or district who are registered." Attorney General Rogers and Deputy Attorney General Walsh have expressed their general agreement with this objective.

With this as the criterion, isn't an administrative procedure established in the executive branch the most appropriate way to provide for Federal registration in districts where discriminatory denials of the right to vote are found to exist? Isn't this problem essentially a political problem—one that goes to the very heart of our political process itself—that should so far as possible be solved politically? I call your attention to the memorandum by Paul Freund before you which makes this point strongly. Haven't the Federal courts been already unduly burdened with the problem of school desegregation? Isn't the administrative load that would under the Attorney General's plan be placed on the Federal judiciary an immense and unprecedented one—so immense and unprecedented as to raise most serious questions about the appropriateness of this procedure? I call your attention to the Black-Emerson-Pollak (Yale) memorandum before you which makes this point strongly.

DISADVANTAGES OF JUDICIAL APPROACH

It is of course true that in many cases—perhaps in most cases—there will need to be court enforcement in the end. But the question is whether the court should be in this problem from the beginning or come in at the end, as a last resort. There are certainly advantages in having the court in from the beginning, and perhaps we should simply accept, and not question, De Tocqueville's comment, which I think he meant as a criticism, that in America nearly every political question ultimately takes a judicial form. Perhaps the Federal district judges in the localities involved will command far more respect than the President of the United States and his appointed agent—although I can't ignore the irony in this in view of the white southern complaint about judicial legislation.

But, if the courts are in this process from the beginning, what are the prospects for court findings of the pattern or practice of discrimination proposed by the Attorney General? Is Judge Skelly Wright's recent decision in a case where there was overwhelming evidence of a mass purge of already registered Negroes an exception that proves the rule of reluctance by southern district judges to move in this matter? If the appointment of a voting referee is left to the discretion of the southern district judges, as under the Attorney General's present draft bill, how many such judges will exercise that discretion? And if the procedure before the referee is left to the discretion of the judges, won't some or most of them provide for a kind of adversary proceeding before the referee, a proceeding in which the Negro applicant would be subjected to cross-examination by attorneys for the State officials? And if this happens, how many Negroes will undergo this ordeal by litigation involved in securing their right to vote? How many white citizens would register if it took hours or days or weeks of trial, and possible intimidation while being the center of such a trial?

AMENDMENTS AND ALTERNATIVES

If the Attorney General's plan is to be really effective must it not be amended to make the appointment of referees mandatory under certain conditions and to require the referees to register qualified applicants in a routine, ministerial, ex parte way?

Mr. Calhoun will tell us the details of the new language that Judge Walsh told the House Judiciary Committee the Attorney General would accept as clarifying amendments in this respect. I think that what he will report is a most crucial step forward in this picture.

Then I hope that we will discuss today possible combinations of these two approaches that have some of the benefits of both. Beginning on page 14 of the background memorandum I have outlined some of the alternatives that occur to me.

My own preference would be to see both plans adopted, with the Attorney General's sanctions available in enforcing the rights of persons registered under a Presidentially appointed registrar, with this Presidential action perhaps limited to Federal elections, with the Attorney General's court procedure available to attack any continuing discrimination in State elections. This is the kind of dual relief provided in antitrust law with enforcement by both the Federal Trade Commission and suits by the Attorney General.

The next best alternative, it seems to me, would be an administrative agency determination of the existence of the discrimination in a district and then court enforcement through registration by referees. Another combination would be a court finding of a pattern of practice of discrimination and then Presidential appointment of registrars.

You may and I trust you will suggest other and better alternatives. Perhaps we should begin with an appraisal of the two main proposals, the registrar and the referee plans. But most important let us try to discover the essential ingredients of whatever plan is to emerge—the essential ingredients of effective legislation that by whatever name will smell the same—and do the job.

Notre Dame Civil Rights Conference—Part 3

EXTENSION OF REMARKS

OF

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. ROUSH. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Dean O'MEARA. Thank you, Professor Wofford. I'll ask you, Mr. Calhoun, to make your report at this time, please.

Mr. CALHOUN, Department of Justice. In the first week of February queries of the character just made by Professor Wofford with respect to the Attorney General's bills were made to the Department of Justice. On February 9 the Deputy Attorney General at a hearing before the House Judiciary Committee attempted an answer to those queries. The Deputy Attorney General made

clear that the Department did not oppose any effort by the Congress to spell out in such detail as it thought appropriate the procedures that were to be followed for the voting referee or at the district court or at the polling places. The Attorney General's bill had left that elaboration to the Congress to the extent that Congress thought it could accomplish it.

The Deputy Attorney General in his testimony suggested one form of spelling out that might be appropriate. It is the language that he suggested, language that is not before you, that I would like to read now. Referring to the procedures before the voting referee he suggested that the bill should say:

"In a proceeding before such person or persons so appointed the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral they shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof by mail to each party to such proceeding together with an order to show cause within 10 day why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered except as to any applicant named in the report as to whom the State registrar or other appropriate party to the proceeding prior to that time files with the court and serves upon the Attorney General and the applicant concerned a statement of exceptions to such report which, if the exceptions relate to matters of fact, is supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such fact and, which, if relating to matters of law, is supported by an appropriate memorandum of law."

I think perhaps the most important contribution of the deputy's testimony was not the specifics of this language, but the thought that the Department of Justice is quite anxious to have the Congress spell out in any area that it thinks it necessary procedures that give the full safeguards that are required to assure large registration for qualified Negroes.

Dean O'MEARA. Thank you, Mr. Calhoun. Now Mr. Silard, please.

Mr. SILARD, Washington attorney. I might say that I do not represent any organization here today. I am here in the capacity of one who has been personally involved in various proposals. I would like to report one particular development from the chairman of the Senate Rules Committee which probably has not yet reached the attention of this body. This occurred yesterday afternoon.

But before that I think that I would like to state the four points upon which it seems to me—until the new fifth element was introduced yesterday—the administration and the Civil Rights Commission and most proponents of legislation have reached substantial agreement, not unanimity but substantial agreement.

The first and the most important of course is the one Mr. Calhoun just made reference to, that is the requirement that by one means or another there be appointed an officer, or that there be a system of Federal registration available to persons in the disenfranchised class—a system which is no more onerous than the State registration process. Beginning with what now appears to be a concensus on this aspect, the Federal registration system will be comparable, perhaps almost identical to that provided by the State—say a 5-, 10-, 15-minute operation.

Beginning with a concensus on this, it seems to me that there is broad recognition of two other elements to which the Attorney General has made much reference. The first of these, and what then becomes a second ingredient of a workable bill, I think, is that there be a judicial finding of a pattern or practice of racial disfranchisement, prior to the appointment of any Federal registration official in the locality involved. Certainly this is a proposition that could be debated at length. Other bodies than the courts could make such determinations, but I think there appears to be a jelling on the proposition that the Attorney General has done the right thing in proposing that a judicial finding of a pattern precede any Federal system of enrolling persons for election.

The third element upon which I think there is now a concensus, quite clearly a concensus I would hope, is that the Federal registration system, whatever it may be, be effective both for Federal and for State elections. I think it is no longer possible to answer the Attorney General's contentions along these lines and to fall back upon a system which leaves the State election situation without any new remedies.

The fourth element upon which I am sure everyone is agreed, and one to which the Attorney General again has pointed with considerable stress, is the necessity for the availability of Federal injunctions to assure that those who are registered under a Federal registration system will be permitted to vote. I don't see that anyone has ever seriously been able to defend any system which lacks this ultimate Federal sanction at the point where the registration system either will or will not result in somebody's obtaining the right to vote.

With these four elements appearing as the basis of a workable bill, upon which the administration and many other persons could agree, there remained a fifth difficulty. And the fifth difficulty was—is as of today—that at least under the proposal of the Attorney General there would seem to be required for each individual voter who desires to enroll under the Federal mechanism, there seems to be required at some point prior to the election a full judicial hearing, that is to say that the State must have its full day-in-court, however long that day must be, on every one of hundreds of thousands or tens or whatever the number may be, of persons enrolled in the Federal mechanism. And if the State must be given this board judicial right to its day-in-court prior to the election, many people have questioned whether these people who have ultimately become—who have tried to become enrolled in the Federal structure—will obtain the right to vote before the election is over.

Consider for instance the right of a State to prescribe that registration for elections shall be held in a period of 30 days or 60 days prior to the election, and nothing precludes the States from imposing this requirement generally. Prior to every election everyone who resides therein must register within a 60-day period. Well, now under the Attorney General's proposal, it would seem the Federal enrollee must first go to the State official and be turned down or stand in line long enough to make sure that he's not going to get in. Then he must go to the Federal official and prove his qualifications, and then before he ever obtains a judicial decree entitling him to vote—and remember a 60- or 30-day period is meanwhile running—the State must have its right to come into the Federal court and put him on the witness stand, produce evidence presumably of his disqualifications, perhaps he's living in the wrong county—heaven knows what it might be—and the court must adjudicate this issue and it must do so with respect to every single one of hundreds of thousands of persons.

Now when you consider that under the Attorney General's plan this would have to be done at every election, because the registration period under the Federal scheme is no longer than the registration period under the State scheme, we could easily be confronted with a situation where at every primary and general election we must initiate within a very short time period this entire double administrative and judicial process for each individual person in the class which has been disenfranchised.

To meet this grave problem many persons have suggested that the appropriate moment for the State's challenge of the Federal enrollments which everyone seems to be contemplating here comes not prior to the election, but, as is now the case in the State elections, comes at the moment that the enrollee desires to vote. This, I take it, is the system employed in every State of the Union today. No one affords the opportunity to challenge registrations at the time of registration. The appropriate moment that you challenge eligibility of those who desire to vote is at the moment that they desire to exercise that eligibility. After all, it's even speculative whether any particular person will desire to vote, whether he will be alive or living within the district at the time that the election comes.

So on this fifth most vital difficulty, it seems to me that there has been a great need for the suggestion that it might well be that every constitutional right of the State to challenge the eligibility of persons who are enrolled in a Federal system is met, so long as that State's day-in-court comes at the moment that the voter desires to vote. He can be given his right to vote so that it will be made available for counting later, or it could be counted subject to defeasance, and at that time subject to the ultimate determination of the Federal district court as far as the individual vote is concerned. He has done his job. He has become enrolled quickly. He has voted without difficulty. Then we might well afford any degree of judicial process that is necessary to afford the States their day-in-court upon this voter's eligibility.

In line with this fifth suggestion I'm happy to be able to read two or three sentences from Senator HENNINGS' press release of yesterday afternoon. The Senator said that as chairman of the Committee on Rules and Administration of the Senate he had completed work on the first draft of a bill to protect voting rights and would submit the new measure to the Rules Committee on Wednesday. He then stated: "I believe this new proposal which I call the Federal Enrollment Officer Act of 1960 will substantially advance the opportunity for an effective voting rights bill, to be approved by the Congress this year."

HENNINGS said the text of the proposal would not be available until after the meeting of the Committee on Rules and Administration on Wednesday. "One of the major contributions of the draft bill," he said, "is that it assures that the voters enrolled to vote under its provisions would be guaranteed the right to cast their ballots while reserving the right of the States to contest the validity of the ballots until after the vote had been cast. This provision will minimize the court appeals and delays that could well block what we are trying to accomplish." And then Senator HENNINGS expressed his hope that the Rules Committee in the Senate would be able to provide a workable bill acceptable to the administration and others which could be the basis of a meaningful Senate debate upon a voting bill.

And with this fifth element, if it were to become acceptable to the administration, I

think the solution may be close on a workable voting bill. I think this fifth principle could be stated thus: There is necessity for provision for State challenge of Federal registration at a time and in a manner which cannot by delay defeat the right of those enrolled to cast their votes in the election. Thank you.

Dean O'MEARA. Thank you, Mr. Silard. Now two points before I call on Congressman BRADEMAS to open the discussion proper. First, along the side of the table opposite me are members of law faculties. While there are some exceptions to the rule I'm about to give you, those who are sitting with me at this table and some of those at the two ends hold some sort of official position.

Now it is with respect to employees, staff members of various Government units, that I wish to say just a word which is the second point. We understand that anything said, any views expressed, any statement made, is on behalf of the individual and not made in a representative capacity unless it is made clear that what he is saying is said in a representative capacity.

Congressman BRADEMAS will lead the discussion which, as I said before, I think is the heart of this conference, and I'm going to ask him to begin now.

Congressman BRADEMAS. Professor Wofford has made very clear it seems to me that our task here is to try to find out what the basic ingredients of a good voting rights law are to be, and Mr. Silard has suggested that there may already be concensus on what some of the elements of such law may be. I wonder if we would all be in agreement with him that this is the case. For example, here are two or three areas that I would raise questions about.

In the first place, to what extent are we agreed that the job should be done through a judicial approach or through an administrative approach? For example, should we have, as Mr. Silard suggests, a judicial finding, if I understand him correctly, of a pattern of discrimination? Or does this pose so many problems that the job should be done through some administrative approach? Supposing that there is a judicial finding of a pattern of discrimination. How often should such a finding be required?

A second general area that we might talk about is the problem of enforcement. Should this be done through criminal procedures or through some other approach?

Third, perhaps, do we all find ourselves in agreement that both State and Federal elections should be covered by our voting rights law. I notice that in the Yale memorandum that some of you may have read, the suggestion was made that to begin with we should only make the law apply to Federal elections.

These are just some of the questions that occurred to this obviously lay politician as we try to think through this problem. I'm going to ask the senior Member of the Congress, who is with us here today, Senator DOUGLAS, another nonlawyer, if he has any observations to make on these matters. Senator.

Senator DOUGLAS. Mr. BRADEMAS, first let me say that I think it's highly important that we approach this matter with an attempt to obtain as great a degree of unity as possible, and that we regard as secondary the origin of these proposals or the party sponsorship. Our difficulties are going to be very great and if we split up amongst ourselves as a practical matter it's going to be very difficult to get anything whatsoever done. And as a nonlawyer I suppose all I can do is raise certain doubts that I have and ask the lawyers to answer them.

I have a certain fear of a purely judicial process, because it seems to me that you have a danger of undue delay. I had not realized that in the proposal of the Attorney General that the application of each individual respective voter would become a separate case and that each case could be contested by the State. Now if this is true, this seems to me to give to the State and local authorities who are determined to prevent Negroes from voting the opportunity of tying up the courts and the referee in the original instance.

The second question that I would like to raise is about the process of appeal. Suppose you get a verdict from a referee asking for the court that John Jones should be permitted to register. Then a series of questions come from this. Can the appeal be taken from the referee to the district court which has appointed the referees so that there may be a review of the referee's findings? If so, is the decision of the referee suspended during that time, or is it in operation? Then suppose the district court affirms the decision of its referee and the appeal is taken to the circuit court, what is the status of the finding during that time? Is it suspended or is it in operation? And then if an appeal is taken from the circuit court to the U.S. Supreme Court, is the tentative decision suspended or is it in operation? Now if all these matters are suspended prior to appeal, not only will the first election have passed, but the next election will have passed, and indeed perhaps there may be two or three more elections which will have occurred before the final opinion is handed down. So that this has been in my mind ever since the Attorney General made his proposal, and it's upon this point that I would really like some enlightenment from experts in judicial procedure.

I'd like to say that it seems to me that the idea of the conference, and I don't know whether this is yours, Father Hesburgh, or whether it's Dean O'Meara's, is something which is of extreme importance. For years now I've been saying that this is just exactly what the President of the United States should have done immediately after the 1954 court decision was made, because if men of good will could gather together in an atmosphere such as this, where the academic ivy could somehow or other restrain the partisan political impulses of the public officials, perhaps some reasonable action could have been taken which would have speeded progress and prevented many of the unfortunate things happening that have happened.

Well coming down to our point in question, it seems to me that we're grappling with an exceedingly elusive problem. I happen to live in a State which has been traditionally Republican for a long time, and for Democrats, and we now happen to be the majority, for the majority to be able to register is still a very difficult thing, because for a person in some communities to find the registrar home is almost impossible. The hours of service are such that people just don't seem to be able to fit it into their working lives. Now the point that I make here is just this: if we add to the normal political difficulties the difficulties which might exist because of racial tensions or any other reason, then I think we've got to be most explicit, and we've got to make this procedure just as simple as possible.

Now, while I am a lawyer, at least I used to be, I think the problem of visualizing exactly how these processes are going to work should not be lost on this body. I may be wholly out of order, but I think even if we had a little pantomime here where the actual process of a minority person coming up to register and what happened under the two proposals was acted out it would help us visualize just what we're up against. Because we're not talking legal theory here. This isn't a question of what the Supreme Court's going to do in the final analysis. This is a question of what frail men are going to do when they're going to follow their own inclinations rather than the dictates of the law because they think they're far enough away from judicial process and from the force of public opinion so that they can let things slide.

Well, I think I've commented enough, but I just think that our problem here is not so much a legal problem as a problem of setting up a course of conduct which will be almost self-executing, because without that it's going to be almost impossible for people to achieve the rights that should justly be theirs.

Congressman BRADEMAS. Thank you very much, Governor.

Dean O'MEARA. We are now ready for participation by the members of the panel, and I hope the participation will be a full participation. Who has some question to ask or some comment to make? Mr. Foley.

Mr. FOLEY (Committee on the Judiciary, the House of Representatives). I think at the very outset of this discussion there is a very important point which must be touched on. It is primarily concerned with the Attorney General's proposal, but in the light of what Mr. Silard has suggested it may well be that it will become involved in an administrative finding. And it's simply this: Judge Walsh testified before the Judiciary Committee that the key to this entire proposal is the conclusive presumption flowing from the finding in your original lawsuit of the pattern or practice of discrimination. Conclusive presumption is the most important phrase. That means, then, that when the applicant goes before the voting registrar there is no issue of discrimination of denial of the right to vote

Notre Dame Civil Rights Conference—Part 4

EXTENSION OF REMARKS
OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. O'HARA of Illinois. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Congressman BRADEMAS. Thank you, Senator. Governor Williams has a comment.

Governor WILLIAMS. Thank you very much, Congressman BRADEMAS and Senator DOUGLAS. I'd like first of all to make a few remarks of a general nature that I don't think will hold up the proceedings but will help express, I am sure, the feelings of many of us as to the excellent idea of this conference in the first place.

To Father Hesburgh I certainly want to express my appreciation for the extraordinary work done by this Commission, of which he was an important member. I must confess that I was one of many skeptics who viewed this Commission as one having no possibility whatsoever of doing any good, and that it did achieve some success, I think is a minor miracle in and of itself. I think that the pointed questions that they raised are of extreme importance to all of us. And of course some of them we're expressing here today. I think one is the question of executive action. I don't know if that's in order today or not, if it isn't I certainly think that it would be well to have a similar conference on that point.

because of color. It is conclusively presumed. Upon review by the court under the Attorney General's proposal the court shall accept the findings unless clearly erroneous. When you take those two factors—the conclusive presumption and your clearly erroneous rule—you have foreclosed any question of the issue of denial of the right to vote because of color.

Query: Assume this hypothetical case. The registrar A was found by the court in the original lawsuit to have by illegal actions discriminated—actions that violated the State statute. Two weeks later, after the court's order has been issued as to him, he dies and Mr. B becomes the new registrar. Then along comes a new applicant who had never applied before, wasn't involved in the original proceedings, and goes before the registrar, and is denied the right to vote. He then comes to your voting referee and asks for the supplemental decree. That is granted, based as I said on the conclusive presumption of the original action that there was discrimination. Comes the day of voting and registrar B says, "No, we will not accept you as a qualified registered voter." Then and there he faces the possibility of criminal contempt, possible criminal prosecution. My question is, gentlemen, is there an issue of due process of law involved as a result of this presumption? I'd like somebody's views on it. It's a very important question, I can say, that has been touched upon already by the Judiciary Committee. Thank you.

Dean O'MEARA. Mr. Calhoun, would you like to say something about that?

Mr. CALHOUN. The requirement in the Attorney General's bill that the court appoint a referee if the court should find that there has been systematic denial of the right to vote under color of law by reason of race or color—this finding is necessary, we think, in order to justify the broad character of the relief which we would then call for. The fact that the registrar against whom the 1971 finding of systematic discrimination runs has died would not in my mind vitiate the conclusion that the type of relief that we call for is necessary, any more than in an antitrust proceeding where a corporation and its officers have been found guilty of antitrust violations, the death of one of the individual defendants would relieve the corporation or other individual defendants of an obligation to follow the decree. If the new referee could come into court and demonstrate to the satisfaction of the court that the character of systematic discrimination found against his predecessor was in fact removed, I suppose the decree could be lifted.

Senator DOUGLAS. May I ask Mr. Calhoun what would happen if the device was used which was employed in Tuskegee; namely, the resignation of the registrars so that a complete vacuum is created and there is no local registrar against whom action may be taken? What is the situation there?

Mr. CALHOUN. The final paragraph of the Attorney General's proposal contains language intended to meet that problem. It reads: "When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant."

Dean O'MEARA. Professor Foster, I think you had your hand up a moment ago.

Professor FOSTER (University of Wisconsin Law School). I'd like to speak to the two points that Senator Douglas raised in his remarks. He raised first the question of whether, in a judicial proceeding of the type visualized by the Attorney General's proposal, there would be such individual attention to each person registered before it was finally determined that he had the right to vote, that in fact the right would be totally lost. I would think that whether we had Federal registrars working through an executive agency or whether we had court-appointed referees, that in either of those cases the State would have a day-in-court on the individual registrants. In other words, once you have the finding of the practice of exclusion it would certainly, I take it, be incumbent upon each individual at least to demonstrate that he belonged within the included class—the discriminated against class. To this end, then, if we provide for a State day-in-court, such an individualized attack it seems to me is going to be possible under either type proceeding.

Now on the second question: the effects of an appeal. I would think it consistent with the proposal which the Attorney General has made that in the event that the State chose to appeal from the supplemental decree which certified that an individual is entitled to vote, in the event that decree were to be appealed right on the heels of an election itself, there would be ample power in the court simply in order to protect its own decree to permit the individual to go ahead and cast his vote—to have his vote kept to be counted later.

Now the necessary impact of this is, of course, that you will delay the final determination of the election. But this, it seems to me, is essentially a sound tactic. For if you permit the casting of that ballot, and have it overhang the outcome of the election, you have now for the first time the white resistant South on the side of trying to get this election over with, and with less encouragement to delay in every conceivable way.

In other words, I would think that under the Attorney General's proposal there could be this ex parte proceeding of the sort that Mr. Calhoun has discussed, with the recommendation by the referee that the individual be entitled to participate in the election process. The court at this point moves to enter a supplemental decree. The local registration officials now move to block it, the court then declaring the right of that person to go ahead and have his vote cast and held by a court officer. Now all of the forces are not against the Negro. There are other forces that are on the side of expediting this appeal.

This, it seems to me, is a device which equally could apply to the matter of registration by a Federal election registrar as well. But in either case, the person should be permitted to vote subject to having his vote ultimately counted in the election after the State had its day in court.

I would guess that the scope of individual review will not be greatly different whether this is done by a judicially appointed officer or whether the registration is done on certification of the Federal executive official. The only proposal I've seen which does not seem to visualize that is the so-called Black-Emerson-Pollak proposal out of Yale, and there they have, it seems to me, set up so different a standard by which the certification to vote shall be made that it perhaps is not politically acceptable at all.

But if you are going to adopt essentially State law as the measure of the person's right to participate, I think the State is going to have its day-in-court as to each individual intended to vote, and the thing really to be done in your legislation is to make sure that the person's vote gets cast at the appropriate time, and then let what necessary appellate machinery operate thereafter before you finally terminate the election itself.

Dean O'MEARA. Professor Nathanson.

Professor NATHANSON (Northwestern University). I want to make a comment which is really a question, to see if I can advance my own thinking about this. In connection with both Senator DOUGLAS' question with respect to the extent of the day-in-court and the point that Mr. Silard raised—or the question that he raised—are we all agreed that this should extend to both Federal and State elections?

I've been wondering whether there isn't a problem of choice here as regards the extent to which, by extending the whole scope of this to the State elections, we may then be required to give more of a day-in-court to the State, to be more careful and to be more involved in litigation. I would think that if it were purely Federal elections then the choice is largely with the Federal Government as to how complete it wants to make the day-in-court—that the State's interests are really in this case subordinate to the extent that the statute makes it subordinate. The primary parties are the Federal Government and the individual voter. Now I don't know where that leads me. But the thought occurred to me whether this kind of choice is involved and whether we have to weigh the extent to which we want the completer scope or the more summary method of proceeding.

Mr. SILARD. All of the proposals made last year—the Hart bill and the registrar proposals in various forms—were limited to Federal elections, but it seems to me a shame now that the administration has suggested taking a further step to cure the State problem as well—to fall back to the Federal solution of this only, merely because of the State's day-in-court problem. Were there not a solution to this State's day-in-court problem I think the falling back might be dictated. But it does seem to me that the solution that Mr. Foster has just addressed himself to, that the State's day-in-court be 1 day after the voting—after the election—solves as a practical matter most of the problems which we have been bothered with. And I might say that coming the day after the election when the interest in who actually voted is much minimized unless the outcome of the election is at stake, coming at that point, I certainly, for one, would make that day-in-court as broad and as long as the State would have it, giving it every conceivable defense, State and Federal, on the issue of the eligibility of the particular individuals involved.

And on this score of delaying the day-in-court until after the election, I think we should recall that there's some very important judicial history, parallel history which is on our side here. Rule 65 of the Federal Rules of Civil Procedure distinguishes between preliminary injunctions and restraining orders. A restraining order is issued ex parte and without a hearing—and may be so issued under circumstances where delay will defeat rights. A preliminary injunction, on the other hand, is entered only after a hearing.

Now that important distinction, it seems to me, has considerable validity here. In matters of elections delay may certainly, finally, and irrevocably defeat rights, and therefore Congress could appropriately say, as in the case of a restraining order, "We are not going to deny the defendant his day-in-court ultimately, but for the moment, in order to hold the status quo"—and the status quo at the moment I would take to be the status quo of an enrollment, which ought to be honored—"to hold this status quo so that the court will not lose its power to afford a remedy, we authorize the court to enter an order without a hearing, or on the most minimal kind of a hearing only. However, there comes a later point, at which point we may or may not make this order final, prior to which we afford defendant every possible recognized judicial defense." And I do suggest that the distinction in

rule 65 has precise applicability. Though the period may be longer than 10 days, the philosophy it seems to me is quite pertinent and could well be followed by Congress in this respect.

Dean O'MEARA. Mr. Silard has said that the State ought to have all defenses, both State and Federal. I wonder whether someone would like to ask him what he had in mind when he talked about State defenses.

Mr. SILARD. I take it the question has been asked, Dean. I think State defenses include matters such as: This voter moved from the county or the district after his resignation, or otherwise became ineligible. Every recognized defense which State law now allows would have to be afforded to the State, in addition to a defense or a challenge of the enrollment itself.

Professor RUTLEDGE (Indiana University). I wonder if the discussion that has immediately preceded this hasn't transformed the State's position from being essentially a defendant to one of having a challenge and having the laboring oar after the election, which would resolve the preelection processes into the question of how much you want to require before the shift is made, so that the State then takes the laboring oar if it desires to make a challenge. It seems to me that if we look at this problem in that light we have largely overcome the difficulty of State officers resigning, dying, retiring, or having terms expire, and we have, without any problems involving the 11th amendment, put the State into the litigation as essentially a plaintiff.

Professor ESTEP (University of Michigan Law School). I have two comments, one on this recent suggestion of having the litigation process conducted after the election itself. It seems to me you do one of two things. To make it realistic you either hold up the results of the election until you have gone through the legal process, which seems to me is an undesirable—I won't say unacceptable but a very undesirable—thing if it should last over a period of even months, yet alone years, as is possible. But I find myself somewhat unwilling to accept this possibility. Now, if we say, "Oh, well, it won't make any difference unless it's a very close election, and most of them will not be close and therefore we won't have to hold up the results of the election." I think this probably makes it a moot question and therefore it could not be litigated by the U.S. constitutional courts, at least.

And I must admit that I found myself, as a lawyer, doing something that I think that in a situation like this probably is not very good. I found myself getting all wound up and excited by the kind of suggestions that were being made by the lawyers around the room and those who were raising legal questions including the due process question. I find myself worrying about that and stopping suddenly and realizing that what Senator DOUGLAS and Governor Williams and two or three other people have mentioned is probably something that lawyers tend to forget when they get wound up in the technicalities.

I don't want to suggest that we shouldn't do anything at this time—I think we ought to do whatever we can do to help the situation. I cannot help but think that what we've done is out of fear of the political repercussions, and I don't mean to minimize them. But out of fear of political repercussions we've wound ourselves up in some legal tangles that might not be necessary—certainly as to Federal elections would not be necessary. As to the State ones, I would want to think about this one. This is an off-the-cuff reaction. Maybe as to State elections there are some constitutional problems.

But it seems to me that we would solve at least a lot of the problems, particularly of the delay and the litigation, if we would simply accept Federal registration—ignoring the constitutional question for the moment—Federal registration for all elections. And this doesn't necessarily mean that we have to do away with State qualifications. I think that if I were doing it I would want to do this probably, other than age and residence. But accepting State qualifications, let us have a Federal procedure to determine—and I mean an administrative procedure—to determine the election rolls, and then have those books turned over by the Federal authorities to the election officials that are actually conducting the election, and let those people simply determine whether the signature is correct and the usual kind of thing we now have. You would avoid all of this business of "Do I have to have a hearing by the State? Does the State have a right to due process?" etc., by simply setting up such a Federal registration.

Now I hate the expense of doing it in many States where it would perhaps not be important, but I think those in the North should not ignore that we do have inequalities in some situations there, too. It would be somewhat less insidious if we did it throughout the country. Now I realize that at first blush this means "Oh, you're taking away a sacred right of the State to determine qualifications for voting." It seems to me that actually there aren't that many differences except on some of these key issues of race. But we might really find it much more acceptable in not too long a run, maybe in a short run, to really have Federal control of all registration.

Now you're going to get into some problems with some of the property qualifications for certain kinds of tax assessments, special assessments, and so on. I grant you there are some details of that kind that are going to be difficult. And when applied to State elections we have the problem of a constitutional question here. I don't know whether you would get around this by a general assumption and finding by Congress that the race relation and equality question so pervades the whole election process that we are at least going to provide for registration at the Federal level and not worry about making a finding that in a certain county or in a certain State we now need to put in the Federal Government. We simply are saying that as a matter of administrative convenience we need to do this. I've said enough and have taken enough time. But it seems to me there is something that needs to be done even beyond what we're suggesting now even though perhaps this session is not the one to do it.

Congressman BRADEMAS. Following what Professor Estep has said, I can't resist saying to him that Senator HUMPHREY and I have both introduced joint resolutions providing that there should be offered to the States a constitutional amendment which was suggested by Commissioners Hesburgh, Hannah, and Johnson, that there shall be no State requirements other than residence or age in all elections, which I think is more or less what you had in mind.

Notre Dame Civil Rights Conference—Part 5

EXTENSION OF REMARKS
OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. DINGELL. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Congressman DINGELL. I've been very interested in the various comments that have been made about the technical problems which arise from both the registrar and the referee systems as proposed and the possibility of marrying them and a number of other things and the exploration of the constitutional problems that arise. I think there's one thing on which we can all agree and that is the Constitution is pretty clear that the Congress has the power, first of all, to enact suitable legislation to secure the right of citizens to vote against action of prejudice by reason of race, which seems to be the principal reason for this conference today.

I think that as a practical matter, as the Governor of Michigan, Governor Williams, mentioned, this thing should be self-executing. The report of the Civil Rights Commission said that as a result of the enactment of the last civil rights statute they could find no individual who had been registered and who had been permitted to vote. This would indicate and I think all of us know that those who prefer to keep citizens from voting on the grounds of race are first of all well organized, with extremely intelligent, thoroughly competent lawyers, devoted to their cause, who will use every means possible to prevent citizens from voting. This means that if we are to go into a legislative and political battle in the Congress in Washton to enact a piece of legislation, we must enact a thoroughly effective piece of legislation which will attack the heart and core of the problem in the most vigorous and direct way.

Now I've made some studies of this, and as a result of this I joined Senator HART of Michigan and Senator MCNAMARA and other sponsors of a proposal to provide for a Federal Elections Commission. I think that this is the constitutional method of handling the problem. I think it evades all of the very brilliant dialectical and legal questions which we have been discussing this morning, and I think it goes squarely to the heart of the matter in arranging that in instances where there is denial of the right to vote because of race, the Congress itself shall have a Commission with sufficient power to go in, to register, and to conduct elections.

Now one Member of the Senate recently said that the best thing that could be done to guarantee the right of citizens to vote would be a few salutory prosecutions. As a practical matter, juries being what they are in some areas, it's extremely difficult to prosecute. But, if such a Commission could be established, and if it once acted—just once—I think there's no question but what the whole of the problem of voting would fall and would cease to be a significant problem.

I think that if this were done just in Federal elections alone for the Congress and the Senate great progress would be achieved and the roadway would be clear for significant progress in almost every field of civil rights. I think that there's real reason to think that we could extend this to the presidential elections, and I think that there is a very good constitutional argument which can be made to extending an election commission of this sort to State elections. And I think this is the best, the most vigorous, most direct and the most completely effective manner of handling the problem.

Dean O'MEARA. Do you have a comment, Mr. Bernhard?

Mr. BERNHARD, Commission on Civil Rights. I have some familiarity with the Hart bill. I think one of the problems in it is that first it blankets the whole electoral process, and I think this is unwarranted and very costly. Secondly, as it is now constituted it is

limited to the election of Congressmen and Senators, and I think this in turn would cut out presidential electors and in my opinion might drive some of the States into further diffusion or divisiveness in separating the State elections from the Federal elections. This is one of the problems that has bothered me about it.

I would like to go back and make one or two comments about some of the other statements that have been made. In a way we've got a little bit off into the legal technicalities. I think the real focus is that there are many people who are denied the right to vote because of race or color and a method has to be set up providing for voting equality, first equality in registration, then equality in the ability to vote and the assurance that the vote when cast will be counted.

Now my question, which I thought of when John Calhoun was speaking, was that in the proposal of the Attorney General which I believe has many merits, I'm concerned even though there has been an amendment to the original proposal providing that the proceeding would be ex parte—that nonetheless it's not really equality of registration. You still have individuals coming in who, as the Commission found, have certain fears of economic reprisal or physical harm. They are going through a process which still is dissimilar to going before an ordinary administrative officer, whether he's State or Federal, who doesn't take testimony under oath, who merely makes his own determination. You go in and walk out before an administrative registrar—if it's done fairly it's a short proposition. I think the court procedure might tend to drive certain individuals away from even attempting that method of registration.

Congressman BRADEMAS raised the question: "Well, if you set it up either judicially or administratively you have the problem of enforcement"—and there have been other comments about criminal enforcement, on which I would like to make an observation. I think when you attempt to resort to criminal enforcement you in turn attempt to say: "Well, we will penalize but we won't assure the right to vote," and I think it is an easy way out. Beyond that there is the problem, as Congressman DINGELL has indicated, of getting the juries to convict, or even a grand jury to indict, and beyond that the criminal sanctions available to the Federal Government are extremely limited. As the lawyers know, 18 U.S.C. 241 and 242 deal with the various rights of the Federal Government to enforce civil rights by criminal sanctions, and these have been so limited that they are basically ineffective at the present time.

Just one other comment and I'll be still. It relates to the question of the so-called findings. All attention has been directed to findings being made by judicial officers or administrative officers. I would just like to raise the question of the possibility that Congress itself, in my opinion, could make a finding, based on the findings of the Commission on Civil Rights and its own investigations, that in both Federal and State elections there is evidence that discrimination has occurred and is continuing to occur and that some new legislation is therefore needed and that this is appropriate legislation under the 15th amendment. Whether this is sufficient to cover the problem that will be raised as to whether this would constitute an adequate finding of pattern or practice I don't know.

As to some of the problems that have been brought up here regarding the appeal situation and the delays which are inherent in it, I don't know, of course, what Senator HENNINGS is proposing to come out with. But if there is some way that the actual appeal can be held off until the so-called certificate holder or enrollee is coming up to vote, I think this would overcome the major problems in the present bills, I mean the registrar proposals and the Attorney General's or the administration's proposal on voting referees.

I have been concerned over the problem of whether this should be a basically judicial procedure. There is a question of the burden of the courts at the present time with the desegregation cases. And once you get the courts into voting registrations, including the administrative supervision itself, I think all the simplicity is gone. Because of these observations I throw out to you—because I don't know the answer—the question: What would be the possibility of Congress itself making the appropriate finding to cover both State and Federal elections.

Dean O'MEARA. Mr. Silard, do you have a comment to make?

Mr. SILARD. I think Mr. Bernhard has raised some points that have to be discussed. I might say that Mr. John Feild from Senator HART'S office, who had so much to do with Senator HART'S bill, is here, and that I think he would probably agree that the bill was drafted not as a vehicle for legislation for this year, but as a vehicle for discussion of a rather broad-range solution to the problem, at least at the Federal level. I think Senator HART in his testimony actually so restricted his suggestion. I think John certainly would be available to comment on that.

But I want to make a rather simple point which maybe no one has yet suggested, which I think is responsive to Senator DOUGLAS' and Governor Williams' concern here. Aren't we really striving toward the kind of Federal enrollment procedure which approximates exactly what the State procedure worked out over 170 years of practical historical experience has dictated? Aren't we striving toward a procedure which permits those who are qualified to enroll, and insures that those who are enrolled can vote and then brings into play the machinery to contest the result if there is some real basis for challenge? Aren't we really striving for a rather simple operation? Enrollment—and the right of those who are enrolled to vote—and judicial machinery thereafter to untangle the web if something has gone wrong with the rather simple administrative mechanism?

There seems to be one other problem which is injected into this kind of approach and which underlies many of the issues which have been posed, and that is the problem that no one is proposing that this State procedure be taken over wholesale. Rather the propositions all seem to go to the point that it be taken over only where there is a need. So that much of the discussion furrounds the issue of who shall determine where the need exists and how shall it be determined. How shall the device be triggered and for what area shall it be effective? But pending the solution of those problems, isn't there a growing agreement—I seem to sense it—that we want really to duplicate the method that the States have worked out over decades and decades of practical experience with this?

Notre Dame Civil Rights Conference—Part 6

EXTENSION OF REMARKS

OF

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. DIGGS. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Mr. MORSELL, NAACP. I, as a nonlawyer, have been, I suppose, as entranced by these discussions over the last several weeks as I have over any other demonstration of the beauty of good legal minds at work. At the same time, it occurs to me that we tend to get into a channel in which we hope to wind up with perfection, something which by one piece of legislation will solve all of these problems. I think we ought to keep in our minds at all times that nothing that comes out of the Congress is going to do all of that.

Take for example the question of fear of reprisal—getting down to the actual individual case of a Negro citizen who wants to exercise his right to vote. Insofar as any legislation is concerned it seems to me the most we can do is to provide him with an ex parte kind of proceeding, where he does not have to sit up and be questioned by hostile State attorneys. But, so far as fear of reprisal goes, when he walks from his home to any building where these things are going on he has incurred the risk of reprisal and we cannot in anything that we do here remove this danger from him. He has attempted to vote in a place where for a Negro to vote is a dangerous act. And we're not going to solve this problem by any legislation.

I know that it has been suggested that one reason for not having judicial proceedings is that the courts are allegedly so busy with school desegregation suits. Again I wonder if this is actually the case. The actual amount of school litigation now pending, or in my view likely in the immediate future, is not voluminous. And I do not believe that it really imposes a tremendous burden on the courts as might appear to be the case. This is aside from the question of the good faith of individual judges which of course is a basic question and it exists everywhere.

Lawyers from time immemorial have sought to have cases tried before this judge rather than that judge because of what they assume to be the case with his predilections and predispositions, and this we will also always have. I don't think that the judiciary's record thus far, even in school cases, has been entirely black or entirely gray. I think that we've had what you might assume to be the normal amount of variation from court to court.

I would like to ask for legal comment on two very factual matters. In the case where the State's day-in-court is deferred until after the election and some system is provided for holding up the counting of a vote, is my feeling that the use of voting machines makes this incredibly complicated and difficult an erroneous belief or is it not? And, second, what provision, assuming we had Federal elections only covered, is there for overcoming the dangers which Mr. Rogers suggested might occur of eventually having a sequestered and separate Federal ballot which would be for Negroes only? In other words, we would have a separate and unequal ballot resulting from our law providing only for Federal election coverage.

Professor CRAMPTON (University of Chicago Law School). I am not going to be immediately responsive to your question, as I have some other comments to make. A number of very broad issues have been raised, all very important ones. It seems to me that several of them are clearly policy matters on which the legislators have to make their own judgment. For instance, Professor Estep's proposal of an entire Federal election system. My own policy predilection would be that this is both unnecessary and unwise at the present time. Nevertheless, it is one of the available alternatives, of course.

And then the suggestion that perhaps the proposal should be limited to the Federal elections only and not the State elections. But here again it seems to me that the advantages of a combined approach to both State and Federal elections are overwhelming, and that unless the technical difficulties which Professor Nathanson, among others, mentioned, are so great as to really endanger the viability of the system, the combined approach of State and Federal elections I think would be wise. But here again is a basic policy decision that the legislators have to make. Lawyers may be able to give you advice on how to draft the legislation to meet constitutional or practical problems.

I would also like to agree with both Professor Foster and Mr. Silard on this matter of the State's day-in-court. It doesn't seem to me that if it is postponed until after the election takes place this necessarily raises the question of the validity of each and every election for every office. It could be set up so that the finding of the referee or of the registrar, whichever proposal is accepted, has prima facie validity in the district court much as many administrative orders do today, and it merely puts the State, as Professor Rutledge said, in the position of being a plaintiff attacking a specific vote which may go to some offices, may not go to other offices, and in any case will probably not upset the results in the election, although in some cases it might. But if it did, then the office could be changed at a later point.

But I would like to raise several other doubts which I have about some of the legislation which has been proposed and which hasn't been dealt with really so far in the discussion. And perhaps I could state these as a comment on some of the points that Mr. Silard made. And they also raise issues which Senator DOUGLAS has mentioned.

One is the use of the judiciary all the way through. I think myself this is very unwise for a number of reasons, both practical and theoretical. I do not think that our Federal courts are in a position to run the affairs of a great nation, nor should they be put in that position. They are already engaged in somewhat kindred functions in relatively narrow circumstances such as the bankruptcy jurisdiction. They are already engaged in the organization and the administration of the school systems, at least in the South. Now the voting proposals are made. I think it's a passing of the buck of the responsibility which belongs on Congress and the Executive. The courts will lose the respect of private citizens if functions which are essentially nonjudicial are heaped on them repeatedly over a period of years. The court should be restricted to the traditional judicial functions.

Moreover I tend to agree with the implication of Senator DOUGLAS' remarks that it is likely that an administrative or executive agency will do the job better, that there will be less delay, that it will work out in the long run much better.

Another point I would like to make, which I think also goes really to the functioning of courts, is what I think is really an evasion of the constitutional requirement of a jury trial that is involved in the use of the contempt sanctions. Now it is true that the Supreme Court has spoken on these issues and seems so far in other contexts to validate the use of the contempt sanction as a substitute for criminal prosecution. But it seems to me that if constitutional amendments are to be spoken about, that perhaps one that should be considered, particularly if legislation is going to take the lines of the Attorney General's proposal, is a constitutional amendment which would make trial by jury not necessary in offenses involving racial discrimination. That, it seems to me, is what everyone is talking about here. They are attempting to replace a constitutional right on the basis of fears that juries in the South will not function properly on issues of voting discrimination.

It seems to me that the popular sentiment all over the country against restrictions on voting rights, as manifested by the unanimity of the Civil Rights Commission, makes a strong argument for at least the attempt to try out the use of criminal penalties first, before the switchover to the exclusive use of contempt sanctions.

Mr. EDELSBERG (National Civil Liberties Clearing House). I'm glad the discussion has taken a turn which reminds us that while the legal doctors are discussing how to operate we ought to take another look at the patient. Now as I see the patient, what the Civil Rights Commission did last year was not so much to unearth new facts, but really to remind us again of notorious facts of mass disfranchisement that were well known to most observant Americans. Of course, the Commission put those facts on television and made it impossible thereafter to sweep the mess under the rug. It touched the American conscience. Voting disfranchisement is no longer a necessary evil in American life.

But the great contribution of the Commission as I see it was to remind us, and I would say this to Professor Cramton, that voting violations are not a matter of individual willfulness. It isn't the hanky-panky that an individual registrar uses with an individual Negro. It isn't even economic intimidation or other forms of intimidation. It's the very climate of hostility and antagonism in the South which is responsible for the disfranchisement of millions of American voters. And as I saw it the great good of the Commission's report was that three southerners—three representative and distinguished southerners—joined in saying that these were the facts. Then two of those southerners had the courage to say—to remind us of a rule of fundamental political equity, that where the violations are wholesale and systematic, the remedies cannot be retail and haphazard.

The unfortunate fact is that most of the remedies that have been discussed are haphazard and retail. Now I'm afraid that this is necessary given the present political climate. For what it may be worth, my political judgment is that the Rogers proposal is the vehicle which will become the serious object of congressional consideration and probable enactment. And we should devote ourselves to seeing how we can take this Rogers proposal and make sure that the Negro under it doesn't have to run a gauntlet, that he is given a kind of protective atmosphere in which his right will be asserted, and to the largest extent possible, as Harris Wofford said, that his qualifications shall be examined in a manner no more cumbersome and complex than that accorded the average white voter of the South.

We must remember that the problem is exacerbated by the kind of judges you have in the South. I don't mean to disparage the judiciary, but I think it is fair to say—to borrow a phrase which I think is well known in this environment—that some of these judges are suffering from invincible bias in this area, and for those judges no form of legal draftsmanship will do very much good. But for the great bulk of the southern judiciary I think the kind of bill proposed by Rogers will permit the wholesale enfranchisement of Negro voters, because the local registrar who is approached by a Negro applicant during the pendency of one of these hearings is acting under the threat of a contempt citation. And if he is captious and frivolous in trying to keep that Negro actually from going to the ballot box, a vigorous judge of integrity will see that he pays a price for it. And I think that for the greater part, the kind of procedure contained in this administration proposal will serve to provide for the franchisement of Negro voters.

My great reservation is this: I think I recall back to the days of section 7(a) of NIRA, Senator DOUGLAS. This was the Magna Carta of labor. The Government announced that there is now a Federal right for people to join labor unions. But just nobody got to join these unions until the unions got together with some agreeable Government officials who said it would be all right for the unions to put up signs in a mining town saying, "President Roosevelt wants you to join the union." And I think that we won't lick this problem of mass disfranchisement until we have something like that on our political scene, Senator DOUGLAS. Now it may be that as a result of that kind of political intervention some people who are not quite qualified to vote will get to vote. But I think the faster they get to vote the faster they'll get qualified.

PROFESSOR HARRIS (University of Michigan Law School). I would like to address myself to a problem raised before, which I think is a serious one. If the remarks aren't of world-shattering policy importance perhaps there is some legal help that can be given here. It strikes me that there is a need for simplification if this isn't going to be the full-employment bill for attorneys and if the limited resources of the NAACP and the Justice Department are ever going to accomplish anything significant. It strikes me you can break down the legal problem into two halves. First there is the question of making the initial determination and then of whatever review is necessary, whether or not there is a registrar or referee, call him what you will.

The second problem after it has been determined is to know which individual Negro voter applicant will be accepted and what possible review there may be of that. I don't direct myself to the second question which most people have been discussing as I agree with the general tenor of the remarks. Everything which will simplify this and postpone review until subsequent to the election is desirable.

Rather I address myself to the first question: what can be done to simplify the original decision as to whether and where and when a registrar or referee will be appointed. I think the Yale memorandum here, if I can so name it—I don't really know what it's title is—between pages 3 and 10 treats the problem better, more comprehensively, more intelligently, treating both the administrative problems, the constitutional problems and practical everyday problems that come to your mind, than anything I have seen on the subject. I don't care to recapitulate it, I only urge everyone to give it serious attention.

In particular, the kernel of this nut is on page 6, in the last paragraph of page 6, after the authors have criticized both the Civil Rights Commission proposal and the Attorney General's proposal, making the point, however, that the Attorney General's proposal raises far more difficulty than the Civil Rights Commission's. And this is true because by making this decision basically a civil action in the Federal court, we reach all the problems of due process, res judicata, and Federal appellate review which are unnecessary if it is handled in a different way.

In the Yale proposal, here I quote, "We see no way of accomplishing this,"—"this" is the appointment of the registrar without undue complexity, litigation, expense, etc.—"We see no way of accomplishing this, except by delegating to the President authority to appoint a registrar in any election district where he has reason to believe that citizens are being denied registration on account of race, religion, color or national origin." This is not requiring the finding of a pattern, which would be incredibly difficult as people know

as soon as a certain amount of sophistication is brought to disguising the pattern. This, if you read further you will find, will virtually eliminate all appellate review of this particular question. The State's review I believe will come solely on the question, the second question, of whether an individual voter who has already voted can cast his ballot. But there will not be a dual review: First, should we have a registrar? Second, is his action in regard to each individual voter proper or improper? I urge this simplification, whichever bill is adopted.

One last remark, if I may. To avoid constitutional problems the Yale memorandum, the Yale proposal here, restricts itself to Federal elections. This is not because the other is not desirable. I suspect that in order to accomplish what they are attempting to do in stripping out the review of the appointment of the registrar, it is necessary, and I'm no constitutional expert, but I suspect it is necessary if judicial review of the question is to be avoided, to restrict the scope of the bill to Federal elections.

Let me urge that if this simplified appointment of a registrar is not adopted, then by all means let's cover State and Federal elections both. On the other hand if a political decision is made only to cover Federal elections, let us take what legal advantage we can of that decision, to throw out the necessity for a dual review, first, of registrars, then of the specific acts vis-a-vis each voting applicant. Thank you.

Notre Dame Civil Rights Conference—Part 7

EXTENSION OF REMARKS

OF

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mrs. GREEN of Oregon. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Mr. SILARD. I'd like to address a remark to Mr. Edelsberg's comments. I'm a great believer in Mr. Edelsberg's political intuition, but I would question a technical point he made that the vehicle for a bill this year can be the Rogers proposal. I have examined the political complexion of the House and the Senate and I find a considerable preponderance of Democrats in those bodies. I also find us in an election year. I think these two factors dictate that we take the substance of the Attorney General's plan rather than terminology—referee, registrar, or something else.

And on the substance of the Attorney General's proposal, has he not made three sound points to the country which it is too late now to go back upon? The first of these is that there is something wrong with a nation of this caliber recognizing a problem of this caliber, and then moving only to meet it at the level of congressional or Federal elections. Now I think he has made a very sound point there that just simply cannot be swept under the rug. If Congress for the first time is really going to move in to cure this evil, how can it cure only a half or a third or a quarter of it? I think this point simply dictates the acceptance of the Rogers proposition that if you're going to do a job, do it all the way.

The second point that the Attorney General makes seems to me equally binding. There ought at some point, before a Federal mechanism preempts the entire State registration machinery for x number of persons, there ought at some point before that is done, be a fairly respectable adjudicatory finding that there is a need for that mechanism. Now I don't say that another commission couldn't do this job, but aren't the courts really, as the Attorney General said, the appropriate agencies for making a finding that there is a wholesale violation of legal rights. I think it is a contestable point, but I think the Attorney General has the better of it in starting his mechanism in the judicial machinery. You may not have to stay with it with respect to the appointment of your officials, but don't you really want to start with the rather established and secure judicial safeguard that a court finally determines there is a pattern or practice or a systematic denial of rights.

And finally I think the Attorney General's broad concession, which we have gotten away from—his broad concession that these officials that he contemplates are going to be able to register individuals quickly, effectively and ex parte, provides, with the acceptance of his other two points, a workable basis for a bill.

There are two other problems that have to be met. There is some unhappiness about the judicial appointment of what really now looks to be an administrative official. There is considerably more unhappiness with the full day-in-court, which might be 3 years in court, afforded with respect to each individual before that individual can actually get to vote.

Mr. EDELSBERG. Will you spell that out, John? Why do you think it could possibly take that long on an individual application?

Mr. SILARD. Rather than spell it out, Herman, I think I am willing to say this: I will concede that the process will only take 60 days, but that I would say would be too long to get the job done. Because what we have forgotten is that this job of enrolling people through a Federal mechanism is going to be valid for only the particular election involved under the Rogers proposal, and it is extremely difficult to make it anything else. In other words, the problem here isn't that it might take a year or two to get persons enrolled and then they will stay enrolled. That enrollment will not be valid for 1 day longer under the Rogers proposal than the State enrollment mechanism. So that 1 year's delay requires the initiation of the process all over again. And as I stated earlier this morning, it seems to me that if in a 60-day period before the election—which period the States can quite validly make the binding period of registration—an individual must go first to the State official, then to the Federal official, and then the State can, in an adjudicatory hearing before the court, which Mr. Rogers has conceded is required, then challenge each individual enrollment by the Federal referee—assuming there are hundreds of people, I think you have simply passed the date of the election.

Mr. EDELSBERG. It would be useful to me, John, if you gave an example or two of what the local State officials could say about a recommendation of the voting referee that John Doe be registered.

Mr. SILARD. The delay does not seem to me, Mr. Edelsberg, to be a delay which flows from the period of time that each individual case takes to be adjudicated, but rather the delay which flows from the fact that you may have to subpena—that the State will obviously have the right, I believe, to subpena—each applicant at such a hearing, and when you have to subpena even 150 or 200 persons to take the witness chair in such a proceeding and be asked for instance, "Did you or did you not try to enroll in the State system?" the Federal courts would take approximately 1 month, I think, to hear 30 witnesses.

Mr. EDELSBERG. John, don't they first have to file a verified statement with the court saying that John Doe did not try to register with the local officials?

Mr. SILARD. Surely, but will you deny the State irrevocably and finally the right to contest the validity of that? Will you deny the State the validity of that?

Mr. EDELSBERG. Once, John, just once. That's a constitutional requirement.

Mr. SILARD. Well that once, I'm afraid, if it comes before the election, will be just once too long. Unless someone can offer a reason why the State must have its day-in-court before the election on individual registrations, whereas in 170 years it has never been the case in the State system, I don't understand what, if any, problem there really exists in holding off the State's day-in-court until after the election.

Mr. EDELSBERG. I'm with you on that.

Senator DOUGLAS. Well I would like to ask you if there would not be a further right to appeal from the finding of the district court to the circuit court, from the circuit court to the Supreme Court, and that during that time could not the matter be in suspense without any decision?

Congressman BRAY. I don't know all the answers in this matter or I wouldn't be here. I came here to get them. I do want to say that I personally was interested in the remarks of Professor Cramton. Without going into detail on the subject I believe that a jury trial—while it may be necessary in time to do away with it—I view with a great deal of suspicion doing away with a jury trial unless it's absolutely necessary.

Then I do want to comment on the remark made by Professor Estep when he suggested turning over the election process to the Federal Government. That's going to be a very difficult matter. We have in Indiana 35,000 election officials, and anyone who has ever had the job of trying to get an election board together knows it's a tremendous job. And we have something like 10,000 registration officials. At least in southern Indiana each precinct has one Democrat and one Republican registration officer to make sure everyone is registered. It's a tremendous job to get it done.

And it just entered my mind that—maybe it won't work at all—just as I was sitting here, that if you would have your referees go in and allow really a double process of registration, anyone could go to the regular registration office if he wanted to, but then in key places anyone who believed that they were not being given a fair break could go there and register. And then a certain length of time before the election that Federal registrar must turn these names over. Then they would have a certain length of time, a very few days, to object to it. That is not going to solve it all, but you're going to have a tremendous job if the Federal Government tries to take over the 35,000 members of the election boards in the State of Indiana and 10,000 registration officers.

Dean O'MEARA. Professor Estep wants the record to show that he is not in favor of having the Federal Government take over the entire election machinery.

Professor ESTEP. Thank you.

Mr. CALHOUN. I would like to address myself to the suggestion that in the Rogers proposal at this time there is a likelihood by reason of the necessity for permitting State challenge that an applicant for registration would not be allowed to vote in the first election following a finding of qualification by the referee. I, myself, see no reason under the Rogers proposal why a Federal district court to whom had been certified a

qualification of an applicant and who found that certification coming up to him on the eve of an election could not order the election officials to take an impounded ballot from the applicant and then let the State thrash it out as it would.

Senator DOUGLAS. What about voting machines?

Mr. SILARD. Senator, you repeat the question asked at this end of the table about the voting machines. I think under present laws, as far as we can tell, there are already mechanisms, even on the machine system of voting, available by which a vote may be registered and yet held subject to the determination of a challenge—the Louisiana law, for instance, so permits. If it does not now permit this, it certainly is a mechanical problem which modern science can solve.

Mr. HARRISON, administrative assistant to Congresswoman GREEN. I would like to offer something of a compromise between the suggestions for Federal assumption of the whole election process and the proposals for a person-by-person registration in cases, as provided in the Rogers bill, where deprivation is pursuant to a pattern or practice. What about the idea of making a determination, subject to appeal before the date of election, that access to the polls in a particular defined political area is subject to discrimination as a pattern or practice; and then in that area requiring all voters to proceed through the Federal registrar pattern.

This seems to me, among other things, to meet the Attorney General's objection to the registrar proposal, in the sense that this does not leave us after the election is held with a box of ballots cast by unchallenged white citizens and a box of easily identifiable ballots, cast by citizens who have had to avail themselves of a separate procedure. Is it possible for us to replace State officials only in those areas where, by a judicial determination, a pattern of discrimination is found to exist—only there to establish a universal Federal registration, and only there for that one election?

Professor NATHANSON. I just wanted to follow up that question with another one which is perhaps an attempt to answer the earlier question that I raised with respect to the problems of choice here. I wonder whether it's possible to have an eclectic approach which permits an alternative group of remedies, some of which may be applicable and usable for the purpose of Federal elections and others for the purpose of State elections. I would still think that the suggestion just made with respect to taking over the election entirely by Federal officials would be really practicable and probably only legal—although I won't go so far as that—but would only really be seriously possible with respect to the Federal election. But perhaps that is not a reason why it should be entirely discarded. Perhaps it could be available to that extent and other remedies available where the Federal election was not involved.

Similarly, I wonder whether or not it is possible to combine the administrative and the judicial processes here. I would agree with the comments that have been made about the undesirability of saddling the judiciary with the entire responsibility here. I don't know, but I would think that there is grave danger that we are separating the Federal judiciary from the rest of the community, that we are asking them to bear—to really carry—too much. They've got to have some other support, and it's got to come through the executive administrative machinery.

Now we know that there are various devices for combining these things and for having these types of alternatives. Without going into details, I wonder whether there might not be some use in having all these alternatives in one bill.

Mr. FOLEY. I was going to suggest to Senator DOUGLAS, on this problem of voting machines, I think you will find, if you check your State election laws, that you already have established by State law procedures for challenged ballots. For instance in New York where they use voting machines, a challenged ballot doesn't go on the machine—it goes on a paper ballot, and that is subject to review by your board of elections the same as your absentee ballot. I don't see any practical problem.

Senator DOUGLAS. May I ask if there is any reply to my question about appeals.

Mr. FOLEY. Senator, I think that we should keep this procedure in line. It seems to have gotten off the base. Under the Attorney General's proposal, when the referee makes his findings and files the report with the judge—now keep in mind we have not issued a decree here in this case as to this new applicant—the most recent proposal from Mr. Walsh was that service is made upon the interested party. He has 10 days in which to file exceptions to that proposed report. Now if he fails within 10 days to file his exceptions, then he's precluded from taking issue with that.

Senator DOUGLAS. But suppose he does file his exceptions?

Mr. FOLEY. Then it's up to the judge to determine whether he wants to hear it himself or whether he wants to refer it back for further hearings on the exceptions. Now the judge is bound by the clearly erroneous rule, and the burden will then shift upon the election official to prove his case before the judge. He just can't come in and say, "I except." He's going to have to back it up. Now if the judge refuses him, of course he's entitled to go up on appeal. Whether the court will accept it or not, he has to have that record on which to predicate it. And I think under the Attorney General's proposal he has a very difficult burden of proof there.

Professor DUKEMINIER, University of Kentucky College of Law. There's one problem which hasn't been discussed and none of the bills seem to meet it. And that is, all of the bills are related to voting in one election. Once these people get registered, will they have to go through the same fight through either a referee or registrar each election that comes up, which is every 2 years with respect to the House of Representatives? Is there any way that the bills could be revised to provide that once they qualify that they can stay qualified rather than to require them to fight every 2 years to be re-enrolled?

Mr. CALHOUN. I would like first to address myself to the problem that I think is bothering Senator Douglas. He keeps asking about the appeals because I think he feels that people will lose their vote while this judicial process is working itself out. Am I correct in that Senator?

Senator DOUGLAS. Yes, you're exactly correct.

Mr. CALHOUN. Well, I tried to answer it earlier. My thought is that as soon as a referee certifies to the judge that an applicant is qualified and if an election is imminent, it is within the power of the judge to authorize that person to vote on an impounded ballot. A person can vote and if it takes 3 years and 30 elections, each time that fellow's vote will be accepted—if it takes 3 years to exhaust the judicial rights of the State. But that man will get a vote every time there is an election there. And if the State is correct in its challenge, then the impounded ballot will not be added to the total; if the State has failed, the ballot will go and the totals will reflect the ballot.

Now if the Congress wants to make that more clear than the mechanics of the Attorney General's bill do, it is perfectly free to do so. There is a hazard, and nobody's mentioned it here today, in making a too carefully articulated scheme within this bill, because what you may be fashioning is a straitjacket.

Professor RODES, Notre Dame Law School. I would like to mention a couple of technical points that I think need a little more consideration. There has been a good deal of talk about the State's day-in-court. I question a little whether the State is entitled to a day-in-court, or how much of a day it's entitled to if it is. Now as far I can see, the only thing to prevent the Federal Government from taking over as much of the election procedure as it has to is the 10th amendment. The only case I know of on the point is *Massachusetts* v. *Mellon* which seems to hold that the State has no standing to enforce the 10th amendment. So that if anybody is to be entitled to litigate over this, it shouldn't be the State, and I begin to wonder who will be entitled. Which brings me to another point. I question, in view of this, whether the courts will find a case or controversy if they are given this job to do.

Professor CRAMTON. I'd like to speak to both of those points and also about what was mentioned over here about fashioning a straitjacket. It seems to me that if the court is used and if the court is so tied up that it does not have any discretion on what it does—that it automatically has to allow the person to vote and have the vote impounded, as put in mandatory language—then it seems to me the question about case or controversy in such a judicial function might be raised. It would be a serious one.

Now I don't want to say that it would be decided adversely—the validity of the registration—it probably would not be. At least an issue would be raised whereas with the wider discretion of the district court there is less likelihood that this question would be decided adversely as to the validity of the legislation. But this does pose somewhat of a dilemma. The southern judges—some people do not want to confide discretion in them. On the other hand, if they're used but they're given no discretion, there would be a very legitimate argument that it would not be a judicial function. They would be just performing a ministerial duty which is not a proper function of a constitutional court in the United States.

JOHN FEILD, Legislative Assistant to Senator HART. The context in which we are discussing the current proposals for further legislation on voting is apparently that the Attorney General and the Commission on Civil Rights—and I presume other knowledgeable people who have observed voting denials in the South—believe that the 1957 law has failed, or at least has been so encumbered or is so inadequate that it must be further implemented. In view of this, and particularly in view of the experience of the Attorney General's office and in light of the question that keeps recurring, I'm wondering if Mr. Calhoun could answer the question: Why is it that we should further utilize the machinery of the court itself, which is apparently the machinery of the 1957 act only, by now burdening or by now placing upon them the responsibility for supervising referees actually operating the election process?

Is it not possible that the registrar proposal of the Commission and the current proposal of the Attorney General are compatible to the extent at least that, given an initial judicial finding, the appointment—the implementation of the operation of the machinery may still be moved to the Executive—moved to the President? Isn't it possible to make these two proposals compatible if we do that? Why must the court do this?

Notre Dame Civil Rights Conference—Part 8

EXTENSION OF REMARKS
OF

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. YATES. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Mr. SILARD. I'd just like to add that I am tremendously encouraged—and no one should fail to note—that the Department of Justice seems now to be in a receptive frame of mind with respect to Senator HENNINGS' announcement that the solution to the problem of nullifying delay—judicial delays—may lie in postponing the day-in-court until the day after or the day of the voting. And therefore, if this does represent, as it seems to represent, the position of the Department, I would like to ask, whether it really makes much difference in Mr. Calhoun's mind whether Congress leaves it permissive with the district judge as to whether he shall postpone the hearing because of the time involved until after the election, or whether Congress itself states that because the problem is one of elections and the prior practice has been not to have the challenges until after the voting, it might as well write that into the legislation. Because if the Department were to move toward this suggestion—toward the second suggestion—I don't see that there's any remaining area of conflict between the proponents of registrar, referee, and the other suggestions.

JOHN CALHOUN. So far as the moment of challenge is concerned, we think that the proposal of the Attorney General uses most of the time most effectively. From the moment of certification the challenging process can begin, but nobody loses his vote while the challenging goes on. Now if you want to wait until there's an election to start that challenging, if you think that there are valid reasons for doing that, certainly the Congress may do it. But I don't know whether it can do it by saying that this protects the vote. Because the vote can be protected under the present arrangements.

Mr. EDELSBERG. I'd like to hear from some Devil's Advocates on the proposed Walsh amendment of the Rogers proposal. As I read it I find it very difficult for a local registrar who has the most malice possible in his heart to buck the recommendation of the voting referee. He has to submit to the district judge a statement under oath giving the basis of his challenge of an individual who has been certified as eligible by the voting referee. On what basis can a registrar say under oath that the voting referee has erred in making his recommendation? Let's see what obstructionist tactics are available under this procedure. I think they've been cut down pretty successfully. I think the difficulty is the willingness of the judge to carry out the law, rather than the detail of this procedure.

Professor BRODEN (Notre Dame Law School). I would like to urge Mr. Calhoun to consider very seriously the problem of the validity of the original appointment of the referee to register any comer. This was raised early in the discussion and I don't think it has really been fully and adequately disposed of. Now maybe by legislation the Congress could give such broad power and broad authority to the U.S. district judge, so empowering him when there is a general finding of racial discrimination. But the obvious tactic has already been employed time and time again: The perpetrator of that conduct resigns and a new man, not guilty of this conduct, replaces him. Now how valid will such an appointment be under present statutory language?

I don't know whether and to what extent we will be able to avoid this problem if we retain a judicial remedy. I think it can be completely avoided by an administrative remedy. I would most strenuously urge Mr. Calhoun to suggest to the Attorney General the possibility of working in an administrative remedy. But I don't know how committed the Attorney General is to an exclusively judicial remedy.

DEAN O'MEARA. Congressman DINGELL and Professor Foster have both indicated that they would like to be heard. Afterward, in order not to keep luncheon waiting too long, we'll recess.

Congressman DINGELL. I want to point out that in all cases under these proceedings, regardless of what happens, we will not be dealing with impecunious, incapable litigants not represented by proper and able and devoted counsel. I want to point out some perils that I don't think anyone has here expressed and perhaps may not have even thought of. Regardless of the amount of judicial review and whether it takes place previous to or subsequent to the election, we have to remember that people who are willing to close their school systems will not be reluctant to, in effect, snarl up their State governments and to snarl up Federal elections to preserve and to protect the status quo which they seek to preserve.

I think I could point out this as an example: Assuming that an election were to come under challenge after it had been conducted, either under the Federal registrar proposal or under the referee system. And assuming for the sake of the argument that review were commenced either before, during, or after the election had taken place. The officer who would be elected would presumably take his place—let's say if it were a Federal election, in Congress, or as Governor—sometime immediately following the first of the year, usually around the 3d or 6th of January or thereabouts. If this happened, what would be the situation if the matter were in litigation? Who might, for example, be Governor of the State succeeding the Governor who was leaving office while the determination as to who was the new Governor or how the votes should be counted was made under either the Federal registrar system or the referee system? How would we face up to the determination of who was the Congressman or the Senator under these situations? I think that serious thought had better be given to problems of this sort. This is not an unlikely thing and it is certainly not unforeseeable in view of the previous record.

I would again strongly urge that a self-executing system be adopted, at least in Federal elections, to assure that the matter can be handled expeditiously, and that it can be closed conclusively, rather than to bog the courts down in litigation which will go on ad infinitum, which not inconceivably could happen. I would also point out that the courts now carry—the Federal judiciary carries—a burden which in many instances takes 1, 2, and 3 years to bring a matter to trial even in the court of first instance, and in cases of review matters have been litigated for as long as 10 or 11 years.

Professor FOSTER. I'd like to speak quickly to the point that Mr. Edelsberg raised with respect to the kind of question which perhaps might be raised by a local registration official charging that the referee or Federal officer had been derelict in his duty. The proposals, most of them at least, direct that the person shall be certified to vote provided he is qualified under the State law to do so. The recommendations of the Civil Rights Commission spoke—or the findings, rather, of the Civil Rights Commission—spoke of the problem as being one not of discriminatory registration laws in the South, but rather of fair laws enforced in a discriminatory manner. In short, I take it that a problem is that when a white appears to register he is registered without any questions. When a Negro appears to register the law is thrown at him as hard as it can be thrown. It seems to me that a very real question is going to confront either a Federal referee or a Federal registrar, whichever it may be, in trying to decide by how much he must discount the requirements of the State statutory law in holding these people eligible to vote. I would assume that if we're going to do it equally, he should in effect turn his back on most of the literacy tests, if indeed it's shown in that area that the registration officials turn their backs on the literacy tests with respect to white applicants.

This, it seems to me, is going to be productive of a great deal of difficulty with respect to ascertaining the standards by which any applicants are registered by some court-appointed or administratively appointed officials. This is a real problem. I can see, therefore, that these affidavits which the local officials would insist upon would challenge the fact that you are not really applying the law as it is written to these people, setting up this factual dispute. In effect the local officers would say, "I threw the book at everyone." And here comes your issue. This, it seems to me, is the way in which it's likely to arise. There may be other ways as well. The second point——

Mr. EDELSBERG. Excuse me. How does he put this in his verified statement to the judge? What can the registrar say to that?

Professor FOSTER. Well, I would suppose that if we had a conscientious referee who, after diligent inquiry, had discovered that there were no literacy tests whatever being given to white applicants, if he were conscientiously giving equal treatment to the Negro applicants he would impose no literacy requirement either. In short, if the statute would normally be read to require this kind of thing, and he had not been doing it with respect to the whites but had been doing it with respect to the Negroes, I can see where the Federal officer would be in considerable grief with respect to the amount by which he would have to turn his back. In any event, I think that this kind of allegation could be made, if it does not appear within the record of the referee's own action, that he had not required any literacy test whatever.

May I make a second point quickly? This goes to the point made by Mr. Broden of the Notre Dame faculty a few minutes ago. I think that a very good case can be made for changing 1971—this is the section in the code that we've all been talking about here, that authorizes the United States to bring suits against local election officials—to provide that these actions by the United States should be brought against the election board as suable entities.

Now this is a legal fiction. Nevertheless the law has in numerous instances permitted suits against partnerships, corporations and various kinds of legal entities, for the purpose of singling out the office itself and binding any subsequent holder of that office to whatever determinations are made with respect to the manner in which the office has previously been operated. If therefore the statute in 1957 had provided that the suit might have been brought against a board of election registrars of

Macon County, Ala., we would not be in the Supreme Court of the United States in *The United States* v. *Alabama* right this instant, for the whole issue in that case is whether that election board may be treated as a person within the meaning of that act. In that case every single officer of the office has resigned. Now if you treat the suit as one against the offices and entities, this it seems to me obviates that kind of problem.

Dean O'MEARA. I've been wondering how long I would be able to resist the temptation to step out of my role as chairman and take part in the discussion. The moment of capitulation is at hand.

I do want to say just a word about a problem that is troubling Senator DOUGLAS and Congressman DINGELL, and I think others. It's the problem of delay inherent in any plan which requires a court finding before a Federal registrar or referee or whatever he's called is appointed, and in permitting at some point after registration by this Federal official a further judicial contest of the propriety of registering this, that or the other individual. Now I think that a great deal of delay is involved. The point that I want to make is simply this: We are not, we should not be, concerned simply with working out a bill which would be the best of all possible bills in an ideal community, but a bill which will work as well as possible given the actual situation that exists. A great lot of education is going to be needed—a great lot. The law can't do all the educating, but it can make a substantial contribution to the educational process. So that, so far as I'm concerned, the fact, and I think it is a fact, that in the early years of Federal intervention along the general lines we've been talking about, the fact that there will be long delays is not a disadvantage: it's an advantage. It's all to the good. In short, I think our concern ought to be to make haste slowly. We're now in recess until after lunch.

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Dean O'MEARA. Ladies and gentlemen the conference is again in session. Now since we have two subjects in addition to the voting rights problem which deserve discussion, it has been suggested, and it seems to me to be a good suggestion and I shall act upon it unless there's some objection, that in the last 30 minutes which we are now entering—the last 30 minutes of the discussion on the voting rights problem—we will concentrate and I ask each of the speakers, each who wishes to speak in this last 30-minute period, to address himself to one or other of the five points which Mr. Silard suggested at the beginning are crucial. May I read them to you:

1. A judicial finding of a pattern or practice of racial disfranchisement prior to appointment of Federal registration officials in the locality involved.

2. Federal registration of persons in the disfranchised class by a process no more onerous than the State registration procedure.

3. Federal registration made effective both for Federal and State elections.

4. Availability of Federal injunctions to insure that those registered will be permitted to vote.

5. Provision for State challenge of Federal registration at a time and in a manner which cannot, by delay, defeat the right of those enrolled to cast their votes in the election.

The suggestion which I have embraced is that those who speak in this final 30-minute period address themselves to one or another of those points, speaking either for or against. The matter is now open for discussion.

Professor CRAMTON. I would again like to reiterate the concern I mentioned this morning, about really point 4, the necessity for the availability of Federal court injunctions and the use of the contempt procedure of enforcement. It seems to me this is a vital and important question, involving the replacement of normal criminal procedures in a whole large area of conduct.

It seems to me it's a little unbecoming for any liberal to take the position, for instance, that abuses in congressional investigations really involve punishment without judicial standards, and then to turn right around and say that the constitutional requirements of a jury trial in criminal cases do not apply to this whole category of unlawful behavior. It really seems to me improper and unjustifiable. Adequate grounds have not yet been shown and established for the inadequacy of criminal proceedings to safeguard violations of a person's right to vote. Until there is a period of experience which demonstrates the inadequacy of criminal sanctions, this far-reaching measure, which I think would raise serious constitutional questions and jeopardize a basic American liberty should not be adopted.

Mr. SILARD. It does not seem to me that in providing for injunctions to enforce the right of these persons registered to vote that you imply that the injunctions will be violated. Or, that if they are violated there would not be a jury trial. Certainly the choice is not between either injunctive process or criminal proceedings before a jury. Now as a matter of fact, in 1957 after months of debate a compromise was reached under which a jury trial was provided in criminal contempt cases over a certain punishment level that was then established.

So nothing here implies that we would go back one step upon the ultimate resolution of 2 or 3 years ago. I think that's an unfair charge to level against the principle that there will be injunctive relief available to make these registrations effective. Whether in contempts of court that occur, you are going to have jury trials across the board as we did in 1957, or not at all, that's another issue.

Father KENEALY (Loyola University School of Law). I would like to add to this discussion of the injunctive process the observation that there's nothing unconstitutional about the principle of the injunctive process. There are the rights both of the voter to be considered as well as the registrar who might be denying that right. The odium which the injunctive process acquired chiefly was the abuse of the injunctive process in the old labor cases. There the psychological urge was toward the abuse of the process because the judge who issued the injunctions was the social and club companion of management usually. The psychological pressure here will be rather very much against the abuse of the injunctive process. It will take courage, in view of the very great difficulties under which southern judges operate. So I don't share the expressed fears about the abuse of the injunctive process in the projected legislation.

I would like to add that I would favor very much, without repeating arguments given already today, the participation of the executive department, and therefore the system of registrars, whatever they would be called, rather than referees. I would like to see a heavier consideration of the Black-Emerson-Pollak so-called Yale memorandum, which was dismissed rather summarily as being politically unfeasible. Possibly it is. But I think there are considerations there for streamlining the process that should not be forgotten, or passed over without very serious consideration.

When it comes to a question of whether this shall refer to Federal elections or State elections, there's a tendency on the part of some to say, "Well let's keep it just to Federal elections now. Let's have half a loaf instead of no loaf at all." I would like to suggest that is merely a tactic, it's not a strategy. It's not a principle involved, and the tactic and strategy is certainly open to inspection by segregation proponents. They are well aware of it. My suspicion is that they will seize upon that tactic for very powerful countertactics. They will point out that this is not a bona fide appeal. It's the camel's nose in the tent. It is attempting to do something about Federal elections as a near step to do the unthinkable thing about State elections. The bill, I'm afraid would be charged with being filled with trickery and treachery and what not. I wouldn't be surprised to see Senator Eastland finally link it with sex offenses in the schools in the District of Columbia.

Professor ESTEP. Both as a constitutional lawyer and I would hope much more than that as a person interested in civil rights. I would really hate to see the suggestion that Professor Cramton has made overlooked or minimized in any way. Whether we like it or not, and whether it's constitutional or not—on this I certainly could not argue that the majority of the Court says that it's unconstitutional to have contempt through the injunction procedure—I think it's a very unwise principle and I think that it's such an important one that we ought not to say merely because we compromised on it in the 1957 Act we ought also to compromise on it in this new Act.

If we're going to have an injunction procedure, and I think this is probably very important in order to make sure the vote does get cast at least—and then we can decide what to do about counting it later—we at least ought to provide that if we're going to punish somebody criminally, in the sense of a fine or imprisonment in any way, the statute itself ought to provide for a normal Federal, criminal trial with jury, and all down the line. I see no particular reason for drawing the line. I do not think a group such as this or people who back this kind of a bill ought to accept the philosophy here any more than we do in any other setting, that the end justifies the means. I think that this is an important procedural thing in this country, whether it is an absolute binding constitutional dictate in every situation or not. I think this is something that is one of the real bulwarks of our freedom, though it is a procedural matter.

Secondly, I cannot help but think that the idea of separating the registration of the disenfranchised group from the registration of the enfranchised group in these areas where color lines are used to draw the line, is basically an unsound one. While you don't have to go clear to the suggestion I was making this morning, it seems to me there's something to be said for finding that this area, whether it be a county, a city or a State, is found to engage in these kinds of discriminatory practice; and then from that finding to say that from this area we are going to set up a Federal registration for everybody or every election in the State or county, or whatever it may be, and that until some kind of a showing is made later on we'll continue to have the Federal registration. Then when we turn it back to them, we'll watch them and see whether they really conduct it hereafter in a nondiscriminatory way.

I think we would solve a lot of the problems that we were arguing about this morning if we could accept the fact that once we make a finding that this area isn't doing a good job, on the registration alone—not the rest of the election, on the registration alone—we would say, "Everybody must walk into this one building and be registered by this one person." He would certify the list to the State election officials. If they want to contest it, give them 30 days to contest it after registration and before the election, and give them their fair procedures and right

to witnesses and so on. Then finalize the thing so that we have a list on election day and everybody who is on that gets to cast a vote. Then we can argue later about whether it is counted or not.

I think it is very unwise to try to separate those who were disenfranchised and say "You register in one place" and to those who are not disenfranchised say, "You register in another place." I think we ought to take the bull by the horns and say "For that particular area, let's have one registrar who registers everybody and issues certified registration lists—voting lists, if you will." Certainly I think that it is important that we not postpone his right to vote, and I think this could be worked out without comprising the other two.

Notre Dame Civil Rights Conference—Part 9

EXTENSION OF REMARKS
OF
HON. WALTER H. MOELLER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. MOELLER. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Mr. YARMOLINSKY (Washington, D.C.) I would like to make one quite specific point and one rather general point. On the issue of the propriety of the use of the injunction process, it does seem to me that the extension of the injunction has been in bad odor, because injunctions, particularly in the classic case of the labor injunction, are used ostensibly to preserve the status quo and actually to decide the issue—because in a typical strike situation if you can postpone the decision long enough you've made the decision.

This is the opposite of the situation which we are facing here. What we're talking about is the preservation of rights which can then be adjudicated after the fact—after the election. I think that this needs to be kept carefully in mind because the use of the injunction process in the preelection period is not settling any questions. It's merely assuring that rights are not taken away by a preelection process.

Now, on the general point, I've been sitting here all through the morning session rather vacillating back and forth as I heard the eloquent arguments on both sides of the question, whether the chosen instrument should be the administrative process of the registrars or the judicial process with the referees. And since one has to make up one's mind at some point, I'm inclined to cast a kind of doubtful ballot in favor of the referees, and for this reason: I think that a good deal of the discussion has given insufficient credit to the flexibility and the adaptability of the judicial process. It's been with us for a long time and it's been effective in a wide variety of situations.

There's a tendency among lawyers, at least in the last ten years, to be scornful about equity, but equity can accomplish anything, I would suppose, and has accomplished almost anything, that the administrative process can accomplish. And I think that this is particularly true when we're talking about the operation of a system that's going to be working largely in rural areas—in areas that are not typical of the kind of communities where we find the pat situations where the administrative process is brought to bear—in situations where we're not looking for the kind of expertise that theoretically you get out of the ICC or the FCC or the CAB, or whatever. I'm inclined to think that it's more natural, more straightforward to stick to the judicial process.

On the other hand, I am impressed by the people here who have said, "Give the Executive some share of the responsibility. Don't put it all on the shoulders of the court." And I think that this is a cogent argument. But I'm not sure whether it is an appropriate argument at this point. If the executive branch of the Federal Government wanted to play, was willing to play—as I hope it will be in the future, but I don't think it has been in the past—a leading role in securing to the colored citizens their right to vote, the executive department of the Government has all kinds of ways to do so, not only through the Department of Justice, but through the high office of the President, which would put these judicial officers if they were appointed not in the position of the lonely enforcers of what is right and just, but as people surrounded by friends and supporters.

And therefore I'm inclined to think that we can have a judicial referee system with the initial judicial finding, we can have a more flexible, a more natural system and yet we can bring into play the power of the executive branch and the influence and the support of the executive branch of the Government through other means.

If I didn't believe that I would take the other side of the question, because the last point I want to make is that I believe the whole debate here is concerned less with enforcement than with education. I think it was Harris Wofford who some months ago in a very powerful article pointed out that the function of the law here is primarily an educational function, and that this is not a problem that we're going to solve in months or even in years, and that we cannot expect that out of any legislation that's enacted this year we're going to make any radical changes in the voting situation, particularly in the Deep South. But if the law can perform an education function then it will be serving its true purpose.

I am inclined to believe on a very delicate balance this can best be done by a combination of the elements that Mr. Silard has listed here with the use of the judicially appointed referees and the invocation of equity power, but also, and essentially, with a real mobilization of the power and the influence of the executive department of the Federal Government.

Congressman MOELLER. I should like to supplement these fine remarks, Dean, with a little story I heard some time ago. There was a man on the Hill in Washington wearing a badge on the lapel of his coat with the initials B.I.K. Someone asked him, "What does B.I.K. mean?" He said it means, "Boy I'm confused." He was told, "Well, you don't spell confused with a 'k'." And he said, "Well, this shows you how confused I am."

I think that a layman listening to the debates and discussions this morning might become quite confused. And as one Member of Congress I feel most definitely that when this issue reaches the House it's going to be extremely simplified when it becomes law, which it probably will, because it's going to have to be something that's very, very practical and that the average man is going to understand.

And it occurs to me that point 3 mentioned before is an extremely important one with respect to the Federal registrar for both the Federal and State elections. Unless this is done, it seems as though an operation might be performed on the patient where the incision is made and then the wound is not sewed up. Possibly the election on the State level is going to mean a lot more to the people today who are denied full citizenship than any election on the Federal level. I think this is the one that's going to cause the greatest problem. It's the one that I think we need to tackle with the greatest of dignity.

Professor FOSTER. The point has been made twice now in the summary by Mr. Silard of the possibility of a judicial finding initially of a pattern of practice and discrimination, that to be followed by the administrative appointment of registration officials to serve in the executive branch. Since we have such an eminently qualified panel of constitutional lawyers sitting along this bank over here, and over there as well, I'd like to throw a lawyer's nit-pick question at the lawyers on the separation-of-powers problem. The question is whether such a primary determination by the courts followed by a discretionary appointment in a discretionary operation by an executive agency does not run afoul on the supposed limitations on the judicial powers of the United States, as they have been spelled out over years, in limiting the Federal courts to essentially the handling of so-called justiciable cases.

This, it seems to me, raises a question of rather serious magnitude: having the courts intercede at that initial point simply to make a general finding which in turn triggers the exercise of the executive discretion. And if there are those who have any comments either for or against this I should certainly like to hear something spoken to this point.

Professor NATHANSON. Well, I'm afraid I've formulated my comment more in relationship to what Mr. Yarmolinsky had said before, and I want to get that one off my chest. First, if I understood Mr. Yarmolinsky to come reluctantly to the conclusion that the best place to start here is with the judiciary, in other words for the courts to have the primary responsibility, I would like to say that it seemed to me that at least part of his argument indicated a contrary conclusion—that we have here, as he said, a problem of continuing education, mixed with a problem of enforcement.

It seemed to me that this is perhaps most suited for an administrative setup: in other words, grafting on to the educational functions which we already have had exemplified in the Commission and the investigatory functions some further powers of enforcement, which of course for their ultimate sanction will have to have the courts brought in. There isn't any doubt about that. But insofar as we have primarily a long-range job to do here of education and enforcement in a hostile area, it seems to me that the now old-fashioned, but once new, administrative process is the more suitable.

I've had some hestitation, as a matter of fact, in coming to this conclusion because the administrative process is in some disrepute right now, as I well know and appreciate. But, it also seems that this is the kind of situation where it has its best chance, you might say, of succeding, and does not have the additional problems that the agencies like the Federal Communications Commission have had. Here the objective is quite clear. The controlling standard is quite clear. We don't have the problems of formulating a standard out of vague considerations from God knows what kind of policy. It's more comparable to the job that the National Labor Relations Board has had to do when what was an unfair labor practice was fairly clear. It was one of enforcement and to some extent of education.

So it seems to me that if we could work out something along that line—now I haven't thought through all the details, but it seems to me that the details are not insuperable—of using basically a commission which would have its seat of authority in Washington to give it a kind of a central strength, but nevertheless its arms spread out through the country where it is needed—working in that way with a measure of flexibility in the remedies available. Not in the principles that control it, but in its remedies. And of course with the aid of the judicial process for enforcement, and with the conventional aid of a contempt proceeding in a noncriminal situation, so that there would be no problem of a jury trial or anything else. There would be no case of trying to pin people down as criminal. But the main problem is to get a remedy where you don't have to worry about a jury trial and the constitutional considerations thereafter.

Mr. SILARD. I would suggest to Dean O'Meara that the discussion between Mr. Yarmolinsky and Professor Nathanson illustrates that there is not now, and until the last moment of time there will never be, a consensus as to whether the appointment of the officials to do the job should be judicial or administrative. But I also suggest that it doesn't really make much difference. If there is a basic area of agreement as to what this official is to do, that it is a simple ministerial registration task, and that what he does will be enforceable without delay at the time that the election comes about, I for one am of the opinion—though I personally for instance view the administrative appointment as better—I cannot see that it really makes much difference who does the appointing. The officer you appoint there will probably be the same person in the locality, and this seems to me very little difference—one that should never really divide civil rights proponents, though it certainly will be a divisive issue all the same.

Governor WILLIAMS. One of the most interesting comments I've heard during the course of the day was some gentleman who said that during the war they never got the labor groups unionized until they came up with a slogan, "President Roosevelt wants you to join a union." Well, I don't believe that this administration would go for the slogan, "President Roosevelt wants you to register," and maybe the country at large would be divided on the slogan, "President Eisenhower wants you to register." But this being the time of year, perhaps we could all agree on the slogan, "President Lincoln wants you to register."

Seriously, though, I try to weigh all of the discussion today, including the very excellent talk of Father Hesburgh at lunch, and the problems that I see are rather difficult—and yet if we're going to get any solution it's going to have to be relatively simple. It's not those Ph. D.'s who were trying to register that are going to solve this question. What we're going to have is a lot of people in the backwoods who perhaps don't even know what it means to register, and I don't think that this registration process is going to be worth too much if all it is is somebody sitting in a high chair in the back corner of a room waiting for something to happen. I think there's going to have to be some spirit of "Let's get this job done." Now obviously this can't happen unless there's a situation where the local authorities aren't doing what they're supposed to do. But once this finding is made then I think this should be a somewhat more persuasive method than just sitting back and waiting for somebody to come in and knock down the door to register.

Those of you who are acquainted with the political process know that registration in the North just doesn't happen by opening your doors and inviting the public to come in. Now how much more difficult is it going to be to make any appreciable dent in the nonregistered in the South. And if what we want to get is a number of Negroes registered so that it will make an appreciable step toward freedom and democracy, then I think we have to have a system that is going to afford some encouragement as well as legal possibility. And therefore I think that we've got to envisage a system which is going to have a responsibility and obligation to get a job done—to be fighting for democracy rather than permitting it to happen.

And so I think of the original suggestion of the Commission—the President. After all it's the President's constitutional obligation to see that the laws are enforced. And if the people can eventually look to him to see whether the United States is performing its obligation before God and the country, then I think maybe something will happen.

So I favor putting it up to the Commission, and perhaps even going as far as my fellow Michiganite, Sam Estep, has suggested, or "If you're going to move in, move in not only for the disenfranchised, but for everyone," so that you make a clean-cut issue of the fact that you want to get everybody registered. I think that the registration in the States that we're concerned about isn't so good for the white groups—as it isn't for the colored group either. And maybe it wouldn't be a bad idea to come in and get more people registered in Michigan, but I won't go into that at the moment.

Seriously, I do come back to the point that if we want to get this job done, I don't think that you can lay an injunction on the court to go out and do the job. That isn't their real function in life. Their function is to decide issues, and this is something that is more than educational. This is an operational job.

Since we're all casting our votes here I would cast mine in favor of placing the obligation ultimately on the President and on the Executive, setting up administrative mechanisms so as not only to make it possible, but actually to persuade people to register, so that we can establish the basis for democracy strongly enough so that when it's turned back to the local government it will continue to flourish.

Dean O'MEARA. Our 30 minutes have expired. However, Professor Harris had his hand up before the Governor spoke; so I think that I should call on him.

Professor HARRIS. Many of us seem close to some type of consensus around Mr. Silard's five proposals but for the sticky wicket that seemed to be suggested by Professor Foster: how can we combine a judicial finding with the benefits of administrative proceedings?

I wonder if I could summarize what I seem to be hearing. I gather there's a political necessity, not speaking of a constitutional one, but a political necessity to satisfy the presen' Congress, that there be a judicial finding of discrimination or of a pattern of discrimination in an area before a registrar or referee be appointed. This seems clear from the Attorney General's position and from much of what Harris Wofford has presented here—the Commission's views and those of various other people. I take it this creates a dilemma because the usual judicial proceeding is not ex parte, or at least it isn't ex parte beyond a temporary restraining order, and the feeling is that the Negroes will not register unless they're permitted to do so ex parte. But the Congress won't vote for something which looks like it's making a sham out of a judicial process by turning it into ex parte proceedings.

And I gather that the attempt to combine the administrative process and the judicial process has raised article-III-of-the-Constitution doubts in the mind of Professor Foster and perhaps Professor Nathanson. I certainly don't want to set up myself as the prognosticator who can say when the Supreme Court splits 5–3–1 who's going to be in the 5. But I wonder if the problem is not soluble with a little imagination and a certain amount of expectation that there may be some sympathy in the Supreme Court.

For a solution which does no violence to tradition and which heads for a goal which so many people share, I wonder if the Court cannot, after making the initial judicial finding, retain jurisdiction over the whole problem. I wonder if it can't come up as a class action or some type of a representative suit by the Attorney General along the lines of the Attorney General's proposal. And perhaps we ought to make the State the defendant so that there's no danger that the defendant is going to die, or be abolished or go away anywhere. We still have our parties—the class of disenfranchised Negroes on the one side and the State, whichever State it may happen to be, on the other side.

I wonder if the Congress doesn't have the power—I certainly think it does—to create a new remedy—not a remedy that existed before, but a new remedy. I gather they created declaratory judgments and they can create remedies not yet seen by judges. And the general nature of the remedy I wouldn't care to detail at this time, but it certainly could embody the appointment of an administrator who would perform the way a voting registrar performs in the States. And he would act ex parte as the voting registrars do. And he would issue certificates or maybe he'd issue cease and desist orders—I'm not interested in the precise detail. I take it the district court judge could issue a temporary restraining order on the recommendation of this administrator. And the Negro would go to the polls and he'd vote.

Now the ballots would be challenged—the whole process would be challenged—only at one point. If anybody wanted to challenge the issue—any issue—at the polling place he could do so. The ballots would be impounded and then there would be a proceeding similar to what goes on in the States all the time—very rapidly, in the Federal court which is retaining jurisdiction of this matter.

This is not a sham—the Federal court is keeping jurisdiction. There would be a hearing in the Federal court on all questions: "Is the act constitutional? Is the registrar properly appointed?" Anything you want. Right then and there if you want to appeal, take it to the fifth circuit, take it to the Supreme Court, clean the whole thing up, and then the impounded ballots would be counted.

But I think that you get the benefits of all these things with a little bit of imagination in the drafting. I don't think the Supreme Court would have anywhere near the difficulties which we could conjure up around this table, if we assumed them to have no sympathy whatsoever for the proposal. Thank you.

Dean O'MEARA. Thank you, Professor Harris. I'm sure we could go on and spend the rest of the afternoon discussing the multiple problems involved in the proposed voting rights bills now pending in Congress, and the Commission's recommendations, and although, at this juncture, voting rights seem to have priority because that, no doubt, is what Congress will take up first, and that is the subject in which there presently seems to be the greatest prospect of progress, still there are other problems and, as Father Hesburgh pointed out, all these problems are related and one can't be solved unless all are solved. So it seems to me that we ought to turn at this point to the second item on our agenda, that is, assisting school desegregation.

Notre Dame Civil Rights Conference—Part 10

EXTENSION OF REMARKS
OF

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. THOMPSON of New Jersey, Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

FATHER HESBURGH'S LUNCHEON ADDRESS AT THE CIVIL RIGHTS CONFERENCE, FEBRUARY 14, 1960

Thank you Dean O'Meara.

One of the members of our Commission, Governor Carlton of Florida, who has a remark covering every occasion, says using these things [faulty microphones] is like trying to kiss a screaming woman. I haven't had much experience at that.

But, gentlemen, we've had a long morning, and I think it's somewhat double jeopardy for you to have to listen to me twice today, although I think I established an all-time record for keeping quiet this morning, after the opening. In this problem, I like to think back to the first day we walked into the President's office to get sworn in. After we had been sworn in and had had the usual number of photographs, he sent everyone else out of the office and sat down to talk with us. At that point he was quite serious and he said: "This problem that you are addressing yourselves to is the most serious domestic problem on the whole American scene today. To the extent that we can solve this problem, we will be worthy to hold up our heads in the company of the other nations of the world—to the extent that we bring some light to this problem, we will be qualified to work on world problems—because it's rather ridiculous to take a world posture on the meaning of democracy and equality and equal opportunity and not to practice it at home." He continued, "I don't know the answer to these problems, and that's why you gentlemen have been commissioned, and now it's your problem. We'll do all we can to help."

With that we walked over to an empty office on Jackson Place into a room that had a dusty desk and six chairs. We sat down and said, "Where do we begin?" It was quite a long trip from that empty office next to the Brookings Institution off Lafayette Square to a front porch in Land O'Lakes, Wis., last summer when we again sat down around a table—surrounded by pinewoods and soft breezes from across the lake—and tried to hammer out a final report for the President and the Congress after some year and a half of hearings and deliberations.

THE GROWTH OF A COMMISSION

I think it was quite an unusual thing and quite a surprise to us, and I'm sure a great surprise to many others as has been remarked here this morning, that we came up with a report. If ever there was a Commission that was dissonant and disaggregate in its composition it was the Civil Rights Commission, with three Democrats, two Republicans, and an Independent, myself; with three southerners and three northerners; with two former Governors of States, two law deans, and two college or university presidents. And yet several things emerged from the year and a half that we met together. I think the most amazing thing that happened was we became very close friends and I think we developed for each other the kind of compatibility and understanding, and even perhaps at times compassion, that was a necessary ingredient in any kind of fruitful solution to this very vexing problem.

Last summer found us in Shreveport, La., trying to investigate the problem of voting in a State where literally thousands of Negro voters were being swept from the rolls. It was a terribly hot place during July. We were greeted as we got off the airplane with papers from the U.S. marshal—a new experience for me anyway. And we were told that our preparation was for naught because there would be no hearing. It was at that juncture, on the verge of the time when we had to get this report written, that we betook ourselves to northern Wisconsin where a kindly gentleman in the past left an estate to the University of Notre Dame, and we sat down on the front porch, only after having gone out fishing together, and decided that we would try to agree on our findings and recommendations.

I mentioned to the President of the United States when we handed in this report on September 8, that perhaps there was one more dimension that he was unaware of when he appointed this Commission, because it not only had the dissonances I spoke of earlier, but it had had one great unity—all six of us were ardent fishermen. I don't know if the report as it was written could have been written except in a fishing camp where we interspersed our discussions and conversation with a little angling on the lake, and the good Lord was good to us because we caught a lot of fish, too.

FLESH AND BLOOD FACTS

In any event, I remember one night when we sat past midnight, and I am told on reliable authority, that some of the staff stayed up the rest of the night—at least they looked like it in the morning—and we had come to what was really the crucial point of our report: what were we going to do about voting. There wasn't a man of us who did not recognize that there were literally millions of people qualified to vote who were not able to vote and probably would not be able to vote for the next President of the United States, much less for their Senators, Congressmen, and State officials. We had seen some of these people. These weren't units to us. They were flesh and blood people. Some of them were veterans with long months of oversea duty and decorations for valor in service. Some of the people were ministers. Some of them were college teachers. Some of them were lawyers, doctors. All of them were taxpayers. Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballot for the President of the United States.

Some had gone through incredible hardships in attempting to register and had been subjected to incredible indignities. I don't know if any of you in this room have had to go through this experience, but even vicariously we had to go through it in listening to their tales. They would go to a courthouse and instead of going in where the white people registered, they would have to go to a room in the back where they would stand in line from 6 in the morning until 2 in the afternoon, since only two were let in at a time. Then people with Ph. D.'s and master's degrees and high intelligence would sit down and copy like a schoolchild the first article or the second article of the Constitution. Then they would be asked the usual questions, make out the usual questionnaire, hand in a self-addressed envelope, and hear nothing for 3 months. And then they would go back and do it over again, some of them five, six, or seven times, some of them standing in line two or three days until their turn came.

DUAL SOLUTION TO VOTING DENIALS

All of us—I'm sure I speak now for not just myself, but for the southerners and the northerners, the Democrats and the Republicans—we all knew that something must be done about this situation and done as quickly and as simply and as cleanly as possible. I think we really came up with two solutions. One of them appears as a recommendation approved by five members of our Commission, and the other is a suggestion—I don't know what official term you would put on it since it was only approved by the three northern members of the Commission. The recommendation had to do, as you all know, with Federal registrars. Our reasoning was very simple on that point. We simply said that if it was a well-known fact, as I think we had established it, that there were people well qualified to vote—much better qualified indeed than many people now voting in these same localities—then there should be some mechanism known to man whereby this vote could be obtained. And if, as we had demonstrated, it was impossible for these people to vote now—literally impossible under present circumstances, with all the ingenuity humankind will employ to keep a person from doing something they don't want him to do—then it was the duty of the Federal Government under the 15th amendment of the Constitution to see that some means were taken to allow these people to vote. And we felt that this means should not involve great expense. It should not involve human indignity or the fear of reprisal or economic sanctions against these people who want to vote. Somehow these people almost should be embraced by the Federal Government and allowed a little extra privilege, if you will, because of the indignity they have had to endure already in trying to exercise their primary right as citizens. That is how we came up with the idea of Federal registrars.

It was not our thought that this would be an end-all, that this would clean up the situation for all times, but at least we thought that this was an imaginative, creative approach to see that what could not be done on the State level, would at least be assured on the Federal level. We thought that this was in keeping with the Constitution of the United States. I think we demonstrated in our own common act of making this recommendation that this is not a partisan problem in any sense of the word. This is not a Democratic or a Republican issue. It is an issue of the U.S. Constitution, an issue to which every American should be committed, an issue on which the finest intelligence in our land should be prepared to study and act.

So the little Commission that really didn't look like very much to us in the beginning, and looked less like anything potent to us as we went along our way, came up with a kind of bombshell, it seems. As a result, all of us are here today and have had this very intricate and involved legal discussion this morning about the ways and means of accomplishing this end to which we are all committed.

CONSTITUTIONAL AMENDMENT FOR UNIVERSAL SUFFRAGE

I would like to add a postscript. I am not a lawyer—sometimes this is a salvation because you don't see all the difficulties that might come up and you're not constantly preparing for all of the ingenuity that will be marshaled against a law. I would like to mention our second proposal, which was not a recommendation but a proposal by three

members of the Commission. I think it should come as a kind of relief to all of you who have spent so much time this morning looking at the really involved state of affairs that obtain when one tries to accomplish on a Federal level that which is not being accomplished on a State level—with all the intricacies of Federal-State relationships involved. We talked this over coming up on the airplane from Shreveport to Land O'Lakes, Wis. We discussed many of the difficulties that have been discussed here this morning. We were trying as hard as possible to find some way, some short-range answer to get the vote for those who are now presently disenfranchised—by the next election if at all possible.

But we thought there must be a simpler long-range answer to this problem. And the answer we came up with was our proposal for an amendment to the Constitution of the United States declaring for all time simply, clearly, undeniably that every American citizen has the right to vote and that this right will not be circumscribed by the Federal Government, by the State or by any individual, and that it will depend simply on two easily proven factors, the age of the person in question, and the length of his residence within a given State, and that Congress will make appropriate legislation to see that this right is honored in all of the States of the Union, and that its only limitation would be by reason of legal confinement at the time of registration or voting.

This, I think, goes to the heart of the problem we have been discussing this morning. To me the seat of infection is as simple as this: that there are literacy tests in the States under question which are being applied in a discriminatory fashion, and as long as man is ingenious and these texts exist there will be discrimination.

There are two approaches to this problem, I think. One is to try to find out some way to direct the ingenuity of man toward a better end than keeping people from voting. The other approach is to ask how serious is the demand for literacy as a qualification for voting in these United States. And here I think we have a very simple answer. I don't have all the statistics at my fingertips, but I can say with all assurance, being in the business of education, that the United States is more educated today than anytime in its history. It is probably the most educated country in the whole world. Literacy is well over 90 percent throughout the Nation and the growth in literacy has been absolutely astounding in these past few years. I think that it is high time that we stood up before all the nations of the world and said a very simple thing; namely, that we believe in democracy and we think that the heart of democracy is that everybody—every citizen—has a right to vote for those who will govern him. This is the heart of democracy because the governed himself somehow governs in choosing those who will guide his destiny as a citizen of his State or the Union. Once we have said this and say it out clearly in our Constitution, then I defy anybody to find legal ways around this simple qualification for the vote. I cannot imagine lawsuits going on for 2 or 3 years to determine whether someone is 21 years old or has lived in this State for the required period of time.

A DECLARATION OF AMERICAN FAITH

I believe that this is the long-range answer. But while we work on the short-range answer with all its intricacies, I hope we will work on the long-range answer, too. Because I think the time is ripe for this, and I think this would be one of the most startling and dramatic things that America could do in the total world situation today—when the total uncommitted colored one-third of the world today is pressed to choose between our democratic philosophy of life and that of the Soviets. The Soviets cannot say that they believe in the things that are total and essential and substantive in the philosophy of the West: the dignity of the human person, the spiritual nature that gives him the title to the certain unalienable God-given rights, the respect which each individual human being may expect, the equality of opportunity that must be his. I think making a fact of universal suffrage would be the most dramatic way to say these things that we believe. We would be saying to the uncommitted third of the world that we really are committed to the system that we would like them to follow.

There are a few other things I want to say. First of all I'd like to say something about Lincoln since we're so close to his birthday. Someone suggested that I say something about Lincoln since we're so close to his birthday. Someone suggested that I say something about the place of the heart in all this since it's Valentine's Day. I don't think that I've got time for both so I'll stay with Lincoln for the moment. Here is one of the most interesting stories I know about Lincoln. I cannot say that it's true or apocryphal, but I did read it in Thomas' Life of Lincoln. This story tells of a time when the city of Washington was beleaguered by the Confederate Army and it looked as though the Union was at its lowest ebb in the Civil War. As Lincoln pondered on the pressures of the time and the seeming inevitability of military failure and what this would mean to the country of which he was President, it dawned upon him that the real issue at stake was an issue that he himself had not always recognized—a spiritual and a moral issue: whether indeed all men are created equal. We are told that on this occasion he made a promise to God that if Washington were spared, if the city were relieved and things took a turn for the better, he would at the earliest and most appropriate opportunity, promulgate the Emancipation Proclamation.

Notre Dame Civil Rights Conference—Part 11

EXTENSION OF REMARKS

OF

HON. THADDEUS M. MACHROWICZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. MACHROWICZ. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

Washington was spared, as you know, and the time soon became appropriate for him to make this proclamation. He called in his political advisers and his Cabinet to discuss this. He told them that he was talking to them about this but that he had already made up his mind about what he was going to write and that this was his sole personal responsibility. They gave freely of their advice. They said that such a proclamation would be the most politically inexpedient thing to do at this time. It would harden the opposition of the South. It was not politically viable. It was going to have a bad effect on the war. It would make for chaos and ruin in the Union. And yet Lincoln said, "I've made a promise—the other part of the bargain has been fulfilled and I'm going to do my part." So in the face of all this professional advice he made the Emancipation Proclamation. We only have to remember that today we remember him most proudly as the "Great Emancipator" to know who was right and that one does not make mistakes in these human problems when one follows one's conscience and pays attention to the moral and spiritual issues involved.

What we are discussing today should be as nonpartisan as any spiritual or moral issue facing America. We seek only one end—that all Americans are on equal footing in their participation in the civic order. We must use all of our brains and all of our compassion to find a solution, and that solution must not be tricky in a legal sense but be as simple as our belief that all men are created equal and that all men are entitled to vote in this country. We must take appropriate, firm, solid, simple means toward that end. I would think that a clear mandate to that end would shame people into seeing that nothing is done to violate this principle. So I think we should have courage like Lincoln's in promoting a constitutional amendment that would establish universal suffrage and say clearly to all the world that our basic principles are more important than legal trickery or political expediency.

THE THREE DIMENSIONS

I would like to say just one or two more things. I think there are three great dimensions to this whole problem of civil rights. The first dimension is a personal dimension. I don't know of any problem in this country that is more personal to each one of us than this problem of civil rights. I think one can legitimately abstract oneself from the problem of foreign policy—in the sense that we can all admit to a certain amount of ignorance about the intricacies of the negotiations at the summit, for example. I think we should be interested in foreign policy. I think we should concern ourselves about it. I think it's the place of intelligence to discuss it and create a great dialogue about it. But I can see how John Doe, of Mishawaka, Ind., could admit in the secret of his heart that he doesn't know very much about the great negotiations going on, the great issues that shape the foreign policies of our Nation. I think one also might plead certain ignorance of the great scientific developments that are taking place in the missile race or that are involved in the great discussions now in progress on defense. I'm not making a plea that this ignorance be continued, I'm merely saying that it is conceivable that John Doe, in Mishawaka, Ind., is somewhat ignorant about what makes a missile go and how good our missiles are compared with those of the opposition, and that many citizens do not now know and will not know the scientific intricacies that bear upon problems such as defense or nuclear power and the like.

A PERSONAL COMMITMENT

But I say that when it comes to civil rights if you so much as meet another human being in the course of your life, and all of us meet many, then you cannot be uncommitted on this problem. This is not the kind of problem about which a person can be detached. Because of the fact that you walk down a street, or live in a neighborhood, or work in an office, or get on a bus, or talk to anyone, you are involved in this problem and you must take a stand. This, I say, is the great pressing reality of this problem: it involves the personal commitment of every American citizen. Our national documents are inspiring and moral and right. I would hope that our individual consciences could be as inspiring and moral and right about what these documents imply—that every man has dignity, that every person as a sacred human being is entitled to our respect, and that each one of us in our own way, within our own sphere, no matter how small or how great it is, do our best to see that this equality of opportunity reigns and is not a figment or a hypocrisy.

I recall once standing on the 63d Street station waiting for the South Shore Railroad in Chicago. There was a young lady—a Negro nurse—standing next to me. And since we had about a 20-minute wait and I'm not much for standing alone and meditating on the tracks I decided to have a conversation with her. I asked her about her job and how she found work in Chicago and about her family situation. After the ice was broken she told me about having a little boy of whom she was very proud, a little son 4 years old. She said, "You know, Father, I was washing him the other day, helping him take a bath, and I told him, 'Now take this soap and scrub yourself real hard.' And he said, "Mommy, if I scrub myself hard enough will I be white?" And she said, "No, you're colored and you'll always be colored." And he said this simple thing: "It's better to be white."

My reaction to this story was: "Did you let him get away with that?" And she said, "Why shouldn't I let him get away with it? Isn't it better to be white in the United States of America?" I said, "Maybe on the surface it's better but this isn't the way a youngster should think with a whole life before him. Because what is today does not necessarily always have to be, and please God, it won't be the permanent pattern of our United States. It is certainly not the ideal of our Constitution. I think you should have told your little boy that color has nothing to do with how good a person is or what it is better to be as a person. Fundamentally what a person is, is what he is in the sight of God, what use he makes of what talent he has—how his values square with the good values and the great values of all times, how he feels towards other people and toward the responsibility of using his life in a constructive and helpful way, what his relationship is to his family and to his work and his God. All of these are the true measure of what a person is, and these are spiritual, not material measures."

But the story brought home one thing to me—that we're not ever going to solve the problem of civil rights in this country unless somehow we learn to judge people on their quality as persons and not according to the pigmentation of their skin. I think it is one of the nastiest things you can say about many Americans—maybe all of us in the depth of our hearts—that we put too much weight and emphasis on the color of our skin, almost instinctively, and that we don't think deeply enough about judging people on what they are as persons irrespective of how much money they might have or what color they might be or what nationality or what neighborhood or what religion they belong to. This is the great personal dimension of the problem, a problem in which we must all be engaged, all have a point of view, a deep conviction—and we must all act accordingly.

ORGANIC NATURE OF PROBLEM

The second dimension is simply what I would call the organic nature of the problem. I don't think we would solve this problem if this afternoon we came up with such a bright proposal that these gentlemen go back to Washington and next week enact a foolproof bill that enables every Negro in the country to vote in the next election. The problem would only begin to be solved by that but it would be still a long way from a total solution. Let me give you a simple formula in the nonlegal words of equal opportunity rather than equal protection of law. If we would honestly say that every American has equal opportunity across the board and then let the chips fall where they may, I think the whole problem would get solved pretty quickly. Every American would have an equal opportunity to live in the main stream of the political process, to hold office, to vote, to participate, to be educated to the extent that his energy and his ambition and his talent carry him.

Every American should have the opportunity to go as far as he could go as long as he had the talent, the intelligence, the ambition to keep working. Then every American should have the opportunity to work where he could do the most good for himself, for his family, for his community, for his country, without artificial bars to such work. He should do whatever he could do best and the only limitation to his success should be how much talent he had, how well he was educated, and how hard he was willing to work and how devoted he was to good things. And lastly every American should have equal opportunity to live in a decent house in a decent neighborhood, and that if he was successful and had made progress, no matter what his race or religion or anything else, he should be able to go up the social ladder and live where his heart desires and where his means permit. This choice would not be restricted as it is today by all of these cute little covenants and understandings and hypocrisies that so characterize every city in the North.

Given these four equal opportunities and given the range of talents that are possessed by all races of human beings, I think the problem would find a solution. I'm not naive enough to think that this is going to happen by tomorrow morning. But I think this is the kind of solution that we as individuals can all subscribe to. Insofar as we control education or control jobs or control housing or have some say about any aspect of them, we can follow this viewpoint. If enough of us start doing this we will be well on the way to a solution.

RESPONSIBILITY OF GOVERNMENT

The third dimension of this problem is that it is not a responsibility of only one part of Government. It was said this morning that the judiciary has been unduly overloaded with the burden of this problem. Insofar as it must be solved on the governmental level, it is of course going to need the attention of all the powers of Government.

Let me give you a few examples to show what I mean when I ask for consistency in all the powers of Government in this matter. We know that the Supreme Court has outlawed compulsory school segregation. Yet some universities and colleges, the institutions supposed to be the center of the training of leadership for the next generation, which are being given literally hundreds of millions of dollars of Federal support from the Congress and administered through executive agencies (some of which I belong to)—some of these institutions getting this Federal money simply do not follow the Constitution or the law of the land. I fail to see how the judiciary can clear up this problem if the other two branches of Government go quietly along helping those who openly defy the law of the land. I think this is particularly pertinent when we're talking about the segment of our society that is supposed to be turning out the leaders for tomorrow.

When I say this I'm not picking a fight with my fellow presidents and fellow faculty members of other colleges and universities, public and private. I think that most of them think rightly and would like to act rightly on this. Yet, private university and college administrators must face their boards of trustees and State school administration must face their legislators for funds. But supposing it were said that all Federal funds had this simple tag on them: that they must be spent for all the people, that they must be spent in a nondiscriminatory fashion, and that if anyone wants Federal funds for either private or public institutions, there is one condition—you have to agree that in using these funds you are going to follow the Constitution of the United States. What is so revolutionary about this? Yet the fact is that to date, while this proposal is contained in the report of our Commission on Civil Rights, there has been scarcely a word said about it.

In a sense I've been cowardly and have been relieved by the silence because one cannot take this stand without opening oneself to a certain amount of criticism from one's colleagues in the university and college world. Yet I think that this is a simple thing that could be accomplished tomorrow morning if those in power would decide to do something about it—and I'm speaking of both the legislative and the executive branches of Government when I say this.

The same is true of housing. I think it is no secret that less than 2 percent of federally assisted private housing goes to the benefit of the Negroes, despite the fact that this is public money, funneled through private agencies, builders and real estate agents, brokers, and lending agencies. Yet here is a matter where the three powers of the Federal Government are working in dissonance—the judiciary saying nondiscrimination is the law and the others blithely going about paying little attention to the law and even rewarding those who refuse to follow the law. This is the third dimension.

If we are going to solve this problem, first, we must all be personally committed to its solution; secondly, we must remember that the problem has several dimensions, that it is an organic problem—that we must work on all these fronts at once; and lastly, insofar as we are concerned as we are here today with governmental action, let us ask that all the powers of Government work together in a nonpartisan way in this matter to try to reach some solution that will make real for all Americans, the promise of the Constitution.

Notre Dame Civil Rights Conference—Part 12

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. LINDSAY. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

PAPERS DISCUSSED AT CONFERENCE

(By Associate Prof. Harris Wofford, Notre Dame Law School, legal adviser to Father Hesburgh, Commission on Civil Rights)

I. BACKGROUND MEMORANDUM ON RIGHT-TO-VOTE LEGISLATION

Fortunately the discrepancy between the promise of the Constitution and our failure to fulfill it in practice is not so great as that unbridgeable gap between the City of Man and the City of God. That greater divide is the source of our comedy and our tragedy and of the better part of our politics. Similarly, as the report of the Commission on Civil Rights suggests, the lesser divide—"the gap between the great American promise of equal opportunity and equal justice under law and its at times startlingly inadequate fulfilment in practice"—has been a creative factor in American history.

Right now there is no more startling discrepancy between our words and our deeds

than the continued denial of the right to vote in violation of the 15th amendment. At last it seems, however, as if the tension caused by this in the American political conscience is creating a spark gap.

A SPARK GAP

Until now the problem has been to generate enough political current to bridge the gap. It may be that the sparks now flashing North and South, between Congress and the administration, between Democrats and Republicans, between the Civil Rights Commission and the Attorney General, will provide both the political energy and the illumination needed to get on with the job.

The Commission did its part primarily by building up the heat. The unanimous finding of the Commission that many Negro citizens are in fact being denied their right to vote, and the unanimous findings on the variety of methods of such denial—mainly through discriminatory administration of State registration laws—have built up the moral and political heat to the point where some substantial legislation appears likely.

At first the administration indicated that it would stand—or sit—on its previous legislative recommendations—which did not scratch the surface of the problem.[1] But with even such conservative southerners as the three southern members whom the President had appointed to the Commission finding unanimously that "legislation presently on the books is inadequate to assure that all our qualified citizens shall enjoy the right to vote,"[2] and with newspapers like the Washington Post saying that the Commission's recommendations made the previous legislative proposals "look pallid by comparison," the administration was on a political hotseat in an election year, and so was the Democratic majority in Congress.

This calls for one qualification. The Commission noted that the power given to the Attorney General by the 1957 act to bring civil suits in Federal district courts, seeking equitable relief in cases where the right to vote is being denied by reason of race, has "not been thoroughly tested." Only four cases have been brought by the Attorney General—one in Terrell County, Ga., following an exposé of the situation there by the Washington Post; one in Macon County, Ala., following the hearing on the situation there by the Civil Rights Commission; one in Washington Parish, La., begun on the eve of a Commission hearing there; and one in Fayette County, Tenn., brought after the Commission reported on that situation.

Only in the Louisiana case, where some 1,300 already registered Negro voters were purged from the rolls at the instigation of the white citizens council, has any of these cases resulted in an order requiring the registration of any disfranchised person, and that order—made by an outstanding Federal district judge, Skelly Wright—is now on appeal. The proof of racial discrimination in such a case of a mass purge was overwhelming. The relief may also prove to be adequate, since the Negroes there had already once succeeded in getting registered and may well now stand up for their court-declared rights.

There may be other situations where this civil injunction suit of the 1957 act proves to be effective. As the Commission stated it is "disappointing" that the Attorney General has not tested this procedure more than four times in 2½ years. Commission Member Johnson suggests in a footnote to the Commission report that "reasonable grounds" to believe that citizens are being deprived of their right to vote—the language of the 1957 act authorizing such injunction suits—exist in all the 16 counties where Negroes constitute a majority of the voting age population but where no Negro is registered, and in 49 other counties with Negro majorities but fewer than 5 percent of voting-age Negroes registered. We would know better how to proceed if the Attorney General had brought suits in at least one of these 16 most extreme cases—or one suit in the State of Mississippi where the problem appears to be most severe. In Mississippi the Commission reported that there were 14 counties containing about 52,000 voting age Negroes in 1950 where, at last count, no Negro was registered; in the State at large containing nearly a million Negroes, or 45 percent of the population, only about 4 percent of 1950 voting age Negroes were at last report registered.

The Attorney General did his part by moving from a position of opposition to Federal registration machinery to agreement that some such machinery was urgently necessary, and by proposing the court-appointed-referee plan.

INCLUSION OF STATE ELECTIONS

He also contributed by raising everyone's sights. The Commission's plan for Federal registrars in cases of voting discrimination had been limited to Federal elections. This was done as a matter of policy and prudence, Commissioner Johnson explained to the Senate Rules Committee on February 5.[3] This limitation, made in an abundance of caution—a caution to be expected from some of the conservative men and southerners appointed to the Commission by the President—was undoubtedly a shortcoming.

It was probably not so great a shortcoming as the Attorney General indicated, for the very fusion of the State and Federal election process which he stresses should in many situations result in the abandonment of discrimination in State elections if discrimination in Federal elections is effectively ended. The assumption of the anti-poll-tax amendment to the Constitution just passed by the Senate, which was limited to Federal elections, was apparently this same assumption that if the practice was eliminated for Federal elections the States would drop it in all elections, rather than go to the trouble of establishing separate balloting.

Moreover, if States did continue to discriminate in State elections while honoring Federal registration certificates for Federal elections, the Attorney General would be able to proceed against such discrimination by the very civil injunction suits under the 1957 act—which do apply to State as well as Federal elections—which he makes the foundation for his referee plan. As Commissioner Johnson pointed out to the Rules Committee, the effectiveness of such civil injunction suits "would be greatly augmented in a case where a person had been registered for a Federal election, but was refused registration, for a State election." At least the difficult problem of proving discrimination in such cases should be facilitated by the finding of the voter's qualification by the Federal registrar.

Nevertheless, the Attorney General has raised the level of the discussion and of the legislative drafting by insisting that the registration machinery cover discrimination in State as well as Federal elections. Contrary to the impression he left by his Rules Committee testimony, however, this has no relevance to the question of the kind of registration machinery to be established by Congress. Whether the registration in cases of discrimination is to be by court-appointed referee or by Presidentially appointed registrars or by some other agency, Congress can either include all elections, or limit it to Federal elections.[4] The Commission's Federal registrar plan is based on the 15th amendment just as clearly and firmly as is the Attorney General's referee plan.[5] The 15th amendment in no way suggests that its enforcement should only be through court litigation. In fact, the amendment specifies that "Congress shall have power to enforce this article by appropriate legislation." Either the Attorney General's plan or the Commission's plan meet this constitutional test, applied either to Federal elections alone or to State and Federal elections.

Let us agree that State elections should also be covered.[6] The question then is which method is the most appropriate—Federal registration through court litigation and appointment of a referee, or through administrative finding and Presidential appointment of a registrar or by some combination or new alternative.

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[1] The administration's 1959 civil rights program, the bill reported out of the House Judiciary Committee and the Commission all recommend that Congress require the preservation of local registration records and their public inspection. This would facilitate investigation and proof of discrimination. But the Commission concluded that "even if a law were adopted to guarantee such access and even if the Attorney General should bring civil suits for preventive relief in a larger number of districts * * * there is little reason to believe that such litigation would afford adequate relief." The Commission explained that so long as registration is left to local officials in these areas, administering literacy tests and other State qualifications for voting, "where there is will and opportunity to discriminate against certain potential voters, ways to discriminate will be found."

[2] "Against the prejudice of registrars and jurors," said the Commission's report, "the U.S. Government appears under present laws to be helpless to make good the guarantees of the U.S. Constitution."

[3] Commissioner Johnson stated that the Commission's "findings as to the existence of discrimination in the registration of voters applied equally to State and Federal elections. Moreover, we were and are fully aware that the commands of the 15th amendment, prohibiting denials of the right to vote on account of race, extend as fully to State elections as to Federal ones. Our decision to recommend legislation covering only half of the process, as it were, stemmed from no doubt as to the constitutionality of more ambitious legislation, but rather from practical considerations suggesting a more limited exercise of Congress' undoubted power."

[4] If Congress does limit it to Federal elections, some provision will be necessary requiring local officials to provide the same ballot to federally registered voters as to others, in all elections in which Federal officials are being elected. The State could do this either by accepting such Federal registration as sufficient for balloting for State officers, too, or by providing separate Federal ballots which all voters would have to use in voting for Federal officers.

[5] If the Commission's inclusion (following the language of the 1957 act) of discrimination by reason of religion and national origin as well as of color and race is adopted by Congress, the plan also must rest on the equal protection clause of the 14th amendment. Here, however, the Attorney General's limitation to denials of the right to vote by reason of color and race is sound and in accord with the findings of the Civil Rights Commission.

[6] The Black-Emerson-Pollak (Yale) memorandum of Feb. 2, 1960, argues that the limitation to Federal elections should be retained at this time, largely on the ground that Federal registration machinery might encounter more opposition were the system extended to State elections. The memorandum states, however, that "There would appear to be no basic constitutional objection to the application of the system of Federal registration to State elections."

METHODS OF ENFORCEMENT

The Attorney General made another contribution to this debate that should be acknowledged. His plan spells out the method of equitable enforcement of the Federal registration order. It is not true, however, that the Commission's plan relied solely on criminal sanctions. Senator JAVITS' bill, S. 2783, does establish criminal penalties for State election officials who refuse to honor Federal registration certificates. But Dean Storey, on behalf of the Commission, suggested to the Rules Committee that equitable enforcement could be provided in any bill, and S. 2814, and H.R. 10140 (Lindsay bill), the latest registrar bills, do specifically provide that enforcement should be by appropriate civil and equitable proceedings instituted in the Federal district courts by the Attorney General.[7]

Probably the most effective enforcement of a Federal registrar's certificate of registration would be through a court order and through prosecution for contempt if, after notice of such an order, it is disobeyed. The Attorney General's more detailed provisions in this respect are welcome—though perhaps still insufficient, in that an essential provision should be that the Federal district court has exclusive jurisdiction over any challenge to a federally registered citizen's right to vote. But these provisions for enforcement could be and should be included by Congress in any plan adopted—whether referee or registrar or something new.

Notre Dame Civil Rights Conference—Part 13

EXTENSION OF REMARKS
OF

HON. STEWART L. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. UDALL. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

THE CHIEF OBJECTIVE

If the distinctions between the two plans based on the extent of coverage and the methods of enforcement are not necessary, what then are the essential choices?

First, what is the end sought which both the Commission and the Attorney General say they have in common?

The objective is, as Commissioner Johnson stated to the Rules Committee on February 5, that "the method of registering persons denied their constitutional right to register to vote be no more complicated or cumbersome than the method available to other citizens in the State or district who are registered."

He added:

"It is not equal protection of the laws to require that a Negro being denied his right to vote must spend hours or days or weeks in litigation in order to register. How many white citizens would take the pains to register if it took such an investment of their time—putting aside the additional consideration a Negro in some areas of discrimination would have to give to possible intimidation and economic pressures invited by such protracted litigation?"[1]

Attorney General Rogers also testified that the process of registering qualified Negro voters who had been denied their right to vote should be as routine as the registration process for white voters.

The problem is how to bring this about.

THE COMMISSION'S REGISTRAR PLAN

It could be done under the Commission's registrar plan. The Presidentially appointed temporary Federal registrar could ministerially register all citizens he found qualified under State law. The Commission has demonstrated, even with its present 3-to-3 regional split, that it can proceed with good speed and unanimity to investigate and hold hearings on complaints and make findings of fact—findings that under this plan would lead to the appointment of a Federal registrar.[2]

The finding by the Commission of the denial of the right to vote in a particular election district and the finding by the Federal registrar that particular citizens were qualified to vote, would not be reviewable or subject to effective legal attack by the State or local registration officials, it would be hoped, until the Attorney General went into court for judicial equitable enforcement, or until a federally registered voter was challenged at the polls. At that point the Federal court would review the record of the Commission and of the registrar and hear appropriate State officials, and, as in a review of the orders of other administrative agencies, uphold the Federal registration if there was substantial evidence to support it in the record viewed as a whole, or unless clearly erroneous, according to the test prescribed by Congress. But however protracted some of the litigation at this point, the Negro citizens would have been registered in a routine fashion, without having first had to run the gauntlet of a judicial adversary proceeding.

There are of course pitfalls. The Federal registrar appointed from among local Federal employees, such as the U.S. postmaster, might be as prone to discriminate as the State registrars. But supervision could be provided by the Department of Justice and if he failed to perform his duty fairly, he could be replaced.

THE ATTORNEY GENERAL'S REFEREE PLAN

How far does the Attorney General's plan meet the need for some routine, ministerial method of Federal registration?

If past experience is an accurate guide, the initial court trial to find the pattern or practice of discrimination required by the Attorney General's plan would undoubtedly be more protracted than proceedings by the Civil Rights Commission. Some of the Federal district judges in the very Black Belt areas of the Deep South which are most involved are southerners who share many of the attitudes of the local officials for whom a substitute is required.

To the already difficult problem of proving denial of the right to vote by reason of race in individual cases, the Attorney General's plan requires the additional finding of a "pattern or practice" of such denial.[3] Moreover, even after such a finding, the Attorney General's plan provides only that the court "may" appoint a voting referee. There is the possibility that certain judges may not choose to exercise the power at all.

Then, even if the southern district judge makes the necessary findings and decides in his discretion to appoint a referee, he has very wide discretion in choosing whom to appoint. Some attorneys who have practiced before some of the southern district judges in question say there is reason to fear that some of the local referees appointed by these judges would be as prejudiced as the local registration officials. If this should happen and a referee should discriminate against Negro applicants through unduly strict or technical application of State qualification laws, the Negro applicants and the Attorney General would be in a real box. For such a referee's findings would then have to be accepted by the court unless clearly erroneous.

These possibilities of inaction, delay or worse raise serious questions about the appropriateness of entrusting the task of Federal registration primarily to southern Federal judges and their appointed referees.

FUNCTION OF THE REFEREE

Even more important perhaps is the question of how the referee would function once appointed, assuming his good-faith readiness to carry out the purposes of the act.

If the State officials who are parties to the original suit are permitted to participate in proceedings before the referee in respect to each Negro applicant, then the objective of a routine registration procedure will not be

[7] The Black-Emerson-Pollak (Yale) memorandum of Feb. 2, 1960, makes a strong case for the retention of criminal sanctions. Senator ERVIN, of North Carolina, told the Rules Committee that a few good prosecutions of those denying the right to vote to qualified citizens would do more to clean up the situation than anything else.

[1] In seeking a way to make good the guarantee of the 15th amendment we need to keep in mind the relatively small area—generally the Black Belt rural counties of the Deep South—where the right to vote is being denied, and the conditions prevailing in these counties. In most large southern cities Negroes can register and vote, and in counties where the proportion of Negroes is small there does not appear to be much trouble. But what will suffice to enable qualified Negroes to vote in a county such as Bullock County, Ala., where only 5 Negroes out of more than 5,000 of voting age, are registered compared to 2,400 registered whites out of a 1950 white voting age population of some 2,600, and where the predominant white people are so determined to prevent larger Negro registration that for about 18 months in 1954–56, following a court order to register qualified Negroes, no board of registrars functioned at all, and again none functioned from about July 1957 to the time of the Commission's hearing. Or what will enable Negroes to vote in the 16 Negro-majority counties where not a single Negro is registered—particularly in counties where no Negro has even dared to try to register?

[2] The Commission suggested that it could serve as the agency to make such findings under the registrar plan. However, as Commissioner Johnson made clear to the Rules Committee, the Commission proposed this only because it knew of no other existing agency better designed to do it. Congress could establish a new agency, or could, as Senator HUMPHREY suggested in his testimony before the Rules Committee, provide that the Commission would make these initial findings so long as it existed and thereafter the findings would be made by such other agency as Congress should designate. The Commission's proposal that the plan be triggered by 9 complaints is also clearly a nonessential, since any 1 of these 9 initial complaints found to be true should be sufficient—as in S. 2814—to call for the appointment of a Federal registrar.

[3] Considerable court resistance to a finding of such a pattern over and above a finding of discrimination in individual instances can be expected. The Commission noted in its report: "Class suits on behalf of a number of Negroes to obtain registration have rarely been successful. The courts have inclined to the view that these suits are of an individual nature, with the result that a vast number of suits may be necessary."

attained. If Negro applicants are to be put on oath and subjected to cross-examination by attorneys for the State or for the local registrars, few are likely to take advantage of the new procedure. The would-be Negro voter who is prepared to engage in litigation in order to vote already has available remedies.

Indeed there is real question what such a Negro litigant would gain by the Attorney General's procedure if, in final form, it involves a full trial before the court of the question of pattern or practice or discrimination, then a full adversary hearing before the referee, and then court review of the referee's report and possible appellate review. This would be substituting a three-stage litigation procedure, with appellate review, for the existing one-stage trial and review.[4]

The Attorney General told the Rules Committee that Negro applicants under his plan would not have to go through a formal judicial proceeding before the referee and that there would be no requirement that State officials be invited to watch the referee proceedings. However, the Attorney General also said that "the administration proposal, without attempting to spell out any rigid procedures, gives the court full discretion to have the referee proceed in the manner best calculated to make its mandate effective."

If the referee's procedures are not spelled out in detail and made ex parte proceedings, it is probable that most southern district judges in their discretion would provide formal adversary proceedings in which the State's attorneys would be able to participate. The Attorney General's bill as presently drafted gives no mandate to do otherwise. On the contrary it specifies that the referees would "have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure." While the act could make an exception and require the referee to proceed ministerially and ex parte, rule 53 clearly contemplates the participation before the referee of all the parties to the suit.

If the Attorney General's plan is to accomplish its purpose it must, therefore, be amended to require such an exceptional ex parte proceeding before the referee. This could probably be done, as part of the equitable relief in a case where there has been an initial judicial finding after a full hearing in which all appropriate parties participated. Trustees running a railroad can administer management matters in a routine and ex parte fashion. But there is a question about the propriety of extending such ex parte relief to the degree required in any effective version of the Attorney General's plan.

PROPRIETY OF JUDICIAL REGISTRATION

Beyond this there is the larger question of the propriety of imposing upon the Federal courts any such extensive administrative burden. De Toqueville says that in America every political question ultimately takes a judicial form. Perhaps we should relax and enjoy our fate in this respect. If courts can run transcontinental railroads (and soon perhaps an international union) they can run a registration bureau. There is a special magic and majesty in the rule of law established by a court of law. Perhaps a court order requiring registration will penetrate more deeply into the white southern mind than the acts of any other governmental agent, including the President of the United States—however ironical this is in view of the white southern attack on the Supreme Court's judicial legislation. And there are advantages in having the court in the situation from the beginning when ultimately there may have to be court enforcement before any Federal registration is effective. Probably a district court would be more inclined to enforce and more energetic in its enforcement of its own findings and orders and powers than it would be in the case of an outside administrative agency coming in for judicial assistance.

However, the burden of the Federal judiciary in school desegregation is very heavy. The result of leaving that problem to court litigation has been slow progress through long drawn-out cases, with few Negro parents prepared to undergo the ordeal by litigation.

If ever there was a problem political in its nature calling for a political solution, it is the denial of the right to vote under the 15th amendment. This goes to the heart of the Nation's political process itself. A congressionally enacted administrative procedure by which qualified citizens are registered in districts practicing discrimination thus seems to be the most appropriate remedy.

The U.S. Government has three engines to propel it. So far in this matter it has been flying on one engine—the Federal judiciary. This problem cannot be adequately solved by the action of one branch of Government—and the platitudes of the President. It is time that the other two branches of the Government exercise their full responsibilities so that resort to the courts can be, as it should be, a last resort. The Attorney General's plan, if taken alone or in its present form, is another example of this administration's practice of trying to turn over its political problems to the courts.[5]

[4] The referee provision would presumably be effective in situations where Negroes are prepared to litigate to enforce their right to vote but where the local registration machinery is not functioning at all. For instance in Macon County, Ala., where a considerable number of Negroes are already registered and where a large number are actively seeking registration but where local registrars have resigned rather than face a court order to register them, the referee plan might suffice.

[5] See the further arguments on the inappropriateness of relying solely on judicial remedies in the Black-Emerson-Pollak (Yale) memorandum.

Notre Dame Civil Rights Conference—Part 14

EXTENSION OF REMARKS
OF
HON. JAMES G. O'HARA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. O'HARA of Michigan. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

SOME OF THE ALTERNATIVES

The essential choice then, as Commissioner Johnson stated to the Rules Committee, is "one between the administrative process and the judicial process." But it is not a simple choice. There are various alternative methods under each category, and, the Attorney General to the contrary notwithstanding,[1] there are various possible combinations.

With the Democratic leadership in Congress still to be heard from, the legislative situation is still fluid; the Senate and the House have the opportunity and responsibility to devise and adopt the most appropriate remedy. Some of the alternatives to or possible combinations of either the Commission's or the Attorney General's plans are suggested below: [2]

1. Adoption of both plans. Senator KEATING has suggested that both the Attorney General's referee plan and the Commission's registrar plan should be adopted. If politically feasible this would probably be the best combination. The Attorney General's plan would contribute to the effectiveness of his existing power under the 1957 act to bring civil injunction suits. Such suits could remain a useful additional sanction even if the Commission's plan were in effect, and particularly if the Commission's plan should be limited just to Federal elections. Adopting both measures would be consistent with the approach taken in the 1957 act, where an administrative fact-finding agency, the Commission, was established, and the Attorney General was given new power to bring civil suits. Both these measures of the 1957 act now need to be strengthened.

Such dual relief through judicial and administrative avenues has precedent in the field of Government trade regulation. The enforcement of the antitrust laws provided by Congress is though suits by the Attorney General (and by individuals) in Federal district courts, and through administrative action by the Federal Trade Commission. Just as the orders of the FTC can ultimately be enforced in Federal court, so the registration by a temporary Federal registrar, pursuant to a finding by the Commission on Civil Rights, should be enforceable in Federal district court upon suit by the Attorney General.

Both approaches might thus ultimately lead to court enforcement through voting referees who superintend the balloting, but the possibility of administrative action in the initial finding and registration would increase the likelihood of substantial numbers of Negroes becoming registered.

2. A finding by the Commission and then court appointment of a referee. A more complete merger of the two plans, getting some of the benefits of both, would be to adopt the first part of the Commission's plan, the procedure for investigation, hearing, and finding of discrimination by the Commission upon the submission of complaints by citizens who allege they have been denied their right to vote, with the Attorney General's plan for enforcement through the courts. In this combination the Commission finding would not lead to the appointment of temporary Federal registrars, but would result in a petition to a Federal district court for the appointment of a voting referee. The

[1] To Senator KEATING's proposal for a marriage between the administrative registrar and the court referee plans, the Attorney General said that "it would be a shotgun wedding," and insisted that all those who believe in progress in civil rights should get behind the referee plan.

[2] Senator HART's earlier bill, S. 2535, providing for the establishment of a Congressional Elections Commission to prevent discriminatory denial of the right to vote in elections for Members of the House and Senate is a quite different approach. It excludes not only State elections but presidential elections. The possibilities of this approach have not been considered in this memorandum.

act would need to provide that the Commission's finding would be accepted by the court if there was substantial evidence on the record viewed as a whole to support it (or unless clearly erroneous). The court, unless it so reversed the Commission, should be required by the act to appoint a voting referee to register qualified persons ministerially.

The Attorney General's phrase "pattern or practice" could be adopted as the necessary jurisdictional finding to be made by the Commission, if it is deemed useful. Also the initial administrative finding could be made by any other agency that Congress should designate if the Commission is deemed inappropriate.

3. Administrative appointment of a Federal registrar to be followed, when necessary, by court enforcement, including a court-appointed referee. Most of the advantages of both plans could be achieved by providing for an administrative appointment of Federal registrars by the executive branch, as proposed in the Black-Emerson-Pollak (Yale) memorandum of February 2, 1960, with later enforcement of the Federal registration and supervision of the balloting by a court-appointed referee. The Yale proposal provides for the appointment of a temporary Federal registrar whenever the President has reason to believe that citizens in any election district are being discriminatorily denied registration. An automatic criterion for such an appointment is suggested: a petition filed by at least fifty persons residing in any county or parish requesting the appointment of a Federal registrar.

This plan avoids the necessity of any formal hearing at all, by the Civil Rights Commission or any other agency. It suggests, however, that the factfinding machinery of the Civil Rights Commission might be used to assist the President in reaching his determination. But any litigation over the legitimacy of the Federal registration would have to wait until either the Attorney General went into court to seek judicial enforcement or until State officials challenged any federally registered person at the polls. The proposed "reason to believe" test is suggested by the provision in the existing section 131(c) of the 1957 act for civil injunction suits by the Attorney General whenever "there are reasonable grounds to believe" that any person is about to be deprived of his right to vote.

4. An initial judicial finding followed by an administrative appointment of a Federal registrar. A combination that could provide for the judicial determination of a pattern or practice of discrimination which the Attorney General considers so important and yet make possible the ministerial registration of qualified voters by an administrative officer of the Federal Government would be a provision that upon a finding by a court of such a pattern or practice of discrimination in a civil injunction suit the President may appoint a Federal registrar. This would leave the Commission on Civil Rights out of the picture altogether and thus simplify the procedure in that respect. It would permit the Attorney General and the President to determine whether a court injunction and other equitable judicial relief would suffice in any particular case. If the President determined that a Federal registrar was necessary to provide adequate remedy in such a case, he would be empowered to make such an appointment. Any act establishing such a procedure should also provide for subsequent judicial enforcement, if necessary, of the right to vote of persons registered by the Federal registrar.

5. Amendment of the Attorney General's bill to provide for ministerial registration by the referee. If none of the above combinations or any other alternative to or combination of the plans is possible, then at least the Attorney General's bill should be amended to make certain that the voting referee will upon appointment proceed to register all citizens within the class discriminated against, for example all Negroes, whom he judges to be qualified under State law to vote, and that he will conduct this registration ministerially, in a routine fashion, approximately similar to the registration procedure used by local officials for other persons within the district, and that he will not conduct such registration as an adversary proceeding with opportunity to other parties than the persons being registered to be present or heard. The Attorney General's act should also be amended to provide that when a court finds that persons have been deprived on account of race or color of their right to register to vote pursuant to a pattern or practice of discrimination it shall—not may—appoint a voting referee. It might also be important to change the test from one of finding that persons have been deprived to a finding (using the language of the 1957 act) that there are reasonable grounds to believe that persons are being or are about to be deprived of their right to register to vote.

The amendments to the Attorney General's plan proposed in the last point should be considered in any of the above combinations where the Attorney General's plan in whole or in part is involved. It is assumed in all of these combinations that State as well as Federal elections are to be covered, although this is not essential, and at least the Federal registrar parts of these combinations might be limited merely to Federal elections. In all of the above alternatives court enforcement by civil and equitable and possibly criminal sanctions is contemplated.

In whatever plan that is adopted it would be wise to spell out in some detail the power of the court to appoint a person to attend at the balloting to report immediately to the court any denial of the right to vote to persons federally registered. Perhaps the duties of the Department of Justice in this respect in districts where Federal registration machinery has been established should be spelled out, too, so that a federally registered person can be sure that there will be Federal officers present at the polling places in such districts to protect his right to vote through the quickest possible court action.

My own preference is for a plan that permits qualified citizens in the class being discriminated against in a particular district to get registered by an administrative agent of the President without any court proceeding at that stage. The proper time for litigation of the propriety of such Federal registration, it seems to me, is when a ballot of such person is challenged at the polls. Procedures already exist for the impounding of such ballots and judicial determination of their legitimacy. The forthcoming 1960 act should provide that the Federal district court in the area involved should have exclusive jurisdiction over all such challenges to federally registered voters.

While this approach would involve possible litigation at a later stage, at least the bottleneck to registration would have been broken and presumably substantial numbers of Negroes would be registered. The Department of Justice would in all such situations have to be ready and on hand to enforce the rights of such persons at the polls, and for this, in instances of continued State or local resistance, the Attorney General's additional sanctions should be helpful.

THE STATE'S RIGHT TO BE HEARD

It must be assumed that with whatever plan adopted there will be at least one test of the plan's constitutionality and that the Supreme Court will uphold the constitutionality of any of the above procedures.

In all of the plans involving an official finding of discrimination in a particular election district by the Commission on Civil Rights it is assumed (although none of the registrar bills yet so provide) that such a finding would be made pursuant to a hearing held by the Commission or a subcommittee of two or more of its members authorized by section 105 (f) of the 1957 act, and that such a hearing should be conducted under the rules of procedure established by Congress in section 102 of the act. If the Supreme Court in the present Louisiana case testing the Commission's rules of procedure requires any modification of those procedures, such modifications should of course be made. Probably in any of the plans requiring a Commission finding, the act should provide that the Commission shall give due notice and opportunity to be heard to the appropriate registration or election officials in the district involved in any proceeding.[1] Such officials would of course have due notice and opportunity to be heard in any court case under the Attorney General's plan.

In deference to the legitimate interest and perhaps the right of the State to see that only those persons qualified under State law vote in State elections, it is probably necessary that State officials also have at least one opportunity to contest the qualifications of a particular voter registered under Federal procedures.

Under the Attorney General's plan as initially proposed there would probably have been several such occasions for the State to be heard. If the plan is modified to make the referee function ministerially and ex parte, the State would still be able to participate in the initial trial on the question of pattern or practice and would then be given an opportunity to request a hearing and to present evidence to show that the referee's determination in a particular case is clearly erroneous.

However, there should be some provision that avoids prolonged delay in the effectiveness of a particular registration pending an appeal from the referee's or the court's finding. Perhaps the act should require that the court issue a decree forthwith ordering the registration of all persons found to be qualified by the referee, with a time set within which State officials could request a hearing and argument to show that a particular registration was clearly erroneous.

In any election coming while such supplementary proceedings, including appellate review, are pending, the federally registered person should be entitled to cast his ballot, although the ballot may be impounded pending the outcome of the case. It should probably also be provided that appellate review of the finding of pattern or practice should wait until some particular registration is contested, and that while any such review is pending the voting referee should continue to conduct Federal registration.

REGULATING OR PROHIBITING LITERACY TESTS

There is another measure that might contribute greatly to the solution of this whole

[1] The present registrar bills do not specifically provide for such notice and opportunity to be heard though it has been the Commission's practice to hear State officials, although not to give them an opportunity to cross-examine Negro witnesses. The Black-Emerson-Pollak (Yale) proposal requires no hearing or finding by the Commission at all, or by any other administrative agency. Constitutionally, this is feasible, especially since the State would have an opportunity later to challenge any voter as unqualified and to litigate this question in Federal court, while impounding the ballot. One such day-in-court should be sufficient.

problem, and especially facilitate the effectiveness of the Attorney General's referee plan: some regulation, if not prohibition, of State literacy tests. A great part of the discrimination by State officials occurs in the application of State literacy or other educational tests, and this would be a great part of a referee's or registrar's problem in conducting Federal registration pursuant to State qualification laws.

Three members of the Commission on Civil Rights proposed as the best and ultimate solution a constitutional amendment establishing universal suffrage and prohibiting literacy and any other State requirements except for age and length-of-residence requirements.[2] This would be a rule of law cut through much of the problem and either result in an end of State discrimination in registration tests or at least greatly reduce the need for intervention by Federal agents in the State legislation process. For the reasons given in the Commission's report, I support this course strongly and hope that, if not in this session, then in the next session Congress will see fit to submit such an amendment to the States for ratification.

A more limited approach is embodied in Senator HENNINGS' proposal in title XI of S. 1617 which provides that all intelligence, educational or other tests to which any individual may be subjected by registration officials in order to determine his qualifications to vote at any Federal election, shall appear in printed form and be administered so that the answers thereto shall appear in writing. This would probably be most helpful in reducing the room for discrimination.

Notre Dame Civil Rights Conference—Part 15

EXTENSION OF REMARKS
OF
HON. E. ROSS ADAIR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. ADAIR. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

A stronger version of the Hennings' plan would be an act of Congress providing that in any State with a literacy or educational test for voting, a certification of graduation from the 6th grade (or also from high school or college) should be conclusive evidence of such qualification, and that for any other persons any literacy or educational test should be in printed form and uniformly administered so that the answers thereto appear in writing.

Some such Federal regulation or prohibition of literacy tests appears to be required to make any Federal registration machinery fully effective. For without this there is the possibility that even the fair application of State qualification laws to Negro applicants would amount to discrimination, since many white applicants probably get registered by State officials without meeting the prescribed standards.

THE SYMBOLIC VALUE OF FEDERAL LEGISLATION

Whatever remedial machinery adopted by Congress this session—even the Attorney General's plan, with all of its present defects—the effect of such legislation should be constructive. The symbolic value of an act of Congress or constitutional amendment protecting the right to vote, and of actions by a Federal court, a Commission on Civil Rights, a voting referee or a Federal registrar, should be significant.

President Eisenhower is correct in saying that ultimately this problem must be solved in the minds and hearts of the American people. Primarily we are concerned with reaching the minds and hearts of both the disfranchised Negroes of the South, and the dominant white citizens and officials. In doing this—in encouraging Negroes to register and stand up for their right to vote, in discouraging white southerners from violating the Constitution—the law has a great role to play.

If by act of Congress this session the other two great engines of our Government, the legislative and executive branches, can begin to operate with some power in this problem, we can expect further progress. For as Justice Brandeis said, the Government of the United States "is the potent, the omnipresent teacher" that "teaches the whole people."

2. MEMORANDUM TO SENATOR JOHN F. KENNEDY FROM PROF. PAUL A. FREUND, HARVARD LAW SCHOOL

ANALYSIS OF PROPOSALS FOR PROTECTION OF VOTING RIGHTS

The two principal proposals will be designated as the Commission and the Justice plans.

The two plans are similar in objective but differ in details of administration and enforcement. The principal points of difference are these:

1. Appointment and functions of Federal voting officials. The Commission plan provides for appointment of registrars by the President, to be drawn from existing local officials such as U.S. attorneys, clerks of court, etc. The Justice plan provides for appointment of referees by Federal district courts. Moreover, there is a difference in their duties. The registrars would serve to consider the applications of citizens claiming discrimination in respect of registration and would determine whether such an applicant was in fact a qualified voter. The registrars would serve until a finding that discrimination had ceased in the locality. The referees appointed by the courts, under the Justice plan, would not in fact make final decisions regarding qualifications of voters but would hold hearings and report to the court, which would consider the report and enter a decree. The decree would be brought to the notice of the State electoral officials, who would be bound thereby.

2. Scope of the bills. The Commission plan is limited to Federal elections. The Justice plan reaches both Federal and State elections. Presumably the Commission plan is based on the constitutional power of Congress under article I, section 4, which relates to selections for Congress. There is no reason, however, why the Commission plan could not be extended to State elections, by virtue of the authority in the 14th and 15th amendments, each of which provides for appropriate enforcement by Congress.

3. Sanctions. The Commission proposal relies ultimately on criminal sanctions against State officials who might refuse to honor the registration of voters certified by the Federal registrars. The Justice plan contemplates that the State election officials, including State registrars, would be notified of the court orders and would thereby become subject to contempt proceedings in case of violation. These proceedings would be governed procedurally by the same provisions that are now contained in the 1957 Civil Rights Act. In addition, the Justice plan provides for the contingency of resignation of State registrars. In that event it is provided that the State itself assumes the obligation of the office and may be sued by the United States.

4. Timing. The Commission plan involves the presentation of private complaints to the Civil Right Commission and, in appropriate cases, the forwarding of a finding by the Commission to the President in order to set in motion the appointment of a temporary registrar in a given district. The Justice plan provides that the bringing of complaints shall be the responsibility of the Department of Justice under the existing Civil Rights Act. Thus under this plan the enforcement process will depend on the initiative of the Attorney General and will also be somewhat at the risk of delays in court calendars, and of appeals from the order of a district judge.

COMMENTS AND SUGGESTIONS

1. Constitutional validity. There is no real difference to be drawn between the two plans on the score of constitutionality. The Commission plan could be amended to reach State as well as Federal elections. The Attorney General appears to have had some slight doubt about the adequacy of the hearings which might be held by the Commission, in contrast with the judicial hearings provided for in his bill. But this issue appears not to be serious. The hearings to be held by the Commission are not for the purpose of removing State registrars from office, but only for the purpose of supplying a basis on which the President may act in appointing temporary registrars. The President could appoint such registrars without any hearing at all, if Congress so authorized pursuant to its power under article I, section 4 or the 14th and 15th amendments.

2. Effectiveness. The Commission plan seems to be freer from the delays and uncertainties inherent in the bringing of law suits by the Attorney General and the progress of such litigation in the district courts and, it must be assumed, on appeal. It should be remembered that this litigation would have to eventuate in orders of the courts before even the state of registration of voters could be reached. On the other hand, the Justice plan has the advantage of using the contempt procedure rather than the criminal law as an ultimate sanction. How important this factor may be will depend on how frequently the ultimate sanction will have to be employed. Under the Commission plan, the aggrieved citizen will be registered without any judicial process, and the State officials at the final election will be under a duty to respect the registration as in any other instance of registered voters. It is only if these officials refuse to honor the registration that sanctions would have to be employed. The Justice plan, in contrast, relies on State registrars to honor the orders of the district courts, and it is at this earlier stage that the contempt procedure would come into play if necessary.

The Justice plan provides that the courts "may" appoint referees. In addition to the problem of time, there is the possibility that certain judges may not choose to exercise the power at all.

A suggestion might be offered that the Commission plan be amended to provide, in addition to the criminal penalties, that the United States could bring suit in equity

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[2] The main section of the proposed constitutional amendment is as follows:

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or by any person for any cause except inability to meet State age or length-of-residence requirements uniformly applied to all persons within the State, or legal confinement at the time of registration or election. This right to vote shall include the right to register or otherwise qualify to vote, and to have one's vote counted."

against State election officials to compel them to receive and count the votes of qualified voters, and that in the event of resignation of election officials or registrars a district judge would have authority to appoint an officer of the court to carry out the court's orders. This seems a more acceptable device than a suit against the State as a substituted defendant. There would be less affront to the State, and the practice of appointing a court official to carry out its orders has precedent in a long-established practice of courts of equity to appoint officers to execute deeds of property where the property owner fails or refuses to carry out an order of conveyance.

3. Federal-State relations. The Justice plan, it is argued by its supporters, minimizes the displacement of normal relations because State officials continue to carry out all their duties. But this position is a rather formalistic one, since they are subject to the control of the Federal courts in the event of failure to follow the court orders. Moreover, as has already been noted, it becomes necessary under the Justice plan to provide for contempt proceedings against State registrars and for substitution of the State itself if the registrars resign.

4. Responsibility within the National Government. It is this feature of the proposals which seems to me the most significant. The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation. As a corollary, the Justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility.

Notre Dame Civil Rights Conference—Part 16

EXTENSION OF REMARKS

OF

HON. LEE METCALF

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. METCALF. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dam on February 14, 1960:

3. MEMORANDUMS FROM PROF. G. W. FOSTER, UNIVERSITY OF WISCONSIN LAW SCHOOL

Memo to: William Welsh, administrative assistant to Senator HART.

From: Bill Foster.

Subject: The Rogers proposal for voting referees.

This replies to your request for my reactions to the proposal of Attorney General Rogers that voting referees be judicially appointed in proceedings brought by the United States under 42 U.S.C. 1971.

I shall attempt to summarize in this memorandum my reasons for these conclusions:

I. As an approach, the judicial referee strikes me as the most sound and flexible one that I have seen.

II. The Rogers bill should be amended to:

(a) Permit proceedings against local election boards as legal entities, regardless whether the local officials have resigned or not; the Rogers bill deals only with the case where the local officials resign before suit, and solves the problem by converting such a case into a suit against the State, thus buying a host of conceptual and political problems which probably can be avoided.

(b) Clarify the manner in which process may be served in proceedings under 1971 and specify more accurately the class action characteristics of a 1971 proceeding once there has been a finding that in the election district made party defendant there has been a pattern or practice which has deprived persons of rights secured under 1971 (a) and (b). My recommendations here include (1) the jurisdiction of the court with respect to a particular election district shall continue in the action until the court finds "there is no longer reason to believe that the kind of conduct, pattern or practice complained of is likely to recur"; (2) the right of others to join as parties plaintiff when they apply to the voting referee, with costs and filing fees to be absorbed by the United States, and that this right of subsequent joinder shall be available as long as the district court continues jurisdiction over the election district.

(c) Clarify whether all questions raised in proceedings under 1971 are triable before a single district judge, or whether some issues are triable only before a three-judge district court. My recommendation here is to make the three-judge district court proceedings inapplicable here for the result would otherwise be to chop off the proceedings unmercifully.

(d) Decide what effect shall be given an appeal from a decree which either certifies a Negro to vote, or denies certification to him. The Rogers bill is silent on this, but it seems to me that at least where the district court has granted a certificate, the person should thereafter have a right to vote, and if necessary hold his vote in escrow until any appeal from the certification has been determined. This may, however, delay greatly the final determination of election results in some cases.

(e) Make sure that the specification of a voting referee for cases under 1971 shall not give rise to any influence that district courts refuse to use similar equitable devices in the enforcement of other Federal rights. Keep in mind the thought that school boards in the South are going to resign now and then if they think this can defeat desegregation, and it may be helpful for a court to appoint a referee or a master who can fashion a recommendation for assignment of pupils to the school system.

More detailed comment on these points follows.

I. THE CASE FOR AND AGAINST JUDICIAL REFEREES IN VOTING SITUATIONS

Probably the most important reason I have for supporting the system of judicially appointed voting referees is this: The Federal courts in the South are going to be involved directly and in detail in any system designed to give Negroes the right to vote. If a specialized Federal executive agency is set up (or, as Senator HART has suggested, an agency responsible to Congress), the South in either case is going to demand judicial review of its factfinding and of its legal powers.

So it seems to me that everyone is going to be better off if we simply start off in court in the first place. But I have plenty of caveats in saying this. We have dumped a social revolution into the hands of a small—and so far as I have observed, unusually able and faithful—group of Federal judges in the South. For each of these judges in the community in which he sits there is obviously reached some point beyond which he cannot go in pressing the social revolution without destroying his whole utility to the community and the Nation as a judge. If some other way existed for bypassing the judiciary in fulfilling our obligations to the Negro, the temptation to jump for it would be great. But so far as I can see, the courts are going to be involved, either on behalf of the Negroes for enforcement of their rights, or on behalf of the resistant white South bent on injecting every delay it can think of.

Another caveat I have is one which seems often to be overlooked. It is this: There is urgent need for carefully spelled out procedures to be followed in handling civil rights cases in our courts. Endless attention has been paid to spelling out substantive rights, either through constitutional interpretation or in the form of legislative proposals. But the Federal Rules of Civil Procedure, the other provisions of the Judicial Code, and the enormous reservoir of ill-defined equitable remedies have never been seriously thought about in terms of their advantages and limitations in managing litigation that is aimed at producing results with which dominant segments of the community vigorously disagree.

The failure to work out the procedural aspects of civil rights litigation has provided the resistant white South with sources for almost endless delay, while challenge is made to every procedural step in an action. My primary concern with all the bills you sent me is that they, too, overlook the same problems for the most part. If my specific recommendations here harp on procedural problems, it is because I have seen too much of wasted human energy that has gone into fighting procedural ambiguities which some thoughtful legislation could relatively simply patch up.

A final reason for preferring the judicially appointed referee is that I have more faith in the judiciary, sitting out a lifetime appointment, than I do in any bureaucracy, legislative or executive, where such an emotionally and politically complicated matter as this is involved.

So much for my reasons for supporting the Rogers approach.

II. SUGGESTED AMENDMENTS TO THE ROGERS BILL

(a) Permit suit against election boards as legal entities.

This proposal seeks to deal with the problem of identifying the parties made defendant in proceedings brought by the United States under 1971. In the easiest and simplest situation, it is of little concern whether a local election board is sued as a legal entity or not. The various members of the board are named as parties and by proper service of a summons and complaint upon each of them, they are made parties bound by any matters which the court subsequently determines.

But if we assume there may be a need to have court supervision over the election board of Macon County, Ala., for perhaps the next 5 or 10 years, it is pretty likely that the personnel of the board may change. And with this come all sorts of questions about substituting them for earlier members and about the extent to which they are bound with respect to matters previously determined.

Attorney General Rogers has made a proposal which handles one aspect, but not much more, of the kinds of questions just suggested. Apparently he has in mind the situation involved in *U.S.* v. *State of Alabama* (4 Race Rel. L. Rep. 624, F. 2d. (C.A. 5, 1959), cer. granted). In that case the members of the Board of Registrars of Macon County, Ala., had resigned their jobs prior to the commencement of court action by the United States under 1971. The district court (see 171 F. Supp. 720) dismissed

the action and the result was confirmed by the court of appeals. Three points in the holdings are of particular significance: (1) The resigned officials, having vacated their jobs "in good faith" before commencement of the action, were not suable under the Federal act because they were not obligated by State law to complete their service or to stay on the job until successors had been named. (2) The board of registrars was not suable as a legal entity since it was not a "person" within the meaning of 42 United States Code 1971. And (3) the action could not be regarded as a suit against the State of Alabama since the State was not a "person" within the statute, either. The constitutional question whether the State was suable under the circumstances was thereby avoided.

Holdings numbered (2) and (3) just mentioned suggest two possible ways of bringing suit under 1971. The first is to recognize the election board for a particular area as a suable entity, at least for purposes of 1971. The other, and the one recommended in the Rogers bill, is to convert the suit against the election board into an action against the State itself whenever there have been resignations or other vacancies that have stripped the board of its entire membership.

I assume the Rogers suggestion would be upheld as constitutional, though his way strikes me as the hard way to handle the problem. It is clear that the 11th amendment does not in direct terms deal at all with limiting Federal jurisdiction where the action is between the United States and a State. And under article III, 2, paragraph 2, the Constitution places such a case within the original jurisdiction of the Supreme Court. How happy Congress may be about extending jurisdiction concurrently to a district court for this kind of purpose is a good question. You probably recall that most suits brought by, or on behalf of, private persons or corporations to challenge the exercise of State power make no attempt to sue the State directly; the approach, rather, is to sue either State officers or State agencies to prevent them from using State position in some unwarranted way.

So rather than take on the headaches of arguing that an action under 1971 becomes a suit against a State, I would prefer what seems to me the much simpler solution of personifying the election board—i.e., of making the State agency or office itself a suable entity. This kind of fictionalizing by a legislature is well established: for numerous purposes all sorts of partnerships and other kinds of unincorporated associations have been treated as legal entities for purposes of suing and being sued. Federal Rules of Civil Procedure provides that a partnership or "other unincorporated association" has capacity to sue or be sued in its common name "for the purpose of enforcing for or against it a substantive right existing under the Constitution or laws of the United States * * *" and this is regardless whether they are similarly suable under State law in their common name.

The advantages of making an entity out of the board are numerous. Here are some obvious ones: (1) If, as I believe should be the case, the district court should exercise continuing jurisdiction over an election board until it no longer seems likely that local misbehavior will result, the decrees against the board can be binding against any later board members who have notice of them. (2) The difficult matter of substituting new board members, required where the board is not treated as a legal entity from the beginning, will no longer have jurisdictional effect—viz, the action will not be dismissed for lack of jurisdiction by failure to make a timely substitution of new members since jurisdiction will continue over the State office from the beginning, and the only problem with respect to new board members is that they must have notice of prior decrees in order to be bound by them.

I have a hurried draft which purports to deal with my recommendations II (a), (b), and (c). You will find the draft attached at the end of this memo.

Notre Dame Civil Rights Conference—Part 17

EXTENSION OF REMARKS
OF

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. KASTENMEIER. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

(b) Spell out service of process and the continuing jurisdiction characteristics of proceedings under 1971.

(1) Service of process. So long as an election board is not treated as an entity, the proceeding under 1971 is simply one against separate individuals. As to personal jurisdiction over them, the provisions of rule 4(d)(3) and 4(d)(7) are doubtless sufficient for most purposes. Federal rule 4(d)(6) furnishes the basis for service of process where the suit is against the State. But, as the case of *U.S.* v. *State of Alabama* suggests, the situation gets difficult when the board members all resign prior to commencement of the action and there is no basis for treating the vacant board as a suable entity. If my suggestion for making the board a suable entity is adopted (and I suggest that it be adopted for all proceeding under 1971, not merely for those in which the board has resigned), some further details about service of process are essential since the provisions of rule 4(d)(3) and 4(d)(7) will not handily cover the situation where the board is vacant. My suggestion for such a case is to provide for service upon the chief executive officer (i.e., Governor) of the State where service upon board members or at their board offices cannot with due diligence be made, either because they have resigned or because they go into hiding. Language to this effect is in the attached draft.

(2) Continuing jurisdiction over board. Attorney General Rogers suggests appointment of a referee only after a finding that deprivation of voting rights has resulted from a continuing pattern or practice. It would seem to me that the court should in such a case retain jurisdiction over the election board to supervise and watch over the election district until reasonably satisfied that the practice is gone. To this end it is implied in the Rogers language that until the practice is ended the court may expect a flow of applications over the course of time and the probability of supplementary decrees of certification. Perhaps it can be argued that later applicants need not be joined as parties plaintiff in the continuing case. I would think it better, though, to permit a liberal joinder of plaintiffs as they come in to assert their rights as members of the class protected by a 1971 proceeding. On the other hand, I see no reason to impose either filing fees or other costs upon them, and it seems to me reasonable that the United States should absorb such costs. The applicants may have to pay over, however, any poll tax or other fee chargeable under State law for the privilege of registering the voting.

The attached draft covers these point.

(c) Trial of 1971 proceedings before a single district judge.

It seems clear to me that proceedings under 1971 should be triable entirely under a single district judge, and that the provisions for trial of cases involving substantial questions of Federal right before three-judge district courts should not operate here. My attached draft covers this point also.

(d) What effect shall an appeal have on a certification by a district court?

For all that appears in the Rogers draft, an applicant can go right down and vote the moment the district court enters a decree certifying his right to do so. But the decree is, of course, a final order and it can be expected that local election officials will appeal every certification decree if thereby it is possible to delay Negro participation in local voting. Similarly, Negroes will want to appeal from decrees which have denied them certification. In both instances it would seem that a good case could be made for permitting the Negro to vote immediately after a district court decree, provided his vote was held in escrow pending the outcome of the appeal.

The effect of holding the Negro vote in escrow would be to hold up the decision in any race in which the number of escrow votes exceeded the difference in the votes of the two top candidates. If the usual leisurely appellate time schedule applied to these cases some serious political embarrassments might result from the delay. But appeals can be accelerated.

If the alternative position is taken that the right to vote cannot be exercised until established on appeal, this will simply invite every conceivable delay which local election officials can imagine. And, furthermore, if the election results must be held up until escrow votes can be counted, this will put some fraction of whites behind a move to accelerate any appeals.

Perhaps it makes sense to distinguish the cases in which the district court certifies a Negro to vote and those in which the decree denies certification. My own view is that both groups should be permitted to vote in escrow pending the outcome of cross appeals. To do otherwise, and only allow those to vote who won district court certification, would put huge pressure on the voting referees and the district judges to deny certification in the first instance.

This voting in escrow involves plenty of problems. You can't simply use two ballot boxes, one for those already registered and another for those whose votes will be held in escrow: on termination of the appeals there may be some reversals of the district court decree. As a result, each escrow ballot would have to be placed in an envelope marked on the outside with the voter's name, then held by the referee pending determination of the appeals. He could then throw out the envelopes of those not ultimately certified and deliver the remainder to the local election officials for counting.

Objection may be made to the extent to which such a practice invades the secrecy of the individual ballot. But this is a right personal to the voter. If he chooses not to vote at all until his appeal is final, he is free to do so. If he wishes to vote before that time, and to face with it the possible revelation to some of the manner in which he voted, he is free to do this, too. This last choice is no more of an invasion into his secrecy than is likely to result from the use of an absentee ballot in many states. Though the racial issue may not furnish pressures for retaliation elsewhere that they do here.

I have not attempted a draft of a provision to deal with this. But the matter should certainly be given consideration.

(e) Specify that nothing in 1971 furnishes a basis for implying that similar inherent equitable powers should not be employed by Federal courts in enforcing Federal rights.

With perhaps the exception of serving a summons upon an election board where all its members have previously resigned, I believe that Federal courts can achieve, under existing authority, everything which is spelled out in the Rogers proposal and in my further suggestions. But achieving such results calls for some quite complicated pasting together of ideas scattered through the Federal rules, the judicial code, and countless equity decisions. And the job is further complicated by the fact that it would take quite a bit of persuasion to convince a district judge to employ them in such a manner. An imaginative judge, really bent on moving a good bit faster than most of them feel is appropriate for these stormy cases, could do wonders under present law, certainly in the voting area. But the decisions from the past are conservative decisions for the most part. And as trial judges they hesitate to project far beyond the tone or spirit of the older cases, preferring to leave innovation to the appellate judges or, better still, to you in Congress.

Frankly, I am really disappointed that Attorney General Rogers has not fulfilled the promises of those who predicted that he would breathe some real life into his Civil Rights Division. Perhaps he has reasons that I would agree are good reasons if I knew what they were. But the public record of performance of the Civil Rights Division reflects little that is vigorous or imaginative. A livelier Attorney General would have had dozens of these voting cases going, asking in each of them for different kinds of equitable remedies in search of effective solutions to this complex problem. The voting referee idea is a good one. He should have asked courts to set them up long ago. And he should have pressed courts for all sorts of expanded rulings on the scope of class actions in these cases. And so on and so on. But he hasn't.

In any event, so far as school desegregation cases and other classes of civil rights actions than voting are concerned, only the meager resources of private persons are so far available to press for civil rights. And nothing that is done here should support any inference that district courts should not feel free to use referees or masters or any other kind of equitable device if reasonable grounds for doing so are presented to the court. Certainly Chief Justice Warren invited the district courts to use their imagination broadly when the use of equitable powers became involved in the school desegregation cases. He has a good paragraph on this in the second Brown decision of 1955.

DRAFT—PROPOSED SUBSTITUTE FOR PART (B) OF THE ROGERS BILL

"(B) Add the following as subsection (D) and designate the present subsection (D) as subsection (E), etc.

"Suit against State office as a legal entity. When any proceeding brought under this section claims that a deprivation of any right, or privilege, secured by subsection (a) or (b) hereof has resulted from any act, omission, or practice of a public office or agency of this State, such State office or agency may be made a party defendant and sued as a legal entity in its common name or statutory title, without regard to whether such State office has capacity to sue or be sued in like manner under State law.

"In any such proceeding against a State office as a legal entity, service of process may be made (1) by personally serving a copy of the summons and of the complaint upon one or more of the State officers holding such office; or (2) by leaving a copy of the summons and complaint in the State office of such officer with the person who is apparently in charge of the office; or (3) if service cannot with reasonable diligence be made pursuant to (1) or (2) of this subsection, either because the State office proceeded against as a party defendant is vacant, or for any other reason, service may then be made by delivering a copy of the summons and complaint to the chief executive officer of the State in the manner provided by rule 4(d)(6) of the Federal Rules of Civil Procedure or by leaving a copy of the summons and complaint with the person apparently in charge of the office of the chief executive officer of the State.

"Any order, judgment, or decree rendered in such a proceeding against a State office as a legal entity shall be binding personally upon all individuals joined as parties and made subject personally to the jurisdiction of the court. Any other individual or person may be proceeded against for contempt if, with notice of such order, judgment, or decree, he acts in willful violation thereof, regardless whether he acts under color of State authority or acts to prevent or thwart the exercise of State authority consistent with such order, judgment, or decree.

"Proceedings under this section shall be tried before a single district judge pursuant to 28 U.S.C. 1343; the provisions of title 28, chapter 155, do not apply.

"The jurisdiction of the district court over proceedings brought against a State office as a legal entity shall continue over the parties until the court shall find there is no longer reason to believe that the pattern or practice complained of is likely to recur. The district court, in the continuing exercise of its jurisdiction in the proceeding, shall permit the joinder as parties plaintiff of all persons who thereafter apply to the voting referee pursuant to subsection (d) of this section. All costs, including filing fees, of persons so joined as parties plaintiff shall be borne by the United States, save that any person shall, before being certified by the court to register and vote, pay over the amount, if any, required by State law of all persons for the privilege of registering, and voting."

FEBRUARY 8, 1960.

Memo to: John D. Calhoun, Assistant Deputy Attorney General.

From: Bill Foster.

Subject: The Rogers proposal for voting referees.

This memorandum supplements a memo on this same subject which I put together a week ago for William Welsh, administrative assistant to Senator HART of Michigan. A copy of the earlier memo is attached.

In this supplementary memo I shall attempt to summarize three further points respecting the Rogers proposal that strike me as requiring some added thought:

I. Should a referee, once appointed, be limited to receiving applications only from those who claim deprivation of voting rights?

The language of the Rogers draft authorizes the referee "to receive applications from any person claiming deprivation as to the right to register or otherwise qualify to vote at any election * * *" My concern is this: the Rogers proposal sets up a possible dual standard for registration in the voting area. Local officials will retain the right to register, and some presumably may persist in registering white persons more or less in total disregard of the local registration laws. The referee has the job of considering those persons whom the local officials have turned down. To equalize things the referee, I suppose, should try to match the local officials in disregarding the registration laws. Yet it seems to me an almost impossible task to ask that the referee set a standard which can correspond to that followed by local officials in registering whites to vote.

Two possible ways out of this occur to me, neither of them very attractive: First, give the referee, once he is appointed, authority exclusively to register all persons, white and black, for a period of time. Or, second, require all persons registered by local authorities during the period of the referee's appointment to appear as well before the referee in order that he may see for himself the qualifications of those who are being registered by local officials. Perhaps a third solution might be to permit the referee to subpena a sampling of already registered voters to determine what kind of criteria had been previously employed.

None of these is a simple answer. If it were practicable, I would prefer the first proposal, which is simply to put the voting district in receivership for a period of time and allow the referee to register all comers. Bad as this may be in terms of local repercussions, it doesn't seem to me any worse than to call in people already registered to determine from them the criteria earlier used by officials for registering whites.

II. Is the referee's authority confined to applicants who can show that they were members of the class of persons deprived of the right to register as a result of a "pattern or practice"?

My problem here is that conservative southern district judges may require each applicant to show, in order to apply, that he was turned down by local officials only for reason of his color. The language of the Rogers' draft doesn't have to be read this strictly, but I think it would help clear the air if, after a general finding of a proscribed pattern or practice, your legislative language permitted the referee to "receive applications from any person claiming any deprivation whatever as to the right to register, and so forth. * * *" I just don't want individual applicants compelled to make individual proofs that their constitutional rights have been denied them.

III. Should not some provision be made for the situation in which a State tries legislatively to repeal or otherwise abolish all provisions for further voter registration, intending to rely solely upon voters earlier registered?

The Rogers' proposal suggests that actions under 1971 be converted into suits against the State in the event either that local registration officials have all resigned or have been relieved of their jobs. With some stretching of this language it can be argued that a suit against the State is authorized also where the State seeks to abolish the registration function altogether so that no office whatever exists for registration purposes. I feel confident something of this sort will be tried. And I feel confident that some kind of court appointed receivership, to undertake registration for any elections which might be held after efforts to abolish local registration facilities, would win approval in the Supreme Court if legislative provision were made for it.

In my earlier memo, attached hereto, I have recommended that local election boards be treated as suable entities for purposes of 1971 proceedings, and have provided for various means of serving a summons in the event that service cannot be made upon local persons serving on these boards. I remain disposed to support action against the local boards as legal entities, and merely suggest that further provision be made for the situation in which the State seeks to abolish the boards altogether. In that case, I should think it possible to authorize a suit against the State, together with the appointment by the court in such an action of one or more persons to serve as registrars for the local district until the State once more makes

suitable provision for registration. These acting as local registrars here would be comparable to receivers taking over in the total absence of any qualified management provided by the State.

In any event, I think something should be spelled out for the case in which the States try to abolish local registration laws altogether. Recall there have been decisions which have voided efforts to repeal statutes where the effect of the repeal is to deny constitutional rights. See *Atwood* v. *Kelly*, 127 S.W. 2d 555 (Tex. Civ. App.), where the court voided, as an impairment of contract, the attempted repeal of a statute authorizing special proceedings to collect delinquent taxes on relation of bondholders.

Notre Dame Civil Rights Conference—Part 18

EXTENSION OF REMARKS
OF
HON. JOSEPH W. BARR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. BARR. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

4. MEMORANDUM FROM PROFESSORS BLACK, EMERSON, AND POLLAK, YALE LAW SCHOOL

LEGISLATION TO PROVIDE FOR FEDERAL VOTING REGISTRARS

The constitutional basis for the appointment of Federal registrars to register voters who are being denied the right to register or vote in Federal elections on account of race, religion, color or national origin is not open to serious question. This memorandum is not concerned with such constitutional issues. Rather it is directed at certain administrative problems which would arise in connection with the operation of such legislation. These problems must, of course, be considered in the light of past and recent experience with efforts to avoid and thwart Federal legislative and judicial action designed to eliminate discrimination.

I. Whether the administration of a system of Federal registrars should be the function of the Executive or of the judiciary

The first basic issue is whether the administration of a system of Federal registrars should be a function of the executive or the judiciary. The Javits bill (S. 2783) vests this function in the Executive; the Attorney General's bill in the judiciary. In our view the Javits bill is sound on this issue, and the Attorney General's bill is not. Although the appointment of a master or "voting referee" in a judicial proceeding is entirely proper where the problem is to deal with occasional cases of discrimination, that is not the situation with which we are confronted. The problem here is to investigate widespread discrimination, extending on a mass scale throughout 10 or more States; to remedy such discrimination; and then to supervise the new situation for a sustained period of time. The job can be done effectively only through the executive branch of Government.

No one would contend that the original function of registering voters should be assigned to the judiciary. But the task which a substitute Federal system will be called upon to perform is of a comparable order of magnitude. As the report of the Civil Rights Commission pointed out, the total number of Negroes registered in the South was 1.2 million in 1956, out of nearly 5 million Negroes of voting age in that region in 1950. This constitutes about 25 percent, as compared with a 60-percent registration of southern whites of voting age. If the percentage of Negroes allowed to register were brought up to the white percentage, this would mean a registration of 1.8 million additional persons. Even if the percentage of Negroes registering under a substitute Federal system were considerably less than this—say only a 10-percent increase in those of voting age—there would still be 500,000 to register. This is a substantial administrative task. It will require legal and administrative personnel, space and equipment, recordkeeping, supervision, and coordination. The judiciary is not prepared or equipped to perform a job of this sort.

The fact is that the Attorney General's bill is geared to provide Federal registration only in a very small number of election districts. As pointed out below, the bill makes necessary a full-scale judicial proceeding, including proof of a pattern of discrimination, in each election district before the Federal system of registration becomes operative at all. Since the Civil Rights Act was passed in 1957 the Department of Justice has brought only four such proceedings, and has so far been unsuccessful in three of these. If the Southern States respond by increasing the number and decreasing the size of election districts, the effectiveness of judicially appointed voting referees would be even less. It seems clear that under the Attorney General's bill only a relatively insignificant number of Negroes would be registered.

Moreover, even if the system of judicial registration were practical, it would be most unwise to burden the Federal judiciary with this task. The courts should not be drawn so extensively and so minutely into explosive political controversies of this nature. Among other reasons, they have enough to bear now in the enforcement of the segregation decisions. Responsibility for the strictly executive function of voter registration must be assumed by the executive, with the courts performing their usual function of judicial review in those occasional cases where a doubtful issue of law emerges.

II. Circumstances under which the President is authorized to appoint Federal registrars

The next, and equally important, question relates to the method employed in making the decision to appoint Federal registrars. If the legislation is to be effective it must provide a simple, rapid procedure which will not become entangled in the complex adjudication of individual cases or otherwise enmeshed in the intricacies and delays of administrative or judicial litigation. Generally speaking, this question should be dealt with in a manner appropriate to its real nature, that is, as a matter of legislative policy. Under the constitutional power to regulate the "times, places and manner of holding elections" the decision whether to leave registration to State authorities or to appoint Federal registrars is an issue for legislative determination. Congress alone has the power to make that decision or to delegate it to the Executive under appropriate standards. The issue is legally and practically a legislative one—essentially a political one in the broad sense—and not a judicial or quasi-judicial one.

The dangers in establishing a formal administrative or quasi-judicial procedure for determining when to appoint Federal registrars are apparent from an analysis of S. 2783 (the Javits bill). Under the procedure there contemplated it is first necessary that nine persons from an election district who allege they have been "denied" the right to register file sworn statements containing "a detailed account of the facts." The Civil Rights Commission is then required to "conduct an investigation" to determine "whether or not the allegations contained in such petitions are true." On the basis of an investigation of those petitions (and only those), the Commission "determines" whether "citizens" (the number not specified) are being deprived of the right to register, and certifies "that fact" to the President. Only after this process has been completed is the President authorized to appoint a Federal registrar.

The procedure required by S. 2783 raises a host of questions which could serve as the basis for protracted litigation in each case over the validity of the decision to appoint the registrar. Questions could be raised, and fought before the Commission and through the courts, as to whether the petitioners had been "denied" the right to register; whether the petitions contained a "detailed" account of the facts; whether Commission subpenas employed in the "investigation" were valid; whether the determination of the Commission had been preceded by a proper notice and hearing; whether State officials or others had been granted the right of confrontation and cross-examination; whether the commission's attorneys had produced enough evidence to show that the "allegations" were "true"; whether State officials and other parties had the right to file briefs and make oral argument; whether the Commission had made sufficiently detailed findings of fact or proper conclusions of law; whether a court on judicial review could find "substantial evidence" to support the Commission's "determination"; and other matters of fact, procedure, and law. Even if the Commission were in the end held to have acted legally throughout, an enormous amount of time would have been consumed.

The complexities just enumerated are multiplied in the Attorney General's bill. Here the appointment of "voting referees" would hinge, not on the completion of an administrative proceeding plus limited judicial review, but upon a more formalized and prolonged judicial proceeding. Further, it would not be sufficient under the Attorney General's bill to prove merely individual cases of discrimination but, in addition, it would apparently be necessary to prove a "pattern or practice" of discrimination. Experience with the proof of systematic discrimination against Negroes serving on juries gives some indication of the intricate factual and legal issues involved.

Moreover, the procedure required by both S. 2783 and the Attorney General's bill gives rise to other difficult questions. How can an "election district" be defined so as to prevent a State from creating innumerable small districts in which it might be hard to find nine petitioners, or which would require an innumerable number of determinations for the Commission to make? How many citizens is it necessary to find were deprived of their right to register? Must the denial have been solely on the ground of race, so that any other added ground would not permit a Commission certification? Furthermore, even the Commission itself is only a temporary body whose continuance might not be voted by Congress.

Finally, all the foregoing difficulties might be multiplied if the States were to adopt annual or biennial registration laws, thus requiring the Commission's or court's determination to be made over again in each case for each election.

What is needed, therefore, is a procedure for making the initial determination to appoint Federal registrars which does not

depend on formal proof of the facts in individual cases and which can otherwise be insulated from legal issues that can be endlessly litigated before the Commission and the courts. We see no way of accomplishing this except by delegating to the President authority to appoint a registrar in any election district where he has reason to believe that citizens are being denied registration on account of race, religion, color or national origin. Such a procedure would eliminate all quasijudicial and judicial adjudication at this stage and also solve the drafting problems involved in defining an election district so as to prevent manipulation by the States, in determining the number of cases of denial necessary, in stating the precise nature of the denial required, and in establishing a special administrative body to make the determination.

This method of appointing Federal registrars is wholly appropriate for the kind of decision that is involved. Like all determinations of legislative policy, the decision should turn upon general conditions existing in an area, not upon whether any particular individual has been denied his constitutional rights. Insofar as the decision is considered an Executive one, it is strictly comparable to those situations where the Executive is entrusted with authority to institute proceedings or begin a prosecution, an action which is not required to be performed in accordance with any kind of quasi-judicial process. In terms of normal government practice, therefore, the method proposed is commonly accepted and fully justified.

Nor is the method subject to constitutional objection. The rule against excessive delegation of legislative power is met by the fact that the standard under which the President acts is clearly stated and is far more definite than numerous delegations which have been upheld by the Supreme Court. The requirements of procedural due process, to the extent they are applicable here at all, are satisfied. Under the Constitution the States have authority, in the absence of Federal regulations, to determine the times, places and manner of holding elections. But the Constitution gives the Federal Government power to supersede the State regulations at any time and to any extent that Congress deems desirable.[1] Certainly the States have no constitutional right to challenge the procedure by which Congress asserts its power. In any event, in this case, the greater power would include the lesser; if Congress can appoint Federal registrars for all Federal elections the States cannot object if Congress chooses to exercise that power only under specified circumstances as determined by its delegated representative, the President. It is equally clear that no voter is being deprived of due process by the procedure here suggested. The voter's constitutional right is the right to vote; he has not suffered any injury unless and until he is illegally deprived of that right, or possibly others are illegally granted that right. Surely he does not suffer any legal injury when a Federal registrar is appointed to whom certain applicants can resort in lieu of a State registrar if they so desire.[2] In any event, as noted above, the procedure involved is a reasonable and customary method for making decisions of this kind.

It may be added that a similar procedure for withdrawing the Federal registrar, that is, on the President's statement that he has reason to believe discrimination is no longer taking place, is equally reasonable and valid. Such a procedure for terminating Federal action is contained in the present Javits bill.

One other factor in the Presidential decision to appoint a Federal registrar requires consideration. It may be that the President, as a matter of policy, would not want to designate a Federal registrar unless there is some indication that a reasonable number of potential Negro voters in any area wished to avail themselves of the Federal machinery for registration. It might be advisable, therefore, to provide in the legislation, as a prerequisite to Presidential action, that at least 50 persons in any county or parish petition the Civil Rights Commission (or if that body ceases to exist, the Civil Rights Division of the Department of Justice) requesting the appointment of Federal registrars. Such petition need not allege discrimination, or be signed by persons discriminated against, but could be filed by any residents of the county or parish believing themselves qualified to vote. Upon the filing of this petition the President would be empowered to appoint a Federal registrar for any election district in the county or parish if, as above stated, he had reason to believe that citizens are being denied registration on account of race, religion, or national origin. This provision would carry out the purpose of the Civil Rights Commission's proposal that nine petitions be filed, without encumbering the procedure with the requirement of adjudicating the correctness of individual claims of discrimination. And it would be fully in accord with the traditional right of citizens, as guaranteed by the Constitution, to petition the Government for redress of grievances.

In determining whether to appoint a Federal registrar the President would, of course, avail himself of the information and facilities of the Civil Rights Commission and the Department of Justice and would, in practice, undoubtedly act upon their recommendation. But, as stated, no formal recommendation or adjudication of individual cases would be required.

III. Upon the appointment of a Federal registrar, what persons may apply for registration?

Once a Federal registrar has been appointed, the category of persons who should be entitled to register with him must necessarily be described in reasonably broad terms. It would scarcely be suggested, for instance, that only those persons should be allowed Federal registration who have proved in an administrative or judicial proceeding that they have been personally denied State registration on account of race, religion, color, or national origin. In practical terms, the significant issue here is whether Federal registration should be limited to those who have actually applied to the State authorities for registration, or possibly exhausted State procedures, or whether it should be extended to all persons within the class that has been discriminated against.

The former requirement would plainly be too narrow. This is true because many of the devices used to discourage Negro registration in the South have been designed to prevent the Negro from even attempting to register. Such devices range from physical intimidation and threat of economic reprisal, to long delays in registration procedure, inconvenient hours, short periods, placing registration offices in the homes of white people, resignation of registration boards, and many other similar methods. These devices have been successful in forestalling large numbers of Negroes from trying to register. Indeed, there can be little doubt that the number of Negroes who have never made the attempt, but who would do so if there was any chance of success, is many times greater than the number who have actually gone to the State registration offices and tried to register. Although more would undoubtedly make the attempt if it were made a condition of Federal registration, some would not and in any event there is no sound reason for requiring them to undergo the loss of time, expense, risk and affront to dignity involved. Moreover, proof of this fact would add another complexity to the procedure.

It may be argued that requiring Negroes to first present themselves to the State officials would put pressure on those officials to reform their procedures, thus allowing the Federal registrars to be withdrawn sooner. But this would seem to be a matter entirely within the control of the State officials. When they are ready to treat all equally, it should not be difficult for them to make that fact known. In any event such advantage as might be gained from requiring an attempt at State registration as a preliminary to Federal registration is decisively outweighed by the disadvantages.

S. 2783 is somewhat ambiguous on this vital point. It provides that all persons "who allege that they are being denied the right to register to vote in such district solely because of their race, religion, color or national origin" may apply for Federal registration. The point should be made entirely clear. And it should allow no opportunity for reprisals on the basis of claimed false allegations. We suggest, therefore, that the legislation extend the Federal protection to all who are members of the category—of race, religion, color or national origin—that the President has reason to believe are being discriminated against, as stated in his decision to appoint Federal registrars.

After all, what is being sought by this legislation is merely to create an alternative means of allowing a member of a discriminated group to enjoy his constitutional rights. There is no need to confine those eligible to receive this protection by narrow limits which would make difficult or impossible the attainment of that objective.

[1] It is true that article I, section 4, of the Constitution, giving Congress power to regulate the "times, places and manner of holding elections," expressly refers only to elections of Senators and Representatives. But it seems clear that a similar power resides in Congress to protect the integrity of all Federal elections (*Ex parte Yarbrough*, 110 U.S. 651); and to insure equal protection and the absence of racial discrimination, against State action, in all elections (14th and 15th amendments).

[2] It is possible, though not certain, that the validity of the President's appointment could be raised as a defense to a criminal proceeding against a State official for refusing to allow a Federally registered voter to vote. But the raising of the point at this stage would not delay the appointment of the Federal registrar, would put the risk of being correct on the defendant, and would subject the defendant to the burden of proof necessary to overcome the usual presumption of administrative regularity.

Notre Dame Civil Rights Conference—Part 19

EXTENSION OF REMARKS
OF
HON. WINFIELD K. DENTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. DENTON. Mr. Speaker, under unanimous consent, I include in the

RECORD the following portion of the proceedings of the civil rights conference at the University of Notre Dame on February 14, 1960:

IV. Administration of a system of Federal registrars

The administration of a system of Federal registrars, as already observed, requires some attention. It would be possible to establish the Civil Rights Commission as a permanent or semipermanent agency to assist the President in administration. If this is done the legislation would have to make provision for the creation, composition, authority and powers of such a body. However, it is not essential that such an agency be established. The President would have power to delegate by Executive order most of his functions, except the actual appointment or withdrawal of Federal registrars, to the Civil Rights Commission (as long as it existed) or to the Civil Rights Division of the Department of Justice. This second course of action has the advantage of greater flexibility and avoids creation of a new agency. It might be the more advisable one unless the Commission is retained for other reasons.

Under either alternative, however, the legislation should make express provision for adequate staffing and appropriations.

V. Enforcement of the right to vote

Another key problem is to make as sure as can be that the Federal system of registration is not interfered with, and especially that a person registered by a Federal registrar is actually allowed to vote and to have his vote honestly counted.

The principal sanction to accomplish this, under the scheme here envisaged, must be the criminal prosecution. Although the Attorney General is skeptical of the effectiveness of criminal prosecutions there is reason to believe that, at least in many areas, they would be a potent factor. In the first place, the difficulty of obtaining an indictment or conviction by southern juries is less likely to prevail in voting cases than in some other types of cases. Secondly, if the penalty is made a misdemeanor (a year or less in prison) the initiation of a prosecution does not require an indictment by a grand jury but may be brought by the U.S. attorney through the filing of an information. Thus a trial can be assured, and where the evidence is open to public scrutiny there is less likelihood of a failure of justice than where the evidence is considered in secret by a grand jury. Moreover, the very fact of bringing a violator to trial has an important impact even where there is an unjustified acquittal. Finally, if southern juries persist in refusing to convict, and thus thwart the objectives of the legislation, the obvious and inevitable remedy (of which the South is well aware) is further legislation authorizing the full Federal control of elections.

Criminal provisions in the legislation should cover the following points:

(1) The sentence provided should be up to 6 months in prison (possibly up to a year), or a fine up to $1,000, or both. The provision in S. 2783 for a fine of $300 seems too small to be adequate.

(2) The penalty should apply to any person who willfully interferes by violence, intimidation, economic reprisal, or threats thereof with persons seeking to petition for appointment of a Federal registrar or seeking to register with the registrar once he is appointed; or who by similar means otherwise interferes with the Federal registration process; or who attempts in any way to deny to an individual registered under the act the right to vote or to have his vote counted for any candidate for Federal office. S. 2783, which limits the criminal penalty to the last clause, and applies only to State election officials, seems too narrow in this respect.

(3) A saving clause should be included which makes clear that the enforcement provisions are not intended to repeal or amend any other provision of law already in existence. This is necessary to keep available the provisions of sections 241 and 242 of title 18 of the United States Code, and possibly other applicable criminal provisions, as well as all existing civil remedies.

An important adjunct to the criminal sanctions may be civil proceeding for damages, injunction, and other equitable remedies. Injunction proceedings, for instance, may be of great significance in many situations, as where a bona fide issue of law is involved or criminal proceedings seem not feasible. Although existing civil provisions may be adequate, provided they are kept in force by the saving clause, it would seem advisable to include in the legislation express provision for the Attorney General or private persons to secure civil relief, through damages, injunction, or other equitable remedy, against interference with the Federal registration process, or denial of the right to vote or to have the vote counted of any person registered by the Federal registrars.

In addition the provisions in the Attorney General's bill for the issuance of certificates to those found qualified by the Federal registrar, and for Federal watchers at the polls, are desirable and should be included.

VI. Application to State elections

There would appear to be no basic constitutional objection to the application of the system of Federal registration to State elections. The Attorney General's bill so provides. It is not clear, however, that such an extension of the legislation is necessary, at least at this time. The possibility of "Jim Crow" elections, with State officials being elected at different times or places, as envisaged by the Attorney General, may never in fact occur. Moreover, the simplified procedure for the designation of Federal registrars and the broad opportunity for applying for Federal registration, as here proposed, may encounter more opposition were the system extended to State elections. Under the circumstances it may be advisable to confine the legislation, for the present at least, to Federal elections.

VII. Summary

In summary, legislation to establish an effective system of Federal registrars should include the following provisions:

(1) The power to appoint Federal registrars should be assigned to the Executive, not to the judicial, branch of the Federal Government.

(2) The President should be empowered to appoint a Federal registrar in any election district where he has reason to believe that citizens are being denied registration on account of race, religion, color, or national origin. It might be advisable to require as a condition of Presidential action that a petition be filed by at least 50 persons residing in any county or parish, who believe they are qualified to vote, requesting the appointment of Federal registrars in such county or parish.

(3) Once a Federal registrar has been appointed for any election district, all persons in that district who are members of the category—of race, religion, color, or national origin—that the President has reason to believe are being discriminated against, as stated in his designation, should be eligible to apply to the Federal registrar for registration.

(4) Provision should be made for adequate staffing and appropriations. If the Civil Rights Commission is continued for other reasons, it can be given authority to assist the President in the administration of the Federal registrar system.

(5) Criminal provisions should be included, making it a misdemeanor willfully to interfere by violence, intimidation, economic reprisal, or threats thereof, with persons seeking to petition for appointment of a Federal registrar or seeking to register with the Federal registrar, or by similar means to otherwise interfere with the Federal registration process, or to deny an individual registered under the act the right to vote or to have his vote counted for any candidate for Federal office.

(6) Civil provisions should be included permitting the Attorney General or private persons to secure civil relief, through damages, injunction or other equitable remedy, against persons interfering with the Federal registration process or seeking to deny the right to vote or have the vote counted of any person registered by the Federal registrar.

(7) A saving clause should be included making clear that the above enforcement provisions do not repeal or amend any other provision of law already in existence.

(8) The legislation, at least at this time, should apply only to Federal, not State, elections.

CHARLES L. BLACK, Jr.
THOMAS I. EMERSON.
LOUIS H. POLLAK.

NEW HAVEN, CONN., *February 2, 1960.*

How Much God Is There in Government?

EXTENSION OF REMARKS
OF
HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. FULTON. Mr. Speaker, I am calling to the attention of my colleagues in Congress, and the American people, an article by my good friend and colleague, the Honorable WALTER MOELLER.

Under leave to extend my remarks in the RECORD, I am including this article which appeared in the February 1960 issue of This Day magazine:

HOW MUCH GOD IS THERE IN GOVERNMENT?
(By Congressman WALTER MOELLER, of Ohio)

The answer to the question in the title of this article is probably that there is as much God in government as there is God in the hearts of the American people. We can say this in America whereas it cannot necessarily be said of more than a few other nations in the world, for we are as close to being a "government of the people, by the people, and for the people" as has ever existed on the face of God's earth.

Certainly it cannot be said of the godless government of Communist Russia, where God still lives in the hearts of millions of people despite every effort to root Him out. Far less could it be said of Poland, for another example, where a devout people are subjected to the merciless whims of an atheistic regime, leavened only by the more or less powerful influence that the Roman Catholic Church and its followers can still bring to bear.

How much God there is in the hearts of the American people reflects the quantity and quality of God, or of religious motivation, in the policies and practices of government, arriving eventually at an answer to the corollary question, "How much God is there in America?"

The people who make up our Government, who determine its policies, who pass its

laws, who administer its daily operations, and who pass judgment in the courts on our crimes and on the constitutionality of our laws, are, in a large sense, a cross section of the greater population. It is true that there is something at least slightly extraordinary about them, or they would not be in Government. In the cases of a President, a Supreme Court Justice, or even a Member of Congress, there is usually something more than slightly extraordinary before such a position may be achieved. This extraordinariness, however, is not usually of the kind that makes them either more or less religious than the average individual. Thus it is fair to say that where God is concerned, He moves the man in government to about the same extent that He moves the man in the street.

From this we make the assumption that government, as far as its moral or religious composition is concerned, and as far as its net worth godwise is concerned, is no more or less than a summing up of net worth of the individuals who make up government.

There is, however, no human brain, nor combination of brains, nor electronic computer which can exactly assess these individual godly net worths. We have no unit of measurement upon which to rely, for God and His impact upon the minds and hearts and actions of men is not to be measured in pounds or inches, but is simply a weightless and boundless evidencing of the eternal Spirit evoked by Jesus Christ when He said, "Before Abraham was, I am."

For this reason we must turn to the external evidences we can find to substantiate or disprove the existence of God in our Government, such as the moral qualities of the laws which govern us, the mercy and the justice with which these laws are administered, and in the public acts and the private reputations of the men and women who form the Government of the United States.

As I write this, the Congress of the United States has just finished writing legislation to control the corruption and the racketeering which has dominated certain aspects of the American labor movement. Here in microcosmic form we may examine the influence of God and the Godlikeness of the motives which have touched the legislative processes since America began. Here we have an issue which is as close to Godlikeness confronting godlessness as any we are likely to find. Here we have not only the problem of individual sin, but also the problem of a great social and moral issue involving the conscience of mankind. How did we as legislators and as Christians, Jews, or freethinkers react?

Brought to bear upon us were the most powerful forces in American political and economic life. Groups representing labor and capital, the two great and often divergent economic powers, were there. Political leaders from our two great parties wielded every stratagem available to them. Cleavages developed within the parties, based on a combination of geographical and philosophical differences.

Some individuals faced the problem with a strictly practical weighing of the possibilities of political gain or loss.

Others, and I think the majority, devoted themselves to prayerful thought and to close examination of the social and moral issues involved.

Examination of the debates on this legislation discloses that many Members, for example, called attention to some passage from the Scriptures or to some generally accepted moral truth to bolster their arguments, thus indicating that the Congress is not oblivious to what Holy Scripture says, and that our legislators often do rise above their own material interests and those of their party or their constituents to a higher spiritual level.

Many may quarrel with the terms of the new law. Many have questioned the motives of those who stood on either side of the issue. Yet it is my honest belief that the new result was a clear justification of our democratic processes and of our reliance upon our legislators to permit the hand of God to guide them in the performance of their duty to Him and to the people of the United States whom they are elected to serve.

Let me turn for a moment to the morals and the mores of those who make up the Government of the United States. From my personal experiences up to this time, I am convinced that there is a basic structure composed of deeply honest and sincerely devout religious-minded people upon which the frivolous and the at times sinful is only a facade, more evident to the undiscriminating eye than the solid foundation to which it has attached itself. Further, as we reach positions of real importance among those who exert a significant influence upon public policy and its administration, the moral stature of the individual grows with few exceptions.

On Capitol Hill and elsewhere in our Nation's Capital there are prayer breakfast and luncheon groups which meet at regular intervals and discuss their responsibilities and the issues of the day in terms of religious values. I have attended some of these gatherings, and while I am unable to accept all the conclusions reached, each time I came away with the conviction that the search was made for the divine will, and that the door opened for the presence of God in the deliberations.

It is commendable to know that in the U.S. Capitol, just off the rotunda, is a Prayer Room where men and women of every faith visit daily and renew in prayer and meditation their private and public oaths of devotion to God and country. Further, each of the Houses of Congress has its fully appointed Chaplain and each session of the Senate and of the House is opened with prayer.

It is by these things and by many other signs that I have come to accept the fact that the majority of the men and women in our Government do have a very definite religious influence in their lives which motivates them as they, amid all human weakness, endeavor to enact just and equitable laws for the land.

In Government, as elsewhere, the number who say, "Thus saith the Lord," and that His will must be advanced, is always too few. It raises a challenge for Christian men and women to make service in the Government their ambition. For true it remains also to this day: "Evil triumphs when good men fail to speak."

Salute to U.S. Olympic Hockey Team

EXTENSION OF REMARKS
OF
HON. ODIN LANGEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. LANGEN. Mr. Speaker, I would like to take this opportunity to ask the Members of the Congress of the United States to join me in a salute to the U.S. Olympic hockey team, winners of the international competition at Squaw Valley.

The gold medal winners certainly exhibited a "gold medal" brand of hockey in becoming the first U.S. hockey team to capture first place in Olympic competition. In the final 4 days of play, they upset favored Canada, and took come-from-behind victories over defending champion Russia and Czechoslovakia. Ice hockey being the grueling game that it is, this feat would have to rank as next to impossible.

We are proud of the fact that a large part of this U.S. team hails from the State of Minnesota. And I am especially proud that two of the boys most instrumental in the U.S. victory, brothers Bill and Roger Christian, reside in the Ninth Congressional District community of Warroad.

Our hats are off to these fine, spirited representatives of our Nation.

Scientific Translations in the Field of Public Health

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. DADDARIO. Mr. Speaker, the Secretary of Health, Education, and Welfare held a press conference last week in which he disclosed the extent to which scientific translations in the field of public health were made available to American scientists last year.

Mr. Flemming describes this as a "substantial lowering of the language barrier," and I agree. The Committee on Science and Astronautics, of which I am a member, has looked into this problem and the lag that was allowed to exist for years in the effort to keep abreast of scientific research everywhere in the world and see that American laboratories could obtain necessary information.

I am happy to see that considerable progress is being made, and Mr. Flemming's report bears that out. There are still areas in which more effort is needed. The program to develop Russian, Chinese, and other eastern language materials needs attention. So does the domestic effort to improve the storage and retrieval methods.

Additionally, we must make a serious effort, I believe, to supply the American scientific community with regular critical appraisals of the work being done and quick tabs and abstracts of important work. The Soviet Union, through a master journal of abstracts called the Referaty, is producing a regular encyclopedia on science and technology for their people, in which American accomplishments are abstracted, indexed, cross-indexed and cross-referenced so that the documentary background is available.

We can avoid useless duplication of work and waste of time and money through knowledge of the scientific experimentation going on in laboratories across the world. We have seen many examples of a misuse of money and manpower through unnecessary overclassification in this country where the results of experiments were not made

available through proper channels in our defense program, as the Moss committee has ably pointed out. When it becomes a question of scientific knowledge, particularly in areas of basic research, across the world, it is easy to imagine the loss that language barriers suggest.

The total of the Health, Education, and Welfare effort is impressive. Mr. Flemming also relays an estimate that it has led to direct communication between Russia and American scientists that could be fruitful. Whether the program is sufficient, or half enough, is not measurable, just as Mr. Flemming notes that the impact of the knowledge learned is not measurable.

What is certain is that such an exchange of knowledge, and the dissemination of scientific and technical information, deserves our full support and energetic surveillance to see that we make use of all the knowledge available to us, rather than operating with blinders in the 20th century.

I submit the text of Mr. Flemming's statement:

STATEMENT BY ARTHUR S. FLEMMING, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

In the relatively short time that the Public Health Service's Russian scientific translation program has been in operation, American scientists in the health field now have ready access to the complete texts of approximately 5,000 Russian scientific papers—totaling 25,000 pages—and about 13,200 abstracts of such papers.

This is a substantial lowering of the language barrier which for many years kept the American scientific community largely ignorant of developments in Soviet health research and it is a valuable adjunct to the scientist-to-scientist exchange program which has been gathering momentum in recent years.

In fact, I am informed, the increasing availability, in English, of Soviet scientific materials has by itself begun to stimulate considerable direct communication between American and Soviet scientists working in the same general fields of medical research.

Since late 1957, when the program got under way, there has been a steady increase in the volume of Russian medical information available to the American scientific community. During that year translations were made of 27 issues of leading Soviet medical journals totaling 583 scientific papers. In 1958 this number had risen to 42 issues and 1,470 papers. In 1959, 2,300 papers from 84 issues of the 9 leading journals appeared in cover-to-cover translations.

Material provided by the Russian translation program now includes—

Full translations of a number of important Russian monographs on biomedical subjects by Soviet scientists.

Translations of abstracts appearing in the principal Soviet abstract journals. These constitute what the Russian scientific community regards as the most significant of its current literature. Thus, the American scientist is given a ready glimpse, in shortened form, of material which he may wish to read later in full.

Reviews by American scientists, of Russian scientific research accomplishments in health significant fields.

Periodic information on the availability of translated Russian scientific material.

Supporting materials, such as a directory of medical and biological institutes in the Soviet Union, a selected list of references on medical research in the U.S.S.R., a description of the structure and functions of the Academy of Medical Sciences in the U.S.S.R., and a Russian-English medical dictionary.

The impact of this program on the American biomedical sciences is of course not truly measurable at this time. These have been the formative years—a period of assessing the relative values in a large and growing scientific output in the Soviet Union—of selecting that material which seems most representative of the whole body of Russian medical literature.

The Russian translation program administered by the National Institutes of Health is closely coordinated with similar programs in other agencies of the Government concerned with the status of Soviet medical research. The National Science Foundation concentrates on material dealing with the basic physical and biological sciences, exclusive of medicine. The Department of Commerce gives special attention to the applied sciences and technologies. The Atomic Energy Commission limits its coverage essentially to the nuclear sciences.

Changing Trends in Trade Patterns

EXTENSION OF REMARKS
OF
HON. VICTOR A. KNOX
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. KNOX. Mr. Speaker, the record shows that the policy of persistently chopping away at U.S. tariffs has achieved what its original sponsors in the first New Deal administration set out to do; namely, to increase American purchases of foreign products.

Obviously, a growing nation needs more goods. So it is not surprising that our imports have advanced over the years.

However, if we were simply buying abroad more of those products which we cannot provide for ourselves in our home economy, we would not be experiencing grave distress in many domestic industries. The fact is, we are importing more and more products that compete with our own output. Hence, the import problems of American industries and jobholders.

The record confirms this dangerous trend in our international commerce. In 1959, our imports of dutiable goods exceeded imports of duty-free products by nearly $3.5 billion. In total imports valued at $15 billion—a record high level—dutiable products accounted for $9.2 billion, while duty-free imports measured $5.8 billion.

Moreover, this was only the fourth time since 1910 that dutiable imports exceeded duty-free imports. From 1910 to 1956, the United States always bought more duty-free, or noncompetitive, goods from abroad than dutiable, or competitive, goods.

Then, in 1956, the situation reversed. Dutiable imports edged ahead of duty-free imports by less than $50 million out of total imports of $12.5 billion. In 1957, the gap widened to nearly $900 million. It expanded to more than $2.5 billion in 1958, and then to almost $3.5 billion last year.

Clearly, as the record shows, the emphasis in imports is on competitive products. In 1959, less than 39 cents out of every American dollar spent for foreign goods were allocated to duty-free imports. This is the lowest ratio since 1890, when only 33 percent of our total imports were free of duty.

Only twice in the 9 years since 1951 has the United States spent less than $5.8 billion for duty-free products. In most of these year our duty-free purchases surpassed $6 billion.

Yet, in the same period, imports of dutiable, or competitive, products have nearly doubled, from $4.8 billion in 1951 to $9.2 billion in 1959.

Another conclusive sign of this trend is the fact that although our imports have risen dramatically in the last couple of years, almost all of the net increase has been absorbed by our highly industrialized trading partners in Western Europe and Japan, while lesser developed nations in Asia, Africa, and South America have shared little, if at all, in the American import boom.

This becomes particularly distressing when we stop to consider that these same lesser developed countries, some of them still in the early days of independence and most of them urgently hunting markets for their raw materials, are the primary targets of the Soviet economic offensive.

This ambitious effort has shoved the Kremlin's sphere of influence virtually to the doorstep of the United States. Clear-cut Soviet designs for economic penetration of needy countries should be evident to anyone watching the busy routes of the Kremlin's hucksters. Energetic efforts to peddle Communist goods—and propaganda—are underway in many key areas in the nonindustrial free world, including Latin America.

If it is true, as many claim, that foreign trade policy is inexorably linked to broad foreign policy, then surely it is time to reassess our present trading patterns.

The record shows that the United States, the world's greatest trading nation, is currently devoting most of its attention in foreign commerce to swapping manufactured products with its industrial allies—in other words, the countries that least need our help—while offering relatively few new opportunities to the lesser developed nations that need help most.

Legion of Guardsmen

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. RODINO. Mr. Speaker, I have today introduced a bill, identical to one already introduced by Mr. GROSS, to incorporate the Legion of Guardsmen. The legion is a national veterans' organization with a record of outstanding service and accomplishment. Their efforts on behalf of the veteran, and on behalf of numerous worthy causes, are

well known throughout the country, and they clearly deserve the recognition of a national charter. The purposes of the legion are: First, to perpetuate the friendship and associations of persons having served in the Armed Forces of the United States; second, to obtain recognition for its members for military services rendered; third, to foster and promote governmental legislation for the betterment of its members and for the welfare of the general community; and, fourth, to initiate and support ideas and to formulate plans to effect adequate national defense for the greater peace and security of our country.

This bill was introduced, but unfortunately was not passed, in the last Congress. I am most hopeful that we will meet with more success this session.

AFL–CIO Opposes Interest Rate Hike

EXTENSION OF REMARKS
OF

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. RHODES of Pennsylvania. Mr. Speaker, opposition is growing to H.R. 10590, the so-called compromise bill to remove the 4¼-percent ceiling on long-term Government bonds.

Opponents of the bill have little confidence in the Eisenhower administration's fiscal and monetary policies. Its shortcomings in this area have been well-documented by the majority views of the Joint Economic Committee in its report on "Employment, Growth, and Price Levels" and its "1960 Joint Economic Report."

Administration debt-management failures have increased the interest rates paid on Government securities by 63 percent in just 7 years, to their highest level in 30 years. This has raised the annual cost of interest on the national debt by 60 percent, to a staggering total of $9.6 billion for the coming fiscal year. Next to defense expenditures, this is the largest single item of Federal spending in the President's budget. During this same period the national debt has risen from $266 billion to $290 billion.

Under leave to extend my remarks, I include the following letter and statement of the AFL–CIO opposing the interest rate hike and an extract from my radio address of February 27–28 on this important subject:

AMERICAN FEDERATION
OF LABOR AND CONGRESS OF
INDUSTRIAL ORGANIZATIONS,
Washington, D.C., February 15, 1960.

DEAR CONGRESSMAN: Since World War I—through booms, depressions, and military crises—the United States has successfully met its money needs without breaching the 4¼-percent interest rate ceiling on long-term bonds.

Despite urgings of the President, the AFL–CIO continues to believe that no change by the Congress is justified nor should decision-making authority on this vital matter be transferred to the President. The enclosed brief statement summarizes the reason for our view.

It shows that since 1953 hard money has been a persistent objective of the administration and that higher interest rates have been justified on one pretext after another even when more effective and equitable ways of achieving monetary objectives have been available.

It further documents the tremendous costs that ever higher interest rates have heaped upon millions of wage earners and other private borrowers as well as on governments, while lenders reap handsome profits without providing any added service.

Finally, it points to several alternatives the Government can now pursue, rather than initiate still another round of higher interest rates which hurt so many while retarding economic growth.

Because the issue is so vital, we hope you will read our short statement before your own decision is finally made.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

AFL–CIO STATEMENT OPPOSING THE PRESIDENT'S PROPOSAL TO BREACH THE 4¼ PERCENT INTEREST RATE CEILING ON LONG-TERM BONDS

The AFL–CIO continues to hold that Congress need not, and should not, lift the interest rate ceiling on long-term bonds (of 5 years duration or more) nor should it give the President authority to raise it, for many reasons:

(1) The scarcity of loanable funds over the last year has been due essentially to temporary factors related to the recovery from the 1957–58 recession. For example, the rapid inventory buildup of last year and the large Federal deficit in 1959 contributed to a rapid increase in the demand for loans. But inventory growth has now begun to subside, the current budget is expected to be in balance, and the fiscal 1961 budget will show a sizable surplus. These events and other factors have reduced pressure in the money market and interest rates have recently tended down.

It is reasonable to assume, as a consequence, that U.S. long-term bonds may soon attract buyers without the enticement of rates above the current ceiling.

(2) The record of the administration doesn't support the sense of urgency to sell long-term bonds and "stretch out" the debt which it alleges exists.

During the years from 1953 to 1959 when interest rates were much lower, the Treasury showed no comparable rush to sell long-term bonds in order to stretch out the debt. Because of its action or inaction, the maturity of the Federal debt actually declined substantially during those 6 years.

It should be further noted that the use of long-term marketable obligations by the Treasury is not and has not been a major source of Federal financing. For example, a year ago—before the clamor to raise the interest rate ceiling was heard—the total interest bearing debt was $283 billion. However, about $147 billion of this total—or, roughly 50 percent—represented marketable Treasury obligations. Of these, only $39 billion were obligations maturing in 5 years or more. By way of contrast, over $48 billion of a smaller debt was in long-term bonds exceeding 5-year duration at the beginning of 1953 when the administration took over.

(3) Although the Consumer Price Index rose less than 1 percent in 1959 over 1958, Government spokesmen, from the President on down, have been helping to drive buyers out of the bond market by their own incessant and irresponsible scare talk about inflation. No wonder savers preferred to hedge against the alleged inflation by buying stocks (and to enjoy the special—and unjustified—tax bonanza for dividend recipients put into effect at the request of the administration back in 1954).

(4) The sale of long-term bonds at highly inflated costs at a time when interest rates have been at a 35-year high would unnecessarily add billions to taxpayer burdens and further inflate all other interest rates as well.

There are surely more prudent ways to manage our monetary system:

The Treasury can continue to meet current needs through short-term borrowings on which no interest ceiling has been imposed and on which the rates recently in fact have been going down. This is far wiser—since these commitments are quickly self-terminating—than to sell bonds of 20 and 30 years duration which lock into the debt structure high interest rate obligations over a long term of years.

The Federal Reserve Board could, and should, aid the Treasury by purchasing some long-term bonds itself. This would help stabilize bond prices and benefit both the Treasury and all bondholders.

In the main, the sale of long-term Federal bonds should only occur when interest rates are low or, at least, not abnormally high. The administration, on the other hand, seems willing to add billions more to the crushing interest burden the public already pays to no advantage to anyone but banks and other lenders.

Already the debt burden under this administration has increased staggeringly. Although the debt itself has risen less than 6 percent since fiscal 1946, interest payments have skyrocketed almost 100 percent. These payments totaled $6.4 billion in fiscal 1954, the first year after the new administration took over. By the end of fiscal 1960, they will have reached $9.4 billion.

Today, 12 cents out of every $1 collected in Federal revenue is being paid out as interest to those who own the Federal debt.

It is instructive to recall some additional recent monetary history.

From the time Secretary of the Treasury Humphrey boosted interest rates on long-term U.S. bonds back in 1953, tight money apparently has been a major administration objective. Except during the depths of the recessions of 1954–55 and 1957–58, interest rates have been continuously pushed up by a combination of Treasury-Federal Reserve actions—all avowedly to stop inflation and assure adequate economic growth.

Since 1952, as a consequence, the overall interest rate rise—including the costs of both Government and private borrowing—has been nearly 100 percent.

Theoretically, high interest rates are supposed to reduce inflationary pressures by curtailing spending. However, tight money has not deterred spending by wealthy corporations and individuals who do not need to borrow to meet their investment or consumption needs.

Furthermore, high interest rates have transferred billions from the incomes of working people and other borrowers to the lenders who provide not one cent of additional service for the higher price they receive for their loans.

Millions of average American families have been grievously hurt by tight money. For example, over the last 2 years alone higher interest charges on a 25-year $10,000 FHA mortgage loan have added over a thousand dollars to the cost of buying a home and installment purchases of all kinds have become similiarly more costly. As taxpayers, American families not only must bear billions more in Federal interest charges but the cost of carrying State and local debt has soared as well. For example, recent high interest rates

will ultimately make the real cost of a classroom almost double the construction cost of the room.

Is there any wonder that the net profits of member banks of the Federal Reserve System shot up 75 percent between 1952 and 1958 while personal income from interest payments skyrocketed from $12.1 billion in 1952 to $22.5 billion in 1959, a 90-percent rise?

What is more, it is evident that many factors besides interest rates influence consumer and business demand and that tight money surely has not immunized America from rising prices. This is particularly true in the case of enterprises that can administer their own prices upward—like steel, auto, oil, drugs, etc.—without any regard at all for the actual level of demand or of interest rates.

Moreover, higher interest rates themselves increase all prices: they inflate the cost of raising a family, of financing Government services, of operating a farm, and of running any other business—and particularly a small or moderately sized one. Thus, higher interest costs are themselves a major price factor in the rising price level.

Finally, ever-higher interest rates have not brought the growth and stability the American economy needs. On the contrary, during the postwar years from 1947 to 1953 our average annual rate of real economic growth was 4.7 percent, but after 1953 it dwindled to 2.3 percent. Moreover, we have already suffered two sharp recessions since tight money has been sanctified by this administration. Another recession is widely predicted by 1961 because, among other reasons, high interest rates and credit scarcity are already reducing new housing starts and threaten to slow down the growth of personal consumption and business and Government investment.

The AFL–CIO recognizes that periods arise when abnormal demands upon an economy require temporary credit restraints. We believe, however, that the efforts of the administration and the Federal Reserve Board not only have been ill timed but have also employed wrong methods.

For example, acting as though the raising of profits for lenders was its major objective, the Federal Reserve Board has raised interest rates again and again when inflation has been the assumed problem and, therefore, credit restraint has been prescribed. But at no time since the Eisenhower administration came into power have bank reserve requirements been raised—an action that would have restricted credit by reducing the funds available to the banks for loans. On the contrary, since 1953, the maximum reserve requirement of member banks actually has been cut from 24 percent to 18 percent.

Moreover, at precisely the same time Congress was first being asked to breach the 4¼-percent interest ceiling to help fight the alleged inflation, the administration also was asking it to pass the "cash vault" bill which sanctions raising the money supply and thus, presumably, increasing the inflationary danger.

It is our view that the President's request for a higher interest rate ceiling does not reflect good economic judgment. It reflects concern for the gains of bankers and other lenders far more than the welfare of the entire Nation.

Today, the American economy depends more than ever upon the wisdom of those who direct monetary and fiscal policies. Above all, old concepts must be constantly reexamined to make sure that they are responsive to realities in our fast changing times.

Clearly, neither the Treasury nor the Federal Reserve Board have been fulfilling their functions in this manner. While ignoring vitally important monetary and fiscal reforms such as those proposed by the majority of the Joint Economic Committee, they continue to adhere to outmoded classical and class-biased practices.

It is high time that the monetary policies of the United States be geared to the needs of the Nation instead of the profits of the national banks. Until this happens, it would be irresponsible to give the President and the Treasury additional power to misuse.

RADIO ADDRESS BY CONGRESSMAN GEORGE M. RHODES, WEEU, WRAW, WHUM, FEBRUARY 27–28, 1960

This is Congressman GEORGE M. RHODES, reporting by transcription from Washington.

The House Ways and Means Committee has voted approval of a "compromise" bill backed by the administration which would raise the interest rate ceiling on long-term Government bonds. A bill to accomplish the same purpose was rejected by the House last year.

The interest rate bill is one of the most important measures to come before the House. It affects every American in his daily life. It would give power to the President to set the interest rate on the sale of up to $5.8 billion worth of bonds each year—power which no other President in our history has ever had. Heretofore, Congress has maintained control over the maximum rate of interest which the Government could pay on bonds issued for longer than 5 years.

Just last month, a majority of the Joint Economic Committee recommended that the present interest rate ceiling be retained, after conducting a series of hearings and studies on this issue. The bill to take off the interest rate ceiling would repudiate the recommendation of these economic experts.

The administration contends that the interest rate ceiling makes it impossible for the Treasury to market long-term bonds and forces it to issue short-term notes at higher rates of interest, thus costing the taxpayers more for the money borrowed.

Experts on the Joint Economic Committee and other opponents of the interest rate increase contend that there is no crisis in public debt financing which could not be corrected by administrative reforms recommended by the committee.

It has been pointed out that a private business would be foolhardy to undertake long-term borrowing when interest rates are at their highest levels in 30 years. Yet this is exactly what the administration is proposing to do. Long-term borrowing at present abnormally high rates of interest would burden the next generation with many billions of dollars of additional payments of interest on the national debt.

The administration's high-interest, hard-money policies have already increased the interest payment on the debt to a staggering total of $9½ billion a year. Such fiscal and economic policies have also curtailed our rate of economic growth at a time when the Soviet Union is forging ahead economically as well as militarily. The serious unemployment problem, particularly in chronically depressed areas, continues to worsen. We now have almost as many persons unemployed in this so-called prosperity year as were unemployed in the recession year of 1954. This is at least partially caused by the failure of our economy to expand fast enough to absorb the millions of young people entering the labor market each year.

Opponents of the so-called compromise bill to raise interest rates contend that once the ceiling is lifted, interest rates would be boosted in every other sector of the economy. Directly or indirectly, this would affect every citizen. It would, for example, make it even more costly to buy a home because of the increased interest on home mortgages. This would have the effect of curtailing the building industry and the thousands of related industries. Higher interest rates on Government bonds would affect the rate of private borrowing, making it more costly for businessmen to finance inventory purchases, expansion, and other activities. It would add to the cost of all goods purchased on time—from cars to household appliances. It would add to the cost of borrowing to finance new schools, streets, and other public improvements at the local governmental level, thus bringing about higher local taxes.

Liberal Democrats in the House are convinced that an increase in the ceiling on Government bonds would be harmful to the vast majority of Americans and only benefit a handful of large banks and insurance companies which grab up bond issues at the present inflated rates of interest. The so-called compromise bill, while it does not go as far as the administration originally requested, would nevertheless break the interest ceiling and transfer legitimate authority of Congress to the President.

A bitter fight over this issue is expected to develop in the House. Liberal Democrats are pledged to fight this giveaway of more billions of dollars of taxpayers' money to the big financial interests which now are calling the tune—not only on Wall Street but at the White House and here on Capitol Hill.

Estonian Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. MULTER. Mr. Speaker, Estonians are one of the smallest nationality groups in Europe in terms of population, comprising no more than a bare million during most of their recent and present history. But they have had a proud tradition as a free and independent nation.

After they were brought under the Russian regime in 1710, they struggled for their freedom for more than 200 years. Finally they attained it early in 1918, proclaiming their national independence on February 24. Then the Estonian Republic was founded and a democratic constitution was adopted. They governed themselves and lived happily for two full decades under their democratic institutions. Industrious, gifted, public spirited, and patriotic, they worked hard to make their small country a safe and happy place in which to live and enjoy life. Such was their existence when world events overtook them, and thereby they lost their independence and their happiness.

Today that once free country is again part of Russia, this time more firmly chained to Soviet Russia and Communist totalitarianism. Unfortunately the tyranny there is so much more efficient and therefore more cruel that it seems difficult to shake off its oppressive yoke. But brave and sturdy Estonians are struggling against their Communist oppressors relentlessly and with all the means at their disposal, in the firm belief that in the end their righteous cause

will win. On the 42d anniversary of their independence day, February 24, I wish them luck and fortitude in their struggle for freedom.

Arguments For and Against Further Raising of Interest Rates by Passage of the Bill To Lift the Interest-Rate Ceiling on Long-Term Government Bonds

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. PATMAN. Mr. Speaker, this morning I had the very great pleasure of reading a statement prepared by the gentleman from Oregon [Mr. ULLMAN], setting out the arguments for and against passage of H.R. 10590—the bill which repeals the interest-rate ceiling on Government bonds without exactly saying so.

This statement provides an analysis which is both excellent and brief. I will insert it in the RECORD for the attention of the other Members who may wish to consider the arguments on this question:

Consideration by the House in the immediate future of H.R. 10590, a bill relating to interest rate restrictions on bonds of the United States, will require a major decision by all of us on the monetary policy of our Government. The arguments and counter-arguments on this issue are not simple but in what follows I have tried to present the basic points at issue.

What does the bill propose? Its proponents label it a reasonable compromise. The facts are that the bill would in effect give the administration what it wants—twice. Under its first section, relating to refinancing, it would furnish unlimited authority to refund the Federal debt at any rate of interest through the transparent subterfuge of discounting. In addition, under its second section, the limit is openly repealed for new issues of up to 2 percent of the total outstanding debt which is subject to the statutory limitation—this means for as much as $5 billion a year, which is considerably more than the long-term bond market is likely to absorb in any one year.

Is the action sought necessary? Proponents of the bill argue that it is necessary to allow longer term financing of the debt. Related arguments say that present reliance on short-term securities are inflationary, that they complicate management of the debt. The facts are that the administration has had every opportunity to shift the debt to longer term securities under the present interest ceiling and has refused to do so. Note the figures below:

TABLE 1.—*Market yield on taxable U.S. bonds (percent per annum)*

1952	2.68
1953	2.94
1954	2.55
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08

Source: Economic Report of the President.

TABLE 2.—*Percentage of long-term U.S. bonds outstanding (10 years or more)*

1953	19.1
1955	9.6
1957	7.0
1959	5.6

Sources: Annual reports of the Secretary of the Treasury and Treasury Bulletin.

While promising to "stretch out" the debt, the administration has actually "shortened" it during a period when long-term bonds could be sold at well below the 4¼-percent ceiling. They paid lipservice to countering inflation, but at the same time channeled money out of the long-term market into the short-term market. The purpose of the ceiling is to require that long-terms be sold in periods of low interest rates rather than periods of high interest rates. Now, when their policies have made the ceiling more necessary than ever, they ask us to abandon it.

Will the action counter inflation? Proponents of the bill argue that it is necessary to fight inflation. The facts are that reliance on monetary policy (interest rate adjustment) alone to counter inflation has proved to be a "one-legged stool" and the administration has "sawed off the other two legs." While steadily working to raise the cost of money, they have failed to utilize fiscal policies that would more effectively counter inflation and have negated any possible remedial effects which higher interest rates might have. The Eisenhower tax law of 1954, with its gaping loopholes for upper income recipients and big business, was, for example, one of the most inflationary measures that could be devised.

The Joint Economic Committee has found that the tight money policy hasn't countered inflation, it has aggravated it. Note the figures below:

TABLE 3.—*Consumer Price Index (1947–49=100)*

1951	111.0
1953	114.4
1955	114.5
1957	120.2
1959	124.5

Source: Economic Report of the President.

Higher interest rates are reflected in the cost of virtually everything the consumer buys. Example: An FHA loan for a $10,000 house in 1952, repayable in 25 years, would carry an interest charge of $5,840. The same loan today would carry an interest charge of $8,840, or $3,000 more. Higher interest rates are hitting public agencies and school financing too. Look at the figures on high-grade, tax-exempt municipal bonds.

TABLE 4.—*Market yield on high-grade municipal bonds (percent per annum)*

1951	2.00
1953	2.72
1955	2.53
1957	3.60
1959	3.95

Source: Economic Report of the President.

Aside from these costs to the American people as consumers and local government taxpayers, the tight money policy costs them dearly as Federal taxpayers, in added interest costs on the Federal debt. The increase in interest rates since 1952 is now costing the taxpayers at least $2.5 billion a year in added expenditures. This item alone could mean a budget surplus which would have real anti-inflationary effects.

Is a lifting of the ceiling required by free-market forces? The proponents of the bill argue that we are at the mercy of the competitive forces of the money market. The facts are that the so-called free market in securities is nothing of the kind. Example: The open market in Government securities centers around 17 New York traders who account for an estimated $200 billion in securities exchange a year and whose system of operation has been characterized by the manager of the Federal Reserve System's open-market operations as tending to result in uniform prices. Example: The Treasury Department regularly asks the advice of the American Bankers Association on the nature of proposed new issues and has, since 1953, accepted its recommendations 85 percent of the time.

A major factor in weakening the position of long-term securities has been the action of the Federal Reserve System itself. It has completely withdrawn from the market in long-term securities and has limited its purchase to 90-day bills. In 1951, long-term bonds constituted 21.5 percent of the Federal Reserve holdings. By late last year, this had been reduced to 5.7 percent. Is it any wonder that the market price of long-term securities has weakened?

What are the alternatives? Proponents of the bill argue that it must be passed because nothing else can be done to meet the situation. The facts are that even if we ignore the responsibility of the administration in creating the situation that exists, there are a great number of things that can and should be done. Lifting the interest ceiling, directly or indirectly (or both as H.R. 10590 proposes), is not one of them. The Joint Economic Committee, after lengthy hearings carried out at our direction, has pointed up a course of action. Included are abandonment by the Federal Reserve of its bills-only policy, adoption of procedures to make the market for U.S. securities more competitive, instituting callable bonds, carrying out tax and expenditure reforms, and in general utilizing adequate fiscal policies instead of relying on the one-legged stool of ever-higher interest rates.

To pass this measure would constitute a reversal of the traditional Democratic position against tight money. It would constitute an abdication of congressional responsibility in an area vital to the future economic welfare of the Nation. As the Joint Economic Committee has effectively said, to remove the ceiling would be a surrender to the demands of the administration that Congress "disarm itself unilaterally in a field over which it has both a constitutional and a legislative prerogative."

Sincerely yours,

AL ULLMAN,
Member of Congress.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, February 29, 1960

Mr. ALGER. Mr. Speaker, I include the following newsletter of February 27, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas)

The water pollution bill to double the present Federal spending brought both the year's first Presidential veto and attempt by the Democrat leadership to override it. They failed by 22 votes to muster the necessary two-thirds of those present and voting—the vote was 249 (234 Democrats to 15 Republicans) to 157 (130 Republicans to 27 Democrats). Three other Texans joined me in support of the President's position. The President, in denying the added spending

beyond the present $50 million per year, recommended: (1) A national conference for the study of water pollution; (2) increased Federal authority to enforce provisions to prevent water pollution; (3) modest Federal funds for administrative purposes; and (4) research and technical assistance by Federal Government.

The President's veto message pointed out the essentially local nature of sewage treatment plant construction, warning that added Federal money would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds.

Arguments for doubling Federal expenditures: (1) More Federal funds will not delay but stimulate local construction; (2) foreign aid provides money to help other nations build sewage treatment plants, among other projects, so why not do more at home with Federal money.

Arguments against doubling present Federal expenditures: (1) This is $70 million yearly beyond the present budget; many other budget-busting spending bills are awaiting attention, and all adds up to the danger of more inflation; (2) local efforts now are providing the necessary water pollution abatement without more Federal money. For my part, I heartily agree with the President stressing the local nature of this problem and shall do my part, both to support sound Federal efforts to preserve local and State initiative and not to cheapen the dollar by inflationary Federal spending. Meanwhile, the 1956 program of expenditures goes right on despite the defeat of this bill. The double expenditure is the same amount requested by the bill's proponents 4 years ago when I was on the Public Works Committee. In Congress, continued effort by a Member or Members to increase spending on any program generally bears fruit.

Secretary of Agriculture Ezra Taft Benson, as guest on this week's television program for Dallas (10:30 a.m. Sunday, WFAA–TV) stressed his belief in and effort toward freeing the farmer from Federal subsidy, regulation, and control. He traced the wartime nature of our farm program and pointed out that only 5 crops of 250 are in trouble, and they (wheat, cotton, peanuts, rice, and tobacco) are the ones supported by Federal regulation and money; thus only a portion of our farmers are affected. (Therefore, only a percentage of the higher prices for groceries result from Government subsidy.) Taking wheat as an example (see Newsletter, Feb. 13, $1,000 per minute storage cost alone) Mr Benson recommends two actions: (1) Free farmers from Government regulation; (2) eliminate surpluses on hand by reducing supports. After a lifetime in agriculture, Secretary Benson displays great knowledge of the farmer and his needs. His knowledge is equaled by his courage. He agreed that if Congress does not act (and only Congress makes the law, not the administration of the President), the people may force the Congress to take action, as was done last year in the forced passage of a labor bill (over the objections of the House Democratic leadership).

The defense issue which stirs up mighty debates at appropriation time (more so in an election year) might be on the wane as a political football. As the facts come to the surface, forced out despite security precautions (not to broadcast our military plans and abilities), the overall strength of the United States is becoming better understood. Understandably, the same vocal members of Congress who now are most critical are the same ones who most loudly demanded more Federal action and spending as a cure-all for recession. That was the political football then. As one member put it this week, "The perennial political pessimists who are selling America short on defense are just as wrong as they were 2 years ago when they forecast a depression for the country, willing to sell America short to further their own political careers." Fortunately, there are many Members of Congress left who do not underestimate the intelligence of our people, and have a respect for solving our problems by truth and the fact—not demagoguery.

Parkinson's two laws concerning what ails bureaucratic government are worth a chuckle, even as they spell out the truth. Law No. 1: "The more people there are on a job, the sooner it doesn't get done and, therefore, more people are always hired to help not complete it." Said another way, "Work expands so as to fill the time available for its completion" (ad infinitum). Law No. 2 (just out): "Expenditure rises to meet income." This means any anticipated budget surplus will never materialize if anticipated in time by the spenders to provide necessary expenditures. On the second point, an editorial suggests, "Expenditures rise without regard to income." This most certainly we have demonstrated over the last 25 years in Congress.

U.S. Navy Band Comes Home

EXTENSION OF REMARKS
OF

HON. CHARLES O. PORTER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. PORTER. Mr. Speaker, the U.S. Navy Band comes home next week after its good will tour of several South American cities. It will return home, too, to pay its last respects to several of its members who lost their lives in the tragic air collision with a Brazilian airliner near Rio de Janeiro's Sugar Loaf Mountain February 25.

The Navy informs me that the special collective commitment service for the band members is open to the public. It will be held Tuesday, March 8, at 2 p.m. in Arlington National Cemetery. Full military honors will be accorded the men at that time.

Reports of the success of the band's trip will be coming back to us for a long time. One report on the band's March 2 visit in Santiago, Chile, has come from Ambassdor Howe. The Ambassador told of the crowds who came to hear the band concerts.

In the Municipal Stadium in Santiago there were 40,000 persons present. In Constitution Plaza there were 15,000 in the audience. In Park Forrestal the number was 10,000.

As Ambassador Howe wired:

The U.S. Navy Band has endeared itself to Chile and has won the United States many friends.

I understand that the Secretary of the Navy, the Chief of Naval Operations, and other ranking Navy personnel will be present to honor those talented and devoted musicians who gave their lives in the line of duty. I join in paying my respects. The spirit of the band and Commander Brendler in completing the tour is commendable. The results can never be estimated. The band had a job to do. It did it.

The fields of battle are varied. It may not be the particular duty of the hero to carry the torch or brandish the sword—sometimes he may play his part on a violin or flute.

Under leave to extend my remarks in the RECORD, I include a list of those Navy men who lost their lives February 25, a copy of my weekly report about the U.S. Navy Band, and two news stories which appeared in the February 26, 1960, New York Times:

U.S. NAVY BAND MEMBERS

Lt. J. H. Fultz: Wife, Mrs. Luna J. Fultz, care of I. Jerome Jackson, Middelbert, N.C.; parents: Mr. and Mrs. L. G. Fultz, Arlington, Va.

E. L. Armiger, MUC: Parents, Mr. and Mrs. Joseph E. Armiger, Baltimore, Md.

Milton G. Bergy, MU2: Parents, Mr. and Mrs. Milton Bergy, Huntington, N.Y.

G. F. Meier, MU1: Parents, Mr. and Mrs. Harold J. Meier, Lockport, N.Y.

R. R. Mickellaf, MUC: Wife, Norene Mickellaf, Cheverly, Md.; parents, Mr. and Mrs. Francis J. Mickellaf, Brooklyn, N.Y.

J. A. Mohs, MUC: Parents, Mr. and Mrs. Clifford H. Mohs, Cincinnati, Ohio.

R. B. Wilklow, MU1: Parents, Mr. and Mrs. Lee Clement Mattoon Wilklow, Perry, N.Y.

A. J. Desiderio, MUSA: Parents, Mr. and Mrs. Albert Desiderio, Springfield, Pa.

V. P. Tramontana, MU1: Parents, Mr. and Mrs. Anthony Tramontana, Bronx, N.Y.

J. Rosenthal, MUC: Brother, Mr. Alfred Rosenthal, Pikesville, Md.

E. W. Richey, MUC: Parents, Mr. and Mrs. Bradford S. Richey, Eureka, Calif.

W. M. Penland, MUC: Parents, Mr. and Mrs. Thomas Clark Penland, Iowa City, Iowa.

R. S. Gaglio, MU1: Parents, Mr. and Mrs. R. E. Gaglio, Compton, Calif.

R. D. Harl, MU1: Father, Ben Hur Harl, St. Petersburg, Fla.

Henry Bein, MUC: Father, Mr. John Bein, Philadelphia, Pa.; mother, Mrs. Gertrude Bein, Philadelphia, Pa.

W. F. Albrecht, MU2: Parents, Mr. and Mrs. Frederick Albrecht, San Francisco, Calif.

R. L. Clark, MU1: Sister, Mrs. Dexter Lake, Lockport, N.Y.

J. B. Young, MUC: Father, Zebulon V. Young, Greensboro, N.C.

A. M. D'Amico, MU1: Wife, Mrs. Judith D'Amico, Adelphia, Md.

AIRPLANE CREW MEMBERS

Lt. (j.g.) Carle Lorenz Jackson: Wife, Mrs. Laura Virginia Jackson, Hollywood, Md.; parents, Mr. and Mrs. C. W. Jackson, Pryor, Okla.

Eugene Nevitte Torrance: Wife, Mrs. Marjorie Torrance, Norfolk, Va.; mother, Mrs. Annie Harvey Torrance, Arlington, Va.

James Aulbin Cordell: Mother, Mrs. Letia Moore Cordell, Sylacauga, Ala.; wife, Mrs. Marjorie C. Cordell, NAS Patuxent River, Md.

Russell Edward Martin: Wife, Mrs. Hulda M. Martin, Lexington Park, Md.; father, Mr. Seward Martin, Virgie, Ky.; mother, Mrs. Clora Isaacs Jones, Devinsville, Ky.

Lt. (j.g.) Owen Proctor Hartshorn: Parents, Mr. and Mrs. Frank M. Hartshorn, Essex, Iowa; wife, Mrs. Betty J. Hartshorn, Lexington Park, Md.

Victor Dale Fugate: Wife, Mrs. Edythe Fugate, Lexington Park, Md.; father, Mr. Calvin W. Fugate, Canton, Tex.; mother, Mrs. Ruth D. Fugate, San Leandro, Calif.

Leonard Ray Maynard: Wife, Mrs. Nanetta Allen Maynard, Lexington Park, Md.

PASSENGERS

Lt. Robert S. Brown, staff consultant, liaison with band: Wife, Ruth Doris Brown, Naval Station, Trinidad, B.W.I.; mother, Dorothy T. McBride, Philadelphia, Pa.

J. B. Erickson, ATC: Wife, Doris Mildred Erickson, Norfolk, Va.

Lt. (j.g.) Burdett Van Otterloo: Parents, Mr. and Mrs. Herman L. Van Otterloo, Hall, Iowa.

Lt. (j.g.) V. A. Schoen: Parents, Mr. and Mrs. W. J. Shoen, Columbus, Nebr.

J. T. Mathenia, TM1: Sister, Mrs. Liddie Lowery, Barnhart, Miss.

C. L. Wagner, TM2: Father, Mr. Cecil Wagner, Quincy, Ill.; mother, Mrs. Erma Colbert, La Grange, Ill.; wife, Mrs. Phyllis Wagner, Quincy, Ill.

R. F. Osborne, TMC: Wife, Mrs. Eveyln L. Osborne, Key West, Fla.; parents, Mr. and Mrs. M. F. Osborne, Galien, Mich.

W. P. Glass, TM2: Parents, Mr. and Mrs. Parker A. Glass, Kingston, Mass.; wife, Mrs. Ruth A. Glass, Norfolk, Va.

C. B. Ashby, TM3: Parents, Mr. and Mrs. B. L. Ashby, Norwalk, Calif.

SURVIVORS

Lt. George Paul Fitzgibbons: Mother, Mary E. Fitzgibbons, Worcester, Mass.

F. E. Wilson: Parents, Mr. and Mrs. Earl L. Wilson, Dallas, Tex.

H. R. Halenza: Wife, Mrs. Grace L. Halenza, Oakdale Farms, Norfolk, Va.; parents, Mr. and Mrs. Gottlieb F. Halenza, Wheaton, Ill.

PORTER'S WEEKLY REPORT

(By Representative CHARLES O. PORTER)

U.S. NAVY BAND

The tragic air collision of a U.S. Navy plane and a Brazilian airliner near Rio de Janeiro's Sugar Loaf Mountain February 25, 1960, snuffed out the lives of 36 men who had been hard at work improving our person-to-person relations in South America.

Nineteen of those killed were members of the U.S. Navy Band, which has often played in Oregon. One of the dead, Lt. J. Harold Fultz, was the assistant band leader. I mention him particularly because Lieutenant Fultz conducted the band and its chorus, the Sea Chanters, in a special version of the Oregon State song in 1958.

I had asked the Navy band if "Oregon, My Oregon" was a part of its musical repertory. Commander Brendler and Lieutenant Fultz told me it was not but they volunteered to make it a part if I could find the music. With the assistance of friends in Oregon I was able to provide the band with the music. The result was a stirring version, musical and choral, of our fine State song.

This February when the Oregon State Society met in Washington, D.C., the recorded Navy arrangement was played for the displaced Oregonians attending the annual society dinner. There were many favorable comments which I had hoped to tell Lieutenant Fultz about when the band returned from its South American good will tour.

Seven of the Navy men lost in the crash had been sent to Argentina to help that country hunt for a mystery submarine. Like the band members they were specially trained technicians. They will be hard to replace.

It was a terrible tragedy.

[From the New York Times, Feb. 26, 1960]

SIXTY-ONE LOST AS PLANES COLLIDE AT RIO; 19 WERE U.S. NAVY BAND MEMBERS GOING TO EISENHOWER FETE THERE—ONLY 3 SURVIVORS—DISASTER CASTS PALL ON PRESIDENT'S TRIP—HE VISITS HOSPITAL

RIO DE JANEIRO, February 25.—A U.S. Navy plane and a Brazilian airliner with a total of 64 persons aboard them collided over Rio de Janeiro's bay in an overcast today.

Both planes broke into pieces and sank within view of horrified spectators.

The disaster wiped out a section of the U.S. Navy Band-Orchestra that was to have played here for President Eisenhower. When rescue operations were halted at nightfall only three survivors had been found.

The disaster cast a pall of tragedy over President Eisenhower's visit to Brazil.

ANTISUBMARINE MEN VICTIMS

With some of the top talent from the Navy Band and Orchestra the plane carried a group of U.S. antisubmarine men who had been in Argentina trying to help the Argentine Navy investigate the rumored presence of an alien submarine.

The bandsmen who formed an orchestral group, were to have played at a dinner President Eisenhower was giving tonight for President Juscelino Kubitschek of Brazil. (Other reports said that the dinner was canceled because of the tragedy.)

Many members of the band are known personally to President Eisenhower and he and President Kubitschek hurried to a hospital to comfort the survivors.

James C. Hagerty, Presidential press secretary, said the President "feels terrible about this tragic accident," but would go ahead with his South American tour.

The Navy plane, a four-engine R-6D, was flying to Rio de Janeiro from Buenos Aires. (The Defense Department in Washington said it carried 38 persons. The U.S. Embassy in Rio de Janeiro said earlier there were 44 persons aboard—the bandsmen, crewmen, and members of the antisubmarine team.)

The commercial airliner was a two-engine plane belonging to REAL Airlines. The company said it carried 22 passengers, including an infant, and a crew of 4.

The three survivors, taken to Miguel Conto Hospital, were listed as: Lt. G. P. Fitzgibbons, Worcester, Mass.; F. E. Wilson, sonar man, son of Mr. and Mrs. Earl Wilson of Dallas, Tex., and Aviation Ordnance Man H. R. Halenza, husband of Mrs. Grace Halenza, Norfolk, Va.

(The Navy in Washington listed these 19 bandsmen as missing: Lt. Johann H. Fultz, assistant band leader; Milton G. Bergey, Walter M. Penland, Robert L. Clark, William F. Albrecht, Richard D. Harl, James A. Mohs, Elmer L. Armiger, Earl W. Richey, Roger B. Wilklow, Jefferson B. Young, Jerome Rosenthal, Vincent Tramontana, Raymond H. Micallef, Gerald R. Meier, Henry Bein, Reyes S. Gaglio, Anthony M. D'Amico, and Albert J. Desideno.)

The Navy musicians were members of a 92-man band group that came to South America February 16 for appearances at several cities. Its headquarters was on the cruiser *Macon*, now at Buenos Aires.

WITNESS DESCRIBES DISASTER

One witness to the disaster was David B. Richardson, former war correspondent and South American regional editor for the magazine U.S. News & World Report. He was in a taxicab near Guanabara Bay.

"I happened to glance up at Sugar Loaf Mountain and noticed it was shrouded in thick fog," Mr. Richardson said. "Just at that moment a big four-engine plane—or what was left of it—came tumbling out of the fog.

"It spiraled crazily. The tail and rear section were missing. From the chopped-off fuselage a whole array of objects came spilling out as if it were a sort of ghastly cornucopia. I thought I saw a human figure in the falling debris.

"The plane hit the water with a splash that shot a sheet of white spray into the air. Then came the bizarre sight of the plane's tail section gliding slowly downward in a slow spiral until it fell gently into the bay. Other objects fell at the same time.

"Then the scene was as placid as it was just before that horrible moment."

As darkness fell, the search for bodies was halted. Buoys were put in place to mark the spot until work can be resumed tomorrow. Rain fell through most of the day.

PRESIDENTS SEE CRASH SCENE

As the two Presidents left the hospital ward, Mr. Halenza, one of the survivors, looked in President Eisenhower's direction and said: "Goodby and thank you, sir."

Driving from the hospital to the Embassy residence, General Eisenhower and Dr. Kubitschek passed the bay area where the planes collided. They saw a long line of people standing in the rain watching rescue operations.

Dr. Kubitschek later issued a statement from the presidential palace saying:

"The news of the disaster that robbed the lives of Americans and Brazilians fills me with profound sadness.

"I speak in this moment certain of interpreting the sentiments of the Brazilian nation. Pain and sorrow cover all of Brazil.

"I turn my thoughts to God in moving prayer for the souls of those who died. And I hope that this sacrifice will unite even more the two American nations that live in these days moments of the purest joy and solidarity."

Robert Hartman, chief of the Washington bureau of the Los Angeles Times, accompanied the Presidents to the hospital as representative of all newsmen traveling with the American Chief Executive.

President Eisenhower, Mr. Hartman reported, stopped at the bedside of each of the three Americans, gave each a sympathetic pat and expressed wishes for their speedy recovery. All three survivors were in shock and under heavy sedation, but they obviously recognized the President.

President Eisenhower remarked to the men that "this surely is a tragic thing" and added that he was confident the doctors and nurses "will take good care of you."

The Embassy said the Navy plane, similar to a DC-6, was scheduled to fly at 6,000 feet and was headed for a landing at Galeao Airport.

The Real airliner was scheduled to fly at 5,000 feet and was coming in from Vitoria, north of Rio de Janeiro, for a landing at Santos Dumon Airport.

Rear Adm. John Quinn, chief of the U.S. Navy, mission to Brazil, appointed his deputy, Capt. John G. Hilton, to head a board to investigate the crash.

Secretary of State Christian A. Herter, who remained here while President Eisenhower was in Sao Paulo, issued a statement saying:

"Words cannot express my shock on hearing of the tragic accident. I can only express my profound distress that such an accident should have taken place and my deepest sympathy to the families of those who unhappily lost their lives."

[From the New York Times, Feb. 26, 1960]

NAVY BAND HEARD ALL OVER WORLD—COLORFUL OUTFIT, WHICH CAN PLAY SYMPHONY OR DANCE MUSIC, SET UP IN 1924

WASHINGTON, February 25.—Music lovers in many parts of the world have heard the famous Navy Band, some of whose members perished today in a plane collision over Rio de Janeiro.

The colorful outfit has played in more than a thousand cities at home and abroad since it was organized in 1924.

The band grew out of a unit of musicians stationed at the navy yard here prior to 1924. Recognized as the outstanding of a number of small musical units of the Navy, the organization was designated as the official band by Congress. This enabled it to play in the inaugural ceremony for Calvin Coolidge on March 4, 1924.

Navy ships had their small bands for almost a hundred years before the official band was formed. The log of a frigate, written in 1825, refers to the signing of a musician, with a salary of $10 a month.

One of the famous units was the Great Lakes Band, led by John Philip Sousa, who was commissioned in the Naval Reserve to lead it.

Within the present Navy Band is a complete symphony orchestra, a section to provide light opera music, and a dance band.

The band is a traditional part of Washington's parades and inaugural ceremonies, and sections play at funerals for Navy men at Arlington National Cemetery.

It has a library of more than 20,000 pieces. It operates its own school of music, to which

musically inclined men are eligible after 3 months' basic training.

Lt. Comdr. Charles R. Brendler, present commander of the band, joined the Navy more than three decades ago, became chief musician for the old navy yard band and eventually advanced to leader of the official band.

The present size of the band is 128 men. Of those, 93 were on the South American tour, but only a minority were aboard the plane that crashed.

In remarks inserted in the CONGRESSIONAL RECORD Monday, Representative CHARLES O. PORTER, Democrat, of Oregon, said that efforts had been under way since 1957 to get the band to Latin America but that a lack of funds had prevented a trip.

Early this year, he said, the Navy authorized the cruiser *Macon* to "make a series of official state visits to certain coastal ports along the eastern shore of South America." The Navy Band was a logical choice to go along, he added.

Referring to plans for the band to play at the U.S. Embassy in Buenos Aires at a reception honoring the President, Mr. PORTER called this one of the most important assignments in the band's historic career.

"The assignment was not prearranged, I am told," he said. "It was a happy coincidence, a most opportune crossing of schedules for the President, the citizens of Argentina, and the U.S. Navy Band members."

Rural Electrification

EXTENSION OF REMARKS
OF

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. LANGEN. Mr. Speaker, because of the significance of the rural electrification program to rural America, I call the attention of this body to the address of my colleague, the Honorable H. CARL ANDERSEN, of Minnesota, before the 18th annual meeting of the National Rural Electric Cooperative Association in St. Louis on February 22 of this year.

The address follows:

THE ECONOMIC VALUE OF REA

(Address of Hon. H. CARL ANDERSEN, of Minnesota, before the 18th annual meeting of the National Rural Electric Cooperative Association, St. Louis, Mo., February 22, 1960)

Having served more or less as your banker for 17 of the 25 years REA has been in existence, it is only natural that I would concern myself with the economics of your program. As a member of the Agriculture Appropriations Subcommittee since 1943, it has been my privilege to give my stamp of approval and my legislative support to 90 percent of the $3½ billion advanced to REA borrowers in the last 25 years. In 1947–48 when I was acting chairman of the subcommittee we brought out and passed the largest REA loan authorization in history, a total of $800 million. Coming from a Minnesota farm direct to Congress was sufficient reason to become one of your active supporters.

I cite these figures as a premise to a statement I want to make to you. In my considered judgment, from a purely economic standpoint, I know of no categorical use of public funds during my 22 years in Congress that has been more beneficial and more worthwhile to our Nation and to our people than our program of loans to REA cooperatives. In the next few minutes I shall lay before you facts and figures to sustain that conclusion.

It is unfortunately true that the REA program has been publicly maligned, abused, misrepresented, and distorted throughout the last quarter of a century and the attack grows in intensity by the day. To compound this felony of slander and defamation, some of the most pointed attacks have originated with people who know better. And if that were not enough, collateral beneficiaries of this very program have joined in the clamor.

Let me illustrate. This is a very painful time of year for people who are faced with the burden of making up income tax returns and finding the money to pay what they owe. One of these tormented citizens sits down to compile his report and as he adds up his dividends from the private power company in which he owns stock he is reminded of the advertisements he has read condemning the so-called giveaways of REA and related programs. He is convinced that elimination of such programs will boom his dividends, slash his income tax liability, and save us from socialism. He not only believes that, but he fires off a letter to his Congressman demanding action. Fortunately, however, Congress has not been swayed by his mistaken analysis.

Now let us look fairly and squarely at the whole economic picture. In the last 10 years, REA cooperatives have bought more than half a billion dollars worth of electrical energy from power companies. Think of that—a $500 million market for the private power companies created by the REA program, and the figure is rising to the point where it will probably hit a $100 million a year in the near future. We haven't robbed them of a market—we've given them one.

Our indignant complainant may also own some stock in General Electric, or Westinghouse, or RCA, or any of the other numerous firms in the electrical appliance and electronics business. Let us briefly review the economic worth of our REA program to these companies and corporations. Studies made early in 1957 on 10 REA-financed systems indicated that for each dollar of REA loan funds drawn down, farm consumers receiving energy through these loans had invested in electrical equipment, appliances, and wiring an average of $4.04. These studies found that farmers served by REA cooperatives invested an average of $2,572 per farm in farmstead wiring, electrical home appliances, farm equipment and such. In other words, we have created a new market with private industry for appliances and equipment at the rate of $4 for every $1 loaned or a grand total of at least $14 billion. In addition, there will be a replacement market of over $1 billion a year, and you can add to this the additional market for new developments in the electrical and electronics fields. As you can see, that indignant citizen certainly has nothing to be indignant about.

Before I came to Congress, you could practically count the electrical appliance dealers in my district on the fingers of your two hands. Today, in those 19 rural counties, there are literally hundreds of small businessmen handling partial or complete lines of such equipment. By the creation of this new market for manufactured goods we opened up small business opportunities all over the land. A good many ex-servicemen today have businesses as a result of what REA has done for rural America.

The critics of our rural electrification program have failed completely in their frontal assaults. The combined efforts of your association and your stalwart friends in the Congress have created a defense which has stood the test, but our critics are men of imagination, and they have refined their attack. In recent years they have tried to close out the Government program and send you to the private money market for your loans, and they have launched a tremendous campaign to raise the interest rates.

As a word of warning, I urge that you not take lightly these proposals. Inflationary forces and a tightening money market have led to a rising spiral of interest rates over which our Government has little or no control, and to those not intimately acquainted with the REA loan program the proposed changes are most appealing. This is one of the most serious threats to both the REA and RTA loan programs in many years, and we can do well to counsel upon it.

You should know that my subcommittee has stood firm on this issue, and any compliment you pay us must be shared by our able chairman, Congressman JAMIE WHITTEN, of Mississippi, and the other members of the subcommittee. We have been united on this issue. In recent hearings we have repeatedly told witnesses from the Department of Agriculture that we would not entertain any substantive changes in the REA loan program. And we went one important step beyond that when we told the Department officially that none of the appropriated funds were to be used to even study the question. Although I cannot speak today for all of the Members of the subcommittee, I can speak for myself and I say flatly and unequivocally that I see no reason to change the REA loan program or the rate of interest on the loans.

Two years ago, believe it or not, the proposal was actually made to my subcommittee that future REA loans be obtained from the private money market at a cost of at least 5 percent to the cooperatives. It was also proposed that these lenders be given a first mortgage on REA assets, and we pointed out to the gentlemen from the Department that this proposal would, in a period of depression, literally turn REA as we know it over to the private companies and their financiers. We shot this trial balloon down before it even got off the ground.

Since I believe we have stopped for the time being this effort to destroy the REA loan program, I will not go into any detailed discussion of the proposal to send you into the private money market for your loans. However, I do want to set the record straight on the interest rate question.

The 2 percent interest rate is not nearly so shocking when you bring to light the fact that the civil service retirement fund has about $9 billion invested in special Treasury issues at an average rate of 2.58 percent. The Federal old-age and survivors insurance trust fund—social security—has about $16 billion invested in Treasury issues at an average rate of about 2.56 percent. And until recently the U.S. Treasury was paying only 3 percent on more than $5½ billion of GI insurance trust funds. In comparison with the rate of interest paid on these Government retirement and trust funds, the REA rate is not very far out of line.

But do not make the mistake of justifying the REA interest rate by comparison with other interest payments because that actually has nothing to do with it. We have a 2 percent interest rate on REA loans for several very practical reasons. In the first place, REA cooperatives are called upon to provide electrical energy in the less profitable areas—the skim milk areas. The more lucrative areas, rich with cream, have long been served by others and the cooperatives have had to go in where no one else was willing to go. This, alone, justifies the favorable interest rate in my opinion.

Secondly, the financial structure of many cooperatives could not sustain a substantial increase in interest rates. If the REA program is to be a matter of public policy, then I maintain that public policy must also include the provision of loans at a rate the cooperatives can afford to pay and stay in business.

Thirdly, we are bringing electrical energy to rural America in order to afford farm people an equitable share of our national progress. As I see it, this is one of the few places where farm people in the United States have a chance to share equally with their more fortunate neighbors and it is the last farm program that should be put in jeopardy.

Finally, I maintain that the U.S. Treasury has profited substantially from the REA loan program. As I said earlier, we have generated a market for electrical equipment in the amount of at least $14 billion. The Federal excise, income, corporate, and other taxes generated by this volume of business has repaid the U.S. Treasury several times over any discount we may have had through our 2 percent interest rate loans to REA cooperatives.

Let me repeat what I said in the beginning. I consider our REA loan program one of the most beneficial from a purely economic viewpoint of any program devised by the Congress of the United States. Because I believe this I urge you to unite in support of your very able General Manager Clyde Ellis and the officers of your association in defense of the REA loan program as it exists today. Your friends in Congress will back you up.

These are some of the basic economic facts of our REA program. But we are a people who place spiritual and moral values above the dollar sign, so let us look briefly at some of these aspects of this program which has been so richly endowed with the capacity to lighten the burdens and the lives of farm people.

The great majority of farm and other rural residents have just recently moved into the wondrous electrical age. The upsurge in consumption of electrical energy bears witness to this development. In the last 15 years, the average kilowatt-hour consumption of farm consumers served by REA cooperatives has increased four times over—from 90 kilowatt-hours monthly in 1946 to 350 kilowatt-hours in 1959.

With the help of electrical equipment the workday of the farmer and the farm housewife has been shortened and the burdens lightened. Electrical water systems have modernized farm homes. Refrigeration safeguards food supplies and brings to market better quality products for nonfarm consumption. And the young people who represent the future of American agriculture now find rural living equally attractive as a home in town.

The introduction of electrical energy on American farms has probably done more than anything else to facilitate the production of high quality consumer goods and improve the efficiency of farm people. I can remember milking 8 to 12 cows by hand with the aid of a smoky lantern—and today 1 man in an electrified dairy barn can handle 5 to 6 times that number. Think what consumers would have to pay for their milk products if we didn't have milking machines to cut the cost of production. In our early farming days it was our backs and hands that provided the means of moving tons of silage, grain, hay, milk, and manure for our herds. Now we use our heads and a finger pushing a button on a switch does most of the job in a modern, electrified operation. Through electricity, farming is no longer drudgery.

If we as farmers could only be assured of an income commensurate with that of other segments of our population, our farm homes would be just as bright as electricity can make them. But if farm people must endure an income position at the bottom of the economic ladder in the United States, let us at least provide electricity so a farmer in my district can watch a television show and forget for the moment what the low-price programs of Ezra Taft Benson have done to his pocketbook. I think that's the least we can expect.

When Clyde Ellis asked me to come down to St. Louis and meet with you, I had no doubt in my mind that you would substantially agree with what I had to say about the REA program. I hope you have agreed that you will continue to give us your full support in our efforts to protect your program in the Halls of Congress.

I hope also that you recognize the vital importance of a sound agricultural economy to the fulfillment of your legitimate goals and ambitions. It is a remarkable tribute to your management ability that you have made the progress you have in the face of declining farm income, but I predict that your greatest era of growth and service lies ahead if we can bring economic parity to rural America.

Farm people are eternal optimists. They have to be to face the hazards and uncertainties that accompany the tilling of the soil and the tending of livestock. Because we always believe that tomorrow will be better than yesterday, I entertain the hope that our basic problems will soon be resolved with the help of an understanding public. We believe in the justice of our cause, and we have confidence in the fairness of the American people.

Let us go forward in our march of progress with faith in the future of this great land. REA has shown the road to better living, and it has demonstrated to the world that under our system there is ample opportunity to share equally the benefits of our technology.

It is now incumbent upon the Congress to face up to its responsibilities and assure to agriculture's 15 million Americans their just share of our national income. With the help of REA and with fair prices for that which we produce, our sons who till the soil will continue to be the backbone of this great country of ours.

These 15 million farm people are able and willing to feed the teeming millions at home and abroad. All we ask is our fair share of America's prosperity and the good life guaranteed to all our people by our system of self-government.

In the last quarter of a century, the darkness has left our farms. For the good of our people, the light must remain and the economic shadows must be dispersed.

Additional Hearings Scheduled on TBA Marketing Practices

EXTENSION OF REMARKS

OF

HON. DAVID S. KING

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1960

Mr. KING of Utah. Mr. Speaker, under consent to extend my remarks, I present a news release and statement which our distinguished colleague, the Honorable JAMES ROOSEVELT, made February 19, 1960, in which he announced that additional hearings will be held on the marketing of TBA items in the petroleum industry. Mr. ROOSEVELT is the chairman of Subcommittee No. 5 of the House Small Business Committee. His release, which includes his own statement, deserves the attention of the many Members who are concerned over the problems of small business, and is set forth as follows:

Representative JAMES ROOSEVELT, Democrat, California, chairman of Subcommittee No. 5 of the House Small Business Committee, after conferring with the Honorable WRIGHT PATMAN, chairman of the full committee, announced today that additional hearings relating to the marketing of TBA items in the petroleum industry are being scheduled by the subcommittee. Representative ROOSEVELT stated:

"The evidence documented at the December 9–11, 1959, hearings and the subsequent investigations by the subcommittee, indicate that it is both proper and necessary that additional hearings be scheduled. This is true not only for the purpose of giving the major oil companies an opportunity, under oath, to rebut the charges of coercion and intimidation aimed at them in relation to their marketing practices involving TBA items, but to also give the subcommittee an opportunity to further develop specific instances of coercion and intimidation brought to light at the hearings along with instances of possible retaliation which have been brought to the attention of the subcommittee since the hearings.

"Plans are now being made for these additional hearings and an announcement as to the date and place of the hearings can be expected shortly. The length of the hearings and the date on which they will be scheduled will depend largely upon the number of major oil companies who desire to present evidence at the hearings. To date there has been no great interest shown by the major oil companies in appearing before the subcommittee, but there are indications that some of them will desire to do so."

In making this announcement, Representative ROOSEVELT points out that the subcommittee has been investigating specific instances which were brought to the attention of the subcommittee at the hearings on December 9–11, and subsequent thereto.

Among these is the situation involving a service station in Texarkana, Tex., wherein it was alleged that a Cities Service Oil Co. supervisor showed the service station operator a letter and told him he must give up his lease. The staff is investigating this matter and the subcommittee is now awaiting receipt of the letter in question from the Cities Service Oil Co. along with any other pertinent documents. It is expected that Cities Service Oil Co. may desire to appear before the subcommittee at its impending hearings.

Another matter investigated by the subcommittee involved testimony that a Shell Oil Co. salesman in the Detroit area had presented to a Shell service station operator a list of things that the operator must do or get out. This list was obtained by the subcommittee and it was ascertained that the station involved is a "C" station and the items referred to were in the main housekeeping items. It is obvious to the subcommittee, upon a study of the service station manager's agreement involved in this matter, that the Shell Oil Co. considers their "C" station managers, who are on commission, to be employees of the oil company and subject to the supervision of the oil company in all matters and that they can be discharged by Shell Oil Co. on 24 hours notice. Although Shell Oil Co., in their "C" station agreement with the managers, indicates that the managers may handle any brand of TBA merchandise they desire and by letter to the "C" station managers indicate that the manager is not obligated to purchase his TBA items from Shell or through Shell, the oil company goes further and states: "The extent to which we will enjoy your patronage must depend upon your voluntary acceptance of our products line and the service we are able to render." It is expected that the Shell Oil Co. may desire to appear before the subcommittee at its impending hearings.

Further information has been obtained concerning the tape recording played at the

hearings on December 11, 1959, which clearly depicted the actions of a Sinclair salesman in insisting that the service station operator must remove competitive TBA items not sponsored by Sinclair from his shelves before Sinclair would renew his lease or negotiate a new lease. The subcommittee has obtained a duplicate original of the new lease now in effect between the operator and the Sinclair Refining Co. which reveals that it was negotiated and signed at the time that the tape recording was taken on the 28th of August and that the lease is effective from August 1, 1959, indicating a 3-week period from the time Mr. Thompson's old lease was up and the time he was able to get a new lease from Sinclair. The Sinclair Oil Co. has also, subsequent to the hearings, requested a reproduction of the tape which was played at the hearings and this has been made available to them. It is expected that the Sinclair Oil Co. may desire to appear before the subcommittee at impending hearings.

Testimony was received at the hearings relative to a new service station lease being put into effect by Standard Oil Co. of California, Western Operations, Inc., which is being studied closely by subcommittee staff. It was alleged at the hearings that this lease might be in violation of the Sherman Act, the Clayton Act, and the California Cartwright Act. Since the December 9–11 hearings, the subcommittee has received some additional information concerning this new lease. It is expected that the Standard Oil Co. of California may desire to appear before the subcommittee at the impending hearings.

Representative ROOSEVELT further announces that immediately following the hearings he dispatched a letter to the Honorable Robert A. Bicks, Acting Assistant Attorney General, Antitrust Division, Department of Justice, requesting that the subcommittee be brought up to date on actions taken by the Justice Department in relation to the matters developed both at previous hearings and at the December 9–11 hearings of Subcommittee No. 5. A reply was subsequently received from Mr. Bicks indicating that the Justice Department has initiated investigations and studies in several areas and situations, some of which were developed by the subcommittee hearings. Especially noted was the fact that an investigation of the pricing and distribution practices of the Esso Standard Oil Co. in the Virginia and West Virginia areas is being conducted by the Justice Department. There was much evidence presented at the December 9–11 hearings relating to Esso's current activity in converting lessee and commission dealers to "Service Station Manager" commission contracts. It is expected that the Esso Standard Oil Co. may desire to appear before Subcommittee No. 5 at the impending hearings.

It is also expected that other major oil companies would want to appear. The instances mentioned here are only a few of the many situations developed at the hearings involving major oil companies. Other situations are constantly being brought to the attention of the subcommittee.

Representative ROOSEVELT also stated: "There are indications that the industry is still haunted by the specter of retaliation. The witnesses who appeared at the hearings December 9–11 indicated that one of the biggest difficulties faced in getting the full story from the service station operators is the fear of retaliation by the major oil companies through their power to cancel leases or failure to renew them."

In discussing retaliation, Mr. ROOSEVELT pointed out that Mr. Leonard Weinstein, of Bridgeport, Conn., suggested at the hearings, and later by letter to the subcommittee, that it would be helpful if a letter from the subcommittee could be received to the effect that witnesses can and will be protected against retaliation. Such a letter was prepared and sent to an official of the Connecticut Automotive Wholesalers Association. Since that time the subcommittee has received affidavits from Mr. Weinstein setting out additional instances of alleged coercion.

Mr. ROOSEVELT also announced that the subcommittee has completed a full investigation of one instance involving a Shell Oil Co. "C" station manager who was involved in testimony developed at the December hearings. Shortly after the hearings this manager was given 24 hours termination notice and relieved of his duties. Mr. ROOSEVELT stated: "As a result of the investigation, I am fully satisfied that retaliation was not involved and that, in this specific instance, the exercise by the oil company of its supervisory prerogatives was not precipitated by the testimony of any witness appearing before the subcommittee at the December hearings."

SENATE

TUESDAY, MARCH 1, 1960

(Legislative day of Monday, February 15, 1960)

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HOLLAND. Mr. President, I do not intend to call for a quorum at this time because I understood that all of us were trying to be courteous to some of our colleagues who had speeches to make. I understand that our colleague the Senator from California [Mr. ENGLE] has a speech to make on the pending matter, and I ask leave that I may yield to him for that purpose without losing my place on the floor and without breaking the continuity of my remarks up to this time.

Mr. MORSE. Mr. President, I reserve the right to object. I think the time has come for us to face up to the fact that we have a filibuster on against civil rights. I serve notice now that I intend to apply the rules of the Senate in every way that I can to bring to an end that filibuster, and I do not intend to give unanimous consent except for the asking of a question.

Mr. President, the great issue before the Senate is whether or not we are to proceed to put human rights first through the passage of some civil rights legislation. The issue has been drawn. Therefore, so far as the senior Senator from Oregon is concerned, I intend to sit here and apply the rules of the Senate.

I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I expect to speak at some length. I would not want the RECORD to show that we kept the distinguished Senator from Massachusetts waiting until 3 or 4 o'clock in the morning to make his remarks, so I ask unanimous consent that his remarks may be printed before my remarks but immediately after I was recognized.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, my first comment tonight would be to reiterate the comment I made the other day, that I have never seen such confusion with reference to any issue coming before the Senate in the brief time of nearly 14 years I have been a Member of this body. The confusion was exemplified a few minutes ago when it became quite clear that cloture cannot be requested, and, if voted, relied upon with reference to the pending bill, with the hope of bringing up the Dirksen amendment. This is because the Dirksen amendment, which is a civil rights bill of seven parts, is not germane at all to the innocuous, innocent, excellent, and generous bill which was made the pending business having to do with the granting by the Federal Government to a small but unfortunate school district in Missouri—which has lost its school, as I understand, by fire—permission to occupy some buildings at Fort Crowder. Mr. President, that is one additional evidence of the confusion which exists in reference to the issue or group of issues which now confront the Senate.

The other day I stated, when I mentioned this item of confusion, that 54 different Senate bills on the subject of civil rights were pending at the time that this bill was taken up. In order to illustrate my point that the confusion is becoming worse instead of better, the Senate document room has advised me this afternoon that the number of bills and amendments that have now been introduced in the Senate or, in the case of amendments, have been ordered to lie on the desk, totals nearly 100.

Mr. President, no greater case was ever made of complete uncertainty as to what the final elements in any bill with which we may finally be confronted here will be than in this case. Nor has there ever been any instance in which there was such complete absence of agreement between the leadership on both sides of the aisle as to what they wanted to be the contents of this bill when it comes up for final action by the Senate.

Mr. President, even the Washington Post, generally a well-informed paper, and its eminent editorialist, generally a well-informed writer, are so confused as to the issues in this case that their lead editorial today spoke of the pending measure as being related only to the protection of voting rights. Senators who were here during the able and completely effective remarks of the great senior Senator from Georgia earlier in the day know now how absolutely mistaken was the editorialist this morning when he got his full share of the confusion which generally prevails on the

floor of the Senate and in the minds of most Senators. It is too bad that such a situation obtains as to a matter as difficult in its nature and as deep in its meaning as a civil rights bill. But that is the situation with which we are confronted.

Mr. President, may I say one thing which, while it is true, is said more in jest than seriously? I think that the people who have the greatest stake in the continuance of discussion on a rather unlimited basis at this time are the two leaders of the Senate, the majority leader and the minority leader. And I think that if Senators who are opposed to this pending legislation should suddenly stop talking and sit down, the two leaders would be confronted with the gravest dilemma which they have ever had to solve, because neither of them apparently has the slightest idea of what he wants to have in the final form of this bill. Only today every one of us became aware of the frenzied negotiations going on in the cloakrooms, in the offices, in the reading room and on the floor, to see whether or not by some really strong effort the House of Representatives could not be persuaded to pass a bill quickly so that at least we would have a single bill over here which we could consider when that bill comes over.

Mr. President, confusion reigns in such supreme degree that I think those of us who from the beginning have been calling attention to the fact that the method of approach to this important subject is completely wrong have been justified over and over again in that comment. In all kindness, I think we will be justified a great deal more before we ever reach the time when we have for consideration a single, well-shaped bill.

As a matter of practicality, does anyone think that the majority leader, with a majority of 65 to 35, will ever be satisfied with having a substitute offered by the minority leader become the important civil rights bill which would be taken up finally and be passed by the Senate and perhaps ultimately by the House? The Senator from Florida tries to be rather practical, and he thinks that there is no chance at all of that ever occurring.

Mr. President, is there anyone who thinks that my good friends, the liberal Senators, so-called—though I could contest with them at great length as to whether that term which they apply to themselves is correctly applied—who sit on this side of the aisle with me are ever going to be content to have the leader of the minority receive the lion's share of the credit for enactment of a civil rights measure by this Congress? If anybody thinks so, all I can say is I do not agree with him for a moment. I see some of my friends—liberal friends who are really liberal—laughing. I know how they feel, because I have heard their discussion on this subject. They certainly feel that they are entitled to the credit, or discredit—whatever it might be—whenever a bill is passed, rather than have the credit given on a silver platter to the other side of the aisle and to one who, I say with much respect, can hardly be called a "flaming" liberal by anybody's standard.

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Mr. President, I yield for a question only.

Mr. SCOTT. Mr. President, would the Senator from Florida be interested in this observation? Most of us on this side of the aisle stand patiently ready to bail out the Senator's party as soon as we can be given the opportunity to bail them out of their dilemma; and we will be glad to be of all the assistance possible.

It is true that the Senator has spoken of confusion as to what——

Mr. HOLLAND. Mr. President, I ask to be protected by the Chair. I am glad to yield for a question; but under the parliamentary situation I cannot, I say with regret, yield for a speech, no matter how much I might enjoy it.

Mr. SCOTT. Mr. President, my interjection is on a rising note of inquiry.

The PRESIDING OFFICER. The Senator from Florida may yield for a question only.

Mr. HOLLAND. Mr. President, I yield to my distinguished and eloquent friend for a question only.

Mr. SCOTT. And therefore my question, Mr. President, is that it has been suggested to me that perhaps the simplest form of a bill—and I ask the Senator if he is prepared to go along with a very simple bill—might perhaps consist of three words: "Let them vote."

Mr. HOLLAND. Mr. President, if that is a question, I would like to answer it almost as briefly. When I go after a bail bondsman, it will not be my distinguished friend from Pennsylvania, because I do not think his ideas as to what would constitute a bill would be in accord with my feelings in the matter.

Mr. ENGLE. Mr. President, will the Senator yield to me for an observation?

Mr. HOLLAND. I yield to the Senator from California. I think if my distinguished friend from Oregon had been present earlier in the day he would realize we were trying to clear up two or three matters and that, so far as the Senator from Florida is concerned, the Senator from Florida is undergoing a little more punishment by yielding rather than otherwise, because he has the expectation of speaking at some length and had already started to speak, but was trying to be accommodating to the Senator from Massachusetts, who, like the Senator from Oregon, has a political bee in his bonnet; and to the Senator from California, who has a trip in mind——

Mr. MORSE. I do not have any swelling from the stings.

Mr. HOLLAND. I think the Senate was disposed, in the absence always of my distinguished friend, to grant those consent requests.

I announced that I would do as requested without suggesting the absence of a quorum. I told various Senators they could go to sleep. I expect to suggest the absence of a quorum when I finish with my own remarks.

Mr. MORSE. I will be present.

Mr. HOLLAND. That is a part of the procedure. But I did not want to impose upon the Senate by having quorum calls between the speeches of our colleagues, who asked very early in the evening for the chance to make rather brief remarks.

I hope my distinguished friend will make one exception, because the Senator from California got up out of bed to come to the Chamber tonight to make his speech. It is a speech on the issue. It is not any accommodation to the Senator from Florida that such be done, because the Senator from Florida expects to continue and to complete his remarks after the Senator from California has concluded, if consent for that is given.

Mr. ENGLE. Mr President, will the Senator yield to me?

Mr. HOLLAND. I yield.

Mr. MORSE. Mr. President, I will object to the Senator from Florida yielding to the Senator from California except for a question.

Mr. HOLLAND. Mr. President, I yield for a question only.

Mr. ENGLE. Will the Senator from Florida make it very clear to the Senator from Oregon that I propose to make a speech on civil rights in opposition to the views expressed by the Senator from Florida, and that I have no part in any filibuster?

Mr. HOLLAND. Mr. President, in pursuance of the suggestion made by our distinguished friend from California I wish to pass on to my distinguished friend from Oregon the fact that, strange as it may sound, our distinguished friend from California is unable to see this issue in the entirely wise perspective which the Senator from Florida sees it.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. The Senator expects to speak on the same side as that supported—and again I am sorry that is the case—by my distinguished friend from Oregon. I remember the speaking ability of my friend. We would be glad to have those 22 hours or more upon our side. We hope the Senator may speak with some freedom as the debate proceeds.

I will gladly yield to the Senator, if he wishes to speak, and to stay to listen to his remarks, because I always find his remarks engaging.

I hope, because of the prior assurance given without the objection of any Senator who was present, in view of the fact that we did call back the Senator from California from slumber to fill this appointment, that the Senator will let mercy be his guide and let his rule apply after the Senator from California has completed his remarks on behalf of the enactment of civil rights legislation, which the Senator from Florida thinks is very, very unwise.

Mr. ENGLE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield first for a question.

Mr. MORSE. Will the Senator please transmit to the Senator from California the fact that I would be delighted to hear the remarks of the Senator from

California after the Senator from Florida has concluded, and others on his side of the issue who wish to speak, but preferably after we pass a cloture petition.

Mr. ENGLE. Mr. President, will the Senator yield for an inquiry?

Mr. HOLLAND. Let me assure my friend from California that I think his hearing is unimpaired. Did the Senator understand the remarks of the Senator from Oregon? Were they clear and understandable, so that he knows the Senator from Oregon is disposed to be adamant this evening?

Mr. ENGLE. I assure the Senator from Florida I heard the words of the Senator from Oregon, however grievous and hard they were.

Mr. President, will the Senator yield for a further inquiry and clarification?

Mr. HOLLAND. I yield for a question only.

Mr. ENGLE. Will the Senator make it very clear in the RECORD that his willingness to yield to me, to make the speech for which he agreed to yield the time, was only because of his courtesy as a Member of the United States Senate and only in the tradition of the Senate, since I want to make it perfectly plain that in making the concession the Senator from Florida did not agree with the views I propose to express.

Mr. HOLLAND. Mr. President, I think the Senators all understand that the Senator from California and the Senator from Florida, while we see most things alike, do not see this particular issue alike. I did agree, even before I was recognized, to recognize the Senator from California for brief remarks, always, of course, upon the condition that the Senate would permit me to do so.

The Senator from Oregon is, of course, within his rights. I hope that the Senator will use the mercy of which he is so capable, and will allow the Senator from California, before he goes back to slumber, to get out of his system some remarks which I think will enable him to sleep much better, because I do not think those remarks, while nurtured within his bosom, are conducive to slumber.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question only.

Mr. McGEE. My question is, Would it be possible to determine whether the Senator from California could present his views in the form of a question to the Senator from Florida?

Mr. HOLLAND. The Senator from Florida is very jealous of his right to hold the floor. The Senator from Florida would listen with restraint, and, he hopes, with kindness, but he was told by his friend 2 hours ago or more that the Senator would talk about 20 minutes. I doubt if the Senator could put all that within a question.

Mr. McGEE. There is no question, then, about the views of the Senator from California on this issue?

Mr. HOLLAND. None at all. The Senator from California made very clear to me, as did the Senator from Massachusetts, what he proposed to speak about.

The Senator from Kansas, who probably has given up and gone home and gone to bed, was also going to speak on the other side of the issue. After all, the Senator from Florida believes that every Senator is entitled to his views, even if it is erroneous, and he has listened to so many erroneous expressions on this subject that he has become very used to it.

The Senator from Florida expects some Senators, though he hopes not enough to pass the bill, to take that position.

Mr. McGEE. Mr. President, may I project a parliamentary inquiry?

Mr. HOLLAND. Mr. President, I cannot yield for a parliamentary inquiry unless the Senate will grant me unanimous consent to yield for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. MORSE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. May I ask the Senator from Florida another question?

Mr. HOLLAND. Mr. President, I yield to the distinguished Senator from Wyoming for a question only.

Mr. McGEE. Would the Senator from Florida be willing to ask the Senator from California if he could ask a 20-minute question on this issue?

Mr. HOLLAND. Mr. President, the Senator from Florida does not understand that he can do that, and yield for that purpose, without perhaps getting in trouble about retaining his right to the floor. The Senator from Florida will gladly yield for any additional question to his friend from California, but has not observed him asking that privilege at this time.

The Senator from Florida is sorry about the developments, and finds no fault with anyone. I apologize for having called our friend from California back to the Chamber particularly at this unseemly hour. It is now 12:30. For a young man of the age and temperament of the Senator from California, I think it is entirely unfortunate that he is required to stay up this late at night.

Mr. President, I yield to the Senator from Wyoming for another question only.

Mr. McGEE. Mr. President, my question to the Senator from Florida is, Does the Senator have any view as to the solution to the question the Senator from California wishes to propound?

Mr. HOLLAND. The Senator from Florida did not have the opportunity to read in advance—though he would have enjoyed it, he is sure—the speech of the Senator from California. All the Senator from Florida knows is that the Senator from California made it very clear—he was frank, as always, and as all Senators should be—that he was going to speak on the other side from that supported by the Senator from Florida. The Senator from Florida has not seen the proposed remarks, which apparently will have to wait, no matter how many gems of wisdom there are in them. We shall have to wait with bated breath, due to the hard heart of the Senator from Oregon on this particular occasion. We shall have to remain in suspense for a while, before we can hear the remarks of the able Senator from California.

Mr. McGEE. Would the Senator from Florida be willing to send the Senator from California back to his slumber?

Mr. HOLLAND. Mr. President, I yield for a question only.

Mr. McGEE. This is a question, Mr. President.

Mr. HOLLAND. I yield for a question.

Mr. McGEE. Would the Senator from Florida be willing to send the Senator from California back to the chamber where he was slumbering?

Mr. HOLLAND. The Senator from Florida does not know where the Senator from California was slumbering, but he is perfectly willing, so far as he can do so, to say that he is sorry the Senator was disturbed. He hopes that his slumber will be sweet and peaceful, and he hopes the Senator will be back clear-eyed and flamboyant in the morning to make his speech, at such time as he can be recognized.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question only.

Mr. ENGLE. I propose a question to the distinguished Senator from Florida as to whether or not he will be on the floor to aid and assist in presenting my views when I present them finally?

Mr. HOLLAND. The Senator from Florida can hardly predict that unless he knows what hour his friend from California will be here.

Mr. ENGLE. I have been here since 9 o'clock.

Mr. McGEE. I object to the Senator from California proceeding and will raise a point of order if he proceeds further.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question only.

Mr. RANDOLPH. Is it not a fact that the generosity exemplified by the Senator from Florida is not alone the chivalry of the South? It stems from the fact that from West Virginia comes a distinguished Senator from Florida. His lineage can be traced to the State of West Virginia; is that not a fact?

Mr. HOLLAND. If the distinguished Senator is trying to suggest that of me, that any of the milk of human kindness that the Senator from Florida has in his makeup comes from the mountains of West Virginia, the Senator from Florida will have to admit that his mother moved from West Virginia to Florida and we are proud of that fact.

Mr. President, I am grateful for the courtesies of the Senate. As the RECORD will show, we have tried to extend all possible courtesies to other Members of the Senate, without restriction, because certainly Senate rules are the Senate rules. Every Senator has the right to avail himself of them.

Mr. President, I began my remarks by calling attention to the great confusion in this issue, to the fact that the 54 bills which were pending when we began this unfortunate debate have now grown to

100 bills and amendments as stated to me by the Senate document room this afternoon. The editorial in the Washington Post of today shows that even the learned editorialist has become so confused that he thought this bill had to do primarily with voting rights whereas, of course, that is not the case.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield to my friend from Alabama for a question.

Mr. HILL. The Senator realizes that these bills weigh approximately 5 pounds, does he not?

Mr. HOLLAND. I think that the Senator is correct in his statement, because the Senator from Florida understood that day before yesterday the accumulated bills weighed 5 pounds and he is told by the document room that a great many others have accumulated since. I suspect that the weight has gone over 5 pounds since that time.

The Senator, of course, is correct, that 48 hours ago there were only 5 pounds of bills adding to the confusion but that would be a very great understatement now.

Mr. HILL. Does the Senator then state to the Senate that the bills on the question of so-called civil rights weigh a great deal more than 5 pounds?

Mr. HOLLAND. If the Senator means weight by avoirdupois, he is, of course, correct. I think that the total weight in importance of these bills will be greatly exaggerated by giving them any such weight, because I think that most of them are very obvious cries for political support and that many of them have little semblance to the realities in the situation of the case.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. The Senator from Florida will yield for a question.

Mr. HILL. Does the Senator think that many of these bills and amendments are more or less political documents rather than legislative bills?

Mr. HOLLAND. The Senator from Florida certainly agrees with that analysis by the Senator from Alabama, particularly those very long sections of the bill that relate to the public school issue. They might have been taken directly out of political platforms. That is the political platform of someone else, not one started by the Senator from Alabama and myself. The Senator from Alabama is, of course, correct that many of the recitals in most of the bills are politically motivated. They are designed for political support of minority groups and are an unfortunate visitation upon the time and effort of the Senate. In the short session we planned to conclude our labors on July 2. We have pressing on us all of the appropriation bills, because none have been passed, and numerous other measures of great importance are pending. The Senator from Alabama is correct in his suggestion that the Senate finds itself in a very difficult, unpleasant, and unfortunate situation by reason of the introduction of this great mess, this wheelbarrow full of bills that are mostly motivated by the desire to win some political support.

Mr. President, the Senator from Florida in his brief opening remarks also called attention to the fact that the leadership of the Senate on both sides of the aisle is probably the most unhappy part of the membership of the Senate, because the leadership apparently does not have the faintest idea of what will be the final form of the bill in the Senate. Frequent conferences have taken place today in various places and between various persons and there has been much scurrying back and forth between this Chamber and the House Chamber in an effort to get the House to expedite consideration of its bill.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question only.

Mr. HILL. Is it not true that we are operating under a very unusual, very abnormal, very irregular, very unprecedented procedure in not having a bill before us that has been acted on, carefully considered, weighed, thrashed out, and reported by a committee to the Senate?

Mr. HOLLAND. The Senator is correct; and the Senator from Florida in his introductory remarks called the attention of the Senate to the fact that only tonight there came to light a fact which more clearly showed the confusion than it was shown earlier. If a cloture is sought to be applied it will have to be applied to the amendment in the nature of a substitute offered by the distinguished minority leader [Mr. DIRKSEN], because if it were sought to be applied in the first instance to the bill itself, then the amendmnet is not germane to the subject matter of the bill. So apparently we have the possibility of the prospect—insofar as the Senator from Florida is concerned, it is an unfortunate prospect—of two cloture petitions lying ahead of us with probable further additional burdens after the measure goes to the House and when it comes back here.

Mr. President, under the existing conditions the Senator from Florida will not address himself in detail to the provisions of any bill because he does not have the faintest idea that the amendment offered by the Senator from Illinois, the minority leader, will be the bill in final form. He thinks he knows the majority leader well enough to know that no such situation as that will be allowed to exist because the majority leader wants some credit for what is done in the passage of a bill.

He also thinks he knows that the larger number of this side of the aisle who call themselves liberal, whether mistakenly or not, have no intention of allowing the credit for the passage of a civil rights bill to rest on the other side of the aisle or on the brow of the minority leader.

So instead of trying to address himself to the 100 measures or to any part of them, the Senator from Florida is going to speak of some of the things which he thinks are basic to this whole discussion and which he thinks should be considered by the Senate at this time.

First he calls attention to the fact—and he believes it is a fact—that any measure in this field, full as it is of emotion, tradition, and deep-rooted convictions—is sure to fail if it is based upon coercion or compulsion, or the effort to force the will of a part of this country upon a lesser part where reside something over 50 million people, consisting of a majority of a little over three-quarters of white people and a minority of a little under one-quarter of Negro people.

Mr. President, that great area of the country which is so vitally affected by this subject matter is larger than most of the nations of this earth. It is larger in population than most of the nations of this earth. It covers an immense area in which people are living together peaceably—not so peaceably as they were before the school decisions—but nevertheless in relative peace, quiet and calm, extending from great cities of a million or thereabouts to small villages, and with hundreds of miles of countryside, rural areas, forests, bayous, and farms where the white and colored people have lived together in the main in great peace and with mutual understanding, which has not been greatly shaken even by all the commotions and by all the troubles that have been visited upon them by unwise agitators from outside the southern area.

The Senator from Florida believes with all his heart that anything which approaches this subject with coercion, with compulsion, and with force will tend to worsen the situation and can never, never better it. He calls attention to the fact that since the court orders were entered in the school cases, the first in 1954, and one sometime thereafter, instead of a bettering of the situation, there has been a very great worsening of the situation in that part of the country to which the Senator from Florida has alluded, the southern areas of the Nation. He calls attention to the fact that instead of having a peaceful area throughout the Southland, we have been shaken by a violence that had not been noted in years immediately prior thereto, and that even now there is a violence manifesting itself in many parts of the Southland, which is regrettable, but which flows directly from the tensions that have been created by the school decrees and by the agitation which followed them in various fields, and by the pendency of this legislation here and other commotions and efforts in this field.

Mr. President, the passage of any court order in this matter, the passage of any legislation in this matter, or the manifestation of violent or nonviolent mass action is not going to better the situation, but it is going to worsen it, and it is worsening it every day, with the present outbursts throughout the Southland continuing.

Mr. President, I call attention to the fact that the sitdown raids, so-called, which are going on are shown by the RECORD already in this debate to have been occasioned and fomented by an organization outside the Southland. They are being supported by organizations outside the Southland which admit it. There is a continuation of agitation of people who are friendly and a people who have lived together in peace and

harmony in the main, which reflects no credit at all upon the agitators who are responsible for these unfortunate conditions. These incidents have spread and spread and have gone from city to city. The distinguished Senator from Georgia stated the other day that he had seen an article in the New York Times on Sunday, February 14, which was the very day before this discussion began in the Senate on February 15. The article dealt with the activities of the so-called Congress of Social Equality and the goals it had set for itself. The article in the New York Times clearly stated that the so-called Congress of Racial Equality had expanded its assistance and resort to demonstrations throughout the South. There is no question whatever that this group fostered, planned, and incited incidents that could lead to a great tragedy in some southern city. It is unfortunate that there was not present a feeling of responsibility in the minds of those who planned these events hundreds of miles from the place where they were to be staged, for the possible results which might have been occasioned.

Mr. President, the Senator from Florida calls attention to the fact that the events which are transpiring down there are causing great trouble and great concern to the moderates, both white and colored people, who have been trying to work out peaceful solutions for the problems which exist in our Southland.

Mr. President, in this morning's edition of the Washington Post there was an article which I think I should read at this time. The article makes it very clear that the Southern Regional Council, which is a group of moderates trying to seek and establish solutions for our troublesome problems, states that they are deeply concerned because of the agitations which have been occurring in the Southland. I read an article entitled "Southern Moderates Fearful Sitdowns Endanger Negro Gains."

This article appears in this morning's edition of the Washington Post under the dateline of Atlanta, February 28, and reads as follows:

SOUTHERN MODERATES FEARFUL SITDOWNS ENDANGER NEGRO GAINS

(By Julius Duscha)

ATLANTA, February 28.—The spread of the sitdown movement to the Deep South was viewed with apprehension today by southern moderates.

Spokesmen for the moderate point of view on race relations fear that the sitdown demonstrations in Montgomery, Ala., last week may jeopardize the progress being made toward school desegregation.

It also is feared that further demonstrations in the Deep South may lead to much more serious violence than the skirmishing between white and Negro youths that has erupted in some areas.

Some Alabama segregationists are reported, on the other hand, to be eager for a showdown with Negro college students who are seeking to be served at lunch counters where only whites are now allowed to sit down and eat.

Further demonstrations are expected today in Montgomery. There are reports, too, that a sitdown is being organized in Birmingham, Ala., which is a stronghold of segregationist sentiment.

Negro students in Atlanta have considered staging a sitdown, but so far have been dissuaded from taking action by leaders of the Negro community who believe that a demonstration here would be a severe setback to the efforts now under way to desegregate the Atlanta schools.

Harold Fleming, executive director of the Southern Regional Council, noted today that the sitdown demonstrations have become much more than an economic matter now that they have been staged in the Deep South.

Fleming and other southern moderates look upon the demonstrations as a protest against the slow progress being made in the desegregation of schools, in the expansion of employment opportunities for Negroes, and delay in the enactment of civil rights legislation.

The moderates believe that a southern filibuster in the Senate against legislation protecting the right of Negroes to vote will only goad the student demonstrators into taking new action.

Although the sitdown movement is only a month old, demonstrations have already been held in 23 cities in North Carolina, Virginia, South Carolina, Tennessee, Florida, and now Alabama. They began in Greensboro, N.C., on February 1.

The movement has spread so quickly that none of the Negro organizations has even been able to coordinate the demonstrations, which have been directed against variety or dime stores operated by national chains.

As the southern regional council noted in a report on the movement it made public Saturday, it has been spontaneous and contagious.

Fleming said that the Negro students have resisted adult direction of the movement. This resistance is widely considered to be a manifestation of the impatience of southern youths with the slow progress in the adjudication of civil rights questions.

The failure of the demonstrators to break down the segregation barriers to service at variety store lunch counters has not, however, deterred demonstrations.

In none of the 23 cities where Negro students have sat down at variety store counters has the system of serving whites only been breached.

But now, Fleming noted, a Negro school whose students have not participated in the movement would appear in the eyes of some of the demonstrators to be behind the times.

Such southern cities as Knoxville, Memphis, New Orleans, and Columbia and Charleston, S.C., are considered to be likely places for demonstrations.

The Reverend Martin Luther King, the Negro minister who led the successful bus boycott in Montgomery 4 years ago, is looked upon as the spiritual American father of the sitdown demonstrations, which are traced further to the passive resistance philosophy of India's Gandhi.

Although the Reverend Mr. King has made speeches in North Carolina in support of the sitdown movement, neither he nor his Southern Christian Leadership Council has succeeded in taking over the leadership of the demonstrations.

Some Negro leaders are talking about organizing boycotts against the variety stores, and in Winston-Salem, N.C., 300 Negroes decided on Saturday to urge other members of their race not to patronize the stores where they are not allowed to sit down and eat.

Boycotts are difficult to conduct, it is pointed out, and many of the Negroes need the stores as much as the stores need trade from the Negro community.

Negro leaders are aware that even the highly publicized Montgomery bus boycott did not break down segregation on the buses. It was a U.S. Supreme Court decision which finally ended segregation on Montgomery buses.

Below that article, in the same newspaper, this morning's edition of the Washington Post, appeared an Associated Press article under the dateline of Richmond, February 28, reading as follows:

NEGROES URGED TO FILL JAILS IN CAFE FIGHT

RICHMOND, February 28.—An NAACP leader said here today Negroes who object to segregated eating places should be willing, if necessary, to go to jail in such numbers that the jails will become havens of liberty.

Oliver W. Hill, of Richmond, chief counsel for the Virginia chapter of NAACP, told a rally of 1,000 Negroes that they should picket all merchants who refuse to seat Negroes.

"We should also picket the general assembly to let the world know Virginia is not the birthplace of democracy, but the burying ground of democracy," Hill declared.

The NAACP lawyer was interrupted by applause several times during his address before the rally at Cedar Street Memorial Baptist Church.

Sunday's rally and several other meetings here in the last few days have followed a growing protest movement by Negroes against segregated eating facilities in Richmond. Thirty-four demonstrators were arrested last Monday at a downtown department store, Thalhimers, when they would not leave after they were refused service.

Hill said Thalhimers is no worse than other merchants on the basic issue of segregation "but Thalhimers had the students arrested. The other merchants had sense enough not to do that."

Mr. HOLLAND. Mr. President, as to these outside agitators who are bringing on demonstrations and who admit they are supporting and helping them, the Senator from Florida has lived in the Southland all his life, a little over 67 years. He has been through some rough times in the old days before the developments which have brought about so much progress in racial relations in the last two or three decades. He has seen race riots when he was a boy going to school just outside of Atlanta. He knows something about what a race riot is. The Senator from Florida, with all the vehemence he can muster, serves notice that the people who are promoting these sitdown occupancies of segregated white eating places are playing with fire, because that is transgressing upon a private right. Certainly, until some court has said to the contrary, businessmen have always been recognized as having a private right to restrict their customers. Until some court says to the contrary, they certainly should be supported in that right.

Mr. President, while the police have been very patient, the firemen have also been patient. I noticed that the other day when a firehose was used in Chattanooga, the firemen played it upon the white youths before they did upon the Negro youths. I just want to remind everybody concerned that the people who are agitating and who are putting on these displays of force and violence—because that it what it is—are courting disaster, for when there is violence between people of one race and the other on a mass basis, it is about the ugliest thing any person ever saw.

Mr. President, the Senator from Florida has never countenanced mob action of any sort, by white mobs or colored

mobs or any other, and has always insisted that matters be handled before the courts. He wants to utter this word of warning, that there will be much greater trouble than any we have seen up to now if there is persistent operation in this field by the Negro students under the direction of the Congress of Racial Equality of New York City.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. HILL. Is it not a fact that the Southern Regional Council, to which the Senator from Florida has referred, and which the Senator from Florida has said is composed of the biracial membership dealing with these problems, seeking to bring about a solution of these problems, not very long ago, before the present agitation started, made a report expressing the council's gratitude that such definite progress was being made in the solution of these problems?

Mr. HOLLAND. The Senator, of course, is correct. The motives which animate the Southern Regional Council are such that in the minds of most southern white people it is considered much too liberal in this field, as the Senator from Alabama well knows.

When a group of that kind—biracial and moderate, to use the very least expression—expresses such great concern and the feeling that the cause of amicable adjustment of the undoubted problems that exist is being hurt instead of improved by these disorders, I think that expression comes from a group who certainly ought to be listened to when speaking upon this matter.

Mr. President, I noticed in the Washington Star of Friday, February 26, an able editorial on this question. It is entitled "Hurting Their Cause." It reads as follows:

HURTING THEIR CAUSE

The spread of the sitdown demonstrations by southern Negroes in protest against segregated eating facilities reflects a resentment that is quite understandable. Nevertheless, there is both a right and a wrong approach to the problem. And these demonstrators are taking the wrong approach. It is too bad that they will not listen to the Negro minister in Chattanooga who, shaken after witnessing a near race riot, said: "This is no way to settle our problems."

It is sometimes claimed that these demonstrators are merely demanding their constitutional rights. As far as we know, however, no court has ever held, in the absence of some regulatory statute, that anyone, white or colored, has a legal right to demand service in a private establishment if the private owner does not wish to serve him. And if it is assumed that there is such a legal right, the proper way to test and enforce it is through court action. The wrong way is to resort to mass action, which may in itself be illegal, and which certainly will bring counter mass action in many areas of the South. Riots will never solve racial problems.

The timing of these demonstrations also is most unfortunate. In the past year significant progress—not great progress but still significant progress—has been made toward school desegregation, in compliance with the Supreme Court's decree, in some Southern States. And of even greater importance, some white leaders in the South, knowing that their communities must comply with lawful desegregation requirements, have been encouraged to come forward and openly oppose the demagogs who trade in racial fear and hatred.

The effect of the sitdown demonstrations, especially if they should lead to serious violence, will be to cut the ground from under these white southern moderates. They will be pushed back and overwhelmed by the ammunition which these misguided demonstrators are putting into the hands of the demogogic element.

Legalisms aside, these are the essential reasons why we think the sitdown tactic is both wrong and potentially self-defeating. If continued and encouraged, it almost certainly will lead to serious violence, and violence, in the long run, will cripple rather than assist the cause of lawful and orderly desegregation.

Mr. President, I noticed in the Washington Star of February 27, an item which appears under the dateline of Richmond, February 26. It is entitled "Tough Laws Passed To Curb Race Clash." It is an AP dispatch, and states:

Tougher antitrespass laws aimed at curbing the recent outbreak of Negro sitdowns in white restaurants and other places of business went into effect in Virginia yesterday.

Governor Almond signed three bills rushed through the legislature as Negroes continued picketing a large downtown department store, scene of a recent sitdown. Negro leaders said they intended to expand their picketing activities and had pledges of support from 2,000 members of their race.

The new laws were passed in an atmosphere of extra security at the capitol, where uniformed State police augmented the normal capitol police force in a watch for any Negro demonstration.

Senator Fred Bateman, of Newport News, who handled the bills for the administration, said the stricter laws weren't designed to imply that the State would seek to enforce segregation in the stores and eating places. Rather, he said, they would protect the rights of the private property owner to conduct his business as he might legally choose. He said the property owner could serve either or both races segregated or integrated as he saw fit.

Mr. President, I digress to ask: What is more American than for a store owner or for anyone else to limit his field of trade as he wishes?

The article goes on to state:

The new bills provide maximum penalties of a year in jail, $1,000 fine or both for trespass, encouraging others to trespass, or conspiring with others to trespass after having been properly forbidden to do so.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question only.

Mr. HILL. Is it not a fundamental right under our American free private enterprise system for the owner or operator of a business to do business with whomsoever he pleases?

Mr. HOLLAND. It certainly is. I may say to my distinguished friend and colleague that the groups who not only seek to violate that right and to set it aside by force, but also do it in this inflammatory field of race relations, are playing with fire. I commend the fact that good old Mother Virginia is dealing with the matter by law.

I remind Senators that in the troublesome field of lynching which used to perplex us in the South, when our distinguished colleague, the senior Senator from Virginia [Mr. BYRD] was Governor of that great Commonwealth, he insisted that there should be an end tc lynching. He proposed, and the legislature passed, a very severe antilynching law. Under law that State has been able to avert any lynching from that time until now.

I wish to say to the Senate that Virginia is now making a noble effort to stop these sitdown demonstrations before they burst out into a flame that will engulf Virginia's cities and towns, and other cities and towns throughout the Nation.

I stated a while ago that, as a boy attending school in the neighborhood of Atlanta, Ga., I came to know something about what a terrible, horrendous thing a race riot can be.

I call attention to the fact that we have had nothing like that in the Southland since that particular date, more than 40 years ago. I call attention to the fact that all of the later demonstrations of race violence on a mass basis have not been in our section of the country, but have been outside our section of the country.

I realize perfectly well that the good people who are in the vast majority in Detroit, Chicago, New York, and Philadelphia, where race riots have occurred, objected more than anyone else to their occurrence, and would have done anything possible within their power to avoid them, as they have done everything in their power to prevent their recurrence. Of course, I am not making any accusation at all against those good people. However, I do call attention to the fact that when racial violence breaks out, as it has in these cities more lately than it has in cities in the South, the result is indeed terrible. It is even worse in these days when our form of government is on trial throughout the world and when we are faced with a direct challenge from totalitarian powers. Certainly it is tragic to have our country broken down by demonstrations of violence of this kind that can occur unless there is temperate and deliberate handling and good judgment in connection with passions which are threatening to get out of hand.

I have mentioned Detroit. I mentioned that city without intending any aspersions at all upon the fine people of that great metropolis, of which our Nation is so proud.

I call attention to the fact that the terrible race riot there in 1943 got out of hand before anyone dreamed it would occur. It resulted in the death of 34 people and in the serious wounding of more than 500 people, who had to be hospitalized. It resulted also in the destruction of a vast amount of property. I call attention to the fact that when race riots break out everybody knows that more than 90 percent of the people are against that kind of thing happening.

However, this is such an emotional field, and contacts can strike a spark so quickly, that I think we should do everything in our power to prevent a recurrence of anything like that.

I call attention tonight to the fact that anything that promotes coercion or compulsion or anything that promotes vio-

lence, or anything that is done outside of law to control this situation is not the way to handle it. The solution must be based on negotiation and the temperate adjustment between sound people, who are the majority of both races, on mutual understanding, as well.

Those adjustments have gone so far in my lifetime that I am distressed beyond measure to see what is going on now, which appears to jeopardize the progress we have made and is threatening to bring us back to the tragic violence of earlier days. It ends in no good to anyone, but in destruction to a vast amount of property, destruction to the good names of many communities in our Nation, and destruction of the capacity to do our utmost in standing together to meet the challenge which we must meet as a great Nation.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question only.

Mr. HILL. Does not the Senator from Florida agree with the words and sentiments expressed by the late Mr. Justice Brandeis, when he declared in one of his opinions:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness.

I ask the Senator if he does not well recall those words "pursuit of happiness" and "the right to life, liberty, and the pursuit of happiness"?

Mr. HOLLAND. I certainly do. They are taken from the fundamental doctrine upon which our Nation is founded. I well remember their fortunate and happy use on the occasion mentioned by the Senator from Alabama.

Mr. HILL. Does the Senator from Florida recall the further words of the late Justice Brandeis, when he said:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men.

Mr. HOLLAND. Mr. President, of course I remember that great quotation, and I think we should look at it now and again consider the fact that it came from the man who, I believe, is still regarded as the greatest liberal, in the modern sense of the word, who has served in the U.S. Supreme Court, in my lifetime.

Mr. President, it not merely the white leaders and some Negro leaders in this field of service that we are talking about, who are taking the positions that I have mentioned in an effort to bring people together.

I note, in a newspaper from South Carolina, an editorial signed by the editor and publisher. This is a Negro paper, Mr. President. It is the Herald, published at Anderson, S.C., and I want to read into the RECORD this editorial by Davis Lee, publisher. I do not know Davis Lee, but I know that Davis Lee is a colored man, he is writing for colored men, and he is writing for a group who are his customers and whom he wants to hold. I was particularly interested in the sturdy way that he dealt with this question in appealing to his own people.

Mr. President, I read this editorial because I think it should be in the RECORD and in the minds of Members of the Senate:

NEGROES—STOP, LOOK, AND LISTEN

(By Davis Lee, publisher)

A new wave of bitterness is sweeping over our Nation. A new technique, which is responsible for this new wave of bitterness, has been introduced into the current integration-segregation issue—the student sitdown strike.

This student or youth movement, is not a spontaneous rebellion against established customs and practices. It is a well organized movement, and is far more reaching and forebodes more serious consequences than appear on the surface.

This movement is not only designed to bring this integration-segregation issue to a head through dramatization and capitalization, but at the same time it offers a serious threat to the conservative, intelligent leadership of our race, and threatens to wipe out all Negro business for the mere privilege or right to eat in a white place.

This youth movement was started after the May 17, 1954, decision of the U.S. Supreme Court on school segregation. These pressure groups had not been able to arouse the masses of Negroes over integration, voting, and civil rights, despite the fact that they had won many legal victories.

It was decided that the young Negroes are more militant, more bitter toward customs that separate the races, and that in order for them to obtain the wholehearted support of the Negro masses everywhere, a new leadership within the race would have to be established.

The success of Rev. Martin Luther King, Jr., in the Montgomery bus boycott, demonstrated that youth recognizes no fears, and that the masses of Negroes rally around an intelligent, courageous, dynamic personality, and especially if he has the courage to defy the white powers that be.

Thus the youth movement idea was born. These pressure boys are looking for intelligent leadership material which will enable them to place new radical leaders in every pulpit, every school, every walk of life. Thus they have turned to the southern Negro colleges for this new force, new leadership.

Many college heads who do not agree with this new program are forced to go along with it and permit students to cut classes to be available to sit at store counters. If they rebel, they will be branded as traitors to the race, and threatened with the loss of their jobs.

This new movement which threatens the economic future of the Negro in America, and is designed to change the course of history, is made possible through the silencing of the conservative leaders of the race. Many fine leaders have refused to go along with this pressure movement, but have not spoken out against it, because they did not want to be branded or hurt. But their failure to do either means that their leadership reign is doomed. They will eventually be discredited by these youngsters.

It is apparent that A. & T. College at Greensboro was selected to kick off the student sitdown movement because 3 years ago the students there had the courage to boo Gov. Luther Hodges when he appeared there as guest speaker. Certainly, if they had courage enough to insult the Governor to his face, they would have courage enough to sit at a counter in a white store and demand service.

The sad part about this whole sitdown strike is the fact that in all of the cities where these demonstrators have put on their show, Negro businesses are suffering for lack of support.

A white businessman spent some $200,000 to build a beautiful motel at Greensboro near A. & T. College for Negroes. Because of insufficient Negro support, he was forced to close it and reopen it for whites.

In Durham a beautiful Negro restaurant, on the main Negro street, was forced out of business because of lack of support.

These agitators are not interested in Negro progress, the advancement of Negro business, they are interested in integration, and they are willing to sacrifice good race relations, and all of the progress we have made to obtain that objective.

Sensible, responsible Negro leaders everywhere should rise up now and take the initiative in helping to protect the gains we have made; and protect our future from irresponsibles and radicals.

We have irresponsibility and radicalism in both races, which simply means that if the responsible, thinking citizens of the two races do not come forward and take a stand for right and justice, we are going to have real trouble.

Certainly the wholesale arrest of these demonstrating students is not the answer. This kind of rash action only tends to pour oil on the fire. The conservative fairminded citizens of both races in each community need to get together and have an understanding so that both races might continue to work together for communiy betterment, and with mutual respect and trust for each other.

Mr. President, we have seen from the quotations which I have read—quotations from the Associated Press—an editorial by a Negro publisher in his own paper, quotations from the press showing the action of the legislature in Virginia, what is happening in this field. We have seen the statement made by both white leaders and Negro leaders that the conservatives and moderates were having to back out of the picture; that these occurrences were forcing the radicals or the extremists on both sides to come out and be leaders, and that the moderates or conservatives were finding no place at all for recognition or for leadership or an opportunity to assert their responsibilities.

Mr. President, that is the saddest thing that could happen in this whole situation because there are good people, both black and white, throughout the Southland who have struggled for years to make the progress that has been made up to now, and, to my mind, it is a supreme tragedy to see this rush, this violence, this anxiety that knows no patience at all, knows nothing of the kindly effort that has gone on now for 2 or 3 decades and which has brought so much result, but, instead, insists on taking all at once or, else, bringing on a clash of such importance that I cannot begin to tell how terribly I feel it will affect our whole Southland and, ultimately, our whole Nation.

Mr. President, people who think the Negroes do not want some freedom of association themselves simply do not know the Negro.

I wish to tell a story from my own experience of an incident about which I

have told some Senators who are present in the Chamber before, but which is true and which typifies the thinking of hundreds of thousands of fine Negro citizens throughout our Southland.

Mr. President, this incident occurred after debate on the so-called FEPC bill some years ago. I went home to the little town where I was born, where I still live, the small residential town of Bartow, Fla. I had been there only a few hours when I received a call from the Negro chamber of commerce stating that they had a committee. The three men on the committee were named. I had known all of the men since I was a boy, and they were all older than I. I was told they wanted to confer with me as soon as possible. Of course I made an appointment to meet with them the next day. They came to my office. They were my friends. I had seen them build their homes and assume an independence which they could not have had when I was a boy. I had seen their children build homes nearby; and their grandchildren call them blessed. They are good people. They are good people in any race. They are good people in any church. They are good people by any standard. They have big hearts, and they are fine people. They came to me and said, "Judge, we have been reading about this civil rights program and hearing about it. We are very much disturbed about it, and we want to talk to you about it."

To show my own limitations, I thought at once what they were going to do was to find fault with me because I had opposed the adoption of an FEPC bill. I braced myself for it, expecting to be kindly, because I like these people. Instead, they said to me, "Judge, is it true that one of the items in that program is to permit men in uniform, regardless of color, to go into any place of entertainment or amusement which may be open?" I said, "Yes; that is part of the program." "Why, Judge," they said, "don't you know that would wreck us over in East Bartow?" I said, "What do you mean?" They said, "You know who will come over in uniform." They said, "It will not be folks like you." I give myself that compliment. That is what they told me. They said, "It will be some kind of 'white trash' who always make trouble for our people. They will try to come in our jukes, they will try to come in our hotels, they will try to come in our restaurants, they will try to come in our bowling alleys, in our billiard rooms, and on our dance floors. Judge, there will be bad trouble. You know, when some of those young men come in to try to dance with our girls on the dance floor, especially if they have been drinking, there will be trouble, Judge. Our boys will resent it. Judge, you know who will have to pay the penalty for that, finally. It will be the old settled folks in Bartow who have lived here all of their lives, have made their homes here, and their children's homes, and their grandchildren's homes. We are getting along very well, and have gotten along well so far. We know we are the ones who will have to pay the penalty for any violence which breaks out."

That simply bowled me over. I confess I had thought of the opposite of that. I had thought of what I had seen two or three times in our State during the war, when a Negro soldier or a sailor who came from some part of the country where it was perfectly all right for him to mix socially with the white people, went into a place of entertainment where soldiers or sailors were being entertained, and had to be, always kindly, told there was a place for him and directed him to it, but that he was not welcome to dance with our daughters and to dance with the daughters of the white families in Tallahassee or wherever the incident might occur. I had thought of the matter in that way, but I realized in the twinkling of an eye that these men were on much more solid ground than I and that there was much fear of the thing occurring which I have mentioned, which they pictured, than of the other thing happening by way of abuse of the social enterprises of the white people.

Mr. President, I thought to myself, "Here is a real illustration of the fact that they believe in the right to associate with the people with whom they want to associate. Here is an illustration of the fact that they want to have a society of their own. They want to have the right to develop under their own power, with their own means, with their own friends, in their own churches."

These men made it very clear to me that they viewed with great apprehension the passage of any law along the lines of the one I have mentioned.

Mr. President, only yesterday an occasion occurred which I thought I should bring to the attention of the Senate. I was returning from Miami. We landed for a few minutes at Jacksonville. I picked up the morning newspaper and found in it an Associated Press dispatch telling about the criticism of a mixed game of softball by the NAACP of Florida. I wish to read it to the Senate. I think it will indicate that the thinking is very unsound and very unclear in this field.

The headline of the article is "Mixed Game Criticism Hit by NAACP."

The article states:

The Florida branch of the National Association for the Advancement of Colored People today protested official expressions of displeasure which followed an interracial softball doubleheader at Punta Gorda last Sunday.

Punta Gorda is a little town of some 3,000 or 4,000 people, of both races. Perhaps the population is as much as 5,000 or 6,000 now, because there has been a great deal of growth lately.

The games between white and Negro teams were not interrupted by police, but Mayor Dave Deegan II of Punta Gorda said he was unhappy about it.

"Freedom to associate and freedom of speech are constitutional guarantees that cannot be abridged or denied by any elected or appointed public official," Robert Saunders, field secretary of the Florida NAACP, said in a telegram to Deegan.

"You or other officials who may have urged young American citizens of your community to follow outmoded tradition of racial segregation and discrimination overstepped your constitutional bounds."

The games, which the Negroes won, were played at a park in a white residential section. White team members said they had played the other team previously at a Negro school playground.

Mr. President, this is an illustration of how leaders who are fomenting the trouble think in terms of their right to associate with anybody who is willing to associate with them. It apparently has not occurred to them that other people may have the right to associate with or to refuse to associate with them and be completely within their rights.

Mr. President, it is too bad that we have this kind of leadership by the NAACP, by the Congress of Racial Equality which I mentioned a while ago, and by various other groups who are making trouble in this field and bringing on the disturbances which occur.

Mr. President, we see in this instance how those leaders take a very unsound position. They feel that freedom of association is a wonderful thing so long as, Mr. President, it is me and I want to associate with you; but it is a terrible thing, Mr. President, if you do not want to associate with me. Then freedom of association is simply a terrible, terrible thing.

Mr. President, could there be a more clear exemplification of unsound leadership, through which we are passing in this troublesome field of racial relations, than that which comes from the mere reading of the Associated Press article from north Florida's largest newspaper, the Times Union, at Jacksonville, Fla.?

Mr. President, the other day I listened with some astonishment to my good friend from New York [Mr. JAVITS] talking about what he called race riots in the South. Mr. President, we have not had any race riots there. We have had troublesome disturbances which have followed the efforts of young colored people to force themselves on people who have as much right to select their associates as they have to select theirs.

Association must be mutual, Mr. President. An association is not based on one person's decision to associate with somebody else, but it is based on a mutual decision of two people who want to associate each with the other.

The Senator from New York [Mr. JAVITS] spoke of what he called the race riots in the South. Mr. President, we have not had them yet. I hope and pray we will not have them.

If the bad leadership and troublesome advice and bad example which is being set by leaders, both white and colored, who come into our area from outside the South, continue, we are likely to have race riots. Mr. President, if we do, it will be on the scale of the one I mentioned a while ago in Detroit. I know of no sound American who wants any such disgrace and disaster to occur. It will be on the scale of the one which occurred in New York City in 1947. There were fewer people killed than at Detroit, but, still, a very sizable number were killed.

Let me give the exact figures, as reported by the Library of Congress, because I want to be accurate. This hap-

pened August 1 and 2, 1943, in the city of New York.

It is reported in the Negro Yearbook of 1947, page 245, that in a riot in Harlem five Negroes were killed. Hospitals treated 561 persons who were injured in the rioting and most of the injured were Negroes.

The Senator from New York, I know, does not condone that kind of thing. I am sure he and the millions of other good people in that great metropolitan center, of which all of us are so proud because it is our greatest city, our most colorful city, and in many respects, a cultural center of our country, do not want this kind of thing to occur. A great many troublesome incidents have occurred in recent years which I shall not call attention to or bring into the RECORD because they are not representative of the thinking of the good people of that area. Those things do not happen, Mr. President, because there is no law or no effort or desire to enforce the law. They happen quickly like a match flaring in a powder magazine. The thing gets away before anybody can stop it.

I do not want to see a repetition of the kind of race riots which I mentioned in Detroit and New York, and those which took place a little later in Chicago and Philadelphia.

Mr. President, in the Southland we have been remarkably free from that kind of demonstrations for years and years, and I want us to be able to continue the amicable relationship between people who in the main are very fond of each other.

There is not a white home in my town that has not frequently availed itself of the opportunity to have colored people, good colored people, come in there and be members of the household for some purpose or another in connection with the domestic running of the home.

There is not a businessman down there who has not frequently turned to people of the colored race to take care of the important, vital things to him, and who has not frequently left under their care and responsibility matters of great importance.

Mr. President, anyone who doubts the affection of the Negro people for the white people who have been kind to them and been close to them just does not know the fine qualities of the Negro race. I shall never forget, Mr. President, when my father passed away, the tears that flowed down the face of the old colored man who had taken care of our little grove when he came in and mumbled his words of farewell to my father.

Mr. President, I can duplicate such incidents over and over again. They have been in my home whenever there was occasion to bring them there to ask for help of one sort or another. They have been to hundreds of other homes in that little town, and we have not hesitated to go to their homes when there was a task that we felt they could help us in or a mission which we felt they could help us perform.

Mr. President, I have not hesitated all my life to go and speak at the commencements at the Negro high school in my town. I have not hesitated all my life to favor better schools. I was chairman of a little school board when we put up the first brick schoolhouse for colored people in town, a 14-room schoolhouse. Some of the oldtimers addressed rather caustic criticism to me, but it soon all passed away because those Negroes made a beautiful place and a community center for themselves out of that very first important public building. Since that time there have been other buildings, and swimming pools. Agricultural and mechanical equipment of various kinds has been placed there, as well as an athletic field and the like; but the original building has been the real spot around which the civic activities of the colored citizens of our town have centered since that building was built.

There is not a doubt in the world that they have reacted with great gratitude for having received that type of building, giving greater attention to it, greater respect to the people who taught their children, because they hold the Negro schoolteachers—I am sorry to say—in much higher respect than we white people evidence many times toward our white schoolteachers. They are good people, they have a genius for things religious. They have a genius for music. They have a genius for good humor. They can smile and laugh when trouble presses heavily upon them, when most of us would not find it possible to smile and laugh. They have fine qualities. Many of them have gone a long way. So much progress has been made, Mr. President, that I do not like to see the school question rearing its head, which I see now, and which is going to run out of the picture the moderate, decent-minded people of both races who have worked together so long to create the fine situation, relatively, that exists now—and it is still good. It was better before the school decision came along in 1954.

Mr. President, I am speaking deliberately. I am not speaking in contempt of our Supreme Court. They, of course, thought they were doing the right thing, but I wish to say for the record that those decisions have brought confusion, they have brought trouble, they have brought a tremendous worsening of racial relations throughout the Southland; and I regret with all my heart that such a situation has been brought about by decisions of the highest tribunal in this land which none of us have the right to upset and which apparently are going to remain the law of the land.

Mr. President, I saw another thing this morning which I regretted to see as much as anything. I do not know how many Senators watch the Dave Garroway program in the morning. My wife and I have it for breakfast and we enjoy it. This morning there was an incident on it that we did not enjoy. It presented a meeting of leaders of the Ku Klux Klan meeting in Atlanta for the purpose of deciding how to rebuild the Klan and how to deal in the way that the Klan deals with the violence that is manifesting itself and with racial trouble.

Mr. President, I want to say for the record that I have never belonged to the Ku Klux Klan. I have never countenanced it. It seems to me that to deal by way of violence with these problems, and under the protection of the hoods that were formerly worn, is not the decent American way to go at the solution of problems.

Mr. President, we were told that leaders from each of 17 Southern States were participating in that program. We were told that there were leaders from other States. I could not help but recall how only a few years ago the Klan had so rooted itself in Indiana that there were grave troubles there, and the Governor fell from the respect of his people because of incidents in connection with the Klan. It is not too far back for even young men who are present tonight to remember it, because we were all ashamed of it, and we would be ashamed to have it happen in our own States.

Mr. President, I am calling attention to these things not because it is agreeable to do so but to show that the water is coming over the falls, and before very long, in the very nature of things, gravity will begin to assert itself and the water will run faster. Ultimately it will roll over the falls with a terrific roar. This Nation will be shaken, and the peace, quietude, tranquillity, and friendliness which have prevailed in our Southland for many years is more likely to be shaken than anything else in all this Nation. So, of course, I am concerned, and I am vitally concerned about it.

I wish the RECORD to show here that one Senator from the South—and there are many others who hold these sentiments—looks with grave concern upon these things which are the fruit of unwise efforts through coercion and compulsion by court decree, by passage of the legislation and by the staging of things that are violent even if they are said to be pacific. Those things are all going to bring trouble and more trouble, and I think it is the part of wisdom to do the things which discourage them instead of passing legislation which will amplify, enlarge, and accentuate the trend which has already begun and which, if it is allowed to continue, will bring disaster to many people, to their lives, their health, their property, and to racial relations, which will be set back for generations.

I hope I am unduly alarmed, but I do not think I am. I have grown gray in this problem. I have fought for decent, friendly racial relations all my life. I intend to continue to do so. I view with some apprehension the trend which we see and the efforts of well-intentioned people who think they are right and think they know all about the problem. Certainly I do not question the motives of any Member of the Senate but those who think that by passing a strong, compulsory law they are solving the problem are wrong. These problems are in men's minds and hearts, in their emotions and traditions, in their customs and habits. They are deeply rooted. They are deep convictions.

When a man who has been through these things all his lifetime thinks of this problem, he thinks of it in terms of the welfare of his wife, his children, and

particularly his daughters, his grandchildren, and particularly his granddaughters. With that kind of background and that kind of belief passing through one's mind, Members of the Senate will not think for a moment that they are not deeply concerned about this problem which we face, and which is going to bring such grave disaster upon all of us.

So much for the point of what is happening and the fact that Negroes want freedom of association even though sometimes they do not interpret that term as deserving of mutuality. The fact that all these mass efforts fomented from the outside, are going on in the Southland, is bringing a struggle and is going to bring more trouble.

Mr. President, I want to go on now rather briefly and talk about voting rights. I agree that citizens who are intelligent, and who have not been convicted of any grave crime should be allowed to vote. I have stood for that philosophy at times and in places where it was a great deal more difficult to do so than it is in the U.S. Senate. I was one of those who voted for and supported the repeal of the poll tax in our State as a qualification for voting in all elections. I have no apology to make for it. I thought it would bring cleaner conditions in our politics, and it has. I thought it would bring in a much greater number of white people to vote, and it has. I thought it would bring in a much greater number of colored people to vote, and it has.

Mr. President, I did not hesitate to take that position when no one knew in our State whether that was going to be permanently popular or not. I thought it was the right thing to do. I say that because I want it distinctly understood that I believe that citizens of the United States should be allowed to vote, and the more of them who vote, the more democracy we are going to have.

Mr. President, in my view the wholesome situation is for us to have a universal suffrage subject only to age requirements, residence requirements, and lawful records requirements. In our State we have no educational test and no "grandfather clause" that makes eligible some white people whose fathers or grandfathers were veterans. We have no special consideration for any class of people. Anybody in our State who wants to register can vote; I helped to accomplish that objective. I think it has been fine and wholesome for our State. I am trying to do the same thing here. Senators do not have to be reminded that for 11 years I have tried to have Congress submit a proposed constitutional amendment on the subject of repealing the poll tax payment as a requirement for voting for Federal officials, which is as far as I think we should go on the Federal level. I am grateful to the Senate for overwhelmingly submitting that amendment, so far as their act could submit it, a few weeks ago. I think its submission and adoption will bring about better conditions in the Southland and, for that matter, in some other places in our country because it bans some other types of limitation upon voting in addition to the poll tax.

Mr. President, I call attention to the fact that that method of approach, which is progressive and which gives people the right to register and vote, is a far cry from an act which brings in the criminal law, which brings in the use of injunctions, which brings in force and coercion, tries to knock down long-established customs overnight, and expects people who have not been used to voting to run up to their courthouse the next day to register and vote.

It does not happen that way. It takes considerable time. We Americans must be a little bit patient on this subject and on many others. We are forgetting that things do not happen overnight. We are forgetting that we have to let old customs and old views and old principles have a little time to disestablish themselves in people's minds before we get full results from an approach of that kind.

Mr. President, on the matter of voting rights in Florida, I wish to call attention to the fact that almost from a standing start in 1937, when we eliminated the poll tax, and in further action in 1943, when we eliminated the white primary requirement and permitted Negroes to choose their party and to vote wherever they wished, we have come from almost no voting on the part of people of that race in 1937 to the time now when 152,675 of our Negro citizens are registered for voting according to the report of the secretary of state, who keeps the State voting records. He reported that fact to the Civil Rights Commission, and it is shown on page 3680 of the CONGRESSIONAL RECORD of February 27. That information was placed in the RECORD by the distinguished Senator from New York [Mr. JAVITS]. That is only 41.6 percent of the total number of adults in our State.

The number has grown from a few hundred, or, at the most, a few thousand in 1937. It is now accepted in 62 counties of our State. There are only 5 counties where there is any trouble, and they are only small counties, and there has not been violence. There have been no physical threats. There has not been any refusal to let people come in to register or vote after they have registered. Where they have not come in, it has been the result of the attitude, of the thinking, of the climate of one or more counties, four of which are very small counties, and the largest one of which is still one of our smaller counties.

In 62 of the 67 counties there is not only no inhibition but, to the contrary, in many of those counties the county officials and those who are running for county office are going out to get the Negro citizens to register, getting them to participate, speaking to them at separate rallies, and the like.

I know this has been going on even longer in North Carolina because the grand Senator who was my seat mate for many years, the Senator from North Carolina, Senator Hoey, who is no longer with us told me that the city of Charlotte, N.C., in Mecklenburg County, where the Mecklenburg Declaration was signed, is one of the cities in our Nation where the Negroes have been voting since shortly after North Carolina abolished the poll tax. They abolished it 10 or 15 years before we did. He told me that candidates, both local and State, had rallies for the Negro citizens of Charlotte. Mr. President, it is a well-known fact that in the city of Atlanta the Negro vote has been a determining factor in civic matters for some years. It is a well-known fact that a Negro has been a member of their school board. My recollection is that it is a 3-member school board, though it may be a 5-member board. That Negro has been a member for a good many years. It is a well-known fact that for years the mayor of that city has had the support of the major part of the Negro population, and he has continued as the mayor of that, our largest southern city. I could continue with illustrations of the same kind.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Is it not a fact also that there is a Federal statute making it a crime to deny a person the right to vote? Is that not true?

Mr. HOLLAND. Yes.

Mr. HILL. It does make it a crime?

Mr. HOLLAND. It does.

Mr. HILL. So he has that protection. And is it not also the fact that a person who feels that he is unlawfully disqualified and denied the right to vote has an action in law for damages against the party that he feels has denied him his right?

Mr. HOLLAND. That is correct, of course.

Mr. HILL. Is it not also true that the party who feels he has been unlawfully denied his voting rights has the right of injunctive process to enforce his rights?

Mr. HOLLAND. That is correct.

Mr. HILL. And is it not also true that under the 1957 civil rights case he has, for his attorney, if he wants to use him, the chief law officer of the United States, the Attorney General of the United States?

Mr. HOLLAND. That is correct. That action was taken, I thought mistakenly, by the Congress of the United States in 1957. And I say "mistakenly," Mr. President, because I do not think that the application of compulsion will get us ahead in this kind of matter. I think Florida has adopted the wise approach, and I have seen this progressive course followed, under which a few counties, and then their neighboring counties, and then others, having seen that the matter worked out peacefully and well, have followed that course until 62 out of 67 counties now see that white and colored people vote in accordance with the way they want to vote.

Mr. HILL. Mr. President, will the Senator yield for another question?

Mr. HOLLAND. I will yield for a question.

Mr. HILL. Is it not true that the Attorney General of the United States, testifying before the Senate Committee on Rules a couple of weeks ago, again testified that there had been only about six cases where he had been called upon or had seen fit or had been asked to act as counsel in a case involving a person who felt he had been unlawfully disqualified?

Mr. HOLLAND. The number is a very small one. As I recall, the number is four, but it could have been six.

Mr. HILL. But certainly not over six. And is it not true also that, in addition to all the remedies provided under Federal statutes, every State has a very definite and specific remedy under its statutes for persons who feel they have been denied the right of voting?

Mr. HOLLAND. That certainly is true in my State and, I believe, in almost every other State.

Mr. HILL. And is it not also true that they can seek relief under the State statutes and go into the Federal courts for relief under these State statutes?

Mr. HOLLAND. Yes. And, of course, they can go into the Federal court if an election of a Federal officer is involved in the particular election.

Mr. HILL. Certainly. So there are many remedies under the laws as they now exist, including this remedy of having the first law officer of the United States, the Attorney General of the United States, act as attorney for the party who alleges he has been denied the right to vote. Is that not correct?

Mr. HOLLAND. That is very true, indeed.

I appreciate that fine contribution of the Senator from Alabama. And I think the fact that so few cases have been brought indicates how fair I have been in my statement regarding the availability of legal remedies, and that the handing down of court decrees does not solve these problems. It is the climate and the spirit which prevails in the individual community which has solved these problems.

Mr. President, when the Committee on Rules and Administration of the U.S. Senate was recently conducting hearings on certain bills, the printed copies of which we have on our desk, I was asked to invite the Governor and attorney general of my State to testify with reference to the voting referee provision that is suggested, and other phases of this legislation. And there indeed are very few of its provisions which have to do with the protection of voting rights, because, as the Sentaor from Georgia said so truthfully today, most of the pending Dirksen amendment has to do with other rights entirely.

I shall not attempt to read at this late hour—and it is now nearly 2 o'clock—the full statement that was made by the able assistant attorney general of Florida, Mr. Ralph E. Odum—a friend of mine since he was a boy—who came from the neighboring town of Lakeland, 14 miles from my own hometown. Mr. Odum is an able and dedicated young attorney, and he came here to testify, not only for the Governor of Florida and for the attorney general of Florida, but also for the secretary of state of Florida, whom I had not realized might be interested in this proceeding. I am very glad he came. He is the custodian of all the election records and he heads up the election machinery. The State canvassing board and other departments of that nature function in his office.

Mr. President, Mr. Odum testified then before the Senate Committee on Rules and Administration for those three able and dedicated statewide officers of my State, each one of whom is elected statewide, the Governor being limited to one full term of 4 years and the secretary of state and the attorney general serving for 4 years but eligible for reelection to as many terms as the people want them to serve. And I think the people have shown by keeping Bob Gray in the office ever since he was a young man, what they think of him. The attorney general has been in office for several years and bids fair to stay there just as long as he wants to do so, because he also is an able and dedicated and courageous law enforcement officer.

Without trying to read all of the statement of Mr. Odum, let me read some of the excerpts from it as printed in the hearing record of the Rules and Administration Committee:

Mr. ODUM. The Honorable SPESSARD HOLLAND, U.S. Senator from Florida, by letter dated January 22, 1960, suggested to Gov. LeRoy Collins and Attorney General Richard Ervin, of Florida, that it would be appropriate for a witness representing the State of Florida to appear before the committee and to offer testimony regarding Senate bills 2719, 2684, 2783, and 2814 relating to the creation by law of Federal voting registrars.

Subsequent to this letter, specifically, on January 26, the press reported that President Eisenhower's administration, through Attorney General William P. Rogers, would offer an alternative to the above-identified bills which would authorize the appointment of referees by Federal district courts for the purpose of protecting the voting rights of Negroes and other minority groups.

Pursuant to Senator HOLLAND's suggestion, Governor Collins and Attorney General Ervin directed me to prepare a statement to be offered for your information and consideration. The statement has been reviewed and approved by Governor Collins, Attorney General Ervin, and Secretary of State R. A. Gray of Florida. Secretary of State Gray is our State official most directly concerned with the administration of election laws in Florida.

Mr. President, I can say with some pride that each of these fine officials has been honored by officials of the same rank throughout the Nation.

Governor Collins is the only man in the history of the Nation who has served as chairman of the National Governors Conference and as chairman of the Southern Governors Conference. Secretary Gray has been the head of the Conference of Secretaries of State of the Nation. Attorney General Ervin has been president of the Association of Attorneys General of the Nation. They have been approved not only by our own people time after time, but also by the officers of like rank in other parts of the Nation.

That indicates something of the qualities of these three fine men.

At the outset, it must be made clear that we are not here to advocate racial discrimination in voting.

On January 28, 1960, Governor Collins made the following public statement emphasizing his "own personal feeling that there can be no excuse anywhere in the United States of America for refusing the privilege of voting in any election because of race or creed. I do not condone any machinery or any attitude which has that as its purpose or effect. But I think it is the responsibility of the States to assure the freedom of our citizens to vote."

Our State has acted and is continuing to act. I predict that it will not be many years before participation in voting by our Negro citizens in Florida will be just as high as in the case of our white citizens, if that is not already true in some of the counties in my State.

We believe that this statement sums up briefly and accurately the deep-seated convictions and attitudes of the overwhelming majority of the people of Florida.

We also believe that the record of Florida voting in recent years verifies and substantiates this position.

On January 29, 1960, Secretary of State R. A. Gray of Florida made the following statement:

This is quoting Secretary of State Gray. Earlier I was quoting the Governor.

"As the State official mainly concerned with the administration of election laws in this State, I do not know of any county or any supervisor of registration who has or would deny a Negro the right to register to vote."

On September 10, 1959, Governor Collins told a press conference that he had not received direct complaints or information to support a report by the Civil Rights Commission to the effect that in Gadsden County, Fla., Negroes are afraid to vote.

That was the sense of the report of the Civil Rights Commission, which was placed in the RECORD by our friend the senior Senator from New York [Mr. JAVITS]. It will be found in its latest form, in the supplemental report of the Civil Rights Commission as to Florida, on page 3673 of the CONGRESSIONAL RECORD of February 27. Senators who read it will notice that the complaints received by the Civil Rights Commission related solely to one question. If Senators will read it they will find that in no instance did anyone complain about the fact that he had been denied the right to register or that his right to vote had been questioned at the polls, but they all talked about fear and reprisals, which of course flowed out of the attitude and climate within that county.

It is peculiar how things go by counties. There is a great deal of human nature in this problem. I do not know what has happened in Gadsden County. It is to me one of the dearest counties in the State. The people in that county gave me, in my last election, the largest percentage of votes that I received in any county in Florida—81 percent.

Mr. President, there is a climate in that county adverse to the general participation of Negroes in voting. Therefore they do not register and vote. Human nature will be present in this problem wherever we find it. It happens that the two counties on the east and west of Gadsden County have very large participation in voting by their Negro citizens. The county just east is Leon County, where the State capital, Tallahassee, is located. It is a sensitive county politically. In it, as the record shows, Negro citizens have registered heavily and have voted heavily.

The county just west of Gadsden County is Jackson County, named for the illustrious Andrew Jackson. In that

county, as might be expected in a county named for Andrew Jackson, there is heavy participation by all citizens in voting, particularly, since we are talking about the participation of Negro citizens, by those citizens.

Something happened in Gadsden County. It is a fine county. Good people live in Gadsden County, both white and colored. The situation in that county is reflected in the climate there, which is not favorable as yet toward general participation by the Negro citizens in voting. So they have not registered and voted.

I wish at this time to digress long enough to expand on this thought of human nature as having a great deal to do with this problem. Let us not forget that even though there is no threat, or even though there is no violence, or even any refusal by officials to allow Negroes to vote, if a Negro knows that the climate of opinion is strongly adverse to his registering and voting, realizing that the land belongs in large measure to the white people, that the banks belong to the white people, that the stores belong to the white people, that the county officials are entirely white people, and that the people who employ the teachers in the public school—and of course our Negro schools have nothing but Negro teachers—are white, a Negro under such a situation many times tends to be apprehensive. I believe we can all understand that that is quite natural.

Evidently the Negroes in that county, in that very small county which does not have as many voters as one of the precincts in my hometown, the small town of Bartow, Fla., do feel that apprehension.

Mr. President, there is no accounting for human nature. There is no accounting for what has developed in this very small county in our State. I call attention to the fact, however, that when a State goes from a standing start to 41.6 percent of registrants in these relatively few years, and when that is far ahead of any other State, it indicates clearly the very warm and friendly feeling toward the participation of Negroes, and the welcome they have received as citizens in this matter, in expressing their right as citizens in the selection of officials and in passing on public questions.

Let me be very clear that I do not claim we have made a perfect record by any means. I claim we have made great progress. I claim that if we try to impose the Federal rule here and say, "You must register them, you must let them vote, we will pass a law, and we will send in marshals and registrars to see that these people register and vote," we will see a decline in voting, instead of an increase.

We must let human nature do its work. Our people do not like compulsion and pressure from the Federal source. If we cut the underpinning from under our State officials and local officers and citizens who are trying to bring about better conditions, we will make them in the eyes of their fellow citizens, instead of people asserting what they believe to be right and defensible, minions of the Federal Government and agents of people outside our State who are trying to tell us what to do. In this field, as well as in the field of law enforcement, we must not substitute coercion and compulsion from the Federal source for good will and moral effort in which we are making such a tremendous effort in the voting participation field, which I have already mentioned, and which I will mention a little later in the law enforcement field as well.

Lynching has ceased to exist in our State. We have not had one in the last 11 or 12 years. The Tuskegee figures will speak on that. However, there is no crime—if I may digress to say so—in the United States which comes as near to being nonexistent as the crime of lynching.

I wish I could say that other major crimes had ceased to exist to the same degree that lynching has. I wish I could say that the same general organized effort has prevailed in other fields as has prevailed throughout the Southland in the effort to relieve ourselves of that blot, it having prevailed not because somebody else is demanding it—because this effort began 20 or so years ago—but because Governors and attorneys general and sheriffs and other officials know that that is the decent thing and the right thing, and that if they do not take that position, their citizens will very soon displace them.

They know it is the moral thing and the legal thing, and that it is their duty to act in pursuance of law. There is no major crime, I repeat, which has come as near to vanishing entirely from the record books as the crime of lynching, and I am happy that that is the case.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Is it not true that while lynching has almost vanished, as the Senator says, there has been no such vanishing of lynching in the North? In other words, there have been gangland slayings of people by gangsters in the North. Only a short time ago we had the slaying in Chicago of a man named Touhy. That was a lynching. Not long before that there was a slaying in a barbershop in New York City. That was lynching.

Mr. HOLLAND. Of course, we have had too much of that in the North, South, and everywhere else. I think we are all distressed and depressed by the amount of that which has occurred among the young people. One can hardly pick up a New York paper that does not have a recital of acts of violence among the young people in New York. We regret it. I am sure nobody regrets it more deeply or is trying to get rid of it as hard as the good people of New York, much more than 90 percent of the good people of that city and State.

It is regrettable that the criminal record is so bad in the District of Columbia.

Mr. President, we should share some blame for that because we are the ones who supply the law for the District of Columbia; we supply the money for the District of Columbia and its law-enforcement officers.

I do not like to throw too many stones without looking back to see if we have done the things we should do, but we can recognize that there is much too much violence in the District of Columbia, in the shadow of this Capitol.

Mr. President, it has not been many months since an eminent lady, Mrs. Quarles, the widow of a great public servant, a native of my home county in Florida, lost her husband. Having moved to a very modest apartment in the building next to the one in which we live, which is supposed to be a rather secure, stately part of town, she was, as Senators know, assaulted by a Negro youth when she was standing on the sidewalk waiting for someone. I do not remember the exact facts.

Mr. President, the situation has grown so bad here that our wives will not go out at night to walk with us. The women of the city are fearful of their lives, and of their pocketbooks, and of mistreatment in any number of ways, so fearful that they will not go out at night.

We know, regrettably, that most of that crime record is made by Negro citizens of the District of Columbia. Should we, because of that, blame them all? I do not think we should. I think the great majority of the Negro citizens of the District of Columbia are fine people.

I listen to two church programs early Sunday morning of Negro preachers, preaching here in the District of Columbia. All I can say is that I do not hear any such good music coming from any of the other churches, and I do not hear any more devoted and impassioned sermons coming from any other churches. I know there must be several hundred thousand fine people here who are Negroes. But, Mr. President, the fact remains the crime record of this District of Columbia, in the Nation's capital, is largely made by Negro criminals, and nobody can deny it. All we can do is cope with it to the best of our ability. We will not cope with it by passing coercive legislation, trying to force into play new issues of the type we are talking about here.

Mr. COOPER. My inquiry is not wholly relevant to the Senator's subject, but he was talking about violence and crime in the District of Columbia. I know the distinguished Senator is a member of the Committee on Appropriations.

Why is it the appropriate subcommittees on appropriations do not provide more for the police system here in the city of Washington? Why is it they do not provide more judges so that cases can be tried quickly? I know the Senator has been a judge. I was once a judge. The Senator knows, as I do, that one of the greatest deterrents of crime is a quick trial of those who are charged with crime, as well as an adequate police system.

As I say, this is not entirely relevant to the Senator's subject, but so long as he was talking about it, I ask the Senator why does the Committee on Appropriations not do more to increase the police force and to increase the num-

ber of judges in the District of Columbia so that an approach could be made toward handling that situation here?

Mr. HOLLAND. Mr. President, that is a fair question and a question that troubles me. I am not a member of the subcommittee which handles District of Columbia appropriations, but I do remember that in recent years we have stepped up very materially the number of police officers. I am in sympathy with stepping up that number more this time to carry out the request of the Commissioners of the District of Columbia.

I remember also that we enacted authorization legislation to increase the number of juvenile judges. It seems there is greater congestion in that field than any other, and for some reason it appears that the other body has had objections heretofore to following us in that action. I believe I am correct in that statement.

I stated a few minutes ago, and I reiterate now, the fact that we cannot divorce ourselves from some responsibility, and some very heavy responsibility, in this field. I am glad the Senator from Kentucky has mentioned the matter in which we do have responsibility and in which I feel we can discharge it more fully than we have in the recent past.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Is it not a fact that the Committee on Appropriations, on February 27, last Friday, reported the appropriations bill for the District of Columbia that very much increased the fund for the Police Department, for securing additional police officers for the District of Columbia?

Mr. HOLLAND. I believe that is correct. I have to admit that on that day I was on the floor of the Senate and went down to answer a quorum call, and gave my proxy to the Senator from Arizona [Mr. HAYDEN]. I am not sure just what action was taken. The Senator from Alabama should know what action was taken because he was there.

I think we are due to increase the figure in that field.

Mr. HILL. I must say that the Senator was not present at the time the particular item was acted upon.

Mr. McGEE. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HILL. Does the Senator realize that there were between 140 and 150 additional police officers provided for under this appropriation bill?

Mr. HOLLAND. I did not realize it, but I am delighted to hear it. I thank the Senator for his question which certainly indicates—and I am sure the Senator from Kentucky is glad to hear that—the problem mentioned by the Senator from Kentucky is being met. I am not familiar with the exact number of additional officers that the Commissioners' budget has requested. I hope we granted them their full request in that regard.

Mr. President, I was reading the statement made for the Governor, the attorney general, and the secretary of state of Florida. I will continue to read excerpts:

On September 10, 1959, Governor Collins told a press conference that he had not received direct complaints or information to support a report by the Civil Rights Commission to the effect that in Gadsden County, Fla., Negroes are afraid to vote.

The statement made by the Civil Rights Commission was that it was informed Negroes were afraid to vote.

In this statement, Governor Collins made it clear—

I ask Senators to listen. This is not something under the bed. This is not something in the Governor's office, with the doors and windows closed.

In this statement, Governor Collins made it clear that if there actually did exist instances of intimidation or other illegal interference with the right to vote, and such instances were reported to him, he would not hesitate to take corrective action.

He said:

"Specifically, the State government can call upon the people generally in those counties to adopt a different attitude and to improve that situation, and as Governor I don't hesitate to do that here and now. I hope that that can be accomplished there through their local processes"—

He was talking about the five counties mentioned as having few, if any, registered voters who were Negroes—

"If, of course, there are specific acts that are brought to the attention of the local officials and if, that being done, there is not adequate redress provided at the local level, of course that will be another matter in which I, as Governor, will be very interested."

He meant that if local officers did not do their duty he proposed to see that they did so, because under our Constitution one of the first injunctions visited upon the Governor is that he shall see that the laws are faithfully enforced.

To this date, no such complaints have been made to Governor Collins.

"This date," incidentally, was in February of this year, and the statement was made in September of 1959. I repeat the quotation from the statement:

To this date, no such complaints have been made to Governor Collins.

I continue to quote:

For your complete information on Florida's voting registration records in 1959, we include as an appendix to this statement a table showing the white and Negro registration of each of Florida's 67 counties.

Mr. President, there is one little county in Florida, I note from the list, where 100 percent of the Negro adults are registered. That is the little county of Okeechobee, on the lake by the same name.

Other counties have 90-odd percent registered. As I have already stated, the job is not perfectly done. Five counties have very little registration, and I believe there are two with no registration. Those are all small counties. Four of them are exceedingly small.

I continue to quote:

We would like to respectfully call your attention to the fact that the problem of nonparticipation of Negro citizens in voting in Florida is rapidly taking care of itself through the efforts of our local people and officials. In 1947, Florida had 49,000 Negroes registered.

The statement does not go as far back as I went in my remarks. I went back to 1937, at the time of the passage of the anti-poll-tax law.

In 1947, Florida had 49,000 Negroes registered. In 1952 we had 120,000; in 1956 we had 148,703; in 1958 we had 144,810; in 1959 we had 152,675.

This is the exact number stated by the Civil Rights Commission in its tabulated report, which was placed in the RECORD by our distinguished friend the Senator from New York [Mr. JAVITS].

We think it is significant that between 1947 and 1959 Negro registration increased in Florida from 49,000 to 152,675, and this increase did not result from outside pressures either in the form of court orders or Federal commissions. It resulted, we believe, from local internal changes in the cultural and economic standards and civic responsibility of Negroes, our rapid increase in urbanization, and the voluntary acceptance of these changes on the part of their white neighbors.

I invite attention to the last part of this statement of these three State officials:

The voluntary acceptance of these changes on the part of their white neighbors.

That is one of the reasons recited for the vast increase in registrations and in voting participation.

Mr. President, that is the nub of the question. There is no doubt about it.

We are fearful that if Congress should enact the bills you are considering here, the practical result will be a regressive trend in Negro registration. The reason for this is obvious: The exertion of outside pressure and coercion by the Central Government in local matters is regarded as a usurpation of authority which stimulates resentment rather than understanding, tolerance, and racial cooperation.

Patient understanding and tolerance in seeking voluntary improvement may be a longer road than some might like, but we believe it to be the best and most effective road leading to ultimate dignity, mutual respect, and equal opportunity for all our people.

Mr. President, that sentence is worthy of a Webster. I read it again:

Patient understanding and tolerance in seeking voluntary improvement may be a longer road than some might like, but we believe it to be the best and most effective road leading to ultimate dignity, mutual respect, and equal opportunity for all our people.

Mr. President, I pitch the thinking of our State upon that expression of our three leading State law-enforcement officials.

Attorney General Rogers expressed the same concern in testifying before your congressional committees last year on other phases of civil rights legislation when he said:

This is a quotation of Attorney General Rogers:

The image of the Federal Government trying to dominate the States could tend to harden resistance.

Mr. President, how true that is. There is so much human nature in all of us that that is a simple truism in this field.

We think it self-evident that Attorney General Rogers' fears in this regard are being vindicated.

Mr. President, I shall read one more short paragraph from the statement. I hope all Senators will read it. It is a part of the official records of the Senate. It is the expression of our State, through the Governor, the Attorney General, and the Secretary of State, as to what we believe in this field, as to what we are trying to do, to what our laws permit us to do and encourage us to do.

I read this paragraph from the middle of page 331, for those who are following my remarks:

A special report of the Southern Regional Council released November 2, 1958, includes the following statement:

I digress to remind Senators it was the Southern Regional Council which issued the Associated Press news dispatch I read into the RECORD a while ago, stating that they were deeply concerned by the tactics of young Negroes who were trying to force themselves, against local custom and practice, into the eating places which were designed to feed only white people in many cities of our area.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question only.

Mr. HILL. Is it not a fact that the Southern Regional Council is a biracial council?

Mr. HOLLAND. It is biracial, and it includes people regarded by some of the Senator's friends, and mine, as being too liberal in this field. They are trying to do a job. As a matter of fact, two or three of the men on the council the last time I saw the membership list were members of the faculty of Emory University at Atlanta, one of our great schools, of which the Senator from Florida has been a trustee for many years, a school of which he is very proud.

I quote now the remaining part of the statement which I expect to quote:

A special report of the Southern Regional Council released November 2, 1958, includes the following statement:

"In certain areas it undoubtedly has become more difficult for Negroes to register, because of new voting restrictions and stricter applications of the old requirements. In some sections where political leaders have fanned racial prejudices, Negroes are even more hesitant about attempting to register than they were 2 years ago. But, in many parts of the South, lack of political consciousness remains the greatest barrier"—

If I may digress, Mr. President, it is apathy, a lack of political consciousness, a lack of desire to participate as citizens in voting—

"Leaders of both races long have contended that if all bars to Negro voting were removed tomorrow, there would not be a great rush to the polls.

"This is not expected until Negroes have been able to raise their economic and educational levels, their leadership has been broadened and they have reached a position where their political participation promises more tangible results. Neither the new civil rights legislation nor the Federal agencies created by it promise any quick or dramatic improvement in Negro suffrage"—

Mr. President, these are the words of the Southern Regional Council, the most liberal group we have in the South. It is a mixed racial group speaking when they say—

"Even where registration boards are cooperative, a gradual process of political education obviously will be required.

"All this should not obscure the fact that the trend is upward and that the long-range prospect in the South is for a Negro registration comparable to the white."

Mr. President, the statement concludes as to that part in which I think the Senate would be interested—and I hope Senators will read it all—with this:

Certainly no problem has arisen which could not be handled properly by State and local officials. The denial of this opportunity by the enactment of these four bills—

That is a reference to the bills before the Senate Committee on Rules and Administration—

we believe would create problems where none exist and serve to fan fires of racial tension which we are doing our best to contain and ultimately extinguish.

This much can be said for Attorney General Rogers' suggestion of an alternative procedure whereby the Federal district courts would take jurisdiction of such complaints and act through referees appointed by the court; at least his suggestion is an effort to do legally the things the bills we have discussed above would do illegally.

Mr. President, I am willing to stand on the record of our State for a spirit of tolerance, sympathy, understanding, and compassion, represented by an expression not only of the Governor, the attorney general, and the secretary of state, but as an expression of the great majority of the people of our State—an expression reflected in the laws of our State beginning back in 1937, when we struck out the poll-tax requirement for all voting in our State and when we reduced the qualifications to such terms that there are no educational standards; any able-bodied citizen who is in good repute and has not committed a serious crime and who is of the proper age and residence is entitled to register and then to vote.

Mr. President, so much for the testimony of Mr. Odum, speaking for the three officials of our State whom I have mentioned. To continue with this discussion of voting rights, I remind the Senators that the statements of the Civil Rights Commission, the statements of our Governor and other State officials and the very facts themselves make it quite clear that instances of fear, whether real or fancied, in a very few areas is all that keeps any Negro from registering in our State. The Governor said no complaint of any sort had ever been filed with him from September of last year to February of this year. The mere enactment of law will not conquer the fear which grows out of the climate of opinion in the area, which still holds to the old idea that for some reason or other the colored man should not vote.

Mr. President, that spirit is not only being discouraged; it is disappearing in our State and will soon be a relic of the remote past, unless we are unwise enough to try to make progress by compulsion and coercion in a field where that kind of approach not only does no good, but will turn back the wheels of the progress we have made up to now.

Mr. President, I wish to talk on the school situation as it is approached in two of the sections of the so-called Dirksen substitute, which has caused so much concern and trouble in the Southland since the decision of the United States Supreme Court in 1954 and a modifying decree that came some months later. It seems to me that every citizen must know that here is a field which always has been held to be peculiarly under local jurisdiction. Here is a field that by every standard is closer to the people, closer to the mothers, closer to the children, closer to the homes, and closer to the communities than any other field of activity. It is my opinion than any effort on the part of Congress to go into this field, no matter how good the objectives or the approach which is made, must be made in the face of the knowledge of the fact that some States will not integrate at all. In one county in Virginia public schools have already been discontinued, which is a tragedy. In Georgia, where the courts are threatening, already laws have been enacted under which the public schools will be discontinued. In several other States it has been indicated that exactly the same procedure will be followed.

It seems to me that here is a field into which the Federal Government should not go. I am particularly disturbed that, although this legislation has been advertised far and wide as voting rights legislation, the two most carefully spelled out far-reaching provisions relate to the schools. What are those provisions, Mr. President?

The first one is the provision found in section 4 of the Dirksen substitute by which Congress is called upon to approve the legislative decision of the Supreme Court as the law of the land.

I notice that it requires us to recognize that up to May 17, 1954, something else had been the law of the land. This proposed legislation is a queer thing. Let me read from section 4 of the Dirksen substitute:

SEC. 4. (a) (1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(2) It is therefore the intent of Congress—

And so forth. Mr. President, Congress has been asked to recognize that the Supreme Court, up to May 17, 1954, had

interpreted the Constitution as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities, but it makes no finding that that was ever the law of the land.

It does not indicate that it wants us to find that that is the law of the land. It does not want us to put the stamp of our approval upon what was the law of the land under that ruling, which is based on several decisions of the U.S. Supreme Court for a much longer period of time than since May 17, 1954, and which was more widely recognized over all of our country during that long period of time.

As the Senator from Georgia [Mr. RUSSELL] said earlier in the day, that section offers a bribe to the people of the United States in the Southern States to effect desegregation in carrying out the most recent decision of the U.S. Supreme Court in this field by appropriating as much money as might be needed to take care of our rearrangement of buildings because they have been located with a view to serving the separate groups. For instance, in my little town, the Negro schools are over in the Negro part of town, while the white schools are in the white part of town. In the city of Jacksonville, which has about 90,000 Negroes, the schools are located so far from any white schools, that there would be no possibility ever of their being used for anyone else but Negro children.

The schools that serve the white children are equally far from the colored part of the town. Nevertheless, this decision, recognizing the fact that these buildings have been built to serve separate communities and separate colors of children, suggests that unlimited appropriations should be made to help the States that are so affected in taking care of the costs of relocation of their schools.

Mr. President, if there ever was a blatant effort to bribe the States into doing something which they cannot do without flouting public opinion within those States, and without bringing on much worse conditions than any we have had up to now—and we had bad conditions since that decision was handed down—that particular section of the proposed law would do it. I am not going to read it in detail. It gives the chief educational officer of the Federal Government plenary power to administer it and to help those who will come in under the Federal plan, and refuses to help those who will not.

Mr. President, if that is not an open attempt to buy compliance by the Southern States with the Supreme Court decision, I never saw such an effort. Apparently the people who drafted that legislation, people of good intent, do not realize that depth of feeling of our people with respect to this particular problem.

I mentioned earlier in my remarks that this is something which reaches into the home. Here is something which affects the thinking and the conviction of every mother, particularly the mothers of girl children, and every grandmother. Here is something which affects fathers and grandfathers just about as seriously. Here is something which, if it is allowed to be forced upon the people of the South, will bring all kinds of bitterness, all kinds of trouble, all kinds of violence. I am not counseling any of those things. I think the Senators know me well enough to know that I do not countenance that kind of thing. I am advising the Senate, based upon a lifetime of living in peaceful relationship, except socially, with people of color, that I think that will be the result which will follow.

If one were trying to upset the people who live in the South, he could not find a better way to do it than to try to force the integration of our schools. This goes much deeper than eating places. This goes much deeper than other problems which are usually mentioned when we talk about civil rights. This is something that reaches into every home in the South; it affects the future of every child in the South; and it is contrary to the custom, beliefs, and convictions of most of our people, both white and colored.

Mr. President, I know what I am talking about because a great many colored people have come to me and said they do not want this change. If I may be permitted to give another reference to my own experience as a member of the State senate, while serving on the education committee and the appropriations committee it was customary procedure for me to be approached before every session by old Dr. Lee. As I remember, his initials were the same as Robert E. Lee. I believe that was his name. He was president of the Florida A. & M. School, which is now the Florida A. & M. University. He came to me with his budget, which was always a modest one, and asked me to handle it for him in the appropriations committee. I was happy to do so, because I have always believed that one of the solutions of our problems of racial living was a better education for our colored citizens. I have no apology for that at all. I would do the same thing again. I think it is the right thing to do. But I call attention to the fact that I do know something about this problem. In talking with Dr. Lee I learned that one of his convictions in this field which he voiced to me many times, was his fear that there would be an integration of the schools. He said, "Governor, I want you to understand that nothing could sound the death knell of the hope and ambitions of the colored teachers more quickly than to bring about integration of the schools."

He called my attention to the fact that there are about 200 college and university presidents who are Negroes throughout the Southland, and that there was not a Negro college president of any institution of learning outside the Southland. He pointed out that there were deans and professors in all the colleges and universities throughout the Southland who were Negroes. They had qualified themselves not only to teach, but to make a living. I say that because I have found that many Negro teachers regard themselves as missionaries of a sort. They are dedicated to their work. They serve their own people. They have a chance to bring greater opportunity, understanding and benefits, together with more culture, to their people through teaching their children and through their access to the homes from which those children come than any other one group except the preachers.

Dr. Lee made it clear to me that he understood in a State where white people were always in the majority, where the school boards and every board, from the State board of education, which the Governor heads, down through the county school boards, were composed of practically all white people, the worst thing which could happen to Negro professional educators was to have the integration of schools.

I did not think so much of that in those days. I remember those incidents well, but the question had not come up and I did not pay too much attention to it. After I came to the Senate there was pending at one time a proposed compact on southern regional education, and I began to look into that question more fully than I had before. I asked the Library of Congress reference staff to look into it, and we found the facts to be as follows. I will read from my statement during the debate on that particular bill. It is found in the CONGRESSIONAL RECORD, volume 95, part 2, page 1804.

I should like to inject a figure at this point in connection with the opportunities in schooling under the segregated system of instruction which applies in Southern States and a few others, and under the nonsegregated system which applies in the rest of the Nation.

There is a very great contrast, as will be seen.

Senators will remember that last year in one of the debates I introduced a report from the Library of Congress. I take the liberty of referring to it now simply to cite certain figures.

That report showed that in the States where segregation in education applies much greater opportunity for recognition and advancement is given to the Negro educator than is found in other States. Yesterday the Senator from North Carolina gave the figures for the State of North Carolina. I give the overall figures again, simply by way of a comparative showing as to what is occurring in the segregated part of the Nation as compared with what is occurring elsewhere in this field.

The report from the Library of Congress showed that 7 out of every 1,000 Negroes in the South, where segregation in education prevails, are professional people in education, either at the level of humble teachers, principals, professors in colleges, or presidents of colleges. That report showed that, compared with the figure of 7 out of every 1,000, only 1 out of every 1,000 Negroes in the rest of the Nation had comparable opportunity and recognition, or had become professional teachers. In other words, the opportunity was 7 to 1 as between the system in the South, under which we are making such strides, and the system in the North, under which, apparently, there is nothing to appeal to the Negro who wants to qualify for a lifelong profession in the teaching of his fellows. The opportunity is 7 to 1.

But the opportunity is better than that in favor of the segregated system, as was

brought out in the hearings before the Judiciary Committee. It was shown that there was not a single Negro president of a college in the nonsegregated area of the Nation, as compared with nearly 200 in the southern section. In other words, there is opportunity for advancement in the South. There is opportunity for men who really have the ability to give to the job to enter the field of education in the South. They can make their way up the ladder and become college presidents. They are recognized as men and women of great ability and character, who have done much for their people, and are doing much for the Nation.

The difference does not end there. There is another very material difference between our system and the system in the rest of the Nation, which operates wholly to the advantage and prestige of our system. Under the system of segregation in education a Negro teacher is given the opportunity to work exclusively with the people of his own race for their advancement, for the increase of their standard of living, and for the improvement of their standard of health. He is given the opportunity to do something for his people in a way which makes him or her a person of prestige, with recognition among the colored people of the community in which he or she may be serving.

That situation does not prevail in many places in the rest of the Nation. The whole picture in the field of education is entirely in favor of the system which we have. We are willing to compare results in that field. We should be.

Mr. President, I am still quoting from the talk I mentioned a while ago:

There is another field in education which I wish to mention. I refer to the superior ability of the South, under its system of education, to meet probably the most critical need for education which exists among the Negroes—and, incidentally, it is just about as critical a need among the white people—for the training of more doctors, dentists, and nurses. To quote very briefly from the figures produced in the hearings and the tables placed in the RECORD last year, let me cite one set of figures on this point, because I think that will be enough. They are the figures for last year.

That would have been 1948. Mr. President, the figures have not changed, I am sorry to say; they still show these general figures.

They represent the facts of last year, and not this year. I would not pretend that they have been brought up to date.

Those facts and figures showed that all the medical schools in the country outside of the South, where segregation exists, had in training to become doctors only 86 Negro youths. I see the distinguished junior Senator from Alabama [Mr. SPARKMAN] nodding approval. I believe he is the one who first introduced that fact into the RECORD during the debate last year. I assure him that I am not plagiarizing, but I thought that this point in the debate would be a proper place for the introduction of this set of facts.

Then the Senator from Alabama [Mr. SPARKMAN] made some remarks—very fine, to my recollection. Then I proceeded—and I shall not read the statement from the paper—to state what I had found on checking in the North and the West.

Mr. President, I do not question at all the sincerity of purpose, the motives, the willingness and desire existing in any other part of the country to help the colored people. I am sure the institutions of higher learning want to help them. Still, Mr. President, when I went to Philadelphia, having had the Library of Congress first check the matter, I stated over the television that there was only one Negro in the advanced classes of the medical school of the great University of Pennsylvania, located within the city of Philadelphia. I stated the number at Howard University here in Washington—my recollection now is that it was 17—and how many there were at Meharry Medical College at Nashville—about 21—from the State of Pennsylvania, calling attention to the fact that the Negro youth who wanted to serve their people and advance their own capacities by becoming doctors, dentists and nurses simply had to go to the segregated school.

Mr. President, I found that the Harvard Medical School—another great one—had one Negro in the advanced classes in the medical school at that particular time. I received, lastly, perhaps the most enlightening report during this whole research on the occasion that I have just been speaking about, in the form of a letter from the dean of the Medical School at the University of California, at Los Angeles. That letter, which was placed in the record of the hearing at that time and of course is still there for all to see, stated that they earnestly desired to have Negro students in their medical school; that they had a great number of applicants; that they had given them fair examinations, and many of them could pass the examinations, they could pass the minimum standards; but they had so many applicants that they were forced to take those who were best qualified, of course, and they had not been able to place a single Negro student in their medical school. And the request to me, which was most unusual, because I had no influence at either Howard or Meharry which would have enabled me to grant their request—although I did forward the letter, or a copy of it, on to each institution—was that I use my good offices to try to get those two schools to allow some of their best equipped young Negro people to enter the Medical and Dental Schools at the University of California.

Mr. President, I am not reflecting upon either the character or ability of the colored youngsters trying to get into these schools. I am only reminding Senators that they had to compete with boys and girls of the white race who had had their premedical and predental training at the best schools in the South and East and North and West. Most of them could not get in.

As trustee of Emory, I remember one year when the number of applicants was 14 for every 1 that could be admitted to the medical school at that great institution. I remember that at the dental school at Emory the proportion was even higher. It is the only dental school in the States of Georgia and Florida. I cannot remember now how many applicants there were for each one we could admit; but the number was greater than the number I have given for the medical school.

Against that kind of competition for admission in the schools, the Negro youngsters were simply not able to make the grade. As I say, there was one at Harvard and there was one at the University of Pennsylvania. We found more at some institution in Ohio than at any other. I do not remember that number now. But there were 86, all told, in all of the institutions of higher learning, studying for medical and dental degrees, in the North and the East and the West. So 80 to 90 percent of the Negro doctors and dentists, as I recall it, were graduates of Howard and Meharry.

I am quoting these figures from memory. I hope Senators will look up the record. But the facts which I am calling to their attention indicate that the continued existence of segregated schools affords the only opportunity for training which may be received by ambitious Negro youngsters. And it is a high ambition, with most of them going back to administer to their own people.

What I want to say to Senators is that this high ambition will not succeed to the degree it does now, if the schools that offer medical and dental training are integrated.

Mr. President, there are many other things in the field of education which I would like to call to the attention of Senators.

Mr. McGEE. Mr. President, will the Senator yield for a question at this point?

Mr. HOLLAND. I gladly yield for questions only.

Mr. McGEE. I wonder if the Senator intends to ask for a quorum at the conclusion of his remarks.

Mr. HOLLAND. I do.

Mr. McGEE. My only reason for asking is that I was going to seek some relief for him, and I was wondering if the Senator can suggest to us how much longer he will be speaking.

Mr. HOLLAND. Mr. President, I think perhaps 20 or 30 minutes, unless there is some occasion not to do so. I started with the idea of concluding my remarks at some time between 3 and 3:30.

I also started with the thought of not having any quorum call following the speech of the Senator from Massachusetts [Mr. KENNEDY] who made his talk, and that of the Senator from California, who, I understood, was going to make a talk, and the Senator from Kansas [Mr. SCHOEPPEL], who I understood was going to make a talk. I intended to confine my calling of a quorum to one call as of the time that I concluded my speech. I shall certainly ask for a quorum to be called at that time.

Mr. McGEE. That was the only purpose for my question. Since the Senator has been so considerate of our colleagues who are slumbering through this critical part of the night, I wondered what my chances would be if I were to slumber until breakfast time, were I to leave the floor.

Mr. HOLLAND. I will say to my friend from Wyoming that I have tried to be tolerant, in that I have not insisted upon his colleagues and my colleagues being brought here on the floor of the Senate. I would certainly insist, however, on their hearing my successor, because I believe he is entitled to kinder treatment than the attendance of not

only the fine Senators who are here now but also of more Senators than are here now.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. First, I should like to say for the record that I am distressed to note that there are not more Senators who are interested in hearing me, and that the appeal of the cots has been so great that their presence in the Chamber has been prevented. I see on the floor only the distinguished Senator from Arizona [Mr. GOLDWATER], the distinguished Senator from Kentucky [Mr. COOPER], the distinguished Senator from Wyoming [Mr. McGEE], and the distinguished Senator from Alabama [Mr. HILL], as well as the Presiding Officer, the distinguished Senator from West Virginia [Mr. BYRD].

I say this only by way of explaining why I feel there should be a quorum call, because while I am used to talking to empty seats on occasion, my successor may not be, and he might well feel slighted, which I do not. I want to give him an opportunity to speak to a full Chamber. Therefore I will suggest the absence of a quorum when I shall have concluded my talk.

I now yield to my distinguished friend from Arizona.

Mr. GOLDWATER. Would the distinguished senior Senator from Florida ask the distinguished Senator from Wyoming if he trusts a Republican enough to allow himself to leave the floor for a few moments, as I am sure he can take care of the floor if he desires to do that?

Mr. HOLLAND. I will ask the Senator from Wyoming. I might even ask him if he trusts his friends from the South that much. Although I cannot speak for the Senator from Alabama, I am sure he will agree that we will not take advantage of each other at this time in the morning. If the Senator wishes to leave the Chamber to slumber, I can assure him that no one will seek to take advantage of him, and that a quorum call will be had when I conclude my remarks, which will not be very long from now.

Mr. McGEE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question only.

Mr. McGEE. Does the Senator from Florida realize that the Senator from Wyoming would prefer not to have the sequence of the expository remarks of the Senator from Florida interrupted, because if he were to slumber at this time, he would have his slumbering interrupted very soon; therefore, the Senator from Wyoming would prefer to stay it out.

Mr. HOLLAND. I appreciate those remarks. They are the most encouraging and complimentary words the Senator from Florida has had in the last 4 hours.

Mr. McGEE. Mr. President, will the Senator yield for another question?

Mr. HOLLAND. I yield for a question only.

Mr. McGEE. Is the Senator aware also of the fact that at least the junior Senator from Wyoming has been sitting here for the same small defensive reasons that perhaps my distinguished Republican colleague has been too, because of the many references to some questioned leadership on both sides of the aisle.

We are not sure in our minds whether the Senator is exempting from his generalizations the graveyard shift leadership, or whether he is referring only to the permanent leadership of the Senate.

Mr. HOLLAND. My references were to the permanent leadership, but I did not regard them as at all uncomplimentary. I simply made it clear, I thought, that they were in a state of confusion worse confounded. I believe that the facts I have recited, and many other facts that I could recite show that there has not been an issue on the floor of the Senate on which there has been less certainty of direction and on which we are given a less congealing question or which we are finally going to vote, than is now the case.

My remarks were entirely related to the two leaders, the majority leader and the minority leader. To put it in a way that my Florida people will understand—and I do not know whether the Senator from Wyoming would—it seems very clear to the senior Senator from Florida that the leaders have a bear by the tail and do not know how to turn him loose.

Mr. McGEE. If the Senator from Wyoming were to remain for the remainder of the Senator's remarks, he trusts it would not be construed as confusion confounded on the part of the present swingshift leadership. Does the Senator agree?

Mr. HOLLAND. The Senator from Florida cannot speak for the swingshift leadership and the Senator from Alabama, but the Senator from Florida would feel greatly complimented, and he would assume that the Senator from Wyoming was staying entirely because he wanted to hear what the Senator from Florida had to say, not because he would have to get up 15 minutes after he lay down.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question only.

Mr. GOLDWATER. Can my friend from Florida indicate about how long the leadership will have to hang on to the bear's tail before they can let it go?

Mr. HOLLAND. The Senator from Florida has no crystal ball——

Mr. GOLDWATER. A crystal bear——

Mr. HOLLAND. And he does not know what the future holds in this matter, but he believes that after we have gone through a few more of what the Senator from Wyoming has so colorfully described as graveyard shifts, perhaps a little more reasonable and sympathetic and more understanding attitude may prevail in the minds of the two leaders. At least we hope so.

Mr. GOLDWATER. So that they will then be able to get the bear over the mountain?

Mr. HOLLAND. Or we can drown him in the Potomac.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to my leader, the Senator from Alabama.

Mr. HILL. Does the Senator realize that under the rigid enforcement of the rules by the Senator from Wyoming, the Senator from Alabama can only ask the Senator from Florida a question?

Mr. HOLLAND. The Senator from Florida realizes that, and he trusts that his friend from Alabama will confine himself to questions.

Mr. HILL. Will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. HILL. Does the Senator realize what a very fine and very able and very instructive and very timely address he is delivering tonight?

Mr. HOLLAND. The Senator from Florida does not realize that, but he would be very much pleased if after the debate were over, his distinguished friend from Alabama had such an idea. The Senator from Florida has been trying to talk in a very matter of fact way, not at all about legalistic things.

I have been trying to talk about the effect on our people of the bill before us, and the importance of this subject to the people of our area and, I think, to the people of the entire Nation. I never divorce myself from the interests of the Nation. I believe that anything which adversely affects Florida, Alabama, and other States of the South, affects the whole Nation. I think that anything which affects either the happiness or the morals or the prosperity or anything else which is important in any section of the Nation, affects everybody in the Nation. That is the way I feel about this issue. I believe that if our friends from other areas in the Nation realized how deeply rooted in our hearts and how deeply rooted in our families and in our communities and in our school life and in our church life and in our relations that are most precious this question is fixed, they would not want to go to the length of enacting the proposed legislation.

All I can say is that I am looking at the matter not only from the standpoint of the good people of Florida and the South, both white and colored, but that I am trying to see it in terms of its effect upon the strength and unity and prosperity and progress of this entire Nation.

I say that a coercive, compulsive, and forceful approach to this subject matter gets no one anywhere. So long as people feel as keenly as we do about this problem, so long as we have the jury system, so long as we have the local choice of officers, so long as we have the right to send two Senators from every State—from the smallest to the largest—to represent our State in these deep convictions on the floor of the Senate, the various things proposed in these bills will be hurtful if action of this kind is taken.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. COOPER. First, I would like to ask the Senator if he knows that I am not here on an assignment of duty. I am here to hear him.

Mr. HOLLAND. I appreciate that very, very much. The Senator from Kentucky and I came to this body together. I believe it was in the class of 1946; and my relations with him have always been most happy. I know him as a man of deep conscience.

Earlier in the debate, I spoke of his great service in India where I think he was one of the most human ambassadors we have had there, rendering great service to us, to India, and to the free world. I am glad he is back in the Senate, where I have already welcomed him. I welcome whatever the distinguished Senator from Kentucky has to say.

Mr. COOPER. Because the Senator has made a very serious talk and argued the merits of his position, I ask a question which has been asked again and again in these debates, and it seems to be a very basic question.

I ask the question on the Brown case. It being the law, the question of enforcement arises. Recognizing the customs and the deep problems which exist in the South, how does the Senator reconcile the demand for enforcement of a law with the problem of consent by the people? There is an element of consent, as the Senator knows, in our law. There is the problem of enforcement and consent of the people, but what does the Senator say about the necessity for the enforcement in some way of the law of the land?

Mr. HOLLAND. In the first place, the Senator from Florida has a somewhat different meaning. It certainly is the law of the case, the very decision of the Court itself, and particularly its modified decision makes it very clear that it does not apply uniformly or universally. It must be based upon the facts found in every area. The Senator from Florida does not attach anything like universal coverage to it. Changeable as it is, by the foibles and changes of the Court as to its constitutional mandate, it is clear in its own terms or enactments passed by the Congress and approved by the President.

Beyond that, the Senator from Florida has said ever since the act was passed that, unfortunately, so long as that remained the law, so long as there remained the will to pursue enforcement district by district and school by school, making it the law of many other cases as well as the law of that particular case, the Senator from Florida sees only two choices. One is observance of that law, and the other is discontinuance of the common school.

The Senator from Florida, when he was in the midst of a pretty tough race a few years ago, despite the fact that many of his people felt otherwise, stated on various occasions—and he still states now—that he regards the discontinuance of the public schools as unthinkable. At the same time, the Senator from Florida knows that there are several States that do not agree with that, and the Senator from Florida thinks it would be a supreme tragedy—and that supreme tragedy is going to happen soon—if there is not some giving, some grace, some showing of better understanding on the part of the Court as it begins to move from one case to another.

The Senator from Florida thinks there are many solutions which are more tolerable than some which have been discussed.

The State of Texas is trying it out on an optional, county basis, to see how it works out. I think we should all be watching that experience.

In another area the school plan has been changed so as to have all boys in certain schools, segregating the boys from the girls. I do not know how that is going to work out in other States. In the Commonwealth of Virginia some years ago it was tried out on the basis of the institutions of higher learning, particularly in the graduate schools and the professional schools. I think we should look to see how that plan works.

There are other trial cases that we shall reach eventually where the solution will seem to be on a geographic basis. Earlier I mentioned the city of Jacksonville where there are 80,000 Negroes. It is difficult to say whether or not it is reasonable State law and in compliance with the Court decree to have schools that lie within great areas where there is no one area for colored people or white people, segregating by force of geographic circumstance. I do not think the South will ever be so foolish as was one area where forced segregation was tried by transporting white children long distances and colored children long distances, in spite of the fact that the schools were in areas that were naturally segregated, in order to bring about a mixture of the children. To me, that is utter nonsense, and I think the city which is doing that will find out that it is utter nonsense. So long as communities continue to lose hundreds of thousands of people they will realize more and more how much their unnecessarily coercive tactics in this field of integration are contributing to that loss of good people.

I think there are many moderate ways of approaching the problem. The Senator, of course, is familiar with the selective system, the assignment system, which is being tried out in North Carolina. I believe there is a law of that kind in Alabama.

My recollection is that the last one of those laws that came to the Supreme Court was approved. That does not mean it would be accepted as to all kinds of performances. It means, I suppose, that the Court would very carefully follow the performance to see what the fate of it is. But I do not support the position that the law of that case immediately becomes the law of the land. I think every school district in the Nation has the right to try out that philosophy as it may be applied to the set of circumstances existing there. I do not suppose that decision is as universal in its coverage as an act of Congress passed under the 14th amendment which gives to Congress the power to implement the 14th amendment, which power the Congress, however, has never used.

It is a troublesome question. It troubles all of us lawyers in the South. It troubles many others than lawyers in the South, and the Senator from Florida has no single or simple answer, but he has tried to bare his thinking as best he can to his friend from Kentucky. This philosophy is a long, long way from being universally accepted and acceptable law in the Southern States.

Mr. President, I have two other subjects here which I am equipped to discuss. I think perhaps I should implement one of the things I have said heretofore by quoting from the most scholarly work on "The Negro and Southern Politics." It is a thesis by Dr. Hugh D. Price of the University of Florida, who is a great scholar, a fine research man, and who has written of the developments in Florida and the undoubtedly great progress we have made there. He discusses the whole situation there, and then he applies his discussion also to the State so well represented by the Senator from Alabama. There are other States in the South, and he discusses the principal problem we have to contend with now in the State of Florida, which is the apathy, the want of political consciousness on the part of our citizens.

He quotes many things and presents many tables. To give some idea of the acceptability of Dr. Price as an authority in this field, Senators may remember that our learned colleague from Illinois [Mr. DOUGLAS] not only used his text but quoted very liberally from it in his last argument on this subject last year.

This is a scholar who hews right to the line, who develops the facts and states his conclusions, and who does not care whether he pinches us in Florida or pinches somebody somewhere else.

The Senator from Wyoming [Mr. MCGEE] well understands that approach, because he, too, is a school man. Undoubtedly there are others who will understand. We mere laymen, and particularly we lawyers, trained to be advocates, find it a little more difficult to understand that philosophy and that point of view than the school men find it.

In his learned book time after time Dr. Price expresses that sentiment. From pages 45 and 46 I quote one sentence:

> It is appropriate to consider whether the very low levels of registration in some counties may not be largely the result of apathy, low education status, and lack of political leadership among the Negroes rather than of white opposition.

Dr. Price goes on to name various counties, which were settled mostly by people from the North, such as Pinellas County, the county of St. Petersburg, where there is no objection but where voting participation by Negroes is very much lower than it is in some of the Old South counties in the northern and western parts of our State.

Dr. Price develops many figures.

Sarasota County is another where he found, with consternation, that the participation of Negroes as voters was very

small. He said that could only be explained by apathy, because there was no opposition of any sort, no feeling about the matter at all in this regard.

The U.S. Commission on Civil Rights in its report continues with the same thought. I quote from page 52:

> Why are so few Negroes in some areas registered?
>
> Apathy is part of the answer. In Atlanta, from all accounts, Negroes can register freely and 29 percent have done so, but 44 percent of the whites have registered. Similarly, in New Orleans Parish, some 28 percent of the Negroes are registered, compared with 60 percent of the whites.

The report develops figures with reference to given areas where there is no objection, as Dr. Price has shown with reference to Pinellas County, Sarasota County, Palm Beach County, and various other counties where there is no opposition at all but where the percentage of Negro registration and voting is very small.

Apathy is the answer.

Mr. President, I do not have to tell Members of the Senate that when one is trying to discourage and eliminate apathy one has a problem of time. One has a problem with regard to education.

When that is combined with the other big problem which require patience—that is, the problem of compliance with the deep conviction of a community—there are two problems which required almost superhuman patience to bring about ideal solutions.

Mr. President, our State has gone a long way in this matter. The Senator from Florida has gone a long way in this matter. It has not always been easy for me to advance insistently, as I have for 11 years, the anti-poll-tax amendment. Some people in my State have never understood it, though in my judgment it is the very essence of States rights. The essence of States rights is for a State—any State—when a fundamental law is suggested which affects the State vitally, to have that question submitted to the jury of the States. That is what the Constitution provides. That is the essence of States rights.

It has not been easy in all quarters to maintain that position. The Senator from Florida does not yield to anybody in his advocacy of civil rights, but he has to do it under his own lights, and he thinks that he can make a case for having done it under a good deal more difficulties and a good many more dangers politically than exist in the case of most of the Members of the Senate who are advocating civil rights as stated in some of the bills before the Senate.

Mr. President, I appreciate the patience of my colleagues. I appreciate greatly the patience and tolerance of the Presiding Officer, the able and distinguished Senator from West Virginia [Mr. BYRD].

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question.

Mr. GOLDWATER. I wish to propound this question: Does the Senator from Florida know that if the junior Senator from Arizona were allowed to state it as a fact, he has enjoyed very much the impartial and fair treatment of this very delicate subject by the Senator from Florida?

Mr. HOLLAND. Mr. President, I appreciate that very much—more than I can say. I do not think the Senator from Wyoming [Mr. MCGEE] would interfere at this late hour, when I am closing my remarks. I appreciate the Senator's expression.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Does the Senator realize, judging from the question the Senator from Alabama asked him a short time ago, how much the Senator from Alabama appreciates his very fine, very able, very instructive and very timely address?

Mr. HOLLAND. Mr. President, I appreciate the Senator's suggestion. The Senator knows how I feel toward him. The Senator will remember that only a few nights ago I almost wept because I found that my understanding that he was going to be the orator at a great meeting we both attended was false, and I had to listen to someone else.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. McGEE. Does the Senator from Florida understand that the failure of the Senator from Wyoming to object was endorsement of similar sentiments and applause for the senior Senator from Florida, who has talked cogently to the subject for an extended period of time?

Mr. HOLLAND. I thank my distinguished friend. I will say that my distinguished friend from Wyoming has made several trips to my State since he has been a Member of the Senate. He has spoken in at least two colleges, and perhaps more. He has spoken before two college groups I know of.

I have had nothing come from Florida other than expressions of great praise and appreciation for the scholarship and every other quality of the distinguished Senator from Wyoming. I am therefore grateful beyond measure for the Senator's kind expression.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to my friend the Senator from Vermont.

Mr. PROUTY. I, too, should like to commend the distinguished Senator from Florida most highly for one of the most effectual jobs on this subject to which I have had the privilege of listening.

I cannot agree with the Senator 100 percent, of course, but I think the Senator deserves credit and is entitled to credit from all the Members of this body, and certainly from the people of the South and from his State in particular, for a magnificent effort.

Mr. HOLLAND. Mr. President, I surely appreciate that expression.

Mr. President, I now yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bartlett	Goldwater	Martin
Beall	Gruening	Morton
Bennett	Hart	Moss
Brunsdale	Hartke	Mundt
Byrd, W. Va.	Hill	Muskie
Cannon	Holland	Pastore
Carlson	Hruska	Prouty
Case, N.J.	Jackson	Proxmire
Case, S. Dak.	Javits	Randolph
Church	Johnson, Tex.	Schoeppel
Clark	Jordan	Smith
Cooper	Keating	Wiley
Cotton	Kefauver	Williams, Del.
Curtis	Kuchel	Williams, N.J.
Dirksen	Lausche	Yarborough
Douglas	Long, Hawaii	Young, Ohio
Fong	McCarthy	
Frear	McGee	

The PRESIDING OFFICER. A quorum is present.

Mr. JORDAN. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. JORDAN. Mr. President, the Senate Committee on Rules and Administration, of which I am a member, held hearings on several Federal registrar bills, and at the time of the adjournment of our committee the senior Senator from Missouri [Mr. HENNINGS] stated that he wanted to conclude the hearings as soon as possible in order to bring out a Federal registrar bill and make it a part of the civil rights bill. Since very little of the testimony offered in opposition to the Federal registrar bill was heard by a majority of the Senators, I think it would be well for the Senate to hear the testimony offered by able Governors and attorneys general from several States, giving their reasons why they opposed these bills. So I shall read portions of their statements in the hope that the views of these able gentlemen will help us in making the decisions we will have to make on the vitally important proposed legislation now being debated in the Senate.

Mr. President, I read first from the Honorable MacDonald Gallion, attorney general of the State of Alabama. This is testimony which was presented at the hearings. The witnesses were heard by very few Senators. Most of the time the chairman was the only person listening to the hearings. Sometimes I was the only Senator on the Rules Committee present and conducted them myself. So I am certain most of the testimony was not heard by the Senators, and I doubt that this great volume which has been printed on the hearings has been read by the majority of the Senators, and I think it is important information to have in the RECORD and for the Senators to hear.

Mr. Gallion's statement starts off and says:

> Mr. GALLION. If I do not, I will be very happy to answer them.
>
> While I am speaking for myself, I believe I expressed the view of the people of Alabama and their deep concern over the continuing assaults by the Federal Government upon the historic powers and prerogatives of the sovereign States.
>
> I regard these bills, which would create Federal boards of registrars in every district of the South as dangerous, totally unwarranted, and unconstitutional—unconstitutional attempts to create a new cast of Federal superemployees who are armed with

broad powers to usurp the functions of the duly elected and appointed public officials in Alabama and other States.

Gentlemen, I came here on rather short notice, and I have not, frankly, had time to study in detail the bills—all of the bills—that are before this committee.

It is my understanding that Senate bill 2814, in large part, embodies recommendations of the Civil Rights Commission and broadly covers the subject matter contained in other bills that are pending before the committee, and therefore, on that premise I will direct my remarks principally to that bill, with the understanding that any such remarks will be applicable to other bills under consideration on this subject matter.

First, I would like to register my opposition to these bills in the very strongest manner possible, and not only do I think that they are attempts to usurp State authority totally and without justification, but they are simply not needed.

They constitute, in my opinion, but another politically inspired attack on the principles of State sovereignty, and upon the specific provisions and intent of the Constitution of the United States.

With each new attempted encroachment of this kind upon State sovereignty, there is created a wider and wider breach between the Federal Government and the States, and there is created within the States a new tidal wave of mistrust and misunderstanding and ill will between——

The CHAIRMAN. By politically inspired, do you mean either for political benefit or advantage from the Northern States undertaking to regulate matters?

Mr. GALLION. Frankly, yes.

The CHAIRMAN. That is what we want to get from you; if that is what you mean?

Mr. GALLION. Yes, exactly.

The CHAIRMAN. Of course, we know that some of the Northern States have no problem such as there exists in the South in terms of the mores and traditions, don't we?

Mr. GALLION. Perhaps not.

The CHAIRMAN. I come from a State myself that was a segregated State.

Mr. GALLION. Yes, sir.

The CHAIRMAN. There is a great division of opinion even in my own State about this. I understand in Senator KEATING's State there would be very little problem up there.

Mr. GALLION. Yes, sir.

The CHAIRMAN. Senator Jordan's State, there would be very little problem there; by that I mean people being as of one mind; is that not true, Senator?

Senator JORDAN. There is probably some division.

The CHAIRMAN. What I am trying to get at is that unhappily this has created a schism for any number of reasons and variety indeed of reasons, which I think we are all aware of, and has caused great difficulty here in the Senate as in the Congress for—since the period of so-called Reconstruction.

Mr. GALLION. Yes, sir; I think that is acknowledged, Senator.

In our State we have approximately 33 percent Negro population.

But I think—continuing at the present time—at this time, when unity is needed more than any time before to present a united front against our enemies abroad, certainly I view with alarm any attempt to divide our people.

I am sure that it is not necessary to remind this erudite committee that the express intent of our Founding Fathers clearly spelled out in our Constitution the limitation of the powers of the Federal Government as to matters specifically delegated to it by the various States, and to preserve inviolate all other powers to the States themselves.

I think that any argument to the effect that conditions have so changed since our Constitution was written that such social changes have abridged or changed the Constitution is not a good argument completely for bypassing the 10th amendment, and I think it would be highly illogical and unrealistic to say that the States intended to create a Government that would ultimately and at a later date destroy all of the authority and powers that had been reserved to the States, the very States that created the Government.

The Constitution is a contract between the States.

The CHAIRMAN. Yes, sir; there was a very bloody war fought about that.

Mr. GALLION. It was given birth by the several States for the purpose of self-preservation, for means of a mutual defense, as an official government to conduct foreign affairs, to regulate commerce and for such other functions.

I say that local self-government is the very basis for democracy, and when a government grows so large and so cold to the feelings of its people, a great section of its people, then I think that democracy suffers, and the purpose of the Federal Government, as I have stated, is to preserve and further the interests of the States and their citizens by mutual action and not to consider the electorate of the United States as one large body with one section being forced to bow to the wishes of other sections who have more votes.

In the common pact between the States, all separate and independent, no one State or group of States has the right to alter the internal affairs of any other State or group of States.

With reference to Senate bill 2814 I would like to note what I consider basic faults—faults that are beyond correction within the scope of the Constitution.

I note, first, that section 2 purports to define the terms and the purposes of the act and it says, and I quote:

"Federal election means any general or special election held in any State solely for the purpose of electing any candidate to any Federal elective office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for the election to any Federal elected office."

And then it lists those Federal elective offices: (1) The President of the United States; (2) the Vice President of the United States; (3) electors for President and Vice President of the United States, and wherever such elector is selected by popular election; and then (4) Members of the U.S. Senate; and (5) Members of the House of Representatives of the United States.

When this definition speaks of primary elections, I think that it should raise a red flag of warning to all of us.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. McCLELLAN. Will the Senator indicate to what State he is referring now?

Mr. JORDAN. Alabama. This is the testimony of the attorney general of the State of Alabama.

I do not intend to impute ill motives to any man or to any party when I point out that at the present time we have as President a member of the Republican Party.

I think that it is not presumptuous to assume that under this bill Republicans would be appointed by the current administration, should the occasion arise. I think that the same would be true at times when the Democrats are in power.

The CHAIRMAN. You expect southern Republicans——

Mr. GALLION. I beg your pardon?

The CHAIRMAN. I say you would expect southern Republicans to be appointed?

Mr. GALLION. Yes, sir. There are very few of them, incidentally, Senator.

The CHAIRMAN. They never had very much standing, as I have heard it.

Mr. GALLION. They are in quite a few post offices.

The CHAIRMAN. Yes.

Senator KEATING. Mr. Chairman, on that point, the Attorney General is aware of the fact that the President named to the Civil Rights Commission members on a completely bipartisan basis.

Mr. GALLION. It is interesting to note, Senator, I do not know what individuals you refer to.

The CHAIRMAN. Dean Storey.

Senator KEATING. Six members of the Civil Rights Commission, I believe three are Democrats and three Republicans.

Mr. GALLION. Yes, sir; I am aware of that; yes, sir.

Senator KEATING. And the Attorney General is also aware of the fact that the President has named some Federal judges who were members of the Democratic Party.

Mr. GALLION. Thank you for that information, Senator.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. JORDAN. I yield to my distinguished colleague for a question.

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. JORDAN. Only for a question, provided I do not lose the floor.

Mr. McCLELLAN. The Senator is reading some very interesting statements. Would he advise us where those statements were made?

Mr. JORDAN. These statements were made at the hearings of the Committee on Rules and Administration on the subject of Federal registrars.

Mr. McCLELLAN. That is very recent testimony, I take it.

Mr. JORDAN. Within the last 3 weeks.

Mr. McCLELLAN. That is not on the bill that is before the Judiciary Committee, is it?

Mr. JORDAN. This bill was never referred to the Judiciary Committee. It was referred to the Committee on Rules and Administration, and that committee held hearings. As I pointed out in my statement earlier, the senior Senator from Missouri [Mr. HENNINGS] stated he wanted to conclude the hearings as quickly as possible, and to get the hearings printed, because he hoped to make the bill a part of the present civil rights bill.

Mr. McCLELLAN. As I recall, that is the same hearing at which the attorney general of Arkansas appeared and testified.

Mr. JORDAN. Yes.

Mr. McCLELLAN. That is the same hearing on which we were given a deadline of the 5th of February?

Mr. JORDAN. That is correct.

Mr. McCLELLAN. In other words, we had to close the hearings then?

Mr. JORDAN. That is correct.

Mr. McCLELLAN. Were the hearings closed on February 5?

Mr. JORDAN. That is my recollection.

Mr. McCLELLAN. Has a report been filed or any action taken by the Committee on Rules and Administration on the bill that is pending before it, on which these hearings were held?

Mr. JORDAN. So far as I know, no bill has been reported from the committee.

Mr. McCLELLAN. That bill, which is presumed to be a part of the so-called civil rights battle, is still before the committee and has not been reported, notwithstanding that we were given a deadline on the time in which we could present testimony on the bill. Is that correct?

Mr. JORDAN. I think that is correct.

Mr. McCLELLAN. I thank the Senator.

Mr. JORDAN. I continue to read from the hearings:

Senator KEATING. The point I was taking issue with was—well——

The CHAIRMAN. That is in the law, of course.

Senator KEATING. The President does not have to name necessarily a Democrat. My personal opinion is that he would name the best person he could get to do the job.

Mr. GALLION. That is something I think is purely in the realm of speculation. I am not saying one way or the other.

I do say——

The CHAIRMAN. We know he would not do it himself. It would be delegated.

Mr. GALLION. I do say this: I think at the very least it would be unsatisfactory to everyone.

You would have members of one party, should that occur, on that assumption, not only registering, but I would say supervising the tabulation of the votes in a primary election by the opposition party, and I read that in section 7.

Section 7 reads as follows:

"Each individual who is registered by a Federal registrar pursuant to subsection (a) shall have the right to vote, and to have such vote counted for all candidates for Federal elective office, in any Federal election held in his registration district during the effective period of his registration."

Since this Federal registrar must see that the individual has the vote, as therein provided, I presume that it would be his duty to see that that vote was counted; and, if that was not the intent of this section, then I think that that provision certainly is ambiguous.

Senator KEATING. Mr. Chairman, may I ask a question on that, on that point?

The CHAIRMAN. Senator KEATING.

Senator KEATING. Is it your opinion, as a lawyer, that that section gives to the Federal registrar the authority to supervise the voting and the counting of the votes as well as the registration?

Mr. GALLION. If it does not mean that, Senator, as I say, I think it is ambiguous, because it says that he shall see that that vote is counted, and I do not know otherwise how it would be accomplished.

Senator KEATING. I did not understand that it said he should see that it was counted.

Mr. GALLION. It says, and I quote again in subsection (a)—

"shall have the right to vote, and to have such vote counted."

Senator KEATING. Yes, but would you please read the entire sentence.

Mr. GALLON (reading): "for all candidates for Federal elective office in any Federal election held in his registration district during the effective period of his registration."

Senator KEATING. Isn't the sentence to which you refer a sentence—doesn't it limit the duties of the Federal registrar to seeing that the person is registered as a voter?

Mr. GALLION. I do not see how you can say that, Senator, when it reads that he should see that that vote is counted.

Senator KEATING. What paragraph are you referring to?

Mr. GALLION. I am referring to section 7.

Senator KEATING. Of which bill?

Mr. GALLION. Subsection (a).

Senator KEATING. Which bill?

Mr. GALLION. 2814.

The CHAIRMAN. That is the so-called Humphrey bill.

Senator KEATING. 2814, subsection what?

Mr. GALLION. (a), section 7. That is subsection (a), which reads:

"Each individual who is registered by a Federal registrar pursuant to subsection (a) shall have the right to vote, and to have such vote counted for all candidates for Federal elective office in any Federal election held in his registration district during the effective period of his registration."

Senator KEATING. Is it your opinion as a lawyer that gives to the Federal registrar the power to see that the vote—that the person has the right to have that vote counted?

Mr. GALLION. As a lawyer I say that at least it is ambiguous.

Senator KEATING. There is not a thing said in it, Mr. Attorney General, about anything beyond the duty of the Federal registrar to have the registration in the other sections made.

This simply says that any individual who has been registered by a Federal registrar shall have the right to vote and have this vote counted. But who is to see that that is done? That is the very basis upon which, one of the bases upon which the Attorney General has made the suggestion for Federal referees appointed by a court who would have authority to follow the voting procedure through to its logical conclusion.

Mr. GALLION. Senator, under the wording we have before us I certainly think that an issue could arise as to its meaning.

Senator KEATING. Well, it certainly—all I can say is that I cannot see any issue about it. I think it is perfectly clear that his duties are only to get the person registered.

Mr. GALLION. Well, I repeat, I certainly think it is open to argument from the very wording of it.

But to go along, under section 4, turning to section 4, it provides first for procedure by which the machinery is set in motion, which would ultimately lead to a Federal board of registrars or could lead to that in every county in the South, and it provides, if within 1 year a 1-year period, the President receives nine or more petitions filed under section 3, just preceding it, by individuals who reside within the same registration district, he shall—now note that it says "shall"—mandatory—"he shall refer all such petitions to the Commission on Civil Rights."

Mr. McCLELLAN. Mr. President, will the distinguished Senator yield?

Mr. JORDAN. I yield, reserving the right not to lose the floor.

Mr. McCLELLAN. I wonder if the distinguished Senator has observed here, at 4:15 a.m., that there is only one other Senator present on the floor besides himself and the occupant of the chair. There are only 13 people in the galleries, and it seems about half of those are employees of the Senate. The only other one on the floor is the Official Reporter. I wonder if the Senator has the same feeling I do about this, that it is a little bit strange that those who wanted these prolonged sessions all night, all day, all the time from now on, are not present to help us carry on these sessions. I think it ought to be called to public attention, in recording here for posterity, that everybody knows that those who wanted such sessions are conspicuous by their absence.

Mr. JORDAN. I thank the Senator. I think that is one of the reasons why it is important that this testimony be read, because practically no Senator heard the testimony when it was given in person.

Mr. McCLELLAN. They are not going to hear it or read it, but it will be preserved for posterity. We are making history here.

Mr. PROUTY. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The regular order is demanded. The Senator from North Carolina may yield only for a question.

Mr. JORDAN. Mr. President, I continue to read:

I would like to digress here for just a minute to note that I think that this in itself is rather presumptive.

The Congress created the Civil Rights Commission as a temporary body; it was created with certain limited functions, and the Civil Rights Commission, as such, still so exists, and it apparently appears that the Civil Rights Commission, the perpetuation of it, rather, is trying to be injected into this bill, and do by indirection what this very Congress has not so far agreed to do by legislation.

I regard it as an outright effort to perpetuate itself in power and to give it supergovernmental powers to do things specifically, I say, condemned by the Constitution.

But, to go back to how machinery is set in motion, it says nine petitioners—nine is the magic number. It does not say that these nine petitions have to be bona fide petitions.

They could be frivolous, the way this bill reads, or at least eight of them could be without any basis, except to set the Federal machinery in motion.

Then, let us take a look at what could happen. So long as the Civil Rights Commission, its job now being secure, could find that one of these petitions had any basis of fact in reality, then the Civil Rights Commission certifies that fact to the President.

The act, then, when it is certified to the President, does not make it discretionary for the President. The Civil Rights Commission here has spoken, and the President has to move.

It says that he shall then create and establish an office of Federal registrars in this registration district, and upon a Federal registrar——

Senator KEATING. May I inquire on that point, Mr. Chairman?

The CHAIRMAN. Senator KEATING.

Senator KEATING. Would you support the legislation if the "shall" in line 19, page 4, in the duties of the President were changed to "may" so that the President also would have discretion in the matter?

Mr. GALLION. Senator, I am unalterably opposed to the legislation, basically.

Certainly, I say that that wording, that mandatory wording, is a feature that I was pointing up as objectionable.

Fundamentally, I am opposed to this bill, and all this type of legislation.

Senator KEATING. You think it would improve it to change the word "shall" to "may"?

Mr. GALLION. Well, certainly I would take it to mean mandatory in this instance.

With the appointment of this Federal registrar by the President, just who will he be?

It says in the act that he must be an employee of the Federal Government. That is what the act provides for. That is all it says though, and for aught that it appears he would not have to be a qualified voter himself. He would not have to even be a citizen of the State.

Going, perhaps, to extremes, but the way it so reads he could even have a criminal

record, just so long as he is a Federal employee he would be qualified when appointed, to judge the qualifications of any person whose application came before him.

Senator KEATING. He must reside within the State.

Mr. GALLION. It says, "reside," yes, Senator. But you can reside in the State—you can move from one locality to another and have the intent to reside in the State as soon as you cross the State line, and 5 minutes later qualify as residing in the State. It does not say legal domicile. It does not say a legal resident; and simply being a Federal employee, why, on that basis, there is no provision that he has to even have passed a civil service examination.

On that basis it could be the janitor in the post office or it could be a route mail carrier, or, of course, it could be a game warden, or perhaps a U.S. district judge.

But the way the act reads that could be done under the act as written. Then you ask where would this super employee come from? We just touched on that. The act said that he should reside within the State, and within or near such registration district.

Now, "near"—I pointed out that he could cross the State line and declare his intent that he was residing there. He would be taking up a job, sure he would be residing there, and when it says "near," getting back to domicile, he would not have to have a bona fide residence, and just so long as he lived somewhere in the State, he could be qualified.

When it refers to near, within or near, the registration district, I do not think that that throws any further light on the subject. In other words, the word "near" in this day and age does not mean what it did in the time of our fathers.

We now have superspeed jets that can span the Atlantic Ocean in 6 hours, and they can move from Washington to Alabama, from New York to Alabama, or New Orleans, or other southern locations in a matter of a couple of hours, or so.

I say this, that I believe such loose verbiage in this bill would defy any sound judicial determination. This might be of greater concern were it not for the fact that there are so many other defects that exist in it that surely it must topple at the first winds of any judicial attack.

I would like to bring the committee's attention to section 6. It says, in part—

"That all such applicants under the Federal registrar—all such applicants whom the Federal registrar finds to have the qualifications requisite under the laws wherein such district is situated, shall be registered"—

and this presumes that the Federal registrars would follow the qualification for electors as spelled out by the State statutes and the various State constitutions.

But who enforces it? It cannot be reviewed in the State courts, and there is no provision, as I see it, for reviewing the registrar's action in the Federal court.

Then you have this—who but the registrar himself is to determine that any State procedures are followed—that an applicant is qualified.

Then right there in the next breath the bill contradicts this principle insofar as the State of Alabama would be concerned, by providing that persons registered by such Federal registrars are qualified to vote only for a period of 2 years.

Now, in Alabama we do not have any periodic registration. Once a person comes in and is registered as an elector, he remains an elector for life; that is, unless he is removed from the voter rolls by some disqualification, if he has committed a crime, a crime involving moral turpitude, and then is removed from the rolls, or in rare cases where in two or three instances there has been a reidentification registration.

This says 2 years. There you have a conflict. We would put him on the rolls for life. I have already made reference to section 7 so I will skip that first part.

Subsection (b), I made reference to (a) of that—subsection (b) simply goes a little further to make sure that the Civil Rights Commission is made permanent under the act.

Section 9 provides that the provisions of the act shall be enforcible by appropriate civil and equitable proceedings instituted in the several district courts of the United States by the Attorney General or in the name of the United States, and I presume this means by action similar to actions similar to those that have already been brought by the Justice Department on behalf of the Civil Rights Commission and several of the Southern States.

I believe that all or nearly all of these matters are under consideration by the Supreme Court at the present time.

Now, in the beginning of my testimony I stated that legislation of this kind is simply not needed in Alabama, nor do I think it is needed in any of the other States. We have laws in Alabama that clearly and unambiguously deal with registration and with voting, and nowhere in any of our laws will you find any provisions for discrimination on the basis of race or color or religion or national origin, and we have criminal penalties that can be invoked against any person interfering with the right of another to vote, and we have standards that are clearly spelled out dealing with the qualifications of electors.

I know the committee might have this thought: Are these laws fairly enforced?

Gentlemen, I tell you that they are. Just last year the Birmingham News, the largest newspaper in the State, and I think generally recognized as a responsible and fair news medium, made a survey from one end of the State to the other, and they came up with this general overall conclusion and summary, that approximately, there were more than 70,000 registered Negro voters in Alabama, and that rapid progress had been made in the field and that, generally speaking, they were being registered when qualified without any denials at all.

Of course, there are some isolated instances, I think very few, very few here and there, and the Birmingham News noted that. But, generally speaking, our voter registration laws are being fairly administered, and if there are some isolated cases I am sure gentlemen, that there are some isolated cases, perhaps, in your own States, and States in the North and West.

I would like to give you some figures on our voter registration in Alabama which, I think, proves the point.

This survey was made by a Negro group, so certainly the figures would be readily accepted.

The CHAIRMAN. What is the name of the group?

Mr. GALLION. I do not have it for you, Senator, but I will be glad to furnish it to you before I get away.

(The survey referred to above was made by the Alabama State Coordinating Association for Registration and Voting, and reported upon by J. E. Pierce, its research secretary.)

Mr. GALLION. It is in—for reference purposes—it is in the committee hearings before the Senate Judiciary in the 1957 civil rights hearings [p. 863], that survey, and I think that they are not a 100 percent accurate, but certainly close to it.

It showed that in 1940 there were approximately 2,000 registered Negro voters in the State of Alabama. By 1946 this number had risen to 6,000, and in 1952 there were approximately 25,000, and 1954 about 50,000.

I have referred to the survey in 1958 where it was in excess of 70,000, and today the best estimate is, approximately—and this is not in the survey report—bringing it up current to date, it is approximately 77,000.

So I think actually that this is astonishing, and all of the arguments——

The CHAIRMAN. Mr. Attorney General, how many Negro citizens are there in the State who are of voting age?

Mr. GALLION. I do not have those figures at hand, Senator. I am sorry I do not have it in my files with me. I have it back in the office, but I do want——

The CHAIRMAN. About what percent would you say that number you suggested represents?

Mr. GALLION. I do not know. There are approximately a million Negroes in the State of Alabama now, and a hundred and some odd thousand—you have approximately 77,000 voting. I just do not know. I will be glad to get you that information, Senator.

The CHAIRMAN. It would be very helpful to us.

Mr. GALLION. I would not want to say that there have been no isolated instances of discrimination in the registration of voters. That is apt to occur anyplace, but I would say on a broad basis that our laws are being properly administered.

I will be perfectly candid with you. We are at this time without a board of registrars in Macon County. But I do want to say something on that subject. It has a very heavy Negro population, and there have been two boards of registrars appointed within the last 12 months, and they have simply declined to serve; and I say that it was not because they wanted to deny registration to any Negro voters, but because the Civil Rights Commission has been down there in Alabama and harassed them, and these members who serve on our board of registrars accept that as a civic duty. The per diem is $10 a day; it is not any real remuneration.

The CHAIRMAN. Mr. Attorney General, you indicated there are about how many people in Alabama who are of voting age?

Mr. GALLION. I did not indicate that.

The CHAIRMAN. You have not indicated that, have you?

Mr. GALLION. No, sir.

The CHAIRMAN. Do you know about how many?

Mr. GALLION. I said I did not have those figures, but I have them at my office. I regret I did not bring them, but I came up hurriedly.

The CHAIRMAN. Well, the question I asked you was, How many voters are of voting age?

The Civil Rights Commission reports that in—I read from page 49 of the report of the U.S. Commission on Civil Rights, total 1950 voting age population of Alabama was 1,747,759.

Of this total, 1,231,514 were white, and 516,245 were nonwhite. Thus, nonwhites were 29.5 percent of the total voting age of the population. Those are the figures supplied by the Commission.

Mr. GALLION. Senator, let me say this—I think Senator SPARKMAN alluded to it. As I recall, and I may be mistaken, Senator SPARKMAN alluded to it—voting is not a right, it is a privilege.

Now, the population—as for the Negro population in Alabama, you have got to take into consideration what enthusiasm they have toward seeking the ballot. I would dare say that if you were to get post cards and mail out the voting privilege through the mails that you would have a very small percentage who would take you up on that. Unfortunately, I think it is one of the things of serious consideration, that the desire for the franchise is not great.

I would like to say this along that line. We have referred to it and I have referred to the Alabama laws. I will go into a little more detail.

In Alabama you go to qualify to register, and if you are denied, you have the right within 30 days to appeal to the circuit court.

Now, that trial on appeal in the circuit court is a trial de novo; that is, all new evidence. Any new evidence can be introduced and you do not have to put up any security for costs. You do not have to post any bond. And, if at the trial the judge rules that you were qualified, and that you had been denied this right of registration, you are registered and there is no appeal by the State.

It is just like a criminal case, on an acquittal you get no appeal.

Over the years, in the current memory of man, I do not know of any court cases that have been filed, except one. I do not know of any individuals who have availed themselves of that right, any Negroes, except one, and that was in Jefferson County several years back; and there the judge ruled him as qualified and that ended it.

That is the only incident that I know of or have been able to find out about.

Another thing, as far as just complaints are concerned, up until I took office in January—I have been associated with the Attorney General's office some 15 years—and in that time I know of no complaints that have come into that office, except when I took office in January, and the Civil Rights Commission was already in existence, I received four complaints from Tuskegee—that is, in Macon County—and within 24 hours I had two investigators in the area checking into the matter to see whether there was merit to the complaints or not.

At the expiration of a short time, and before anything further could be done, the Civil Rights Commission, through the Department of Justice, came in and filed suit, naming those 4 complaints and some 16 others, who had not even entered a complaint with me.

Mr. President, I turn now to testimony given by the Honorable Joe T. Patterson, attorney general of the State of Mississippi:

STATEMENT OF JOE T. PATTERSON, ATTORNEY GENERAL, STATE OF MISSISSIPPI

Mr. PATTERSON. Mr. Chairman and members of this honorable committee. Of course, it is always a source of deep appreciation to come to the Nation's Capitol and be presented to these committees by my good friend, Senator STENNIS, the junior Senator from my State, and I always am very appreciative of the courteous hearing the Senators always give us when we come here even though our views may be vastly different. I have found out in working up here many years ago in the office of the distinguished Senator from my State, Senator Pat Harrison, that although we differ sharply at times, we never lost sight of that fact that we are all public officials of our respective States and Nation, and have only one objective in mind, and that is what is to the best interests of both.

I deeply appreciate the opportunity to appear before this honorable committee to express my views on bills pending before this committee which have for their purpose to put into effect recommendation No. 5 made by the Civil Rights Commission in its report to the President and the Congress.

I have not read the voluminous report of the Commission on Civil Rights in its entirety. I have read the first part of said report; especially that part setting forth the findings and recommendations of the Civil Rights Commission on the question of voting; that being the part of the report and recommendations which the bills I shall address myself to, seek to enact into law.

Frankly, Mr. Chairman, I was amazed when I read the findings and recommendations of the Civil Rights Commission set forth in chapter 9 of its report. I was astounded to see this Commission recommend to the American Congress the enactment of laws seeking to qualify every person in the United States as a voter in the State in which he may reside with no restrictions or qualifications whatsoever, except as to age and residence requirements, the only exception being those who are not legally confined at the time of registration or election.

The Civil Rights Commission in its report says that, "Age and residence are objective and simple standards." I will admit that stripping qualifications to vote in a State down to such standards are "simple standards." I will admit that such "simple standards" are "objective" provided the objective sought is to turn the ballot box of each State over to the incompetents who are wholly unfit to be qualified electors in any State and permit them by sheer numbers to be herded to the polls and destroy the effect of an intelligent ballot cast by the sincere and patriotic citizens of this country that have made it great and are keeping it great.

I deny that the proposed amendment to the Constitution set forth in chapter 9 of the recommendation of the Civil Rights Commission appearing on page 143 thereof "is in harmony with the American tradition and with the trend in the whole democratic world."

As I understand the great American tradition, such proposals are wholly contrary to everything the American tradition stands for. Certainly such proposals are wholly contrary to everything that the Founding Fathers of this Nation stood for and advocated when they were writing the Constitution of the United States.

As to such proposals being in keeping "with the trend in the whole democratic world," I cannot satisfy my mind as to just what part of the world the Commission had reference to. Surely the Commission did not mean that part of the world that is under the ruthless and barbaric rule of a small group of men whose worshippers and fellow travelers howl loud and long in the public forum, on the air, and in the press about pure democracy and the rights of the masses, and at the same time would not dare permit a free election in their own country or in any other under their ruthless domination.

Excluding that part of the world under the domination of this political ideology and excluding that part of the world under a direct dictatorship, there is not much left. However, of that part that is left, I would like for the Civil Rights Commission to point out in what country is the democratic process of government more effective or safely protected, and more zealously guarded, than it is in the United States of America under our present Constitution and laws.

In my opinion, recommendation No. 5 of the Civil Rights Commission providing for "Federal registrars," together with S. 2684, S. 2719, and all other bills pending before this committee which implement said recommendation or seek to enact its provisions are unconstitutional. Congress is totally without authority to enact any statute which follows the line of said recommendation or bills. They do not constitute "appropriate legislation" under or in accord with any amendment to the Constitution, and in fact expressly and clearly violate several provisions of the Constitution proper.

The above-mentioned bills, and others pending before this committee, which follow and seek to implement said fifth recommendation of the Commission all have the same vice, so by directing my statement to the unconstitutionality of the provisions of recommendation No. 5, my comments are equally applicable to all of the said bills.

The fifth recommendation of the Commission herein dealt with appears at pages 141 and 142 of the Commission's report filed on September 9, 1959, with the Congress of the United States. The background and so-called findings of the Commission upon which the recommendation is based covers pages 139 to 141, inclusive, under the title of "Appointment of Temporary Registrars"; at page 142 is the dissent by Commissioner Battle.

To avoid copying pages 139 through 142, inclusive, and with which I am sure this committee is familiar, I merely make that portion of the report a part of this statement by reference.

I heartily agree with the dissent by Commissioner Battle at page 142 of said report, wherein he tersely sums up what I shall say here in more detail.

This recommendation violates the following provisions of the Federal Constitution:

Article I, section 2, clause 1:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

The 17th amendment, paragraph 1, effective April 8, 1913, alters original article I, section 3, clause 1:

"The Senate of the United States shall be composed of 2 Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have 1 vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

Article II, section 1, clause 2:

"Each state shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

Recommendation No. 5 aforesaid is not justified and is not authorized under article I, section 4, clause 1, of the Constitution, which is as follows:

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."

I understand that within the last few days the Attorney General of the United States has drafted some new proposed civil rights legislation for introduction in the Senate, and that it has been introduced in the House as H.R. 10018 and 10034. I have read what purports to be a draft of the Attorney General's newest idea on civil rights.

And I frankly state, when I first read the "force acts" of 1865, 1870, 1871, and 1872, I thought I had read the most extreme, unwarranted and, in many instances, the most unconstitutional legislation it was possible for the mind of man to conceive.

However, the proposed draft of the Attorney General's new idea on civil rights as carried in the public press makes those "force acts" seem mild and most conservative. By the time this, my statement, is made to the Senate Rules Committee, the new idea of the Attorney General on civil rights will in all probability have been put in bill form and introduced in the Senate. In view of this, and should that legislation be referred to the Senate Rules Committee, I respectfully request the opportunity, should I so choose, to submit an additional statement on what the Attorney General is now advocating.

After several years of administration under the aforesaid "force acts," the entire Nation was so shocked by the innumerable frauds and injustices perpetrated thereunder that Congress repealed most of them

by act of February 8, 1894 (ch. 25, 28 Stat., 1893–1895, 53d Cong., 2d sess.).

I do not believe this Congress will bow to the will of the Attorney General in his proposal, and those who so ardently advocate his proposals, and if it does, I predict that history will repeat itself and soon this Nation will demand, as it did in 1894, that the Attorney General's proposal be repealed.

In my opinion, the proposal by the Attorney General of registration and authority to vote under the rule of Federal voting referees is unconstitutional, unwise, and unnecessary for the same reasons I assign herein as applicable to the so-called Federal registrars under recommendation No. 5 of the Civil Rights Commission's report and the bills implementing it.

Before going into any questions in detail, I think it would be helpful to this committee and to this Congress to clear away what I think could properly be called some debris which has clogged, befogged, bemuddled, and confused the issues, the minds of some people, and the questions which you and the other Members of Congress must deal with and determine upon the proposals at hand and with which I will deal in my statement to you.

In my judgment and opinion, there is not and cannot be any such thing as Federal suffrage, nor is there any such thing nor can there be any such thing under the Constitution as Federal registrars, or Federal referees, to supervise voting in States.

The United States has no voters in the States of its own creation as all elective officers of the Federal Government are elected, directly or indirectly, by State voters. The rights of franchise or the right to exercise it by voting is not an incident of national citizenship; neither is the right to vote a necessary incident of State citizenship.

The right or privilege of a person to vote for a Representative or a Senator in Congress depends upon whether such person is in fact qualified under the law of his State of residence to register and vote in his State for a member of the most numerous branch of the State legislature.

The 14th amendment did not extend the franchise to anyone. The 15th amendment did not extend the franchise to anyone; it merely gave the right to not be discriminated against or denied the franchise and the right to vote on account of race, color, or previous condition of servitude; and Congress was thereby empowered to enforce this amendment by appropriate legislation.

Until the adoption of the 19th amendment in 1920, the denial of the franchise and the right to vote on account of sex was not prohibited by the Constitution of the United States.

The Government of the United States and the powers of Congress are only such as have been expressly or necessarily impliedly delegated or granted to them by the States.

Part of the debris I refer to is the confusion in the mind of some people about the power or authority of Congress to legislate concerning elections. This may be occasioned by their failure to recognize that the Federal Government does not have the power both of the Government and of the States. A failure to keep in mind that the Federal Government has only such powers as have been delegated to it will result in a failure to recognize the limits of authority of Congress as set and determined by the Constitution.

The failure of anyone to recognize the provisions of the 9th and 10th amendments will cause a misunderstanding or a lack of appreciation of the limits thereby placed upon Congress in legislating upon the franchise, elections, and voting. The provisions of the 9th and 10th amendments are so familiar that their quotation here is unnecessary.

However, I frankly admit that the trend of the past few years has been to either disregard the 10th amendment and its obvious purpose or effect its repeal by an unrestrained and unwarranted construction of other sections of the Constitution.

I believe the statement, too often quoted and too seldom understood, "that the right to vote for Congressmen is a Federal right secured by the Constitution" has too frequently misled too many people.

The real question with which this committee, the Congress, and I are properly concerned is the right of whom to vote for Congressmen. That is the issue here, not whether the right exists. The question is not whether it is a Federal right, but to whom is the right given. The answer to this question is that the right is given only to citizens of each State who under State law are given the right to vote for members of the most numerous branch of the legislature of the respective States.

As to the presidential electors, Congress is thoroughly and unquestionably without any authority to legislate upon their selection as contemplated by recommendation No. 5 and the Attorney General's Federal referee proposal.

Presidential electors, as clearly indicated by article 2, section 1, clauses 2 and 3, are State officers and their selection is exclusively within the province and authority of the respective States, except as to the time of choosing electors and the day on which they shall give their votes.

The Supreme Court of the United States, in the case of *McPherson* v. *Blacker* (142 U.S. 1, 36 L. Ed. 869), clearly and unequivocally sustains this contention, and quoting therefrom, at page 877, we find:

"In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States. They are, as remarked by Mr. Justice Gray in *In re Green* (134 U.S. 377, 379 (33:951, 952)), 'no more officers or agents of the United States than are the members of the State legislatures when acting as the electors of Federal Senators, or the people of the States when acting as the electors of Representatives in Congress.' Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the State is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded.

"The question before us is not one of policy but of power, and while public opinion had gradually brought all the States as matter of fact to the pursuit of a uniform system of popular election by general ticket, that fact does not tend to weaken the force of contemporaneous and long-continued previous practice when and as different views of expedience prevailed."

In addition to McPherson and In re Green, supra, the case of *Walker* v. *U.S.* (93 F. 2d 383, certiorari denied, 303 U.S. 644), squarely sustains my above assertion, and at pages 388 of the opinion it says:

"It is contended by defendants that presidential electors are officers of the State and not Federal officers. We are of the view that this contention is sound and should be sustained, article 2, section 1, U.S. Constitution (citing also *Burroughs* v. *U.S.* (290 U.S. 534, 78 L. Ed. 484))."

McPherson, supra, also clearly shows that the case of *Ex parte Yarbrough* (110 U.S. 651, 28 L. Ed. 274), is not in conflict with the positions which I take in this statement asserting the unconstitutionality of the recommendations, bills, and proposals herein discussed.

In view of the 9th and 10th amendments quoted, supra, Congress has no authority of any kind to legislate on the subject of elections unless such authority is expressly or necessarily impliedly given to the Federal Government by the terms of the Constitution inclusive of the amendments. I think it is crystal clear that Congress has no authority whatever to enact recommendation No. 5, or the bill to be submitted by the Attorney General, or any of the bills seeking to implement it.

I am equally of the same opinion that Congress is totally without authority to enact the new, or may I say novel, idea of the Attorney General as incorporated in the draft of a bill entitled "A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes."

All of the aforesaid legislation is an effort to infringe upon and usurp powers reserved and preserved to the respective States, and in direct violation of article 1, section 2, clause 1, and is not justified by article 1, section 4, clause 1, of the Constitution.

I have said that there is no such thing as a "Federal election" and, therefore, there can be no such thing as Federal electors.

This is sustained by the case of *United States* v. *Cruikshank et al.* (92 U.S. 542, 23 L. Ed. 588), wherein the Court at page 592 of the law edition says:

"In *Minor* v. *Happersett* (21 Wall. 178, 22 L. Ed. 631), we decided that the Constitution of the United States has not conferred the right of suffrage upon anyone and that the United States have no voters of their own creation in the States."

In the case of *Minor* v. *Happersett* (22 L. Ed. 627), the Court held, page 629 of the law edition:

"The United States has no voters in the States of its own creation. The elective officers of the United States are elected, directly or indirectly, by the State voters."

In *McPherson* v. *Blacker* (146 U.S. 1, 36 L. Ed. 869), speaking of the source of the "right to vote" intended to be protected in elections of Senators and Representatives in Congress and of presidential electors, says at page 878 of the law edition report:

"The right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State."

McPherson, supra, was followed and quoted from in the case of *Lassiter* v. *Northampton County Board of Elections,* decided June 8, 1959 (3 L. Ed. 1072). Here the Supreme Court of the United States sustained the literacy test required before a person could register in North Carolina. Plaintiff claimed that such requirement violated the 14th, 15th, and 17th amendments to the Federal Constitution, but his claim was rejected by the Court.

At page 1077, speaking of the right to vote, the Court said:

"The right protected 'refers to the right to vote as established by the laws and constitution of the State' (*McPherson* v. *Blacker,* 146 U.S. 1, 39)."

The right of suffrage is not an incident of national citizenship. The right of suffrage is not a necessary incident of State citizenship. The 14th amendment did not add to the privileges and immunities of a citizen. The 15th amendment merely gives a right of exemption from the prohibited discrimination.

We find, at page 878 of McPherson, the following:

"The right to vote in the States comes from the States, but the right of exemption

from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been (*United States* v. *Cruikshank*, 92 U.S. 542 (23: 588); *U.S.* v. *Reese*, 92 U.S. 214 (23: 563))."

The franchise and the right to vote flowing therefrom is a privilege to be earned or acquired by one when he has complied with the State law prescribing what must be done under the State law before a person can become a qualified elector of a member of the most numerous branch of the State legislature.

May I say, Senator, that I take the position that voting is not an inalienable right. Voting is a privilege that is conferred upon the citizen by a State, and certainly each of the respective States has the right to lay down rules, regulations, and laws determining who is going to exercise that great privilege. If the time ever comes that a citizen cannot exercise that privilege, then I think this great Government of ours is headed for the rocks.

When one has complied with such State law and becomes a qualified elector of that State, he is then possessed of the franchise. Until and unless a person has earned or acquired the franchise in accord with State law, he is unable at any time or under any circumstances to vote for a Representative or Senator in Congress or in any other election. Being possessed of the franchise or having become a qualified elector under State law, then it is, and only then it is, that the right to vote for Members of Congress—Senators and Representatives—accrues which is secured or granted by the Constitution of the United States.

The act of "voting" or exercising "the right to vote," is nothing more or less than exercising the right of franchise which the person has acquired under and in accord with State law.

Therefore, if a person has not become a qualified elector or acquired the right of franchise under the State law, then neither the Constitution of the United States nor anything else gives, grants, assures, guarantees, or establishes any "right to vote" in any election for Senator or Representatives in Congress, or presidential electors.

In view of the foregoing, let us now consider who, under the Constitution of the United States, is given the right or privilege to vote for Representatives and Senators in Congress. Why was it that the Constitution is drawn as it is? Does the power of Congress under the words "manner of holding elections" in article I, section 4, clause 1, authorize it to take over from the States the matters of determining the qualifications of the persons who can be registered under State law and do those words authorize Congress to provide for Federal registrars, or Federal voting referees, as mentioned in recommendation No. 5 of the Civil Rights Commission and the Attorney General's new idea on civil rights?

Do we have incidents which are conclusive evidence that the words "manner of holding elections" as used in article I, section 4, clause 1, supra, does not authorize Congress to legislate in the manner provided in the recommendations and in the Attorney General's new idea on civil rights? Do we have unquestioned evidence that the framers of the Constitution never at any time intended that Congress should ever assume to legislate upon the qualifications and registration of citizens of the States in the manner Congress is now being asked to do by the advocates of the so-called civil rights measures?

When the delegates from the various States assembled at Philadelphia in May 1787, probably the most cherished and highly valued prerogative of the respective States was that of determining who was or would be entitled to vote in each State for the members of the most numerous branch of the respective State legislatures. The requirements of the respective States were different. Women could not vote under any circumstances, and very few, comparatively speaking, of the men were qualified to vote. The matter of who could vote for Representatives in Congress and who should select the U.S. Senators were among the most highly controversial and hotly debated issues in the entire Constitutional Convention.

During the Convention, and shortly before Wednesday, August 8, 1787, various proposals were made as to who would select or elect Representatives or Senators in Congress.

On this day, August 8, 1787, Gouverneur Morris, an able delegate from the State of Pennsylvania, proposed that the Federal Government or Congress be given the power to change or determine who in the State would be the electors of the Representatives in Congress from each State. His proposal was that Congress itself should have the right, independent of the States, to determine who would select or elect in each State the Representatives in Congress.

On August 8, 1787, after debate and motion carried, the Constitutional Convention rejected the proposal of Gouverneur Morris and finally adopted what is now article I, section 2, clause 1, which is that Representatives in Congress must be chosen or elected by the persons in each State who were the electors in that State qualified to vote for, or elect the members of, the most numerous branch of the respective State legislatures.

Neither the States nor their Representatives would ever have considered under any circumstances permitting the National Government to either enfranchise or disenfranchise citizens of the State independent of the power and authority of the State itself, or to bring about a situation where what was necessary to be done by a citizen to qualify or entitle him to vote for Representatives in Congress were different from that prescribed by the States to determine who would be qualified as electors of, or eligible to vote for, the members of the most numerous branch of the State legislature.

Having settled on Wednesday, August 8, 1787, what is now article I, section 2, clause 1, the Convention adjourned for the day.

The next day, on Thursday, August 9, 1787, what is now article I, section 4, clause 1, was voted upon and approved by the members of the Convention. On that day they adopted section 4 containing the words "manner of holding elections."

I say that on August 9, 1787, by using words "manner of holding elections," they did not in fact, nor did they intend to, obliterate, change, amend, or destroy that which they so solemnly and clearly stated and determined the day before, on August 8, which was to make the State laws determining who should be the electors of the most numerous branch of the State legislature control and determine who should elect Representatives in Congress.

If the language "manner of holding elections," gives Congress the right to enact the provisions of recommendation No. 5 of the Civil Rights Commission, or the provisions of the Attorney General's Federal voting referee proposal, then there is no escape from the conclusion that the drafters of the Constitution undid on August 9, 1787, what they so solemnly did on August 8, 1787.

Such "on again, off again, on again" tactics cannot and should not be ascribed to so solemn a document as the Constitution or to so able and intelligent men as the drafters of the Constitution. I am not being facetious but I am merely pointing out to what an absurd point applied logic would take anyone who contends that these proposals are valid and constitutional in view of the printed word and plain and ordinary meaning of the English language.

Until the adoption of the 17th amendment in 1913, Senators were elected or chosen by the legislature of each State under the provisions of article I, section 3, clause 1. Article I, section 4, clause 1, wherein appears the words "manner of holding elections" has remained unchanged since the adoption of the Constitution.

If the words "manner of holding elections" as used in said section 4 gives Congress the right to legislate as proposed under the "Federal registrar" and the "voting referee" proposals, then we have an incongruous situation existing from 1789 to the adoption of the 17th amendment in 1913. This odd situation is that during said period of time Congress had the right to choose and determine who should elect or be electors of the most numerous branch of the State legislatures insofar as the election of Representatives in Congress is concerned, but did not have the authority to determine and change who would have the authority to elect or choose Members of the Senate.

Certainly, the drafters of the Constitution never intended the words "manner of holding elections" to apply thusly. As conclusive evidence of the soundness of my contention is the fact that when the matter of changing who would elect or select Senators from election by the legislature of each State to the electors in each State, Congress determined that such a change was beyond its power under the words "manner of holding elections," and that such would have to be done by a constitutional amendment.

Furthermore, until the adoption of the 19th amendment there was no exemption from denial of the franchise because of sex. When it was determined that such a denial should be discontinued, Congress did not seek to eliminate it by an act of Congress and, therefore, felt that it could not do so under the words "manner of holding elections," but, on the other hand, passed the necessary resolution for a constitutional amendment, which was adopted. This is further evidence that my position above taken is sound.

If Congress has the right and power to adopt and put into effect the proposed legislation under consideration here, then Congress has the authority and power to determine who in each State is qualified to serve as a member of the most numerous branch of the legislature in that State. I say this because in no State can a person be a member of the most numerous branch of the State legislature unless he is a qualified elector to vote for a member of the most numerous branch of the State legislature.

This is certainly true in Mississippi.

In addition, the proposed legislation asserts to Congress the right to determine who in the various States, including Mississippi, are entitled to vote for members of the most numerous branch of the State legislature.

Certainly, no one will contend that Congress has the right to define the meaning of a word, sentence, or paragraph, or any provision of the Federal Constitution. By the proposed legislation, Congress is seeking to do either directly or indirectly what it has no power to do under article I, section 2, clause 1.

If Congress has no right or power under the Constitution to directly by an act of Congress provide for the "voting referees" as contemplated in the Attorney General's proposal on civil rights, then I say categorically that it cannot authorize the Federal courts to appoint and empower the so-called voting referees as contemplated by the bills submitted to the Congress.

Recommendation No. 5 of the Civil Rights Commission ultimately would empower

"Federal registrars" to determine who is entitled to vote, or who has the franchise in Mississippi in the election of members of the most numerous branch of the Mississippi State Legislature. Under the Attorney General's "voting referees," the same practical effect will result.

The only people in Mississippi who can select members of the most numerous branch of the Mississippi Legislature are those who, among other things, have been registered in each county by the county registrar. If anyone is registered by any other person in Mississippi than such county registrar, he cannot participate in the election of the members of the most numerous branch of the Mississippi Legislature. Therefore, I say Congress has no authority to enact the legislation which I oppose by this statement.

The words "manner of holding elections" do not go to the extent of authorizing Congress to determine what persons under State law are or will be entitled to vote for members of the most numerous branch of the Mississippi Legislature, nor of the legislature of any other State.

I shall refrain from going into the many other defects, insufficiencies, inadequacies, and ambiguous provisions of the above proposed legislation, for so to do would unduly extend my statement. If such proposed legislation is unconstitutional and in violation of the Constitution, then the other insufficiencies and inadequacies thereof become of secondary importance.

In conclusion, Mr. Chairman, let me say that regardless of what has been written and said to the contrary, the laws of the State of Mississippi are full, adequate, and complete on registration, voting, and elections.

The PRESIDING OFFICER (Mr. PROUTY in the chair). Senator will suspend until the Senate is in order.

The Senator from North Carolina may proceed.

Mr. JORDAN. Mr. President, I continue to read the testimony:

All the people in Mississippi are given and have the opportunity to be heard and to receive equal protection, due process of law, and respect for any and all constitutional rights to which they are entitled. Our laws are plain and unambiguous, and to the present time have stood the test of time.

The recommendations of the Civil Rights Commission and of the Attorney General of the United States not only do violence to the Constitution of the United States but just as certain as the sun sets in the Golden West, will do equal or greater violence to the very source of the Constitution, to wit, the people of the United States of America. I am confident that if those who so ardently advocate this legislation thought that the powers conferred by the proposed legislation were going to be fully and freely used in their respective States, they would not be so eager for its passage.

These bills are designed and intended for use in the State of Mississippi and the other Southern States of this Union only. But I would point out to those who so ardently advocate this legislation that political winds and trends could change in the future to such an extent that future administrations might use the powers sought to be conferred by these bills in their States, and I would like to further point out and pose this question, if I may: If the Congress has the authority to set up and put into operation the dictatorial powers of determining who may register, who may vote, and who may have his vote counted, by the same authority does not a future Congress have the right to go one short step further and at some future date amend the proposals to provide that a Federal registrar or referee may determine who cannot vote and who is not entitled to have his vote counted; and then where will the respective States of this Union find themselves with respect to their elections?

The answer, of course, is self-evident: The States will have been reduced to absolute zero and will only be a geographical part of a massive and all-powerful, single State. I will admit that we have those in our midst who would like to see this very thing come to pass.

Mr. Chairman, let me again urge that we do not depart from the fundamental principles of constitutional government as designed and intended by the Founding Fathers of this great Government of ours. In reading the history of the adoption of the Constitution of the United States, one thing stands out above all others, and that is that the people even in that day were primarily concerned with preserving rights unto the States, so much so that history tells us that they refused to adopt the Constitution as originally drafted until they were assured that the rights of the States would be properly and adequately protected. And further evidence of this fact is that the American Congress in its very first session proposed amendments to the Constitution putting into effect the demand of the people for adequate protection and preservation of the rights of the States.

When the U.S. Supreme Court in May 1954, handed down its opinion in *Brown* v. *Board of Education*, an opinion that so many misguided souls seemed to think heralded the beginning of the realization of a utopian dream of a land wherein everybody would be equal politically, socially, financially, and every other way, the Court, in seeking to justify its opinion, said, "We cannot turn the clock back," a phrase that has been repeated many times since the rendition of that opinion. The President of the United States and the Attorney General of the United States have praised this opinion on many occasions. Therefore, it is somewhat shocking to see the President of the United States and his Attorney General seek to "turn the clock back" to the dark days of Reconstruction and reenact the so-called force bills that were put into effect by the Congress immediately following the Civil War. It has long since been recognized that the "force acts" of the Reconstruction period were enacted by the victors to punish the vanquished. They were born of a spirit of hatred and vindictiveness, designed and intended to further crush and humiliate the conquered.

However, the great American people, always ready and willing to right a wrong, demanded and brought about the repeal of those harsh and vindictive laws. Yet today, in the year 1960, more than 80-odd years later, we find the President of the United States and his Attorney General and some Members of the American Congress seeking to reenact this same type of legislation.

I cannot refrain from posing this final question: Would those who so ardently advocate the bill proposed by the Attorney General of the United States and the recommendations of the Civil Rights Commission be just as enthusiastic in their support of these proposals if the recommendations of the Civil Rights Commission and the bill submitted by the Attorney General were amended to provide for the identical protection and guarantees of the right of every American citizen to work regardless of whether he belonged to or refused to belong to a labor union and regardless of whether he paid or refused to pay dues to a labor union?

Mr. Chairman, a Justice of the Supreme Court of the United States once said:

"The States are the only breakwater against the everpounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive."

Mr. President——

The PRESIDING OFFICER (Mr. MORSE in the chair). The Senator from North Carolina has the floor.

Mr. JORDAN. This next testimony was submitted in the hearings by the Honorable Malcolm B. Seawell, at that time attorney general of the State of North Carolina:

Mr. Chairman and members of the committee, I am Malcolm B. Seawell, attorney general of North Carolina, and prior to assuming the duties of the office of the attorney general I served as district solicitor, or the State's prosecuting officer, for several counties, and I also served for several years as judge of the superior court, which is a court of general jurisdiction in my State.

This statement relates to certain bills now pending before this committee which I shall designate by their respective numbers, as follows: S. 2535, S. 2684, S. 2722, S. 2719, S. 2783, and S. 2814.

Before commenting on the various bills now pending before this committee I would like to make a brief reference to some of the salient Federal statutes that are now operative and in effect for the protection of the elective franchise as the same relates to Federal officers. The committee, of course, is familiar with these Federal statutes but for the purposes of this statement I would like to remind the committee again of the existence of these statutes. It is my position that this is not a question of sufficiency of laws or of the requisite statutory machinery but it is rather a problem of a selective, careful, and patient enforcement of the laws now in existence. The enactment of one Federal statute after another, the heaping up and cumulating of legislation will not in some mysterious and occult manner achieve the desired results. Legislation prompted by impatience can never be, in the long view, a substitute for careful investigation and bringing into public view some abuses that may exist combined with the application and prosecution under the authority of present statutes. At the present time under the provisions of 42 U.S.C.A. 1971 (71 Stat. 637) all persons are allowed to vote in any elections of a governmental nature without distinction of race, color, or previous condition of servitude, notwithstanding any constitution, law, custom, usage, or regulation of any State or territory to the contrary. The same statute contains provisions against intimidation, threats, or coercion for the purpose of interfering with the right to vote at any election involving Federal officers whether the same be a general, special, or primary election. If there is reasonable ground to believe that any person is engaged in any act or practice which would deprive any other person of these voting privileges the Attorney General of the United States can institute in the name of the United States a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or any other necessary order, and the district courts of the United States have jurisdiction. The party aggrieved does not have to exhaust any administrative remedies. Contempt citations are also available for effective enforcement.

Under the provisions of paragraph (3) of 42 U.S.C.A. 1985 (R.S. sec. 1980), an action for damages is allowed if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any person as elector for President or Vice President, or as a Member of the Congress of the United States.

Chapter 29 of title 18, beginning with 18 U.S.C.A. 591, contains many criminal statutes designed for the protection of the rights of voters in the selection of candidates for Fed-

eral officers, including the intimidation of voters, the interference of officers of the Armed Forces, the interference of administrative employees of Federal, State, or territorial governments, as well as expenditures for influencing or buying votes.

We could cite many other Federal statutes, such as the Federal Corrupt Practices Act, the Hatch Act, regulations dealing with the Armed Forces, promises of appointment by a candidate for the support of candidacy and solicitation of expenditures to influence voting.

The provisions of S. 2535 establish complete Federal machinery for the registration and conduct of all elections and primaries relating to Members of the Senate and the House of Representatives of the United States. S. 2535 establishes a Congressional Elections Commission as an agency of the legislative branch of the Federal Government and vests in it authority to conduct primary, special, and general elections for all Members of the Congress. It is composed of three members appointed by the President by and with the advice and consent of the Senate. Not more than two of the members can belong to the same political party. After the first terms of office expire each member of the Commission is appointed for a term of 9 years, and it is noticeable that while there can be two members of the same political party on the Commission, these same two members can constitute a quorum.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

Mr. GOLDWATER. Mr. President, will the Senator yield? Did the Senator from Alabama ask for unanimous consent?

The PRESIDING OFFICER. No; he suggested the absence of a quorum.

The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Fong	McGee
Bartlett	Frear	Martin
Beall	Goldwater	Morse
Bennett	Gruening	Morton
Brunsdale	Hart	Pastore
Cannon	Hill	Prouty
Carlson	Hruska	Proxmire
Case, N.J.	Jackson	Randolph
Church	Javits	Robertson
Clark	Johnson, Tex.	Smith
Cooper	Jordan	Wiley
Cotton	Keating	Williams, Del.
Curtis	Kefauver	Williams, N.J.
Dirksen	Kuchel	Yarborough
Douglas	Lausche	Young, N. Dak.
Engle	Long, Hawaii	Young, Ohio

The PRESIDING OFFICER (Mr. CHURCH in the chair). A quorum is not present.

Mr. JOHNSON of Texas. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BYRD of Virginia, Mr. MANSFIELD, and Mr. MUNDT entered the Chamber and answered to their names, when called.

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE and Mr. HILL addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I am about to make a motion, but before I do so I should like to explain my reasons for making the motion. I am going to vote against the motion; still I think my colleagues ought to have the opportunity to vote on the motion. I have been rather disturbed about the problem we have had in getting a quorum during the last 45 minutes or so in the consideration of an issue that is as important as civil rights.

It always worries me when we follow a procedure that seems to have the effect of denying or inconveniencing any of my colleagues in voting. I think they ought to be protected in this precious right to vote, particularly my good friends from the Southern States, many of whom have apparently found it difficult to meet quorum calls and vote. However, I appreciate the fact that there may be good reasons for not answering a quorum call because at 3:30 this morning I want to say, to the everlasting credit of the Senate, it was possible to get a quorum before some of us could get from our offices over to the floor to answer the quorum call. I was pleased about that, although I was sorry that I was sufficiently sleepy so that I did not arrive at the Chamber in time to answer the call. By the time I reached the floor the quorum call was over. I am disturbed about the fact that so many of our colleagues are finding it impossible to get here to answer a live quorum call.

The matter of voting is something which concerns the whole nation. Many people in the country are concerned about the fact that Ph. D.'s at Tuskegee Institute, and Fisk University and the graduates of other Negro colleges are being denied the right to vote. They are disturbed over the fact that thousands of Negro citizens are being denied the right to vote. In fact some of us are becoming concerned in this debate that some of our beloved Senators, particularly some from the South, are unable to get here to answer quorum calls. In all fairness, I must say that some of the most ardent advocates of civil rights are finding it difficult to answer rollcalls in this civil rights debate. So I think our majority leader certainly is entitled to our full support. He should not be asked to carry the whole burden of trying to get Senators here to vote. He has told me that the Senate staff is finding it very difficult to reach many Senators so that they can be notified of rollcalls. Therefore I think we ought to have an opportunity once again to vote on whether or not we want to remain in continuous session in the Senate. So I am about to make a motion, Mr. President, that we vote on whether or not we would like to adjourn the Senate at 8 o'clock tonight. I shall vote against the motion because I think all of us ought to stay on the job. I do not know any place where we should be now except in the Senate answering every rollcall and every quorum call. Although I may seem to be half-facetious, Mr. President, I really am not. I think we have placed ourselves into such a procedural fix in the Senate that we must make up our minds as Senators whether or not we are going to stay on the job until we end this filibuster and come out with a civil rights bill. If we are to do that then every Senator must be available to vote and answer quorum calls. I have been advised that one reason that the Senate staff cannot reach some Senators in order to notify them of a pending rollcall is that some Senators apparently have taken their telephones off their hooks. Thus it has been impossible for our clerks to reach the homes of some of our Senators. I think it would be unpleasant if we should have to send out warrants to bring Senators to the floor of the Senate, although the rules provide for it.

Mr. President, in order to back up my majority leader, procedurally, I propose by my motion to find out whether or not we are going to support him in the around-the-clock procedure he has announced. Both the majority leader, Mr. JOHNSON, and the minority leader, the Senator from Illinois [Mr. DIRKSEN], have joined in proposing around-the-clock sessions. Therefore I propose again to have a rollcall vote on the question whether or not we are to adjourn the Senate or whether we are to remain on the job, each and every one of us, and stick to this civil rights matter until we can guarantee to the colored people of America the right to vote in elections and all other civil rights to which they are entitled. We so-called civil righters in particular, ought to consider the right to vote so precious that we will stand by our majority leader shoulder to shoulder urging that the Senate remain in session until we can vote out a civil rights bill with substance.

So, Mr. President, I now move that the Senate adjourn at 8 p.m. tonight, and on this question I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from West Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. MURRAY], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

The Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Georgia [Mr. RUSSELL], the Senator

from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

On this vote, the Senator from Nevada [Mr. BIBLE] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Alabama would vote "yea."

The Senator from Connecticut [Mr. DODD] is paired with the Senator from Mississippi [Mr. STENNIS]. If present and voting, the Senator from Connecticut would vote "nay" and the Senator from Mississippi would vote "yea."

The Senator from Florida [Mr. HOLLAND] is paired with the Senator from Maine [Mr. MUSKIE]. If present and voting, the Senator from Florida would vote "yea" and the Senator from Maine would vote "nay."

The Senator from Michigan [Mr. MCNAMARA] is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting, the Senator from Michigan would vote "nay" and the Senator from Georgia would vote "yea."

I further announce that if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Idaho [Mr. DWORSHAK], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Delaware [Mr. WILLIAMS], are necessarily absent. If present and voting the Senator from Vermont [Mr. AIKEN] and the Senator from Iowa [Mr. HICKENLOOPER] would each vote "nay."

The result was announced—yeas 6, nays 55, as follows:

YEAS—6

Byrd, Va.	Kefauver	Robertson
Hill	McClellan	Talmadge

NAYS—55

Allott	Carlson	Cotton
Bartlett	Case, N.J.	Curtis
Beall	Case, S. Dak.	Dirksen
Bennett	Chavez	Douglas
Brunsdale	Church	Engle
Bush	Clark	Fong
Cannon	Cooper	Frear
Goldwater	Lausche	Proxmire
Gore	Long, Hawaii	Randolph
Gruening	McGee	Saltonstall
Hart	Magnuson	Scott
Hartke	Mansfield	Smith
Hruska	Martin	Wiley
Jackson	Monroney	Williams, N.J.
Javits	Morse	Yarborough
Johnson, Tex.	Morton	Young, N. Dak.
Keating	Mundt	Young, Ohio
Kerr	Pastore	
Kuchel	Prouty	

NOT VOTING—39

Aiken	Fulbright	Moss
Anderson	Green	Murray
Bible	Hayden	Muskie
Bridges	Hennings	Neuberger
Butler	Hickenlooper	O'Mahoney
Byrd, W. Va.	Holland	Russell
Capehart	Humphrey	Schoeppel
Carroll	Johnston, S.C.	Smathers
Dodd	Jordan	Sparkman
Dworshak	Kennedy	Stennis
Eastland	Long, La.	Symington
Ellender	McCarthy	Thurmond
Ervin	McNamara	Williams, Del.

So Mr. MORSE's motion to adjourn was rejected.

Mr. HILL. Mr. President, on Thursday last I spoke at some length in opposition to the Dirksen civil rights bill amendment to the Fort Crowder bill. I endeavored at that time to express my unalterable opposition to each section of the pending amendment. I emphasized particularly the legal and constitutional objections to the Attorney General's proposal to establish a network of Federal referees to supervise the conduct of State officials with respect to State registration and voting laws. I endeavored to explain in detail the historical pattern which the Federal referees proposal is fashioned, for the pattern is to be found in the Reconstruction Act of 1871.

I come before the Senate, Mr. President, as one who for 36 years of service in the Congress has sincerely endeavored to work for forward-looking policies and programs that meant progress and that would promote the well-being of our Nation and enrich the lives of our people.

At a time when there is so much that needs to be done, so much good that can be done, so much wrong that must be undone, and so much work that our people demand be done, it is most regrettable that the U.S. Senate must digress from high purposes and good works, and concentrate its attention and energies, and squander its time on such a drastic, sweeping and indefensible measure as the pending amendment. There are many evils inherent in the pending measure.

Mr. ERVIN. Mr. President, will the Chair inquire of the able and distinguished senior Senator from Alabama whether or not he will yield so that the Senator from North Carolina might propound to him an interrogatory?

The PRESIDING OFFICER. Will the Senator from Alabama yield for that purpose?

Mr. HILL. Mr. President, the Senator from Alabama is glad to yield to the Senator from North Carolina for a question.

Mr. ERVIN. I ask the Senator from Alabama if he does not think that a responsible legislative body would permit the members of that body to get at least the amount of rest which that body, in conjunction with the House, requires the employers of America to give and their employes to receive under the Fair Labor Standards Act?

Mr. HILL. The Senator from Alabama certainly thinks that this body, which has always been proud of the fact that it has been the greatest deliberative body in the world, and which the American people have held to be the greatest deliberative body in the world, should permit the Members of this body to have that rest which is absolutely essential, which is absolutely necessary, if the Members of this body are to function effectively and adequately.

Mr. ERVIN. Mr. President, will the Chair inquire of the able and distinguished senior Senator from Alabama if he will yield to the Senator from North Carolina so that the Senator from North Carolina may propound to him another interrogatory?

The PRESIDING OFFICER. Will the Senator yield for that purpose?

Mr. HILL. Mr. President, the Senator from Alabama will yield to the distinguished Senator from North Carolina for a question.

Mr. ERVIN. I will ask the Senator from Alabama if he thinks that the Senate can legislate in an intelligent manner when the leadership of the Senate tells a minority in the Senate that if they will not yield to its demand to set a time for voting before propositions have been adequately made known and adequately debated or otherwise be faced with an exhausting process calculated to wear them down physically and mentally so as to disable them from presenting their cause, and if that is not a very poor way for the Senate to function?

Mr. HILL. The Senator from Alabama agrees it is a poor way for the Senate to function, because the Senator from Alabama feels the Senate cannot function properly and cannot meet its obligation to serve the best interests of the Nation and the best interests of the people, by any such procedure as we are now being forced to follow in the Senate.

Mr. ERVIN. Mr. President, will the Chair inquire of the able and distinguished senior Senator from Alabama if he will yield again to the Senator from North Carolina so that the Senator from North Carolina may propound to him another interrogatory?

The PRESIDING OFFICER. Will the Senator yield?

Mr. HILL. Mr. President, the Senator from Alabama is delighted to yield to the distinguished Senator from North Carolina for a question.

Mr. ERVIN. The Senator from North Carolina asks the able and distinguished Senator from Alabama if he has not already heard threats that cloture will be imposed upon those Senators of the minority to silence us so that we may not have an adequate opportunity to present our cause?

Mr. HILL. The Senator has indeed heard such threats, and many of them, that cloture will be imposed and that Senators who oppose this measure will be thereby denied the opportunity to present their case to the Senate and to the American people.

Mr. ERVIN. Mr. President, will the Chair be so kind as to inquire another time of the able and distinguished senior Senator from Alabama if he will yield

to the Senator from North Carolina so that the Senator from North Carolina may put to him another interrogatory?

Mr. HILL. Mr. President, the Senator from Alabama is delighted to yield to the Senator from North Carolina for a question.

Mr. ERVIN. Does not the Senator from Alabama think that each Member of the Senate should give very serious and solemn consideration to the proposition that a rule of the Senate which can be used today to silence one deemed to be a troublesome demagog can be used tomorrow to silence a gallant man fighting for a just cause?

Mr. HILL. The Senator is exactly right. The very rule that might be invoked today might well come back to plague and to silence those who would now support the operation of such a rule.

Mr. ERVIN. Mr. President, will the Chair be so kind as to inquire of the Senator from Alabama whether he will yield again to the Senator from North Carolina so as to enable the Senator from North Carolina to put to him another interrogatory?

Mr. HILL. The Senator from Alabama will be glad to yield to the distinguished Senator from North Carolina for a question.

Mr. ERVIN. I will ask the Senator from Alabama if he does not think that certain Members of the Senate, representing an area of the country which has been faithful to the Democratic Party for more than a century, are entitled to expect at the hands of the Democratic leadership of the Senate more consideration than the exhausting procedure we now face?

Mr. HILL. The Senator from Alabama certainly does think so. It is incredible to find the Democratic leadership of the Senate aiding and abetting the Republican administration and the Republican leadership and members of the Republican Party in an effort to pass this Republican administration civil rights amendment.

Mr. ERVIN. Mr. President, will the Chair again inquire of the able and distinguished senior Senator from Alabama if he will yield to the Senator from North Carolina so that the Senator from North Carolina may put to him another interrogatory?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator yield?

Mr. HILL. The Senator from Alabama will be delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Alabama think that a proper exhibition of Christian charity on the part of the Republican leadership of the Senate would prompt the Republican leadership of the Senate to urge that representatives in the Senate of approximately nine States ought to be allowed a more adequate opportunity to present their case to the Senate and to the American people without being first worn down by such exhausting procedure as this?

Mr. HILL. The Senator from Alabama strongly feels that way about the matter.

Mr. ERVIN. Mr. President, will the Chair put to the distinguished and able Senator from Alabama another interrogatory as to whether he will yield to the Senator from North Carolina for another interrogatory?

Mr. HILL. The Senator from Alabama is delighted to yield to the distinguished Senator from North Carolina for a question.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Alabama if he agrees with the Senator from North Carolina that this is not the Senate's grandest hour?

Mr. HILL. The Senator from Alabama has been in the Senate for approximately 22 years. The Senator from Alabama thinks he has some knowledge of the long history of the Senate. The Senator from Alabama would certainly agree that this hour is far, far from being the Senate's grandest hour.

Mr. ERVIN. I wish to thank the Chair for so graciously propounding these interrogatories to the Senator from Alabama, and the Senator from Alabama for so graciously yielding to me for the purpose of making these inquiries of him.

Mr. HILL. It is always a pleasure to yield to my distinguished friend, the Senator from North Carolina. There is no Member of this body for whom the Senator from Alabama has a greater respect than for the Senator from North Carolina, and certainly there is no Member of the Senate whom the Senator from Alabama considers to be a greater authority on the Constitution of the United States, or a greater expounder of our democratic system of government, than the Senator from North Carolina.

Mr. ERVIN. Mr. President, if the Senator from Alabama may do so without losing his privilege of the floor, I should like to have him accord me this opportunity to thank him for his far too generous remarks concerning the Senator from North Carolina.

Mr. HILL. Mr. President, I hope the Senator's remarks may appear at this point in the RECORD. I wish to thank him for his very kind and generous words.

There are so many evils inherent in the pending measure that it is difficult thoroughly to discuss in a single speech all the iniquities to be found in the measure.

In my most recent speech on the pending amendment I discussed the historical and legal patterns after which the seventh section of the amendment, pertaining to Federal referees was fashioned.

It has been said many times on the floor of the Senate during the considerations of the pending amendment that much of the press of the country leads the American people to believe that the measure we are discussing is nothing more than a voting bill. The truth, is, however, that of the seven proposals contained in the measure only two have anything at all to do with voting and the other five have nothing whatever to do with voting. These other five sections are even more evil than those dealing with voting. I should now like to call the Senate's attention to yet another pattern after which the first section of the pending amendment, which is denominated "obstruction of certain court orders," was fashioned.

Mr. President, the first section brands as a crime any resistance by word or deed by local and State officials or the public to a Federal court desegregation decree. This section would amend chapter 73 of title 18 of the United States Code by adding the following provision:

§ 1509. Obstruction of certain court orders

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

I call the Senate's attention to the fact for the first time in American history this section undertakes to make resistance to or criticism of a Federal court desegregation decree a crime. I emphasize that this proposal is wholly unnecessary and wholly unjustified and is contrary to the spirit of the first amendment to the Constitution, which reads as follows:

ARTICLE 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Thomas Jefferson declared that as between a free government and a free press, he would take a free press, because he knew that when there was a free press, when the people of the United States would have the right to express their views freely and to give free and unqualified expression to their thoughts, their opinions, their convictions, and their judgments, it would not be very long before they would have a free government.

The first section of the pending amendment is basically inconsistent with the very position taken by those who seek to implement and enforce the decision in the Brown case. If, prior to the May 17, 1954, decision of the Supreme Court of the United States, we had had on the statute books the same type of statutory provision enforcing the

decision in the case of Plessey against Ferguson, the very people who now seek enforcement of the Brown decision might well have been guilty of a crime punishable by a fine of $10,000 or imprisonment for 2 years, or both.

It is patently clear that the first section of the pending amendment is intrinsically illogical. On the one hand, the proponents of forced integration in the public schools would rely on such doctrine as that contained in the case of Ex Parte Siebold and many other cases that the Supreme Court has the right to change its mind with respect to the interpretation of various provisions of the Constitution. They would vigorously employ the right to criticize and denounce prior court decisions and, after they have obtained their temporary objective of demolishing a long-established legal precedent, then they come before the Congress and ask that the decision in their favor be given all of the sanctity of an amendment to the Constitution of the United States. Moreover, they seek to make a crime of the act of criticizing or seeking to overturn the capricious decision which they have been able to extract from the Supreme Court.

The proponents of this measure have employed every means afforded by our constitutionally ordained free society to reverse a judicial interpretation of the Constitution of the United States. They have employed these means to obtain the realization of the end they so vigorously sought.

Now that they have obtained their end, they seek to destroy the means, the instrumentality, the very vehicle by which they have obtained it.

One of the most vicious and iniquitous characteristics of the pending measure is that it adopts the philosophy that the end justifies the means, and that once the end is realized the means of securing it has just served its purpose and should be destroyed.

On March 12, 1956, I joined with a number of my colleagues in the Senate and the House of Representatives in the Declaration of Constitutional Principles, regarding the Supreme Court decision in the school desegregation cases. That declaration reads as follows:

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th amendment nor any other amendment. The debates preceding the submission of the 14th amendment clearly show that there was no intent that it should affect the systems of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union. Every one of the 26 States that had any substantial racial differences among its people either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same lawmaking body which considered the 14th amendment.

As admitted by the Supreme Court in the public school case (*Brown* v. *Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts* v. *City of Boston* * * * (1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North—not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other Northern States until they, exercising their rights as States through the constitutional processes of local self-government, changed their school systems.

In the case of *Plessy* v. *Ferguson* in 1896 the Supreme Court expressly declared that under the 14th amendment no person was denied any of his rights if the States provided separate but equal public facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum* v. *Rice* that the "separate but equal" principle is "* * * within the discretion of the State in regulating its public schools and does not conflict with the 14th amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, customs, traditions and way of life. It is founded on elemental humanity and common sense, for parents should not be deprived by government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principal almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the States and to the people, contrary to established law and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they, too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

Mr. President, if the first section of the pending amendment had been the statutory law of the country, and if a group of free citizens not possessing the immunities of Members of Congress had made such a declaration, it may well be that such exercise of free speech would have been construed as a crime for which the signators of the declaration could have been punished by imprisonment or fine, or both.

The following sentence of the Declaration of Constitutional Principles might easily have been construed as being a violation of the first section of the Rogers-Dirksen civil rights amendment:

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

Mr. President, we are not considering this measure as though it were crystallized in a vacuum, disconnected from all prior precedent, as though it were one of Plato's abstract archetypes.

Plato philosophized that for every entity, every being, everything under the heavens, there was the perfect model, the archetype, in heaven. He asserted that the ultimate objective of human society was to seek to fashion out of the chaos of this world a copy of each material entity or each abstract idea a model that was as nearly like its archetype in heaven as human beings could fashion.

It is my honest conviction that we are not here seeking to fashion a law patterned after that imagined archetype in heaven of Plato, but the proponents of the first section of the Dirksen amendment are seeking to mold a law fashioned as nearly as possible like a prior archetype of American history. The first section of the pending amendment comes as close as any proposal I have ever known to the spirit and reincarnation of one of the most iniquitous legislative enactments that the Congress has ever produced—the alien and sedition laws.

The archetype of the first section of the pending amendment is not to be found in heaven, but rather in one of the most shameful and ignominious chapters of American history. All of us remember, in the history of this country, the old alien and sedition laws, when the Congress provided that it would be a crime to criticize the President of the

United States or any other official of the Federal Government. We remember with sadness the story of that heroic man, Lyon, who languished in jail for years, a victim of the shame of that hysterical and tyrannical era.

There are few complete files for any of the newspapers or periodicals in the era in which the alien and sedition laws were enforced, because the laws themselves suppressed the right to free press and free expression. Most of the papers which have been preserved are to be found in volumes of miscellaneous newspapers, often containing only a few numbers of any given paper. However, the period of American history in which the alien and sedition laws were enforced has through the years captured the attention of scholars and writers almost as much as has the Reconstruction period. It has captured our attention and is well-known to practically every schoolchild, not because of any merit or approbation that it deserves, but rather because this period stands in our history as the example of the course which we must never again follow, as a chapter of our history which we must never again write.

One paper which illustrates the evil of enacting into law a concept embodying the philosophy that the end justifies the means was written some years ago by Frank Maloy Anderson, entitled "The Enforcement of the Alien and Sedition Laws." This paper is to be found in the American Historical Association Report of 1912:

THE ENFORCEMENT OF THE ALIEN AND SEDITION LAWS

(By Frank Maloy Anderson)

In the summer of 1798, when the outbreak of war with France was daily expected, the Federalist majority in Congress hastily passed the famous alien and sedition laws. Designed to afford the President of the United States an effective weapon against what was deemed an especially pernicious and dangerous form of domestic opposition in time of war, they are now best remembered for the part they are presumed to have played in bringing about the defeat of the Federalists in the election of 1800.

As we recall, the Federalist Party was wiped out, and wiped out in large measure because of its advocacy of, its defense of, and its passage of the alien and sedition laws.

Mr. Anderson continues:

As the Federalists never recovered from that disaster, it is, I think, a little surprising that one does not find anywhere a close and detailed study upon either the genesis of the alien and sedition laws or upon the manner in which they were enforced. The purpose of this paper is to deal with the latter point, making use of contemporaneous materials brought together from widely scattered sources. The main reliance has been upon the newspapers, but the Pickering and Jefferson papers and the archives of the Department of State at Washington and of the Federal circuit court at Boston have furnished some important materials.

As it is impossible in a 20-minute paper to trace in detail the entire effort at the enforcement of the alien and sedition laws, I shall confine myself to a concise statement of the conclusions to which my study has led upon a few points of prime importance.

At this point in his paper Mr. Anderson proceeds to discuss certain aspects of the alien law. He then proceeds, as follows, with reference to the sedition law:

The sedition law bears date of July 14, 1798. It is a notable fact, but hitherto I believe generally overlooked, that prosecutions for seditious libel against the Federal Government or its officers actually began prior to the passage of the sedition law, and that several of the cases usually alluded to as sedition law cases were prosecuted under the common law or partly under the common law and partly under the sedition law. This procedure seems to have been based upon the doctrine laid down by Judge Peters in April 1798, in the case of *United States* v. *Worrall*, that there was a common law of the United States, from which the Federal courts acquired a jurisdiction over crimes in addition to that bestowed by the Federal statutes, a doctrine which at that time had numerous supporters among Federalists, though denied by some, and was among the strong centralizing tendencies which alarmed the Republican leaders and probably the country as well.

When I use the words "Republican Party," I know I do not have to explain to Senators that what was then the Republican Party is now the Democratic Party. That at that time we had two political parties, the Federalist Party and we had the party of Thomas Jefferson, which at that time was known as the Republican Party and which today would be known as the Democratic Party. It was the party of Jefferson, the Democratic Party of today.

The earliest of these cases appears to have been that of Benjamin F. Bache, of the Aurora, who was arrested at Philadelphia on June 26, 1798, for "sundry publications and republications" of an earlier date, which were alleged to be libels upon the executive department of the U.S. Government. Other cases of the sort were those of two irreverent citizens of Trenton who were tried and punished for some light remarks in regard to President Adams, and that of Anthony Haswell, the editor of the leading Republican paper of Vermont, for the publication of the advertisement of a lottery formed for the purpose of raising the amount of Matthew Lyon's fine and for some remarks in regard to the employment of Tories of a sort not to be appreciated by Federalists.

From the accounts of the alien and sedition laws in many histories one is likely to get the impression that, having been enacted in a moment of panic, their enforcement was afterward neglected by the administration and that such prosecutions as occurred were due wholly to the initiative of subordinate Federal officials. Such an impression is not correct. There is no evidence to show that President Adams ever personally interested himself in the enforcement of either law. But Pickering, his Secretary of State, the Federal judges quite generally, especially Justice Chase, and the Federal district attorneys and marshals were by no means inattentive to the enforcement of the sedition law. Pickering, despite his tremendous activity in other matters, was the most energetic of all. His correspondence shows that he scanned the columns of numerous Republican newspapers or, as we would say today, Democratic newspapers, to detect possible material for sedition cases, and that he wrote to several, at least, of the district attorneys instructing them to be vigilant for the same purpose in their localities. It also shows him receiving letters which called his attention to possible occasions for sedition prosecutions, and that in several instances he specifically directed prosecutions to be begun. The Justices of the Supreme Court in charges to grand juries called attention to the sedition law and in some instances at least gave strong intimations that the jury ought to bring in indictments.

Chase was the most active in this matter. The indictment against Callender came in this way, and Chase apparently tried at both Baltimore and Wilmington to secure similar action against the local Republican papers. As the result of what may be characterized, considering the conditions of the day, as a fairly systematic effort to enforce the sedition law, proceedings were begun or attempted against one or more persons, usually the editors of Republican newspapers, in each of the States, except New Hampshire and Rhode Island, where there were few Republicans, and in the States of the Far South and West.

How many instances were there of arrest, trial, and conviction or acquittal under the sedition law or for seditious libel under the common law of the U.S. doctrine?

I emphasize the use of that word "doctrine." Of course, we know the Government of the United States has no common law. The common law belongs to the States. The Government of the United States has only that law, that authority and that power delegated to it by the several States.

Information in these points must come largely from the newspapers. For many of the newspapers of the time no files have been preserved. Those which remain are incomplete and so widely scattered that some part of the newspaper materials is almost certain to be overlooked. The nearly universal newspaper practice of the day, whereby newspapers furnished their news of other than local happenings by reprinting articles verbatum from other papers, nevertheless, enables an investigator by fairly extensive research to approximate the results of an exhaustive investigation. Great difficulty arises from the meagerness and conflicting character of the reports. Arrests for sedition under State laws are sometimes hard to distinguish from those under Federal law. I have made a special effort to discover every possible instance and to avoid confusing Federal and State cases. There appear to have been about 24 or 25 persons arrested. At least 15, and probably several more, were indicted. Only 10, or possible 11, cases came to trial. In 10 the accused were pronounced guilty. The 11th case may have been an acquittal, but the report of it is entirely unconfirmed.

Since limitations of time preclude an account of the various trials, a classification of the cases in which indictments were returned may be of service to show the character of the prosecutions. They may be said to fall into four classes. The first includes the proceedings aimed at the leading Republican newspapers of the country. There were at that time four papers which, because they were located at strategic points and were edited with considerable ability, and had a relatively large circulation, stood in a separate class as regards power and influence, the other Republican papers consisting largely of articles reprinted from these four. They were the Aurora (Philadelphia), the Examiner (Richmond), the Argus (New York), and the Independent Chronicle (Boston). Could these or any one of them be silenced, a hard blow would be dealt the Republican Party. (Or what would be today the Democratic Party.) That all four were attacked through their proprietors, editors, or chief writers, and that the Aurora, the ablest, boldest, and most influential of the four, was repeatedly attacked was probably in large measure responsible for the belief among Republicans that a real effort was being made to silence the Republican press.

The second class consists of proceedings aimed at minor Republican papers. There

were at least four such cases. Allusion has already been made to those against Burke, of the Time Piece (New York), and Haswell, of the Vermont Gazette. William Durrell, of the Register (Mount Pleasant, N.Y.), and Charles Holt, of the Bee (New London, Conn.), were convicted and sentenced to both fine and imprisonment. It is again noticeable that at least three of these papers were abler and bolder than most of the Republican papers, many of which about the time were decidedly colorless.

A third class was of cases not primarily against the press, but against individuals of considerable national or local importance. Those against Matthew Lyon, the Vermont Congressman, and Dr. Thomas Cooper are among the best known of the sedition-law cases and for that reason may be passed over.

Those cases are very well known to every American who has given serious study to our history.

That against Jedadiah Peck, a member of the New York Legislature, is not so well known. It is said to have been instigated by Judge William Cooper, the Federalist Congressman from the district in which Peck lived, and to have been based upon a petition which Peck circulated asking Congress to repeal the sedition law.

In other words, because Mr. Peck exercised his right of petition as guaranteed under the Bill of Rights of the Constitution of the United States, he had charges instigated against him under the sedition law by a Federal judge and the Congressman from the district in which he lived.

The prosecution was finally dropped, partly at any rate from considerations of political prudence, but not until Peck had been subjected to a good deal of annoyance.

The fourth class consists of cases against insignificant persons, whose acts it is hard to believe could have been of any serious import. That there should have been any such cases shows the panicky feeling which prevailed among the Federalists of the time and illustrates the possibilities of oppression which lay in the sedition law. The most typical are two closely connected cases which occurred in Massachusetts. Both cases, probably on account of the insignificance of the individuals concerned, seem to have been overlooked hitherto, though there are materials in the newspapers and the archives of the circuit court and of the Department of State for a more exact description of these cases than for almost any of the sedition-law trials. A brief account of them may, therefore, be of interest.

In October 1798, there was erected at Dedham a liberty pole with an inscription upon it in these words: "No stamp act, no sedition, no alien bills, no land tax; downfall to the tyrants of America, peace and retirement to the President, long live the Vice President and the minority; may moral virtue be the basis of civil government." The erection of this pole seems to have greatly alarmed the Federalists of the neighborhood. A few days later the U.S. marshal, with the assistance of some citizens from neighboring towns, arrested Benjamin Fairbanks, who had taken a hand in the erection of the pole. He was taken to Boston and bound over to the next session of the Federal circuit court. The Columbian Centinel pointed to his release on bail as proof of "the leniency of the Federal administration," remarking that "in 1786 he would have been committed to close gaol."

That is, he would not be allowed any bond, he could not be released on bond; he would just be locked up in jail.

The examination of Fairbanks appears to have disclosed the fact that the erection of the liberty pole had been brought about by David Brown, whom Fisher Ames described at Fairbanks' trial as a wandering apostle of sedition, but apparently Brown could not be found at the time. In March of the next year, however, he was arrested at Andover. At the time of his arrest he had upon him a number of manuscripts which, together with his share in the erection of the Dedham liberty pole, became the basis of the sedition case against him. His bail was fixed at $4,000 being unable to furnish it he was taken to the jail in Salem.

Indictments were found against Fairbanks and Brown at the June session of the U.S. circuit court, and the cases were tried immediately, Justice Chase presiding. At first both decided to stand trial, but afterwards changed their minds and pleaded guilty. Fairbanks presented a paper to the court in which he freely confessed his fault, stated that he had been present at the erection of the pole, but had been misled and had not known how serious an offense it was. He protested that he was now fully sensible of his offense and in the future would try to conduct himself as a good citizen. His plea for a mitigation of penalty was supported by Fisher Ames, who declined to act as his counsel, but consented to make an appeal for clemency. According to Ames, who despite his role on this occasion is not likely to have been unduly partial to his client, Fairbanks was of unblemished reputation, a man of substance, a former selectman of Dedham, and a zealous patriot during the Revolution. These pleas appear to have been effective, for Justice Chase imposed a sentence of 6 hours in prison, $5 fine and costs—the only really lenient sentence in any of the sedition-law convictions.

No leniency was shown to Brown. It appears that he was a man of 40 to 50 years of age, a native of Connecticut, and a laboring man. He had been a soldier during the Revolution. Later he had wandered about a good deal, claiming to have been in foreign countries and in most of the States of the Union. During the 2 preceding years, according to his own statement, he had been much engaged in preaching and writing politics and had been in or had information in regard to 80 Massachusetts towns. Justice Chase tried to induce Brown to reveal the names of the persons who had prompted or aided him and to get from him a list of the subscribers to an intended edition of his writings, but Brown refused to make either disclosure. He requested that his punishment should be wholly by imprisonment, and not by fine, but Chase after examining several witnesses "that the degree of his guilt might be ascertained" sentenced him to pay a fine of $400 and to go to prison for 18 months.

Severity against Brown did not stop with the imposition of a sentence which was more severe than that against any other person convicted under the sedition law. In July 1800, after having been in jail 16 months, including the period while awaiting trial, he addressed a petition to President Adams, who was then at Quincy, asking for a pardon, but it was refused. The term for which he was sentenced was up in December 1800 but he was not released, as he could not pay the $400 fine and costs. On February 5, 1801, he addressed a second and very pathetic petition to Adams, setting forth the long period he had been in jail and that on account of his poverty there was no prospect that he would ever be released, unless the fine should be remitted. Shortly after Jefferson became President, a third petition was sent. That petition was not necessary, for Jefferson had already granted a full pardon. Brown thus actually remained in prison fully 2 years and was altogether the most grievous sufferer from the penalties of the sedition law. All the circumstances of the case point to the conclusion that the exceptional severity against Brown was due to the fear of the possible effect of his political activity. This inference is converted almost into certainty by the character of some of the comments of the Federalist Papers.

Did time permit I should include something upon the nature of the offenses punished under the sedition law, the personal history of the accused, the treatment meted out to them, and the effect of the enforcement of the law upon public opinion. But I am forced to close with merely a few observations upon the unfairness of the trials.

Charges of unfairness were numerous. They turned chiefly upon the alleged packing of the juries, the construction of the law by the courts, and the general deportment of the judges at the trials.

Were the juries packed? It is evident from the tone of the replies made to the judges' charges by the grand juries which found the indictments that they were composed preponderantly, if not exclusively, of Federalists. As to the trial juries little definite information can be obtained, except as to the Callender jury. In that instance the jury was certainly drawn in a manner which went far toward justifying the charge of packing. In the cases of Matthew Lyon, Anthony Haswell, and possibly of Dr. Cooper, the juries could scarcely be called impartial, though the evidence is not sufficient to sustain the charge that they were deliberately packed.

Charges of unfair construction of the law by the courts had to do chiefly with two matters: (1) The question of the constitutionality of the sedition law; (2) the construction to be placed upon the provision permitting the truth of the alleged libel to be offered as a valid defense.

Just think of that: How could there ever have been any question about whether the defendant could show that what he had said was the truth?

Upon the first of these questions all of the presiding judges, except possibly Justice Washington, had pronounced in advance of the trials in charges to grand juries. Although they did not altogether refuse to permit discussion of that point, the reports of the trials make it abundantly clear that their minds were made up and that practically no consideration was given to the arguments against the constitutionality of the law. The value of the provision permitting the truth of the alleged libel to be offered as a valid defense depended, of course, upon the construction put upon it by the courts. By refusing to distinguish between fact and opinion and by requiring that every item in every allegation should be fully proved the courts would deprive the provision of all value as a protection for the accused. This is exactly what was done.

The deportment of the judges, Chase excepted, seems to have been substantially correct, though doubtless their manner was not altogether devoid of bias against the defendants. Chase's conduct in the Callender trial, and possibly in that of Cooper also, was bad enough to warrant the charge that the defendant was not given a fair chance to present his side of the case.

The proponents of the pending amendment appear to be seeking the reincarnation of the discredited and irresponsible measure enacted by the Federalist Party on July 14, 1798, under the administration of President John Adams. That legislative pronouncement is to be found on page 596 of the United States

Statutes At Large of the Fifth Congress, and reads as follows:

CHAPTER LXXIV

An act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the Government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States, from undertaking, performing or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court may be holden to find sureties for his good behaviour in such sum, and for such time, as the said court may direct.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HILL. I yield for a question.

Mr. McCLELLAN. I ask that the distinguished Senator from Alabama may yield for a question.

The PRESIDING OFFICER. Does the Senator from Alabama yield for a question?

Mr. HILL. I yield.

Mr. McCLELLAN. Does the distinguished Senator recall that at 6:40 this morning the Senate voted on the question whether the Senate should adjourn at a given time?

Mr. HILL. The Senator so recalls.

Mr. McCLELLAN. Does the Senator recall that on that vote the yeas were only 6, and the nays were 55?

Mr. HILL. The Senator so recalls.

Mr. McCLELLAN. Will the Senator observe with me now that here at 8:07——

Mr. HILL. At 8:09.

Mr. McCLELLAN. Yes; let us get it exactly. That at 8:09 in the morning there is only one Senator present, aside from the occupant of the chair, who voted to continue the debate around the clock and not to adjourn? Will the Senator observe that and make a statement about it?

Mr. HILL. The Senator observes that very clearly. It is an absolute fact. It demonstrates how those who support this administration, and who are seeking to cram through this proposed amendment, have no will, no desire, and no wish to know the facts, or to have any of the arguments brought forth which can be brought forth so well against this amendment, but that they simply want to cram it through without due consideration, without a fair hearing or any attention to the arguments against it, without any exposé of the various iniquitous provisions of the amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. HILL. I yield for a question.

Mr. McCLELLAN. Does not the Senator agree with me that it clearly shows that the only purpose of this is to try to impose a tremendous and cruel physical hardship upon those of us who happen to disagree with the majority in this particular instance?

Mr. HILL. The Senator from Alabama agrees thoroughly with the Senator from Arkansas. This is just a matter of seeking to impose such torture on those who oppose the iniquitous measure, so that the torture will finally wear down and break those of us who oppose this measure, to such an extent that we will no longer be able to carry on our opposition. That is clearly the intent and purpose of the session that we are having now, as demonstrated by the action of the Senate this morning.

Mr. McCLELLAN. Will the Senator yield for further questions?

Mr. HILL. The Senator yields to the Senator from Arkansas for a question.

Mr. McCLELLAN. Does the Senator wonder with me, the Senator from Arkansas, whether the press will report this ridiculous session at this time and let the American people know what is actually taking place here?

Mr. HILL. The Senator from Alabama certainly has good reason to wonder about some of the reporting that has been done with respect to this debate thus far. However, the Senator hopes that in this case the press will carry the true story as it has been stated by the Senator from Arkansas.

Mr. McCLELLAN. Will the Senator yield further?

Mr. HILL. The Senator yields to the Senator from Arkansas for a further question.

Mr. McCLELLAN. Does the Senator observe, as I do now, that there are only nine people in the gallery other than the representatives of the press plus one who is a doorman who just stepped inside?

Mr. HILL. The Senator from Alabama makes the observation that the Senator from Arkansas is right in his observation, and, as the Senator says, those who are seeking to cram this measure down our throats will not come down to hear our presentations against this measure, to hear the facts about this measure, to hear the arguments exposing this measure, but rather they resort to this round-the-clock proposition of setting the meeting from sunrise to sunrise, seeking through torture to break down and make incapable those of us who are waging the battle against this measure.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD sections 2, 3, and 4 of the act approved July 14, 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

SEC. 2. *And be it further enacted,* That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or Act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000, and by imprisonment not exceeding two years.

SEC. 3. *And be it further enacted and declared,* That if any person shall be prosecuted under this Act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

SEC. 4. *And be it further enacted,* That this Act shall continue and be in force until the 3d day of March, 1801, and no longer: *Provided,* That the expiration of the Act shall not prevent or defeat a prosecution and punishment of any offense against the law, during the time it shall be in force.

Approved, July 14, 1798.

Mr. HILL. Mr. President, an interesting commentary on the Alien and Sedition Acts is to be found in volume 1 of the "History of the United States of America During the Administration of Thomas Jefferson," written by Henry Adams. We all remember Henry Adams as the descendant of John Adams, under whose administration the Alien and Sedition Acts were written.

Henry Adams, on page 140, points out the drastic limits to which the States were forced in resisting the enforcement of the alien and sedition laws.

Mr. Adams said:

Acting immediately on this view, the General Assembly of Virginia did interpose by declaring certain laws, known as the alien and sedition laws, unconstitutional, and by inviting the other States to concur, in confidence "that the necessary and proper measures will be taken by each for cooperating with this State in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively or to the people."

These Virginia resolutions, which were drawn by Madison, seemed strong enough to meet any possible aggression from the National Government; but Jefferson, as though not quite satisfied with these, recommended the Kentucky Legislature to adopt still stronger. The draft of the Kentucky resolutions, whether orginally composed or only approved by him, representing certainly his own convictions, declared that "where powers are assumed which have not been delegated a nullification of the act is the rightful

remedy," and "that every State has a natural right, in cases not within the compact, to nullify of their own authority all assumptions of power by others within their limits." Jefferson did not doubt "that the co-States, recurring to their natural right in cases not made Federal, will concur in declaring these acts void and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the Federal Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories."

Adams further wrote:

What, too, was meant by the words which pledged the new administration to preserve the General Government "in its whole constitutional vigor"? The two parties were divided by a bottomless gulf in their theories of constitutional powers; but until the precedents established by the Federalists should be expressly reversed, no one could deny that those precedents, to be treated as acts of the majority with absolute acquiescence, were a measure of the vigor which the President pledged himself to preserve. Jefferson could not have intended such a conclusion; for how could he promise to "preserve" the powers assumed in the alien and sedition laws, which then represented the whole vigor of the General Government in fact if not in theory, when he had himself often and bitterly denounced those powers, when he had been a party to their nullification, and when he and his friends had actually prepared to resist by arms their enforcement? Undoubtedly Jefferson meant no more than to preserve the General Government in such vigor as in his opinion was constitutional, without regard to Federalist precedents.

Mr. President, I conclude as I declared earlier, by emphasizing that the only archetype, the only models, the prior legal precedents to the pending amendments are to be found in shameful and disgraceful chapters of American history—one chapter dealing with the alien and sedition laws and another pertaining to the Reconstruction Act of 1871. These were indeed dark pages in American history.

Let us not turn back the clock and usher in another era of government by force under which all our people can be subjected to the evils of judicial autocracy.

The virile and intrepid spirit that has made our Nation great is the spirit of independence and aggressive initiative, the determination of our people to face up to hard problems and to solve them in a spirit of peace and good will. We must never, as a Nation, permit ourselves to drift into a no man's land of absolutism and government by force—a course that eats away and will surely undermine the very foundations of personal freedom.

Let us not turn our backs on the magnificent heritage and the system of government of and by free men, the indestructible union of indestructible States that have come down to us at such great sacrifice.

On behalf of my people of Alabama and on behalf of all our people consecrated to the task of preserving human liberty, I ask you all, men of good will everywhere, to join hands with me and send this measure down to the tongueless silence of dreamless dust.

Let us so conduct ourselves in this hour that the writers of history a thousand years from now shall not record that in an election year the world's greatest deliberative body sank in the morass of expediency. Let us so conduct ourselves that the judgment of our times shall be: There was the U.S. Senate, doing its best, preserving our liberties, and serving the cause of free men everywhere.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Dworshak	McClellan
Anderson	Gore	McNamara
Bartlett	Gruening	Magnuson
Beall	Hart	Mansfield
Bennett	Hartke	Martin
Bible	Hayden	Morse
Brunsdale	Hickenlooper	Morton
Byrd, W. Va.	Hill	Moss
Cannon	Hruska	Muskie
Carlson	Jackson	Proxmire
Carroll	Javits	Schoeppel
Chavez	Johnson, Tex.	Scott
Church	Keating	Smith
Curtis	Kefauver	Wiley
Dirksen	Lausche	Williams, N.J.
Douglas	McCarthy	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. MORSE. Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], the Senator from Rhode Island [Mr. GREEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Montana [Mr. MURRAY]. If present and voting, the Senator from Florida would vote "nay," and the Senator from Montana would vote "yea."

I further announce that if present and voting, the Senator from West Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. FREAR], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], the Senator from South Dakota [Mr. CASE], the Senator from South Dakota [Mr. MUNDT], and the Senator from Vermont [Mr. PROUTY], are necessarily absent.

The result was announced—yeas 55, nays 5, as follows:

YEAS—55

Allott	Dworshak	McNamara
Anderson	Engle	Mansfield
Bartlett	Fong	Martin
Beall	Gore	Morse
Bennett	Gruening	Morton
Bible	Hart	Moss
Brunsdale	Hartke	Proxmire
Byrd, W. Va.	Hayden	Randolph
Cannon	Hickenlooper	Saltonstall
Carlson	Hruska	Schoeppel
Carroll	Jackson	Scott
Chavez	Javits	Smith
Church	Johnson, Tex.	Wiley
Clark	Keating	Williams, Del.
Cooper	Kefauver	Yarborough
Cotton	Kuchel	Young, N. Dak.
Curtis	Lausche	Young, Ohio
Dirksen	Long, Hawaii	
Douglas	McGee	

NAYS—5

Goldwater	McClellan	Williams, N.J.
McCarthy	Muskie	

NOT VOTING—40

Aiken	Green	Neuberger
Bridges	Hennings	O'Mahoney
Bush	Hill	Pastore
Butler	Holland	Prouty
Byrd, Va.	Humphrey	Robertson
Capehart	Johnston, S.C.	Russell
Case, N.J.	Jordan	Smathers
Case, S. Dak.	Kennedy	Sparkman
Dodd	Kerr	Stennis
Eastland	Long, La.	Symington
Ellender	Magnuson	Talmadge
Ervin	Monroney	Thurmond
Frear	Mundt	
Fulbright	Murray	

The PRESIDING OFFICER. A quorum is present.

Mr. JAVITS. Mr. President, I send to the desk sundry amendments to the substitute, and request that they be read, printed, and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendments will be received, printed, and printed in the RECORD; and, without objection, they will be read.

The legislative clerk proceeded to read the amendments.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendments may be considered as having been read.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and the amendments are considered as having been read.

The amendments are as follows:

On page 22, after line 25, add the following:

"(c) Add the following at the end of the section:

"'(g) (1) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws with respect to any matter dealt with under this Act or the Civil Rights Act of 1960 by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

"'(2) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of paragraph (1) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

"'(h) The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws with respect to any matter dealt with under this Act or the Civil Rights Act of 1960, without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws with respect to any matter dealt with under this Act or the Civil Rights Act of 1960, without regard to race, color, religion, or national origin.

"'(1) The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws with respect to any matter dealt with under this Act or the Civil Rights Act of 1960, to others because of race, color, religion, or national origin.

"'(j) In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws with respect to any matter dealt with under this Act or the Civil Rights Act of 1960, by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with loss of his right to equal protection of the laws and the relief granted by the court'."

At the end of the proposed amendments insert the following:

"SEC. —. Nothing in this Act or in any administrative proceeding hereunder shall be construed to impair any right guaranteed by the Constitution or laws of the United States or any remedies already existing for their protection or enforcement, nor to prevent any private individual or organization from acting to enforce or safeguard any constitutional right in any manner now permitted by law.

"SEC. —. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Beginning on page 2, line 1, strike out section 2 and insert in lieu thereof the following:

"SEC. 2. (a) Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) As used in this section—

"'"Commerce" means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'"Explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever—

"'(1) imports into the United States or introduces, delivers or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosive, or

"'(2) possesses any explosive which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce—

with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years; and if death results shall be subject to the death penalty or imprisonment for life.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive (1) was imported into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this section, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"'(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'

"(b) Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"'§ 1074. Flight to avoid prosecution for destruction of certain property by fire or explosives.

"'Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential,

business or civic objectives, or of intimidating any person pursuing such objectives, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

" 'Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.'

"(c) The analysis of chapter 39 of such title is amended by adding thereto the following:

" '837. Explosives; illegal use or possession.

"(d) The analysis of chapter 49 of such title is amended by adding thereto the following:

" '1074. Flight to avoid prosecution for destruction of certain property by fire or explosives.' "

On page 22, following line 25, insert at the end of section 7 the following:

"(c) Such section is further amended by adding at the end thereof the following:

" '(g) (1) The Congress finds that the requirement that a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, elector for President or Vice President, or for Senator or Member of the House of Representatives is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, and an obstruction of the operations of the Federal Government.

" '(2) It shall be unlawful for any State, municipality or other governmental authority of any subdivision thereof, or for any person, whether or not acting on behalf of any State, municipality, other governmental authority or subdivision thereof, to levy, collect, or require the payment of any poll tax or other tax or to impose a property qualification as a prerequisite for registering to vote or voting in any primary or other election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives, or otherwise to interfere with or prevent any person from registering to vote or voting in any such election by reason of such person's failure or refusal to pay or assume the obligation of paying any poll tax or other such tax or meeting any property qualification.

" '(3) The provisions of this subsection shall become effective on December 31, 1962, unless, prior to that date, the proposed constitutional amendment approved by the Senate as part of S.J. Res. 39 of the Eighty-sixth Congress or another constitutional amendment substantially to the same effect, shall have become part of the Constitution of the United States on such date, in which case this subsection shall be without effect.' "

On page 22, following line 25, add the following:

"(c) Add the following at the end of the section:

" 'In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws with respect to any matter dealt with under this Act or the Civil Rights Act of 1960 by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with loss of his right to equal protection of the laws and the relief granted by the court.' "

Following page 19, line 22, insert the following:

"(g) (1) Any person who shall be injured as a result of his being denied employment in the performance of contracts or subcontracts to provide the Government with goods or services, in violation of provisions in a contract between the United States or any agency thereof and a contractor, or between a contractor and subcontractor, relating to nondiscrimination in such employment on account of race, creed, color, or national origin, may sue for damages therefor in the district court of the United States in the district in which such denial took place or in any district in which the employer is found or resides or has an agent, without respect to the amount in controversy, and shall recover the damages sustained by him and the costs of the suit including a reasonable attorney's fee as determined by the court.

"(2) The provisions of this section shall apply only to contracts entered into by the United States on or after sixty days following the effective date of this Act, and to subcontracts entered into under such contracts.

"(3) The provisions of this section shall not adversely affect any rights of the United States to enforce the provisions of such contract terms by appropriate proceedings."

Beginning on page 19, line 23, strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote, to vote, and to have their vote counted on account of their race or color. It further finds that the unequal application of qualifications to vote by some State and local officials, the failure of such officials to give adequate and reasonable opportunity to certain citizens to register, and the inadequacy of present law to deal with this situation, requires that the Congress implement its constitutional authority over the time, place, and manner of holding Federal elections and with respect to the enforcement of the provisions of the fourteenth and fifteenth amendments to the Constitution, to the extent necessary to overcome interference with such rights. It further finds that such denials of rights of citizens of the United States require the enactment of the provisions of this section, including the delegation by the Congress to the President of the United States of the powers granted herein, in order to effectuate the constitutional rights of all citizens.

"APPOINTMENT OF TEMPORARY FEDERAL REGISTRARS BY THE PRESIDENT

"(b) Any individual who—

"(1) believes that he is qualified, under the laws of the State in which he lives, to vote in Federal elections held in such State; and

"(2) believes that citizens are being denied such right in the county in which he lives on account of their race or color, may file a petition with the President of the United States, petitioning him to appoint a temporary Federal registrar for such county. Such petitions shall be filed in such form and manner as the President may by regulation prescribe.

"(c) (1) Whenever there shall, within a period of not more than one year, have been filed with the President a petition or petitions under subsection (b) from not less than fifty individuals from the same county, and the President believes, after such investigation as he may deem appropriate and necessary, that citizens in such county are being denied the right to register to vote, to vote, or to have their vote counted in Federal elections on account of their race or color, the President may issue an Executive order designating from among Federal officials or employees living in or near such county, but within the same State, an individual to serve as a temporary Federal registrar for such county, for persons of the class believed by the President to be denied the right to register to vote, to vote, and to have their vote counted on account of race or color.

"(2) Any such Federal registrar shall serve until such time as the President determines that citizens living within the county for which such Federal registrar was appointed are no longer being denied the right to register to vote, to vote, or to have their vote counted on account of race or color, and that such denial will not be resumed if the Federal registrar ceases to serve.

"(3) In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

"(d) The Federal registrar for any county shall accept applications for voting registrations from all individuals of the class designated by the President residing within such county and shall register all such individuals whom he finds to have the qualifications requisite, under the laws of the State wherein such county is situated, for electors of the most numerous branch of the legislature of such State, who shall be registered by him as being qualified to vote in Federal elections held in such county, for such period as would be applicable if such applicant had been registered or otherwise qualified under State law. The Federal registrar shall, from time to time, certify to the appropriate election officials of such State and of such county and of any election district within it, the names of all applicants registered by him and the fact that such applicants have been so registered. The Federal registrar shall also issue to each person so registered a certificate, the form of which shall be prescribed by the President in the Executive order designating the Federal registrar, identifying the holder as a person qualified and entitled, pursuant to this section, to vote at any such election.

"(e) In any Federal election, the inclusion on the ballot of candidates for election to other State and local offices and of other provisions for determination by the voters, shall be deemed a recognition by the State of the right of any person qualified to vote in Federal elections under this section or otherwise, to vote for such other officials and proposals as are placed on the same ballot, and to have such votes counted. If, however, there shall be within the State, as a result of the operations of this section or otherwise, any voters eligible to vote in Federal elections who are not eligible to vote for such other offices or provisions as may be placed before the electorate at the same election, then there shall be issued to every voter eligible to vote in Federal elections, whether

registered under the provisions of this section or otherwise, a separate ballot containing only such offices and other provisions as may be voted on by all persons eligible to vote in Federal elections.

"(f) Any person denied registration by a Federal registrar designated for the county in which he lives, and any person having standing under State law to challenge the determination of State registration or election officials that another person is qualified to vote, may challenge such determination by the Federal registrar by filing suit in the United States district court for the district in which the county is located, against such Federal registrar, and, where the qualification of a voter registered by the Federal registrar is challenged, against such voter. In any such suit, the determination of the Federal registrar with respect to such registration shall not be stayed pending the final decisions of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this subsection shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal registrar.

"(g) In any case where a voting referee has been appointed for the county or any portion of it by a district court under the provisions of subsection (j) of this section, the decision of such referee as to whether the applicant possesses the qualifications requisite under State law for electors of the most numerous branch of the State legislature shall, when accepted by the district court, supersede any prior inconsistent determination by the Federal registrar. Such appointment shall not, however, deprive the Federal registrar of any other authority under this section.

"(h) Any individual who is registered under subsections (b) through (i) of this section by a Federal registrar to vote in Federal elections shall have the right to cast his vote and have such vote counted in any Federal election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(i) The provisions of subsections (b) through (i) of this section shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such county, is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under subsections (b) through (i) of this section shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(j) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended, pursuant to subsection (i) of this section, or pursuant to any other law of the United States or to the law of any State, in the event that the courts finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or vote at any election, the court shall upon request of the Attorney General or any other plaintiff make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, or (C) registered by a Federal registrar under the provisions of subsections (b) through (i) of this section and refused the right to vote in a Federal election pursuant to such registration. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, or (C) registered by a Federal registrar under the provisions of subsections (b) through (i) of this section and refused the right to vote in a Federal election pursuant to such registration. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence and his prior efforts to register or otherwise qualify to vote or to vote pursuant to subsections (b) through (i) of this section. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in this subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election; and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(k) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence:

"'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have

committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a) the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted or continued against the State.'

"(l) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State solely or partially for the purpose of electing any candidate to Federal, State, or local public office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for election to any Federal, State, or local public office, and

"(2) The term 'Federal election' means any general or special election held solely or partially for the purpose of electing any individual to, or any primary election held solely or partially for the purpose of selecting any individual as a candidate or nominee for, any of the following Federal offices:

"(a) The office of President or Vice President of the United States;

"(b) The office of elector for President or Vice President of the United States;

"(c) The office of Member of the United States Senate;

"(d) The office of Member of the House of Representatives of the United States; or

"(e) The office of Delegate or Commissioner of any territory or possession of the United States representing such territory or possession in the House of Representatives of the United States, whether or not such election, or any ballot, voting machine or other means used in such election for casting and counting votes, may also include provisions for the election of other State and local officials, or other provisions for determination by the voters.

"(3) The term 'ballot' means any ballot, voting machine or other means used in any election for casting and counting votes, including provisions for the election of Federal, State, or local officials, or provisions for the determination of any other proposals submitted to the voters.

"(4) The term 'county' means a county, parish, or similar political subdivision of a State, irrespective of whether it consists of one or more election or registration districts which are, under State law, authorized to provide for the registration or qualification of voters living within such county, parish, or similar political subdivision.

"(5) The term 'State' includes any possession or territorial subdivision of the United States which is authorized, by a law of the United States, to elect a Delegate to, or Commissioner in, the House of Representatives.

"(m) The provisions of neither subsections (b) through (i) nor subsection (j) of this section shall supersede or affect the other, except to the extent specified therein. The President of the United States shall, to the extent necessary, coordinate his designation of a Federal registrar, where appropriate, with any actions or other proceedings brought by the United States for the appointment of a voting referee.

"(n) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(o) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances."

Mr. McCLELLAN. Mr. President, on the yea-and-nay vote on the motion to direct the Sergeant at Arms to request the attendance of absent Senators to make a quorum, I voted no. I did so because I think such procedure is unfair to those Senators who voted here at 6:40 this morning not to adjourn but to continue this ordeal of torture around the clock. When they decide to be absent, I do not think we ought to impose upon them an order of the Senate and compel them to come in for purposes of a quorum.

Mr. President, at approximately 8:09 this morning, after the vote at 6:40 o'clock this morning to continue this ordeal of torture, I observed and called attention to the fact that at that time, less than a hour and a half after the previous vote to continue this ridiculous procedure there was on the floor of the Senate the speaker who had the floor, the distinguished Senator from Alabama; there was on the floor at that time the distinguished senior Senator from Maine [Mrs. SMITH]. There was no one else on the floor at that time save the senior Senator from Arkansas. There was an occupant of the chair. The distinguished senior Senator from Ohio had been on the floor and had just departed from the floor a minute or two before I got the opportunity to call the attention of the Senate and of the country to the situation that obtained at that time.

Now, Mr. President, before 9 o'clock, we must have a yea-and-nay vote on the motion to have the Sergeant at Arms request the attendance of enough Senators who voted for this ridiculous situation to make a quorum.

Mr. President, to confirm and to reaffirm what is planned here—by physical stress and strain and the taxing of endurance to grind down those of us who oppose the pending proposal—I do not think any further proof is needed than that which has been demonstrated here this morning. I ask unanimous consent, as a matter of fairness, Mr. President, that the clerk prepare and include in the RECORD at this point a list of the Senators who had voted at 6:40 to continue without interruption. I have shown those who were present and the list will show what happened at that time, after compelling this procedure to continue.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. ALLOTT, Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BRUNSDALE, Mr. BUSH, Mr. CANNON, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DIRKSEN, Mr. DOUGLAS, Mr. ENGLE, Mr. FONG, Mr. FREAR, Mr. GOLDWATER, Mr. GORE, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HRUSKA, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSON of Texas, Mr. KEATING, Mr. KERR, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MARTIN, Mr. MCGEE, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MUNDT, Mr. PASTORE, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SALTONSTALL, Mr. SCOTT, Mrs. SMITH, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio.

Mr. McCLELLAN. Mr. President, in order to obviate the necessity of having to take a vote to direct the Sergeant at Arms to go out to invite Senators to come to the Senate and, later, possibly to go out to arrest Senators and bring them in, may I make a suggestion that I believe would expedite the procedure? I believe it will shorten debate. I think it will present a more wholesome and respectable spectacle to the country, and that is that we ought to have a quorum present at all times during these proceedings.

Why should we not have a quorum present at all times? Therefore, I think it would be proper, and I think those who are interested in proper procedure in the Senate might well agree, that at any time when a Senator is addressing the Senate and he observes that a quorum is not present, the speaker or any other Senator may at that time suggest the absence of a quorum without the Senator speaking losing his right to the floor. That ought to be required on round-the-clock sessions which are imposed upon us with respect to a Senator during his presentation of his position either in support or in opposition to an issue, and he ought not to be asked to proceed without a quorum being present. Therefore, I will propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. May I ask unanimous consent to propose a unanimous consent request without losing my right to the floor at this time?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the Senator might, without losing his right to the floor, make such a request.

Mr. McCLELLAN. Then I propound the unanimous consent that hereafter, during the further consideration of the pending business, any Senator who is occupying the floor in debate, or any other Senator present, upon observing the absence of a quorum, may suggest the absence of a quorum, without the Senator speaking losing his right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. I object.

Mr. DIRKSEN. Reserving the right to object——

Mr. DOUGLAS. I object.

Mr. DIRKSEN. Will my colleague from Illinois withhold his objection for a minute?

The PRESIDING OFFICER. Does the Senator from Illinois withhold his objection?

Mr. DOUGLAS. I am glad to withhold it, but I do not expect to change my mind.

Mr. DIRKSEN. I will not, either, and I will join the Senator in his request. However, I wish to say to the distinguished Senator from Arkansas that certainly not the proponents of the

pending cause have been making the requests for quorums, and live quorums at that.

Mr. McCLELLAN. We are making the request for a quorum because we would like to have the Senators present. The proponents want this procedure.

Mr. DIRKSEN. Yes; but if the Senator is interested in expedition, how about getting his associates and himself to agree on a date when we can vote on the pending substitute?

Mr. McCLELLAN. I am interested in expediting debate.

Mr. DIRKSEN. I am, too.

Mr. McCLELLAN. I would say to the Senator that many years ago, in pioneer days, a man who was traveling west stopped off at a farm home for lodging. He was extended the hospitality of the home. The next morning at breakfast he began drinking coffee and kept on drinking coffee. Finally, it almost became embarrassing to him. The lady of the house asked the man, "Will you have another cup of coffee?"

Finally, he said, "Yes, madam, I will. It takes just so much coffee to satisfy me, and if I have to drink a gallon of water to get it, I will do it."

It takes so much debate, if we can get the Senator from Illinois and his associates to listen to it, to give them a proper opportunity to weigh the issues. Of course, if we cannot get the Senator and his associates to be present, then we will have to repeat the argument, and we will take much longer, necessarily, in order to get the case properly presented by continuing to debate the issues. We hope we can proceed with a quorum present, and thus expedite the debate.

Mr. DIRKSEN. Frankly, even assuming that we did not know what this discussion was all about, I would be willing to waive the edification that I might receive in these 4, 5, or 6 hours of speeches, if the distinguished Senator from Arkansas would agree with me on a time when we could vote.

Mr. McCLELLAN. We cannot agree on that, because I do not know how much water I will have to drink to get the required amount of coffee.

Mr. DIRKSEN. I am distressed that my friend has to go through this hydrological exercise, but I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLELLAN. I am very glad, of course, to have the RECORD show what the real purpose of this procedure is. It may succeed. I do not know. I do hope that we will be able to continue until at least the country will recognize what is happening here—that Senators come for a quorum call or for a vote and immediately leave, and then only two or three Senators remain on the floor. I observed that there were only nine people in the gallery at 8:09 o'clock this morning, and I believe three of them were doormen who just stepped in from the outside. There were four persons in the Press Gallery, in addition to that. If this is the procedure which the majority of the Senate wants to follow, we have no alternative except to proceed accordingly.

Mr. President, I spoke last Friday but did not conclude that particular speech because of the time element that was involved. I should like, therefore, to resume today about where I left off at that time.

I had been discussing S. 1617, a bill which had been duly processed by committee and which is on the calendar. It has an element of civil rights in it, particularly with respect to voting rights of residents who are citizens residing on Government reservations throughout the several States and who are presently deprived of the right to vote by reason of Federal jurisdiction over the areas in which they live; therefore, they cannot vote as citizens of that State.

This bill would solve that problem. This bill, as I pointed out, has the support of the administration. The bill was introduced at the request of the Department of Justice. After it was processed by the Committee on Government Operations, it was reported by the committee, and was placed on the calendar.

After that, a letter was directed by the NAACP to the distinguished majority leader, asking him not to permit this bill to pass—in effect not to let it come up. As I pointed out, that bill would have been a proper vehicle, if one was needed and was to be used, for this civil rights program; but it was not used. It is still on the calendar, and it is quite apparent, after the NAACP made its objections known, that a number of amendments to the bill were presented. I should like to complete the RECORD today by discussing the various amendments. But, so that the RECORD will be complete, Mr. President, and so those who read may be fully informed and have an opportunity to know just what is involved in this measure, S. 1617, I ask unanimous consent, Mr. President, that the clerk of the Senate be permitted at this time to read the bill into the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none——

Mr. MARTIN. May I ask what the unanimous-consent request was?

The PRESIDING OFFICER. Will the Senator repeat his request?

Mr. McCLELLAN. I requested that the clerk be permitted to read into the RECORD at this point S. 1617.

Mr. MARTIN. May I ask what S. 1617 is?

Mr. McCLELLAN. I explained what it was a moment ago. It was a bill dealing with jurisdiction of the Federal Government and the State government over lands of the Federal Government. It has in it a civil rights element.

Mr. MARTIN. Mr. President, I object.

Mr. McCLELLAN. I anticipated objection, but I again wanted to show the difficulty we have, when the NAACP objects to a bill, notwithstanding it is a bill that would grant voting rights, and, so that those who read the RECORD may know exactly what it is, I now, Mr. President, shall take the opportunity to read the bill into the RECORD. It is just a question of who reads it.

Mr. President, this bill, as I stated, was introduced by me on April 8 with the cosponsor, the senior Senator from Utah [Mr. BENNETT], and was introduced, as I said, at the request of the Department of Justice and was processed. It reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with respect to federally owned or operated land areas in the several States, the Congress finds that the retention by, or relinquishment to, the States of legislative jurisdiction of the kind involved in article I, section 8, clause 17 of the Constitution of the United States, (1) enables States and local communities to obtain tax revenues from persons, private property, and business transactions within such areas, if not otherwise exempt, (2) relieves the Federal Government in many respects from the performance of functions normally exercised by the States and local communities, and (3) provides a basis for assuring to the residents of such areas many rights, privileges, and services which they would normally enjoy when the Federal Government does not have exclusive jurisdiction over such areas.

(b) It is hereby declared to be the policy of the Congress that—

(1) the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may in particular cases be necessary for the proper performance of such of its functions as are performed upon such areas; and

(2) to the extent consistent with the purposes for which the land is held by the United States the Federal Government shall avoid receiving or retaining concurrent legislative jurisdiction or any measure of exclusive legislative jurisdiction.

SEC. 2. Notwithstanding any other provision of law, the obtaining or retaining of exclusive jurisdiction or any other measure of legislative jurisdiction by the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required. The head or other authorized officer of any department or independent establishment or agency of the Government may, consistent with the policy set forth in this Act, acquire from, or relinquish to, the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, such measure of legislative jurisdiction over any such lands or interests as he may deem desirable. Such acquisition or relinquishment of jurisdiction on the part of the United States shall be indicated by filing a notice thereof in such manner as may be prescribed for this purpose by the laws of the State where such lands are situated, and unless and until a notice is filed in accordance with such State laws, or with the Governor, if the laws of such State do not prescribe another manner, it shall be conclusively presumed that no transfer of jurisdiction pursuant to this Act has taken place, nor shall any transfer of legislative jurisdiction pursuant to this Act take place unless and until the State in which the land is located has accepted or relinquished jurisdiction in such manner as its laws may provide. Upon a relinquishment by the United States of all of its legislative jurisdiction over an area to the State in which such area is situated, the State thereafter shall, with respect to such area, exercise the same jurisdiction which it would have had if legislative jurisdiction over such area had never been in the United States. Like jurisdiction may be exercised by a State over any area over which the United States receives or retains only concurrent legislative jurisdiction, without prejudice, however, to the right of the United States to assert and exercise the legislative jurisdiction had by it over such area.

SEC. 3. (a) The first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), as amended, is hereby further amended by striking all the language appearing therein after the words "unlawful assemblies," and substituting therefor the following language: "and to enforce any rules and regulations made and promulgated pursuant to this Act."

(b) Section 2 of such Act (40 U.S.C. 318a) is amended to read as follows:

"SEC. 2. The head of any department or agency of the United States or such other officers duly authorized by him are authorized to issue all needful rules and regulations for the government of the public buildings and other areas under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 4 of this Act, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such public buildings and other areas. This authority shall not impair or affect any other authority existing in the head of any department or agency. The term 'public buildings and other areas' as used in this Act includes property leased to the United States."

(c) Section 3 of such Act (40 U.S.C. 318b) is amended to read as follows:

"SEC. 3. (a) The head of any department or agency of the United States and such officers duly authorized by him, whenever it is deemed economical and in the public interest, are authorized to utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies, to enforce any regulations promulgated under the authority of section 2 of this Act.

"(b) Upon the application of the head of any department or agency of the United States the Administrator of General Services and officials of the General Services Administration duly authorized by him are authorized to detail such special policemen as are necessary for the protection of the Federal property under the charge or control of such department or agency."

(d) Section 4 of such Act (40 U.S.C. 318c) is amended by the insertion of the word "than" between "more" and "$50".

SEC. 4. Subsection (a) of section 3401 of title 18, United States Code, is hereby amended to read as follows:

"(a) Any United States commissioner specially designated for that purpose by the court by which he was appointed has jurisdiction to try and sentence persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent or partial jurisdiction, or which is under the charge and control of the United States, and within the judicial district for which such commissioner was appointed."

SEC. 5. The following provisions of law are hereby repealed:

(a) Section 103 of title 4, United States Code.

(b) Sections 4661 and 4662 of the Revised Statutes of the United States (33 U.S.C. 727 and 728).

(c) The final paragraph of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255).

SEC. 6. Any civil or criminal process, lawfully issued by competent authority of any State or political subdivision thereof may be served and executed within any area under the exclusive, partial, or concurrent jurisdiction of the United States to the same extent and with the same effect as though such area were not subject to the legislative jurisdiction of the United States: *Provided*, That this section shall not be construed to affect the rights of authorized officers of the Federal Government or of any department, independent establishment, or agency thereof, to issue rules and regulations at any time for the purpose of preventing interference with the carrying out of Federal functions.

SEC. 7. Nothing in this Act shall be construed to conflict with or detract from any statute consenting to or permitting State or local taxation.

Mr. President, the Attorney General, in urging the enactment of this proposed legislation, has pointed out in the memorandum, which I placed in the RECORD last Friday, that this would make it possible for the Federal Government to adjust with the States legislative jurisdiction over many tracts of land and of areas throughout the country where the Federal Government now has exclusive legislative jurisdiction, and where that jurisdiction is no longer needed to carry out the functions of the Federal Government.

Thus, by making such adjustments and releasing or relinquishing to the States the legislative jurisdiction over such areas where such relinquishment to the States would not in any way interfere with Federal functions, we would give to the States jurisdiction over the people inhabiting such areas, and thus they would accede to voting rights in the State, according to the memorandum from the Attorney General which I placed in the RECORD. There are literally thousands of people in the United States today who are disfranchised by reason of this situation.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. If I may yield without losing my right to the floor, I shall be happy to yield to the Senator from Ohio.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator may yield for a question.

Mr. LAUSCHE. It is my understanding that when the Federal Government has within a State an area of land which belongs to it, and is using that land for some Federal purpose, there exists a condition in which an enclave of the Federal Government is within the sovereign area of the State, but the Federal Government has exclusive jurisdiction over that area over and above the jurisdiction which the State normally has. Am I correct in that understanding?

Mr. McCLELLAN. The Senator is correct. In many instances, as the Attorney General points out, the functions for which the land was originally acquired are no longer performed by the Federal Government, and the Government has no need for any further jurisdiction. People live in the area, and, because the Federal Government has that jurisdiction, it has no authority to relinquish it to the State, and the people are disenfranchised.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I shall be glad to yield on the same conditions.

Mr. LAUSCHE. My recollection is that as Governor of Ohio I was notified of meetings that were held by attorneys general of States contemplating to make out a plan where jurisdiction would be yielded by the Federal Government to the State in various matters dealing with the areas the Federal Government controlled and owned. My question to the Senator is, has this subject been under discussion by State officials, a discussion leading to the end that jurisdiction would be surrendered by the Federal Government to the State?

Mr. McCLELLAN. That is correct, and I placed in the RECORD last Friday a memorandum, which I think the Senator will find on page 3605 of the RECORD, which was enclosed with a letter from Charles F. Schwan, Jr., Washington representative of the Council of State Governments. They submitted a memorandum which I incorporated in the RECORD supporting the proposed legislation, and pointing out the need for it.

This measure is not merely the idea of the Attorney General as such or of the Justice Department as such. I think it was first introduced in the 84th Congress, and studies have been made ever since. I find no one opposed to it, so far as I can ascertain, except the NAACP, who after the bill was processed and brought here, interposed an objection. For that reason I guess it was not considered as a proper vehicle to bring before the Senate, although it provides for voting rights and would actually result in the enfranchisement of many people—the Justice Department says thousands throughout the country—who today have no right to vote.

Mr. LAUSCHE. Will the Senator yield further?

Mr. McCLELLAN. I am very happy to yield.

Mr. LAUSCHE. I observe, in reading the RECORD of last Friday's session, that the Senator from Arkansas pointed out a communication received from the Council of State Governments.

Mr. McCLELLAN. That is correct.

Mr. LAUSCHE. My recollection is that the association of attorneys general of the Nation likewise were interested in the subject and that they suggested working out ways and means under which the Federal Government would relinquish its control and jurisdiction in these enclaves. Is the Senator from Arkansas familiar with that fact?

Mr. McCLELLAN. I think that is correct. I will see if I can find it here. Here is the letter dated July 15, 1959—I believe it is from the Justice Department, Assistant Attorney General of the Lands Division—in support of it, but my recollection is that I placed in the RECORD a memorandum or a letter to the effect that the attorneys general of the several States did support this bill.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I shall be very glad to yield.

Mr. LAUSCHE. What are the reasons that have been advocated in opposition to the adoption of this bill?

Mr. McCLELLAN. Well, the only opposition that I know of, as I pointed out to the Senator, has been expressed by the NAACP. I can read to the Senator again, if he cares, the letter from the NAACP, which I placed in the RECORD last Friday, stating its objections to the bill, and then I placed in the RECORD a memorandum from the Justice Depart-

ment refuting all of the claims made by the NAACP as to what the bill would do. If the Senator cares, I can point out to him this letter which I had started to quote on page 3607 of the CONGRESSIONAL RECORD, the letter from the NAACP to the distinguished majority leader expressing their opposition. If the Senator wishes to have me read it into the record, I can do it.

Mr. LAUSCHE. No, I will read it.

Mr. McCLELLAN. I point out where the Senator can find it, and I might say that it was after this objection was made that there came the memorandums refuting all of the claims made here, and continuing to urge that the bill be passed. It is actually an administration bill, but after this letter, there come a lot of memorandums to the bill, designed, I assume, primarily to load it down with objectionable matter and bring about its defeat. I desire to make reference to and present in the RECORD the amendments that were offered against the bill before it was ever brought up, with an idea of loading it down with what is expected to be and would be, of course, objectionable matter that would bring about defeat of the bill.

I have wondered at the procedure—and this is the point I have been making. We go out here and take up a little school bill that has no relation on earth to civil rights, while a bill is on the calendar that would give voting rights to thousands of American citizens who are today denied those voting rights by reason of a legislative or a juridictional situation that can be corrected, and that this administration ceased to correct by the bill that I have referred to, and that the Committee on Government Operations reported out in the hope that it could be expedited and such legislation enacted.

Mr. President, I would like to point out, at this point an analysis of the bill, which I have made and I would like now, to point out some amendments that have been offered to the bill after it was reported to the Senate and went on the calendar, and I have an amendment here which contains many pages. To be exact, I believe it contains 34 pages of amendments, and I should like to point out just what this amendment would do.

Then, of course, I should like to have the clerk read the amendment into the RECORD, so those who are interested in giving the people the right to vote might know the kind of amendments that were drafted to help these helpless people who are on these Government reservations. Of course, I anticipate that if I should ask unanimous consent that the clerk read the amendment into the RECORD there might be some chance of an objection to it, but I think I will make the request. I do not know—I might be mistaken—but the only way to find out, Mr. President, is to ask unanimous consent, which I do at this time, that the clerk be permitted to read the amendment offered by the distinguished Senator from Missouri on August 17, 1959.

I hope there will be no objection so that we can get this into the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. Mr. President, I do not wish to disappoint my good friend from Arkansas, and therefore I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Illinois did not disappoint me. He lived up to my expectation.

I should like to present an analysis of this amendment. First, it is going to take a little while to get these things in the RECORD, and that is why I was trying to get these things into the RECORD to expedite debate, but I guess it is really not desired that the debate be expedited. I do not see any real evidence of it here. We have had to ask the Sergeant at Arms to send for Members of the Senate after quorum calls. They come in, make a quorum, vote, and in less than an hour and a half they are scattered to the four winds. There are only three or four Senators on the floor. I do not see any real genuine interest in expediting the matter. It seems to me we want entertainment here when we are trying to get facts into the RECORD. When we have an issue which is related to getting people the right to vote, we encounter this delaying tactic, and therefore we have to move gently along and read it into the RECORD.

I should like to give a little analysis of it first, and then as I read, what I read in the amendment will confirm the analysis that I am now about to state. This amendment is dated, as I said, August 17, 1959. It was submitted by the distinguished senior Senator from Missouri [Mr. HENNINGS], and the amendment states:

> Amendment intended to be proposed by Mr. HENNINGS to the bill (S. 1617), to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz—

This is what the amendment would do: First, it would add 13 titles. That is all. Why they did not avoid that mystic No. 13 I do not know. It looks as if they should have gotten up one more. Nevertheless, 13 titles it would have added to S. 1617. It is entitled "Civil Rights Act of 1959."

The second section of the amendments states:

> This Act may be cited as the "Civil Rights Act of 1959."

Mr. President, it appears from the face of it that we can draw no other conclusion or make no other deduction except that it was either introduced for the purpose of trying to kill this bill, or, if it were submitted in good faith, it was believed the bill would be a good vehicle, since it is on the calendar, to get the whole civil rights issue before the Senate. I am not sure which. Maybe there can be some explanation of it, but it is one way or the other.

Mr. President, the amendment (a) contains a statement of the findings by the Congress that enforced racial segregation in public schools violates the equal protection of the laws guaranteed by the 14th amendment to the Constitution of the United States.

If I were both blind and deaf, and I discovered that language, I would know that the source from which it had emanated was the NAACP. I am not sure if those are the correct initials, but I think everyone knows the organization to which I have reference.

(b) It purports to establish a systematic program for aid by the Federal Government operating through the Department of Health, Education, and Welfare to accomplish public school desegregation.

Again I point out that it was either offered for the purpose obviously of killing the bill, or with a desire to make the bill the vehicle for all civil rights legislation. I do not see that it could have served any other purpose. That is what makes me wonder why this bill was not taken up and used as the vehicle, as these amendments would imply, as was undertaken to be done, and the only reason I know of is what the record reflects, that the NAACP objected.

(c) It would vest authority in the Attorney General to seek civil court remedies in the U.S. district courts to accomplish public school desegregation if plans sponsored by the Department of Health, Education, and Welfare are not accepted voluntarily.

(d) It would vest authority in the Attorney General to seek civil court remedies in U.S. district courts for individuals who contended that they are being denied equal protection of the laws on the basis of race, color, religion, or national origin.

(e) It would require that election records, papers, and ballots be retained and preserved under penalty of the criminal law, and a procedure is established for the production of these materials for inspection by the Attorney General.

(f) Provides that all tests, including questions and answers, for registration or voting in Federal elections must be printed or in writing.

(g) It would amend the Federal criminal code so as to punish flight across a State line to avoid punishment for damaging or destroying any building or vehicle.

(h) It would provide for the Federal Government to furnish education for children of members of the Armed Forces in areas where public schools are closed.

(i) It would give the Civil Rights Commission until January 31, 1961, to file its final report.

So we see, Mr. President, that there was offered to this bill an amendment substantially in accord with the pending business, the pending substitute amendment of the distinguished Senator from Illinois. So it is pretty apparent that something must have happened, and again I wish to point out what actually happened was that the NAACP objected, notwithstanding the fact that it was a proper vehicle, if one was sought, and is so recognized, as these amendments clearly indicate, for the bringing to the Senate the full issue of civil rights.

Mr. President, I think this amendment ought to be read into the RECORD.

I offered S. 1617 a while ago. I asked unanimous consent that it be read into

the RECORD, which was objected to, but, Mr. President, it is going to be done if the unanimous consent agreement, or the gentleman's agreement, or whatever we had here last night, is carried out, because I am going to offer the bill as an amendment and send it to the desk and request that it be read, and I think under the agreement that we have, whatever rule it is, if it is a rule under which we are operating in this situation, I shall be entitled to have it read at the desk.

I think I ought to read it into the RECORD. It should not take long. We have plenty of time, anyhow, Mr. President. I notice Senators are not particularly interested. There are now about five, six, seven, eight of us on the floor, or nine—not many. They can be here, though, to vote to continue round the clock. They will be here as soon as that vote is taken again. But at this time we might as well read some of these amendments and get them into the RECORD so people will know when they read the RECORD how ridiculous this whole proceeding is.

Mr. President, I am of the opinion that in posterity, down through the vistas of time, people are going to look back to this debate and read this RECORD searchingly. Then I think they will find that a record was made here that either saved this country, that defended and protected and preserved the Constitution and the Republic, a republic composed of a Union of States, or that there was suffered a serious blow, a serious blow, indeed, if this legislation is adopted, implementing the trend that may have already set in toward the undermining of the basic fundamentals upon which our Republic rests and upon which we have enjoyed the greatest blessings of liberty of any people on earth. So I think we ought to make the RECORD complete.

Mr. President, I do not expect to be able to finish this speech at this time.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. MCCLELLAN. I shall be happy to yield in just a moment. I do not expect to be able to finish this speech at this time. I will have to carry over. A colleague is anxious to speak this morning; and since we now have the unanimous-consent agreement that we will start with the morning hour at 12 o'clock, I shall be able to get only partially through. Of course, I will have a little more opportunity for future discussion upon other aspects of the proposed legislation, which I hope to get to in the course of the debate.

Yes; I am very happy to yield to my distinguished friend from Ohio, if I do not lose the floor, Mr. President.

Mr. LAUSCHE. Before the Senator from Arkansas proceeds to read the full amendment offered by the Senator from Missouri, may I ask whether that amendment in any manner proposes to change or modify the original S. 1617?

Mr. MCCLELLAN. I will tell the Senator what it does. I believe I said it had 13 items. I believe that is correct. No; I am mistaken; I am very sorry. That should be 14. Did I say 13? I would like the RECORD to be corrected to show that it does have 14, Mr. President. I do not know why I made that mistake.

Mr. LAUSCHE. Based upon the summary the Senator gave, I assumed that the amendment proposed new sections, but did not at all modify the original S. 1617.

Mr. MCCLELLAN. As to the amendment, I will show how it starts off, and then we can answer and clarify the situation. It starts off:

On page 1, after line 2, insert "title I".

Mr. President, there are 13 titles in this amendment. But by inserting title I for the original bill, that will make the 14 titles. That is correct.

On page 1, after line 2, insert "title I".

On page 1, beginning of line 3, insert "SEC. 101.".

On page 7, after line 11, insert the following:—

I think that is the conclusion of the bill, on page 7, after line 11. Let us be exact about it:

On page 7, after line 11, insert the following—

Yes; that is the end of the bill. It simply proposes to number this bill as title I, and then add 13 more titles to the bill. That is what the amendment would do. So I shall proceed to read it, Mr. President. I have read the first three lines of it—

TITLE II

Short title and findings

SEC. 201. This Act may be cited as the Civil Rights Act of 1959.

SEC. 202. (a) The Congress hereby finds that—

(1) recent decisions of the Supreme Court of the United States holding racial segregation unlawful in public education, public transportation, and public recreational facilities (hereinafter referred to as the antisegregation decisions) as a denial of the constitutional right to the equal protection of the laws express the moral ideals of the Nation and the world and point the way to a nation enhanced in strength and dignity at home and enhanced in honor and prestige throughout the world,

(2) these antisegregation decisions are being resisted in many areas of the Nation most directly affected by them and indirectly evaded in other areas, thereby denying to millions of Americans within our borders the constitutional right to the equal protection of the laws,

(3) many States, municipalities, school districts, and other local governmental units have failed to make a prompt and reasonable start toward full compliance with the Supreme Court's decisions in the field of public education despite the substantial time which has already elapsed since the promulgation of those decisions in 1954 and 1955,

(a) the constitutional right to the equal protection of the laws is being denied to many persons because of race, color, religion, or national origin in fields other than education, transportation, and recreation,

(5) these denials of the constitutional right to the equal protection of the laws restrict millions of Americans to second-class citizenship and deprive the Nation of the maximum development and maximum benefits that can be contributed by such persons, and—

Mr. President, again I assert, aside from the occupant of the chair and the present occupant of the floor, there are only three Senators in the Chamber. Oh, I do see a fourth one. I am very sorry. I want to keep the record straight. I cannot see but four—no, five. Well, let us see; maybe there is a sixth. I pause, and if there is a sixth one present, I hope he will indicate it by announcing his presence. I am sorry; I do not see the sixth one.

(6) legislative and executive action (A) is necessary to safeguard and guarantee to all Americans the constitutional right to equal protection of the laws and (B) will aid in expediting universal compliance with the antisegregation decisions of the Supreme Court.

(b) The Congress further finds that the rights protected by the Constitution, as declared by the antisegregation decisions, will be more widely accepted and more fully enjoyed in all areas of the Nation, and particularly in those areas of the Nation most directly affected by the decisions, when it is generally recognized and understood that—

(1) the Constitution, as declared by the antisegregation decisions, is the supreme law of the land,

(2) all Federal and State officials are bound by their oaths or affirmations to support the Constitution, and

(3) the legislative and executive branches of the Federal Government are acting and will continue to act, with such Federal authority as is found necessary, to protect the constitutional rights upheld by those decisions of the judicial branch of the Government.

(c) The Congress further finds that—

(1) the present system whereby individual plaintiffs in the Federal courts bear the burden of protecting constitutional rights, as declared by the antisegregation decisions, is neither the exclusive nor the most effective means of protecting those constitutional rights and the public interest in safeguarding those constitutional rights, and has resulted in local restrictive and punitive measures against the individuals and organizations engaging in, and supporting, efforts in the courts to assert those constitutional rights, and

(2) specific authorization to the executive branch of the Federal Government to act in support of the constitutional rights upheld by the antisegregation decisions (A) will provide a more rational, uniform, just, and effective system of protecting constitutional rights than the present procedure under which the safeguarding of constitutional rights is determined by the varying resources and courage of individuals and organizations and by the varying State statutory restrictions placed upon them, and (B) will render less effective, and hence tend to reduce, hostile community pressures upon individuals and organizations seeking to safeguard constitutional rights.

Mr. President, at this point I should like to observe that it seems here that if one makes a choice that he desires to associate with another, that is freedom of association; but if one chooses not to associate with another, that is no longer a right which an American citizen has.

If a black Negro chooses to associate with whites, he can have the power of the Federal Government compel the white man to accept him. But if the white man desires not to be associated with the Negro, the white man is defenseless and helpless; his Government does not protect him in his right; he has no choice. Mr. President, that is what we are trying to do to America.

I read further from the amendments:

(d) The Congress hereby recognizes it to be the initial responsibility of all States, municipalities, school districts, and other

local governmental units to safeguard the constitutional right to the equal protection of the laws as declared by the antisegregation decisions of the Supreme Court and to administer their systems of public education, public transportation, and public recreational facilities in accordance with the Constitution of the United States, but the Federal Government, to maintain a more perfect union, to extend justice, to promote the common defense, and to secure the blessings of liberty to all persons, has a coordinate responsibility to guarantee the constitutional right to the equal protection of the laws, to prevent denials of the right when State or local authorities cannot or will not do so, and thus to enhance the Nation's internal strength and its position throughout the world.

Mr. President, that language is a duplicity; it is contradictory. It is not factual. It proposes only to enforce or compel the acceptance of the choice of one, while destroying by the power of government the right of the other to make a similar choice. Is that to be American justice? Is that to be American equality? Are we no longer to have a choice of association, except a one-way choice? I thought there was to be no discrimination between the races; that is what we are seeking. Then why grant to the colored man the right to compel the white man to associate with him, while not granting to the white man the right to associate with his own kind?

Discrimination? What is the meaning of the word, Mr. President? I believe that the races that want to associate together and mix have a right to do so; but I believe that the colored man who wants to stay separate and apart and wants to associate with his own race in social life and affairs should have the right to do so. Unless we are going to discriminate in this country, the same right should be granted to the whites. But, Mr. President, at the moment that is not good politics. The better politics, of course, is to play up to the minorities.

Ah, Mr. President! It is impossible to legislate equality; it is equally impossible to legislate color; it is impossible by law to change complexion. God Almighty created us, Mr. President; and man cannot change God's will. We can blunder at it; we can make serious errors in that direction. But we cannot change it.

I read further from the Hennings amendments:

(e) Recognizing its authority and responsibility under the fifth section of the fourteenth amendment to the Constitution of the United States and its obligation to uphold the coordinate authority and responsibility of the judicial branch of the Government, the Congress hereby declares its intention that the right to the equal protection of the laws guaranteed by the Constitution against deprivation by reason of race, color, religion, or national origin and affirmed by the antisegregation decisions of the Supreme Court, shall be protected by all due and reasonable means, and to that end enactes the following provisions of this Act.

TITLE III

Technical assistance by Secretary of Health, Education, and Welfare

SEC. 301. The Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") is hereby authorized to render technical assistance to States, municipalities, school districts, and other local governmental units to eliminate denials of constitutional rights in the field of public education by reason of race, color, religion, or national origin and to come into compliance with the decisions of the Supreme Court in the field of public education by—

(a) assembling, publishing, and distributing information which, in his judgment, will prove helpful in obtaining public understanding of, and compliance with, the Constitution and decisions of the Supreme Court in the field of public education;

Mr. President, if we are going to spend Federal money in that way, and if we are going to turn over to some one man the power to try to remedy such situations in this country, why would not it be well to begin by reposing in someone the power and the necessary funds with which to fight crime in this country? Ah, Mr. President. The increase in crime in this country, the surging growth of crime in this country, is alarming and distressing. But we do not find any proposal of that kind. Let crime increase—and is it increasing; today, major crime in America is increasing, percentagewise, 5 times faster than the population of the country. Yet we take the time of the U.S. Senate in this horseplay, pretending that we are going to do something for the downtrodden. We are going to give and enforce rights to one, while using the same power to deny those rights to other citizens of the country who are of a different color.

I read further:

(b) surveying the progress made in eliminating segregation in public education in various parts of the country and making available to public agencies, private organizations, private individuals, and the general public the results of such surveys, including wherever possible successful case histories of desegregation and the ways and means utilized to bring about desegregation in such instances;

(c) planning, calling, and holding local, State, regional, and national conferences attended by State and local officials, representatives of private organizations, and private citizens, to discuss ways and means of eliminating segregation in public education generally or in any particular State, municipality, school district, or other local governmental unit;

Mr. President, how much more beneficial it would be to this country if the same money were spent finding ways to prevent crime, finding ways, Mr. President, to protect the peace and the internal security of our country. No, we would rather fritter it away in some kind of program like this, thinking we will get some votes at election time.

Mr. President, I do not see many Republicans present—very, very few, I would say—and I would like to make the statement I have in mind now when more of them are present. They are kidding themselves if they think they are going to get the Negro vote by this method. They will not. They are not about to get the Negro vote this way. But let them go on and kid themselves. There is nothing you can do about it. Did not the last election prove it? The coming election will reaffirm it, but some of us have to learn the hard way, it seems.

(d) appointing local, State, regional, and national advisory councils to assist the Secretary in carrying out his duties under this Act and to offer their assistance to any State, municipality, school district, or other local governmental unit to come into compliance with the Constitution and the decisions of the Supreme Court in the field of public education;

(e) reporting to the Congress, at least semiannually, concerning the progress being made in eliminating segregation in public education in various parts of the country; and

(f) assisting, by such other related means as he deems appropriate, States, municipalities, school districts, and other local governmental units to eliminate segregation in public education.

SEC. 302. The Secretary shall recruit, employ, and train specialists in preparing, putting into effect, and carrying out plans for eliminating segregation in public education and shall offer the services of the specialists to States—

Now we have got them down, Mr. President, to specialists. Who is a specialist in this segregation issue? Just because a fellow favors it does not make him a specialist. I wonder where we would find one.

Well, anyway, I proceed—

municipalities, school districts, and other local governmental units. Upon request of any State, municipality, school district, or other local governmental unit, the Secretary shall make available to the requesting governmental unit the services of one or more specialists for such periods of time and in such numbers as the Secretary deems necessary and appropriate in the light of the particular needs of the requesting governmental unit.

SEC. 303. (a) The Secretary is authorized to reimburse any State or local official, representative of a private organization, or private citizen who is invited by him to attend any local, State, regional, or national conference held under the authority of section 301(c), and any member of an advisory council appointed under the authority of section 301(d) who is carrying out authorized functions, for travel expenses incurred, and to pay to any such person per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

(b) The Secretary is authorized to reimburse any State or local official who, with the approval of the Secretary, is invited to confer with one or more specialists employed by the Secretary under section 302 for travel expenses incurred in attending such conference, and to pay to any such official per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

SEC. 204. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1959, and for each of the four succeeding fiscal years, such amounts not to exceed $2,500,000 in any fiscal year as may be necessary for carrying out the purposes of this title.

Just for this one title alone, Mr. President, we propose to spend for these specialists, to tell people how they should integrate their schools, $2½ million of the Federal Government's money.

TITLE IV

Grants to areas where desegregation in public education is being carried out

SEC. 401. (a) The Secretary is authorized to make grants to States, municipalities, school districts, and other local governmental units which maintained racial segregation in their public schools on May 17, 1954, and which make application for such

grants, to assist in meeting the costs of additional educational measures undertaken or to be undertaken to further the process of eliminating segregation in the public schools of the applicant State, municipality, school district, or local governmental unit, while at the same time assuring that existing educational standards will not be lowered.

(b) Grants may be made under this section for—

(1) the cost of employing additional schoolteachers.

(2) the cost of giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation,

(3) the cost of employing specialists in problems incident to desegregation and of providing other assistance to develop understanding by parents, schoolchildren, and the general public of plans and efforts for eliminating segregation in the schools in order to reduce the possibility of community hostility or unlawful resistance to such plans and efforts, and

(4) other costs directly related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate, segregation.

(c) Grants may also be made under this section for the construction, enlargement, or alteration of school facilities when the Secretary finds that lack of inadequacy of existing facilities makes the carrying out of any reasonable plan for desegregation without lowering existing educational standards impracticable or materially more difficult.

(d) Each application made for a grant under this section shall provide such detailed breakdown of the additional educational measures for which financial assistance is sought as the Secretary may by regulations prescribe.

(e) Each grant under this section shall be made in such amounts and on such terms and conditions as the Secretary shall prescribe, which may include a condition that the applicant expend funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Secretary shall take into consideration—

(1) the amount available for grants under this section and the other applications which are pending before him,

(2) the financial condition of the applicant and the other resources available to it,

(3) the nature, extent, and gravity of its problems incident to desegregation,

(4) whether the additional educational measures undertaken or to be undertaken are reasonably and effectively designed to further the process of eliminating racial segregation, while at the same time assuring that existing educational standards will not be lowered, and

(5) such other factors as he finds relevant.

SEC. 402. The Secretary is further authorized to make grants to public or other nonprofit educational institutions of higher learning to meet or assist in meeting the cost of short-term training courses or institutes, not to exceed four weeks in duration, for personnel of public schools or of educational agencies engaged in or about to undertake desegregation, designed to enable such personnel to deal more effectively with problems incident to desegregation. Such grants may also be used by such institutions to establish and maintain fellowships for such training courses or institutes, covering tuition, fees, and such stipends and allowances (including travel and subsistence expenses) as may be determined by the Secretary.

SEC. 403. Payments of grants under sections 401 and 402 may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary may determine.

SEC. 404. (a) There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1959, and for each of the four succeeding fiscal years, such sums, not exceeding $40,000,000 for any fiscal year, as may be necessary to carry out the provisions of this title.

There apparently is no end to what they would like to spend.

I continue reading:

(b) In making grants from funds appropriated for any fiscal year for the purposes specified in section 401(b), the Secretary may disregard applications received after August 31 in that fiscal year, or may subordinate such applications to applications received before that date. In the event that he receives, either before or after that date, applications which he considers would materially contribute to carrying out the purposes of this title, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

(c) In the event that the Secretary receives applications for grants for the purpose specified in section 401(c) which he considers would materially contribute to carrying out the purposes of this title, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

TITLE V

Administrative action directed toward eliminating segregation in public education

SEC. 501. The Secretary shall make every effort to persuade States, municipalities, school districts, and other local governmental units to make a start toward eliminating segregation in public education and to carry out in full such programs as they may start, and to this end he shall utilize the authority provided in titles III and IV.

SEC. 502. Whenever the Secretary shall find that all efforts under titles III and IV and under section 501 of this title have failed, and continue to fail, in bringing about a start toward the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit, the Secretary is authorized to prepare a tentative plan for the elimination of segregation in public education in such State, municipality, school district, or other local governmental unit. In preparing such a tentative plan, the Secretary shall seek the advice and assistance of public officials, private organizations, and private citizens in the area and of any local, State, regional, or national advisory council appointed pursuant to section 301(d); and he shall carefully consider such advice and assistance wherever available. Tentative plans prepared by the Secretary under the authority of this section shall take into account the need of the particular area for time to make an orderly adjustment and transition from segregated to desegregated schools.

SEC. 503. (a) Whenever the Secretary has prepared a tentative plan for the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit, he shall forward the plan to the Governor, mayor, or other appropriate official, as the case may be. If the State, municipality, school district, or other local governmental unit agrees to put into effect the tentative plan as proposed by the Secretary or as modified by the State, municipality, school district, or other local governmental unit with the consent of the Secretary, the Secretary shall utilize the authority granted in titles III and IV to assist the State, municipality, school district, or other local governmental unit in putting into effect the tentative plan.

(b) If the State, municipality, school district, or other local governmental unit (1) does not agree to put into effect the tentative plan as proposed by the Secretary or as modified with his consent, or (2) after agreeing to the tentative plan as so proposed or modified, does not, in the judgment of the Secretary, carry out such tentative plan, the Secretary shall hold a public hearing upon the tentative plan. Notice of such hearing shall be given to the local authorities concerned by registered mail and notice shall be given to private organizations and private citizens within the area by publication in one or more newspapers. Local authorities, private organizations, and private citizens shall be permitted to participate in the hearing and present evidence and argument in favor of the tentative plan, in favor of amendments to the tentative plan, or in opposition to the plan or to any plan, but cumulative evidence may be excluded in the discretion of the Secretary. Anyone shall be permitted to file a written statement with the Secretary in addition to, or in lieu of, personal appearance at the public hearing.

(c) After the hearing provided in subsection (b) has been concluded, the Secretary shall prepare and issue an approved plan for eliminating segregation in public education in the State, municipality, school district, or other local governmental unit. He shall publish the approved plan in the Federal Register and in one or more newspapers in the area affected thereby and shall transmit a certified copy thereof to the appropriate official of the State, municipality, school district, or other local governmental unit involved.

(d) In order that the proceedings under this title shall expedite the elimination of segregation in any State, municipality, school district, or other local governmental unit, the Secretary shall handle all proceedings under this title as expeditiously as possible. The Secretary shall complete any proceedings hereunder within one year from the time that a tentative plan is forwarded to the Governor, mayor, or other appropriate official under section 503(a), or, in case a State, municipality, school district, or other local governmental unit agrees to a tentative plan but does not carry it out, within six months from the time that the Secretary determines that such State, municipality, school district, or other local governmental unit is not carrying out such tentative plan.

SEC. 504. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1959, and for each of the four succeeding fiscal years, such amounts as may be necessary for carrying out the purposes of this title.

Again, Mr. President, there is no limitation. Whatever you want to spend, you can spend. It is authorized.

SEC. 505. The Secretary is authorized to carry out his responsibilities and exercise his authority under this title and under titles III and IV through designated personnel in his own office or through any existing bureau, division, or agency of the Department of Health, Education, and Welfare or through a new office created by him—

We are given the power to create an office—

for the special purpose of exercising the Secretary's responsibilities hereunder, ex-

cept that the Secretary shall personally review and sign any approved plan issued under section 503(c).

Mr. President, I have been reading the titles, and I shall read some others. But I call attention at this point, as I read this amendment, to the fact that no doubt the substance of it will be proposed to the pending bill, the substance of it that is not already contained in the pending proposed substitute.

Mr. President, the whole burden of this fight in this civil rights issue that is before us today, the whole burden of it, Mr. President, is to compel integration in the schools. Judging from the amendments that are before us, there is in some localities some discrimination possibly in permitting registration for voting.

But I daresay, Mr. President, this provision would not be presented if it were not for the will and purpose and the inspired movement on the part of the NAACP, and those agreeing with its philosophy, to force integration of the races, by law if possible, and in some instances by the bayonet, as has been done.

I say to my friends, you cannot force integration and mixing in a social way without the inevitable result of integration by intermarriage. Is that what we want in this country? Does anyone think that is not what is happening? What is proposed is driving toward it with all of the power and might of Government itself. Laugh it off. The time will come when you will weep about it. Make no mistake. Laugh it off today; weep about it tomorrow, when the whole impact of it is upon you and it is too late.

TITLE VI

Authorization to the Attorney General in the field of public education

SEC. 601. (a) Whenever (1) the Secretary has published in the Federal Register an approved plan for the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit pursuant to section 503(c), (2) the State, municipality, school district, or other local governmental unit has rejected the plan or has refused or failed to act in accordance therewith, and (3) the Secretary has certified to the Attorney General that all efforts to secure compliance with the Constitution and the Supreme Court's decisions by conciliation, persuasion, education, and assistance under titles III, IV, and V have failed, the Attorney General of the United States is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against the appropriate officials of the State, municipality, school district, or other local governmental unit, and any individual or individuals acting in concert with such officials to enforce compliance with the approved plan.

(b) The Attorney General is authorized to move to dismiss or discontinue any action brought under subsection (a), or to propose or to agree to a decree adopting a plan for elimination of segregation in public education which is different from the approved plan, whenever he determines that the State, municipality, school district, or other local governmental unit is making, or is prepared to make, a prompt and reasonable start toward full compliance with the Constitution and the Supreme Court's decision in the field of education and to work toward full compliance with all deliberate speed.

(c) Any interested party may, with the leave of the court, intervene in any action brought under subsection (a), and the court shall consider any proposals by the intervenors, as well as by the defendant or defendants, in determining its final decree.

TITLE VII

Other authorizations to the Attorney General

SEC. 701. (a) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

Mr. President, I again observe that there are only five Senators in the Chamber, save he who presides in the Chair, and the one who occupies the floor. We will make it one more. The distinguished minority leader is present. That will make the number six.

So we find the great interest in this debate, the great interest in getting this bill passed, with sessions around the clock. The Senators are not present. But we have to keep getting this information to them as often as we get an opportunity when they are present.

(b) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of subsection (a) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

(c) Nothing contained in titles V and VI shall limit the authority of the Attorney General to institute and maintain an action under subsection (a).

SEC. 702. The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

SEC. 703. The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

SEC. 704. Whenever a suit is brought in any district court of the United States seeking relief from the deprivation of the right of equal protection of the laws because of race, color, religion, or national origin, the Attorney General is authorized to intervene in such action with all the rights of a party thereto and to seek compliance with any lawful order issued by such district court.

TITLE VIII

Miscellaneous provisions

SEC. 801. The district courts of the United States shall have jurisdiction of proceedings instituted under sections 601, 701, 702, and 703 of this Act and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted and, in the case of proceedings instituted under sections 701 and 702, without regard to whether any administrative proceeding is pending or contemplated under title V, it being the purpose of title V to expedite, not delay, the elimination of segregation in public education throughout the Nation. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

SEC. 802. Nothing in this Act or in any administrative proceeding hereunder shall be construed to impair any right guaranteed by the Constitution or laws of the United States or any remedies already existing for their protection or enforcement, nor to prevent any private individual or organization from acting to enforce or safeguard any constitutional right in any manner now permitted by law.

SEC. 803. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

TITLE IX—EXTENSION OF COMMISSION ON CIVIL RIGHTS

SEC. 901. Section 104(b) of the Civil Rights Act of 1957 is amended by striking out "two years from the date of the enactment of this Act" and inserting in lieu thereof "January 31, 1961."

TITLE X—RETENTION, PRESERVATION, AND PRODUCTION OF FEDERAL ELECTION RECORDS, PAPERS, AND BALLOTS

SEC. 1001. Every officer of election shall retain and preserve for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record

or paper so deposited shall devolve upon such custodian: *Provided, however,* That nothing contained herein shall require the retention and preservation of ballots for a period of more than eighteen months from the date of any such election. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. President, since title X is concerned with elections, and apparently we have now covered all titles referring to the compulsion and enforcement of integration in public schools, I wish to make this observation:

I voted against S. 8, as amended by the Monroney amendment. I think there were times when I would have supported that bill, but after the Supreme Court decision of May 17, 1954, there has never been any doubt in my mind that if the opportunity were presented, the Federal Government, through that means, would take hold of the educational system of our country, and would thus dominate it from Washington.

The more I see of amendments and proposals like this, the more I am convinced that all the force and power possible will be used by the Federal Government through this means and through other techniques and other proposed legislation finally to get control of and dominate the public education system of the United States. It will be tragic if that ever occurs. I hope it can be prevented.

Mr. President, if that ever happens, our Government will not be the kind of Government the Founding Fathers established. We are departing from that type of government. We are departing from those principles. We are departing from those ideals. If we hoist anchor and sail away from the basic fundamentals upon which our basic liberties rest, I am not certain that this old ship of state can be steered clear of the reefs of destruction.

I continue to read:

SEC. 1002. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 1001 to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 1003. Any record or paper required by section 1001 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

SEC. 1004. Any record or paper demanded pursuant to section 1003 shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at any other location mutually agreed upon by such person and the Attorney General or his representative.

SEC. 1005. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

SEC. 1006. The United States district court for the district in which a demand is made pursuant to section 1003, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 1007. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives are voted for.

TITLE XI—DETERMINATION OF QUALIFICATIONS OF VOTERS IN FEDERAL ELECTIONS

SEC. 1101. (a) Any general, special, or primary election at which candidates for the offices of President and Vice President of the United States or of presidential elector, or the offices of Members of the Senate and House of Representatives, are voted for is declared to be a Federal election.

(b) All intelligence, educational, or other tests, or questionnaires to which any individual may be subjected, or which may be administered to him in order to determine his qualifications to vote at any Federal election, shall be prepared in such manner that the questions of any such test or questionnaire shall appear in printed form, and administered so that the answers thereto shall appear in writing. Where such an individual asserts that he possesses the ability to read and write, the answers to such test or questionnaire shall appear in his handwriting; otherwise the person writing such answers in behalf of such individual shall affix his signature to such test or questionnaire so that it will appear together with the signature of the individual to whom such test or questionnaire was administered. It shall be unlawful for any person whether or not acting on behalf of any State or governmental subdivision thereof or therein to require any individual to submit to any test or questionnaire which does not comply with the requirements of the preceding sentences as a prerequisite for voting in any Federal election, or to deny him the privilege of voting in any such election on account of his failure or refusal to submit to any such test or questionnaire. Any such action by any person shall be deemed an interference with the manner prescribed by the Congress for holding Federal elections, an abridgment of the right and privilege of citizens of the United States to vote for Federal officers, and an obstruction of the operations of the Federal Government.

SEC. 1102. (a) In the event of a violation of subsection (b) of section 1101, any person aggrieved by such violation may apply to the appropriate district court of the United States for an order enjoining such violation, or for an order compelling compliance with such subsection. Upon proof of such violation, the court shall issue, with or without bond, such restraining order, or temporary or permanent injunction, or shall grant such affirmative relief, or shall issue such order or orders as may be appropriate to insure prompt and effective compliance with such subsection.

(b) The district courts of the United States shall have jurisdiction over all actions brought pursuant to subsection (a) of this section. Any such action may be instituted in any judicial district in which any defendant resides, or in which alleged violations of subsection (b) of section 1101 occur.

(c) In any action brought under subsection (a) of this section, any appeal to the appropriate court of appeals and any review thereof by the Supreme Court shall be heard expeditiously and shall, where practicable, be determined before the next Federal election in connection with which the violation of subsection (b) of section 1101 is alleged.

TITLE XII

Flight to avoid prosecution for damaging or destroying any building or other real or personal property

SEC. 1201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property.

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

Mr. President, why is this made applicable only to cases of this kind? Why should it not apply to all crimes? It would not take much more type or much more paper to make it applicable to all Federal crimes, Mr. President. But, no; we have an objective here: We are driving for that alone.

Mr. President, I now see on the floor five or six Senators, besides myself and the occupant of the chair. I thought I would announce, for the information of whatever Senators are present, that I plan to continue to speak until about 12 o'clock. So if any Senator wishes to leave the Chamber, that will be perfectly all right. I am simply making a record here, and I want this record to be complete. I want the country to know, and I want posterity to read about, the vicious proposals which are being made here, and how it is sought to defeat a perfectly good bill which had the support of this administration, by loading it down with amendments, such as the ones I have been reading here, in order to prevent—that is what it amounts to, and that is its effect—thousands of American citizens whose occupations require their residence on Federal property from being enfranchised, so they can vote in the States in which they live. That would be done by reason of the adjustments which would be authorized by Senate bill 1617, thus giving them the right to vote.

I read further the amendments:

SEC. 1202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property."

TITLE XIII

Education of children of members of Armed Forces

SEC. 1301. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b)(1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangement".

SEC. 1302. (a) Section 6(b)(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, relating to applications for school construction projects with respect to which Federal aid is requested, is amended by striking out "and" at the end of clause (F), by striking out the period at the end of clause (G), and inserting in lieu thereof "; and", and by adding after clause (G) the following new clause:

"(H) assurance that such agency will make the school facilities included in any such project, the application for which is approved after enactment of this clause, available to the Commissioner pursuant to section 10 (b)."

(b) Section 10 of such Act, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(c) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determined by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

TITLE XIV

Separability

SEC. 1401. If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

Amend the title so as to read: "A bill to effectuate and enforce the constitutional right to the equal protection of the laws; to extend the Commission on Civil Rights; and to provide further means of securing and protecting the right to vote."

Now, Mr. President, I had sought by unanimous consent to have the reading clerk read this amendment. There was objection, and I point out, Mr. President, that I read rather slowly and I speak rather slowly, but I do have the strength to put all of these amendments in the RECORD. I propose to put them in the RECORD. If anyone is interested in expediting the action, he can help me expedite by getting permission for someone to read them into the RECORD who reads faster than I do, but if we are not interested in expediting it, why, of course, I shall continue.

I had hoped, Mr. President, this morning, in an hour and a half's time—and if I had had assistance and cooperation—within an hour and a half's time I could have placed all of this in the RECORD and let another speaker who is anxious to speak have the floor and proceed, and we would have expedited the matter, but, unfortunately, I was not permitted to do that, and so we are here now. By the time the unanimous-consent agreement to hold a morning hour arrives, I will be about halfway through with what I had intended to do within an hour and a half, and thus I will have to take further time of the Senate a little later to get the rest of this in the RECORD; and then, Mr. President, before these great proceeding are brought to a close, before the curtain rings down, I have a little more to say on some other aspects of it.

Of course, Mr. President, it is going to take a little time, and when I try to expedite it, I would like to have, and again I beseech my colleagues to give me, that cooperation which will help us to move along here, because there is hope that some day there may be a vote on this issue, and one way to get a vote, Mr. President, is to expedite the debate where that can be done, and I believe it could be done, Mr. President, were there just a little more sympathetic understanding and cooperation on the part of those who say and who I am sure in good faith want to get this legislation enacted.

With just a little more faith, a little more trust, a little more helpfulness and cooperation, Mr. President, we would be able to move along gracefully and smoothly and accomplish a great deal more. So it is unfortunate that such cooperation is lacking.

I would like now to ask the clerk to read the amendment. It might be objected to, but suppose I proceed first and give an analysis, then maybe there will be no objection to letting the clerk read it anyhow.

This, I will say, Mr. President, was an amendment that was filed on the 17th of August 1959, by the distinguished senior Senator from New York [Mr. JAVITS] and I should like to give a brief analysis of that amendment.

This amendment would amend the Federal Criminal Code by adding a new section 1509—deprivation of right to a fair trial—to chapter 73 of title 18 of the United States Code which deals with obstruction of justice.

Subsection (a) of this proposed amendment contains a congressional finding that willful interference or obstruction of any process or proceeding of a State or territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness, through acts or threats of force by persons not acting under lawful authority, constitutes a deprivation of rights, privileges, and immunities guaranteed to such person by the Constitution of the United States, including such person's right not to be deprived of life, liberty, or property without due process of law. A further finding states that such interference or obstruction threatens the administration of justice of the several States and thereby imperils their republican form of government which, under the Constitution of the United States, it is the obligation of the United States to guarantee.

Subsection (b) of this amendment provides that whenever two or more persons, shall knowingly in concert, for the purpose of depriving any person, directly or

indirectly, of his right to a fair trial or his right not to be deprived of his life, liberty, or property, except by due process of law, willfully interfere or obstruct any process or proceeding of a State or territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness through acts or threats of force, then anyone who knowingly instigates, incites, organizes, aids, abets, or participates in such action shall, upon conviction, be fined not more than $1,000, or imprisoned not more than 1 year, or both. It provides further that where such action results in death or maiming or other serious physical or mental injury, constituting a felony under applicable State, territorial, or similar law, such person shall, upon conviction, be fined not more than $10,000 or imprisoned not more than 20 years, or both.

Finally, any officer or employee of the United States or any State, territory, or subdivision therof, charged with the duty or possessing authority in his official capacity, to prevent actions punishable under subsection (b) and who shall have refused or knowingly failed to make diligent efforts to prevent them, or who having custody of any person or persons shall have neglected, refused or knowingly failed to make diligent efforts to protect such person or persons against the actions made punishable under subsection (b), shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

Mr. President, in the hope that I may now have cooperation, to the end that this debate may be expedited, I ask unanimous consent that the clerk at the desk be permitted to read into the RECORD at this point the amendment, an analysis of which I have just given, and that I do not lose my right to the floor.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection?

The Chair objects in his individual capacity.

Mr. McCLELLAN. Mr. President, I beg the Chair's pardon?

The PRESIDING OFFICER. The Chair objects in his individual capacity.

Mr. McCLELLAN. That is very good. I appreciate the lack of cooperation from the Chair. Of course, I shall proceed to read the amendment. You know, Mr. President, we will get the amendments in the RECORD. The Chair does not stop us. So I am going to read the amendment.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Am I within my rights as a Senator if I read the amendment?

The PRESIDING OFFICER. The Senator has a right to proceed with the reading of the amendment.

Mr. McCLELLAN. I thank the Chair.

Mr. President, the amendment to which I referred, as I said, was offered by the distinguished senior Senator from New York [Mr. JAVITS] on August 17, 1959, as an amendment to S. 1617, and it reads as follows:

An amendment intended to be proposed by Mr. JAVITS to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz: at the end of the bill insert the following:

"SEC.—. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"'§ 1509. Deprivation of right to a fair trial

"'(a) The Congress finds that willful interference with, or obstruction of any process or proceeding of a State or Territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness, though acts or threats of force by persons not acting under lawful authority constitutes a deprivation of rights, privileges, and immunities guaranteed to such person by the Constitution of the United States, including such person's right not to be deprived of life, liberty, or property without due process of law. The Congress further finds that such interference or obstruction threatens the administration of justice of the several States and thereby imperils their republican form of government which, under the Constitution of the United States, it is the obligation of the United States to guarantee.

"'(b) Whenever two or more persons shall knowingly in concert for the purpose of depriving any person, either directly or indirectly, of his right to a fair trial or his rght not to be deprived of life, liberty, or property except by due process of law, willfully interfere with or obstruct any process or proceeding of a State or Territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness through acts or threats of force, then anyone who knowingly instigates, incites, organizes, aids, abets, or participates in such action shall, upon conviction, be fined not more than $1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such action results in death or maiming or other serious physical or mental injury, constituting a felony under applicable State, Territorial, or similar law, any such person shall, upon conviction, be fined not more than $10,000, or imprisoned not more than twenty years, or both.

"'(c) Any officer or employee of the United States or any State, Territory, or subdivision thereof, who shall have been charged with the duty, or shall have possessed authority in his official capacity, to prevent actions punishable under subsection (b) of this section and who shall have refused or knowingly failed to make diligent efforts to prevent them; or who, having custody of any person or persons shall have neglected, refused, or knowingly failed to make diligent efforts to protect such person or persons against the actions made punishable under subsection (b) of this section, shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than five years, or both.'"

Mr. President, that concludes the reading of the second amendment to which I have referred, and to which I have not been extended the courtesy, Mr. President, of having the clerk at the desk read the amendment.

I would remind the Chair and others that this morning, just before I began my remarks, certain amendments were sent to the desk which properly should be read by the clerk in order to make them eligible, Mr. President, for presentation to the pending amendment after cloture.

A unanimous-consent request was made that instead of the clerk reading those amendments, they be considered as having been read. Mr. President, I did not object to that because I wanted to see the debate expedited as much as possible, but I do not know why it should not work both ways.

Of course, Mr. President, I shall still be very glad to give my consent to those actions which apparently will expedite the proceedings.

The PRESIDING OFFICER. If the Senator will permit, the Chair would like to state that he did not make objection on his own account, but that he was requested to do so.

Mr. McCLELLAN. I did not hear the Chair.

The PRESIDING OFFICER. The Chair would like to inform the Senator from Arkansas that he did not make objection on his own account, but because he was requested to do so.

Mr. McCLELLAN. That is very good, and I can appreciate the Chair interposing the objection upon request. He is perfectly within his rights to do that, and also perfectly within his rights to do so as a Senator.

But I did want the RECORD to show, when a charge is made that the present proceedings are dilatory tactics, that this morning, when I could have objected and required reading of amendments at the desk, I permitted them to be considered as read in order to try to expedite the proceedings, so that I could get the floor, and that I, together with another Senator, might have the time this morning, within the 3 hours remaining, to present arguments we had in mind to make, in the hope that we might get this record complete.

But, Mr. President, all of the dilatory or delaying tactics we find are not on the side of those who are on our side of the issue. When we try to cooperate, instead of reciprocal treatment, we get the statement that, "No, you have to read your own." Well, I can read it, I still have strength enough to do it, and I think I will have throughout this debate.

Now, Mr. President, I submit the next amendment that was offered to the bill. It was offered by the distinguished senior Senator from New York [Mr. JAVITS]. It is dated August 17, 1959.

Again I say, Mr. President, that one of two things obviously was in mind when these amendments were offered to S. 1617: either that the Senators intended to make S. 1617 the vehicle for the civil rights legislation at this session of Congress because it was already on the calendar subject to being called, already reported by committee, already had gone through the legislative and parliamentary processes to the point where it was on the calendar and subject to being called—either it was intended at the time these amendments were offered to use that bill, which does have civil rights in it and does have voting rights in it, as a vehicle for the civil rights legislation at this session of Con-

gress, or, Mr. President, the amendments were presented for the purpose of killing a bill sponsored by this administration, Mr. President, and unopposed, so far as I know, from any source except the NAACP, and whomever they might influence.

Mr. President, for that reason I think it proper that a record be made here to show the maneuvering and the transactions that are going on in this civil rights fight. They are not all on this side.

The next amendment, as I have said, is presented by the senior Senator from New York [Mr. JAVITS]. It is dated August 17, 1959. I should like, at this time, to give an analysis of that amendment to show how Senators were planning to use this bill as a vehicle, Mr. President, until the NAACP objected, or how they intended to use this device and this technique to defeat a bill designed to give people of all races, residing on Government reservations, the right to vote.

But no, we have to proceed in the NAACP way or not at all.

Amendment No. 3 would amend the Federal Criminal Code by adding a new section 1733—inciting to crimes of violence through the mail—to chapter 83 of title 18 of the United States Code which deals with the postal service. It would make it a Federal crime to knowingly deposit for mailing or delivery or to knowingly take from the mails for circulating or disposing of a large group of publications which are declared to be nonmailable matter.

Items declared to be nonmailable matter are articles, books, pamphlets, pictures, letters, writing, print or other publications, matters or things which reasonably tend to incite murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, willful destruction of any building or structure, or extortion accompanied by threats of violence, and all written or printed cards, letters, circulars, books, pamphlets, advertisements or notices of any kind giving information, directly or indirectly, where, or how, or from whom or by what means any of the above-mentioned material may be obtained. All these items are forbidden to be conveyed in the mails or delivered from any post office or by any letter carrier.

Persons violating this provision may be fined not more than $5,000 or imprisoned not more than 5 years, or both, for the first such offense, and not more than $10,000 or imprisonment for not more than 10 years, or both, for each such offense thereafter.

Mr. President, I shall not ask the Chair, since he has been instructed to object, to grant permission to have the clerk read this amendment. I shall just proceed to read it, and we will save the time it would take to go through that process.

I certainly desire to help expedite the proceedings. I shall proceed to read the amendment. It reads as follows:

An amendment intended to be proposed by Mr. JAVITS to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz: At the end of the bill insert the following:

"SEC. —. (a) Chapter 83 of title 18 of the United States Code is amended by inserting at the end of the analysis at the beginning of such chapter the following:

"'1733. Inciting to crime of violence through the mail.'

"(b) Such chapter is further amended by inserting at the end thereof a new section as follows:

"'§ 1733. Inciting to crime of violence through the mail.

"'Every article, book, pamphlet, picture, paper, letter, writing, print or other publication matter or thing reasonably tending to incite murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, willful destruction of any building or structure or extortion accompanied by threats of violence, and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of the above-mentioned material may be obtained is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for each such offense thereafter.'

"(c) The last sentence of section 1461 of title 18 is repealed."

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Am I correct in my understanding that at any time in the course of the remarks of a Senator who properly has the floor he may present and request to have read an amendment which he proposes to the pending measure, and that the presentation of such amendment, the request, and the reading of the amendment by the clerk will not take the Senator off the floor, under the agreement or under the ruling or under the gentleman's understanding, or whatever it was, which was discussed and arrived at last night?

The PRESIDING OFFICER. The Senator is correct in his conclusion He will not be taken off the floor.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Am I correct in my understanding that at 12 o'clock the Senate will, by unanimous consent, proceed to a morning hour?

The PRESIDING OFFICER. At that hour—12 o'clock—the Chaplain will offer prayer. Following the offering of the prayer, the Senate will proceed to the consideration of morning business.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Will such proceedings cause the Senator from Arkansas to lose the floor and the right to continue speaking?

The PRESIDING OFFICER. The Senator's right to the floor will not be terminated, but merely will be suspended while morning business is being conducted.

Mr. McCLELLAN. Mr. President, may I propound a further parliamentary inquiry? If I should ask for a quorum, would that terminate my right to the floor?

The PRESIDING OFFICER. The Senator from Arkansas will lose the floor if he requests a quorum call. That would terminate one speech.

Mr. McCLELLAN. I understand that ruling of the Chair. I send to the desk an amendment which I offer to the pending bill. I ask that the amendment be read by the clerk, that it be printed and lie on the desk, and that it be subject to being called up by the Senator from Arkansas whenever he so desires.

The PRESIDING OFFICER. Is there objection?

The Chair is constrained to object to the unanimous-consent request for the same reasons as previously stated.

Mr. McCLELLAN. I beg the Chair's pardon.

The PRESIDING OFFICER. The Chair in his individual capacity as a Senator objects to the unanimous-consent request, and does so because he has been requested to offer objection.

Mr. McCLELLAN. Then we do not have a gentleman's agreement, do we? I asked the Chair if the Senate is operating under the agreement made last night.

The PRESIDING OFICER. The Senator from Arkansas may offer his amendment during the morning hour.

Mr. McCLELLAN. But I asked the Chair to rule as to whether last night it was not agreed that an amendment might be offered at any time a Senator had the floor and was speaking. I point to the action taken on the request of the Senator from New York [Mr. JAVITS] earlier this morning, when he presented an amendment and requested that it be read. The request was granted, and then he asked unanimous consent that the amendment be considered as having been read.

The PRESIDING OFFICER. The Senator is correct; but no objection was made to that request.

Mr. McCLELLAN. Am I to understand that this rule is to be applied only on one side of the question? I want to know now. Is this what the Senate has degenerated into? Has only one side any rights in this body? I thought a clear understanding was reached last night. Question after question was asked to establish the fact that we would have this right. I ask for a ruling on my request.

The PRESIDING OFFICER. The senior Senator from New York [Mr. JAVITS] in making his unanimous-consent request coupled with it the suggestion that the reading be waived. So no time was taken for the reading.

Mr. McCLELLAN. Does the suggestion that the reading be waived, and the granting of that request, make the

amendment eligible for presentation under the cloture proceedings?

The PRESIDING OFFICER. It would be, under the general understanding.

Mr. McCLELLAN. Does the general understanding preclude my offering my amendment and having it read when I offer it?

The PRESIDING OFFICER. If objection is made.

Mr. MANSFIELD. I ask unanimous consent that the Senator may yield.

Mr. McCLELLAN. I will be very glad to yield.

Mr. MANSFIELD. In view of the fact a similar proposal was offered by the Senator from New York this morning, and no objection was raised to it, I would like to ask the senior Senator from Alaska if he would consider withdrawing his objection at this time, so that the amendment can be read, and if there is any other procedure to be followed, we would, of course, be able to discuss it at the proper time and in the proper place.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The Senator from Alaska is being asked to withdraw his objection at the suggestion of the Senator from Montana, and accordingly does withdraw his objection. The Presiding Officer would also like to reiterate that he did not make the objection initially on his own motion, but on request.

Mr. McCLELLAN. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. DIRKSEN. No.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry. Will the reading of the amendment now, under the unanimous consent request, make it eligible for presentation under cloture?

The PRESIDING OFFICER. Under the general understanding, it will.

Mr. McCLELLAN. I thank the Chair. I am happy to yield to the distinguished Senator from Illinois, provided I do not lose my right to the floor.

Mr. DIRKSEN. Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. I wanted to be sure that the Chair's objection was not founded upon any parliamentary consideration, but was an individual objection in his capacity as an individual, and nothing more.

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. And on request.

The PRESIDING OFFICER. The objection was not made in the capacity of a Presiding Officer, but only upon the request of another Senator, the Chair should like to add once more.

Mr. McCLELLAN. Are we not entitled to be informed as to who would object to my being permitted to exercise my rights, under the rules of the Senate? Is that a proper parliamentary inquiry?

Mr. MANSFIELD. Mr. President, I think perhaps the fault is mine, but I did not have an incident of this kind in mind at the time I made the request.

Mr. McCLELLAN. May I assume, then, and am I to understand, that it was a misunderstanding?

Mr. MANSFIELD. Yes; it was.

Mr. McCLELLAN. I thank the distinguished Senator from Montana, the majority whip.

Mr. President, I should be very glad to have the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

At the end of the bill insert the following:

"Title—

"That (a) with respect to federally owned or operated land areas in the several States, the Congress finds that the retention by, or relinquishment to, the States of legislative jurisdiction of the kind involved in article I, section 8, clause 17 of the Constitution of the United States, (1) enables States and local communities to obtain tax revenues from persons, private property, and business transactions within such areas, if not otherwise exempt, (2) relieves the Federal Government in many respects from the performance of functions normally exercised by the States and local communities, and (3) provides a basis for assuring to the residents of such areas many rights, privileges, and services which they would normally enjoy when the Federal Government does not have exclusive jurisdiction over such areas.

"(b) It is hereby declared to be the policy of the Congress that—

"(1) the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may in particular cases be necessary for the proper performance of such of its functions as are performed upon such areas; and

"(2) to the extent consistent with the purposes for which the land is held by the United States the Federal Government shall avoid receiving or retaining concurrent legislative jurisdiction or any measure of exclusive legislative jurisdiction.

"SEC. 2. Notwithstanding any other provision of law, the obtaining or retaining of exclusive jurisdiction or any other measure of legislative jurisdiction by the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required. The head or other authorized officer of any department or independent establishment or agency of the Government may, consistent with the policy set forth in this Act, acquire from, or relinquish to, the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, such measure of legislative jurisdiction over any such lands or interests as he may deem desirable. Such acquisition or relinquishment of jurisdiction on the part of the United States shall be indicated by filing a notice thereof in such manner as may be prescribed for this purpose by the laws of the State where such lands are situated, and unless and until a notice is filed in accordance with such State laws, or with the Governor, if the laws of such State do not prescribe another manner, it shall be conclusively presumed that no transfer of jurisdiction pursuant to this Act has taken place, nor shall any transfer of legislative jurisdiction pursuant to this Act take place unless and until the State in which the land is located has accepted or relinquished jurisdiction in such manner as its laws may provide. Upon a relinquishment by the United States of all of its legislative jurisdiction over an area to the State in which such area is situated, the State thereafter shall, with respect to such area, exercise the same jurisdiction which it would have had if legislative jurisdiction over such area had never been in the United States. Like jurisdiction may be exercised by a State over any area over which the United States receives or retains only concurrent legislative jurisdiction, without prejudice, however, to the right of the United States to assert and exercise the legislative jurisdiction had by it over such area.

"SEC. 3. (a) The first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), as amended, is hereby further amended by striking all the language appearing therein after the words 'unlawful assemblies,' and substituting therefor the following language: 'and to enforce any rules and regulations made and promulgated pursuant to this Act.'

"(b) Section 2 of such Act (40 U.S.C. 318a) is amended to read as follows:

"'SEC. 2. The head of any department or agency of the United States or such other officers duly authorized by him are authorized to issue all needful rules and regulations for the government of the public buildings and other areas under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 4 of this Act, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such public buildings and other areas. This authority shall not impair or affect any other authority existing in the head of any department or agency. The term "public buildings and other areas" as used in this Act includes property leased to the United States.'

"(c) Section 3 of such Act (40 U.S.C. 318b) is amended to read as follows:

"'SEC. 3. (a) The head of any department or agency of the United States and such officers duly authorized by him, whenever it is deemed economical and in the public interest, are authorized to utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies, to enforce any regulations promulgated under the authority of section 2 of this Act.

"'(b) Upon the application of the head of any department or agency of the United States the Administrator of General Services and officials of the General Services Administration duly authorized by him are authorized to detail such special policemen as are necessary for the protection of the Federal property under the charge or control of such department or agency.'

"(d) Section 4 of such Act (40 U.S.C. 318c) is amended by the insertion of the word 'than' between 'more' and '$50'.

"SEC. 4. Subsection (a) of section 3401 of title 18, United States Code, is hereby amended to read as follows:

"'(a) Any United States commissioner specially designated for that purpose by the court by which he was appointed has jurisdiction to try and sentence persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent or partial jurisdiction, or which is under the charge and control of the United States, and within the judicial district for which such commissioner was appointed.'

"SEC. 5. The following provisions of law are hereby repealed:

"(a) Section 103 of title 4, United States Code.

"(b) Sections 4661 and 4662 of the Revised Statutes of the United States (33 U.S.C. 727 and 728).

"(c) The final paragraph of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255).

"SEC. 6. Any civil or criminal process, lawfully issued by competent authority of any State or political subdivision thereof may be served and executed within any area under the exclusive, partial, or concurrent jurisdiction of the United States to the same extent and with the same effect as though such area were not subject to the legislative jurisdiction of the United States: *Provided*, That this section shall not be construed to affect the rights of authorized officers of the Federal Government or of any department, independent establishment, or agency thereof, to issue rules and regulations at any time for the purpose of preventing interference with the carrying out of Federal functions.

"SEC. 7. Nothing in this Act shall be construed to conflict with or detract from any statute consenting to or permitting State or local taxation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 586) authorizing the printing of additional copies of the hearings on civil rights, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 586) authorizing the printing of additional copies of the hearings on civil rights, was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearings on civil rights held by that committee during the first session of the Eighty-sixth Congress.

PRAYER BY THE CHAPLAIN

The VICE PRESIDENT. The hour of 12 o'clock has arrived; and, under the resolution agreed to yesterday, the Chaplain will now offer prayer.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou merciful Father, so far above us, and yet who dwellest in humble and contrite human hearts, teach us that the surest path to Thee is up the stairway of our highest moods and of our best selves.

Make plain to us that we will find Thee, not in excursions to new knowledge beyond the frontiers of our present horizons, nor out in the vastness of stellar distances, but in the sanctities of our common daily lives which, nobly faced, may be to us as sacraments of the unseen.

Give us to see that as we accept duty as Thy gift, and, scorning expediency, pay the cost of giving to every problem our honest judgment, without the alloy of prejudice or self-interest; then, and there, it is that we find Thee.

In the stillness when strident noises cease, we crave the supreme reward of a voice assuring us—"Well done, good and faithful servant."

So, in days of stress and strain, may we find that—

The trivial round, the common task,
Will furnish all we ought to ask;
Room to deny ourselves a road
To bring us daily nearer God.

We ask it in the dear Redeemer's name. Amen.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. Under the unanimous-consent agreement entered into yesterday morning, business will now be in order until the hour of 2 o'clock.

Mr. MCCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas will state it.

Mr. MCCLELLAN. Will I have the floor when the morning hour is over?

The VICE PRESIDENT. The Senator from Arkansas will resume the floor at the hour of 2 o'clock, when morning business will be concluded.

Mr. MCCLELLAN. I thank the Chair.

The VICE PRESIDENT. Unless, of course, morning business is concluded before the hour of 2.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. If there be no reports of committees, the nominations on the calendar will be stated.

U.S. COURT OF CLAIMS—NOMINATION PASSED OVER

The legislative clerk read the nomination of James R. Durfee, of Wisconsin, to be Associate Judge of the U.S. Court of Claims.

Mr. JOHNSON of Texas. Mr. President, I am informed that the junior Senator from Wisconsin [Mr. PROXMIRE] desires to speak at some length in connection with this appointment. Although he has not requested of me that the nomination go over, I think it should go over until he has notice that the nomination is going to be brought up.

The VICE PRESIDENT. The nomination will go over.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Robert Kramer, of North Carolina, to be an Assistant Attorney General.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGES

The legislative clerk read the nomination of Olin Hatfield Chilson, of Colorado, to be U.S. district judge for the District of Colorado.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles F. Paul, of West Virginia, to be United States district judge for the northern district of West Virginia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, in connection with this nomination, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, my esteemed colleague from West Virginia [Mr. BYRD] and I had the privilege of appearing before the subcommittee of the Committee on the Judiciary which held hearings on the qualifications of Charles F. Paul, of Wheeling, to be judge of the U.S. District Court for the Northern District of West Virginia.

We testified then, and I reaffirm on this occasion, that Mr. Paul is a man of integrity with excellent legal training and a record of lengthy and successful practice. That his nomination received the enthusiastic endorsement by the fellow members of his profession with whom he practiced before the bar in the courts of our State is satisfying testimony as to his fitness. And in this connection I would emphasize that the endorsements received from the fellow practitioners of Mr. Paul's profession emanated from lawyers who are members of both political parties—from men who hold or have held posts of high rank in their political parties.

Then, too, Mr. President, my colleague and I are aware of the crowded condition of the dockets in the U.S. district courts in our State. In the interest of expediting the administration of justice, we were privileged to urge prompt consideration of the President's nomination of Mr. Paul, and it was most gratifying that the distinguished chairman of the Committee on the Judiciary [Mr. EASTLAND] expedited his committee's action and provided this body with the opportunity here today to confirm the nomination.

It is my hope that Mr. Paul will be duly sworn and seated as judge of the U.S. District Court for Northern West Virginia at the earliest possible date in

the interest of expediting and furthering the judicial processes.

Both my colleague from West Virginia [Mr. BYRD] and I join in endorsing this nomination.

U.S. ATTORNEY

The legislative clerk read the nomination of Warner Hodges, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DISTRICT ATTORNEY FOR THE CANAL ZONE

The legislative clerk read the nomination of Howard K. Hazard, of Rhode Island, to be district attorney for the Canal Zone for a term of 8 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. MARSHAL

The legislative clerk read the nomination of George C. Harrison, of Tennessee, to be U.S. marshal for the western district of Tennessee for a term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. JOHNSON of Texas. Mr. President, if any Senators desire to transact routine business, including the introduction of bills, the presentation of petitions and memorials, or the submission of amendments, I am prepared to yield the floor for that purpose. Otherwise, I shall suggest the absence of a quorum.

CIVIL RIGHTS—AMENDMENTS

Mr. KEATING. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. KEATING. I have asked the Senator from Texas to yield, in order that I may propose some amendments, and request that certain material be inserted in the CONGRESSIONAL RECORD. Will that be satisfactory?

Mr. JOHNSON of Texas. Certainly.

Mr. KEATING. Then, Mr. President, I send to the desk four amendments to the amendment in the nature of a substitute, proposed by the Senator from Illinois [Mr. DIRKSEN] to House bill 8315.

In brief, the first amendment would add a new section to the substitute giving the Attorney General the right to prosecute civil actions under specified conditions in all cases involving denials of the equal protection of the law.

The second amendment would make it a Federal crime to import, transport, or possess any explosives with the knowledge or intent that the explosives will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives. It is proposed that this amendment would be substituted for the language in section 2 of the Dirksen amendment.

My third amendment would make section 2 of the present Dirksen substitute applicable to private homes and will be offered only if my substitute amendment for section 2 is not approved.

My fourth amendment would add a discretionary death penalty to the present civil rights statutes for cases in which violation of the present statutes resulted in the death of the victim.

Mr. President, I ask that the amendments be ordered to lie on the table and to be printed, and that they be deemed to be presented and read, in compliance with rule 22 of the Rules of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. KEATING. Mr. President, I am asking unanimous consent that the reading of the amendments be waived.

Mr. RUSSELL. Mr. President, I object.

Mr. KEATING. Then, Mr. President, I ask that the clerk read the amendments.

The VICE PRESIDENT. The amendments will be received, printed, and lie on the table, and read, as requested by the Senator from New York.

The amendments submitted by Mr. KEATING were read by the legislative clerk, as follows:

On page 3, line 14, insert following the term "education," the words "or for residential purposes,".

Strike out section 2 and insert in lieu thereof the following:

"SEC. 2 chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) as used in this section—

"'"commerce" means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'"explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever—

"'(1) imports into the United States or introduces, delivers or receives introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosive, or

"'(2) possesses any explosive which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce,

with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civil objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive (1) was imported into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this section, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"'(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United Staes, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'"

At the proper place insert the following:

"SEC. —. Title 18, United States Code, section 241, is amended to read as follows:

"'§ 241. Conspiracy against rights of citizens

"'If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"'If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"'They shall be fined not more than $5,000 or imprisoned not more than ten years, or both: *Provided,* That, if death to any person results, the punishment shall be imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.'

"SEC. 2. Title 18, United States Code, section 242, is amended to read as follows:

"'§ 242. Deprivation of rights under color of law

"'Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both: *Provided,* That if injury to any person results, the punishment shall be a fine of not more than $5,000 or imprisonment for not more than ten years, or both: *And provided, further,* That if death to any persons results, the punishment shall be imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.'"

At the proper place insert the following:

"SEC. —. Part III of the Civil Rights Act of 1957 (71 Stat. 637) is amended by adding at the end thereof the following new section:

"'SEC. 123. (a) The Attorney General is authorized, upon written complaint or information on oath or affirmation of any person who is subject to or threatened with the loss of his right to equal protection of the laws by reason of race, color, religion, or national origin, and who is unable because of financial inability or other reason effectively to prosecute a Federal civil proceeding on his own behalf, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any person or persons acting under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, or subdivision or instrumentality thereof, or who conspires with such person or persons, to deprive or threaten to deprive any person of his rights to equal protection of the laws by reason of his race, color, religion, or national origin.

"'(b) The Attorney General is hereby authorized, upon written request of the duly constituted authorities of any State or Territory, or municipality, subdivision, or instrumentality thereof, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any two or more persons who conspire through violence, threats, or otherwise to prevent or hinder such duly constituted authorities from giving or securing to any person his right to equal protection of the laws.

"'(c) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"'(d) Nothing in this section shall impair any right secured by the Constitution and laws of the United States, or any remedies already existing for their protection and enforcement.'"

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 2812. A bill to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers (Rept. No. 1153).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARTLETT:

S. 3126. A bill to authorize the construction of an oceangoing hydrofoil vessel in order to demonstrate the commercial application of hydrofoil seacraft; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MURRAY (for himself, Mr. PROXMIRE, and Mr. LONG of Hawaii):

S. 3127. A bill to amend the Mutual Security Act of 1954 to specifically authorize the guarantee of mortgage loans by the Development Loan Fund to assist in the provision of urgently needed housing in the Republic of Panama; to the Committee on Foreign Relations.

By Mr. MURRAY (for himself and Mr. MANSFIELD):

S. 3128. A bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 3129. A bill to provide that the minimum passing grade for scheme examinations of postal field employees shall be 93 percent; to the Committee on Post Office and Civil Service.

By Mr. KEATING:

S. 3130. A bill for the relief of Anne Marie Stehlin; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

CONSTRUCTION OF OCEANGOING HYDROFOIL VESSEL

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to authorize the construction of an oceangoing hydrofoil vessel in order to demonstrate the commercial application of hydrofoil seacraft.

The Federal Maritime Administration, after 14 years of research and development, has determined that hydrofoil seacraft may be ideally adapted to commerce on the high seas. The efficiency of this revolutionary design promises new concepts in maritime transportation.

On the technological findings of its engineers, the Maritime Administration has already authorized the construction of the first hydrofoil vessel, a modest craft of 80 tons. This vessel will be ready for exhibition and service in 1962.

Mr. President, the purpose of the bill I introduce today is to allow the construction of a vessel of sufficient size to demonstrate the commercial possibilities of the hydrofoil. It is introduced as a companion bill to H.R. 10028, offered in the House by Representative PELLY, of Washington, who represents a district on the southern end of a route to Alaska; a route which will greatly benefit when hydrofoil service is established. This route, between Alaska and the Pacific Northwest, is but one of many in the coastal and interior waters which could benefit from the economic operation of all-weather craft capable of speeds up to 90 knots.

I desire to commend Representative PELLY for initiating this legislative effort, which, if successful, may have useful and far-reaching results.

According to William I. Neidermair, Maritime Administration project officer for the hydrofoil now under contract to Dynamic Developments, Inc., the first hydrofoil could accomplish the 650-mile trip from Seattle to Ketchikan within 8 hours: a daylight cruise to Alaska.

Clarence G. Morse, Maritime Administrator, recently testified before the Subcommittee on Merchant Marine and Fisheries of the Senate Interstate and Foreign Commerce Committee on the possibilities of hydrofoil shipping. Said Chairman Morse:

> I am in favor of developing a hydrofoil ship because I think they may have substantial utilization in the domestic coastwide trade and the trade from Seattle to Alaska, which would be a favorable area for operation.
>
> The ever-increasing cost of shipping requires that we swiftly utilize the technological developments provided by our scientists and engineers. The splendid work that has been done in this field to create an operational hydrofoil vessel cannot be ignored if we are to keep abreast with our domestic maritime requirements.

I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3126) to authorize the construction of an oceangoing hydrofoil vessel in order to demonstrate the commercial application of hydrofoil seacraft, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to demonstrate the commercial application and feasibility of hydrofoil seacraft, the Secretary of Commerce, acting through the Maritime Administration, is authorized and directed to take such action as may be necessary to construct and outfit an oceangoing hydrofoil seacraft, to be the first of a fleet of such craft to operate in domestic and foreign commerce, of such design and construction as the Secretary deems appropriate, of a size capable of all-weather, open-ocean operations, particularly between the Pacific coast of the United States and Alaska, between Pacific coast ports of the United States and Hawaii, between Atlantic coast and Gulf of Mexico ports of the United States and ports of Western Europe, and between all ports of the United States and South America. The Secretary, in carrying on activities and functions under this Act, may collaborate with and employ persons, firms, and corporations on a contract or fee basis for the performance of special services as he deems necessary. The Secretary may, for the same purposes, utilize the licenses, information, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government of the United States, including any field service thereof

ANNE MARIE STEHLIN

Mr. KEATING. Madam President, I introduce, for appropriate reference, a bill for the relief of Anne Marie Stehlin. Mrs. Stehlin is the wife of Gen. Paul Stehlin, Vice Chief of Staff of the French Army. She is a naturalized

American citizen of French birth, and as such is in danger of losing her citizenship if she lives outside of the United States for more than a limited time. General Stehlin's duties require that he live in Paris. It is necessary that Mrs. Stehlin be with her husband and her family.

General Stehlin has unique and unusual qualifications because of his past services in the United States with the French Embassy, because of his active association and close connection with NATO; because of his working knowledge of and relationships with members of our State Department, our Defense Department, and other branches of our Government, and, because of his distinguished position with the French Armed Forces. His is a position of constant decision affecting matters and interest vital to the United States and to our allies. He is on the closest terms with our highest military leaders and statesmen. It is only because General Stehlin must continue in his duties in France, that Mrs. Stehlin is in her present situation. She will not give up her American citizenship nor give up her family. But it appears that she will be forced to choose unless the relief provided by this bill is granted.

Mrs. Stehlin's present predicament weighs heavily not only upon her, but also upon General Stehlin. Although Mrs. Stehlin could live in France for upward of 2 years before it would be necessary to break up her family and return to the United States in order to preserve her American citizenship, the interim period has been and will continue to be one of extreme nervous and mental hardship, involving undesirable anxieties and tensions. Mrs. Stehlin's well-being has the greatest bearing on the well-being of General Stehlin and his family. Were it not for this, there would be no great need to act at this time. But the pressures and tensions generated on General Stehlin by Mrs. Stehlin's situation are such as to require present action.

I have received considerable correspondence requesting the introduction of this bill from many of our outstanding citizens who are familiar with General and Mrs. Stehlin's problem and realize the great need for this remedial measure. Included in this group are Senator Stuart Symington, Gen. Alfred M. Gruenther, Gen. Nathan F. Twining, Gen. C. V. R. Schuyler, and the Honorable Philip A. Ray, Under Secretary of Commerce. And, at this time I ask unanimous consent to have printed the text of their letters together with the full text of my bill.

The PRESIDING OFFICER (Mrs. SMITH in the chair). Without objection, the bill will be received——

Mr. RUSSELL. Madam President, I did not understand the unanimous-consent request.

The PRESIDING OFFICER. It is a reference to the bill. The Chair states it is in reference to the bill.

Mr. RUSSELL. The introduction of a new bill?

The PRESIDING OFFICER. Yes.

Mr. RUSSELL. It has no relationship to the pending business?

Mr. KEATING. No; it is a private bill.

Mr. RUSSELL. I object.

Mr. KEATING. Would the Senator hold his objection one moment while I explain? The bill is for the relief of the wife of the Vice Chief of Staff of the French Army. It has been requested by General Twining, General Gruenther, and a number of others, and has nothing to do with the present business.

Mr. JOHNSON of Texas. We already had permission to introduce it. It does not need permission.

Mr. RUSSELL. Madam President, I was not here when that permission was granted. If that is the case, of course, the objection would not lie.

The PRESIDING OFFICER. The Chair will state that under the agreement of last night the Chair can accept the bill referred to.

Mr. RUSSELL. I want the Chair to understand I was not here last evening, unfortunately, and had I been here I would have entered an objection.

The PRESIDING OFFICER. The Chair would also state that that would include the insertions in the RECORD without objection.

The bill will be received and appropriately referred; and, without objection, the bill and letters will be printed in the RECORD.

The bill (S. 3130) for the relief of Anne Marie Stehlin, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for so long as (1) Anne Marie Stehlin is living in marital union with her husband, General Paul Stehlin, and (2) General Paul Stehlin is an active member of the French Armed Forces or an active official of the Government of the Republic of France, the North Atlantic Treaty Organization, the United Nations or any other organization in which the United States of America is a participant the provisions of section 352 (a) (1) and (2) of the Immigration and Nationality Act shall not be applicable with respect to Anne Marie Stehlin.

The letters presented by Mr. KEATING are as follows:

U.S. SENATE,
Washington, D.C., February 24, 1960.

Hon. KENNETH KEATING,
U.S. Senate,
Washington, D.C.

DEAR KEN: I am writing you about Mrs. Paul (Anne-Marie) Stehlin who is the wife of Gen. Paul Stehlin, vice chief of staff of the French Combined Forces.

I understand that you are about to introduce or have introduced a bill which will waive the provisions of section 352(a) (1) and (2) of the Immigration and Nationality Act with respect to Mrs. Stehlin. I want you to know that I fully support you in this matter.

Mrs. Stehlin comes from a family that settled in New York in the early 1800's. Her mother, an American citizen, married a French citizen and Anne-Marie Stehlin was born in France in 1926. The law is different now than it was at that time and had Mrs. Stehlin been born subsequent to 1934, she would not be in her present position.

Mrs. Stehlin was naturalized in 1943 in the south district of New York and consequently it is not possible for her to live in France for more than 3 years without losing her American citizenship.

Her husband, Paul Stehlin, is a most distinguished person, and has served his country in a very important position. He was here in the United States with the NATO standing group in the Pentagon, and has also served with the French Tactical Air Force in Lahr, Germany, and as vice commander of the 4th Allied Tactical Air Force in Ramstein, Germany, prior to becoming vice chief of staff of the French Combined Forces. He has unique and unusual qualifications because of his working knowledge and relationship with members of our State and Defense Departments, as well as other branches of our Government. It is only because General Stehlin must continue in his duties in France that Mrs. Stehlin is placed in her present difficulty.

Mrs. Stehlin will not give up her American citizenship. But she is presented with a choice of either doing so or of breaking up her family. She has lived and is living in a tense and disturbed atmosphere because of her citizenship problems and her present situation bears heavily not only upon her but upon General Stehlin. Her well-being has the greatest bearing on the well-being of General Stehlin and that of their family. Because of this it appears that present action is required.

I am writing to you to urge not only the introduction but the passage of the bill on behalf of Mrs. Stehlin, and want to assure you of my readiness to be of assistance in the matter.

Sincerely,

STUART SYMINGTON.

THE JOINT CHIEFS OF STAFF,
Washington, D.C., February 17, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: Recently, Gen. Lauris Norstad, Supreme Allied Commander, Europe, advised me of the difficulties and hardships that Anne Marie Stehlin (nee Anne Marie Schwob), wife of Gen. Paul Stehlin, is undergoing. As I understand this matter, Mrs. Stehlin is a naturalized American citizen and, therefore, is required to return to the United States prior to the lapse of 3 years spent in one's native country. This situation is causing both General and Mrs. Stehlin a certain amount of natural apprehension and concern for fear that she will have to break up her home in order to retain her citizenship, and I am certain it creates a tension in the family, even though the timing is not immediate in nature.

I understand that you are contemplating the introduction of a bill which would seek relief for Mrs. Stehlin in this problem. It is my intent to urge you to do so and also to advise you of my interest and support in helping Mrs. Stehlin resolve this matter. I will personally appreciate such consideration and assistance as you may be able to give.

Sincerely,

N. F. TWINING.

THE AMERICAN NATIONAL RED CROSS,
Washington, D.C., February 18, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate, Washington, D.C.

DEAR SENATOR KEATING: It is my understanding that you are about to introduce a bill which will ameliorate some of the conditions troubling Anne Marie Stehlin and her American citizenship.

I am not aware of the technicalities involved in this matter. However, I am acquainted with Madame Stehlin, and I know her husband, General de Corps Aerin Paul Stehlin, very well. His prestige in our NATO military alliance is very great. He is an officer of admirable character, and I would like

to see anything done which will ease the stress and strain that has resulted from the complications involved in seeing that his wife retains her American citizenship.

With warm personal regard.

Sincerely,

ALFRED M. GRUENTHER.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, N.Y., February 22, 1960.

The Honorable KENNETH B. KEATING,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KEATING: I am writing in connection with a problem involving the maintenance of U.S. citizenship by Mrs. Anne Marie Stehlin, wife of General Stehlin, French Air Force. Her lawyer, Mr. Marvin Braverman, of Washington, has brought this problem to my attention.

Since I understand that you are already planning to introduce to Congress a special bill covering this case, I shall not go into details. I did want to tell you, however, that during my 8-year tour with SHAPE in Paris, I got to know both General Stehlin and his wife very well, and I have the utmost respect for them. They have been very friendly to Americans in Paris, and I would consider them to be very high type individuals.

I do hope, therefore, that you will be successful in pushing through the legislation needed to permit Anne Marie to retain her citizenship during the period while General Stehlin is serving his country in his present highly important position. I hope, also, that the bill could likewise cover the possibility that General Stehlin might be selected at some later date to continue to serve his country, as its representative on a NATO body, with the U.N., or in any other similar post.

If there is anything further that I could do in support of this case, I would be only too happy to comply.

Sincerely,

C. V. R. SCHUYLER,
General, U.S. Army (retired),
Executive Assistant to the Governor.

THE UNDER SECRETARY OF COMMERCE,
Washington, D.C., February 11, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: In a personal rather than my official capacity, I should like to join in recommending the enactment of a bill for the relief of Anne Marie Stehlin which would waive the provisions of section 352 (a) (1) and (2) of the Immigration and Nationality Act so long as she is living in marital union with her husband, Gen. Paul Stehlin of France, and so long as he is an active member of the French armed forces, Government, NATO, United Nations, or any other organization in which the United States is a participant, and for a reasonable period thereafter.

I am well acquainted with General and Mrs. Stehlin, having visited with them on many occasions while General Stehlin was a member of the French delegation to NATO in Washington and recently again in France.

General Stehlin is a man of the very highest character and ability. He is a stanch ally of the United States. At the present time, as you know, he is second in command of the combined French forces.

Mrs. Stehlin is a charming and intelligent woman who has a deep attachment to our country and her citizenship, aggravated no doubt by early experiences, purely technical in character, that may have seemed to place it in jeopardy. At the same time she is, of course, dedicated to her husband and her family life and their relationship to his official duties in France, and to my own personal knowledge is concerned that uncertainty with regard to her U.S. citizenship while residing abroad may detract from this latter relationship.

For these reasons I would recommend your favorable consideration of legislation of the kind referred to above.

With warm personal regards, I am

Sincerely yours,

PHILIP A. RAY.

Mr. KEATING. Madam President, I hope the bill will receive early and favorable consideration by the Senate.

AMENDMENT OF CERTAIN LAWS IN LIGHT OF ADMISSION OF HAWAII INTO THE UNION—AMENDMENTS

Mr. MURRAY submitted amendments, intended to be proposed by him to the bill (S. 3054) to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes, which were referred to the Committee on Interior and Insular Affairs, and ordered to be printed.

PAYMENT OF TAX BY STATES AND POLITICAL SUBDIVISIONS OPERATING LIQUOR STORES—ADDITIONAL COSPONSOR OF BILL

Mr. CLARK. Madam President, I ask unanimous consent that the name of the junior Senator from Ohio [Mr. YOUNG] be added as a cosponsor of the bill (S. 3026) to provide that States and political subdivisions which operate liquor stores shall not be required to pay more than one tax as a retail dealer in liquor, introduced by me on February 15, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SPARKMAN:

Address entitled "Mergers of Power and Authority Serious Problem in United States," published in the Journal of the National Association of Retail Druggists, November 16, 1959.

THE VISIT OF THE PRESIDENT TO SOUTH AMERICA

Mr. GORE. Madam President, as the Members of this body contend with the vexatious problems of which the pending business is the subject, they can take joy and pride in the overwhelmingly favorable and hospitable reception that has been extended to President Eisenhower during his current visit to South America. The visit is timely indeed. It is timely because it is to the national interest and to the interest of the Western Hemisphere to demonstrate solidarity and unity of purpose and friendship before the coming summit conference.

It is timely because of the efforts of international communism to establish beachheads and cells in the Western Hemisphere. It is timely, too, because the Cordell Hull good neighbor policy toward our friends to the south has unfortunately been permitted to wither on the vine.

It is heartening to see the success of the President's visit. No better salesman for America and Americanism could be found. The personality, warm smile, the very embodiment of friendship and brotherhood with which the President is possessed, makes of him an ambassador of good will par excellence.

In this hour of troublesomeness on the floor of the Senate, I thought it would be well to express our appreciation for this visit.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS—AMENDMENT

Mr. EASTLAND. Madam President——

Mr. JOHNSON of Texas. I yield to the Senator from Mississippi.

Mr. EASTLAND. I send to the desk an amendment and ask that it be read, printed, and lie on the table.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

At the end of bill add the following new section:

"SEC. 8. Section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635) (42 U.S.C. 1975(c)), is amended by adding after subparagraph 3 the following new subparagraphs:

"'(4) Examine, study, appraise, and investigate the present procedures and methods of justice in relationship to the increase in major crimes committed in the United States;

"'(5) Study and collect information concerning the efforts of Federal, State, and local law enforcement agencies in combatting this flood of major crimes and the success or failure of these agencies to protect the constitutional rights to security of our citizenry;

"'(6) Through the cooperation of Federal, State, and local law enforcement agencies to make plans for the enactment of a Federal crime census. Such proposed census should include examination of all police and prison records, the arrests for crimes, commitments for crimes, and prison and parole statistics;

"'(7) Study and appraise the laws and policies of Federal and State laws with the purpose of determining whether such laws are presently adequate to combat crime or the necessity of implementation of those laws on the State and Federal level.'"

Mr. GORE. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. Is the amendment which has just been read by the clerk proposed to be an amendment to the business that will be pending at the conclusion of the morning hour?

The PRESIDING OFFICER. It is an amendment to the pending and unfinished business.

Mr. GORE. The junior Senator from Tennessee understood from the ruling of

the Chair last evening that an amendment could not be read and offered to the business, not pending now, but which will become the pending business at the conclusion of the morning hour, except by unanimous consent. The Chair did not, within the hearing of the junior Senator from Tennessee, submit the request of the Senator from Mississippi to the Senate for action. Is it sufficient to meet the rule for a Member of the Senate to send an amendment to the desk and ask that it be read, and then for the Chair to permit the clerk to read it, or must unanimous consent be obtained?

The PRESIDING OFFICER. The Parliamentarian advises the Chair it is the Senator's right to present the amendment and have it read under the agreement of last evening.

Mr. GORE. Madam President, a further parliamentary inquiry.

The PRESIDING OFFICER. If the Chair may continue, it will be ordered to remain on the table, and it is not in order to offer it for consideration at this time, because another amendment is pending.

Mr. GORE. I respectfully suggest that statement is contrary to the ruling of the President of the Senate last evening. He specifically stated that the rule would require unanimous action in each case.

I have no objection to this procedure, but I submit it was clearly stated in the RECORD that in the case of each amendment, which is new business, there being no pending business before the Senate in the morning hour, it would be necessary to obtain unanimous consent for the reading of the amendment and it would be considered as offered to the business which would be laid before the Senate at the conclusion of the morning hour. I specifically asked the question, and was so advised by the Chair.

The junior Senator from Tennessee would further request an elucidation by the Chair.

The PRESIDING OFFICER. The Parliamentarian advises that under the agreement of last night amendments may be received and read.

Mr. GORE. Madam President, there was no agreement last night that constituted a rule of the Senate.

The PRESIDING OFFICER. And may be considered if a cloture motion is made later on

Mr. GORE. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. To what agreement or to what order of the Senate does the Chair refer? There was none except that we have a morning hour today. A colloquy between Senators does not constitute a rule of order of the Senate.

Mr. DIRKSEN. Madam President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. If I may be permitted on this point.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Illinois?

Mr. JOHNSON of Texas. I yield to the Senator from Illinois.

Mr. GORE. Yes, indeed.

Mr. DIRKSEN. Madam President, I thought it was definitely understood last night that this was in the nature of a general understanding, either in the absence of a rule or because of conflicting rulings in times past, with respect to three propositions: First, the presentation of an amendment; second, what constituted reading of an amendment; and, third, I believe, the time when it had to be done.

It was then agreed, I think, generally speaking, or at least we so indicated, that if amendments were presented, if they were read, either in the morning hour or at any other time, up to the time when the vote was to be taken on a cloture petition, that would come within the general understanding and, we thought, within a general rule, so as not to foreclose or preclude any Member of the Senate from having an opportunity to present amendments in time before a cloture vote.

Mr. JOHNSON of Texas. Madam President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. Madam President, I see the justification for the misunderstanding that has apparently arisen. I refer the Chair to the colloquy on page 3799 of the RECORD of last evening, at which time the Senator from Tennessee stated:

> If I correctly understand the holding of the Chair, the agreement would amount to nothing except that unanimous consent was achieved in the offering of each and every amendment. Is that correct?

I interpreted that statement to mean that unanimous consent would be required. He uses the word "achieved," and I thought that was the meaning of his inquiry. If I am in error, I would like to be corrected.

Mr. GORE. Madam President, will the Senator yield?

Mr. JOHNSON of Texas. Yes; I will yield.

Mr. GORE. If the Senator will begin on page 3798, where I first began to submit a series of inquiries to the Chair, he will see that I asked this:

> Mr. GORE. Is there legislative business pending before the Senate during the morning hour?
>
> The VICE PRESIDENT. No legislative business except according to rule VII; namely, the introduction of bills and the presentation of petitions and reports, and so forth, by Members of the Senate.
>
> Mr. GORE. Mr. President, a further parliamentary inquiry.
>
> The VICE PRESIDENT. The Senator will state it.
>
> Mr. GORE. Is it not true that under the rule the unfinished business is laid before the Senate after, and only after, the conclusion of the morning hour?
>
> The VICE PRESIDENT. The Senator is correct, unless brought before the Senate on motion or by unanimous consent.
>
> Mr. GORE. Mr. President, a further parliamentary inquiry.
>
> The VICE PRESIDENT. The Senator will state it.
>
> Mr. GORE. How would it be possible to offer, in a parliamentary way, an amendment to a bill which is not at the time before the Senate, except by unanimous consent?
>
> Mr. CASE of South Dakota. Mr. President, will the Senator yield?
>
> The VICE PRESIDENT. The purpose of the understanding reached by the majority leader, the minority leader, and the Senator from Georgia is to deal with this situation. Under a rigid and strict interpretation of the rules, the Senator is correct. Only by unanimous consent could an amendment be submitted during the morning hour.
>
> Mr. GORE. The junior Senator from Tennessee was not inquiring about the contents of the gentlemen's agreement between the majority leader and the minority leader. The junior Senator from Tennessee was inquiring about the rules. Is it not true that an amendment cannot, in fact, be offered and be read or considered during the morning hour?
>
> The VICE PRESIDENT. The Senator is correct.
>
> Mr. GORE. A further parliamentary inquiry.
>
> The VICE PRESIDENT. The Senator will state it.
>
> Mr. GORE. I am falling into the same trap by submitting a hypothetical question to obtain a hypothetical answer. However, how would it be possible under this gentlemen's agreement, if consummated through unanimous consent, to offer a motion to substitute the Senate bill for a House bill, or a House bill for a Senate bill? Would it be by motion to recommit with instructions?
>
> The VICE PRESIDENT. During the morning hour before the unfinished business is laid down unanimous consent would be required for such action.
>
> Mr. GORE. If I correctly understand the holding of the Chair, the agreement would amount to nothing except that unanimous consent was achieved in the offering of each and every amendment. Is that correct?
>
> The VICE PRESIDENT. If Senators should object to such procedure, the Chair would be required to sustain the objection.
>
> Mr. GORE. Mr. President, with this understanding of the parliamentary rule, I am now prepared to withdraw the objection which I had made for a morning hour tomorrow. But I respectfully suggest to the majority and minority leaders that, in order to accommodate situations which are sure to arise, we consider the advisability of obtaining unanimous consent to having a morning hour each day.
>
> I withdraw my objection.

Madam President, if the Senator from Texas will yield further, under the ruling of the Chair just now, it would be possible for the junior Senator from Tennessee to send to the desk at the moment a 100-page amendment and ask that the clerk read it. The Chair would direct the clerk to read it. The entire morning hour would be consumed. No one else would then have an opportunity to offer an amendment, even to ask unanimous consent that it be read.

So I submit that the President of the Senate ruled very clearly and correctly last evening. I have no objection to the procedure that has been followed, but I think in clarity of parliamentary procedure, it is necessary in the beginning of this historic debate to have the rules clearly understood so that all Members can know their rights and proceed to protect them.

I further ask the advice of the Chair——

Mr. JOHNSON of Texas. I should like to make a comment, if I may.

Mr. GORE. I thank the Senator for yielding to me.

Mr. JOHNSON of Texas. Madam President, I concur in everything the Senator from Tennessee has said. I

think the appropriate comments in the RECORD to which I should like to ask the Chair to give attention are the statements I previously mentioned, in the first column, page 3799, in which the junior Senator from Tennessee raised this question:

If I correctly understand the holding of the Chair, the agreement would amount to nothing except that unanimous consent was achieved in the offering of each and every amendment.

I think the junior Senator from Tennessee was in effect inquiring whether or not it would be necessary to get unanimous consent in order to have an amendment presented and read.

The Chair, in response to that inquiry, said:

If Senators should object to such procedure, the Chair would be required to sustain the objection.

I cite that in support of the statement I formerly made in connection with what happened last evening.

I refer the Chair to column 2 of page 3799. The Senator from Texas was speaking.

Mr. GORE. Would the Senator give the citation again?

Mr. JOHNSON of Texas. The second column of page 3799 of the CONGRESSIONAL RECORD. The Senator from Texas stated:

I should like to inform all Members of the Senate that tomorrow at 12 o'clock noon there will be the usual morning hour. However, that may continue as late as 2 o'clock. During that 2-hour period any Senator who desires to present an amendment and have it read should have an opportunity to do so, and I trust that he will be in the Chamber and present any amendment he may choose to present in order that it may be printed and appear in the RECORD, and, if objection is not made, be read.

I think that makes it abundantly clear, again, that objection would lie to an amendment if any Senator desired to exercise that objection.

Therefore, Madam President, I think we are taking more time on this ruling than we would take to read the amendment, unless objection is made. But I do submit that it was my understanding, and I think the understanding of most of the Senators present, that in order to meet the requirement that an amendment was presented and read, consent would be required. As a matter of fact, consent en bloc was refused.

Mr. GORE. Will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Tennessee.

Mr. GORE. I would like to read from the same column on the same page, to further buttress this situation, the statement by the distinguished majority leader.

I renew my request that, at 12 o'clock noon tomorrow, there be the usual morning hour for the purpose of introduction of bills or petitions and memorials or amendments and the transaction of other business, including any unanimous consent requests that may be made.

Madam President, will the Senator from Texas yield further?

Mr. JOHNSON of Texas. I yield.

Mr. GORE. I submit that the Senate is having the usual morning hour, and that the senior Senator from Mississippi [Mr. EASTLAND] cannot have his amendment read by the clerk except by the unanimous consent of the Senate; neither can it be considered as offered to a bill which is not now the pending business, but which will become the pending business after, and only after, the morning hour shall have been concluded. But in this case the Chair really directed the clerk to read the amendment. That may be a pro forma compliance. It may be that it is considered a pro forma compliance.

Mr. JOHNSON of Texas. I think we have an understanding, and are in agreement on what the unanimous consent request constitutes. I am not certain the Senator from Tennessee understands exactly what happened. As I understand, the Senator from Mississippi asked me to yield. I yielded to him. He addressed the Chair, submitted an amendment, and asked that it be read and printed. No Senator objected. Objection would lie, and if any Senator wanted to object, he could have done so. The amendment has been read.

Mr. GORE. How can a Senator object when the question is not put to the Senate?

Mr. JOHNSON of Texas. When a Senator requests the Chair to have an amendment read, I should think, if I objected to it, I would say, "Madam Chairman, I object, under the rule, to the amendment being read. I understand unanimous consent is required; therefore, I do not plan to give it."

Mr. GORE. Would the Senator not agree that the Senator's rights would be better protected if instead of pro forma compliance in a situation such as prevails in the Senate now, the question actually were submitted to the Senate? I think I shall want to offer some amendments to the pending substitute. I am not yet certain exactly what form they should take. That is why I suggested that the majority leader and the minority leader consider having a morning hour each day. I would not want to be foreclosed from the opportunity to offer amendments simply because a Senator might rise, offer a 100-page amendment, and ask that it be read, and the Presiding Officer merely direct the clerk to read it. It seems to me that the full and proper parliamentary procedure should be followed in this case.

Mr. JOHNSON of Texas. The Senator from Texas stated last evening that if permission were given, there would be a morning hour today for the purpose of transacting routine business and the presentation of amendments. I want to give Senators as much notice as possible. If it is agreeable, I will announce now, for the information of all Senators, that I should like to have the usual morning hour at 12 o'clock noon tomorrow for the transaction of routine business and the introduction of bills, petitions, memorials, and amendments, and that all Senators be on notice that there will be a morning hour for that purpose from 12 o'clock noon until 2 o'clock p.m.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Madam President, I would be happy to agree to have a morning hour tomorrow, with the exception of the introduction of new matters. I do not believe, in these circumstances, that new business ought to be introduced.

Mr. JOHNSON of Texas. Does the Senator mean the introduction of new bills?

Mr. RUSSELL. Yes.

Mr. JOHNSON of Texas. I would be happy to modify my request so as to eliminate new matters.

The PRESIDING OFFICER. Does the Senator from Texas include reports from committees in his motion?

Mr. JOHNSON of Texas. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. I do not object; but if any committees are to meet, except the Committee on Appropriations, that would be highly illegal.

Mr. GORE. Madam President, reserving the right to object, is there not now pending before the Senate the unanimous consent request of the senior Senator from Mississippi [Mr. EASTLAND]? Can two unanimous consent requests be considered simultaneously?

The PRESIDING OFFICER. The Chair will modify the ruling to conform with the suggestion and the explanation made by the Senator from Texas.

The Chair now asks if there is objection to the request made by the Senator from Mississippi.

Mr. GORE. I thank the Chair.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. JOHNSON of Texas. Madam President, is there objection to my request?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that there be a morning hour tomorrow?

Mr. RUSSELL. Madam President, do I correctly understand that that request has been modified so as to eliminate the introduction of new business?

Mr. JOHNSON of Texas. I have so modified my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF NATIONAL DEFENSE—NOTICE OF ADDRESS TO BE GIVEN BY SENATOR SYMINGTON

Mr. SYMINGTON. Madam President, on February 23 the distinguished minority leader spoke on the subject of our national defense. He made some statements with respect to a talk I made on the same subject 4 days earlier. For the information of the Senate, I will answer the talk made by the minority leader as soon as I can obtain the floor after the morning hour tomorrow.

CIVIL RIGHTS

Mr. SPARKMAN. Madam President, the Mobile Register of Sunday, February 28, 1960, has published an Associated Press dispatch entitled "Rights Bill Kicking Up Big Ruckus in Senate." There has been much criticism of the press because of its failure to get across to the people of the Nation the different

facets of the proposed legislation. I believe this is about the fairest treatment of the question that I have seen, because it discusses the seven different titles of the Dirksen substitute.

Mr. RUSSELL. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. RUSSELL. Is the Senator referring to an Associated Press dispatch written by John Chadwick?

Mr. SPARKMAN. The article does not contain any byline, but it probably is an article written by Mr. Chadwick. This article breaks down the Dirksen substitute and discusses the seven different items topically.

Mr. RUSSELL. I think that that is reporting at its very finest and in its highest form. I am certain the article was carried over all the Associated Press wires, but I have seen it published only in the newspapers published in the Southern States. It is an article which informs the people what the issues are and discusses the various provisions contained in the bill.

Unfortunately, the article apparently did not come to the attention of Mr. Falsifier P. Ananias, if that is the name of the writer of the Washington Post editorial—the "P" standing for "Prevaricator." He merely brushed aside that very clear exposition by the Associated Press of the seven parts of the bill.

If some move were made to infringe upon the rights of the television broadcasters of the country, they would come first for assistance to Members of Congress who control television stations and then to Members who are controlled by television stations. After that, they would come to the confounded Southerners, because they know that the Southerners are the strict Constitutionalists who would defend the constitutional rights of the broadcasters. The same thing is true for the newspaper owners of the Nation.

Unfortunately, the tendency to misscall the pending legislation a voting bill only is not limited to the press and television. I say regretfully that I saw a Member of Congress on a television program who looked out from the screen and repeated a false statement when he said that the only thing involved in the bill was the effort which was being made to deny voting rights.

If the Senator from Alabama will indulge me for one more moment, I wish to say that when I was discussing this issue yesterday, some persons apparently got the idea that I was wrapping an olive branch around a white flag and that I was looking for some way to compromise this issue. Such a thought was the furthest thing on earth from my mind I did not have that in mind at all, and my remarks were not in any way intended to suggest a compromise. I was going through the bill, section by section, and giving my estimate of the degree of viciousness of the seven different propositions; I also undertook to point out that only two of them related to voting rights. I did say that section 3 did not hold any particular terror for the people of my State.

Mr. SPARKMAN. The Senator from Georgia gave a very able statement yesterday. I thought it was clear and able, and it certainly answered this cliché so many people have adopted, simply saying that we are debating here voting rights. They boil it down to that simplicity. If I may get the attention of the Senator from Georgia, as a matter of fact, if I understand the parliamentary situation prevailing right now, the matter pending before us is section 1 of the Dirksen substitute, which has nothing to do with voting rights.

Mr. RUSSELL. I undertook to point that out yesterday, that the issue before the Senate, the matter which we have been discussing for several days, does not relate, directly or indirectly, to voting rights.

Mr. SPARKMAN. The measure, now the pending business before the Senate, does not have in it a word regarding voting rights.

Mr. RUSSELL. It has only to do with the so-called school integration, the forcible integration of the schools and mixing of the races in the schools of the South. That is the only thing it relates to.

Mr. SPARKMAN. The Senator is right.

Madam President, as I said, this is about the shortest and clearest presentation I have seen giving the seven different divisions of the Dirksen proposal, and, in a very few words, giving the citizens' attitude, I think, in a rather objective manner. I ask, Madam President, that it be included as a part of my remarks.

The PRESIDING OFFICER (Mrs. SMITH in the chair). Without objection, it is so ordered.

The article is as follows:

[From the Mobile (Ala.) Press Register, Feb. 28, 1960]

RIGHTS BILL KICKING UP BIG RUCKUS IN SENATE

WASHINGTON.—What is this bill that has kicked up such a ruckus in the Senate? A civil rights bill, yes, but what's in it? What would it do?

Southern Senators are putting up an all-out fight against it. In an effort to break their resistance, around-the-clock sessions of the Senate are to start Monday.

Part of the bill is designed to guarantee the voting rights of Negroes. The southerners say this section has been unduly stressed. Other provisions deal with racial integration in the public schools, with hate bombings of schools and churches, and racial discrimination in employment.

The bill now before the Senate embodies the Eisenhower administration's civil rights program. As the southerners are well aware, attempts will be made to get votes on other measures. Here are highlights of the seven sections of the administration bill, together with the principal objections raised by the southerners:

I

This would make it a Federal crime, punishable by a $10,000 fine or 2 years in prison, to obstruct or interfere willfully by threats or force with Federal court orders in school desegregation cases.

It would apply to anyone who "corruptly, or by threats or force, or by any threatening letter or communication" obstructed or attempted to obstruct such a court order. It is aimed at disorders like that which erupted in 1957 after a court order for admission of Negroes to Central High School in Little Rock, Ark.

Southerners argue it is unnecessary—that Federal judges can punish for contempt any interference with their decrees and the States have laws against assaults.

They also contend it is so sweeping that a letter to an editor or a newspaper editorial criticizing a school desegregation decree might be interpreted as a Federal crime.

Furthermore, the southerners say that if such legislation is to be enacted, it should apply to court orders in all kinds of cases.

II

This section also would create a new Federal crime—fleeing across a State line to escape prosecution for the bombing of buildings or other property used primarily for religious or educational purposes. This would enable the FBI to move in quickly. The penalty provided is a $5,000 fine or 5 years in prison.

The southerners object to this part of the bill less than any other, although they say it is unnecessary. Some of them say it would apply also to dynamiting in labor disputes and other cases.

III

This would require State and local election officials to preserve voting records for 3 years and to make them available to the Justice Department for inspection upon demand. Criminal penalties are provided for willful destruction of such records.

The purpose is to assist the Attorney General in enforcing voting rights under the 1957 Civil Rights Act; southerners object that it constitutes an unwarranted encroachment on State affairs.

IV

This section would put Congress on record in support of the Supreme Court's 1954 school desegregation decision. It says Congress recognizes that the Constitution as interpreted by the Court is the supreme law of the land and that State and local governments "are now obligated to take steps toward the elimination of segregation in their public schools."

It goes on to authorize Federal grants and technical assistance to States or local communities that attempt to carry out desegregation of their schools.

Southern Senators bitterly protest against giving congressional sanction to the Court's decision and also contend the language used in the bill misinterprets the decision.

They call the Federal financial grants an attempt to bribe southerners into accepting the Court's ruling.

V

This section would permit the Federal Government to provide schooling for children of armed services members in areas where the public schools are closed to avoid racial integration.

Southern opponents say the Federal Government could take over for this purpose local schools built with Federal aid.

VI

This section would set up a 15-member Presidential commission to seek to eliminate racial discrimination in the hiring of workers by Government contractors and to encourage elimination of discrimination in employment generally.

Southerners call this an attempt at Federal interference with the hiring and firing of workers by private industry.

VII

The final section contains the administration's recent proposal for court-appointed referees to oversee registration, voting, and vote counting in areas where systematic discrimination against Negroes is found. It would apply to State and local as well as Federal elections.

Southerners assail this as an unconstitutional invasion of States' rights. They also say it is modeled on an old reconstruction era statute that led to widespread frauds.

Mr. CLARK. Madam President, will the Senator yield for the transaction of morning business?

Mr. SPARKMAN. I yield.

STATEMENT IN SUPPORT OF KENNEDY-CLARK-JAVITS BILL, S. 2929, TO REPEAL THE DISCLAIMER AFFIDAVIT PROVISION OF THE NATIONAL DEFENSE EDUCATION ACT

Mr. CLARK. Madam President, the bill, S. 2929, which Senator KENNEDY, Senator JAVITS, and I sponsored, to repeal the disclaimer affidavit provision of the National Defense Education Act, has been ordered reported to the Senate by the Senate Labor and Public Welfare Committee. I feel confident that it will obtain the support of a majority of our colleagues when it comes before this body for consideration.

I have been rather startled, however, by the tactics used by the opponents of the bill.

A few weeks ago it was suggested by one of our colleagues that the graduate body of Harvard University, my own alma mater, appeared to oppose the decision of the university to withdraw from the coverage of the NDEA until such time as the disclaimer affidavit requirement was repealed. In support of this statement a letter was inserted in the RECORD purportedly signed by eight alumni of Harvard criticizing Harvard's withdrawal from the benefits of the act. Out of curiosity I wrote to the president of the university asking for his comment on this insertion in the RECORD. The president's reply was most illuminating. It states in part:

> The statement in the RECORD is not a particularly constructive criticism. Actually only four of the eight signers are Harvard alumni—two graduates of the college and two graduates of the law school. The other four have no Harvard connection, I am told.

If anyone doubts the fact that the overwhelming majority of the Harvard student body supports the repeal of the disclaimer affidavit, I will be glad to show him copies of petitions which I have received from literally hundreds of undergraduate students, favoring S. 2929.

Another statement in opposition to S. 2929 was placed in the RECORD recently. It purported to be written by a group called National Student Committee for the Loyalty Oath. Since the very title of the committee indicates that it was set up to protect the loyalty oath provision of the NDEA, which S. 2929 does not propose to repeal, perhaps the organization should not be taken too seriously. However, since the statement by the student committee asserted that it had representatives at 25 different colleges and universities, and it should be noted that there is no mention of how many representatives, I would assume that some Members of Congress would infer that there was a lack of student support for S. 2929. This is not so. I am convinced that a very large majority of undergraduate students throughout the country oppose the disclaimer affidavit requirement. In support of this assertion, I would like to insert in the RECORD at this point a statement which I have received from Donald A. Hoffman, the President of the National Student Association, representing 1,200,000 college students throughout the country at 350 different colleges and universities. Most of the institutions purported to be represented by the Student Committee for the Loyalty Oath are actually officially represented by the National Student Association, and I think that the NSA statement is a complete refutation of the claims of the student committee.

I ask unanimous consent that a statement by Donald A. Hoffman, president of the United States National Student Association, may appear at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DONALD A. HOFFMAN, PRESIDENT OF THE U.S. NATIONAL STUDENT ASSOCIATION

The U.S. National Student Association is the largest nonsectarian, nonpartisan, national student organization in the world. It is a confederation of over 350 colleges and universities represented through their democratically elected student governing bodies. The association, in this manner, represents over 1,200,000 individual students.

The student governing bodies elect delegates to the annual policymaking National Student Congress. These delegates institute the policies of the association through resolutions drafted and voted upon by the delegates, and from their numbers are elected the officers of the USNSA. In the interim, between Congresses, policy is instituted by the members of the National Executive Committee, composed of democratically elected representatives of USNSA's regions.

As the officers are of the student community and the program calls for constant involvement with students, national groups have come to look upon USNSA as the national voice of the American student community. The American Council on Education has granted us constituent membership, the three national deans' associations maintain liaison committees with us, and the association is called upon to represent and contribute the student viewpoint in other national and regional meetings of educators.

By acting as a legislature for American students on all U.S. National Student Association campuses, congress delegates also have constructed a basis for the development of national programs of lasting importance, while functioning as the only unified voice for the American student community.

Feeling deeply the effects of legislation like the disclaimer affidavit, the delegates to the 12th National Student Congress, held last summer at the University of Illinois, passed a resolution calling for the immediate repeal of disclaimer affidavit section. In part, the resolution stated:

USNSA states its belief in the following principles:

1. That loyalty is based upon ideas and cannot be legislated or created by slogans;

2. That, historically, disclaimer affidavits have been a source of much abuse;

3. That disclaimer affidavits are objects of disapproval for:

(a) They do not serve their purpose. No subversive would have any qualms about signing an affidavit.

(b) They represent a serious threat to academic freedom for:

(1) They may serve as a basis for more restrictive legislation.

(2) The requirement of signing a disclaimer affidavit implies that a college student and faculty member is disloyal until he makes a positive statement expressing his loyalty. This requirement does not indicate a belief in the basic loyalty of American college students and faculty members.

(3) Refusing to sign because of principle results in suspicion of disloyalty.

(4) In the case of the NDEA, the affidavit's effect is to proscribe certain beliefs. But it is nearly impossible to ascertain accurately what an individual's beliefs are. Such a provision cannot be justly executed.

(5) In the case of the NDEA, the affidavit is terminologically unclear (e.g., the words "believe in," "supports," and "illegal methods"). This leaves a wide area for interpretation and the danger of a resultant expansion of the meaning of the act. It also leaves a student and faculty member in the position of not knowing whether, in believing in and in supporting a certain organization and in receiving money under the provisions of the NDEA, he is committing a crime under this Act.

(6) They discriminate against college students or faculty members. Section 1001(f) of the NDEA singles out college students or faculty members to sign disclaimer affidavits to receive Federal aid, whereas other recipients do not have to sign such disclaimer affidavits.

The USNSA believes that no individual who is proved in the courts of the United States to be actively seeking to overthrow the Government of the United States by force or violence should be allowed to receive funds under the program of the NDEA. However, the disclaimer affidavit does in no way expose and/or exclude such an individual.

Why should a loyal American object to an affidavit indicating that he is a loyal American? This is the question posed by the proponents of the disclaimer affidavit portion of section 1001(f) of the National Defense Education Act of 1958.

The question is fortified by the fact that our country's security is in danger. The Communist Party of America undoubtedly is closely linked to the International Communist conspiracy and is thus committed to the Communist goal of world domination. In addition to the Communist Party, certain front organizations act to carry out the Party's strategic goals. The problem posed in this light is a most serious one. It is because of this danger to our country that the U.S.A. needs the loyalty of its citizenry.

The problem is, then, "How do you assure the loyalty of U.S. citizens?" Loyalty is built upon a feeling of community within the nation. This feeling of community is developed by an adherence to the basic ideal of principles upon which this country was founded and by refusing to adopt the methods of our opposition totalitarian states.

The aim of government in a democratic society is security for the individual and freedom for the development of his talent. The state ought not force the individual to act. This is the essence of our concept of liberty. The Communists, on the other hand, define liberty as a social right to share in the privileges which the state may deem proper to confer. The state is supreme in the Soviet system and the liberties of the individual are only those which the government desires to allow.

The disclaimer affidavit controversy is central to the differentiation between the totalitarian state and the democratic state. Most offensive of all this is the invasion of the state into the university by means of this provision. The university is a free marketplace of ideas, with the pursuit of truth as its role. The state, through the imposition of the disclaimer affidavit, has arbitrarily placed a limitation on that pursuit of truth.

It is unfortunate that but 1 percent of the colleges and universities in the land have seen fit to stand by their moral fiber and say, "We shut the door to any attempts to compromise our country's principles in the face of any danger." But the names of the schools who have taken this position are impressive. They include America's top academic institutions, Yale, Harvard, Princeton, Antioch, Amherst, Bryn Mawr, Swarthmore, Oberlin, Sarah Lawrence, Reed, Wesleyan, Wilmington, Haverford, Goucher, Grinnell, St. Johns of Maryland, and even more recently, the University of Chicago.

And the schools where the official student government action has called for the repeal of the disclaimer affidavit are numerous. These include such institutions as Wayne State University, Simmons College, Barnard College, the University of California at Los Angeles, the University of Wisconsin, the University of Minnesota, Lehigh University, Dartmouth, Cornell, the City Colleges of New York, Smith College and many others. Faculty and administration denouncements of the disclaimer affidavit have been numerous, and the faculties at such great educational institutions as Dartmouth, Columbia, and Cornell have called for the withdrawals of their schools from the NDEA program.

Even more interesting must be the feelings of the students on many of America's campuses, as expressed through editorials in student newspapers. Editorials condemning the disclaimer affidavit and demanding its repeal have appeared in the student newspapers of Hunter College, the University of Chicago, Columbia University, Temple University, Queens College, the University of Pennsylvania, the University of Kansas, Dartmouth, Cornell, Smith, Lehigh, Trenton State, Drexel Institute of Technology and others. The University of Texas' Daily Texan editorial was entitled, No Affidavit, Please.

All of these schools, as members of the National Student Association, and individually, have expressed grave concern over the disclaimer provision and demand passage of Senate bill 2929, calling for the repeal of the affidavit.

Mr. CLARK. I am glad to say that S. 2929 is also supported by most of the newspapers in the country, and I ask unanimous consent at this time to insert a representative selection of these expressions of support in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[From the Philadelphia Inquirer, Dec. 6, 1959]

THOSE LOYALTY AFFIDAVITS

President Eisenhower's strong statement that he favors repeal of the requirement that students seeking Federal loans must sign loyalty affidavits to qualify for such help seems thoroughly justified and, we hope, will serve to enlist support for his point of view in Congress.

This feature of the National Defense Education Act of 1958 has been found so objectionable to independent colleges and universities that a substantial number of the best institutions in the Nation have withdrawn from the program. Among them are Yale and Harvard Universities as well as a long list of smaller, but every bit as important, colleges which because of religious scruples could not, under any circumstances, accept such a provision.

It is unfortunate that the repeal measure sponsored last summer by Senator JOHN F. KENNEDY, of Massachusetts, was sidetracked and returned to committee. As President Eisenhower says, there is no justification for singling out any group of citizens for such legal compulsion and to require educational institutions to participate in the act trespasses on their prerogatives in a way that is completely out of keeping with American ideas of educational freedom.

As long as the provision remains a part of the law, it will prevent the full use of college facilities for the benefit of the Nation and our young people at the very time when they are most needed. Moreover, no real subversive would hesitate to sign this affidavit or swear any oath Congress could devise. Such measures serve no good cause, and should be shunned by thoughtful legislators.

[From the Washington (D.C.) Star, Nov. 20, 1959]

OATH OF INDIGNITY

To subject any segment of the population to needless distrust or humiliation is indefensible. That, however, is the precise effect of the demeaning and superfluous "loyalty oath" required by law for participation in the Federal college student loan program, and it is the reason why Yale and Harvard Universities have made their protest withdrawal from the otherwise enlightened project.

No one, of course, desires to further the aims of a Communist intent on overthrowing the Government, and this safeguard was in the minds of those Senators who voted, with only scant consideration, to add a second oath requirement to the National Defense Education Act in 1958. Like most legislation conceived in haste, however, this amendment was deficient. It ignored the fact that a student oath of allegiance to the Constitution already was required. It imposed no obligation on the man who can afford to pay his way through school, but heaped on those who need help most the indignity of declaring and defending their personal beliefs. Beyond this, the cumbersome language of the required affidavit serves no real purpose. As Secretary Flemming of the Health, Education, and Welfare Department has noted, real subversives would have "no scruples about signing such an affidavit."

Educators, despite their united opposition to the "affidavit of disbelief," are attacking the legislation with mixed emotions, for the loan program is one of the most beneficial enacted by Congress in recent years. Students, under its terms, can borrow up to $1,000 a year, according to need, and repay the amounts after graduation. The program's instantaneous popularity has surprised Federal officials, and an appropriation of $60.5 million already has been disbursed to more than 1,300 schools for distribution.

The fact that only a handful of schools have withdrawn from participation, however, in no way modifies the principles stated by those which have protested. An effort to repeal the requirement unfortunately failed in the last session. It should be revived vigorously when Congress returns next year.

[From the Commonweal, Dec. 11, 1959]

LOYALTY OATHS IN SCHOOL

The National Defense Education Act of 1958 has once again been subjected to severe criticism for one of its provisions, criticism so telling that the provision may finally be changed. The act provides Federal loans for college students—provided that, before receiving the loan, the student swears that he does not support an organization that believes in or teaches the "overthrow of the U.S. Government by force." This requirement was early attacked by many people. Senator JOHN KENNEDY, for instance, strongly opposed it, and Arthur Flemming, Secretary of Health, Education and Welfare, suggested that it be repealed.

Even though several schools (Bryn Mawr, Haverford, and Swarthmore) refused to join the program because of the required loyalty oath, this early criticism was unable to effect the provision's removal. But other schools soon saw fit to withdraw: Amherst, Antioch, Bennington, Goucher, Cornell, Reed, Sarah Lawrence, St. John's of Maryland, and Wilmington of Ohio all decided that the oath infringed upon academic freedom.

This list was then already imposing when Yale, Harvard, and Oberlin recently withdrew from the program. Approximately thirteen hunderd colleges and universities still participate in the program, so that it will not immediately collapse because of these withdrawals. Nevertheless, they constitute a strong and much needed criticism of the debated provision. The desire to impose loyalty oaths in areas where they are uncalled for, unnecessary and unhelpful stems from the near-hysteria of recent years. During that time, when many people wished to adopt even more dubious measures as long as they were labeled anti-Communist, one might understand, while deploring, an act which grants loans to needful students only if they swear that they are loyal. The provision is, nonetheless, a foolish, offensive form and should be easily seen for what it is today. If more leading schools withdraw from the program in protest against this provision it may stand a good chance of being withdrawn. And the schools will have performed one of the critical functions we have a right to expect of them.

[From the Jackson (Miss.) Advocate, Dec. 12, 1959]

AGAINST STUDENT OATHS

Politicians have had a strange faith in non-Communist oaths. It has not been supported by any persuasive evidence of their value in weeding out Communists. Instead there is reason to believe that a Communist not already exposed would hardly balk at one more lie for his cause. The risk of perjury penalties he is likely to take even more lightly than did the 100 citizens who lied about TV quizzes. Yet last year when Congress adopted a plan for loans to worthy college students it not only required them to take the oath of allegiance to the Constitution but to make an affidavit of nonallegiance to any organization seeking overthrow of the Government.

Now it may seem that even if this is not effective it is harmless. But students ask why only they among the many groups of citizens who get Federal loans—farmers, homeowners, etc.—are required to make two affirmations of loyalty. And a growing number of colleges object that this kind of demand conflicts with their efforts to encourage students to seek the truth for themselves.

At the start several courageous small colleges refused to enter into the loan plan under such conditions. Recently they have been joined by Harvard and Yale, with Presidents Pusey and Griswold making strong and reasoned statements of protest. Last summer a repealer of the double oath narrowly failed in the Senate. Now President Eisenhower has added his respected and nonradical voice to the pleas for repeal.

We trust Congress will heed them. For this requirement is discriminatory. As the college revolt grows it could seriously hamper the aim of the loan program. The double oath also tends to work against its own purposes by fostering disrespect rather than loyalty. Indeed, what kind of loyalty can be so purchased?

[From the Altoona (Pa.) Mirror, Dec. 11, 1959]

WRONG APPROACH

A decidedly poor piece of legislation, enacted at both the Federal and State levels during the days of great patriotism everywhere hasn't worked out so well and now, with great difficulty, wiping the law from the statute books is really a problem.

This loyalty-affidavit business has been overworked, without a doubt, but it was considered the thing to do back in the early 1940's during World War II. There was little complaint at the time. Everybody signed as a matter of course. All Government folks were required to sign as well as State workers and schoolteachers.

What bothers folks now is the National Defense Education Act, passed in 1958. It's being called unfair and unwise. The act requires that students seeking Federal loans must sign loyalty affidavits to qualify for such help.

Independent colleges and universities are strenuously opposed to this law. All the colleges oppose it as objectionable.

President Eisenhower issued a strong statement favoring repeal of the law. He calls it singling out a group of citizens and he detests legal compulsion of students and colleges. He calls it "out of keeping with American ideas of educational freedom."

Harvard, Yale and Princeton are leaders in the movement to repeal the law. The loyalty oath is not required of farmers, the unemployed, the aged, and countless other segments of society who are recipients of the largess of the Government and the State. Only students are suspicious folks, according to the law.

Dr. Eric A. Walker, president of Penn State University, strongly opposes the affidavit provision as it casts doubt on the loyalty of a group which has distinguished themselves in the service of the country, most of all being service veterans.

As long as the law remains in operation the full use of the college facilities for the benefit of the Nation's youth will be prevented.

[From the New York Herald Tribune, Nov. 26, 1959]

HARVARD STRUCK A BLOW FOR FREEDOM

In the adjacent column today we publish a letter from eight residents of the Boston area, who take Harvard's President Pusey vigorously to task for Harvard's withdrawal from the National Defense Education Act student loan program. Yale withdrew at the same time, Princeton had refused from the start to participate, and a number of other schools have taken similar action, all for the same reason: objection to the loyalty oath requirement.

Presidents Pusey and Griswold did not, as the writers of this letter seem to suggest, ridicule any manifestation of loyalty to our country. What they do object to, fundamentally, is the intrusion of political screening into the educational process and the singling out of needy students as a group who must be specially challenged on their loyalty to free institutions. The requirement, with its implicit expression of suspicion and distrust, is, as Dr. Pusey stated, an affront to American youth.

Further, by requiring students to swear that they do not believe in any organization that believes in overthrowing the Government by unconstitutional means, the required oath goes far beyond any disavowal of active participation in a conspiracy. It goes beyond even a positive avowal of loyalty to the Nation, which is not necessarily incompatible with belief that its formal institutions should be changed by other than the prescribed means, however repugnant such a notion might be. It enters directly into the realm of conscience, requiring the student to declare not only his actions but what may be his innermost thought.

Certainly no necessity exists today to justify such an invasion of the privacy of the mind. Teenage Communists are practically a vanished breed.

Harvard and Yale, by their action, have crystalized the issue as no campaign by individual students could have done. It is basically one of preserving students from any coercive, official probe of their conscience and beliefs, and it is only in an atmosphere of such freedom that the inescapably private and always difficult search for truth, which is the essence of learning, can hope to thrive.

[From the Washington Post, Dec. 7, 1959]

DEGRADING DISCLAIMER

The distaste expressed by President Eisenhower for the "negative affidavit" required by the Defense Education Act should encourage Congress to see the emptiness of this disclaimer and to repeal it. "To my mind," said the President at his news conference, "anybody who is taking an oath * * * to defend the United States and its Constitution against all enemies, foreign and domestic—for me, that ought to settle the question."

Supporters of the "negative affidavit" ask why any local American should object to swearing in addition that he is not a Communist and is not going to overthrow the Government of the United States by force and violence. Why should any honest man object to swearing that he will not, during his college career, pick pockets, crib on examinations or set fire to the college gymnasium? The answer is, as the President indicated, that he resents being singled out, as a matter of compulsion, from among other citizens, to make a denial of evil intentions which were never in his mind. American students born to a great legal tradition that men are presumed to be innocent until proved guilty are right to resent such a degrading imputation. And a National Defense Education Act ought to encourage such resentment rather than override it.

[From the Teaneck (N.J.) Sunday Sun, Jan. 31, 1960]

DOUBLE LOYALTY

Senator JOHN F. KENNEDY, Democrat, Massachusetts, with bipartisan support from many Republicans, has introduced a bill repealing the double loyalty oath required of college students who seek Federal aid for completion of their education.

Both President Eisenhower and Secretary Arthur Flemming of the Department of Health, Education, and Welfare have asked for the repeal of this law.

This action has been taken under pressure of practically every reputable university and college in the country which have refused to accept Government money with this double loyalty string attached.

The irony of requiring a student to take oath that he is not a Communist, after having already taken oath declaring his loyalty to the United States, should be obvious to any reasonably minded person. The Kennedy bill should be passed forthwith as a means of restoring dignity and self-respect in our institutions of higher learning.

Mr. CLARK. I thank the Senator for yielding to me.

Mr. JOHNSON of Texas. I yield to the Senator from New York.

CIVIL RIGHTS LEGISLATION—AMENDMENTS

Mr. JAVITS. Madam President, so that all references to amendments may be concentrated in one place, I wish to state, for the information of the Senate, that when I obtained the floor this morning in my own right, as I was on the list on the President's desk, I presented a number of amendments to the Dirksen substitute bill under the following items:

First. Intervention by the Attorney General in suits which have been started to assert civil rights, keyed specifically to the bill, so that, in my view, it is germane.

Second. The right of the Attorney General to start independent suits, also keyed to the provisions of the bill.

Third. An anti-poll-tax provision.

Fourth. A provision to allow the appointment of Federal registrars as suggested by the Civil Rights Commission, and also Federal referees.

Fifth. Provision for the enforcement of the nondiscrimination clause in Government contracts, as to the Government contract section.

Sixth. A provision relating to bombings of religious structures, schools, homes, and places of business.

Finally, a savings and separability clause.

All of these, Madam President, we have carefully designed to observe the rule of germaneness, which I think it is very important to bear in mind in considering the purpose for which we are all putting in these amendments.

Finally, Madam President—and I thank my colleague for yielding to me—I call the attention of the Senate to the decision in the case of United States against Raines, which holds specifically that the Congress can with full constitutionality give to the Attorney General the right to bring suits to assert the civil rights of individuals.

Madam President. this is a momentous decision by the Supreme Court, a very critical element in this debate. I agree with those who have said that we are now struggling not simply for voting rights. We are struggling for all voting rights, and there will be a real effort here to give the Attorney General this authority, and the language used by the Supreme Court in the decision handed down yesterday—and I shall conclude upon this note—is the following, quoting from the decision:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Madam President, I think that this forms the necessary and most authoritative basis for the effort which we intend to make to get this authority for the Attorney General. I am very grateful to my colleague for yielding to me.

Mr. JOHNSON of Texas. Madam President, if no other Senator desires to submit routine business or to address the Senate at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Cannon	Cooper
Bartlett	Capehart	Cotton
Beall	Carlson	Curtis
Bible	Carroll	Dirksen
Brunsdale	Case, N.J.	Douglas
Bush	Case, S. Dak.	Dworshak
Byrd, Va.	Church	Ellender
Byrd, W. Va.	Clark	Engle

Fong	Kuchel	Pastore
Fulbright	Lausche	Proxmire
Gore	Long, Hawaii	Randolph
Green	Long, La.	Russell
Gruening	McCarthy	Saltonstall
Hart	McClellan	Schoeppel
Hartke	McNamara	Scott
Hickenlooper	Magnuson	Smith
Holland	Mansfield	Sparkman
Hruska	Martin	Symington
Jackson	Monroney	Wiley
Javits	Morse	Williams, Del.
Johnson, Tex.	Morton	Williams, N.J.
Keating	Moss	Yarborough
Kefauver	Mundt	Young, N. Dak.
Kerr	Muskie	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. CARLSON. Mr. President, has the morning hour concluded?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). No, it has not.

ELEVENTH ANNUAL INTERNATIONAL PANCAKE DAY RACE

Mr. CARLSON. Mr. President, our Nation is always interested in programs that promote world friendship and good will among the peoples of the earth.

Today in Liberal, Kans., the 11th Annual International Pancake Day race is being run. This race is sponsored by the Junior Chamber of Commerce of Liberal, Kans., for the promotion of international relations between England and the United States. It is based on competition between the young ladies of Olney, England, and Liberal, Kans.

Pancake Day is always the Tuesday before Ash Wednesday, the start of Lent. It is a centuries-old traditional holiday.

In old England it was customary for the housewives to drop whatever they were doing and hurry to the church at the tolling of the bell to be "shriven" of their sins.

In 1445 a housewife in Olney, England, started baking her pancakes rather late. They were not quite finished when the church bell rang. Not wishing to leave her pancakes to burn she hurried to the "shriving" carrying her griddle and the pancakes with her. Thus, the annual sporting event was born.

In Liberal they heard of this 500-year event of pancake racing over a 415-yard course from the "town pump" to the church, and in 1950 the challenge was accepted by Rev. R. C. Collins, Vicar of Olney.

In the running of the International Pancake Day race over identical courses, times of the winners in both Olney and Liberal are compared by transatlantic telephone.

The junior chamber of commerce and citizens of Liberal are to commended for arranging a program and providing for the competition which will bring about increased good will between our Nation and England.

DEFENSE OF THE U.S. SUPREME COURT

Mr. KUCHEL. Somewhere, somehow, during the course of this debate, Mr. President, some of us, I think the great majority of us, who object to the continual vilification of the U.S. Supreme Court during the long sessions, ought, one by one, to spread on this RECORD our vigorous opposition to that calumny and our bitter resentment at the manner in which the members of the U.S. Supreme Court have been mistreated during this debate and on some other ugly occasions.

So far as I am concerned, Mr. President, I have said on this floor before, and I repeat now, that the great majority of the American people have the highest respect for the courage and the independence and the devotion to duty of the U.S. Supreme Court. It is the unflinching defender of liberty so far as human freedom under the American Constitution is concerned. It will live in history long after this debate is forgotten.

APPROPRIATIONS AFFECTING DEVELOPMENT OF ALASKA

Mr. MURRAY. Mr. President, Alaska's successful growth will depend for a long time upon the Federal Government's discharging of its responsibilities to this new State. Land surveys, for example, are a vital part of the program—badly decimated in the budget request.

The Senator from Alaska [Mr. GRUENING], in his testimony before the Subcommittee on Interior of the Senate Committee on Appropriations, ably has stated the case for Alaska—for sound resource management and for areas in the budget where he sees that economies may be achieved.

Senator GRUENING has shown his broad knowledge of resource problems in his urging of full development of our forest resources. His analysis of spending abroad on forestry under the foreign aid program and the failure of the President's budget to meet needs at home deserves the thoughtful consideration of every citizen interested in real conservation.

The Alaska Senator suggests that travel funds be reduced for the Federal agencies, noting that the budget request of the Department of Interior contemplates spending $16 million for travel alone, an increase of $600,000 over 1959. I suspect there is a Parkinson's law, applicable to business and Government alike in travel and conferences. I suspect that there could be real savings here. I pass no judgment on this proposal, but I am confident that our Committee on Appropriations will be, as ever, alert to the opportunity to make savings.

Mr. President, I ask unanimous consent that the statement of the Senator from Alaska be printed in the RECORD at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ERNEST GRUENING, DEMOCRAT, OF ALASKA, BEFORE THE SUBCOMMITTEE ON INTERIOR OF THE SENATE COMMITTEE ON APPROPRIATIONS, FEBRUARY 19, 1960

Mr. Chairman, I appreciate the opportunity afforded me by your subcommittee today to appear here to testify with respect to certain items contained in—and some items not contained in—H.R. 10401, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year 1961.

This measure contains many items of great importance to the State of Alaska. While the role of the Department of the Interior with respect to the 49th State has changed substantially since the advent of statehood, the activities of that Department still play a very important part in shaping our activities. As time goes on—as more of the land of the State becomes State owned rather than federally owned, the role of the Department will diminish in its impact.

However, for the time being, the importance of this bill—making as it does appropriations for the next fiscal year for the Department of the Interior and for the Forest Service—brings me here this morning to address myself to a limited number of items contained in the bill. While I thus limit my testimony in the interests of conserving the subcommittee's time, I do want its members to appreciate the fact that there are many, many items in this bill with which I am concerned.

Of paramount concern to me is the lack of funds appropriated in this bill for the Bureau of Land Management for its work in surveying land in Alaska. The task faced by the Bureau of Land Management in carrying out the survey functions is enormous.

Yet this is a responsibility undertaken by the Federal Government in the Statehood Act. It is a responsibility which the Federal Government must fulfill if the State is to select the lands to which it is entitled under that act.

Mr. Chairman, this is, briefly, the situation on this item.

The Alaska Statehood Act—Public Law 85-508—made provision for the transfer of 103,350,000 acres of public land to the new State of Alaska over the period of 25 years. While the land is to be selected by State officials, the Statehood Act does provide as follows in section 6(g):

"Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey."

This then is the Federal obligation as incorporated in a law—the Statehood Act—passed by the Congress and signed by the President.

The State of Alaska has already signified to the Department of the Interior its selection of some 5 million acres of public lands, all of which area is unsurveyed. A similar selection must be made every year for the next 25 years if the State is to take advantage of its entitlement.

We are dealing here, Mr. Chairman, with large amounts of land. Each of these 5 million acre withdrawals which the State must select each year is equivalent, in acreage, to the size of the State of New Jersey or almost eight times the size of the State of Rhode Island or about equal to the size of the Commonwealth of Massachusetts.

This must be done year in and year out by the Bureau of Land Management for the next 25 years. To do less would be to fail to carry out the Federal Government's compact with the State of Alaska. To fail to appropriate sufficient funds to enable the Bureau of Land Management to make the necessary surveys on a current basis would, in effect, be to deny the State's entitlement to these lands.

In view of this commitment on the part of the Federal Government, I was very much dismayed to find that the President's budget request for land surveys in Alaska in fiscal year 1961 is only $1,113,000, which is an actual reduction from the $1,119,400 appropriated for fiscal year 1960. I submit for the record at this point a copy of a telegram I sent to the President on January 20, 1960, protesting this budget cut and asking

for its restoration and for a supplemental appropriation for fiscal year 1960.

It is estimated that to fulfill its obligation to the State of Alaska in this regard for the next fiscal year—1961—there should be appropriated to the Bureau of Land Management an additional sum of $3 million. I most strongly urge this subcommittee to add that sum to H.R. 10401 so as to put the Federal Government in the position of honoring its obligation to the State of Alaska under the Alaska Statehood Act and so as to enable the State of Alaska to choose in an orderly fashion the land to which it is entitled under that act.

For the information of the subcommittee, I am today addressing a communication to the able and distinguished chairman of your parent committee, the senior Senator from Arizona, Mr. HAYDEN, urging the inclusion, in the very first supplemental appropriation bill for the current fiscal year that is to be reported out, of the sum of $60,000 for the Bureau of Land Management. This is essential so that the portion of the brief Alaska working season which will elapse prior to June 30, 1960 may not be lost to the field. I hope that the members of this subcommittee will support that request also in the full committee.

I submit for the record, to appear at this point in my remarks, a telegram received from Mr. Roscoe Bell, director, Division of Mines and Minerals, Alaska Department of Natural Resources, setting forth clearly and forcefully the dilemma in which the State of Alaska finds itself because of lack of appropriations for cadastral surveys. I call the attention of the subcommittee specifically to the point that unless these lands selected by the State are surveyed, the ability of the State to use these lands is greatly handicapped. I would also call the attention of the subcommittee to the fact that what the State is calling upon the Federal Government to do in carrying out its statutory obligation in this regard is even less than what the Federal Government has done for other public land States.

I would also like to urge this subcommittee to increase the funds appropriated to the Forest Service so as to enable the Secretary of Agriculture's program for the national forests to keep on schedule.

In that connection I would want to associate myself with the arguments advanced to this subcommittee by the distinguished junior Senator from Mississippi, Mr. STENNIS, and the distinguished junior Senator from California, Mr. ENGLE, in favor of the appropriation of the additional funds needed for this program so important for the development of one of our Nation's great resources.

The Senator from Mississippi, Mr. STENNIS, on the floor of the Senate on February 8, 1960, made an excellent, thoughtful presentation of his program. It is my understanding that he has repeated that statement and presentation to this subcommittee. I commend it to the careful attention of the members of this subcommittee.

Joining in the discussion of Senator STENNIS' proposal on the floor of the Senate on February 8, I stated:

"This forestry program is a vital national need. It involves the conservation and enlargement of one of our basic natural resources, timber and wood products. I do not know of any program which is more important for the welfare of our Nation, and for its strengthening—materially, economically, yes, also spiritually, and in every other way—than to preserve and improve our natural resources."

Mr. Chairman, to keep free America must be strong.

It cannot remain strong if it fails to conserve, protect and develop the resources which nature has given us in such great abundance. If we are to have as a national goal a strong and free America tomorrow we must start to build today. Tomorrow will be too late.

Nor can we long continue to pour of our wealth into foreign nations without taking steps to renew that wealth and to see to it that it grows at the fastest possible pace. Least of all, Mr. Chairman, can America afford to maintain a double standard policy—a policy of starving domestic programs while financing programs abroad.

On February 9, 1960, I took the floor of the Senate to point out—country by country—how this double standard works. I submit for the record, Mr. Chairman, for the fiscal years 1955 through 1959 a detailed breakdown of forestry projects supported by the American Government under the ICA program. I invite the attention of the members of this subcommittee to this list. I invite further this comparison: Is each and every one of these projects as important as the projects contained in Senator STENNIS' proposal? Through the years could we not have cut enough of the fat from these foreign forestry projects to now maintain the administration's own forestry program on schedule?

I think we could. I think there is room for great savings in the ICA program. I think that under no circumstances can we afford to cut down on the expansion of our own economy on the ground that we cannot afford it—that we cannot afford to unbalance the budget—while at the same time saying that we can afford these foreign forestry projects—that added funds put into those programs would not unbalance the budget.

For the sum of $2,500,000, Senator STENNIS proposed nine regional forest laboratories as follows: Durham-Raleigh, N.C., $350,000; Corvallis, Oreg., $350,000; Stoneville, Miss., $300,000; Riverside, Calif., $900,000; Flagstaff, Ariz., $150,000; Fairbanks, Alaska, $250,000; West Thornton, N.H., $50,000; Marquette, Mich., $75,000; and Bottineau, N. Dak., $75,000.

Is the sum of $300,000 proposed to be spent for a forest laboratory at Stoneville, Miss., such a far less worthy project than the 500,000 American dollars spent in fiscal year 1955 on afforestation and watershed protection in Jordan?

Is the sum of $150,000 proposed to be spent for a forest laboratory in Flagstaff, Ariz., such a far less worthy project than the $325,000 in American dollars spent for forest management and a forest products laboratory in the Philippines?

Is the sum of $250,000 proposed to be spent for a forest laboratory in Fairbanks, Alaska, such a far less worthy project than the $737,000 in American dollars spent for TA Shu Shan logging operations in Formosa during fiscal years 1957 and 1958?

Is the sum of $350,000 proposed to be spent for a forest laboratory in Durham-Raleigh, N.C., such a far less worthy project than the $690,000 in American dollars spent on timber extraction in Burma during fiscal year 1958?

Is the sum of $350,000 proposed to be spent for a forest laboratory in Corvallis, Oreg., such a far less worthy project than the $694,000 in American dollars spent on forestry in Libya during the 1958–59 fiscal years?

Is the sum of $900,000 proposed to be spent for a forest laboratory in Riverside, Calif., such a far less worthy project than the $1,304,890 in American dollars spent on forestry projects in Pakistan during the 1955–59 fiscal years, including funds for the East Pakistan Forest Research Laboratory? Wherein lies the difference between a forest laboratory in Riverside, Calif., and a forest laboratory in East Pakistan?

Is the sum of $50,000 proposed to be spent for a forest laboratory in West Thornton, N.H., such a far less worthy project than $192,000 in American dollars spent on forestry in Yugoslavia in fiscal year 1959?

Is the sum of $75,000 proposed to be spent for a forest laboratory in Marquette, Mich., such a far less worthy project than the $115,000 in American dollars spent for range and forest management in Iran in fiscal year 1959?

Is the sum of $75,000 proposed to be spent for a forest laboratory in Bottineau, N. Dak., such a far less worthy project than the $230,000 in American dollars spent in Liberia on forest conservation in fiscal year 1959?

On another matter, closely related to forest conservation, I would make a strong plea for an increase in funds for fighting forest fires in Alaska. I note that the budget request recommends an increase of $200,000 in the amount to be devoted and that that sum has been allowed by the other body. At this point in my remarks, I would like to express my appreciation to this subcommittee for the increase granted last year for this item. The impetus of that increase is no doubt responsible for the increase recommended by the administration for the next fiscal year.

The interior forests of Alaska, which are under the jurisdiction of the BLM, cover not less than 100 million acres. This is an area larger than the State of Montana. It consists of white and black spruce, birch, aspen, cottonwood and tamarack. It is a resource of inestimable value.

But as is the case with respect to all budget requests, the amount sought must be judged in relation to the need to be met. In that sense, the amount sought is totally inadequate.

I am informed that what should be appropriate for fighting forest fires in Alaska is the sum of $1,250,000 instead of the $837,000 requested for fiscal year 1961. Compare, Mr. Chairman, the additional sum of slightly over $413,000 needed next year for this program with the sum of $1,525,000 in American dollars spent abroad in fiscal year 1960 for such diverse projects as forest conservation in Laos, forestry demonstrations in Spain, forestry resources development in Peru, and so on.

What is lacking in forest firefighting needs in Alaska at the present time is strength in depth.

It is as though, Mr. Chairman, a town established a fire department having only two trained firemen. And then the town sat back and waited until a fire broke out to train the other firemen. There just is not the time to train men for the job while the fires are burning. And in Alaska, there are many times when there are more forest fires burning than there are trained men to supervise the fighting of them. In the long run, building up the strength in depth of the forest firefighters in Alaska will lead to the greatest economy since it will mean that the hiring of firefighters and the supervision of the purchase and use of equipment will be in the hands of trained supervisory personnel.

I urge therefore the appropriation of this additional sum for the forest firefighting activities of the Bureau of Land Management in Alaska.

Another matter I wish to bring to the attention of the Appropriations Committee is the amount of $300,000 authorized from funds previously appropriated for administrative expenses incidental to the liquidation of the Alaska public works program.

As I am sure you are aware, the funds for the Alaska public works program were appropriated, prior to the 1960 fiscal year appropriation, for the construction of the projects authorized by the original legislation, and for administrative expenses incidental thereto. Last year, the Appropriation Act for the Department of Interior carried an item substantially the same as that included in this bill, authorizing a sum, from the

amounts previously appropriated, for administrative expenses in connection with liquidation of the program only, with no authorization for construction expense.

I have received statements from two communities in Alaska informing me that they are being required to pay, in addition to sums they had agreed to pay for the authorized projects, sums to cover contingencies which they had a right to believe were payable by the Department of the Interior. The fact is that the Department has instituted a policy of withdrawing sums previously allocated for construction contingencies, and utilizing such funds for administrative expenses.

To illustrate, in Juneau there is a public works project—the construction of a high school. According to the original agreement between the Alaska public works program and the city of Juneau, under which the city agreed to build the project, an amount of $25,375 was to be set aside for the payment of contingency expenses. However, despite subsequent negotiations in which the establishment of this contingency fund was confirmed, the Interior Department informed the city last July that the contingency fund would not be available for payment of the extra costs involved in construction but that, instead, the school district would be required to pay them.

In a letter from the Department concerning this matter, in answer to my inquiry, the Department admitted that funds are being withdrawn for administrative expenses from amounts previously appropriated, and actually allocated for construction. The result is that the communities which had contracted to pay certain of the costs of construction of projects, and which have agreed to purchase the projects upon completion, in accordance with terms of the contracts they negotiated now find themselves required by the Interior Department to pay substantial additional sums which were unanticipated, and the payment of which they had not agreed to.

In addition to the Juneau project I have mentioned I have had reports of a similar situation in Ketchikan.

Actually, we do not know exactly the amounts of money which have been withdrawn in a similar fashion from other projects. We are aware only of the situations in communities which have brought them to our attention. However, in view of the fact that 27 projects are still under construction, it seems quite likely that this same problem may arise in other cities, and that additional communities will suddenly find themselves confronted with the requirement for the payment of large additional sums for which they had not bargained, and which they should not be obliged to pay.

Therefore, Mr. Chairman, I offer an amendment to this bill which would reduce the amount of money authorized for administrative expenses incident to liquidation by the amount of $50,000. This money, which has already been appropriated for construction purposes, would then be made available for the payment of contingent expenses which the Department has agreed to pay and would not be usable for payment of administrative costs.

It seems to me that the item for administrative expenses for this program—an item which has been notoriously high all during the program's history—can easily absorb this small decrease. I would call the subcommittee's attention to the breakdown in administrative expenses and to the fact that this is a program in liquidation.

I would ask you to note, Mr. Chairman, for example, that for an average number of 19 employees for the next fiscal year, the sum of $18,000 in travel funds is requested. There will be a total of five persons in grade GS–10 and above. The travel funds will total, therefore, $3,600 per permanent person employed. This seems strangely high for a program in liquidation.

I would ask you to note also, Mr. Chairman, the increases in administrative expenses requested. An increase of $2,400 for communications services—an increase of $2,800 for rents and utility services—an increase of $1,900 for supplies and materials—and an increase of $500 for equipment.

I would ask you to note also the increase from 0 to $15,000 in the sums requested for positions other than permanent and the increase of over $17,000—to $64,547—in the sum requested for "other personal services."

It is my hope that the committee will scrutinize this request most carefully and will make this appropriation effective in a manner which will enable the Department of the Interior to comply with the Federal Government's contractual obligations, and will not permit retention of unnecessary personnel.

On another matter, Mr. Chairman, I note that the entire sum of $3,500,000 authorized for adult vocational training and relocation programs of the Bureau of Indian Affairs has been requested by the administration. I regret that more could not be appropriated, but I appreciate that this is the total authorized. A bill increasing this authorization has passed the Senate and is now awaiting action in the other body. I trust that there will be speedy action on it there because I think this is a vital program for the economic rehabilitation of the American Indian. As soon as the increase in the authorization for this program is approved, it is my intention to seek a supplemental appropriation for this purpose. I hope the members of this subcommittee and of the full committee will look with favor on such a request when it is made.

In conclusion, Mr. Chairman, may I make one further comment in deference to the current budget balancing drive and in answer to the inevitable question of "where is the money coming from?"

I believe that the additional funds I have requested for all these vital programs can come through sharp economies in personnel hiring, in cutting out unnecessary frills and expenses in departmental management.

For example, the budget proposes that the Department be allowed to spend over $16 million for travel in the next fiscal year. This is about the same amount as was estimated would be expended in the fiscal year 1960, but an increase of about $600,000 from what was actually expended in fiscal year 1959.

Is all this travel absolutely necessary? Could the Department economize to the extent, say, of 10 percent, thus saving over $1,600,000?

Can the administration preach economy without making certain that every unnecessary cent has been wrung out of the proposed budget? Cannot the administration practice economy in a manner other than by cutting down on programs vital to the economic growth of our domestic economy?

I would also ask the committee to consider carefully personnel increases requested to see whether further increases in personnel are absolutely justified. Of the 350 permanent positions allowed by the House, some—such as for increased education and care of Indian children, for timber sales, and for handling increased visitors to our national forests and parks—seem justified. But the place where I would respectfully suggest that the committee scrutinize carefully the need for additional positions is with respect to the top level management positions. Is the Department getting too topheavy—has it too many chiefs and not enough Indians? Are all the chiefs needed? For example the funds actually expended in fiscal year 1955 by the Office of the Solicitor were $2,500,494. The budget request for fiscal year 1961 was $3,400,000—a requested increase of over $800,000 above the funds appropriated for that same office since 1955 and a requested increase of over $300,000 since the last fiscal year. The House allowed an increase of $157,000 over last year but still an increase of over $700,000 or an increase of almost 33⅓ percent over 1955. Are all these increases necessary?

Therefore, in answer to the questions of balancing the budget and where the money is coming from, may I suggest the adoption by the administration of a policy of economy in nonessential items in the budget and a farsighted policy of sponsoring the inclusion in appropriation acts of sums necessary for the eocnomic growth and development of the Nation.

The PRESIDING OFFICER. Is there further morning business?

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. If there is no further morning business, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the Long amendment to the Dirksen substitute.

Mr. FULBRIGHT. Mr. President, I have spoken on the Stella school district bill. I still regret that this inoffensive school district in Missouri was made the scapegoat, so to speak, the victim of this highly political maneuver, but today I shall address myself to a different aspect of this controversy.

First, Mr. President, I should like to place in the RECORD at this point an editorial from the Washington Post. I would like to take this opportunity to do so because it is not often on matters in this area of public policy that I am able to agree with the point of view of the Washington Post. In this particular editorial of February 19 it says:

If that body—

The House of Representatives—

can agree upon a sound and workable version of the referee bill, added to the Judiciary Committee's provisions, it would be a grave blunder for the Senate to proceed with a different approach that might end in collision and consequent failure. Can't the Senate find a way to get some appropriations and other bills off its chest while the House puts the finishing touches on its civil rights package?

I, of course, do not wish to leave the impression that I approve of the House bill, but I do think that this emphasizes the lack of wisdom in our proceeding to the consideration of the Dirksen bill as offered as an amendment to the Stella bill. I think our efforts a week or 10 days ago to delay, to put off and postpone action by the Senate on this bill were well advised and that it was an ill-considered decision to proceed as we are doing to consider this concoction coming from the various sources and introduced by the junior Senator from Illinois, the minority leader.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG of Lousiana. Is the Senator familiar with the two Supreme Court decisions which were handed down on yesterday?

Mr. FULBRIGHT. Yes.

Mr. LONG of Louisiana. Has the Senator had occasion to look over the decision that came from the district court of New Orleans?

Mr. FULBRIGHT. I only read what was in the morning newspaper. I have not had an opportunity to read the decision itself, but in reading in the press what the court did, my view was fortified that there is no need at all for any additional legislation in this field; if anything, there is need for less.

Mr. LONG of Louisiana. Did the Senator know that the New Orleans decision, as decided by the district court there, undertook to show that where a sample of a number of persons challenged indicated that there had been discrimination in challenging colored voters without challenging an equal number of white voters, although those voters may very well have not been qualified under law, that they nevertheless had to be placed upon the rolls and permitted to vote?

Mr. FULBRIGHT. I did not realize the court had gone that far. I do not undertake, I hope the Senator understands, to justify that legislation upon which the decision was based. I think even that legislation, in its interfering with the local administration of the elections laws, is bad legislation. I meant only to emphasize that there is an ample body of law to protect voting rights. To inject the Federal Government into this area is a mistake.

Mr. LONG of Louisiana. Did the Senator know that in that New Orleans decision the Federal judge undertook to instruct the registrar that he was to report in to the Federal judge about every 10 days and tell him how many people had been challenged of the various races and, in effect, to go over with the Federal judge practically every activity in connection with the qualification of voters that he had exercised periodically?

Mr. FULBRIGHT. I am glad to have that information for the RECORD. It only emphasizes again the great danger of turning over to nonelected, appointed officials the complete supervision of elections. This will clearly provide the beginning, if it succeeds and continues, for a degree of corruption and control of elections far beyond anything we have had since the days of the Reconstruction.

Mr. LONG of Louisiana. Did the Senator know that the New Orleans decision practically had the effect of a Federal judge taking charge of the registration office and telling the registrar, "You are my employee. You just run this office the way I tell you to run it from this day forward"?

Mr. FULBRIGHT. Yes.

Mr. LONG of Louisiana. In view of that decision, can the Senator think of any conceivable additional power that the Attorney General or the Federal courts need, if they have the power completely to take over and take charge of the Federal registration office and run it in their own way, even to the extent of voting people who are not even qualified to vote?

Mr. FULBRIGHT. Exactly. The Senator is quite right. There appears to be authority for even the most extreme degrees of Federal interference. I do not know what more they can do if the district court is upheld.

As I have said, I do not wish to leave any implication that I approve of it, but it certainly shows the lack of need for legislation such as is now being proposed.

Mr. LONG of Louisiana. Does the Senator know that the New Orleans decision involved a situation which developed in the spring of 1959, the Federal district court having taken charge of the case and decided on January 10 of this year, and the Supreme Court having undertaken to affirm that district court decision within 6 weeks of the district court's decision? Does the Senator know that is one of the strange situations involved, wherein the Supreme Court attempted to take jurisdiction over the Federal court case even before the case had been printed and reported?

Mr. FULBRIGHT. The Supreme Court has great interest in it. That is in contrast to the Chessman case. It took 12 years to get that case determined, but if the Supreme Court has something before it which has clear political implications, it seems that it can act almost instantaneously.

Mr. LONG of Louisiana. Does the Senator know that the district court had issued an order so that the circuit court of appeals could look into the decision and see whether it was correct; notwithstanding, the Supreme Court reached over and took the case away from the circuit court and decided it within a few days?

Mr. FULBRIGHT. I do not know of any precedent for that action. I cannot think of any offhand.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. The Senator knows, does he not, that the NAACP handled the case? Those representing the NAACP seem to have access to the Supreme Court which no other lawyers have. Is that true?

Mr. FULBRIGHT. It seems at times that they must have great influence on the Court, certainly. I am not sure whether in this instance it was because the NAACP handled the case or whether it was interest in the forthcoming elections which determined the rapidity with which the Supreme Court considered this case.

Mr. ELLENDER. The NAACP was in charge of the case, and its lawyers were the ones who instigated it.

Is the Senator aware of the fact that in the district court there were no facts shown to indicate the extent to which the laws were violated in the case of 1,300-some-odd Negro registrants?

Mr. FULBRIGHT. As I just said in answer to the question of the junior Senator from Louisiana, I have not read the decision itself. All I have read is the report of it in the newspapers. I am not aware of the details which the Senator has mentioned.

Mr. ELLENDER. Is the Senator aware of the fact that the Supreme Court did not have the facts, but simply granted writs and agreed with the decision of the Federal district court, without having the facts before it?

Mr. FULBRIGHT. I certainly accept the Senator's statement. It does not surprise me very much the Supreme Court should have done that, in view of its previous pronouncements in cases of this kind.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks the editorial to which I referred.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HOUSE TAKES THE BALL

It is very significant that, only 3 days after Senator JOHNSON opened the door to civil rights legislation in the Senate, the House Rules Committee has opened the door in the House. Under the rule that has been approved, the civil rights bill reported out by the Judiciary Committee last August will go to the floor on or after March 10, with ample time for debate and without restriction on amendments. Indeed, the masters of the rules have specifically cleared a path for an amendment adding the plan for vote-guarding referees to the committee's bill. This seems to mean that a strong and positive bill centered on voting rights will have a good chance to pass the House.

Of course this sudden stroke of reasonableness does not mean that Chairman HOWARD W. SMITH and his southern colleagues have undergone a change of heart. Rather, it results from the fact that the Democratic-Republican coalition that so often operates to bottle up constructive legislation is now working in the opposite direction. In yesterday's 7-to-4 vote the Republican members were alined with the northern Democrats for opening the door instead of being lined up with the southern Democrats to keep it closed.

Many factors have contributed to the Republican shift, including the administration's sponsorship of the referee plan, the near success of the civil rights discharge petition, and the increasing public pressure with the approach of the general election. The important thing is that the leaders of the two parties at last seem to be working together toward a common aim and with a substantial measure of understanding as to what the new legislation shall consist of.

With this favorable development on the House side, the approved strategy is to let the House amend and pass its Judiciary Committee bill and then have the Senate approve it in order to avoid the hazards of a conference. This seems to us both prudent and practical. It should be contingent, however, upon the approval of a good bill by the House. If that body can agree upon a sound and workable version of the referee bill, added to the Judiciary Committee's provisions, it would be a grave blunder for the Senate to proceed with a different approach that might end in collision and consequent failure. Can't the Senate find a way to get some appropriations and other bills off its chest while the House puts the finishing touches on its civil rights package?

Mr. FULBRIGHT. Mr. President, I realize that it has become extremely popular to use the South as a whipping boy. It is presumed that there is much political mileage in the procedure.

Members of the House and this body vie with each other as to who can get the credit. The bills aimed at the South would turn back the clock to that sad and unforgettable era of our history when the same arguments were made in this Chamber that are being made today. We cannot bring back the Reconstruction period, but we can easily recreate the divisive forces which tore our Nation asunder during that era. This is being attempted today in this Congress. I cannot conceive any greater threat to the unity of this Nation than the passage of the sectionally coercive measures now before us.

Our Nation is at a stage in history where national unity is mandatory for our survival. We are faced with a threat to our existence. The Russians, I am sure, are taking great delight over the sectional struggle taking place in this country. Any force which tends to divide our people and deter us from attention to the common enemy sacrifices our national interests to the advantage of our adversaries. Political expediency has apparently become paramount to national survival. It is a sad and deplorable spectacle for this body to be a party to such a scheme. There are grave issues confronting the Nation which demand the considered attention of the Congress. And yet these problems remain untouched while the South is given its election year castigation.

Mr. President, as chairman of the Foreign Relations Committee, I had to cancel for this morning, and for tomorrow morning, two important hearings, one of them involving the Brookings report on the organization of our Government, which has been under consideration and preparation for nearly a year. I am sure every other chairman has had to do the same thing. That fact merely indicates how the orderly processes of our Government are being sacrified on this political altar.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. In connection with what the Senator is now saying, is he aware of the fact that yesterday, as chairman of the Committee on Agriculture and Forestry, I had to cancel hearings which had been previously fixed in order to try to bring before the Congress a wheat bill? The Senator, of course, I am sure, is aware of the fact that one of the most pressing problems before our country today is solution of the wheat surpluses. Something ought to be done about huge surpluses of wheat we now have.

I was compelled, because of the present procedure, to cancel those important hearings. As the Senator has just said, I am sure that many other chairmen of committees are in the same situation.

Mr. FULBRIGHT. I know that to be true. As I said, that has happened in my own committee. It is a great reflections upon the wisdom of giving such priority to the pending legislation.

Mr. President, the entire argument over this legislation is in reality a moot question. No additional laws are needed to protect the voting or other civil rights of citizens of this country. There is a plethora of laws now on the statute books to insure that no person is deprived of his constitutional rights. I submit that further legislation in this area is unnecessary and would only be a slap at the South. The end result would be further turmoil and strife, where the real need is for tolerance and patience. This present effort is irrelevant to its avowed purpose. Its significance, if any, concerns the fortunes of the candidates.

Let us examine some of the Federal statutes relating to civil rights. Statutes have existed since the Reconstruction days making it a Federal crime for two or more persons to conspire to deprive a citizen of any right secured to him by Federal law or the Constitution. This law very clearly makes it a crime to deprive a citizen of his rights—including voting rights—guaranteed by the 15th amendment. I quote section 241 of title 18 of the United States Code in its entirety for the information and enlightenment of the Senate:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
>
> They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

This criminal penalty has been in existence for almost 90 years and could be effectively utilized in all conspiracy cases involving voting rights or other civil rights complaints. The institution of suits under this section, with its stiff penalties, would be a real deterrent to any who would engage in nefarious actions of this sort.

Now let us turn to a statute which provides criminal penalties for anyone acting under color of law who deprives a citizen of any of his constitutional or Federal statutory rights. This law provides ample authority for protection of citizens from deprivation of federally secured rights due to actions by State officers. This statute is also directly traceable to the Reconstruction era. The code provision, section 242 of title 18, reads as follows:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

What is to prevent the Attorney General from enforcing this law vigorously and effectively in cases of civil rights complaints?

I will now turn to criminal sections specifically on the subject of voting rights. Section 594 of title 18 provides as follows:

> Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the Office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories and possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

The price for intimidation of voters is high. Is not this section ample authority, if properly used, to protect the right to vote in Federal elections for all citizens? Section 595 covers the interference with the election process by public officials of both the Federal and the State Governments. Succeeding sections cover a wide range of possible abuses of the elective process.

Not only are there ample criminal penalties for deprivation of voting rights but there are also broad statutory provisions for civil actions. Any person acting under color of law who deprives a person of his federally secured rights, including deprivation of voting rights based on his race or color, is subject to a civil action for redress. Section 1983 of title 42 provides that—

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proceeding for redress.

This is an extremely broad remedy providing for both legal and equitable remedies. It extends to bringing suit for monetary damages, injunction proceedings for coercion of any type, or systematized deprivation of voting and other rights. Anyone who feels they have been deprived by a State official of the right to vote, as guaranteed by the 15th amendment, has complete freedom to file suit in a Federal district court under this section.

This is not the only civil remedy available. Let us consider the language of subsection 3 of section 1985, title 42. This provision provides for recovery of damages from two or more persons who conspire to deprive another of his rights, including voting rights. Section 1986 of the same title provides for a civil suit against one having power to prevent a deprivation of rights and who fails to act.

Mr. President, I emphasize that these statutes have been in effect since Reconstruction days. They are in effect now. I cannot conceive that this body of law is not sufficient to insure protection of the rights of all citizens. Severe criminal penalties are imposed for deprivation of civil rights; damages are allowed the complainant; and traditional equitable remedies are available in these

cases. The courts are open, and have been open for almost 100 years, to all citizens who have been denied the right to vote. What can be gained by heaping remedy on remedy? It would be well to hark back to the ancient equitable maxim that equitable relief will not be granted as long as there is an adequate remedy at law. In a similar manner we should not enact laws when the very purpose to be accomplished is adequately provided for in existing statutes. This is indeed an extraordinary way for a nation to build its body of law.

In the preceding discussion I have mentioned only those statutory provisions which were in existence long before the enactment of the unfortunate Civil Rights Act of 1957. It was my contention then, as it is now, that additional legislation was not necessary to protect the constitutional rights of all our citizens. The unhappy events and the subsequent legal turmoil involving application of the provisions of that act have proven the folly of that legislation. It has served only to create further strife and turmoil in an area of human affairs which will never be susceptible to solution by legislation or judicial fiat. Regardless of the practical result of this act, there is now this additional remedy on the statute books for use in voting rights complaints. What did this bill do? I quote the pertinent provisions of the law now contained in section 1971 of title 42:

(a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

The authority conferred on the Attorney General is shocking, and it is not surprising that there are now two cases pending before the Supreme Court attacking the constitutionality of the act. I may say that it is also not surprising that the Court upheld the constitutionality of the act. It follows the pattern of other recent decisions.

I need not dwell on the facts involved in these cases. I merely point out that, shaky and as obnoxious as the law may be, there is this additional device on the statute books for the enforcement of voting rights.

If the charges being made by proponents of the pending legislation were true it would be logical to assume that thousands of complaints would have been filed with the Attorney General under this act. What has been the actual experience? The Attorney General answered that question in his testimony before the Senate Rules Committee. He said:

I might say, Mr. Chairman, that I have been surprised how few complaints we have had, and I would hope that if Congress does give support to these proposals, this one and the one about preserving election records, which is vitally important, that there will be greater effort on the part of the Negro to register and vote, because constitutional rights cannot be enforced unless the people attempt to exercise them.

It is extremely significant that after all this hullabaloo, even the Attorney General, with his well-known prejudice in favor of the proposed legislation, was surprised that there had been so few complaints under the authority of the 1957 act.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. Is it not also true that the cases which have been brought have been stirred up by outsiders?

Mr. FULBRIGHT. I think that is quite true. They were brought by the Attorney General under, I presume, the influence of the NAACP. The Attorney General has certainly appeared to be very sympathetic to complaints in this area, and has welcomed every possible opportunity to act.

It seems very strange to me, Mr. President, that the Attorney General has asked Congress for additional laws on voting rights when he personally admits that the Negroes do not care to pursue the remedies which are already in existence. At least he was honest in admitting his surprise at the lack of complaints about infringement of voting rights in Southern States.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator further yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. Is the Senator aware of the fact that the attorney general of South Carolina appeared before the Subcommittee on Constitutional Rights and testified that not a single complaint had been filed concerning voting registration in my State?

Mr. FULBRIGHT. No, I did not know that, but I am very glad to hear the Senator's statement. The situation is similar to that in my State. I shall refer later to a letter which I received from the Director of the Civil Rights Commission. I am very much pleased to learn that the same condition exists in South Carolina.

Unfortunately, such comments are not widely reported in the press and over the networks. It is one of the great tragedies of our country that the press is so prejudiced in this field that when the Attorney General, important as he is, makes a statement such as the one he made before the committee, there is practically no reference to it in the press. The press reports only the other aspect; namely, those instances where discrimination is alleged. But when the Attorney General expresses surprise that so few complaints have been made, it is necessary to search very carefully in the back pages of the newspapers to find any reference to this side of the problem. As a consequence, the public impression outside the South is that a pattern of wholesale deprivation of voting rights exists throughout the Southern States. In addition, the popular impression is that there are no substantial Federal protections for voting rights.

If anyone will read or take the time to read the RECORD, he will see that there are on the books laws to protect the right to vote. I hope the debate on these proposals will clarify the status of voting in the South. At least, it ought to be clarified so far as the Senate is concerned, even if the true conditions are not reported in the press.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. GORE. I wonder if the Senator has had occasion to read the decision of the Supreme Court on yesterday. If so, what effect does it have upon the scope and effectiveness of the 1957 act?

Mr. FULBRIGHT. I have not had a chance to read anything about it other than what has appeared in the press. I read the newspaper accounts. I have not read the decision itself or the editorial comments upon it. But it is clear that the Supreme Court virtually upheld the act. So it seems to me that the decision clearly makes the present proposal with regard to voting rights a moot question. It strikes me that there is already in existence all the law that could possibly be needed in this field.

To pass another law and another law and another law not only does not promote the objective of the sponsors; I think it is an actual deterrent to the effective administration of justice. There have been many examples in our history of the passage of such laws which were not supported by large areas; for instance, the prohibition law. Does anyone believe that to have passed several more laws to regulate the use of liquor would have made prohibition a bit more effective? Of course not. Similarly, to pile more voting laws on top of those which exist will not cure the apathy of a voter who does not bother to qualify.

The two cases which have just been decided have apparently upheld the existing 1957 act. I cannot imagine why any reasonable person would not say that no further legislation is needed in

this field. There is already more than is needed, in my opinion. I hope that the debate on these proposals will clarify the true status of voting in the South.

Mr. President, it is obvious that the existing Federal remedies are adequate to cover any conceivable situation involving deprivation of voting or other rights. These statutory remedies are available and the Federal courts are open to all. I have yet to hear a valid explanation as to why these laws could not be effectively used. The distinguished legal scholars who signed the minority report to the House Judiciary Committee report on the Civil Rights Act of 1957 expressed the situation very concisely when they said:

It is perfectly clear that the civil-rights laws on the statute books now were sufficient over the years for a united people, and even carried us through two horrible world wars which our country engaged in. It is conceded by the most ardent advocates for civil-rights legislation that each year has brought about a better understanding and climate between the various races, and between the people of different religions in our fair land. If that be true, and it is true, we cannot help but wonder why all of this agitation for further civil rights legislation.

I also refer the Members of the Senate to the dissent by Governor Battle to last year's report of the Civil Rights Commission. I agree with the philosophy and logic of this distinguished lawyer's remarks. I quote:

I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.

I realize that the adequacy of existing laws to protect voting rights is of little concern to the proponents of the legislation now before us. If they would take the trouble to read the hearings before the Judiciary Committee last year and the Rules Committee this year they would find statement after statement by outstanding legal authorities that no additional legislation is needed—or desirable—in this field. I can only conclude that the proponents are so bent on enacting class legislation for supposed political advantage that they have no understanding of or interest in our existing body of law.

Mr. President, the people of my State believe in equal rights under law for all citizens. Our State constitution and statutes contain numerous provisions designed to guarantee and protect the rights of all citizens, be they white, black, or yellow. The sacredness with which the people of my State hold human rights is obvious from these provisions in our constitution:

All men are created equally free and independent, and have certain inherent and inalienable rights, amongst which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness. To secure these rights, governments are instituted among men, deriving just powers from the consent of the governed.

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race, color or previous condition.

We respect the rights of the individual and abhor class or other inflammatory legislation such as that now under discussion in this body. Section 18 of article II of the Arkansas constitution specifically states that—

The general assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

We have fared well observing the basic philosophy expressed in that provision. It would be well for this Congress to follow the same philosophy. There is little doubt that the proposals before us represent class legislation of the worst kind. You would make one race a special favorite of our laws. When the Attorney General is in effect made the legal guardian of the Negro race to enforce their voting rights what is this but the conferring of a special privilege on these citizens because of their race or color? The average American in any section of the country would expect to hire his own counsel and pay costs of litigation to enforce his rights. The good citizens of Arkansas, in order to insure that their legislature would not pass legislation favoring one group, placed a specific prohibition in their constitution against such action.

Mr. President, the charges which have been made in this body concerning deprivation of rights have not been, and cannot properly be, directed against my State. The right to vote in Arkansas, regardless of race, is protected by a wealth of constitutional and statutory provisions. The Negroes of my State vote freely and without coercion. They appreciate the right of franchise and exercise their right without fear of discrimination. The best proof of this fact is the following letter which I received from Mr. Gordon M. Tiffany, Staff Director of the Commission on Civil Rights, and which reads as follows:

COMMISSION ON CIVIL RIGHTS,
Washington, D.C., February 15, 1960.

The Honorable J. W. FULBRIGHT,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I am in receipt of your letter of February 12, 1960, inquiring whether we have voting complaints from Arkansas and whether any such complaints have been investigated by the Commission on Civil Rights.

Please be advised that the Commission on Civil Rights has not received complaints from Arkansas which were considered to be within the purview of section 104(a)(1) of the Civil Rights Act of 1957, Public Law 85-315, 85th Congress, which sets out that:

"The Commission shall investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based."

However, the Commission has received affidavits from Arkansas alleging certain violations of the Arkansas election laws. These affidavits did not set forth that the said alleged violations of the election laws were based on color, race, religion, or national origin, and, consequently, the affiants were advised accordingly.

Inasmuch as the complaints referred to herein did not come within the purview of the Civil Rights Act of 1957, they were not investigated by this Commission.

The Commission on Civil Rights is pleased to be of service to you.

Sincerely yours,

GORDON M. TIFFANY.

Mr. President, after hearing the proponents of the bill of 1957 describe the terrible conditions in the South, is it not surprising that the Commission has not a single complaint from my State? Not that I am surprised, for I know very well that the voting in Arkansas is not based upon discrimination. If there are any defects in the application of the election laws it is simply that which one finds in the application of any law in any civilized community. We have adequate Federal and State statutes to protect voting rights and I am confident that they would be enforced fairly by the courts.

I, of course, am not familiar with the situation in other States, but I can say that there is no racial discrimination in voting in Arkansas. This is clearly shown by the following statistics on sale of poll taxes:

In 1958 there were 64,023 nonwhite purchasers of poll taxes in the State. Of course the great majority of these were Negroes. Over 28 percent of the nonwhite population over 21 has purchased a poll tax. The percentage of eligible nonwhites owning a poll tax receipt ranges as high as 63.6 percent in one county, and in several other counties it is over 50 percent. There is no obstacle to this percentage being higher.

All that is required in Arkansas is the payment of the $1 poll tax, which can be paid or purchased from the county collector by any citizen, regardless of creed or color.

I may say that the poll tax is a very orderly way to establish a registration system in the State. The $1 payment itself goes to the public schools, which are very much in need of funds, and certainly under present economic conditions this tax of $1 cannot be considered a serious burden on the purchaser or any serious deterrent to one's right to vote. In Arkansas, Negroes do take advantage of the right to vote by paying the small poll tax and participating freely in the elections.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator from Arkansas when the poll tax was first imposed in his State. I think in most of the Southern States it was imposed during Reconstruction days.

Mr. FULBRIGHT. I believe ours was first imposed around the turn of the century.

Mr. JOHNSTON of South Carolina. Ours was imposed in 1868, during Reconstruction days. But we removed it in 1948, and today there is no poll tax in South Carolina.

Mr. FULBRIGHT. I have no particular feeling about the poll tax; if the people wish to repeal it, that will be quite all right with me. That matter was referred to our people in 1958; and they voted overwhelmingly to retain it—largely on the ground that it was a reasonable and equitable way to raise funds for our educational system. It was also recognized that it provides an orderly method for registration of voters.

Mr. JOHNSTON of South Carolina. In Arkansas, when a person registers, how long is he qualified?

Mr. FULBRIGHT. It is handled on an annual basis, and there is no cumulative poll tax provision. I believe that in some States there is a cumulative provision with regard to the poll tax, so that if a person did not pay the tax one year, the next year he had to pay for the previous year as well as the current year. But that is not the case in Arkansas.

Of course, in other States it is necessary to go through the registration process in any case, if the States have orderly systems. The registration is not combined with the payment of real estate taxes or personal property taxes. Registration entitles registrants to vote in elections held in the following year.

Mr. JOHNSTON of South Carolina. I should like to ask another question, if there is no objection, and if it is understood that in yielding for that purpose, the right of the Senator from Arkansas to the floor will not be jeopardized.

My question is as follows: Is it not true that there must be some form of registration in order to prevent all kinds of fraud in any part of the country—whether North, South, East, or West?

Mr. FULBRIGHT. That is quite true. I recall reading in the past stories about the padding of registration rolls in St. Louis. I mention St. Louis because it is the nearest large city to my hometown, and naturally my attention was called to it. From time to time the most outrageous padding of the registration rolls has been uncovered in St. Louis—for instance, by the use of names of persons who have long been dead, whose names were taken from the tombstones in the cemetery.

There is no guarantee that any particular registration system will be entirely free of fraud; but, in my opinion, our poll tax system of registration results in a more honest registration than that in many States where there is no poll tax.

Mr. JOHNSTON of South Carolina. I think that is also true in South Carolina. It is true that when a person registers, he is qualified to vote for the next 10 years, provided that he remains in the same voting precinct and county of the State. But it is easy for a person to leave his former residence and obtain a registration certificate in another county and precinct, but still keeps his old one, and then vote in both places—even under the South Carolina system—when we do not require the annual payment of the poll tax and do not require that the voter produce the poll-tax payment receipt. We formerly required the production of the receipt for the payment of the poll tax. That was only a safeguard.

Mr. FULBRIGHT. I agree that the long-term registration systems which permit the voters to vote without annual registration make fraud much easier than is the case under systems which require annual registration. I believe the annual registration systems result in much more honest elections. I think it was under the long-term registration system that the frauds in St. Louis developed. The vote scandals were so notorious in Kansas City some time ago that it caused a national scandal. The scandals there were not due to imposition of a poll tax; those scandals developed because the system used there contributed to the perversion and abuse of the right of franchise.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Arkansas yield further to me?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that in the debates on the floor of the Senate in 1893 and 1894, Senator Berry, of Arkansas, brought out the fact that under the law which had been put on the statute books in Reconstruction days—it was similar to the law that some persons are trying to have enacted at this time, but the law which had been put on the books in Reconstruction days was repealed in 1894—fraud and corruption throughout the Nation were encouraged?

Mr. FULBRIGHT. That is certainly true. Senator Berry was a great man. He came from my hometown; and I represented in the House of Representatives the district from which Senator Berry came. He was considered a very scholarly and fine man and an excellent Senator.

Mr. President, I have had another experience which fortifies my point about the relative honesty of the elections in Arkansas. In 1944, when I first ran for election to the Senate, the race was a very strenuous one. There were five candidates in the race. My principal opponent—who received the most votes, next to the number I received—was the Governor of the State. Governor Adkins had been an associate of the late Senator Robinson, who used to be majority leader of this body. The Governor had in a sense inherited much of Senator Robinson's political prestige. Another one of those in the race was a prominent citizen who was extremely wealthy; he was the president and principal stockholder of the Lion Oil Co. which has extensive operations in the State. Senator Hattie Caraway was also a candidate.

At any rate, there were allegations that irregularities had occurred in that race. The Senate Committee on Privileges and Elections sent to Arkansas a subcommittee which consisted, as I recall, of former Senator Ferguson, of Michigan, who in his day was a well-known investigator; his role in those days was somewhat comparable to the one played today by the senior Senator from Arkansas [Mr. MCCLELLAN]. The subcommittee had as its chairman the distinguished Senator from Rhode Island [Mr. GREEN]. The third member was Senator Radcliffe.

The subcommittee went to Arkansas, obtained all the disputed voting boxes—after a thorough examination, it could not find that any fraud whatever had been committed. The subcommittee was a bipartisan one, and had no reason not to go into the matter in the most impartial way.

The final finding of the subcommittee was that if there were irregularities they were of a minor nature and did not affect the outcome. For instance, a box which contained some of the votes might not have had on it the prescribed lock. In some cases the votes in some boxes were recounted. But the subcommittee could not find that fraud had occurred in the election.

More recently an investigation was made of another election in my State, and a committee of the House of Representatives made a similar finding; namely, that in that election there had been no substantial, material irregularities.

So I submit that over the years the method of registration and the election laws in Arkansas have proved to be just as effective as any other system which has been developed in this country.

As I said a moment ago, Mr. President, in Arkansas the Negroes take advantage of their right to vote by the thousands. It is only individual unconcern or apathy that keeps the number from being greater; it is not caused by any discrimination or interference on the part of the officials or citizens in Arkansas.

Additional Federal laws will not change the attitude of those who do not now care to exercise their right of franchise.

I cannot see how additional laws will inspire in those who do not vote now any greater desire to vote. I think that in a sense even existing laws are irrelevant to the question of influencing more citizens to vote. Perhaps the case might be made that it would be better if more people voted. I have never heard any sound arguments on that point. It has never been proven that there is any particular merit in more people voting—maybe there is—but in any case these proposals are irrelevant to that objective.

Actually, the percentage of people who vote in the national elections in States, which are not subject to the accusations made against Southern States is not very high. As I recall, in the 1956 national election only about 60 percent of the population eligible to vote actually voted. In other words, 40 percent just do not care to vote, and that is the real tragedy. It is not because there is any obstacle to their voting.

I want to digress for a moment at this point to mention an interesting statement from the report of the Civil Rights Commission. On page 52 the question is raised as to why so few Negroes are registered in some areas of the South. The question is then answered in this manner, and I quote:

> Apathy is part of the answer. In Atlanta, from all accounts, Negroes can register freely and 29 percent have done so, but 44 percent of the whites have registered. Similarly, in New Orleans Parish, some 28 percent of the Negroes are registered, compared with 60 percent of the whites. It may be that a

lesser proportion of Negroes than of whites are registered in Northern and Western States. Gallup polls indicate that outside the South the voting turnout of Negroes is less than that of whites; according to the Gallup surveys an average of 53 percent of Negroes voted in the four national elections from 1948 to 1954, compared with a white average of 61 percent.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. The Senator made a very fine statement. Does the Senator know that the records show that of the Negro Members of the House today are elected with the smallest voter turnout of any congressional districts in their State?

Mr. FULBRIGHT. I did not realize that. Does the Senator mean, for example, Congressman POWELL in New York?

Mr. EASTLAND. I mean not only Congressman POWELL, but all of them, and before this debate is over I am going to put those figures in the RECORD. It is apathy. That is what it is, apathy.

Mr. FULBRIGHT. Well, this report from the Civil Rights Commission states that there is apathy on the part of Negro voters, so, in this instance, the Senator from Mississippi and the Civil Rights Commission are in complete agreement. It is merely apathy which keeps more Negroes from voting in the South and, indeed, throughout the Nation.

Mr. EASTLAND. Well, now, the Senator better take that statement out.

Mr. FULBRIGHT. I said in this instance; in this instance.

Mr. EASTLAND. Well, I disagree with anything that they have recommended.

Mr. FULBRIGHT. This is an observation they made.

Mr. EASTLAND. I know, but I also disagree with everything that they have done. I think that it is a Government board that has played politics with the welfare of this country and has tried to cater to the pressure groups in the North to hurt the southern people, and that is true of several southern members of that board. Now, I am not talking about Governor Battle of Virginia.

Mr. FULBRIGHT. Well, I appreciate what the Senator says about those districts. What I thought was remarkable was that even this kind of body would be willing to recognize that apathy is part of the answer, rather than the supposed obstructions put in the way of voting by local people.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. If the Senator will emphasize "even this body," I will agree with him.

Mr. FULBRIGHT. That is right. I just read a letter from the Director of the Commission a moment ago. I had inquired whether there had been any complaints from my State after all this hullabaloo, and there had not been one single complaint which would enable them to investigate any incident of interference in voting from my State. I just received it a couple of weeks ago.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. What did they find?

Mr. FULBRIGHT. They found nothing. There had been no complaint which qualifies as a genuine complaint.

Mr. EASTLAND. Take my State, the State of Mississippi. That is pointed to by people on this floor who fish in troubled waters, who for political reasons will attempt to pit race against race for their political advantage. They have not found an answer to it in my State.

Mr. FULBRIGHT. Well, I am very pleased to hear that. The Senator from South Carolina has just stated a moment ago that that was true in South Carolina.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. There was a suit brought in my State. It was decided against the plaintiffs, and the NAACP did not even appeal, and you know that they have a stacked court in their favor.

Mr. FULBRIGHT. Well, I am very pleased to hear that. According to the letter which I just put in the RECORD, no one has made a case that would even warrant the Civil Rights Commission to investigate it and consider it in my State. So I think that all of that only fortifies this statement, the explanation of the fact that the percentages in many cases, both North and South, of Negroes who vote is not as high as the whites. It is simply apathy. They do not want to vote. They cannot be bothered with it.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. I asked the Senator if he would take the purely Negro districts and compare them, and it proves the accuracy of the Senator's question.

Mr. FULBRIGHT. Well, I had not investigated those figures, but I am very glad to have that addition to my observation. It fortifies the statement I have made regarding apathy by the voter.

Mr. EASTLAND. Would the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Does not the Senator think that the U.S. Senate should better devote its time to the rape, the murder, the mugging, the crimes on the streets of northern cities, rather than point their finger at the South, which is the most peaceful section of the United States?

Mr. FULBRIGHT. Well, I could not agree with the Senator more. I have on various occasions made reference to the deplorable conditions that have developed in the great cities such as New York, Philadelphia, and Chicago. Of course, when we discuss problems of that nature we are told that is a local matter. There is not any question that the rate of crime, particularly crimes of violence, is far greater in the great northern metropolitan centers than in any Southern State.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Well, is that not where the problem is?

Mr. FULBRIGHT. There is no doubt they in these cities do have serious problems. I would only say that I would hesitate for this body to undertake to solve them, because I think that is the responsibility of local communities just as I think these questions are our responsibility.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Let us take the State of Illinois. There was a former gangster named Roger Touhy, who was shot down and murdered. He had a bodyguard, a retired police lieutenant, a former police lieutenant, who was shot. As I remember the newspapers, they quoted the lieutenant, before he was removed to the hospital, as saying, "We have a supersecret government in Illinois," meaning the syndicate.

Mr. FULBRIGHT. Yes, I remember reading it.

Mr. EASTLAND. Do we have that in the South?

Mr. FULBRIGHT. Not to my knowledge. There is certainly nothing like it in my State.

Mr. EASTLAND. Is it not a fact that in the South we have peaceful, harmonious race relations?

Mr. FULBRIGHT. Generally speaking, that is true, except where they are stirred up. I think that statement is generally true. It was true, certainly.

Mr. EASTLAND. And do we have the problem where women have to carry sirens or police whistles when they go on the streets at night, as they do in this city and other northern cities?

Mr. FULBRIGHT. To me, one of the most distressing aspects of this whole matter is the occurrence of so-called muggings and violence. The Senator may remember that the wife of the publisher of the Louisville Courier-Journal was walking in one of the best sections of the city and was attacked. This incident took place near the Sheraton Park Hotel—not in the slums. It is getting so that one does not feel safe to walk on any street in Washington. We also read daily about the very shameful attacks on persons as they walk on the streets in other northern metropolitan areas.

Mr. EASTLAND. Does not the Senator know that law enforcement is breaking down because of racial integration, while in the South we have peace, harmony, and good will, except when agitators from the North come into the South?

Mr. FULBRIGHT. I would say generally speaking that is true with regard to our relations. I will go further and say that was true until recent efforts to have forced integration. For a long, long period there had been very har-

monious relations between the races in my State. There had been no trouble of any kind, even of a minor local nature, until efforts were made to bring about integration by force even to the extent of using Federal troops with fixed bayonets.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. The distinguished Senator knows, does he not, that if it had not been for the undercover activities of the Communist Party and northern agitators, there never would have been discord in the State of the distinguished Senator from Arkansas?

Mr. FULBRIGHT. I think that condition grew out of the Supreme Court's decision.

Mr. EASTLAND. Yes, but it took agitators from the Communist Party.

Mr. FULBRIGHT. I had not had positive information to that effect.

Mr. EASTLAND. Does the Senator know that the senior Senator from Mississippi is chairman of the Internal Security Subcommittee?

Mr. FULBRIGHT. I do know that.

Mr. EASTLAND. Would the distinguished Senator know that there was a picture made of a little Negro girl who walked out and was turned back by a mob and was grabbed by a white woman? Does the distinguished Senator remember that picture?

Mr. FULBRIGHT. At the moment I do not recall the picture to which you refer.

Mr. EASTLAND. That is true. Now, the question is, Does the distinguished Senator know that was a Communist propaganda picture, to be shown all around the world and used against the United States?

Mr. FULBRIGHT. I think this whole succession of very terrible, distressing incidents which have been brought on by the effort on the part of northerners to impose certain conditions on the South could well be taken advantage of by the Communists. I cannot think of anything that could please them more. Whether or not they are smart enough to have inspired it or guided it, I do not know. I am positive they would take advantage of every one of these incidents to try to demonstrate to the world the weakness and deterioration of the democratic system in this country. I do not think there is any doubt about it. That fact is self-evident, it seems to me.

Mr. EASTLAND. Does the distinguished Senator know that there is a university in the city of Washington——

Mr. President, I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. There is a university in the city of Washington that has night schools which have many female students. I cannot call out the name of this person, because she might be punished. I should like to ask the Senator if he knows this as a fact. I am going to read a letter from one of the great schools in the city of Washington, and ask the Senator if it is not the duty of Congress to legislate in this field first:

DEAR SENATOR EASTLAND: In reply to your request, conditions have become so bad in Washington that I have found it necessary for the past 2 years—

This is a director, a dean—

to urge that girls and young matrons attending our evening classes carry with them at all times—

The words "at all times" are underscored—

either a referee's whistle, which sounds very much like a police whistle, or one of the palm-sized alarms—

That is a siren—

which they can use in case they are molested. There have been so many yokings and other offensive things happening to women on the streets of Washington at night that this is about the only protection a woman can have when she is alone.

At the start of each class I urge each student to do the following: (1) To avoid going out at night, but if alone to cross the street if anyone appears to be following her. (2) To keep the doors of her car locked while driving. (3) To hold in her hand ready for use, not in her handbag—

Underscored—

a referee's whistle or an alarm whenever she must wait for a bus, trolley, or taxicab or when walking on a dark street. If every woman would carry one of these devices and use it when the occasion demands the sounds would serve as a warning of her plight and bring others to her assistance.

My question is, does the distinguished Senator from Arkansas realize those conditions exist in Washington?

Mr. FULBRIGHT. I certainly do. One has only to read the newspapers to realize they do, not only in the city of Washington, but in New York, Philadelphia, Chicago, and in nearly all of the other large cities.

Mr. EASTLAND. Will the distinguished Senator yield for another question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Does the distinguished Senator think that the U.S. Congress would better spend its time correcting these conditions which exist in Washington, New York, Newark, Philadelphia, and other cities, rather than point the finger of scorn, for political motives, at the people of the South, who are peaceful and who live under ideal conditions?

Mr. FULBRIGHT. I think the Senator is correct. I think we could spend our time much more profitably for the welfare of this city and the country if we did that. There are many other things I could think of which would be more profitable to the welfare of this country and promote the public interest than to engage in a biennial contest over these strictly political measures.

Mr. EASTLAND. Will the Senator yield for another question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Does the distinguished Senator not realize history has proven that when the races live separately, they can develop their own abilities, and that we shall have a higher economy, a higher standard of living, and a higher civilization by so doing than if we adopt the doctrine of racial integration, which has destroyed the city of New York?

Mr. FULBRIGHT. It certainly has created problems for which no one seems to be able to find the answers. There is no doubt about that. I think the Negro himself realizes it, in most places.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. Did the Senator have occasion to read in the New York World Telegram that three women, including a girl of 13 years of age, were victims in three rape attacks? That news was contained in one article. Did the Senator have occasion to read that article?

Mr. FULBRIGHT. I believe I did. That was last year, as I recall.

Mr. JOHNSTON of South Carolina. Did the Senator have occasion to read that on February 25 of this year the 60-year-old wife of a Presbyterian minister was raped at 80th Avenue and 50th Street, in a subway station in New York?

Mr. FULBRIGHT. I remember these items.

Mr. JOHNSTON of South Carolina. I hold in my hand reports of many other similar instances, but I thought I would call these to your attention.

Mr. FULBRIGHT. Practically every day there are accounts of that nature, especially coming out of New York.

Mr. JOHNSTON of South Carolina. Is it not true that a colored man instigated and is tied in with each of these cases?

Mr. FULBRIGHT. In those cases, yes. However, the breakdown of law enforcement spreads over to a great number of others who are not members of that race. When the enforcement of the law breaks down, it spreads throughout the community.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. EASTLAND. Does the Senator realize that papers in the District of Columbia attempt to hide the real conditions here, the conditions here being the primary responsibility of the Congress?

Mr. FULBRIGHT. I would say that they do not hide them all because I read about a lot of them. They may well hide some. I have no doubt that they are inclined to minimize the problems, but every day we read of such things as the Senator mentioned.

Mr. EASTLAND. When they minimize a problem, do they not hide the impact of the whole question?

Mr. FULBRIGHT. To that extent, yes.

Mr. President, the Gallup polls indicate that outside the South the voting turnout of Negroes is less than that of whites. According to the Gallup surveys, an average of 53 percent of the Negroes voted in the four national elections from 1948 to 1954, compared with the white average of 61 percent. This is, again, confirming the assumption which I think is correct, that it is apathy and indifference, rather

than physical interference or illegal interference with their right to vote, which accounts for this percentage difference.

This frank admission deserves more attention than the mere mention given it in the Commission's report.

Mr. JOHNSTON of South Carolina. Will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. JOHNSTON of South Carolina. Looking at this purely from a psychological standpoint, is it not true that any group of people have a tendency to not join in immediately? When our good ladies were given a right to vote in America, is it not true that for many years very few of them voted?

Mr. FULBRIGHT. That is correct.

Mr. JOHNSTON of South Carolina. Is it not true that we find that while the colored race has, in recent years, been given the right to vote, we find a little apathy among them in that regard?

Mr. FULBRIGHT. That is quite true. It has not been so recently that they have been given the right to vote, but it is relatively recent that education and improved economic conditions have brought to them, and have fostered within them, a desire to vote. They had the right to vote long before they sought to exercise it.

I will cite some statistics in a short while showing the rather rapid increase, percentagewise, in recent years, in the number of Negroes voting in my State. The Senator is quite right in his assumption that as any group first acquires the right to vote, they are not familiar with it, they are timid, perhaps, apathetic, and then they gradually take more and more of an interest in exercising their rights.

It is surprising to me that after 175 years, the total vote in this country is still about 50 percent of eligible voters. That is for all races. However, we must remember that Hitler got out 99 percent of the vote. They all voted "Ja."

I presume that some people can envision Federal registrars, friendly to those in power, who might think that one of these days they too will get 99 percent of the vote.

At least Hitler was able to do it, and I think in Russia they insist on all the people voting. I do not know that there is any particular virtue in that. There should be some concern about whether or not our citizens vote wisely and with some understanding of their responsibilities as voters.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. JOHNSTON of South Carolina. Is it not true that when there were registrars and a law somewhat similar to the one there is an attempt to pass at the present time, they were used to intimidate the voters to vote as a bloc?

Mr. FULBRIGHT. Exactly. And I have no doubt that if the pending proposal shall be enacted, in a crucial election in the years to come, in New York, where there is a fairly even division of the parties, a couple of hundred thousand of our less well informed citizens might be corraled by a Federal referee, in order to win an election. Such things have been done before. In the old days when the immigrants arrived fresh from abroad, they were qualified by the political bosses and voted wholesale.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield to the Senator for a question.

Mr. EASTLAND. Has the distinguished Senator from Arkansas read, as the Senator from Mississippi has, that schools in the Soviet Union are conducted along racial lines? It is said that in reality they have segregated school facilities in the Soviet Union because they realize that children can be better educated among their own people and in their own environment.

Mr. FULBRIGHT. I have read statements to that effect, that there is considerable division along the racial and linguistic lines. I happened to read the other day an article which stated that the Soviet authorities announced they are going to build a new, special university for aliens. They anticipate building one that will accommodate 5,000 people from abroad. This account stated that the aliens attending the University of Moscow are afraid that this means they will be taken out of the University of Moscow and put into this special university.

Mr. EASTLAND. Will the Senator yield for a further question?

Mr. FULBRIGHT. I yield.

Mr. EASTLAND. Does that not mean that they are going to segregate the foreign students, which is not even advocated in the Southern States?

Mr. FULBRIGHT. That was the implication of this story. I read it just within the last week.

Mr. EASTLAND. But is it not true that that results in the segregation of foreign students? They are even going further than the South does.

Mr. FULBRIGHT. Yes; if that comes about, as announced, they certainly would be.

Mr. EASTLAND. Would the Senator yield for another question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Is it the opinion of the distinguished Senator from Arkansas that southern culture, southern traditions and southern people, and conditions in the South, are far superior to those in the integrated areas of the country?

Mr. FULBRIGHT. Well, I certainly prefer our section of the country, and I would agree to what the Senator said with regard to our peaceful, stable society. That is quite true. It is certainly true of my State. I do not wish to be too critical of places like New York, but as far as my own tastes are concerned, I cannot imagine living in the middle of that metropolis, being fearful of my life every time I stepped out to take a walk in the evening. I could not tolerate that kind of environment. It has always been a mystery to me, why so many people want to live crowded into the slums that exist on that little island. It is quite beyond my comprehension.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I am not proposing, however, that we in Congress undertake to tell them how to live there. I think that is a responsibility of the people of New York.

What I ask of them is to have the same respect for our rights to maintain what we believe to be a civilized way of life, free from the violence and fear which the citizens of a place like New York City experience.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. EASTLAND. Does the Senator not realize that certain segments of the population in New York are attempting to force their culture and their conditions on the South, and that in those areas a white woman is not safe on the streets of their cities or in their schools or within the walls of an apartment house?

Mr. FULBRIGHT. I do not know that I would confine it to white women. I do not know that anybody is safe in that city. I would not want to walk down most of the streets on the West Side or East Side, except in broad daylight.

Mr. EASTLAND. Does the Senator realize that they are trying to impose, by the force of Federal power, those identical conditions on southern people?

Mr. FULBRIGHT. Some of those who are promoting this legislation have that in mind. A large part of the others are interested in winning the next election. That is why this legislation is proposed. Some of the supporters of these proposals are primarily interested in enlisting support of and trying to get credit for the passage of it, and are looking to the balance of power in some key States. That is why, in my opinion, the legislation is pending.

Mr. EASTLAND. What is the result? Regardless of the motives, what is the result? Does the Senator know that it would cause trouble in the Southern States, trouble which we do not now have, but which does exist in the State of New York?

Mr. FULBRIGHT. I know it already exists in the South; I do not have to suppose it. It exists primarily because latent passions and emotions were aroused by the 1954 Supreme Court decision. There have been incidents of violence in the South since then which we did not have before the decision.

Mr. EASTLAND. Is that not one of the reasons why we oppose the bill?

Mr. FULBRIGHT. That is the main reason.

Mr. EASTLAND. Is it not true that the other reason is that it is beyond the Constitution of the United States?

Mr. FULBRIGHT. I would agree with that statement. I believe it is in direct violation of the letter as well as the spirit of the Constitution to try to take away from local control the supervision of elections.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that the main purpose of the bill is not simply to provide the right to vote? Are there not many other provisions in the bill?

Mr. FULBRIGHT. I would agree with the Senator. I would agree also with what the Senator from Georgia [Mr. RUSSELL] said yesterday about the bill, namely, that actually what is being done is to incorporate a great many provisions in the bill but to publicize it merely as a right-to-vote bill.

In my State, the Negroes vote. The evidence, as I have already demonstrated, shows that there is no obstruction of the right of Negroes to vote in Arkansas. The right to vote exists in my State equally for all races. Sufficient laws already are on the statute books, both Federal and State, which guarantee and protect the right to vote. The right-to-vote provision is merely the facade behind which it is sought to enact a number of other obnoxious provisions.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. EASTLAND. Is it not true that the claim that this is merely a right-to-vote bill is a fraudulent claim?

Mr. FULBRIGHT. I agree with that statement.

Mr. EASTLAND. Is it not an untruthful claim?

Mr. FULBRIGHT. Yes. The Senator from Georgia [Mr. RUSSELL] has demonstrated by his analysis of the various sections of the Dirksen substitute that it is by no means a right-to-vote bill. That is the least important aspect of the proposal.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that the bill contains an FEPC feature?

Mr. FULBRIGHT. Oh, there is a little of everything in the bill.

Mr. JOHNSTON of South Carolina. Does the Senator not believe that even the executive leaders in the North would be against that feature if only they knew it was in the bill? I recently spoke before the Executive Club in Chicago. There was an attendance of about a thousand persons at the luncheon. I have not found a group who was more opposed to that particular feature of the bill than was that group to whom I spoke.

Mr. FULBRIGHT. I am glad the Senator from South Carolina took the trouble to go out and inform the people of Chicago what the bill provides, because otherwise they have no way of finding out, even from reading of the press. About the only way they will find out what the bill provides is by our going out and telling them. Most of what appears on this subject in the press is a figment of the imagination of the writers.

Mr. President, this frank admission deserves more attention than the mere mention given it in the Commission's report. The words "apathy is part of the answer" have a far-reaching significance. Will the proposals now before us stir the apathetic Negro citizen from his lethargy and induce him to rush to the registrar and the polls to exercise his right of franchise? Assuming that the passage of these proposals will stir our Negro citizens to a greater civic responsibility, would this not discriminate against apathetic white nonvoters? What can we do to insure that these citizens receive similar encouragement from the Federal Government to exercise their rights?

I have proposed these questions, Mr. President, to point out the absurdity of trying to make good citizens by legislative action. Apathy cannot be cured by this means. I submit that this is our real problem in voting in this country, and we could not solve it by passing every one of the half a hundred so-called civil rights bills introduced in the Senate.

Mr. President, the voting requirements in Arkansas are very simple and are set forth in our State constitution. Article III, section 1 sets forth the basic requirements:

> Every citizen of the United States of the age of 21, who has resided in the State 12 months, in the county 6 months, and in the precinct, town or ward 1 month, next preceding any election at which they may propose to vote, except such persons as may have committed some felony been deprived of the right to vote by law passed by the general assembly and who shall exhibit a poll tax receipt or other evidence that they have paid their poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas: *Provided*, That persons who make satisfactory proof they have attained the age of 21 years since the time of assessing taxes next preceding said election and possess the other necessary qualifications, shall be permitted to vote—

In other words, that is the provision which relates to the "baby" voters, who have just become 21 years of age—

> *and provided further*, That the said tax receipt shall be so marked by dated stamp or written endorsement by judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election. It is declared to be the purpose of this amendment to deny the right of suffrage to aliens and it is declared to be the purpose of this amendment to confer suffrage equally upon both men and women, without regard to sex. Provided, that women shall not be compelled to serve on juries.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. JOHNSTON of South Carolina. I notice, from the Senator's reading of the Constitution of Arkansas, that it is necessary to pay the poll tax only preceding an election.

Mr. FULBRIGHT. That is correct.

Mr. JOHNSTON of South Carolina. It is not necessary to pay a cumulative tax.

Mr. FULBRIGHT. The Senator is quite correct. The tax is noncumulative. Actually, the tax is such a small fee that it could be called a registration fee. I suppose nobody would pay attention to it. But because it is called a poll tax, there is a mythological objection to it or prejudice against it. It is of no significance so far as depriving people of the right to vote is concerned. It helps to insure an honest voting registration system. I think it has resulted in a reasonably honest election system in my State. This provision applies to all persons regardless of race. The poll tax mentioned is $1 a year, and can be purchased by anyone, without regard to color, from the county collector.

I might point out also that the poll tax is not cumulative and that it is required only that the tax for the current year be paid in order to enable one to vote. Any citizen of the State serving in the Armed Forces, who is otherwise qualified to vote, is exempt from payment of the poll tax.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. JOHNSTON of South Carolina. Is it not true that the poll tax was not put on the statute books to prevent a member of any race from voting?

Mr. FULBRIGHT. That is quite correct.

Mr. JOHNSTON of South Carolina. Is it not true that the poll tax was used in the Thirteen Original States, even prior to their becoming States of the Union?

Mr. FULBRIGHT. A tax of that nature was in effect in most of the States, as I recall.

Mr. JOHNSTON of South Carolina. I would like to call this to the attention of the Senator from Arkansas: In South Carolina we had a tax not only on the men, but also on the unmarried women, prior to the time when it became a State—showing that we did have poll taxes that were put on our people back even in those days.

Mr. FULBRIGHT. That is quite correct. Incidentally, I also recall that many of the Original States had voting qualifications determined by the possession of property. The citizens had to be responsible businessmen and property owners before they had a right to vote. In the early days of our country the franchise was quite limited. It is only in recent years that the idea that there is something sacred and holy in universal suffrage has gained ground. I do not know what proof there is that the greater the vote the better the result. It seems to me that the results depend more on the quality than on the quantity of the electorate.

I have been very much interested in observing how the attempts of some of the newly independent countries of the world in putting into effect a system of universal suffrage—democracy on the American model—have met with failure; how they have had to revert to a less democratic system, in the sense of a more restricted franchise. One instance that comes to mind is the recent experience in Pakistan. I think that country has tried, in a very conscientious way, to establish a system based upon universal suffrage, but it did not work.

However, that is neither here nor there. The poll tax has not restricted

the voting in any appreciable way, to my knowledge, and I know that in my own State, even in the early days, it did not have that effect.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. JOHNSTON of South Carolina. Is it not also true that our Founding Fathers, in drawing up our Constitution, tried to make certain that the safeguards there set up would prevent the building up of too strong a central government?

Mr. FULBRIGHT. Yes; that is correct.

Mr. JOHNSTON of South Carolina. And is it not true that they gave to the States certain rights and incorporated them into the Constitution? Further, is it not true that one reason for the fighting which we are waging today on this floor is that we are trying to reserve to the States some of the rights which we believe were given to the States in order to make this a stronger Nation?

Mr. FULBRIGHT. The Senator is quite right. There are, particularly, specific safeguards in the Constitution in regard to qualifications of voters. The Founding Fathers had that idea especially in mind, as well as many other rights, when they said that all rights not specifically mentioned in the Constitution as being delegated to the Federal Government were reserved to the States. So that they had in mind both the general reservation of rights to the States as well as specific provisions regarding voting. They recognized the importance of local control over voting, as tending to insure greater responsibility and less likelihood of fraud and domination.

The best example of complete domination of voting, I think, would be Nazi Germany, or, if we could call it voting, in Russia. Germany is a good example, where, through direction from the Central Government, it was possible to get a 98-percent or 99-percent vote, and, furthermore, to make certain that all voters voted the same way.

That may be very fine for those in power, and I can see it has great appeal to those who would appoint the registrars, for example. There is no doubt about that. The Founding Fathers, in anticipation of that human weakness, tried to erect protections against it. One of the principal motives which guided the Founding Fathers in the construction of the Constitution was that of the protection of individuals and the local communities from oppression by the Central Government. That is, I would say, the No. 1 objective of the Constitution itself—the creation of an orderly Government, which could prevent the development of a tyrannical Central Government. Because that is what the Colonies had suffered from, it was logical that that should have been in their minds.

Now, with further reference to election laws in my State, I wish to point out that any citizen of the State serving in the Armed Forces, who is otherwise qualified to vote, is exempt from payment of the poll tax. A poll tax receipt may also be issued to anyone without prior payment of any property taxes which may be due. Arkansas does not require registration as a requisite for voting, although a constitutional provision allows the legislature to enact such a law. The only persons prohibited by law from voting are the traditional exemptions in the case of infants, idiots, aliens, and felons. I shall point out later the specific prohibitions against racial discrimination in voting. Arkansas does not impose a literacy test or property requirements for prospective voters.

I say that with all deference, because I am not at all sure that a literacy test may not be a proper requirement. It seems to me that the complexities of modern life are such that, perhaps, we ought to consider requiring those who exercise the ballot to have some minimal understanding of what it is they are voting about. I can see that it is extremely difficult to draft any such standard, and I do not have any solution. Be that as it may, in my State there is no test of that kind. As I have said, my State has no property requirement for voting. In the days of the Founding Fathers, property requirements were quite common.

Mr. COTTON. Mr. President, will the Senator yield to me for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. COTTON. The Senator from New Hampshire has been much impressed by the statement of the distinguished Senator from Arkansas, and particularly by his observations about the matter of voting. I note that the Senator has stated that, actually, the matter of voting rights, in his opinion, is something of a facade that is put upon the so-called Dirksen substitute; that the voting rights are already pretty well guaranteed in most States in the Union, if I understand him correctly.

Mr. FULBRIGHT. That is certainly the case in my State, and, I think, generally.

Mr. COTTON. I should like to say, as a preface to my next question, that the Senator from New Hampshire agrees with the distinguished Senator from Arkansas when he says that the Dirksen substitute, so-called, goes much further than a naked voting bill; for that reason the Senator from New Hampshire does not accept that as an answer, because the Senator from New Hampshire happens to feel that it is the concern of the Federal Government to insure the right of all citizens to vote, and to make that right a reality.

What I would like to ask the distinguished Senator from Arkansas is this: If the Dirksen substitute were divested of those portions that have to do with social privileges and with economic rights, and if it were confined to a practical and effective voting measure, would that reduce or abolish the resistance of the Senator from Arkansas to the adoption of that measure?

Mr. FULBRIGHT. I would go so far as to say it would reduce it. I have reservations in stating that it would eliminate my opposition altogether. First, let me make it clear that it would reduce it, because I think the most objectionable parts of the Dirksen substitute are not those pertaining to voting. I think the voting provisions are superfluous, and a review of the laws in my State and in the Federal books will demonstrate they are superfluous. But I will go one step further and say that our experience, under similar laws in the Reconstruction period quite clearly proves that not only will Federal interference fail to promote the objective but will actually interfere with it. In other words, I think the remedy here proposed is irrelevant to the purpose. Or, to go even further, I believe it actually would prove to be an obstruction in bringing about an improvement in voting participation—that is, freer and more generally effective voting participation. I am coming to that.

Reference has been made to some of the speeches made in the Senate in 1893 and 1894. In the course of my remarks I shall also refer to them, because I am very proud of the role which my predecessor, Senator Berry, of Arkansas, played in that debate. I may say that not all of the observations made in the course of that debate were made by southerners. Some of the most appropriate and trenchant remarks made in the course of that debate came from Senator Turpie, of Indiana, and from other Senators who did not come from the South.

As I have stated, many of the proposed laws in this field would duplicate the laws we already have. However, I think even these proposals would be great irritants. If they are unnecessary and would defeat their own purpose, it would be foolish for the Congress to enact them.

Mr. COTTON. I hope the Senator from Arkansas will understand my point.

Mr. FULBRIGHT. Oh, yes; and I compliment the Senator from New Hampshire for not being a sponsor of these proposals, because both he and the people of his fine State well understand the realities of life, and often are able to disentangle the meaningful from the meaningless.

Mr. COTTON. I thank the Senator from Arkansas for his remarks not only about me, but also about the people of my State; and I am glad he understands that the entire North is not to be charged by New York City. I invite him to come to New Hampshire and see for himself that we dwell in peace, light, and sweetness.

Mr. FULBRIGHT. I have already been in New Hampshire; and I have the feeling that it is a community which has not been completely overrun by modern mechanization as have metropolitan areas such as New York City.

Mr. COTTON. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. COTTON. I ask the Senator from Arkansas to yield for a question, because I do not want to be accused of filibustering.

Mr. FULBRIGHT. Oh, no; we are not filibustering.

Mr. COTTON. So I shall quickly reach my point: If the proposed civil rights bill—whether it turns out to be known as the Dirksen substitute, or whatever may be its origin or its composition—were confined to dealing with voting rights, and if, in addition, it provides that any person in any State who desired to vote should not receive the intervention of the Federal Government in the absence of intimidation unless and until he or she had exhausted all the resources or recourse at his or her disposal under the State law, and that then the intervention by the Federal Government should be by the Department of Justice, rather than by any Federal officials designated and sent into the State, would that enable the Senator from Arkansas to accept the bill?

Mr. FULBRIGHT. Actually, if I correctly understand what the Senator from New Hampshire has said, I believe that is what the law now amounts to.

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. I must remind the Senator from New Hampshire that I was not able to vote for the 1957 act, but it was passed and is now on the statute books. It is already being applied and enforced.

So, Mr. President, for the life of me I cannot see that what the Senator from New Hampshire is advocating adds anything to existing law.

In what respect does the Senator from New Hampshire believe that what he has just now described differs from or improves upon the 1957 act? In other words, what cannot be done now that could be done under what the Senator from New Hampshire has described.

Mr. COTTON. In the first place, there is the matter of the preservation of the records.

Mr. FULBRIGHT. I certainly have no objection to preservation of the records, if that is what the proposal comes down to.

Mr. COTTON. The Senator from Arkansas does not object to that?

Mr. FULBRIGHT. I have no objection at all to preservation of the records. I think it is perfectly proper to preserve the records; and generally speaking, that is the practice. Certainly I have no objection to preservation of the records, if that is all that is desired.

Mr. COTTON. And the other is protection from discrimination and violence.

Mr. FULBRIGHT. I think that is already provided for. The laws in Arkansas are as strict as the proposed Federal law, and the Arkansas laws provide for penalties as heavy as those called for under the proposed Federal law.

I think the basic question is, How would the proposed new law be enforced?

In Arkansas, voters are given protection by very complete laws, both Federal and State. What appeals to me about the statement of the Senator from New Hampshire was his declaration that he would not favor having Federal officials go into a State before such persons had exhausted their rights under existing law.

Let me ask the Senator from New Hampshire, are there not now ample legal remedies which can be pursued by voters whose rights may have been infringed?

Mr. COTTON. I, for one, am most jealous about having the Federal Government expand its activities within the States. But so long as State laws—and I am not now referring to Arkansas or to any particular State—on their face appear to conform to the 15th amendment and appear to grant full voting privileges, but, nevertheless, in practice certain tests are applied and a certain system is followed, with the result that, in fact, such State laws or voting systems do not, in fact, conform to the provisions of the 15th amendment, then, and only then, it would seem that the Federal Government—and it was just 90 years ago on the 20th of this month that the 15th amendment was adopted—should take the position that the time has come—and I, for one, am not interested in getting the Federal Government into some of the fields which were opened up only 6 years ago—I refer to the fields of social privileges—but the time has come to make very sure that the right to vote for all citizens will be provided for not only on paper, but also as a reality.

I do not want to take too much of the time of the Senator from Arkansas; but I wish to make sure that I understand his position in that respect.

Mr. FULBRIGHT. The Senator understands it, because my position is that I am perfectly willing to accept any reasonable guarantee in connection with the right to vote. I think that has already been achieved in Arkansas and that there is adequate Federal and State law in this area.

I am not sufficiently familiar with the situation in other States to be able to speak on it with authority. If there are States with systems such as the one the Senator from New Hampshire has described—that is, where a voter has exhausted every remedy available to him and yet it is quite clear that discrimination does exist, I think it would be proper to provide some right of appeal.

However, it is my position that protection is already provided in existing law.

In that connection, Mr. President, I read now from Public Law 85–315, 85th Congress, House bill 6127, enacted September 9, 1957.

The title of that act is "To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States."

Part IV of that act is entitled "To provide means of further securing and protecting the right to vote."

In that connection, I emphasize the words "further securing" because the statute books have on them countless Federal and State laws which attempt to achieve that very purpose; but this act is the very latest one in that group.

I now read from part IV of the 1957 act:

SEC. 131. Section 2004 of the Revised Statutes (42 U.S.C. 1971), is amended as follows:

(a) Amend the catch line of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, four new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right of privilege secured by subsection (a) or (b), the Attorney General may institute for the United States—

It seems to me this is the point to be considered in connection with what the Senator from New Hampshire has said—

or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

There is still some more to that, but I submit that this law, and other statutes, accomplish what the Senator has as an objective. The point I was trying to make in the early part of my remarks is that additional laws are utterly superfluous.

Since that is true, is it not logical to conclude that protecting voting rights is not the real purpose of this legislation? They are using the voting cry because it has wide appeal; as it has to the Senator; as it has for me; as it has for everybody. They are using the voting right label as a facade, as a blind, to obscure a lot of other things which will not stand close scrutiny. That is what I object to. I do not ordinarily criticize the press. I have great sympathy for the press, and in many areas I think they are objective. But I submit that in the editorial which was commented on, it flatly says that this is just a measure to procure the right to vote. It is simply not so. This is an absolute perversion of the truth, and it grieves me to see a great newspaper misrepresent a matter so flatly on its editorial page.

I know that none of us can avoid mistakes, but it is difficult to believe that they are merely mistaken in a matter as obvious as this.

Under the authority enacted by Congress in 1957 the Attorney General has instituted four cases, I am informed, demonstrating again how lacking in substance all this controversy is. If those are all the complaints he could develop in this time, it only emphasizes that there is no substance to the contentions of the proponents of this legislation. This is a political maneuver that arises every election year. When an election rolls around, they get excited about this nonexisting evil.

If I understand the Senator correctly, I cannot say that I have no objection to what he proposes. I say voting rights are already amply protected by existing law and I could not support passage of superfluous legislation in this area.

No one in my State objects to the Negro's exercise of his right to vote. They do vote, and we welcome them to vote as any other citizen. What I am concerned about is the education of our voters to enable them to vote intelligently. I think we ought to be concerned about educating our citizens of all colors, creeds, and races to exercise some discrimination when they go to the polls. What has distressed me more than anything else in recent years, is the lack of discrimination shown in some very important instances by those who do vote. I am much more interested in providing the citizens of all races with a far better education than we presently provide.

I yield to the Senator from New Hampshire.

Mr. COTTON. I appreciate the Senator's statement, and I shall continue to follow the rest of his statement with complete attention, and I know I have been following with careful interest his statement about the complete adequacy of the laws and of the enforcement of voting rights throughout the South and everywhere else, and I am not one who is crusading about the South, but I cannot refrain from saying that, in answer to the suggestion about the compromise measure that was finally passed a couple of years ago and its effectiveness, I am reminded very much of the familiar incident, with which I know the Senator is familiar, of the man who called up his lawyer and said he was in jail and how they put him in and the lawyer said, "They can't do that," and he said, "well, I am here. They did." [Laughter.]

And in spite of all these fine laws, I am wondering if the Senator really would indicate on the floor of this Senate that there was no discrimination anywhere in the matter of voting rights.

Mr. FULBRIGHT. Well, I do not suppose that it is possible for anyone to say that there is not any perversion of the law in any field. I cannot say that there is no place where every murderer is not brought to the bar of justice. I cannot defend the extended course of the judicial proceedings in the Chessman case. I think it is a terrible reflection upon the efficiency of our judicial system. I can say that, to the best of my knowledge, there is no discrimination between the races in the matter of voting in Arkansas.

I cannot say that there has never been a single instance where a person has said, "You so-and-so, you must not vote." If such a thing has happened, I can assure the Senator that they have only been isolated instances.

The statistics indicate, and I know personally, that Negroes do vote in Arkansas when they want to vote. As the report of the Civil Rights Commission indicates, there is greater apathy among the colored citizens of many States than among the whites. I say that this is to a great extent a matter of education. I think many of them do not care about voting unless somebody stirs them up. They have not yet developed any particular interest in, or understanding of, many of the issues which are involved in voting. They do not care about them, but that is also true of many whites. As I pointed out, only 60 percent of those eligible voted in the last presidential election. That means there are millions of white people in this country, who have had all the advantages, who do not vote.

Well, why do they not vote? They are not interested. I say the real answer to this, if there is any answer, lies in the field of education, not legislation. You cannot legislate a desire to vote. You might inspire nonvoters if you educated them to the point where they understood the significance of freedom; that the continuation of this system depends upon their participation. I think it is possible. It is the only hope for the continuation of our form of government.

Mr. COTTON. The Senator is a distinguished educator, and I am fully appreciative of his statement. However, there are various forms of education. I would hate to find myself unable to vote in my county because I was unable to answer a question as to how many rooms there are in the county courthouse.

Mr. FULBRIGHT. Well, no such test is required in my State.

Mr. COTTON. I cannot do it. I merely wanted to say I would not consider that the kind of education we need——

Mr. FULBRIGHT. I do not either. That is an irrelevant and unjustifiable test. As I stated very plainly, there is no kind of literacy or property test in my State. In Arkansas, we do not have any obstruction to Negroes voting whenever they want to vote. The statistics indicate a very rapid increase in participation of the Negro citizens in the voting process in my State. I think that fact is more the result of education than anything else. It did not come about because of the removal of discrimination; it came about because they have been developing a desire to vote. They are getting a better education than ever before. We have spent a lot more proportionately on the improvements of education for colored students for a number of years in my State than we have on white students.

Mr. COTTON. I will terminate my discussion——

Mr. FULBRIGHT. I do not wish the Senator to terminate it.

Mr. COTTON. I will terminate it with a comment that will please the Senator, because he has been so kind, by giving him a little ammunition, because I do not want to be accused of sailing under false colors. Even though I will not go all the way with the Senator, I will tell him that the State of New Hampshire has for many, many years had a poll tax as a prerequisite to voting, and still has. So that, in some fields, the pot cannot call the kettle black.

I wanted to give the Senator that bit of ammunition so that he could behead me, if he wished to, at this time.

Mr. FULBRIGHT. No. I am very pleased. I can see that is why New Hampshire has had such discriminating, intelligent representation in the Senate. That is probably one of the principal reasons for it. I did not know, as a matter of fact, that the State of New Hampshire had a poll tax. I often wondered why New Hampshire had such superior representation in this body, as compared to some of the other States.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Ohio for a question.

Mr. LAUSCHE. The Senator from Arkansas a moment ago read from section 131. Part 4 of that section provides means for further securing and protecting the right to vote. The language which he read is as follows:

> No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote.

In examining that language, I conclude that the acts which are prohibited are ones that involve threats, intimidation, coercion, and other acts that bring fear upon a person.

Having in mind that language, I should like to direct the Senator's attention to section 1509 of the proposed Dirksen substitute. It reads:

> Whoever corruptly—

I direct specific attention to that word "corruptly"—

> Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree,

And so forth. My query is, if the Senator has studied this provision adequately, Why is the word "corruptly" included in this section, though it has not been included in the section that the Senate adopted 3 years ago?

I read the language again:

> Whoever corruptly * * * willfully prevents, obstructs, impedes, or interferes.

Does that language mean, under this section, no intimidation, threats, coercive acts, or otherwise, are required to constitute a violation? And if it does mean that, does it not very nearly go to the right of free speech when it states that "whoever corruptly, willfully prevents, obstructs, impedes" the execution of an order shall be guilty of a violation of the section?

Has the Senator studied the provision adequately to analyze the thinking which I have just presented?

Mr. FULBRIGHT. I will say to the Senator that one of the fundamental evils of this whole procedure is bringing before the Senate a bill which has not been subjected to extensive hearings and opportunity for adequate study. As the Senator knows, I saw this bill, as he did, for the first time only a short time ago.

The Senator has emphasized the word "corruptly." What significance does the word "corruptly" have in this connection?

Usually the word "corruptly" has overtones of bribery or some form of

breach of trust. For example, if the Senator from Ohio, or if I, in our capacity as Senators, should accept bribes to vote a certain way, we would be called corrupt Senators. It is that type of thing. Here it is used in connection with the refusal to carry out a court decree or to prevent it from being carried out. I think the word "corruptly" is inappropriate under the circumstances. What those who advocate this legislation are getting at has nothing to do with voting; it has to do primarily with integration of the schools.

That is one of the reasons why this measure ought to be subjected to thorough study by the appropriate committee. I think it is impossible to ascertain what it means in a debate on the floor of the Senate.

Mr. LAUSCHE. May I proceed further?

Mr. FULBRIGHT. Yes. I yield to the Senator for a question.

Mr. LAUSCHE. Now let us omit the word "corruptly" and say "whoever by threats or force." That language is simple.

Mr. FULBRIGHT. Yes.

Mr. LAUSCHE. Or "whoever by any threatening letter or communication." That language is simple. In both of those disjunctive phrases, threats and violence and coercive acts are implied.

Mr. FULBRIGHT. That is right.

Mr. LAUSCHE. Let me read the language again:

> Whoever (either) corruptly, or by threats or force, or by any threatening letter or communication.

Is this not the real meaning of that language: "Whoever corruptly willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent the execution of an order?"

If an editorial should be written that a judgment were wrong and that the decree should never have been imposed, and there were doubts whether the decree ought to be obeyed, would an editorial of that type come within the meaning "Whoever corruptly willfully prevents, obstructs, impedes, or interferes with the execution of an order?"

Mr. FULBRIGHT. As I say, what the word "corruptly" signifies here, I do not know. If it has some special meaning there, I do not know what it is. An editorial might very well qualify under the language "willfully impedes, obstructs, or prevents." There is no definition of the word "corruptly" in the bill. It is too vague and imprecise.

Mr. LAUSCHE. Does the Senator observe that the word "corruptly" is not in the language of the act of 1957?

Mr. FULBRIGHT. That is correct. This language has a meaning to me that is quite inappropriate to the apparent intent of that section. I think the 1957 act is clearer and more specific. If we are to have any law on this subject, the language should be much better than this. Of course, what those who are behind this proposal are trying to get at is something far beyond what is before the Senate, as I think the Senator knows, and I think they have been very careless in their drafting.

I wonder what the sponsor of the legislation meant to convey by the word "corruptly"?

Mr. LAUSCHE. I have been trying to analyze in my own mind its meaning, because in the law the words "threats," "intimidation," "coercion," are commonly understood. The next elevation or the next level is actual carrying into effect of the threat, the intimidation, by force and violence.

Therefore, if in this section those commonly understood words had been used, "whoever by threats, force, or by threatening letter or communication," it would be clearly understandable. But they have gone one step further and have said "whoever corruptly, willfully, prevents." What was intended to be covered by that type of language, I do not know.

Mr. FULBRIGHT. I do not, either. I have no explanation of what they intended by that particular language. If it is not something different from the language in 131, there is certainly no use enacting it, that is, with regard to voting.

Of course, it is quite clear they are going far beyond that. This is one of the most objectionable of the provisions. It goes far beyond voting and has no real relation to voting. I do not think it ought to be in the measure at all. But I cannot enlighten the Senator as to what the sponsors had in mind by that particular language, "whoever corruptly, willfully, prevents." I do not know what "corruptly" means there.

Mr. LAUSCHE. Will the Senator yield further?

Mr. FULBRIGHT. I yield for a question.

Mr. LAUSCHE. I assume that the word "corruptly" was placed in the section either inadvertently or with design. If it was placed in the section with design, and is not related to threats or force, what category of wrongs it covers I am at a loss to understand. Some way or other that ought to be cleared before we pass on these measures.

Mr. FULBRIGHT. The Senator is absolutely right. The way it ought to be cleared is to refer it to a committee and let the professional staff of the committee go over the measure, as we do all other legislation. I think this is an utterly irresponsible way to try to legislate. I have the greatest sympathy with the inability of the Senator from Ohio to understand it.

Mr. ELLENDER. Will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator for a question.

Mr. ELLENDER. A while ago the Senator made a very important point, indicating that Negro registrations have gone down since all of these laws have been advocated—since the agitators have been at work muddying the waters. As I remember, the Civil Rights Commission's report supports that conclusion. I wonder if the Senator will discuss that matter further.

Mr. FULBRIGHT. I think the Senator may have misunderstood me. I do not believe my figures show that generally. I was making the point that the reason why there is no greater registration is not, in my opinion, due to any obstruction by the authorities, but it is because of apathy, because they do not want to register and vote. The report of the Commission so states. It is an apathetic indifference rather than because of any obstacle, either in law or by interference by local people.

I do not believe I have the figure showing that the registrations have actually fallen. The figures on the vote in 1956, according to my information, show that there were eligible voters to the number of 102,144,000 and only 62 million voted. So there were over 40 million people eligible to vote who did not care to vote. That is what I meant by apathy about it.

The cure for that is not more laws, or sending in more meddlesome people. The cure for that is educational in its broadest sense, education for responsibility. And I would hope that while they are about it they would educate them to exercise a sense of discrimination as to who to vote for. It is of no particular good to have the people vote unless they understand what they are voting for, the issues, the parties, the significance of the parties, and the qualities of the people.

I do not believe I have the figures as to whether or not there has been an absolute decline in numbers.

Mr. ELLENDER. I sent for a copy of the Commission's report, and, as I recall, there has been a decline ever since these proposed laws have been submitted to the Congress.

Mr. FULBRIGHT. I happen to have the figures with regard to the payment of a poll tax by Negroes in my own State. In 1958 there were 64,000-plus; in 1959 there was an increase of 8,581, or an increase percentagewise of 13.30 percent, a very substantial increase. I do not cite the figures to suggest that that has anything to do with the law. This has been a trend that has been going on for some time.

Negroes have been voting quite freely in my State. This is not attributable to the 1957 law. The trend started before that was passed. It is attributable to the improvement in the educational facilities, in the quality of education within the State. That is my opinion.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG of Louisiana. Does the Senator know that with regard to a great number of these newly registered voters being placed on the rolls in large numbers, many of those people know practically none of the people running, or maybe one or two, and sometimes none of the people whose names appear on the ballot?

When they are taken to the polls, they are just told to take a certain sample ballot and vote the white sample ballot; that sort of thing.

Mr. FULBRIGHT. Yes.

Mr. LONG of Louisiana. I wonder if the Senator heard of a situation that happened in Louisiana, where a lot of colored people were told to go and vote in a particular parish, where a large

number had just recently been registered? They were told to vote the white ballot. But some fellow who was working for the opposite side, working at the polls, had a bunch of green ballots of the opposing ticket and he said, "Before you vote your white ballot, you have to turn it in and trade it for a green ballot." So they proceeded to take the green ballot and voted it instead.

Mr. FULBRIGHT. That illustrates, I think, the point I made, that it is much more important to enable these people of both races to know what they are voting about than it is to be so concerned about more of them voting. There is, however, an increase, and a rather substantial increase, in the number of those who are qualified to vote, and who actually vote in my State.

Mr. BYRD of Virginia. Will the Senator yield?

Mr. FULBRIGHT. I yield to the distinguished Senator for a question.

Mr. BYRD of Virginia. The distinguished Senator from Arkansas has stated that no obstructions exist in Arkansas with respect to the Negroes voting. I should like to say that there has not been a single complaint in the State of Virginia, in my recollection, and I have been in public life for more than 40 years, that any Negro could not register as he pleased. There is no obstacle. All he has to do is sign his name. That is the only thing he has to do to register in Virginia

When he does that, he is registered for life. He does not have to reregister. We have today qualified in Virginia approximately 140,000 Negroes who can vote, all of those who have paid the poll tax, which is $1.50, which the white people are required to pay, and which goes to support the public schools for the education of the children of our citizens.

Of all of those who have registered simply by signing their names, there has not been one single instance on record when a complaint has been made that a registrar denied a Negro the opportunity to vote.

Mr. FULBRIGHT. I am pleased to have that contribution from the Senator from Virginia. That is very similar to the experience in my State. I have not been in public life as long as has the Senator. I did read a little earlier a letter from the Civil Rights Commission. I had inquired if there had been any complaints from my State under this law and they said "No," there had not been a valid complaint under that law.

Mr. President, Arkansas does not impose a literacy test or a property requirement for prospective voters. However, if such were the case, I can assure Senators that the test would be applied fairly, without regard to race.

I also want to mention that the constitution of my State specifically prohibits the imposition of any religious test as a qualification for voting or holding office.

Can anyone contend that these requirements are onerous, or impose an unfair burden on a person because of his race? If so, let us examine the extensive protections with which Arkansas has surrounded the right to vote. The constitution of Arkansas provides in section 2, article III:

> **Elections shall be free and equal.** No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law; upon lawful conviction thereof.

This provision very clearly states the common belief of all citizens of Arkansas that no eligible person shall be deprived of his right to vote. This provision has been in our constitution since 1874 and represents a fundamental aspect of my people's attitude toward the right of suffrage. Other constitutional provisions show the regard with which the citizens of Arkansas regard the right to vote. Section 4 of article III provides that:

> Electors shall, in all cases (except treason, felony and breach of the peace), be privileged from arrest during their attendance at elections and going to and from the same.

That is a very special protection against interference at a time of election.

Section 11 of the same article provides:

> If the officers of any election shall unlawfully refuse or fail to receive, count or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contest arising out of said election.

In the event a person is unlawfully deprived of his right to vote, for any reason, his vote will be counted in any resulting election contest. Our constitution also states that anyone violating any of the State election laws shall be guilty of a felony.

This is not merely a minor offense. Anyone who violates the State election laws shall be guilty of a felony.

These constitutional provisions are implemented by numerous statutes. Section 3–1414 of the Arkansas Statutes makes it a misdemeanor, punishable by a $500 fine for interfering with or intimidating any elector in a primary election. The applicable parts of this statute read as follows:

> It shall be unlawful for any person to make any threat or attempt to intimidate any elector or his family, his business or his profession, and it shall also be unlawful to attempt to prevent any qualified elector from voting at any primary election. Any violation of any of the provisions of this section of this act shall be deemed a misdemeanor and punished by a fine not exceeding $500.

The succeeding section makes it a felony, punishable by a maximum of 3 years imprisonment to coerce, or intimidate a voter in any general or special election. These two statutes are ample protection against attempts to intimidate qualified voters in the exercise of their right of franchise. Section 3–1506 of the Arkansas Statutes supplements these two provisions by providing an alternate criminal penalty for cases involving deprivation of voting rights. This provision reads as follows:

> Any election officer appointed under the provisions of this act who shall fraudulently and corruptly permit any person to vote illegally or refuse the vote of any qualified elector, cast up or make a false return of said election, or any person who shall intimidate or prevent any elector by threats, menace or promises from voting, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary not less than 1 nor more than 5 years.

There are many other Arkansas statutes relating to voting rights. For example, a fine of $100 may be imposed on any person who deceives an illiterate voter; it is a misdemeanor for an officer to charge any person more than $1.00 for a poll tax. The entire voting machinery in Arkansas discriminates in no way against a person because of race or color. All States have their own body of law protecting the right of suffrage. I have not made a detailed analysis of the statutes in other States but I can assure the members of the Senate that Arkansas protects the right of franchise—for all races——

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. LONG of Louisiana. Does the State of Arkansas have any kind of intelligence test or literacy test, either directly or indirectly?

Mr. FULBRIGHT. It does not. It has no literacy test of any kind. So far as I know, it never has had.

Mr. LONG of Louisiana. Is a person required to be able to read or write in order to be qualified to vote in the State of Arkansas?

Mr. FULBRIGHT. He is not.

Mr. LONG of Louisiana. How does the State manage to make certain that the voter can cast an honest ballot and guarantee the secrecy of it if he is not able to read or write?

Mr. FULBRIGHT. I think that may well be a weakness in our system. As I said before, I think we ought to be much more concerned about having qualified voters, voters who understand what they are doing, than in having everyone vote regardless of his qualifications. As a matter of fact, Arkansas law does not provide for a literacy test. If a person qualifies under the residence requirement and pays his poll tax, he can vote, regardless of his literacy or his property holdings. He does not have to have any property at all. If he pays his poll tax and can mark his ballot, he is considered eligible to vote. I do not know what the problem is when he cannot sign his name.

Mr. LONG of Louisiana. Does the Senator from Arkansas recognize the problem which Louisiana has experienced in assuring honest elections, and in trying to prevent vote buying and other corruption, so as to make certain that the commissioners would not be in a position to go inside the booth with a voter, which seems to be a somewhat essential part of vote buying or other corrupt tactics?

Does the Senator not realize that so long as the law permits another person to go into the voting booth to assist a voter, the door is thereby left open for a considerable amount of vote buying and corruption?

Mr. FULBRIGHT. When that happens the ballot is no longer secret.

Mr. LONG of Louisiana. Is it not true that if a person was seeking to corrupt an election or to buy votes on election day, he could never know whether he was actually succeeding in buying votes or whether the voters were taking his money and then voting their own convictions, unless he had some way to know how they cast their ballots?

Mr. FULBRIGHT. The Senator is correct.

Mr. LONG of Louisiana. Does the Senator see how, if people are permitted to vote who are unable to read and, therefore, request someone to go inside the booth with them, the door is thereby left open for the type of corruption that all of us who are interested in good government would like to prevent?

Mr. FULBRIGHT. The Senator is quite correct. That is one of the things I had in mind when I said our real concern should be over the qualifications of the voter, and that he should be educated at least to the point where he can read and write, so that he knows what he is voting on.

Mr. LONG of Louisiana. Mr. President, the Senator realizes, does he not, that if the voter cannot read the names on the ballot or the names on the voting machine, then the person is almost incompetent to be able to cast a vote for the candidate of his choice, even if he knew who the candidate was?

Mr. FULBRIGHT. The Senator is quite correct. It is a perfect opportunity for influence by whomever happens to be in charge of the voting. This is a very good example. It is questionable whether persons who cannot read in these days, and cannot inform themselves about the issues, are qualified to vote. I think it is very questionable although, as I said, in my State there is no such literacy qualification.

Mr. LONG of Louisiana. But does the Senator not recognize that if the person cannot read, and is, therefore, unable to apprise himself of the issues involved, then such person is unable to know what the real issues are, and would not be likely to care, with the result that if someone offered him $5 to vote a particular ticket or to vote a certain way, such person would likely take it, unless he was very scrupulously honest?

Mr. FULBRIGHT. He is quite likely to take a dollar or anything else that is offered to him. That is quite right. That is a perversion of the democratic process. As someone once said, this kind of voting occurs in a democracy that is running amuck. This is the last stage before it deteriorates into some other form of government, if it becomes too prevalent.

Mr. LONG of Louisiana. Would the Senator not agree that it would be especially bad to have a great number of votes of that sort being cast in close elections, when one side or the other could swing the election by buying up a considerable number of poor, illiterate, ignorant persons who did not know what they were voting on and did not understand?

Mr. FULBRIGHT. I certainly do agree. There is that danger.

Mr. LONG of Louisiana. Would the Senator not agree with me that, in most instances where such conditions exist, the election is, in effect, bought by the side using money to buy the voters, and that the side which wins is, invariably, the more corrupt of the two?

Mr. FULBRIGHT. That is correct. The probable result is that the more corrupt is the victor, under those circumstances. The Senator is quite right. I thank the Senator for his observation.

Mr. President, our voting requirements are lenient and impartially applied. The penalties for violation of our election laws are adequate and are applied impartially regardless of the race of the complainant.

I have already discussed the Federal and State penalties for deprivation of a citizen's voting rights. However, I have not mentioned a time-honored remedy available in Arkansas courts and in the courts of every State in the Union. The writ of mandamus is one of the oldest remedies of our common law system. Black's Law Dictionary defines it as:

> A writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative, or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived.

The writ is defined in section 33–102 of the Arkansas Statutes as:

> An order of the circuit or chancery court granted upon the petition of an aggrieved party or the State when the public interest is affected, commanding an executive, judicial, or ministerial officer to perform an act, or omit to do an act, the performance or omission of which is enjoined by law.

It is clear from the language of this provision that a petition for a writ of mandamus would lie to require an election official to perform his duty to allow all eligible voters to exercise their right to vote. I am sure that a similar right exists in State courts throughout the land. What legal remedy is more simple than this one which is as old as common law itself? It is the duty of election officers to allow all eligible voters to exercise their voting rights. If they fail to do so they are not performing their functions as required by law. I cannot conceive of a more appropriate fact-situation for application of a writ of mandamus. It could be used appropriately for failure of an official to sell a poll tax upon proper demand or upon failure of an election official to allow a qualified voter to vote. The remedy is adequate and it is available to all, regardless of race. Our judicial system is sound; our courts apply the law without regard to color.

In any case, if it is not sound, the remedy is not to pass more and more law.

I think that some legitimate observations could be made to the effect that the existing laws have not been utilized by the persons in interest. That reminds me of the exchange I had with the distinguished Senator from New Hampshire earlier today in which I said the laws are on the books; they simply are not used.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield to the Senator for a question.

Mr. LONG of Louisiana. Does the Senator know that with regard to this recent case, in which the decision of the Supreme Court was handed down yesterday, the person whose voting rights had been challenged had either filled out his application improperly or misspelled words which would cause him to be not properly qualified under State law, and that in that case, although he had a right simply to reregister by filling out the application properly or to exercise his right to go before a State judge and have the case heard within 48 hours at no expense to himself, and to show that he had properly undertaken to qualify—none of those procedures were applied for, and the court still expected him to be put back on the register, even though he was not technically qualified? Can the Senator conceive of any other remedy anyone could hope to have so far as voting rights are concerned?

Mr. FULBRIGHT. As I say, I am not familiar with the details of the case, but it would appear from that description that these were designedly test cases, and they did not want to try to pursue their legal rights, that is, the rights which existed; but they wanted to make a court test. I agree with the Senator from New Hampshire that such persons ought to be made to exhaust their legal remedies. Unless they can show that they do not have such a remedy, they do not have a valid complaint at all.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator.

Mr. LONG of Louisiana. I suggest to the Senator that the Court has held, and so held as of yesterday, in affirming the New Orleans decision, that these persons, at no expense to themselves, can expect the Attorney General of the United States simply to move to restore everyone to the register, or put them on the rolls, even if they are not qualified. It is difficult to see how anyone could hope for or expect more remedies, other than the right to be permitted to vote, and given the right to vote under the Federal law, even if he is not qualified under the State law.

Mr. FULBRIGHT. I think the Senator from Louisiana is entirely correct.

Mr. President, there is a wealth of Federal law for the protection of voting and other rights. The criminal penalties for those who would deprive a citizen of his right to vote are severe. Civil remedies are available against election officials. The Attorney General now may file an application for an injunction to prevent deprivation of voting rights. And the Senator from Louisiana has just now referred to the recent cases.

Mr. President, are these statutes not ample for any conceivable situation which may arise? Why prostitute our body of law by multiple laws designed to give favored treatment to one race or one class? I submit that the Senate should be going about its business of enacting laws for the benefit of all the people of the country. Our present situation in the Senate is one where the tail is wagging the dog. We are allowing a minority to frustrate the conduct of the public business, when the rights of that minority are more than ample under existing law. Minority groups have already been made special favorites of the law in this country. The great majority of our citizens are content to enforce their rights through normal legal processes. Some of the proposals advanced recently would, in effect, make the Federal Government the legal guardian of racial groups—at the expense of all taxpayers. The Attorney General already has authority under the 1957 Civil Rights Act to bring suit to accomplish the same objective which the individual complainant could achieve through regular legal channels.

I advise all Senators to ponder the succinct comment by Justice Bradley in the decision in the civil rights cases of 1883. Justice Bradley said:

> When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected.

His comments are directly applicable to the situation which faces this Congress today. It is time that the minority groups of this country assumed the full burdens of citizenship. Every first-year law student knows that it is basic to our system of jurisprudence that with every "right" there is a corresponding "duty." This is certainly true of the rights we enjoy as citizens of this Nation, and indeed by our very status as human beings. The minority groups of this country cannot come to the Congress each year asking for special treatment when they fail to exercise, or take advantage of, the remedies which are presently available. Their duty as citizens is to accept the burden of pursuing the same judicial remedies available to the majority. The full mantle of citizenship recognizes no variations in the responsibilities of its recipients. Freedom is nothing more than self-control as contrasted with control by others. This self-control must be exercised by minorities as well as by majorities. The minorities have responsibilities to the majority in the same manner that the majority owes a responsibility to minorities.

Mr. President, I have cited this body of law to prove that the civil rights of all citizens are protected by existing Federal and State laws. Further legislation in this explosive field would only postpone indefinitely the reaching of a real solution to the human problems involved.

Mr. SPARKMAN. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. FULBRIGHT. I am glad to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I should like to ask the Senator from Arkansas a question. He has stated that the rights of citizens are amply protected by the State and the National laws. I am sure he is aware that a great deal of the report of the Civil Rights Commission in reference to voting was directed to certain voting practices in Alabama. When the Governor of Alabama testified before the committee which was holding hearings and was endeavoring to report a bill on the subject before the February 15 deadline, he stated or referred to the various laws—already on the statute books—relating to the protection of the right of a citizen to be registered as a voter and to the course which a citizen who was not fairly treated could take. He made the point that even though all those laws are already on the statute books—for instance, the law which gives such a person the right to go into court, without paying the costs, and immediately to be given priority status—never has even one person availed himself of the rights given by those State laws.

As the Senator from Arkansas well knows, the Federal courts have generally announced that they would not interfere until the rights given by State laws had been exhausted. Does the Senator from Arkansas not believe that is an illustration of the point he is making; namely, that such persons already are amply protected by State laws which now are on the statute books, and that if they have complaints, all they have to do is avail themselves of those laws?

Mr. FULBRIGHT. I think that is absolutely correct; and I am glad to have that clarification about the situation in Alabama. I know that is the case in Arkansas. This is one aspect of this matter which leads me to believe that those who favor the enactment of such superfluous legislation have some different purpose in mind. Perhaps there is a desire to influence the results of the next election.

Mr. SPARKMAN. Mr. President, will the Senator from Arkansas yield further to me?

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. It has been stated that many of these persons are interested in mass action. The Senator from Arkansas has referred to attempts to influence the next election. Recently there have been published in the press statements in regard to attempts to add millions of voters in the next election. The Senator from Arkansas is familiar with the Southern Regional Council, is he not?

Mr. FULBRIGHT. Yes, I am.

Mr. SPARKMAN. It is an interracial organization which is interested in building up the number of voting Negroes, particularly in the South. Did the Senator from Arkansas see the report of the Southern Regional Council which stated that it was not reasonable to expect the mass registration of Negro voters that some persons seem to hope for, because the Negro—like everyone else, so far as that is concerned—must gradually advance into this stage of readiness, both economically and politically.

Does the Senator from Arkansas not believe that that situation applies not only to Negroes, but also to the white citizens and to all other citizens—for instance, also to the Puerto Ricans, in New York?

Mr. FULBRIGHT. Certainly it does; otherwise, such attempts would be a perversion of the democratic process, and would mean that the referees would herd in such persons by the thousands, and would tell them how to vote. It is quite obvious that that could be the result.

In fact, I think I have demonstrated that that is what is happening now. I believe that the report of the Commission states that that is one of the reasons for the existence of the present situation.

Mr. SPARKMAN. It is true of both whites and colored people alike, is it not?

Mr. FULBRIGHT. Of course; and there will not be a change in mass proportions from that situation through enactment of more bills of this nature. The change will be by means of the slow process of education and as a result of people acquiring greater interest in both State and National affairs.

But in this situation we find one of the great dangers. History has demonstrated and the Senator from Alabama has ably stated that such measures as the old Reconstruction Acts do not promote the purpose which those who advocated them professed. In fact, the result was just the opposite.

I wish to say that I think the comments and the speech made a few days ago by the Senator from Alabama, particularly on the historical aspect of this problem, constituted a very great contribution. It is too bad that the press of the country does not see fit to pay more attention to speeches of that kind.

Mr. President, racial relations in the South, at which this proposed legislation is directed, will be sacrificed again on the altar of political expediency. Before the Supreme Court desegregation decision of 1954, we were making real progress in creating better racial relations in the South. The lines of communication were open between the races, and real progress was being made in bringing about better economic and social conditions for the colored people. These accomplishments were made sometimes at the expense of similar treatment for the white people. For example, in my State, since 1945, 60 percent of our school construction money has been devoted to building modern educational facilities for the Negro schoolchildren. I realize that this emphasis was necessary to live up to the spirit of the "separate but equal" doctrine laid down in Plessy against Ferguson. The spirit of improvement which

prevailed in the South before the 1954 Supreme Court decision has been badly trampled and abused by that decision and the subsequent agitation from groups outside the South. The dangerous atmosphere of resentment and distrust between the North and the South and the Negro and the white races cannot be cleared by enactment of additional sectional and class legislation. The split between the races created by the current political approach to racial problems may take generations to heal. It will never heal unless we accept the fact that progress in this area can be achieved only through good will, education, and mutual respect, which cannot be achieved through legislation or judicial orders. The South must be left alone, to handle the problem as any human relationship problem must be resolved; by patience, understanding, and, above all, education. The continued treatment of our section as a conquered territory will create more fear, distrust, and turmoil and set back racial relations even further. Throughout the civil rights controversy over the last few years there has been a tragic misunderstanding of human instincts and impulses. The citizens of the South are prisoners of their environment. When sudden change is attempted to be imposed upon attitudes or principles deeply imbedded within them by inheritance, tradition, or environment they, as any other similar group, are likely to react almost as by involuntary reflex, and often violently. This is the basic factor which all proponents of this coercive legislation overlook, or refuse to recognize. It is a basic sociological truism that no law can be effective which does not take into consideration the conditions and attitudes in the community for which it is designed. Certainly the conditions and attitude of the South have not been considered or recognized in the present proposals.

Mr. President, I reiterate that we need national unity and harmony among our people at this time more than any period in our history. The proposals before us would widen the cleavage which now exists between the North and the South and the white and the Negro races. It is indeed a tragic period in our history that when our national responsibilities are so demanding we must be so driven by internal dissension to the point of paralysis. What a dismal commentary upon the democratic way. So it must appear to the observing world.

Mr. President, much has been said here and I think there has been considerable agreement upon the importance of education in this field. I was glad that the Senate a few weeks ago passed a bill to assist the educational system of this country. I call attention of the Senate to an article in this morning's Washington Post which bears upon this whole problem. I would like for those who are so interested in the proposed legislation, to give equal interest to education.

This article was entitled "U.S. Education Held Cheating Ablest Youth—White House Conference Study Deplores Nation's Wasted Talent."

I think this is a very pertinent article, and I should like to read a part of it for the information of the Senate and ask that the remainder of it be included in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, I read from the article:

The Nation's ablest children and its most deprived are being shortchanged by an educational system which encourages baton twirling instead of intellectual achievement.

I think this bears directly upon the problem, and it is one of the principal reasons why there is not a greater registration, and a more intelligent participation, in the political system by voting as this article by a staff reporter of the Washington Post, states "because our educational system encourages baton twirling instead of intellectual achievement." I can easily imagine that people who spend their time learning how to twirl a baton do not have any particular interest in voting. There is no particular relationship between the two.

The article states:

This is the view of numerous contributors to the second volume of "The Nation's Children," a publication prepared for the background use of delegates to the 1960 White House Conference on Children and Youth which opens here March 27.

In deploring this Nation's "wasted talent," the experts charge that—

"Our 'talent pool' could be increased fivefold if all children enjoyed the same opportunities for intellectual stimulation as children of professional and technical workers. Currently 1 out of every 3,600 children of the laboring classes is considered 'talented' compared with 1 out of every 15 of the professional classes.

"Our ablest children, who are this Nation's 'greatest national resource,' are receiving less than the equal opportunity to which they are entitled because our educational effort is geared to the average with the bulk of special effort aimed at helping the handicapped."

Mr. President, this is a very interesting point. It is not unrelated, I think, to this overall problem which we deal within in our schools. Here is an independent, impartial commission appointed to attend the White House Conference indicating that we are making greater effort aimed at helping the handicapped than we are our talented. I submit this is the sort of thing that is likely to have contributed to the failures of this country in the field of missiles, in the field of pure scientific research and knowledge, and other governmental activities. If we devote our efforts, humanitarian though they may be, to the handicapped and we neglect those with talent, then the future of the country certainly cannot be questioned—we are bound to deteriorate in the quality of the country itself.

I continue to read the article:

The schools are not tending to their primary educational objectives because the American public has placed too many demands—such as driver education or "air age" education—on the schools when the home, the church, and the community could do those jobs.

Our educational system denies to 90 percent or more of our students any real contact with science in "a world upon which science impinges at every moment and every aspect."

That is a very significant statement. Let me repeat it:

Our educational system denies to 90 percent or more of our students any real contact with science.

If that is true, could anyone be surprised that we are lagging and failing in our scientific effort in the field of rockets, weaponry, and modern developments in atomic science?

The article continues:

For this latter shortcoming, the scientists themselves are largely to blame, states Jerrold R. Zacharias, physics professor at the Massachusetts Institute of Technology.

Currently, he said, about 10 percent of our students are given "unrecognizable melanges of dull facts and bad technology under the name of physics or chemistry."

He called upon the scientists to get busy writing and revising textbooks until they come up with a product which will permit students to participate in science in the same way they "participate in the world's series."

In that connection, it was rather distressing to see that not only do the Russians appear to have outdistanced us in rockets, but in the recent Olympics, held in Squaw Valley, Calif., they also won first place in the field of winter sports. So it is not only a concentration upon the world's series; it would seem to be a lack of seriousness in concentration of our talents in the field of science and sports.

I continue with the article:

INFERIOR EDUCATION

Horace Mann Bond, dean of the School of Education, Atlanta University, emphasized that the wide disparity between the numbers of talented children in professional families and those in the laboring classes reflects primarily the inferior education available to children of low-income families. He reported on a study he is conducting of American Negroes holding the academic doctorate to determine what factors influenced their academic ability. He found that a high concentration of their parents and grandparents were from Dinwiddie County, Va., Richland County, S.C., Madison County, Ky., and Perry County, Ala. Each of these counties was the location of superior secondary school and college facilities for Negroes, he found.

He concludes that "in every depressed racial group, in every lower class occupational group in the country, in every culturally deprived geographical region, there are today potentially talented youngsters of every economic or racial or religious persuasion."

Mr. President, this article, it seems to me points the proper way in which the Senate and the country ought to be moving. We ought to be emulating Dinwiddie County, Va., instead of trying to enact new laws which simply duplicate existing laws, add nothing to substantive law of any particular significance, and only add to the irritation of the people of the South over a matter which has long divided us, and which threatens further to weaken the strength of our great constitutional system.

Mr. President, I believe I mentioned this a moment ago, but in case I did not, I wish to have printed in the RECORD a statement showing the percentage of registered Negroes in my State. The percentage rose from 1958 to 1959 by 13.3 percent, or, in absolute numbers, 8,581, to the figure of 72,604, which is more than 50 percent of the percentage for the white citizens, and which is a very substantial increase, in the past 20 years. At the rate of increase at which registrations are moving now, I predict that in the foreseeable future the percentage of registration will equal that of the white citizens of my State.

EXHIBIT 1

[From the Washington Post and Times Herald, Mar. 1, 1960]

U.S. EDUCATION HELD CHEATING ABLEST YOUTH—WHITE HOUSE CONFERENCE STUDY DEPLORES NATION'S WASTED TALENT

(By Eve Edstrom)

The Nation's ablest children and its most deprived are being shortchanged by an educational system which encourages baton twirling instead of intellectual achievement.

This is the view of numerous contributors to the second volume of "the Nation's Children," a publication prepared for the background use of delegates to the 1960 White House Conference on Children and Youth which opens here March 27.

In deploring this Nation's wasted talent, the experts charge that—

"Our talent pool could be increased fivefold if all children enjoyed the same opportunities for intellectual stimulation as children of professional and technical workers. Currently 1 out of every 3,600 children of the laboring classes is considered talented compared with 1 out of every 15 of the professional classes.

"Our ablest children, who are this Nation's greatest national resource, are receiving less than the equal opportunity to which they are entitled because our educational effort is geared to the average with the bulk of special effort aimed at helping the handicapped.

"The schools are not tending to their primary educational objectives because the American public has placed too many demands—such as driver education or air-age education—on the schools when the home, the church and the community could do those jobs.

"Our educational system denies to 90 percent or more of our students any real contact with science in 'a world upon which science impinges at every moment and every aspect.'"

SCIENCE TEACHING SCORED

For this latter shortcoming, the scientists themselves are largely to blame, states Jerrold R. Zacharias, physics professor at the Massachusetts Institute of Technology.

Currently, he said, about 10 percent of our students are given "unrecognizable melanges of dull facts and bad technology under the name of physics or chemistry."

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He concludes that "in every depressed racial group, in every 'lower class' occupational group in the country, in every culturally deprived geographical region, there are today potentially "talented youngsters of every economic or racial or religious persuasion."

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Ellender	McNamara
Anderson	Engle	Magnuson
Bartlett	Fong	Mansfield
Beall	Frear	Martin
Bennett	Fulbright	Monroney
Bible	Gore	Morse
Brunsdale	Green	Morton
Bush	Gruening	Moss
Byrd, Va.	Hart	Mundt
Byrd, W. Va.	Hartke	Murray
Cannon	Hayden	Muskie
Capehart	Hickenlooper	Pastore
Carlson	Holland	Proxmire
Carroll	Hruska	Schoeppel
Case, N.J.	Jackson	Smith
Church	Johnson, Tex.	Sparkman
Clark	Keating	Symington
Cooper	Kefauver	Wiley
Cotton	Kerr	Williams, Del.
Curtis	Kuchel	Williams, N.J.
Dirksen	Lausche	Yarborough
Douglas	Long, Hawaii	Young, N. Dak.
Dworshak	McCarthy	

The PRESIDING OFFICER (Mr. Moss in the chair). A quorum is present.

Mr. BYRD of Virginia. Mr. President, section 4 of the pending so-called civil rights amendments resorts to an unprecedented legislative device for humiliation of the great Southern States of this Nation to serve the tainted purposes of the NAACP, the Warren Court, and the politically appointed Federal Attorney General.

The Warren Court school decision of 1954 has been renounced by some of the Nation's best constitutional lawyers as a "clear abuse of judicial power with no legal basis."

The Federal Attorney General has been screaming from the Nation's housetops that this Warren Court school decision should be accepted universally, without question or resistance, as the supreme law of the land.

The NAACP is unhappy over the reluctance of people generally to accept this judge-made "supreme law of the land" and displeased with the limited success of Federal judicial agents seeking to apply it.

The amendments to which I refer would by statute make the Warren Court school decision the law of the land, and give the Warren Court a congressional vote of confidence.

They would fortify the contention of the Attorney General.

They would politically appease the NAACP, which seems to get its way in the high places of the Federal judiciary and Justice Department.

They would grossly insult the South and the intelligence of thousands elsewhere who also, with the same good reason, sincerely believe the Warren integration decision is unwarranted usurpation of power.

The purpose of these amendments is clear. No imagination is needed. I quote the first 19 lines of section 4, beginning at line 9 on page 6 and running through line 2 on page 7. This language reads:

The Congress recognizes that (a) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (b) on May 17, 1954, the Supreme Court of the United States ruled that under the 14th amendment to the Constitution segregated education is inherently unequal; (c) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (d) State and local governments and agencies which relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (e) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations.

Mr. President, to accomplish their obvious purposes, proponents of these amendments are not hesitating to humiliate their blood brothers of the Southland. They are stooping to affront personally 101 of their colleagues who signed the "Declaration of Constitutional Principles" of March 12, 1956, denouncing the Warren Court decision.

On the contrary, they have manufactured an untried legislative contrivance to achieve these ends. They would have Congress, by statutory law, declare this Warren Court decision to be the supreme law of the land.

And to this, the proponents of these amendments would add a provision making felons of all who willfully oppose Federal court decrees under the Warren Court school decision. Resistance to court orders on any other matter would remain, unchanged, punishable only as contempt of court.

On the other hand, these amendments would authorize the appropriation of Federal taxpayers' money to be paid as bribes to States, localities, and school boards which conform to the Federal decrees, provided they were not conforming before the decision was handed down.

I cannot imagine that a Southern State, locality, or school board would accept such Federal payola in behalf of the Warren Court, the Federal Attorney General, or the NAACP.

I do not know the legal effect of recognizing the Warren Court school decision by statutory law. But the clear intent and result of these three provisions would be to expedite massive integration all over the South by naked Federal force sweetened with bribes for those who will take them.

I have quoted the unprecedented provisions of these amendments holding by

statutory laws that constitutional law as decreed by Warren Court interpretation is the supreme law of the land.

Let us look at the next precedent-breaking provisions of these extraordinary so-called civil rights amendments. It would add a new section to the criminal code of the United States to deal exclusively with those who resist Federal district court decrees under the Warren school decision.

These are political amendments. When you consider their purpose, it is useless to quibble over the meaning of such words as "corruptly," "willfully," "endeavors," and so forth.

The objective is to make felons of all who dare oppose the Warren Court school decision, backed up by the NAACP and a political Attorney General. Under the provisions of these amendments such people would be jailed, or fined, or both.

I quote section 1 of the proposed amendments, running from line 2 on page 1 through line 24 on page 2. The language is as follows:

SECTION 1. That (a) chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

When we read this section of one of these proposed amendments, we cannot avoid the questions raised on February 23 by the Senator from North Carolina [Mr. ERVIN]. He is an eminent authority, having served for years on the supreme court of his State. I repeat his statements:

For the first time in American history, so far as I am able to determine, this section makes resistance to a Federal court desegregation decree a crime.

It is not necessary to make the impeding of a Federal court decree a crime. An act of that character is already punishable as a contempt of court.

But if it were wise to make resistance to a decree of a Federal court a crime—for the first time in history—the law to that effect should be directed at resistance to all decrees of Federal courts.

If it is iniquitous to resist one type of decree of Federal courts, it is iniquitous to resist all types of decrees of Federal courts.

The provision holding, by statute, that the Warren Court school decision is the supreme law of the land also raises questions of the same type. Read again the language of section 4, on page 6, lines 9 through 18.

SEC. 4. (a)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the 14th amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land.

Would application of this language be limited to the Warren Court school decision, or would it have application to all Supreme Court interpretation of the Constitution?

If it is limited only to the Warren Court school decision, why make the distinction for this one case?

If it is to be given general application, is Congress being called upon to ratify by this legislation all the Court's interpretation of the Constitution for all time to come?

If it is not to be given general application to the past and future, would this proposal establish a precedent, or a requirement?

If it is contended that Court interpretations of the Constitution are the supreme law of the land, what is the need for this provision, anyway?

If such interpretations are not now the supreme law of the land, would such a statutory provision as this confer such a status upon them?

There is no end of such questions raised by these proposals. There is no record. There is no testimony. There is no analysis. There is no committee report. There are no documented answers to make the legislative history.

Still more questions are raised by the bribe provisions. I quote them directly from the proposed amendments. The language, beginning at line 6 on page 7, and running through line 18 on page 13, follows:

(b)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

(2) Appropriations under this subsection shall be available for grants to help finance—

(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

(c)(1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

(d)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer

be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

(e) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

(f) For purposes of this section—

(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

(g)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.

Mr. President, I ask the Senate to note especially the language on page 7, running from line 6 to line 12, as follows:

For the purpose of assisting State and local educational agencies which on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for such fiscal year such sums as the Congress may determine.

Here we have another precedent-shattering provision in these amendments. It would take tax revenue from all taxpayers—Negro and white—and use it to bribe certain States and penalize others.

States, localities, and school boards which, by their own free will and determination were conforming with the Warren Court pattern of school administration on May 17, 1954, would not be eligible for school payments under this provision. They would be penalized for conforming with what some persons contend the Warren Court made the supreme law of the land.

The money is appropriated exclusively for bribing States, localities, and school boards not conforming with the Warren Court law of the land to change their ways, their State constitutions and laws, and local ordinance and customs to the contrary.

Proponents of such provisions, and those who originated this idea, obviously took a page out of the payola book. It would be interesting to know what public hearings before a Senate committee would have developed in this matter.

Meanwhile, the Senate has before it only the offensive proposal that public school systems devoted to teaching the youth throughout a great area of the Nation should accept Federal bribes for conformance with a Warren Court decision perpetrated without legal basis.

The so-called allotments under this plan, as Senators may see, would be burdened with highly complex and confusing provisions. But under administration by the incumbent Health, Education, and Welfare Secretary, and his subordinates, it may be expected that they would be used in a manner calculated to lead toward federalization of public education.

The HEW Secretary, through his Commissioner of Education, would prescribe the criteria for making, approval, and withdrawal of State, local, and school-board plans.

The amendments provide that if a State has a desegregation plan meeting Federal approval, payments can be made to it. If a State does not have such a plan, but if a locality or a school board does, the State may be bypassed.

In any case, if the HEW Secretary and the Education Commissioner decide they don't like the way approved plans are being run, the so-called allotments may be withdrawn. They would control the payments from beginning to end.

Proponents of these amendments evidently think State and local school officials can be "bought" over to desegregation with a quick flash of the dollar sign. Lines 9 and 10 on page 13 say "no appropriation may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961."

The NAACP pressure is really on. They want this job done in a hurry. And proponents of these amendments have pulled out all the stops in their irresponsible efforts to cooperate. If the extremes to which they have gone in these amendments were not so serious, they would be ridiculous.

To embrace "clear abuse of judicial power with no legal basis" requires evasion of accepted rules, practice, and procedure. It cannot stand the light of public hearing or objective analysis. All of this as been avoided in the interest of these amendments. This is the reason this prolonged debate is so necessary.

Nothing that has happened in the last 4 years pursuant to the Warren school decision should have come as a surprise to the public, the Congress, or the Senate. It was publicly foreseen and stated very clearly on March 12, 1956.

It was spread before the country by 101 Members of Congress in a historic "Declaration of Constitutional Principles," which has been called their Manifesto. I shall read it here and now, because it is vital to the record which is being made in this debate.

As presented to the Senate by the late great Walter F. George, one of the greatest lawyers who occupied a seat in the Senate, it reads as follows:

DECLARATION OF CONSTITUTIONAL PRINCIPLES

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendments in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th amendment nor any other amendment. The debates preceding the submission of the 14th amendment clearly show that there was no intent that it should affect the systems of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union. Every one of the 26 States that had any substantial racial differences among its peo-

ple either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same lawmaking body which considered the 14th amendment.

As admitted by the Supreme Court in the Public School case (*Brown* v. *Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts* v. *City of Boston* (1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North—not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania, and other Northern States until they, exercising their rights as States through the constitutional processes of local self-government, changed their school systems.

In the case of *Plessy* v. *Ferguson* in 1896 the Supreme Court expressly declared that under the 14th amendment no person was denied any of his rights if the States provided separate but equal facilities. This decision has been followed in many other cases. It is notable that the Supreme Court speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum* v. *Rice* that the "separte but equal" principle is "within the discretion of the State in regulating its public schools and does not conflict with the 14th amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, customs, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the States and to the people, contrary to established law and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

Signed by:

MEMBERS OF THE U.S. SENATE

Walter F. George, Richard B. Russell, John Stennis, Sam J. Ervin, Jr., Strom Thurmond, Harry F. Byrd, A. Willis Robertson, John L. McClellan, Allen J. Ellender, Russell B. Long, Lister Hill, James O. Eastland, W. Kerr Scott, John Sparkman, Olin D. Johnston, Price Daniel, J. W. Fulbright, George A. Smathers, Spessard L. Holland.

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

Alabama: Frank W. Boykin, George M. Grant, George W. Andrews, Kenneth A. Roberts, Albert Rains, Armistead I. Selden, Jr., Carl Elliott, Robert E. Jones, George Huddleston, Jr.

Arkansas: E. C. Gathings, Wilbur D. Mills, James W. Trimble, Oren Harris, Brooks Hays, W. F. Norrell.

Florida: William C. Cramer, Charles E. Bennett, Robert L. F. Sikes, A. S. Herlong, Jr., Paul G. Rogers, James A. Haley, D. R. Matthews.

Georgia: Prince H. Preston, John L. Pilcher, E. L. Forrester, John James Flynt, Jr., James C. Davis, Carl Vinson, Henderson Lanham, Iris F. Blitch, Phil M. Landrum, Paul Brown.

Louisiana: F. Edward Hébert, Hale Boggs, Edwin E. Willis, Overton Brooks, Otto E. Passman, James H. Morrison, T. Ashton Thompson, George S. Long.

Mississippi: Thomas G. Abernethy, Jamie L. Whitten, Frank E. Smith, John Bell Williams, Arthur Winstead, William M. Colmer.

North Carolina: Herbert C. Bonner, L. H. Fountain, Graham A. Barden, Carl T. Durham, F. Ertel Carlyle, Hugh Q. Alexander, Charles R. Jonas, Woodrow W. Jones, George A. Shuford.

South Carolina: L. Mendel Rivers, John J. Riley, W. J. Bryan Dorn, Robert T. Ashmore, James P. Richards, John L. McMillan.

Tennessee: James B. Frazier, Jr., Joe L. Evins, Ross Bass, Tom Murray, Jere Cooper, Clifford Davis.

Texas: Martin Dies, Wright Patman, John Dowdy, Walter Rogers, O. C. Fisher.

Virginia: Edward J. Robeson, Jr., Porter Hardy, Jr., J. Vaughan Gary, Watkins M. Abbitt, William M. Tuck, Richard H. Poff, Burr P. Harrison, Howard W. Smith, W. Pat Jennings, Joel T. Broyhill.

This list of 101 Members of Congress included some of the best constitutional lawyers in the Nation. They did not choose their words lightly. I was there; I know. Every man there wished it were not necessary. It was terribly difficult to make such a criticism of the Supreme Court of the United States, which, by nature, training, and sheer patriotism, they revered as an institution.

On the other hand, in their minds, consciences, and hearts, they knew, as we know now, that the Supreme Court of the United States has a solemn responsibility and duty to merit the confidence in which the people of this Nation wish to hold it. This is a court of last resort. There is no appeal. It has tremendous power. If there is any justification for calling its decrees the law of the land, it lies in this power.

It can exercise the power of life and death—life and death of individuals, life and death of our way of life, life and death of our democracy, life and death of our Nation. For obvious reasons, such power must be guarded by the Court itself, by the other branches of Government, by the States, and by the people.

This Warren Court school decision was only 1 of a pattern in the more than 1,000 cases it has decided. When one analyzes the principal ones, he finds that, stripped of legalistic technicalities and applied practically, the pattern takes this form:

First. Strike down the rights of individuals.

Second. Destroy the effectiveness of local police protection.

Third. Preempt and nullify perfectly constitutional State laws.

Fourth. Disregard the clear intent of laws, especially for evicting subversives from public positions.

Fifth. Limit the powers of the legislative branch of the Government to investigate.

Sixth. Open confidential files of the FBI and interfere with its administrative responsibilities.

Seventh. Destroy the sovereignty of States guaranteed by the Constitution.

I realize this is a severe indictment of the Warren Court, but each of these statements I have made can be substantiated.

In short, besides interfering with the work of the executive branch and usurping functions of the legislative branch in the Federal Government, the Warren Court has undermined State sovereignty, local authority, and individual rights.

When one looks at samples of these Warren Court decisions, he finds the reason for growing alarm. He finds what appears to be a well-conceived plan to subvert the fundamental principles of local autonomy and State sovereignty, with concentration of all power in the Federal Government.

In the Girard case the Warren Court decreed that individuals—you and I—in our wills cannot leave our possessions as we choose.

At this late date this Court ordered that money left by a man who died in 1831 to a privately operated and financed school could no longer be spent in accordance with his will because the enrollment was restricted to white boys. The will had stood unchallenged for more than 125 years when the Warren Court upset it.

In the Mallory and other cases the Warren Court impaired effectiveness in local police protection of decent American citizens. Here the Court seized upon what it chose to regard as a technical flaw in accepted police practice to turn loose a confessed rapist. This Mallory case rule was then applied to convictions in State courts.

In the Konigsburg and Schware cases, the Warren Court denied States, through their own instrumentalities, the right to set standards for those who wish to practice law before State courts.

In the Nelson case, and others, the Warren Court is nullifying good constitutional State laws by the wholesale and overturning State court decisions for no better reason than the fact that here is a Federal law in the area.

In the Nelson case a notorious Communist, convicted under Pennsylvania State law, was turned loose because there was a Federal law on sedition. As a result, perfectly good and constitutional sedition laws in 42 States are now to be regarded as invalid.

Think about this in terms of State laws prohibiting traffic in narcotics and kidnapping, and one sees the danger in the Warren Court application of the so-called doctrine of preemption.

Carried to one extreme conclusion, it might be contended that the Warren Court can practically destroy the 48 States by application of this "preemption doctrine." It would have only to hold that Federal tax laws preempt State authority to levy taxes on the same sources of revenue.

When it invalidated laws in 42 States by its action in the Nelson case, as in others, the Warren Court did so in complete disregard for the intent of Congress.

In the Watkins case the Warren Court set aside a contempt conviction of a witness before a congressional committee who admitted that he "freely cooperated with the Communist Party," but he would not name his Communist associates. In this case the Court struck a brazen blow at the powers of Congress to investigate.

In fact this Court has so distorted and tortured the salutary provision of the fifth amendment to the Constitution that "taking the fifth" has become a part of the language of the underworld, meaning a smug and effective recourse for racketeers and subversives.

Neither has the Warren Court spared the executive branch of the Federal Government, as we have seen in the Jencks case. That decision, involving the FBI files, was too much even for one of the Justices on the Court. Justice Tom Clark said:

> Unless Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement may as well close up shop for the Court has opened their files to the criminal and afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets * * * and all in the name of justice.

That is what Justice Clark said about the decision of his own Court.

When we look at the pattern documented by these samples of Warren Court decisions, we can see clearly the reason for activity against them by those with facilities to perceive their subtle direction.

Fear and anxiety over the serious trend to be seen in these Warren Court decisions is not limited to southern Members of Congress. It has been expressed by prominent authorities in all sections of the land. It has been expressed by the attorneys general of the 48 States.

Mr. FULBRIGHT. Will the Senator yield for a question?

Mr. BYRD of Virginia. I yield.

Mr. FULBRIGHT. Does the Senator not think that the attitude of the attorneys general which he mentioned, and many other authorities in the legal field which we are well acquainted with, is not also reflected in the attitude of some of our allies?

The Senator is probably aware of the recent Chessman case, on which the British, who are, after all, the source of our law and traditions, which we grew up under, having originated in England, had the comment that it was not so much whether or not he was disposed of in the court of law, but it was the long delay that was dilatory. There was this aspect of it which causes people to lose confidence in the whole judicial system.

Mr. BYRD of Virginia. I think the Senator from Arkansas is correct.

Mr. FULBRIGHT. The Senator will agree that all these cases present a picture of not only many of our own people, but many of our allies, losing confidence in our ability to administer a judicial system effectively in this country.

Mr. BYRD of Virginia. The Senator is correct. I am coming to what I think is the most significant condemnation of the Warren Supreme Court, in a report made by the chief justices of the State courts, which I desire to read to the Senate.

Not only has this condemnation of the Supreme Court been expressed by the attorneys general of the 48 States, it has been expressed by a committee of the American Bar Association established to study the record.

There probably is no group in the country who must study the Constitution and the decisions of the U.S. Supreme Court more closely and more constantly than the justices of the supreme courts in the States of the United States.

The chief justices of the courts were fearful of what they were seeing. They appointed a committee to make a special study of the Supreme Court decisions in recent years, some of the most distinguished jurists this country has ever had.

The committee included: Frederick W. Brune, chief judge, Maryland, chairman; Albert Conway, chief judge, New York; John R. Dethmers, chief justice, Michigan; William H. Duckworth, chief justice, Georgia; John E. Hickman, chief justice, Texas; John E. Martin, chief justice, Wisconsin; Martin A. Nelson, associate justice, Minnesota; William C. Perry, chief justice, Oregon; Taylor H. Stukes, chief justice, South Carolina; and Raymond S. Wilkins, chief justice, Massachusetts.

This committee made its report to the conference of chief justices on August 23, 1958, and before the conference closed the report was adopted by a vote of 36 to 8. Voting against adoption of the report were the chief justices or their representatives from California, New Jersey, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Hawaii. Two States—Nevada and North Dakota—abstained. Three States—Connecticut, Indiana, and Arkansas—were not represented at the session in which the vote was taken.

The report of the committee was adopted by a vote of 36 to 8, as I have said.

It cannot be said that the report was the product of the much maligned Southern States. Perhaps no report on such a subject, or of such importance, has ever been better represented in the various States of the Union.

And, certainly, never before in the history of American jurisprudence, nor in the history of State-Federal relationship in the United States, has such powerful criticism of the Supreme Court of the United States come forth from such high and respected authority.

Mr. LONG of Louisiana. Will the Senator yield for a question at that point?

Mr. BYRD of Virginia. I yield to the Senator.

Mr. LONG of Louisiana. Is the Senator making reference to the declaration by the justices of the State supreme courts of the entire United States?

Mr. BYRD of Virginia. That is correct. I will read that full report.

Mr. LONG of Louisiana. Was it not true that the great majority of these justices were not southern justices at all?

Mr. BYRD of Virginia. The Senator is correct.

Mr. LONG of Louisiana. In other words, is it not true that the Supreme Court of the United States undertook to hand down decisions over a period of time to such an extent that even those who had similar responsibilities in the judiciaries of States outside the South, felt that their consciences required them to join in condemning the Supreme Court of the United States?

Mr. BYRD of Virginia. The Senator from Louisiana is exactly correct. In fact, the committee which drew up this report had only three from the South, the chief justice of Texas, the chief justice of Georgia, and the chief justice of South Carolina.

Mr. LONG of Louisiana. Will the Senator inform me how many other justices were on the committee besides those three?

Mr. BYRD of Virginia. The total was 10. The other States were represented by the chief justice of Maryland, the chief justice of New York, the chief justices of Michigan, Wisconsin, Minnesota, Oregon, and Massachusetts.

Mr. LONG of Louisiana. Those were the chief justices of the various courts of the United States, which are the courts of last resort within those States, are they not?

Mr. BYRD of Virginia. The Senator is correct. That report was then adopted in the conferences of the chief justices by 36 to 8.

Mr. LONG of Louisiana. Would that not mean that outside the South itself the prevailing opinion, by about 3 to 1, or at least by a 2 to 1 majority, would be that the Supreme Court had far overstepped its bounds in a number of respects?

Mr. BYRD of Virginia. The Senator is correct. I wish to read that report, because I do not think it has had the publicity it should have had.

Mr. LONG of Louisiana. Would the Senator from Virginia not agree, before he reaches that point, that judges are very reluctant to criticize other judges? Is that not true because judges know that many times one is compelled to decide a hard case; a case where it is very easy for the people to disagree with his decision?

Mr. BYRD of Virginia. The Senator is exactly correct about that. It is unusual for the chief justices of the States to criticize the Supreme Court of the United States. If it has ever been done before in history, I do not know about it.

Mr. LONG of Louisiana. Would it not therefore follow that the chief justices of the supreme courts of the various States would not have agreed upon such a condemnation of the Supreme Court of the United States if they had not felt that the abuses had been so many and so flagrant that the time had finally come when men of the profession should honorably stand up and say that they felt these abuses had occurred?

Mr. BYRD of Virginia. The Senator from Louisiana is exactly correct. I point out, further, that this report was made in 1958. The Supreme Court has rendered decisions since then which, I have no doubt, would receive the same condemnation should they be reviewed at this time.

Mr. LONG of Louisiana. The Senator from Virginia, as a former Governor, knows, does he not, that lawyers are more or less required by the code of ethics to speak kindly of the Court, to support the Court, and to support the decisions of the Court, even though they may personally disagree with the decisions of the Court?

Mr. BYRD of Virginia. That is entirely correct.

Mr. LONG of Louisiana. But does the Senator share the view, which some lawyers are now coming to have, that that is a two-way street: That while the lawyer would like to respect the Court, support the Court, and uphold the dignity of the Court, the Court must conduct itself in such fashion that lawyers will be in a position to do those things?

Mr. BYRD of Virginia. That is correct. Never before in the history of American jurisprudence or in the history of State-Federal relationships has such powerful criticism of the Supreme Court of the United States come from such high and respected authority. The chief justices of the several States pleaded with the Warren Court to exercise "judicial restraint." In brief, this is what they found:

A tendency to press the extension of Federal power and to press it rapidly—"the Court too often has tended to adopt the role of a policymaker without proper judicial restraint."

The Court "has assumed legislative powers."

Reason to ask the Court not to usurp legislative functions when deciding questions involving the validity of State action.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. I yield.

Mr. LONG of Louisiana. Does the Senator from Virginia, who is a distinguished former Governor of his State and who has been a Member of this body for many years, feel that if a court should make a seriously erroneous decision, that decision is the law of the land?

Mr. BYRD of Virginia. I think these amendments are trying to make it the law of the land, by statute, so far as that can be done. The Senator may not have been in the Chamber when I pointed out that one of the most obnoxious, improper features of the bill is its attempt to make the Supreme Court's integration decision the law of the land by an act of Congress. This would at least put a stamp of approval on what the Supreme Court has done.

Mr. LONG of Louisiana. Does the Senator recall the earlier case of Plessy against Ferguson, in which the Supreme Court held that the doctrine of separate but equal facilities did not amount to discrimination, and that so long as separate but equal facilities were provided for the different races, there was no discrimination?

Mr. BYRD of Virginia. Yes; that is correct. I referred to that fact.

Mr. LONG of Louisiana. Does the Senator agree that if the present Supreme Court decision is to be the law of the land, then the previous case, prior to the decision rendered in the Brown case, was also the law of the land?

Mr. BYRD of Virginia. That was the position of Chief Justice Taft in 1928, as I recall.

Mr. LONG of Louisiana. Do not the members of the Supreme Court themselves take an oath that they will uphold the law of the land?

Mr. BYRD of Virginia. That is correct.

Mr. LONG of Louisiana. If the latest decision is the law of the land, was not the Plessy against Ferguson decision the law of the land also?

Mr. BYRD of Virginia. It must have been.

Mr. LONG of Louisiana. If that is so, what reason can there be for the Justices themselves failing to observe their oath?

Mr. BYRD of Virginia. That is what I would like to know. I have no explanation.

Another criticism made by the chief justices of the States is that the Supreme Court "Has assumed legislative powers." That is a very serious criticism. It is one of the worst things which can be said about the Supreme Court. Simply because they have judicial power, they have assumed legislative power, which under the Constitution is given only to those who are elected by the people.

Mr. LONG of Louisiana. If the present Supreme Court—the Warren Court—can say that a different Court was wrong when it rendered the decision in the Plessy against Ferguson case, and can simply reverse that case, then would not a future Court have the right to consider the decisions of the Warren Court, say that the Warren Court was wrong, and reverse the decisions rendered by the Warren Court?

Mr. BYRD of Virginia. That is correct.

Mr. LONG of Louisiana. Assuming that the Court was wrong in reversing a correct decision in the first instance, would not the Senator from Virginia agree that it would be a lesser evil to reverse the second or subsequent decision?

Mr. BYRD of Virginia. The Senator has stated the proposition very concisely.

Mr. President, the record in the case against the pending amendments would be incomplete without the full report adopted by the conference of chief justices, which met in Pasadena, Calif., in August 1958. I should like to read it. The document was signed and approved, by a vote of 36 to 8, by the chief justices of the State supreme courts. I read:

Your Committee on Federal-State Relationships as affected by judicial decisions was appointed pursuant to action taken at the 1957 meeting of the conference, at which, you will recall, there was some discussion of recent decisions of the Supreme Court of the United States and a resolution expressing concern with regard thereto was adopted by the conference. This committee held a meeting in Washington in December 1957, at which plans for conducting our work were developed. This meeting was attended by Sidney Spector of the Council of State Governments and by Prof. Philip B. Kurland, of the University of Chicago Law School.

The committee believed that it would be desirable to survey this field from the point of view of general trends rather than by attempting to submit detailed analyses of many cases. It was realized, however, that an expert survey of recent Supreme Court decisions within the area under consideration would be highly desirable in order that we might have the benefit in drafting this report of scholarly research and of competent analysis and appraisal, as well as of objectivity of approach.

Thanks to Professor Kurland and to four of his colleagues of the faculty of the University of Chicago Law School several monographs dealing with subjects within the committee's field of action have been prepared and have been furnished to all members of the committee and of the conference. These monographs and their authors are as follows:

1. "The Supreme Court, The Due Process Clause, and the In Personam Jurisdiction of State Courts" by Professor Kurland;

2. "Limitations on State Power To Deal With Issues of Subversion and Loyalty" by Assistant Professor Cramton;

3. "Congress, the States and Commerce" by Prof. Allison Dunham;

4. "The Supreme Court, Federalism, and State Systems of Criminal Justice" by Prof. Francis A. Allen; and

5. "The Supreme Court, the Congress and State Jurisdiction Over Labor Relations" by Prof. Bernard D. Meltzer.

These gentlemen have devoted much time, study and thought to the preparation of very scholarly, interesting and instructive monographs on the above subjects. We wish to express our deep appreciation to each of

them for his very thorough research and analysis of these problems. With the pressure of the work of our respective courts, the members of this committee could not have undertaken this research work and we could scarcely have hoped, even with ample time, to equal the thorough and excellent reports which they have written on their respective subjects.

It had originally been hoped that all necessary research material would be available to your committee by the end of April and that the committee could study it and then meet for discussion, possibly late in May, and thereafter send at least a draft of the committee's report to the members of the conference well in advance of the 1958 meeting; but these hopes have not been realized. The magnitude of the studies and the thoroughness with which they have been made rendered it impossible to complete them until about two months after the original target date and it has been impracticable to hold another meeting of this committee until the time of the conference.

Even after this unavoidable delay had developed, there was a plan to have these papers presented at a seminar to be held at the University of Chicago late in June. Unfortunately, this plan could not be carried through, either. We hope, however, that these papers may be published in the near future with such changes and additions as the several authors may wish to make in them. Some will undoubtedly be desired in order to include decisions of the Supreme Court in some cases which are referred to in these monographs, but in which decisions were rendered after the monographs had been prepared. Each of the monographs as transmitted to us is stated to be in preliminary form and subject to change and as not being for publication. Much as we are indebted to Professor Kurland and his colleagues for their invaluable research aid, your committee must accept sole responsibility for the views herein stated. Unfortunately, it is impracticable to include all or even a substantial part of their analyses in this report.

BACKGROUND AND PERSPECTIVE

We think it desirable at the outset of this report to set out some points which may help to put the report in proper perspective, familiar or self-evident as these points may be.

First, though decisions of the Supreme Court of the United States have a major impact upon Federal-State relationships and have had such an impact since the days of Chief Justice Marshall, they are only a part of the whole structure of these relationships. These relations are, of course, founded upon the Constitution of the United States itself. They are materially affected not only by judicial decisions but in very large measure by acts of Congress adopted under the powers conferred by the Constitution. They are also affected, or may be affected, by the exercise of the treaty power.

Of great practical importance as affecting Federal-State relationships are the rulings and actions of Federal administrative bodies. These include the independent agency regulatory bodies, such as the Interstate Commerce Commission, the Federal Power Commission, the Securities and Exchange Commission, the Civil Aeronautics Board, the Federal Communications Commission and the National Labor Relations Board. Many important administrative powers are exercised by the several departments of the executive branch, notably the Treasury Department and the Department of the Interior. The scope and importance of the administration of the Federal tax laws are, of course, familiar to many individuals and businesses because of their direct impact, and require no elaboration.

Second, when we turn to the specific field of the effect of judicial decisions on Federal-State relationships we come at once to the question as to where power should lie to give the ultimate interpretation to the Constitution and to the laws made in pursuance thereof under the authority of the United States. By necessity and by almost universal common consent, these ultimate powers are regarded as being vested in the Supreme Court of the United States. Any other allocation of such power would seem to lead to chaos. (See Judge Learned Hand's most interesting Holmes lectures on "The Bill of Rights" delivered at the Harvard Law School this year and published by the Harvard University Press.)

Third, there is obviously great interaction between Federal legislation and administrative action on the one hand, and decisions of the Supreme Court on the other, because of the power of the Court to interpret and apply acts of Congress and to determine the validity of administrative action and the permissible scope thereof.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for another question?

Mr. BYRD of Virginia. I yield, with the understanding that I do not lose the floor.

Mr. LONG of Louisiana. The resolution from which the Senator is reading, by the chief justices of the State supreme courts of the United States, refers to the decisions of the Supreme Court as interpretations of the Constitution, do they not?

Mr. BYRD of Virginia. That is correct.

Mr. LONG of Louisiana. They do not refer to them as laws in themselves, do they?

Mr. BYRD of Virginia. No, they do not.

Mr. LONG of Louisiana. In fact—if the Senator will yield further—is it not correct to say that the decisions of a court can be regarded, if properly made, as nothing more than interpretations of a law? The law is deemed to exist already.

Mr. BYRD of Virginia. That is what it was intended to be by the framers of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. BYRD of Virginia. I yield, with the understanding that I do not lose the floor.

Mr. LONG of Louisiana. It is clear from the language that the Senator is reading that these justices were saying to the Supreme Court that they preferred to suffer a great deal of abuse before they would undertake to assume the duty of criticizing the Court?

Mr. BYRD of Virginia. I would certainly gather that one could draw that conclusion from this language, because I think, naturally, that they would not criticize the Supreme Court of the United States, unless they felt it a public duty to do so.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. BYRD of Virginia. I yield with the understanding that I do not lose the floor.

Mr. LONG of Louisiana. Is it not correct that any judge, who is applying and following a decision, is most likely to be reluctant to state that, in his judgment, the decision was probably an error or probably deliberately wrong?

Mr. BYRD of Virginia. That is exactly right.

Mr. CARLSON. Mr. President, I wonder if the distinguished Senator from Virginia would yield to me for an extension of my remarks in the RECORD, provided he does not lose the floor, and that these remarks appear after his.

Mr. BYRD of Virginia. With that understanding, that I will not lose the floor, I will be glad to yield.

(At this point Mr. BYRD yielded to Mr. CARLSON whose remarks appear elsewhere in the RECORD under the appropriate heading.)

Mr. WILEY. Will the Senator yield to permit me to place something in the RECORD?

Mr. BYRD of Virginia. I yield, provided I do not lose the floor.

(At this point Mr. BYRD of Virginia yielded to Mr. WILEY whose remarks appear elsewhere in the RECORD under the appropriate heading.)

Mr. COTTON. While the Senator is being interrupted, will he yield to me for a moment?

Mr. BYRD of Virginia. I yield to the Senator provided I do not lose the floor.

Mr. COTTON. Certainly, regardless of our respective positions on any legislation before the Senate, like every Member of this body, the junior Senator from New Hampshire always listens to the senior Senator from Virginia with deep interest and profound admiration. The point that the Senator from Virginia has emphasized as a part of the opinion or the criticism, if we desire to term it that, of the chief justices of the State courts, it seems to me, is most disturbing and alarming, concerning which I would like to ask the Senator a question:

Is the point in which the chief justices of the respective State courts point out that, apparently, in their opinion, the Supreme Court of the United States has gone beyond its function as interpreting the Constitution and as establishing the law of the land, and converted itself, to a certain extent, into an enforcement agency?

I would like to ask the distinguished Senator from Virginia if, in his opinion, the point that he has in mind is that, even though courts come and courts go and decisions are changed and a law develops and is elastic, even though the Supreme Court had, fully and conscientiously and with complete sincerity, as I am sure it did, laid down a new rule in the Brown case, was it not the province of the Supreme Court to say:

> The previous law does not satisfy the Constitution; this is the law; it is up to Congress to implement it and enforce it?

Is that not where the Court really crossed the line with its functioning?

Mr. BYRD of Virginia. I think the Senator from New Hampshire is correct. Let me say that what I am now reading is a report which was made to the chief justices of the State supreme courts by a committee of 10. The report was adopted by the chief justices of the State supreme courts by a vote of 36 to 8.

The report contains criticisms such as this: The chief justices of the American States pleaded with the Warren Court

to exercise judicial restraint. In brief, they found a tendency to "press the extension of Federal power, and to press it rapidly"; and they found that "the Court too often has tended to adopt the role of a policymaker without proper judicial restraint;" and then they said the Court "has assumed legislative powers"—in other words, along the lines of what the Senator from New Hampshire has said.

Mr. COTTON. Earlier in his speech, the Senator from Virginia stated that the southern Members of Congress were not the only ones who were concerned apprehensively about the general trend of the Supreme Court's decisions. I should like to say to the distinguished Senator from Virginia that he is eminently correct; many of us who hail from other parts of the Nation, and sit in this body, are equally concerned about the trend of the decisions of the U.S. Supreme Court, and I am keenly interested in listening to the analysis the Senator from Virginia is presenting, for I am deeply concerned with this matter.

Mr. BYRD of Virginia. I thank the Senator very much for his contribution to this very important subject.

Again I wish to emphasize—I think it is very important—that the conference of the chief justices of the State courts appointed that committee of 10, and only 3 southerners were on the committee. The committee included such distinguished men as the chief justice of Maryland, the chief justice of New York, the chief justice of Michigan, the chief justice of Wisconsin, the chief justice of Minnesota, the chief justice of Oregon, and the chief justice of Massachusetts.

The committee then presented its report of criticism. I think that, naturally, the committee did so very regretfully, for, so far as I know, never before in the history of the United States have the chief justices of the supreme courts of the States criticized in such fashion the Supreme Court of the United States. The committee presented its report to the full meeting; and the report was adopted by the full conference by a vote of 36 to 8.

I have been reading certain portions of the report; and I continue to read from the report, as follows:

Fourth, whether federalism shall continue to exist, and if so in what form, is primarily a political question rather than a judicial question.

That is in relation to the concentration of power.

I continue to read from the report:

On the other hand, it can hardly be denied that judicial decisions, specifically decisions of the Supreme Court, can give tremendous impetus to changes in the allocation of powers and responsibilities as between the Federal and the State Governments. Likewise, it can hardly be seriously disputed that on many occasions the decisions of the Supreme Court have produced exactly that effect.

Fifth, this conference has no legal powers whatsoever. If any conclusions or recommendations at which we may arrive are to have any effect, this can only be through the power of persuasion.

Sixth, it is a part of our obligation to seek to uphold respect for law. We do not believe that this goes so far as to impose upon us an obligation of silence when we find ourselves unable to agree with pronouncements of the Supreme Court (even though we are bound by them), or when we see trends in decisions of that Court which we think will lead to unfortunate results. We hope that the expression of our views may have some value. They pertain to matters which directly affect the work of our State courts. In this report we urge the desirability of self-restraint on the part of the Supreme Court in the exercise of the vast powers committed to it. We endeavor not to be guilty ourselves of a lack of due restraint in expressing our concern and, at times, our criticisms in making the comments and observations which follow.

That is very polite language; but that was certainly a most extraordinary attitude for the large majority of the chief justices of the State supreme courts to take toward the Supreme Court of the United States. I am satisfied that they took it only because of their conviction that it was their duty to speak out in the fashion in which they did.

Later in the report they refer to the problems which relate to federalism. I shall not read that part of the report in full; but in part it reads as follows:

TWO MAJOR DEVELOPMENTS IN THE FEDERAL SYSTEM

The outstanding development in Federal-State relations since the adoption of the National Constitution has been the expansion of the power of the National Government and the consequent contraction of the powers of the State governments. To a large extent this is wholly unavoidable and indeed is a necessity, primarily because of improved transportation and communication of all kinds and because of mass production. On the other hand, our Constitution does envision federalism. The very name of our Nation indicates that it is to be composed of States. The Supreme Court of a bygone day said in *Texas* v. *White* (7 Wall. 700, 721 (1868)): "The Constitution, in all its provisions, looks to an indestructible Union of indestructible States."

Second only to the increasing dominance of the National Government has been the development of the immense power of the Supreme Court in both State and national affairs. It is not merely the final arbiter of the law; it is the maker of policy in many major social and economic fields. It is not subject to the restraints to which a legislative body is subject. There are points at which it is difficult to delineate precisely the line which should circumscribe the judicial function and separate it from that of policy-making. Thus, usually within narrow limits, a court may be called upon in the ordinary course of its duties to make what is actually a policy decision by choosing between two rules, either of which might be deemed applicable to the situation presented in a pending case.

But if and when a court in construing and applying a constitutional provision or a statute becomes a policymaker, it may leave construction behind and exercise functions which are essentially legislative in character, whether they serve in practical effect as a constitutional amendment or as an amendment of a statute. It is here that we feel the greatest concern, and it is here that we think the greatest restraint is called for. There is nothing new in urging judicial self-restraint, though there may be, and we think there is, new need to urge it.

It would be useless to attempt to review all of the decisions of the Supreme Court which have had a profound effect upon the course of our history. It has been said that the Dred Scott decision made the Civil War inevitable. Whether this is really true or not, we need not attempt to determine. Even if it is discounted as a serious overstatement, it remains a dramatic reminder of the great influence which Supreme Court decisions have had and can have. As to the great effect of decisions of that Court on the economic development of the country, see Mr. Justice Douglas' address on Stare Decisis, 49 Columbia Law Review 735.

SOURCES OF NATIONAL POWER

Most of the powers of the National Government were set forth in the original Constitution; some have been added since. In the days of Chief Justice Marshall the supremacy clause of the Federal Constitution and a broad construction of the powers granted to the National Government were fully developed, and as a part of this development the extent of national control over interstate commerce became very firmly established. The trends established in those days have never ceased to operate and in comparatively recent years have operated at times in a startling manner in the extent to which interstate commerce has been held to be involved, as for example in the familiar case involving an elevator operator in a loft building.

From a practical standpoint the increase in Federal revenues resulting from the 16th amendment (the income tax amendment) has been of great importance. National control over State action in many fields has been vastly expanded by the 14th amendment.

We shall refer to some subjects and types of cases which bear upon Federal-State relationships.

THE GENERAL WELFARE CLAUSE

One provision of the Federal Constitution which was included in it from the beginning but which, in practical effect, lay dormant for more than a century, is the general welfare clause. In *United States* v. *Butler* (297 U.S. 1), the original Agricultural Adjustment Act was held invalid. An argument was advanced in that case that the general welfare clause would sustain the imposition of the tax and that money derived from the tax could be expended for any purposes which would promote the general welfare.

Then the report deals with other decisions of the Supreme Court of the United States.

Here are the conclusions:

CONCLUSIONS

This long review, though far from exhaustive, shows some of the uncertainties as to the distribution of power which are probably inevitable in a Federal system of government. It also shows, on the whole, a continuing and, we think, an accelerating trend toward increasing power of the National Government and correspondingly contracted power of the State governments. Much of this is doubtless due to the fact that many matters which were once mainly of local concern are now parts of larger matters which are of national concern. Much of this stems from the doctrine of a strong Central Government and of the plentitude of national power within broad limits of what may be "necessary and proper" in the exercise of the granted powers of the National Government which was expounded and established by Chief Justice Marshall and his colleagues, though some of the modern extensions may and do seem to us to go to extremes. Much, however, comes from the extent of the control over the action of the States which the Supreme Court exercises under its views of the 14th amendment.

We believe that strong State and local governments are essential to the effective functioning of the American system of Federal Government; that they should not be sacrificed needlessly to leveling, and sometimes deadening, uniformity; and that in the interest of active, citizen participation

in self-government—the foundation of our democracy—they should be sustained and strengthened.

As long as this country continues to be a developing country and as long as the conditions under which we live continue to change, there will always be problems of the allocation of power depending upon whether certain matters should be regarded as primarily of national concern or as primarily of local concern. These adjustments can hardly be effected without some friction. How much friction will develop depends in part upon the wisdom of those empowered to alter the boundaries and in part upon the speed with which such changes are effected. Of course, the question of speed really involves the exercise of judgment and the use of wisdom, so that the two things are really the same in substance.

We are now concerned specifically with the effect of judicial decisions upon the relations between the Federal Government and the State governments. Here we think that the overall tendency of decisions of the Supreme Court over the last 25 years or more has been to press the extension of Federal power and to press it rapidly. There have been, of course, and still are, very considerable differences within the Court on these matters, and there has been quite recently a growing recognition of the fact that our Government is still a Federal Government and that the historic line which experience seems to justify between matters primarily of national concern and matters primarily of local concern should not be hastily or lightly obliterated. A number of Justices have repeatedly demonstrated their awareness of problems of federalism and their recognition that federalism is still a living part of our system of government.

The extent to which the Supreme Court assumes the function of policymaker is also of concern to us in the conduct of our judicial business. We realize that in the course of American history the Supreme Court has frequently—one might, indeed, say customarily—exercised policymaking powers going far beyond those involved, say, in making a selection between competing rules of law.

We believe that in the fields with which we are concerned, and as to which we feel entitled to speak, the Supreme Court too often has tended to adopt the role of policymaker without proper judicial restraint. We feel this is particularly the case in both of the great fields we have discussed; namely, the extent and extension of the Federal power, and the supervision of State action by the Supreme Court by virtue of the 14th amendment. In the light of the immense power of the Supreme Court and its practical nonreviewability in most instances no more important obligation rests upon it, in our view, than that of careful moderation in the exercise of its policymaking role.

We are not alone in our view that the Court, in many cases arising under the 14th amendment, has assumed what seem to us primarily legislative powers. (See Judge Learned Hand on the Bill of Rights.) We do not believe that either the framers of the original Constitution or the possibly somewhat less gifted draftsmen of the 14th amendment ever contemplated that the Supreme Court would, or should, have the almost unlimited policymaking powers which it now exercises. It is strange, indeed, to reflect that under a Constitution which provides for a system of checks and balances and of distribution of power between National and State Governments—one branch of one government—the Supreme Court—should attain the immense, and in many respects, dominant, power which it now wields.

We believe that the great principles of distribution of powers among the various branches of government and between levels of government has vitality today and is the crucial base of our democracy. We further believe that in construing and applying the Constitution and laws made in pursuance thereof, this principle of the division of power based upon whether a matter is primarily of national or of local concern should not be lost sight of or ignored, especially in fields which bear upon the meaning of a constitutional or statutory provision, or the validity of State action presented for review. For, with due allowance for the changed conditions under which it may or must operate, the principle is as worthy of our consideration today as it was of the consideration of the great men who met in 1787 to establish our Nation as a nation.

It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast. We find first that in constitutional cases unanimous decisions are comparative rarities and that multiple opinions, concurring or dissenting, are common occurrences.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. McCLELLAN. Will the Senator agree with me that what he has just stated is thoroughly demonstrated by the action of the Supreme Court in the decision of May 17, 1954, when it overruled precedents of the Court of long standing? In other words, the whim of men can change even the Constitution of the United States, or that is the effect that it shall have. They do not change the Constitution, but their whims change, and thus they undertake in that way to change the law of the land.

Mr. BYRD of Virginia. I certainly think the Senator from Arkansas is correct. State chief justices in this report said: "We believe that any study of the recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast," and that boast was that it has long been an American boast that we have a government of laws and not of men.

Mr. McCLELLAN. Will the Senator yield further for one further question?

Mr. BYRD of Virginia. I yield.

Mr. McCLELLAN. Does the Senator know of any public officials who take a higher or more binding oath than do the Supreme Court Judges of the United States, which would obligate them to support the law of the land and not subvert and change it?

Mr. BYRD of Virginia. I do not.

Mr. McCLELLAN. If a Supreme Court decision is the law of the land, if its interpretation of the Constitution is the law of the land, who is under a higher obligation than the members of the Supreme Court to observe it?

Mr. BYRD of Virginia. That is exactly correct.

I am going to read this again, because it is a strong statement:

It has long been an American boast that we have a government of laws, and not of men. We believe that any study of recent decisions of the Supreme Court does raise at least considerable doubt as to the validity of that boast.

I continue to read:

We find next that divisions in result on a 5 to 4 basis are quite frequent. We find further that on some occasions a majority of the Court cannot be mustered in support of any one opinion and that the result of a given case may come from the divergent views of individual Justices who happen to unite on one outcome or the other of the case before the Court.

We further find that the Court does not accord finality to its own determinations of constitutional questions, or for that matter of others. We concede that a slavish adherence to stare decisis could at times have unfortunate consequences; but it seems strange that under a constitutional doctrine which requires all others to recognize the Supreme Court's rulings on constitutional questions as binding adjudications of the meaning and application of the Constitution, the Court itself has so frequently overturned its own decisions thereon, after the lapse of periods varying from 1 year to 75, or even 95 years. (See the tables appended to Mr. Justice Douglas' address on Stare Decisis, 49 Columbia Law Review 735, 756–758.) The Constitution expressly sets up its own procedures for amendment, slow or cumbersome though they may be.

These frequent differences and occasional overrulings of prior decisions in constitutional cases cause us grave concern as to whether individual views of the members of the Court as from time to time constituted, or of a majority thereof, as to what is wise or desirable do not unconsciously override a more dispassionate consideration of what is or is not constitutionally warranted. We believe that the latter is the correct approach, and we have no doubt that every member of the Supreme Court intends to adhere to that approach, and believes that he does so. It is our earnest hope which we respectfully express, that that great Court exercise to the full its power of judicial self-restraint by adhering firmly to its tremendous, strictly judicial powers and by eschewing, so far as possible, the exercise of essentially legislative powers when it is called upon to decide questions involving the validity of State action, whether it deems such action wise or unwise. The value of our system of federalism, and of local self-government in local matters which it embodies, should be kept firmly in mind, as we believe it was by those who framed our Constitution.

At times the Supreme Court manifests, or seems to manifest, an impatience with the slow workings of our Federal system. That impatience may extend to an unwillingness to wait for Congress to make clear its intention to exercise the powers conferred upon it under the Constitution, or the extent to which it undertakes to exercise them, and it may extend to the slow processes of amending the Constitution which that instrument provides. The words of Elihu Root on the opposite side of the problem, asserted at a time when demands were current for recall of judges and judicial decisions, bear repeating: "If the people of our country yield to impatience which would destroy the system that alone makes effective these great impersonal rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming. We shall not be making progress, but shall be exhibiting that lack of self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they are struck by the impulse of the moment." (Quoted in 31 Boston University Law Review 43.)

We believe that what Mr. Root said is sound doctrine to be followed towards the Constitution, the Supreme Court and its interpretation of the Constitution. Surely, it is no less incumbent upon the Supreme

Court, on its part, to be equally restrained and to be as sure as is humanly possible that it is adhering to the fundamentals of the Constitution with regard to the distribution of powers and the separation of powers, and with regard to the limitations of judicial power which are implicit in such separation and distribution, and that it is not merely giving effect to what it may deem desirable.

We may expect the question as to what can be accomplished by the report of this committee or by resolutions adopted in conformity with it. Most certainly some will say that nothing expressed here would deter a member or group of members of an independent judiciary from pursuing a planned course. Let us grant that this may be true. The value of a firm statement by us lies in the fact that we speak as members of all the State appellate courts with a background of many years' experience in the determination of thousands of cases of all kinds. Surely there are those who will respect a declaration of what we believe. And it just could be true that our statement might serve as an encouragement to those members of an independent judiciary who now or in the future may in their own conscience adhere to views more consistent with our own.

Respectfully submitted.

Frederick W. Brune, Chief Judge of Maryland, Chairman; Albert Conway, Chief Judge of New York; John R. Dethmers, Chief Justice of Michigan; William H. Duckworth, Chief Justice of Georgia; John E. Hickman, Chief Justice of Texas; John E. Martin, Chief Justice of Wisconsin; Martin A. Nelson, Associate Justice of Minnesota; William C. Perry, Chief Justice of Oregon; Taylor H. Stukes, Chief Justice of South Carolina; Raymond S. Wilkins, Chief Justice of Massachusetts.

The Senate is aware of the action of the American Bar Association in this matter. I treat it fully for purposes of this RECORD as a part of my remarks.

At this time I should like to put into the RECORD the action taken by the American Bar Association with respect to the same matter. First, I should like to make this explanation.

The study of the State Supreme Court Justices covered the whole pattern of recent U.S. Supreme Court decisions. A year earlier, the American Bar Association's committee on Communist tactics, strategy, and objectives, produced a limited study on the Supreme Court's decisions in cases involving Communist activities in the United States.

The report was made by Herbert R. O'Conor, of Maryland, chairman of the committee. He was a Member of the Senate from the State of Maryland. I knew him well, and had a great admiration for him. Most of us know Herbert O'Conor. He served in this body for many years, as a U.S. Senator from Maryland. He was highly respected here. He is a leader of the Maryland Bar, and he had held positions of great responsibility in the American Bar Association.

To make this RECORD more complete, I ask unanimous consent to have printed at this point excerpts from the report by Senator O'Conor, as chairman of the American Bar Association committee on Communist tactics, strategy, and objectives, as it was made to the 80th annual meeting of the American Bar Association on July 25, 1957.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Aug. 16, 1960]

SUPREME COURT RULINGS CRITICIZED BY BAR ASSOCIATION COMMITTEE

A committee of the American Bar Association looks at recent Supreme Court rulings and raises these questions:

"Is the Court leaning too far backward in defending theoretical rights of Communists?"

"Are the Court's decisions tying the hands of the U.S. Government against communism?"

To overcome the effects of the Court's rulings, new legislation is suggested.

This study comes from the American Bar Association's Committee on Communist Tactics, Strategy, and Objectives. It is presented here by Committee Chairman Herbert R. O'Conor, former U.S. Senator from Maryland.

Modern history is filled with the wrecks of republics which were destroyed from within by conspiracies masquerading as political parties. The nine justices of the Supreme Tribunal of Germany refused to see that the Nazis were a conspiracy against the very existence of the German Republic. The Kerensky Government of Russia thought it could tolerate and coexist with the Communist conspirators. The Communists responded to this toleration by disbanding the Constituent Assembly at bayonet point and destroying the newborn Republic of Russia. The Republics of Czechoslovakia, Poland, and China tried valiantly to coexist with the Communist Party in their midst, but were unable to do so.

We are spending more to equip and defend ourselves and our allies from Communist aggression than we ever spent to stop Japanese aggression. The Japanese found it difficult to purloin our military secrets, but the Communists have stolen many of our military secrets, including vital details of the atomic and hydrogen bombs which were known to the traitors Dr. Klaus and Dr. Bruno Pontecorvo.

The cynical cruelty with which the Kremlin crushed the Hungarian patriots and executed their leaders is proof by deeds that "the spirit of Geneva" was always a tactic and a sham. Likewise, the admission of Mao Tse-tung in his recently published Peiping speech of February 1956, that the Chinese Communists completed the "liquidation" of 800,000 persons between October 1949 and January 1954, and the report published June 15, 1957, by the Senate Internal Security Subcommittee that, in fact, more than 15 million persons have been executed in Red China since 1951 prove the fatuity of those who argue that Red China should be admitted into the family of nations and recognized by our Government.

The Communists have conquered large areas of the world according to a carefully enunciated plan. In 1903, Lenin established communism with 17 supporters. In 1917, the Communists conquered Russia with 40,000. In 1957, the Communists are in iron control of 900 million people. Their advance since the end of World War II has been especially tragic.

The Korean war proved that aggression does pay because it was followed by Communist aggression in Tibet, Indochina, and Hungary. After Soviet tanks rolled into Hungary, the Communists succeeded by clever propaganda in electing their first government by forms of democratic processes—in the State of Kerala, in India. To the Communists "peaceful coexistence" means Communist conquest without war.

The greatest asset the Communists have at the present time is not the hydrogen bomb, certainly not Soviet satellites, but world ignorance of their tactics, strategy and objectives. The biggest need today is for the free peoples to develop an awareness of the menace of communism and the ability to isolate the Communist line so that it can be detected no matter who utters it. One speech from the mouth of an important American innocent can be worth a truckload of "Daily Workers" in advancing the international Communist conspiracy. The current Communist line includes the following:

1. Repeal or weaken the anti-Communist legislation on the books, especially the Smith Act, the Internal Security Act, and the Subversive Activities Control Act.

2. Discredit and hamper the Senate Internal Security Subcommittee, the House Un-American Activities Committee, and the State officials investigating communism.

3. Weaken the effectiveness of the FBI and reveal its sources of informations.

4. Destroy the Federal security system.

5. Recognize Red China and admit her to the United Nations.

6. Oppose the possibility of the United States breaking off diplomatic relations with Soviet Russia.

7. Enlarge East-West trade, especially in items in short supply behind the Iron Curtain.

8. Revive the idea that the Communist Party is just another political party.

9. Use the recent shakeup in the Kremlin as a guise to revive the Communist peace offensive, just as a previous shakeup in the Kremlin brought about the spirit of Geneva.

DECISIONS IN 15 CASES

In the last 15 months the U.S. Supreme Court has decided 15 cases which directly affect the right of the United States of America to protect itself from Communist subversion:

1. *Communist Party* v. *Subversive Activities Control Board:* The Court refused to uphold or pass on the constitutionality of the Subversive Activities Control Act of 1950, and delayed the effectiveness of the act.

2. *Pennsylvania* v. *Steve Nelson:* The Court held that it was unlawful for Pennsylvania to prosecute a Pennsylvania Communist Party leader under the Pennsylvania Sedition Act, and indicated that the antisedition laws of 42 States and of Alaska and Hawaii cannot be enforced.

3. *Fourteen California Communists* v. *United States:* The Court reversed two Federal courts and ruled that teaching and advocating forcible overthrow of our Government, even with evil intent, was not punishable under the Smith Act as long as it was divorced from any effort to instigate action to that end, and ordered five Communist Party leaders freed and new trials for another nine.

4. *Cole* v. *Young:* The Court reversed two Federal courts and held that although the Summary Suspension Act of 1950 gave the Federal Government the right to dismiss employees in the interest of the national security of the United States, it was not in the interest of the national security to dismiss an employee who contributed funds and services to a not-disputed subversive organization, unless that employee was in a sensitive position.

5. *Service* v. *Dulles:* The Court reversed two Federal courts which had refused to set aside the discharge of [John Stewart] Service by the State Department. The FBI had a recording of a conversation between Service and an editor of the pro-Communist magazine Amerasia, in the latter's hotel room in which Service spoke of military plans which were very secret. Earlier the FBI had found large numbers of secret and confidential

State Department documents in the Amerasia office. The lower courts had followed the McCarran amendment which gave the Secretary of State absolute discretion to discharge any employee in the interests of the United States.

6. *Slochower* v. *Board of Education of New York:* The Court reversed the decisions of three New York courts and held it was unconstitutional to automatically discharge a teacher, in accordance with New York law, because he took the fifth amendment when asked about Communist activities. On petition for rehearing, the Court admitted that its opinion was in error in stating that Slochower was not aware that his claim of the fifth amendment would ipso facto result in his discharge; however, the Court denied rehearing.

7. *Sweezy* v. *New Hampshire:* The Court reversed the New Hampshire Supreme Court and held that the attorney general of New Hampshire was without authority to question Professor Sweezy, a lecturer at the State university, concerning a lecture and other suspected subversive activities. Questions which the Court said that Sweezy properly refused to answer included: "Did you advocate Marxism at that time?" and "Do you believe in Communism?"

8. *United States* v. *Witkovich:* The Court decided that, under the Immigration and Nationality Act of 1952, which provides that any alien against whom there is a final order of deportation shall "give information under oath as to his nationality, circumstances, habits, associations, and activities and such other information, whether unrelated to the foregoing, as the Attorney General may deem fit and proper," the Attorney General did not have the right to ask Witkovich: "Since the order of deportation was entered in your case on June 25, 1953, have you attended any meetings of the Communist Party of the U.S.A.?"

9. *Schware* v. *Board of Bar Examiners of New Mexico:* The Court reversed the decisions of the New Mexico Board of Bar Examiners and of the New Mexico Supreme Court which had said:

"We believe one who has knowingly given his loyalties to the Communist Party for 6 to 7 years during a period of responsible adulthood is a person of questionable character."

The Supreme Court substituted its judgment for that of New Mexico and ruled that "membership in the Communist Party during the 1930's cannot be said to raise substantial doubts about his present good moral character."

10. *Konigsberg* v. *State Bar of California:* The Court reversed the decisions of the California Committee of Bar Examiners and of the California Supreme Court and held that it was unconstitutional to deny a license to practice law to an applicant who refused to answer this question put by the bar committee: "Mr. Konigsberg, are you a Communist?" and a series of similar questions.

OPENING "CONFIDENTIAL FILES"

11. *Jencks* v. *United States:* The Court reversed two Federal courts and held that Jencks, who was convicted of filing a false non-Communist affidavit, must be given the contents of all confidential FBI reports which were made by any Government witness in the case even though Jencks "restricted his motions to a request for production of the reports to the trial judge for the judge's inspection and determination whether and to what extent the reports should be made available."

12. *Watkins* v. *United States:* The Court reversed the Federal district court and six judges of the Court of Appeals of the District of Columbia, and held that the House Un-American Activities Committee should not require a witness who admitted, "I freely cooperated with the Communist Party" to name his Communist associates, even though the witness did not invoke the fifth amendment. The Court said: "We remain unenlightened as to the subject to which the questions asked petitioner were pertinent."

13. *Raley, Stern and Brown* v. *Ohio:* The Court reversed the Ohio Supreme Court and lower courts and set aside the conviction of three men who had refused to answer questions about Communist activities put to them by the Ohio Un-American Activities Commission.

14. *Flaxner* v. *United States:* The Court reversed two Federal courts and set aside the conviction of Flaxner of contempt for refusing to produce records of alleged Communist activities subpenaed by the Senate Internal Security Subcommittee.

15. *Sacher* v. *United States:* The Court reversed two Federal courts and set aside the conviction of Sacher of contempt for refusing to tell the Senate Permanent Investigations Subcommittee whether he was or ever had been a Communist.

The Communist Daily Worker described the effect of these decisions as follows:

"The Court delivered a triple-barreled attack on (1) the Department of Justice and its Smith Act trials; (2) the freewheeling congressional inquisitions; and (3) the hateful loyalty-security program of the executive. Monday, June 17, is already a historic landmark. * * * The curtain is closing on one of our worse periods."

The *Watkins* case decided that it is not "pertinent" for a congressional committee, established for the investigation of un-American activities, to ask a witness to give information concerning persons known to him to have been members of the Communist Party.

HOW QUESTIONING IS LIMITED

The courts have repeatedly said: "The power to legislate carries with it by necessary implication ample authority to obtain information needed in the rightful exercise of that power, and to employ compulsory process for that purpose."

Although many people consider the congressional investigations into communism by the House Un-American Activities Committee [which was a particular target of the Watkins opinion] and the Senate Internal Security Subcommittee [which was ruled against in the subsequent decision of *Flaxner* v. *U.S.*] may be considered as primarily the information type of inquiry, they have resulted in a considerable quantity of important legislation. This includes the Smith Act, the Subversive Activities Control Act of 1950, the Internal Security Act of 1950, the Summary Suspension Act of 1950, certain sections of the McCarran-Walter Immigration Act, the Immunity Act of 1954, the Communist Control Act of 1954, and considerable State legislation such as the U.S. Supreme Court approved New York Feinberg and Maryland Ober laws.

The repeal or the weakening of these anti-Communist laws and committees is in the forefront of the program of the Communist Party of the United States.

Until the Watkins case, the Court had never interfered with the work of the House Un-American Activities Committee, and had on four occasions specifically refused to set aside contempt convictions imposed on witnesses who balked at testifying before this committee.

Until the Watkins case, the Court had upheld the information function of legislative committees, and had always refused to interfere with the work of congressional committees investigating communism. In a unanimous decision which was considered for more than 2 years before its pronouncement, the Supreme Court said:

"A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to effect or change: and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it."

In defending the congressional power to investigate the Teapot Dome scandals, Mr. Justice Felix Frankfurter (then a professor) wrote:

"The question is not whether people's feelings here and there may be hurt, or names 'dragged through the mud' as it is called. The real issue is whether * * * the grave risks of fettering free congressional inquiry are to be incurred by artificial and technical limitations upon inquiry * * * the abuses of the printing press are not sought to be corrected by legal restrictions or censorship in advance because the remedy is worse than the disease. For the same reason, congressional inquiry ought not to be fettered by advance rigidities because, in the light of experience, there can be no reasonable doubt that such curtailment would make effective investigations almost impossible * * * the power of investigation should be left untrammeled."

In defending the congressional power to investigate the abuses of business, Mr. Justice Hugo L. Black (then a Senator) wrote:

"Witnesses have declined to answer questions from time to time. The chief reason advanced has been that the testimony related to purely private affairs. In each instance with which I am familiar the House and Senate have steadfastly adhered to their right to compel reply, and the witness has either answered or been imprisoned. * * *

"Public investigating committees * * * have always been opposed by groups that seek or have special privileges. That is because special privilege thrives in secrecy and darkness and is destroyed by the rays of pitiless publicity."

In refusing to enjoin Senator Black's lobby inquiry committee from what was widely charged to be improper use of the congressional power of exposure, the Court said: "It is legislative discretion which is exercised, and that discretion, whether rightfully or wrongfully exercised, is not subject to interference by the judiciary."

If it is proper for congressional committees to investigate businessmen, it is surely proper to investigate Communists. If congressional inquiry into dishonesty ought not to be fettered by advance rigidities, neither should congressional inquiries into disloyalty.

The Watkins opinion points to the royal commissions of inquiry as something to be imitated by congressional committees because of the commissions' "success in fulfilling their factfinding missions without resort to coercive tactics."

CANADIAN LAW AND COMMUNISTS

The report of the Canadian Royal Commission on Espionage, which was created on February 5, 1946, to investigate the charges of Igor Gouzenko, and which is the royal commission most nearly comparable in purpose to the House Un-American Activities Committee, reveals the following differences between the methods used by a royal commission investigating subversion, and the methods used by a congressional committee investigating subversion:

1. A royal commission can arrest and jail witnesses. A congressional committee has no such power.

2. A royal commission can compel witnesses without bail and incommunicado for many days and until after they are questioned. A congressional committee has no such power.

3. A Royal Commission can compel witnesses to testify and can impose sanctions for refusing to testify. It does not recognize a fifth amendment or privilege against self-incrimination, as do our congressional committees.

4. A royal commission can have its police agents search witnesses' homes and

seize their papers. A congressional committee has no such power.

5. A royal commission may forbid a witness to have his lawyer present at the hearing. Congressional committees permit a witness to have his lawyer present and even to consult with him before answering each specific question.

6. A royal commission can require all concerned in the inquiry, including witnesses, to take an oath of secrecy. The questioning by the commission can be secret and, since only selected excerpts from the testimony are then made public, it is impossible to know whether a fair selection was made. Most congressional committee hearings are public and open to the press.

7. A royal commission is not subject to or under the control of the courts, Parliament, or the Cabinet, and a commission "is the sole judge of its own procedure." Congressional committees are completely subject to Congress, and they need the assistance of the courts in dealing with contemptuous witnesses.

We do not approve, or urge, all of the foregoing practices, but cite them to show what other freedom-loving nations do to protect their security.

WHAT LEGISLATION IS NECESSARY

Our committee deems the bill introduced to overcome the effect of the Steve Nelson decision to be in the public interests. Serious consideration must be given to legislation which will—

1. Safeguard the confidential nature of the FBI files;

2. Give to congressional committees the same freedom to investigate Communists and pro-Communists that these committees have always had to investigate businessmen and labor leaders;

3. Sanction the right of the Federal Government to discharge security risks even though they occupy so-called nonsensitive positions;

4. Vest in the Department of Justice the right to question aliens awaiting deportation about any subversive associations and contacts;

5. Correct the notion that the Smith Act was not intended to prohibit advocacy and teaching of forcible overthrow as an abstract principle;

6. Permit schools, universities, bar associations, and other organizations to set standards of membership high enough to exclude those who refuse to testify frankly and fully about their past activities in furtherance of Communist plans to conquer the free world by subversion.

In recent weeks the New York Daily Worker has been replete with articles and editorials proclaiming that the usefulness of FBI informants in future prosecutions has been destroyed; that the Smith Act is now ineffective and for all practical purposes invalidated; that the effectiveness of congressional inquiries into subversive activities has been curtailed and that the Government loyalty-security program is under serious attack. In reporting on its current fund drive the Daily Worker has stated it has experienced an enlivening of contributions which it attributed to renewed hope by its supporters for its future.

The reaction of the Communist Party to the recent Supreme Court decisions clearly depicts the resilience of the organization and the speed with which its leadership recognizes an advantage and presses to capitalize to the fullest extent on circumstances conducive to the growth of the organization.

Some Americans may wonder whether an organization the size of the Communist Party, U.S.A., with a consistent decline in membership in recent years, represents a danger to the security of this country. It must be remembered that numbers alone do not mean everything. The party has never boasted of a large membership but rather has continually endeavored to confine its membership to hard-core members who have adhered to Communist discipline down through the years and who can be relied upon to carry out the party's orders without question.

Our committee believes that special mention should be made of the June 3, 1957, decision of the U.S. Supreme Court in *Jencks* v. *United States* and legislation subsequently introduced in Congress to define the scope of the rule announced by the Court in that case.

In the Jencks case the Court held that one accused by the United States of a criminal offense is entitled to inspect, for purposes of impeachment, prior statements and reports which the prosecution witnesses had previously made to the Government and which touch upon the subject of their testimony at the trial. Further, the defense need not first lay a foundation of inconsistent testimony in order to obtain production of these documents.

We are in firm agreement with the Court's view that the accused's right to make an adequate defense must not be jeopardized by an arbitrary withholding of pertinent documents by the prosecution.

We are equally strong in our belief, however, that the rules by which these documents are produced should be defined with sufficient restriction that one accused of subversion against this Nation and its people will not be allowed to rummage at will through Government documents containing confidential information important to the national security and of no relevance whatever to the defense of the accused. There is danger of such a result.

"GRAVE EMERGENCY" FROM RULING

The Attorney General himself testified before the Congress only recently, declaring that a grave emergency resulted from the Supreme Court decision in the Jencks case. He asserted that some trial courts have interpreted the Jencks decision to require that the Government submit to the defense not only those reports and statements specified by the Supreme Court, but also the investigative report of the case, much of which is neither relevant nor material to the defense of the accused.

We believe the effect of such interpretations is to weaken immeasurably the proper and necessary defenses of society, without granting to the accused any additional information which he rightfully needs to make his defense. We also point out that the investigative reports sometimes contain the names of third persons who originally were linked to the case in a manner subsequently found to be innocent. To release the names of these innocent people from the bond of Government secrecy would not promote the interests of justice. On the contrary, it would be injustice of the rankest sort.

Accordingly we believe that a firm stand should be taken in support of legislation, already introduced in the Congress, which would recognize the rights of the accused as defined by the Supreme Court in the Jencks decision, but at the same time prohibit those rights from being used by criminals and subversives as a lever to pry out of the Government files information to which they are not entitled and the release of which can serve no purpose but to jeopardize the rights of innocent persons and the public at large.

Your committee calls attention to the report to the Congress which was recently made by the Commission on Government Security, of which Loyd Wright, past president of the American Bar Association, is Chairman. This report points out the critical situation with respect to national security. We urge the careful study and consideration of this report by the lawyers of our country and, further, that the efforts to strengthen our internal-security defenses have wholehearted support and cooperation.

EFFORTS TO ACHIEVE SECURITY

Chairman Wright, his fellow members of the Commission on Government Security, the advisory group and staff of the Commission are entitled to the commendation and gratitude of the citizenry for their monumental undertaking, which has been so efficiently and painstakingly performed. It is heartening to note the unselfish efforts exerted by Chairman Wright and his colleagues to achieve the desired goal of Government security, at the same time safeguarding the legitimate interests of everyone involved in the consideration of Government security.

This committee again commends President George Meany of the AFL–CIO for his prompt detection of the current Communist line and his warnings to his fellow Americans of the folly of trying to do business with a government which has violated every agreement that it ever signed.

We also commend Mr. Albert Hayes, of the International Association of Machinists, for promptly dismissing three organizers who took the fifth amendment when asked by the Senate Internal Security Subcommittee about their Communist activities. It is hoped that leaders in other fields of American life will react with equal courage to current Communist tactics.

We desire to record emphatically our approval of the organization and functioning of the two congressional committees, which have given special attention to the problem of subversive activities, namely: the Senate Internal Security Committee and the House Un-American Activities Committee. It is our considered opinion, for close observation of the work of these two groups, that they have rendered immeasurable service to the American people and that their operations have been of inestimable value in the defense of our country against those who would undermine our basic institutions.

It is also our privilege to comment upon the painstaking and intelligent efforts of the Federal Bureau of Investigation. Under the able leadership of Director J. Edgar Hoover, this devoted group has become a tower of strength in the all-out effort to detect and to apprehend subversion, among their other important undertakings. We praise their work and urge the American people to give continuous aid and provisions to uphold and support the operation of this protective agency.

Lawyers, by training and tradition, know and appreciate the vital importance of an independent judiciary. Wherever we find it, we respect it. Where the independence is exercised with courage and soundness, we revere it—for then we have justice under law. Our training has also given us, and we must impart the benefit of it to the American people, a tolerance and an understanding of difference of viewpoint.

The judicial branch is one of the three cornerstones of our constitutional Government—and the ultimate determinant of our individual rights but, as we said in our brief to the Supreme Court in the Communist Party case, "There can be no individual rights or freedoms without national security."

For the reason that our committee has been charged with the duty of studying the problems caused by international communism and we have observed the Communist tactics and realized the danger to American life and to the free world, we must urge an unremitting effort to maintain a judicial system which will ever function as impartial, resolute, and vigilant. There must ever be one standard of justice under law for both high and low, for those who are accused of serious offenses as well as for lesser crimes.

There must never be different and varying standards for determination of rights or duties or violations applicable to cases involving Communist problems as compared to other issues.

It must be remembered that it is one of the cardinal policies of the Communist movement not to be concerned with actions, proceedings, charges, or indictments so much as their ultimate determination and consequences. For that reason, the strategy of delay is employed by them in every case and at every stage.

It should not happen that sound and established concepts of law and standards are disregarded and different standards employed simply because the problem involved Communist activity. To conjure hypothetical fears not involved in a case submitted for determination is neither sound judicial administration nor good government. Again, to quote from our brief in the Communist Party case, may we repeat, "Where no constitutional or statutory provision is violated, the courts are no more immune from the duty to safeguard the Nation than is the Congress or the President."

The criterion of justice must in this country be high—but it must be human—and cannot be perfect. We believe and shall always strive for the same high standard of justice for any Communist or Communist organization as for any loyal American citizen or any legal entity, but likewise, we will deplore special and extraordinary treatment for Communists or Communist organizations.

The momentous and dangerous times in which we live present serious problems to every branch of government and entail sacred responsibilities. It is imperative that our bench and bar must be sound as well as courageous, realistic as well as idealistic.

The desire to preserve liberty in all its forms and the absolute necessity of protecting our countries and our families from international communism pose a problem that is admittedly very difficult. On the one hand, England and the United States have for centuries cherished the ideal that uniformity of opinion among the citizens is neither desirable nor obtainable; on the other hand, we are not so blind as to think that communism is merely another shade of political opinion.

The dilemma that confronts our two countries is monumental.

NEEDED: PROPER BALANCE

The duty of the bar to play an important part in finding a solution to the dilemma is self-evident. We must strive to find the proper degree of balance between liberty and authority.

It is traditional and right that our courts are zealous in protecting individual rights. It is equally necessary that the executive and legislative branches take effective action to gird our country in defense against Communist infiltration and aggression.

If the courts lean too far backward in the maintenance of theoretical individual rights, it may be that we have tied the hands of our country and have rendered it incapable of carrying out the first law of mankind—the right of self-preservation.

Mr. BYRD of Virginia. Mr. President, the American Bar Association's house of delegates, representing 200,000 American lawyers, followed up reports by its original and a subsequent committee on February 24, 1958, by recommending that steps should be taken to—

Restore authority of States to enforce laws against sedition;

Make it a crime to advocate violent overthrow of the U.S. Government;

Strengthen present restrictions against organizing any group which advocates the forcible overthrow of the U.S. Government;

Empower the Secretary of State to deny passports to subversives or Communists, and to take such action on the basis of confidential information;

Authorize the Federal Government to dismiss security risks from nonsensitive jobs as well as from sensitive positions;

Establish the right of any branch of Government to require, as a condition of employment, that employees answer questions about Communist affiliations;

Strengthen provisions for deporting Communist aliens;

Require labeling of propaganda circulated in United States by foreign agents located abroad; and

Clarify the powers of the House Committee on Un-American Activities.

Compare these recommendations with the proposals in the pending amendments, and then listen to further summary of action by the bar association's house of delegates in its February 1958 session.

I ask unanimous consent to have the summary as published in the March 9 edition of U.S. News & World Report inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOW LAWYERS SPEAK OUT ABOUT SUPREME COURT

Into the controversy over Supreme Court decisions steps the American Bar Association. It is upset by rulings on Reds.

The lawyers recommend: Congress should pass some laws to overcome the effect of those rulings on the Nation's internal security. But no attempt should be made to narrow the jurisdiction of the Court.

Once again decisions of the Supreme Court of the United States have come under fire of legal experts. The fire, this time, comes from the American Bar Association. At issue again are the Court's rulings on communism.

The bar association's house of delegates, at its annual winter meeting here, adopted a report on February 24 which said:

"Recent decisions of the U.S. Supreme Court, in cases involving National and State security and with particular reference to Communist activities, have been severely criticized and deemed unsound by many responsible authorities."

Twenty-four such decisions were cited.

The report made this recommendation:

"That wherever there are reasonable grounds to believe that, as a result of Court decisions, weaknesses in our internal security have been disclosed, remedial legislation be enacted by the Congress of the United States."

Then the report listed nine measures that it said Congress should pass promptly in order to remedy the effects of Court decisions. Those measures are set out in the chart on these pages.

A continuing study by Congress of Court decisions was urged to see if other remedial measures might be desirable.

The 246 delegates who adopted this report represent 200,000 lawyers throughout the country who are members of the bar association.

Last August, the Supreme Court was criticized by an organization of State judges—the Conference of Chief Justices. That group charged that the Court "too often has tended to adopt the role of policymaker without proper judicial restraint."

COMFORT FOR REDS?

Last spring, it was a Senate group—the Internal Security Subcommittee—which criticized the Court. The subcommittee said that the effect of numerous Court decisions "has been comfort for Communists and criminals."

Now it is an organization representing the Nation's lawyers that is suggesting that something be done about the Court's rulings.

Behind the bar association's action is a story of internal dissension which involves the Chief Justice of the United States, Earl Warren, under whose leadership the Supreme Court handed down the controversial opinions.

The story goes back to 1957. In that year, the bar association held its annual convention in London. At that convention—attended by Mr. Warren—a report was presented by the association's special committee on Communist tactics, strategy, and objectives. That report cited 15 Court decisions as directly affecting the right of the U.S. Government "to protect itself from Communist subversion," and suggested that "serious consideration" should be given to new laws to overcome the effect of such rulings.

It was shortly after that convention, according to Mr. Warren's account, that the Chief Justice submitted his resignation from the bar association, although association officials say they have no record of such resignation.

CENSORED REPORT?

Last year, another report by the committee on communism was prepared for submission to the bar association convention in Los Angeles. That report, too, criticized Court rulings. But it was never submitted to the convention. Some association members charge that the report was withheld as a form of censorship by persons seeking to protect the Supreme Court from public criticism.

Soon after the Los Angeles meeting, Mr. Warren rejected a bill for bar association dues with the comment that he had already resigned. His resignation—still unexplained—was formally accepted on February 20.

In the meantime, the bar association's special committee on Communist tactics, strategy, and objectives was writing a new report, under the chairmanship of Peter Campbell Brown, of New York City, a former member of the Federal Subversive Activities Control Board.

When the committee's new report was submitted to the house of delegates of the bar association here, some opposition developed. A few phrases criticizing the Supreme Court were deleted by amendments. One such phrase suggested that, in some Court decisions, "technicalities are invoked against the protection of our Nation." After the amendments, however, the report's recommendations were adopted by a voice vote described as overwhelming.

CURBS THOUGHT UNWISE

One section of the report said that, "while members of this association view some of the Supreme Court decisions to be unsound and incorrect," they considered "broad omnibus proposals" for curbing the Court's powers to be "at this time unwise." It specifically recommended "that the American Bar Association disapprove proposals to limit any jurisdiction vested in the U.S. Supreme Court".

Instead, the bar association recommended "careful study of each decision and the prompt enactment of sound amendments to existing laws" which would overcome any resulting weaknesses in internal security.

The nine new measures suggested by the association were pointed directly at laws involved in recent Supreme Court cases.

THE RED CONSPIRACY

Discussing the Court's decisions involving communism, the bar association report said:

"* * * In the preamble to the Communist Control Act of 1954 * * * Congress stated

specifically that 'the Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States.' Likewise, the Subversive Activities Control Board has, after protracted hearings, found the Communist Party to be a Communist-action organization required to register under the Internal Security Act of 1950.

"In spite of this, much dicta has appeared in recent decisions of the Supreme Court to the effect that the Communist Party is a political organization of a lawful nature similar to the Republican, Democratic, or Socialist Parties, hinting that disclosure of membership therein or association therewith is entitled to the protection of the first amendment. While this view has not been actually held in any known case, language contained in many of the decisions has invited confusion.

"Many cases have been decided in such a manner as to encourage an increase in Communist activity in the United States through invalidation of State sedition statutes, and limitation of State and Federal investigating powers in the field of subversion, although these cases might readily have been disposed of without so broadly limiting national and State security efforts.

"The paralysis of our internal security grows largely from construction and interpretation centering around technicalities emanating from our judicial process which the Communists seek to destroy, yet use as a refuge to masquerade their diabolical objectives."

RED TACTICS: DELAY

The Bar Association report complained about delay in final settlement of legal disputes involving Communists. It said:

"Eight years have now elapsed since the enactment of the Internal Security Act of 1950. The status of the Communist Party continues to remain unadjudicated. The constitutionality of the act remains to be determined by the Supreme Court of the United States. The Communists have used every tactic to delay the determination of this case and subsequent enforcement of this act."

For the success of the Communist tactics, the report blamed "judicial delays and failures to meet the issues in a decisive manner. * * *" It added: "If any part of the said act violates the Constitution, the courts, should so hold. Congress should then enact new legislation or amend the present act to conform to any constitutional requirements as determined by the courts."

Mr. BYRD of Virginia. To round out the RECORD on this point, I wish to quote directly an eminent Member of the U.S. House of Representatives who addressed the House on the subject of the Warren Court record on January 27, 1959. I quote from the Honorable NOAH MASON, representing the 15th Congressional District of Illinois. I read from the CONGRESSIONAL RECORD, volume 105, part 1, beginning at page 1219. Representative MASON said:

Mr. Speaker, as newly elected Members of Congress we have recently taken our oath of office, solemnly swearing that we would "uphold and defend the Constitution of the United States against all enemies, foreign and domestic." I wonder just how serious we were when we took that oath; and just what we expect to do in carrying out that oath. Or did we take the oath, as many people recite the Lord's Prayer, carelessly, unthinkingly, automatically, and impersonally?

Gladstone, a great English statesman, characterized our American Constitution as "the greatest public document ever stricken off by the hand of man at one sitting."

Mr. Speaker, that Constitution has been our charter for 170 years. It has been a blueprint for the building of the greatest Nation on earth; the Nation that provides the greatest opportunities for its people of any nation on earth; the Nation that provides the greatest amount of freedom to its people of any nation on earth; and the Nation that has the highest standard of living for its people to enjoy of any nation on earth.

All these blessings are largely the result of the guarantees contained in the Constitution that our farseeing forefathers drew up and established 170 years ago. Is it any wonder that every real American looks upon that Constitution as a sacred document, a priceless document, a document to be preserved with our lives if necessary—not a document to be taken lightly and changed at the whim of every New Dealer, modern Republican, or Supreme Court Justice.

Mr. Speaker, the purposes the Founding Fathers had in mind when they drafted our Constitution are expressed in the preamble of that document. Every schoolchild should be required to memorize it:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Mr. Speaker, some of the provisions of the Constitution have been the subject of much debate over the years. The historic Senate debates of 1830 between Webster and Calhoun over States rights under the Constitution is an example of how mental giants have honestly differed as to the real meaning of some of the provisions of the Constitution. When Andy Jackson was elected President in 1829 his southern friends decided to test him on the subject of States rights. So they held a great banquet with Jackson as the guest of honor. Toast after toast was proposed by Jackson's friends all lauding the philosophy of States rights, as outlined by Calhoun. Then Jackson was called upon for a toast. He stood up stretching his tall, gaunt, fever-stricken form to its full height—paused a moment—then uttered in ringing tones: "Gentlemen, our Federal Constitution, it must be preserved." Jackson left no doubt in anyone's mind as to where he stood on the Constitution.

Later, in 1858, came the Lincoln and Douglas series of debates in Illinois over slavery and States rights. Those debates led up to the Civil War, four dark and bloody years when American fought against American, brother fought against brother. The Civil War settled for all time the slavery question—but it did not settle the question of States rights. That question is still with us.

Mr. Speaker, the next great attack on our Constitution came in February 1937 when President Roosevelt sent his Court-packing proposal to the Hill for adoption. I was a new Member of Congress at that time having been sworn in only a month before. My oath of office was fresh in my mind, "To uphold and defend the Constitution of the United States." President Roosevelt had lost patience with the "nine old men," who wouldn't go along with his welfare theories, whose decisions went against his social welfare programs. So in order to get a Court that would go along with his social and economic theories, a Court that would approve his social-welfare programs, he sent to Congress a proposal to pack the Supreme Court with men whose social, economic, and political beliefs were akin to his own—men who would carry out his wishes. If that proposal had been adopted it would have changed this country into a one-man dictatorship.

I was in the Senate and well remember those days.

Fortunately, the people back home became aroused as they had never been aroused before. Congress was flooded with protests, and the Court-packing proposal was defeated. Then F. D. R. started to stack the Court, by appointing to every vacancy that developed among the "nine old men" a person who had the same social, political, and economic beliefs that he had himself, making the appointments regardless of that person's legal background or the amount of his judicial experience. President Truman followed in Roosevelt's footsteps when making has appointments to the Supreme Court: and Eisenhower finished the stacking process when he appointed Earl Warren as Chief Justice, a man with no judicial experience, and with a minimum of legal training.

We have today, therefore, a Court that bases its decisions upon the personal, social, political, and economic predelictions of the majority of the Justices—not upon legal precedents; not upon constitutional grounds, as was anticipated by the makers of the Constitution; but upon the personal opinions of the majority of its members.

In the minds of our Supreme Court Justices today our Federal Constitution is a dead letter. It is largely ignored or flouted as a basis for present-day decisions. Even former decisions of the Court, under such great men as Charles Evans Hughes and Chief Justice Howard Taft, are ignored, disregarded, cast aside, in favor of socialistic doctrines expounded by a Swedish Socialist.

Mr. Speaker, judging by many of its recent decisions the majority of the Justices of the Supreme Court today actually believe their chief function is not to judge the laws passed by the Congress, to weigh them from the standpoint of the Constitution, but rather "to rewrite the Constitution in their own image," as Judge Alfred J. Schweppe, former dean of the University of Washington Law School, so aptly put it. In order to accomplish that objective they ignore or flout the precedents laid down by former great Courts; they ignore the amending process found in article V of the Constitution itself—saying the amending process is too slow and cumbersome. So they proceed by majority decisions to rewrite the Constitution according to their own preconceived social, economic, and political concepts.

For example, the Warren Supreme Court in its 1954 decision on integration in the public schools, deliberately flouted or ignored a former Supreme Court decision delivered in 1896, giving approval to "separate but equal school facilities and services for white and colored pupils," a decision that had been the supreme law of the land for 58 years.

They also flouted or ignored a decision rendered by the Supreme Court in 1927 in the Gong Lum School case, in Mississippi, where both questions, "equal protection under the law," and "separate, but equal school facilities" had been raised and argued. That Supreme Court, composed of Chief Justice Taft, and Justices Holmes, Brandeis, Stone, Van Devanter, McReynolds, Sutherland, Butler, and Sanford—all appointed on the basis of their wide judicial and legal backgrounds—rendered a unanimous opinion upon both questions in favor of the segregated schools provided by the constitution of the State of Mississippi.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. BYRD of Virginia. I yield for a question.

Mr. EASTLAND. From whose speech is the Senator quoting?

Mr. BYRD of Virginia. From Congressman NOAH MASON, of Illinois.

Mr. EASTLAND. Does the distinguished Senator from Virginia agree with the conclusions in that speech?

Mr. BYRD of Virginia. I do.

Mr. EASTLAND. Everything I say must be in the form of a question, I know, under the way we operate. But does the distinguished Senator from Virginia know that the Senator from Mississippi thinks that the Chief Justice of the United States lacks judicial integrity?

Mr. BYRD of Virginia. Does the Senator make that as a statement?

Mr. EASTLAND. I have to make a question. I asked the Senator if he knew that.

Mr. BYRD of Virginia. I cannot read the Senator's mind. I would be inclined to agree with him, but I cannot state for a certainty whether I know it or not.

Mr. EASTLAND. That is the Senator's conclusion. Let me say it is mine.

Mr. BYRD of Virginia. This is what Chief Justice Taft said in writing the unanimous opinion of the Court back in 1927:

> Were this a new question it would call for very full argument and consideration, but we think it is the same question which has been decided many times to be within the constitutional powers of the State legislature to settle, without intervention of the Federal courts under the Federal Constitution.

Representative MASON further said:

> Mr. Speaker, disregarding these decisions or precedents by former Supreme Courts, made up of men with great legal ability and experience; the Warren Court today brazenly reverses those decisions, not upon constitutional grounds, but upon their own preconceived concepts of social and economic justice, citing as their authority for doing so the opinion of a Swedish Socialist, Gunnar Myrdal, as expressed in one of his books. In its 1954 decision on school segregation the Court did not say that "separate, but equal school facilities" was bad law. In effect what the Court did say was that separate but equal school facilities was bad sociology and bad psychology. Ross Valentine, one of our great American columnists, states the question before us today in these words:
>
> "The great issue before the American people is the eventual control of our schools, our lives, and our economy, by Government monopoly concentrated in the hands of an unchecked court-of-no-appeal sitting as a legislature."
>
> To what low legal estate has our Supreme Court fallen? How can our citizens respect present-day decisions of that Court?

Mr. EASTLAND. Mr. President, will the Senator from Virginia yield for a question?

Mr. BYRD of Virginia. I yield.

Mr. EASTLAND. The distinguished Senator stated that the Court listed as one of its authorities a book by Gunnar Myrdal.

Mr. BYRD of Virginia. Yes.

Mr. EASTLAND. Does the distinguished Senator realize that in the same book Gunnar Myrdal said the Constitution of the United States had outlived its usefulness and was a plot against the common people of this country?

Mr. BYRD of Virginia. I am quoting from a speech delivered by Representative MASON in the House of Representatives.

Mr. EASTLAND. But the Senator quoted a statement in Mr. MASON'S speech. Representative MASON said that the Supreme Court used as one of its authorities a book entitled "The American Dilemma," written by Gunnar Myrdal.

Mr. BYRD of Virginia. That is what Representative MASON said.

Mr. EASTLAND. Does the Senator realize that in the same book, cited by the Supreme Court as an authority for its Communist decision, Gunnar Myrdal said that the Constitution of the United States had outlived its usefulness and was a plot against the common people of the country?

Mr. BYRD of Virginia. I do not doubt it. Representative MASON further said:

> Mr. Speaker, this Nation faces a great crisis today, a danger from within much greater than any danger that threatens from without. The words of Abraham Lincoln apply to the situation we face today as they never have before.

Mr. EASTLAND. Mr. President, will the Senator from Virginia yield for a question?

Mr. BYRD of Virginia. I yield for a question.

Mr. EASTLAND. Does not the Senator agree with Mr. MASON'S statement concerning the low opinion of the Supreme Court which the people of this country have?

Mr. BYRD of Virginia. The Senator from Mississippi is familiar with the recent speeches I have made on this subject.

Mr. EASTLAND. The distinguished Senator from Virginia has quoted from Calhoun, Webster, and other great constitutional lawyers in this country. Does not the Senator believe that the theory of massive resistance to the Communist Brown decision is founded on the principles set forth by the Fathers who wrote the Constitution and the great lawyers who have interpreted it throughout our Nation's history?

Mr. BYRD of Virginia. I reply by continuing with the quotation from Representative MASON:

> These are Lincoln's words, spoken in 1837, when he was a member of the Illinois State Legislature:
>
> "At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step across the ocean and crush us at a blow?
>
> "Never. All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth in their military chest, with a Bonaparte for a commander, could not, by force, take a drink from the Ohio or make a track on the Blue Ridge, in a trial of a thousand years.
>
> "At what point, then, is the approach of danger to be expected? I answer, if it ever reaches us, it must spring up among us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a Nation of freemen, we must live through all time, or die by suicide."
>
> In my opinion, Mr. Speaker, the danger has sprung up among us—in our Supreme Court—and we must do something about it.
>
> Mr. Speaker, the first great national crisis our people ever faced was the Revolutionary War. Thomas Paine in describing that situation said:
>
> "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from his duty; but he that stands it now deserves the love and praise of men and women."
>
> The people of this Nation and the Members of this Congress face another great national crisis. Our Constitution, our sacred Charter is being threatened from within as it has never been threatened before, threatened by men who have sworn to unhold and defend that Constitution. I pray God that we as Members of this 86th Congress will not be summer soldiers and sunshine patriots, but will stand firm in the defense of that Constitution and thus earn the love and praise of men and women.

Mr. President, I wish to quote now a very distinguished Virginian, Hon. HOWARD W. SMITH, who is chairman of the Rules Committee of the House, and is a former judge from the South. Here is what he said on March 12, 1956, in regard to the Warren Court decision:

> Mr. Speaker, in the life of a Nation there come times when it behooves her people to pause and consider how far she may have drifted from her moorings; and in prayerful contemplation review the consequences that may ensue from a continued deviation from the course charted by the founders of that Nation.
>
> The framework of this Nation, designed in the inspired genius of our forefathers; was set forth in a constitution, born of tyranny and oppression in a background of bitter strife and anguish and resting upon two fundamental principles:
>
> First, that this was a Government of three separate and independent departments, legislative, executive and judicial, each supreme in, but limited to, the functions ascribed to it.
>
> Second, that the component parts should consist of independent sovereign states enjoying every attribute and power of autonomous sovereignty save only those specific powers enumerated in the Constitution and surrendered to the central Government for the better Government and security of all.
>
> When repeated deviation from these fundamentals by one of the three departments threatens the liberties of the people and the destruction of the reserved powers of the respective States, in contravention of the principles of that constitution which all officials of all the three departments are sworn to uphold; it is meet, and the sacred obligation of those devoted to the preservation of the basic limitation on the power of the central Government to apprise their associates of their alarm and the specific deviations that threaten to change our form of Government, without the consent of the governed, in the manner provided by the Constitution.
>
> Assumed powers exercised in one field today become a precedent and an invitation to indulge in further assumption of powers in other fields tomorrow.
>
> Therefore, when the temporary occupants of high office in the judicial branch deviate from the limitations imposed by the Constitution; some members of the legislative branch feel impelled to call the attention of their colleagues and the country to the dangers inherent in interpretations of the Constitution reversing long established and accepted law and based on expediency at the sacrifice of consistency.

Mr. President, I desire to conclude shortly. I wish to quote from a former Member of the U.S. Senate, who was also a former member of the Supreme Court of the United States, and who acted as assistant to the President

at one time, Hon. James F. Byrnes, of South Carolina.

I know of no better authority on the Government of the United States. He served in his local government and as Governor of his State. He served in the House of Representatives and in the Senate of the United States. He served, as I have said, as an assistant to the President of the United States. He served as Secretary of State of the United States, and he served as a member of the Supreme Court of the United States.

I want to quote from a speech made by Hon. James F. Byrnes, of South Carolina, from the CONGRESSIONAL RECORD of May 17, 1956. This was the second anniversary of the illegal Warren Court decision, and comes from one of America's greatest statesmen:

Two years ago, on May 17, 1954, the Supreme Court of the United States reversed what had been the law of the land for 75 years and declared unconstitutional the laws of 17 States under which segregated public-school systems were established.

The Court did not interpret the Constitution—the Court amended it.

We have had a written Constitution. Under that Constitution the people of the United States have enjoyed great progress and freedom. The usurpation by the Court of the power to amend the Constitution and destroy State governments may impair our progress and take our freedom.

An immediate consequence of the segregation decision is that much of the progress made in the last half century of steadily advancing racial amity has been undone. Confidence and trust have been supplanted by suspicion and distrust. The races are divided and the breach is widening. The truth is, there has not been such tension between the races in the South since the days of reconstruction.

One threatened consequence is the closing of public schools in many States of the South.

A further consequence is the harm done to the entire country by the demonstrated willingness of the Supreme Court to disregard our written Constitution and its own decisions, invalidate the laws of States, and substitute for these a policy of its own, supported not by legal precedents but by the writings of sociologists.

Today, this usurpation by the Court of the power of the States hurts the South. Tomorrow, it may hurt the North, East, and West. It may hurt you.

Though there was no dissenting opinion from any member of the Court, the South dissents. That dissent is reflected in State legislation and in the day-by-day occurrences throughout the South, developments which portray the feeling of the people.

Only now do people living elsewhere begin to comprehend the determination behind the dissent of the South. Only now is an effort being made in the northern press to give thoughtful, balanced and reasonably impartial presentation of what might be called the southern point of view.

The suppression of that viewpoint outside the South has caused much of the Nation to suppose that such dissatisfaction as existed with the Supreme Court's decision was due to petty prejudice and would soon disappear. That theme has been further developed by the publication of "encouraging" reports of school-integration experiences here and there below the Mason-Dixon line. Those reports may be true of some border States and of predominantly white areas in mountain sections of the South; it is not true of any section where Negroes constitute as much as 10 percent of the population.

The problem is numerical as well as legal, educational, and—in recognition of the Supreme Court's concern—sociological.

The corruption of the Reconstruction era is a matter of recorded history. The memory of the sufferings endured by the white people of the South is an inheritance. It was during this tragic era that the 14th amendment was literally forced upon the helpless States of the South.

When the white people finally wrested control of the State governments from the carpetbaggers and newly freed slaves, and the army of occupation was withdrawn, the South started on the long road to recovery. Agriculture and industry were gradually restored. A public school system was developed.

No one then seriously asserted that mixing the races in the schools was contemplated by the 14th amendment. In the constitutions of most of the States of the Union, not just those of the South, provisions were adopted for the segregation of the races in the schools.

In 1896 in a case known as Plessy against Ferguson, involving a statute providing for segregation of the races on railroad trains, the United States Supreme Court held that a statute providing for separate but equal facilities was not in violation of the 14th amendment to the Constitution. Thereafter, the Supreme Court in several cases involving schools upheld this doctrine.

Later, the Court, when it included such great Judges as Chief Justice Taft and Justices Holmes, Brandeis, and Stone, unanimously said that segregation in public schools had been "many times decided to be within the constitutional power of the State legislatures to settle without interference of the Federal courts under the Federal Constitution."

SOUTH'S STAKE IN SEPARATE SCHOOLS

Relying upon the stability of the law of the land, and upon the guaranty of State sovereignty in the Federal Constitution, the people of the South invested hundreds of millions of dollars in separate schools for the races. Under this segregated school system, the southern Negro made greater progress than any other body of Negro people in the history of the world.

The facilities for Negro students in many States were not equal to the facilities provided for white students. The degree of equality differed not only in States, but in counties within a State. The situation in South Carolina was typical of the South. As a rule, the facilities for Negro students in the urban centers were superior to the facilities provided in rural areas. The same was true of facilities for white students. Schools were dependent upon local taxation, and much of the inequality was due to the greater value of industrial property and higher income of the city dweller

A realization of the inequality that existed between rural schools and urban schools, as well as between the races, influenced me greatly to become a candidate for Governor of South Carolina in 1950.

In my inaugural address I advocated a bond issue of $75 million and the levying of a sales tax of 3 percent for the purpose of equalizing the school facilities. In presenting this, I said:

"It is our duty to provide for the races substantial equality in school facilities. We should do it because it is right. For me, that is sufficient reason."

Of the $75 million authorized, 70 percent was allocated to Negro schools even though the Negro school enrollment constitutes but 39 percent of the total school enrollment.

Subsequently, the bond issue was increased until it is now $137.5 million. In every school district there is a high school for Negroes and more than one elementary school. On the whole, the Negro school buildings are superior to the white schools because they are modern. The number of Negroes transported by bus to these schools was increased 450 percent in 3 years.

Similar educational programs have been under way in other Southern States.

In South Carolina, with a Negro population of 823,622, there are 7,500 Negro schoolteachers, whereas in 12 States east of the Mississippi and north of the Mason Dixon line, with a Negro population of 8,351,402, there are only 7,712 Negro teachers. There is no difference in the scale of pay for white and Negro teachers.

About the time the educational program was inaugurated in South Carolina, there was pending in the U.S. court a case from Clarendon County, asking equal facilities for Negro schools. Later that suit was withdrawn, and a suit was brought by the same complainants asking the court to declare unconstitutional all segregation laws.

The three-judge court, presided over by Judge Parker, senior judge of the fourth circuit, held that under the decisions of the U.S. Supreme Court from 1896 to that date, the segregation provisions of the Constitution and statutes of South Carolina were not in violation of the 14th amendment. The lawyers for the National Association for the Advancement of Colored People appealed the case to the U.S. Supreme Court.

In that Court, the case for Clarendon County was argued by the late Honorable John W. Davis. He was so convinced of the soundness of the decision of the three-judge court that he agreed to argue the case and declined to accept compensation for his services.

Had the Court been unanimous in the view that segregation statutes were in violation of the 14th amendment, such an opinion would have been written within a few months.

Instead, after many months, the Court announced that the cases should be reargued, and counsel should direct their argument to certain questions.

The first question was:

"What evidence is there that the Congress which submitted and the State legislatures and conventions which ratified the 14th 14th amendment, contemplated or did not contemplate, understand or did not understand that it would abolish segregation in public schools?"

Such a question would not have been asked if a majority of the Court was already satisfied that Congress and the State legislatures did contemplate that the amendment would prohibit segregation in public schools.

Attorneys representing the parties involved and the attorneys general of many States having segregation statutes filed briefs. The overwhelming preponderance of the legislative history demonstrated that abolishing segregation in schools was not contemplated by the framers of the 14th amendment, or by the States.

We can only speculate as to how the Court reached its decision. In that speculation, it is interesting to read in the Harvard Law Review of November 1955 an article entitled, "The Original Understanding and the Segregation Decision," written by Alexander M. Bickel, who, according to the Review, was the law clerk to Mr. Justice Frankfurter during the October term, 1952, when the case was first argued. After a lengthy résumé of the evidence, the writer states:

"The obvious conclusion to which the evidence, thus summarized, easily leads is that section 1 of the 14th amendment, like section 1 of the Civil Rights Act of 1866, carried out the relatively narrow objectives of the moderates, and hence, as originally understood, was meant to apply neither to jury service, nor suffrage, nor antimiscegenation statutes, nor segregation. This conclusion

is supported by the blunt expression of disappointment to which Thaddeus Stevens gave vent in the House."

The Court, in its opinion, did not admit, as did Mr. Bickel, the conclusiveness of the evidence that the 14th amendment did not apply to school segregation. The Court said the evidence was inconclusive.

PREVIOUS DECISIONS WERE REVERSED

Our Constitution is a written instrument. The 14th amendment does not specifically mention public schools. Having decided unanimously that the legislative history was not conclusive that the Congress or the States intended it should apply to schools, one would think the Court would have stopped there and upheld the previous decisions of the Court. Instead, it proceeded to reverse those decisions and legislate a policy for schools.

An explanation of this extraordinary decision is offered by Mr. Bickel in his Harvard Review article on page 64, where he said:

"It [the Court] could have deemed itself bound by the legislative history showing the immediate objectives to which section 1 of the 14th amendment was addressed, and rather clearly demonstrating that it was not expected in 1866 to apply to segregation. The Court would in that event also have repudiated much of the provision's 'line of growth.' For it is as clear that section 1 was not deemed in 1866 to deal with jury service and other matters implicit in * * * ordered liberty * * * to which the Court has since applied it."

If this law clerk is correct (and I can assure you the law clerks in the Supreme Court are well informed), it means that the Court, having previously interpreted the 14th amendment to apply to jury service and other matters not specifically delegated by the Constitution to the Federal Government, felt that the soundness of those decisions would be questioned unless the Court held the 14th amendment to apply to schools.

But there was a distinction. Previously the Court had held that State laws providing separate but equal school facilities did not deny a constitutional right. The control of schools had been proposed by some framers of the 14th amendment and rejected. There was no legislation by Congress prohibiting segregated schools. The only change in conditions was that several million Negroes had migrated to the big cities in Northern States and constituted the balance of political power in several States.

Once the Court becomes committed to a course of expanding the Constitution in order to justify previous expansions, there is no turning back. When next the Court is called upon to "read into" the Constitution something which was never there, another segment of the people may be the victim. It may be you.

The Constitution provides that any amendment submitted to the States must be ratified by three-fourths of the States.

Change was purposely made difficult by the framers, who jealously guarded their liberties. They knew "the history of liberty is the history of limitations on government."

COURT IGNORED A WARNING

In amending the Constitution, the Court ignored the warning of George Washington in his Farewell Address:

"If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Frequently, the Court has applied a constitutional principle to subjects not specifically mentioned in the Constitution, and not conceived of by its framers. That has been done, for instance, in applying the "commerce clause" to congressional legislation affecting forms of transportation and communication not in existence when the "commerce clause" was adopted. Material progress, which could not have been anticipated, justified the Court in applying the principle of the "commerce clause" and sustaining the laws affecting commerce between the States.

Ordinarily, the Court has been controlled by legal precedents. In the segregation opinion, it could cite no legal precedent for its decision because all the precedents sustain the doctrine of separate but equal facilities.

In 23 of the States that ratified the 14th amendment, the courts of last resort held it did not abolish segregation The Supreme Court itself, in 6 cases decided over a period of 75 years, upheld the doctrine of equal but separate facilities.

The Court ignored all of these legal precedents and the Constitution and said, "We cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written."

Why not? The function of the Court is to interpret the Constitution, not amend it. Heretofore, whenever in doubt about the proper intepretation of the Constitution or a statute, the Court has turned the clock back to the time of adoption to ascertain the intent of the draftsmen. When the Court states, "We cannot turn the clock back to 1868," will it ever consider the intent of the framers of the Constitution in 1787?

If the age of a constitutional provision is to be held against its soundness, what about the age of our religion? If time invalidates truth in one field, will it not do so in another?

If the Court could not turn the clock back in these cases, why did it ask counsel for the litigants and the attorneys general of all interested States to file briefs as to the intent of the Congress in 1868, in submitting, and the States, in ratifying, the amendments?

And why were counsel asked to argue whether the Court was bound by its previous decisions, such as *Plessy* v. *Ferguson*?

It is apparent that, when the Court found the legislative history it requested was overwhelming against the conclusion it had reached, it declared the evidence "inconclusive," disregarded the Constitution and—invading the legislative field—declared that segregation would retard the development of Negro children.

That was a terrible indictment of the Negro race. Because—whether a person be black, brown or yellow—whenever the Supreme Court says he cannot develop unless while in school he is permitted to sit by the side of the white students, the Court brands that person an inferior human being.

Now mark this well. The Court not only ignored the Constitution and its own decisions, but, in establishing a policy for schools, ignored the record in the case.

In support of its decision, after citing K. B. Clark, who was employed by the National Association for the Advancement of Colored People, it cited the writings of a group of psychologists who had not testified in the trial court. Counsel for the States had no opportunity to rebut the opinions of these psychologists. In such procedure there lies danger for all of us.

And the Court was guilty of what it has frequently condemned. As late as 1952 in the case of *Beauharnais* v. *Illinois* (343 U.S. 250), the Court said:

"It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."

Counsel had no opportunity to cross-examine these psychologists as to their qualifications as well as their affiliations. However, in the U.S. Senate on May 26, 1955, Senator EASTLAND, chairman of the Senate Judiciary Committee, submitted an amazing record of several of the authorities cited by the Court. He said:

"Then, too, we find cited by the Court as another modern authority on psychology to override our Constitution, one Theodore Brameld, regarding whom the files of the Committee on Un-American Activities of the U.S. House of Representatives are replete with citations and information. He is cited as having been a member of no less than 10 organizations declared to be communistic, communistic-front, or Communist dominated."

As to E. Franklin Frazier, another authority cited by the Supreme Court, Senator EASTLAND said, "The files of the Committee on Un-American Activities of the U.S. House of Representatives contain 18 citations of Frazier's connections with Communist causes in the United States."

In support of its findings, the Court said, "See generally Myrdal, 'An American Dilemma, 1944.'" I have seen it. On page 13, Professor (Gunnar Karl) Myrdal writes that the Constitution of the United States is "impractical and unsuited to modern conditions" and its adoption was "nearly a plot against the common people."

On page 530, Myrdal states, "In the South the Negro's person and property are practically subject to the whim of any white person who wishes to take advantage of him or to punish him for any real or fancied wrongdoing or insult."

Millions of people, white and colored, know this is absolutely false. Members of the Supreme Court know it is false. It is an insult to the millions of white southerners.

Senator EASTLAND also listed some of those who were associated with Myrdal in writing his book. He stated that the files of the House Committee on Un-American Activities show that many of Myrdal's associates are members of organizations cited as subversive by the Department of Justice under Democratic and Republican administrations.

I am informed by the Senator that no Member of the Senate and no responsible person outside of the Senate has challenged the accuracy of his statements on this subject. Loyal Americans of the North, East, South, and West should be outraged that the Supreme Court would reverse the law of the land upon no authority other than some books written by a group of psychologists about whose qualifications we know little and about whose loyalty to the United States there is grave doubt.

And loyal Americans should stop and think when the executive branch of the Federal Government brands as subversive organizations whose membership includes certain psychologists, and the Supreme Court cites those psychologists as authority for invalidating the constitutions of 17 States of the Union.

RIGHT TO CRITICIZE COURT

Some advocates of integrated schools shudder to think of anyone's criticizing a decision of the Supreme Court or, certainly, this decision of the Court. Well, whenever a member of the Court dissents from the majority opinion, he expresses his views and criticizes—sometimes in vigorous language—the Court's opinion.

In recent years there are many examples. But a case in point is the dissent of the late Justice Owen J. Roberts, who differed with his colleagues on the Court in the case of *Smith* v. *Allwright*, The Supreme Court in that case reversed prior decisions and declared the Democratic Party in Texas was, in effect, an agency of the State and that its actions (in conducting white primaries) was "State action." Said Mr. Justice Roberts:

"I have expressed my views with respect to the present policy of the Court freely to disregard and to overrule considered deci-

sions and the rules of law announced in them. This tendency, it seems to me, indicates an intolerance for what those who have composed this Court in the past have conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom reside in us which was denied to our predecessors."

The decisions of the Supreme Court must be accepted by the courts of the United States and the States, but not necessarily by the court of public opinion. The people are not the creatures of the Court. The Court is the creature of the people.

One hundred representatives of the people in the U.S. Congress have issued a manifesto criticizing this decision. Such criticism is nothing new. There is precedent for criticism by the people.

After the decision in the Dred Scott case, Abraham Lincoln criticized the Court, declaring the decision erroneous and pledging the Republican Party to "do what we can to have it overruled."

President Franklin D. Roosevelt, on March 9, 1937, commenting on a decision of the Supreme Court, said:

"The Court in addition to the proper use of its judicial functions has improperly set itself up as a third house of the Congress—a superlegislature, as one of the Justices has called it—reading into the Constitution words and implications which are not there.

"We have, therefore, reached the point as a Nation where we must take action to save the Constitution from the Court and the Court from itself.

"Our difficulty with the Court today rises not from the Court as an institution but from human beings within it."

ENFORCEMENT OF DECISION

The 5th section of the 14th amendment authorizes Congress to enforce that amendment. Congress never legislated to require integrated schools because the 14th amendment did not embrace schools. On the contrary, Congress specifically appropriated for segregated schools in the District of Columbia. Now that the Supreme Court has amended the Constitution to embrace schools, Congress could legislate on the subject but the Supreme Court knows the representatives of the people will not legislate. Therefore, it calls upon the States of the South to enforce its new policy for schools.

The people of the South are law-abiding. They do not talk or even think of armed resistance. They realize the U.S. Government has the power to enforce a decision of the Supreme Court. But they believe the decision will close many schools, and think that the Court that ignored the Constitution and rendered the decision should assume the responsibility for its enforcement.

It is unrealistic to expect local school officials to destroy the public schools. With few exceptions, school trustees in the South are white men. They are highly respected in their communities. They serve without compensation. Do you think they will force the children of their neighbors into mixed schools? Many trustees will resign. Negroes will not be selected to succeed them. The schools will be closed.

When northern newspapers criticize local officials who will not cooperate in the enforcement of this decision, they should recall the prohibition era. There were few northern newspapers clamoring for the enforcement of that law by local authorities.

The so-called best people of many States did not hide their violations of the prohibition law. They regarded it as smart to boast of making gin in the bathtub and carrying whisky in a silver flask to public places. They fought the law until it was repealed.

However, there was this difference: The prohibition law was enacted as a result of an amendment to the Constitution which was adopted in the manner provided by the Constitution. It was not, as in this case, a decision of nine men on the Supreme Court—in effect—amending the Constitution.

The National Association for the Advancement of Colored People, financed by tax-exempt organizations and some well-intentioned but misguided people, for years demanded the reversal of the "separate but equal" decisions of the Supreme Court, even though 40 years ago Justice Charles Evans Hughes, speaking for the Court, said the question could "no longer be considered an open one." Now these same people would deny to the people of the South even the right to criticize the recent decision in the school case.

PRACTICAL DIFFICULTIES AHEAD

A statement of some of the practical difficulties certain to follow enforcement of the segregation decision demonstrates the seriousness of the problem.

The case from South Carolina originated in a school district in Clarendon County where there were approximately 2,900 Negro students and 290 white students. The goal of educators is to limit a class to 30 students. In the Clarendon district, all classrooms have more than the standard.

No white student will ask to go to a Negro school. But suppose some Negroes in the 10th grade of a Negro school ask for a transfer to the 10th grade of a crowded white school and the trustees decide it is unwise to further increase the enrollment in that school. Will the Court decide the rejection was on account of race, instead of efficiency, and cite the trustees for contempt?

Suppose the Negroes are admitted. It is agreed that the average Negro child, having had little training at home, does not possess the training of the average white child in the same grade and age group. Shall the white children be held back to help the Negroes progress?

The white parents in the District of Columbia can answer that question. They have had some sad experiences in the last year. As a result, approximately 60 percent of the students in the public schools of the Capital of this Nation are Negroes. Many white families have moved to Virginia; many, though they can ill afford it, have placed their children in private schools.

If the Negro students are not able to do the work of the white students, can the races be segregated in the classroom and assigned different classwork? Would not the scars inflicted upon the Negro child by such segregation be far deeper than the harm done him by associating with only Negro students in segregated schools?

Should the races be mixed in a school, will a board of trustees composed of white men in a Southern State employ Negro teachers? If not, what will happen to the Negro teachers now employed in the South?

Today, high schools in the South are more social institutions than in the past. There is a cafeteria where all students lunch together. There is a gymnasium where students of both sexes engage in various sports.

Athletic contests, as a rule, are held at night. Students, following the team, travel in school buses. When the races have been accustomed to separation in buses, who can assure there will not be serious consequences?

These are only a few of the problems.

There is a fundamental objection to integration. Southerners fear that the purpose of those who lead the fight for integration in schools is to break down social barriers to childhood and the period of adolescence, and ultimately bring about intermarriage of the races. Some Negro leaders deny this. Others admit this objective. Because the white people of the South are unalterably opposed to such intermarriage, they are unalterably opposed to abolishing segregation in schools.

Disraeli said, "No man will treat with indifference the principle of race. It is the key to history."

Pride of race has been responsible for the grouping of people along ethnic lines throughout the world.

Race preservation is the explanation of the political unrest in South Africa. In the United States, it is not peculiar to the white people of the South. For many years, fear of the Japanese influenced legislation in California.

Today, in 23 of the States, intermarriage of the races is prohibited by law. These laws reflect the fear of mongrelization of the race. To prevent this, the white people of the South are willing to make every sacrifice.

It is useless to argue whether the racial instinct is right or wrong. It exists. It is not confined to any race or to any country. It cannot be eliminated from the minds and hearts of people by the views of psychologists or by the order of a court.

The degree of tension between the races depends upon the percentage of Negro population. In Vermont, where there are few Negroes, there is little tension. But in Detroit, Chicago, and Washington, where the Negro population is increasing, tension is increasing.

Frequently it has been asked why the white man of the South who owned no slaves fought in the Confederate Army as bravely as the slaveowner. He had no financial interest. It was not greed. It was to preserve the rights of the States and thereby preserve his race. For this he fought and died. His grandchildren have the same racial instincts.

Abraham Lincoln was not charged with racism, but he said, "While the races remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race." He further said, as to political equality, "My own feelings will not admit of this, and if mine would, we well know that those of the great mass of whites will not. Whether this feeling accords with justice and sound judgment is not the sole question, if indeed it is any part of it. A universal feeling whether well or ill-founded cannot be safely disregarded."

Since Lincoln's words were uttered, the Negro living by the side of the white man of the South, under segregation laws, has made great progress—educationally, culturally, and economically. The white man of the South wants to help the Negro continue to progress, first because it is right and, second, because it is to his own advantage. Unlike Lincoln, he does not say there must be the position of superior and inferior. He says in State-supported facilities there should be equality but he also says "equal facilities" does not mean the same facilities.

WHERE DO WE GO FROM HERE?

Frequently, the question is asked: Where do we go from here? Solomon, with all his wisdom, could not give a positive answer. We do know that the approximately 40 million white southerners will do everything that lawfully can be done to prevent the mixing of the races in the schools.

The hope is for voluntary segregation. As the Negro has progressed educationally and economically, a constantly increasing percentage of them have developed a pride of race. That Negro does not want his children forced into schools where they will not be welcomed. He prefers to have them attend schools for Negroes, taught by Negroes. However, recent events indicate such men will be coerced by the National Association for the Advancement of Colored People and northern Negroes to demand admission to white schools. Therefore, there is fear for the future.

Plans vary. In some States, the legislature has repealed the statute requiring children to attend schools. When the overwhelming

majority of the people of a State are opposed to integrated schools, they could not be expected to enforce laws requiring children to attend mixed schools.

In most States, the law now requires trustees or other school officials to assign children to schools. In the cities where the Negro population is usually concentrated in two or three areas, schools have been placed in those areas. It is reasonable that Negroes should be assigned to the schools nearest their homes. In the rural districts there is no such segregation of homes. There the problem will be more difficult, and more dangerous.

In South Carolina and in some other States, laws have been enacted providing that if—by order of any court, State or Federal—a student is assigned to a school different from that to which he is assigned by school officials, all appropriations for the school to which that student is assigned and all appropriations for the school from which he comes shall immediately cease. Similarly, it is provided that funds appropriated for operation of school buses shall be available only for segregated buses.

The theory of this legislation is that under the Constitution there are three branches of Government which shall forever be kept separate. It is the function of the legislative and executive branches of State governments to appropriate for and administer school funds. If a State or Federal court shall arrogate to itself the right to assign children to schools different from the assignment made by the officials designated by the legislative and executive branches of the State government, no funds shall be available for such schools.

It is predicted by counsel for the National Association for the Advancement of Colored People that the U.S. Supreme Court will declare these appropriation laws unconstitutional. In view of the segregation decision, no man can say positively the prediction will not come true.

If the Supreme Court shall declare unconstitutional all State statutes having, in its opinion, the effect of continuing segregated schools, then as a last resort many States will discontinue public schools. Some financial assistance would be provided for parents, white and colored, sending children to private schools. Such a plan is proposed in Virginia.

By an overwhelming vote in South Carolina in 1952, there was eliminated from the State constitution the provision that public schools must be provided for "all children between 6 and 21 years of age." The purpose was to permit the legislature to be free to discontinue public schools should all other efforts fail.

NEGROES COULD SUFFER MOST

Should this happen, it will be unfortunate for both races. It would be particularly unfortunate for Negroes because they do not have the financial ability to purchase or to build and equip schools. That fact does not deter the reckless leaders of the National Association for the Advancement of Colored People from jeopardizing the continued existence of Negro schools as well as of white schools.

Should the public schools close, the white people of the South will see that an education equal to that given white children is available to the Negro children who are being used as pawns by the National Association for the Advancement of Colored People in an effort to solve overnight a great social problem.

Integration is now demanded in other fields. In South Carolina, for example, there are recreation parks, supported by public funds and equipped with vacation cabins, lakes, and other facilities. For the maximum enjoyment of all, and for the preservation of good order, the parks are operated on a segregated basis—some for whites and some for Negroes.

Recently, a suit was brought in a Federal court to force the admission of Negroes to a park set aside for white people. The general assembly, rather than wait for another racemixing decree, promptly and unanimously ordered the park closed. The suit was dismissed by the court. For the future, money is appropriated only for segregated parks. Similar suits have been brought in other States. All parks may soon be closed as a result of litigation inspired by the National Association for the Advancement of Colored People and some northern sentimentalists who do great injury to their fellow man. Woodrow Wilson once said:

"It will be a bad day for society when sentimentalists are encouraged to suggest all the measures that shall be taken for the betterment of the race."

THREATENED: POWER OF STATES

Tragic as may be the consequences in destroying the public school system in the South, more frightening are the consequences of the trend of the present Court to destroy the powers of the 48 States.

In the case of *Pennsylvania* v. *Steve Nelson,* decided April 2, 1956, the same Court that declared unconstitutional the segregation statutes of 17 States invalidated the laws of 42 States prohibiting the knowing advocacy of the overthrow of the Government of the United States by violence, as long as there is a Federal law against sedition.

The Department of Justice protested to the Court that the State laws did not interfere with the enforcement of the Federal statute. But the Court struck down the laws of 42 States. Justices Reed, Burton, and Minton vigorously dissented.

One week later the Court declared unconstitutional a provision of the charter of New York City under which Professor Slochower, an employee, was dismissed for failure to answer a question in an authorized inquiry, on the ground that his answer might incriminate him. It is encouraging to the people that the same three Justices dissented and were joined by Justice Harlan.

Power intoxicates men. It is never voluntarily surrendered. It must be taken from them. The Supreme Court must be curbed.

The Constitution authorizes the Congress to regulate the appellate jurisdiction of the Supreme Court. Loyal Americans who believe in constitutional government appeal to the court of public opinion in the hope that you will urge the Congress to act before it is too late.

The present trend brings joy to Communists and their fellow travelers who want to see all power centered in the Federal Government because they can more easily influence one Government in Washington than the 48 governments in 48 States.

But the trend of the Court is disturbing to millions of Americans who respect the Constitution and believe that in order to preserve the Republic we must preserve what is left of the powers of the States.

You may be unconcerned today. You may cry tomorrow.

Mr. President, the U.S. News & World Report, in its edition of September 20, 1957, summed up the laws and what they say about States and the United States. I quote in part from the article beginning on page 35, as follows:

CLASH OVER MIXED SCHOOLS—STATES VERSUS UNITED STATES—HERE'S WHAT THE LAWS SAY

A wide range of questions of law and fact is being raised by the turmoil that has developed in the fourth year of efforts to force mixing of races in schools of the South and the border States.

Who is violating what law? Can a Federal judge jail the Governor of a sovereign State? What are the rights of the Government in Washington and the government in a State? Is everybody agreed on what the law governing the mixing of races in schools is? Is there agreement on how schools should be mixed?

It is necessary to go back 3 years in search of answers that will help to clear up the confusion that now is widespread.

Three years ago, the nine Justices of the Supreme Court handed down a decision that set off the train of events that each year has lead to violence at the start of a school term.

Exactly what law did the Supreme Court interpret when it held that no longer could Negroes legally be barred from white schools?

The Court decision did not relate to any specific act of Congress. In the ordinary course, a law grows out of a bill introduced in Congress by an elected representative of the people. It then must go through committees in House and Senate, where hearings usually are held. After that, the bill must be approved by a majority of those voting in each House and must be approved by the President. No law of this kind relating to mixed schools ever has passed Congress.

What is involved, then?

The law being referred to was a decision handed down by the Supreme Court on its own authority, based on the Court's interpretation of the 14th amendment to the Constitution. The 14th amendment had been adopted during Reconstruction days in 1868, when troops from the North occupied the South and when coercion was used on these occupied States.

Just what did the Court say was the law?

The Court, in effect, held two things. It held first that legally required separate schools for whites and Negroes were unconstitutional, since they denied Negro children "equal protection of the laws." It held a year later that a start toward mixed schools in certain areas must be made "with all deliberate speed." The meaning of "all deliberate speed" was left for other Federal judges to decide.

What, then, is the confusion? Isn't "judge made" law the same as law made by elected representatives of the people?

As a matter of fact, there are differences. When Congress makes a law, it usually provides machinery for enforcement and provides specific penalties for violations. That law then is subject to court review. When judges make a law there is no clearly defined enforcement machinery, no court-directed police system adequate for enforcement, and Supreme Court decisions are not subject to review by any other body.

What articles of the Constitution deal with State powers?

The 4th article and the 10th and 14th amendments.

What, specifically, does the fourth article say?

This article says in section 4 that the United States shall guarantee to each State a republican form of government and, on application of the Governor when the legislature is not in session, the United States "shall protect each of them . . . against domestic violence."

What does the 10th amendment say?

The 10th amendment gives a broad grant of powers to the States in these words: "The powers not delegated to the United States by the Constitution, nor prohibited by it [the Constitution] to the States, are reserved to the States respectively, or to the people."

What does the 14th amendment say?

The 14th amendment, among other things, states that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Does this amendment say anything specifically about segregated schools?

No mention is made of schools. In fact, for many years before the Supreme Court decision of 1954 on segregated schools, the Constitution had been interpreted as permitting the operation of separate but equal schools for white and Negro pupils.

The law journals are full of discussion on this subject of Supreme Court interpretation of the Constitution. But, frankly, I doubt whether there is a better authority than the Senator from North Carolina [Mr. ERVIN], who sits in this body now. The Senate frequently is the beneficiary of his scholarly views. Senator ERVIN has been on a State supreme court, and knows whereof he speaks.

Senator ERVIN discussed this very subject in an address on the "Role of the Supreme Court as the Interpreter of the Constitution." The address was delivered February 11, 1959, before a meeting of the trust division of the American Bankers Association, in New York.

The address is pertinent and important in connection with the great questions raised by these amendments. I shall quote it in full.

Senator ERVIN said:

The Constitution of my native State of North Carolina has always contained a warning which all Americans would do well to heed. It is this: "A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." Let us pause for a few moments, and recur to some fundamental principles.

The men who composed the Constitutional Convention of 1787 were wise men. They had read the history of the long and bitter struggle of man for freedom, and had found this shocking but everlasting truth inscribed upon each page of that history: No man or set of men can be safely trusted with governmental power of an unlimited nature. As a consequence, they were determined, above all things, to establish a government of laws and not of men.

To prevent the exercise of arbitrary power by the Federal Government, they embodied in the Constitution the doctrine of the separation of governmental powers. In so doing, they utilized this doctrine in a two-fold way. They delegated to the Federal Government the powers necessary to enable it to discharge its functions as a central government, and they left to each State the power to regulate its own internal affairs. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make this trenchant observation in *Texas* v. *White*: "The Constitution, in all its provisions, looks to an indestructible union, composed of indestructible States."

In their other utilization of the doctrine of the separation of governmental powers, the members of the Convention of 1787 vested the power to make laws in the Congress, the power to execute laws in the President, and the power to interpret laws in the Supreme Court and such inferior courts as the Congress might establish. Moreover, they declared, in essence, that the legislative, the executive, and the judicial powers of the Federal Government should forever remain separate and distinct from each other.

This brings me to my subject: "The Role of the Supreme Court as Interpreter of the Constitution."

In discussing this subject, I must tell you the truth about the Supreme Court.

I know it is not popular in some quarters to tell the truth about this tribunal. Admonitions of this character come to us daily from such quarters: "When the Supreme Court speaks, its decisions must be accepted as sacrosanct by the bench, the bar, and the people of America, even though they constitute encroachments on the constitutional domain of the President or the Congress, or tend to reduce the States to meaningless zeros on the Nation's map. Indeed, the bench, the bar, and the people must do more than this. They must speak of the Supreme Court at all times with a reverence akin to that which inspired Job to speak thus of Jehovah: 'Though He slay me, yet will I trust Him'."

To be sure, all Americans should obey the decrees in cases to which they are parties, even though they may honestly and reasonably deem such decrees unwarranted. But it is sheer intellectual rubbish to contend that Americans are required to believe in the infallibility of judges, or to make mental obeisance to judicial aberrations. They may have an inalienable right to think and speak their honest thoughts concerning all things under the sun, including the decisions of Supreme Court majorities. It is well this is so because the late Chief Justice Harlan F. Stone spoke an indisputable truth when he said: "Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action, and fearless comment upon it."

As one whose major efforts have centered in the administration of justice, I have the abiding conviction that "tyranny on the bench is as objectionable as tyranny on the throne" and that my loyalty to constitutional government compels me to oppose it. In entertaining this conviction, I find myself in the company of such great Americans as Thomas Jefferson, Andrew Jackson, and Abraham Lincoln, who refused to accept in abject silence what they conceived to be judicial usurpations.

I do not find it easy to express my disapproval of the action of the Supreme Court. I was taught in my youth to repose an absolute confidence in that tribunal by my father, an active practitioner of law in North Carolina for 65 years, who was accustomed to refer to it with almost reverential awe. He used to say that the Supreme Court would administer justice according to law even though the Heavens fell.

I regret to say, however, that the course of the Supreme Court in recent years has been such as to cause me to ponder the question whether fidelity to fact ought not to induce its members to remove from the portal of the building which houses it the majestic words, "Equal justice under law" and to substitute for them the superscription, "Not justice under law, but justice according to the personal notions of the temporary occupants of this building."

Let me confess that I live in the South. Let me, also, confess that I deem the school desegregation decisions constitutionally indefensible. Nevertheless I assure you that I would be compelled to hold the opinion I have just expressed even if the school desegregation decisions had never been made.

The truth is that on many occasions during recent years the Supreme Court has usurped and exercised the power of the Congress and the States to amend the Constitution while professing to interpret it.

In so doing, the Supreme Court has encroached upon the constitutional powers of Congress as the Nation's legislative body, and struck down State action and State legislation in areas clearly committed to the States by our system of constitutional government. This action has been accompanied by overruling, repudiating, or ignoring many contrary precedents of earlier years.

A study of the decisions invalidating State action and State legislation compels the conclusion that some Supreme Court Justices now deem themselves to be the final and infallible supervisors of the desirability or wisdom of all State action and all State legislation.

This is tragic, indeed, because there is nothing truer than the belief attributed to the late Justice Louis D. Brandeis by Judge Learned Hand, that "the States are the only breakwater against the ever pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive."

Time does not permit me to analyze or even enumerate all of the decisions which sustain what I have said. I must content myself with stating in summary form the effect of only a few of them.

Congress is told by the Court that it really did not mean what it said in exceedingly plain English when it enacted statutes to punish criminal conspiracies to overthrow the Government by force. Congress is told by the Court that its committees must conduct their investigations according to rules imposed by the Court which make it virtually certain that no information will ever be obtained from an unwilling witness. California is told by the Court that it cannot punish its residents for criminal offenses committed within its borders if such residents are ignorant of the statutes creating such criminal offenses. California and New Mexico are told by the Court that they cannot determine the fitness or qualifications of those who apply to them for licenses to practice law in their courts. New Hampshire and Pennsylvania are told by the Court that they cannot investigate or punish seditious activities within their borders. New York is told by the Court that it cannot prescribe standards of propriety and fitness for its teachers. Pennsylvania and the trustees of the will of Stephen Girard, who has slumbered "in the tongueless silence of the dreamless dust" for 126 years, are told by the Court that the 14th amendment empowers the Court to write a post mortem codicil to the will which Stephen Girard made while he walked earth's surface and entertained the belief that disposing of private property by will is a matter for its owner rather than judges.

In saying these things, I am not a lone voice crying in a legal wilderness. The concurring opinion of the late Justice Robert H. Jackson in *Brown* v. *Allen*, and the resolution adopted by 36 State chief justices in Pasadena, Calif., disclose that a substantial portion of the judges and lawyers of America believe the Supreme Court is not confining itself to its allotted constitutional sphere.

I quote these words from Justice Jackson's concurring opinion: "Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of the Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles." Justice Jackson closed his observations on this score with this sage comment: "I know of no way we can have equal justice under law except we have some law."

Let us consider and weigh the reasoning of those who seek to justify the proposition that it is permissible for the Supreme Court to amend the Constitution under the guise of interpreting it.

They make these assertions: The Constitution must change to meet the changing conditions. As its authorized interpreter, the Supreme Court has the rightful power at all times to make the Constitution conform to the views of the majority of its members. Since the doctrine of stare decisis, i.e., the rule that judges stand by and follow the decisions of their own court, might handicap the Supreme Court in making the Constitution conform to the views of a majority of

its members on some occasions, the Supreme Court is not bound by its own decisions on constitutional questions.

These arguments rest upon a wholly fallacious premise, namely, that the power to interpret and the power to amend are identical. The distinction between these powers is as wide as the gulf which yawns between Lazarus in Abraham's bosom and Dives in hell. The power to interpret the Constitution is the power to ascertain its meaning, and the power to amend the Constitution is the power to change its meaning.

It seems at first blush that those who advance these arguments overlook the significant fact that article V of the Constitution vests the power to amend the Constitution in the Congress and the States, and not in the Chief Justice and Associate Justices of the Supreme Court. But not so. They simply nullify article V with these neat assertions:

The method of amendment authorized by article V is too cumbersome and slow. Consequently, the Supreme Court must do the amending. "The alternative is to let the Constitution freeze in the pattern which one generation gave it."

To a country lawyer, this is merely a "high falutin" way of saying that the oath of a Supreme Court Justice to support the Constitution does not obligate him to pay any attention to article V or any other provision displeasing to him.

When all is said, the thesis that the Supreme Court has the rightful power to amend the Constitution under the guise of interpreting it is repugnant to the end the Founding Fathers had in mind when they gave this country a written Constitution. Indeed, it is incompatible with the primary object of all law.

The Federalist, Judge Thomas M. Cooley's monumental treatise on "Constitutional Limitations," and certain great decisions of the Supreme Court antedating the last quarter of a century, reveal with unmistakable clarity the end the Founding Fathers had in mind in giving our country a written Constitution.

The Founding Fathers "were not mere visionaries toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them." (*South Carolina* v. *United States.*)

They understood the facts of political life exceedingly well. "The history of the world had taught them that what was done in the past might be attempted in the future." In consequence, they foresaw that the fundamentals of the Government they desired to establish and the liberties of the citizen they wished to secure would be put in peril in troublous times by both the Government and the people unless they protected such fundamentals of Government and such liberties by "irrepealable law" binding equally upon the Government and the governed at all times and under all circumstances. (*Ex parte Milligan.*)

The Founding Fathers knew that the surest way to protect the fundamentals of the Government they desired to establish and the liberties of the citizen they wished to secure was to enshrine them in a written Constitution, and thus put them beyond the control of impatient public officials, temporary majorities, and the varying moods of public opinion. To this end, they framed and adopted a written Constitution, thereby putting into form the Government they were creating and prescribing the powers that Government was to take. (*South Carolina* v. *United States;* Constitutional Limitations.)

The Founding Fathers knew that "useful alterations" of some provisions of the Constitution would "be suggested by experience." Consequently they made provision for amendment as set out in article V. James Madison, whom historians rightly call the Father of the Father of the Constitution, informs us that the Constitutional Convention preferred this mode for amending the Constitution because "it guards equally against that extreme facility, which would render the Constitution too mutable, and that extreme difficulty, which might perpetuate its discovered faults." (The Federalist.)

Since the Constitution is a written instrument, its meaning does not alter, unless its wording is changed by amendment in the manner prescribed by article V. "That which it meant when adopted it means now. * * * Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded." (*South Carolina* v. *United States.*)

Chief Justice John Marshall declared in his great opinion in *Gibbons* v. *Ogden* that "the enlightened patriots who framed our Constitution and the people who adopted it must be understood * * * to have intended what they said."

This being true, it is as clear as the noonday sun that the role of the Supreme Court as the interpreter of the Constitution is simply to ascertain and give effect to the intent of its framers and the people who adopted it. (*Gibbons* v. *Ogden, Ogden* v. *Saunders; Lake County* v. *Rollins.*) As Justice Miller said in Ex Parte Bain: "It is never to be forgotten that in the construction of the language of the Constitution here relied on, as indeed in all other instances where construction becomes necessary, we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."

Since the meaning of a written constitution is fixed when it is adopted and is not different at any subsequent time when a court has occasion to pass upon it, Judge Cooley was justified in declaring in his "Constitutional Limitations" that "a court * * * which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty."

I know that in recurring to fundamental principles I lay myself open to the charge that I am setting the clock back. As one who believes truth to be eternal, I am not troubled by this charge. Moreover, I have observed that the charge is usually made by those who labor under the delusion that there was little, if any, wisdom on earth before they arrived. It was a wise man and not a wag who suggested that these persons object to setting the clock back because it would require them to adjust their clocks and their minds forward.

Let us reflect at this point on the primary object of all law.

Laws are designed to furnish rules of conduct for government and people. As a consequence, a law is destitute of value unless it has sufficient stability to afford reliable rules to govern the conduct of government and people, and unless it can be found with reasonable certainty in established legal precedents. Justice Louis D. Brandeis had this truth in mind when he said: "It is usually more important that a rule of law be settled, than that it be settled right. Even where the error in declaring the rule is a matter of serious concern, it is ordinarily better to seek correction by legislation."

If the thesis that a majority of the members of the Supreme Court have the rightful power to change the meaning of the Constitution under the guise of interpreting it every time a sitting Justice wavers in mind or a newly appointed Justice ascends the bench should find permanent acceptance, the Constitution would become to all practical intents and purposes an uncertain and unstable document of no beneficial value to the country. Yea, more than this, it would become a constant menace to sound government at all levels, and to the freedom of the millions of Americans who are not at liberty to join Supreme Court Justices in saying that Supreme Court decisions on constitutional questions are not binding on them.

I cannot forbear expressing my opinion that the notion that Supreme Court Justices are not bound by the decisions of the Court on constitutional questions exalts Supreme Court Justices above all other men, and is of the stuff of which judicial oligarchies are made. Be this as it may, what Justice Benjamin N. Cardozo said in "The Nature of the Judicial Process" concerning the contention that the judge is always privileged to substitute his individual sense of justice for rules of law applies with equal force to this notion. "That might result in a benevolent despotism if the judges were benevolent men. It would put an end to the reign of law."

What I have said on this point finds full support in the ringing words of Edward Douglas White, one of the ablest lawyers and wisest judges ever to grace the Supreme Court bench. He said: "In the discharge of its function of interpreting the Constitution, this Court exercises an august power. * * * It seems to me that the accomplishment of its lofty mission can only be secured by the stability of its teachings and the sanctity which surrounds them. * * * The fundamental conception of a judicial body is that of one hedged about by precedents which are binding on the Court without regard to the personality of its members. Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this Court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my opinion, be bereft of value and become a most dangerous instrument to the rights and liberties of the people."

What has been said does not deny to the Supreme Court the power to overrule a prior decision in any instance where proper judicial restraint justifies such action. A sound criterion for determining when proper judicial restraint justifies a judge in overruling a precedent is to be found in the standard which Judge Learned Hand says his friend and colleague, Judge Thomas Swan, set for his own guidance: "He will not overrule a precedent unless he can be satisfied beyond peradventure that it was untenable when made; and not even then, if it has gathered around it the support of a substantial body of decisions based on it."

In ending this phase of my remarks, I wish to emphasize that precedents set by the Supreme Court on constitutional questions were tenable when made if they conformed to the intention of those who framed and adopted the constitutional provisions involved, no matter how inconsistent they may be with the views of Justices subsequently ascending the bench.

This brings me to the argument that Supreme Court Justices must nullify article V and usurp the power to amend the Constitution while pretending to interpret it to keep the Constitution from freezing "in the pattern which one generation gave it."

I assert with all the emphasis at my command that there is really no substantial validity in this argument. I take this position for three reasons:

First. Although the Constitution does not change its meaning in the absence of amendment under article V, the provisions of the Constitution are pliable in the sense that they reach into the future and embrace all new conditions falling within the scope of the powers which they in terms confer. (*Missouri P. R. Co.* v. *United States; South*

Carolina v. *United States*.) Existing grants of constitutional powers will enable the Federal Government to take action in virtually all new fields in which action on its part will be appropriate.

Second. As the possessor of all the legislative power of the Federal Government, Congress has complete authority at all times to make, amend, or repeal laws relating to all matters committed by the Constitution to the Federal Government.

Third. For these reasons, occasions which really call for amendments to the Constitution are comparatively rare. While it is frequently asserted that the method for amending the Constitution prescribed by article V is too cumbersome and slow for practical purposes, those who make the assertion furnish no satisfactory proof of its truth. To be sure, they cite as evidence the failure of Congress and the States to make constitutional changes they deem desirable. They overlook the fact, however, that the evidence they cite has just as logical a tendency to prove that the wisdom of Congress and the States exceeds theirs. Thomas Riley Marshall said that "it is as easy to amend the Constitution of the United States as it used to be to draw a cork." While this statement is not literally true, it is substantially true in instances where Congress and the States believe a constitutional amendment to be advisable.

In the final analysis, those who contend that Supreme Court Justices are justified in changing the meaning of constitutional provisions while pretending to interpret them confuse right and power.

What Justice Cardozo said of the judge as a legislator in "The Nature of the Judicial Process" is relevant here.

He said: "I think the difficulty has its origin in the failure to distinguish between right and power, between the command embodied in a judgment and the jural principle to which the obedience of the judge is due. Judges have, of course, the power though not the right to ignore the mandate of a statute, and render judgment in despite of it. They have the power, though not the right, to travel beyond the walls of the interstices, the bounds set to judicial innovation by precedent and custom. Nonetheless, by that abuse of power, they violate the law."

Twenty years ago a great American, William E. Borah, a Senator from Idaho, made this moving statement:

"We do not know what the future has in store for us as a nation, but we do know that the system of government which was brought forth on this continent nearly 150 years ago, baptized with the blessings and crowned with the wisdom of great leaders, has brought greater contentment and prosperity and more freedom to the average man and woman than any form of government yet devised. This fact alone should burn into our very souls the determination to preserve it in all its essential principles. It is one thing to adopt and adjust principles to new conditions; it is another thing to permit new conditions to disregard principles—the former is the highest achievement of the statesman and the lawgiver, the latter the work of the timeserver and the adventurer."

In closing, I add this observation to Senator Borah's stirring words: We shall not preserve any of the essential principles of the Government which brought these great blessings to America if we permit the Constitution to be destroyed by judicial usurpation.

Mr. President, as to my own views on this subject: The Constitution of the United States is a written document. Certainly, it is fundamental that the Supreme Court should interpret the language as it is applicable to cases before it. But I shall always object with all the vigor at my command to any effort by the Supreme Court, or any other court, to amend the Constitution or change its meaning through its power of interpretation.

The Constitution itself sets forth very clearly the manner in which it may be amended. For purposes of this record, it is well that article V should be quoted in full. It reads as follows:

V. The Congress, whenever two-thirds of both Houses shall deem it necessary shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article V was deliberately designed by the farsighted framers of the Constitution to provide for "useful alterations" to be "suggested by experience," and at the same time to protect the basic law of the land from "impatient public officials, temporary majorities, and varying moods of public opinion."

Resort to these fundamentals was never more needed than it is today.

The Constitution also clearly defines the supreme law of the land. And the pending amendments obviously require a reminder as to what the supreme law of the land says constitutes the supreme law of the land. The clear definition is to be found in article VI. I quote it directly:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

If there were assurance that these provisions of the Constitution, and the others, were adhered to by the Warren Court, I would have no fear—not even of these amendments.

But on the record, as I have only partially set it forth, there is no such assurance. When we are under such a handicap, we have no choice of action. Our duty is clearly in two directions: First, to do all we can to defeat the pending amendments; and, second, to awaken the public to the dangers inherent in judicial decisions such as those which constitute the Warren Court record.

What I have said is in no way to be regarded as criticism of the Supreme Court of the United States as an institution. It is intended only as a warning to the Nation of the danger which lies in a Court which, as Thomas Jefferson feared, "would lay all things at its feet."

Mr. President, I yield the floor.

EXTENSION OF TIME FOR AMENDMENT TO LIE ON THE DESK

During the delivery of the address by Mr. BYRD of Virginia,

Mr. COTTON. Mr. President, will the Senator from Virginia yield, with the understanding that he will not lose the floor?

Mr. BYRD of Virginia. I yield with that understanding.

Mr. COTTON. Mr. President, I have been requested to make a unanimous consent request on behalf of the Senator from New York [Mr. JAVITS]. I shall make the request, whether it be agreed to or not. I ask unanimous consent that the request appear at the close of the remarks of the address of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. The request is that the amendment which was presented this morning by the Senator from New York [Mr. JAVITS] to add certain language on page 22, following line 25, of the so-called Dirksen substitute, and which was read by the clerk, may lie on the desk until midnight Thursday, March 3, for additional cosponsors.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of Virginia. Reserving the right to object, will the Senator repeat his question?

Mr. COTTON. This morning the Senator from New York [Mr. JAVITS] presented an amendment in the manner which has been agreed upon by general consent, and the amendment was received and read by the clerk. It was ordered to lie on the desk, so that it could be printed as an amendment to the so-called Dirksen substitute. Apparently the Senator from New York desires that the amendment remain on the desk for the signatures of additional cosponsors.

Mr. EASTLAND. Mr. President, I do not wish to object, but I reserve the right to object. I ask unanimous consent that there be a quorum call without prejudicing the right of the distinguished Senator from Virginia to the floor, that the Senator from Virginia may proceed after the quorum call, and that when he resumes, it not count as a second speech on the pending business.

Mr. COTTON. I must object to a quorum call. I will withdraw the request for unanimous consent in order to present the request of the Senator from New York.

Mr. EASTLAND. Did the Senator from Georgia [Mr. RUSSELL] object to the amendment this morning?

Mr. COTTON. No. The amendment was read by the clerk. This request is that the amendment lie on the desk for additional cosponsors.

Mr. BYRD of Virginia. Is this a request only for the purpose of securing additional cosponsors?

Mr. COTTON. Yes. The amendment has been received and read by the clerk.

Mr. EASTLAND. Mr. President, if the Senator will let us have a quorum call, we can then tell him whether we shall object. We do not want to object.

There is no reason why we should not have time to consider the request.

Mr. COTTON. I will let the Senator from New York present his own request.

HEALTH CARE FOR THE AGED

Mr. CARLSON. Mr. President, the Kansas Medical Society is genuinely concerned over the problem of health care for all persons in Kansas, including the aged.

At the present time they are exploring a number of proposed solutions to these problems. By way of example, the Kansas Medical Society is cooperating with Kansas Blue Cross-Blue Shield toward providing for the elderly citizens of Kansas low-cost health insurance designed for their special needs. In at least three counties trial projects are already in effect, which will quickly be expanded to cover the State.

They are also cooperating with the Health Insurance Council of Kansas, which represents the commercial insurance companies and they believe progress can already be noted in this field.

At a meeting of the Kansas Medical Society, they adopted a resolution in regard to H.R. 4700, the Forand bill, and I ask unanimous consent that the resolution be made a part of these remarks and referred to the appropriate committee.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE KANSAS MEDICAL SOCIETY RELATING TO H.R. 4700, THE FORAND BILL

Whereas H.R. 4700, the Forand bill, proposes to provide health care benefits to a sizable segment of the population regardless of need and at public expense; and

Whereas this bill and any other compulsory health care benefit to be paid for by taxation is in effect socialized medicine; and

Whereas socialized medicine is a step toward socialism; and

Whereas socialism in any form is foreign to the principles of the democracy upon which this Nation was founded; and

Whereas health care in a socialist system is proven to be inferior and more expensive than care under the private enterprise system practiced in America today: Be it therefore

Resolved, That the Kansas Medical Society, representing 1,850 doctors of medicine in Kansas, does emphatically oppose the passage of H.R. 4700 and any legislation in health care or any other field which would foster socialism; and be it further

Resolved, That copies of this resolution be sent to the Members of Congress from Kansas with the sincere request that they support the principles of free enterprise and oppose this and other attempts to bring socialism to the United States.

GLENN R. PETERS, M.D.,
President.

COMMUNITY SURVEY BEGUN AT BRILLION, WIS.

Mr. WILEY. Mr. President, the future of our great country will depend, I am confident, upon the willingness of our citizens to exercise their innate, creative, enterprising spirit to meet the challenges confronting us.

During an era in which there is a growing tendency to look to Uncle Sam to resolve more and more problems, it is always particularly gratifying to find grassroots efforts to resolve problems, and to promote social, economic and other types of progress.

While there are areas in which the Federal Government has responsibility, the communities themselves can make a constructive effort to fulfill their needs and promote progress.

These efforts can and should include mobilizing local brainpower, manpower and resources, to stimulate industrial activity, create jobs and generally bolster the economy.

Fundamental to establishing a long-range development program, however, is the need for surveying community needs and potentials.

Today, I welcome the opportunity to pay tribute to a splendid community—Brillion, Wis.—which is undertaking a constructive effort to develop long-range plans to make this already fine community an ever better place in which to live.

Currently, the junior chamber of commerce is spearheading an effort to survey community needs and gain other information of the human and natural resources.

Representative of the kind of grassroots, community-sponsored effort needed to assure growth and progress in local communities for the future, is related in an article relating to the Brillion program, published in the Green Bay Gazette of Saturday, February 20, 1960. I ask unanimous consent that, following my statement, the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

COMMUNITY SURVEY BEGUN AT BRILLION—JAYCEES MAILING BLANKS TO OBTAIN STATISTICS, OPINION

BRILLION.—Questionnaires will be mailed by the Brillion Junion Chamber of Commerce to approximately 500 households in Brillion next week, according to Tom Hoyt, chairman, and Doug Rulseh, president.

The junior chamber is one of the civic organizations cooperating with Mayor Clarence Work and the city council in a long-range development program, and is undertaking the citywide survey as the next step in the plan for community development.

A letter explaining the questionnaire is being included in the mailing, together with a self-addressed, stamped envelope for convenience in returning the completed form. The questionnaire should not be signed, and all information will remain confidential, according to Rulseh.

The purpose of the survey is to determine needs of the community for approximately the next 5 to 6 years and thus assist the city government in outlining a practical plan for community development and the necessary financing of the project.

HELP FROM UNIVERSITY

The questionnaire is the result of several weeks of outlining and revision, and has the approval of a committee from the Wisconsin University Extension Division which has met with city officials and is giving technical guidance and assistance to the program.

The questionnaire is in two parts: One a general survey of the resident's personal attitude about the community, and the other a check list of services being provided by the city and other municipal organizations.

An earlier plan to mail the questionnaire to about 10 percent of the residents for a random check was later changed to solicit a complete survey from all households.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Engle	Moss
Bartlett	Frear	Mundt
Beall	Fulbright	Murray
Bennett	Gore	Muskie
Byrd, Va.	Green	Prouty
Cannon	Gruening	Proxmire
Carroll	Jackson	Robertson
Case, N.J.	Johnson, Tex.	Saltonstall
Case, S. Dak.	Keating	Schoeppel
Church	Lausche	Scott
Clark	Long, Hawaii	Smith
Cooper	McCarthy	Sparkman
Cotton	McNamara	Symington
Curtis	Magnuson	Wiley
Dirksen	Mansfield	Williams, Del.
Douglas	Martin	Yarborough
Dworshak	Monroney	Young, N. Dak.
Eastland	Morse	Young, Ohio
Ellender	Morton	

The PRESIDING OFFICER (Mr. MUSKIE in the chair). A quorum is present.

Mr. MORTON. Mr. President, I ask unanimous consent that the amendment presented this morning by the Senator from New York [Mr. JAVITS] to add certain language on page 22, following line 25, may lie on the table until midnight, March 3, for additional cosponsors.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I do not understand what the purpose of this is.

Mr. JOHNSON of Texas. The Senator wants permission to add cosponsors. It is all right.

Mr. FULBRIGHT. I have not had any notice of this. I do not see any necessity for it at the moment. For the moment I shall object. The Senator can renew his request later.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at the next printing of Senate bill 3045, to effect and enforce the constitutional right to the equal protection of the laws, and for other purposes, the name of the junior Senator from New Jersey [Mr. WILLIAMS] may be added as an additional cosponsor. The bill was introduced by the senior Senator from New York [Mr. JAVITS] on behalf of himself and other Senators, of whom I was one, on February 15, 1960.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. I object.

Mr. DOUGLAS. Mr. President, on behalf of the senior Senator from New

York [Mr. JAVITS], I now present and ask to have lie on the desk, as well as to be printed, an amendment to the amendment in the nature of a substitute proposed by the Senator from Illinois [Mr. DIRKSEN] to H.R. 8315. I further request that this amendment be read, so as to be eligible to be called up in the event a vote is taken to bring debate to a close under rule 22.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. I object.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state his parliamentary inquiry.

Mr. DOUGLAS. I believe, under the agreement which was reached, this was stated by both the majority and minority leaders to be the procedure by which amendments can be proposed. If the Senator from Arkansas wishes to go back upon the agreement which was reached by the whole Senate, it is his right to do so, but it will be a breach of faith if he does so.

Mr. FULBRIGHT. Mr. President, the Senator from Illinois did not consult me about this request. I had no notice about it. I am here to protect orderly procedures of the Senate. If he wishes to offer amendments, he ought to ask me in advance. I have not been asked about these multitudinous requests. There have been no requests during the day. I am not sure of the significance of the requests. Therefore, I cannot make a judgment off the cuff.

I said I objected only temporarily to the request of the Senator from Kentucky. I am not sure I shall object to it permanently. I wanted to know what the requests involve. All of a sudden, with no notice at all, Senators make unanimous-consent requests. If they are in order, I assure the Senator I shall have no objection.

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. FULBRIGHT. Mr. President, I do not care who has the floor. I was only objecting.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Is unanimous consent needed in order to carry out the agreement and pledge made by the majority and minority leaders? Does this procedure not follow as a matter of course? Is it not the obligation of Senators to inform themselves what the general procedure is?

Mr. FULBRIGHT. Mr. President, how could I inform myself when I had no notice? The Senator arose, without explanation of what it was, and made a unanimous consent request. I ask the majority leader if that is in accord with the agreement.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. No, not at the moment.

Mr. President, I know the Senator from Arkansas is a very important man. I know he is a learned man. I know he is an experienced man. I suppose we should go to him on every bill we intend to introduce and ask him for permission to introduce it.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not yet.

I thought the Senator, as a Member of the Senate, was subject to the rules of the Senate and was subject to an agreement reached by the Senate.

I ask the Chair to inform me whether an agreement was or was not reached to present amendments.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. No. I want a ruling.

Mr. JOHNSON of Texas. The Senator is going to get a ruling against him, and I want to help him.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois, in reply, it would take unanimous consent to accomplish what the Senator has asked.

Mr. DOUGLAS. Then do I correctly understand the assurances which were given on the floor yesterday are not operative?

The PRESIDING OFFICER. This whole question was reviewed this morning and resolved as the Chair has ruled.

Mr. DOUGLAS. May I say, then, the result of the elaborate promises of yesterday were simply deception, and I think that hereafter we should scrutinize the fine type in these proposals, because certainly it was the general understanding that amendments could be introduced, not only in the morning hour but subsequently, by individual Senators.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JOHNSON of Texas. I do not think any Member of this body consciously deceives any other Member of the body. There was no agreement entered into, that I was a party to, that did not require unanimous consent. That was made abundantly clear.

If the Senator will read the RECORD, he will see it in the RECORD. It was defeated again on the floor today. All we did by agreement yesterday was to inform each Senator that each day we would ask unanimous consent for a morning hour, and during that morning hour we would hope that Senators would present their amendments and ask unanimous consent that those amendments be read.

If unanimous consent were granted, then those amendments would comply with the rule of presentment and reading.

The Senator from Tennessee was very firm in his position that he would not waive the rule, and that unanimous consent in any instance would be required.

I express the hope that since the Senator from Illinois has offered his amendments, the Senator from Arkansas will permit those amendments to be read so that all Members of the Senate may be on notice as to the contents of those amendments. That is within the spirit of the agreement.

But I may say there is no deception involved because it was made clear yesterday, which was repeated again today for all Senators who did not catch it the first time, that unanimous consent would be required. The Senator from Tennessee made it very clear, time and time again, that he would not agree to any consent request that did not permit him to object if he desired to object. I hope the Senator from Arkansas will realize that he is confronted with two requests.

One is by the Senator from Kentucky to permit Senators to become cosponsors of an amendment that is already offered. I can see no damage that can be done to anyone's position by permitting Senators to join in any movement they think desirable.

I believe the very wise and just Senator from Arkansas, once he realizes that the request of the Senator from Kentucky was just to permit Senators to become cosponsors, will acquiesce in the request. I hope he will.

Mr. FULBRIGHT. Mr. President, I am overwhelmed by these compliments, and the sarcasm of the Senator from Illinois impresses me so that I am inclined, perhaps, to give consideration to it.

As I understood the agreement, it was to offer these amendments in the morning hour. We had a morning hour this morning. Why did the Senator from Illinois not offer these amendments in the morning hour?

Mr. JOHNSON of Texas. I must interpose at this point, Mr. President, and say that it was during the morning hour or any other time during the day.

Mr. FULBRIGHT. I have not seen the amendments. I did not know a thing about this until suddenly I was confronted with this sudden activity. There was no one on the floor. The Senator from Illinois has not been visible all afternoon, to my knowledge—while I was here, at least. He did not, in spite of his great respect and regard for my learning, pay me the honor of being here 5 minutes or 2 minutes all the time I spoke.

His obvious sarcasm is not very appealing to me. I do not know what his amendment is.

Mr. JOHNSON of Texas. But the Senator asked that his amendment be read so that the Senator from Arkansas would be informed.

Mr. FULBRIGHT. I would rather read it first, and then I will not have any objection—maybe.

Mr. JOHNSON of Texas. Would the Senator give his consent for this other request?

Mr. FULBRIGHT. Is this a new amendment?

Mr. JOHNSON of Texas. No.

Mr. FULBRIGHT. How many cosponsors wish to offer it?

Mr. JOHNSON of Texas. As many as may wish to.

Mr. FULBRIGHT. I do not have to offer it?

Mr. JOHNSON of Texas. No, it is not compulsory.

Mr. MORTON. The Senator from Kentucky is not cosponsoring, either.

Mr. JOHNSON of Texas. Mr. President, I request that the clerk read the amendment of the Senator from Illinois at this time.

Mr. FULBRIGHT. He can read it, but I reserve the right to object to its introduction until I hear what it is about.

Mr. DOUGLAS. I have a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state it?

Mr. DOUGLAS. Do I understand correctly that one Senator can object to the reading of an amendment and foreclose the offering of that amendment?

The PRESIDING OFFICER. The Senator from Illinois is correct.

Mr. DOUGLAS. And he can do so not only during the morning hours, but at any other time during the day?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. May I say we are now shackled by this provision, and that one Senator or group of Senators can prevent any amendment being offered to the bill by my colleague, the junior Senator from Illinois. So I think we should realize the impasse into which we have been led, if it can only be done by unanimous consent, and one Senator, by objecting, can prevent the amendment from being before the Senate.

Mr. JOHNSON of Texas. Under the rules of the Senate.

Mr. DOUGLAS. I thought there had been an informal agreement between the two leaders that amendments could be presented and that it was not necessary to get unanimous consent.

Mr. JOHNSON of Texas. The Senator is misinformed about that. The two leaders asked the Senate to attempt to channelize the introduction of amendments during the morning hour so that all Senators could be here, could be aware of what was being introduced, and then could determine whether they would give their consent.

Mr. DOUGLAS. So it would be easier for one person then to interpose his objection, as he would only have to watch during 2 hours rather than 24 hours.

This is really quite an arrangement. It is very well done. I congratulate the majority leader on this.

Mr. JOHNSON of Texas. I thank the Senator for his spirit of fairness.

Mr. DOUGLAS. I congratulate him.

Mr. JOHNSON of Texas. I wish I could reciprocate.

Mr. DIRKSEN. Will the Senator yield?

Mr. DOUGLAS. I do not think I have the floor.

Mr. DIRKSEN. Mr. President, I ask for recognition.

Mr. JOHNSON of Texas. Mr. President, I hope that the Senator from Arkansas will permit the clerk to read the amendment in accordance with the spirit of the agreement as suggested by the Senator from Illinois, the Senator from Georgia, and the Senator from Texas yesterday.

The whole purpose of the suggestion was to permit each Senator to be on notice of each amendment that was offered. I think that if the Senator would hear the amendment, whether he agreed with the contents of the amendment or not, he would be willing to have another viewpoint advanced. I hope the Senator will permit the reading, and reserve judgment until the reading has been concluded.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object under that understanding, I shall agree to the reading of the amendment. If this exchange has served no other purpose, at least it has served the purpose of enlightening the Senator from Illinois about the rules of the Senate, and that these are the rules of the Senate and not any agreement between the majority and minority leaders. So to that extent, at least, we have served some useful purpose.

I do not object to the clerk reading the amendment.

The PRESIDING OFFICER. Will the Senator from Illinois send the amendment forward?

Mr. DOUGLAS. Yes, Mr. President.

The legislative clerk read as follows:

Amendments intended to be proposed by Mr. DOUGLAS (for himself and Senator JAVITS) to the amendment in the nature of a substitute proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz:

On page 1, after line 1, insert "TITLE I".

On page 6, after line 8, insert "TITLE II".

On page 6, line 9, strike out the words "SEC. 4. (a)" and insert in lieu thereof "SEC. 101".

Beginning on page 7, line 6, strike out subsections (b) through (g) of section 4 and insert in lieu thereof the following:

"SUBTITLE A—TECHNICAL ASSISTANCE BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"SEC. 201. The Secretary of Health, Education, and Welfare (hereafter in this title referred to as the 'Secretary') is hereby authorized to render technical assistance to States, municipalities, school districts, and other local governmental units to eliminate denials of constitutional rights in the field of public education by reason of race, color, religion, or national origin and to come into compliance with the decisions of the Supreme Court in the field of public education by—

"(a) assembling, publishing, and distributing information which, in his judgment, will prove helpful in obtaining public understanding of, and compliance with, the Constitution and decisions of the Supreme Court in the field of public education;

"(b) surveying the progress made in eliminating segregation in public education in various parts of the country and making available to public agencies, private organizations, private individuals, and the general public the results of such surveys, including wherever possible successful case histories of desegregation and the ways and means utilized to bring about desegregation in such instances;

"(c) planning, calling, and holding local, State, regional, and national conferences attended by State and local officials, representatives of private organizations, and private citizens, to discuss ways and means of eliminating segregation in public education generally or in any particular State, municipality, school district, or other local governmental unit;

"(d) appointing local, State, regional, and national advisory councils to assist the Secretary in carrying out his duties under this title and to offer their assistance to any State, municipality, school district, or other local governmental unit to come into compliance with the Constitution and the decisions of the Supreme Court in the field of public education;

"(e) reporting to the Congress, at least semiannually, concerning the progress being made in eliminating segregation in public education in various parts of the country; and

"(f) assisting, by such other related means as he deems appropriate, States, municipalities, school districts, and other local governmental units to eliminate segregation in public education.

"SEC. 202. The Secretary shall recruit, employ, and train specialists in preparing, putting into effect, and carrying out plans for eliminating segregation in public education and shall offer the services of the specialists to States, municipalities, school districts, and other local governmental units. Upon request of any State, municipality, school district, or other local governmental unit, the Secretary shall make available to the requesting governmental unit the services of one or more specialists for such periods of time and in such numbers as the Secretary deems necessary and appropriate in the light of the particular needs of the requesting governmental unit.

"SEC. 203. (a) The Secretary is authorized to reimburse any State or local official, representative of a private organization, or private citizen who is invited by him to attend any local, State, regional, or national conference held under the authority of section 201 (c), and any member of an advisory council appointed under the authority of section 201(d) who is carrying out authorized functions, for travel expenses incurred, and to pay to any such person per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

"(b) The Secretary is authorized to reimburse any State or local official who, with the approval of the Secretary, is invited to confer with one or more specialists employed by the Secretary under section 202 for travel expenses incurred in attending such conference, and to pay to any such official per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

"SEC. 204. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such amounts not to exceed $2,500,000 in any fiscal year as may be necessary for carrying out the purpose of this subtitle.

"SUBTITLE B—GRANTS TO AREAS WHERE DESEGREGATION IN PUBLIC EDUCATION IS BEING CARRIED OUT

"SEC. 301. (a) The Secretary is authorized to make grants to State, municipalities, school districts, and other local governmental units which maintained racial segregation in their public schools on May 17, 1954, and which make application for such grants, to assist in meeting the costs of additional educational measures undertaken or to be undertaken to further the process of eliminating segregation in the public schools of the applicant State, municipality, school district, or local government unit, while at the same time assuring that existing educational standards will not be lowered.

"(b) Grants may be made under this section for—

"(1) the cost of employing additional schoolteachers,

"(2) the cost of giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation,

"(3) the cost of employing specialists in problems incident to desegregation and of providing other assistance to develop understanding by parents, schoolchildren, and the general public of plans and efforts for eliminating segregation in the schools in order to reduce the possibility of community hostility or unlawful resistance to such plans and efforts, and

"(4) other costs directly related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate segregation.

"(c) Grants may also be made under this section for the construction, enlargement, or alteration of school facilities when the Secretary finds that lack or inadequacy of existing facilities makes the carrying out of any reasonable plan for desegregation without lowering existing educational standards impracticable or materially more difficult.

"(d) Each application made for a grant under this section shall provide such detailed breakdown of the additional educational measures for which financial assistance is sought as the Secretary may by regulations prescribe.

"(e) Each grant under this section shall be made in such amounts and on such terms and conditions as the Secretary shall prescribe, which may include the condition that the applicant expend funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Secretary shall take into consideration—

"(1) the amount available for grants under this section and the other applications which are pending before him,

"(2) the financial condition of the applicant and the other resources available to it,

"(3) the nature, extent, and gravity of its problems incident to desegregation,

"(4) whether the additional educational measures undertaken or to be undertaken are reasonably and effectively designed to further the process of eliminating racial segregation, while at the same time assuring that existing educational standards will not be lowered, and

"(5) such other factors as he finds relevant.

"SEC. 302. The Secretary is further authorized to make grants to public or other nonprofit educational institutions of higher learning to meet or assist in meeting the cost of short-term training courses or institutes, not to exceed four weeks in duration, for personnel of public schools or of educational agencies engaged in or about to undertake desegregation, designed to enable such personnel to deal more effectively with problems incident to desegregation. Such grants may also be used by such institutions to establish and maintain fellowships for such training courses or institutes, covering tuition, fees, and such stipends and allowances (including travel and subsistence expenses) as may be determined by the Secretary.

"SEC. 303. Payments of grants under sections 301 and 302 may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary may determine.

"SEC. 304. (a) There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such sums, not exceeding $40,000,000 for any fiscal year, as may be necessary to carry out the provisions of this subtitle.

"(b) In making grants from funds appropriated for any fiscal year for the purposes specified in section 301(b), the Secretary may disregard applications received after August 31 in that fiscal year, or may subordinate such applications to applications received before that date. In the event that he receives, either before or after that date, applications which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"(c) In the event that the Secretary receives applications for grants for the purpose specified in section 301(c)"——

Mr. EASTLAND. Mr. President, a point of order. I cannot hear the clerk. Should he not reread the amendment?

Mr. JOHNSON of Texas. Mr. President, earlier in the day amendments were permitted to be offered and considered as having been read. This is a long amendment. It will not be called up tonight. It is not in order now. I hope the Senate will extend the same privilege to the Senator from Illinois [Mr. DOUGLAS] as has been extended to other Senators. The Senator from New York [Mr. JAVITS] this morning offered his amendments—four in number—and was accorded that courtesy.

I appeal to Senators to permit this amendment to be offered and to be considered as having been read, and printed in the RECORD. It will serve the purpose of permitting each Senator to analyze it and determine whether in the Senator's opinion it has merit, before it is voted upon.

Mr. President, I ask unanimous consent that the amendment may be considered as having been offered and read under the rule.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I said I had no objection to having the amendment read. If the majority leader is proposing that its reading be dispensed with, we might as well adjourn and go home. If we are going to be here anyway, what difference does it make because the clerk is reading it? If there was any logic in the request, I certainly would not object. But I thought we were going to be here anyway. I like the clerk's voice just as much as I do the voices of some of my colleagues. I do not see any reason why the clerk should not continue to read.

Mr. JOHNSON of Texas. I will give the Senator two or three reasons why the amendment should not be read in its entirety.

Mr. FULBRIGHT. All right.

Mr. JOHNSON of Texas. First, the amendment will be printed in the RECORD in the morning. The Senator can, I believe, analyze it and evaluate it better by reading it than he can by hearing it read.

Second, the Senator from Mississippi [Mr. EASTLAND] is prepared to address the Senate now.

Mr. FULBRIGHT. I do not want to detain the Senator from Mississippi, if he is ready and desires to proceed.

Mr. JOHNSON of Texas. I assure the Senator from Arkansas that the Senator from Mississippi will be extended the same courtesy that was extended to the Senator from Illinois and other Senators, if he will accede to my request in this instance. I think that such action will be in the interest of the orderly procedure of the Senate.

Mr. FULBRIGHT. Mr. President, I withdraw any objection to a discontinuance of the reading of the amendment.

Mr. DOUGLAS. Mr. President, I thank the majority leader and the Senator from Arkansas.

Do I understand now that the amendment is considered as having been read for the information of the Senate and it can be regarded as having been read so as to bring it within the provision of the cloture rule?

The PRESIDING OFFICER. The Senator is correct.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. EASTLAND. Let me observe that it will always pay the distinguished Senator from Illinois, if he will follow the advice which was suggested by the distinguished Senator from Arkansas and ask for permission before he introduces a bill.

Mr. DOUGLAS. I think perhaps that is a point which has been made.

Mr. DIRKSEN. Mr. President, I should like to have the Senator from Arkansas listen to a proposed unanimous-consent request.

On February 29, the Supreme Court of the United States delivered its opinion in the case of the United States against James Griggs Raines, a very distinguished case dealing with voting rights, civil rights, and so forth. It also handed down an order.

Mr. President, I ask unanimous consent that the decision of the Court and the order be printed as a part of my remarks in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Reserving the right to object, is this the case which dealt with the application of the 1957 so-called civil rights bill, dealing with voting rights?

Mr. DIRKSEN. This is the recent case which dealt with voting rights.

Mr. FULBRIGHT. Is it the case which, in effect, upheld the constitutionality of the legislation which was passed by Congress?

Mr. DIRKSEN. Yes.

Mr. FULBRIGHT. I most certainly have no objection.

Mr. EASTLAND. Mr. President, is that the decision of the U.S. Supreme Court?

Mr. DIRKSEN. It is the decision of the U.S. Supreme Court.

Mr. EASTLAND. It is not worth printing in the RECORD. I object.

Mr. DIRKSEN. Will my friend yield for just one observation?

Mr. EASTLAND. I yield for a question.

Mr. President, may I ask unanimous consent to yield to the Senator from Illinois, provided it does not prejudice my right to the floor, and provided it does not count as a speech on the pending business?

Mr. MORSE. Mr. President, in consistency, I would have to object, as I served notice last night I would object to any request except for questions.

Mr. DIRKSEN. I trust my friend from Oregon will not object. Please withdraw it.

Mr. EASTLAND. Please ask me a question.

Mr. DIRKSEN. Mr. President, I want to ask my distinguished friend from Mississippi, if he called the administrative office of the Supreme Court and tried to procure an adequate number of copies of this decision for distribution to Members of the Senate, and discovered that not enough copies were available, and yet felt impelled to bring this to the attention of every Member of the Senate, how could that be done other than to have it printed in the CONGRESSIONAL RECORD?

Mr. EASTLAND. It is not worth printing in the RECORD. That is the answer.

Mr. DIRKSEN. Does the Senator still object?

Mr. EASTLAND. Of course, I do.

Mr. FULBRIGHT. Will the Senator yield to me for a question?

Mr. EASTLAND. I yield for a question.

Mr. FULBRIGHT. Would it not be possible for the minority leader to obtain the floor and read the decision into the RECORD without any unanimous consent?

Mr. EASTLAND. The minority leader has not the floor.

Mr. FULBRIGHT. If the Senator wanted to get the floor and wanted to read the decision, there is nothing to prevent his reading it into the RECORD, is there?

Mr. EASTLAND. I do not want this RECORD cluttered by such claptrap as the Court writes.

Mr. DOUGLAS. Will the Senator from Mississippi yield?

Mr. EASTLAND. I yield for a question.

Mr. DOUGLAS. Is not the Senator from Mississippi aware that the decisions yesterday were unanimous decisions?

Mr. EASTLAND. I do not think that means anything. I do not think it is possible to compound ignorance and get anything but ignorance from it.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. DIRKSEN. Mr. President, I thank my friend from Mississippi.

Mr. EASTLAND. Mr. President, I have this day sent forward to the desk an amendment to the Dirksen substitute to H.R. 8315, which proposes to amend the Civil Rights Act of 1957 to extend to the Civil Rights Commission certain additional duties and powers.

My amendment seeks to achieve the goals outlined by former President Herbert Hoover in an article that appeared recently in the American Weekly. The title of this article was "Former President Hoover Says 'We Need a U.S. Crime Census.'" Mr. Hoover went on to say that the Bill of Rights guarantees to all Americans the right "to be secure in their persons." He said "surely that must include the right of our people to walk the streets free from holdups, muggers, murderers, hoodlums, and teenage gangs."

In addition, Mr. Hoover pointed out that the people also should be protected from racketeers, blackmailers, extortionists, kidnapers, forgers, embezzlers, bank robbers, and auto thieves, and that women and children need protection from rapists.

Let me say there, Mr. President, that a woman walking on the streets of New York or Chicago or Detroit is not as safe as she would be walking on the streets of Jackson, New Orleans, Birmingham, or Atlanta, or any of the great cities of Texas.

Mr. Hoover then asked this question:

> But in actual fact, how secure are we? What do we know about the crimes being committed in our country? What happens to these criminals? And, what can we do about it?

The article points out that according to the statistics compiled by the Federal Bureau of Investigation that major known crimes have grown from 1,685,000 in 1946 to approximately 2,800,000 in 1957, or three times as fast as the increase in population. He states that the most heartbreaking increase in crime is among the teenagers under 18 years—that during 1957 there were 740,000 of these youngsters arrested and that since 1952 the population group under 18 years of age has increased 22 percent while arrests of persons under 18 have increased 55 percent.

He points out that despite the magnificent job J. Edgar Hoover does in assembling major crime statistics, there remains a vast area of things about crime which we do not know. He says that before we can do anything constructive about the terrifying problem of increased crime, we need to know its dimensions.

Mr. Hoover recommends that a census be taken to cover 100 percent of the population rather than the restricted area embraced in the Federal Bureau of Investigation reports and that this census obtain much additional information that is not now available. Part of the information which he thinks is vital is:

> The census could show as far as possible what races the offenders come from. It might stir the leaders of the various racial groups to action and we might be surprised as to where the great fault lies. It would show the weakness or strength of the present parole systems. It might show the failure of the courts to give adequate confinement in cells so that people could no longer trespass on our constitutional rights.

Mr. President, in my judgment, Mr. Hoover has pointed up one of the vital problems that confronts this Nation today—the fundamental right of all people to be secure in their person.

I was opposed to both the creation of the Civil Rights Commission and the extension of its life. Under its presently constituted powers and duties, I cannot see where it serves any useful purpose in the life of this Nation. If we are to have such a Commission, at least let us have the organization perform a worthwhile purpose, rather than run over the South and attempt to stir up strife and discord between the races. I know of no purpose that it could be given that would make a more lasting contribution to our society than to undertake, either in whole or in part, some of the goals outlined by former President Hoover in his magnificent article. Therefore, my amendment proposes to amend the Civil Rights Act of 1957 and enlarge the duties of the Civil Rights Commission to embrace these functions.

And, Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, the text of my amendment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> Examine, study, appraise, and investigate the present procedures and methods of justice in relationship to the increase in major crimes committed in the United States;
>
> Study and collect information concerning the efforts of Federal, State, and local law-enforcement agencies in combating this flood of major crimes and the success or failure of these agencies to protect the constitutional rights to security of our citizenry;
>
> Through the cooperation of Federal, State, and local law-enforcement agencies to make plans for the enactment of a Federal crime census. Such proposed census should include examination of all police and prison records, the arrests for crimes, commitments for crimes, and prison and parole statistics;
>
> Study and appraise the laws and policies of Federal and State laws with the purpose of determining whether such laws are presently adequate to combat crime or the necessity of implementation of those laws on the State and Federal level.

Mr. EASTLAND. Mr. President, my request to have my amendment printed in the RECORD, instead of reading it at this time to the Senate, is conclusive proof that I am not engaging in a filibuster.

Mr. President, the extent and enormity of crimes of violence cannot be expressed by statistical charts and figures. Always there is the victim and the personal sorrow and tragedies that inevitably flow from the unlawful assault and invasion of both persons and property. As important as law enforcement and crime detection may be, even more important is the God-given right of all people to be secure in both their persons and property from the trespass of others.

It is one of the facts of life that we have to live with today that the crime rate generally is greater among our Negro population than that of our white. Peculiar as it may seem, the southern white and southern Negroes, where we have such a large concentration of dual population, are by and large lawful and peaceful people. Peace and harmony have been developed and maintained throughout long generations of growth and development on the part of both races. Each has held the other in mutual respect, trust, and confidence. We are proud of our segregated society, the Southern way of life, and the mutual advantages that it holds for each race.

If the multitude of bills proposing Federal legislation on so-called civil rights constitutes a legitimate exercise of power on the part of the Federal Government under the Constitution, certainly secur-

ity of person should also be classified as one of the paramount Federal rights. The area where security of person is now best achieved is to be found in the South. All of the indexes and compilations of crime statistics establish this beyond doubt.

For the last year that statistics are available, the rate of Negro felony prisoners per 100,000 population in the State of New York was 114. In Mississippi the ratio is 53 per 100,000 of the population. In nearby Maryland, where there is a heavy concentration of Negroes in Baltimore, the ratio of Negro felons per 100,000 of the population is the fantastic total of 386. In the State of Michigan it is 236.

Any way we analyze these figures, Mississippi must be placed on the credit side of the ledger. Either southern Negroes are more peaceful and law abiding than those in the North, which they certainly are, or they are treated with more tolerance and understanding for their shortcomings. But, Mr. President, I say that the segregated society of the South is responsible for this low crime rate.

I ask unanimous consent, Mr. President, that the tabulations showing the prisoner felony compilation by race and State be inserted in the CONGRESSIONAL RECORD at this point in my remarks.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

State	Negro population, 1950 census	Negroes admitted to prison on felony charges, 1950	Rate of Negro felony prisoners per 100,000, 1950	White population, 1950 census	Whites admitted to prison on felony charges, 1950	Rate of white felony prisoners per 100,000, 1950	Percent of population, Negro, 1950	Percent of felony prisoners, Negro, 1950	Negro rate over white rate
California	462,172	596	129	9,915,173	2,472	25	4.0	19.0	516
District of Columbia	280,803	444	158	517,865	136	26	35.0	50.0	608
Illinois	645,980	639	99	8,046,058	1,225	15	7.0	32.0	660
Indiana	174,168	189	108	3,758,512	944	23	4.0	17.0	432
Kentucky	201,921	277	132	2,742,090	1,083	39	7.0	21.0	338
Maryland	385,972	1,484	386	1,945,975	993	51	16.0	60.0	757
Michigan (1952)	442,296	1,058	236	5,917,825	1,834	31	7.0	37.0	761
Missouri	297,088	413	139	3,655,593	1,133	31	8.0	27.0	448
New Jersey	318,565	478	150	4,511,585	883	19	7.0	33.0	789
New York	918,191	1,051	114	13,872,095	1,218	13	6.0	37.0	877
Ohio	513,072	922	179	7,428,222	1,729	23	6.0	35.0	773
Oklahoma	145,503	208	143	2,032,526	892	44	7.0	19.0	325
Pennsylvania	638,485	493	77	9,853,848	935	9	6.0	35.0	855
West Virginia	114,867	93	81	1,890,282	609	32	6.0	13.0	253
Total	5,539,083	8,345	145	76,096,649	16,694	22	6.3	33.3	659
Alabama	979,617	790	80	2,079,591	719	35	32.0	52.0	229
Arkansas	426,639	282	66	1,481,507	405	27	22.0	41.0	244
Florida	603,101	620	102	2,166,051	895	41	22.0	41.0	249
Georgia (1952)	1,062,762	979	92	2,386,577	799	33	30.0	55.0	297
Louisiana	882,428	642	72	1,796,683	515	29	33.0	55.0	248
Mississippi	986,494	530	53	1,188,632	222	19	45.0	70.0	279
North Carolina	1,047,353	622	59	2,983,121	633	21	26.0	50.0	281
South Carolina	822,077	183	22	1,293,405	420	32	39.0	30.0	[1] 145
Tennessee	530,603	334	63	2,760,257	691	25	16.0	32.0	252
Texas	977,458	867	38	6,726,534	2,125	32	13.0	30.0	275
Virginia	734,211	941	128	2,581,555	800	35	22.0	54.0	366
Total	9,052,743	6,790	75	27,437,879	8,222	30	25.0	45.0	250

[1] White over Negro.

Mr. EASTLAND. Mr. President, in the performance of its newly assigned duties, the Civil Rights Commission could best proceed by turning the spotlight of investigation to the crime situation that now exists in the great cities of our country. No one who lives in Washington, D.C., or the surrounding area need be told of the crime situation that here exists. At a later time I do propose, however, to discuss Washington in more detail. In examining other areas in which the Civil Rights Commission can have a fertile field for making investigations and recommending possible solutions, it would be perfectly natural to start in the largest city of the United States. Rather than suffer the accusation of making inflammatory or prejudicial statements in regard to the crime situation that now exists and has existed for a long period of time, I desire to let the newspapers of that great city speak for me. Let me first read to the Senate an editorial which appeared in the New York Journal American on December 16, 1959.

Now, Mr. President, I am reading from the editorial in the New York Journal American, and I remind the Senate that what the integrated society of New York is attempting—with its rape, with its murder, with its violence—to force that upon a peaceful society in the Southern States that is without equal in this country. In the school system of the integrated schools police have to walk the corridors, as I am going to show at a later time, to preserve order. A white woman is not safe on the streets at night, but she is safe, because of our segregated society, on the streets of Jackson, Miss.

I am going to read you what this great New York newspaper says about conditions in their State. We have politicians who are fishing in troubled waters, trying to get votes in the North by punitive legislation directed against the great people of the South.

Let me say right here that I have heard the great people of Poplarville, Miss., criticized all over this country, when there are no finer or more law-abiding people to be found anywhere within the United States. But let me read this editorial:

FEAR AND TERROR

Last week, a member of the State's "Little Hoover Commission" warned Mayor Wagner that "vigilantes will be in the streets of New York unless something is done to protect women and children from violent crimes."

Now, who is it that is telling the South how to conduct its own affairs?

Nevertheless, the terror that stalks our streets at night continues unabated.

How much longer can the mayor and Commissioner Kennedy refuse the offers of citizen groups to work with the police in making our streets and parks safe for the law-abiding?

In the past 2 weeks, hardly a day has passed without a defenseless woman being attacked under shocking circumstances. The incidence of felony rape has increased 16.1 percent over a similar period last year. As the number of these crimes has increased, so has the brazenness with which they are perpetrated.

A new danger zone is the vast Peter Cooper Village and Stuyvesant Town housing developments where residents have been complaining since October 18 that police protection is inadequate. Would-be rapists have stalked women into self-service elevators.

Now, who is it that is telling the South how to conduct its affairs? It is the people of New York, who have to put up with such horrible conditions.

Only last Saturday, two women were molested under these same circumstances.

The appeals on behalf of the more than 11,000 families residing here have received little more than perfunctory attention.

What has happened in this locality is being mirrored many times over in various sections of the city.

It is time the mayor and Police Commissioner Kennedy recognized that routine measures are insufficient to meet this emergency. The police department is undoubtedly doing its best to curb these outrageous crimes against women, but the best is obviously not good enough.

I think we ought to take President Hoover's word and let him set up a crime commission, as he suggests, to go into this. But listen further:

The police force apparently is inadequate in numbers to cope alone with the crisis.

It is time the mayor and Police Commissioner Kennedy availed themselves of the offer of the civilian defense organization to put 2,500 trained auxiliary policemen on patrol duty in our parks and streets. This additional protection would cost the city nothing.

It is time the mayor and the police commissioner reconsidered the formation and deputizing of neighborhood home guards to be composed of responsible citizens who are able and eager to protect their loved ones and neighbors.

Stuyvesant Town and Peter Cooper Village, with their big population, would be an ideal locale for a pilot project of this type. We guarantee there will be no shortage of volunteers.

Other steps that should be considered are better lighting of outlying residential areas and the organization of a mobile police force of taxi cops consisting of carefully selected drivers with good war records.

These are moves that would be instituted instantly if we were threatened by an enemy from without.

The enemy that threatens us from within is an immediate danger.

The crisis demands immediate action.

The patience of the law-abiding is beginning to wear thin.

Mr. President, that is an editorial in the New York Journal American about the horrible conditions that existed on

the streets of New York City, and we find people from that city attempting to advise the Southern States, on how to conduct their local affairs.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. For a question.

Mr. CASE of South Dakota. What was the date of the editorial?

Mr. EASTLAND. The date of the editorial was December 16, 1959.

Mr. CASE of South Dakota. I thank the Senator.

Mr. EASTLAND. Let me tell what the South was up against on November 8 of 1958. There had just been a congressional election. Two missionaries went forth from New York. There had just been a burning of a Jewish synagogue in Atlanta, Ga., and they went down there to get information and to advise the good people of Atlanta how to conduct their own affairs.

Now, Mr. President, I make this point: Georgia is a fine State. The great State of Georgia conducts its internal affairs in a much superior fashion than the State of New York. The great State of Georgia, any way you take it, is satisfied with the manner its affairs are administered, and yet these men went down there to advise the State of Georgia how to conduct her internal affairs.

Now, here is the home town of one of them. This is in the same edition of the New York paper that reported their trip to Georgia to tell Georgia how to handle affairs when Georgia is their superior. Listen to what happened in Rochester, N.Y., as reported in the New York Times of Saturday, November 8, 1958, in the same column.

Mr. President, I will take that back. It was not only a trip to Georgia, but also one to Birmingham, Ala. [Laughter.] And Alabama also is in every way the superior of the State of New York. [Laughter.]

They went into the South to tell them how to conduct their affairs. They wanted to tell them how to stop persecuting Jews, when members of the Jewish faith are less the subjects of prejudice in the South than in any other section of this country. Mr. President, I live in an area where there are many of this faith, and I never heard of anti-Semitism until I came to Washington, and until I heard people from the industrial East talk about it. Here is an article from Rochester, N.Y., on the same date. It reads:

> The police today were seeking vandals who toppled 28 tombstones in a Jewish cemetery in the surburban town of Greece.
>
> The stones, some weighing more than 500 pounds, were tipped over in the Rochester Jewish Relief Organization's section of the cemetery. The damage was discovered last night. A caretaker said 21 stones were tipped by vandals about 5 years ago.
>
> Rochester is the hometown of Senator KEATING.

The point is he should have been eradicating anti-Semitism in his own town instead of meddling in the affairs of Georgia and Alabama.

Mr. ERVIN. Mr. President, will the Chair inquire of the able and distinguished senior Senator from Mississippi whether he will yield to the Senator from North Carolina for an inquiry?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina for an inquiry?

Mr. EASTLAND. I yield for a question to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator think that the preacher was wise when he taught that we must first clean out the inside of the cup before we bother with the outside?

Mr. EASTLAND. The Senator is correct. Of course, he is correct.

Mr. President, we have a Washington morning newspaper that cannot tell the truth. I know what I am going to say now is going to be distorted. I put into the RECORD earlier today a letter from the director of a great school on conditions in the District of Columbia. The District of Columbia is the primary responsibility of the Congress of the United States. I have another letter from a fine lady here in Washington. I am not going to quote this lady's name, but, I am going to read this letter I received from the wife of one of the leading citizens of the city of Washington about conditions which exist in this town.

I read the letter:

> DEAR SENATOR EASTLAND: In response to your inquiry concerning protective measures being taken by women in Washington against lawless attack, I once had with me at all times a small siren which I could carry in my hand. This siren when turned on ran for 10 minutes and cannot be turned off until it runs down. Later I secured a police whistle, which I still have with me when I go out at night.
>
> As conditions have become progressively worse in Washington, I applied to the proper authorities and secured a permit to carry a pistol. I now have with me this small pistol. It fits into my coat pocket, and I intend that it shall be conveniently accessible in event I need it in a hurry.

Mr. President, what does former President Hoover say? He is a reputable American citizen, I think Democrats and Republicans will agree. He says we need to have a crime census; it should classify information as to crimes committed by race.

If the Negro is entitled to equal social status, why does not he earn equality? Why is he responsible for most of the crimes in this country?

Here in the District of Columbia, where it is the primary responsibility of the Congress to preserve law and order, what have we got? We have a disgraceful condition. Every Member of the House and Senate of the United States should personally feel the weight of this responsibility.

I placed in the RECORD today a letter from the director of a university which stated that she required their classes of girls to carry referee's whistles around their necks, which are very similar to police whistles, or else to carry a siren for their own protection. The letter outlined four steps that any woman in this town must take in order to protect herself from rape on the streets of the Nation's Capital. And instead of devoting our time to correcting this condition, which is our primary responsibility, we are here proposing violations of the Constitution of the United States and attempting to punish the South in order to get a few Negro votes in the North.

Now, Senators, that is the truth about it.

Mr. JOHNSTON of South Carolina stood.

Mr. EASTLAND. Does the Senator want to ask me a question?

Mr. JOHNSTON of South Carolina. The Senator had better get permission to yield to me to ask a question. I do not want to take the Senator off the floor.

Mr. EASTLAND. Mr. President, I yield for a question only. I want protection from the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. Has the Senator heard anything about the vandalism of last night?

Mr. EASTLAND. I hear about it every night. Part of it is in the papers, although the morning paper will not tell all the truth about it. Does the Senator from South Carolina agree with me about that?

Mr. JOHNSTON of South Carolina. The Senator is absolutely correct, but if the Senator from Mississippi did something or said something, we would see it in the paper, but if it is by some man of color, we will not see it.

Does the Senator from Mississippi know that last night South Carolina and Virginia cars which were parked inside a garage had bricks thrown through the windows and damaged, even though they were inside a garage right here in Washington?

Mr. EASTLAND. I would like the Senator to ask me another question and tell me about it. [Laughter.]

Mr. JOHNSTON of South Carolina. That happened in one of the leading apartment houses. Does the Senator know that to be a fact? Did the Senator hear about it?

Mr. EASTLAND. The Senator has asked me a question. I do not know about it. I would like to know about it.

Mr. JOHNSTON of South Carolina. It happened last night. With many, many cars from various States parked there, they picked out cars from South Carolina and Virginia. Does the Senator have any idea why that was done?

Mr. EASTLAND. Of course, of course. The Senator from Mississippi knows why. The white race does not stand on an equal basis in the District of Columbia. The white race in the District of Columbia is the oppressed race. They are afraid to stand up for their rights.

Does the Senator agree with me?

Mr. JOHNSTON of South Carolina. I agree with the Senator. I feel just as the Senator does in regard to these matters. [Laughter.]

I happen to be chairman of the Post Office and Civil Service Committee.

Mr. EASTLAND. Ask me a question.

Mr. JOHNSTON of South Carolina. I want to ask the Senator this question. Has the Senator heard about how the colored people claim to be discriminated against in regards to employment?

Mr. EASTLAND. I will tell the Senator I have not. I have not heard that. But I am answering the Senator by asking the Senator a question. Who is discriminated against in employment in the Government service in Washington?

Mr. JOHNSTON of South Carolina. Of course, I know one thing: It is hard for a southerner even to get a job. Another thing I have been informed is that in the Post Office in Washington out of the last 100 persons to be employed 99 were colored people. Does that sound like discrimination?

Mr. EASTLAND. Of course it is discrimination.

Mr. President, another editorial was written in the same newspaper on December 21, 1959, speaking of the Journal-American.

It is styled, "Crisis in Streets."

The editorial says:

Police Commissioner Kennedy at the invitation of this newspaper had suggested five rules of safe conduct for the women of New York, in the fear-filled hours of dark on the streets and in the subways of our town.

Let me say, Mr. President, before this debate is over, I am going to show these editorials from all over the country.

But I read on from this editorial:

But when it becomes necessary for the police commissioner to suggest that unescorted women take taxis and have the drivers accompany them to the door of their homes, it is an official admission that the streets of New York are no longer safe from rapists and muggers.

Let me have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. EASTLAND. Then it goes on:

What about the women that must be out late at night and cannot afford taxis? The commissioner, in effect, is telling the women of New York that they must travel in constant fear unless they are accompanied by escorts who have the money to take cabs. We appreciate the problems of Police Commissioner Kennedy in battling a 16 percent rise in rape cases this year. The police cannot be everywhere. And obviously the taxpayers of New York cannot afford the cost of a police force so expanded that there would be a patrolman on every corner. But there are other means at hand, and frankly, we are puzzled by the commissioner's continued resistance to the suggestion that they be put into operation. What is to be lost by at least testing them out?

Mr. JOHNSTON of South Carolina. Mr. President?

Mr. EASTLAND. Could I finish the editorial and then yield to the Senator for a question?

Mr. JOHNSTON of South Carolina. Yes.

Mr. EASTLAND (continuing):

For many months, the Journal-American has been urging that the police department avail itself of the civilian defense organization to throw its 2,500-man auxiliary patrol corps into the fight on crime. This corps would be more than willing to accept the assignments and discipline of the police department without cost to the city.

In other words, they are calling for the militia, it is a crime so great. It follows:

We have just as persistently suggested the formation of neighborhood or home guards to be under strictest police department control. We are certain there will be no shortage of volunteers. Here is manpower begging for an opportunity to serve the city in its war against crime. Attacks against defenseless women occur in increasing numbers.

Mr. JOHNSTON of South Carolina. Mr. President?

Mr. EASTLAND. Will the Senator let me finish the editorial?

Mr. JOHNSTON of South Carolina. Yes. I thought you had finished.

Mr. EASTLAND (continuing):

Yet the offers of civilian cooperation are ignored. Women are safer at night in the cities of London, Paris and Rome.

Let me say, Mr. President, that in the great cities of the United States we have a worse crime situation than you will find in any great city of the world. Why?

It is a doctrine of racial integration. It is a doctrine of racial amalgamation that causes it. It has been resisted in the South, and thank God we have peaceful, harmonious conditions.

It goes on further:

Are the women of New York entitled to less protection? If the police commissioner is reluctant to invoke emergency measures—and his own advice to women indicates an emergency exists—

And here is the police commissioner of New York, Mr. President, saying an emergency exists—

it is time for the mayor to act.

Now I yield for a question.

Mr. JOHNSTON of South Carolina. I hold in my hand the New York Journal American of February 25, 1960. I notice the headline says "Minister's Wife Raped in Subway," speaking of New York. It says:

The wife of a Presbyterian minister was raped and robbed shortly after 9 o'clock last night in the 8th Avenue subway's 50th and Madison Square Garden station.

Mr. EASTLAND. I yielded for a question. Is the Senator asking me a question?

Mr. JOHNSTON of South Carolina. Yes. I want to ask you a question. Have you read this and have you seen what is taking place?

Mr. EASTLAND. No, I have not read it.

Mr. JOHNSTON of South Carolina. I notice, too, it states at the very moment of the attack 8,807—I do not know how they counted them all—persons, including dozens of policemen, were just upstairs at the Rangers-Redwing hockey game in the sports arena.

This was taking place right in the subway, right under where there were 8,000 people. Still they come here telling us how to run our affairs down in South Carolina and Mississippi.

Do you not think some of those Senators and people from New York should be at home trying to teach their people how to live?

Mr. EASTLAND. I know that is true, Mr. President, but I ask the distinguished Senator from South Carolina: Is there any difference in New York, where there is a reign of terror, in Washington where there is a reign of terror, in Chicago, Detroit, Cleveland, or any other great city in this country where there is a reign of terror?

Mr. JOHNSTON of South Carolina. Not a bit.

Mr. EASTLAND. Why are these people not interested in putting their own house into order rather than scuffling for a few racial votes to get reelected in the North?

Mr. JOHNSTON of South Carolina. That is exactly what it is.

Mr. EASTLAND. I will go further.

Here is a letter that appeared in the New York Herald Tribune which they published, and I judge they vouch for it because they published it:

I am from Africa. In Africa we have savages. There are headhunters, cannibals, and renegade tribes. But after reading the accounts of violence here, the Mau Mau and the Apartheid riots are but a child's game. In all of Africa we do not have monsters such as I read about in the daily papers of the United States of America. We do not have beasts who drag women over the streets and rape them and beat them. We do not have monsters who lurk in the lobbies of our homes to assault lone women. Neither do we have judges who give light sentences for horrendous crimes. Reading about the predatory ghouls who are causing the lives of so many to become endless horror makes one realize that all that has been said about America is not true. It takes the promise out of coming to America, and the happiness from coming to a new home.

That is a man who lived on the Continent of Africa.

These are the people and those are the conditions that exist in this country.

You have a great section of the country with a great people, where there is peace, where there is harmony, where there is racial amity, where there is prosperity, and you have agitators who are trying to destroy it. They come from areas that are ridden with crime, that are ridden with violence, where protection is sold, where gangs thrive, where thieves flourish, where murderers stalk the streets, where a white woman is a prey to any party that wants to rape her.

They ought to be protected.

Why do they not protect their own people rather than attempt to destroy the South?

Mr. President, what was behind these editorials? What was the reason for them? Here is a portion of the story. I read from another article published in the New York Journal American, this one being under date of December 13, 1959. The article reads:

Fear is gripping the women of New York today. Their terror comes with the gray of dusk as muggers and rapists roam the streets.

Only yesterday a subway change agent was added to the mounting list of assaults on women. What is happening in our town?

To get at the facts, the New York Journal American sent out a team of reporters to observe at firsthand the march of fear.

This is the first of a series revealing why the women of New York City are now women in panic.

Yet, Mr. President, the two great Senators from that State, fine men, went to Atlanta, Ga., to try to tell the people of

that city how to run their own affairs. I read from the article:

(By James D. Horan, Dom Frasca, Rosalind Massow, and Martin Steadman)

The phone rang. Its shrill voice shattered the morning quiet of the neat 6-room apartment in Brooklyn. Mrs. Esther Mitchell, 40, tried to ignore it. But it continued to ring—incessant, demanding. At last she picked up the phone.

"Hello * * * Hello * * *."

There was no answer. All she could hear was a man's deep steady breathing. She choked back mounting hysteria and anger.

"Hello * * *Please answer * * * Who is this?

There was a click.

Day in and day out for months the mysterious caller rang the Mitchell phone. Sometimes her husband, James Roy, grabbed it, demanding to know what the caller wanted.

A click would be his only answer.

Then one day last October the Mitchell's doorbell rang.

"I remember wondering who it was," Mrs. Mitchell, a slight brunet, recalled yesterday. "I was nervous from those terrible phone calls so I leaned against the door and asked who was calling."

"Western Union," a voice said. "I have an emergency telegram for Mrs. Mitchell."

"Naturally I thought of a thousand things that could have happened. But still I only opened the door a few inches. A man put his foot inside, then flung the door back. I started to scream. He grabbed me around the neck.

"Scream again, lady, and I'll kill you," he said.

"He was a Negro about 25 and well dressed in a gray suit. He had a goatee and dark glasses.

"He continued to hold his hand over my mouth and forced me into the next room. It seemed like he didn't want me to get a good look at his face.

"I told him I had only $5, but he could have it if he would leave me alone. He took my pocketbook and emptied it on the couch. He put the money in his pocket.

"Then he forced a dirty rag into my mouth and dragged me into the bedroom. He pushed me into a closet. I thought he was going to murder me. I was numb with fear.

"TIED AND ATTACKED

"He took a belt and strips of clothing and tied me. Then he attacked me.

"A few minutes after he ran out, my daughter came in from school. I keep thinking over and over what this fiend would have done if Georgette had come in while he was here."

She wept softly.

"This happened in my own home. What kind of place is this where a woman is not safe in her own home?

"Every time there is a ring at the door, or a knock, my stomach turns over with fear."

Mr. President, I ask unanimous consent that the remainder of the article be printed at this point in the RECORD without reading it.

There being no objection, the remainder of the article was ordered to be printed in the RECORD, as follows:

STILL AT LARGE

Her assailant has never been apprehended—he roams the streets to strike again.

The case of Mrs. Mitchell is a mere sampling from the types of crimes against women that has given New York the frightful honor of being the Nation's second city in rapes. Los Angeles heads the infamous list.

A spokesman for Police Commissioner Kennedy revealed yesterday that there was an increase of 16.1 percent in the number of felony rape complaints received during the first 7 months of this year as compared with the same period in 1958.

The spokesman described this increase as: "High—very, very high."

Although the statistical breakdown of crimes against women for this year has not been completed—it will admittedly be higher than last year—the spokesman reported that last year police arrested 4,624 men in four broad categories of crimes against women: felony rape, six felonies other than rape; sex offenses by sex degenerates and sex misdemeanors.

WALK IN GROUPS NOW

It is this upshot in crime with women as the helpless victims, which has forced religious groups in the Bronx to walk in groups to their church meetings; which sweeps like an evil wind through whole sections of Brooklyn and Queens, forcing women pedestrians off the streets with the first hint of dusk.

In one section it has resulted in neighbors trying to make an arrangement with Consolidated Edison so they can receive a special rate and thus keep their porch lights on all night.

It has so terrified women in Queens that they beg attendants in movie house to escort them the few feet from the movie entrance to the parking lot.

A CITYWIDE DISGRACE

It has shocked and enraged judges, veteran police officers, spokesmen for civic organizations.

"I have heard women express their fears at walking home after dark," Magistrate Irving I. Schreckinger said. "I have met and talked with women at social affairs who not only request that you escort them home, but who plead that you take them up the elevator to their doors.

"It is disgraceful. Our streets should be made safe for any woman to walk on at any time of the day or night."

Magistrate Schreckinger, who recently fixed $50,000 bail for two alleged rapists, pointed out that crimes against women are not confined to only one section of the city.

LIGHTING CUTS CRIME

"Wherever you have barren streets, or streets that are not well lighted, you have crimes against women," he said.

"Unfortunately, people don't realize that complaints to the city about ill lighting will result in new lights. An example is the Crotona Park section. When lights were issued, crime there was cut down.

"If any man comes before me who has molested a woman I do whatever I can to see he receives punishment to the full extent of the law."

The magistrate added grimly:

"We must teach these people we mean business. No woman in this city should be made to know fear anywhere, any time."

AREAS OF TERROR

But not all the cold statistics of the police department, or the honest outrage and indignation felt by civic leaders can describe the sense of terror which presently rules certain sections of the city.

Take for example the area in and around 277 Washington Avenue, Brooklyn. The tree-lined streets appear quiet, serene. In the sparkling winter sunshine, mothers wheel their baby carriages as they gossip. Small children race up and down on tricycles.

But as the first edge of dusk crawls up Washington Avenue, the women and children disappear. They are only men walking briskly homeward, or groups of teenagers.

FEARS TO BE ALONE

A reporter surveying the neighborhood, discovered a late shopper, her arms clasping bundles, getting out of a car with her husband.

"My husband meets me and we shop together," she explained. "After what happened in 277, I won't let him leave me or the children alone."

She threw a quick glance over her shoulder at No. 277, a neat six-story building.

"Even in her own home they found her," the woman said bitterly.

She was referring to Mrs. Margaret O'Meara, a quiet 77-year-old widow who lived alone on the first floor apartment.

FEARED NO EVIL

The elderly woman's whole life was bounded by her devotion to her religion and to her job as an office clerk.

When D. W. Davies, superintendent of the 65-unit building, cautioned Mrs. O'Meara about leaving the window of her first floor apartment open, she replied with a smile:

"Oh, I'm an old lady. Who would bother me?"

Mr. Davies recalled how he replied:

"There's always a first time, Mrs. O'Meara. I would keep that window closed."

But the elderly churchgoer continued to leave the window of her bedroom open.

EMPLOYER ALARMED

On Friday, the morning after Thanksgiving Day, Mrs. O'Meara did not show up for work. Her employer, who thought it strange that his clerk should mar a perfect attendance record without notifying him, tried to call her.

After the phone rang a long time, he hung up.

"I guess Mrs. O'Meara is resting up after the holiday," he casually told her coworkers.

The long weekend passed. Although Mr. Davies and his wife, who had befriended the old lady, listened, the first-floor apartment was still.

On Monday Mrs. O'Meara did not show up for work. Now her employer was worried. He sent a clerk to 277 Washington Avenue.

VICTIM OF FIEND

The superintendent, who was shocked to hear she was not at work, got a pass key and opened her apartment. * * *

Still visibly affected by what he had seen that morning, he told a reporter:

"She was on the bed. The radio was playing softly. Pillows were propped under her head. Her face was bruised, the blood dried. She had been beaten. She had on a silk negligee. It was apparent she had been raped."

An autopsy later showed the elderly woman had been strangled and criminally assaulted.

CREPT THROUGH WINDOW

Police theorized that Mrs. O'Meara's murderer got into the courtyard adjacent to the apartment house by climbing an 8-foot wire fence around a lot on Hall Street in the rear of the building.

He then crawled through the window, kept open by the little old lady who mistakenly thought that 77 years, white hair, and frailty would deter the "savage animals," as one magistrate called them, who prowl the city streets, seeking the weak, the helpless, the infirm as their victims.

Incidentally, her murderer has not been apprehended, either.

Mr. EASTLAND. Mr. President, I shall not read any more of the sordid stuff which has been published in the New York newspapers. But the sum of it is that those are people who are trying to tell southern people how to run a

region where peace and harmony prevail, where the Negro gets equal treatment. Before the debate is over, I am going further into conditions not only in New York City but also in other areas of the country.

Mr. JOHNSTON of South Carolina. Mr. President will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. JOHNSTON of South Carolina. I know the Senator from Mississippi has ofttimes heard how southerners mistreat the colored people. Has the Senator not heard stories to that effect?

Mr. EASTLAND. Yes; I have heard the propaganda put out by people who say that the colored people of the South are mistreated.

Mr. JOHNSTON of South Carolina. Has the Senator had occasion to see the percentage of convictions among members of the colored race in New York and the percentage of such convictions in, say, South Carolina and Mississippi?

Mr. EASTLAND. No; I have not seen them. But, Mr. President, I ask unanimous consent—I am certain there will not be any objection—without prejudicing my right to the floor, or without its counting as one speech on these amendments, that the Senator from South Carolina may be permitted to offer those statistics for the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. I do not have the figures with me. I shall be glad to present them. But is it not true that in the South the percentage is not half what it is in the Northern States, on an average?

Mr. EASTLAND. I do not know what the exact figures are. I read some figures a few minutes ago which show a uniform lower rate of felony convictions in the South.

Mr. JOHNSTON of South Carolina. Yes, that is true. Then in addition to telling us how to handle the colored people, they tell us how we mistreat them. Can it be said that we mistreat the colored people when we do not have as large a percentage of crime as exists in the North? At the same time, how do our friends from the North explain the greater percentage of convictions among the colored race in the North?

Mr. EASTLAND. I will answer that question by this statement. I think a segregated society is best for both races. Is that not the judgment of the distinguished senior Senator from South Carolina?

Mr. JOHNSTON of South Carolina. That is my judgment. I think when the races are separated in the schools, and in other places, so far as that is concerned, conditions are better. I realize that it is necessary for both races to live in the same community and to work together in a great many instances. But having gone as far as we have progressed in the South, I think it is much better to segregate the races.

Mr. EASTLAND. Why should the Negro not have his own schools, his own stores, his own theaters, his own hotels, his own places of public accommodation? What is wrong with that?

Mr. JOHNSTON of South Carolina. There is not a thing wrong with it.

Mr. EASTLAND. How is he injured?

Mr. JOHNSTON of South Carolina. He is not injured.

Mr. EASTLAND. Does the Senator not realize that segregation enables the Negro to build up better his own culture and his own civilization, instead of living off the back of the white man?

Mr. JOHNSTON of South Carolina. I am certain the Senator knows that in a State where integration is practiced in the schools, the colored teachers comprise a much smaller percentage than is the case in the States where the races are segregated. Is that not correct?

Mr. EASTLAND. Of course it is. The Senator has asked me a question. Does the Senator have another question?

Mr. JOHNSTON of South Carolina. I have many questions on this subject, but I want to listen to the Senator from Mississippi make his speech.

Mr. EASTLAND. It is regrettable that Senators from other areas are not listening. The truth is that there is a big scuffle in progress for the Negro vote in this country.

On Tuesday last I made my first address in opposition to the administration's proposal for civil rights legislation. The Dirksen substitute for H.R. 8315 represents a Republican civil rights proposal.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. JOHNSTON of South Carolina. The Senator from Mississippi is chairman of the Committee on the Judiciary, of which I also am a member. Is it not true that our way of electing a President has much to do with the proposal before the Senate? Every 4 years it comes up hotter than before. It always happens just before an election. Does the Senator not believe that this situation is brought about because of the way the President is elected? If one candidate in any State gets one more vote than the majority, all the electoral votes go to the party of the winning candidate.

Mr. EASTLAND. I think there is much to what the Senator says, but I think, as of now, we have a difference. We can take care of ourselves on the floor.

Mr. JOHNSTON of South Carolina. That is true; we can take care of ourselves, but we could remove this difficulty if we changed our method of electing a President. I introduced a bill about 10 years ago to amend the Constitution of the United States, to give in each State just the amount of votes, whatever the percentage was of the electoral votes in that State. If we did something like that, I think it would take a lot of the sting out of this matter that we have before us at the present time.

Mr. EASTLAND. I think the Senator is correct.

Mr. President, I pointed out at that time that, in my judgment, these proposals add up to the most vicious, iniquitous, revolutionary, and unconstitutional series of measures ever proposed in the Congress of the United States, except for that period of time when the Southern States were divided into military districts, and were operated by military governors in a status which equaled nothing more or less than sheer tyranny.

The limitations of time prevented me from discussing all of the sections of the Dirksen substitute. Section 3 thereof is the only provision which has been consistently present in the administration-sponsored civil rights packages by those who are proponents on this side of the aisle. It is the only section of present applicability that was reported from the Constitutional Rights Subcommittee of the Senate Judiciary Committee to the full committee.

This is the section that deals with the preservation of State voting records. It constitutes a wholly unwarranted and unconstitutional usurpation by the Federal Government of rights which, both historically and legally, belong to the respective States.

It proposes to place in the hands of the Attorney General of the United States unprecedented, unwise, unbridled, and unjustified power over the people and affairs of sovereign States.

This title—sixth section—is couched and proposed upon an unsound basis and theory; namely, that the State government, composed of its elected officers and the people themselves, are incompetent or unable or that they refuse to recognize and discharge State responsibilities, duties, and obligations to themselves, and to the Federal Government. Such a precept is not supported in law or in fact. Those who advocate this legislation evidence their refusal to indulge in the same presumptions which they demand of courts of law. The presumption in which every court indulges in every case is that a State officer is presumed to both know his duty and will do his duty and that every State and Federal law is presumed to be valid, that every person is honest and will obey the law and that every person is presumed to be innocent until he is proven to be guilty.

I strongly oppose legislation which proceeds on the premise that actions of a State or State citizens are suspect and that State officers and the State citizenry are unwilling to recognize and protect all constitutional rights, powers, and privileges of its citizens.

Section 3 has been said to be a "moderate" proposal. I deny this and say that it is the most "extreme and limitless" bill I have ever read. It may be moderate to those who neither know what it will do, have not considered or realized what it really does, or who have not considered in detail the practical effect of the application of this bill in each State according to its terms and the breadth and scope of what its impact will be. Let us see what this bill really does. At this point I must point out to the Senate, and it will be fully dealt with hereinafter, that this bill proposes to cover all primaries, all general elections and all special elections—this makes it

cover all elections of every kind dealing with the officials mentioned in this title.

This section is composed of seven subsections, (a)–(g), inclusive. To better understand the bill in its consecutive subsections, it is necessary to first go to subsection (g) and see whom it proposes to cover and whom it proposes to make an "officer of election."

Subsection (g) is an "artificial definition" of who will be an "officer of election" under the bill. Who are they? They will be every person who performs any function, duty or task under color of any State or Federal or local law, statute, ordinance, regulation, authority, custom or usage in connection with any application, registration, payment of poll tax or other act requisite to voting in any general, special or primary election to be candidates for the Office of President, Vice President, presidential elector or Member of the Senate or House of Representatives.

All officials of the Republican Party and all officials of the Democratic Party who perform any official party action in determining who will be the nominee of each political party; members of the county executive committee; all such officials who do or perform any official party action in connection with holding the Democratic and Republican Party primaries, including those who determine the time, the place, and the manner of holding the Democratic primary and the Republican primary; all such officials who perform any function, duty, or task or other act in connection with determing the result of the Democratic primaries and the Republican primaries, including all of those persons who report the result of such primaries and all of those persons who finally certify and determine the true and final result of those primaries; all of those officials of both the Democratic Party and the Republican Party who perform any official act for both parties in and about certifying the name of the party nominee to the proper State and district and any other local official in order to get the name of the party nominee upon the general election ballot in each of the 50 States.

I, myself, was astounded when I realized that all of the foregoing people would be covered by this act, and would be made officers of election by the artificial definition in subsection (g). Why do I say all of the above people would be covered by this definition? The reason is due to the explicit language of subsection (g) because the people designated include:

> Any person who performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any primary election.

Thus, the above language clearly includes all of those I have enumerated, and probably there may be some others.

What the total of all of the above individuals is I do not know. I am sure that only a very few of the above-described persons know that if this measure were enacted, they would become officers of election to whom the strict and stringent requirements of this act would apply. I wonder whether they want to be officers of election, and whether that would be compatible with their duties or offices.

While I am not familiar with the election laws of each of the States of the Nation, I can speak as one who would be covered under the election laws of Mississippi. The election laws vary from State to State, and the election machinery varies from State to State. Those who perform this duty or that duty in connection with elections differ from State to State. Therefore, under the different State laws, different persons might be made "officers of election."

Speaking for Mississippi, subsection (g) would make an "officer of election" out of the following: Every member of the State election commission; every member of the State executive committee; the secretary of state and his deputies; every sheriff of every county and all of his deputies; every member of the board of supervisors of every county; every member of the board of election commissioners of every county; every member of each county executive committee; every registrar of elections and his deputies; every manager of election; every bailiff or keeper of the peace in the community where an election is being held; each public printer who prints the ballots which are used in these elections and all of his employees who perform any "other act" in connection with printing those ballots, including the employees who handle and deliver the ballots in any shape, form, manner; all polling place representatives of the various candidates; and every person who pays a poll tax and receives a poll tax receipt.

I am informed that there are 165,116 voting precincts in the 50 States. In my State there are many precincts in which there are several—and sometimes numerous—polling places where the votes are cast and counted. Therefore, all of the above officials in each polling place in each of the 165,116 precincts would be made "officers of election" by this proposed act.

How many people this would embrace, I do not know. In Mississippi, it would certainly cover a great many people, many of whom, I am sure, will be surprised to know that if this legislation should be enacted, they would become "officers of election."

Having now determined who would be made "officers of election" by the terms of this bill, let us determine what records and papers would be covered, and which of them would have to be dealt with in the manner required by section 201, and what would have to be done with such records and papers.

Clarity, I think, is promoted by first determining what would have to be done with the papers and records which would be covered. They would have to be retained and preserved for a period of 3 years from the date of the general, special or primary elections mentioned in the bill, except that all ballots used in said elections would have to be retained only for a period of 18 months after the election in which they were cast.

Those who would have to retain and preserve those records and papers would include all into whose possession such documents would come, and also any other "officer of election" to whom they might be delivered as custodian in accord with State law.

In proceeding to determine what records and papers would be covered, I can speak only insofar as my State is concerned. We find the following:

All primary and all general and special election ballots in my State are usually destroyed after the returns of the elections have been canvassed and determined and if there is no appeal therefrom or litigation thereabout. There is no need to keep them if there is no contest. Twenty days after the elections are allowed within which to contest them. In my State, whenever any of the officials who are mentioned in the bill are elected, there are always State officials to be elected. This results in a long and space-consuming ballot.

In my State, if there were no contest in an election, the ballots would be destroyed after the end of the appeal period. In my State, it would cause considerable expense to preserve such ballots and other records and papers. Some buildings might have to be altered, in order to store all these documents. I can well understand how in States where millions of votes are cast within a 3-year period, a tremendous and burdensome problem would be created. Furthermore, in many States voting machines are used; and those tapes would have to be identified, sorted, filed and housed. I believe many additional persons would have to be employed by the various States and political subdivisions, in order to preserve these ballots. They would have to be filed in such manner that they could readily be identified.

In the last presidential election, millions of ballots were cast in this Nation. I think it is impossible to estimate how many elections have been held and how many ballots have been cast. I think it almost an impossible job to determine how many ballots will be cast each year, and how many of them would have to be preserved, by the terms of this bill. Each Senator may consider how many hundreds of thousands or millions of ballots have been cast in his State within the last year or so, or in the last presidential election, which would have to be preserved for 18 months after each election mentioned in the act. No one can tell how many elections will be held in the future within 3 years of each other, or the number of ballots which would be obtained by multiplying the number of ballots cast in each election by the number of elections held within a 3-year period. Mr. President, are we dealing with a vast and unknown area where angels would fear to tread?

Let me point out at this point that each and every record, paper, and ballot proposed to be covered by this measure is created and paid for by the people of the different counties, districts, and States in this Nation. The people who perform duties in creating these papers are employees of each State, county, and district; and their salaries, fees, or other compensation are totally

paid by the respective counties, districts, and States. Not one farthing of funds is received from, or furnished by, the Federal Government, to pay either the cost of creating the papers or the salaries of those who perform duties in connection with them. The duties performed by all persons covered by this measure are prescribed by State law, and their obligations are created by State law. These records and papers and ballots are papers belonging to the respective States. This was the situation when the Constitution was adopted. This is the situation now. At no time in our constitutional history has anyone considered that the State's authority over these papers could be invaded, changed, or usurped in the manner proposed by this act. No amendment or provision of the Constitution contemplates or authorizes or justifies the provisions of this act.

As to what papers and records are covered by said section 3, again I can speak only for the State of Mississippi. You will have to apply the act from a practical standpoint to the laws of your own State, with which you are familiar. In my State the following papers would be covered by section 3, exclusive of ballots. One copy of each of the following papers or documents must be preserved and handled in accord with the terms of the act:

All homestead exemption records and documents, which are very voluminous.

All minutes of boards of supervisors dealing with election matters.

All records and minutes of the board of county election commissioners.

All poll tax receipts.

All newspapers carrying any notice of announcement of candidates.

One copy of all campaign literature issued on behalf of any candidate, in view of our Corrupt Practices Act.

All affidavits, petitions, and other papers which are required of all candidates for qualification purposes.

All applications for registration.

All records of various criminal convictions throughout the State which might affect the qualifications of any elector or candidate.

All appointments of election or polling place or precinct election managers and workers or helpers.

All designations by every candidate of persons to act as his representative at all of the polling places in the various precincts.

All written challenges, if any, to the right of any person to vote at any polling place.

All receipts signed for delivery of ballot boxes to the polling places.

All receipts signed for the delivery by the printer of ballots to the various persons.

All tabulation sheets upon which the votes are tabulated.

All minutes of the board of election commissioners made in connection with tabulating the votes.

All minutes and records of the State election commission in canvassing the returns of all special and general elections.

All declarations of result of such elections.

All records in the office of the secretary of state dealing with declaring the results of an election.

All poll books.

All registration books.

The annual list and index of all poll tax payments, which is required to be prepared by the registrar in each county of the State.

All minutes and other records of the Democratic Party organization in each State and county made by the officials of such party which may be necessary to cause to be placed the name of the candidate of that party upon the primary ballot of the Democratic Party.

All minutes and other records of the Republican Party organization in each State and county made by the officials of such party which may be necessary to cause to be placed the name of the candidate of that party upon the primary ballot of the Republican Party.

One copy of all campaign literature, pamphlets, sheets, and so forth, issued on behalf of every candidate of the Democratic Party in any primary—these are required in many of the States by the States primary election corrupt practices laws, which are designed to increase the efficiency of the election and to assure the conduct of all candidates and all primaries on the fairest basis possible.

One copy of all campaign literature, pamphlets, sheets, and so forth, issued on behalf of every candidate of the Republican Party in any primary—these are required in many of the States by the State primary election corrupt practices laws, which are designed to increase the efficiency of the election, and to assure the conduct of all candidates and all primaries on the fairest basis possible.

All minutes and records of the board of supervisors of each county dealing with the holding of the primary elections, both in the State and in each county of the State.

All minutes of the board of supervisors of each county dealing with primary elections.

All newspapers carrying comments on candidates on the Democratic ticket in each and every primary.

All newspapers carrying comments on candidates on the Republican ticket in each and every primary.

All reports and records of the contributions made to the candidates of the Democratic Party in each district primary election, or which may have been made for his benefit.

All reports and records of the contributions made to the candidate of the Republican Party in each district primary election, or which may have been made for his benefit.

Each statewide candidate in a Democratic primary election is required to file in the office of the secretary of state a list of the contributions received by him in the course of his campaign—this list is, by the terms of the Corrupt Practices Act, required to be preserved as one of the books and records covered thereby. In my State there is ofttimes from one to six candidates running for the nomination on the Democratic ticket.

Each statewide candidate in a Republican primary election is required to file in the office of the secretary of state a list of the contributions received by him in the course of his campaign—this list is, by the terms of the Corrupt Practices Act, required to be preserved as one of the books and records covered thereby.

In closed Republican and Democratic primaries, where the candidates are selected by party conventions, then all records and papers of each party dealing with its selection of candidates are covered by the act and must be retained and preserved in accord with the act.

All affidavits, petitions, and other papers which are required to be filed by each candidate on the Democratic ticket for qualification and by the candidate and others designated by statute for contribution reporting purposes.

They are required to be filed in each county within the district in all district primary elections. For all statewide offices these are required to be filed in the office of the secretary of state and chairman of the State executive committee respectively of my State: All affidavits, petitions, and other papers which are required to be filed by each candidate on the Republican ticket for qualification purposes.

They are required to be filed in each county within the district in all district primary elections. For all statewide offices these are required to be filed in the office of the secretary of state and chairman of State executive committee respectively of my State:

All appointments of election or polling place and precinct election managers, workers, or helpers.

All designations by every candidate of any person to act as the representative of such candidate at each of the polling places in the various precincts.

All written challenges, if any, to the right of any person to vote at any polling place.

All receipts signed for delivery of ballot boxes by the registrars to the various polling places.

All receipts issued and signed for the delivery by the printer of the primary ballots to the various persons entitled under the law to receive them.

All tabulation sheets upon which the primary votes are tabulated.

All returns made by the election managers at each polling place in the county to the county executive committee.

All records and documents prepared by, including minutes, the county executive committee in canvassing, declaring, and reporting the vote cast for each candidate in the primary. This report must be filed with the State Democratic executive committee.

All lists of each person who receives a ballot for the purpose of voting it at each polling place in each voting precinct in the county.

Now, Mr. President, all these records that I have enumerated have to be preserved for a period of 3 years. They have to be stored for safekeeping. Who has to pay for the storage and safekeeping? Why, the State, of course.

The form or nature of the expenses so cast upon each State, county, and political subdivision would include additional

facilities for storing and preserving State records and papers; additional employees in order to properly file, identify, and provide access to these records and papers. In my own State of Mississippi, from my acquaintance with the office of the registrars, I know that the present office space now afforded to care for the records and papers required to be preserved under State law are inadequate to meet the requirements of section 3. This will result in either constructing additional facilities or renting additional space.

I know of no authority and no precedent of any kind for one sovereign to cast such burdens upon another sovereign in the above manner.

If Congress had the authority to cast such additional burdens upon the State governments, it could bankrupt any State, county, or political subdivision by casting such financial burdens upon them to the point where they could not meet the expenses. The question is one of power and authority. If it can be done in this instance, it can be done in other instances. If Congress can cast this burden upon a State and its political subdivisions, it can cast additional such burdens to a point ad infinitum.

Mr. President, subsection (a) creates a new Federal crime, the violations of which could result in multiple prosecutions. The records and papers embraced in subsection (a) are multitudinous and innumerable. This section imposes upon election officials the duty to preserve every record or paper relating to any application, registration, or payment of poll tax. Failure to comply with this section subjects these election officials to penalties of up to $1,000 fine or imprisonment of up to 1 year, or both. Under the language of this section this penalty could attach to an election official for his failure to preserve just one scrap of paper having to do with the election of a candidate to office. Certainly, this could result in multitudinous prosecutions when you consider the millions of ballots that are cast in each election and the papers and records requisite to the qualifications of these voters. This creates a frightful law-enforcement tool to be used by the Attorney general, who is a political appointee, to harass State and local election officials.

Mr. President, I ask unanimous consent that there may be a quorum call, provided I do not lose the floor, and provided it does not count as one speech against the pending business.

Mr. MORTON. Mr. President, reserving the right to object, I shall not object if it can be understood with the Senator from Mississippi and the Senator from Arkansas that when we reach the name of the Senator from Ohio [Mr. YOUNG], and I hope the clerk will call the roll slowly, we shall have consent to rescind the quorum call.

The PRESIDING OFFICER. Is there objection?

Mr. MORTON. Mr. President, I cannot make that unanimous-consent request. All I can do is ask for cooperation.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I think, if the Senator desires to, he can suggest the absence of a quorum and be perfectly within his rights, when a quorum is announced, to be recognized for the purpose of offering an amendment to the amendment. That will give him the right to make another speech, and accomplish the same objective, without taking a chance that a Senator would object to the quorum call being withdrawn. We would not want to ask Senators to come to the floor unless there was a live quorum call.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). The Chair is advised that the Parliamentarian agrees with the statement of the Senator from Texas.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum with that understanding.

The PRESIDING OFFICER. Is there objection?

The Chair hears none and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Eastland	Magnuson
Anderson	Ellender	Mansfield
Bartlett	Ervin	Martin
Bennett	Frear	Morse
Bible	Fulbright	Morton
Brunsdale	Gruening	Moss
Byrd, W. Va.	Hart	Mundt
Cannon	Hartke	Murray
Carlson	Hruska	Muskie
Carroll	Jackson	Pastore
Case, N.J.	Javits	Prouty
Case, S. Dak.	Johnson, Tex.	Proxmire
Church	Keating	Saltonstall
Clark	Kerr	Smith
Cooper	Kuchel	Wiley
Cotton	Lausche	Williams, Del.
Curtis	Long, Hawaii	Williams, N.J.
Dirksen	McCarthy	Yarborough
Douglas	McGee	Young, Ohio
Dworshak	McNamara	

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is present.

Mr. EASTLAND. Mr. President, I offer an amendment and ask for its immediate consideration.

Mr. DIRKSEN. Mr. President, will the distinguished Senator yield?

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 1, at the end of line 6, to the Long of Louisiana amendment, it is proposed to insert the following words: "or all other means guaranteed under the Constitution."

The PRESIDING OFFICER. The Senator from Mississippi [Mr. EASTLAND] has the floor.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. DOUGLAS. I have no objection——

Mr. EASTLAND. I yield for a question. Mr. President, I ask to be protected if a question is not asked, because I could be taken off the floor.

Mr. DOUGLAS. I would not think of doing that.

Mr. EASTLAND. No; but some other Senator might. [Laughter.]

Mr. DOUGLAS. Does the Senator from Mississippi know that the senior Senator from Illinois will interpose no objection to the amendment of the Senator from Mississippi?

Mr. EASTLAND. I thank the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. EASTLAND. I yield for a question.

Mr. DIRKSEN. Did I correctly understand the Senator to ask for the immediate consideration of his amendment?

Mr. EASTLAND. I want to speak on it——

Mr. DIRKSEN. I am wondering whether——

Mr. EASTLAND. And then I will withdraw it. [Laughter.]

Mr. DIRKSEN. Mr. President, will the distinguished Senator yield for a unanimous-consent request?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished minority leader provided it does not prejudice my right to the floor, and provided it does not count as a speech on my amendment which I have just offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, earlier in the day I asked unanimous consent to have printed in the RECORD the Supreme Court decision, October term, 1959, No. 64, in the case of United States against James Griggs Raines and others. This decision relates to discrimination in the whole field of voting.

Mr. EASTLAND. In the field of voting?

Mr. DIRKSEN. Voting. There was some colloquy and some very interesting comment on this decision, but the request was not granted. I renew my request now and ask that the decision be printed.

The PRESIDING OFFICER. Is there objection?

Mr. EASTLAND. Mr. President, reserving the right to object—and I shall not object to the printing of the opinion in the RECORD—much useless material is printed in the RECORD. That is exactly what this decision of the Supreme Court is, as most of the decisions are. I will let it accumulate in the RECORD. Therefore, I shall not object.

There being no objection, the decision was ordered to be printed in the RECORD as follows:

SUPREME COURT OF THE UNITED STATES—No. 64, OCTOBER TERM, 1959—UNITED STATES, APPELLANT, *v.* JAMES GRIGGS RAINES, ET AL.—ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA—FEBRUARY 29, 1960

Mr. Justice Brennan delivered the opinion of the Court.

The United States brought this action in the District Court for Middle Georgia against the members of the board of registrars and certain deputy registrars of Terrell County, Ga. Its complaint charged that the defendants had through various devices, in the administration of their offices, discriminated

on racial grounds against Negroes who desired to register to vote in elections conducted in the State. The complaint sought an injunction against the continuation of these discriminatory practices, and other relief.

The action was founded upon R.S. section 2004, as amended by section 131 of the Civil Rights Act of 1957, 71 Stat. 637, 42 U.S.C. section 1971. Subsections (a) and (c), which are directly involved, provide: [1]

"(a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

* * * * *

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) * * * the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

On the defendants' motion, the district court dismissed the complaint, holding that subsection (c) was unconstitutional (172 F. Supp. 552.) The court held that the statutory language quoted allowed the United States to enjoin purely private action designed to deprive citizens of the right to vote on account of their race or color. Although the complaint in question involved only official action, the court ruled that since, in its opinion, the statute on its face was susceptible of application beyond the scope permissible under the 15th amendment, it was to be considered unconstitutional in all its applications. The Government appealed directly to this court and we postponed the question of jurisdiction to the hearing of the case on the merits (360 U.S. 926). Under the terms of 28 U.S.C. 1252, the case is properly here on appeal since the basis of the decision below in fact was that the Act of Congress was unconstitutional, no matter what the contentions of the parties might be as to what its proper basis should have been.

The very foundation of the power of the Federal courts to declare acts of Congress unconstitutional lies in the power and duty of those courts to decide cases and controversies properly before them. This was made patent in the first case here exercising that power—"the gravest and most delicate duty that this Court is called upon to perform." [2] (*Marbury* v. *Madison*, 1 Cranch 137, 177–180.) This Court, as is the case with all Federal courts, "has no jurisdiction to pronounce any statute, either of a State or of the United States, void, because irreconcilable with the Constitution, except as it is called upon to adjudge the legal rights of litigants in actual controversies. In the exercise of that jurisdiction, it is bound by two rules, to which it has rigidly adhered, one, never to anticipate a question of constitutional law in advance of the necessity of deciding it; the other never to formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied." (*Liverpool, New York & Philadelphia S.S. Co.* v. *Commissioners of Emigration*, 113 U.S. 33, 39.) Kindred to these rules is the rule that one to whom application of a statute is constitutional will not be heard to attack the statute on the ground that impliedly it might also be taken as applying to other persons or other situations in which its application might be unconstitutional (*United States* v. *Wurzbach*, 280 U.S. 396; *Heald* v. *District of Columbia*, 259 U.S. 114, 123; *Yazoo & Mississippi Valley R. Co.* v. *Jackson Vinegar Co.*, 226 U.S. 217; *Collins* v. *Texas*, 223 U.S. 288, 295–296; *New York ex rel. Hatch* v. *Reardon*, 204 U.S. 152, 160–161; Cf. *Voeller* v. *Neilston Warehouse Co.*, 311 U.S. 531, 537; *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495, 513; *Virginian R. Co.* v. *System Federation*, 300 U.S. 515, 558; *Blackmer* v. *United States*, 284 U.S. 421, 442; *Roberts & Schaefer Co.* v. *Emmerson*, 271 U.S. 50, 54–55; *Jeffrey Mfg. Co.* v. *Blagg*, 235 U.S. 571, 576; *Tyler* v. *Judges of the Court of Registration*, 179 U.S. 405; *Ashwander* v. *TVA*, 297 U.S. 288, 347–348 (concurring opinion)). In *Barrows* v. *Jackson* (346 U.S. 249), this Court developed various reasons for this rule.

Very significant is the incontrovertible proposition that it "would indeed be undesirable for this Court to consider every conceivable situation which might possibly arise in the application of complex and comprehensive litigation" (id., at 256). The delicate power of pronouncing an act of Congress unconstitutional is not to be exercised with reference to hypothetical cases thus imagined. The Court further pointed to the fact that a limiting construction could be given to the statute by the court responsible for its construction if an application of doubtful constitutionality were in fact concretely presented. We might add that application of this rule frees the Court not only from unnecessary pronouncement on constitutional issues, but from premature interpretations of statutes in areas where their constitutional application might be cloudy.

The district court relied on, and appellees urge here, certain cases which are said to be inconsistent with this rule and with its closely related corollary that a litigant may only assert his own constitutional rights or immunities. In many of their applications, these are not principles ordained by the Constitution, but constitute rather "rules of practice" (*Barrows* v. *Jackson*, supra, at 257), albeit weighty ones; hence some exceptions to them where there are weighty countervailing policies have been and are recognized. For example, where as a result of the very litigation in question, the constitutional rights of one not a party would be impaired, and he has no effective way to preserve them himself, the Court may consider those rights as before it (*NAACP* v. *Alabama*, 357 U.S. 449, 459–460; *Barrows* v. *Jackson*, supra).

This Court has indicated that where the application of these rules would itself have an inhibitory effect on freedom of speech, they may not be applied. See *Smith* v. *California* (361 U.S. 147, 151); *Thornhill* v. *Alabama* (310 U.S. 88, 97–98). Perhaps cases can be put where their application to a criminal statute would necessitate such a revision of its text as to create a situation in which the statute no longer gave an intelligible warning of the conduct it prohibited. See *United States* v. *Reese* (92 U.S. 214, 219–220); cf. *Winters* v. *New York* (333 U.S. 507, 518–520). And the rules' rationale may disappear where the statute in question has already been declared unconstitutional in the vast majority of its intended applications, and it can fairly be said that it was not intended to stand as valid, on the basis of fortuitous circumstances, only in a fraction of the cases it was originally designed to cover. See *Butts* v. *Merchants & Miners Transportation Co.* (230 U.S. 126). The same situation is presented when a State statute comes conclusively pronounced by a State court as having an otherwise valid provision or application inextricably tied up with an invalid one, see *Dorchy* v. *Kansas* (264 U.S. 286, 290); [3] or possibly in that rarest of cases where this Court can justifiably think itself able confidently to discern that Congress would not have desired its legislation to stand at all unless it could validly stand in its every application. Cf. the *Trade-Mark* cases (100 U.S. 82, 97–98); the *Employers Liability* cases (207 U.S. 463, 501). But we see none of the countervailing considerations suggested by these examples, or any other countervailing consideration, as warranting the district court's action here in considering the constitutionality of the act in applications not before it. [4] This case is rather the most typical one for application of the rules we have discussed.

There are, to be sure, cases where this Court has not applied with perfect consistency these rules for avoiding unnecessary constitutional determinations, [5] and we do not mean to say that every case we have cited for various exceptions to their application was considered to turn on the exception stated, or is perfectly justified by it. The district court relied primarily on *United States* v. *Reese*, supra. As we have indicated, that decision may have drawn support from the assumption that if the Court had not passed on the statute's validity in toto it would have left standing a criminal statute incapable of giving fair warning of its prohibitions. But to the extent Reese did depend on an approach inconsistent to what we think the better one and the one established by the weightiest of the subsequent cases, we cannot follow it here.

Accordingly, if the complaint here called for an application of the statute clearly constitutional under the 15th amendment, that

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[1] Subsection (a) was originally sec. 1 of the Enforcement Act of May 31, 1870, c. 114, 16 Stat. 140, and brought forward as R.S. sec. 2004. The remaining subsections were added by the 1957 legislation. Subsec. (b) forbids various forms of intimidation and coercion in respect of voting for Federal elective officers, and the enforcement provisions of subsec. (c) likewise apply to it; but subsec. (b) is not involved in this litigation.

[2] Holmes, J., in *Blodgett* v. *Holden*, 275 U.S. 142, 148.

[3] Cf. *Mountain Timber Co.* v. *Washington* (243 U.S. 219, 234). But a State's determination of the class of persons who can invoke the protection of provisions of the Federal Constitution has been held not conclusive here (*Tileston* v. *Ullman*, 318 U.S. 44).

[4] Certainly it cannot be said that the sort of action proceeded against here, and validly reachable under the Constitution (see pp. 7–9, infra), was so small and inessential a part of the evil Congress was concerned about in the statute that these defendants should be permitted to make an attack on the statute generally. Subsection (d) and innumerable items in the legislative history show Congress particular concern with the sort of action charged here. See, e.g., "Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, on Proposals To Secure, Protect, and Strengthen Civil Rights of Persons Under the Constitution and Laws of the United States," 85th Cong., 1st sess., pp. 4–7, 36–37, 77, 81, 189, 205, 293, 300; "Hearings Before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives on Miscellaneous Bills Regarding the Civil Rights of Persons Within the Jurisdiction of the United States," 85th Cong., 1st sess., pp. 656, 1220; CONGRESSIONAL RECORD, vol. 103, pt. 7, p. 8705; vol. 103, pt. 9, p. 12149; vol. 103, pt. 10, pp. 12898, 13126, 13732.

Nor can there be any serious contention that the statute, as a civil enactment, would fail to give adequate notice of the conduct it validly proscribed, even if certain applications of it were to be deemed to be unconstitutional. Criminal proceedings under the statute must depend on violation of a restraining order embracing the party charged.

[5] Cf., e.g., *Illinois Central R. Co.* v. *McKendree* (203 U.S. 514); *United States* v. *Ju Toy* (198 U.S. 253, 262–263).

should have been an end to the question of constitutionality. And as to the application of the statute called for by the complaint, whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens on grounds of race or color—is certainly, as State action and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is appropriate legislation under it. It makes no difference that the discrimination in question, if State action, is also violative of State law (*Snowden* v. *Hughes* (321 U.S. 1, 11)). The appellees contend that since Congress has provided in subsection (d) of the statutory provision in question here that the district courts shall exercise their jurisdiction "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law," and such remedies were not exhausted here, appellees' action cannot be ascribed to the State. The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments. See *Cooper* v. *Aaron* (358 U.S. 1, 16–19). We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

The appellees can draw no support from the expressions in *Barney* v. *City of New York* (193 U.S. 430), on which they so much rely.[6] The authority of those expressions has been "so restricted by our later decisions," see *Snowden* v. *Hughes, supra,* at 13, that Barney must be regarded as having "been worn away by the erosion of time" (*Tigner* v. *Texas,* 310 U.S. 141, 147), and of contrary authority. See *Raymond* v. *Chicago Union Traction Co.* (207 U.S. 20, 37); *Home Tel. & Tel Co.* v. *Los Angeles* (227 U.S. 278, 283–289, 294); *Iowa-Des Moines Nat. Bank* v. *Bennett* (284 U.S. 239, 247); *Snowden* v. *Hughes, supra; Screws* v. *United States* (325 U.S. 91, 107–113, 116). Cf. *United States* v. *Classic* (313 U.S. 299, 326). It was said of Barney's doctrine in *Home Tel. & Tel. Co.* v. *Los Angeles, supra,* at 284, by Mr. Chief Justice White: "[its] enforcement * * * would * * * render impossible the performance of the duty with which the Federal courts are charged under the Constitution." The district court seems to us to have recognized that the complaint clearly charged a violation of the 15th amendment and of the statute, and that the statute, if applicable only to this class of cases, would unquestionably be valid legislation under that amendment. We think that under the rules we have stated, that court should then have gone no further and should have upheld the act as applied in the present action, and that its dismissal of the complaint was error.

The appellees urge alternative grounds on which they seek to support the judgment of the district court dismissing the complaint.[7] We do not believe these grounds are well taken. It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief. See *United Steelworkers* v. *United States* (361 U.S. 39, 43), and cases cited. Appellees raise questions as to the scope of the equitable discretion reserved to the courts in suits under section 2004. Cf. id., at 41–42. We need not define the scope of the discretion of a district court in proceedings of this nature, because, exercising a traditional equity discretion, the court below declined to dismiss the complaint on that ground, and we do not discern any basis in the present posture of the case for any contention that it has abused its discretion. Questions as to the relief sought by the United States are posed, but remedial issues are hardly properly presented at this stage in the litigation.

The parties have engaged in much discussion concerning the ultimate scope in which Congress intended this legislation to apply, and concerning its constitutionality under the 15th amendment in these various applications. We shall not compound the error we have found in the district court's judgment by intimating any views on either matter.

Reversed.

SUPREME COURT OF THE UNITED STATES—No. 667, OCTOBER TERM, 1959—UNITED STATES OF AMERICA, PETITIONER, *v.* CURTIS M. THOMAS, REGISTRAR OF VOTERS OF WASHINGTON PARISH, LA., ET AL.—ON PETITION FOR WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT—FEBRUARY 29, 1960

Per Curiam.

Pursuant to its order of January 26, 1960, the Court has before it (1) the application of the United States for an order vacating the order of the court of appeals, dated January 21, 1960, staying the judgment of the District Court for the Eastern District of Louisiana, New Orleans Division, dated January 11, 1960; and (2) the petition of the United States for a writ of certiorari to the court of appeals to review the judgment of the district court as to the respondent, Curtis M. Thomas, registrar of voters, Washington Parish, La. Having considered the briefs and oral arguments submitted by both sides, the Court makes the following disposition of these matters:

The petition for certiorari is granted. Upon the opinion, findings of fact, and conclusions of law of the district court and the decision of this Court rendered today in No. 64, *United States* v. *Raines,* the aforesaid stay order of the court of appeals is vacated, and the judgment of the district court as to the respondent Thomas is affirmed.

It is so ordered.

SUPREME COURT OF THE UNITED STATES—No. 64, OCTOBER TERM, 1959—UNITED STATES, APPELLANT *v.* JAMES GRIGGS RAINES, ET AL.—ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA—FEBRUARY 29, 1960

Mr. Justice Frankfurter, with whom Mr. Justice Harlan concurs, joining in the judgment.

The weighty presumptive validity with which the Civil Rights Act of 1957, like every enactment of Congress, comes here is not overborne by any claim urged against it. To deal with legislation so as to find unconstitutionality is to reverse the duty of courts to apply a statute so as to save it. Here this measure is sustained under familiar principles of constitutional law. Nor is there any procedural hurdle left to be cleared to sustain the suit of the United States. Whatever may have been the original force of *Barney* v. *New York* (193 U.S. 430), that decision has long ceased to be an obstuction, nor is any other decision in the way of our result in this case. And so I find it needless to canvass the multitude of opinions that may generally touch on, but do not govern, the issues now before us.

Mr. EASTLAND. Mr. President, I have been discussing the pending civil rights bill. I shall digress for a few moments to discuss some of the decisions of the Supreme Court of the United States. Then I shall return to my original speech. Senators might as well relax.

Mr. President, one aspect of the Supreme Court decision of May 17, 1954, in the school segregation cases has been, to a large degree, overlooked. This was the denial to the defendants in the school cases of their day in court, their right to be confronted by witnesses, their right to cross-examine witnesses whose testimony would be adverse to their interests and their right to produce witnesses on their own behalf—in other words, a complete denial to the litigants opposed to school integration of due process of law and simple justice.

The enormity of this transgression on the part of the Court against the doctrine of due process of law becomes more and more appalling as the years pass. The Supreme Court gave every indication when it had these cases under consideration that it would determine the cases on the basis of the meaning and application of the 14th amendment insofar as public education was concerned at the time this amendment was proposed by Congress and adopted by the States. Prior to a final decision in the cases, the Court posed certain questions to the attorneys involved, including the U.S. Attorney General. These questions were: Whether the background of the 14th amendment and the argument in Congress among the States and conventions that ratified the amendment indicated that it had anything to do with public education, the regulation of pub-

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[6] Barney was a property owner's action to enjoin State officials from construction of a rapid transit tunnel in a particular place. The suit was brought directly under the 14th amendment in Federal court, and it was averred that the proposed action of the State officials was not authorized under State law. It does not appear that the complainant alleged that higher State administrative echelons were indisposed to halt the unauthorized actions or that the State offered no remedy at all to a property owner threatened with interference with his property by State officials acting without authority. There was not presented any specific Federal statute expressly authorizing Federal judicial intervention with matters in this posture.

[7] Many of these contentions are raised by what appellees style a "cross-appeal." Notice of cross-appeal was filed in the district court, but the cross-appeal was not docketed here. However, since the judgment of the district court awarded appellees all the relief they requested (despite rejecting most of their contentions, except the central one), no cross-appeal was necessary to bring these contentions before us if they can be considered otherwise. They would simply be alternative grounds on which the judgment below could be supported. In view of the broad nature of sec. 1252, which seems to indicate a desire of Congress that the whole case come up (contrast 18 U.S.C. sec. 3731, *United States* v. *Borden Co.* (308 U.S. 188, 193), we have the power to pass on these other questions, and since the district court expressed its views on most of them, we also deem it appropriate to do so.

lic education or the prohibition against segregation in public schools, or whether it authorized the Court to construe the 14th amendment to the extent that it prohibited segregation developing or depending on changing conditions, and so forth. The Court itself said that reargument was largely devoted to the circumstances surrounding the adoption of the 14th amendment. In the face of overwhelming evidence to the contrary, the Court held that the history of the 14th amendment with respect to segregated schools was inconclusive. The Court said it must look for itself into the effect of segregation upon public education and in so doing it could not turn the clock back to 1868 when the 14th amendment was adopted, or even to 1896 when Plessy against Ferguson was written. At this point the Court departed from the litigants insofar as the issue in controversy was concerned, departed from the Constitution and 14th amendment, and began to plow for itself in a new, closed, and secret field. The field they then plowed was one wherein jurisprudence would be based on so-called modern scientific authorities in the field of sociology, anthropology, psychology, and psychiatry. The defendants were to be denied access both to the thinking of the judges and an opportunity to know about, question or rebut the alleged scientific authorities which the judges would find and discover. Here litigants opposing school integration were denied the most fundamental due processes of law in the determination of their rights. How the Court happened to cross the border and graze in the field of modern scientific authority will be further discussed at a later point in this discourse.

Mr. President, I see the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] is present. I would like to ask him a question.

We hear much about minority rights; we hear much about Negro rights. I would like to ask the distinguished Senator from Arkansas if he knows of any group that has fewer rights, with the Supreme Court, than the white people of the Southern States.

Mr. FULBRIGHT. The Senator describes the situation quite accurately. For the past several years there has been a very obviously prejudiced point of view existing in the minds of this Court against the people of the South. They have gone out of their way, I think, to misjudge the situation that exists there.

I submitted a brief to the Court asking for a delay in a case coming from my State. They were extremely discourteous. The Chief Justice became infuriated; he refused even to receive the brief at all. He went further and refused to permit the leading attorney for the school board even to read from the brief. I have never heard of such a lack of ordinary, courteous treatment on the part of any reputable judge in history, so far as I know about the law. I think it is very evident that they have developed a kind of passionate distaste for everything which involves the southern part of this country.

Mr. EASTLAND. Is this not based on hatred and prejudice?

Mr. FULBRIGHT. It is certainly based on prejudice of a very obvious kind, in my opinion.

Mr. EASTLAND. And this prejudice generates an injustice to southern people in this country.

Mr. FULBRIGHT. I think it does. Of course this is all part and parcel of the assumption of the legislative function. They have become so impatient in their prejudices that they are unwilling to wait for the orderly processes of government to deal with these matters.

Mr. EASTLAND. Mr. President, let me again call the attention of the Senate to the fact that in the Brown case, the school desegregation decision, they quoted a book written by Gunnar Myrdal. In that book, Myrdal said that the Constitution of the United States had outlived its usefulness, and was a plot against the common people.

Here we have a pro-Communist with Communist propaganda that is cited by the Supreme Court of the United States as authority, who holds segregated schools unconstitutional.

There has never been such a thing in the history of this country. They list textbooks on psychology and sociology, and use them as authorities to hold segregated schools unconstitutional. What it means is something unknown to constitutional law.

According to everything that I have been taught, the Constitution of the United States and all amendments thereto—and I know it is taught in every law school of the country—had a fixed and definite meaning at the time they were adopted, and that the meaning cannot be changed, regardless of later conditions.

But the Court holds that, when some impractical psychology professor writes a new textbook on psychology or sociology, it thereby changes the Constitution of the United States.

Mr. President, let us now examine the relationship of one of the most prominent and powerful known Communists in the United States to the Supreme Court's Black Monday decision.

Mr. President, that is the Brown case, decided in 1954.

James E. Jackson, Jr., was the first American Communist to address a congress of the Communist Party of the Soviet Union. Welcomed by Premier Khrushchev, Jackson addressed the 21st Congress of the CPSU on February 2, 1959. Afterward, he went on a speaking tour throughout the country under the auspices of the Communist Party to report on the 21st Congress.

On June 20, 1951, Jackson was indicted under the Smith Act. At the time he was scheduled for trial, on April 9, 1956, he was a fugitive from justice. The case against him was formally dismissed on August 4, 1958, by the court of appeals.

Jackson was born in Richmond, Va., on November 29, 1914. He is a graduate of Virginia Union and Howard Universities. His college training was in the fields of chemistry and pharmacy. Available records are scanty with regard to any professional activities subsequent to his college graduation.

At the age of 23 Jackson was one of the principal leaders of the Southern Negro Youth Congress, a Communist-front organization, engaged in leading a strike of tobacco workers of the Larus Bros. and export leaf plants in Richmond. He traveled widely in his chosen calling among the longshoremen of Louisiana and Texas, the textile workers of the Carolinas, shipbuilders of Mobile, steelworkers and miners in Birmingham and Bessemer and the auto workers of Detroit. The Daily Worker of December 2, 1954, speaks of him as a leader of the Communist workers at the huge auto plants.

Jackson was active in a number of Communist-sponsored movements operating in the South. He was vice president and principal organizer of the Southern Negro Youth Congress. He organized the first antipoll-tax week in Birmingham, Ala., in 1940. He participated actively in the organization of the Southern Conference for Human Welfare and the Southern Regional Council.

The Communist Party, U.S.A., has accorded official recognition of the services of James E. Jackson, Jr. In 1946, he was awarded the post of chairman of the Communist Party of Louisiana. In 1952, he was educational director of the Communist Party of Detroit, and a member of the Michigan State committee. From 1953 on he is listed as a southern regional director of the Communist Party. Since 1951 he has been a member of the party's national committee, has attended its national conventions, and has contributed frequently to Communist publications. His rating in the Daily Worker of December 2, 1954, is as follows:

> His articles in Political Affairs, his speeches at party conventions and conferences bear the marks of a major and seasoned theoretical talent applying the tools of Marxism-Leninism.

Jackson is frank in stating that "the South is that region of the United States where the most powerful revolutionary pressures may develop." He has been an ardent supporter of the Communist proposal to establish an independent Negro republic in the South, which would inevitably involve civil war and bloodshed.

Mr. President, this is the record of an open Communist, an avowed Communist, and a dedicated Communist. When the U.S. Supreme Court turned its back to the Constitution and established law and based its decision in the antisegregation cases on "psychological knowledge, amply supported by modern authority," Chief Justice Warren, in citing the "modern authority" said in the footnote, "and see generally, Myrdal, 'An American Dilemma—1944' " A James E. Jackson, Jr., is listed in the preface to "An American Dilemma" as one of those who collaborated with the Swedish "social engineer" in the preparation of this work. While it might stretch one's credulity to believe that this could be the same James E. Jackson, Jr., who has been previously described, the best of evidence can be offered.

In 1953, the national committee to defend Negro leadership published a

pamphlet by Esther Cooper Jackson entitled "This Is My Husband." Her husband is James E. Jackson, Jr. On pages 24 and 25 of this pamphlet she describes how her husband participated in the preparation of the Gunnar Myrdal study of the Negro question in the United States. She says:

> One day my husband received an invitation to make a field study for a year of various aspects of the status of the Negro in several Southern States as a part of the Gunnar Myrdal study of the "Negro in America." This offer proved to be the bridge my husband needed for the solution of his dilemma. The Myrdal study job gave him the opportunity for a year of intensive study and testing of his own abilities over the broader canvas of the whole South. He traveled throughout the South, talking with the people and studying the program and leadership technique of all the leaders there of any importance.
>
> As a result of this trip he became thoroughly convinced of the superiority of the program advanced by the Communists and of his own ability to provide the kind of leadership which could unite that program with the yearnings and urgent needs of the masses of the South.

It was the Carnegie Foundation of Alger Hiss fame that financed and assembled the staff of collaborators to prepare and write with Myrdal "An American Dilemma." Jackson could not have been selected as a collaborator and paid consultant on the basis of his background and experience in any social science. Nothing in his history even remotely qualifies him for this type of work. The conclusion is inevitable that he was selected, first, because he was a Communist and, second, because he was a member of the Negro race. Jackson, the Communist, played an important part in the book cited by our Supreme Court as authority for the integration decision.

Another identified Negro Communist who was among the collaborators, W. E. B. DuBois, is credited with contributing to 82 different portions of "An American Dilemma." DuBois visited Russia and conferred with Khrushchev in January of 1959. In fact, this book by Myrdal, which was one of the authorities of the school desegregation decision in which Myrdal said that the Constitution of the United States was "impractical and unsuited to modern conditions" and that its adoption was "nearly a plot against the common people," is nothing but Communist propaganda, and was from its inception to serve the Communist conspiracy in its attack upon American institutions.

Mr. President, I have said time and time again, with documentation, that the so-called modern scientific authorities upon which the Supreme Court relied to sustain its decision in the segregation cases were the preachments of social doctrines that are part and parcel of Communist cant and dogma. Every additional piece of evidence that is uncovered relative to the background of these so-called authorities and how they were introduced to the Supreme Court for consideration and adoption simply adds further proof to the original assertions. Chief Justice Warren said in his opinion that "we cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when Plessy against Ferguson was written" to determine and reiterate what is the established law in this country in regard to separate but equal facilities for the people of the white and Negro races. No, he said, "Whatever may have been the extent of psychological knowledge at the time of Plessy against Ferguson, this finding is amply supported by modern authority." Are the hands of the Supreme Court clock now set squarely on Communist cant and dogma to sustain American judicial decisions?

The more that lawyers, judges, scholars, and students study Warren's opinion, the more shocked they become at the base upon which the Court erected the monstrous decision. They should be alarmed. The decision not only departed from the Constitution and established law, but it planked itself squarely on the shifting sands of sophistry.

The Court found the modern scientific authorities listed and discussed in an appendix to the NAACP brief in the Segregation Cases. The appendix—I have a copy here on the desk— is styled: "The Effects of Segregation and the Consequences of Desegregation: A Social Science Statement." The lawyers for the NAACP then state:

> The following statement was drafted and signed by some of the foremost authorities in sociology, anthropology, psychology, and psychiatry who have worked in the area of race relations.

The social science brief is signed by 32 alleged social scientists. Even these pseudoscientists are candid enough to state in their own brief that:

> The problem with which we have here attempted to deal is admittedly on the frontiers of scientific knowledge.

As far as the Supreme Court is concerned, psychological knowledge advanced from unknown to the known between the dates, September 23, 1952, when the social science brief was filed with the Court, and May 17, 1954, the day the decision was rendered in Brown against Board of Education.

Mr. President, I wish to read into the RECORD at this point some of the records of 13 so-called social scientists who signed the social science brief insofar as their affiliation and identification with Communist or Communist-front organizations and other leftwing groups are concerned:

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES, OCTOBER 24, 1955

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Gordon Allport.

The public records, files and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow-traveler unless otherwise indicated.

The booklet, "Can You Name Them?" listed Gordon Allport as having endorsed the American Committee for Democracy and Intellectual Freedom, cited by the Special Committee on Un-American Activities as a Communist front which defended Communist teachers (report dated June 25, 1942, p. 13).

A letterhead of the American Committee for Protection of Foreign Born dated September 11, 1941, carries the name of Gordon W. Allport in a list of sponsors of that organization; he was a sponsor of both the fifth and sixth national conferences of the organization, as shown by the program of the fifth national conference in Atlantic City, N.J., March 29–30, 1941, and the leaflet, sixth national conference, Cleveland, Ohio, May 9 and 10, 1942. A letterhead of the National Americans All Week of the American Committee for Protection of Foreign Born, October 21–28, 1941, listed Gordon W. Allport, Harvard University, as a sponsor.

The American Committee for Protection of Foreign Born was cited as subversive and Communist by the Attorney General of the United States (press releases of June 1 and September 21, 1948; also included in consolidated list released April 1, 1954); the special committee cited the American committee as "one of the oldest auxiliaries of the Communist Party in the United States" (Rept. 1311, dated March 29, 1944).

A letterhead of the American League for Peace and Democracy dated April 6, 1939, contains the name of Gordon W. Allport in a list of members of the Psychologists Committee of the organization.

The Attorney General cited the American League for Peace and Democracy as subversive and Communist (press releases of June 1 and September 21, 1948; included in consolidated list released April 1, 1954); the Attorney General had previously cited the group as being "designed to conceal Communist control, in accordance with the new tactics of the Communist International" (CONGRESSIONAL RECORD, Sept. 24, 1942, p. 7683). The special committee cited the American League as "the largest of the Communist front movements in the United States" (report dated Jan. 3, 1939; also cited in reports of Jan. 3, 1940; Jan. 3, 1941; June 25, 1942; and Mar. 29, 1944).

In a booklet entitled "These Americans Say: 'Lift the Embargo Against Republican Spain'," prepared and published by the Coordinating Committee to Lift the Embargo, the name of Gordon Allport, psychologist, appears in a list of "representative individuals" who advocated lifting the embargo on the sale of arms to Spain. The coordinating committee was one of a number of front organizations set up during the Spanish Civil War by the Communist Party in the United States and through which the party carried on a great deal of agitation. (From a report of the special committee dated March 29, 1944.)

A letterhead of the Medical Bureau and North American Committee to Aid Spanish Democracy, dated July 6, 1938, contains the name of Gordon W. Allport in a list of members of the psychologists' committee of that organization. During 1937 and 1938, the Communist Party wholeheartedly campaigned for support of the Spanish Loyalist cause, recruiting men and setting up so-called relief groups such as the Medical Bureau and North American Committee. (Report 1311 of the special committee dated March 29, 1944.)

Gordon W. Allport was a national sponsor of the medical aid division of the Spanish Refugee Relief Campaign, New Haven, Conn., according to their letterhead of November 16, 1939. The special committee cited the Spanish Refugee Relief Campaign as a Communist-front organization. (Report dated Jan. 3, 1940, p. 9.)

As shown in the Daily Worker of September 22, 1948 (p. 5), Gordon Allport was one of 93 individuals who formed a committee of welcome for the Very Rev. Hewlett Johnson, Dean of Canterbury Cathedral. According to the article in the Daily Worker,

"Dean Johnson had been invited to visit the United States by the National Council of American-Soviet Friendship for a country-wide tour under its auspices. A visa was refused him on the ground that the sponsoring organization was on the Attorney General's list."

Prof. Gordon W. Allport signed the call for a National Emergency Conference which was held at the Raleigh Hotel in Washington, D.C., May 13 and 14, 1939. In report 1311 of the special committee * * * (dated Mar. 29, 1944), the National Emergency Conference was cited as a Communist-front organization. In a report of the Committee on Un-American Activities dated September 2, 1947, the organization was cited as follows: "It will be remembered that during the days of the infamous Soviet-Nazi pact, the Communists built protective organizations known as the National Emergency Conference, the National Emergency Conference for Constitutional Liberties."

Mr. President, let us have order in the galleries.

Mr. President, I demand that the rules be enforced.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Let there be order in the galleries.

Mr. EASTLAND. Mr. President, I demand that the rules be enforced, but the Presiding Officer has not enforced them.

The PRESIDING OFFICER. The people in the galleries are the guests of the Senate, and they must refrain from noise of any kind.

Mr. EASTLAND. Mr. President, I want the rules enforced.

The PRESIDING OFFICER. The Senator from Mississippi may proceed.

Mr. EASTLAND. Mr. President, I continue to read this document:

The Daily Worker of September 24, 1940 (p. 1), named Gordon W. Allport as one of the individuals who signed a letter of the committee on election rights and the National Federation for Constitutional Liberties to Attorney General Jackson in defense of the ballot rights of minority parties. A news release of the national federation * * * dated December 26, 1941, was signed by Gordon Allport; he signed the group's January 1943 message to the House of Representatives, as shown on a leaflet attached to an undated letterhead of the organization; he signed the organization's statement supporting the War Department's order on granting commissions to members of the Armed Forces who have been members of or sympathetic to the views of the Communist Party (undated leaflet entitled "* * * the only sound policy for a democracy * * *"; Daily Worker, Mar. 18, 1945, p. 4.)

The Attorney General cited the national federation as an organization "by which Communists attempt to create sympathizers and supporters of their program" and as subversive and Communist. (CONGRESSIONAL RECORD, Sept. 24, 1942, p. 7687; and press releases of Dec. 4, 1947, and Sept. 21, 1948, respectively; also included in consolidated list released Apr. 1, 1954.) The special committee * * * cited the national federation * * * as "one of the viciously subversive organizations of the Communist Party" (report of Mar. 29, 1944; also cited in reports of June 25, 1942, and Jan. 2, 1943); the Committee on Un-American Activities also cited the national federation as "actually intended to protect Communist subversion from any penalties under the law" (Rept. No. 1115 dated Sept. 2, 1947).

The committee on election rights (referred to in the last paragraph on p. 2 of this memorandum) was cited by the special committee * * * as a Communist-front organization "whose function was to agitate for placing the Communist Party on the ballot throughout the United States" (Rept. No. 1311 of Mar. 29, 1944).

New Masses of April 2, 1940 (p. 21) published in full a letter to the President of the United States in defense of Communists and protesting what was described in the letter as "the badgering of Communist leaders." The letter concluded with a request to the President "to exert your influence to end this attack on freedom of the press and prevent its repetition in the future" and was signed by a long list of individuals, including Gordon W. Allport, professor of psychology, Harvard University.

The Attorney General cited New Masses as a "Communist periodical" (CONGRESSIONAL RECORD, Sept. 24, 1942, p. 7688); the special committee * * * cited New Masses as "a nationally circulated weekly journal of the Communist Party * * *" (Rept. No. 1311, dated Mar. 29, 1944).

Next is another document from the House Committee on Un-American Activities.

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Dr. Viola W. Bernard.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

Viola Bernard was shown in the Daily Worker of April 8, 1938 (p. 4), as having signed a petition of the American Friends of Spanish Democracy asking that the arms embargo against Loyalist Spain be lifted.

During 1937 and 1938, the Communist Party wholeheartedly campaigned for support of the Spanish Loyalist cause, "recruiting men and organizing multifarious so-called relief organizations * * * such as * * * American Friends of Spanish Democracy * * *." (Rept. 1311 of the Special Committee on Un-American Activities, dated March 29, 1944.)

Mr. President, this is another document from the files of the Committee on Un-American Activities, U.S. House of Representatives:

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Hadley Cantril, professor, Princeton University.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

A leaflet of the American Committee for Democracy and Intellectual Freedom announcing a citizens rally in Carnegie Hall, New York City, April 13, 1940, contained the name of Hadley Cantril in a list of members of the organization's national committee; the same information appeared on a letterhead of the group dated May 26, 1940. He signed a petition of the American Committee for * * * as shown on a mimeographed sheet attached to their letterhead of January 17, 1940. A letterhead dated September 11, 1940, contains the name of Professor Cantril in a list of sponsors of the organization.

The Special Committee on Un-American Activities cited the American Committee for Democracy and Intellectual Freedom as a Communist-front organization which defended Communist teachers. (See reports dated June 25, 1942, and March 29, 1944.)

Both Films for Democracy and Film Audiences for Democracy have been cited as Communist-front organizations by the special committee * * * in a report dated March 29, 1944. Hadley Cantril was a member of the executive committee of Films for Democracy and Film Audiences for Democracy, as shown in the publication, Films for Democracy for April 1939 (p. 2), and Film Survey for June 1939 (p. 4), respectively.

On December 14, 1939, on the occasion of the 148th anniversary of the Bills of Rights, 65 prominent citizens signed and sent to the American press a statement "in defense of the Bill of Rights." The statement pointed out "that this concerted campaign to lay the basis for outright suppression of the Communist Party is reminiscent of the post-war hysteria which culminated in the now universally condemned Palmer raids. We are not Communist and we are not concerned at this moment with the merits or demerits of the doctrines advocated by the Communists. We are interested only in the indisputable merits of our American tradition of free speech and in the consequences to the non-Communist majority of the suppression of the Communist minority.

"It is in our own interest, therefore, and in the interest of those rights for which America has struggled these many years that we raise our voices in solemn warning against denying to the Communists, or to any other minority group, the full freedom guaranteed by the Bill of Rights.

The name of Prof. Hadley Cantril, of Princeton University, appeared in the list of scientists and educators who signed the statement "In defense of the Bill of Rights," which was attached to a letter dated January 1940 and signed by Dashiell Hammett.

Mr. President, I ask unanimous consent that other citations of the House Un-American Activities Committee be placed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Kenneth B. Clark.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow-traveler unless otherwise indicated.

One Kenneth Clark (with no middle initial shown) was an executive member of the youth section of the National Negro Congress, as shown by the March 25, 1938, issue of the Daily Worker (p. 5).

The Special Committee on Un-American Activities cited the National Negro Congress as "the Communist-front movement in the United States among Negroes" (reports dated January 3, 1940; June 25, 1942; March 29, 1944; and January 3, 1939); the Attorney General cited the National Negro Congress as "an important sector of the democratic front, sponsored and supported by the Communist Party"; and as subversive and Communist. (CONGRESSIONAL RECORD, Sept. 24, 1942, pp. 7687 and 7688; and press releases of

Dec. 4, 1947 and Sept. 21, 1948, respectively; also included on consolidated list released Apr. 1, 1954.)

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Robert M. MacIver.

The public records, files and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

In a booklet entitled "Can You Name Them?" the name of Robert M. MacIver, professor of sociology, Columbia University, is listed on page 3 as having endorsed the American Committee for Democracy and Intellectual Freedom, cited by the Special Committee on Un-American Activities as a Communist front which defended Communist teachers (reports of June 25, 1942, and March 29, 1944).

A leaflet published by the American Committee To Save Refugees and entitled "For the Rescue of Refugees," contains the name of Robert M. MacIver among the signers of a public statement of the organization.

The American Committee To Save Refugees was cited as a Communist-front organization by the Special Committee on Un-American Activities in report 1311 of March 29, 1944.

It was reported in the Daily Worker of April 8, 1938 (p. 4) that Prof. R. M. MacIver, Columbia University, was one of the individuals who signed a petition of the American Friends of Spanish Democracy to lift the arms embargo against Spain.

During 1937 and 1938 the Communist Party campaigned for support of the Spanish Loyalist cause, recruiting men and organizing so-called relief groups such as American Friends of Spanish Democracy. (From Rept. 1311 of the special committee, dated March 29, 1944.)

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Robert K. Merton.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

The Daily People's World, official organ of the Communist Party on the west coast, reported the following in an article datelined Los Angeles, May 17, and entitled "Loyalty Oath Costs UC Top Professor":

"Dr. Robert K. Merton, of Columbia University, described as a top man nationally in the field of sociology, has canceled his appointment to teach at UCLA this summer, it was announced.

"Professor Merton addressed two letters to Dr. Harry Hoyer, chairman of the sociology department, saying he was opposed both to the original sign or resign ultimatum of the regents and to the compromise formula now in effect.

" 'If we start by making political affiliation, rather than merit of performance, the crucial test for academic employment,' he wrote, 'then the next step will be to refuse employment * * * because of race, religion, or private belief.'

"The Columbia professor said that the compromise formula left the essential issue unchanged" (Daily People's World of May 18, 1950, p. 10).

Another reference to Dr. Merton's cancellation of his summer teaching appointment at the University of California at Los Angeles is found in the May 22, 1950, issue of the Daily People's World (p. 5).

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Gardner Murphy.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

Gardner Murphy signed a press release of the National Federation for Constitutional Liberties dated December 26, 1941. The national federation * * * was cited as an organization "by which Communists attempt to create sympathizers and supporters of their program" and as subversive and Communist. (The Attorney General of the United States, CONGRESSIONAL RECORD, September 24, 1942, p. 7687; and press releases of December 4, 1947, and September 21, 1948, respectively; also included on consolidated list released April 1, 1954.) The Special Committee on Un-American Activities cited the group as "one of the viciously subversive organizations of the Communist Party" (Rept. 1311, dated March 29, 1944; also cited in reports of June 25, 1942, and January 2, 1943); the Committee on Un-American Activities cited the National Federation * * * as "actually intended to protect Communist subversion from any penalties under the law" (Rept. No. 1115 of September 2, 1947).

A letterhead of the American League for Peace and Democracy, dated April 6, 1939, contains the name of Gardner Murphy in a list of members of the organization's psychologists committee. The American League * * * was cited by the Attorney General as having been established "in an effort to create public sentiment on behalf of a foreign policy adapted to the interests of the Soviet Union"; and as subversive and Communist. (CONGRESSIONAL RECORD, September 24, 1942, pages 7683 and 7684; and press releases of June 1 and September 21, 1948; also included on consolidated list released April 1, 1954.) The Special Committee on Un-American Activities cited the American League * * * as "the largest of the Communist 'front' movements in the United States" (report dated January 3, 1939; also cited in reports of January 3, 1940; January 3, 1941; June 25, 1942; January 2, 1943; and March 29, 1944).

A letterhead of the American Committee for Protection of Foreign Born dated June 11, 1940, and the program of the fifth national conference of the organization which was held in Atlantic City, N.J., March 29–30, 1941, name Gardner Murphy as one of the sponsors of that organization; the same information appeared in a booklet entitled "The Registration of Aliens."

The American Committee for Protection of Foreign Born was cited as subversive and Communist by the Attorney General (press releases of June 1 and September 21, 1948; also included on consolidated list of April 1, 1954); the Special Committee on Un-American Activities cited the American Committee * * * as "one of the oldest auxiliaries of the Communist Party in the United States" (report of March 29, 1944; also cited in report of June 25, 1942).

Gardner Murphy was one of the sponsors of the Cultural and Scientific Conference for World Peace, arranged by the National Council of the Arts, Sciences and Professions and held in New York City, March 25, 26, and 27, 1949, as shown in the Daily Worker of February 21, 1949 (p. 2), and also the conference program (p. 15) which sources identified him as an educator.

The Scientific and Cultural Conference for World Peace was cited as a Communist front which was actually a supermobilization of the inveterate wheelhorses and supporters of the Communist Party and its auxiliary organizations; the National Council of the Arts, Sciences and Professions was cited as a Communist-front organization. (From the committee's Rept. No. 378 on the Communists peace offensive dated April 1, 1951.)

The program of the Greater New York Emergency Conference on Inalienable Rights which was held February 12, 1940, contained the name of Gardner Murphy in a list of sponsors. The Greater New York Emergency Conference * * * was cited as a Communist-front group which was succeeded by the National Federation for Constitutional Liberties (Rept. 1311 of the special committee * * * dated March 29, 1944).

The call to the Conference on Pan American Democracy was signed by Gardner Murphy, according to the organization's letterhead of November 15, 1938, entitled "News You Don't Get" as well as their letterhead dated November 16, 1938.

The special committee * * * cited the Conference on Pan-American Democracy as a Communist front which defended Carlos Luiz Prestes, a Brazilian Communist leader and former member of the executive committee of the Communist International (Rept. 1311 of March 29, 1944); the Attorney General cited the conference as subversive and Communist (press releases of June 1 and September 21, 1948; also included in consolidated list dated April 1, 1954).

In a booklet entitled "These Americans Say: 'Lift the Embargo Against Republican Spain' " which was compiled and published by the Coordinating Committee To Lift the Embargo, the name of Gardner Murphy appears in a list of psychologists who were identified as representative individuals who advocated lifting the embargo on the sale of arms to Spain.

The Coordinating Committee To Lift the (Spanish) Embargo was cited as one of a number of front organizations, set up during the Spanish civil war by the Communist Party in the United States and through which the party carried on a great deal of agitation. (From Rept. 1311 of the special committee * * * dated March 29, 1944.)

A letterhead of the Medical Bureau and North American Committee To Aid Spanish Democracy, dated July 6, 1938, contains the name of Gardner Murphy in a list of members of that organization's psychologists' committee. The Medical Bureau and North American Committee * * * was one of the so-called relief groups set up by the Communist Party during 1937 and 1938 when it campaigned wholeheartedly for the support of the Spanish Loyalist cause (Rept. 1311 of the special committee).

A petition of the American Friends of Spanish Democracy To Lift the Arms Embargo Against Spain was signed by Gardner Murphy, as shown in the Daily Worker of April 8, 1938 (p. 4). The American Friends of Spanish Democracy was cited as one of the groups organized by the Communist Party during 1937 and 1938 in support of the Spanish Loyalist cause (report of the special committee * * * dated March 29, 1944).

According to an advertisement (paid for by contributions of signers) which appeared in the Washington Evening Star on October 30, 1951 (p. A–7), Gardner Murphy signed an open letter to J. Howard McGrath on behalf of the four jailed trustees of the bail fund of the Civil Rights Congress of New York; he was identified in this source as a teacher in New York City.

The Attorney General cited the Civil Rights Congress as subversive and Communist (press releases of December 4, 1957, and September 21, 1948; also included on consolidated list released April 1, 1954); the Committee on Un-American Activities prepared and published a report on September 2, 1947, devoted to the Civil Rights Congress, in which it was stated that the Congress was dedicated specifically to the defense of individual Communists and the Communist

Party and controlled by individuals who are either members of the Communist Party or openly loyal to it.

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Theodore M. Newcomb.

The following information from the public records, files, and publications of this committee should not be construed as representing the results of an investigation by, nor findings of, the committee. It should be noted that the individual is not necessarily a Communist, Communist sympathizer, or fellow traveler, unless otherwise indicated.

It was reported in the Daily Worker of June 11, 1947, page 8, that Theodore Newcomb, Detroit, University of Michigan, was a signer of a protest against the Callahan anti-Communist bill.

The Daily Worker (May 11, 1948, p. 2) reported that T. Newcomb, Ann Arbor, Mich., signed a telegram opposing anti-Communist legislation.

The following is quoted from the Daily People's World (official organ of the Communist Party on the west coast), December 18, 1950, page 2:

"Members of the American Psychological Association have been warned not to accept jobs with California's loyalty-oathed State university system because of 'unsatisfactory tenure conditions for teachers and research personnel.'

"The advice was contained in the American Psychologist, organ of the association, which printed a telegram sent to Gov. Earl Warren, President Robert Gordon Sproul and the regents of the University of California.

"Signed by the association's board of directors, the telegram said they unanimously instructed the association's placement service to refuse assistance in filling vacancies in this system until such time as tenure conditions meet acceptable standards.'

"The wire was signed by * * * Theodore M. Newcomb."

An article in the Daily Worker of August 10, 1950, page 5, said in part:

"In an open letter to President Truman, 150 prominent Americans have declared their concern 'over the recent announcement by the Department of Justice that it will, on political grounds, seek the denaturalization of more than 1,000 naturalized American citizens.' The letter was released yesterday by the American Committee for Protection of Foreign Born."

Prof. T. M. Newcomb, University of Michigan, was listed among the signers.

The American Committee for Protection of Foreign Born was cited as subversive and Communist by the U.S. Attorney General (letters to the Loyalty Review Board, released June 1, 1948, and September 21, 1948; named on the consolidated list of cited organizations April 1, 1954). The Special Committee on Un-American Activities called it one of the oldest auxiliaries of the Communist Party in the United States (report of Mar. 29, 1944, p. 155; also cited in report of June 25, 1942, p. 13).

Prof. T. M. Newcomb, Michigan, was named as a signer of a letter to the Attorney General which requested bail for Martin Young, a noncitizen trade organizer who was arrested October 26, 1951, deportation under the McCarran Act (Daily Worker, Sept. 29, 1952, p. 2).

American Youth for Democracy issued a leaflet (about February 1947), "Facts on the Current Widespread Campaign Against Academic Freedom," containing a statement of the University of Michigan Academic Freedom Committee, which listed Prof. Theodore M. Newcomb, University of Michigan, as a signer (p. 6). The leaflet commented that the State of Michigan had been a fountainhead for repressive action. American Youth for Democracy has been cited as subversive and Communist by the U.S. Attorney General (letters to the Loyalty Review Board, released Dec. 4, 1947; Sept. 21, 1948; Aug. 30, 1950; named on the consolidated list of cited organizations Apr. 1, 1954). The Special Committee on Un-American Activities, in its report of March 29, 1944 (p. 102), cited American Youth for Democracy as the new name under which the Young Communist League was operating. This committee cited it as a front formed to succeed the Young Communist League and for the purpose of exploiting to the advantage of a foreign power the idealism, inexperience, and craving to join which is characteristic of American college youth. Its high-sounding slogans cover a determined effort to disaffect our youth and to turn them against religion, the American home, against the college authorities, and against the American Government itself. (Rept. No. 271, Apr. 17, 1947; also cited in the committee's annual report for 1951, p. 13.)

The call to a Bill of Rights conference, New York City, July 16 and 17, 1949 (p. 10) named Prof. Theodore M. Newcomb, University of Michigan, as a sponsor. Elizabeth Gurley Flynn, member of the national committee of the Communist Party, in writing about the conference for her column in the Daily Worker (July 25, 1949, p. 8) stated that one of the highlights of the conference was the fight for the 12 defendants in the current Communist cases. She reported that seven of the defendants were present and participated actively. The New York Times (July 18, 1949, p. 13) reported that the 20 resolutions adopted unanimously by the 2-day conference registered opposition to the conspiracy trial of the 11 Communist leaders, the Presidential loyalty order * * * deportation for political belief * * * among others. The conference also called for an end to investigations by the Federal Bureau of Investigation into political, rather than criminal, activities.

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Robert Redfield.

The following information from the public records, files, and publications of this committee should not be construed as representing results of an investigation by or findings of this committee; it should be noted that the subject individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler, unless so indicated.

The Daily Worker of June 10, 1938 (p. 2), reported that Robert Redfield endorsed an appeal of the American Friends of Spanish Democracy to Congress to lift the Spanish embargo.

"In 1937–38, the Communist Party threw itself wholeheartedly into the campaign for the support of the Spanish Loyalist cause, recruiting men and organizing multifarious so-called relief organizations * * * such as * * * American Friends of Spanish Democracy." (Special Committee on Un-American Activities report, March 29, 1944, p. 82.)

Prof. Robert Redfield, Chicago, signed a statement of the National Committee To Defeat the Mundt Bill as shown by the Apr. 3, 1950, issue of the Daily Worker (p. 4).

The Committee on Un-American Activities in its report on the National Committee to Defeat the Mundt Bill, January 2, 1951, cited the group as "a registered lobbying organization which has carried out the objectives of the Communist Party in its fight against antisubversive legislation."

The Daily Worker of July 9, 1952 (p. 6), listed Prof. Robert Redfield as having signed an open letter to the platform committees of the Republican and Democratic Parties urging that they include in their 1952 platforms "a plank calling for repeal of the McCarran Act."

OCTOBER 24, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: Dr. Ira DeA. Reid.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

On April 17, 1943, the American Committee for Protection of Foreign Born entertained at a United Nations in America dinner in New York City, as "a tribute to the contributions of the foreign born to America." The invitation and program of the dinner announced that Dr. Ira DeA. Reid would participate in the program by giving a testimonial to Franz Boas, identified by the Special Committee on Un-American Activities as "a noted Communist fellow traveler." (Report 1311 of the Special Committee on * * * dated March 29, 1944.) In the same report, the American Committee for Protection of Foreign Born was cited as "one of the oldest auxiliaries of the Communist Party in the United States"; the Attorney General of the United States cited the American Committee * * * as subversive and Communist (press releases of June 1 and September 21, 1948; included on consolidated list released April 1, 1954).

The Daily Worker of April 26, 1947, reported that Dr. Ira DeA. Reid had forwarded to the Council on African Affairs in New York, his protest of the action by the Albany (N.Y.) city administration in refusing to permit Paul Robeson to hold a concert in the Albany public schools. The Attorney General cited the Council on African Affairs as subversive and Communist (press releases of Dec. 4, 1947, and Sept. 21, 1948).

A leaflet of the Southern Conference for Human Welfare entitled "The South Is Closer Than You Think," named Dr. Ira DeA. Reid as a member of that organization's executive board; he participated in the program of the Second Southern Conference for Human Welfare, April 14–16, 1941, as shown on the call to that conference. The Southern Conference * * * has been cited by the Committee on Un-American Activities as a Communist-front organization "which seeks to attract southern liberals on the basis of its seeming interest in the problems of the South" although its "professed interest in southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States." (Report dated June 12, 1947, on the southern conference for.)

Dr. Ira DeA. Reid was a member of the advisory board of the Southern Negro Youth Congress, as shown on a page from a leaflet published by the organization and letterheads of the group dated June 12, 1947, and August 11, 1947. The Attorney General cited the Southern Negro Youth Congress as "subversive and among the affiliates and committees of the Communist Party, U.S.A., which seek to alter the form of government of the United States by unconstitutional means" (press release of December 4, 1947). The group was also cited as a Communist-front organization by the Special Committee on Un-American Activities (report of January 3, 1940); and as "surreptitiously controlled" by the Young Communist League. (Report of the Committee on Un-American Activities dated Apr. 17, 1947.)

A letterhead of the U.S. Congress Against War, dated November 1, 1933, contained the name of Ira DeA. Reid in a list of members of the arrangements committee; he was identified with the League for Industrial Democracy. The American League Against War and Fascism was organized at the First U.S. Congress Against War and Fascism which was held in New York City, September 29 to October 1, 1933. "The program of the first congress called for the end of the Roosevelt policies of imperialism and for the support of the peace policies of the Soviet Union, for opposition to all attempts to weaken the Soviet Union." (The Attorney

General of the United States, CONGRESSIONAL RECORD, Sept. 24, 1942, p. 7683.) The Special Committee on Un-American Activities cited the congress as "completely under the control of the Communist Party" (a report dated March 29, 1944).

On April 26, 1948, the Daily Worker reported that "the Jefferson School (of social science) board of trustees hailed the statement of American educators protesting to President Truman and Attorney General Clark the blacklisting of the Jefferson School and other educational institutions. The educators' statement was regarded as a 'welcome contribution to sanity' by the Jefferson School board, Prof. Lyman Bradley, chairman of the board, told the Daily Worker.

"The board lauded the statement's signers as 'educators of courage and conviction who refuse to be intimidated by the current hysteria emanating from Washington and who express their devotion to the ideals of democratic education by supporting the right of labor and of Marxists to conduct schools for the teaching of their views without threat or intimidation.'

"The statement of the board followed a report from Professor Bradley on the protest letter which had been sponsored by 12 prominent educators and sent to a selected list of college and university professors throughout the country. The open letter was signed by 153 professors from more than 60 institutions of higher learning." In the list of persons who signed the open letter was the name of Ira DeA. Reid, identified as chairman, sociology department, Atlanta University and director, People's College at Atlanta.

The Attorney General of the United States cited the Jefferson School of Social Science as an "adjunct of the Communist Party" (press release of Dec. 4, 1947; included on consolidated list released Apr. 1, 1954); the special committee cited it as follows in a report of March 29, 1944: "At the beginning of the present year, the old Communist Party Workers School and the School for Democracy were merged into the Jefferson School of Social Science."

In a leaflet of the National Council of the Arts, Sciences, and Professions entitled "To Safeguard These Rights * * *," the name of Ira DeA. Reid appears in a list of sponsors of a conference arranged by the Bureau on Academic Freedom of the National Council, October 9–10, 1948; in the same source, he was identified with Haverford College. He spoke at the Scientific and Cultural Conference for World Peace which was held under the auspices of the National Council of the Arts, Sciences, and Professions, as shown by the conference program; the same source revealed that he was one of the sponsors of that conference, as did the Daily Worker of February 21, 1949 (p. 2); the conference was held in New York City March 25–27, 1949. He spoke at a rally on academic freedom, arranged by the national council, on behalf of teachers who had been dismissed (see advertisement in the New York Star of Oct. 8, 1948, p. 10).

In a Review of the Scientific and Cultural Conference for World Peace which was prepared and released by the Committee on Un-American Activities April 26, 1950, the National Council of the Arts, Sciences, and Professions was cited as a Communist-front organization; in the same review, the Scientific and Cultural Conference was cited as a Communist front which "was actually a supermobilization of the inveterate wheelhorses and supporters of the Communist Party and its auxiliary organizations."

On December 23, 1952, Mr. Louis Francis Budenz, member of the faculty of Fordham University and Seton Hall University, appeared under supena before the Select Committee To Investigate Tax-Exempt Foundations and Comparable Organizations, House of Representatives. At that time Mr. Budenz gave the following testimony concerning the subject individual:

"Dr. Ira Reid, my impression is I've met him as a Communist, but I do know definitely, and can state here, that official communications from Stachel and Jerome, Trachtenberg, have definitely identified Dr. Reid as a Communist."

Later, on December 30, 1952, Dr. Reid appeared before the same committee, at his own request, for the purpose of giving him an opportunity to make a statement with reference to Mr. Budenz' testimony presented under oath. Dr. Reid identified himself as "Ira D. A. Reid, 2 College Lane, Haverford, Pa., professor of sociology at Haverford College." Dr. Reid stated for the record that "I am not a Communist, I have never been a Communist, and therefore regard that as a deliberate untruth as advanced by Mr. Budenz.

"It is true that I was a fellow of the general education board in 1933–34, receiving a fellowship that enabled me to complete my residence work at Columbia University. I was vouched for that fellowship by the man who was my college president, a very estimable person, the late John Hope, who wanted me to come to Atlanta to teach. After completing that work in residence at Columbia University, I went to Atlanta, Ga., and began teaching at Atlanta University.

"The one occasion when I was very certain that Communist influence was being brought to bear on the conference held in New York in 1949, I resigned from the program, and we did not appear. That has been thrown up against me several times and offered as proof that I was a Communist. I think as a preliminary statement, Mr. Counsel, that is what I wish to make."

Dr. Reid denied knowing Mr. Budenz, Mr. Jerome, and Mr. Stachel. Then committee counsel asked two or three questions of Dr. Reid, as follows:

"Mr. Keele. * * * Did you sign a petition of the citizens committee to free Earl Browder?

"Mr. Reid. No, sir. I have submitted to another branch of the Government a statement, duly affirmed, to that effect.

"Mr. Keele. Did you sign a letter defending the Jefferson School of Social Science?

"Mr. Reid. No, sir. As I have also stated, I know nothing about the Jefferson School of Social Science.

"Mr. KEELE. Were you a member of the executive board of the Southern Conference for Human Welfare?

"Mr. REID. Yes, I was, and during the time that I was a member of that organization, it was a forthright, democratic, good organization, in which a number of us who were interested in the South believed and cooperated, and when it no longer seemed to serve that end, numbers of us pulled out. I, for one, did, and enabled and worked for the setting up of the Southern Regional Council in Atlanta, Ga., with a number of others of the forward-looking people in the South."

Committee counsel then questioned Dr. Reid concerning a testimonial he made to Franz Boaz at the United Nations in America dinner held under the auspices of the American Committee for Protection of Foreign Born, New York City, April 17, 1943, and Dr. Reid answered him as follows:

"Yes, I wrote a testimonial to that meeting. I see now that the American Committee for Protection of the Foreign Born—I knew that committee only in two ways: One, when I was working on my dissertation, the office provided me with some material. Franz Boaz was a former teacher of mine at Columbia University, and I sent a letter of comment on his skill and my appreciation of him as a teacher, which I would have done again and again and again. I do not regard that as a subversive activity."

When questioned about a statement of the Council for African Affairs which Dr. Reid was alleged to have signed, he made the following statement:

"I have been interested in the Council for African Affairs, because it was one source from which you could get materials on Africa. I do not remember signing a statement. I may have. If so, it was about problems in Africa. But it was not in any connection with anything that might have been called subversive. It was in the province of darker peoples throughout the world, I suppose."

In connection with the Scientific and Cultural Conference for World Peace and the sponsoring organization, National Council of the Arts, Sciences, and Professions, Dr. Reid told that committee that "I spoke at that conference on the subject, I think, of race discrimination, and academic freedom. I have sent to the Government a copy of that speech, and it was that conference that led to my being asked to speak at the cultural, whatever the meeting was, that was held the next year, and it was only then that I realized that there were connections that were regarded as subversive. Therefore, I did not appear at the other. I did appear and speak at that council on academic freedom at that time on the subject of race discrimination." Dr. Reid further told the committee that he did not appear at the Scientific and Cultural Conference in New York City, March 25–27, 1949; that he sent a telegram stating his reasons for not appearing, saying "that I did not believe in the things which it seemed to be sponsoring."

During the same testimony, Dr. Reid told the committee that he knew nothing about his name appearing on a letterhead of the United States Congress Against War in a list of members of their arrangements committee. Dr. Reid testified that in June and August of 1947, he had left the South and was no longer there. "I had been a member of the advisory committee of the Southern Negro Youth Congress" he told the committee, and "many of us in Negro education in the South were interested in it. We came into it under very, oh, reliable auspices, and I served in those purposes. And it was not until years later that there was any discovery that there was any sort of Communist influence in it. I resigned from that group. I do not remember the exact time, the cause was, I told the director at the time that I did not approve of the methods that were being used in the South, and I thought that they were exploiting Negro youth by so doing it. And I was never called upon to do anything more, although the names may have remained on the letterhead."

References to and excerpts from testimony of Mr. Budenz and Dr. Reid may be found in printed Hearings Before the Select Committee To Investigate Tax-Exempt Foundations and Comparable Organizations, House of Representatives, 82d Congress, 2d session, pages 715 and 729, respectively.

OCTOBER 25, 1955.

For: Hon. JAMES O. EASTLAND, U.S. Senator.
Subject: S. Stansfeld Sargent.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

S. Stansfeld Sargent signed a protest of the National Council of the Arts, Sciences, and Professions against dismissal of Communist teachers, according to an advertisement that appeared in Nation magazine February 19, 1949. The National Council of the Arts * * * was cited as a Communist-front organization by the Committee on Un-American Activities in a report dated April 19, 1949.

A letterhead of the Conference on Peaceful Alternatives to the Atlantic Pact dated August 21, 1949, contains the name of Prof. S. Stansfeld Sargent, Columbia University, in a list of individuals who signed an open letter of the organization, sent to Senators and Congressmen, urging defeat of President Truman's arms program. Professor Sargent also signed a statement of the Committee for Peaceful Alternatives to the Atlantic Pact, calling for international agreement to ban use of atomic weapons, as shown on the statement attached to a press release dated December 14, 1949.

The committee for peaceful alternatives to the Atlantic Pact was formed at the conference for peaceful alternatives * * * to further the cause of "Communists in the United States" doing "their part in the Moscow campaign" (Rept. 378, dated Apr. 1, 1951).

The Attorney General of the United States cited the Committee for a Democratic Far Eastern Policy as Communist (press release of Apr. 27, 1949; also included on consolidated list released Apr. 1, 1954). Dr. S. S. Sargent, Barnard College, Columbia University, New York, answered a questionnaire of the Committee for a Democratic Far Eastern Policy in favor of recognition of the Chinese Communist government (Far East Spotlight, December 1949–January 1950, p. 25).

On February 19, 1948, an advertisement appeared in the New York Times. which stated that "A deep moral issue is involved in the succession to the seat of the late Councilman Peter V. Cacchione, Brooklyn Communist. He died on November 6 last, and his duly designated successor, Simon W. Gerson, has as yet not been seated. The real reason is, of course, the current anti-Communist hysteria. Faith in democracy is the answer to communism—not the present hysteria, which is an insult to Americans. It implies that voters cannot be trusted. It seeks to suppress freedom. * * * Let Mr. Gerson be seated promptly. Let us put a stop to the un-American witch hunt which is making the world laugh at us. * * *" The statement was signed by Wm. Jay Schieffelin at New York, January 6, 1948, and published by the Citizens Committee To Defend Representative Government. The advertisement further stated that "We, the undersigned, support the position taken by Dr. Schieffelin in the above letter * * *" and the name of Prof. S. Stansfeld Sargent, Columbia University, appeared in the list of persons who signed.

In Report 1311 of the Special Committee on Un-American Activities, it was stated that "Some years ago, Stanley Isaacs, then president of the Borough of Manhattan, appointed as his assistant one Simon Gerson, a well-known and publicly avowed member of the Communist Party. When a public outcry arose against the appointment of a member of a subversive organization to such a position of public trust, the Communists and Communist sympathizers flocked to the defense of Isaacs and Gerson." (See p. 154 of Rept. 1311, dated Mar. 29, 1944.)

OCTOBER 24, 1955.

Subject: M. Brewster Smith.

For: Hon. JAMES O. EASTLAND, U.S. Senator.

The public records, files, and publications of this committee contain the following information concerning the subject individual. This report should not be construed as representing the results of an investigation by or findings of this committee. It should be noted that the individual is not necessarily a Communist, a Communist sympathizer, or a fellow traveler unless otherwise indicated.

Dr. M. Brewster Smith, Harvard University, was a sponsor of the Bill of Rights Conference which was held in New York City, July 16–17, 1949, as shown on the call to that conference. One of the highlights of the conference was the fight for the 12 defendants in the Communist cases, according to Elizabeth Gurley Flynn in the Daily Worker of July 25, 1949, page 8. Paul Robeson announced at this conference the formation of the National Non-Partisan Committee To Defend the Rights of the 12 Communist Leaders (see letter of the national nonpartisan committee, addressed to delegates to the National Labor Conference for Peace which was held in Chicago October 1–2, 1949); seven of the Communist Party leaders (defendants in the Communist Party cases) were present at the conference and actively participated in it.

The Committee for Peaceful Alternatives to the Atlantic Pact released a statement calling for international agreement to ban the use of atomic weapons which was signed by Prof. M. Brewster Smith, of Vassar College, Poughkeepsie, N.Y., as shown on a statement attached to a press release of December 14, 1949 (p. 13). In a report on the Communist peace offensive, the Committee on Un-American Activities cited the Committee for Peaceful Alternatives to the Atlantic Pact as an organization formed to further the cause of Communists in the United States doing their part in the Moscow campaign. (Rept. 378, dated Apr. 25, 1951, p. 54.)

Mr. EASTLAND. Mr. President, I ask unanimous consent that a biography of Dr. Otto Klineberg be placed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

DR. OTTO KLINEBERG

On March 5, 1941 (p. 2), the Daily Worker featured in a full-page spread, the names of several hundred persons who signed a statement addressed to the President and Congress of the United States, defending the Communist Party against alleged persecution. The statement called attention to "a matter of vital significance to the future of our Nation. It is the attitude of our Government toward the Communist Party" and further urged all Members of Congress "to oppose any legislation, direct or indirect, that would take away from Communists those constitutional guarantees which must be kept open for all if in the future they are to be available to any." The name of Prof. Otto Klineberg, New York City, appeared in the list of persons who signed the statement.

Professor Klineberg was one of the sponsors of a citizens' rally April 13, 1940, arranged by the American Committee for Democracy and Intellectual Freedom in Carnegie Hall, New York City, as shown in a leaflet announcing the rally. The American Committee for * * * has been cited as a Communist-front group which defended Communist teachers (reports of the Special Committee on Un-American Activities dated June 25, 1942, and March 29, 1944).

A letterhead of the American Committee for Protection of Foreign Born, a booklet entitled "The Registration of Aliens," and a letterhead of their fourth annual conference which was held March 2–3, 1940, contain the name of Otto Klineberg in lists of sponsors of that organization. The program of the fifth national conference of the group which was held in Atlantic City, N.J., March 29–30, 1941, named Professor Klineberg as a panel speaker and as a sponsor of the conference; he was identified in that source as a professor at Columbia University.

The Attorney General of the United States cited the American Committee for Protection of Foreign Born as subversive and Communist (press release of June 1 and Sept. 21, 1948; redesignated Apr. 27, 1953). The Special Committee * * * cited the organization as "one of the oldest auxiliaries of the Communist Party in the United States" (report of Mar. 29, 1944; also cited in report dated June 25, 1942).

Professor Klineberg was identified as a "representative individual" who advocated lifting the embargo against Spain in a booklet entitled "These Americans Say: * * *" (p. 9), prepared and published by the Coordinating Committee To Lift the Embargo, cited as one of a number of front organizations which was set up during the Spanish Civil War by the Communist Party and through which the party carried on a great deal of agitation.

(From a report of the special committee * * * dated Mar. 19, 1944.)

It was reported in New Masses of December 3, 1940 (p. 28), that Otto Klineberg had signed an open letter to save Luiz Carlos Prestes which was sent by the Council for Pan American Democracy to the President of Brazil. The Council (also known as Conference) for Pan American Democracy was cited as a Communist-front organization which defended Carlos Luiz Prestes, a Brazilian Communist leader and former member of the executive committee of the Communist International. (From the special committee's report of Mar. 29, 1944; also cited in their report of June 25, 1942.) The Attorney General cited the organization as subversive and Communist (press releases of June 1 and Sept. 21, 1948; redesignated Apr. 27, 1953).

The Daily Worker of May 13, 1940 (pp. 1 and 5), reported that Otto Klineberg had signed an open letter of the National Emergency Conference for Democratic Rights, cited as a Communist-front group by the special committee * * * (report of Mar. 29, 1944); in a report of the Committee on Un-American Activities, released September 1, 1947, it was noted that—"during the days of the infamous Soviet-Nazi pact, the Communist built protective organizations known as the National Emergency Conference, the National Emergency Conference for Democratic Rights, which culminated in the National Federation for Constitutional Liberties."

"Characteristics of the American Negro" and "Race Differences," written by Otto Klineberg, were advertised for sale by the Communist Workers Book Shop in 1948 (pp. 10 and 12 of the 1948 Catalogue, respectively); both books were also advertised in their 1949–50 Catalogue (pp. 11 and 13).

("Characteristics of American Negro" and "Race Differences" were also cited in the social science brief to the Supreme Court.)

Mr. EASTLAND. This brief is one of the most unique documents ever exhibited in a legal proceeding. It is not evidence, does not pretend to be evidence, and was never introduced as such during the course of the hearings in either the lower courts or the Supreme Court. The adoption of this brief by the U.S. Supreme Court as evidence upon which to base this decision is in violation of all accepted principles of legal procedure. The defendant school districts were denied the opportunity of cross-examination on either the subject matter of the brief or of the individuals whose names are appended to the brief as authorities on social science. Yet from this extra-legal and subsidiary document, the Supreme Court took to its bosom the basis for repudiating the Constitution and established law.

Mr. President, let us consider further the full extent of the illegality committed by the Court against the Constitution, the common law, and simple intelligence and reason, in accepting through some

process of osmosis the writings of these pseudoscientists as evidence and law. A party to a cause is entitled to have, and the law demands, that evidence comes to the bar of justice under the sanction of an oath; that there be permitted a thorough and shifting cross-examination; and an opportunity to impeach be afforded. Justice Black recognized this principle as late as November 1949, when he held—*Perkins* v. *Reilly*, 338 U.S. 269—that the use of nonlegal materials was illegal, illogical, and unfair.

The intangible and pseudo-scientific considerations urged in the social science brief and the "authorities," first appeared in the secrecy of the Judges' chambers. Notice was first given to the defendants in the judgment itself.

Again the Supreme Court, through Judge Black, held in the *National Council of American-Soviet Friendship, Inc.* v. *McGrath* (341 U.S. 123), that nonlegal materials could not be used by the Attorney General as a basis for listing an organization as communistic. He shamed the Attorney General, calling such conduct "unfair." He said it was abhorrent to free men.

In the case of *Ohio Bell Telephone Co.* v. *Public Utilities Commission of Ohio* (311 U.S. 292), the Supreme Court held that the use of nonlegal materials was a violation of the due process clause of the 14th amendment. The Court held that "the fundamentals of a fair trial were denied the appellant" when findings were grounded "upon the strength of evidential facts not spread upon the record." The evidential facts accepted by the Court in the present instance without being spread upon the record, were not only nonlegal, but were also inspired by a conspiracy dedicated to the overthrow of the Government of the United States itself.

Mr. President, we have just passed the fifth anniversary of the U.S. Supreme Court decision in the school integration cases. Experience has now demonstrated that no court decision in all our history has created such confusion, consternation, and chaos as has this one. The helpless victims of the Court's unconstitutional edict are the white and Negro children in each and every school district throughout the South against which a suit has been directed. Today it is crystal clear that in spite of court orders, worldwide injunctions, contempt citations, swarms of Federal marshals and FBI agents, and even the use of the finest combat soldiers in the U.S. Army, communities that are opposed to the intermingling of white and Negro children in the public schools are going to maintain segregated schools.

The Federal courts have become both the agents and the instruments of the NAACP. If the present course continues, over a period of years, the public school system of southern States, with countless millions of dollars invested in these school facilities, is going to be completely obliterated. Regardless of the cost and sacrifice, southern white people are going to see to it that their children receive an education in segregated schools. Is it reasonable to expect or anticipate that the people who are driven to this extreme to educate their own children are going to compound the sacrifice and pay the cost of educating the Negro children at the same time? Did the NAACP establish private schools for the helpless Negro high school students at Little Rock? Did they do so at Norfolk or at Front Royal? Now that the blueprint of the future is clear, the nine men in the Ivory Tower of the Supreme Court must be forced to understand and appreciate that they, and they alone, are responsible for the consequences that have resulted, are resulting and will result from the Black Monday decision.

Mr. President, I shall briefly resume my discussion of the bill which is now pending, which I was discussing before I digressed.

Subsection (c) of section 3 provides that the Attorney General of the United States is vested with the broad, and unprecedented power to require each and every person who, at the time of his demand is in possession or control of, or who may have the custody of all of the documents, to make them available to him for inspection, reproduction, and copying.

I say that this section would confer vast powers on the Attorney General of the United States. Members of this body will be shocked, not only at the actualities apparent, but stunned by the possibilities available to a temporary occupant of the office of the Attorney General to strangle, defeat and obstruct not only the fair and intended operation of the office of every registrar and possessor of election records, but also the activities of the registrar in each county in every State in this Nation.

These proposed powers vested in the Attorney General must not—and cannot—be weighed and considered only in the light of the present occupant of the office of Attorney General because the powers proposed to be vested here are nowhere restricted to the exercise by the present Attorney General. The vestiture of power is in the holder of the office.

No one man—no good man—should either want or accept such broad powers. Certainly, no Attorney General who might even possibly abuse these powers should ever be given such power.

Our Government is predicated upon a system of checks and balances. Our judicial system was conceived and administered in such a manner—and should continue to be so administered—to afford protection against the opportunity of one person, who may be the temporary holder of the office of Attorney General, to abuse that power. But this is a vestiture of power in the executive department, to which the office of the Attorney General belongs.

Neither the executive department, or any other department of the Government, has ever been given this kind of unbridled power in the sphere within which this proposal would operate.

During the delivery of Mr. EASTLAND'S speech:

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Mississippi may yield so that I may make a unanimous-consent request, with the understanding that the Senator from Mississippi does not lose the floor.

Mr. EASTLAND. I ask unanimous consent that I may yield to the Senator from North Carolina, provided I do not lose the floor, and provided also that it does not count as a speech on the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may have the assistance of Mr. John Ingle, a young lawyer who works in my office but who is not on my staff, when I speak tonight.

The PRESIDING OFFICER. Does the Senator ask that the privilege of the floor be extended to him?

Mr. ERVIN. I ask unanimous consent that the privilege of the floor be extended to him to assist me during the time that I am speaking.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. Mr. President, I am about to close my discussion of the bill at this point, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allott	Eastland	McGee
Anderson	Ellender	McNamara
Bartlett	Ervin	Magnuson
Bennett	Fong	Mansfield
Bible	Frear	Martin
Brunsdale	Fulbright	Morton
Bush	Gore	Moss
Byrd, W. Va.	Gruening	Mundt
Cannon	Hart	Murray
Carlson	Hartke	Muskie
Carroll	Hruska	Pastore
Case, N.J.	Jackson	Prouty
Case, S. Dak.	Javits	Proxmire
Church	Johnson, Tex.	Saltonstall
Clark	Keating	Scott
Cooper	Kerr	Smith
Cotton	Kuchel	Wiley
Curtis	Lausche	Williams, N.J.
Dirksen	Long, Hawaii	Yarborough
Douglas	McCarthy	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. EASTLAND. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. EASTLAND. I withdraw my amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for unanimous consent?

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG].

Mr. ERVIN obtained the floor.

Mr. CASE of South Dakota. Will the Senator from North Carolina yield for a unanimous-consent request?

Mr. ERVIN. I ask unanimous consent that I may yield to the distinguished Senator from South Dakota for a unanimous-consent request, with the understanding that I shall not lose the privilege of the floor, and with the understanding that it will not count as two speeches.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Mr. President, I wish to submit a unanimous-consent request, with a view toward making some progress, if possible. While I recognize, in submitting it at this time, that it probably could not be agreed to immediately, nevertheless I submit it so that Senators may be thinking about it and so that some proposal of this sort perhaps may be considered at the earliest possible time.

I am moved to do this, Mr. President, because it does not seem to me that it makes sense to proceed on a program the net result of which can only be to wear down the physical strength of every Member of the Senate. Every Senator knows we have a large body of business to complete before the 1st of July. The unanimous-consent request would be to ask for an order which, first, would allow each Senator who requests it 1½ hours for general debate on the pending question.

Second, an additional one-half hour for Senators who request it.

Third, that thereupon the Senate proceed to consider the first question or amendment and allow its proponents 1 hour, and 1 hour to the opponents, and similar time for succeeding amendments.

Fourth, that upon agreement to this order, the Senate meet daily at 10 a.m. and recess daily at 9 p.m.; that the hour between 12 o'clock noon and 1 o'clock p.m. be observed as the morning hour.

Fifth, that a quorum call precede each speaker in general debate, and that the time for the quorum call shall not be charged to his time.

Mr. President, I submit that tentatively as a unanimous consent agreement, and ask that such order be entered.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. I object.

Mr. EASTLAND. I object.

Mr. CASE of South Dakota. I thank the Senator from North Carolina for his courtesy.

Mr. ERVIN. Mr. President, it was my pleasure to yield to my friend the Sentor from South Dakota.

(At this point, at 12 o'clock midnight on Tuesday, March 1, 1960, with the Senate still in session, the printing of the proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1 (legislative day of February 15), 1960:

DEPARTMENT OF JUSTICE

Robert Kramer, of North Carolina, to be an Assistant Attorney General.

U.S. DISTRICT JUDGES

Olin Hatfield Chilson, of Colorado, to be U.S. district judge for the district of Colorado.

Charles F. Paul, of West Virginia, to be U.S. district judge for the northern district of West Virginia.

U.S. ATTORNEY

Warner Hodges, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years.

DISTRICT ATTORNEY FOR THE CANAL ZONE

Rowland K. Hazard, of Rhode Island, to be district attorney for the Canal Zone for a term of 8 years.

U.S. MARSHAL

George C. Harrison, of Tennessee, to be U.S. marshal for the western district of Tennessee for term of 4 years.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 1, 1960

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Corinthians 13: 11: *Be of one mind, live in peace; and the God of love and peace will be with you.*

Almighty God, grant that our hearts may be filled with gratitude for the innumerable material and spiritual blessings with which Thou dost crown each new day.

Make us also thankful for our trials and tribulations for they are comparatively so few in number, short in continuance, and merciful in design, teaching us to put our trust in Thee.

Show us how to exalt and enhance our democracy with its principles of freedom and justice for all mankind.

Enlarge our minds with an understanding sympathy which extends far beyond those selfish interests that mar the unity and stability of our beloved country.

May we be servants of the common good and worthy followers of those noble men and women who, by their loyalty and devotion, established and bequeathed unto us our Nation's glorious traditions.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON PUBLIC WORKS

Mr. CLARK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the Committee on Public Works may have permission to sit for the balance of the week during general debate while the House is in session.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADVISORY COMMITTEE ON EDUCATION

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, in the course of the current discussion of aid to education, the emphasis has been directed almost entirely to salaries and to building construction. These, of course, have their proper place in any plan for the adequate preparation of our youth for maturity, but I feel very strongly that insufficient attention has been given to the intangibles which are the real and permanent basis of education.

A country is great and a people are great when they are activated by high purpose and sound morality. And conversely a country declines and a people sink into decadence when they become enamored of ease and of luxury and when their muscles become atrophied and their brains agglutinated.

For this reason I have today introduced a bill to make the Committee on Education established in 1954 advisory to the President and available to the States for consultation on means of improving the quality of education.

This bill recognizes the necessity for education to keep pace with the demands of the future, for improving the quality of curricula and for raising the standards of scholarship expected of students.

It also recognizes the primacy of the State and local community in such concerns and provides that such assistance as the advisory committee may furnish shall be rendered to the States for their individual help.

Even though we build educational palaces for our children and reward our teachers with munificent salaries, our efforts will come to naught if we lose sight of the fundamental verities. It is to redirect our national attention to these basic truths that my bill is directed and it is my earnest hope that it will be passed by the Congress and will contribute toward this vitally needed reorientation of our educational efforts.

KANSAS WHEAT MAKES THE BEST PANCAKES IN THE WORLD

Mr. GEORGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GEORGE. Mr. Speaker, since his election to Congress in 1956, the Honorable J. FLOYD BREEDING has sponsored annually a "pancake day" in the House Restaurant, where all have the opportunity of enjoying Kansas hospitality and excellent pancakes made from the best wheat in the world.

At Liberal, Kans., which is in Congressman BREEDING's district, women compete in an international pancake race with women of Olney, England. This friendly contest not only contributes to good international relationships, but also fosters and encourages the use throughout the world of Kansas wheat from which the best pancakes are made.

The distinguished and outstanding Member from the Fifth Kansas District, Mr. BREEDING, unceasingly and forcefully presents the viewpoint of the farmer to his colleagues in the House of Representatives. As a member of the Committee on Agriculture, Mr. BREEDING is constantly endeavoring to bring good, sound farm legislation, which will raise the income of the farmer and reduce the huge surplus, to the floor of the House.

Congressman and Mrs. Breeding were your hosts this morning for the very enjoyable pancake breakfast. I certainly hope that each Member will realize not only that wheat is good for pancakes, but that it could be used to good advantage in the maintenance of peace and in raising the standard of living throughout the world. The surplus we now have in our storage bins could well be used to feed the hungry at home and abroad.

Mr. Speaker, I desire to compliment our colleague from the heart of the wheat country, Mr. BREEDING, upon his sincerity of purpose in his desire to aid agriculture, and upon his unswerving and steadfast loyalty to the many farmers that he represents so well. Also, Mr. Speaker, I wish to thank him for a splendid breakfast made from flour milled from wheat harvested on the farms of Congressman BREEDING's constituents.

THE LATE HONORABLE GEORGE HUDDLESTON, SR., A REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF ALABAMA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Speaker, it was with sincere regret that I learned of the death of our late colleague, the Honorable George Huddleston, Sr.

George Huddleston, Sr., lived a full life, and he has left this earth with the certain knowledge that he contributed greatly to the welfare of mankind in general and to the growth and greatness of America in particular.

For 22 years he represented his district from the State of Alabama brilliantly, and with a firm determination to do that which was right for his constituents and America.

He served his Nation as a soldier, statesman, and lawyer. I knew him, admired him, and respected him.

The Congress, the State of Alabama, and the United States are fortunate to have had the privilege of benefiting from his wisdom and foresight, and we also are fortunate that the sterling attributes of George Huddleston, Sr., continue in his son, GEORGE HUDDLESTON, JR., who now represents the district that sent his father to the Congress.

My sympathy goes out today to the family of the late George Huddleston, but at the same time each member of that family can look back with pride upon the long and distinguished record that he established.

He was a fine man, an honorable man, and those of us who knew him will miss him.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield.

Mr. ANDREWS. Mr. Speaker, I want to join in the tribute being paid to a former distinguished Alabamian by the gentleman from Georgia [Mr. VINSON]. As he so well said, both the Nation and the State of Alabama have suffered a great loss in the death of the late Honorable George Huddleston, Sr. George Huddleston, Sr., was a great American. He was an able, honest, and fearless man. His distinguished record of service in the House of Representatives of the U.S. Congress is enviable.

After his retirement from service he returned to his native Alabama and continued to live a useful life, always interested in good government.

I am sure that one of the greatest thrills of his life came when his brilliant young son became the Representative from the Ninth District of Alabama. George, Sr., followed with keen interest the record in Congress of GEORGE, JR., and he was proud of that record.

Mr. Speaker, my sympathy goes out to members of his family for the great loss that they have suffered.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield.

Mr. McCORMACK. Mr. Speaker, when I first arrived in the Capitol, one of the mental giants in this body was George Huddleston, of Alabama. He was not only a mental giant, he was a man of integrity; honorable and trustworthy and highly respected by all his colleagues. The best evidence of the affection with which the family name of Huddleston is held by the people of Alabama, and the people of the district that he so ably represented is the fact that his distinguished son is now a Member of this body. George Huddleston, Sr., made marked contributions during his years of service not only to this body but to the progress of our country and the betterment of all of our people. I join with my friend, the gentleman from Georgia, the distinguished chairman of the Committee on Armed Services, in extending to Mrs. Huddleston and to our colleague, the son of the late Congressman, and to other members of the family, my deep sympathy in their bereavement.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Mississippi.

Mr. COLMER. I should like to join with my colleagues, particularly in the statement which the majority leader has just made, because he said the things I would like to have said, and said them so much more ably than I can. But, as the gentleman from Georgia [Mr. VINSON] realizes, when one first comes to this House he observes and profits by those who are already here. He usually picks out a few men whom he particularly admires. In the case of George Huddleston that was my experience. He was a very able man. I recall that on one occasion he stood here at this table, during my early days in this House, and made one of the most forceful, forthright, and convincing speeches that I have ever heard in my entire tenure of office in this House.

Mr. Speaker, I join with the others in extending my sympathy to the members of the family, and particularly to his outstanding young son, our able colleague, GEORGE HUDDLESTON, JR., who has followed in his footsteps, a man who in his own right has many of the virtues possessed by his father, including the rare but highly desired virtue of political courage.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Mr. Speaker, I raise my feeble voice on this sad occasion in expressing sentiments that have been expressed before. One of the first impressions that I gathered as a much younger man in this body was the strength and integrity of the great man whose death we are mourning on this occasion. I am sure that those of us who were privileged to serve with Mr. Huddleston are richer because of that experience, and our Nation is stronger because of his contribution to the preservation of our great Republic.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I want to join with my distinguished colleagues in expressing their sincere regrets over the death of the Honorable George Huddleston, Sr., truly a great Congressman; a man whose dedicated service here left a mark that will forever endure in the annals of Congress.

I was not one who was privileged to have served with him. No present member of the Florida delegation had that opportunity, but we all know of the outstanding ability which he brought to Congress, and of the splendid work which he did; work which is being ably carried on by his distinguished son in our midst. I want to express for the entire Florida delegation our deep regret at his death, and our earnest expressions of sympathy to the family on this occasion.

Mr. VINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the life, character, and service of our former colleague, Hon. George Huddleston, Sr., of Alabama.

The SPEAKER pro tempore (Mr. BARR). Without objection, it is so ordered.

There was no objection.

Mr. RAINS. Mr. Speaker, I have just received the sad news of the death of a distinguished former Member of this body from the State of Alabama. The Honorable George Huddleston, Sr., the revered father of our distinguished colleage, GEORGE HUDDLESTON, of Alabama, died in Birmingham yesterday.

For more than 20 years he represented Alabama here in the House of Representatives with great distinction. The district is now ably represented by his son, GEORGE HUDDLESTON, JR.

GEORGE HUDDLESTON is remembered by many of his former colleagues here as one of the greatest scholars and debators who ever graced this Chamber. He was known here and in his native State of Alabama, where he was honored and loved by all, as a rugged individualist. He lived a long and useful life and was, I am informed, about 90 years of age at the time of his death. Another of Alabama's noble sons has gone home to rest.

To his family and especially to our colleague, GEORGE, JR., I extend my heartfelt sympathy in this hour of sorrow.

Mr. SELDEN. Mr. Speaker, it was with deep regret that I learned of the death of the Honorable George Huddleston, Sr., a great Alabamian and an outstanding Member for 22 years of the U.S. House of Representatives.

Although I did not have the privilege of serving in the Congress with Mr. Huddleston, those who served with him have already attested to the high esteem in which he was held by his colleagues during his long and fruitful service in this body.

While Mr. Huddleston was the recipient of many honors during his long and distinguished career, I am certain none gave him greater pleasure or satisfaction than the election in 1955 of his son, the Honorable GEORGE HUDDLESTON, JR., to the congressional seat he had so ably occupied.

Mr. Huddleston's death is not only a great loss to his family, but to his State and Nation as well. I extend my sympathy to Mrs. Huddleston and to the other members of the Huddleston family.

Mr. JONES of Alabama. Mr. Speaker, a multitude of people in Alabama have been moved profoundly by news of the passing of Hon. George Huddleston, of Birmingham, Ala., a former Member of the House of Representatives and father of our colleague GEORGE HUDDLESTON, JR., also of Birmingham.

In the traditional, courtly parlance of this legislative body the elder George Huddleston undoubtedly was often referred to as "the distinguished gentleman from Alabama." It was singularly fitting and apt in application to him because he earned distinction in several fields and his unfailing concern for the welfare of all who depended upon him for aid, marked him as a true gentleman.

Mr. Huddleston became a member of the Alabama bar in 1891, when he was 22 years of age. He left a lucrative practice to enlist as a private in the 1st Regiment, Alabama Volunteer Infantry, and served in the Spanish-American War. He was elected to Congress in 1915 and served in 10 succeeding Congresses, retiring from public life in 1936.

His memory will be cherished in Alabama, for his stanch championship of "the little man," the embattled farmer, the small businessman, and the average citizen who looked to him for guidance and leadership as an attorney and a Member of Congress. His entire career embodied the highest ideals of the legal profession and that of a trusted, public servant.

I know I speak for the entire Alabama delegation to Congress in expressing deep sympathy to GEORGE HUDDLESTON, who carries on a fine tradition bequeathed to him by his father and to the other relatives who have suffered a grievous loss. George Huddleston, Sr., was a great American and an outstanding citizen of Alabama whose life and career enriched his State and its citizens.

Mr. ELLIOTT. Mr. Speaker, it is with deep regret that I learned of the death of one of Alabama's outstanding citizens, the late Congressman George Huddleston, Sr.

Mr. Huddleston has for many years been one of Alabama's outstanding leaders. For 22 years he represented in the Congress the great city of Birmingham, and Jefferson County, Ala. Upon his retirement from Congress in 1936 he was a ranking member of the House Interstate and Foreign Commerce Committee.

Until recent months Mr. Huddleston has remained very active for a person of his age. I very vividly recall about 3 years ago when he, along with myself and his son GEORGE, who then and now serves in the House, made a visit to Gorgas, Ala., in Walker County, to witness the beginning of a new experiment in the underground gasification of coal. At that time he was 87 years old, and I marveled at his alertness, his stamina, and more than these, at his fine mind and his ready grasp of public problems.

I extend my deepest sympathy to Mrs. Huddleston and their children.

Mr. ROBERTS. Mr. Speaker, the passing of George Huddleston, Sr., is mourned by all who knew and loved this former outstanding Congressman from Alabama.

I am sure one of the greatest moments in the full and active life of Congressman Huddleston was November 2, 1954, when his son, GEORGE HUDDLESTON, JR., was elected to the 84th Congress from the Ninth Alabama District.

The Honorable GEORGE HUDDLESTON, JR., is serving with great distinction, as a respected member of the Committee on Armed Services and as a devoted servant of the citizens of his district.

I wish to join his many friends in expressing to Congressman HUDDLESTON my sincere condolences and deep sympathy in the passing of his father.

Under leave to extend my remarks, I would like to include in the RECORD an editorial which appeared recently in the Anniston (Ala.) Star, recalling one of the incidents in the illustrious life of the late Congressman Huddleston, Sr.

The editorial follows:

GEORGE HUDDLESTON, SR.

It isn't often that a distinguished lawmaker lives to see his son likewise attain distinction, but that happened in the case of the late George Huddleston, Sr., of the Ninth Alabama District, Birmingham, father of Representative GEORGE HUDDLESTON, JR., now one of the leading men in the Congress of the United States.

The elder Huddleston, when a comparatively young man, possessed one of the finest minds of any man in Congress and was a man of great eloquence.

In his younger days he also was a pronounced liberal and had a tremendous following among the laboring classes of the Ninth District. One of the foremost opponents he had to overcome was the Reverend W. E. Dickinson, a once noted Alabama minister.

Dickinson enjoyed the support of the Birmingham News, then edited by the late Frank P. Glass, who was a classmate of Woodrow Wilson at Princeton. And when the campaign got very hot, he got Wilson to endorse Dickinson, who was to engage in a debate with Huddleston at Woodrow Wilson Park in Birmingham.

But it so happened that Huddleston's train from Washington was several hours late, and his supporters, who had gathered by the thousands at the park to hear his speech, believed that Glass and his associates had used their influence to hold up the train.

The train finally arrived, however, and as soon as he came up the steps of the station, Huddleston was put in a cane-bottom chair and carried on the backs of his followers all the way from the station to Wilson Park.

Huddleston received a great ovation that night, and the train incident evidently had played a part in his eventual election over Dickinson, in spite of Woodrow Wilson's endorsement, which any seasoned politician should have recognized as a campaign blunder.

Mr. PATMAN. Mr. Speaker, it is difficult for me to speak of my late good friend, the Honorable George Huddleston, of Alabama, without bringing to the surface of my mind and my feelings recollections that have for decades endeared him to me and that will remain in my memory for the rest of my life. He was of course the Representative in this House from Alabama's 9th district for 22 years. Here, if I may permit myself a personal note, was a man from Alabama who appealed enormously to a man from Texas. He had my respect and my admiration through the years because he was what I like to call a fighting man who so highly prized his honor and his personal dignity that he felt obliged, if need be, to defend them in personal combat. For me, for all that it implies, a fact like that about a man's life is more important than such chronological data as the statistic that he was born on a farm near Lebanon, Tenn., that he studied law at Cumberland University, that he served as a private in the Spanish-American War, and that he was elected to the 64th and to the 10 succeeding Congresses serving in this House from 1915 to 1937. As a legislator he belongs well up in the category of men who made an impact on his time. He was progressive enough in his thinking to sponsor legislation for a Federal home loan system. He fought for the principle of the honest label on materials produced by child and prison labor. In fact it was his promotion of the idea for the Federal development of electrical energy at Niagara Falls that may be said to have fathered the Tennessee Valley Authority. It is good to reflect that when after a good and a successful life he died at 90 years of age in Birmingham last February 29, he knew that the people of his district, of his State, and of the country, and his old colleagues here in the House, held him in the highest esteem. And with that esteem went a warm and profound affection. Not the least of the contributions which the late George Huddleston, Sr., made to his country, is his young and brilliant son, GEORGE HUDDLESTON, JR., who is now serving the same district in this House that his father served before him and who has been with us I

am glad to note since 1955. Two Huddlestons so to speak in a single era capable of such distinguished service to their time is a special kind of favor conferred upon the Congress and the country. This Nation has an enormous strength in its people and the image of that strength is dramatically presented to us in the life and personality of such men as my late dear friend, George Huddleston.

AMENDING TRADING WITH THE ENEMY ACT TO PROVIDE CERTAIN PAYMENTS FOR RELIEF AND REHABILITATION OF NEEDY VICTIMS OF NAZI PERSECUTION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 8]

Allen	Dawson	O'Neill
Barden	Delaney	Osmers
Baumhart	Dent	Passman
Blitch	Forand	Powell
Boykin	Grant	Preston
Brown, Mo.	Hargis	Reece, Tenn.
Buckley	Holifield	Reuss
Budge	Huddleston	Rivers, S.C.
Burdick	Irwin	Sheppard
Burleson	Jensen	Siler
Byrnes, Wis.	Kilday	Smith, Miss.
Cahill	McGinley	Spence
Canfield	Meyer	Thompson, La.
Chiperfield	Miller, George P.	Williams
Cook	Mitchell	Willis
Cooley	Morris, N. Mex.	Wilson
Davis, Ga.	Morrison	Zelenko
Davis, Tenn.		

The SPEAKER pro tempore. On this rollcall, 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING TRADING WITH THE ENEMY ACT TO PROVIDE CERTAIN PAYMENTS FOR RELIEF AND REHABILITATION OF NEEDY VICTIMS OF NAZI PERSECUTION

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution (H. Res. 457), as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6462) to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 457 makes in order the consideration of H.R. 6462 to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution. The resolution provides for an open rule, waiving points of order, and 1 hour of general debate.

The principal purpose of the bill is to provide for a $500,000 lump-sum settlement of all claims of successor organizations for return of heirless vested property pursuant to section 32(h) of the Trading With the Enemy Act, which was added by Public Law 626, 83d Congress. That section today authorizes the return to a designated successor organization—the Jewish Restitution Successor Organization—for use in rehabilitation of needy persecutees, of up to $3 million of vested property of individuals who, if alive, would be eligible for return thereof, as persecutees of our former enemies.

During World War II, pursuant to the Trading With the Enemy Act, property located in the United States which was owned by enemy nations was vested by the United States. Public Law 671, 79th Congress, provided that vested property could be returned to its former owner, or his successor in interest, under certain specified conditions.

In many cases, persons who otherwise would have been entitled to return of property under Public Law 671, together with their families, were exterminated by our wartime enemies. In recognition of this, on numerous occasions, the United States has taken the position that the assets of persecuted persons who have died without heirs should be used for rehabilitation and resettlement of surviving persecutees.

By Executive Order No. 10587, of January 13, 1955, the President designated the Jewish Restitution Successor Organization, a charitable membership organization incorporated under the laws of New York, as successor in interest to such deceased persons.

That organization presently has pending with the Alien Property Custodian a total of 1,800 claims under section 32(h) of the Trading With the Enemy Act. No payments have as yet been made under section 32(h), primarily because of the difficulties attendant upon proof of ownership of specific assets.

H.R. 6462 will settle the problems involved in the administration of section 32(h), by the payment of $500,000 out of the proceeds of vested property to successor organizations designated by the President under section 32(h). Acceptance of payment will discharge all claims of such organization under said section.

The enactment of the bill will permit prompt settlement of claims, and requires that the payments be used for the relief and rehabilitation in the United States of needy surviving persecutees.

I urge the adoption of this resolution.

Mr. Speaker, I know of no controversy over this rule, and, therefore, reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Missouri [Mr. BOLLING] has explained this rule, House Resolution 457, ably and well. It makes in order the consideration of the bill, H.R. 6462, a bill which would permit the transfer of funds belonging to persecutees of the Nazi regime who have passed on without heirs and permit such assets to be transferred, up to the amount of $500,000, to a charitable organization for the benefit of other persecutees.

Mr. Speaker, I know of no opposition to this rule, and having no requests for time, yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO AMEND THE WAR CLAIMS ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 458 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2485) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 458 makes in order the consideration of H.R. 2485 to amend the War Claims Act, as amended, regarding compensation for certain World War II losses. The resolution provides for an open rule, waiving points of order, and 2 hours of general debate.

The purpose of the bill is to provide for the payment of compensation to American nationals who suffered injury or death under specified circumstances, or who suffered property losses as a result of military operations during World War II in certain European countries and in areas attacked by Japan.

Payments will be made to claimants under the bill out of the War Claims Fund, which consists of proceeds resulting from the sale of vested property, and not out of appropriations. The balance presently available for transfer to the War Claims Fund is approximately $100 million.

Losses must have been suffered originally by American nationals, and the claims based thereon must have continuously remained American-owned up to the time they are filed.

Where a corporation does not qualify for payment, its American national stockholders may receive payment proportional to their ownership interest in the corporation. Awards in excess of $10,000 on corporate claims will be reduced by the Federal tax benefits received by the corporation in prior years arising out of the loss on account of which the claim is filed.

Claims for disability or death will be paid in full; all other claims will be paid in full up to $10,000, with pro rata reduction thereafter if the War Claims Fund is not sufficient to pay all awards.

Other nations have long since paid their own citizens for similar losses and I, therefore, urge the adoption of this resolution.

There is some controversy, I understand, over H.R. 2485. I know of no controversy, however, over the adoption of the rule, and I therefore reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Missouri has explained this bill and also the rule. When this measure came before the Rules Committee we had called to our attention a minority report on the measure as reported by the Committee on Interstate and Foreign Commerce.

However, I know of no opposition to the rule. I have had no requests for time on the rule, and I yield back the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SETTLEMENT OF CLAIMS OF SUCCESSOR ORGANIZATIONS FOR RETURN OF VESTED HEIRLESS PROPERTY

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6462) to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas [Mr. HARRIS].

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6462, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. HARRIS] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. BENNETT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, let me attempt to give you a brief explanation of the bill H.R. 6462 which was introduced by our esteemed former member of the Interstate and Foreign Commerce Committee, Representative Dollinger, and which was reported unanimously by the committee.

The purpose of the legislation is to provide a $500,000 lump sum settlement of all claims of successor organizations for return of heirless vested property pursuant to section 32(h) of the Trading With the Enemy Act. Now, I realize that this explanation still requires a lot of explaining and I shall ask you to bear with me while I shall attempt to do my best to explain the explanation.

In the first place let me explain what "heirless vested property" is. Under the provisions of the Trading With the Enemy Act, property located in the United States which was owned by enemy nationals was vested by the United States at the beginning of World War II. After the vesting it was recognized by the Congress in Public Law 671, 79th Congress, that certain enemy nationals whose property was vested were only technically enemies. Therefore, the Congress authorized that property taken from such persons should be returned to them upon a showing that they belonged to political, racial, or religious groups which, under the law of the enemy nation in which they resided, did not enjoy full rights of citizenship.

Some property vested by the Alien Property Custodian was returned to persons qualified under Public Law 671. However, in some cases persons who were entitled to return of property were exterminated by our wartime enemies together with their entire families. The claimants and their heirs having perished, no claimants are left to claim return of property owned by such persons. Therefore this property is still in the hands of the Alien Property Custodian and is referred to as "heirless property."

Thus I think you can see what is meant by the term "heirless property."

Now let me explain the term "successor organizations." After World War II the United States and our allies followed the policy that the assets of persecuted persons who died without heirs should be used for the rehabilitation and resettlement of surviving persecuted persons belonging to the same political, racial, or religious groups as the persons who died without heirs.

This policy was embodied in the final act of the Paris Conference on Reparations of January 1946 and in other agreements and treaties to which the United States is a party. These agreements and treaties are set out in appendix A of the committee report beginning on page 7.

Pursuant to this national policy, the 83d Congress enacted Public Law 626, which added the present subsection (h) to section 32 of The Trading With the Enemy Act. That subsection provides that vested enemy property which was taken from persecuted persons who died without heirs may be returned to one or more organizations designated by the President. Since the organizations designated by the President are succeeding to the interests of the heirless persecuted persons, they are referred to as successor organizations.

Public Law 626, 83d Congress, provided that these successor organizations must use vested property returned to them for the rehabilitation and settlement of persons in the United States who came to the United States as persecuted persons and who suffered deprivation of liberty in their original homelands.

By Executive Order No. 10787, dated June 13, 1955, the President designated the Jewish Restitution Successor Organization, a charitable member organization incorporated under the laws of the State of New York, as a successor organization which would be entitled to claim the return of vested enemy property of deceased persecuted persons who died without heirs.

If other organizations apply and qualify, they would be designated as successor organizations of persons belonging to other racial, political, or religious groups. Thus far, however, no other organizations have sought to apply and qualify.

The Jewish Restitution Successor Organization has pending with the Alien Property Custodian a total of 1,800 claims but no payments have been made by the Custodian because of the difficulties encountered in bringing adequate proof of the ownership of specific assets.

The purpose of the legislation is to avoid the necessity of protracted proceedings before the Alien Property Custodian which would tie up substantial manpower in the Office of the Alien Property Custodian and which would be costly to the claimant organization as well as the Government. The lump sum settlement of $500,000 would wipe out the 1,800 pending claims under Public Law 626, 83d Congress.

In a report submitted by the Department of Justice, the Department estimates that in the case of approximately 500 claims out of the total of 1,800 claims filed, the successor organization might be successful in obtaining a return under section 32(h) and that the value of such returns would total $500,000. Under these circumstances, the committee felt that it would save the Government money and would expedite the windup of the affairs of the Office of Alien Property if a lump sum settlement of $500,000 was provided for, to close out the 1,800 claims

brought by the successor organization under Public Law 626, 83d Congress.

I believe this explanation will enable the Members of the House to follow the complex terminology of this legislation dealing with "heirless property" and "successor organizations."

I hope that this explanation will satisfy the Members of the House that the lump sum settlement provided for in this legislation is in the public interest and that this legislation is merely intended to carry out more expeditiously the program enacted into law by the 83d Congress.

Let me say that the committee was unanimous in reporting this legislation and I trust that the House will follow suit in approving this legislation.

The Subcommittee on Commerce and Finance has done a very fine job. It conducted hearings on this legislation which was introduced by our former colleague and distinguished friend from New York, Mr. Dollinger, who is now serving with great distinction in the capacity of a district attorney for his area. He introduced and sponsored the bill in the last Congress, and I believe in a preceding Congress;

The subcommittee under the chairmanship of the gentleman from Illinois [Mr. MACK] conducted hearings and went into this problem thoroughly. I think it would be appropriate at this time to recognize the gentleman from Illinois [Mr. MACK], chairman of the subcommittee, for 15 minutes for a further explanation of the bill.

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. MACK of Illinois. Mr. Chairman, although the bill now before the House, H.R. 6462, has a long history, it is in fact a simple measure. It proposes a bulk settlement of many thousands of individual claims which are now pending before the Office of Alien Property of the Department of Justice. These claims were authorized to be filed pursuant to section 32(h) of the Trading With the Enemy Act, as amended. That section was added to the Trading With the Enemy Act in 1954, pursuant to bills which were sponsored in this House by Representatives Crosser and Wolverton, ranking members of the Committee on Interstate and Foreign Commerce, and in the other body by Senators Taft, Dirksen, and Hennings. Both this procedural bill, H.R. 6462, and the antecedent legislation, have been bipartisan in nature, have had administration and widespread popular support, and have sought to deal with a tragic problem arising out of the course of the last war.

Briefly stated, the history of this legislation is as follows: The Trading With the Enemy Act authorized the vesting by the Alien Property Custodian of all "enemy" property. Thus, vesting orders took title in the United States to all property found here of so-called enemy nationals, even if those persons had been deprived of their nationality by their own governments. It was apparent that, whatever might be done in the United States with respect to other properties, the United States was not prepared to keep title to property belonging to those persons who had been the first victims of nazism, and who had in many instances fought and died in our cause. Thus, immediately after the war, section 32 was added to the Trading With the Enemy Act. That section, in general, provided that the Custodian should return, on the filing of claims, the property of persons who had been subjected to persecution on grounds of race, religion or political belief.

In the years that followed, it became clear that a number of these eligible claimants—persecutees—would never appear to file their claims. The reason was that they, together with their entire families, had perished in the infamous concentration camps. The surviving persecutee, or the persecutee who left a son or daughter, could file his claim and regain his property. But a substantial amount of property remained vested, which had been owned by persecutees, but as to which there was in fact no claimant—because the claimant and his family had been exterminated.

In these circumstances, and with the distinguished and bipartisan sponsorship I have mentioned, subsection (h) was added to section 32 of the act. The effect of subsection (h) was to make it possible for a "successor organization" to file claims to the property of persecutees who had died without known heirs—or what has come to be known as "heirless property." It was declared to be the policy of the United States, as reflected in this subsection, that such heirless property should be returned to a successor organization. Its proceeds were to be used by that organization—or organizations—for the relief and rehabilitation of needy surviving persecutees who were in the United States. A successor organization was to be designated by the President.

I should point out that many safeguards surrounded this legislation, reflecting the clear decision of the Congress both that the proceeds of heirless property should be used for relief and rehabilitation, and that the proper application of these proceeds should be insured. The purposes were defined, and were limited to needy persons, and to persons in the United States. The organization which applied for designation as a successor organization had to undertake to make periodic reports of its use of the funds, and it had to be screened and named only by Presidential designation. No part of the proceeds could be used by the organization for legal or similar expenses, so that all of these proceeds are to be devoted to the intended purposes.

It is appropriate at this point to mention that the domestic action of the United States, in allocating heirless assets for relief and reconstruction of surviving persecutees, follows a consistent line of American foreign policy. Thus, the Inter-Allied Reparation Agreement of 1946, signed at Paris, in which the United States played a leading role, provided for utilization of heirless assets found in the European neutral countries in a similar way. And various postwar agreements to which the United States was a party—with the European neutrals—also contained language looking toward use of heirless assets for this same purpose. Moreover, heirless assets found in the Western Zones of Germany have been used for these purposes, first under military government law, and then under statutes of West Germany.

Because of the nature of Nazi persecution, it is of course clear that the great bulk of the persecutees, and of the heirless property, was of Jewish origin. Thus, the organization which applied for Presidential designation was a New York membership corporation known as the Jewish Restitution Successor Organization. This organization had previously been designated in the American Zone of Germany, and had performed there in a manner which earned the commendation of General Clay and others connected with military government. It undertook the obligations required by the statute; and in January 1955 it was designated by President Eisenhower.

The JRSO, as this organization is known, then began the task of filing claims pursuant to the statute. Obviously, this was a task of enormous difficulty, since by definition no one was extant who could make information or documentation available to the successor organization. Nevertheless, with the assistance and cooperation of the Office of Alien Property, such information as could be gleaned from vesting orders and similar documents, and from surveys, was obtained, and some thousands of claims were filed with the Office of Alien Property.

From the outset, it was apparent that to process each of these claims would be an impossible administrative task. The very nature of the problem made that clear. Therefore, a solution which had been adopted elsewhere—as, for example, with the active support of the United States, in the American Zone of Western Germany—was suggested; this solution was to make a reasonable appraisal of the properties claimed and then to arrange a bulk settlement of the claims.

A bulk settlement of these claims appears to be in the interest of all concerned. The principle of a bulk settlement has been supported by the administration, and testimony in favor of such a settlement was adduced in testimony before the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce on March 13, 1958, and on July 24, 1959. Statements favoring a bulk settlement are in the record from the Department of State and from various charitable organizations—Catholic Relief Services, the American Jewish Committee, Church World Services, and the American Jewish Congress. The only question raised about the desirability of the bulk settlement was raised by the Department of Justice as to amount, when the suggested amount of the settlement was $1 million; and by the Bureau of the Budget, which has pointed out that the provable claims, under present standards of law which would be applicable to individual claimants, are in the maximum amount of $500,000. Thus, it is entirely agreed by all that a bulk settlement is necessary to obviate long and tedious—and expensive—administrative proceedings, which

would burden both the administration and the successor organization.

As to the question of amount, the committee considered the matter carefully and has come to the conclusion that the amount in the present bill, which is $500,000, is a reasonable amount of such a settlement. In this connection, the committee has given due weight to a communication of the Assistant Attorney General in charge of the Office of Alien Property, under date of April 10, 1959, stating that:

I favor the proposed bulk settlement of heirless property claims in the amount of $500,000.

It has also considered the fact that, in the nature of things, claims involving "heirless property" ought not to be subject to the same standards of proof as individual claims. When an individual presents a claim to his property, he ordinarily has some proof—bank books, documents, or the like. On the other hand, the successor organization is hampered by the fact that it is proceeding in a situation in which, by definition, the original claimant and all of his relatives—or those who had some knowledge—were swept away, generally in the dead of night, and bundled off to concentration camps from which they have never returned. In these circumstances, to expect clear documentation is to demand the impossible.

Even so, however, it is clear that heirless property exists in amounts substantially larger than the amount stated in this bill. Thus, in the original enabling legislation—section 32(h)—a ceiling amount of $3 million was set, after hearings. In previous Congresses, bulk settlement legislation in the amount of $1 million has been proposed. Here, it seems to be the opinion of the Office of Alien Property that $500,000 would be the amount of claims provable under present standards, applicable to individual claimants. But there exists substantial other claims, some of which in fact are in the process of adjudication before the OAP, which add greatly to this amount. Thus, one claim involving allegedly looted diamonds amounts to several hundreds of thousands of dollars; and no final decision has been handed down on the claim of the successor organization to that fund. In addition, claimed amounts are involved in so-called omnibus accounts—accounts of Swiss banks, held in the United States, where it is not known who were the owners of the funds deposited in the names of the Swiss banks. And if there were access to all of the burned, destroyed and unavailable records, it seems clear that very large amounts indeed would be discovered.

One additional point remains, which is strongly in favor of the bulk settlement technique embodied in this bill. In view of the difficulties inherent in section 32(h) of producing adequate proof to prosecute claims under this section and in view of the cost involved in securing such proof, only the JRSO had sufficient interest to apply for and receive a designation as a successor organization. Under the proposed legislation, however, there will be an opportunity for other successor organizations to apply and to be designated. These organizations would rehabilitate and settle in the United States persons belonging to racial and religious groups other than the Jewish group.

The bill provides that if there is more than one designated successor organization, the sum of $500,000 shall be allocated among such organizations in the proportion in which the proceeds of heirless property were distributed pursuant to agreements to which the United States was a party, by the International Committee for Refugees and successor organizations thereto. The proportional formula used in these agreements is a 90–10 formula which corresponds roughly to the number of persons in the different groups who would benefit from this legislation.

This formula has the acceptance of the actual and potential successor organizations which have been and may be designated under this legislation.

As I have said, this legislation has the enthusiastic support of all interested organizations and its adoption is definitely in the public interest in order to save the Government agency involved—the Office of Alien Property—time and money and thus to expedite the windup of the affairs of this office.

As I said when I started my presentation today, I hesitated to bore you with all of the details of this matter. However, I felt that I should discuss the background of the legislation so that the House would be fully familiar with the problems with which they are confronted today.

Actually, I feel that this legislation would carry out the intent of Congress that was provided previously in legislation passed in the 83d Congress. This bulk settlement seems to be agreeable to all parties. The only argument that has arisen at any time is not whether we should make the bulk settlement but as to how much. In fairness, I should state that the Bureau of the Budget has offered to compromise at $250,000. The subcommittee feels that $500,000 is the proper amount, and that the Office of Alien Property has acquired twice that amount from heirless persecutees.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from West Virginia.

Mr. BAILEY. May I inquire of the gentleman if there was a protest filed by the American Legion against this legislation?

Mr. MACK of Illinois. Not to my knowledge.

Mr. BAILEY. I see in the hearings on page 538 a letter addressed to the gentleman as chairman of the subcommittee and signed by Miles D. Kennedy, director of the American Legion of Washington, D.C., on June 30, 1959. Let me read it.

Mr. MACK of Illinois. I am familiar with the letter. I do not think it refers to this legislation. As I recall, it referred to general return legislation.

Mr. BAILEY. That is true. Nevertheless, they are opposed to the legislation contained in this bill.

Mr. MACK of Illinois. I do not have the letter before me.

Mr. BAILEY. I have it right here in front of me, and I should like the privilege of reading it into the RECORD.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from Arkansas.

Mr. HARRIS. I, of course, would be glad to have the gentleman read the letter into the RECORD. I think probably we should explain, however, that this is only one of many bills that was included during the course of the hearings when the matter was scheduled. I think the gentleman will find that the letter to which he refers, in which the American Legion expressed interest, did not relate to this bill but to a bill before the committee which deals with the return of vested property to the German Government and German nationals.

Mr. MACK of Illinois. That was my understanding, as I recall the contents of the letter.

Mr. BAILEY. This bill does not propose the return of any property?

Mr. HARRIS. No, it does not provide any return to the German Government or to German nationals, or to any enemy government or enemy nationals.

Mr. BAILEY. I thank the gentleman for his partial explanation.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Chairman, I take this time more in bewilderment than in trying to enlighten my colleagues. As a member of the subcommittee earlier when we held these hearings I did not get to ask all these questions. I want to share some of them with you. It is possible that some may have been resolved earlier here and to your satisfaction.

I would not feel right without explaining to you my own uncertainty, shared with you for what it is worth.

My first observation, before I get to my questions, is simply why this heirless property? There is nobody to get this property. It is to be turned over to one organization or more, if others come forward, and that makes it more equitable, of course, to do what? There are no rules, no guidelines such as we in Congress normally lay down. Why does not the United States keep this money? This is a welfare program. I am not against it necessarily, but at least I have to find out what we are going to do. Let us call it what it is. As a member of that subcommittee, I want it understood I did my best at that time to help. While I have a high regard and friendship for the gentleman from New York, Mr. Dollinger, I think there was possibly a prejudice to a degree for this legislation. At least I felt we hurried through it. I must contest the statement the gentleman from Arkansas made earlier when he complimented the gentleman from Illinois for the thoroughness of our work unless that work was done since the tail end of the last Congress because at that time we had not had sufficient executive study and executive sessions to resolve some of the questions. So I would like to ask several questions now.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I gladly yield to my colleague.

Mr. HARRIS. I do not think the gentleman should give the impression to the House, which I just received from the gentleman's statement, that the committee has not thoroughly gone into this matter. I refer the gentleman to the hearings in the 86th Congress, which I hold in my hand. The gentleman was not a member of the committee in the 86th Congress when it held hearings on April 16; May 19, 20, 27; June 23, 24, 29, 30; July 1, 23, 24; and August 6, 1959. I think that means it held pretty extended hearings. I refer the gentleman to these hearings for his consideration.

Mr. ALGER. Now if I may, Mr. Chairman, I repeat my earlier statement. If you can add further to the enlightenment of this body and myself, I said earlier, and I repeat, please do so. When I was a member of this subcommittee at the tail end of the last Congress, some of these questions were not answered. Possibly, you are prepared now to answer them. My question then is this. On page 4, I see the statement in the letter from Mr. Walsh in which he says in the last paragraph:

> The Bureau of the Budget has indicated that if Congress should feel that any settlement of this matter was proper, the amount of such settlement should not exceed $250,000. This Department would have no objection to a settlement in that amount.

Was that referring to different claims than the $500,000 we are talking about now? I could not make it out here whether that was so.

Mr MACK of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I gladly yield to my colleague.

Mr. MACK of Illinois. If I understood the gentleman correctly, he is asking if the Bureau of the Budget—is it the Bureau of the Budget?

Mr. ALGER. Yes; I am referring—if you want to see this.

Mr. MACK of Illinois. No.

Mr. ALGER. This is on page 4.

Mr. MACK of Illinois. The Bureau of the Budget made the statement that the settlement should not exceed $250,000—that is correct.

Mr. ALGER. I see—$250,000—is the Budget Bureau's position on this.

Mr. MACK of Illinois. Yes; though, of course, that is just an estimate that they are making. They felt that $250,000 should be paid even though the claims involved should exceed $250,000.

Mr. ALGER. I understand.

Mr. MACK of Illinois. The only controversy at all, as I understand it, is whether it should be $250,00 or $500,000; is that correct?

Mr. ALGER. That is my question at the moment. I thought everyone agreed that $500,000 was all right here, from listening to the debate.

Mr. MACK of Illinois. I appreciate having had the gentleman serve on the subcommittee with me several years ago when a similar bill came before our subcommittee. At that time the amount was $1 million and since that time almost everyone is agreed on $500,000. All of the members of my subcommittee agreed unanimously, and I think most of the committee members of the full committee agreed that that was the appropriate amount.

Mr. ALGER. But, the Bureau of the Budget still believes that $250,000 would be sufficient; is that correct?

Mr. MACK of Illinois. You know the Congress has acted on other occasions differently from what the Bureau of the Budget has felt.

Mr. ALGER. I may say to the gentleman, I disagree with the Bureau of the Budget on many occasions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. ALGER. I am not taking sides, I will say to the gentleman. I am merely asking whether there was a difference. Now we determine that there is a difference between $500,000 and $250,000. Secondly, let me ask, if I may, of the gentleman from Illinois——

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I gladly yield to my colleague.

Mr. HARRIS. On the point that the gentleman from Texas was just inquiring about, I call to the attention of the gentleman the fact that the Department of Justice recommended $500,000 as a maximum to be provided in this bill.

Mr. ALGER. I thank the gentleman.

Secondly, may I ask: Are there any guidelines on the expenditures of these sums? Possibly, I have been hasty in my conclusions.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman.

Mr. GROSS. I read on page 4 of the report from the letter from Mr. Walsh that the Justice Department says that the amount of such settlement should not exceed $250,000—not $500,000 but $250,000.

Mr. ALGER. That is the paragraph I referred to earlier.

Mr. GROSS. The gentleman from Arkansas [Mr. HARRIS] said the Justice Department recommended a payment of $500,000.

Mr. HARRIS. But I call the gentleman's attention to the fact that Mr. Walsh was quoting what the Bureau of the Budget had indicated. He said that the Bureau of the Budget recommended that the settlement should not exceed $250,000, and that the Department would have no objection to a settlement of that kind.

Mr. GROSS. They would have no objection to $250,000 rather than $500,000.

Mr. HARRIS. Of course not, but in the body of the letter the Department of Justice suggested $500,000 as the maximum settlement.

Mr. ALGER. I thank the gentleman. I want to assure the gentleman that I am not opposed to this legislation categorically. I am asking questions that are troubling me. My next question has to do with the fees involved. I think I understood the gentleman to say there would be no fees?

Mr. MACK of Illinois. That is correct. There will be no fees coming out of this fund. No attorney's fees.

Mr. ALGER. I thank the gentleman.

Next, the formula of 90–10, will you describe that a little more.

Mr. MACK of Illinois. Yes. If I understand what the gentleman is referring to, in the event there should be another organization designated, then there would be no funds in addition to the $500,000. But if a second successor organization came in, its share would come out of the $500,000. As I understand, the division would be 90–10, on the basis of the relative size of the racial and religious groups involved.

Mr. ALGER. Who would get the 90 and who would get the 10?

Mr. MACK of Illinois. I think the Jewish group would get 90 percent. I think the 10 percent would go to any other group that might put in a claim.

Mr. ALGER. Other than the Jewish organization?

Mr. MACK of Illinois. I think the formula would establish the distribution on the basis of 90 percent being Jewish and 10 percent belonging to other religious groups. The 10 percent of course would be paid after the organization has made application and has qualified. I might say also that under the original legislation this organization was the only one that applied. From that I would assume it may be the only one that would qualify.

Mr. ALGER. I thank the gentleman.

I must conclude. I am not categorically opposed to this legislation. The questions I have asked, I have asked because I was troubled 2 years ago as a member of the subcommittee. I am very concerned that there are no guidelines on how this money will be spent when it is turned over to the Jewish organization. We are simply turning the money over to them. There are no people involved any more who are persecutees. We do not know who they are. The persecuted ones are dead.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ALGER] has again expired.

Mr. HARRIS. Mr. Chairman, I yield to the distinguished majority leader, the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Chairman, I think this is a very equitable disposition of this very humane and yet troublesome problem.

Mr. Chairman, included among the assets of enemy nationals which the United States vested during World War II were assets belonging to persons who, as it turned out, had been victimized by the Nazi regime for racial, religious or political reasons. Recognizing the absurdity of treating these persons as "enemies" of the United States, Congress in 1946 amended the Trading With the Enemy Act to provide that their

vested assets be returned to them or, if they were no longer living, to their survivors. However, in some cases whole families were wiped out as the result of the Nazi persecutions so that no one was left to claim the vested property. In 1954 Congress provided that the unclaimed property of persecutees in such cases, in a total amount of not more than $3 million, be transferred to American charitable organizations specifically designated by the President as successors in interest. The designated organizations are required to use such "heirless" property for the relief of persons now in the United States who are survivors of persecuted groups.

One organization, the Jewish Restitution Successor Organization—JRSO—of New York City, has been designated by the President under this legislation. It has filed several thousand claims but has found that proof of prevesting ownership of specific vested properties is an almost impossible burden under the standards of existing law and has not as yet received any payments.

H.R. 6462 would make a bulk settlement of the heirless property claims by providing an outright payment of $500,000 of vested funds to be divided among the JRSO and any other organization which may be designated by the President upon application within 3 months. Acceptance of payment under the bill would discharge all claims filed by the JRSO.

The investigations of the claims filed by the JRSO to date indicate that $500,000 is a reasonable figure for a bulk settlement. The single payment of this sum under H.R. 6462 will provide funds promptly for the relief of the Nazi victims whom Congress intended to aid in the 1954 legislation. At the same time the bill will remove the burden of administration imposed on the Government by that legislation. In short, the bill is fair and its enactment will be advantageous to the Government as well as to its beneficiaries.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

Mr. BENNETT of Michigan. Mr. Chairman, I have no further requests for time, and I yield back the remainder of my time.

Mr. HARRIS. Mr. Chairman, I have no further requests for time, and I suggest the Clerk read.

The Clerk read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 32(h) of the Trading With the Enemy Act is amended by striking out all that follows the first sentence in the first paragraph down through the third paragraph, and inserting in lieu thereof the following: "In the case of any organization not so designated before the date of enactment of this amendment, such organization may be so designated only if it applies for such designation within three months after such date of enactment.

"The President, or such officer as he may designate, shall, before the expiration of the one-year period which begins on the date of enactment of this amendment, pay out of the War Claims Fund to organizations designated before or after the date of enactment of this amendment pursuant to this subsection the sum of $500,000. If there is more than one such designated organization, such sum shall be allocated among such organizations in the proportions in which the proceeds of heirless property were distributed, pursuant to agreements to which the United States was a party, by the Intergovernmental Committee for Refugees and successor organizations thereto. Acceptance of payment pursuant to this subsection by any such organization shall constitute a full and complete discharge of all claims filed by such organization pursuant to this section, as it existed before the date of enactment of this amendment.

"No payment may be made to any organization designated under this section unless it has given firm and responsible assurances approved by the President that (1) the payment will be used on the basis of need in the rehabilitation and settlement of persons in the United States who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivisions (C) and (D) of subsection (a) (2) of this section; (2) it will make to the President, with a copy to be furnished to the Congress, such reports (including a detailed annual report on the use of the payment made to it) and permit such examination of its books as the President, or such officer or agency as he may designate, may from time to time require; and (3) it will not use any part of such payment for legal fees, salaries, or other administrative expenses connected with the filing of claims for such payment or for the recovery of any property or interest under this section."

SEC. 2. The first sentence of section 33 of such Act is amended by striking out all that follows "whichever is later" and inserting a period.

SEC. 3. Section 39 of such Act is amended by adding at the end of subsection (b) the following new sentence: "Immediately upon the enactment of this sentence, the Attorney General shall cover into the Treasury of the United States, for deposit into the War Claims Fund, from property vested in or transferred to him under this Act, the sum of $500,000 to make payments authorized under section 32(h) of this Act."

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the only purpose of my taking the floor at this time is to get information. May I ask the chairman to whom the money that we are dealing with in this bill belonged, what nationality?

Mr. HARRIS. I will say to the gentleman that the fund originally was property that was confiscated by our Government from enemy nations, Germany and Japan, primarily.

Mr. HOFFMAN of Michigan. Then the Government took charge of that fund because there was no one who needed it was entitled to it legally.

Mr. HARRIS. No; not at all. When we went to war with these nations, their nationals had certain property within the United States. The Government took title to that property as being property belonging to citizens of an enemy country.

Mr. HOFFMAN of Michigan. We took it over.

Mr. HARRIS. We took it over. It so happened that they did the same thing to us.

Mr. HOFFMAN of Michigan. In other countries they took over property that belonged to our citizens.

Mr. HARRIS. That is true.

Mr. HOFFMAN of Michigan. And there is no one now who is legally entitled to the property our Government took over; is that right?

Mr. HARRIS. Yes. The Congress has taken action on numerous occasions, stating how this property should be disposed of.

Mr. HOFFMAN of Michigan. Perhaps I did not make myself clear. This property, generally speaking, was taken over from the Japanese and German nationals during the war.

Mr. HARRIS. That is true.

Mr. HOFFMAN of Michigan. That was common practice in warring countries, but there were likewise citizens of our country in Germany and Japan, for example, whose property was confiscated by those governments; is that right?

Mr. HARRIS. That is true.

Mr. HOFFMAN of Michigan. Now we are giving this property represented by this fund to these Germans and Japs to distribute as they wish.

Mr. HARRIS. No, we do not. We would give it to one or more successor organizations to help settle persecutees who sought refuge in this country.

Mr. HOFFMAN of Michigan. Should we not give it to our citizens who lost property in Germany and Japan to pay them for their losses?

Mr. HARRIS. No, not in this bill.

Mr. HOFFMAN of Michigan. Why not?

Mr. HARRIS. Because that comes under a different program which we are dealing with in the next bill.

Mr. HOFFMAN of Michigan. But if the United States has this property which was taken from citizens of our enemies, and if we have citizens who lost their property in other countries by the action of the governments of those countries why should we not use this fund to pay them for their losses?

Mr. HARRIS. That is precisely what we are doing, not in this bill but in our other bill which will come up next.

Mr. HOFFMAN of Michigan. But why could we not use this? Why do you give this money not to anyone who has a legal claim but to an organization to distribute?

Mr. HARRIS. Primarily because the 83d Congress passd a bill which added subsection (h) to the present law providing for the distribution of property vested as enemy property that was taken from the persecuted persons who died without heirs.

Mr. HOFFMAN of Michigan. Why should not our people who lose their property in Germany, for instance, be paid out of this fund?

Mr. HARRIS. We provide in the bill that is to be called up right after this one how this should be dealt with and how they should be reimbursed for their losses.

Mr. HOFFMAN of Michigan. Where is the money coming from?

Mr. HARRIS. It comes from the same source.

Mr. HOFFMAN of Michigan. You mean this fund?

Mr. HARRIS. Yes.

Mr. HOFFMAN of Michigan. This is only $500,000.

Mr. HARRIS. This is only $500,000 out of a total of about $165 million or more, which is in the hands of the Alien Property Custodian at the present time. We had several hundreds of millions of dollars in this fund to start with following World War II. We paid out beginning in 1948 over $100 million from the war claims fund to our prisoners of war and civilian internees. We have paid out several million dollars to groups in the Philippines out of this fund because of their losses. Therefore this fund has been partly disposed of by the direction of the Congress to pay compensation for damages and injuries resulting from the war.

Mr. HOFFMAN of Michigan. This creates, then, a priority?

Mr. HARRIS. Just as there has been for others.

Mr. HOFFMAN of Michigan. This creates a priority over our own citizens? You are doing this first. You will do the other at another time?

Mr. HARRIS. We are going to get to that other bill just as soon as we get through with this one.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. GROSS. Mr. Chairman. I ask unanimous consent that the gentleman from Michigan [Mr. HOFFMAN] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think the point might better be understood if we realize that this bill is in connection with persons who were not enemies but who were persecuted by the Nazi regime because of racial and religious background. This bill is in that direction, not paying back those who were enemies.

Mr. HOFFMAN of Michigan. I understand that.

Mr. McCORMACK. We recognized that back in 1954 and put through legislation in the sum of not more than $3 million, but they are unable to ascertain who some of the individuals were. So this bill is to bring relief in the direction of those who were persecuted, such as those of Jewish faith, some Catholics, and some others, because of racial or religious reasons.

Mr. HOFFMAN of Michigan. In Germany?

Mr. McCORMACK. In Germany.

Mr. HOFFMAN of Michigan. I have understood that the people who were persecuted, or many of them, had been liquidated.

Mr. McCORMACK. That is one of the difficulties involved here. Many of them they are unable to locate. For example, they found a million dollars, as I understand it, our forces did, in American currency that the Gestapo had, and while they cannot trace it they are satisfied that money belonged to unfortunate persons who were liquidated by the Hitler regime.

Mr. HOFFMAN of Michigan. Did they leave heirs?

Mr. McCORMACK. There is the difficulty. This organization here is a conduit through which the $500 million will be utilized.

Mr. HOFFMAN of Michigan. But that does not go to the heirs of the fellows who were persecuted.

Mr. McCORMACK. If they can locate them.

Mr. HOFFMAN of Michigan. If you cannot locate them, who do you give it to? Who do you repay?

Mr. HARRIS. I would say first that this bill is to provide for the solution of an administration.

Mr. HOFFMAN of Michigan. Saying that the administration approves it does not make it perfect to me. It is the best we can do, I suppose.

Mr. HARRIS. I am saying it involves the solution of an administration problem relating to people who were in the same class as those who died without heirs, and who were persecutees. It is property left by those who were persecuted and exterminated and who have no heirs who might claim this property.

Mr. HOFFMAN of Michigan. That is, to someone who has been persecuted?

Mr. HARRIS. Yes.

Mr. HOFFMAN of Michigan. You are getting around to benefit by association instead of guilt by association.

Mr. HARRIS. Maybe so.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask the chairman this question: Is there a precedent for this kind of legislation, where there may be no heirs?

Mr. HOFFMAN of Michigan. Let me interrupt. It goes, according to his statement, to someone else who has been persecuted. If you have been persecuted, you can get in on it.

Mr. GROSS. I sometimes think I am being persecuted, but I guess not. I would like to get an answer.

Mr. HOFFMAN of Michigan. Why does the gentleman not move to strike out the last word. The gentleman is in my party.

Mr. GROSS. Mr. Chairman, I move to strike the last word. Does this legislation create a precedent?

Mr. MACK of Illinois. No; this does not establish any precedent at all.

Mr. GROSS. Will the gentleman cite other legislation for the same purpose?

Mr. MACK of Illinois. Yes; I would be glad to cite one.

Immediately after World War II there were quite a few persecutees in West Germany.

At that time the Allied Forces had a similar program for the purpose of providing benefits for these persecutees, and they had a similar program for the heirless property, and they provided a bulk settlement in that instance just as we are providing at this time. That was some 12 years ago, I believe.

Mr. GROSS. So this deals with living heirs——

Mr. MACK of Illinois. This thing we are talking about at this particular time——

Mr. GROSS. The example you are using.

Mr. MACK of Illinois. That is the reason I went through all of the detail of the background and the history of this legislation. But, the thing we are dealing with at this time is nothing more than a group settlement procedure for the heirless property, and it is for property which was left by the persecutees who were exterminated by the Nazis.

Mr. GROSS. I still am not convinced that there is any real precedent for specifically doing what we are asked to do here today.

Mr. MACK of Illinois. It follows exactly the same pattern that was established immediately after World War II in the occupied areas.

Mr. GROSS. Does the gentleman think that this could in any way start a chain of events by which support might be given to those refugees, living refugees, over in the Middle East? I understand there are about a million of them living in tents, filth, and squalor over there.

Mr. MACK of Illinois. I think the gentleman is overconcerned. This only applies to persecutees, and this will wind up the program enacted in legislation which was adopted by the 83d Congress. The President has designated a successor organization, and this bill today is a group settlement to wind up this entire program.

Mr. GROSS. Then, there is no money in this bill for those refugees and persecutees, the millions of them that are presently eking out a bare existence in the Middle East; is that right?

Mr. MACK of Illinois. The people are the persecutees residing in the United States.

Mr. GROSS. No one is going to take any better care of them than has been taken in the past, which is a bare existence, is that not right—those homeless, half-starved people who are living in camps in the Middle East? There is nothing being done for them by virtue of this bill?

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. Gladly.

Mr. HOFFMAN of Michigan. If this is Government money, as apparently it is, and we have trouble getting rid of it, why not apply it on the national debt?

Mr. GROSS. That is an excellent suggestion.

Mr. HOFFMAN of Michigan. I thank you.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. HARRIS. I would like to try to clear this up and explain to the House just why we bring this legislation here. Following World War II the United States and its allies adopted a policy providing that the assets of persecuted persons who died without heirs should be used for the rehabilitation and the settlement of surviving persecuted persons belonging to the same political, racial, or religious group as the person who died without heirs. Now that is the policy that was followed. This was embodied in a final act at the Paris Conference in 1946, together with other agreements and treaties which were included, which this country became a party to.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HARRIS. Pursuant to this policy that was embodied in the Paris Conference on Reparations in January 1946, the 83d Congress added subsection (h) to section 32 of the Trading With the Enemy Act. At that time this Congress implemented the treaty agreement which we entered into at the Paris Conference in 1946. In trying to administer the law that this Congress adopted when it implemented the Conference it ran into some administrative difficulties. Now this bill would provide the machinery to clear up those difficulties in order to carry out the policies which were adopted at that time. That is as clear an explanation as I can give the gentleman.

Mr. GROSS. I do not understand why Japanese property is involved in this matter since 90 percent or more of those to be benefited are of one nationality that I never understood had been persecuted by the Japanese. Why is Japanese property being thrown into this pot?

Mr. HARRIS. I would say to my distinguished friend that there is Japanese property involved in this bill.

Mr. GROSS. An earlier speaker said there was German and Japanese property.

Mr. HARRIS. Yes, we vested the property in the United States that was Japanese and German property. However, no Japanese property is involved in the bill. The property involved is primarily property which formerly belonged to Jewish persons who were exterminated by the Nazis.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has again expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6462) to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes pursuant to House Resolution 457, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

WAR CLAIMS ACT OF 1948

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2485) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2485, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I feel I should advise the House at this time that this bill, H.R. 2485, deals with legislation providing for the payment of our own American nationals for damages they received from the enemy as a result of the war. I think I should also advise the House that this is not a unanimous report. The Committee on Interstate and Foreign Commerce brings it to the attention of the House after hearings have been held by the subcommittee whose chairman is the distinguished gentleman from Illinois [Mr. MACK].

Some 14 years have now passed since the end of World War II. Still American nationals who suffered injury or death under the circumstances specified in this legislation or who suffered property damage or loss as the result of military operations, have been waiting for compensation for the losses they have suffered.

The bill, H.R. 2485, which the Committee on Interstate and Foreign Commerce has brought before the House today, is the result of many years of efforts of writing comprehensive legislation in the field of World War II claims of American nationals.

More than 14 years have passed since the end of World War II and still American nationals who suffered injury or death under circumstances specified in the legislation or who suffered property losses as a result of military operations during World War II are awaiting compensation for the losses they have suffered.

If Congress does not act soon many of the persons who suffered these losses will have died and thus only the heirs will secure benefits from this legislation.

Other nations have long since paid their own citizens for similar losses and it is high time that our own citizens be similarly compensated.

What is responsible for the fact that comprehensive war claims legislation has not been enacted almost 15 years after the close of World War II?

The explanation lies in the circumstances that war claims legislation has been tied in closely with enemy property legislation. The writing of adequate and comprehensive war claims legislation is difficult enough a task but the tie-in of this legislation with the highly controversial problem of return of enemy property has proven an almost insuperable stumbling block to prompt and effective legislative action on the subject of war claims.

Let me attempt to give you a brief and very sketchy outline of the history of this legislation up to the present time.

At the beginning of World War II assets located in the United States belonging to the German Government and German nationals and to the governments of other enemy countries and their nationals were vested by the Alien Property Custodian by virtue of the authority granted to the President under the Trading With the Enemy Act as amended by the First War Powers Act of 1941.

At that time the United States seized an estimated $54 million of Japanese-owned assets and $541 million of German-owned assets.

The Trading With the Enemy Act provides that after the end of the war such property shall be disposed of "as Congress shall direct."

Already during World War II Congress gave consideration to the problem of the ultimate use and disposition of these assets.

In so doing, the Members of the Congress concerned with the problem of ultimate disposal of enemy property were mindful of the history of the World War I alien property program.

I do not want to go into detail of that history, which is outlined briefly on pages 3 and 4 of our committee report. I want to state only that during World War I, as during World War II, the United States placed under the control of the Alien Property Custodian assets of the German Government and of German nationals. These assets were to be retained as security for Germany's obligation to pay war damage claims of the United States and of its nationals.

In 1923 Congress passed the Winslow Act, which authorized the return of vested property up to $10,000 in value to all former owners of such property. It was assumed at the time of the passage of this law that the remaining enemy assets would be sufficient to pay the war

claims of American citizens as adjudicated by the Mixed Claims Commission, United States and Germany.

In 1928, Congress enacted further return legislation providing for the return of 80 percent of all vested property still held by the Alien Property Custodian after returns made under the earlier Winslow Act of 1923.

Germany assumed the obligation to make periodic payments over a period of years for the purpose of paying the war claims of American citizens. After making three of these payments, Germany defaulted on her obligation in 1931, and as a result of this default Congress in 1934 stopped further returns to Germany under the Settlement of War Claims Act of 1928.

The result of the alien property program and the War Claims program after World War I was that 80 percent of the assets held by the Alien Property Custodian were returned while the remaining 20 percent have never been returned.

On the other hand, Germany defaulted on her obligation to pay the war claims of the United States and of our American nationals.

This World War I experience must be kept clearly in mind if we are to understand the events following World War II with regard to international agreements and legislation dealing with the twin problem of enemy property and war claims.

Already during World War II bills were introduced in the House, which sought to prevent a recurrence of the events which led to the unfortunate experiences with war claims and enemy property following World War I .

The various bills which were referred to our committee culminated in the enactment of the War Claims Act of 1948, which provided that no property or interest of Germany or Japan or any national of either such country shall be returned to former owners thereof or their successors in interest and that the United States shall not pay compensation for any such property or interest therein.

Furthermore, the Congress provided in 1948 that vested enemy property should be liquidated and the proceeds paid into the War Claims Fund in the Treasury.

Thus, the War Claims Act of 1948 established first of all the principle of "no return." In enacting this legislation the Congress followed the policy incorporated in the Paris Reparation Agreement of 1945 in which the United States and 17 allied nations—(other than Russia and Poland)—agreed to limit their war claims against Germany largely to the assets located in their respective countries and agreed to dispose of such assets in such a way as to preclude their return to German ownership or control.

This policy decision was reached because the Allies agreed that it was in the best interest of all concerned not to burden the vanquished nations with obligations to pay reparations which would hinder the rehabilitation of these nations in such a way that these nations might become a fertile ground for economic and political unrest.

In the second place this policy decision was also based on the recognition that industrial properties owned by German corporations and individuals had been used by their owners for the purpose of advancing the political and economic aims and objectives of the German Government, and thus had been used to advance the war aims of the German Government.

In establishing the War Claims Fund and in providing that the proceeds resulting from the liquidation of vested enemy property should be paid into this fund, Congress established a tie-in between enemy property and war claims.

This was done in the War Claims Act of 1948 and in the same act it was provided that certain categories of war claims of U.S. citizens and particularly claims of American military and civilian personnel who had suffered great hardships and privations in enemy prisoner-of-war and concentration camps should be paid out of the newly established War Claims Fund.

This legislation was a result largely of the outstanding efforts made of two members of the Interstate and Foreign Commerce Committee who concerned themselves with this legislation.

One of these members is still with us in the Congress today—our esteemed colleague, Representative LINDLEY BECKWORTH, of Texas. The other member whom many of you will remember was our beloved colleague, Representative Carl Hinshaw, of California. Due to their efforts largely, American citizens who were imprisoned and interned were compensated insofar as they could be compensated for the cruel hardships, tortures, and privations suffered by them at the hands of our enemies in prisoner-of-war camps and civilian concentration camps.

Since 1948 numerous amendments have been enacted by the Congress to the War Claims Act of 1948 adding additional categories of claimants but thus far no comprehensive war claims legislation has been enacted designed to provide a measure of compensation for other Americans who suffered injury, death, or property losses.

The bill, H.R. 2485, then today represents the culmination of the effort which began during and shortly after World War II.

I have stated already that the questions of return of enemy property and of compensating American war claimants are closely tied together. The delay in enacting the legislation has in my opinion been due largely to the efforts of those who are seeking the return of vested enemy property to former owners.

The legislation before the House today seeks the division of these two problems from each other. It is the opinion of the majority of the committee and I strongly support this view that these two problems cannot be dealt with simultaneously and that we must take the long delayed first step with enacting legislation which provides a measure of compensation to our own citizens who suffered war losses on account of military action during World War II.

The legislation does not propose to deal with the problem of return of enemy property. This question, the majority of the committee feels, must be left to future international negotiations and possibly to future legislation.

The three members of our committee who have signed the minority views disagreed with the course of action proposed by the majority of the committee in this legislation. They feel—and I want to pay tribute to their good faith—that it is unwise for the United States to pursue any further the course which was pursued by our Government following World War II. They feel that if necessary the American taxpayer should be called upon to pay war damages of American citizens. They feel that it would be unfair to the German and Japanese owners of property in the United States to use their property to pay American war claimants in spite of the fact that their respective governments agreed to compensate their own nationals for any losses which they suffered as the result of the taking of their property located in the United States.

I want to stress this and I want to repeat again—when the United States and Germany agreed that reparations would be limited to German property located in foreign countries, the U.S. Government waived more extensive claims for reparations. In return the German Government agreed that German citizens whose property was located in the United States, which would be taken by our Government, would be compensated by the German Government.

To date the German Government has not carried out this obligation which the German Government assumed at Bonn Convention in 1952, and which obligation was reaffirmed in the Paris Protocol of 1954. This protocol was approved by the U.S. Senate on April 1, 1955.

Thus, the agreement to use German assets in this country for the payment of war claims of our citizens was ratified as provided for in the Constitution by the Senate in 1955.

I have taken this time to elaborate on the history of H.R. 2485 in order to give the Members of the House an opportunity to understand and appreciate the complexity of the issues involved in this legislation.

I want to pay tribute to the chairman of the Subcommittee on Commerce and Finance of our Committee on Interstate and Foreign Commerce—our esteemed colleague, Representative PETER MACK, of Illinois—and to the majority and minority members of his subcommittee who labored long and hard during this Congress and the last Congress in holding hearings and deliberating in executive sessions on this complex piece of legislation.

I want to stress that the members of the subcommittee were unanimous in recommending to the full committee H.R. 2485, and I want to state further

that not a single amendment was adopted in full committee to H.R. 2485.

My colleague and friend, the gentleman from Illinois [Mr. MACK], and the members of his subcommittee are familiar—much more than I am—with the many intricate details involved in this legislation and, therefore, they are well qualified to explain to the membership of the House the provisions of this bill.

However, as chairman of the full committee I felt it incumbent upon myself to explain to the House the complicated and long history of this legislation. I feel that this explanation may place in focus the sharp disagreement which exists on the part of those who consider the policy followed by the United States after the close of World War II, which resulted in the taking over of private enemy property for purposes of compensation, is unwise and should be abandoned.

I respect their point of view. However, I would like to suggest to the membership of the House first of all that it is rather late to modify this policy which had its beginning in World War II, and which has been followed not only by our own Government but also by governments of our allies and which has been agreed to by the Governments of Germany and Japan.

Furthermore, I feel that the right to be compensated of American citizens should not be stalled and jeopardized any further by seeking to rewrite a history of international postwar settlements and legislation covering a period of more than 15 years.

Therefore, I shall close my remarks by asking the Members of the House after giving careful consideration to the explanation of this legislation to support the views of the overwhelming majority of our Committee on Interstate and Foreign Commerce and to help our American citizens who have been waiting for 15 years to be compensated for their World War II losses.

In order that you may have a full explanation of the fine work of the Subcommittee on Commerce and Finance, I now yield 35 minutes to the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. MACK].

Mr. MACK of Illinois. Mr. Chairman, this bill, H.R. 2485, is designed to pay American nationals for their losses as a result of World War II. We have given billions of dollars to countries all over the world since World War II, but we have failed to compensate the American nationals for their losses of property and damage in many areas during World War II.

The bill, H.R. 2485, finally, after 14 years following the end of hostilities, is before the Congress and will accomplish this goal. Following World War I, the Congress took action to compensate American nationals 4 years following the end of the war. Now, after World War II, we have waited 14 years. Many of the people who had the claims have passed away and many of them are of advanced age and many of them are in very dire circumstances.

Mr. Chairman, my Subcommittee of Commerce and Finance of the Committee on Interstate and Foreign Commerce has held hearings over the past 3 years on this subject. We have held hearings during this past year and in the months of April, May, June, July, and August before reporting this bill. We feel we have reported the best possible bill and we have eliminated certain areas that we thought would be controversial.

Mr. Chairman, the simple purpose of the bill, H.R. 2485, is to provide some measure of compensation for nationals of the United States who sustained damage, death or disability as a result of hostilities during World War II, and for whom no provision has yet been made. Fourteen years have elapsed since the cessation of hostilities. During that time Congress has provided extensively for war damage rehabilitation in Guam and the Philippines under the Guam Relief Act and the Philippine Rehabilitation Act.

Moreover, under the War Claims Act of 1948, as amended, compensation has been made available to, first, members of our Armed Forces detained as prisoners of war; second, American civilians interned by the Japanese in the Philippines, Midway, Wake, and Guam; third, religious organizations in the Philippines which furnished aid and services to our troops and civilians during the occupation, or which sustained damages to their hospitals, schools, or welfare units; fourth, Americans whose bank accounts were sequestered by the Japanese; fifth, Americans who served in allied forces and who were detained as prisoners of war; and, sixth, American merchant seamen captured on the high seas.

By virtue of peace treaties, international agreements, or foreign domestic legislation, war damage claims attributable to Italy, those arising within the territorial limits of Japan, and those arising in the Western Nations of Europe have been or are being settled.

The bill, H.R. 2485, is designed, to the extent of available money, to provide for settlement of the remaining meritorious claims which had their origin on the high seas, Central Europe, the Asian mainland, and the southeast island area.

The four general types of claims covered are:

First. Damage to or destruction of property located in certain European countries and in areas attacked by the Japanese resulting from military operations or special measures against property—claims for losses arising in the Philippines are allowable where the claimant received no compensation under prior legislation.

Second. Damage to or destruction of ships and ship cargoes as a result of military action.

Third. Net losses of insurers under war-risk insurance contracts covering ships.

Fourth. Death or disability, and property losses, suffered by civilian passengers on vessels attacked on the high seas before December 11, 1941—date on which Germany declared war against the United States.

The bill provides for financing both the payments on awards as well as the expenses of the administering agency out of the residual balances of the proceeds of liquidated assets, vested under the Trading With the Enemy Act of 1916, as amended.

There is no provision for any return of vested enemy assets. This problem received serious and extensive consideration and it was determined that it be passed over for future international negotiations and legislation.

The international law principle of continuous ownership by U.S. nationals from the date of loss to the date of filing has been incorporated in the bill.

Provision is also made for granting priority in payments on awards based upon death and disability claims.

Finally, the bill establishes a bipartisan structure within the Foreign Claims Settlement Commission, and that the members of the Commission, who currently serve at the pleasure of the President, shall henceforward serve for 3-year staggered terms.

It is extremely difficult to measure the cost of the program contemplated by the bill. Of course, in the end the size of the program will be governed by the amounts available for transfer to the war claims fund.

Over the years, the committee has been variously advised through testimony and reports on the subject of costs. During the early stages of committee consideration an estimate, based on a report of the War Claims Commission, was made that in excess of 34,000 claims would be received claiming losses of more than $319 million.

In subsequent testimony the Foreign Claims Settlement Commission reported a hand count of potential claims had established some 28,000 claims. The percentage of claimants who placed a value on their losses was low. Even so, approximately $214 million was claimed.

At another time, the State Department, in reporting on a war claims bill, estimated that more than $232 million would be involved.

During the course of the hearings on H.R. 2485, the former Chairman of the Foreign Claims Settlement Commission stated he felt that a "fairly adequate program" could be administered at a cost of $100 million for claims which arose in Europe, and a cost of $10 million for those which arose in the Pacific theater. Admittedly, these amounts would necessarily provide only partial payment.

Thus we appear to have a rubberband that expands or contracts to fit the circumstances.

The committee has been advised that about $100 million currently in the hands of the Alien Property Custodian are now available for deposit into the war claims fund. Upwards of another $150 million is held in reserve because of litigation or administrative procedures with respect to specific assets. Principal among these

is General Aniline & Film Corp., involving some $100 million plus.

In short, a potential $250 million could become available for the settlement of war claims of American nationals under H.R. 2485.

One more observation with respect to the size of the program under this legislation. The history of World War I claims may be relevant here.

More than 21,000 claims were filed claiming in the aggregate over $1.5 billion. At the close of that program, slightly more than 7,000 awards had been made in the principal amount of $139 million.

Thus it can be seen that little if any reliance may be placed on cost estimates prepared on the basis of claims advanced by potential claimants.

Mr. Chairman, my distinguished colleague from Arkansas has already alluded briefly to the history of enemy property and war claims following World War II.

Shortly after this country entered World War II the assets of the countries with which we were at war and their nationals were placed in a blocked status. These assets were subsequently vested and liquidated. Under the provisions of section 39 of the Trading With the Enemy Act the net proceeds were directed to be covered into the War Claims Funds to be available for expenditure only as the Congress might provide.

Thereafter the several categories of claims provided for in the War Claims Act of 1948 and amendments thereto resulted in a disbursal of approximately $230 million.

In all, an estimated $54 million of Japanese-owned assets and $541 million of German-owned assets were seized.

The Government-owned assets of Bulgaria, Hungary, and Rumania have already been applied to war and postwar claims of Americans. Italian assets were returned to their former owners because Italy agreed to compensate our aggrieved nationals. In the main Italy has completed this undertaking.

H.R. 2485 proposes the utilization of the remaining balances of the net proceeds of the German and Japanese assets available for deposits into the war claims fund, in compensating those American war claimants still unsatisfied.

The history of our experience with a comparable problem after World War I has considerable bearing on the proposals contained in the bill. That history discloses that under the Knox-Porter resolution of July 2, 1921, the United States held similarly vested assets. The Congress in adopting that resolution directed that those assets be retained as security for Germany's obligation to pay the claims of United States and its nationals arising out of the war. Subsequently, this resolution was incorporated in the Treaty of Berlin of August 25, 1921, which ended the state of war between the United States and Germany.

The two Governments, in August of the following year, concluded an agreement establishing the German-American Mixed Claims Commission. The function of this Commission was to process the claims of the United States and its nationals against Germany. However, no funds were provided under the agreement for the payment of awards authorized by the Commission.

The Winslow Act of March 4, 1923, provided for a return to all former owners of vested property amounts up to $10,000, on the premise that the residue would be adequate to satisfy the awards to Americans.

Again, the Congress in 1928 enacted the Settlement of War Claims Act which authorized further return of 80 percent of former enemy property after the provisions of the Winslow Act had been applied. The balance of 20 percent was retained for application to the awards of the Mixed Claims Commission.

This balance of 20 percent was to be augmented by German Government payments to the United States under the Dawes plan, which had reduced the German reparation obligations.

However, this financing plan turned out to be insufficient to meet the awards authorized. As a result, a further agreement, designated "The Debt Refunding Agreement of 1930," was entered into by the two Governments. Under the provisions of this agreement, the United States agreed, without security, to accept the German Government's en bloc obligation to provide 103 semiannual payments in the amount of 40,800,000 reichmarks each, in lieu of reparations.

Here again, it was estimated that adequate money would thus be received after all payments had been made to satisfy the awards of the Mixed Claims Commission.

Only three such payments were made, and Germany defaulted in 1931. It was not until 1934 that the Congress halted further returns adopting the Harrison resolution. No provision has ever been made for return of the 20-percent balance retained.

The United States ended up having returned 80 percent of vested property while Germany defaulted on its obligation to satisfy the claims of the United States and its nationals.

Almost from the very time enemy property was seized during World War II there have been proposals, both legislative and otherwise, to retain it for the purpose of satisfying war damage demands of American nationals. Bills to this end were repeatedly introduced.

After the cessation of hostilities the United States and 17 allied nations, with the exception of Russia and Poland, entered into the Paris reparation agreement. The signatories agreed to restrict their individual reparations demands against Germany principally to assets situated within their respective countries. They further agreed to hold or dispose of these assets in a manner which would preclude their return to German ownership or control.

This decision was motivated by the collapse of the scheme to derive satisfactory World War I reparations from German postwar production. It was also deemed wise in order that Germany might become rehabilitated without the burden of continuing reparation payments.

The treaty of peace with Japan gave effect to the policy of the retention of vested assets. The United States recognized the postwar inability of Japan to recover economically under the yoke of payment of substantial reparations. Under the treaty it was agreed that the United States, with whom Japan had been at war would retain the assets of Japan and its nationals located within the respective countries and to waive claims to further reparations. In return Japan agreed to satisfy all claims of U.S. nationals for damage to or destruction of their property located within the territorial limits of Japan.

Moreover, Germany also gave cognizance to this policy in the Bonn Convention of 1952 with the United States, Britain, and France. The Federal Republic agreed to satisfy the claims of its own nationals for property lost as a result of the allied vesting procedures. On the other hand, the Allied Powers undertook to forego further reparations claims against current German production.

This agreement was subsequently reaffirmed in the Paris Protocol of 1954, under which the Federal Republic of Germany was recognized as a sovereign State. The Senate approved the Paris Protocol in April of 1955, and it became effective on May 5, 1955.

The history of the War Claims Act of 1948, as amended, has been previously outlined. In addition to the initial categories of claims for which provision was made the War Claims Commission was required to complete a study of all types and categories of World War II claims, and to report thereon, making appropriate recommendations for future legislation. The completed report was transmitted to the Congress in January 1953.

During the interim the executive branch has conducted a continuing analysis of the recommendations. This has resulted in a number of piecemeal amendments to the War Claims Act. H.R. 2485 is designed to fill the remaining gap.

The bill is an administration measure, transmitted to the Congress by the Foreign Claims Settlement Commission. The committee substitute is substantially comparable but includes the following changes:

First. The definition of "national of the United States" with respect to corporations, has been changed to provide that a corporation, to qualify as a claimant must be over 50 percent owned, directly or indirectly, by U.S. civilian nationals. The administration proposal would have qualified corporations owned 50 percent or more by U.S. nationals.

Second. Two additional categories of property damage claims have been authorized. The first category involves a few claimants whose property was located in areas in portions of Hungary and Rumania. This change is favored by the Commission and is desirable in order to complete war damage claims

coverage. Under Public Law 285, by reason of reference to the peace treaties, war damage claims for the Balkan countries were restricted to claims arising in the Balkan countries as they existed on September 15, 1947, the peace treaty date. In H.R. 2485, the war damage claims are limited to the named countries which are defined in section 201(a) as they existed on December 1, 1937. Between these two dates Hungary and Rumania lost certain territory to Czechoslovakia, and in the case of Rumania to Russia. The result has been that a relatively small number of war damage claims were denied under the Balkan program, and absent the amended language, would be denied under H.R. 2485. In the interest of justice and equity, claims in these areas should be compensable.

The second category of claims provides that certain claims not paid under the Philippine Rehabilitation Act of 1946 now would be compensable. Under section 213(f) payments on these claims are limited to the amount—percentage—paid on awards under the 1946 act. This provision is included to take care of U.S. citizens who were denied recovery under the 1946 act, although otherwise eligible, because payments had to be reinvested in the Philippine Islands.

Third. The committee added to the claims of insurers of ships, net losses on policies of war risk insurance provided for ships where the ships were indirectly owned by nationals of the United States. This provision makes the insurer claims parallel the claims authorized for shipowners.

Fourth. The committee omitted from the class of claims permitted under the bill claims for damages arising out of removals of industrial equipment for the purpose of payment of reparations.

Fifth. The committee substitute presents a complete redraft of the section on stockholder claims. The new language is taken from Public Law 85–604. This change is favored by the Commission as consistent with the most recent expression of congressional policy—the Public Law 85–604 language originated with executive branch. The significant change is in (c) where the indirect stockholder claim requirements have been liberalized to conform to Public Laws 285 and 85–604 provisions.

Sixth. The committee has added a tax credit offset provision to be applied against corporate claimants who receive an award exceeding $10,000 on an allowable loss.

Seventh. The revised bill would require the Commission to complete claims determinations in 4 years rather than 5.

Eighth. The decisions of the Commission are required to specifically state the facts and reasoning in support of its decision.

Ninth. The membership on the Commission be reconstructed 1 year after enactment so that it becomes a bipartisan Commission of three members with 3-year terms, one vacancy occurring each year.

Tenth. The committee substitute provides that claims arising out of Japanese action will be paid out of the war claims fund, rather than out of appropriations, as provided in the introduced bill. The Department of State has taken exception to this amendment, as shown by a letter from the Department dated August 21, 1959.

The Department of State in this letter took the position that it was neither equitable nor advantageous from the viewpoint of our relations with Germany to require that the proceeds of vested German assets should be used to compensate American citizens for war losses brought about by Japanese action.

The letter pointed out that approximately $125 million derived from the sale of German vested assets had to date been used to pay American war damage claims against Japan.

The Department advised the committee that under these circumstances the further use of proceeds from vested German assets for the payment of additional war claims of American nationals arising in the Pacific theater might very well result in a subsequent administration request to the Congress for an appropriation to restore the funds so diverted. The Department, therefore, proposed the authorization of an appropriation of $10 million for the payment of Pacific theater claims of American nationals.

Both the subcommittee and the full committee have carefully considered this recommendation and it was the unanimous view of the subcommittee and the view of the overwhelming majority of the full committee that war claims of American nationals should be paid out of the war claims fund and not out of appropriated funds and that the question of authorizing an appropriation for any return of vested enemy property be left to the future.

The view advanced by the Department of State is one of a series of different views advanced over the years since the 83d Congress as a result of what I might call the "flexible" or "fluid" policy of the Department of State.

As the committee report demonstrates in detail, the Department of State has at different times since 1955 requested the introduction and consideration of different legislative proposals dealing with war claims and enemy property only to withdraw subsequently its support from the bills introduced at the Department's request. This procedure has contributed materially to the difficulties encountered by our committee in preparing comprehensive war claims legislation and has thus delayed the payment of compensation to our citizens for war losses suffered by them.

I do not need to go into this history of shifting State Department positions in any further detail because this history has been covered very completely in section III of our committee report.

Addressing myself specifically to the bill before you, Mr. Chairman, I suggest that sections 1, 2, and 3 are technical provisions making the present War Claims Act of 1948 title I of that act; changing the word "Act" wherever it appears therein to the word "title"; and establishing a new title II.

Section 201 contains the definition provisions of the bill.

Paragraph (a) thereof defines the territorial limits of the countries within which the losses covered by the bill must have been suffered.

Paragraph (b) merely provides that the word "Commission" shall mean the Foreign Claims Settlement Commission.

Paragraph (c) defines the term "national of the United States" to mean citizens or nationals. It also requires that for a corporation or other legal entity to be eligible as a claimant it must be more than 50 percent owned by U.S. citizens or nationals and to have been organized under laws of the United States, a constitutional State, or the District of Columbia.

Paragraph (d) defines "property" as real property and tangible personalty.

CLAIMS AUTHORIZED

Section 202. This section contains four subsections, (a) through (d), each of which contains provisions for specific types of claims which the Commission would be authorized and directed to administer.

Subsection (a) authorizes claims arising from the physical damage to, or physical loss or destruction of property (a defined term under the bill), which at the time of such damage, loss or destruction was located in Albania, Austria, Czechoslovakia, Free Territory of Danzig, Estonia, Germany, Greece, Latvia, Lithuania, Poland, Yugoslavia or in territory occupied or attacked by Imperial Japanese forces. In determining whether the loss occurred in any of the countries named, reference will be made to the boundaries of such countries as they existed in continental Europe on December 1, 1937, in accordance with section 201(a).

This subsection further requires that such loss, in Europe, shall have occurred in the period beginning September 1, 1939, when active military operations began with the invasion of Poland by Germany, and ending May 8, 1945, the day following Germany's unconditional surrender and the cessation of military operations in the European Theater. Pacific Theater losses must have occurred in the period beginning July 1, 1937, the approximate beginning of full-scale military operations on the Asiatic mainland, and ending September 2, 1945, the date of the formal Japanese surrender. The loss, damage, or destruction in either case must have occurred as a direct consequence of military operations of war or from special measures directed against property in the countries or territories named, and in the respective periods of time specified, because of the enemy or alleged enemy character of the owner.

It is further required that the property forming the subject matter of a claim under subsection (a) of section 204 must have been owned directly or indirectly at the time of its loss, damage, or destruction by a national of the United States, as such term is defined in subsection (c)

of section 201. A subsequent section of the bill prohibits any award unless the claimant and all predecessors in interest were nationals of the United States continuously from the date of loss to the date of filing the claim.

Subsection (b) authorizes claims by American ship or cargo owners for their losses resulting from military action by Germany or Japan in the period September 1, 1939, to September 2, 1945. Marine insurers or reinsurers or their assignees are not eligible claimants under this subsection. The latter claims are provided for in section 203(c). Subsection (b) is designed to take care of possible claims by self-insurers, particularly in the period, early in 1942 when no such insurance, either Government or private, was available, and where essential defense or war materials were being shipped abroad.

Subsection (c) authorizes the same type of marine loss claims as in subsection (b) but only in the case of marine insurance or reinsurance underwriters who suffered net losses on policies underwritten for American hulls during the same period, September 1, 1939, to September 2, 1945. Except for a short period, early in 1942, such insurance was otherwise available. The underwriters were depended upon, during this period, for insurance coverage. Thus they prevented any substantial diminution in the flow of war materials and supplies abroad. Under this subsection the companies would file, not as subrogees but as direct claimants for net losses which they sustained, in other words, for the difference between their aggregate premium receipts on all such policies, under which the insured was a national of the United States, and the aggregate of indemnity payments after deducting expenses.

Subsection (d) authorizes death, injury and property loss claims by American civilian passengers aboard commercial vessels resulting from German or Japanese attack on the high seas. Such death, injury, or loss must have occurred in the period beginning September 1, 1939, just prior to the sinking of the SS *Athenia* on September 3, 1939, and ending December 11, 1941, the date upon which Germany and Italy declared war on the United States. It is believed no such vessels carrying American civilian passengers were sunk or destroyed by enemy action after that date, and in any event, there were ample deterrents to civilian travel in the period of open hostilities. American passengers on such vessels prior to the war, as in the case of Americans killed or injured on the *Athenia,* were the unwitting victims of enemy attack, a risk which they did not knowingly assume.

Death claims by eligible survivors would be payable only to the surviving widow, husband, children or parents of the deceased as in the case of similar claims under other sections of the War Claims Act. Claims for personal injuries, however, following the general rule of law governing survival of actions, would not inure to the benefit of any particular survivors if the injured claimant dies while his claim was pending, or prior to an award, except if his death was directly attributable to injuries sustained in the manner and in the period specified above.

Property loss claims by such American passengers would be confined to property as that term is defined in section 201(d). It would be property reasonably expected to be in the claimant's possession at the time of loss. For the most part these claims will not be large dollarwise and will include luggage, personal belongings and the like. Whatever the property may be, appropriate proofs of ownership, identification and value will, of course be required.

TRANSFERS AND ASSIGNMENTS

Section 203: This section would permit the filing of a claim under subsections (a) or (b) of section 202—property damage and direct ship or cargo loss claims—by the original owner of the property notwithstanding the sale or assignment for value of such property subsequent to its damage or loss. It would also permit claims to be filed by assignees to whom a claim had been assigned for value under subsections (a) or (b) of section 202 at any time prior to the enactment of proposed title II of the act. The rules of eligibility and entitlement to an award, in the case of such assignees, would, of course, remain unchanged.

NATIONALITY OF CLAIMANT

Section 204: This section prohibits the allowance of any claim unless the claimant and all predecessors in interest were nationals of the United States on the date of the loss, and continuously thereafter until the date the claim was filed with the Commission. The only exception is in the case of a married woman claimant who did not have her U.S. citizenship between these two dates under earlier immigration laws, solely by reason of marriage to an alien but who reacquired such citizenship prior to the date of enactment of proposed title II.

Section 205: Paragraph (a) would preclude claims by stockholders where the corporation is itself an eligible claimant.

Paragraph (b) provides that where the corporation is ineligible the eligible stockholder will be limited on the loss to the proportion his interest bears to the entire ownership of the corporation.

Paragraph (c) requires 25 percent U.S. ownership of corporate stock in indirect claims.

Section 206: This section required reduction in the amount of an award where some measure of compensation has been received based on the same loss.

Section 207: This section permits the Commission to consolidate awards where a single claim has now vested in several persons.

Section 208 would prohibit awards to persons guilty of disloyalty to the United States.

Section 209 concerns the certification of Commission awards to the Secretary of the Treasury who is responsible for making payments.

Section 210 directs the Commission to publish notice of the claim filing period.

Section 211 limits the adjudicating program to a period of 4 years.

Section 212 requires that the decisions of the Commission contain a specific statement of the facts and reasoning on which it is based.

Section 213 establishes the manner of payments on awards providing payment in full on disability and death awards, and limiting initial payments on awards in excess of $10,000 to $10,000.

Section 214 limits attorneys' fees to 10 percent of the payment on an award.

Section 215 incorporates by reference procedural provisions of other laws administered by the Commission.

Section 216 authorizes transfer of pertinent records to the Commission by other Government agencies.

Section 217 authorizes appropriations for expenses of administrating the program.

Bill section 4 is a committee amendment providing that the members of FCSC, who now serve at the pleasure of the President, shall in the future serve 3-year terms. The first three appointments shall be staggered at 1, 2, and 3 years respectively. This amendment requires that in the future no more than two of the three members shall be of the same political party at the same time.

Bill section 5 provides for the transfer of the proceeds of liquidated assets not otherwise required into the War Claims Fund.

Bill section 6 is the standard severability clause.

Mr. Chairman, I reiterate the sentiments of my distinguished colleague from Arkansas in support of H.R. 2485. Time is running out for many of these claimants. As testimony before the committee revealed many are destitute, aged, or infirm. It would be, I think, far better that they realized some measure of recompense now than that it go to their children, grandchildren, and great-grandchildren.

I am in full realization of the controversial nature of the measure. However, a great deal of thought, time, and effort has been expended in consideration of the problem and I think the bill is the most reasonable, moral and legal answer to it.

Mr. Chairman, as I stated originally, my committee has been working on this program for almost 3 years. It is a very difficult subject. I think one of the reasons that we have not previously paid our American claimants is because there has been some pressure for general return legislation, to return vested assets. I do not believe we should get into a controversy at all over that subject, although my views have been made known on numerous occasions. I believe that our first obligation is to take care of the American claims and then proceed with the other problem.

Mr. MACHROWICZ. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman.

Mr. MACHROWICZ. Mr. Chairman, I am sure the gentleman knows that at this session of the House I introduced a bill, H.R. 2913, which would include in the term "national of the United States" those who were citizens at the time of the enactment of the section, and also would allow the Commission to receive and determine claims of all those who are today American citizens, who served in the military, naval, or air force of any government allied or associated with the United States during World War II.

The gentleman and his subcommittee were kind enough to grant us a hearing on this bill. Several distinguished Members of the House and other witnesses testified before the committee. I had hoped that the provisions of that bill might be included in the legislation which we are considering at this moment. I should like to ask the chairman if the fact that those provisions are not included in this legislation precludes the committee from considering that as separate legislation, or reporting it out if it finds it proper to report the bill which I had introduced and to which I have just referred.

Mr. MACK of Illinois. Not at all. I might say to the gentleman that I have a great deal of sympathy for his proposal. We did consider at one time having an omnibus bill to include various subject matters related to this field. We decided against it, and when we made that decision we excluded the gentleman's proposal and several others. I am hoping that our Subcommittee on Commerce and Finance will give due consideration to the gentleman's proposal and several other proposals which have been made and which I feel are meritorious.

Mr. MACHROWICZ. I thank the gentleman and I hope his committee will find it proper to present that proposal in the near future.

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman.

Mr. McDOWELL. Mr. Chairman, I should like to ask the chairman whether or not a claim of an American citizen for property which had been confiscated by the Hungarian Communist Government could be included properly in this bill; that is, whether it would be proper to include Hungary under the provisions of this bill so that a claimant in that category could be taken care of.

Mr. MACK of Illinois. No; the purpose of this bill is to compensate American nationals who lost property as a result of military action in World War II. I do not think the gentleman's amendment would be germane to this bill. In addition to that I might say that we would be very happy to look into the possibility of dealing with that particular problem in our subcommittee.

Mr. McDOWELL. Mr. Chairman, I certainly appreciate the gentleman's thoughtfulness in saying that his committee would be willing to look into this. These are very distinguished citizens in my State, Joseph Smith and his wife Margaret, whose property was violently confiscated by the Communist Government.

I might add that I would hope that committee might in its wisdom find time to consider this matter and bring it before the House, before the House takes up the reorganization of the Social Security Act, which I support, but which can be very embarrassing to our constituents, who cannot understand why as American citizens they cannot have their claims justly settled for property confiscated by foreign governments where at the same time we do more by including them in this social security program.

Mr. MACK of Illinois. I have a great deal of sympathy with this problem. It has been called to our attention before. But this does not relate to the problem immediately before us. For that reason I do not think it would be appropriate to have it included in this legislation.

Mr. McDOWELL. I thank the gentleman.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I should like to associate myself with the remarks of the gentleman from Michigan [Mr. MACHROWICZ]. I am very delighted to hear the gentleman from Illinois [Mr. MACK], the chairman of the subcommittee that considered the legislation we are now considering, assure us that due consideration will be given to H.R. 2913. There are many of us here who have introduced companion measures to H.R. 2913 who had intended to offer amendments today to this legislation, but in view of the assurance from the gentleman from Illinois that this legislation will be given due consideration in the whole committee we will withhold those amendments. However, I do feel very definitely that we have in this country today thousands of American citizens who have been nationals during the war in central Europe who have made a most profound contribution toward the victory the United States experienced in that war, working very closely with our allied forces. Certainly these people have suffered great losses at the hands of the enemy. They are well deserving of consideration for reparation at this time.

I thank the gentleman.

Mr. MACK of Illinois. May I say to the gentleman from Illinois that it is a problem we hope we can deal with. We do have a very heavy schedule. I am unable to make any commitment concerning further hearings we might hold on that subject.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from Texas, who is a former chairman of this subcommittee, and I believe is the author of the War Claims Act of 1948.

Mr. BECKWORTH. I know the gentleman has worked very hard on this subject and been very sincere and devoted in his efforts.

The gentleman mentioned that a shipowner who might have had his ship registered under the Panamian flag would be compensated, as I understood the gentleman. What is the total amount a shipowner might get in that situation? I am talking about one owner.

Would the gentleman say, if the ship is worth as much as $100,000, he could get that amount of money out of this fund?

Mr. MACK of Illinois. Yes. If the gentleman understands the bill generally, and I am sure he does understand it, initially there will be a maximum of $10,000 which will be paid to any one claimant.

Mr. BECKWORTH. Even though the owner actually lost $100,000 he still could recover but $10,000?

Mr. MACK of Illinois. No, that is not quite true.

Mr. BECKWORTH. That is what I want to clear up. I did not understand it.

Mr. MACK of Illinois. He first will be paid a maximum of $10,000. First of all, they will pay in full death and disability claims. Secondly, they will pay all claims up to $10,000 and then periodically, as the fund permits, they will prorate the balance and make additional payments. If there is enough money in the fund to pay all the claims, eventually he would get the entire amount.

Mr. BECKWORTH. On the basis of the calculations that have been made, assuming that there might be $250 million in the fund, about what percentage would go to a shipowner or to that category of claimant as compared to the percentage that would go for the payment of claims arising out of the loss of life?

Mr. MACK of Illinois. I think you will find that there is a limited number of people who lost their lives who come under the provisions of this bill. I would like to call the attention of the gentleman to the fact that the death and disability and property losses suffered by civilian passengers on vessels attacked on the high seas involve only a very limited number of cases and the big item is the property loss claims.

Mr. BECKWORTH. Would it be fair to say that the purpose of the bill largely is to compensate those who have suffered property damage rather than physical or personal injury?

Mr. MACK of Illinois. The gentleman is entirely correct.

Mr. BECKWORTH. I thank the gentleman for making that point clear. Now our colleague, the gentleman from West Virginia [Mr. BAILEY], referred to a letter from the American Legion. As a matter of fact, I see the letter here on page 538 of the hearings. Is this the bill that the Legion opposes or is this bill one of a number of bills that the Legion opposes?

Mr. MACK of Illinois. No, I think the Legion is opposed to the general return bills. If my memory serves me correctly,

the Legion supports the payment of American claims.

Mr. BECKWORTH. Does the gentleman have a reference on that and, if so, would he state the reference for the RECORD?

Mr. MACK of Illinois. I do not have the letter immediately before me, and I have not had an opportunity to read it today, but I have read the letter.

Mr. BECKWORTH. Would the gentleman place the letter in the RECORD at this point to show how the American Legion stands on this bill? I wish to know, in view of the letter to which I refer, whether the American Legion is for or against this bill.

Mr. MACK of Illinois. I might say to the gentleman that this is a good bill whether the American Legion endorses it or not.

Mr. BECKWORTH. That is not the point involved here at all. Does the American Legion have a position on this bill, and if it has a position and the position has been stated on this bill; could that not be placed in the RECORD at this point?

Mr. MACK of Illinois. I would like to state that the Legion opposed general return legislation. At the time they filed their letter, we had several bills before us for that purpose.

Mr. BECKWORTH. I want to clear this point up because there seems to be some misunderstanding about it. Would the gentleman from Illinois distinguish between American citizens and American nationals, if there is any difference as they are spoken of by you?

Mr. MACK of Illinois. The term "American nationals" includes all U.S. citizens and those people who owe allegiance tc the United States of America but who are not granted full citizenship. That was true in the case of the people of Guam.

Mr. BECKWORTH. Would most of these people be citizens or nationals?

Mr. MACK of Illinois. It is my opinion that most of them would be citizens. We have used the words "nationals" in order to include nationals who might have suffered losses.

Mr. BECKWORTH. If this bill passes, would the gentleman be of the opinion that there would be no more money in the enemy property fund with which to pay former prisoners of war more money?

Mr. MACK of Illinois. All of the prisoners of war have been paid, and the program has been closed. It is difficult to estimate the amount of money that would be consumed as a result of the passage of this bill. If the gentleman is asking my personal opinion, I would say I think that is correct, that substantially all of the money in the fund would be consumed in the payment of the American war claims.

Mr. BECKWORTH. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MACK] has again expired.

The gentleman has consumed 38 minutes.

Mr. BENNETT of Michigan. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I have no personal or constituent interest in this legislation. I am opposed to it because in my view it violates every principle of justice, fairness, and decency concerning the sanctity of private property. Prior to World War II this Government had never endorsed a policy permitting the property of private citizens of foreign countries to be confiscated for public use without compensation to those citizens, or that such property could be used for payment of obligations of the Government under which they happened to have citizenship.

In the bill before us, the policy to be applied and the facts involved are relatively simple. When the war started by Germany and Japan, many citizens in those countries had bank accounts, stocks and bonds, and other property in this country. Certainly, enlightened self-interest required our Government to confiscate that property or to take control of it so that it could not in some way be used against us during the time the hostilities continued. That procedure followed was in the case of Japan, Germany, Italy, and other enemy countries.

Now we are about 14 years from the time those hostilities ended. As a result of taking over the private property of Japanese and German citizens—I shall discuss it only with reference to the Japanese and Germans, because the individuals who had their property confiscated by our Government, in all other countries has been returned to them.

So there remains in this fund today only the property of Japanese and German citizens. After the war was over we had negotiations with our former enemies, and with respect to the Germans we made agreements with them that there would be no reparations as far as we were concerned. We persuaded some of our allies to make similar concessions to the German Government because of our feeling that after World War I the reparations obligation of Germany was so great they could never pay it, and they never did.

So there has never been any World War II obligation on the part of the German Government or on the part of the Japanese Government to pay this Government or to its citizens one single cent.

The German Government in 1952 did agree that the property of its citizens taken by us should be retained here, and further agreed to repay their people whose funds we had taken.

If the German Government had carried out its part of the agreement there would not have been any controversy; because whether the money that we have taken here is repaid by us to the German of Japanese people or whether it is repaid to them by their own government is a matter of no consequence; the consequence is whether any of them do get it back or whether their private property is to be confiscated for public use without compensation as it is proposed to do under the terms of this bill.

The German Government has not carried out its obligation; they have not repaid their people, and, of course, our people have not been paid. Certainly the American people who have lost property overseas as a result of German and Japanese aggression ought to be repaid. But they ought to be repaid by the governments responsible for the losses. This bill places that obligation on a few individual citizens of those governments.

We have not only freed the German Government from all forms of reparations, but since the end of the war we have given them foreign aid funds—in the amount of some $4 billion, ostensibly in loans but principally in grants.

Everyone knows that we will never collect these alleged loans. And yet we are here today making 30,000-odd German and Japanese people use their private property to pay a debt of their Governments that we have not asked or expected their Governments to pay.

Mr. Chairman, a gentleman on the other side of the aisle asked a question of the gentleman from Illinois [Mr. MACK], he said he had a constituent who lived in Bulgaria or had a relative over there, anyway an American citizen, who had property taken by the Communist Government of Bulgaria. He wanted to know if this bill would take care of that constituent. If the philosphy of this legislation is to prevail, do you know how we could take care of that citizen? This Government could confiscate private property of Bulgarian citizens in this country, if any could be found and use it to pay the constituent of the gentleman who asked the question.

If we adopt the principle in this legislation of confiscating private property without compensation, what are we going to say or do in the case of our near neighbor to the south and in the case of other tyrants and dictators throughout the world who confiscate the property of our citizens, without compensation? Can we object to such tyranny with any real sincerity or conviction if today we make the private property of a few thousand individual German and Japanese citizens responsible for the national debt of their countries? I do not think so, Mr. Chairman.

I know it has been the policy of this administration and the preceding two administrators to urge not only the spending of our Government's money on these giveaway programs, point IV and similar types of foreign aid, but also to encourage private investment abroad. Today some $60 billion of private American capital is invested in foreign countries. What if those countries confiscate it, take it over, nationalize it, or otherwise expropriate it? What is our answer? Find some of the citizens of such countries who own property in this country, take it away in retaliation, then use that to pay the people from whom Castro, Nasser or whoever made the extractions? That is the fine principle enunciated in this legislation. I do not object to the repayment of American claimants. I think they ought to be

paid. But if we pay them under this bill, we will set a precedent this country has never before set. I think a most dangerous one that we will regret for many years to come. Let nations, not a few selected citizens, pay the extravagant costs of aggressive wars.

Mr. DORN of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from South Carolina.

Mr. DORN of South Carolina. The gentleman is absolutely right about the validity of using this money. Germany signed a solemn treaty, she was tickled to death to do so, not to be assessed reparations of some $300 million for the cost of the whole war. She got out light. It is absolutely ridiculous for this high-flying lobby in Washington to keep telling the American people that we are taking private property. That is the farthest from the truth. Germany agreed to relinquish this money and she gladly did so.

I would like to ask the distinguished gentleman from Michigan, after this bill is passed and becomes effective, would there be any money left in this fund?

Mr. BENNETT of Michigan. I do not think so.

Mr. DORN of South Carolina. In other words, there will not be enough for the bill I introduced to take care of the children of totally disabled veterans so far as education is concerned?

Mr. BENNETT of Michigan. There will not be any money left. As a matter of fact, I think it is pretty well known that there will not be any funds left, because the bill places a ceiling of $10,000 on initial claims and then divides it up pro rata after that. As I said a little while ago, that is not a completely honest approach in paying legitimate claims. And why not make the German Government, not a few German citizens, pay for it? That is my position.

Mr. DORN of South Carolina. I agree with the distinguished gentleman and I wish to compliment him for his very able statement.

Mr. BENNETT of Michigan. I thank the gentleman.

Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. GLENN].

Mr. GLENN. Mr. Chairman, this bill is a supplemental amendment to the War Claims Act of 1948. It will provide relief to many Americans with claims against Germany who have been waiting since 1945. It will also compensate American nationals with claims arising in the Pacific theater not covered by the treaty of peace with Japan, or current U.S. war claims legislation.

It is a controversial bill—as are all matters arising out of war and its aftermath. It has been 14 years in the making. It is the culmination of studies, reports, negotiations with our late enemies, administration policy changes, and the ensuing bills and many hearings thereon in the recent Congresses. In addition to the present administration bill, there have been a number of other bills introduced and considered having to do with many specific situations, which presented an insurmountable task to cover all in one general, and it is hoped, final war claims bill.

Under the kindly perseverance of our very capable chairman of the Subcommittee on Commerce and Finance, PETER MACK, all claimants or their representatives, have been heard, executive sessions with the very experienced staff have been held, and the administration's present bill redrafted into a committee substitute, which follows the administration's proposals very closely.

There were eight minor changes and only one major change, which calls for comment. It is the deletion from the administration's bill of a provision for an appropriation of $10 million out of Treasury funds for the payment of claims arising in the Pacific theater, and the placing of this amount in a so-called Japanese claims account. The State Department is of the opinion that the funds now in the war claims fund, amounting to an estimated $100 million, be used solely for losses and injuries arising out of the European theater. The subcommittee was unanimous in its decision not to force the American taxpayer to put up $10 million for the payment of the Pacific claims, and decided that the funds as presently constituted in the war claims fund should be used in the payment of all claims from both theaters.

Other than this, I believe it can be said that this bill is an administration bill, particularly keeping in mind the desire of the administration to bring this program to a conclusion, so that the settlement of the claims authorized under the bill should not be delayed any longer. It is becoming increasingly difficult by the passing of time to process these claims with the mounting difficulties of establishing titles, succession, and valuations, to say nothing of the increasing administrative costs.

It must also be noted that delay detracts from the amount which will eventually be available for distribution to these claimants. I recall how pitiful it was, during the hearings held by the subcommittee, to see and hear the elderly claimants, who have waited for some relief from the administration and Congress for these past 14 years. Elderly Americans who, by reason of enemy action, lost their property or were injured through no fault of their own. We have the means of compensation out of the war claims fund, and all that is needed is this authorization bill to give to these people that which should have been theirs years ago.

This is not a perfect bill, nor is it an encompassing solution of the many difficult problems, which were brought to the attention of the committee, but it is a broad framework of authorization and guidance to the Foreign Claims Settlement Commission enabling and directing it to bring its program to an end within 5 years.

If we do not pass this bill at this session, it will only mean another bill at the next session, with more time-consuming hearings. additional administration expenses, and great disappointment and perhaps suffering to the claimants. It is unconscionable and unreasonable to permit this situation to continue unresolved while comparable claims in most other areas have been settled and disposed of.

I do not believe there is any disagreement with what I have said to this point. The main objection comes from those who insist on the application of the abstract theory of the sanctity of private property and hence the return of these vested enemy assets to their former owners, or their successors and assigns. The sanctity of private property is a keystone of our common law, and it is fundamentally attractive to the legal trained mind. No objection could be made to its usage in any situation with normal and peacetime conditions existing under our law. But here we are dealing with abnormal wartime conditions under international law, and have an established program enacted in 1948 and followed in the settlement of thousands of claims.

The War Claims Act of 1948, to which this bill is an amendment, has been attacked as an act of confiscation since its enactment. The real issue here is not one of confiscation of other nationals' property, but reparation to Americans who have suffered loss by reason of the action of the government of others. The German Government has recognized its obligation to pay the losses of its own citizens, and they should be made whole by that Government. The real question is whether the German taxpayer or the American taxpayer will bear the burden of meeting Germany's reparation obligation to these American claimants.

We had a very sad experience after World War I in attempting to adjust the losses of Americans against Germany. It was agreed by the Settlement of War Claims Act of 1928 for the return of 80 percent of the vested property still held by the Alien Property Custodian after we had already returned in full vested property up to $10,000 in value to all former owners of such property. The return of the remaining 20 percent was postponed as security for the payment of awards to Americans for claims against Germany. Subsequent to this, there were further negotiations because of Germany's inability to make its payments for reparation under the Dawes plan, and it was determined that the 20 percent of vested property withheld was hopelessly inadequate to satisfy the Mixed Claims Commission awards to American nationals. Germany continued to default on the refunding until Congress stopped further returns to Germany under the Settlement War Claims Act of 1934. Thus the result of the World War I alien property program, which recognized the right of sanctity of private property, was the return of 80 percent of the vested German property and the ensuing default of Germany on its obligations to pay

the war claims of the United States and its citizens.

Even after the Second World War, there have been negotiations between our governments toward the recognition of the theory of private property between enemy nations, but the negotiations broke down. In the beginning of the discussions, representatives of Germany and Japan were informed that the executive branch of our Government would recommend a limited return of vested assets to natural persons up to a maximum of $10,000 as a matter of grace for the purpose of alleviating the cases of hardship caused by vesting. The representatives of the German and Japanese Governments expressed the hope that the proposed return would subsequently be followed by a wider program.

The German Government, while expressing its appreciation of the proposal for monetary returns up to $10,000 to natural persons, then suggested that more should be done for those owners not included in the $10,000 return by changing the proposal so as to assure a substantial monetary return to all former owners. Of course, this would mean a return in any amount, and to corporate as well as natural persons. Our Government advised the German representatives that they would not consider this to be feasible, and for the foregoing reasons, the current administration proposal with respect to payment of war claims does not deal with the problem of return of vested property. It is, therefore, apparent that consideration of a principle or theory, if we need one, must be on a much broader aspect based on practices under international law, which not only has the sanctity of Supreme Court decisions, but also of treaties substantiating such practice between the countries involved. The Supreme Court has interpreted international law since the early days of the Republic as recognizing the right to seize and to keep without compensation the property of its enemies in order to prosecute and mitigate the cost of war. Further, the Japanese Peace Treaty recognized the Allied retention of Allied assets as did the Bonn Convention of 1952, between Germany, the United States, Britain, and France, whereby Germany agreed to compensate its own nationals for their loss of property through the vesting action of the Allied Powers. The Allied Powers committed themselves to forgo any claim for reparation against Germany's current production. In fact, the peace treaty with Japan specifically provided that the property of its nationals in Allied countries should be devoted to the war claims held by the citizens of those countries against Japan. Thus the history of retention of vested property under war claims has been well founded by law and practice, and has been acted upon in all previous settlement categories, numbering 10 in all, which have been completed to date.

It cannot, therefore, be seriously considered that we can or should change the modus operandi at this point in the final days of the settlement of the war claims arising out of World War II, particularly so when it is suggested by the opponents that as a result of the suggested change in principle and procedure, the American taxpayers be made to bear the cost of compensating American war claimants rather than individual German and Japanese property owners on the theory that the long-term interest of the United States will be better served in so doing.

I hesitate to even think of saddling the long-suffering American taxpayers with such a monumental burden. I urge the passage of this bill as the means of termination of the war claims program.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, the gentleman from South Carolina, I think, put his finger on the most important subject of this debate, and that is the great lobby which exists here for the return of the Japanese and German property.

You all received a letter this morning from Mr. Robert F. Klepinger. In the third paragraph he makes this statement:

> Some private persons, whose property would be confiscated under H.R. 2485, are friendly aliens.

There is not one piece of property confiscated in H.R. 2485 of any kind or description. A statement of that kind only illustrates the type of lobbying that is being done on behalf of the committee for the return of German and Japanese property and injecting itself into a perfectly simple bill for our own citizens. The property that was confiscated was confiscated by the Congress in the War Claims Act of 1948. At that time there was not enough opposition to the confiscation of that property to even have a rollcall here on the floor of the House. Not only that but every amendment we have had since 1948 to this War Claims Act has passed without even a minority report from our committee—until we came to this bill. Then, for the first time, we have injected into the settlements for our own citizens the question of the return of property that was confiscated under the War Claims Act of 1948. It has no part whatsoever in the consideration of this bill. This is a very simple bill to compensate our own citizens, who for some 15 years have suffered the loss of their property in countries invaded by German and Japanese armies. They were not compensated as were the citizens who happened to have had property in Japan or in Germany. They have not been taken care of, just because they happened to have had property in China or Czechoslovakia or Singapore or some other country that was invaded by either the armies of Japan or Germany. The only purpose of this bill is to compensate those citizens. Not even the minority report questions but that the claims are just. They are our own citizens. They should be paid. There is no quarrel at all with the justice of the claims that are to be compensated for in this bill. We would have no minority report whatsoever on this bill were it not for the lobby of the people who want to return the confiscated property to Japanese and German citizens. That is a separate question. The Congress can consider that question at any time it wishes. But they settled that point in 1948 when we passed the War Claims Act. We did it unanimously here in the House of Representatives with practically no opposition at all. Now, I think, to inject that question into the debate on this bill and try to prevent a just payment to our own citizens who lost their property as the result of action by the German or Japanese armies is a very unfriendly act toward our own citizens. If they want to introduce a bill at some other time and bring that question up, that can be fought on the floor of the House at that time, but certainly it is not a part of this bill.

I beg of you Members of this Committee of the Whole that when you vote on this bill, do not consider the question of whether it is a right or wrong to have confiscated that property in 1948.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield.

Mr. McCORMACK. As I understand it, the bill we are now considering would complete the program contemplated by the Congress when we enacted the War Claims Act of 1948 in certain categories. The gentleman made reference to the act of 1948. This bill would carry out toward a more complete accomplishment the purposes that the Congress had in mind in passing the war claims bill of 1948. This provides compensation to claimants in certain categories such as claims arising out of the destruction of property located in certain specified European countries or in Asia as a result of attack by Japan in military operations or damage suffered as a result of special measures by enemy governments against such property. That is the first category; is it not?

Mr. YOUNGER. The gentleman is correct.

Mr. McCORMACK. The second category has to do with claims arising out of damage to or the destruction of ships or ship cargoes as a direct consequence of German or Japanese military action excluding, however, claims by insurers or reinsurers or their assignees or successors in interest.

Third. The next category of claims for which payment is provided is for net losses of insurers under war risk insurance contracts covering ships.

The fourth category of claims is for death or disability and property losses suffered by civilian passengers on vessels attacked on the high seas prior to the date of the entry of the United States into World War II. That is another category, as I understand it. Outside of the claim for disability or death, which would be paid, all other claims will be paid up to $10,000. It is American citizens who benefit. That is my understanding.

Mr. YOUNGER. That is correct.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I gladly yield to our chairman the gentleman from Arkansas.

Mr. HARRIS. I would like to again impress upon you the importance of taking action on this matter now. The Foreign Claims Settlement Commission has a staff that has been trained at some expense over a period of time. They are winding up the present work that the Congress has delegated to that Commission, and if this is going to be done by Congress it is important that it be done now, because within a short time they are going to have to start to disintegrate their organization and get rid of the employees. If that were to be done and they came in again a year from now or 5 years from now and say it should be done, it would cost a lot of money to get out and recruit the personnel and train them for this job. So it is important that this be done now.

Mr. DOOLEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from New York.

Mr. DOOLEY. I would like to commend the gentleman on the very fine statement that he has made with regard to this bill and to say that I agree with him.

Mr. YOUNGER. Mr. Chairman, we have gone through these questions in hearings before our committee. The question of the return of the confiscated property was not injected into it until after the committee had acted. It was not brought up at the time. It is not pertinent to this question. I sincerely hope that we will not discriminate between two classes of our own citizens; one class which has now been compensated, who happened to have property that was located in Japan or in Germany, and those of our citizens who lost their property, in China or Singapore or Czechoslovakia, or any of the countries invaded by the German or Japanese armies, and leave the latter group out on a limb, uncompensated. All we are doing is equalizing the treatment of our citizens who lost property as a result of German or Japanese war action.

I certainly hope that the Committee of the Whole backs up our committee on this bill.

The CHAIRMAN. The time of the gentleman from California [Mr. YOUNGER] has again expired.

Mr. MACK of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I am deeply grateful to the chairman of the Committee on Interstate and Foreign Commerce and the chairman of the subcommittee handling this legislation to have this opportunity to lay before my colleagues in the House of Representatives a situation that cries to heaven for settlement and adjustment. Particularly is this so now that you are making final disposition of the remaining assets of Japan and Germany and other nations in our War Claims Fund.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Arkansas.

Mr. HARRIS. In view of the statement the gentleman has just made, the gentleman just mentioned in response to a statement by our distinguished majority leader a moment ago that this was winding up the program which was inaugurated following World War II with the 1948 act. I would like to call attention to the fact that there are a few more claims in connection with this program that we are very likely to be called upon to consider.

The gentleman from Illinois [Mr. MACK], chairman of the subcommittee, has two or three bills before his subcommittee on which hearings have been held. One of them, referred to as the Bible bill, covers a small group of claimants. I believe that is right, is it not, Mr. MACK?

Mr. MACK of Illinois. Yes.

Mr. HARRIS. It covers a small group of claimants with which the committee is quite impressed; and I take this occasion to ask the chairman of the subcommittee if it is not his intent, as we discussed in the Committee on Interstate and Foreign Commerce during consideration of this bill, and as was indicated before the Rules Committee when we appeared before that committee for a rule, that consideration was going to be given, especially to this group, and maybe one, two, or three others, which come in similar categories and in which there has been a great deal of interest?

If the gentleman from West Virginia will permit me to get this in the RECORD at this point I believe it will complete the matter.

Mr. MACK of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. MACK of Illinois. Yes.

Mr. Chairman, I think the remarks of the majority leader were substantially correct in that there is an area in which we need legislation to finish off the job of paying American citizens for claims they may have.

In addition to that we have several other problems such as the bill the gentleman from Arkansas mentioned, the bill introduced by our colleague from Michigan [Mr. MACHROWICZ], and a couple of other unusual instances where we feel congressional action should be taken.

It is my intention to deal with these problems separately rather than to try to have them included in this legislation which is designed to pay American claimants for property losses.

Mr. HARRIS. And is it not the intention of the chairman and his committee to undertake consideration of these other worthy bills during this session of Congress?

Mr. MACK of Illinois. Yes, I would say to my chairman that it is my intention to proceed in this general area as soon as our schedule in the subcommittee permits, and it definitely would be this session of Congress.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. McCORMACK. I think the gentleman from Illinois stated my understanding quite clearly, because what I said was this: This was the big program contemplated by Congress in enacting the War Claims Act of 1948, to provide compensation for claimants within the varying categories of war damage claims; and I enumerated four different categories. My statement contemplated the completion of the program.

Mr. HARRIS. Yes; and I appreciated what the gentleman had in mind, but I was fearful somebody might get the idea that we were going to cut everybody else out. I would like to consider the whole problem, not part of the program.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HARRIS. Mr. Chairman, I yield 5 additional minutes to the gentleman from West Virginia.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 additional minutes.

Mr. BAILEY. I thank the gentleman.

Mr. Chairman, I would like at this time to take the minds of my colleagues back to June 5 of 1945, Tokyo Bay. An American airplane carrier was stationed in Tokyo Bay. It was the night before the armistice was signed; the next day the Japanese ended hostilities. Along about 4 o'clock in the morning the pilots aboard this carrier got orders to proceed and attack a certain Japanese objective. They took off on this mission. Before they reached the objective they received notice over the radio to return to the carrier, that an armistice had just been negotiated with the Japanese ending hostilities.

The men of the squadron naturally were elated and on their way back they broke formation. It seems as though the Japanese Government failed to notify their air force of the armistice, and a squadron of Japanese planes attacked our returning flyers and shot down four of them over Tokyo Bay. Sixteen men on those four ships were either killed or lost. The widow of Lieutenant Harrison who lives in my district in the State of West Virginia filed a claim against the Japanese Government before the War Claims Commission. The Commission held that the act was not then broad enough to process her claim against the Japanese Government. I introduced a special bill on behalf of Mrs. Harrison, but the Committee on the Judiciary would not give me a hearing on the ground that the War Claims Act was not sufficiently broad to include a claim of that kind.

There were 15 other airmen who were killed at the same time Lieutenant Harrison was killed. Mrs. Harrison found it necessary to take her two children and go over into the adjoining State of Ohio and get a job as a schoolteacher in order to rear her two boys. The Japanese Government is going to go scot free unless

there is a change made at the last minute to recognize the responsibility on the part of this Government to see that the Japanese pay damages for the illegal act of their airmen and the failure of the Japanese war generals to notify the airplanes that an armistice had been reached. There is no question but what the lady has a genuine claim against the Japanese.

I do not want to go along with the legislation we are proposing here today. I take it that practically all of the funds that we seized that belonged to the Japanese have been dissipated, is that right?

Mr. MACK of Illinois. The gentleman is correct.

Mr. BAILEY. The American claims for property destroyed in Japan were probably five times the value of the property. I looked at some of the claims the War Claims Commission was handling.

I want to say now that I myself, and I hope no other Member of the House of Representatives, will rest at ease until a situation of that kind is corrected. The bill proposed in behalf of Mrs. Harrison was for only $25,000, and if the other 15 members were treated in the same way, the total cost would be $375,000.

Mr. MACK of Illinois. I would like to say to the gentleman if this bill is referred to my committee, and the chairman refers it to my subcommittee, I can assure the gentleman we will look into this particular problem. It is a matter that was not included in the original legislation and was not called to our attention at the time we were preparing this bill.

Mr. BAILEY. I thank the gentleman from Illinois and the gentleman from Arkansas. If they will give us an opportunity to prepare legislation of this type for consideration of the committee, maybe we can yet do something for these 16 individuals.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, I take this time to ask the chairman of the subcommittee a question. I notice section 204 of this bill has reference to the situation where a person who lost U.S. citizenship solely by reason of marriage to a citizen of a foreign country is classified as a national. I am aware of situations where people in this category who married foreign subjects had their property confiscated in this country. Is there legislation under consideration by your subcommittee dealing with this problem?

Mr. MACK of Illinois. Yes. The chairman of our committee just referred to one bill—I believe it is sponsored by our colleague, the gentleman from Nevada [Mr. BARING]—which deals, I believe, with the problem the gentleman refers to. It is my intention, as chairman of the subcommittee, to consider this bill at a very early date.

Mr. GOODELL. I thank the gentleman.

Mr. MACK of Illinois. I might say to the gentleman that I do not know whether it will cover his particular problem, but the bill referred to by my chairman is in that general area, and it will be considered by the committee.

Mr. GOODELL. I thank the gentleman.

Mr. MACK of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HAGEN].

Mr. HAGEN. Mr. Chairman, I merely rise to propound an inquiry about H.R. 2485. Does the bill cover property loss claims of American nationals living in Shanghai at the time of the Japanese attack on Pearl Harbor?

Mr. MACK of Illinois. It does not. It is my understanding that warning was given to these people who resided in that area at the time, and for that reason they are not covered under the provisions of this bill.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield to the gentleman from California.

Mr. YOUNGER. The gentleman is talking of property losses now?

Mr. HAGEN. Property losses in China.

Mr. YOUNGER. Yes. Beginning with 1937, those property loss claims are covered under this bill.

Mr. MACK of Illinois. Mr. Chairman, if the gentleman will yield, I stand corrected. I misunderstood the gentleman's question.

Mr. HAGEN. I thank the gentleman and commend him and the members of his committee for the value of this legislation. I have followed it from the outset because I am personally aware of the hardship caused large numbers of U.S. citizens through the aggressive action of the Japanese in China and other portions of the Far East prior to, during, and after Pearl Harbor. I am pleased that they will be compensated for property losses incurred from such actions. Such reimbursement is just because their presence in Shanghai and other foreign ports of call served the purposes of our great country as well as their own purposes.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, the bill under discussion, while it has much political appeal, is a step in the wrong direction, in my opinion. It is a confiscation of private property now held in the Alien Property Fund.

While there is general agreement that American war claims should be paid, I do not feel that this piecemeal approach to the problem of seized assets is the proper avenue. The question of seized assets has been with us for over 15 years. It is not an easy one, but I feel there is only one just way to settle it.

I would call the attention of my colleagues to H.R. 2986, which I introduced last year, and to H.R. 1372, introduced by the gentleman from Pennsylvania [Mr. VAN ZANDT], which attacked the same problem but would put the United States on record once more as insuring the sanctity of private property, whether in peacetime or war.

Mr. BENNETT of Michigan. Mr. Chairman, I have no further requests for time.

Mr. MACK of Illinois. We have no further requests for time, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the War Claims Act of 1948, as amended, is further amended by inserting after section 1 thereof the following:

"TITLE I"

SEC. 2. The word "Act" wherever it appears in title I in reference to the War Claims Act of 1948, as amended, is amended to read "title".

SEC. 3. The War Claims Act of 1948, as amended, is further amended by adding at the end thereof the following:

"TITLE II

"Definitions

"SEC. 201. As used in this title the term or terms—

"(a) 'Albania', 'Austria', 'Czechoslovakia', 'the Free Territory of Danzig', 'Estonia', 'Germany', 'Greece', 'Latvia', 'Lithuania', 'Poland', and 'Yugoslavia', when used in their respective geographical senses, mean the territorial limits of each such country or free territory, as the case may be, in continental Europe as such limits existed on December 1, 1937.

"(b) 'Commission' means the Foreign Claims Settlement Commission of the United States established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279).

"(c) 'National of the United States' means (1) a natural person who is a citizen of the United States, (2) a natural person who, though not a citizen of the United States, owes permanent allegiance to the United States, and (3) a corporation, partnership, unincorporated body, or other entity, organized under the laws of the United States, any State or Territory thereof, or the District of Columbia and in which at least 50 per centum of the outstanding capital stock or other proprietary or similar interest is owned, directly or indirectly, by nationals of the United States. It does not include aliens.

"(d) 'Property' means real property and such items of tangible personalty as can be identified, evaluated and, as determined by the Commission, are normally owned by any person or entity in like circumstances as that of the owner or claimant at the time of loss, and items of personalty or movables held or used in carrying on a trade, business, or profession at the time of such loss. It does not include intangible property.

"Amendment to Trading With the Enemy Act

"SEC. 202. Section 39 of the Trading With the Enemy Act of October 6, 1917, as amended, is amended by adding at the end thereof the following new subsection:

"'(c) The Attorney General is authorized and directed to cover into the Treasury from time to time after the enactment of this subsection for deposit in the War Claims Fund for credit to the German Claims Account created therein pursuant to subsection (a) of section 203 of the War Claims Act

of 1948, as amended, such sums, from property vested in or transferred to him under this Act, as he shall determine in his discretion not to be required to fulfill obligations imposed under this Act or any other provision of law, and not to be the subject matter of any judicial action or proceeding.' "

"War claims fund accounts

"SEC. 203. (a) There are hereby created in the War Claims Fund established pursuant to subsection (a) of section 13 of the War Claims Act of 1948, as amended, two accounts to be known, respectively, as the German Claims Account and the Japanese Claims Account. The Secretary of the Treasury shall deposit in the War Claims Fund for credit to the German Claims Account all amounts covered into the Treasury by the Attorney General pursuant to subsection (c) of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended. The Secretary of the Treasury shall deposit in the War Claims Fund for credit to the Japanese Claims Account all amounts appropriated pursuant to subsection (b) of this section. There shall be deducted from each such deposit for credit to the German Claims Account and from each such deposit for credit to the Japanese Claims Account 5 per centum thereof for expenses incurred by the Commission and by the Treasury Department in the administration of this title. Such deductions shall be made before any payment is made pursuant to section 214 of this title, out of either such accounts. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"(b) There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $10,000,000 which shall be deposited in the War Claims Fund for credit to the Japanese Claims Account created pursuant to subsection (a) of this section.

"(c) There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses in carrying out their respective functions under this title.

"Claims authorized

"SEC. 204. The Commission is directed to receive and to determine according to the provisions of this title the validity and amount of claims of nationals of the United States for—

"(a) physical damage to, or physical loss or destruction of property located in Albania, Austria, Czechoslovakia, the Free Territory of Danzig, Estonia, Germany, Greece, Latvia, Lithuania, Poland, or Yugoslavia which occurred during the period beginning September 1, 1939, and ending May 8, 1945, or which occurred in the period beginning July 1, 1937, and ending September 2, 1945, to property in territory occupied or attacked by the Imperial Japanese military forces (including territory to which Japan has renounced all right, title, and claim under article 2 of the Treaty of Peace Between the Allied Powers and Japan, except the Commonwealth of the Philippines and the island of Guam); such loss, damage, or destruction must have occurred, as a direct consequence of (1) military operations of war or (2) special measures directed against property in such countries or territories, during the respective periods specified, because of the enemy or alleged enemy character of the owner, which property was owned, directly or indirectly, by a national of the United States at the time of such loss, damage or destruction:

"(b) damage to, or loss or destruction of, ships or ship cargoes directly or indirectly owned by a national of the United States at the time such damage, loss, or destruction occurred, which was a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; no award shall be made under this subsection in favor of any insurer or reinsurer as assignee or otherwise as successor in interest to the right of the insured;

"(c) net losses under war risk insurance or reinsurance policies or contracts, incurred in the settlement of claims for insured losses of ships owned by nationals of the United States at the time of the loss, damage, or destruction of such ships and at the time of the settlement of such claims, which insured losses were a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; such net losses shall be determined by deducting from the aggregate of all payments made in the settlement of such insured losses the aggregate of the net amounts received by any such insurance companies on all policies or contracts of war-risk insurance or reinsurance on ships under which the insured was a national of the United States, after deducting expenses;

"(d) loss or damage on account of—

"(1) the death of any person who, being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, died or was killed as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be made only to or for the benefit of the following persons in the order of priority named:

"(A) widow or husband if there is no child or children of the deceased;

"(B) widow or husband and child or children of the deceased, one half to the widow or husband and the other half to the child or children of the deceased in equal shares;

"(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

"(D) parents of the deceased (in equal shares) if there is no widow, husband, or child;

"(2) injury or permanent disability sustained by any person, who being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, was injured or permanently disabled as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be payable solely to the person so injured or disabled;

"(3) the loss or destruction, as a result of such action, of property on such vessel, as determined by the Commission to be reasonable, useful, necessary, or proper under the circumstances, which property was owned by any civilian national of the United States who was then a passenger on such vessel; and in the case of the death of any person suffering such loss, awards under this paragraph shall be made only to or for the benefit of the persons designated in paragraph (1) of this subsection and in the order of priority named therein; and

"(e) losses resulting from the removal of industrial or other capital equipment in Germany owned directly or indirectly by a national of the United States on the date of removal and removed for the purpose of reparations including losses from any destruction of property incident to such removal.

"Transfers and assignments

"SEC. 205. The transfer or assignment for value of any property forming the subject matter of a claim under subsections (a) or (b) of section 204 subsequent to its damage, loss or destruction shall not operate to extinguish any claim of the transferor otherwise compensable under either of such subsections. If a claim which could otherwise be allowed under subsection (a), (b), or (e) of section 204 has been assigned for value prior to the enactment of this title, the assignee shall be the party entitled to claim thereunder.

"Nationality of claimants

"SEC. 206. No claim shall be allowed under this title unless the claimant and all predecessors in interest in the claim were, on the date of loss, damage, destruction, or removal and continuously thereafter until the date of filing claim with the Commission pursuant to this title, nationals of the United States, including any person, who having lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country, reacquired such citizenship prior to the date of enactment of this title if such individual, but for such marriage, would have been a national of the United States at all times on and after the date of such loss, damage, destruction, or removal until the filing of his claim.

"Claims of stockholders

"SEC. 207. (a) No claim based upon an interest, direct or indirect, in a corporation or other entity qualified to receive an award under this title shall be allowed.

"(b) No claim based upon an interest, direct or indirect, in a corporation or other entity not qualified to receive an award under this title shall be allowed unless at least 25 per centum of the outstanding capital stock or other proprietary or similar interest in such entity has been owned, directly or indirectly, at all times between the date of such loss, damage, destruction, or removal and the date of filing its claim, by nationals of the United States qualified to receive an award under this title. For the purpose of this subsection the fact that subsequent to the loss, damage, destruction, or removal of the property there has been nationalization, confiscation, or other governmental seizure of title of the capital stock or other proprietary or similar interest in the entity directly owning such property shall not be deemed to have affected the ownership, direct or indirect, of such capital stock or other proprietary or similar interest of such persons, corporations, or other entities. Any award under this subsection shall be limited to that proportion of the total loss that the capital stock or other proprietary or similar interest in such entity owned by such persons, corporations or other entities in such entity at the time of the loss, damage, destruction, or removal bears to the total capital stock or other proprietary or similar interests.

"Deductions in making awards

"SEC. 208. In determining the amount of any award there shall be deducted all amounts the claimant has received on account of the same loss or losses with respect to which an award is made under this title.

"Consolidated awards

"SEC. 209. With respect to any claim which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimant therein; and all such claimants shall participate, in proportion

to their indicated interests, in the payments authorized by this title in all respects as if the award had been in favor of a single person.

"Certain awards prohibited

"SEC. 210. No award shall be made under this title to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115, title 18, of the United States Code, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this title is within the scope of title III of the International Claims Settlement Act of 1949, as amended, (69 Stat. 570).

"Certification of awards

"SEC. 211. The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to section 204 as follows:

"(1) Any award for losses arising in the countries named in subsection (a) of section 204, or attributable to military action by Germany under subsection (b), (c) or (d) of such section, or for reparation removals under subsection (e) thereof, shall be certified for payment from the German Claims Account.

"(2) Any award for losses arising in territory occupied or attacked by Imperial Japanese military forces, or attributable to military action by Japan under subsection (b), (c), or (d) of such section, shall be certified for payment from the Japanese Claims Account.

"Claim filing period

"SEC. 212. Within sixty days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than eighteen months after such publication.

"Claims settlement period

"SEC. 213. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than five years following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title. Nothing in this provision shall be construed to limit the life of the Commission.

"Payment of awards; priorities; limitations

"SEC. 214. (a) The Secretary of the Treasury is directed, out of the sums deposited in the War Claims Fund for credit to the German Claims Account pursuant to subsection (c) of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended, and out of sums deposited in the War Claims Fund for credit to the Japanese Claims Account pursuant to subsection (b) of section 203 of this title, to make payments on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

"(1) Payment in full of awards made pursuant to section 204(d)(1) and (2).

"(2) Thereafter, payments from time to time on account of the other awards made pursuant to section 204 in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment made pursuant to this paragraph on account of any award shall not exceed $10,000.

"(3) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to section 204 which shall bear to such unpaid balance the same proportion as the total amount in the German or Japanese Claims Account, respectively, and available for distribution at the time such payments are made bears to the aggregate unpaid balances of all such awards. No payment made pursuant to this paragraph on account of any award shall exceed the unpaid balance of such award.

"(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

"(c) For the purpose of making any such payments, other than under section 214(a)(1), an 'award' shall be deemed to mean the aggregate of all awards certified for payment from any one account in favor of the same claimant.

"(d) If any person to whom any payment is to be made pursuant to this title is decreased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

"(e) Payment on account of any award pursuant to this title shall not, unless such payment is for the full amount of the award, extinguish any rights against any foreign government for the unpaid balance of the award.

"Fees of attorneys and agents

"SEC. 215. No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

"Application of other laws

"SEC. 216. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act and title I of the International Claims Settlement Act of 1949, as amended, shall apply to this title: The first sentence of subsection (b) of section 2, all of subsection (c) of section 2 and section 11 of title I of this Act, and subsections (c), (d), (e), and (f) of section 7 of the International Claims Settlement Act of 1949, as amended.

"Transfer of records

"SEC. 217. The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title."

SEC. 4. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the War Claims Act of 1948, as amended, is further amended by inserting after section 1 thereof the following:

"'TITLE I'

"SEC. 2. The word 'Act' wherever it appears in title I except in section 13(a) in reference to the War Claims Act of 1948, as amended, is amended to read 'title'.

"SEC. 3. The War Claims Act of 1948, as amended, is further amended by adding at the end thereof the following:

"'TITLE II

"'*Definitions*

"'SEC. 201. As used in this title the term or terms—

"'(a) "Albania", "Austria", "Czechoslovakia", "the Free Territory of Danzig", "Estonia", "Germany", "Greece", "Latvia", "Lithuania", "Poland", and "Yugoslavia", when used in their respective geographical senses, mean the territorial limits of each such country or free territory, as the case may be, in continental Europe as such limits existed on December 1, 1937.

"'(b) "Commission" means the Foreign Claims Settlement Commission of the United States established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279).

"'(c) "National of the United States" means (1) a natural person who is a citizen of the United States, (2) a natural person who, though not a citizen of the United States, owes permanent allegiance to the United States, and (3) a corporation, partnership, unincorporated body, or other entity, organized under the laws of the United States, or of any State or the District of Columbia and in which more than 50 per centum of the outstanding capital stock or other proprietary or similar interest is owned, directly or indirectly, by persons referred to in clauses (1) and (2) of this subsection. It does not include aliens.

"'(d) "Property" means real property and such items of tangible personalty as can be identified and evaluated.

"'*Claims authorized*

"'SEC. 202. The Commission is directed to receive and to determine according to the provisions of this title the validity and amount of claims of nationals of the United States for—

"'(a) physical damage to, or physical loss or destruction of property located in Albania, Austria, Czechoslovakia, the Free Territory of Danzig, Estonia, Germany, Greece, Latvia, Lithuania, Poland, or Yugoslavia, or in territory which was part of Hungary or Rumania on December 1, 1937, but which was not included in such countries on September 15, 1947, which physical damage, loss, or destruction occurred during the period beginning September 1, 1939, and ending May 8, 1945, or which occurred in the period beginning July 1, 1937, and ending September 2, 1945, to property in territory occupied or attacked by the Imperial Japanese military forces (including territory to which Japan has renounced all right, title, and claim under article 2 of the Treaty of Peace Between the Allied Powers and Japan) except the island of Guam: *Provided*, That claims for loss, damage, or destruction occurring in the Commonwealth of the Philippines shall not be allowed except on behalf of nationals of the United States who have received no payment, and certify under oath or affirmation that they have received no payment, on account of the same loss, damage, or destruction under the Philippine Rehabilitation Act of 1946, whether or not claim was filed thereunder: *Provided further*, That such loss, damage, or destruction must have occurred, as a direct consequence of (1) military operations of war or (2) special measures directed against property in such countries or territories during the respective periods

specified, because of the enemy or alleged enemy character of the owner, which property was owned, directly or indirectly, by a national of the United States at the time of such loss, damage or destruction;

"'(b) damage to, or loss or destruction of, ships or ship cargoes directly or indirectly owned by a national of the United States at the time such damage, loss, or destruction occurred, which was a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; no award shall be made under this subsection in favor of any insurer or reinsurer as assignee or otherwise as successor in interest to the right of the insured;

"'(c) net losses under war-risk insurance or reinsurance policies or contracts, incurred in the settlement of claims for insured losses of ships directly or indirectly owned by a national of the United States at the time of the loss, damage, or destruction of such ships and at the time of the settlement of such claims, which insured losses were a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; such net losses shall be determined by deducting from the aggregate of all payments made in the settlement of such insured losses the aggregate of the net amounts received by any such insurance companies on all policies or contracts of war-risk insurance or reinsurance on ships under which the insured was a national of the United States, after deducting expenses; and

"'(d) loss or damage on account of—

"'(1) the death of any person who, being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, died or was killed as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be made only to or for the benefit of the following persons in the order of priority named:

"'(A) widow or husband if there is no child or children of the deceased;

"'(B) widow or husband and child or children of the deceased, one half to the widow or husband and the other half to the child or children of the deceased in equal shares;

"'(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

"'(D) parents of the deceased (in equal shares) if there is no widow, husband, or child;

"'(2) injury or permanent disability sustained by any person, who being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, was injured or permanently disabled as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be payable solely to the person so injured or disabled;

"'(3) the loss or destruction, as a result of such action, of property on such vessel, as determined by the Commission to be reasonable, useful, necessary, or proper under the circumstances, which property was owned by any civilian national of the United States who was then a passenger on such vessel; and in the case of the death of any person suffering such loss, awards under this paragraph shall be made only to or for the benefit of the persons designated in paragraph (1) of this subsection and in the order of priority named therein.

"'Transfers and assignments

"'SEC. 203. The transfer or assignment for value of any property forming the subject matter of a claim under subsections (a) or (b) of section 202 subsequent to its damage, loss, or destruction shall not operate to extinguish any claim of the transferor otherwise compensable under either of such subsections. If a claim which could otherwise be allowed under subsection (a) or (b) of section 202 has been assigned for value prior to the enactment of this title, the assignee shall be the party entitled to claim thereunder.

"'Nationality of claimants

"'SEC. 204. No claim shall be allowed under this title unless the claimant and all predecessors in interest in the claim were, on the date of loss, damage, or destruction and continuously thereafter until the date of filing claim with the Commission pursuant to this title, nationals of the United States. Where any person who lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country reacquired such citizenship before the date of enactment of this title, then if such individual, but for such marriage, would have been a national of the United States at all times on and after the date of such loss, damage, or destruction until the filing of the claim, such individual shall be treated for all purposes of this title as having been a national of the United States at all such times.

"'Claims of stockholders

"'SEC. 205. (a) A claim under section 202 of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

"'(b) A claim under section 202 of this title, based upon a direct ownership interest in a corporation, association, or other entity which suffered a loss within the meaning of said section, shall be allowed, subject to other provisions of this title, if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant in any such claim.

"'(c) A claim under section 202 of this title, based upon an indirect ownership interest in a corporation, association, or other entity which suffered a loss within the meaning of said section, shall be allowed, subject to other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

"'(d) Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

"'Deductions in making awards

"'SEC. 206. (a) In determining the amount of any award there shall be deducted all amounts the claimant has received on account of the same loss or losses with respect to which an award is made under this title.

"'(b) Each claim in excess of $10,000 filed under this title by a corporation shall include a statement under oath disclosing the aggregate amount of Federal tax benefits derived by such corporation in any prior taxable year or years resulting from any deduction or deductions claimed for the loss or losses with respect to which such claim is filed. In determining the amount of any award where the allowable loss exceeds $10,000 there shall be deducted an amount equal to the aggregate amount of Federal tax benefits so derived by the claimant. For the purposes of this subsection, such Federal tax benefits shall be the aggregate of the amounts by which the claimant's taxes for such year or years under chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code of 1939, or subtitle A of the Internal Revenue Code of 1954 were decreased with respect to such loss or losses. Any payments made on an award reduced by reason of this subsection shall be exempt from Federal income taxes.

"'Consolidated awards

"'SEC. 207. With respect to any claim which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimant therein; and such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this title in all respects as if the award had been in favor of a single person.

"'Certain awards prohibited

"'SEC. 208. No award shall be made under this title to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115, title 18, of the United States Code, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this title is within the scope of title III of the International Claims Settlement Act of 1949, as amended (69 Stat. 570).

"'Certification of awards

"'SEC. 209. The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, for payment out of the War Claims Fund each award made pursuant to section 202.

"'Claim filing period

"'SEC. 210. Within sixty days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than eighteen months after such publication.

"'Claims settlement period

"'SEC. 211. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than four years following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title.

"'Notification to claimants

"'SEC. 212. Each award or denial of a claim by the Commission, whether rendered before or after a hearing, shall include a specific statement of the facts and of the reasoning of the Commission in support of its conclusion.

"'Payment of awards; priorities; limitations

"'SEC. 213. (a) The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

"'(1) Payment in full of awards made pursuant to section 202(d) (1) and (2).

"'(2) Thereafter, payments from time to time on account of the other awards made pursuant to section 202 in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment made pursuant to this paragraph on account of any award shall not exceed $10,000.

"'(3) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to section 202 which shall bear to such unpaid balance the same proportion as the total amount in the War Claims Fund and available for distribution at the time such payments are made bears to the aggregate unpaid balances of all such awards. No payment made pursuant to this paragraph on account of any award shall exceed the unpaid balance of such award.

"'(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

"'(c) For the purpose of making any such payments, other than under section 213(a)(1), an "award" shall be deemed to mean the aggregate of all awards certified for payment in favor of the same claimant.

"'(d) If any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

"'(e) Payment on account of any award pursuant to this title shall not, unless such payment is for the full amount of the award, extinguish any rights against any foreign government for the unpaid balance of the award.

"'(f) Payments made under this section on account of any award for loss, damage, or destruction occurring in the Commonwealth of the Philippines shall not exceed the amount paid on account of awards in the same amount under the Philippine Rehabilitation Act of 1946.

"'Fees of attorneys and agents

"'SEC. 214. No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

"'Application of other laws

"'SEC. 215. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act and title I of the International Claims Settlement Act of 1949, as amended, shall apply to this title: The first sentence of subsection (b) of section 2, all of subsection (c) of section 2 and section 11 of title I of this Act, and subsections (c), (d), (e), and (f) of section 7 of the International Claims Settlement Act of 1949, as amended.

"'Transfer of records

"'SEC. 216. The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.

"'Administrative expenses

"'SEC. 217. There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses in carrying out their respective functions under this title.'

"SEC. 4. (a) Section 2 of the War Claims Act of 1948, as amended, is amended by adding at the end thereof the following:

"'(d) The term of office of members of the Foreign Claims Settlement Commission holding office on the date of enactment of this subsection shall expire at the end of the one-year period which begins on such date. The President shall thereafter appoint, by and with the advice and consent of the Senate, three members of the Commission. After the expiration of such one-year period, not more than two members of the Commission shall be of the same political party at any one time. The term of office of each member of the Commission shall be three years, except that of the members first appointed after the end of the one-year period which begins on the date of enactment of this subsection, one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year.'

"(b) Nothing in this section shall be construed to preclude the reappointment as a member of the Foreign Claims Settlement Commission of any person holding office as a member of such Commission on the date of enactment of this Act.

"SEC. 5. Section 39 of the Trading With the Enemy Act is amended by adding at the end thereof the following new subsection:

"'(d) The Attorney General is authorized and directed to cover into the Treasury from time to time for deposit in the War Claims Fund such sums from property vested in him or transferred to him under this Act as he shall determine in his discretion not to be required to fulfill obligations imposed under this Act or any other provision of law, and not to be the subject matter of any judicial action or proceeding. There shall be deducted from each such deposit 5 per centum thereof for expenses incurred by the Foreign Claims Settlement Commission and by the Treasury Department in the administration of title II of the War Claims Act of 1948. Such deductions shall be made before any payment is made pursuant to such title. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.'

"SEC. 6. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to other persons or circumstances, shall not be affected."

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. O'BRIEN of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the committee report at the bottom of page 1 states that estimates of the cost of the program have varied greatly, and they range, according to the report, from $100 million to the $232 million figure mentioned by the Department of State for claims only against Germany.

Inasmuch as the bill under discussion does not provide for any appropriation, the funds to carry out the program will come from the cash available at this time and to be made available from the further liquidation of assets held by the Office of Alien Property. The last available financial statement of the Office of Alien Property shows an estimated free balance of $99,819,000, and I assume that will be whittled down somewhat. This is not sufficient to carry out the program in full or to provide for the complete and total claims of all our American nationals.

Mr. Chairman, I have a bill which is now known as H.R. 404, which provides for the sale of the largest and the last remaining asset of any consequence in the Office of Alien Property. I have reintroduced this bill for a number of years. It provides for the sale to private American interests of General Aniline & Film Corp., with the proceeds to be placed in escrow in the Treasury of the United States until a decision is made by the Federal courts as to its ownership.

The claimant in the lawsuit is Inter-Handel, a Swiss holding corporation. Its claim of ownership has been up and down the judicial ladder four times over a period of 10 years.

I had considered offering an amendment here this afternoon to provide for this sale in the pending bill but I had some doubts as to the germaneness of such an amendment. I believed that the committee had done so well with H.R. 2485 that I did not desire to try to give it additional weight in its passage through the House.

Mr. Chairman, I feel that the vested corporation, General Aniline, should remain in this country and the enactment of the bill I have mentioned would transfer this physical property into cash; and if the litigation should eventually be in favor of our Government then there would be cash available to the war claims fund to carry out the program or measure which we are discussing here today. I might emphasize that should such litigation not go in favor of our Government the physical property in my bill would still remain in American ownership, and that is very important from the viewpoint of national defense.

We have heard here suggestions, statements, that the office in charge of these matters hopes to complete its work, to go out of business as it were. One of the arguments offered in favor of the pending bill was to that effect. I suggest that we expedite that day by turning these assets into liquid form. Then we will know that when these American nationals advance their claims, their just claims, there will be money to pay them and we will not have to put a very large foot into a very small shoe.

It is my earnest hope, Mr. Chairman, that perhaps during this session, as soon as possible, the great committee of which I have the honor to be a member, the Committee on Interstate and Foreign Commerce, will consider this legislation which, I might add, is favored by the Department of Justice.

Mr. ROBISON. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise in support of the urgent request just made by my distinguished colleague from New York for early consideration of the O'Brien-Robison bills—H.R. 404 and H.R. 1345—which are identical measures amending the Trading With the Enemy Act so that the Attorney General can sell the few remaining items of vested properties still in the hands of the Alien Property Custodian. Principally, this includes the 95 percent controlling interest held by the Custodian of the outstanding stock of General Aniline & Film Corp.

I do not have the time, Mr. Chairman, to go into the complex but fascinating historical background concerning this corporation but the record thereof has been fully laid before both the House Committee on Interstate and Foreign Commerce and the Senate Judiciary Committee in connection with hearings held during this Congress on our bills and the companion measure introduced in the other body by Senator KEATING and known as S. 1103. Those hearings are available in printed form and I call your attention to them.

Suffice it to say that the question of ownership of this corporation, having total assets of approximately $168 million and employing over 8,200 American citizens, has been tied up in international litigation ever since the end of World War II, which litigation bids fair to go on forever, like Tennyson's brook.

No one would lose under our proposal, Mr. Chairman, for the proceeds of the sale would be deposited in escrow in a special Treasury account pending the entry of final judgment in that litigation and, even then, if the successful litigants preferred, they could waive their rights to those net proceeds and seek just compensation instead. As a matter of fact, we might be doing those litigants a favor, because I doubt if conditions for such a sale would ever be more favorable than they are today.

I can fully understand the sincere doubts that some of my colleagues have as to the wisdom of departing in any way from the so-called historic American policy of maintaining the sanctity of personal property, but, Mr. Chairman, we are not dealing here with the investments or holdings of little people but with such giant cartels as I. G. Farbenindustrie A.G., original owner of General Aniline, on whose shoulders many people believe should rest much of the blame for the two disastrous World Wars of this century.

I am not as concerned with that question, Mr. Chairman, as I am with the welfare of the loyal American citizens who have labored and worked for the growth, in a most competitive field, of this corporation, the second largest producer of photographic materials in the United States, its products being marketed under the trade name of Ansco; one of the largest producers of dyestuff products and a leader in the manufacture of copying machines and allied products, marketed under the name of Ozalid. By the sweat of their brow, they have brought the minimum book value of the assets of this corporation from an approximate $42 million at the time of vesting to today's approximate book value of $113 million, as shown in the report accompanying H.R. 2485, now before us.

Above and beyond the importance to the welfare of the communities—such as Binghamton, Johnson City, Vestal, and Rensselaer, N.Y.; Linden, N.J.; Easton, Pa.; Detroit, Mich.; Calvert City, Ky.; Huntsville, Ala.; and La Habra, Calif.—in which its plants and laboratories are located, let us remember that during World War II, General Aniline devoted approximately 65 percent of its production to defense purposes, and that since the end of that war it has made and is making a significant contribution to our defense effort. So, clearly can it be said that the strength of this enterprise and its continued existence as an American-owned competitive force in the important fields in which it is engaged are unquestionably matters affecting the national interest.

During the past 16 years, General Aniline has sold over a billion and a half dollars worth of its varied products. Its profits have totaled over $75 million after the payment of aproximately $90 million in Federal income taxes alone. However, favorable as this picture appears, the full potential of General Aniline & Film can only be reached under private American ownership.

Permit me to cite some of the drawbacks and obstacles faced by the corporation under continued Government control, which, no matter how wise, can never be more than a holding operation in the nature of trusteeship:

First. Lack of continuity in management.

Second. Inability to engage in equity financing.

Third. Restricted ability to recruit, employ, and retain competent personnel.

Fourth. Complicated long-range planning and restricted ability to implement it.

Fifth. Adversely affected relations with suppliers and customers.

Sixth. Restricted ability to enter into joint ventures.

Seventh. Restricted ability to purchase assets in companies which would enhance the profitability of the corporation.

These are only a few, Mr. Chairman, but they are or should be sufficient to cause those of us who are dedicated to the proposition of getting the Federal Government out of business ventures that compete with free private enterprise to realize that here is an opportunity to do just that. At the same time we would be going a long way toward permitting the able Alien Property Custodian, Col. Dallas S. Townsend, who, with the Attorney General, strongly favors the O'Brien-Robison-Keating bills, to finally wind up the affairs of that office.

Mr. Chairman, the legislative purpose of the O'Brien-Robison-Keating bills has been endorsed by the Department of Justice, which rendered a favorable report thereon to the Interstate and Foreign Commerce Committee on July 22, 1959, urging enactment of H.R. 404 or H.R 1345. That purpose has also been strongly endorsed by the legislative department of the AFL–CIO, in behalf of its 16 affiliated local unions representing over half the total employees of General Aniline. Mr. George D. Riley, AFL–CIO's legislative representative, in a statement filed during the hearings before the House Subcommittee on Commerce and Finance last year, said, among other things:

> We do not wish to see this American corporation returned to former enemy alien owners, who have been the conductors of slave labor.

Mr. Chairman, I ask my colleagues to imagine themselves to be an executive or even an average employee working his best for the betterment of this corporation, facing keen competition from private American business, as well as from foreign firms, trying to meet that competition on a fair basis while continuing to be shackled by Government control, and, at all times, apprehensively keeping one eye on the door for the day when some strangers enter and, perhaps in a foreign accent, tell you that they are the new owners and that, while they are sorry, they no longer need your services. Obviously, it is not the best situation for a high level of company spirit.

Mr. Chairman, it is time to strike a blow for freedom for these American workers. With all the conviction I possess, I urge that this Congress be given the chance to hear and consider their cause by committee and floor action on H.R. 404 and H.R. 1345.

Under leave to add extraneous material to my remarks, I include the following summary, prepared at my request by a representative of General Aniline & Film Corp., showing the present nature of the products it produces and their importance to this Nation:

> General Aniline & Film is an important industrial organization for the national emergency.
>
> During 1942 to 1944, its production for the World War II effort was conservatively estimated at 65 percent.
>
> Since World War II, GAF has made considerable contributions to the defense effort. In 1952, or during the Korean conflict, the company sold about $16 million (or 16 percent of its sales) to the Government for the defense effort.
>
> The company is the sole manufacturer in this country of the all-important PVP, the synthetic blood plasma expander. Some 500,000 units of this has been stockpiled. The company also makes dyes for coloring military textiles, colors for water signaling, camouflage paints, flares and smoke signals; carbonyl iron for radar and other electronic equipment; also under development are carbonyl nickel for battery plates and a number of products for rocket fuel and various corrosion inhibitors.
>
> The company plays a principal role in supplying film for reconnaissance training, and

X-ray, medical and production needs. During World War II, the Ansco Division produced radar equipment, essential parts for the proximity fuse, fire control equipment, sextants, drift meters, etc. Is presently doing advance research on aerial film, a radiation detection device and an automatic pilot device for aircraft.

General Aniline manufactures machines and sensitized papers to produce copies of drawings, maps, pictures and correspondence. Specialized printing and developing machines have been designed and built for the various armed services. A new plastic coated dry photo material to be used for aerial photos is now in pilot plant production and considerable work on diazo sensitizing of vinylite for production of relief maps has been completed.

Under that same leave to add extraneous material, I include the favorable report of the Office of the Attorney General on H.R. 404 and H.R. 1345, as forwarded to the chairman of the Interstate and Foreign Commerce Committee, the Honorable OREN HARRIS, under date of July 22, 1959:

JULY 22, 1959.

HON. OREN HARRIS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the identical bills (H.R. 404 and H.R. 1345) "to amend section 9(a) of the Trading With the Enemy Act, as amended."

Section 9(a) of the Trading With the Enemy Act (40 Stat. 419; 50 U.S.C. App. 9 (a)), as amended, permits any person other than an enemy or ally of an enemy claiming interest in any vested property to institute a suit for the return of such property. It also expressly enjoins the Attorney General (successor to the Alien Property Custodian) from disposing of any such claimed property prior to the final judgment in such suit.

These bills would amend section 9(a) to provide that upon a determination by the President, in time of war or national emergency, that the interest and welfare of the United States require the sale of any property or interest claimed in any suit filed under the subsection and pending on or after the date of enactment, the Alien Property Custodian may sell the same, with the proceeds of such sale being deposited in a special Treasury account pending the entry of final judgment in the suit. Successful litigants would have the right to elect to accept the net proceeds of a sale or to waive their claims to such proceeds and seek just compensation instead. If just compensation is sought, and an order for its payment is entered, such order shall be a judgment against the United States, to be satisfied first out of the net proceeds of the sale, with any balance being paid in the same manner as are other judgments in cases arising under section 1346 of title 28, United States Code.

Insofar as the legislation will affect property vested during World War II, its principal purpose is to authorize the Attorney General to effect the sale of approximately 93 percent of the outstanding shares of stock of General Aniline & Film Corp. These shares, which were vested by the Alien Property Custodian in 1942 under the provisions of the Trading With the Enemy Act, are presently the subject of a suit for their return under section 9(a).

General Aniline & Film is engaged in the manufacture and distribution of a variety of products in the photographic, dyestuff, and chemical industries. It is the second largest producer of photographic materials in the United States, one of the largest dyestuff producers and a leader in the manufacture of copying machines and allied products. The corporation has total assets of approximately $168 million, and employs over 8,200 people, being extremely important to the welfare of the areas in which its plants are located. A significant portion of this output goes to the defense agencies of the Government. The strength of this enterprise and its continued existence as a competitive force in the important fields in which it is engaged are unquestionably matters affecting the national interest.

Although the suit, instituted in 1948, has been before the Supreme Court of the United States on four different occasions, it has not yet reached the point of a trial on the merits. It has been returned to the U.S. District Court for the District of Columbia, where it began, pursuant to a decision of the Supreme Court in 1958 reversing a dismissal by the district court for failure of the plaintiff to comply with the Court's order to produce certain documents.

Under present law, General Aniline & Film may well be continued under Government control indefinitely. The inflexibility inherent in such control has hampered its operations. The company's management believes that new capital, difficult to obtain in adequate amounts so long as Government control continues, is necessary to maintain the corporation in a strong competitive position. Fear of insecure tenure makes it difficult for the company to attract and hold the qualified research and executive personnel which are vital to the advancement of a business in today's economy. These and other disadvantages of Government ownership make the task of maintaining this enterprise on a sound basis a most formidable one.

Since the maintenance of General Aniline & Film as a strong, productive organization is important to the public interest and welfare, the promotion of the national interest is the most important aspect of the legislation. It should be noted, however, that H.R. 404 and H.R. 1345 contain safeguards for the interests of the private claimants to the vested stock. All of these claimants are given the choice of attempting to recover the proceeds of sale or of seeking the just compensation guaranteed by the Constitution. Finally, it should be added that the proposed legislation offers the additional advantage of ending the Government's unnatural role of owner of a private competitive business.

Accordingly, the Department of Justice urges the enactment of H.R. 404 or H.R. 1345.

The committee may wish to consider the following amendments, none of which are substantive but all of which would appear to constitute technical improvements.

First, since there is no longer an Alien Property Custodian, it is suggested that following the word "Custodian" on line 1 of page 2 and line 10 of page 3 there be added the words "or any successor officer or agency."

Second, since it is the net proceeds of the sale of vested property with which the bills are concerned at various other parts of their text, it is suggested that the word "net" be inserted following the word "The" on line 7 of page 2.

Finally, the following sentence is suggested as a clearer, more easily read and understood substitute for the sentence beginning on line 10 of page 2:

"Any recovery of any claimant in such suit in respect of the property or interest or part thereof so sold shall be satisfied from the net proceeds of such sale unless such claimant, within sixty days after receipt of notice of the amount of net proceeds of sale serves upon the Alien Property Custodian, or any successor officer or agency, and files with the court an election to waive all claims to the net proceeds, or any part thereof, and to claim just compensation instead."

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

LAWRENCE S. WALSH,
Deputy Attorney General.

Finally, under that same leave to add extraneous material, I include a copy of my bill, H.R. 1345, which is identical to H.R. 404, as introduced by Mr. O'BRIEN:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(a) of the Trading With the Enemy Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: *"Provided further,* That upon a determination made by the President, in time of war or during any national emergency declared by the President, that the interest and welfare of the United States require the sale of any property or interest or any part thereof claimed in any suit filed under this subsection and pending on or after the date of enactment of this proviso the Alien Property Custodian may sell such property or interest or part thereof, in conformity with law applicable to sales of property by him, at any time prior to the entry of final judgment in such suit. No such sale shall be made until thirty days have passed after the publication of notice in the Federal Register of the intention to sell. The proceeds of any such sale shall be deposited in a special account established in the Treasury, and shall be held in trust by the Secretary of the Treasury pending the entry of final judgment in such suit. Any recovery of any claimant in any such suit in respect of the property or interest or part thereof so sold shall be limited to the net proceeds of such sale, or, if more than one claimant, then to each claimant's proportionate share of the net proceeds of such sale, unless such claimant, within sixty days after receipt of notice of the amount of net proceeds of sale, or, if more than one claimant, then notice of the amount of claimant's asserted proportionate share of the net proceeds of sale, serves upon the Custodian and files with the court an election to waive all claims to the net proceeds and to claim just compensation instead. If the court finds that the claimant has established an interest, right, or title in any property in respect of which such an election has been served and filed, it shall proceed to determine the amount which will constitute just compensation for such interest, right, or title, and shall order payment to the claimant of the amount so determined. An order for the payment of just compensation hereunder shall be a judgment against the United States and shall be payable first from the net proceeds of the sale in an amount not to exceed the amount the claimant would have received had he elected to accept his proportionate part of the net proceeds of the sale and the balance, if any, shall be payable in the same manner as are judgments in cases arising under section 1346 of title 28, United States Code. The Alien Property Custodian shall, immediately upon the entry of final judgment, notify the Secretary of the Treasury of the determination by final judgment of the claimant's interest and right to the proportionate part of the net proceeds from the sale, and the final determination by judgment of the amount of just compensation in the event the claim-

ant has elected to recover just compensation for the interest in the property he claimed."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. McCORMACK] having resumed the chair, Mr. THOMPSON of Texas, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2485) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, pursuant to House Resolution 458, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BENNETT of Michigan. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BENNETT of Michigan. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BENNETT of Michigan moves to recommit the bill, H.R. 2485, to the Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On the motion of Mr. HARRIS, the title was amended so as to read: "A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses."

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. HOLIFIELD. Mr. Speaker, I have a special order for today. I ask unanimous consent that it be transferred to Thursday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AGRICULTURAL RESEARCH

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, while there is much disagreement as to what direction our Government should take regarding most farm programs, there is unanimity of agreement that more and better agricultural research is needed.

Confronted with losses in farm markets the substitution of synthetics, the high cost of farm production, and other factors of concern to our farm economy, the Congress in 1956 authorized the creation of a Presidentially appointed Commission to make a study of these problems and particularly the prospects of increasing the industrial use of agricultural products.

Out of the work of this Commission, the subsequent hearings of the House Subcommittee on Agricultural Research, and the united efforts of many farm organizations came a very worthwhile piece of legislation, to wit, H.R. 8639—otherwise identified as S. 690 in the form in which it passed the House of Representatives. The bill was designed to improve and speed up agricultural research. It was authorized by the gentleman from Utah [Mr. DIXON] and myself and passed the House of Representatives on September 1 of last year. We had hoped that the bill would be considered in the other body prior to adjournment but with time running short and the calendars crowded, it was passed over to this session. The measure is still pending in the other body.

No piece of legislation affecting agriculture has ever passed out of the House Committee on Agriculture with broader support than this bill. Contributing to its formulation and supporting it most heartily were the U.S. Department of Agriculture and the following organizations: American Farm Bureau Federation, National Grange, National Council of Farmer Cooperatives, United Fresh Fruit and Vegetable Association, Beet Sugar Association, American Meat Institute, National Cotton Council, National Milk Producers Federation, Miller's National Federation, and National Plant Food Institute.

Since passage through the House, other farm and commodity organizations have come forward in support of the measure. If there is a farm or commodity organization in the entire Nation which opposes the bill, I am not advised of it.

In recent weeks rumors came to me that the bill does not have the support of the Department of Agriculture. It was my clear and distinct understanding at the time it passed the House of Representatives that the Department was supporting the bill without equivocation. If there has been a change in the Department's position from the time the bill passed the House last year up to now, then I was uninformed of it.

In any event, I decided the rumor should be investigated and the current position of the Department determined. So, on February 16, 1960, I directed a letter to the Honorable Ervin L. Peterson, Assistant Secretary of Agriculture, asking that he let me have a letter advising of the position of the Department. My letter was directed to Mr. Peterson because it is his division of the Department of Agriculture which is responsible for and has jurisdiction over agricultural research.

Under date of February 24, 1960—only 6 days after our letter went out to Mr. Peterson—I received a reply from him, which is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF ASSISTANT SECRETARY,
Washington, D.C., February 24, 1960.

Hon. THOMAS G. ABERNETHY,
House of Representatives.

DEAR CONGRESSMAN ABERNETHY: In your letter to me of February 16 you indicate that "information has come (to you) from various sources that the Department of Agriculture does not support the research bill, S. 690, in the form in which it passed the House of Representatives last year."

I assure you this information is incorrect. In the statement of the Secretary of Agriculture presented before the full Agricultural Committee of the House on Thursday, February 18, 1960, the following statement appeared in that section of his remarks dealing with research: "Acceptable legislation to improve further the work in this area has passed the House of Representatives."

I am able to say categorically that the Department of Agriculture does favor the enactment of S. 690 in the form in which it passed the House of Representatives last year. Any statements or inferences to the contrary are incorrect.

With warm personal regards.

Sincerely yours,

E. L. PETERSON,
Assistant Secretary.

I am most grateful to Assistant Secretary Peterson for his letter. It clearly establishes the fact that the Department of Agriculture is wholeheartedly and without qualification supporting the bill which was authored by the gentleman from Utah [Mr. DIXON] and myself. This gives us encouragement that the bill will become law during this session of the Congress.

THIRTY-SEVENTH ANNUAL REHABILITATION CONFERENCE OF THE AMERICAN LEGION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I wish to take this opportunity to call to the attention of the Members of this body the fact that this week the American Legion is holding its 37th annual rehabilitation conference in this city. During the years I have been privileged to serve in the Congress I have

observed these conferences closely and am fully cognizant of the great work of the men and women engaged in veterans rehabilitation. Out of these conferences have come a great many sound recommendations which Congress has enacted into law, thus bespeaking the will of the American people that veterans of our wars be given the consideration so richly deserved.

As this 37th conference gets under way, I know that a great vacuum exists because of the passing of one of the finest examples of constructive rehabilitation that has ever come to my attention. The person of whom I speak is Charles C. McGonegal, who was known to many of you. He came before committees of Congress to demonstrate the completeness of rehabilitation that is possible through courage and perseverance.

I quote the following from the national adjutant's letter published by the American Legion on January 28, 1960:

National Vice Commander Charles C. McGonegal of the American Legion died Wednesday morning, January 27, at the Veterans' Administration Hospital in Oakland, Calif. He was 64. In his election to the office of national vice commander at the 41st national convention of the American Legion he again showed that the loss of two arms doesn't have to be a handicap. In February 1918 Charlie, as he has been affectionately known by two generations of veterans, was advancing against an enemy strong point in the Seichprey-Toul sector of France. He had pulled the pin of a hand grenade and was about to toss it when he was struck on the head by an enemy shell fragment. Knocked out, he was unable to throw the grenade, and the ensuing explosion blew off both of his arms between the wrist and elbow. Upon being removed to a hospital he was found to have suffered additional injuries including a fractured skull, loss of eight teeth, both knees splintered, compound fractures of the right foot, and a total of 102 wounds. After months of hospital stay in France and the United States, Charlie mastered the ingeniously contrived steel hooks and artificial hands. In addition to driving his own car, he became a licensed pilot and logged well over 300 hours of solo flying. He broke and trained colts on his ranch and was a skilled rider. He also played cards and billiards. Born August 17, 1895, in Ardock, N. Dak., the son of Andrew A. and Almyra Craig McGonegal, he attended the public schools of Grand Forks, N. Dak. He enlisted in Company A, Second North Dakota National Guard in July 1917. He was honorably discharged on November 18, 1918. In March 1945, he accepted a temporary assignment with the American Legion's National Field Service to visit Army and Navy hospitals which had been designated as amputation centers. His visits were sanctioned by the surgeon-general of both the Army and Navy. He was a tremendous morale booster to amputees of World War II. A member of William Charles Orr, Jr., Post 120, Charlie served his post as past service officer and past commander. He was commander of the 19th district of California in 1927–29; commander of the Los Angeles County Council, 1929–30; department child welfare chairman, 1932–35; and at the time of his election to the national vice commandership was a member of the Department of California's Rehabilitation Commission. He is survived by his wife, Pearl, and two sons, Caron Craig and Donald LeRoy. His widow resides at 209 Kilkare Road, Sunol, Calif.

In mid-February the National Legislative Commission of the American Legion met here in Washington and upon the conclusion of its meetings the following resolution was adopted. I am sure it reflects the feelings in the hearts of all of us who knew Charlie McGonegal:

RESOLUTION IN MEMORIAM

Whereas it has pleased Almighty God, the Great Commander, to summon to His immortal legions our beloved comrade, Charles C. McGonegal, California, while serving as national vice commander of the American Legion, having been elected to that high office at the 1959 national convention following more than 40 years of selfless service to his country, his American Legion, and his fellow men; and

Whereas we humbly bow to the will of divine providence, while ever cherishing in our hearts the memory of his distinguished service to our country and his magnificent contribution to American Legion principles and comradeship: Now, therefore, be it

Resolved, That the National Legislative Commission of the American Legion, in meeting assembled on this 16th, 17th, and 18th days of February in the year of our Lord, 1960, does mourn the passing of our distinguished Legionnaire, Charles C. McGonegal; that we commend to all men his works, and to God his spirit; and be it further

Resolved, That this meeting be now adjourned by the unanimous adoption of this resolution in memory of our deceased comrade, and that in token of our common grief, a copy of this resolution be presented

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TEN-PERCENT TAX ON DOMESTIC TRANSPORTATION OF PERSONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may extend his remarks at this point in the body of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the city of Denver and the State of Colorado as a whole have a vital interest in the repeal of the 10-percent tax on the domestic transportation of persons. This tax is an important obstacle to the economic progress of the city of Denver, the State of Colorado and, indeed, the entire Rocky Mountain Empire. It is my purpose today to explain the harmful effects of this tax and to urge that the good work of the last session—which will result in reduction of the tax to 5 percent on July 1, 1960—be carried through to completion this session with a repeal of the entire tax.

The city of Denver is not only the capital of the State of Colorado and as such the political and administrative center of the State, but Denver is the largest city and most important economic and business center between Kansas City and the Pacific coast.

Some 10 or more Colorado cities and many more cities from neighboring States are tied to Denver by a network of local service or feeder airline services. This service has been recognized to be so vital and essential to the welfare and prosperity of the region that Congress annually appropriates and the Civil Aeronautics Board pays millions of dollars of Federal subsidy to sustain these services. This has become an accepted part of our national transportation policy and virtually every State enjoys subsidized feeder line service.

Subsidy is necessary to sustain feeder airline service in the Rocky Mountain region and in the State of Colorado in large part because the population in the outlying cities is sparse and there are not many cities that can boast the sizable populations that are commonly found in the Middle West, the East, and the Pacific coast.

Subsidy is justified despite the sparsity of population because of the great distances between cities, the lack of commercial surface transportation, the rugged terrain and weather that impedes travel by private auto and because the area is one of the richest in the world in natural resources vital to national defense and prosperity.

Each year, however, thoughtful Members of Congress are disturbed at the continuous increase in feeder line and other airline subsidies. It frequently happens that a Member is confronted with the dilemma of advocating that additional subsidized air service be authorized but also advocating that subsidy payments be held in line.

Mr. Speaker, there is no single factor that does more to aggravate this problem than the retention of this transportation tax. The undisputed purpose of the tax was to discourage by financial penalty wartime travel. But, Mr. Speaker, the day is long past when it is prudent or justifiable to continue a tax designed to discourage travel.

I can assure you, Mr. Speaker, that the level of airline subsidy spent in Colorado and the Rocky Mountain region would decline sharply if the deterrent to travel inflicted by this tax were removed. Every dollar of passenger fares that is driven away and discouraged by this tax must be made up by subsidy dollars.

While the railroads in this region do not receive subsidy it can be likewise stated with complete truth that every dollar of passenger fare that is lost by this discouraging, deterrent tax hastens the day of the complete withering away of rail passenger service throughout the country.

I know that a number of my distinguished colleagues have adverted to and condemned this harmful aspect of the transportation tax. They are perfectly correct and I subscribe to their views.

But, Mr. Speaker, Colorado is even more substantially harmed than many other areas in the Nation which I readily acknowledge to be suffering from the economic effects of this tax.

Colorado is uniquely affected by this tax by reason of three factors. First of all, one of the great industries in the State of Colorado is tourism. Every

year the State of Colorado and many Colorado businesses spend millions of dollars on promotions and advertising to attract tourists to visit the many scenic attractions and resorts. Yet it is well known that cost of transportation is of critical importance to pleasure travel. The economic penalty imposed by this tax more effectively deters pleasure travel than any other type. Consequently, this tax is a major obstacle to the development of this important industry in Colorado.

The second way this tax harms Colorado arises from the fact that Colorado travel—both business and pleasure—tends to consist of considerably longer trips than the average throughout the Nation. This is true both because Colorado is geographically distant from the densely populated centers on both coasts of the United States from which a large percentage of tourists and other travelers come, and also because travel within the State involves longer trips since cities are few and far between in this area. Since the tax is a percentage tax and since longer trips cost more money, Coloradans suffer greater dollar penalties for the opportunity to travel than the average citizen in this country.

Finally, this extra dollar penalty is imposed on a people who have the greatest need to travel and greatest dependence on commercial transportation, especially air service. This is true because travel by private automobile, which is such a major factor elsewhere, is handicapped by circuitous roads, rugged mountainous terrain, severe weather for long periods of the year. The network of air service serving the area, which is to a great extent subsidized, provides the fastest, most direct and efficient means of travel, yet to use these facilities Coloradans and visitors in Colorado must suffer a 10-percent penalty.

In conclusion, Mr. Speaker, I would like to emphasize that while I have naturally focused on my home State in discussing this harmful tax, I do not mean to convey the impression that other Western States similarly situated are not likewise harmed by this tax. The tax hurts the entire Nation. It is a brake on the economy. It discriminates in many unjustifiable ways. It increases airline subsidy and conflicts with our national transportation policy. It is an unproductive tax, and I earnestly hope that the question of its repeal will reach the floor for vote this session in order that the will of the majority can be expressed on this important subject.

THE A B C'S OF INTEREST RATES: HOW THEY ARE DETERMINED AND HOW THEY CAN BE BROUGHT DOWN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and to extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, why are interest rates so high? Why are not interest rates a great deal higher than they actually are? Or, to put the question another way, why are not interest rates much lower than they are?

These are the questions I wish to discuss today. In other words, I want to talk about the machinery of our money system and the mechanics which make interest rates whatever they are at any particular time—not the effects of high interest. I think we all know about the very bad effects, but I believe that more can be said about what causes interest rates to be what they are.

Interest rates are determined by two conditions. One of these is, quite simply, what we call the supply and demand of money. Supply and demand factors influence the interest rates just as supply and demand factors influence the prices, to a more or less degree, of almost all commodities and services.

The second condition which determines interest rates is what is called investors' expectations. By investors' expectations we mean what investors expect the trend in interest rates will be, whether they expect interest rates are going up or down, or will hold steady in the days, months, and years ahead.

These two conditions, the supply and demand balance and investors' expectations, operate jointly; each affects the other. As to their actual influence in the market, we cannot separate the two. But for purposes of discussion, we have to separate them because we cannot talk about everything at the same time. So let me discuss first the supply and demand factors for money, and let us define our terms. What is money? And how does it come into being?

THE MONEY SUPPLY DEFINED

Almost all of us have some money in our pockets. This money is in the form of currency or silver. Many of us have what is called money in the bank. In other words, we have to our credit certain bank deposits which we can draw out on demand. Add these two things together—the amount of currency in circulation outside of banks and the amount of demand deposits in the banks—and we have what the monetary experts most usually define as the money supply.

About 80 percent of the money supply is normally in the form of deposits in commercial banks. For reasons which I will review in a moment, money originates in the form of bank deposits, not in the form of currency. The amount of currency in circulation at any given time represents the amount of bank deposits which business firms and consumers have preferred to convert to currency so as to serve their convenience in carrying on the smaller financial transactions.

THE FEDERAL RESERVE DECIDES THE MONEY SUPPLY

Our next question is, "Where does money come from?" The money was not always here. It was not here when the first settlers arrived. At least half of the money supply of 1929 was not in existence in 1914. Only about one-tenth of the supply of money in existence today existed in 1914. If you will read the official reports of the Federal Reserve, you will find that the supply of money has increased to some extent almost every year from the beginning of time when statistics were kept on the subject, and these go well back into the previous century before the Federal Reserve System was established.

So to answer the question, "Where does money come from?" it has simply been created; it is being created; and more will be created tomorrow. Money is created, in part, by the Federal Reserve System and, in part, by the commercial banks.

Issuing money and regulating the value of money are, of course, inherent powers of government. This is so whether the government be a tribal chief, a pharaoh, a king, an emperor, or any one of the forms of government which exist in the world today.

In our own Government, the Constitution reserves to the Congress the power to create money and the power to regulate its value. The Constitution speaks literally of the power to "coin" money, because this was the only form of money anticipated at the time the Constitution was adopted. But there is no doubt that the Constitution deals with the substance and not just with the form. Any money creation is a constitutional power of Congress, as has been made clear by rulings of the U.S. Supreme Court in the Legal Tender cases of the last century and in the Gold Clause cases of New Deal days.

As we well know, however, Congress does not carry out directly either the function of issuing money or the function of regulating its value. It has delegated the power of issuing money, in part, to the Federal Reserve System and, in part, to the private commercial banks. And it has delegated to the Federal Reserve System exclusively the power of limiting the supply of money and thus, in effect, determining interest rates.

THE TWO-PART FORMULA FOR REGULATING THE MONEY SUPPLY

Now what are the mechanics by which money is created? Any number of different kinds of systems could be used. They are all human inventions. Our own system of money creation is not the same as that of England, nor is England's the same as that of France or Germany. Our own system is not the same as it was prior to 1935; the system of 1935 was different from our system just prior to 1914; and the system in use just prior to 1914 was considerably different from the system in use prior to passage of the National Bank Act during President Lincoln's administration.

So, recognizing that different mechanics of money creation might be used, let me review the mechanics as they actually are.

First, let us begin with the commercial banks and work backward. Each time a commercial bank makes a loan or an investment, it simply creates the money it lends or invests.

If a commercial bank makes a loan of $1,000 to John Doe, or purchases a Government bond for $1,000, it does not take the $1,000 out of my deposit account or anyone else's deposit account. It simply creates a credit of $1,000 to John Doe's checking account, or to the Government's tax and loan account. Total bank deposits in the country are now $1,000 more than they were previously, by virtue of the bank's having made the loan or the investment.

Now we may ask, how does the Federal Reserve limit the money supply?

The Federal Reserve has a two-part formula for telling the banks how much money they may create. The first part of the formula consists of what are called "bank reserves." The second part consists of a regulation issued by the Federal Reserve System which pertains to the banks' reserve requirements. This second regulation tells the member banks of the Federal Reserve System how much money they can create, collectively, per each dollar of reserves credited to their accounts on the books of the Federal Reserve banks.

To illustrate, if there should be only $1 of bank reserves and the Federal Reserve regulations told the banks that they could create $10 for each dollar of reserves, then the banks could make loans and investments, expanding bank deposits in the process, to the point that bank deposits are expanded to $10. But beyond that the banks could make no loans and no investments, until the Federal Reserve took some other action to expand their money-creating ability.

TWO WAYS BY WHICH THE MONEY SUPPLY CAN BE INCREASED

In this case, the Federal Reserve could do either of two things, or some of both. First, it could expand bank reserves. Contrary to popular misconceptions, bank reserves do not come into being as a result of the banks' depositing some of their money or some of their stockholders' money. Bank reserves are created by the Federal Reserve System itself. When the Federal Reserve buys Government securities, it creates bank reserves equal to the amount of the securities purchased, just as a private bank creates the $1,000 it lends to John Doe.

So the Federal Reserve may do either of two things to permit an increase in the money supply. It can buy more Government securities and retain reserve requirements the same as before. If prevailing reserve requirements permit the private banks to create $6 of demand deposits for each dollar of reserves, as happens to be the case today, giving the banks more reserves would permit them to create more money. Alternatively, the Federal Reserve can issue new regulations which would allow the banks to create money at a greater rate for each dollar of reserves they have already been given. To illustrate, the Federal Reserve could allow the banks to create $7 for each dollar of reserves, or $8 for each dollar of reserves, and so on.

In either case, the Federal Reserve can and does determine in advance precisely how much they are going to permit the money supply to increase.

THE SUPPLY OF MONEY HAS BEEN REDUCED RELATIVE TO NORMAL DEMAND, AND INTEREST RATES HAVE GONE UP

The first reason that interest rates have been going up by leaps and bounds since this administration came into office is that the Federal Reserve has deliberately, consciously, and willfully prevented the money supply from increasing at a rate commensurate with the growth which our economy has been trying to make, and which it has, to some extent, actually made. Actually, this is a policy which the Federal Reserve has been following since 1946, but in recent years it has turned the screws tighter and tighter.

It has permitted some increase in the money supply, yes. To illustrate, in 1952 the money supply amounted to $123.2 billion, whereas in 1959 it averaged $140.4 billion. But it has not permitted an increase which is commensurate with the increased production of goods and services which have to be financed throughout the production and distribution processes. So in practical terms, we can say the Federal Reserve has reduced the money supply. In 1952 the money supply amounted to 34.5 percent of the gross national product. This has been reduced progressively, almost every year, until last year the money supply was down to 29.3 percent of the gross national product.

During the past 5 years, through 1959, the gross national product increased at an average rate of 4 percent a year, while the money supply was permitted to increase at an average rate of only 1 percent a year.

The 4 percent increase in the gross national product to which I refer includes increases due to price increases, of course. This is the only relevant comparison to the money supply, because once price increases have been made, a correspondingly larger amount of money is necessary to finance the production and distribution of the goods and services, unless they are going to be financed under some hardship and at higher rates of interest.

Needless to say, interest yields on Government securities, and all interest rates, have gone up progressively as the money supply has been progressively decreased relative to the economic activity of the country. I will insert at this point a table showing for 1946, and for each year since, the money supply, the gross national product, the ratio of one to the other, and showing also market yields on two types of Government securities. One is on 91-day Treasury bills and the other is yields on long-term U.S. Government bonds.

TABLE 1.—*The money supply, the gross national product, and market yields on U.S. Government securities*

Year	Money supply [1] (billions)	GNP [2] (in current prices) (billions)	Money supply as ratio of GNP (percent)	Market yields (percent)	
				91-day Treasury bills	Long-term U.S. bonds [3]
1946	$105.7	$210.7	50.2	0.375	2.19
1947	109.4	234.3	46.7	.59	2.25
1948	109.9	259.4	42.4	1.04	2.44
1949	108.8	258.1	42.2	1.10	2.31
1950	111.5	284.6	39.2	1.20	2.32
1951	117.2	329.0	35.6	1.52	2.57
1952	123.2	347.0	35.5	1.72	2.68
1953	126.2	365.4	34.5	1.90	3.16
1954	127.9	363.1	35.2	.94	2.70
1955	132.4	397.5	33.3	1.73	2.94
1956	134.2	419.2	32.0	2.62	3.11
1957	134.9	442.5	30.5	3.23	3.47
1958	136.3	441.7	30.9	1.78	3.43
1959	140.4	478.8	29.3	[4] 3.37	[4] 4.07

[1] Data for "Money supply" are 13-month averages of data reported in Federal Reserve bulletins, January 1960 and earlier dates. (Data are for demand deposits, adjusted for items in the process of collection, plus currency in circulation outside of banks.)
[2] Gross national product data are from the Economic Report of the President, January 1960, p. 155.
[3] Source: Federal Reserve bulletins.
[4] First 9 months only.

BOTH MAJORITY AND MINORITY MEMBERS OF JOINT ECONOMIC COMMITTEE CALL FOR INCREASING THE MONEY SUPPLY

Since it is clear that the Federal Reserve has raised interest rates first and foremost by tightening the money supply, then this much is obvious: the first step to get interest rates down is for the Federal Reserve to ease the money supply.

Last year the Congress passed a resolution asking the Joint Economic Committee to make a full-scale investigation and study into the causes of inflation, the effects of high interest, and to recommend what to do about these things. The committee made its investigation and study and made its report. It recommended a less restrictive monetary policy.

Yesterday, the Joint Economic Committee issued a new report on the President's Economic Report for 1960. This report speaks many, many times about what to do concerning the money supply. Here are just a few quotations:

In the interest of promoting economic growth, easier monetary and credit conditions are needed than those that appear to be in prospect at this time.

* * * * *

In the area of monetary policy, we offer as a general prescription that the supply of money, i.e., currency held outside the banks and adjusted demand deposits, should increase over time at about the same rate as gross national product, allowing for normal velocity.

* * * * *

Achievement of the Employment Act objectives in 1960 calls for easier monetary and credit conditions.

I will insert other quotations from the committee's report in the RECORD.

Now consider this: The Republican members of the Joint Economic Committee did not accept the majority report. They filed minority views disagreeing on many things. But on one thing even the minority members of the committee do not disagree. They agree also that the money supply should be permitted to

increase in line with economic growth. I will quote from the minority views as follows:

> We agree that the money supply should grow in line with real economic growth. On these points we and the majority are in agreement with the President's report (p. 41).

So there is no disagreement on this point. And there can be no disagreement as to what is needed. The Federal Reserve clearly has not permitted the money supply to increase in line with economic growth. It has created a deficit in the money supply which must be made up. If it permits the money supply to increase, interest rates will come down.

HOW FORECASTS OF GOVERNMENT POLICY HELP DETERMINE INTEREST RATES

Now the other main factor which determines interest rates—investors' expectations. People who buy securities or make loans are not acting merely on the question of how much surplus funds they may have to invest, or the question of what the demand is for funds. They are, in effect, taking a gamble on the future. An individual who buys a million-dollar bond today is taking a chance that the market value of that bond will drop by $100,000 next week or next month, if there is a slight rise in interest rates next week or next month. On the other side of the coin, the individual who buys a million-dollar bond today is also enjoying a chance that the market value of that bond will go up $100,000 next week or next month, if there is a slight decline in interest rates by next week or next month.

This question of what what investors expect to happen to interest rates in the future is more influential in determining market yields on longer term securities than on shorter term securities. In other words, a substantial rise in interest rates will not cause much of a drop in the market value of a 91-day Treasury bill. The individual who buys one of these bills at a given rate today can expect to get his money back in 3 months even if interest rates go up. But the longer maturity of a security, the more its market price is affected by a given change in interest rates.

What determines investors expectations? All of the things that enter a man's mind when he makes a guess as to what will happen in the future. But most particularly, investors are acting upon what they expect Government policy to be tomorrow, next week, next year, and in the several years ahead. After a long record of tight money and many, many demonstrations of the fact that the Treasury and the Federal Reserve desire high interest rates, and are determined to have high interest rates, investors are more and more confident that interest rates are going still higher. As a result, they are less and less willing to buy a Government security, or any kind of security, today.

It is just as if the ordinary citizen were considering buying an automobile or a house. If he expects a substantial drop in the price of the automobile or the house next week, or next month, he would postpone buying.

HOW CONGRESS CAUSES HIGHER INTEREST RATES

Today long-term Government securities are selling in the market at prices which yield around 4 percent to 4¼ percent. If the Treasury should issue a bond today at 3½ percent, no one would buy it. And this is not solely because of the scarcity of money. Those people who have money to invest would simply refuse to invest in this bond. The issue would fail, and the Treasury would have to issue another bond giving them the rate they expect.

On the other hand, if investors expected that interest rates were going to drop to 3½ percent or perhaps to 3 percent before the year is out, they would buy a 3½ bond, and they would bid up the prices of securities already on the market.

Why are investors so confident that interest rates are going higher? In the first place, investment decisions are made by a relatively few people. Only a small handful of money professionals buy most of the Government and other securities. These are the boys who are "in the know." They can read between the lines and know just which way the Federal Reserve and the Treasury are going. They also know which way the Congress is going. When the majority in Congress displays a desire to raise interest rates, or a willingness to modify the ceiling on Government bonds, interest rates go up. Conversely, if the leaders and a majority in Congress displayed an intention to hold the line on interest rates, interest rates would go down.

Predictions as to the outcome of the next presidential election strongly affect interest rates. The better the prospects that there will be a Republican President, the higher interest rates tend to be. The better the prospects that there will be a Democratic President, the lower interest rates tend to be.

This works both ways. Everything that the Congress does to help bring about high interest rates increases the chances of a Republican President's being elected next November. When the Congress acts to increase interest rates, this is a signal to the financial community and to the country at large that Members of Congress expect a Republican President.

There was a time when 2½ percent was considered a normal interest rate for a long-term Government bond, and investors readily bought them at that yield. One of the first things this administration did was to issue a long-term bond on which it arbitrarily raised interest rates. In April of 1953, the Treasury got out a billion-dollar bond issue and arbitrarily put an interest coupon on it which was three-fourths of 1 percent above market yields on the longest term bonds then outstanding. Furthermore, the Treasury did not need the money at the time; it had more than enough money on deposit with the banks to take care of its needs.

This was a clear and certain demonstration, to the minds of the financial community, that this administration intended to have higher interest. It led the financial community to expect higher interest, and consequently, to demand higher interest. This is only one instance.

THE DISCOUNT RATE HAS ITS EFFECT ON INVESTORS' EXPECTATIONS

The practical effect of the Federal Reserve's discount rate falls into this same class of things which lead investors to expect a given level of interest rates. Chairman Martin and other members of the Federal Reserve frequently refer to the discount rate, and to changes in discount rate, as a "clear signal" to the banks and the financial community. It is a "clear signal" to these professionals. It tells them whether the Federal Reserve is going to drive interest rates up, or lower them, or hold them steady.

The discount rate is much more effective in this way than it is in any direct and mechanical way. The banks pay the discount rate on money they borrow from the Federal Reserve banks. But the total amount of money which the Federal Reserve banks will lend them is always a very, very small fraction of the bank's loan funds. To illustrate, banks' reserves amount to about $19 billion. But when money is tight, the Federal Reserve banks never lend altogether more than about $1 billion. Yet when the Federal Reserve raises the discount rate, the banks immediately and automatically raise all their lending rates accordingly, even though only a minor portion of their funds are actually borrowed from the Federal Reserve banks.

The Federal Reserve has done more than its part in signaling for higher interest rates. In fact, when the Eisenhower administration took office, it even got the jump on Secretary of the Treasury Humphrey in the race to raise interest rates. At the very moment President Eisenhower was taking the oath of office on January 20, 1953, the Federal Reserve was then putting into effect an increase in the discount rate.

Let me add this point: All the tribal dances the Federal Reserve Board goes through when it raises the discount rate, making uninformed citizens think that the various regional Federal Reserve banks are making the decision to raise the rate, is just plain nonsense. The Federal Reserve Board itself establishes discount rates, as it is required by law to do. If one of the regional banks established a discount rate, instead of the Federal Reserve Board, this would be an open-and-shut case of law violation.

HOW THE DEMOCRATIC ADMINISTRATIONS' LOW-INTEREST POLICY WORKED WITHOUT INCREASING THE MONEY SUPPLY

It is in this realm of investors' expectations that the so-called bond "pegging" of the Roosevelt and Truman administrations had its effect.

Throughout World War II, and up until the so-called "accord"—March 4, 1951—the Federal Reserve let it be known that it would support Government bonds in the market at par. In other words, it never let the yield rise above 2½ percent.

There is a tremendous amount of propaganda today, including statements from Treasury Secretary Anderson and

a former Chairman of the Federal Reserve Board, Mr. Marriner Eccles, claiming that in order to maintain low yields on Government bonds, the Federal Reserve had to buy vast quantities of Government securities during the postwar years. This alleged buying of Government securities, which would naturally increase bank reserves, is claimed to have inflated the money supply and caused the postwar inflation.

All of these claims are exactly contrary to fact. The Federal Reserve reports show that it did not increase its holdings of Government securities in postwar years, but it actually reduced its holdings of Government securities. Between the end of 1945 and the end of February 1951—just 4 days before the "accord"—the Federal Reserve made a net reduction in its holdings of Government securities of $2.4 billion. I will insert here a table showing figures taken from the Federal Reserve's reports. These show its holdings of Government securities in each of the years 1945 to the end of 1959. Not only did the Federal Reserve not increase its holdings of Government securities in the postwar years prior to the "accord" of March 4, 1951, but it reduced the money supply in relation to the gross national product, as I have already pointed out.

TABLE 2.—*Federal Reserve holdings of U.S. Government securities, and the money supply as a percent of the gross national product*

Year	Federal Reserve holding of U.S. Government securities at end of year [1] (billions)	Money supply as percent of GNP [2] (monthly average)
1945	$24.3	[3]
1946	23.4	50.2
1947	22.6	46.7
1948	23.3	42.4
1949	18.9	42.2
1950	20.8	39.2
1951	23.8	35.6
1952	24.7	35.5
1953	25.9	34.5
1954	24.9	35.2
1955	$24.8	33.3
1956	24.9	32.0
1957	24.2	30.5
1958	26.3	30.9
1959	26.8	29.3

[1] Source: Annual report of Board of Governors, 1958.
[2] Source: Computed from data reported in Federal Reserves bulletins. (Gross national product is in current prices; money supply data are 13-month averages of demand deposits "adjusted" plus currency in circulation outside of banks.)
[3] Not available.

In short, the Federal Reserve did not have to buy large quantities of Government securities to maintain low interest yields. All it had to do was let it be known that it stood ready to buy these securities at a certain price.

ALL INTEREST RATES ARE AN ARBITRARY DECISION OF GOVERNMENT

The Federal Reserve can and does make interest rates at whatever level it wishes to make interest rates. There is no other way interest rates can be made. It has now raised interest rates much too high for the good of the country. It is taxing the great majority of the American people to enrich the bankers and the wealthy few. Beyond this, it is slowing down the economic growth of the country. It is the main reason why the United States of America is "running tired" in the race against Russia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURDICK (at the request of Mr. McGOVERN), for today and the remainder of the week, on account of illness in the family.

Mr. WILLIAMS, for March 1, 1960, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD, for 30 minutes, on Thursday.

Mr. VAN ZANDT (at the request of Mr. DOOLEY), for 15 minutes, on March 2.

Mr. HECHLER (at the request of Mr. ALBERT), on Monday next, for 60 minutes.

Mr. PATMAN, for 30 minutes, on Thursday, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. McCORMACK (at the request of Mr. THORNBERRY) and to include a speech by Congressman ALBERT, of Oklahoma.

(At the request of Mr. DOOLEY and to include extraneous matter, the following:)

Mr. SCHWENGEL.

Mrs. MAY.

(At the request of Mr. ALBERT, the following Members were granted permission to extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. BURDICK.

Mr. FARBSTEIN.

ADJOURNMENT

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 2, 1960, at 12 o'clock noon.

REPORT OF COMMITTEES ON COUNTERPART FUNDS

Mr. BURLESON. Mr. Speaker, the Mutual Security Act of 1958, chapter IV, section 401(a), requires the Committee on House Administration to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the House using foreign currencies—counterpart funds—during the preceding year. Accordingly, there is shown herein, within the prescribed time limit, the consolidated report of the Committee on Education and Labor:

COUNTERPART FUNDS

FEBRUARY 23, 1960.

REPORT OF COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, UNITED STATES

Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Dec. 31, 1959

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Germany	Deutsche mark											11,851.80	$2,821.86
Peru	Sols											15,792.93	577.27
France	Francs											2,337,049.00	4,769.25
Italy	Lira											2,194,335.00	3,533.57
Switzerland	Francs											4,963.35	1,154.27
Denmark	Kroner											5,230.00	757.98
Hong Kong	Dollar											6,420.00	1,126.31
Japan	Yen											298,336.00	828.70
Netherlands	Guilder											1,466.80	386.00
Total													15,955.21
Less U.S. refund													117.25
Total													15,837.96

GRAHAM A. BARDEN, *Chairman, Committee on Education and Labor.*

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1894. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Development Loan Fund for the fiscal year ended June 30, 1959 (H. Doc. No. 350); to the Committee on Government Operations and ordered to be printed.

1895. A letter from the Secretary of the Treasury, transmitting the Fourth Annual Report on the Financial Condition and Fiscal Operations of the Highway Trust Fund, pursuant to section 209(e)(1) of the Highway Revenue Act of 1956 (H. Doc. No. 351); to the Committee on Ways and Means and ordered to be printed.

1896. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program for Italy; to the Committee on Government Operations.

1897. A letter from the Comptroller General of the United States, transmitting a report on the review of administrative costs of the U.S. military assistance program chargeable to the Federal Republic of Germany; to the Committee on Government Operations.

1898. A letter from the Under Secretary of the Interior, transmitting a report on the activities of, expenditures by, and donations to, the Lignite Research Laboratory, Grand Forks, N. Dak., for the calendar year 1959, pursuant to the act of March 25, 1948 (62 Stat. 85); to the Committee on Interior and Insular Affairs.

1899. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill for the relief of Aladar Szoboszlay"; to the Committee on the Judiciary.

1900. A letter from the national adjutant paymaster, Marine Corps League, transmitting additional material relative to executive communication No. 1574, dated January 6, 1960, relating to the minutes of their 36th annual convention held in Buffalo, N.Y.; to the Committee on the Judiciary.

1901. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to authorize the making and enforcement of regulations at water supply projects in the District of Columbia and environs, and for other purposes"; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Mississippi: Committee on Public Works. H.R. 9377. A bill to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers; with amendment (Rept. No. 1298). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACK of Illinois: Committee on Interstate and Foreign Commerce. H.R. 6392. A bill to amend section 5 of the War Claims Act of 1948 to provide detention and other benefits thereunder to certain Guamanians killed or captured by the Japanese at Wake Island; without amendment (Rept. No. 1299). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. H.R. 7579. A bill to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site; without amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of California: Committee on the Judiciary. H.R. 10419. A bill to amend the act of September 2, 1958; with amendment (Rept. No. 1306). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 231. An act for the relief of Patricia Crouse Bredee; without amendment (Rept. No. 1301). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 594. An act for the relief of Lionie Tarpinian; with amendment (Rept. No. 1302). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1241. An act for the relief of Sirvart Kasabian; without amendment (Rept. No. 1303). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1703. An act for the relief of Raul Jorge Jose Hermitte; without amendment (Rept. No. 1304). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee); without amendment (Rept. No. 1305). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Montana:

H.R. 10806. A bill to amend the Soil Bank Act to permit lessees of land within Indian reservation to produce price-supported crops in certain cases; to the Committee on Agriculture.

By Mr. BLATNIK:

H.R. 10807. A bill to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. BARRETT:

H.R. 10808. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. BROOKS of Louisiana:

H.R. 10809. A bill to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction and equipment, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BYRNE of Pennsylvania:

H.R. 10810. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. CHELF:

H.R. 10811. A bill to provide that the district judges for the districts of Puerto Rico, the Canal Zone, Virgin Islands, and Guam shall have the same tenure of office and retirement rights as the U.S. district judges; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 10812. A bill to adjust the rates of compensation of employees in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 10813. A bill to amend title II of the Social Security Act to eliminate the waiting period for disability insurance benefits in the case of certain individuals who were previously entitled to benefits on account of the same disability; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 10814. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 10815. A bill to provide for the issuance of a postage stamp in commemoration of the birth of Theodor Herzl; to the Committee on Post Office and Civil Service.

By Mr. HARMON:

H.R. 10816. A bill to amend the Social Security Act and the Internal Revenue Code so as to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 10817. A bill to amend the Communications Act of 1934 to authorize the Federal Communications Commission to prescribe minimum performance capabilities for television receivers; to the Committee on Interstate and Foreign Commerce.

By Mr. JENNINGS:

H.R. 10818. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. KITCHIN:

H.R. 10819. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. LAFORE:

H.R. 10820. A bill to amend the Internal Revenue Code so that the taxes imposed under the Federal old-age and survivors insurance system will not be imposed on account of service performed by individuals who have attained the age of 65; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 10821. A bill to amend the Federal Trade Commission Act so as to prohibit any person, partnership, or corporation from disseminating advertisements falsely representing the prices at which commodities are offered for sale to be the wholesale prices of such commodities; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD:

H.R. 10822. A bill to amend section 204(d) of the Postal Rate Revision and Federal Employees Salary Act of 1948 to limit, with respect to recordings, the applicability of the special postage rates under such section to religious, educational, and scientific sound recordings; to the Committee on Post Office and Civil Service.

By Mr. MONAGAN:

H.R. 10823. A bill to make the Committee on Education established by the act of July 26, 1954, advisory to the President and available to the States for consultation on means of improving the quality of education; to the Committee on Education and Labor.

By Mrs. PFOST:

H.R. 10824. A bill to authorize the appropriation of funds for carrying out provisions of section 23 of the Federal Highway Act, to enable the Secretary of Agriculture to construct timber access roads, to permit maximum economy in harvesting national forest timber, and for other purposes; to the Committee on Public Works.

By Mr. TEAGUE of California:

H.R. 10825. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. VAN ZANDT:

H.R. 10826. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. FOGARTY:

H.R. 10827. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD:

H.R. 10828. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. REES of Kansas:

H.R. 10829. A bill to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 10830. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

H.R. 10831. A bill to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10832. A bill to designate a certain dam and reservoir on the Elk River in the State of West Virginia as the Cleveland M. Bailey Dam and Reservoir; to the Committee on Public Works.

By Mr. VANIK:

H.R. 10833. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. FARBSTEIN:

H.J. Res. 636. Joint resolution to amend the Mutual Security Act of 1954, as amended, with respect to freedom of international waterways; to the Committee on Foreign Affairs.

By Mr. HESS:

H.J. Res. 637. Joint resolution designating the 7-day period beginning on the Sunday starting the last full week in October, each year as Cleaner Air Week; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States relative to requesting favorable consideration and support to H.R. 10443; which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY:

H.R. 10834. A bill for the relief of Manuel Domine; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 10835. A bill for the relief of John J. Rush; to the Committee on the Judiciary.

By Mr. MARTIN:

H.R. 10836. A bill for the relief of Mrs. Elfriede Prischl Rogers; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 10837. A bill for the relief of Janina Krystyna Jablonski; to the Committee on the Judiciary.

By Mr. WALTER:

H.J. Res. 638. Joint resolution relating to deportation of certain aliens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Lee Group of Papers—A Tribute

EXTENSION OF REMARKS

OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1960

Mr. SCHWENGEL. Mr. Speaker, the recent publication of a handsome volume on the newspaper-radio-TV family of the Lee group in a communications domain which extends from mid-America to the mountains, made for exciting reading in that it emphasizes the American dream and what can be accomplished by dedicated men working toward a goal.

Under leave to extend my remarks, I ask unanimous consent to pay tribute to this family and to have these remarks appear in the CONGRESSIONAL RECORD so that others may become aware of this wonderful achievement.

There are many great newspapers in the United States; great, not in the sense of physical bigness, but in qualities of character, intellect, and leadership. The Lee group of newspapers which extends from our great Midwest to the Rocky Mountains, since the 1880's has operated and grown on those qualities of character, intellect, and leadership.

Increases in a newspaper's circulation and advertising cannot be ascribed to luck. Often a newspaper may have unbound financial resources, a superb editorial and executive staff, a completely equipped modern plant and a potential circulation and advertising field ripe for development—and yet drift pathetically into failure. The history of American journalism illustrates these comments.

What then is the open sesame to newspaper success? May I offer the assumption that the success of the Lee group of newspapers rests on belief in and a dedication to our system of free enterprise and complete loyalty to freedom of the press.

The character and purpose of the founder of the Lee group, Alfred W. Lee, should be especially noted now. The story of the Lee papers is a record of the growth of an idea, born in the mind of the founder. He believed that a newspaper should be a community institution—a shining example of free enterprise—operated to be independent of all influences other than the good will of the people who support it.

Employed in the bookkeeping department of the Muscatine Journal, Mr. Lee observed the business methods of John Mahin of the Journal.

Lee purchased the Ottumwa Courier on April 1, 1890. Then came the acquisition of the Times at Davenport, the Muscatine Journal, the Courier Post at Hannibal, Mo., and the La Crosse (Wis.) Tribune.

The ingredients contained in the principles of free enterprise and freedom of the press are given expression in the following words which appeared in the Davenport Times in 1899 when A. W. Lee acquired that newspaper:

The Times will be subservient to no faction or clique, nor will it depend upon political favor or influence.

We believe that a newspaper is a commercial enterprise and should be conducted on strictly business principles, seeking patronage solely on its merits. We pledge the best newspaper that can be published at a profit.

Mr. Lee died suddenly in 1907 and his widow put her trust in the Davenport Times publisher, E. P. Adler. He became what we might term "a builder" of the Lee group. He purchased the Davenport Democrat, one of Iowa's oldest dailies.

The Lee group went outside the State of Iowa to embrace the Wisconsin State Journal—Madison—the La Crosse (Wis.) Tribune, in Illinois the Kewanee Star-Courier, in Nebraska the Lincoln Star.

The third president of the Lee group, in its 70 years of service to American journalism, is Lee P. Loomis, the present chieftain. Today he presides skillfully over the newspapers and radio and television stations in five Midwestern States and one Western State. He also is the publisher of the Mason City, Iowa,

Globe-Gazette, a member of the Lee group.

An account of the Lee group, which would include the complex and astonishing process which brings to many thousands the record of events from the four corners of the world, would of necessity pay tribute to countless men and women whose talents and time have been and are dedicated to this organization. They, too, are exponents of our American way of life—exponents of free enterprise and the priceless heritage of freedom of the press.

Opponents of free enterprise, who would seek to destroy it, could be greatly perturbed by the activities of the Lee group. Each paper is editorially independent. This is a distinguishing attribute by which Lee group journalism can be accorded a position of influence and leadership. Neither can free enterprise exist without vision and foresight nor without high ideals and strong convictions nor without the courage to defend them. Such factors exist in the Lee group's activities in the Midwest and in Montana.

Typical of the great strides in the publishing field achieved by this family are the success stories of the papers in the First Congressional District of Iowa—the Muscatine (Iowa) Journal and the two Davenport (Iowa) dailies, the Morning Democrat and the Daily Times.

It is fitting that we pay special tribute to these papers because they are the core of the family's success.

The Muscatine Journal dates back to 1840 and is actually the ancestor of today's sprawling Lee group. In its early days, the publisher was John Mahin, brother-in-law of the Lee founder, A. W. Lee.

A far cry from the primitive but positive beginnings, the Journal today operates in a modern plant. It offers photography and engraving services, four-color printing, and Associated Press Photofax.

H. L. Nelson, the Journal publisher, and Walter Russell, the managing editor, have developed an organization which has been responsible for a 1959 circulation figure of 10,000.

In Davenport, the round-the-clock journalism provided by the Daily Times, the Morning Democrat and the Sunday Times-Democrat, serves eastern Iowa and western Illinois with some of the most comprehensive coverage in the United States.

The struggling Davenport Times was added to the Lee group in 1899, and under E. P. Adler, the builder of the Lee chain, the Davenport Democrat was purchased in 1915.

The Morning Democrat observed its centennial on October 15, 1955, with the publication of 10 sections over a period of 10 days. Today's circulation is at the 23,000 mark, growing at the rate of nearly 1,000 a year since moving into the morning field 8 years ago. The Democrat circulates in the 14 counties of the rich farm and industrial area around the Quad Cities.

The publisher of the Morning Democrat, Henry B. Hook, and his managing editor, Forrest Kilmer, have reason to be proud of the first place award which the Morning Democrat received this year for outstanding topography in competition with 227 other papers in the Inland Daily Press Association.

The Daily Times, the second paper in the Lee organization, traces its ancestry back to 1878. It is the survivor of nine struggling dailies on the Davenport scene. With a circulation well over 30,000, it has always been a potent force for progress.

The Times publisher is Philip D. Adler, son of E. P. Adler. At 23 he was publisher of another Lee family paper, the Kewanee (Ill.) Star-Courier. Philip Adler is carrying on in the fine tradition of his father who helped bring A. W. Lee's vision of a group of Midwest dailies into focus.

The brilliant managing editor of the Daily Times is M. A. Fulton whose journalistic leadership continues to be a pace setter in the Midwest.

From the days of Benjamin Franklin down to the present, no other American institution has served the public welfare with more courage or with more effectiveness with more perseverance or more unselfishness, than has the American press. Factually the pen has indeed been mightier than the sword. It has followed the flag in peace as well as in war. It has been the right hand of progress; the forerunner of law and order in the cities and villages of our Nation.

The Lee group has not only maintained its own rights—the freedom of the press—but with courage and consistency, throughout its existence, has been the effective defender of freedom of speech and freedom of enterprise.

My salute to the Lee group is not for the promotion of these newspapers, but rather it is to give special thought, grateful thanks, and sincere congratulations to the importance of the purpose and the people involved.

Forty-second Anniversary of the Proclamation of Independence of the Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. LEONARD FARBSTEIN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 1, 1960

Mr. FARBSTEIN. Mr. Speaker, the Soviet Union has acted not only like a powerful steamroller smothering and pulverizing everything within reach, but it has also been like a deadly and devouring monster, putting an end to the hopes and aspirations of helpless neighboring peoples by enslaving them. The Byelorussians were one of the first victims of Russian communism in the 1920's, and they have been suffering under its tyranny since then.

For centuries these liberty-loving and rugged fighters for freedom have lived under Russian autocracy, but they have not bowed their heads to their oppressors. They had long fought, but had not been successful in their unequal struggle against imperial Russian forces. In the First World War, when the czar's autocracy was overthrown, and the people felt free, they proclaimed their independence on March 25, 1918, and founded the Byelorussian National Republic. That was the beginning of a new era for the Byelorussian people. In their free country they worked hard, prepared to defend their freedom and enjoyed life under their democratic republic. But from the outset their very existence as a free people was under serious threat, and the Red Army of the Soviets was the deadliest of these. Early in 1921 Byelorussia was attacked, overrun, and soon it was incorporated into the Soviet Union. Thus, at the end of more than 2 years of freedom and independence Byelorussians once more lost their freedom. Fortunately, however, even under the most ruthless of tyrannies, these people have not given up hope for their freedom and they still cherish the memory of their independence of those 2 years. On this 42d anniversary of their independence day, we wish that they may attain freedom and happiness in their homeland.

Tragic Death From Common Household Detergent—A Warning to All Parents

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 1, 1960

Mrs. MAY. Mr. Speaker, I was saddened and appalled today at the circumstances set forth in a letter I received from one of my constituents in Wishram, Wash. I remembered that the attention of the Members of this House, as well as that of all parents in our country, was called not long ago to the dangerous and often fatal results that had occurred when children were allowed to play with the plastic bags now largely used by cleaning plants to return cleaned garments. I believe that the attention of the Members should be brought to the matters contained in this letter, and that parents should be made aware of the dangerous contents of the dishwashing detergents sold throughout our country, and used in more and more homes every day. Apparently, the lethal contents of these detergents are not listed on the labels of the packages, nor is there any warning of danger on the labels. I have communicated with the Federal Trade Commission, urging that this matter be looked into, and I hope that the manufacturers of these detergents will cooperate by listing contents on their labels and by printing a plain

warning on their packages. Excerpts from my constituent's letter follow:

A little Wishram girl, 16 months old, died the other day, in spite of all a modern hospital and able doctors could do, from swallowing a small amount of a commonly used dishwashing detergent. The package label contained no warning whatsoever concerning its lye or other caustic content, does not in fact list or identify the contents. The grief-stricken parents are desperately anxious to get swift action on a nationwide basis to prevent a repetition of this tragedy, but they get no encouragement to believe that any action they can initiate will get any but a slow-moving investigation. Their doctors express shock that anything so lethal should be permitted to be sold and bear no warning. There apparently is no antidote. The fatal damage was done instantly.

They appeal now to you through me in the hope that you can and will report the matter to the proper Government agency at the earliest possible moment, following up with legislative action, if necessary. Every package can have a warning label attached, a striking label, though not even that, nor any listing of the nature of the contents we repeat was on the package in question nor on any other they have examined since.

The child was Kay Williams. Date of the accident was February 15. Date of death was February 18. Autopsy revealed severe internal damage—esophagus destroyed, etc.

This entire community is aroused. We will all deeply appreciate anything you can do to bring about fast action that will prevent another such tragedy.

Mr. Speaker, I am taking this up with the proper Federal agency, and I hope that all manufacturers of such detergents will cooperate in placing warning labels on their packages. But, most important, I want to call attention to this tragedy, so that American parents will be warned of the dangers in these products. Legislative action, and action by the manufacturers and by Federal agencies all take time, and I hope that, by inserting this letter in the CONGRESSIONAL RECORD, I can perhaps save some of that time, and perhaps save another family from such a tragedy.

Gimmicks, Gadgets, and Gaudy Plans Are No Substitute for Solid Postal Service

EXTENSION OF REMARKS
OF
HON. QUENTIN BURDICK
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 1, 1960

Mr. BURDICK. Mr. Speaker, I am extremely concerned about the quality of the Nation's postal service. This concern prompts the comments I am about to make about the Post Office appropriation for fiscal 1961.

Basically my thoughts are that the Post Office Department should lay aside postal operation by experimental innovation and that truly solid service should be restored. Postal employees and mail users are aware that gimmicks, gadgets, and gaudy plans are no substitute for service.

Mr. Speaker, one of the deepest sources of employee dissatisfaction has been the Post Office Department's distribution guides system. Not one postal employee or supervisor has come to me with kind words to say about the system and yet the hearings before the subcommittee indicate that there is general employee acceptance of the new program. On page 13 of the hearings, for example, Postmaster General Summerfield said:

The morale of the people in the Department who participated in (the distribution guides) program is higher than it has ever been.

On page 213 of the hearings Assistant Postmaster General Barnes says that the guides were requested by many clerks. Mr. Barnes said that in pilot experiment only 33 of 1,250 clerks in the Brooklyn, N.Y., post office were not performing satisfactorily under the guides and that 10 of those were justifiably under the level because of physical handicaps. This, Mr. Barnes said, left a remainder of 23 of 1,250 who were not performing satisfactorily. We could assume that this ratio of 1 to 60 would indeed support the claims made by the Postmaster General about high morale. No amount of protest to the contrary will persuade postal employees that the guides system is anything other than a speedup. If postal productivity is low, let the Post Office Department admit it frankly. If output must be raised, let this also be candidly confessed but let the Post Office Department not cover the fist of the speedup with a soft glove of claims that morale was never better and that the employees themselves made the request against which now they are protesting very bitterly.

In the State of North Dakota we are faced with train withdrawals and postal employees have made very excellent cases for the inauguration of highway post office service to replace discontinued trains. I participated at Jamestown, N. Dak., early in October 1959 in a meeting at which representatives of the Minneapolis postal region also were present. The regional people were unable to refute the case made by the employees for added highway post office service. The routes have not been furnished, answers to the employees' claims have not been given and the Post Office Department's testimony indicates that only 10 highway post office routes are to be supplied throughout the Nation during 1961.

Mr. Speaker, the one thing which the Post Office Department might do to provide a really significant improvement in postal service would be to reinstate a second residential delivery so that overnight mail service might be restored without creating a lot of postal factories at untold future expense to the taxpayers. Under the new plan which the Post Office Department is proposing, my State will have a transportation center at Fargo. This is very good in its own way but it will apparently mean hauling some mail back and forth across the entire State of North Dakota and it is certainly not an adequate substitute for a sound transportation network with railway and highway post offices interlacing the State. Most disappointing of all perhaps is the Post Office Department's rigid view in regard to adjustments in postal pay. The Post Office Department claims that postal pay scales compare "very favorably" with salaries in private industry. No explanation is given. The National Association of Letter Carriers has developed figures to show that in many communities postal employees receive anywhere from 25 to 75 cents an hour less than do garbage collectors.

Mr. Speaker, the Congress must make certain that the Post Office Department will not wring the reduction in appropriations from the postal employees. Nor can we tolerate a further reduction in the already deplorable postal service. I hope, on the contrary, that the Congress will promptly take positive steps to restore postal service and to ease the economic plight of the loyal postal employees.

Your Fight in Congress: An Address by Hon. Carl Albert

EXTENSION OF REMARKS
OF
HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 1, 1960

Mr. McCORMACK. Mr. Speaker, in my extension of remarks I include a splendid address made at the annual convention of the National Rural Electric Cooperative Association on February 22, 1960, by our distinguished colleague and Democratic Whip, the gentleman from Oklahoma [Mr. ALBERT]. Mr. ALBERT'S speech is one of the most powerful presentations that I have ever read as to the justification for the legislation enacted in past years relating to rural electrification, and for the continuation and strengthening of the same. There is no Member of Congress better able to discuss this important activity than the gentleman from Oklahoma [Mr. ALBERT]. He is not only one of the ablest and most dedicated Members of Congress, but one of the best friends that rural electrification in America has in the Halls of Congress.

The address made by our distinguished friend should be read as widely as possible.

The address follows:

YOUR FIGHT IN CONGRESS

(By Representative CARL ALBERT, Democrat, of Oklahoma)

This is the 25th year of rural electrification in America. Twenty-five years ago next May 11, President Roosevelt signed Executive Order No. 7037 creating the Rural Electrification Administration. At that time only about 10 percent of the farms in the United States were electrified. Today more than 95 percent of the farms of this country are connected to electric lines. You have said: "Let there be light and there was light" in every American countryside. This,

my friends, is only the beginning. It is only prologue to things that are to come.

The silver anniversary of rural electrification in America is more than a mere chronological dividing line between the past and the future. It comes at a time when legislative decisions of major importance must be made and issues resolved. This is a good time to look back and appraise the lessons of history. This is also a good time to look forward, to survey the situation ahead, and to gird for impending battles.

Strong forces have opposed REA from the beginning. In 1936 when the venerable, white-haired, 74-year-old George Norris rose to move consideration of rural electrification in the Senate of the United States for the first time, the New York Times was reporting:

"The U.S. Chamber of Commerce asked that the economy drive be started immediately and that the first goal be the defeat of the Norris-Rayburn rural electrification bill.

"Harper Sibley, president of the chamber of commerce, remarked that the organization's membership had voted emphatically in favor of retrenchment in Federal expenditures and against new enterprises. The Norris-Rayburn bill, he said, contravenes this principle."

This statement was from the U.S. Chamber of Commerce in 1936. This is one organization that has not even changed its script in 25 years.

Another group that usually opposes everything beneficial to rural electrification is the power lobby. If this job had been turned over to the private utilities, it would not have been finished in a thousand years.

In 1935, Morris L. Cooke, first REA Administrator, called on power officials to survey the extent of rural electric development and its capability. The power executives reported back: "There are very few farms requiring electricity for major farm operations that are not now served." This was in 1935 when only 10 percent of all farms were electrified.

The power companies have never been interested in the concept of service to farmers through area coverage. They are profit-making organizations only interested in "skimming the cream." They have refused to go out into the country and serve people, and yet they have begrudged every little struggling co-op every profitable customer that might connect to its lines. "Farm electrification is what Congress meant," they shout. Congress meant no such thing. The Rural Electrification Act, as George Norris so often pointed out, was intended to serve all people in all homes, farms, and establishments in the unserved rural areas of America.

When the very first funds were made available to REA, Administrator Cooke invited the good offices of the power officials in spreading the word in the ranks of their industry that the REA was operating and anxious to make loans for area coverage in rural communities. But the power firms made next to no effort to obtain any loans, and in his first annual report, the Administrator said:

"Before December 1935, it became apparent that the industry was not going to use even a substantial portion of the funds available for rural electrification, and farm organizations of a cooperative character forged ahead as the principal borrowers."

That was the story in 1935. That is the story today. Rural electrification is based on service and therefore belongs in the cooperative movement. Destroy the service concept and you destroy the co-ops. Kill the co-ops and you kill REA.

Because service is the very heart and soul of REA, it has also been indispensable to its success to keep it free from partisan politics. It is strange how history repeats itself. In the very first conference committee on the very first REA bill, George Norris won the battle against partisan control of the office of the Administrator. We fought that same battle again in Congress last spring when, with the largest vote in the history of the House of Representatives, up to that time, and by a margin of only 4 votes, we failed to override a Presidential veto of a resolution designed to take control of the REA from the hands of a politically appointed and politically minded Secretary of Agriculture. Although we lost this battle, that big vote on REA, that show of tremendous strength, has already paid many dividends. Among other things, it explains, in my judgment, the reason why the administration has backed away from its bill to send REA to Wall Street.

There was still another argument in the first REA conference committee. This involved the matter of interest rates. One group wanted to provide that interest rates on REA loans should never be less than 3 percent and might be higher than that at the discretion of the Administrator. Senator Norris, who was defending the liberal version of the bill in conference, insisted that charges should not exceed 3 percent. He opposed higher interest rates on the ground that the entire intent and purpose to provide electricity to farmers would be endangered. He insisted that if the interest rates were advanced high enough, farmers would be discouraged in their efforts to procure the benefits of electricity in their farm and home operations and their undertaking would be financially unsound. It was finally agreed to fix the interest rate at the identical figure that the Government had to pay in its financing program on long-term bonds. Under this program, interest rates to co-ops never reached 3 percent. Yet the enterprise was a very profitable one to the Government, which, during the war, was borrowing money at the lowest rates in history. Although interest rates to cooperatives were fixed at 2 percent in 1944, the Government may still boast a profitable return on its REA loans over the years.

Proponents of high interest rates and tight money policies are in the saddle in the executive branch of the Government today. They are moving forward on every front, making it mandatory that every cent the Government borrows shall cost the taxpayers more. They are doing everything in their power to increase interest rates paid by the Government and to pass these increases on to Government borrowers such as rural electric co-ops. If REA interest rates were not fixed by law, they would be raised before the end of this week, and they would be raised even if it put in financial jeopardy every rural electric cooperative in the country. Sound financing has been indispensable to the success of REA. The interest rate on loans is 2 percent, and we intend to keep it there. We are going to fight every attempt to make this program a victim of the tight money policies of the present administration. We are going to keep the loan program in the hands of the Rural Electrification Administration, where it is, and where it belongs. We are going to resist to the limit every effort to turn the business of rural electrification over to private banking interests. We are not going to subject the future of rural electrification to the mercy of Wall Street. In this field, as in many others, from the time of George Norris to the present, eternal vigilance has been the price of victory.

What we have been saying about the effect of interest rates is, of course, also true of power rates. "An abundance of power at rates they can afford to pay" has been the battle cry of every friend of rural electric co-ops since the program started. If power development and power costs had been left to the private utilities, the REA movement would have been foredoomed. The utilities tipped their hand the very day that REA was born. In their report to Administrator Morris Cooke in 1935, the committee of power executives stated their position in unmistakable language in a simple sentence that anyone can understand, and I quote verbatim: "The problem of the farmers is not one of rates, but the financing of wiring and purchasing of appliances." The REA Administrator rejected this theory as showing on the part of the companies "a lack of appreciation of the significance of rates and other costs to progress in rural electrification, and especially a lack of vision as to what could be accomplished by a vigilant and consistent program of rural electrification looking toward area coverage."

The most significant thing about the early development of REA was the simultaneous development of public power. It was no accident that the same George Norris who authored the first REA bill also fathered the Tennessee Valley Authority. From the early 1930's to the present time, the greatest champions of rural electrification in Congress—men like Norris, Rankin, Rayburn, and your Clyde Ellis, the men who put it on the track and made it go—have also been the leading advocates of the development of the water resources of this country, including the production of low-cost hydroelectric power. If this fight had not been made, if power development had been left exclusively to the private utilities there would be no rural electrification as we know it today. There would be no competition to keep down the cost of power. There would be no yardstick to measure its value. Public power is the handmaiden of rural electrification. Without the former, the latter could not survive. You and your member organizations depend upon the Federal power program for your existence. More than 450 rural electric cooperatives buy all or part of their energy from Federal agencies. There is nothing in your future which affects you so much as the public power policy of the United States.

Public power policy is, always has been, and always will be interwoven with the water resources policy of the country. You cannot separate the one from the other. Your own future is tied to both. In a broader sense, the entire economy of the Nation is tied to both. "Growth" is a bigger word in our economy today than ever before. We must grow at a faster rate in the next 25 years than in the last 25 years in the face of the challenge of Soviet Russia's progress. In recent years, Russia's rate of growth in power generating capacity has been far greater than our own. She has four projects completed or underway, each greater in capacity than Grand Coulee Dam. During Khrushchev's recent visit, he boasted that he would bury us economically. He made it clear time and time again that he regarded the economic race as even more important than the military race. It is a race we cannot afford to lose.

In the face of all this the present administration has embarked upon policies designed to slow down the development of our water resources and to make impossible their complete ultimate development for the maximum overall benefit of our country. At a time when Russia is speeding up construction of all major water projects, the Eisenhower administration has adhered to a program of no "new starts". This administration until this year had not presented a single recommendation for authorizing or starting a new Corps of Engineers multipurpose project since 1953. Time and again the President has vetoed authorization bills for flood control projects and for rivers

and harbors development. He twice vetoed the appropriations bills designed to provide funds for modest water development and conservation programs last year, a veto which was finally overridden because Congress decided they were not only important but imperative. Time and again Congress has been frustrated by the agencies administering these programs. Time and again they have refused to spend money appropriated by Congress for certain projects or have postponed expenditures authorized for projects, upon which the national economy including the co-op movement depends. Time and again the administration has called for legislation aimed at the jugular vein of rural electrification. One by one the Congress has fended off these attacks.

Now the time has come when we must go into the whole question by reasserting the right of Congress to determine policy in the field of resources development. In this area as elsewhere in our constitutional system, we must make this "a government of laws and not a government of men". We must have legislation which will set true standards for project evaluation, place project planning on a comprehensive multiple-purpose, regional basis, and make available at reasonable costs to those who purchase the service, the benefits from reimbursable features. The experience of the past 7 years has taught us that we cannot have a loose and disjointed water policy capable of being shipwrecked on the shores of administrative caprice and subject to the whims of whatever administration happens to be in power. We must have legislation declaring the intent of Congress by setting legal standards which will bar the application of administrative devices designed to sabotage worthwhile programs.

H.R. 8, the Trimble bill, which declares these intents and sets these standards in realistic terms, is now pending in the House of Representatives. S. 1591, the Kerr bill, a related measure, is pending in the Senate. So far as rural electric cooperatives are concerned, this is the most important legislation introduced in Congress since the Norris-Rayburn Act of 1936. The Trimble bill reasserts the right of Congress to determine our water resources policy and to develop all the great river basins of this country. The bill establishes firm, legal standards to determine cost allocations and justifications in multipurpose projects. The administrative device known as the "separable costs-remaining benefits" method of cost allocation and similar devices are a misconstruction of the intent of Congress. Historical precedent and commonsense call for the incremental method of cost allocation. The separable costs-remaining-benefits method deserts the concept of power as an incidental purpose which it really is. Its application results in an artificially inflated rate structure which puts a burden on rural electric cooperatives and other buyers of Government power. Good projects are made to seem undesirable by use of a formula deliberately contrived to assign a disproportionate share of their costs to power and so inflate the cost of power to co-ops as to place it entirely out of their reach or to make it an impossible burden. Postconstruction changes in allocation of power costs inevitably result in higher power rates. In my Congressional District there are 5 co-op customers for power from the Southwestern Power Administration. Originally SPA allocated approximately 30 percent of project costs to hydroelectric power. At the persent time approximately 52 percent of project costs are allocated to power. The result of this was inevitable. In 1958 the Federal Power Commission authorized a 27 percent increase in power rates in the Southwest. Since this increase went into effect, three of these co-ops have had rate increases ranging from 11 to 16 percent to their members. They attribute at least 60 percent of this increase, not to increased operational costs, not to inflation, but directly to the fact that they have to pay more for power.

One could search forever and never find sound economic justification for still another artificial device used by Government agencies known as taxes foregone. You are all familiar with the practice of charging as an annual cost against multipurpose projects the figure representing the tax contribution of a privately financed steam plant that might be expected to develop were a Federal plant not built. The Trimble bill would scrap this arbitrary and fallacious justification standard which was tailored by administrative agencies to stifle Federal water resources development.

In the area of project justification, the Trimble bill provides a realistic method by extending the maximum payout period to 100 years or the useful life expectancy, whichever is lesser. Useful life expectancy is the logical yardstick to measure project worth. Many of the projects now under construction have an estimated life span ranging from 50 to as much as 500 years and beyond. It is ridiculous to base project feasibility on the ability to meet a requirement that reimbursible costs of Federal reservoirs be repaid in not more than 50 years. Of all the gimmicks used to inhibit resources development, this is perhaps the most unreasonable.

Still another unrealistic measure of benefit-to-cost ratios is the policy of ignoring recreational benefits. The Engineers assess these benefits through careful studies. They can tell us almost to the dollar what the recreational benefits are today and they further tell us that the sky is the limit on future benefits because recreation is a booming industry and tourism is on the march. Yet the Corps of Engineers is not permitted to submit recreation evaluations to Congress nor are they included in the benefit-cost ratios. Failure to recognize recreation benefits is first of all unrealistic and second is a deliberate and false reduction of project justification. Some 100 million people annually use the recreational opportunities offered by Federal reservoir projects. In many projects the recreation benefits alone are sufficient to offset the entire cost of the project over its useful lifespan. The Trimble bill provides for broadening the scope of benefits that could be assessed by the Corps of Engineers and the Bureau of Reclamation in figuring benefit-to-cost ratios. The Trimble bill forces recognition of recreation benefits as an important fact of life in resources development.

Our national commitment to an expanding economy rests upon the continued development of our resources. We cannot continue to tolerate, without grave risk to our national productivity, the trend in administrative agencies to obscure the real purpose of water resources development by substituting involved formulas intended to prevent, rather than determine, project feasibility. Administration policy reflects in most cases the attitude that water resources development is not very desirable.

Inevitably this mental block to Government leadership in resources development has resulted in arbitrary methods of justifying projects and allocating their costs. The enactment of the Trimble bill will stop these self-defeating practices. This bill is a matter of highest priority to all friends of rural electrification in this session of Congress. If the principles embodied in this bill are accepted and properly implemented during the next 25 years, then what is past is merely prologue to the untold potentialities of the future. The proper development of our water resources is the No. 1 domestic problem in the United States today. The correlated overall development of all our great watersheds will change the face of America. It will make the deserts blossom. It will tame the raging rivers. It will save the soil. It will electrify the farms. It will spin the wheels of industry. It will open new jobs and new opportunities to all the people of our country.

The summons of the second half of the 20th century requires us to energize America's rural powerlines as fast as farmers can hook equipment and appliances onto them. The natural wealth of the United States is our common trust. The development of this wealth must move along on every front. The relationship between industry and resources development grows closer every day. Your growth is good for the country and the country's growth is good for you. The first 25 years of rural electrification have established a framework of justice and equity in which rural people can do their indispensable part for the greater strength and safety of our Nation. You have created a new society in rural America. You have given rural life a new dimension. You have made a spacious future for farm people in which they can share equally, work in dignity, and live in peace.

Mergers of Power and Authority Serious Problem in United States

EXTENSION OF REMARKS

OF

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 1, 1960

Mr. SPARKMAN. Mr. President, I call attention to the address which the distinguished Senator from Missouri [Mr. SYMINGTON], delivered to a convention of the National Association of Retail Druggists entitled "Mergers of Power and Authority Serious Problem in United States." The address is reprinted in the November 16, 1959, edition of the N.A.R.D. Journal.

As chairman of the Senate Small Business Committee, I have read the distinguished Senator's comments carefully and with great interest. He displays a keen insight into the grave problems confronting the American small businessmen. I hope that Senators and everyone interested in the welfare and the problems of small businesses will read the Senator's comments. Surely the 4 million American small and independent businesses are the foundation of our free enterprise system, and all of us need to redouble our efforts in behalf of this important segment of our economy.

I ask unanimous consent that Senator SYMINGTON'S comments be printed in the RECORD.

Mr. SYMINGTON. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. SYMINGTON. I express my deep appreciation for what the distinguished Senator from Alabama has just said. As we know, he is an authority in the Senate in the field of small business.

Mr. SPARKMAN. I thank the Senator from Missouri.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MERGERS OF POWER AND AUTHORITY SERIOUS PROBLEM IN THE UNITED STATES—CONVENTION ADDRESS BY SENATOR STUART SYMINGTON

I want to welcome you to my hometown and to tell you what a great privilege it was to accept the invitation that was given to me by one of my beloved colleagues, the Honorable WRIGHT PATMAN of Texarkana, Tex.

Our economic system is a healthy and vigorous one. It has room for free enterprise of all sizes. We don't need cartels or a corporate state to assure the full production of goods and services in America. And the shortrun advantages of a big operation are often overcome by the longrun disadvantages of monopoly.

CONCERNED ABOUT "GIANTISM"

As perhaps some of you know, I came out of business, small and medium-sized business, to go into government. I speak from the standpoint of my own experience. And that is why so many of us have become increasingly concerned about the growth of what may be best called "giantism" in the manufacture and distribution of commodities.

Three years ago, the vice president in charge of finance for a great corporation here in St. Louis said to me: "STUART, you know you hear a lot about small business and big business, but I don't think that those terms are quite applicable."

At the time I left business 15 years ago, small business was a maximum of 500 people or a company that did not dominate its industry. Today in my opinion small business can be 10 or 15 thousand people. And at that time this man gave me a word for what is going on in this country today, not only in business but in every segment of this economy: giantism. I have never heard a better word to describe the problem that so many people are running into steadily—this consolidation in all segments of the economy of power and authority. In the case of business it is done through the concentration of wealth.

Independent operators are trying to check this trend by more flexible and imaginative sales practices, but they are beginning to realize the growing danger to their future involved in this concentration and consolidation of economic strength. Smaller enterprises, for example, find it much harder to help themselves when the Government fosters and approves the steadily rising interest rates.

Federal Reserve Board studies have shown that in periods of tight money smaller businesses receive less money in bank loans while the giant businesses get more. The figures on that are very interesting.

It is true, and of course as we all know, one of the most important costs of business today is the price of money. And in that connection, Congressman WRIGHT PATMAN has been a Horatio at the bridge with respect to this particular problem, articulate and intelligent in warning about the danger of high interest rates.

In Missouri today, every good farmer, every successful farmer I have met whose operations are below the giantism concept of agriculture, when asked, "What has been the greatest addition in your costs in the last 10 years," has said, "The additional price that I have to pay for money to carry me over until I make my profit." So it is not just in industry that this problem of interest rates is getting more and more serious.

Today we are in another credit squeeze. Unless we are careful it may be the most severe in recent years. I am an industrialist by training, not a banker, but I remember many things. There have been three depressions in my lifetime. The one in 1907 I don't remember since I was only 5. I recall 1921 because my father was a judge on the bench when real estate went bankrupt, and 1932 I remember best of all, for the reason that I went broke myself.

SENSE SAME OLD TRENDS

And as we see these things that are going on today in the handling of money, we sense the same old trends. I believe it was George Santayana who said, "Those who will not recognize the lessons of history are condemned to repeat them."

In August 1957, the President of the United States said the way to lick this growing inflation is to look before you buy. Six months later, in February 1958, he and his administration said the way to lick this recession is to buy. These things change very, very fast.

Today this administration wants to raise all interest rates on all Government bonds and as soon as that is done the interest rates to all business will increase. And to me it is hard to understand why we now want to prolong interest rates well above 4¼ percent, when only a few months ago we offered 12-year, 4 percent Government bonds, got subscription offers for a billion and a half, but sold 600 million. Last year we offered 8½-year, 3 percent long-term Government bonds and had a subscription of 6 billion and only sold a billion and a half. In other words, the Government could have borrowed the money it needs at lower rates, but it didn't, so now it is forced to pay higher rates.

Now when you juggled the economy through manipulation of the price of money, in my opinion, you are doing a very, very dangerous thing to everybody.

And now I would like to speak briefly about a subject you as druggists are especially concerned with.

FRUITS OF MEDICAL SCIENCE

Here in America we have widespread distribution of the fruits of medical science and this has given our people a very high level of health. However, in many other countries, unfortunately almost the reverse is true. Smallpox, malaria and many other diseases which we in the West have conquered, take a heavy toll in Africa and Asia. Despite the great progress made in reducing infant mortality, we should remember in Asia one child in six never lives more than 1 year. Our faith and our educators teach us one life is as good as another regardless of nation or creed.

The great challenge we face, therefore, is to make the discoveries of our medical science available to all the peoples of the world.

I believe we should lead the way in an international attack on disease so as to give everybody a longer and more prosperous, happy life, to increase happiness and productivity over the years. If there is anything I have learned in the years I have served in Government, it is that poverty, disease, and hunger breed communism a great deal more than Marxist teachings themselves.

The symbol of communism today may well be considered by many people in underdeveloped countries to be a pennant on the moon. Don't misunderstand me. I am very sorry about this. I think it is significant that we weren't the first to orbit a satellite 2 years ago.

But on the other hand, America's symbol from the standpoint of the future in this country that we all love the most, could well be village dispensaries stocked with the modern drugs which bring a better and a longer life. In this connection, I would hope that all of us would support the Health for Peace Resolution which passed the Senate and is now pending in the House of Representatives. It is a resolution that authorizes $50 million a year for an international program to be administered alongside of American foreign policy. It is a good first step on the Federal level and should help us to develop our drug business abroad. Private groups can work effectively in this field. They can follow the lead of the Medico Organization and its heroic jungle doctor, a native of our town of St. Louis, Dr. Tom Dooley, of whom we are mighty proud.

Around the world many other diseases go unchecked. Trachoma and related illnesses attack 420 million people per year; 400 million people have hookworm. Each year the less fortunate countries of the world report 200 million cases of malaria which result in 2 million annual deaths. In a peaceful world these enemies of humanity must be countered there as they are here.

Now we have a justifiable pride in increasing our life expectancy. But let us remember that in India today, a child when born has a life expectancy of 32 years. In Burma and Pakistan, it is a little better, 35. Over here, it is 69.

The world today is a totally different place than it ever was before. It is almost hard to put it in words. I have one little illustration. Not too long ago I had to make a talk on George Washington and I found that it took him from 4 to 8 days to go from Philadelphia to Washington, D.C., 148 miles, depending on the condition of the roads. You fly it today in a commercial airliner in 40 minutes. I flew in a plane last summer at a speed that would cover those 148 miles in 8 minutes. We have another plane under construction, the X–15, which will do it in 3 minutes, and I have seen the design for a plane that will make the trip in 30 seconds. So when you go in 150 years from 4 to 8 days to 30 seconds, I think it is fair to say you are moving right along. And I think we have to understand our economy a great deal more than most of our citizens do.

THEORY ABOUT PAST AND FUTURE

There has been a lot of theory about the past as applied to the practicability of the future. I am afraid that, as a Nation, we may be thinking too much about what we are against and not recognizing those things we are for. Perhaps we are a little too much against communism instead of being for a free and prosperous and secure life.

The other day I got a letter and I really had to laugh. It came from one of the biggest business executives in this town. He wrote to me and said: "Why don't you go to work and get the help and get the money necessary for urban redevelopment? Why are you lagging behind?"

It was a nice letter, well written, with kind regards at the end. "Why are you lagging in flood control? Why don't we get a Federal housing building program? What is the matter with the Jefferson Memorial? We are 20 years overdue. Please see that a bill is passed to maintain our highway system."

So I wrote a letter saying "Acknowledging your letter of" such-and-such. "I am very anxious, as all of our congressional delegation is, to see everything happen to our community that happens to other communities. That makes us competitive in this country and with the rest of the world."

And all of a sudden, out of a clear sky, I get a letter from the same man saying, "Dear Senator, I want you to know I have had enough of this Federal spending" * * * and so forth and so on.

You know, having been a little businessman and marrying the daughter of a farmer (which didn't help me much in getting along with my business), I sometimes wonder what we really stand for as we think about our country. Several times, when in business, I went to my board of directors and said, "Look, I want to dig a hole and put something on top of it and put machinery in there, and if we do that, we will make a better product and it will be better for the stockholders."

Everytime the proposal was presented properly and was right, they said, "Go ahead." We dug the hole and expended the money and we made investments in the future of our company and we were very proud. We put it on the balance sheet as an asset, and presented it as such, and everybody seemed pleased that it had been done.

Now, that was for a certain group of stockholders and it was fine. But unfortunately the reverse is true for some reason, when we talk about all of the stockholders—the 177 or 180 million people in the United States that have a stake in our Government.

TAKE STOCK IN THIS WORLD TODAY

We all have to take stock in this world today. We have to take a good hard look at this visitor from Russia, Khrushchev. I am glad he came over here, because it gives him a chance to feel the things that we have in this country, the great basic economic strength, the great basic technological strength, and above all the great moral and spiritual strength that we have because of the faith we have in our institutions.

Khrushchev is very clever. He is very agile mentally. He was asked about Hungary and he said, "If you have a rat in your mouth, sometimes it is hard not to swallow it or spit it out."

Fair enough. Khrushchev met the director of the Central Intelligence Agency, Allen Dulles, a great public servant, and he said to Mr. Dulles, "I read your reports, too." I thought Mr. Dulles' answer was quite appropriate. He replied, "I trust you get them legally."

The message I would like to leave with you is, where are we headed as a country? It is very important for a reason that I will mention. If we had a vote here this afernoon in this hall, I am sure we would agree that the most vital thing in the world is the attainment of a just and a lasting peace. That is the thing we want more than anything else in the world. But how are we going to get it? What should be our tactics?

History and logic prove that the only way we can get it is through some form of universal agreement for disarmament. Why should that be true? The Communists cannot be relied upon. We have made 53 agreements with the Russians and they have broken 54. We would like to trust them, but based on the record we can't.

DISARMAMENT KEY TO PEACE

Now if we agree that a negotiated disarmament is the key to peace, then we today only have one thing to answer or decide as people. Based upon the record—the record of Czechoslovakia, Poland, Hungary, and many in addition, do we have a better chance of attaining that peace if we negotiate from a position of weakness relative to our opponents, or if we negotiate from a position of relative strength?

There is the whole story. And by strength we don't mean physical strength any more than we mean economic strength and technological strength and psychological strength.

This problem, then, is closely related to those we were discussing earlier. We must avoid consolidation in any segment of our economy. We must maintain an economic freedom, a spiritual freedom and a technological freedom. We must keep enough physical strength so we can be free. In that way, we can all attain what we all want more than anything else in the world, the opportunity to pass on to our children the heritage that has been given to us, the heritage of a free people.

Full Granaries—Empty Pockets

EXTENSION OF REMARKS

OF

HON. DONALD F. McGINLEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1960

Mr. McGINLEY. Mr. Speaker, we often hear the charge that the farm program is keeping the "inefficient" operator on the farm. And we have heard statements from people who point to the bumper crops of the past 2 years as proof of the prosperity of the farmer.

I feel that neither statement is correct.

In the first place, 5 million people have left the farm in the past 10 years. This terrific depopulation has taken a toll of the marginal farmer. Unless this trend is slowed, the corporation farm will become a part of our economy by necessity. With the rather large numbers of unemployed people with us, we must give careful consideration as to the possibility that good efficient farmers are being driven from the land where they should be kept to provide food for the future.

The fallacy of the "good crops mean prosperous farmers" theory also has many proofs. One of the finest documentations of the status of the farmers came to me in a letter from M. W. Dunlap, a banker at Douglas, Nebr. Like many smalltown bankers, Mr. Dunlap also assists farmers in making out their income tax returns. The community of Douglas in eastern Nebraska is familiar to me, although it is not in my congressional district, because it is the locality of the birthplace of my father.

It is a good agriculture area where diversified farming is most common with traditionally a relatively high percentage of farmers carrying on substantial livestock operations. The Douglas community has for the past 2 years had better than average crops.

The only distress that is present is in the falling incomes of the farmers. Mr. Dunlap wrote to me that he has completed 200 income tax schedules for the year, 141 of which were for farmers. He has sent a tabulation of the results. In considering the information, it is important that the investment of the farmer be considered. The exceptional $5,100 net income is not the farmer's pay for his labor. It is his return on his labor, his farm machinery, and his land.

Mr. Dunlap, in his letter to me, points out the danger to the entire economy of the Nation if this basic industry which is a $40 billion annual consumer market and which is the No. 1 customer of the petroleum industry, an extensive market for steel goods, and so forth, continues to suffer further.

Mr. Speaker, I would like to insert at this point the table which Mr. Dunlap has made up of the results of his service in income tax schedules preparation. Be assured that there are no gimmicks in this picture. It is a true cross section of an average eastern Nebraska agriculture community:

Gross income

19	Less than $1,000.
27	Between $1,000 and $2,000.
22	Between $2,000 and $3,000.
20	Between $3,000 and $4,000.
10	Between $4,000 and $5,000.
10	Between $5,000 and $6,000.
31	$6,000 and over.

Net income

42	Net loss.
30	Less than $500.
19	Between $500 and $1,000.
13	Between $1,000 and $1,500.
8	Between $1,500 and $2,000.
6	Between $2,000 and $2,500.
1	Between $2,500 and $3,000.
8	Between $3,000 and $3,500.
5	Between $3,500 and $4,000.
1	Between $4,000 and $4,500.
4	Between $4,500 and $5,000.
1	$5,100.